PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
January 13, 2021

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, January 13, 2021.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record, but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings.

Exhibit A: Determination of Substantial Health and Safety Risk

On January 13, 2021 the Board Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location.

Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include: • Governor Herbert declared a COVID-19 State of Emergency on November 8, 2020. • Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021. • Statewide COVID cases and hospitalizations are increasing exponentially.

This determination is valid for 30 days, and is set to expire on February 13, 2021.

Dated: January 13, 2021

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

2.A. Consideration to Approve the Planning Commission Meeting Minutes from November 11, 2020 and November 18, 2020.

PC Minutes 12.09.2020_Pending Approval
PC Minutes 12.16.2020_Pending Approval

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.REGULAR AGENDA

5.A. 1105 Iron Horse Drive – A Conditional Use Permit Application to Convert a Retail and Service Commercial Minor Use to a Restaurant Use in the Light Industrial Zoning District, Expanding an Existing Coffee Shop from 500 Square Feet to 2,000 Square Feet. PL-20-04729
(A) Public Hearing (B) Action
1105 Iron Horse Drive - Restaurant Use Conditional Use Permit Staff Report
Exhibit A: Applicant Statement
Exhibit B: Ironhorse Park Commercial Subdivision Plat
Exhibit C: Ironhorse Park Commercial Subdivision Covenants, Conditions, and Restrictions
Exhibit D: Trustee Parking Statement
Exhibit E: Existing Conditions

5.B. Daly Avenue, Empire Canyon Raw Water Storage Tank – A Conditional Use Permit (CUP) Application to Replace Aging Infrastructure and Install a New Essential Municipal Services Water Storage Tank and Appurtenances in the Recreation Open Space (ROS) Zone. PL-20-04711. (A) Public Hearing (B) Action
Empire Canyon Raw Water Storage Tank CUP Staff Report
Exhibit A: Applicant Submittal
Exhibit B: Site Photos Visual Analysis
Exhibit C: Site Plan Map
Exhibit D: Water Tank Plans
Exhibit E: Easement
Exhibit F: Operations and Maintenance Plan Empire Canyon
Exhibit G: Stream Alteration Permit

5.C. Land Management Code Amendment – The Planning Commission will Consider Updates to the City's Outdoor Lighting Regulations, Land Management Code §15-3-3(C), § 15-3-4(C), and § 15-5-5(J), to Align with Summit County's Recently-Adopted Code and the International Dark-Sky Association Standards to Set Maximum Lumens for Fixtures and Properties, to Prevent Harsh Lighting with a Maximum of 3,000 degrees Kelvin, and to Fully Shield Lighting. PL-20-04545
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on January 21, 2021
Outdoor Lighting Amendments Staff Report
Exhibit A: Draft Ordinance and Land Management Code Redlines
Exhibit B: Public Input
Exhibit C: Survey Results
Exhibit D: HPCA Letter Regarding Seasonal Lights

Exhibit E: Public Safety Considerations
Exhibit F: Streetlights
Exhibit G: Draft Compliance Information Mailer

5.D. Land Management Code Amendment – Amendment to Footnote 2 of Section 15-2.1-2(B)(1), Uses, to Establish a Conditional Use Permit for Nightly Rentals in the Lower Rossi Hill Area of the Historic Residential Low - Density Zoning District. PL-20-04613
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on February 4, 2021
Nightly Rental Conditional Use Permits in the Lower Rossi Hill Area Staff Report
Exhibit A: Draft Ordinance and Land Management Code Redlines
Exhibit B: January 11, 2017 Planning Commission Staff Report
Exhibit C: February 16, 2017 City Council Staff Report
Exhibit D: December 12, 2019 Attorney Letter to the Mayor
Exhibit E: Public Input

5.E. 89 King Road – A Conditional Use Permit (CUP) Application for a Nightly Rental CUP for a 5-Bedroom Home in the Historic Residential – Low Density Zone (HRL). PL-20-04573 (A) Public Hearing (B) Action
89 King Road Nightly Rental CUP Staff Report
Exhibit A: Applicant Statement
Exhibit B: Existing Conditions and Plans
Exhibit C: Regulation of Nightly Rentals
Exhibit D: Ordinance No 2020-37

5.F. 162 Ridge Avenue – A Conditional Use Permit (CUP) Application for a Nightly Rental CUP for a 3-Bedroom Home in the Historic Residential – Low Density Zone (HRL). PL-20-04679 (A) Public Hearing (B) Action
162 Ridge Avenue Nightly Rental CUP Staff Report
Exhibit A: Applicant Submittal
Exhibit B: Existing Conditions
Exhibit C: Lease
Exhibit D: Walkability
Exhibit E: Property Photos
Exhibit F: Building Plans
Exhibit G: Business License Application
Exhibit H: Ordinance No 2020-37
Exhibit I: Regulation of Nightly Rentals

6.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. 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. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 9, 2020

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Laura Suesser, Sarah Hall, John Kenworthy, Doug Thimm

EX OFFICIO: David Everitt, Deputy City Manager, Rebecca Ward, Planner; Liz Jackson, Planner; Mark Harrington, City Attorney, Jessica Nelson, Planning Analyst

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The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 8-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

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Exhibit A: Determination of Substantial Health and Safety Risk

On November 18, 2020 the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

• Governor Herbert declared a Covid-19 State of Emergency on November 8, 2020. Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021. • Statewide COVID cases and hospitalizations are increasing exponentially. This determination is valid for 30 days and is set to expire on December 18, 2020.

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Dated November 18, 2020.

ROLL CALL

Vice-Chair Suesser called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Phillips and Van Dine, who were excused.

APPROVAL OF MINUTES

November 11, 2020 & November 18, 2020

Commissioner Thimm referred to the Minutes of November 11th on page 13 of the Staff report, fourth paragraph, second sentence, and changed She stated to read correctly read **He stated** since he was the one making the comment.

MOTION: Commissioner Thimm moved to APPROVE the Minutes of November 11, 2020 and November 18, 2020 with the amendment to the November 11th minutes. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS
No eComments were submitted and no hands were raised on Zoom.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

City Attorney Mark Harrington noted that the Staff report contained an update regarding the status of the Land Management Code Amendments. The Commissioners had no questions regarding the update.

WORK SESSION

5.A. Open and Public Meetings Act Training

City Attorney Mark Harrington stated that his training would be brief because two Planning Commissioners were absent, and he would need to do another training when new Commissioners are appointed. He would come back with a more in-depth presentation in January or February on the Open and Public Meetings Act in conjunction with an Ethics training.

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City Attorney Harrington stated that the Open and Public Meetings Act is a State law that is required for all public bodies. The Chairperson is technically responsible for making sure training occurs once a year. Mr. Harrington noted that the annual training usually occurs in December for the public body, and individually as new members are appointed to the Planning Commission.

City Attorney Harrington stated that the main person of the Act is to make sure government business is done openly. Open means in public. It runs tandem with the ex parte rules that make the Commissioners pay attention to whether they are acting in a legislative or administrative capacity. Mr. Harrington remarked that for legislative matters, the Commissioners have the ability to talk to people outside of the meeting to get a pulse of the community on legislative recommendations. However, 95% of what the Planning Commission does is administrative in processing applications with public hearings. The business of administrative hearings should be conducted at the public hearing. On administrative matters the Commissioners cannot debate outside of the meeting or take testimony that the applicant does not have the benefit of hearing.

City Attorney remarked that the best way to self-police is to think of themselves as the applicant and whether they believe the way the decision rendered was fair, or how they would feel if they saw their application being discussed with others outside of the meeting. Mr. Harrington recognized that in a small town it is easy for someone to stop them at the post office or in a grocery store. If that happens the Commissioner should disclose that encounter at the meeting. Mr. Harrington stated that he would go over those requirements and the procedure when he does the more in-depth training.

City Attorney Harrington reminded the Planning Commission that four or more Commissioners constitutes a quorum, and they cannot meet outside of a public meeting. When there are four or more Commissioners, they need to follow the requirements for noticing, an agenda, and the public needs to have access.

City Attorney Harrington presented a slide showing an example of being cornered by someone in a public place. The conversation might start as someone just asking about the status of an item, but it can easily gravitate into a substantive conversation. If there are four or more Commissioners present it can be considered a meeting. The Commissioners should try end the conversation and encourage that person to attend the public meeting where the entire Planning Commission can hear what they have to say.

City Attorney Harrington stated that video and electronic meetings are a little more difficult. He presented a slide to address this issue. As they use these new systems,

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they need to be careful because they are able to text and do other things when they are off camera. In a public meeting they cannot do other things, particularly with one another. The Planning Commission cannot text or have communication that the public cannot see. Mr. Harrington pointed out that the Planning Commission participates in the virtual meeting the same as they would if they were at the dais, and their questions and deliberations should be done openly.

City Attorney Harrington stated that in terms of being in an emergency situation and addressing public comments, the basic requirement is to distinguish public hearings from informal public input. This can be done in a number of ways. Sometimes the Chair acknowledges the opportunity for public input and public input is provided for at the beginning of every meeting on any matter not on the agenda. During the public hearing, the public has the right to comment on the matter. Mr. Harrington noted that since these meetings are virtual, the Staff has tried to adapt for comments that come in electronically prior to the meeting, the day of the meeting, and during the actual public hearing as they work through some of the system issues.

City Attorney Harrington advised the Board to always err on the side of allowing the public the opportunity to comment.

City Attorney Harrington stated that in terms of additional rules or changes, the Planning Commission has the ability as a group to adopt more rules. For the purpose of simplicity for the Staff and for technology, the Planning Commission meetings are set up to operate as close as possible to how the City Council operates. However, as a body, the Planning Commission has the ability to adopt their own rules if they prefer to operate differently, as long as the rules are not in conflict with State law.

City Attorney Harrington reminded the Commissioners that conducting a meeting through media is different than being at a live meeting that is not recording. He stated that recordings can be used differently after the fact, and they should be conscious that they are on camera and being recorded.

City Attorney Harrington stated that the Planning Commission has the ability for closed meetings; however, the Planning Commission rarely has a closed meeting unless litigation is involved on a matter than involves the Planning Commission.

City Attorney Harrington stated that Open Meetings Acts are not enforced by him or his office. They are enforced by the Attorney General, by the County Attorney, or a private lawsuit. It is important to take the rules seriously because the consequences are real and have great ramifications.

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City Attorney Harrington encouraged the Commissioners to read through the presentation provided in the Staff report and to contact him if they have questions. He reiterated that he would be doing a more in-depth training after the first of the year.

5.B. Land Management Code Amendment – The Planning Commission will Consider Updates to the City's Outdoor Lighting Regulations, Land Management Code § 15-5-5(J), to Align with Summit County's Recently-Adopted Code and the International Dark-Sky Association Standards to Set Maximum Lumens for Fixtures and Properties, to Prevent Harsh Lighting with a Maximum of 3,000 degrees Kelvin, and to Fully Shield Lighting.

Planner Liz Jackson stated that Planner Rebecca Ward would be participating in this presentation. Sargent Jay Randall from the Park City Police Department was also on the line to speak about public safety.

Planner Jackson stated that objective this evening was to discuss the amendments they brought forward in November regarding outdoor lighting, and how they addressed the concerns and suggestions raised by the Planning Commission at the November meetings.

Planner Jackson reported that this amendment is an aspect of the Park City General Plan which recommends that a new night sky ordinance be brought forward in order to achieve Goal 5 – Environmental Mitigation. She noted that mitigation of the impacts of outdoor lighting is currently in the LMC, but it has not been updated since 1998. In February 2020, the Planning Commission identified updates to the outdoor lighting as a priority. Planner Jackson stated that following that direction, the Staff commenced community outreach and research for potential Code updates. She thanked the 306 community members who participated in the survey, and anyone who provided comment or participated in the virtual community sessions.

Planner Jackson noted that in September the Planning Commission had their first work session. In October the survey was initiated, as well as the Engage Park City page with information about the potential amendments and ways to get involved. The Staff held virtual community discussions in October and November, and on November 11th they brought the proposed amendment to the Planning Commission for review and feedback.

Planner Jackson reported that the purpose of the work session this evening is to obtain feedback from the Planning Commission on the changes made to the amendment based on their input at the last meeting. The Staff would like to bring this back to the Planning Commission for a public hearing on January 13th.

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Planner Jackson stated that streetlights were brought up at the last meeting and the Staff was requesting additional feedback. She remarked that streetlights are currently regulated through the Engineering Department. Streetlights and public trail lighting are exempt from the proposed Code, and these lights stay on all night. Planner Jackson reported that in January of 2021, Rocky Mountain Power will provide an option to update cobra headlights on their poles with IDA compliant lights. The Staff intends to look into this option.

Planner Ward reviewed the changes that were made to the Code based on input at the November meeting. The first related to seasonal lights. Planner Ward stated that the proposed amendments align with Summit County's timeline, which is from November 15th through March 1st. This change would reduce the time the lights are allowed to be up by six weeks. Planner Ward stated that currently the Code requires residential lights to be turned off by midnight. The Staff was proposing a change to 11:00 p.m. The Staff was also proposing that holiday lights comply with zone required setbacks to help mitigate some of the impact on neighboring properties. Planner Ward stated that holiday or seasonal lights should not trespass onto other properties.

Planner Ward commented on the buildings outlined in lights on Main Street, Swede, and some commercials uses in the General Commercial Zone that were discussed at the last meeting. The Staff was proposing that those buildings be exempt from the November 1st to April 15th timeline. Planner Ward noted that currently the Code requires those lights be turned off at midnight; however, the Staff was proposing that it be extended to 2:30 a.m. based on input from the Commissioners in November, as well as input from HPCA.

Planner Ward stated that the proposed amendment would also distinguish string lights from seasonal lights, such as the small white incandescent bulbs that are used for outdoor dining, decks, and patios.

Planner Ward noted that there were concerns that if the Code was drafted to apply to existing properties, that it might result in unnecessary waste. She noted that there are opportunities for existing light fixtures to be altered so they can comply without being fully replaced. If the fixtures need to be replaced, most metal fixtures and LED, CFL, and fluorescent bulbs can be recycled. Planner Ward stated that the Staff added some exemptions for low lumen lights along the lines of what Summit County and Moab have in their adopted standards. Therefore, some existing fixtures could comply and only the bulb would need to be replaced. They also exempted certain lights that meet the 3000 degrees Kelvin requirement, as long as they are shielded by a roof overhang.

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Planner Ward commented on outdoor lights and public safety. She stated that the amendments are not proposing less lighting, but rather better lighting. The Staff reached out to Summit County and Moab, Fort Collins, Colorado, Flagstaff, Arizona, and other communities that have already enacted updated outdoor lighting amendments. Planner Ward stated that Fort Collins, Colorado has required fully shielded fixtures for residential uses since 2012. For multi-unit dwellings, Fort Collins has required fully shielded fixtures for over two decades. Planner Ward noted that the complaints in that community is that it does not go far enough, and people want to see more regulations to reduce light. Planner Ward stated that Flagstaff Arizona was the first community to enact an outdoor lighting ordinance in 1958. Flagstaff was designated a dark sky place in 2001. Planner Ward remarked that Flagstaff required low pressure sodium lights, which have safety implications. The Code was updated to also include LED requirements because those lights improve visibility at night.

Planner Ward stated that since 2015 the City streetlight policy has already been to install lights that comply with what the Staff was proposing for the LMC amendments. The fixtures are fully shielded, and the bulbs are 2700 degrees Kelvin.

Sargent Randall provided input on behalf of the Public Safety Department. Sargent Randall stated that they wanted to research how lighting impacts crime. He noted that numerous studies ranging from the 1950 to as current as 2015, that talk about the differing aspects. Whether they impact crime depends on the lighting and the amount of lighting. Sargent Randall stated that reading through the studies there is very little support that lighting completely eliminates or has a dramatic impact. However, they have seen a decrease in crime in certain areas not only because of lighting, but in conjunction with other public safety interventions and crime solving techniques.

Sargent Randall stated that there were 13 different published studies in 2008. He names several other studies from 1991, 1997, 2000. He noted that the studies typically include a study area and one or two control areas adjacent to that study area. In those studies, they found a minor increase from when the study started to its end in those control areas, and the belief is that some of the crime was pushed to those areas rather than in the area being studied. Mr. Randall remarked that the results range from no decrease in crime up to approximately 21% decrease in crime. He stated that Park City has already been doing things to decrease crime such as community outreach programs, officer sector responsibilities, and other public safety interventions for many years.

Sargent Randall stated that there is theory and actual practice. It is difficult to conduct a study because it is very expensive. In addition, they run into other issues in terms of the type of crime and the areas being discussed. Park City is different from many other

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areas, particularly inner cities, where lighting could definitely have an impact. Mr. Sargent remarked that there is also a lot of theory. Certain things support lighting and the amount of lighting that Public Safety would like to see, and some of that is personal and some is from things they have done in the past. Oftentimes during an investigation, they have the opportunity to interview suspects and learn from them what they look for or try to avoid when committing a crime.

Sargent Randall stated that there are two different types of crime. One is crimes of opportunity, which are vehicle burglaries, petty thefts, etc., and those are most impacted when it comes to lighting. These are crimes of opportunity from people leaving items on their car seats or similar situations. However, they find that most criminals who opened up to them over the years have said that because they are crimes of opportunity the look for areas where they would less likely be seen or identified. Some of those include lit areas or homes with security systems or different types of lighting. Sargent Randall clarified that the Public Safety Department is less concerned with the type of lighting and are more concerned with moving completely away from lighting. He stated that through the studies they have come to understand certain types of light that can enhance crime solving ability because you can actually see beyond the light instead being blinded by the light. When you are blinded by the light you cannot see the shadows where criminals will typically hide. Sargent Randall did not think the objective of the proposed amendments was to move completely away from lighting.

Sargent Randall reported that through the studies they found that the UK had a greater decrease in crime through systematic lighting and targeted lighting than the United States. However, areas like Park City are a lot less likely to have the quantity and types of petty crimes as the inner cities and other places.

Sargent Randall commented on violent crimes such as domestic violence and noted that the studies have been clear, and criminals have testified to the fact that lighting is less of a factor. People committing violent crimes will go ahead and commit the crime regardless of lighting or interventions in place by a homeowner.

Sargent Randall stated that he did an informal study of people he works with and the vast majority of police officers will do home lighting in a way that they think will help deter crime. In addition to a criminal hesitating to approach a lighted home for fear of being seen, if a home with no lighting has a crime, the crime is more difficult to solve because it takes away the ability to identify who committed the crime. Sargent Ranch did not believe there was much difference between warm lighting versus bright lighting. However, warm lighting drastically decreases the shadows where criminals can hide.

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From the standpoint of a police officer, the type of lighting is important as far as where it is placed and how it is affixed. However, having lighting of any kind is the most important because anyone watching will notice if something looks suspicious or out of place.

Sargent Randall offered to forward the studies he referenced if the Commissioners were interested in seeing them.

Planner Ward stated that Sargent Randall and the Staff were prepared to answer questions. The Staff would also come back with these amendments for a public hearing on January 13th.

Vice-Chair Suesser opened the public hearing.

Ed Parigian raised his hand on Zoom and was unmuted to speak.

Mr. Parigian stated that this was a great initiative, and it was a long time coming. He understood that the objective was to get the International Dark Sky designation, but he did not think it was a good idea primarily because these regulations will not actually give a dark sky. It may only keep the skies how they are now if it can be enforced. Mr. Parigian could not see the need to advertise being a dark sky community when that will not be the case. He thought the proposed regulations were a good start, but they need to go further in order to be dark sky. Mr. Parigian did not think there was a reason to change the streetlights. He appreciated the process, but he felt that becoming an official dark sky town was setting them up for failure because the proposed amendments would not achieve dark sky.

Vice-Chair Suesser asked the Staff to explain the impetus for becoming an International Dark Sky Association. Planner Ward clarified that the Staff was not proposing a dark sky designation as part of the Code. That question was included in the survey when they reached out to the community for input, and 63% of the respondents were interested in that that designation. Planner Ward stated that the proposed amendments were limited to updating the outdoor lighting ordinance.

Vice-Chair Suesser clarified that they were not looking to be designated as a City with a dark sky. Planner Ward answered no, not at this time.

Vice-Chair Suesser closed the public hearing.

Commissioner Hall asked the Staff address the letter from the HPCA regarding keeping on seasonal lights to the Transit Center and China Bridge until 2:30 a.m. Planner Ward

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stated that the Staff was proposing that those string lights be allowed to remain on until 2:30 a.m. Currently, the cut-off time is midnight. She clarified that it would only apply to string lights outlining the buildings on Main and Swede.

Vice-Chair Suesser asked if any lights would go off at midnight in the Main Street vicinity. Planner Ward replied that the streetlights remain on all night. Building lights are building specific and determined by the property owner.

Commissioner Hall wanted to know what functionally was being changed for Main Street with these amendments. She understood that the only change would be requiring the storefront lights to go off. Planner Ward explained that outdoor lighting for the storefronts will not be time regulated. However, if this Code is retroactive, they will be required to have lights that are fully shielded and meet the 3000-degree Kelvin requirements. Specific to the string lights on the buildings, the time for those going off would be extended by 2-1/2 hours. The streetlights remain on all night.

Commissioner Kenworthy asked if the uplighting on buildings that are usually flood lights and sometimes colored will still be allowed, and would they stay on until 2:30 a.m. Planner Ward clarified that the only lights that will be allowed to stay on until 2:30 a.m. are the holiday street lights that outline the buildings, which currently stay on all year. The Staff was proposing that those lights be allowed to continue to stay on all year. Planner Ward emphasized that the 2:30 a.m. cut-off time is specific to the holiday string lights outlining the buildings. Lights that are up directed or non-compliant with the fully shielded requirements specific to the buildings will be required to be updated if the Code is retroactive for existing properties.

Commissioner Hall asked if businesses with an outdoor patio need to have the compliant fully-shield, low Kelvin and low lumen lighting. Planner Ward stated that if the Code is retroactive, they would need to update the lighting by the end of 2024 in order to be compliant. Commissioner Hall asked about the time requirement for those lights. Planner Ward replied that there is no time requirement for any lights other than season lights.

Commissioner Thimm asked what “if these become retroactive” means. He wanted to know if it was still under consideration for a determination. Planner Ward stated that because a lot of big projects are coming up, they would like to see this Code be in place and apply to all new development. The question is whether this Code should also apply to all existing outdoor lighting. Planner Ward remarked that the Staff was recommending that Park City follow Summit County’s example when they adopted their Code in March 2019. The property owners within unincorporated Summit County have until March 2024 to bring their outdoor lighting into compliance with the Summit County

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Code. Planner Ward stated that the Staff was proposing that that existing properties within Park City limits, come into compliance by December 2024. Commissioner Thimm understood that the Staff was looking for direction before coming back for action. In his opinion, making the updates instant would be a hardship and he supported the December 2024 date.

Commissioner Hall asked Planner Ward to talk about the process to comply. Planner Ward stated that if this Code is adopted, all new development moving forward would be required to meet these standards. Over the next several years, the City's approach would be public outreach and public information. They have an opportunity to work with the University of Utah Dark Sky Consortium, which is a group of students who are minoring in dark skies. They would potentially focus on Park City for their Spring project in 2021 to evaluate City property and what needs to be done to bring all City buildings and facilities into compliance with the Code. The City would use that plan to bring City properties into compliance by December 2024. Additionally, they would continue to do the kind of community outreach that was done in developing this Code to help property owners understand what needs to be done to come into compliance.

Planner Ward stated that for new buildings that would fall under the Code immediately, the Staff was working on a form that would require the applicant to demonstrate the lighting fixtures and to show compliance. That would potentially include the building inspection that is done at night to verify that the lights are complaint. Planner Ward stated that the Staff was looking into how to enforce this immediately with new properties, and at the same time focusing on community outreach during the 2021-2024 timeline for existing properties.

Commissioner Hall thought it made sense to have it be part of a permit process through the Building Department with an inspection for new construction. She asked if a normal single-family residence that has until 2024 to upgrade would require a permit and inspection to ensure that the owner was upgrading to a fixture that was actually in compliance. Planner Ward replied that the Staff was not proposing an additional permit at that time. However, it would be complaint based after 2024 and the City would do everything possible over the next three years to make sure that property owners were aware of the requirements and to assist them in bringing the properties into compliance. Commissioner Hall understood that homeowners who do not go through the Building Department for a remodel will not have an inspection and will need to go to the website on their own volition and figure out what fixtures would comply. Planner Ward asked if Commissioner Hall was talking about remodel of the outdoor lights. Commissioner Hall clarified that prior to 2024 most homes will not go through the Building Department because they will not be remodeled. She wanted to know the process for the homes that need to retroactively change their light fixtures to comply. Planner Ward replied

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that there would be no required permit or inspection for existing properties. People would be informed through mailers, public outreach, and social media. In addition to help from the University of Utah students, a number of community members are interested in forming a community group to help property owners come into compliance with the updated lighting ordinance.

Commissioner Hall asked if the Staff had a sense of the number of homes that would be impacted for retroactive upgrades. Planner Ward stated that when the Planning Department conducted the survey, the majority of property owners thought their properties already complied. For the past several years, when the Planning Department reviews the building permits, the recommendation is for fully shielded lighting. The current Code goes a step beyond where some of these fixtures that have been approved in the past few years would still comply if they have the correct bulb in the fixture. The majority of people who were unsure whether their property already complied, felt they could bring their property into compliance by 2024 with minimal cost.

Commissioner Hall had sent an email to the Staff with pictures of several different light fixtures on her street that she had taken. She believed 100% of those fixtures would be non-compliant because they were not fully shielded, and there did not appear to be a way to retrofit those fixtures to become fully shielded. Commissioner Hall stated that 100% of the homes on her street were not compliant. She felt they were creating a problem rather than solving a problem by forcing people to retroactively change their light fixture. Unlike other areas in town, her street is already very dark, and she believed there were other neighborhoods that have dark streets.

Planner Ward stated that the Staff refers to this a good neighbor lighting, but it is also for impacts on wildlife. The fully shielded requirements or the requirements to lessen the output of lights that are not shielded will mostly impact flood lights or lighting without a purpose. Updating the Code will direct light where it is needed and mitigate impacts to neighbors and wildlife. Planner Ward had not yet received the email, but she was interested in seeing the photos from Commissioner Hall. She would look through the photos to see if they would be exempt under what the Staff had proposed in terms of reducing the lumen output and exempting lights from the fully shielded requirement.

Commissioner Hall clarified that she was generally in favor of the dark skies, but she thought this amendment was overreaching. She read through all the public comments and she empathizes with people who live in Old Town because they are so close together. However, there are many neighborhoods outside of Old Town where people do not live on top of their neighbors and ambient light is not an issue. Commissioner Ward noted that there are exemptions where lights that do not comply with the fully shielded requirement can be exempt if a bulb meets a certain lumen threshold. Lights

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that are next to front doors would also be exempt if there is a roof overhang. Planner Ward clarified that the Staff tried to carve out as many exceptions as possible to make sure existing lighting can be brought into compliance without requiring a total overhaul of the outdoor lighting. She offered to look into other opportunities for existing lights.

Commissioner Kenworthy was supportive of the dark sky goals. He thanked Officer Randall for his presentation this evening. Based on that presentation, he understood that there needs to be a balance. Commissioner Kenworthy stated that from what he has seen of the dark sky goals, he believed they were heading towards that balance. He thought Commissioner Hall had made a good point about the difference in Old Town neighborhoods versus other neighborhoods. Commissioner Kenworthy supported the 2024 compliance date. He liked the amendment of a 2:30 a.m. shut off for seasonal lighting. Commissioner Kenworthy stated for the record that the Covid closures have caused many buildings to go completely dark at dusk, and Main Street has lost some of the magic that he does not want to lose permanently. He remarked that the Historic Preservation Board has done a great job over the years, and the mining history is reflective in the architecture. The lighting on Main Street contributes to that and they should be careful about walking through the Main Street changes. He was pleased to hear the only change was the seasonal lighting at 2:30 a.m. and he was comfortable with it.

Commissioner Thimm expressed appreciation to the Staff for all their hard work on this amendment. He thought they had put together a progressive way to look at lighting and he looked forward to it being implemented.

Vice-Chair Suesser asked if the seasonal string lights that stretch across Main Street would also stay on until 2:30 a.m. Planner Ward replied that the streetlights stay on until 2:30 a.m. but she was not sure about the string lights. However, with the Code being proposed, the string lights would remain on until 2:30 a.m. She would look into further clarifying the string lights stretching across Main Street.

Vice-Chair Suesser agreed with the direction the Staff was moving towards with this amendment.

MOTION: Commissioner Thimm moved to CONTINUE the discussion regarding the LMC Amendments for outdoor lighting to January 13, 2021. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

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5.C. Amendments to Land Management Code Section 15-6-7, Master Planned Affordable Housing Developments – Review of Land Management Code Amendments to Reduce Off-Street Parking, Increase Building Height, and Allow Market-Rate and Affordable Units for Master Planned Affordable Housing Developments.

Planner Ward noted that Jason Glidden, the Housing Development Manager, and Erik Daenitz, the Senior Financial Data Analyst, were also participating this evening.

Planner Ward reported that the Affordable Master Plan Development (AMPD) Code has been in process for over three years. The purpose of this Code amendment is to help the City achieve the goal to have 800 affordable housing units by 2026. Planner Ward stated that the City was making progress in that 133 units were completed, and 404 units are in progress as a result of a MPD housing obligation or an annexation obligation. In addition, 263 units still need to be identified and funded. Planner Ward stated that in order for the City to achieve this goal, it is important to incentivize private developers to build affordable housing.

Planner Ward stated that since 1984, there has been an AMPD Code in the LMC where developers could receive a 20-unit density bonus if they constructed a residential project that was 100% affordable. He noted that in 36 years no AMPDs have been constructed by a private developer or by a private/public partnership. Planner Ward stated that in 2018 the City Council directed the Staff to look into the AMPD Code to try and understand the obstacles to incentivizing private development of affordable housing. Over the past few years, the Staff worked with a consultant, Cascadia Partners, and they produced two reports that identified some of the obstacles in the Code. Planner Ward stated that Cascadia made a recommendation to look into reducing setbacks and open space requirements. She noted that those LMC Amendments were put into place in January of this year. Planner Ward stated that Cascadia also recommended looking at increasing height for affordable developments and also decreasing parking. The Staff was working on drafting the Code based on the two previous work sessions with the Planning Commission regarding reduced parking and increased height.

Planner Ward stated that the last piece of this Code is the percentage of affordable and market rate units that might help incentivize some of these developments. Planner Ward reported that over the past few years things have occurred that caused the Staff to recommend additional changes to the AMPD Code that was proposed in 2018. These include separating the AMPD Code from the MPD review and approval. The reason is because the purposes behind both of the codes are different, and the regulations and exceptions are very different for these two separate projects. Planner Ward remarked that where the 2018 Code required that AMPDs also comply with MPD housing obligations, the

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Staff was recommending that those be separated and that the housing obligations for AMPDs be self-contained in that chapter of the Code.

Planner Ward stated that the Staff was also recommending that the AMPD Code be specific to affordable housing and not attainable housing. In 2018 the Code allowed developers to have a density bonus based on the number of affordable units, and also the AMI that was served by those units. Planner Ward remarked that at that time, the definitions for affordable and attainable housing were different under the housing resolution. She noted that the City Council recently adopted a new Housing Resolution and Affordable Housing is now defined as housing affordable to people who are at 80% AMI or less. Planner Ward stated that the AMPD Code would be created specific to 80% AMI or less and would no longer give credit for attainable housing.

Planner Ward stated that also in 2018, the initial Staff report recognized that applying the density bonus based on the base zoning density gets complicated very quickly. The Staff was proposing that the density be based on an envelope. If these AMPDs meet the required setbacks, open space, and increased height, that would be the building envelope and the volume for the project, rather than looking at the base density, which could be volume-based density, floor area ratio, or units per acre. The Staff believes it will simplify the process and help establish an expectation of what would be approved under the Chapter of the Code.

Planner Ward remarked that the Staff was also proposing that nightly rentals be prohibited for any development under the AMPD Code for both affordable and market rate units to increase long-term rentals and work force housing in the community. She noted that the Code that has been in place since 1984 is specific to residential development. What was proposed in 2018 was also residential. However, if they open the door to allow some commercial development on the first floor, development that is less than 10,000 square feet might help incentivize some of these public/private partnerships.

Planner Ward stated that the Staff looked at requiring 40-50% affordable units to incentivize public/private partnerships. Based on the Staff evaluation, this Code would probably be workable at 50%. Planner Ward remarked that even with everything that has been evaluated and investigated so far such as reducing the open space, reduced setbacks, parking requirements, and increased height, there are still design construction and land costs that are prohibitive for these developments. The Planning Department has been working with the Budget Department to see what it would take to get this type of project built. The Budget Department created a hypothetical project that evaluates the parking reductions and the height increase to see if it goes far enough to incentivize these developments.

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Erik Daenitz, with the Budget Department, stated that his department modeled a hypothetical affordable housing development. They tested a lot of the assumptions in the model with market participants to validate their assumptions and to see whether changes to the Code would create a material benefit in terms of incentivizing private developers to build affordable housing in the City.

Mr. Daenitz highlighted the key points of how they arrived at the costs. They modeled a 37-unit project without the additional floor, and he would later show what increasing height does to the proforma. Mr. Daenitz stated that they modeled costs, included fees, and included assumptions around the amount of equity being brought to the project by developers. They also modeled AMIs that makes the project affordable. He noted that it was modeled as a rental project. Mr. Daenitz stated that once the capital construction costs are finished, the project would run as a rental where the residents would pay monthly rents and an HOA fee. It is a key feature that is more attractive to private investors.

Mr. Daenitz reviewed a slide showing two key toggles. One was a density bonus which effectively added height to the project. The second was a parking reduction. He pointed out that without the density bonus and without the parking reduction, the model project pencils with a year one profit margin of 4%. In terms of balance sheet, it starts out as a negative equity position, meaning it carries higher liabilities than assets. He stated that the private market does not want to exercise the affordable planning Code because the costs outweigh the benefits under the current conditions. Mr. Daenitz remarked that some of that pressure could be alleviated through Code changes.

Mr. Daenitz hypothetically modified the project to show the effect if the Code is changed. If they add square footage for another floor, the year one profit margin increases to 18%. Although it is still a negative equity scenario, the cash flows get better. If they reduce the parking requirement the profit margin jumps slightly. Even though density has a bigger impact than parking, reduced parking still helps. Mr. Daenitz stated that they also included the idea of the City potentially coming in with a small subsidy. Using a hypothetical 10% of the project cost, the profile of this development becomes much more attractive to a partnership. Mr. Daenitz remarked that the private market gets a deal that is attractive to investors with an annualized return on equity of about 8% per year. The internal rate of return is approximately 4%. He called it an “investment grade bond” type of return. The private market makes money, and the City adds 38 affordable units to its stock of affordable units. The cost to the City is $2 million. Changing the Code gives the City exceptionally high leverage in terms of affordable units per dollars spent, and it creates an incentive structure for a developer to actually get involved.

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Mr. Daenitz stated that the model was tested with a few local developers and they expressed that the Code changes are material and a place to start a conversation, which is different than in the past. Mr. Daenitz remarked that if the City is able to participate, it keeps the profile of the project such that the market can actually consider doing this. He pointed out that 56% of the whole project is under 80% AMI, and results in 38 affordable units out of a 53-units, which is a significant impact. Mr. Daenitz emphasized that the model was hypothetical and not a real project. The intent of the model was to show that the choices regarding the Code do have economic impact.

Commissioner Hall understood from Mr. Daenitz that some of the local developers found these Code changes to be enticing. Mr. Daenitz answered yes. He stated that before they even got into the model, the developers mentioned looking at the Code first in terms of what the City has control over and what elements of the Code can be more flexible. Regarding the money conversation, they were testing the financing conditions and wanted to get a good grasp on the current costs in the market to check their expectations of debt costs and project construction costs. They found those to be sound and from there it was a question of what the returns look like and would those get to a place that would entice an equity firm. Mr. Daenitz remarked that the reaction from the local developers was yes, there is a place for this in the market. People care about affordable housing, but they also need to make money. If the City can help put the developers on a sustainable platform to make money and still be responsible with the City funds, it would be a win/win situation.

Mr. Daenitz remarked that the City Council already has existing tools with regard to affordable housing development; however, this would be another tool they could deploy in the long term. If they reach the 250 additional unit goal, there is no reason why this could not continue because the terms are attractive for market participants.

Commissioner Hall stated that she supports affordable housing, and she would like an LMC Code that incentivizes people. Her biggest reservation is finding the tool to utilize the Code, so it is more than just lip service from a developer. Mr. Daenitz used the model to show that as he turns on the Code changes, the financial profile continues to improve. However, without the City stepping in and creating additional padding, the equity position stays negative in the early days of the project. He pointed out that these changes would help but they would not entirely solve the problem, but if they do not make the changes the hurdle is even higher.

Commissioner Kenworthy asked for the percentage of affordable units on the proforma versus the market units. Mr. Daenitz replied that they were getting 56% affordable units

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and 44% market rate. Commissioner Kenworthy understood that 40% affordable units results in a substantial gain for the developers.

Commissioner Kenworthy strongly supported City subsidies. He thought it would save the City a lot of money in the long term. He noted that for 36 years this has gone nowhere even thought many Planning Commissions before them have tried. Commissioner Kenworthy noted that Commissioner Hall stated in a previous meeting that the City hired Cascadia and they should listen to the experts. He completely agreed with her comment. Commissioner Kenworthy asked if Mr. Daenitz had used all of Cascadia's recommendations in the proforma. Mr. Daenitz was not prepared to answer that question because he was not familiar with the full set of Cascadia's recommendations. He clarified that his model was reflective of the height and parking considerations.

Commissioner Kenworthy asked Planner Ward if they were using the extended footprint for setbacks. Planner Ward replied that it takes into consideration what was already put into Code with the reduced setbacks and open space.

Commissioner Hall asked if anything was missing in the proforma that was in the proposed LMC changes. Planner Ward pointed out that this model was hypothetical, and the Cascadia report indicates site specific. The model gives an idea of what is possible on an average site and includes what Cascadia recommended.

Commissioner Kenworthy noted that they were only at 63% of their goal. This is a critical goal that the community wants, and they are running out of land. He thought the proforma shows that providing additional City subsidy is needed, along with the Cascadia recommendations. Commissioner Kenworthy stated that he was leaning towards the proposed amendments and the recommendations to move full speed ahead on affordable housing; otherwise, they will never meet the goal. He did not see it happening without the public/private aspect.

Commissioner Hall agreed with Commissioner Kenworthy. It is crucial to do something within the LMC to incentivize private developers. Commissioner Hall asked if the developers had suggestions on what might create an incentive aside from what Cascadia recommended.

Jason Glidden stated that in talking with the local developers as well as developers in Salt Lake, the way to incentivize is to continue to decrease parking or increase height to increase density beyond what was being proposed. He noted The City was not comfortable moving to that stage yet. This was a first step and if they find they need to do more they can. Mr. Glidden used an affordable housing project in Salt Lake as an

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example of a dense project with no subsidy from any government agency. Mr. Daenitz stated that anything that can be done to reduce costs and increase revenues matters. He noted that one idea of a financial lever that has not been utilized by the City with respect to affordable housing is to construct a public/private hybrid where the City funds the debt through municipal borrowing. The City would tap the municipal credit markets to lower the long-term debt in the project, and the private developer brings in the equity stake. He provided an example to show how it would lower the borrowing cost, but the developer would still service the debt. Mr. Daenitz pointed out that this would be a key material benefit.

Commissioner Kenworthy asked if Mr. Daenitz had compared this proforma with local developers to the regular MPD market rate envelope. Mr. Daenitz stated that they did not get into a full market rate project when they met with the developers. However, he was able to turn it into a market rate project to show the Planning Commission how it would work. Without a City subsidy, the profit margin was approximately 18% and the developer would net $150,000 in year one. Commissioner Kenworthy stated that if he is a developer, he would want to see his profit without doing affordable housing because that is the key comparison.

Mr. Glidden pointed out that the units they were working with are smaller units. When Mr. Daenitz puts 100% as market rate, it is because that was what was tested as far as the highest that they would be able to drive off these smaller units. If they were dealing with larger units, the increase would be closer to 150%.

Mr. Daenitz presented the comparison profile showing the current envelope with 100% market rate versus the affordable envelope. He noted that there is a significant difference in the profile financially. Under the affordable profile with City involvement, the net income would be 4x as much in year one, as opposed with the old envelope with no City subsidy features. Commissioner Kenworthy believed this proforma could win over the developers.

Commissioner Kenworthy remarked that the wealth gap is out of control. Without this public/private aspect they will not achieve the affordable housing goal. He fully supported City subsidies and the proposed Code amendments.

Commissioner Thimm concurred with Commissioner Kenworthy in terms of the encouragement of public/private partnership and working towards the greater good. He was in favor of the AMPD Code initiatives as outlined in the Staff presentation. Commissioner Thimm asked if there was a way to have some sort of a sliding scale of initiatives and incentives that would allow for a deeper target than 80% AMI. He remarked that 80% AMI in Park City is still a lot of money. Planner Ward replied that

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the original proposal in the 2018 was that the lower AMI served the greater the density bonus. Planner Ward stated that the City Housing plans to address some of the lower AMI housing needs. She believed those are met through a rental model the City was working on.

Mr. Glidden remarked that the recommendation was looked at in 2018. However, they have now decided to try to take away some of the confusion of adding additional density bonuses for going to a lower AMI level. Mr. Glidden stated that through the financial model, they found that as the AMI level drops down and the rent drops down, the revenues also drop down and the project begins to lose feasibility. He was willing to look into it further, but it would require going to a new level and adding a lot more toggles to the model. Mr. Glidden agreed that it would be great to target a lower AMI if possible. He believed it would require a larger subsidy from the City to make that happen.

Vice-Chair Suesser asked if the expectation of getting subsidies from the City was increasing affordable housing obligations for developers and using a fee-in-lieu that would fund those subsidies. Mr. Glidden stated that a subsidy from the City can come from a variety of different ways. In this proforma, the City granted equity of $2.3 million at the 10% level. He remarked that in looking at land cost alone at $5 million, providing the land could be one way for the City to provide a partnership. Mr. Glidden stated that the subsidy could also come from the housing fund. He remarked that the City and a private developer would go in on a project where the City would bring in 10% to that project in exchange for the developer to build additional affordable housing.

Vice-Chair Suesser thought a large component of meeting these affordable housing goals should be an increase in the affordable housing obligations. They should look to extract those obligations from a broader development going on in the City over what they currently expect. Mr. Glidden replied that they were successful in increasing the obligation in the last housing resolution. They increased residential from 15% to 20%. They also changed how they calculated the resident unit equivalents from a straight number of units being developed to the resident unit equivalents, which is based on square footage. In addition, they are beginning to look at the feasibility of single-family homes over a certain square footage to see if there is an ability to capture anything from those. If not, possibly looking at decreasing the trigger for an MPD that would automatically trigger an affordable housing requirement. Mr. Glidden clarified that they were looking at other ways of increasing the inclusionary housing, but it was still a work in progress.

Commissioner Hall commented on the City debt assistance as a potential financial tool. She asked if it was a policy that the City Council would need to adopt or whether it

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could be incorporated into the LMC. Mr. Daenitz believed the City Council would need to adopt it as a policy because they would be pledging City or Housing Authority revenues against that debt.

Commissioner Kenworthy asked for an update on the fee-in-lieu. Mr. Glidden stated that currently the fee-in-lieu was approximately $386,000 per unit. He noted that fee-in-lieu is listed as one of the options for a developer that has a housing requirement. Mr. Glidden reminded the Planning Commission that the different options for satisfying a housing requirement are listed in priority level and fee-in-lieu is at the lowest level. It is not the preferred option because they would rather have the developer build the units. Mr. Glidden stated that he and Mr. Daenitz have been looking at re-evaluating that to make sure they are actually capturing the true cost of a unit to make sure the City was charging enough.

Commissioner Kenworthy echoed Vice-Chair Suesser's comment for other options to help reach the 800 number in five years.

Commissioner Hall asked for the real cost of an affordable unit. Mr. Glidden stated that the calculation is based on the cost off of building permits being pulled to find an average square footage cost. That number is multiplied by the 900 square feet, which is an affordable unit equivalent, to calculate the total cost. Mr. Glidden noted that in that calculation they only deal with construction costs and not land costs. In addition, fees are calculated off of what the contractor provides as the cost of construction. He believed the developer would estimate those costs lower to achieve a lower fee for a building permit. Mr. Glidden assumed they were low on the square footage cost, which is why they were looking at it more closely. Commissioner Hall asked if there was a way to incorporate the underlying land. Mr. Glidden stated that Mr. Daenitz would be helping him figure that out.

Vice-Chair Suesser asked City Attorney Harrington to speak to the legal issues involved in potentially extracting affordable housing obligations from residential development.

City Attorney Harrington explained that there were a number of things were going on. First is that the State of Utah is going through an assessment at the industry and State Capitol level on challenges to affordable housing. He warned the Commissioners that the narrative was counter-intuitive to some of the principles in Park City. It goes as far as saying that inclusionary zoning increases the cost of housing disproportionately. He provided an example and noted that the State was using economic models to demonstrate that point. Mr. Harrington anticipated that there could be legislative challenges in the next few sessions that could roll back their authority on both regulating inclusionary zoning and mandating additional permitted uses of the

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accessory uses within nightly rentals. Mr. Harrington remarked that these were only a backdrop to some of the challenges they face statewide. He noted that they are limited in Utah in terms of what they can charge a fee on. The City has broad regulatory powers, but when it comes to finance, they need to have express enabling legislation. Mr. Harrington stated that Park City has threaded the needle on fee-in-lieu by making it part of a broader spectrum of options to solve a regulatory component. However, if it is a straight exaction, they could be subject to a potential claim of it being an illegal tax or an illegal impact fee, or a number of other challenges that has a permitted use. Mr. Harrington recommended caution because it is difficult to defend.

City Attorney Harrington stated that on the pragmatic end and making sure there is a direct correlation in terms of the City's assessment and the demonstrated cause and effect relationship regarding the single-family upgrades or a single-family home actually creating new employees as opposed to an incremental increase in services. Mr. Harrington encouraged the Planning Commission to prioritize. That is why they focus on MPDs and annexations in larger projects because they get the least risk and more bang for the buck versus an incremental pool of money. Mr. Harrington recognized the perceived inequity that it creates, and that all new growth should pay some portion, but in that case, they should lobby the State for additional impact fee authority specific to affordable housing.

Commissioner Hall asked if Mr. Harrington had said they would have an issue if they incorporated the cost of the underlying land into the fee-in-lieu. Mr. Harrington replied that he only replied to the single-family question that Vice-Chair Suesser had asked. In terms land cost, Mr. Harrington thought that was more pragmatic. He noted that when the City first started fee-in-lieu it was done to minimize the risk of challenge. It was not based on the production of a unit, but rather the cost of administration of the City's program per unit. In the original resolution, the theory was that the City needed to get the fee-in-lieu to create the unit, flip it, and get back the equity. They were only going to charge the difference in the subsidy. Mr. Harrington pointed out that incrementally it has grown, and they were now trying to approximate the actual cost of building a unit. He remarked that the closer they get to that, the closer they get to these other challenges. He believed that if they continue along the path of taking a multi-prong approach and increasing private incentives is a good approach.

Commissioner Kenworthy believed the costs would go down because the private sector can do a much better job. If a developer has multiple projects going on in the region, he would be able to drive those costs lower than any City could. Mr. Glidden preferred that the City not develop at all. His preference was for partnerships because it is more financially beneficial for the City and requires less resources and Staff time. Commissioner Kenworthy believed that the proformas Mr. Daenitz had prepared should

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get developers interested in partnering with the City rather than just doing regular market rate buildouts.

Commissioner Hall asked if consideration was given to rentals instead of purchasing with deed restrictions. Mr. Daenitz stated that the model shown this evening was actually a rental model. He remarked that the enterprise value of the "vehicle" included discounted forward cash flows. It was modeled as a rental model and it has its place for both financial and positive social reasons. It allows lower entry points into the community, it potentially creates more diversity of income within the area of the project itself, and it has the capacity to increase the velocity of money in the community. Mr. Daenitz stated that he and Mr. Glidden have been working on the rental proposal, and there would be more public discussion to that end in the coming weeks. Commissioner Hall was pleased that rentals are being considered because it was a missing component in the current affordable housing plan.

Commissioner Hall stated that going forward she would like to hear from the developers who would actually utilize this plan and she suggested getting their input in writing or have them speak to the Planning Commission. She would also like to know if the developers have creative ideas of their own.

Planner Ward asked if the Commissioners had concerns about crafting a Code that includes commercial development. Commissioner Thimm thought it would be a mistake not to include commercial development. The Commissioners concurred.

Mr. Glidden stated that the commercial piece came up in conversations with the developers. The developers felt that adding the commercial aspect not only makes the project more financially stable, but it also adds vibrancy to the project.

Commissioner Thimm recommended that they allow horizontal mixed up within a parcel rather than just limiting it to vertical mixed-use.

Planner Ward stated that if there were no concerns about separating the AMPD and MPD Code, the Staff could come back to the Planning Commission with a draft code in early 2021.

Vice-Chair Suesser understood that the AMPDs would likely involve mixed affordable housing and market rate. Planner Ward replied that she was correct. Vice-Chair Suesser wanted to know what percentage of affordable in that type of development would trigger the AMPD. Planner Ward stated that based on the analysis by the Budget Department, at least 50% of the units would be affordable to 80% AMI and less. Vice-Chair Suesser asked if the entire development would get the density bonus,

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parking reductions, and the other incentives that were discussed. Planner Ward answered yes; however, the parking reductions that the Planning Commission considered are specific to the affordable units. There would not be parking reductions for the market rate units.

Vice-Chair Suesser restated her comment from the last meeting that she did not support the recommendations for the parking reduction, except for the credit for off-site parking.
Commissioner Kenworthy referred to page 3 of the Staff report which stated that reduced parking for affordable units require parking mitigations based on the transit access, available carshares, motorcycle, scooter parking, and bicycle parking. He asked if Vice-Chair Suesser was saying that she would look at each one individually based upon that recommendation; or she would still not support the reduced parking even if there was a new transit center.

Vice-Chair Suesser clarified that she was opposed to not having any spaces for affordable housing units or half a space for a market rate unit that is less than 1,000 square feet. She had a problem with those specific recommendations because it is not practical for the community to have that great of a parking reduction. Commissioner Kenworthy asked if she would feel the same way if the building was on top of a new transit center. Vice-Chair Suesser replied that she would want the ability look at that specific circumstance rather than have it in the Code.

Planner Ward clarified that as the Staff looks into the Code for over the next several weeks, they would also be looking into details of what those mitigations could look like. The Staff will come back with more details in January.

Commissioner Thimm supported the adjusted parking recommendations as outlined in the Staff report. Commissioners Kenworthy and Hall concurred.

Planner Ward stated that she did not have a date certain for when this would come back to the Planning Commission. There was no need to continue this item because the Staff would do the required legal notice when the item is scheduled on an agenda. She hoped they would be ready to come back in January.

Commissioner Hall asked if public comment is taken during a work session. Planner Ward replied that it was not noticed for a public hearing; however, the Planning Department created an Engage Park City page to provide information on what was being proposed, and to also get public input on the Code amendments.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

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6.A. 1271 Lowell Avenue – Condominium Plat Amendment – The Applicant Proposes Amending Building D of the King's Crown Condominiums to Reduce the Units from 12 to 11, Reduce the Parking from 22 to 21 Spaces, Reduce the Limited Common Area by 386 Square Feet, and Increase the Private Area Square Footage by 712 Square Feet. (Application PL-20-04661)

This application was withdrawn.

6.B. 1241, 1249, 1257 Rothwell Road – Plat Amendment – The Applicant Proposes Combining Single-Family Dwelling Lots 27, 28, and 29 of the King's Crown Re-Subdivision into Two Lots. (Application PL-20-04660)

Planner Ward reported that this item was part of the King's Crown Master Plan Development. The request is for a lot combination. Planner Ward stated that the King's Crown Master Planned Development includes 27 single-family lots, seven town homes, the Building A condominiums on Lot 1 which would be the affordable housing units, Lot 2, which has three condominium buildings, Buildings B, C and D, and Lot 32, which is open space. Planner Ward remarked that King's Crown is near the base area of the Resort along Lowell Avenue and Rothwell Road, which is a private road that is access for many of the single-family dwellings.

Planner Ward stated that the applicant was proposing to combine three lots located next to the ski amenity building into two single-family lots. This proposal complies with the King's Crown Development Agreement. The Development Agreement and the MPD Approval allow up to 27 market rate single family lots. If this item is approved, the density on the removed lot will be eliminated and it cannot be reallocated within the MPD. Planner Ward remarked that none of the affordable housing obligations will be reduced as a result of this amendment.

Planner Ward stated that the proposal complies with the MPD and CUP. In the MPD approval, the square footage for the single-family homes was estimated to be approximately 71,000 square feet. The proposed lot combination will reduce the buildable area because when the lot size increases in the recreation commercial zone, the maximum footprint decreases. The existing building footprint for the three lots is around 3,000 square feet. With this amendment, the footprint would be reduced to 2800 square feet.

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Planner Ward reported that the proposal also complies with the Recreation Commercial Zone requirements. It meets the minimum lot area, lot width, and setback requirements. The average width for these single family lots is 31'; at the widest up to 56' and 25' at the narrowest. The lot width for Lot 27 would be 44' and Lot 28 would be 43'.

Planner Ward stated that the recommended conditions of approval comply with the King's Crown re-subdivision plat, and they include requirements for dry utility infrastructure, sprinklers, pressure surge tanks for the buildings on the lots, and require restrictions. Only one single family-dwelling is allowed, and the lot and the unit that is eliminated with this combination cannot be reallocated.

Planner Ward commented on the maximum house size. She explained that currently per the LMC, the house size in the Recreation Zone is established by the building footprint and the height.

The Staff found good cause for this lot combination because the single-family dwelling density accessed by a private road would be reduced. There is no right-of-way vacation, and the easements must be shown on the plat. Planner Ward noted that the Snyderville Basin Water Reclamation District had submitted requirements for easements that will be shown on the final plat if this request is approved.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation for City Council consideration on January 7, 2021.

Planner Ward clarified the maximum house size. The way the draft ordinance was currently written, the house size is based on what is outlined in the LMC with the building footprint and the height. She stated that a suggestion was made for a maximum house size of 3700 square feet be added as an additional condition of approval. Planner Ward noted that the applicant's statement was included in the Staff report as Exhibit B. In that statement there is an approximate house size of 3700 square feet. She explained that where the house size gets complicated under the LMC is how things are defined. If the Planning Commission wanted to add a condition of approval for maximum house size, the Staff recommended that it be defined as the gross residential floor area which is measured from the finished surface of the interior of the exterior boundary walls. It excludes the garage, and the calculation is based on final grade.

Rory Murphy, representing the applicant, was surprised by the maximum house size. He only heard about it a couple of hours prior to the meeting. Mr. Murphy stated that he and Chimso Onwuegbu, the project architect, have had some discussion and he

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wanted Mr. Onwuegbu to have a chance to express his thoughts to the Planning Commission.
Mr. Onwuegbu stated that his biggest question was the requirement for a square foot maximum on the house. It does not exist this this MPD and he was unsure of anywhere else that it exists in Old Town or in the HR-1 zones. He thought the LMC did a good job of limiting house size based on building pad, building footprint, and the allowable height. Mr. Onwuegbu questioned the purpose of the recommendation, and he thought it was an unfair attachment to these lots compared to anything else in the area.

Mr. Murphy stated that he had not seen that requirement before this evening. They tried to do an approximation of it, but when a limit is set for the house size it can cause a lot of issues. Mr. Murphy pointed out that architects like to have some flexibility to work on a project. He was curious where the requirement came from and why it was being imposed on this project. Mr. Murphy preferred to follow the Land Management Code for the zone to limit the house size.

Commissioner Kenworthy asked what the maximum building size would be under the current LMC. Mr. Onwuegbu did not believe the size would be substantially bigger using the definitions in the LMC. He felt the restriction was more about interpretation and how it might be viewed by someone purchasing or developing the land. Mr. Onwuegbu estimated a house size around 4200 square feet under the LMC.

Vice-Chair Suesser thought it was a calculation of the building footprint of 14,047 square feet and a height restriction. She thought they could achieve the maximum house size based on that calculation. Mr. Onwuegbu stated that they were bound by those two criteria under the LMC, but there is not a definitive number attached to it. The topography and the width and depth of the lot, as well as other factors, changes what can be accomplished on each property. He believed the LMC already provides limits and he was unsure why the Staff was recommending a definitive house size for these two lots outside of the LMC. Vice-Chair Suesser understood that part of the concern is that it is on a hillside. The building footprint and the height are limiting factors, but the site has been significantly excavated. She thought the concern was height and asked if it was better to restrict the number of stories on these single-family homes.

Mr. Onwuegbu stated that a third part of the Code already does that. There is a 35' limitation from the bottom floor of the garage to the top of the wall. He emphasized that the restraints are already in the LMC to limit size and height of the houses.

Commissioner Thimm wanted to why the square footage limit was placed. He asked if it was because the larger lots could achieve potential larger square footage. In his

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opinion, this proposal reduces the intensity of use by removing one unit. Planner Ward stated that the Staff report and the draft ordinance were written to follow the LMC.

Vice-Chair Suesser remarked that the letter from Rory Murphy approached it differently and addressed what could have been built on the three lots versus what is anticipated to be built on the two lots. He included a calculation of 3700 square foot homes. Vice-Chair Suesser understood that because of the approach, there was some thinking that there should be a condition of approval stating that the house size should not go beyond was what anticipated by the developer.

Mr. Murphy clarified that the 3700 square feet calculated in his letter was only an approximation. He thought the limit added another layer of restriction making it more difficult. Mr. Onwuegbu explained that when the numbers were generated there were net areas without parking, without garages, etc. He had generated the numbers for real estate purposes to show what could be marketed as net livable space in these units. Mr. Onwuegbu remarked that three units versus two would be the same calculation and the same design criteria of the LMC used to generate the three homes versus two homes. He thought it was better to follow the LMC without additional restrictions because either way the density was being reduced by having two homes instead of three.

Commissioner Kenworthy was concerned with the word “conformity”. He did not believe 3800 sf. to 4200 sf. would break any conformity. He asked for the sizes of the other homes in the project ranging from minimum to maximum size. Chimso stated that the homes that have been done so far are in the 3800 sf to 4300 square foot range, with one outlier at 5000 square feet on one of the larger lots. He recalled one home being closer to 3400 square feet.

Vice-Chair Suesser asked if the three homes that were anticipated on these three lots were significantly smaller than what has been built. Mr. Onwuegbu replied that the homes would have been similar in size to what has already been built. He noted that the areas included in Mr. Murphy’s letter were net areas that did not include stairs, the elevator, the garage or that type of space. The square footage range he just mentioned is the total square footage of the homes.

Commissioner Thimm believed the maximum area outlined by Planner Ward excluded the garage area. Planner Ward stated that the garage area would need to be within the building footprint; however, the garage does not count towards residential square footage. The density will be based on the building footprint and the height, and everything within that area above final grade. Mr. Onwuegbu understood the floor area and how it is determined in the LMC. On the bigger lots he estimated the homes would

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be approximately 4200 square feet if they max out the square footage. He pointed out that no one has studied the topography to see what could actually be built.

Mr. Onwuegbu reiterated that the biggest question is whether there is a reason for including additional criteria that does not exist for the other 25 lots in the same subdivision. Planner Ward remarked that the size in the draft ordinance in the Staff report is the size allowed by Code. Based on Exhibit B which outlines estimates, the residential floor area will be regulated under the Code. Planner Ward suggested that the Planning Commission could add a condition of approval specifying 3700-3900 square feet gross residential floor area. She pointed out that the condition of approval would be stating what is already stated in the Code. Mr. Onwuegbu remarked that the floor area residential is in the Code, but not the size limit. He did not understand the rationale for limiting the residential floor area for these two lots.

Vice-Chair Suesser suggested that the Planning Commission continue with their review of the application and the public hearing and then come back to this issue.

Commissioner Hall wanted further clarification from Planner Ward as to why the Staff was recommending a limitation beyond the LMC. She asked Planner Ward to provide that clarification after the public hearing.

Vice-Chair Suesser opened the public hearing.

Patricia Kravtin raised her hand on Zoom and was unmuted to make comment.

Patricia Kravtin stated that she and her husband, Jonathan Horwitz, reside at 1240 Lowell Avenue, which is the first single-family home on Lowell south of Manor Way. Mr. Kravtin remarked that she has commented many times on the King's Crown Development, particularly on the matter of Building D, the largest stacked condominium structure to be built directly adjacent to their home. Due to the negative impact from the King Crown's MPD to her and her neighborhood, she and her husband submitted numerous written and oral comments from the first inception of the project. Most recently, they submitted a substantial package of materials at the September 23rd meeting just prior to the applicant's resubmission of the Building D plat. Ms. Kravtin noted that she had submitted written comments for inclusion into the Staff report for this evening, but she understood their comments were excluded once the applicant withdrew the Building D amendment and requested plat approval last Friday afternoon. Ms. Kravtin stated that at her request Planner Ward forwarded her comments to the Planning Commission on their public emails and she hoped the Commissioners had the opportunity to review those comments. Ms. Kravtin stated that notwithstanding the applicant's decision to pull the Building D item off of the agenda, the matter of these

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lots pertaining to the King's Crown MPD was still before the Planning Commission. She wanted it clear that Building D is an integral component of the MPD. Regarding the importance of their unmet mitigation from the King's Crown MPD, this only came to light in December 2019 when the applicant acknowledged having made an error in the Building D plat regarding mitigation relating to the southern most boundary of building D. Ms. Kravtin and her husband strongly believe that all matters involving the King's Crown MPD, including these lots, need to be considered in the context of this unmet mitigation for the Lowell Avenue residential neighborhood. She stated that this mitigation was agreed to by the applicant and clearly memorialized on the public record of the November 29, 2017 Planning Commission meeting, and in numerous subsequent meetings, as well as in multiple correspondence between her and the applicant. Ms. Kravtin stated that the matter of the Building D mitigation is even more concerning now than it was in September because since that time the applicant has been allowed by the City to commence preliminary grading work for that building.

Ms. Kravtin requested that the Planning Commission consider a couple of proposed revisions to the MPD draft ordinance before them this evening to give clarity to the status of the Building D plat. She noted that those revisions were also provided in the material that Planner Ward had forwarded to the Commissioners. Ms. Kravtin read the proposed revisions into the record. First, they would propose adding as a Finding of Fact, "All City approvals pertaining to condominium Building D on Lot 2 plat have previously been expressly rescinded and vacated by the applicant". Second, they proposed adding as a Conclusion of Law, "Approval of this resolution has no bearing on the potential approval of any new plat for condominium Building D. Any approvals of a plat for condominium D on Lot 2 are subject to reapplication by the applicant and consideration and review by the City.

Ms. Kravtin thanked the Planning Commission for their consideration and public service.

Vice-Chair Suesser informed Ms. Kravtin that the Planning Commission had received and reviewed her packet of materials from Planner Ward.

Elena Stein raised her hand on Zoom and was unmuted to make comment.

Elena Stein stated that she lives right next door to the project and the density is a big issue. The sizes of the homes and the heights will be seen from anywhere in Park City. Ms. Stein was concerned about having a giant home if the lots are combined without a size restriction because it does not fit within the project. In addition, the shear massiveness of the project has been a complete inconvenience. Ms. Stein wanted to see how fast this could be constructed so they can begin living on their street again.

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Not being able to have daily use of their street is a big concern. Ms. Stein stated that the potential for a giant house was a red flag. Anything that can be done to reduce the density is a benefit, but for a smaller home not one giant house.

John Horwitz raised his hand on Zoom and was unmuted to make comment.

John Horwitz, a resident at 1240 Lowell Avenue, supported the Planning Department's proposal to limit the square footage of the buildings on the two lots combined from Lots 27, 28, and 29. Mr. Horwitz noted that the King's Crown website shows the approximate buildable square footage for these lots, which lists 2600 square feet for each lot. Multiplying that by 3 and dividing it by 2, results in 3700 square feet for each house, which is on target with what the Planning Department was proposing. Mr. Horwitz pointed out that Lots 3, 4 and 5 across from his home also show approximate buildable square footages, and the approximate buildable square footage is listed at 2100 square feet. He remarked that when those homes were built and marketed, they showed square footage of about 3,000 square feet, and those are not small homes. Mr. Horwitz thought there was a discrepancy between what was in the marketing materials and what was ultimately being built. He thought the proposal to keep the homes in the 3500-3700 square foot range would be extremely positive and much more compatible with the neighborhood that already exists on Lowell Avenue. Mr. Horwitz thanked the Planning Commission for their hard work and for the opportunity to make his comments.

Vice-Chair Suesser clarified that the application for 1271 Lowell Avenue that was withdrawn from the agenda this evening is also part of the King's Crown project. The applicant anticipated bringing it back to the Planning Commission at the beginning of 2021.

Vice-Chair Suesser closed the public hearing.

Commissioner Hall asked Planner Ward to address the public comments regarding other non-compliant issues. Vice-Chair Suesser stated that those comments related to Building D and Lot 2, which was withdrawn for discussion and action this evening. She recommended waiting to address those comments when the application comes back to the Planning Commission.

Commissioner Kenworthy commented on conformity and the public comments by Mr. Horwitz. He asked for the average size of the net living square footage in the development. Planner Ward replied that it depends on the size of the lot. She pointed out that no additional restraints were placed on these single-family lots at the time of the MPD approval. It depends on the lot and based on how the draft ordinance and the

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Staff Report were written, it would be aligned with the other 25 single-family dwelling lots within the subdivision. Commissioner Kenworthy asked if Planner Ward felt that the cap of 3800 square feet keeps it conforming with the other 25 lots in the buildout. Planner Ward thought the draft ordinance and the LMC regulations would result in a development that conforms with the Code. She believed that if they add a condition of approval specifying 3900 square feet of gross residential floor area it would not change what would be approved under the LMC. Planner Ward thought it was covered in the draft ordinance as written.

Mr. Murphy was willing to accept that compromise if necessary.

Commissioner Thimm noted that three different numbers were stated in the discussion: 3700 sf., 3800 sf. and 3900 sf. Vice-Chair Suesser thought 3700 sf. was the suggested cap. Mr. Murphy replied that he had estimated 3700 sf. in his letter based on a conversation he had with Mr. Onwuegbu. If the Planning Commission intends to put impose a hard cap, he would request an extra couple hundred square feet and put the cap at 3900 sf. for gross residential floor area.

Commissioner Thimm stated that when an application proposes a reduction in lots or density and a lower intensity of use, he has concerns with adding a restriction without reason or cause. Commissioner Thimm noted that the Planning Commission has limited square footage in the past as part of conditions of approval, and in this case, he thought the reason or cause made sense. The intent is to look to the surrounding neighborhood and come up with a reasonable alternative and he believed there was cause.

Commissioner Thimm supported the 3900 square foot threshold. Vice-Chair Suesser also support the 3900 square foot threshold.

Commissioner Hall thought the LMC would take care of the size limit and she did not see a need to add a cap. She favored the general notion of the reduction in density. Commissioner Hall clarified that her position is to default to the LMC and that there is good cause because of the overall reduction in density.

Vice-Chair Suesser referred back to the building footprint and the height restriction. She was confused as to why there was not a hard number of the maximum square footage. If the intent is to put a cap on the size of this home, and she did not understand why that would not be achieved by the building footprint and the height restriction.

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Commissioner Thimm remarked that it comes from building volume. The way the building volume and the building height is measured depends on the lay of the land. Until a complete analysis is done, there is no way to know the maximum square footage because the height is measured a variable grade because of the hillside. Vice-Chair Suesser understood that they would not have this issue if the lot was flat. Commissioner Thimm replied that a flat lot would be easier to calculate, but it would still be calculated in the same way.

Commissioner Kenworthy was comfortable with a 3900 square foot cap; however, he was not in favor of extending beyond what the LMC would define or allow. Mr. Murphy stated that the applicant would not go beyond the LMC. If the LMC calculates 3700 or 3800 square feet, they would adhere to that size. Commissioner Thimm thought that made sense.

Commissioners Hall and Suesser agreed with Commissioner Kenworthy.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council to combine single family lots 27, 28, and 29 of the King's Crown Subdivision into two lots in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found the draft ordinance, and including the maximum area of 3900 sf., based on the gross area calculation, and also limited by the limitation of the LMC for the underlying zone, for City Council consideration on January 7, 2021. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact – King's Crown – Plat Amendment</u>

1. On January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development and Conditional Use Permit.
2. On February 1, 2018, the City Council approved Ordinance No. 2018-05, the King's Crown Re-Subdivision Plat (Summit County Recorder Entry No. 1091847).
3. On June 13, 2018, the Planning Commission ratified the King's Crown Development Agreement (Summit County Recorder Entry No. 1093392).
4. On May 22, 2019, the Planning Commission modified the King's Crown Master Planned Development and Conditional Use Permit.
5. On October 10, 2019, the City Council approved Ordinance No. 2019-51, amending Lots 30 and 32 of the King's Crown Re-Subdivision to accommodate Setback requirements for the Ski Amenity Building (Summit County Recorder Entry No. 1141429).
6. The King's Crown Master Planned Development is a 32-Lot subdivision in the

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Recreation Commercial Zoning District that includes 27 Single-Family Lots, seven townhomes on Lot 30, and four Condominium Buildings on Lots 1 and 2. Over 11 acres are preserved as Open Space on Lot 32.
7. Lots 27, 28, and 29 are for Single-Family Dwelling development and are accessed by Rothwell Road, a private road.
8. The King's Crown Development Agreement allows up to 27 market rate SingleFamily Lots. The Applicant proposes reducing the Single-Family Lots from 27 to 26.
9. The Developer was required to provide 9.75 Affordable Unit Equivalents (AUEs) for the King's Crown MPD pursuant to Housing Resolution 03-2017. However, the Developer exceeded this requirement and provided 12.91 AUEs. The Lot combination reducing 27 Single-Family Lots to 26 Single-Family Lots does not impact the Developer's AUE obligations. No amendment to the King's Crown Housing Mitigation Plan is proposed and no AUE obligations will be reduced through this approval.
10.The Recreation Commercial Zoning District requires a minimum Lot Area of 1,875 square feet. Lot 27 is 3,529.95 square feet. Lot 28 is 3,525.85 square feet.
11.The Recreation Commercial Zoning District requires a minimum Lot width of 25 feet, measured 15 feet from the Front Lot Line. The Lot 27 width is 44.55 feet. The Lot 28 width is 43 feet.
12.The Recreation Commercial Zoning District Building Footprint for Single-Family Dwellings is calculated by this formula: Maximum Footprint = (Lot Area/2) x 0.9LOT AREA/1875
13.The existing Building Footprint is 1,037 square feet for Lot 27, 1,027 square feet for Lot 28, and 1,027 square feet for Lot 29. The amended maximum Building Footprint is 1,447 square feet for Lot 27, and 1,446 square feet for Lot 28. The plat amendment reduces the Single-Family Footprints by 190 square feet.
14.The Recreation Commercial Zoning District Side Setbacks for Lot widths up to 50 feet are five feet. Both Lot 27 and Lot 28 meet this Side Setback requirement.
15.The Recreation Commercial Zoning District Front and Rear Setbacks must be at least 12 feet and together must total at least 25 feet. The Front Setbacks for both Lots 27 and 28 are 12 feet; the Rear Setbacks for both Lots 27 and 28 are 13 feet.
16.The Recreation Commercial Zoning District Building Height cannot exceed 27 feet and Final Grade must be within four vertical feet of Existing Grade around the periphery of the Structure.
17.Single-Family Dwellings in the Recreation Commercial Zoning District within two blocks of the Historic Residential-1 Zoning District must comply with the Design Guidelines for Historic Districts and Sites.

<u>Conclusions of Law – King's Crown – Plat Amendment</u>

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1. There is Good Cause for this plat amendment because the plat amendment reduces the overall King's Crown Master Planned Development density and Single-Family Dwelling density accessed by a private road.
2. The plat amendment is consistent with the Land Management Code.
3. Neither the public nor any person will be materially injured by this plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – King's Crown – Plat Amendment

1. The Applicant is responsible for compliance with all conditions of approval.
2. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with state law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
3. 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.
4. The final recorded plat shall include the following notes:
    a. The maximum Building Footprint for Lot 27 is 1,447 square feet. The maximum Building Footprint for Lot 28 is 1,446 square feet.
    b. The Site plans and Building designs shall resolve snow release issues to the satisfaction of the Chief Building Official.
    c. The Single-Family Dwellings on Lot 27 and Lot 28 shall comply with the Design Guidelines for Historic Districts and Sites.
    d. Dry utility infrastructure must be located on the Lot and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
    e. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of building permit submittal.
    f. Development on each Lot is limited to one (1) Single-Family Dwelling and the removed Lot and Density unit is eliminated and may not be reallocated.
    g. Due to the proximity of water services to the water transmission line and the resulting potential for associated water pressure fluctuations, individual pressure surge tanks may be required for buildings on each Lot.

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h. The gross floor area for each Single-Family Dwelling shall be 3,900 square feet.

5. The Grant of Easement and Access Easement for Construction and Maintenance of Wastewater Collection and Transportation Pipelines and Appurtenances (Summit County Recorder Entry No. 1088815) shall be shown on the plat.

6. The extra lateral stub needs to be abandoned. This must be accomplished by exposing the lateral connection at the main line (in the road) and disconnecting the lateral, installing a cap or push-in plug at the HDPE connection tee, and installing a cap in the upstream abandoned line. This work will not be required before Snyderville Basin Water Reclamation District (SBWRD) signs the plat, but must be completed before SBWRD grants the project Final Project Approval.

The Planning Commission Meeting adjourned at 8:15 p.m.

Approved by Planning Commission: _____

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 16, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: David Everitt, Deputy City Manager, Alexandra Ananth, Planner; Mark Harrington, City Attorney; Jessica Nelson, Planning Analyst

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The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting date will be entered into the public record but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings

Exhibit A: Determination of Substantial Health and Safety Risk

On November 18, 2020 the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

• Governor Herbert declared a Covid-19 State of Emergency on November 8, 2020.
• Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021.
• Statewide COVID cases and hospitalizations are increasing exponentially.

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This determination is valid for 30 days and is set to expire on December 18, 2020.

Dated November 18, 2020.

ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

PUBLIC COMMUNICATIONS

Nikki Deforge stated that she was speaking on behalf of RRAD regarding the base area development. She understood that the topic this evening was sustainability; however, she wanted to briefly respond to some issues that were raised at the end of the last meeting after the public hearing was closed. Ms. Deforge asked if she should address those issues now since they were not related to sustainability, or whether she should wait until the public comment period for the base area development.

City Attorney Mark Harrington stated that Ms. Deforge needed to make her comments during the public hearing for this application. The Planning Commission has the discretion to hear additional comments on this application for items not related to the topic of sustainability, but it should be done at the appropriate time because there cannot be two parallel public hearings on one application. Mr. Harrington encouraged the public to focus their comments on the topic for the evening. Mr. Harrington emphasized that it is up to the Planning Commission whether or not to allow comments that are not on the agenda for a particular public hearing.

Mr. Harrington clarified that written comments can be submitted at any time and are included as part of the record.

Chair Phillips informed Ms. Deforge that she would have opportunity at the end to make her comments.

No hands were raised on Zoom to comment on other items not on the agenda.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

David Everitt, Deputy City Manager, noted that the applications for the vacancies on the Planning Commission were posted on the City website. He asked them to encourage friends and neighbors to apply.

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Chair Phillips announced that he would be stepping down from the Planning Commission for personal reasons. He was willing to stay on until there is a replacement, or as long as the Mayor and City Council need him to stay.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

4.A. Park City Mountain Resort Base Parking Lots - MPD Modification - Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan Known as the Park City Base Area Lot Redevelopment Master Plan Study. This Hearing Will Focus on Sustainability. (Application PL-20-04475).

Planner Alexandra Ananth stated that the focus of this meeting was to discuss the Park City Mountain Base Area request to amend the site plan. Sustainability was the specific topic for this evening. She understood that the applicant was also prepared to share some updates to Building B.

Planner Ananth reported that she was scheduling three special meetings on this project on the Third Wednesday of the month on January 20th, February 17th, and March 17th.

Planner Ananth stated that in 2016 energy was elevated to a critical priority by the City Council, and energy efficiency and reducing energy demand were prioritized through two different resolutions. Resolution 28-2017 focuses on municipal buildings. Resolution 32-2018 focused on meeting the annual electricity needs for renewable resources by 2022 for City operations and by 2030 for the City at-large. Planner Ananth noted that the Base Area Project will add a significant load to the City's energy demand and carbon footprint. Therefore, it is imperative that the applicant's project be as sustainable as possible from the outset.

Planner Ananth reported that the LMC requires the Planning Commission to make a finding for MPD projects per the LMC. She noted that what was showing on the screen was the actual language in the Code, and her suggestions were identified in red. Planner Ananth stated that the Planning Commission would be required to find that the MPD as conditioned incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction for the Codes in effect as of December 1st, 2020. Statewide that would be the 2018 Building Code.

Planner Ananth stated that the Planning Commission met on October 28th and discussed sustainability. At that time the Planning Commission asked the applicant to

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come back with a list of more concrete and measurable strategies that they would be able to commit to.

Planner Ananth reported that on December 2nd PEG Development submitted revised sustainability guidelines that were attached to the Staff report as Exhibit A. They include energy modeling to be at least 20% greater than current energy building code requirements. That the pEUI, which is the projected energy intensity target for each building, would be an average of 25 for the four buildings at full buildout. She noted that this is generally considered exceptionally energy efficient and above Code requirements. Planner Ananth stated that the applicant was proposing on-site renewable energy generation in the form of solar panels on the roof, and that is projected to generate at least 8% of the site's energy, which includes all of the energy for the parking structures, including the charging stations in the garages. The applicant was also evaluating an anaerobic digester on site; however, the 8% does not include the anaerobic digester. Planner Ananth stated that the applicant was looking at renewable energy rec credits in the short-term to balance out the annual delivered energy with clean energy credits. They will commit to energy commission of each of the buildings for monitoring and verification post-occupancy. The applicant is also committed to a performance verification system that would include annual reporting to the City. Also, mechanical systems that are Energy Star or similarly rated, as well as plumbing fixtures that are water sense rated. Other commitments include Best Management Practices for storm water, both filtration and runoff; water-wise landscaping and irrigation techniques; a construction waste management plan that includes recycling all asphalt that is demolished on site as well as fill diversion of 50% that would be monitored by the City; a waste management plan and recycling accommodations in each of the buildings; compliance with the City's electric vehicle and soon to be adopted dark skies ordinance.

Planner Ananth stated that working with the Sustainability Department, they turned the applicant's guidelines into Draft Sustainability Focus Findings of Fact and Conditions of Approval that were attached to the Staff report as Exhibit B. She emphasized that these were first draft conditions of approval. They were still working on a few details such as how outdoor energy will factor into the applicant's guidelines. Planner Ananth stated that the applicant had agreed to comply with the draft conditions of approval. She was interested on hearing feedback from the Planning Commission on the draft conditions, with the understanding that they would continue to be refined and reviewed by the Planning Commission prior to a vote on this project. Planner Ananth remarked that the conditions do not address transportation, related conditions, which will be discussed at a future transportation focused meeting.

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Planner Ananth noted that the applicant and Luke Cartin from the City Sustainability Department were also on the line to comment and answer questions as they review the initial draft conditions.

Planner Ananth reviewed the 13 draft conditions of approval. 1) the applicant will comply with the City's electric vehicle charging requirements as outlined in the newly adopted ordinance. 2) The applicant would comply with the City's soon to be adopted Dark Sky ordinance. 3) The applicant will submit a construction waste management plan to the City's Planning and Sustainability Departments for approval or denial pursuant to specific standards, prior to the beginning of any demolition or construction of the project. This plan will identify a manner in which the applicant shall log, report, and achieve a minimum diversion rate of all of the demolished asphalt, and a minimum of 50% of construction waste into not loess than four material streams for recycling. Beginning and after commencement of demolition, and through any demolition or construction, the applicant will submit quarterly reports to the City's Planning and Sustainability Departments to verify compliance with the construction waste management plan.

Commissioner Thimm noted that Condition 3 talks about the diversion rate of 50% of construction waste with an average stretch goal of 75%. He asked Planner Ananth for the meaning of the average stretch goal. Planner Ananth explained that the applicant was committing to recycling at least 50% of the construction waste; however, they hope to exceed that by approximately 75%. She thought it might be clearer if she removed the word "average" to just say a stretch goal. Commissioner Thimm was unsure if there was a point to including a stretch goal as a condition. Planner Ananth agreed as long as they were holding the applicant to 50%. Commissioner Thimm assumed that the number of conditions of approval would be significant and he did not see any reason to have a stretch goal. Planner Ananth offered to strike "with an average stretch goal of 75%" from the sentence.

Commissioner Suesser concurred with Commissioner Thimm's comment.

Planner Ananth continued reviewing the conditions. 4) Prior to the issuance of a building permit, the applicant will submit a detailed energy model to the Planning and Sustainability Departments for approval or denial, showing that the building is expected to meet the delivered energy target and pEUI goals. The applicant may, at its election, submit detailed energy model reports. Planner Ananth clarified that the pEUI goals are an average of 25% for the four buildings upon occupancy.

Commissioner Thimm asked if the 25% average was stated somewhere. Planner Ananth noted that it was included in the finding and she had just noticed that it was not

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in the condition. She would add the pEUI goal to the condition.

Planner Ananth continued with the conditions. 5) Included with the application for building permit, the applicant will submit building plans demonstrating at least a 20% energy saving for each building, compared to the State's adopted Energy Code as of December 1, 2020, which is the 2018 Building Code, and the use of high-performance building envelopes and mechanical lighting and window systems designed to accomplish that savings.

Planner Ananth stated that she felt comfortable with 20% above the Code and she believed the Sustainability Department was comfortable with it as well.

Chair Phillips assumed that there was a scientific formula for the conditions put in place to avoid ambiguity. Planner Ananth replied that the model would show the predicted energy savings. There should not be a lot of ambiguity.

Commissioner Hall asked if Luke Cartin would speak on each of these items at the end of the presentation and walk through some of the conditions such as the 20% savings on each building. Planner Ananth stated that it was up to the Planning Commission. If the Commissioners have questions as they review each condition, they could ask Mr. Cartin for an explanation at the time or they could also hold their questions until the end. Planner Ananth recommended discussing the conditions as they were being reviewed.

Commissioner Suesser preferred to hear the Staff analysis on each of the proposed conditions to understand how they arrived at the language.

Luke Cartin with the Sustainability Department answered the EUI question that was asked. He explained that it was not a percentage. The EUI is the value, which in this case is 20. Mr. Cartin stated that EUI is an absolute term. They should think of it as energy use divided by square foot. Mr. Cartin remarked that 20% above Code is an ambitious goal. They were going with base against Code or the EUI piece because certain certifications that exist do not always apply to mountain environments. This was tying it directly to the energy use piece.

Planner Ananth continued with the conditions. 6) This condition talks about receiving energy performance information for the first few years after occupancy of each building, demonstrating the actual building performance and how it ties to the predicted building performance. Performance indicators shall include energy consumption, verification of on-site renewable energy generation, water consumption, waste management, and the targeted pEUI for the specific buildings. The applicant will meet with the City's Planning

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and Sustainability Departments within 30 days of these annual submissions and will take commercially reasonable operational actions to correct any deficiencies. Planner Ananth explained that if the applicant is not able to meet their pEUI, they can talk about additional commissioning and other things that can be done to make sure the building is able to meet its pEUI. 7) this condition is focused on the renewable energy credits. The applicant will use RECs to offset their delivered energy for the project for energy not supported by their onsite renewable solar generation for the period equal to the lesser of five years or the number of years from the date of the final certificate of occupancy, and the estimated date that the City's fully renewable power source will be online. Planner Ananth noted that the City has a goal of purchasing clean energy by 2030. It would basically be five years or the time between occupancy and 2030 if that is time is less. The number of RECs purchased shall be equal to the difference between the anticipated delivered energy demand minus the onsite energy production. REC accounting shall be submitted to the City on an annual basis for the offset period mentioned above. 8) The applicant shall install and commission at least a 678KW photovoltaic array for the project. It may be constructed in phases in connection with the completion of each building. The applicant shall also design the buildings electrical system to accommodate additional onsite photovoltaic arrays if they choose to install them. 9) If the applicant installs a modular micro-anaerobic digester for food waste, the applicant shall bring all commercial food service operators in the project to utilize this digester for processing the food waste. The applicant will try to use the food waste as fertilizer on site. Planner Ananth emphasized that the applicant was not committing to the digester and they were still evaluating it. Therefore, the digester would be in addition to what they intend to produce on site.

Commissioner Thimm noted that the condition states "if" they decide. He pointed out that if they do not decide there would be no requirement. Commissioner Thimm thought it was a great idea, but he could not see the point of making it a condition of approval if there is not an absolute guarantee it would happen. Planner Ananth agreed. The applicant could still choose to do this above and beyond their commitment if they find there is a benefit.

Planner Ananth thought the importance of this condition is that all commercia food waste on site would go into this digester if they provide it. Commissioner Hall asked if the applicant does not provide one onsite whether they would be doing the digester in Salt Lake. Planner Ananth did not think they would. If they cannot figure it out onsite, they do not intend to move forward with it offsite. Commissioner Hall asked if the applicant was looking to mirror Vail's zero waste goal.

Robert Schmidt, representing PEG Development, stated that whether or not they choose the digester, they would still have a waste diversion plan to deal with food

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waste. Whether it goes to Salt Lake where Vail currently sends their food waste or some other solution that may arise, it would still fall within a waste diversion plan.

Commissioner Hall thought it was more appropriate to revise the draft condition to address waste diversion for food waste. Planner Ananth agreed that it would make more sense. Commissioner Hall liked the idea of still having the digester earmarked in the condition so when they review this again it is not missed.

Planner Ananth noted that the last four conditions were more basic. 10) All mechanical systems will be Energy Star or similarly rates and right sized for the appropriate end use. 11) All plumbing fixtures will be WaterSense or similarly rated as low flow. 12) The applicant will employ best management practices for stormwater filtration to increase the quality and decrease the quantity of runoff. 13) The applicant will utilize Waterwise landscaping to reduce water consumption.

Commissioner Thimm referred to Condition #10 and asked if the reference to all mechanical systems just talks about Building HVAC or anything that runs with a machine. He was specifically thinking about residential appliances. Planner Ananth stated that it includes all residential appliances as well as core building systems.

Mr. Cartin noted that it is a broad gamut and includes things such as Energy Star rated elevators. Commissioner Thimm stated that when he sees the words mechanical systems he thinks of HVAC. He asked if there was all-inclusive terminology that could be considered. Commissioner Thimm was unsure what that terminology would be, but he thought it called for a broader type of term.

Planner Ananth suggested “mechanical systems not limited to but including....”, and then list out a number of the larger items.

Chair Phillips agreed with Commissioner Thimm. He suggested using a term other than mechanical systems because in his mind that refers to HVAC. Planner Ananth would work on revising the condition to address their comments.

Planner Ananth reported that the City is in alignment with the applicant on these goals and they worked together to come up with the proposed draft conditions. She stated that the Staff and the applicant can work to refine the conditions as they move forward. The purpose this evening was to bring the initial conditions to the Planning Commission to avoid having to look at numerous conditions all in one night at the end of the process.

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Commissioner Thimm remarked that the conditions presented this evening were exactly what the Planning Commission requested, and he appreciated their effort. Planner Ananth stated that the Sustainability Department and the Planning Department were hoping to use this project as a model of sustainability guidelines for all large projects going forward. She felt it was definitely worth the effort.

Commissioner Hall echoed Commissioner Thimm in expressing appreciation for being presented with the drafted conditions ahead of time for working with the Sustainability Department.

Commissioner Thimm stated that as they proceed forward with sustainability, he asked if it would be possible for the Sustainability Department write a Staff report that analyzes what is being proposed and arrives as part of the overall Staff report.

Mr. Cartin was willing to include a sustainability staff report as they continue to refine the conditions and work through it with the developer. He noted that they were still working on outstanding issues and clarifications to make sure that in five years everything is measured to what was agreed on. Mr. Cartin stated that the Staff would be coming back with additional refinements. The intent this evening was to show that significant progress had been made over the past five or six weeks. Mr. Cartin stated that he would write a staff report and attend the meetings any time they would like him to be present. They would continue to work with the applicant to continue to refine and define these terms and findings.

Chair Phillips agreed that everything looked good. He asked for an explanation of the annual reporting and how it would work. Chair Phillips wanted to know the procedure if the reporting finds that the applicant is not meeting the standards. Planner Ananth stated that the Staff struggled with that issue when they wrote the conditions. She thought Condition #6 as written addresses the issue because it requires monitoring and meeting with the City annually to go over their energy consumption. Planner Ananth stated that if the applicant was not meeting these goals, one option would be put in the condition that the applicant is required to come back to the Planning Commission to discuss some type of mitigation process. Chair Phillips favored that approach because if the City monitors for non-compliance without an additional process it would not be effective. He thought there should be a set procedure to address non-compliance.

Planner Ananth stated that she and Mr. Cartin would give it some thought and add language to Condition #6 for the next meeting on sustainability. Mr. Cartin stated that he has reached out to a few fellow cities to understand how they enforce these issues and what mechanisms they have in place. The mechanisms range from some communities requiring a bond to others requesting that the applicant come back to their

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Planning Commission with a plan. He explained that there are still definitions and refinement that need to be included to make sure it is being measured correctly. He noted that the EUI piece is what they expect to use on an energy per square foot basis and they need to make sure that the building performs as the applicant expected, and if not, that there are ways to get them into compliance.

Chair Phillips understood that both the applicant and the City were relying on these models, and he understood that they could not do much more until they can physically monitor the reality.

Commissioner Kenworthy agreed with his fellow Commissioners and he thought the goals sounded lofty.

Commissioner Hall recalled a previous discussion about having the EUI below 25. However, the percentages were different in the draft conditions. Mr. Cartin agreed that it was a little confusing and needed to be refined. He explained that the attachment to the Staff report talks about the sustainability guidelines, which is a submittal that the applicant submitted in December but was still refining. Mr. Cartin stated that each parcel has its own individual EUI on both the building and the total building site. He remarked that they were currently trying to figure out how to measure all of these because some are significantly lower. Mr. Cartin stated that they want the buildings to be 20% more efficient, they want to look at the energy use not only of the building within the walls, but the total building site from boundary to boundary, and they were trying to figure out how to balance and measure that as well. He explained that there was an average for the total project and the building within the parcel were all assigned their potential energy use. They were still working with the applicant to clarify what they expect a hotel and a parking structure to do at Code, how to make it 20% more efficient, and how it will all tie together once everything is built and operating.

Commissioner Thimm stated that it would be helpful if examples were drawn to achievable goals, the levels of EUI, and the percentage of reduced energy use so the Commissioners could draw some comparisons. Mr. Cartin suggested that as they narrow the definitions it could come back to the Commissioners as part of a Staff report or a future presentation, diving into some of the metrics and what they mean.

Planner Ananth stated that in general, and EUI of 25 would be considered very energy efficient for most buildings. Commission Thimm agreed. However, it would be helpful if the Planning Commission could have something to compare it with to understand it better.

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Planner Ananth believed the applicant was prepared to share some information on Building B.

Mr. Schmidt stated that the applicant did not have a specific presentation regarding sustainability. They were prepared to answer any questions regarding the sustainability guidelines they had submitted, or they could work with the Staff to refine and answer the questions raised this evening. He thought Planner Ananth had done a good job explaining the process they went through and where they are in the process.

Mr. Schmidt stated that when the Planning Commission was ready to move on from sustainability, he would like to present changes that were made to the plans in terms of building elevations and massing in response to feedback and comments by the Planning Commission at the last meeting.

Chair Phillips preferred to take public comment to keep the focus on sustainability, which was the topic noticed for this meeting. He suggested that Mr. Schmidt could possibly present the changes to the elevations and massing at the end, similar to what they told Ms. Deforge. He thought it would be more informative at that point. Commissioner Hall preferred to take public comment on sustainability first. Commissioner Kenworthy agreed.

Chair Phillips understood that written public comments were submitted pertaining to soils and water, construction mitigation, and other issues. He noted that the construction mitigation plan is not reviewed by the Planning Commission. The Planning Commission sets the standards for what they expect in the construction mitigation plan, along with the normal standards. He asked Planner Ananth to explain the items mentioned in the public comment and how the construction mitigation plan is handled throughout the entire process.

Planner Ananth stated that on a typical project a construction mitigation plan would be reviewed by the Planning Department, the Building Department, the Engineering Department and any other departments that might need to be involved depending on the project. In this case, the applicant already had a good draft construction mitigation plan, and she anticipated having conditions at a future meeting that will be more focused on construction mitigation to assure the public that those would be reviewed. Planner Ananth noted that in terms of soil and water, this site is not within the City's Soil Ordinance boundary; however, the concerns expressed are valid and will be addressed when they look at the construction mitigation plan. There will be conditions for dust control and water runoff, and PEG Development will need to comply with all State requirements for contaminated soil. Planner Ananth clarified that the Planning Commission will have the opportunity to review the conditions for the construction

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management plan and the City will take its review authority very seriously on each parcel when and if the applicant submits building permits for those parcels.

Chair Phillips opened the public hearing.

Chair Phillips requested that the public keep their comments focused on Sustainability. If comments were submitted in writing, they would be included in the next Staff report.

Dana William raised his hand on Zoom and was unmuted to comment.

Dana Williams stated that he was sorry to hear that Commissioners Phillips would be leaving the Planning Commission. He has done the community proud and he thanked him for his service.

Mr. Williams referred to the end of the first paragraph of the Staff report under Analysis, which states “this is preferable to developing up the mountain and into Summit County”. He stated that based on the Montage agreement with Talisker, everything in Summit County was precluded from ever having residential development. Mr. Williams clarified that the area right above the base going towards the old mine can never be developed all the way up to the peaks.

Mr. Williams disclosed that he works with RRAD and they have spent a lot of hours and hired legal help to make sure what the RRAD members present is cogent and appropriate.

Mr. Williams commented on solar. He tried to put kilowatt hours into perspective and what it all means. Mr. Williams remarked that numbers were presented about the fact that this project would use approximately 18 million kilowatts per hour. He noted that Park City Municipal City uses about 12.5 million. He stated that PEG Development was talking about solar the size of the solar array on top of the Marsac Building. Mr. Williams believed the kilowatt hours were less than the average use of a house. In his opinion, it was a drop in the bucket. In terms of comparison to the overall usage, the percentage is exceedingly low. Regarding the annual reporting, Mr. Williams stated that he was involved in decisions where the outcome was very different from the original intent. He stated that the City has the ability to require the applicant to actually do something rather than try to do something, and if it is not done, the repercussions should be severe. The approval is based on the representations made and they should be carried out. If the community buys into this project, the applicant needs to be held to what they are representing. Regarding soils, Mr. Williams stated that one of the members who wrote the soils report that RRAD submitted is a geologist. Mr. Williams stated he used to be the soils scientist for Summit County who worked on soils and

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mine waste in the late 1970s. He did a lot of the mapping of soils around Park City. Mr. Williams was concerned that this project is right in the flow pattern of the drainage from the old mine overburden site on the hill. He was certain there would be issues with the soils. Mr. Williams thought testing and reporting should be done prior to any approvals for accountability on what will happen if this comes out with too many PPMs in terms of lead and toxic metals. Mr. Williams liked the idea of the waste digester. He thought the majority of the sustainability report was awesome and he really liked it. Regarding the waste diversion, Mr. Williams remarked that the applicant should either be required to either build the bio-digester or contract with an outside source that will deal with the green waste.

Mr. Williams noted that there was a lot of dialogue in town on the general principles and he did not want to lose sight of the basic fundamentals things on this project that are still very disagreeable, and in his opinion, not in compliance with the 1998 Development Agreement.

Commissioner Kenworthy thanked Mr. Williams for his comments. He considers Mr. Williams' views with high regard, particularly regarding the soils and for his years of service as Mayor. He was pleased that Mr. Williams continues to be involved in community matters. Commissioner Kenworthy asked Mr. Cartin to speak to Mr. Williams' point about comparison to a single-family home and his comment about it being a drop in the bucket.

Mr. Cartin stated that Mr. Williams' comment focuses on the 678kw solar array. He clarified that they will be using the term "energy" and "electricity" interchangably, but there is a fairly strong demarcation between the two. Mr. Cartin stated that he would just talk about the electricity side right now and not natural gas. He explained that 678kw solar array is approximately 1-1/2 times the size of the solar array on the MARC. What is proposed for this project would be 50% larger than the MARC. Mr. Curtin remarked that Mr. Williams' was correct in referencing a proposal in October where the applicant had said 18-million-kilowatt hour annual usage. He noted that the City uses between 12.5 to 14 million annual usage for City operation, which includes all the buses, streetlights, water pumping, etc. Mr. Cartin stated that Mr. Williams' was correct in saying that it is a significant amount of electricity use; however, the solar array on top of City Hall is 18kw.

Mr. Williams clarified that he said the Marsac building when he was actually talking about the MARC building.

Nikki Deforge raised her hand on Zoom and was unmuted to make comment.

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Nikki Deforge commented on several issues that they did not have the opportunity to address at the last Planning Commission meeting because they were raised after the public hearing was closed. The first was circling back on the issue of legal framework. Ms. Deforge stated that confusion was expressed at the last meeting as to the effect of the Development Agreement on the pending application. As City Attorney Mark Harrington had confirmed, that Development Agreement still governs the development of this site. She thought it was important to keep that in mind as the Planning Commission reviews these new plans. Ms. Deforge stated that the developer must comply with that Development Agreement and the Planning Commission should enforce that Development Agreement, particularly given that construction was partially completed under that Development Agreement. Ms. Deforge noted that the developer had requested substantial amendments to the Development Agreement; however, the Planning Commission can only amend it if they can make findings showing that an amendment is legally and factually supportable. Those findings must include specific determinations that the requested amendments actually comply with the current LMC and all governing. Ms. Deforge thought it was also important to note that there are many places in the Development Agreement where the City expressly and repeatedly stated how critical certain aspects of the old site plan were, as well as certain conditions of approval. She did not believe the Planning Commission should set those aside simply because they are now inconvenient to the current developer. The Planning Commission needs to demonstrate a compelling reason for agreeing to overturn those prior determinations and requirements, and for allowing the developer to backtrack on any of its commitments and obligations under the Development Agreement. Ms. Deforge clarified that the Planning Commission should not look at this as a blank slate. If the applicant proposes something the Planning Commission might like, it still needs to be looked at within the framework of what was originally agreed to and approved. Ms. Deforge reiterated that it is particularly true given that construction already occurred under the current Development Agreement.

Ms. Deforge referred to statements made at the end of the last meeting that were inaccurate and demonstrated a misunderstanding of the governing law and the terms of the Development Agreement. The first related to maximum square footage. She stated that the developer wrongly claims that the proposed project does not exceed the maximum square footage that was allowed in the Development Agreement because they argue that none of the parking area can be included in the square footage calculation. Ms. Deforge stated that the claim is not consistent with the development agreement. It is clear from that agreement and the incorporated CMP that all parking would be underground and below grade. Nothing in the Development Agreement contemplates or allows any above ground parking, yet now 100,000 square feet of above grade parking is being proposed, which the developer claims does not count. Ms. Deforge remarked that to support that claim, the developer cites a single footnote

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that speaks generally of parking, but that lone reference cannot be taken completely out of context and ignore all the repeated references in the DA and exhibits to only below grade parking, and then argue that the above grade parking is not only permitted but unlimited. Ms. Deforge stated that if the Planning Commission accepts the developer's logic on this, the developer could construct over 800,000 square feet of non-parking areas and also an unlimited amount of above grade parking garages. That is clearly not contemplated or approved in the Development Agreement. Ms. Deforge remarked that if the developer wanted to build more underground parking on the site that might be another issue, but above grade parking was not approved or allowed in the DA at all and was not excluded from the square footage calculations. Ms. Deforge further commented on the above grade parking. She stated that a major contributing factor to the perceived excessive height and bulk of the proposed project is the addition of this extensive above grade parking contrary to the Development Agreement. This is particularly true on Parcel B. Ms. Deforge stated that in the current plan, Parcel B houses 50% of the overall project parking spaces and 65% of the day skier spaces. In the 1998 plan, Parcel B has only 31% of the overall project parking spaces, and 35% of the day skier stalls, which is nearly 50% less. Ms. Deforge remarked that in the last Planning Commission meeting the developer stated that the elevation levels of the highest parking levels in the proposed plan are virtually identical to the 1998 plan, and that is not true. For Building B, the highest parking level in the 1998 plan was over one floor shorter than the current plan and it is now above grade. Again, the Development Agreement states that all the parking will be located below grade. The developer should be required to comply with that critical condition of the DA and move parking below grade and reallocate parking to other parcels, such as Parcel D, if needed in order to comply. Ms. Deforge stated that another issue was the 14th Street view corridor and pedestrian access. She noted that the City was adamant in the Development Agreement that important view corridors must be preserved and maintained, including the 14th Street corridor. For example, the CMP stated that "the concept design should establish a pedestrian and view corridor to the Resort Center from 14th Street". The MPD included an express finding that "specific design guidelines, building volumetrics, and site planning were required in order to maintain significant view corridors". Ms. Deforge pointed out that the LMC requires that units be clustered in the "least visually sensitive portions of the site". That is not what was being proposed. She was encouraged at the last meeting to hear the Commissioners acknowledge the importance of the 14th Street view corridor. However, by the end of the meeting they appeared to lose sight of that requirement in discussions with the developer about how to provide pedestrian access from 14th Street. RRAD agrees that pedestrian access through the corridor is critical to the success of the project, but the corridor itself is equally critical. The City has designed both phases of the Woodside affordable housing project to create an open corridor through Old Town up 14th Street to the Mountain. That long term planning and purpose will be completely defeated if

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they allow the developer to block off that entire corridor right before it reaches the Resort with a massive 5-8 story building that spans the entire block from Manor Way to Shadow Ridge. It is not enough to have underground access for pedestrians through a parking garage. Pedestrian access is critical but that is only half the issue. The corridor through the heart and soul of Old Town is the true issue and requiring the developer to maintain and preserve that corridor, which has been a key feature of the City's planning is not only required by the DA and the LMC but would also solve one of the biggest problems with the entire development, a big, massive bulky parking garage and building on Parcel B directly across from the residential homes on Empire. Ms. Deforge remarked that there is a simple fix, but one that would require the developer to reallocate some of the parking back to the parcels as was originally approved and required in the DA. It is a requirement that is dictated by the DA and the LMC. Ms. Deforge stated that the next issue was setbacks. At the last meeting she heard several comments suggesting that 20' perimeter setbacks could be approved if architectural interest and variation were merely achieved as a result, but that is not the legal standard. Such setback reductions can only be approved if they are necessary to achieve architectural interest and variation. Ms. Deforge stated that it is a much higher standard, and it cannot be met simply because the developer might struggle to pack in all approved density on a given parcel. Furthermore, perimeter setbacks below 20' cannot be approved under the LMC under any circumstance, and that that fact is not in dispute. Ms. Deforge stated that it was also not disputed that the current plans show perimeter setbacks less than 20 feet throughout the development, and those are a non-starter.

Ms. Deforge stated that her last point was to express concern and frustration regarding this process. She noted that both the agenda and the public notice indicated that the discussion this evening would focus on sustainability. Now, without any public notice or the opportunity to review any plans for Parcel B, they are being told that the developer will be making a presentation this evening on revisions to Parcel B. Ms. Deforge pointed out that this did not comply with the public notice requirements in the LMC nor in State law. She noted that this happens at every meeting, which is why she was trying to play catch-up tonight to address items that were talked about at the last meeting after the public hearing. The same thing will occur with the revisions to Parcel B and she will need to take time at the next meeting to address any issues that might come up this evening, as well as comment on the topic on the agenda for that meeting. Ms. Deforge stated that it is a frustration because it feels like a way to get around the public notice requirements and meaningful public discourse. Ms. Deforge urged the Planning Commission and the Staff to set some guidelines for the process going forward in order to stay on topic for the agenda and streamline the process, and also give the public a fair opportunity to respond.

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Deborah Rentfrow raised her hand on Zoom and was unmuted to make comment.

Deborah Rentfrow asked questions she had put together after reviewing the applicant's sustainability plan that was included in the packet. She is the President of RRAD and she is very interested in the project. She tries to do a thorough review and she felt like and posted to RRAD's site that the applicant had made great strides in comparison to the October 28th meeting. Ms. Rentfrow emphasized that RRAD is not anti-development. They know that something needs to be developed and it will be good for the community to have a development. They just want it done in a responsible way that reflects the character of Old Town and the residential area, and do not make it more cumbersome for people who do not live in Park City and want to come to the Resort and enjoy a great day in Park City.

Ms. Rentfrow stated that in the October meeting, PEG Development thought they could get up to 6% renewable energy, and now they are saying they could get as high as 8%. It was pointed out tonight that the 2% increase does not include the digester. If they get the digester, the percentage would be above the 8%. Ms. Rentfrow noted that the applicant goes on to say that they cannot create more renewable energy because the site is not big enough. She remarked that the problem was not that the site is not big enough, but rather how much they are putting on the site. If they did not have so much density and so many types of uses in such a large building, perhaps they could contribute more of their own renewable energy to the overall program. Ms. Rentfrow had a question regarding the EUIs. She stated that in the October meeting the EUIs were in the 30s and some parcels were in the 50s. She referred to a statement by the applicant where they said it would be impossible to get anywhere near 25. However, the applicant has magically reached that number with the hotel being at 32. She thought it would be helpful to see the calculations and to understand how they were able to make such a significant improvement when it was impossible two months ago. Ms. Rentfrow noted that they were able to reduce the EUIs from the 30s-50s down to 25 to 32, but the renewable up to only goes from 6 to 8%. She assumed there should be a correlation between those two figures but was unsure if she was correct. Ms. Rentfrow believed there was a huge improvement on the EUIs, yet they were not getting a lot of bang for the buck in terms renewable energy.

Chair Phillips preferred to continue with the public hearing and then ask Mr. Cartin to answer her question.

Ms. Rentfrow stated that her last point was on the mandatory recycling program. She noted that the applicant mentioned that recycling areas would be provided. However, according to LMC 15-6-5(G)(7), a mandatory recycling program is required for any project that contains commercial and multi-unit dwellings, which this project does

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provide. Ms. Rentfrow noted that the access is to be within the MPD and it is supposed to be convenient. It is also supposed to provide necessary air circulation. It is also supposed to have everything they find at the recycling center and used by the tenants, residents, users, operators, and the owners of the MPD. It should be centralized and completely enclosed with a pedestrian door and a truck door. It is supposed to be in a location that does not impede traffic or not near a right-of-way. In her opinion, recycling is part of sustainability and it has not been mentioned enough. She stated that throwing a blue recycling bin somewhere does not equate to mandatory recycling. Ms. Rentfrow expressed appreciation for everything the Planning Commission was doing, and she looked forward to having her questions answered.

Sherie Harding raised her hand on Zoom and was unmuted to make comment.

Sherie Harding presented a comment from Charlie Sturgis, the Director of Mountain Trails Foundations. Mr. Sturgis was not available to present this comment himself. Ms. Harding thought the comment might sound like it was related more to traffic and transportation, but she asked the Commissioners to think of it in terms of sustainability. Mr. Sturgis's comment states, "Promoting alternative transportation options is Park City's sustainability mission. Non-motorized transportation is incredibly important. Numerous well-placed bike racks need to be available to accommodate a variety of bikes, which includes road bikes, mountain bikes, fat tire bikes, and eBikes during summer and during winter. The public needs to have options".

Ms. Harding added her own comments. She stated that the current plan seems to lack sufficient accommodation for bikes. Paramount to bike racks, etc., are safe bike lanes to get to the Resort, and to elaborate more on these well-place bike racks. Ms. Harding stated that summer biking is different from winter biking. In winter, bike racks in a protected space adjacent to ski lockers makes sense. In summer, bike racks above ground next to restaurants and bars makes sense. She noted that there should be flexibility and awareness for future trends. They have seen an amazing change in the last five years, and she expected more changes in the next five years. Ms. Harding commented on the soil contamination potential. She asked the Planning Commission to add the letter presented this week to the public record. She also requested sample data. Ms. Harding was interested in the sample site locations, the depth of sampling, the types of analysis, the results, and where samples were analyzed. Ms. Harding thanked the Planning Commission for listening to her comments and for their service.

Chair Phillips closed the public hearing.

Luke Cartin responded to the questions raised during public comment. He explained that as the buildings became more efficient the impact of the solar array is bigger.

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Therefore, it will affect more of the site's electricity and energy use. Mr. Cartin stated that electricity focuses on lights, etc. Energy overall can also include natural gas and other things. He clarified that as buildings are more efficient, the impact of the solar array will be a larger share.

Chair Phillips asked Planner Ananth to respond to the public comment regarding recycling. He wanted to know at what point in the process that issue would be discussed. Planner Ananth stated that there is a requirement for recycling in every building. She offered to strengthen the condition that speaks to recycling to be more specific and match the Code. Chair Phillips asked if recycling would be addressed with in CUP phase. Planner Ananth replied that it would be addressed on a building by building, parcel by parcel basis at the CUP level; however, she thought it would be beneficial to have it in an overall condition on the MPD as well.

Chair Phillips noted that Sherie Harding provided a nice quote from Charlie Sturgis in terms of how sustainability and transportation work hand in hand. He agreed with that comment because there is a lot of crossover into transportation. Chair Phillips thought it was a good comment and they should keep it in mind when they discuss transportation. He noted that the Planning Commission will be looking at those types of things as they get further into the details of transportation.

Chair Phillips stated that he pushed Mr. Schmidt's request to address Building B to after the public hearing because he was hesitant on the how to handle it. He originally thought about hearing the presentation but not have Commissioner comments. However, the fact that Building B was not on the agenda is a valid concern. Chair Phillips remarked that it is always good for the Planning Commission to get new information as soon as possible, and the presentation this evening would be an attempt to provide that information. If the Planning Commission decided not to comment on the new information, the applicant could still present it in public.

City Attorney Harrington stated that the public hearing is one hearing that is continued over time and comments should be made in public hearing. He remarked that the noticing of this application is more important than the topical. He recalled that Ms. Deforge used the word "guideline", which is appropriate. Mr. Harrington stated that the Planning Commission has used a generous guideline with the public, and they have not excluded public comment that was not exactly on topic. They only ask the public to be respectful of the process in effort to be as precise as possible at each meeting in fairness to all parties. Mr. Harrington acknowledged that the Staff shares some of the same frustration with the applicant, and the applicant has some frustrations with the City at times as well. He stated that they were all trying to balance and cooperate with one another to keep this moving in a very long process. Mr. Harrington noted that Park

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City is one of the few, if not only, jurisdiction that does not limit public comment in terms of times and minutes. The Planning Commission is also on point in terms of transparency and opportunity for ongoing public input and that is what guides this process. Mr. Harrington clarified that the Planning Commission had the discretion to decide whether or not it is more transparent to hear an introduction on additional information at the end of the meeting rather than through a submission to the Staff and a subsequent presentation at the next meeting. He did not think there was a right answer as long as it does not disadvantage one side or the other. Mr. Harrington thought keeping the presentation brief and informative were worthy guidelines if they allow the applicant to proceed this evening. He noted that the Planning Commission had allowed Ms. Deforge the same discretion at her request to go off topic at the appropriate time. Mr. Harrington stated that as long as they treat the public and the applicant fairly and give everyone the same opportunity to make sure everything is on the record for the Commissioner's consideration.

Chair Phillips understood the concerns, but he was interested in hearing a brief presentation on the updated information. However, if the information is presented it should only be informative and there would be no discussion. Chair Phillips wanted to make sure that the same information presented this evening would be presented again as if it were new when that topic is scheduled on a meeting agenda.

Commissioner Hall asked if they allow the applicant to proceed with the presentation on Parcel B, whether they would reopen the public hearing to allow people to comment on the revisions to Parcel B. Chair Phillips replied that his thought was to hear the information, but there would be no discussion by the Commissioners and no public input because Building B was not noticed. Commissioner Hall stated that if they allow the applicant to make their presentation, she thought it made sense for the Commissioners to talk about it and to reopen the public hearing. Otherwise, it was better to delay the presentation until they could have a cohesive discussion and public hearing. Commissioner Hall thought it would be a waste of time to hear the presentation tonight and delay the discussion until January.

Commissioner Thimm agreed with Commissioner Hall. He pointed out that if they heard the presentation this evening, they would redundantly go through it again in January. Commissioner Thimm understood that some things spill over outside of the agenda topic or the planned discussion points, but Building B is a major issue. He thought the Commissioners should receive the information in a Staff report and have the opportunity to study it before a meeting where the Planning Commission, the public, and the Staff can be fully prepared to discuss it. Commissioner Thimm preferred to wait until it is noticed on the agenda for the next meeting on this project.

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Chair Phillips stated that the Commissioners who preferred to wait until another meeting and the reasons for waiting were enough to persuade him to go in that direction.

Regarding the topic of sustainability on the agenda, Commissioner Kenworthy agreed with the penalty and the immediate mitigation process being defined and inserted into the conditions. Those will be a critical part of the conditions when they come back to the Planning Commission. Commissioner Kenworthy supported the increased bike lanes and the bike options, and he would like to see those on the agenda in the future.

Chair Phillips agreed with Commissioner Kenworthy's statements regarding the annual reporting portion. Its important to make sure it has teeth.

Commissioner Kenworthy clarified that he was talking about the overall conditions and not just the accounting portion. His concern is that many projects end up different on paper than they do as built. He wanted to make sure that the energy calculations are met once they have a final product.

Commissioner Thimm noted that he made most of his comments as they went through the conditions. He also supported Commissioner Kenworthy's comments. Commissioner Thimm pointed out that idea of commissioning was not mentioned in the conditions. He suggested adding a condition that speaks to the commissioning by a third-party commissioning agent, which should establish on the front end the workability of the systems as they go in.

Commissioner Suesser concurred with the comments by Commissioners Kenworthy and Thimm. She still had concerns regarding soils testing and would like to see that addressed as the conditions are revised. Chair Phillips asked the Staff to make sure that is a topic for discussion when they discuss construction mitigation.

Commissioner Hall echoed most of the comments by her fellow Commissioners, with an emphasis on the bike racks. Commissioner Hall had reviewed the presentation by the applicant that was attached to the Staff report and cross-referenced it with the conditions of approval. She understood that the applicant was going to comply with the net zero energy and provide performance goals and the interactive energy management tool. Commissioner Hall recommended incorporating that in more detail into the conditions of approval. She noted that it talks about the renewable credits for a specific number of years, and she would like to make that ongoing. Commissioner Hall asked if the applicant was pre-purchasing renewable credits for five years and after five years the condition is met in order to obtain the Certificate of Occupancy.

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Planner Ananth believed they would purchase RECs on an annual basis based on the actual demand. It would be reported annually for five years because at that point there should be a good rhythm for having the building commissioned. Planner Ananth did not believe there was a need to go beyond five years, but she would speak with Mr. Cartin about it. Chair Phillips suggested five years and one more at ten years just to confirm everything is consistent.

Commissioner Hall asked if PEG would provide reporting to the City. She understood from the presentation attached to the Staff report that the applicant would provide their energy usage to the City, but she did not see where that was addressed in the conditions of approval.

Planner Ananth replied that the intent is that the applicant will provide the information for five years. Commissioner Hall remarked that the applicant was willing to do it because they put it in their presentation, and she just wanted it codified within the conditions of approval. She thought the applicant had a lot of commitments within their Park City Base Master Plan Sustainability Guidelines. She would like to pull some of the direct language from the guidelines and incorporate it into the conditions.

Commissioner Hall stated that since recycling is part of the LMC, she asked if they would delineate the specifics within the LMC within the conditions of approval, such as storage, etc. Planner Ananth thought it made sense to spell it out specifically in compliance with the LMC.

Commissioner Hall asked if the soils discussion would be part of the sustainability section or part of the construction mitigation plan. Planner Ananth replied that soils are part of construction mitigation.

Commissioner Hall clarified that the applicant would comply with the net zero goal of the City. Planner Ananth answered yes. Commissioner Hall thought that should be stated in the beginning in more detail. For example, the conditions state that the applicant will comply with the EV and the Dark Sky. She suggested adding a line item that they will also comply with the net zero. Commissioner Hall reiterated her previous comment regarding the digester. She would like to have them do the digester, but if they end up not doing it, she would like the final draft to show a commitment one way or the other. If they do not intend to do an onsite anaerobic digester, she would like a commitment for an alternative for diversion.

Commissioners Suesser had no additional comments. Commissioner Van Dine agreed with Commission Hall about finding an alternative mitigation plan for food waste if they

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cannot do the digester. She agreed with all other comments from the Commissioners.

Chair Phillips agreed with the alternative mitigation plan.

Commissioner Kenworthy asked if it was appropriate to ask Nikki Deforge a question. He noted that when Ms. Deforge began her comments, she mentioned how the Planning Commission needs to adhere to the Development Agreement and the approved MPD. Commissioner Kenworthy wanted to make sure that Ms. Deforge was in line with earlier comments and the understanding that the Planning Commission received from City Hall that there is an approved existing MPD on the property. Ms. Deforge answered yes.

Commissioner Kenworthy noted that during the public hearing, former Mayor Dana Williams talked about the Alpine terrain and how that is now restricted. Commissioner Kenworthy stated that he was confused by his comments and the comparison to Empire Pass. Planner Ananth believed Mr. Williams was referring to when the 1998 agreement was agreed to, the City restricted development going up the mountain, and put some of that density at the base area. She noted that Deer Valley is one example where development run up the mountain, and that is restricted in Park City. Planner Ananth argued that allowing for development up the mountain is anti-sustainability because it results in larger houses and more infrastructure. Planner Ananth emphasized that the land was annexed into Park City and restricted from development, and some of the density was put at the base area. Commissioner Kenworthy understood that it was a major benefit to sustainability as well as other items. It eliminated the sprawl in exchange for increased density, height, and other benefits in the approved MPD.

Dana Williams clarified that it stemmed from the agreement with Talisker who bought United Park Mines and wanted to build the Montage. He recalled that they did not have enough density to build the hotel, and they came back with a proposal that the rest of the Mountain in PCMR would be cleared of any potential residential development except for ski related lodges, lifts, etc., in exchange for the extra density that created the Montage. Planner Ananth agreed. She understood that within the Montage MPD there was a transfer of some amount of density from the Park City Mountain terrain to the Montage.

Chair Phillips stated that it spoke to the planning principles that formed a lot of this town in the past, such as clustering, and they still speak on it today. He pointed out that one trade-off to clustering is ending up with larger masses.

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Robert Schmidt respected the Planning Commission's desire to follow the proper protocols. He stated that they would submit to Planner Ananth the information they were prepared to present this evening. He asked if they should plan on reviewing that information in January and whether the transportation and traffic discussion would be moved to another date.

Chair Phillips asked if would be possible to combine both items at the January meeting. Planner Ananth stated that the Staff was still evaluating whether transportation will be ready in January. Chair Phillips suggested placing both on the agenda. If transportation is ready it will be a long night and if not, they could continue with Parcel B. Planner Ananth thought they should agree to end the meeting at 10:00 or another reasonable time. Regarding building B, she understood that the applicant only wanted to preview the direction they were moving towards before they fully design it. Chair Phillips thought the revisions to Building B and transportation and traffic should be noticed on the January agenda.

Mr. Schmidt asked City Attorney Harrington to speak to a comment from Ms. Deforge regarding the form of the application, the ability of the Planning Commission to review the application under the current LMC and the Development Agreement. He noted that this issue keeps coming up and circles with confusion. He wanted to make sure the public is clear on what they are doing, the Planning Commission's purview, and which guidelines are being followed in terms of LMC and the DA, and how the two work together. Mr. Schmidt would like the public to understand the rights of the applicant under the LMC and the Development Agreement.

Chair Phillips pointed out that this issue has been addressed several times. City Attorney Harrington suggested that they consolidate their prior comments. He did not believe there was much of a difference between what Ms. Deforge articulated this evening and what the City has articulated previously. He thought the gray area is what the applicant was proposing to modify and amend. Mr. Harrington preferred to meet with the applicant and the Staff and address it again in a written report, so everyone is clear. If Robert McConnell, legal counsel for PEG Development, disagrees with anything in the report he can submit his comments in writing as well. Mr. Harrington thought the Planning Commission had a good handle on the matter.

Robert McConnell agreed with Mr. Harrington. It has been discussed several times and he thought it was best to have it set forth in writing.

Chair Phillips appreciated PEG Development stepping up their sustainability to meet the City's goals. He believed there was good agreement between PEG, the Staff, and the

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Planning Commission. Chair Phillips thought the public comments were very helpful and he thanked the public for keeping on point.

MOTION: Commissioner Kenworthy moved to CONTINUE the Park City Mountain Resort Base Parking Lots - MPD Modification to January 20, 2021. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 7:30 p.m.

Approved by Planning Commission: _____

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Planning Commission
Staff Report

Subject: **1105 Iron Horse Drive – Ritual Chocolate**
Application: **PL-20-04729**
Author: **Rebecca Ward**
Date: **January 13, 2021**
Type of Item: **Administrative – Conditional Use Permit**

Recommendation

(1) Review the proposal to convert 1105 Iron Horse Drive from a Minor Commercial Retail and Service (an Allowed Use) to a Restaurant Use (a Conditional Use) in the Light Industrial Zoning District; (2) hold a public hearing; and (3) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in this report.

Description

Applicant:	Ritual Chocolate, Inc.
Location:	1105 Iron Horse Drive
Zoning District:	Light Industrial
Adjacent Land Uses:	Park City Municipal Public Works Building Auto-Related Service Minor Commercial Retail and Service Offices
Reason for Review:	The Planning Commission is the land use authority for Conditional Use Permits

Acronyms

CUP	Conditional Use Permit	LMC	Land Management Code

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

Summary

The Applicant – Ritual Chocolate, a local chocolatier – currently operates an Allowed Minor Commercial Retail and Service Use in the Light Industrial Zoning District. The operation includes a 500-square-foot coffee shop and 1,500-square-foot chocolate factory.

The Applicant proposes interior modifications to convert the Use to a Restaurant Use, to replace the factory with additional Restaurant seating and retail space (1,320 square feet total), and to allocate 680 square feet for kitchen use (Applicant Statement, Exhibit A).

A Restaurant Use in the Light Industrial Zoning District is a Conditional Use and requires Planning Commission approval. On December 21, 2020, the Applicant submitted a complete application for a Conditional Use Permit.

Background

In 1993, the City Council approved the Ironhorse Park Commercial Subdivision, a seven-Lot subdivision located along Iron Horse Drive and Bonanza Drive in the Bonanza Park Neighborhood (Exhibit B; Summit County Recorder Entry No. 425123). 1105 Iron Horse Drive is located on Parcel E, a 0.44-acre Lot. A one-story 2,888-square-foot structure was constructed on Parcel E.

Over the years, 1105 Iron Horse Drive was operated as:

- The Lost Sock Laundry (1993)
- The Green Building Center (2008)
- District Gallery (2009)
- Slackbow LLC (2011)
- AvantLink (2012), and
- Ritual Chocolate (2015)

These Uses are classified as Allowed Uses in the Light Industrial Zoning District.

Ritual Chocolate, the current lessor, operates a coffee shop and chocolate factory, designated Minor Commercial Retail and Service, an Allowed Use.[1] Minor Commercial Retail and Service is defined as a "Business primarily engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods . . . [and] includes bakeries . . . and candy stores."[2] The Applicant proposes converting the space to a Restaurant Use.

A Restaurant, defined as a "Business in which food is prepared and sold for consumption,"[3] is a Conditional Use in the Light Industrial Zoning District.[4] One of the purposes of the Light Industrial Zoning District is to allow Conditional Uses that mitigate potential impacts.[5]

Analysis

The Planning Commission reviews and ratifies Conditional Use Permits based on the criteria outlined in LMC § 15-1-10(E).[6]

> **(I) Staff recommends the Commission approve the Restaurant Conditional Use Permit because the proposed Conditions of Approval mitigate the reasonably detrimental effects.**

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

[1] LMC § 15-2.19-2(A)(15).
[2] LMC § 15-15-1.
[3] LMC § 15-15-1.
[4] LMC § 15-2.19-2(B)(22).
[5] LMC § 15-2.19-1(B).
[6] LMC § 15-12-15(B)(6).

or eliminate the detrimental impacts.

The Planning Department evaluates proposed Conditional Uses and recommends conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.[7]

The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

Criteria	Analysis
Location and size of the Site	**No Unmitigated Impacts** 1105 Iron Horse Drive is Parcel Number IHPC-E-AM of the Ironhorse Park Commercial Subdivision, located within the Bonanza Park Neighborhood (Exhibit B). The General Plan identifies this area as a mixed-use neighborhood and local employment hub.[8] The Lot is 0.44 acres, a small Lot in the Light Industrial Zoning District. The adjacent Lots are 1.35 acres, 0.86 acres, 5.11 acres, and 1.31 acres. The smaller 0.44 Lot is aligned with the General Plan recommendation to incentivize the subdivision of properties within the Zoning District for smaller developments and human-scale design.[9] The Building is 2,888 square feet. The Applicant proposes interior modifications to allocate 680 square feet for kitchen use and 1,320 square feet for Restaurant seating, retail space. The remaining square footage is designated for storage and restrooms.
Traffic	**No Unmitigated Impacts** Ritual Traffic is accessed through Iron Horse Drive. No changes to access or vehicle circulation are proposed. Currently, Ritual Chocolate operates the coffee shop from 8 AM to 5 PM. Ritual Chocolate plans to operate the Restaurant Use from 7 AM to 7 PM.

[7] LMC § 15-1-10(E).
[8] https://www.parkcity.org/home/showpublisheddocument?id=12374 (p. 31).
[9] https://www.parkcity.org/home/showpublisheddocument?id=12374 (p. 31).

	In 2019, Ritual Chocolate averaged 67 transactions per day. In 2020, Ritual Chocolate averaged 73 transactions per day. The majority of Ritual Chocolate business involves to-go orders with an average parking time of 5 – 10 minutes. Please see the parking analysis in Section II for more details on accommodations for vehicles on site.
Utility Capacity and Storm Water Run-Off	**No Unmitigated Impacts** The Development Review Committee did not identify any utility capacity or storm water run-off impacts triggered by the conversion to a Restaurant Use.
Emergency Vehicle Access	**No Unmitigated Impacts** The Development Review Committee did not identify any impacts to emergency vehicle access. No changes to access or vehicle circulation are proposed.
Off-Street Parking	**Recommended Conditions of Approval** Please see Section II below for a parking analysis.
Fencing, Screening, and Landscaping to separate the Use from adjoining Uses	**No Unmitigated Impacts** The Applicant proposes no changes to Fencing, Screening, or Landscaping.
Building mass, bulk, and orientation, and the location of Buildings on the Site, including orientation to Buildings on adjoining Lots	**No Unmitigated Impacts** The Applicant proposes no changes to the exterior of the Building.
Usable Open Space	**No Unmitigated Impacts** The Applicant proposes no changes to the Open Space.
Signs and Lighting	**Recommended Conditions of Approval** Changes to signage shall comply with MCPC Chapter 12, *Sign Code* (Condition of Approval 1) Outdoor lighting shall comply with LMC § 15-5-5(J) (Condition of Approval 2)
Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing	**No Unmitigated Impacts** The Applicant proposes no changes to the exterior of the existing Building.

Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site	**No Unmitigated Impacts** No exterior changes are proposed that will increase noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.
Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas	**Recommended Condition of Approval** Supplies are delivered to an existing door at the rear of the building, not visible from Iron Horse Drive. No changes to deliveries are proposed. Ritual Chocolate does not have a trash receptacle on site, but rather uses one on the adjacent site. No changes to the trash receptacle location are proposed. Condition of Approval 3 Ritual Chocolate uses an unscreened recycling dumpster and compost bins, located in the rear of the lot. Condition of Approval 3 requires that these be screened.
Expected Ownership and management	**No Unmitigated Impacts** Ritual Chocolate leases 1105 Iron Horse Drive from Wintzer-Wolfe Properties, Ltd. On December 21, 2020, the property owner consented to the CUP application for the Restaurant Use.
Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site	**No Unmitigated Impacts** 1105 Iron Horse Drive is: Not located within the Sensitive Lands Ordinance Boundary Located within the Park City Soils Ordinance Boundary, but no exterior modifications are proposed Not located on a Steep Slope
Consistency with the goals and objectives of the General Plan, although review for consistency shall not alone be binding	**Consistent with the Goals and Objectives of the General Plan** The conversion of Ritual Chocolate from a small coffee shop to a restaurant meets the following goals of the General Plan: Goal 12 – Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. Objective 12A – Retain and expand existing Park City businesses. Objective 12C – Support locally owned and independent

	businesses that reflect the core values of Park City and add to the Park City experience.[10]

The Conditional Use will expire one year from the date of Planning Commission approval unless the Applicant has commenced on the project or a Building Permit for the Use has been issued (Condition of Approval 6).[11]

(II) Staff recommends the Commission approve the Restaurant Conditional Use Permit because sufficient parking is provided and Conditions of Approval establish opportunities to monitor and re-evaluate parking as needed.

1105 Iron Horse Drive has 16 on-Site parking spaces, including one ADA-compliant space. The current Minor Commercial Retail and Service Use requires three parking spaces for each 1,000 square feet of net leasable floor area, which excludes hallways, mechanical and storage Areas, and restrooms.[12] Only six of the 16 parking spaces are required for the current Use.

The Applicant proposes interior modifications to allocate 680 square feet for kitchen use and 1,320 square feet for Restaurant seating and retail space. Restaurants require one parking space for every 100 square feet of net leasable area, including kitchen areas.[13]

While the required parking for the Restaurant would be 20 spaces, the Applicant's proposal is a hybrid between a retail and Restaurant Use – the Applicant proposes expansion of a retail display area and a service counter rather than Restaurant table service. Retail has significantly lower parking requirements than Restaurant Uses – only three spaces are required for 1,000 square feet of net leasable area, rather than one space per 100 square feet of net leasable area.

Also, the LMC reduces the parking requirement for Cafés. Cafés are defined as "a Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chef, or other employees typically associated with a restaurant."[14]

Staff worked with the Building Department to understand how the proposed Ritual Chocolate kitchen will be defined, and while small and geared for light pastry and soup preparation only, it will meet the Commercial Kitchen threshold, triggering the Restaurant definition. However, the parking requirements for a Café may better reflect the parking demand for the retail and service counter proposal. The required parking for a Café is the same as that of Minor Commercial Retail and Service: three spaces per

[10] https://www.parkcity.org/home/showpublisheddocument?id=12388 (p. 24 – 27).
[11] LMC § 15-1-10(G).
[12] LMC § 15-3-6(B).
[13] LMC § 15-3-6(B).
[14] LMC § 15-15-1.

1,000 square feet of net leasable floor area, which would only require six parking spaces. As a result, staff finds the 16 dedicated on-Site parking spaces may be sufficient for the proposed hybrid retail and Restaurant Use and recommends Conditions of Approval that reflect the proposed retail and Restaurant Use to mitigate parking demand and ensure adequate parking if the Restaurant Use is ever expanded:

If any future renovations to Ritual Chocolate or other tenant or Owner operating a Restaurant Use at 1105 Iron Horse Drive reduces the retail and expands the Restaurant Use, the Planning Director shall re-evaluate the parking of the Ironhorse Park Commercial Subdivision to ensure the 10 shared parking spaces between Mercer Automotive and 1105 Iron Horse Drive continue to be sufficient for both Uses, considering all Commercial Use parking requirements within the Commercial Subdivision at the time of application. If the total parking within the Commercial Subdivision does not meet the parking requirements of the Land Management Code, staff may request a parking study and parking management plan. (Condition of Approval 7).

If service transitions from counter service to table service and additional waitstaff and hostesses are employed, the Planning Director may request a parking study and shall re-evaluate the shared parking within the Commercial Subdivision, considering all Commercial Use parking requirements within the Commercial Subdivision at the time of the proposed change (Condition of Approval 8).

If the 16 parking spaces are not sufficient at times, there are 10 additional shared parking spaces allocated in an agreement between Ritual Chocolate and Mercer Automotive, described below. This shared parking is authorized pursuant to the Commercial Subdivision approval. 1105 Iron Horse Drive is Lot E of the Ironhorse Park Commercial Subdivision (Exhibit B; Summit County Recorder Entry No. 425123). All Uses within the Commercial Subdivision share a common Parking Area and access.[15] When the Commercial Subdivision was approved, standards were put into place so that there could be shared parking between Uses as Uses changed over time.

Plat Requirement Note 1

Note 1 of the subdivision plat says "see Covenants, Conditions & Restrictions for complete description of circulation easements and parking restrictions."

The *First Amendment to Declaration of Covenants, Conditions and Restrictions – Ironhorse Park Commercial Subdivision* ¶ 10.4 states "[n]othing in this declaration shall preclude the Owners from entering into agreements calling for reciprocal use of all of the available parking within the subdivision, or within parts of it, on a shared or common pool system in order to maximize parking use, so long as the minimum parking requirements of City ordinances have been satisfied" (Exhibit C).

The image below, submitted by the Applicant, identifies 10 shared parking spaces

[15] The total available parking count in the Ironhorse Commercial Park Subdivision is 87.

between Mercer Automotive and Ritual Chocolate (shown in yellow). Dedicated Ritual Chocolate parking is shown in red; dedicated Mercer Automotive parking is shown in green.

Mercer Automotive is classified as an Auto-Related Service with ~7,500 square feet of net leasable space. The LMC requires 5 spaces per 1,000 square feet, totaling 38 required parking spaces. There are 37 parking spaces dedicated to Mercer Automotive and 10 parking spaces that are shared between Mercer Automotive and Ritual Chocolate.

To ensure the 16 on-Site parking spaces are available for Ritual Chocolate customers, the Applicant proposes that Ritual Chocolate employees park in the 10 parking spaces that are shared with Mercer Automotive. Ritual Chocolate has no more than five employees at any one time. Condition of Approval 4 reflects this.

Staff also recommends a Condition of Approval requiring re-evaluation of the Ritual Chocolate parking if there are significant changes to existing Uses within the Subdivision:

If there are significant changes of Use within the Ironhorse Park Commercial Subdivision and staff makes a determination that the parking does not sufficiently address parking demand, staff may request that the Planning Commission re-evaluate the parking for the Restaurant Use (Condition of Approval 9).

Plat Requirement Note 3

Note 3 of the subdivision plat says “no new occupancy will be permitted by the trustees if the parking requirement for the proposed occupancy, when combined with the parking requirement for all other tenants on that lot will exceed the available parking on that lot. The parking demand will be calculated in the manner described in the Park City Land Management Code for the particular use in question at the time the Use is changed.”

On January 4, 2021, the trustees submitted a letter approving the proposed Restaurant Use and parking (Exhibit D).

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City’s website and the Utah Public Notice website, and posted notice to the property on December 23, 2020. Staff mailed courtesy notice to property owners within 300 feet on December 23, 2020. The *Park Record* published notice on December 30, 2020. LMC § 15-1-21.

Public Input

No public input was received when this report was published.

Exhibits

Exhibit A: Applicant Statement
Exhibit B: Ironhorse Park Commercial Subdivision Plat
Exhibit C: Ironhorse Park Commercial Covenants, Conditions, and Restrictions
Exhibit D: Trustee Parking Statement
Exhibit E: Existing Conditions

Staff recommends the Planning Commission approve the Restaurant Conditional Use Permit subject to the Findings of Facts, Conclusions of Law, and Conditions of Approval, outlined below:

Findings of Fact

1. In 1993, the City Council approved the Ironhorse Park Commercial Subdivision, a seven-Lot subdivision located along Iron Horse Drive and Bonanza Drive in the Bonanza Park Neighborhood (Summit County Recorder No. 425123).
2. 1105 Iron Horse Drive is Parcel E, a 0.44-acre Lot within the Ironhorse Park Commercial Subdivision.
3. 1105 Iron Horse Drive is located in the Light Industrial Zoning District.
4. 1105 Iron Horse Drive contains a one-story, 2,888-square-foot Building.

5. Over the years, 1105 Iron Horse Drive was operated as The Lost Sock Laundry (1993), The Green Building Center (2008), District Gallery (2009), Slackbow LLC (2011), AvantLink (2012), and Ritual Chocolate (2015).
6. Ritual Chocolate—a local chocolatier—currently operates a 500-square-foot coffee shop and 1,500-square-foot chocolate factory, an Allowed Minor Commercial Retail and Service Use in the Light Industrial Zoning District.
7. Ritual Chocolate proposes modifications to convert the Use to a Restaurant Use, to replace the factory with additional Restaurant seating and retail space (1,320 square feet), and to allocate 680 square feet for kitchen use.
8. A Restaurant Use in the Light Industrial Zoning District is a Conditional Use and requires Planning Commission approval.
9. On December 21, 2020, the Applicant submitted a complete application for a Conditional Use Permit.
10. 1105 Iron Horse Drive is located within the Bonanza Park Neighborhood (Exhibit B). The General Plan identifies this area as a mixed-use neighborhood and local employment hub.
11. The Lot is 0.44 acres, a small Lot in the Light Industrial Zoning District. The adjacent Lots are 1.35 acres, 0.86 acres, 5.11 acres, and 1.31 acres. The smaller 0.44 Lot is aligned with the General Plan recommendation to incentivize the subdivision of properties within the Zoning District for smaller developments and human-scale design.
12. Ritual Chocolate traffic is accessed through Iron Horse Drive.
13. No changes to access or vehicle circulation are proposed.
14. Currently, Ritual Chocolate operates the coffee shop from 8 AM to 5 PM. Ritual Chocolate plans to operate the Restaurant Use from 7 AM to 7 PM.
15. In 2019, Ritual Chocolate averaged 67 transactions per day.
16. In 2020, Ritual Chocolate averaged 73 transactions per day.
17. The majority of Ritual Chocolate business involves to-go orders with an average parking time of 5 – 10 minutes.
18. The Development Review Committee did not identify any utility capacity or storm water run-off impacts triggered by the conversion to a Restaurant Use.
19. The Development Review Committee did not identify any impacts to emergency vehicle access. No changes to access or vehicle circulation are proposed.
20. The Applicant proposes no changes to Fencing, Screening, or Landscaping.
21. The Applicant proposes no changes to the Building.
22. The Applicant proposes no changes to the Open Space.
23. The Applicant proposes no changes to the exterior of the existing Building.
24. No changes are proposed that will increase noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.
25. Supplies are delivered to an existing door at the rear of the building, not visible from Iron Horse Drive. No changes to deliveries are proposed.
26. Ritual Chocolate does not have a trash receptacle on site, but rather uses one on the adjacent site. No changes to the trash receptacle are proposed.
27. Ritual Chocolate leases 1105 Iron Horse Drive from Wintzer-Wolfe Properties, Ltd.
28. On December 21, 2020, the property owner consented to the CUP application for

the Restaurant Use.

29. 1105 Iron Horse Drive is not located within the Sensitive Lands Ordinance Boundary.
30. 1105 Iron Horse Drive is located within the Park City Soils Ordinance Boundary, but no exterior modifications are proposed.
31. 1105 Iron Horse Drive is not located on a Steep Slope.
32. The conversion of Ritual Chocolate from a small coffee shop to a restaurant meets the following goals and objectives of the General Plan:
    a. Goal 12 – Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.
    b. Objective 12A – Retain and expand existing Park City businesses.
    c. Objective 12C – Support locally owned and independent businesses that reflect the core values of Park City and add to the Park City experience.
33. 1105 Iron Horse Drive has 16 on-Site parking spaces, including one ADA-compliant space. The current Minor Commercial Retail and Service Use requires three parking spaces for each 1,000 square feet of net leasable floor area, which excludes hallways, mechanical and storage Areas, and restrooms. Only six of the 16 parking spaces are required for the current Use.
34. The Applicant proposes interior modifications to allocate 680 square feet for kitchen use and 1,320 square feet for Restaurant seating and retail space. Restaurants require one parking space for every 100 square feet of net leasable area, including kitchen areas.
35. While the required parking for the Restaurant would be 20 spaces, the Applicant's proposal is a hybrid between a retail and Restaurant Use – the Applicant proposes expansion of a retail display area and a service counter rather than Restaurant table service. Retail has significantly lower parking requirements than Restaurant Uses – only three spaces are required for 1,000 square feet of net leasable area, rather than one space per 100 square feet of net leasable area.
36. The LMC reduces the parking requirement for Cafés. Cafés are defined as "a Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chef, or other employees typically associated with a restaurant."
37. Staff worked with the Building Department to understand how the proposed Ritual Chocolate kitchen will be defined, and while small and geared for light pastry and soup preparation only, it will meet the Commercial Kitchen threshold, triggering the Restaurant definition. However, the parking requirements for a Café may better reflect the parking demand for the retail and service counter proposal. The required parking for a Café is the same as that of Minor Commercial Retail and Service: three spaces per 1,000 square feet of net leasable floor area, which would only require six parking spaces.
38. The 16 dedicated on-Site parking spaces may be sufficient for the proposed hybrid retail and Restaurant Use and staff recommends Conditions of Approval that reflect the proposed retail and Restaurant Use to mitigate parking demand and ensure adequate parking if the Restaurant Use is ever expanded.

39. If the 16 parking spaces are not sufficient at times, there are 10 additional shared parking spaces allocated in an agreement between Ritual Chocolate and Mercer Automotive, described below.
40. This shared parking is authorized pursuant to the Commercial Subdivision approval. 1105 Iron Horse Drive is Lot E of the Ironhorse Park Commercial Subdivision (Summit County Recorder Entry No. 425123). All Uses within the Commercial Subdivision share a common Parking Area and access.
41. When the Commercial Subdivision was approved, standards were put into place so that there could be shared parking between Uses as Uses changed over time.
42. Note 1 of the subdivision plat says "see Covenants, Conditions & Restrictions for complete description of circulation easements and parking restrictions."
43. The *First Amendment to Declaration of Covenants, Conditions and Restrictions – Ironhorse Park Commercial Subdivision* ¶ 10.4 states "[n]othing in this declaration shall preclude the Owners from entering into agreements calling for reciprocal use of all of the available parking within the subdivision, or within parts of it, on a shared or common pool system in order to maximize parking use, so long as the minimum parking requirements of City ordinances have been satisfied."
44. Mercer Automotive is classified as an Auto-Related Service with ~7,500 square feet of net leasable space. The LMC requires 5 spaces per 1,000 square feet, totaling 38 required parking spaces. There are 37 parking spaces dedicated to Mercer Automotive and 10 parking spaces that are shared between Mercer Automotive and Ritual Chocolate.
45. To ensure the 16 on-Site parking spaces are available for Ritual Chocolate customers, the Applicant proposes that Ritual Chocolate employees park in the 10 parking spaces that are shared with Mercer Automotive. Ritual Chocolate has no more than five employees at any one time.
46. Note 3 of the subdivision plat says "no new occupancy will be permitted by the trustees if the parking requirement for the proposed occupancy, when combined with the parking requirement for all other tenants on that lot will exceed the available parking on that lot. The parking demand will be calculated in the manner described in the Park City Land Management Code for the particular use in question at the time the Use is changed."
47. On January 4, 2021, the trustees submitted a letter approving the proposed Restaurant Use and parking.

Conclusions of Law

1. The Application complies with requirements of the Land Management Code.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. Changes to signage shall comply with the Municipal Code of Park City Chapter 12, *Sign Code*.

2. Outdoor lighting shall comply with Land Management Code § 15-5-5(J).
3. Unscreened recycle bins and compost bins located in the rear of the Lot shall be screened.
4. No more than five employees shall park within the Ironhorse Park Commercial Subdivision at any one time. Employees shall park in the designated spaces shared with Mercer Automotive. The 16 parking spaces on Parcel E shall be reserved for customer parking only.
5. The Applicant shall obtain a Building Permit for the proposed interior modifications.
6. The Conditional Use will expire one year from the date of Planning Commission approval unless the Applicant has commenced on the project or a Building Permit for the Use has been issued.
7. If any future renovations to Ritual Chocolate or other tenant or Owner operating a Restaurant Use at 1105 Iron Horse Drive reduces the retail and expands the Restaurant Use, the Planning Director shall re-evaluate the parking of the Ironhorse Park Commercial Subdivision to ensure the 10 shared parking spaces between Mercer Automotive and 1105 Iron Horse Drive continue to be sufficient for both Uses, considering all Commercial Use parking requirements within the Commercial Subdivision at the time of application. If the total parking within the Commercial Subdivision does not meet the parking requirements of the Land Management Code, staff may request a parking study and parking management plan.
8. If service transitions from counter service to table service and additional waitstaff and hostesses are employed, the Planning Director may request a parking study and shall re-evaluate the shared parking within the Commercial Subdivision, considering all Commercial Use parking requirements within the Commercial Subdivision at the time of the proposed change. If the total parking within the Commercial Subdivision does not meet the parking requirements of the Land Management Code, staff may request a parking study and parking management plan.
9. If there are significant changes of Use within the Ironhorse Park Commercial Subdivision and staff makes a determination that the parking does not sufficiently address parking demand, staff may request that the Planning Commission re-evaluate the parking for the Restaurant Use.

PROJECT DESCRIPTION

1. On a separate sheet of paper, give a general description of the proposal and answer the questions below. Attach it to the application (See Submittal Requirement #2).

- General Description of Proposal

Ritual Chocolate will be expanding the coffee shop from 500 sq ft into 2,000 sq ft in the 1105 Iron Horse Dr building. This expansion will include:

- A small bakery kitchen to prep and make baked goods to serve for breakfast and lunch items including croissants, scones, quiches, sandwiches and soups.
- Opening up the space for more seating from approx 15 seats to 30
- Having a larger space for chocolate retail displays and grab and go pastries/drinks
- Build out - We aren't making any changes to the outside of the building. We will be moving the coffee bar, adding a bathroom and opening up the space for more seating.

• How will the proposed use "fit-in" with surrounding uses?

We currently have a coffee shop in our space which we will be expanding on, so we can attest to the fact that we feel our business is very complementary to the other businesses in the area. The Mercer's Automotive customers come over for a cup of coffee when waiting for their car, The Little Gym parents drop their kids off and stop by for a snack, and lots of Windy Ridge customers will come by for dessert after a meal. Most of the business owners and employees stop by Ritual for a midday coffee or snack and it's a popular atmosphere for company meetings.

• What type of service will it provide to Park City?

Ritual Chocolate provides a meeting place for people to have a chocolate/espresso drink, baked goods, and chocolate bars made by us. The cafe is more relaxed than a table-service restaurant. Our customers order at the counter, which provides a space for our customers to hang out and enjoy locally made products off of Main Street and right off of the Poison Creek bike path.

• Is the proposed use consistent with the current zoning district and with the General Plan?
We believe it is as there is another restaurant (Windy ridge) and bakery (Windy Ridge) within the same zoning district and they are very complementary to the other businesses in this area.
• Is the proposed use similar or compatible with other uses in the same area?
See answer above.
• Is the proposed use suitable for the proposed site?
We have been running a small cafe in this space for 5 years, and though our scope will be expanded, we believe it will work well in the site with the amount of parking, area size, and accessibility from the bike path and bus stop across the street.
• Will the proposed use emit noise, glare dust, pollutants, and odor?
No, we will not create noise or odors as it is a public space. There will be outdoor seating in the summer, but it hasn't caused noise issues for neighbors. We don't have music outside.
• What will be the hours of operation and how many people will be employed?
We anticipate our hours to be 7am-7pm everyday. And we believe we will need approximately 4-5 employees working at any given time.
• Are there other special issues that need to be mitigated? No

2. Existing Zoning: Light Industrial

3. Is the project within the Sensitive Lands Overlay?
No

4. Current use of the property: Retail and Service,Commercial , Minor

5. Total Project Area: .44 acres

6. Number of parking spaces per Title 15 Land Management Code, Chapter 3, Off Street Parking: required proposed

16 parking spaces (Includes one disabled) + 10 overflow spots which are shared with Mercer Auto

7. Project access via: (check one)
Public Road

8. Occupancy type: (check one)
Lease

9. Utility service availability:
Existing

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

GENERAL NOTES:

1) SEE COVENANTS, CONDITIONS & RESTRICTIONS FOR COMPLETE DESCRIPTION OF CIRCULATION EASEMENTS AND PARKING RESTRICTIONS.

2) SEE GENERAL PARKING SCHEME EXHIBIT IN COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SPECIAL PARKING ARRANGEMENT ALONG PARCEL BOUNDARY LINES FOR PARCELS A, C, D, & G.

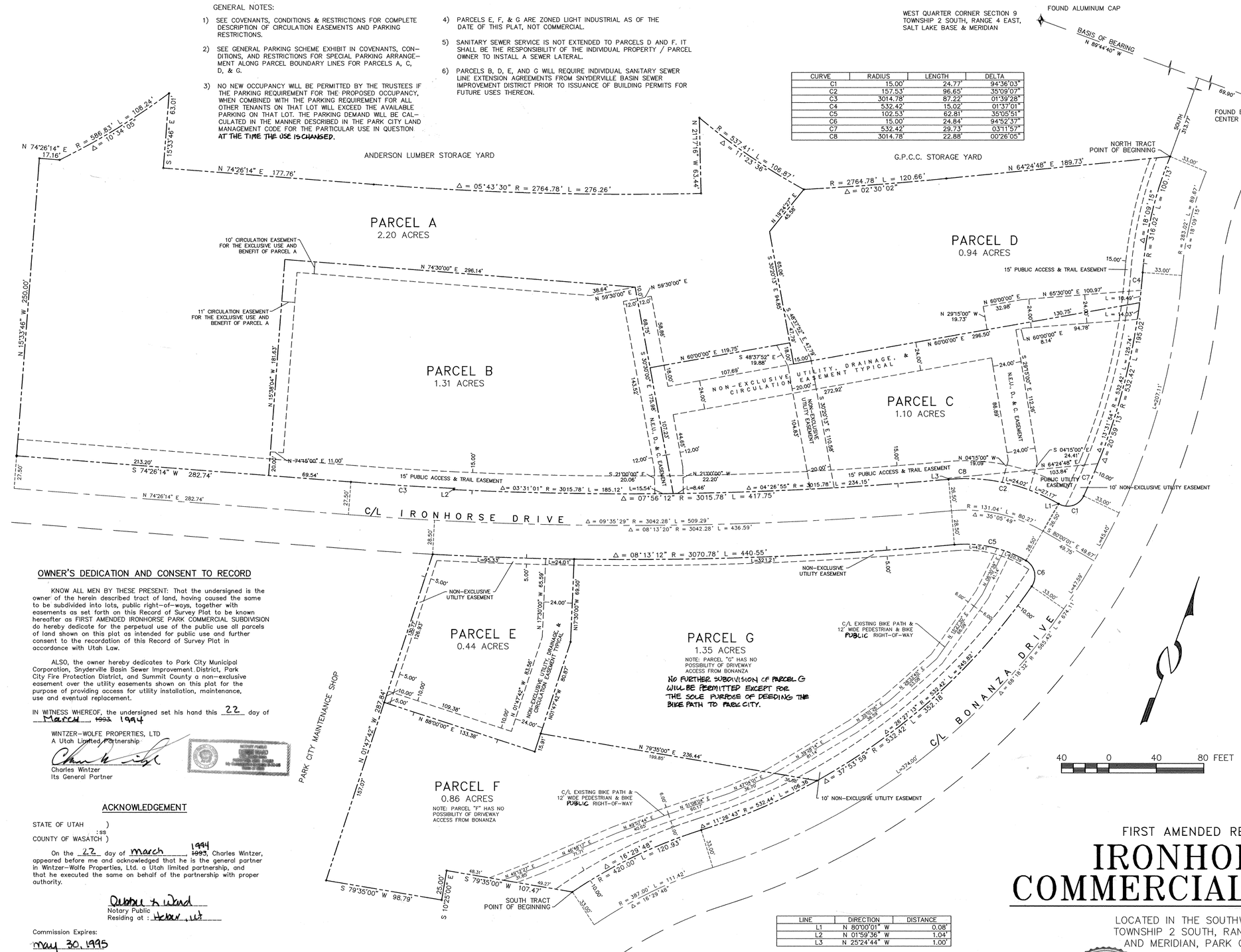
3) NO NEW OCCUPANCY WILL BE PERMITTED BY THE TRUSTEES IF THE PARKING REQUIREMENT FOR THE PROPOSED OCCUPANCY, WHEN COMBINED WITH THE PARKING REQUIREMENT FOR ALL OTHER TENANTS ON THAT LOT WILL EXCEED THE AVAILABLE PARKING ON THAT LOT. THE PARKING DEMAND WILL BE CALCULATED IN THE MANNER DESCRIBED IN THE PARK CITY LAND MANAGEMENT CODE FOR THE PARTICULAR USE IN QUESTION **AT THE TIME THE USE IS CHANGED.**

4) PARCELS E, F, & G ARE ZONED LIGHT INDUSTRIAL AS OF THE DATE OF THIS PLAT, NOT COMMERCIAL.

5) SANITARY SEWER SERVICE IS NOT EXTENDED TO PARCELS D AND F. IT SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY / PARCEL OWNER TO INSTALL A SEWER LATERAL.

6) PARCELS B, D, E, AND G WILL REQUIRE INDIVIDUAL SANITARY SEWER LINE EXTENSION AGREEMENTS FROM SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT PRIOR TO ISSUANCE OF BUILDING PERMITS FOR FUTURE USES THEREON.

CURVE	RADIUS	LENGTH	DELTA
C1	15.00'	24.77'	94°36'03"
C2	157.53'	96.65'	35°09'07"
C3	3014.78'	87.22'	01°39'28"
C4	532.42'	15.02'	01°37'01"
C5	102.53'	62.81'	35°05'51"
C6	15.00'	24.84'	94°52'37"
C7	532.42'	29.73'	03°11'57"
C8	3014.78'	22.88'	00°26'05"



LINE	DIRECTION	DISTANCE
L1	N 80°00'01" W	0.08'
L2	N 01°59'36" W	1.04'
L3	N 25°24'44" W	1.00'

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by 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 herein and subdivided said tract of land into lots, private easements, and public right-of-ways to be hereafter known as FIRST AMENDED IRONHORSE PARK COMMERCIAL SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat.

John Demkowicz 3/22/94
John Demkowicz I.S. No. 163931 Date

LEGAL DESCRIPTION

NORTH TRACT

Beginning at a point which is N 89°44'40" W along centerline of section 69.90 feet and South 313.77 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the Westerly right-of-way line of Bonanza Drive; thence Southeasterly along said Westerly right-of-way line on a 316.02 foot radius curve to the left (center bears S 87°25'59" E 316.02 feet) thence along the arc of said curve 100.13 feet through a central angle of 18°09'15"; thence Southwesterly along said Westerly right-of-way line on a 532.42 foot radius reverse curve to the right (center bears S 74°24'46" W 532.42 feet) thence along the arc of said curve 195.02 feet through a central angle of 20°59'13"; thence along said Westerly right-of-way line on a 15.00 foot radius compound curve to the right (center bears N 84°36'04" W 15.00 feet) thence along the arc of said curve 24.77 feet through a central angle of 94°36'03" to a point on the North right-of-way line of Ironhorse Drive and a point of tangency; thence along said right-of-way line N 80°00'01" W 0.08 feet, thence Northwesterly along said right-of-way line and along a 157.53 foot radius curve to the left (center bears S 10°00'06" W 157.53 feet) thence along the arc of said curve 96.65 feet through a central angle of 35°09'07"; thence Westerly and along said right-of-way line and along a 3015.78 foot radius reverse curve to the right (center bears N 25°09'07" W 3015.78 feet) thence along the arc of said curve 417.75 feet through a central angle of 07°56'12"; thence leaving said right-of-way line N 01°59'36" W 1.04 feet to a point on the South line of Lot #2 of the Iron Horse Subdivision according to the official plat thereof on file in the office of the Summit County Recorder; said point also being on a 3014.78 foot radius curve to the right (center bears N 17°13'14" W 3014.78 feet) thence along the arc of said curve and said South boundary line 87.22 feet through a central angle of 01°39'28" to a point of tangency; thence along said South boundary line S 74°26'14" W 282.74 feet to the Southwest corner of said Lot #2 of the Iron Horse Subdivision; thence along the West boundary line of said Lot #2, N 15°33'46" W 250.00 feet to the Northwest corner of said Lot #2; thence along the North boundary line of said Lot #2, N 74°26'14" E 17.16 feet; thence leaving said North boundary line and along a 586.83 foot radius curve to the left (center bears N 45°56'15" W 586.83 feet) thence along the arc of said curve 108.24 feet through a central angle of 10°34'05"; thence S 15°33'46" E 63.01 feet to a point on the North boundary line of said Lot #2; thence along said North boundary line, N 74°26'14" E 177.76 feet to a point on a 2764.78 foot radius curve to the left (center bears N 15°33'46" W 2764.78 feet) thence along the arc of said curve 276.26 feet through a central angle of 05°43'30"; thence leaving said North boundary line, N 21°17'16" W 63.44 feet to a point on a 537.41 foot radius curve to the left (center bears N 19°59'36" E 537.41 feet) thence along the arc of said curve 106.87 feet through a central angle of 11°23'36" to a point on the North boundary line of said Lot #2; thence along said North boundary line and along a 2764.78 foot radius curve to the left (center bears N 23°05'10" W 2764.78 feet) thence along the arc of said curve 120.66 feet through a central angle of 02°30'02"; thence along said North boundary line N 64°24'48" E 189.73 feet to the point of beginning. Contains 5.55 Acres.

SOUTH TRACT

Beginning at a point which is N 89°44'40" W along centerline of section 333.38 feet and South 1066.70 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and being on the Westerly right-of-way line of Bonanza Drive; thence leaving said right-of-way line S 79°35'00" W 107.47 feet, thence S 10°25'00" E 25.00 feet, thence S 79°35'00" W 98.79 feet, thence N 01°47'42" W 287.84 feet to a point on the South right-of-way line of Ironhorse Drive, thence Easterly along said right-of-way line on a 3070.78 foot radius curve to the left (center bears N 16°55'55" W 3070.78 feet) thence along the arc of said curve 440.55 feet through a central angle of 08°13'12"; thence Easterly along said right-of-way line on a 102.53 foot radius curve to the right (center bears S 25°09'07" E 102.53 feet) thence along the arc of said curve 62.81 feet through a central angle of 35°05'51"; thence along said right-of-way line on a 15.00 foot radius curve to the right (center bears S 09°56'44" W 15.00 feet) thence along the arc of said curve 24.84 feet through a central angle of 94°52'37" to a point on the West right-of-way line of Bonanza Drive; thence along said right-of-way line on a 532.42 foot radius curve to the right (center bears N 75°10'39" W 532.42 feet) thence along the arc of said curve 352.18 feet through a central angle of 37°53'58"; thence along said right-of-way line on a 420.00 foot radius curve to the left (center bears S 37°16'47" E 420.00 feet) thence along the arc of said curve 120.93 feet through a central angle of 16°29'48"; to the point of beginning. Contains 2.65 Acres.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is the owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as FIRST AMENDED IRONHORSE PARK COMMERCIAL SUBDIVISION do hereby dedicate for the perpetual use of the public use all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

IN WITNESS WHEREOF, the undersigned set his hand this 22 day of March, ~~1993~~ 1994

WINTZER-WOLFE PROPERTIES, LTD
A Utah Limited Partnership

Charles Wintzer
Its General Partner

ACKNOWLEDGEMENT

STATE OF UTAH)
:ss
COUNTY OF WASATCH)

On the 22 day of March, ~~1993~~ 1994, Charles Wintzer, appeared before me and acknowledged that he is the general partner in Wintzer-Wolfe Properties, Ltd. a Utah limited partnership, and that he executed the same on behalf of the partnership with proper authority.

Debbie L. Ward
Notary Public
Residing at : Heber, Ut

Commission Expires:
May 30, 1995

FIRST AMENDED RECORD OF SURVEY PLAT

IRONHORSE PARK COMMERCIAL SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Alliance Engineering Inc.

JOB NO. 4-5-91 Y:\CW\D\IHP1

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

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 6 DAY OF June, 1994 A.D.
BY Alison Butz
CHAIRMAN

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 15TH DAY OF APRIL, 1994 A.D.
BY Eric W. Ostman PE
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 16TH DAY OF February, 1995 A.D.
BY Mark D. Harrigan
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 3RD DAY OF JUNE, 1993 A.D.
BY Anita L. Sheldon
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 3RD DAY OF JUNE, 1993 A.D.
BY Bradley A. Olch
MAYOR

PARK CITY SUMMIT COUNTY UT CORPORATE SEAL 1884

RECORDED
425123
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title
DATE 02-23-95 TIME 13:39 BOOK ____ PAGE ____
$32.00 FEE
Dawne M. Dunn Deputy
RECORDER

FIRST AMENDED
IRONHORSE PARK COMMERCIAL

When Recorded return to:
Charles Wintzer
P.O. Box 4199
Park City, UT 84060

When recorded, return to:

00432335 Bk00891 Pg00279-00281

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 JUN 26 14:28 PM FEE $20.00 BY DMG
REQUEST: COALITION TITLE$

FIRST AMENDMENT TO DECLARATION

OF COVENANTS, CONDITIONS AND RESTRICTIONS

IRONHORSE PARK COMMERCIAL SUBDIVISION

PARK CITY, UTAH

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for the Ironhorse Park Commercial Subdivision, Park City, Utah is made this 20 day of ~~May~~, June 1995 by Wintzer-Wolfe Properties, Ltd., a Utah limited partnership, which was the original declarant on the covenants recorded on , in Book beginning at page , and which is the owner of all of the property subject to that Declaration.

This Declaration affects the following described property located in Summit County, Utah:

Parcels A, B, C, D, E, F, and G of the Ironhorse Park Commercial Subdivision, Park City, as shown on the amended plat thereof on file and of record in the office of the Summit County Recorder.

Declarant desires to amend and supplement that original declaration by providing the following covenants and restrictions concerning parking within the subdivision, and the manner in which some Parcels are subjected to easements for the benefit of others for the purpose of parking. The following provisions are added to the Declaration:

Article X

PARKING

10.1 Parking in Designated Areas Only. Parking within the Subdivision is to be in designated parking areas only, and no Owner or Tenant will park, or permit employees, guests, customers, or others to park in a manner that obstructs the driveway easements and internal circulation easements within the Subdivision. The Association may tow improperly parked

vehicles that interfere with circulation within the Subdivision, or which is parked in landscaped areas or designated snow storage areas.

10.2 Parking on Owner's Parcel. Except as provided in this Amended Declaration, the parking for each Parcel is to be confined to that Parcel, and no owner, tenant, employee, customer, or others will be permitted to park other than on the Parcel he or she owns, leases, or is patronizing.

10.3 Parking Easements. Notwithstanding the foregoing, in order to maximize the available parking within the Subdivision, and to provide each lot with parking as required by Park City Ordinances, the following parking easements are created:

(a) The Owner of Parcel B is granted the right to park up to 7 cars on Parcel A. Unless otherwise agreed between the owners of those Parcels, two of the parking spaces will be located to the west of the building on Parcel A known as 1100 Ironhorse Drive, and 5 will be located to the east of the building known as 1200 Ironhorse Drive.

(b) The Owner of Parcel B is also granted an easement to park up to 4 cars on Parcel C.

(c) The Owner of Parcel D is granted an easement to park up to 3 cars on Parcel C, and unless otherwise agreed to by the Owners of Parcels D and C, these spaces will be at the northeast corner of the building known as 1280 Ironhorse Drive.

10.4 Reciprocal Parking Arrangements. Nothing in this declaration shall preclude the Owners from entering into agreements calling for reciprocal use of all of the available parking within the subdivision, or within parts of it, on a

shared or common pool system in order to maximize parking use, so long as the minimum parking requirements of City ordinances have been satisfied.

Effective as of the date stated above.

DECLARANT:

Wintzer-Wolfe Properties, Ltd.
a Utah limited partnership

By: _____
Charles Wintzer, general partner

STATE OF UTAH)
:ss
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 20th day of June, 1995 by Charles Wintzer, who is the general partner of Wintzer-Wolfe Properties, Ltd., a Utah limited partnership, who executed the foregoing on behalf of that partnership with proper authority.

_____
Notary Public
Residing at: _____

NOTARY PUBLIC
Kathleen A. Reyling
P.O. Box 4190
Park City, Utah 84060
My Commission Expires
March 17, 1997
STATE OF UTAH

Commission Expires:

March 17, 1997

00432335 Bk00891 Pg00281

January 4, 2021

To the Park City Planning Commission,

As the landlord for Ritual Chocolate at 1105 Ironhorse Dr, I am writing to address any parking concerns of the City and express our support of Ritual's new coffee shop.

We have had several meetings with the tenant to address their needs with the expansion of the coffee shop. The parking issue has been addressed in the new lease and will be closely monitored.

On the south side of Ironhorse we have extra parking spots within our property to accommodate any overflow parking.

Signage has been made and is ready to install as construction begins on the space.

In the 35 years of the project there has never been a problem with street parking from tenants on that side of the street.

It is also a fact that the only legal and City signed street parking is on the north side of the street.

We fully expected that Ritual's business will continue to be 50% take out. There will be no table / waiter service. This is not a sit down restaurant concept.

Kind regards,

Mary C. Wintzer

Wintzer- Wolfe Properties, Ltd.

1105 Ironhorse Drive Landscaping Plant List

Ritual Chocolate CUP Permit

The landscaping has been in place at 1105 Ironhorse Dr. for 4 years.

***Street side facing North onto Ironhorse.....off the deck

Diablo nine barks with Karl Forrester grass on either end

Front perennial bed has small boulders with plantings of :

Moonshine yarrow, black- eyed Susan , Johnson blue geraniums, Purple cone flower

Creeping Jenny over the rocks

***** To the right of the deck facing Ironhorse is a grove of Aspens with dogwood bushes

****coming up the driveway heading south

Mugo pines and daylilies in the rocks

*****Planter along the building on the east side

Liatris

In the area on the west side of the building (next to the City's holding pond)

A large stand of shasta daisies and Oriental poppies

SURVEYOR'S CERTIFICATE

I hereby certify to Intermountain, N.A., its successors and/or assigns, Winzer-Wolfe Properties, LTD. and Guardian Title Agency, Inc. that the survey for this plat was made on the ground under my supervision from a description provided in a commitment for title insurance issued by Guardian Title Agency, Inc., Order No. 88448, dated April 15, 1988, and that the angular and linear measurements and other matters shown hereon are correct. I further certify that this survey was made under my supervision on July 7, 1988, correctly shows the total area of the property in acres and/or square feet, the dimensions and location of improvements, walkways, paved areas, and parking areas, all visible matters on the ground which may adversely affect title to the subject property, the relation of buildings and other structures to the property lines of the land indicated hereon, the location of visible and recorded easements and other matters disclosed in the commitment for title. I further certify that there are no visible encroachments of adjoining buildings or structures onto said land nor overlap of buildings or structures from said land, except as shown on the survey. Ingress and egress to the subject property is provided by Ironhorse Drive and Bonneville Drive as shown on the survey, the same being paved, dedicated public rights of way; that the location of all visible improvements on the subject property is in accord with the required set-backs, except where shown on the survey; that the subject property does not serve any adjoining property for ingress and egress and major or incidental drainage; that portions of the property are located in a flood plain as shown on the survey; this survey is made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established by ALTA and ACSM in 1986 and meets the accuracy and requirements of an Urban Survey, as defined therein, with accuracy and precision requirements modified to meet current minimum angular and linear tolerance requirements of the state in which the subject property is located.

Date: 8/11/88

Surveyor

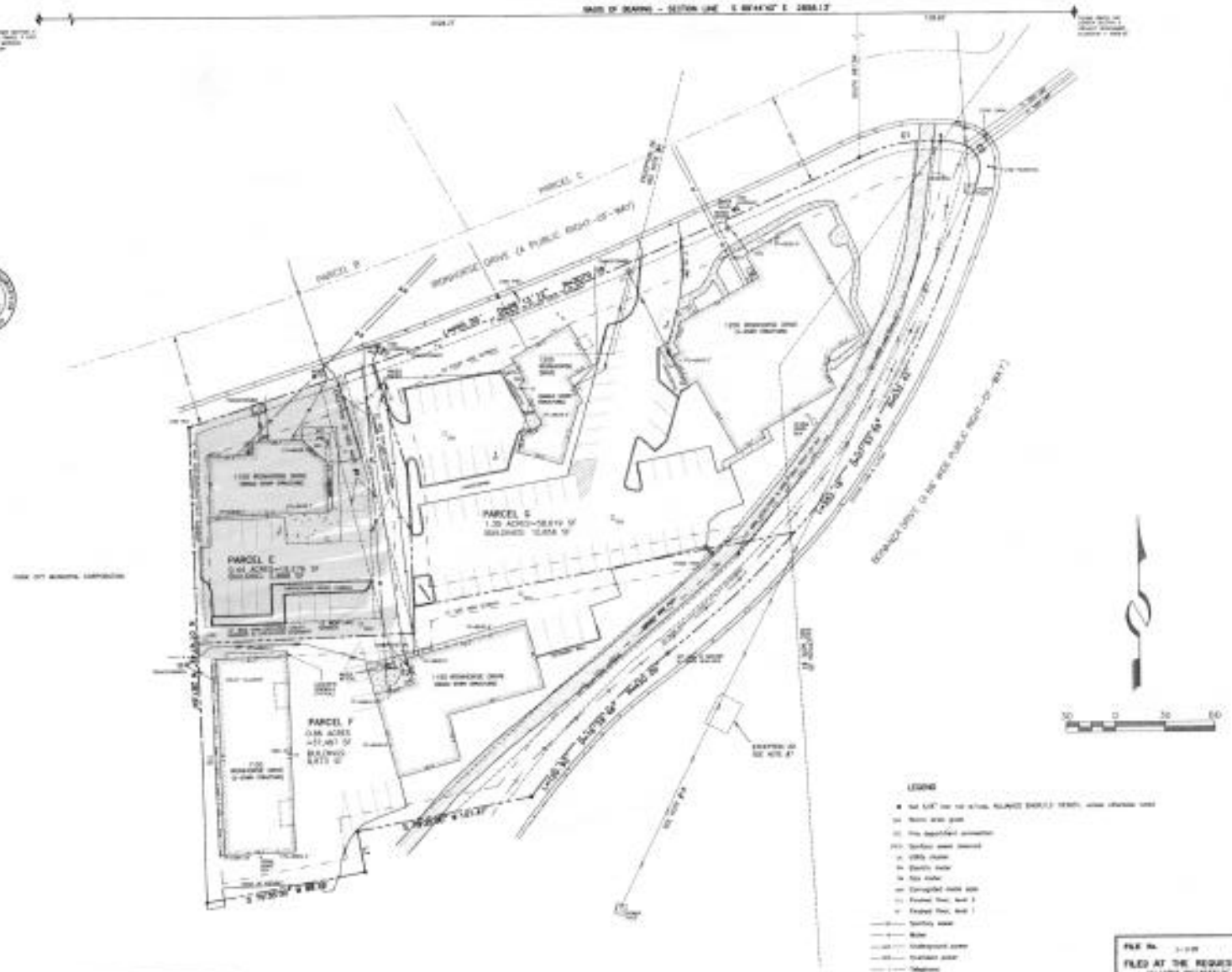
License No. 117848 (6/27/91)

LEGAL DESCRIPTION

PARCELS A through G, inclusive, FIRST AMENDED IRONHORSE URBAN COMMERCIAL SUBDIVISION, according to the official plat thereof, recorded in the office of the county recorder of Summit County, Utah.

NARRATIVE

1. This survey is performed in conjunction with a commitment for title insurance issued by Guardian Title Company.
2. The following exceptions contained in Schedule B, Section 2, of the title report are not addressed by this survey: Exceptions 1-20 and 23-26.
3. Exception 20 of the title report is an easement in favor of Utah Power & Light Company. The width of the easement is not displayed on the plat of subdivision. There is no evidence of utility lines located within the immediate vicinity of the easement.
4. Exception 26 of the title report is an easement in favor of Utah Power & Light Company. The width of the easement is not displayed on the plat of subdivision. There is no evidence of utility lines located within the immediate vicinity of the easement.
5. Exception 21 of the title report is a 20-foot sewer easement in favor of Snyderville Basin Sewer Improvement District.
6. Exception 24 of the title report is an easement in favor of Winzer-Wolfe Construction Company for a mutually shared driveway. The width of the easement is not displayed on the plat of subdivision. As located, it very accurately graphically and appears to be in the same location as the non-exclusive utility easement shown on the recorded plat of Ironhorse First Commercial Subdivision First Amendment.
7. Exception 25 of the title report appears to not affect the subject property.
8. Exception 22 of the title report is a 10-foot wide easement in favor of Mountain Fuel Supply Company. As located, it appears graphically and is approximately located in a Mountain Fuel Supply Company easement.
9. Exception 23 of the title report is an easement in favor of Snyderville Basin Sewer Improvement District.
10. Exception 22 of the title report is a 16-foot wide easement in favor of Mountain Fuel Supply Company.
11. Parcels A through G are zoned CC (General Commercial) by the Park City Land Management Code.
    (1) Lot and Site Requirements. (a) Side Yard - There shall be a minimum of a ten foot side yard and on corner lots the side yard which faces a street shall not be less than 20 feet. (b) Front Yard - The minimum front yard shall be 20 feet. (c) Rear Yard - There shall be a ten foot rear yard.
12. Parcels A through G are zoned LI (Light Industrial) by the Park City Land Management Code.
    (1) (a) Lot and Site Requirements. (a) Loading and unloading - No loading and unloading of goods shall take place anywhere upon the site. Loading areas shall be screened from general public view. (b) Open Space - A minimum of 10% of the total site area shall be landscaped or landscaped open space and shall not be utilized for storage, loads or parking areas. (c) Lot Size - The minimum lot or site area shall be 20,000 square feet and each site shall have a minimum width of 80 feet. (d) Side Yards - There shall be a minimum 10 foot side yard. (e) Front Yard - The minimum front yard shall be 20 feet. (f) Rear Yard - There shall be a 10 foot rear yard. (1) (b) Building Height - Buildings shall be erected to a height no greater than 35 feet measured from natural grade of the building site.
13. The locations of the underground utilities: sanitary sewer, storm, gas, water and telephone shown on this survey are based on available information supplied by the general contractor. Some portion of the water locations may vary. The surface utility drainage locations shown on this survey are based on a field survey.
14. The property is located within Flood zone "B" and "C" as shown on the Flood Insurance Rate Map zone [illegible] dated July 16, 1981 (see flood plain detail).
15. The project benchmark is a brass cap survey monument - center of Section 8. The elevation is [illegible].
16. Combined area of the entire parcels = 8.114 acres = 353,503 sq. ft.
17. An underground mining shaft, that approximately 4" in diameter crosses the subject property. This is to be addressed of record and the location is unknown.
18. An overhead power transmission line is located as shown. No easement for the power line is indicated on the title report.
19. This survey is comprised of two sheets.
20. There is a total of 258 parking spaces in use on the entire parcels. An additional 12 parking spaces which are not in use could be added in Parcel C (adjacent to the existing building and foundation).

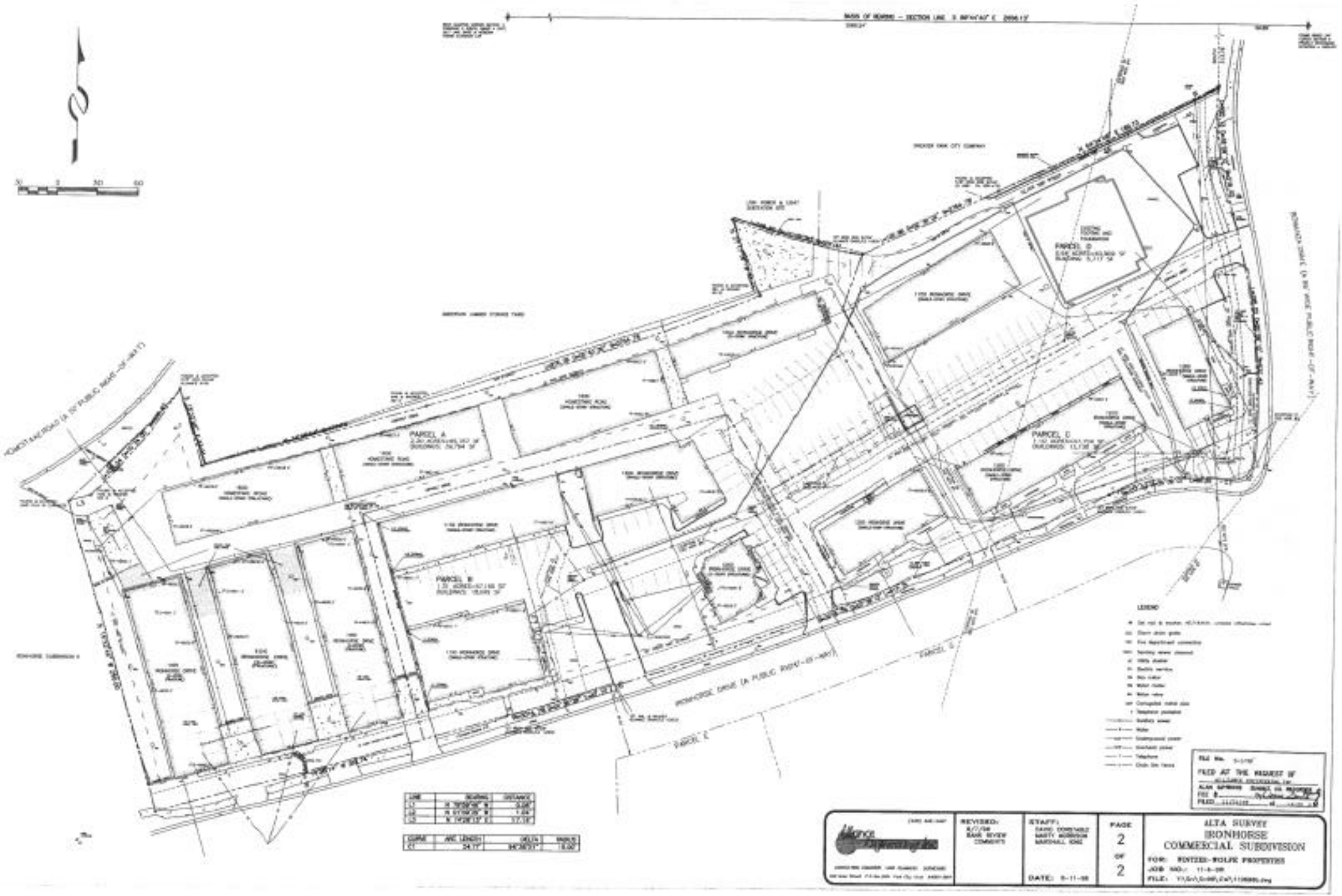


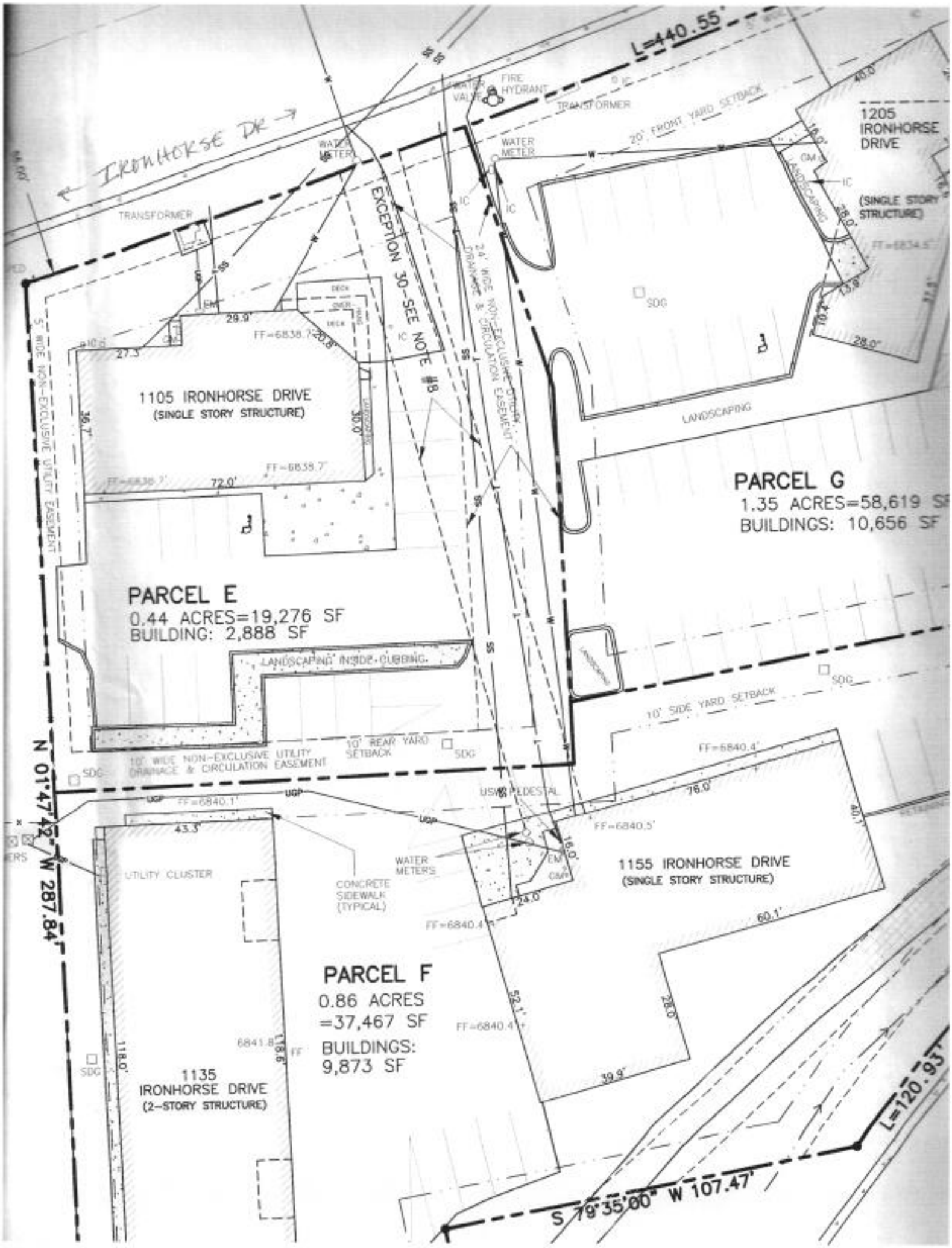
LINE	BEARING	DISTANCE
L1	S 10°25'00" E	20.00'

CURVE	RADIUS	ARC LENGTH	DELTA
C1	1,532.67'	90.87'	3°23'21"
C2	15.00'	23.56'	90°00'00"

FILE No. [illegible]
FILED AT THE REQUEST OF
[illegible]
ALAN SPRIGGS, SUMMIT CO. RECORDER
FEE $ [illegible] By [illegible]
FILED: [illegible] AT [illegible]

[illegible]	REVISED: 5/7/98 BANK REVIEW COMMENTS	STAFF: DAVID CONSTABLE MARTY MORRISON MARSHALL KING	PAGE 1 OF 2	ALTA SURVEY IRONHORSE COMMERCIAL SUBDIVISION
		DATE: 8-11-88		FOR: WINZER-WOLFE PROPERTIES JOB NO.: [illegible] FILE: [illegible]


PARCEL A
PARCEL B
PARCEL C
PARCEL D
PARCEL E
IRONHORSE DRIVE (A PUBLIC RIGHT-OF-WAY)
LEGEND
FILED AT THE REQUEST OF
REVISED:
STAFF:
PAGE
2
OF
2
DATE: 5-11-98
ALTA SURVEY
IRONHORSE
COMMERCIAL SUBDIVISION
FOR: RUTZEN-ROLIN PROPERTIES


IRONHORSE DR
L=440.55'
FIRE HYDRANT
WATER VALVE
TRANSFORMER
20' FRONT YARD SETBACK
1205 IRONHORSE DRIVE
(SINGLE STORY STRUCTURE)
WATER METER
EXCEPTION 30-SEE NOTE #8
24' WIDE NON-EXCLUSIVE DITCH DRAINAGE & CIRCULATION EASEMENT
1105 IRONHORSE DRIVE
(SINGLE STORY STRUCTURE)
5' WIDE NON-EXCLUSIVE UTILITY EASEMENT
LANDSCAPING
PARCEL G
1.35 ACRES=58,619 SF
BUILDINGS: 10,656 SF
PARCEL E
0.44 ACRES=19,276 SF
BUILDING: 2,888 SF
LANDSCAPING INSIDE CURBING
10' SIDE YARD SETBACK
10' REAR YARD SETBACK
10' WIDE NON-EXCLUSIVE UTILITY DRAINAGE & CIRCULATION EASEMENT
N 01°47'42" W 287.84'
UTILITY CLUSTER
CONCRETE SIDEWALK (TYPICAL)
WATER METERS
USW PEDESTAL
1155 IRONHORSE DRIVE
(SINGLE STORY STRUCTURE)
PARCEL F
0.86 ACRES
=37,467 SF
BUILDINGS:
9,873 SF
1135 IRONHORSE DRIVE
(2-STORY STRUCTURE)
L=120.93'
S 79°35'00" W 107.47'

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Empire Canyon Raw Water Storage Tank**
Application: **PL-20-04711**
Author: **Brendan Conboy, Senior Planner**
Date: **January 13, 2021**
Type of Item: **Conditional Use Permit**

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit application for an Essential Municipal Public Utility Use, Facility, Service, and Structure greater than 600 square feet in the Recreation Open Space (ROS) District, conduct a Public Hearing, and approve the Conditional Use Permit according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined in this Staff Report.

Description

Applicant:	Park City Water Department/Public Utilities
Location:	Daly Avenue / Empire Canyon
Zoning District:	Recreation Open Space (ROS)
Adjacent Land Uses:	Recreation and Open Space
Reason for Review:	The Planning Commission is the land use authority for Conditional Use Permit applications

Disclosure: Public Utilities is a department within Park City Municipal operating the Park City Water Service District, all collectively referred to hereinafter as "Park City"

Acronyms

LMC	Land Management Code
ROS	Recreation and Open Space Zoning District
SLO	Sensitive Lands Overlay

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

Summary

The existing Empire Canyon Raw Water Storage Tank is owned by Park City and is located in Empire Canyon area of Deer Valley. The Conditional Use Permit application consists of replacing an essential municipal services water storage tank and appurtenances which are a part of the raw water conveyance system that supports the new 3Kings Water Treatment Plant operations. The project includes the following:

- Demolition and removal of an existing 73 foot diameter, 32 foot tall, 1,000,000 gallon, aboveground steel water storage tank constructed in 1978;
- Demolition and removal of an existing 166 square foot aboveground concrete

masonry unit building containing treatment equipment and valving;
- Demolition and removal of an existing buried metering vault;
- A new 200,000 gallon, buried, reinforced, concrete raw water storage tank;
- A new 485 square foot buried/ bunkered concrete vault/ equipment structure and associated buried piping; and
- Site regrading and reseeding

Background

The applicant's proposed water storage tank is located within an existing reservoir easement for municipal water storage and conveyance recorded in September of 1978 (Summit County Recorder, Entry No. 147912, See Exhibit F). The easement is granted to Park City on 2 parcels of land owned by United Park City Mines Company in Empire Canyon and includes waterline easement rights for the transfer of water through the canyon as well as the location of 'reservoir' easement sites where structures such as water storage tanks may be placed. For a legal description of the exact location of the 0.689 acre site 'easement for a reservoir', please see page 2 of the easement.

The existing water storage tank and proposed redevelopment is generally located at the terminus of the unpaved section of Daly Avenue/ Empire Canyon Road beyond the Daly Trailhead. The site connects on to Marsac Avenue via an unpaved, gated private access drive through Ontario Canyon and the Mine Bench Site. The reservoir easement site straddles two separate parcels, both owned by United Park City Mines: Parcel PCA-S-98-PCMR and an unnamed remnant mining parcel. No data exists for the unnamed parcel on the Summit County Parcel Viewer but the area is described as the 'Anchor Tunnel Portal Mine Reclamation' parcel on the aforementioned reservoir easement map exhibit. See Figure 1 below for an aerial image of the site.

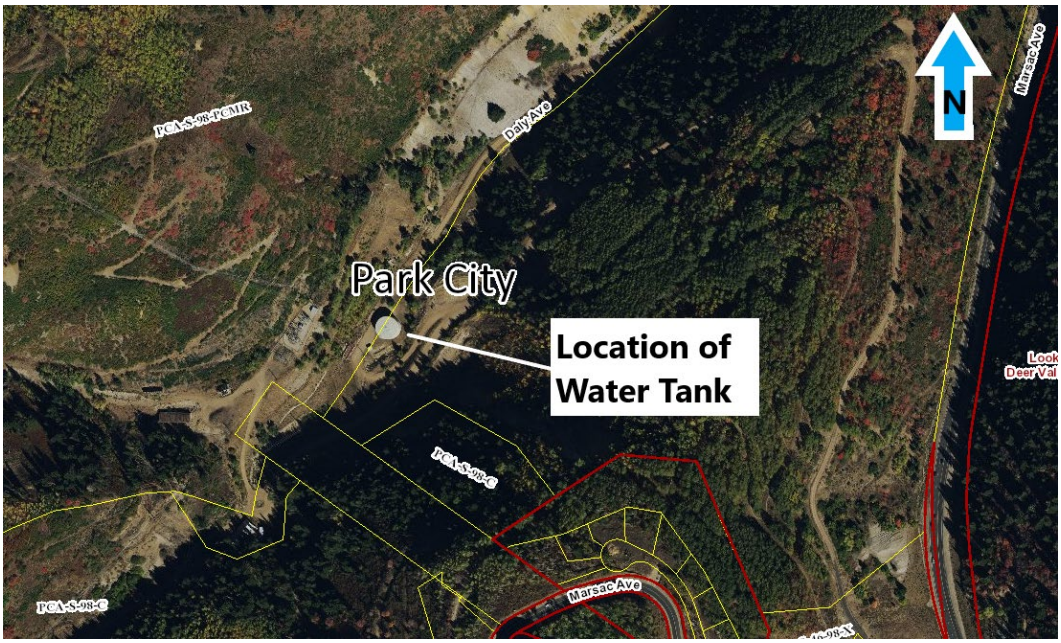


Figure 1

On Oct. 23, 2020, the Applicant submitted an application for a Conditional Use Permit to replace the raw water storage tank in Empire Canyon.

Analysis

The Land Management Code (LMC) requires a Conditional Use Permit for an Essential Municipal Public Utility Use, Facility, Service, and Structure greater than 600 square feet in the Recreation Open Space (ROS) District.

- Per LMC § 15-2.7-2(C) an Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 square feet is an allowed Conditional Use in the Recreation Open Space (ROS) District.
- Per LMC § 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

I. LMC Chapter 15-2.7 Residential and Open Space (ROS) District
II. LMC § 15-1-10(E) Conditional Use Permit Review Criteria
III. LMC Chapter 15-2.21 Sensitive Lands Overlay Criteria

(I) Staff recommends the Commission approve the Empire Canyon Raw Water Storage Tank Conditional Use Permit because it complies with the ROS Zoning District Requirements outlined in LMC Chapter 15-2.7

ROS Zoning Code Land Use Table

Zoning Requirement	Analysis of Proposal
Purpose. The purpose of the Recreation and Open Space (ROS) District is to: a. Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots, b. Permit recreational Uses and preserve recreational Open Space land, c. Encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and d. Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests. e. Encourage sustainability, conservation, and renewable energy.	**Complies**. The applicant's proposal conceals the structure by burying it and screening it in native grass cover vegetation. The new water storage tank will better blend in with the recreational uses popular in the area and better preserve recreational Open Space land. The proposal helps to better preserve and enhance the stream corridor, addresses steep slopes, and helps encourage sustainability and conservation through better environmental design for a public utility.
Setbacks. All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.	**Complies**. The structure is located within a designated easement area. The structure crosses 2 separate parcel lines.

	However, per the LMC, screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear Setbacks (LMC § 15-2.7-3(A)). Furthermore, the location of the proposed structure will not impact the road or alter existing conditions or access.
Height. No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade.	**Complies**. The proposal will remove an existing aging water tank that is 32 feet tall and replace it with a new buried and landscaped storage tank that is 12 feet above the existing grade of the downhill road.
Architectural Review. Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.	**Complies**. Staff has conducted a preliminary review of the proposal for compliance with the Architectural Design Guidelines (LMC Chapter 15-5). Staff has no concerns at this time but will conduct a thorough review of the proposal when Building/Grading Permits are applied for. Per LMC § 15-5-9 *Sensitive Lands Review,* any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional architectural review requirements and regulations as outlined in the Sensitive Area Overlay Zone regulations, LMC Chapter 15-2.21.
Landscaping. The Property Owner must protect Significant Vegetation during any Development activity.	**Complies**. The applicant has submitted a landscape plan and the new structure will be almost entirely covered and reseeded with native grass. No Significant Vegetation will be affected by the proposal.

(II) Staff recommends the Commission approve the Empire Canyon Raw Water Storage Tank Conditional Use Permit because it complies with criteria outlined in LMC § 15-1-10(E).

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

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects

of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

Conditional Use Permit Criteria Analysis Table

CUP Review Criteria	Analysis of Proposal
1. Size and location of the site	**Size**: The LMC does not specify a maximum or minimum size for a water storage tank location. The proposed redevelopment will result in a building footprint reduction from 4,215 square feet to 3,840 square feet, a reduction in height from 32 to 12 feet, and the structure will be buried and revegetated with native grasses to conceal the water storage tank. **Location of the Site**: The proposed water storage tank is located in an existing easement for a water reservoir where an existing water tank has stood since 1978. The site is a popular location for recreational activities such as mountain biking, hiking, and skiing. The proposed water tank will better blend into the landscape and better support the purpose of the ROS zone.
2. Traffic considerations including capacity of the existing Streets in the Area	**No unmitigated impacts**. The proposed development will not be accessible to the public and no additional traffic impacts are expected to result from the development following construction beyond those that currently exist. According to the applicant, the site will be solely accessed from the private unpaved road from Ontario Canyon that connects with Marsac Avenue for construction and maintenance purposes. No construction equipment or vehicles will be permitted to access the site from Daly Avenue. Staff has added Conditions of Approval to this effect.
3. Utility capacity	**No unmitigated impacts**. The proposal is a utility use that maintains/improves utility capacity.
4. Emergency vehicle access	**No unmitigated impacts**. There are no changes proposed to existing emergency vehicle access from Daly Avenue / Empire Canyon Road. The applicant proposes improvements to the access road through Ontario Canyon as part of their construction site access plan (See Exhibit C) which will improve vehicular access to the site in the event of an emergency.
5. Location and amount of off-street parking	**No unmitigated impacts**. LMC § 15-3-6(B). The LMC requires 2 spaces per 3 employees, or 1 space per 1,000 square feet of Floor Area, whichever is greater, for a Public Utility use. The applicant states that the facility is not manned with employees and that maintenance work at the site is periodic and short-lived. The intent of the parking requirement is to provide adequate parking space based off of *habitable* floor area and/or employee demand. This

	use does not have any habitable floor area or regular employees and therefore does not have a parking requirement. Staff does recommend, however, that the site contain one parking space for maintenance workers servicing the facility. In speaking with the applicant it has been determined that there is ample space to provide a parking space within the easement directly adjacent to the proposed sampling meter vault (See Site Plan in Exhibit C). Staff recommends that the Commission consider Condition of Approval 1 requiring that as part of Building Permit submittal the applicant designate a location for maintenance workers to temporarily park a service vehicle within the reservoir easement site.
6. Internal vehicular and pedestrian circulation system	**Vehicle Circulation:** Daly Avenue/ Empire Canyon Road is a steep and narrow unpaved road. The site is not open to public vehicular access via Daly Ave or Ontario Canyon. The applicant will access the site from Ontario Canyon and will provide a Construction Management Plan with Building Permit submittal, as required by Condition of Approval 2. **Pedestrian Circulation:** Staff has added Conditions of Approval requiring fencing and signing of the site during construction and the protection of trail access.
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses	**No unmitigated impacts**. The applicant has submitted a landscape plan that details the proposed revegetation of the site. The new water storage tank will be buried and screened from view. This will better help support the purpose of the ROS zone.
8. Building mass, bulk, and orientation, and the location of Building on the Site, including orientation to Buildings on adjoining Lots	**No unmitigated impacts**. The replacement tank will result in a substantial reduction in perceived building mass, bulk, and orientation. The design of the new structures will minimize visibility impacts from adjacent trails.
9. Usable Open Space	**No unmitigated impacts**. The proposed use's design enhances the site and surrounding area's Open Space features.
10. Signs and lighting	**No unmitigated impacts**. No signs are proposed. No changes in lighting are proposed. Any changes in lighting must conform to Building and Land Management Code standards before a Building Permit is granted.
11. Physical design and Compatibility with surrounding Structures in mass,	**No unmitigated impacts**. The proposal is compatible with the surrounding natural setting and recreational activities. The proposed new structures will replace ageing and unsightly existing structures with new, buried structures. The minimal northern façade

scale, style, design, and architectural detailing	exposed is clad in Cor-Ten corrugated steel to minimize visibility impacts from adjacent trails.
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site	**No unmitigated impacts**. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated beyond what is reasonably expected for a water storage tank.
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas	**No unmitigated impacts**. No regular deliveries in support of the facility are anticipated at this location. Please see recommended Condition of Approval 2 regarding designation of an on-site parking space for maintenance workers.
14. Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities	**No unmitigated impacts**. Park City Municipal Corporation will own and manage the facility.
15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site	**No unmitigated impacts**. The proposal works in concert with the adjoining site and surroundings to address Environmentally Sensitive Lands through thoughtful design, slope and creek bank retention, and a structure that is buried/screened and blends in with the topography of the site.
16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding	The proposal is located within Neighborhood 9: Upper Deer Valley of the 2014 Park City General Plan in an area designated as Open Space. Goal 4 of the General Plan is Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. The proposal helps meet: • Objective 4A: Protect natural areas critical to biodiversity

	and healthy ecological function. • Objective 4B: Buffer entry corridors from development and protect mountain vistas to enhance the natural setting, quality of life, and visitor experience. • Objective 4C: Prevent fragmentation of open space to support ecosystem health, wildlife corridors, and recreation opportunities Goal 5 of the General Plan is Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions. This proposal helps meet: • Objective 5B: Encourage efficient infrastructure to include water conservation, energy conservation, renewable resource technology, decreased waste production, green public transit, and increased road and pathway connectivity. Goal 11 of the General Plan is to Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. This proposal helps achieve: • Objective 11B: Preservation of our community core values of Small Town, Natural Setting, Sense of Community, and Historic Character is essential to maintaining the unique Park City Experience for visitors and residents. Regulate design of new development to compliment the community's core values and protect the Park City Experience.

(III) Staff recommends the Commission approve the Empire Canyon Raw Water Storage Tank Conditional Use Permit because it complies with criteria outlined Sensitive Lands Overlay Criteria, LMC Chapter 15-2.21

The proposed development is located within the Sensitive Lands Overlay. As a result, the Sensitive Lands Overlay Criteria outlined in *LMC § 15.2.21-2(A)* requires that,

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

The applicant has not provided a compiled Sensitive Lands Analysis but rather has submitted a number of items which address the required criteria, documented in the table below:

SLO Sensitive Lands Analysis Criteria	Analysis of Proposal
1. Slope/Topographic Map. A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes in categories of greater than 15%, 30-40%, and greater than 40%.	The applicant has provided a site plan with contour intervals, however the map does not identify areas of high geologic hazard, areas subject to landslides, and all significant Steep Slopes by category.
2. Ridge Line Areas. A map depicting all Crests of Hills and Ridge Line Areas.	Not applicable. The proposed development will not affect Crests of Hills or Ridge Line Areas.
3. Vegetative Cover. A detailed map of vegetative cover, depicting the following: a. Deciduous trees; b. Coniferous trees; c. Gamble oak or high shrub; and d. Sage, grassland, and agricultural crops.	The applicant has submitted a landscape plan which proposes revegetating the site with native grasses.
4. Designate Entry Corridors and Vantage Points. Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.	Not applicable. The site is contained within Empire Canyon away from Entry Corridors. The proposed development will improve vantage points on site by reducing the size of the water tank.
5. Wetlands. A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. (See Section 15-2.21-6).	Not applicable. There are no wetlands on site.
6. Stream Corridors, Canals, and Irrigation Ditches. A map delineating all stream corridors, canals, and irrigation ditches, defined by the Ordinary High-Water Mark.	The applicant has received a Stream Alteration Permit No. 20-35-22SA from the State of Utah Department of Natural Resources (see Exhibit G). The permit contains requirements for Best Management Practices, revegetation, erosion control, and proof of work completed, among other measures.
7. Wildlife Habitat Areas. A map depicting all wildlife habitat areas, as defined by a Wildlife Habitat Report shall	The applicant has not submitted a Wildlife Habitat Report, however it is staff's determination that the proposal will help

be provided by the applicant. The Wildlife Habitat Report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines.	improve wildlife habitat and connectivity in the area over existing conditions by removing aging infrastructure that fragments the natural landscape and by replacing it with infrastructure that accommodates wildlife connectivity and which is integrated into the landscape. Nonetheless, staff has added Condition of Approval 9 which requires that, prior to the issuance of a Building Permit, the applicant provide a report/memo for staff to review that is prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines. The report/memo shall establish that wildlife will not be impacted by the replacement of the water tank.
8. Additional Information and Study Requirements. The Planning Department may require the Applicant to submit the following information, as applicable: • Visual Assessment • Soil Investigation Report • Geotechnical Report • Additional Slope Information • Fire Protection Report • Hydrological Report	The applicant has submitted a Visual Assessment as part of their application. The applicant has not submitted any other additional information listed, however, staff notes that the site is located within a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site and is subject to the *Operations and Maintenance Plan Empire Canyon* (See Exhibit F), prepared for United Park City Mines, which subjects the site to additional environmental requirements above and beyond the SLO Sensitive Lands Analysis Criteria.

(IV) The Development Review Committee did not identify any major concerns with the proposed Conditional Use Permit.

1. The Snyderville Basin Water Reclamation District provided the following comments:

    a. *An 8" sewer main line runs just west of the storage tank (see attached). The main line, along with the associated easement, needs to be shown and labeled on the Site and Grading Plan.*
    b. *Access along the easement must be maintained.*
    c. *The installation of the 2' riser on the existing sewer manhole (Private flow meter manhole) will need to be inspected by SBWRD.*

(V) The Applicant meets the standards of the *Operations and Maintenance Plan Empire Canyon*.

The site is located within an existing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site (EPA ID: UT0002005981). According to the application materials, the Park City Environmental Regulatory Program Manager (Park City Engineer) has reviewed the proposed improvements and grading and work will be in compliance with the *Operations and Maintenance Plan Empire Canyon* (See Exhibit F).

According to application materials, all excavated existing material shall remain on site, be incorporated into the site grading, and be capped with a minimum of 18 inches of clean material consistent with the Park City Soils Ordinance Boundary lead and arsenic level requirements. Imported fill material shall be clean and consistent with the Park City Soils Ordinance Boundary lead and arsenic level requirements. Staff has added a Condition of Approval to include this as a requirement of the CUP.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on December 30, 2020. Staff mailed courtesy notice to property owners within 300 feet on December 30, 2020. The *Park Record* published notice on December 30, 2020. LMC § 15-1-21.

Public Input

Staff has not received any public input by the time this report was published.

Alternatives

- The Planning Commission may approve the Empire Canyon Raw Water Storage Tank Conditional Use Permit, as conditioned; or
- The Planning Commission may request additional information and continue the discussion to a date certain; or
- The Planning Commission may deny the Empire Canyon Raw Water Storage Tank Conditional Use Permit.

Exhibits

Exhibit A: Applicant Submittal
Exhibit B: Site Photos/Visual Analysis
Exhibit C: Site Plan/Map
Exhibit D: Water Tank Plans
Exhibit E: Easement
Exhibit F: Operations and Maintenance Plan Empire Canyon
Exhibit G: Stream Alteration Permit

Findings of Fact

1. The applicant's proposed replacement water storage tank and appurtenances are located within an existing reservoir easement granted to Park City Municipal Corporation for municipal water storage and conveyance recorded in September of 1978 (Summit County Recorder, Entry No. 147912) on properties owned by United Park City Mines Company.
2. The site of the water tank and appurtenances on the subject properties is legally described as an 'easement for a reservoir' within the aforementioned easement.
3. The water tank is in the general location of the terminus of Daly Avenue / Empire Canyon Road on an unpaved section of road within Empire Canyon.
4. The subject property is located within the Residential and Open Space (ROS) Zoning District.
5. An Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 square feet is a Conditional Use in the ROS Zoning District.
6. On October 23, 2020, the Applicant submitted an application on behalf of Park City Municipal Corporation to request the Commission review and approve a Conditional Use Permit for the Empire Canyon Raw Water Storage Tank.
7. The proposal will result in the demolition and removal of an existing 73 foot diameter, 32 foot tall, 1,000,000 gallon, aboveground steel water storage tank constructed in 1978; the demolition and removal of an existing 166 square foot aboveground concrete masonry unit building containing treatment equipment and valving; The demolition and removal of an existing buried metering vault; A new 200,000 gallon, buried, reinforced, concrete raw water storage tank; A new 485 square foot buried/ bunkered concrete vault/ equipment structure and associated buried piping; and Site regrading and reseeding
8. The proposed new structures will be comprised of a buried tank structure with a 3,840 square foot footprint. The existing above ground tank being replaced is 4,185 square foot footprint; The buried vault structure is a 458 square foot footprint. The existing above grade building being replaced is a 166 square foot footprint.
9. The proposed new structures will replace existing structures and bury structures with minimal northern façade exposed clad in Cor-Ten corrugated steel to minimize visibility impacts from adjacent trails.
10. The subject site location on Daly Avenue is a narrow and steep street. The site is not accessible by public vehicular traffic.
11. A Conditional Use Permit will not alter the required emergency vehicle access.
12. The applicant proposes landscaping changes that will screen the development and increase landscaping on site over existing conditions.
13. The building mass, bulk, orientation, and location will be reduced from existing conditions.
14. No signs or additional lighting are proposed to be installed.
15. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated.
16. No deliveries beyond what are reasonably expected for a water storage tank are anticipated.

17. The property will be maintained by the Park City Public Utilities Department.
18. The Empire Canyon Raw Water Storage Tank is located outside the Park City Soils Ordinance Zone.
19. The Empire Canyon Raw Water Storage Tank is located within the Sensitive Lands Overlay and complies with the requirements.

Conclusions of Law

1. The proposed application, as conditioned, complies with the requirements of the Land Management Code.
2. The proposed water storage tank is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed water storage tank is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the water storage tank have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. At time of Building Permit submittal the applicant shall designate a location on the plans for maintenance workers to temporarily park a service vehicle within the reservoir easement site on the submitted site plan. The parking area shall not obstruct the road/trail access. The parking area surface shall be unpaved, of sufficient grade, and of like appearance to the roadway and/or natural surroundings and measuring a minimum dimension of 9 feet in width by 18 feet in length.
2. At the time of Building Permit submittal the applicant shall supply a Construction Management Plan to be approved by staff.
3. All workers and personnel onsite shall have HAZWOPER training.
4. The project site shall be fenced with signage directing trail users around the construction area. The applicant shall install trail sign directions indicating path around construction site. The contractor shall coordinate sign content with the owner.
5. The applicant shall maintain trail user access and protection during construction. The applicant shall maintain a 10' wide trail user access along the unimproved road during construction, delineated with orange Limit of Disturbance fencing.
6. No parking, staging, or stockpiling materials outside the existing reservoir easement is allowed.
7. No construction access is allowed from Daly Avenue. The site instead must be accessed from Ontario Canyon and the Mine Bench Site. The applicant shall ensure that all gated security points are kept secure and in operation while accessing the site.
8. The main 8” line, along with the associated easement, shall be shown and labeled on the Site and Grading Plan.
9. Prior to issuance of Building Permit, the applicant shall provide staff a report/memo prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines which establishes that wildlife will not be impacted by the replacement of the water tank.
10. Access along the easement must be maintained for SBWRD and all other parties

with vehicular access to the site including utilities and emergency vehicles.

11. The installation of the 2’ riser on the existing sewer manhole (Private flow meter manhole) will need to be inspected by SBWRD.
12. All excavated existing material shall remain on site, be incorporated into the site grading, and be capped with a minimum of 18 inches of clean material consistent with the Park City Soils Ordinance Boundary lead and arsenic level requirements. Imported fill material shall be clean and consistent with the Park City Soils Ordinance Boundary lead and arsenic level requirements.

Public Utilities

Park City Public Utilities
1053 Iron Horse Drive PO Box 1480 | Park City, UT 84060-1480
p (435)-615-5329 | f (435) 615-4912
roger.mcclain@parkcity.org

October 19, 2020

Mr. Bruce Erikson,
PCMC Planning Director
P.O. Box 1480
Park City, Utah 84060

RE: Replace Empire Raw Water Storage Tank
PCMC Planning Department CUP Application

Dear Mr. Erikson,

The applicant requests review of the Park City Municipal *Replace Empire Raw Water Storage Tank* Planning Department Conditional Use Permit application which is attached. The proposed Project is generally described through the following summary information and plans:

Applicant's Project Description

General Project Description

The project is owned by Park City Municipal Corporation and is located in Empire Canyon area of Deer Valley. The project consists of an essential municipal services water storage tank and appurtenances that are a part of the raw water conveyance system and support the 3Kings Water Treatment Plant operations. The project includes:

- Demolition and removal of an existing 73 feet diameter, 32 feet high, 1 million gallon, aboveground steel water storage tank constructed in 1978;
- Demolition and removal of an existing 166 s.f. aboveground CMU building containing treatment equipment and valving;
- Demolition and removal of an existing buried metering vault;
- A new 200,000 gallon buried reinforced concrete raw water storage tank;
- A new 485 sf buried/bunkered concrete vault/equipment structure and associated buried piping;
- Site regrading and seeding.

Property

A. The proposed work is located within an existing water tank easement granted to Park City Municipal Corporation. A copy of the water tank easement is provided with the CUP application.
B. The property is owned by United Park City Mines Company.

Zoning

A. The proposed project is located within area currently zoned as Recreation Open Space (ROS).
B. The proposed project is located within the Sensitive Lands Overlay (SLO).

Parking and Access Considerations

A. The facility is not staffed. Water operations and maintenance at the site is periodic and temporary. On-site parking is not provided.
B. Site access for Water operations and maintenance will continue to be via the existing unpaved access drive from Ontario Canyon.
C. Construction equipment and vehicles will not be allowed to access the site from Daly Avenue.

Building Description	Structure Area (SF)	# Employees	Building Use	Parking Ratio	# Spaces
Water storage tank (unoccupied space)	3,840	0	(Non-Residential) Public Utility Use	1 space per 1000 SF or 2 spaces per employee	0
Equipment vault	485	0	(Non-Residential) Public Utility Use	1 space per 1000 SF or 2 spaces per employee	0
				LMC Req'd Parking	0

Layout and Site Design Considerations

A. Proposed water storage tank and operational vault will be buried/bunkered reinforced concrete
B. Exposed surfaces of the equipment vault will be Cor-Ten corrugated steel faced.
C. The site is within an existing designated CERCLA site boundary. All excavated material will remain on site and be capped with import fill in accordance with regulations.
D. Disturbed areas will be revegetated with native grasses.
E. The proposed new structures:
   - buried tank structure footprint is 3,840 s.f.. The existing above ground tank, which is being replaced and removed, 4,185 s.f.;
   - buried vault structure footprint is 458 s.f. The existing above ground building, which is being replaced and removed, is 166 s.f.;
   - maintains a 25 feet minimum setback from property lines;
   - replaces existing structures; and
   - provides a buried/bunkered and minimal exposed northern façade to minimize visibility impacts from the adjacent trails.
F. No new external site lighting is proposed.

G. The existing stream channel will not be impacted by the tank construction.

Agency Coordination

A. **Park City Soils Ordinance – Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site**
The site is located within an existing CERCLA site (EPA ID: UT0002005981). The Park City Environmental Regulatory Program Manager has been contacted and has reviewed the proposed improvements and grading. Work will be in compliance with the *Operations and Maintenance Plan Empire Canyon*, EPA ID No. 0002005981, dated June 19, 2009, prepared for United Park City Mines.

Summary Conditions: Placement of fill material – All excavated existing material shall remain on site, be incorporated into the site grading and be capped with a minimum of 18 inches of clean material consistent with the Park City Soils Ordinance Boundary lead and arsenic level requirements. Imported fill material shall be clean consistent with the Park City Soils Ordinance Boundary lead and arsenic level requirements.

B. **Utah Division of Environmental Quality – Amended Stipulated Compliance Order**
The tank replacement and operations are integral parts of the ASCO between the DWQ and PCMC for the treatment of the Judge Tunnel raw water discharge.

C. **Stream Alteration Permit**
A Stream Alteration Permit, for the tank installation and the discharge piping within the stream channel, has been apply for and approved.

Summary Conditions: The existing stream channel will not be impacted by the tank construction or proposed site grading.

Please see the Applicant's **Attachments** which consist of:

- **Supplemental Documents**
  - Existing Water Tank Easement
  - Current Title Report (under separate cover)
  - Tax Parcel Map – Surrounding Parcels
  - List of property owners within 300 feet
  - Operations and Maintenance Plan - Empire Canyon
  - Stream Alteration Permit
  - Photos – Existing Site
- **Planning Application Plans**
  - Construction Site Access Plan
  - Construction Mitigation/LOD Plan
  - Site and Grading Plan
  - Site Section-Elevation
  - Landscape Plan
  - New Structure View Analysis

Please contact me for additional information or clarification.

Regards,

Park City Public Utilities Department

Roger McClain
Public Utilities Engineering Manager

Proposed Conditions

Existing Conditions

EMPIRE CANYON

Prepared for Park City Public Utilities
Prepared by Bowen Collins & Associates

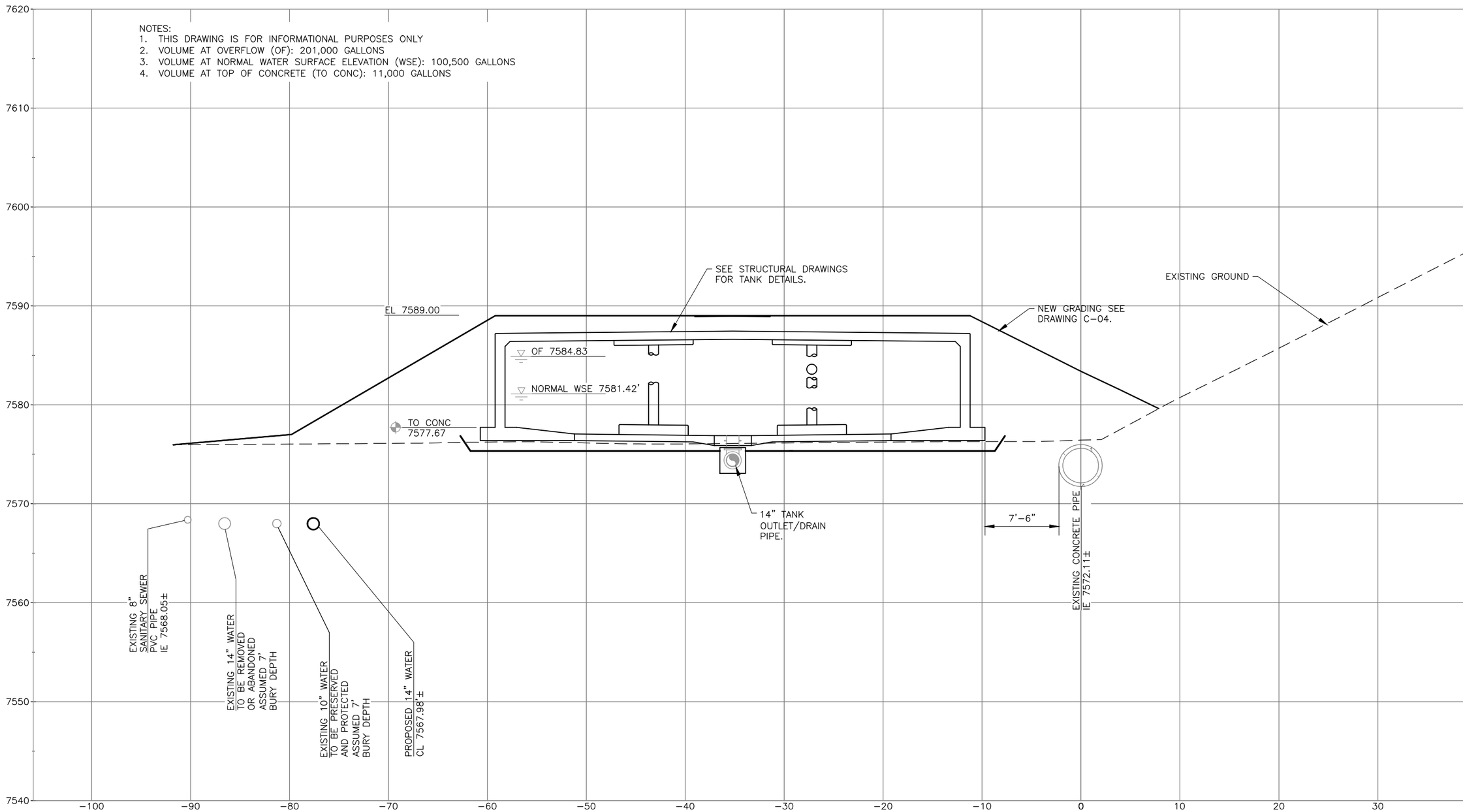
Proposed Conditions

Existing Conditions

EMPIRE CANYON

Prepared for Park City Public Utilities
Prepared by Bowen Collins & Associates

NOTES:
1. THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY
2. VOLUME AT OVERFLOW (OF): 201,000 GALLONS
3. VOLUME AT NORMAL WATER SURFACE ELEVATION (WSE): 100,500 GALLONS
4. VOLUME AT TOP OF CONCRETE (TO CONC): 11,000 GALLONS



SECTION A C−04
SCALE: 1" = 5'−0"

BOWEN COLLINS & ASSOCIATES

PROFESSIONAL ENGINEER No. 375097 JONATHAN H. OLDHAM STATE OF UTAH 09-04-2020

NO.	DATE	REV. BY	DESCRIPTION

REVISIONS

PARK CITY MUNICIPAL CORPORATION
REPLACE EMPIRE RAW WATER STORAGE TANK
PARK CITY, UT

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING

REVIEW
CHECKED K. BAGLEY
APPROVED J. OLDHAM

DESIGN
DESIGN D. SCHRINER
DRAWN S. RIGGS

CIVIL
TANK SECTION

PROJECT NUMBER 155-18-01
DATE: SEPTEMBER 2020

DRAWING NO.
C-06
SHEET 12 OF 45

P:\Park City\155-18-01 3Kings Offsite Improvements\2.0 Design Phase\2.10 Drawings\C, Empire SH1\1551801_C-06_C.dwg Plotted: 9/3/2020 8:56 AM By: Derek Schriner

Sheet 7

(4)

Entry No. 147912 Book M 116
RECORDED 7-25-78 at 11:45 M Page 723-32
REQUEST of Park City
FEE $ DH
WANDA W. SPRAGUE SUMMIT CO. RECORDER
By Wanda W. Sprague

Empire Tank and water line down Canyon

RESERVOIR EASEMENT

UNITED PARK CITY MINES COMPANY, a Delaware corporation, and PARK CITY VENTURES, a partnership, GRANTORS, do hereby quitclaim to PARK CITY CORPORATION, a municipal corporation of Utah, GRANTEE, its successors and assigns, for the sum of Ten Dollars ($10.00) and other good and valuable considerations, receipt of which is hereby acknowledged, a right-of-way and easement to construct, maintain, inspect, operate, protect, repair, replace and remove a reservoir for the storage of water, together with all equipment and apparatus to be used in connection with said reservoir, including the right to lay, maintain, inspect, operate, protect, repair, replace and remove pipe lines for the transportation of water to and from said reservoir on, over and through the following tracts of land situated in Summit County, State of Utah, as indicated on United Park City Mines Company Drawing Number 1072 attached hereto, and more particularly described as follows, to-wit:

An easement and right-of-way 10 feet in width, extending 5 feet on either side of a center-line described as follows:

water easement

Beginning at a point located North 798.05 feet and East 1,506.70 feet from the corner common to the Southwest Corner of Section 21, the Southeast Corner of Section 20, the Northeast Corner of Section 29, and the Northwest Corner of Section 28, Township 2 South, Range 4 East, S.L.B.& M., Summit County, State of Utah;
thence N44°-53'-37"W for 41.59 feet to map point A-1;
thence N10°-41'-54"E for 76.70 feet to map point A-2;
thence N15°-21'-41"E for 116.30 feet to map point A-3;
thence N56°-44'-38"E for 142.80 feet to map point A-4;
thence N46°-47'-25"E for 123.00 feet to map point A-5;
thence N35°-09'-16"E for 88.70 feet to map point A-6;
thence N32°-14'-53"E for 101.60 feet to map point A-7;
thence N32°-00'-03"E for 159.20 feet to map point A-8;
thence N33°-26'-55"E for 136.00 feet to map point A-9;
thence N38°-27'-54"E for 138.00 feet to map point A-10;
thence N27°-54'-51"E for 126.00 feet to map point A-11;
thence N31°-30'-07"E for 96.20 feet to map point A-12;
thence N40°-35'-50"E for 110.80 feet to map point A-13;

BOOK 116 PAGE 723

thence N50°-15'-25"E for 92.50 feet to map point A-14; thence N56°-00'-00"E for 94.90 feet to map point A-15; thence N50°-23'-25"E for 105.09 feet to map point A-15a; the westerly side line between Corners 2-3 of the Thunderer Mining Claim, M.S. 4771, the easterly boundary of the Anchor Tunnel Mining Reservation at a point located North 2,149.23 feet and East 2,494.02 feet from the corner common to the Southwest Corner of Section 21, the Southeast Corner of Section 20, the Northeast Corner of Section 29, and the Northwest Corner of Section 28, Township 2 South, Range 4 East, S.L.B.& M.

And also,

An easement and right-of-way 10 feet in width, extending 5 feet on either side of a center-line:

Beginning at a point North 1,150.40 feet and East 1,702.55 feet from the corner common to the Southwest Corner of Section 21, the Southeast Corner of Section 20, the Northeast Corner of Section 29, and the Northwest Corner of Section 28, Township 2 South, Range 4 East, S.L.B.& M., Summit County, State of Utah; thence
S79°-42'-25"W for 392.68 feet to map point C-1; thence
S87°-09'-40"W for 124.54 feet to map point C-2; also the portal of the Alliance Tunnel.

And also,

An easement for a reservoir, beginning at a point located North 1,267.78 feet and East 1,946.99 feet from the Corner common to the Southwest Corner of Section 21, and the Southeast Corner of Section 20, the Northeast Corner of Section 29, and the Northwest Corner of Section 28, Township 2 South, Range 4 East, S.L.B.& M., Summit County, State of Utah; thence
N71°-00'-00'-00"W 150.00 feet to map point R-1; thence
N19°-00'-00'-00"E 200.00 feet to map point R-2; thence
S71°-00'-00'-00"E 150.00 feet to map point R-3; thence
S19°-00'-00'-00"W 200.00 feet to the point of beginning, containing .689 acres more or less.

Together with all rights of ingress and egress necessary to maintain, operate, repair, inspect, protect, remove and replace said reservoir and pipe lines and convenient for the full and complete use, occupation and enjoyment of the right-of-way and easement quitclaimed hereby and all rights and privileges incident thereto; provided, however, that such ingress, egress and other necessary uses shall not interfere with any operations of GRANTORS on or their use of any of their real property.

BOOK #115 PAGE 724

TO HAVE AND TO HOLD the same unto GRANTEE, its successors and assigns, so long as such reservoir and pipe lines shall be continuously maintained and used.

The rights-of-way and easements granted hereby are subject to the following exceptions, reservations and agreements, to-wit:

1. During temporary periods GRANTEE may use such portion of the property along and adjacent to said rights-of-ways and easements as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the reservoir and pipe lines.

2. That GRANTORS shall have the right to fully use and enjoy the said premises except as the same may be necessary for the purposes herein quitclaimed to GRANTEE. GRANTORS agree not to build, create or construct any obstruction, engineering works or other structures over said reservoir site or pipe lines which will unreasonably interfere with the same, nor permit others to do likewise.

BOOK 116 PAGE 725

3. That this right-of-way and easement is only for the purposes herein specified, and if any portion of the pipe lines or appurtenances thereto, now existing or hereafter installed on said premises, or any use thereof, shall interfere with any mining, milling or other operations of GRANTORS, their successors, lessees or assignees, or any use of real property owned or leased by GRANTORS or said successors, lessees or assignees, GRANTEE shall, at the expense of GRANTORS, relocate said pipe lines or appurtenances thereto which so interfere; and GRANTORS shall execute a right-of-way to GRANTEE on real property owned or controlled by them which may be conveniently used by GRANTEE for relocation of such pipe lines or appurtenances thereto, and which

does not interfere unreasonably with any present or future operations of GRANTORS, their successors, lessees or assignees.

4. This Reservoir Easement is executed and the easements and rights provided hereby are granted without warranties or representations of title, express or implied, by GRANTORS and relates only to such rights as GRANTORS may have in the above described property.

5. GRANTEE agrees to indemnify and save harmless GRANTORS from and against all loss, damage, liability, expense, claims and demands of whatsoever character, direct or indirect or consequential, including injuries to or death of any and all persons, damage to or loss of property belonging to or in the custody or possession of GRANTORS or any and all other persons, whether on the property of GRANTORS or elsewhere caused by the installation, operation, maintenance, repair, replacement or removal by GRANTEE of the reservoir or pipe lines and appurtenances thereto or any part thereof now existing or hereafter installed or maintained on the above described premises; except, however, loss, damage, liability, claims and demands caused by or arising out of the sole negligence of GRANTORS or out of the combined negligence of GRANTORS and any other person or persons over whom GRANTEE has no control.

6. GRANTEE agrees that all times during which the easement granted hereby remains in force and effect, GRANTEE will purchase and maintain public liability and property damage insurance, designating GRANTORS and GRANTEE as insured parties, and insuring the property which is the subject of said easement, and all activities by or on behalf of GRANTEE thereon or in connection therewith, which insurance shall be issued by a company acceptable to GRANTORS, and shall have limits of liability

BOOK 115 PAGE 726

not less than as follows:

Public Liability:

Each Person	$100,000.00
Each Occurrence	300,000.00

Property Damage:

Each Occurrence	$100,000.00

GRANTEE agrees that prior to entry by GRANTEE or its agents upon the property which is the subject of the easement granted hereby, GRANTEE will furnish to GRANTORS a certificate issued by the appropriate insurance company, certifying that the insurance required by this paragraph is in effect and agreeing that such insurance will not be cancelled without giving at least ten (10) days advance written notice to GRANTORS.

7. Any pipe line or lines constructed by GRANTEE across such premises shall, at the time of construction thereof, be buried to such depth as will not interfere with the use of the surface of said premises except as otherwise stated herein.

8. This right-of-way and easement shall be binding upon and inure to the benefit of the successors and assigns of GRANTORS and the successors and assigns of GRANTEE, and may not be assigned in whole or in part by GRANTEE without written approval from GRANTORS.

9. Said right-of-way and easement shall cease and become null and void and revert again to GRANTORS, their successors and assigns, as their interests may appear, forever when said pipe line and reservoir are no longer continuously maintained or the use by GRANTEE of the described premises for the purpose herein set forth ceases.

IN WITNESS WHEREOF, GRANTORS and GRANTEE have caused their names and seals to be hereunto affixed this 19th day

BOOK 115 PAGE 727

of April, 1978.

UNITED PARK CITY MINES COMPANY

By Miles P. Romney
Its President

ATTEST:

E. L. Osika
Secretary-Treasurer

PARK CITY VENTURES

By The Anaconda Company, a general partner,

By J. J. McDonell
Its Vice President

By ASARCO Incorporated, a general partner,

By Norman Fisher
Its Vice President

PARK CITY CORPORATION

By John C. Lucas
Its Mayor

ATTEST:

Roberta J. Ansolini

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On the 24th day of May, 1978, personally appeared before me MILES P. ROMNEY and E. L. OSIKA, who, being by me duly sworn, did say that they are President and Secretary-Treasurer, respectively, of UNITED PARK CITY MINES COMPANY, a Delaware corporation, and that the within and foregoing Conveyance of Easements was signed on behalf of said corporation by authority of a resolution of its Board of Directors, and said MILES P. ROMNEY and E. L. OSIKA duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Kimmie Johnson
NOTARY PUBLIC
Residing at Salt Lake City, Utah

My Commission Expires:
[illegible] 8, 1979

[6]

BOOK 116 PAGE 728

STATE OF COLORADO)
: ss.
COUNTY OF DENVER)

On the 19th day of April, 1978, personally appeared before me A. J. McDonell, who, being by me duly sworn, did say that he is the Vice President of THE ANACONDA COMPANY, a Montana corporation, which is a general partner of PARK CITY VENTURES, a partnership, and acknowledged to me that the above and foregoing Conveyance of Easements was signed on behalf of said corporation as such general partner and that said partnership executed the same.

NOTARY PUBLIC
Residing at: Denver

My Commission Expires:

My Commission expires September 22, 1981

STATE OF NEW YORK)
: ss.
COUNTY OF NEW YORK)

On the 26th day of April, 1978, personally appeared before me Norman Vieser, who, being by me duly sworn, did say that he is the Vice President of ASARCO Incorporated, a New Jersey corporation, which is a general partner of PARK CITY VENTURES, a partnership, and acknowledged to me that the above and foregoing Conveyance of Easements was signed on behalf of said corporation as such general partner and that said partnership executed the same.

NOTARY PUBLIC
Residing at: Brooklyn, N.Y.

ANNA T. McDONOUGH
Notary Public, State of New York
No. 24-5513265
Qualified in Kings Co.
Cert. Filed in New York Co.
Commission Expires March 30, 1979

My Commission Expires:

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On the 21st day of July, 1978, personally appeared before me John C. Green Jr. and Robert J. Anderson, who, being by me duly sworn, did say that they are Mayor and Deputy City Recorder, respectively, of PARK CITY CORPORATION, a municipal corporation, and that the within and foregoing Conveyance of Easements was signed on behalf of said corporation by authority of a resolution of its Commission and do acknowledge to me that said corporation executed the same and the seal affixed is the seal of said corporation.

NOTARY PUBLIC
Residing at: Park City, Utah

My Commission Expires:
May 31, 1982

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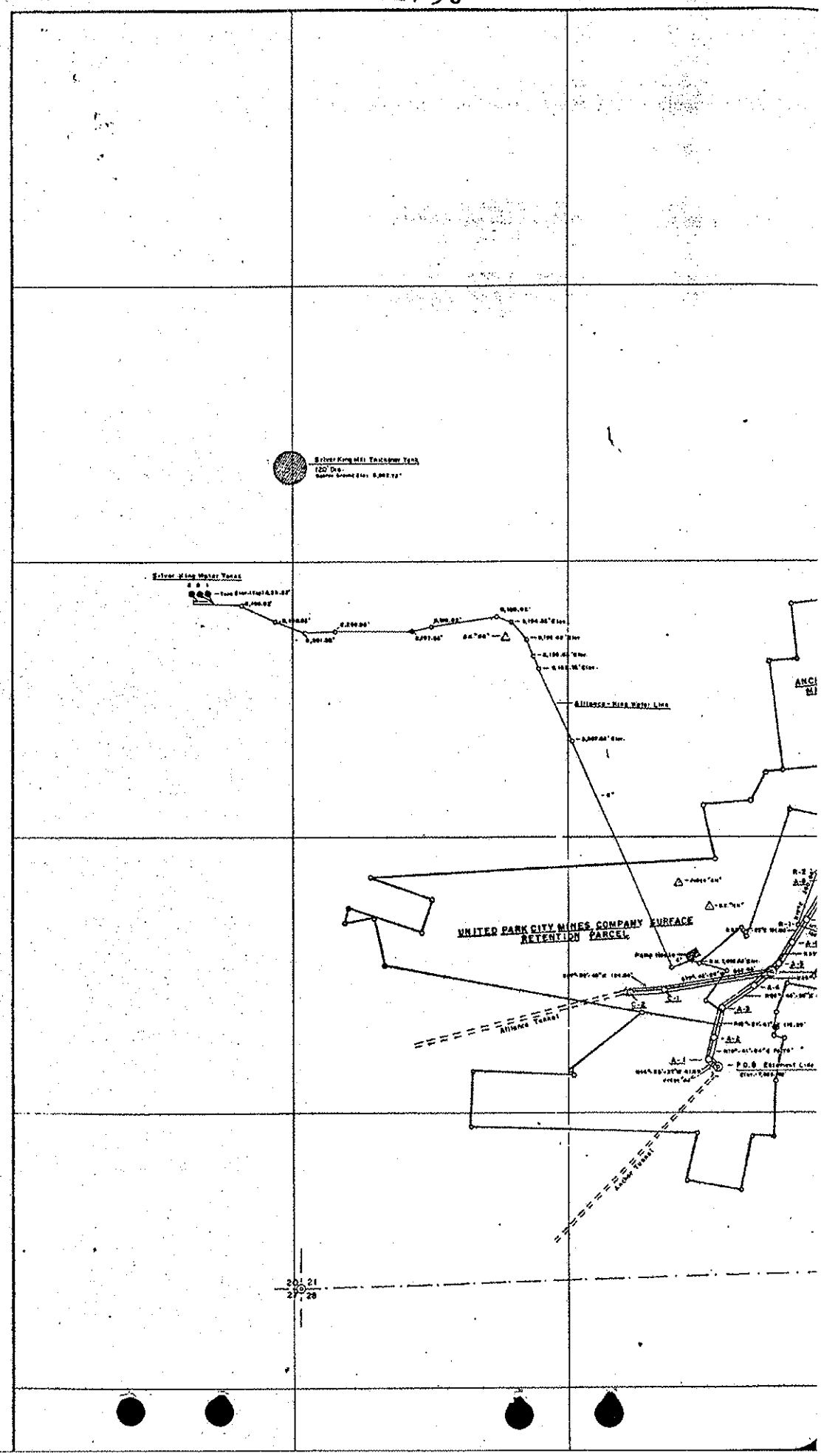
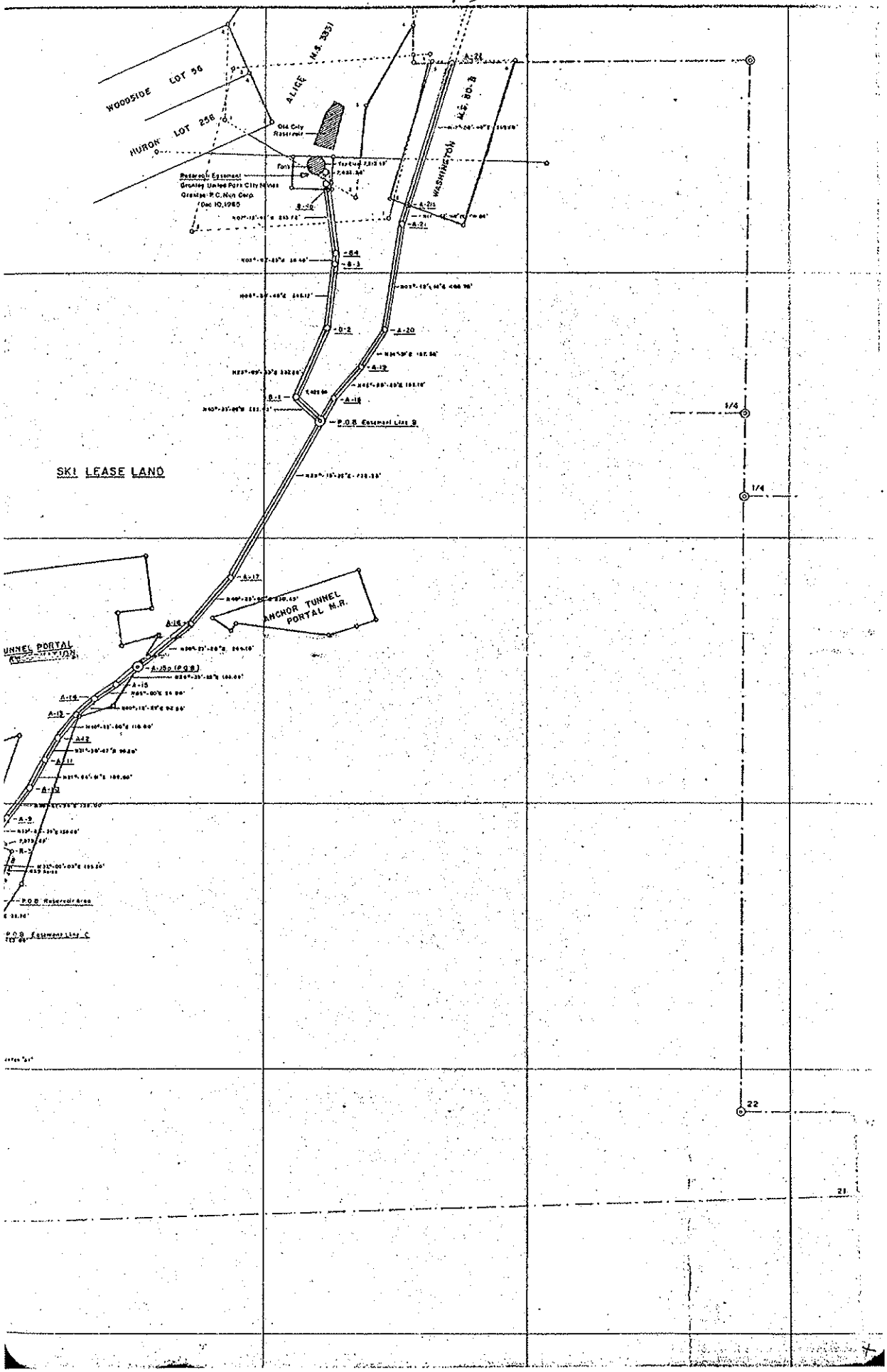
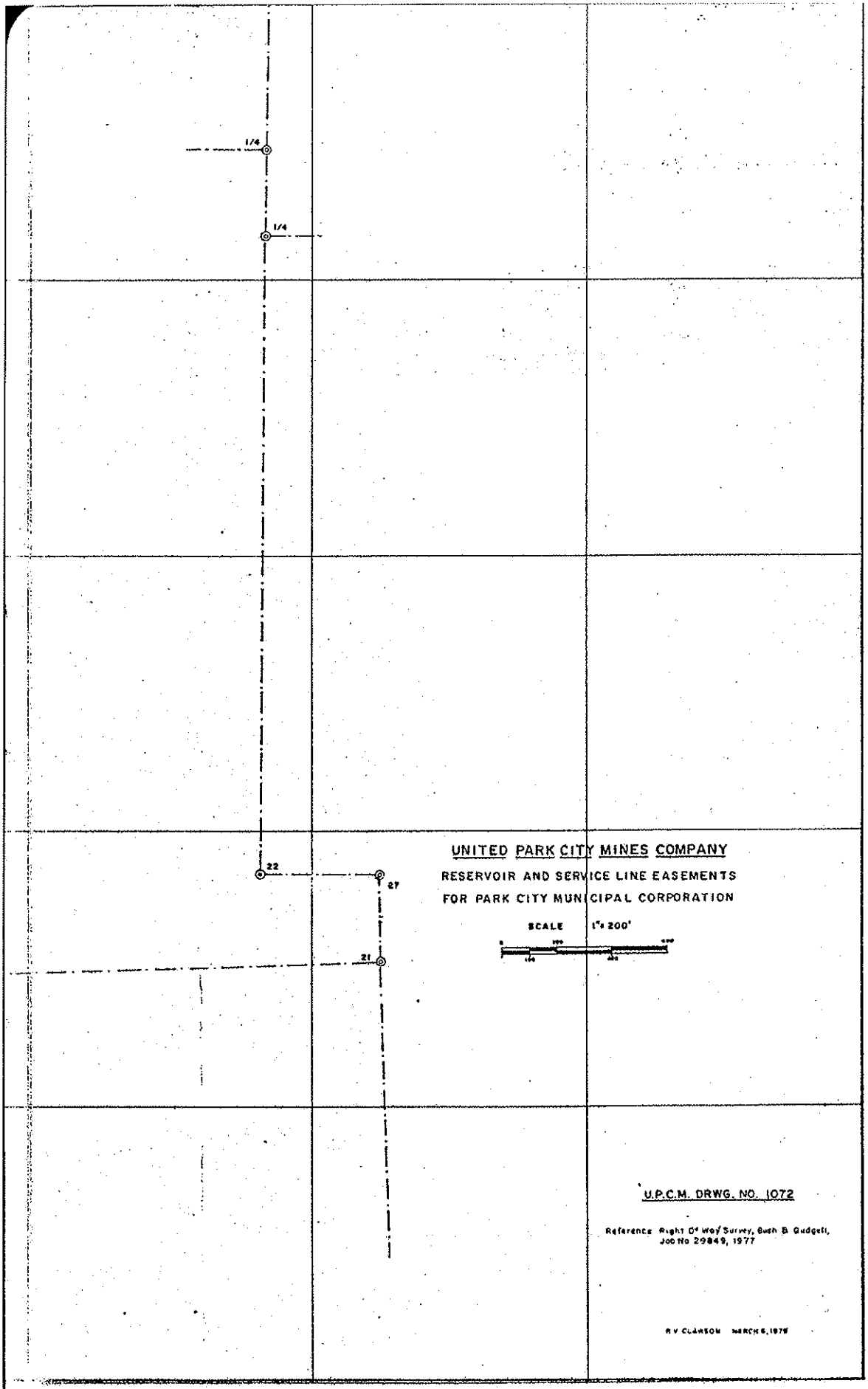

Silver King Mill Tailings Tank
120' Dia.
Silver King Water Tanks
Alliance - King Water Line
UNITED PARK CITY MINES COMPANY SURFACE RETENTION PARCEL
Alliance Tunnel
Ridge Tunnel
20 21
27 28


WOODSIDE LOT 56
HURON LOT 256
ALLIGE M.S. 3851
WASHINGTON M.S. 80-B
Old City Reservoir
Reservoir Easement
Grantee: United Park City Mines
Grantor: P.C. Run Corp.
Dec 10, 1985
P.O.B. Easement Line B
SKI LEASE LAND
ANCHOR TUNNEL PORTAL N.R.
TUNNEL PORTAL
P.O.B. Reservoir Area
P.O.B. Easement Line C
1/4
22



BOOK 116 PAGE 732

OPERATIONS AND MAINTENANCE PLAN
EMPIRE CANYON

EPA ID No; 0002005981

June 19, 2009

Prepared for:

United Park City Mines
P.O. Box 1450
Park City, UT 84060

Prepared by:

Resource Environmental Management Consultants d.b.a. RMC
8138 South State Street, Suite 2A
Midvale, Utah 84047

Phone: (801) 255-2626
Fax: (801) 255-3266

OPERATIONS AND MAINTENANCE PLAN
EMPIRE CANYON
EPA ID No; 0002005981

June 19, 2009

Prepared for:
United Park City Mines
P.O. Box 1450
Park City, UT 84060

Prepared by:
Resource Environmental Management Consultants d.b.a. RMC
8138 South State Street, Suite 2A
Midvale, Utah 84047

Phone: (801) 255-2626
Fax: (801) 255-3266

Prepared by:_____ Date: October 7, 1009
Jim Fricke
Resource Management Consultants

Reviewed by:_____ Date: October 7, 2009
Kerry Gee
United Park City Mines Company

Reviewed by: _____ Date:
Kathryn Hernandez
USEPA Remedial Project Manager

OPERATIONS AND MAINTENANCE PLAN
EMPIRE CANYON
EPA ID No; 0002005981

June 19, 2009

Prepared for:
United Park City Mines
P.O. Box 1450
Park City, UT 84060

Prepared by:
Resource Environmental Management Consultants d.b.a. RMC
8138 South State Street, Suite 2A
Midvale, Utah 84047

Phone: (801) 255-2626
Fax: (801) 255-3266

Prepared by:_____ Date: October 7, 1009
Jim Fricke
Resource Management Consultants

Reviewed by:_____ Date: October 7, 2009
Kerry Gee
United Park City Mines Company

Reviewed by: _____ Date: October 16, 2009
Kathryn Hernandez
USEPA Remedial Project Manager

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1.0 INTRODUCTION

The Empire Canyon CERCLIS site (Site) was established to facilitate necessary investigation and potential remediation arising from historic mining activity in the canyon. On May 14, 2002 United Park City Mines Company (United Park) entered into the Empire Canyon Administrative Order on Consent for Removal Action, EPA Docket No. CERCLA 08-2002-05 (EPA date-stamped May 14, 2002) (the "2002 AOC") with EPA to investigate contamination issues related to the historic mining activity. The 2002 AOC required United Park to perform an Engineering Evaluation/Cost Analysis (EE/CA) to determine any action necessary to address these issues. On June 10, 2003 United Park delivered the EE/CA report to EPA.

EPA issued an Action Memorandum for the Empire Canyon Site on November 6, 2003, which recommended that a Non-Time Critical Removal Action be completed on Empire Canyon. On December 16, 2003, United Park and EPA entered into the Empire Canyon Administrative Order on Consent for Non-Time Critical Removal Action, EPA docket No. CERCLA 08-2004-0003 (EPA date-stamped December 16, 2003) (the "2003 AOC"), which required United Park to complete the removal activities described in Section 1.2 of this Operations and Maintenance Plan (O&M Plan).

This O&M Plan has been prepared to describe post closure operations and maintenance (O&M) procedures at the Empire Canyon Site, as defined below.

The Empire Canyon Non-Time Critical Removal Action (RA) was implemented during the years 2004 through 2007 and completed in the fall of 2007. O&M at the Site will be conducted to insure that the remedy as constructed is protected and remains intact.

This O&M Plan describes the administrative and technical details and requirements for monitoring, inspecting, operating and maintaining the RA work accomplished, including the implementation of Institutional Controls (ICs). O&M at the Site will involve:

- Maintaining waste containment measures (e.g. soil and rock cover);
- Maintaining constructed channels;
- Routine inspections to ensure that the Removal Action as implemented remains protective of human health and the environment; and
- Maintaining and implementing Institutional Controls.

A summary of inspection and maintenance procedures is presented in Table 1-1. A Site Map is presented in Figure 1-1.

1.1 Site Definition

As used in this O&M Plan the term "Site" is defined as described in this paragraph.

This O&M Plan covers the Site as specifically defined in the 2002 and 2003 AOCs and, consistent with both AOCs, does not extend to those development parcels that were specifically excluded by metes and bounds descriptions in both AOCs ("Flagstaff Exclusion Parcels"). Moreover, the Site does not extent to the area subsequently transferred and described in the "Agreement and Covenant Not to Sue DV Luxury Resort LLC" EPA Docket No. CERCLA-08-2007-0001 (EPA Date Stamped November 29, 2006) (the "Montage Site"). O&M procedures for the Montage Site are beyond the scope of this plan. O&M Procedures for the Montage Site will be addressed in a separate document prepared by the Montage Developer DVLR, upon completion of the Montage Hotel construction.

It should be noted in regard to the Flagstaff Exclusion Parcels that, with the exception of parcels P6 and D10, any contamination on the Flagstaff Exclusion Parcels has previously been removed by United Park and EPA has issued comfort letters indicating that the agency has no additional CERCLA concerns with the parcels. As previously discussed with EPA, Parcels P6 and D10 are located east of the Empire Day Lodge and will be addressed concurrent with any future development of the parcels in a manner consistent

with the established program. Parcels P6 & D10 are not considered part of the Site covered by this O&M Plan.

1.2 Scope of Removal Action

The Removal Action consisted of:

1. Excavation of contaminated channel materials and reconstruction of drainage channels;
2. Construction of several drop pools designed to decrease flow velocity;
3. Covering or re-routing certain public recreational trails and paths;
4. Covering and recontouring mine rock waste piles;
5. Transport of mine waste for off-Site disposal at Richardson Flat (a permanent disposal site);
6. Redevelopment of the Daly West mine dump and a portion of the adjacent land as a hotel and spa resort; and
7. Incidental construction of new ski runs below the Montage Site.

2.0 OPERATION

Post-removal operation of the Site will include monitoring, inspection and maintenance to ensure that the Removal Action is protective of human health and the environment. Proposed monitoring and inspection locations are presented in Figure 1-1. These locations are approximate and locations will be selected based on field conditions. Institutional Controls will be implemented as required for the protection of future workers and recreational users.

2.1 Site Responsibilities

O&M at the Site will be conducted by United Park. Kerry Gee will be the Project Coordinator for United Park and will manage O&M activities. Environmental consultants at Resource Management Consultants, Inc. (RMC) and civil engineers and surveyors from Alliance Engineering, and Applied Geotechnical Engineering Consultants will assist Mr. Gee as required. The EPA Project Manager is Kathryn Hernandez.

If required, equipment to repair erosion and/or vegetation problems at the Site will be provided by United Park or another qualified contractor.

2.2 Post Remedial Operation

Future land use at Empire Canyon is anticipated to be recreation and open space or other uses that may benefit the overall public.

2.3 Site Access and Ownership

The Site is currently owned by United Park or Deer Valley. These entities control access to their respective portions of the Site. Signage will be placed at the entrance to the property to notify hikers and mountain bikers of the Removal Action. With the exception of the lands excluded by the 2002 and 2003 AOCs, the remaining lands have been placed in a conservation easement with use restrictions currently in existence on such lands (See Section 4.2.2).

Workers entering the Site will be notified of applicable Site conditions and potential risks. Workers such as utility workers who may come into contact with contaminated material may require training as specified in Section 4.0.

3.0 DESCRIPTION OF O&M TIMELINES AND MONITORING INTERVALS

This section describes post remedial O&M timelines and monitoring intervals for the Site.

3.1 Monitoring

Post-construction monitoring will be conducted to evaluate the effectiveness of the cleanup. United Park or its representative will be responsible for monitoring for a minimum period of five years following final implementation of the Site removal action as documented by the FINAL POLREP, dated September 5, 2008. Visual monitoring of the integrity of cover soils and vegetation shall be conducted as part of the ongoing maintenance of the Site.

Post removal monitoring activities will include the following:

1. Monitoring of revegetation, of the soil and rock cover, and of the channel and trail removal actions will be conducted quarterly for a period of at least three years, or until six consecutive inspections indicate that such removal response efforts have been successful. Established photo points will be displayed on a map and shall set forth specific dates on which the comparative photos will be taken. Photos will be taken at least twice per year, once during late fall or early spring conditions (leaf off condition) and then another during late spring early summer (leaf on condition). The photo comparisons should be consistently conducted over the period of monitoring years. Preferably during the same two week period each year.

2. Annual examination of the cover integrity and vegetation on the waste repository to ensure that they remain effective.

3. Annually, spring runoff water chemistry samples will be collected at permanent monitoring stations identified on Figure 1 to determine effectiveness of the removal. Sample locations will be located: 1) just down gradient of the Daly West mine dump; 2) up gradient of the Judge Tunnel, 3) up gradient of the city water tank, and 4) the stormwater detention basin at the mouth of Empire Canyon 5) just above the houses on Daly Avenue; and, 6) on the Walker and Webster Gulch just

up gradient of the sediment impoundment near the mouth of Walker and Webster Gulch.

There are two foreseeable types of problems that can occur in relation to the cleanup actions. The first can be damage or failure of the removal action that would require repair and could cause an increase in metal loading to the surface water flowing in the channel as a result of a damaged remedial component. A second problem could be caused by the failure to achieve significant reductions in metal loading. If water sampling can pinpoint the location and cause of an increase in metal loading to the stream, or if there are not significant reductions in load identified over the monitoring period, with the exception of any discharge from the Judge tunnel or associated Park City waterworks, United Park will evaluate whether any of the removal action components have been compromised and will take measures to repair the component. Any such measures taken will be consistent with the removal action in a manner that will mitigate the chance of future component failure and, to the extent practical, such increased metal loading. Other maintenance activities will also occur, such as debris removal from the channel, rip-rap repair, if needed, and repair of mechanical conveyances.

All sampling will be done in accordance with the Sampling and Analysis Plan for the Empire Canyon Removal Action.

If a problem is discovered, United Park will continue to collect annual water chemistry samples and perform quarterly visual inspections quarterly for a period of at least three years, or until six consecutive inspections indicate that such removal response efforts have been successful to the extent practical. After quarterly visual inspections and annual water chemistry samples indicate that cleanup efforts have been successful for a period of three years and five years respectively, as long as no problems have been identified, and as long as the cleanup continues to achieve significant reductions in metal loading, only bi-annual visual inspections will be required.

3.2 Timing of Institutional Controls

Institutional Controls will remain in-place for the life of the Site.

3.3 Access Control

Access Controls, where required, will remain for the life of the Site.

4.0 DESCRIPTION OF O&M ACTIVITIES, PERFORMANCE STANDARDS AND INSPECTION AND MAINTENANCE PROCEDURES

This section details post-remedial inspection and maintenance procedures and performance standards. The following criteria have been developed based on guidelines found in Utah Administrative Code R647-4-11, Large Mining Reclamation Practices, promulgated by the Utah Division of Oil, Gas and Mining (DOGM). These have been used as guidelines only and do not imply or establish that DOGM has any jurisdiction at the Site nor are the guidelines ARAR.

4.1 Inspection

Inspection locations are presented in Figure 1-1. Inspections will be performed by United Park using the Inspection Checklist is provided in Appendix A to identify those concerns for which United Park will take action to repair or mitigate the concern.

4.1.1 Revegetation

Revegetation efforts will be considered successful when, they have achieved 70 percent of the surrounding undisturbed ground cover. Vegetation monitoring will be conducted by photographic comparison. A series of stations will be established throughout the Site. In addition, opportunity inspections will be conducted on a periodic basis. A photographic record will be established for each location. Photographs will provide a

baseline inventory of the landscape and document rates of vegetation change and events associated with that particular change.

Any areas that have failed, washed out, or for any reason do not have vegetative cover capable of preventing soil erosion and dust movement will be reworked and reseeded at the first opportunity. An attempt will be made to determine the cause of the failure and steps will be taken to correct any deficiencies found.

4.1.2 Soil and Rock Cover

Soil and rock cover will be maintained at eighteen inches with a vegetative and/or armored rock protective cover. The primary performance standards will be the integrity of the cover. The cover performance standard will be adequate to control sediment from the disturbed areas. The degree of erosion control employed will be appropriate for soil conditions, topography, drainage and precipitation.

The cover will be monitored by United Park for undue erosion. Soil and rock cover areas experiencing excessive erosion will be repaired using remediation procedures described in the RAWP (RMC, 2004a). Areas of minor erosion and rilling will be monitored as required. Areas of multiple rills coalescing into larger continuous rills with the potential to adversely impact cover material thickness or transport sediments will be repaired. The source of erosion and rilling will be repaired prior to repairing the soil cover. All repairs will be constructed in a permanent manner, with a focus on eliminating the root cause of the erosion (i.e. excessive stormwater run-on). Areas repaired with soil will be revegetated appropriately. All repaired areas will be repaired to their original function.

4.1.3 Reconstructed Stream Channels

Reconstructed stream channels will be inspected by United Park for structural integrity to assure that they are left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system

United Park will conduct inspections of drainage and erosion control features to ensure that they are functioning as designed. United Park will conduct inspections as provided in the Inspection Checklist. Channel inspections will include visually observing all drainage channels, berms and rip-rap areas for damage. Additional inspections of Site drainage will be made after storm events that meet or exceed the design storm return frequency (25y/24h). Repairs will be made based on Site specific circumstances as required by the results of the United Park inspections. Channels will be repaired to meet original project specifications as described in the RAWP.

Golder Associates in their report on the Empire Canyon Channel have recommended that wing walls be installed along the inlet side of the box culvert under the roadway near the Lady Morgan chair lift. There is also a recommendation that a gabion blanket be placed at the outlet of this crossing on the floor of the channel. As part of its O&M, United Park will implement these two Golder Associates recommendations by not later than the end of the construction season 2010.

Sediment basins below the Anchor Mine dump are not considered protective of the remedy and were not constructed as part of the Removal Action and will not be constructed as part of the O&M plan. Should future sediment basins be constructed within the Site, EPA approval prior to construction must be obtained.

Any sediment that collects within the small drop pools constructed throughout the channel will be cleaned out as needed to assure that the pool performs as a velocity dissipating structure. The sediments will be checked by United Park for metal contamination and dealt with accordingly. It is anticipated that any contaminated material will be taken to Richardson Flat as long as it is open and has adequate capacity and will otherwise be managed in a manner consistent with the 2003 AOC. The large basin just above the Judge Tunnel discharge point was constructed as a requirement of the Flagstaff/Empire project and not as part of the Removal Action. As with the drop pools mentioned above, the contaminant level of this material can be determined and the material dealt with as per section 3.2.

Channel O&M will also include inspection by United Park of adjacent soil cover areas. United Park will also inspect the structural integrity of the soil cover (i.e. cover is mechanically stable, functioning properly without undue erosion). Repairs will be made based on Site-specific circumstances as required by the results of inspections.

4.1.4 Trail Remediation

Remediated trails will be inspected by United Park to ensure that the cover remains intact and the primary performance standards will be the integrity of the cover. The trail cover specification was twelve inches of clean cover soil and the performance standard will be based on maintaining this specification.

Areas of trail erosion will be repaired according to soil cover protocols described in Section 4.1.2. All repairs will be constructed in a permanent manner. Areas repaired with soil will be revegetated appropriately. All repaired areas will be repaired to their original function.

Trail inspections will also include inspection of adjacent soil cover areas. United Park will inspect the structural integrity of the soil cover. Repairs will be made based on Site-specific circumstances as required by the results of United Park inspections.

4.2 Maintenance of Institutional Controls

United Park or their designated representative will operate the Site according to the following short- and long-term institutional controls:

4.2.1 Short-term ICs

The following short-term institutional controls will apply during any required maintenance at the Site:

1. United Park will establish written Site-access agreements with all underground utility companies who may encounter mine waste materials left in-place.
2. Signs will inform visitors of certain hazards (e.g., presence of mine wastes on reclaimed mine dumps as required).

4.2.2 Long-term ICs

Long-term institutional controls include use restrictions through open space dedication that limit land use at the Anchor and Alliance Mine dumps. In 2003, United Park deeded much of the property subject to the Empire Canyon AOCs to Deer Valley and subsequently placed into an open space conservation easement. In 2007, several hundred acres of land near the Silver King Mine which includes part of Walker and Webster Gulch and the Alliance Mine Dump were placed in a conservation easement as part of the Montage Hotel approvals. United Park has prepared legal metes and bounds descriptions of the open space areas that are attached as Appendix B.

4.3 Access Control

Site access will be monitored and controlled as needed. Access to unauthorized areas of the Site may be controlled with signs. The integrity of access controls will be inspected concurrently with other Site inspections and visits.

5.0 SAFETY REQUIREMENTS

All Site personnel will comply with the United Park Health and Safety Policy, Empire Canyon Site (HASP, RMC, 2004b)

All Site personnel and contractors with the potential to work with or encounter contaminated materials will have appropriate health and safety training including OSHA certification as required by 29 CFR 1910.120.

All areas containing potential exposures to hazardous materials will be signed accordingly.

6.0 RECORD KEEPING AND REPORTING

This section describes post-construction record keeping and reporting requirements.

6.1 Record Keeping

Detailed records will be maintained during the life of the project. Records will include:

- Monitoring and maintenance records;
- Summary of monitoring and inspection activities;
- Summary of maintenance and repair activities; and
- All other pertinent records.

6.2 Reporting

O&M activities and the results of scheduled and opportunity monitoring will be incorporated into the quarterly progress reports for the Site.

Quarterly time periods are as follows: January to March, April to June, July to September and October to December. Quarterly reports will be submitted by the tenth of the month following each quarterly period for two years. Monitoring reports will be submitted on an annual basis thereafter unless an event or reported incident warrants an expedited report.

Reports will be submitted to:

- Kathryn Hernandez, EPA Project Manager; and
- Mo Slam, State of Utah Department of Environmental Responses and Remediation.

7.0 CONTINGENCY PLAN

In the event of an accident or emergency, countermeasures will be taken to protect the local affected population and environment. The Site is located in a rural area and due to the low mobility of Site materials (sediment and soils) a substantial release that would affect a large population is not expected. Accident and emergency countermeasures should generally be limited to construction worker injury during remediation activities, air release to low population areas and on-Site spills of material during Site construction work.

7.1 Spill Control and Countermeasures

In the event of a release, spill or off-Site migration of contaminants, appropriate measures will be taken to reduce the potential effects to the local population and environment. Additional sampling and monitoring may be conducted based on procedures outlined in the SAP. Appropriate regulatory agencies will be notified in the event of a release of contaminated material. All spills and releases (on-Site and off-Site) will be reported immediately. If required, sampling, assessment of materials and any necessary removal will be conducted according to procedures outlined in the RAWP and SAP.

Agency Contact List

Offsite Release or Migration of Site Contaminants:
Kathryn Hernandez USEPA – Region 8 – 1-800-227-8917

Chemical Release or Spill:
National Spill Response Center – 1-800-424-8802

United Park Contact List

Offsite Release or Migration of Site contaminants, vandalism or flooding:
Kerry C. Gee, United Park City Mines Company – 435-615-8395

8.0 O&M COSTS

O&M costs have not been prepared at the time of this report. O&M costs will be borne by United Park at the time they occur.

9.0 REFERENCES

Resource Management Consultants, Inc (RMC), 2002, Sampling and Analysis Plan (SAP), Empire Canyon Site, Summit County, Utah EPA ID No. 002005981.

Resource Management Consultants, Inc (RMC), 2003, Engineering Evaluation/Cost Analysis (EE/CA), Empire Canyon Site, Summit County, Utah EPA ID No. 002005981.

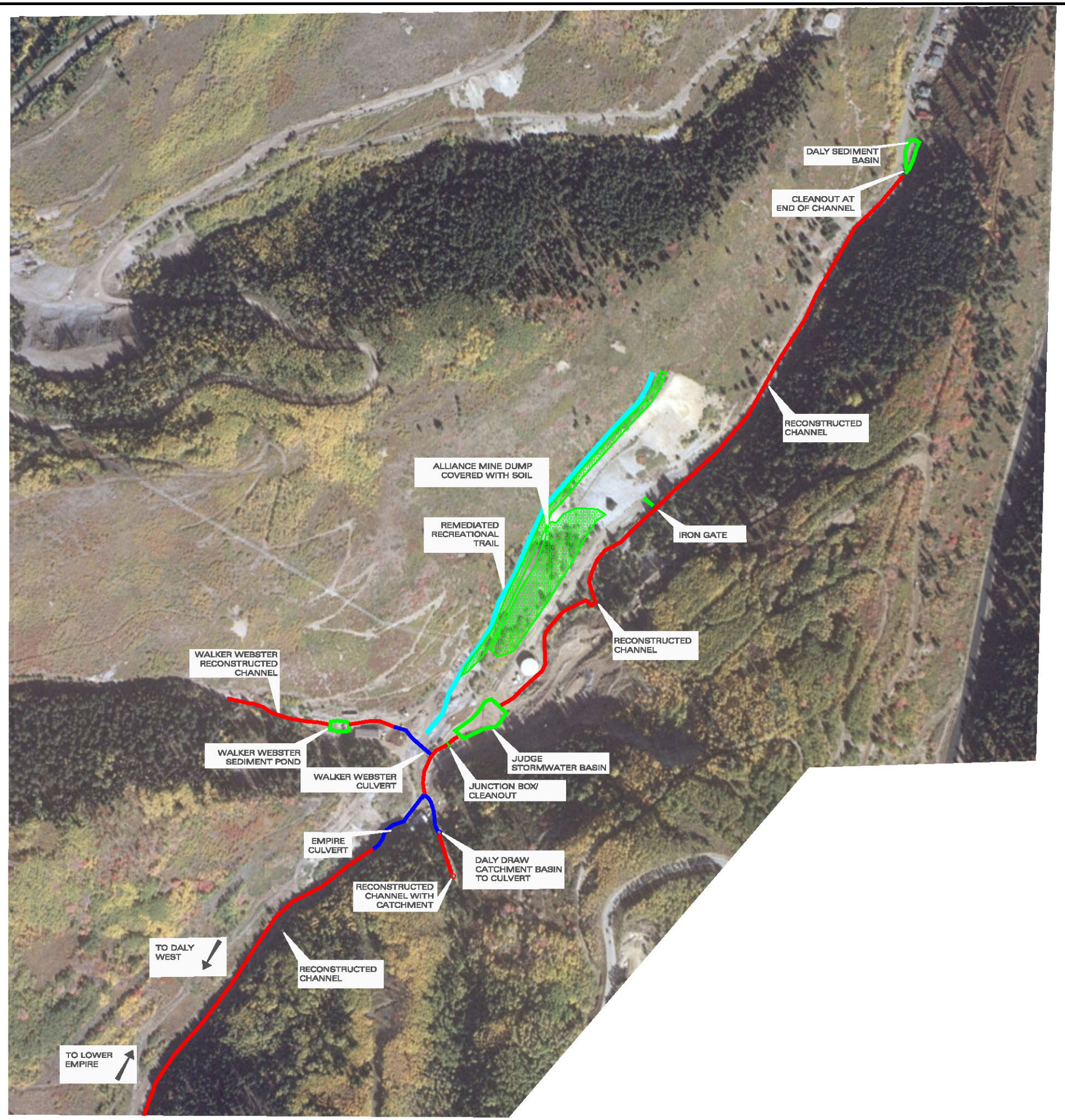
Resource Management Consultants, Inc (RMC), 2004a, Removal Action Work Plan (Work Plan), Empire Canyon Site, Summit County, Utah EPA ID No. 002005981.

Resource Management Consultants, Inc (RMC), 2004b, Health and Safety Plan (HASP), Empire Canyon Site, Summit County, Utah EPA ID No. 002005981.

State of Utah Rules, Reclamation, Large Mining Operations, R647-4-11.

Table 1-1: Inspection and Maintenance Summary

Remedial Feature	Inspection Criteria	Inspection Interval
Revegetation	Revegetation has achieved 70% of premining or adjacent comparable vegetative cover.	Quarterly for at least 3 years, or until or until six consecutive inspections indicate that revegetation efforts have been successful.
Soil and Rock Cover	Sediment from disturbed areas is adequately controlled. The degree of erosion control is appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality and other characteristics.	Quarterly for at least 3 years, or until or until six consecutive inspections indicate that cover is intact and functioning properly
Stream Channels	Clay liner intact and not eroding, rip-rap armor in place and functioning, check-dams in place and functioning. Channels are in stable condition with respect to actual and reasonably expected water flow as to avoid or minimize damage to the hydrologic system.	Quarterly for at least 3 years, or until or until six consecutive inspections indicate that reconstructed stream channels are functioning properly
Trails	Cover not eroded. Cover is intact.	Quarterly for at least 3 years, or until or until six consecutive inspections indicate that cover is intact and functioning properly



LEGEND

- RECONSTRUCTED CHANNEL
- UNDERGROUND CULVERT
- REMEDIATED RECREATIONAL TRAIL
- OTHER REMEDIAL FEATURES
- SOIL COVER AREA

N

NOT TO SCALE

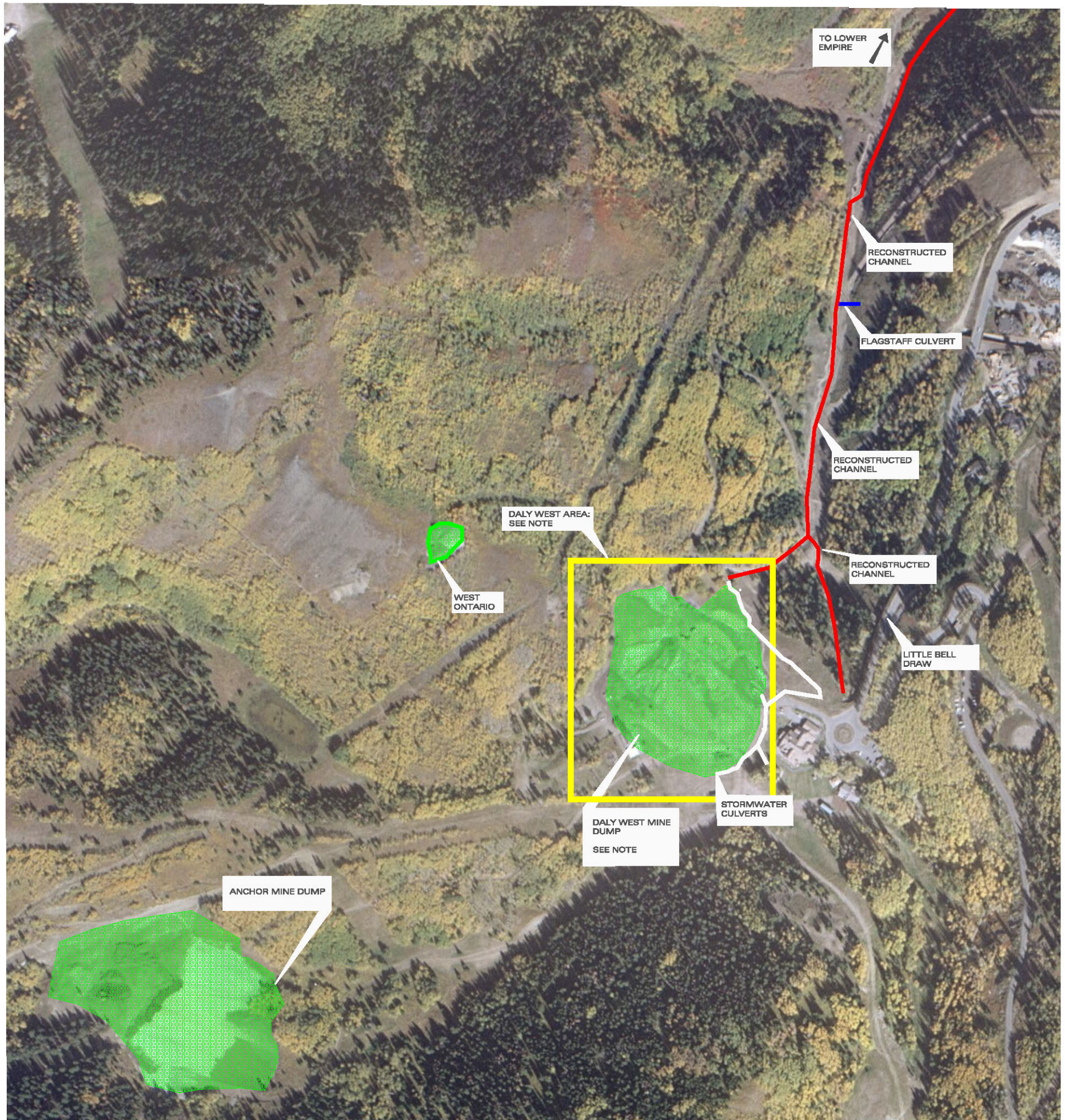
UNITED PARK CITY MINES

FIGURE 1-1
EMPIRE CANYON O&M PLAN
SITE FEATURES
SHEET 1 OF 2

RESOURCE MANAGEMENT CONSULTANTS
8138 SOUTH STATE ST.
SUITE 2A
MIDVALE, UT 84047
801-255-2626

DECEMBER 2008

o&m plan fig 1-1.dwg



LEGEND

- RECONSTRUCTED CHANNEL
- UNDERGROUND CULVERT
- REMEDIATED RECREATIONAL TRAIL
- OTHER REMEDIAL FEATURES
- COVERED MINE DUMP

Note: Operations and maintenance at the Daly West mine dump will be conducted separately by Athens Development DV, LLC. An Operations and Maintenance Plan for the Daly West area will be submitted following completion of hotel construction at the site. Construction details for Daly West are preseneted in the Construction Work Plan for Montage Hotel, dated September 6, 2006.

N

NOT TO SCALE

UNITED PARK CITY MINES

FIGURE 1-1
EMPIRE CANYON O&M PLAN
SITE FEATURES
SHEET 2 OF 2

RESOURCE MANAGEMENT CONSULTANTS
8138 SOUTH STATE ST.
SUITE 2A
MIDVALE, UT 84047
801-255-2626

DECEMBER 2008

o&m plan fig 1-1.dwg

Empire Canyon

Operation and Maintenance Plan - Inspection Checklist

Inspection Date: _____ **Location:** _____

Vegetation

		Y/N	Location(s)	Observed Conditions	Recommended Actions	Photos Taken	Location(s) Marked by GPS
1-	<70% of premining or adjacent comparable vegetative cover						
2-	Areas of Erosion Present, Types of Erosion (e.g. overland, rills)						

Soil and Rock Cover

		Y/N	Location(s)	Observed Conditions	Recommended Actions	Photos Taken	Location(s) Marked by GPS
1-	Cover Eroding						
2-	Cover Breached						
3-	Evidence of sediment transport present						

Channels

		Y/N	Location(s)	Observed Conditions	Recommended Actions	Photos Taken	Location(s) Marked by GPS
1-	Liner eroded						
2-	Rip-rap armor not functioning						
3-	Check dams not functioning						

Empire Canyon

Operation and Maintenance Plan - Inspection Checklist

Trails

		Y/N	Location(s)	Observed Conditions	Recommended Actions	Photos Taken	Location(s) Marked by GPS
1-	Cover eroded						

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES

BRIAN C. STEED
Executive Director

Division of Water Rights
TERESA WILHELMSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

FOR STREAM ALTERATION APPLICATION NUMBER **20-35-22SA**
IN THE NAME OF PARK CITY MUNICIPAL CORPORATION FOR ALTERATION
TO EMPIRE CREEK IN SUMMIT COUNTY, UTAH

Stream Alteration Application No. **20-35-22SA**, submitted in the name of Park City Municipal Corporation, applicant, in order to replace water storage tank and outfall associated with Empire Creek, a natural stream located in Summit County, Utah, is hereby **APPROVED** as a STATE ONLY permit, contingent upon the conditions outlined in this **ORDER**. The applicant is hereby authorized to conduct the work detailed in the application and supporting documentation, as described in this **ORDER**. Any modification or addition to the work may require additional authorization and/or application resubmittal.

1. The expiration date of this order is **October 13, 2022**. Work affecting the bed and/or banks of the stream may not be conducted after this date. Extension of the order is subject to reverification and review by the Division. A request for extension must be submitted in writing to the Division and include an explanation for project delay.

2. A copy of this order must be kept onsite at any time the work authorized under this order is in progress.

3. We suggest that you coordinate with potentially impacted landowners.

4. Photos must be taken before and after project construction and submitted to this office.

5. Disturbed areas must be planted with a variety of appropriate vegetation (especially woody vegetation where feasible) to help hold the soil around riprap, prevent excessive erosion, and to help maintain other riverine functions. Successful revegetation efforts must be monitored and reported to this office.

6. Best Management Practices should be implemented and maintained during any streamside or instream work to minimize sedimentation, temporary erosion of stream banks, and needless damage or alteration to the streambed.

7. Approval of this application does not authorize trespass, easements, rights-of-way, or any other access and land use permits. It is the responsibility of the applicant to obtain any such authorizations as may be necessary for this proposal.

8. Ingress and egress access should be kept to a minimum.

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • TTY (801) 538-7458 • *www.waterrights.utah.gov*

9. Excavated material and construction debris may not be wasted in any stream channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. may not be stockpiled in riparian or channel areas.

10. Erosion control, revegetation, and noxious weed control must be implemented and monitored until revegetation becomes well established. Success of these measures must also be reported prior to the compliance inspection. This is especially important for all disturbed areas, including fill, in order to prevent sediments from entering flowing water. Particular attention is required to assure that silt fencing is properly installed and left in place until after revegetation becomes established at which time the silt fence can then be carefully removed.

11. Work must be accomplished during a period of low flow. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. If necessary, flows must be diverted away from the construction area through use of a non-erodible cofferdam or other means of bypass.

12. Machinery must be properly cleaned and fueled offsite prior to construction.

The statutory process and criteria for evaluation of this application are described at Utah Code Ann. § 73-3-29 and Administrative Rule R655-13. The State Engineer has determined that this application does meet the necessary legal criteria for approval based upon the following Findings of Fact and reasoning set forth in the Discussion.

FINDINGS OF FACT

1. The application was received by the Division of Water Rights ("Division") on August 24, 2020, and made available for comment on the Division's webpage, provided to pertinent governmental agencies, and to other entities as warranted, for a period of 20 calendar days, said period concluding prior to September 13, 2020.

2. The application contains the following information:
   - The stated description of the proposed project is: To replace water storage tank and outfall associated with Empire Creek in Summit County.
   - The stated purpose of the proposed project is: To update aging raw water facility.

3. The following comments or objections on the proposed project were received from:
   - USACE - U.S. Army Corps of Engineers (Corps) - Michael Pectol
   - State of Utah - Floodplain Manager - Kathy Holder

   The comments or objections received are summarized as follows:
   - The Corps has indicated that no Corps permitting will be required.

- Kathy Holder, State Floodplain Manager (Division of Emergency Management) has indicated that the Applicant needs to make sure they get a floodplain development permit from the local Flood Plain Administrator (FPA) in the community they are doing the work in. They need to make sure they are in compliance with the National Flood Insurance Program (NFIP) and with the local flood plain regulations by contacting the communities FPA. Even state and federal agencies need to obtain the local floodplain development permits as per the federal regulations 44 CFR 60.3. This may include obtaining a Letter of Map Change (LOMC) from FEMA. As well as any other federal or local permits required to develop in Special Flood Hazard Areas (SFHA). The community (local) FPA should know what is required in these areas. If there are questions as to what is needed, individuals can call or email at 801-538-3332 (office) or 801-315-3566 (mobile) or kcholder@utah.gov.

DISCUSSION

1. Based on a review of the Division's water rights records and/or a review of the application by personnel of the Division's regional office, it is the opinion of the State Engineer that the project will not impair vested water rights.

2. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily affect recreational use or the natural stream environment.

3. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily endanger aquatic wildlife.

4. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily diminish the natural channel's ability to conduct high flows.

5. Other comments or concerns submitted by interested persons or parties are not believed to be within the purview of the State Engineer in evaluating an Application to Alter a Natural Stream.

Your contact with the Division is Daren Rasmussen, who can be reached at DarenRasmussen@utah.gov or at telephone number 801-538-7377. Information pertaining to this application/decision can be found at the following link:
https://waterrights.utah.gov/cgi-bin/strmview.exe?Modinfo=Viewapp&Permit_Number=20350022

This **ORDER** is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63G-4-302 and 73-3-14, which provide for persons or parties with legal standing to file either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this **ORDER**. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this **ORDER**, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken within 20 days after the Request is filed.

Dated this 13th day of October, 2020.

David K. Marble, P.E.
Assistant State Engineer

Mailed a copy of the foregoing Order this 13th day of October, 2020, to:

PARK CITY MUNICIPAL CORPORATION
ROGER MCCLAIN
445 MARSAC AVENUE
PARK CITY UT 84060

Michael Pectol - U.S. Army Corps of Engineers, Michael.A.Pectol@usace.army.mil
Eric Jones - Regional Engineer, ericjones@utah.gov
Nolan Hahn - EPA, Hahn.Nolan@epa.gov
Scott Walker - Wildlife Resources, scottwalker@utah.gov
Kathy Holder - Division of Emergency Management, kcholder@utah.gov
Merissa Davis - Bowen Collins & Associates, mdavis@bowencollins.com
Roger McClain, roger.mcclain@parkcity.org

By: Tiffany Gonzales
Secretary

Planning Commission
Staff Report

Subject: **Outdoor Lighting Amendments**
Application: **PL-20-04545**
Authors: **Rebecca Ward; Elizabeth Jackson**
Date: **January 13, 2021**
Type of Item: **Legislative – Land Management Code Amendment**

Recommendation

Review the outdoor lighting amendments, hold a public hearing, and forward a positive recommendation for City Council's consideration on January 21, 2021.

Description

Applicant:	Planning Department
Zoning District:	Citywide
LMC Sections:	15-3-3, *General Parking Area and Driveway Standards* 15-3-4, *Parking Garages and Structures* 15-5-1, *Policy and Purpose* 15-5-5(J), *Lighting* 15-15-1, *Definitions* 15-15-2, *List of Defined Terms*
Reason for Review:	The Commission has the primary responsibility of reviewing LMC amendments and forwarding a recommendation for City Council's consideration. The City Council holds a public hearing and takes Final Action.

Acronyms

IDA	International Dark-Sky Association
LMC	Land Management Code
MCPC	Municipal Code of Park City
SBDC	Snyderville Basin Development Code

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

Background

The policy of mitigating impacts of outdoor lighting is woven throughout the General Plan and Land Management Code (LMC). The General Plan establishes a strategy to "improve visibility of night sky through enforcement of the existing light ordinance and potential enactment of a new night sky ordinance."[1] The LMC is "designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan . . . [for the] preservation of night skies."[2]

The concept of regulating the community's outdoor lighting in order to preserve and enhance night sky visibility has been a topic of discussion in Park City for years.

[1] City Implementation Strategy 5.14, p. 11.
[2] LMC § 15-1-2(F).

Ordinance No. 98-7 (p. 237) established the current outdoor lighting regulations. Enacted in 1998, this Ordinance was developed to minimize light trespass, glare, and light pollution.

In addition to the lighting regulations implemented in the 1990s, the City recognized further improvements to night sky protections. In 2010, the City Council passed Resolution No. 22-10, which outlined a goal to incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans, and development proposals. Objective 4.3 of the Resolution is to "[i]mprove visibility of night sky."

However, the City's outdoor lighting code has not been updated since 1998 and does not reflect current best practices, LEDs, or light fixtures that are Fully Shielded to direct light downward, reducing glare and light pollution. On May 13, 2020, the Planning Commission identified the outdoor lighting code as a Land Management Code amendment priority (Staff Report; Minutes, p. 4).

The Planning Commission conducted the following work sessions and public hearings on the proposed outdoor lighting amendments:

September 9, 2020 work session	Staff Report; Minutes, p. 7
November 11, 2020 public hearing	Staff Report; Minutes, p. 13
December 9, 2020 work session	Staff Report; Audio

Staff incorporated the Commission's input into the proposed code and requests that the Commission forward a positive recommendation for City Council consideration on January 21, 2021.

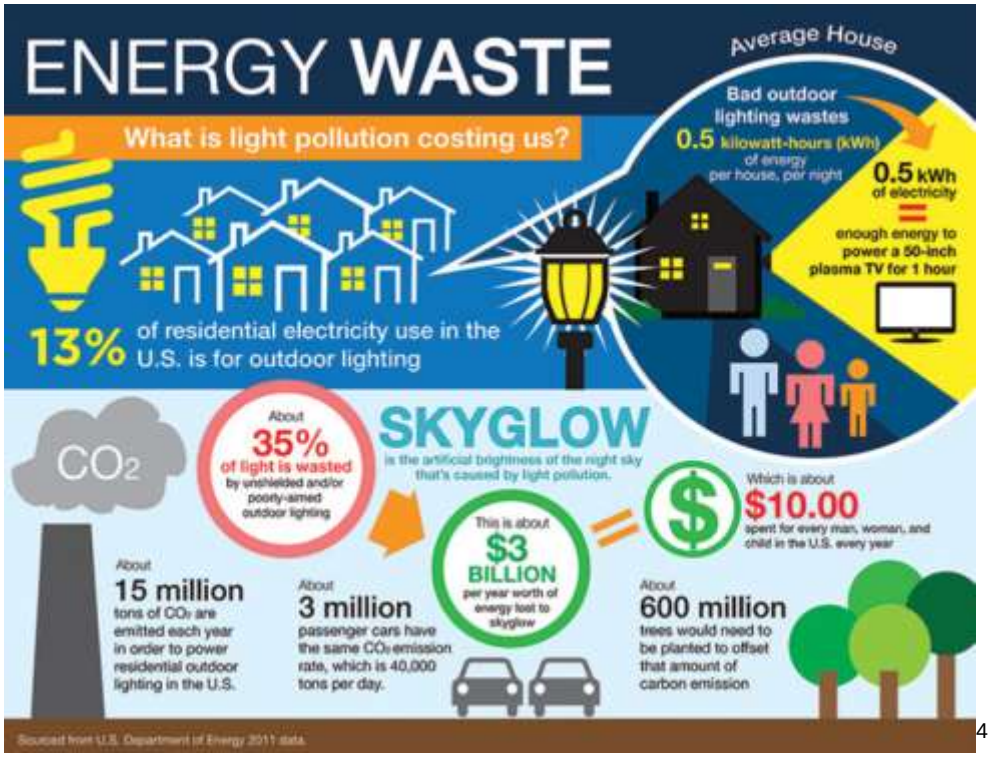
The goals of the proposed outdoor lighting amendments are to:

Align with Summit County's Recently Adopted Outdoor Lighting Code and International Dark-Sky Association Standards

In March of 2019, the Summit County Council adopted amendments to the Snyderville Basin Development Code (SBDC) Lighting Regulations outlined in SBDC § 10-4-21. These amendments encompass many International Dark-Sky Association principles. The proposed LMC amendments align Park City lighting regulations with those of Summit County, but are tailored for the City's Historic Districts, the resort season, outdoor lighting on Ridge Line Areas and Steep Slopes, and community compliance.

Conserve Energy

IDA estimates that nearly 35% of light is wasted because it is unshielded or poorly aimed.[3]



[4]

Protect the Ecosystem and Wildlife

Artificial light disrupts plant and animal behaviors, impacting reproduction, nourishment, sleep, and protection.[5]

Protect Human Health

Artificial light at night disrupts circadian rhythms and melatonin, which can impact the immune system. Light pollution is believed to increase the risk of obesity, depression, sleep disorders, and diabetes.[6]

Support Public Safety

Allow for sufficient outdoor lighting that is Fully Shielded to reduce glare and direct light downward where it is needed to safely illuminate building entrances, pathways, and

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[3] https://www.darksky.org/light-pollution/energy-waste/
[4] Used with International Dark-Sky Association permission
[5] https://www.darksky.org/light-pollution/wildlife/
[6] https://www.darksky.org/light-pollution/human-health/

Parking Areas. Please see Exhibit E for details on public safety factors that were taken into consideration when developing the proposed code.

Require Good Neighbor Lighting

Establish a light trespass standard so that the City can enforce intrusive outdoor lighting that is directed onto adjacent properties.

Maintain a Balance for Recreational Uses

No changes are proposed for outdoor lighting for ski area runs or for recreational fields. In 2018, the International Dark-Sky Association (IDA) developed Criteria for Community-Friendly Outdoor Sports Lighting and a program to certify sports complexes for compliance with heightened mitigations. Staff reached out to companies that specialize in sports lighting to learn about the recommended lighting for safe sports illumination. At this time, staff does not recommend adopting the IDA criteria for sports lighting for the following reasons:

- Under the current code, recreation lighting must comply with the Illuminating Engineering Society of North America standards, which establishes Class III and Class IV lighting standards for high school and sports club lighting, addresses lighting required to illuminate balls in the air for safe play, and mitigates light spill and glare;
- Under the existing code, recreation area lighting must be fully shielded, or have fixtures with sharp, cutoff capability to mitigate glare;
- Recreation lighting is operated during limited seasons with restricted hours. The lighting for the Park City Sports Complex at Quinn's Junction is operated approximately 125 hours per year (due to COVID-19 and limitations on indoor facilities, the use of outdoor fields will increase this winter, but this is proposed to be a temporary solution for community recreation during the pandemic); and
- Recreation lighting must be turned off by 11:00 PM.

Staff recognizes that community members are—and have been—concerned with the sports lights at the Park City Sports Complex in the Quinn's Junction area. These lights are operated under a Lighting Management Plan, approved in 2006, which requires that lights be turned off one half-hour after the last game and no later than 11:00 PM. Over the years, staff has worked to mitigate impacts to residential areas. For example, in 2010, staff worked with a lighting company to explore additional external visors on certain lights. However, due to the weight of the visors, all poles would need to be replaced and the cost was estimated to be over $250,000.

Earlier this year, staff proposed budgeting $500,000 to replace and update the lighting at the Park City Sports Complex. However, due to COVID-19 and budget restraints, this proposal has been deferred. Staff plans to update the recreation lighting when the budget allows and will reach out to the community and residents to provide information on mitigation strategies that are planned to be implemented.

Exempt Streetlights and Public Trail Lights

Streetlights are regulated through the Engineer and Public Works Departments. Since 2015, the City's streetlight policy has exceeded the requirements outlined in the proposed outdoor lighting regulations. Please see Exhibit F for streetlight standards and for more information on 2021 plans to update the cobra-head streetlights on power poles that the City leases from Rocky Mountain Power to Fully Shielded lights that are 3,000 degrees Kelvin.

Analysis

The Commission has the primary responsibility of reviewing Land Management Code (LMC) amendments and forwarding a recommendation for City Council's consideration.[7] The City Council holds a public hearing and takes Final Action on LMC amendments.[8]

Staff recommends the following LMC amendments to minimize light pollution, glare, and light trespass; to conserve energy and resources while maintaining nighttime safety, utility, and security; and to curtail the degradation of the nighttime visual environment:

(1) Set a Max Lumen for Multi-Unit Dwellings and Non-Residential Fixtures and Properties

Lumen is a measurement of light output or the amount of light emitting from a Luminaire.[9] The table below compares Lumens and watts (the amount of energy to produce a certain amount of light):[10]

BRIGHTNESS	220+ Lumens	400+ Lumens	700+ Lumens	900+ Lumens	1300+ Lumens
Incandescent	25W	40W	60W	75W	100W
LED	4W	6W	10W	13W	18W

Summit County's lighting regulations establish maximum Lumens for individual outdoor fixtures and for total acreage through residential and commercial classifications.[11] Staff recommends a similar maximum Lumen for Multi-Unit Dwellings and Commercial Uses:

> Outdoor lighting for Multi-Unit Dwellings and commercial Uses shall not exceed 2,500 Lumens per Luminaire. The total lighting shall not exceed 100,000 Lumens per acre. Lumens shall correspond with the size of the Lot.

Staff also recommends exempting Parking Area Lumens from the maximum Lumen calculation and retaining Foot Candle measurements to ensure adequate Parking Area

[7] LMC § 15-12-15(B)(3).
[8] LMC § 15-1-7(D).
[9] LMC § 15-15-1.
[10] https://www.ledlightandpower.com/wattage-mean-led-lighting/
[11] SBDC § 10-4-21(K).

lighting. However, staff proposes requiring that lighting in Parking Areas be Fully Shielded and 3,000 degrees Kelvin.

(2) Establish a Max of 3,000 Degrees Kelvin for Outdoor Lights

Kelvin is a unit of temperature measurement – the lower degrees Kelvin, the warmer the light.

The International Dark-Sky Association and Summit County set a maximum of 3,000 degrees Kelvin for outdoor lighting color temperature. Staff recommends establishing:

- The maximum color temperature for outdoor lighting at 3,000 degrees Kelvin
- Planning Director discretion to approve a maximum of 5,000 degrees Kelvin for outdoor lighting required for public safety or the activities of law enforcement

(3) Fully Shield Outdoor Lighting

Fully Shielded lighting directs light output downward:

Courtesy of Grand County and Moab, Utah

The proposed amendments require:

- All non-exempt outdoor lighting to be Fully Shielded

- Updates the definition of Fully Shielded:
  An outdoor Luminaire constructed and installed in such a manner that all light emitted by the Luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the Luminaire, is projected below the horizontal plane through the Luminaire's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture.

- Outdoor lighting exempt from the Fully Shielded requirement includes:
  - Fixtures having a total light output less than 1,000 Lumens (allowing a maximum of a 60-watt incandescent, a 15-watt compact fluorescent bulb, or LED equivalent) provided:
    (1) The fixture has a top that is completely opaque such that no light is directed upwards;
    (2) The fixture has sides that completely cover the light source and are made of opaque or semi opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light;
    (3) Semi opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material;
    (4) Completely transparent materials, such as clear glass, are prohibited;
    (5) The bulb or lamp must not be visible from any point outside the property on which the fixture is located
  - Lights that are shielded by a deck or patio roof overhang or similar solid structural shield
  - String Lights used to illuminate decks, porches, and patios
  - Low-voltage LED lights and solar lights used to illuminate pathways in residential areas that are less than eighteen inches (18") in height with a light output that is less than 300 Lumens
  - Seasonal Lights

(4) Update Parking Area Lighting

- Retain Foot Candles as the unit of measurement
- Exempt Parking Area lighting from Lumen maximums
- Require Parking Areas with 200 or more parking spaces to have programmable fixtures, dimmable lights, and motion sensors

(5) Move the Purpose Section

- Move night sky protection language from LMC Chapter 15-5, *Architectural Review*, to LMC § 15-5-5(J)(1), *Outdoor Lighting*

(6) Establish a Light Trespass Standard

- Define light trespass as artificial light that falls beyond the legal boundaries of the property it is intended to illuminate

(7) Create a Subsection for all Prohibited Lighting

Consolidate prohibited lighting in one Subsection to include:

- Up-lighting
- Unshielded Floodlights
- Unshielded Spotlights
- Architectural lighting
- Landscape lighting
- Search lights, laser source lights, or high intensity lighting, except by police and fire personnel or at their direction
- Flashing, blinking, intermittent, or other lights that move or give the impression of movement
- Neon or luminous tube lighting
- Lighting affixed to Buildings for purposes of illuminating Parking Areas

(8) Heighten Gas Station Canopy Lighting Regulations

- Require Full Shielding and recessed, flat lenses flush with the bottom surface of the canopy and shielded by the fixture or edge of the canopy
- Require a non-reflective canopy undersurface

(9) Clarify Building Canopy, Soffit, and Wall-Mounted Lighting

- Require canopy and soffit lighting to be recessed or flush with the bottom surface of the soffit and Fully Shielded by the fixture or edge of the soffit

(10) Clarify that Landscape Lighting is Limited to Pathway Illumination

- Allow Fully Shielded pathway lighting

- Exempt LED and solar lights used to illuminate pathways in residential areas that are less than eighteen inches (18”) in height with a total light output that is less than 300 Lumens from the Fully Shielded requirement

Example of Fully Shielded landscape lighting:

Pathway Lighting Image Courtesy of thisoldhouse.com

Example of prohibited landscape uplighting:

Landscape Lighting Image Courtesy of bobvila.com

(11) Exempt Historic Fixtures and Historic Replica Fixtures from the Fully Shielded Requirement

- Restrict lamps to no more than 400 Lumens to mitigate impacts to adjacent properties and to reflect historic lighting

(12) Establish Additional Criteria and Review of Outdoor Lighting in Ridge Line Areas and on Steep Slopes

- Allow the minimum lighting necessary to provide adequate illumination of pathways, entryways, and private outdoor areas
- Prohibit floodlights
- Set a 12-foot height limitation on outdoor lights
- Encourage ground-level fixtures
- Require additional shielding to mitigate glare or light trespass
- Outline review process:
    - Planning Commission reviews Properties located in Ridge Line Areas at the time of Subdivision or Plat approval
    - Planning Commission or Planning staff reviews Properties located on Steep Slopes at the time of Conditional Use Permit approval
    - Planning Director verifies compliance with shielding requirements for Properties located in Ridge Line Areas and on Steep Slopes at the time of Building Permit approval

(13) Exempt Additional Lighting from the Fully Shielded Requirement

- Temporary lighting for permitted outdoor filming
- Underwater lighting in swimming pools, hot tubs, and other water features

Image Courtesy of shorelinepools.com

(14) Seasonal Lights

The existing code allows seasonal lights from November 1 through April 15, but seasonal lights must be turned off by midnight. Staff originally proposed exempting seasonal lights that outline Buildings on Main Street, Swede Alley, and for Commercial Uses in the General Commercial Zoning District from the November 1 through April 15 duration to reflect existing conditions, but to continue to require that the lights be turned off by midnight. The Commission recommended allowing these lights to remain illuminated until 2:00 AM.

On November 18, 2020, the HPCA submitted a letter requesting that lights that outline Buildings on Main Street be allowed to remain illuminated until 2:30 AM (Exhibit D). The proposed code includes these extended hours, but also works to balance residential lighting.

The proposed code reduces the allowed duration of residential and non-residential seasonal lights that are not located on Main Street, Swede Alley, or the General Commercial Zoning District to align with Summit County's code, from November 15 through March 1.

Additionally, the following regulations for residential seasonal lights are proposed:

- Residential seasonal lights must:
    - Be turned off by 11:00 PM
    - Comply with zone-required Setbacks
    - Not cause light trespass or interfere with reasonable use and enjoyment of property

- Commercial seasonal lights must:
    - Be turned off by midnight (except for seasonal lights on Main Street and Swede Alley that are permitted to remain on until 2:30 AM)

Staff Recommends Distinguishing Certain String Lights from Seasonal Lights

To distinguish seasonal lights from decorative string lights common in outdoor dining areas, decks, and patios, staff proposes amending the code to define string lights and to exempt them from the Fully Shielded requirement:

> **STRING LIGHTS.** A maximum 2.8-watt system designed for exterior installation and use featuring clear bulbs that produce white light with individual bulb receptacles connected by exposed electrical wires that hang between two posts, poles, or columns.

String Lights are exempt from the Fully Shielded requirement and may be used to illuminate decks, porches, and patios, but are prohibited from illuminating landscaping or outlining Structures.

(15) Compliance Timeline

- Require all outdoor lighting installed after the effective date of the ordinance to conform
- Require all outdoor lighting legally existing and installed prior to the effective date of the ordinance to conform by December 31, 2024
    - Condition Business Licenses, including those for Nightly Rentals, on outdoor lighting compliance as of January 1, 2025

- Require compliance for site improvements, reconstruction, expansion, alteration, or modification of existing Structures
- Require damaged or inoperative nonconforming outdoor lighting to be replaced or repaired with compliant lighting

Public Outreach

To develop the proposed outdoor lighting amendments, staff:

- Created an Engage Park City webpage
- Mailed information to all property owners within the City
- Conducted a series of virtual meeting with community members to gather input
- Conducted community virtual meetings with staff and International Dark-Sky Association (IDA) representatives
- Reached out to homeowner associations, the Park City Home Builders Association, Historic Park City Alliance, and the Park City Area Lodging Association
- Created a community survey

Survey Results

Staff created an online Engage Park City community survey to learn about existing outdoor lighting, the estimated cost to retrofit outdoor lighting to comply with the proposed amendments, a potential compliance deadline of December 31, 2024, and interest in pursuing Dark Sky Community certification.

Over 300 community members participated. The results indicate:

- More than half of the respondent's outdoor lighting most likely already complies with the proposed outdoor lighting code;
- The cost of outdoor lighting retrofits could range from a few hundred dollars to thousands of dollars for some properties;
- 73.9% of respondents could bring their outdoor lighting into compliance with the proposed code by December 31, 2024;
- Only 41% of respondents would support regulations mitigating indoor lighting in ridge line areas with window film and other measures;
- 69.3% of respondents would like to see Park City designated an International Dark Sky Community.

Please see Exhibit C for detailed responses.

Next Steps

If the outdoor lighting amendments are adopted, staff will:

- Create an informative mailer outlining the new requirements and send to all property owners by March 1, 2021
- Create a webpage outlining resources to help property owners come into compliance (Please see Exhibit G for a draft how-to retrofit/comply document)
- Create a one-page attachment to Planning Department and Building Permit applications explaining the new requirements

- Conduct community meetings four times each year to go over the updated outdoor lighting code and compliance requirements through December 31, 2024
- Continue outreach to Homeowner Associations, the Park City Home Builders Association, Historic Park City Alliance, and the Park City Area Lodging Association
- Research opportunities for grant money to help property owners that can demonstrate an economic hardship come into compliance
- Collaborate with the University of Utah Dark Sky Consortium during the spring semester 2021 to evaluate outdoor lighting for City-owned Buildings
- Finalize a plan in 2021 to bring outdoor lighting for City-owned Buildings into compliance by December 31, 2024
- Work with Rocky Mountain Power to update all cobra-head lights within City boundaries to comply with fixtures that are Fully Shielded and lights that are 3000 degrees Kelvin

Department Review

The Development Review Committee and Recreation, Public Works, Planning, Engineering, and Legal Departments reviewed the proposed outdoor lighting amendments.

Notice

Staff mailed notice to property owners within Park City the week of October 12 and October 19. Staff published notice on the City's website and the Utah Public Notice website, and posted notice on December 28, 2020. The *Park Record* published notice on December 30, 2020. LMC § 15-1-21.

Exhibits

Exhibit A: Draft Ordinance and Land Management Code Redlines
Exhibit B: Public Input
Exhibit C: Survey Results
Exhibit D: HPCA Letter Regarding Seasonal Lights
Exhibit E: Public Safety Considerations
Exhibit F: Streetlights
Exhibit G: Draft Compliance Information Mailer

With Gratitude

Thank you to the many community members who provided input and participated in community meetings and to Summit County; Grand County; Moab, Utah; Helper, Utah; Flagstaff, Arizona; and Fort Collins, Colorado for sharing their wisdom in implementing night sky ordinances.

Resources

Dark Skies, Bright Future: City Policies Throw Shade on Light Pollution (Allen Best, Planning Magazine, May 2017)

Finding a Way Back into Darkness: Regulating Light Pollution in Florida and Beyond (Shannon Dolson, Animal and Environmental Law, Fall 2014)

Guidance & Best Practices: Dark Sky Planning (Utah Workforce Services Housing & Community Development Office)

Light Pollution in the United States: An Overview of the Inadequacies of the Common Law and State and Local Regulation (Kristen M. Ploetz, New England Law Review, 2003)

Light Trespass and Light Pollution: Practical Approaches to Dealing with Problems (Ian Lewin, IESNA Street and Area Lighting Conference, Minneapolis, Minnesota, September 2000)

Missing the Dark: Health Effects of Light Pollution (Ron Chepsiuk, Environmental Health Perspectives, January 2009)

Pattern Outdoor Lighting Code (USA) Standard ver. 2.0 (Christian B. Luginbuhl, U.S. Naval Observatory Flagstaff Station, 2010)

States Shut Out Light Pollution (National Conference of State Legislatures, 2016)

The Promise and Challenge of LED Lighting: A Practical Guide (International Dark-Sky Association, 2018)

Model Codes

Flagstaff, Arizona; International Dark-Sky Association Model Code; Ketchum, Idaho; Moab, Utah; Springdale, Utah; Summit County, Utah; Torrey, Utah

DRAFT ORDINANCE 2021-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-3-3(C), *PARKING AREA LIGHTING*; § 15-3-4(C), *PARKING GARAGES AND STRUCTURES*; § 15-1-1, *ARCHITECTURAL REVIEW – POLICY AND PURPOSE*; §15-5-5(J)*, LIGHTING*; § 15-15-1, *DEFINITIONS*; AND § 15-15-2, *LIST OF DEFINED TERMS* TO UPDATE THE CITY'S OUTDOOR LIGHTING CODE

WHEREAS, the City's outdoor lighting code has not been updated since 1998 and the General Plan City Implementation Strategy 5.4 recommends enactment of a new night sky ordinance;

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, 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 is designed, enacted, restated, and reorganized to implement the goals and policies of the General Plan in part for the preservation of night skies;

WHEREAS, the International Dark-Sky Association establishes model codes to help communities mitigate impacts of outdoor lighting to protect human health, nocturnal habitats, and public enjoyment of the night sky;

WHEREAS, on March 13, 2019, the Summit County Council adopted Ordinance 896, updating the Snyderville Basin Development Code Lighting Regulations, establishing International Dark-Sky Association best practices, including a maximum Lumen per property, 3,000 degrees Kelvin for outdoor lighting, and a requirement to fully shield outdoor lighting;

WHEREAS, to implement these best outdoor lighting practices in Park City with an outdoor lighting code that is tailored for the City's Historic Districts, the resort seasons, outdoor lighting on Ridge Line Areas and Steep Slopes, and community compliance, the Planning Commission duly noticed and conducted a work session on September 9, 2020, duly noticed and conducted a public hearing on November 11, 2020, duly noticed and conducted a work session on December 9, 2020, and duly noticed and conducted a public hearing on January 13, 2021, forwarding a _____ recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on January 21, 2021.

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. Sections 15-3-3(C), 15-15-1, 15-5-5(J), 15-15-1, and 15-15-2 are hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED this 21st day of January, 2021

PARK CITY MUNICIPAL CORPORATION

_____

Andy Beerman, Mayor

Attest:

_____

City Recorder

Approved as to form:

_____

Mark Harrington, City Attorney

15-3-3 General Parking Area And Driveway Standards

Off-Street parking shall meet the following standards:

. . .

C. **PARKING AREA LIGHTING**. [~~Low pressure or high pressure sodium light sources are the only allowed light sources for Parking Areas with five (5) or more spaces.~~] Lighting fixtures affixed to Buildings for the purposes of lighting Parking Areas [~~shall be~~] are prohibited. Light levels [~~should~~] shall be designed with minimum light trespass off Site by using [~~cut off~~] Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

1. **MAXIMUM LIGHT DISTRIBUTION**. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the maximum allowed.
2. **POLE HEIGHT/WATTAGE/DESIGN**. Luminaries mounting height must be measured from the Parking Lot or driveway surface in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Department and/or the Planning Commission. The maximum height shall only be allowed after the review and approval of the Planning Department with specific findings. The determination shall be based on:
    a. review of the Site plan,
    b. proposed land Uses,
    c. surrounding land Uses,
    d. Parking Area size,

e. Building mass,

f. location of the Site with respect to other lighting sources,

g. impacts on the adjacent Properties,

h. topography of Site, and

i. other Site features.

Light poles higher than sixteen feet (16') are appropriate only for Parking Areas exceeding two hundred (200) stalls and not in close proximity to residential Areas.

3. **PARKING AREA WATTAGE/DESIGN STANDARD**.

a. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.

b. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.

c. Wood fixtures and fixtures mounted on wooden poles are encouraged. They must be naturally stained or painted in earth tones. If metal fixtures or poles are used they should be black, dark brown, or earth tone.

d. The base of the pole shall be treated with paint, stain, stucco, or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape Areas.

e. The maximum color temperature for Parking Area lighting is 3,000 degrees Kelvin.

f. Parking Areas exceeding two hundred (200) stalls shall have programmable fixtures, dimmable lights, and motion sensors.

4. **UNDERGROUND PARKING GARAGE ENTRYWAYS**. Light sources within the first thirty feet (30') of an open garage entryway must be [~~high pressure sodium light sources with~~] partially shielded fixtures.

5. **SUBMISSION REQUIREMENTS**. An Application for Development with Off-Street parking must contain the following:

   a. plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation, and electrical details;

   b. description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required;

   c. photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the Site.

6. [~~**NON-CONFORMANCE**. All operable outdoor light fixtures previously lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The Applicant must bring such fixtures into compliance with this Code with any exterior Building Permit.~~

~~On residential Structures, only new exterior fixtures on remodels or new additions must comply with these requirements.~~]

15-3-4 Specific Parking Area And Driveway Standards For Single Family Residences And Duplexes, Parking Areas With 5 Or More Spaces, And Parking Structures

A. **SINGLE FAMILY RESIDENCES AND DUPLEXES**.

1. **SINGLE GARAGES**. In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet (11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep.
2. **CIRCULAR DRIVEWAYS**. Circular driveways are permitted for Single Family and Duplex Dwellings provided one leg leads directly to and from a legally located garage or carport, subject to the following conditions:
    a. Such drives shall be paved with a hard surface.
    b. Such drives shall be a minimum of twelve feet (12') and a maximum of twenty-four feet (24”) in width.
    c. There shall be a Landscaped Area at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.
3. **PARKING RESTRICTIONS**.
    a. All vehicles, boats, RVs, trailers, and similar vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped Areas.

b. Driveway Areas are not to be used for the storage of any trailer, camper, motor home, boat or equipment at any time.

c. Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property. EXCEPTIONS: Parking may be allowed within a Right-of-Way Area, such as within the Historic District when the Street is not located within the platted Right-of-Way and the Right-of-Way is between the Street and garage. Exceptions must be approved by the City Engineer.

B. **PARKING AREAS WITH FIVE (5) OR MORE SPACES**.

1. All Parking Lots shall maintain the required Front and Side Setbacks as would be required for any Structure.
2. Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a Residential Use, the Applicant must Screen the Lot or drive.
3. Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24').
4. Driveways must be at least ten feet (10') from any intersecting Right-of-Way.
5. A geotechnical report must be submitted to the City Engineer providing recommendations on Parking Lot design and construction parameters.

The City Engineer may approve minor spacing and width deviations.

C. **PARKING GARAGES AND STRUCTURES**.

1. **STRUCTURED PARKING REQUIREMENTS**. Parking within a fully enclosed Parking Structure where the weather does not affect the availability of Spaces requires the following:

   a. Twenty-four foot (24') minimum aisle width, for ninety degree (90°) layout;

   b. Adequate circulation to ensure that each required Space is readily accessible as well as usable. Column and wall locations must be specifically addressed in terms of automobile and pedestrian circulation and maneuvering.

   c. Light sources within the first thirty feet (30') of a Parking Structure opening must be [~~high pressure sodium or compact fluorescent light sources with~~] Partially Shielded fixtures.

. . .

15-5-1 Policy And Purpose

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those Building and Landscape materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme.

[~~It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.~~

~~It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.~~]

. . .

15-5-5 Architectural Design Guidelines

. . .

J. **OUTDOOR LIGHTING**.

1. **PURPOSE**. It is the intent of this Subsection to establish lighting practices and systems to minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining nighttime safety, utility, and security; and curtail the degradation of the nighttime visual environment.

It is recognized that the topography, atmospheric conditions, and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

The functional objectives in providing [~~exterior Area~~] outdoor lighting are to illuminate Areas necessary for safe, comfortable, and energy-efficient Use. [~~The number of fixtures~~] Outdoor lighting shall be limited to provide for safe entry and egress and for sign and Business identification. [~~Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.~~]

With the exception of Americans with Disabilities Act, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES)[~~,~~] are observed by this Code.

2. **CONFORMANCE WITH APPLICABLE CODES**. All outdoor electrically powered illuminating devices shall be permitted, inspected, and installed in conformance with the provisions of this Code, the International Building Code, the Electrical Code, the Illuminating Engineering Society of North America standards, and the Sign Code [~~under the appropriate permit and inspection~~]. When discrepancies in these Codes exist, the most restrictive shall apply.

3. **APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION**. The provisions of this Code are not intended to prevent the Use of any design, material, or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing [~~he/she~~] they find[~~s~~] that:

a. The alternative provides approximate equivalence to the applicable specific requirement of this Code;

b. The alternative is otherwise satisfactory and complies with the intent of this Code; or

c. The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

4. **SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE**.

a. The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for

permit, evidence that the proposed lighting [~~fixtures and Light Source~~] will comply with this Code. The submission shall contain the following:

1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;
2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings [~~illustrations , including section where required~~]. For commercial, resort, recreation, and industrial Uses, [~~P~~]photometric data[~~, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission~~] is required. A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.
3. A table showing the total number of proposed exterior lights by fixture type, degrees Kelvin, Lumens per fixture, and lamp type.
4. Additional information may be required elsewhere in the laws of this jurisdiction upon Application for the required permit.

b. Lamp or Fixture Substitution. On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed

to be changed after the permit has been issued, a change request must be submitted to the Planning Department for approval. Adequate information to assure compliance with this Code must be provided and the request must be received prior to substitution.

5. **COLOR TEMPERATURE**. The maximum color temperature for outdoor lighting is 3,000 degrees Kelvin. The Planning Director may approve outdoor lighting with a color temperature up to 5,000 degrees Kelvin when required for public safety or law enforcement activities.

6. **LUMENS**.

a. Multi-Unit Dwellings and commercial Uses shall not exceed 2,500 Lumens per light and the total lighting shall not exceed 100,000 Lumens per acre. Lumens shall correspond with the size of the Lot.

b. Parking Area lighting is exempt from the Lumen calculation.

[~~5.~~] 7. **SHIELDING**. All non-exempt outdoor lighting [~~fixtures~~] shall [~~have shielding~~] be Fully Shielded [~~as required by Table 1 of this Chapter below.~~

~~a. Historic District Shielding and Fixture Exemption. Fixtures in the HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts that replicate a Historic fixture shall be permitted to be installed without partial shields with the approval of the Planning Director. All fixtures shall be filtered and refractors that direct the light downward shall be installed if the bulb is exposed.~~

~~Historic fixtures that are fifty (50) years or older and contribute to the architectural and cultural character of the Historic District, are exempt from these requirements.~~

~~Architectural features on Historic Structures may be illuminated with fully shielded fixtures~~.

~~6. **WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS**. Wattage, fixture and Light Source requirements as outlined in the following Table 1 apply to all zones throughout the City:~~

~~Table 1~~

~~Light Source~~	~~Fully Shielded~~	~~Partially Shielded~~	~~Watt (Maximum Per Fixture)~~
~~High Pressure Sodium[1]~~		~~x~~	~~50~~
~~Low Pressure Sodium~~		~~x~~	~~55~~
~~Metal Halide[2]~~		~~x~~	~~1,500~~
~~Low Voltage/Halogen[3]~~		~~x~~	~~50~~
~~Compact Fluorescent~~		~~x~~	~~75~~

~~Other Sources: As approved by the Planning Director~~

~~Note: "x" indicates the required standard.~~

~~[1]This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may~~

~~utilize incandescent bulbs, provided that the bulbs are Shielded. Lighting for signs may use halogen bulbs, provided that they are Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.~~

~~[2]Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.~~

~~[[3]Low voltage/halogen sources are permitted in landscaping lighting only.]~~

[~~7~~]8. GAS STATION CANOPIES. Lighting for Gas station canopies shall be Fully Shielded with flat lenses so that the lighting is recessed or flush with the bottom surface of the canopy and shielded by the fixture or edge of the canopy. The canopy undersurface shall be non-reflective. [~~may not exceed an average horizontal luminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy~~].

[~~8~~]9. [~~AREA LIGHTING -~~] BUILDING CANOPY, [~~AND~~] SOFFIT, AND WALL MOUNTED LIGHTING. [~~Area, stand alone or wall~~] Lighting fixtures mounted on a Canopy or soffit shall be recessed so that the lighting is flush with the bottom surface and Fully Shielded by the fixture or the edge of the Canopy or soffit. Wall-mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. [~~The horizontal~~

~~luminance level along the sidewalk or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.~~]

[~~9~~]10. CONSTRUCTION SITES. All commercial construction Sites shall submit a lighting plan as part of the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.

[~~10~~]11. [~~LANDSCAPE~~] PATHWAY LIGHTING. [~~The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings. Pathway Lighting. Two types of lights can be selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall be low voltage.~~] The intent of pathway [~~lights~~] lighting is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. [~~Steps and path~~] Pathway intersections should be illuminated for safety. Pathway lighting shall not be mounted more than ten feet (10') above finished grade. [~~The maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.~~]

Pathway lighting less than eighteen inches (18") in height with a total light output that is less than 300 Lumens is exempt from the property Lumen calculation and the Fully Shielded requirement.

a. [~~Highlighting, Backlighting. Only low voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is~~

~~0.6 Horizontal Foot Candles from the Light Source. Up-lighting is prohibited.~~

b. ~~Moonlighting. Low voltage systems may be placed in trees or on Buildings to give the effect of moonlight. Lights must be down-directed and partially shielded. A maximum Foot Candle permitted at ten feet (10') is 0.25 Horizontal Foot Candle from the Light Source. Up-lighting is prohibited.~~]

[~~11~~]**12.** **RECREATIONAL LIGHTING**. Because of their unique requirements for nighttime visibility and their limited hours of operation, baseball diamonds, playing fields, tennis courts, and ski area runs may [~~Use the Light Source permitted under Table 1 above with~~] operate with the following conditions and exceptions:

a. The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in [~~the LMC~~] Section 15-1-10.

b. All fixtures [~~used for event lighting~~] shall be [~~fully shielded~~] Fully Shielded [~~as defined in Section (4) herein,~~] or be designed or provided with sharp, cutoff capability[~~, so as~~] to minimize up-light, spill light, and glare.

c. Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off [~~after~~] by 11:00 [~~p.m.~~] PM, unless an exception is granted by the Planning Director for a Special Event, permitted under Municipal Code Title 4A [~~specific event or as approved as part of a Master Festival license~~].

d. Private sport court facilities shall use Fully Shielded fixtures. Lighting shall be turned off by 11:00 PM.

[~~12. RESIDENTIAL LIGHTING.~~

a. ~~All exterior lights on porches, garage doors, or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass into the night sky. Lights shall be directed at walkways or entries and shall not be directed into the night sky.~~

b. ~~Compact fluorescent fixtures are the recommended Light Source. High pressure sodium and incandescent bulbs may be permitted, provided the wattage is low and the light is Shielded and down-directed.~~

c. ~~Bare bulb light fixtures such as flood or spotlights are not permitted.~~

d. ~~Lighting exterior Building features for architectural interest is prohibited.~~

e. ~~Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.~~

f. ~~Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.~~]

13. SEASONAL DISPLAY OF LIGHTS. [~~Seasonal restrictions apply to the HCB, GC, LI, and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements.~~] Low-Lumen winter seasonal [~~displays~~] lights that do not cause light trespass or interfere with the reasonable use and enjoyment of property are permitted from the first of November to the first of March. [~~15th of April per the Park City Municipal Code. Displays should~~] Seasonal lights are exempt from the Fully Shielded requirement and any color of lights may be used; however, the seasonal lights shall not be used to create advertising messages or signs. Spelling out the name of a Business with seasonal lights is prohibited.

a. Residential seasonal lights shall comply with zone-required Setbacks and be turned off by 11:00 PM.
b. Commercial seasonal lights shall be turned off by midnight.
c. EXCEPTIONS.
    1. Low-Lumen seasonal lights outlining buildings on Main Street, Swede Alley, and the General Commercial Zoning District are allowed year-round. Seasonal lights outlining buildings on Main Street and Swede Alley shall be turned off [~~at midnight~~] by 2:30 AM.
    2. String Lights are exempt from the Fully Shielded requirement and may be used year-round to illuminate decks, porches, and patios,

but are prohibited from illuminating landscaping or outlining Structures.

[~~Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.~~]

14. OUTDOOR DISPLAY LOTS. Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

a. All fixtures shall be Fully Shielded [~~as defined in LMC Chapter 15-15~~].

b. [~~The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.~~] The lighting shall be setback so that the lighting does not trespass on adjacent properties.

c. Display lighting shall be turned off within thirty (30) minutes of closing of the Business. Lighting used after 11 [~~p.m.~~] PM shall be security lighting. Security lighting shall be required to be motion sensor [~~sensitive not permanently illuminated~~]. Infrared sensor security lights are the only type of security light permitted.

15. PROHIBITED LIGHTING. Unless otherwise exempted, the following are prohibited:

a. Up-lighting;

b. Unshielded Floodlights;

c. Unshielded Spotlights;

d. Architectural lighting;

e. Landscape lighting;

f. Search lights, laser source lights, or high intensity lighting except by police and fire personnel or at their direction;

g. Flashing, blinking, intermittent, or other lights that move or give the impression of movement;

h. Neon or luminous tube lighting;

i. Lighting fixtures affixed to Buildings for the purposes of lighting Parking Areas.

16. OUTDOOR LIGHTING IN THE HISTORIC DISTRICTS. Fixtures in the HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts, or located on Sites listed on the Historic Sites Inventory, that replicate a Historic fixture shall be permitted to be installed without Full Shielding with the approval of the Planning Director. The Owner bears the burden of proving the fixture replicates a Historic fixture, which shall be reviewed in accordance with Section 15-11-10, Park City Historic Sites Inventory. Each Historic fixture replica shall be limited to extremely low output lamps, no more than 400 Lumens each.

17. OUTDOOR LIGHTING IN RIDGE LINE AREAS AND STEEP SLOPES. Outdoor lighting in Ridge Line Areas and on Steep Slopes shall be the minimum necessary to provide adequate illumination of pathways, entryways, and private outdoor areas.

a. Floodlights are prohibited.

b. Outdoor lights may not exceed twelve feet (12') above Existing Grade.

c. Ground-level fixtures are encouraged.

d. Additional shielding may be required to mitigate glare or light trespass.

e. The Planning Commission shall consider outdoor lighting restrictions for Properties located in Ridge Line Areas at the time of Subdivision or Plat approval.

f. The Planning Commission or Planning staff shall consider additional shielding requirements to mitigate outdoor lighting for Properties located in Ridge Line Areas as part of a Steep Slope Conditional Use Permit review.

g. The Planning Director shall verify compliance with shielding requirements for Properties located in Ridge Line Areas and on Steep Slopes at the time of Building Permit approval.

18. LIGHT TRESPASS. Light trespass is artificial light that falls beyond the legal boundaries of the property it is intended to illuminate. Outdoor lighting shall be aimed and Fully Shielded so that the direct illumination shall be confined to the property boundaries of the source.

[~~15. PROHIBITIONS~~. ~~The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.~~]

[~~16~~]19. [~~OTHER~~] EXEMPTIONS.

~~a.~~ [~~Nonconformance. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are~~

~~exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.~~]

The following are exempt from this Subsection:

~~b.~~ **a.** [~~Fossil Fuel~~] Gas Lights. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

~~c.~~ **b.** Up-lighting. Up-lighting is permitted in limited circumstances [~~under the following conditions~~]: [~~The use of luminaires for up-lighting on any residentially or commercial zoned Lot or Property or within a City ROW or Open Space zone, is permitted only~~] for City-funded or owned statues, public monuments, the McPolin Barn, ground–mounted Public Art, or flags of the United States of America.

1. All up-lighting shall be shielded and/or have beam-angle control and shall be aimed to limit the directed light to the illuminated object only.
2. Up-lighting is permitted thirty (30) minutes before sunset and until 11:00 PM [~~p.m.;~~] or, one hour after the close of location based on normal hours of operations, whichever is later.

~~d.~~ **c.** Temporary lighting for outdoor filming and outdoor performance venues.

~~e.~~ **d.** Underwater lighting in swimming pools, hot tubs, and other water features.

~~f.~~ **e.** Traffic control signals and devices.

~~g.~~ **f.** Streetlights.

~~h.~~ **g.** Public Trails lighting.

The following are exempt from the Fully Shielded requirement:

~~i.~~ **a**. Pathway lighting less than eighteen inches (18”) in height with a total light output that is less than 300 Lumens.

~~j.~~ **b**. Fixtures having a total light output less than 1,000 Lumens (a 60-watt incandescent, a 15-watt compact fluorescent bulb, or LED equivalent), provided:

1. The fixture has a top that is completely opaque such that no light is directed upwards;
2. The fixture has sides that completely cover the light source and are made of opaque or semi opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light;
3. Semi opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material;

4. Completely transparent materials such as clear glass are prohibited;

5. The bulb or lamp is not visible from any point outside the property on which the fixture is located.

~~k.~~ c. Seasonal Lights

~~l.~~ d. String Lights

20. COMPLIANCE TIMELINE.

a. All outdoor lighting installed after the effective date of this Outdoor Lighting Subsection shall conform.

b. All outdoor lighting legally existing and installed prior to the effective date of this Outdoor Lighting Subsection and which is not exempted shall be considered nonconforming and the Property Owner shall bring the Property into compliance by December 31, 2024.

c. Immediate compliance is required as a condition of approval for site improvements, construction, reconstruction, expansion, alteration, or modification of existing Structures.

d. Damaged or inoperative nonconforming outdoor lighting shall be replaced or repaired with lighting that complies with this Outdoor Lighting Subsection.

[~~17~~]21. TEMPORARY EXEMPTION.

a. Requests. Any Person may submit a written request to the Planning Director for a temporary exemption. A temporary exemption request shall contain the following information:

1. Specific exemption or exemption request;
2. Type and Use of outdoor light fixtures involved;
3. Duration of time for requested exemption;
4. Total [~~wattage~~] Lumens;
5. Proposed location on Site;
6. Description of event or reason for need of exemption; and
7. Other data as deemed necessary to adequately review and made a determination on the request.

b. Approval; Duration. The Planning Department shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Planning Department shall approve the request if it finds that the exemption is necessary for public safety, security, or other public necessity and the exemption does not materially subvert the purpose of this [~~Chapter~~] Subsection. If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Planning Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the

intent of this [~~Chapter~~] Subsection is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

c. Denial/Appeal. If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in [~~LMC Chapter 15-1~~] Section 15-1-18.

15-15-1 Definitions

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

. . .

[~~**FILTERED LIGHT FIXTURE**. Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.~~]

. . .

[~~**FOOT CANDLE**. A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.~~

1. ~~Foot Candle, Average (afc). The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.~~
2. ~~Foot Candle, Horizontal (hfc). A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.~~
3. ~~Foot Candle, Vertical (vfc). A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.~~]

. . .

FULLY SHIELDED. [~~Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.~~] An outdoor Luminaire constructed and installed in such a manner that all light emitted by the Luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the Luminaire, is projected below the horizontal plane through the Luminaire's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture.

. . .

LIGHT SOURCE. A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

1. [~~**Light Source, Refractive**. A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.~~]

. . .

LUMEN. A measurement of light output or the amount of light emitting from a Luminaire.

. . .

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

~~1.~~ [~~**Luminaire, Cutoff-Type**. A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90º).~~

~~2. **Luminaire, Fully Shielded**. Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.~~

3. ~~**Luminaire, Partially Shielded**. Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.~~]

. . .

[~~**REFRACTIVE LIGHT SOURCE**. A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.~~]

. . .

SPOTLIGHT. A fixture designed to light only a small, well-defined Area.

. . .

STRING LIGHTS. A maximum 2.8-watt system designed for exterior installation and use featuring clear bulbs that produce white light with individual bulb receptacles connected by exposed electrical wires that hang between two posts,

poles, or columns.

15-15-2 List Of Defined Terms

. . .

-**F**-

Facade, Building

Façade, Front

Facade Easement

Facade Shift

Fence

[~~Filtered Light Fixture~~]

Final Action

Final Plat

Firewise Landscapes/Landscaping

First Story

Flood Plain Area

Floor Area, Gross Commercial

Floor Area, Gross Residential

Floor Area, Net Leasable

Floor Area Ratio (FAR)

Food Truck

Food Truck Location

[~~Foot Candle~~

~~Foot Candle, Average (afc)~~

~~Foot Candle, Horizontal (hfc)~~

~~Foot Candle, Vertical (vfc)~~]

Frontage

Fully Shielded

. . .

-**R**-

Receiving Site

Reconstruction

Recreation Equipment, Outdoor

Recreation Facilities, Commercial

Recreation Facilities, Private

Recreation Facilities, Public

Recycling Facility

Recycling Facility, Class I

[~~Refractive Light Source~~]

Regulated Use

Rehabilitation

Residential Use

Resort Support Commercial

Restaurant

Restaurant, Drive-Through

Restoration

Resubdivision

Rhythm and Pattern

Retail and Service, Commercial-Auto Related

Retail and Service, Commercial-Major

Retail and Service, Commercial-Minor

Retail and Service, Commercial-Personal Improvement

Ridge Line Area

Riding Stable, Commercial

Right-of-Way

Road, Collector

Road Classification

Road Right-of-Way Width

Roof Form

Roof Form, Contributing

Roof Form, Flat

Roof Form, Secondary

Roof, Total

-**S**-

Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays

Satellite Receiving Station

SBWRD

Screen or Screened

Secondary Living Quarters

Sending Site

Sensitive Land

Sensitive Land Analysis

Sensitive or Specially Valued Species

Setback

Sexually Oriented Businesses

Shared Driveway

Significance

Significance, Period of Historic (see Period of Historic Significance)

Significant Ridge Line Area

Significant Site

Significant Vegetation

Single Family Subdivision

Site

Site Development Standards

Site Distance Triangle

Site Suitability Analysis

Sketch Plat

Slope

Slope, Steep

Slope, Very Steep

Solar Energy System

Spacing

Special Event

Spotlight

Storefront Property (see Property,

Storefront)

Story

Stream

Stream Corridor

Street

Street, Public

Streetscape

Streetscape, Architectural

String Lights

Structure

Studio Apartment

Subdivision

Subdivision, Major

Subdivision, Minor

Subdivision Plat

Substantial Benefit

Substantial Economic Hardship (see Economic Hardship, Substantial)

Suitability Determination

September 9, 2020, 8:10 PM

Hello PC Council members!

I am so happy you are updating the dark skies regs for Park City!

As per my earlier email to the council about 955 Saddle View, I believe the council should also consider requiring window treatments, esp for houses up on bluffs, where their lighting is seen far & wide! At the very least, I hope you issue recommendations for indoor lighting and window treatments.

Florida coastal lighting regs for turtle friendly lighting is a life & death matter to hatchlings. While not life and death, we have large numbers of moose and deer bedding down near McLeod Creek. This makes the issue of both indoor and outdoor lighting an important one, not just for us but also for our wildlife.

Here is a good article on permissible FL coastal lighting, including lamp posts. It addresses state rules for indoor lighting on page 4. https://www.accessfixtures.com/wp-content/uploads/2019/01/updated-2018-fwc-sea-turtle-lighting-guidelinesdoc.pdf

Lastly, I hope you will address the issue of outside party lights on ridgeline homes when you update the regs. I've attached a pic I took several nights ago of a house up on Finnigan's Bluff. (My apologies that it is blurry, but you will see the bright row of party lights on the bottom right side of the house.)

Thanks again for your service to us all and for revisiting and updating the important regs to insure we all continue to enjoy our wonderful starry nights and dark skies!

Warm regards,

Mari Mennel-Bell

September 11, 2020, 12:20 PM

Hello Council members!

Again, this is SO exciting that you are revisiting and updating the dark sky regs for Park City!

The issue of inside lights shining out, esp. from ridge line homes remains a priority to me. So far, there seem to be 3 alternatives:

1. What’s known as “turtle friendly windows,” with treatment applied between glass layers. (This could be required for new homes, esp. on ridgelines.)

2. Films that are applied to existent windows.

3. A major public awareness campaign to educate and encourage people to use dimmer inside lighting alternatives, such as LED bulbs and window-shades. (Maybe an info handout sent with property taxes?)

On other aspects of dark sky regs, here is some info I found, some of which you may be helpful, some redundant.

Utah.darksky.ngo. Chapter contact: Joseph Dane,

chapter email: idautah@darksky.org

https://sustainability.utah.edu/in-defense-of-dark-skies/

RECREATION LIGHTING

International Dark Sky Association criteria for community-friendly sports lighting: https://www.darksky.org/wp-content/uploads/2018/03/IDA- Criteria-for-Community-Friendly-Outdoor-Sports-Lighting.pdf

Powder Mountain Night Skiing: 6,248,060 total lumens for 19 acres of skiable terrain (ratio of 7.6 lumens per square foot). 6500 Kelvin color temp. http://ultratechlighting.com/wp-content/uploads/2016/01/SNBT-FL-300W-B2.pdf

Nordic Valley Night Skiing: 6,639,390 lumens and about 54 acres of skiable terrain (ratio of about 3 lumens per square foot). 6500 Kelvin color temp.

International Tennis Federation: http://www.itftennis.com/technical/facilities/facilities-guide/lighting.aspx

FLAG LIGHTING

Federal law for US flag: http://www.senate.gov/reference/resources/pdf/RL30243.pdf

Federal and state facilities: See UCA §17-27a-304. http://le.utah.gov/xcode/Title17/Chapter27A/17-27a-S304.html

Canopy lighting a parking lot light: See IDA model ordinance regarding lumens per gas pump and lumens per parking stall: http://darksky.org/ our-work/public-policy/mlo/

http://www.darksky.org/idsp/become-a-dark- sky-place/

Thanks again for your service and for undertaking this worthwhile update to dark sky regs!

All my best, Mari (Mennel-Bell)

September 11, 2020, 12:51 PM

Hello all, I am very excited about this as well. ESPECIALLY on RIDGELINES.

Thanks for the work you are doing on this.

Cheers.

Suze Weir

September 13, 2020, 4:06 PM

Hello, Tim -
I would like to raise an issue on this matter for your attention, and was not completely sure whom to include on the email, so I apologize if this email is being cc"d to folks not directly involved in this matter. I have a concern regarding residential compliance with Park City Municipal Code Title 15, Chapter 5. I live in Park Meadows and have seen a plethora of home remodels with out-facing exterior lighting that is not shielded or downfacing. While I had interacted with Code Enforcement last Fall regarding the home remodel next door to me, and was eventually told that the house in question, after some (undefined to me) modifications to the very high-intensity wall-mounted lighting (see attached photo), unshielded free-standing yard lighting (see attached photo), and unshielded eaves flood lights the seller had installed, was in compliance and no further action would be required. I am still having problems with the exterior lighting shining into my house all night long. Recently, another newly completed and sold residential remodel nearby also has the same style of out-facing, non-shielded exterior lights. These lights are now being used on numerous remodels in the neighborhood.
I don't understand how the apparently popular new style of lighting is being approved these days. It clearly does not comply with the concept of dark skies or with the Code as currently written, as far as I can discern. I am not trying to single out or ask for any action regarding my new neighbors, and I have resigned myself to living with the situation, but as long as the matter of Dark Skies is being raised, I think this issue, as it pertains to numerous houses and the neighbors around those houses, deserves recognition and consideration regarding Code Enforcement. I would appreciate some clarification of why this type of residential exterior lighting is being permitted in building plans and how the complete lack of shielding or down-facing in this style is not being regulated during the inspection process.

With much appreciation for the work you are doing - thank you –
Katherine Fagin

[CONTINUED ON NEXT PAGE]

September 17, 2020, 12:46 PM

Hi Michelle –

Thank you for the documents. After reviewing them, my main questions are:
How are compliance, enforcement, and follow-up intended? Is this concept going to be mandated (and how would violations be addressed/corrected) or just a recommendation? Park City residents should not have to be the police for the Building and Planning Depts. The City employees in these departments need to be proactive from the start on any project. Standards are great but mean nothing if monitoring/enforcement/correction and verified compliance are waived, brushed aside, "given a pass", etc. I don't see any of that accountability in these documents.
Is the proposal meant to address pre-existing, vs currently being remodeled vs. planned construction (whether remodel or new construction)? Whenever the proposal becomes an enforceable policy document, its distribution to the community, especially in the property ownership transfer process but also for owners to provide as a requirement (not recommendation) to renters, should be mandated and signed by the respective occupants of those properties. Fines should be applicable for non-compliance.
I was unable to find anything regarding residential lighting being permitted to remain on all night. Residential exterior lighting should have a restriction on timing, since nocturnal wildlife wanders the neighborhoods, and the proposal does emphasize that leaving exterior lighting on is not a crime deterrent. Again, how would this be enforced besides putting neighbors in the position of policing others?
In the proposal, page 12, it might be more enforceable to state exactly how the horizontal plane for full shielding is determined, ex. horizontal plane is based on the lowest point of the fixture's opaque (not translucent) housing, and not at the lowest point of the contained light bulb. This is illustrated in the drawing on page 10, but could be sidestepped on technicalities.
As you can tell, I am very concerned about current residences having lighting exposures that not only don't come close to your proposal, but already flagrantly violate the existing Municipal Code.

For instance,
- As the "new" popular style of unshielded out-facing exterior residential lighting is proliferating rapidly throughout neighborhoods with remodeling or new construction, the lack of enforcement during inspections and before final permits are issued is allowing a toxic situation to embed itself in the community. This is immensely more difficult to reverse vs. not permitting these fixtures in the first place.
- Another popular trend is garage doors that have translucent glass as a major part of the doors. This obviously is unshielded light that illuminates driveways and spills out into the street. Why is this being allowed? If this style of exterior door is allowed to be installed by put actually is non-compliant, I can only imagine the pushback to try to get builders or owners to change these very expensive doors rather than clearly block their installations up front.
In the existing code, Section 15-5-5-5 J.3.3 provides a big loophole, which thwarts the entire premise of regulating exterior lighting to comply with code. Paragraph 6 Footnote 1 in this same Section also includes phrasing of "preferred but not required". This

makes the code unenforceable and useless for protecting the tenets the Code apparently is intended to address. Paragraph 8 does not address lights mounted under eaves (ie neither free-standing nor wall-mounted). Does that mean those are exempt from all regulations?

I can offer a real-life experience with the failures of the City to protect our neighborhoods in the pursuit of night-sky friendly conditions. This past year, the owner/remodeler/seller of the house next door to me flagrantly ignored existing code on exterior lighting. I raised this issue with Code Enforcement, who ultimately bent over backwards to accommodate the seller's allegations that he had not received the numerous warnings about non-compliance, waived all the penalties to the seller related to his ignoring the Department notices for many weeks, and eventually approved the final permit, allowing a wholly inadequate (ie basically nonexistent) adjustment for the blatant violations, which are in large part still present. The entire exterior lighting system of this house was and still is in violation of Section 12. Light spillage to my property, flood lights, code-violating pole-mounted unshielded yard lighting, etc etc. What did I learn? The system did not work, the seller got away with clear violations, passed them on to the unsuspecting buyers, and I'm left dealing with this probably for the next 20 years. Liability belongs to the seller and the personnel who approved the final permit. I am pretty confident I am not the only neighbor of such a situation. Would the outcome of your project retroactively fix such situations?

I'm only one resident in Park Meadows. I do wonder what the City's position is when obviously non-shielded exterior lights are installed and final permits are approved. For example, look at 2401 Holiday Ranch Loop Rd.

Those front lights will shine outward unobstructed. Why was that house's exterior lighting approved? It violates existing code.

I also echo the many complaints about 955 Saddleview on the ridge line above the bike park. The entire Code Section on ridgeline lighting is violated by this residence. When an obviously non-compliant residential construction is approved, why does the community have to literally get into an uproar in order for the City to even pay attention to gross oversights in the permit and code compliance process?
Thank you very much for this opportunity to offer my thoughts. I would be happy to follow up with anyone on your committee on these matters, as I feel strongly that the community's commitment to a harmonious and synergistic relationship with our amazing natural setting is of utmost priority to both residents and visitors.

Sincerely,
Katherine Fagin

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September 18, 2020, 9:12 AM

GM Tim!

Would you be so kind as to forward this to the appropriate staff & commissioners working in PC dark sky regs? As you will see, it was taken after midnight on a week night (from my deck looking up at the bluff.) There's so much wildlife up there! I noticed to young moose moving silently off the right side of my deck just after I took the pic. I apologize for the quality – iPhones don't do it very good job in the dark!
I have also included a daytime picture with 955 in it. It deeply concerns me to think about the lighting that will be up there if this house is allowed.

Best regards,
Mari (Mennel-Bell)
2208 Jupiter View Way

October 14, 2020, 1:40 PM

Hello Rebecca and Liz!

I'm SO sorry that the people I reached out to really cut it down to the wire getting info back to me! Here is what my cousin who is an architect in Charlottesville sent. He has been working for four years to get them to adopt some of the attached regs from Edinborough.

I haven't looked at this doc yet but I wanted to get it to you immediately.

All the best & see you soon on Zoom!

Mari

October 14, 2020, 2:39 PM

I participated on the zoom call today. I am completely supportive of this effort by Park City to join the world in improving our night time darkness.

Joni Boulware

October 14, 2020, 6:50 PM

Hello Rebecca and Liz!

Just a quick thanks for the Zoom meeting today! I misunderstood & thought it was prescheduled for the public, not mainly for us to meet! That said, it was great to get others ideas. I was happy to have already shared via email the info from Fort Lauderdale and about Edinborough.

I'm sure you are aware of France being a leader in protecting their dark Skies.. Here's a good article:

https://www.darksky.org/france-light-pollution-law-2018/

Lastly, here is a really cute informative video that you might want to share with PC schools!! Kind of the Smokey the Bear approach of influencing kids AND their parents.. 😇

https://www.youtube.com/watch?v=t3s8Fj8iQE4&feature=emb_logo

All the best & thanks for everything you are doing!

Mari

October 19, 2020, 8:16 AM

Hi Michelle.

I left you a voice message but wanted to follow up with an email and some photos.

Our rear neighbor has installed spotlights on the back of his house which he turns on nearly every night and leaves on overnight. They are aimed right into our house and make it worse than living in a city. He also just installed Christmas lights in the backyard which are over the top and light up our entire house. He is already turning them on and has left them on until midnight several nights. It is making our life miserable as we not only can’t enjoy the peace of the mountains, but our house is so lit up inside it is difficult to sleep.

We have wanted to go talk to him, but wanted to find out the city rules first. I have attached some photos for your reference. All the photos are from inside my house.

Please call me at your earliest convenience.

Diane Turner

October 22, 2020, 3:54 PM

Rebecca - a couple questions on the impacts to residential areas:

1. Do these regulations consider property safety (i.e. break-ins/robberies)?
Comment - Low or no exterior lighting provides less security.

2. Do these regulations consider the potential impact of collisions with wildlife in residential areas?
Comment - it is currently very dark at night in residential areas. Our area has no street lights and the little bit of exterior lights off the homes is helpful. Additionally, night vision degrades as we age and our area has a large number of seniors.

Thanks, Jeff Klein

October 22, 2020, 4:00 PM

Mayor Andy Should be the first to Set an Example of the Dark Sky initiative by turning off those UGLY "F"ing lights on Treasure Inn.

Its a "F"ing eyesore that never should have been allowed

Jeff Weissman

October 22, 2020, 6:42 PM

Hello Liz,

It was great talking with you all tonight. I'm forwarding the registration for the webinar on the new partnership between Audubon and IDA below for you and Rebecca (and anyone else who might be interested). I'm hoping it will cover some good content on the effects of artificial light at night and birds and provide some of the resources you might be looking for.

I'm so excited you all are doing this!

Cheers,

Heidi M. Hoven, PhD
Assistant Gillmor Sanctuary Manager

October 23, 2020, 12:19 PM

Rebecca

I live in Park City and got, in the mail, a flyer about the proposed changes to the Land Management Code covering outdoor lighting.

While the basic idea of keeping the nights dark enough to enjoy the sky is one I support, like many people who are not specialists, I struggle to understand exactly what “lumens” and “degrees Kelvin” actually mean for the lights I encounter in my neighborhood and around Park City. My main concern is with the holiday lighting that many people put up on trees and along roof lines for much of the winter season. I do this myself on my house.

So I have two questions:

1. Will the types of strings of lights people put up for the winter season be likely to run foul of the proposed changes?

2. Where can I get more information about the implications of these regulations for homeowners? The links on your website seem to be mainly relevant for commercial lighting installations. Is this because there are effectively few implications for the typical residence?

Thanks

Michael Atkin

October 23, 2020, 1:09 PM

Thanks for the notification. My first reaction is negative, but I’d like a better explanation of the proposal. What prompted this? What is the concern? What is the benefit to the community? What are the costs to the city and to individual property owners? What’s the timeline for implementation and enforcement? What are the consequences of non-compliance? Etc.....

So, lots of questions, but I clearly want to learn more. My experience in Park City is that many times these issues are influenced by emotion and not fact. Is there a detailed explanation on a website? If so, please point me in the right direction.

Thank you!

Ken Cook

October 23, 2020, 8:47 PM

Hi, Liz & Rebecca!

I completed the night sky survey but was hoping for an opportunity for free-response input. Just one comment. . . We live near the intersection of Payday Drive and 224. Our bedroom has transom windows through which we used to enjoy seeing the stars. Recently, however, the city/state installed high-mounted spotlights at the intersection, and they glare into our bedroom all night long. Is there a way the city could adapt those to more moderate downlighting? I understand this is a dangerous intersection, but it seems like there could be a way to lower or better focus those spotlights in order to reduce the neighborhood impact.

Thanks for your consideration,

Krista Dana

October 23, 2020, 7:00 PM

Liz and Rebecca:

I am happy that PC is updating the dark sky regulations. They have needed updating for a long time. While I fully support the program, there do need to be exceptions in my opinion. Significantly, this community has spent a lot of money and resources purchasing, protecting, and preserving the white barn. It was the very first open space bond passed in the area and its success paved the way for many more successful open space and community protection bonds. Furthermore, the McPolin Barn has become among the most identifiable and celebrated images of Park City.

For years, the barn was lighted with High Pressure Sodium lights, the poor CRI of which resulted in the barn looking orange at night. Instead of simply replacing the energy hogging and poor CRI lamps with energy saving LED's which could reveal the accurate color of the barn and American Flag hanging there, now for some reason there are dark blue filters on the old lights essentially eliminating any effective illumination while wasting significant energy. Now, the barn is easily missed at night, and no longer serves at the iconic beacon of Park City. We need to contemplate exceptions to the proposed regulations which would allow the barn (and similar civic assets) to be appropriately lighted and celebrated as the community asset it is. I would be happy to help this effort in any way,

Thanks,

Peter Tomai

October 23, 2020, 7:35 PM

I have read the Park City Dark Sky material with great interest. As a long time resident, the current light pollution in the city and the Basin is disturbing. The new build out at the Canyons is particularly shocking. The new Apex residences high on the hill have no foliage around them and their hall and stairway lighting is like that of an office building in a downtown urban setting. The Grand Summit is not very noticeable at all, but these new condos are. I am afraid of what the rest of the buildings will bring. There is also a spot light that shines on the maintenance vehicle parking lot at the Canyons and is not pointed down - rather horizontally. This light shines to the south along highway 224, across the farms and into the homes in Solamere that face that direction. It never goes off. It is a terrible example of lighting for Dark Skies. They can do better - but who holds them accountable?

I realize the Canyons is in the county - but the light pollution created there effects Park City residents. I would be happy to forward my concerns to Summit County, I am just not sure who to send them to.

Thank you for your work,

Lynn Cier

October 23, 2020, 8:15 PM

Hello Ladies,

I think dark skies are one of the biggest failures of our growing city. It's very important to keep our skies beautiful. When I first moved here, 27 years ago, I loved going out at night and seeing so many stars. As the years have gone by we have talked about dark skies, yet the growth keeps happening and no one is doing anything about the lights.

I'm super excited that you two are taking this on.

I would love to start with the City's lights. Which reminds me will the ordinance affect businesses? I certainly hope so.

Shirin Spangenberg

[CONTINUED ON NEXT PAGE]

October 24, 2020, 7:23 AM

Rebecca,

Quick dark sky question- would dark sky prohibit Christmas tree lights on outdoor trees?

Many thanks, ELP

Ed Plummer

October 24, 2020, 10:38 AM

Hi Liz and Rebecca,

Thanks so much for hosting the community meeting this week and for listening to my thoughts about your dark sky initiative.

Just to formally submit my comments:

"I wanted to say that I'm thrilled that you're pursuing dark sky practices for Park City and I hope Summit County will as well. It's an important part of preserving what makes our community special both because it helps to keep our treasured wildlife healthy and safe, and because it allows residents and visitors to enjoy the night sky.

We moved here from a big city a few years ago and consider ourselves exceptionally lucky to be able to see as many stars as we do each night, something that's becoming increasingly rare in urban and suburban areas around the world. Thank you for working to ensure that special connection we're all able to enjoy to nature through our wildlife and our night skies will continue for generations to come. I think it's critical for maintaining quality of life for residents and to retain an important component of what makes our city attractive to tourists."

I also mentioned Heather on the call - Heather Currie is at Recycle Utah and is the co-author of a wonderful local email series focused on advocacy opportunities for Park City and Summit County residents. You might want to reach out to her so she can include some of your announcements in her emails. Her email is: [redacted]

Have a lovely weekend,

Trish Kenlon

Founder, Sustainable Career Pathways

October 25, 2020, 8:59 AM

Team,

Firstly, thanks for starting the Dark Sky initiative. Couple of questions:

1- What is happening with the most egregious lighting I have seen in the area...Quinns Junction. Are we waiting until 2024 to enforce this?

2- Why 2024? Costs? It's like my current company...which is basically "Let's be sustainable but not if affects our margin."

3- Is there a new construction enforcement starting now...or does that come into force in 2024?

Again, I truly appreciate the direction that we want to take this city...but am just questioning implementation...

Cheers!

Howard Silverman

October 25, 2020, 11:33 AM

Ms. Jackson,

I live at 2083 Three Kings Court, in Thaynes Canyon and am a full time resident. I'm in receipt of your flyer about outdoor lighting in the City.

There is a street light on the corner of Three Kings Court and Thaynes Canyon Drive that is, to my mind, unnecessarily bright for a residential neighborhood. Wondering if that could be mitigated.

Thank you; Kenny Levine

October 25, 2020, 11:35 AM

Hi Liz

I am very concerned with the city looking to become a dark sky community. For new construction this is fine; however, to expect existing homeowners to spend thousands of dollars to change their current lighting to comply with this is outrageous.

Money doesn't grow on trees and I don't have thousands of dollars to retrofit and change my landscape lighting fixtures. To change the rules, you need to grandfather people's existing lighting or the commission is heartless. You can't ignore the economic impact, regardless of the timeframe allowed to comply, this has on homeowners. It will take 5-10 years for many to recover from the economic effects of the pandemic and now you want to retroactively institute a change for existing homeowners- unfair and "tone deaf".

I also think that lighting on houses and businesses that outline the eves of the home or business should be exempt as this is a signature of our city at all times of the year, not just the holidays.

You are biking or community even less affordable to live in. Don't enact this unless existing homes are exempt.

Calvin Regan

October 25, 2020, 11:35 AM

Liz & Rebecca

I am happy to participate with the Dark Sky initiative and have completed the minimal survey. I missed the Oct 22 discussion as the mailed invite arrived at the PC post office on Oct 24.

My first primary question/comment concerns street lights. Our home is on PayDay Drive in Thaynes. The public works folks have been most accommodating in placing partial shields on some of the down facing street lights to reduce specific glare issues. I would be very happy to see complete 360º shields installed on all the street lights. This is a very simple process as public works has a demonstrated competency in making and installing shields.

This process would well serve as a sign of the city's commitment to actually address the situation in the near term and lead by example. Putting off a compliance issue until the 2024 deadline is just silly.

Thanks

Kevin McCarthy

[CONTINUED ON NEXT PAGE]

October 25, 2020, 11:23 PM

Hi Liz!

I got your letter this past day and have to admit, was surprised.

1. Our building, the Quittin Time Condominium on Woodside Avenue has exterior lighting fueled by shielded compact fluorescents that are probably beyond the desired 3,00K color. I have no idea if warmer substitutes are available as we got them 12 years ago. I am guessing not a lot of effort is going into these fixtures. If not, how should we proceed?

2. My first reaction was that this whole exercise is political. You have a 2 million person metropolis less than 20 miles away that blankets the sky with street level illumination. What effect will shaming contractors and existing home owners into changing their lighting choices accomplish other than being able to wave the flag? Don't get me wrong. Drive down to Torrey/Teasdale/Bouder and you can see the night sky that you are trying to preserve/protect/reclaim? I think that the ship has already sailed.

My wife and I were up to our place in Old Town yesterday. The traffic was horrendous from I-80 all the way to Woodside Avenue, our turn off. The charm of our yesteryears is long gone. What is it you are trying to preserve?

Chris Whitworth

October 26, 2020, 5:20 PM

I hope this addresses commercial properties as well as residential.
Case in point- I lived on upper Saddleview Way and was always disappointed with the lighting of the Hotel Park City lighting.

Charles David

October 26, 2020, 5:39 PM

Hi Rebecca, Liz,

Hope you're both doing well and your weeks are off to a good start. My name is Mason Barrett, and I'm a Park City resident living at 2036 Prospector Ave. I recently received the Dark Sky Association compliance proposal, and wanted to reach out to share my full and enthusiastic support. Thanks for taking this initiative on and working to protect the

natural environment (including the night sky) of Park City. Please let me know if there are any other steps I can take to voice my support.

On that note, I ended up poking around the Land Management Code and I have a question for you I'm hoping to get answered:

How can I assess - or ask someone from the city to assess - whether or not certain existing exterior lighting is compliant with current code, specifically considering shielding and max wattage? There are several parking and sidewalk lights on the Berrett Ln pedestrian corridor that seem to not be shielded at all and are exceptionally bright and harsh in color only ~15 yards away from (and about level in height with) my window. I've had to hang up blackout curtains, otherwise it's almost as bright as daylight all night long.

Thanks!

Mason Barrett

October 26, 2020, 9:29 PM

Ladies:

Very pleased you are spearheading this issue.

Part of the ethos of Park City is a laid back attitude that, despite the wealth in the area, generally defines our lifestyle. Of course there are always peacocks that just can’t help showing what they got.

I live on April Mountain and while most of the neighbors feel no need to keep our door and garage lights on at night, we have some that always keep the lights on, while some even have the home outlined like a Broadway theater. “Look at me I have a big house!” How boring, and gauche.

And the real travesty is the impact it has on wildlife habitat and our ability to see the night sky. Both are reasons people move to a resort community. Why allow urbanization?

With the all the new folks, and some with significant wealth, coming to town, it is time to let people know what the rules are and establish PC as an ecological sensitive resort town, not an LA suburb.

John Barry

October 27, 2020, 8:36 AM

I am grateful for the opportunity to participate in this conversation.

I am thrilled with the Dark Sky efforts, and believe whole heartedly that the community as a whole benefits from reduction of exterior lighting at night.

For the wildlife, for the sky watchers, for the community aesthetic, and for mental health - I am enthusiastically in favor of the Dark Sky standards.

Thank you!!!!

Cathy Lanigan

October 27, 2020, 9:44 AM

Liz, Rebecca

While I support limiting the light escaping PC into the night, one of the aspects of PC that I find truly special is the lighting in the winter that everyone puts in the trees, bushes, house gutters, etc. That lighting makes every day seem like Christmas and makes our town feel special to residents and the tourists. I hope that this initiative fully embraces this while finding ways to mitigate some of the light pollution.

Thank you
Michael Plummer

October 27, 2020, 10:30 AM

Hi Rebecca.

Thank you for reaching out.

I did have a conversation with my neighbor and I think we have resolved the issue. However, I do think that this dark sky lighting issue is huge. Spotlights, massive outdoor lighting etc really take away from the mountain community. Part of the reason many people move here is to get out of city lights and be able to see the stars. I am excited that you are working on this project.

I took the survey, but do not think I am able to attend the meeting today. I would, however, like to be involved in this project.

Please keep me informed and let me know if you need citizen involvement.

Thank you,

Diane Tanner

October 27, 2020, 11:25 AM

Dear Liz

I look forward to today's meeting and wanted to provide comments

I live in the Old Town residential area and lighting definitely needs to be addressed. I am very lucky to be able to see the Milky Way from my property on moonless nights. Just love seeing it. However, to see it, I have to climb the hillside to get above the City's unshielded orange sodium vapor anti-crime street light which bathes the house and neighborhood in extremely harsh lighting. I trust the City will also comply with these lighting regulations and I note that Park Meadows has very limited and shielded streetlights. My exterior lights are rarely on, generally for arrival of guests. If it will help, I am happy to adopt and replace the streetlight in front of 280 Daly Ave. Would replace with a down facing LED light or remove altogether. About five years ago I contacted the City and Power Company about removing the light. I was told the City's first responders require it, I don't think that is true. I have polled the year round residents within the lights halo of excessive illumination and there is unanimous agreement that they would support removal or a much lower light level and downward lighting.

Thanks for moving in this direction

Let me know if I can be of any help

Tom Gadek

October 27, 2020, 12:19 PM

Bruce,

I'd like to add my concerns about night sky issues to those of other Park City citizens.

In our tight physical neighborhood I'm noticing a lot more LED patio lights that are not on timers. These lights are left on all night long to illuminate backyards and neighbors backyards. Some of these outdoor lights are approved installations by Park City building department. Others are LED string lights that are hung by the owners or the renters.

As you knew LED lights are much more invasive than our old lights used to be. This puts an undue burden on neighbors to request that lights be turned off at a reasonable

hour. Everyone should be able to be outside or inside and enjoy that connection to our skies.

Currently there is an airy residence that has an overabundance of conifers lit up with LED lights. These lights are kept on all night long. These lights have lit up my backyard, on the opposite side of the canyon, as though there was a full moon. Doesn't daylight savings time mess with my head enough?

I understand the purpose of the LED lights on the buildings on Main Street. It was a requirement in 2002 to help Olympic visitors have a warm and festive experience. Even our visitors deserve to add an incredible night sky to their Park City experience. Can't we be known as the resort town that turns their decorative lighting OFF at night?

Thank you for your time and consideration.
Peg Bodell

October 27, 2020, 2:39 PM

Liz and Rebecca,

It is nice to see this project in the works however it seems the "SURVEY" is a bit lacking on space where people can make comments and or provide noted area of concern with regard to lighting that seems non-compliant with the desire to protect out night skys.

I have addressed a few concerns in the past with a gentleman in Park City offices however I do not recall who I spoke with... In any event I was basically told that the blinding lights along the rail trail on NEW mixed-use, condo and older existing buildings that house El Chabasco, San Fran Design etc were acceptable with in the current ordinance.

I invited said individual to walk that trail with me after dark.... declined I often wonder how often Park City field inspectors inspect things after dark? Lighting would seem to require after dark inspections?

Two additional areas of concern are, the homes on the ridge line looking into Park City from the Colony. I believe that there are 3 homes visible in that area. At one point we were seeing SPOT LIGHTS from one of the homes that were visible pointed toward Hwy 248 and Prospector area. I have not noticed these lately. The last area of concern is; Do the lights in the playing fields near the ice rink have to point out across Hwy 40 and up Hwy 248 to the point where they are near blinding as one drives into town at night? Would it be possible to orient these lights to point more toward the ground/playing fields and not broadcast them to infinity when in use?

Thank you, I look forward to continued dark skies in Park City

Is there a forum to note/list areas of concern that will be reviewed/investigated?

Steven Gibson

October 27, 2020, 2:55 PM

Hi Rebecca, Greetings Liz,

Thank you so much for the Zoom conversation today. I feel elated that the city is tending to this exponentially worsening problem.

I would like to highlight some things from the meeting and add additional comments for you to carry forward as you bring this info to other planners.

- The way to change behavior is to change the framework—change the story (which we all know).

Valuing the night sky must become cultural. Let's CELEBRATE! How lucky we are to live in the mountains.

Can we create a public program via marketing and really have fun with this? Can it go out to all tourists and residents? Can we sponsor skywatching events? …ha, would be challenging, but maybe it could be done with Zoom as well.

Perhaps jumping off my comment about the lights preventing us from seeing Nature's lights….**the stars**. Stars, to my knowledge, are have no Earthly carbon emissions and there is no carbon footprint on sourcing (the fixtures), nor the energy to create the lighting display (as in the energy it takes to emit the light).

What hubris we have to think we can improve the stars by hanging dot lighting on trees. It's so very ironic. We humans are a funny bunch.

Get the public, both citizens and visitors to **look up**!

How about having neighborhood Sky Parties sponsored by the city—the same way we've had great representation from the city at my Prospector Park HOA meetings.

Come to think of it, a Zoom meeting with an astronomer or naturalist would be great way to track, who can see what (stars) from their homes. Like I said, I've lived in Prospector Place for 18 years (Park City for over 35 yrs) and the stars keep disappearing.

Would be cool to gauge our success as a city when every household in the municipality could see a specific constellation or something.

But for those who don't want to play and **celebrate,** this ordinance must have teeth. Why is it so easy to enforce parking but not the other ordinances?

"Holiday Lighting"

I do think the "holiday lighting" window (Meg's comment on the herstory of the timeline with ski areas) should be decreased—significantly. It's not special when it goes on for so many weeks and months.

Additionally, everything—every Being needs rest, and tho' I have no data on this, I have wondered the negative impact on our conifers whose needles are sensitive to light—even in the winter—respond to that constant night lighting.

Wildlife

I consider conifers wildlife (see comment above).

There is significant data from all over the world on the negative impacts of night lighting on insects. This in turn affects our bird populations.

Though there seems to be many reasons that 1,000's of birds—some say hundreds of thousands—fell from the sky in Colorado, Texas and New Mexico this summer, ornithologists report that many of the birds were emaciated and point to the decrease in insect populations. Birds are starving. Why add to the problem with our night lighting?

The changes to the environment are happening so quickly, organisms can't keep up. We have no way of knowing how 24 hour lighting affects the microbial kindom nor the larger primates and every Being in between.

Lead by Example

I emphatically agree with Meg Ryan's comments that the City should lead by example. Over the years, I've felt so frustrated when one arm of the City says, for example, "save water" and then another department installs sod along parking strips.

Same with soils and mine tailings. I worked hard to contain the mine tailings in my yard—went waaaaay over the ordinance and spent $40k doing. I worked with the city's soils guy at the time. Then the water department came and changed my water vault and left hot soil spread across a large area of my yard. (This was many years ago.)

My point is that **all departments** must be involved in this Night Sky campaign.

Timeline w City Changes

I would still like to understand how in the world the new lights installed last summer along Prospect Ave. were approved….and also the lighting at the Kearns Cemetary. I agree with the Mr. Levin, WHY do we have to wait so long?

Part of this program must be an examination about how the Kearns Cemetary lighting and the Prospect Ave lighting happened. Something in the system isn't working.

The city must make these changes immediately. I understand with Covid budget shortages that we may not be able to do them all immediately, but even a one year time line is too long. How many more millions of insects will perish, then the birds and so on.

The City will need to point to examples of changes, document them (that slide from Moab was fantastic) and then kick off a "marketing" program.

Groups I think the City should target:

- Landscape contractors (I am one and tho' Red Ant doesn't promote night lighting--in fact I discourage it--we landscapers make money from this and often oversell lumens.

- HOAs

- Businesses

- Second homeowners (raise awareness of lighting when they aren't even here)

- Nightly rentals

- The School District (they didn't get the memo on saving water, so can we please involve them in lighting)

Ha, hoping you are still with me and if you are, I would love to stay involved in this program. If you have a citizen input / involvement group, count me in. I am passionate about the stars and light pollution and living lightly on this Earth.

Thank you again for initiating!

Dee Downing

[CONTINUED ON NEXT PAGE]

October 27, 2020, 3:02 PM

Ladies,

There are a lot of street lights that glare terribly and are not compliant with dark sky regulations. Can those be shielded? It would seem fairly ease to do by adapting a top flared cover over the neighborhood or city streetlights that have the classic design per attached. They don't need replacement just a shielded cover.

Looking forward to changes,

Steve Hooker

October 27, 2020, 3:08 PM

Dear Rebecca,

We received the pamphlet regarding Outdoor Lighting Regulations.

We have a number of up lights on our trees that I am not sure comply with the new regulation.

It is unclear to me from the pamphlet what level of lighting is approved. Would you please help me understand so we can comply?

Thanks,

Bob Rollo

October 27, 2020, 3:16 PM

Hello Rebecca and Liz,

I tried to log on to the live meeting at noon on 10/27 and it says the link is expired. So I'm submitting my comment here. I also put it in the survey, but this is more detailed and specific in recommendations.

Please revise the updated lighting code to REMOVE or REVISE the Holiday Lighting EXEMPTION, for the following reasons:

- The current exemption makes it impossible for PC to be dark sky for 5 months of the year. What's the point of even trying?

- The LED lights on the trees can be VERY bright. Especially from a company called Brite Nites. With this exemption, could we issue guidelines for all lighting companies to create acceptable light installations in Park City. How would they be sold/communicated/enforced?
- In current exemption, how is "dangerous glare" defined? "dangerous glare on adjacent streets or properties"
- Our nextdoor neighbor installs holiday lights that are EXTREMELY bright. They light up half the fairway on the adjacent golf course and disturb wildlife, sleep patterns in neighboring homes, and definitely shine into windows and on the road. They are uniquely visible from the ski resort. Our HOA has refused to impose any lighting restrictions.
- If you cannot remove the exemption, or work with vendors, could you regulate hours for holiday lighting in residential neighborhoods -- 5-9 p.m. ONLY. 6-8 a.m. ONLY. AND ENFORCE IT??!!

If you are able to remove the exemption or revise it as above, you will have a chance at dark skies and happier healthier neighborhoods and neighbor relations.

Current Exemption language below:

H. Exemptions: The following shall be exempt from the requirements and review standards of this section:

1. Holiday Lighting: Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained and does not constitute a public hazard.

Many thanks,

Alexandra Ziesler

October 27, 2020, 3:52 PM

Greetings,

I filled out the survey just now.

I would have liked more questions on the survey. I am in favor of adding: any remodel requiring a permit, signal that a mandatory update in a resident's exterior lighting needs to be updated to adhere to the dark sky requirements.

In other words, I'm for current residences NOT be grandfathered in.

I hope that the LMC updates will be for all buildings

(commercial as well) and structures.

I also am in favor of a time limit on outdoor holiday lights.

For example- Nov through Jan. Thankfully they are almost always LED lights now, but some are up for 6 months!

Sincerely,

Jennifer Gardner

October 27, 2020, 6:47 PM

I question whether your “Important Outdoor Lighting Regulations Updates” mailing meets the notice requirements. My envelope was postmarked October 22nd (day of the first discussion) and received today after the second discussion meeting. No ability to participate or understand this “issue”. The FAQ’s are woefully inadequate.

While trying to keep an open mind, I find this idea to be a big waste of time and money. We have a lot more important things to address.

Robert Finney

October 28, 2020, 2:50 PM

Hi,

Thanks for the link; if I can’t join your next Zoom meeting please submit my “dark skies” request to remove holiday lighting as an exemption; see my reasons below.

> *H. Exemptions: The following shall be exempt from the requirements and review standards of this section:*

1. Holiday Lighting: Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained and does not constitute a public hazard.

Reasons for exemption to holiday lighting?

1-In our neighborhood some do not follow date restrictions. Today (and before Oct. 28) some trees and fences are fully lit and kept on past the 5 months allowed.

2-In our neighborhood some holiday lighting remains on **all night**! Why not turn it off at 10pm as with the 10 o'clock whistle tradition?

3-In our neighborhood, glass garage doors are dominating houses and emit light **all night** even if on timers, which can malfunction.

4-In all neighborhoods, immediately enforce restrictions on holiday lighting to encourage quiet neighborliness instead of self-interests.

5-One of the reasons people move to the mountains (and visitors visit) is to see the stars at night without light pollution.

Thanks for inviting local input on this important topic,

Bitsy Beall

October 28, 2020, 4:54 PM

Dear Liz:

I don't care much for corresponding with the city on issues like this because you've almost always made up your mind and are just trying to cajole the community into complying.

But let me just say, I love the Christmas lights people put up during the winter season. I don't want that to change.

Regards,

DJ Brooks

October 28, 2020, 9:06 PM

Liz,

I read the article on KSL yesterday describing the new Park City Dark Sky Ordinance. I would like to see what precautions you would like us to take concerning new signs.

We are planning on purchasing a light meter to make sure we are compliant with our signs. Can you give me any details that you might have to help us? I have already had a couple of clients who are wanting us to check their Lumen output, and another asking if we can retro-fit their existing signs for LED's that are within the correct range.

Looks like the City is really supporting Dark Sky.

Thank you for all of help!

Greg Domm

Park City Signs

October 29, 2020, 9:30 AM

I fully support this. Enforcement needs to be done. Doing this without addressing the enforcement issue is worse than not doing anything.

Bill Watson

October 29, 2020, 12:46 PM

Dear Rebecca:

Thank you for taking our input.

I think the **least** amount of light for signs, outdoor house lighting and street lights, the better. Animals need darkness and so do humans. And what a treat to see the milky way and stars (I just got off a 17-day Grand Canyon trip where the galaxy is magical).

I even think Park City should discourage ostentatious Christmas lights. Or ask that citizens turn them off at 10pm so wildlife can co-exist.

Best wishes,

Jen Seabury

November 5, 2020, 3:03 PM

Sorry I had to drop and run before questions got around to me.

I sent some comments along with my survey as to why are we not now installing 360º shades on all the street lights in Thaynes Canyon. I don’t know if other lights in town are of similar design. This would be a no-brainer, the city fellow that takes care on these already makes shades to block out neighbor complaints so he could readily just make more.

Next, first an inquiry. Doesn't PCMC have current regulations addressing backlit illuminated signs? I believe we have had this in place for decades. If so, why are these regulations being enforced before we go off creating new ones for 12/31/2024. Case in point, PayDay Drive north side. The new subdivision of Country Lane proudly proclaims its presence and Private status with two large backlit and illuminated signs facing both directions to PayDay Drive. I know for certain that other neighbors have made complaint about this and the lights went out for a few months. They are now brightly illuminated all night every night.

This is a wonderful initiative, thank you for taking up the challenge. Personally I love the dark and will be most happy to see most of this vision solution removed.

V/r

Kevin McCarthy

November 5, 2020, 6:26 PM

Hi Rebecca

I saw the notice on the lighting changes. I am concerned on three points:

1. I rent my place when I am not there. Dimly lit paths and steps to the porch for those unfamiliar with my homes can lead to injuries.

2. I am retired, and cannot afford to throw out and buy new. Especially a number of bulbs all at once!

3. When light bulbs burn out I am happy to replace with the new requirements if mandated...but this is a waste of resources and only prematurely adds more to our landfills

When does this go into effect?

Thanks

Cay

November 6, 2020, 1:43 PM

I am a resident in April Mountain at 1511 Seasons Drive. I received the flyer in the mail today about the lighting regulation updates.

In the community discussions and public meetings, I would like the community to consider how this applies to Deer Valley resort. The lights at snow park lodge and parking at the base of the resort are brightly lit 365 days a year. As a resident whose home faces the resort, it is so bright at night that we have to have the curtains closed in order to sleep let alone have dark sky.

We used to live in Silver Lake area where the resort lighting was never a problem, but it is noticeable and disturbing at the snow park location. Deer Valley should not need to run lights past 10 pm when there are no events being conducted such as concerts.

Thank you for your anticipated support in putting this issue forward.

Julie Schwarz

November 7, 2020, 4:08 PM

Thank you for addressing the lighting in Park City. I would love to see PC designated as a Dark Sky City.

A major light pollution that I see in Old Town is the floor to ceiling/wall to wall windows on recent houses on the east side of Park City Old Town. The light shining from these windows is intense and is far beyond the light coming from other house windows. I would recommend window walls in future houses not be approved by the planning dept.

Thanks again for working on this. -Jill Lesh

Jill & Richard Lesh
327 Woodside Ave.
Park City
UT 94060

November 8, 2020, 11:12 AM

Dear Planning Commissioners:

We appreciate the opportunity to share our thoughts on the proposed outdoor lighting regulation updates. We are very supportive of the proposal and have the following personal observations:

- Many residents are not here full time, yet their lights burn all year round. So much energy could be saved in our community by reasonable attention here by property managers, HOA's, etc.

- The holiday lighting proliferation can have a reasonable place and neighbor-friendly scale. We need a way to reasonably contain this impact without denying reasonable expression. Maybe “number of trees”, “lumens from the street or property line”. Whatever it is, it seems like it needs to be definable and explicit. Our neighbor wires five trees on a very small lot that blows the neighbors away with the intensity. You can read a newspaper from the street and wildlife must be bewildered by this growing phenomenon as people move here from large cities.
- Decorative lighting on homes seems to be increasing with fixtures washing exterior walls etc. on many homes. The objective seems to be “look at me” and is generally unnecessary. Can we limit this through property caps on exterior lumens that multiply fixtures x output, regardless of whether the fixtures comply with code? While architectural lighting might look great sometimes, it is unnecessary and should be eliminated if we are to meet our community objectives on carbon neutrality.
- Enforcement needs to be factored into this plan. If we pass regulations, there needs to be reasonable follow up and maintenance built into the City budget. We think we will have supportive residents but like all code, it will require enforcement.
- While compliance by 2024 is better than nothing, we fear that time is of the essence and any shortening of this deadline would have a bigger impact that is sorely needed. This recent documentary by Sir David Attenborough (trailer link) emphasizes the urgency of this emergency.

Work and commitment by our community may require some sacrifices and adjustments to our normal way of thinking but if we can make these inconvenient choices, we will be rewarded with big dividends:

- These choices make a statement about the kind of community that we are and provides a leadership example for others to follow. More people will want to live in this kind of a community than not.
- These choices align our community priorities with our vision to be carbon neutral by 2030. Carbon neutrality will go a long way to protecting our local economy that is threatened by climate change.
- These choices support some of the reasons that we live in Park City by protecting dark skies, wildlife, conservation, and being good neighbors.

Best wishes on your efforts here and many of our friends and neighbors are very supportive of this initiative.

David and Sarah Peters

November 10, 2020, 9:30 AM

I fully support Dark Sky initiatives. Lighting regulations are a good start. Education, public relations, and eventual enforcement will be necessary to achieve optimal outcomes.

What plans are in place to inform the public of the benefits? How will regulations and codes be promoted? Can we enlist community support through social media and volunteerism, Dark-Sky ambassadors?

How do we implement immediate changes to get ahead of the timeline?…

Home Depot outdoor lighting displays sell almost exclusively non-compliant fixtures. Seems to me this is a HUGE opportunity for suppliers. They just need to be educated

New construction seems to be about 50% compliant. How do we educate builders and suppliers to DROP non-compliant lines. Is the code included in approval process?

What tools can be used to inform and educate residents and businesses about the changes and timeline?

Is there money available for subsidies to accelerate change? — Create a pool to incentivize homeowners willing to swap out fixtures now to avoid enforcement actions years from now.

I am willing to be involved. This is the greatest opportunity to improve our community at low cost and tremendous, universal reward.

Sincerely,

Graham Anthony

November 11, 2020, 8:28 AM

I can see the Milky Way on moonless nights from my property on Daly Ave in Old Town. This is nice and I support the Dark Sky initiative! However, I have to climb the hill to get above the orange hue of the sodium vapor streetlights which intrude on the native beauty. I believe the offending light is owned by Rocky Mountain Power and leased by the City. It has no shielding to direct the light downward and limit it to the street. In fact, the light is designed to spread illumination 360 degrees horizontally. The local neighborhood comprised is year round residents and would support adopting the light, even to the point of paying to have the light replaced with something similar to the downlighting Park Meadows has enjoyed for decades.

November 11, 2020, 10:17 AM

Good morning, Ms. Ward. At your invitation, I am following up on our brief but helpful discussion about Park City's proposed outdoor lighting regulation, last Friday. Having studied the three graphic representations in your update bulletin, I have questions about the stipulated maximum lumens and fully shielded lighting for residential and city lighting. Not to sound as though there must be someone lurking behind every tree, bush and shrub, are safety and security being considered for residences and the greater Park City area? And is law enforcement being included in the Park City planning process?

Frankly, while I like the woke concept of stemming light pollution, I also am a firm believer that light is our friend! The reduced lumens and very narrow downlighting suggested by the city will leave pockets of darkness and shadows which may enable or even invite intrusion and other nefarious activity, not to mention allowing for missteps on uneven surfaces. Over the last several decades of environmental and conservation efforts around the nation, many of those efforts have presented unexpected and undesired consequences. These efforts have ended up in even more precious resources and labor being consumed! Can we be sure that the proposed lighting will not demand that additional fixtures be installed to provide adequate lighting?

I have not heard our Park City Police Department and other law enforcement professionals weigh in on what their plans may be for our heretofore resort community, as we become "citified." Major media around the country have reported on Park City's becoming a major residential destination for folks who are fleeing their cities in favor of our inviting winter and summer climate, terrain and culture. With this influx, I assume that our city leaders and planners, to include law enforcement, must be aware of what such rapid growth will bring to our community. Such change and growth will bring challenges, not all of which will be pretty!

As a Park City homeowner since 1992, our neighbors and we have looked forward to adjourning to our little idylls in the Utah mountains, where we could leave the crush of our cities, take in breaths of our good mountain air, and still feel safe and secure, here in Park City. We know that change is coming, but I hope that any change in lighting policy will support and foster continued community safety and security.

Best wishes, Ms. Ward, and thank you for serving our delightful Park City. Can I entrust you to take the content of this email to the meeting of the Planning Commission, this evening, and to the City Council meeting on December 10th., or should I forward this email to them myself? Please advise . . .

Karen Whitney, Ph. D.

5925 Royal St.
Park City, UT 84060

November 11, 2020, 10:50 AM

Rebecca, please count me among those who are in favor of the lighting regulations. When we built our home in 1989, I could look out the window at night and see a sky filled with stars. Now I'm lucky if I see a planet or two. I long for a view of the universe! I will go to the online survey, but I'm afraid I am too late for its deadline.
Annie Lewis Garda

November 11, 2020, 3:45 PM

Hi Rebecca

Wanted to provide two case studies or examples of why we need a updated lighting plan to preserve our dark sky's. Up in Deer Valley at the Empire lodge next to the Montage & the Chase Bank next to Jans on 224. These are examples of two business that have significant light pollution as they use extremely bight lighting that contribute to light pollution..

Thanks
John

November 11, 2020, 7:36 PM

Hi Rebecca & Liz!
I'm looking to see if there are any grants & what states have addressed lighting issues. Here are 2 links that might be helpful. I can try to get a name in Ft Lauderdale for code enforcement for you to speak to. There was a lot of grumbling about the changes, and now several years later, it is simply accepted practice.
Thanks again for all your work!
Best regards, Mari

http://www.cityofbandera.org/DocumentCenter/View/1441/Outdoor-Lighting-Grant

November 12, 2020, 10:27 AM

Dear Rebecca and Liz,

I was able to join the meeting last night and thanks for your work on this. While my impressions were fresh I thought I would jot down a few of my reactions to share with the commissioners if you want.

- One of the comments was why can't we speed this adoption up? I would agree but even if we didn't, the point that the City could surely be an early adopter and lead the way with City buildings and street lights was a good one. Maybe public by 12/31/24 and City by 12/31/22?
- There was a comment about the string lights on Main Street being exempt from the 11pm cutoff and what happens to bar patrons when "all the lights go off". We should remember that these are not "all the lights", these are just the holiday lights strung across the street and around many buildings. These were installed just prior to the Olympics and were then left on buildings and annually reinstalled across Main Street. Everything worked well before the Olympics and I would support leaving them on a little longer but aren't the residents of Old Town entitled to dark skies as well? They shouldn't have to wait until 2am to have some normalcy and enjoy the stars. I would still expect the Main Street lights to be higher efficiency, correct color temperature, lower lumens, and still achieve great ambiance. I also agree that non-compliant private lighting on Main Street be off 30 or 60 minutes after closing. Again this is not all lighting, just exterior holiday lights.
- I agree with the comment that the fixtures that currently don't comply don't have to be "junked" but can often be re-bulbed, modified, or abandoned. I have a neighbor with 30 soffit lights brightly washing his home with no real utility. I would think he could unscrew 26 of them to comply and it would have no safety consequence of any kind.
- I agree with the ridgeline concerns but this is probably a phase 2 exploration that may be much less necessary if the above comment is addressed with so many properties.
- Regarding safety and security, we need to remember that we are not mandating eliminating lights. We are restricting how they shine and their intensity. All sidewalks, pathways, front doors, back doors, etc. can clearly be lit with the right fixture or bulb and dramatically lower our pollution. There should be no reason that law enforcement has issues if they fully understand what is being proposed. As was also stated in the meeting, dozens of cities are taking the lead on this kind of initiative and can find no online issues from Flagstaff, Tuscon, Ketchum and other cities. The IDS website has a number of published safety studies supporting dark sky initiatives.
- I looked last night at Old Town and agree that there are generally a few 1000watt residents that really don't "get it" and spoil things for everyone. Most people have some level of consideration for their neighbor and this should be a welcome reminder that our code does need to be updated on this after 18 years.
- I agree that if the County can do this so can Park City, and maybe better. Why can't we be an International Dark Sky Community like Helper, Flagstaff, Tuscon, Sedona, etc.? What a great additional reason to live here.

Finally I think it is important when considering these changes to remember <u>why we are doing this</u>. Park City chose to build a great trail system, we chose to buy lots of open space, we chose to eliminate plastic bags, we chose to buy electric busses, we chose to

pursue an aggressive energy goal by 2030. We can also choose to live in better harmony with the nature that existed here before we arrived. Some people may not like it and that's ok. Others will really love it and this will be another strong expression of our community values and what makes Park City special.

Thanks,

David Peters

November 17, 2020, 10:47 AM

Park City Planning Commissioners:

There's a reason that astronomers, even amateur ones, use a red light when studying charts and looking back up at the sky. White lights are so bright they obscure one's vision for a few minutes. Why is this relevant to the discussion of Dark Sky regulations? White holiday lighting, especially with snow on the ground, is incredibly bright. I have noticed recently that the large conifers at THE MARC are glowing so bright white that they obscure the stop sign on Monitor Drive. The City staff may want to switch to colored lights next year.

Many residents and business owners spend thousands of dollars on holiday lighting; and, therefore, want to have them on for as long as possible. Maybe by 2024, this practice could be restrained to the traditional holiday season: Thanksgiving through New Year's Day.

Marianne Cone

November 17, 2020, 11:29 AM

Hello Ladies,

I am Bob Sfire, living at 220 King Rd for 22 years. I've always had driveway lighting for my 300' driveway. it's steep. this is the highest house in Old Town. you can only see this lighting from Marsac, except for one light that maybe a neighbor on Norfolk can see. I can and will black out that side of the light. all but 2 of our driveway lights are "neighbor friendly" with yellow shades inside. Wasatch lighting sold them to me about 3 years ago. my driveway needs lighting for safety.

if any of my neighbors have complained, please let me know and it will be corrected.

please call if you want to talk. I just saw the letter regarding the virtual discussions.

Take a deep breath,

Bob

November 19, 2020, 11:50 AM

Hi Rebecca,

[CONTINUED ON NEXT PAGE]

Thank you for your response and for sharing all of this information with us.

It's heartening to know that there are people in our local government who understand how fragile our environment is. Kudos to those of you who are working to promote a better future.

Simultaneously, it's disheartening to know that our leaders have failed to act on this knowledge for decades, especially in as enlightened community as Park City where most people would choose to be considerate of the environment, wildlife and their human neighbors.

I appreciate the invite to call and to attend Zoom meetings. However my hearing is declining so rapidly that it has become difficult for me to communicate via speech. Without closed captioning, I miss 50-70% of the spoken dialogue on television and both my husband and I sometimes mishear things. He is also partially deaf. So, thank you very much, but we need important communication to be in writing.

While all of the information you have sent is interesting, it still does not answer our questions about what is **currently** acceptable with regards to nighttime light pollution.

We are going to interpret the proposal to change the time limit on seasonal lighting from midnight to 11 pm, as meaning that it is currently not permissible for a seasonal lighting display to be left on after midnight in single-family neighborhoods. Please advise us if that is not correct.

The accompany photos were taken in our yard on November 18, 2020 with an iPhone. There was barely a crescent moon and it was obscured by clouds for most of the dark hours that I surveyed seasonal lighting around this neighborhood. Though other neighbors have added string lighting to multiple trees, none of their displays appeared as intense and as intrusive as is the display at 7 Payday Drive, which for two of the last three nights has been on all night through at least six in the morning.

According to proposed restrictions, this "seasonal" lighting at 7 Payday Drive is probably much too bright. It also severely trespasses, falling beyond the legal boundaries of the property it is intended to illuminate. It also creates glare, which we imagine would appear much worse if we had the view that birds do. And, a little buck keeps coming back to graze in the nearby grass at night.

We would applaud the passage of ordinances that are recommended in your Sept 2020 Work Session and we would add the following restrictions.

- Seasonal lighting should be allowed only between Nov 15 and March 30.
    - The prime time for spring bird migration is from late March to early May and light pollution is an impediment to the success of songbird survival. More bugs anyone?
    - Deer are still rutting until early December and many of our wildlife species are migrating to winter ranges in November. Do we need to confuse them for our vanity?
    - Even if our winters weren't getting warmer and shorter, the ski corporations have made it fairly obvious that they are unlikely to be offering much skiing before December and after March. I long for the days when we could ski from early November to late April, but they are in the past and so should be these seasonal lighting displays.
    - Just because merchants switch from Halloween décor to Christmas decor on November 1, does not justify starting the "season of lights" two months ahead of the holiday they represent.
    - By April, most people have psychologically moved ahead to spring, there's natural light in the evening and the season of lights should be behind us
    - The nearly 6-month period allowing seasonal lights is a colossal waste of energy.
- Light displays must be located at least twenty-five feet away from the windows of adjacent dwellings.
    - Notice in these two accompanying photos, that a light display at 7 Payday Drive is ten feet away from the side of our home at 9 Payday Drive. The light pollution does not intrude on the home of the residents at 5 Payday Drive who installed the display approximately 75 away from their own house.

- Regulation of obnoxious seasonal lighting should not have to wait until 2024.

Respectfully,
Beverly and Kenneth Hurwitz

Exhibit A – Public Input

November 28, 2020, 10:35 AM

Dear Rebecca and Liz,

We live in Park Meadows and are familiar with the successes that the International Dark Sky Association has had in both rural and urban areas. It is a great idea to bring the model lighting ordinance to Park City and hopefully to Summit County in the future. The following are some thoughts on the topic but most specifically I would like to know what we can do to help the new regulations be adopted and to be implemented over time.

Target Audiences:

1. **Federal and State Highway lighting** - while recognizing that I-80 is not directly connected to Park City, the wasted light from inefficient freeway lights costs taxpayer money and reduces night sky visibility. Hopefully the new Park City regulation will encourage LED versus old style halogen lights along I-40 interchanges and along Utah 224 and 248 approach roads to Park City. If Summit County adopts a similar set of guidelines in the future, then the entire Park City/Snyderville Basin will be that much closer to carbon neutral and IDA standards.

2**. New Commercial Developments** - given the madcap pace of development that is back underway in Park City/Summit County, these regulations will be fantastic. We can see Park City Mountain Resort from where we live and we do not want to have a view of a "mountain Manhattan" as the parking lot is built up. I assume the folks in Deer Valley feel the same way about their future parking lot development not to mention the massive commercial developments around Kimball Junction. The glow from Redstone is a major issue for sky watching to the north side of Quarry Mountain and Round Valley. I assume that the new Sundance Institute and Arts Center will be in full compliance with the new ordinance as they are built out.

3. **Park City Mountain and Deer Valley Ski Resorts** - The elimination of night skiing at Park City mountain was generally a good thing - especially from a carbon neutral and dark sky perspective. Much of the lighting issues that the ski resorts must manage will be down at ground level and fall under the commercial development category. I do have two specific questions - first, why does Park City Mountain Resort use old style halogen lighting at an operational facility near the Treasure Hollow run all night and all year long? First, if it is for safety, it makes no sense to have an unshielded light. Second, it is clearly less efficient to operate pink halogen than a modern LED shielded light. And finally, why does it need to be on all night long summer and winter? I am not talking about SnowCat operation. They are actually interesting to watch each night and the drivers need good lighting for safe operations. But a modern fixed facility lighting installation at Treasure Hollow would have motion sensing lights and or/timers and more efficient warm LED versus the pink halogen light that glows on the mountain all night

long. There is also a relatively new facility built by Vail near Porcupine Ridge that also has lights on all night long all year long. It is not even on a major ski run that I can tell (seems to be just off Iron Canyon hiking trail). Again, why not use modern motion sensing LED lights with timers?

4. **Hideout Canyon** - the illegal annexation of Richardson Flat should be fought for as long as it takes (I have written to Park City Council about this in the past). In the meantime, Wasatch County style "non-regulation" development standards should not be allowed in the Park City/Round Valley/Summit County view shed. During the single public hearing Hideout Canyon held before the developer-owned town council moved ahead with the illegal annexation, I specifically challenged the Hideout Council to stop claiming that they support "open space and dark sky regulations" as they attempt to build their trashy development in Summit County. While I fully support the National Abilities Center (great group), I do wonder if they need old fashioned halogen lights for the horse corrals? It would be a fairly simple solution to modernize the few light sources that are in and around Round Valley to keep it clear from the worsening Wasatch County light pollution and waste of energy.

5. **Existing Larger Commercial Developments** - I assume that the generally progressive real estate development community in Park City and Summit County will be in favor of this regulation. The incremental cost of the better lighting is minimal especially when considering the life time energy savings, improved ground level safety and overall enhancement of neighborhood property values. Is there a real estate development advisory council helping you with this regulation? I think they would be very influential - hopefully in a positive way. I note that many of the designer houses in Park City have spent thousands of dollars on their outdoor lighting fixtures some of which are actually dark sky compliant. Fortunately they tend to be low lumen designer fixtures.

6. **Retail and Public Lighting** - As the IDA points out, properly designed lighting puts more light at ground level where it benefits customers and the general public and costs less. I believe that Moab did a detailed survey of their lighting issues (they used some college interns as I recall) and developed a long term plan to preserve as much of the night sky as they could given the need to accomodate a constant flow of paying tourists. Is there a similar survey to help guide implementation of this ordinance in Park City? Winter time lighting (e.g. the famed Bill White holiday trees) are much better now with LEDs but I do hope that all of them are turned off after a certain time when no one is going to see them. Easy enough to install timers. Ditto with the sky- facing lighting of the McPolin Barn and the barn in Snyderville which can both be optimized as a civic attraction while allowing a dark sky.

7. **Public Safety Considerations** - As with the lighting survey, has the Park City Police Department done geo-mapping of all the crimes and issues that they have to manage within city boundaries? I imagine that there is an excessive amount of older, poorly designed lighting in areas with low issues and other areas where new IDA compliant lighting could help address crime and public safety issues. I would assume that the private security systems vendors in Park City could also be incorporated in this planning effort. It is in everyone's best interest to have efficient ground level lighting, with minimal dark spots as often occurs with out-of-date lighting installations and motion sensors.

8. **HomeOwners Associations** - We belong to the Cove/Eagle Mountain HomeOwners Association(HOA). As with the real estate development council, I hope that you can develop a lighting advisory group of the HOA leaders and managers. If there is to be gradual change in an older development like ours, it will need to be done through with their assistance and potentially funding. For instance, the outdoor lights in our development are not overly harsh but they are only shielded to the standards of the late 1990's. To gradually make the transition to lighting fixtures that meet modern standards while actually improving light on the ground will take some time per association.

9. **General Residential Considerations** - Generally I find that people in Park City are thoughtful with their residential lighting with a few exceptions. In a new development not far away, there is a homeowner with new lighting, unfortunately not shielded, who is apparently afraid of the dark. No timers, no motion sensors, all night long, all year long. In California, during the major water shortages, the big users of water were contacted and encouraged to reduce consumption. This is a touchy area but it would be useful to have a municipal process that encourages timers and motion sensors for any lighting that impacts neighbors within the viewshed (not just next door) that encourages timers. Turning off all non-essential light after 11 PM or 12 PM should not really be a burden on anyone and should be gently encouraged.

10. **General Sky Awareness** - Beyond the improved energy conservation and public safety that modern lighting installations can provide, there are the health benefits of seeing a clear night sky. Whitman said it best:

When I heard the learn’d astronomer,
When the proofs, the figures, were ranged in columns before me,
When I was shown the charts and diagrams, to add, divide, and measure them,
When I sitting heard the astronomer where he lectured with much applause in the lecture-room,
How soon unaccountable I became tired and sick,
Till rising and gliding out I wander’d off by myself,
In the mystical moist night-air, and from time to time,
Look’d up in perfect silence at the stars.

While not an astronomer myself, I do enjoy watching the stars, the phases of the moon, the planets, meteor showers and these days, satellites. If there was a greater public knowledge of and interest in the constant activity in the night sky, people would be more supportive of progressive lighting ordinances. The Salt Lake Astronomical Society (SLAS) does (during non-COVID times) star parties at Jordanelle and in the Wasatch. One thought would be to engage this group with free publicity in Park City for events, say at Bonanza Flats or in Round Valley in the summer where there is access parking. I would hope that the Park Record would assist by including a weekly night sky report from either the SLAS or the Clark Planetarium that would encourage private sky watching as well as create supporters for Park City and future Summit County lighting ordinances.

Please let me know how we can be of support to this great effort,

Best regards,

Craig Wallentine
2731 Gallivan Loop
Park City, Utah 84109
One suggestion for you - if the annual Park City Civic Day is going to be held in early February (perhaps by videoconference due to the COVID epidemic), could you ask to have a section included on this Dark Sky Initiative? We always try to attend this excellent session to learn what is going on in Park City and Summit County and I think this would be a great topic to "spotlight".

December 11, 2020, 11:30 AM

Dear Liz:

Thanks for your hard work on allowing wildlife to graze at night, allowing people to sleep and look at the planets, and (hopefully) enjoy the northern lights. I like the rules about turning off lights by a certain time.

Not sure all us night walkers are too worried about crime and would rather let animals safely survive with darkness.

Thanks.

Best wishes,

Jen Seabury

Dark Sky Survey

SURVEY RESPONSE REPORT

01 October 2020 - 10 November 2020

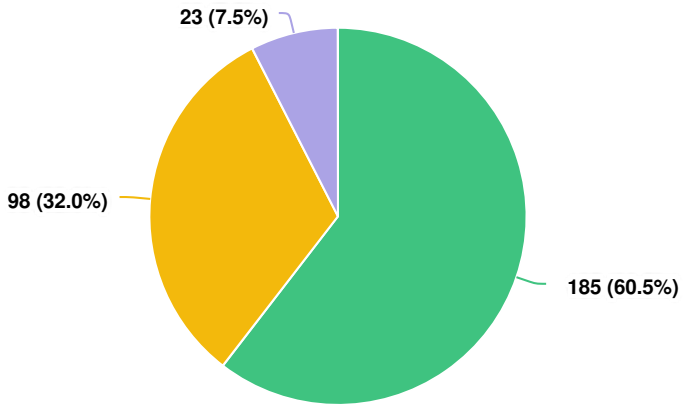
PROJECT NAME:

Dark Sky Land Management Code Amendments

BANG THE TABLE engagementHQ

SURVEY QUESTIONS

Q1 Do you feel your property currently complies with the proposed Dark Sky amendments?



Question options

Yes No Other (please specify)

Mandatory Question (306 response(s))
Question type: Dropdown Question

Q2 If your property does not comply, what do you estimate the cost would be to bring your outdoor lighting into compliance?

Anonymous 10/13/2020 11:06 PM	$10,000 (36 Condominiums) Need to install new outside lights (140), existing lights shine up and down. Off switches for outside lights - current on light sensors. New LED to reduce Lumens and colour temp. New Road lights (3) - - current have opaque sides.
Anonymous 10/14/2020 03:45 AM	The City should send all homeowners, hotels & restaurants info on how to mitigate indoor lighting from shining out. Often it is simply a matter of lack of awareness of the effects of lightings on dark skies
Anonymous 10/14/2020 03:05 PM	This is unknown as there are approx. 470 exterior lights on the residences and a few on the pool house. None are fully shielded. About 200 are on photocell control which would require rewiring to eliminate the photocell plus 74 new switches.
Anonymous 10/20/2020 07:23 PM	N/a
Anonymous 10/20/2020 08:22 PM	No idea. I live in an apartment

Anonymous 10/20/2020 08:33 PM	less than $500
Anonymous 10/20/2020 09:52 PM	$150
Anonymous 10/21/2020 09:22 AM	$200
Anonymous 10/22/2020 11:09 AM	better caps on the parking lot lights
Anonymous 10/22/2020 03:04 PM	500
Anonymous 10/22/2020 03:31 PM	$800
Anonymous 10/22/2020 03:55 PM	Minimal and worth every cent. MAYOR ANDY's Hotel is Hideous and should not be grandfathered. Let that SOB Be the first example of Dark Skys
Anonymous 10/22/2020 08:50 PM	nothing. we like dark skies. Our next door neighbor though has incredibly bright Christmas lights. How will these regulations apply to BRITENITES and other seasonal lighting companies' practices?
Anonymous 10/22/2020 11:16 PM	?
Anonymous 10/23/2020 08:40 AM	Already use Dark Sky fixtures so only bulb change may be required < 10 dollars.
Anonymous 10/23/2020 12:49 PM	don't know. It is a condo
Anonymous 10/23/2020 02:10 PM	$500
Anonymous 10/23/2020 07:39 PM	Thousands of dollars
Anonymous 10/23/2020 07:55 PM	It shouldn't be enough to deter anyone from doing the right thing
Anonymous 10/23/2020 08:14 PM	$500.00

Anonymous 10/23/2020 08:34 PM	Don’t know
Anonymous 10/23/2020 08:36 PM	NA
Anonymous 10/23/2020 10:03 PM	I do not know how to install a downlight or change my walkway light.
Anonymous 10/24/2020 07:21 AM	No sure
Anonymous 10/24/2020 10:19 AM	No idea
Anonymous 10/24/2020 11:05 AM	n/a
Anonymous 10/24/2020 12:50 PM	$2000
Anonymous 10/24/2020 04:47 PM	I'm willing to pay if need be.
Anonymous 10/24/2020 06:11 PM	$1,000
Anonymous 10/24/2020 10:01 PM	$4800 for our HOA of 16 units
Anonymous 10/25/2020 07:56 AM	Too much
Anonymous 10/25/2020 08:38 AM	$1000 for shielded light fixtures
Anonymous 10/25/2020 10:09 AM	10,000
Anonymous 10/25/2020 10:09 AM	3,000
Anonymous 10/25/2020 10:10 AM	NA

Anonymous 10/25/2020 10:11 AM	5,000
Anonymous 10/25/2020 12:45 PM	complete revamping of landscape lighting to provide for safety issues
Anonymous 10/25/2020 12:47 PM	a lot
Anonymous 10/25/2020 02:55 PM	NA
Anonymous 10/25/2020 03:26 PM	I just have to get an electrician, which is easier said than done.
Anonymous 10/25/2020 03:43 PM	3,000
Anonymous 10/25/2020 03:44 PM	5000
Anonymous 10/25/2020 03:45 PM	3000
Anonymous 10/25/2020 03:46 PM	4000
Anonymous 10/26/2020 12:57 AM	1000
Anonymous 10/26/2020 12:57 AM	0
Anonymous 10/26/2020 12:58 AM	2300
Anonymous 10/26/2020 05:08 AM	Couldn't guess. Park Avenue Condos
Anonymous 10/26/2020 06:42 AM	$20,000
Anonymous 10/26/2020 07:55 AM	1500

Anonymous 10/26/2020 10:29 AM	minimal, perhaps $1,000.00
Anonymous 10/26/2020 02:22 PM	I believe my property complies but I do have non-harsh Christmas tree lights in the trees
Anonymous 10/26/2020 04:28 PM	$500
Anonymous 10/26/2020 06:56 PM	$200
Anonymous 10/26/2020 08:29 PM	I don’t know
Anonymous 10/26/2020 08:29 PM	5000.00
Anonymous 10/27/2020 05:53 AM	$10,000
Anonymous 10/27/2020 06:01 AM	$100
Anonymous 10/27/2020 08:09 AM	1000
Anonymous 10/27/2020 08:47 AM	I could not afford to make the changes
Anonymous 10/27/2020 09:11 AM	A couple hundred dollars and a few hours of time.
Anonymous 10/27/2020 09:38 AM	2000.00
Anonymous 10/27/2020 10:26 AM	Approx. $1,000. n- $1,500
Anonymous 10/27/2020 10:29 AM	0
Anonymous 10/27/2020 10:47 AM	Na

Anonymous 10/27/2020 11:45 AM	The problem is not my lighting, but the City's unshielded sodium vapor high temperature and mega-lumen streetlight.
Anonymous 10/27/2020 12:41 PM	$5-$10
Anonymous 10/27/2020 12:59 PM	NA
Anonymous 10/27/2020 01:21 PM	Minimal
Anonymous 10/27/2020 01:35 PM	$1000
Anonymous 10/27/2020 01:38 PM	NA
Anonymous 10/27/2020 02:13 PM	$50,000 minimum; quite likely more. Our HOA would need to replace 4-6 attached lighting fixtures on each of our 121 residences, plus more on our clubhouse.
Anonymous 10/27/2020 02:47 PM	0
Anonymous 10/27/2020 03:50 PM	not interested
Anonymous 10/27/2020 04:52 PM	I do not think it is appropriate for Park City to place an additional cost on current landowners.
Anonymous 10/27/2020 05:24 PM	$400
Anonymous 10/27/2020 05:29 PM	$600
Anonymous 10/27/2020 06:34 PM	$5000
Anonymous 10/27/2020 06:53 PM	$20
Anonymous 10/27/2020 07:02 PM	Have no idea. Outdoor lighting is managed by HOA Board.

Anonymous 10/27/2020 08:46 PM	I have no outdoor lights
Anonymous 10/27/2020 08:56 PM	There is not much option to address these issues except yes and no. Question #3 concerns me that compliance is all the way out to Dec. 2024. That's waaaaay too long for compliance.
Anonymous 10/27/2020 09:22 PM	Don’t know.
Anonymous 10/28/2020 12:04 AM	Too much..
Anonymous 10/28/2020 09:21 AM	I live in a condo unit so I am not sure
Anonymous 10/28/2020 09:47 AM	unknown
Anonymous 10/28/2020 10:43 AM	uplighting of two trees probably cannot be used, spotlights on trees for occasional use would not be able to be modified to comply and serve same purpose
Anonymous 10/28/2020 12:36 PM	$200 or more
Anonymous 10/28/2020 12:38 PM	1000.
Anonymous 10/28/2020 01:12 PM	n/a
Anonymous 10/28/2020 01:24 PM	n/a
Anonymous 10/28/2020 03:26 PM	5k-10k
Anonymous 10/28/2020 03:28 PM	no idea
Anonymous 10/28/2020 04:51 PM	are you kidding me?
Anonymous 10/28/2020 05:30 PM	$200.00 or so

Anonymous 10/28/2020 11:27 PM	5000
Anonymous 10/29/2020 07:02 AM	I don't know, but it would likely be several thousand dollars.
Anonymous 10/29/2020 07:21 AM	$800
Anonymous 10/29/2020 08:10 AM	$500
Anonymous 10/29/2020 09:33 AM	Can't determine at the moment
Anonymous 10/29/2020 09:34 AM	too many $$$$$
Anonymous 10/29/2020 11:09 AM	$500 - $800
Anonymous 10/29/2020 06:21 PM	No idea
Anonymous 10/29/2020 08:02 PM	$100
Anonymous 10/30/2020 12:31 AM	Na
Anonymous 10/30/2020 08:29 AM	Again, I don't know, but it would be worth the expenditure. Maybe phase it in.
Anonymous 10/30/2020 08:49 AM	No idea, depends on the level of government action imposed on us.
Anonymous 10/30/2020 11:15 AM	No idea
Anonymous 10/30/2020 01:17 PM	It will depend on availability of dark sky compliant lighting, but presumably it will not be a huge cost. We will need to replace four exterior lighting fixtures. Our HOA will need to replace several too.
Anonymous 10/30/2020 11:22 PM	A few hundred dollars maybe?

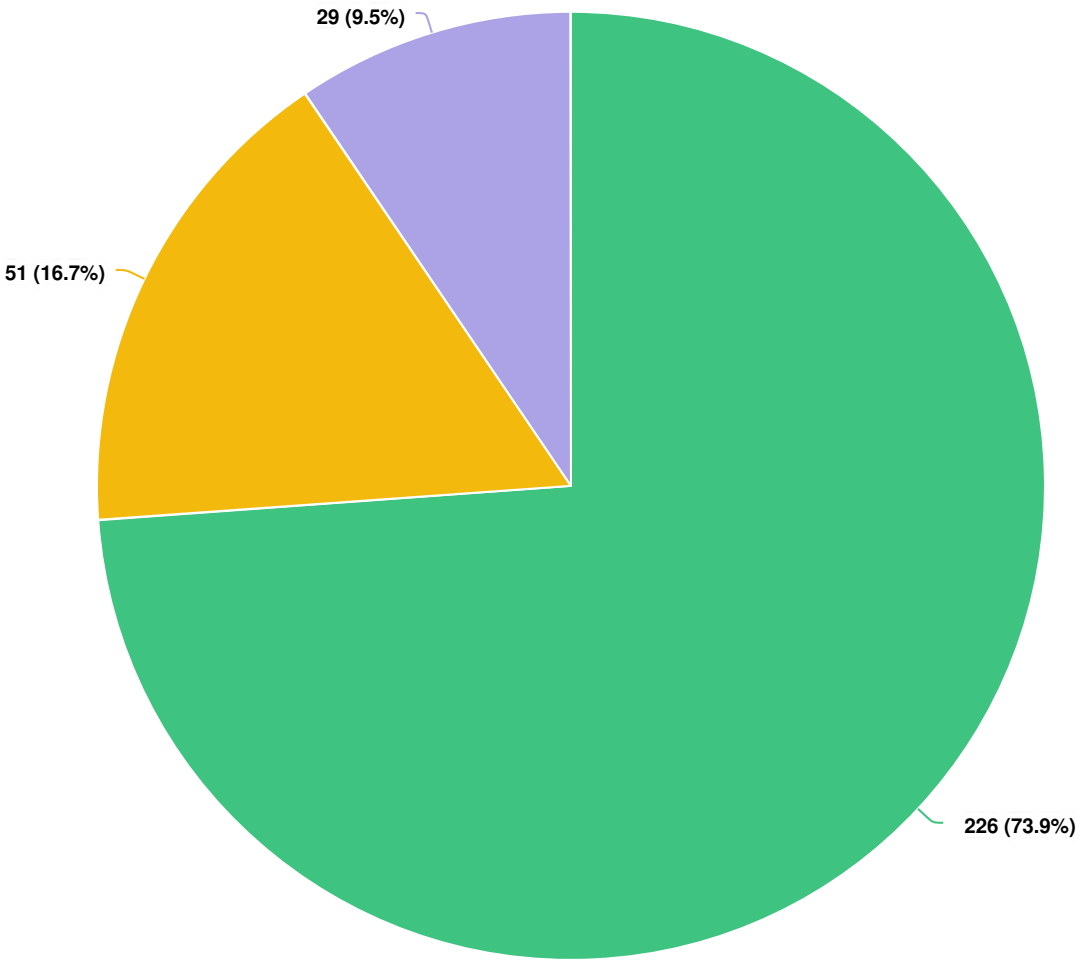
Anonymous 11/01/2020 08:55 AM	2000
Anonymous 11/01/2020 08:56 AM	0
Anonymous 11/01/2020 08:57 AM	Na
Anonymous 11/01/2020 12:31 PM	I live in a condo on Park Ave. I'm not sure that we comply or do not comply. We have minimal outdoor lighting, with lighting in the hall and in the garage downstaris.
Anonymous 11/01/2020 02:41 PM	lots
Anonymous 11/01/2020 03:23 PM	$10,000
Anonymous 11/01/2020 04:35 PM	worth it
Anonymous 11/02/2020 07:36 AM	thousands
Anonymous 11/02/2020 09:08 AM	do not know
jimkoolkat 11/02/2020 10:27 AM	$400
Anonymous 11/02/2020 03:00 PM	A lot of money.
Anonymous 11/02/2020 05:05 PM	Possibly Replace light bulbs and possibly light fixtures. It would help if there were limits to the number of trees that are allowed to have seasonal lights as well as time limit when they must be turned off at night.
Anonymous 11/02/2020 06:58 PM	$10,000.00
Anonymous 11/03/2020 01:17 AM	Na
Anonymous	2400

11/03/2020 01:17 AM	
Anonymous 11/03/2020 11:05 AM	250
Anonymous 11/03/2020 11:20 AM	minimal/not an issue
Anonymous 11/03/2020 02:52 PM	5000
Anonymous 11/03/2020 02:56 PM	Limited. I am in a townhouse building and I think the bulbs are too bright so it would just be purchasing new lightbulbs that comply.
Anonymous 11/03/2020 04:15 PM	$100
Anonymous 11/03/2020 08:20 PM	Less than the time, energy, and economic resources the city has already wasted on this program
Anonymous 11/03/2020 10:35 PM	2200
Anonymous 11/04/2020 03:24 PM	Only new construction should be required to meet any of these new rules.
Anonymous 11/06/2020 07:56 AM	I'm not sure. I missed the public meetings and can't find information online about the proposed amendments. I also can't find the FAQ referenced above.
Anonymous 11/06/2020 02:04 PM	?
Anonymous 11/06/2020 02:05 PM	?? ask hoa
Anonymous 11/07/2020 02:42 PM	$750 (15 outdoor lights @$50 each)
Anonymous 11/07/2020 03:51 PM	$150.00 Two of our old exterior fixtures shine outward. We need to replace them.
Anonymous 11/07/2020 03:58 PM	2500
Anonymous	3400

11/07/2020 03:59 PM	
Anonymous 11/08/2020 07:58 AM	Not sure, but most likely hundreds of dollars (even over a thousand) to swap out exterior light fixtures
Anonymous 11/08/2020 06:08 PM	3300
Anonymous 11/08/2020 06:09 PM	2000
Anonymous 11/08/2020 06:09 PM	1500
Anonymous 11/09/2020 08:52 PM	$5,000
Anonymous 11/10/2020 09:44 AM	I have no idea
Anonymous 11/10/2020 11:41 AM	Do not know, but assume expensive!
Anonymous 11/10/2020 01:29 PM	I'd estimate $10,000 for the HOA or approx. $400/owner, unless our current fixtures can be capped to direct light downward (they're metal cylinders, open at top & bottom)
Anonymous 11/10/2020 02:17 PM	$10,000-$14,000 This is a bad idea. What do our local police say about this initiative? Have you considered the increase in crime as a result of this proposition? Safety is also an issue.
Anonymous 11/10/2020 03:54 PM	I have no idea

Optional question (150 response(s), 156 skipped)
Question type: Single Line Question

Q3 **Summit County enacted their lighting ordinance on March 13, 2019. Community members who live in unincorporated Summit County have until March 13, 2024 to bring their outdoor lighting into compliance with the new code. If the City enacts Dark Sky am...**

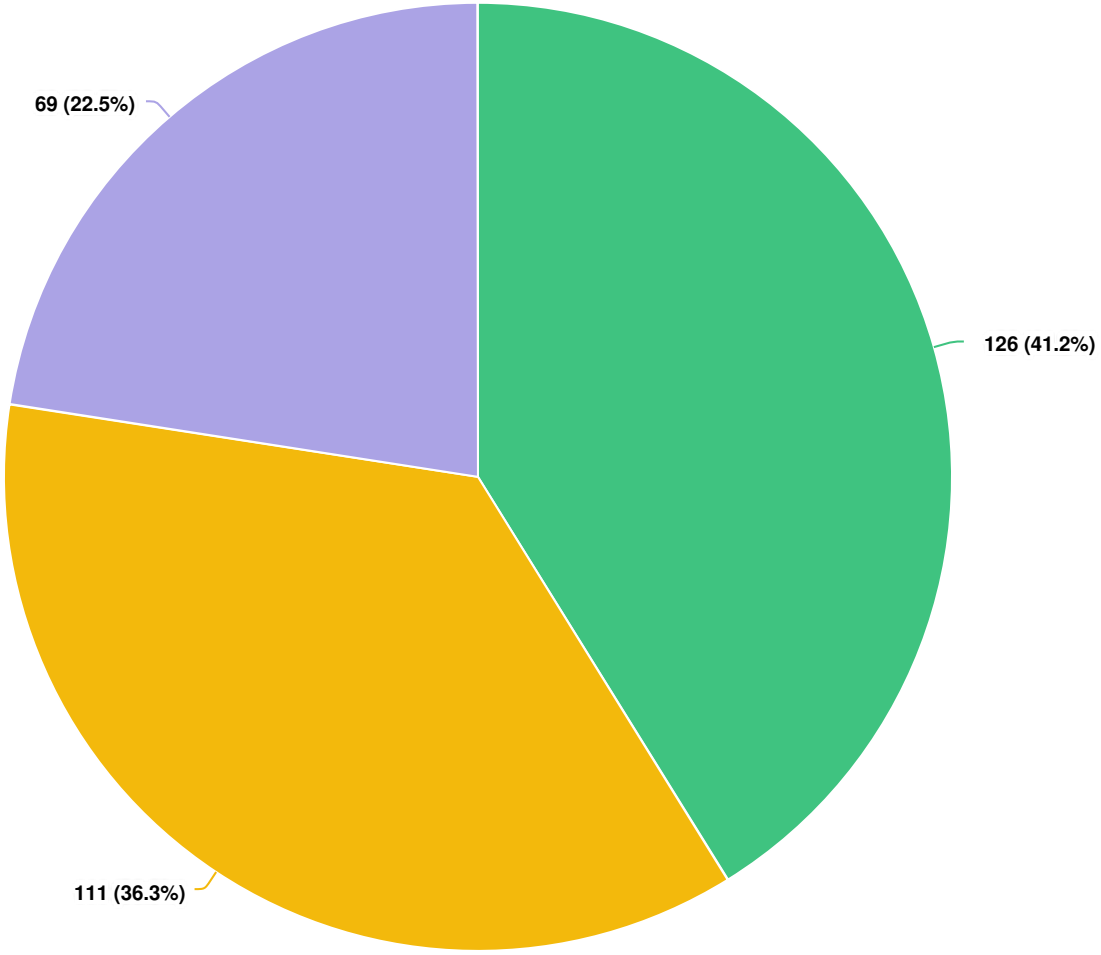


Question options

Yes No Uncertain

Mandatory Question (306 response(s))
Question type: Dropdown Question

Q4 **The current code and proposed amendments address outdoor lighting only. Community members have expressed concern about interior lighting in glass-façade structures and structures with large windows. If you own a structure with a glass façade or lar...**

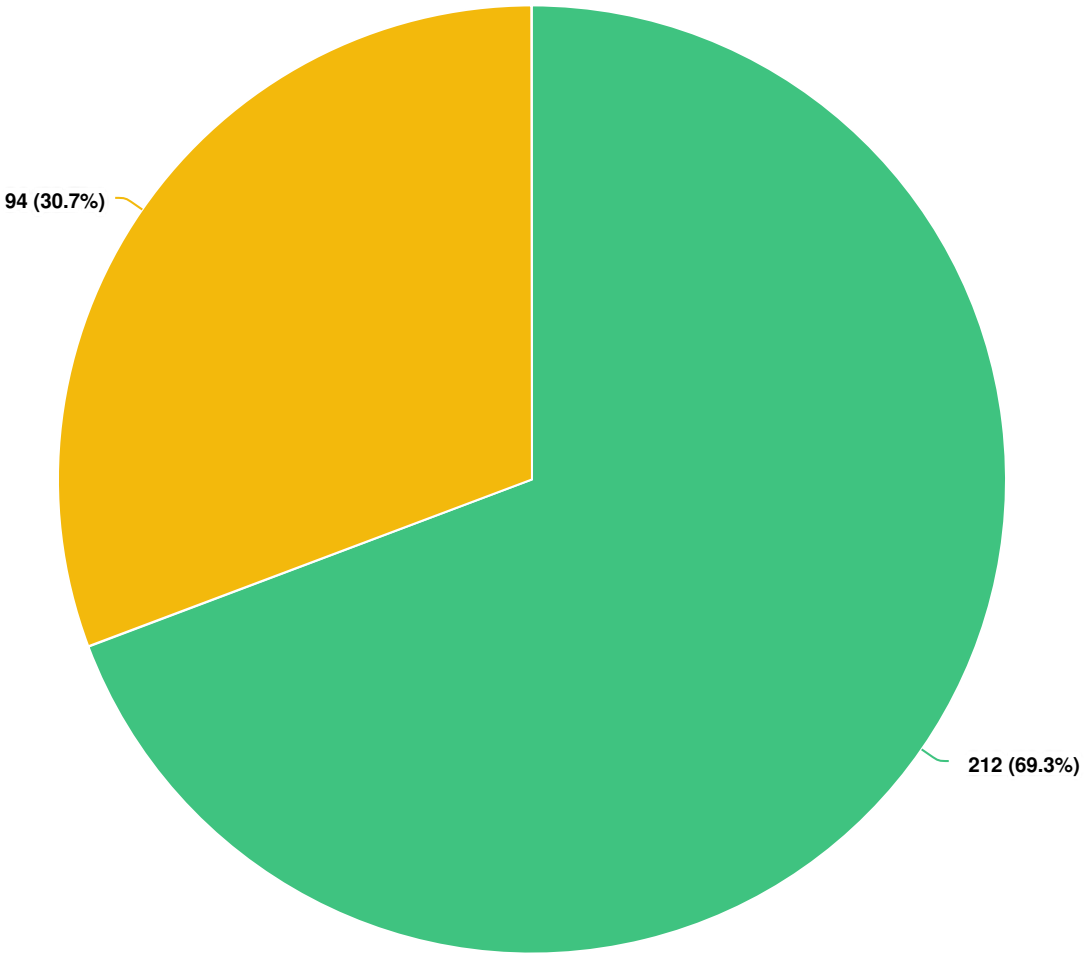


Question options

Yes No Other (please specify)

Mandatory Question (306 response(s))
Question type: Dropdown Question

Q5 Would you like to see Park City designated an International Dark Sky Community?



Question options

- Yes
- No

Mandatory Question (306 response(s))
Question type: Dropdown Question

November 18, 2020

Liz Jackson
Planner
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Liz:

Thank you for providing me with information regarding the proposed lighting code amendments. Seasonal lights on Main Street and potential code changes are a topic the Historic Park City Alliance would like to provide comment on.

During the Olympics the City facilitated the addition of accent lighting on buildings to add atmosphere to the attractions and activities on Main Street. From 2013 through 2027 the City completed infrastructure improvements to Main Street that included sidewalks, light poles and enhanced connections from Swede Alley. Seasonal lights are used to highlight these connections for guests to find paths to return to the Transit Center or China Bridge Parking Garage.

Bars on Main Street remain open until 2 am. The HPCA requests the Planning Commission consider allowing seasonal lights until 2:30 am. This would allow time for employees to leave businesses after their shifts and still benefit from the enhanced lighting as they return to the Transit Center or their vehicles.

Please let me know if you have questions regarding my comments.

Best regards,

Alison Kuhlow

Alison Kuhlow
Executive Director

Exhibit E

The proposed outdoor lighting amendments result in lighting that is directed where it is needed, not necessarily in less lighting

Many factors impact public safety and outdoor lighting is important not only in creating a feeling of security, but also in illuminating a secure and safe environment. Referring to the code as a dark sky code is a bit of a misnomer. The goal is not darkness. The goal is to update the code to reflect best practices, sometimes referred to as “good neighbor lighting,” by directing sufficient light where it is needed and reducing light pollution, excessive glare, and light trespass, resulting in enhanced visibility of the night sky.

There are safety implications for outdoor lighting ordinances that require low-pressure sodium (LPS) lights. LPS lights, while energy efficient, produce a nearly monochromatic light, making color difficult to distinguish. Municipalities that require low-pressure sodium lights often also require LEDs in parking areas and near building entrances to help illuminate color.

The image below illustrates this color distortion: the car on the left is bright red; the car on the right is black.

Credit: Darkest tree - Own work, CC BY-SA 4.0, https://commons.wikimedia.org/w/index.php?curid=64836710

Exhibit E

The existing outdoor lighting code allows LPS lights. The proposed outdoor lighting amendments replace LPS lights with lights that are 3,000 degrees Kelvin or less, preferably LEDs. LEDs provide a more accurate color rendering.

Uniform, consistent lighting is safe lighting. Fully Shielded light can help reduce glare, clarify defining features, and direct light where it is needed, improving nighttime visibility, shown in the images below:

Overly bright light can mask intruders.

With the light shielded, the intruder is easily seen.

The glare creates deep shadows.

The glare from the light hid a possible attacker.

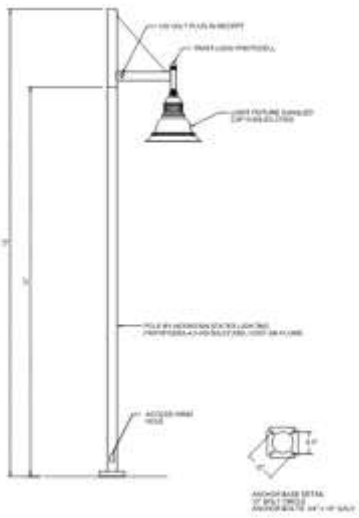
[1]

The Park City Police Department reviewed the proposed code. To address public safety considerations, staff incorporated public and Planning Commission input and made the following changes:

- Exempted Parking Area lighting from maximum Lumen constraints
- Removed the maximum Lumen constraints for residential properties
- Exempted public trails lighting
- Doubled the maximum Lumen regulations for Multi-Unit Dwellings and non-Residential Properties

[1] Images Courtesy of IDA Light Pollution and Safety Brochure.

Streetlights are exempt from the proposed Outdoor Lighting Code, but exceed the requirements



STREET LIGHT WITH BANNER ARMS

The City's streetlight policy exceeds the proposed outdoor lighting code. Since 2015, the City has been updating streetlights with LEDs that are 2,700 degrees Kelvin. Newly installed fixtures are Fully Shielded and can be seen along Bonanza Drive, Iron Horse Drive, and Prospector Avenue.

For public safety purposes, streetlights operate on photocells so they turn on when it is dark and stay on all night. The streetlights also have a timer feature so they do not turn on during cloudy days. (Similarly, the Poison Creek Trail lighting operates on photocells and remains on all night.)

Beginning in January of 2021, Rocky Mountain Power (RMP) will provide an option to update the cobra-head lights on RMP poles with dark sky compliant lights

Several community members raised concerns about the cobra-head lights on RMP poles, mostly located in Old Town. The City leases these lights. Beginning in January of 2021, RMP is initiating a new option so that cities may update the cobra-head lights on RMP poles with lights that are 3,000 degrees Kelvin and Fully Shielded. Staff is exploring the cost and benefits of this update and will propose a budget to City Council to update these lights. Additionally, some of the RMP lights are being evaluated for redundancy with existing streetlights and may be removed.

Tips for Updating Existing Outdoor Lighting Fixtures

To protect the night sky, Park City Municipal Corporation amended the Land Management Code's (LMC) lighting requirements to align with International Dark-Sky Association's (IDA) standards and Summit County's code. See Ordinance 2021-XX.

HOW YOU CAN PROTECT THE NIGHT SKY WHEN PURCHASING NEW FIXTURES

1) Use outdoor lights only when and where they are needed.

2) Install bulbs with a maximum of 3,000 degrees Kelvin and 2,000 lumens per outdoor fixture.

3) Use dimmers, timers, or motion sensors for outdoor lighting.

4) Select outdoor lighting fixtures that are fully shielded.

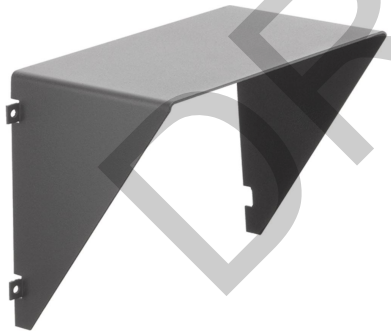
EXAMPLE SCENARIOS FOR EXISTING FIXTURES

For existing fixtures that need to be updated to align with the code, see tips below. Tips may be helpful if your fixtures are not down-directed or shielded, have the incorrect bulb type or color, etc.

Existing lights are not shielded and/or down-directed:

1) Add fixture shields, visors, or caps. Many light fixtures can have these attached to prevent up-lighting and light trespass. Reach out to your local hardware store or lighting distributor for options.

DRAFT



Example shielding images courtesy of halcolighting.com and homedepot.com.

2) Many fixtures may be recycled through local organizations, if the fixture can not be modified and needs to be replaced.

Existing lights are shielded and down-directed currently:

1) Install dimmers and/or timers. Many dimmers and timers can be added after the lights have been installed.

2) Add filtering materials to screen out blue light emissions. This can be achieved by changing out transparent shades/globe covers to frosted or solid covers that shelter the bulb from view.

3) Replace bulbs to low wattage, LED bulbs. The bulb temperature may be up to 3,000 degrees Kelvin.

For more information, please visit https://www.parkcity.org/dark-sky.

PROJECT INFORMATION & CONTACT:
Questions and public comments may be directed to the
Planning Department at planning@parkcity.org

Planning Commission
Staff Report

Subject: **Nightly Rentals – Lower Rossi Hill HRL Zone**
Application: **PL-20-04613**
Author: **Rebecca Ward**
Date: **January 13, 2021**
Type of Item: **Legislative – Land Management Code Amendment**

Recommendation

(1) Review the proposed Land Management Code amendment to correct a 2017 staff oversight and allow Nightly Rentals as a Conditional Use in the Lower Rossi Hill Historic Residential Low – Density area; (2) hold a public hearing; and (3) consider forwarding a positive recommendation for City Council's consideration on February 4, 2021.

Description

Applicant:	Planning Department
Zoning District:	Lower Rossi Hill Historic Residential Low – Density Area
Reason for Review:	Land Management Code amendments require Planning Commission review and recommendation to City Council for Final Action

Acronyms

CUP	Conditional Use Permit
HRL	Historic Residential Low – Density
LMC	Land Management Code

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

Executive Summary

The City Council Nightly Rental Work Session

The Commission considered this proposal on September 23, 2020, but decided not to take action until the City Council conducted a work session – as the Commission recommended earlier in the year – on improved Nightly Rental regulations and internal tracking of complaints (Staff Report; Minutes, p 11).

Planning, Finance, Economic Development, Parking, Building, and Police Department staff have been collaborating for several months to improve internal tracking of Nightly Rental complaints. Staff presented the plan of action to the City Council in a work session on December 17, 2020. Council voiced support (Staff Report; Audio).

To date, staff has done the following to improve internal tracking of complaints and to increase business license compliance:

- Created a webpage for all things related to Nightly Rentals, including the zoning map, business license application, and property management requirements;
- Established an online complaint form – complaints are immediately submitted to

relevant departments so that each complaint is promptly addressed and linked to the Nightly Rental business license;

- On December 28, 2020, staff issued a Request For Proposals, seeking Nightly Rental inventory, compliance, and analytic services—the City will hire a third party to increase business license compliance in 2021;
- Worked with the IT and Police Department to create a system where noise and disturbing the peace complaints are sent to Finance on a regular basis so that Finance can link the complaints to the business license.

The City Manager increased staffing capacity to track complaints and to process more business license applications.

The following is in progress:

- The Parking Department issues a 7-day lodging permit for Nightly Rentals, which is a free hang tag that shows the dates the permit is valid. Parking is updating the lodging permit so that the permit is linked to the license plate number of the vehicle, as well as to the property owner or responsible party for the Nightly Rental. Parking anticipates this program will be in place in the summer of 2021. This new program will allow staff to connect parking violations to Nightly Rental business licenses.

The Application to Correct an Oversight

The proposed Land Management Code (LMC) amendment establishes Nightly Rentals as a Conditional Use in the Lower Rossi Hill Historic Residential Low – Density (HRL) area to align with information that was presented to the Commission and the Council when the Lower Rossi Hill area was rezoned from Residential – Medium to HRL in 2017.

Prior to the 2017 rezone, Nightly Rentals were allowed in the area subject only to business license regulations. Due to staff oversight in 2017 when the area was rezoned, Nightly Rentals were by default prohibited. Establishing Nightly Rentals as a Conditional Use Permit (CUP) in the area will allow property owners to apply for a Nightly Rental permit and business license—a property right that was represented to the Commission and Council when the area was rezoned—while providing the Commission with an opportunity to review and mitigate impacts to the neighbors. Additionally, the CUP process for each property requires a public notice process. The neighbors will have an opportunity to provide input to the Commission during the CUP review process for each Nightly Rental.

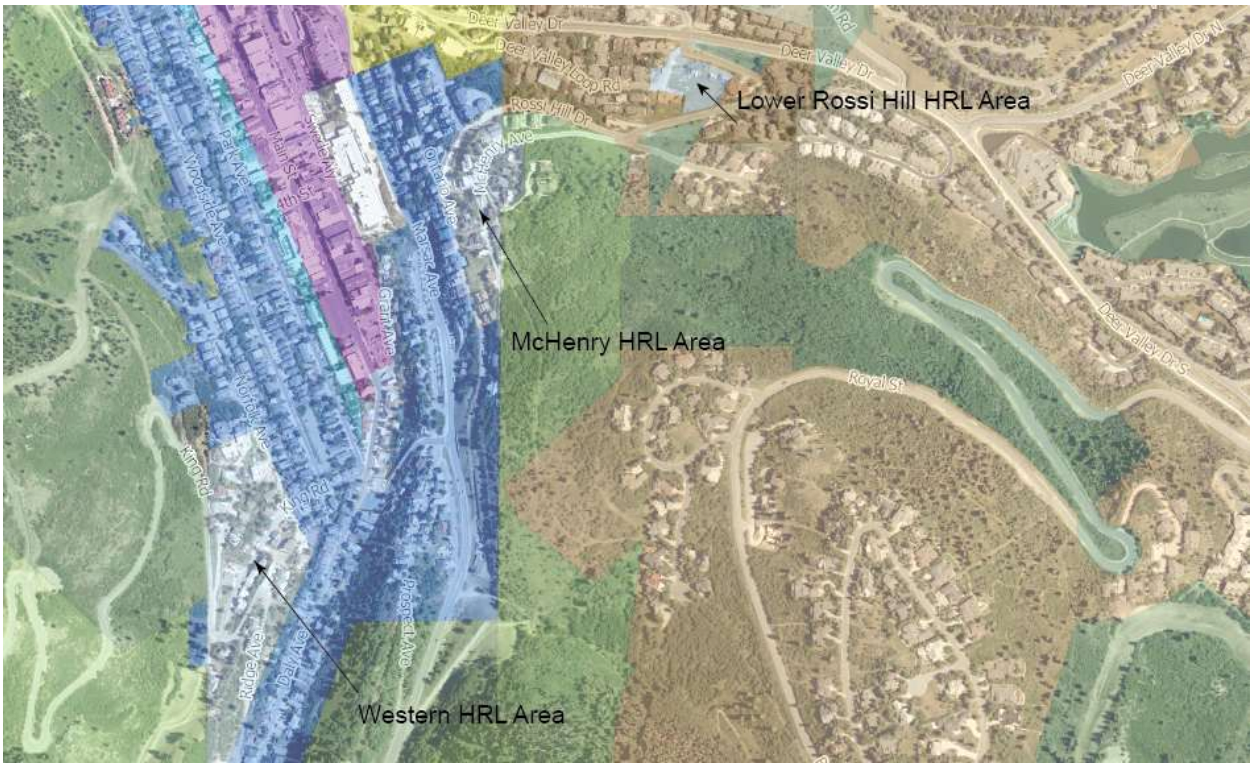
Background

Nightly Rentals are an Allowed Use in the Residential – Medium Zoning District.[1] In 2017, the Council adopted Ordinance 2017-05, rezoning a portion of the Lower Rossi Hill area from Residential – Medium to HRL to reduce potential density to protect three

[1] LMC § 15-2.15-2(A)(7).

Historic Structures designated Landmark Status on the City's Historic Sites Inventory.[2]

The HRL Zoning District is an outlier. It is the only Zoning District that requires a CUP for a Nightly Rental, and it is the only Zoning District that is divided into three sub-neighborhoods, shown in light blue below – the western Sampson Avenue/Ridge Avenue/King Road HRL area, the middle McHenry Avenue HRL area, and the eastern Lower Rossi Hill HRL area:



In 2015, at the request of residents, the City Council adopted Ordinance No. 15-44 to prohibit Nightly Rentals in the McHenry HRL area, in part to protect the primary resident neighborhood (Staff Report, p. 248; Minutes, p. 8). This prohibition is reflected in LMC § 15-2.1-2(B)(1), Footnote 2:

> [Nightly Rentals] shall be allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District. . .

As a result of the 2015 amendments limiting Nightly Rentals to the western HRL area, when the Lower Rossi Hill area was rezoned to HRL, Nightly Rentals were by default prohibited in the Lower Rossi Hill HRL area. However, the rezone staff report contained an oversight and did not consider Footnote 2 to LMC § 15-2.1-2(B)(1) that restricts Nightly Rentals to the western HRL area (Exhibit B, January 11, 2017 Planning

[2] 622, 652, and 660 Rossie Hill Drive; LMC § 15-11-10(D)(fc) – (fe)

Commission Staff Report; Exhibit C, February 16, 2017 City Council Staff Report). Instead, the staff report included the table below that showed that Nightly Rentals would be a Conditional Use when the Lower Rossi Hill area was rezoned to HRL:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*

On December 12, 2019, an attorney representing the company with a property interest in the Lower Rossi Hill HRL area submitted a letter to Mayor Beerman—included as Exhibit D—to bring this oversight to the City's attention.

On July 9, 2020, the Commission forwarded a positive recommendation for City Council's consideration to cap the number of Nightly Rentals in the western HRL area to 12 and to include additional Conditional Use Permit (CUP) criteria (Staff Report; Minutes, p. 32-37). After publishing public notice regarding the July 9 amendments, staff became aware of the Lower Rossi Hill Nightly Rental matter. Staff included the December 12 letter as an exhibit to the July 9 staff report and informed the Commission that staff would return at a later date to address Nightly Rentals in the Lower Rossi Hill area so that staff could properly notice the discussion.

On July 30, 2020, the City Council enacted Ordinance No. 2020-37 to adopt the amendments specific to the western HRL area (Staff Report; Minutes, p. 14). Staff informed the Council that amendments specific to the Lower Rossi Hill HRL area would be addressed in a later meeting.

Analysis

Goal 7 of the General Plan, *Life-Cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents*, includes objective 7C: "Focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley" (General Plan, Volume I, *Sense of Community,* p. 71). The Lower Rossi Hill HRL area is located to the east of Old Town and to the west of the Deer Valley Resort. The Lower Rossi Hill HRL area, shown in light blue below, is surrounded by property zoned Residential – Medium (dark brown) and Residential Development (light

brown). Nightly Rentals are allowed in both Zoning Districts.[3]

Prior to the 2017 rezoning of the Lower Rossi Hill area to HRL, Nightly Rentals were allowed and the only requirement was a business license pursuant to the regulations outlined in Municipal Code of Park City § 4-5-3.

Unlike the western HRL area that contains several vacant and developable lots accessed by substandard roads, the rezone of the Lower Rossi Hill area reduced potential density and rezoned nearly one acre of vacant land as Recreation Open Space. Due to the restricted future density in this area, staff does not recommend a cap on Nightly Rentals in this area.[4]

However, according to the Deputy City Engineer, parking for Nightly Rentals should be restricted to on-site parking as a result of parking limitations on Deer Valley Loop and the steep grade of Rossi Hill Drive. Staff recommends heightened CUP criteria, including requirement for on-site parking and posting of the property management information within the Nightly Rental so that responsible parties for Nightly Rental properties can be easily contacted.

[3] LMC § 15-2.15-2(A)(7); LMC § 15-2.13-2(A)(6).
[4] Duplex, Triplex, and Bed & Breakfasts are Allowed Uses in the Residential – Medium Zoning District (LMC § 15-2.15-2) and the minimum Lot Area is 2,812 square feet for Single-Family Dwellings (LMC § 15-2.15-3). Only Single-Family Dwellings are Allowed in the HRL Zoning District (LMC § 15-2.1-2) and the minimum Lot Area is 3,750 square feet (LMC § 15-2.1-3).

The proposed amendment to Footnote 2 of LMC § 15-2.1-2(B)(1) is as follows:

> [2] The HRL Zoning District is divided into three sub-neighborhoods: the western sub-neighborhood along Sampson Avenue, Ridge Avenue, and King Road; the McHenry Avenue sub-neighborhood; and the Lower Rossi Hill sub-neighborhood along Deer Valley Loop and Rossi Hill Drive. No more than twelve (12) Conditional Use Permits shall be allowed ~~only~~ in the ~~West~~ western sub-neighborhood ~~located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road~~. Nightly Rentals are prohibited in the McHenry Avenue sub-neighborhood. Nightly Rentals in the Lower Rossi Hill sub-neighborhood require a Conditional Use Permit. ~~No Nightly Rentals are allowed elsewhere in this Zoning District.~~ For Nightly Rentals in the western sub-neighborhood, ~~In~~ in addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces; (b) all rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season; (c) all rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service; and (d) property management contact information shall be displayed in a prominent location inside the Nightly Rental. For Nightly Rentals in the Lower Rossi Hill sub-neighborhood, in addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site parking spaces; and (b) property management contact information shall be displayed in a prominent location inside the Nightly Rental.

Review

The Planning, Engineering, and Legal Departments reviewed this report.

Notice

Staff mailed courtesy notice to property owners within the Lower Rossi Hill HRL Zoning District and within 300 feet on December 23, 2020. Staff published notice on the City's website and the Utah Public Notice website on December 23, 2020. The *Park Record* published notice on December 30, 2020. LMC § 15-1-21.

Public Input

No public input for this meeting was submitted at the time of report publication. Public input submitted to the Planning Commission when the Commission considered this matter on September 23, 2020 is included as Exhibit E.

Exhibits

Exhibit A: Draft Ordinance and Redlines
Exhibit B: January 11, 2017 Planning Commission Staff Report
Exhibit C: February 16, 2017 City Council Staff Report
Exhibit D: December 12, 2019 Attorney Letter to Mayor Beerman
Exhibit E: September 23, 2020 Public Input

ORDINANCE 2021-XX

AN ORDINANCE AMENDING FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1) TO ESTABLISH NIGHTLY RENTALS AS A CONDITIONAL USE IN THE LOWER ROSSI HILL SUB-NEIGHBORHOOD OF THE HISTORIC RESIDENTIAL LOW – DENSITY ZONING DISTRICT

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 7 of the General Plan includes objective 7C: "Focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley;"

WHEREAS, the Lower Rossi Hill area is located east of Old Town and west of the Deer Valley Resort;

WHEREAS, the Lower Rossi Hill area was zoned Residential – Medium prior to 2017 and Nightly Rentals are allowed in Residential – Medium Zoning Districts;

WHEREAS, the Lower Rossi Hill area contains three Landmark Historic Structures on the City's Historic Sites Inventory: 622, 652, and 660 Rossi Hill Drive;

WHEREAS, to protect the Landmark Historic Structures, the Council directed staff to research a potential rezoning of the area to restrict future density in the area and to preserve certain vacant property as Recreation Open Space;

WHEREAS, on February 16, 2017, the City Council adopted Ordinance No. 2017-05, *Approving a Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossi Hill Drive as well as the BLM-Owned Parcels, Park City, Utah*;

WHEREAS, the staff report prepared for the Planning Commission's recommendation to City Council for the rezone contained an oversight and represented that Nightly Rentals would be a Conditional Use when the area was rezoned;

WHEREAS, the staff report prepared for the City Council's review contained an oversight and represented that Nightly Rentals would be a Conditional Use when the area was rezoned;

WHEREAS, Footnote 2 of Land Management Code § 15-2.1-2(B)(1) restricts Nightly Rentals to the western Historic Residential Low – Density Zoning District and by default, Nightly Rentals were prohibited in the Lower Rossi Hill neighborhood when the area was rezoned to Historic Residential Low – Density;

WHEREAS, to align the Land Management Code with the information presented to the Commission and Council at the time the area was rezoned, Nightly Rentals are a Conditional Use in the Lower Rossi Hill HRL area;

WHEREAS, the Lower Rossi Hill HRL area is surrounded by property zoned Residential – Medium and Residential Development and Nightly Rentals are an allowed use in both Zoning Districts;

WHEREAS, to protect the three Landmark Historic Structures in the Lower Rossi Hill HRL area, additional Conditional Use Permit criteria shall be considered for Nightly Rentals, including a requirement that Nightly Rental vehicles be restricted to the number of on-site parking spaces and that property management contact information be displayed in a prominent location inside the Nightly Rental;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on January 13, 2021, and forwarded a _____ recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing on February 4, 2021.

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

SECTION 1. FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1), *Historic Residential – Low Density District Uses*. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2(B)(1), Footnote 2, of the Land Management Code of Park City is hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED this 4th day of February, 2021

PARK CITY MUNICIPAL CORPORATION

_____

Andy Beerman, Mayor

Attest:

_____
City Recorder

Approved as to form:

_____
Mark Harrington, City Attorney

15-2.1-2 Uses

. . .

B. **CONDITIONAL USES**.

1. Nightly Rentals[2]
2. Lockout Unit
3. Accessory Apartment[3]
4. Child Care Center[1]
5. Essential Municipal and Public Utility Use, Facility, Service and Structure
6. Telecommunication Antenna[4]
7. Satellite dish greater than thirty-nine inches (39") in diameter[5]
8. Residential Parking Area or Structure five (5) or more spaces
9. Temporary Improvement[6]
10. Passenger Tramway Station and Ski Base Facility[7]
11. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge[6]
12. Recreation Facility, Private
13. Fences greater than six feet (6') in height from Final Grade[5,8]

. . .

[2] The HRL Zoning District is divided into three sub-neighborhoods: the western sub-neighborhood along Sampson Avenue, Ridge Avenue, and King Road; the McHenry Avenue sub-neighborhood; and the Lower Rossi Hill sub-neighborhood along Deer Valley Loop and Rossi Hill Drive. No more than twelve (12) Conditional Use Permits shall be allowed ~~only~~ in the ~~West~~ western sub-neighborhood ~~located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road~~. Nightly Rentals are prohibited in the McHenry Avenue sub-neighborhood. Nightly Rentals in the Lower Rossi Hill sub-

neighborhood require a Conditional Use Permit. ~~No Nightly Rentals are allowed elsewhere in this Zoning District.~~ For Nightly Rentals in the western sub-neighborhood, ~~In~~ in addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces; (b) all rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season; (c) all rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service; and (d) property management contact information shall be displayed in a prominent location inside the Nightly Rental. For Nightly Rentals in the Lower Rossi Hill sub-neighborhood, in addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site parking spaces; and (b) property management contact information shall be displayed in a prominent location inside the Nightly Rental.

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject:	**Zoning Map Amendment Request**
Author:	**Anya Grahn, Historic Preservation Planner** **Bruce Erickson, AICP, Planning Director**
Project Number:	**PL-16-03323**
Date:	**January 11, 2017**
Type of Item:	**Legislative – Zoning Map Amendment**

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant:	Park City Planning Department
Location:	622, 652, and 660 Rossie Hill Drive
Existing Zoning:	Residential Medium (RM) District
Proposed Zoning:	Historic Residential Low-Density (HRL) and Recreation Open Space (ROS)
Adjacent Land Uses:	Single-family and multi-unit residential
Reason for Review:	Zoning Map Amendment applications require a Planning Commission recommendation and City Council review and action

Proposal

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council directed staff to make a zone change amendment on September 22, 2016 (Staff Report

page 92, Minutes page 18).

Background

Prior to 2013, the BLM has owned the hillside containing the three historic miner's houses at 622, 652, and 660 Rossie Hill Drive the fire-damaged historic house at 632 Deer Valley Loop, and the triangle parcel above Rossie Hill Drive. In 2013, the BLM granted a land patent to the Bertagnoles for the 632 Deer Valley Loop parcel after 30 years of Color of Title legal action. Richard Dennis is currently in a Color of Title action with BLM for the three remaining houses.

This hillside was initially zoned R-1 in 1968, which permitted a density of about 14.5 units/acre; however, by 1985, it had been rezoned to RM. The RM zoning district serves as a transition neighborhood between Old Town to the west and Lower Deer Valley to the east. The neighborhood is largely characterized by resort-oriented housing development, including single family, duplex, and multi-unit dwellings that serve as primary and second homes as well as nightly rentals.

The triangle parcel to the west of Coalition View Court is currently zoned Estate; however, the size of the parcel is a substandard lot for the minimum lot size requirements for the Estate zone.

During City Council's review of the Lilac Hill Subdivision at 632 Deer Valley Loop on July 14, 2016, Council was concerned about future development of the adjacent BLM parcels. In particular, Council asked staff to return with limitations on house size, height, site parameters, and restrictions on relocation of the historic houses. On September 22, 2016 [See City Council Staff Report (starting page 92) and City Council Minutes (starting page 15)], staff presented to City Council the potential to rezone the area from Residential-Medium (RM) to Residential Development (RD) District; however, upon further analysis, staff finds that Historic Residential Low-Density (HRL) is more appropriate.

Staff's change of recommendation from RD to HRL was largely due to the size of BLM parcel PC-537-X, which contains the three Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive. The RD zone district limits density to three units per acre (3 units/1 acre), and this property contains 3 houses on 0.74 acres. Therefore, if zoned RD, the site would be legal non-complying and no further development could occur. However, additions could be made to the existing homes during restoration.

Additionally, the proposed zone change is consistent with the plat notes added to the Lilac Hill Subdivision, approved by City Council on October 20, 2016 [See City Council Staff Report (starting on page 108) and City Council Minutes (starting page 9)]. The property at 632 Deer Valley Loop is zoned RM; however, any new development at this site is required to comply with Park City Design Guidelines for Historic Districts and Historic Sites in order to ensure that new development is compatible to the historic structure on this lot and the Historic Structures in the surrounding area. The Conditions of Approval of Ordinance 16-32 for this Subdivision also provided a 40% open space

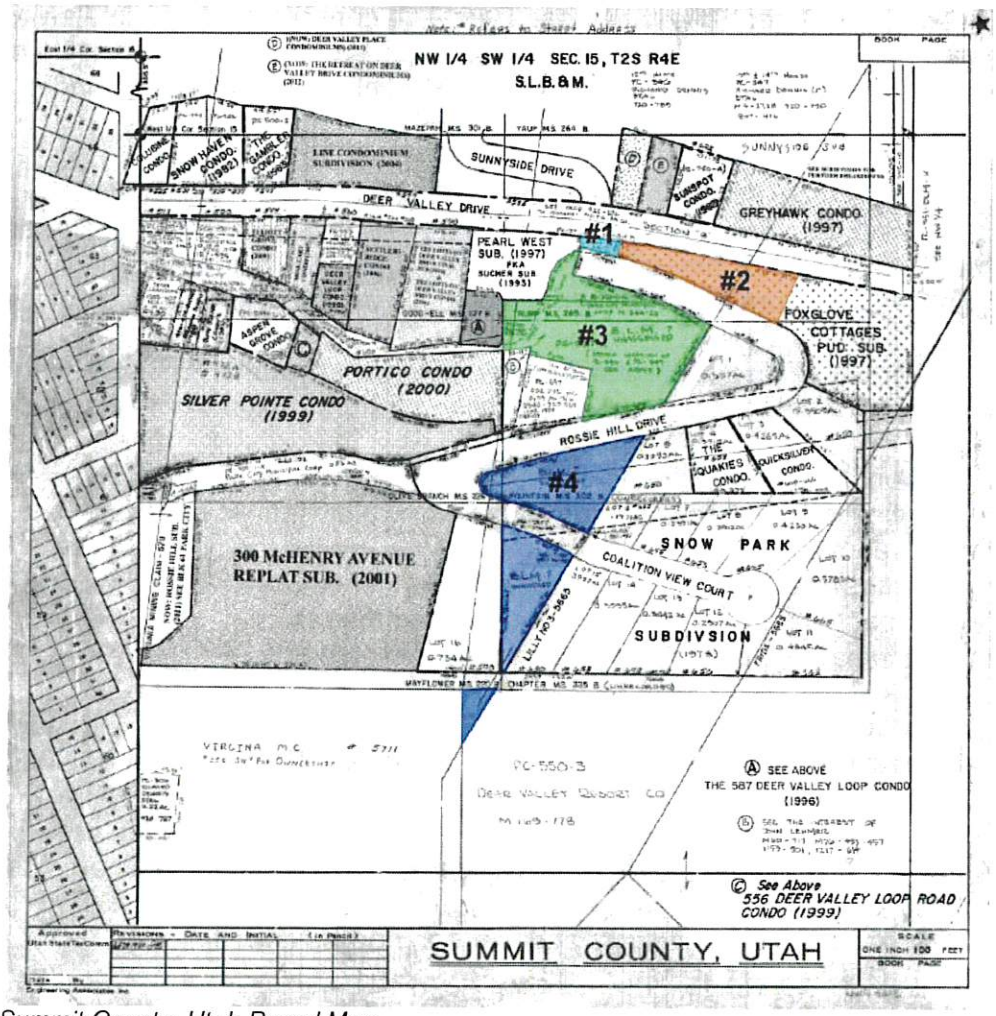
provision.

Zoning Map Amendment

In order to accommodate their goals, City Council directed staff to bring an application to rezone the BLM properties and private property which includes:

- Parcel 1: The City-owned parcel PC-750-4-X to the south of Rossie Hill Drive and north of the historic houses on Rossie Hill Drive
- Parcel 2: The portion of the Foxglove Cottages PUD Subdivision (1997) that was designated as common open space on their plat
- Parcel 3: BLM parcel PC-537-X which includes the Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive
- Parcel 4: BLM triangle parcel that extends from Rossie Hill to the north, across Coalition View Court, and south adjacent to the Snow Park Subdivision

These parcels are shown on the image below:



Summit County, Utah Parcel Map

These parcels are under separate ownership. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hilll Drive and south of Coalition View Court.

Parcel #1 is owned by Park City Municipal Corporation; it is the paved area that connects Rossie Hill Drive to Deer Valley Drive. Parcel #2 has been designated as open space on the Foxglove Cottages PUD Subdivision, recorded in 1997, and owned by the Foxglove Homeowners association. Parcel #3 is owned by the BLM; however, the BLM is in a Color of Title legal action with the Dennis family for the northeast side of the property which includes the three (3) historic houses along Rossie Hill Drive. Finally, Parcel #4 is also owned by the BLM.

Parcels #1, #2, and #3 are currently zoned Residential Medium (RM); whereas the triangle Parcel #4 is zoned Estate (E). Zoned as estate, Parcel #4 is an undevelopable parcel as the Estate zone requires a minimum lot size of three (3) acres for all uses with density limited to one (1) unit per three (3) acres. Parcel #4 consists of approximately 0.6 acres north of Coalition View Court and approximately 0.4 acres on the south side of Coalition View Court. These lots are substandard lots and cannot be developed under the current zoning.

Staff proposes rezoning Parcel #1, #2, and #4 as Recreation and Open Space (ROS). This will protect this area from development and allow it to retain its natural character of an open meadow. It will also help preserve the context of the historic houses along Rossie Hill Drive as they will continue to be framed by open space. The purposes of the ROS District include:

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

Staff also proposes to rezone Parcel #3 from RM to HRL. The change in zone will aid in meeting Council's goals as it will reduce the amount of density permitted on the site as the RM zone would permit up to twenty-two (22) units of development and the HRL zone would only allow eight (8) units of development; these unit calculations are based only on the size of the lot and do not consider the placement of the historic houses on the property. The Historic zone designation will ensure that development is reviewed under the Historic District Design Guidelines and Review process (HDDR).

This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive. The size of the

proposed rezoning area is approximately 15% of the total the size the entire existing HRL Zone District along McHenry Road.

This proposal to modify this specific area is aligned with the City's General Plan and current zoning restrictions. The zone change will maintain the existing open space on the hillside and designated by the Fox Glove Cottages PUD Subdivision and further protect the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

The purpose statements of the HRL zoning district reflect the strategies and goals outlined in our General Plan. The purpose statements for the HRL Zoning District include:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

These purpose statements reflect the goals for Historic Character as outlined in the General Plan. The General Plan seeks to preserve the integrity, mass, scale, and character of Park City's Historic fabric. It also addressed examining lot sizes in Old Town to ensure compatible mass and scale of infill development and additions to historic structures. It recommends developing compatibility regulations that limit lot size, massing, siting, and height in order to guide compatible neighborhood development as well as retain and preserve the character of historic sites. Most importantly it intends to maintain local and national historic assignations, prevent incompatible infill as well as significant modifications/alterations to historic structures, and the loss of historic resources.

Parcel #3 was identified as Old Town in the General Plan. However, the historic resources along Deer Valley Drive were actually addressed as part of the Lower Deer Valley Neighborhood. In this area, Deer Valley is meant to be a transition between historic Old Town and the relatively new resort. The General Plan sought to preserve the aesthetic experience of the approach to the resort by maintaining cultural resources along Deer Valley Drive, particularly the few remaining miner's home. Again, preservation is a key component to the HR-L zoning District.

The following table outlines the differences between the existing RM and proposed HRL

zones:

Zone Allowance:	*Residential Medium-Density (RM)*	*Historic Residential Low-Density (HRL) District*
Lot Size Requirements: *Single Family* *Duplex Dwelling* *Triplex Dwelling* *Four-plex Dwelling* *More than four dwelling units*	 *2,812 SF* *3,750 SF* *4,687 SF* *5,625 SF* *5,625 SF + 1,000 SF for each additional unit*	 *3,750 SF* *Not permitted* *Not permitted* *Not permitted* *Not permitted*
Lot Width	*37.50 ft.*	*35 ft.*
Setbacks *Front Yard* *Single Family, Duplex, and Accessory Buildings* *Front Facing Garages for Single Family and Duplex Dwellings* *Triplex or Multi-Unit Dwellings* *Front Facing Garages for Multi-Unit Dwellings* *Rear Yard* *Single Family and Duplex Dwellings* *Triplex or Multi-Unit Dwelling* *Accessory Building less than 18 ft. in height* *Side Yard* *Single Family, Duplex, and Accessory Buildings* *Triplex or Multi-Unit Dwelling* *Accessory Building less than 18 ft. in height*	 *15 ft.* *20 ft.* *20 ft.* *25 ft.* *10 ft.* *15 ft.* *5 ft.* *5 ft.* *10 ft.* *3 ft.*	 *10-15 ft. depending on lot depth* *N/A* *N/A* *10-15 ft. depending on lot depth* *N/A* *1 ft.* *3-10 ft. depending on lot width* *N/A* *3 ft.*
Open Space Requirement *Triplex or Multi-Unit Dwelling*	 *60%*	*Not permitted*
Building Height	*28 ft.*	*27 ft. from existing grade; maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the*

		Structure.
Maximum House Size	*N/A*	*Based on footprint allowance*

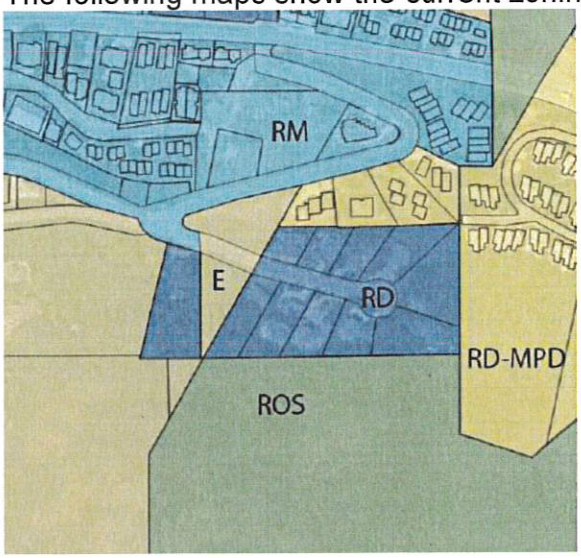
[1] *As part of a MPD or subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. See equations outlined in LMC 15-2.13-6.*

As noted in the following table, the allowed uses of the zones are fairly similar in promoting residential development. The HRL zone restricts residential development only to single family dwellings which is consistent with the historic development on Parcel #3. Additionally, the conditional uses of the HRL zone include Passenger Tramway Stations and Ski Base Facilities, Ski Tow Ropes, Ski Lifts, Ski Runs, and Ski Bridges which further support resort development to the east. The following table shows the differences in allowed uses between the RM and RD zones:

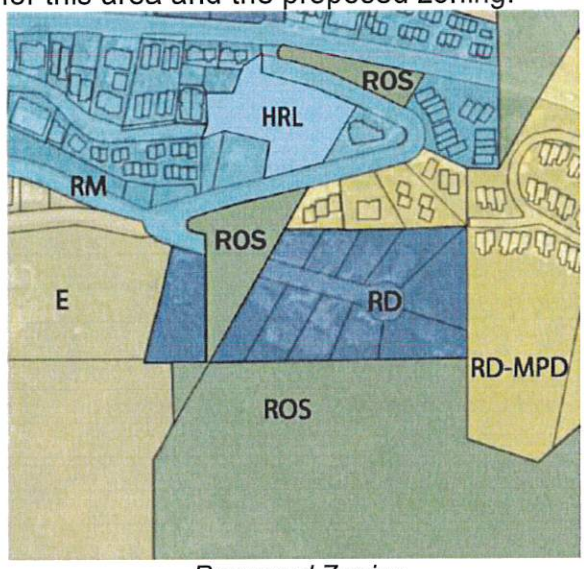
Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*
Conservation Activity	*Allowed*	*Allowed*
Agriculture	*Allowed*	*Allowed*
Bed & Breakfast Inn	*Allowed*	*Not Permitted*
Parking Area or Structure with four (4) or fewer spaces	*Allowed*	*Not Permitted*
Multi-Unit Dwelling	*CUP*	*Not Permitted*
Guest House, on Lot greater than one (1) acre	*CUP*	*Not Permitted*
Group Care Facility	*CUP*	*Not Permitted*
Child Care Center	*CUP*	*Not Permitted*
Public and Quasi-Public Institution, Church, and School	*CUP*	*Not Permitted*
Essential Municipal Public Utility Use, Facility, Service, and Structure	*CUP*	*CUP*
Telecommunication Antenna	*CUP*	*CUP*
Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter	*CUP*	*CUP*
Boarding House, Hostel	*CUP*	*Not Permitted*
Hotel, Minor	*CUP*	*Not Permitted*
Outdoor Event	*Admin-CUP*	*Not Permitted*
Residential Parking Area or Structure with four (4) or fewer spaces	*Not Permitted*	*Allowed*

Parking Area or Structure with five (5) or more spaces	*CUP*	*CUP*
Temporary Improvement	*Admin-CUP*	*Admin-CUP*
Recreation Facility, Public and Private	*CUP*	*CUP (Private only)*
Master Planned Development with moderate income housing Density bonus	*CUP*	*Not Permitted*
Master Planned Development with residential and transient lodging Uses only	*CUP*	*Not Permitted*
Master Planned Development with Support Retail and Minor Service Commercial Uses	*CUP*	*Not Permitted*
Fences greater than six feet in Height from Final Grade	*Admin-CUP*	*Admin-CUP*
Passenger Tramway Station and Ski Base Facility	*Not Permitted*	*CUP*
Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge	*Not Permitted*	*CUP*

The following maps show the current zoning for this area and the proposed zoning:



Current Zoning



Proposed Zoning

General Plan Compliance

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in italics below:

Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. *The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood while safeguarding the neighborhood's historic character through rezoning Parcel #3 to HRL and the remaining parcels to recreation and open space by zoning it ROS.*

- Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. *Not applicable.*

- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. *Not applicable.*

Natural Setting

- Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. *The proposed zoning change will continue to maintain the existing open space by zoning it ROS to further protect it from future development.*

- Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. *The zone change will ensure the protection of existing natural resources and open space by zoning it ROS.*

- Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. *Not applicable.*

Sense of Community

- Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. *Not applicable.*

- Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. *Not applicable.*

- Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. *The purpose statements of the ROS zoning district encourages parks, trails, and other recreational uses as well as the preservation and enhancement of environmentally sensitive lands such as the meadows, stream corridors, and forests.*

- Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. *Not applicable.*

- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. *The proposed zone change will encourage the rehabilitation of the three (3) existing miner's cottages along Rossie Hill Drive while also maintaining their*

context by rezoning the existing open space as ROS.

- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. *Not applicable.*

- Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. *Not applicable.*

- Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. *Not applicable.*

Historic Character

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. *The rezone of the historic cottages from RM to HRL will allow redevelopment of these sites and ensure their longevity by encouraging their adaptive reuse. The context of their location will be maintained and preserved by rezoning the existing open space as ROS.*

- Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. *The proposed Zone Changes does not affect the "heart" of the City, Main Street.*

Good Cause

Planning Staff finds that there is Good Cause for this Zone Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from RM to HRL and RM and E to ROS have not been developed previously and still contain undisturbed native grasses and shrubs in a natural state typical of other designated open space areas so no re-vegetation will be necessary and it satisfies the requirements of the Zone.

Process

The approval of the proposed rezoning application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC § 1-8.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on

December 31, 2016 according to requirements of the Land Management Code.

If this application is forwarded to City Council, the property owners will be noticed once again, ten days prior to the public hearing, according to requirements of the LMC.

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

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the Zoning Map Amendment; or
- The Planning Commission may forward a negative recommendation to City Council to deny the Zoning Map Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Zoning Map Amendment to a date certain and provide input to Staff and the applicant on any additional information they require in order to make a recommendation; or

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

Consequences of not taking the Planning Department's Recommendation
The zoning designation would remain as is.

Summary Recommendations
Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council to approve the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits
Exhibit A – Zoning Map Amendment Draft Ordinance and map of amendment
Exhibit B – Survey of Richard Dennis Property
Exhibit C – Aerial photographs of the rezone
Exhibit D – Site Photographs

Exhibit A: Zoning Map Amendment Draft Ordinance

Ordinance No. 17-XX

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM RESIDENTIAL MEDIUM (RM) DISTRICT TO HISTORIC RESIDENTIAL LOW-DENSITY (HRL) DISTRICT AND RECREATION OPEN SPACE (ROS) AT 622, 652, AND 660 ROSSIE HILL DRIVE AS WELL AS THE BLM-OWNED PARCELS, PARK CITY, UTAH.

WHEREAS, City Council directed staff to initiate a Zoning Map Amendment on September 22, 2016; and

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

WHEREAS, on December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on December 31, 2016 according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on January 11, 2017, forwarded _____ recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density Development (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels as shown in Attachment 1 is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to

the south and east of Rossie Hilll Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).
3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.
4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.
5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.
6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.
7. The access to the sites is from Rossie Hill Drive and Coalition Court.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.
10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.
11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City

Attorney.

PASSED AND ADOPTED this 16th day of February, 2017.

PARK CITY MUNICIPAL CORPORATION

_____

Jack Thomas, MAYOR

ATTEST:

_____

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

_____

Mark Harrington, City Attorney

Attachment 1 – Proposed Zoning Map Amendment

Exhibit A

Proposed Zoning Map

January, 2017

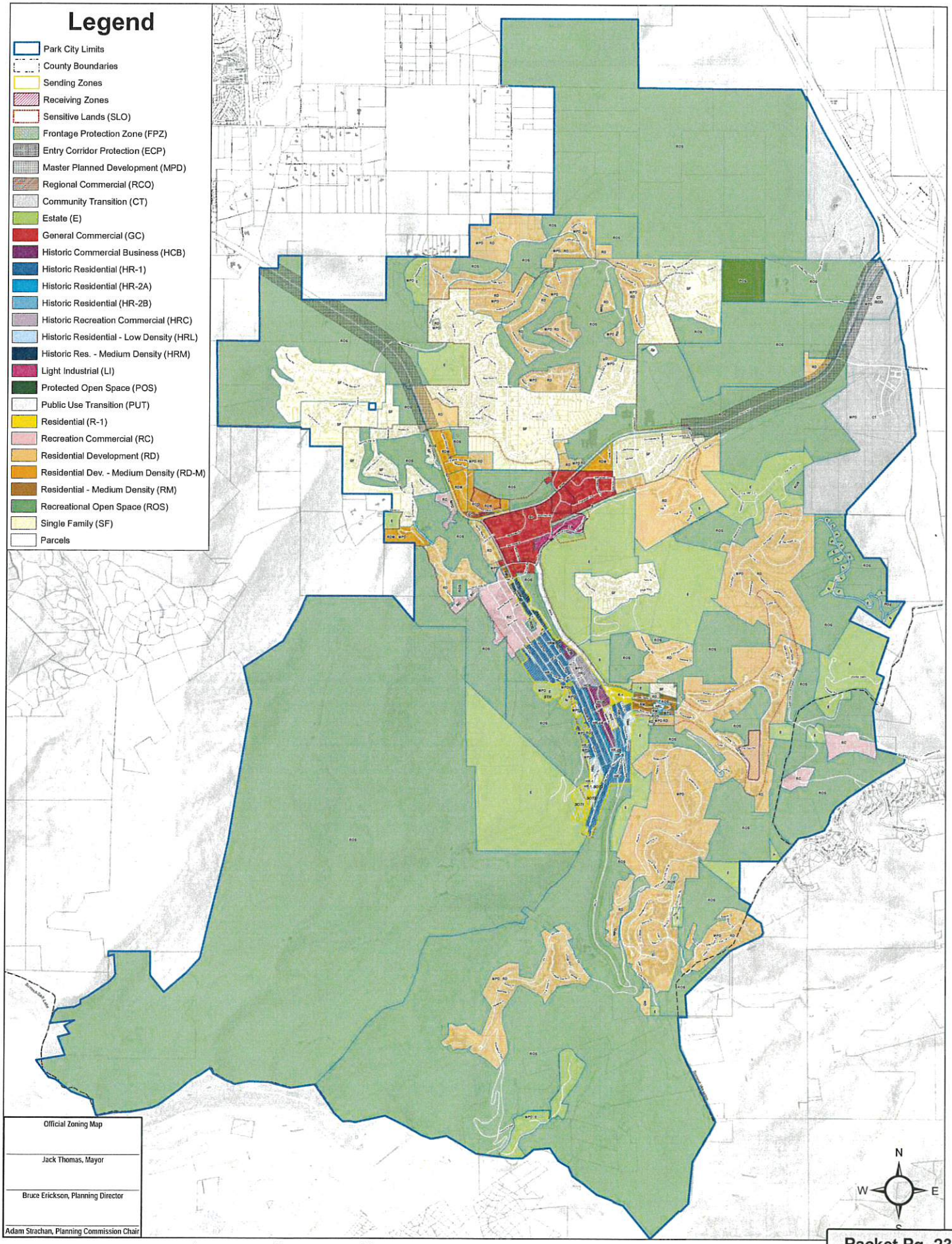


Exhibit B

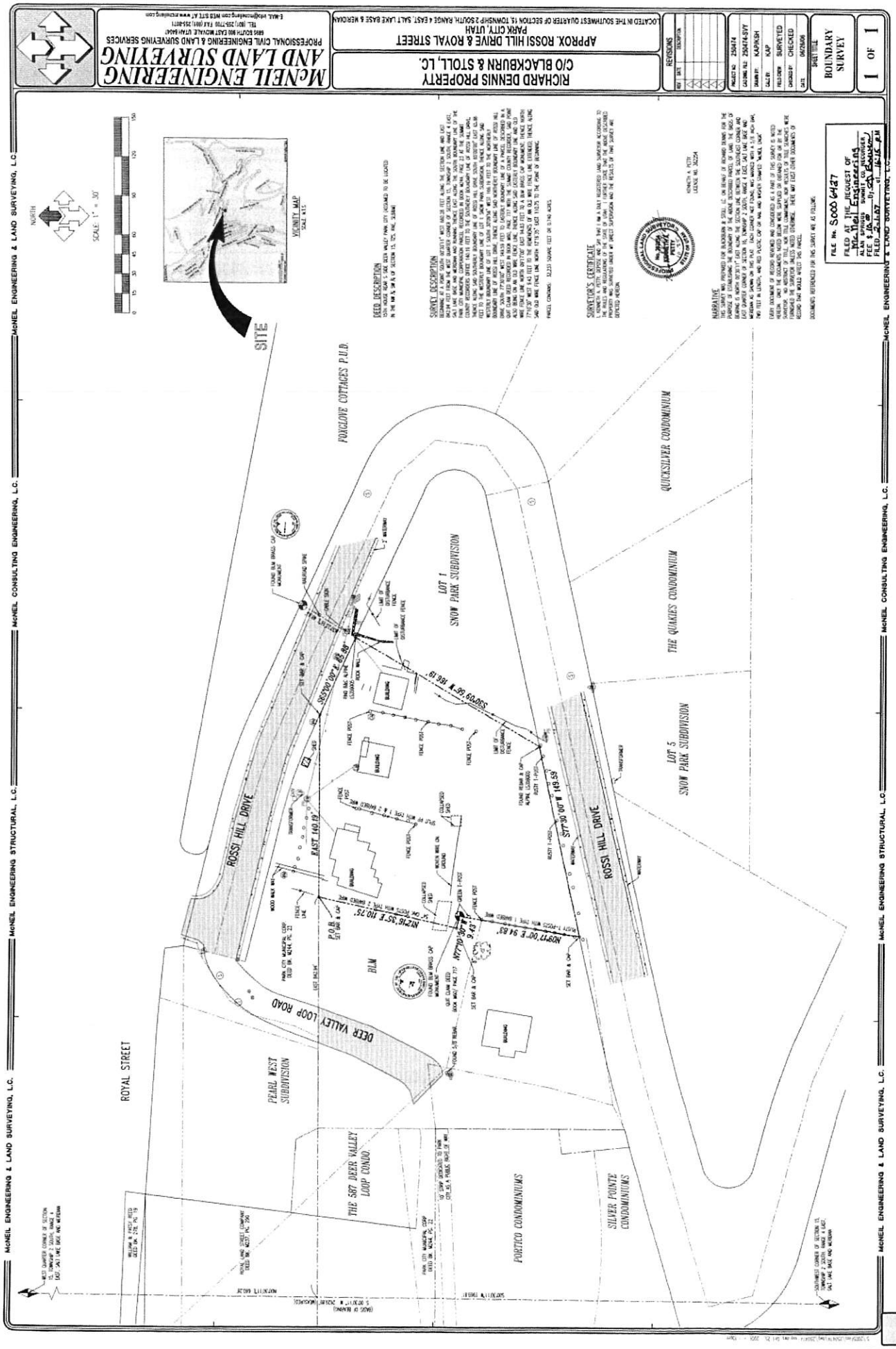
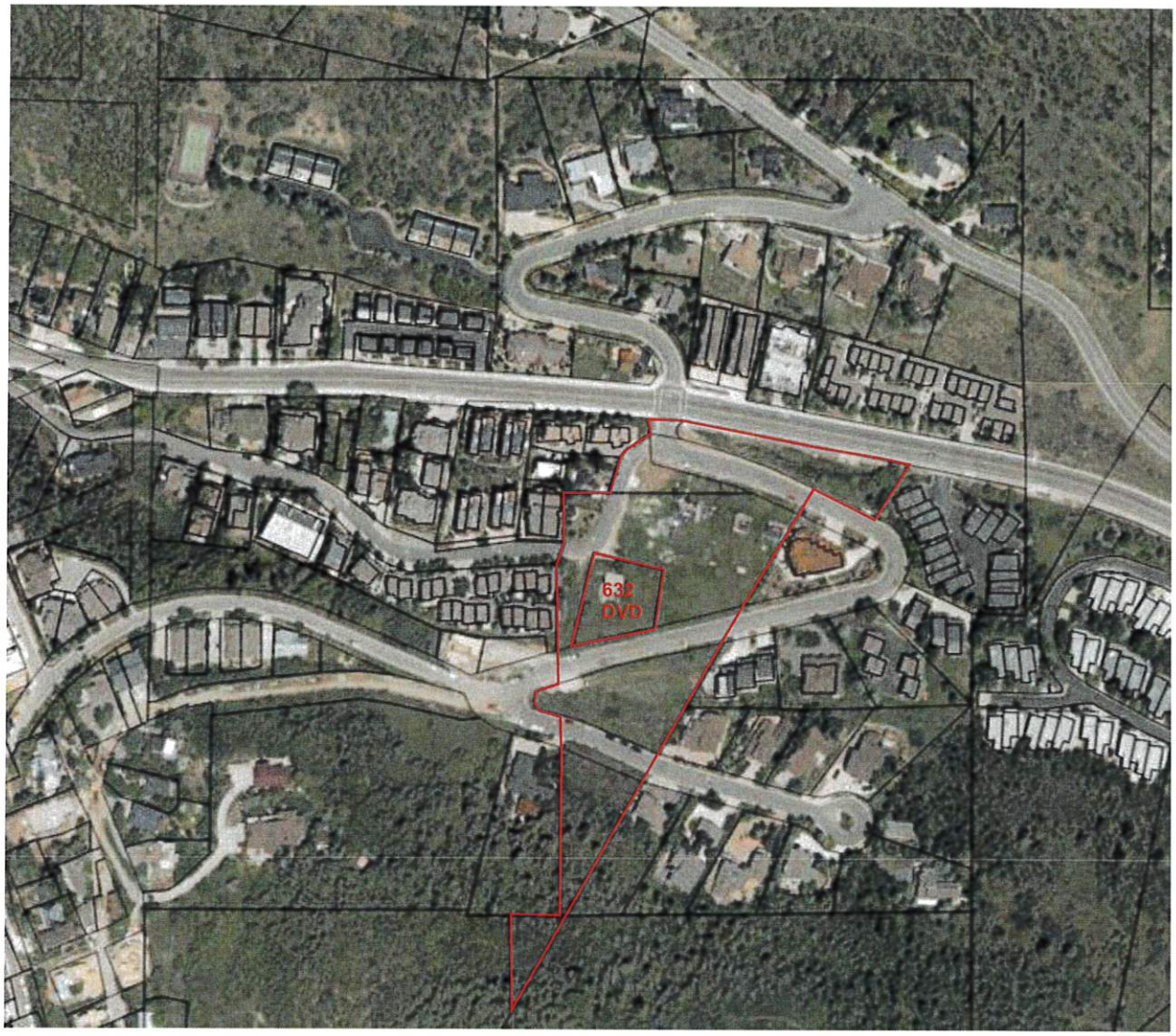
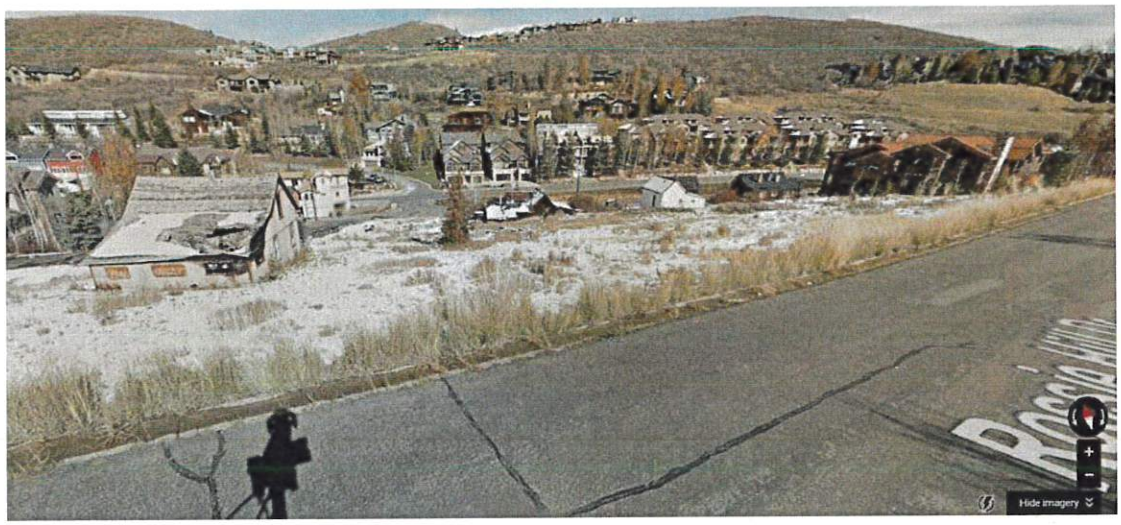

McNEIL ENGINEERING AND LAND SURVEYING
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
RICHARD DENNIS PROPERTY
C/O BLACKBURN & STOLL, LC.
APPROX. ROSSI HILL DRIVE & ROYAL STREET
PARK CITY, UTAH
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
REVISIONS
BOUNDARY SURVEY
1 OF 1
SCALE: 1" = 30'
NORTH
VICINITY MAP
SITE
FOXGLOVE COTTAGES P.U.D.
QUICKSILVER CONDOMINIUM
THE QUAKIES CONDOMINIUM
LOT 1 SNOW PARK SUBDIVISION
LOT 5 SNOW PARK SUBDIVISION
ROSSI HILL DRIVE
DEER VALLEY LOOP ROAD
ROYAL STREET
PEARL WEST SUBDIVISION
THE 597 DEER VALLEY LOOP CONDO
PORTICO CONDOMINIUMS
SILVER POINTE CONDOMINIUMS
BLM
DEED DESCRIPTION
SURVEY DESCRIPTION
SURVEYOR'S CERTIFICATE
NARRATIVE
FILE No. S000 6427
FILED AT THE REQUEST OF
ALAN SPRINGS SUMMIT CO. RECORDER
FEE $ 10.00 By: Deputy
FILED: 2-21-07 at 10:15 AM
S-6427
McNEIL ENGINEERING & LAND SURVEYING, L.C.
McNEIL ENGINEERING STRUCTURAL, L.C.
McNEIL CONSULTING ENGINEERING, L.C.

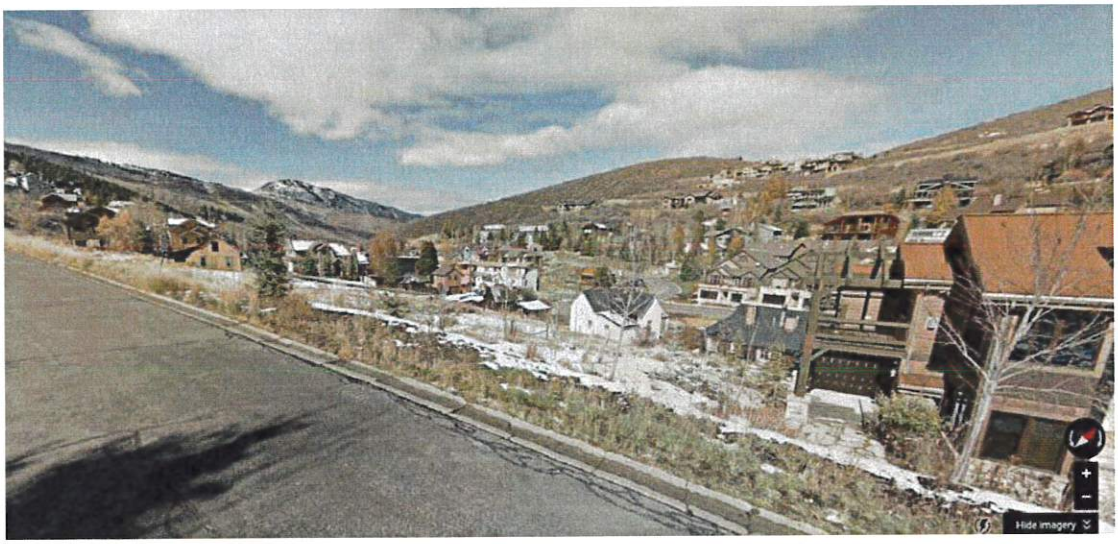
Exhibit C

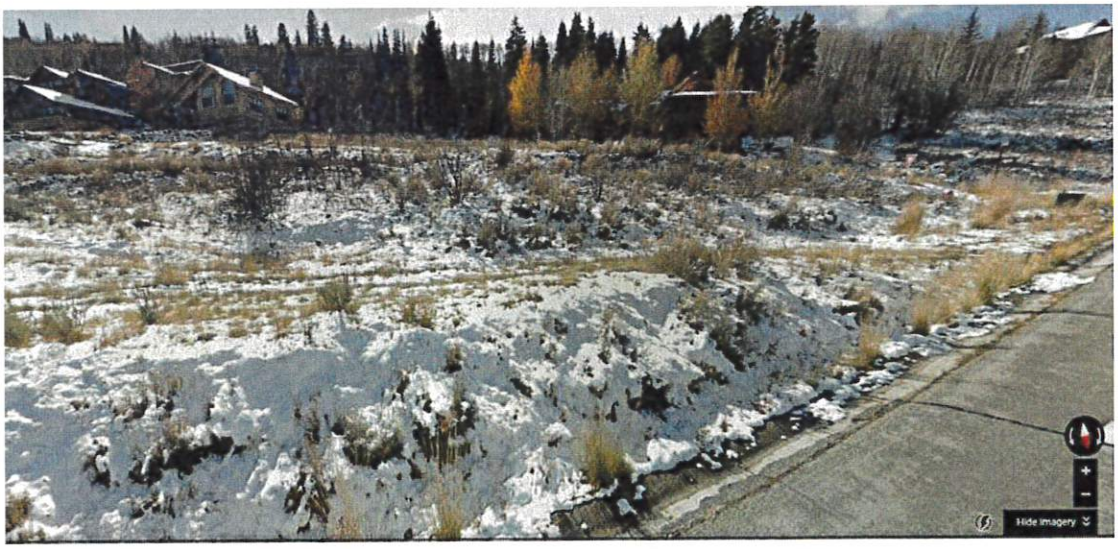


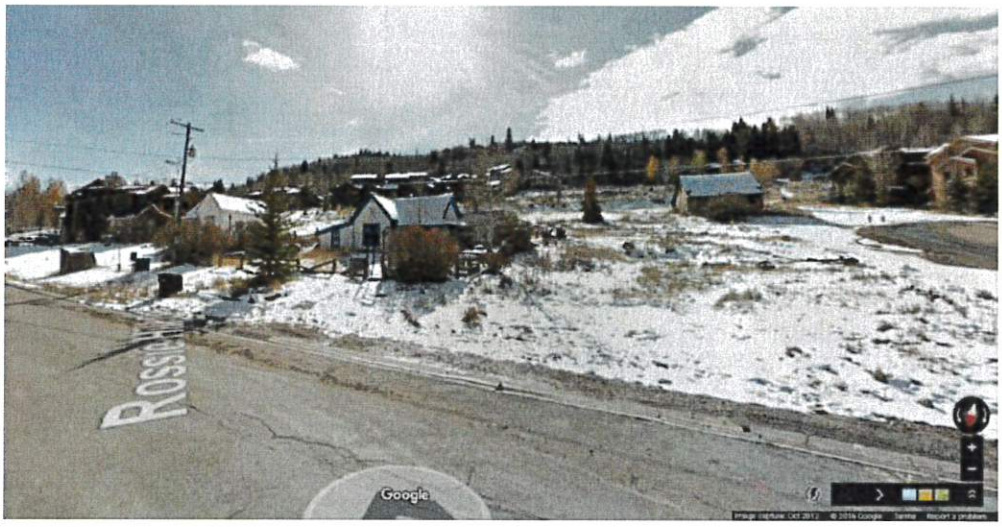
Rossie Hill Zone Change
(Please note that 632 Deer Valley Drive is not included)

Exhibit D





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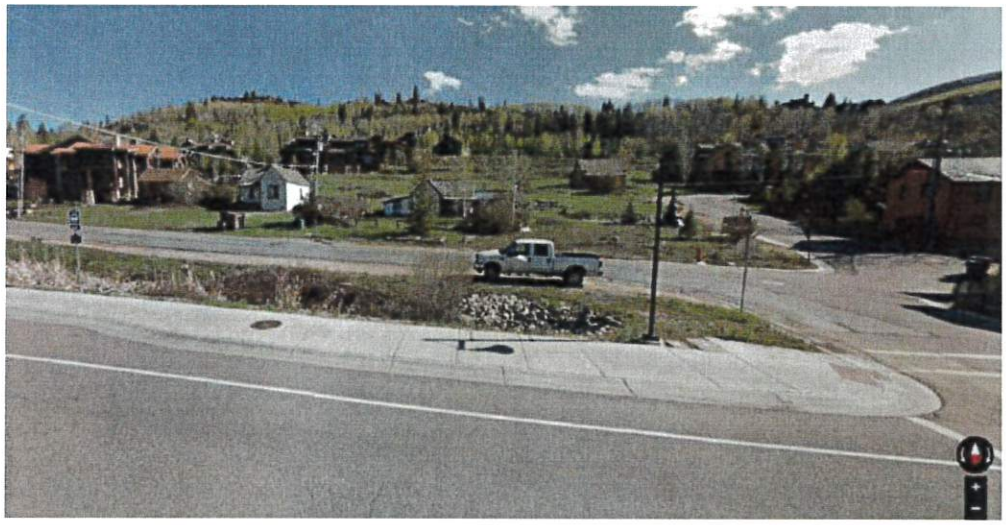

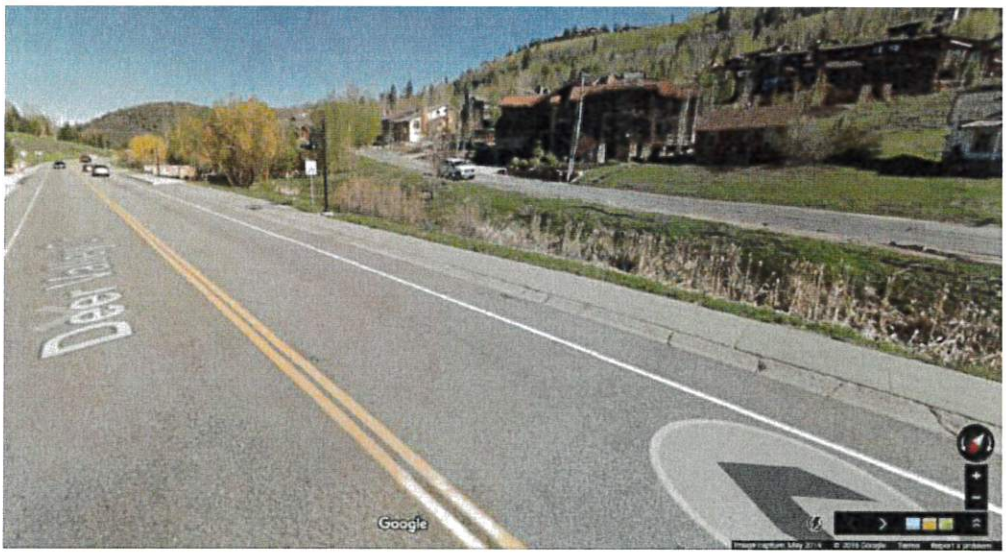
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DATE: February 16, 2017

TO HONORABLE MAYOR AND COUNCIL

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council directed staff to make a zone change amendment on September 22, 2016. The Planning Commission forwarded a positive recommendation to City Council for this zone change on January 11, 2017.

Respectfully:

Anya Grahn, Planner II

City Council Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject:	**Zoning Map Amendment Request**
Author:	**Anya Grahn, Historic Preservation Planner**
	Bruce Erickson, AICP, Planning Director
Project Number:	**PL-16-03323**
Date:	**February 16, 2017**
Type of Item:	**Legislative – Zoning Map Amendment**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant:	Park City Planning Department
Location:	622, 652, and 660 Rossie Hill Drive as well as the adjacent BLM Parcels
Existing Zoning:	Residential Medium (RM) and Estate (E)
Proposed Zoning:	Historic Residential Low-Density (HRL) and Recreation Open Space (ROS)
Adjacent Land Uses:	Single-family and multi-unit residential
Reason for Review:	Zoning Map Amendment applications require a Planning Commission recommendation and City Council review and action

Executive Summary/Proposal

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council

directed staff to make a zone change amendment on September 22, 2016 (Staff Report page 92, Minutes page 18. The Planning Commission expressed concern about the zone change as they did not believe Deer Valley Drive was a transition between Old Town and Deer Valley Resort and they had reservations about creating a non-contiguous island of zoning; however, they forwarded a positive recommendation to City Council for this zone change on January 11, 2017, largely due to the owner's support of the rezone.

Background

Prior to 2013, the BLM has owned the hillside containing the three historic miner's houses at 622, 652, and 660 Rossie Hill Drive, the fire-damaged historic house at 632 Deer Valley Loop, and the triangle parcel above Rossie Hill Drive. In 2013, the BLM granted a land patent to the Bertagnoles for the 632 Deer Valley Loop parcel after 30 years of Color of Title legal action. Richard Dennis is currently in a Color of Title action with BLM for the three (3) remaining houses.

This hillside was initially zoned R-1 in 1968, which permitted a density of about 14.5 units/acre; however, by 1985, it had been rezoned to RM. The RM zoning district serves as a transition neighborhood between Old Town to the west and Lower Deer Valley to the east. The neighborhood is largely characterized by resort-oriented housing development, including single family, duplex, and multi-unit dwellings that serve as primary and second homes as well as nightly rentals.

The triangle parcel to the west of Coalition View Court is currently zoned Estate; however, the size of the parcel is a substandard lot for the minimum lot size requirements for the Estate zone.

During City Council's review of the Lilac Hill Subdivision at 632 Deer Valley Loop on July 14, 2016, Council was concerned about future development of the adjacent BLM parcels. In particular, Council asked staff to return with limitations on house size, height, site parameters, and restrictions on relocation of the historic houses. On September 22, 2016 [See City Council Staff Report (starting page 92) and City Council Minutes (starting page 15)], staff presented to City Council the potential to rezone the area from Residential-Medium (RM) to Residential Development (RD) District; however, upon further analysis, staff finds that Historic Residential Low-Density (HRL) is more appropriate.

Staff's change of recommendation from RD to HRL was largely due to the size of BLM parcel PC-537-X, which contains the three Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive. The RD zone district limits density to three units per acre (3 units/1 acre), and this property contains 3 houses on 0.74 acres. Therefore, if zoned RD, the site would be legal non-complying and no further development could occur. However, additions could be made to the existing homes during restoration.

Additionally, the proposed zone change is consistent with the plat notes added to the Lilac Hill Subdivision, approved by City Council on October 20, 2016 [See City Council

Staff Report (starting on page 108) and City Council Minutes (starting page 9)]. The property at 632 Deer Valley Loop is zoned RM; however, any new development at this site is required to comply with Park City Design Guidelines for Historic Districts and Historic Sites in order to ensure that new development is compatible to the historic structure on this lot and the Historic Structures in the surrounding area. The Conditions of Approval of Ordinance 16-32 for this Subdivision also provided a 40% open space provision.

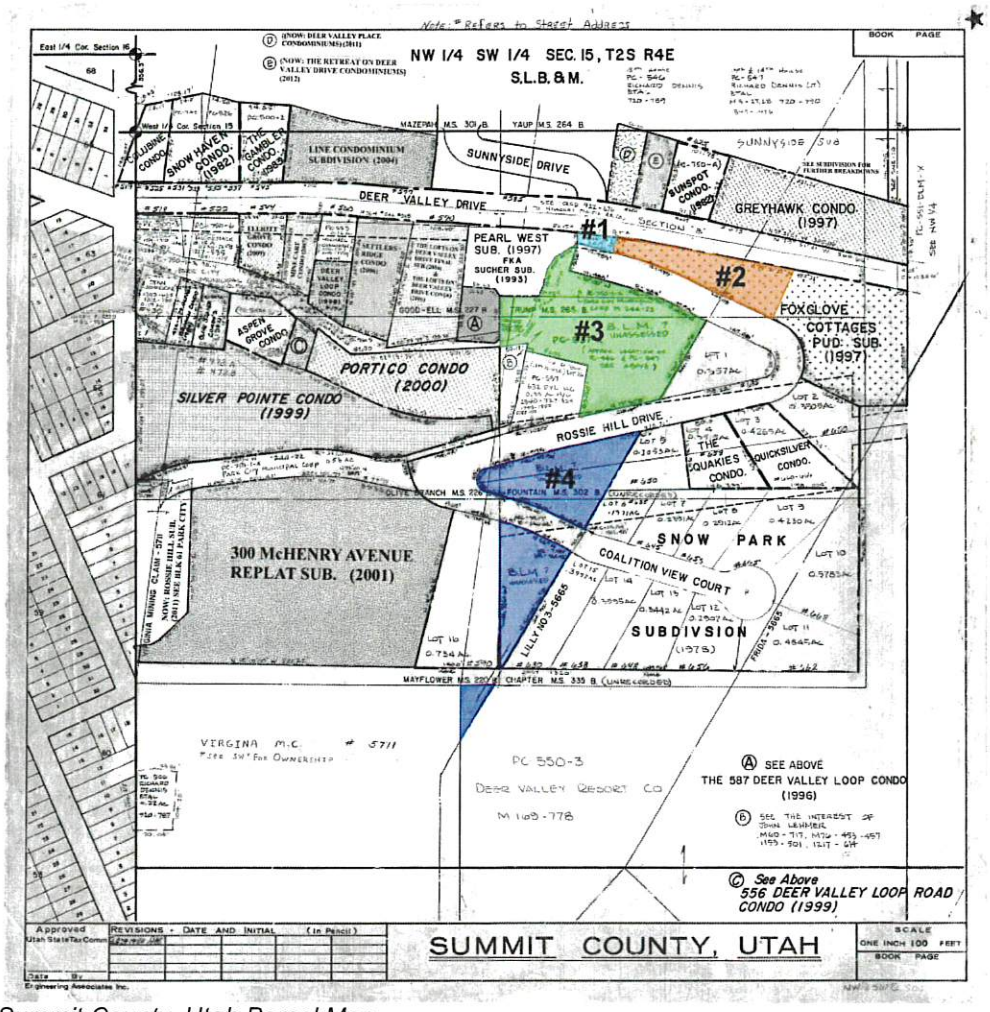
On January 11, 2017, the Park City Planning Commission reviewed this application. [See Staff Report (starting page 221) and Minutes (Exhibit F)]. Several of the Planning Commissioners expressed concern about zoning such a small parcel and that the HRL zoning proposal was not contiguous to the HRL neighborhood along McHenry Neighborhood. They also expressed interest in the City purchasing the property in order to better control development of the property consistent with the neighbors' wishes of seeing the hillside preserved as open space or even a pocket park. Ultimately, however, the Planning Commission found that the proposal would provide growth management, mitigated the neighborhoods' wishes and concerns about development of the Dennis-BLM parcel, and favored the rehab of the buildings to avoid demolition by neglect. The Planning Commission unanimously forwarded a positive recommendation to City Council for the rezone.

Zoning Map Amendment

In order to accommodate their goals, City Council directed staff to bring an application to rezone the BLM properties and private property which includes:

- Parcel 1: The City-owned parcel PC-750-4-X to the south of Rossie Hill Drive and north of the historic houses on Rossie Hill Drive
- Parcel 2: The portion of the Foxglove Cottages PUD Subdivision (1997) that was designated as common open space on their plat
- Parcel 3: BLM parcel PC-537-X which includes the Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive
- Parcel 4: BLM triangle parcel that extends from Rossie Hill to the north, across Coalition View Court, and south adjacent to the Snow Park Subdivision

These parcels are shown on the image below:



Summit County, Utah Parcel Map

These parcels are under separate ownership. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hilll Drive and south of Coalition View Court.

Parcel #1 is owned by Park City Municipal Corporation; it is the paved area that connects Rossie Hill Drive to Deer Valley Drive. Parcel #2 has been designated as open space on the Foxglove Cottages PUD Subdivision, recorded in 1997, and owned by the Foxglove Homeowners association. Parcel #3 is owned by the BLM; however, the BLM is in a Color of Title legal action with the Dennis family for the northeast side of the property which includes the three (3) historic houses along Rossie Hill Drive. Finally, Parcel #4 is also owned by the BLM.

Parcels #1, #2, and #3 are currently zoned Residential Medium (RM); whereas the triangle Parcel #4 is zoned Estate (E). Zoned as estate, Parcel #4 is an undevelopable parcel as the Estate zone requires a minimum lot size of three (3) acres for all uses with

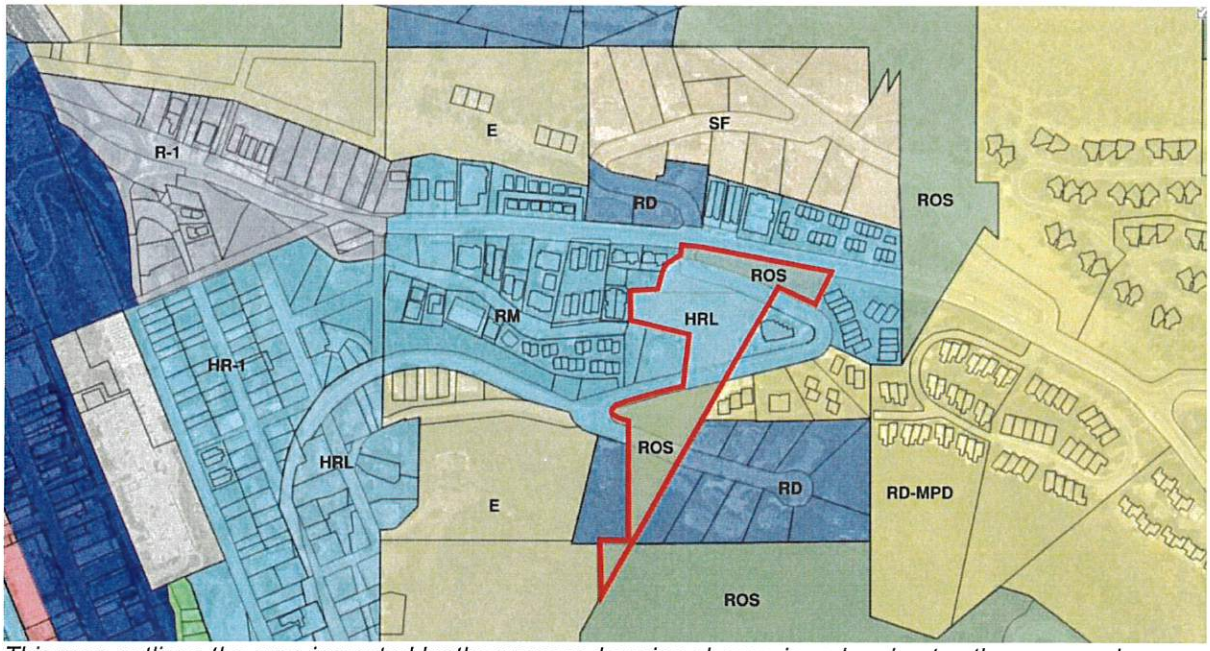
density limited to one (1) unit per three (3) acres. Parcel #4 consists of approximately 0.6 acres north of Coalition View Court and approximately 0.4 acres on the south side of Coalition View Court. These lots are substandard lots and cannot be developed under the current zoning.

Staff proposes rezoning Parcel #1, #2, and #4 as Recreation and Open Space (ROS). This will protect this area from development and allow it to retain its natural character of an open meadow. It will also help preserve the context of the historic houses along Rossie Hill Drive as they will continue to be framed by open space. The purposes of the ROS District include:

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

Staff also proposes to rezone Parcel #3 from RM to HRL. The change in zone will aid in meeting Council's goals as it will reduce the amount of density permitted on the site as the RM zone would permit up to twenty-two (22) units of development and the HRL zone would only allow eight (8) units of development; these unit calculations are based only on the size of the lot and do not consider the placement of the historic houses on the property. The Historic zone designation will ensure that development is reviewed under the Historic District Design Guidelines and Review process (HDDR).

This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive. The size of the proposed rezoning area is approximately 15% of the total the size the entire existing HRL Zone District along McHenry Road.



This map outlines the area impacted by the proposed zoning change in red and notes the proposed zone changes for these parcels. Note the surrounding land uses.

This proposal to modify this specific area is aligned with the City's General Plan and current zoning restrictions. The zone change will maintain the existing open space on the hillside and designated by the Fox Glove Cottages PUD Subdivision and further protect the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

The purpose statements of the HRL zoning district reflect the strategies and goals outlined in our General Plan. The purpose statements for the HRL Zoning District include:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

These purpose statements reflect the goals for Historic Character as outlined in the General Plan. The General Plan seeks to preserve the integrity, mass, scale, and

character of Park City's Historic fabric. It also addressed examining lot sizes in Old Town to ensure compatible mass and scale of infill development and additions to historic structures. It recommends developing compatibility regulations that limit lot size, massing, siting, and height in order to guide compatible neighborhood development as well as retain and preserve the character of historic sites. Most importantly it intends to maintain local and national historic assignations, prevent incompatible infill as well as significant modifications/alterations to historic structures, and the loss of historic resources.

Parcel #3 was identified as Old Town in the General Plan. However, the historic resources along Deer Valley Drive were actually addressed as part of the Lower Deer Valley Neighborhood. In this area, Deer Valley is meant to be a transition between historic Old Town and the relatively new resort. The General Plan sought to preserve the aesthetic experience of the approach to the resort by maintaining cultural resources along Deer Valley Drive, particularly the few remaining miner's home. Again, preservation is a key component to the HR-L zoning District.

The following table outlines the differences between the existing RM and proposed HRL zones:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Lot Size Requirements:		
Single Family	*2,812 SF*	*3,750 SF*
Duplex Dwelling	*3,750 SF*	*Not permitted*
Triplex Dwelling	*4,687 SF*	*Not permitted*
Four-plex Dwelling	*5,625 SF*	*Not permitted*
More than four dwelling units	*5,625 SF + 1,000 SF for each additional unit*	*Not permitted*
Lot Width	*37.50 ft.*	*35 ft.*
Setbacks		
<u>Front Yard</u>		
Single Family, Duplex, and Accessory Buildings	*15 ft.*	*10-15 ft. depending on lot depth*
Front Facing Garages for Single Family and Duplex Dwellings	*20 ft.*	*N/A*
Triplex or Multi-Unit Dwellings	*20 ft.*	
Front Facing Garages for Multi-Unit Dwellings	*25 ft.*	*N/A*
<u>Rear Yard</u>		
Single Family and Duplex Dwellings	*10 ft.*	*10-15 ft. depending on lot depth*
Triplex or Multi-Unit Dwelling	*15 ft.*	*N/A*
Accessory Building less than 18 ft. in height	*5 ft.*	*1 ft.*
<u>Side Yard</u>		
Single Family, Duplex, and		*3-10 ft. depending on lot width*

Accessory Buildings *Triplex or Multi-Unit Dwelling* *Accessory Building less than 18 ft. in height*	*5 ft.* *10 ft.* *3 ft.*	 *N/A* *3 ft.*
Open Space Requirement *Triplex or Multi-Unit Dwelling*	 *60%*	*Not permitted*
Building Height	*28 ft.*	*27 ft. from existing grade; maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure.*
Maximum House Size	*N/A*	*Based on footprint allowance*

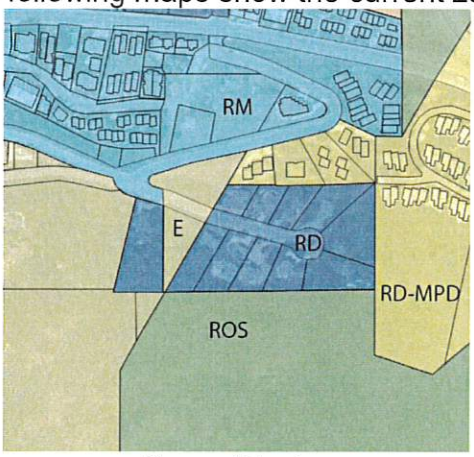
[1] As part of a MPD or subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. See equations outlined in LMC 15-2.13-6.

As noted in the following table, the allowed uses of the zones are fairly similar in promoting residential development. The HRL zone restricts residential development only to single family dwellings which is consistent with the historic development on Parcel #3. Additionally, the conditional uses of the HRL zone include Passenger Tramway Stations and Ski Base Facilities, Ski Tow Ropes, Ski Lifts, Ski Runs, and Ski Bridges which further support resort development to the east. The following table shows the differences in allowed uses between the RM and RD zones:

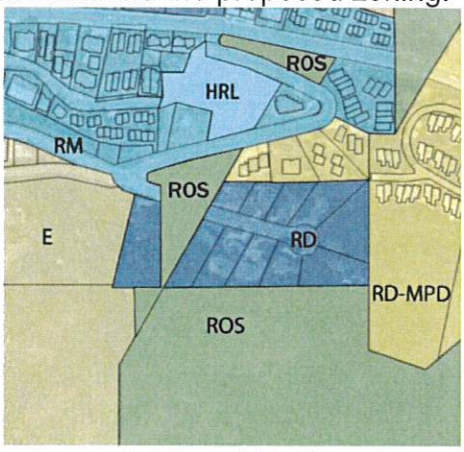
Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*

Conservation Activity	*Allowed*	*Allowed*
Agriculture	*Allowed*	*Allowed*
Bed & Breakfast Inn	*Allowed*	*Not Permitted*
Parking Area or Structure with four (4) or fewer spaces	*Allowed*	*Not Permitted*
Multi-Unit Dwelling	*CUP*	*Not Permitted*
Guest House, on Lot greater than one (1) acre	*CUP*	*Not Permitted*
Group Care Facility	*CUP*	*Not Permitted*
Child Care Center	*CUP*	*Not Permitted*
Public and Quasi-Public Institution, Church, and School	*CUP*	*Not Permitted*
Essential Municipal Public Utility Use, Facility, Service, and Structure	*CUP*	*CUP*
Telecommunication Antenna	*CUP*	*CUP*
Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter	*CUP*	*CUP*
Boarding House, Hostel	*CUP*	*Not Permitted*
Hotel, Minor	*CUP*	*Not Permitted*
Outdoor Event	*Admin-CUP*	*Not Permitted*
Residential Parking Area or Structure with four (4) or fewer spaces	*Not Permitted*	*Allowed*
Parking Area or Structure with five (5) or more spaces	*CUP*	*CUP*
Temporary Improvement	*Admin-CUP*	*Admin-CUP*
Recreation Facility, Public and Private	*CUP*	*CUP (Private only)*
Master Planned Development with moderate income housing Density bonus	*CUP*	*Not Permitted*
Master Planned Development with residential and transient lodging Uses only	*CUP*	*Not Permitted*
Master Planned Development with Support Retail and Minor Service Commercial Uses	*CUP*	*Not Permitted*
Fences greater than six feet in Height from Final Grade	*Admin-CUP*	*Admin-CUP*
Passenger Tramway Station and Ski Base Facility	*Not Permitted*	*CUP*
Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge	*Not Permitted*	*CUP*

The following maps show the current zoning for this area and the proposed zoning:



Current Zoning



Proposed Zoning

General Plan Compliance

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in italics below:

Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. *The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood while safeguarding the neighborhood's historic character through rezoning Parcel #3 to HRL and the remaining parcels to recreation and open space by zoning it ROS.*

- Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. *Not applicable.*

- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. *Not applicable.*

Natural Setting

- Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. *The proposed zoning change will continue to maintain the existing open space by zoning it ROS to further protect it from future development.*

- Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. *The zone change will ensure the protection of existing natural resources and open space by zoning it ROS.*

- Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. *Not applicable.*

Sense of Community

- Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. *Not applicable.*

- Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. *Not applicable.*

- Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. *The purpose statements of the ROS zoning district encourages parks, trails, and other recreational uses*

as well as the preservation and enhancement of environmentally sensitive lands such as the meadows, stream corridors, and forests.

- Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. *Not applicable.*

- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. *The proposed zone change will encourage the rehabilitation of the three (3) existing miner's cottages along Rossie Hill Drive while also maintaining their context by rezoning the existing open space as ROS.*

- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. *Not applicable.*

- Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. *Not applicable.*

- Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. *Not applicable.*

Historic Character

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. *The rezone of the historic cottages from RM to HRL will allow redevelopment of these sites and ensure their longevity by encouraging their adaptive reuse. The context of their location will be maintained and preserved by rezoning the existing open space as ROS.*

- Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. *The proposed Zone Changes does not affect the "heart" of the City, Main Street.*

Good Cause

Planning Staff finds that there is Good Cause for this Zone Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from RM to HRL and RM and E to ROS have not been developed previously and still contain undisturbed native grasses and shrubs in a natural state typical of other designated open space areas so no re-vegetation will be necessary and it satisfies the requirements of the Zone.

Process
The approval of the proposed rezoning application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-8.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice
On December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on December 31, 2016 according to requirements of the Land Management Code.

On February 2, 2017, the property was posted and notice was mailed to property owners within 300 feet for the City Council public hearing. Legal Notice was published in the Park Record February 1, 2017, according to requirements of the Land Management Code.

Public Input
The Planning Department has received written communication from the neighborhood. Overall the neighbors are supportive of the zone change; however, they would like to see more of the area zoned ROS to protect the open space for both animal migration, historic context, and trails and recreation. Public comment has been included in this packet as Exhibit E.

Alternatives
- The City Council may approve the Zoning Map Amendment; or
- The City Council may deny the Zoning Map Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Zoning Map Amendment; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

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

Consequences of not taking the Planning Department's Recommendation
The zoning designation would remain as is.

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Zoning Map Amendment Draft Ordinance and map of amendment
Exhibit B – Survey of Richard Dennis Property
Exhibit C – Aerial photographs of the rezone
Exhibit D – Site Photographs
Exhibit E – Public Comment
Exhibit F – Planning Commission Minutes, 1.11.17

Exhibit A: Zoning Map Amendment Draft Ordinance

Ordinance 2017-05

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM RESIDENTIAL MEDIUM (RM) DISTRICT TO HISTORIC RESIDENTIAL LOW-DENSITY (HRL) DISTRICT AND RECREATION OPEN SPACE (ROS) AT 622, 652, AND 660 ROSSIE HILL DRIVE AS WELL AS THE BLM-OWNED PARCELS, PARK CITY, UTAH.

WHEREAS, City Council directed staff to initiate a Zoning Map Amendment on September 22, 2016; and

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

WHEREAS, on December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on December 31, 2016 according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on January 11, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density Development (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels as shown in Attachment 1 is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to

the south and east of Rossie Hilll Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).
3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.
4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.
5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.
6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.
7. The access to the sites is from Rossie Hill Drive and Coalition Court.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.
10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.
11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City

Attorney.

PASSED AND ADOPTED this 16th day of February, 2017.

PARK CITY MUNICIPAL CORPORATION

_____

Jack Thomas, MAYOR

ATTEST:

_____

Michelle Kellogg, City Recorder

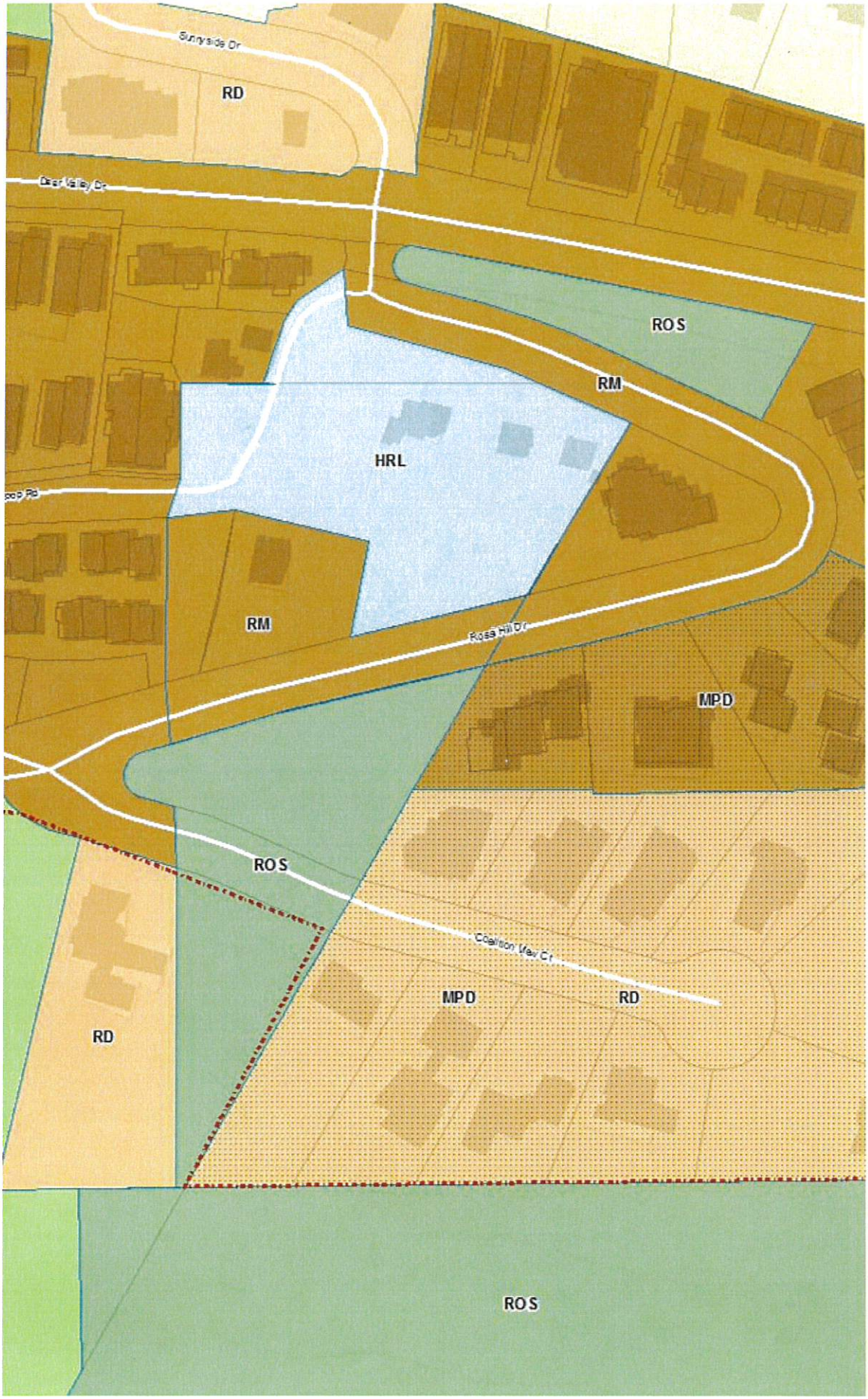
APPROVED AS TO FORM:

_____

Mark Harrington, City Attorney

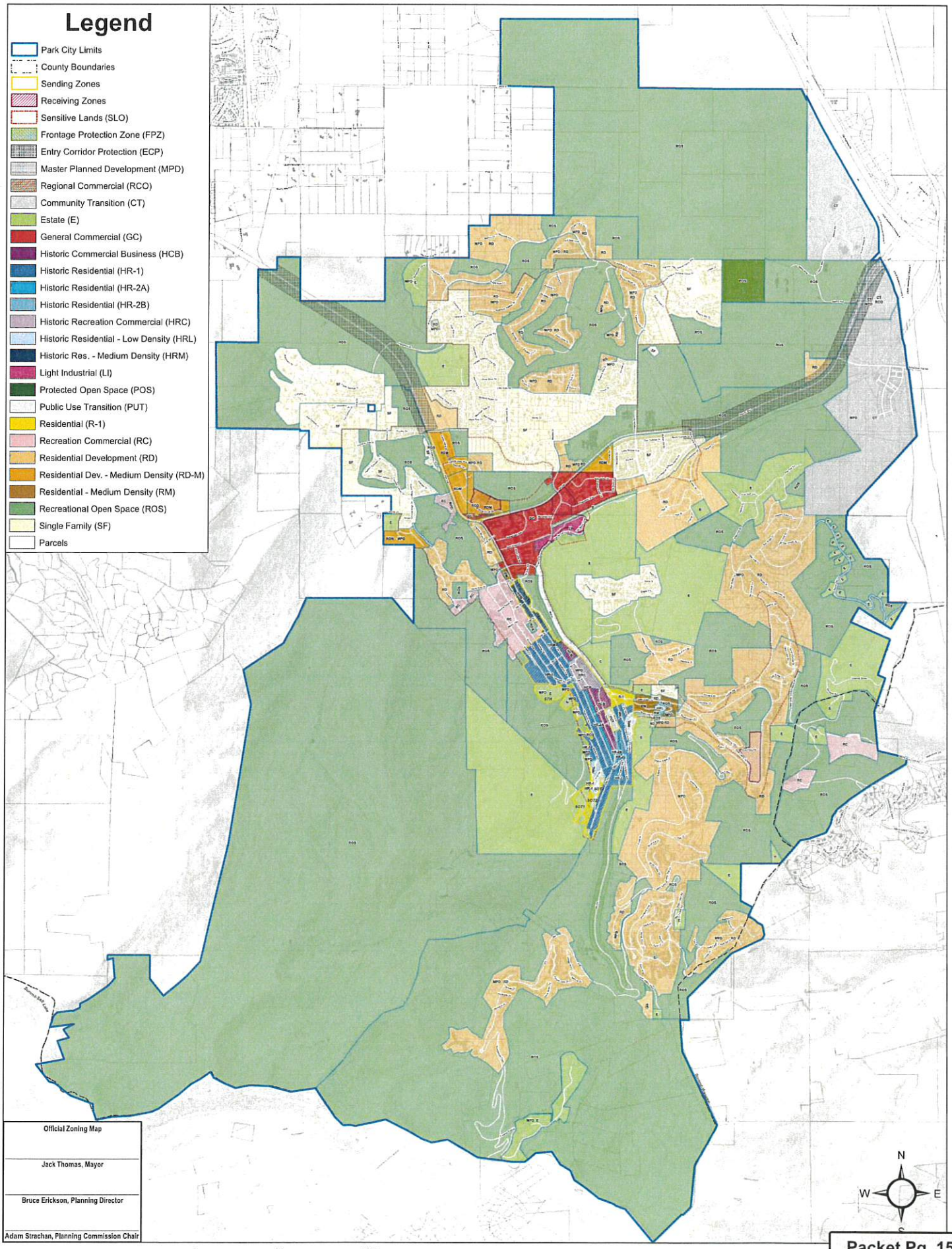
Attachment 1 – Proposed Zoning Map Amendment

Exhibit A- Proposed Zoning Map Amendment



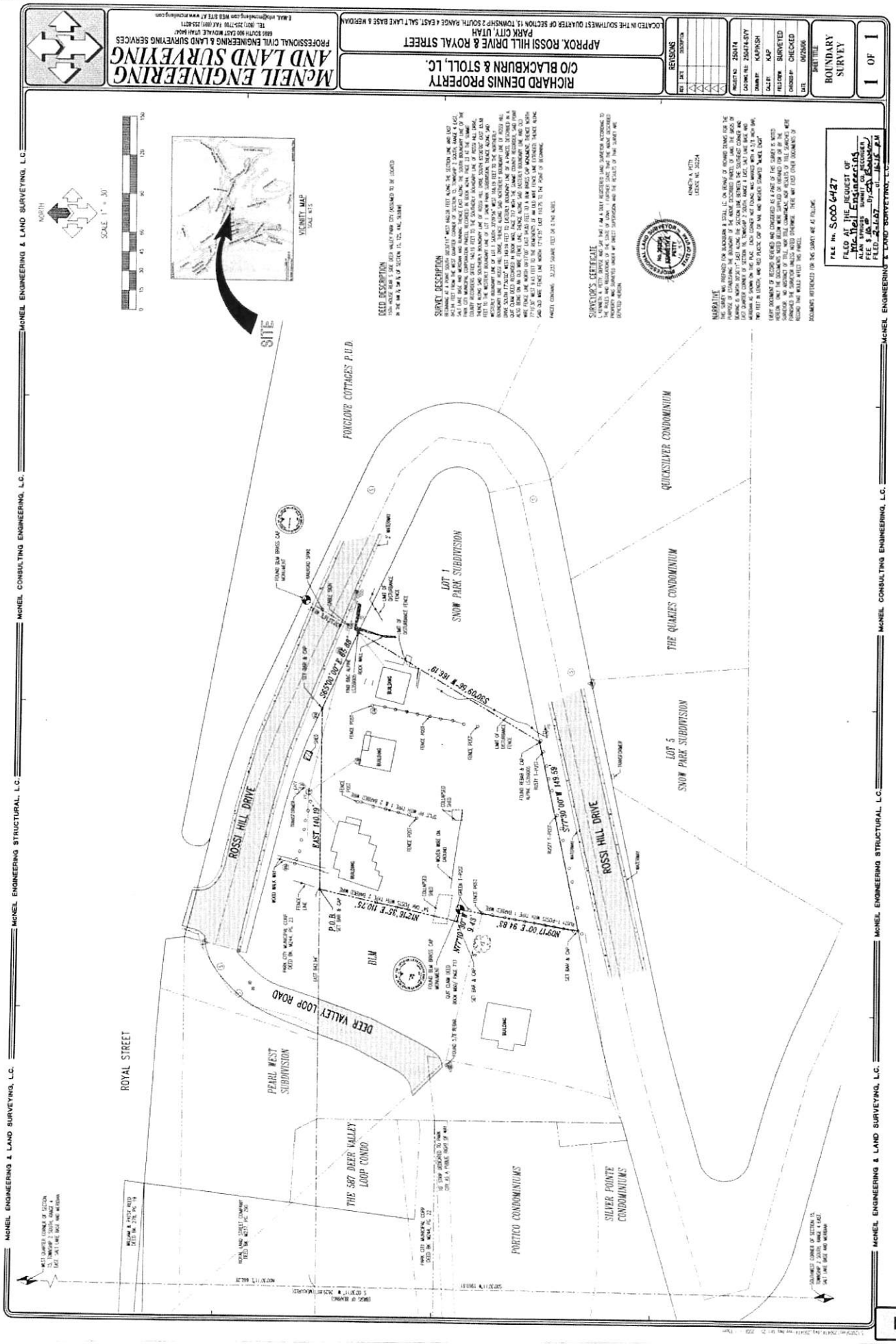
Proposed Zoning Map

January, 2017



This map is a graphic illustration of Park City's zoning districts and is not intended to establish precise dimensions and/or surveyed boundaries of each zone. Interpretation of the Zoning Map is governed by the standards in LMC Section 15-1-6. For complete information relating to the specific boundaries of any of the zoning designations shown on this map, please contact the Park City Planning Department.

Exhibit B


MCNEIL ENGINEERING AND LAND SURVEYING
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
6995 SOUTH 900 EAST MIDVALE UTAH 84047
TEL. (801) 255-7798 FAX (801) 255-8271
E.MAIL info@mcneilengineering.com WEB SITE AT www.mcneilengineering.com
RICHARD DENNIS PROPERTY
C/O BLACKBURN & STOLL, LC.
APPROX. ROSSI HILL DRIVE & ROYAL STREET
PARK CITY, UTAH
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE B & M
REVISIONS
BOUNDARY SURVEY
1 OF 1
NORTH
SCALE 1" = 30'
VICINITY MAP
SITE
GEED DESCRIPTION
SURVEY DESCRIPTION
SURVEYOR'S CERTIFICATE
NARRATIVE
FILED AT THE REQUEST OF
McNeil Engineering
ALAN EMMONS SUMMIT CO. RECORDER
FEE $ 25.00 By: Deputy
ENTRY # 664427 10:15 AM
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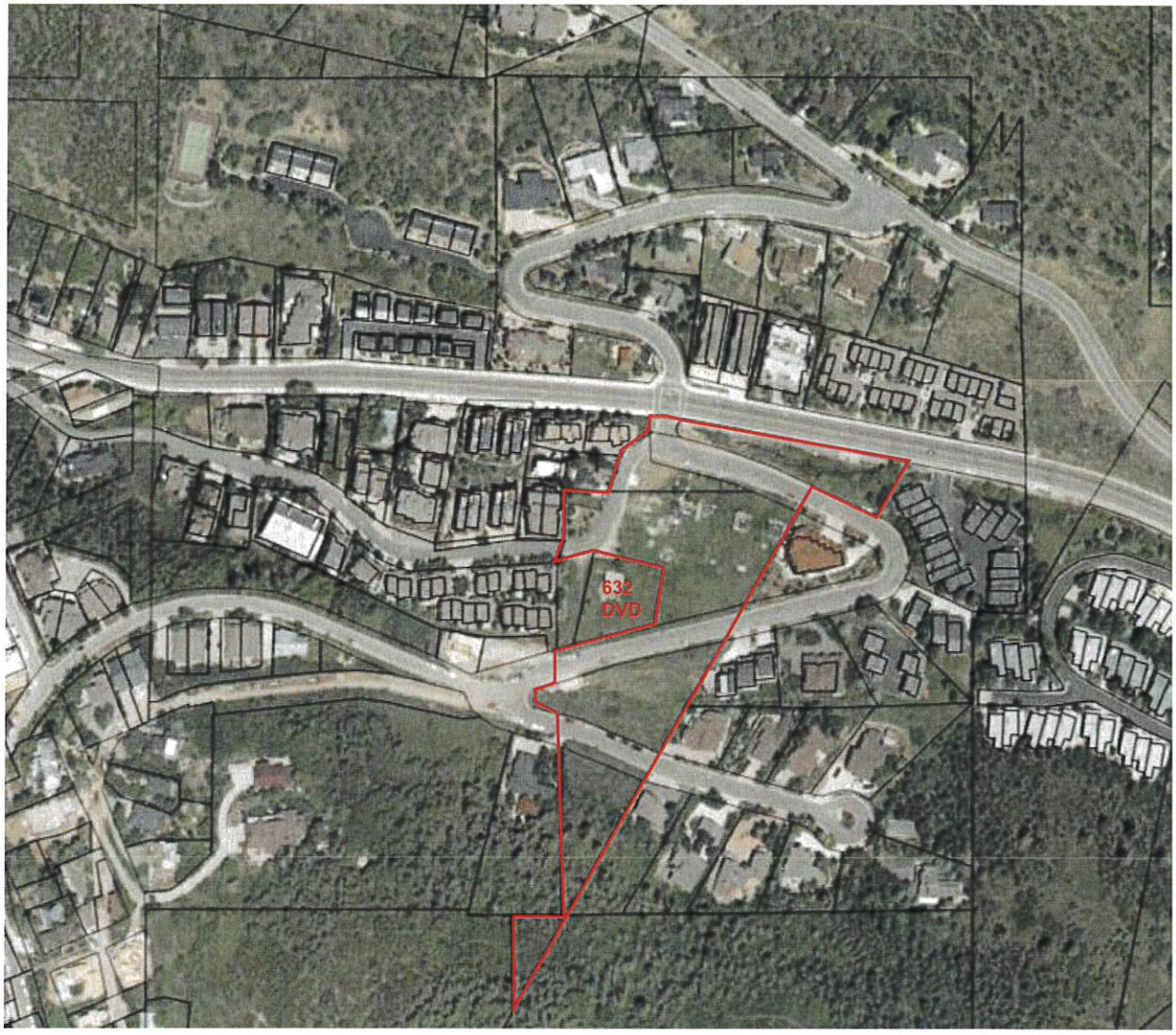
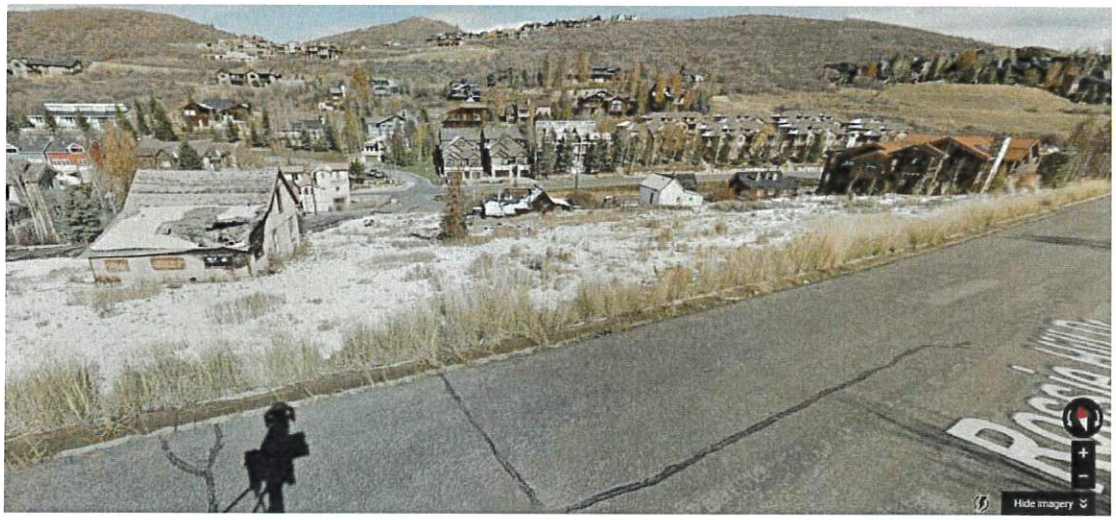
FOXGLOVE COTTAGES P.U.D.
QUICKSILVER CONDOMINIUM
THE QUAKIES CONDOMINIUM
LOT 1
SNOW PARK SUBDIVISION
LOT 5
SNOW PARK SUBDIVISION
ROSSI HILL DRIVE
DEER VALLEY LOOP ROAD
ROYAL STREET
PEARL WEST SUBDIVISION
THE 587 DEER VALLEY LOOP CONDO
PORTICO CONDOMINIUMS
SILVER POINTE CONDOMINIUMS
BLM
S77°30'00"E 149.55'
N77°30'00"E 94.83'
N12°16'35"E 110.75'
EAST 110.19'
S00°09'06"W 166.19'
S88°58'00"E 88.88'
MCNEIL CONSULTING ENGINEERING, L.C.
MCNEIL ENGINEERING STRUCTURAL, L.C.
MCNEIL ENGINEERING & LAND SURVEYING, L.C.

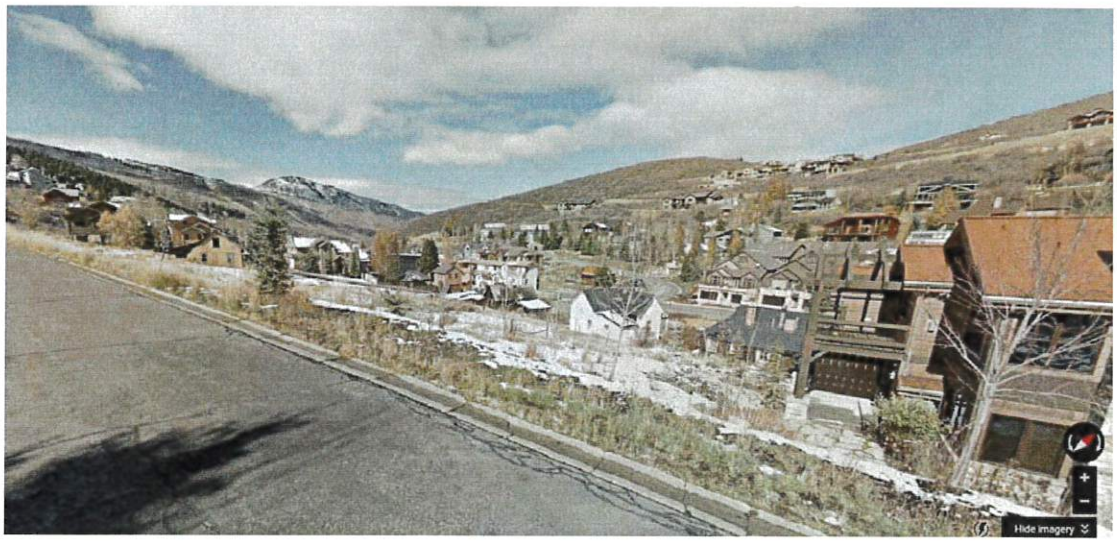
Exhibit C

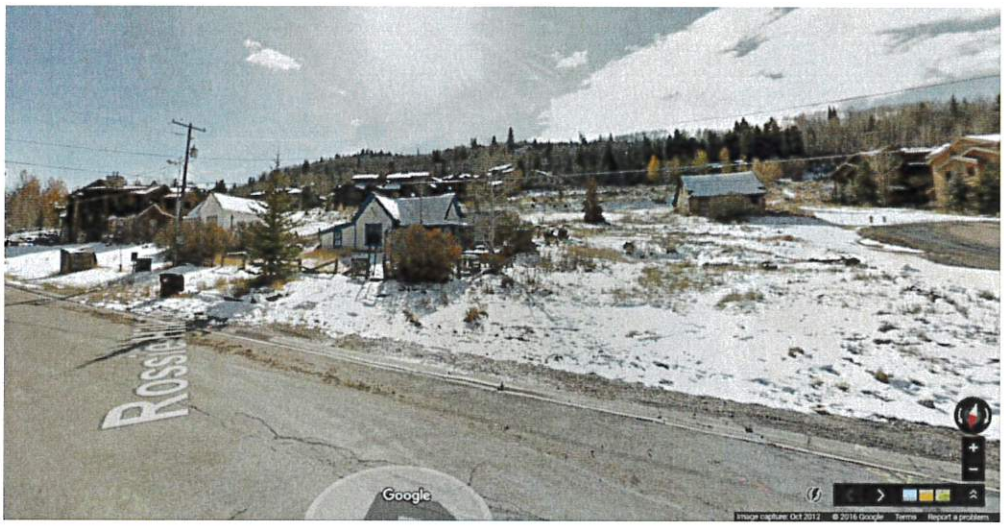


Rossie Hill Zone Change
(Please note that 632 Deer Valley Drive is not included)

Exhibit D



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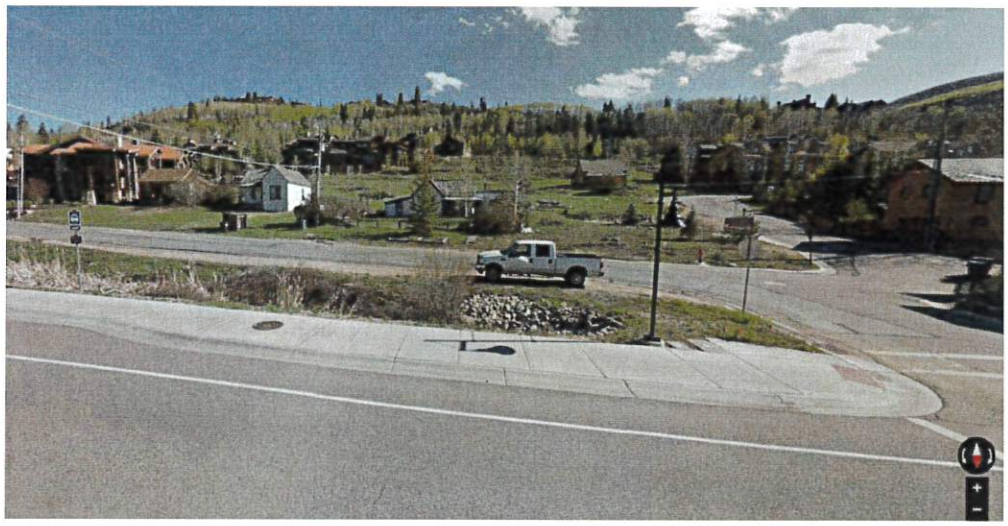

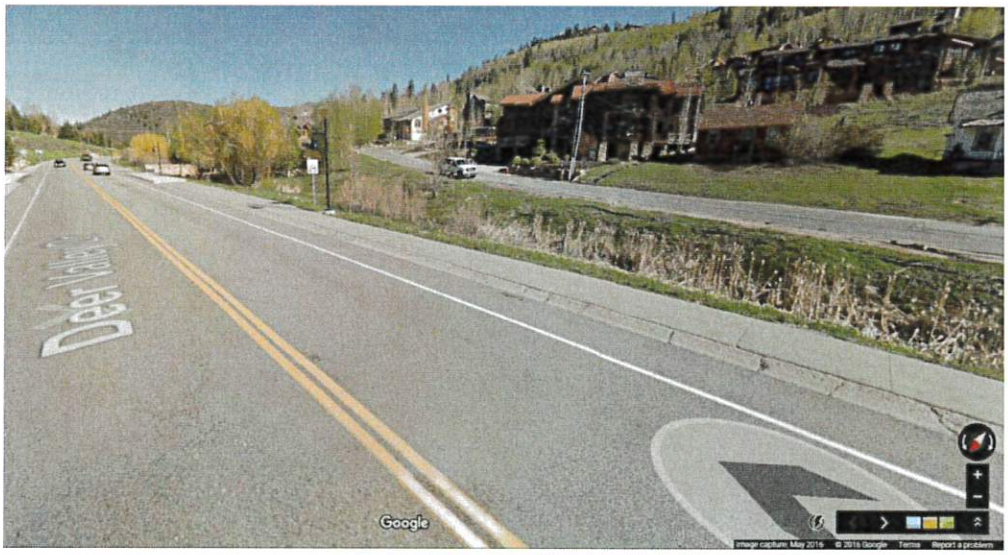
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Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Save Rossi Hill

From: Jamie Vaught [vaughtlaw@gmail.com]
Sent: Tuesday, January 10, 2017 2:08 PM
To: planning
Subject: Save Rossi Hill

I own a home at 668 Rossie Hill Drive. I support the zoning change to HRL and ROS because it will preserve the unique character of the piece of Park City that is Rossi Hill.

Park City has a unique "feel" and appearance, and this is due in part to the open spaces and to the appearance of the historic areas around town, especially on Rossi Hill. I purchased my home on Rossi Hill due to the unique feel and appearance of the Rossi Hill area.

Let's preserve Park City for our residents, home owners, visitors and future generations.

Please do not support any plans that would allow increased development on Rossi Hill, especially any high-density development. Please preserve the feel and appearance of Rossi Hill.

Thank you

James Vaught

James Vaught Law Office, PLLC

2393 Alumni Drive, Suite 204

Lexington, KY 40517

859-455-7444

859-554-5931 fax

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 3:45 PM
To: Anya Grahn
Subject: FW: Rossie Hill Historic Open Space

From: Christina Marie Shiebler [christina@shiebler.com]
Sent: Wednesday, January 11, 2017 1:21 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc: planning; Council_Mail; Jack Thomas; Bruce Erickson; Anya Grahn
Subject: Rossie Hill Historic Open Space

Good afternoon and thank you for taking the time to read my email.

My family has been in Park City for nearly 25 years. I myself have been a resident of Park City for nearly 13 years. I have lived on Coalition View Court, part of the Rossie Hill (affectionately named "Happy Hill") neighborhood, for 11 years and counting. I am a proud to be from this incredible community and also proud to be a part of the Rossie Hill Historic Open Space Alliance.

I, along with 358 others (241 from Park City and surrounding, 28 are from our home state of Utah, and 16 out-of-state Park City second home / property owners or visitors) support the protection and preservation of this incredible and historic land.

I am in support of the zoning amendment as referenced in the packet for the meeting scheduled for this evening. Additionally it is my hope and the hope of the many others supporting the Save Rossie Hill Historic Open Space that the Commission recommend to Council that further long range protections be applied to this land. We have a unique opportunity to preserve this land and its rich history. I, along with so many other members of our community, would like to see additional / stronger zoning changes, consideration to strengthen protection through the historic guidelines and / or the general plan, and / or strong consideration and proposal to have the City acquire the land to be held as open and historic space in perpetuity.

As I look through the packet for the meeting and see the Treasure Hill agenda item, I can not help but think that this ongoing community issue is an opportunity for great community to look 30 years in to the future and take the opportunity to preserve and secure this Rossie Hill sacred land. Although the scale is wildly different, the sentiment is the same. Change in inevitable, but how we change and grow is within our control.

I am grateful to the members of Staff, the Planning Commission, Council and the Mayor for your individual and collective willingness to work on behalf of our great community. Your work has great impact on the current and future state of Park City, and I respect the time and attention you all give to these important issues.

Respectfully,
Christina Marie Shiebler

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Upcoming Rossie Hill hearings

From: Rachel.Sahlman@aps.com [Rachel.Sahlman@aps.com]
Sent: Tuesday, January 10, 2017 11:16 AM
To: planning
Subject: Upcoming Rossie Hill hearings

Planning Commission,
I understand there are two upcoming hearings concerning the zoning at Rossie Hill. Although my husband Scott and I are unable to attend the meetings, we wanted to pass along our thoughts about Rossie Hill and open space in Park City. We have lived at 625 Deer Valley Drive for more than 10 years and have enjoyed the historical character and witnessed the wildlife migration that is part of that space. The area is already beginning to have a more densely populated feel and I am concerned that we losing the character of an area we love very much. There needs to be room to breathe and as the density increases along Deer Valley Drive, I'm afraid that we are losing the true character of the area. Additional multi-housing will overwhelm this small valley community and will add to the traffic, noise and congestion. We choose Park City because of its beautiful open spaces, wildlife, peace and quiet. Please don't put that at risk. Our address is below if needed for future reference.

Best regards,

Scott and Rachel Sahlman

Contact phone: 602-402-6166
625 Deer Valley Drive A2
Park City, UT 84060

--- NOTICE ---

This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:55 AM
To: Anya Grahn
Subject: FW: Rossie Hill Proposal on tomorrow's agenda

More public comment on BLM.

Ashley

From: Jordan Pynes [jordan@tsahousing.com]
Sent: Tuesday, January 10, 2017 6:27 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; planning
Cc: Council_Mail
Subject: Rossie Hill Proposal on tomorrow's agenda

Dear Commission Members:

My name is Jordan Pynes and my family has owned and resided at 645 Coalition View Court for the past eight years. Thank you for your consideration for the proposed zoning changes on Rossie Hill. It is my hope you will approve the proposed modifications to the existing zoning of the Rossie Hill Open Space.

I believe the proposal is a fair and win-win agreement. While most of us in the community would like to see zero future development, I think what is being proposed is the right compromise. Please consider preserving as much open space as possible to protect the character of our neighborhood, the wildlife that is a wonderful part of our daily lives and the beautiful historic homes that help make Park City/Rossie Hill such a charming community.

Thank you for all your hard work and with this matter. I hope you will approve the zoning change that is being proposed.

Jordan Pynes

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Rossie Hill

From: Mark Kaire [Mark@kairelaw.com]
Sent: Tuesday, January 10, 2017 3:42 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; planning
Subject: Rossie Hill

Esteemed Commission Members,

By way of brief introduction my name is Mark Kaire, and together with my wife and 3 children we reside at 635 Coalition view court. I am hopeful that my family and I will make this a full time residence in the near future.

I would like to take this opportunity to truly thank the planning department and commission members for trying to formulate a plan that works for all the residents of park city. The plan is a true compromise- all parties walk away thinking they gave up too much. To that end, while I am saddened with the amount of development that is proposed, I am likewise grateful that the plan limits the amount of new homes, preserves the historic character, and changes the zoning of parcel #4 to ROS.

Please consider preserving as much open space as you deem necessary to protect the character of this neighborhood and these treasured historic homes.

Thank you for all your help and cooperation in this matter.

Mark and Jennifer Kaire

Mark A. Kaire
Kaire & Heffernan, LLC
999 Brickell Avenue
PH 1102
Miami, FL 33131
305-372-0123(P)
305-377-4222(F)
www.kairelaw.com

To: Park City Planning Commission

From: Robert Gurss

Date: January 9, 2017 (for January 11, 2017 Planning Commission Meeting)

RE: Zoning Map Amendment Request, PL-16-03323

Mr. Chairman and members of the Planning Commission, my name is Robert Gurss. My wife and I are full time residents of Park City. We live at 654 Rossie Hill Drive, directly behind the BLM property containing three historic mining era homes.

As this Commission is well aware, Park City's historic architecture is probably the most important factor that makes "Park City Park City." I volunteer at the Park City Museum, giving tours of historic Main Street in the summer. I can tell you from personal experience that many people come to Park City precisely because of our colorful mining history. Having preserved that history, Park City is able to stand out among other Mountain West resort towns that offer little more than condominiums, high end homes, and touristy shops.

The mining era homes on Rossie Hill Drive are a unique remnant of our history. I often see tourists stopping on the road to take pictures of the homes, and it's not unusual to see an artist at an easel painting pictures of the houses and their surroundings. These houses are historic treasures, not only because they are in nearly original form, but also because these 3 houses are probably the ONLY remaining Park City historic homes in an original semi-rural setting. Once upon a time, small homes dotted some of the hills around Park City, often surrounded by gardens or small pastures. Most of the few that remain are now surrounded by or completely engulfed by modern day construction (e.g., the Line), with little remaining sense of their original settings.

Therefore, it is essential that the City take this opportunity to protect these rare vestiges of our history by preserving these historic homes and the surrounding open space.

The Planning Department has done a good job addressing this issue, and I applaud their efforts. Their current proposal is for HRL zoning for parcel #3, containing the 3 historic homes. That is a major improvement over the "existing" zoning of RM, which may have allowed the entire parcel to be covered by a huge condominium complex. However, according to the Department's proposal, even with the HRL zoning, up to 5 new homes (for a total of 8 single family homes) could be built on parcel #3 based on the total acreage in the parcel. As the Department notes, the actual number of new structures would be limited by the location of the current historic homes and related factors. Nevertheless, the potential for up to 5 new homes on the land (up to 3,750 SF each), most likely behind the current houses, is troublesome as it would take away much of the semi-rural setting that make these historic homes so special. The Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4 (i.e. the "triangle" straddling Coalition View Ct), as a way to preserve open space relative to the historic homes. While I and my neighbors strongly support that ROS designation, the open space immediately surrounding the historic homes within parcel #3 should also be preserved, whether through zoning or enforcement of relevant historic guidelines.

The original Planning Department recommendation presented to City Council on September 22, 2016, divided parcel #3 into two parts, with the southern (uphill) portion proposed for ROS. I would ask the Commission to consider drawing a similar line, with the northern (downhill) portion of parcel #3 zoned HRL, and the southern (uphill) portion of parcel #3 (and all of parcel #4) zoned ROS, assuming such a division would better preserve both the historic homes and their unique original setting.

Thank you for your consideration.

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 3:45 PM
To: Anya Grahn
Subject: FW: Public Input - Rossie Hill Zoning Amendment (PL-16-03323)

From: Diane Bernhardt [diane.a.bernhardt@gmail.com]
Sent: Wednesday, January 11, 2017 2:32 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc: planning; Anya Grahn; Bruce Erickson
Subject: Public Input - Rossie Hill Zoning Amendment (PL-16-03323)

Chairman and Commissioners,

My name is Diane Bernhardt. I am a resident at 630 Coalition View Ct and I represent the *Save Rossie Hill Historic Open Space Alliance*, an organization whose mission is to promote the creation of a long-range vision and action plan for the protection of the historic open space on Rossie Hill.

With this mission, our first goal is to advocate for and facilitate the protection of the open space and the historic miners' cabins which are located on BLM Parcel 18.

To that end, we created a petition representing our community's support for the preservation of the Rossie Hill Historic Open Space. Those supporting the petition declared that:

1. they support the restoration and preservation of the historic mining-era homes.
2. they support the preservation of the irreplaceable open space for future generations
3. they request the rezone of BLM parcel 18 to ensure the protection of this open space from new land development.

The response to the petition was extraordinary. First circulated on Thursday, August 11, six days later, it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Through the sensational support of the petition, our community has made **abundantly** clear that the preservation of this unique open space is **very** important.

We thank the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress toward the goal of protecting this prized open space. The HRL designation provides significantly more defense for the miner's cottages than the current zone, but still permits development that will overpower the quaint homes and take them out of their historical context. We support the approval of this zoning amendment in order to provide immediate, increased protection. However, we **also** respectfully request that the Commission recommend to Council that further protections are required to truly preserve this land, using tools such as: additional zoning changes, amendments to the general plan, strengthening of historic guidelines, or municipal acquisition of this land for the benefit of our community.

We respectfully request that the Commission forward a positive recommendation to City Council to approve the Zoning Map Amendment Request as recommended by staff with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape.

Thanks for the opportunity to provide input from the members of *Save Rossie Hill* and from the 359 community members signing the petition requesting the rezone and further protections.

Diane Bernhardt

http://saverossiehill.org

http://www.thepetitionsite.com/225/200/591/save-rossie-hill-historic-open-space-by-rezoning/

Francisco: We wouldn't be ready. Yeah.

Chair Strachan: I'm just wondering whether our agenda on February 8th is going to get backed up because we're lacking a meeting.

Commissioner Suesser: So lacking a meeting on the 25th?

Planner Francisco: And I'm not sure how effective we would be without seeing the update that's being proposed now for Presidents Day 2017. I don't know if--- Bruce?

Shawn Ferrin: Do you want to continue to the 8th and we'll have a discussion with Staff about what's next on the agenda. And if we're back, great, and if we're not you can continue it again.

Chair Strachan: That sounds fair. Yeah, that sounds fair.

Shawn Ferrin: We can at least have it [inaudible].

Chair Strachan: Yeah, that's fine. All right. Motion to Continue then to February 8th.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to February 8th, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. <u>622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels, request for Zone Change from Residential Medium (RM) District to Historic Residential Low-Density (HRL) and Recreation Open Space (ROS) as well as from Estate (E) to ROS</u>. (Application PL-16-03323)

Planner Anya Grahn reported that this request was to rezone the BLM properties, as well as the three historic houses that are at approximately 622, 652, and 660 Rossi Hill Drive. Planner Grahn explained that they were talking about rezoning Parcels 1, 2 and 3 from RM to ROS.

Parcel #1 is owned by the City and provides the linkage between Rossi Hill Drive on to Deer Valley Drive. Parcel #2 is a portion of the Fox Glove Cottages PUD Subdivision. The PUD identifies all the common space as open space. Changing the zoning to ROS was not much different because it was already identified to remain open space. Parcel #4 is also owned by the BLM, and currently the parcels are zoned E for Estate. The density on Estate is one unit per three acres. Therefore, this parcel is not able to be developed because of the density requirement, and the Planning Department was suggesting changing it to ROS for Recreation Open Space.

Planner Grahn stated that Parcel #3 is partially owned by the City, and partially in a Title of Color litigation with the BLM by the Dennis family.

Planner Grahn showed what the map would look like if the proposed zoning change occurs. She pointed out the current zoning versus the proposed zoning. Planner Grahn remarked that it would blend with the HRL District, which is Historic Residential Low Density.

Planner Grahn noted that there have been questions about whether or not this zoning change would set a precedent. She stated that there are other cases where the zoning has a similar situation of creating a pocket of a different zone within a larger neighborhood. One example was the Library Field, which is designated as ROS. She also commented on an annexation parcel that was zoned Estate even though it was surrounded by Single Family and RD development. Another example was the rezone of the Sunnyside Subdivide. In that case the residents came forward with a request to change from RD to Single Family to eliminate the opportunity for nightly rentals. In doing so, it left a pocket of RD that could continue to be used as residential.

Planner Grahn had received public comments that was forwarded to the Planning Commission via email, and the Commissioner were also given hard copies of those comments as well.

Assistant City Attorney McLean explained that the standard the Planning Commission was looking at is whether it promotes the general welfare. It has to be a rationally based decision under State Case Law. The Commissioners need to balance their decision on good cause and the rationality behind it. The findings should be on whether or not this promotes the general welfare. Ms. McLean noted that the Planning

Commission has done zone changes, but not frequently. It is covered under Section 10-9A-801, which is the appeal section that talks about how those decisions are reviewed. The State Code states that the zoning promotes the purpose of the chapter being the Land Use Chapter. The Courts interpret it as for the general welfare.

Chair Strachan thought the direction from the City Council was unclear. Director Erickson stated that the Council's goal was three-fold. One was to bring the property more in compliance with the General Plan as the transition zone between the historic district and Deer Valley. Second was to provide a mechanism to restore the three houses. And third was to do the best possible to maximize the amount of open space on the property without removing property rights from the Color of Title action. Director Erickson remarked that the City Council had asked for a rigorous start towards those goals, and the Planning Department came up with low density zoning alternatives, including the RD zone, which is three units per acre. It would have effectively taken away most of the development rights. The HRL, which is the proposed solution, could yield as many as eight units, including restoration of the three houses. Director Erickson noted that there may be additional open space opportunities when the Color of Title action is complete.

Commissioner Joyce asked how the rezone helps with the transition from Historic Old Town to Deer Valley, when at least a quarter to a half mile on both sides is packed with condos. Director Erickson replied that the Staff position is that the rhythm and pattern is maintained by the protection of the three houses in that location, as well as the restoration and the provision of the open space on the hillside, which becomes a pocket park consistent with the Library Field, the City Park at the south end of Main Street, and Creekside Park. Director Erickson stated that it works very much like the undeveloped street rights-of-way in the Historic District. He explained that they could develop the site, but those three houses would not remain in the same existing historic agricultural context. A limited amount of development may achieve that goal, consistent with a few other historic houses on the other side of the street.

Chair Strachan opened the public hearing.

Robert Gurse stated that he and his wife are full-time residents of Park City at 654 Rossi Hill Drive, directly behind the BLM property. Mr. Gurse remarked that Park City's historic architecture is the most important factor that makes Park City Park City. He volunteers at the Park City Museum giving tours of Main Street in the summer. From personal experience, he knows that a lot of people come to Park City because of its history. Having preserved that history, Park City is able to stand out among other Mountain West resort town that little more than condominiums and high priced homes and tourist shops. Mr. Gurse stated that the mining era homes on Rossi Hill area a

unique remnant of Park City's history. He often sees tourists stop on the road to take pictures of these homes. He has also seen people set up an easel and paint pictures of the homes and their surroundings. Mr. Gurse believed these homes were historic treasures for Park City, not only because they are in nearly original form, but because they are probably the only remaining Park City historic homes in their original semi-rural setting. He stated that at one time small homes dotted the hills around Park City, often surrounded by gardens and small pastures. Most of those homes that remain have been completely engulfed by condominiums and other modern structures with no remnants of their original setting. Mr. Gurse believed it was essential for the City to take this opportunity to protect these rare vestiges of its history by preserving these historic homes and the surrounding open space. He thought the Planning Department had done a good job addressing this issue, and he applauded their efforts. The current proposal for HRL zoning for Parcel #3 containing the three historic homes is a major improvement over the existing zoning of RM, which would allow the entire parcel to become a huge condominium complex. However, according to the proposal by the Planning Department, even with the HRL zoning, up to five new homes for a total of eight could be built on this parcel based on the total acreage. The actual number of new structures would be limited by the location of the current homes and other factors, but the potential for five new homes on this land mostly likely behind the current homes is troublesome. It would take away much of the semi-rural setting that makes these homes so special. Mr. Gurse noted that the Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4, as a way to preserve the open space relative to the historic homes. He and his neighbors support that; however, additional steps should be made to protect the open space immediately surrounding these homes to the extent possible whether it is through rezoning or through strict enforcement of relevant historic guidelines. Mr. Gurse stated that the original Planning Department to the City Council on December 22nd divided Parcel #3 into two parts, with the southern portion as ROS. He asked the Planning Commission to at least consider drawing a similar line with the northern downhill portion of that parcel zoned HRL, and the southern uphill portions zoned ROS, along with Parcel #4 and Parcel 1 and 2. Such a division would better preserve both the historic homes and their unique original setting.

Bryce Panser, stated that he was an attorney representing Richard Dennis and his two daughters who own the three historic cabins. He has been involved with this since the initial meeting that Mr. Gurse mentioned. Mr. Panser stated that this came up in the context of an adjacent property seeking to establish a record lot for the Bertagnole cabin, which is in a Color of Title Action, which is similar to what the Dennis family has been involved in for the last ten years. He remarked that the neighbors were upset that anything would be done with this pristine area, which they have come to understand is a city park and believe it should be maintained as a park. As Mr. Gurse had indicated,

one of the proposals floated was to make much of the parcel that the Dennis' claim as ROS. Mr. Panser understood that the Planning Department examined this and ultimately concluded that the proposal that had been floated would make the remaining cabin properties non-complying, and would confiscate all possible development rights. It would make it uneconomical and unattractive for anyone to do anything with the cabins which have fallen into disrepair. When the Planning Department come up with the proposal of converting the parcel to HRL, his client thought it made sense. He wanted to see the cabins preserved and believe this proposal provided a mechanism for doing it. Mr. Panser pointed out that Richard Dennis was born in one of these cabins, and his family has owned the three cabins for the last 100 years or so. Mr. Panser remarked that what the neighbors suggested was a laudable goal, but if the City wants to preserve the land as a pocket park, they should purchase the property or acquire in some fashion, rather than restrict the development. Mr. Panser pointed out that this does not create a transition zone between Old Town and Deer Valley because of the existing development. However, in essence it is a compromise. It is a solution that his clients are agreeable to, and that fits with what they think the future development of this property should be.

Jeff Camp, a resident at 590 Coalition View Court, stated that he has lived adjacent to the BLM property for 25 years. He pointed out that no one ever raises the issue of animals. Having live there for 25 years he watches the animals over and over again. It used to be a corridor for the animals to go down and cross Deer Valley Drive and up into the open space in the Aerie. A wall has been built but the animals still squeeze through it. Mr. Camp noted that an elk herd used to come through there but he has not seen them in years since the two duplexes were built on the opposite side of Deer Valley Drive. Mr. Camp remarked that all the animals need water. The deer and moose are very prevalent on that land because it is the only place where they can get to the water. Walls of condominiums prevent them from getting to the Deer Valley ponds, and the creek runs underground at the intersection of Rossi Hill Road. Mr. Camp believed the issue was more about saving a place for the animals. He commended the City for wanting to zone the upper parts ROS, and he also liked the HRL zone for the Dennis parcel. However, he agreed with Mr. Gurse that the remainder of Parcel #3 should be ROS as well. He noted that in terms of the BLM, the use has always been ROS. Mr. Camp stated that the BLM is supposed to preserve open space, but now they were divesting their property. Mr. Camp has been in touch with the BLM for a number of years and watching their intentions for that property. He provided copies of a document he obtained from the BLM several years ago. When he first started living there the BLM land was one large parcel, but over time it was divided into smaller lots. Mr. Camp believed the Dennis family was claiming property rights to property that they do not own. They own the shacks that are on top of the ground, but they do not own the land. It is Color of Title. The Bertagnole family fought it 30 years and he suggested that the

Dennis family may fight it for another 10 years. Mr. Camp requested that the Planning Commission give the Dennis family the smaller parcel and let it be HRL, as proposed, and make the remainder of Parcel #3 ROS to protect the animals.

Diane Bernhardt, a resident at 630 Coalition View Court, stated that she represented the Save Rossi Hill Historic Open Space Alliance, whose mission is to promote the creation of a long range vision and action plan for the protection of the historic open space on Rossi Hill. The first goal of this mission is to advocate for and facilitate the protection of the open space and the historic miners' cabins located on BLM parcel 18. To that end, the organization created a petition representing community support for the preservation of the parcel. Those supporting the petition declared that: 1) they support the restoration and preservation of the historic mining era homes; 2) they support the preservation of the irreplaceable open space for future generations; 3) they request a rezone to ensure the protection of this open space from new land development. Ms. Bernhardt stated that the response to this petition was extraordinary. It was first circulated on August 11th, and six days later it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative, of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Ms. Bernhardt remarked that through the sensational support of the petition, the community has made it abundantly clear that preservation of this unique open space is very important. The Save Rossi Hill Historic Open Space Alliance thanked the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress towards the goal of protecting these remarkable acres. The HRL designation provides significantly more defense for the miners' cottages than the current zone, but still permits development that will overpower the quaint homes and remove them from their historical context. The organization supports the approval of the zoning amendment in order to provide immediate increased protection. However, the also respectfully requested that the Planning Commission recommend to the City Council that further protections are required to truly protect this land using tools such as additional zoning changes, amendments to the General Plan, strengthening of historic guidelines, or the municipal acquisition of this land for the benefit of the community. Ms. Bernhardt urged the Planning Commission to forward a positive recommendation to the City Council to approve the zoning map amendment request as proposed by Staff, with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape. She thanked the Commissioners for the opportunity to provide input from the members of Save Rossi Hill, and from the 359 petitioners calling for this rezone and for further protections.

Christina Schiebler, a resident at 638 Coalition View Court, agreed with her neighbors and the Rossi Hill Open Space Alliance.

Chair Strachan closed the public hearing.

Commissioner Phillips was pleased to see that the Dennis family was not wanting to maximize development. It is extremely important to preserve these old buildings, but in some ways it felt like they were downzoning to accomplish that goal. Commissioner Phillips was trying to see the other side as well, to make sure no mistakes were being made. He recalled that the Lilac Subdivision was approved by the Planning Commission, but he was unsure what happened with it at the City Council level.

Director Erickson reported that the plat was approved by the City Council and created one lot of record. Planner Grahn explained that when the City Council reviewed the Lilac Hill Subdivision, which is the burnt out house at 632 Deer Valley Loop, added conditions of approval included a requirement to provide 40% open space. Another condition was to make sure that any development on that site or any future subdivided parcels or lots created out of that site had to comply with the design guidelines. Planner Grahn noted that as discussed by the Planning Commission, any work to the historic house would have to comply with the guidelines; however, new construction on new lots would not have to comply because it is outside of the historic districts. Planner Grahn stated that the added condition of approval makes sure that work on the historic house, as well as any new development, must comply with the guidelines to help promote that historic character. She recalled that another added condition of approval talked about not blocking the view to the historic house so the hillside would maintain its existing look and feel. Planner Grahn remarked that those were the primary conditions for why the Planning Staff recommended the HRL. Even though that parcel would remain RM and would not be rezoned to HRL, the HRL zone carries over the design guidelines and some of the requirements that keep the historic context.

Commissioner Phillips stated that in reading the Staff report there was reference to 22 units, and then it talked about the amount of allowed units being based off of the square footage. He asked to what extent the Dennis family was informed of what they could actually do, as opposed to the actual number that could fit. Planner Grahn replied that the Staff did not look what could be allowed because they did not want to draw subdivision lines and try to estimate what the development could be. That was the reason for basing it off the square footage of the lot as a whole.

Commissioner Phillips favored the proposal because it would definitely help preserve the structures. However, if the Dennis family were to build other buildings on this site, he asked if the City would look at limiting the other buildings to be more consistent with the same mass and scale of the existing structures. Planner Grahn believed the design guidelines would dictate that. She pointed out that height requirements in the LMC stipulates a maximum height of 27'. Commissioner Phillips pointed out that 27' would

tower over the existing structures, and he asked if they could require a lower height or if it was a given based on the requirements. Planner Grahn did not believe it was a given; but when the building comes in with the Design Guidelines, the Staff would mitigate it at that point to make sure it would not overpower the historic buildings.

Commissioner Suesser asked if the Staff had considered isolating the three cottages to the HRL section, and keeping the remainder of Parcel 3 ROS. Planner Grahn replied that the Staff had looked at that, but the concern was that some development has to be allowed on the site in order to rehab the houses and make it financially feasible. The Staff also looked at the historic Sanborn maps from 1927 and at that time this hillside had ten small houses on it. It helped the Staff understand what should be built there and to keep that context. Commissioner Suesser understood that anything else built on Parcel 3 would have to comply with HRL guidelines. Planner Grahn replied that she was correct. It would have to comply with that section of the LMC in addition to the Design Guidelines.

Commissioner Joyce stated that he lives up the hill from this parcel and he looks at those structures every day. He wanted to see the structures preserved, but at the same time what they want cannot influence what they do. Commissioner Joyce was uncomfortable creating a little zoning island of one lot of one land owner; and at some level downzoning them. He was looking for good excuses as to why that was acceptable, but he thought the transitional reason was ludicrous. Commissioner pointed out that two feet from one of the historic houses, the City approved an 8,000 square foot duplex on one side and Foxpoint was on the other side. Commissioner Joyce was not in favor of micro-zoning. In his opinion, it was a bad use of the zoning tool and they should not make it a habit. He clarified that the only reason he would vote to support this was because the landowner supports it. He would recommend to the City Council that if they want to preserve these houses they should purchase them. If they want to make it a park, the City should buy it. Otherwise, if the landowner comes back wanting to build 27' houses, he would support their proposal because the zoning allows it and he believes it is reasonable. Commissioner Joyce reiterated that his original intent was to vote no on this proposal because he believes micro-zoning is wrong.

Commissioner Campbell agreed with Commissioner Joyce. He was opposed to what was clearly the downzoning of the other lot and he voted against it. He would have voted against this one as well. Commissioner Campbell was not sure the owner being in favor swayed him, but he backed Commissioner Joyce 100% that everyone gets great satisfaction out of seeing those structures as they drive up and down the road. The only way it will remain is if the City buys it. Commissioner Campbell suggested that the Planning Commission let the City Council know that they agree to approve this

request, but in return they would like the Council to look at purchasing the structures to preserve them.

Commissioner Band concurred with Commissioners Campbell and Joyce. Open space that is privately owned is not open space; it is privately owned land. She shared the sentiment that if the City wants it preserved they should purchase it. Commissioner Band believed this proposal was a great compromise, and that many of the neighbors shared her opinion. She personally favored spot zoning. It is a great tool if people are creative and she thought Park City should look at it in the future.

Assistant City Attorney McLean stated that spot zoning or micro-zoning does not exist in Utah. It is a matter of finding the right zone for a particular area. Zoning cannot be done only for economic reasons.

Commissioner Thimm concurred with the other Commissioners with respect to zoning. His decision was swayed by the historic structures. Commissioner Thimm did not believe that creating the non-contiguous zoning islands was a good practice and he thought they should be careful about doing that. He felt this proposal would create a district that is set up by the existing historic structures in trying to modulate the scale of what is occurring in that area. Creating open space by zoning towards the ROS would preserve that ground in an appropriate way. Commissioner Thimm supported the proposal.

Commissioner Phillips was in favor of a City purchase, but he would be uncomfortable changing the zoning before the purchase. He preferred to purchase first and then change the zoning. Commissioner Phillips stated that he still had some misgivings, but he was willing to support the proposal.

Director Erickson remarked that the effect of this particular zone change reduces trip generation on Deer Valley Drive from 22 units x 10 to 8 units x 10. He explained that doing the zoning to protect the context of these historic houses is much closer to form based code in saying that this is the character we want to preserve in this location for X, Y and Z reasons. Director Erickson stated that this was more than a strict downzone. It was a careful enactment of progressive non-Euclidian technics and growth management on Deer Valley Drive, and protection of the neighborhood values. When the Staff looked at this rezone proposal, the number one mission was to protect the houses.

Commissioner Campbell referred to Silver Star, the Rio Grande and similar places that were deteriorating but there were plans for preservation; however, a commercial piece behind it paid for the preservation. It was a model he would like to see and he was

certain that the City, the Planning Staff and the public could get behind it. Commissioner Campbell clarified that he did not believe that model would work in this case because no one would want additional commerce in that area. His intent was to make sure that commercial components are considered in places where it would work.

Director Erickson stated that the mechanism already exists for historic houses where commercial uses such as a café could occur. As lower Park Avenue redevelops, he anticipated one or two additional coffee shops in that zone.

Commissioner Campbell wanted it on the record that his vote would be in favor of anything that would keep the historic buildings from demolition by neglect. It is never the intent, but it does happen to many structures if rebuilding them does not make sense.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to approve the zoning map amendment request from RM to HRL and ROS at 622, 652 and 660 Rossi Hill Drive, and the BLM parcels, as well as additional zone changes from Estate to ROS for the BLM parcels above Rossi Hill, based on the Findings of Fact and Conclusions of Law as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Zoning Map Amendment

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hill Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).

3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.

4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.

5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.

6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.

7. The access to the sites is from Rossie Hill Drive and Coalition Court.

8. The ROS District lists Conservation Activity as the only allowed use.

9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.

10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.

11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.

12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

<u>Conclusions of Law – Zoning Map Amendment</u>

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

HLH
HOGGAN LEE HUTCHINSON

Matthew B. Hutchinson
ATTORNEY AT LAW
Matt@hlhparkcity.com
Direct: 435.731.9191

December 12, 2019

VIA U.S. MAIL AND E-MAIL (andy@parkcity.org)

Park City Municipal Corporation
Attn: Andy Beerman, Mayor
PO Box 1480
Park City, Utah 84060

Re: HRL Zone- Nightly Rental Prohibition Error on Dennis Property

Dear Mayor Beerman,

This firm represents Frank Watanabe, Watanabe Ventures, LLC, and Lilac Hill, LLC. Watanabe Ventures holds a security interest and an executory option to purchase that certain real property located on Deer Valley drive commonly known as 622, 652 and 660 Rossie Hill, Parcel Nos. PC-546-547, currently vested in the Dennis family (the "Dennis Property"). We recently discovered that City records incorrectly reflect the Dennis Property as being zoned in an area in which nightly rentals are prohibited, with or without a conditional use permit.

Under the Park City Land Management Code Section 15-2.1-2, which defines, among other things, the permissible uses of properties located in the Historic Residential-Low Density Zone (the "HR-L Zone"), nightly rentals are listed as potential conditional uses, subject to the following footnote:

> Conditional Use Permit allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District.

Thus, as things stood in 2015, some owners in the HR-L Zone are permitted to apply for conditional use permits for nightly rentals and some are not, depending on the "sub-neighborhood" in which their property is located.

Note that this code section – and this detailed sub-neighborhood-specific footnote – was last amended in 2015 by Ordinance No. 15-44, at a point in time before the Dennis Property was included in the zone. A copy of this ordinance is enclosed.

To our knowledge, it was not until 2017 that the Planning Department proposed adding the Dennis Property to the HR-L Zone. According to the February 16, 2017 Staff Report regarding the Dennis Property, nightly rentals were clearly identified as a conditional use:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*

See p. 146 of February 16, 2017 Staff Report, a copy of which is enclosed.

Notably, nowhere in the Staff Report does it state that nightly rentals would be prohibited on the Dennis Property if they agreed to be re-zoned HR-L. The Dennis' attorney, Bryce Panzer was in attendance at this meeting. He has advised Mr. Watanabe that had he and the Dennises been made aware that nightly rentals were not going to be a permissible conditional use in the HRL Zone, the Dennises would have objected to the rezone.

Based on this information, we believe that the prohibition on nightly rentals on the Dennis Property was not properly placed before the City Council, the Dennises or the public who would have had an opportunity to provide input on that aspect of the rezone. Rather, we think this prohibition is a result of an apparent oversight or scrivener's error.

Since the prohibition does not appear to have been actually voted on by the City Council – which voted based on the information in the staff report – it plainly did not intend to prohibit nightly rentals on the Dennis Property when it adopted Ordinance 2017-05.

From our prospective, this can be corrected administratively. Let me know if there is any additional information required to process this correction. The Dennises and our client would appreciate it very much if this matter could be resolved quickly, as it potentially impacts their transaction.

Sincerely,

HOGGAN LEE HUTCHINSON

Matthew B. Hutchinson

Encl.

cc: Frank Watanabe (via e-mail)
Mark Harrington (via e-mail)
Bruce Erickson (via e-mail)
Bryce Panzer, Esq. (via e-mail)

Ordinance 15-44

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING SECTION 15-2.1-2 USES IN THE HISTORIC RESIDENTIAL-LOW DENSITY (HR-L) DISTRICT.

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; and

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 its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals implementing the General Plan; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts; and

WHEREAS, Chapters 2.1, Historic Residential-Low Density District (HR-L) provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to revise; and

WHEREAS, by prohibiting Nightly Rentals within the HR-L District-East, it would further protect the integrity of this Old Town sub-neighborhood to remain predominantly as a primary resident neighborhood; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on May 13, 2005, October 14, 2015, and October 28, 2015; and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 5, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents,

preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 Section 2. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

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

PASSED AND ADOPTED this 5th day of November, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-2.1-2. USES.

(A) **ALLOWED USES.**

(1) Single Family Dwelling
(2) Home Occupation
(3) Child Care, In-Home Babysitting
(4) Child Care, Family[1]
(5) Child Care, Family Group[1]
(6) Accessory Building and Use
(7) Conservation Activity
(8) Agriculture
(9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

(1) Nightly Rentals[8]
(2) Lockout Unit
(3) Accessory Apartment[2]
(4) Child Care Center[1]
(5) Essential Municipal and Public Utility Use, facility, service, and Building
(6) Telecommunication Antenna[3]
(7) Satellite dish greater than thirty-nine inches (39") in diameter[4]
(8) Residential Parking Area or Structure five (5) or more spaces
(9) Temporary Improvement[5]
(10) Passenger Tramway Station and Ski Base Facility[6]
(11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge[6]
(12) Recreation Facility, Private
(12) Fences greater than six feet (6') in height from Final Grade[5,7]

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 06-56; 09-10; 15-44)

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[1]See LMC Chapter 15-4-9 for Child Care Regulations
[2]See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments
[3]See LMC Chapter 15-4-14, Telecommunications Facilities
[4]See LMC Chapter 15-4-13, Satellite Receiving Antennas
[5]Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.
[6]See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities
[7]See LMC Chapter 15-4-2, Fences and Walls
[8]Conditional Use Permit allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District.

DATE: February 16, 2017

TO HONORABLE MAYOR AND COUNCIL

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council directed staff to make a zone change amendment on September 22, 2016. The Planning Commission forwarded a positive recommendation to City Council for this zone change on January 11, 2017.

Respectfully:

Anya Grahn, Planner II

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Zoning Map Amendment Request**
Author: **Anya Grahn, Historic Preservation Planner**
Bruce Erickson, AICP, Planning Director
Project Number: **PL-16-03323**
Date: **February 16, 2017**
Type of Item: **Legislative – Zoning Map Amendment**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant:	Park City Planning Department
Location:	622, 652, and 660 Rossie Hill Drive as well as the adjacent BLM Parcels
Existing Zoning:	Residential Medium (RM) and Estate (E)
Proposed Zoning:	Historic Residential Low-Density (HRL) and Recreation Open Space (ROS)
Adjacent Land Uses:	Single-family and multi-unit residential
Reason for Review:	Zoning Map Amendment applications require a Planning Commission recommendation and City Council review and action

Executive Summary/Proposal

City Council has expressed concern about the future development of the BLM parcels along Rossie Hill Drive, which include 622, 652, and 660 Rossie Hill Drive. The neighborhood of the BLM parcels is currently zoned Residential Medium (RM) District along Deer Valley Drive, and Estate (E) to the south of Rossie Hill Drive; this area provides a transition between Old Town to the West and Lower Deer Valley to the east. As outlined in the General Plan, the aesthetics of the Lower Deer Valley neighborhood should be preserved with special consideration to preserving the few remaining miners' houses along Deer Valley Drive and encouraging compatible development that does not overwhelm the historic houses. Additionally, the General Plan recommends the use of conservation neighborhoods tools to protect native vegetation and wildlife corridors in the Lower Deer Valley neighborhood.

In order to maintain the aesthetic experience of arriving at the resort and meeting City Council's goals for preserving historic resources along Deer Valley Drive, City Council

directed staff to make a zone change amendment on September 22, 2016 (Staff Report page 92, Minutes page 18. The Planning Commission expressed concern about the zone change as they did not believe Deer Valley Drive was a transition between Old Town and Deer Valley Resort and they had reservations about creating a non-contiguous island of zoning; however, they forwarded a positive recommendation to City Council for this zone change on January 11, 2017, largely due to the owner's support of the rezone.

Background

Prior to 2013, the BLM has owned the hillside containing the three historic miner's houses at 622, 652, and 660 Rossie Hill Drive, the fire-damaged historic house at 632 Deer Valley Loop, and the triangle parcel above Rossie Hill Drive. In 2013, the BLM granted a land patent to the Bertagnoles for the 632 Deer Valley Loop parcel after 30 years of Color of Title legal action. Richard Dennis is currently in a Color of Title action with BLM for the three (3) remaining houses.

This hillside was initially zoned R-1 in 1968, which permitted a density of about 14.5 units/acre; however, by 1985, it had been rezoned to RM. The RM zoning district serves as a transition neighborhood between Old Town to the west and Lower Deer Valley to the east. The neighborhood is largely characterized by resort-oriented housing development, including single family, duplex, and multi-unit dwellings that serve as primary and second homes as well as nightly rentals.

The triangle parcel to the west of Coalition View Court is currently zoned Estate; however, the size of the parcel is a substandard lot for the minimum lot size requirements for the Estate zone.

During City Council's review of the Lilac Hill Subdivision at 632 Deer Valley Loop on July 14, 2016, Council was concerned about future development of the adjacent BLM parcels. In particular, Council asked staff to return with limitations on house size, height, site parameters, and restrictions on relocation of the historic houses. On September 22, 2016 [See City Council Staff Report (starting page 92) and City Council Minutes (starting page 15)], staff presented to City Council the potential to rezone the area from Residential-Medium (RM) to Residential Development (RD) District; however, upon further analysis, staff finds that Historic Residential Low-Density (HRL) is more appropriate.

Staff's change of recommendation from RD to HRL was largely due to the size of BLM parcel PC-537-X, which contains the three Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive. The RD zone district limits density to three units per acre (3 units/1 acre), and this property contains 3 houses on 0.74 acres. Therefore, if zoned RD, the site would be legal non-complying and no further development could occur. However, additions could be made to the existing homes during restoration.

Additionally, the proposed zone change is consistent with the plat notes added to the Lilac Hill Subdivision, approved by City Council on October 20, 2016 [See City Council

Staff Report (starting on page 108) and City Council Minutes (starting page 9)]. The property at 632 Deer Valley Loop is zoned RM; however, any new development at this site is required to comply with Park City Design Guidelines for Historic Districts and Historic Sites in order to ensure that new development is compatible to the historic structure on this lot and the Historic Structures in the surrounding area. The Conditions of Approval of Ordinance 16-32 for this Subdivision also provided a 40% open space provision.

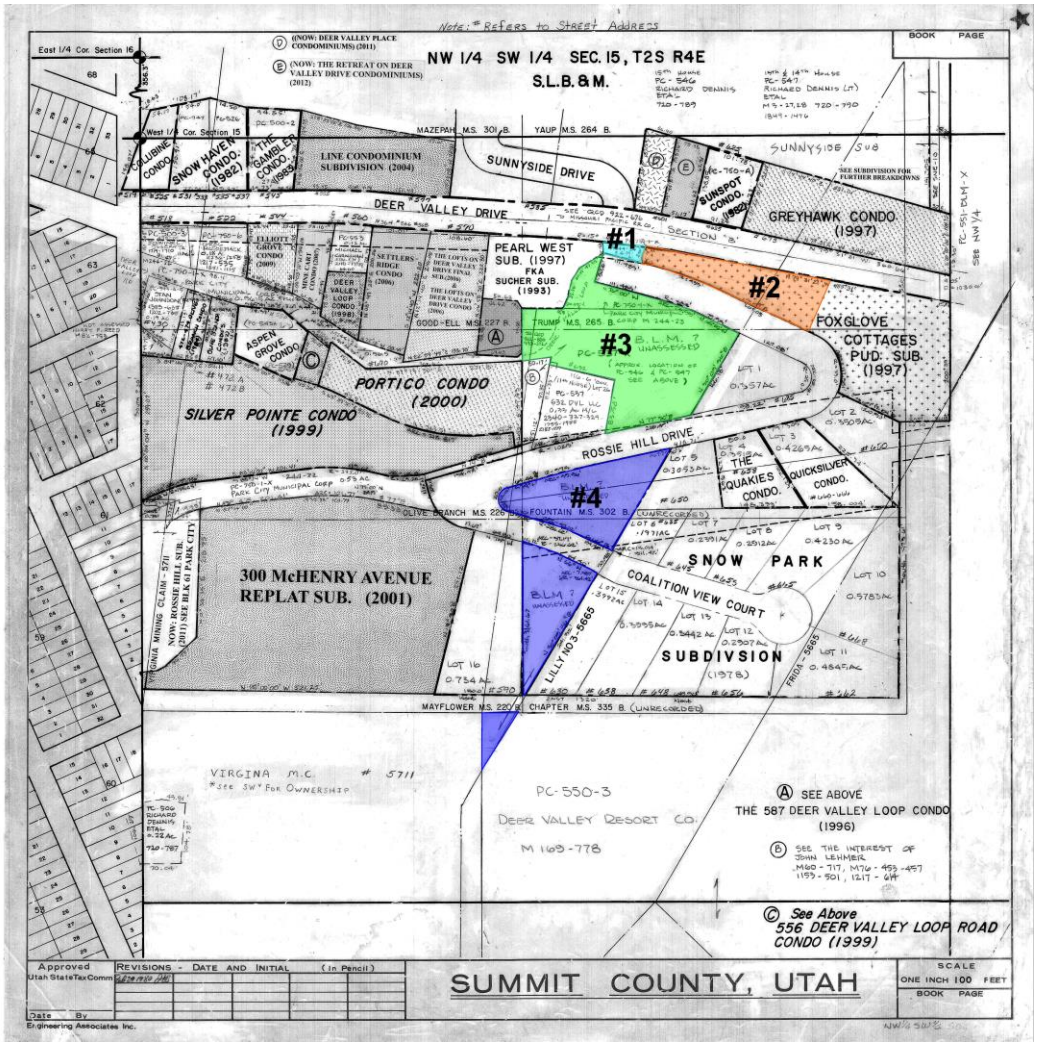
On January 11, 2017, the Park City Planning Commission reviewed this application. [See Staff Report (starting page 221) and Minutes (Exhibit F)]. Several of the Planning Commissioners expressed concern about zoning such a small parcel and that the HRL zoning proposal was not contiguous to the HRL neighborhood along McHenry Neighborhood. They also expressed interest in the City purchasing the property in order to better control development of the property consistent with the neighbors' wishes of seeing the hillside preserved as open space or even a pocket park. Ultimately, however, the Planning Commission found that the proposal would provide growth management, mitigated the neighborhoods' wishes and concerns about development of the Dennis-BLM parcel, and favored the rehab of the buildings to avoid demolition by neglect. The Planning Commission unanimously forwarded a positive recommendation to City Council for the rezone.

Zoning Map Amendment

In order to accommodate their goals, City Council directed staff to bring an application to rezone the BLM properties and private property which includes:

- Parcel 1: The City-owned parcel PC-750-4-X to the south of Rossie Hill Drive and north of the historic houses on Rossie Hill Drive
- Parcel 2: The portion of the Foxglove Cottages PUD Subdivision (1997) that was designated as common open space on their plat
- Parcel 3: BLM parcel PC-537-X which includes the Richard Dennis-owned historic houses at 622, 652, and 660 Rossie Hill Drive
- Parcel 4: BLM triangle parcel that extends from Rossie Hill to the north, across Coalition View Court, and south adjacent to the Snow Park Subdivision

These parcels are shown on the image below:



Summit County, Utah Parcel Map

These parcels are under separate ownership. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hilll Drive and south of Coalition View Court.

Parcel #1 is owned by Park City Municipal Corporation; it is the paved area that connects Rossie Hill Drive to Deer Valley Drive. Parcel #2 has been designated as open space on the Foxglove Cottages PUD Subdivision, recorded in 1997, and owned by the Foxglove Homeowners association. Parcel #3 is owned by the BLM; however, the BLM is in a Color of Title legal action with the Dennis family for the northeast side of the property which includes the three (3) historic houses along Rossie Hill Drive. Finally, Parcel #4 is also owned by the BLM.

Parcels #1, #2, and #3 are currently zoned Residential Medium (RM); whereas the triangle Parcel #4 is zoned Estate (E). Zoned as estate, Parcel #4 is an undevelopable parcel as the Estate zone requires a minimum lot size of three (3) acres for all uses with

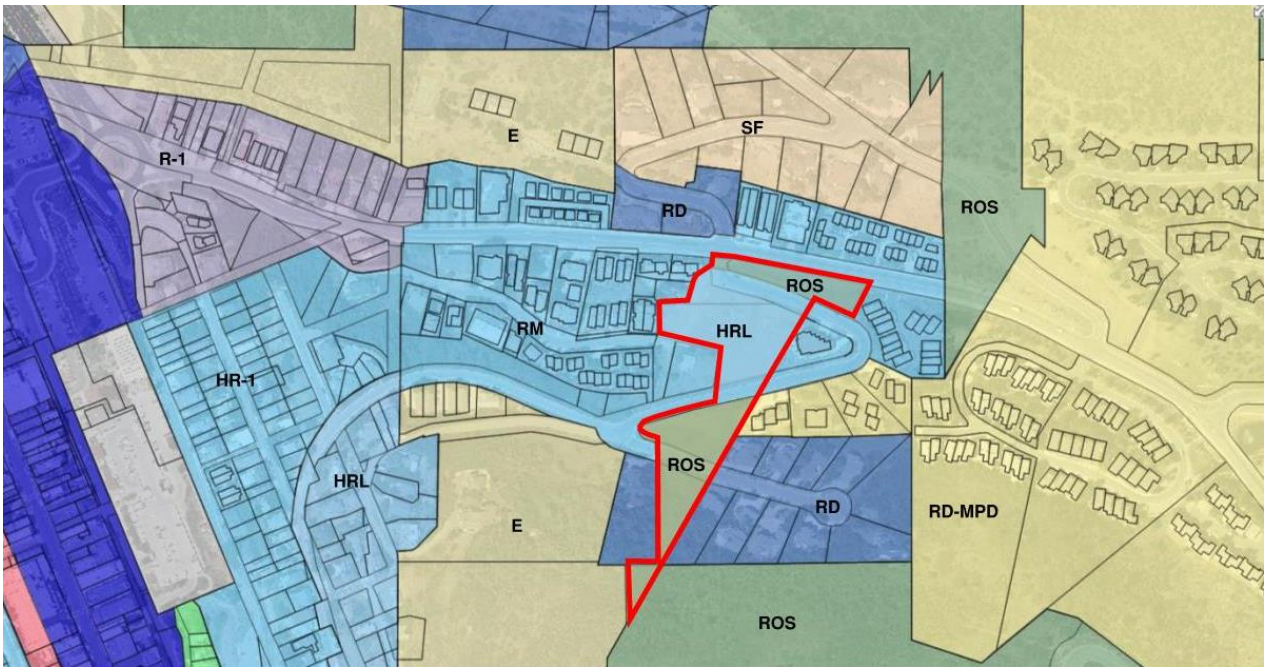
density limited to one (1) unit per three (3) acres. Parcel #4 consists of approximately 0.6 acres north of Coalition View Court and approximately 0.4 acres on the south side of Coalition View Court. These lots are substandard lots and cannot be developed under the current zoning.

Staff proposes rezoning Parcel #1, #2, and #4 as Recreation and Open Space (ROS). This will protect this area from development and allow it to retain its natural character of an open meadow. It will also help preserve the context of the historic houses along Rossie Hill Drive as they will continue to be framed by open space. The purposes of the ROS District include:

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

Staff also proposes to rezone Parcel #3 from RM to HRL. The change in zone will aid in meeting Council's goals as it will reduce the amount of density permitted on the site as the RM zone would permit up to twenty-two (22) units of development and the HRL zone would only allow eight (8) units of development; these unit calculations are based only on the size of the lot and do not consider the placement of the historic houses on the property. The Historic zone designation will ensure that development is reviewed under the Historic District Design Guidelines and Review process (HDDR).

This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive. The size of the proposed rezoning area is approximately 15% of the total the size the entire existing HRL Zone District along McHenry Road.



This map outlines the area impacted by the proposed zoning change in red and notes the proposed zone changes for these parcels. Note the surrounding land uses.

This proposal to modify this specific area is aligned with the City's General Plan and current zoning restrictions. The zone change will maintain the existing open space on the hillside and designated by the Fox Glove Cottages PUD Subdivision and further protect the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

The purpose statements of the HRL zoning district reflect the strategies and goals outlined in our General Plan. The purpose statements for the HRL Zoning District include:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

These purpose statements reflect the goals for Historic Character as outlined in the General Plan. The General Plan seeks to preserve the integrity, mass, scale, and

character of Park City's Historic fabric. It also addressed examining lot sizes in Old Town to ensure compatible mass and scale of infill development and additions to historic structures. It recommends developing compatibility regulations that limit lot size, massing, siting, and height in order to guide compatible neighborhood development as well as retain and preserve the character of historic sites. Most importantly it intends to maintain local and national historic assignations, prevent incompatible infill as well as significant modifications/alterations to historic structures, and the loss of historic resources.

Parcel #3 was identified as Old Town in the General Plan. However, the historic resources along Deer Valley Drive were actually addressed as part of the Lower Deer Valley Neighborhood. In this area, Deer Valley is meant to be a transition between historic Old Town and the relatively new resort. The General Plan sought to preserve the aesthetic experience of the approach to the resort by maintaining cultural resources along Deer Valley Drive, particularly the few remaining miner's home. Again, preservation is a key component to the HR-L zoning District.

The following table outlines the differences between the existing RM and proposed HRL zones:

Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Lot Size Requirements:		
Single Family	*2,812 SF*	*3,750 SF*
Duplex Dwelling	*3,750 SF*	*Not permitted*
Triplex Dwelling	*4,687 SF*	*Not permitted*
Four-plex Dwelling	*5,625 SF*	*Not permitted*
More than four dwelling units	*5,625 SF + 1,000 SF for each additional unit*	*Not permitted*
Lot Width	*37.50 ft.*	*35 ft.*
Setbacks		
<u>Front Yard</u>		
Single Family, Duplex, and Accessory Buildings	*15 ft.*	*10-15 ft. depending on lot depth*
Front Facing Garages for Single Family and Duplex Dwellings	*20 ft.*	*N/A*
Triplex or Multi-Unit Dwellings	*20 ft.*	
Front Facing Garages for Multi-Unit Dwellings	*25 ft.*	*N/A*
<u>Rear Yard</u>		
Single Family and Duplex Dwellings	*10 ft.*	*10-15 ft. depending on lot depth*
Triplex or Multi-Unit Dwelling	*15 ft.*	*N/A*
Accessory Building less than 18 ft. in height	*5 ft.*	*1 ft.*
<u>Side Yard</u>		
Single Family, Duplex, and		*3-10 ft. depending on lot width*

Accessory Buildings *Triplex or Multi-Unit Dwelling* *Accessory Building less than 18 ft. in height*	*5 ft.* *10 ft.* *3 ft.*	 *N/A* *3 ft.*
Open Space Requirement *Triplex or Multi-Unit Dwelling*	 *60%*	*Not permitted*
Building Height	*28 ft.*	*27 ft. from existing grade; maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish grade on all sides of the Structure.*
Maximum House Size	*N/A*	*Based on footprint allowance*

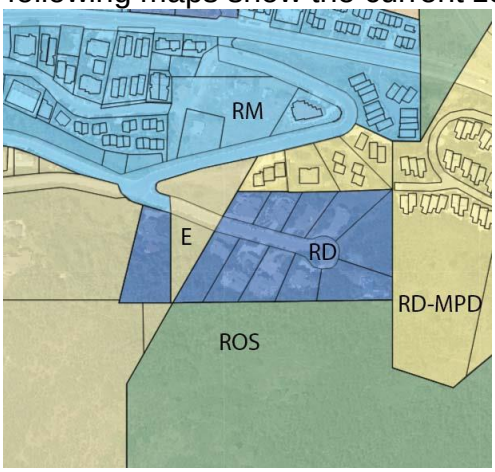
[1] *As part of a MPD or subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. See equations outlined in LMC 15-2.13-6.*

As noted in the following table, the allowed uses of the zones are fairly similar in promoting residential development. The HRL zone restricts residential development only to single family dwellings which is consistent with the historic development on Parcel #3. Additionally, the conditional uses of the HRL zone include Passenger Tramway Stations and Ski Base Facilities, Ski Tow Ropes, Ski Lifts, Ski Runs, and Ski Bridges which further support resort development to the east. The following table shows the differences in allowed uses between the RM and RD zones:

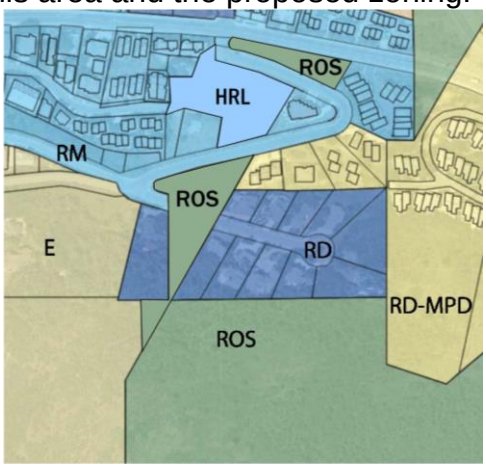
Zone Allowance:	***Residential Medium-Density (RM)***	***Historic Residential Low-Density (HRL) District***
Single Family Dwelling	*Allowed*	*Allowed*
Duplex Dwelling	*Allowed*	*Not Permitted*
Triplex Dwelling	*Allowed*	*Not Permitted*
Secondary Living Quarters	*Allowed*	*Not Permitted*
Lockout Unit	*Allowed*	*CUP*
Accessory Apartment	*Allowed*	*CUP*
Nightly Rental	*Allowed*	*CUP*
Home Occupation	*Allowed*	*Allowed*
Child Care, In-Home Babysitting	*Allowed*	*Allowed*
Child Care, Family	*Allowed*	*Allowed*
Child Care, Family Group	*Allowed*	*Allowed*
Accessory Building and Use	*Allowed*	*Allowed*

Conservation Activity	*Allowed*	*Allowed*
Agriculture	*Allowed*	*Allowed*
Bed & Breakfast Inn	*Allowed*	*Not Permitted*
Parking Area or Structure with four (4) or fewer spaces	*Allowed*	*Not Permitted*
Multi-Unit Dwelling	*CUP*	*Not Permitted*
Guest House, on Lot greater than one (1) acre	*CUP*	*Not Permitted*
Group Care Facility	*CUP*	*Not Permitted*
Child Care Center	*CUP*	*Not Permitted*
Public and Quasi-Public Institution, Church, and School	*CUP*	*Not Permitted*
Essential Municipal Public Utility Use, Facility, Service, and Structure	*CUP*	*CUP*
Telecommunication Antenna	*CUP*	*CUP*
Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter	*CUP*	*CUP*
Boarding House, Hostel	*CUP*	*Not Permitted*
Hotel, Minor	*CUP*	*Not Permitted*
Outdoor Event	*Admin-CUP*	*Not Permitted*
Residential Parking Area or Structure with four (4) or fewer spaces	*Not Permitted*	*Allowed*
Parking Area or Structure with five (5) or more spaces	*CUP*	*CUP*
Temporary Improvement	*Admin-CUP*	*Admin-CUP*
Recreation Facility, Public and Private	*CUP*	*CUP (Private only)*
Master Planned Development with moderate income housing Density bonus	*CUP*	*Not Permitted*
Master Planned Development with residential and transient lodging Uses only	*CUP*	*Not Permitted*
Master Planned Development with Support Retail and Minor Service Commercial Uses	*CUP*	*Not Permitted*
Fences greater than six feet in Height from Final Grade	*Admin-CUP*	*Admin-CUP*
Passenger Tramway Station and Ski Base Facility	*Not Permitted*	*CUP*
Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge	*Not Permitted*	*CUP*

The following maps show the current zoning for this area and the proposed zoning:



Current Zoning



Proposed Zoning

General Plan Compliance

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in italics below:

Small Town

- Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. *The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood while safeguarding the neighborhood's historic character through rezoning Parcel #3 to HRL and the remaining parcels to recreation and open space by zoning it ROS.*

- Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. *Not applicable.*

- Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. *Not applicable.*

Natural Setting

- Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. *The proposed zoning change will continue to maintain the existing open space by zoning it ROS to further protect it from future development.*

- Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. *The zone change will ensure the protection of existing natural resources and open space by zoning it ROS.*

- Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. *Not applicable.*

Sense of Community

- Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. *Not applicable.*

- Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. *Not applicable.*

- Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. *The purpose statements of the ROS zoning district encourages parks, trails, and other recreational uses*

as well as the preservation and enhancement of environmentally sensitive lands such as the meadows, stream corridors, and forests.

- Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. *Not applicable.*

- Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. *The proposed zone change will encourage the rehabilitation of the three (3) existing miner's cottages along Rossie Hill Drive while also maintaining their context by rezoning the existing open space as ROS.*

- Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. *Not applicable.*

- Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. *Not applicable.*

- Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. *Not applicable.*

Historic Character

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. *The rezone of the historic cottages from RM to HRL will allow redevelopment of these sites and ensure their longevity by encouraging their adaptive reuse. The context of their location will be maintained and preserved by rezoning the existing open space as ROS.*

- Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. *The proposed Zone Changes does not affect the "heart" of the City, Main Street.*

Good Cause

Planning Staff finds that there is Good Cause for this Zone Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met. In addition, the portion of land proposed to change from RM to HRL and RM and E to ROS have not been developed previously and still contain undisturbed native grasses and shrubs in a natural state typical of other designated open space areas so no re-vegetation will be necessary and it satisfies the requirements of the Zone.

Process
The approval of the proposed rezoning application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-8.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice
On December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on December 31, 2016 according to requirements of the Land Management Code.

On February 2, 2017, the property was posted and notice was mailed to property owners within 300 feet for the City Council public hearing. Legal Notice was published in the Park Record February 1, 2017, according to requirements of the Land Management Code.

Public Input
The Planning Department has received written communication from the neighborhood. Overall the neighbors are supportive of the zone change; however, they would like to see more of the area zoned ROS to protect the open space for both animal migration, historic context, and trails and recreation. Public comment has been included in this packet as Exhibit E.

Alternatives
- The City Council may approve the Zoning Map Amendment; or
- The City Council may deny the Zoning Map Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Zoning Map Amendment; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

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

Consequences of not taking the Planning Department's Recommendation
The zoning designation would remain as is.

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Zoning Map Amendment Request from Residential Medium (RM) District to Historic Residential Low-Density (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive and the BLM-owned parcels as well as an additional zone change from Estate (E) to ROS for the BLM-owned parcels above Rossie Hill Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Zoning Map Amendment Draft Ordinance and map of amendment
Exhibit B – Survey of Richard Dennis Property
Exhibit C – Aerial photographs of the rezone
Exhibit D – Site Photographs
Exhibit E – Public Comment
Exhibit F – Planning Commission Minutes, 1.11.17

Exhibit A: Zoning Map Amendment Draft Ordinance

Ordinance 2017-05

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM RESIDENTIAL MEDIUM (RM) DISTRICT TO HISTORIC RESIDENTIAL LOW-DENSITY (HRL) DISTRICT AND RECREATION OPEN SPACE (ROS) AT 622, 652, AND 660 ROSSIE HILL DRIVE AS WELL AS THE BLM-OWNED PARCELS, PARK CITY, UTAH.

WHEREAS, City Council directed staff to initiate a Zoning Map Amendment on September 22, 2016; and

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

WHEREAS, on December 28, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on December 31, 2016 according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on January 11, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Residential Medium (RM) District to Historic Residential Low-Density Development (HRL) District and Recreation Open Space (ROS) at 622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels as shown in Attachment 1 is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to

the south and east of Rossie Hilll Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).
3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.
4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.
5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.
6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.
7. The access to the sites is from Rossie Hill Drive and Coalition Court.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.
10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.
11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City

Attorney.

PASSED AND ADOPTED this 16th day of February, 2017.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

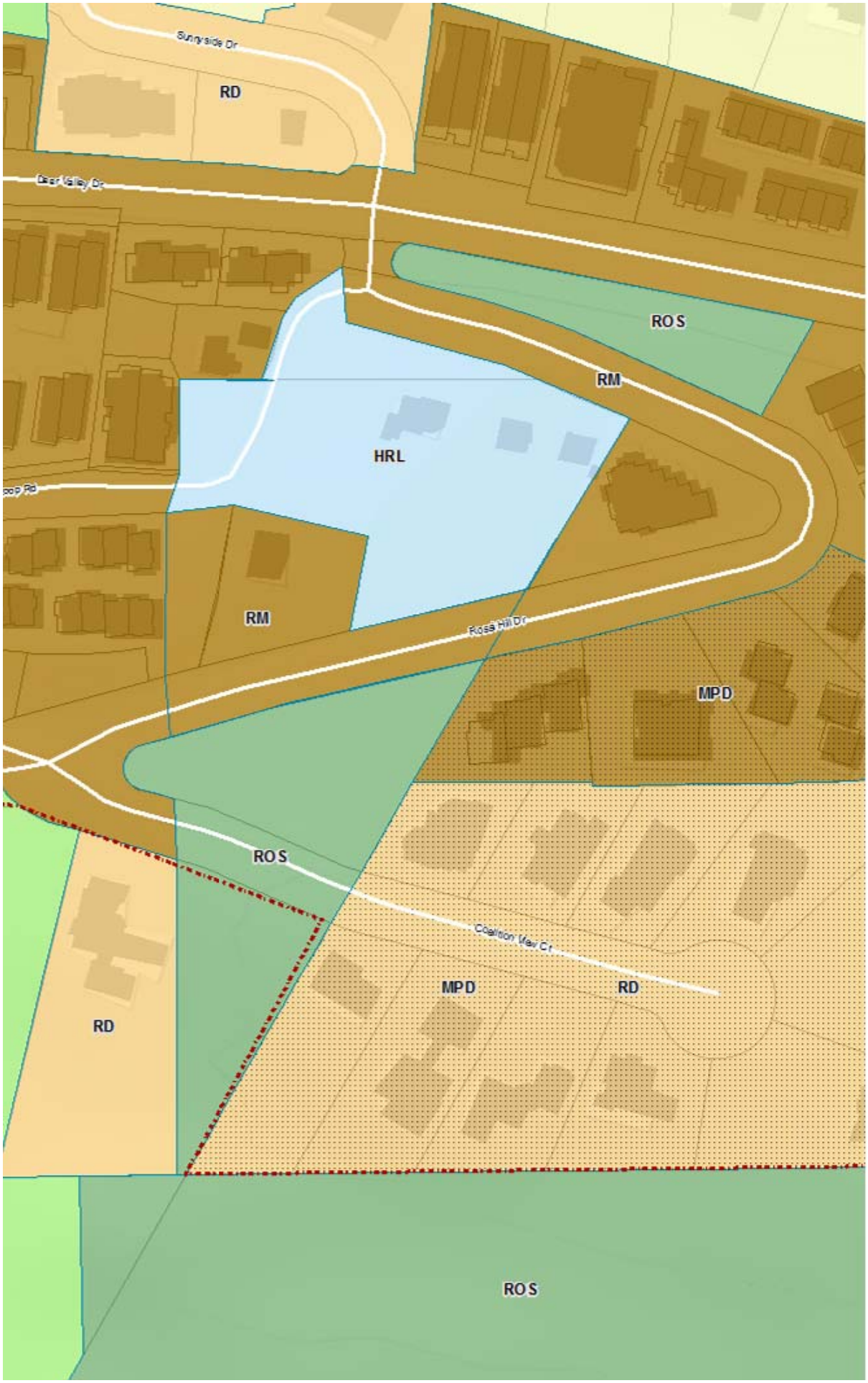
_____
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney

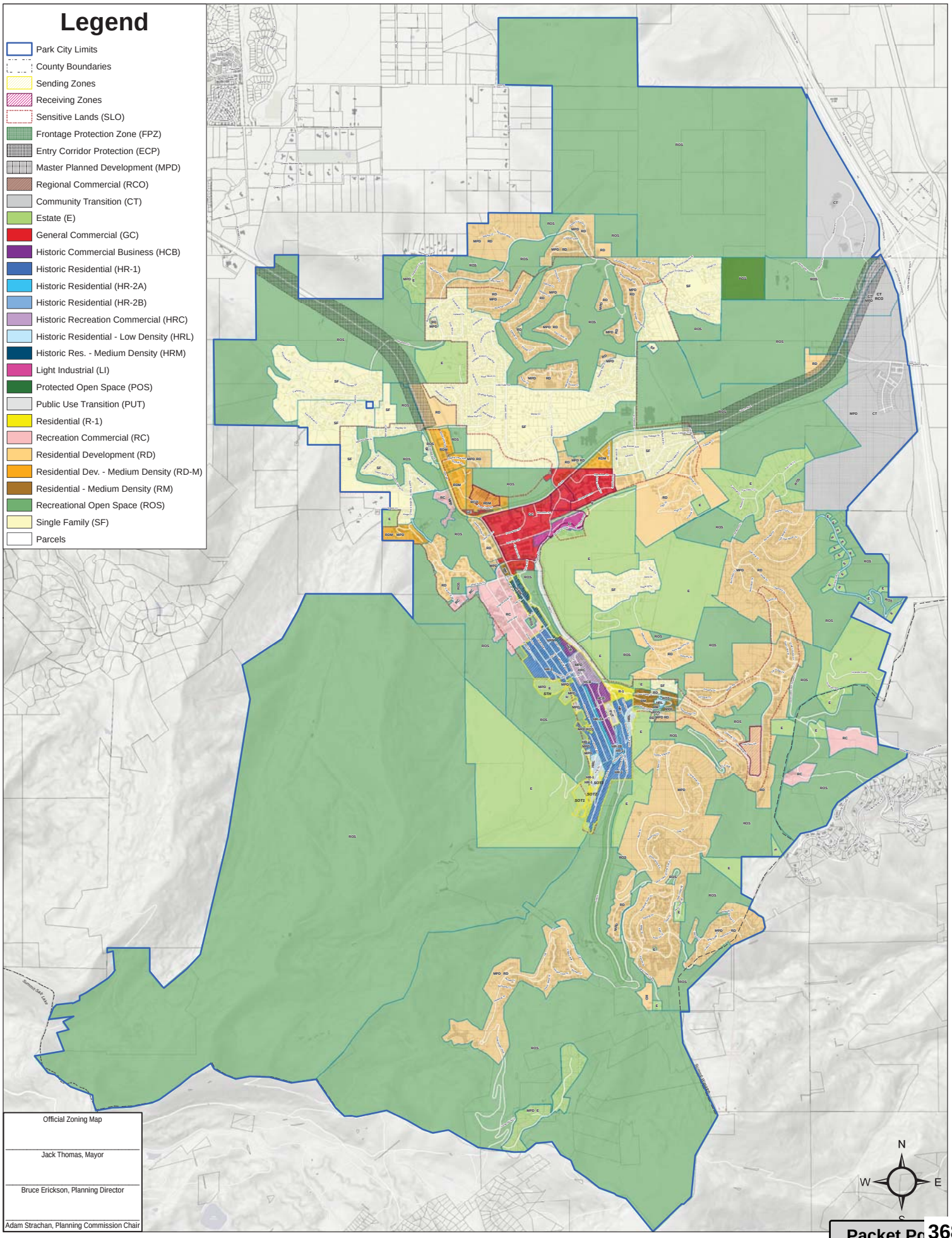
Attachment 1 – Proposed Zoning Map Amendment

Exhibit A- Proposed Zoning Map Amendment



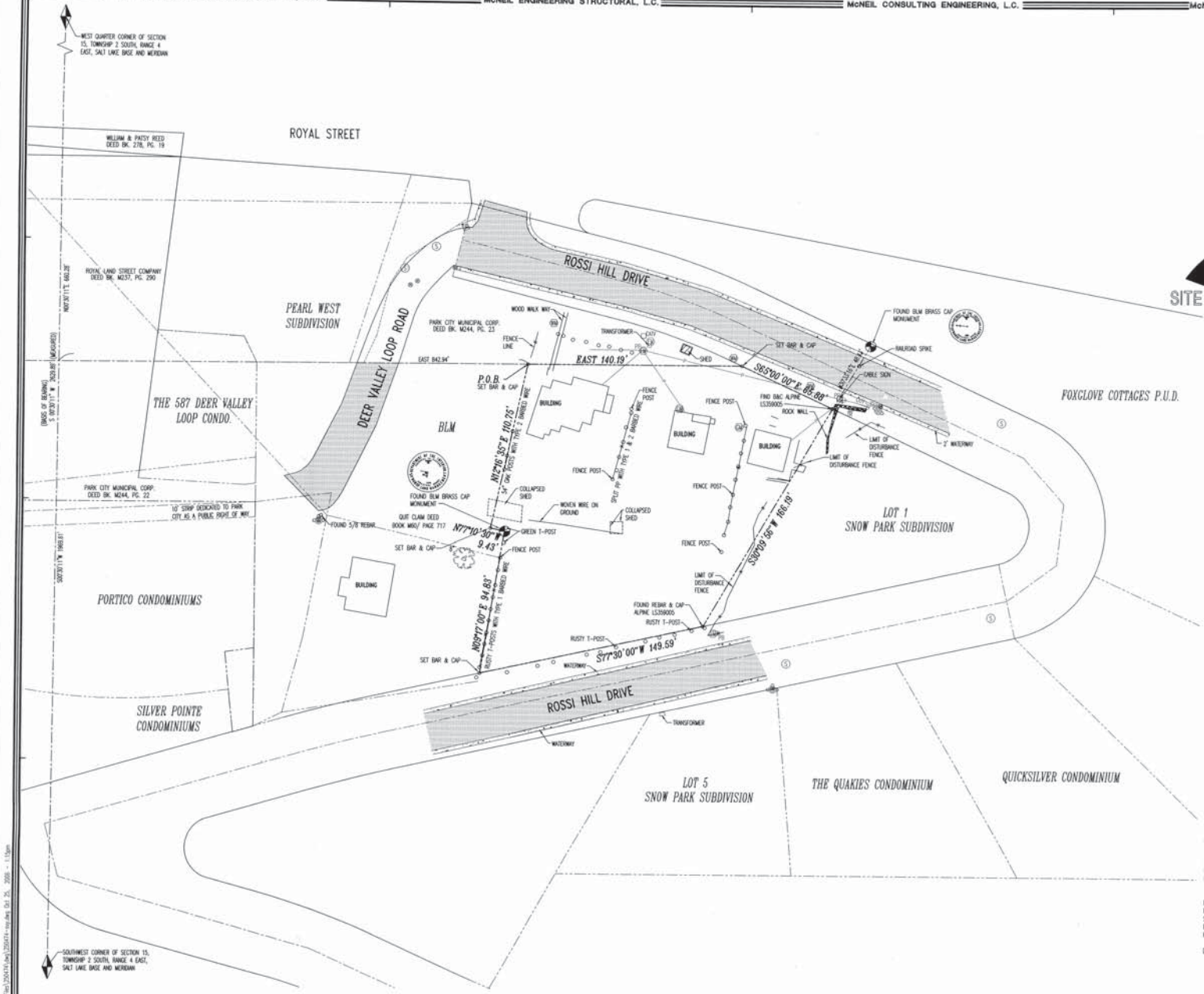
Proposed Zoning Map

January, 2017



This map is a graphic illustration of Park City's zoning districts and is not intended to establish precise dimensions and/or surveyed boundaries of each zone. Interpretation of the Zoning Map is governed by the standards in LMC Section 15-1-6. For complete information relating to the specific boundaries of any of the zoning designation shown on this map, please contact the Park City Planning Department.

McNEIL ENGINEERING & LAND SURVEYING, L.C. — McNEIL ENGINEERING STRUCTURAL, L.C. — McNEIL CONSULTING ENGINEERING, L.C. — McNEIL ENGINEERING & LAND SURVEYING, L.C.



DEED DESCRIPTION

15th HOUSE REAR S SIDE DEER VALLEY PARK CITY (ASSUMED TO BE LOCATED IN THE NW & SW & OF SECTION 15, T2S, R4E, SLB&M)

SURVEY DESCRIPTION

BEGINNING AT A POINT SOUTH 00°30'11" WEST 660.28 FEET ALONG THE SECTION LINE AND EAST 842.94 FEET FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF THE PARK CITY MUNICIPAL CORPORATION PARCEL RECORDED IN BOOK M244, PAGE 23 AT THE SUMMIT COUNTY RECORDERS OFFICE 140.19 FEET TO THE SOUTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE SOUTH 65°00'00" EAST 65.88 FEET TO THE WESTERLY BOUNDARY LINE OF LOT 1 SNOW PARK SUBDIVISION; THENCE ALONG SAID WESTERLY BOUNDARY LINE OF LOT 1 SOUTH 38°09'56" WEST 166.19 FEET TO THE NORTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE; THENCE ALONG SAID NORTHERLY BOUNDARY LINE OF ROSSI HILL DRIVE SOUTH 77°30'00" WEST 149.59 FEET TO EASTERLY BOUNDARY LINE OF A PARCEL DESCRIBED IN A QUIT CLAIM DEED RECORDED IN BOOK M60, PAGE 717 WITH THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON AN OLD WIRE FENCE LINE; THENCE ALONG SAID EASTERLY BOUNDARY LINE AND OLD WIRE FENCE LINE NORTH 00°17'00" EAST 94.63 FEET TO A BLM BRASS CAP MONUMENT; THENCE NORTH 77°10'30" WEST 9.43 FEET TO THE REMAINING OF AN OLD WIRE FENCE LINE EXTENDED; THENCE ALONG SAID OLD WIRE FENCE LINE NORTH 12°16'35" EAST 110.75 TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 32,233 SQUARE FEET OR 0.740 ACRES.

SURVEYOR'S CERTIFICATE

I, KENNETH A. PETTY, DEPOSE AND SAY THAT I AM A DULY REGISTERED LAND SURVEYOR ACCORDING TO THE RULES AND REGULATIONS OF THE STATE OF UTAH. I FURTHER STATE THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THE RESULTS OF THAT SURVEY ARE DEPICTED HEREON.

PROFESSIONAL LAND SURVEYOR No. 362254 KENNETH A. PETTY STATE OF UTAH

KENNETH A. PETTY
LICENSE NO. 362254

NARRATIVE

THIS SURVEY WAS PREPARED FOR BLACKBURN & STOLL, LC. ON BEHALF OF RICHARD DENNIS FOR THE PURPOSE OF ESTABLISHING THE BOUNDARY OF THE ABOVE DESCRIBED PARCEL OF LAND. THE BASIS OF BEARING IS NORTH 00°30'11" EAST ALONG THE SECTION LINE BETWEEN THE SOUTHEAST CORNER AND EAST QUARTER CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AS SHOWN ON THIS PLAT. EACH CORNER NOT FOUND, WAS MARKED WITH A 5/8 INCH BAR, TWO FEET IN LENGTH, AND RED PLASTIC CAP OR NAIL AND WASHER STAMPED "McNEIL ENGR".

EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED BELOW WERE SUPPLIED OR OBTAINED FOR OR BY THE SURVEYOR. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THE SURVEYOR UNLESS NOTED OTHERWISE. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

DOCUMENTS REFERENCED FOR THIS SURVEY ARE AS FOLLOWS:

FILE No. S0006427
FILED AT THE REQUEST OF McNeil Engineering
ALAN SPRIGGS SUMMIT CO. RECORDER
FEE $ 10.00 By D. Bowen
FILED 2-1-07 at 16:15 PM

S-6427

McNEIL ENGINEERING AND LAND SURVEYING
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
6995 SOUTH 900 EAST MIDVALE, UTAH 84047
TEL. (801) 255-7799 FAX (801) 255-9071
E-MAIL info@mcneileng.com WEB SITE AT www.mcneileng.com

RICHARD DENNIS PROPERTY
C/O BLACKBURN & STOLL, LC.

APPROX. ROSSI HILL DRIVE & ROYAL STREET
PARK CITY, UTAH
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

REVISIONS

REV	DATE	DESCRIPTION

PROJECT NO:	250474
CAD DWG. FILE:	250474-SVY
DRAWN BY:	KAP/KSH
CALC BY:	KAP
FIELD CREW:	SURVEYED
CHECKED BY:	CHECKED
DATE:	06/26/06

SHEET TITLE:
BOUNDARY SURVEY

1 OF 1

Exhibit C

Rossie Hill Zone Change

(Please note that 632 Deer Valley Drive is not included)

Exhibit D

Google
Image capture: Oct 2012 © 2016 Google Terms Report a problem

Google
Image capture: May 2016 © 2016 Google Terms Report a problem

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Save Rossi Hill

From: Jamie Vaught [vaughtlaw@gmail.com]
Sent: Tuesday, January 10, 2017 2:08 PM
To: planning
Subject: Save Rossi Hill

I own a home at 668 Rossie Hill Drive. I support the zoning change to HRL and ROS because it will preserve the unique character of the piece of Park City that is Rossi Hill.

Park City has a unique "feel" and appearance, and this is due in part to the open spaces and to the appearance of the historic areas around town, especially on Rossi Hill. I purchased my home on Rossi Hill due to the unique feel and appearance of the Rossi Hill area.

Let's preserve Park City for our residents, home owners, visitors and future generations.

Please do not support any plans that would allow increased development on Rossi Hill, especially any high-density development. Please preserve the feel and appearance of Rossi Hill.

Thank you

James Vaught

James Vaught Law Office, PLLC

2393 Alumni Drive, Suite 204

Lexington, KY 40517

859-455-7444

859-554-5931 fax

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 3:45 PM
To: Anya Grahn
Subject: FW: Rossie Hill Historic Open Space

From: Christina Marie Shiebler [christina@shiebler.com]
Sent: Wednesday, January 11, 2017 1:21 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc: planning; Council_Mail; Jack Thomas; Bruce Erickson; Anya Grahn
Subject: Rossie Hill Historic Open Space

Good afternoon and thank you for taking the time to read my email.

My family has been in Park City for nearly 25 years. I myself have been a resident of Park City for nearly 13 years. I have lived on Coalition View Court, part of the Rossie Hill (affectionately named "Happy Hill") neighborhood, for 11 years and counting. I am a proud to be from this incredible community and also proud to be a part of the Rossie Hill Historic Open Space Alliance.

I, along with 358 others (241 from Park City and surrounding, 28 are from our home state of Utah, and 16 out-of-state Park City second home / property owners or visitors) support the protection and preservation of this incredible and historic land.

I am in support of the zoning amendment as referenced in the packet for the meeting scheduled for this evening. Additionally it is my hope and the hope of the many others supporting the Save Rossie Hill Historic Open Space that the Commission recommend to Council that further long range protections be applied to this land. We have a unique opportunity to preserve this land and its rich history. I, along with so many other members of our community, would like to see additional / stronger zoning changes, consideration to strengthen protection through the historic guidelines and / or the general plan, and / or strong consideration and proposal to have the City acquire the land to be held as open and historic space in perpetuity.

As I look through the packet for the meeting and see the Treasure Hill agenda item, I can not help but think that this ongoing community issue is an opportunity for great community to look 30 years in to the future and take the opportunity to preserve and secure this Rossie Hill sacred land. Although the scale is wildly different, the sentiment is the same. Change in inevitable, but how we change and grow is within our control.

I am grateful to the members of Staff, the Planning Commission, Council and the Mayor for your individual and collective willingness to work on behalf of our great community. Your work has great impact on the current and future state of Park City, and I respect the time and attention you all give to these important issues.

Respectfully,
Christina Marie Shiebler

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Upcoming Rossie Hill hearings

From: Rachel.Sahlman@aps.com [Rachel.Sahlman@aps.com]
Sent: Tuesday, January 10, 2017 11:16 AM
To: planning
Subject: Upcoming Rossie Hill hearings

Planning Commission,
I understand there are two upcoming hearings concerning the zoning at Rossie Hill. Although my husband Scott and I are unable to attend the meetings, we wanted to pass along our thoughts about Rossie Hill and open space in Park City. We have lived at 625 Deer Valley Drive for more than 10 years and have enjoyed the historical character and witnessed the wildlife migration that is part of that space. The area is already beginning to have a more densely populated feel and I am concerned that we losing the character of an area we love very much. There needs to be room to breathe and as the density increases along Deer Valley Drive, I'm afraid that we are losing the true character of the area. Additional multi-housing will overwhelm this small valley community and will add to the traffic, noise and congestion. We choose Park City because of its beautiful open spaces, wildlife, peace and quiet. Please don't put that at risk. Our address is below if needed for future reference.

Best regards,

Scott and Rachel Sahlman

Contact phone: 602-402-6166
625 Deer Valley Drive A2
Park City, UT 84060

--- NOTICE ---

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Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:55 AM
To: Anya Grahn
Subject: FW: Rossie Hill Proposal on tomorrow's agenda

More public comment on BLM.

Ashley

From: Jordan Pynes [jordan@tsahousing.com]
Sent: Tuesday, January 10, 2017 6:27 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; planning
Cc: Council_Mail
Subject: Rossie Hill Proposal on tomorrow's agenda

Dear Commission Members:

My name is Jordan Pynes and my family has owned and resided at 645 Coalition View Court for the past eight years. Thank you for your consideration for the proposed zoning changes on Rossie Hill. It is my hope you will approve the proposed modifications to the existing zoning of the Rossie Hill Open Space.

I believe the proposal is a fair and win-win agreement. While most of us in the community would like to see zero future development, I think what is being proposed is the right compromise. Please consider preserving as much open space as possible to protect the character of our neighborhood, the wildlife that is a wonderful part of our daily lives and the beautiful historic homes that help make Park City/Rossie Hill such a charming community.

Thank you for all your hard work and with this matter. I hope you will approve the zoning change that is being proposed.

Jordan Pynes

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 9:56 AM
To: Anya Grahn
Subject: FW: Rossie Hill

From: Mark Kaire [Mark@kairelaw.com]
Sent: Tuesday, January 10, 2017 3:42 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; planning
Subject: Rossie Hill

Esteemed Commission Members,

By way of brief introduction my name is Mark Kaire, and together with my wife and 3 children we reside at 635 Coalition view court. I am hopeful that my family and I will make this a full time residence in the near future.

I would like to take this opportunity to truly thank the planning department and commission members for trying to formulate a plan that works for all the residents of park city. The plan is a true compromise- all parties walk away thinking they gave up too much. To that end, while I am saddened with the amount of development that is proposed, I am likewise grateful that the plan limits the amount of new homes, preserves the historic character, and changes the zoning of parcel #4 to ROS.

Please consider preserving as much open space as you deem necessary to protect the character of this neighborhood and these treasured historic homes.

Thank you for all your help and cooperation in this matter.

Mark and Jennifer Kaire

Mark A. Kaire
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305-372-0123(P)
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www.kairelaw.com

To: Park City Planning Commission

From: Robert Gurss

Date: January 9, 2017 (for January 11, 2017 Planning Commission Meeting)

RE: Zoning Map Amendment Request, PL-16-03323

Mr. Chairman and members of the Planning Commission, my name is Robert Gurss. My wife and I are full time residents of Park City. We live at 654 Rossie Hill Drive, directly behind the BLM property containing three historic mining era homes.

As this Commission is well aware, Park City's historic architecture is probably the most important factor that makes "Park City Park City." I volunteer at the Park City Museum, giving tours of historic Main Street in the summer. I can tell you from personal experience that many people come to Park City precisely because of our colorful mining history. Having preserved that history, Park City is able to stand out among other Mountain West resort towns that offer little more than condominiums, high end homes, and touristy shops.

The mining era homes on Rossie Hill Drive are a unique remnant of our history. I often see tourists stopping on the road to take pictures of the homes, and it's not unusual to see an artist at an easel painting pictures of the houses and their surroundings. These houses are historic treasures, not only because they are in nearly original form, but also because these 3 houses are probably the ONLY remaining Park City historic homes in an original semi-rural setting. Once upon a time, small homes dotted some of the hills around Park City, often surrounded by gardens or small pastures. Most of the few that remain are now surrounded by or completely engulfed by modern day construction (e.g., the Line), with little remaining sense of their original settings.

Therefore, it is essential that the City take this opportunity to protect these rare vestiges of our history by preserving these historic homes and the surrounding open space.

The Planning Department has done a good job addressing this issue, and I applaud their efforts. Their current proposal is for HRL zoning for parcel #3, containing the 3 historic homes. That is a major improvement over the "existing" zoning of RM, which may have allowed the entire parcel to be covered by a huge condominium complex. However, according to the Department's proposal, even with the HRL zoning, up to 5 new homes (for a total of 8 single family homes) could be built on parcel #3 based on the total acreage in the parcel. As the Department notes, the actual number of new structures would be limited by the location of the current historic homes and related factors. Nevertheless, the potential for up to 5 new homes on the land (up to 3,750 SF each), most likely behind the current houses, is troublesome as it would take away much of the semi-rural setting that make these historic homes so special. The Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4 (i.e. the "triangle" straddling Coalition View Ct), as a way to preserve open space relative to the historic homes. While I and my neighbors strongly support that ROS designation, the open space immediately surrounding the historic homes within parcel #3 should also be preserved, whether through zoning or enforcement of relevant historic guidelines.

The original Planning Department recommendation presented to City Council on September 22, 2016, divided parcel #3 into two parts, with the southern (uphill) portion proposed for ROS. I would ask the Commission to consider drawing a similar line, with the northern (downhill) portion of parcel #3 zoned HRL, and the southern (uphill) portion of parcel #3 (and all of parcel #4) zoned ROS, assuming such a division would better preserve both the historic homes and their unique original setting.

Thank you for your consideration.

Anya Grahn

From: planning
Sent: Wednesday, January 11, 2017 3:45 PM
To: Anya Grahn
Subject: FW: Public Input - Rossie Hill Zoning Amendment (PL-16-03323)

From: Diane Bernhardt [diane.a.bernhardt@gmail.com]
Sent: Wednesday, January 11, 2017 2:32 PM
To: Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc: planning; Anya Grahn; Bruce Erickson
Subject: Public Input - Rossie Hill Zoning Amendment (PL-16-03323)

Chairman and Commissioners,

My name is Diane Bernhardt. I am a resident at 630 Coalition View Ct and I represent the *Save Rossie Hill Historic Open Space Alliance*, an organization whose mission is to promote the creation of a long-range vision and action plan for the protection of the historic open space on Rossie Hill.

With this mission, our first goal is to advocate for and facilitate the protection of the open space and the historic miners' cabins which are located on BLM Parcel 18.

To that end, we created a petition representing our community's support for the preservation of the Rossie Hill Historic Open Space. Those supporting the petition declared that:

1. they support the restoration and preservation of the historic mining-era homes.

2. they support the preservation of the irreplaceable open space for future generations

3. they request the rezone of BLM parcel 18 to ensure the protection of this open space from new land development.

The response to the petition was extraordinary. First circulated on Thursday, August 11, six days later, it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Through the sensational support of the petition, our community has made **abundantly** clear that the preservation of this unique open space is **very** important.

We thank the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress toward the goal of protecting this prized open space. The HRL designation provides significantly more defense for the miner's cottages than the current zone, but still permits development that will overpower the quaint homes and take them out of their historical context. We support the approval of this zoning amendment in order to provide immediate, increased protection. However, we **also** respectfully request that the Commission recommend to Council that further protections are required to truly preserve this land, using tools such as: additional zoning changes, amendments to the general plan, strengthening of historic guidelines, or municipal acquisition of this land for the benefit of our community.

We respectfully request that the Commission forward a positive recommendation to City Council to approve the Zoning Map Amendment Request as recommended by staff with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape.

Thanks for the opportunity to provide input from the members of *Save Rossie Hill* and from the 359 community members signing the petition requesting the rezone and further protections.

Diane Bernhardt

http://saverossiehill.org

http://www.thepetitionsite.com/225/200/591/save-rossie-hill-historic-open-space-by-rezoning/

Francisco: We wouldn't be ready. Yeah.

Chair Strachan: I'm just wondering whether our agenda on February 8th is going to get backed up because we're lacking a meeting.

Commissioner Suesser: So lacking a meeting on the 25th?

Planner Francisco: And I'm not sure how effective we would be without seeing the update that's being proposed now for Presidents Day 2017. I don't know if---Bruce?

Shawn Ferrin: Do you want to continue to the 8th and we'll have a discussion with Staff about what's next on the agenda. And if we're back, great, and if we're not you can continue it again.

Chair Strachan: That sounds fair. Yeah, that sounds fair.

Shawn Ferrin: We can at least have it [inaudible].

Chair Strachan: Yeah, that's fine. All right. Motion to Continue then to February 8th.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to February 8th, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. <u>622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels, request for Zone Change from Residential Medium (RM) District to Historic Residential Low-Density (HRL) and Recreation Open Space (ROS) as well as from Estate (E) to ROS</u>. (Application PL-16-03323)

Planner Anya Grahn reported that this request was to rezone the BLM properties, as well as the three historic houses that are at approximately 622, 652, and 660 Rossi Hill Drive. Planner Grahn explained that they were talking about rezoning Parcels 1, 2 and 3 from RM to ROS.

Parcel #1 is owned by the City and provides the linkage between Rossi Hill Drive on to Deer Valley Drive. Parcel #2 is a portion of the Fox Glove Cottages PUD Subdivision. The PUD identifies all the common space as open space. Changing the zoning to ROS was not much different because it was already identified to remain open space. Parcel #4 is also owned by the BLM, and currently the parcels are zoned E for Estate. The density on Estate is one unit per three acres. Therefore, this parcel is not able to be developed because of the density requirement, and the Planning Department was suggesting changing it to ROS for Recreation Open Space.

Planner Grahn stated that Parcel #3 is partially owned by the City, and partially in a Title of Color litigation with the BLM by the Dennis family.

Planner Grahn showed what the map would look like if the proposed zoning change occurs. She pointed out the current zoning versus the proposed zoning. Planner Grahn remarked that it would blend with the HRL District, which is Historic Residential Low Density.

Planner Grahn noted that there have been questions about whether or not this zoning change would set a precedent. She stated that there are other cases where the zoning has a similar situation of creating a pocket of a different zone within a larger neighborhood. One example was the Library Field, which is designated as ROS. She also commented on an annexation parcel that was zoned Estate even though it was surrounded by Single Family and RD development. Another example was the rezone of the Sunnyside Subdivide. In that case the residents came forward with a request to change from RD to Single Family to eliminate the opportunity for nightly rentals. In doing so, it left a pocket of RD that could continue to be used as residential.

Planner Grahn had received public comments that was forwarded to the Planning Commission via email, and the Commissioner were also given hard copies of those comments as well.

Assistant City Attorney McLean explained that the standard the Planning Commission was looking at is whether it promotes the general welfare. It has to be a rationally based decision under State Case Law. The Commissioners need to balance their decision on good cause and the rationality behind it. The findings should be on whether or not this promotes the general welfare. Ms. McLean noted that the Planning

Commission has done zone changes, but not frequently. It is covered under Section 10-9A-801, which is the appeal section that talks about how those decisions are reviewed. The State Code states that the zoning promotes the purpose of the chapter being the Land Use Chapter. The Courts interpret it as for the general welfare.

Chair Strachan thought the direction from the City Council was unclear. Director Erickson stated that the Council's goal was three-fold. One was to bring the property more in compliance with the General Plan as the transition zone between the historic district and Deer Valley. Second was to provide a mechanism to restore the three houses. And third was to do the best possible to maximize the amount of open space on the property without removing property rights from the Color of Title action. Director Erickson remarked that the City Council had asked for a rigorous start towards those goals, and the Planning Department came up with low density zoning alternatives, including the RD zone, which is three units per acre. It would have effectively taken away most of the development rights. The HRL, which is the proposed solution, could yield as many as eight units, including restoration of the three houses. Director Erickson noted that there may be additional open space opportunities when the Color of Title action is complete.

Commissioner Joyce asked how the rezone helps with the transition from Historic Old Town to Deer Valley, when at least a quarter to a half mile on both sides is packed with condos. Director Erickson replied that the Staff position is that the rhythm and pattern is maintained by the protection of the three houses in that location, as well as the restoration and the provision of the open space on the hillside, which becomes a pocket park consistent with the Library Field, the City Park at the south end of Main Street, and Creekside Park. Director Erickson stated that it works very much like the undeveloped street rights-of-way in the Historic District. He explained that they could develop the site, but those three houses would not remain in the same existing historic agricultural context. A limited amount of development may achieve that goal, consistent with a few other historic houses on the other side of the street.

Chair Strachan opened the public hearing.

Robert Gurse stated that he and his wife are full-time residents of Park City at 654 Rossi Hill Drive, directly behind the BLM property. Mr. Gurse remarked that Park City's historic architecture is the most important factor that makes Park City Park City. He volunteers at the Park City Museum giving tours of Main Street in the summer. From personal experience, he knows that a lot of people come to Park City because of its history. Having preserved that history, Park City is able to stand out among other Mountain West resort town that little more than condominiums and high priced homes and tourist shops. Mr. Gurse stated that the mining era homes on Rossi Hill area a

unique remnant of Park City's history. He often sees tourists stop on the road to take pictures of these homes. He has also seen people set up an easel and paint pictures of the homes and their surroundings. Mr. Gurse believed these homes were historic treasures for Park City, not only because they are in nearly original form, but because they are probably the only remaining Park City historic homes in their original semi-rural setting. He stated that at one time small homes dotted the hills around Park City, often surrounded by gardens and small pastures. Most of those homes that remain have been completely engulfed by condominiums and other modern structures with no remnants of their original setting. Mr. Gurse believed it was essential for the City to take this opportunity to protect these rare vestiges of its history by preserving these historic homes and the surrounding open space. He thought the Planning Department had done a good job addressing this issue, and he applauded their efforts. The current proposal for HRL zoning for Parcel #3 containing the three historic homes is a major improvement over the existing zoning of RM, which would allow the entire parcel to become a huge condominium complex. However, according to the proposal by the Planning Department, even with the HRL zoning, up to five new homes for a total of eight could be built on this parcel based on the total acreage. The actual number of new structures would be limited by the location of the current homes and other factors, but the potential for five new homes on this land mostly likely behind the current homes is troublesome. It would take away much of the semi-rural setting that makes these homes so special. Mr. Gurse noted that the Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4, as a way to preserve the open space relative to the historic homes. He and his neighbors support that; however, additional steps should be made to protect the open space immediately surrounding these homes to the extent possible whether it is through rezoning or through strict enforcement of relevant historic guidelines. Mr. Gurse stated that the original Planning Department to the City Council on December 22nd divided Parcel #3 into two parts, with the southern portion as ROS. He asked the Planning Commission to at least consider drawing a similar line with the northern downhill portion of that parcel zoned HRL, and the southern uphill portions zoned ROS, along with Parcel #4 and Parcel 1 and 2. Such a division would better preserve both the historic homes and their unique original setting.

Bryce Panser, stated that he was an attorney representing Richard Dennis and his two daughters who own the three historic cabins. He has been involved with this since the initial meeting that Mr. Gurse mentioned. Mr. Panser stated that this came up in the context of an adjacent property seeking to establish a record lot for the Bertagnole cabin, which is in a Color of Title Action, which is similar to what the Dennis family has been involved in for the last ten years. He remarked that the neighbors were upset that anything would be done with this pristine area, which they have come to understand is a city park and believe it should be maintained as a park. As Mr. Gurse had indicated,

one of the proposals floated was to make much of the parcel that the Dennis' claim as ROS. Mr. Panser understood that the Planning Department examined this and ultimately concluded that the proposal that had been floated would make the remaining cabin properties non-complying, and would confiscate all possible development rights. It would make it uneconomical and unattractive for anyone to do anything with the cabins which have fallen into disrepair. When the Planning Department come up with the proposal of converting the parcel to HRL, his client thought it made sense. He wanted to see the cabins preserved and believe this proposal provided a mechanism for doing it. Mr. Panser pointed out that Richard Dennis was born in one of these cabins, and his family has owned the three cabins for the last 100 years or so. Mr. Panser remarked that what the neighbors suggested was a laudable goal, but if the City wants to preserve the land as a pocket park, they should purchase the property or acquire in some fashion, rather than restrict the development. Mr. Panser pointed out that this does not create a transition zone between Old Town and Deer Valley because of the existing development. However, in essence it is a compromise. It is a solution that his clients are agreeable to, and that fits with what they think the future development of this property should be.

Jeff Camp, a resident at 590 Coalition View Court, stated that he has lived adjacent to the BLM property for 25 years. He pointed out that no one ever raises the issue of animals. Having live there for 25 years he watches the animals over and over again. It used to be a corridor for the animals to go down and cross Deer Valley Drive and up into the open space in the Aerie. A wall has been built but the animals still squeeze through it. Mr. Camp noted that an elk herd used to come through there but he has not seen them in years since the two duplexes were built on the opposite side of Deer Valley Drive. Mr. Camp remarked that all the animals need water. The deer and moose are very prevalent on that land because it is the only place where they can get to the water. Walls of condominiums prevent them from getting to the Deer Valley ponds, and the creek runs underground at the intersection of Rossi Hill Road. Mr. Camp believed the issue was more about saving a place for the animals. He commended the City for wanting to zone the upper parts ROS, and he also liked the HRL zone for the Dennis parcel. However, he agreed with Mr. Gurse that the remainder of Parcel #3 should be ROS as well. He noted that in terms of the BLM, the use has always been ROS. Mr. Camp stated that the BLM is supposed to preserve open space, but now they were divesting their property. Mr. Camp has been in touch with the BLM for a number of years and watching their intentions for that property. He provided copies of a document he obtained from the BLM several years ago. When he first started living there the BLM land was one large parcel, but over time it was divided into smaller lots. Mr. Camp believed the Dennis family was claiming property rights to property that they do not own. They own the shacks that are on top of the ground, but they do not own the land. It is Color of Title. The Bertagnole family fought it 30 years and he suggested that the

Dennis family may fight it for another 10 years. Mr. Camp requested that the Planning Commission give the Dennis family the smaller parcel and let it be HRL, as proposed, and make the remainder of Parcel #3 ROS to protect the animals.

Diane Bernhardt, a resident at 630 Coalition View Court, stated that she represented the Save Rossi Hill Historic Open Space Alliance, whose mission is to promote the creation of a long range vision and action plan for the protection of the historic open space on Rossi Hill. The first goal of this mission is to advocate for and facilitate the protection of the open space and the historic miners' cabins located on BLM parcel 18. To that end, the organization created a petition representing community support for the preservation of the parcel. Those supporting the petition declared that: 1) they support the restoration and preservation of the historic mining era homes; 2) they support the preservation of the irreplaceable open space for future generations; 3) they request a rezone to ensure the protection of this open space from new land development. Ms. Bernhardt stated that the response to this petition was extraordinary. It was first circulated on August 11th, and six days later it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative, of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Ms. Bernhardt remarked that through the sensational support of the petition, the community has made it abundantly clear that preservation of this unique open space is very important. The Save Rossi Hill Historic Open Space Alliance thanked the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress towards the goal of protecting these remarkable acres. The HRL designation provides significantly more defense for the miners' cottages than the current zone, but still permits development that will overpower the quaint homes and remove them from their historical context. The organization supports the approval of the zoning amendment in order to provide immediate increased protection. However, the also respectfully requested that the Planning Commission recommend to the City Council that further protections are required to truly protect this land using tools such as additional zoning changes, amendments to the General Plan, strengthening of historic guidelines, or the municipal acquisition of this land for the benefit of the community. Ms. Bernhardt urged the Planning Commission to forward a positive recommendation to the City Council to approve the zoning map amendment request as proposed by Staff, with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape. She thanked the Commissioners for the opportunity to provide input from the members of Save Rossi Hill, and from the 359 petitioners calling for this rezone and for further protections.

Christina Schiebler, a resident at 638 Coalition View Court, agreed with her neighbors and the Rossi Hill Open Space Alliance.

Chair Strachan closed the public hearing.

Commissioner Phillips was pleased to see that the Dennis family was not wanting to maximize development. It is extremely important to preserve these old buildings, but in some ways it felt like they were downzoning to accomplish that goal. Commissioner Phillips was trying to see the other side as well, to make sure no mistakes were being made. He recalled that the Lilac Subdivision was approved by the Planning Commission, but he was unsure what happened with it at the City Council level.

Director Erickson reported that the plat was approved by the City Council and created one lot of record. Planner Grahn explained that when the City Council reviewed the Lilac Hill Subdivision, which is the burnt out house at 632 Deer Valley Loop, added conditions of approval included a requirement to provide 40% open space. Another condition was to make sure that any development on that site or any future subdivided parcels or lots created out of that site had to comply with the design guidelines. Planner Grahn noted that as discussed by the Planning Commission, any work to the historic house would have to comply with the guidelines; however, new construction on new lots would not have to comply because it is outside of the historic districts. Planner Grahn stated that the added condition of approval makes sure that work on the historic house, as well as any new development, must comply with the guidelines to help promote that historic character. She recalled that another added condition of approval talked about not blocking the view to the historic house so the hillside would maintain its existing look and feel. Planner Grahn remarked that those were the primary conditions for why the Planning Staff recommended the HRL. Even though that parcel would remain RM and would not be rezoned to HRL, the HRL zone carries over the design guidelines and some of the requirements that keep the historic context.

Commissioner Phillips stated that in reading the Staff report there was reference to 22 units, and then it talked about the amount of allowed units being based off of the square footage. He asked to what extent the Dennis family was informed of what they could actually do, as opposed to the actual number that could fit. Planner Grahn replied that the Staff did not look what could be allowed because they did not want to draw subdivision lines and try to estimate what the development could be. That was the reason for basing it off the square footage of the lot as a whole.

Commissioner Phillips favored the proposal because it would definitely help preserve the structures. However, if the Dennis family were to build other buildings on this site, he asked if the City would look at limiting the other buildings to be more consistent with the same mass and scale of the existing structures. Planner Grahn believed the design guidelines would dictate that. She pointed out that height requirements in the LMC stipulates a maximum height of 27'. Commissioner Phillips pointed out that 27' would

tower over the existing structures, and he asked if they could require a lower height or if it was a given based on the requirements. Planner Grahn did not believe it was a given; but when the building comes in with the Design Guidelines, the Staff would mitigate it at that point to make sure it would not overpower the historic buildings.

Commissioner Suesser asked if the Staff had considered isolating the three cottages to the HRL section, and keeping the remainder of Parcel 3 ROS. Planner Grahn replied that the Staff had looked at that, but the concern was that some development has to be allowed on the site in order to rehab the houses and make it financially feasible. The Staff also looked at the historic Sanborn maps from 1927 and at that time this hillside had ten small houses on it. It helped the Staff understand what should be built there and to keep that context. Commissioner Suesser understood that anything else built on Parcel 3 would have to comply with HRL guidelines. Planner Grahn replied that she was correct. It would have to comply with that section of the LMC in addition to the Design Guidelines.

Commissioner Joyce stated that he lives up the hill from this parcel and he looks at those structures every day. He wanted to see the structures preserved, but at the same time what they want cannot influence what they do. Commissioner Joyce was uncomfortable creating a little zoning island of one lot of one land owner; and at some level downzoning them. He was looking for good excuses as to why that was acceptable, but he thought the transitional reason was ludicrous. Commissioner pointed out that two feet from one of the historic houses, the City approved an 8,000 square foot duplex on one side and Foxpoint was on the other side. Commissioner Joyce was not in favor of micro-zoning. In his opinion, it was a bad use of the zoning tool and they should not make it a habit. He clarified that the only reason he would vote to support this was because the landowner supports it. He would recommend to the City Council that if they want to preserve these houses they should purchase them. If they want to make it a park, the City should buy it. Otherwise, if the landowner comes back wanting to build 27' houses, he would support their proposal because the zoning allows it and he believes it is reasonable. Commissioner Joyce reiterated that his original intent was to vote no on this proposal because he believes micro-zoning is wrong.

Commissioner Campbell agreed with Commissioner Joyce. He was opposed to what was clearly the downzoning of the other lot and he voted against it. He would have voted against this one as well. Commissioner Campbell was not sure the owner being in favor swayed him, but he backed Commissioner Joyce 100% that everyone gets great satisfaction out of seeing those structures as they drive up and down the road. The only way it will remain is if the City buys it. Commissioner Campbell suggested that the Planning Commission let the City Council know that they agree to approve this

request, but in return they would like the Council to look at purchasing the structures to preserve them.

Commissioner Band concurred with Commissioners Campbell and Joyce. Open space that is privately owned is not open space; it is privately owned land. She shared the sentiment that if the City wants it preserved they should purchase it. Commissioner Band believed this proposal was a great compromise, and that many of the neighbors shared her opinion. She personally favored spot zoning. It is a great tool if people are creative and she thought Park City should look at it in the future.

Assistant City Attorney McLean stated that spot zoning or micro-zoning does not exist in Utah. It is a matter of finding the right zone for a particular area. Zoning cannot be done only for economic reasons.

Commissioner Thimm concurred with the other Commissioners with respect to zoning. His decision was swayed by the historic structures. Commissioner Thimm did not believe that creating the non-contiguous zoning islands was a good practice and he thought they should be careful about doing that. He felt this proposal would create a district that is set up by the existing historic structures in trying to modulate the scale of what is occurring in that area. Creating open space by zoning towards the ROS would preserve that ground in an appropriate way. Commissioner Thimm supported the proposal.

Commissioner Phillips was in favor of a City purchase, but he would be uncomfortable changing the zoning before the purchase. He preferred to purchase first and then change the zoning. Commissioner Phillips stated that he still had some misgivings, but he was willing to support the proposal.

Director Erickson remarked that the effect of this particular zone change reduces trip generation on Deer Valley Drive from 22 units x 10 to 8 units x 10. He explained that doing the zoning to protect the context of these historic houses is much closer to form based code in saying that this is the character we want to preserve in this location for X, Y and Z reasons. Director Erickson stated that this was more than a strict downzone. It was a careful enactment of progressive non-Euclidian technics and growth management on Deer Valley Drive, and protection of the neighborhood values. When the Staff looked at this rezone proposal, the number one mission was to protect the houses.

Commissioner Campbell referred to Silver Star, the Rio Grande and similar places that were deteriorating but there were plans for preservation; however, a commercial piece behind it paid for the preservation. It was a model he would like to see and he was

certain that the City, the Planning Staff and the public could get behind it. Commissioner Campbell clarified that he did not believe that model would work in this case because no one would want additional commerce in that area. His intent was to make sure that commercial components are considered in places where it would work.

Director Erickson stated that the mechanism already exists for historic houses where commercial uses such as a café could occur. As lower Park Avenue redevelops, he anticipated one or two additional coffee shops in that zone.

Commissioner Campbell wanted it on the record that his vote would be in favor of anything that would keep the historic buildings from demolition by neglect. It is never the intent, but it does happen to many structures if rebuilding them does not make sense.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to approve the zoning map amendment request from RM to HRL and ROS at 622, 652 and 660 Rossi Hill Drive, and the BLM parcels, as well as additional zone changes from Estate to ROS for the BLM parcels above Rossi Hill, based on the Findings of Fact and Conclusions of Law as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact – Zoning Map Amendment</u>

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hill Drive and south of Coalition View Court.

2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).

3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.

4. This rezone also includes the northwestern half of the Foxglove Cottages PUD Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.

5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.

6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.

7. The access to the sites is from Rossie Hill Drive and Coalition Court.

8. The ROS District lists Conservation Activity as the only allowed use.

9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.

10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.

11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.

12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

<u>Conclusions of Law – Zoning Map Amendment</u>

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

September 20, 2020, 9:16 AM

I reside in the Sunnyside Subdivision located across Deer Valley Drive from the Lower Rossi Hill District. I am opposed to the proposed amendment to the Land Management Code that would allow nightly rentals in this district. The Sunnyside Homeowners Association has had a negative experience with nightly rentals and several years ago moved to change our zoning to prohibit nightly rentals in our subdivision. The problem has been the nuisance that nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals would produce in the Lower Rossi Hill area would negatively affect the residents of our subdivision because noise along Deer Valley Drive is magnified by the canyon that the street is located in. Furthermore Nightly Rentals will compound the traffic congestion at the entrance to our neighborhood where Sunnyside Dr. and Rossi Hill Drive intersect with Deer Valley Drive. This intersection is already congested and poses a danger for drivers entering and leaving our subdivision.

Thank you for your consideration of this matter.

Rick Anderson
634 Sunnyside Drive

September 20, 2020, 11:58 AM

My wife and I have lived on Mellow Mt. Rd. for sixteen years, and are long time Park City residents. We are opposed to the proposed rezone on Lower Rossi Hill which would allow nightly rentals.

Our Sunnyside neighborhood has a nightly rental house which has been a constant source of noise that often lasts well into the night. The police have been called to deal with disturbances many times. There are also nightly rentals on the sections of Deer Valley Drive and Deer Valley Loop that have been troublesome as well - large groups of people have rented these properties and the noise echoes across the canyon to our home. Rossi Hill nightly rentals would add to the disturbance.

Since the houses in question on Rossi Hill are directly across from our neighborhood, the noise from their inevitable late night parties will add to the nuisance level in the Sunnyside area, as well as several other neighborhoods within easy earshot of the parties.

The traffic from those houses will also increase, as will on-street parking issues.

We urge you to deny approval to the rezone in order to help keep all the neighborhoods in the area as quiet and safe as possible.
Thank you for you time and consideration.

Pete and Mary Larsen
670 Mellow Mt. Rd.

September 20, 2020, 2:15 PM

My husband, Mel Lavitt and I live in the Sunnyside Subdivision located across Deer Valley Drive from the Lower Rossi Hill District. We are adamantly opposed to the proposed amendment to the Land Management Code that would allow nightly rentals in this district. The Sunnyside Homeowners Association or years has had a negative experience with nightly rentals and therefore several years ago moved to change our zoning to prohibit nightly rentals in our subdivision. The problem has been the nuisance that nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals would produce in the Lower Rossi Hill area would negatively affect the residents of our subdivision because noise along Deer Valley Drive is magnified by the canyon that the street is located in. We have found that unfortunately nightly renters often don't take care of the homes they are in, indulging in loud parties, excessive use of fireworks on holidays and leaving unwanted trash in front of the homes they are occupying. Furthermore Nightly Rentals will compound the traffic congestion at the entrance to our neighborhood where Sunnyside Dr. and Rossi Hill Drive intersect with Deer Valley Drive. This intersection is already congested and poses a danger for drivers entering and leaving our subdivision. The major thoroughfare, Mellow Mountain Road, which already has been impacted by increased traffic will be affected, making what was once a pleasant neighborhood into a noisy and dangerous thoroughfare.

Thank you for your consideration of this matter.

Sincerely, Wendy Lavitt
630 Mellow Mt. Rd.
Park City, UT 84060

September 22, 2020, 8:09 AM

I write to oppose the proposed amendment to the Land Management Code that would allow nightly rentals in this district.

I reside in the Sunnyside Subdivision located across Deer Valley Drive from the Lower Rossi Hill District. The Sunnyside Homeowners Association has had a negative experience with nightly rentals and several years ago moved to change our zoning to prohibit nightly rentals in our subdivision. The problem has been the nuisance that nightly rentals cause with increased levels of noise and traffic as well as illegal parking. The noise factor that nightly rentals would produce in the Lower Rossi Hill area would negatively affect the residents of our subdivision because noise along Deer Valley Drive is magnified by the canyon that the street is located in. Furthermore Nightly Rentals will compound the traffic congestion at the entrance to our neighborhood where Sunnyside Dr. and Rossi Hill Drive intersect with Deer Valley Drive. This intersection is already congested and poses a danger for drivers entering and leaving our subdivision, particularly given the number of service and construction trucks entering and leaving our streets.

Thank you for taking into account my position.

Susan Himes
606 Mellow Mountain Road

September 22, 2020, 1:10 PM

Hello, Rebecca. I received today your notice to property owners dated September 9. In that notice, you requested input regarding nightly rentals in the Rossi Hill area of the historic residential low density zoning district on Rossi Hill Drive and Deer Valley Loop Road.

I live on McHenry Avenue and have since 2011. At present, McHenry and Rossi Hill Drive are both designated 1st Priority Roads for snow clearing and maintenance, and much of these roads are designated no-parking areas (some seasonal), yet cars are ALWAYS parked on these roads, thus preventing the city EVEN NOW from proper maintenance.

This is the case without the completion of entitled development, the sale of recently built homes, the development or use of the BLM property, or, worst of all, permitting the area to become a high density, high volume, multi-car occupied daily rental transient hotel community.

As for Deer Valley Loop Road, drive by there today in the COVID off-season and see what it looks like. Cars everywhere, passage often impossible, trash pickup frustrated, and more development in the works. Imagine this with nightly rentals, particularly in season, with multiple families in each unit (yes, this is so despite prohibitions that may limit occupancy numbers). Social distancing? Forget it. Fire? Better hope all sprinklers work.

Even a simple Planning Commission meeting has been found to present a “Substantial Health and Safety Risk,” thus warranting an online meeting. Similar Substantial Health and Safety Risks will be needlessly caused by changing the very nature and character of this Historical District into a crowded hotel/motel row.

We purchased in this area in reliance on the fact that in an historical district, and given other land use requirements in place, such daily rentals would NEVER be permitted. Every neighbor I have spoken with feels the same way, and several have also said they purchased in such a district specifically because NO NIGHTLY RENTALS were permitted. Requests for minor variances in this area are routinely denied when they affect an historic structure or impede in any way the view, ambience, access or other quality of life markers. Nightly rentals would NOT be a minor variance, it would be a change of life.

Basic city services, not to mention life safety concerns such as ambulance, police and fire, would suffer dramatically. The city will not be able to police the resulting increase in code violations and risk to public safety, particularly to the area’s people and property.

Despite this burden, there appears to be no consideration of the financial impact of this proposal in the Planning Commission Staff Report. I may be mistaken, but I thought it was required (and good practice) to include an evaluation of the fiscal impact of any council decision. In addition to the direct costs above, there will be indirect costs because of declining property values around any to-be-permitted mini-hotels.

The complaining property owner has not claimed any prior historical use as a nightly rental, or any other claimed entitlement or basis to justify a deviation from the Land Management Code.

I urge you, the Planning Commission and the Council to cease any consideration of permitting such a use. An error in a staff report has no force of law, unlike the Land Management Code that clearly prohibits such a use. Public safety and policy guide an easy decision, that is, to just say no.

Please contact me if I can provide any additional information, and I urge you to reach out to all McHenry and Rossi Hill Drive residents to guage the very high level of opposition to such a proposal.

Respectfully,
Tom Grady

[CONTINUED ON THE NEXT PAGE]

September 22, 2020, 6:56 PM

Dear Planning Commission:

I live on Coalition View Drive and am opposed to the proposed amendment to the Land Management Code that would allow nightly rentals in this district. The problem is the nuisance that nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals would produce in the Lower Rossi Hill area would negatively affect the residents of our neighborhood. Daily renters do not have the same respect for their neighbors and there are no repercussions for playing loud music, having parties, or packing multiple families into one rental unit.

Nightly rentals will also compound the traffic congestion on Rossi Hill by Deer Valley Drive. This area and intersection is already congested and poses a danger for drivers entering and leaving our neighborhood and for pedestrians going to the bus stop. Please help us protect our wonderful and quiet neighborhood and restrict nightly rentals.

Thank you for your consideration.

Jordan Pynes
645 Coalition View Drive

September 23, 2020, 8:30 AM

Hello Rebecca – My name is Kevin Barker and my wife and I live at 257 McHenry Ave. Last night a neighbor let me know that the planning commission is going to vote on a recommendation to allow nightly rentals on the lower section of Rossi Hill. I never received any notice on this planned vote so this is the first I have heard of it.

Rossi Hill is a small, narrow street that is very poorly maintained by the city and has numerous issues on the lower section with illegal parking. Residents living on Coalition View and McHenry have to deal with navigating around these cars and the bad street conditions every day.

The commissions plans will simply exacerbate the situation by adding additional traffic to the street.

In addition much of Park City is already zoned for and is full of houses offering nightly rentals. This results in properties that are fully occupied in peak season times and empty off-season. City officials often decry this exact situation and now you are looking to expand it. When my wife and made the decision to live full time in Park City we spent

days and days visiting pretty much every street in Old Town and made the decision to purchase our house on McHenry due to the fact that the residents on the whole live here full time.

I hope the commission will reconsider their plans.

Kevin Barker

September 23, 2020, 10:33 AM

Dear Planning Committee,

I am a full time resident at 650 Rossie Hill Dr. located just above the Lilac Hill East property (Tahoma). I have a question and also a concern about changing the zoning for "nightly rentals". If the property is zoned "no nightly rentals" why are you even considering changing this code? Lower Rossie Hill Dr. is already a parking lot for renters. Not sure where they all come from. Our building has 3 units. The middle unit is used for nightly rentals. Our experience is with 3 bedrooms it is often rented to 3 couples and they bring 3 vehicles. If a house has 4 bedrooms it will be rented to 4 couples with 4 vehicles. Despite Mr. Watanabe's statement regarding parking on the property most of the vehicles will be lined up on Rossie Hill drive. Around the hairpin turn (people already park there) and up the hill. While there are restrictions on parking in the winter they are rarely enforced. So, I am opposed to changing the code for Lilac Hill East.

Sincerely,

Linda Mason

September 23, 11:27 AM

Hi Rebbeca and all,

As long time residents of Mchenry Avenue we are not in favor of rezoning Lower Rossi Hill Historic Residential Low Density to allow nightly rentals.

How is it that zoning designations can be changed arbitrarily without regard as to the reason they were established in the first place.

I am sick to my stomach that this area was allowed to be developed at all. The three historic homes on lower Rossi Hill are basically the only true examples of Park City

history that remain. These homes should've been bought by the city and turned into museums like at McPoland farm. Or better yet maybe tiny homes for families. Or more open space and wildlife corridor in Old Town Park City.

We have hotels in Park city to accommodate nightly rentals, not neighborhoods! Developers and second homeowners want the designation to allow nightly rentals because it adds value to their property. This intern exacerbates affordability of single family homes in old town. Imagine that, affordable housing, the very thing you are trying to address every single every day.

Please say no to nightly rentals on Lower Rossi Hill Historic District!

Thank you or your consideration.
Matey and Morgan Hole
310 Mchenry Avenue

September 23, 2020, 1:21 PM

Rebecca...I had a discussion with my neighbor Morgan Hole this morning.

In the interest of time and after hearing Morgan's letter , I totally concur with the content.

We finally must begin to make adjustments as we are now living with the results of decisions that no longer work in our new congested Park City.

Kind regards,
Mary C. Wintzer
320 McHenry St.

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: 89 King Road
Application: PL-20-04573
Author: Brendan Conboy, Senior Planner
Date: January 13, 2021
Type of Item: Administrative – Nightly Rental Conditional Use Permit

Recommendation

Staff recommends that the Planning Commission review the proposed Nightly Rental Conditional Use Permit for 89 King Road in the Historic Residential – Low Density (HRL) District, conduct a Public Hearing, and consider approving the Nightly Rental Conditional Use Permit for 89 King Road according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined in this Staff Report.

Description

Applicant:	Julie and Tom Ponder
Location:	89 King Road
Zoning District:	Historic Residential – Low Density (HRL)
Adjacent Land Uses:	Residential
Reason for Review:	The Planning Commission reviews and approves Conditional Use Permit applications

Acronyms

HDDR	Historic District Design Review
HRL	Historic Residential – Low Density Zone
LMC	Land Management Code
MCPC	Municipal Code of Park City

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

Summary

The applicant is requesting a Nightly Rental Conditional Use Permit for 89 King Road, a newly constructed five-bedroom/seven-bathroom, 4,059 square foot Single-Family Dwelling. 89 King Road is located in the western Historic Residential – Low Density (HRL) Zoning District. The Land Management Code (LMC) requires that a homeowner secure a Conditional Use Permit in order to use a property within certain HRL boundaries for Nightly Rentals.

Background

The subject property is comprised of former Lots 26, 27, and 28, and a small portion of Lot 25, Block 76, of the Millsite Reservation Subdivision No. 1, Park City Survey. On April 5, 2018, the City Council enacted Ordinance No. 2018-13 to approve the 89 King Road Plat Amendment (Summit County Recorder Entry No. 1096852) combining the aforementioned lots into one 4,915 square foot lot of record, subject to Conditions of

Approval (Staff Report; Minutes, p. 9-10). The Conditions of Approval pertaining to the plat have since been met and the applicant recorded the plat on August 16, 2018.

On July 6, 2018, Planning Staff issued a Final Action Letter of approval for item PL-17-03711, Historic District Design Review (HDDR) for proposed new construction in the Historic District. On October 18, 2018, the City approved and issued Demolition and Building Permit BD-18-26067 to remove an existing non-historic structure located at 89 King Road and to construct a new Single-Family Dwelling containing 4,059 square feet of living space on a 1,784 square foot footprint. On November 04, 2020, the applicant was issued a Temporary Certificate of Occupancy for the new home, with final Certificate of Occupancy pending final inspection and approval by the Building, Planning, and Engineering Departments.

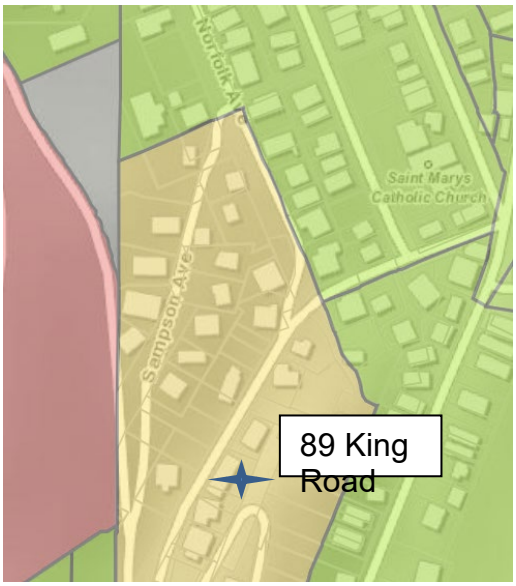
On June 25, 2020, the Applicant submitted a Conditional Use Permit application for Nightly Rental use. Staff deemed the application complete upon submittal, however action on the proposed item was delayed until City Council could complete a Work Session to review Nightly Rental management standards, noise and occupancy control, review criteria, and enforcement issues.

On July 9, 2020, the Planning Commission forwarded a positive recommendation for City Council's consideration to cap the number of Nightly Rentals in the western HRL area to 12 and to include additional Conditional Use Permit (CUP) criteria (Staff Report; Minutes, p. 32-37). On July 30, 2020, the City Council enacted Ordinance No. 2020-37 to adopt the amendments specific to the western HRL area (Staff Report; Audio). On Dec. 17, 2020, the City Council held a Work Session to review the aforementioned issues pertaining to Nightly Rentals and provided direction to staff. (Staff Report, Audio).

Analysis

The Land Management Code (LMC) requires a Conditional Use Permit in order to use a property within certain HRL boundaries for Nightly Rentals. The Land Management Code defines a Nightly Rental as "The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses" (LMC § 15-15.1). Nightly Rentals require a Conditional Use Permit in the HRL District for properties south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road, an area highlighted in yellow in the Park City Nightly Rental Zones map below (LMC § 15-2.1-2(B)(1)).

Figure 1. Park City Nightly Rental Zones Map – Yellow Indicates Nightly Rentals Require a Conditional Use Permit



The Nightly Rental Conditional Use Permit is subject to the following review criteria in the LMC:

- Per LMC § 15-2.1-2(B) Nightly Rental is an allowed Conditional Use in the HRL Zoning District with additional requirements beyond LMC § 15-1-10(E).
- Per LMC § 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

I. LMC § 15-2.1-3 Lot and Site Requirements
II. LMC § 15-1-10(E) Conditional Use Permit Review Criteria

(I) Staff recommends the Commission approve the 89 King Road Nightly Rental Conditional Use Permit because it complies with the HRL Zoning District Requirements outlined in LMC § 15-2.1

a. HRL Zoning Code Land Use Table

Zoning Requirement	Analysis of Proposal
Minimum Lot Area – 3,750 square feet	Lot contains 4,915 square feet.
Minimum Lot Width – 35 feet	Lot Width of 75 feet.
Lot Depth	60-70 feet
Maximum Building Footprint – 1,864 square feet	Actual Footprint – 1,784 square feet
Minimum Front Setback – 10 feet	10 feet
Minimum Rear Setback – 10 feet	10 feet
Minimum Side Setback – 5 feet / 18 feet total	14 feet north, 10 feet south / 24 feet total

b. The proposal complies with the HRL Zoning District Requirements for Nightly Rentals, as conditioned. Per LMC § 15-2.1-2 Conditional Uses: *No more than twelve (12) Conditional Use Permits shall be allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District. In addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items:*

   (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces;
   (b) all rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season;
   (c) all rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service; and
   (d) property management contact information shall be displayed in a prominent location inside the Nightly Rental.

There are currently 7 Conditional Use Permits (CUPs) issued for the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. Staff has included Conditions of Approval to address items (a) through (d) to ensure that the proposal complies with the requirements of LMC § 15-2.1-2.

(II) Staff recommends the Commission approve the 89 King Road Nightly Rental Conditional Use Permit because it complies with criteria outlined in LMC § 15-1-10(E).

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

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

a. Conditional Use Permit Criteria Analysis Table

CUP Review Criteria	Analysis of Proposal
1. Size and location of the site	**Size**: The LMC does not specify a maximum or minimum size for Nightly Rental properties or dwellings. 89 King Road is a five-bedroom/seven-bathroom Single-Family Dwelling located on a 0.11-acre parcel and complies with all Lot and Site Requirements for the HRL District including Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway standards. 15-2.1-3 and 15.2.1-7. The potential Nightly Rental occupancy is limited by the existing size and emergency escape and rescue opening standards of the International Residential Code. To complete the Nightly Rental Business License application process, the Building Department must complete an Inspection. The Building Department will determine a maximum occupancy to ensure that the appropriate Emergency escape and rescue openings are provided. **Location of the Site**: 89 King Road is located in an area identified in the Park City General Plan as a preferred area for Nightly Rentals because of its proximity to Park City Mountain Resort.[1] However, a Conditional Use Permit is required in this zoning district.
2. Traffic considerations including capacity of the existing Streets in the Area	**No unmitigated impacts**. 89 King Road is accessed by King Road. It is not anticipated that there would be a significant change in traffic generated for the property as a Nightly Rental compared to a Single-Family Dwelling. In addition, Conditions of Approval limit renter parking to the two garage spaces on-site.
3. Utility capacity	**No unmitigated impacts**. 89 King Road is approved as a private Single-Family Dwelling and all utilities are available on-site. If the Commission grants the Nightly Rental Conditional Use Permit, the Single-Family Dwelling will continue to be used as a residence with no change to utility capacity or storm water run-off.
4. Emergency vehicle access	**No unmitigated impacts**. A Nightly Rental Business License triggers a Building Department inspection of the Structure to ensure that all Building and Fire Code requirements are met prior to issuance of a Business License. A Nightly Rental Conditional Use Permit will not alter the required emergency vehicle access.
5. Location and amount of off-street parking	**No unmitigated impacts**. Nightly Rental parking requirements are the same as the parking requirements for the Single-Family Dwelling (up to the first six [6] bedrooms). LMC § 15-3-6(A). The LMC requires two (2) parking spaces per Single-Family Dwelling.

[1] General Plan, Vol. 1, p. 71, Objective 7C

	The existing house has parking for two cars in a garage. Staff has added a Condition of Approval limiting rental parking to two (2) vehicles which must park in the garage (no parking tandem in the driveway or on the street in the surrounding neighborhood). This is reflected in Condition of Approval 6. In general, tandem parking is allowed in this zone (LMC 15-2.1-7), however given that the site is subject to a 10 foot snow storage easement adjacent to King Road staff suggests the additional Condition of Approval.
6. Internal vehicular and pedestrian circulation system	**Vehicle Circulation:** King Road is a steep and narrow street. During weather-related road conditions access to 89 King Road may be limited and renters may need to park off-site in an approved overnight public parking lot and walk to the rental property. Staff has added Condition of Approval 9 requiring that the nightly rental lease inform prospective renters that access to the property during inclement weather may be limited and alternative parking off-site may be required. **Pedestrian Circulation:** 89 King Road is located within walking distance of Park City Mountain Resort, Old Town, Main Street, Transit Stops, Municipal Parking and bike trails.
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses	**No unmitigated impacts**. No changes to the site are proposed at this time. No changes to the approved exterior landscaping required for Final Certificate of Occupancy are part of this application.
8. Building mass, bulk, and orientation, and the location of Building on the Site, including orientation to Buildings on adjoining Lots	**No unmitigated impacts**. No change is proposed for the building mass, bulk, orientation, or location.
9. Usable Open Space	**No unmitigated impacts**. The proposed use does not change the site's Open Space and there is no additional requirement in the LMC.
10. Signs and lighting	**No unmitigated impacts**. No signs are proposed. The lighting must conform to Building and Land Management Code standards before a Nightly Rental Business License is granted.
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design,	**No unmitigated impacts**. The proposal is compatible with the surrounding Structures in mass, scale, style, design, and architectural detailing as the home was reviewed and approved for HDDR compliance.

and architectural detailing	
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site	**No unmitigated impacts**. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated beyond what is reasonably expected for a Single-Family Dwelling.
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas	**No unmitigated impacts**. No deliveries beyond what is reasonably expected for a Single-Family Dwelling are anticipated. Residential trash pickup for the property will be from King Road. Staff recommends a Condition of Approval requiring that trash receptacles be placed for trash pickup according to the Municipal Code of Park City, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied. This is reflected in Condition of Approval 7.
14. Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities	**No unmitigated impacts.** Nightly Rentals are required to have a license and be properly managed by a local representative including for snow removal, landscaping, routine upkeep, trash collection and noise and occupancy control (MCPC § 4-5-3).
15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site	**No unmitigated impacts.** No changes to the structure are proposed and no environmental site conditions are known to be present.
16. Reviewed for consistency with the	**Goal 7** of the General Plan, Life-Cycle Housing, is to create a diversity of primary housing opportunities to address the

goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding	changing needs of residents. Objective 7C is to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 89 King Road is within a walkable distance to Park City Mountain Resort with skiing access through Upper Norfolk Avenue. **Goal 9** of the General Plan, Parks & Recreation, is to continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9C is to optimize interconnectivity by utilizing bus/transportation services to recreation facilities. Staff has included a Condition of Approval that the applicant provides renters with detailed information regarding walkable access to skiing and to Park City's free transit service. This is reflected in Condition of Approval 9.

(III) The Applicant meets the standards of the 89 King Road Plat Amendment.
Per the 89 King Road Plat Amendment, a 10 foot wide public easement for snow storage exists along the entirety of the 75 foot King Road lot line frontage. The HRL Zone additional requirements for Nightly Rentals state that:

> *(a) All rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces.*

Staff has added Condition of Approval 6 limiting the vehicles allowed to the 2 on-site garage parking spaces to ensure that vehicles are not parked tandem within the snow storage easement area of the driveway.

(IV) The Development Review Committee did not identify any concerns with the proposed Conditional Use Permit.

Department Review
The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice
Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on December 30, 2020. Staff mailed courtesy notice to property owners within 300 feet on December 30, 2020. The *Park Record* published notice on December 30, 2020. LMC § 15-1-21.

Public Input
Staff has not received any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the 89 King Road Conditional Use Permit, as conditioned; or
- The Planning Commission may request additional information and continue the discussion to January 27, 2021; or
- The Planning Commission may deny the 89 King Road Conditional Use Permit.

Exhibits

Exhibit A: Applicant Statement
Exhibit B: Existing Conditions and Plans
Exhibit C: Regulation of Nightly Rentals
Exhibit D: Ordinance 2020-37 AN ORDINANCE AMENDING FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1) TO ESTABLISH ADDITIONAL CONDITIONAL USE PERMIT CRITERIA AND A CAP OF TWELVE NIGHTLY RENTALS IN THE WESTERN HISTORIC RESIDENTIAL – LOW DENSITY ZONING DISTRICT

Findings of Fact

1. The property is located at 89 King Road, Summit County in the Historic Residential-Low Density (HRL) District.
2. 89 King Road is a five-bedroom/seven-bathroom Single-Family Dwelling that is located on a 0.11-acre parcel.
3. 89 King Road is within walking distance to Park City Mountain Resort skiing and to Park City's free public transit.
4. The five-bedroom/seven-bathroom Single-Family Dwelling at 89 King Road is located within the area designated for Nightly Rentals in the HRL District, subject to a Conditional Use Permit.
5. On June 25, 2020, the owner of 89 King Road submitted an application to request Commission review and approve a Nightly Rental Conditional Use Permit.
6. There are currently nine (9) Nightly Rental Conditional Use Permits in the western HRL District. The Commission may approve up to twelve Nightly Rental Conditional Use Permits for Nightly Rentals in the western HRL Zoning District.
7. In addition to a Nightly Rental Conditional Use Permit, the owner must secure a Nightly Rental Business License to use the property as a Nightly Rental. The business license application process requires that the Building Department inspect the property to ensure that the property meets all applicable building and fire codes.
8. 89 King Road is a five bedroom house on a 0.11 acre site located within the potential Nightly Rental Conditional Use Permit zone and there are no unmitigated impacts from the site size and location.
9. King Road is a narrow and steep street and lease rental occupancy shall only allow two vehicles associated with a Nightly Rental on this lot. All nightly rental occupant parking shall be contained in the two-car garage or off-site public parking garage. This portion of King Road is steep and all-wheel drive vehicles

are required during winter months.

10. 89 King Road is approved as a private residence and use of the property as a Nightly Rental will not change utility capacity and storm water run-off.
11. A Nightly Rental Conditional Use Permit will not alter the required emergency vehicle access.
12. During weather-related road conditions, access to 89 King Road may be limited and renters may need to find parking off-site to walk to the property. Leases shall contain information on available municipal parking and all-wheel drive vehicles shall be required during winter months.
13. No fencing or landscaping changes are proposed at this time.
14. The building mass, bulk, orientation, and location will remain unchanged.
15. No signs or additional lighting are proposed to be installed.
16. No changes to the physical design of the house or site are proposed.
17. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated.
18. No deliveries beyond what are reasonably expected for a Single Family Dwelling are anticipated. Residential trash pickup for the property will be from King Road and subject to the Municipal Code of Park City § 6-1-11.
19. The property will be maintained by a professional property management company.
20. Use of 89 King Road as a Nightly Rental is in keeping with Objective 7C of Goal 7 to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 89 King Road is within a walkable distance to Park City Mountain Resort with access through Upper Norfolk Avenue.

Conclusions of Law

1. The proposed application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the Nightly Rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. The applicant must obtain and maintain a valid Nightly Rental Business License.
2. Compliance with all building and fire code standards is required as a condition precedent to issuance of a Nightly Rental Business License.
3. All existing and any new exterior lighting shall conform to the City's lighting requirements prior to the issuance of a Nightly Rental Business License.
4. No exterior commercial signs are approved as part of this Nightly Rental Conditional Use Permit. Any future signs on the property shall be subject to the Park City Sign Code.
5. This Nightly Rental Conditional Use Permit is approved for the five-bedroom/seven-bathroom Single-Family Dwelling. Any additions to the Structure that enlarge the Structure terminate this Conditional Use Permit and require a

new Conditional Use Permit that reflects the altered size of the Single-Family Dwelling.

6. All lease agreements for Nightly Rental shall include language that limits the vehicles allowed at 89 King Road to two (2) vehicles that must utilize on-site garage parking. No tandem parking in the driveway and no parking in the surrounding residential neighborhood by the rental occupants is permitted.
7. The property owner or a Property Management Company shall place trash receptacles for trash pickup according to the Municipal Code of Park City § 6-1-11, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:50 PM the day they are emptied.
8. Property management contact information shall be displayed in a prominent location inside the Nightly Rental.
9. All lease agreements for Nightly Rental shall include language indicating that during heavy snowfall or bad road conditions, access to the property may be limited and a list of municipal garages shall be provided. There may be times when renters need to park off-site in a public parking lot and walk to the property, and all-wheel drive vehicles are required during winter months.
10. The applicant must provide renters with detailed information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, to Park City's free transit service and to Park City Municipal Garages.
11. Nightly Rental of 89 King Road prohibits Commercial Uses such as hospitality houses, screening rooms, reception centers, etc.
12. The property owner or a professional property management company shall oversee the property and shall maintain the property and landscaping in a manner that shall comply with all City Code and Land Management Code standards.

June 22, 2020

To: Park City Planning Department

From: Julie and Tom Ponder

Re: 89 King Rd Conditional Use Permit Application for Nightly Rentals

We have been building our retirement home at 89 King Rd over the last 18 months with a CO anticipated August 2020. It is a 4100 SF 5 bedroom single family home. Due to Covid our retirement plans are postponed so we are applying for a CUP to allow nightly rentals, which will allow us the flexibility to use our home how we would like to use it, while making it available to other vacationing families when we are not occupying it.

In answer to the questions posed on the application:

- Nightly rentals fit in with the surrounding use as there have already been 7 such permits granted in our HRL zone, and many more nightly rental licenses where allowed by zoning in the adjacent old town streets. We would like to have the same use granted to us already given to our neighbors.
- The service this will provide Park City is that larger and newer family homes in town attract affluent vacationing families which will continue to bring much needed tourism as well as create future residents as people undoubtedly fall in love with Park City.
- The proposed use requires a CUP due to the HRL zone
- The proposed use is compatible with other uses in the same area as CUPs for nightly rentals have already been granted in the HRL zone.
- The proposed use is suitable for the proposed site as our home has a 2 car garage so allows for off street parking. The radiant driveway and entry stairs and other exterior areas will eliminate issues with snow storage.
- There will be no pollutants, odor, dust, noise etc with such use.
- Hours of operation and people employed is not applicable.
- There are no other special issues that need mitigating.

PONDER RESIDENCE

89 KING ROAD
PARK CITY, UT 84060
HISTORIC DISTRICT DESIGN REVIEW SET

CONSULTANTS

ARCHITECTURAL
JONATHAN DEGRAY
P.O. BOX 1674
614 MAIN STREET SUITE 302
PARK CITY, UTAH 84060
TEL. (435) 649-7263
FAX. (435) 649-7263
EMAIL: degrayarch@qwestoffice.net

LEGEND

BRICK & STONE
EARTH
CONCRETE
CONCRETE MASONRY UNIT
STEEL (LARGE SCALE)
RIGID INSULATION
ROUGH WOOD
BLOCKING
ALUMINUM (LARGE SCALE)
GRAVEL
FINISHED WOOD
BATT OR BLOWN INSULATION
PLASTER, SAND, GROUT, MORTAR
STEEL (SMALL SCALE)
BITUMINOUS PAVING
PLYWOOD
GYPSUM BOARD

OFFICE 103 — ROOM NAME & NUMBER
FLOOR, POINT ELEV.
CENTER LINE
ROUND, DIA.
CHANNEL
ANGLE
DETAIL (A / A1.1)
SECTION CUT, DETAIL (A / A1.1)
BUILDING SECTION (AA / A5.1)
KEYED NOTES (1)
WINDOW TYPE (A)
DOOR NUMBER (01)
REVISION (3)
INTERIOR WALL ELEV. (A4)
WALL TYPE (A)

CODE ANALYSIS

APPLICABLE CODES
2015 IRC 2015 IBC
2015 IPC 2015 IMC
2014 NEC 2015 IFGC
2015 IECC 2015 IFC

OCCUPANCY: R3

CONSTRUCTION TYPE: VB

BUILDING TO BE FIRE SPRINKLED: CONTRACTOR TO PROVIDE APPROVALS PRIOR TO INSTALLATION.

BACKFLOW PREVENTERS (3 TOTAL)
1. LAWN SPRINKLER SYSTEM
2. BOILER
3. FIRE SPRINKLER SYSTEM

AREA SQUARE FOOT CALCULATIONS

	EXISTING	NEW	TOTAL	REMODEL
LOWER LEVEL	-	702	-	-
THEATER LEVEL	-	492	-	-
ENTRY LEVEL	-	74	-	-
MAIN LEVEL	-	1159	-	-
BEDROOM LEVEL	-	551	-	-
UPPER LEVEL	-	525	-	-
MASTER LEVEL	-	551	-	-
TOTAL LIVING SPACE	-	4054	-	-
ALLOWABLE LIVING SPACE	-	-	-	-
GARAGE	-	549	-	-
FOOTPRINT	-	1784	-	-
ALLOWABLE FOOTPRINT	-	1864	-	-
LOT AREA		4915		
LOD FENCE		4915		
DISTURBED AREA		2001		

INDEX TO DRAWINGS

#	SHEET #	SHEET DESCRIPTION
1	Aa	COVER SHEET
		SURVEY
2	1 OF 1	RECORD OF SURVEY AND TOPOGRAPHIC MAP
		ARCHITECTURAL
3	AB1.1	EXISTING CONDITION SITE PLAN, MAIN LEVEL FLOOR PLAN & PHOTOS
4	A0.1	PROPOSED SITE PLAN
5	A0.2	LIMITS OF DISTURBANCE & STORM WATER POLLUTION PREVENTION PLAN
6	A0.3	LANDSCAPE PLAN
7	A1.1	LOWER LEVEL, & THEATER LEVEL FLOOR PLAN
8	A1.2	ENTRY LEVEL, MAIN LEVEL, & BEDROOM LEVEL FLOOR PLAN
9	A1.3	UPPER LEVEL, & MASTER LEVEL FLOOR PLAN
10	A1.4	ROOF LEVEL PLAN
11	A2.0	EXTERIOR ELEVATIONS - WEST, & NORTH
12	A2.1	EXTERIOR ELEVATIONS - EAST & SOUTH
13	A3.0	BUILDING SECTIONS
14	A5.1	ARCHITECTURAL DETAILS
15	A5.1	ARCHITECTURAL DETAILS
16	A3.1	DOOR, WINDOW, AND ROOM SCHEDULES

ABBREVIATIONS

A/C	AIR CONDITIONING	F.D.	FLOOR DRAIN	PR.	PAIR
ACOUST.	ACOUSTICAL	FND	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDENDUM	FIN.	FINISH	REG.	REGULAR
ADJ.	ADJUSTABLE	FLR.	FLOOR	R.S.	ROUGH-SAWN
ALLOW.	ALLOWANCE	F.R.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	REINF.	REINFORCING
APPROX.	APPROXIMATE	G	GAS	REQ'D.	REQUIRED
B.D.	BOARD	G.I.	GALVANIZED IRON	REV.	REVISED
B.U.	BUILT-UP	GA.	GAUGE	RM.	ROOM
B.W.	BOTH WAYS	GALV.	GALVANIZED	R.O.	ROUGH OPENING
BLDG.	BUILDING	GRD.	GRADE	S & R	SHELF AND ROD
BLK.	BLOCK	G.W.B.	GYPSUM WALL BOARD	S.C.	SOLID CORE
BRK.	BRICK	G.L.B.	GLU-LAM BEAM	SCHED.	SCHEDULE
C.I.	CAST IRON	H.B.	HOSE BIBB	SHT.	SHEET
C.J.	CONTROL JOINT	HD.	HEAD	SIM.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	H.M.	HOLLOW METAL	SPEC.	SPECIFICATION
CLG.	CEILING	HOR.	HORIZONTAL	STD.	STANDARD
COL.	COLUMN	I.D.	INSIDE DIAMETER	STL.	STEEL
COMP.	COMPACTED/COMPOSITE	INT.	INTERIOR	STRUCT.	STRUCTURAL
CONC.	CONCRETE	IRRIG.	IRRIGATION	SYS.	SYSTEM
CONST.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	JB.	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	JNT.	JOINT	T.O.	TOP OF
D.F.	DRINKING FOUNTAIN/DOUGLAS FIR	M.R.	MOISTURE RESISTANT	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	MANF'R	MANUFACTURER	T.O.W.	TOP OF WALL
DIM.	DIMENSION	MAX.	MAXIMUM	TYP.	TYPICAL
DN.	DOWN	MECH.	MECHANICAL	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	MIN.	MINIMUM	U.N.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	(N)	NEW	VERT.	VERTICAL
EA.	EACH	N.I.C.	NOT IN CONTRACT	V.T.R.	VENT THRU ROOF
E.F.	EXHAUST FAN	N.T.S.	NOT TO SCALE	W.	WATER
E.I.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NUMBER	WD.	WOOD
E.J.	EXPANSION JOINT	O.C.	ON CENTER	W/	WITH
ELEC.	ELECTRICE/LECTRICAL	O.D.	OUTSIDE DIAMETER	WP.	WATERPROOF
ELEV.	ELEVATION	OF.D.	OVERFLOW DRAIN	W.R.	WATER RESISTANT
EQ.	EQUAL	OPN'G	OPENING	W.H.	WATER HEATER
E.T.	EXPANSION TANK	PLYWD.	PLYWOOD	W.S.	WATER SOFTENER
EXIST. (E)	EXISTING	PNT.	PAINT	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR	PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

1. THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.

2. THESE SHEETS - LISTED BY DRAWING INDEX , ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.

3. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.

4. ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.

5. IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.

6. ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.

7. ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.

8. BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2015 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.

9. ALL 2/5 lb. GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.

10. ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11

RECEIVED
JUN 2 5 2020
PARK CITY
PLANNING DEPT.

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degrayarch@qwestoffice.net

PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

SHEET DESCRIPTION:
COVER SHEET

REVISIONS:

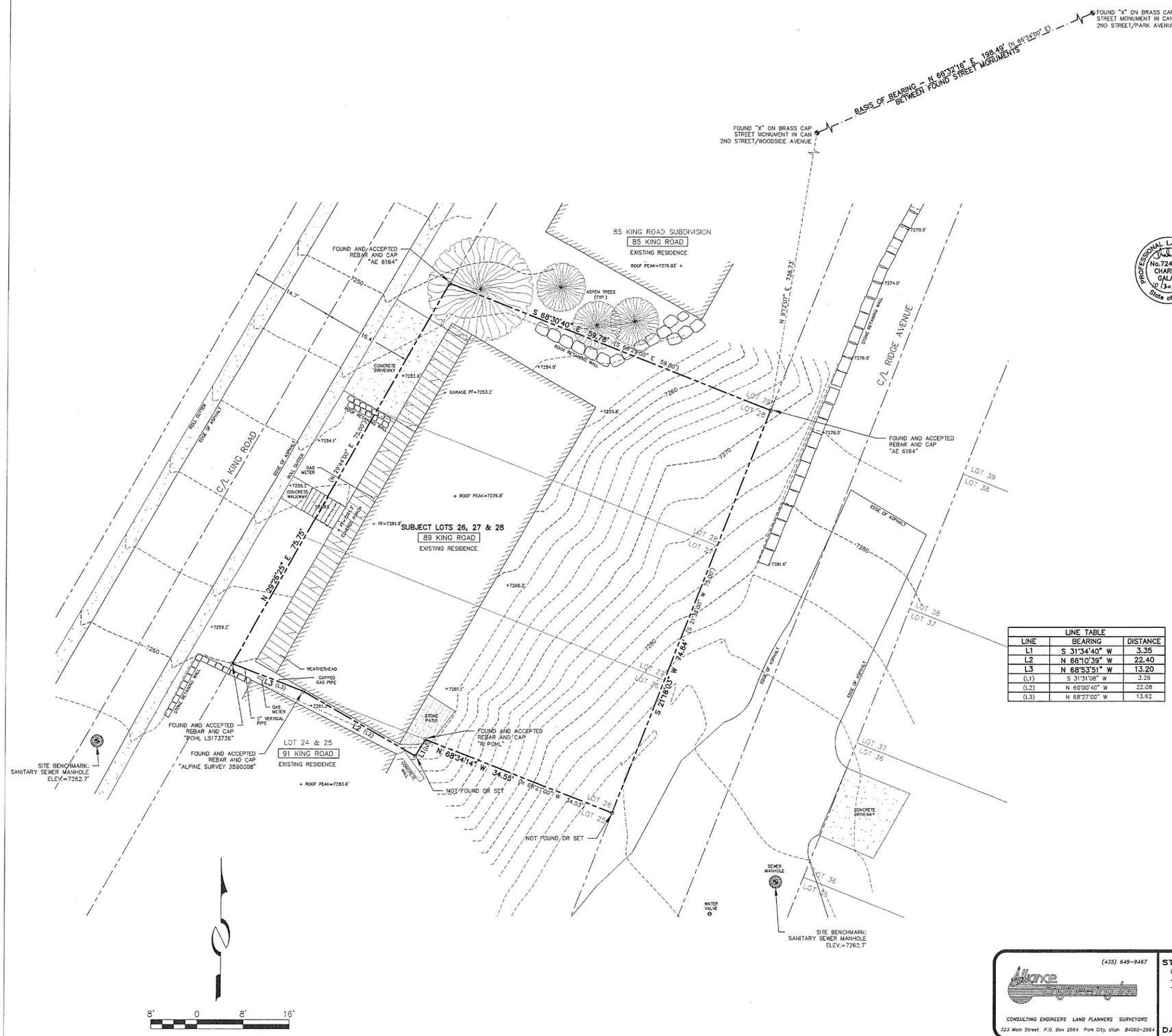
DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: Aa

89 KING ROAD
LOT 26, 27 & 28
MILLSITE RESERVATION No. 1

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



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 31°34'40" W	3.35
L2	N 66°10'39" W	22.40
L3	N 68°53'51" W	13.20
(L1)	S 31°31'08" W	3.29
(L2)	N 60°00'40" W	22.08
(L3)	N 68°27'00" W	13.52

PROFESSIONAL LAND SURVEYOR No.7248891 CHARLES GALATI 10/30/2017 State of Utah

SURVEYOR'S CERTIFICATE

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

LEGAL DESCRIPTION

Lots 26, 27 and 28, Block 76, Millsite Reservation Subdivision No. 1, Park City Survey, Summit County, Utah, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Also:

Beginning at a point south 68°27' East 13.62 feet from the northwest corner of Lot 25, Block 76 Millsite Reservation to Park City, and running thence south 68°27' east 16.04 feet; thence south 29°59'20" west 2.35 feet; thence north 60°00'40" west 15.87 feet to the point of beginning.

Also:

Beginning at a point that is north 68°27'00" west 34.53 feet from the northeast property corner of Lot 25, Block 76 of the Millsite Reservation Park City, Utah, to the point of beginning; thence 68°27'00" west a distance of 6.20 feet more or less to a point at a corner on the north line of a warranty deed 415–23; thence south 29°59'20" west a distance of 1.30 feet; thence south 58°28'52" east a distance of 6.07 feet; thence north 31°31'08" east a distance of 2.37 feet to the point of beginning.

Contains 4,915 SQ. FT.

NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was completed October 30, 2017, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to locate and monument the boundary in addition to performing an Existing Conditions and Topography survey for the possibility of improvements to the property.
4. A Title Report was not provided to the surveyor and only easements and setbacks per subdivision plat were located as part of this survey. This owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. Recorded deeds, 85 King Road Subdivision Plat, Amended Park City Survey, Millsite Reservation No. 1 Park City Survey, recorded surveys S–2589, S–6384 all on file and of record in the Summit County Recorder's Office and physical evidence found in the field were all used to determine the boundary as shown on this plat.
6. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
7. Property corners were found as shown.
8. Record bearing and distances when different than measured are in parenthesis ( ). Record bearing and distances shown are from aforementioned documents.
9. Site Benchmark: Sanitary Sewer Manhole Lid Elevation=7262.7' as shown.

LEGEND

- Found Monument (As–Noted)
- Found Street Monument (As–Noted)

RECEIVED
JUN 25 2020
PARK CITY PLANNING DEPT.

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

STAFF: CHARLES GALATI, JUAN CARRASCO, JASON WYNNE

DATE: 10/30/17

EXISTING CONDITIONS & TOPOGRAPHIC MAP
89 KING ROAD
PARK CITY, UTAH

FOR: JULIE PONDER
JOB NO.: 10–13–17
FILE: X:\ParkCitySurvey\dwg\srv\srvy2017\121017\89 King Rd ROS.dwg

SHEET 1 OF 1

LOOKING EAST FROM SAMPSON AVENUE

FRONT ELEVATION - 4

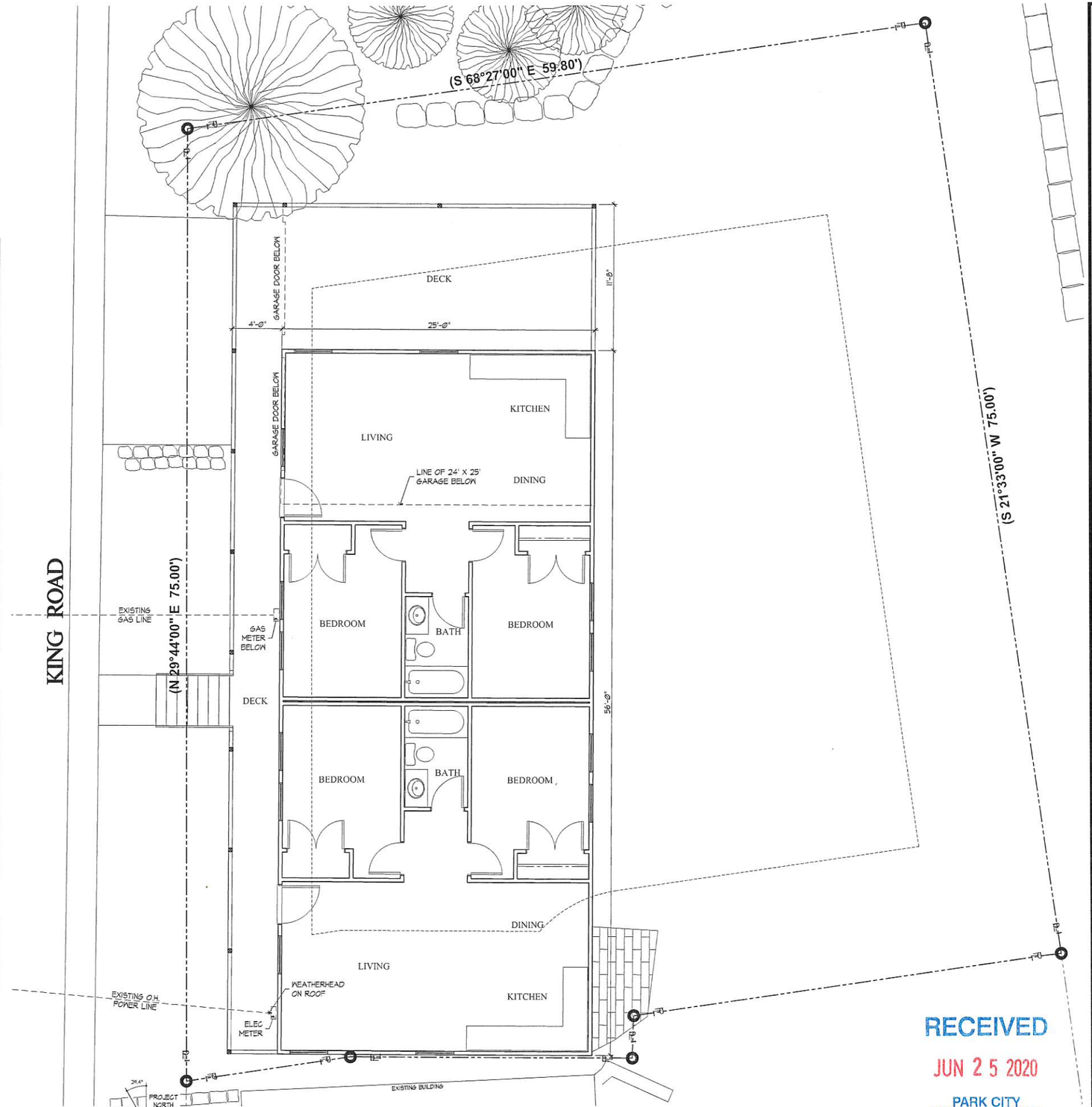
FRONT ELEVATION - 3

FRONT ELEVATION - 2

FRONT ELEVATION - 1

NORTHWEST CORNER FROM KING ROAD

SOUTHWEST CORNER FROM KING ROAD



1 EXISTING CONDITION SITE PLAN & MAIN LEVEL FLOOR PLAN
1/4" = 1'-0"

RECEIVED
JUN 25 2020
PARK CITY PLANNING DEPT.

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degrayarch@cwestoffice.net

PROJECT DESCRIPTION: PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

SHEET DESCRIPTION: EXISTING CONDITION SITE PLAN, MAIN LEVEL FLOOR PLAN & PHOTOS

REVISIONS:

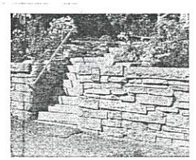
DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: AB1.1

NORTH PROJECT NORTH

2 **AERIAL VIEW**
1"= 100'



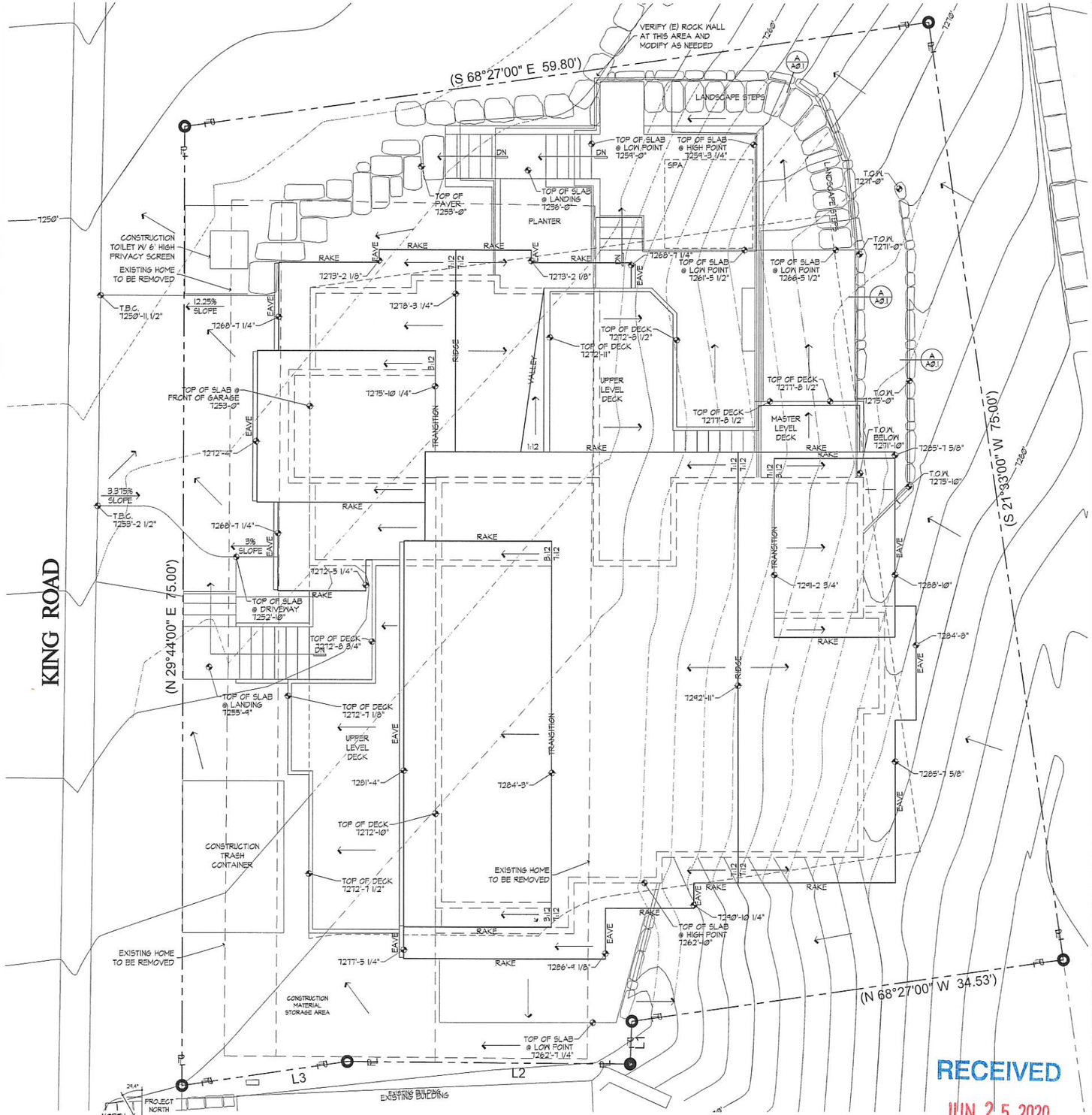
Squared Rubble
A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.

NOT TO EXCEED 4'-0" IN HEIGHT

A **STACKED STONE RETAINING WALL**
NO SCALE

DRAINAGE NOTE:
SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN APPROVED DRAINAGE COURSE BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FT.
IRC R401.3

SYMBOL LEGEND	
→	INDICATES SURFACE DRAINAGE
— · 7250 · —	EXISTING GRADE
—— 7250 ——	PROPOSED GRADE



1 **PROPOSED SITE PLAN**
1/4" = 1'-0"

RECEIVED
JUN 25 2020
PARK CITY PLANNING DEPT.

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7283, E-mail: degrayarch@qwestoffice.net

PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

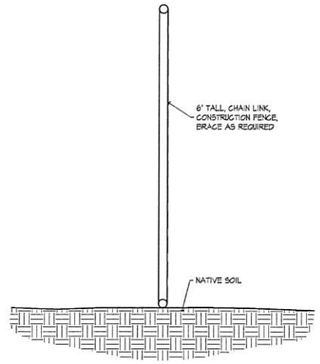
SHEET DESCRIPTION:
PROPOSED SITE PLAN

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A0.1



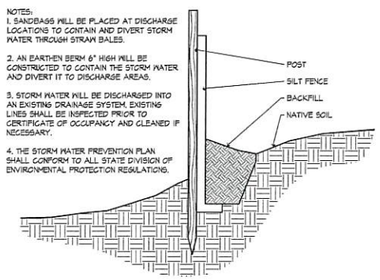
B CONSTRUCTION FENCE SECTION
NO SCALE

NOTES:
1. SANDBAGS WILL BE PLACED AT DISCHARGE LOCATIONS TO CONTAIN AND DIVERT STORM WATER THROUGH STRAW BALES.

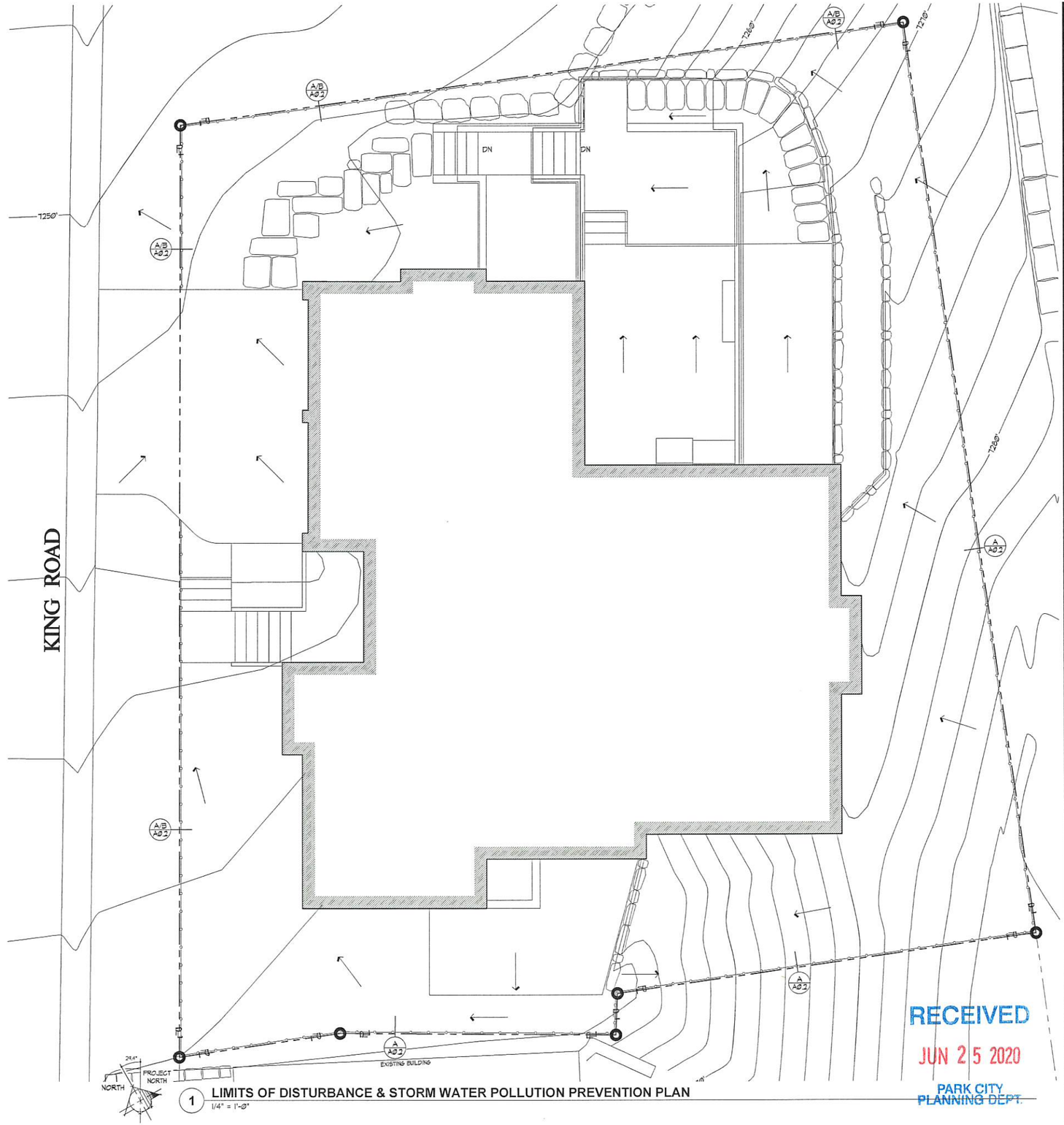
2. AN EARTHEN BERM 6" HIGH WILL BE CONSTRUCTED TO CONTAIN THE STORM WATER AND DIVERT IT TO DISCHARGE AREAS.

3. STORM WATER WILL BE DISCHARGED INTO AN EXISTING DRAINAGE SYSTEM. EXISTING LINES SHALL BE INSPECTED PRIOR TO CERTIFICATE OF OCCUPANCY AND CLEANED IF NECESSARY.

4. THE STORM WATER PREVENTION PLAN SHALL CONFORM TO ALL STATE DIVISION OF ENVIRONMENTAL PROTECTION REGULATIONS.



A SILT FENCE SECTION
NO SCALE



1 LIMITS OF DISTURBANCE & STORM WATER POLLUTION PREVENTION PLAN
1/4" = 1'-0"

DRAINAGE NOTE:
SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN APPROVED DRAINAGE COURSE BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FT.
IRC R401.3

SYMBOL LEGEND	
→	INDICATES SURFACE DRAINAGE
— — · 7250 · — —	EXISTING GRADE
—— 7250 ——	PROPOSED GRADE
—o—o—o—	PROPOSED GRADE

RECEIVED
JUN 25 2020
PARK CITY
PLANNING DEPT.

Jonathan DeGray
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PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

SHEET DESCRIPTION:
LIMITS OF DISTURBANCE & STORM WATER POLLUTION PREVENTION PLAN

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A0.2

PLANT SCHEDULE

SYMBOL	KEY	QUANITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
DECIDUOUS TREES							
	A	7	Colorado Blue Spruce	Picea pungens	3" Dia.	6'-10'	6' - 8' tall
	B	20	Aspen	Populus tremuloides	3" Dia.	6'-10'	
SHRUBS							
	C	45	Red twig dogwood	Cornus sericea "baileyi"	5 Gal.		Spacing as noted on plan
PERENIAL PLANTS							
	D	10	Bluebells	Campanula	1 Gal.	12"-18"	Distribute Equally
	E	10	Columbine	Aquilegia Caerulea	1 Gal.	12"-18"	Distribute Equally
	F	10	Trailing Daisy	Erigeron Flagillaris	1 Gal.	12"-18"	Distribute Equally
	G	10	Blanket Flower	Gaillardia Aristata	1 Gal.	12"-18"	Distribute Equally
OTHER							
	H	970 S/F	Wood Chips		Small		3" Thick Layer
	J	961 S/F	Native Grass Seed Mix		1 lb/1500	Hydroseed	See seed mix below
	K	362 S/F	Drought Tolerant Fescue	Sheep Fescue			

NATIVE GRASS SEED MIX

The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs./ acre on the following percentages: 20% Crested Wheatgrass, 16% Streambank Wheatgrass, 20% Pubescent Wheatgrass, 15* Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.

* In addition, add 10 lbs./ acre each of Linum lewisii and Penstemon Eatonii with native grass seed mixture.

PLANTING NOTES

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.

2. AUTOMATIC IRRIGATION IS REQUIRED, PROVIDE SHOP DRAWINGS FOR APPROVAL.

3. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMAN'S STANDARD SPECIFICATIONS.

4. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.

5. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.

6. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.

7. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.

8. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.

9. SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.

10. ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.

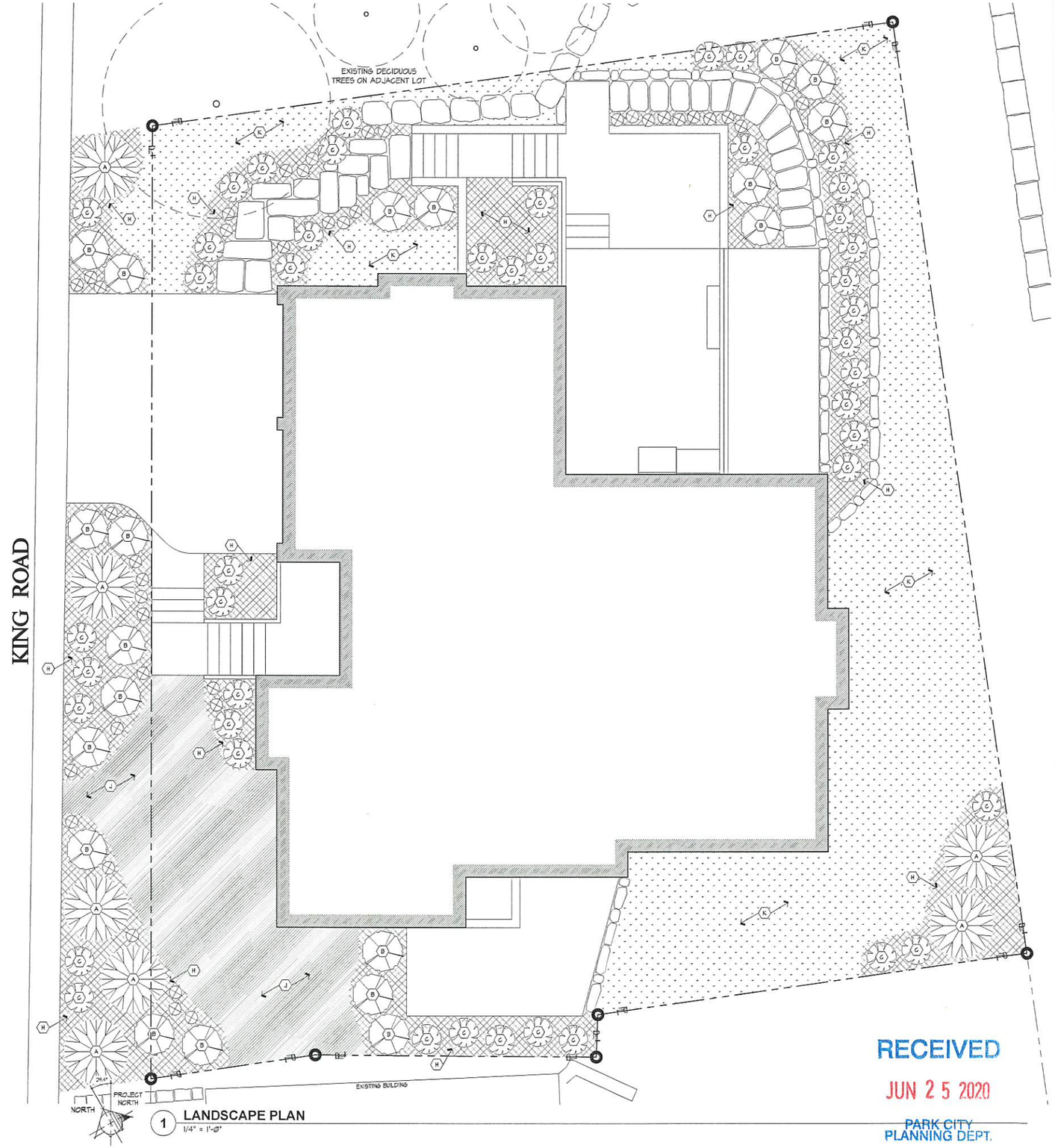
11. SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING. IT SHALL SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.

12. ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.

13. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF OF PLANTING AND PROPERLY DISCARDED.

14. NO BARE ROOT STOCK SHALL BE USED.

15. FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.



1 LANDSCAPE PLAN
1/4" = 1'-0"

RECEIVED
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PARK CITY PLANNING DEPT.

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PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

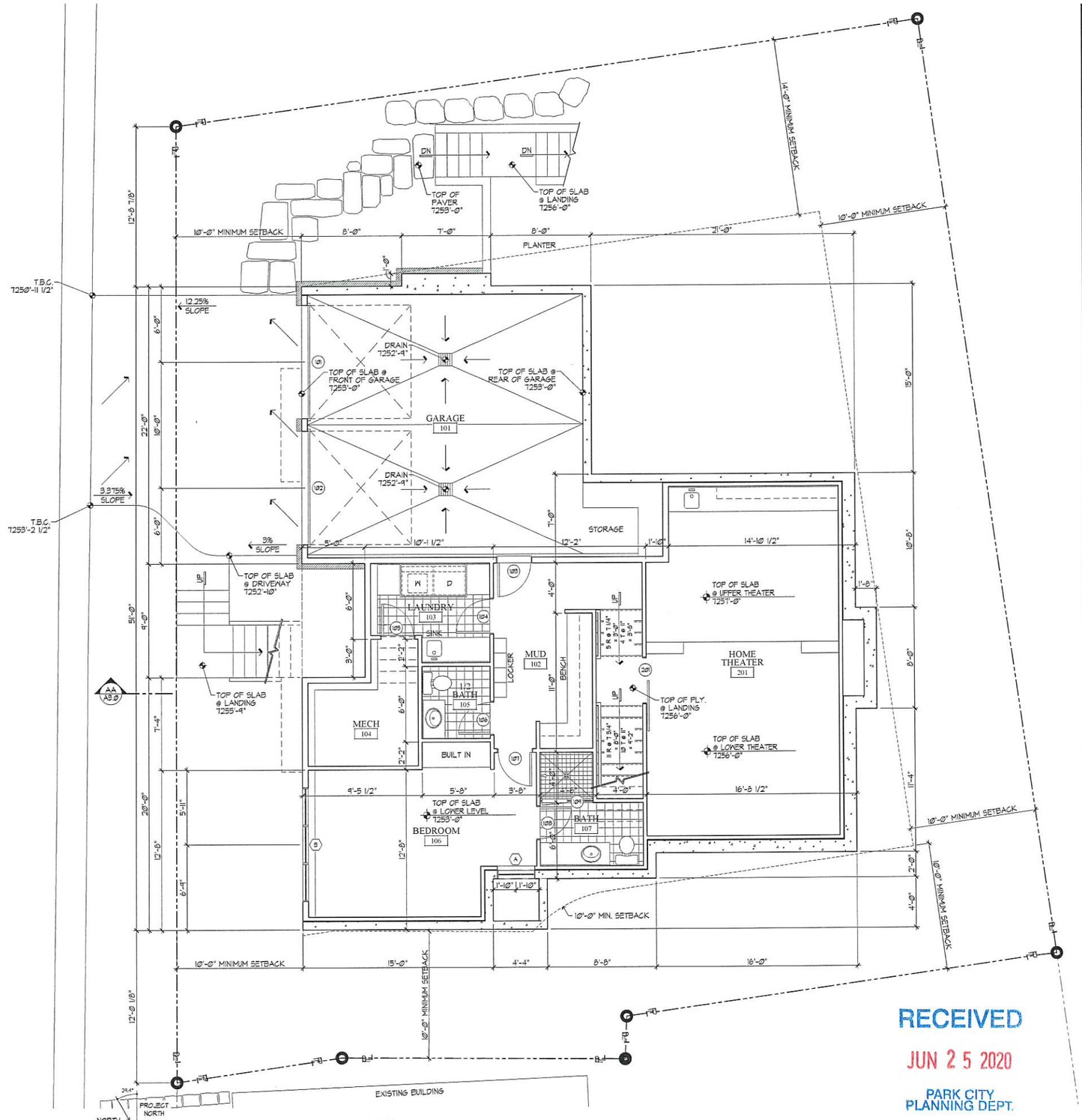
SHEET DESCRIPTION:
LANDSCAPE PLAN

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A0.3



1 LOWER LEVEL FLOOR PLAN
1/4" = 1'-0"

GARAGE - 544 SQ. FT., LOWER LEVEL 702 SQ. FT., THEATER LEVEL 442 SQ. FT.

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PROJECT DESCRIPTION: PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

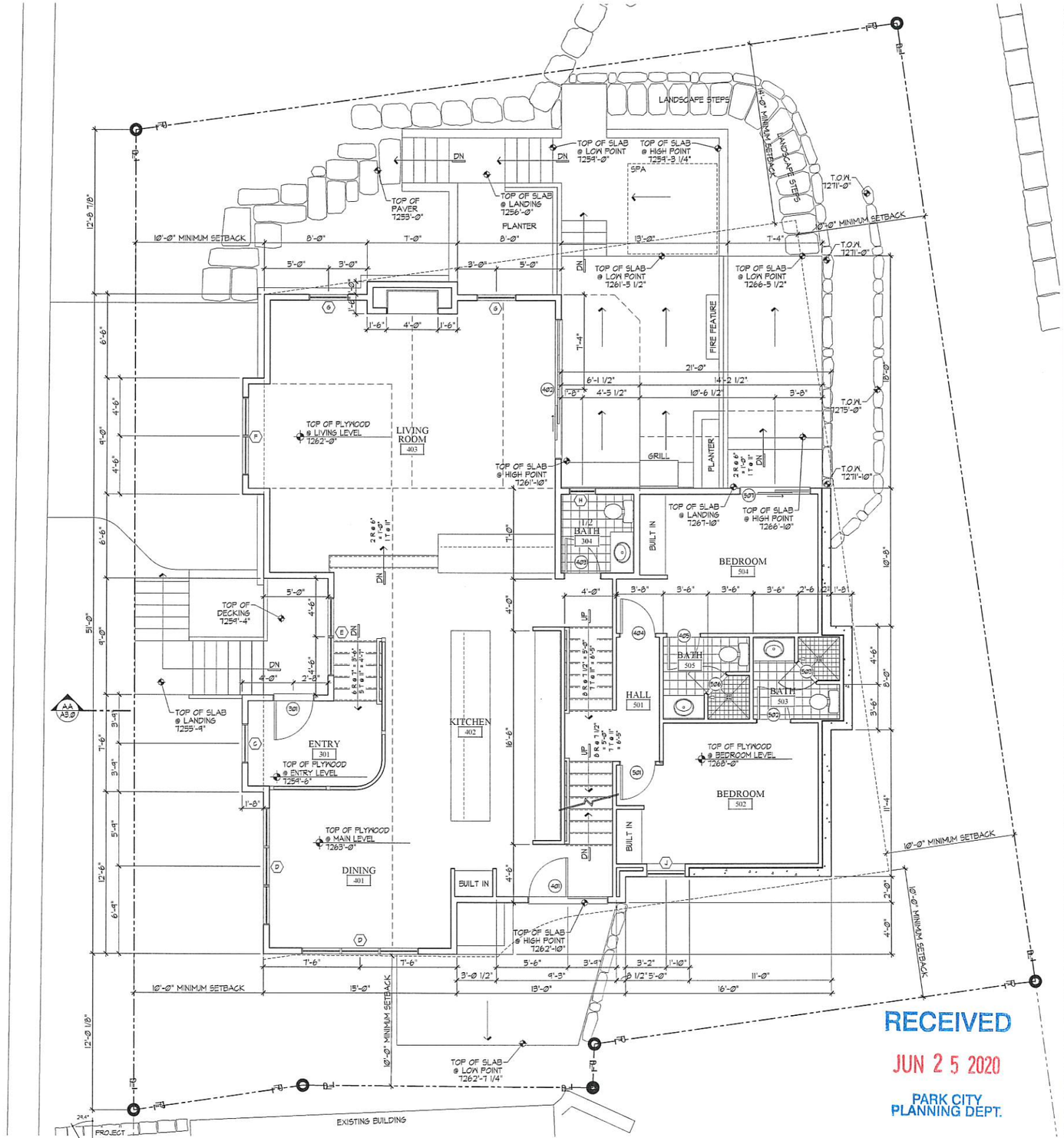
SHEET DESCRIPTION: LOWER LEVEL & THEATER LEVEL FLOOR PLAN

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A1.1



1 ENTRY LEVEL, MAIN LEVEL, & BEDROOM LEVEL FLOOR PLAN
1/4" = 1'-0"

ENTRY LEVEL - 74 SQ. FT., MAIN LEVEL - 1158 SQ. FT., BEDROOM LEVEL 551 SQ. FT.

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PROJECT DESCRIPTION: PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

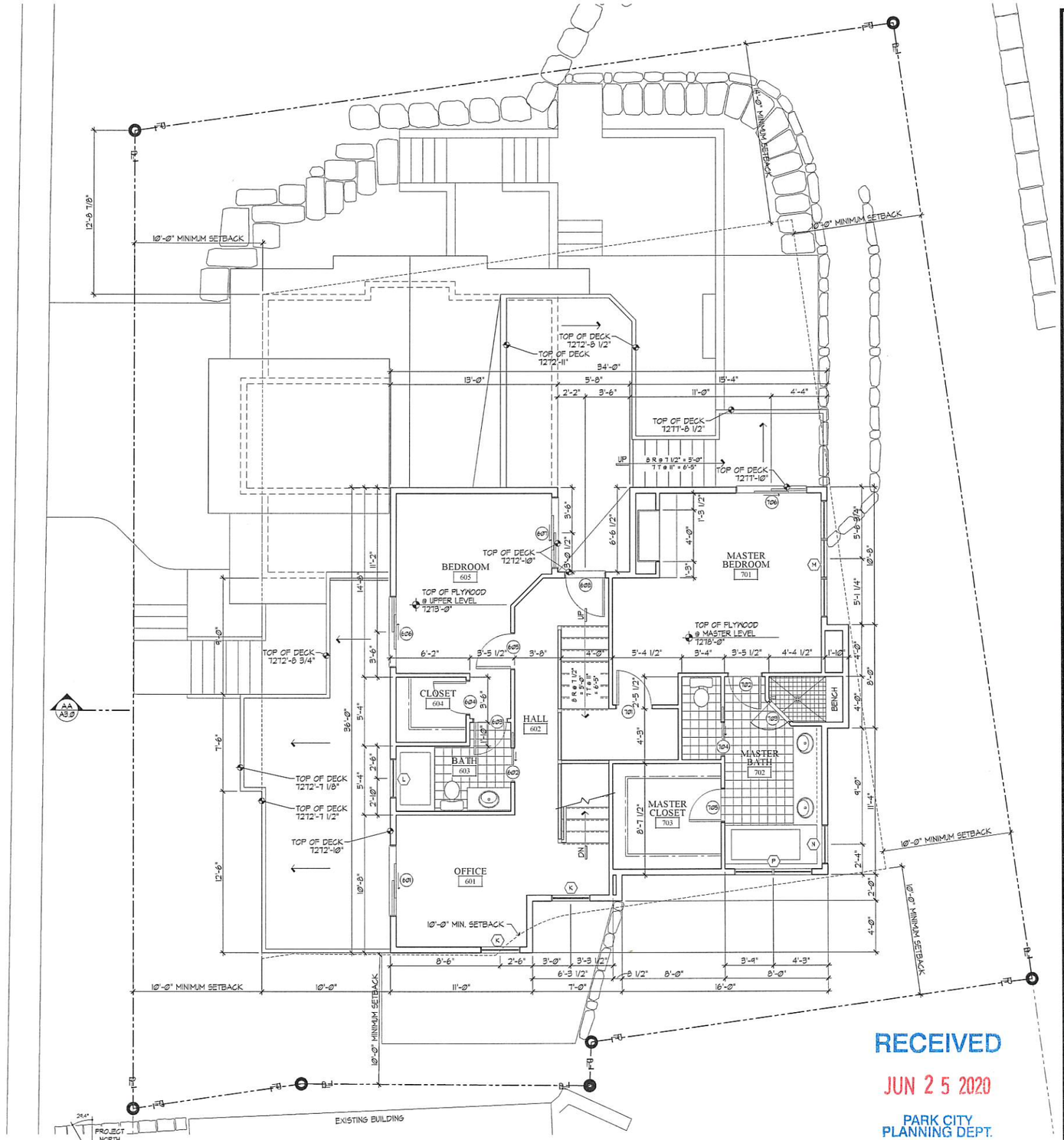
SHEET DESCRIPTION: ENTRY LEVEL, MAIN LEVEL, & BEDROOM LEVEL FLOOR PLAN

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A1.2



1 UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"

UPPER LEVEL - 525 SQ.FT., MASTER LEVEL 551 SQ. FT.

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PARK CITY PLANNING DEPT.

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PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

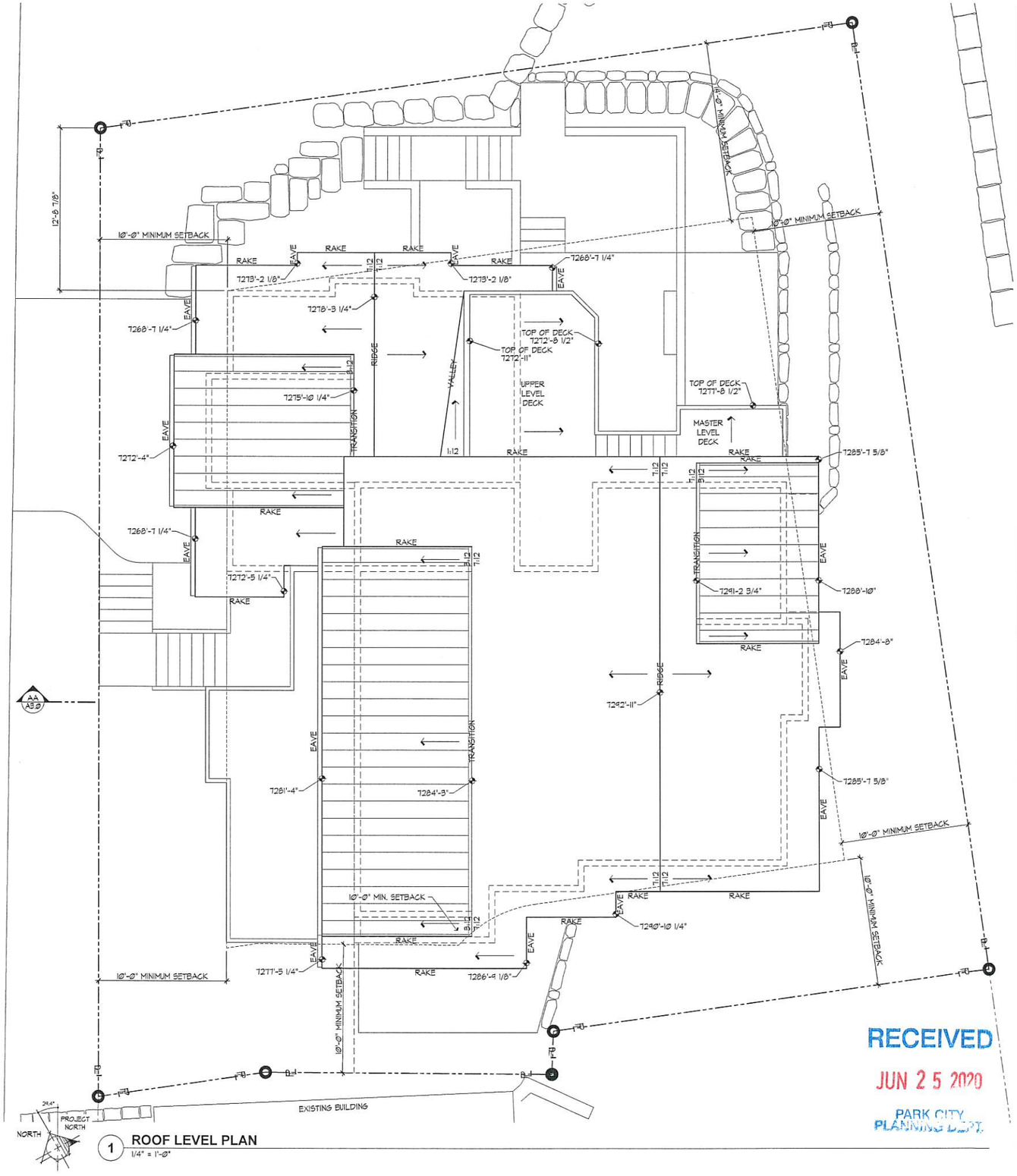
SHEET DESCRIPTION:
UPPER LEVEL FLOOR PLAN

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A1.2



1 ROOF LEVEL PLAN
1/4" = 1'-0"

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PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

SHEET DESCRIPTION:
ROOF LEVEL PLAN

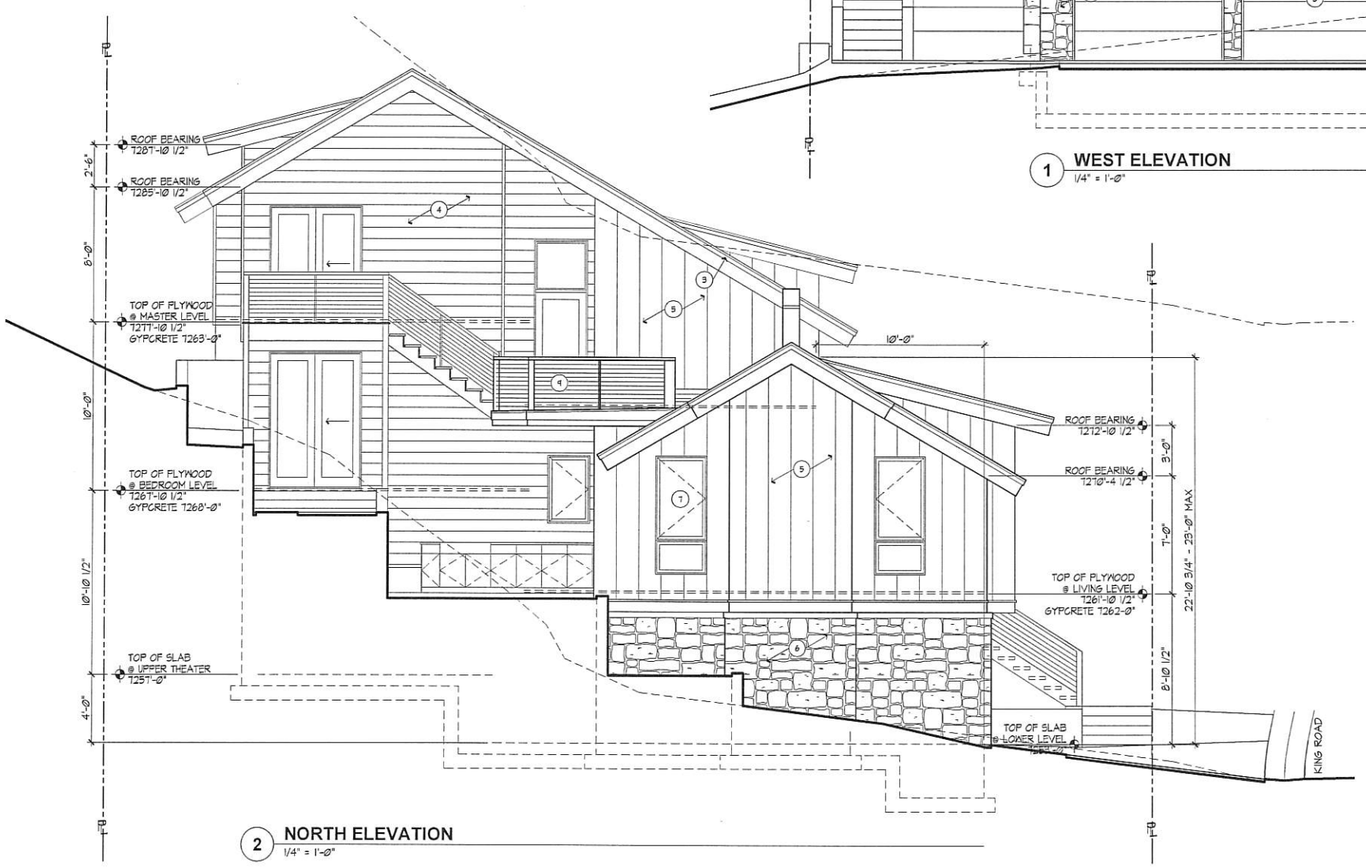
REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A1.4

1 WEST ELEVATION
1/4" = 1'-0"



2 NORTH ELEVATION
1/4" = 1'-0"

EXTERIOR FINISHES

1. ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (355# PER SQUARE, MIN.) EARTH TONE COLOR - ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP. DOUBLE UNDERLAYMENT REQUIRED AT ROOFS WITH SLOPE 4:12 OR LESS.
2. STANDING SEAM METAL ROOF WITH SOLAR REFLECTIVE INDEX VALUE LESS THAN 35. SEAMS @ 16" O.C. INSTALLED PER MANUFACTURERS SPECIFICATIONS OVER ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP. DOUBLE UNDERLAYMENT REQUIRED AT ROOFS WITH SLOPE 4:12 OR LESS.
3. 3/4" X 2" ON 3/4" X 7 1/4" BUILT UP CEDAR FASCIA - STAINED
4. 8" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
5. METAL PANEL SIDING WITH SOLAR REFLECTIVE INDEX VALUE LESS THAN 35. VERTICAL REVEAL @ 16" O.C. ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C. FINISH TO BE DETERMINED
6. 5" THICK NATURAL STONE VENEER ON 5" X 3 1/2" x 3/8" STEEL LINTEL W/ SLOPED NATURAL STONE CAP WHERE OCCURS. DIMENSIONS AND LOCATION PER EXTERIOR ELEVATIONS.
7. ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND REScheck REPORT.
8. PANEL STYLE OVERHEAD GARAGE DOOR
9. 36" HIGH RAILING: 2"x4" METAL TOP RAIL W/ 4"X4" METAL POSTS AND HORIZONTAL CABLES @ 3" O.C.

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89 KING DRIVE
PARK CITY, UT 84060

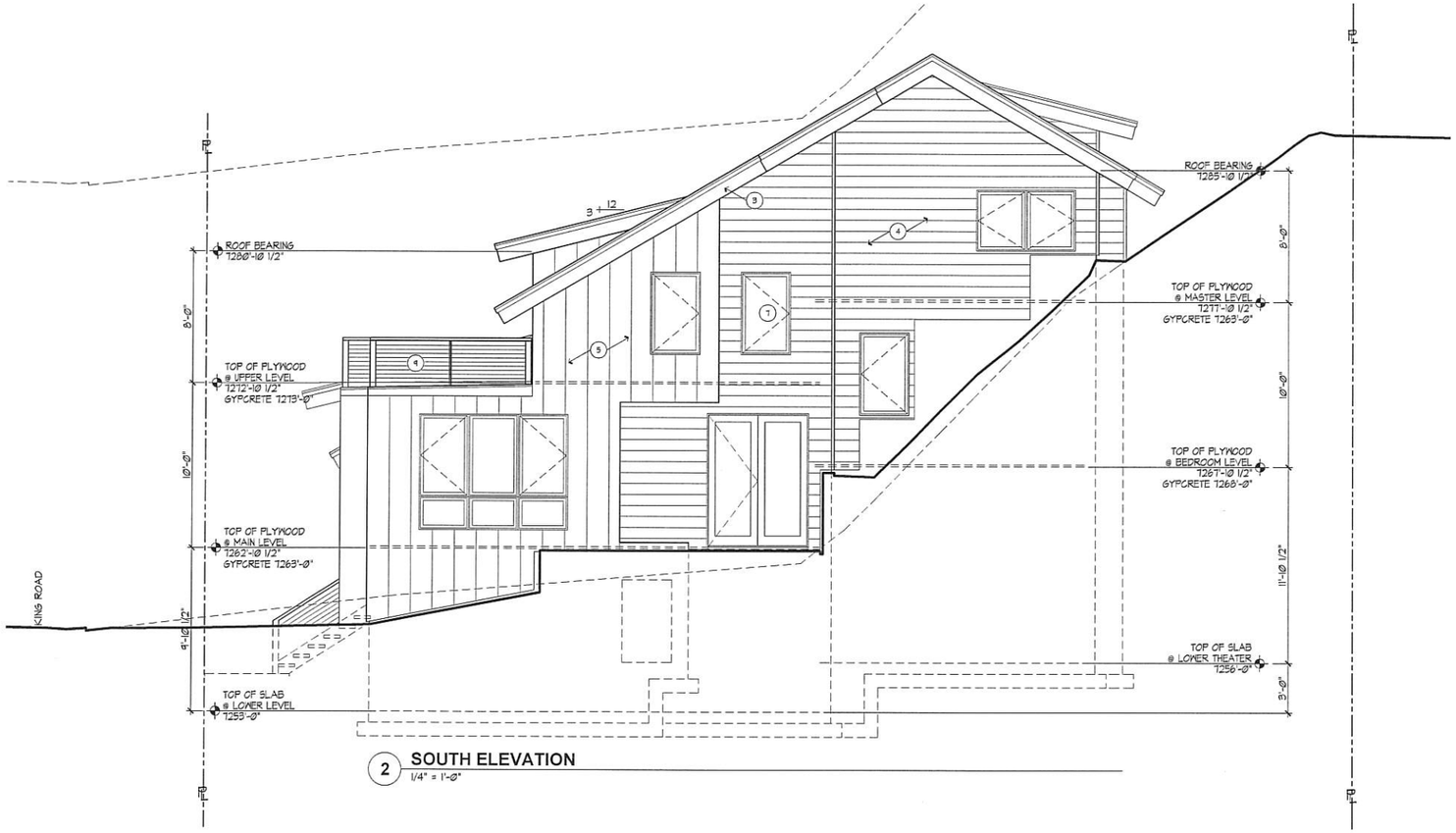
SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

REVISIONS:

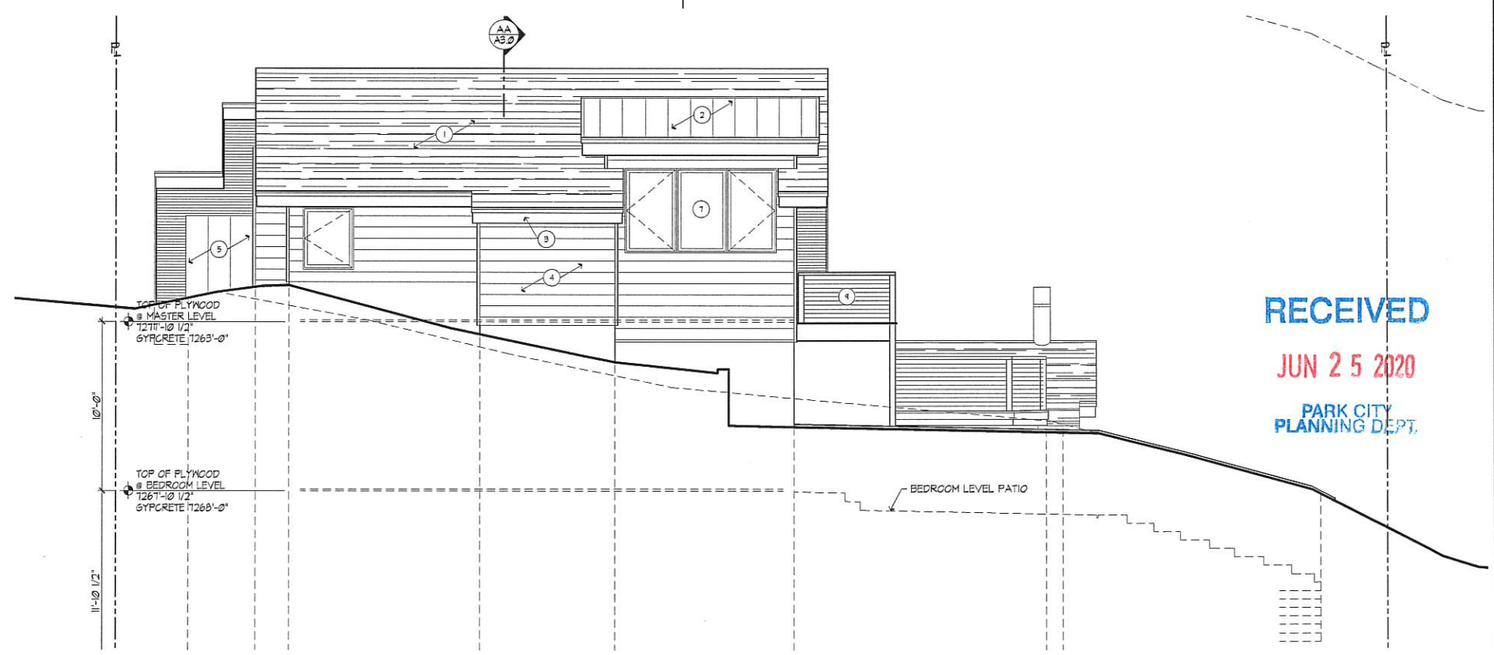
DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A2.0



2 **SOUTH ELEVATION**
1/4" = 1'-0"



1 **EAST ELEVATION**
1/4" = 1'-0"

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PARK CITY
PLANNING DEPT.

EXTERIOR FINISHES

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   DOUBLE UNDERLAYMENT REQUIRED AT ROOFS WITH SLOPE 4:12 OR LESS.
2. STANDING SEAM METAL ROOF WITH SOLAR REFLECTIVE INDEX VALUE LESS THAN 35. SEAMS @ 16" O.C. INSTALLED PER MANUFACTURERS SPECIFICATIONS OVER ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
   DOUBLE UNDERLAYMENT REQUIRED AT ROOFS WITH SLOPE 4:12 OR LESS.
3. 3/4" X 2" ON 3/4" X 7 1/4" BUILT UP CEDAR FASCIA - STAINED
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6. 5" THICK NATURAL STONE VENEER ON 5" X 3 1/2" x 3/8" STEEL LINTEL W/ SLOPED NATURAL STONE CAP WHERE OCCURS. DIMENSIONS AND LOCATION PER EXTERIOR ELEVATIONS.
7. ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND REScheck REPORT.
8. PANEL STYLE OVERHEAD GARAGE DOOR
9. 36" HIGH RAILING: 2"x4" METAL TOP RAIL W/ 4"X4" METAL POSTS AND HORIZONTAL CABLES @ 3" O.C.

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PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

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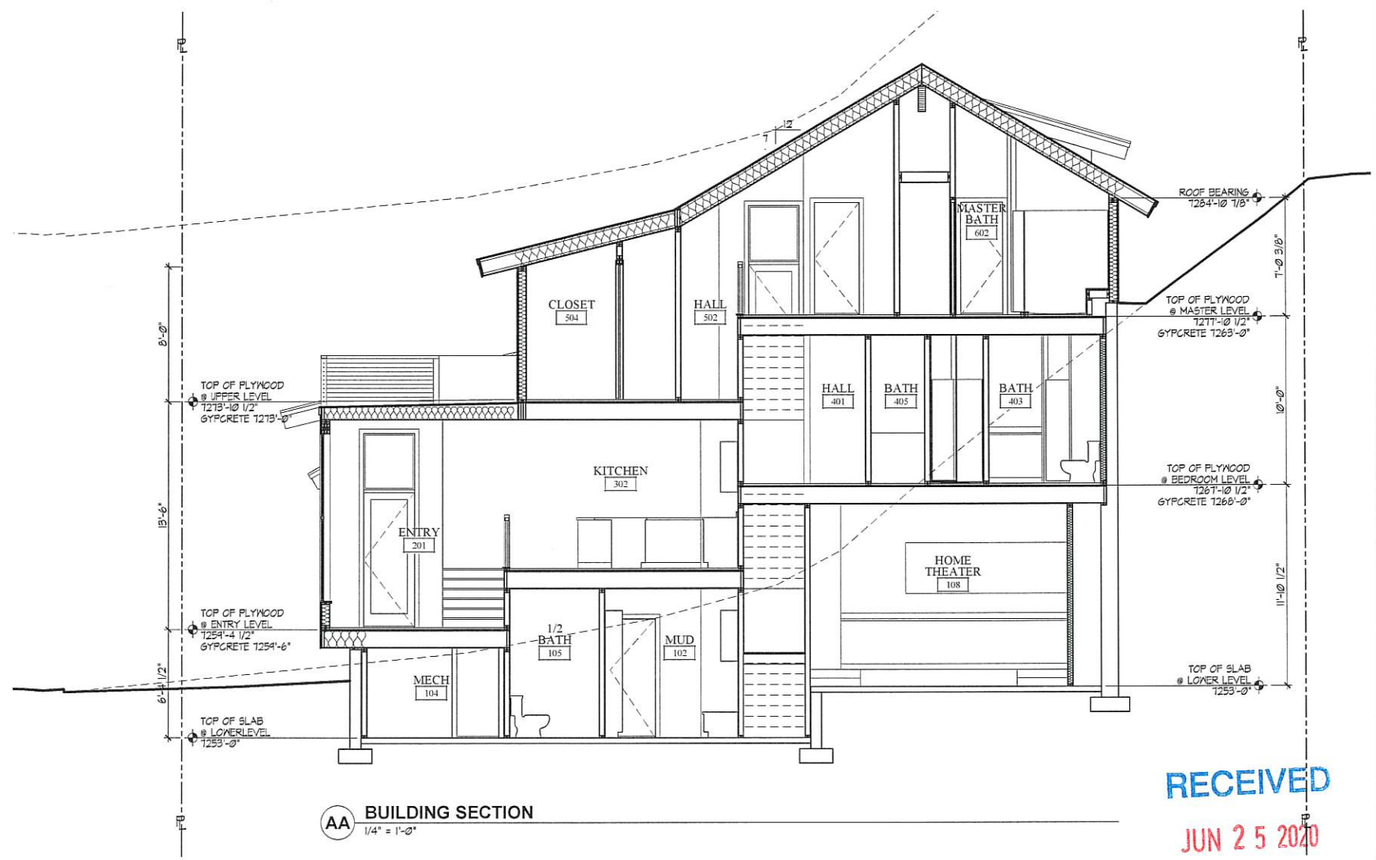

AA BUILDING SECTION
1/4" = 1'-0"

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PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

SHEET DESCRIPTION:
BUILDING SECTIONS

REVISIONS:

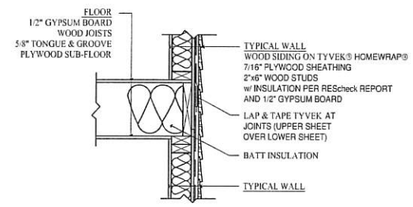
DATE: 06/06/18

PROJECT NUMBER:

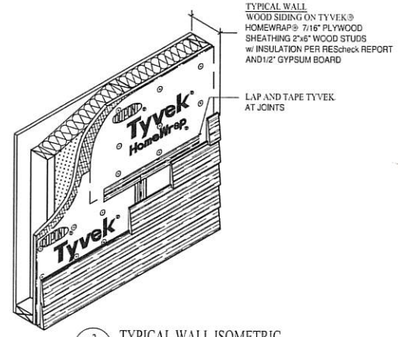
SHEET NUMBER: A3.0

GENERAL NOTES

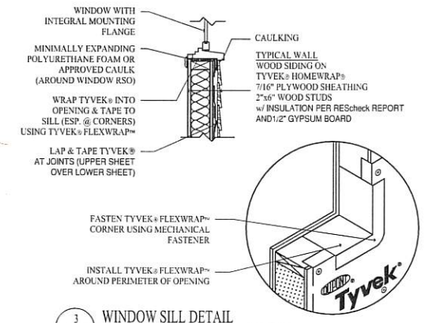
*SEAL ALL TYVEK® JOINTS AND PENETRATIONS WITH APPROVED TAPE. (ex. DUPONT CONTRACTOR TAPE).
*FASTEN TYVEK® TO SHEATHING WITH LARGE HEAD NAILS OR USE NAILS WITH LARGE PLASTIC WASHER HEADS. (ex. DUPONT WRAPCAPS)
*LOCAL LAWS, ZONING, AND BUILDING CODES VARY AND THEREFORE GOVERNS OVER MATERIAL SELECTION AND DETAILING SHOWN BELOW.



1 A5.1 FLOOR/WALL INTERFACE DETAIL
NO SCALE



2 A5.1 TYPICAL WALL ISOMETRIC
NO SCALE



3 A5.1 WINDOW SILL DETAIL
NO SCALE

TYVEK "HOME WRAP" INSTALLATION:

1. INSTALL AIR BARRIER AFTER SHEATHING IS INSTALLED AND BEFORE WINDOWS AND DOORS ARE INSTALLED. INSTALL LOWER LEVEL BARRIER PRIOR TO UPPER LAYERS TO ENSURE PROPER SHINGLING OF LAYERS.

2. OVERLAP AIR BARRIER AT CORNERS OF BUILDING BY A MINIMUM OF 12 INCHES.

3. OVERLAP AIR BARRIER VERTICAL SEAMS BY A MINIMUM OF 6 INCHES.

4. ENSURE BARRIER IS PLUM AND LEVEL WITH FOUNDATION, AND UNROLL EXTENDING AIR BARRIER OVER WINDOW AND DOOR OPENINGS.

5. ATTACH AIR BARRIER TO WOOD, INSULATED SHEATHING BOARD OR EXTERIOR GYPSUM WITH PLASTIC CAP NAILS EVERY 12" TO 18" ON VERTICAL STUD LINE WITH WOOD STUD FRAMING, AND SCREWS WITH WASHERS TO METAL STUD FRAMING. WHEN ATTACHING TO WOOD SHEATHING, A MINIMUM 1.0 INCH CROWN STAPLE MAY BE USED. WHEN ATTACHING TO MASONRY, USE ADHESIVE RECOMMENDED BY MANUFACTURER.

6. PREPARE WINDOW AND DOOR ROUGH OPENINGS AS FOLLOWS:
A. PREPARE EACH WINDOW ROUGH OPENING BY CUTTING A MODIFIED "I" PATTERN IN THE AIR BARRIER.
1. HORIZONTALLY CUT AIR BARRIER ALONG BOTTOM OF HEADER.
2. VERTICALLY CUT AIR BARRIER DOWN THE CENTER OF WINDOW OPENINGS FROM THE TOP OF THE WINDOW OPENING DOWN TO 2/3 OF THE WAY TO THE BOTTOM OF THE WINDOW OPENINGS.
3. DIAGONALLY CUT AIR BARRIER FROM THE BOTTOM OF THE VERTICAL CUT TO THE LEFT AND RIGHT CORNERS OF OPENING.
4. FOLD SIDE AND BOTTOM FLAPS INTO WINDOW OPENING AND FASTEN EVERY 6 INCHES. TRIM OFF EXCESS.
B. PREPARE EACH ROUGH DOOR OPENING BY CUTTING A STANDARD "I" PATTERN IN THE AIR BARRIER.
1. HORIZONTALLY CUT AIR BARRIER ALONG BOTTOM OF DOOR FRAME HEADER AND ALONG TOP OF SILL.
2. VERTICALLY CUT AIR BARRIER DOWN THE CENTER OF DOOR OPENINGS FROM THE TOP OF THE DOOR OPENING (HEADER) DOWN TO THE BOTTOM OF THE DOOR OPENING (SILL).
3. FOLD SIDE FLAPS INSIDE AROUND DOOR OPENINGS AND FASTEN EVERY 6 INCHES. TRIM OFF EXCESS.

7. TAPE ALL HORIZONTAL AND VERTICAL SEAM OF AIR BARRIER WITH DUPONT TYVEK TAPE.

8. SEAL ALL TEARS AND CUTS IN AIR BARRIER WITH DUPONT TYVEK TAPE.

ARCHITECTURAL NOTES:

1. ALL WORKS SHALL COMPLY WITH THE 2015 INTERNATIONAL RESIDENTIAL CODE. STRUCTURAL SHALL COMPLY WITH THE 2015 INTERNATIONAL BUILDING CODE.

2. ALL SUBMITTALS AND CHANGES TO PLANS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO BEING SUBMITTED TO THE BUILDING OFFICIAL FOR APPROVAL. ENGINEER TO APPROVE ALL STRUCTURAL CHANGES.

3. HABITABLE ROOMS, HALLWAYS, CORRIDORS, LAUNDRY ROOMS AND BASEMENTS SHALL HAVE A CEILING HEIGHT NOT LESS THAN 7 FEET MEASURED FROM THE FINISHED FLOOR TO THE FINISHED CEILING, BATHROOMS CAN BE AT 6'-8". NOT MORE THAN 50% OF THE REQUIRED FLOOR AREA IS PERMITTED TO HAVE A SLOPED CEILING LESS THAN 7 FT. WITH NO PORTION OF THE REQUIRED FLOOR AREA LESS THAN 5 FT. IN HEIGHT. -IRC R305

4. ASPHALT SHINGLES SHALL NOT BE INSTALLED ON ROOFS HAVING A SLOPE LESS THAN 4 TO 12 UNLESS DOUBLE UNDERPAYMENT IS INSTALLED IN ACCORDANCE WITH IRC SECTION R905.2.7

5. ICE BARRIER THAT CONSISTS OF TWO LAYERS OF UNDERLAYMENT CEMENTED TOGETHER OR OF A SELF-ADHERING POLYMER MODIFIED BITUMEN SHEET, SHALL BE USED IN LIEU OF NORMAL UNDERLAYMENT AND EXTEND FROM THE LOWEST EDGES OF ALL ROOF SURFACES TO A POINT AT LEAST 24 INCHES INSIDE THE EXTERIOR WALL LINE OF THE BUILDING. - IRC R905.2.7.1

6. EXTERIOR WALLS SHALL PROVIDE THE BUILDING WITH A WEATHER-RESISTANT EXTERIOR WALL ENVELOPE. THE EXTERIOR WALL ENVELOPE SHALL INCLUDE FLASHING. R703.1

7. APPROVED CORROSION-RESISTANT FLASHING SHALL BE APPLIED SINGLE-FASHION IN A MANNER TO PREVENT ENTRY OF WATER INTO THE WALL CAVITY OR PENETRATION OF WATER TO THE BUILDING STRUCTURAL FRAMING COMPONENTS. SELF-ADHERED MEMBRANES USED AS FLASHING SHALL COMPLY WITH AAMA 711. THE FLASHING SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH. APPROVED CORROSION-RESISTANT FLASHING AT ALL OF THE
A. EXTERIOR WINDOW AND DOOR OPENINGS. FLASHING AT EXTERIOR WINDOW AND DOOR OPENINGS SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH OR TO THE WATER-RESISTIVE BARRIER FOR SUBSEQUENT DRAINAGE.
B. AT THE INTERSECTION OF CHIMNEYS OR OTHER MASONRY CONSTRUCTION WITH FRAME OR STUCCO WALLS, WITH PROJECTING LIPS ON BOTH SIDES UNDER STUCCO COPINGS AND SILLS.
C. UNDER AND AT THE ENDS OF MASONRY, WOOD OR METAL COPINGS AND SILLS.
D. CONTINUOUSLY ABOVE ALL PROJECTING WOOD TRIM.
E. WHERE EXTERIOR PORCHES, DECKS OR STAIRS ATTACH TO A WALL OR FLOOR ASSEMBLY OF WOOD-FRAME CONSTRUCTION.
F. AT WALL AND ROOF INTERSECTIONS.
G. AT BUILT-IN GUTTERS. IRC R703.8

8. ELEVATORS. WHERE PROVIDED, PASSENGER ELEVATORS, LIMITED USE OR LIMITED APPLICATION ELEVATORS OR PRIVATE RESIDENCE ELEVATORS SHALL COMPLY WITH ASME A17.1. IRC R321.1

FRAMING NOTES:

1. PROTECTION OF WOOD AND WOOD BASED PRODUCTS FROM DECAY SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS THE USE OF NATURALLY DURABLE WOOD OR WOOD THAT IS PRESERVATIVE-TREATED IN ACCORDANCE WITH AWPA U1 FOR THE SPECIES, PRODUCT, PRESERVATIVE AND END USE.
A. WOOD JOISTS OR THE BOTTOM OF A WOOD STRUCTURAL FLOOR WHEN CLOSER THAN 18 INCHES OR WOOD GIRDERS WHEN CLOSER THAN 12 INCHES TO THE EXPOSED GROUND IN CRAWL SPACES OR UNEXCAVATED AREA LOCATED WITHIN THE PERIPHERY OF THE BUILDING FOUNDATION.
B. ALL WOOD FRAMING MEMBERS THAT REST ON CONCRETE OR MASONRY EXTERIOR FOUNDATION WALLS AND ARE LESS THAN 8 INCHES FROM THE EXPOSED GROUND.
C. SILLS AND SLEEPERS ON A CONCRETE OR MASONRY SLAB THAT IS IN DIRECT CONTACT WITH THE GROUND UNLESS SEPARATED FROM SUCH SLAB BY AN IMPERVIOUS MOISTURE BARRIER.
D. THE END OF WOOD GIRDERS ENTERING EXTERIOR MASONRY OR CONCRETE WALLS HAVING CLEARANCES OF LESS THAN ½ INCH ON TOPS, SIDES AND ENDS.
E. WOOD SIDING, SHEATHING AND WALL FRAMING ON THE EXTERIOR OF A BUILDING HAVING A CLEARANCE OF LESS THAN 6 INCHES FROM THE GROUND OR LESS THAN 2 INCHES MEASURED VERTICALLY FROM CONCRETE STEPS, PORCH SLABS, PATIO SLABS, AND SIMILAR HORIZONTAL SURFACES EXPOSED TO THE WEATHER.
F. WOOD STRUCTURAL MEMBERS SUPPORTING MOISTURE-PERMEABLE FLOORS OR ROOFS THAT ARE EXPOSED TO THE WEATHER, SUCH AS CONCRETE OR MASONRY SLABS, UNLESS SEPARATED FROM SUCH FLOORS OR ROOFS BY AN IMPERVIOUS MOISTURE BARRIER.
G. WOOD FURRING STRIPS OR OTHER WOOD FRAMING MEMBERS ATTACHED DIRECTLY TO THE INTERIOR OF EXTERIOR MASONRY WALLS OR CONCRETE WALLS BELOW GRADE EXCEPT WHERE AN APPROVED VAPOR RETARDER IS APPLIED BETWEEN THE WALL AND THE FURRING STRIPS OR FRAMING MEMBERS. - IRC R317.1

2. ACCESSIBLE BELOW-FLOOR AREAS SHALL BE PROVIDED WITH A MINIMUM 18" X 24" ACCESS OPENING. IRC R408.4. FOR ACCESS TO MECHANICAL EQUIPMENT IN THESE AREAS SEE IRC M1305.1.4

3. PROVIDE A MINIMUM 22" X 30" ATTIC ACCESS IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. -IRC R807.1. SEE M1305.1.3 FOR ACCESS TO FURNACES AND OTHER MECHANICAL EQUIPMENT IN ATTIC.

4. PROVIDE 24" ON-CENTER BLOCKING FOR VERTICAL SIDING. - IRC TABLE R703.4 FOOTNOTE j.

5. PROVIDE ROOF SHEATHING RATING AND NAILING SCHEDULE AS PER ENGINEERING DESIGN, OR MINIMUM 5/8", 40/20 RATING IF NO PROFESSIONAL DESIGN IS PROVIDED.

FIREPLACE NOTES:

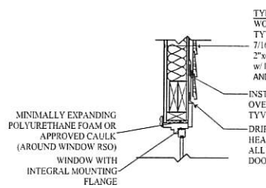
1. MASONRY OR CONCRETE CHIMNEYS SHALL BE ANCHORED AT EACH FLOOR, CEILING OR ROOF LINE MORE THAN 6 FEET ABOVE GRADE, EXCEPT WHERE CONSTRUCTED COMPLETELY WITHIN THE EXTERIOR WALLS.- IRC R1001.4

2. TWO $\frac{1}{4}$" INCH BY 1 INCH STRAPS SHALL BE EMBEDDED A MINIMUM OF 12 INCHES INTO THE CHIMNEY. STRAPS SHALL HOOKED AROUND THE OUTER BARS AND EXTEND 6 INCHES BEYOND THE BEND. EACH STRAP SHALL BE FASTENED TO A MINIMUM OF FOUR FLOOR CEILING OR FLOOR JOIST OR RAFTERS WITH TWO $\frac{1}{4}$ INCH BOLTS. -IRC R1004.4.1

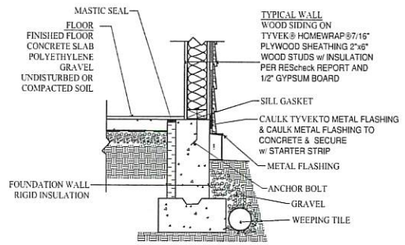
3. ALL WOOD BEAMS, JOIST, STUDS AND OTHER COMBUSTIBLE MATERIAL SHALL HAVE A CLEARANCE OF NOT LESS THAN 2 INCHES FROM THE FRONT FACES AND SIDES OF MASONRY FIREPLACES AND NOT LESS THAN 4 INCHES FROM THE BACK FACES OF MASONRY FIREPLACES. THE AIR SPACE SHALL NOT BE FILLED, EXCEPT TO PROVIDE FIRE BLOCKING IN ACCORDANCE WITH SECTION R1001.12.
EXCEPTIONS:
A. MASONRY FIREPLACES LISTED AND LABELED FOR USE IN CONTACT WITH COMBUSTIBLES IN ACCORDANCE WITH UL 127 AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURES INSTALLATION INSTRUCTIONS ARE PERMITTED TO HAVE COMBUSTIBLE MATERIAL IN CONTACT WITH THEIR EXTERIOR SURFACES.
B. WHEN MASONRY FIREPLACES ARE PART OF MASONRY OR CONCRETE WALLS, COMBUSTIBLE MATERIALS SHALL NOT BE CONTACT WITH THE MASONRY OR CONCRETE WALLS LESS THAN 12 INCHES FROM THE INSIDE SURFACE OF THE NEAREST FIREBOX LINING.
C. EXPOSED COMBUSTIBLE TRIM AND THE EDGES OF SHEATHING MATERIALS SUCH AS WOOD SIDING, FLOORING AND DRYWALL SHALL BE PERMITTED TO ABUT THE MASONRY FIREPLACE SIDE WALLS AND HEARTH EXTENSION, PROVIDED SUCH COMBUSTIBLE TRIM OR SHEATHING IS A MINIMUM OF 12 INCHES FROM THE INSIDE SURFACE OF THE NEAREST FIREBOX LINING.
D. EXPOSED COMBUSTIBLE MANTELS OR TRIM MAY BE PLACED DIRECTLY ON THE MASONRY FIREPLACE FRONT SURROUNDING THE FIREPLACE OPENING PROVIDING SUCH COMBUSTIBLE MATERIALS ARE NOT PLACED WITHIN 6 INCHES OF A FIREPLACE OPENING. COMBUSTIBLE MATERIAL WITHIN 12 INCHES OF THE FIREPLACE OPENING SHALL NOT PROJECT MORE THAN $\frac{1}{8}$ INCH FOR EACH 1 INCH DISTANCE FROM SUCH AN OPENING. -IRC R1001.11

4. CHIMNEYS SHALL EXTEND AT LEAST 2 FEET HIGHER THAT ANY PORTION OF A BUILDING WITHIN 10 FEET, BUT SHALL NOT BE LESS THAN 3 FEET ABOVE THE HIGHEST POINT WHERE THE CHIMNEY PASSES THOUGH THE ROOF.-IRC R1003.9

BUILDING ENVELOPE NOTES:
1. CONTRACTOR TO COMPLETE BLOWER DOOR TEST OR COMPREHENSIVE AIR BARRIER INSPECTION PER 2015 IRC CHAPTER 11



4 A5.1 WINDOW HEAD DETAIL
NO SCALE



5 A5.1 BASE OF WALL DETAIL
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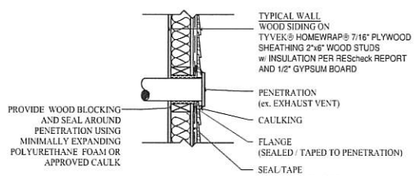

6 A5.1 WALL PENETRATION DETAIL
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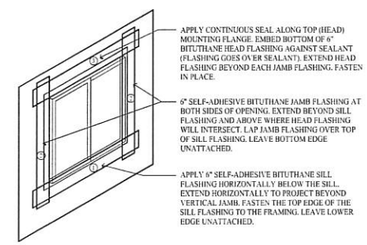

7 A5.1 SILL ,JAMB AND HEAD FLASHING
NO SCALE

STAIRWAY HANDRAILING/GUARDRAILING NOTES:

1. STAIRWAYS SHALL NOT BE LESS THAN 36 INCHES IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT AND BELOW THE REQUIRED HEADROOM HEIGHT. HANDRAILS SHALL NOT PROJECT MORE THAN 4.5 INCHES ON EITHER SIDE OF STAIRWAY AND THE MINIMUM CLEAR WIDTH OF THE STAIRWAY AT AND BELOW THE HANDRAIL HEIGHT, INCLUDING TREADS AND LANDINGS, SHALL NOT BE LESS THAN 31 $\frac{1}{2}$ INCHES WHERE A HANDRAIL IS INSTALLED ON ONE SIDE AND 27 INCHES WHERE HANDRAILS ARE PROVIDED ON BOTH SIDES. -IRC R311.7.1

2. THE MINIMUM HEADROOM IN ALL PARTS OF THE STAIRWAY SHALL NOT BE LESS THAN 6 FEET 8 INCHES MEASURED VERTICALLY FROM THE SLOPED LINE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM ON THAT PORTION OF THE STAIRWAY. -IRC R311.7.2

3. THE MAXIMUM RISER HEIGHT SHALL BE 7 $\frac{3}{4}$ INCHES. THE RISER SHALL BE MEASURED VERTICALLY BETWEEN LEADING EDGES OF THE ADJACENT TREADS. THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ INCH. -IRC R311.7.4.1

4. THE MINIMUM TREAD DEPTH SHALL BE 10 INCHES. THE TREAD DEPTH SHALL BE MEASURED HORIZONTALLY BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREADS LEADING EDGE. THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ INCH.
CONSISTENTLY SHAPED WINDERS AT THE WALKLINE SHALL BE ALLOWED WITHIN THE SAME FLIGHT OF STAIRS AS RECTANGULAR TREADS AND DO NOT HAVE TO BE WITHIN $\frac{3}{8}$ INCH OF THE RECTANGULAR TREAD DEPTH.
WINDER TREADS SHALL HAVE MINIMUM TREAD DEPTH OF 10 INCHES MEASURED BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AT THE INTERSECTIONS WITH THE WALKLINE. WINDER TREADS SHALL HAVE MINIMUM TREAD DEPTH OF 6 INCHES AT ANY POINT WITHIN THE CLEAR WIDTH OF STAIR. WITHIN ANY FLIGHT OF STAIRS, THE LARGEST WINDER TREAD DEPTH AT THE WALKLINE SHALL NOT EXCEED THE SMALLEST WINDER TREAD BY MORE THAN $\frac{3}{8}$ INCH. -IRC R311.7.4.2

5. THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE WIDTH OF THE STAIRWAY SERVED. LANDINGS SHALL HAVE A MINIMUM DIMENSION OF 36 INCHES MEASURED IN THE DIRECTION OF TRAVEL. -IRC R311.7.5

6. HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING, OR FINISH SURFACE OF THE RAMP SLOPE, SHALL BE NOT LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES. -IRC R311.7.7.1

7. HANDRAILS FOR STAIRWAYS SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT, FROM A POINT DIRECTLY ABOVE THE TOP RISER OF THE FLIGHT TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT. HANDRAIL ENDS SHAL BE RETURNED OR SHALL TERMINATE IN NEWL POSTS OR SAFETY TERMINALS. HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1 $\frac{1}{2}$ INCH BETWEEN THE WALL AND THE HANDRAILS.
EXCEPTIONS:
1. HANDRAILS SHALL BE PERMITTED TO BE INTERRUPTED BY A NEWL POST AT THE TURN.
2. THE USE OF A VOLUTE, TURNOUT, STARTING EASING OR STARTING NEWL SHALL BE ALLOWED OVER THE LOWEST TREAD. -IRC R311.7.7.2

8. ALL REQUIRED HANDRAILS SHALL BE OF ONE OF THE FOLLOWING TYPES OR PROVIDE EQUIVALENT GRASPABILITY.
TYPE I: HANDRAILS WITH CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF 1 $\frac{1}{4}$ INCHES AND NOT GREATER THAN 2 INCHES. IF THE HANDRAIL IS NOT CIRCULAR, IT SHALL HAVE A PERIMETER DIMENSION OF AT LEAST 4 INCHES AND NOT GREATER THAN 6 $\frac{1}{4}$ INCHES WITH A MAXIMUM CROSS SECTION OF DIMENSION OF 2 $\frac{1}{4}$ INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.01 INCH.
TYPE II: HANDRAILS WITH A PERIMETER GREATER THAN 6 $\frac{1}{4}$ INCHES SHALL HAVE A GRASPABLE FINGER RECESS AREA ON BOTH SIDES OF THE PROFILE. THE FINGER RECESS SHALL BEGIN WITHIN A DISTANCE OF $\frac{3}{4}$ INCH MEASURED VERTICALLY FROM THE TALLEST PORTION OF THE PROFILE AND ACHIEVE A DEPTH OF AT LEAST $\frac{5}{16}$ INCH WITHIN $\frac{7}{8}$ INCH BELOW THE WIDEST PORTION OF THE PROFILE. THE REQUIRED DEPTH SHALL CONTINUE FOR AT LEAST $\frac{7}{8}$ INCH TO A LEVEL THAT IS NOT LESS THAN 1 $\frac{3}{4}$ INCHES BELOW THE TALLEST PORTION OF THE PROFILE. THE MINIMUM WIDTH OF THE HANDRAIL ABOVE THE RECESS SHALL BE 1 $\frac{1}{4}$ INCHES TO MAXIMUM OF 2 $\frac{3}{4}$ INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.10 INCH.
-IRC R311.7.7.3

9. GUARDS SHALL BE LOCATED ALONG OPEN-SIDED WALKING SURFACES, INCLUDING STAIRS, RAMPS AND LANDINGS, THAT ARE LOCATED MORE THAN 30 INCHES MEASURED VERTICALLY TO THE FLOOR OR GRADE BELOW AT ANY POINT WITHIN 36 INCHES HORIZONTALLY TO THE EDGE OF THE OPEN SIDE. -IRC R312.1

10. GUARDS SHALL NOT BE LESS THAN 36 INCHES HIGH MEASURED VERTICALLY ABOVE THE ADJACENT WALKING SURFACE, ADJACENT FIXED SEATING OR THE LINE CONNECTING THE LEADING EDGES OF THE TREADS. -IRC R312.2

11. GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER. -IRC R312.3

12. STAIR TREAD NOSING: THE RADIUS OF CURVATURE AT THE LEADING EDGE OF THE TREAD SHALL BE NO GREATER THAN 9/16 INCH . A NOSING NOT LESS THAN ¾ INCH BUT NOT MORE THAN 1 ¼ INCHES SHALL BE PROVIDED ON STAIRWAYS WITH SOLID RISERS. THE GREATEST NOSING PROJECTION SHALL NOT EXCEED THE SMALLEST NOSING PROJECTION BY MORE THAN 3/8 INCH BETWEEN TWO STORIES, INCLUDING THE NOSING AT THE LEVEL OF FLOORS AND LANDINGS. BEVELING OF NOSING SHALL NOT EXCEED ½ INCH. RISERS SHALL BE VERTICAL OR SLOPED FROM THE UNDERSIDE OF THE LEADING EDGE OF THE TREAD ABOVE AT AN ANGLE NOT MORE THAN 30 DEGREES (0.51 RAD) FROM THE VERTICAL. OPEN RISERS ARE PERMITTED, PROVIDED THAT THE OPENING BETWEEN TREADS DOES NOT PERMIT THE PASSAGE OF A 4 INCH DIAMETER SPHERE. (UTAH STATE AMENDMENT) EXCEPTIONS.
A. A NOSING IS NOT REQUIRED WHERE THE TREAD DEPTH IS A MINIMUM OF 10 INCHES.
B. THE OPENING BETWEEN ADJACENT TREADS IS NOT LIMITED ON STAIRS WITH A TOTAL RISE OF 30 INCHES OR LESS. NOTE: THIS MEANS THAT CONCRETE STAIRS, WITHOUT NOSINGS, MUST HAVE A TREAD DEPTH OF 10 INCHES

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PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

PROJECT DESCRIPTION:

DETAILS

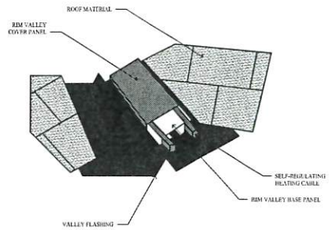
SHEET DESCRIPTION:

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A5.1



1 A5.2 VALLEY SNOW MELT DETAIL
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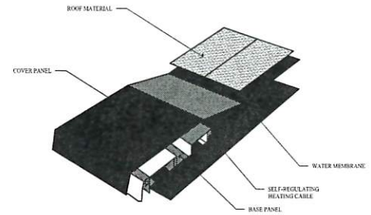

2 A5.2 EAVE SNOW MELT DETAIL
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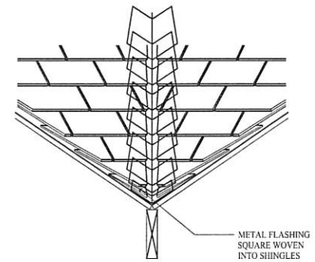

3 A5.2 CLOSED VALLEY FLASHING
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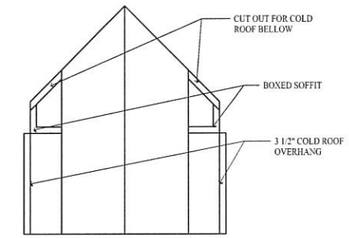

4 A5.2 DORMER ROOF
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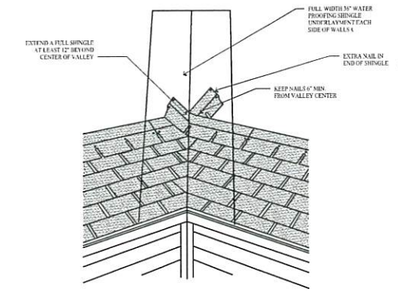

5 A5.2 WOVEN VALLEY DETAIL
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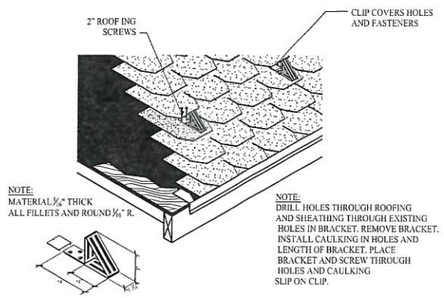

6 A5.2 SNOW BRAKET DETAIL
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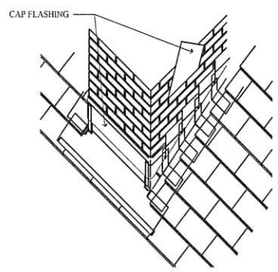

7 A5.2 CHIMNEY FLASHING
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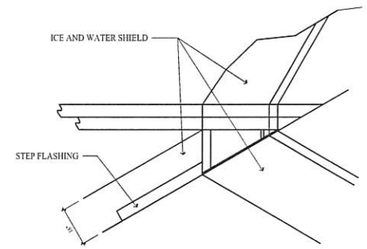

8 A5.2 DORMER FLASHING DETAIL
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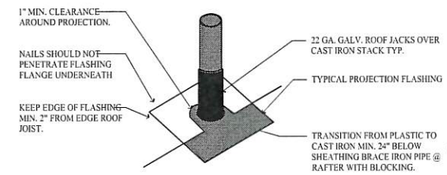

9 A5.2 VENT FLASHING DETAIL
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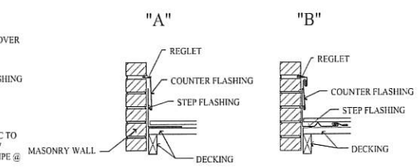

10 A5.2 RAKE WALL FLASHING DETAIL
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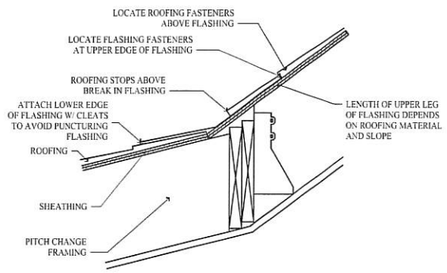

11 A5.2 ROOF PITCH TRANSACTION DETAIL
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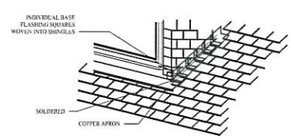

12 A5.2 FLASHING DETAIL
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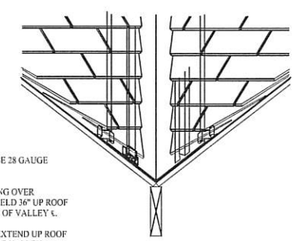


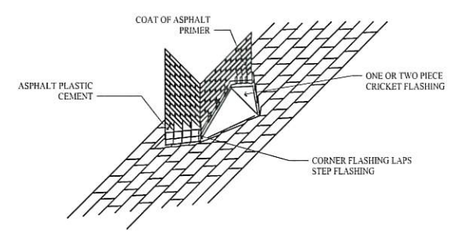
NOTE
1. FLASHING TO BE 28 GAUGE METAL

2. PLACE FLASHING OVER ICE & WATER SHIELD 36" UP ROOF FROM EACH SIDE OF VALLEY ℄.

3. FLASHING TO EXTEND UP ROOF MIN 12" FROM ℄ OF VALLEY.

4. IF ROOF PITCH EXCEEDS 6:12 ENLARGE "V" CRIMP TO 2"

13 A5.2 OPEN VALLEY DETAIL
NO SCALE



14 A5.2 CHIMNEY CRICKET FLASHING
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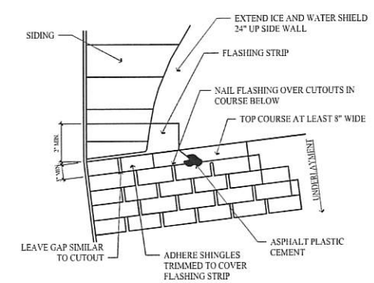

15 A5.2 ROOF/WALL FLASHING DETAIL
NO SCALE

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PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

SHEET DESCRIPTION:
DETAILS

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A5.2

ROOM FINISH SCHEDULE

ROOM		FLOOR		WALLS				CEILING		REMARKS
NO.	NAME	MATERIAL	BASE	NORTH	EAST	SOUTH	WEST	HEIGHT	MATERIAL	
LOWER LEVEL										
101	GARAGE	CONC.	-	GYP	CONC	CONC	GYP	8'-9 3/8"	GYP	
102	MUD	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
103	LAUNDRY	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
104	MECHANICAL	CONC.	-	GYP	GYP	GYP	GYP	VARIES	GYP	
105	1/2 BATH	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
106	BEDROOM	TILE	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
107	BATH	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
108	HOME THEATER	WOOD	WOOD	GYP	GYP	GYP	GYP	12'-0"	GYP	FUR CEILING DOWN AT 12'-0" A.F.F.
THEATER LEVEL										
201	HOME THEATER	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
ENTRY LEVEL										
301	ENTRY	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
MAIN LEVEL										
401	DINING	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
402	KITCHEN	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
403	LIVING ROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
404	1/2 BATH	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
BEDROOM LEVEL										
501	HALL	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
502	BEDROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
503	BATH	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
504	BEDROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
505	BATH	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 3/8"	GYP	
UPPER LEVEL										
601	OFFICE	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
602	HALL	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
603	BATH	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
604	CLOSET	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
605	BEDROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
MASTER LEVEL										
701	MASTER BEDROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
702	MASTER BATH	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	
703	MASTER CLOSET	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	

DOOR SCHEDULE

	WIDTH	HEIGHT	THICK	TYPE	DOOR MATERIAL	DOOR FINISH	FRAME MATERIAL	FRAME FINISH	HARDWARE	REMARKS
LOWER LEVEL										
101	9'-0"	7'-0"	1 3/4"	PANEL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	GARAGE	AUTOMATIC DOOR OPENER, INSULATED, WEATHERSTRIP - LOW SHEEN FINISH
102	9'-0"	7'-0"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	GARAGE	AUTOMATIC DOOR OPENER, INSULATED, WEATHERSTRIP - LOW SHEEN FINISH
103	2'-8"	7'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET	20 MIN., SELF CLOSER, SMOKE SEAL, THRESHOLD
104	2'-8"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PASSAGE	
105	2'-6"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PASSAGE	
106	2'-6"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
107	2'-8"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
108	2'-6"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
109	2'-0"	6'-0"	1/2"	SHOWER	GLASS				SHOWER	
THEATER LEVEL										
201	3'-6"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PASSAGE - BARN	OVERSIZE BARN DOOR SLAB FOR 3'-6" WIDE OPENING
ENTRY LEVEL										
301	3'-0"	11'-6"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET	8'-0" DOOR W/ 3'-6" TRANSOM, HALF LITE, INSUL, LOW E, WEATHER STRIP, THRESHOLD
MAIN LEVEL										
401	6'-0"	8'-0"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET - SLIDER	
402	10'-8"	8'-0"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET - SLIDER	FULL LITE, INSULATED, LOW E, WEATHER STRIP, THRESHOLD
403	2'-6"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
BEDROOM LEVEL										
501	2'-8"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	ATRIUM DOOR W/ 3'-0" OPERABLE, FULL LITE, INSUL, LOW E, WEATHER STRIP, THRESHOLD
502	2'-6"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
503	2'-0"	6'-0"	1/2"	SHOWER	GLASS				SHOWER	
504	2'-8"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
505	2'-6"	8'-0"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
506	2'-0"	6'-0"	1/2"	SHOWER	GLASS				SHOWER	
507	5'-4"	8'-0"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET - SLIDER	FULL LITE, INSULATED, LOW E, WEATHER STRIP, THRESHOLD
UPPER LEVEL										
601	5'-4"	8'-0"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET - SLIDER	FULL LITE, INSULATED, LOW E, WEATHER STRIP, THRESHOLD
602	2'-6"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY - POCKET	
603	2'-6"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
604	2'-6"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PASSAGE	
605	2'-8"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
606	5'-4"	8'-0"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET - SLIDER	FULL LITE, INSULATED, LOW E, WEATHER STRIP, THRESHOLD
607	5'-4"	8'-0"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET - SLIDER	FULL LITE, INSULATED, LOW E, WEATHER STRIP, THRESHOLD
608	3'-0"	8'-0"	1 3/4"	STYLE + RAIL	ALUM CLAD WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET	FULL LITE, INSULATED, LOW E, WEATHER STRIP, THRESHOLD
MASTER LEVEL										
701	2'-8"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
702	2'-6"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY	
703	2'-0"	6'-0"	1/2"	SHOWER	GLASS				SHOWER	
704	2'-6"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PRIVACY - POCKET	
705	2'-6"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	PASSAGE	
706	5'-4"	6'-8"	1 3/4"	STYLE + RAIL	WOOD	STAIN + VARNISH	WOOD	STAIN + VARNISH	LOCKSET	FULL LITE, INSULATED, LOW E, WEATHER STRIP, THRESHOLD

DOOR NOTES

1- ALL DOORS TO BE 1 3/4" SOLID CORE UNLESS NOTED OTHERWISE.
2- ALL SHOWER DOORS AND CLASS SHOWER ENCLOSURES SHALL BE TEMPERED GLASS. IRC TABLE R308.3
3- FRENCH DOORS TO BE SUPPLIED BY WINDOW MANUFACRURER
4- AUTOMATIC GARAGE DOOR OPENERS SHALL BE TESTED IN ACCORDANCE WITH UL325 - IRC 311.5.1
5- ALL EXTERIOR DOORS TO HAVE A U-FACTOR OF 0.30 OR LOWER. SEE REScheck REPORT.
6- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR ALL HANDING OF DOORS.
7- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL OF CUSTOM DOOR ASSEMBLIES.

WINDOW SCHEDULE

	QTY.	WIDTH	HEIGHT	HEAD	TYPE	FRAME MATERIAL	EXT. FINISH	INT. FINISH	GLAZING	REMARKS
LOWER LEVEL										
A	1	3'-0"	5'-0"	8'-0"	CASEMENT	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	
B	1	9'-0"	2'-0"	8'-0"	AWNINGS	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	(3) 3'-0" X 2'-0" AWNINGS
ENTRY LEVEL										
C	1	3'-0"	10'-0"	11'-6"	PICTURE	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	HORIZONTAL BARS PER ELEVATION
MAIN LEVEL										
D	2	9'-0"	7'-0"	8'-0"	CASEMENTS + PICTURES	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	(3) 3'-0" X 5'-0" - CASEMENT+PICTURE+CASEMENT W/ (3) 3'-0" X 2'-0" PICTURES BELOW
E	1	6'-0"	7'-0"	8'-0"	CASEMENTS + PICTURES	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	(2) 3'-0" X 5'-0" - CASEMENTS W/ (2) 3'-0" X 2'-0" PICTURES BELOW
F	1	6'-0"	8'-0"	9'-0"	CASEMENTS + PICTURES	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	(2) 3'-0" X 6'-0" - CASEMENTS W/ (2) 3'-0" X 2'-0" PICTURES BELOW
G	2	3'-0"	7'-0"	8'-0"	CASEMENT + PICTURE	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	3'-0" X 5'-0" - CASEMENT W/ 3'-6" X 2'-0" PICTURE BELOW
H	1	2'-0"	4'-6"	7'-0"	CASEMENTS + PICTURES	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	
BEDROOM LEVEL										
J	1	3'-0"	5'-0"	8'-0"	CASEMENT	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	
UPPER LEVEL										
K	2	3'-0"	5'-0"	6'-8"	CASEMENT	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	
L	1	3'-0"	4'-0"	6'-8"	CASEMENT	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	TEMPERED
MASTER LEVEL										
M	1	9'-0"	5'-0"	9'-0"	CASEMENTS + PICTURE	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	(3) 3'-0" X 5'-0" - CASEMENT+PICTURE+CASEMENT
N	1	3'-0"	3'-8"	6'-8"	CASEMENTS	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	(2) 3'-0" X 3'-8" CASEMENTS - TEMPERED
P	1	6'-0"	3'-8"	6'-8"	CASEMENT	ALUM CLAD WOOD	MANUFACTURER	STAIN + VARNISH	INSUL. - LOW E	TEMPERED

WINDOW NOTES

1- GLAZING IN HAZARDOUS LOCATION IS REQUIRED TO BE GLAZED WITH SAFETY MATERIAL. IRC SECTION R308.3 AND R308.4
2- ALL WINDOWS IN BATHROOMS MUST BE TEMPERED GLASS.
3- TEMPERED GLASS SHALL BE PROVIDED IN: FRAMELESS GLASS DOORS, GLASS IN DOORS, GLASS WITHIN A 24" ARC OF DOORS, GLAZING LESS THAN 60" ABOVE A WALKING SURFACE THAT IS WITHIN 5 FEET OF STAIRS. OR GLAZING WITHIN 5 FEET OF SPAS OR POOLS, CERTAIN FIXED PANELS AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT. IRC R308.
4- EGRESS WINDOWS: FINISH SILL HEIGHT MAX. 44" FROM FLOOR MAX. CLEAR OPENING OF 5.7 S/F MIN NET CLEAR OPENING 20" WIDTH AND 24" HEIGHT. PROVIDE EGRESS ESCAPE HARDWARE ON ALL CASEMENT WINDOWS USED FOR EMERGENCY ESCAPE.
5- ALL EXTERIOR GLAZING ASSEMBLIES TO HAVE A U-FACTOR OF 0.30 OR LOWER. SEE REScheck REPORT.
6- SEE EXTERIOR ELEVATIONS FOR ALL HANDING OF CASEMENT WINDOWS.
7- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL ON CUSTOM WINDOW ASSEMBLIES.

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SYMBOLS LEGEND

SYMBOLS USED ON FLOORPLANS, AND BUILDING SECTIONS TO REFERENCE SCHEDULES.

ROOM 101 — ROOM SYMBOL
101 — DOOR SYMBOL
A — WINDOW SYMBOL

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degrayarch@qwestoffice.net

PROJECT DESCRIPTION:
PONDER RESIDENCE
89 KING DRIVE
PARK CITY, UT 84060

SHEET DESCRIPTION:
DOOR, WINDOW, & ROOM FINISH SCHEDULES

REVISIONS:

DATE: 06/06/18

PROJECT NUMBER:

SHEET NUMBER: A6.1

4-5-3 Regulation Of Nightly Rentals

All nightly rental Units must be inspected by the Building Department and issued a license before being offered for rent.

A. **LICENSEE.** The licensee for rentals under this Section shall be the owner. The local representative shall be deemed the responsible party.

B. **MANAGEMENT STANDARDS.** The authorized lodging must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services and management regulations required include:

1. Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the Unit;
2. Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for occupant use;
3. Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties;
4. Structural maintenance to preserve substantial code compliance as described herein is required;
5. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties;
6. Trash collection which ensures that trash cans are not left at the curb for any period in excess of twenty-four (24) hours; the property must be kept free from accumulated garbage and refuse;
7. Housekeeping service as a part of hotel or property management company included in property management license;
8. On-street parking for nightly rental uses shall not result in an obstruction to traffic and pedestrian circulation or public safety;
9. No outdoor display of goods and merchandise shall be permitted as part of any nightly rental use;
10. Unless expressly permitted under the Municipal Sign Code, no signs will be permitted for nightly rental uses;
11. Nightly rentals may not be used for commercial uses not otherwise permitted in the zone. Nightly rentals may not be converted to Corporate Sponsor or Business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for. A Corporate Sponsor is any Business enterprise or combination of Business enterprises which provide funding for any special event in the amount of fifty percent (50%) or more of the funds necessary to promote the event or account for fifty percent (50%) or more of the event operating expenditure budget.

C. **NOISE AND OCCUPANCY CONTROL.** The licensee and the owner of rentals under this

Section are responsible for regulating the occupancy of the Unit and noise created by the occupants of the Unit. Violation of the Noise Ordinance, violation of occupancy loads, failure to use designated off-street parking, illegal conduct, or any other abuse, which violates any law regarding use or occupancy of the premises, is grounds for revocation. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation.

D. **REVIEW CRITERIA.** In determining whether or not a Business license for rental authorized under this Section shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all Business licenses, the following conditions and standards are met:

1. The Unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for;
2. The access to the rental Unit and the layout of the Unit is such that noise and physical trespass from the proposed rental Unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental Unit is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required;
3. The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual, who resides within a 1-hour drive of the property, or, in the case of a company, has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, twenty-four (24) hours per day, and must be able to respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries. The responsible party is also designated as the agent for receiving all official communications under this Title from Park City. If the licensee is a property management company or individual other than the owner, such company or individual must comply with applicable state law, including the Securities Division Real Estate Division in the Utah Code, as amended, which requires those who receive valuable consideration to lease property to have a state license;
4. The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax accounting number used by the property management company responsible for that Unit, or may be specific to the Unit, but no license will be effective until the sales tax number is provided.

HISTORY
Amended by Ord. 13-19 on 6/6/2013
Repealed & Reenacted by Ord. 2017-51 on 10/5/2017
Amended by Ord. 2019-17 on 4/18/2019

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ORDINANCE 2020-37

AN ORDINANCE AMENDING FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1) TO ESTABLISH ADDITIONAL CONDITIONAL USE PERMIT CRITERIA AND A CAP OF TWELVE NIGHTLY RENTALS IN THE WESTERN HISTORIC RESIDENTIAL – LOW DENSITY ZONING DISTRICT

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, Nightly Rentals – rentals for fewer than 30 days – require a Conditional Use Permit in the western Historic Residential – Low Density Zoning District;

WHEREAS, the western Historic Residential – Low Density Zoning District includes residences along King Road, Ridge Avenue, and Sampson Avenue, which roads do not meet current engineering standards related to roadway width and in some cases steepness of the road;

WHEREAS, in inclement weather, access to these residences may require all-wheel or 4-wheel drive during the winter season;

WHEREAS, due to the narrow and steep roads, on-street parking is limited and Nightly Rental parking shall be limited to on-site parking only;

WHEREAS, the General Plan recommends Nightly Rentals in this area due to resort access and property owners shall provide Nightly Renters with information on walkability to tourist destinations and ski access to the resort;

WHEREAS, the property management information shall be prominently displayed inside the Nightly Rental property so that any issues or disturbances may be timely addressed;

WHEREAS, due to the unique topography of the western Historic Residential – Low Density Zoning District and current and potential future development in the area, the Commission has determined that no more than twelve Nightly Rental Conditional Use Permits shall be issued;

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WHEREAS, the Planning Commission duly noticed and conducted a public hearing on July 8, 2020 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing on July 30, 2020.

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

SECTION 1. FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1), *Historic Residential – Low Density District Uses*. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2(B)(1), Footnote 2, of the Land Management Code of Park City is hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED this 30th day of July, 2020

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
0340104CDC42481...

Andy Beerman, Mayor

DS

Attest:

DocuSigned by:
E5F905BB533F431...

City Recorder

Approved as to form:

DocuSigned by:
41523ECF3101489...

City Attorney's Office

Attachment 1

15-2.1-2 Uses

. . .

B. **CONDITIONAL USES**.

1. Nightly Rentals[2]
2. Lockout Unit
3. Accessory Apartment[3]
4. Child Care Center[1]
5. Essential Municipal and Public Utility Use, Facility, Service and Structure
6. Telecommunication Antenna[4]
7. Satellite dish greater than thirty-nine inches (39") in diameter[5]
8. Residential Parking Area or Structure five (5) or more spaces
9. Temporary Improvement[6]
10. Passenger Tramway Station and Ski Base Facility[7]
11. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge[6]
12. Recreation Facility, Private
13. Fences greater than six feet (6') in height from Final Grade[5,8]

[2] No more than twelve (12) Conditional Use Permits shall be allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District. In addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of

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on-site Parking Spaces; (b) all rental agreements shall include language indicating that all-wheel or four-wheel drive vehicles are required during the winter season; (c) all rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service; and (d) property management contact information shall be displayed in a prominent location inside the Nightly Rental.

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: 162 Ridge Avenue
Application: PL-20-04679
Author: Brendan Conboy, Senior Planner
Date: January 13, 2020
Type of Item: Administrative – Nightly Rental Conditional Use Permit

Recommendation
Staff recommends that the Planning Commission review the proposed Nightly Rental Conditional Use Permit for 162 Ridge Avenue in the Historic Residential – Low Density (HRL) District, conduct a Public Hearing, and consider approving the Nightly Rental Conditional Use Permit for 162 Ridge Avenue according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined in this Staff Report.

Description

Applicant:	Marc R. Ozarski
Location:	162 Ridge Avenue
Zoning District:	Historic Residential – Low Density (HRL)
Adjacent Land Uses:	Residential
Reason for Review:	The Planning Commission reviews and approves Conditional Use Permit applications

Acronyms

HDDR	Historic District Design Review
HRL	Historic Residential – Low Density Zone
LMC	Land Management Code
MCPC	Municipal Code of Park City

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

Summary
The applicant is requesting a Nightly Rental Conditional Use Permit for 162 Ridge Avenue, a three-bedroom/three-bathroom, 3,030 square foot Single-Family Dwelling built in 2016. 162 Ridge Avenue is located in the western Historic Residential – Low Density (HRL) Zoning District. The Land Management Code (LMC) requires that a homeowner secure a Conditional Use Permit in order to use a property within certain HRL boundaries for Nightly Rentals.

Background
The subject property is located on Lot 2 of the King Ridge Estates Subdivision (Summit County Recorder Entry No. 847041). The subject lot is 5,898 square feet, or approximately 0.135 acres in size.

On July 9, 2020, the Planning Commission forwarded a positive recommendation for

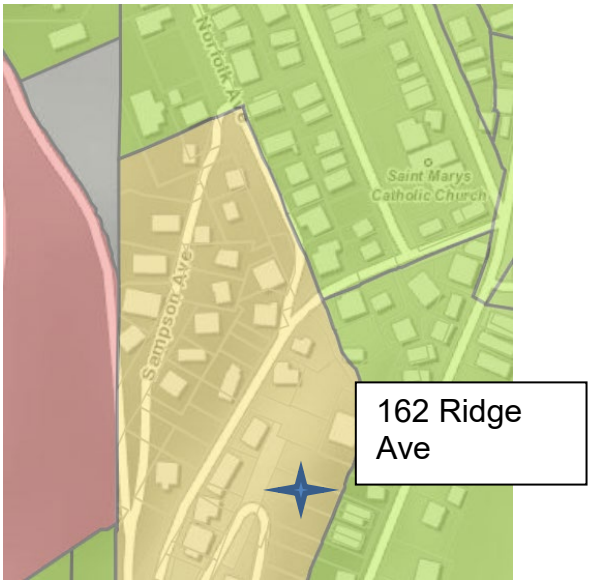
City Council's consideration to cap the number of Nightly Rentals in the western HRL area to 12 and to include additional Conditional Use Permit (CUP) criteria (Staff Report; Minutes, p. 32-37). On July 30, 2020, the City Council enacted Ordinance No. 2020-37 to adopt the amendments specific to the western HRL area (Staff Report; Audio).

On October 15, 2020, the Applicant submitted a Conditional Use Permit application for Nightly Rental use. Staff deemed the application complete upon submittal, however action on the proposed item was delayed until City Council could complete a Work Session to review Nightly Rental management standards, noise and occupancy control, review criteria, and enforcement issues. On Dec. 17, 2020, the City Council held a Work Session to review the aforementioned issues pertaining to Nightly Rentals and provided direction to staff. (Staff Report, Audio).

Analysis

The Land Management Code (LMC) requires a Conditional Use Permit in order to use a property within certain HRL boundaries for Nightly Rentals. The Land Management Code defines a Nightly Rental as "The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses" (LMC § 15-15.1). Nightly Rentals require a Conditional Use Permit in the HRL District for properties south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road, an area highlighted in yellow in the Park City Nightly Rental Zones map below (LMC § 15-2.1-2(B)(1)).

Figure 1. Park City Nightly Rental Zones Map – Yellow Indicates Nightly Rentals Require a Conditional Use Permit



The Nightly Rental Conditional Use Permit is subject to the following review criteria in the LMC:

- Per LMC § 15-2.1-2(B) Nightly Rental is an allowed Conditional Use in the HRL Zoning District with additional requirements beyond LMC § 15-1-10(E).

- Per LMC § 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

I. LMC § 15-2.1-3 Lot and Site Requirements

II. LMC § 15-1-10(E) Conditional Use Permit Review Criteria

(I) Staff recommends the Commission approve the 162 Ridge Avenue Nightly Rental Conditional Use Permit because it complies with the HRL Zoning District Requirements outlined in LMC § 15-2.1

a. HRL Zoning Code Land Use Table

Zoning Requirement	Analysis of Proposal
Minimum Lot Area – 3,750 square feet	Lot contains 5,898 square feet.
Minimum Lot Width – 35 feet	Lot Width of 45 feet
Lot Depth	131 feet
Maximum Building Footprint – 2,117 square feet	Actual Footprint – 1,460 square feet
Minimum Front Setback – 15 feet (per plat)	Complies
Minimum Rear Setback – 30 feet (per plat)	30+ feet
Minimum Side Setback – 5 feet (per plat)	5 feet / 5 feet

b. The proposal complies with the HRL Zoning District Requirements for Nightly Rentals, as conditioned. Per LMC § 15-2.1-2 Conditional Uses: *No more than twelve (12) Conditional Use Permits shall be allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District. In addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items:*

(a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of on-site Parking Spaces;
(b) all rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season;
(c) all rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service; and
(d) property management contact information shall be displayed in a prominent location inside the Nightly Rental.

There are currently 7 Conditional Use Permits (CUPs) issued for the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. Staff has included Conditions of Approval to address items (a) through (d) to ensure that the proposal complies with the requirements of LMC § 15-2.1-2.

(II) Staff recommends the Commission approve the 162 Ridge Avenue Nightly Rental Conditional Use Permit because it complies with criteria outlined in LMC § 15-1-10(E).

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

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

a. Conditional Use Permit Criteria Analysis Table

CUP Review Criteria	Analysis of Proposal
1. Size and location of the site	**Size**: The LMC does not specify a maximum or minimum size for Nightly Rental properties or dwellings. 162 Ridge Avenue is a three-bedroom/three-bathroom Single-Family Dwelling located on a 0.135-acre parcel and complies with all Lot and Site Requirements for the HRL District including Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway standards. 15-2.1-3 and 15.2.1-7. The potential Nightly Rental occupancy is limited by the existing size and emergency escape and rescue opening standards of the International Residential Code. To complete the Nightly Rental Business License application process, the Building Department must complete an Inspection. The Building Department will determine a maximum occupancy to ensure that the appropriate Emergency escape and rescue openings are provided. **Location of the Site**: 162 Ridge Avenue is located in an area identified in the Park City General Plan as a preferred area for Nightly Rentals because of its proximity to Park City Mountain Resort.[1] However, a Condition Use Permit is required in this zoning district.
2. Traffic considerations including capacity of	**No unmitigated impacts**. 162 Ridge Avenue is accessed by Ridge Avenue. It is not anticipated that there would be a significant change in traffic generated for the property as a

[1] General Plan, Vol. 1, p. 71, Objective 7C

the existing Streets in the Area	Nightly Rental compared to a Single-Family Dwelling.
3. Utility capacity	**No unmitigated impacts**. 162 Ridge Avenue is approved as a private Single-Family Dwelling and all utilities are available on-site. If the Commission grants the Nightly Rental Conditional Use Permit, the Single-Family Dwelling will continue to be used as a residence with no change to utility capacity or storm water run-off.
4. Emergency vehicle access	**No unmitigated impacts**. A Nightly Rental Business License triggers a Building Department inspection of the Structure to ensure that all Building and Fire Code requirements are met prior to issuance of a Business License. A Nightly Rental Conditional Use Permit will not alter the required emergency vehicle access.
5. Location and amount of off-street parking	**No unmitigated impacts.** Nightly Rental parking requirements are the same as the parking requirements for the Single-Family Dwelling (up to the first six [6] bedrooms). LMC § 15-3-6(A). The LMC requires two (2) parking spaces per Single-Family Dwelling. The existing house has parking for one car in a garage and one car in the driveway. Staff has added a Condition of Approval limiting parking to two (2) vehicles which must park in the one (1) garage space and in the one (1) driveway space. No parking on street in the surrounding neighborhood for this use shall be permitted. This is reflected in Condition of Approval 6.
6. Internal vehicular and pedestrian circulation system	**Vehicle Circulation:** Ridge Avenue is a steep and narrow street. During weather-related road conditions access to 162 Ridge Avenue may be limited and renters may need to park off-site in an approved overnight public parking lot and walk to the rental property. Staff recommends that a Condition of Approval require that the nightly rental lease inform prospective renters that access to the property during inclement weather may be limited and alternative parking off-site may be required. This is reflected in Condition of Approval 9. **Pedestrian Circulation:** 162 Ridge Avenue is located within walking distance of Park City Mountain Resort, Old Town, Main Street, Transit Stops, Municipal Parking and bike trails.
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses	**No unmitigated impacts**. No changes to the site are proposed at this time. No changes to the approved exterior landscaping required for Final Certificate of Occupancy are part of this application.
8. Building mass, bulk, and orientation, and the location of Building	**No unmitigated impacts**. No change is proposed for the building mass, bulk, orientation, or location.

on the Site, including orientation to Buildings on adjoining Lots	
9. Usable Open Space	**No unmitigated impacts**. The proposed use does not change the site's Open Space and there is no additional requirement in the LMC.
10. Signs and lighting	**No unmitigated impacts**. No signs are proposed. The lighting must conform to Building and Land Management Code standards before a Nightly Rental Business License is granted.
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing	**No unmitigated impacts**. The proposal is compatible with the surrounding Structures in mass, scale, style, design, and architectural detailing as the home was reviewed and approved for HDDR compliance.
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site	**No unmitigated impacts**. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated beyond what is reasonably expected for a Single-Family Dwelling.
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas	**No unmitigated impacts.** No deliveries beyond what is reasonably expected for a Single-Family Dwelling are anticipated. Residential trash pickup for the property will be from Ridge Avenue. Staff recommends a Condition of Approval requiring that trash receptacles be placed for trash pickup according to the Municipal Code of Park City, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied. This is reflected in Condition of Approval 11.
14. Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership	**No unmitigated impacts.** Nightly Rentals are required to have a license and be properly managed by a local representative including for snow removal, landscaping, routine upkeep, trash collection and noise and occupancy control (MCPC § 4-5-3).

affects taxing entities	
15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site	**No unmitigated impacts**. No changes to the structure are proposed and no environmental site conditions are known to be present.
16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding	**Goal 7** of the General Plan, Life-Cycle Housing, is to create a diversity of primary housing opportunities to address the changing needs of residents. Objective 7C is to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 162 Ridge Avenue is within a walkable distance to Park City Mountain Resort with skiing access through Upper Norfolk Avenue. **Goal 9** of the General Plan, Parks & Recreation, is to continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9C is to optimize interconnectivity by utilizing bus/transportation services to recreation facilities. Staff has included a Condition of Approval that the applicant provides renters with detailed information regarding walkable access to skiing and to Park City's free transit service. This is reflected in Condition of Approval 9.

(III) The Development Review Committee did not identify any concerns with the proposed Conditional Use Permit.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on December 30, 2020. Staff mailed courtesy notice to property owners within 300 feet on December 30, 2020. The *Park Record* published notice on December 30, 2020. LMC § 15-1-21.

Public Input

Staff has not received any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the 162 Ridge Avenue Conditional Use Permit, as conditioned; or
- The Planning Commission may request additional information and continue the discussion to January 27, 2021; or
- The Planning Commission may deny the 162 Ridge Avenue Conditional Use Permit.

Exhibits

Exhibit A: Applicant Submittal
Exhibit B: Existing Conditions
Exhibit C: Lease
Exhibit D: Walkability
Exhibit E: Property Photos
Exhibit F: Building Plans
Exhibit G: Business License Application
Exhibit H:Ordinance 2020-37 AN ORDINANCE AMENDING FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1) TO ESTABLISH ADDITIONAL CONDITIONAL USE PERMIT CRITERIA AND A CAP OF TWELVE NIGHTLY RENTALS IN THE WESTERN HISTORIC RESIDENTIAL – LOW DENSITY ZONING DISTRICT
Exhibit I: Regulation of Nightly Rentals in LMC

Findings of Fact

1. The property is located at 162 Ridge Avenue in the Historic Residential-Low Density (HRL) District.
2. 162 Ridge Avenue is a three-bedroom/three-bathroom Single-Family Dwelling that is located on a 0.135-acre parcel.
3. 162 Ridge Avenue is within walking distance to Park City Mountain Resort skiing and to Park City's free public transit.
4. The three-bedroom/three-bathroom Single-Family Dwelling at 162 Ridge Avenue is located within the area designated for Nightly Rentals in the HRL District, subject to a Conditional Use Permit.
5. On October 15, 2020, the owner of 162 Ridge Avenue submitted an application to request Commission review and approve a Nightly Rental Conditional Use Permit.
6. There are currently nine (7) Nightly Rental Conditional Use Permits in the western HRL District.
7. In addition to a Nightly Rental Conditional Use Permit, the owner must secure a Nightly Rental Business License to use the property as a Nightly Rental. The business license application process requires that the Building Department inspect the property to ensure that the property meets all applicable building and fire codes.

8. 162 Ridge Avenue is a three-bedroom/three-bathroom house on a 0.135 acre site located within the potential Nightly Rental Conditional Use Permit zone and there are no unmitigated impacts from the site size and location.
9. Ridge Avenue is a narrow and steep street and should only be accessed by two vehicles associated with a Nightly Rental on this lot. All parking shall be contained on site and there shall be no parking allowed on surrounding neighborhood streets. This portion of Ridge Avenue is steep and all-wheel drive vehicles are required during winter months.
10. 162 Ridge Avenue is approved as a private residence and use of the property as a Nightly Rental will minimally change utility capacity and storm water run-off.
11. A Nightly Rental Conditional Use Permit will not alter the required emergency vehicle access.
12. During weather-related road conditions, access to 162 Ridge Avenue may be limited and renters may need to find parking off-site to walk to the property. Leases shall contain information on available municipal parking and all-wheel drive vehicles shall be required during winter months.
13. No fencing or landscaping changes are proposed at this time.
14. The building mass, bulk, orientation, and location will remain unchanged.
15. No signs or additional lighting are proposed to be installed.
16. No changes to the physical design of the house or site are proposed.
17. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated.
18. No deliveries beyond what are reasonably expected for a Single Family Dwelling are anticipated. Residential trash pickup for the property will be from Ridge Avenue and subject to the Municipal Code of Park City § 6-1-11.
19. The property will be maintained by a professional property management company.
20. 162 Ridge Avenue is located outside of the Park City Soils Ordinance Zone.
21. Use of 162 Ridge Avenue as a Nightly Rental is in keeping with Objective 7C of Goal 7 to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 162 Ridge Avenue is within a walkable distance to Park City Mountain Resort with access through Upper Norfolk Avenue.

Conclusions of Law

1. The proposed application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the Nightly Rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. The applicant must obtain and maintain a valid Nightly Rental Business License.
2. Compliance with all building and fire code standards is required as a condition

precedent to issuance of a Nightly Rental Business License.

3. All existing and any new exterior lighting shall conform to the City's lighting requirements prior to the issuance of a Nightly Rental Business License.
4. No exterior commercial signs are approved as part of this Nightly Rental Conditional Use Permit. Any future signs on the property shall be subject to the Park City Sign Code.
5. This Nightly Rental Conditional Use Permit is approved for the three-bedroom/three-bathroom Single-Family Dwelling. Any additions to the Structure that enlarge the Structure terminate this Conditional Use Permit and require a new Conditional Use Permit that reflects the altered size of the Single-Family Dwelling.
6. All lease agreements for Nightly Rental shall include language that limits the vehicles allowed at 162 Ridge Avenue to two (2) vehicles that must utilize on-site parking in the one (1) garage space and one (1) on-site driveway space. No parking in the surrounding residential neighborhood is permitted.
7. Parking for nightly rental use on Ridge Avenue is prohibited.
8. Parking for nightly rental use on the private driveway on the platted, unbuilt Ridge Avenue right-of-way that provides access to 162 Ridge Avenue is prohibited.
9. All rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season.
10. Property management contact information shall be displayed in a prominent location inside the Nightly Rental
11. The property owner or a Property Management Company shall place trash receptacles for trash pickup according to the Municipal Code of Park City § 6-1-11, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:50 PM the day they are emptied.
12. All lease agreements for Nightly Rental shall include language indicating that during heavy snowfall or bad road conditions, access to the property may be limited and a list of municipal garages shall be provided. There may be times when renters need to park off-site in a public parking lot and walk to the property, and all-wheel drive vehicles are recommended during winter months.
13. The applicant must provide renters with detailed information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, to Park City's free transit service and to Park City Municipal Garages.
14. Nightly Rental of 162 Ridge Avenue prohibits Commercial Uses such as hospitality houses, screening rooms, reception centers, etc.
15. The property owner or a professional property management company shall oversee the property and shall maintain the property and landscaping in a manner that shall comply with all City Code and Land Management Code standards.

CONDITIONAL USE PERMIT
(162 RIDGE AVE.)

1. Project Description.

Applicant seeks a conditional use permit to use the residence located at 162 Ridge Ave. ("Property") for nightly rentals. Park City Municipal Code specifically authorizes such use with a conditional use permit in the Western Historic Residential Low – Density where the Property is located (LMC § 15-2.1-2(B)(1), Footnote 2). Approval of such a conditional use permit is subject to certain considerations, each of which has been addressed by the Applicant, as set forth below.

2. Considerations.

(a) Lease Restrictions. The lease form for nightly rental of the Property (Exhibit A) includes, among other things, requirements and restrictions, which will also be noted in marketing materials, as follows:

i. No Street Parking. Tenant acknowledges that no street parking is available and agrees that Tenant and its invitees shall, at all times, limit parking to the Property's driveway and garage.

ii. Winter Vehicle Requirements. Tenant agrees to limit Tenant's vehicular access to the Property to all-wheel drive vehicles during the winter season (December – February).

iii. Contact Information. The lease provides contact information for the property management company retained by Applicant, which includes a 24-hour emergency contact number. Tenants will also be given contact information for local vendors and services which may be beneficial to tenants of the Property (dining, housekeeping, babysitting, transportation, rental equipment, etc.).

iv. Accessibility to Skiing; Transit and Main Street. Each lease for nightly rental will be accompanied by maps and transit information identifying walking access to skiing at Park City Mountain Resort, Main Street and the City's nearest public transit center in substantially the form attached hereto as Exhibit "B".

v. Disturbance of Others. The lease precludes tenants from disturbing neighbors with excessive noise, music, lights, etc.

(b) Noise. The lot size and surrounding geography are such that the immediately adjacent two residences are the only ones that would likely be impacted by noise to the extent a Tenant were to create excessive noise in violation of the lease. The Property is significantly elevated above Daly Ave. to the East and King Ave. to the West, reducing the potential for noise to impact residences in those locations. Moreover, the Property has abnormally large lot (by Old Town standards) with approximately 60 feet between the physical improvements on the Property and those on Daly Ave. and King Ave. (Exhibit "C".)

(c) Occupancy. The residence has three bedrooms and three bathrooms. This configuration will likely be most desirable for a single family or two small families. There are four beds in the house that can accommodate a maximum of 8 people. (See plan submittal.) The limited number of bathrooms and bedrooms will likely deter larger groups from renting the Property.

(d) Snow Removal. The driveway for the Property together with the public right of way that provides access to the Property along with two other homes in the King Ridge Estates development are equipped with a snow melt system that eliminates the need for routine snow plowing and snow storage, which improves accessibility to on-site parking.

(e) Business License. Upon issuance of a conditional use permit, Applicant will obtain a business license in compliance with local ordinance, which such license shall be contingent upon a physical inspection of the Property and its fire and life safety systems. (Exhibit "D".)

ADJOINING PROPERTY LINES, OWNERS AND USES WITHIN 100' OF SUBJECT PROPERTY (KRDGE-2)

PARCEL	OWNER	USE
ANCH-LOT3-AM	83 King LLC	Vacant
ANCH-2-2AM	Chandler Investments LLC	SFR
PC-652	Peter J. Henderson	SFR
74&80-DA-A	74 Daly Ave LLC	SFR
74&80-DA-B	Daly Series	SFR
84-Daly-A	John D. Thomas	SFR
PC-655-A-X	Park City Municipal Corp.	N/A
DD-1	Grace C. McGowan	Condo
DD-2	Karl Goran Knutsson	Condo
DD-3	Laurie J. Spengler	Condo
DD-4	Daly Property LLC	Condo
100-DA-1	Sudip Thakor	SFR
PC-657	Kathryn L. Deckert	SFR
PC-690-C	Market Consortium LLC	Vacant
PC-690-B	Summit Leasing East, LLC	Vacant
KRDGE-A	Thaynes Capital LLC	Public Right of Way
KRDGE-1	Barry Turner	SFR
KRDGE-2	SUBJECT PROPERTY	SFR
KRDGE-3	Charles T. Stehphenson	SFR
PC-700-A	David Post	SFR
PC-697-A	David Post	SFR
89-KR-A	Thomas Blaine Ponder	SFR
85-KR-1	Erik S. Tolzmann	SFR

162 RIDGE AVENUE

PARK CITY, UT 84060

CONSULTANTS

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LEGEND

BRICK & STONE
EARTH
CONCRETE
CONCRETE MASONRY UNIT
STEEL (LARGE SCALE)
RIGID INSULATION
ROUGH WOOD
BLOCKING
ALUMINUM (LARGE SCALE)
GRAVEL
FINISHED WOOD
BATT OR BLOWN INSULATION
PLASTER, SAND, GROUT, MORTAR
STEEL (SMALL SCALE)
BITUMINOUS PAVING
PLYWOOD
GYPSUM BOARD

OFFICE 103 — ROOM NAME & NUMBER
FLOOR, POINT ELEV.
CENTER LINE
ROUND, DIA.
CHANNEL
ANGLE
A A1.1 — DETAIL
A A1.1 — SECTION CUT, DETAIL
AA A5.1 — BUILDING SECTION
1 — KEYED NOTES
A — WINDOW TYPE
MP — DOOR NUMBER
3 — REVISION
A D A4.2 B C — INTERIOR WALL ELEV.
A — WALL TYPE

CODE ANALYSIS

APPLICABLE CODES
2012 IRC 2012 IBC
2012 IPC 2012 IMC
2011 NEC 2012 IFGC
2009 IECC 2012 IFC

OCCUPANCY: R3

CONSTRUCTION TYPE: VB

BUILDING TO BE FIRE SPRINKLED: CONTRACTOR TO PROVIDE APPROVALS PRIOR TO INSTALLATION.

BACKFLOW PREVENTERS (3 TOTAL)
1. LAWN SPRINKLER SYSTEM
2. BOILER
3. FIRE SPRINKLER SYSTEM

DEFERRED SUBMITTALS
1. PREFAB FIREPLACES & GAS LOG
2. RADIANT HEAT SUBMITTAL
3. FIRE SPRINKLER SUBMITTAL
4. HEATING & COOLING EQUIPMENT
5. BOILER OR FURNACE
6. STEAM SHOWER
7. HVAC LOAD CALCULATIONS
8. HVAC DUCT SYSTEMS
7. ROOF AND DECK MEMBRANES
8. GAS PIPING DIAGRAM
9. ROCK RETAINING WALLS
10. CHIMNEY CAP RATING 1
11. SHORING PLAN 2

AREA SQUARE FOOT CALCULATIONS

	EXISTING	NEW	TOTAL	REMODEL
LOWER LEVEL	-	1307	1307	-
MAIN LEVEL	-	1423	1423	-
UPPER LEVEL	-	215	215	-
TOTAL LIVING SPACE	-	2945	2945	-
ALLOWABLE LIVING SPACE	-	-	-	-
GARAGE	-	324	324	-
FOOTPRINT	-	1460	1460	-
ALLOWABLE FOOTPRINT	-	-	-	-
LOT AREA	5895			
LOD FENCE	4548			
DISTURBED AREA	2161			

INDEX TO DRAWINGS

#	SHEET #	SHEET DESCRIPTION
1	Aa	COVER SHEET
		SURVEY
2	1 OF 1	RECORD OF SURVEY
3	1 OF 1	TOPOGRAPHIC SURVEY 9
		ARCHITECTURAL
4	A0.1	PROPOSED SITE PLAN
5	A0.2	LANDSCAPE PLAN
6	A1.1	LOWER LEVEL & MAIN LEVEL FLOOR PLANS
7	A1.2	UPPER LEVEL FLOOR PLAN & ROOF LEVEL PLAN
8	A2.0	EXTERIOR ELEVATIONS - WEST & NORTH
9	A2.1	EXTERIOR ELEVATIONS - EAST & SOUTH
10	A3.0	BUILDING SECTIONS
11	A3.1	BUILDING SECTIONS
12	A5.1	ARCHITECTURAL DETAILS
13	A5.1	ARCHITECTURAL DETAILS
14	A6.1	DOOR, WINDOW, AND ROOM SCHEDULES
		STRUCTURAL
15	S1.1	GENERAL STRUCTURAL NOTES AND STRUCTURAL DETAILS
16	S1.2	STRUCTURAL DETAILS
17	S1.3	STRUCTURAL DETAILS
18	S2.0	FOOTING AND FOUNDATION PLAN
19	S2.1	MAIN LEVEL FLOOR FRAMING PLAN
20	S2.2	UPPER LEVEL FLOOR FRAMING AND MAIN ROOF FRAMING PLAN
21	S2.3	UPPER ROOF FRAMING PLAN
22	S3.1	STRUCTURAL DETAILS
23	S3.2	STRUCTURAL DETAILS
24	S3.3	STRUCTURAL DETAILS
25	S4.1	STRUCTURAL DETAILS
26	S4.2	STRUCTURAL DETAILS
27	S5.1	STRUCTURAL DETAILS
		MECHANICAL, ELECTRICAL, PLUMBING
28	MEP1.0	MECHANICAL, ELECTRICAL, PLUMBING GENERAL NOTES
29	MEP1.1	MEP PLANS

ABBREVIATIONS

A/C	AIR CONDITIONING	F.D.	FLOOR DRAIN	PR.	PAIR
ACOUST.	ACOUSTICAL	FND	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDENDUM	FIN.	FINISH	REG.	REGULAR
ADJ.	ADJUSTABLE	FLR.	FLOOR	R.S.	ROUGH-SAWN
ALLOW.	ALLOWANCE	F.R.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	REINF.	REINFORCING
APPROX.	APPROXIMATE	G	GAS	REQ'D.	REQUIRED
B.D.	BOARD	G.I.	GALVANIZED IRON	REV.	REVISED
B.U.	BUILT-UP	GA.	GAUGE	RM.	ROOM
B.W.	BOTH WAYS	GALV.	GALVANIZED	R.O.	ROUGH OPENING
BLDG.	BUILDING	GRD.	GRADE	S & R	SHELF AND ROD
BLK.	BLOCK	G.W.B.	GYPSUM WALL BOARD	S.C.	SOLID CORE
BRK.	BRICK	G.L.B.	GLU-LAM BEAM	SCHED.	SCHEDULE
C.I.	CAST IRON	H.B.	HOSE BIBB	SHT.	SHEET
C.J.	CONTROL JOINT	HD.	HEAD	SIM.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	H.M.	HOLLOW METAL	SPEC.	SPECIFICATION
CLG.	CEILING	HOR.	HORIZONTAL	STD.	STANDARD
COL.	COLUMN	I.D.	INSIDE DIAMETER	STL.	STEEL
COMP.	COMPACTED/COMPOSITE	INT.	INTERIOR	STRUCT.	STRUCTURAL
CONC.	CONCRETE	IRRIG.	IRRIGATION	SYS.	SYSTEM
CONST.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	JB.	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	JNT.	JOINT	T.O.	TOP OF
D.F.	DRINKING FOUNTAIN/DOUGLAS FIR	M.R.	MOISTURE RESISTANT	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	MANF'R	MANUFACTURER	T.O.W.	TOP OF WALL
DIM.	DIMENSION	MAX.	MAXIMUM	TYP.	TYPICAL
DN.	DOWN	MECH.	MECHANICAL	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	MIN.	MINIMUM	U.N.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	(N)	NEW	VERT.	VERTICAL
EA.	EACH	N.I.C.	NOT IN CONTRACT	V.T.R.	VENT THRU ROOF
E.F.	EXHAUST FAN	N.T.S.	NOT TO SCALE	W.	WATER
E.I.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NUMBER	WD.	WOOD
E.J.	EXPANSION JOINT	O.C.	ON CENTER	W/	WITH
ELEC.	ELECTRIC/ELECTRICAL	O.D.	OUTSIDE DIAMETER	WP.	WATERPROOF
ELEV.	ELEVATION	OF.D.	OVERFLOW DRAIN	W.R.	WATER RESISTANT
EQ.	EQUAL	OPNG	OPENING	W.H.	WATER HEATER
E.T.	EXPANSION TANK	PLYWD.	PLYWOOD	W.S.	WATER SOFTENER
EXIST. (E)	EXISTING	PNT.	PAINT	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR	PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

1. THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.

2. THESE SHEETS - LISTED BY DRAWING INDEX , ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.

3. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.

4. ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.

5. IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.

6. ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.

7. ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.

8. BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2012 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.

9. ALL 2/5 lb. GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.

10. ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degrayarch@qwestoffice.net

PROJECT DESCRIPTION: 162 RIDGE AVENUE PARK CITY, UT 84060

SHEET DESCRIPTION: COVER SHEET

REVISIONS:
1 10/24/15
2 10/24/15
3 11/03/15

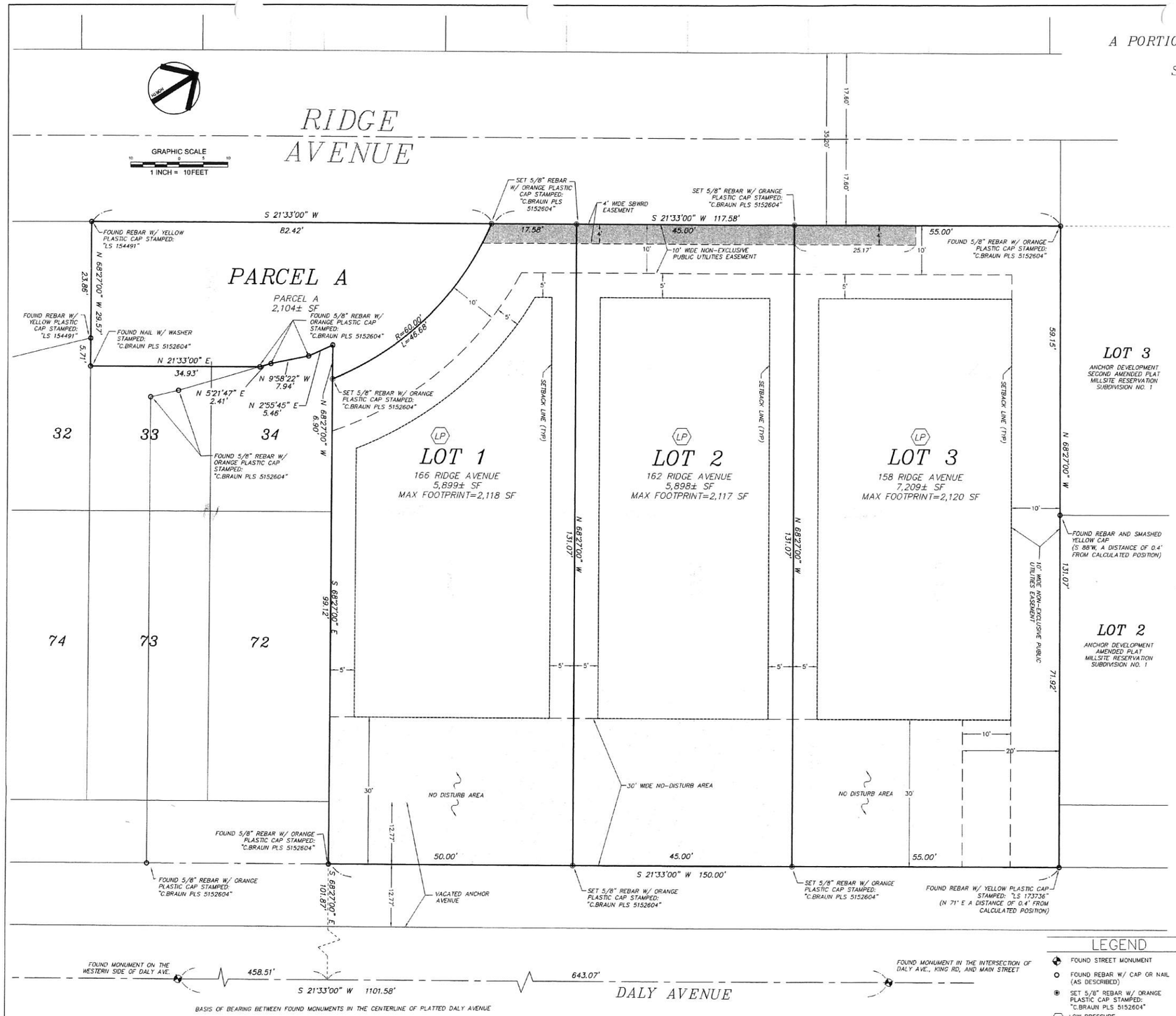
DATE: 11/03/15

PROJECT NUMBER:

SHEET NUMBER: Aa

KING RIDGE ESTA 'S

A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY,
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



PLAT NOTES:

1. ALL LOTS WITHIN THIS SUBDIVISION ARE BUILDABLE. ANY FURTHER SUBDIVISION OF SUCH LOTS, WHETHER BY DEED BEQUEST, DIVORCE DECREE, OR OTHER RECORDED INSTRUMENT SHALL NOT RESULT IN A BUILDABLE LOT UNTIL THE SAME HAS BEEN APPROVED IN ACCORDANCE WITH THE PARK CITY LAND USE ORDINANCE.

2. UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREON. SAID RIGHTS INCLUDES THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES, AND VEGETATION THAT MAY HAVE BEEN PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT NO TIME MAY ANY PERMANENT STRUCTURES OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE BE PLACED WITHIN THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF ALL THE UTILITIES WITH FACILITIES WITHIN THE AFFECTED PUE.

3. DESIGN OF ACCESS TO AND FIRE PROTECTION FOR ALL PROPOSED BUILDINGS MUST MEET THE REQUIREMENTS OF THE PARK CITY FIRE SERVICE DISTRICT. MODIFIED 13-D SPRINKLERS ARE REQUIRED IN EACH HOUSE.

4. LOTS ARE NUMBERED 1-3.

5. PARCEL A IS HEREBY DEDICATED TO PARK CITY AS A PUBLIC STREET AND RIGHT-OF-WAY.

6. NO REMNANT PARCEL CREATED HEREBY IS SEPARATELY DEVELOPABLE

7. THE 30-FOOT WIDE NO-DISTURB AREA ALONG THE REAR OF LOTS 1-3 IS INTENDED TO PRESERVE EXISTING VEGETATION BOTH DURING AND AFTER CONSTRUCTION. DISTURBANCE WITHIN 30 FEET OF THE REAR LINE WILL BE REQUIRED ONLY IN THE VICINITY OF POWER AND STORM DRAIN CONSTRUCTION.

8. THE MAXIMUM FLOOR AREA, AS DEFINED BY THE PARK CITY LAND MANAGEMENT CODE, CANNOT EXCEED 3,030 SQUARE FEET FOR ANY STRUCTURE ON LOT 1, 2, OR 3.

9. CONSTRUCTION ON LOTS 1, 2, AND 3 IS RESTRICTED BY SPECIFIC CONDITIONS OF THE SUBDIVISION APPROVAL, ORDINANCE 07-74.

10. LOTS DESIGNATED AS LOW PRESSURE SEWER SYSTEM LOTS SHALL BE REQUIRED TO INSTALL A LOW PRESSURE GRINDER PUMP STATION AND APPURTENANCES CONSISTENT WITH THE SBWRD PUBLIC LOW PRESSURE SEWER SYSTEM INSTALLED FOR THE DEVELOPMENT. THE KING RIDGE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR OPERATION, MAINTENANCE AND REPAIR OF THE LOW PRESSURE GRINDER PUMP STATION AND APPURTENANCES.

LEGAL DESCRIPTION:

ALL OF LOTS 35 TO 40, INCLUSIVE; LOTS 66 TO 71, INCLUSIVE, AND THE WESTERLY ONE-HALF OF LOTS 33 AND 34, BLOCK 75, MILLSITE RESERVATION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN SUMMIT COUNTY RECORDER'S OFFICE.

TOGETHER WITH ONE-HALF OF THE VACATED ANCHOR AVENUE ABUTTING SAID LOTS 66 THOURH 71, INCLUSIVE ON THE EAST.

LESS AND EXCEPTING THEREFROM THE WESTERLY ONE-HALF OF LOT 34 ANY PORTION LYING EASTERLY OF RIDGE AVENUE WITHIN THE BOUNDS OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT A POINT ON THE PLATTED CENTERLINE OF ANCHOR AVENUE, SAID POINT BEING SOUTH 68°27'00" EAST 12.77 FEET FROM THE NORTHEAST CORNER OF LOT 72, BLOCK 75 OF THE MILLSITE RESERVATION TO PARK CITY; ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE; THENCE ALONG SAID PLATTED CENTERLINE SOUTH 21°33'00" WEST 37.50 FEET; THENCE LEAVING SAID CENTERLINE NORTH 68°27'00" WEST 95.31 FEET TO THE EASTERLY EDGE OF ASPHALT OF THE EXISTING PAVED RIDGE AVENUE; THENCE ALONG SAID EASTERLY ASPHALT EDGE THE FOLLOWING FIVE CALLS: 1) NORTH 11°25'02" EAST 0.44 FEET; 2) NORTH 08°09'06" EAST 5.47 FEET; 3) NORTH 05°21'47" EAST 19.77 FEET; 4) NORTH 09°58'22" EAST 7.94 FEET; 5) NORTH 02°55'45" WEST 5.46 FEET TO A POINT ON THE NORTHEASTERLY LINE OF LOT 34 OF SAID MILLSITE RESERVATION; THENCE LEAVING SAID EASTERLY EDGE OF ASPHALT AND ALONG THE NORTHERLY LINE OF LOT 34 AND 72 OF SAID MILLSITE RESERVATION SOUTH 68°27'00" EAST 106.02 FEET TO THE POINT OF BEGINNING.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE KING RIDGE ESTATES, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND I/WE, Wesley Lee Scott OF KING RIDGE RESOURCES, LLC. HEREBY CONSENT(S) TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNER(S), OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12th DAY OF May 2008.

KING RIDGE RESOURCES, LLC

ACKNOWLEDGEMENT

STATE OF UTAH:
COUNTY OF SUMMIT:

ON THIS 12th DAY OF May, 2008, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT, IN SAID STATE OF UTAH, KING RIDGE RESOURCES, LLC. THE PERSON THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PERSON, BEING DULY SWORN ACKNOWLEDGED TO ME THAT THEY ARE THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

NOTARY PUBLIC

11/1/11
MY COMMISSION EXPIRES

Notary Public
CORINNE S. WOODWARD
1750 Prospector Avenue
Park City, Utah 84060
My Commission Expires
January 1, 2011
State of Utah

LEGEND

- FOUND STREET MONUMENT
- FOUND REBAR W/ CAP OR NAIL (AS DESCRIBED)
- SET 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152604"
- (LP) LOW PRESSURE SEE PLAT NOTE #10

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER R. BRAUN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152604, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THIS PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THE PROPERTY BOUNDARIES AS SHOWN ARE CORRECT.

CHRISTOPHER R. BRAUN
PLS 5152604

5/9/08
DATE

5/9/08

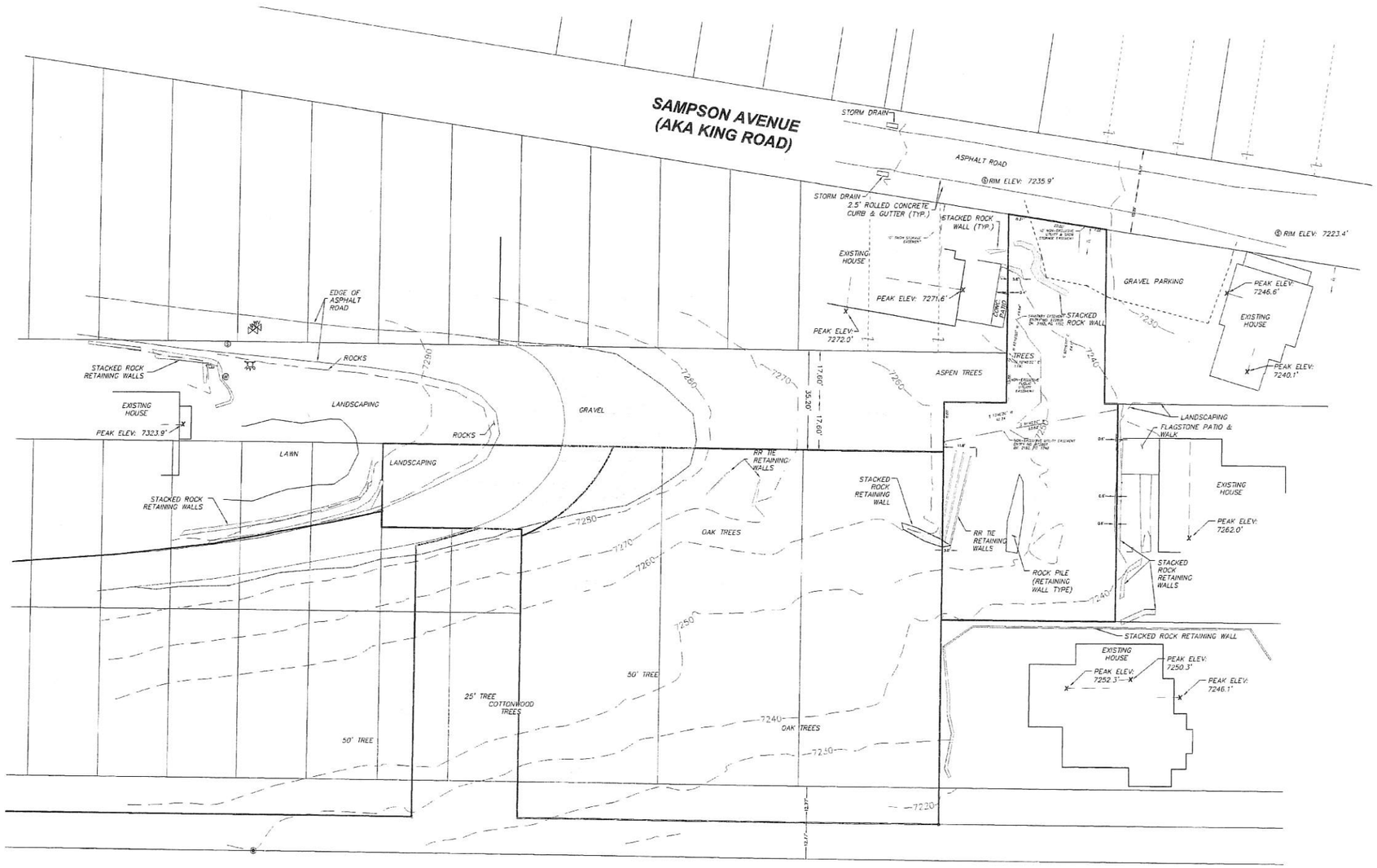
Park City Surveying
P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

MAY 2008 PAGE 1 of 1

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED # 847041
REVIEWED BY THE PARK CITY PLANNING COMMISSION ON THIS 12th DAY OF SEPTEMBER, 2007 A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 25TH DAY OF OCTOBER, 2007 A.D.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 14th DAY OF May, 2008 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 21st DAY OF May, 2008 A.D.	APPROVED AS TO FORM THIS 5 DAY OF June, 2008 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF _____, 2007 A.D.	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF U.S. Title DATE 6-13-08 TIME 2:20 p.m. BOOK ___ PAGE ___
CHAIRMAN	BY PARK CITY RECORDER	BY S.B.W.R.D.	BY PARK CITY ENGINEER	BY PARK CITY ATTORNEY	BY MAYOR	$34.00 FEE — Deputy RECORDER

TOPOGRAPHIC SURVEY

A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY, AND A PORTION OF ANCHOR DEVELOPMENT SECOND AMENDED PLAT MILLSITE RESERVATION SUBDIVISION No. 1 LYING WITHIN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH



NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP.

SURVEY COMPLETED: 09/28/2013

SEE SAID OFFICIAL PLATS FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS
NOTE: OTHERS MAY APPLY.

THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT; THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

NORTH

GRAPHIC SCALE
20 0 10 20
1 INCH = 20FEET

LEGEND

- FIRE HYDRANT
- WATER VALVE
- SANITARY SEWER MANHOLE
- WATER METER
- UTILITY POLE

TREE DIAMETER ANNOTATED TO EDGE OF DRIPLINE

- 5' DECIDUOUS TREE

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

CHRISTOPHER R. BRAUN 11/18/13 — DATE: 11/18/13

REVISIONS		
COMMENTS	BY	DATE
		XX/XX/XXXX

SURVEYED BY: MN
DRAWN BY: MN
DATE: OCTOBER 2013

FOR: THAYNES CAPITAL

TOPOGRAPHIC SURVEY

A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY, AND A PORTION OF ANCHOR DEVELOPMENT SECOND AMENDED PLAT MILLSITE RESERVATION SUBDIVISION No. 1

DWG: ANCHORMILLSITE TOPO

SHEET 1 OF 1

EXHIBIT A

[Form of Nightly Rental Lease Agreement]

{companies.logo}

VACATION RENTAL AGREEMENT

{reservations.unit_name}
{reservations.location_address}
{reservations.location_city}, {reservations.location_state_name} {reservations.location_zip}
{reservations.startdate} - {reservations.enddate}

Thank you for reserving our home in Park City, UT. We look forward to having your group as our guests. Please read this Vacation Rental Agreement thoroughly. Any monies received by Cooper's Luxury Home Collection, LLC, on behalf of the Owner, for occupancy of this House indicates the acceptance of the terms and conditions of this Vacation Rental Lease Agreement. It is the responsibility of the Tenant(s) to be familiar with all policies within this Agreement. This rental agreement is entered into by and between the Tenant identified below, and the Owner of the house, by and through Cooper's Luxury Home Collection, LLC (Owner's agent acting for and on behalf of the Owner). Please contact Cooper's Luxury Home Collection, with questions you may have at (435)604-0799; or via email at reservations@cooperslhc.com.

Rental Agreement Date: {reservations.creation_date}

Guest Name: {reservations.first_name} {reservations.last_name}

Guest Cell Phone: {reservations.mobile_phone}

Guest Email Address: {reservations.email}

Total number of Occupants (including infants): {reservations.occupants}
adults, {reservations.occupants_small} children
* *The approval of this application at the stated rate is based on the number of occupants listed.*
Maximum Occupants: {reservations.unit_max_occupants}

Rental Rate:
{reservations.price_total}

Arrival Instructions:
Directions along with other information will be provided upon receipt of Final Payment and Signed Rental Agreement.

We will charge your card on file for the remaining balance 30 days prior to arrival. If you wish to make other payment arrangements, you will be required to contact us no later than 75 days prior to {reservations.startdate}.

{reservations.folio}

TERMS AND CONDITIONS

*A completed **"Vacation Rental Agreement"** is required within 48-hours to hold your reservation. The Rental Deposit is due upon receipt. Review and acceptance of the Cooper's Luxury Home Collection Terms & Conditions which is made part of this rental agreement is required before a confirmation will be issued.*

1. **Payment Schedule**

50 % deposit will be paid upon booking. The remaining 50% will be paid 30 days prior to arrival date. All reservations made within 30 days of arrival must be paid in full. No payment or booking is confirmed until notice of receipt of the applicable funds has been sent to Renter.

2. **Cancellation Policy**

{{initial}} If the reservation is canceled 30 days or more before the start of the rental period, the full 50% deposit less than a 3% processing fee will be refunded. If the reservation is canceled within 30 days of the start of the rental period, the full amount deposited shall be non-refundable unless the Home is rented to another party. If the home is rented to another party for some or all of the original reservation period, then Owner will return the Tenants such portion of Tenant's deposits as Owner actually realized from any new rental up to a maximum of 3% less than the full amount of the deposit. **The only exception to this is Sundance Film Festival bookings. All Sundance Film Festival bookings are final and 100% non refundable.**

Owner's sole liability in the event that the house is unavailable because of unforeseen situations will be to issue a prompt full refund to Tenant. Owner will not be liable for any damages of any kind other than return of the deposit in any circumstances.

3. **Security for Potential Damages**

The Credit Card information given at time of booking shall be held up to 30 days after the departure date. Your Credit Card may be charged to ensure compliance with the terms of this rental agreement and to pay for reasonable repair of damages to the House, or other damages resulting from a default by Tenant. Tenant shall be liable to Owner for all damages to the House upon the termination of this lease, ordinary wear and tear excepted. By signing below, tenant represents that the Credit Card given is valid and will remain valid for at least 30 days after the end of the occupancy period under the Rental Agreement. To the extent that there are any damages or fees that Owner reasonably believes are owed to it under the Rental Agreement (or as a result of any violations of the Rental Agreement or if there is any damage to the home), Owner shall provide 24 hours notice to Tenant of the same by e-mail and Tenant authorizes Owner or Owner's agent to charge the card for such amounts.

4. **Check in and Check out times**

Check in time is: 4:00 PM
Check out time is: 10:00 AM

{{initial}}

Estimated Time of Arrival: {{notes2}}

A $500.00 fee is applied for any non-authorized late check outs.

5. **Early Check outs and/or no shows**

Tenant agrees that once Tenant's party has checked into the House, no refunds will be given for an early check out. If Tenant does not cancel the reservation on time, then the Cancellation Fees outlined in Paragraph 4 shall be charged. If Tenant does not arrive for the rental period, there will be no refund to Tenant.

6. **Parties and Gatherings**

Tenant acknowledges that Owner strictly prohibits any noisy and/or disruptive parties, unless prior written approval is obtained by Owner, in which case Owner may condition such approval upon receipt of an additional deposit and proof of proper City permits, if required. Any violation of this paragraph shall be cause for immediate eviction of Tenant and all individuals in Tenant's party. In such instance, Tenant's rent paid in advance shall be non-refundable and Tenant will be responsible for an additional fee of $1,000.00. In addition Tenant will be held fully responsible for all damage to the House and personal property within. The Tenant will be advised of any damage caused by the party. The Tenant agrees and accepts that this fee and any damages will be charged against the approved Credit Card provided at the time of the rental booking.

7. **Utilities**

Owner will provide and pay for the following utilities: Electricity, Gas, Snow Removal, Water, Garbage, and Cable Television (Tenant shall be responsible for any pay-per-view movies).

8. **Allowed Number of Guests**

The House accommodates a maximum of {reservations.unit_max_occupants} people including children (based on bedding). Owner does not offer or authorize rollaway or any temporary bedding. An occupancy fee shall be assessed in case additional guests are present other than the number specified at the time of booking, unless approved in writing by Owner prior to the start of the rental period. An Excess Occupancy Fee will be charged at $1,000.00 per night per additional person. The Tenant agrees and accepts that this fee and any damages will be charged against the Credit Card provided at the time of the rental booking.

9. **Non-Smoking House**

This is a nonsmoking house. No smoking is allowed anywhere inside or within 25 feet of the House. Failure to comply with this condition may result in an additional cleaning fee up to $5,000.00, as well as additional charges if smoke odors affect later parties or if there are related damages to the home. The guest agrees and accepts that this cleaning fee and any additional damages will be charged against the Credit Card that was provided at the time of the rental booking.

10. **Pets**

Pets are not allowed in the House or anywhere outside the House. Violating this condition shall result in an additional $1000.00 pet fee. Additionally, Owner reserves the right to cancel your

reservation and occupancy of the House immediately with no refund. The Tenant agrees to be fully responsible for payment for the total rent, which will be charged to the Tenant without considering the number of days that the Tenant has stayed in the house. If there is pet damage, including the possible damages as a result of the home not being available for subsequent guests, the Tenant will be advised of damage charges caused by the pet. The Tenant agrees and accepts that this fee and any damages will be charged against the Credit Card provided at the time of the rental booking.

11. **Hot Tub**

If the home has a hot tub and is required to be drained as a result of Tenant's failure to follow the "hot tub rules" found at the House, the Tenant will be responsible for an additional service fee of $300.00 to drain, clean and refill hot tub. The Tenant agrees and accepts that this fee and any damages will be charged against Tenant's credit card provided at the time of the rental booking.

12. **Obligations and Duties of Tenant**
    1. **Each Tenant Shall:**

a. Maintain the House occupied in a clean and safe condition and shall not unreasonably burden any Common area.
b. Dispose all garbage, Recyclables, and other waste in clean and safe manner and garbage cans provided.
c. Use all electrical, plumbing, sanitary heating and other facilities and appliances in a reasonable manner.
d. Leave all house and patio furniture in same position as existed when commencing occupancy.
e. Leave the House at the time and date provided herein. Unless otherwise agreed by Owner in writing, any holdover of the House by Tenant shall result in Tenant be day-to-day tenant at 150% of the daily rental rate set forth above.
f. Tenant agrees to limit vehicular access to the Property to all-wheel drive vehicles during the winter season (December - February)

    2. **No Tenant May:**

g. Intentionally or negligently destroy, deface, damage, impair, or remove any part of the residence or knowingly permit any person to do so.
h. Interfere with peaceful enjoyment of the residence of any neighbors.
i. Use the home for anything other than residential use.
j. Use the home in a way that causes disturbance or annoyance to others. Please remember to turn off exterior lights when not needed, turn off hot tub jets and close garage doors overnight and when away from the House.
k. Create or Play unreasonably loud or annoying noise or music.
l. Use the home for any hazardous activity including discharge of firearms or display of fireworks
m. Have any open fires at the House, except in the wood burning stove, if any.
n. Put out garbage or recyclables other than in the containers provided.
o. Park overnight anywhere other than the home's garage or driveway.
p. Park trailers, mobile homes, or commercial trucks within the neighborhood or on the House property.

13. **No Assignment**

Tenant expressly agrees that the leased House and any portion of it shall not be assigned or sub-let by Tenant without prior written consent of the Owner.

14. **Liability**

Owner shall not be liable to Tenant, Tenant's family or Tenant's invitees, licensees, and/or guests for damages not caused by Owner's or Owner's agents' acts or omissions so long as Owner and Owner's agents acted without fraud, bad faith, gross negligence or willful misconduct. Tenant will indemnify and save Owner, its agents and employees, harmless from and against any claims, actions, damages, and expenses in connection with any loss, damage or injury to persons or property occurring in or about, or outside of the House, or the use thereof or occasioned wholly or in part by any acts or omissions of Tenant, Tenant's agents, contractors, guests, invitees or employees.

15. **Condition of the House**

Tenant acknowledges that Tenant has not relied on any representations other than the information and photos provided by Owner on the internet, and agrees to accept the condition of the House in its As-Is condition with no express or implied warranties beyond those contained herein or required by applicable Utah law. Tenant is liable for any damages to the House and to the furnishings, equipment, and/or household items therein which occurred during occupancy. Please report any damages to the House during your stay before departure.

16. **Delay in Repairs**

Tenant agrees that if any repairs needed to be made by Owner are delayed by reasons beyond Owner's control, there shall be no effect on the obligations of Tenant under this Rental Agreement.

17. **Delay of Possession**

Owner agrees to rebate rent to Tenant due to any delay in occupancy beyond Owner's control. Tenant expressly agrees that if the House is not ready for occupancy because of the previous tenant or occupant of the House holding over, damage to the House or personal property caused by a previous Tenant, or as a result of any other cause beyond Owner's control, Owner should not be liable to Tenant for any damages, and Owner agrees to abate rent for the period in which the Tenant is unable to occupy the House.

18. **Mandatory Arbitration**

Owner and Tenant agree that, as valuable and important consideration to induce Owner to accept and enter this contract with Tenant, both Tenant and Owner agree that any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. Any Arbitration under this agreement shall take place in Summit County Utah. Any judgment or award in any dispute shall include the award of reasonable attorney's fees to the prevailing party.

19. **Applicable Law/Venue**

This Agreement shall be governed by and construed in accordance with the laws of the State of Utah, without regard to the principles of conflicts of laws. By executing this Agreement, Tenant, Tenant's family or Tenant's invitees, licensees, and/or guests agree to submit to the exclusive jurisdiction of and agree to the venue of the courts of the State of Utah, whether state courts or federal courts or federal courts located in the State of Utah. Tenant, Tenant's family and Tenant's invitees, licensees, and/or guests hereby agree not to bring an action in any court of law located outside the State of Utah.

20. **Entire Agreement**

This agreement comprises the entire agreement between Owner and Tenant, and supersedes all prior written or oral agreements regarding the subject matter herein.

21. **Severability**

In case any one or more of the provisions contained herein shall, for any reason be found or held invalid, illegal or unenforceable in any respect in any jurisdiction, such provision shall be ineffective to the extent, but only to the extent, of such invalidity, illegality or unenforceability without invalidating the remainder of such invalid, illegal or unenforceable provision or provisions or any other provisions of this Agreement in that or any other jurisdiction, unless such a construction would be unreasonable.

22. **Modification of this Rental Agreement**

Any modification of this rental agreement shall not be binding upon Owner unless in writing and signed by Owner or Owner's authorized agent. No oral representation shall be effective to modify this rental agreement.

23. **Attorney Fees**

In the event that Owner employs an attorney to collect any rent or other charges dues hereunder by Tenant or to enforce any provisions of this Rental Agreement, Tenant agrees to pay reasonable attorney's fees and costs to the full extent of the law. If Tenant brings any action to recover damages under this agreement in any venue other than Arbitration in Summit County Utah, Tenant agrees to promptly pay all of Owner's reasonable legal fees and other costs necessary to return the dispute to Arbitration in Summit County Utah. Tenant authorizes Owner to charge such legal expenses to the credit card provided at the time of booking.

24. **Entry by Owner, Maids, Maintenance and Repairmen**

Owner, its agent, and staff shall have the right to enter the leased House at all reasonable times upon reasonable notice to Tenant for the purpose of inspecting the premises, to show the House to prospective tenants, and to make repairs. Owner will give reasonable notice, except in the case of emergency or regular maid, maintenance and repair services.

25. **Counterparts**

This Rental Agreement may be executed in one or more counterparts, all of which taken together shall constitute one instrument.

26. **Acceptance**

By signing this agreement:

- The Tenant agrees to all terms and conditions as set forth in this Rental Agreement.

- The individual who signs the Rental Agreement agrees to guaranty and act on behalf of the entire rental party and be responsible to comply with the Rental Agreement and pay all charges, including charges for damages, and fees that may be apply during or after departure.

THE CREDIT CARD SUPPLIED AT THE TIME OF RESERVATION WILL BE HELD FOR DAMAGE DEPOSIT SECURITY PURPOSES AND MAY BE APPLIED FOR CONCIERGE SERVICES REQUESTED BY THE GUEST

{{signature}}

Guest Signature

{{FullnameGuest1}}
Guest Printed Name

Please sign to Accept Above Terms and Confirm your Reservation.

We look forward to your visit!

Title 4-2-8 of the Park City Municipal Corporation Municipal Code/Land Management Code states that prior to applying for a license for a new business not previously licensed at that location, or an existing business with a change of location, the applicant shall be required to have the prospective place of business inspected by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, municipal and health codes.

Please call **435-615-5105** when you are ready for inspection.

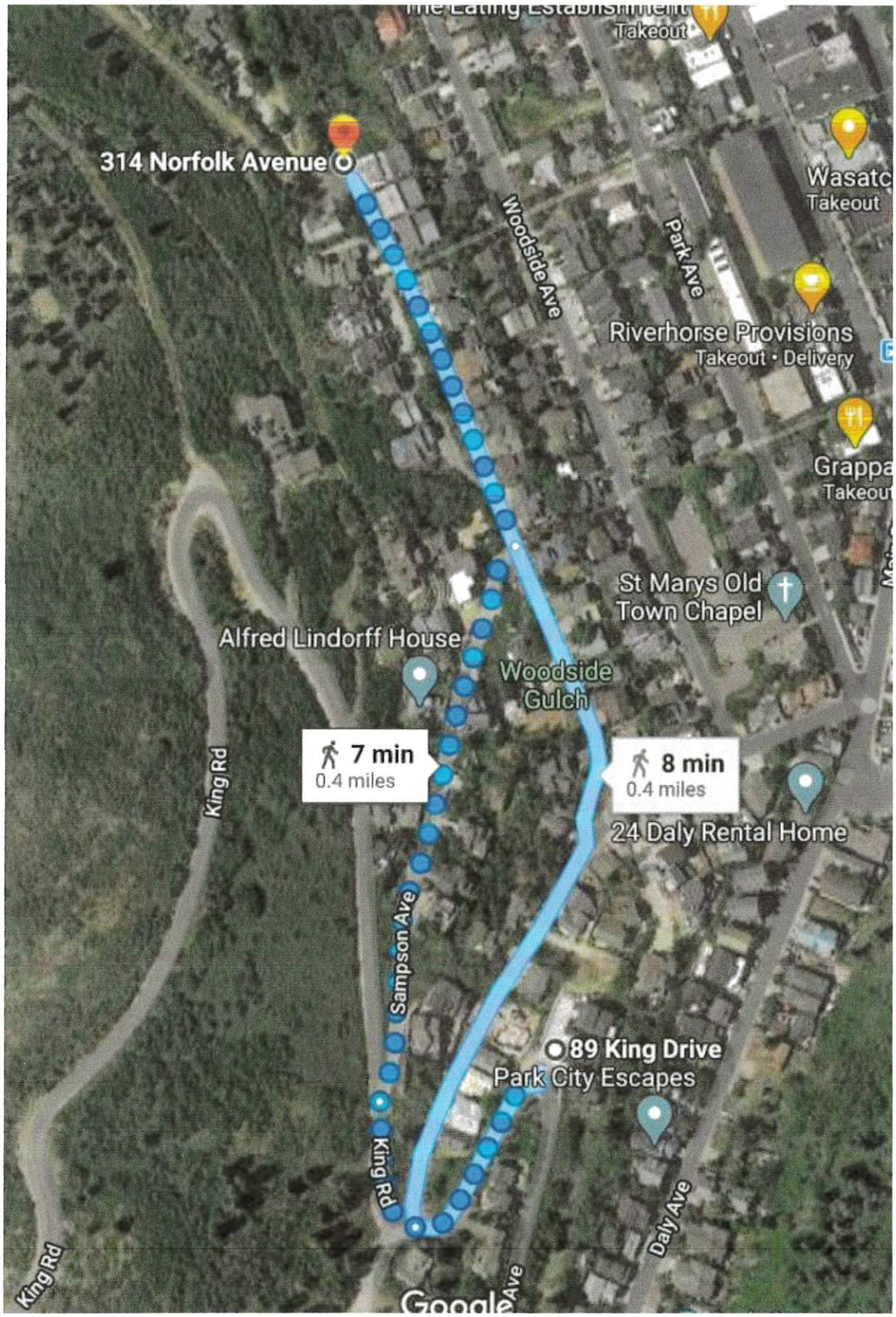
NIGHTLY RENTALS

Below is a list of the most common life safety concerns found during Nightly Rental License inspections within Park City. This list is not inclusive of all Building or Fire Codes but only addresses the most common concerns. Nightly Rentals are required to comply with all applicable codes. Some corrections will require a permit. Please contact the number above if you have any questions.

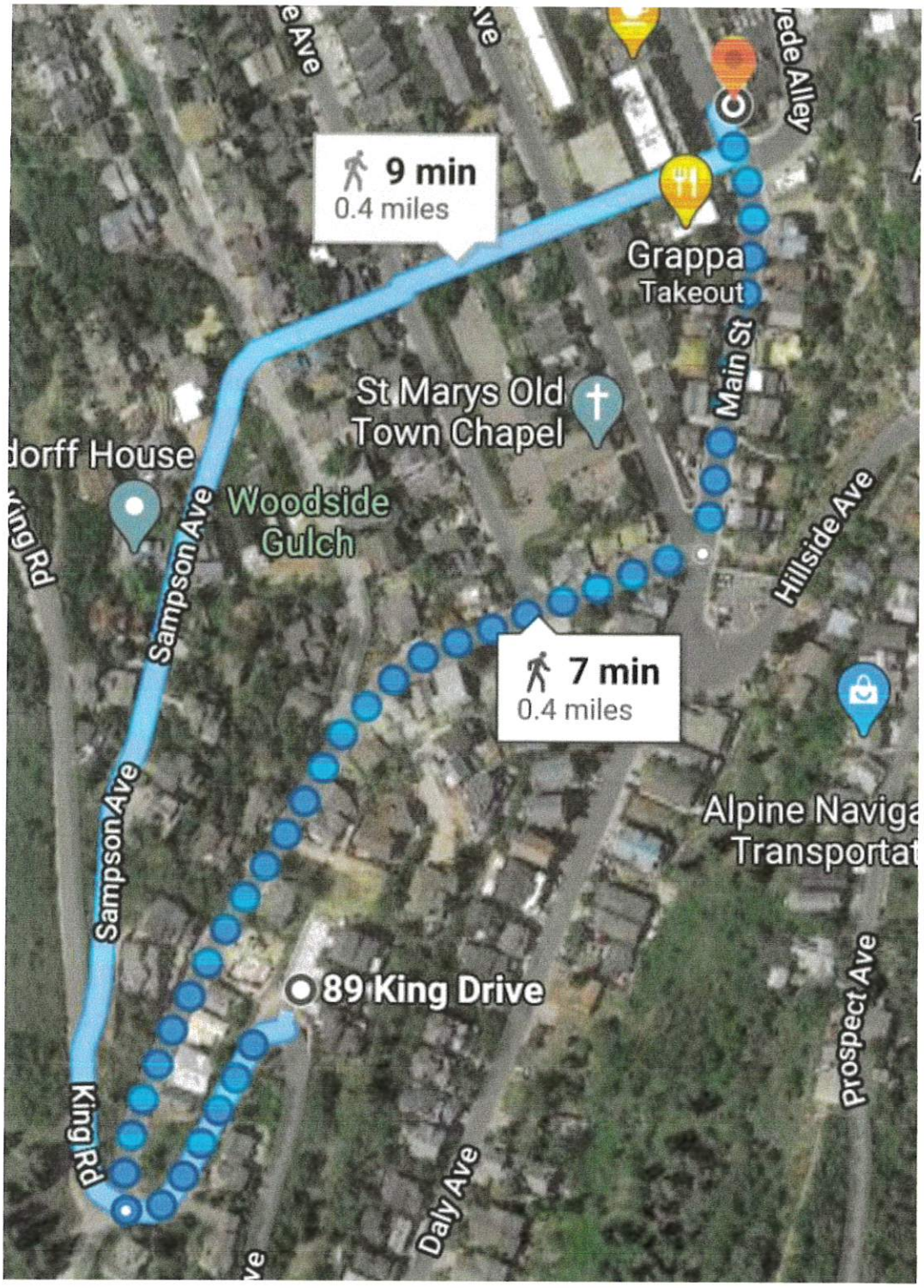
1. Smoke alarms (less than 10 yrs. old) are required in each bedroom, each hallway adjacent to a bedroom and one on each floor, including basements.
    a. Homes and units with inter- connected smoke detectors (when one alarm is activated, all alarms within that home/unit are activated): If bedrooms have been added, or detectors removed/missing a new inter-connected smoke detector will need to be installed. The addition of battery operated smoke detectors in these circumstances will not pass inspection.
2. Carbon monoxide detectors are required on each floor and in the vicinity of bedrooms
3. GFCI protected outlets are required within 6 feet of sinks, bath tubs and hot tubs. Jetted tub motors and hot tub motors must be GFCI protected
4. Extension cords are prohibited for permanent use. Temporary uses such as Christmas lighting are acceptable. Use of UL listed power strips with built-in breakers that are listed in accordance with UL 1363 are encouraged
5. Water Heaters
    a. Strapped with approved straps – one on the top third and one on the bottom third of the tank
    b. Water heater expansion tank must also be strapped
    c. Water heater must be de-rated for altitude and have sticker to reflect that
    d. Proper venting and gas connections (installations post 2012 must have 4" vents)
    e. Clearance of 36" in front of heater/combustion chamber
6. Furnaces
    a. Must have required clearances (36" in front) and access
    b. Correct venting & gas/electrical connections
    c. Combustion air must be sufficient
    d. De-rated for altitude and have sticker to reflect that
7. Handrails are required on any stairs over three risers
8. Hot Tubs
    a. Disconnect must be a minimum of 5' but no more than 50' away (5 to 50 rule)
    b. Dwellings with more than 2 units (tri-plexes & condos) must have a single shut off switch to cut all power to the tub, even if the hot tub is private
    c. Hot tub motors/heaters must be GFCI protected
    d. Glass within 6' of the hot tub must be tempered
9. Decks and walking surfaces (stairs, hallways, etc.) must have guards if walking surface is 30 or more inches above the ground or floor. Pre-existing gaps on all guards cannot exceed 6" on center
10. Windows must be tempered in hazardous or wet locations
11. One Type 2A:10BC fire extinguisher with location signage must be provided in each unit.
    Fire extinguishers must be no more than 1 year old, or tagged as serviced within the last year.
12. Emergency egress in bedrooms
    a. Must have a door to the outside –or-
    b. One window with a minimum opening of 5.7 square feet and no more than 44" above the floor

EXHIBIT B

Walking directions to Quit'N Time ski run at Park City Mountain Resort



Walking directions to Main Street and Trolley Stop

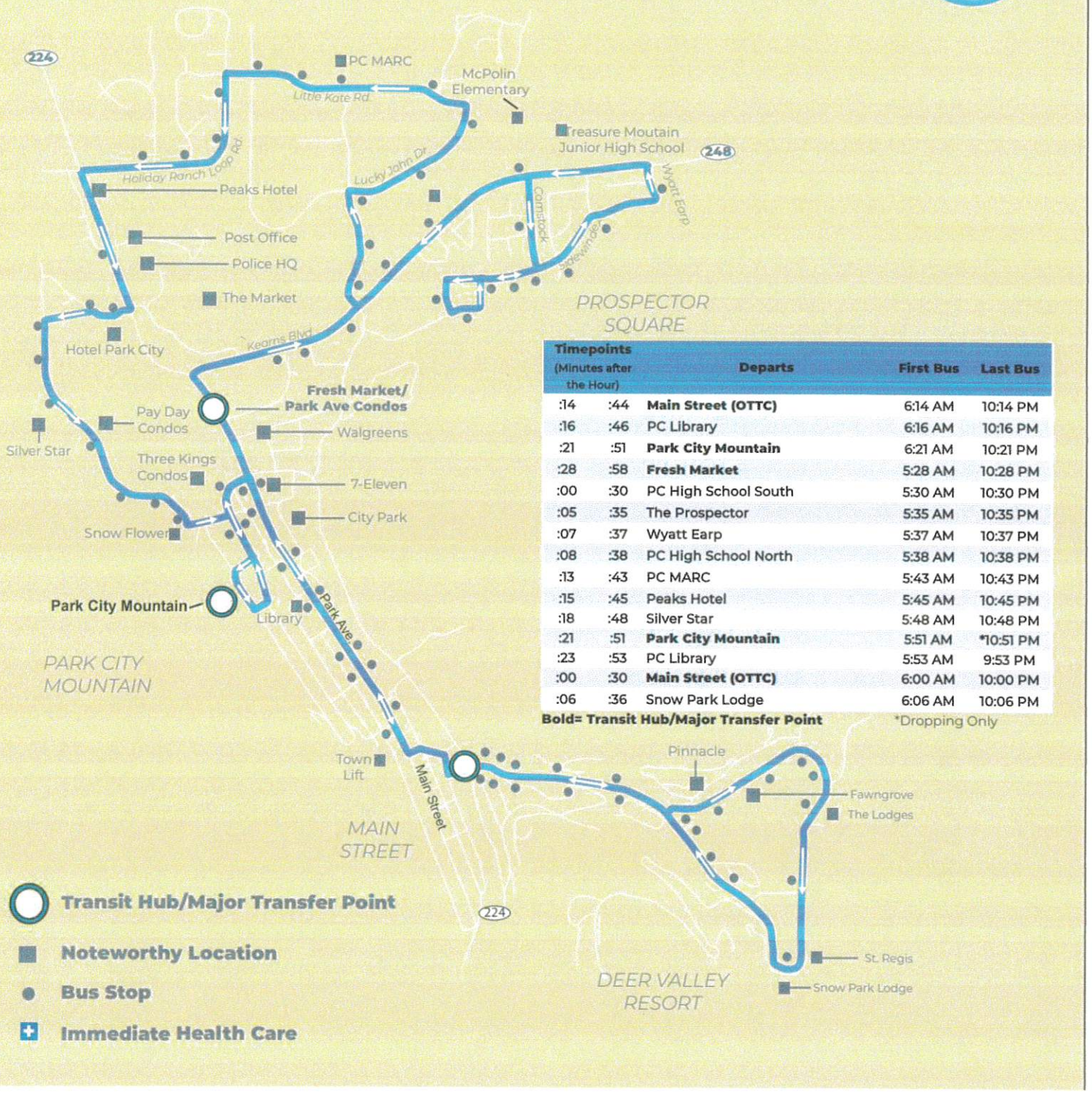


Transit Route

Hours: **6:14 AM- 10:14 PM**
Departing Old Town Transit Center (OTTC)

City-Wide
30-Minute Frequency

CW
CITY-WIDE

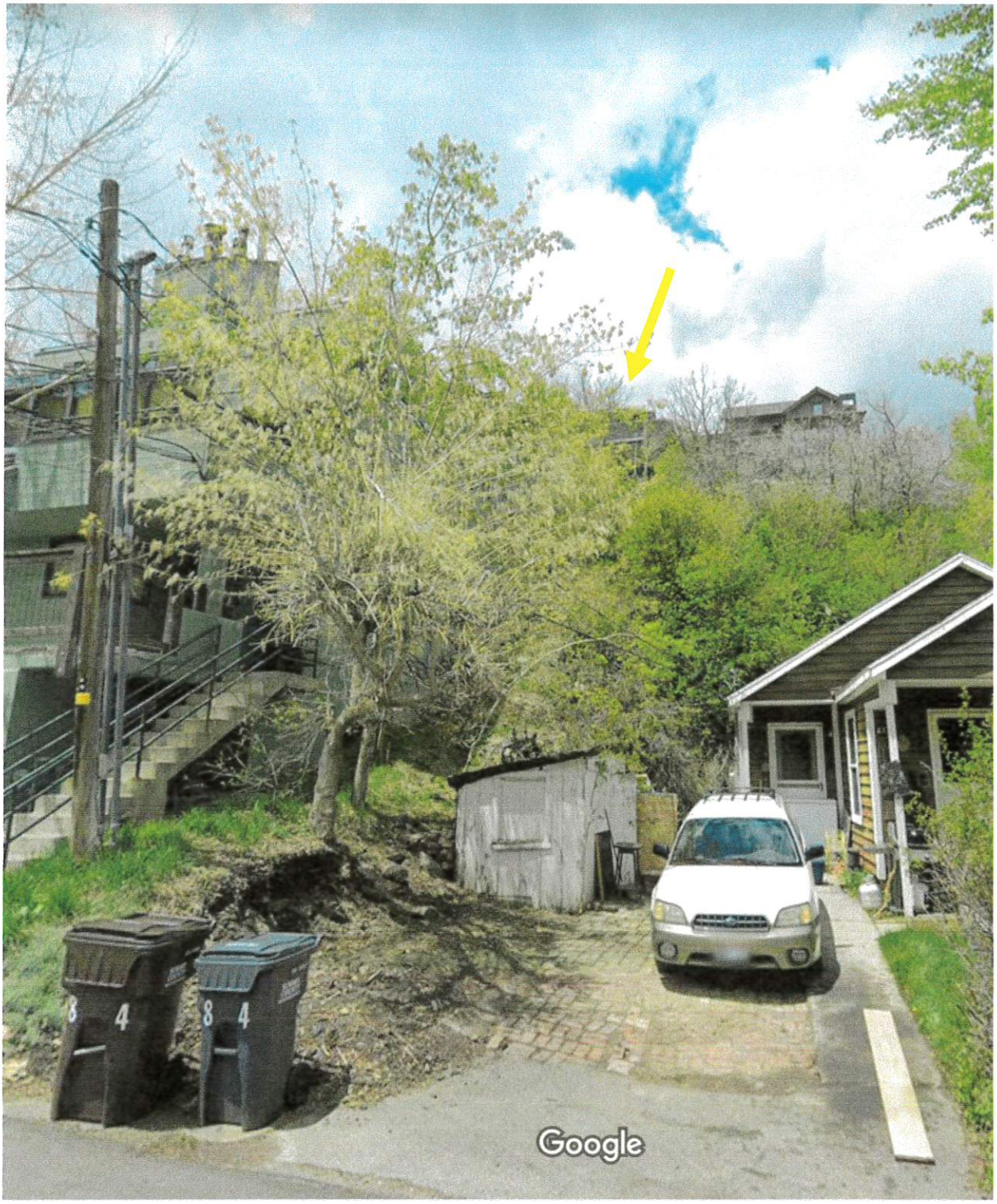


Timepoints (Minutes after the Hour)		Departs	First Bus	Last Bus
:14	:44	**Main Street (OTTC)**	6:14 AM	10:14 PM
:16	:46	PC Library	6:16 AM	10:16 PM
:21	:51	**Park City Mountain**	6:21 AM	10:21 PM
:28	:58	**Fresh Market**	5:28 AM	10:28 PM
:00	:30	PC High School South	5:30 AM	10:30 PM
:05	:35	The Prospector	5:35 AM	10:35 PM
:07	:37	Wyatt Earp	5:37 AM	10:37 PM
:08	:38	PC High School North	5:38 AM	10:38 PM
:13	:43	PC MARC	5:43 AM	10:43 PM
:15	:45	Peaks Hotel	5:45 AM	10:45 PM
:18	:48	Silver Star	5:48 AM	10:48 PM
:21	:51	**Park City Mountain**	5:51 AM	*10:51 PM
:23	:53	PC Library	5:53 AM	9:53 PM
:00	:30	**Main Street (OTTC)**	6:00 AM	10:00 PM
:06	:36	Snow Park Lodge	6:06 AM	10:06 PM

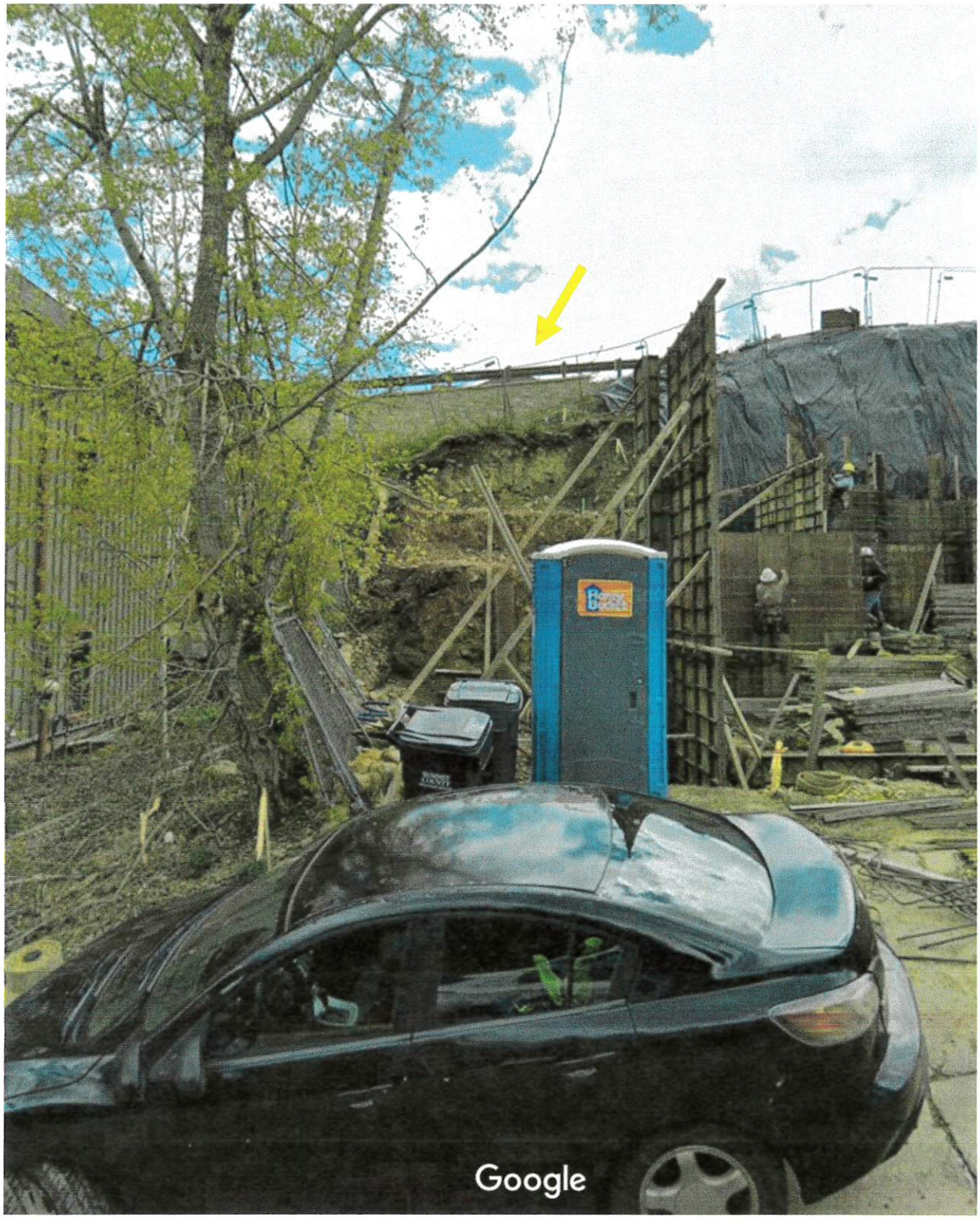
Bold= Transit Hub/Major Transfer Point *Dropping Only

EXHIBIT C

View of Property from Daly Ave.

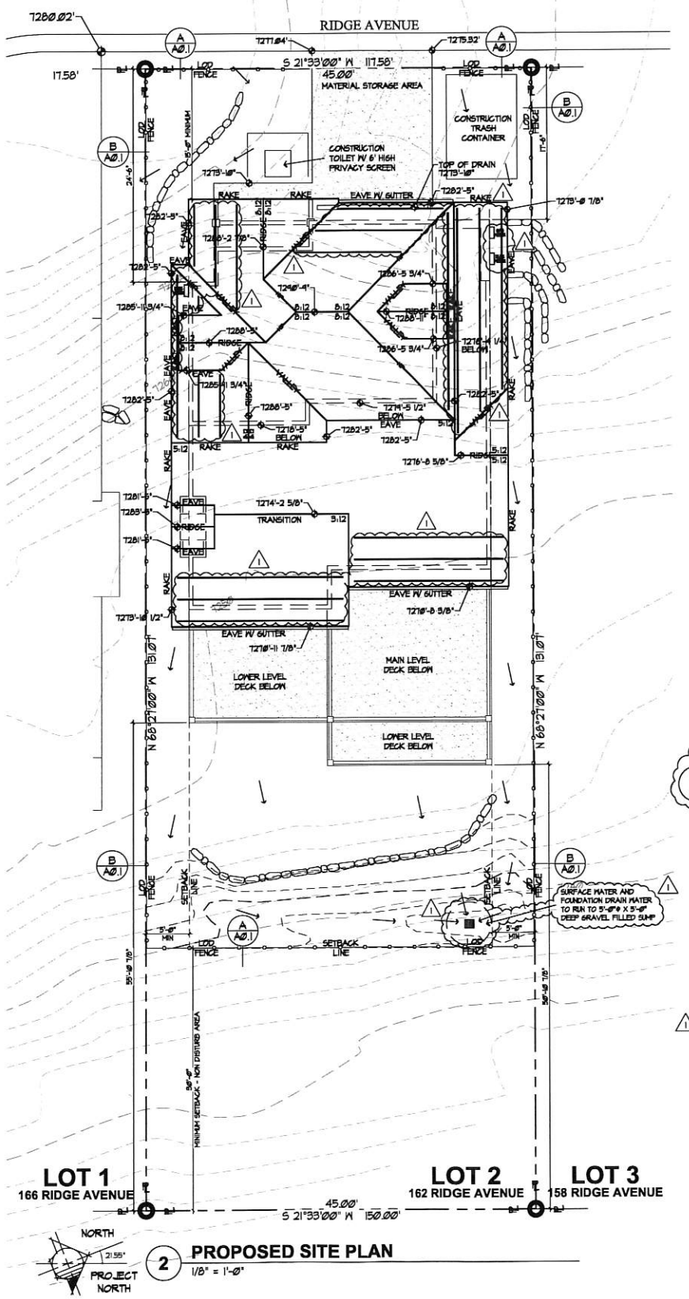


View of Property from King Ave.



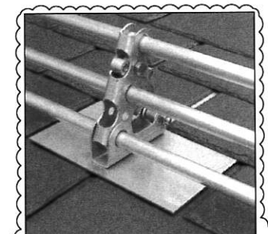
Distance to nearest neighbor on Daly Ave.

Distance to nearest neighbor on King Ave.



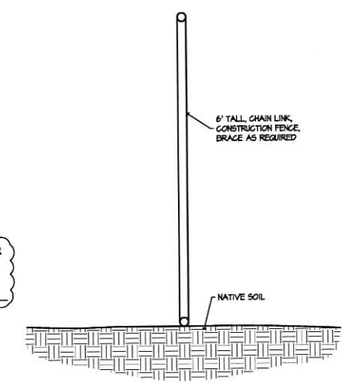
2 **PROPOSED SITE PLAN**
1/8" = 1'-0"

1 **AREAL VIEW**
1" = 50'



SNOW RETENTION BARS TO BE ALPINE SNOW GUARDS PP225 OR EQUAL. INSTALL PER MANUFACTURERS DIRECTIONS @ 30" O.C.

C **SNOW RETENTION BARS**
NO SCALE



B **CHAIN LINK CONSTRUCTION FENCE**
NO SCALE

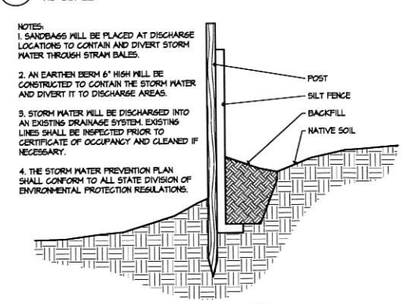
GRADING NOTE:
ALL CUT SLOPES AND GRADE FILLS TO BE 2:1 MAX OR AS APPROVED BY SOILS ENGINEER.

DRAINAGE NOTE:
SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN APPROVED DRAINAGE COURSE BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FT.
IRC R401.3

SYMBOL LEGEND

——→	INDICATES SURFACE DRAINAGE
— — 7250 — —	EXISTING GRADE
— — 7250 — —	PROPOSED GRADE

NOTES:
1. SANDBAGS WILL BE PLACED AT DISCHARGE LOCATIONS TO CONTAIN AND DIVERT STORM WATER THROUGH STRAW BALES.
2. AN EARTHEN BERM 6" HIGH WILL BE CONSTRUCTED TO CONTAIN THE STORM WATER AND DIVERT IT TO DISCHARGE AREAS.
3. STORM WATER WILL BE DISCHARGED INTO AN EXISTING DRAINAGE SYSTEM. EXISTING LINES SHALL BE INSPECTED PRIOR TO CERTIFICATE OF OCCUPANCY AND CLEANED IF NECESSARY.
4. THE STORM WATER PREVENTION PLAN SHALL CONFORM TO ALL STATE DIVISION OF ENVIRONMENTAL PROTECTION REGULATIONS.



A **LOD FENCE - SILT FENCE**
NO SCALE

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PROJECT DESCRIPTION:
162 RIDGE AVENUE
PARK CITY, UT 84060

SHEET DESCRIPTION:
PROPOSED SITE PLAN
& LANDSCAPE PLAN

REVISIONS:
1 10/24/15

DATE:
10/28/15

PROJECT NUMBER:

SHEET NUMBER:
A0.1

PLANTING NOTES

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.

2. AUTOMATIC IRRIGATION IS REQUIRED, PROVIDE SHOP DRAWINGS FOR APPROVAL.

3. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMAN'S STANDARD SPECIFICATIONS.

4. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.

5. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.

6. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.

7. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.

8. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.

9. SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.

10. ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.

11. SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING. IT SHALL SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.

12. ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.

13. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF OF PLANTING AND PROPERLY DISCARDED.

14. NO BARE ROOT STOCK SHALL BE USED.

15. FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.

PLANT SCHEDULE

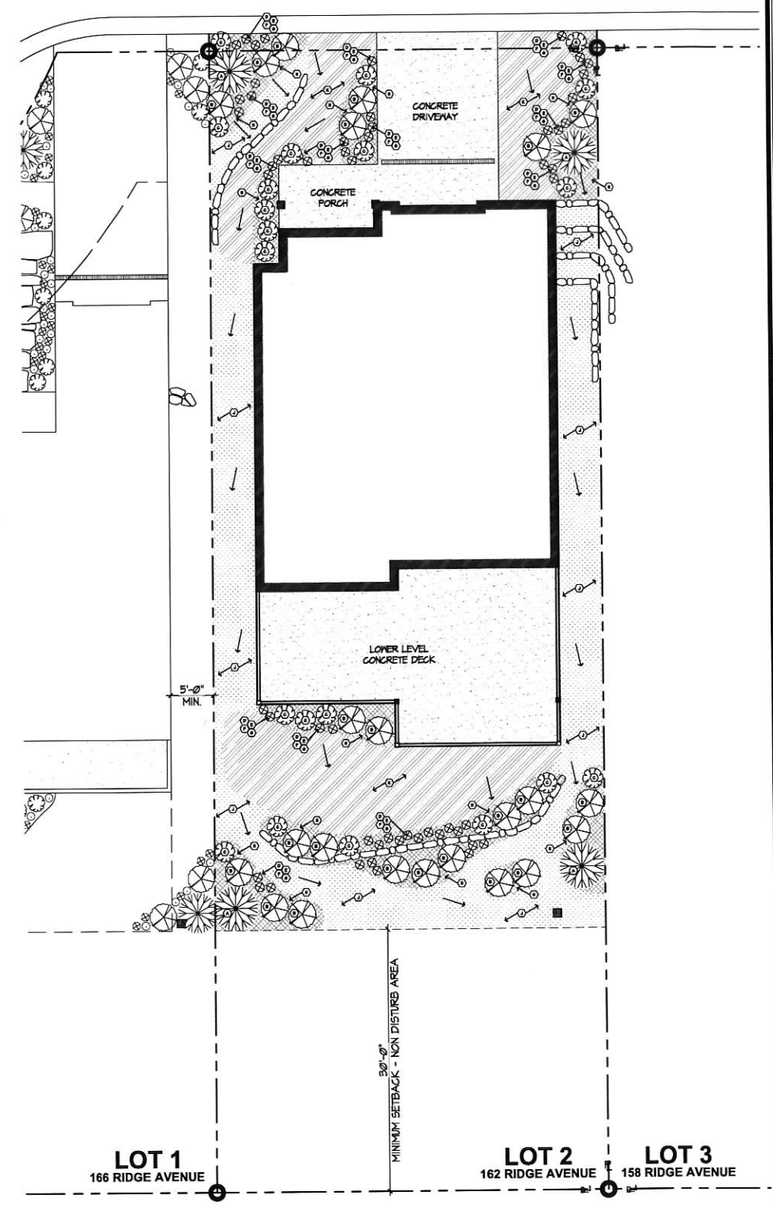
SYMBOL	KEY	QUANITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
DECIDUOUS TREES							
	A	4	Colorado Blue Spruce	Picea pungens	3" Dia.	6'-10'	6' - 8' tall
	B	23	Aspen	Populus tremuloides	3" Dia.	6'-10'	
SHRUBS							
	C	21	Red twig dogwood	Cornus sericea "baileyi"	5 Gal.		Spacing as noted on plan
PERENIAL PLANTS							
	D	13	Bluebells	Campanula	1 Gal.	12"-18"	Distribute Equally
	E	13	Columbine	Aquilegia Caerulea	1 Gal.	12"-18"	Distribute Equally
	F	13	Trailing Daisy	Erigeron Flagillaris	1 Gal.	12"-18"	Distribute Equally
	G	13	Blanket Flower	Gaillardia Aristata	1 Gal.	12"-18"	Distribute Equally
OTHER							
	H	620 S/F	Wood Chips		Small		3" Thick Layer
	J	592 S/F	Native Grass Seed Mix		1 lb/1500	Hydroseed	See seed mix below
	K	923 S/F	Drought Tolerant Fescue	Sheep Fescue			

NATIVE GRASS SEED MIX

The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs./ acre on the following percentages:

20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Pubescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.

* In addition, add 10 lbs./ acre each of Linum lewisii and Penstemon Eatonii with native grass seed mixture.



1 LANDSCAPE PLAN
1/8" = 1'-0"

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Tel. 435-649-7693, E-mail: degrayarch@qwestoffice.net

PROJECT DESCRIPTION: 162 RIDGE AVENUE PARK CITY, UT 84060

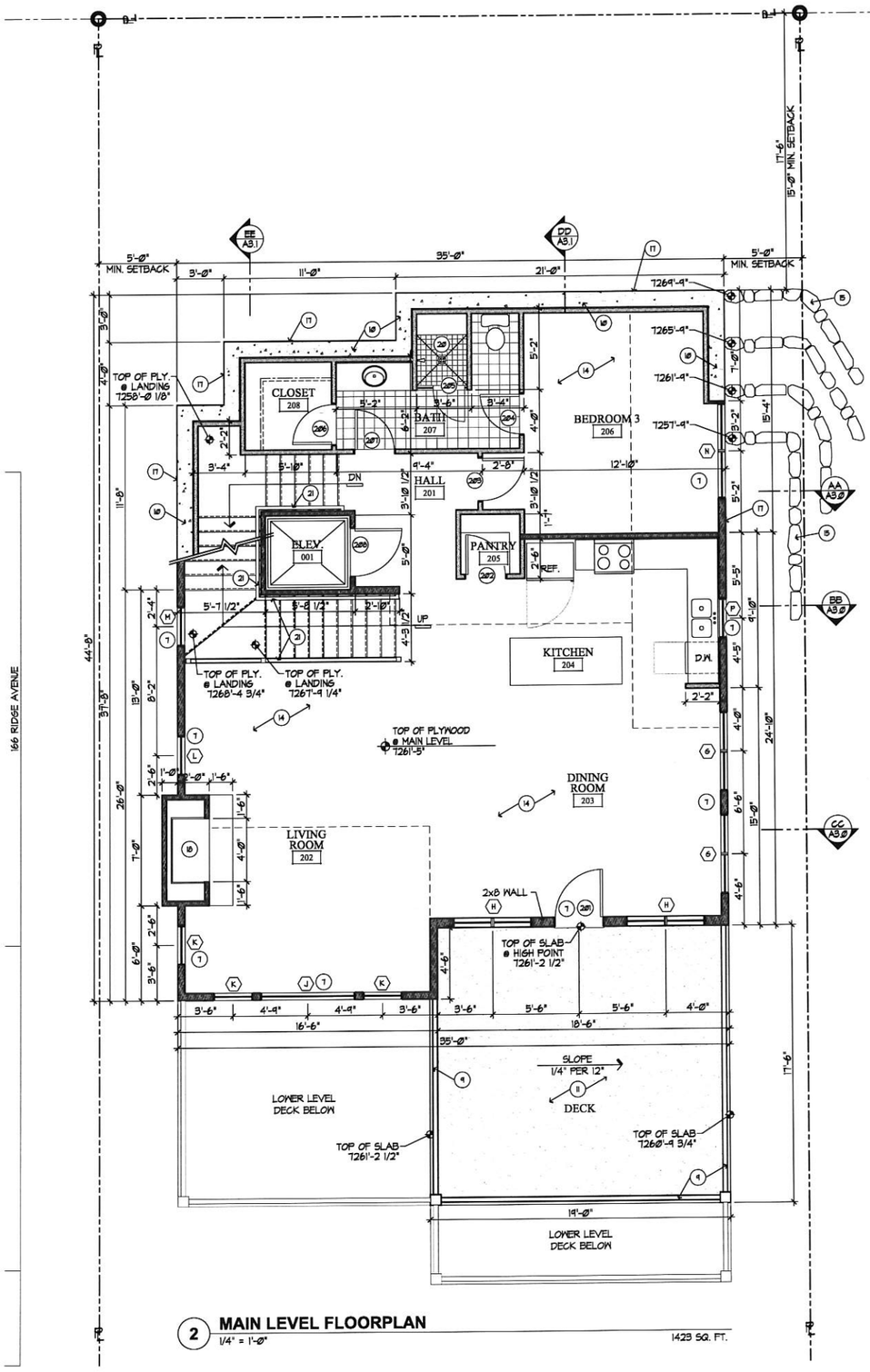
SHEET DESCRIPTION: LANDSCAPE PLAN

REVISIONS:

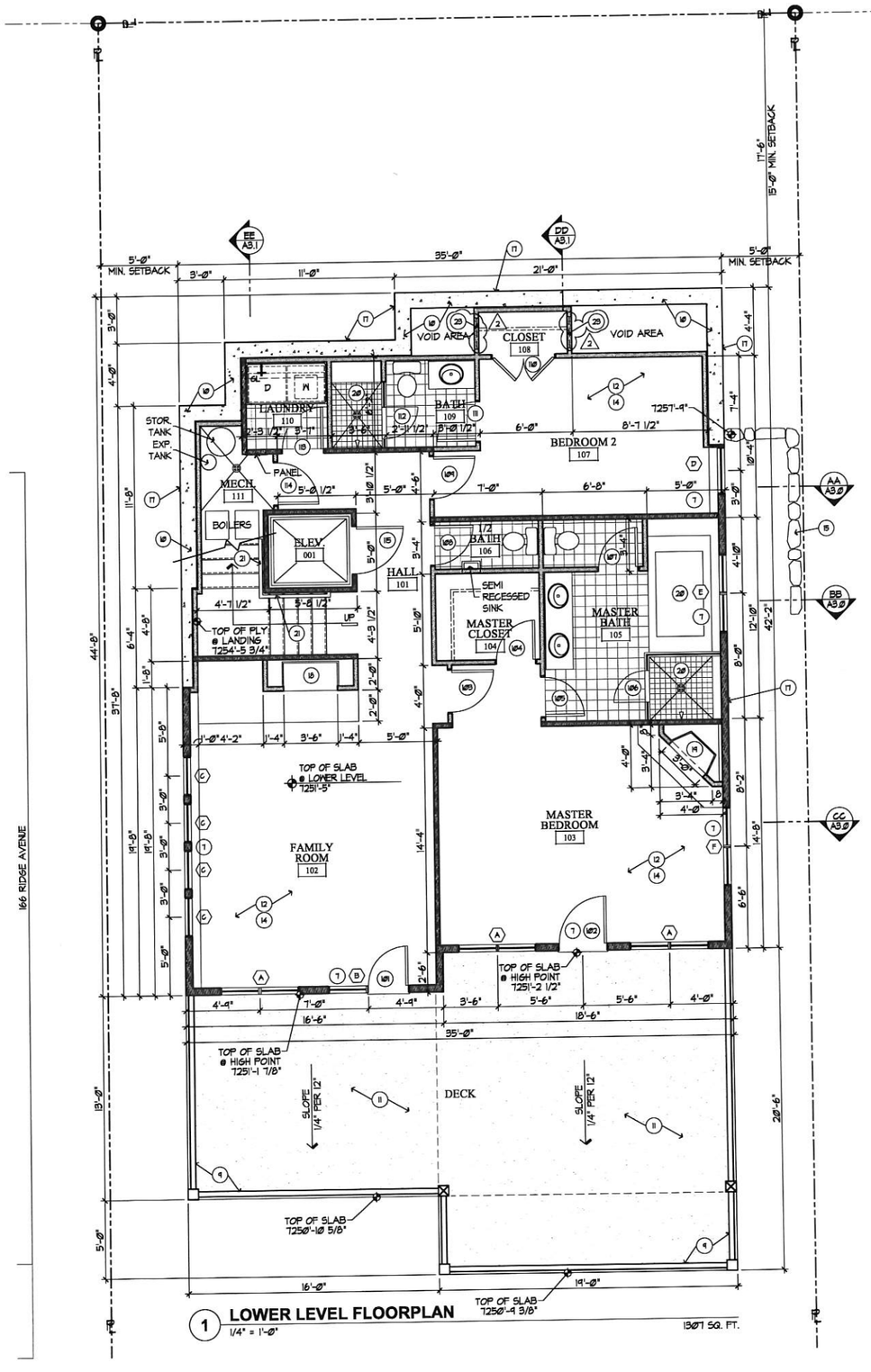
DATE: 10/28/15

PROJECT NUMBER:

SHEET NUMBER: A0.2



2 **MAIN LEVEL FLOORPLAN**
1/4" = 1'-0"
1423 SQ. FT.



1 **LOWER LEVEL FLOORPLAN**
1/4" = 1'-0"
1307 SQ. FT.

KEYED NOTES

1. ALUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND REScheck REPORT.
9. 36" HIGH RAILING: 2" x 4" POWDER COATED STEEL TOP & BOTTOM RAILS & VERTICAL POSTS W/ HORIZONTAL ST. STL. CABLES @ 3 1/2" O.C. - 8" X 8" POWDER COATED STEEL BALUSTERS.
10. CONCRETE FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
11. HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY. BROOM FINISHED NATURAL COLOR. 6x6 W1.4 X W1.4 WWF, TYP.
12. 4" CONCRETE FLOOR SLAB. REINFORCED PER ENGINEER. OVER 6 MIL VAPOR BARRIER WITH JOINTS LAPPED NOT LESS THAN 6" OVER 6" GRANULAR FILL. (R506.2.3) ANY EDGE OF SLAB LESS THAN 12" BELOW GRADE SHALL BE INSULATED - R10 @ 4 FEET OR R15 @ 4 FEET FOR HEATED SLABS (IECC, SECTION 402.2.8.
1 15. NOT USED
14. 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
15. STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
17. TOUGH'N'DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4"Ø CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
18. ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
19. SEALED GAS APPLIANCE FIREPLACE APPROVED FOR SLEEPING ROOM USE. OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
20. TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER; GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
21. WOOD HANDRAIL OR GUARDRAIL - SEE STAIRWAY/HANDRAILING/GUARDRAILING NOTES ON A5.1 FOR REQUIREMENTS.
2 23. 24" X 30" ACCESS PANEL AT BASE OF WALL TO ACCESS "VOID AREA".

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PROJECT DESCRIPTION:
162 RIDGE AVENUE
PARK CITY, UT 84060

SHEET DESCRIPTION:
LOWER & MAIN LEVEL FLOOR PLANS

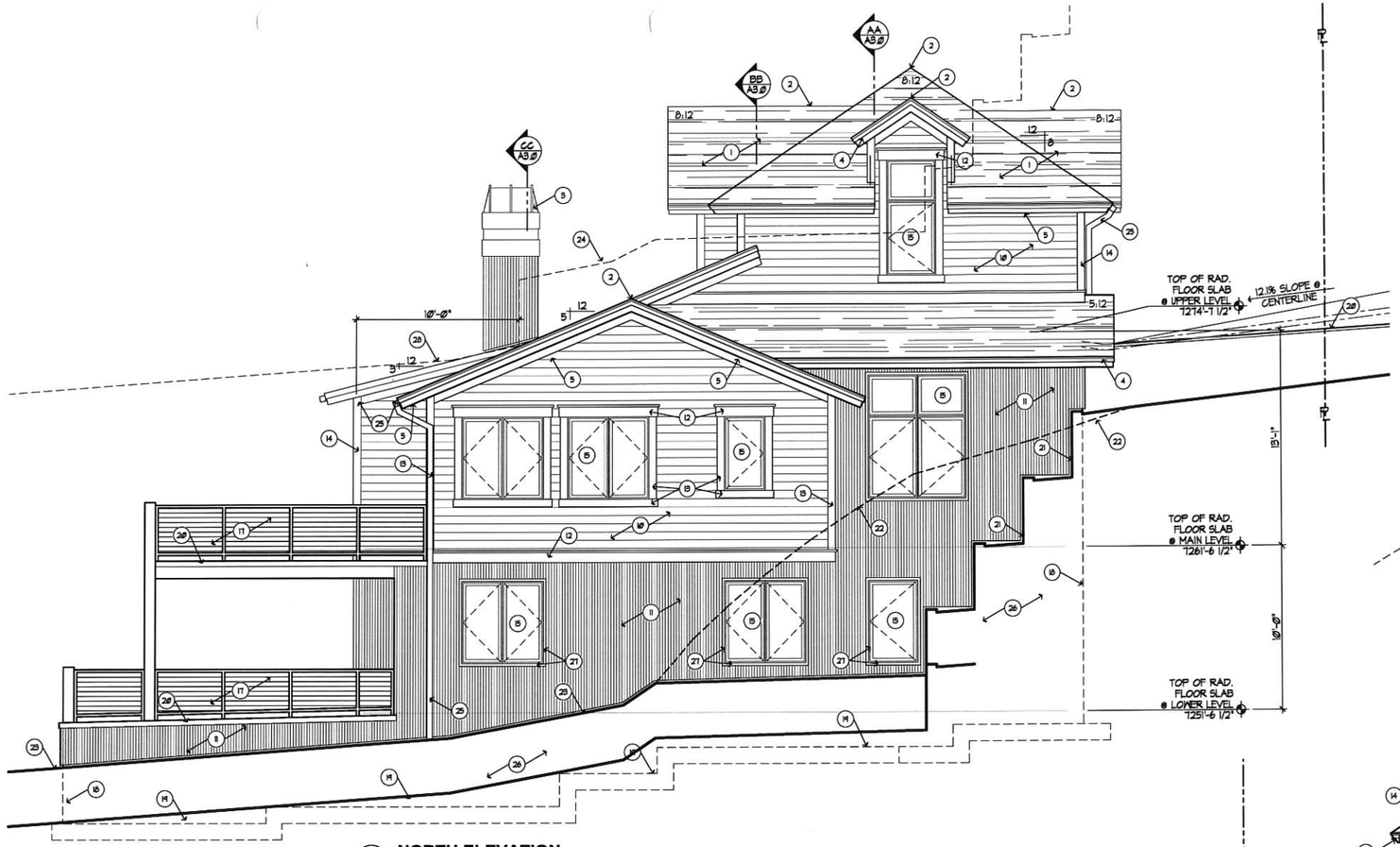
REVISIONS:
1 10/24/15
2 10/28/15

DATE: 10/28/15

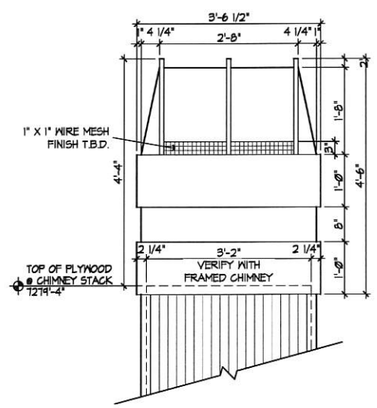
PROJECT NUMBER:

SHEET NUMBER: A1.1

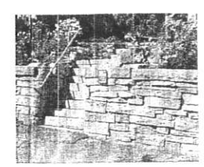
NORTH 21.55°
PROJECT NORTH



2 **NORTH ELEVATION**
1/4" = 1'-0"



B **RATED CHIMNEY CAP DETAILS**
3/4" = 1'-0"



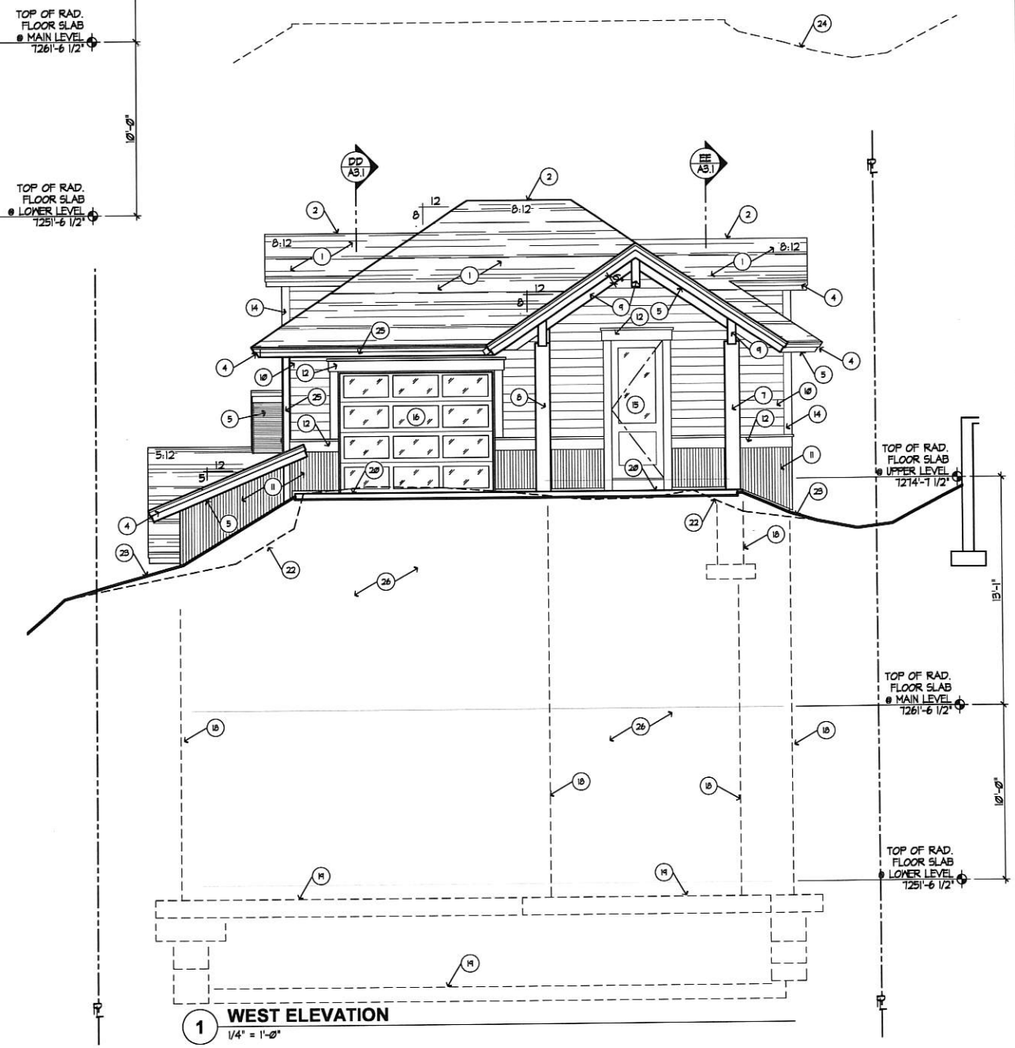
Squared Rubble
A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.

TO BE NO GREATER THAN 4'-0" TALL

A **STACKED STONE RETAINING WALL**
NO SCALE

KEYED NOTES

1. ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (355# PER SQUARE, MIN) ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
2. NOT USED
3. CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
4. 1x4 ON 1x8 BUILT UP CEDAR FASCIA - STAINED
5. T&G CEDAR SOFFIT - STAINED.
6. NOT USED
7. 10" X 10" ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED
8. 10" X 10" ROUGH SAWN FAUX TIMBER COLUMN @ CORNER - STAINED
9. EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED
10. 6" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
11. VERTICAL COR-TEN CORRUGATED SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
12. 1 1/2" X 7 1/4" CEDAR TRIM W/ 1 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED
13. 1 1/2" X 5 1/2" CEDAR TRIM - STAINED
14. 1 1/2" X 5 1/2" CEDAR OUTSIDE CORNER BOARD, 1 1/2 X 1 1/2" CEDAR INSIDE CORNER BOARD - STAINED
15. ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND REScheck REPORT.
16. IAGE STYLE OVERHEAD GARAGE DOOR W/ FROSTED TEMPERED GLASS PER ELEV.
17. 36" HIGH RAILING: 2" x 4" POWDER COATED STEEL TOP & BOTTOM RAILS & VERTICAL POSTS W/ HORIZONTAL ST. STL. CABLES @ 3 1/2" O.C. - 8" X 8" POWDER COATED STEEL BALUSTERS.
18. FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
19. FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING
20. HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY. BROOM FINISHED NATURAL COLOR. 6x6 W1.4 X W1.4 WWF, TYP.
21. STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
22. NATURAL GRADE
23. PROPOSED FINAL GRADE
24. 27'-0" ABOVE PROPOSED FINAL GRADE
25. METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANIAN FOUNDATION DRAIN.
26. TOUGHN'DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4"Φ CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
27. 2" WIDE COR-TEN METAL TRIM
28. 23'-0" HEIGHT RESTRICTION PER LMC 15-2.2-5 SECTION (B)



1 **WEST ELEVATION**
1/4" = 1'-0"

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PROJECT DESCRIPTION:
162 RIDGE AVENUE
PARK CITY, UT 84060

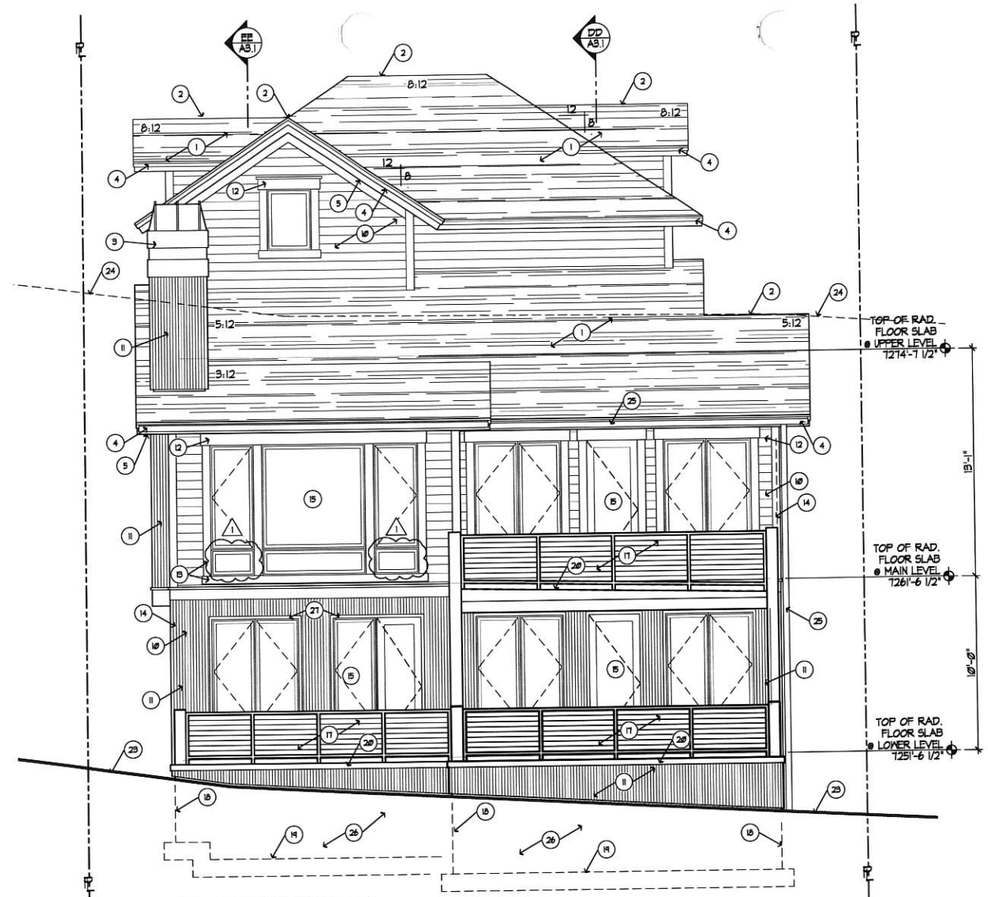
SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

REVISIONS:
2 10/28/15

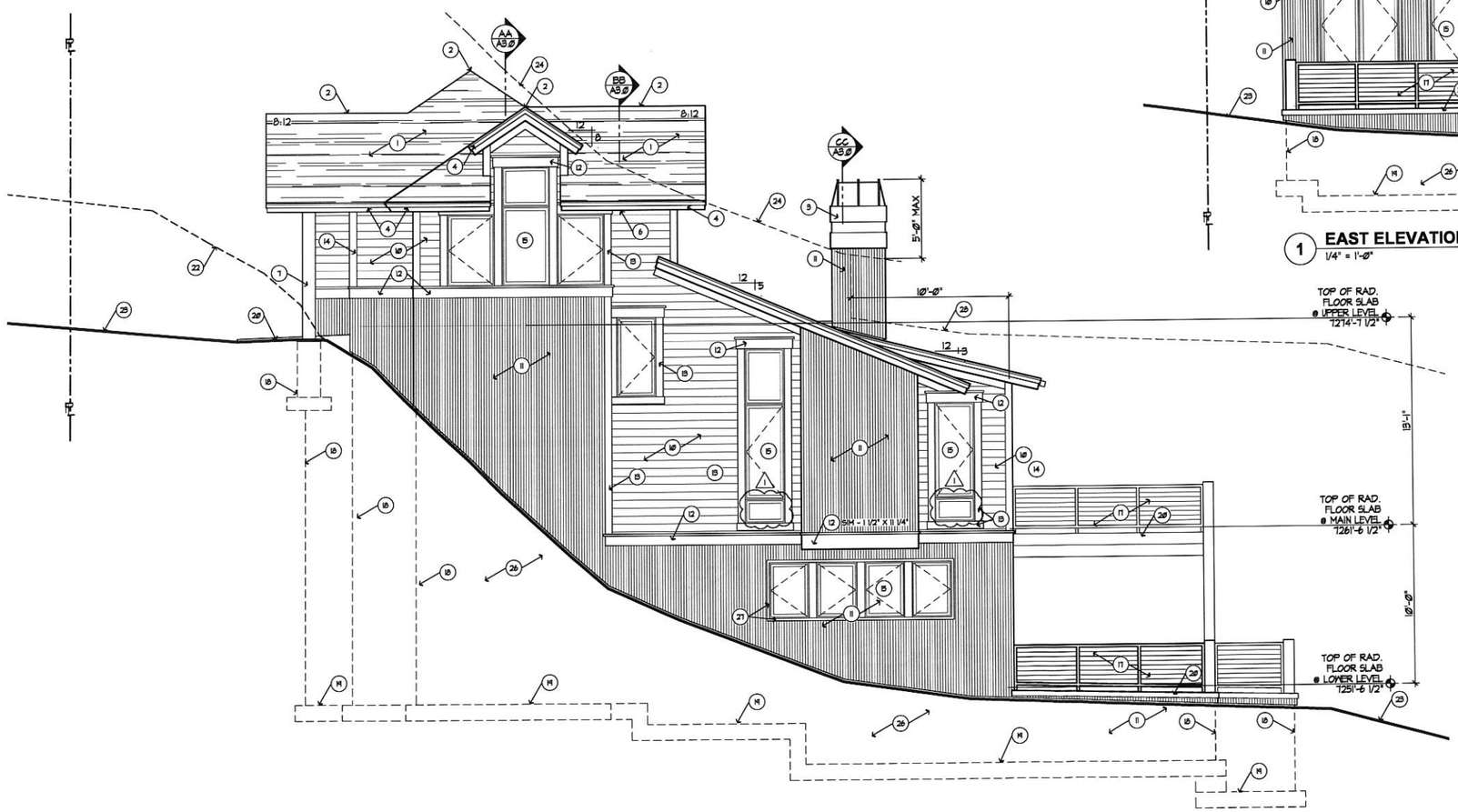
DATE:
10/28/15

PROJECT NUMBER:

SHEET NUMBER:
A2.0



1 **EAST ELEVATION**
1/4" = 1'-0"



2 **SOUTH ELEVATION**
1/4" = 1'-0"

KEYED NOTES

1. ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (355# PER SQUARE, MIN.) ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
2. NOT USED
3. CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
4. 1x4 ON 1x8 BUILT UP CEDAR FASCIA - STAINED
5. T&G CEDAR SOFFIT - STAINED.
6. NOT USED
7. 10" X 10" ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED
8. 10" X 10" ROUGH SAWN FAUX TIMBER COLUMN @ CORNER - STAINED
9. EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED
10. 6" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
11. VERTICAL COR-TEN CORRUGATED SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
12. 1 1/2" X 7 1/4" CEDAR TRIM W/ 1 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED
13. 1 1/2" X 5 1/2" CEDAR TRIM - STAINED
14. 1 1/2" X 5 1/2" CEDAR OUTSIDE CORNER BOARD, 1 1/2 X 1 1/2" CEDAR INSIDE CORNER BOARD - STAINED
15. ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND REScheck REPORT.
16. CARRIAGE STYLE OVERHEAD GARAGE DOOR W/ FROSTED TEMPERED GLASS PER ELEV.
17. 36" HIGH RAILING: 2" x 4" POWDER COATED STEEL TOP & BOTTOM RAILS & VERTICAL POSTS W/ HORIZONTAL ST. STL. CABLES @ 3 1/2" O.C. - 8" X 8" POWDER COATED STEEL BALUSTERS.
18. FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
19. FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING
20. HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY. BROOM FINISHED NATURAL COLOR. 6x6 W1.4 X W1.4 WWF, TYP.
21. STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
22. NATURAL GRADE
23. PROPOSED FINAL GRADE
24. 27'-0" ABOVE PROPOSED FINAL GRADE
25. METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANIAN FOUNDATION DRAIN.
26. TOUGH'N'DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4"Ø CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL, DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
27. 2" WIDE COR-TEN METAL TRIM
28. 23'-0" HEIGHT RESTRICTION PER LMC 15-2.2-5 SECTION (B)

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PROJECT DESCRIPTION:
162 RIDGE AVENUE
PARK CITY, UT 84060

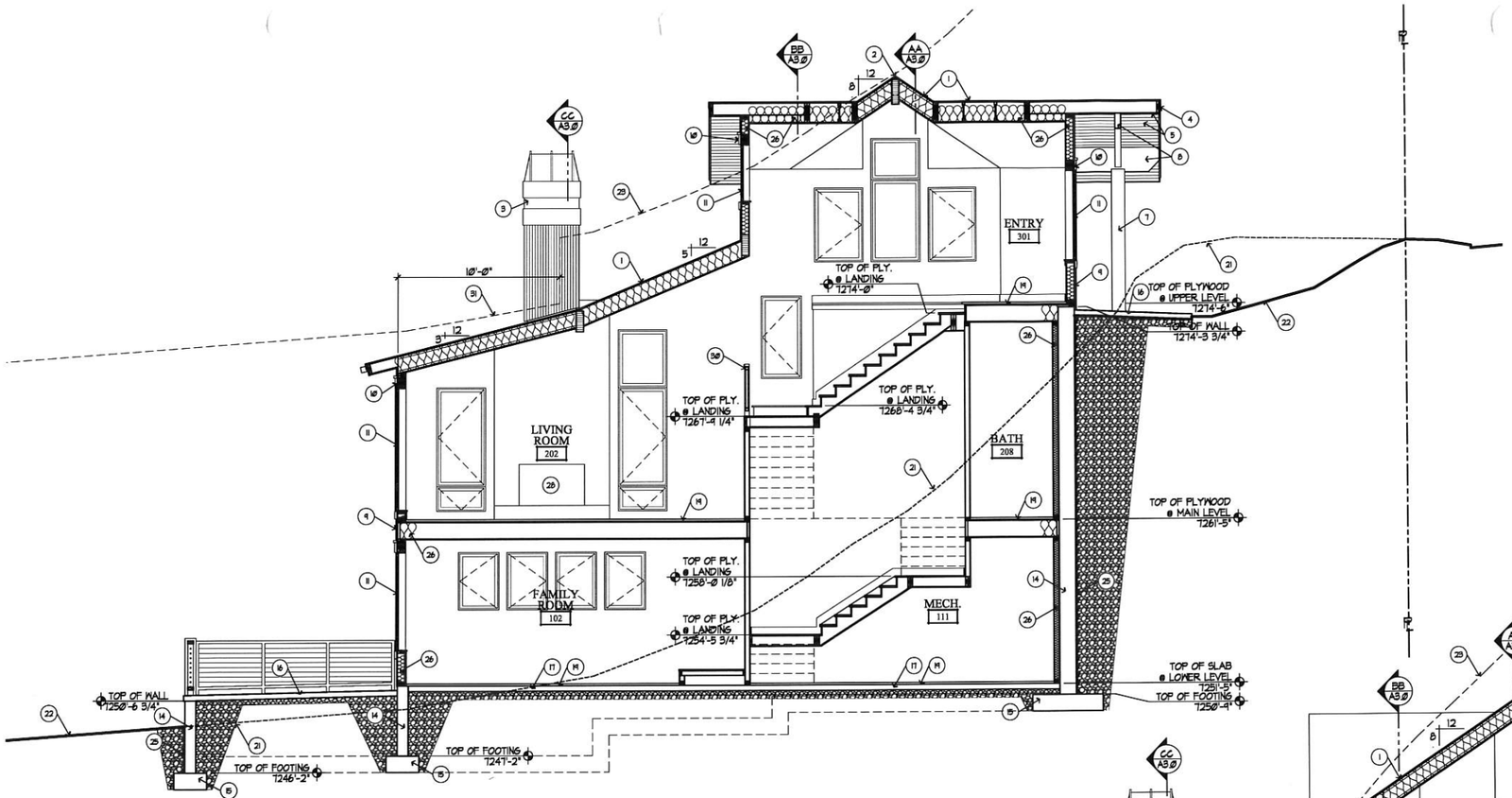
SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

REVISIONS:
1 10/24/15
2 10/28/15

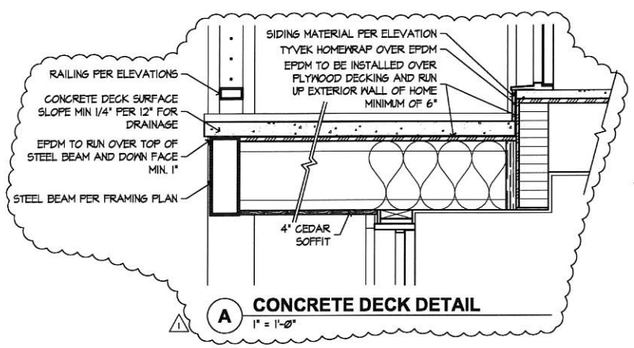
DATE: 10/28/15

PROJECT NUMBER:

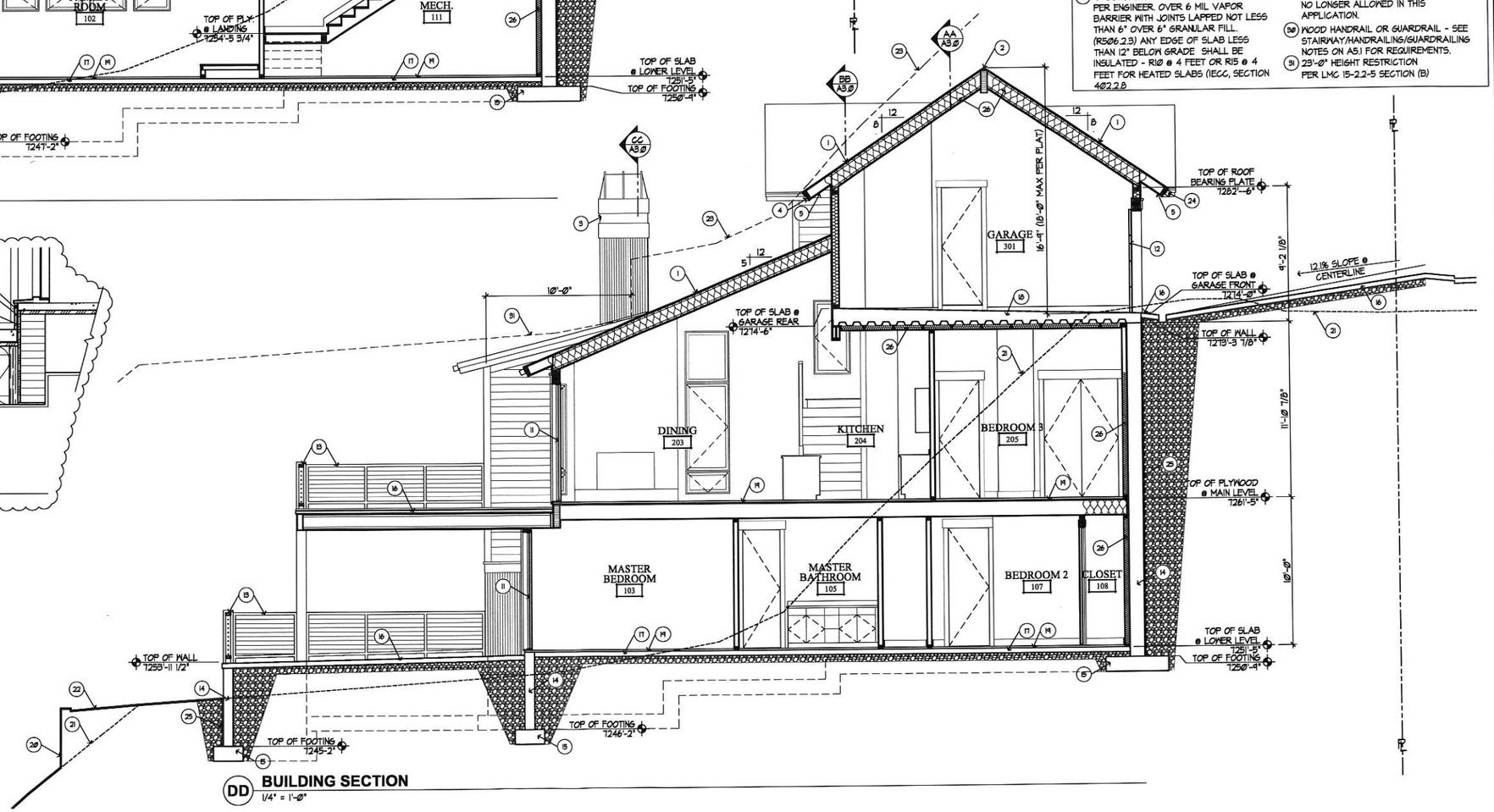
SHEET NUMBER:
A2.1



EE BUILDING SECTION
1/4" = 1'-0"



A CONCRETE DECK DETAIL
1" = 1'-0"



DD BUILDING SECTION
1/4" = 1'-0"

KEYED NOTES

1. ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (355# PER SQUARE, MIN.) ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE UP TO 24" DOWN FROM RIDGE TYP.
2. NOT USED
3. CHIMNEY CAP. SEE B/A2.0 FOR DETAILS.
4. 1x4 ON 1x8 BUILT UP CEDAR FASCIA - STAINED
5. T&G CEDAR SOFFIT - STAINED.
6. NOT USED
7. 10" X 10" ROUGH SAWN STRUCTURAL TIMBER COLUMN - STAINED
8. EXPOSED BEAM PER ROOF FRAMING PLAN - STAINED
9. 6" HORIZONTAL CEDAR LAP SIDING OR VERTICAL COR-TEN CORRUGATED SIDING (SEE EXTERIOR ELEVATIONS FOR LAYOUT) ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
10. 1 1/2" X 7 1/4" CEDAR HEADER TRIM WITH 1 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED
11. ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE AND REScheck REPORT.
12. CARRIAGE STYLE OVERHEAD GARAGE DOOR W/ FROSTED TEMPERED GLASS PER ELEV.
13. 36" HIGH RAILING: 2" x 4" POWDER COATED STEEL TOP & BOTTOM RAILS & VERTICAL POSTS W/ HORIZONTAL ST. STL. CABLES @ 3 1/2" O.C. - 8" X 8" POWDER COATED STEEL BALUSTERS.
14. CONCRETE FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
15. CONCRETE FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING
16. HEATED CONCRETE PORCH/ PATIO/ DRIVEWAY. BROOM FINISHED NATURAL COLOR. 6x6 W1.4 X W1.4 WWF, TYP.
17. 4" CONCRETE FLOOR SLAB. REINFORCED PER ENGINEER. OVER 6 MIL VAPOR BARRIER WITH JOINTS LAPPED NOT LESS THAN 6" OVER 6" GRANULAR FILL. (R506.2.3) ANY EDGE OF SLAB LESS THAN 12" BELOW GRADE SHALL BE INSULATED - R10 @ 4 FEET OR R15 @ 4 FEET FOR HEATED SLABS (IECC, SECTION 402.2.8
18. CONCRETE DECK @ GARAGE FLOOR TO BE FORMLOCK X 18 GA. W/ 6" = 12" CONCRETE - SHORING REQUIRED. EXTEND STEEL ANGLE POUR STOP AS REQUIRED FOR SLAB THICKNESS USING GALVANIZED SHEET METAL - SEE DETAILS 7.8,9/S5.1
19. 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
20. STACKED STONE RETAINING WALL - SEE DETAIL A/A2.0
21. NATURAL GRADE
22. PROPOSED FINAL GRADE
23. 27'-0" ABOVE PROPOSED FINAL GRADE
24. METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANIAN FOUNDATION DRAIN.
25. TOUGHN'DRY VERTICAL DRAIN BOARD OR SPRAY APPLIED FOUNDATION DAMP PROOFING TO DRAIN TO 4"Ø CONTINUOUS FOUNDATION DRAIN, SET IN GRAVEL. DRAIN TO SUMP. ALL SIDES OF FOUNDATION. BACKFILL FOUNDATION WITH GRANULAR FILL @ 95% COMPACTION.
26. BLOWN-IN FIBERGLASS BIB INSULATION ENTIRE CAVITY. R-15 @ 2X4 WALLS, R-23 @ 2X6 WALLS, AND R-47 AT FLOORS AND CEILINGS. INSTALL MINIMUM 4-MIL POLYETHYLENE VAPOR RETARDER OVER THE INSULATION ON THE INSIDE (WARM SIDE) OF ALL EXTERIOR WALLS AND ROOF CEILINGS. IRC R1002.7
27. NON-VENTED ROOF - (47) CLOSED CELL FOAM INSULATION AT OUTER FACE OF CAVITY (R-28) FILL REMAINDER OF CAVITY WITH FIBERGLASS BIBS. OVERALL (R-55.)
28. ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 10" PLATFORM. SIZE PER PLAN.
29. TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
30. WOOD HANDRAIL OR GUARDRAIL - SEE STAIRWAY/HANDRAILING/GUARDRAILING NOTES ON A5.1 FOR REQUIREMENTS.
31. 23'-0" HEIGHT RESTRICTION PER LMC 15-2.2-5 SECTION (B)

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PROJECT DESCRIPTION:
162 RIDGE AVENUE
PARK CITY, UT 84060

SHEET DESCRIPTION:
BUILDING SECTIONS

REVISIONS:
1 10/24/15
2 10/28/15

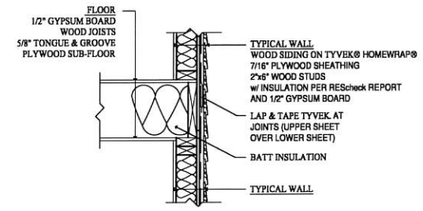
DATE: 10/28/15

PROJECT NUMBER:

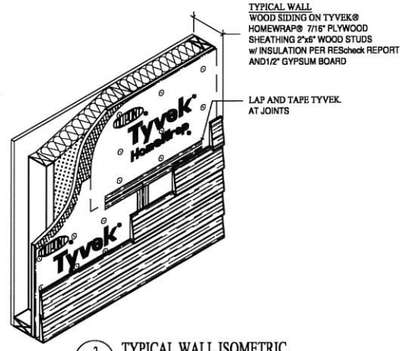
SHEET NUMBER:
A3.1

GENERAL NOTES

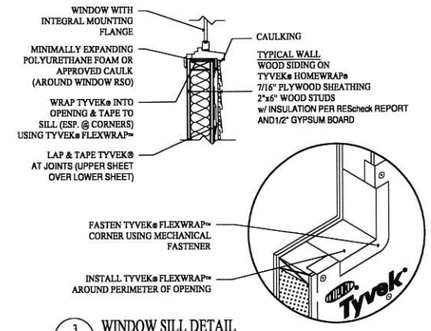
*SEAL ALL TYVEK® JOINTS AND PENETRATIONS WITH APPR[illegible]E.
(ex. DUPONT CONTRACTOR TAPE).
*FASTEN TYVEK® TO SHEATHING WITH LARGE HEAD NAILS
OR USE NAILS WITH LARGE PLASTIC WASHER HEADS. (ex. DUPONT WRAPCAPS)
*LOCAL LAWS, ZONING, AND BUILDING CODES VARY AND
THEREFORE GOVERNS OVER MATERIAL SELECTION AND DETAILING SHOWN BELOW.



1 A5.1 FLOOR/WALL INTERFACE DETAIL
NO SCALE



2 A5.1 TYPICAL WALL ISOMETRIC
NO SCALE



3 A5.1 WINDOW SILL DETAIL
NO SCALE

TYVEK "HOME WRAP" INSTALLATION:

1. INSTALL AIR BARRIER AFTER SHEATHING IS INSTALLED AND BEFORE WINDOWS AND DOORS ARE INSTALLED. INSTALL LOWER LEVEL BARRIER PRIOR TO UPPER LAYERS TO ENSURE PROPER SHINGLING OF LAYERS.

2. OVERLAP AIR BARRIER AT CORNERS OF BUILDING BY A MINIMUM OF 12 INCHES.

3. OVERLAP AIR BARRIER VERTICAL SEAMS BY A MINIMUM OF 6 INCHES.

4. ENSURE BARRIER IS PLUM AND LEVEL WITH FOUNDATION, AND UNROLL EXTENDING AIR BARRIER OVER WINDOW AND DOOR OPENINGS.

5. ATTACH AIR BARRIER TO WOOD, INSULATED SHEATHING BOARD OR EXTERIOR GYPSUM WITH PLASTIC CAP NAILS EVERY 12" TO 18" ON VERTICAL STUD LINE WITH WOOD STUD FRAMING, AND SCREWS WITH WASHERS TO METAL STUD FRAMING. WHEN ATTACHING TO WOOD SHEATHING, A MINIMUM 1.0 INCH CROWN STAPLE MAY BE USED. WHEN ATTACHING TO MASONRY, USE ADHESIVE RECOMMENDED BY MANUFACTURER.

6. PREPARE WINDOW AND DOOR ROUGH OPENINGS AS FOLLOWS:
A. PREPARE EACH WINDOW ROUGH OPENING BY CUTTING A MODIFIED "I" PATTERN IN THE AIR BARRIER.
1. HORIZONTALLY CUT AIR BARRIER ALONG BOTTOM OF HEADER.
2. VERTICALLY CUT AIR BARRIER DOWN THE CENTER OF WINDOW OPENINGS FROM THE TOP OF THE WINDOW OPENING DOWN TO 2/3 OF THE WAY TO THE BOTTOM OF THE WINDOW OPENINGS.
3. DIAGONALLY CUT AIR BARRIER FROM THE BOTTOM OF THE VERTICAL CUT TO THE LEFT AND RIGHT CORNERS OF OPENING.
4. FOLD SIDE AND BOTTOM FLAPS INTO WINDOW OPENING AND FASTEN EVERY 6 INCHES. TRIM OFF EXCESS.
B. PREPARE EACH ROUGH DOOR OPENING BY CUTTING A STANDARD "I" PATTERN IN THE AIR BARRIER.
1. HORIZONTALLY CUT AIR BARRIER ALONG BOTTOM OF DOOR FRAME HEADER AND ALONG TOP OF SILL.
2. VERTICALLY CUT AIR BARRIER DOWN THE CENTER OF DOOR OPENINGS FROM THE TOP OF THE DOOR OPENING (HEADER) DOWN TO THE BOTTOM OF THE DOOR OPENING (SILL).
3. FOLD SIDE FLAPS INSIDE AROUND DOOR OPENINGS AND FASTEN EVERY 6 INCHES. TRIM OFF EXCESS.

7. TAPE ALL HORIZONTAL AND VERTICAL SEAM OF AIR BARRIER WITH DUPONT TYVEK TAPE.

8. SEAL ALL TEARS AND CUTS IN AIR BARRIER WITH DUPONT TYVEK TAPE.

ARCHITECTURAL NOTES:

1. ALL WORKS SHALL COMPLY WITH THE 20[illegible]ATIONAL RESIDENTIAL CODE. STRUCTURAL SHALL COMPLY WITH THE 2012 [illegible]ERNATIONAL BUILDING CODE.

2. ALL SUBMITTALS AND CHANGES TO PLANS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO BEING SUBMITTED TO THE BUILDING OFFICIAL FOR APPROVAL. ENGINEER TO APPROVE ALL STRUCTURAL CHANGES.

3. HABITABLE ROOMS, HALLWAYS, CORRIDORS, LAUNDRY ROOMS AND BASEMENTS SHALL HAVE A CEILING HEIGHT NOT LESS THAN 7 FEET MEASURED FROM THE FINISHED FLOOR TO THE FINISHED CEILING, BATHROOMS CAN BE AT 6'-8". NOT MORE THAN 50% OF THE REQUIRED FLOOR AREA IS PERMITTED TO HAVE A SLOPED CEILING LESS THAN 7 FT. WITH NO PORTION OF THE REQUIRED FLOOR AREA LESS THAN 5 FT. IN HEIGHT. -IRC R305

4. ASPHALT SHINGLES SHALL NOT BE INSTALLED ON ROOFS HAVING A SLOPE LESS THAN 4 TO 12 UNLESS DOUBLE UNDERPAYMENT IS INSTALLED IN ACCORDANCE WITH IRC SECTION R905.2.7

5. ICE BARRIER THAT CONSISTS OF TWO LAYERS OF UNDERLAYMENT CEMENTED TOGETHER OR OF A SELF-ADHERING POLYMER MODIFIED BITUMEN SHEET, SHALL BE USED IN LIEU OF NORMAL UNDERLAYMENT AND EXTEND FROM THE LOWEST EDGES OF ALL ROOF SURFACES TO A POINT AT LEAST 24 INCHES INSIDE THE EXTERIOR WALL LINE OF THE BUILDING. - IRC R905.2.7.1

6. EXTERIOR WALLS SHALL PROVIDE THE BUILDING WITH A WEATHER-RESISTANT EXTERIOR WALL ENVELOPE. THE EXTERIOR WALL ENVELOPE SHALL INCLUDE FLASHING. R703.1

7. APPROVED CORROSION-RESISTANT FLASHING SHALL BE APPLIED SINGLE-FASHION IN A MANNER TO PREVENT ENTRY OF WATER INTO THE WALL CAVITY OR PENETRATION OF WATER TO THE BUILDING STRUCTURAL FRAMING COMPONENTS. SELF-ADHERED MEMBRANES USED AS FLASHING SHALL COMPLY WITH AAMA 711. THE FLASHING SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH. APPROVED CORROSION-RESISTANT FLASHING AT ALL OF THE
A. EXTERIOR WINDOW AND DOOR OPENINGS. FLASHING AT EXTERIOR WINDOW AND DOOR OPENINGS SHALL EXTEND TO THE SURFACE OF THE EXTERIOR WALL FINISH OR TO THE WATER-RESISTIVE BARRIER FOR SUBSEQUENT DRAINAGE.
B. AT THE INTERSECTION OF CHIMNEYS OR OTHER MASONRY CONSTRUCTION WITH FRAME OR STUCCO WALLS, WITH PROJECTING LIPS ON BOTH SIDES UNDER STUCCO COPINGS AND SILLS.
C. UNDER AND AT THE ENDS OF MASONRY, WOOD OR METAL COPINGS AND SILLS.
D. CONTINUOUSLY ABOVE ALL PROJECTING WOOD TRIM.
E. WHERE EXTERIOR PORCHES, DECKS OR STAIRS ATTACH TO A WALL OR FLOOR ASSEMBLY OF WOOD-FRAME CONSTRUCTION.
F. AT WALL AND ROOF INTERSECTIONS.
G. AT BULT-IN GUTTERS. IRC R703.8

8. ELEVATORS. WHERE PROVIDED, PASSENGER ELEVATORS, LIMITED USE OR LIMITED APPLICATION ELEVATORS OR PRIVATE RESIDENCE ELEVATORS SHALL COMPLY WITH ASME A17.1. IRC R321.1

FRAMING NOTES:

1. PROTECTION OF WOOD AND WOOD BASED PRODUCTS FROM DECAY SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS THE USE OF NATURALLY DURABLE WOOD OR WOOD THAT IS PRESERVATIVE-TREATED IN ACCORDANCE WITH AWPA U1 FOR THE SPECIES, PRODUCT, PRESERVATIVE AND END USE.
A. WOOD JOISTS OR THE BOTTOM OF A WOOD STRUCTURAL FLOOR WHEN CLOSER THAN 18 INCHES OR WOOD GIRDERS WHEN CLOSER THAN 12 INCHES TO THE EXPOSED GROUND IN CRAWL SPACES OR UNEXCAVATED AREA LOCATED WITHIN THE PERIPHERY OF THE BUILDING FOUNDATION.
B. ALL WOOD FRAMING MEMBERS THAT REST ON CONCRETE OR MASONRY EXTERIOR FOUNDATION WALLS AND ARE LESS THAN 8 INCHES FROM THE EXPOSED GROUND.
C. SILLS AND SLEEPERS ON A CONCRETE OR MASONRY SLAB THAT IS IN DIRECT CONTACT WITH THE GROUND UNLESS SEPARATED FROM SUCH SLAB BY AN IMPERVIOUS MOISTURE BARRIER.
D. THE END OF WOOD GIRDERS ENTERING EXTERIOR MASONRY OR CONCRETE WALLS HAVING CLEARANCES OF LESS THAN ¼ INCH ON TOPS, SIDES AND ENDS.
E. WOOD SIDING, SHEATHING AND WALL FRAMING ON THE EXTERIOR OF A BUILDING HAVING A CLEARANCE OF LESS THAN 6 INCHES FROM THE GROUND OR LESS THAN 2 INCHES MEASURED VERTICALLY FROM CONCRETE STEPS, PORCH SLABS, PATIO SLABS, AND SIMILAR HORIZONTAL SURFACES EXPOSED TO THE WEATHER.
F. WOOD STRUCTURAL MEMBERS SUPPORTING MOISTURE-PERMEABLE FLOORS OR ROOFS THAT ARE EXPOSED TO THE WEATHER, SUCH AS CONCRETE OR MASONRY SLABS, UNLESS SEPARATED FROM SUCH FLOORS OR ROOFS BY AN IMPERVIOUS MOISTURE BARRIER.
G. WOOD FURRING STRIPS OR OTHER WOOD FRAMING MEMBERS ATTACHED DIRECTLY TO THE INTERIOR OF EXTERIOR MASONRY WALLS OR CONCRETE WALLS BELOW GRADE EXCEPT WHERE AN APPROVED VAPOR RETARDER IS APPLIED BETWEEN THE WALL AND THE FURRING STRIPS OR FRAMING MEMBERS. - IRC R317.1

2. ACCESSIBLE BELOW-FLOOR AREAS SHALL BE PROVIDED WITH A MINIMUM 18" X 24" ACCESS OPENING. IRC R408.4. FOR ACCESS TO MECHANICAL EQUIPMENT IN THESE AREAS SEE IRC M1305.1.4

3. PROVIDE A MINIMUM 22" X 30" ATTIC ACCESS IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. -IRC R807.1. SEE M1305.1.3 FOR ACCESS TO FURNACES AND OTHER MECHANICAL EQUIPMENT IN ATTIC.

4. PROVIDE 24" ON-CENTER BLOCKING FOR VERTICAL SIDING. - IRC TABLE R703.4 FOOTNOTE j.

5. PROVIDE ROOF SHEATHING RATING AND NAILING SCHEDULE AS PER ENGINEERING DESIGN, OR MINIMUM 5/8", 40/20 RATING IF NO PROFESSIONAL DESIGN IS PROVIDED.

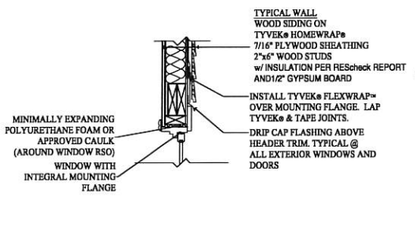
FIREPLACE NOTES:

1. MASONRY OR CONCRETE CHIMNEYS SHALL BE ANCHORED AT EACH FLOOR, CEILING OR ROOF LINE MORE THAN 6 FEET ABOVE GRADE, EXCEPT WHERE CONSTRUCTED COMPLETELY WITHIN THE EXTERIOR WALLS.- IRC R1001.4

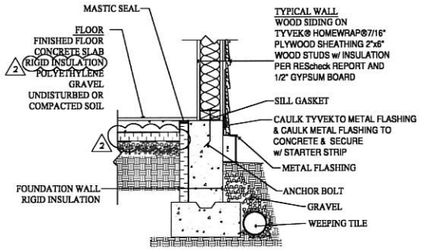
2. TWO $\frac{1}{4}$ INCH BY 1 INCH STRAPS SHALL BE EMBEDDED A MINIMUM OF 12 INCHES INTO THE CHIMNEY. STRAPS SHALL HOOKED AROUND THE OUTER BARS AND EXTEND 6 INCHES BEYOND THE BEND. EACH STRAP SHALL BE FASTENED TO A MINIMUM OF FOUR FLOOR CEILING OR FLOOR JOIST OR RAFTERS WITH TWO $\frac{1}{4}$ INCH BOLTS. -IRC R1004.4.1

3. ALL WOOD BEAMS, JOIST, STUDS AND OTHER COMBUSTIBLE MATERIAL SHALL HAVE A CLEARANCE OF NOT LESS THAN 2 INCHES FROM THE FRONT FACES AND SIDES OF MASONRY FIREPLACES AND NOT LESS THAN 4 INCHES FROM THE BACK FACES OF MASONRY FIREPLACES. THE AIR SPACE SHALL NOT BE FILLED, EXCEPT TO PROVIDE FIRE BLOCKING IN ACCORDANCE WITH SECTION R1001.12.
EXCEPTIONS:
A. MASONRY FIREPLACES LISTED AND LABELED FOR USE IN CONTACT WITH COMBUSTIBLES IN ACCORDANCE WITH UL 127 AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURES INSTALLATION INSTRUCTIONS ARE PERMITTED TO HAVE COMBUSTIBLE MATERIAL IN CONTACT WITH THEIR EXTERIOR SURFACES.
B. WHEN MASONRY FIREPLACES ARE PART OF MASONRY OR CONCRETE WALLS, COMBUSTIBLE MATERIALS SHALL NOT BE CONTACT WITH THE MASONRY OR CONCRETE WALLS LESS THAN 12 INCHES FROM THE INSIDE SURFACE OF THE NEAREST FIREBOX LINING.
C. EXPOSED COMBUSTIBLE TRIM AND THE EDGES OF SHEATHING MATERIALS SUCH AS WOOD SIDING, FLOORING AND DRYWALL SHALL BE PERMITTED TO ABUT THE MASONRY FIREPLACE SIDE WALLS AND HEARTH EXTENSION, PROVIDED SUCH COMBUSTIBLE TRIM OR SHEATHING IS A MINIMUM OF 12 INCHES FROM THE INSIDE SURFACE OF THE NEAREST FIREBOX LINING.
D. EXPOSED COMBUSTIBLE MANTELS OR TRIM MAY BE PLACED DIRECTLY ON THE MASONRY FIREPLACE FRONT SURROUNDING THE FIREPLACE OPENING PROVIDING SUCH COMBUSTIBLE MATERIALS ARE NOT PLACED WITHIN 6 INCHES OF A FIREPLACE OPENING. COMBUSTIBLE MATERIAL WITHIN 12 INCHES OF THE FIREPLACE OPENING SHALL NOT PROJECT MORE THAN $\frac{1}{8}$ INCH FOR EACH 1 INCH DISTANCE FROM SUCH AN OPENING. -IRC R1001.11

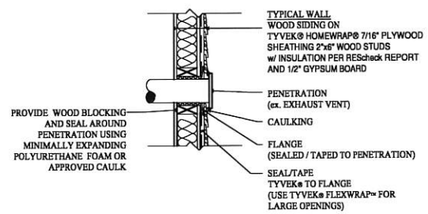
4. CHIMNEYS SHALL EXTEND AT LEAST 2 FEET HIGHER THAT ANY PORTION OF A BUILDING WITHIN 10 FEET, BUT SHALL NOT BE LESS THAN 3 FEET ABOVE THE HIGHEST POINT WHERE THE CHIMNEY PASSES THOUGH THE ROOF.-IRC R1003.9



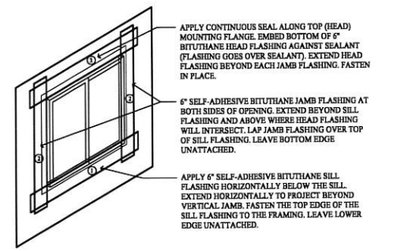
4 A5.1 WINDOW HEAD DETAIL
NO SCALE



5 A5.1 BASE OF WALL DETAIL
NO SCALE



6 A5.1 WALL PENETRATION DETAIL
NO SCALE



7 A5.1 SILL ,JAMB AND HEAD FLASHING
NO SCALE

STAIRWAY/HANDRAILING/GUARDRAILING NOTES:

1. STAIRWAYS SHALL NOT BE LESS THAN 36 INCHES IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT AND BELOW THE REQUIRED HEADROOM HEIGHT. HANDRAILS SHALL NOT PROJECT MORE THAN 4.5 INCHES ON EITHER SIDE OF STAIRWAY AND THE MINIMUM CLEAR WIDTH OF THE STAIRWAY AT AND BELOW THE HANDRAIL HEIGHT, INCLUDING TREADS AND LANDINGS, SHALL NOT BE LESS THAN 31 $\frac{1}{2}$ INCHES WHERE A HANDRAIL IS INSTALLED ON ONE SIDE AND 27 INCHES WHERE HANDRAILS ARE PROVIDED ON BOTH SIDES. -IRC R311.7.1

2. THE MINIMUM HEADROOM IN ALL PARTS OF THE STAIRWAY SHALL NOT BE LESS THAN 6 FEET 8 INCHES MEASURED VERTICALLY FROM THE SLOPED LINE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM ON THAT PORTION OF THE STAIRWAY. -IRC R311.7.2

3. THE MAXIMUM RISER HEIGHT SHALL BE 7 $\frac{3}{4}$ INCHES. THE RISER SHALL BE MEASURED VERTICALLY BETWEEN LEADING EDGES OF THE ADJACENT TREADS. THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ INCH. -IRC R311.7.4.1

4. THE MINIMUM TREAD DEPTH SHALL BE 10 INCHES. THE TREAD DEPTH SHALL BE MEASURED HORIZONTALLY BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREADS LEADING EDGE. THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ INCH.
CONSISTENTLY SHAPED WINDERS AT THE WALKLINE SHALL BE ALLOWED WITHIN THE SAME FLIGHT OF STAIRS AS RECTANGULAR TREADS AND DO NOT HAVE TO BE WITHIN $\frac{3}{8}$ INCH OF THE RECTANGULAR TREAD DEPTH.
WINDER TREADS SHALL HAVE MINIMUM TREAD DEPTH OF 10 INCHES MEASURED BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AT THE INTERSECTIONS WITH THE WALKLINE. WINDER TREADS SHALL HAVE MINIMUM TREAD DEPTH OF 6 INCHES AT ANY POINT WITHIN THE CLEAR WIDTH OF STAIR. WITHIN ANY FLIGHT OF STAIRS, THE LARGEST WINDER TREAD DEPTH AT THE WALKLINE SHALL NOT EXCEED THE SMALLEST WINDER TREAD BY MORE THAN $\frac{3}{8}$ INCH. -IRC R311.7.4.2

5. THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE WIDTH OF THE STAIRWAY SERVED. LANDINGS SHALL HAVE A MINIMUM DIMENSION OF 36 INCHES MEASURED IN THE DIRECTION OF TRAVEL. -IRC R311.7.5

6. HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING, OR FINISH SURFACE OF THE RAMP SLOPE, SHALL BE NOT LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES. -IRC R311.7.7.1

7. HANDRAILS FOR STAIRWAYS SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT, FROM A POINT DIRECTLY ABOVE THE TOP RISER OF THE FLIGHT TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT. HANDRAIL ENDS SHAL BE RETURNED OR SHALL TERMINATE IN NEWL POSTS OR SAFETY TERMINALS. HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1 $\frac{1}{2}$ INCH BETWEEN THE WALL AND THE HANDRAILS.
EXCEPTIONS:
1. HANDRAILS SHALL BE PERMITTED TO BE INTERRUPTED BY A NEWL POST AT THE TURN.
2. THE USE OF A VOLUTE, TURNOUT, STARTING EASING OR STARTING NEWL SHALL BE ALLOWED OVER THE LOWEST TREAD. -IRC R311.7.7.2

8. ALL REQUIRED HANDRAILS SHALL BE OF ONE OF THE FOLLOWING TYPES OR PROVIDE EQUIVALENT GRASPABILITY.
TYPE I: HANDRAILS WITH CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF 1 $\frac{1}{4}$ INCHES AND NOT GREATER THAN 2 INCHES. IF THE HANDRAIL IS NOT CIRCULAR, IT SHALL HAVE A PERIMETER DIMENSION OF AT LEAST 4 INCHES AND NOT GREATER THAN 6 $\frac{3}{4}$ INCHES WITH A MAXIMUM CROSS SECTION OF DIMENSION OF 2 $\frac{1}{4}$ INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.01 INCH.
TYPE II: HANDRAILS WITH A PERIMETER GREATER THAN 6 $\frac{3}{4}$ INCHES SHALL HAVE A GRASPABLE FINGER RECESS AREA ON BOTH SIDES OF THE PROFILE. THE FINGER RECESS SHALL BEGIN WITHIN A DISTANCE OF $\frac{3}{4}$ INCH MEASURED VERTICALLY FROM THE TALLEST PORTION OF THE PROFILE AND ACHIEVE A DEPTH OF AT LEAST $\frac{5}{16}$ INCH WITHIN $\frac{7}{8}$ INCH BELOW THE WIDEST PORTION OF THE PROFILE. THE REQUIRED DEPTH SHALL CONTINUE FOR AT LEAST $\frac{7}{8}$ INCH TO A LEVEL THAT IS NOT LESS THAN 1 $\frac{3}{4}$ INCHES BELOW THE TALLEST PORTION OF THE PROFILE. THE MINIMUM WIDTH OF THE HANDRAIL ABOVE THE RECESS SHALL BE 1 $\frac{1}{4}$ INCHES TO MAXIMUM OF 2 $\frac{3}{4}$ INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.10 INCH.
-IRC R311.7.7.3

9. GUARDS SHALL BE LOCATED ALONG OPEN-SIDED WALKING SURFACES, INCLUDING STAIRS, RAMPS AND LANDINGS, THAT ARE LOCATED MORE THAN 30 INCHES MEASURED VERTICALLY TO THE FLOOR OR GRADE BELOW AT ANY POINT WITHIN 36 INCHES HORIZONTALLY TO THE EDGE OF THE OPEN SIDE. -IRC R312.1

10. GUARDS SHALL NOT BE LESS THAN 36 INCHES HIGH MEASURED VERTICALLY ABOVE THE ADJACENT WALKING SURFACE, ADJACENT FIXED SEATING OR THE LINE CONNECTING THE LEADING EDGES OF THE TREADS. -IRC R312.2

11. GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER. -IRC R312.3

12. STAIR TREAD NOSING: THE RADIUS OF CURVATURE AT THE LEADING EDGE OF THE TREAD SHALL BE NO GREATER THAN 9/16 INCH . A NOSING NOT LESS THAN ¾ INCH BUT NOT MORE THAN 1 ¼ INCHES SHALL BE PROVIDED ON STAIRWAYS WITH SOLID RISERS. THE GREATEST NOSING PROJECTION SHALL NOT EXCEED THE SMALLEST NOSING PROJECTION BY MORE THAN 3/8 INCH BETWEEN TWO STORIES, INCLUDING THE NOSING AT THE LEVEL OF FLOORS AND LANDINGS. BEVELING OF NOSING SHALL NOT EXCEED ½ INCH. RISERS SHALL BE VERTICAL OR SLOPED FROM THE UNDERSIDE OF THE LEADING EDGE OF THE TREAD ABOVE AT AN ANGLE NOT MORE THAN 30 DEGREES (0.51 RAD) FROM THE VERTICAL. OPEN RISERS ARE PERMITTED, PROVIDED THAT THE OPENING BETWEEN TREADS DOES NOT PERMIT THE PASSAGE OF A 4 INCH DIAMETER SPHERE. (UTAH STATE AMENDMENT) EXCEPTIONS.
A. A NOSING IS NOT REQUIRED WHERE THE TREAD DEPTH IS A MINIMUM OF 10 INCHES.
B. THE OPENING BETWEEN ADJACENT TREADS IS NOT LIMITED ON STAIRS WITH A TOTAL RISE OF 30 INCHES OR LESS. NOTE: THIS MEANS THAT CONCRETE STAIRS, WITHOUT NOSINGS, MUST HAVE A TREAD DEPTH OF 10 INCHES

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PROJECT DESCRIPTION:
162 RIDGE AVENUE
PARK CITY, UT 84060

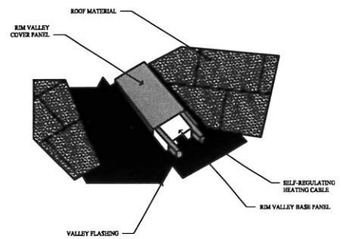
SHEET DESCRIPTION:
DETAILS

REVISIONS:
2 10/28/15

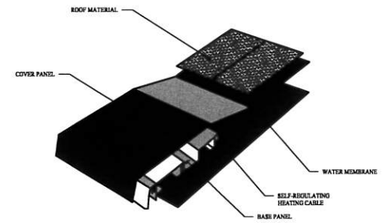
DATE:
10/28/15

PROJECT NUMBER:

SHEET NUMBER:
A5.1



1 / A5.2 VALLEY SNOW MELT DETAIL
NO SCALE



2 / A5.2 EAVE SNOW MELT DETAIL
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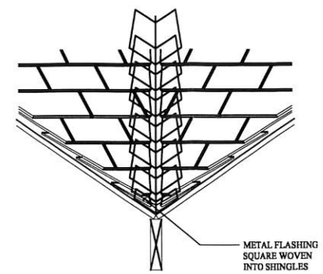

3 / A5.2 CLOSED VALLEY FLASHING
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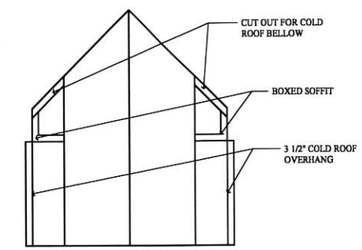
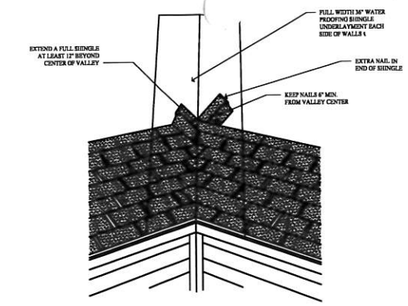
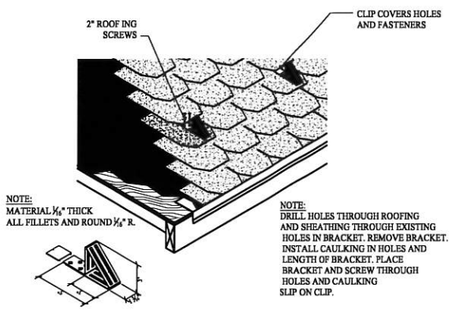


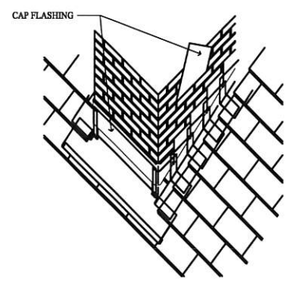
4 / A5.2 DORMER ROOF
NO SCALE



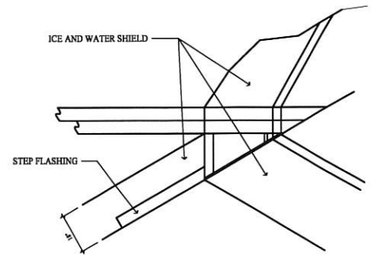
5 / A5.2 WOVEN VALLEY DETAIL
NO SCALE



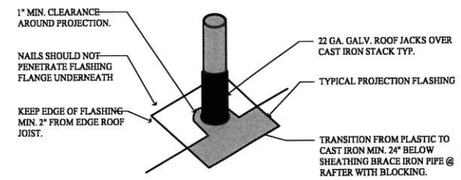
6 / A5.2 SNOW BRAKET DETAIL
NO SCALE



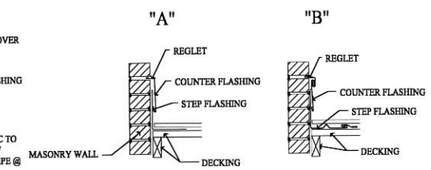
7 / A5.2 CHIMNEY FLASHING
NO SCALE



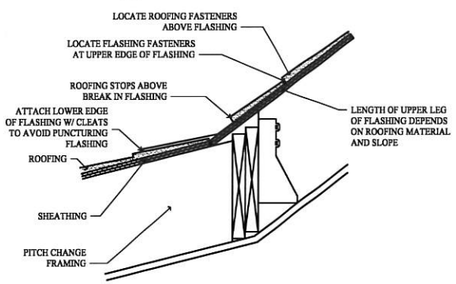
8 / A5.2 DORMER FLASHING DETAIL
NO SCALE



9 / A5.2 VENT FLASHING DETAIL
NO SCALE

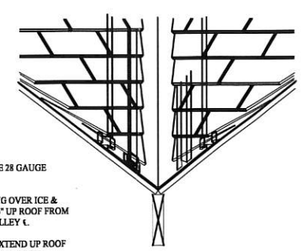


10 / A5.2 RAKE WALL FLASHING DETAIL
NO SCALE



11 / A5.2 ROOF PITCH TRANSACTION DETAIL
NO SCALE

12 / A5.2 FLASHING DETAIL
NO SCALE



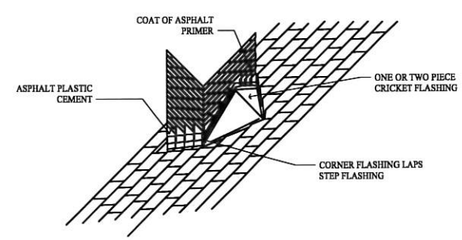
NOTE
1. FLASHING TO BE 28 GAUGE METAL

2. PLACE FLASHING OVER ICE & WATER SHIELD 36" UP ROOF FROM EACH SIDE OF VALLEY ¢.

3. FLASHING TO EXTEND UP ROOF MIN 12" FROM ¢ OF VALLEY.

4. IF ROOF PITCH EXCEEDS 6:12 ENLARGE "V" CRIMP TO 2"

13 / A5.2 OPEN VALLEY DETAIL
NO SCALE



14 / A5.2 CHIMNEY CRICKET FLASHING
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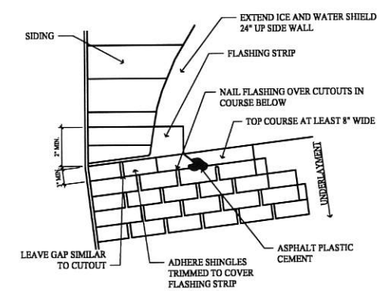

15 / A5.2 ROOF/WALL FLASHING DETAIL
NO SCALE

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ROOM FINISH SCHEDULE

ROOM NO.	ROOM NAME	FLOOR MATERIAL	FLOOR BASE	WALLS NORTH	WALLS EAST	WALLS SOUTH	WALLS WEST	CEILING HEIGHT	CEILING MATERIAL	REMARKS
	ELEVATOR									
001	ELEVATOR	CONCRETE	-	GYP	GYP	GYP	GYP	VARIES	GYP	-
	LOWER LEVEL									
101	HALL	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
102	FAMILY ROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
103	MASTER BEDROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
104	MASTER CLOSET	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
105	MASTER BATH	TILE	TILE	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
106	1/2 BATH	TILE	TILE	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
107	BEDROOM 2	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
108	CLOSET	WOOD	WOOD	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
109	BATH	TILE	TILE	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
110	LAUNDRY	TILE	TILE	GYP	GYP	GYP	GYP	8'-9 1/4"	GYP	-
111	MECHANICAL	CONCRETE	-	GYP	GYP	GYP	GYP	VARIES	GYP	-
	MAIN LEVEL									
201	HALL	WOOD	WOOD	GYP	GYP	GYP	GYP	11'-10 1/4"	GYP	-
202	LIVING ROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
203	DINING ROOM	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
204	KITCHEN	WOOD	WOOD	GYP	GYP	GYP	GYP	11'-10 1/4"	GYP	-
205	PANTRY	WOOD	WOOD	GYP	GYP	GYP	GYP	11'-10 1/4"	GYP	-
206	BEDROOM 3	WOOD	WOOD	GYP	GYP	GYP	GYP	11'-10 1/4"	GYP	-
207	BATHROOM	TILE	TILE	GYP	GYP	GYP	GYP	11'-10 1/4"	GYP	-
208	CLOSET	WOOD	WOOD	GYP	GYP	GYP	GYP	11'-10 1/4"	GYP	-
	UPPER LEVEL									
301	ENTRY	WOOD	WOOD	GYP	GYP	GYP	GYP	VARIES	GYP	-
302	GARAGE	CONCRETE	-	GYP	GYP	GYP	GYP	VARIES	GYP	5/8" GYP @ WALLS SHARED W/ LIVING SPACE

WINDOW NOTES

1- GLAZING IN HAZARDOUS LOCATION IS REQUIRED TO BE GLAZED WITH SAFETY MATERIAL. IRC SECTION R308.3 AND R308.4
2- ALL WINDOWS IN BATHROOMS MUST BE TEMPERED GLASS.
3- TEMPERED GLASS SHALL BE PROVIDED IN: FRAMELESS GLASS DOORS, GLASS IN DOORS, GLASS WITHIN A 24" ARC OF DOORS, GLAZING LESS THAN 60" ABOVE A WALKING SURFACE THAT IS WITHIN 5 FEET OF STAIRS. OR GLAZING WITHIN 5 FEET OF SPAS OR POOLS, CERTAIN FIXED PANELS AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT. IRC R308.
4- EGRESS WINDOWS: FINISH SILL HEIGHT MAX. 44" FROM FLOOR MAX. CLEAR OPENING OF 5.7 S/F MIN NET CLEAR OPENING 20" WIDTH AND 24" HEIGHT. PROVIDE EGRESS ESCAPE HARDWARE ON ALL CASEMENT WINDOWS USED FOR EMERGENCY ESCAPE.
5- ALL EXTERIOR GLAZING ASSEMBLIES TO HAVE A U-FACTOR OF 0.28 OR LOWER. SEE REScheck REPORT.
6- SEE EXTERIOR ELEVATIONS FOR ALL HANDING OF CASEMENT WINDOWS.
7- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL ON CUSTOM WINDOW ASSEMBLIES.

DOOR NOTES

1- ALL DOORS TO BE 1 3/4" SOLID CORE UNLESS NOTED OTHERWISE.
2- ALL SHOWER DOORS AND GLASS SHOWER ENCLOSURES SHALL BE TEMPERED GLASS. IRC TABLE R308.3
3- FRENCH DOORS TO BE SUPPLIED BY WINDOW MANUFACTURER.
4- AUTOMATIC GARAGE DOOR OPENERS SHALL BE TESTED IN ACCORDANCE WITH UL325 - IRC 311.5.1
5- ALL EXTERIOR DOORS TO HAVE A U-FACTOR OF 0.28 OR LOWER. SEE REScheck REPORT.
6- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR ALL HANDING OF DOORS.
7- SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL OF CUSTOM DOOR ASSEMBLIES.
8- SEE FLOOR PLANS FOR ALL HANDING DOORS. SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL ON CUSTOM DOOR ASSEMBLIES.

WINDOW SCHEDULE

	WIDTH	HEIGHT	HEADER HT.	TYPE	FRAME MATERIAL	EXT. FINISH	INT. FINISH	GLAZING	REMARKS
					LOWER LEVEL				
A	5'-0"	6'-0"	8'-0"	CASEMENTS	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: (2) 2'-6" X 6'-0" CASEMENTS (TEMPERED GLASS (WHERE REQUIRED)) 1
B	2'-6"	6'-0"	8'-0"	CASEMENT	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	(TEMPERED GLASS) 1
C	2'-6"	3'-6"	8'-0"	CASEMENT	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
D	3'-0"	5'-0"	8'-0"	CASEMENT	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
E	5'-0"	5'-0"	8'-0"	CASEMENTS	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: (2) 2'-6" X 5'-0" CASEMENTS - (TEMPERED GLASS) 1
F	5'-0"	5'-0"	8'-0"	CASEMENTS	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: (2) 2'-6" X 5'-0" CASEMENTS
					MAIN LEVEL				
G	2'-6"	5'-0"	8'-0"	CASEMENTS	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: (2) 2'-6" X 5'-0" CASEMENTS
H	2'-6"	6'-0"	8'-0"	CASEMENTS	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: (2) 2'-6" X 6'-0" CASEMENTS - (TEMPERED GLASS) 1
J	6'-0"	9'-0"	8'-0"	PICTURES	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: 6'-0" X 6'-0" PICT. + 6'-0" X 1'-6" PICT. TRANS + 6'-0" X 1'-6" PICT. BELOW
K	2'-6"	7'-6"	8'-0"	CASEMENT + AWNING	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: 2'-6" X 6'-0" (CASE) + 2'-6" X 1'-6" (PICT. BELOW) 1
L	2'-6"	11'-0"	8'-0"	CASEMENT + TRANS + AWN	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: 2'-6" X 6'-0" (CASE) + 2'-6" X 3'-6" PICT. TRANS + 2'-6" X 1'-6" (PICT. BELOW) 1
M	2'-6"	5'-0"	7'-2 1/2"	CASEMENT	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	(TEMPERED GLASS) 1
N	6'-0"	5'-0"	8'-0"	CASEMENTS	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: (2) 3'-0" X 5'-0" CASEMENTS
P	2'-6"	4'-6"	8'-0"	CASEMENT	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	(TEMPERED GLASS) 1
					ENTRYLEVEL				
Q	3'-0"	4'-6"	7'-0"	CASEMENT	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	(TEMPERED GLASS) 1
R	3'-0"	7'-6"	10'-0"	PICTURE + TRANSOM	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: 3'-0" X 5'-0" PICT. + 3'-0" X 2'-6" PICT. TRANS - (TEMPERED GLASS) 1
S	2'-6"	3'-6"	9'-8"	PICTURE	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	-
T	3'-0"	7'-0"	10'-6"	CASEMENT + TRANSOM	WOOD ALUM. CLAD	MANUFACTURER	STAIN & VARNISH	INSULATED - LOW E	MULLED: 3'-0" X 4'-6" PICT. + 3'-0" X 2'-6" PICT. TRANS

DOOR SCHEDULE

	WIDTH	HEIGHT	THICK	TYPE	DOOR MAT'L	DOOR FINISH	FRAME MATERIAL	FRAME FINISH	HDWR. TYPE	REMARKS
						LOWER LEVEL				
101	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD / ALUM	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	1 FULL LITE (TEMPERED GLASS) INSULATED, LOW E, WEATHER STRIP, THRESHOLD
102	3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD / ALUM	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	1 FULL LITE (TEMPERED GLASS) INSULATED, LOW E, WEATHER STRIP, THRESHOLD
103	2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	2'-0" X 6'-8" PAIR
104	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	3'-0" X 6'-0" OPENING WITH OVERSIZED BARN DOOR
105	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
106	2'-0"	6'-0"	1/2"		GLASS				SHOWER	1 (TEMPERED GLASS)
107	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
108	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
109	2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
110	4'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE - PAIR	-
111	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
112	2'-0"	6'-0"	1/2"		GLASS				SHOWER	1 (TEMPERED GLASS)
113	2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	-
114	2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	-
115	3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	ELEVATOR	COORDINATE WITH ELEVATOR MANUFACTURER
						MAIN LEVEL				
201	3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD / ALUM	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	FULL LITE (TEMPERED GLASS) INSULATED, LOW E, WEATHER STRIP, THRESHOLD
202	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	-
203	2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
204	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
205	2'-0"	6'-0"	1/2"		GLASS				SHOWER	1 (TEMPERED GLASS)
206	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PASSAGE	-
207	2'-6"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	PRIVACY	-
208	3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	ELEVATOR	COORDINATE WITH ELEVATOR MANUFACTURER
						ENTRY LEVEL				
301	3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD / ALUM	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	3/4 LITE. TEMPERED GLASS, INSULATED, LOW E, WEATHER STRIP, THRESHOLD
302	3'-0"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	ELEVATOR	COORDINATE WITH ELEVATOR MANUFACTURER
303	2'-8"	8'-0"	1 3/4"	STYLE+RAIL	WOOD	STAIN & VARNISH	WOOD	STAIN & VARNISH	LOCKSET	20 MIN. - SELF CLOSER - SMOKE SEAL - THRESHOLD
304	9'-0"	7'-0"	1 3/4"	PANEL	WOOD/ALUM/GLASS	STAIN & VARNISH	WOOD	STAIN & VARNISH	GARAGE	AUTO OPENER, INSUL + WEATHERSTRIP - LOW SHEEN FIN - FROSTED TEMPERED GLASS

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degrayarch@qwestoffice.net

PROJECT DESCRIPTION:
162 RIDGE AVENUE
PARK CITY, UT 84060

SHEET DESCRIPTION:
DOOR, WINDOW AND ROOM SCHEDULES

REVISIONS:
1 10/24/15

DATE: 10/28/15

PROJECT NUMBER:

SHEET NUMBER: A6.1

EXHIBIT D

PARK CITY MUNICIPAL CORPORATION

445 Marsac Ave. P.O. BOX 1480 PARK CITY, UT 84060 435-615-5221 business@parkcity.org

NIGHTLY RENTAL LICENSE APPLICATION

ACTIVITY NUMBER (office use only)	FEDERAL ID # (Required):	STATE SALES TAX # (Required):
OWNER NAME (Required):	OWNER ADDRESS (Required):	OWNER TELEPHONE # (Required):

LOCATION OF NIGHTLY RENTAL:	MAILING ADDRESS (for renewal):	
	BUSINESS TELEPHONE #:	EMAIL ADDRESS:
PROPERTY MANAGEMENT COMPANY/LOCAL CONTACT NAME & MAILING ADDRESS: EMAIL ADDRESS:		TELEPHONE #:

I certify under penalty of perjury and license revocation that I am the authorized representative of the property owner; that I have read , know and fully understand the information and provisions of this license and the accompanying ordinance section governing nightly rentals; that as the legal representative of the property for which application for a business license is made and acting as agent of the owner of said property, I recognize, and understand that residential buildings, which may be used as nightly rentals, including all single family homes, may not have been constructed in a manner to meet building code requirements for commercial buildings; I do herein agree and represent to Park City Municipal Corporation that said residential units will not be used for any purpose other than the intended single family residential use; I certify that the information provided and representations made are complete and correct to the best of my knowledge and my application is in accordance with Park City ordinances. This license shall be **VOID** if information or representation provided by licensee is incorrect or later changes and I fail to update such information within ten business days of the change of information. 1) That **THIS IS NOT A LICENSE**, but merely an application for a license to do business within Park City. 2) That if my application is approved, I shall be notified and issued a license certificate which must be displayed at my place of business at all times. 3) That all Business Licenses expire on December 31st of the year issued. 4) That the granting of this license to do business within Park City does not discharge or replace any other licensing or registration requirements I may have under City, County, State or Federal laws.

PRINT NAME SIGNATURE DATE

$28.74/bedroom

(see fee proration schedule)

www.parkcity.org

OF BEDROOMS _____

ADMINISTRATIVE FEE ___$149_____

TOTAL _____

******** NIGHTLY RENTAL LICENSE APPLICATION <u>MUST</u> INCLUDE INSPECTION REPORT********

CONTACT PARK CITY MUNICIPAL CORPORATION BUILDING DEPARTMENT 435-615-5100 FOR INSPECTION APPOINTMENT

Title 4-2-8 of the Park City Municipal Corporation Municipal Code/Land Management Code states that prior to applying for a license for a new business not previously licensed at that location, or an existing business with a change of location, the applicant shall be required to have the prospective place of business inspected by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, municipal and health codes.

Please call **435-615-5105** when you are ready for inspection.

NIGHTLY RENTALS

Below is a list of the most common life safety concerns found during Nightly Rental License inspections within Park City. This list is not inclusive of all Building or Fire Codes but only addresses the most common concerns. Nightly Rentals are required to comply with all applicable codes. Some corrections will require a permit. Please contact the number above if you have any questions.

1. Smoke alarms (less than 10 yrs. old) are required in each bedroom, each hallway adjacent to a bedroom and one on each floor, including basements.
    a. Homes and units with inter- connected smoke detectors (when one alarm is activated, all alarms within that home/unit are activated): If bedrooms have been added, or detectors removed/missing a new inter-connected smoke detector will need to be installed. The addition of battery operated smoke detectors in these circumstances will not pass inspection.
2. Carbon monoxide detectors are required on each floor and in the vicinity of bedrooms
3. GFCI protected outlets are required within 6 feet of sinks, bath tubs and hot tubs. Jetted tub motors and hot tub motors must be GFCI protected
4. Extension cords are prohibited for permanent use. Temporary uses such as Christmas lighting are acceptable. Use of UL listed power strips with built-in breakers that are listed in accordance with UL 1363 are encouraged
5. Water Heaters
    a. Strapped with approved straps – one on the top third and one on the bottom third of the tank
    b. Water heater expansion tank must also be strapped
    c. Water heater must be de-rated for altitude and have sticker to reflect that
    d. Proper venting and gas connections (installations post 2012 must have 4" vents)
    e. Clearance of 36" in front of heater/combustion chamber
6. Furnaces
    a. Must have required clearances (36" in front) and access
    b. Correct venting & gas/electrical connections
    c. Combustion air must be sufficient
    d. De-rated for altitude and have sticker to reflect that
7. Handrails are required on any stairs over three risers
8. Hot Tubs
    a. Disconnect must be a minimum of 5' but no more than 50' away (5 to 50 rule)
    b. Dwellings with more than 2 units (tri-plexes & condos) must have a single shut off switch to cut all power to the tub, even if the hot tub is private
    c. Hot tub motors/heaters must be GFCI protected
    d. Glass within 6' of the hot tub must be tempered
9. Decks and walking surfaces (stairs, hallways, etc.) must have guards if walking surface is 30 or more inches above the ground or floor. Pre-existing gaps on all guards cannot exceed 6" on center
10. Windows must be tempered in hazardous or wet locations
11. One Type 2A:10BC fire extinguisher with location signage must be provided in each unit.
    Fire extinguishers must be no more than 1 year old, or tagged as serviced within the last year.
12. Emergency egress in bedrooms
    a. Must have a door to the outside –or-
    b. One window with a minimum opening of 5.7 square feet and no more than 44" above the floor

NIGHTLY RENTALS (continued)

13. All Single Family homes with fire sprinklers: Fire riser/sprinkler system must be inspected and tagged annually
14. All multi-family dwellings & accommodations (condominiums, town houses, hotels and motels) with fire sprinklers:
    a. Fire riser/sprinkler system must be inspected and tagged annually- a copy of the report must be provided to the inspector
    b. Fire riser/sprinkler system must have 5 year hydrostatic test performed - a copy of the report must be provided to the inspector
15. All multi-family dwellings & accommodations (condominiums, town houses, hotels and motels) with fire sprinklers and/or fire alarm system:
    a. Fire alarm systems must be tested and serviced annually - a copy of the report must be provided to the inspector
16. All common area emergency lighting and exit lights must function on building power and on the back up battery power (condominiums, hotels, motels)
17. Common area fire extinguishers must be serviced and tagged annually (condominiums, hotels, motels)
18. Elevators, if present on the property(condominiums, hotels, motels) – please provide a copy of the current elevator "Utah State Certification of Inspection and Permit to Operate"
19. Homes and units with active building permits cannot pass inspection.
20. The space must have adequate sanitary facilities
21. Gas fired appliances are not allowed in sleeping areas without modification to the closet door – please call for details
22. Use as a nightly rental must meet Zoning regulations and the use of the structure (single family home, accessory apartment/lock off, duplex, etc.)

Please do a walk-thru of your property before calling for an inspection.

Even if the space has been used before as a nightly rental, it may not have all the updates required to pass inspection.

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ORDINANCE 2020-37

AN ORDINANCE AMENDING FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1) TO ESTABLISH ADDITIONAL CONDITIONAL USE PERMIT CRITERIA AND A CAP OF TWELVE NIGHTLY RENTALS IN THE WESTERN HISTORIC RESIDENTIAL – LOW DENSITY ZONING DISTRICT

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, Nightly Rentals – rentals for fewer than 30 days – require a Conditional Use Permit in the western Historic Residential – Low Density Zoning District;

WHEREAS, the western Historic Residential – Low Density Zoning District includes residences along King Road, Ridge Avenue, and Sampson Avenue, which roads do not meet current engineering standards related to roadway width and in some cases steepness of the road;

WHEREAS, in inclement weather, access to these residences may require all-wheel or 4-wheel drive during the winter season;

WHEREAS, due to the narrow and steep roads, on-street parking is limited and Nightly Rental parking shall be limited to on-site parking only;

WHEREAS, the General Plan recommends Nightly Rentals in this area due to resort access and property owners shall provide Nightly Renters with information on walkability to tourist destinations and ski access to the resort;

WHEREAS, the property management information shall be prominently displayed inside the Nightly Rental property so that any issues or disturbances may be timely addressed;

WHEREAS, due to the unique topography of the western Historic Residential – Low Density Zoning District and current and potential future development in the area, the Commission has determined that no more than twelve Nightly Rental Conditional Use Permits shall be issued;

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WHEREAS, the Planning Commission duly noticed and conducted a public hearing on July 8, 2020 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing on July 30, 2020.

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

SECTION 1. FOOTNOTE 2 OF LAND MANAGEMENT CODE § 15-2.1-2(B)(1), *Historic Residential – Low Density District Uses*. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2(B)(1), Footnote 2, of the Land Management Code of Park City is hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED this 30th day of July, 2020

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
0340104CDC42481...

Andy Beerman, Mayor

DS

Attest:

DocuSigned by:
E5F905BB533F431...

City Recorder

Approved as to form:

DocuSigned by:
41523ECF3101489...

City Attorney's Office

Attachment 1

15-2.1-2 Uses

. . .

B. **CONDITIONAL USES**.

1. Nightly Rentals[2]
2. Lockout Unit
3. Accessory Apartment[3]
4. Child Care Center[1]
5. Essential Municipal and Public Utility Use, Facility, Service and Structure
6. Telecommunication Antenna[4]
7. Satellite dish greater than thirty-nine inches (39") in diameter[5]
8. Residential Parking Area or Structure five (5) or more spaces
9. Temporary Improvement[6]
10. Passenger Tramway Station and Ski Base Facility[7]
11. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge[6]
12. Recreation Facility, Private
13. Fences greater than six feet (6') in height from Final Grade[5,8]

[2] No more than twelve (12) Conditional Use Permits shall be allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District. In addition to the Conditional Use Permit criteria in LMC § 15-1-10(E), the Planning Commission shall consider whether or not the proposed Nightly Rental mitigates the impacts of and addresses the following items: (a) all rental agreements for Nightly Rental shall include language that limits the vehicles allowed to the number of

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on-site Parking Spaces; (b) all rental agreements shall include language indicating that all-wheel or four-wheel drive vehicles are required during the winter season; (c) all rental agreements shall provide Nightly Renters with information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, and to Park City's free transit service; and (d) property management contact information shall be displayed in a prominent location inside the Nightly Rental.

4-5-3 Regulation Of Nightly Rentals

All nightly rental Units must be inspected by the Building Department and issued a license before being offered for rent.

A. **LICENSEE.** The licensee for rentals under this Section shall be the owner. The local representative shall be deemed the responsible party.

B. **MANAGEMENT STANDARDS.** The authorized lodging must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services and management regulations required include:

1. Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the Unit;
2. Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for occupant use;
3. Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties;
4. Structural maintenance to preserve substantial code compliance as described herein is required;
5. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties;
6. Trash collection which ensures that trash cans are not left at the curb for any period in excess of twenty-four (24) hours; the property must be kept free from accumulated garbage and refuse;
7. Housekeeping service as a part of hotel or property management company included in property management license;
8. On-street parking for nightly rental uses shall not result in an obstruction to traffic and pedestrian circulation or public safety;
9. No outdoor display of goods and merchandise shall be permitted as part of any nightly rental use;
10. Unless expressly permitted under the Municipal Sign Code, no signs will be permitted for nightly rental uses;
11. Nightly rentals may not be used for commercial uses not otherwise permitted in the zone. Nightly rentals may not be converted to Corporate Sponsor or Business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for. A Corporate Sponsor is any Business enterprise or combination of Business enterprises which provide funding for any special event in the amount of fifty percent (50%) or more of the funds necessary to promote the event or account for fifty percent (50%) or more of the event operating expenditure budget.

C. **NOISE AND OCCUPANCY CONTROL.** The licensee and the owner of rentals under this

Section are responsible for regulating the occupancy of the Unit and noise created by the occupants of the Unit. Violation of the Noise Ordinance, violation of occupancy loads, failure to use designated off-street parking, illegal conduct, or any other abuse, which violates any law regarding use or occupancy of the premises, is grounds for revocation. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation.

D. **REVIEW CRITERIA.** In determining whether or not a Business license for rental authorized under this Section shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all Business licenses, the following conditions and standards are met:

1. The Unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for;
2. The access to the rental Unit and the layout of the Unit is such that noise and physical trespass from the proposed rental Unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental Unit is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required;
3. The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual, who resides within a 1-hour drive of the property, or, in the case of a company, has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, twenty-four (24) hours per day, and must be able to respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries. The responsible party is also designated as the agent for receiving all official communications under this Title from Park City. If the licensee is a property management company or individual other than the owner, such company or individual must comply with applicable state law, including the Securities Division Real Estate Division in the Utah Code, as amended, which requires those who receive valuable consideration to lease property to have a state license;
4. The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax accounting number used by the property management company responsible for that Unit, or may be specific to the Unit, but no license will be effective until the sales tax number is provided.

HISTORY
Amended by Ord. 13-19 on 6/6/2013
Repealed & Reenacted by Ord. 2017-51 on 10/5/2017
Amended by Ord. 2019-17 on 4/18/2019