



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
September 25, 2024**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

Zoom Link: <https://us02web.zoom.us/j/87087333912>

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 August 28, 2024

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4. PUBLIC COMMUNICATIONS

5. WORK SESSION

- 5.A. **1555 Lower Iron Horse Loop – Affordable Master Planned Development and Conditional Use Permit** – The Planning Commission Will Conduct a Work Session for the Proposed Deer Valley Ski Rail Multi-Unit Affordable Development. PL-23-05824 AMPD, PL-23-05825 CUP (45 mins.)
- 5.B. **1400 Sullivan Road – Conditional Use Permit, Master Planned Development and Plat Amendment** – The Planning Commission Will Conduct a Work Session to Discuss the Proposed Park City Community Center at City Park. PL-24-06244 CUP, PL-24-06246 MPD, PL-24-06247 Plat (45 mins.)

6. REGULAR AGENDA

- 6.A. **Parcel SS-104-B – Robbins Addition Annexation Petition** – The Applicant Proposes Annexing a 0.94-Acre Summit County Parcel within the Thaynes Canyon Neighborhood to Create One Lot for One Single-Family Dwelling and to Zone the Property Single Family. PL-23-05882 (90 mins.)
(A) Public Hearing; (B) Continuation to October 23, 2024
- 6.B. **1800 Park Avenue – Park and Kearns Master Planned Development** – The Applicant Proposes Redevelopment of the Site with 171 Hotel/Condo Units, 60 Affordable Units, 7,303 Square Feet of Restaurant/Bar Uses, 4,679 Square Feet of Retail, 6,469 Square Feet of Office Space, a 306-Square-Foot Coffee Shop, and at least 67,711 Square Feet of Accessory Use Exceptions in the General Commercial Zoning District and Frontage Protection Overlay Zone. PL-22-05476 (60 mins.)
(A) Public Hearing; (B) Possible Action or Continuation to October 23, 2024

7. ADJOURNMENT

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

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

A majority of Planning Commissioners may meet socially after the meeting. If so, the location will be announced by the Planning Commission Chair. City business will not be conducted.



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 28, 2024**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Laura Suesser, Bill Johnson, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Planning Director; Elissa Martin, Assistant Planning Director; Lillian Zollinger, City Planner; Jaron Ehlers, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Chair Hall called the meeting to order at 5:33 p.m. She reported that all Commissioners were present in chambers, with the exception of Commissioner Christin Van Dine who was absent.

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Hall announced that just prior to this meeting, and in preparation for Agenda Item 6.C., the Commission participated in a site visit at the 1800 Park Avenue site. All Commissioners in chambers were present for the entirety of that site visit.

Planning Director, Rebecca Ward referenced the Dark Sky Code adopted by the City Council in January 2021. Since that date, all new construction has been required to have exterior lighting that is Dark Sky compliant, meaning fully shielded, down-directed with a warmer bulb at 3,000 Kelvin or less. When the Code was adopted, there was a deadline set for the end of 2024 for all outdoor light bulbs to be replaced by those that are Dark Sky compliant. The City had been conducting some community outreach and work to help with community education regarding the purposes of the Dark Sky Code. She reported that the City Council adopted a Resolution in April to bring awareness to Dark Sky Week and things that people could do during the migratory season. Additionally, postcard notices were recently sent out to all property owners with information on the requirements, as well as the Engage Park City Dark Sky website.

Director Ward stated there would be an event in partnership with the Park City Library on September 4, 2024, at 7:00 p.m. Author Paul Bogard would present his book, *The End of Night* for a community discussion on dark skies. She reminded those wishing to provide public comment during tonight's meeting to state their full name and sign in. Additionally,

comments should be limited to three minutes or less and be directed to the Commission. She also reminded speakers to be civil and address those matters before the Commission for review.

Commissioner Sigg disclosed that he had an informal meeting with a representative of the 1800 Park Avenue application, and their discussions related to Summit County. This meeting was prefaced so that there would not be any discussion on anything to do with Park City or the application before the Commission.

With respect to Agenda Item 6.C., Chair Hall also disclosed that she uses HLH as a law firm, but she does not work with Justin Keyes who is working with the applicant. She reported it would not bias her on the application.

A. Child Care Land Management Code Status Update.

Director Ward reported that there was a Staff Communication on Child Care Land Management Code Amendments in the Packet that was for information only.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. CONTINUATIONS

- A. 209 Norfolk Avenue – Plat Amendment** – The Applicant Proposes to Create a Two-Lot Subdivision with Two Lots at 3,750 Square Feet each from Four Existing Lots in the Historic Residential - 1 Zoning District. PL-24-06189 (A) Public Hearing; (B) Continuation to a Date Uncertain.

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

MOTION: Commissioner Frontero moved to CONTINUE 209 Norfolk Avenue – Plat Amendment and the public hearing thereon, to a date uncertain. Commissioner Sigg seconded the motion.

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

- B. Land Management Code Amendments** – The Planning Commission will Review Amendments Regarding Land Management Code Section 15-1-10 Conditional Use Review Process Subsection E, Chapter 15-6-5 Master Planned Development Requirements, Chapter 15-6.1-11 Affordable Master Planned Development Site Planning, and Chapter 15-13 Regulations for Historic Districts and Historic Sites to Require Radon Mitigation for New Residential Construction, Chapter 15-2.1 Historic Residential-Low Density (HRL) District, Chapter 15-2.2 Historic Residential-1 (HR-1) District, and Chapter 15-2.3 Historic Residential-2 (HR-2) District to update Steep Slope Conditional Use Permit Regulations and Clarify Internal Height Regulations, Sections 15-2.5-2 Uses, 15-2.6-2 Uses, 15-2.13-2 Uses, 15-2.14-2 Uses, 15-2.16-2 Uses, 15-2.17-2 Uses, 15-2.18-2 Uses, 15-2.19-2 Uses, 15-2.22-2 Uses, 15-4-21 Goods And Uses to Be Within Enclosed Building, Adding Section 15-4-24 Mobile Businesses, and Removing Park City Municipal Code Section 4-5-6 to Implement Regulations for Mobile Businesses Required by Changes to State Code, Amendments to Chapter 15-7.5 Administrative Subdivision Procedure to comply with updates to state code, and Chapter 15-15 Defined Terms to Add or Update Definitions. Radon Mitigation PL-24-06011; SSCUP PL-24-05673; Mobile Business PL-24-06005; Subdivisions PL-24-06234 (A) Public Hearing; (B) Continuation to a Date Uncertain.

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

Commissioner Suesser recalled that there was a date certain for Land Management Code (“LMC”) Amendments. Director Ward explained that the LMC Amendments scheduled for September 11, 2024, would address Accessory Uses.

MOTION: Commissioner Frontero moved to CONTINUE Land Management Code Amendments and the public hearing thereon to a date uncertain. Commissioner Johnson seconded the motion.

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

5. WORK SESSION

- A. 1251 and 1351 Kearns Boulevard- Conditional Use Permits** – The Applicant Proposes to Expand Parking at 151251 Kearns Boulevard and to Enclose and Outdoor Dining Area at 1351 Kearns Boulevard; both located within the Frontage Protection Zone and General Commercial Zoning District. PL-22-05296; PL-22-05240.

Assistant Planning Director, Elissa Martin explained that the applicant submitted a Conditional Use Permit (“CUP”) application for an addition to the Blind Dog Restaurant,

located within The Yard commercial complex, as well as for a CUP to reduce the landscaped buffer at The Emporium commercial complex in order to increase parking by 11 parking spaces. The zoning in the area is General Commercial ("GC"), and both properties are partially within the Frontage Protection Zone ("FPZ"). She presented an image showing the 100-foot Setback boundary.

Assistant Director Martin stated that any proposed structure or use within the FPZ's 30 – 100-foot Setback from the Right-of-Way required a CUP reviewed by the Planning Commission. She stated that Blind Dog Restaurant was one of three commercial uses at The Yard, the other two being the Boneyard Saloon and the Kimball Arts Center. These uses share one parking lot, which, according to a site visit this month, provides approximately 100 marked parking spaces within the property boundary. While the proposed addition of approximately 3,200 square feet of net leasable area would be outside of the 30-foot FPZ, it would be located within the 100-foot FPZ Setback.

Assistant Director Martin noted that the additional square footage was listed as 3,600 square feet in the Staff Report; however, Staff just confirmed that the enclosed area would actually be 3,248 square feet. The plans also showed approximately 1,200 square feet of patio space that would remain for seasonal outdoor dining.

The neighboring property is The Emporium, which was constructed in 1981. She reported that The Emporium contained eight commercial units, six of which were active businesses. One unit was vacant, and the property owner used one unit for storage. The parking lot at The Emporium currently provides 19 spaces for the eight commercial units. She stated that as illustrated on the proposed plans, the applicant proposed to remove some landscaped areas and reconfigure the parking to accommodate up to 11 additional parking spaces, which would bring the total to 30 parking spaces.

Assistant Director Martin noted that the proposed parking expansion was within the 30-foot no-build setback of the FPZ. In considering the expansion of a use such as that proposed with the Blind Dog addition, there must be an evaluation of whether there is sufficient parking. Historically, The Yard had ample parking for a long time, and the businesses used the vacant area to the south of the property. She presented an image that illustrated the foregoing.

Assistant Director Martin stated that up until a Subdivision Plat Amendment divided a large 4.6-acre Lot into two Lots, there were roughly 339 parking spaces for the Boneyard Saloon, the Blind Dog Restaurant, and what was previously referred to as the Event Center, which is today occupied by the Kimball Arts Center. She noted that the Plat Amendment donated portions of the land to the City for Right-of-Way to expand Homestake Road and for the future connection of Munchkin Road.

Assistant Director Martin commented that as a result of the Subdivision, parking at The Yard was reduced by approximately 235 parking spaces. The Findings of Fact in the approving Ordinance stated that there was a combined net leasable floor area of 10,338

square feet for the Boneyard and Blind Dog Restaurant, which required 104 parking spaces pursuant to the LMC. The remaining parking on Lot A (The Yard) had exactly 104 parking spaces according to the Finding of Facts for the 2017 Ordinance. Therefore, no mitigation was required to find additional parking for the restaurant spaces. At the time, Staff and the Planning Commission acknowledged in the Findings of Fact that the Subdivision created a non-compliance of required off-street parking for the Event Center, and therefore provided a Condition of Approval that allowed off-site parking via a temporary lease agreement on the soon-to-be City-owned lot.

Assistant Director Martin explained that the Condition of Approval stated specifically “should the applicant fail to obtain a lease of the required parking for the Event Center, the applicant shall cease to operate the Event Center.” This City-owned property was now under construction for the Engine House Affordable Housing Master Planned Development, and the Kimball Arts Center currently had a different temporary off-site parking arrangement on a different City lot nearby. She mentioned that the site was also slated for future development. She stressed that in terms of long-range planning, it was important to include the parking demand of the Event Center if that space were to remain operational in the future.

With respect to the 2022 Parking Study submitted by the applicant, Assistant Director Martin referenced the conclusion that 114 parking spaces would be required pursuant to the LMC; however, this calculation did not include the Kimball Arts Center parking spaces in the total number of required spaces. The Parking Study explained that the Kimball Arts Center parking was left out due to the off-site parking agreement in place at the time.

Assistant Director Martin reiterated that it would be unwise to leave out the parking demand of the Event Center in the parking analysis because as the area develops and changes over time, off-site parking may be less and less viable. She noted that if they included the eight spaces required for the Kimball Arts Center, there would be at least 122 parking spaces required for the existing uses at The Yard. The addition of the enclosed patio space at Blind Dog would require an additional 33 parking spaces which would bring the total estimated parking to 155 parking spaces. She cautioned that this calculation did not take into account the expanded patio areas of both restaurants, so this number was likely higher.

In terms of the existing conditions at The Yard, Assistant Director Martin explained that the 2022 Parking Study also did not include the square footage of expanded outdoor dining areas, and Staff had not been able to confirm up-to-date existing Floor Area for each space within The Yard. Staff was able to confirm that the existing parking lot provides approximately 100 marked parking spaces. The parking along Woodbine Way was not counted toward this total. She noted that the parking along Woodbine Way was actually within a City Right-of-Way, so they did not count that toward the on-site parking.

Assistant Director Martin maintained that given potential changes to Floor Area over time, along with temporary off-site parking arrangements that have either expired or are in flux, further evaluation of parking demand and existing conditions was needed.

She next addressed The Emporium and reported that in November 2000, the Planning Commission approved a CUP to construct a driveway that connected The Emporium with the adjacent eastern parcel that would accommodate the shared parking arrangement with Mountain Vineyard Church. The CUP Staff Report at the time indicated that The Emporium was below the LMC parking requirements, and thus the shared parking arrangement would be a temporary solution to provide an additional 15 parking spaces to The Emporium. In 2018, the City purchased the neighboring property to the east, and that site was now being proposed for future mixed-use development. The shared parking agreement with 1401 Kearns Boulevard was no longer in effect for The Emporium.

Commissioner Johnson asked when the Shared Parking Agreement was terminated. Assistant Director Martin was unsure of the exact date but acknowledged that would be useful to know, stating that she would look into it. She added that the required parking for The Emporium, as calculated based on the minor retail and service commercial use category, was estimated to be 61 parking spaces; currently, there were 19 on-site parking spaces. She also noted that The Yard currently provided overflow parking for The Emporium during the daytime hours.

With respect to the FPZ, Assistant Director Martin explained that it was originally codified in 1976, and amended in 1980. The Code requires the Planning Commission to review all proposed development within 100 feet of the FPZ Right-of-Way boundary. The current FPZ Code requires that no structure be allowed within 30 feet of the Right-of-Way. She reported that for this site, no structure would be allowed within 30 feet of Kearns Boulevard.

Assistant Director Martin explained that the LMC defined Structure as anything constructed, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground, and which imposes an impervious material on or above the ground. She stated that this definition of Structure would include parking areas. The purpose of the FPZ explicitly included providing a significant landscape buffer between development and the highway. The proposed expansion of parking and reduced landscape buffer in The Emporium parking lot would increase its non-compliance with the requirements of the FPZ. While the Planning Commission may not grant an exception to the FPZ requirement that no Structure shall be allowed within 30 feet of the nearest highway Right-of-Way, the applicant may request the Commission consider reduced parking as well as other strategies such as off-site parking or shared parking arrangements.

Assistant Director Martin mentioned that aside from housing several longstanding and fine establishments cherished by Park City locals and visitors, The Yard and The Emporium have another good thing going. Their operating hours are offset, meaning that

a shared parking arrangement between the two properties would be a viable solution to the parking shortages of each property. The Emporium businesses that operate during daytime hours could share The Yard parking lot with the Kimball Arts Center, which also operates during daytime hours. The Blind Dog and Boneyard Saloon would then be able to utilize 19 additional spaces at The Emporium during evening hours.

Assistant Director Martin concluded by stating that when reviewing a CUP, the Planning Commission has discretionary authority to approve reduced parking requirements to prevent excessive parking and paving. The burden of proof is on the applicant by way of a Parking Study that shows that the proposed reduced parking would be adequate. The LMC also allowed for an exception to on-site parking with Planning Commission approval of parking on adjacent or nearby deed-restricted lots. She presented a list of some issues for the Planning Commission's consideration in relation to this proposal:

- Does the Commission need additional information to evaluate the proposal?
- Would the Commission consider a reduction of required parking with the proposed expansion of the Blind Dog?
- Would the proposed shared parking agreement sufficiently mitigate the lack of parking at each site?

Assistant Director Martin reported that the applicant, Mark Fisher, was present online. Also in attendance in chambers were the applicant's representative Michael Fisher and the applicant's architect, Jonathan DeGray. It was also noted that Gary Horton was present and assisted the applicant with the Parking Study.

Commissioner Sigg asked if the Commission was to review the expansion of the Blind Dog footprint onto the patio area, or whether the discussion was focused solely on parking for the potential expansion of the Blind Dog. Assistant Director Martin responded that the two issues went hand-in-hand. Staff was looking at the expansion in relation to the increased parking where there was already potentially inadequate parking. The applicant's proposal includes a shared parking potential at The Emporium, which is why that piece was included.

Commissioner Sigg understood that the Commission would be reviewing two components of the single application. Assistant Director Martin clarified that the applicant submitted two separate CUP applications, but they were related. They combined the applications for purposes of the Work Session to allow the Commission to evaluate them comprehensively, however, they would be processed separately.

Commissioner Johnson noted that for The Emporium, the existing parking spaces were within the 30-foot buffer, and they were legally non-compliant as constructed. Assistant Director Martin clarified that the existing parking spaces were constructed prior to the 30-foot no-build Setback established by Code.

Commissioner Johnson understood that the proposed expansion of The Emporium parking spaces would not be allowed under LMC Section 15-2.20-4(A), therefore the shared parking analysis was the only option under that application. Assistant Director Martin confirmed. Commissioner Johnson observed that this explained why the two applications were tied together and why the shared parking analysis did not include those spaces. He noted that the expansion of those spaces at The Emporium was really not on the table. He stressed the importance of this because even if the Commission were allowed to grant that exception, it would go against the City's connectivity effort along Kearns Boulevard; the existing buffer was 20 feet, and the plan was for a 12-foot wide path with a 3-foot buffer. He observed that they would need the 20 feet provided along Kearns Boulevard, which they would also need along the frontage of The Yard.

Commissioner Johnson sought clarification on whether the Event Center tenant was in compliance since they secured a lease for temporary off-site parking. He also asked about the number of dedicated spaces available to that tenant and the location of those spaces. Assistant Director Martin confirmed the tenant was in compliance, and reported that the Kimball Arts Center had a temporary agreement in place on a lot within the Five-Acre site.

Commissioner Johnson emphasized that if they were in compliance now because of the tenant's separate lease, he struggled with adding an additional use to the Blind Dog that would trigger 33 additional parking spaces. He felt they should focus on fixing the existing non-conformity for both properties before they add an additional use that would create a further deficit. Assistant Director Martin explained that when they looked at this parking lot and the three uses at The Yard in the long term, the Kimball Arts Center might not continue to occupy that space; therefore, it would be wise to consider the potential future use and the parking demand for that third space. Otherwise, it would become an obsolete and unusable space due to the lack of parking. Commissioner Johnson mentioned the Finding of Fact from the 2017 approval which stated that the Event Center must cease operations if no parking could be arranged either on- or off-site.

The Commission next addressed Staff's questions. With regard to whether additional information would be needed, Commissioner Johnson requested that the City Engineer review the proposal for The Yard, specifically the proposed spaces along Kearns Boulevard, and confirm the plan that would allow for the expansion of the sidewalk. With regard to the proposed Woodbine Way configuration, Commissioner Johnson liked what he saw on the shared parking plan, and would like to see an enlarged Site Plan and more details. He understood that the Engineering Department supported this plan, but only with the Munchkin extension being completed as an integral part of making that plan work as a one-way street. He requested a Condition of Approval or some other method to address that so that it would be captured in this proposal. He asked if the development east of The Yard and south of The Emporium was compliant. He relayed that he noticed a lot of users of those facilities parking on the Woodbine dirt path that is proposed to be diagonal parking.

Assistant Director Martin understood that parking in the Right-of-Way was not allowed, so there was no formal agreement or easement approved by the City. She felt it was an enforcement issue. Commissioner Johnson requested the addition of bike parking to this proposal, especially as they discuss shared parking agreements. He mentioned a note for electrical charging, which Assistant Director Martin observed was now a requirement.

Commissioner Suesser echoed Commissioner Johnson's request for information on whether the expansion of the sidewalk would be possible in that location. She commented that just expanding the sidewalk would not be enough because of what they were trying to create within the area with green space on both sides of the sidewalk. She asked whether there was room for improvement of that sidewalk all along that corridor. She also requested information related to the Small Area Plan and what would be consistent with that Plan and what might conflict with it. She understood that there would be a road or additional sidewalks cut through along the road from Woodbine out to Bonanza. She felt it would be helpful to have a fuller picture of that site.

Commissioner Sigg requested a more definitive response from the City Engineer regarding parking in the Right-of-Way, especially along Woodbine Way and Munchkin Road. He felt a lot of that area was within close striking distance of access to these facilities. He observed that diagonal parking along Woodbine Way and any parking along Munchkin Road and Homestake Road could be an alternative to help accommodate some of the green belt concerns about the bike path along Kearns Boulevard. He felt that a reduced parking option might be more compliant with the transportation initiatives of reducing traffic and driving people toward mass transit.

Commissioner Sigg asked if the parking coming off of Homestake Road to the area of the patio was considered in the Parking Study. He clarified that this would involve the parking to the west of the structure. On behalf of the applicant, Gary Horton, Project Manager for WCG, explained that the parking counts did not include the public street along the west side. In response to Commissioner Sigg's further question regarding the area near the front of the entrance to the Kimball Arts Center, Project Manager Horton reported that was not considered in the Parking Study. That area was designated as an outdoor patio during COVID-19.

Commissioner Sigg noted the potential for stacked or concierge parking for circulation that could account for some count of vehicles. Project Manager Horton stated that at the time of their count, there was not anything there. Chair Hall stated that Commissioner Van Dine had submitted a comment for this application. Director Ward stated that the comment went to the second question. She read Commissioner Van Dine's comment as follows:

"I support parking reduction and a shared parking agreement for the properties. The bike parking needs to be in compliance with updated requirements. I would encourage the applicant to go beyond that as connectivity and the use of alternative modes of transportation is a major goal for the area. There should be

no increase in the current non-compliance of the site, including more parking in the Frontage Protection Zone, or adding the enclosed building to the Frontage Protection Zone.”

Chair Hall echoed the comments of Commissioners Johnson and Van Dine that the parking analysis should include the bicycle requirements.

With regard to Staff’s second question, Commissioner Frontero was generally supportive of a reduction of the parking requirement in most of the new projects coming before the Commission, and this was no exception. He favored seeing a proposal with a reduction in required parking for this project. He assumed that the applicant would present more details of the proposal with regards to adding the outdoor space, enclosed or otherwise. Applicant Michael Fisher responded that those details would be provided, as they wanted to hear from the Commission on the parking strategy before they dove into those details. He stated they would present modeling and a presentation for the Commission when they returned.

Commissioner Frontero asked the applicant to consider providing the Commission with some renderings from different angles so they could see how it would look from the road. It was noted that it would be important to see what it would look like from Kearns Boulevard.

Commissioner Shand was generally in agreement with the comments about limiting the expansion of parking. He also liked the concept of shared parking. Commissioner Suesser agreed would consider a reduction of required parking in this location. Commissioner Johnson noted that both properties were currently out of compliance, so he was in favor of a parking reduction; however, he wanted to fix the existing problem for the existing uses prior to adding an additional deficit of 33 parking spaces for the additional uses to Blind Dog. Chair Hall was generally supportive of parking reductions as long as they meet the criteria per the Code. She felt this application could meet those criteria.

With respect to the third question, Commissioner Frontero commented that one area of potential concern was that the Event Center currently had a tenant that used daytime parking. However, that tenant might be leaving soon, and there was concern that the new tenant would need to be a daytime-use tenant. If they added a tenant that used nighttime parking, then it would throw off the balance of the shared parking currently in place.

The Applicant, Michael Fisher, understood the concern and was not entirely sure what that impact would be until they know what type of use would move into that space and how much of that space would be used.

Commissioner Frontero asked if there was a scenario where either the Blind Dog or the Boneyard Saloon would move into that space. Applicant Michael Fisher responded that

potentially the Boneyard could move into that space down the road, but did not believe they would occupy the entire space. As they addressed shared parking, Commissioner Frontero suggested that potential be considered because it seemed the balance would become more towards nighttime parking.

Applicant Fisher thanked the Commission for its input. He reported that he worked with Philip Adams in the Engineering Department and already agreed to the 12-foot easement from Homestake Road to the entrance of Boneyard Saloon. The previous week the Board of Adjustment unanimously agreed to move the 19-foot sign at the City's expense to the east grass area so that the sidewalk could go through in that location. They were way down the road with all of the easements he was granting to the City and there would be a 12-foot sidewalk from Homestake Road across all of The Yard and The Emporium regardless of what happens with this application. He was not tying them together because he believed in the importance of that sidewalk.

As it related to the question regarding the area behind the Boneyard, which was now the Kimball Arts Center, Applicant Fisher reported that at the request of Mayor Beerman years ago, he granted the City a three-year lease with an 18-month extension. The City was now quite a ways into the extension and the lease would expire in April 2025, at which time it would become month-to-month. He would like to see Kimball Arts Center in that space until their new building is completed on the Five-Acre site if possible; however, he made it clear that there could be no negative implications on the parking on the property if they remain in that location because of the 40 spaces that the City granted to the Kimball Arts Center.

Applicant Fisher emphasized that the tenant was in that space at 25 – 30% of the ongoing lease rate as a favor to the Kimball Arts Center. He noted that there were only eight spots for them, however, the more likely scenario was that it would be a totally different application if and when they leave based on what he hopes is the new Code from the ongoing Bonanza Park Mixed Use Study. He stated that there was a high possibility that the back of that building would be removed and modernized. He made it clear that he was very aware that if the Kimball Arts Center vacated that space in the short term, the space could not be occupied due to parking. He was fine with that because it was that way for years before they occupied that space.

Commissioner Johnson understood that the easement for the City was actually 15 feet wide off of Kearns Boulevard, and wanted to ensure that the applicant was on the same page with the City. He suggested applicant confirm with the City. Applicant Fisher confirmed and stated that an agreement is already in place. He added that the agreements had been approved and were with Legal. Philip Adams from the Engineering Department was the City's contact person.

In response to the third question, Commissioner Johnson stated he felt there was a path wherein they could mitigate the existing parking deficiency based on the current uses and without the Blind Dog expansion. He noted that he loved Blind Dog, but when they are

dealing with an existing deficit, he would like to fix the existing problem before they add to it. Commissioner Suesser agreed and added that a further question was the impact of the proposed expansion on the FPZ. She stated that the parking issue and the FPZ issue were things she struggled with on this application.

Chair Hall commented that conceptually, she supported Shared Parking Agreements. She felt that overlapping a parking space with different uses and different times was a great mechanism. She added that it would be challenging with respect to additional parking in the FPZ. Applicant Fisher stated that they were aware that adding 11 parking spaces at The Emporium was a long shot. He understood the Commission's viewpoint and as a citizen of Park City, he understood it. He stated they would drop that part of the application when they return, and would instead focus on the shared parking and the Blind Dog enclosure. He mentioned that with respect to the Blind Dog enclosure, they were only able to use the outdoor deck for a maximum of 100 days per year. He commented that the parking worked perfectly fine, and the applicant was only seeking to mitigate the weather and the wind by enclosing the patio. He knows how to operate the property with the existing parking, and was hopeful that in a year or two the zone would reflect a more modern parking strategy. He requested the Commission keep an open mind with respect to enclosing that deck, because there were a lot of problems with wind and winter, and it would be helpful for their operations. The main restaurant would be opened only for dinner, whereas the deck area would also be opened for breakfast and lunch.

Applicant Fisher appreciated the Commission's input and agreed to continue to work with Planning Staff.

6. REGULAR AGENDA

- A. 176 Main Street – Plat Amendment** – The Applicant Proposes to Create One Lot from a Metes and Bounds Parcel in the Historic Residential – 2 Zoning District. PL-24-06085.

The above application was withdrawn.

- B. Applicant Proposes to Construct a New Single-Family Dwelling on a Steep Slope** in the Historic Residential – 1 Zoning District. PL-24-06187.

City Planner, Lillian Zollinger reported that 86 Prospect Avenue was located in the Historic Residential – 1 (“HR-1”) Zoning District. The applicant proposed a new Single-Family Dwelling on the site. The slope on the Lot was approximately 51% at the rear. The applicant provided their Slope Analysis just prior to the meeting, and Planner Zollinger included it in her presentation to the Commission. As outlined in the Staff Report, due to the Steep Slopes on the property, a Steep Slope Conditional Use Permit (“SSCUP”) was required.

Planner Zollinger reported that the proposed Single-Family Dwelling was compliant with Setbacks, Maximum Building Footprint, and parking requirements as outlined in the Staff Report. The proposed dwelling was also compliant in terms of Building Height and roof pitch. She noted a Condition of Approval where the roof pitch would need to be modified to comply at the Historic District Design Review ("HDDR") stage. Staff found the structure compliant with the SSCUP requirements wherein the location of the site, and the building location on the site were compliant with Setbacks and Building Height, as outlined in the Staff Report.

Planner Zollinger presented Visual Analysis images to the Commission. In terms of access, she reported that the applicant would be required to record an Encroachment Agreement with the Engineering Department, and the applicant had chosen a less-steep portion of the Lot for the driveway. She presented additional images provided by the applicant. In terms of terracing, the applicant proposed only one retaining wall. She reported that a proposed Condition of Approval would require that any additional retaining walls would need to be reviewed and approved by the Planning Commission. She noted the applicant proposed retaining Final Grade within four feet which would be more naturally sloped rather than terraced.

Planner Zollinger presented an image of the Building Form, and observed that it was similar to the existing streetscape where the structures appear to be two stories from the roadway; from the rear view, the structures are actually three stories. She emphasized the proposed structure was stepped down and back as required. She referenced some of the Conditions of Approval recommended by Staff.

- Condition of Approval 17: Retaining walls cannot exceed the height approved as part of this SSCUP without modifying the SSCUP.
- Condition of Approval 18: The Applicant shall obtain an Encroachment Agreement for driveway access with the Engineering Department.
- Condition of Approval 19: Additional retaining walls, not approved under this permit require Planning Commission review and approval.
- Condition of Approval 20: The Applicant shall update the roof pitch to comply with the LMC. She noted this would be reviewed as part of the HDDR process.
- Condition of Approval 21: The Engineering Department requires the submittal of a storm drainage analysis.

Chair Hall asked if the applicant's representative was present. Planner Zollinger noted that applicant's representative Jonathan DeGray, AIA was present earlier.

Commissioner Suesser asked for the image that showed the side view of the building. She expressed that she was unclear about the extent of the excavation behind the final lowest patio and underneath the house. She asked if there would be a fourth level under the house. Planner Zollinger stated that the view presented showed three levels, and confirmed that the lowest patio was for the use of the owner. Commissioner Suesser asked if there would be any excavation under the home. Planner Zollinger confirmed that

the proposed home was three stories with an interior height of 31 feet. Applicant representative DeGray confirmed that the drop-down distance between the two patios was less than four feet.

In response to Commissioner Suesser's inquiry, Applicant representative DeGray referenced the building section on page 4 of the Report that showed slab on grade. He added that the dashed line right above the lowest level showed the grade of the existing site, which provided a sense of the excavation that would be needed. He noted there would be a minimal basement excavation at the wall closest to the street. He confirmed that there would not be a crawl space underneath the two patios and that it would just be retaining walls with soil that would pick up the stepping of the grade.

Commissioner Johnson thanked the applicant for giving the Commission an appropriate format for the photo simulations for the street level and the cross-canyon view. He felt that was extremely helpful as he could actually see ridgelines along that street level as well as comparisons with the surrounding properties. He expressed no concerns with those views and stated they helped him get across the line on the criterion set forth in LMC Section 15-2.2-6(B)(2). He asked that these images be passed on for the HDDR process, especially the cross-canyon view, as it would be helpful for the roof pitch and consistency with adjacent homes. With respect to criterion 3, he asked why a shared driveway was not proposed for the two properties. He felt it would minimize the grading and would further comply with this section.

Commissioner Johnson understood that the adjacent garage was on the downhill side of that property, but asked if the applicant had looked at the potential for a shared driveway. Applicant representative DeGray replied that as steep as Prospect Avenue is, there really would not be any way to create a shared driveway and maintain a sense of separate ownership. He stated they were fortunate with what they had for driveways on both properties coming off the street, but they would enter on the downhill side of both of those Lots in order to achieve those flat access points. He stated that the trouble point was where the driveway hits the streets, because there is so much cross-slope at Prospect Avenue there would be quite a bit of warp to make it happen.

Commissioner Johnson asked about the Building Form and Scale criterion and commented that he interpreted the section as encouraging buildings to be stepped down with the grade, and broken into smaller components. He referenced page 78 of the Packet and suggested that the Building Form looked boxy with very slight façade variations. He understood that the design of the structure would be part of the HDDR, however, the form and scale are part of the Commission's criteria. He asked if they could consider the patios as they relate to the form and scale since they have foundations and help step it down. Planner Zollinger stated that the applicant stepped down the patios with the slope rather than just building one large patio.

Commissioner Johnson was encouraged and felt that given this explanation the application complied, and he would rather have patios in those locations than additional

structures. He identified a typo on page A3.2 of the plans. The bottom footing elevation was incorrect and needed to be updated for HDDR review. Planner Zollinger stated she would follow up with Applicant's representative DeGray, and the typo would not affect the scale and was only one typo on one portion of the plans.

Director Ward sought confirmation that the glazing would be updated for the HDDR process. Planner Zollinger confirmed and noted there was a Condition of Approval. Commissioner Johnson wanted to ensure that the Building Department would review the geotechnical report from 2022 to make sure it was still relevant. He noticed some very minor variations in the elevation used in the report for the bottom footing.

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

With regard to the terracing of the patios, Commissioner Shand liked the way they conformed to the hillside. The alternative would have been to increase the width and include vertical supports, which would have increased the visual impact. He understood that the patios were slab-on-grade as shown in some of the cross-section drawings.

Commissioner Johnson asked for clarification on Condition of Approval 9. He understood the current construction parking was onsite, and also included parking for the adjacent property. Applicant representative DeGray commented that there was not actually parking on this property; rather, they were staging materials onsite. The parking would be mostly at the top of Prospect Avenue in the small parking lot.

Commissioner Johnson asked if the parking at the top of Prospect Avenue was City-owned. He did not want to change the Condition of Approval, but he wanted to make sure that they addressed any trailhead parking issues and construction vehicle parking. He felt it would be challenging at the top of the hill, as some of the historic homes up there did not have onsite parking and might use that lot. Applicant representative DeGray mentioned that the applicant and contractor would be required to provide a Parking Plan. If the Commission wanted to ensure that the Parking Plan takes off-site parking into consideration and does not affect that parking lot that would be fine. Commissioner Johnson wanted to raise this issue and noted that he trusted the Building Department's review.

With respect to Condition of Approval 17, he noted the exact height of the approved walls was not specified and asked if it would be redundant to add anything in regard to height or by referencing the plans. Planner Zollinger stated it was up to the Commission if they wanted to cull out the retaining walls. Applicant-representative DeGray stated that at this point they were required to have retaining walls of no more than four feet in height, and they were aiming for less than four feet.

There was discussion about whether the retaining wall height should be included in Condition of Approval 17. Applicant-representative DeGray noted the Code stipulated a

height of four feet, and because it was already codified in the Code, including it in the Condition of Approval would be redundant.

MOTION: Commissioner Johnson moved to APPROVE 86 Prospect Avenue – Steep Slope Conditional Use Permit, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. The Site is located at 86 Prospect Avenue and is Lot 2 of the Prospect Place Plat Amendment approved under Ordinance No. 2019-20 by the City Council on April 18, 2019.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes the construction of a new Single-Family Dwelling (SFD) on the vacant lot.
4. The new SFD proposes an excess of 200 square feet located on an existing Slope of thirty percent (30%) or greater, therefore, a SSCUP application is required.
5. In conjunction with the SSCUP, the Applicant submitted a Historic District Design Review (HDDR) Application (PL-24-06181). The HDDR Application approval is subject to the approval of this SSCUP.
6. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. The Lot is 2,908 square feet.
7. The maximum Lot size in the HR-1 Zoning District is 3,750 square feet. The Lot is 2,908 square feet.
8. The minimum Lot width in the HR-1 Zoning District is 25 feet. The Lot is 36' in width.
9. The maximum building footprint in the HR-1 Zoning District for a Lot that is 2,908 square feet is 1,235 square feet. The proposed Building Footprint is 1,232 square feet.
10. Minimum Front and Rear setbacks for Lots greater than 75' in depth in the HR-1 Zoning District is 12' or 13' each, for a total of 25'. The proposed SFD has a 12' Front Setback and 13' Rear Setback.

11. Minimum Side Setbacks for Lots up to 37.5' in width are three feet each in the HR-1 Zoning District. The proposed SFD meets a three-foot side setback for each side.
12. The maximum building height is 27 feet from the Existing grade in the HR-1 Zoning District. The proposed maximum building height is 27' from Existing Grade.
13. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade. The proposed SFD steps back at 10 feet at 23 feet from the lowest point of the existing grade.
14. The final Grade must be within four feet of the existing grade in the HR-1 Zoning District. The proposed final grade is within four feet of the Existing grade.
15. Structures cannot exceed 35 feet from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters in the HR-1 Zoning District. The proposal has an interior height of 31'-0 11/16" feet, as defined.
16. The roof pitch for the Contributing Roof Form must be between 7:12 and 12:12 in the HR-1 Zoning District and occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way. The proposed roof pitch is 7:12.
17. Per Land Management Code (LMC) § 15-2.2-6, SSCUP applications are subject to the following criteria:
 1. **LOCATION OF DEVELOPMENT** – Development is located and designed to reduce visual and environmental impacts of the Structure.

Complies: The proposed SFD is compliant with the 1,235-square-foot building footprint, required Setbacks, step-back, and height. The slope of the site is steepest at the rear, and the SFD has been designed to step down the hillside, in a similar pattern to the rest of the street. Facing the structure from the Prospect Right-of-Way (ROW), the structure looks to be two stories.

2. **VISUAL ANALYSIS** – The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points: To determine potential impacts of the proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

Complies: The Applicant provided the following photo, taken from Sampson Avenue, showing the rear of the SFD at a highly visible point in the City. Properties below Sampson Avenue will not be able to view the SFD as much due to the change in elevation, existing structures, and vegetation.

3. **ACCESS** – Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.

See Condition of Approval 18: The proposed Site is located off Prospect Avenue, with the Front Property Line approximately 16 feet from the road. The Applicant shall record an encroachment agreement with the City for the 10' heated driveway access to the site. The proposed garage location is less impactful to the existing topography than a side garage would be because the site slopes down more steeply in the rear and would require additional retaining methods.

4. **TERRACING** – The project may include terraced retaining Structures if necessary to regain Natural Grade.

Condition of Approval 19: The Applicant proposes one retaining wall on the south side, to be within four feet of the Existing Grade. Additional retaining walls require Planning Commission review and approval prior to construction.

5. **BUILDING LOCATION** – Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, minimize driveway and Parking Areas, and provide variation of the Front Yard.

See Condition of Approval 18: The Lot was previously improved, but currently stands vacant and slopes steeply towards the rear of the property. The proposed SFD is centered on the Lot, is similar in location to the adjacent Lot (78 Prospect Avenue), and compliant with the maximum allowed Building Footprint. The SFD will be accessed off Prospect Avenue and requires an Encroachment Agreement with the Engineering Department for the heated driveway. The 12-foot Front Setback brings the SFD as close to the front of the property as possible, and further out of the steeper, rear portion of the property.

6. **BUILDING FORM AND SCALE** – Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

Complies: The proposed structure steps down with the grade and has a shorter portion at the rear, where the slope is steepest. The structure is broken up into two masses, with three stories at its tallest point. The single-car garage is subordinate to the structure and set back just over one foot from the pedestrian entrance.

7. **SETBACKS** – The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

Complies: The proposed structure is compliant with the required Setbacks of the HR-1 Zoning District, as analyzed above. The proposed SFD sets back from Prospect ROW in a distance similar to adjacent properties and to reduce excavation at the rear where the slope is steepest.

8. **DWELLING VOLUME** – The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

Complies: As seen from Prospect Avenue, the proposed SFD looks more like a two-story structure. The proposed volume is compliant with the HR-1 Zoning District Lot and Site requirements as analyzed above.

9. **BUILDING HEIGHT | STEEP SLOPE** – The Zone Height in HR-1 is 27' for Structures and is restricted as stated above in Section 15-2.2-5. The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures. The proposed SFD height is 27'. The

tallest portion of the structure is at the front of the Lot, near the ROW, and steps down on the hillside, similar to the adjacent properties.

18. LMC § 15-3-6(A) requires two parking spaces for an SFD. The proposed SFD has two parking spaces, in tandem. LMC § 15-3-4(A)(1) requires a parking space in a single garage of 11' wide by 20' deep. LMC § 15-3-3(F)(1) requires parking spaces to be nine feet wide by 18 feet deep. One proposed space is in the garage and is 11' by 20'. The second space is partially in the Front Setback, as an allowed exception pursuant to LMC § 15-2.2-3(G)(6), and nine feet by 18 feet.
19. Staff published notice on the City's website and posted notice to the property on August 14, 2024. Staff mailed courtesy notice to property owners within 300 feet and posted notice to the property on August 14, 2024. The Park Record published notice on August 14, 2024.

Conclusions of Law

1. The proposal complies with the LMC requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
2. The proposal complies with the LMC requirements pursuant to Chapter 15-2.2-6, Development on Steep Slopes in the HR-1 District.
3. The proposal complies with the LMC requirements pursuant to Chapter 15-3, Off-Street Parking.

Conditions of Approval

1. Final building plans and construction details shall reflect compliance with the plans reviewed on August 28, 2024, by the Planning Commission, pending design modifications required for Historic District Design Review compliance. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. The Applicant shall receive approval of a Historic District Design Review prior to submitting a Building Permit application.
3. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this SSCUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.

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

15. The Applicant shall submit a landscape bond prior to the issuance of a building permit to ensure the stabilization and vegetation rehabilitation are complete prior to submission of a building permit.
16. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
17. Retaining walls cannot exceed the height approved as part of this SSCUP without modifying the SSCUP.
18. The Applicant shall obtain an Encroachment Agreement for driveway access with the Engineering Department.
19. Additional retaining walls, not approved under this SSCUP, require Planning Commission review and approval prior to construction.
20. The Applicant shall update the roof pitch to comply with LMC § 15-2.2-5(C).
21. The Engineering Department requires the submittal of a storm drainage analysis. The storm drainage study must include the calculations showing the required storm drainage volume storage to match the pre and post-development conditions for a 100-year 24-hour event.
22. The Applicant shall update the proposal to comply with LMC §15-13-8(B)(2)(d).

Commissioner Shand seconded the motion.

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

Following a short recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners in chambers.

- C. 1800 Park Avenue – Park and Kearns Master Planned Development –**
The Applicant Proposes Redevelopment of the Site with 174 Hotel/Condo Units, 60 Affordable Units, 8,143 Square Feet of Restaurant/Bar Uses, 4,750 Square Feet of Retail, 6,500 Square Feet of Office Spaces, and 16,047 Square Feet of Accessory Overlay Zone. PL-22-05476.

Director Ward stated this item involved consideration of the Park and Kearns Master Planned Development (“MPD”), specifically the request for a Building Height exception. She noted the Commission was very familiar with this project, and it had been before the Commission multiple times. She would provide a context of what is in the General Plan

and the LMC that would provide the lens of reviewing the Building Height for this project. The adopted General provides that,

“Due to the location along both of the entry corridors to Park City, the Bonanza Park and Snow Creek Neighborhood is geographically tied to the Park City entry experience. The scenic views that are currently afforded to those entering the City are a defining characteristic of our town and should be preserved and enhanced.”

She added that the General Plan called for protecting these entry corridors, buffering the entry corridors from development, and protecting mountain vistas to enhance the natural setting, quality of life, and visitor experience. The strategy of identifying these important view corridors and natural buffers that are a high priority for protection and enhancement included the entryways and highway corridors and ensuring the protection of these identified community assets.

With the Bonanza Park and Snow Creek Neighborhood, Director Ward noted that this protection was undertaken by restricting the location and height of structures in the FPZ. She explained that the FPZ was enacted in the early 1970s, and required that projects within these areas come before the Planning Commission for site-specific evaluation. When that Code was initially enacted, it involved a CUP and the criteria for CUPs; as development in the FPZ occurred over time, the Code was updated and strict standards were codified for the purposes of preserving Park City’s scenic view corridors, and preserving and enhancing the rural resort character of Park City’s entry corridor.

Director Ward reported that the Commission would be evaluating the Frontage Protection Zone CUP later on in the process of this application. That review would require an evaluation of the Building Mass, Bulk, Orientation, and Location of the buildings as well as the physical design and compatibility with surrounding structures to ensure they would be appropriately mitigated for this neighborhood. The request before the Commission at this meeting was to allow a Building Height exception through the MPD Code. For a Building Height exception, she reported that the applicant had the burden of proving compliance with the six criteria in the Code. Any Building Height exception was fully within the Planning Commission’s discretion based on site-specific review.

Director Ward explained that the applicant designed the project with the requested Building Height exceptions partially within the FPZ and the southeast corner of the parcel. The applicant located the portions of the buildings that are significantly below the zoning district height, ranging from 11 – 26 feet, outside of the FPZ. She presented a graphic that showed the applicant’s roof-over-topography exhibit. Staff highlighted the 100-foot FPZ Setback in orange. The portions of the buildings for which the applicants requested the Building Height exception were highlighted in orange, and the portion of the project massing that was well below the zoning district height was highlighted in green.

Director Ward referenced Elevation 3 from the applicant’s submittals and explained that it showed the center portion of the south project façade, which was significantly below

Building Height and was proposed to face the Fresh Market parking lot to the south. She added that this lower portion of the project would be outside the FPZ. She also presented Elevation 1 which showed the requested Building Height exceptions that would encroach into the FPZ along Kearns Boulevard. She reminded those present that as seen at the site visit, the lower portions between the structures would be set back behind the FPZ line. Elevation 4 was presented that showed the requested Building Height exceptions for Building B, and which would encroach into the FPZ along Park Avenue.

Director Ward outlined some of the purposes of the MPD process as follows:

- To allow for infill redevelopment with design flexibility for projects compatible with the surrounding neighborhood;
- Complement the nature features of the site;
- Ensure neighborhood compatibility;
- Strengthen the resort character of Park City; and
- Result in a net positive contribution of amenities to the community.

She explained that the design requirements of the MPD required that a project be designed to fit the site, not the site modified to fit the project. The design should also be clustered on the most developable and least visually sensitive portions of the site.

Director Ward reiterated that the applicant had the burden of proving to the Commission that the six criteria were met. She presented the six criteria to the Commission. She also noted that the Building Height exception was within the Commission's discretion, based on a site-specific review.

For the applicant to meet the six criteria, they would have to show,

1. There would be no increase in square footage or building volume.
2. The buildings would be positioned to minimize visual impacts on adjacent structures.
3. Adequate landscaping and buffering from adjacent properties and uses.
4. There are increased Setbacks and separations from adjacent projects.
5. The additional height would result in more publicly accessible open space.
6. The building would be designed in a manner that provides transition and roof elements.

Director Ward reported that the applicant's team was present to address the six criteria along with the proposed plans. Staff recommended the Commission thereafter open a

public hearing, take a vote on the Building Height, and then continue this item to September 11, 2024.

On behalf of the applicant, Peter Tomai introduced himself as a member of the development team. He also introduced Craig Elliott and Carla Lehigh from Elliott Workgroup, and several members of the Singerman Real Estate team including Pam Grayson, who has been an owner of The Yarrow since 2013. He acknowledged the Commission's time and efforts in evaluating this application and visiting the site. He stated that all were familiar with the comprehensive community planning process led by the City known as the Bonanza Park Small Area Plan ("BOPA"). He expressed that the Plan revealed broad consensus on the community's aspirations for the area surrounding The Yarrow. These include mixed-use, local, user-friendly, inclusive, green, and cultural.

Applicant representative Tomai mentioned that The Yarrow was identified as a catalyst property for the future of Bonanza Park. He submitted that Merriam-Webster defined "opportunity" as "a favorable juncture of circumstances. A good chance for the advancement or progress." He stated that today they were presented with a favorable juncture of circumstances.

Applicant representative Tomai stressed that they were fortunate to have an 11-year owner who shared the aspirations for BOPA. He stated that the development team has the capacity, experience, and talent to transform this significant piece of private property to better serve the economic needs of a thriving local resort economy and to provide massive public benefit through private investment. There was a healthy local market and an operating hotel that would become free from a long-term franchise agreement this year. He observed that there was a locally based development team that shared the aspirations contained in BOPA's Small Area Plan. He argued that collectively, these circumstances represented a true opportunity and their best chance for advancement of these long-sought aspirations.

Applicant representative Tomai stated that the MPD/CUP application before the Commission met all of the objective criteria to approve the requested Building Height exception. He urged the Commission to capture the opportunity before them to take the first step toward a livable, walkable, connected, and sustainable inclusive community for current and future Parkites of all ages.

On behalf of the applicant, Craig Elliott AIA introduced himself, one of his business partners, Carla Lehigh, and E. J. Elliott. He stressed the importance of understanding that many others were working on this project. He reported that he would discuss how they approached the project and go through the history of the project prior to discussing the requested Building Height exception. He apologized for not having previously addressed that issue in a way that was understandable.

Architect Elliott stated that Staff discussions on this project began in 2021, prior to his involvement in the project. After a meeting in May 2022, the project was re-evaluated

and the decision was made to go in a different direction. The applicant then retained Elliott Workgroup, who came up with a solution that was presented in the first series of meetings. He noted that significant revisions had been made. The project started with 341,000 square feet, 3.85 million cubic feet, and a 59-foot maximum roof height up to the Setbacks of the no-build zone.

Currently, the project is at 251,860 square feet, 2.7 million cubic feet, and a 45-foot maximum roof height. This represented a 26% reduction in the floor area, an almost 29% reduction in the building volume, and a 23.7% reduction in Building Height.

Architect Elliott stated it was important to understand the existing conditions. He presented images of the site to the Commission and highlighted the brand-new Transit Center. He commented that looking at the existing conditions meant looking at the Frontage Protection Zone. He explained there was a 30-foot no-build Setback, and a 100-foot Setback, and it was everything in between that was the focus of this discussion. He presented images that showed the current condition of the FPZ. He presented an aerial image that showed State Route ("SR") 224 on the left, and the site in the middle. The green lines on the image represented the 30-foot buffer. Architect Elliott commented that the 30-foot buffer was a huge part of the FPZ, and it virtually did not exist in Bonanza Park. He mentioned a small stretch next to The Yard, a small space next to Homestake Apartments, and a section along the Christian Center that was part of Poison Creek. Otherwise, the FPZ was non-existent.

Architect Elliott presented additional images of some of the properties in that area and described the location of the 30-foot no-build zone on each property. He noted that at Holiday Village, the 30-foot no-build zone was all parking lot and buildings, with a small strip of grass and a few trees in front of the parking lot. He noted that Homestake Apartments was actually built out in the no-build zone. At Blind Dog, there was an outdoor space, but the building came out in front, and then on the other side was a parking lot. He also presented an image of The Emporium and mentioned that the 30-foot Setback was all parking, while the FPZ had parking and buildings. He also presented an image of the church that showed all parking lots within the FPZ. Architect Elliott stated the same could be said for the properties along Park Avenue, and he presented images showing parking lots within the FPZ.

Commissioner Johnson asked if any of the buildings shown exceeded the current zone height. Architect Elliott answered in the negative but stated they were all built in front of or in the FPZ. He acknowledged he did not know about the building height at Jans. Architect Elliott stressed that the FPZ was essentially non-existent along Park Avenue and Kearns Boulevard. The applicant wanted to implement the FPZ and they were not trying to pave over paradise; rather, they wanted to plant over paving. He stressed that good examples of areas where the FPZ had been implemented coming in from the north on SR-224, right at The Peaks Hotel. Successive images were presented to the Commission, and Architect Elliott commented that these images showed what it meant to have a view corridor, particularly if there is a landscape buffer. He commented that the

landscape buffer helped to create the rural character, and that was what they were trying to do with this project. He noted that the views created by the FPZ were corridor views of the mountains.

Architect Elliott stated they would continue these kinds of views with this project along Park Avenue, and when coming into town on SR-224 along Kearns Boulevard. He presented further images that demonstrated the impact of the landscape buffers and stressed that the buildings did not become part of the visual.

Architect Elliott reported that they were trying to follow the guidelines and the purposes of the Frontage Protection Zone. He presented images showing buildings built into the FPZ. He mentioned Holiday Village and Jupiter Inn. At Holiday Village, the building is 31.5 feet, and the roof cantilevers out into the no-build zone, which is allowed.

The Findings of Fact for the Holiday Village Mall stated that “this proposal required a Conditional Use Permit because a portion of the reconstruction is located within the Frontage Protection Zone. The Conditional Use Permit is also required for relocating the drive-up window.” The Planning Commission at that time reviewed and approved the project and that building, at that height in that location, which is immediately adjacent to the applicant’s property.

With regard to the Jupiter Inn, there were two buildings angled similar to this proposal, with underground parking. The setbacks for the Jupiter Inn were 50 feet, not counting the canopies or the columns that go into the FPZ and did not account for the spa building located at 32 feet.

In response to an inquiry, Architect Elliott stated the zoning for Jupiter Inn was Residential Development – Medium Density (“RDM”) and the zone height was 28 feet, plus five feet. He believed the Jupiter Inn was the maximum building height for the RDM zone.

Architect Elliott stressed that the landscape buffer at the Jupiter Inn accomplished its purpose. He commented that the project before the Commission would be similar in depth and Setback as the Jupiter Inn, and they planned to fully plant the FPZ to create the same type of character and hopefully jump-start it for Bonanza Park. He reiterated that the goal was to create the entire buffer around Bonanza Park and then move people into it. When the FPZ was created, a lot of it was trying to stop areas from becoming a State Street in Salt Lake City. Presently, the property was on a General Commercial street, and a failed General Commercial street because it was also an arterial.

Therefore, the goal was to get people into the property and jump-start this development throughout Bonanza Park.

Architect Elliott also stated that the Ordinance states “the purpose of the FPZ is to provide a significant landscape buffer between development and highway uses,” and that was what this proposal sought to accomplish.

He presented a listing of the purposes of the FPZ as follows:

- Preserve the view corridors;
- Preserve and enhance the resort, rural character ;
- Minimize curb cuts and driveways; and
- Allow for future pedestrian and vehicular improvements.

Architect Elliott urged that all of these would be accomplished in this project.

Commissioner Johnson asked if there was any project where the Planning Commission granted a height exception in an area that adjoins the FPZ. He stated that Hotel Park City's height exception was outside the 100-foot buffer. Architect Elliott stated there were no projects built within the FPZ, and noted that Hotel Park City was 80 feet from the property line. Commissioner Johnson observed that the portion of the building within the FPZ complied with the underlying zone, and the highest point that steps up was actually outside of the FPZ.

Commissioner Johnson was looking for examples where the Planning Commission granted a height exception within the FPZ. Architect Elliott remarked there were really no projects within the FPZ, and the best place to do that would be Bonanza Park.

Commissioner Suesser asked how far east the FPZ running along the south side of Kearns Boulevard extended. Architect Elliott stated it went out to Doc Holliday Road, and then it changed and goes to the larger 100-foot Setback. Attorney Justin Keyes responded that the expanse between Doc Holliday Road to Bonanza had a 150-foot Setback as that was part of the Entry Corridor Protection Overlay Zone. He reminded me that Setback applied to the Studio Crossing area, which was a slightly wider and more staggered step than the FPZ.

Architect Elliott commented that what they were talking about was how they implement the FPZ on this project, and what would be a good example of how it is implemented. Commissioner Suesser observed that a good example of how the FPZ had been implemented was along SR-248 from Doc Holliday Road to Bonanza. Architect Elliott stated that the stretch was good on the south side of the road, but once you get past the elementary school and to the high school, it did not exist. It then shows up again at the Wells Fargo building. He referenced the image on the screen and stressed that the FPZ did not exist on the north side of that stretch of road. He acknowledged this project was on the south side, and as you travel down the road you can see a fully matured landscape buffer that softens the space between a very busy road and a lot of residential development. He stated they want to make that happen in the Bonanza Park area.

Commissioner Suesser noted the FPZ also came across the Prospector commercial zone, and there was a large buffer on both sides. Architect Elliott agreed that the FPZ was implemented on the south side, but not on the north side. Architect Elliott next

presented a diagram of the FPZ over the existing property. He noted the building was within the 100-foot zone along both sides.

In terms of the design, they specifically thought about how they could break up the mass and not create a wall effect. They also considered how they could bring sunlight to that side during the winter; if they created a wall on the south side of the project that would block the sun from getting into this property. He opined that this design followed the intent of the Small Area Plan in terms of the 50-foot no-build zone. The areas he highlighted in yellow were areas in the FPZ and outside of the zone height. Those areas were 42 feet above grade.

Architect Elliott stated that there was an exception in the Code that allowed buildings up to 40 feet for pitched roofs. Although this project would not have a pitched roof, they stepped the building back, which is essentially the same as having a pitched roof. He explained the development was required to have 30% Open Space, and this design would have 38.1 percent.

Building A would be the condominiums and hotel over the lobby and services, and would contain the hotel drop-off. Condominium and hotel units would also be in Buildings B, C, and D, and the linkages between those would be one-story spaces. There are units on both sides between Buildings B and C, and there would be units on the interior court between Buildings C and D.

The service area would be located between Buildings D and E, and there would be affordable housing amenities in between them on the roof deck of the dock area. The retail, commercial, and office would be around Building E on the east and to the south. He also noted the restaurant use, meeting space use, and the connection to the hotel drop-off.

With regard to a reduction in parking parapets, which must be reviewed, this design eliminated two that were the most problematic. They aligned the one on Kearns Boulevard with the easternmost entrance to the Jess Reed Building and maintained the existing curb cut on the south side along Park Avenue.

Architect Elliott stated that they worked through how all of these elements could come together. There would be great access to a new Transit Center, which is one of the busiest Transit Centers in town, and adjacent to the Transit Center, there is a Summit bike share. He added that there would be a 12-foot wide path that would connect through the entire property. He mentioned the enhanced access point on Kearns Boulevard and Park Avenue, and at that location, they hoped to bring in public art. He further mentioned some discussions about bringing in a component for the 2034 Olympics across the street from the 2002 Olympic component. There was also the future tunnel connection towards Snow Creek, along with sidewalks along the south and east sides to all the commercial and restaurant spaces.

Architect Elliott stated that the building at Holiday Village was 31.5 feet. They tried to create a building mass that was similar in size and scale to Holiday Village and would be set back 20 feet farther than Holiday Village. They also angled Block C and B so that coming into town on SR-248, there would be the 30-foot Setback for Holiday Village, 50 feet for Block D, and then because of the angles of Blocks B and C, the views to the mountains would be opened.

Architect Elliott next addressed the FPZ Setback and Building Height. He presented a section view of the peak of the existing Yarrow Hotel which is just under 35 feet at that location. The orange dashed line on the graphic represented the 30-foot Setback, and the horizontal line represented the 35-foot height limit for the building sections perceived to be in the FPZ. The smaller dashed line represented the five-foot exception for sloped roofs. He showed a similar section for Holiday Village and the proposed project. He pointed out that the 35-foot height was just above the parapet of the three stories, and then the building stepped back 10 feet where it goes to 42 feet high. He pointed out how these sections overlapped.

Architect Elliott explained that the pictures he presented earlier tried to show what a 30-foot Setback with a 35-foot high building would look like to one driving into town. He explained that this proposal would set the building back 50 feet or more, which would provide more of a view than a 35-foot tall building at the 30-foot Setback. In addition due to the angled buildings, the farther one goes away from the property, the greater the expanse of the view could be seen.

He next addressed views from the sidewalk across the street and presented graphics that compared the views with a 35-foot high building at the 30-foot Setback versus the proposed building built at 50 feet back. As the proposed building steps away, visual interest would be created whether one was walking, biking, or driving into town.

Architect Elliott next presented the view shed from the opposite direction. He stated that the underlying Code requirements state that if they could build 35 feet, that would be the restriction and the sight line. However, this proposal would have less impact than the underlying zone requirement. He stated the height was a number, but the impact was different. The Small Area Plan did not bind the applicant, but they believed the Small Area Plan was important because this project provided an opportunity to be the kickoff for the Plan. He went through some of the aspects of the Small Area Plan and commented that this project checked all of the boxes. The Frontage Protection area of this project was 44.2% of the total property on the site.

Looking at corner sites where the FPZ occupies a majority or a significant portion of the developable area, he felt that 44.2% was a significant portion of the property. In looking at the required trail and sidewalk amenities in the first 30 feet of the FPZ, this project would have 50+ feet. There would be large open areas between the building masses that will allow the sunlight to come into the project and will allow people to have gathering spaces.

In terms of arts and culture, Architect Elliott stated there was a space in the plaza that would accommodate arts and culture. There was also an opportunity to work with this City on this, and he mentioned one of the common comments in the open houses was what this project could do to make a statement for Park City. He noted that this project hits all of these components.

Commissioner Johnson agreed with the concept that the proposal was checking all of these boxes and asked how the applicant would address restricting Building Height to 35 feet in the FPZ to protect views within the Bonanza Park Small Area Plan. Architect Elliott responded that they were requesting a Height exception through the MPD, and referenced the illustrations that showed how the impacts would be very minimal. He stressed that this project was not bound by the Small Area Plan based on the timing of the submittal, but they were trying to meet the intentions of the Small Area Plan. He argued that this proposal was very consistent with the Bonanza Park Small Area Plan and would be really good for the community. He stressed that by this proposal, the buildings would not start until 50 feet, and at that point, the buildings were lower than the height shown on the Plan. The step-backs along Kearns Boulevard would be nothing but snow for half of the year. The roofs would be covered in shade and push people into long buildings along that Setback. The opportunity to create a larger green space by setting the buildings further back was incredibly valuable.

Architect Elliott referenced another graphic that showed the Bonanza Park Small Area Plan's proposal regarding the Setbacks and the setbacks of the buildings. He took the same angle for the proposed buildings and highlighted the difference for the Height exception, which he described as minimal. He stressed that the difference was less than a degree of angle, and moving down the building the view would be significantly better from the center of the road. From the pedestrian sidewalk, the difference was 1.2 degrees. For what they were asking, the difference in the impact would be minimal because they moved the buildings back so far. The view would actually be better for someone driving eastbound in the first lane.

Architect Elliott also noted that this proposal would have 20 feet of additional landscape buffer over and above that proposed by the Small Area Plan. In terms of community benefits, he stated that this proposal checks all the boxes. He stated this project would have 60 deed-restricted affordable housing units, with a range of affordable for households with incomes between 50 and 80% of the Average Median Income ("AMI"). Commissioner Suesser mentioned that community benefits were not one of the criteria for the Building Height exception in the MPD.

Architect Elliott continued by stating that outdoor community space would comprise over 1.7 acres. Additionally, there would be over 1,500 feet of new 12-foot wide multi-use paths, as well as bike share stations. He stated this project would replace the sea of parking with 258 underground spaces, with 30+ spaces on the surface.

Given the proximity to the new Transit Center, he emphasized that this could be very valuable to the City in the future as the City submits its plans for Bus Rapid Transit (“BRT”) to the State. He stated that this project could actually become the answer. He also mentioned that this project would provide several million dollars in public infrastructure created at private expense. The transit stop improvements were added because of the new pathways. Additionally, this project will be an Energy Star project with low energy use intensity and all-electric residential, which would eliminate residential unit CO₂ emissions. The entire project would consume less energy than the existing property.

Architect Elliott next addressed the analysis of the Building Height exception under the MPD Code. The increase in Building Height would not result in an increase in square footage or building volume. He commented that the Building Volumes were the 30-foot FPZ line, but they also showed the 100-foot FPZ line and this design was well under those numbers, which he listed as 3.1 cubic feet and 2.7 million cubic feet. He stated that the design would have 269,749 square feet if it was three stories. He guaranteed they could design a 3-½ story building for this project. They could also include garden apartments, but they showed it at 3 stories, which was significantly less at 251,000 square feet.

In terms of architectural variation, Architect Elliott opined that they created one building with many different components of massing to break up the mass along the street, break down the scale, and provide sunlight and air to the landscape buffer and the community spaces in between the buildings. He stated that they need to make sure the design would not cause shadows, loss of solar access, or loss of air circulation. They submitted Shade Studies based on the equinox and solstice and concluded that this would not really affect any of the adjacent properties. On the graphic presented to the Commission, he explained that the gray areas represented the mountains creating shade, as they designed the mass with the mountains in the background.

Architect Elliott reported that they were also required to provide adequate landscaping and buffering. He presented the applicant’s Landscape Plan and explained that it would use bio-swales, native vegetation, and some manicured green space. He stressed that it would constitute 38.1% of the total site, which is significantly more than the required 30 percent. He explained that the MPD requires an increased Setback over what is required under the underlying zoning. The underlying zoning Setbacks are 10 feet on the side and rear yards and 20 feet on the front yards, and this proposal would have a significantly greater Setback than the underlying zone requirement, and larger than the rear yards. In an MPD, the applicant could request a reduction of Setback back to the original zone, which the applicant had not done. At the closest point, they would be at 25 feet, but on the majority of the project, it would step back from that along the sides. The project would be over 20 feet along most of the Kearns Boulevard side and significantly more on the Park Avenue side.

Architect Elliott reiterated that the additional Building Height would result in more than the minimum required Open Space, and would result in Open Space that is publicly accessible. He stated that the space in between the Building Blocks should be well

programmed, and much easier to access by bike and walking. He informed the Commission that they had already had discussions with Mountain Town Music, who is interested in helping in the programming of this space. With the smaller public space, he would like to see public art and sculpture work. He imagined creating different pods of use: one that would be more quiet and contemplative, and one that would be more active. Having both types of uses would provide a huge respite for people coming through, staying, or coming to the site.

Commissioner Suesser sought clarification of the Open Space calculation of 38.1% and noted that for the height exception, the applicant must increase the amount of Open Space. Architect Elliott explained that they increased the Open Space from the required 30% to 38.1 percent. He noted that the proposed Open Space was approximately 20% more than the baseline. Commissioner Suesser noted the minimum Open Space was 30%, and this proposal contained 38.1 percent for the Building Height exception.

Architect Elliott stated that under the MPD, they were also required to have transition and roof elements. He presented a rendering of one building that would have a significant amount of variation in the roof heights. He explained there were 21-foot height changes in different places, 30-foot height changes, and 20-foot height changes with large sections in between. He stated that this proposal met the criteria for the changes in roof forms.

He presented further images to help the Commission understand how the project would fit on the site. Focus was directed to the area where they could have public art, and he added that they would like to work with the City as a statement coming into town. When they looked at this project, he stated that you could start to see the beginnings of the Bonanza Park area, and the opportunity to start this long-term Plan for the City. There is the opportunity for green space all around Bonanza Park, which was envisioned in the FPZ.

Pam Grayson reported that she is an owner of The Yarrow/Doubletree Hotel and the Asset Manager for the partnership. She is also a hospitality professional and has spent 30 years of her career specializing in the hotel business and hotel investments. Much of that experience was spent on mixed-use projects, including a condo hotel. She has been personally invested in The Yarrow since it was acquired in 2013 and has been present every step of the way. She knows every nook of the hotel and every team member who works there, and it is part of her extended family. Applicant Grayson also stressed that she has been part of the Park City community since 2011 when she and her family moved here and purchased a home in Park Meadows. Her daughter had her first ski experience at Park City Mountain when she was 18 months old. Applicant Grayson stated they have many decades of happy memories ahead of them. She expressed that they love Park City and the countless things that make it special. She has been a dedicated supporter of the Park City Community Foundation, the Women's Giving Fund, and KPCW, among others. She also encouraged ways in which The Yarrow could be of service to the community.

Applicant Grayson stated that she cares deeply about the future of Park City, and that includes the future of The Yarrow. She appreciated that the Commission cared as well. She expressed pride at the amount of work the applicant's team had done on the presentation, and she was proud to be associated with Singerman Real Estate. She commented that Singerman Real Estate has integrity and has been a strong supporter of the local community for the last 11 years. She truly believed that this would be a great step forward for the future of Park City, and was proud to be part of a project that her daughter could be proud of for many years to come.

Chair Hall thanked Staff and the applicant for their presentations. She invited clarifying questions from the Commissioners.

Commissioner Shand referenced Applicant representative Tomai's opening statement that the project would be free from a long-term Operating Agreement and asked him to explain that statement. Applicant representative Tomai stated that The Yarrow was subject to a franchise agreement with Hilton Corporation for a period of 10 years as the result of a large and significant investment in the property in 2013 that resulted in bringing the property to Hilton's brand standard. These types of agreements are typically anywhere from 10 to 20 years in duration because properties do not like to frequently change their flag. They were at the anniversary date of the franchise agreement for this property this year. This would unencumber this property, and he explained that trying to cancel such an agreement would result in an exit fee that would be many years of income for the property essentially rendering it encumbered for development or name change. Applicant representative Tomai stressed that there was a window of time before some franchise agreement is renegotiated for another 10, 15, or 20 years.

Chair Hall commented that since the vote tonight related solely to Building Height, the Commission should prioritize the CUP for the Building Height exception. Commissioner Shand noted that he asked the question for clarification, and was not intending to discuss it further at this meeting. Chair Hall also noted for purposes of public comment, the Commission would only be voting tonight on the issue of Building Height. She noted the two elements of focus for this meeting were the CUP elements for the FPZ and the underlying General Commercial zone height.

Commissioner Johnson asked why the Commission was only voting on the Building Height exception, especially given that they referenced the community benefits. He felt there were a lot of great components, and they should be looking at the project as a whole as part of the MPD process.

Applicant's attorney Justin Keyes explained that they are at a critical juncture because for the applicant it is a threshold inquiry. He noted the process was a constant pushback and forth in terms of what a developer could give to meet the community goals, which is the public benefit encapsulated through the Code. Added to that is the question of whether the developer can make the project pencil. They started with the presentation because the Staff Report made it sound as if this started this year. His first meeting with

Staff was in November 2021, and the original proposal that was not submitted was 65 feet, so the design had come down in size and height while still adding more benefits.

Attorney Keyes stressed that they had to crunch the numbers, and he commented that they were at an inflection point. The applicant's team has looked at this long and hard, and this is as low as they can drop the density while still providing the public benefits that are merited in this location given the goals of the Bonanza Park Small Area Plan. He added that landscaping is expensive, and 38% of Open Space in this location was incredibly expensive. He stressed that this is very valuable real estate and was a very expensive location to develop. It was incredibly expensive to park below grade, and he stated it was around \$80,000 to \$90,000 per stall to create the parking. However, that is what they need in this location.

Attorney Keyes argued that to get that, this developer has to have height as that is the only way this would work. It is the reason that the City's independent consultants advise that the way to get what needs to be done in this area to make it work and get more affordable housing is to go taller. He remarked that Architect Elliott did an excellent job of creating a project that adds height without obstructing views and still creates a usable project that gets southern exposure.

Attorney Keyes reiterated that they were at an inflection point, and the conversation when they left this meeting was that they were going to be able to drop more floors; rather, it's this proposal or potentially nothing. The Yarrow would likely not be a Doubletree next time around because of the investment it would take; rather, it would be a downgraded brand. He added that would be the trajectory without a substantial investment. He requested a separate vote on Building Height because he knows it is a tough issue for both sides. He asked if the Commission was willing to grant a height exception of 8 ½ feet in the FPZ. The Staff Report stated that the Commission has that discretion, and the applicant wanted to walk out of this meeting knowing how the Commission would exercise that discretion.

Attorney Keyes stated that if the Commission voted "yes," it would serve as a catalyst for the Bonanza Park Small Area Plan. He has talked to the owners of almost every property in the area, and they were all watching, and many have submitted comments. He assured the Commission that the applicant was not trying to imply that a different standard applied. They were just saying that the project in 2021 was a catalyst for that study to be done. This proposal sparked that conversation and he was glad it did because it needed to be had. Commissioner Johnson expressed curiosity because of the many components the Commission must evaluate aside from Building Height, and they play off each other. He appreciated Attorney Keyes' response.

With regard to the comment that the Staff Report stated the Commission had the discretionary authority to grant the height exception, Commissioner Suesser stated the Staff Report did not make that claim. Rather, the Staff Report stated that the Commission must apply the Code and determine whether the application complied with the Code.

Senior City Attorney, Mark Harrington reported that Attorney Keyes' point was that the Commission *may* grant the exception; it did not say the Commission could not grant the exception. Commissioner Suesser responded that Attorney Keyes phrased his comment as though the Staff Report found that the Commission could find in favor of this, but it was in the Commission's discretion. She felt it involved more Code analysis by the Commission. City Attorney Harrington commented that the criteria gave the Commission discretion because it says, "may." Commissioner Suesser stated that for the MPD height exception, the Commission must find that it complied with the six criteria to grant the height exception.

City Attorney Harrington clarified that to grant the height exception, the Commission must find the six criteria; however, it is discretionary in that the Commission still *may*, and the Staff Report pointed out that the Commission may or may not even if it met those criteria. The Commission cannot grant the exception unless it meets the six criteria.

Chair Hall added that the Commission must find that the proposal meets all six criteria. Commissioner Suesser understood that the first step was that the Commission must find that this proposal met the criteria, and then the discretion comes in on whether to grant the exception. Attorney Keyes agreed.

With respect to the workforce housing and the 60 units, Commissioner Sigg asked if the proposal was for 60 physical units or 60 unit equivalents ("UEs"). Architect Elliott responded that the proposal was for 60 physical units.

Commissioner Sigg asked about the UEs, and whether that was consistent with the prior analysis. Architect Elliott stated the UEs are greater than the minimum requirement.

Commissioner Sigg asked about the Building Heights for HOPA, and whether the developer was inside the 100 feet. Director Ward explained that HOPA was an Affordable Master Planned Development ("AMPD") that is not in the Bonanza Park neighborhood. In that project, the applicant stayed outside of the 100-foot FPZ.

Chair Hall opened the public hearing and noted that the vote would only be on the Building Height exception.

Tim Bittel lives in the Park Avenue Condominiums directly across the street from this property. He is a trustee of the Homeowners' Association ("HOA"). He stated the HOA had attended before, and the HOA President, Cory Hardy, had previously submitted a letter raising some questions about this development. He requested to submit a new letter from the HOA President supporting this project and removing any prior concerns. Speaker Bittel stated that the HOA represented 132 property owners, and they supported this project with no concern regarding the Building Height. He spent 50 years as a lawyer, focusing on construction and heavy development, and he was very familiar with old masonry buildings. With regard to the discussion about the 10-year contract, Speaker

Bittel stated he was very familiar with these types of old properties, and the HOA members own properties of a similar vintage, so he knows what they go through to maintain the masonry. As a neighbor and a 14-year resident of this community, the applicant's property could go nowhere but downhill. If this application were not approved, he submitted that the property would physically degrade and it is at the most visible entry to this community.

Tony Moody reported that he is the General Manager of the Doubletree and has held that position for almost three years. He echoed the comments of Speaker Bittel as far as the building is concerned. On behalf of the associates at the Doubletree, he stated they wholeheartedly support the 1800 Park Plan to redevelop this site. He had a list of associates who already requested to work for this incredible ownership again after the new complex was completed. He read the following from one of their significant partners, Nathan Rafferty, President and CEO of Ski Utah:

"Dear Members of the Park City Planning Commission:

I am writing to express my enthusiastic support for the proposed redevelopment of The Yarrow Doubletree Hotel site at Park and Kearns, a pivotal component of the Bonanza Park District transformation. As a stakeholder in this community, I am particularly impressed with the project's commitment to create a mixed-use destination that prioritizes walkability, connectivity, livability and inclusivity. This project promises to revitalize an underutilized area by introducing a diverse mix of uses that cater to both residents and visitors, significantly enhancing the Bonanza Park experience.

The integration of over 1.7 acres of public space, 1,500 feet of new multi-use paths, and underground parking are commendable efforts in transforming the current landscape into a vibrant pedestrian-friendly environment. Moreover, the development plan includes 60 units of deed-restricted affordable housing, crucial for supporting our local workforce and ensuring that Park City remains an inclusive community for all income levels. The thoughtful incorporation of energy efficient designs and sustainable practices further underscores the project's long-term benefits to the community and environment.

In light of these substantial community benefits, I respectfully urge the Commission to approve the requested 10-foot height exception necessary for the realization of this project. This exception is not merely a procedural formality, but a critical element in delivering a project that exceeds standard requirements in Open Space, Setbacks and affordable housing, setting a high standard for future development in our beloved City. Thank you for considering this transformative project which will undoubtedly serve as a benchmark for thoughtful and community-focused urban development in Park City. Sincerely, Nathan Rafferty, Ski Utah President and CEO."

Jocelyn Scudder identified herself as the Director of the Arts Council for Park City and Summit County and also a resident of Old Town. She expressed support for the redevelopment of this project and the Building Height exception. She felt the proposal was very thoughtful and there were many community benefits. She felt the presentation was well thought out and the team has been working on this project for quite some time. Personally and professionally, she liked their consideration of Open Spaces. The fact that the applicant connected with local organizations like Mountain Town Music to think about public gathering spaces and connecting the community through art and public art was very thoughtful. She commented that the project seems like a great upgrade and a great value-add for the community.

Steve Miner identified himself as the Senior Vice President of Associated Food Stores in Salt Lake City, which owns and operates the Fresh Market. They have been in this region for 84 years and supply about 470 stores and operate about 37 corporate stores. Associated Food Stores has been observing this proposal closely as an interested party and adjoining property owner. On a general level, they have come to very strongly support this proposal and have a comfort level with this project. It would likely induce them to choose wisely when they decide to reinvest back into this community if they know that there is an opportunity to redevelop not only The Yarrow property but also some of the adjoining properties. Associated Foods reviewed the six criteria on the height issues and did not see that it would have an adverse effect on particularly, the Fresh Market. They felt this could be a real catalyst for Associated Food Stores to continue to invest in the community. He thanked Park City for the community support of their two stores in town.

Mark Sletten stated that he has been driving by this site every day for over 30 years, and the articulation of the buildings in addition to the landscaping would really enhance the view corridors in both places. He felt that was self-evident in the materials before the Commission. He addressed public comments made during the last public hearing on this application. The comments from Mark Fisher resonated with him because this is a once-in-a-lifetime deal. From a financial standpoint, the applicant would have to move forward with some sort of license agreement, and it would postpone any further projects at this site for at least 10 years, maybe longer.

Secondly, there were comments from Bill Coleman, who served on both the Planning Commission and City Council in the 1970s. With regard to the 25-foot height exception, Mr. Coleman stated that was the tallest ladder that the Fire Department had at the time. Speaker Sletten wanted the Commission to take into account that things change. The Commission has the LMC and Utah law that it must adhere to but stressed that there would be many public benefits that far exceed the need for the applicant to be able to add height to make this building work financially.

Megan McKenna reported that she lives in the 84060 zip code and is the Housing Advocate for Mountainlands Community Housing Trust. She agreed with the prior speakers' comments. The disconnect and challenges as she rode her bike to the open

house from her office in Prospector, and could not help but think what a great opportunity this project was to serve as a model for the Bonanza Park area and for connectivity for the entire community. As she walked into the building, she recalled a lot of memories. Her 8th-grade prom was held at The Yarrow, and she recalled going to St. Mary's mass before the new church was built. The Yarrow was also her father's bar for several years. Speaker McKenna supported the redevelopment of the project and urged the Commission to think of the height exception as an investment in affordable housing. She noted that they recently had a presentation on the economic impact of affordable housing. That study and the presentation can be accessed on the Mountainlands website and spoke to the economic impact of investing in affordable housing.

Speaker McKenna was happy to talk with the Commissioners more and noted that the takeaway from the study was that investing in affordable housing, especially rentals, was an even greater return on investment. She noted the study found a 5.8 times return on investment on a \$100,000 public investment into affordable rentals. Investment in affordable rentals and affordable ownership opportunities comes back to the community. She mentioned some striking statistics from a Summit County Council Meeting that highlighted how beneficial 60 units of affordable housing would be for the community.

She stated that job growth has increased over the past two years, and almost doubled projected numbers. Summit County added 1,300 jobs last year and the year before, whereas the estimate was 800 new jobs. More than 200 people were lost from the community and the population in Summit County actually decreased by over 200 people in the last two years. While many people have moved here, more have been pushed out.

Speaker McKenna stated that this project was a good opportunity and presented an unmitigated employment generation. By adding 60 units of affordable housing, they would offset that employment generation by bringing more community benefits to the area. She commented that the height would be a small investment for that community benefit.

Bill Coleman appeared via Zoom but was unable to unmute.

Marian Crosby reported that speaker Coleman texted her several times and was trying to submit comments. He told her that if he was unable to connect, she should put him on her phone and hold it up to the microphone.

Speaker Coleman spoke at a prior meeting on this application. He stated it was rare to have the opportunity to take the number one corner in the community and dress it up and make it public. He stated the Code gave the Commission discretion, and he liked City Attorney Harrington's statement that the Commission *may* make this change which seemed to be blocking a few of the Commissioners. He hoped the Commission could find a way to say all of this was so much more in favor of having this project than letting it get away from us. Speaker Coleman agreed this was an inflection point and he did not want a missed opportunity for the community. He commented that there was something

built into the Code to let the Commission approve it, and he hoped the Commission could find its way to move this forward. He felt it would be ideal to move the entire project forward instead of just this small portion. Speaker Coleman felt the importance of this issue was overstated compared to the massive benefits and joy that this corner could bring to all of the community.

Chair Hall closed the public hearing. She invited a return to Commission comments and questions, with a focus on the height. She asked Staff to present the criteria for the Commission.

Director Ward clarified that the Staff Report drew from the adopted General Plan and the LMC currently in place. She noted the applicant addressed the Bonanza Park Small Area Plan, which did not apply to this project given the timing of the submission of the application. She stated that the Small Area Plan recommended no height exceptions within the 100-foot FPZ. Director Ward presented the six criteria outlined in the LMC for MPD height exceptions.

Commissioner Suesser felt it would also be helpful to have an image of the proposed project. Commissioner Johnson suggested using Staff's image with the red lines. Commissioner Suesser liked the image on page 6 of the Staff Report.

Following a brief recess, Chair Hall called the meeting back to order and confirmed that all Commissioners were present.

Commissioner Suesser noted the Commission would focus its analysis on the MPD exception for building height. She began by stating that she fully supported granting a height exception for this project. However, she did not find that the buildings were clustered to create the least visual impact. Pushing the density toward the center of the project would increase the required landscape buffer, increase the required Setbacks, and increase the amount of Open Space.

Commissioner Suesser observed that the lowest buildings in the project were outside the 100-foot FPZ and on the interior of the project rather than on the exterior of the project where it would create less visual impact. She explained that the MPD contained six criteria, which the Commission must meet to grant a Building Height exception. She felt the application failed to meet criteria 3, 4 and 5. Criterion 3 requires adequate landscaping and buffering from adjacent properties and uses, and she stated the buildings that exceed the 35-foot underlying zone height were in the FPZ.

Commissioner Suesser also found that the proposed required perimeter landscaping along the east and south boundaries in particular would inadequately buffer adjacent properties impacted by the 45-foot building. This was especially true at the southeast corner where there is no step back on the building. She stated that pushing the density to the center of the project would increase the much-needed landscape buffer around the project.

Commissioner Suesser pointed out that there was Open Space in the center of the project which was proposed to be an amenity space for the unit owners. That interior courtyard would not be visible to the public and would not be accessible to the public. She submitted that pushing buildings toward the center and relocating that amenity space would provide more Open Space, more Setbacks, and more landscaping buffer around the project.

With respect to Criterion 4, she stated the requirement for a height exception was not only that the project met the minimum Setbacks, but have increased Setbacks. She opined that the application failed because the proposed Setbacks on the east and south sides were inadequate to meet this criterion. She reiterated that pushing the density to the center would increase the Setbacks around the project, which was required for the height exception.

She noted that Criterion 5 required that the additional Building Height would result in more than the minimum Open Space and Open Space that is publicly accessible. A minimum amount of Open Space for this project would be 30%, and the applicant requested a Building Height exception that requires additional Open Space. The applicant's proposal included an 8% increase, and she noted that they typically required a significant increase in Open Space when granting a height exception, and she considered this a very minor addition to the Open Space.

She noted the Commission's discretion to determine a particular mix of Open Space. She reiterated that the interior courtyard would not be visible and would not be publicly accessible. Pushing the buildings toward the center of the project would create more Open Space that would be publicly accessible and visible.

Commissioner Suesser found that the proposal failed to meet three of the six criteria required for granting a height exception. She emphasized that this was an appropriate place for additional height, but felt the configuration and location of the buildings on the site could be better managed. The Building Height should be clustered toward the center of the project away from the perimeter and out of the FPZ.

She also had comments regarding the objectives of the General Plan and the FPZ CUP requirements but reserved those for later.

Commissioner Sigg thanked the applicant for their good work on this application. He stated this was a challenging, but important corner. He expressed that he could also support increased height in this area, but questioned the increased Setbacks on the east side of the project, as it did not seem to show any real increase.

Secondly, the Open Space requirement mandates Open Space that is publicly accessible. He appreciated the fact that there would be large gathering areas and Mountain Town might play there, but he stated he would not cross the interchange at SR-224 and SR-248. Commissioner Sigg pointed out that this was sort of an end zone in

that it would be great for the development, but it would not be like City Park where people can travel from all areas. He appreciated the space for a potential tunnel, but the tunnel does not exist today. Commissioner Sigg opined that the tunnel would make that Open Space significantly more community-centric and not as much development-centric. Right now, to travel there was like traveling to the existing commemorative post for the Winter Sports Park at the Road House; it is a great little community park, but no one can get there easily.

As it relates to Building Height, Commissioner Sigg noted that the Findings of Fact and Conclusions of Law bound the Commission, and he would not want to divert from Section (F). He highlighted Section 15-6-6(G) and stated that one of the things the Commission must find is that the project must be designed to fit the site. He echoed Commissioner Suesser's comments that much of the requested exception was within the 100-foot zone. The referenced section of the MPD mandates that the Commission must find that it does not interfere with any relevant overlay zoning, which is the FPZ.

He struggled with the fact that the shortest buildings were placed in the area where they could build, and the requested exceptions were for buildings in areas where they could not build. He recognized the potential consensus in support of increased height in this area and improvement of this area but felt it would be logical to put more of those buildings where they could accomplish similar massing in the zone where it is permitted.

Commissioner Sigg reiterated that Section 15-6-6(G) states that for the Commission to make these findings, the development must be in the most developable and least visually sensitive portion of the site. He commented that that spoke to why the FPZ exists. He appreciated the corridors and argued that based on the existing grade the buildings would actually be taller at the street because they would be measured from the existing grade. He understood the paradigm of parking and less excavation with better earthwork practices. However, Commissioner Sigg struggled with the fact that the Commission was bound by the Findings of Fact and Conclusions of Law, and the fact that the application was contrary to Section 15-6-6(G).

Otherwise, he lauded the effort at improving this corner but was not convinced that this was the last chance for this project. Commissioner Sigg understood that a lot of work had gone into this specific concept, and suggested that it could be refined so that the Commission could meet the required Findings of Fact and Conclusions of Law set forth in the Code.

Commissioner Shand referenced page 10 of the Staff Report. He expressed appreciation for the site visit and stated that the Commission had struggled with the issue of the Building Height exception. He felt that the applicant met the six criteria for the Building Height exception. Commissioner Shand opined that the Open Space was increased by 27%, not 8 percent. He noted that some of the Open Space would not be accessible by the public, but he focused on the upper right-hand corner of what theoretically could be

built based on volume and the Code. He struggled with looking at that as compared to the renderings, and he liked what the applicant proposed.

Commissioner Shand liked the separation of the buildings. He questioned whether the buildings could be brought in a little bit more to lessen the impact on the FPZ, but nonetheless, he liked the project. He felt that the benefits to the community would be significant. He looked at what could be built in the upper right-hand corner per the Code, knowing that it complied with the LMC. He then compared that with the renderings, knowing that it did not technically comply with the LMC, and focused on the disconnect. Commissioner Shand believed the LMC was in place to protect against the massing of buildings that are too tall and too close to the road.

Commissioner Shand stated that the applicant worked hard to mitigate mass that is close to the road and act as a visible barrier to driving into town. He reiterated that he found good cause and that the proposal met the six criteria, and felt that the community benefits and the architectural interest of the buildings outweighed the requested height exception. He expressed support for the project and its' design and commented that if the applicant went strictly by the Code it could result in a boring-looking building that was not architecturally significant.

He felt that the applicant tried to create a good blend of community benefits with a project that would pencil financially for the developer, which it has to do otherwise it would not get developed.

Commissioner Frontero found that the project met four of the six criteria, including the Open Space requirement, which he felt was clearly met. He also agreed there was adequate landscape buffering on 2 ½ of the sides; however, he felt the southeast corner was very light in terms of providing landscaping and buffering. He would be more comfortable with criterion 3 if that were improved.

In terms of Criterion 4, Commissioner Frontero wanted to see more increase and felt the proposal was very minimal. He stated he could make a reasonable argument that the proposal did not increase the Setback in enough areas. He noted that Criterion 4 states that the Setback needs to be increased, and in certain areas of the proposal it did increase.

Based on the six criteria, Commissioner Frontero found at least two that were questionable. He referenced the diagram before the Commission and stated the red-highlighted buildings in the FPZ were a challenge. He favored adding additional density and height to make the project pencil. He listened to the community speak about this exact issue during three open houses in Bonanza Park, and he understood the consensus was that there was movement toward approving height.

Commissioner Frontero was in favor of Building Height, but there seemed to be room to move some of the density inward and not outward. He expressed concern about Building

B and noted that would be the first thing seen driving into town. He found that Building B was well within the FPZ at a very important corner of the town, and that particular building was of concern to him in getting over the hump on this project.

If Building B were pushed back a significant amount, Commissioner Frontero could likely become more comfortable with this project and the request for additional height.

Chair Hall noted that Commissioner Van Dine submitted a short comment. Director Ward read this comment as follows:

"I completely support redevelopment of the Bonanza Park area in the coming years to better serve and reflect the goals of our community moving forward. However, the Park and Kearns MPD application does not comply with current zone restrictions and criteria for height exemption, especially when that exemption is requested in the Frontage Protection Zone. The Code and the General Plan clearly outline the importance of the Entry Corridor and the Frontage Protection Zone to preserve the character of Park City as outlined in the Staff Report. I do not think that the application has met the criteria for Conditional Use in the Frontage Protection Zone and thus do not support approval of the application."

Chair Hall agreed with many of the prior comments. She agreed with Commissioner Frontero that Building B was by far her biggest issue with granting a height exception, because of the height exception in excess of the underlying zone height in two roads for the Frontage Protection Zone. She echoed the comments of other Commissioners and that a 45-foot height with a 25-foot Setback in the southeast corner presented an issue for her. Chair Hall would like to see more of an increased Setback with more landscaping and buffering.

The biggest issue for her was the Frontage Protection Zone height. She understood the need to make this project pencil because she would like to see this project done and redevelopment in this location. She agreed with the idea of pushing the buildings at the forefront of the Entry Corridor back, as suggested by Commissioner Suesser and Commissioner Sigg. By doing this, the applicant could get their density and make the project pencil, while still meeting the criteria of the Code.

Commissioner Johnson echoed many of the expressed concerns. He felt the request for height exceptions in the FPZ was the major problem. He felt the Commission was willing to grant height exceptions, but doing so within the FPZ they could look at the criteria and go in either direction. He found that the proposal did not comply with Section 15-6-5(F)(4), and on top of that, he did not find that a height exception within the FPZ complied with Section 15-2.20-4. If they had the discretion to grant the height exception, the Commission must look at their guiding documents outside of the LMC. He stated if they looked at the Bonanza Park Neighborhood section of the General Plan, Section 3.6 clearly stated, "The FPZ helps to preserve scenic view corridors by providing a significant

landscape buffer between development and highway uses by restriction the location and height of the structures in the zone.”

Commissioner Johnson also referenced the Natural Settings section of the General Plan, Goal 4, Objective 4(B): “Buffer Entry Corridors from development and protection mountain vistas to enhance the natural setting quality of life.” Regardless of whether it is relevant to this application, Commissioner Johnson noted that the Bonanza Park Small Area Plan clearly set out that 35 feet within the FPZ were restricted. He noted they just went through an extremely long exercise over two years to get to that point, and the Planning Commission and City Council adopted it. He felt that disregarding that so soon after its adoption seemed disingenuous.

Chair Hall agreed with Commissioner Johnson’s last statement as stated that was the crux of the issue for her as well.

City Attorney Harrington reminded the Commission that the Bonanza Park Small Area Plan was not the crux of the decision. He acknowledged the applicant raised it, so it was fair game for the Commission response; however, it was not the controlling document. Instead, the Commission was controlled by the six criteria at issue. Chair Hall noted that some Commissioner’s comments specifically referenced the six criteria. Commissioner Suesser suggested summarizing each Commissioner’s response to which of the six criteria the application either met or did not meet.

City Attorney Harrington looked to the applicant in terms of how much clarity they wanted and noted that the Commission had given them a straw poll. He asked if the applicant wanted to just take the feedback and regroup.

Attorney Keyes understood the feedback and what it really came down to was the Commission was not comfortable with the height, particularly in the FPZ. He stated there was a lot of discretion in terms of how the Commission interpreted the six criteria that were purposefully drafted loosely. He pointed to increased Setbacks and what that meant. He acknowledged that the Commission wanted to see more Setbacks on the south and east sides.

Architect Elliott expressed that the Code referenced increased Setbacks, but it did not say that all Setbacks be increased. The intention of the south and east side was to set it up for what the Bonanza Park area would become, which is a mixed-use area with sidewalks, retail, and commercial along that side. He stated that the proposal included very large sidewalks, and plantings along there with the intention of tying into the long-term plans of Bonanza Park. He stressed that they really tried to focus on the increase in Setbacks along Park Avenue and Kearns Boulevard, and stated the design was not intended to try and get away from anything, but rather to embrace the City’s goals.

Attorney Keyes also noted that they had more than 120 feet in other areas. He stated that one of the benefits of this design was that there were areas that would exceed the

100-foot Setback, and that should not be missed. He referenced page 13 of the Staff Report, wherein Staff did a great job of lining that out. He referenced criterion 2, which asks whether the buildings are positioned to minimize visual impact, and argued that it was not just visual impacts; it was visual impacts on adjacent structures. He stated he could argue this design would minimize visual impacts to adjacent structures because there were really no adjacent structures.

Attorney Keyes stated it was rare for community members to not oppose a height exception, and noted that they proactively minimized that concern. He stated the Commission was clear that it was comfortable with height, but not within the FPZ, and that if the applicant could find somewhere else to put the height the Commission might be okay with it and then look back at the six criteria. He lauded Architect Elliott for the reasons behind the design but felt it was not worth going over that at this meeting.

Attorney Keyes felt that the applicant got the feedback they needed. Chair Hall agreed with Attorney Keyes' summary of the Commission's general consensus.

Commissioner Sigg added that the Commission applauded the applicant's effort and an improvement to this corner was tantamount, and they just needed to find a way that the Commission could approve it per the Code. He opined that there was a way to keep things outside the 100-foot boundary. He commented that the Commission liked the separation of the buildings, and they want this to be successful. They just need to find a way within the Code that would allow the Commission to approve this application.

Architect Elliott understood that they were not prohibited from putting buildings in the FPZ, but the Commission's real concern was the height of those buildings in the FPZ. Commissioner Johnson agreed and suggested it align with the Bonanza Park Small Area Plan that states 35 feet within the FPZ.

Attorney Keyes asked if 45 feet would be the cap outside of the FPZ, noting that there was no limit on the height exception that could be granted under the MPD. He noted that the Commission granted a height exception of up to 60 feet at Studio Crossing, and at the right location increased height was a tool they had. They tried to stay under 45 feet based on Commission feedback from prior meetings. It would be helpful when they shift the mass around the site if they knew that a height above 45 feet would be supported.

Commissioner Frontero commented that if some of the massing was removed from the FPZ, he would consider approving an additional floor at the south where they had the affordable building and restaurant building.

Architect Elliott stated they discussed this in the past, and the reason they did it this way was to get light into the whole project and through to the FPZ. The idea of putting the height on the south side and blocking the sun from the rest of the project was a challenge in terms of sustainability. He stated they would revisit that before returning. He presented an image and demonstrated his understanding of Commissioner Frontero's suggestion.

Commissioner Frontero stated he could be more comfortable with additional height in areas A and E if they returned with a design where the height was removed from the FPZ.

Architect Elliott stated there were a number of different solutions, and he could appreciate that as an option.

Commissioner Johnson understood in going through the Bonanza Park exercise that there was a little flexibility with the height, but it spoke to looking at the project as a whole. It was written that if they were to go above 45 feet, there must be significant community benefit.

Commissioner Suesser stated that relocating the height out of the FPZ and to other buildings was a great suggestion, but it did not address the additional Open Space, the additional Setbacks, and additional landscaping, which are three of the criteria in the MPD Code. She asked the applicant to consider that as well.

Attorney Keyes stated they would consider that, and noted that he felt the plan provided significant Open Space. The 38% was just the public Open Space and did not count the internal space. He was sensitive to Commissioner Sigg's comment that at the current stage, there was not a lot of connectivity, but the plan was to create connectivity and perhaps this would become a key venue for the Olympics. He stressed that 38% was a lot in this location and was 27% more than they were required to provide; therefore he struggled with the notion that this design did not meet those criteria. He reminded the Commission that there was a minimum density they must meet, otherwise this project would not work, and would not work for any other redevelopment in the Bonanza Park Small Area Plan unless there is a certain density. Commissioner Sigg suggested that with the value of the land, the applicant go taller than one story.

Chair Hall hoped that the applicant would return and they could have a productive meeting. The consensus was that the Commission wanted redevelopment and enhance the FPZ so the application meets the criteria of the Code.

Director Ward mentioned that this item would be continued to September 11, 2024.

MOTION: Commissioner Johnson moved to CONTINUE 1800 Park Avenue – Park and Kearns Master Planned Development and the public hearing thereon to September 11, 2024. Commissioner Shand seconded the motion.

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

7. ADJOURNMENT

MOTION: Commissioner Suesser moved to adjourn.

The meeting adjourned at approximately 9:15 P.M.

CORIE HARDEE

1861 CAPTAIN MOLLY DRIVE, PARK CITY, UT 84060

Dear Park City Planning Commission,

Since June 26th 2024 both I and other Board members from Park Avenue Condominiums have met with Peter Tomai to discuss the development of "The Yarrow". Our Association represents 132 individual residential properties located directly across from the proposed development. Mr. Tomai and his group have been very responsive to our PACA's concerns. Any objection stated in my letter to the Commission, dated June 26 2024 is withdrawn. Tim Bittel, a member of the PACA Board will attend the Commission's meeting on 28 August 24, 2024 and reaffirm our support of the Yarrow proposed redevelopment.

Corie Hardee

Corie Hardee

President

Park Avenue Condominiums HOA

28 August, 2024



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Aug. 27, 2024

Park City Planning Commission
445 Marsac Avenue
Park City, UT 84060

Dear Members of the Park City Planning Commission,

I am writing to express my enthusiastic support for the proposed redevelopment of the Yarrow/DoubleTree Hotel site at Park & Kearns, a pivotal component of the Bonanza Park district transformation. As a stakeholder in the community, I am particularly impressed with the project's commitment to creating a mixed-use destination that prioritizes walkability, connectivity, livability, and inclusivity.

This project promises to revitalize an underutilized area by introducing a diverse mix of uses that cater to both residents and visitors, significantly enhancing the Bonanza Park experience. The integration of over 1.7 acres of public open space, 1500 feet of new multi-use paths, and underground parking are commendable efforts in transforming the current landscape into a vibrant, pedestrian-friendly environment.

Moreover, the development plan includes 60 units of deed-restricted affordable housing, crucial for supporting our local workforce and ensuring that Park City remains an inclusive community for all income levels. The thoughtful incorporation of energy-efficient designs and sustainable practices further underscores the project's long-term benefits to the community and environment.

In light of these substantial community benefits, I respectfully urge the Commission to approve the requested 10-foot height exception necessary for the realization of this project. This exception is not merely a procedural formality but a critical element in delivering a project that exceeds standard requirements in open space, setbacks, and affordable housing, setting a high standard for future developments in our beloved city.

Thank you for considering this transformative project which will undoubtedly serve as a benchmark for thoughtful and community-focused urban development in Park City.

Sincerely,

Nathan Rafferty

Ski Utah | President & C.E.O.

Partners in Promoting Utah's Winter Sports Industry



Planning Commission Staff Report



Subject: Deer Valley Ski Rail Employee Housing Development
Applications: PL-23-05824 | PL-23-05825
Authors: Jacob Klopfenstein, Planner I
Lillian Zollinger, Planner III
Date: September 25, 2024
Type of Item: Master Planned Development - Work Session

Recommendation

Deer Valley proposes constructing either a three-story Affordable Master Planned Development (AMPD) with 201 beds or a four-story Master Planned Development (MPD) with 243 beds at 1555 Lower Iron Horse Loop, a 1.47-acre Lot in the Light Industrial Zoning District, for employee housing. Staff requests the Planning Commission conduct a work session and provide input to the Applicant regarding whether they should pursue an AMPD for a three-story project or MPD for a four-story project.

Description

Applicant: Deer Valley Resort (Ski Rail, LLC)
Hannah Tyler, Applicant Representative

Location: 1555 Lower Iron Horse Loop

Zoning District: Light Industrial

Adjacent Land Uses: Multi-Unit Dwellings, Iron Horse Commercial District, Trails and Open Space

Reason for Review: The Planning Commission reviews Master Planned Developments and Conditional Use Permits, conducts a public hearing, and takes Final Action.¹

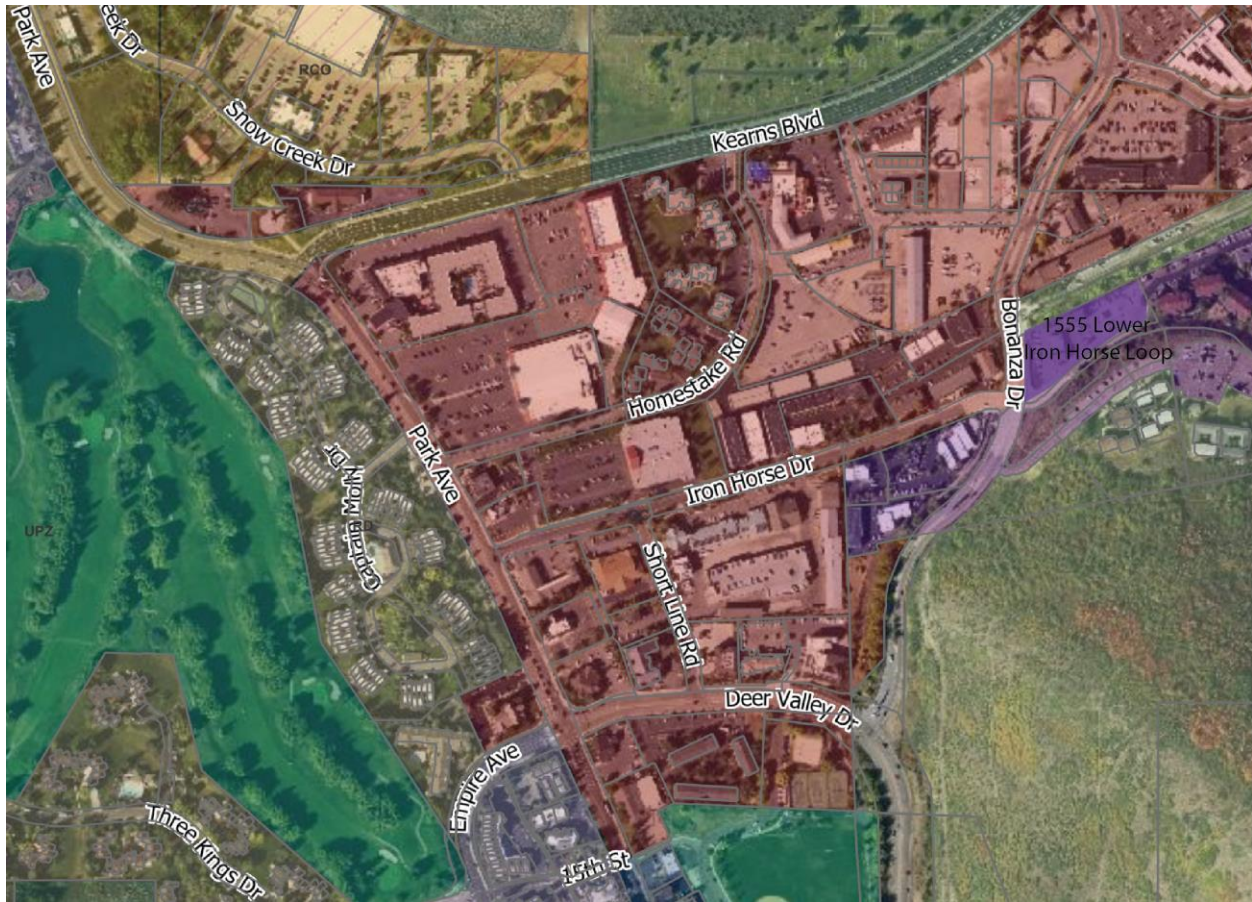
AMPD	Affordable Master Planned Development
CUP	Conditional Use Permit
LI	Light Industrial
LMC	Land Management Code
MPD	Master Planned Development
SLO	Sensitive Land Overlay

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

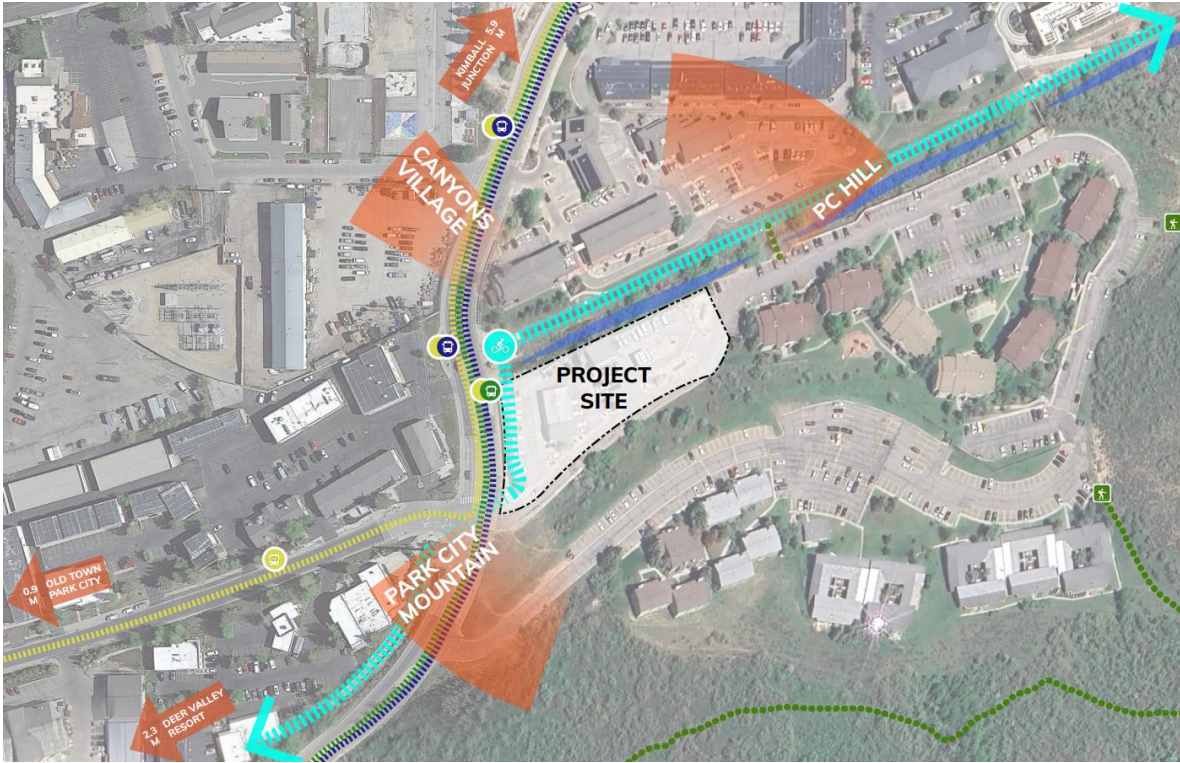
¹ LMC [§ 15-1-8\(G\)](#)

Summary

The Applicant proposes a dormitory/Single-Room Occupancy (SRO) development at 1555 Lower Iron Horse Loop, a 1.47-acre Lot within the Ironhorse Industrial Subdivision in the Light Industrial Zoning District, for employee housing and to satisfy a portion of affordable housing obligations required for the Snow Park Master Planned Development. The Applicant seeks Planning Commission input regarding their proposal to construct either a three-story dormitory/SRO with 201 beds through the AMPD or a four-story dormitory/SRO with 243 beds through the MPD process.



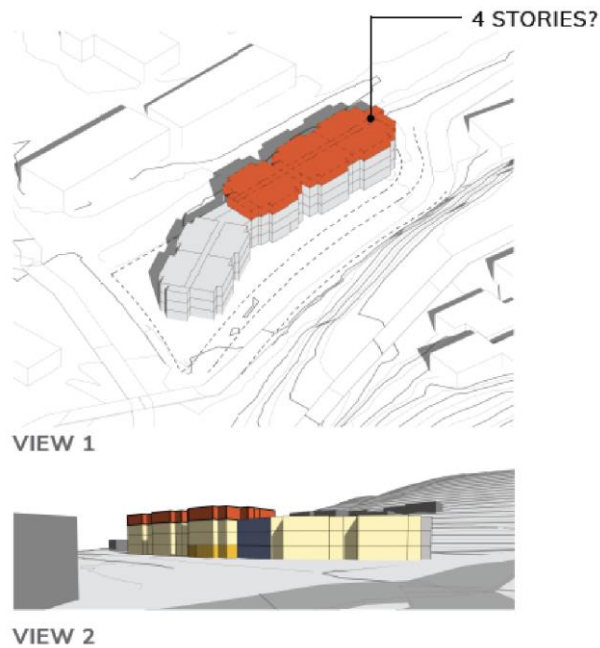
Zoning map excerpt with 1555 Lower Iron Horse Drive, a 1.47-acre Lot, highlighted within the purple Light Industrial Zoning District, east of Bonanza Drive.



Context map provided by the applicant.

SITE PLAN

ONE BUILDING
3 STORIES / 201 RESIDENTS
4 STORIES / 243 RESIDENTS



Applicant's Submittal, Exhibit B.

Background

1555 Lower Iron Horse Loop is a 1.47-acre Lot 1 of the Ironhorse Industrial Subdivision in the Light Industrial (LI) Zoning District. The Applicant proposes constructing a dormitory/SRO, considered a Multi-Unit Dwelling, defined in Land Management Code (LMC) [§ 15-15-1](#) as a building containing four or more Dwelling Units. Multi-Unit Dwellings are a Conditional Use in the LI Zoning District and require Planning Commission review and Final Action of a Conditional Use Permit (CUP).²

The site is south of the Rail Trail, west of the Lower Ironhorse Apartments, north of the Fireside and Ironhorse Condos, and east of Bonanza Drive. 1555 Lower Iron Horse is within the Bonanza Park neighborhood.

At some point this site was a part of or in proximity to the Old Park City Dump and is a non-compliant Lot within the Park City Soils Ordinance Boundary. As a result, additional Conditions of Approval will be required to mitigate past uses in coordination with the City's Environmental Regulatory Program Manager, as well as state and federal requirements.

1555 Lower Iron Horse Loop currently includes several different uses. In 1989, the Planning Commission approved a CUP for a 1,000-square-foot transportation service center. In 1992, the Planning Commission approved a CUP for a gasoline fueling facility. In 1995, the Planning Department approved an Administrative CUP for a 4,000-square-foot Property Management and Housekeeping Office. In 2011, the Planning Commission approved a Master Planned Development (MPD) for a Mixed-Use Building with Residential Units, Commercial Areas, Office and Parking Spaces. In 2013, the Planning Commission extended the MPD approval. However, a building permit was never issued, and the approval expired.

Currently, the site is used for laundry services, offices, a gas station, and parking lot for Deer Valley Resort. The Applicant proposes relocating these services and demolishing existing Structures for the construction of the dormitory/SRO. See Exhibit A for the proposed plans.

² LMC [§ 15-2.19-2\(B\)\(1\)](#)



Image of 1555 Lower Iron Horse Loop showing current uses from Google Maps.

This report outlines the different code requirements and Planning Commission discretion for AMPDs and MPDs related to Open Space, Parking, and Building Height.

Analysis

1555 Lower Iron Horse Loop is within the Bonanza Park neighborhood. The [2014 Park City General Plan](#) Neighborhoods section identifies Bonanza Park as a mixed-use neighborhood where locals live and work. The 2024 [Bonanza Park Small Area Plan](#) outlines the goal of working with the development community to build more affordable and workforce housing in Bonanza Park to help meet citywide goals.

(I) Affordable Housing Guidelines

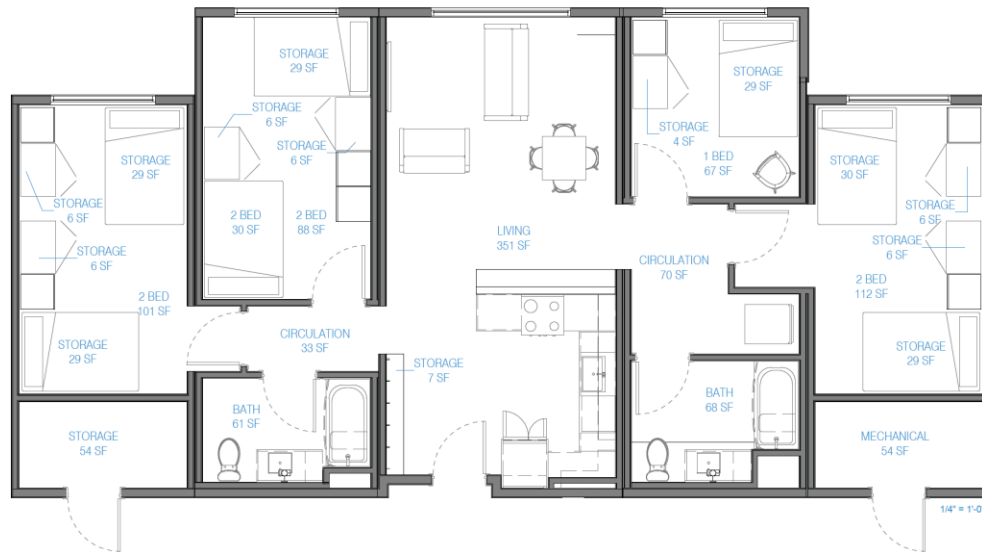
The Applicant proposes construction of the Ski Rail project in part to satisfy Affordable Housing obligations required by the Snow Park Master Planned Development. [Resolution No. 05-2021](#) Affordable Housing Guidelines Section (9)(D) allows Applicants to propose satisfying affordable housing obligations triggered by MPDs through dormitory/Single-Room Occupancy (SRO) units that are “designed for occupancy by seasonal employees.” Dormitory/SROs must meet the following requirements:

- Occupancy of a dormitory unit shall be limited to no more than eight persons.
- There shall be at least 150 square feet of net livable square footage per person.
- At least one bathroom shall be provided for shared use by no more than four persons. The bathroom shall contain at least one toilet, one wash basin, one bathtub with a shower, and a total area of at least 60 net leasable square feet.
- A kitchen facility or access to a common kitchen or common eating facility shall be provided adequate in size to service the number of people using the facility.
- Use of 20 net leasable square feet per person of enclosed storage area located within or adjacent to the unit.

- Rents set at a rate approved by the Housing Authority (City Council).

The Applicant proposes a dormitory/SRO development mostly in configurations with three shared two-bed rooms for six residents and one private room for seven total residents sharing two bathrooms, one living area, and one kitchen:

7-RESIDENT UNIT PLAN



The Applicant also proposes three-bed and one-bed units but has not yet provided a floor plan for these.

[Resolution No. 05-2021](#) requires the following for dormitory/SRO rooms proposed to satisfy affordable housing obligations, with staff analysis in *italics*:

- Occupancy of a dormitory unit shall be limited to no more than eight persons.
 - *The Applicant proposes two beds at most within a bedroom with seven people at most per unit.*
- There shall be at least 150 square feet of net livable square footage per person.
 - *Net Livable Square Footage is defined in Resolution No. 05-2021 Affordable Housing Guidelines as interior living area measured interior wall to interior wall, including interior partitions. Also included, but not limited to, habitable basements and interior storage areas, closets and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks, and porches. Staff's initial measurement indicates the Applicant is close, but staff cannot confirm compliance and recommends the Applicant submit plans demonstrating this requirement is satisfied.*
- At least one bathroom shall be provided for shared use by no more than four

persons. The bathroom shall contain at least one toilet, one wash basin, one bathtub with a shower, and a total area of at least 60 net leasable square feet.

- *The Applicant proposes a minimum bathroom of 61 square feet shared by at most four people.*
- A kitchen facility or access to a common kitchen or common eating facility shall be provided adequate in size to service the number of people using the facility.
 - *The kitchen is proposed to be shared by at most seven residents. The Building and Housing Departments are reviewing the proposed size and appliances for the proposed occupancy.*
- Use of 20 net leasable square feet per person of enclosed storage area located within or adjacent to the unit.
 - *Staff recommends the Applicant update their plans to show compliance with this requirement. The initial plans appear to count storage provided under beds.*
- Rents set at a rate approved by the Housing Authority (City Council).
 - *The Applicant will require City Council approval for any development proposed to satisfy the affordable housing obligations triggered by the Snow Park Master Planned Development.*

(II) Does the Planning Commission have input for the Applicant on whether they should pursue a three-story AMPD or a Four-Story MPD?

The Applicant seeks Planning Commission input on whether they should submit a three-story dormitory/SRO AMPD or a four-story dormitory/SRO MPD for development of the Ski Rail project on this site.

On February 25, 2021, the City Council adopted [Ordinance No. 2021-10](#), enacting Land Management Code (LMC) Chapter 15-6 establishing Affordable Master Planned Developments (AMPDs) to incentivize the development of affordable housing through increased height up to 45 feet with a ten-foot perimeter stepback from Zoning District height, and reduced setbacks, Open Space, and parking ([Staff Report](#); [Minutes](#), p. 19). The Applicant proposes modular construction of the Ski Rail project and finds the ten-foot perimeter stepback to achieve a four-story height to be an obstacle.

The purpose of AMPDs is to:

1. Incentivize public, private, and public-private development of Affordable Units for the workforce of Park City;
2. Create developments that include market-rate and Affordable Units and increase housing opportunities that are affordable to a wide range of incomes;
3. Increase Building Height and Density and decrease parking requirements for Affordable Units if impacts to the community are mitigated;
4. Ensure neighborhood Compatibility; and

5. Encourage mixed-use, walkable, and sustainable development and redevelopment that provides innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.³

AMPDs⁴ and MPDs are allowed in the LI Zoning District. The table below outlines the code requirements that are the same between the two processes:

	AMPD	MPD
Setbacks	Zoning District Setbacks ⁵ Front Setback: 30 feet Rear Setback: 10 feet Side Setback: 10 feet ⁶	Zoning District Setbacks ⁷ Front Setback: 30 feet Rear Setback: 10 feet Side Setback: 10 feet ⁸

Pursuant to LMC [§ 15-4-17](#) *Setback Requirements for Unusual Lot Configurations*, 1555 Lower Iron Horse Loop is a corner Lot, and frontages along Bonanza Drive and Lower Iron Horse Loop Road have required 30-foot Front Setbacks.

The Applicant's plans include a 10-foot Setback from the northern boundary adjacent to Poison Creek and the Rail Trail. If the property were within the Sensitive Land Overlay, a minimum 50-foot Setback from the Ordinary High Water Mark of Poison Creek would be required.⁹ However, it is not in the Sensitive Land Overlay. For streams that are outside of the Sensitive Land Overlay, state regulations apply. The Applicant has not yet obtained a determination from state regulators regarding the required Setback from Poison Creek or state permit for the project.

LMC [§ 15-2.19-4](#) *Light Industrial District Review Criteria for Residential Uses* requires a 50-foot landscaped buffer area to separate Residential Uses within the LI District from surrounding Industrial Uses. The Applicant indicates they own 1550 Lower Iron Horse Loop, a 0.61-acre Lot within the Bonanza Place Subdivision located to the south of Lower Iron Horse Loop, shown in the excerpt from the Summit County Parcel Viewer below:

³ LMC [§ 15-6.1-1](#)

⁴ LMC [§ 15-6.1-3\(A\)\(6\)](#)

⁵ LMC [§ 15-6.1-8\(B\)](#)

⁶ LMC [§ 15-2.19-4](#) requires a landscaped buffer area to separate residential uses from existing or potential uses of at least 50 feet in width and a detailed landscape plan must be submitted as part of the CUP review.

⁷ LMC [§ 15-6-5\(C\)](#)

⁸ See footnote 5.

⁹ LMC [§ 15-2.21-6\(F\)](#)



Summit County Parcel Viewer Excerpt showing Deer Valley's owned parcel at 1550 Lower Iron Horse Loop south of the proposed Ski Rail project at 1555 Lower Iron Horse Loop

To implement the required buffer in part, the Planning Commission could institute a development restriction on the Deer Valley parcel to the south of Lower Iron Horse Loop Road and require improvements to and maintenance of landscaping.

The table below outlines the different standards between an AMPD and MPD, with each further analyzed below:

	AMPD	MPD
Open Space	20% ¹⁰	30% for redevelopment ¹¹
Parking	Parking must meet the requirements of the LMC. Applicants may request a reduction based on AMPD parking criteria, but there are limits on the reduction the Commission may grant.	Parking must meet the requirements of the LMC. Applicants may request a reduction based on MPD parking criteria. There are no limits on the reduction the Commission may grant.

¹⁰ LMC [§ 15-6.1-10\(A\)](#)

¹¹ LMC [§ 15-6-5\(D\)](#)

Building Height	Up to 45 feet if there is a ten-foot stepback from building perimeter facades. ¹²	Zoning District Height (30 feet in the LI Zoning District) ¹³ with exceptions based on six MPD criteria outlined below.
------------------------	--	--

- **The Planning Commission has discretion to reduce Open Space requirements through the AMPD and MPD code for affordable developments.**

LMC [§ 15-15-1](#) defines Open Space as follows:

Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

AMPD Open Space

LMC [§ 15-6.1-10](#) requires AMPDs to provide a minimum of 20% of Open Space. To develop an AMPD on this site, the Applicant will be required to provide approximately 12,806 square feet of Open Space. However, LMC [§ 15-6.1-10\(B\)](#) states the Planning Commission may decrease required Open Space for projects located within 300 feet of a Public Use, including but not limited to a public park, Recreation Open Space, public trail, public school, or Public Recreation Facility. 1555 Lower Iron Horse Loop is adjacent to [the paved Rail Trail](#) to the north. As a result, the Commission could consider reducing the Open Space required for an AMPD for this site.

MPD Open Space

LMC [§ 15-6-5\(D\)\(2\)](#) states the minimum Open Space requirement for redevelopment is 30%. LMC [§ 15-6-5\(F\)\(3\)](#) states the Planning Commission designates the preferable type and mix of Open Space for each MPD based on guidance from the General Plan.

The 2014 Park City General Plan [Neighborhood Goal 3.4](#) notes that the Bonanza Park area is lacking in connectivity and should be connected by roads, sidewalks, trails, and parks. The 2024 [Bonanza Park Small Area Plan](#) outlines goals to ensure that all residents of the Bonanza Park area are within a 10-minute walking distance to a park, outdoor community space, or trail connection.

For an MPD on this site, the Applicant will be required to provide approximately 19,210 square feet of Open Space, about 6,404 square feet more Open Space than required through an AMPD, if no AMPD Open Space exception is granted by the Planning Commission.

¹² LMC [§ 15-6.1-9](#)

¹³ LMC [§ 15-6-5\(F\)](#)

Is the Planning Commission open to considering reduced Open Space requirements through an AMPD for this site due to its proximity to the Rail Trail?

Does the Planning Commission find the MPD or AMPD review process regarding Open Space is best for this site?

- The Planning Commission may reduce Off-Street Parking requirements through an AMPD or MPD, but the Commission is restricted in the amount of parking that can be reduced through an AMPD.

The Applicant proposes 34 on-site parking spaces for the 201-bed or 243-bed development along Lower Iron Horse Loop, with a potential 20 parking spaces on the Deer Valley-owned parcel to the south of Lower Iron Horse Loop, which is a Steep Slope, possibly a Very Steep Slope, and would require excavation and substantial retaining walls. All proposed parking requires vehicles to back onto the roadway. The LMC prohibits this. Pursuant to LMC [§ 15-3-3\(G\)](#), Parking Areas designed for “five or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways.” Also, Parking Areas with five or more spaces, “shall maintain the required Front and Side Setbacks as would be required for any Structure.”¹⁴ The Parking Spaces are within the Front Setbacks and are not compliant with the LMC. Through the MPD and AMPD process, Applicants may propose parallel parking along a roadway, parking on site outside of the Setbacks, underground parking, or parking satisfied through an irrevocable agreement on another site.



Applicant's Site Plan showing parking

¹⁴ LMC [§ 15-3-4\(B\)\(1\)](#)



Parcel to the south of Lower Iron Horse Loop owned by Deer Valley that is a Steep Slope, possibly a Very Steep Slope. The Applicant proposes up to 20 Parking Spaces that require backing on to Lower Iron Horse Road and significant retaining walls.

Upon finalizing the number of proposed units, the Applicant must submit a Parking Analysis¹⁵ showing the required Parking Spaces outlined in LMC [§ 15-3-6](#) *Parking Ratio Requirements for Specific Land Use Categories*.

For Dormitory Uses, LMC [§ 15-3-6](#) requires 1 parking space per 200 square feet of floor Area devoted to accommodations. The Applicant's submitted plans include the following estimated square-footage breakdowns for the proposed levels of the building:

AREA SUMMARY		
Level	Name	Area (SF)
LEVEL 01	1 BED	1072
	3 BED	928
	7 BED	11704
	AMENITY	1324
	BOH	420
	CIRCULATION	2286
	VERTICAL CIRCULATION	670
TOTAL		18404
LEVEL 02	7 BED	14630
	AMENITY	396
	BOH	420
	CIRCULATION	2286
	VERTICAL CIRCULATION	670
TOTAL		18402
LEVEL 03	7 BED	14630
	AMENITY	396
	BOH	420
	CIRCULATION	2286
	VERTICAL CIRCULATION	670
TOTAL		18402
BUILDING TOTAL		61897 SF

¹⁵ LMC [§ 15-6-5\(E\)](#)

The proposed construction is modular, so if a fourth level were allowed, it is expected to contain similar square footages as are listed for Levels 2 and 3.

To determine the amount of square footage devoted to accommodations, the square footages for the “Amenity,” “BOH [back of house],” “Circulation,” and “Vertical Circulation” categories are not included. The parking requirements are therefore based on the following square footages:

Level	Square Footage Devoted to Accommodations	Parking Spaces Required (1 per 200 SF of accommodations)
1	13,704	68.52
2	14,630	73.15
3	14,630	73.15
4 (estimated)	(14,630)	(73.15)
TOTAL	42,964 square feet if only 3 stories (57,594 square feet if 4 stories)	215 if only 3 stories (288 if 4 stories)

Based on this analysis, 215 are required for a three-story building as proposed and 288 parking spaces are required for a four-story building as proposed.

AMPD Parking

For an AMPD, pursuant to LMC [§ 15-6.1-9](#), the Applicant may request a reduction in the required parking if they:

1. Demonstrate that parking reductions materially increase the feasibility of the proposed Affordable Master Planned Development;
2. Fund and submit a parking and traffic study completed by a third party selected by the City; and
3. Demonstrate that the proposed Affordable Master Planned Development sufficiently addresses the parking demand for the project.

The Planning Commission may reduce the parking if the AMPD meets one or more of the following criteria:

1. On sites that are one acre or less by deducting 5,000 square feet per 15,000 square feet of Gross Floor Area for each floor from the sum of total floor area that is used to calculate parking requirements;
2. Parking in the Right-of-Way along the perimeter of the Affordable Master Planned Development Site is available;
3. A clear and irrevocable agreement authorizes Affordable Master Planned Development residents to park in an off-Site Parking Area or Parking Structure that is located within 1,000 feet of the Affordable Master Planned Development perimeter boundary;
4. The Affordable Master Planned Development is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards;
5. On-Site parking is provided for motorcycles and/or scooters;

6. Bicycle parking exceeds the requirements of Section 15-3-9;
7. The Affordable Master Planned Development provides dedicated parking spaces for resident carshare vehicles.

However, LMC [§ 15-6.1-9\(E\)](#) states the Commission may not reduce AMPD parking below the ratio outlined in the table below:

Unit Size	Market-Rate Units	Affordable Units
<600 SF	0.5 spaces per unit	None
600-1,000 SF	1 space per unit	0.5 spaces per unit
1,000-2,000 SF	1.5 spaces per unit	1 space per unit
>2,000 SF	2 spaces per unit	1.5 spaces per unit

The table below outlines the minimum number of Parking Spaces the Planning Commission may grant for Affordable Units.

Unit	Unit Square Footage (each)	Reduced Parking Space Requirement per Affordable Unit	Number of Units	Total Reduced Parking
One-Bed	536	0 (None)	2	0
Two-Bed	928	0.5	1	0.5
Seven-Bed	1,463	1	28	28
Total				28.5
Minimum number of Parking Spaces required for Affordable Units				29

Proposed Structure	Dorm Parking Requirement	Affordable Unit Reduced Parking Requirement	Parking Space Reduction	Percentage Reduction
3-Story	215	28	186	86.5%
4-Story	288	28	259	89.9%

The Applicant proposes 34 parking spaces, five parking spaces greater than the minimum parking required.

Proposed Structure	Dorm Parking Requirement	Applicant Requested Parking	Parking Space Reduction	Percentage Reduction
3-Story	215	34	181	84.2%
4-Story	288	34	254	88.2%

The Applicant's current proposal includes zero (0) compliant parking spaces as outlined above.

MPD Parking

For an MPD, and pursuant to LMC [§ 15-6-5\(E\)](#), the Applicant may request a reduction in the parking requirement based on the Parking Analysis.

Applicants may request a reduction in parking when:

- Parking demand is reduced through use and occupancy.
- Similar projects show the demand for parking is less.
- Shared uses on site reduce parking demand.
- The Applicant proposes a plan to discourage use of cars and encourage other forms of transportation.
- Overflow parking is provided during peak periods.
- Potential adverse impacts of the parking reduction upon the surrounding neighborhood is mitigated.¹⁶

The Planning Commission may increase or decrease the required number of parking spaces based on the analysis. The Applicant may also request the Planning Commission consider a payment in-lieu Parking fee.

Does the Planning Commission have preliminary feedback regarding which AMPD or MPD tools are more appropriate to balance the goals of affordable unit production with neighborhood compatibility and LMC and General Plan guidance for the area?

What additional information or analysis would the Planning Commission like to see regarding parking and parking requirements?

- The Planning Commission may consider Building Height exceptions through the MPD and AMPD process.

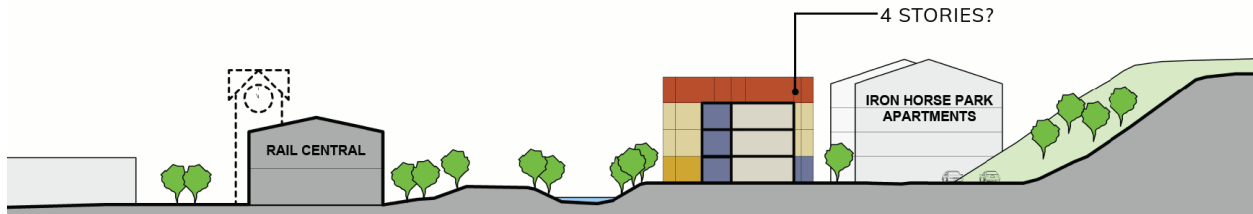
1555 Lower Iron Horse Loop is in the LI Zoning District. LMC [§ 15-2.19-6](#) establishes a 30-foot maximum Building Height for this Zoning District. If gable, hip, or barrel roofs are proposed with a pitch of 4:12 or greater, Applicants may request an additional five feet for a 35-foot maximum Building Height. Additionally, Applicants may request exceptions to Zoning District height through both the AMPD and MPD process, outlined below.

MPD Building Height

LMC [§ 15-6-5\(F\)](#) outlines six criteria Applicants must prove to the Planning Commission for a Building Height exception through the MPD process, outlined below with staff analysis:

¹⁶ LMC [§ 15-6-5\(E\)\(1\)](#)

- 1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed.**



Pictured above are the three- and four-story proposals. The four-story proposal would increase the height of the structure from 30 to 45 feet.

The maximum buildable square footage for a three-story building at 1555 Lower Iron Horse Loop is approximately 93,987 square feet. This number regarding project volume assumes 30-foot Front Setbacks along Bonanza Drive and Lower Iron Horse Loop (measured from the curb of Lower Iron Horse Loop Road), as well as 10-foot Side and Rear Setbacks along Poison Creek and the east Lot line. Even with a four-story building, the Applicant is below the maximum buildable square footage, proposing approximately 80,299 square feet, and therefore meets this criteria.

- 2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems caused by shadows, loss of solar access, and loss of air circulation have been mitigated as determined by site specific analysis.**

The Applicant proposes adding the fourth story nearest the Lower Iron Horse Apartments to the east of the site, while keeping three stories along Bonanza Drive. The Applicant has not yet submitted specific analysis on shadows, solar access, or air circulation.



VIEW 2

- 3. There is adequate landscaping and buffering from adjacent properties and uses.**

The Applicant proposes landscape buffers along Lower Iron Horse Loop, but not to the east of the proposed four-story building; minimal landscaping and buffering is proposed between the four-story development and the Lower Iron Horse Apartments.



4. Increased Setbacks and separations from adjacent projects are proposed.

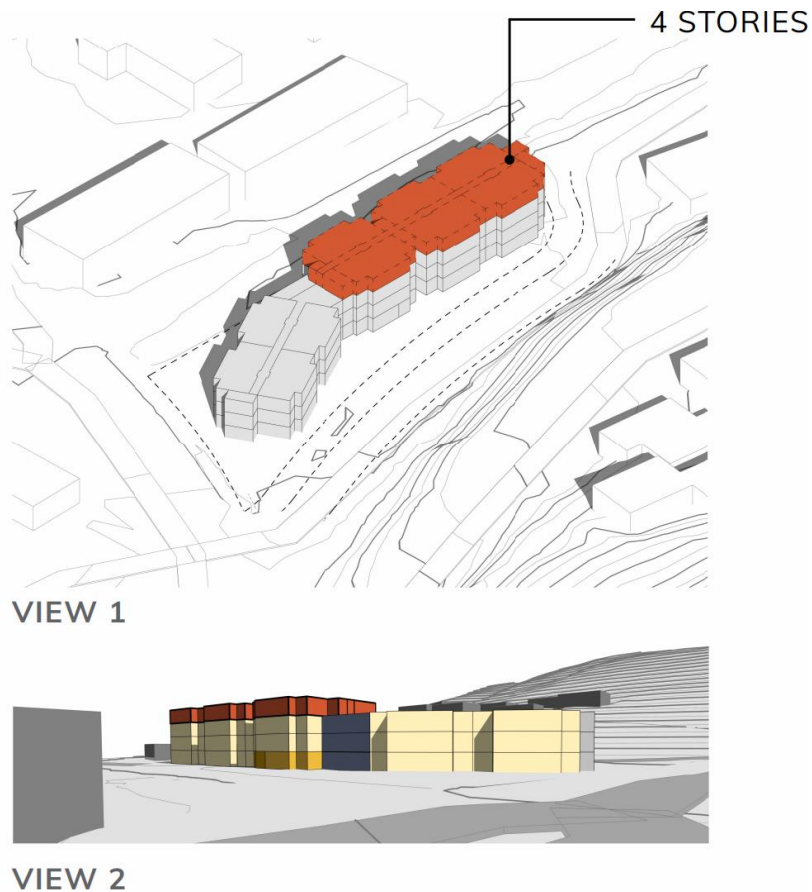
The Applicant proposes minimal increases in Setbacks along the north, east, and south property lines.

5. The additional Building Height results in more than minimum Open Space required that is publicly accessible.

The Applicant has not specified the amount of Open Space for the project, but currently the same amount of Open Space is proposed for both the three- and four-story designs.

6. The additional Building Height is designed in a manner that provides a transition in roof elements.

The fourth-story design is set back from the Bonanza Park Right-of-Way. The Applicant proposes flat roof elements.



Four-story design provided by the Applicant.

AMPD Building Height

LMC [§ 15-6.1-8\(A\)](#) outlines three criteria the Applicant must meet to increase the Building Height through the AMPD process:

1. The Building includes a ten foot (10') stepback on all perimeter Building Façade planes from the underlying Zoning District Building Height to the forty-five foot (45') Building Height;

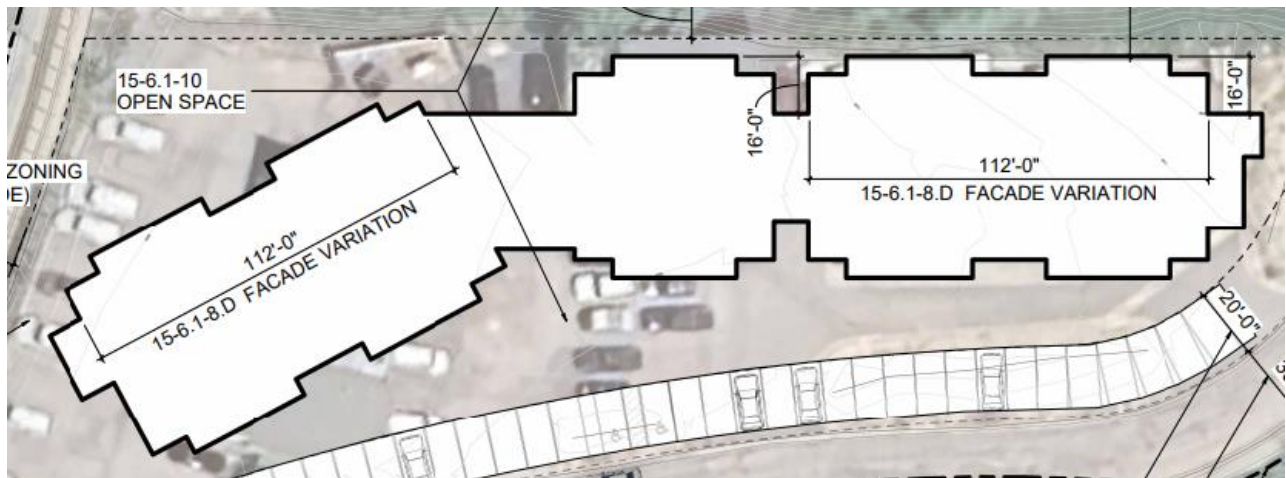
The proposal does not include a 10-foot stepback on the entire perimeter of the structure. This is because the Applicant proposes a modular building. The Applicant proposes a stepback from Bonanza Drive ROW.

2. Infrastructure is in place or can be updated to meet the increased demand; and

The Applicant would be required to install required infrastructure to meet the increased demand.

3. The Building complies with Building Façade variation requirements.

The proposal is compliant with façade variations outlined in LMC [§ 15-6.1-8\(D\)](#).



Is this a site the Planning Commission feels may be appropriate for a four-story building with no setback?

Does the Planning Commission have preliminary feedback on the desired path for height: wherein they will review an MPD if there is no setback and they will review an AMPD if there is a setback? Which is more consistent with LMC and General Plan criteria?

Exhibits

Exhibit A: Applicant's Narrative June 28, 2024

Exhibit B: Proposed Plans June 7, 2024



DEER VALLEY

EXPANDED EXCELLENCE

June 28, 2024

To: Rebecca Ward, Planning Director
Planning Department
Park City Municipal Corporation

Deer Valley Resort is thrilled to resubmit a revised conceptual plan for our Ski Rail Employee Housing Development (“Ski Rail”) located at 1555 Lower Ironhorse Loop Road. Over the past few months, we have reassessed the plan to better align with the needs of our community, employees, and our sustainability goals.

Our re-evaluation has identified opportunities to improve the massing and program of the development, enhancing its compatibility with the neighborhood and ensuring it helps us achieve our sustainability goals. The revised plan offers several key improvements:

Improved Connectivity and Compatibility: The new massing design ensures better integration with the neighborhood, enhancing connectivity and visual compatibility with the streetscape.

Enhanced Sustainability Goals: We have made significant strides in enhancing our sustainability strategies, ensuring the project aligns with our long-term sustainability goals of carbon reduction and renewable energy.

Optimized Program and Layout: The revised layout is more efficient, providing better programming and more open space, ultimately creating a more functional housing option for our employees and a better design solution for our neighborhood.

Alignment with the General Plan: The evolved plan implements principles and goals of the General Plan pertaining to housing and community strategies and specific objectives of the Bonanza Park neighborhood.

We have included two options within our submission for your consideration:

- 1) A base proposal that complies with the Land Management Code but yields less housing units.
- 2) An alternative plan that would yield significantly more employee housing on the site through carefully sited density.

We believe that this evolved plan is a successful evolution of our master planning for the site and carefully considers our employees, the community, and our stakeholders. We look forward to discussing this proposal further and addressing any questions you may have. We would greatly appreciate an August or September Work Session with the Planning Commission to review the options and receive clear direction before resubmitting a full application package.

Sincerely,

Hannah M. Tyler, AICP
Vice President, Resort Planning
Deer Valley Resort
htyler@deervalley.com

cc: Willa Williford, Vice President, Workforce Housing, Deer Valley
Chris Lampe, Vice President, Human Resources, Deer Valley
Matt Dias, City Manager, Park City Municipal Corporation
Lillian Zollinger, Planner II, Park City Municipal Corporation

DEER VALLEY - SKI RAIL WORKFORCE HOUSING

CONCEPT DESIGN UPDATE | PARK CITY, UT
JUNE 7, 2024

PROJECT REQUIREMENTS & OBJECTIVES

REQUIREMENTS

- Park City General Plan
- Zoning & Municipal Code
- Program (200+ Residents): Snow Park Housing Mitigation Plan

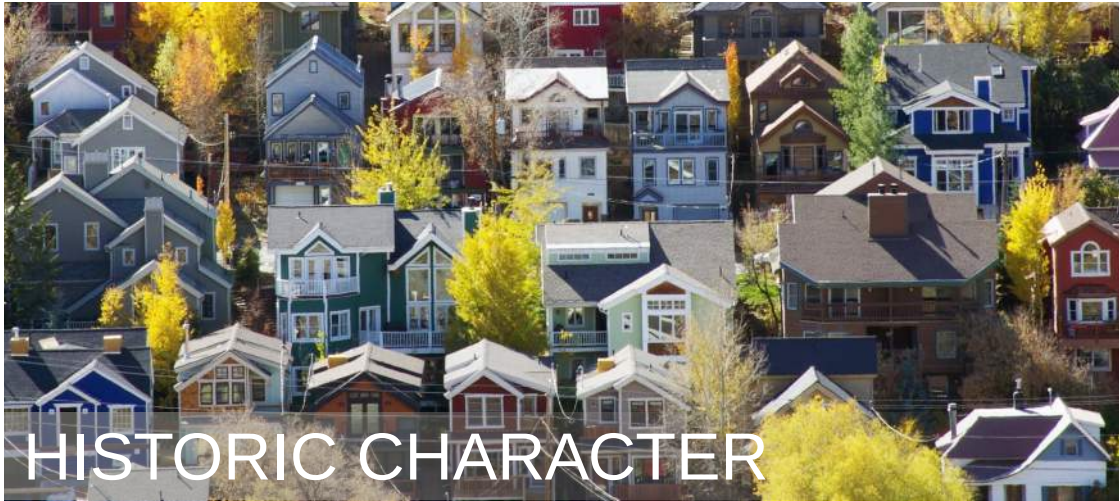
OBJECTIVES

- Community
- Connectivity
- Sustainability

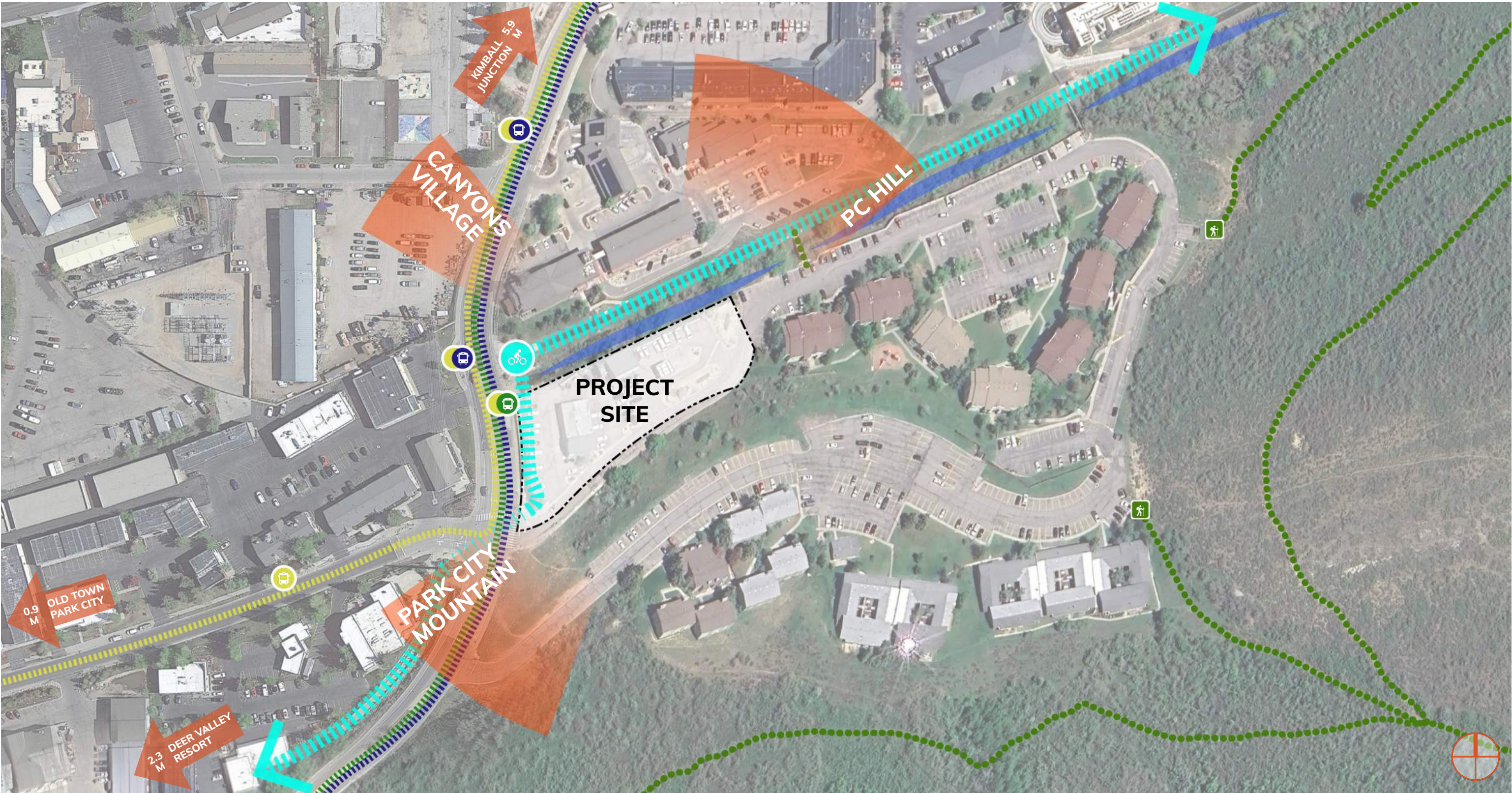
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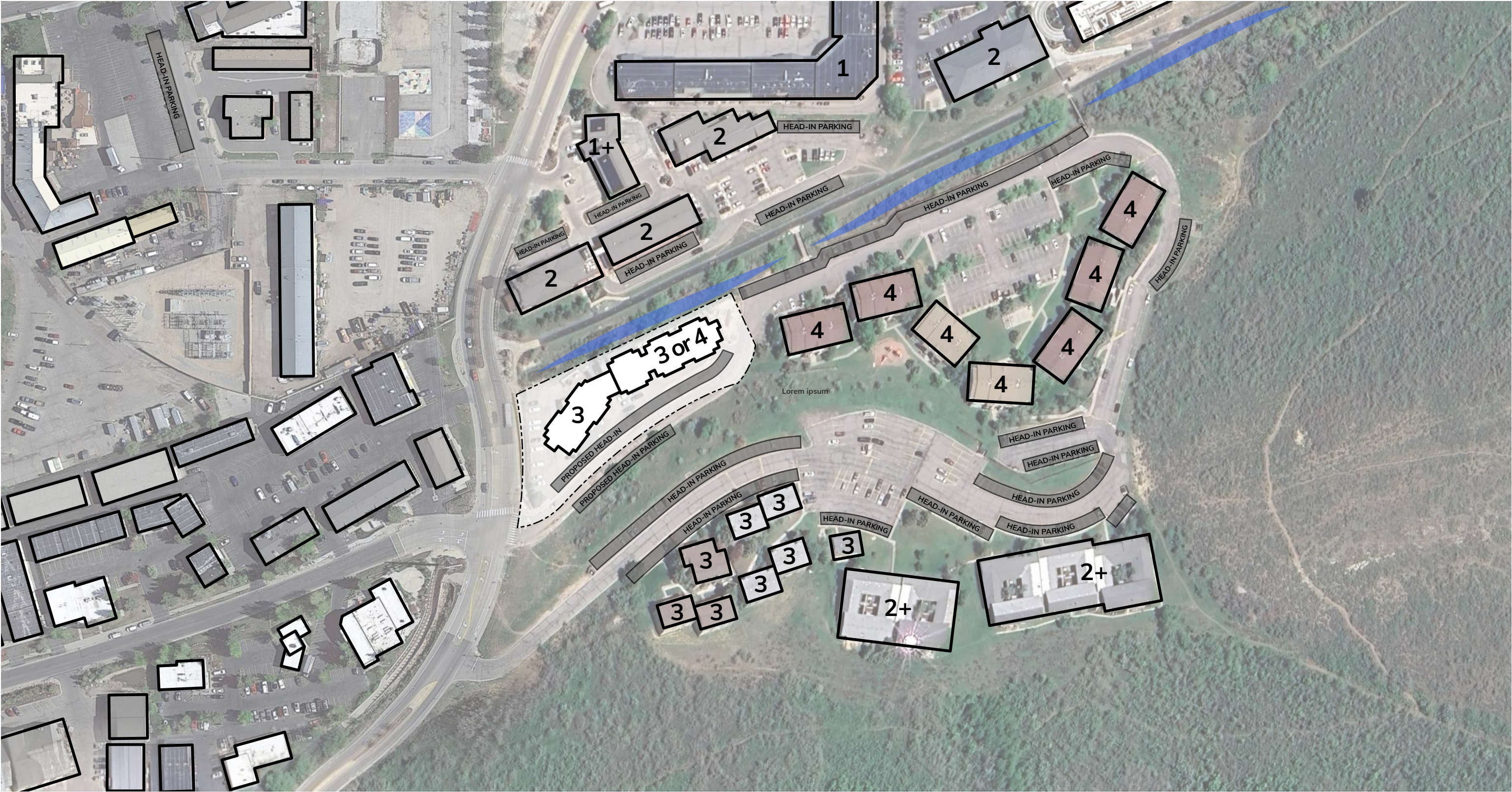
PARK CITY GENERAL PLAN



SITE ANALYSIS



SITE CONTEXT



An aerial photograph of the University of Utah campus. The main building complex, featuring a prominent clock tower, is located in the upper left. A large, paved parking lot with numerous cars is situated in the center. To the right of the parking lot is a green lawn area with scattered trees. In the lower right, there is a large, curved parking lot and a building with a red roof. The campus is bordered by a multi-lane road on the left and a residential area with houses on the right.

15-2.19-6 BUILDING HEIGHT

45'-0" MAX

10'-0"

 $\ddot{O}$

0"

10'-0"

IRON HORSE PARK APARTMENTS

UPPER IRON HORSE APARTMENTS

DEER VALLEY SKI RAIL HOUSING • CONCEPT

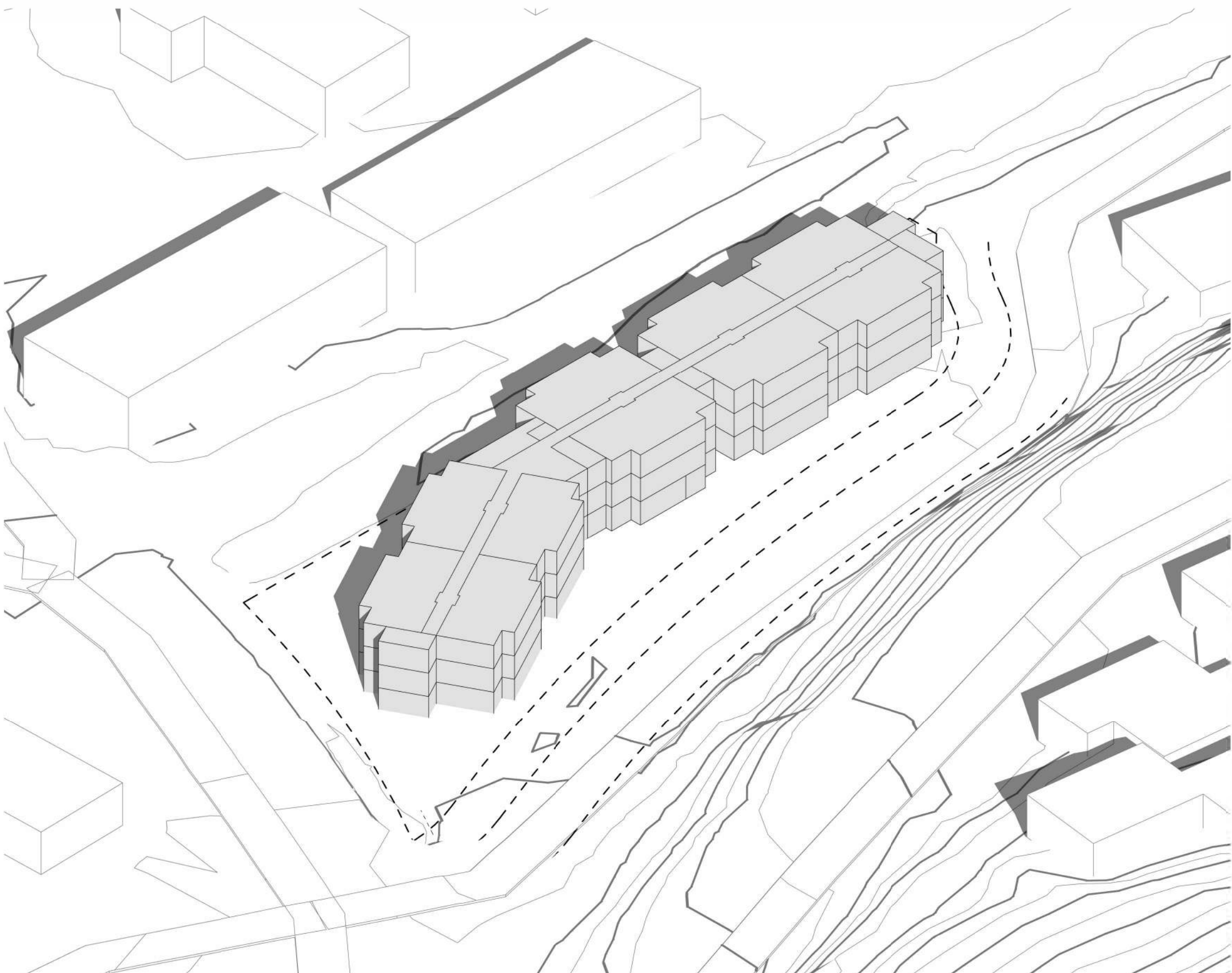
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DEER VALLEY
RESORT

SAR+

SITE PLAN
CONNECTED EDGE



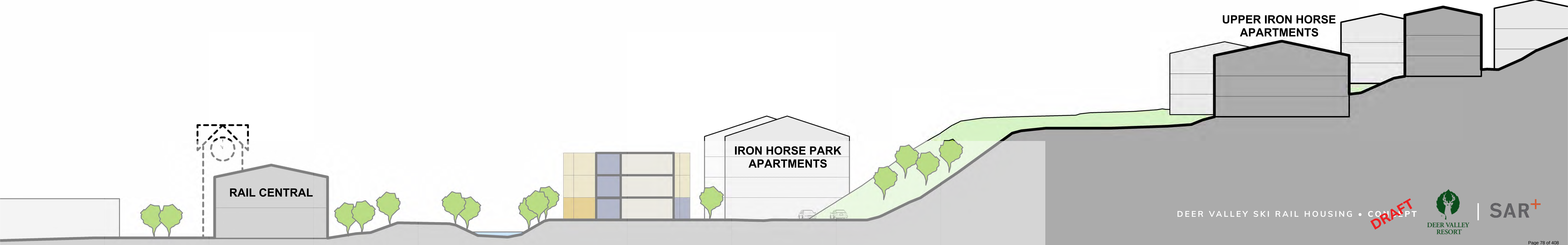
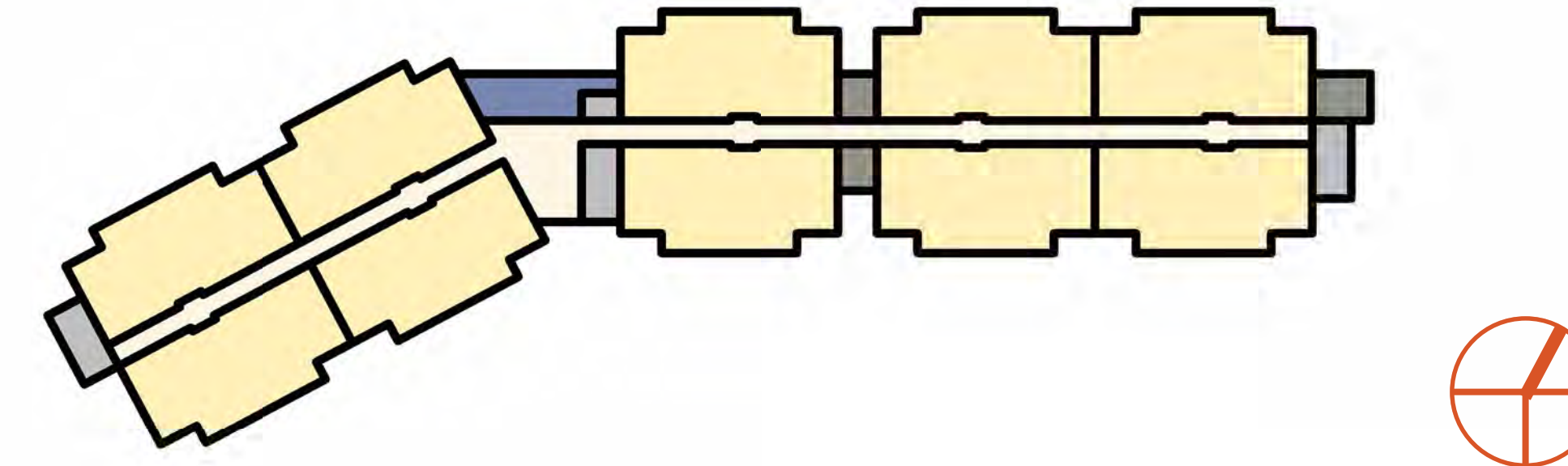
VIEW 1



VIEW 2

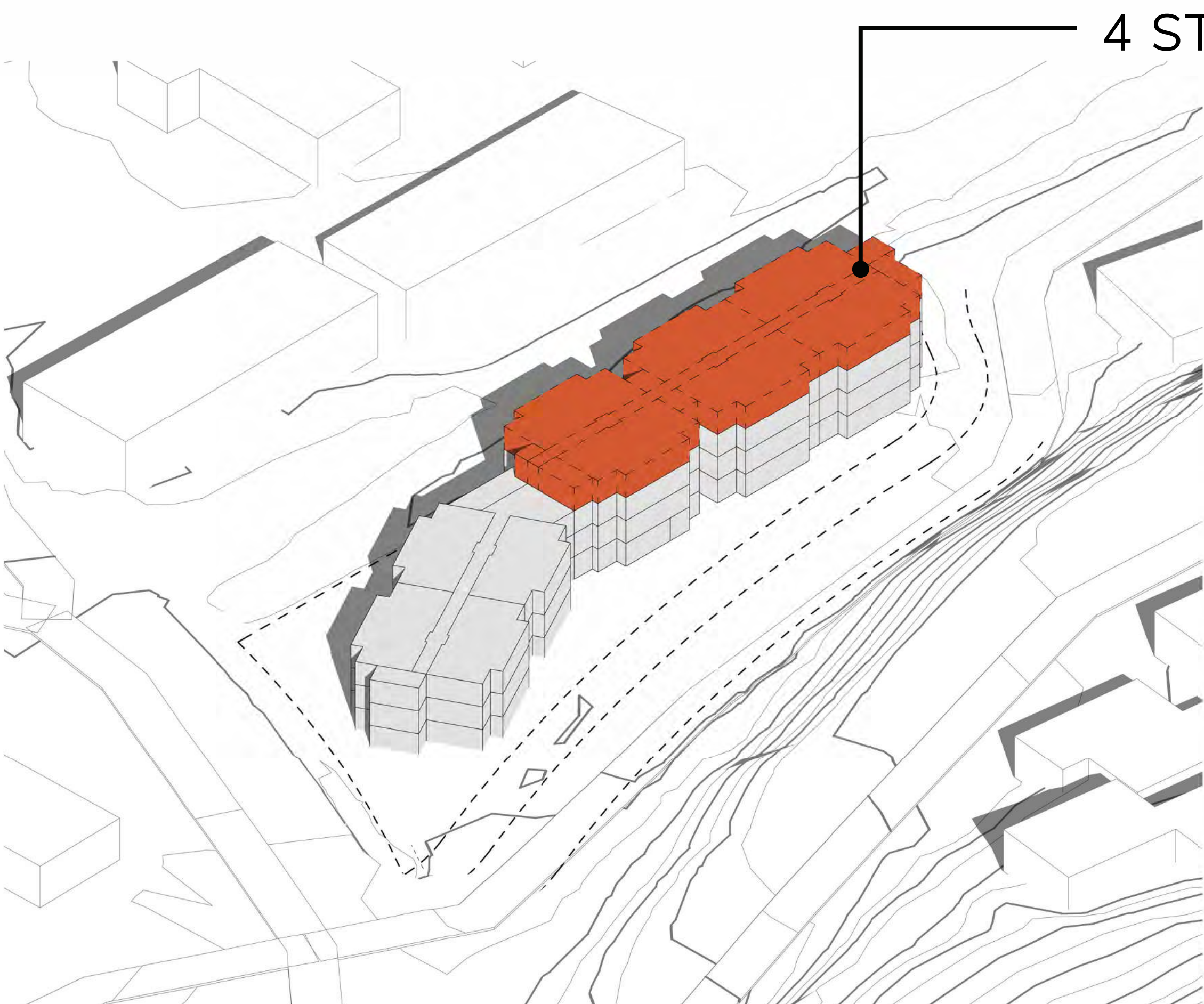


LEVEL 1 | SCALE: 1" = 1/16"



SITE PLAN

ONE BUILDING
3 STORIES / 201 RESIDENTS
4 STORIES / 243 RESIDENTS



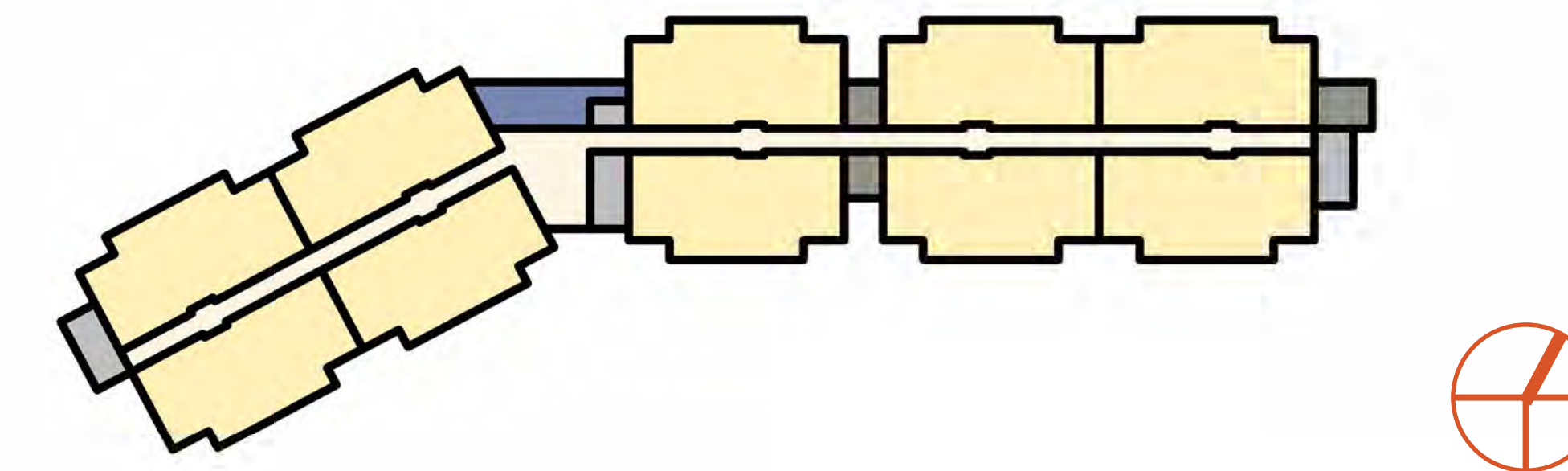
VIEW 1



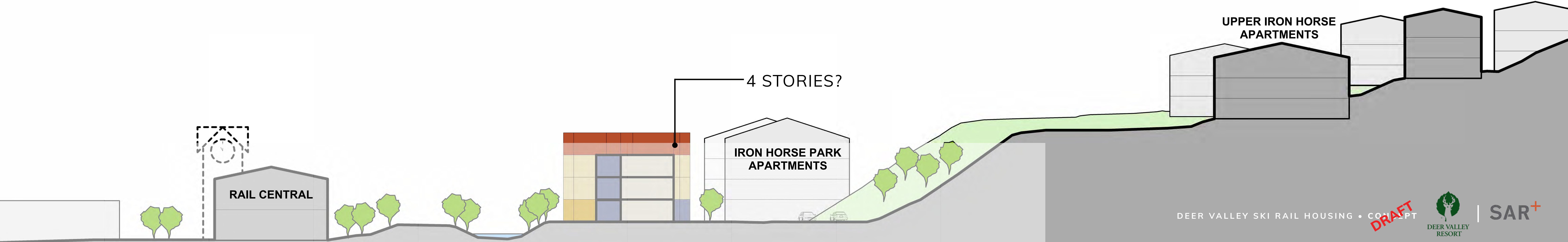
VIEW 2



LEVEL 1 | SCALE: 1" = 1/16"



LEVEL 2-3 | SCALE: 1" = 40'-0"



AREA CALCULATIONS

AREA SUMMARY		
Level	Name	Area (SF)
LEVEL 01	1 BED	1072
	3 BED	928
	7 BED	11704
	AMENITY	1324
	BOH	420
	CIRCULATION	2286
	VERTICAL CIRCULATION	670
TOTAL		18404
LEVEL 02	7 BED	14630
	AMENITY	396
	BOH	420
	CIRCULATION	2286
	VERTICAL CIRCULATION	670
TOTAL		18402
LEVEL 03	7 BED	14630
	AMENITY	396
	BOH	420
	CIRCULATION	2286
	VERTICAL CIRCULATION	670
TOTAL		18402
BUILDING TOTAL		61897 SF

UNIT SUMMARY		
UNIT TYPE	UNIT COUNT	OCCUPANT COUNT
1 BED	2	2
3 BED	1	3
7 BED	28	196
BUILDING TOTAL	31	201

1 BED

3 BED

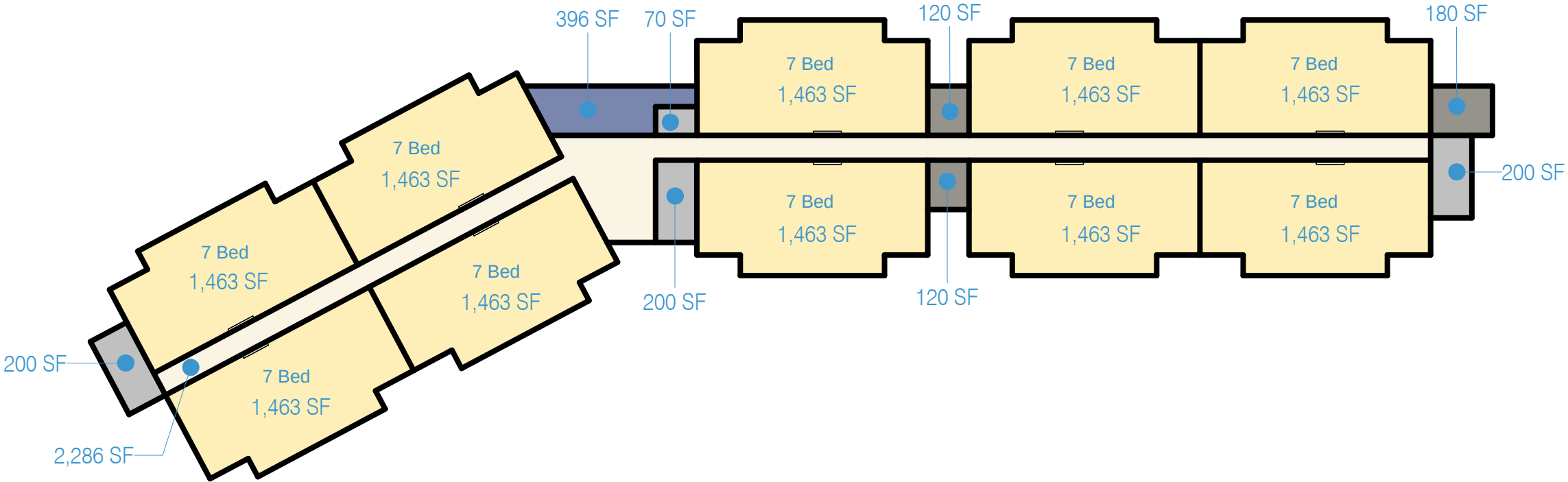
6 BED

AMENITY

BOH

CIRCULATION

VERTICAL CIRCULATION

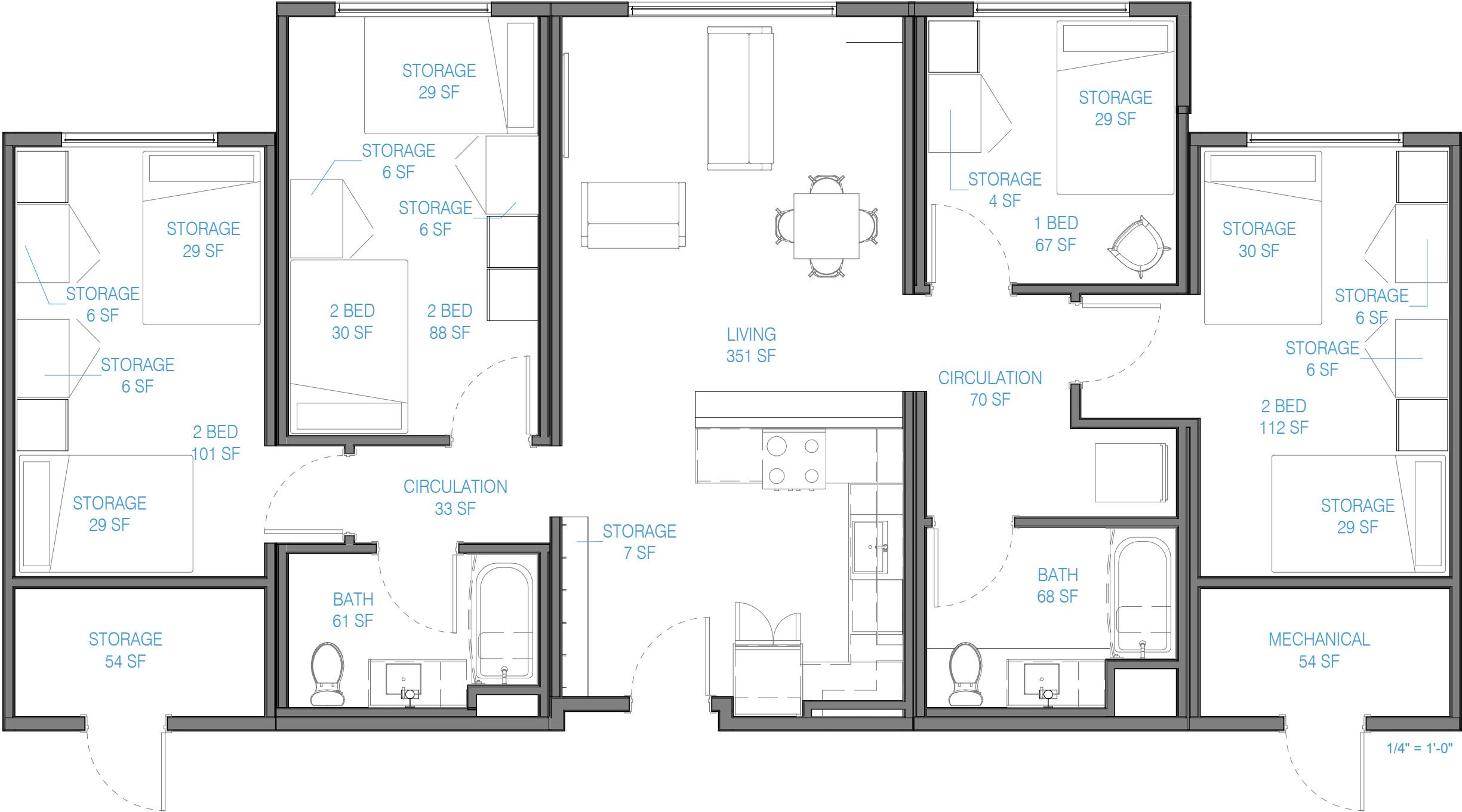


LEVELS 02-03 AREA PLAN
1/32" = 1'-0"



LEVEL 01 AREA PLAN
1/32" = 1'-0"

7-RESIDENT UNIT PLAN



Planning Commission Staff Report



Subject: 1400 Sullivan Road
Applications: PL-24-06244 Conditional Use Permit
PL-24-06246 Master Planned Development
PL-24-06247 Plat Amendment
Authors: Jacob Klopfenstein, Planner I
Virgil Lund, Planner II
Date: September 25, 2024
Type of Item: Work Session

Recommendation

Review the proposed Park City Community Center at City Park and provide input.

Description

Applicants: Park City Municipal Corporation; Ken Fisher
Applicant Representatives: Seth Striefel, Sparano +
Mooney Architecture
Marshall King, Alliance Engineering

Location: 1400 Sullivan Road, 1354 Park Avenue

Zoning District: Urban Park District

Adjacent Land Uses: Single-Family and Multi-Dwelling Units, City Park, Miner's Hospital

Reason for Review: The Planning Commission reviews, conducts a public hearing, and takes Final Action on Master Planned Developments, Conditional Use Permits, and Plat Amendments.¹

CUP Conditional Use Permit
EV Electric Vehicle
LMC Land Management Code
MPD Master Planned Development

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

Summary

The proposed Park City Community Center is a 15,000-square-foot single-story building with associated outdoor recreation, including volleyball courts, a basketball court, a fenced playground area, and an outdoor patio, designed to replace the existing 5,000-

¹ LMC [§ 15-1-8](#)

square-foot City Park recreation building. See Exhibit A, Applicant's Narrative.

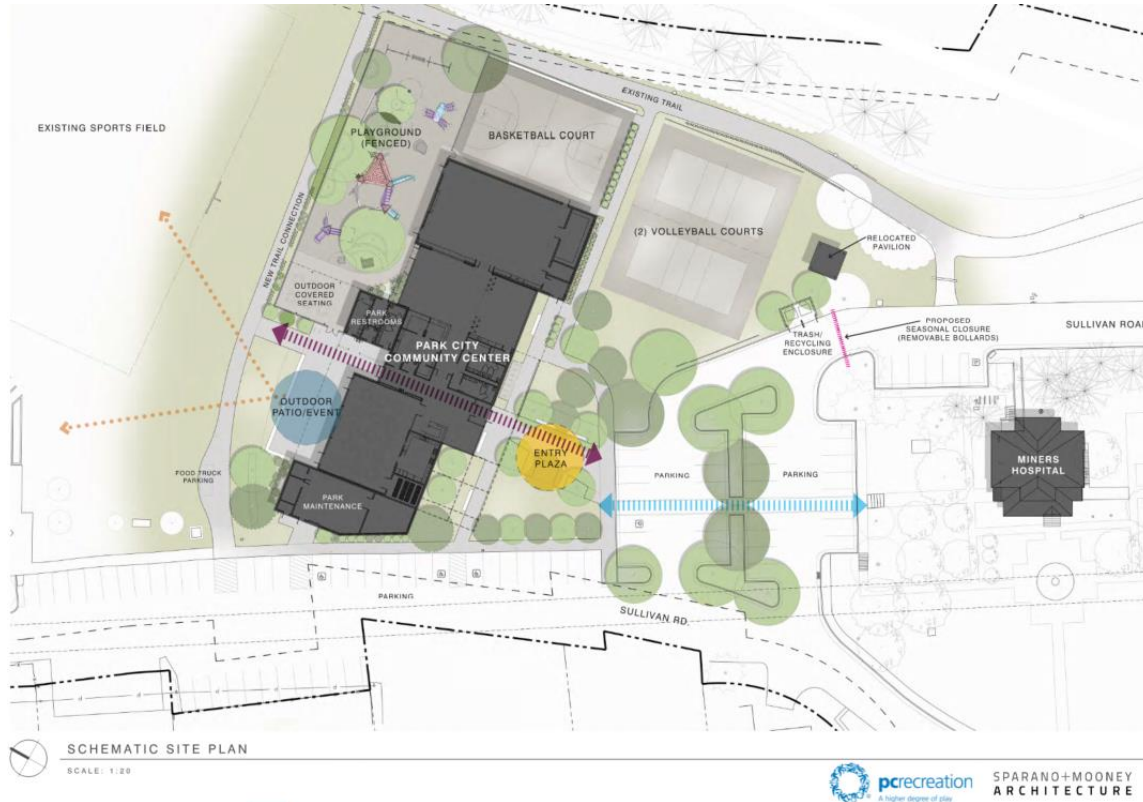


Figure 1: Proposed Site Plan

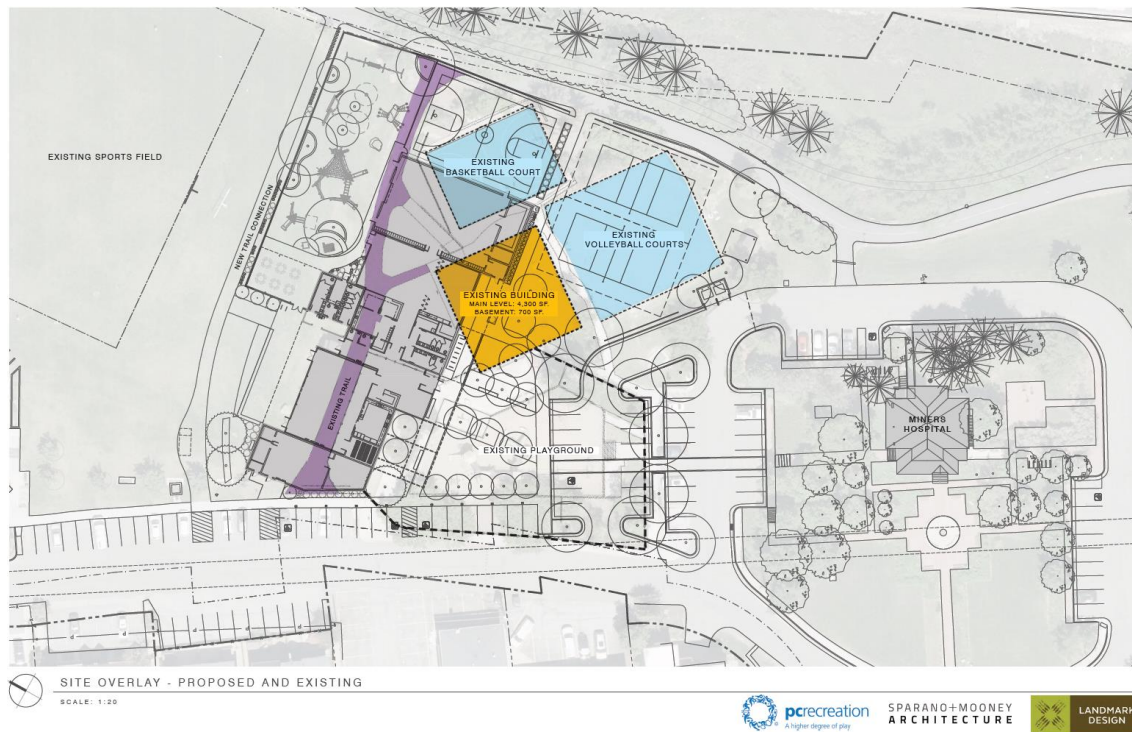


Figure 2: Applicant's submittal showing existing facilities overlaid with proposed new Community Center.

Background

The existing recreation building at City Park is approximately 5,000 square feet and was constructed prior to 1987 and has undergone minor remodels and improvements. On February 15, 2024, the City Council was presented with a conceptual design for the proposed new Community Center and was supportive of the project ([Staff Report](#), [Minutes](#)). On June 20, 2024, the City Council reviewed the proposed plans for the Community Center and approved a Professional Services Agreement for Sparano + Mooney Architecture ([Staff Report](#), [Minutes](#)).

Analysis

(I) The Proposed Community Center Complies with the Urban Park Zoning District Review Criteria.

The purpose of the Urban Park Zoning (UPZ) District, as outlined in Land Management Code (LMC) [§ 15-2.26-1](#), is to:

1. promote the preservation of Historic Buildings, Structures, Sites, or Objects;
2. preserve the vegetation and habitat of natural Areas;
3. provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails;
4. establish and preserve districts for land Uses requiring substantial Areas of Open Space covered with vegetation that are substantially free from Accessory Buildings, Streets, and Parking Lots;
5. permit recreational Uses and preserve recreation land;
6. encourage parks, golf courses, trails, and other compatible public or private recreational Uses, and preserve and enhance park amenities; and
7. encourage sustainability, conservation, and renewable energy.

The design of the proposed Community Center promotes the preservation of Historic Buildings, Structures, Sites, or Objects by matching some of the proportions and dimensions of the Miner's Hospital building, discussed in further detail below in Analysis item III. The Applicant's site plan includes various recreation amenities such as sports courts and a playground, and the Applicant proposes replacing 44 of the 48 trees proposed to be removed (discussed in more detail in item III below). See Exhibit C, Applicant's Conceptual Landscaping Plan for City Park Community Center.

The Applicant proposes 12 additional parking stalls along Sullivan Road to the east of the Site, as well as expansions to existing parking lots to the south of the Site that will add 14 more new parking stalls. However, the Applicant's proposed site plan (Exhibit B) includes substantial Open Space, as calculated below.

Lot and Site Requirements

All Structures must be no less than twenty-five (25) feet from the boundary line of the Lot.² The proposed Community Center maintains a 30-foot Setback on the West and East Lot Lines and a Setback greater than 100 feet on the North and South Lot Lines

² LMC [§ 15-2.26-3](#)

(Exhibit B, Proposed Plans).

Building Height

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade.³ Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.⁴

The proposed Community Center will reach a maximum height of 28 feet from Existing Grade, with an additional five feet for screened rooftop mechanical equipment.

(II) The Proposed Community Center Complies with Off-Street Parking Requirements.

The Parking requirement for Public Recreation Facilities is five Parking Spaces per 1,000 square feet of floor Area.⁵ The proposed Structure has 15,000 square feet of floor Area, requiring 75 Parking Spaces. There are 47 existing Parking Spaces, and the Applicant proposes to construct an additional 28 Parking Spaces, for a total of 75 Parking Spaces.

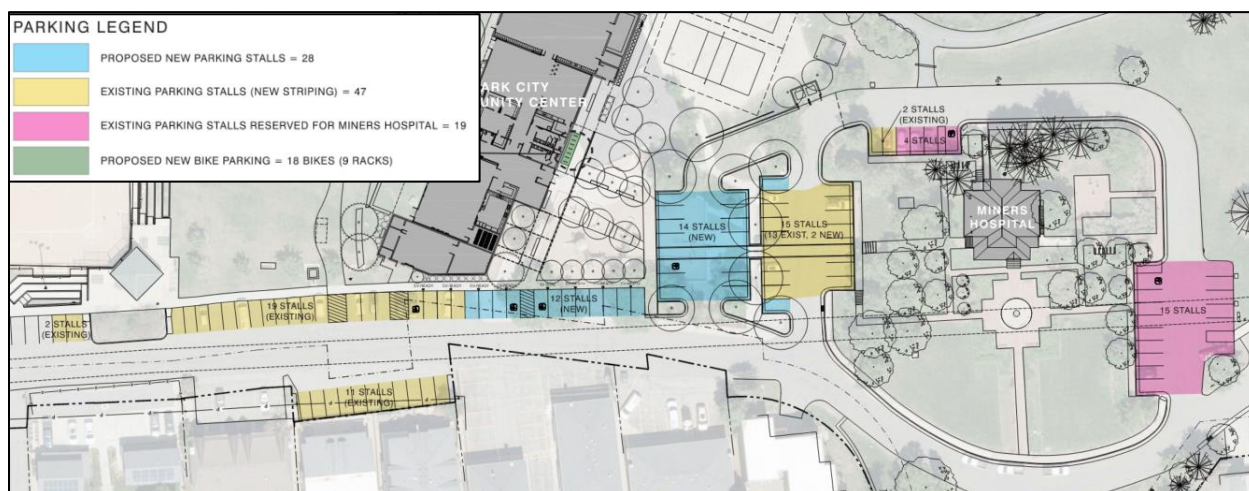


Figure 3: Proposed Parking Plan

The Engineering Department's [Traffic Impact Study guidelines](#) outline the threshold when traffic impact studies are required based on land use categories, including attached and detached single-family housing, multi-family housing, hotels, general retail, offices, and restaurants. The guidelines state that a transportation impact study is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City staff.

The above guidelines do not require a traffic impact study for the proposed Community

³ LMC [§ 15-2.26-\(4\)](#)

⁴ LMC [§ 15-2.26-4\(A\)\(3\)](#)

⁵ LMC [§ 15-3-6\(B\)](#)

Center. Pursuant to LMC [§ 15-6-4\(E\)](#), the Planning Commission may require Applicants to submit and fund additional studies for MPD proposals that significantly increase the Density and intensity of Use of a Site. If the Commission requires an Applicant to submit a traffic study, the Transportation Department and City Engineer shall recommend a method of modeling and scope of the study area.

Electric Vehicle Charging Stations

The Applicant will be required to provide Electric Vehicle (EV) Charging Station conduit for future EV Charging Station installations for 50 percent of the first 100 required Off-Street Parking Spaces. The Applicant will be required to install EV Charging Station Infrastructure for 5 percent of required Off-Street Parking Spaces.⁶

The Applicant proposes 28 new Parking Spaces, EV Charging Station Infrastructure for 14 (50%) of the new Parking Spaces, and two EV Charging Stations (5% of the new Spaces).

Bicycle Parking

Outdoor bicycle parking for the temporary storage of bicycles shall be provided for 10 percent of the required Off-Street parking.⁷

Eight outdoor bicycle parking spots are required for the Park City Community Center (10% of 75 required Parking Spaces) and the Applicant proposes nine bike racks that can hold two bikes each, for a total of 18 bicycle parking spots.

LMC [§ 15-3-9\(B\)\(2\)\(b\)](#) requires enclosed bicycle storage for one bicycle per 10 employees generated for Uses as outlined in [Resolution No. 05-2021](#), as amended. The Applicant has indicated the Recreation Department does not plan to add any full-time employees when the Community Center facility opens. The Recreation Department may add an additional full-time employee to manage the facility if demand warrants.

The Applicant's current site plan does not include enclosed bicycle storage. LMC [§ 15-3-9\(D\)](#) states that the Planning Commission may reduce or modify the required outdoor bicycle parking and enclosed bicycle storage when the Applicant demonstrates a plan that achieves secure bicycle parking facilities that best suits the Uses and physical constraints of a Site.

Using the employee generation method outlined in Resolution No. 05-2021, the Recreation/Amusements Use of the proposed Community Center is expected to generate 5.3 full time equivalent employees per 1,000 Net Leasable Square Feet. The proposed Community Center is 10,000 square feet larger than the current building, so the increase in square footage is expected to generate 53 full time equivalent employees.

If the Planning Commission finds that the employee generation method outlined in

⁶ LMC [§ 15-3-11\(B\)](#)

⁷ LMC [§ 15-3-9](#)

Resolution No. 05-2021 should be used to address enclosed bicycle storage requirements, the Applicant is required to provide enclosed bicycle storage for five bicycles, pursuant to LMC [§ 15-3-9\(B\)\(2\)\(b\)](#). Five percent of the enclosed bicycle storage must be at least 3 feet by 10 feet per parking space to accommodate large bicycles.

(III) Master Planned Development Requirements

The Master Planned Development (MPD) process is required in the UPZ district for new Public projects that contain 10,000 square feet or more of Gross Floor Area. Since the Community Center is proposed to be 15,000 square feet, the MPD process is required.

All MPDs shall contain the following minimum requirements. Many of the requirements and standards will have to be increased for the Planning Commission to make the necessary findings to approve the MPD.⁸

Density

Density in the Urban Park District is volume-based, determined by Building Height, Setbacks, and Open Space requirements. The Proposed Park City Community Center complies with the Setbacks and Building Height requirements for the Urban Park District and maintains 489,951 square feet, or 79%, Open Space.

Setbacks

The minimum Setback around the exterior boundary of an MPD shall be twenty-five feet (25') for Parcels greater than two (2) acres. The proposed Community Center maintains a 30-foot Setback on the West and East Lot Lines, and a Setback greater than 100 feet on the North and South Lot Lines (Exhibit B, Proposed Plans).

Open Space

All MPDs shall contain a minimum of sixty percent (60%) Open Space, defined in LMC [§ 15-15-1](#) as follows:

- **Open Space, Landscaped:** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.
- **Open Space, Natural:** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

[LMC 15-6-5\(D\)\(3\)](#) states that the Planning Commission shall designate the preferable type and mix of Open Space for each MPD, and the Commission's determination shall be based on the guidance given in the General Plan. [LMC 15-6-5\(D\)\(3\)](#) also states that Landscaped Open Space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. The Applicant proposes to

⁸ LMC [§ 15-6-5](#)

maintain 489,951 square feet of Open Space, or 79% of the Lot (see Exhibit D, Applicant's Proposed Open Space and Snow Storage Plans).

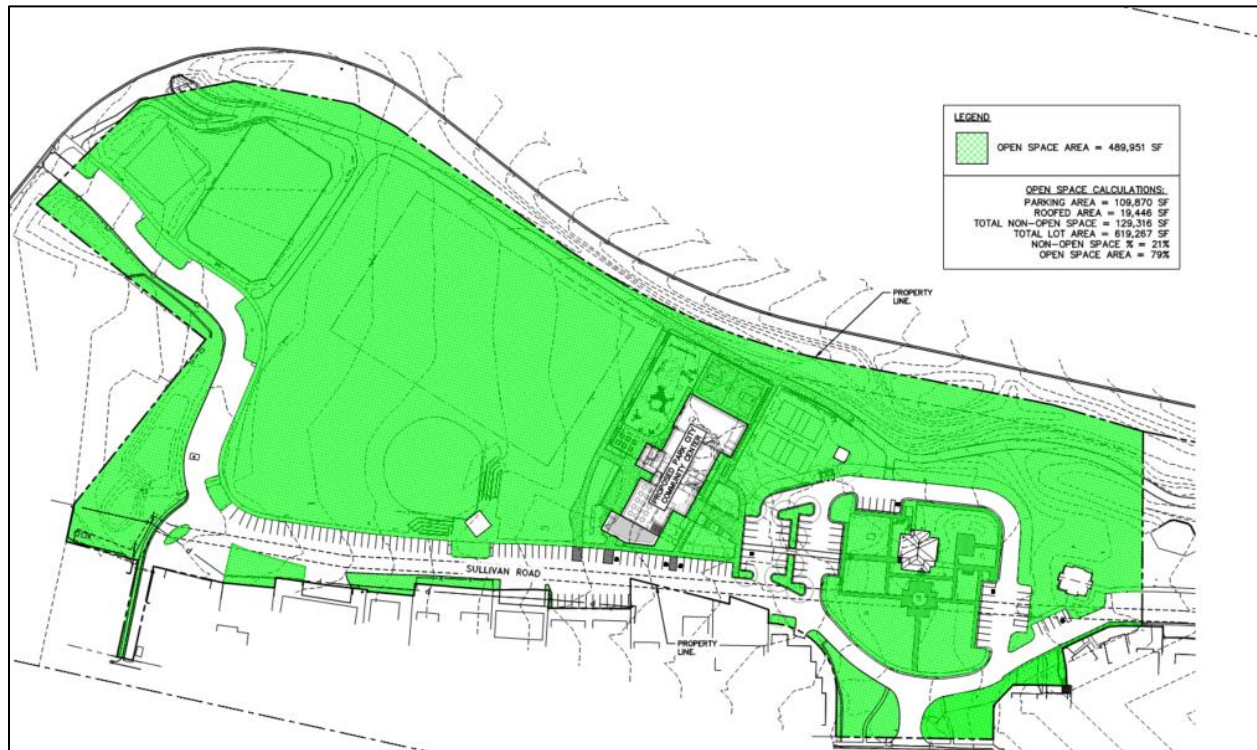


Figure 4: Proposed Open Space Plan

Off-Street Parking

The number of Off-Street Parking Spaces in each MPD shall not be less than the requirements of the LMC. The proposed Structure has 15,000 square feet of floor Area and 75 Parking Spaces are required, per LMC [§ 15-3-6\(B\)](#). There are 47 existing Parking Spaces, and the Applicant proposes to construct an additional 28 Parking Spaces, for a total of 75 Parking Spaces.

Building Height

The Building Height requirements of the Zoning District in which an MPD is located shall apply. The proposed Community Center will reach a maximum height of 28 feet from Existing Grade, with an additional 5 feet for screened rooftop mechanical equipment.

Site Planning

In accordance with LMC [§ 15-6-5\(G\)](#), staff requests the Planning Commission provide feedback on the following items regarding the proposed Site Plan for the Community Center:

- Does the proposed Site Plan provide adequate internal vehicular, pedestrian, and bicycle circulation?
- Does the proposed Site Plan include adequate transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable?
- Does the proposed Site Plan include adequate service and delivery Access and

loading/unloading Areas, if applicable?

- The Applicant's proposed snow storage plan is included below (see Exhibit D, Applicant's Proposed Open Space and Snow Storage Plans). Does this plan provide adequate Areas for snow removal and snow storage?

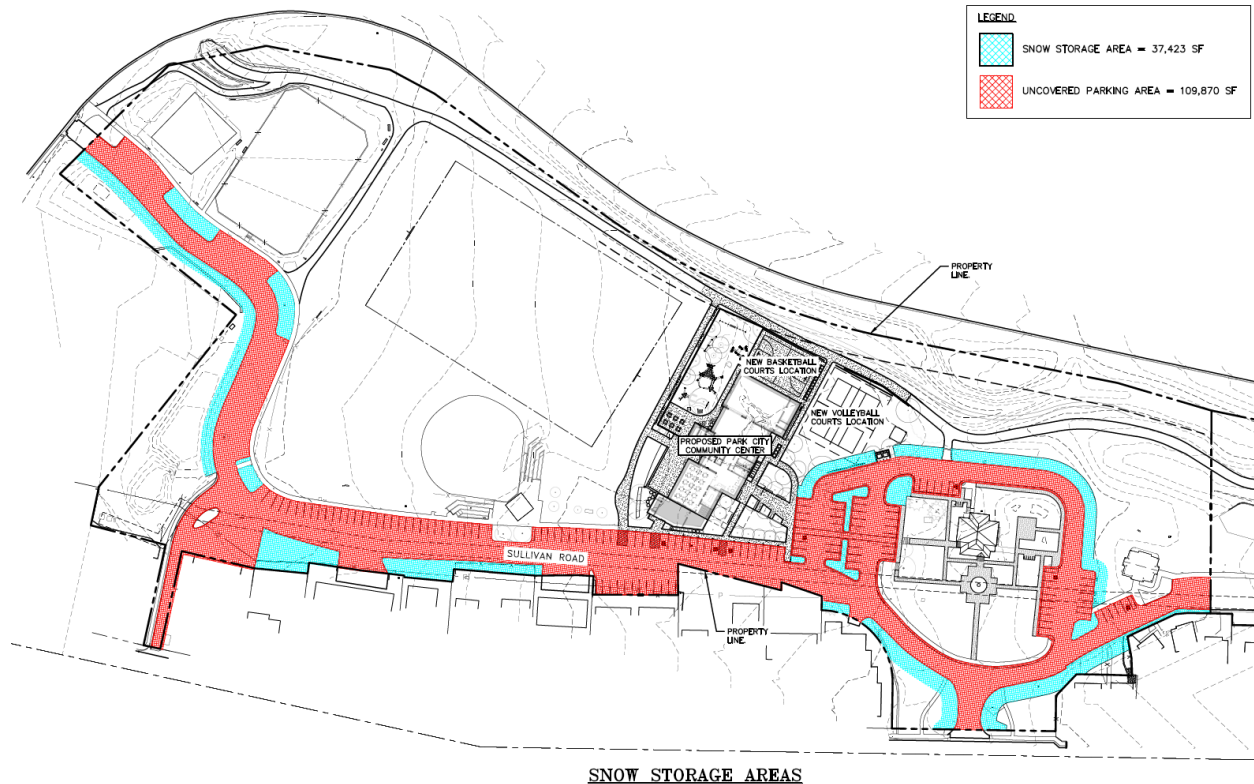


Figure 5: Applicant's proposed snow storage plan.

Landscape and Lighting

The Applicant provided a conceptual landscape plan that complies with LMC [§ 15-5-5\(N\)](#). The proposed landscape plan includes at least 50% Water Wise Landscaping.

The Applicant's landscaping plan proposes removing 48 trees and replacing with 44 trees:

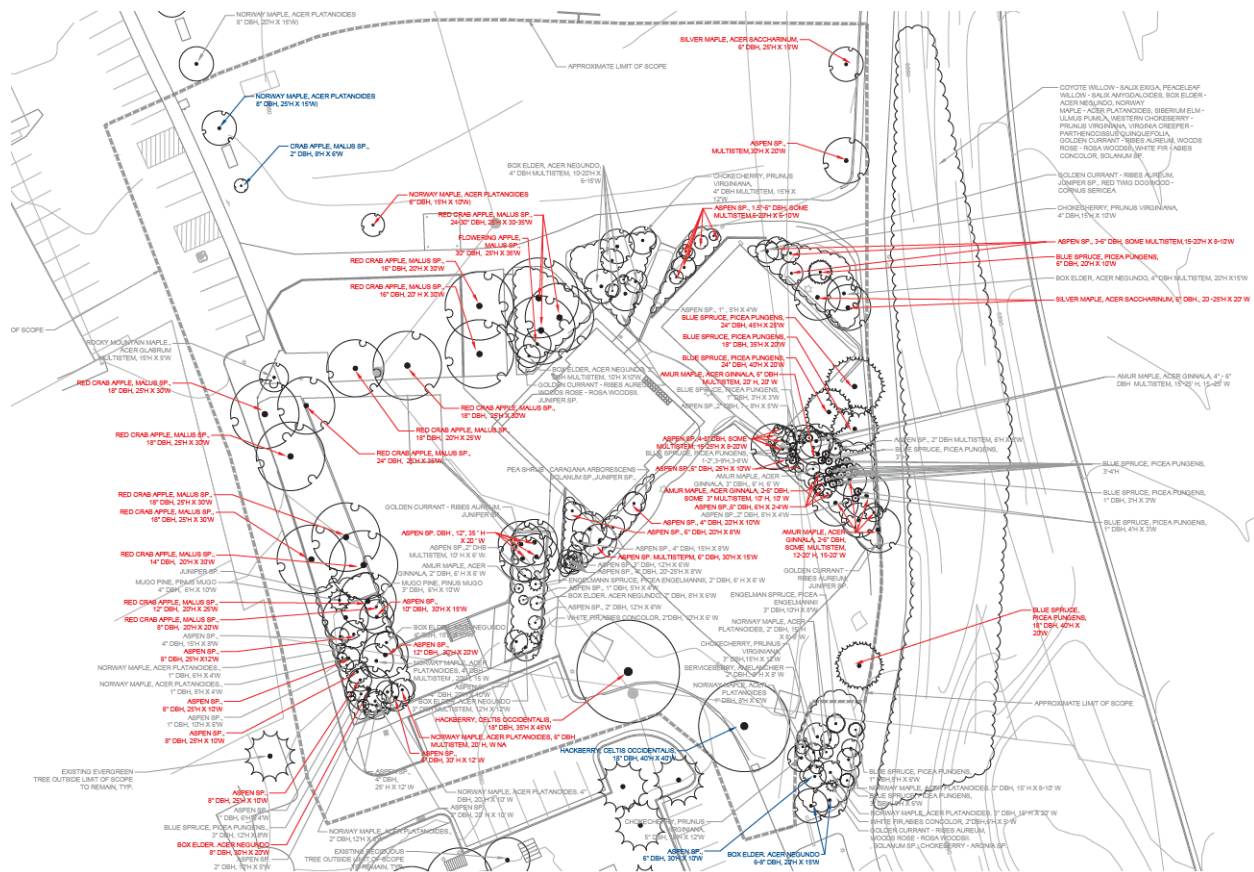


Figure 6: Applicant's conceptual landscaping plan for the City Park Community Center. Vegetation proposed to be removed is marked in red. Vegetation proposed to be maintained or preserved is marked in blue.

The Forestry Board reviewed the proposal on September 5, 2024, and required that landscaping must be compliant with wildland-urban interface requirements outlined in Municipal Code of Park City (MCPC) [Chapter 11-21](#), including requiring that vegetation planted within 30 feet of any structure be on the approved species list outlined in MCPC [Section 14-1-5](#).

The Forestry Board also required that the Applicant must retain the flowering crab apple trees of 18 inches or larger in diameter on the site, or work with City Departments to relocate these trees elsewhere on City property. The Forestry Board also recommended that the Applicant avoid planting evergreen trees near volleyball courts because fallen needles may create a hazard for players. The Applicant's landscaping plan does not propose any evergreen trees near the volleyball courts.

The Applicant will submit an exterior lighting plan prior to Final Action. LMC [§ 15-5-5\(J\)](#) requires all outdoor lighting to be fully shielded and down-directed, with a maximum color temperature of 3,000 degrees Kelvin. Pursuant to LMC [§ 15-5-5\(J\)\(11\)](#), pathway lighting must not be mounted more than 10 feet above finished grade. Recreational lighting for baseball diamonds, playing fields, and tennis courts shall not exceed 70 feet above Natural Grade and shall be turned off within 30 minutes of the completion of the last recreation activity associated with the lighting, and in general must be turned off by 11 PM unless an exception is granted by the Planning Director for a Special Event.

Other special requirements for recreational lighting are outlined in LMC [§ 15-5-5\(J\)\(12\)](#).

Employee/Affordable Housing

The Applicant has been in contact with the Affordable Housing Department and will provide a Housing Mitigation Plan.

Pursuant to [Resolution No. 05-2021](#) as discussed above, the Recreation/Amusements Use of the proposed Community Center is expected to generate 5.3 full time equivalent employees per 1,000 Net Leasable Square Feet, so the proposed 10,000-square-foot increase for the new proposed Community Center is expected to generate 53 full time equivalent employees. However, the Applicant has indicated that the Recreation Department does not plan to add any full-time employees when the Community Center opens, and may add one additional full-time employee to manage the facility as demand warrants.

Mine Hazards

Per the Civil Engineer and City GIS mapping resources, there are no Hazards within the Community Center project area.

Historic Mine Waste Mitigation

The property is located within the Soils Ordinance Boundary. The Applicant has been in contact with Ryan Blair, the City's Environmental Regulatory Program Manager, and is aware of the Soils Ordinance Boundary and additional Conditions of Approval that will be required for the construction. The Applicant will be required to provide a clean 6" soil cap at all disturbed areas, and all existing disturbed soil that cannot be reused on site will require testing and disposal offsite.

General Plan Review and Historic Sites

One of the core values of the General Plan is "Sense of Community". [Goal Number 9](#) of the General Plan states "Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors."⁹ The proposed Park City Community Center aligns with this goal in that it will provide residents with additional high-quality recreational opportunities within a modern and sustainable building.

In the Neighborhoods section of the General Plan, [Goal 6.1](#) states that infill and new additions in Old Town should be compatible in the neighborhood context and subordinate to existing historic structures. The Community Center is proposed to be shorter than the nearby Miner's Hospital.

The Applicant proposes a building design that matches some of the historic proportions and dimensions of the Miner's Hospital building (see Exhibit B, pg. 15):

⁹ [Park City General Plan](#) p. 78

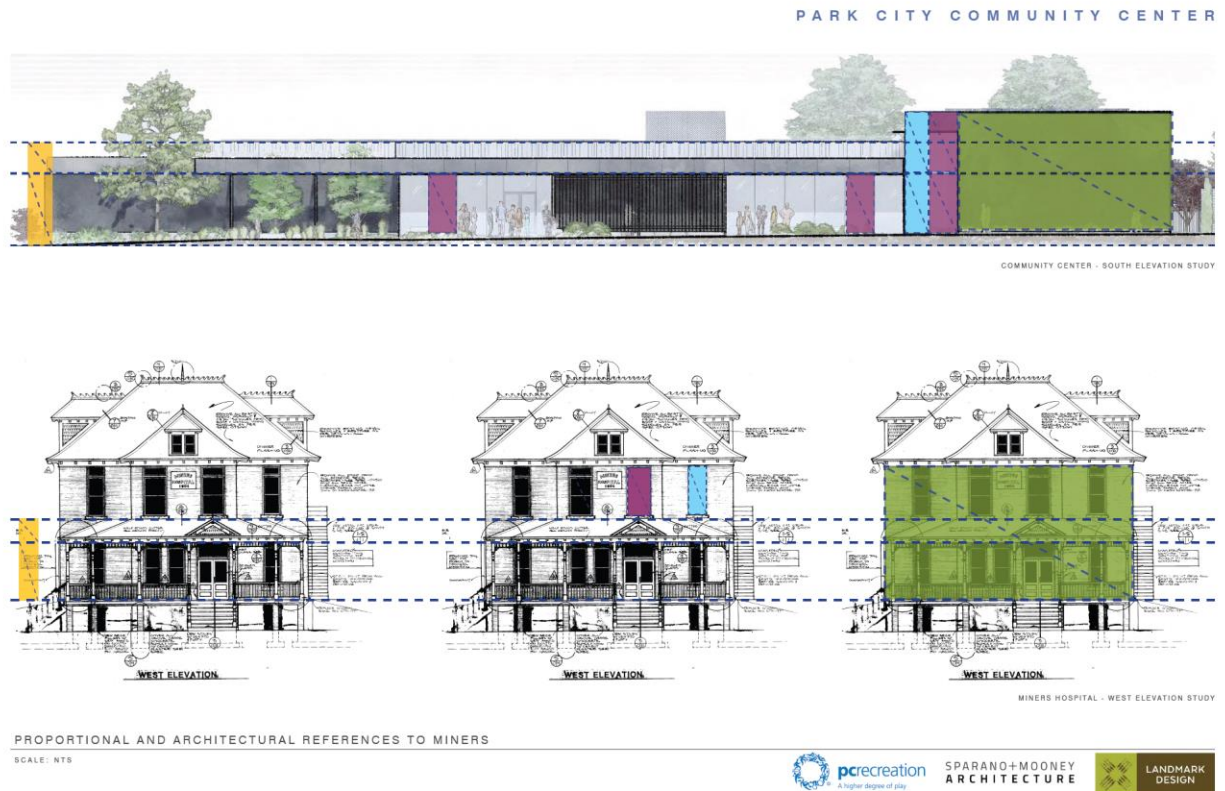


Figure 7: Applicant's submittal showing proposed Community Center's proportional and architectural references to Miners Hospital.

Neighborhoods Goal 6.10 also states that the aesthetic of the Old Town neighborhood should be preserved. The Applicant has submitted a Historic District Design Review-Pre Application to verify compliance and compatibility with the Miner's Hospital Historic Site.

Design Guidelines

The Planning Commission may require Design Guidelines for MPDs, including regulation of building design elements for the proposed Community Center.

(III) The Development Review Committee reviewed the proposal on September 3, 2024.¹⁰

The Development Review Committee reviewed the proposal and identified several considerations:

- A fiber optics line runs along the Poison Creek Trail adjacent to the project area. Another fiber optics line connects to Miner's Hospital. The Applicant is

¹⁰ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

coordinating with the IT Department to ensure that there is sufficient capability to support the site's security and technology needs.

- A sewer line runs through the area and will need to be addressed in the Applicant's plans. The Applicant is coordinating with the Snyderville Basin Water Reclamation District to address the issue.
- The Applicant proposes a new fire hydrant along Sullivan Road at the front of the Site, but the existing infrastructure is not sufficient to support a new hydrant. The Applicant is coordinating with the Water Department to address this issue.

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website on September 11, 2024.¹¹

Public Input

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

Exhibits

Exhibit A: Applicant's Narrative

Exhibit B: Proposed Plans

Exhibit C: Applicant's Conceptual Landscaping Plan for City Park Community Center

Exhibit D: Applicant's Proposed Open Space and Snow Storage Plans

¹¹ LMC [§ 15-1-21](#)

PARK CITY COMMUNITY CENTER

PROJECT DESCRIPTION

The proposed Park City Community Center is a new single-story building of approximately 15,000 GSF that will be located at City Park in Park City, Utah. The proposed facility will replace the existing Park Recreation Building and will expand the building program to include multipurpose event, classroom, and recreational space, as well as replacement of the park restrooms and maintenance functions under separate entry. The building will support the Day Camp run by the City and will expand capacity from 90 children to 150 children. The site program includes the replacement of (2) volleyball courts and a basketball court; new site parking including EV charging stalls and infrastructure; hardscape including an entry plaza, outdoor patio, and trails connection; fenced playground area; and a trash/recycling enclosure. The proposed building is required to be Net Zero per the Park City Land Management Code and will be an all-electric building (no combustion). The renewable energy strategy is proposed to include a high performance building enclosure combined with a roof top mounted photovoltaic array to offset the building energy usage as determined by the project energy modeling. The proposed building is within the Soil Ordinance Zone (mining tailings), requiring contaminated soils to be removed and disposed of off-site.

The primary architectural context of the proposed Park City Community Center is Miners Hospital, a historic two-story brick structure constructed in 1904 and relocated to the Park in October of 1979. Miners Hospital is intended to remain the focus of the site, with the proposed Park City Community Center being low in scale with a simplified form and material palette. The proposed new building takes cues from and reference Miners Hospital with proportional relationships to the massing and windows (tall and thin), covered front and back 'porch' elements, and use of materials such as brick. The design form is driven by the relationships to Miners; the multipurpose event, classroom, and recreation programming; the Net Zero aspects including southern orientation and a large roof area to accommodate the predominant renewable energy source of photovoltaic panels; and the design requirements of the Park City Land Management Code.

PRIMARY PROJECT PURPOSE AND GOALS

The primary purpose and goals of the proposed new facility include:

- Provide indoor/outdoor community event space with a direct connection to the Park.
- Expand access for Park City residents to summer and school break day camps.
- Provide flexible multipurpose space for community programming.
- Provide universally accessible facilities for people of all ages and abilities.
- Provide a new fenced playground with outdoor shaded seating area.
- Relocate and replace the basketball and volleyball courts.
- Provide improved park restrooms and maintenance facilities.
- Designed to meet Park City Net Zero carbon goals.

IMPORTANT PROJECT MILESTONES

To meet the intended goal of move-in to the facility in November of 2026, with the Day Camp function being relocated for only a single season, the following important schedule dates are critical:

- City Council Approval to move forward with the design of the project: June 2024 (Complete)
- Submit applications for CUP, MPD, Pre-HDDR, and Subdivision Plat: August 2024 (Complete)
- Planning Commission Work Session: September 2024
- Planning Commission Approvals by: December 2024
- Begin Construction Documents: January 2025
- Submit for Building Permit: May 2025
- Construction Ground Breaking: August 2025
- Construction Completion: November 2026



SULLIVAN ROAD

EXISTING SPORTS FIELDS

DEER VALLEY DRIVE

PROJECT SITE
CITY PARK
PARK CITY, UT

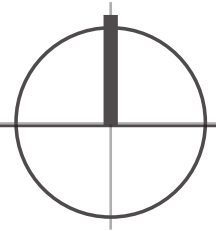
POISON CREEK TRAIL

MINERS HOSPITAL

SULLIVAN ROAD

PARK AVENUE

PARK CITY SKATE PARK

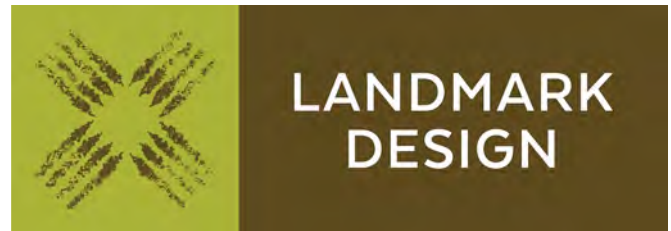


CONTEXT PHOTOGRAPHS - AERIAL OVERVIEW

SCALE: NTS



SPARANO+MOONEY
ARCHITECTURE





VIEW LOOKING NORTHEAST FROM SULLIVAN ROAD



VIEWS LOOKING NORTH TOWARDS PROJECT SITE FROM MINERS HOSPITAL



VIEW LOOKING NORTHEAST TOWARDS PLAYGROUND



VIEW LOOKING NORTH TOWARDS PLAYGROUND

CONTEXT PHOTOGRAPHS



VIEW LOOKING NORTH TOWARDS PLAYGROUND



VIEW LOOKING NORTHWEST FROM VOLLEYBALL COURTS



VIEW LOOKING NORTHWEST FROM POISON CREEK TRAIL



VIEW LOOKING SOUTHWEST FROM POISON CREEK TRAIL

CONTEXT PHOTOGRAPHS



VIEW LOOKING WEST ALONG THE EAST-WEST TRAIL CONNECTION



VIEW LOOKING SOUTHWEST FROM SPORTS FIELDS



VIEW LOOKING SOUTH FROM SPORTS FIELDS



VIEW LOOKING SOUTHEAST FROM SPORTS FIELDS

CONTEXT PHOTOGRAPHS



VIEW LOOKING EAST FROM SULLIVAN ROAD TOWARDS PLAYGROUND



VIEW LOOKING WEST TOWARDS EXISTING CONDOMINIUMS

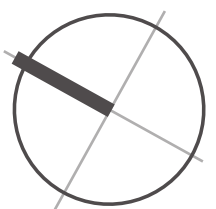
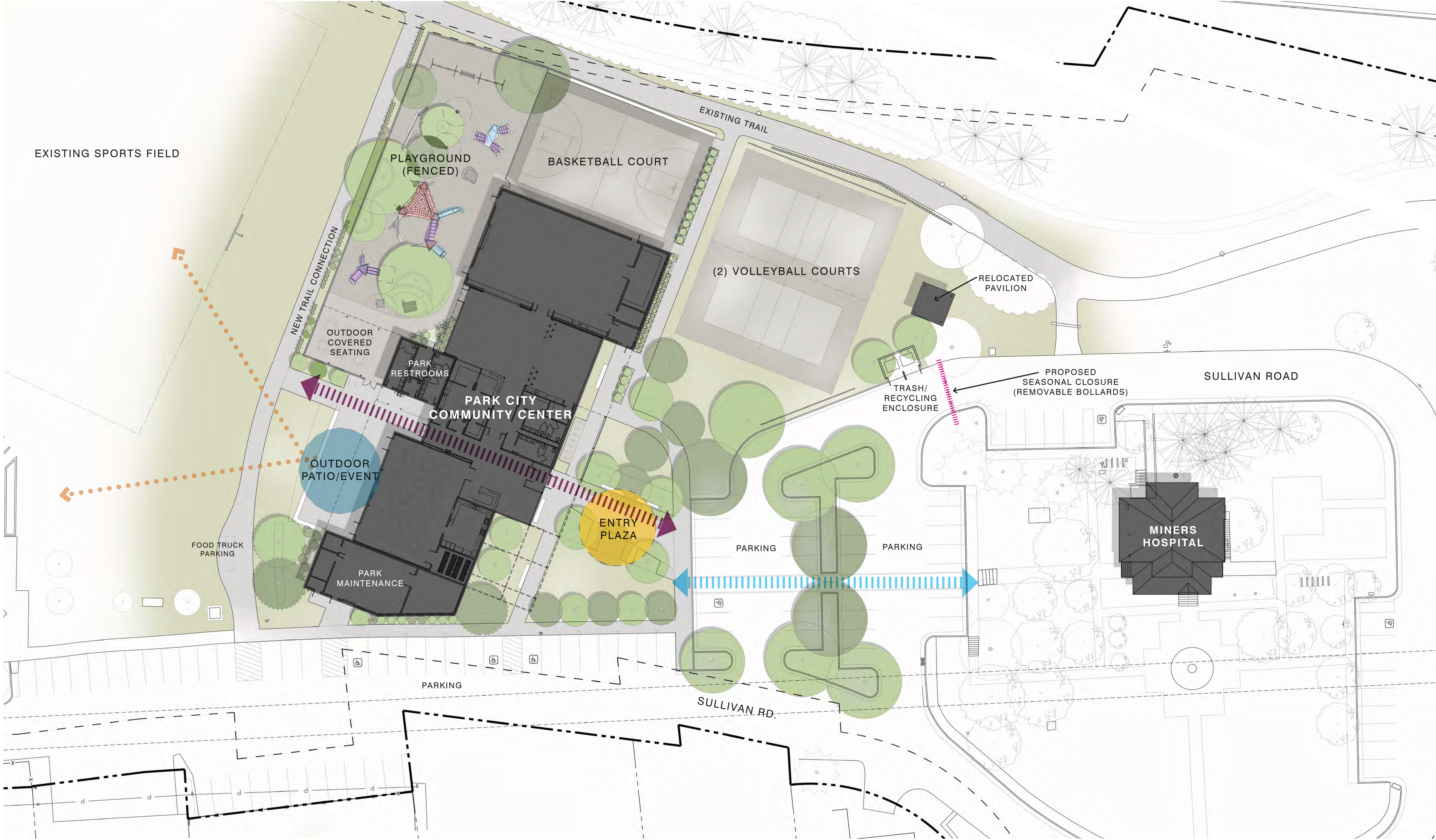


VIEW LOOKING NORTHWEST FROM SULLIVAN ROAD TOWARDS EXISTING CONDOMINIUMS



VIEW LOOKING WEST FROM DEER VALLEY DRIVE

CONTEXT PHOTOGRAPHS



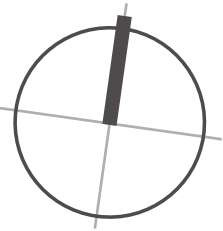
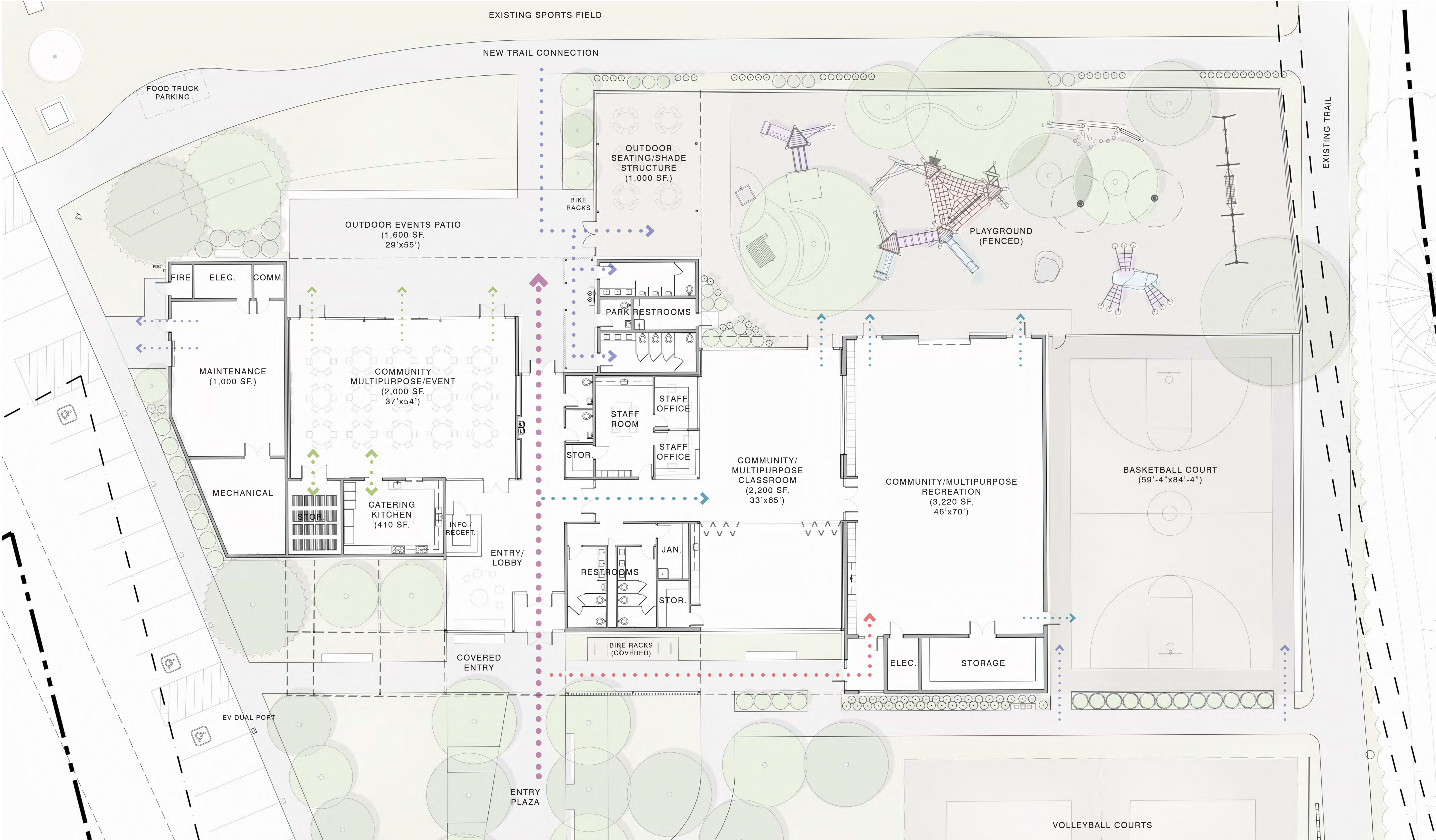
SCHEMATIC SITE PLAN

SCALE: 1:20



SPARANO+MOONEY
ARCHITECTURE





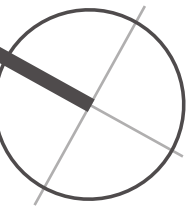
SCHEMATIC FLOOR PLAN

SCALE: 1:10



SPARANO+MOONEY
ARCHITECTURE



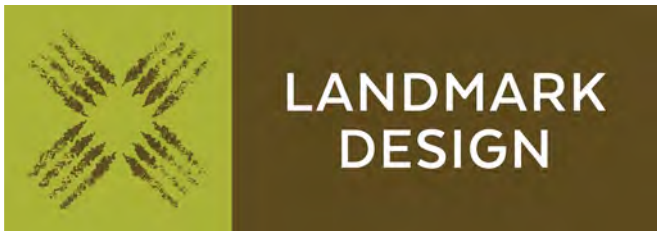


SITE OVERLAY - PROPOSED AND EXISTING

SCALE: 1:20

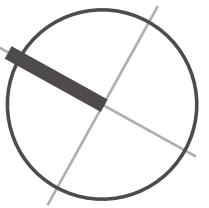
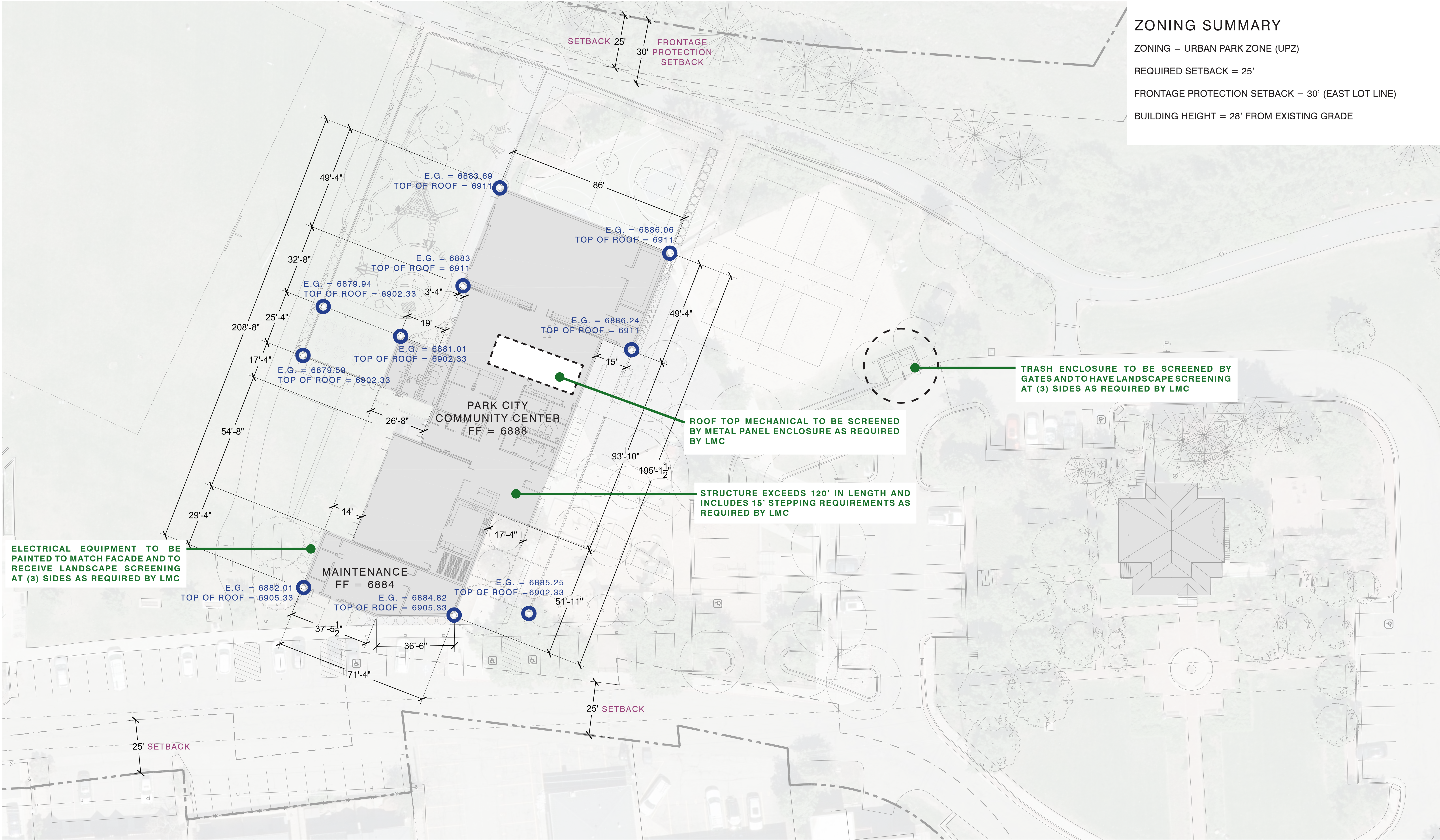


SPARANO+MOONEY
ARCHITECTURE



ZONING SUMMARY

ZONING = URBAN PARK ZONE (UPZ)
REQUIRED SETBACK = 25'
FRONTAGE PROTECTION SETBACK = 30' (EAST LOT LINE)
BUILDING HEIGHT = 28' FROM EXISTING GRADE



PROJECT LMC RESTRAINTS AND REQUIREMENTS PLAN

SCALE: 1:20



SPARANO+MOONEY
ARCHITECTURE



PARKING LEGEND

- PROPOSED NEW PARKING STALLS = 28
- EXISTING PARKING STALLS (NEW STRIPING) = 47
- EXISTING PARKING STALLS RESERVED FOR MINERS HOSPITAL = 19
- PROPOSED NEW BIKE PARKING = 18 BIKES (9 RACKS)

PARKING SUMMARY

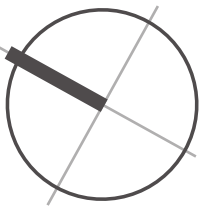
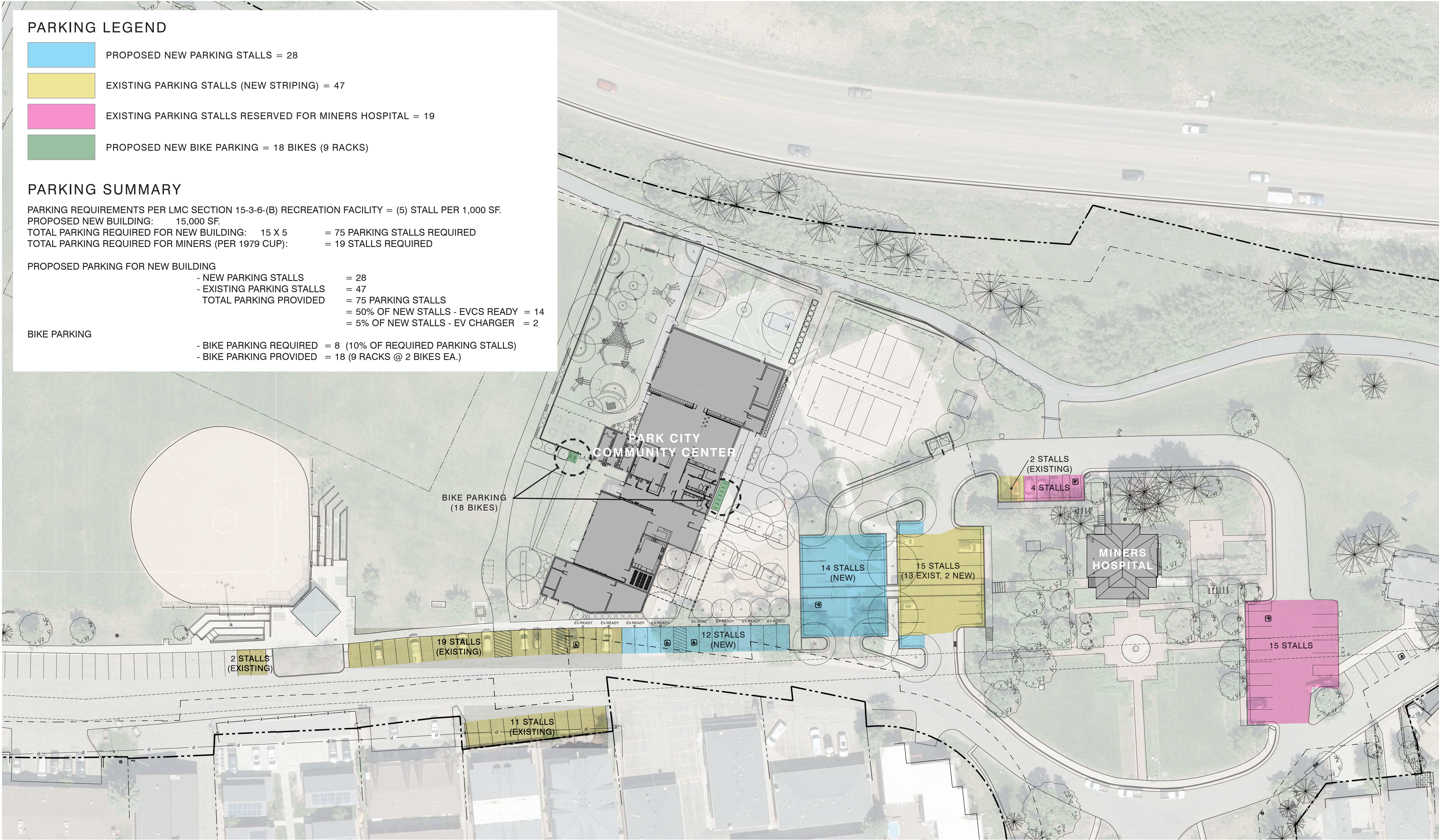
PARKING REQUIREMENTS PER LMC SECTION 15-3-6-(B) RECREATION FACILITY = (5) STALL PER 1,000 SF.
PROPOSED NEW BUILDING: 15,000 SF.
TOTAL PARKING REQUIRED FOR NEW BUILDING: 15 X 5 = 75 PARKING STALLS REQUIRED
TOTAL PARKING REQUIRED FOR MINERS (PER 1979 CUP): = 19 STALLS REQUIRED

PROPOSED PARKING FOR NEW BUILDING

- NEW PARKING STALLS = 28
- EXISTING PARKING STALLS = 47
- TOTAL PARKING PROVIDED = 75 PARKING STALLS
- = 50% OF NEW STALLS - EVCS READY = 14
- = 5% OF NEW STALLS - EV CHARGER = 2

BIKE PARKING

- BIKE PARKING REQUIRED = 8 (10% OF REQUIRED PARKING STALLS)
- BIKE PARKING PROVIDED = 18 (9 RACKS @ 2 BIKES EA.)

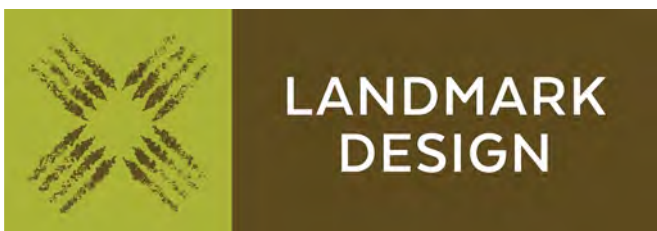


SCHEMATIC PARKING PLAN

SCALE: 1:30



SPARANO+MOONEY
ARCHITECTURE



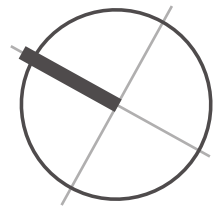
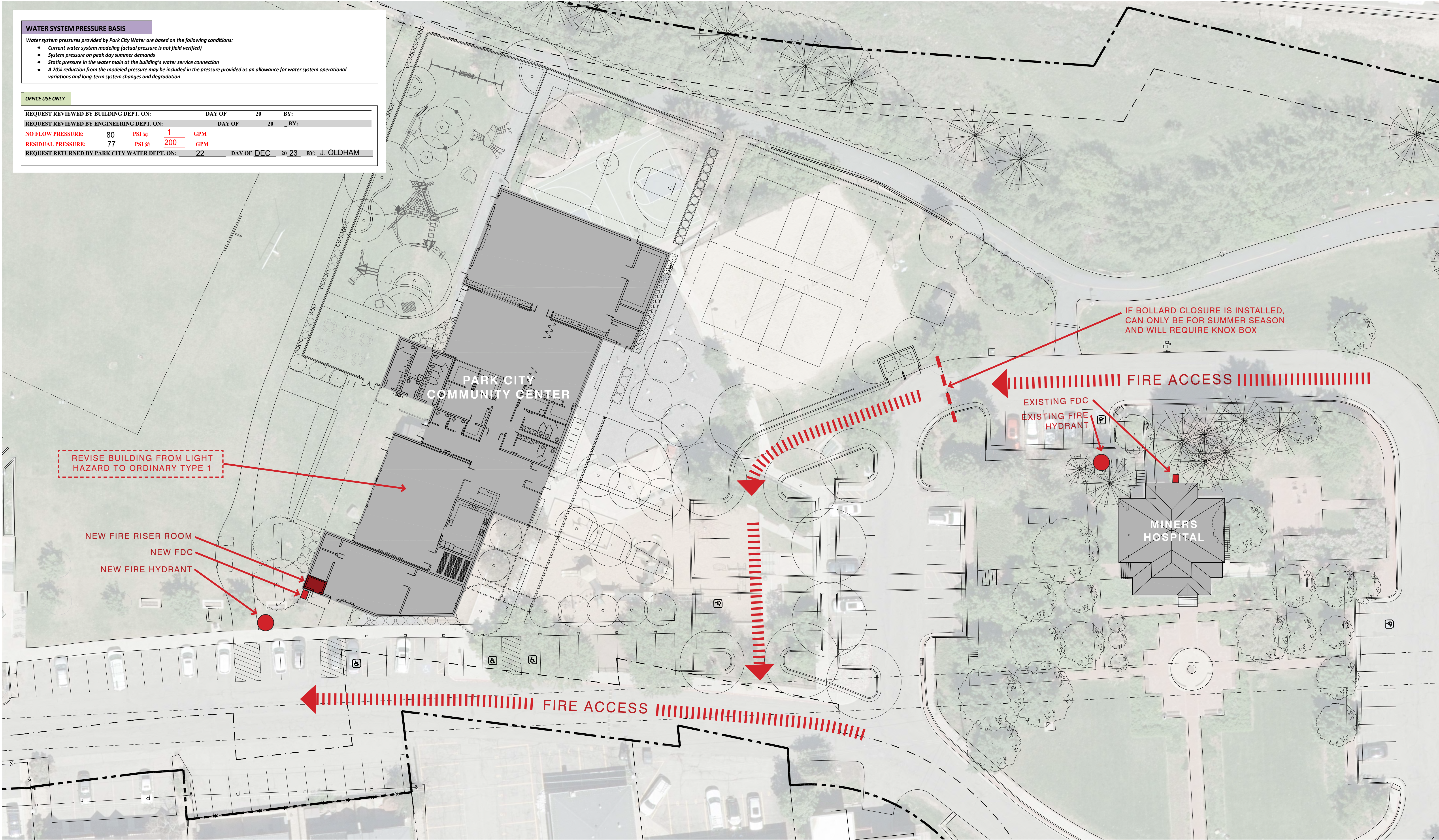
WATER SYSTEM PRESSURE BASIS

Water system pressures provided by Park City Water are based on the following conditions:

- Current water system modeling (actual pressure is not field verified)
- System pressure on peak day summer demands
- Static pressure in the water main at the building's water service connection
- A 20% reduction from the modeled pressure may be included in the pressure provided as an allowance for water system operational variations and long-term system changes and degradation

OFFICE USE ONLY

REQUEST REVIEWED BY BUILDING DEPT. ON:	DAY OF	20	BY:
REQUEST REVIEWED BY ENGINEERING DEPT. ON:	DAY OF	20	BY:
NO FLOW PRESSURE:	80	PSI @	1 GPM
RESIDUAL PRESSURE:	77	PSI @	200 GPM
REQUEST RETURNED BY PARK CITY WATER DEPT. ON:	22	DAY OF	DEC 20 23 BY: J. OLDHAM



SCHEMATIC FIRE ACCESS PLAN

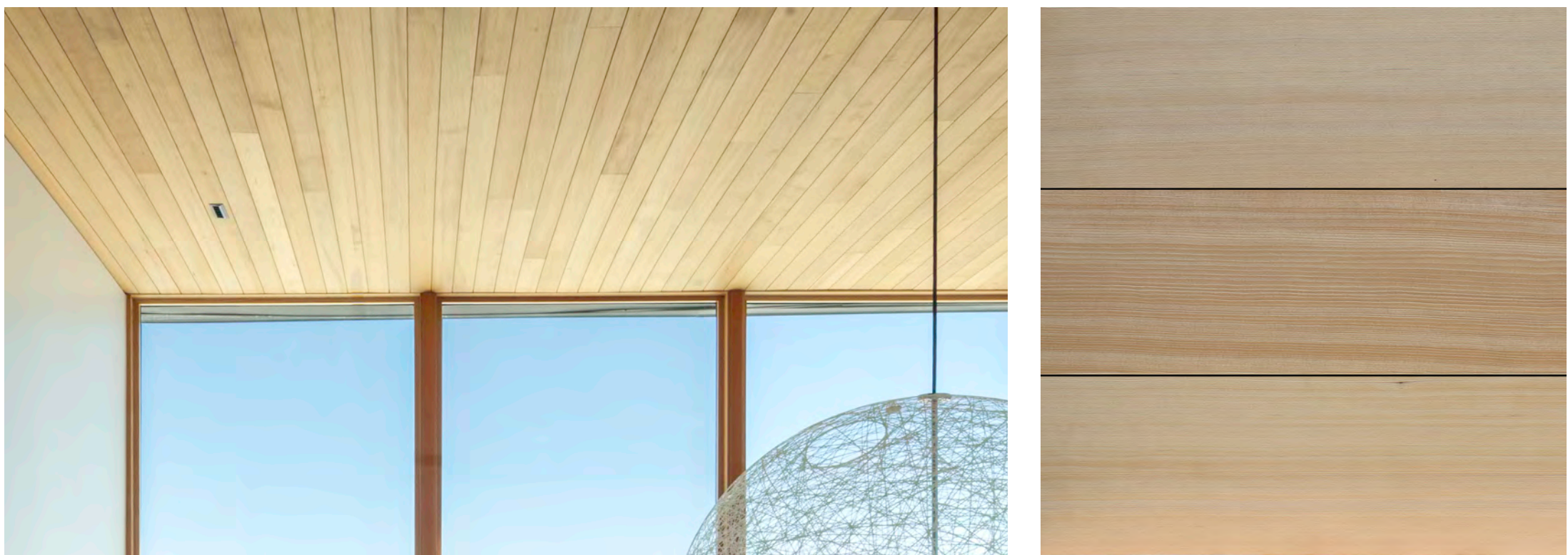
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METAL PANEL ALTERNATIVES - FASCIA AND UPPER WALL SECTION



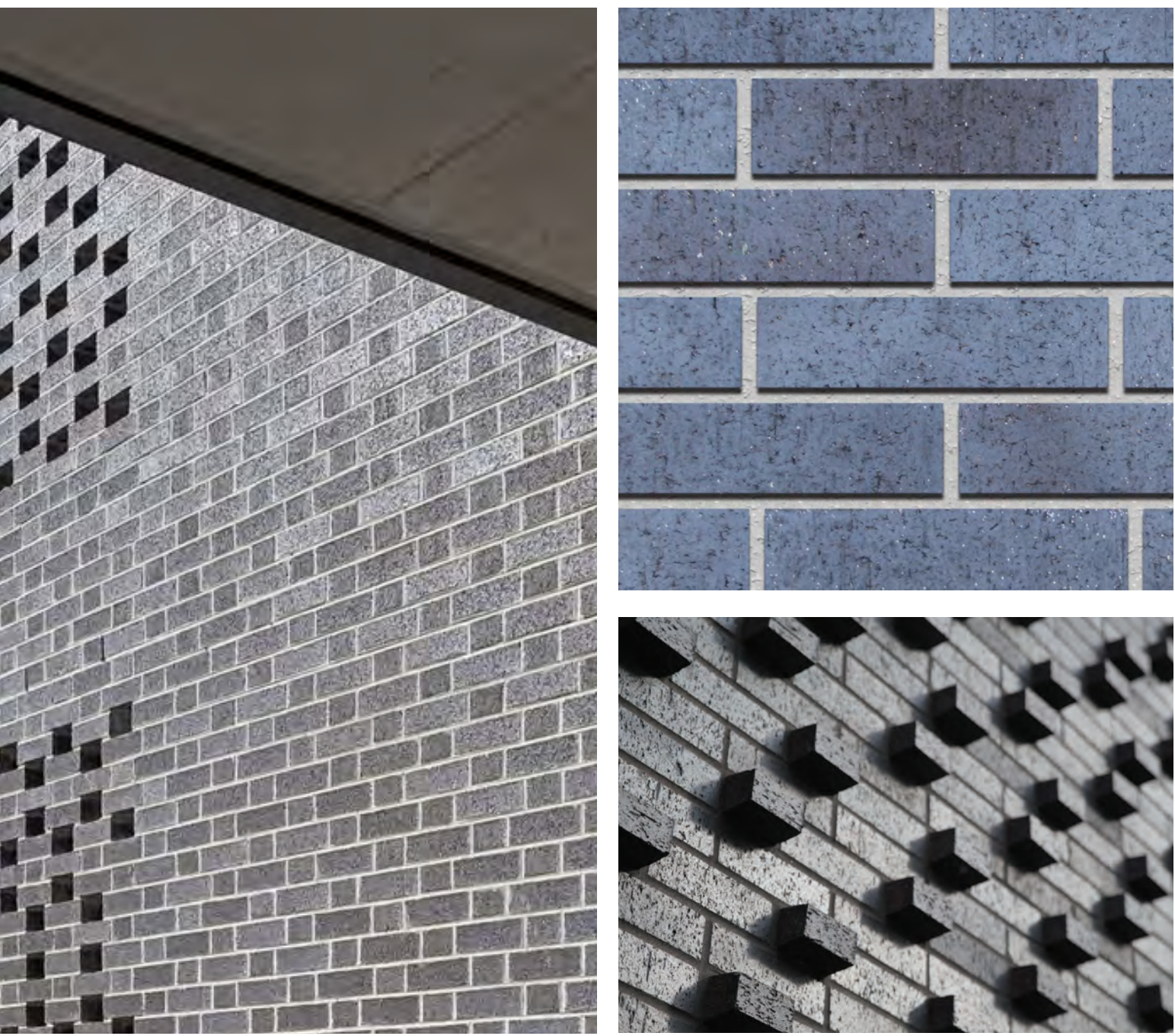
WOOD OR STEEL LOUVERS - FRONT SCREEN/RESTROOM SCREEN



THERMALLY MODIFIED HEM-FIR - SOFFIT



SOLAR PANEL ARRAY/GRAY MEMBRANE - ROOF



BRICK - WALLS



INTEGRATED SEATING, SITE LIGHTING, AND NATIVE LANDSCAPE



PUBLIC ART - TBD

DESIGN ELEMENTS, MATERIALS, AND LAYERS

SCALE: 1:20



VIEW LOOKING NORTH TOWARDS MAIN ENTRY/FRONT FACADE



VIEW AT COVERED ENTRY LOOKING EAST

SCHEMATIC RENDERINGS



VIEW LOOKING NORTH FROM MINERS HOSPITAL

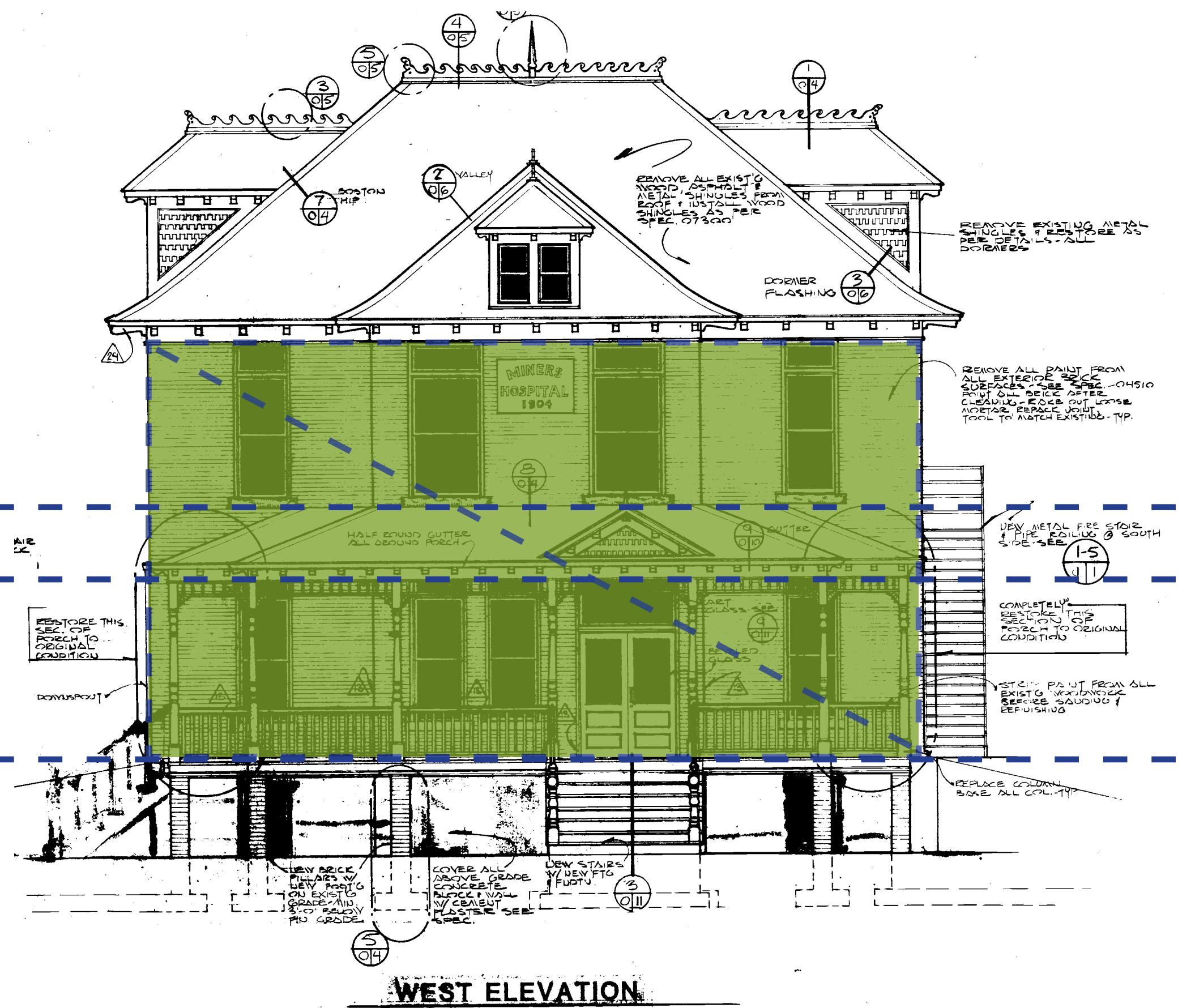
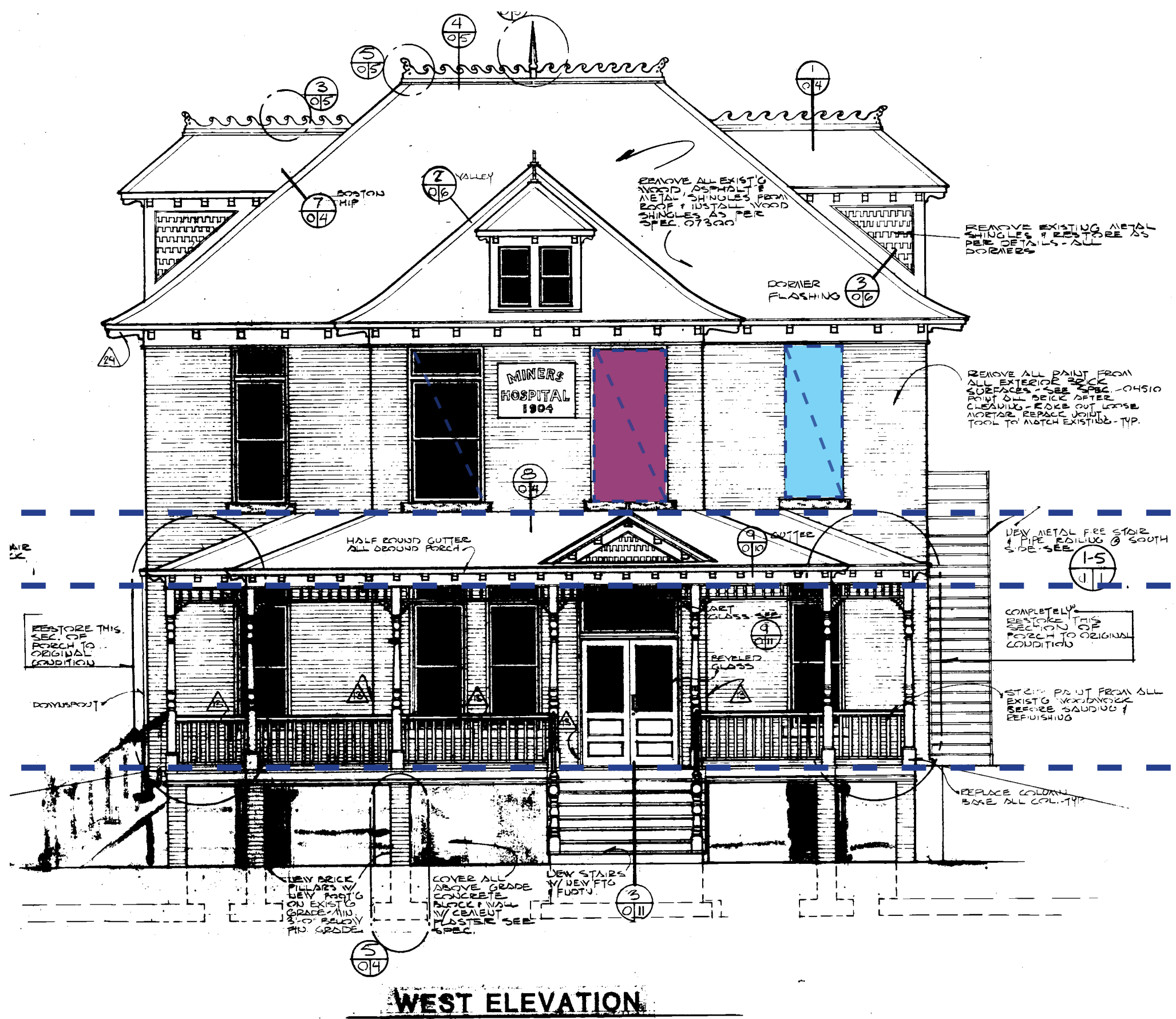
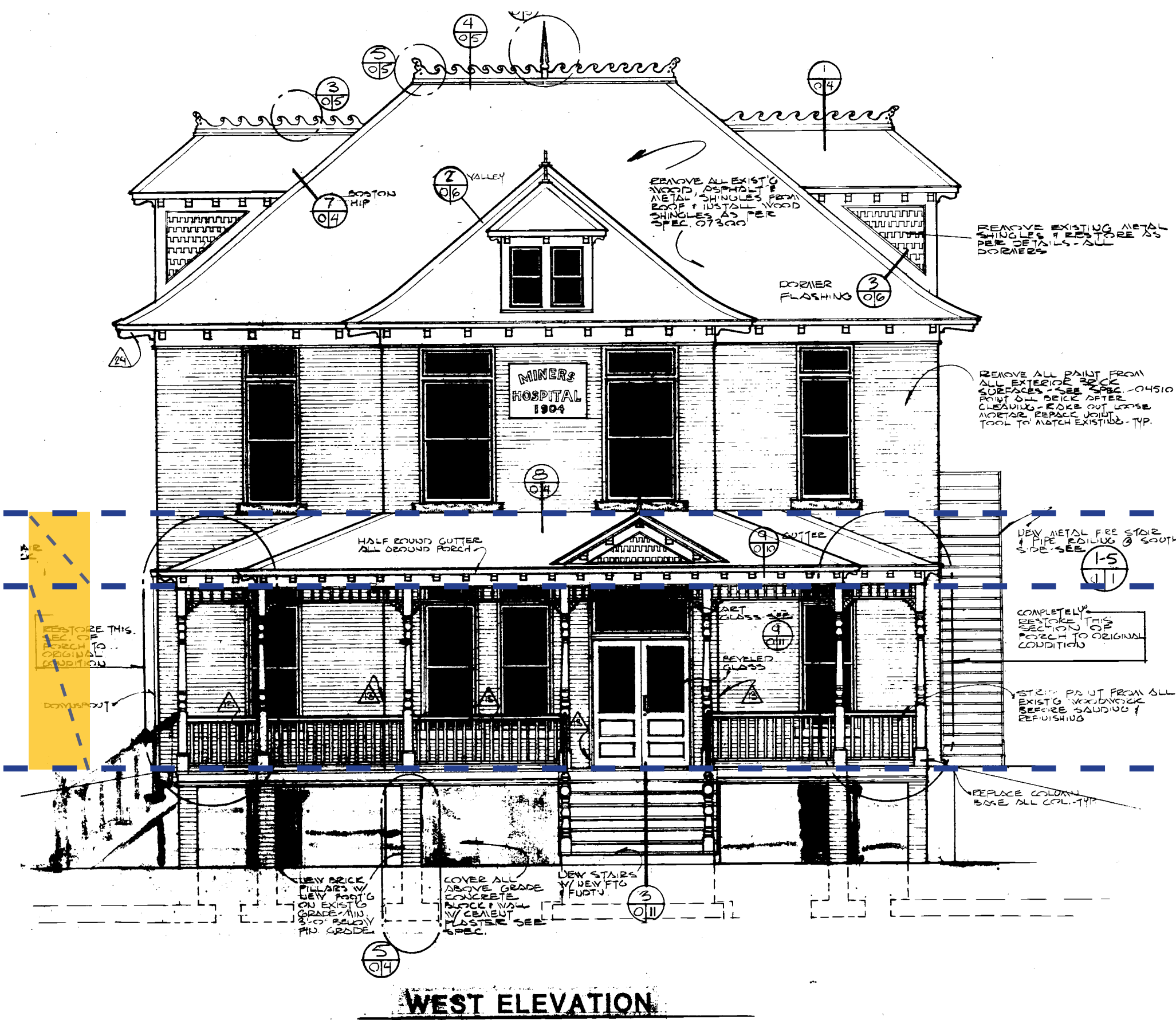


VIEW LOOKING SOUTH FROM SPORTS FIELD TO COMMUNITY EVENT SPACE/PLAYGROUND

SCHEMATIC RENDERINGS



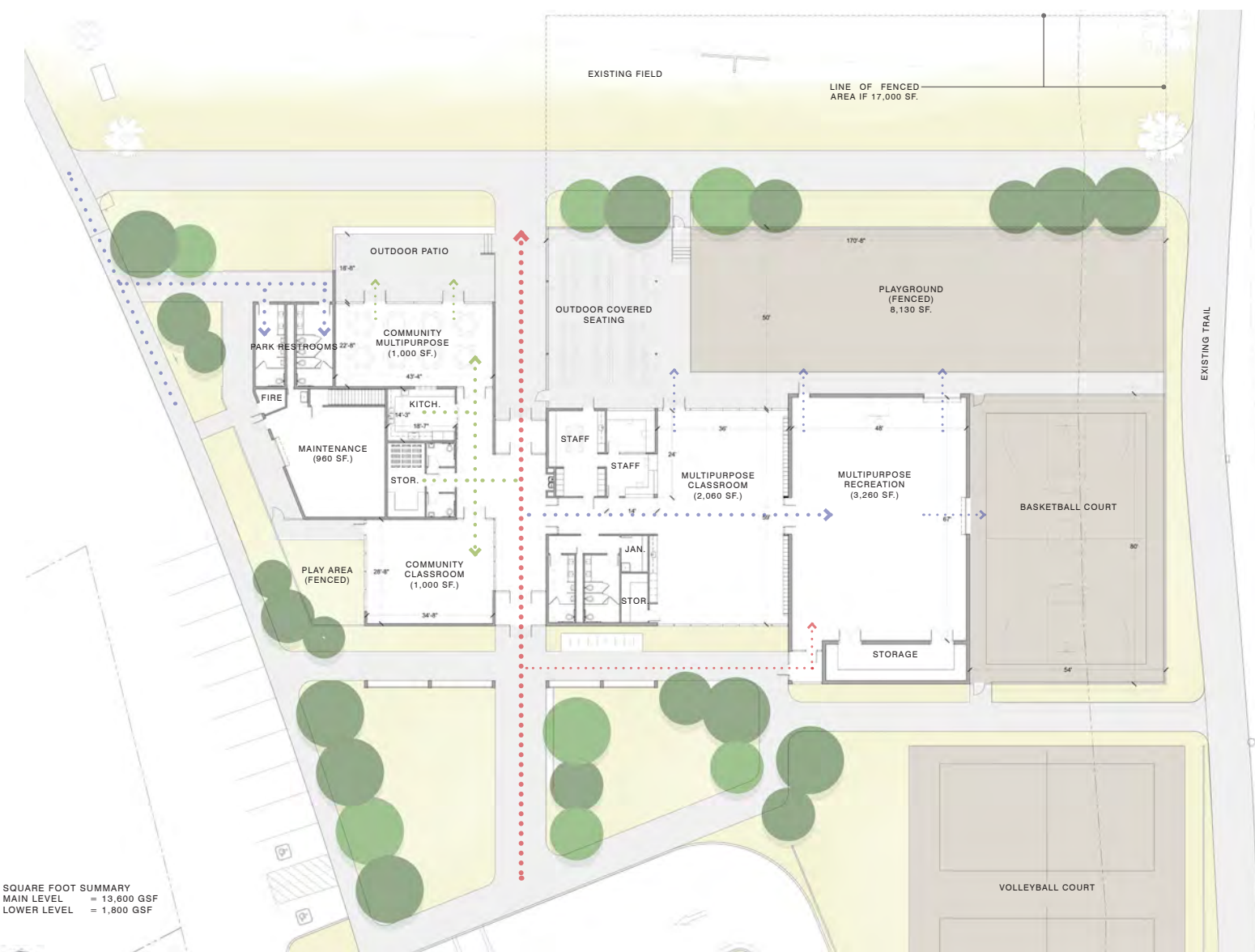
COMMUNITY CENTER - SOUTH ELEVATION STUDY



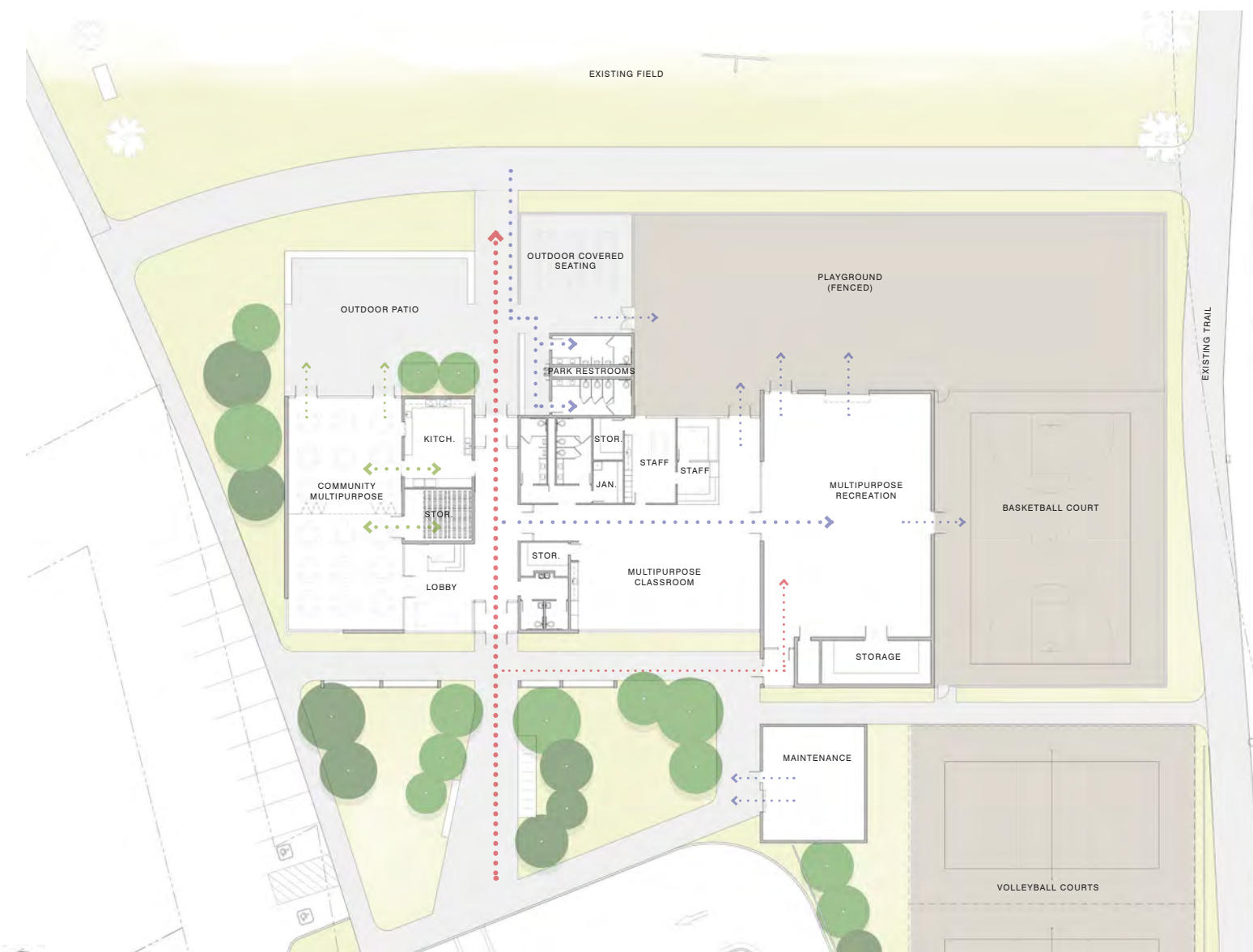
MINERS HOSPITAL - WEST ELEVATION STUDY

PROPORTIONAL AND ARCHITECTURAL REFERENCES TO MINERS

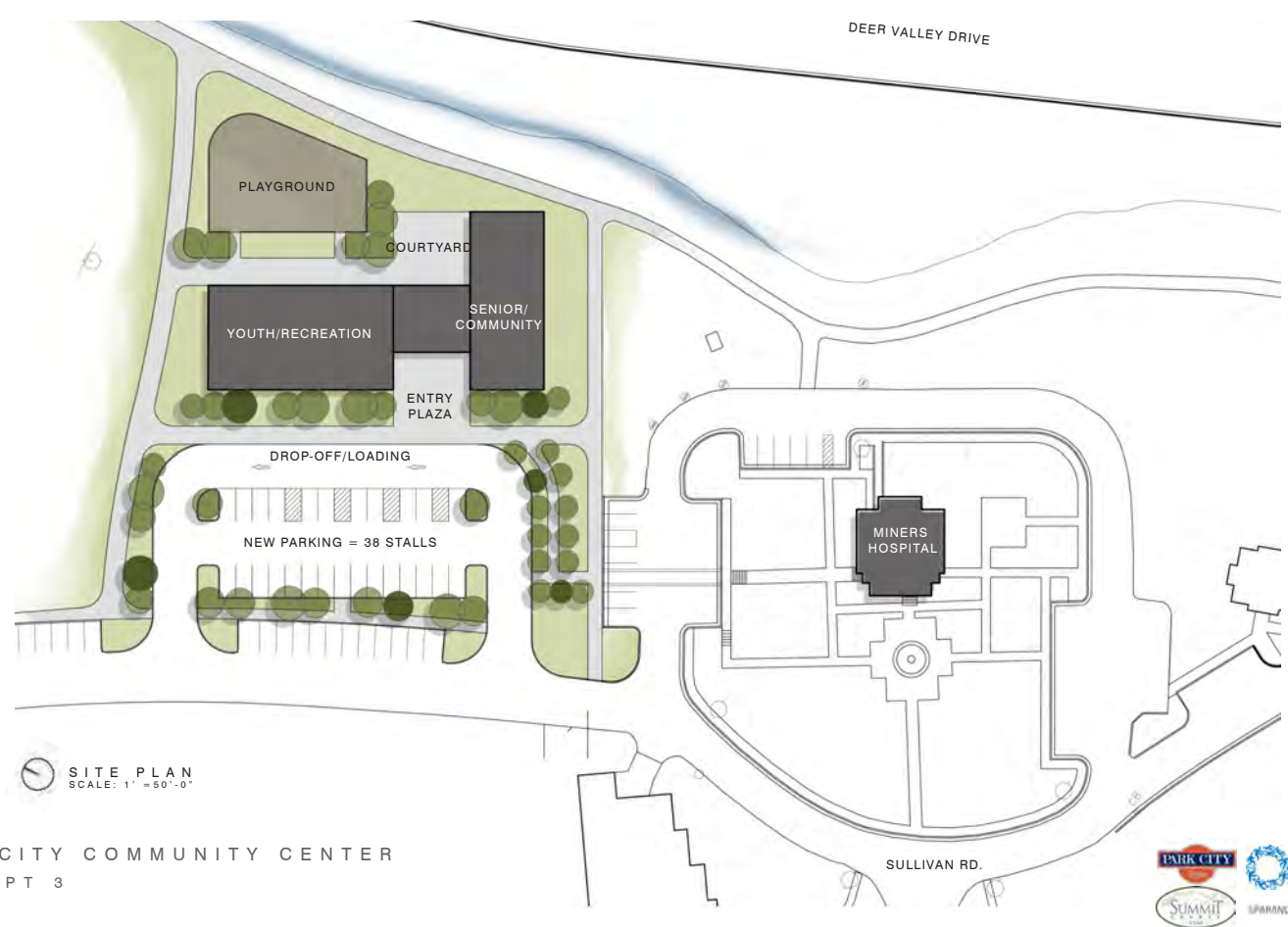
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OPTION 1



OPTION 4



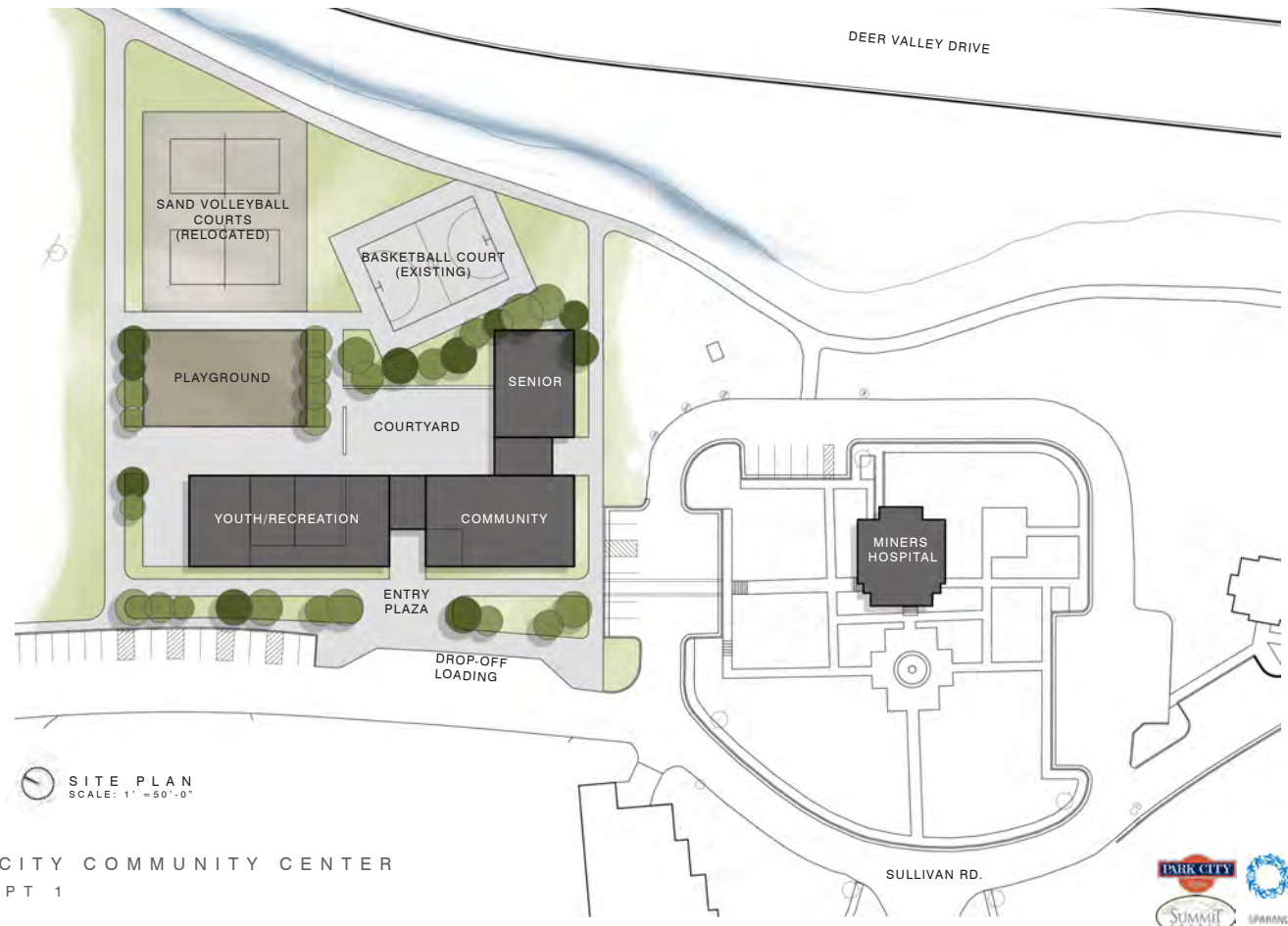
PARK CITY COMMUNITY CENTER
CONCEPT 3



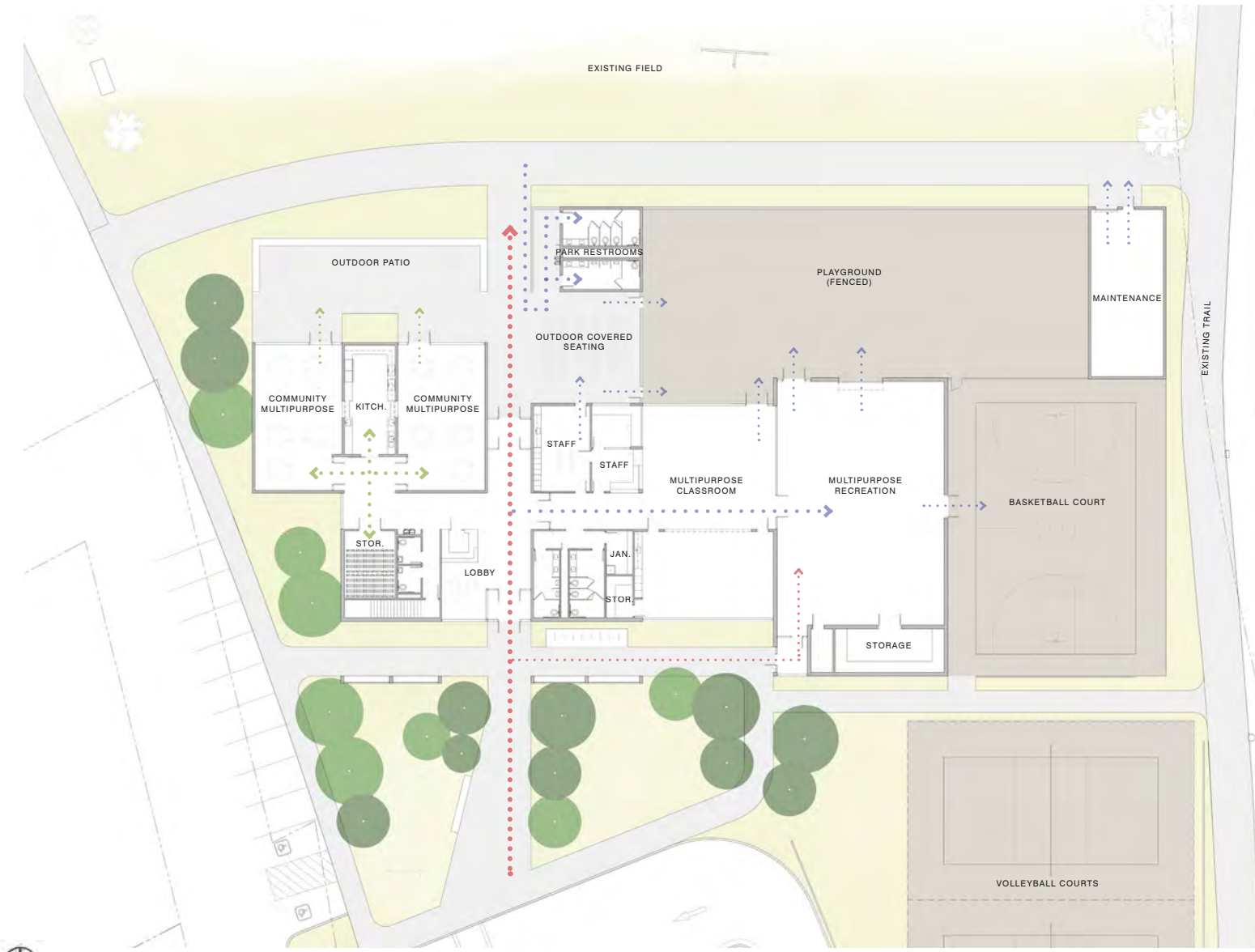
OPTION 2



OPTION 5



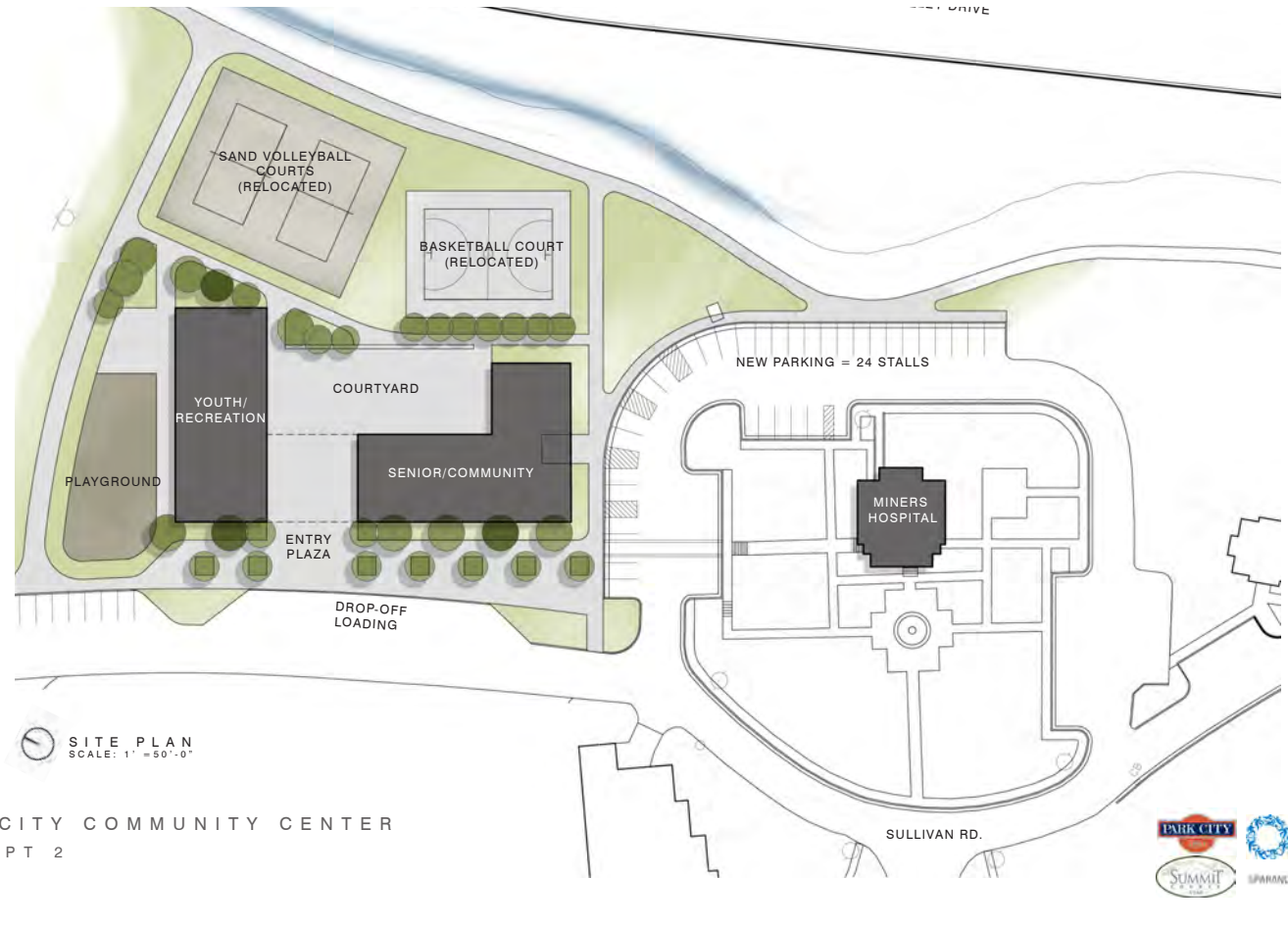
PARK CITY COMMUNITY CENTER
CONCEPT 1



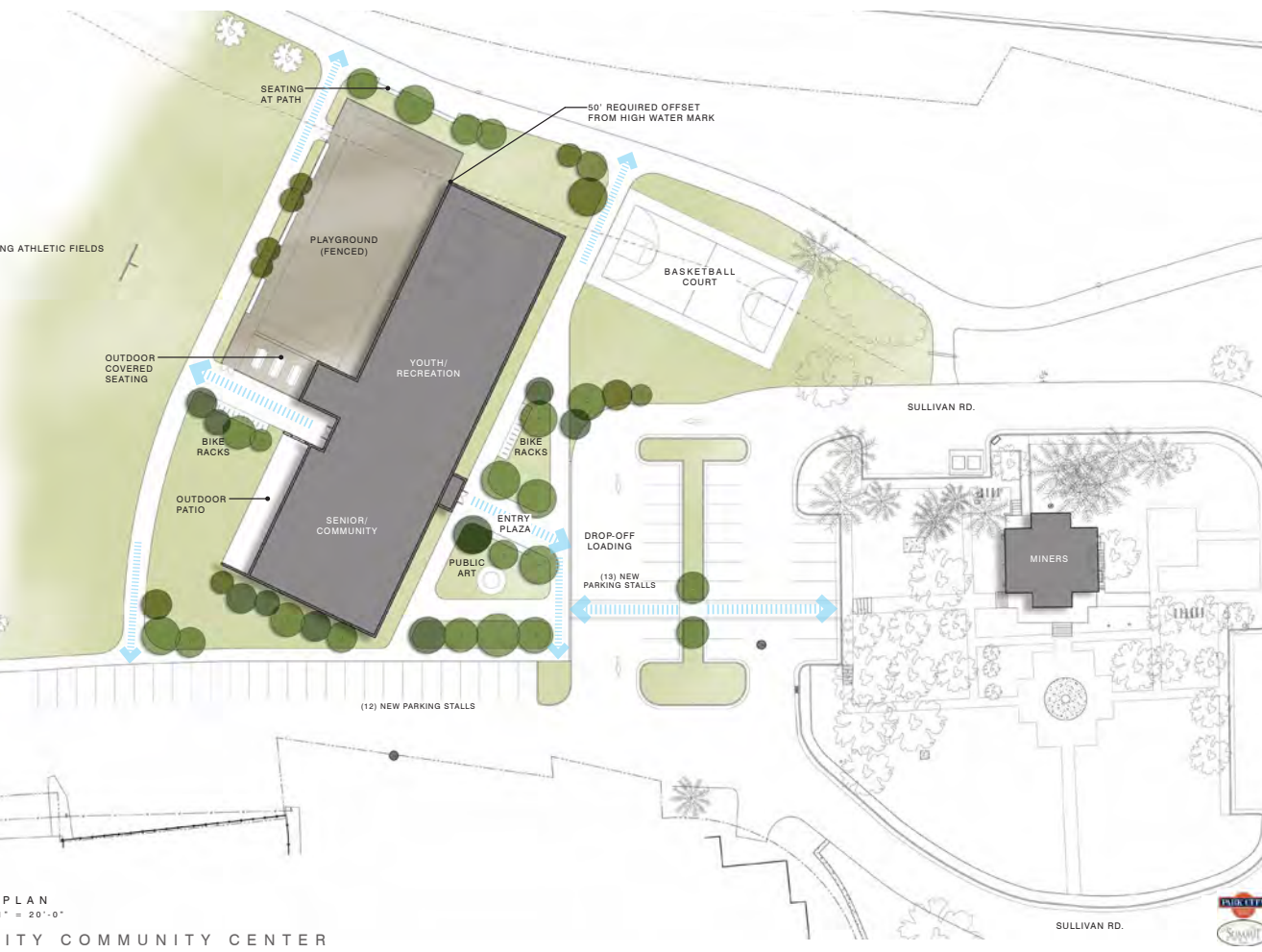
OPTION 3



OPTION 6



PARK CITY COMMUNITY CENTER
CONCEPT 2



PARK CITY COMMUNITY CENTER

PROCESS STUDIES

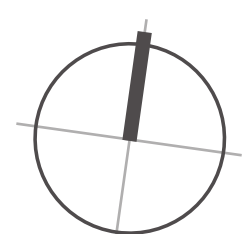
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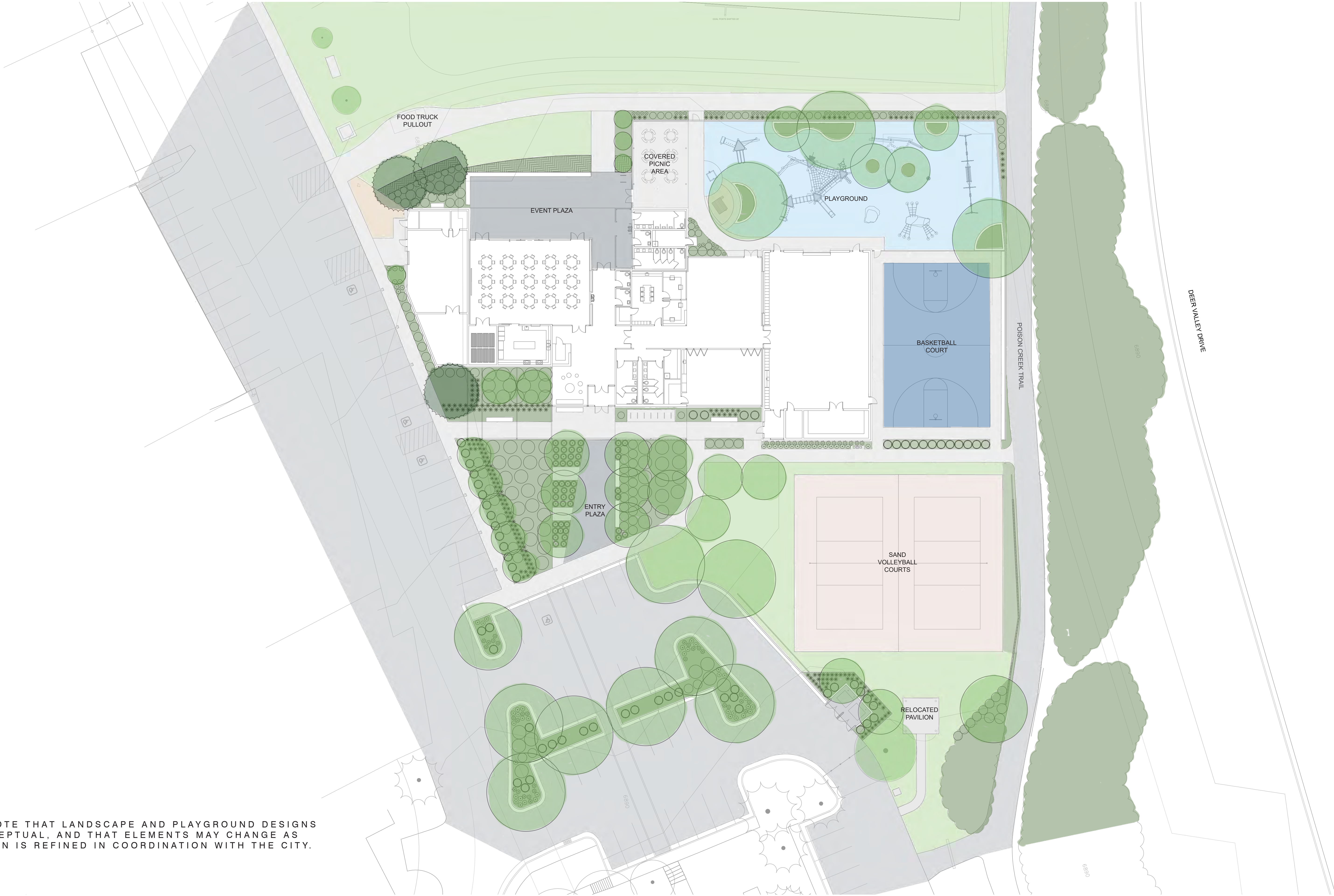


SPARANO+MOONEY
ARCHITECTURE

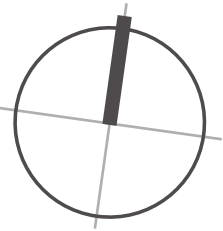




 EXISTING VEGETATION PLAN
SCALE: 1:20



PLEASE NOTE THAT LANDSCAPE AND PLAYGROUND DESIGNS ARE CONCEPTUAL, AND THAT ELEMENTS MAY CHANGE AS THE DESIGN IS REFINED IN COORDINATION WITH THE CITY.



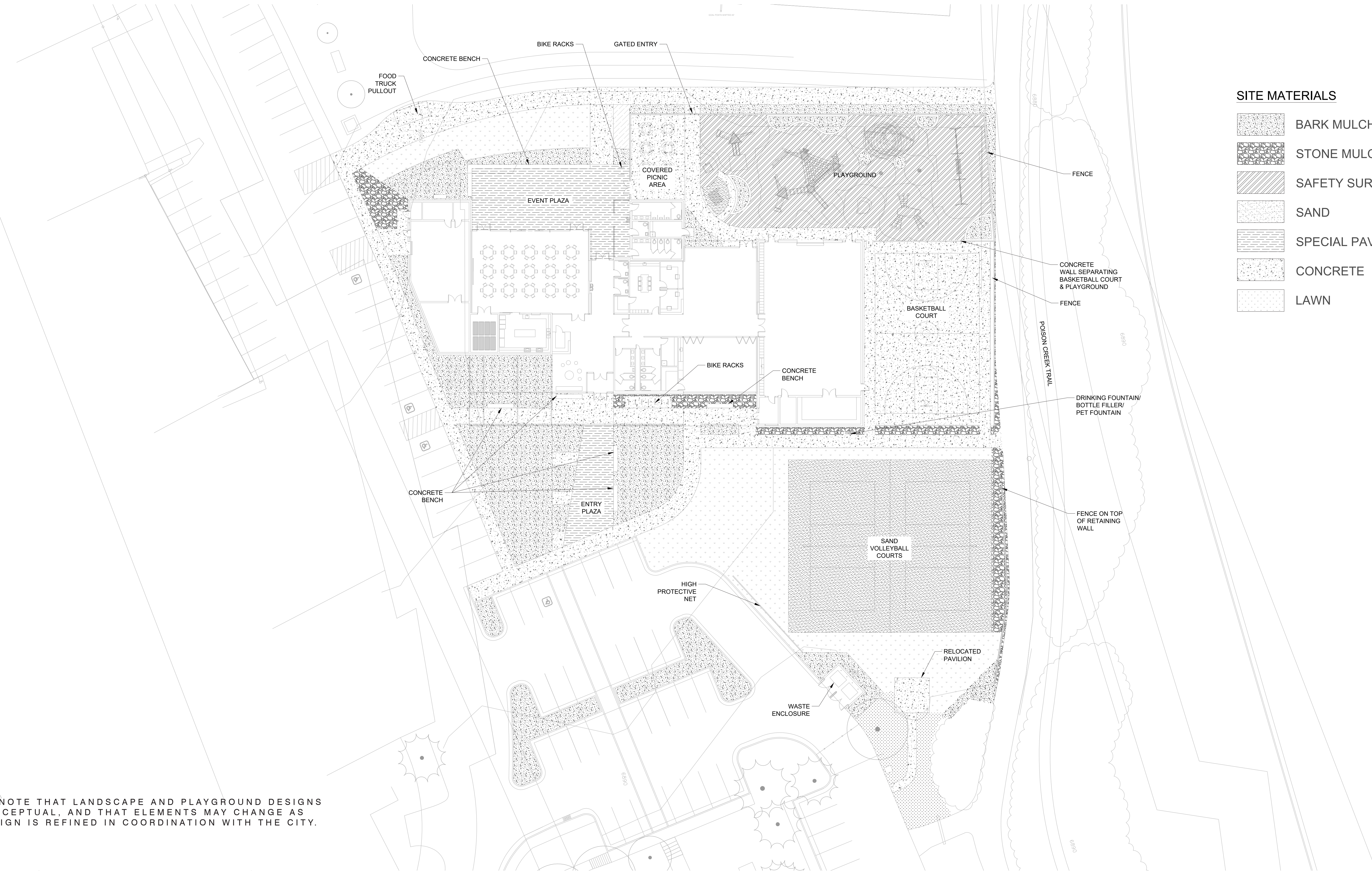
CONCEPTUAL LANDSCAPE PLAN ILLUSTRATIVE

SCALE: 1:20



SPARANO+MOONEY
ARCHITECTURE

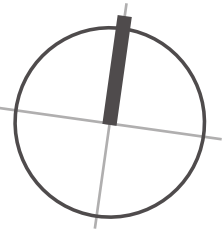




SITE MATERIALS

- BARK MULCH
- STONE MULCH
- SAFETY SURFACING
- SAND
- SPECIAL PAVERS
- CONCRETE
- LAWN

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CONCEPTUAL LANDSCAPE SITE + MATERIALS PLAN

SCALE: 1:20

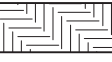
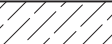


SPARANO+MOONEY
ARCHITECTURE

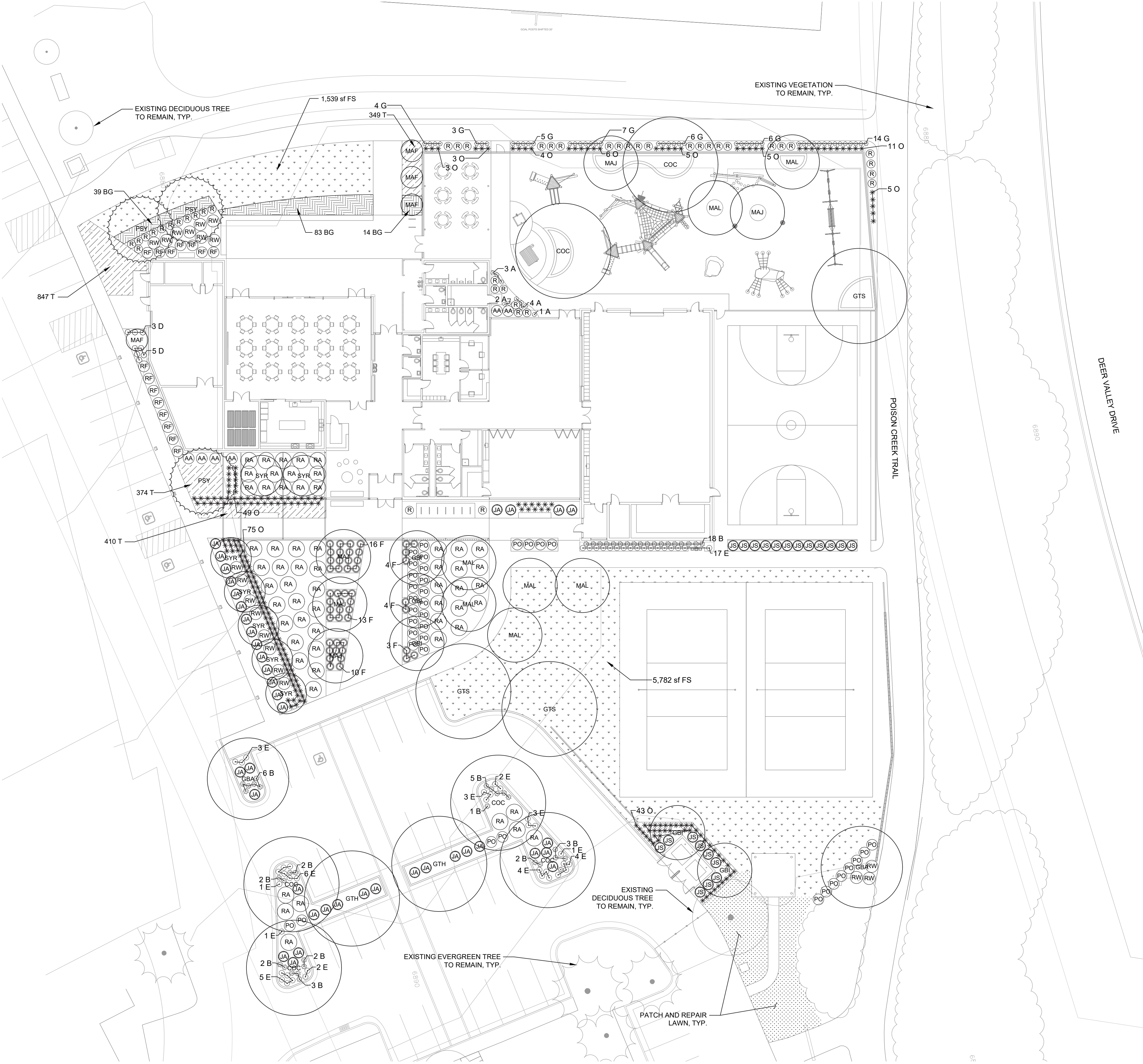


PARK CITY COMMUNITY CENTER

PLANT SCHEDULE

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS	
TREES							
	COC	CELTIS OCCIDENTALIS	COMMON HACKBERRY	2" CAL.	6	DECIDUOUS 40' X 35'	
	GBA	GINKGO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD MAIDENHAIR TREE	15 GAL.	2	DECIDUOUS 40' X 30'	
	GBI	GINKGO BILOBA 'PNI 2720'	PRINCETON SENTRY® MAIDENHAIR TREE	15 GAL.	5	DECIDUOUS 50' X 20'	
	GTH	GLEDITSIA TRIACANTHOS INERMIS 'HARVE'	NORTHERN ACCLAIM® HONEY LOCUST	2" CAL.	2	DECIDUOUS 40' X 35'	
	GTS	GLEDITSIA TRIACANTHOS INERMIS 'SKYCOLE'	SKYLINE® HONEY LOCUST	2" CAL.	3	DECIDUOUS 40' X 35'	
	MAL	MALUS X 'INDIAN MAGIC'	INDIAN MAGIC CRABAPPLE	2" CAL.	7	DECIDUOUS 20' X 20'	
	MAJ	MALUS X 'JEFLITE'	STARLITE FLOWERING CRABAPPLE	2" CAL.	5	DECIDUOUS 25' X 20'	
	MAF	MALUS X 'JEFSPIRE'	PURPLE SPIRE® COLUMNAR CRABAPPLE	2" CAL.	4	DECIDUOUS 20' X 8'	
	PSY	PINUS SYLVESTRIS	SCOTCH PINE	6' HT	3		
	SYR	SYRINGA RETICULATA 'IVORY SILK'	IVORY SILK JAPANESE TREE LILAC	2" CAL.	7	DECIDUOUS 25' X 15'	
SHRUBS							
	AA	AMELANCHIER ALNIFOLIA 'OBELISK'	STANDING OVATION™ SERVICEBERRY	5 GAL.	6	DECIDUOUS 12' X 4'	
	JA	JUNIPERUS COMMUNIS 'ALPINE CARPET'	CREeping JUNIPER	5 GAL.	39	EVERGREEN 1' X 4'	
	JS	JUNIPERUS SCOPULORUM 'SKYROCKET'	SKYROCKET JUNIPER	5 GAL.	21	EVERGREEN 15' X 4'	
	PO	PHYSOCARPUS OPULIFOLIUS 'DONNA MAY'	LITTLE DEVIL™ DWARF NINEBARK	5 GAL.	35	DECIDUOUS 4' X 4'	
	RF	RHAMNUS FRANGULA 'COLUMNARIS'	TALLHEDGE BUCKTHORN	5 GAL.	15	DECIDUOUS 12' X 4'	
	RA	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	5 GAL.	59	DECIDUOUS 3' X 6'	
	R	RIBES ALPINUM 'GREEN MOUND'	GREEN MOUND ALPINE CURRANT	5 GAL.	43	DECIDUOUS 3' X 3'	
	RW	ROSA WOODSII	MOUNTAIN ROSE	5 GAL.	19	DECIDUOUS 4.5' X 4.5'	
ORNAMENTAL GRASSES							
	B	BOUTELOUA GRACILIS 'HONEYCOMB'	HONEYCOMB BLUE GRAMA GRASS	1 GAL.	47	2' X 2'	
	O	CALAMAGROSTIS X ACUTIFLORA 'OVERDAM'	OVERDAM FEATHER REED GRASS	1 GAL.	219	3' X 2'	
	F	FESTUCA MAIREI	ATLAS FESCUE	1 GAL.	48	3' X 3'	
PERENNIALS							
	A	AQUILEGIA CAERULEA	ROCKY MOUNTAIN COLUMBINE	1 GAL.	10	DECIDUOUS 1.5' X 1'	
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GROUND COVERS							
	FS	FESTUCA SP	TURF TYPE TALL FESCUE BLEND	SOD		7,293 SF	
	T	THYMUS SP.	THYME MIX	4" POT	8" o.c.	1,980	BLEND OF THYMUS SERPHYLLUM 'COCCINEUM', 'MAUVE', AND 'PINK CHINTZ'

PLEASE NOTE THAT LANDSCAPE AND PLAYGROUND DESIGNS ARE CONCEPTUAL, AND THAT ELEMENTS MAY CHANGE AS THE DESIGN IS REFINED IN COORDINATION WITH THE CITY.



TREES



COMMON HACKBERRY



INDIAN MAGIC CRABAPPLE



AUTUMN GOLD MAIDENHAIR TREE



STARLITE FLOWERING CRABAPPLE



PRINCETON SENTRY® MAIDENHAIR TREE



PURPLE SPIRE® COLUMNAR CRABAPPLE



NORTHERN ACCLAIM® HONEY LOCUST



SCOTCH PINE



SKYLINE® HONEY LOCUST



IVORY SILK JAPANESE TREE LILAC

SHRUBS



STANDING OVATION™ SERVICEBERRY



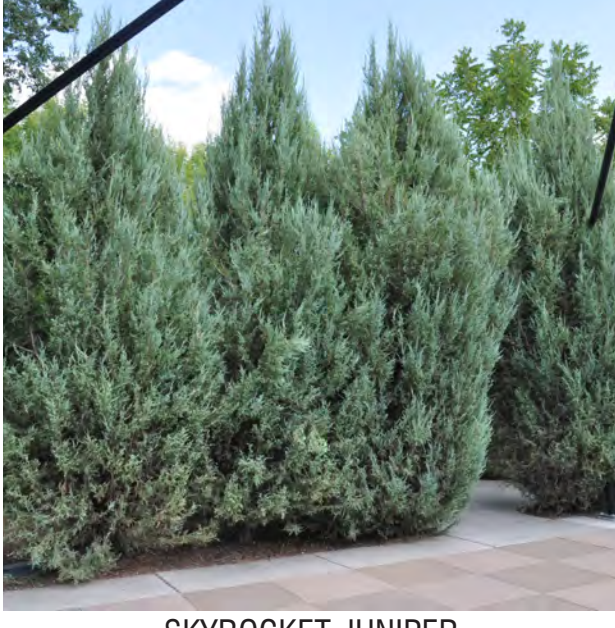
GRO-LOW FRAGRANT SUMAC



CREeping JUNIPER



GREEN MOUND ALPINE CURRANT



SKYROCKET JUNIPER



MOUNTAIN ROSE



LITTLE DEVIL™ DWARF NINEBARK



TALLHEDGE BUCKTHORN

ORNAMENTAL GRASSES



HONEYCOMB BLUE GRAMA GRASS



OVERDAM FEATHER REED GRASS



ATLAS FESCUE

PERENNIALS



ROCKY MOUNTAIN COLUMBINE



SONGBIRD DOVE COLUMBINE



MAGNUS PURPLE CONEFLOWER



AMERICAN GOLD RUSH CONEFLOWER

GROUND COVERS



TURF TYPE TALL FESCUE BLEND



Red Creeping Thyme



Mauve Creeping Thyme



Pink Creeping Thyme

THYME MIX

PLEASE NOTE THAT LANDSCAPE AND PLAYGROUND DESIGNS ARE CONCEPTUAL, AND THAT ELEMENTS MAY CHANGE AS THE DESIGN IS REFINED IN COORDINATION WITH THE CITY.

CONCEPTUAL LANDSCAPE PLANT PHOTOS

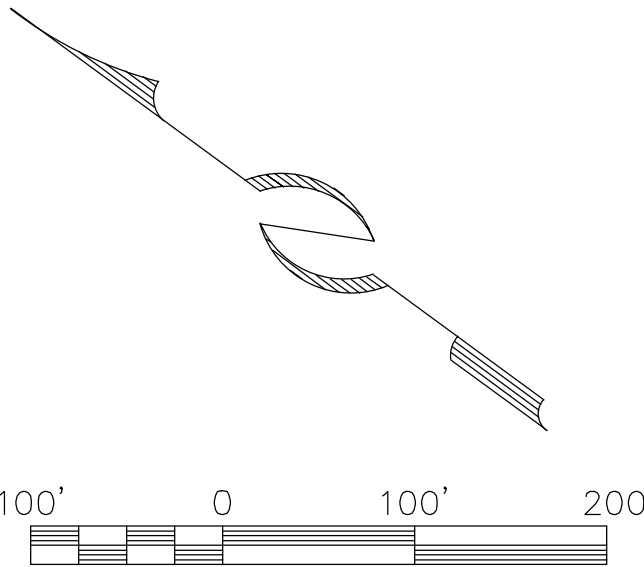
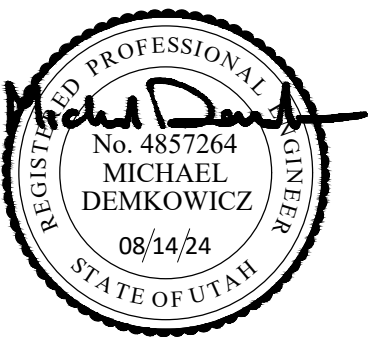
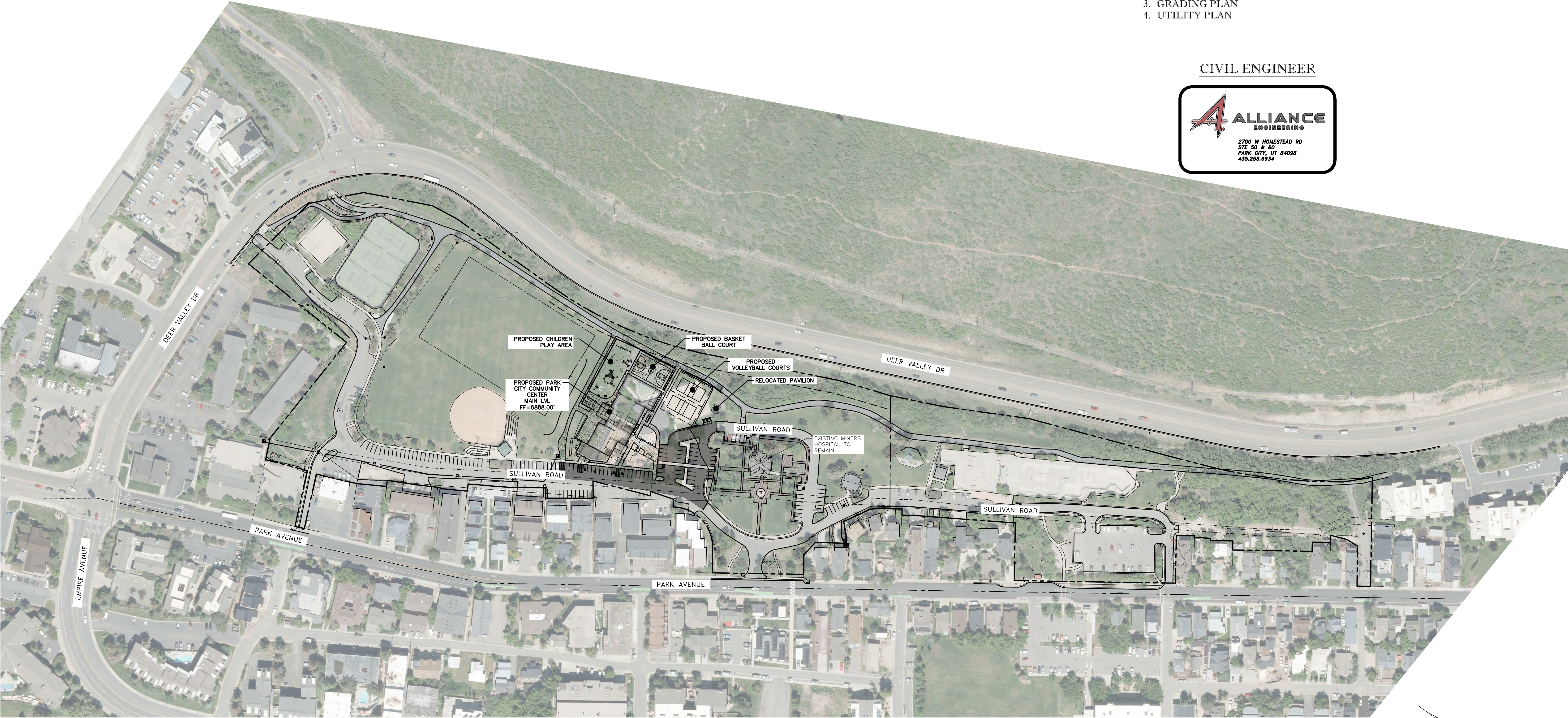
PARK CITY, CITY PARK CONDITIONAL USE PERMIT

1400 SULLIVAN ROAD
PARK CITY, UT 84060

SHEET INDEX

1. EXISTING CONDITIONS AND DEMOLITION PLAN
2. SITE PLAN
3. GRADING PLAN
4. UTILITY PLAN

CIVIL ENGINEER





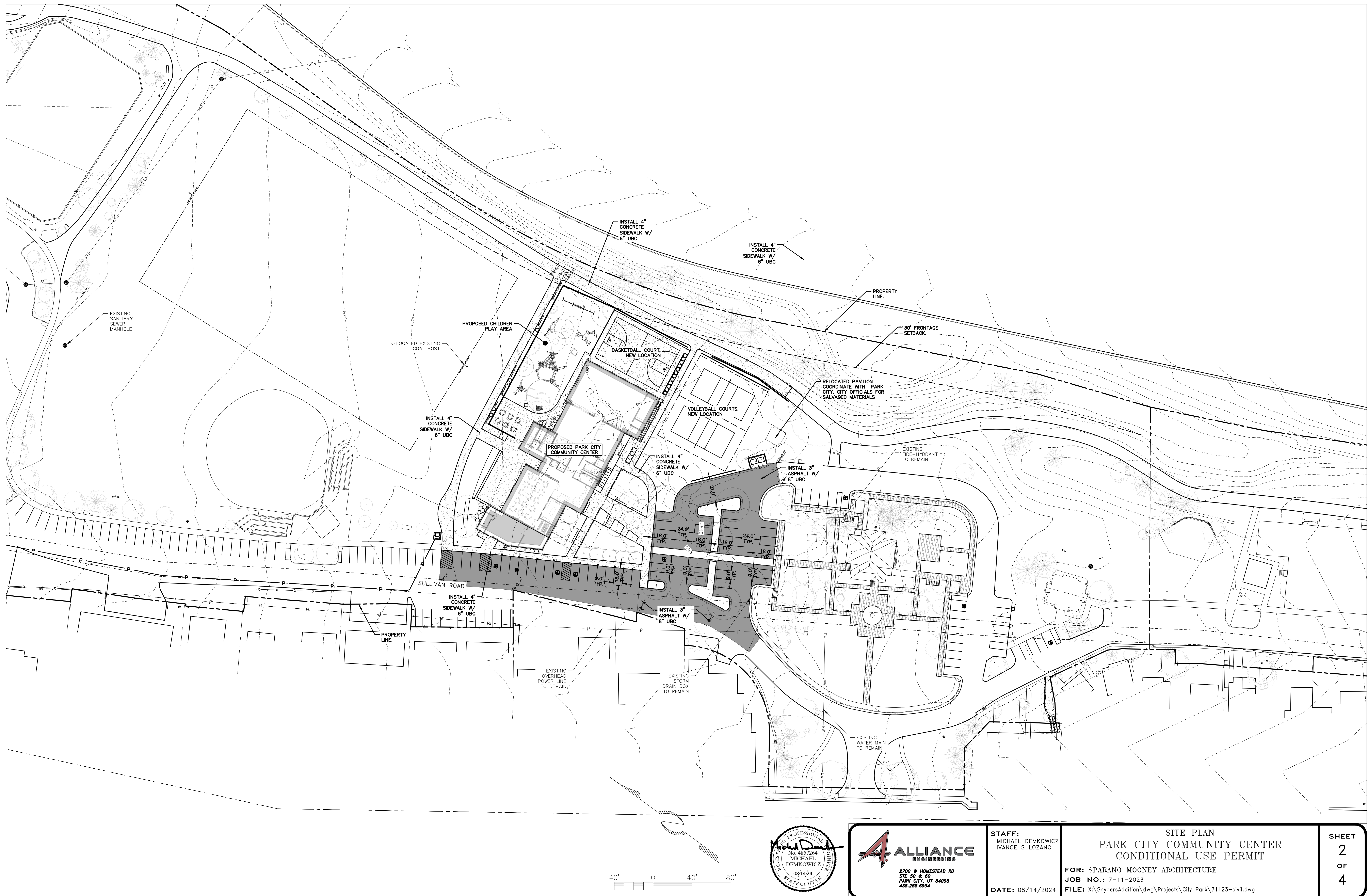
STAFF:
MICHAEL DEMKOWICZ
IVANOE S LOZANO

DATE: 08/14/2024

EXISTING CONDITIONS & DEMOLITION PLAN
PARK CITY COMMUNITY CENTER
CONDITIONAL USE PERMIT

FOR: SPARANO MOONEY ARCHITECTURE
JOB NO.: 7-11-2023
FILE: X:\SnydersAddition\dwg\Projects\City Park\71123-civil.dwg

SHEET
1
OF
4



EARTHWORK QUANTITIES:
CUT= 13,752 CU. YD. >CUT<
FILL= 196,835 CU. YD. >FILL<
NET= 183,083 CU. YD. >FILL<

RELOCATED
RUGBY GOAL
POST.

3:1 GRADING.

PROPOSED CHILDREN
PLAY AREA.

NEW
CONCRETE
PATHS.

PROPOSED BASKET BALL
COURT.

PROPOSED VOLLEYBALL
COURTS.

NEW ROCK STACK
RETAINING WALL.

PROPOSED PARK CITY
COMMUNITY CENTER
MAIN LVL=6888.00'
MAINTENANCE LVL=6884.00'

NEW CONCRETE
SIDEWALK.

NEW CONCRETE
CURB & GUTTER.

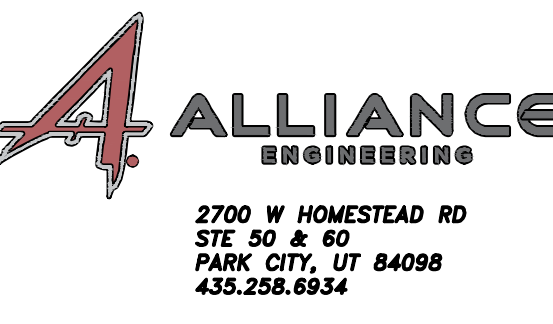
NEW PARKING
AREA.

NEW FLUSH
CURB.

DETENTION
BASIN.

NEW CONCRETE
SIDEWALK.

NEW CONCRETE
CURB & GUTTER.



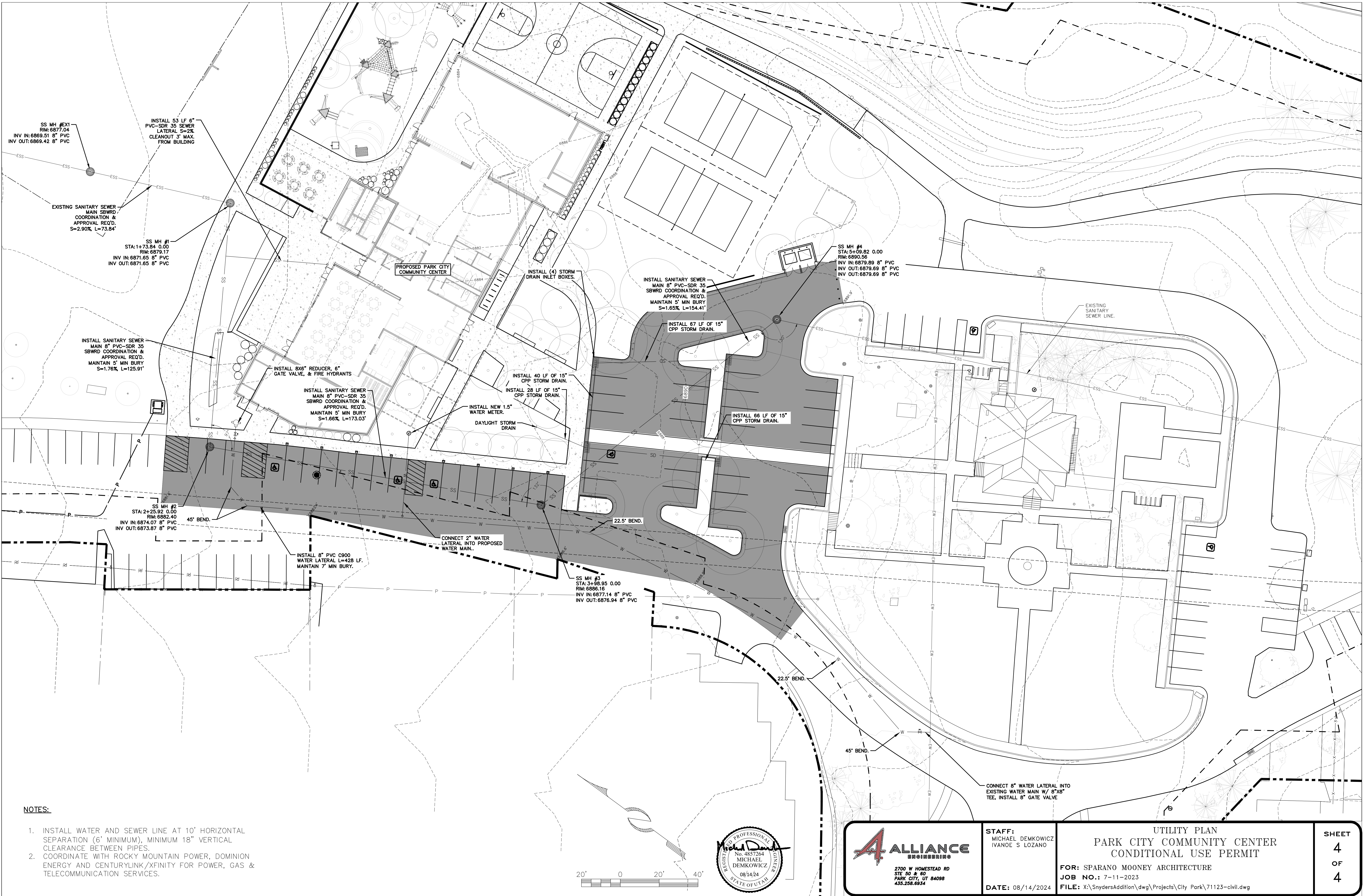
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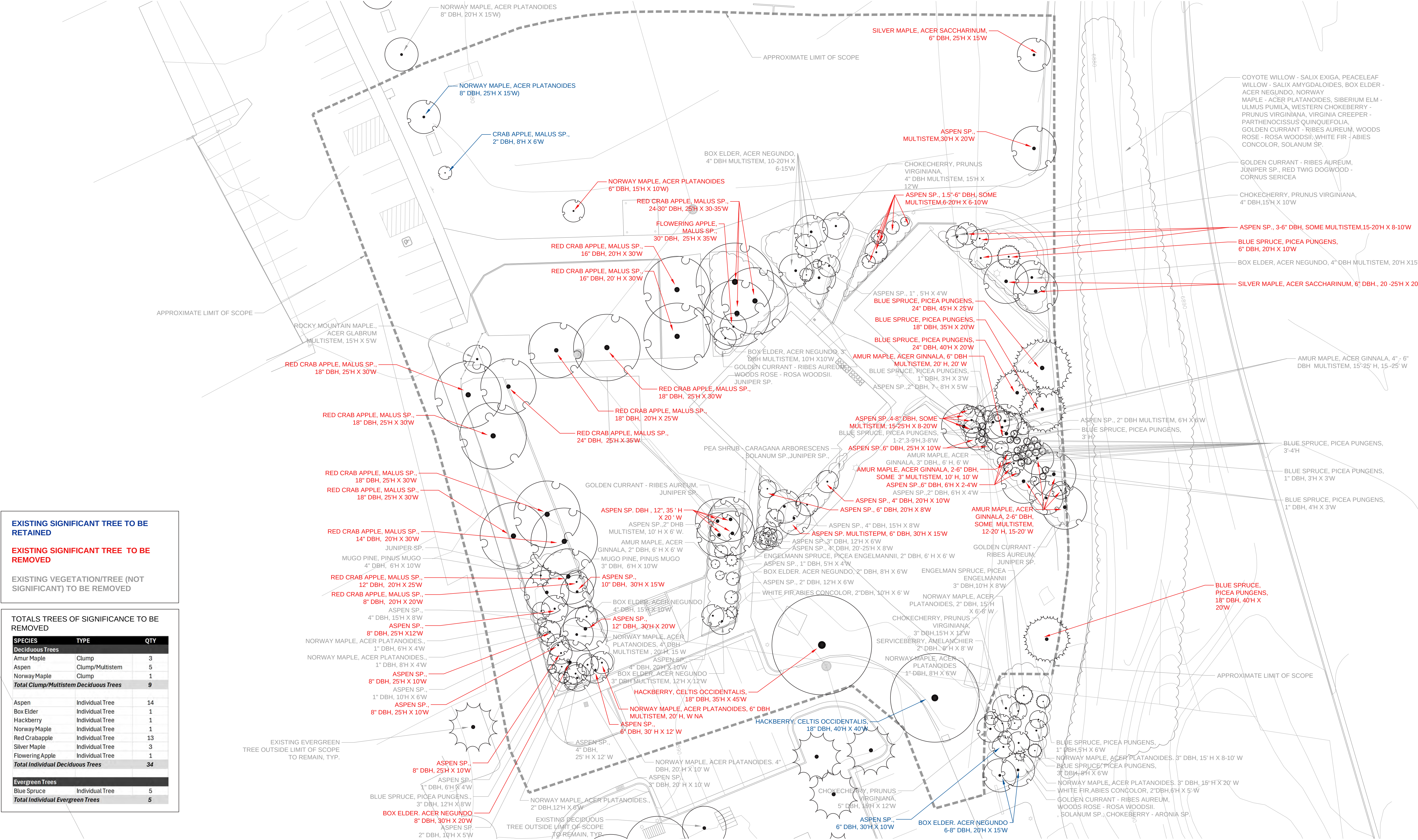
DATE: 08/14/2024

GRADING PLAN
PARK CITY COMMUNITY CENTER
CONDITIONAL USE PERMIT

FOR: SPARANO MOONEY ARCHITECTURE
JOB NO.: 7-11-2023
FILE: X:\SnydersAddition\dwg\Projects\City Park\71123-civil.dwg

SHEET
3
OF
4





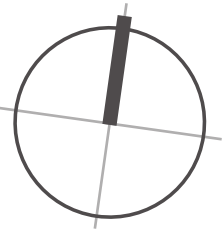
EXISTING SIGNIFICANT TREE TO BE RETAINED

EXISTING SIGNIFICANT TREE TO BE REMOVED

EXISTING VEGETATION/TREE (NOT SIGNIFICANT) TO BE REMOVED

TOTALS TREES OF SIGNIFICANCE TO BE REMOVED

SPECIES	TYPE	QTY
Deciduous Trees		
Amur Maple	Clump	3
Aspen	Clump/Multistem	5
Norway Maple	Clump	1
Total Clump/Multistem Deciduous Trees		9
Aspen	Individual Tree	14
Box Elder	Individual Tree	1
Hackberry	Individual Tree	1
Norway Maple	Individual Tree	1
Red Crabapple	Individual Tree	13
Silver Maple	Individual Tree	3
Flowering Apple	Individual Tree	1
Total Individual Deciduous Trees		34
Evergreen Trees		
Blue Spruce	Individual Tree	5
Total Individual Evergreen Trees		5

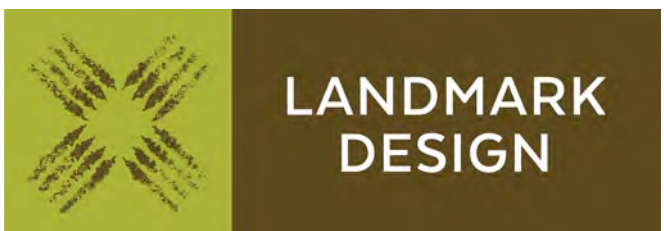


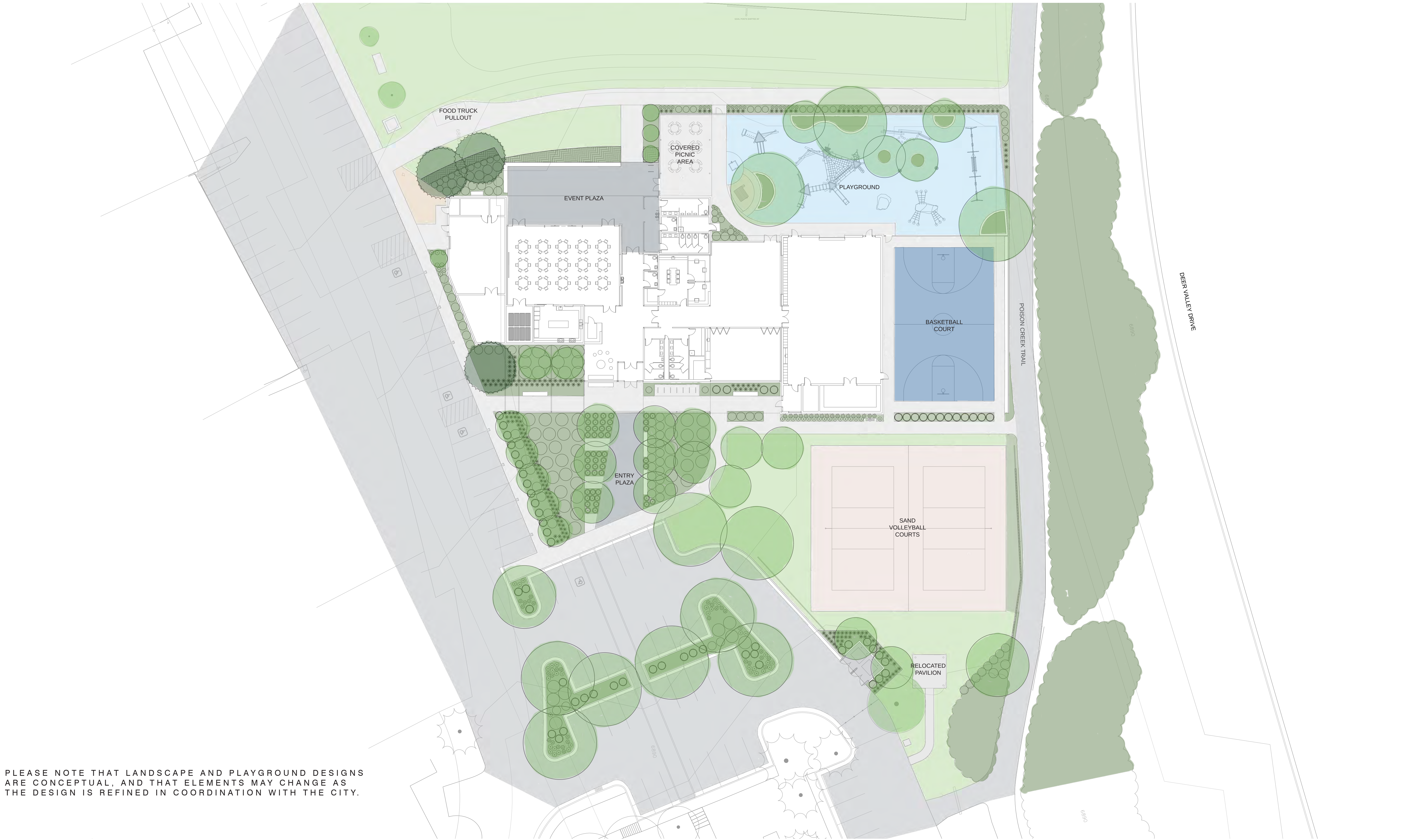
EXISTING VEGETATION PLAN

SCALE: 1:20

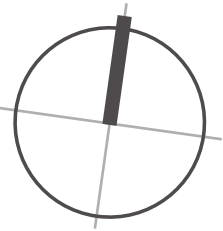


SPARANO+MOONEY
ARCHITECTURE





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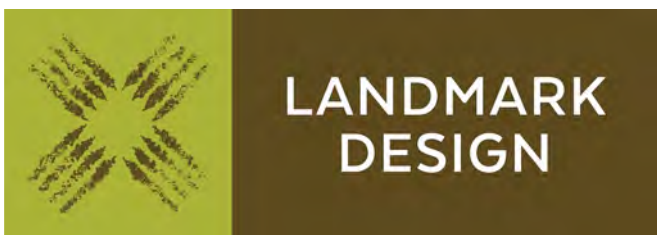


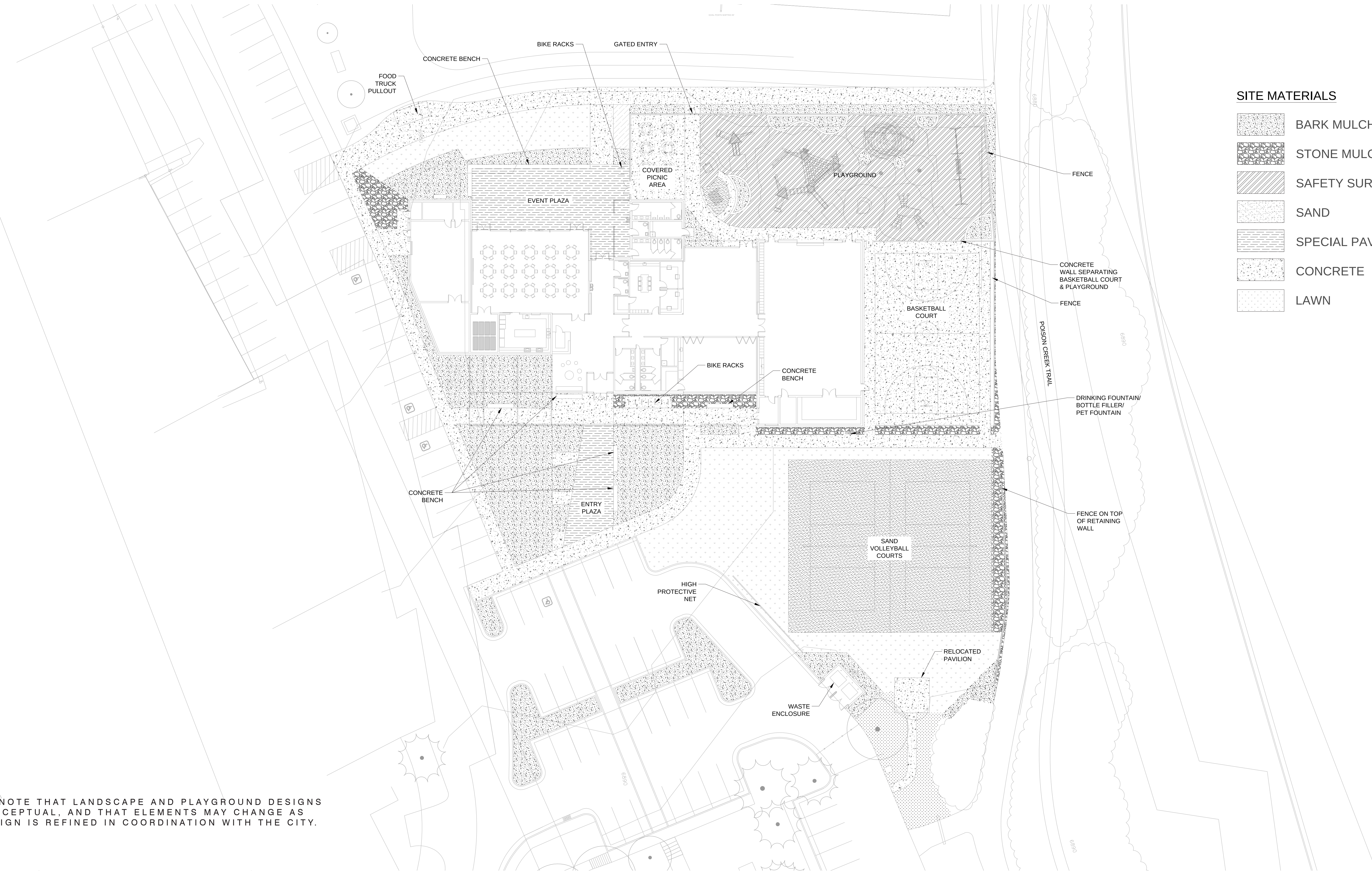
CONCEPTUAL LANDSCAPE PLAN ILLUSTRATIVE

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SPARANO+MOONEY
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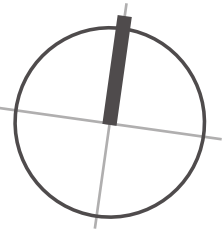




SITE MATERIALS

- BARK MULCH
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- SAND
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- LAWN

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CONCEPTUAL LANDSCAPE SITE + MATERIALS PLAN

SCALE: 1:20



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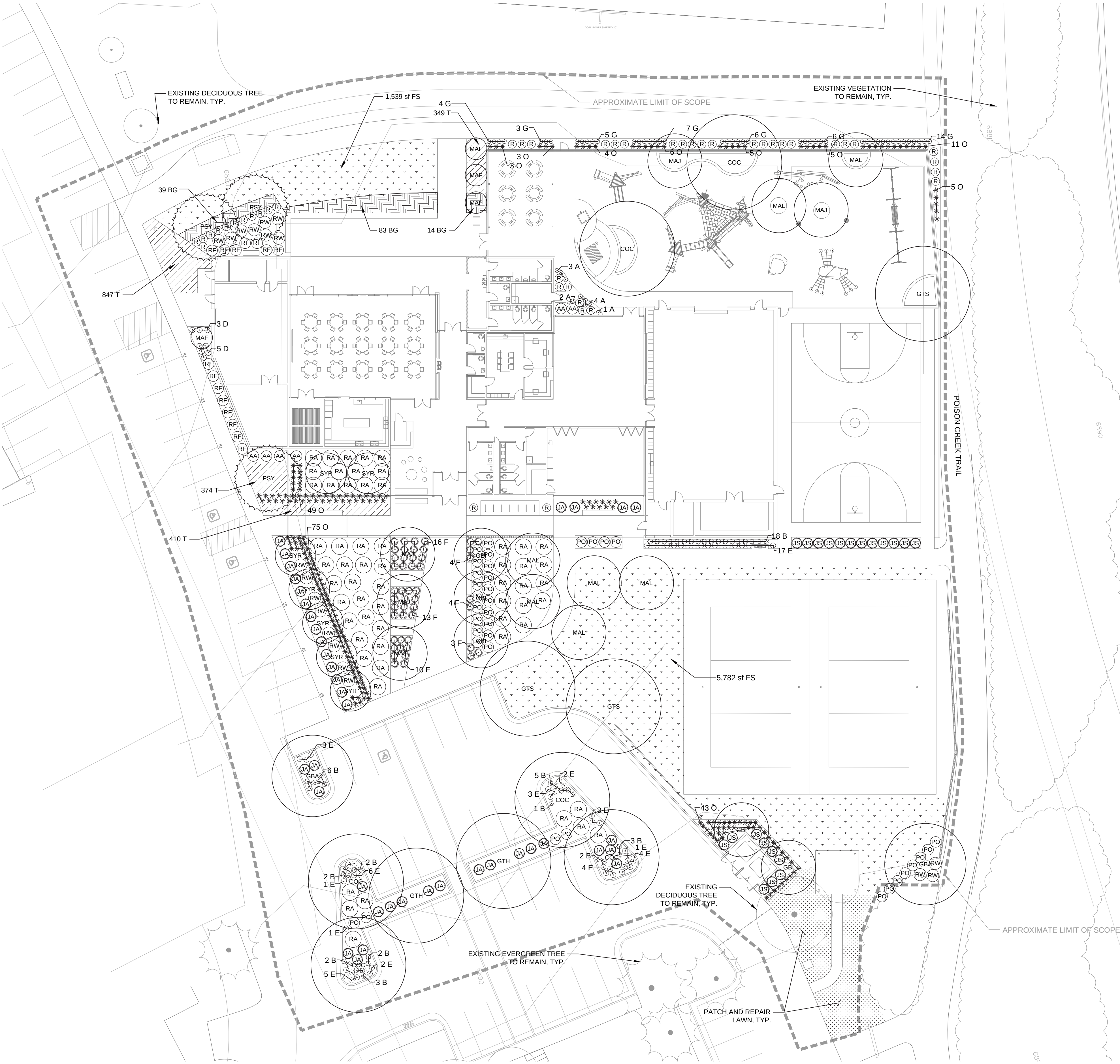
PARK CITY COMMUNITY CENTER

PLANT SCHEDULE

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	T	THYMUS SP.	THYME MIX	4" POT	8" o.c.	1,980	BLEND OF THYMUS SERPHYLLUM 'COCCINEUM', 'MAUVE', AND 'PINK CHINTZ'

TOTAL TREES OF SIGNIFICANT REMOVED AND REPLACED	
SPECIES	QTY
Deciduous Trees (Individual) Removed	34
Deciduous Trees (Clump/Multistem) Removed	9
Deciduous Trees Added	41
Evergreen Trees Removed	5
Evergreen Trees Added	3

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TREES



COMMON HACKBERRY



INDIAN MAGIC CRABAPPLE



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IVORY SILK JAPANESE TREE LILAC

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MOUNTAIN ROSE



LITTLE DEVIL™ DWARF NINEBARK



TALLHEDGE BUCKTHORN

ORNAMENTAL GRASSES



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ATLAS FESCUE

PERENNIALS



ROCKY MOUNTAIN COLUMBINE



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MAGNUS PURPLE CONEFLOWER



AMERICAN GOLD RUSH CONEFLOWER

GROUND COVERS



TURF TYPE TALL FESCUE BLEND



Red Creeping Thyme



Mauve Creeping Thyme



Pink Creeping Thyme

THYME MIX

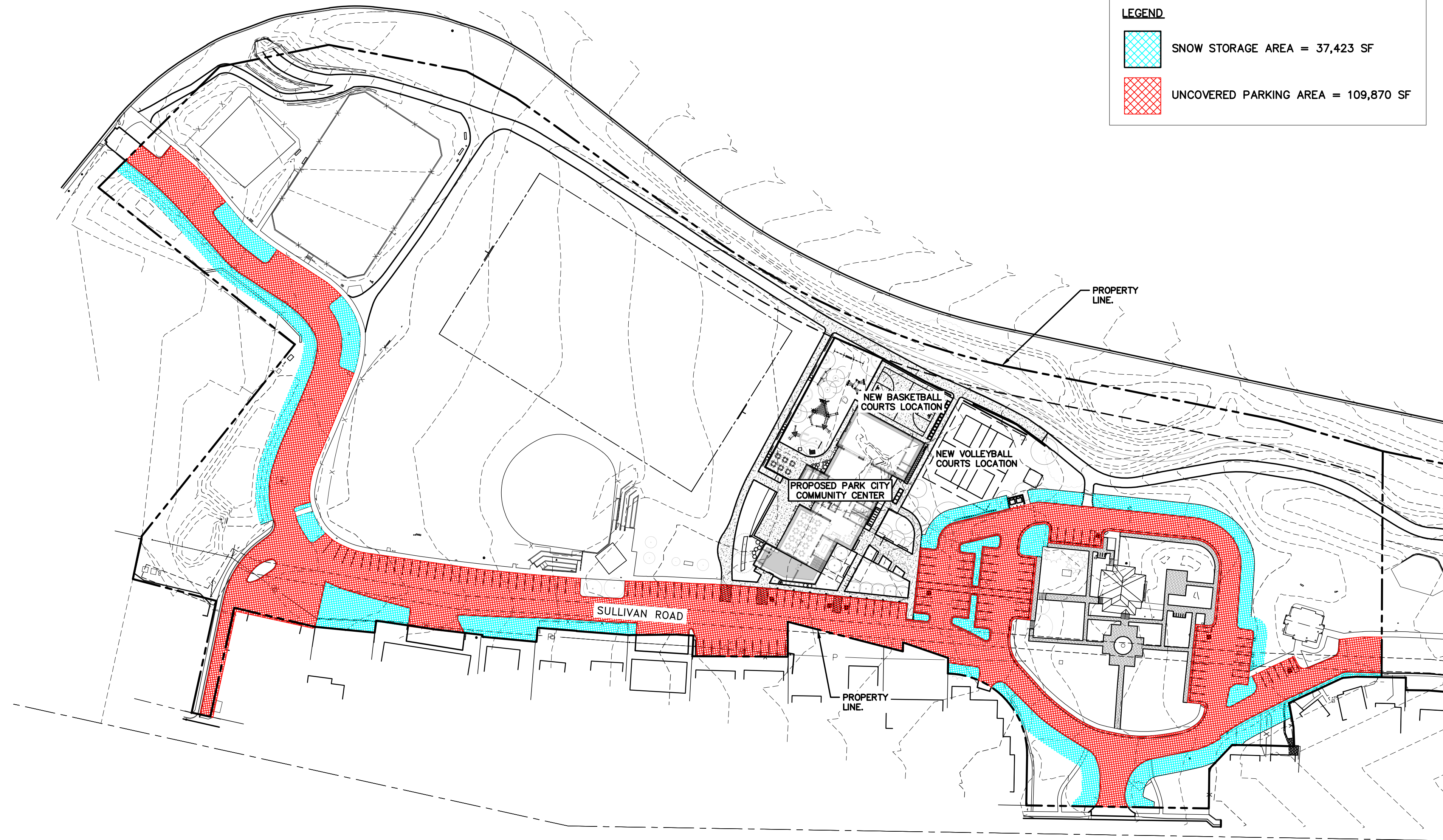
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CONCEPTUAL LANDSCAPE PLANT PHOTOS

LEGEND

 SNOW STORAGE AREA = 37,423 SF

 UNCOVERED PARKING AREA = 109,870 SF



SNOW STORAGE AREAS

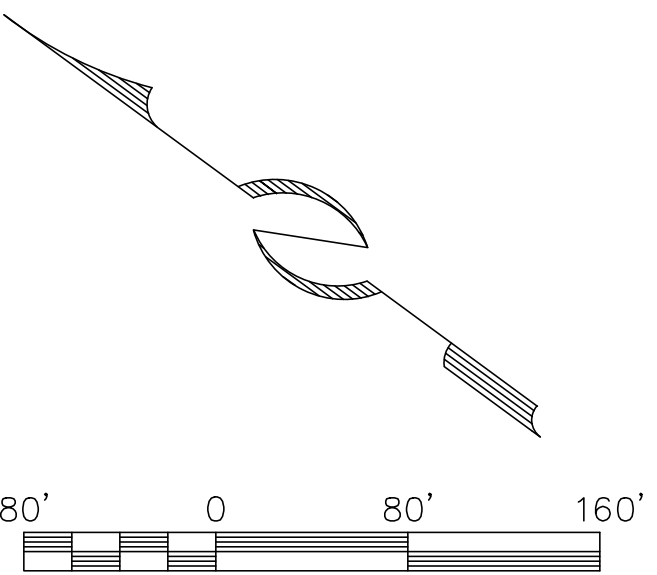
LEGEND

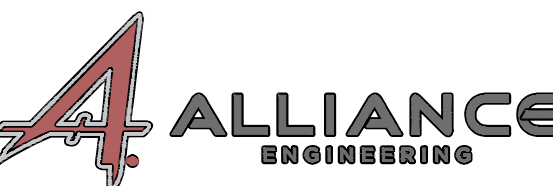
 OPEN SPACE AREA = 489,951 SF

OPEN SPACE CALCULATIONS:
 PARKING AREA = 109,870 SF
 ROOFED AREA = 19,446 SF
 TOTAL NON-OPEN SPACE = 129,316 SF
 TOTAL LOT AREA = 619,267 SF
 NON-OPEN SPACE % = 21%
 OPEN SPACE AREA = 79%



SNOW STORAGE AREAS



 2700 W HOMESTEAD RD STE 50 & 60 PARK CITY, UT 84098 435.256.6934	STAFF: MICHAEL DEMKOWICZ IVANOE S LOZANO	SNOW STORAGE AND OPEN SPACE AREAS PARK CITY COMMUNITY CENTER CONDITIONAL USE PERMIT	SHEET 5 OF 5
	DATE: 08/26/2024	FOR: SPARANO MOONEY ARCHITECTURE JOB NO.: 7-11-2023 FILE: X:\SnydersAddition\dwg\Projects\City Park\71123-civil.dwg	

Planning Commission Staff Report



Subject: Robbins Annexation Petition
Parcel SS-104-B
Application: PL-23-05882
Author: Elissa Martin, Assistant Planning Director
Date: September 25, 2024

Recommendation

(I) Review the petition to annex a 0.94-acre parcel within the Thaynes Canyon neighborhood from unincorporated Summit County into Park City to develop one Single-Family Dwelling and affordable Accessory Apartment within the Single-Family Zoning District and Sensitive Land Overlay, (II) conduct a public hearing, (III) provide feedback on recommended Conditions of Approval, (IV) request additional materials or information from the Applicant that may be needed in order to make a final recommendation to City Council, and (V) continue the item to October 23, 2024.

Description

Applicant: Brad Mackay, Ivory Development LLC

Location: Parcel SS-104-B

Zoning District: Existing Summit County Zoning: Rural Residential
Proposed Park City Zoning: Single Family

Adjacent Land Uses: Residential

Reason for Review: The City Council accepted the annexation petition on March 7, 2024. The Planning Commission reviews annexation petitions accepted by the City Council and forwards a recommendation to the City Council for Final Action.¹

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

Summary

Parcel SS-104-B is an outlier 0.94-acre square parcel located on Iron Canyon Drive within the Thaynes Canyon neighborhood that remains in unincorporated Summit County because of three annexations from 1983 through 1993 that brought surrounding acreage into Park City, while excluding the 0.94-acre parcel, indicated by the red arrow in the excerpt from the City's Zoning Map below:

¹ LMC [§ 15-8-4](#)

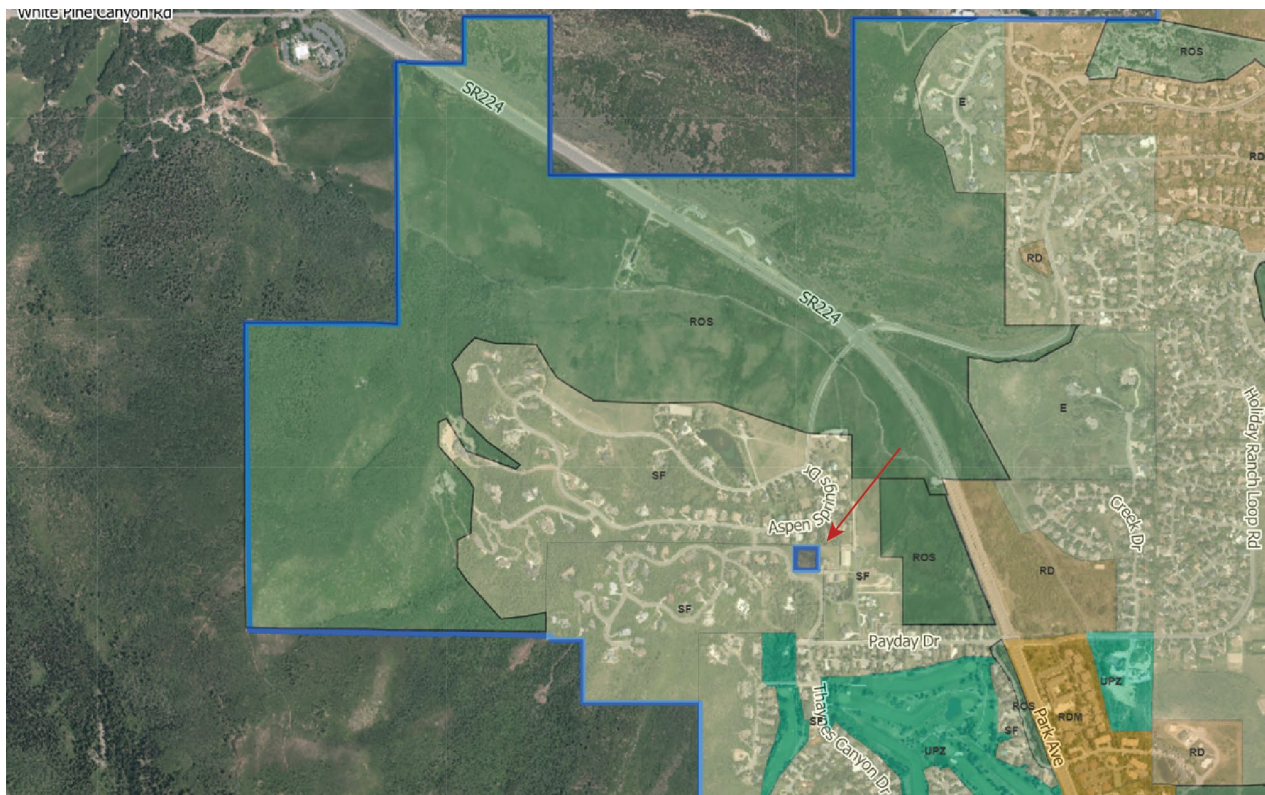


Figure 1: The 0.94-acre Summit County Parcel SS-104-B in the Thaynes Canyon neighborhood

A petition to annex property into Park City must meet the criteria outlined in Utah Code [§ 10-2-403](#) and Land Management Code (LMC) [§ 15-8-3](#), which requires the property owners owning a majority of private land and at least 1/3 the value to sign the petition. Ivory Development, LLC submitted the annexation petition for the 0.94-acre parcel and is the petition sponsor, and the Boyer Robbins JV, LC is sole fee title owner.



Figure 2: Google street view of parcel SS-104-B and IC-MISC from Iron Canyon Drive

The petition must contain an accurate certified survey plat of the property to be annexed, prepared by a surveyor (See Figure 3 below and Exhibit A). In addition, per the annexation requirements of the LMC, the Applicant must state the requested zoning.

The Applicant requests Single Family zoning, which would allow up to three dwelling units per acre.

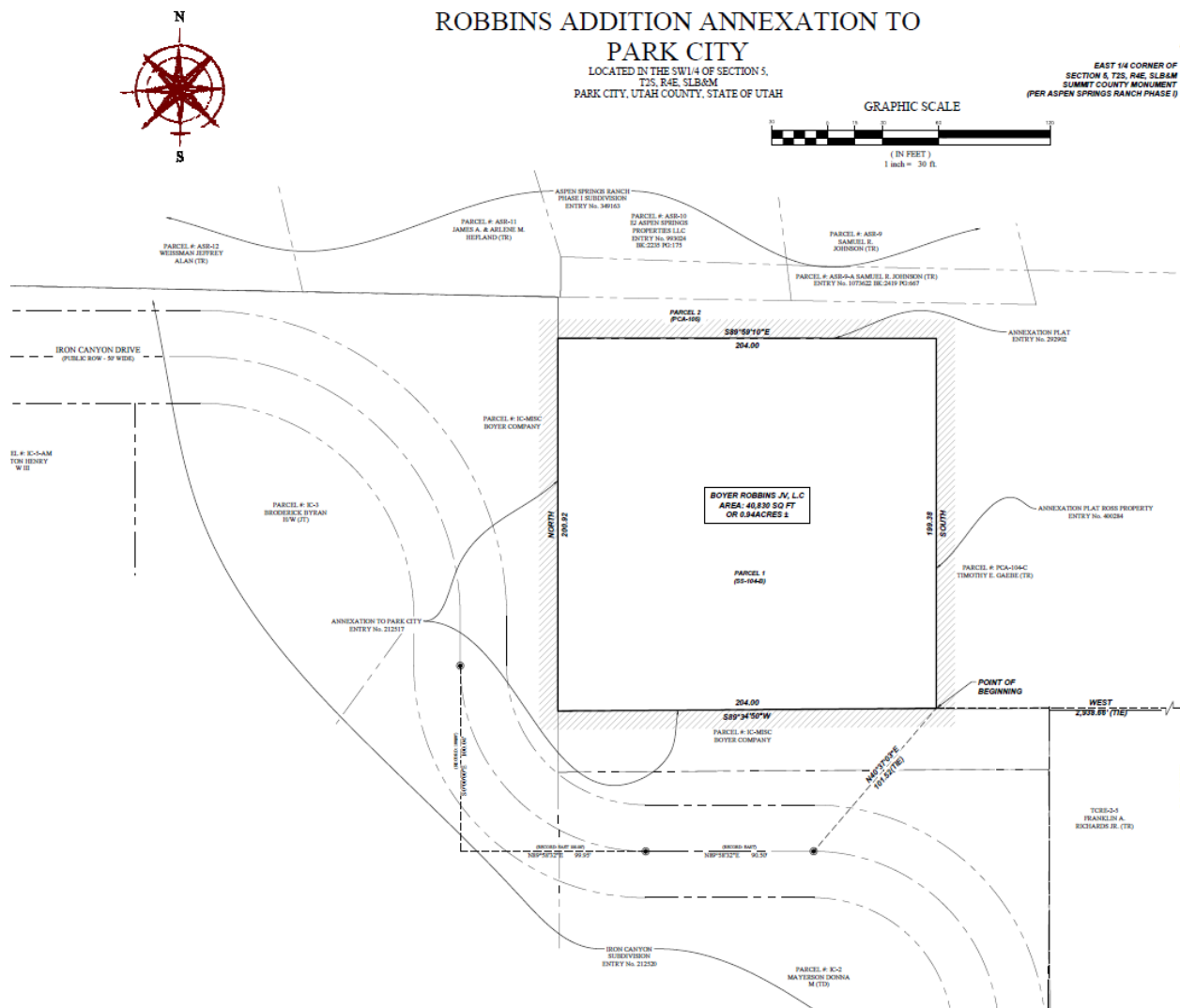


Figure 3: Certified Survey Plat of 0.94-acre Parcel proposed to be Annexed, submitted by Applicant

Because the annexation petition was initiated by the property owner and includes property intended for future development, a preliminary subdivision plat is required as part of the annexation petition.² The Applicant submitted a preliminary plat that combines Parcel SS-104-B and adjacent Parcels IC-MISC and PCA-105 (already within City limits), increasing the developable acreage from 0.94 acres to 1.73. Initially, the Applicant's proposal included the creation of three Lots for development of three Single Family Dwellings (SFDs). The Applicant recently amended their application to propose the creation of one Lot to develop one SFD and potential affordable Accessory Apartment (See Figure 4 below and Exhibit A).

² LMC [§ 15-8-3](#)

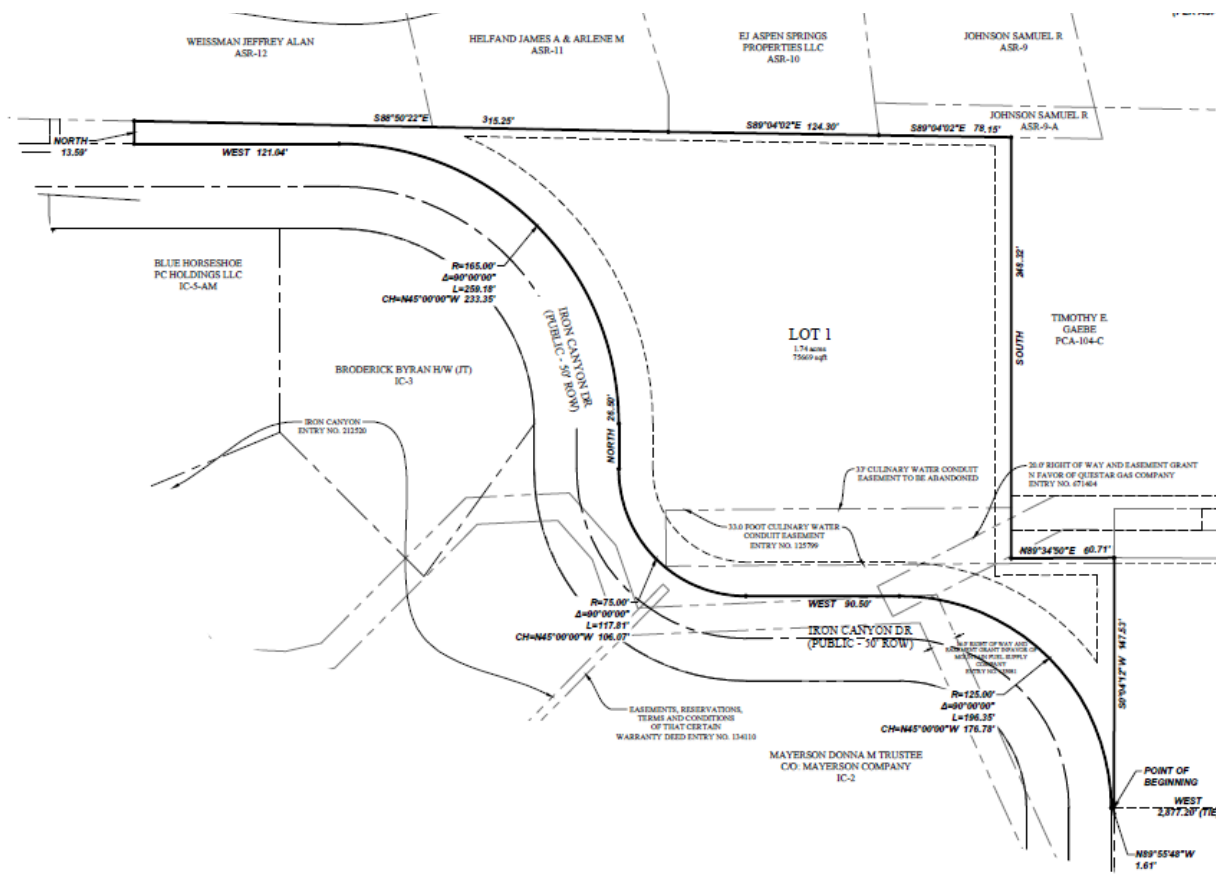


Figure 4: Preliminary Subdivision Plat submitted by applicant, which combines the 0.94-acre annexation parcel and adjacent IC-MISC and PCA-105 parcels to create one 1.73-acre lot.

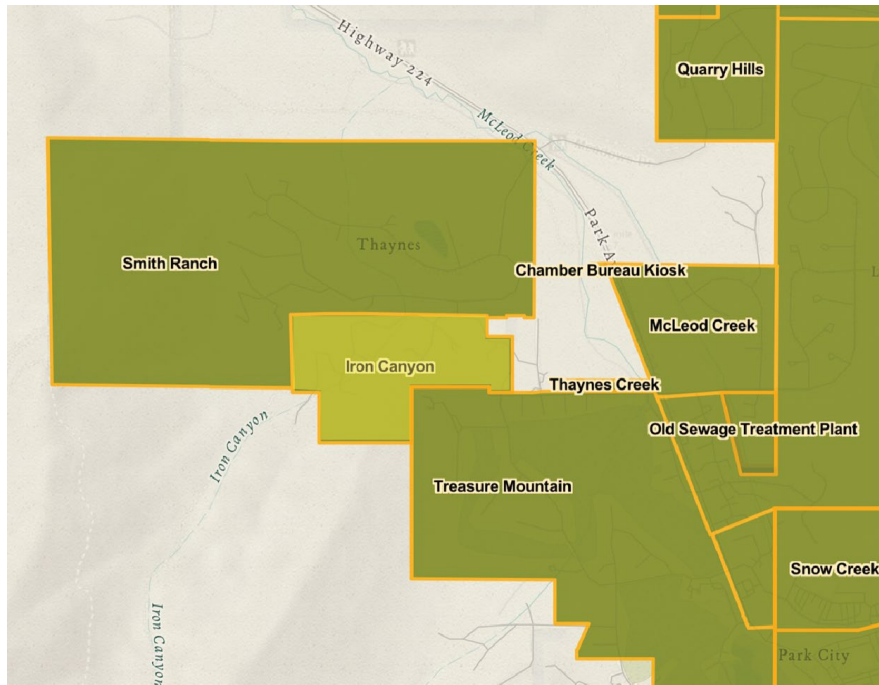
Under Summit County zoning, the property may be developed with one Single-Family Dwelling (SFD) and accessory structures, pending access to Iron Canyon Drive³ and approvals to extend water and sewer service. If Parcel SS-104-B is developed within Summit County, the allowable height exceeds Park City height regulations, the Sensitive Land Overlay would not apply, and future uses could include Nightly Rentals.

The petitioner must also submit a disclosure of waters owned or historically utilized and include a comprehensive review and analysis of the surrounding property. Please see Exhibit A for the Applicant's full submittal.

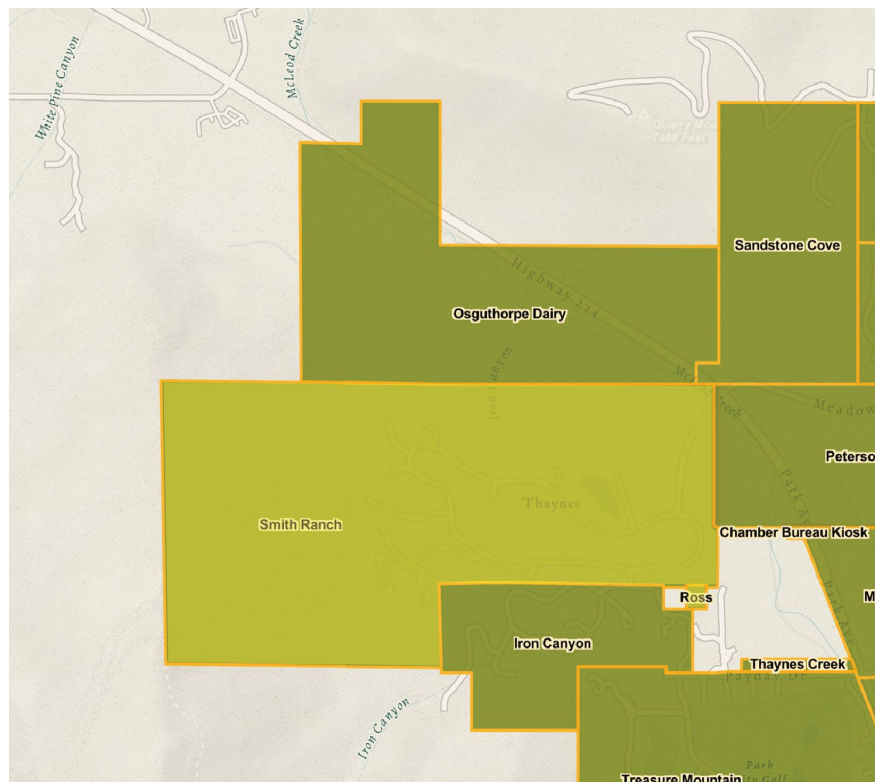
Background

The 0.94-acre parcel within unincorporated Summit County is the result of three annexations into Park City from 1983 through 1993 that included acreage surrounding the property. In 1983, the City Council adopted Resolution No. 32-83, approving the 56-acre Iron Canyon Annexation. The image below highlights the Iron Canyon acreage, annexed in 1983, in light green:

³ Summit County Development Code [§ 10-2-10](#)



In 1988, the City Council approved Resolution No. 7-88, annexing 278 acres known as the Smith Ranch Annexation into Park City (now Aspen Springs Subdivision). In 1993, the City Council adopted Ordinance No. 93-4, approving the Ross Annexation, bringing an additional 0.92 acres into Park City. The image below shows the City boundary in the neighborhood as of 1993 and highlights the Smith Ranch and Ross properties in light green:



As a result of the adjacent annexations, the 0.94-acre Parcel SS-104-B remains in unincorporated Summit County within the Snyderville Basin. Summit County zoned the property Rural Residential, as indicated in Summit County's online Zoning Map:

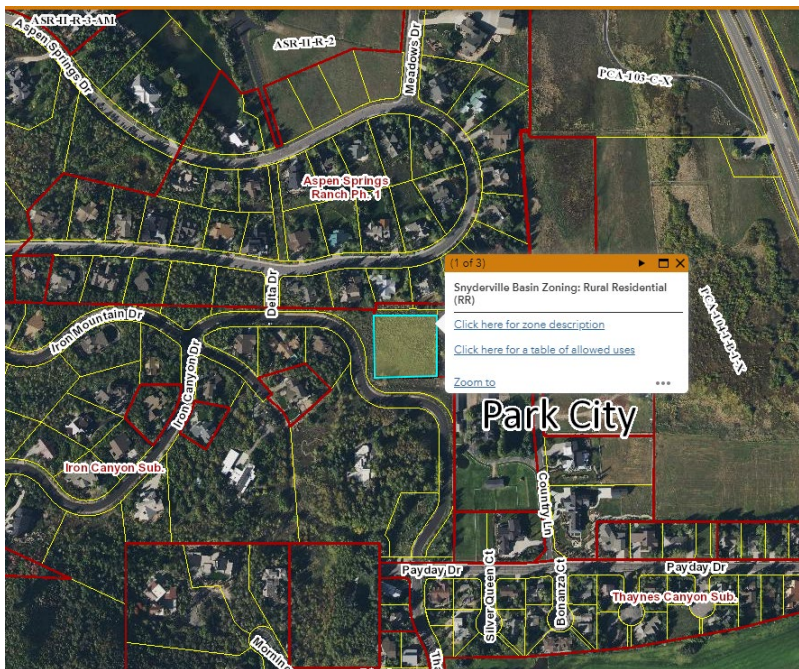


Figure 5: Summit County Zoning Map for Snyderville Basin showing Rural Residential zoning

Parcel SS-104-B is landlocked. The adjacent parcel, IC-MISC, is within the Park City boundary and is between Parcel SS-104-B and Iron Canyon Drive. The IC-MISC parcel is a remnant parcel resulting from the Iron Canyon Subdivision, approved in October 1983.



Figure 6: Iron Canyon Subdivision Sheet 2, October 1983, showing Parcel IC-MISC in green.

Originally, the parcel was labeled by Summit County as IC-CA (Iron Canyon Common Area). According to tax records and the Title Report submitted by the Applicant, IC-MISC has remained in private ownership of The Boyer Company, LC and in December of 2022, the parcel was conveyed to the Boyer Robbins JV, L.C. The Applicant submitted a letter and documentation to support their determination (Exhibit G).

Process

The Applicant filed a Petition to Annex Parcel SS-104-B pursuant to Utah Code and LMC requirements.⁴ LMC [§ 15-8-4\(B\)](#) requires the Planning Director to prepare a written recommendation for City Council consideration to accept or deny the petition⁵ ([City Council 03/07/2024 meeting packet](#)). On March 7, 2024, the City Council voted to accept the annexation petition after deliberating the three Single-Family Lots originally proposed to be developed. The City Council advised staff and the Applicant they may consider annexing one Lot for one Single-Family Dwelling ([City Council 03/07/2024 meeting packet](#)). The City Council's acceptance of the annexation petition opened the door for processing the proposed annexation, including Staff Review Team and Planning Commission evaluation and recommendation for City Council's consideration and Final Action. The City Recorder certified the accepted Annexation Petition on April 4, 2024 (Exhibit E).

The Applicant amended their petition and now requests annexation of the 0.94-acre parcel and a 1.73-acre subdivision combining the annexed parcel with remnant adjacent parcels to create one Lot for a Single-Family Dwelling within the Single-Family Zoning District.

The Staff Review Team, which includes the Planning Director, City Engineer, Public Works Director, Fire Marshal, Police Chief, utility providers, and Park City School District, evaluated the annexation petition and proposed one-Lot subdivision. Comments from the Staff Review Team are included in the Analysis Section below and Exhibit F.

After the Staff Review Team phase, the Planning Commission holds a public hearing and makes a recommendation to the City Council on the annexation and zoning. The City Council will then hold a public hearing and take Final Action.⁶

As part of this first Planning Commission public hearing, the Commission may review and consider the annexation petition, provide feedback on recommended Conditions of Approval and request additional materials or information that may be needed to make a final recommendation to City Council.

Analysis

(I) The Annexation Petition and Proposed Preliminary Subdivision to Create One Single-Family Lot with a Potential Affordable Accessory Apartment May Be

⁴ LMC [§ 15-8-4\(A\)](#)

⁵ LMC [§ 15-8-4\(B\)](#)

⁶ LMC [§ 15-8-4\(E\)](#)

Conditioned to Meet the Requirements of the General Plan and Land Management Code.

The primary uses within the surrounding vicinity include Single-Family Dwellings, open space, and agriculture. The subject property is situated on the cusp of an area of medium density residential and areas of very low density, large lot residential. The 0.94-acre Summit County parcel, together with the larger lots adjacent and to the south, provide a transitional buffer between the higher density areas and the open space and agricultural lands to the east.

Map 2

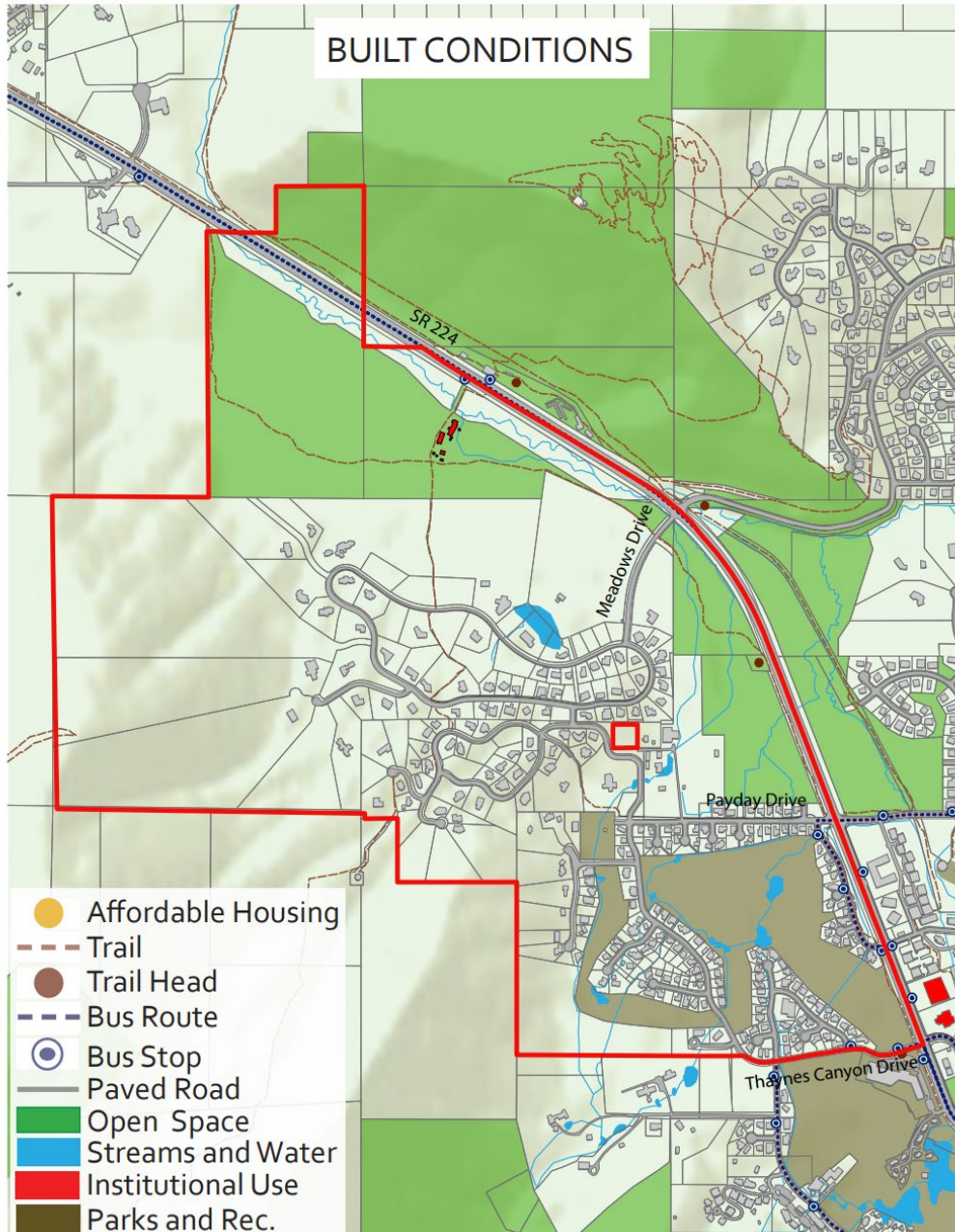


Figure 7: General Plan map of the Thaynes Neighborhood with the 0.94-acre Parcel shown as a red square

The proposal to annex the 0.94-acre parcel within the Thaynes neighborhood is compliant with General Plan Goal 1 which includes “discourage sprawl, and direct growth inward to strengthen existing neighborhoods.”⁷ Residential development at this location would be considered infill development and would not contribute to sprawl.

Land Management Code [§ 15-8-1](#) outlines the purpose for annexations into Park City, including:

- Protecting the general interests and character of the community.
- Assuring orderly growth and development.
- Preserving open space.
- Enhancing parks and trails.
- Ensuring environmental quality.
- Protecting entry corridors, view sheds, and environmentally sensitive lands.
- Preserving historic and cultural resources.
- Creating buffer areas.
- Protecting public health, safety, and welfare.
- Compliance with the General Plan.

Consideration of the Annexation Petition requires protecting the ‘general interests and character of the community.’ To evaluate the compatibility of the proposed annexation with the character of the community, the density and size of existing Single-Family Dwellings in the neighborhood is central in the analysis.

The 0.94-acre parcel proposed to be annexed into Park City is currently within the Rural Residential (RR) zone in Summit County. Summit County RR zoning allows for one dwelling unit per 20 acres on developable land and one unit per 40 acres on sensitive lands. However, in areas that are already platted or otherwise entitled, the county will allow one Single-Family Dwelling.⁸ According to the Summit County Planning Department, there is no official “Lot of Record” determination for the property, but they indicate it is likely the property may qualify for one unit through their Lot of Record determination process. According to the Summit County Use Table, the RR zone also allows accessory dwellings and accessory buildings, and limited commercial uses, including nightly rentals, class I recycling facility, and commercial kennels, with a Conditional Use Permit.

Surrounding the 0.94-acre parcel proposed to be annexed, is the Iron Canyon Subdivision (approved in 1983), Aspen Springs Subdivision (approved in 1988) and the Thaynes Creek Ranch Estates (Phase I and II approved 2013 and 2015 respectively). The 56-acre Iron Canyon property and the 238-acre Aspen Springs (formerly Smith Ranch) property were annexed with Residential Development (RD) zoning, later zoned Single-Family. While at the time and at present the allowed density in the Single Family Zoning District is three dwelling units per acre, the Planning Commission and City

⁷ General Plan, [Small Town](#), p. 26

⁸ https://codelibrary.amlegal.com/codes/summitcountyut/latest/summitcounty_ut/0-0-0-15504

Council limited the density of future development on the properties through the Annexation Agreements (Exhibits B and C) and associated PUD or Master Plan approvals.

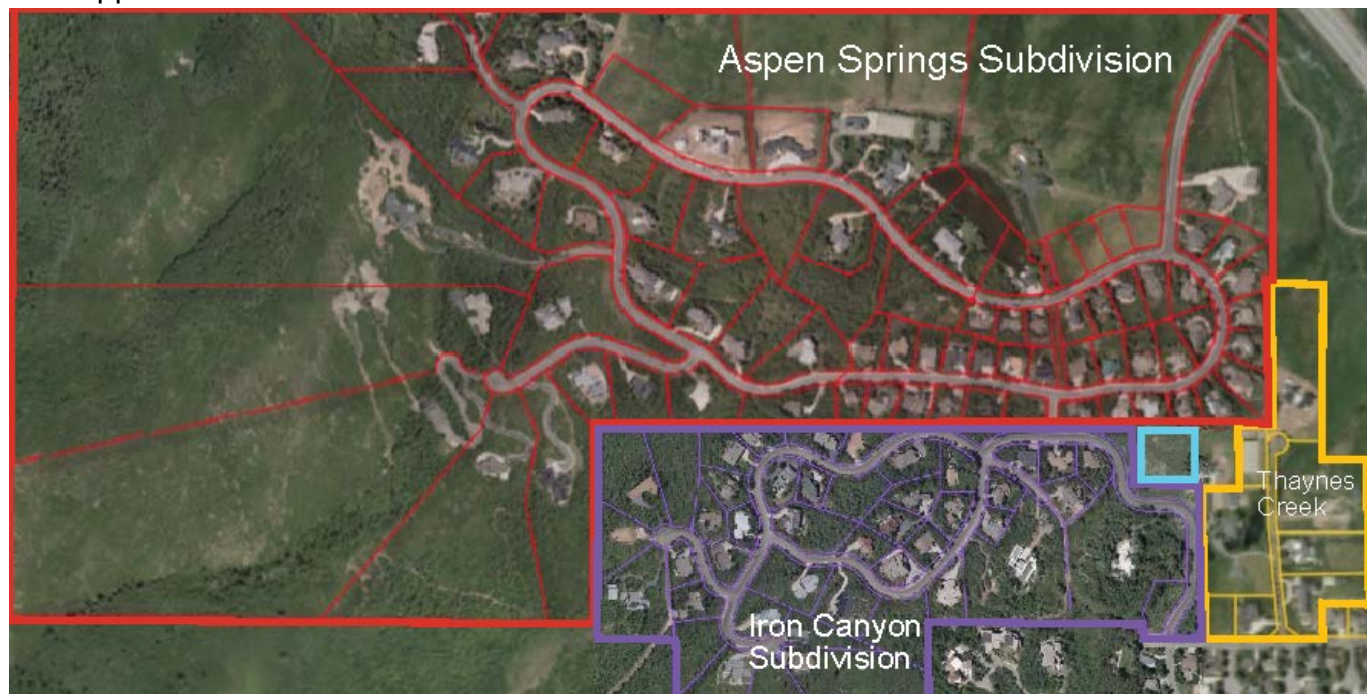


Figure 8: 0.94-acre Summit County parcel (Blue), and surrounding subdivisions, Iron Canyon (purple), Aspen Springs (Red), Thaynes Creek Ranch Estates (Yellow)

The resulting subdivision plats restrict density and Gross Residential Floor Area and/or Building Footprint. Both subdivisions contain large lots with tracts of restricted open space in mountainous areas most visible, and clustered small lots to the base of the mountains, resulting in a much lower net density overall that protects viewsheds and sensitive lands.

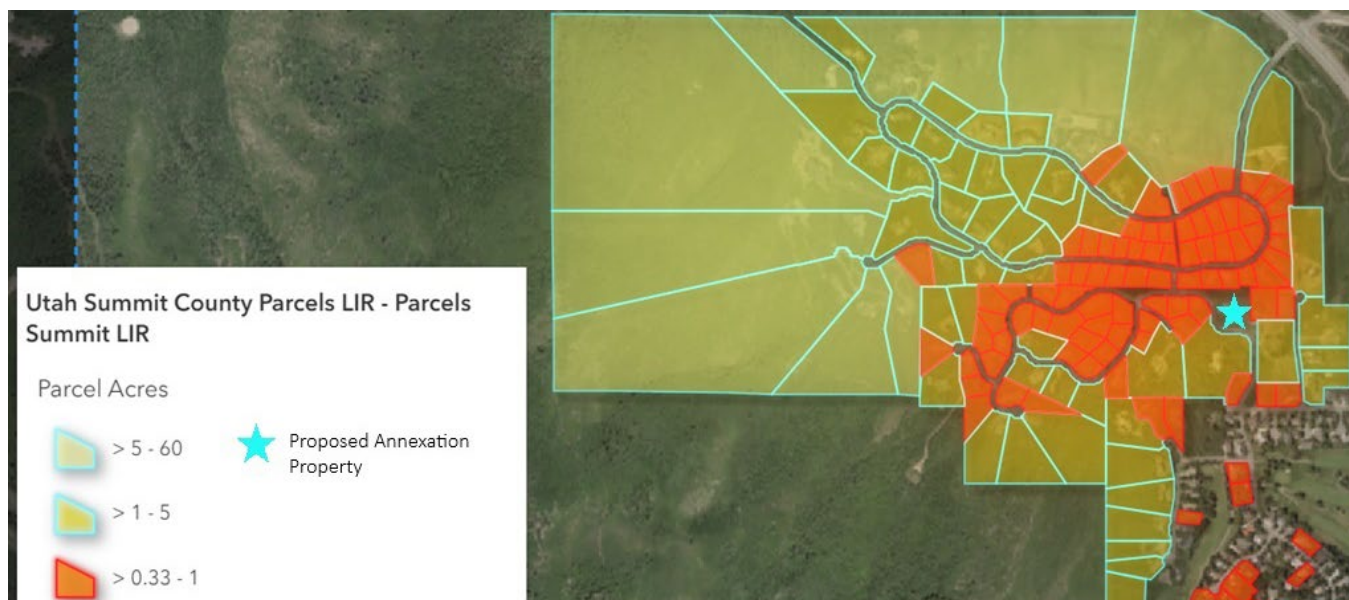


Figure 9: Surrounding neighborhood density

The Aspen Springs Phase I & II Subdivisions created 118 lots on 238 acres of land, with a total net density of one dwelling unit per two acres. The Iron Canyon Subdivision created 45 lots on 56 acres of land, with a total net density of one dwelling unit per 1.24-acres.

Thus, while there are smaller lots in the surrounding neighborhood with a density of one dwelling unit per 0.4 – 0.8 acres, the overall net density of the neighborhood is **one dwelling unit per 1.24 - 2 acres**. The limitation on density in the Iron Canyon and Aspen Springs subdivisions served to fulfill the purpose of the annexation requirements, including preservation of open space, creating buffer areas, and protecting entry corridors.

Additionally, the average lot size for **adjacent** lots is 1.33 acres. The table below lists the Lot Size of adjacent lots:

	Adjacent Lots	Lot Size
	2423 Country Lane	1 acre
	2419 Country Lane	2.7 acres
	2406 Iron Canyon	4.5 acres
	2410 Iron Canyon	0.5 acres
	2554 Aspen Springs Drive	0.4 acres
	2558 Aspen Springs Drive	0.4 acres
	2562 Aspen Springs Drive	0.4 acres
	2566 Aspen Springs Drive	0.8 acres
	AVERAGE:	1.33 acres

When considering the net density of the surrounding subdivisions and the average density of the adjacent properties, the proposed one-Lot subdivision for development of one Single-Family Dwelling on a 1.73-acre parcel is compatible with the surrounding neighborhood.

Furthermore, the General Plan concludes that the Thaynes neighborhood primarily includes full-time residents and that the neighborhood “should remain a quiet residential neighborhood dominated by single family homes.”⁹ Staff recommends that if the parcel is annexed into Park City, Conditions of Approval restrict density for the proposed Lot to one Single-Family Dwelling with a potential affordable Accessory Apartment, described below, a plat note that prohibits future subdivision of the Single-Family Lot.

The City Council indicated they do not support a three-Lot subdivision but may consider a one-Lot subdivision for one Single-Family Dwelling, if appropriate for the neighborhood. A one-Lot Single-Family subdivision may be compatible with the neighborhood if Conditions of Approval establish a Maximum Building Footprint, Gross Residential Floor Area, Sensitive Lands Analysis, and a Limit of Disturbance.

In addition to limiting the future development to one SFD with a potential affordable Accessory Apartment, future uses may also be limited. In Summit County, properties in the RR Zoning District may operate Nightly Rentals. As noted above, the General Plan concludes that the Thaynes neighborhood primarily includes full-time residents and that the neighborhood “should remain a quiet residential neighborhood dominated by single family homes”¹⁰. While the Single Family zoning district does not currently allow Nightly Rentals in the Thaynes neighborhood, staff recommends further memorializing this restriction through a Condition of Approval and a subdivision plat note.

The Single-Family development within the Thaynes neighborhood is restrained through maximum Building Footprints and Gross Residential Floor Area. As a result, if Parcel SS-104-B is annexed into Park City, staff recommends Conditions of Approval for compatible infill.

The General Plan recommends the following: “[t]o maintain the natural and built environment of the Thaynes neighborhood, regulations limiting building pads should be adopted. Building pads should be located to follow the pattern of the street, typically maintaining Open Space toward the rear of the lot.” The Single-Family Zoning District does not restrict house size on a Lot, but the adjacent subdivisions are subject to plat notes that restrict Building Footprints, Gross Residential Floor Area, and Limits of Disturbance (LOD).

Building Footprint is defined in LMC [Section 15-15-1](#) as:

The total area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks . . .

Gross Residential Floor Area is defined in LMC [Section 15-15-1](#) as:

The Area of a Building, including all enclosed Areas, consisting of the Area of all floors located under a ceiling that is above Final Grade, measured in square feet. Unenclosed porches, Balconies, patios and decks, vent shafts

⁹ General Plan, [Neighborhoods 1](#), p. 149

¹⁰ General Plan, [Neighborhoods 1](#), p. 149

and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.



Figure 10: Adjacent Homes on Iron Canyon Drive; red arrow indicates the Annexation Property

The adjacent Thaynes Creek Ranch Estates Subdivision, annexed in 2013, is subject to plat note restrictions on the Building Footprint, Gross Residential Floor Area. The plat notes limit the 1.3-acre lots in Phase I to a Building Footprint of 4,150 square feet (for house and garage combined) and a maximum Gross Residential Floor Area of 6,640 square feet.

The adjacent Aspen Springs Subdivision plat requires a maximum Floor Area of 5,500 square feet for homes in Phase I (smaller lots range between 0.37 – 0.55 acre), and in Phase II between 6,000 and 8,250 square feet for homes on larger 1-acre to 1.9-acre lots.

Subdivision Plat	Lot Size	Max Floor Area
Aspen Springs Phase II	1 acre	6,000 SF
Aspen Springs Phase II	1.7 acres	8,250 SF
Thaynes Creek Ranch Estates	1.3 acres	6,640 SF

Adjacent Lots	Approx Building Footprint	Main living Square Feet ¹¹	Basement Square Feet ⁷
2423 Country Lane	2,248	1,600	1,850
2419 Country Lane	5,401	2,927	0
2406 Iron Canyon	5,899	3,573	0
2410 Iron Canyon	3,606	3,913	1,434

¹¹ Summit County Public Records <https://property.summitcounty.org>

2554 Aspen Springs Drive	4,963	4,711	1,113
2558 Aspen Springs Drive	3,500	3,081	1,858
2562 Aspen Springs Drive	3,270	3,928	1,618
2566 Aspen Springs Drive	3,048	3,700	1,516
	4,000	3,429	



Figure 11: Building footprints in the surrounding neighborhood are on average 4,000 square feet and staff recommends a 4,000-square-foot maximum building footprint for the proposed Single-Family Lot

Based on the average estimated Building Footprint of existing adjacent homes (4,000 square feet) and the average maximum Gross Residential Floor Area requirement in adjacent subdivisions (6,963 square feet), staff recommends a Condition of Approval that requires future development on the proposed annexed property to be limited to a maximum Building Footprint of 4,000 square feet and maximum Gross Residential Floor Area of 6,500 square feet, including an above-grade garage, to be compatible with the surrounding neighborhood character. The affordable Accessory Apartment unit will not count towards the total building footprint or floor area maximum.

With Conditions of Approval to limit density to one SFD with a restricted Building Footprint and Gross Residential Floor Area, the annexation petition may comply with protecting the character of the community and assuring orderly growth and development.

Establishing platted Limits of Disturbance and Building Height restrictions, and annexing Parcel SS-104-B into the Sensitive Land Overlay, may preserve Open Space and protect entry corridors, view sheds, and environmentally sensitive lands.

The subject property is surrounded by lands that are within the Sensitive Land Overlay, near the base of Iron Mountain, with proximity to the McPolin Farm and HWY 224, which serves as the City's northern entry corridor and is. LMC [§ 15-2.21](#) requires that all annexation petitions provide a Sensitive Lands Analysis to evaluate the impact of development on sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, Crest of Hills, wetlands, Stream Corridors, Wildland interface, and wildlife habitat Areas. In addition, the LMC requires a Comprehensive Review and Analysis of Surrounding Property for determining long term community impacts of the proposed annexation (see below Analysis Section V).

The Applicant's submission includes an Environmental Site Assessment prepared by Intermountain GeoEnvironmental Services (IGES), and the Applicant's own preliminary SLO analysis, which satisfies the annexation requirement but is not a full SLO analysis per the SLO zoning district requirements. The applicant's analysis concludes that there are no ridgeline areas, wetlands, or significant wildlife habitat that would be impacted by the development. The IGES assessment identifies 'marshy land' mapped in the area between the subject property and HWY 224, but no wetlands on the subject property.

The applicant's preliminary SLO analysis describes existing vegetation, a majority of which is grassland and sagebrush along with two stands of deciduous aspen trees, which must remain and be protected during construction.

While the subject property does not have steep slopes, as indicated on the Applicant's submitted Slope Map (Exhibit A), it does slope gently upwards from HWY 224, and is also visible from Vantage Points designated in LMC [Section 15-2.21-3\(A\)\(6\)](#), including the McPolin Barn and the intersection of HWY 224 and Holiday Ranch Loop Road.

Development at the subject property will be visible from HWY 224, along the northern entry corridor, and from within the Thaynes Canyon neighborhood, as indicated by the photo below taken at the subject property looking west towards PC Hill.



Figure 12: cars driving on HWY 224 visible from property looking west towards PC Hill.

The General Plan recommends the following: “Shared view corridors should be maintained Barns and secondary structures should maintain view corridors and be located near the primary building on a lot.”¹²

Limits of Disturbance are defined in LMC [Section 15-15-1](#) as:

The designated Area in which all Construction Activity must be contained.

To mitigate impacts to viewsheds, staff recommends establishing a platted Limits of Disturbance to restrict the location of the SFD and potential affordable Accessory Apartment. The Aspen Springs Phase II and Thaynes Creek Ranch Estates Subdivisions restricted LOD with the following maximum area:

Subdivision Plat	Max LOD
Aspen Springs Phase II	10,000 SF
Aspen Springs Phase II	10,000 SF
Thaynes Creek Ranch Estates	25,000 SF

Additionally, staff recommends the Planning Commission consider imposing a building height restriction for the future SFD to mitigate the visual impact within the northern entry corridor. Summit County RR zoning allows a building height of 32 feet. The Single-Family Zoning District establishes a maximum Building Height of 28 feet from Existing Grade for the SFD and 18 feet from Existing Grade for detached Accessory Buildings. The Aspen Springs Subdivision’s Lots # 2, 3, and 4 (13-22 acres) as well as Lots # 46,

¹² General Plan, [Neighborhoods 1](#), p. 151

47, and 48, which are located on the hillside that slopes upwards from the northern entry corridor have a special height restriction plat note, limiting the height of dwellings to 25 feet from Existing Grade.

Staff also recommends the parcel be annexed into the SLO, a natural extension of the SLO surrounding the property. Further SLO analysis and mitigation measures should be required at the time of Final Plat review and approval for the one-Lot subdivision to establish an appropriate LOD that minimizes the visual impact within the entry corridor. The LOD should include a dedicated location for the Single-Family dwelling and accessory apartment to be least visible from HWY 224, as well as a limitation on the number of accessory structures, and a designated maximum driveway width and access point, as approved by the City Engineer for safe ingress and egress.

With a Condition of Approval to restrict building height and to annex the property into the SLO with additional SLO analysis to be completed at the time of Final Plat review to inform a LOD for the site, the proposed annexation may be consistent with the purpose of annexations into Park City, to preserve open space, protect entry corridors, view sheds, and environmentally sensitive lands and create buffer areas.

(II) Resolution 05-2021 requires contributions to the City's affordable housing for annexations.

[Resolution 05-2021](#) *Affordable Housing Guidelines* establishes two triggers for affordable housing obligations: Master Planned Developments and annexations. The annexation of the 0.94 Parcel SS-104-B into Park City triggers affordable housing obligations. Resolution 05-2021 Section (8)(A) requires Developers to provide Affordable Unit Equivalents (AUEs) for 20% of the total Residential Unit Equivalents (RUEs) in the annexation.

If the recommended Conditions of Approval are imposed on the SFD, including a maximum Gross Residential Floor Area of 6,500 square feet, the project would generate 3.25 RUEs. Developer is required to provide 20% of the RUEs as deed-restricted Affordable Housing, which is equivalent to a 0.65 AUE. One AUE is defined as having a minimum of 900 square feet of Net Livable Space, which Resolution 05-2021 defines as the calculated interior living area measured interior wall to interior wall, including all interior partitions, and including but not limited to habitable basements and interior storage areas, closets, and laundry areas, and excluding uninhabitable basements, mechanical areas, exterior storage, stairwells, garages, patios, decks, and porches.

The annexation, which will generate one Single Family Dwelling with a maximum 6500 square feet of floor area, requires a partial AUE of 0.65, which multiplied by 900 square feet is 585 square feet of net livable square footage required to be constructed and deed restricted as an Affordable Housing Unit.

The following methods, in order of priority, may be used to meet the minimum affordable housing mitigation requirements:

- Construction of the units on site.
- Construction of the units on another site within Park City.
- Dedication of existing units that are deed restricted.
- Construction of units outside Park City but within the Park City School District boundary.
- Conveyance of land within the Park City School District boundary for construction of affordable housing.
- Payment of a fee in lieu, which is currently \$389,700 per AUE.

LMC [Section 15-15-1](#) defines *Accessory Apartments* as follows:

A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created by adding on to or within a detached Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the property and are an Accessory Use to the primary Dwelling.

Pursuant to LMC [Section 15-4-7\(A\)](#), Accessory Apartments may be no more than 1/3 the dwelling size or 1,000 square feet, whichever is less, and one parking space must be provided on site per bedroom.

Staff recommends the Applicant construct an attached or detached Accessory Apartment on site in a location to be determined through the establishment of a LOD up to a maximum of 1,000 square feet. The affordable unit square footage would not count towards the Building Footprint or Gross Residential Floor Area maximum for the lot. Additional recommended Conditions of Approval include:

- Submit a Housing Mitigation Plan to the Housing Authority for approval (details the type of unit and square footage to be constructed to meet the affordable housing requirement, and a plan to comply with the reporting requirements).
- Recordation of a deed restriction that complies with the City's Affordable Housing Resolution regarding tenants, rent charged, and rental terms, prior to any issuance of Certificate of Occupancy for the Single-Family Dwelling.
- Annual compliance reporting requirements.
- If detached from the SFD, the Accessory Apartment shall not exceed 18 feet in Building Height from Final Grade and shall provide no more than one Parking Space for the Accessory Apartment tenant.
- Parking on Iron Canyon Drive for the SFD and Accessory Apartment is prohibited.
- The Applicant shall include the proposed affordable Accessory Apartment location in the SLO analysis required at the Final Subdivision phase and shall locate such Accessory Apartment within the area least visible from designated Vantage Points.

(III) LMC [§ 15-8-2](#) requires the following for annexation into Park City:

A. The property is a logical extension of the City boundary.	Complies, being that the property is surrounded by City jurisdiction, it is a logical extension of the City Boundary.
B. The annexation is consistent with the intent and purpose of the City's annexation requirements and the General Plan	Can be conditioned to comply. The proposed annexation of the 0.94-acre parcel is consistent with the intent and purpose of the City's Annexation requirements and General Plan, however, as described above, recommended Conditions of Approval may result in consistency with past annexation approvals in the area, where larger lots were required to balance clustered density.
C. The greatest amount of property possible that is a contiguous area is included.	Complies. The 0.94-acre parcel proposed to be annexed is the greatest amount of contiguous property possible that is left to be annexed into the City boundaries at this location.
D. Piecemeal annexation is discouraged to avoid repetitious annexations.	Complies. The annexation would close the gap between past piecemeal annexations.
E. Islands of county jurisdiction shall not be left or created because of the annexation and peninsulas and irregular boundaries must be avoided.	Complies. The annexation would resolve an island of unincorporated jurisdiction that was previously created through past annexations.
F. In addition to services provided by existing districts, including sewer, fire protection, and public schools, the City will provide: 1. Police protection 2. Snow removal on public streets 3. Street maintenance on existing streets when constructed or reconstructed to City standards 4. Planning, zoning, and code enforcement 5. Availability of municipal-sponsored parks and recreational activities and cultural events and facilities 6. Water services	As indicated by the Staff Review Team, City services have sufficient capacity to support the annexed property and associated single family residential use (See Exhibit F).

(IV) LMC § 15-8-5(B) The staff report shall include an evaluation of the proposed annexation and shall include at least the following information:

1. The ability to meet the general annexation requirements as stated in Section 15-8-2 herein.	With reduced density of one Single-Family Dwelling, the annexation petition would have the ability to meet the annexation requirements as stated in Section 15-8-2 as analyzed above.
2. An accurate map of the proposed annexation Area showing the boundaries and Property ownership within the Area, the topography of the Area and major natural features, e.g., drainage, channels, Streams, wooded Areas, Areas of high water table, Very Steep Slopes, sensitive Ridge Line Areas, Wildfire/Wildland Interface Zones, and other environmentally Sensitive Lands.	The Applicant submitted a certified survey of the property, a slope map indicating topography and pictures of the natural features on the site. Staff recommends a Condition of Approval that would apply the Sensitive Land Overlay to the property and further evaluation of sensitive lands to be conducted at the time of Final Plat review and approval.
3. Current and potential population of the Area and the current residential Densities.	Park City's local population, according to the recent Census, was 8,396. The addition of one Single-Family home and an affordable Accessory Apartment will add two households; the impact on the population is negligible. See above analysis for 'current residential Densities'.
4. Land Uses presently existing and those proposed.	Existing uses are Single-Family residential, open space, and agricultural uses. Proposed use is Single-Family Residential.
5. Character and Development of adjacent Properties and neighborhoods.	See above Analysis (I).
6. Present zoning and proposed zoning.	Existing zone is Rural Residential in Summit County; proposed zoning is Single Family in Park City.
7. A statement as to how the proposed Area, and/or its potential land Use will contribute to the achievement of the goals and policies of the Park City General Plan.	The Applicant's statement: The proposed development aligns with the community's core values of Small Town, Natural Setting, Sense of Community, and Historic Character. It is also consistent with the current Neighborhood Portfolio.

	See above analysis for staff's evaluation of how the proposed annexation will contribute to the goals and policies of the Park City General Plan.
8. Assessed valuation of the current Properties.	The Summit County Assessor public tax records show an assessed value of \$325,000. The Applicant has provided an Economic Analysis from a real estate market perspective included in the application submission (Exhibit A).
9. Potential demand for various municipal services and the need for land Use regulation in the Area, e.g. consideration of the distance from existing utility lines, special requirements for Sensitive Lands review and fire protection in Wildfire/Wildland Interface Zones, location within hazardous soils Areas, and feasibility of snow removal from Public Streets.	See above analysis and Staff Review Team comments (Exhibit F)
10. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service Areas	The annexation will resolve an existing island of unincorporated County property.
11. A specific timetable for extending services to the Area and how these services will be financed.	The Applicant states in their proposal that lot improvement and utility access will be completed in 2024 and construction will also begin in 2024, but the annexation petition will likely not be approved until late 2024, thus, it is expected that timeline will shift to 2025. Per LMC, Subdivision public improvements are financed by the developer.
12. Potential revenue versus service costs.	Compared to large annexations that may result in significant commercial and/or residential development, this annexation would create one lot and up to two households. The City's property tax for a secondary residence is 1.13%, and 0.55% for a primary residence. The impact to the City in terms of service costs is negligible.
13. An estimate of the tax consequences to residents of the Area to be annexed.	The Area to be annexed is currently vacant land. The property owner of the

	0.94-acre annexation parcel will cause an increase in property tax relative to the improvements that are made by the developer and property owner.
14. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.	None received
15. Location and description of any Historic or cultural resources.	There are no known Historic or cultural resources on the 0.94-acre parcel

(V) LMC § 15-8-5 (C) requires specific conditions that must be met prior to the completion of the annexation; the conditions are to be memorialized in an annexation agreement; (D) the process by which an annexation agreement may be amended; (E) a Comprehensive Review and Analysis of Surrounding Property is required to determine impacts on the surrounding community.

(C) Conditions of Approval, as suggested in the above Analysis, as well as any additional COAs to address all applicable conditions 1-14 below will be incorporated into the Annexation Agreement, drafted by the Planning Director or Designee (Assistant Planning Director), and brought to the Planning Commission for review and to City Council for final approval. The draft annexation agreement will be provided for Planning Commission review at the next scheduled public hearing for the annexation petition.

The annexation agreement shall be reviewed by the Planning Commission and approved by City Council contemporaneously with the certified annexation petition. If approved the annexation agreement shall be signed by the petitioners and City Council and recorded with the Summit County Recorder. The annexation agreement shall include, but is not limited to the following conditions:

- 1. Transfer of usable water rights as established by City policy sufficient to serve the proposed Development.*
- 2. Additional improvements as necessary, which may be required in order to improve the water system.*
- 3. Dedication of necessary Streets, trails, utilities, and Rights-of-Way consistent with the Subdivision standards of this Code.*
- 4. Phasing of the project to ensure adequacy of public facilities may be required.*
- 5. Payment of park land acquisition fees, dedication of open space or conservation Areas, and payment of Development impact fees.*
- 6. Provision of Affordable Housing in accordance with the Affordable Housing Resolution 03-2017, as in effect at the time of petition.*

7. *Submittal of Site plans and architectural plans for review.*
8. *Flood plain management or preservation of environmentally Sensitive Lands including compliance with the Sensitive Lands Overlay Section of the Code.*
9. *Analysis and survey of any Historic and cultural resources located on the Property.*
10. *Analysis of the fiscal impacts of the Development as determined necessary by the City. The fiscal Impact Analysis format, including the revenue and cost assumptions, shall be approved by the City. If necessary, the City shall hire qualified experts to perform the fiscal Impact Analysis.*
11. *Fees paid in lieu of satisfying certain conditions, as approved by Council action.*
12. *Comprehensive review of surrounding Property as described below in Section 15-8-5(E).*
13. *Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the project.*
14. *Annexations located within the Quinn's Junction Area shall be consistent with Quinn's Junction Joint Planning Commission Principles outlined in the General Plan.*

(D) The Annexation Agreement will include the process by which the agreement may be amended according to LMC § 15-8-5 (D).

(E) The above analysis section I-IV, along with the EGIS Assessment and the Applicant's submittal (Exhibit A) provide a preliminary comprehensive land use review of the property surrounding the proposed annexation. With the condition of approval to zone the annexed property with the SLO, further analysis will be required as part of the subdivision final plat process.

Notice

On February 13, 2024, Summit County certified they completed the process outlined in Utah Code [Section 10-2-403](#), which requires a notice of intent to annex and a map of the area proposed to be annexed to be mailed to property owners within 300 feet (Exhibit D). The Applicant also mailed a notice of intent to affected entities and provided the proposed annexation petition to the Snyderville Basin Planning Commission and Park City Planning Commission Chairs.

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 10, 2024. Staff mailed notice to property owners within 0.5 mile on September 10, 2024. The *Park Record* published notice on September 11, 2024.¹³

Public Input

Public Input submitted for City Council acceptance of the annexation petition is attached

¹³ LMC [§ 15-1-21](#)

as Exhibit H. Public Input submitted since City Council acceptance of the annexation petition is attached as Exhibit I.

Alternatives

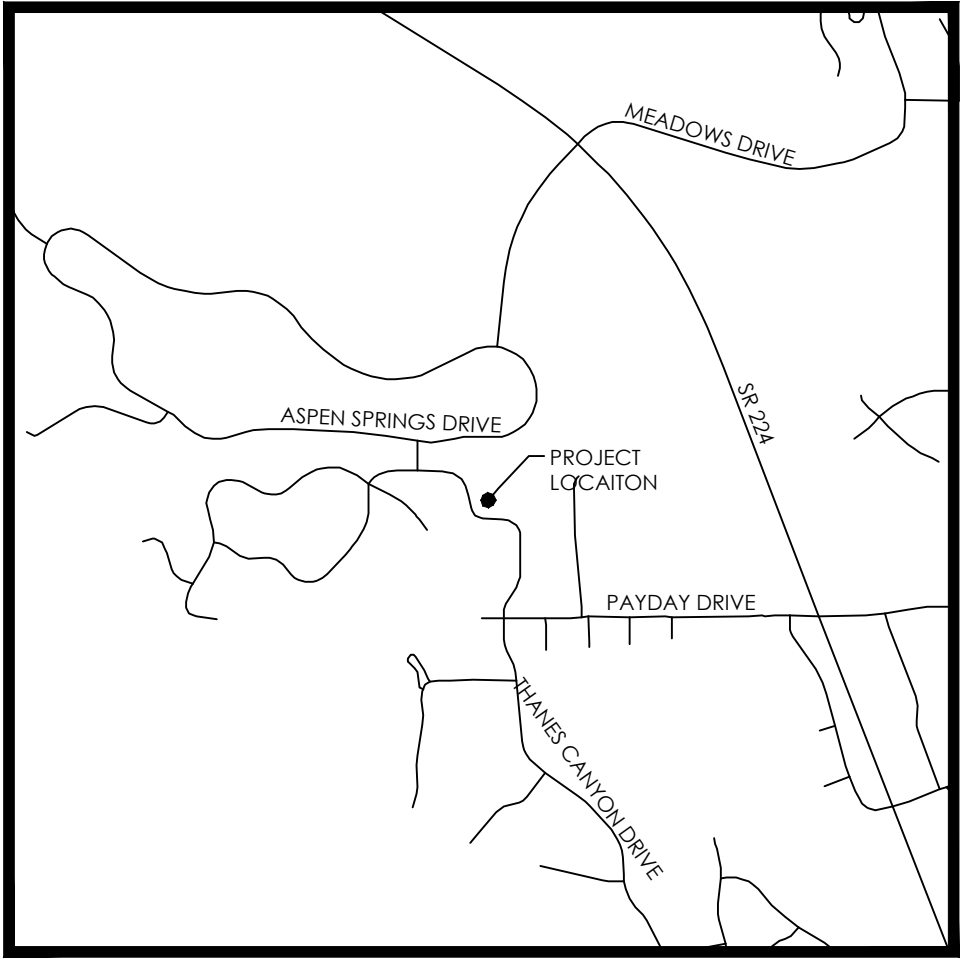
- The Planning Commission may continue the item to a date certain and request that the Applicant provide additional materials for review or for staff to provide additional analysis.

Exhibits

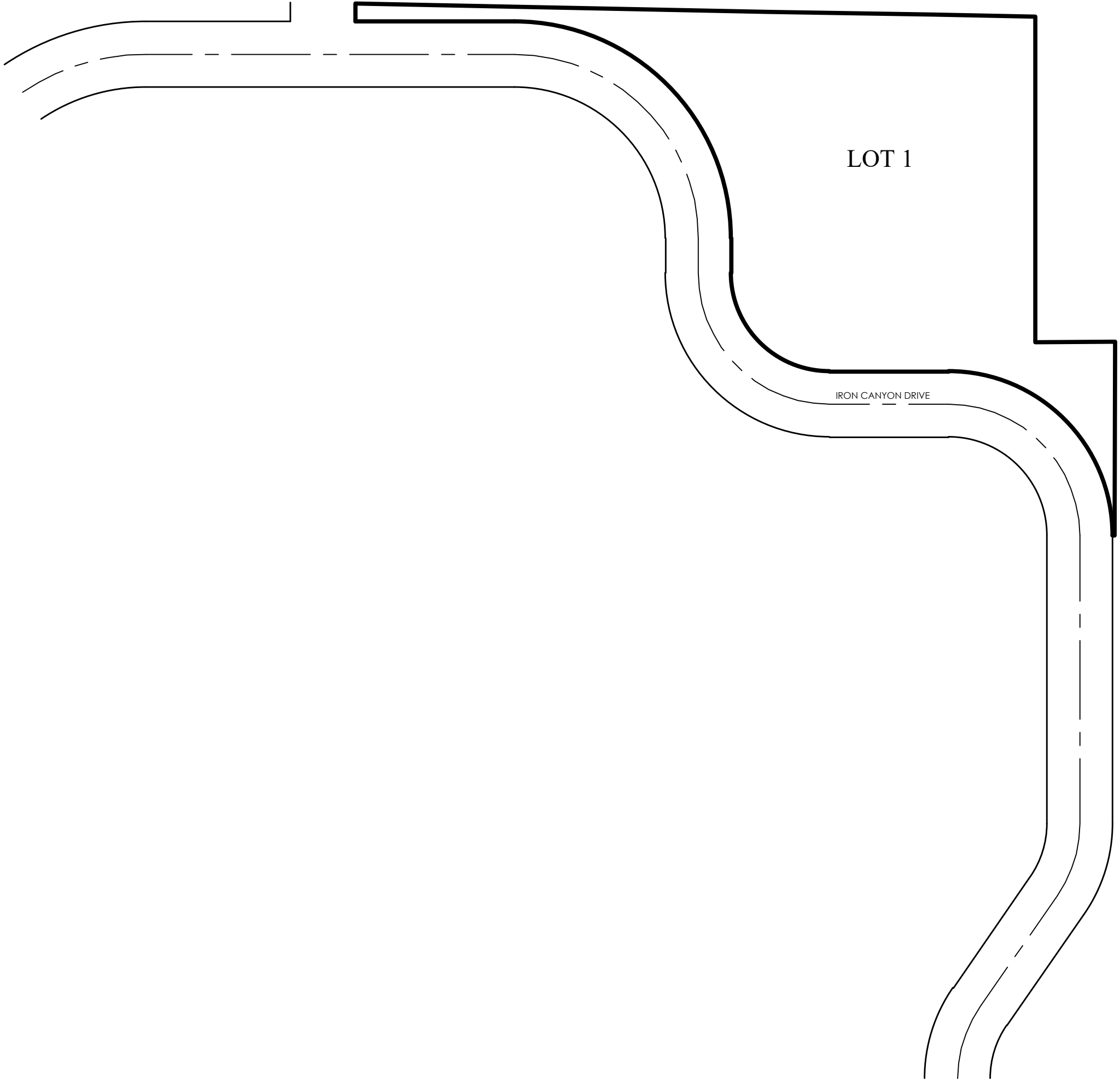
Exhibit A: Annexation Petition Submittal
Exhibit B: Iron Canyon Annexation Agreement
Exhibit C: Smith Ranch Annexation Agreement
Exhibit D: Summit County Certificate of Mailing
Exhibit E: City Recorder Certification of Annexation
Exhibit F: Staff Review Team Comments
Exhibit G: Applicant Letter and Exhibits regarding IC-MSD
Exhibit H: City Council Petition Review Public Input
Exhibit I: Planning Commission Review Public Input

IRON CANYON PHASE 2

PREPARED FOR:
IVORY DEVELOPMENT
LOCATED IN:
PARK CITY, UT



VICINITY MAP
NTS



SITE MAP

GENERAL NOTES

- CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
- ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL CONSTRUCTION SHALL ADHERE TO XXXX STANDARD PLANS AND SPECIFICATIONS.
- ALL UTILITIES AND ROAD IMPROVEMENTS SHOWN ON THE PLANS HEREIN SHALL BE CONSTRUCTED USING REFERENCE TO SURVEY CONSTRUCTION STAKES PLACED UNDER THE SUPERVISION OF A PROFESSIONAL LICENSED SURVEYOR WITH A CURRENT LICENSE ISSUED BY THE STATE OF UTAH. ANY IMPROVEMENTS INSTALLED BY ANY OTHER VERTICAL OR HORIZONTAL REFERENCE WILL NOT BE ACCEPTED OR CERTIFIED BY THE ENGINEER OF RECORD.
- THIS DRAWING SET IS SCALED TO BE PRINTED ON A 24" X 36" SIZE OF PAPER (ARCH D). IF PRINTED ON A SMALLER PAPER SIZE, THE DRAWING WILL NOT BE TO SCALE AND SHOULD NOT BE USED TO SCALE MEASUREMENTS FROM THE PAPER DRAWING. ALSO USE CAUTION, AS THERE MAY BE TEXT OR DETAIL THAT MAY BE OVERLOOKED DUE TO THE SMALL SIZE OF THE DRAWING.

NOTICE

BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE ELEVATIONS, AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER.

ENGINEER'S NOTES TO CONTRACTOR

- THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS, TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS. IF UTILITY LINES ARE ENCOUNTERED DURING CONSTRUCTION THAT ARE NOT IDENTIFIED BY THESE PLANS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
- CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE CITY, THE OWNER, AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
- UNAUTHORIZED CHANGES & USES: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.
- ALL CONTOUR LINES SHOWN ON THE PLANS ARE AN INTERPRETATION BY CAD SOFTWARE OF FIELD SURVEY WORK PERFORMED BY A LICENSED SURVEYOR. DUE TO THE POTENTIAL DIFFERENCES IN INTERPRETATION OF CONTOURS BY VARIOUS TYPES OF GRADING SOFTWARE BY OTHER ENGINEERS OR CONTRACTORS, FOCUS DOES NOT GUARANTEE OR WARRANT THE ACCURACY OF SUCH LINEWORK. FOR THIS REASON, FOCUS WILL NOT PROVIDE ANY GRADING CONTOURS IN CAD FOR ANY TYPE OF USE BY THE CONTRACTOR. SPOT ELEVATIONS AND PROFILE ELEVATIONS SHOWN IN THE DESIGN DRAWINGS GOVERN ALL DESIGN INFORMATION ILLUSTRATED ON THE APPROVED CONSTRUCTION SET. CONSTRUCTION EXPERTISE AND JUDGMENT BY THE CONTRACTOR IS ANTICIPATED BY THE ENGINEER TO COMPLETE BUILD-OUT OF THE INTENDED IMPROVEMENTS.

CONTACTS

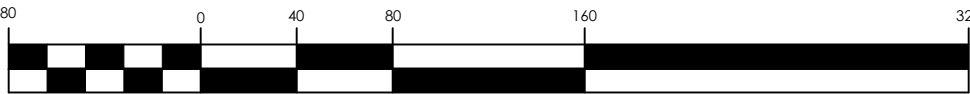
ENGINEER & SURVEYOR
FOCUS ENGINEERING & SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047
(801) 352-0075
PROJECT MANAGER: BEN DUZETT
SURVEY MANAGER: JUSTIN LUNDBERG

OWNER/DEVELOPER
IVORY DEVELOPMENT
9178 WOODOAK LANE
SALT LAKE CITY, UTAH 84117
(801) 407-6841
CONTACT: BRAD MACKAY

Sheet List Table	
Sheet Number	Sheet Title
C1	COVER
C2	FINAL PLAT
EX.1	SITE PLAN
EX. 2	UTILITY PLAN
EX. 3	COMMUNITY FACILITIES
EX. 4	EXISTING ACCESS POINTS
EX. 5	SLOPE MAP
EX. 6	CONSTRUCTION MITIGATION PLAN
EX. 7	SENSITIVE LANDS EXHIBIT
EX. 8	VISUAL ASSESSMENT



GRAPHIC SCALE



(IN FEET)
1 inch = 80 ft.



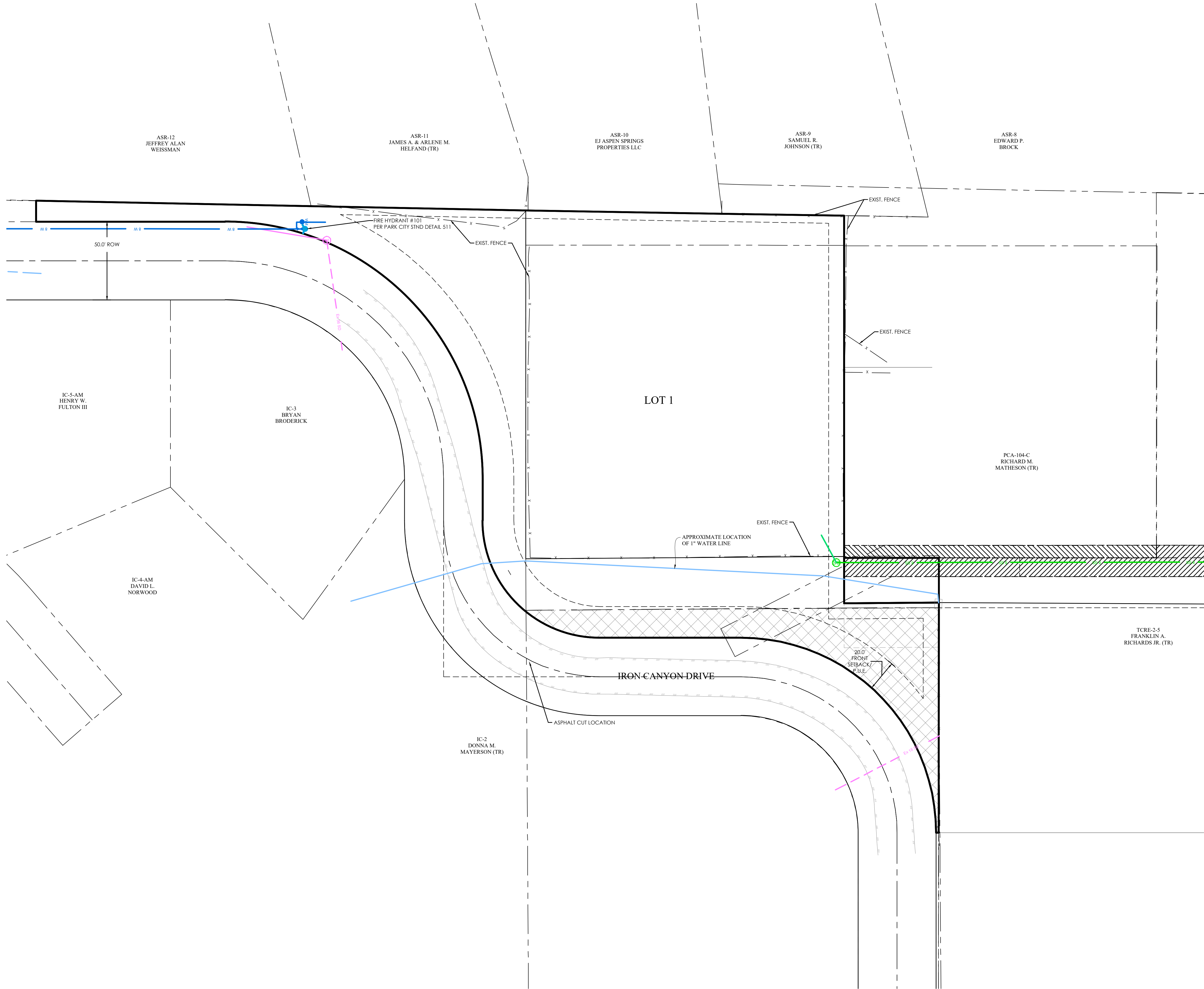
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COVER

Scale: 1"=80'
Date: 09/18/24
Sheet: C1

Drawn: MEC
Job #: 20-0230

C1



LEGEND

—	BOUNDARY
—	ROW
—	CENTERLINE
—	LOT LINE
—	EASEMENT
15 SD	15" STORM DRAIN
8 SS	8" SANITARY SEWER
8 W	8" CULINARY WATER
8 SW	8" SECONDARY WATER
XXXX	CONTOUR MAJOR
XXXX	CONTOUR MINOR
Ex SD	EXIST. STORM DRAIN
Ex SS	EXIST. SANITARY SEWER
Ex W	EXIST. CULINARY WATER
Ex SW	EXIST. SECONDARY WATER
X	EXIST. FENCE
(XXXX)	EXIST. CONTOUR MAJOR
(XXXX)	EXIST. CONTOUR MINOR
+	SIGN
+	STREET LIGHT
+	SD MH, INLET, AND COMBO
+	SEWER MANHOLE
+	CULINARY VALVE, TEE & BEND
+	SECONDARY VALVE, TEE & BEND
+	WATER BLOW-OFF
+	FIRE HYDRANT
+	STREET MONUMENT (TO BE SET)
+	EXIST. STREET MONUMENT
+	EXIST. SD INLET & MH
+	EXIST. SEWER MH
+	EXIST. VALVE, TEE, & BEND
+	EXIST. FIRE HYDRANT
+	SPOT ELEVATION

GENERAL PROPERTY INFO	
TOTAL ACREAGE	±1.73 ACRES
TOTAL SF UNITS	1
TOTAL DENSITY	0.58 UNITS/ACRE
ZONE & LOT REQUIREMENTS	
ZONE	SINGLE FAMILY (SF)
MAX DENSITY	3 UNITS/ACRE
FRONT YARD SETBACK	20'
REAR YARD SETBACK	15'
INTERIOR SIDE SETBACK	12'

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.



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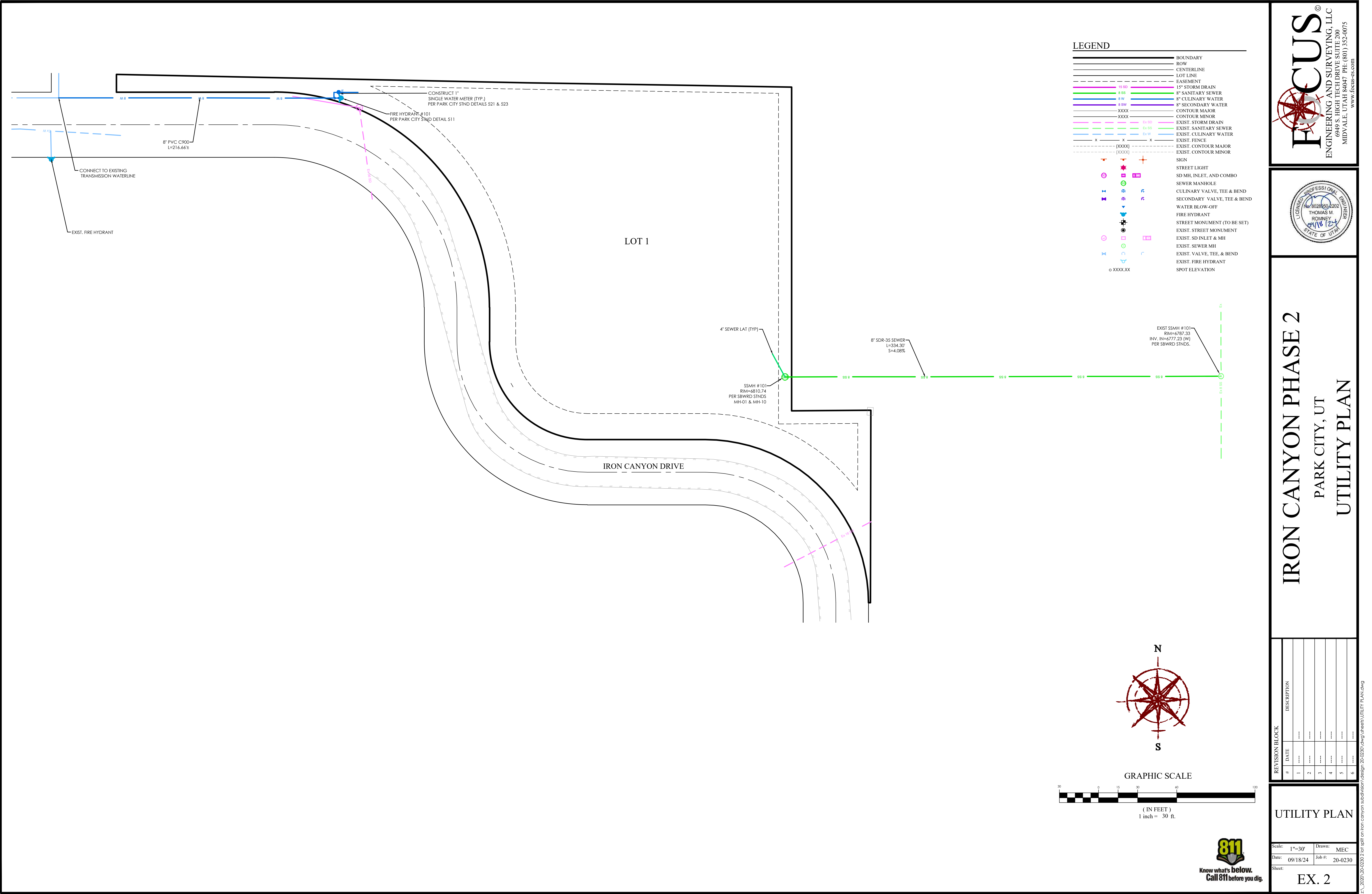


IRON CANYON PHASE 2
PARK CITY, UT
SITE PLAN

REVISION BLOCK	
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SITE PLAN

Scale: 1"=30'	Drawn: MEC
Date: 09/18/24	Job #: 20-0230
Sheet:	EX.1



IRON CANYON PHASE 2
PARK CITY, UT
UTILITY PLAN

RE	DATE	DESCRIPTION
1		
2		
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6		



PROJECT LOCATION

DISTANCE FROM PROJECT LOCATION

SCHOOLS	
PARLEY'S PARK ELEMENTARY SCHOOL	3.0 MI
McPOLIN ELEMENTARY SCHOOL	2.4 MI
PARK CITY HIGH SCHOOL	2.2 MI
TREASURE MOUNTAIN JR. HIGH SCHOOL	2.4 MI

FIRE STATIONS	
PARK CITY FIRE DISTRICT STA. 36	2.4 MI
PARK CITY FIRE DISTRICT STA. 38	3.5 MI
PARK CITY FIRE DEPT. STA. 31	0.7 MI

PARKS	
WILLOW CREEK PARK	3.2 MI
MATT KNOOP MEMORIAL PARK	2.7 MI
ROTARY PARK	0.2 MI
NEW PROSPECTOR PARK	2.5 MI
PROSPECTOR PARK	2.6 MI
CITY PARK	1.8 MI
ACOUSTIC PARK	1.9 MI
9TH ST AND PARK AVE PARK	2.2 MI
MINER'S PARK	2.7 MI

HOSPITALS	
PARK CITY HOSPITAL	4.7 MI

LIBRARIES	
PARK CITY LIBRARY	2.0 MI

CITY HALL	
PARK CITY - CITY HALL	2.7 MI



GRAPHIC SCALE



(IN FEET)
1 inch = 1000 ft.

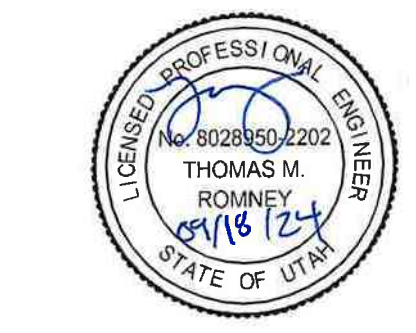


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IRON CANYON PHASE 2

PARK CITY, UT

COMMUNITY FACILITIES

REVISION BLOCK	
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COMMUNITY FACILITIES

Scale: 1"=1000'	Drawn: MEC
Date: 09/18/24	Job #: 20-0230
Sheet:	

EX. 3



GRAPHIC SCALE



(IN FEET)
1 inch = 150' ft.



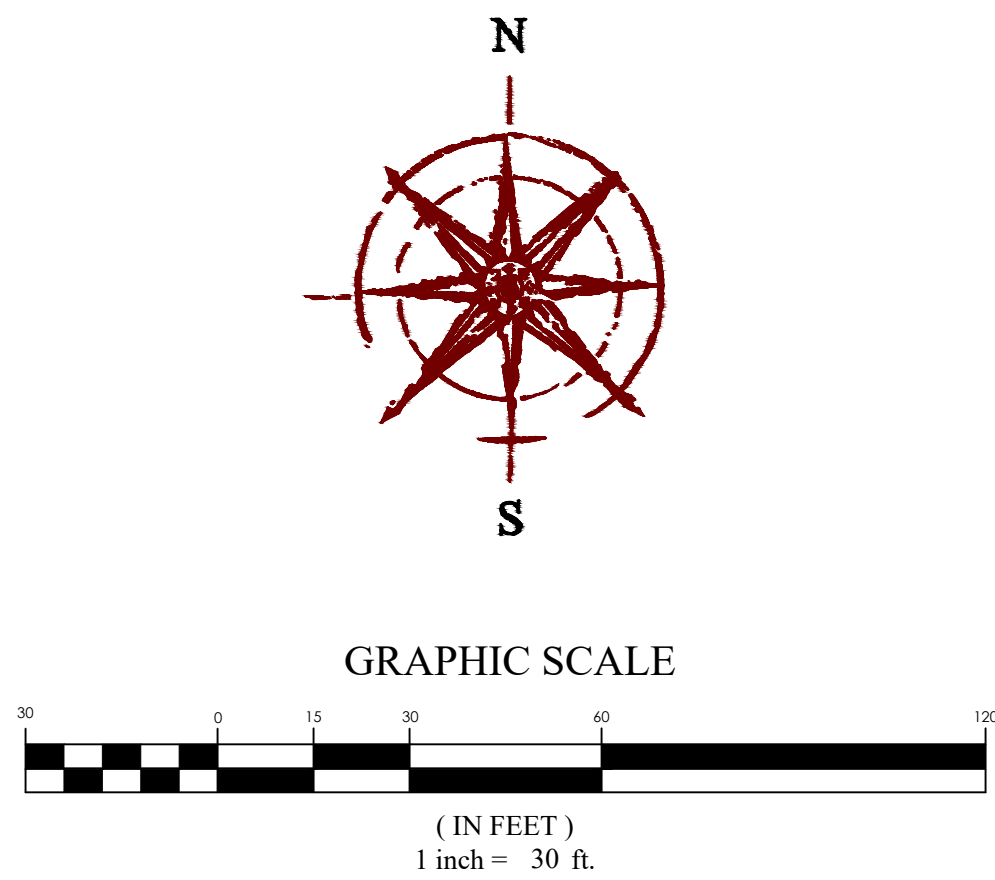
IRON CANYON PHASE 2

PARK CITY, UT

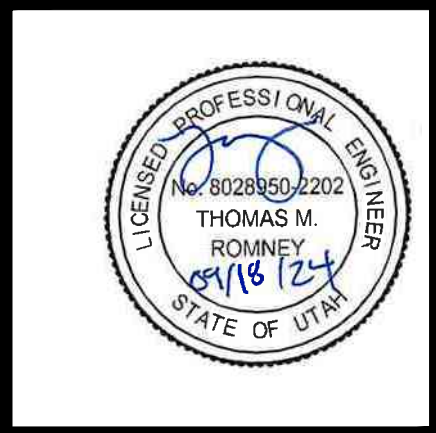
EXISTING ACCESS POINTS

REVISION BLOCK	
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EXISTING ACCESS POINTS	
Scale: 1"=150'	Drawn: MEC
Date: 09/18/24	Job #: 20-0230
Sheet:	EX. 4



- 0% - 12% SLOPES
 - 12% - 30% SLOPES
 - 30% SLOPES AND GREATER
- Note: The 30% slopes are granular barrow coming off of the shoulder of the roadway.



IRON CANYON PHASE 2

PARK CITY, UT

SLOPE MAP

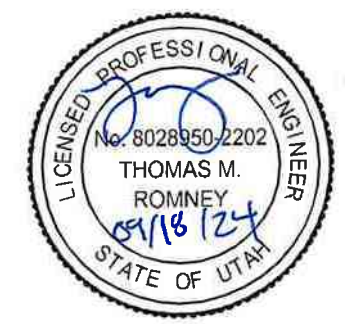
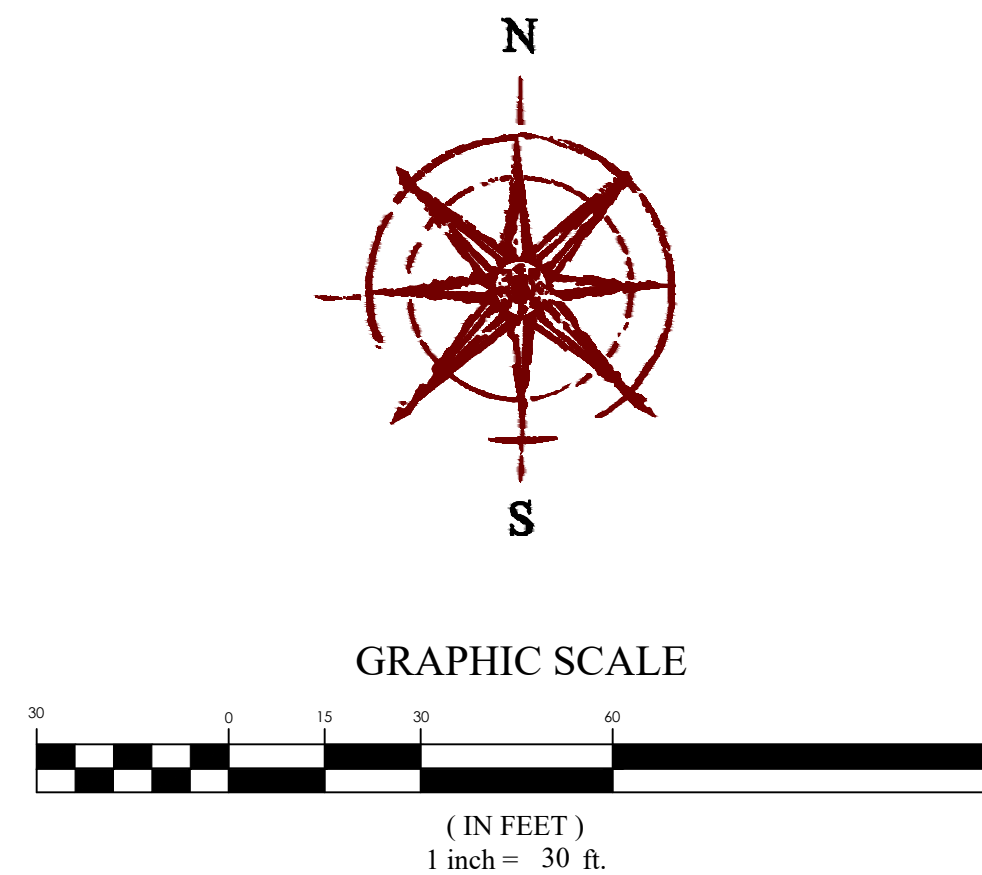
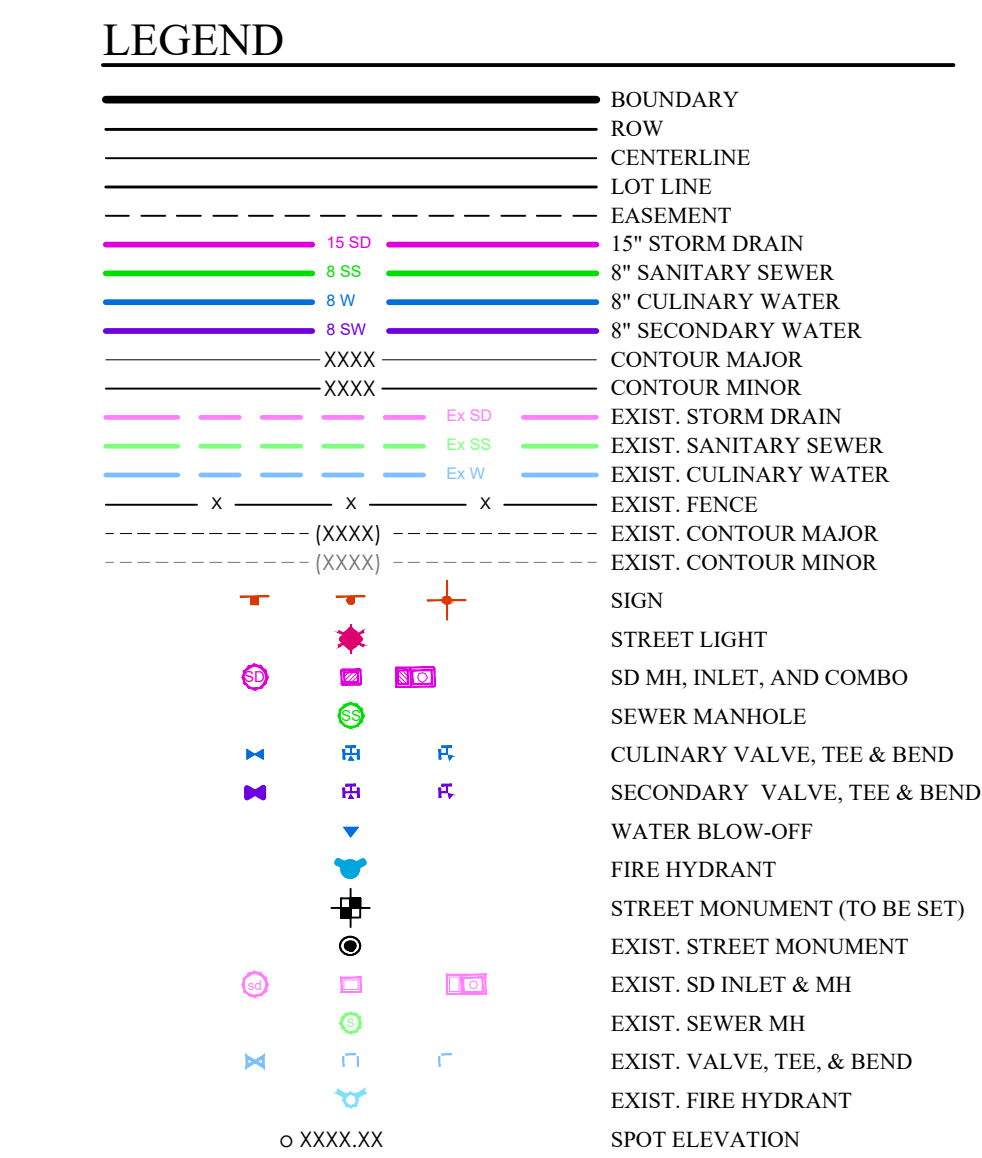
REVISION BLOCK	
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SLOPE MAP

Scale: 1"=20'
Date: 09/18/24
Sheet:

Drawn: MEC
Job #: 20-0230

EX. 5



IRON CANYON PHASE 2
PARK CITY, UT
CONSTRUCTION MITIGATION PLAN

REVISION BLOCK		
#	DATE	DESCRIPTION
1	04-10-20	
2	04-10-20	
3	04-10-20	
4	04-10-20	
5	04-10-20	
6	04-10-20	

CONSTRUCTION MITIGATION PLAN

Scale: 1"=30'	Drawn: MEC
Date: 09/18/24	Job #: 20-0230

EX. 6



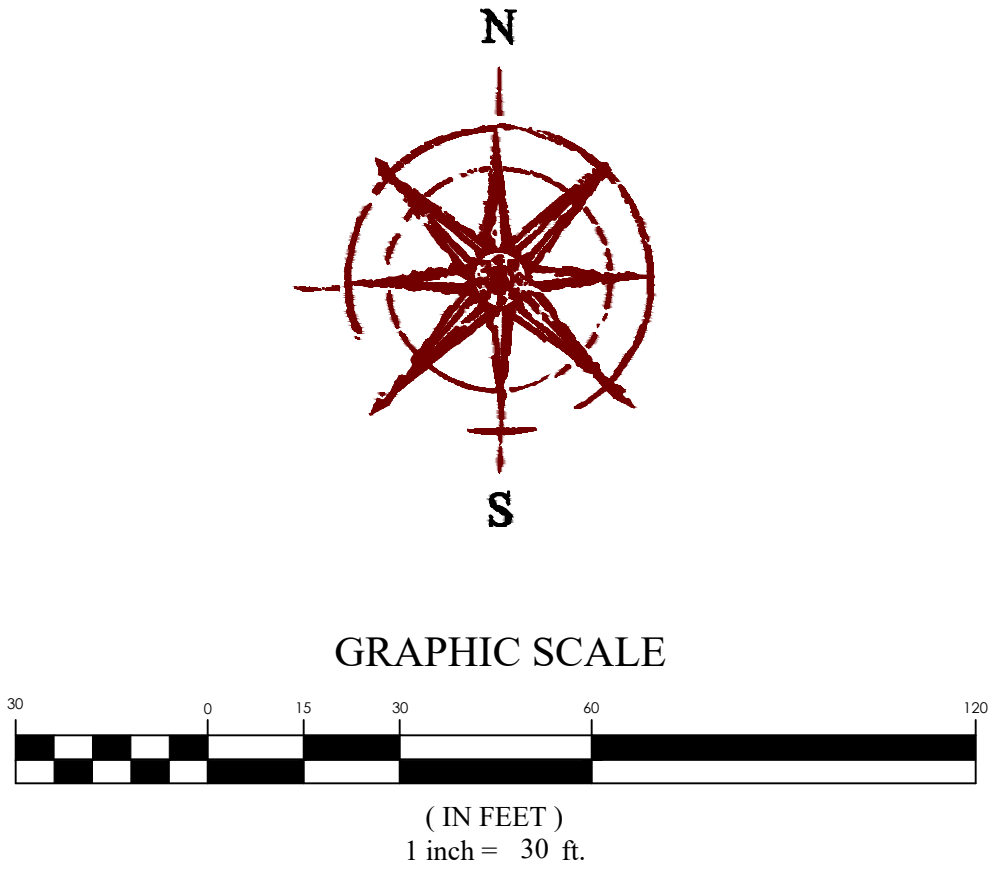
LEGEND	
	BOUNDARY
	ROW
	CENTERLINE
	LOT LINE
	EASEMENT
	15" STORM DRAIN
	8" SANITARY SEWER
	8" CULINARY WATER
	8" SECONDARY WATER
	CONTOUR MAJOR
	CONTOUR MINOR
	EXIST. STORM DRAIN
	EXIST. SANITARY SEWER
	EXIST. CULINARY WATER
	EXIST. FENCE
	EXIST. CONTOUR MAJOR
	EXIST. CONTOUR MINOR
	SIGN
	STREET LIGHT
	SD MH, INLET, AND COMBO
	SEWER MANHOLE
	CULINARY VALVE, TEE & BEND
	SECONDARY VALVE, TEE & BEND
	WATER BLOW-OFF
	FIRE HYDRANT
	STREET MONUMENT (TO BE SET)
	EXIST. STREET MONUMENT
	EXIST. SD INLET & MH
	EXIST. SEWER MH
	EXIST. VALVE, TEE, & BEND
	EXIST. FIRE HYDRANT
	SPOT ELEVATION

VEGETATIVE COVER:
THERE ARE TWO STANDS OF EXISTING DECIDUOUS ASPEN TREES AS LABELED ON THIS SHEET. THE REST OF THE SITE IS SAGE, GRASSLAND. THE TWO STANDS OF ASPEN TREES SHALL REMAIN AND BE PROTECTED DURING CONSTRUCTION.

RIDGE LINE AREAS:
THERE ARE NO RIDGE LINE OR HILL AREAS WITHIN THIS SUBDIVISION.

WETLANDS:
NO WETLANDS HAVE BEEN FOUND WITHIN THIS SUBDIVISION BOUNDARY.

WILDLIFE HABITAT AREAS:
WITH THE SIZE AND LOCATION OF THIS SUBDIVISION BEING SURROUNDED BY A ROAD AND RESIDENTIAL HOMES WE BELIEVE THE NEED FOR A WILDLIFE HABITAT REPORT TO BE NEGLIGIBLE. THE IMPACT WILL BE IDENTICAL TO THE NEIGHBORING PROPERTIES.



IRON CANYON PHASE 2
PARK CITY, UT
SENSITIVE LANDS EXHIBIT

REVISION BLOCK	
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SENSITIVE LANDS EXHIBIT	
Scale: 1"=30'	Drawn: MEC
Date: 09/18/24	Job #: 20-0230
Sheet:	EX. 7



VANTAGE POINT FROM HWY 224 AND McPOLION NATURE TRAIL
PARKING TURN OFF LOOKING EAST TOWARD THE PROJECT.
40°40'17.93" N 111°31'03.78"W



VANTAGE POINT FROM THE PROJECT LOCATED ON IRON
CANYON ROAD LOOKING WEST TOWARD HWY 224.
40°40'12.22" N 111°31'21.13"W

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IRON CANYON PHASE 2

PARK CITY, UT

VISUAL ASSESSMENT

REVISION BLOCK		DESCRIPTION
#	DATE	
1	----	----
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5	----	----
6	----	----

VISUAL ASSESSMENT

Scale: 1"=20'

Drawn: MEC

Date: 09/18/24

Job #: 20-0230

Sheet:

EX. 8



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Iron Canyon Annexation Development Timetable

It is expected that lot improvement and utility access for the single lot in the proposed Iron Canyon annexation will be completed in 2024. It is also expected that construction of the homes will begin in 2024.

Iron Canyon Annexation School Impact Study

Executive Summary: FOCUS Engineering & Surveying has conducted a school impact study for the proposed Iron Canyon single-lot residential subdivision located along Iron Canyon Drive in Park City, Utah. We have concluded that this development will have a negligible impact on neighboring schools.

Findings & Assumptions:

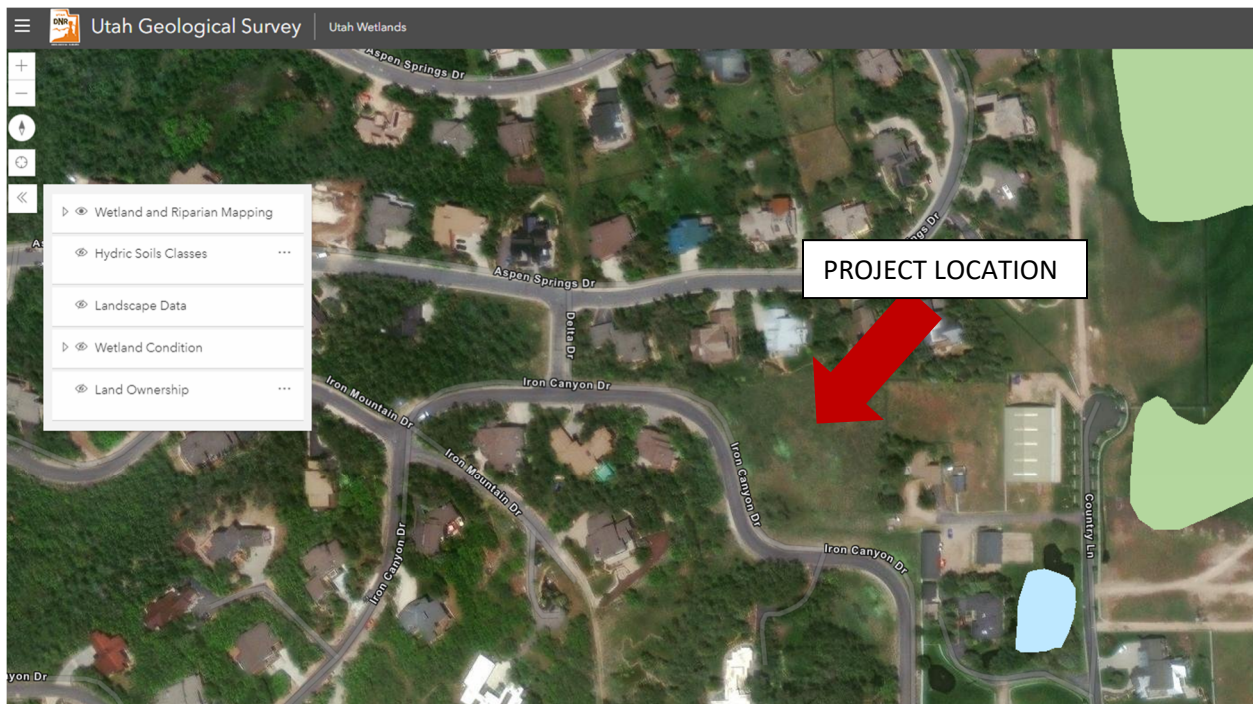
1. The U.S. Census estimates the average person-per-household from 2017 to 2021 in Park City to be 2.92. We will round this up to an average of three persons-per-household.
2. Based on this average, we estimate this development will yield an additional one student.
3. We also estimate the neighboring schools could see an increase of one total student based on this information.

Conclusion: Based on the above findings, the Iron Canyon single-lot subdivision will have a negligible impact on the neighboring schools.

Iron Canyon Annexation Natural Features Omission

FOCUS Engineering & Surveying has performed an analysis of the proposed Iron Canyon development and has determined that none of the following that will be impacted as part of this development: wetlands, natural drainages, vegetation, wildlife habitat, view corridors, or significant geological features. None of these features were found on the site during in-person site visit and inspections performed by FOCUS.

Focus Engineering has also reviewed the Utah Division of Natural Resources Wetlands Map and has confirmed that there are no existing delineated wetlands on the property. See image below:



In addition to this map, FOCUS found no evidence of a wetland existing on the property. There were no existing bodies of water, drainages, or vegetation typical to a wetland area.

A slope map, included in this packet of information, shows the slope of the Iron Canyon annexation area and illustrates natural drainages, berms, etc. None of these will be impacted by the proposed development.



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Iron Canyon Annexation Open Space Omission

The proposed Iron Canyon annexation will add one single-family residential lot to the existing Iron Canyon subdivision, which is part of the larger Thaynes neighborhood. The Thaynes neighborhood features a variety of public and private open space areas, including McPolin Farm, Frank Richards Farm, Aspen Springs Open Space, Rotary Park, McPolin Farm Trail, Thaynes Canyon Trail, a connection to McLeod Creek Trail, and the Park City Golf Course.

Because the proposed Iron Canyon annexation will include only one single-family residential home, FOCUS Engineering & Surveying has determined that there is not a need to provide additional open space, recreational areas or trails.



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Iron Canyon Annexation Historical & Cultural Resources Omission

Research done by FOCUS Engineering & Surveying has determined that there are no historical and/or cultural resources located on the property associated with the area of the proposed Iron Canyon annexation. As a result, this item is not applicable for consideration as part of the proposed annexation.

FOCUS conducted a site investigation of the property. During this site investigation there were no historical artifacts or materials found on site. There are no existing structures on the site and therefore no historical buildings.

This property is also surrounded by development. There are homes surrounding this property. As such, the adjacent properties were not on registered historical or cultural land. Because of the lack of evidence for any historical or cultural resources on this site we believe it is appropriate to omit the full historical and cultural study.



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Iron Canyon Annexation Consistency with Park City General Plan

FOCUS Engineering & Surveying has determined that the development associated with the proposed Iron Canyon annexation is consistent with the Park City General Plan. The following outlines our reasoning for this determination.

The proposed development aligns with the community's core values of Small Town, Natural Setting, Sense of Community, and Historic Character. It is also consistent with the current Neighborhood Portfolio.

The proposed development is located within the Thaynes neighborhood in the Iron Canyon subdivision. Assuming the annexation is approved, it will be incorporated into a neighborhood with existing infrastructure and resources, including recreation areas, schools, businesses, etc. The proposed development will consist of single-family residential lots, which are consistent in size with the rest of the neighborhood. All Single-Family District requirements will be met, including the protection and/or remediation of any existing vegetation and view corridors, and no wildlife corridors should be affected by this development.

Iron Canyon Annexation Affordable Housing Plan Omission

FOCUS Engineering & Surveying has determined that there is not a need for an Affordable Housing Plan for the development associated with the proposed Iron Canyon annexation.

Per the information taken from the Thaynes Neighborhood General Plan below, there is no requirement for any affordable housing within the neighborhood. As a result, not including an Affordable Housing Plan for the proposed development will be consistent with the Thaynes Neighborhood General Plan.

Total Area (sq. miles)	0.97 square miles
Total Area (acres)	620 acres
Total Units	250
Unbuilt Units	99
% of Total Park City Units	2.7%
Average Density	3.16 units per acre
Range of Density	0.1 - 7.7 units per acre
Population	418
Total Businesses	17
% of Total Park City Businesses	2%
Housing Type	Single Family and Agriculture
Historic Sites	McPolin Barn
Affordable Housing	None
Occupancy	65% Primary residence 59% Owner-occupied 6% Renter-occupied
Neighborhood Icons	McPolin Farm, Rotary Park, Hiking Trails, Streams, Park City Golf Course
Parks	Rotary Park
Amenities	McPolin Farm, Frank Richards Farm, Aspen Springs Open Space
Trails	McPolin Farm Trail and Thaynes Canyon Trail, Connection to McCleod Creek Trail
Walkability	Internal streets and trails; few amenities within 1/4 mile that would decrease Vehicle Miles Traveled
Sub-Neighborhoods	Aspen Springs, Iron Canyon, Thaynes Canyon, Thaynes Creek Ranch



6949 S. High Tech Drive Suite 200
Midvale, UT 84047
P (801) 352-0075 F (801) 352-7989

Iron Canyon Existing Water Analysis

FOCUS Engineering & Surveying has performed an analysis of the proposed Iron Canyon development and has determined that the property being annexed into Park City does not have any water shares owned or being used at this time. The proposed subdivision will be joining the city's public utilities and purchasing water for the single lot.

Economic Analysis- Iron Canyon

1. Property Details:

Location: Park City, Utah

Lot Sizes: Lot 1 (0.5 acres), Lot 2 (0.67 acres), Lot 3 (0.56 acres)

Zoning: Residential

2. Market Analysis:

The Park City real estate market has exhibited a strong and consistent demand for residential properties, making it an attractive location for potential real estate development and investment. According to recent data from Redfin, the average sales price for residential properties in Park City stands at approximately \$1.79 million. This substantial average sales price reflects the desirability of the location, the quality of life it offers, and the potential for high-end living.

Further analysis reveals that the average price per square foot (sf) in Park City is estimated to be around \$721. This metric provides insight into the value that buyers place on the available living space, taking into account the unique features and amenities that Park City has to offer. The relatively high average price per square foot underscores the premium nature of the properties in the area, likely fueled by its scenic landscapes, recreational opportunities, and upscale lifestyle.

3. Operating Costs:

Property Taxes: Utah's state sales tax is 4.85%, and Park City's property tax is 1.130% for a secondary residence and . 55% for a primary residence

Maintenance Costs: Maintenance will cost about 1% of the property value per year

4. Conclusion and Recommendations:

In light of the comprehensive economic analysis conducted for the residential lots located in the desirable area of Park City, Utah, it is evident that this investment opportunity holds substantial potential. The analysis considered various factors, from property details and market analysis to development and operating costs. Based on the results, these residential lots are a promising venture in Park City.

EXHIBIT "A"

IRON CANYON SUPPLEMENTAL ANNEXATION

POLICY DECLARATION AND ANNEXATION AGREEMENT

THIS AGREEMENT, is made pursuant to the provisions of Section 10-2-414 of Utah Code Annotated to set forth the terms and conditions under which Park City agrees to annex the land described on the attached Exhibit "A" to the corporate limits of the City. This Agreement shall serve as part of a supplemental annexation policy declaration when executed by all parties. The owners of the land described on Exhibit "A", which is referred to as the subject property, have properly petitioned the City Council for annexation to the City. This petition was submitted to the Council on August 26, 1982. Since that time, the petitioners have been before the City Planning Department and Planning Commission for approval of a site specific development plan for the subject land, and received final approval of the site plan in February of 1983.

A public hearing was held on March 17, 1983 before the City Council, pursuant to proper public notice. At the hearing there were no appearances other than representatives of the property owners and the City Council and staff. No objections to the proposed annexation were stated at that time or have been subsequently received.

Based on the information presented at the hearing and at the various stages of the planning process for the development on the subject land, the City has made the following findings:

1. The subject land is contiguous to the existing City boundaries;

2. The land is now primarily vacant land, but is susceptible to urbanization, and will require municipal type services as the land is developed;

3. No other municipality exists that is logically able to provide services, and that services now are being provided by Summit County and special service districts organized within the County. The subject land is not within any other municipality's boundaries or annexation policy declaration area.

4. The annexation of the subject land will not create either islands or peninsulas of jurisdiction between the City and the County or any other municipality;

5. The service demands and tax bases of the Park City School District, Park City Fire Protection District, and Snyderville Basin Sewer Improvement District will not be adversely affected by the annexation;

6. Park City is in a position to expand its services to serve the new area, subject to the conditions set forth below;

7. The subject property is within the boundary proposed by the Park City Annexation Policy Declaration and Boundary Map adopted in February of 1982.

Based on these findings of jurisdiction, the Council has determined that it can act favorably on the annexation of the subject land, provided that certain commitments are made to mitigate the initial impact of adding this land and service area to the City limits on existing City services, so that a dilution of services does not occur. The terms and conditions of annexation are as follows:

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1. The subject land is to be zoned RD under the Park City Land Management Code, and all development within the subject land will be required to conform to the requirements of that zone as minimum requirements. The planned unit development option is available for developments within the RD zone, and the plan approved is under that option.

2. The Planning Commission has approved a site plan as of February 1983, showing 45 single family lots within the subject property, internal circulation, stream channels, road stubs to adjoining lands that may annex in the future, and interconnections to existing City streets. The petitioners agree that they will construct according to this plan, or that if this plan is abandoned or substantially modified, new conditions of approval may be required or the conditions modified to reflect the increased or decreased density of the new site plan. Any new site plan is required to go through the normal planning process to obtain approval. Annexation is not contingent on construction of the approved plan of February 1983.

3. The petitioners are required to provide two low cost housing units, either on site or off site, which comply with the standards adopted for the Moderate Income Rental or Sales Program by the Park City Housing Authority. In lieu of construction or acquisition of these units (which shall not be units now under the MIRSP), the petitioners may make a payment of \$10,000 per moderate income unit required into the Employee Housing Trust Fund, administered by the Park City Housing Authority. The employee housing units shall be funded as follows:

(a) One employee housing unit shall be funded for construc-

tion and under construction or the fee in lieu of one employee housing unit paid to the Housing Authority at the time of subdivision plat approval.

(b) The second employee housing unit shall be funded for construction and under construction or the fee in lieu of one employee housing unit paid to the Housing Authority before issuance of the seventh (7th) building permit for houses within the subdivision. To insure compliance with this provision, petitioner's agree to record or have recorded, a restrictive document which will put all buyers on notice of the restriction on building permits pending full compliance with this article.

4. The petitioners shall pay to the City for Park Development purposes a fee of \$360 per unit approved in the project, and to the City for the acquisition of Park land, a fee of \$675 per unit approved in the project. Payment shall be due as follows:

(a) One-half (1/2) of the fees to be paid for Park Development and Park Acquisition shall be paid at the time of subdivision plat approval.

(b) The remaining one-half (1/2) of the fee shall be paid before issuance of the seventh (7th) building permit for houses within the subdivision. To insure compliance with this provision, petitioner's agree to record or have recorded, a restrictive document which will place all buyers on notice of the restriction on building permits pending full payment of the Park Development and Park Acquisition fees.

5. Petitioner will dedicate an easement for and building a pedestrian pathway to connect the existing Rotary Park (City

Grove Park) at the main access road through the property to the end of the subdivision at the top (west) end of the subdivision. The location of this path shall be noted on the subdivision plat, and shall be dedicated as a public easement at least 5 feet in width. Dedication shall occur at the time of subdivision plat approval. The pathway shall be graveled and located on the right hand side of the paved road. All costs, including construction, associated with the pathway shall be paid by petitioners.

6. A credit of up to \$28,425 will be granted against the park related fees for the dedication of a hiking trail through the property and donation of Park land.

7. A soft surfaced emergency vehicle access route will be constructed as shown on the plat. This roadway may be blocked with crash gates at either or both ends to prevent general access, but shall be maintained and kept open for access by emergency vehicles until such time as a secondary access is provided by the completion of roadways through the land to the north of the subject property where and if that land to the north is developed. At the time the second access is provided through the land to the north, the soft surfaced emergency vehicle access easement may be vacated to the underlying property owners.

8. All fees for building permit and inspection fees, planning application, and review, and water connection and development are required of construction within the project as provided by ordinance. A credit will be given for donated water rights as provided by ordinance.

9. Roads within the subdivision will be dedicated to

the public as public streets, and the City will provide snow removal services on those roads in accordance with the snow removal priorities developed by the City. The owner's association may provide supplemental snow removal services as it sees fit. Snow removal will be provided by the petitioner or owners' association at their cost until 22 of the 45 (including the two existing houses) lots are improved and the houses are occupied, at which time the City will undertake snow removal services.

10. City ordinances give the City the option of accepting a payment of money or a dedication of water rights for projects in the City. On annexations, the City policy has been that annexed land is required to dedicate a water right sufficient to meet the needs of that project, regardless of size, and further, that the water right dedicated be such that it is usable by the City from existing points of supply on the City water system. All costs of filing and obtaining approval of change applications, or other governmental approvals shall be borne by the petitioners, including all legal and engineering fees incurred with respect to the transfer of those rights, including defending title to the rights if a title dispute arises because of the transfer. City agrees to cooperate fully and completely with Petitioners in obtaining State Engineer approval, including the signing of the appropriate applications.

The water rights dedicated must meet the following standards:

- (a) The total rights dedicated must permit a year-round diversion of between 27 and 30 acre-feet. Within that range, the City will accept petitioners'

engineer's statement as the actual needs of the subdivision given the terrain and vegetation.

- (b) The rights must have an approved point of diversion at an existing or proposed water source for the City water system. Petitioners have irrigation rights in the Stahle Spring and also a contract for domestic rights with Weber Basin Water Conservancy District. These rights will require changes in use, place of use, and point of diversion to be used. The location of the diversion shall be approved by the City's engineer as being suitable for use within the City system. The City will permit application to be filed in its name by the petitioner. The points of diversion shall be Theriot Spring, Spiro Tunnel and Park Meadows Well. The City engineer will provide legal descriptions of diversion points.
- (c) The rights have to be approved for year-round diversion for municipal uses or domestic uses by the State Engineer. The Stahle right is presently approved as an irrigation right only.
- (d) The petitioners will warrant title and right to use the water rights dedicated for a period of five years following approval of the change or exchange applications. Petitioners will obtain approval of the Weber Basin District on the exchange application.

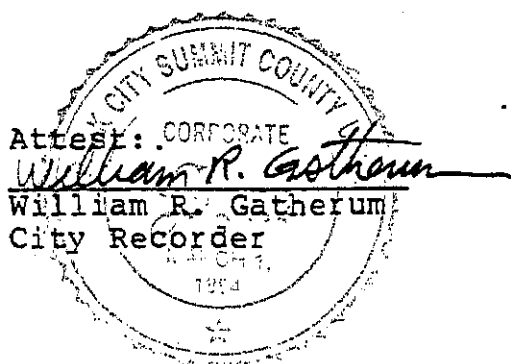
- (e) If the dedicated rights can be introduced to the City system through an existing well, spring, or mine tunnel intake point, no additional work is necessary. If the approved diversion point is at some point other than an existing point of diversion into the City system, the petitioner is required to provide the mechanical means of conveying that water to a point on the City system where it can be used, including pipelines, pumps, and wells, if necessary. Lines may be sized to accommodate future growth under sound engineering practice, provided that the City will assist in refunding a portion of the costs as later developments extend or connect to the line.
- (f) The timing of the dedication of rights is to coincide with the approval of the annexation resolution. Both parties recognize the difficulties inherent in obtaining State Engineer approval of the necessary applications. The City will give subdivision or planned unit development approval upon dedication of the water rights but will issue building permits for no more than six (6) houses within the subdivision before State Engineer approval is received. The existing houses will be counted in that six only when and if they connect to the City water system. Further, petitioner agrees to record or have recorded, a restrictive document which will put all buyers on notice of the unavailability of building permits pending State

Engineer approval. The water dedication for each house within the subdivision is approximately 6/10ths of an acre-foot per house, connected to the City water system.

11. The petitioners will be required to construct a water storage tank that is suitable for delivery of water to Iron Canyon. The tank is to be built to City approved specifications and approved as to location and size. The size must be large enough to meet the State Board of Health standards and the fire flow needs of the subdivision. The minimum tank size acceptable will be \$300,000 gallons, regardless of State standards. The tank must be complete before occupancy permits are issued for any new houses in the subdivision. The City reserves the right to require a cash contribution of no more than \$150,000.00 in lieu of construction of tank, provided the City can provide comparable or better water storage facilities by combining Petitioner's contribution with other water storage projects and provided further that the City is able to provide water service to Petitioners in a timely fashion.

12. The petitioners agree to pay Five Thousand Dollars (\$5,000) as a general annexation fee to offset the City's costs in preparation of the original annexation policy statement, this supplemental policy statement and the other costs associated with the annexation at the time the resolution of annexation is adopted.

DATED this 20th day of October, 1983.



PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.

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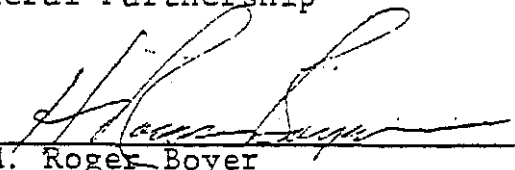
IRON CANYON PETITIONERS

Marjorie Mackey
 Don A Mackey
 H Ross Bayas
 Jack Condas
 Alexandra C. Ockey
 Gus Condas

Al Huss
 Iris C. Huss
 Ellen L. Bayas
 George J. Condas
 Mary E. Lehner

IRON CANYON PETITIONERS

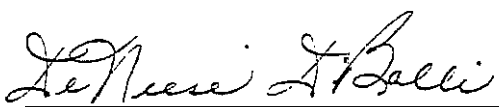
THE BOYER COMPANY, a Utah
General Partnership

By 
H. Roger Boyer
General Partner

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

On this 20th day of October, 1983 A.D. personally appeared before me H. ROGER BOYER, as general partner of THE BOYER COMPANY, a Utah General Partnership, the signer of the within instrument, who duly acknowledged to me that he executed the same, for and on behalf of THE BOYER COMPANY, a Utah General Partnership, as general partner therein.

My commission expires:
4/28/85


Residing in Salt Lake City

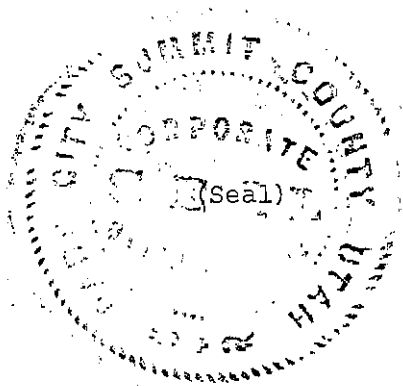
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STATE OF UTAH)
 :
COUNTY OF SUMMIT)

I, William R. Gatherum, the duly qualified City Recorder of Park City, Utah, do hereby certify, according to the records of Park City in my official possession, that the above and foregoing constitutes a true and correct copy of the Iron Canyon Supplemental Annexation Policy Declaration and Annexation Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of Park City this 20th day of October, 1983.

William R. Gatherum
William R. Gatherum
City Recorder



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Attachment "A"

ANNEXATION AGREEMENT

And Supplemental Annexation Policy Declaration

THIS AGREEMENT is made by and between Park City Municipal Corporation ("Park City") and Equity Properties Corp., a Utah corporation, ("Equity") or its assigns, to set forth the terms and conditions under which Park City will annex land owned by Equity into the corporate limits of Park City, and extend municipal services to that property. This Agreement is made under authority of Utah Code Annotated § 10-21-414, (1953, as amended) and shall serve as part of a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Equity's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. Property. The property to be annexed is described on the attached Exhibit A, and is commonly known as the Smith Ranch property.

2. Zoning. Upon annexation, the property will become subject to the Park City Land Management Code, Subdivision Regulations and Park City's other building regulations. The property will be zoned in three areas as shown on the annexation plat for the property, which is incorporated into this agreement as Exhibit B. The open meadow area adjoining Highway 224 will be zoned RECREATION OPEN SPACE (ROS). The developed area will be zoned SINGLE FAMILY (SF). The

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hillside area outside of the developed lots will be zoned RECREATION OPEN SPACE (ROS).

3. Uses and Maintenance of Meadow Area. It is the intent of the parties hereto that the appearance of the meadow area remain, to the extent reasonably possible, as it now exists. To that end the parties agree that the ownership and uses of the meadow area be controlled as specified herein. The ROS-zoned meadow area shown on the Annexation Plat and Zoning Map Addition that adjoins Highway 224 will be left undeveloped. Equity will have the right to lease or sell the meadow to no more than four separate third parties, subject to the ROS zoning, and restrictive covenants that will preserve the agricultural use and appearance of the property. The responsibility and authority to maintain the meadow area shall rest with a single entity, whether a partnership, corporation or association in order to ensure uniform care for and maintenance of the meadow area. The nature and membership of the responsible entity, its relationship to the owner or owners of the meadow area and the means by which it will discharge its responsibilities will be specifically set forth in the restrictive covenants governing the meadow area. Agricultural uses, including the raising of pasturage or other crops, will be allowed within the meadow area. Raising and grazing of horses, allowed in the ROS zone, will be limited to a total of 12 horses in the entire meadow area. Raising and grazing of animals other than horses is a

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conditional use in the ROS zone and is therefore subject to Planning Commission approval. The meadow area will be fenced on the perimeter, and cross fencing will be permitted to the extent necessary to manage grazing and protect growing crops. Perimeter fencing materials may be either wire or some decorative fencing that is not a solid visual barrier, and cross fencing shall be wire fencing. The restrictive covenants affecting the meadow area shall provide that the meadow area will be maintained so as to achieve the following results:

- (a) maintenance of generally uniform and consistent appearance among the parcels, notwithstanding independent ownership and control of the parcels within the meadow.
- (b) consistent levels of maintenance of the meadow parcels to the extent possible given natural variations of slope, soils, climatic and water conditions.
- (c) prevention of over grazing of meadow vegetation.
- (d) allow reforestation of the meadow area.

4. Scenic Easement. Park City will cooperate with the efforts of Equity to make a dedication of a scenic easement or open space preservation easement affecting the meadow area to an appropriate non-profit organization, constituted to acquire and hold such easements. The dedication will be intended to permit Equity to receive whatever tax benefits may be possible from that dedication. The dedication is not

being required by Park City, but, if made, will be made by Equity on its own volition.

5. Park Development Fees. Park City will waive its Parks and Recreation fees in the amount of \$129,375, in consideration of the preservation of the meadow area in open space.

6. Planning Review Fees. Equity has previously paid Park City the sum of \$9,000.00 as a planning review fee. Park City agrees that the \$9,000.00 already paid will be treated as payment in full of the planning review fees for the project, and that no further planning fees will be assessed.

7. Engineering Inspection Fees. Equity's projects will involve the construction and extension of public improvements including roads, sanitary and storm sewers, and water lines to serve the project. Equity shall pay Park City a fee equal to 2.5% of the value of the construction of those improvements to compensate Park City for its time and effort in reviewing designs and inspection of construction of those improvements, consistent with current Park City policy. The fee will be paid at the time the notice to proceed is issued. If additional inspection costs are incurred, Equity will pay the actual costs of inspection in excess of 2.5% at the time the inspection services are rendered, but in no event more than 6% of the improvement value. This arrangement on engineering fees will extend for three years from the date of subdivision plat approval on

each phase. After three years, all required inspection services shall be paid for by Equity pursuant to Park City ordinance. The decisions as to which services are required shall be Park City's.

8. Road Design. Park City agrees to consider road designs submitted by registered engineers on Equity's behalf, and agrees that roads within the project will be required to meet Park City standards for residential streets, including adequate provision for construction traffic.

9. Water Connection Fees. As each building permit is obtained for individual houses within the subdivision built on the Annexed Land, the owner will pay Park City the water connection fee required pursuant to Park City ordinance.

10. Impact and Building Fees. All impact, building permit, and plan check fees due for construction within the annexed land shall be collected as provided by Park City ordinance.

11. Master Plan Approval. The Park City Planning Commission approved a Master Plan approval for the Smith Ranch property for 116 single family lots on April 13, 1988. A revised Master Plan, calling for 121 single family lots, and four ranch lots is scheduled for Planning Commission review at the regularly scheduled meeting of May 11, 1988. If the Master Plan is not approved, or if it is approved subject to conditions unacceptable to Equity, Equity may withdraw its Annexation Petition within ten days of Planning

Commission action, or appeal the decision to the City Council.

12. Acceptance of Public Improvements. Park City will accept title to the public improvements within each phase of the project upon final approval of the construction for each phase. Park City will not, however, take over snow removal responsibility within any phase until at least 50% of the lots within that phase have been improved by the construction of a house on those lots. Until that occurs, snow removal will be Equity's responsibility, or that of the homeowners' association. Equity will pay for the usage of water in each phase sufficient, in the opinion of the Park City Public Works Director, to avoid freezing until homes have been built on 50% of the lots in that phase.

13. Future Rights-of-Way. The subdivision plats for the project shall show two rights-of-way, fifty feet in width which shall connect the dedicated roads within the annexed land to the Smith Ranch property boundary at two points. The rights-of-way must be mapped but need not be dedicated to Park City unless and until the owners of the properties adjacent to the Smith Ranch annex their properties to Park City. The two rights-of-way are independent of each other and either may be dedicated to Park City without the other.

14. Dedication of Water Rights. In satisfaction of Equity's obligation to dedicate water rights sufficient to

meet the normally anticipated needs of the development to Park City, the parties agree as follows:

(a) Equity will dedicate to Park City a sufficient portion of its right, title and interest in and to Weber River Decrees #450 and/or #437 and/or Diligence Claim #1709 to authorize the diversion and use by Park City of 125 acre-feet per year for municipal uses.

(b) Equity shall undertake the burden and expense of converting the dedicated water rights to year-round municipal uses, and in changing the points of diversion of those rights to the City's diversion point at the Park Meadows Well. Equity shall be responsible for the administrative and legal expenses incurred in making such changes, except that Equity shall not be responsible for defending title to Park City's water rights or for representing or defending Park City's position with regard to current or future water replacement obligations. To the best of Park City's knowledge and belief, there remains at least an additional 125 acre-feet of production capacity in the Park Meadows Well.

(c) Any applications will be filed jointly in the names of Park City and Equity. Park City agrees to appear at all hearings and to cooperate fully in the effort to convert as high a percentage of the water to municipal use as possible. Park City will make

available engineering data it has on the Park Meadows Well which may be relevant to this application.

(d) Upon completion of the conversion and expiration of any appeal periods from the State Engineer's or a court's decisions, Park City will accept the dedication in full satisfaction of the water development fees it would otherwise collect from the owners of lots within the annexed area at the time of issuance of building permits.

(e) During the pendency of the conversion proceedings, Park City will collect from Equity or the individual property owners, the water development fees required by ordinance at the time individual building permits are issued. The fees so collected will be held in escrow by an entity mutually agreed upon by the parties. Upon successful conversion of the dedicated water rights and expiration of applicable appeal periods, the Escrow shall pay over to Equity, or the individual property owners who paid development fees, the escrowed funds together with accrued interest, and Equity shall convey the converted dedicated water rights to Park City. In the event the conversion and expiration of applicable appeal periods from actions of the State Engineer are not complete by June 1, 1990, the escrowed funds, with accrued interest, shall be paid over to Park City and Park City shall continue to collect water development fees pursuant to ordinance. Equity will then be

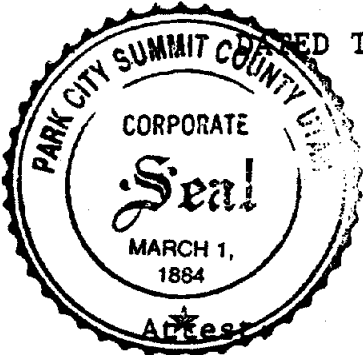
released from its obligation to convey the dedicated water rights. In the event of a judicial appeal, the escrow period will be extended during the pendency of the appeal. Judicial appeals will be pursued diligently and concluded or dismissed as provided by statute.

(f) Equity will retain ownership of all water rights not converted for the irrigation of land within the area set aside as the meadow. The meadow area shall be irrigated to the full extent of the legal rights to do so, and Equity or its successors will retain the right and obligation to irrigate the meadow. Equity agrees that the water rights so reserved shall be made appurtenant to the meadow area for irrigation purposes only and deeds or other conveyances of the meadow area shall specifically restrict the uses of the retained water to irrigation of the meadow area. The irrigation water under this reservation will be diverted from existing or developed sources on the property, and not taken from the City water system. The meadow area will not be irrigated from the municipal water supply system.

(g) Equity will either: (i) provide Park City with an attorney's opinion of title acceptable to the City Attorney, showing title to the 125 acre-feet dedicated to Park City to be vested in Equity Properties Corp., subject to exceptions acceptable to the Park City

Attorney, or, (ii) convey title to the dedicated water rights to Park City by Warranty Deed.

15. Annexation Agreement Review. The Park City Planning Commission is scheduled to review the terms of this Agreement at their meeting on May 11, 1988, and will forward its recommendations on the Agreement to the City Council.



WITNESSED THIS 13th day of May, 1988.

PARK CITY MUNICIPAL CORPORATION

BY: Hal W. Taylor
Hal W. Taylor Mayor

Anita L. Coletti
Anita L. Coletti
City Recorder

EQUITY PROPERTIES CORP.

BY: Gerald A. Jackson
Gerald A. Jackson, Vice President

Smith2/AGREE4

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Eve Furse
Summit County Clerk
efurse@summitcounty.org
435-336-3203



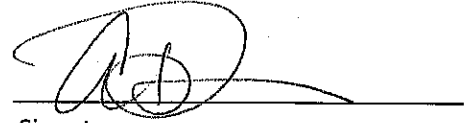
60 North Main Street
Po Box 128
Coalville, UT 84017

CERTIFICATE OF MAILING

I do hereby certify that I mailed a true and correct copy of the Park City Proposed Robbins Addition Annexation Notice to the following by first class mail on February 13, 2024:

RICHARD VALLIERE
ARLENE & JAMES HELFAND
JEFFREY WEISSMAN
RJM SLETTA INVESTMENT CO
DALE & NICOLE ROGERS
CHERRILL & KYLE KAWAKAMI
MARIA ALLIEVI
SCOTT & AMY HATHORNE
TOM WALKER
JANET & MARK VANHARTESVELT
ARMSTRONG & ROGER ARMSTRONG
MARIA GUARNIERI & ANTHONY MARTINO
EDWARD BROCK
SAMUEL JOHNSON
SAMUEL JOHNSON
ASPEN SPRINGS RANCH CORP
RONALD & DONNA RUE
DONNA MAYERSON
BYRAN & JENNIFER BRODERICK
DAVID & TERESA NORWOOD
HENRY & SIOBHAN FULTON
BOGAN & JEFFREY BOGAN
2408 IRON MOUNTAIN LLC
BOYER ROBBINS JV LC
RICHARD MATHESON & TRICIA IRREVOCABLE
BOYER ROBBINS JV LC
BOYER ROBBINS JV LC
FRANKLIN D RICHARDS & FRANKLIN RICHARDS FAMILY
CRAIG & LINDA NIELSEN
FRANKLIN RICHARDS
FRANKLIN RICHARDS
SMITH & DANIEL SMITH
PARK CITY MUNICIPAL

DATED this 13th day of February, 2024.

A handwritten signature in black ink, appearing to be 'AP', written over a horizontal line.

Signature

Amy Price

Chief Deputy Clerk

On behalf of Eve Furse

Summit County Clerk



Certification of Robbins Annexation Petition and Notice to City Council, Contact
Sponsor, and Summit County Council

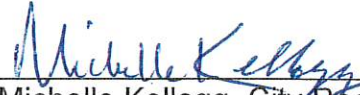
State of Utah
County of Summit

I, Michelle Kellogg, the duly appointed City Recorder of Park City, Summit County, Utah, do hereby certify that I did, on August 22, 2023, receive the Petition for Annexation and attached documents, which was filed with the city by Brad Mackay – Ivory Development, LLC, which Petition was accepted by the Park City Council for further consideration pursuant to Utah Code Section 10-2-405 on March 7, 2024.

I hereby certify the Petition and state that I have reviewed the referenced Petition for Annexation and have determined that the Petition meets the requirements set forth by State Code, and I hereby give notice to the Park City Council, Brad Mackay, Ivory Development (contact sponsor), and the Summit County Council, of my certification of said Petition as meeting the requirements of annexation set forth in state law.

In witness whereof, I have hereunto set my signature and affixed the official seal of Park City Municipal Corporation in Summit County, State of Utah, this 4th day of April, 2024.




Michelle Kellogg, City Recorder



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

April 5, 2023

Brad Mackay
Ivory Development LLC
978 Woodoak Ln
Salt Lake City, UT 84107

RE: Iron Canyon Annexation
Wastewater System Capacity

Dear Mr. Mackay,

As requested, the Snyderville Basin Water Reclamation District has evaluated the impact of developing Parcel SS-104-B by subdividing it into three lots and connecting the three lots to the existing wastewater system in Country Lane. At this time there is adequate capacity in the adjacent sewer lines, trunk lines and treatment facilities to serve the proposed development.

As we previously discussed, an extension of the wastewater main line system will be required, with the main lines being extended to each proposed lot. A Line Extension Agreement (LEA) and additional off-site easements will be required.

Please contact Cory Shorkey to begin the LEA process.

Sincerely,

Kevin Berkley, P.E.
District Engineer

cc: Alexandra Ananth, Park City Planning Department
John Robertson, Park City Engineering Department
Chris Gamvroulas, Ivory Development LLC
Project File



CHIEF OF POLICE PARK CITY POLICE DEPARTMENT

Elissa Martin, MCRP
Assistant Planning Director
Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060

Elissa,

I currently do not foresee this annexation creating any marked impacts on police services.
Thank you for the information and the opportunity to evaluate this process.

Regards,

Wade Carpenter
Police Chief



Issue Date:	September 10, 2024	Plan Review Fee:	\$0.00
Applicant:	N/A	Inspection Fee:	\$0.00
Project Name:	Robbins Addition Annexation	Total:	\$0.00
Lot Number:	SS-104-B, IC-MISC	Method of Payment:	

The Park City Fire District has reviewed the above project and found the concept acceptable. PCFD will provide service to the project provided that the following conditions are met:

1. Adequate water supply is available to meet fire flow requirements.
2. Emergency access roads are provided and installed throughout the project to meet the requirements of the Fire Code.
3. Impact fees are paid as each building is submitted for review and approval as part of the building permit process.

No fees have been paid as a condition of this approval.

This is not an approval to begin construction on any building.

Review Completed By: Battalion Chief Mike Owens – District Fire Marshal

Park City Fire Service District – Fire Prevention Bureau

736 West Bitner Road – Park City, UT 84098

Telephone: (435) 940-2532 **Tele-Fax:** (435) 658-5247 **E-Mail:** mowens@pcfd.org



September 11, 2024

Planning Department

Engineering has reviewed the requested annexation petition for the subject parcel. As development occurs, all proposed improvements that tie into city rights-of-way shall be constructed per the Park City Municipal Code and the most current version of the Park City Supplemental Standards and Specifications.

Currently, there are no plans to widen this section of roadway to address additional traffic volumes. Per the City Traffic Impact Study Guidelines, the proposed three parcels will not generate enough traffic to require the preparation of a traffic impact study and evaluation of levels of service for the corridor and adjacent intersections.

After reviewing UDOT's Accident History database, we found no reported accidents that would require traffic safety improvements along Iron Canyon Drive between Aspen Springs Drive and Payday Drive.

All parcels developed adjacent to Iron Canyon Drive will require snow storage easements.

Respectfully,

John Robertson P.E.

Park City – City Engineer

Engineering Division
445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060
435-615-5073 | engineering_submittals@partcity.org | www.parkcity.org



Public Utilities Department

September 13, 2024

RE: Review of Iron Canyon Annexation Proposal

On Friday, August 30, 2024, the Public Utilities Department received plans for an annexation petition for a 0.94-acre parcel in the Thaynes Neighborhood, along Iron Canyon Drive. The Public Utilities team has conducted a preliminary review of the annexation plans. The following are the findings of that review:

- Park City has adequate capacity to serve this property however, there is no existing water service in Iron Canyon Drive along the frontage of the proposed three single-family lots. The Developer will be responsible for installing water infrastructure to serve these lots. This Includes:
 - Design Drawings conforming to Park City Water Standard Plans and Specifications ([Engineering & Construction Division | Park City, UT](#))
 - Design must include a looped water system showing connection points to existing Park City water infrastructure.
 - Fire Hydrants may be needed to meet Park City Water and Park City Fire Department requirements.
 - All designs will be subject to the review and approval of the Public Utilities Department.
- There are existing water related easements in the project area which include but are not limited to the following: Entry No. 125799 & 134110. Details as to the grantee, purpose and future use and/or abandonment need to be provided to the Public Utilities Team for review.
- A 1" waterline is shown on the site plan of the annexation petition drawing package. Details as to the owner, purpose and future use of this water line need to be provided to the Public Utilities Team for review.

The findings of the preliminary review may not incorporate the extent of requirements needed to conform to the standards of the Public Utilities Department.

Sincerely,

A handwritten signature in black ink that reads "Clint McAfee". The signature is written in a cursive, flowing style.

Clint McAfee
Public Utilities Director



PUBLIC WORKS

Re: Annexation Petition for property on Iron Canyon Drive

September 13, 2024

Elissa,

Public Works staff have reviewed the request for annexation and, we do not have any concerns with the annexation proposed.

However, as the development process moves forward, we will require the protection of our existing snow storage easements adjacent to Iron Canyon Drive and understand future stormwater mitigation resulting from the properties as they are developed.

After an onsite visit, our storm water system makes a sharp turn at a stormwater structure crossing Iron Canyon Drive behind ASR-12 and ASR-11. We are confident that this device will have no effect on current or future upstream stormwater runoff.

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy Dayley".

Troy Dayley

Public Works Director

Park City Municipal Corporation

parkcity.org

1053 Iron Horse Drive, PO Box 1480

Park City, UT 84060

o: 435.615.5637



August 30, 2024

Via Email and U.S. Mail

Park City Municipal Corporation
c/o Rebecca Ward
Park City Planning Director
445 Marsac Avenue
Park City, Utah 84060
Rebecca.Ward@parkcity.org

Re: Annexation Petition re Boyer Robbins JV, L.C. Property

Dear Ms. Ward,

The law firm of Parr Brown Gee & Loveless represents The Boyer Company, L.C. (“Boyer”) in connection with its joint venture in Boyer Robbins JV, L.C. (“Boyer Robbins”). Boyer Robbins is the record title owner of approximately 2.2 acres of property located in Summit County on Iron Canyon Road. The Property includes three separate parcels identified as tax parcels SS-104-B, PCA-105, and IC-MISC and which are more particularly described in Exhibit A. Prior to its conveyance to Boyer Robbins, Boyer was the fee title owner of the IC-MISC parcel. The IC-MISC parcel was a remanent parcel left over from Boyer’s development of the Iron Canyon Subdivision in the 1980’s (the “Subdivision”). The IC-MISC parcel is property that was adjacent to Iron Canyon Dr. but not dedicated to Summit County as part of the public right of way and was not included within any platted lot within the Subdivision. Therefore, Boyer continued to own the IC-MISC parcel after the creation of the Subdivision. Consistently, Boyer has paid the property taxes assessed by the County for the last 40+ years on the IC-MISC parcel. A copy of Summit Counties 2023 property tax assessment to Boyer Robbins and evidence of payment for the real property taxes is attached as Exhibit B.

Recognizing the irregular shape of the IC-MISC parcel and seeking to maximize the beneficial use of the IC-MISC parcel when combined with the property owned by Robbins PCP, Inc. (“Robbins”) identified as tax parcels SS-104-B, PCA-105, Boyer and Robbins each conveyed their individual property interests to Boyer Robbins in December 2022. A copy of the recorded Boyer’s conveyance deed to the joint venture is attached as Exhibit C.

Boyer Robbins subsequently entered into a Purchase and Sale Agreement dated March 3, 2023 to sell the Property to Ivory Development (“Ivory”). Ivory sought to file an annexation with Park City to annex the Property into Park City inasmuch as it is an island within its current municipal boundaries. We understand that Park City has indicated to Ivory that it is declining to further process Ivory’s annexation petition because of concerns raised by several neighbors that the IC-MISC parcel is common area of the Subdivision. This assertion that the IC-MISC parcel is common area is incorrect. Boyer Robbins is the sole fee title owner of the IC-MISC parcel,

and Park City's position that it will not process the rezoning application as a result of these unsupported claims is unjustified and inappropriate.

Initially, attached as Exhibit D is Schedule A to a Title Commitment dated August 14, 2024 identifying Boyer Robbins JV, LLC as the fee simple title owner of the IC-MISC parcel. Also included is a recorded copy of the special warranty deed pursuant to which Boyer conveyed the IC-MISC parcel, of which Boyer was the owner of record at the time of such conveyance as reflected in the records of the Summit County Recorder. There simply is no dispute about the correct ownership of these parcels.

We understand that Park City is relying on a claim made by parties which own property outside of the subdivision that the IC-MISC parcel was owned by a homeowner's association (which claims are simply assertions and are not supported by any evidence). Boyer did not convey the IC-MISC parcel to any homeowners' association nor was there ever any intent to do so. As an initial matter, no Iron Canyon "association" was ever created. Therefore, there is no association that is capable of owning or maintaining any "common areas." The Declaration of Protective Covenants for the Iron Canyon Subdivision ("Declaration") does not create an association that is even capable of owning property, maintaining common areas, or making assessments for the common area maintenance. A copy of the Declaration is attached as Exhibit E. The term "common area" is not even used in the Declaration. There are no provisions for the maintenance of any common areas or for the assessment of Subdivision lot owners to maintain common areas. There is no stated intent for Boyer to create an association or convey any property to any association as common areas. The Declaration creates an Architectural Committee ("Committee") that is tasked with reviewing and approving applications for building and landscaping improvements but there is no stated intent to create a homeowners' association.

Furthermore, the Committee is not an association within the definition Utah Code Ann. Section 57-8a-102(2) because it is not tasked with any of the duties required of an association. *See id.* (an association is an owner of a residential lot within the jurisdiction of the association as described in the governing documents and by virtue of the governing documents to pay property taxes, insurance premiums, maintenance costs, and improvements.) It is clear from the Declaration that there was never an intent to create a homeowner's association or dedicate any common areas to an association. Removing any doubt, a large group of lots owners within the Subdivision recorded a Notice on May 1, 1992 affirming that no homeowner's associated existed: "It is unanimously agreed that we do not have, nor do we want, a recognized Home Owner's Association." A copy of the recorded notice is attached as Exhibit F.

In addition, Boyer has reviewed its initial conveyances of lots within the Subdivision to lot owners. These original deeds make no reference to any common areas or property other than the specifically identified lots. Copies of a sample of these original Subdivision lot deeds are attached as Exhibit G. There exists no record evidence that any portion of the IC-MISC parcel was conveyed to any lot owner in the Subdivision or that any intention to do so ever existed.

IC-MISC is also not part of "common areas" pursuant to Utah Code Ann. Section 57-8a-201(2). Under that provision, common areas are defined as property that an "association" owns, maintains, repairs or administers. Pursuant to the Declaration, the Committee has no authority to

exercise these responsibilities of ownership. Instead, Boyer has exercised all of the rights of ownership, consistent with the original intent as set forth in the Declaration for the last 40 years. Additionally, none of the typical provisions with respect to the dedication of the common areas to an association or the maintenance of commons areas are set forth in the Declaration. There is no provision for collection of association fees, obligations to maintain the areas, or rights of use of any areas within the Subdivision. Thus, no common areas were intended to be created, or were created by the recording of the Subdivision Plat or the Declaration.

Boyer has owned the IC-MISC parcel in fee simple for nearly 40 years and has been assessed and paid property taxes on that parcel during that entire time. Therefore, this parcel is not common areas and there is no association which could even take ownership.

Finally, it is not Park City's obligation to assess claims of third parties relating to real property title. If any owner within the Subdivision wishes to challenge Boyer Robbins ownership of the IC-MISC parcel, it may do so through a quiet title action in Third District Court. To date, no such action has been filed. This letter submits incontrovertible evidence of Boyer Robbins' fee title ownership of the Property and it is simply not Park City's right to delay consideration of an annexation petition because of specious claims from neighbors, who may not even be a part of the Subdivision and therefore have not rights to enforce obligations with respect to such subdivision, seeking to prevent the development of the Property but within no individual interest in the Property. Boyer Robbins is the current owner of the IC-MISC parcel and no other person has (or could) come forward with any concrete evidence to dispute that ownership. Any speculation of an undisclosed intent to convey the IC-MISC parcel to a non-existent homeowners' association is simply inconsistent with the title documents, tax records, and Declaration. We trust this information will resolve any lingering doubts regarding Boyer Robbins' ownership of the Property and Park City will process Ivory's annexation petition in accordance with applicable local ordinances and state statutes.

If this issue continues to be a source of delay for Ivory's annexation petition, Boyer requests an opportunity to meet with Park City's legal counsel.

Sincerely,



Lamont R. Richardson

cc: Brad Mackay, Ivory Development
Dennis James and Vaughn Burbidge, Robbins PCP, Inc.
Roger Boyer, Brian Gochnour, Richard Moffat, the Boyer Company

EXHIBIT A

EXHIBIT A

ROBBINS PROPERTY

PARCEL 1 (SS-104-B):

Beginning at a point North 545.80 feet and West 296 feet from the south quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian, and running thence West 204 feet; thence North 200 feet; thence East 204 feet; thence South 200 feet to the point of beginning.

Together with right-of-way over the following:

Beginning at a point East 63.12 feet from said south quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 06°01'26" West 515.65 feet; thence West 305.01 feet; thence North 33.00 feet; thence East 334.70 feet to a point on an old fence line; thence South 06°01'26" East along said old fence line 548.83 feet; thence West 33.18 feet to the point of beginning.

Also: Together with a right-of-way over the existing gravel road that runs easterly from the above described 33.00-foot right-of-way to Highway U.S. Alternate 40.

PARCEL 2 (PCA-105):

The south one half (1/2) of the following described parcel:

Beginning at a point that is located North 745.80 feet and West 2935.76 feet from the southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence West 204.01 feet to the east line of Iron Canyon Subdivision according to the official plat thereof on file and of record in the Summit County Recorder's Office; thence along said east line North 22.26 feet to a point on the south line of Aspen Springs Ranch Phase 1 Subdivision according to the official plat thereof on file and of record in the Summit County Recorder's Office; thence South 88°50'22" East 1.58 feet long said south line to a point on and existing fence line; thence North 0°04'26" East 21.60 feet along said south line and said existing fence line; thence South 87°56'11" East 139.18 feet along said south line and said existing fence line; thence South 88°52'28" East 64.83 feet along said south line and said existing fence line: thence South 33.64 feet more or less to the point of beginning.

BOYER PROPERTY

PARCEL NO.: IC-MISC

NON-DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

EXHIBIT B

Summit County Treasurer

Corrie Forsling *oll*

60 N. Main St., P.O. Box 128
Coalville, UT 84017-0128
(435) 336-3038
treasurer@summitcounty.org



2023 Property Tax Notice

Taxes Due
November 30, 2023

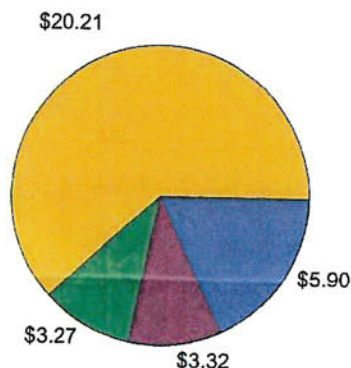
****Holiday Closures November 10, 23-24****

Account Number	Parcel Number	Tax Area	Acres	Property Address (If Applicable)												
0473180	IC-MISC	07	1.16													
Mailing Address		Legal Description (May be Partial)														
012712 ***** ALL FOR AADC 840 BOYER ROBBINS JV LLC 101 S 200 E STE 200 SALT LAKE CITY, UT 84111-3112 		NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED														
Property Valuation		Property Tax Summary														
2023 Market Value: \$5,800 Taxable Value: \$5,800 Primary Residence Property is taxed at 55% of Market Value Non-Primary Property is taxed at 100% of Market Value		<table border="1"> <tr> <td>2023 Property Taxes</td> <td>\$32.70</td> </tr> <tr> <td>Past Due Taxes</td> <td>\$0.00</td> </tr> <tr> <td>Special Assessments</td> <td>\$0.00</td> </tr> <tr> <td>Tax Relief Adjustments</td> <td>(\$0.00)</td> </tr> <tr> <td>Pre-Payments Made</td> <td>(\$0.00)</td> </tr> <tr> <td>Total Taxes Due:</td> <td>\$32.70</td> </tr> </table>			2023 Property Taxes	\$32.70	Past Due Taxes	\$0.00	Special Assessments	\$0.00	Tax Relief Adjustments	(\$0.00)	Pre-Payments Made	(\$0.00)	Total Taxes Due:	\$32.70
2023 Property Taxes	\$32.70															
Past Due Taxes	\$0.00															
Special Assessments	\$0.00															
Tax Relief Adjustments	(\$0.00)															
Pre-Payments Made	(\$0.00)															
Total Taxes Due:	\$32.70															

Form R

– See back for more detail –

See Where Your Tax Dollars Go



Total 2023 Assessed Taxes.....\$32.70

How to Pay Your Taxes

✓ Online

SummitCountyTreasurer.org

- E-Check - FREE
- Credit/Debit Cards – 2.65% fee (min \$1.50)



✓ Phone

(435) 214-7550

E-Check - FREE
Credit/Debit Cards –
2.65% fee (min \$1.50)

✓ Mail

Postmark by
November 30, 2023
to avoid penalty

Mail to:
Summit County Treasurer
PO Box 26548
Salt Lake City, UT 84126

✓ In Person

3 Locations:

- **Treasurer's Office in Coalville:** 60 N. Main St. (Drop Box at South Entrance)
- **Park City DMV:** 1885 W. Ute Blvd. (Lower Entrance)
- **Kamas DMV:** 110 N. Main St. (Office Closed Tues & Fri. Drop Box on Parking Lot Side)

Note: BETH

Entity	Name	Invoice	Date	Reference	Amount
0011	THE BOYER COMPANY, L.C.	ICMISC 11/23	11/9/2023	23 TAXES BOYER ROBBINS JV IC MISC	32.70

Payor: THE BOYER COMPANY	Vendor Id	Date	Check No.	Check Amount
Payee: SUMMIT COUNTY TREASURER	1256	11/21/2023	033892	32.70
Retain this statement for your records				

THE BOYER COMPANY
101 South 200 East, Suite 200
Salt Lake City, UT 84111

1210(8)
11-24

Date	Check No.	Check Amount
11/21/2023	033892	\$32.70

Pay to the order of:

SUMMIT COUNTY TREASURER

PO BOX 26548
SALT LAKE CITY, UT 84126-0548

VOID IF NOT CASHED WITHIN 180 DAYS WITHIN DATE OF ISSUE

Requires two signatures if over \$500.

EXHIBIT C

WHEN RECORDED, MAIL TO
AND MAIL TAX NOTICES TO:

Boyer Robbins JV, L.C.
101 South 200 East, Suite 200
Salt Lake City, Utah 84111
Attn: Chief Financial Officer

Parcel No.: IC-MISC

SPECIAL WARRANTY DEED

THE BOYER COMPANY, L.C. a Utah limited liability company, whose address is 101 South 200 East, Suite 200, Salt Lake City, Utah 84117, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt whereof is hereby acknowledged, **CONVEYS AND WARRANTS** against all who claim by, through, or under Grantor, and none else, to **BOYER ROBBINS JV, L.C.**, a Utah limited liability company, whose address is 101 South 200 East, Suite 200, Salt Lake City, Utah 84111, Grantee, the following described real property, situate in Summit County and State of Utah, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TOGETHER WITH all improvements thereon and all rights, appurtenances, hereditaments thereunto belonging or in anywise appertaining.

WITNESS my hand this 19 day of December, 2022.

THE BOYER COMPANY, L.C., a Utah limited liability company

By: [Signature]
Name: Brian Gochnour
Title: Manager

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

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, by Brian Gochnour as Authorized Representative of The Boyer Company, LLC this 19 day of December, 2022.

WITNESS my hand and official seal.

[Signature]
NOTARY PUBLIC
My Commission Expires:

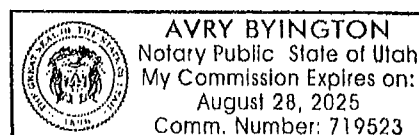


EXHIBIT A TO SPECIAL WARRANTY DEED

That certain real property in Summit County, State of Utah, more particularly described as follows:

NON-DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

PARCEL NO.: IC-MISC

EXHIBIT D

**COMMITMENT FOR TITLE INSURANCE**

Transaction Identification Data, for which the Company assumes no liability as set forth in Condition 5.e.:

Issuing Agent: **Cottonwood Title Insurance Agency, Inc.**
Issuing Office: **7020 South Union Park Avenue, Midvale, UT 84047**
Issuing Office's ALTA® Registry ID: **1224850**

Issuing Office File No.: **165501-DMF**
Parcel Identification Numbers: **SS-104-B, PCA-105 and IC-MISC**

Version: **6**

SCHEDULE A

1. Commitment Date: August 14, 2024 at 7:30AM
2. Policy to be issued:

	Proposed Amount of Insurance	Premium
(a) Owner's Policy (ALTA Owner's Policy (2021))	\$2,000,000.00	\$4,853.00
Proposed Insured: Ivory Development, LLC, a Utah limited liability company		
(b) Loan Policy		
Proposed Insured:		
(c) Endorsements:		
3. The estate or interest in the Land at the Commitment Date is: Fee Simple.
4. The Title is, at the Commitment Date, vested in:
[Boyer Robbins JV, L.C., a Utah limited liability company](#)
5. The Land is situated in Summit County, State of Utah, and is described as follows:
See Exhibit A attached hereto

EXHIBIT E

DECLARATION OF PROTECTIVE COVENANTS
FOR THE IRON CANYON SUBDIVISION

THIS DECLARATION is made this 11th day of OCTOBER, 1983, by THE BOYER COMPANY, a Utah general partnership.

I. PURPOSE OF COVENANTS

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

II. DEFINITIONS

2.1 Declarant: "Declarant" means The Boyer Company, together with its successors and assigns.

2.2 Property: "Property" means that certain real property located in the Iron Canyon Subdivision in Park City, Summit County, Utah, according to the official recorded plat thereof.

2.3 Building: "Building" means any structure or building to be erected or constructed upon the Property.

2.4 Lot: A "Lot" shall mean any parcel of developable property as shown on the recorded Subdivision Plat.

2.5 Subdivision: "Subdivision" shall mean the Iron Canyon Subdivision as recorded in the records of Park City, Utah.

2.6 Building Pad: "Building Pad" means that portion of the lot that may have a building constructed upon it.

III. ARCHITECTURAL COMMITTEE

3.1 Architectural Committee: The Architectural Committee, hereinafter referred to as the "Committee", shall be composed of four (4) members in total. Initially, the Committee shall consist of H. Roger Boyer, Donald A. Mackey, Abe Guss, and Dan C. Gardner. At such time as ninety percent (90%) of the Lots

Book 277 Page -160-8

are sold, the then record owners of ninety percent (90%) of the Lots shall have the power through a duly recorded written instrument to change the membership of the Committee. Said Committee shall have and exercise all of the powers, duties and responsibilities set out in this Declaration. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor.

3.2 Approval by Committee: No improvements of any kind, including but not limited to dwelling houses, dwelling "Building Pad", swimming pools, ponds, parking areas, fences, walls, tennis courts, garages, drives, antennae, flag poles, curbs and walks shall ever be altered, constructed or permitted to remain upon any lands within the Subdivision, nor shall any excavating, clearing, removal of trees, or shrubs, or landscaping of any kind be done upon any lands within the Subdivision unless the complete plans and specifications, including site plan, therefore, are approved by the Committee prior to the commencement of such work. The Committee shall consider the materials to be used on the external features of any improvements, including exterior colors, harmony of the external design with existing structures within the Subdivision, location with respect to topography and finished grade elevations, harmony of the landscape with the natural setting and surroundings and the effect of any such improvements upon the other Lots within the Subdivision, and the Committee shall ascertain whether the architecture conforms to the architectural guidelines. The complete architectural plans and specifications must be submitted in duplicate to the Committee and must include at least four (4) different elevation views. One complete copy of the plans and specifications shall be signed and dated for identification by the owner and left with the Committee for permanent file and record. In the event the Committee fails to take any action within forty five (45) days after said plans are submitted to the Committee, then all of such submitted plans shall be deemed to be approved. It shall be the goal of the Committee to expedite all requests.

3.3 Variances: The Committee shall have the authority to deviate from the requirements contained herein in extenuating circumstances when following these covenants would create an unreasonable hardship or burden for a property owner. Any variance in Building Pad locations from those shown on the recorded Subdivision Plat must be approved by the Committee. An affirmative vote of a majority of the members of the Committee must be gained for a variance to be granted. The Committee does not, however, have authority to allow deviation beyond the guidelines of the Park City Land Management Code.

3.4 General Requirements: The Committee shall exercise its best judgement to see that all improvements, construction, landscaping and alterations on the lands within the Subdivision conform and harmonize with the natural surroundings and with existing structures as to the external design, materials, colors, location, height, topography, grade and finished grade elevation in keeping with the architectural guidelines.

3.5 Preliminary Reviews: Persons who anticipate constructing improvements on the lands within the Subdivision, whether they already own lands or are contemplating the purchase of such lands, may submit preliminary sketches of such improvements to the Committee for informal consideration and preliminary approval or disapproval. All such sketches shall be concerned with maintaining the then existing natural surroundings and vegetation as much as possible. All preliminary sketches shall be submitted in duplicate

and shall contain a proposed site plan together with sufficient general information on all aspects that will be required to be in the complete plans and specifications to allow the Committee to act intelligently on giving an informal preliminary approval or disapproval.

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

3.7 Committee Not Liable: The Committee shall not be liable in damages to any person submitting any plans for approval, or to any owner or owners of lands within the Subdivision, by reason or any action, failure to act, approval, disapproval or failure to approve with regard to such plans. Any person or group acquiring title to any lands within the Subdivision or any person submitting plans to the Committee for approval shall, by doing so, be deemed to have agreed and covenanted that he, she or they will not bring any action or suit to recover damages against the Committee, its members as individuals or its advisors, employees or agents.

3.8 Written Records: The Committee shall keep and safeguard complete written records of all applications for approval submitted to it, including one set of all preliminary sketches and all architectural plans so submitted, and of all actions of approval or disapproval and all other actions taken by it under the provisions of this Declaration. Such records shall be maintained for a minimum of five (5) years after approval or disapproval.

IV. GENERAL RESTRICTIONS ON ALL PROPERTY

4.1 Zoning Regulations: No lands within the Subdivision shall ever be occupied by or for any Building or purpose or in any manner which is contrary to the zoning regulations applicable thereto validly in force from time to time.

4.2 No Mining, Drilling or Quarrying: No mining, drilling, quarrying, tunneling or excavating for any substance within the earth, including oil, gases, minerals, gravel, sand, rock or earth shall ever be permitted on the surface or below the surface of the property.

4.3 No Business Use: The Lots within the Subdivision shall be exclusively used for residential living purposes, such purposes to be confined to approved residential Buildings within the Subdivision. No Lots or Buildings within the Subdivision shall ever be occupied or used for any commercial or business purpose.

4.4 Restrictions of Signs: With the exception of a sign no larger than six (6) square feet, identifying the architect, and a sign of similar dimension identifying the prime contractor, to be displayed only during the course of construction; and, a sign no larger than six (6) square feet for the owner to advertise his home or lot for sale, no sign or advertising devices, including but without limitation to commercial, political, informational or directional signs or devices shall be erected or maintained on any of the lands within the Subdivision, except signs approved in writing by the Committee for purposes of identifying ownership, addresses, rules and regulations, to caution or warn of danger and as may be required by law. The Committee shall also approve or disapprove of the size, materials, color and location of said signs.

BOOK 277 PAGE 162

4.5 Restrictions on Animals: No animals other than ordinary household pets may be kept or allowed to remain on any lands within the Subdivision. Such ordinary household pets shall be kept within the confines of the owner's Lot and shall not create an annoyance to other owners of the lands within the Subdivision. The Architectural Control Committee, in its sole discretion, shall have the right to revoke an owner's privilege of having an ordinary household pet on the Property and shall have the power to require any owner to remove any animal belonging to it which is not disciplined or which constitutes an undue annoyance to other owners of land within the Subdivision.

4.6 No Resubdivision: No Lot shall be resubdivided and no Building shall be constructed or allowed to remain on any parcel of land within the Subdivision that is not designated as a "Building Pad" upon the Lot as shown on the recorded Subdivision Plat or that has not been approved by the Committee.

4.7 Underground Utility Lines: All water, gas, telephone, electrical, cable television and all other utility lines within the limits of the Property must be buried underground and may not be exposed above the surface of the ground.

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

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

4.10 No Noxious or Offensive Activity: No noxious or offensive activity shall be carried on or permitted upon any lands within the Subdivision, nor shall anything be done or placed upon any of the Property which is or may become a nuisance or cause embarrassment, disturbance or annoyance to others.

4.11 No Hazardous Activities: No activities shall be conducted on any Property and no improvements shall be constructed on any of the lands within the Subdivision which are, or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged on the Property and no open fires shall be lighted or permitted on any Property except in a contained barbeque unit while attended and in use for cooking purposes or within a safe and well designated fireplace as approved by the Committee.

4.12 No Unsightliness: No unsightliness shall be permitted upon any of the Property. Without limiting the generality of the foregoing, unsightly structures, facilities, equipment, tools, boats, vehicles other than automobiles used in the normal course of ingress and egress, objects and conditions shall be enclosed within an approved building or appropriately screened from view, except equipment and tools when in actual use for construction, maintenance and repair. Specifically, there shall be no trailers, mobile homes, tractors, truck campers or trucks other than pick-up trucks used in the normal course of ingress and egress shall be kept or permitted to remain upon the Property and no vehicle, boat or equipment shall be constructed, reconstructed, repaired or abandoned upon any of the Property. No lumber, grass, shrub or tree clippings, plant waste, metals, bulk materials or scrap shall be kept, stored or allowed to accumulate on any of the Property, except in service yards meeting the requirements of Section 4.8. Refuse,

garbage and trash shall be placed and kept at all times in a covered container and such container shall be kept within an enclosed structure or appropriately screened from view. Hanging, drying or airing of clothing or household fabrics shall not be permitted within Buildings or on Lots if visible from Buildings, Lots or areas surrounding the Property.

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

4.14 No Cesspools or Septic Tanks: No cesspools or septic tanks shall be constructed upon any Property. Any other type of sewage disposal system shall be installed only after approval by the Committee and all governmental health authorities having jurisdiction.

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

4.16 Drainage: No owner shall have the right to alter or obstruct the then normal flow of runoff water or storm drainage into, from or across any of the Lots.

4.17 Landscaping and Preservation of Existing Site Vegetation: All Buildings should be located to preserve and utilize existing tree masses within the Building Pad. Trees with a caliper measurement of three inches or more, measured at a point on the tree trunk four feet above natural grade may not be removed, cut, destroyed or in any way harmed without approval in writing from the Architectural Committee. With respect to those trees, shrubs, bushes, and other vegetation required to be removed for the purposes of construction, access, utility runs and related matters, all vegetation to be cut or removed must be identified clearly with red surveyor's flagging, inspected and approved by the Architectural Committee in writing prior to removal.

V. RESTRICTION ON LOTS

5.1 Number and Location of Buildings: No Building or structure shall be placed, erected or permitted to remain on any Lot other than one single family dwelling and one garage together with related non-residential structures and improvements of the types described in Section 3.2 hereof. At the time of construction of the single family dwelling on any Lot, said Lot must also be improved with a garage of at least two car capacity.

5.2 Residence Floor Area: The single family dwelling which must be constructed on the defined Building Pad, on a Lot within the Subdivision shall have a minimum floor area, exclusive of garages, balconies, porches and patios of at least one thousand five hundred (1,500) square feet on the main floor. In split entry or bi-level homes, the main floor shall be defined as only one level and not both levels combined.

5.3 Single Family Dwelling to be Constructed First: No garage or other structure shall be constructed on any Lot until after commencement of construction of the single family dwelling on

the same Lot except as otherwise specifically permitted by the Committee. All construction and alteration work shall be prosecuted diligently, and each Building, structure or improvement which is commenced on any Lot shall be entirely completed within eighteen months after commencement of construction.

5.4 Height Limitations: No portion of a Building to be constructed on the Property shall be erected to a height greater than twenty-eight feet, measured from the natural or unmodified grade at that point on the Building site. This measurement applies to all elevations of the Building, the intent being that Buildings will conform and reflect the natural contour of the land.

5.5 Tower, Antennae and Satellite Dishes: No towers, and no exposed or outside radio or other electronic antennae, with the exception of one television receiving antennae per single family dwelling, with a height as approved by the Committee, shall be allowed or permitted to remain on any Lot. Any T. V. satellite dishes must be approved by the Committee and appropriately screened from view. It is recommended that lightning rods be installed on all structures.

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

5.7 Fences: It is the general intention that the beauty of the Property be disturbed as little as possible. No fences shall be permitted on or near the Lot boundaries and only interior fences (those on or directly adjacent to the Building Pad) will be considered for approval by the Committee and such fences shall be of a type specified by the Committee.

5.8 Flashings and Roof Gutters: Flashing or roof gutter or other metal fittings on the exterior of the Buildings shall be painted to match adjacent materials on Buildings.

5.9 Automatic Fire Sprinkler Systems. All buildings must contain an automatic fire sprinkler system or such other approved in writing automatic fire extinguishing system which complies with all applicable laws, ordinances and regulations in force at the time of initial occupancy of the dwelling.

5.10 Building Masses, Form and Roof Lines: In all cases building masses, forms and roof lines shall conform to and with existing contours of the land. At no point shall a maximum height of any structure on any of the Lots within the Subdivision exceed in elevation two stories above the existing land contour at said point (see Section 5.4 above).

VI. ENFORCEMENT

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

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

6.3 Limited Liability: Neither Declarant, the Committee or any member, agent or employee of any of the same shall be liable to any party for any action or for failure to act with respect to any matter if the action taken or failure to act was in good faith and without malice.

VII. GENERAL PROVISIONS

7.1 Duration of Declarations: Any provision, covenant, condition or restriction contained in this Declaration or any Supplemental or Amended Declaration which is subject to the common law rule sometimes referred to as the rule against perpetuities, shall continue and remain in full force and effect for a period of fifty years or until this Declaration is terminated as hereinafter provided, whichever first occurs. All other provisions, covenants, conditions and restrictions contained in this Declaration or in any Supplemental or Amended Declaration shall continue and remain in full force and effect until the 11th day of October 2033 provided, however, that unless at least one year prior to said time of expiration, there is recorded an instrument directing the termination of this Declaration, executed by the owners of not less than ninety percent of the Lots then subject to this Declaration, said other provisions, covenants, conditions and restrictions shall continue automatically for an additional ten years and thereafter for successive periods of ten years unless, at least one year prior to the expiration of any such extended period of duration, this Declaration is terminated by recorded instrument directing termination signed by the owners of not less than ninety percent of the Lots then subject to this Declaration as aforesaid.

7.2 Amendment or Revocation: At any time while any provision, covenant, condition or restriction contained in this Declaration or any Supplemental or Amended Declaration is in force and effect, it may be amended or repealed by the recording of a written instrument specifying the amendment or repeal, executed by the owners of not less than ninety percent of the Lots then subject to this Declaration. No such amendment or repeal shall be effective with respect to the holder or successor or assign of another holder of a mortgage of deed of trust recorded prior to recording of the instrument specifying the amendment or repeal unless such holder executes the said instrument.

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

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

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

IN WITNESS WHEREOF, The Boyer Company has executed this Declaration on the day and year first written above.

THE BOYER COMPANY

By H. Roger Boyer
H. Roger Boyer

STATE OF UTAH)
) ss
COUNTY OF SALT LAKE)

On this 11th day of October, 1983, personally appeared before me H. Roger Boyer, the signer of the foregoing Declaration of Protective Covenants, who duly acknowledged to me that he executed the same.

My Commission Expires:

4/28/85

DeAnne L. Balli
Notary Public
Residing at Salt Lake City, Utah

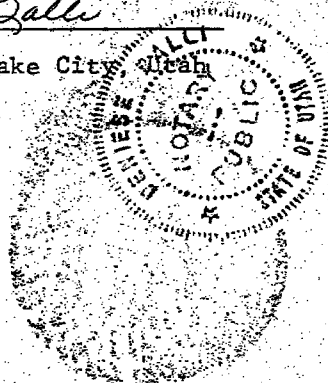


EXHIBIT A

Legal Description of the Iron Canyon Subdivison, according to the plat thereof recorded on the ____ day of October, 1983 in the official ownership records of Summit County, Utah as Entry Number _____:

A parcel of land located in the S.W. 1/4 of Section 5 and the N.W. 1/4 of Section 8, T2S, R4E, Salt Lake Base and Meridian being further described as follows:

Beginning at a point on the south line of the S.W. 1/4 of said Section 5, said point being South 89°21'00" West 246.55 feet from the South 1/4 corner of said Section 5 to the prolongation of an existing wood rail fence running northerly; thence along the prolongation of said fence South 0°04'12" West 11.37 feet to the northerly line of the Quitclaim deed exhibit "B" as stated in book M 58 page 60 of recorded document in the Summit County recorder's office; thence West 244.02 feet; thence North 44.00 feet to the Northeast corner parcel of land described in Book F page 389 as recorded in the Summit County recorder's office; thence West 840.00 feet to the N.W. corner of Thaynes Canyon subdivision No. 3 as shown on said subdivision plat; thence South 600.00 feet; thence West 1020.00 feet; thence North 543.50 feet to the South line of said Section 5; thence South 89°21'00" West 278.64 feet to the S.W. corner of said Section 5; thence North 0°12'32" West along said section line 842.84 feet, to a point on the boundary line agreement as stated in book M 230 page 626 and recorded in the Summit County recorder's office; thence North 88°50'23" East 376.77 feet; thence North 89°19'58" East 395.03 feet; thence South 88°50'22" East 1350.28 feet to a point that is defined in the boundary line agreement recorded in book M 230 page 626 in the Summit County recorder's office, the South 1/4 corner of said Section 5 as referenced in said boundary line agreement is located West 2639.77 feet from the S.E. corner of said Section 5; thence South 222.96 feet to the prolongation of an existing fence running easterly; thence along said fence and the prolongation of said fence North 89°34'50" East 264.75 feet to the prolongation of an existing rail fence running southerly; thence along said prolongation and said fence line South 0°04'12" West 579.66 feet to the point of beginning. Containing 56.21 acres more or less.

Basis of bearings being the south line of Section 4, T2S, R4E, Salt Lake Base and Meridian which has a bearing of South 89°49'21" West.

These covenants apply to lots 1 through 43, except lots 2 and 9 as shown on the subdivision plat, which contain structures which were built prior to the recording of the plat.

BOOK 277 PAGE 168

WHEN RECORDED MAIL TO:
THE BOYER COMPANY
ATTENTION: RICHARD W. MOFFAT
675 East 500 South, Suite 600
Salt Lake City, Utah 84102

Entry No.	247165
REQUEST OF	WESTERN STATES TITLE
FEE	\$ ALAN SPRIGGS, SUMMIT CO. RECORDER
RECORDED	3-3-96 at 2:09

AMENDMENT TO DECLARATION OF
PROTECTIVE COVENANTS FOR
IRON CANYON, A SUBDIVISION

THIS AMENDMENT (the "Amendment") is made and entered into this 26th day of February, 1986, by THE BOYER COMPANY, a Utah general partnership (the "Declarant").

RECITALS:

A. Declarant previously executed and recorded the following:

- (i) Declaration of Protective Covenants for the Iron Canyon subdivision, dated October 28, 1983, which was recorded October 28, 1983, as Entry No. 212521, in Book 277, at Page 160, of the official records of Summit County, State of Utah (the "Declaration").
- (ii) A Plat Map for Iron Canyon Subdivision, recorded October 28, 1983, as Entry No. 212520, of the official records of Summit County, State of Utah (the "Plat").

BOOK 375 PAGE 424

B. Declarant desires to amend the Declaration in certain respects.

NOW, THEREFORE, in consideration of the foregoing covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant agrees as follows:

1. The following sections of Article III shall be amended as follows:

- (a) Section 3.1 of said Article III shall be amended to read as follows:

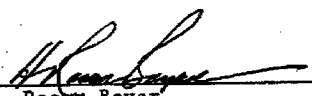
3.1 Architectural Committee: The Architectural Committee, hereinafter referred to as the "Committee", shall be composed of two (2) members in total. Initially, the Committee shall consist of H. Roger Boyer and Richard W. Moffat. At such time as ninety percent (90%) of the lots are sold, the then recorded owners of ninety percent (90%) of the lots shall have the power through a duly recorded written instrument to change the membership of the Committee. Said Committee shall have and exercise all of the powers, duties and responsibilities set out in this Declaration. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor.

2. In all other respects the Declaration and Plat are ratified and affirmed.

EXECUTED by Declarant on this 26th day of February, 1986.

"DECLARANT"

THE BOYER COMPANY, a Utah
general partnership

By 
H. Roger Boyer
General Partner

300% 375 PAGE 425

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

On this 27th day of February, 1986, personally appeared before me H. Roger Boyer, who duly acknowledged to me that he executed the foregoing instrument as one of the general partners of THE BOYER COMPANY, a Utah general partnership, and that the statements contained therein are true.

My Commission Expires:
4/28/89

Debbie L. Balli
NOTARY PUBLIC
Residing at Salt Lake City, Utah



300- 375 PAGE 426

EXHIBIT "A"

Real property situate in Summit County, State of Utah and more particularly described as follows:

Lots 1 through 45, inclusive, Iron Canyon, a subdivision, located in the Southwest Quarter of Section 5 and Northwest Quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, State of Utah, according to the official plat thereof, filed as Entry Number 21250 of the Official Records of the Summit County Recorder.

800: 375 PAGE 427

EXHIBIT F

276
23 March 1992

Property Owners meeting
and agreeing to this
declaration:

June Frey
Faye Zamarin
John Sewell
Gene Piland
Lois Cheatham
Kathy Clements
Brent Dickens
Gerald & Juliette Wenner
Mark Naro
Brena Parsons
Kevin & Dee McCarthy

(Other Approvals Per
General Mailing)

RED NOTE: AB 5-11-92
358312
Brent Dickens
92 MAY -1 AM 11:05
ALAN SPRIGGS
SUNSHINE COUNTY RECORDER
REC'D BY: Dg 15-52

**Architecture
& Planning**
Brent Dickens AIA Architect

To Whom It May Concern:

On this Date, February 29, 1992, the Iron Canyon property owners have met and agreed to transfer authority of the Architectural Control Committee (ACC) to property owners:

Brena Parsons	Lot 34 (Alternate)
Max Griffen	Lot 25
Mark Naro	Lot 24
Brent Dickens	Lot 18
Tom Frey	Lot 1,2 (Alternate)

Brent Dickens has volunteered to be ACC spokesperson; seek recognition by Park City authorities, draft a "Welcome Notification" to undeveloped property owners and initiate any required plan review procedures.

It was unanimously agreed that we do not have, nor do we want, a recognized Home Owner's Association. Our goal is to limit our recognition and authority to that of an Architectural Control Committee which in part shall be to alert all property owners to abide by the CC & R's which govern development in Iron Canyon.

The membership and activities of the ACC is subject to review, critique, reassignment, reorganization or cessation as the Iron Canyon property owners may properly decide.

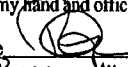
Respectfully submitted,

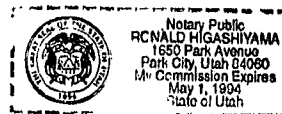


Brent Dickens, AIA
BD/jw
cc: The Boyer Company

RECORD AND RETURN TO: Brent Dickens
P.O. Box 681242
Park City, UT 84068
Phone: 645-8188

Date: 27 March 1992
STATE OF UTAH
COUNTY
OF Summit JSS
On 27 March 1992 before me, the
undersigned a Notary Public in and for said State, personally appeared,
Brent Dickens
personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person whose name is subscribed to the
within instrument and acknowledged that he executed the same.
Witness my hand and official seal.

Signature: 
Name (Typed or Printed): Ronald M. Higashiyama



800 660-3395
835 Fifth Avenue San Rafael CA 94901 Telephone 415-453-4454 Fax 415-453-7668

EXHIBIT G

at _____ M. Fee Paid \$ _____
by _____ Dep. Book _____ Page _____ Ref. _____
Mail Tax notice to GRANTEE Address #1 IRON Mtn. ROAD PARK CITY, UT.

WARRANTY DEED
(Special)

THE BOYER COMPANY, a Utah General Partnership
of _____ Grantor
CONVEYS AND WARRANTS against all claiming by, through or under
to _____ hereby

IRIS C GUSS _____ Grantee
of _____ for the sum of
TEN AND NO/100---and other good and valuable consideration-----DOLLARS,

the following described tract of land in _____ Summit _____ County,
State of Utah:

Lot 2, IRON CANYON SUBDIVISION, according to the official plat thereof, on
file and of record in the office of the Summit County Recorder.

SUBJECT TO current general taxes, easements, restrictions, and rights of way
of record.

Entity No. <u>212525</u>	
REQUEST OF	<u>WESTERN STATES TITLE</u>
FEE	<u>5.00</u> ALAN SPRIGGS SUMMIT CO. RECORDER
By	<u>Notaries Public</u>
RECORDED	<u>00728</u> 1983 at <u>4:14</u> M

WITNESS, the hand of said grantor, this 20th day of October A.D. 1983.

THE BOYER COMPANY, a Utah General Partnership

By: H. Roger Boyer
H ROGER BOYER General Partner

STATE OF UTAH)
COUNTY OF Salt Lake) ss:

On this 20th day of October, 1983 A.D. personally appeared before
me H ROGER BOYER, as general partner of THE BOYER COMPANY, a Utah General
Partnership the signer of the within instrument, who duly acknowledged to me
that he executed the same, for and on behalf of THE BOYER COMPANY, a Utah
General Partnership, as general partner therein.

Leanne L. Ball
Notary Public

My commission expires:
4-28-85

Residing in: Salt Lake



BOOK 277 PAGE 175

Recorded at Request

at M. Fee Paid \$

by Dep. Book Page Ref.

Mail Tax notice to GRANTEE Address 3753 Forest Hills Drive
Salt Lake City, Utah
84106

WARRANTY DEED
(Special)

THE BOYER COMPANY, a Utah General Partnership Grantor
of hereby
CONVEYS AND WARRANTS against all claiming by, through or under
to

DON MACKEY & MARJORIE W MACKEY Grantee
of for the sum of
TEN AND NO/100—and other good and valuable consideration—DOLLARS,

the following described tract of land in Summit County,
State of Utah:

Lot 9, IRON CANYON SUBDIVISION, according to the official plat thereof, on
file and of record in the office of the Summit County Recorder.

SUBJECT TO current general taxes, easements, restrictions, and rights of way
of record.

WITNESS, the hand of said grantor, this 25th day of October, A.D. 1983.

THE BOYER COMPANY, a Utah General Partnership
By: Kem C. Gardner
Kem C. Gardner General Partner

STATE OF UTAH)
COUNTY OF SALT LAKE) ss:

On this 25th day of October, 1983, personally appeared before me Kem
C. Gardner, as general partner of THE BOYER COMPANY, a Utah General
Partnership the signer of the within instrument, who duly acknowledged to me
that he executed the same, for and on behalf of THE BOYER COMPANY, a Utah
General Partnership, as general partner therein.

DeQuina D. Balli
Notary Public

My commission expires: 4-28-85

Residing in: Salt Lake City



Entry No.	212533
REQUEST OF	WESTERN STATES TITLE
FEE	ALAN SETHOGG, SUMMIT CO. RECORDER
\$	5.00
RECORDED	OCT 28 1983 at 4:21 M.

BOOK 217 PAGE 196

Recorded at Request of Abe Guss, P. O. Box 7707, Murray, Utah 84107
at M. Fee Paid \$
by Dep. Book Page Ref.:
Mail tax notice to Same as Above Address

WARRANTY DEED

(Special)

The Boyer Company, a Utah General Partnership
of Salt Lake City and County, State of Utah
CONVEYS AND WARRANTS against all claiming by, through or under it
to Tracy-Collins Bank & Trust Company, as Trustee of the Abe Guss Trust
of Salt Lake City and County, State of Utah
for the sum of
Ten and no/100 DOLLARS,
and other good and sufficient consideration
the following described tract of land in Summit County,
State of Utah:

Lots 10, 15, 30, 33 and 38, Iron Canyon Subdivision, according
to the official plat thereof, on file of record in the office of
the Summit County Recorder.

Entry No.	253958
REQUEST OF	WESTERN STATES TITLE
FEE	\$
RECORDED	7-7-86 at 1:13 PM

Title to the property described above is conveyed subject to the exceptions set forth
on Exhibit "A", which is attached hereto and by this reference made a part hereof.

WITNESS, the hand of said grantor, this 27th day of
March, A. D. 1986.

Signed in the Presence of

The Boyer Company, a Utah General Partnership
By H. Roger Boyer
H. Roger Boyer, General Partner

STATE OF UTAH,
County of Salt Lake

ss.

On the 27th day of March
personally appeared before me H. Roger Boyer, General Partner of The Boyer Company

the signer of the within instrument, who duly acknowledged to me that he executed the
same.

Notary Public.

My commission expires 5/18/87 Residing in Murray, Utah

Calif
1973 VIVA AR DO
EMILIO DOMINGUEZ C.A.
90220

Recorded at Request of _____
at _____, M. Fee Paid \$ _____
by _____ Dep. Book _____ Page _____ Ref.: _____
Mail tax notice to _____ Address _____

SPECIAL WARRANTY DEED

[CORPORATE FORM]

THE BOYER COMPANY, a Utah Corporation, a corporation organized and existing under the laws of the State of Utah, with its principal office at Salt Lake City, of County of Salt Lake, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to GEOFFREY S. RANDALL AND ANNE H. RANDALL, husband and wife as joint tenants with full rights of survivorship

of _____ grantees
TEN and NO/100ths _____ for the sum of
and other good and valuable consideration DOLLARS
the following described tract of land in _____ County,
State of Utah: Summit

Lot 13, IRON CANYON SUBDIVISION, according to the official plat thereof, in the office of the Summit County Recorder.

Subject to current general taxes, easements, restrictions and rights of way of record.

354054
WESTERN STATES TITLE
92 FEB 12 PM 3:30
ALAN SHERGOS
SUMMIT COUNTY REC'D
REC'D BY Dg 700

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this _____ day of February, A. D. 1992

Attest:

THE BOYER COMPANY, a Utah Corporation

By

Secretary.

Kam C. Gardner
President.

[CORPORATE SEAL]

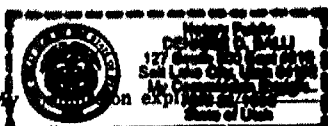
STATE OF UTAH,

County of Salt Lake

ss.

645 PAGE 722

On the 12th day of February, A. D. 1992,
personally appeared before me Kam C. GARDNER and
who being by me duly sworn did say, each for himself, that he, the said Kam C. GARDNER
is the president, and he, the said _____ is the secretary
of The Boyer Company, and that the within and foregoing
instrument was signed in behalf of said corporation by authority of a resolution of its board of
directors and said Kam C. GARDNER and
each duly acknowledged to me that said corporation executed the same and that the seal affixed
is the seal of said corporation.



Kam C. Gardner
Notary Public.

My residence is Salt Lake County

Recorded at Request of _____

at _____, M. Fee Paid \$ _____

by _____ Dep. Book _____ Page _____ Ref. _____

Mail tax notice to GRANTEE Address 4567 Rockridge CT
Kennewick, WA

#3771

SPECIAL WARRANTY DEED

30144

[CORPORATE FORM]

THE BOYER COMPANY, A UTAH CORPORATION, a corporation organized and existing under the laws of the State of Utah, with its principal office at SALT LAKE CITY, of County of SALT LAKE, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to

JOHN BUDD AND MARJORIE BUDD

of

grantee
for the sum of
DOLLARS
County,

the following described tract of land in
State of Utah:

SUMMIT

LOT 21, IRON CANYON SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SUBJECT TO CURRENT GENERAL TAXES, EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

WESTERN STATES TITLE
91 DEC 24 AM 10:20
SALT LAKE COUNTY RECORDER
JAN 5 1992
Dg. 7d

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this _____ day of _____, A. D. 19

Attest:

Russell E. Tueller
Secretary.

THE BOYER COMPANY, A UTAH CORPORATION

By

John Gardner
President.

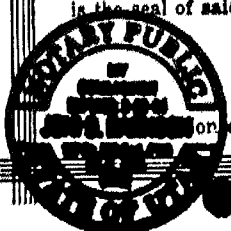
[CORPORATE SEAL]

STATE OF UTAH,

County of SALT LAKE

On the 20th day of December 1991, A. D. personally appeared before me Kem C. Gardner and Russell E. Tueller, who being by me duly sworn did say, each for himself, that he, the said Kem C. Gardner is the president, and he, the said Russell E. Tueller is the secretary of THE BOYER COMPANY, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Kem C. Gardner and Russell E. Tueller each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

600 639 PAGE 142



on expires 2-22-94

John B. Brunson
Notary Public.
My residence is Salt Lake County



452 NOIL-18 307230

Western States Title Company

WESTERN STATES TITLE

89 APR 24 PM 2:35

ALAN EFFRIGGS
SUMMIT COUNTY RECORDERREC'D BY 344 7 50Return To: James NaniaGrantee: P.O. Box 667Curlew, Missouri 63025

WARRANTY DEED

2157

THE BOYER COMPANY

of _____, County of _____
CONVEY and WARRANT tograntor
, State of Utah, herebyJAMES V. NANIA and JANIS A. NANIA, husband and wife as joint tenants with
full rights of survivorshipof _____ grantee
TEN and NO/100----- for the sum of
and other good and valuable consideration DOLLARS,
the following described tract of land in Summit County,
State of Utah:Lot 31 and Lot 32, IRON CANYON, according to the official plat thereof,
revoked October 28, 1983 as Entry No. 212520 of the official records
in the office of the Summit County Recorder.Subject to current general taxes, easements, restrictions and rights of
way of record.WITNESS, the hand of said grantor, this
April _____, A.D. 1989

day of

Signed in the Presence of

THE BOYER COMPANY

BY: H. Roger Boyer
H. Roger Boyer, General Partner

STATE OF UTAH,

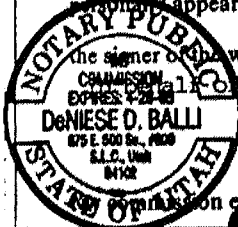
ss.

County of Salt Lake

800- 519-184

On the 19th day of April, A.D. 1989

appeared before me H. Roger Boyer, General Partner of The Boyer Company

the signer of the within instrument, who duly acknowledged to me that he executed the same, for and
in behalf of The Boyer Company as a General Partner therein.Denise D. Balli
Notary PublicCommission expires 4-28-93 Residing in Salt Lake County



488 1211-14 307230

Western States Title Company

WESTERN STATES TITLE
89 APR 24 PM 2:35
ALAN SPRIGGS
SUMMIT COUNTY RECORDER
REC'D BY 341 7⁵⁰

Return To: James Nania
Grantee: P.O. Box 667
Courts, Missouri 63025

WARRANTY DEED

2157

THE BOYER COMPANY
of _____, County of _____, State of Utah, hereby
CONVEY and WARRANT to

JAMES V. NANIA and JANISA NANIA, husband and wife as joint tenants with
full rights of survivorship

of _____ grantee
TEN and NO/100----- for the sum of
and other good and valuable consideration DOLLARS,
the following described tract of land in Summit County,
State of Utah:

Lot 31 and Lot 32, IRON CANYON, according to the official plat thereof,
revoked October 28, 1983 as Entry No. 212520 of the official records
in the office of the Summit County Recorder.

Subject to current general taxes, easements, restrictions and rights of
way of record.

WITNESS, the hand of said grantor, this
April _____, A.D. 1989

day of

Signed in the Presence of

THE BOYER COMPANY

BY: H. Roger Boyer

H. Roger Boyer, General Partner

STATE OF UTAH,

ss.

County of Salt Lake

800 519-184

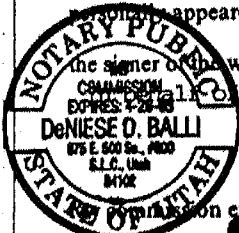
On the 19th day of

April

, A.D. 1989

appeared before me H. Roger Boyer, General Partner of The Boyer Company

the signer of the within instrument, who duly acknowledged to me that he executed the same, for and
in the presence of _____, The Boyer Company as a General Partner therein.



Denise D. Balli

Notary Public

Residing in

Salt Lake County

Commission expires

4-28-93



RED E AB

313919

WESTERN STATES TITLE
89 OCT -5 PM 2:06

ALAN SPRIGGS
SUMMIT COUNTY RECORDER

Western States Title Company

Return To:

Grantee: RICHARD L. CORMIER AND KATHERINE L. CASEY

REC'D BY

PO BOX 1751

RANCHO SANTA FE, CA 92067

2413

WARRANTY DEED

THE BOYER COMPANY, A UTAH GENERAL PARTNERSHIP
of SALT LAKE CITY, County of SALT LAKE
CONVEY and WARRANT to

grantor
, State of Utah, hereby

RICHARD L. CORMIER AND KATHRYN L. CASEY

of TEN AND NO/100THS AND OTHER GOOD AND VALUABLE CONSIDERATION _____ grantee
for the sum of
DOLLARS,

the following described tract of land in SUMMIT
State of Utah:

County,

LOT 37, IRON CANYON SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE
AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SUBJECT TO CURRENT GENERAL TAXES, EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF
RECORD OR ENFORCEABLE IN LAW OR EQUITY.

WITNESS, the hand of said grantor, this 24th
September, A.D. 19 89

day of

Signed in the Presence of

THE BOYER COMPANY,
A UTAH GENERAL PARTNERSHIP
BY: *[Signature]*

STATE OF UTAH,

ss.

County of Salt Lake

On the 24th day of September
personally appeared before me

537 PAGE 712

, A.D. 19 89

the signer of the within instrument, who duly acknowledged to me that he executed the same.

[Signature]

Notary Public

My commission expires 1-7-91

Residing in Salt Lake County

Edwin J. Garn and Kathleen B. Garn

705 Saddle View Way No. 8 1267 Chanski Cir

Park City, Utah 84060 SLC UTAH 84103

Space Above for Recorder's Use

511268

Warranty Deed

THE BOYER COMPANY, a Utah General Partnership

of Salt Lake City

County of Salt Lake

, grantor,

, State of Utah,

hereby CONVEY and WARRANT to

EDWIN J. GARN and KATHLEEN B. GARN, as joint tenants with full rights of survivorship

, grantee,

, State of Utah,

of Park City

County of Summit

for the sum of TEN DOLLARS & NO/100 and other good and valuable consideration

DOLLARS,

the following described tract of land in

Summit

County, State of Utah, to-wit:

Lot 39, IRON CANYON SUBDIVISION, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

Subject to current taxes, easements and restrictions.

RECORDED
ALAN SPRINGS
SUMMIT COUNTY RECORDER
87 SEP 10 PM 12:13
WESTERN STATES TITLE
276180
AU

WITNESS the hand of said grantor, this

day of

, 1987

Signed in the presence of

The Boyer Company, a Utah General

Partnership

By: X

STATE OF UTAH

COUNTY OF Salt Lake

600-443 PAGE 205

On the 31st day of August

H. Roger Boyer

, 1987, personally appeared before me

, the signer of the above instrument,

who duly acknowledged to me that he executed the same.

[Signature]

Notary Public

Residing at:

Salt Lake County

My Commission Expires: 4-28-87

FORM 101.1 - WARRANTY DEED - Kelly Co., 55 W. Ninth South, S.L.C., Utah

Recorded at Request of _____

at _____, M. Fee Paid \$ _____

by _____ Dep. Book _____ Page _____ Ref. _____

Mail tax notice to Grantees Address 39 Rockleigh Rd
Rockleigh N.J. 07647

SPECIAL WARRANTY DEED

#3602

[CORPORATE FORM]

THE BOYER COMPANY, A UTAH CORPORATION, a corporation organized and existing under the laws of the State of Utah, with its principal office at SALT LAKE CITY, of County of SALT LAKE, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to

WERNER G. MAEDER AND CHARLOTTE A. MAEDER

of _____ grantee
for the sum of _____ DOLLARS
TEN AND NO/100THS AND OTHER GOOD AND VALUABLE CONSIDERATION—
the following described tract of land in SUMMIT County,
State of Utah:

LOT 44, IRON CANYON SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SUBJECT TO CURRENT GENERAL TAXES, EASEMENTS, RESTRICTIONS OF WAY OF RECORD OR ENFORCEABLE IN LAW OR EQUITY.

RECORDED BY Dg-25
ALAN SPRIGGS
SUMMIT COUNTY RECORDER
AUG 30 PM 1:57
WESTERN STATES TITLE
346154

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 28 day of August, A. D. 1991

Attest:

Secretary.

THE BOYER COMPANY, A UTAH CORPORATION

By

Chairman President

[CORPORATE SEAL]

STATE OF UTAH,

County of

ss. 300. 622 PAGE 239

On the 28 day of August, A. D. 1991
personally appeared before me H. Roger Boyer and
who being by me duly sworn did say, ~~each for himself~~, that he, the said H. Roger Boyer
is the ~~chairman~~ president, and he, the said H. Roger Boyer is the secretary
of THE BOYER COMPANY, A UTAH CORPORATION, and that the within and foregoing
instrument was signed in behalf of said corporation by authority of a resolution of its board of
directors and said H. Roger Boyer and
each duly acknowledged to me that said corporation executed the same and that the seal affixed
is the seal of said corporation.



Notary Public.

My residence is Salt Lake County

Saturday, March 2, 2024

8:53 AM

To: Rebecca Ward

I am writing in opposition to the subject petition.

The petition combines a Summit County parcel (outlined in blue on Exhibit B) with the adjacent Park City parcels, and then subdivides the resulting property into three lots. Iron Canyon Drive is the entry road into our Iron Canyon subdivision and is also used by many of the residents of Aspen Springs. The strip of land that runs along the road (a portion of Parcel IC-MISC) was platted in 1983 as part of the Iron Canyon subdivision and was represented as being common area (see Exhibit A for the actual separate boundaries of this entire parcel). This is confirmed by the legal description associated with each lot of Iron Canyon according to the Summit County Assessor which includes the notation "COMMON AREA IS NOW BEING ASSESSED UNDER IC-MISC." The parcels contains a monument sign identifying the area as Iron Canyon, consistent with its intended use as common area.

Title to Parcel IC-MISC was held by the Boyer Company as the developer of the Iron Canyon subdivision and had been so held for almost 40 years on behalf of the Iron Canyon lot owners (a Homeowners Association was never created to take title). In December, 2022, the property was conveyed by the Boyer Company to an entity called the Boyer Robbins JV with a description in the deed which states "NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA." This statement and the transfer of the property are not consistent with the long held understanding of the use of the property. Who determined this was not Iron Canyon common area? It was not those of us who live in Iron Canyon. It was not Park City. It was not Summit County. For 40 years this has been common area. Whether there can be found some legal basis for the transfer or not, it is the long held understanding and representation that the property was common area and therefore not subject to further development. It is just not right to take Iron Canyon common area and place it into the JV.

I do not oppose allowing the landowner of SS-104-B constructing a single dwelling on the property. Nor do I oppose the annexation of SS-104-B into Park City. Construction of one dwelling on SS-104-B is entirely consistent with the neighborhood.

Iron Canyon Drive serves as the entry and exit road for our Iron Canyon subdivision. It has a posted speed limit of 15 mph between Payday Drive and Delta Drive. This is because of the "S" curves and the grade of the road. The road is steeper and narrower than most other residential roads, has no curbs and gutters or sidewalks. In spite of the posted speed limit, there has been at least one out of control vehicle slide off on this

section of the road every year for each of the last 30 years. These accidents usually occur by vehicles sliding off to the south as they go around the middle curve, but there have also been slide offs onto the subject property. Tow trucks are often required to extract the vehicles due to the terrain on either side of the road. Vehicles traveling around the northern most curve of the road cannot see oncoming traffic until they have entered the curve. In short this stretch of narrow road is hazardous. Furthermore, our children walk up the road after being dropped off by the school bus which stops on Payday Drive. If three parcels were to be developed as proposed, with driveway access to those parcels from Iron Canyon Drive this road would become even more hazardous. I do not want to see driveway access to Iron Canyon Drive even if a single house was constructed on SS-104-B.

The staff report proposes two alternatives for the City Council to consider. I would like to see the City Council select the alternative to deny this annexation petition, terminating the review process. The City Council may want to instruct the applicant to bring back a petition that excludes our Iron Canyon common area, annexes tract SS-104-B into Park City, includes a single family home and does not have access from Iron Canyon Drive.

Thank you for the opportunity to provide input on this important matter to Iron Canyon residents.

Richard D. Pick

Saturday, March 2, 2024

9:15 AM

As a resident of Iron Canyon I do not speak for any other resident and equally i want to dissuade any notion that the Pick's recent email (below) represents my views as a resident.

Kindest regards

Mike Castleman

2464 Iron Mountain Dr

Saturday, March 2, 2024

9:28 AM

Agree [with Sally Pick's email].

Steve Taylor

6 Iron Canyon Court

Saturday, March 2, 2024

10:05 AM

Rebecca, I agree with the below letter. Thank you for the consideration of my email.

I would like to emphasize the dangers of that S curve. Always, see people off the road here.

Phoebe Hailer

2451 Iron Mountain Drive

Thursday, March 7, 2024

10:49 AM

Dear Rebecca,

My family and I are full-time residents of the Iron Canyon neighborhood; we have a kindergartener and second grader who attend Parley's Park Elementary. I'm reaching out to express my objection to the annexation petition to create three single-family lots within our Iron Canyon and Thaynes Canyon neighborhoods. I share the concerns articulated in several letters from my fellow Iron Canyon residents.

The addition of multiple new driveways exiting onto Iron Canyon Drive poses safety risks. As a parent of young children, I am concerned about exacerbating the hazards along this road, which already presents challenges in terms of its shape, grade, and width. I regularly observe vehicles encountering difficulties, such as getting stuck or sliding off the road, and I know from personal experience that this location's sight lines are already a challenge without additional vehicles entering and exiting along it. Furthermore, Iron Canyon has only two access points to the rest of Park City. Introducing more driveways would heighten safety concerns for daily use and emergencies. A single driveway placed in a safer location, such as on Payday Drive, and serving a single-family home, would be more prudent for the neighborhood and the city.

The proposed lot sizes outlined in the petition would deviate significantly from the established norms of Iron Canyon and Thaynes Canyon. Such a departure would disrupt the character and aesthetic of our communities, which were meticulously planned with principles that this proposed development would undermine. A single home on a lot size consistent with those of existing properties in our neighborhoods would be more appropriate.

The assertion that the common area should be included as developable land is

petition would establish an unfavorable precedent that fails to address broader community needs or represent the interests of city residents effectively.

I ask that the city reject the annexation petition and end its review process. The applicant should reconsider excluding the Iron Canyon common area from the proposal and explore alternative options for developing a single-family home without access to and from Iron Canyon Drive.

Thank you for your attention to this matter, and for your dedication to serving Park City.

Sincerely,
Anne Evans

March 2, 2024

11:08 AM

Hi Rebecca,

I had spoken with you earlier regarding this petition. As a recent purchaser of property in Iron Mountain, I purchased our property (2414 Iron Canyon Dr) with the knowledge that all of the homes in the area were single homes on each lot. I believe this petition will negatively impact my property value. As a tax payer I do not approve this petition. Additionally I agree with Richard Pick's comments below.

Regards,
Henry Fulton

Saturday, March 2, 2024

12:22 PM

Hello Rebecca,

I agree with the objections noted in the email below from Sally Pick. Only I would go further and object even to the creation of a single lot. If the developers truly intended for this not to be common space, the land would have been developed/sold 40 years ago. The fact pattern here looks like the Boyer Company trying to enrich themselves at the expense of the Iron Canyon homeowners. And they are doing it when they should have no reasonable expectation that it's even possible.

Thank you for your consideration.

Sincerely,

Brian Terp

2429 Iron Canyon Drive

Saturday, March 2, 2024

1:42 PM

Dear Ms. Ward,

I am writing in response to your letter of February 5, 2024, providing notice that my home at 2409 Iron Mountain Drive may be affected by a proposed annexation (Robbins Annexation Petition).

I oppose this proposed annexation.

In addition to the points outlined in Richard Pick's note below, my opposition is also based on the following:

Parcel SS-104-B is landlocked. Development of this parcel would require access to Iron Canyon Dr. or another nearby public street, which I believe in any eventuality would require involvement and approval by Park City. As it stands today this parcel cannot be developed and in essence represents open space. This open space is in direct line of sight and part of the view from my home. The proposed annexation would seem to value development (at a greater density than the surrounding neighborhood) at the expense of open space. Arguments that annexation would bring development within Park City regulations seem moot if the parcel cannot be developed without this annexation.

Parcel IC-MISC is common space within the Iron Canyon Subdivision. The purpose and past use of this parcel are very important considerations in evaluating this annexation proposal. This parcel obviously was not intended for development but was meant as common space for the benefit of residents, and I would suggest to provide a buffer against further development along Iron Canyon Dr.

The proposed annexation would represent a conversion of Iron Canyon Subdivision's common area into a commercial real estate development that would eliminate existing open space and increase the development density of the neighborhood.

I would urge the City Council to reject this annexation petition.

Regards,

David Norwood

Sunday, March 3, 2024

6:18 AM

Dear Ms. Ward,

I am writing in response to your letter of February 5, 2024, providing notice that my home at 2409 Iron Mountain Drive may be affected by a proposed annexation (Robbins Annexation Petition).

I oppose this proposed annexation.

In addition to the points outlined in Richard Pick's note below, my opposition is also based on the following:

Parcel SS-104-B is landlocked. Development of this parcel would require access to Iron Canyon Dr. or another nearby public street, which I believe in any eventuality would require involvement and approval by Park City. As it stands today this parcel cannot be developed and in essence represents open space. This open space is in direct line of sight and part of the view from my home. The proposed annexation would seem to value development (at a greater density than the surrounding neighborhood) at the expense of open space. Arguments that annexation would bring development within Park City regulations seem moot if the parcel cannot be developed without this annexation.

Parcel IC-MISC is common space within the Iron Canyon Subdivision. The purpose and past use of this parcel are very important considerations in evaluating this annexation proposal. This parcel obviously was not intended for development but was meant as common space for the benefit of residents, and I would suggest to provide a buffer against further development along Iron Canyon Dr.

The proposed annexation would represent a conversion of Iron Canyon Subdivision's common area into a commercial real estate development that would eliminate existing open space and increase the development density of the neighborhood.

I would urge the City Council to reject this annexation petition.

Regards,

Teresa Norwood

Sunday, March 3, 2024

2:20 PM

I agree with Sally Pick

Jane Sullivan

Sunday, March 3, 2024

3:46 PM

Rebecca Ward

I would like to also express my opposition to the Taking of the Common Area to facilitate access to the SS104B lot. I do not understand who determined it was not common area after decades of being a common area. Also, to express my opposition to having one or more driveways access Iron Mountain on the S curve. It is a partially blind, steep curve and not a safe place to add a driveway. If you have any questions, please do not hesitate to contact me.

Regards-

John D. Maclay

Sunday, March 3, 2024

5:11 PM

Dear Park City Council Members:

In connection with the Council Meeting scheduled for 5:30PM on March 7, as it relates to the Annexation Petition for Parcel SS-104-B and related subdivision (New Business Item 1), please review the attached letter and related documents. And thank you for considering the issues outlined therein.

James Helfand

2554 Aspen Springs Drive

Monday, March 4, 2024

7:06 AM

Good Morning Rebecca,

I spoke with you last week, regarding the zoning of this lot in Thaynes Canyon. Richard has nicely summed up my concerns, please share with whomever needs to understand our side of the situation.

Thank you,

Diane Liotta

Monday, March 4, 2024

8:29 PM

Dear Mayor and Councilors,

Re: Annexation Petition and Development Plan for SS-104-B

A neighbor brought this development proposal to my attention. I did not receive notice even though my property abuts two parcels of land labelled as IC-Misc. Until recently this land was on the tax roles as IC-CA.

My understanding was that the CA designation signified that this was common area and held by the original developers as a protective strip to control access to the Iron Canyon Drive by adjacent properties. The assessor's record shows a taxable value in 2023 of \$5,800 for the largest parcel suggesting there was no development value. Allowing the IC-CA now called IC-MISC to be counted toward density on the property proposed for annexation would create a density incompatible with the neighborhood.

The stretch of Iron Canyon Drive adjacent to this proposed development appears to be built to a very different and lesser standard than other roads in Park City. If any development is approved for the site, even one home, I believe the city would be prudent to require improvements to the road to correct presently dangerous situations:

- The lack of curb and gutter frequently results in gravel being deposited on the road by drivers who inadvertently cut the corners.
- Improper drainage often results in gravel being deposited on the road. Gravel on the road creates a hazard for cyclists and pedestrians as well as drivers.
- The absence of sidewalks or pathways next to the road forces the many people who walk on the road to be exposed to traffic. This is especially dangerous given the curves, narrow width of the road and steepness of the grade.
- The placement of even one driveway needs to be very carefully considered given how frequently cars have limited control on snowy days and occasionally slide off the road.
- Parking on Iron Canyon Drive for events at Rotary Park often chokes the road creating a dangerous situation.
- School children walk down this road to access the school bus stop on the corner of Payday Drive.

The property designated previously as IC-CA is ideal for correcting the road and creating pathways of a safe standard.

I urge you to reschedule the review of this annexation to a time when impacted owners who travel that road every day can be properly noticed and have the opportunity of offer constructive suggestions.

Bill Ligety

Property owner in both Iron Canyon and Aspen Springs Ranch

Monday, March 4, 2024

9:50 AM

Rebecca,

I am 100% in agreement with Sally Pick's concerns as explained below.

I am opposed to the proposed petition to annex and subdivide this area which has long been community open space. This petition is not consistent with our neighborhood and would unfairly diminish the value of surrounding properties.

Please feel free to reply back with any questions.

Thank You

Michael Block

Tuesday, March 5, 2024

1:06 PM

Dear Mayor and Councilors,

I am a property owner in Aspen Springs Ranch and received a notice regarding the proposed annexation of a lot known as SS-104-B. I know that my neighbor, Bill Ligety, send an email regarding this proposed annexation, and I am writing to let you know that I agree with Bill's position as stated in his email. I also urge that the review of this annexation be rescheduled to allow impacted owners the opportunity to offer solutions to mitigate the effects of the proposed development on SS-104-B.

Thank you for your consideration.

Kyle Kawakami

Property owner in Aspen Springs Ranch

Wednesday, March 6, 2024

12:03 PM

Rebecca,

We have read Richard Pick's communications regarding the annexation proposal in Iron Canyon. Both of us are strongly against the proposal to create three smaller homesites off Iron Canyon Drive. Iron Canyon Drive, at that point with its "S" curve, is hazardous enough for drivers without adding blind driveways. The street there is barely walkable even though Park City is often touting making our neighborhoods pedestrian friendly.

We do not oppose allowing the landowner of SS-104-B constructing a single dwelling and annexing that parcel into Park City. One dwelling on that parcel is consistent with the area.

We hope Park City officials strongly consider keeping the entry area to Iron Canyon consistent with the established area.

Thank you,

Mary & Keith Martin

March 6, 2024

3:30 PM

Re: Annexation Petition to Bring 0.94 Acres Within the Thaynes Canyon Neighborhood From Unincorporated Summit County Into Park City to Create Three Lots For Single-Family Zoning District

To: Rebecca Ward

I write to you in support of the comments submitted by Richard Pick, 2 Mar 2024.

As background, my wife and I purchased lot IC-45-AM, 2460 Iron Mountain Drive in 1988 and subsequently built there in 1989. This was one of the first residences in the Iron Canyon subdivision. We moved out of that home in 2016 into a new one level home on TCR-1B-10, 22 PayDay Drive where we currently live and intend to remain ad infinitum.

As a result I have been intimately aware of all the various real estate and construction activities in the Iron Canyon, Aspen Springs, and Richards Ranch for over 35 years. For many years I have been concerned as to what was going to be the final resolution SS-104-B and the next door PCA-104-C which at the time was owned/occupied by a friend.

I was supportive of her when she annexed into the city many years ago and formally connected into what became Country Lane.

The consensus of the concerned neighbors was that SS-104-B would eventually become a single family house on a nice .9 acre lot accessing Country Lane, as we all believed the boundary strip along Iron Canyon Drive was common area of Iron Canyon and in any case totally unusable as an access point onto our street. Richard Pick has clearly articulated the associated safety concerns.

Continuing as a concerned resident in what was the Richards Ranch I am strongly opposed of a development proposal trying to take advantage by reneging on the development and common area created by Boyer Development dating back over 40 years. This is compounded by looking to PCMC codes to escape the one home restriction on a lot which has been held as unincorporated to leverage the lower taxes in order to later make a jump into the city. The whole proposal feels akin to the Dakota Pacific plan to acquire property designated for one use and then shifting the use to a higher utilization without regard to the existing community.

Respectfully, I support one home on SS-104-B with access via Country Lane.

Kevin R McCarthy
Principal
MoonRaker Associate

March 6, 2024

5:38 PM

Rebecca,

I have been an home owner on Iron Canyon Drive for the last 20 years and I am opposed to the above petition.

The petition combines a Summit County parcel (outlined in blue on Exhibit B) with the adjacent Park City parcels, and then subdivides the resulting property into three lots. Iron Canyon Drive is the entry road into our Iron Canyon subdivision and is also used by many of the residents of Aspen Springs. The strip of land that runs along the road (a portion of Parcel IC-MISC) was platted in 1983 as part of the Iron Canyon subdivision and was represented as being common area (see Exhibit A for the actual separate boundaries of this entire parcel). This is confirmed by the legal description associated with each lot of Iron Canyon according to the Summit County Assessor which includes the notation "COMMON AREA IS NOW BEING ASSESSED UNDER IC-MISC." The parcels contain a monument sign identifying the area as Iron Canyon, consistent with its intended use as common area.

Title to Parcel IC-MISC was held by the Boyer Company as the developer of the Iron Canyon subdivision and had been so held for almost 40 years on behalf of the Iron Canyon lot owners (a Homeowners Association was never created to take title). In December, 2022, the property was conveyed by the Boyer Company to an entity called the Boyer Robbins JV with a description in the deed which states "NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA." **This statement and the transfer of the property are not consistent with the long held understanding of the use of the property. Who determined this was not Iron Canyon common area? It was not those of us who live in Iron Canyon. It was not Park City. It was not Summit County. For 40 years this has been common area. Whether there can be found some legal basis for the transfer or not, it is the long held understanding and representation that the property was common area and therefore not subject to further development.**

I do not oppose allowing the landowner of SS-104-B constructing a single dwelling on the property. Nor do I oppose the annexation of SS-104-B into Park City. Construction of one dwelling on SS-104-B is entirely consistent with the neighborhood.

Iron Canyon Drive serves as the entry and exit road for our Iron Canyon subdivision. It has a posted speed limit of 15 mph between Payday Drive and Delta Drive. This is because of the "S" curves and the grade of the road. The road is steeper and narrower than most other residential roads, has no curbs and gutters or sidewalks. In spite of the posted speed limit, there has been at least one out of control vehicle slide off on this section of the road every year for each of the last 30 years. These accidents usually occur by vehicles sliding off to the south as they go around the middle curve, but there have also been slide offs onto the subject property. Tow trucks are often required to extract the vehicles due to the terrain on either side of the road. Vehicles traveling around the northern most curve of the road cannot see oncoming traffic until they have entered the curve. In short this stretch of narrow road is hazardous. Furthermore, our children walk up the road after being dropped off by the school bus which stops on Payday Drive. If three parcels were to be developed as proposed, with driveway access to those parcels from Iron Canyon Drive this road would become even more hazardous. I do not want to see driveway access to Iron Canyon Drive even if a single house was constructed on SS-104-B.

The staff report proposes two alternatives for the City Council to consider. **I would like to see the City Council select the alternative to deny this annexation petition, terminating the review process.**

Thank you for the opportunity to provide input on this important matter to all Thaynes Canyon residents.

Sincerely,

Linda DeShazer

2441 Iron Canyon Drive

Wednesday, March 6, 2024

5:47 PM

Rebecca,

I am writing to you to let you know I support the comments submitted below by Richard Pick. I am not opposed to the annexation of the parcel and building one home on the lot. However, the entrance to the property should not be from Iron Canyon Drive.

Iron Canyon Drive and Iron Mountain Drive are very narrow roads, and become even more narrow in winter with the snowfall and snow removal. The road is a tertiary road for snowplowing, and can be quite slippery in winter. There are no gutters, no sidewalks, no shoulders to speak of except for some gravel, and the "S" curves are blind corners and therefore can be dangerous.

I had a "grab your heart experience" some time ago when traveling downhill, going around the northern most "S" curve. As I went around the curve I encountered a woman walking uphill with her dog. It was quite a surprise, and fortunately she stepped just off the road, so tragedy averted. If you take the corner wide, you can encounter vehicles coming up from the opposite direction and run the risk of colliding with them. A driveway entering Iron Canyon Drive would not be a good idea for anyone traveling the road or for the property owner trying to enter or leave. The driveway should be located off of Country Lane.

I have also followed school students walking up Iron Canyon who have been dropped off at Rotary Park by their school bus. You cannot pass them because you cannot see around the blind corners to know if a vehicle is coming downhill. This is also true for people out for daily walks. You absolutely need a clear line of vision to know when to travel safely.

The lots and homes in the surrounding neighborhood are large. Subdividing the lot into three lots results in homes and lot sizes inconsistent with surrounding property. One lot and one home is consistent with the surrounding neighborhoods.

The speed limit is 15 mph on Iron Canyon Drive. Construction vehicles and other vehicles are known to travel above the speed limit and create a dangerous situation. This needs to be taken into consideration. The speed limit is 15 mph for a reason.

Sally Pick

2447 Iron Mountain Drive

March 6, 2024

6:11 PM

Hi Rebecca-

I am a concerned neighbor and agree with our neighbor's, the Pick's:

I am writing in opposition to the subject petition.

The petition combines a Summit County parcel (outlined in blue on Exhibit B) with the adjacent Park City parcels, and then subdivides the resulting property into three lots. Iron Canyon Drive is the entry road into our Iron Canyon subdivision and is also used by many of the residents of Aspen Springs. The strip of land that runs along the road (a portion of Parcel IC-MISC) was platted in 1983 as part of the Iron Canyon subdivision and was represented as being common area (see Exhibit A for the actual separate boundaries of this entire parcel). This is confirmed by the legal description associated with each lot of Iron Canyon according to the Summit County Assessor which includes the notation "COMMON AREA IS NOW BEING ASSESSED UNDER IC-MISC." The parcels contains a monument sign identifying the area as Iron Canyon, consistent with its intended use as common area.

Title to Parcel IC-MISC was held by the Boyer Company as the developer of the Iron Canyon subdivision and had been so held for almost 40 years on behalf of the Iron Canyon lot owners (a Homeowners Association was never created to take title). In December, 2022, the property was conveyed by the Boyer Company to an entity called the Boyer Robbins JV with a description in the deed which states "NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA." This statement and the transfer of the property are not consistent with the long held understanding of the use of the property. Who determined this was not Iron Canyon common area? It was not those of us who live in Iron Canyon. It was not Park City. It was not Summit County. For 40 years this has been common area. Whether there can be found some legal basis for the transfer or not, it is the long held understanding and representation that the property was common area and therefore not subject to further development. It is just not right to take Iron Canyon common area and place it into the JV.

I do not oppose allowing the landowner of SS-104-B constructing a single dwelling on the property. Nor do I oppose the annexation of SS-104-B into Park City. Construction of one dwelling on SS-104-B is entirely consistent with the neighborhood.

Iron Canyon Drive serves as the entry and exit road for our Iron Canyon subdivision. It has a posted speed limit of 15 mph between Payday Drive and Delta Drive. This is because of the “S” curves and the grade of the road. The road is steeper and narrower than most other residential roads, has no curbs and gutters or sidewalks. In spite of the posted speed limit, there has been at least one out of control vehicle slide off on this section of the road every year for each of the last 30 years. These accidents usually occur by vehicles sliding off to the south as they go around the middle curve, but there have also been slide offs onto the subject property. Tow trucks are often required to extract the vehicles due to the terrain on either side of the road. Vehicles traveling around the northern most curve of the road cannot see oncoming traffic until they have entered the curve. In short this stretch of narrow road is hazardous. Furthermore, our children walk up the road after being dropped off by the school bus which stops on Payday Drive. If three parcels were to be developed as proposed, with driveway access to those parcels from Iron Canyon Drive this road would become even more hazardous. I do not want to see driveway access to Iron Canyon Drive even if a single house was constructed on SS-104-B.

The staff report proposes two alternatives for the City Council to consider. I would like to see the City Council select the alternative to deny this annexation petition, terminating the review process. The City Council may want to instruct the applicant to bring back a petition that excludes our Iron Canyon common area, annexes tract SS-104-B into Park City, includes a single family home and does not have access from Iron Canyon Drive.

Thank you for the opportunity to provide input on this important matter to Iron Canyon residents.

Angie Block

Wednesday, March 6, 2024

6:11 PM

The proposed annexation and subsequent subdivision of the parcel adjacent to Iron Mountsun Drive is a contrivance and a dangerous threat to our neighborhood.

We object to the unnecessary annexation that would only serve to facilitate the greed and fraudulent conveyance of “common area” land by the original Iron Canyon developer to the development joint venture.

We also object to the proposed subdivision into 3 tiny lots that would result in 3 driveways into our neighborhood. The entire parcel starts out being smaller than the average lot size in Iron Canyon! Dividing it into 3 tiny parcels is absurd! Let alone that

the parcel is on the curve of Iron Mountain Drive which already has too much traffic from outside the neighborhood.

Please refer to the communications you have received from Mr. Pick which we wholeheartedly second!

This is a great example of the excess development in Park City which must be controlled. There is no benefit to the neighbors, the whole of Thames and none to Park City as a whole.

Howard R Rothwell

2463 Iron Mountain Drive

Wednesday, March 6, 2024

7:57 PM

Dear Ms. Ward,

I am the owner of 2421 Iron Canyon Drive. I concur with the positions expressed below and to you by my neighbor Richard D. Pick.

In addition, I do not believe that I received a notice of the pending matter or the City Council meeting in which this matter will be on the agenda, which I now learn will be tomorrow. I do not know if the meeting is open to the public, but because I did not receive advance notice, I am no longer available tomorrow. As a resident of the immediate neighborhood where the proposed project is contemplated, I would expect to receive proper notice and opportunity to participate.

In light of the above and for the reasons expressed by Mr. Pick, I respectfully request that the proposal be rejected.

Sincerely,

Howard Sands

Wednesday, March 6, 2024

9:33 PM

We are writing in opposition to the subject petition, and in support of the e-mail sent to you on March 2, 2024 by our neighbor Richard Pick.

As detailed in Mr. Pick's e-mail to you, the petition combines a Summit County parcel with the adjacent Park City parcels, and then subdivides the resulting property into three

lots. Iron Canyon Drive is the entry road into the Iron Canyon subdivision, where we purchased a home in trust for our family (including generations to come) more than five years ago. The strip of land that runs along the road (a portion of Parcel IC-MISC) was platted in 1983 as part of the Iron Canyon subdivision and was represented as being common area. The parcels contains a monument sign identifying the area as Iron Canyon, consistent with its intended use as common area.

For 40 years this has been common area. As such, it is the long held understanding and representation that the property was common area and therefore not subject to further development. It is just not right to take Iron Canyon common area and place it into a privately held joint venture for development for private use (and/or for development and sale with the profits being reaped by the participants in the new joint venture entity).

We do not oppose allowing the landowner of SS-104-B constructing a single dwelling on the property. Nor do we oppose the annexation of SS-104-B into Park City. Construction of one dwelling on SS-104-B is entirely consistent with the neighborhood.

Iron Canyon Drive serves as the entry and exit road for our Iron Canyon subdivision. The road is steeper and narrower than most other residential roads, has no curbs and gutters or sidewalks. In short this stretch of narrow road is hazardous. If three parcels were to be developed as proposed, with driveway access to those parcels from Iron Canyon Drive this road would become even more hazardous. I do not want to see driveway access to Iron Canyon Drive even if a single house was constructed on SS-104-B. The road is used by the families that live in the Iron Canyon subdivision as a "walking street", including to access school transportation and the Rotary park.

The staff report proposes two alternatives for the City Council to consider. We would like to see the City Council select the alternative to deny this annexation petition, terminating the review process. The City Council may want to instruct the applicant to bring back a petition that excludes our Iron Canyon common area, annexes tract SS-104-B into Park City, includes a single family home and does not have access from Iron Canyon Drive.

Thank you for the opportunity to provide input on this important matter. As noted previously, I fully support the e-mail sent to you by Mr. Pick.

Best Regards,

Stephen and Susan Kay

Thursday, March 7, 2024

6:17 AM

Dear Rebecca:

I am writing in opposition to the Annexation Petition to create three SFH lots. I concur with Dick Pick's email.

I have lived in Iron Canyon for 21 years. I am very familiar with the section of road being proposed for the three driveways. My two children walked home from the bus stop on Payday Drive on this stretch of road for many years. Given the fact there is no sidewalk and blind corners, it is already very dangerous for the children in the neighborhood. We have several families whose children take the bus and walk home on this very section. In the winter months it becomes extremely slick. I personally have gone off this icy road in my SUV and had to be towed out of the ditch.

I feel that three new homes on this small lot is not in keeping with our beautiful well planned neighborhood. Our typical lot size is 1.1 acres.

I am not against annexing this parcel into the city however a fair trade would be one home with a driveway that exits on Payday Drive in exchange for city water.

Thank you for the opportunity to share my opinion and concerns.

Ellen Hotung

10 Iron Canyon Court

Thursday, March 7, 2024

6:49 AM

Dear Rebecca,

I am writing in opposition to the Annexation Petition to create three SFH lots in Iron Canyon.

I have lived in Iron Canyon for 16 years and I agree with Dick Pick's email.

I would like to add that the sizes of the proposed new lots are not in keeping with the Iron Canyon neighborhood. I strongly disagree that the Common Area should be included as developable land. It feels like a very underhanded move by Boyer and the JV. However even if the city were to agree with the developer then the proposed three lots would measure a total of 1.73 acres. Each lot would be little more than half an acre and the average lot in the Iron Canyon subdivision is 1.1 acre. Of the 99 lots in the Thaynes neighborhood the average lot is 1.2 acres. Approving this variance would negatively change the landscape of our great neighborhood.

Furthermore the proposed driveways are on a very dangerous curve on Iron Canyon Drive. As a 23 year Captain with PCFD, I have personally responded to several accidents on this S-curve. This road isn't even wide enough to stripe with a center line so the idea of adding three driveways is absurd. I don't know what the developer is possibly thinking trying to exit three driveways on this dangerous corner.

I feel that one home with a driveway that exits closer to the lower section of the Iron Mountain Drive is appropriate.

Thank you for considering my views.

Steve Boyd

Retired Fire Captain

Thursday, March 7, 2024

6:57 AM

Hello Rebecca,

I am writing to oppose the subject petition. I am in agreement with Dick Pick's email below.

My name is Carin Terp and my husband and I are the homeowners at 2429 Iron Canyon Drive. My three children (15, 13 and 8) ride their bikes and walk this stretch of road on a daily basis. The schoolbus stop for Treasure Mountain Junior High is at Rotary Park and it is oftentimes still pitch black at 6:48 am. It is an already treacherous road with blind spots and no sidewalks. An additional three driveways leading to Iron Canyon Drive would make the road even more hazardous. My 8-year-old walks around the block to her friend's house after school and on weekends. They like to explore the neighborhood and look for wild turkeys. It would be such a shame to have to limit my children's time playing outdoors in our own neighborhood because of three additional driveways on Iron Canyon — from a lot that is sized at .94 acres. It's truly absurd that this is even a consideration. I believe that three new homes on the small lot is not in line with the neighborhood where the typical lots are sized at 1.1 acre.

Thank you for allowing me to voice my concerns on this matter.

Best regards,

Carin Andre Terp

Thursday, March 7, 2024

7:08 AM

Dear Ms. Ward:

We join our neighbors in opposing the division of the above-referenced lot into three lots for single family homes. The reasons have been enumerated by others, and we will add our concern that this stretch of road is extremely dangerous not just to school children, but the many PC citizens who walk it daily. Because of the curve, many, many vehicles veer onto the “wrong” side of the road all the time. There are no sidewalks, so there are many close calls between all kinds of commercial and private vehicles and people walking alone or with their dogs. It’s bad in all seasons – summer when the trees on one side are growing so it creates a blind spot, and winter when the road is very slick. There is also a lot of wildlife, particularly moose, that walk the road. We simply can’t have that kind of density and driveways in that location. We don’t oppose the annexation of the property or having someone build one home there, subject to everyone’s comments on the location of the driveway.

Thank you for your consideration to this important matter.

Respectfully,

Kris and John Maclay

2443 Iron Mountain Drive

Thursday, March 7

8:02 AM

I am writing in opposition to the Annexation Petition to create three SFH lots. I concur with Dick Pick’s email.

We have owned a home in Iron Canyon for 18 years. The section of road being proposed for the three driveways is just down from our home at 2426 Iron Canyon Drive. Many times, we have feared sliding off the road during the winter. We have termed it the “Three Sisters”. There is no sidewalk and blind corners, it is a very dangerous stretch of road for the children in the neighborhood.

We feel that three new homes on this small lot is not in keeping with our beautiful well planned neighborhood. As mentioned by many of our residents, our typical lot size is 1.1 acres. We do not feel it is in keeping with the neighborhood that we have known all these years and it presents many more safety concerns than already exist.

Thank you for the opportunity to share my opinion and concerns.

Kristen Flaharty, PharmD and Patrick Flaharty, MD

2426 Iron Canyon Drive

Thursday, March 7, 2024

8:08 AM

Dear Rebecca,

I am writing in opposition to the Annexation Petition to create three SFH lots in Iron Canyon.

I have lived in Iron Canyon for 18 years and I agree with Dick Pick's email.

I would like to add that the sizes of the proposed new lots are not in keeping with the Iron Canyon neighborhood. I strongly disagree that the Common Area should be included as developable land. It feels like a very underhanded move by Boyer and the JV. However, even if the city were to agree with the developer, then the proposed three lots would measure a total of 1.73 acres. Each lot would be little more than half an acre and the average lot in the Iron Canyon subdivision is 1.1 acre. Of the 99 lots in the Thaynes neighborhood the average lot is 1.2 acres. Approving this variance would negatively change the landscape of our great neighborhood.

Furthermore, the proposed driveways are on a very dangerous curve on Iron Canyon Drive. This road isn't even wide enough to stripe with a center line so the idea of adding three driveways is absurd. I don't know what the developer is possibly thinking trying to exit three driveways on this dangerous corner.

Thank you for considering my views.

James W. Hailey

Homeowner Iron Canyon Development

Thursday, March 7, 2024

8:25 AM

Dear Rebecca,

I am writing in opposition to the annexation petition to create three single-family lots in our Iron Canyon and Thaynes Canyon neighborhoods. I concur with the detailed concerns outlined in many of my Iron Canyon neighbors' letters.

First, the sizes of the proposed lots would significantly deviate from those of Iron Canyon and Thaynes Canyon. Such a divergent variance would conflict with the

character and landscape of these communities, each of which was designed with principles that would be undermined by this incompatible proposed development. One home on a lot size consistent with those of other lots in these neighborhoods would be appropriate.

Second, adding multiple new driveways exiting onto Iron Canyon Drive would undermine safety. As the father of young children, I do not want additional risk compounding along this section of road, which already creates problems in its shape, width, grade, drainage, and visibility. I regularly witness vehicles getting stuck, sliding off the road, or struggling with its sight lines. Moreover, the entire Iron Canyon neighborhood has only two points of ingress and egress to the rest of Park City. Increasing driveway density would introduce additional hazards in general for daily use and especially at times of need. A single driveway that would be placed in a safer location (such as on Payday Drive), and as important, that would generate traffic consistent with that of a single family home (versus three), would be in the best interest of the neighborhood and the City.

Third, the self-serving interpretation that the common area was intended and should be included as developable land is misleading. Pursuing shifts in land use may be appropriate as needs and markets evolve, but proposals with outright contractions require unique circumstances -- and this proposal does not come close to meeting that standard.

Finally, while you may receive letters from only a subset of Iron Canyon and nearby Thanyes residents given varying levels of engagement in local matters, if every Iron Canyon resident were polled about this proposed development and actually responded, opposition would be nearly universal for reasons such as those above. Approval of the annexation petition would set an ugly precedent that would fail to serve broader community needs as well as the community members the City represents.

I request that this annexation petition be denied and the review process be terminated. The applicant should exclude our Iron Canyon common area and examine annexing the tract for development of a single family home that does not have access to and from Iron Canyon Drive.

Thank you for your consideration, and we appreciate all you do for Park City.

Jonathan Evans

Thursday, March 7, 2024

1:00 PM

Rebecca,

Jackie and I live at 2440 Iron Mountain Drive in Iron Canyon. We are writing to oppose the annexation petition to create the 3 single family lots in Iron Canyon and thanks.

I know you have received other opposition comments which we agree with, especially around the proposed lot sizes outlined in the petition that would deviate significantly from the established norms of Iron Canyon and Thaynes Canyon. A single home on a lot size consistent with those of existing properties in our neighborhoods would be more appropriate.

The assertion that the common area should be included as developable land is misleading.

Thanks, Rebecca!

Bryn Carey

Elissa Martin

From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Thursday, September 19, 2024 7:53 AM
To: Elissa Martin
Subject: Fwd: [External] Iron Canyon Lot Annexation

From: Stephen Kay [REDACTED] >
Sent: Wednesday, September 18, 2024 5:54:28 PM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Cc: Sally Pick <[REDACTED]>; [REDACTED]
Subject: [External] Iron Canyon Lot Annexation

Dear Ms. Ward,

As a homeowner in the Iron Canyon subdivision, I am writing to renew my opposition to "Project No. PL-23-05882, the Proposal to Annex Parcel SS-104-B and Merge and Subdivide Parcels SS-104-B, PCA-105 and Iron Canyon Parcel IC-MISC". I previously wrote to you in March to express my opposition to the development plan that is reflected in this proposal, which was then before the City Council.

Unfortunately, the City Council did not act decisively to shut down this ill-conceived proposal that would benefit a private party at the expense of the community at large, in contravention of public documents that have been relied upon by bona fide purchasers of property in the Iron Canyon subdivision for decades, and with the City's direct assistance.

I have reviewed the recent submission prepared and submitted by Richard Pick, James Helfand, Howard Rothwell and Henry Fulton, and fully support the positions expressed therein. The views expressed by members of the Iron Canyon Architectural Committee reflect the legal, safety and aesthetic concerns of the residents of our neighborhood. Allowing the proposal that is now before the Planning Commission to move forward would have significant adverse impacts on the homeowners in our neighborhood, and the Planning Commission should protect the interests of the community at large at the meeting on September 25, 2024.

I am writing this letter because I will not be able to attend the meeting in person, but I want my voice to be heard. I stand in vehement opposition to the proposal before the Planning Commission and endorse the Opposition filing submitted by Mr. Pick, et al.

Best regards,

Stephen Kay
[REDACTED] Iron Mountain Drive

Stephen Kay
[REDACTED]

Elissa Martin

From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Wednesday, September 18, 2024 3:01 PM
To: Henry Fulton
Cc: Elissa Martin
Subject: RE: [External] Permit # PL-23-05882

From: Henry Fulton <[REDACTED]>
Sent: Wednesday, September 18, 2024 9:52 AM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Subject: [External] Permit # PL-23-05882

Subject: Iron Canyon Lot Annexation

Dear Rebecca Ward,

I am writing to express my opposition to the Petition regarding the proposed development on Parcel IC-MISC, formerly known as IC-CA (Iron Canyon Common Area) as part of Project No. PL-23-05882.

I am particularly concerned because I believe this parcel was always intended as undeveloped open space. For over 20 years, it has been recognized as part of the Iron Canyon Subdivision's common area, and its development is under the control of the Iron Canyon Architectural Committee. A mere label change does not alter its ownership or the rules governing its use.

Additionally, I share concerns about the impact this project would have on safety, density, and the environment in our community. It seems unwise to proceed without first addressing these issues, especially since the evidence supports that this area was never meant to be developed.

I urge you to reconsider the Petition and ensure that the common area remains open space for the benefit of all residents.

Thank you.

Henry Fulton
Iron Canyon Resident

Elissa Martin

From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Wednesday, September 18, 2024 3:00 PM
To: Sally Pick
Cc: Elissa Martin
Subject: RE: Petition for Development of Unincorporated Land in the Thaynes Canyon/Iron Canyon Neighborhood; and development on Parcel IC-MISC

From: Sally Pick [REDACTED]
Sent: Wednesday, September 18, 2024 2:45 PM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Subject: [External] FW: Petition for Development of Unincorporated Land in the Thaynes Canyon/Iron Canyon Neighborhood; and development on Parcel IC-MISC

Dear Rebecca,

I am writing to express my opposition to the petition for proposed development of unincorporated land in the Thaynes Canyon/Iron Canyon Neighborhood. I am not opposed to the annexation of the parcel and building one home on the lot. My concern is the development of multiple houses and driveways onto Iron Canyon Drive. Both Iron Canyon Drive and Iron Mountain Drive are very narrow roads. They become even more narrow with winter snowfall and snow removal. There are no gutters or sidewalks, no shoulders except for some gravel, and the "S" curves are blind corners. People bike, walk (some with dogs) up and down the road, and school children walk up the road from Rotary Park, as no bus comes up into the neighborhood. It is difficult to go around those people as the blind corners prevent you from seeing cars coming from the opposite direction. Multiple driveways will add to this safety concern.

I am also opposed to development on Parcel IC-MISC, formerly known as IC-CA (Iron Canyon Common Area) as part of Project No. PL-23-05881. This land was always intended for undeveloped open space. It has been part of the Iron Canyon Subdivision's common area for over 20 years. It has been under the control of the Iron Canyon Architectural Committee.

The entire project will impact our neighborhood negatively in the area of safety and density. Please reconsider the petition and make a decision that has the least affect on the surrounding neighborhoods.

Sally Pick
[REDACTED] Iron Mountain Drive
Iron Canyon Neighborhood

From: [Rebecca Ward](#)
To: [Elissa Martin](#)
Subject: FW: [External] Iron Canyon Lot Annexation, Merging, and Subdivision (Project No. PL-23-05882)
Date: Tuesday, September 17, 2024 1:17:44 PM

From: Jonathan Evans [REDACTED]
Sent: Tuesday, September 17, 2024 1:17 PM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Subject: [External] Iron Canyon Lot Annexation, Merging, and Subdivision (Project No. PL-23-05882)

Dear Rebecca and Members of the Planning Commission and City Council,

Ahead of tomorrow's public hearing and following my enclosed input from March 7, 2024, I urge the Planning Commission to reject the Petition for Project No. PL-23-05882. Its core assumption -- that the petitioner controls all property at issue -- is flawed. Parcel IC-MISC, previously labeled IC-CA (Iron Canyon Common Area) for over 20 years, is part of the Iron Canyon Subdivision's common area, governed by the Iron Canyon Architectural Committee. Merely changing the parcel's label does not alter its ownership or development rights.

The evidence shows that this land was always intended as undeveloped open space, a status relied upon by Iron Canyon and other neighborhood residents for decades. Recent adjustments to county records appear to obscure this, but they do not change the original intent.

Additionally, as noted below, critical safety and density concerns are introduced by this proposal. It is imprudent to move forward without resolving these issues, especially the control and use of Parcel IC-MISC. If it is indeed defined as Common Area, it cannot be developed without the Iron Canyon Architectural Committee's approval.

For the avoidance of doubt, I have no objection to the proposed annexation as part of the Project. But given the rest of the Project -- especially its proposal to merge and subdivide parcels for three single family homes -- I concur with our neighborhood's near-unanimous opposition to the rest of it.

Thank you for taking my input into consideration as part of your review, and we appreciate all you do for Park City.

Jonathan Evans
Iron Canyon

Enclosed: March 7, 2024 email

###

----- Forwarded message -----

From: Jonathan Evans [REDACTED]

Date: Thu, Mar 7, 2024 at 8:25 AM

Subject: Opposition to annexation petition to create 3 lots on 0.94 acres in Thaynes / Iron Canyon

To: <rebecca.ward@parkcity.org>

Dear Rebecca,

I am writing in opposition to the annexation petition to create three single-family lots in our Iron Canyon and Thaynes Canyon neighborhoods. I concur with the detailed concerns outlined in many of my Iron Canyon neighbors' letters.

First, the sizes of the proposed lots would significantly deviate from those of Iron Canyon and Thaynes Canyon. Such a divergent variance would conflict with the character and landscape of these communities, each of which was designed with principles that would be undermined by this incompatible proposed development. One home on a lot size consistent with those of other lots in these neighborhoods would be appropriate.

Second, adding multiple new driveways exiting onto Iron Canyon Drive would undermine safety. As the father of young children, I do not want additional risk compounding along this section of road, which already creates problems in its shape, width, grade, drainage, and visibility. I regularly witness vehicles getting stuck, sliding off the road, or struggling with its sight lines. Moreover, the entire Iron Canyon neighborhood has only two points of ingress and egress to the rest of Park City. Increasing driveway density would introduce additional hazards in general for daily use and especially at times of need. A single driveway that would be placed in a safer location (such as on Payday Drive), and as important, that would generate traffic consistent with that of a single family home (versus three), would be in the best interest of the neighborhood and the City.

Third, the self-serving interpretation that the common area was intended and should be included as developable land is misleading. Pursuing shifts in land use may be appropriate as needs and markets evolve, but proposals with outright contractions require unique circumstances -- and this proposal does not come close to meeting that standard.

Finally, while you may receive letters from only a subset of Iron Canyon and nearby Thaynes residents given varying levels of engagement in local matters, if every Iron Canyon resident were polled about this proposed development and actually responded, opposition would be nearly universal for reasons such as those above. Approval of the annexation petition would set an ugly precedent that would fail to serve broader community needs as well as the community members the City represents.

I request that this annexation petition be denied and the review process be terminated. The applicant should exclude our Iron Canyon common area and examine annexing the tract for development of a single family home that does not have access to and from Iron Canyon Drive.

Thank you for your consideration, and we appreciate all you do for Park City.

Jonathan Evans

Samuel Johnson
[REDACTED] Aspen Springs Drive
Park City, Utah, 84060.

From: [Samuel Johnson](#)
To: [Rebecca Ward](#); [Elissa Martin](#)
Subject: [External] Comments pertaining to Permit # PL-23-05882
Date: Tuesday, September 17, 2024 11:12:42 AM

Rebecca and Elissa:

As an owner of a lot (ASR-9) adjacent to the proposed annexation parcel, I object to the proposal. The reasons are as follows and they are discussed in detail in the Opposition to Project No. PL-23-05882 letter submitted by Iron Canyon Architectural Committee members and an Aspen Springs resident.

- ☐ ☐ ☐ Parcel IC-MISC, which was originally labeled IC-CA is a common area or open space associated with the Iron Canyon Subdivision. IC-MISC should remain as a common area or open space and therefore renders parcel SS-104-B landlocked, unless:
- ☐ ☐ ☐ The Iron Canyon Architectural Committee approves access across IC-MISC (IC-CA) in the event SS-104-B is annexed.
- ☐ ☐ ☐ If annexed, the parcel size of SS-104-B at 0.94 acres does not support three 'lots' or three single family dwellings. One single family dwelling should be the maximum.
- ☐ ☐ ☐ The safety along Iron Canyon Drive is in jeopardy. The road is truly multi-use; walkers, dog walkers, runners, cyclists, e-bikers and cars will be impacted with the addition of any new driveways.

In addition to the above, my personal views on softer issues are as follows.

- ☐ ☐ ☐ The preservation of open space within Park City needs to be a top priority of the planning commission. Developments continue to infringe on wildlife, who's presence's is part of the charm of Park City. While deer and bobcats are commonly spotted on my and adjacent lots, there was a time when elk would routinely cross the proposed parcels for annexation. I have not seen any elk since the development of the Thaynes Ranch subdivision.
- ☐ ☐ ☐ While the number of additional automobiles from this proposal is very minor, at some point, Park City, is going to have to stop the continuous building and limit the amount of traffic within Park City.

Lastly, when we bought our house adjacent to the proposed annexation, we always knew there was a chance a house would be built there. If a family wanted to build a family home, that's understandable. But having a developer build three homes, motivated by profit, is just not right. I expect my property will loose value.

Thank you for your consideration of these objections.

Regards,

Samuel Johnson
[REDACTED] Aspen Springs Drive
Park City, Utah, 84060.

Elissa Martin

From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Tuesday, September 17, 2024 1:22 PM
To: Richard Valliere
Cc: Elissa Martin
Subject: RE: [External] Iron Canyon Lot Annexation

-----Original Message-----

From: Richard Valliere [REDACTED] >
Sent: Tuesday, September 17, 2024 1:20 PM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Subject: [External] Iron Canyon Lot Annexation

Warning: Replies to this message will go to [REDACTED]. If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

I am a resident of Aspen Springs living adjacent to the lots in the Iron Canyon neighborhood. Regarding the opposition letter to the annexation, I agree totally with the opposition letter.

Judith Valliere

From: [Rebecca Ward](#)
To: [Elissa Martin](#)
Subject: FW: [External] Iron Canyon Lot Annexation
Date: Tuesday, September 17, 2024 12:51:00 PM

-----Original Message-----

From: Richard Valliere <[REDACTED]>
Sent: Tuesday, September 17, 2024 12:50 PM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Subject: [External] Iron Canyon Lot Annexation

Warning: Replies to this message will go to [REDACTED]. If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

I have read the letter in opposition to the annexation and subdivision of lots in the Iron Canyon neighborhood. I agree 100 % with everything in the opposition letter.

I live in the Aspen Springs neighborhood.

Richard Valliere

Guy and Deborah Burns

29 Canyon Court

Park City

Utah 84060

September 17, 2024

Dear Members of the Park City Planning Commission:

We write to you as concerned property owners of Lot 72 in the Aspen Springs Subdivision located at 29 Canyon Court. We have owned our property since 1992, and we built our home here 30 years ago in 1994.

We regularly travel up and down the short and curvy section of Iron Canyon Drive that connects Aspen Springs to Payday Drive at the Rotary Park intersection. This small section of road is very dangerous. There are no sidewalks nor is there any meaningful shoulder for biking and pedestrian traffic. Near accidents are a daily occurrence.

We understand there is a proposal to annex an approximate one acre parcel located at 2409 Iron Canyon Drive into the City, and to approve the subdivision of the parcel into three (3) building lots. We do not oppose annexation, but we do oppose the proposal to build three houses on the property. Even one driveway entering that stretch of Iron Canyon Drive will be dangerous, but having three driveways emptying onto that stretch of road will create an even greater hazard. It is inevitable that someone will be either killed or severely injured by this increased traffic.

We understand the property owner is trying to include some small slivers of land located along the edge of Iron Canyon Drive into the annexation plan in order to add land mass necessary for the building of three houses. While it may make some sense to annex these slivers of land at the same time as annexing the 2409 property, it defies common sense that these slivers of land should be included for purposes of permitting any additional residence or density.

We ask that the application to subdivide this parcel into three building lots be rejected.

Thank you for your consideration.



Guy and Deborah Burns

Elissa Martin

From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Monday, September 16, 2024 8:03 PM
To: Elissa Martin
Subject: FW: Iron Canyon Lot Annexation

[REDACTED].

From: Phoebe Hailey <[REDACTED]>
Sent: Monday, September 16, 2024 7:10 PM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Cc: Jim Hailey <[REDACTED]>
Subject: [External] Iron Canyon Lot Annexation

Warning: Replies to this message will go to [REDACTED] If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

Iron Canyon Lot Annexation

To whom it may concern,

I am opposed to the proposed subdivision plan as it is in direct violation of the Iron Canyon Declaration of Covenants. Additionally, this increased density proposes additional safety issues to our community. Our community already sustains additional traffic due to a city park and local hiking trail. Putting more density in a neighborhood that already struggles with additional traffic issues is unsafe. Thank you so much for your consideration.

Phoebe Hailey
[REDACTED] Iron Mountain Dr.

Elissa Martin

From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Monday, September 16, 2024 8:01 AM
To: Elissa Martin
Subject: FW: [External] Iron Canyon Lot Annexation Petition - 9/25/2024 pubic hearing
Attachments: Opposition to Iron Canyon Proposal.pdf; Exhibit A.pdf; Exhibit B.pdf; Exhibit C.pdf; Exhibit D.pdf; Exhibit E.pdf; Exhibit F.pdf; Exhibit G.pdf; Exhibit H.pdf; Exhibit I.pdf; Exhibit J.pdf; Exhibit K.pdf; Exhibit L.pdf; Exhibit M.pdf; Exhibit N.pdf; Exhibit P.pdf; Exhibit Q.pdf; Exhibit R.pdf

Dear Ms. Ward,

Attached is a letter and related Exhibits A to R in opposition to various aspects of the proposed annexation plan which I was asked to forward to you in Dick Pick's absence. He is out of town and will not be able to attend the September 25 Planning Commission hearing in person. Please submit these documents along with other materials being provided to the Planning Commission, and feel free to contact me if you or your staff have any questions in reviewing these documents.

And please acknowledge your receipt of this email with its attachments.

Thank you for your continued cooperation and assistance.

Jim Helfand.

**Opposition to Project No. PL-23-05882, the Proposal to
Annex Parcel SS-104-B and Merge and Subdivide
Parcels SS-104-B, PCA-105 and Iron Canyon Parcel IC-MISC**

We write on behalf of a majority of the residents of Iron Canyon and many of the residents of Aspen Springs who use Iron Canyon Drive on a regular basis to voice our opposition to the Petition to Annex, referred to as Project No. PL-23-05882 (the “Petition”), scheduled to be heard by the Planning Commission on September 25, 2024.

The Petition before the Planning Commission to Annex Parcel SS-104-B can be broken down into three parts: 1) the annexation of Summit County Parcel SS-104-B, 2) combining that parcel with Parcel PCA-105 and a portion of Parcel IC-MISC, and 3) subdividing the combined property into 3 separate Parcels on which 3 single family houses would be built.

There is no objection to the proposed annexation but there is substantial opposition to other portions of the proposal, primarily as it relates to Parcel IC-MISC. This document lays out the reasoning for such opposition based on issues of safety, density, and the fact that the proposal is subject to but lacks the required approval from the Iron Canyon Subdivision owners as represented by its Architectural Committee.

Summary

A core assumption underlying the Petition is that the petitioner controls all the property at issue. As explained in detail below, that core assumption appears to be incorrect. Parcel IC-MISC was labelled IC-CA—a reference to **Iron Canyon Common Area**—for at least 20 years before the County was somehow persuaded to change the label to the more generic IC-MISC. In other words, what the Petition now refers to as IC-MISC was and is part of the Iron Canyon Subdivision common area, the development of which is under the control of the Architectural Committee for Iron Canyon. Changing the parcel’s label does not change who controls its development.

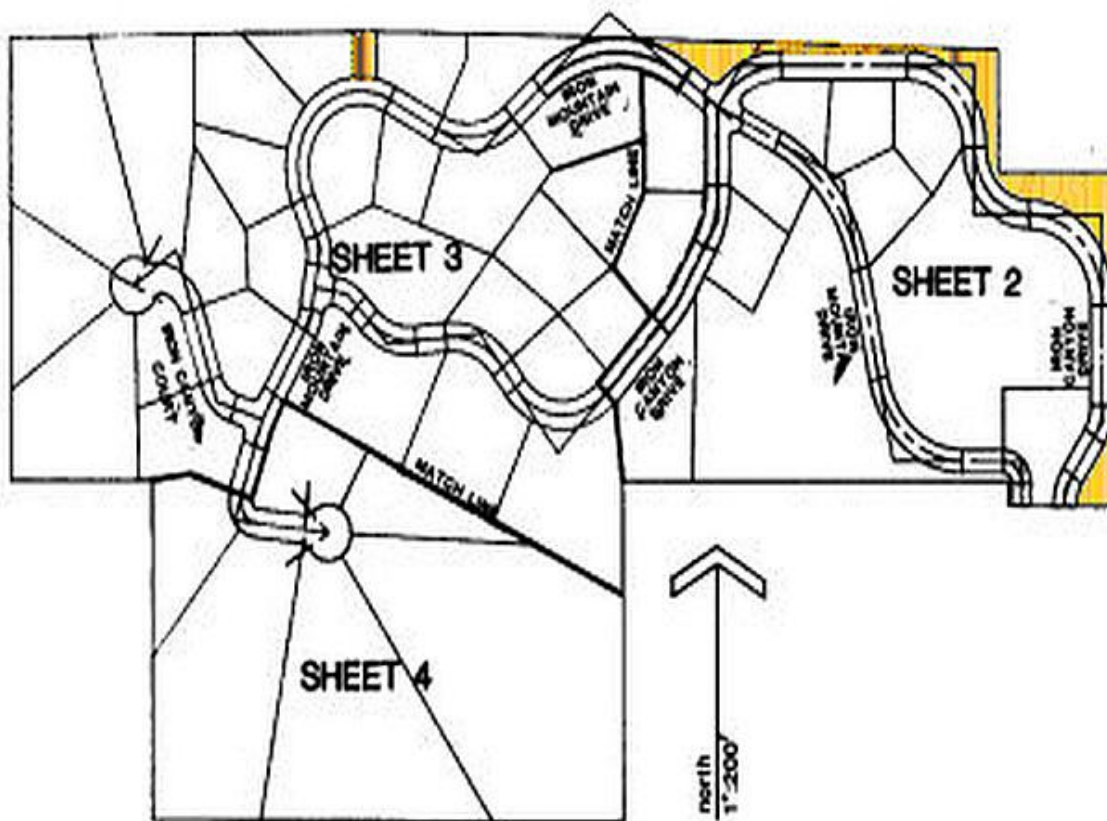
Moreover, the evidence (detailed below) compels the conclusion that this Iron Canyon common area was always intended to be undeveloped open space. Again, recent changes to wording in the County records appear designed to undermine that conclusion. But those changes are cosmetic and they do not, of course, alter the original intent, relied upon by Iron Canyon owners for decades, that what the petition now refers to as Parcel IC-MISC would remain open space.

We have other concerns, including serious safety and density issues described below. Those issues are also directly impacted by the project as proposed. It makes no sense to proceed with the Petition unless and until all of these issues are addressed, particularly the question regarding control and use of Parcel IC-MISC. If that parcel was and is common area or open space as the evidence suggests, it may not be developed—at least not without approval from the Iron Canyon Architectural Committee.

Background

Summit County Parcel SS-104-B, the parcel for which annexation is sought, consists of 0.94 acres and is landlocked with no street access. Parcel PCA-105, consisting of 0.08 acres, is adjacent to and north of Parcel SS-104-B and is also landlocked. Both parcels were under common ownership.

Parcel IC-MISC, consisting of 1.16 acres, is partly adjacent to and west of Parcel SS-104-B, and is part of the Iron Canyon Subdivision created in 1983 by the Boyer Company. The Subdivision consisted of 45 single family lots and the strip of land along the eastern and northern boundary of the entire subdivision which later came to be labeled Parcel IC-MISC. **Exhibit A**, copied here, is a diagram of the entire subdivision extracted from page 1 of the original plat with shading indicating Parcel IC-MISC:

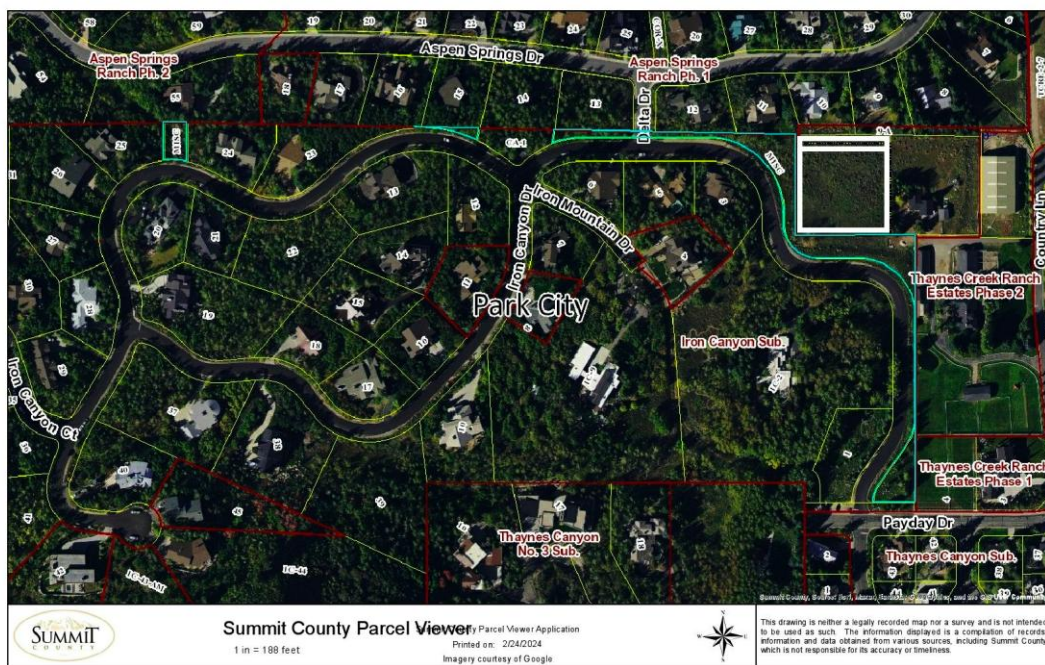


Parcel IC-MISC defines the border of the Subdivision, not apparent in the Annexation Petition. It was originally assigned the label IC-CA (“CA” customarily an acronym for “Common Area”). Twenty years later the Summit County Assessor’s account for Parcel IC-

CA was cancelled and the parcel was assigned its current parcel label, IC-MISC (**Exhibit B**).¹

Title to Parcel IC-MISC was never conveyed to a homeowners association, as is customary with subdivision common areas, and the Boyer Company remained on the title for 40 years until December, 2022 when it transferred title to a joint venture, Boyer Robbins JV, L.C. Concurrent transfers to the joint venture were also made by the owner of Parcels SS-104-B and PCA-105 (**Exhibit C**). The Boyer Company, as the author of the Subdivision's recorded Declaration of Protective Covenants (hereafter referred to as the "Covenants"), apparently intended that a Homeowners Association be formed as a separate legal entity, as evidenced by several references to an "Association" in Sections 4.15 and 6.1 of the Covenants (**Exhibit D**). However, to our knowledge, Boyer never formed the Association as a separate legal entity, leaving it an unincorporated association of lot owners.

Ivory Development, LLC, the Applicant for the Petition (and proposed merger and subdivision), has an agreement with the joint venture for the purchase of the three parcels.² **Exhibit F**, copied here, displays all three parcels whereby Parcel IC-MISC is outlined in blue and Parcels SS-104-B and PCA-105 are bordered in white:



¹ In response to a GRAMA request, neither the office of the Summit County Assessor nor the Recorder was able to provide an explanation as to why the account was cancelled and a new parcel label assigned.

² Statement by Brad Mackay, representing Ivory Development, LLC, as reported in the Minutes of the March 7, 2024 City Council Meeting, **Exhibit E**, page 15, lines 8-9. Further confirmed by a letter from General Counsel of Ivory Development, LLC (**Exhibit G**).

Note that Parcel IC-CA-1 is no longer a part of Parcel IC-MISC (formerly IC-CA) since it was conveyed to a lot owner of the Aspen Springs Subdivision in 1992. Here's an enlargement showing the location of Parcel IC-CA-1:



Parcel IC-MISC is subject to the Iron Canyon Covenants

Although title to Parcel IC-MISC was never conveyed to a homeowners association, a legitimate question is whether it was intended to be subject to the Subdivision's Covenants. **Exhibit G** is a copy of a letter from the General Counsel of Ivory Development, LLC ("Ivory"), who claims the parcel has been privately owned and assessed as private property. But the letter does not specifically address the issue of whether the property is subject to the Covenants. Of course, all of the parcels within the Iron Canyon Subdivision are privately owned and assessed as private property, so that fact does not determine whether the parcel was subject to the Covenants. There was also no mention of whether Parcel IC-MISC is subject to the Iron Canyon Covenants in the Minutes of the March 7, 2024 City Council meeting (**Exhibit E**), where the Council voted to approve further consideration of the Petition by the Planning Commission.

Parcel IC-MISC is clearly land within the Iron Canyon Subdivision, as shown on **Exhibit A**. Section 1.1 of the Covenants (**Exhibit D**) states in part,

The Boyer Company hereby declares that the Property **and every part thereof** is held and shall be held , conveyed, devised , leased, rented , used , encumbered, occupied and improved , and otherwise affected in any manner subject to the provisions of this Declaration, each and all of which provisions are hereby declared to be in furtherance of the general plan and scheme of ownership referred to herein, and are further declared to be for the benefit of the Property **and every part thereof** , and for the benefit of each owner thereof. All provisions herein contained shall be deemed to run with the land as covenants running with the land or as equitable servitudes, as the case may be, **and shall constitute**

benefits and burdens to the Declarant its successors and assigns, and to all parties hereafter owning any interest in the Property. [Emphasis added].

Section 2.2 of the Covenants defines “Property” as “that certain real property located in the Iron Canyon Subdivision in Park City, Summit County, Utah according to the official recorded plat thereof.”

Article III of the Covenants, which establishes an Architectural Committee, provides in Section 3.2, in part,

No improvements of any kind, including but not limited to dwelling houses, dwelling "Building Pad", swimming pools, ponds, parking areas, fences , walls, tennis courts, garages, drives , antennae, flag poles, curbs and walks shall ever be altered, constructed or permitted to remain upon **any lands within the Subdivision** , nor shall any excavating , clearing , removal of trees , or shrubs, or landscaping of any kind be done upon **any lands within the Subdivision** unless the complete plans and specifications , including site plan , therefore, are approved by the Committee prior to the commencement of such work.
[Emphasis added].

Various other sections of the Covenants address restrictions and guidelines applicable to the lots within the Subdivision, specifically referring to the term “lots.” But the above Sections 1.1 and 3.2 use the terms “property and every part thereof” and “lands within the Subdivision,” making a clear distinction as to the scope of those sections.

The language of the Covenants seems clear. And in practice such intent is confirmed by the fact that an easement granted to Questar Gas Company over Parcel IC-MISC was granted not by the holder of title to the parcel (the Boyer Company), but by the Iron Canyon Architecture Review Committee (**Exhibit H**).

The intent is further confirmed by restrictions attached to Parcel IC-CA-1, shown on **Exhibits A and F**, which was originally a part of Parcel IC-CA. That parcel was split off from and conveyed to a private party in 1992, and on the deed (**Exhibit I**) was inscribed the restriction that the parcel was subject to the Subdivision Covenants.

The Covenants contain a provision added to the last page which reads “These covenants apply to lots 1 through 43, except lots 2 and 9 as shown on the subdivision plat, which contain structures which were built prior to the recording of the plat.” The purpose of that statement was to exclude the pre-existing structures built on lots 2 and 9 from the Covenants (although the statement mistakenly omitted lots 44 and 45, which was later corrected). Perhaps the Applicant would argue that the reference in this statement only to lots 1 through 43 may be inferred to mean that Parcel IC-MISC was also excluded from being subject to the Covenants, notwithstanding that such inference would be a contradiction of the broad language in Sections 1.1 and 3.2 quoted above. That argument can be resolved by the fact that the Covenants were specifically stated to apply to Parcel IC-CA-1 which was originally a part of Parcel IC-MISC.

Even if the sole outcome of this process was the annexation of Parcel SS-104-B into Park City, or failure to approve such annexation, any street access across Parcel IC-MISC would require the approval of the Iron Canyon Architectural Committee in accordance with the Covenants.

Notwithstanding the above, no approval for the further subdivision or improvements upon Parcel IC-MISC has ever been sought or obtained from the Iron Canyon Architectural Committee.

Role of the Iron Canyon Architectural Control Committee

The Covenants established an Architectural Committee (also referred to as the Architectural Control Committee and the Architecture Review Committee) which “. . . shall have and exercise all of the powers, duties and responsibilities set out in this Declaration.”³ The Committee was originally to be comprised of four members but, based on a recorded amendment to the Covenants in 1986, was changed to include only two parties, H. Roger Boyer and Richard W. Moffat, with the further proviso that the membership of the Committee could be changed once 90% of the lots in the Subdivision were sold.⁴ In 1992 the 90% milestone was reached and a further document was recorded to reflect that the property owners decided to have the Committee consist of three property owners rather than two, that the Architectural Control Committee (the “ACC”) rather than a Homeowners Association would be the authority and governing body to enforce the Covenants, and that “The membership and activities of the ACC is subject to review, critique, reassignment, reorganization or cessation as the Iron Canyon property owners may properly decide.”⁵ That broad discretion to the property owners to change the makeup of the committee did not specify that any such change be documented by a recorded document.

Over the years the Iron Canyon property owners have in fact agreed to place various different lot owners as members of the Committee. Park City has not only recognized such members as representatives of the Committee (requiring affirmations from each that they are in fact the duly elected Committee members,⁶ one of which is required to be notarized), but has required an acknowledgement by one or more Committee members as representatives of the Subdivision of improvement projects in the Iron Canyon Subdivision⁷. In short, the Committee has acted on behalf of the Iron Canyon lot owners to enforce the Covenants as a de facto Homeowners Association, has been registered with the State of Utah and Park City in that capacity, paid the same registration fees as a homeowners association and in that capacity has been required by the City to consent to projects that involve improvements within the Subdivision.

³ Covenants, Section 3.1, (Exhibit D).

⁴ Exhibit J.

⁵ Exhibit K.

⁶ Exhibit Q

⁷ Exhibit R

Parcel IC-MISC has Always been represented as Common Area or Open Space

Exhibit G contains the assertion that “As part of its due diligence, Ivory has received a title report and has investigated the claims that the Property is open space. Ivory has not found any information suggesting that the Property is open space or is subject to any type of common ownership.” When queried about when the parcel ID was changed from IC-CA to IC-MISC at the March 7, 2024 Council meeting Mr. Mackay responded that “The County had it zoned as CA for a short time and then they corrected it.”⁸ In fact, for twenty years Parcel IC-MISC had the designation of IC-CA without objection or protest from the Boyer Company (**Exhibit B**). Moreover, Mr. Mackay has never explained what he means by “they corrected it.” There is no evidence that anything needed “correcting.”

Furthermore, all but two of the 45 lots in the Iron Canyon Subdivision include the following notation in their legal description maintained by the Assessor’s Office: “COMMON AREA IS NOW BEING ASSESSED UNDER IC-MISC.”⁹ That notation has existed since 2003 when Parcel IC-CA was changed to IC-MISC.

Exhibit L contains copies of receipts from the Summit County Treasurer evidencing payment of property taxes for the years 2010 to 2023 for Parcel IC-MISC. Each of the receipts for the 11 years 2010 to 2021 includes the description “OPEN SPACE / DON’T FACTOR.” For the years 2022 and 2023—apparently coinciding with Ivory’s development efforts—the description was changed to “SECONDARY ACRES” and “RESIDUAL/ROADS/OTHER ACRES,” respectively. A GRAMA request to the County requesting information regarding how and why this change was made yielded no explanation but, contrary to the investigative conclusion reached by Ivory, there is evidence that the parcel was designated as open space even if not formally dedicated as such on the plat.

The Legal Description just above the Property Code on each of these property tax receipts contains the phrase “NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA.” Again, the County was unable to provide information on why or how that determination was made in response to a GRAMA request. Nevertheless, contrary to the findings described in **Exhibit G**, the property was referred to as common area or open space for almost 40 years. It is still referred to as common area on the tax assessor records for over 95% of the lots in Iron Canyon.

As shown on **Exhibits A and F**, Parcel IC-MISC is composed of several fragmented sections. The triangular section at the corner of Iron Canyon Drive and Payday Drive contains a monument which marks the entry to the Iron Canyon Subdivision. A current picture of the monument is shown as **Exhibit M**. The monument has existed on the

⁸ Minutes, page 16, lines 5-7, (**Exhibit E**)

⁹ This can be confirmed by viewing the online property records for any of the Iron Canyon Subdivision parcels.

property since at least 1988 according to one long time resident of the Subdivision and was probably erected when the Boyer Company began selling lots in the early 1980s. That the monument parcel has remained as open space is further support for the conclusion that all of what is now referred to as IC-MISC was intended to be treated as open space.

Regardless of whether Parcel IC-MISC meets the legal definition of being as open space or common area, the property has enjoyed the benefit of being assessed as if it was so characterized. The property taxes on Parcel IC-MISC have averaged slightly over \$22 per year for the last 14 years. The full assessed value of this 1.16 acre Parcel has ranged from \$2,500 to \$5,800, indicating that, if not common area or open space, it is non-developable land. Meanwhile most of the assessed land values for lots in Iron Canyon have been assessed at \$1,500,000 and more recently at \$2,000,000.

Property Tax Payments on Parcel IC-MISC

The letter from Ivory's General Council (**Exhibit G**) asserts that the property taxes for Parcel IC-MISC have been ". . . paid by a sole owner for more than 4 decades." **Exhibit L**, discussed above, reflects that the small amount of property taxes on that parcel since 2010 have apparently been paid by the Boyer Company or, in the case of 2023, the Boyer Robbins JV. The computer records of property tax receipts begin in the year 2007. A sample of any number of properties in Summit County reveals electronic property tax receipts going back to 2007, yet there are no receipts for taxes paid on IC-MISC prior to 2010. The answer is most likely because, like most common areas, from 1983 to 2009 the taxes were allocated to all the lot owners in the subdivision. This, combined with the lack of receipts prior to 2010, is clearly the implication of the notation on most Iron Canyon lot owners' tax accounts that "COMMON AREA IS NOW BEING ASSESSED UNDER IC-MISC," as mentioned above. **Exhibit G** states that Ivory is ". . . ready and willing to share its due diligence with the City." It is urged that the Planning Commission take Ivory up on this offer as relates to claims made about property taxes being paid over 4 decades and other matters discussed herein.

Safety Issues on Iron Canyon Drive

Iron Canyon Drive serves as the main entry and exit road for residents of the Iron Canyon Subdivision as well as many Aspen Springs residents. The section of the road adjacent to the proposed project contains a series of blind curves with a posted speed limit of 15 miles per hour. Every year, particularly in the winter, there are slide offs from this road that require tow trucks to drag the vehicles back to the road. The blind corners and lack of sidewalks are hazardous for people walking their dogs and kids walking to and from the school bus stop on Payday Drive. The road is narrow, has no curb and gutters, and no storm drains. As a result, there are continuous deposits of gravel on this section of the road churned up by rains or drivers cutting corners around the curves. This also creates a hazard for cyclists, pedestrians and drivers. Three driveways entering this section of road, as would be the case with the proposed project, would make it even more dangerous. The hazardous

nature of having multiple driveways entering this section of road was thoroughly addressed by more than two dozen letters from residents in the Iron Canyon and Aspen Springs neighborhoods, submitted to the City Council. Copies of those letters are attached as **Exhibit P**.

Lot Size and Density

The Staff Report prepared by the Director of the Park City Planning Department indicates that the proposed combined Parcels consist of 1.73 acres with the three proposed lots consisting of 0.50, 0.67 and 0.56 acres.¹⁰ The Applicant proposes that such lot sizes are consistent with or larger than the lots to the north of the proposed subdivision.¹¹ However, the Staff Report notes that the lot sizes surrounding the proposed development average 1.65 acres, including the lots to the north of the proposed subdivision, indicating that the proposed subdivision is three times the density of the surrounding parcels.¹² And finally, even the lot sizes displayed on the proposed subdivision are misleading because both the northern parcel and southern most parcel are configured in such a way as to include totally unusable sections of land.

Conclusions

All property within the Iron Canyon Subdivision, including IC-MISC, is subject to the Iron Canyon Covenants. Any construction plans or other uses of parcel IC-MISC must be approved by the Architectural Committee. Parcel IC-MISC was always intended to be common area or open space, and has been taxed as such. Safety issues associated with any access onto Iron Canyon Drive need to be carefully assessed. Density of the land proposed to be annexed should be limited to one single family dwelling.

As will be noted by letters submitted separately, this document has been reviewed and approved by a majority of the residents of Iron Canyon and many of the residents of Aspen Springs that use Iron Canyon Drive on a regular basis.

Richard Pick
Iron Canyon Resident
Member, Iron Canyon Architectural Committee

James Helfand
Aspen Springs Resident

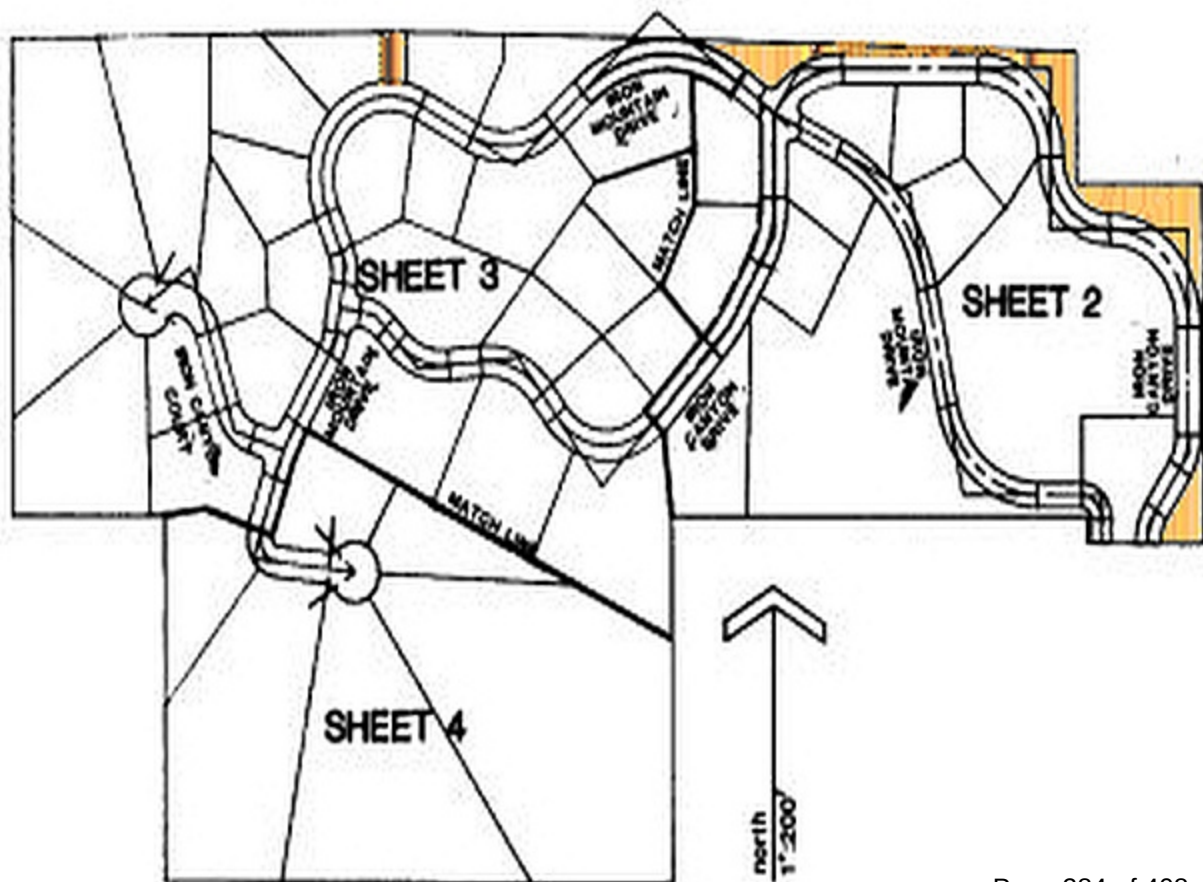
Howard Rothwell
Iron Canyon Resident
Member, Iron Canyon Architectural Committee

Henry Fulton
Iron Canyon Resident
Member, Iron Canyon Architectural Committee

¹⁰ Staff Report, page 8 (**Exhibit N**).

¹¹ Minutes, page 15, lines 13-15 (**Exhibit E**).

¹² Staff Report , page 12 (**Exhibit N**).



Account 0229413

<u>Location</u>	<u>Owner</u>	<u>Value</u>
Account Number 0229413	Name THE BOYER COMPANY	Market (2005) \$0
Acres 7.61	90 S 400 W STE 200	No taxable value types
Situs ,	SALT LAKE CITY, UT 84101-1365	
Tax District 07 - PARK CITY A,J,K,U (D-D)		
Parcel Number IC-CA		
Geo Neighborhood 02-03-01 - BROKEN SPOKE SUB		
Legal NON DEDICATED STREETS AND MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUB FILED IN SUMMIT CO. CONT 7.81 ACRES M/L (LESS 0.2 ACRES 698-545 IC-CA-1)BAL 7.61 ACRES CANCELLED - (NOTE: THIS ACCOUNT HAS BEEN CANCELLED FOR THE 2003 TAX YEAR THE VALUE HAS BEEN PRORATED AMONG ALL THE UNIT OWNERS AS PER STATE STATUTE CODE: 10-9-806.5 & 18-27-806.5)		

Parent Parcels

City

Remark

Transfers**Entry Number**[00370466](#)[00229949](#)[00212517](#)**Form Name****Recording Date**[12/10/1992 02:59:00 AM](#)[01/25/1985 03:01:00 AM](#)[10/28/1983 04:06:00 AM](#)**Images**

- [GIS](#)



01199216 B: 2767 P: 1892

Page 1 of 2

WHEN RECORDED, MAIL TO
AND MAIL TAX NOTICES TO:

Boyer Robbins JV, L.C.
101 South 200 East, Suite 200
Salt Lake City, Utah 84111
Attn: Chief Financial Officer

Rhonda Francis Summit County Recorder
12/29/2022 10:01:40 AM Fee \$40.00

By PARR BROWN GEE AND LOVELESS

Electronically Recorded

Parcel No.: IC-MISC

SPECIAL WARRANTY DEED

THE BOYER COMPANY, L.C. a Utah limited liability company, whose address is 101 South 200 East, Suite 200, Salt Lake City, Utah 84117, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt whereof is hereby acknowledged, **CONVEYS AND WARRANTS** against all who claim by, through, or under Grantor, and none else, to **BOYER ROBBINS JV, L.C.**, a Utah limited liability company, whose address is 101 South 200 East, Suite 200, Salt Lake City, Utah 84111, Grantee, the following described real property, situate in Summit County and State of Utah, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TOGETHER WITH all improvements thereon and all rights, appurtenances, hereditaments thereunto belonging or in anywise appertaining.

WITNESS my hand this 19 day of December, 2022.

THE BOYER COMPANY, L.C., a Utah limited liability company

By: _____

Name: Brian Gochnour

Title: Manager

STATE OF UTAH)

) ss.

COUNTY OF SALT LAKE)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, by Brian Gochnour as Authorized Representative of The Boyer Company, LLC this 19 day of December, 2022.

WITNESS my hand and official seal.

Amy Byington
NOTARY PUBLIC

My Commission Expires:



AVRY BYINGTON
Notary Public State of Utah
My Commission Expires on:
August 28, 2025
Comm. Number: 719523

EXHIBIT A TO SPECIAL WARRANTY DEED

That certain real property in Summit County, State of Utah, more particularly described as follows:

NON-DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 1A-CA-4) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

PARCEL NO.: IC-MISC

01199221 B: 2767 P: 1919

Page 1 of 2

Rhonda Francis Summit County Recorder

12/29/2022 10:15:49 AM Fee \$40.00

By PARR BROWN GEE AND LOVELESS

Electronically Recorded

WHEN RECORDED, MAIL TO
AND MAIL TAX NOTICES TO:

Boyer Robbins JV, L.C.
101 South 200 East, Suite 200
Salt Lake City, Utah 84111
Attn: Chief Financial Officer

Parcel Nos.: SS-104B; PCA-105

SPECIAL WARRANTY DEED

ROBBINS PCP, INC., a Utah corporation, whose address is 410 W Ariane Way, Centerville, Utah 84014, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt whereof is hereby acknowledged, **CONVEYS AND WARRANTS** against all who claim by, through, or under Grantor, and none else, to **BOYER ROBBINS JV, L.C.**, a Utah limited liability company, whose address is 101 South 200 East, Suite 200, Salt Lake City, Utah 84111, Grantee, the following described real property, situate in Summit County and State of Utah, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TOGETHER WITH all improvements thereon and all rights, appurtenances, hereditaments thereunto belonging or in anywise appertaining.

WITNESS my hand this 19th day of December, 2022.

ROBBINS PCP, INC., a Utah corporation

By: 

Name: F.D. Robbins

Title: President

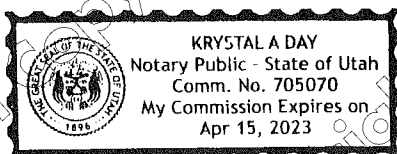
STATE OF UTAH)

) ss.

COUNTY OF SALT LAKE)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, by F.D. Robbins, as Authorized Representative of Robbins PCP, Inc. this 19th day of December, 2022.

WITNESS my hand and official seal.



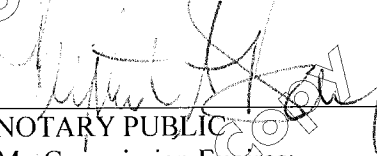

NOTARY PUBLIC
My Commission Expires:

EXHIBIT A TO SPECIAL WARRANTY DEED

That certain real property in Summit County, State of Utah, more particularly described as follows:

PARCEL 1 (SS-104-B):

Beginning at a point North 545.80 feet and West 296 feet from the south quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian, and running thence West 204 feet; thence North 200 feet; thence East 204 feet; thence South 200 feet to the point of beginning.

Together with right-of-way over the following:

Beginning at a point East 63.12 feet from said south quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 06°01'26" West 515.65 feet; thence West 305.01 feet; thence North 33.00 feet; thence East 334.70 feet to a point on an old fence line; thence South 06°01'26" East along said old fence line 548.83 feet; thence West 33.18 feet to the point of beginning.

Also: Together with a right-of-way over the existing gravel road that runs easterly from the above described 33.00-foot right-of-way to Highway U.S. Alternate 40.

PARCEL 2 (PCA-105):

The south one half (1/2) of the following described parcel:

Beginning at a point that is located North 745.80 feet and West 2935.76 feet from the southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence West 204.01 feet to the east line of Iron Canyon Subdivision according to the official plat thereof on file and of record in the Summit County Recorder's Office; thence along said east line North 22.26 feet to a point on the south line of Aspen Springs Ranch Phase 1 Subdivision according to the official plat thereof on file and of record in the Summit County Recorder's Office; thence South 88°50'22" East 1.58 feet long said south line to a point on and existing fence line; thence North 0°04'26" East 21.60 feet along said south line and said existing fence line; thence South 87°56'11" East 139.18 feet along said south line and said existing fence line; thence South 88°52'28" East 64.83 feet along said south line and said existing fence line; thence South 33.64 feet more or less to the point of beginning.

ENTRY NO. _____
RECORDED _____
BOOK _____ PAGE _____
DATED _____

DECLARATION OF PROTECTIVE COVENANTS
FOR THE IRON CANYON SUBDIVISION

THIS DECLARATION is made this 11th day of NOVEMBER,
1983, by THE BOYER COMPANY, a Utah general partnership.

I. PURPOSE OF COVENANTS

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

II. DEFINITIONS

2.1 Declarant: "Declarant" means The Boyer Company, together with its successors and assigns.

2.2 Property: "Property" means that certain real property located in the Iron Canyon Subdivision in Park City, Summit County, Utah, according to the official recorded plat thereof.

2.3 Building: "Building" means any structure or building to be erected or constructed upon the Property.

2.4 Lot: A "Lot" shall mean any parcel of developable property as shown on the recorded Subdivision Plat.

2.5 Subdivision: "Subdivision" shall mean the Iron Canyon Subdivision as recorded in the records of Park City, Utah.

2.6 Building Pad: "Building Pad" means that portion of the lot that may have a building constructed upon it.

III. ARCHITECTURAL COMMITTEE

3.1 Architectural Committee: The Architectural Committee, hereinafter referred to as the "Committee", shall be composed of four (4) members in total. Initially, the Committee shall consist of H. Roger Boyer, Donald A. Mackey, Abe Guss, and Dan C. Gardner. At such time as ninety percent (90%) of the Lots

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are sold, the then record owners of ninety percent (90%) of the Lots shall have the power through a duly recorded written instrument to change the membership of the Committee. Said Committee shall have and exercise all of the powers, duties and responsibilities set out in this Declaration. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor.

3.2 Approval by Committee: No improvements of any kind, including but not limited to dwelling houses, dwelling "Building Pad", swimming pools, ponds, parking areas, fences, walls, tennis courts, garages, drives, antennae, flag poles, curbs and walks shall ever be altered, constructed or permitted to remain upon any lands within the Subdivision, nor shall any excavating, clearing, removal of trees, or shrubs, or landscaping of any kind be done upon any lands within the Subdivision unless the complete plans and specifications, including site plan, therefore, are approved by the Committee prior to the commencement of such work. The Committee shall consider the materials to be used on the external features of any improvements, including exterior colors, harmony of the external design with existing structures within the Subdivision, location with respect to topography and finished grade elevations, harmony of the landscape with the natural setting and surroundings and the effect of any such improvements upon the other Lots within the Subdivision, and the Committee shall ascertain whether the architecture conforms to the architectural guidelines. The complete architectural plans and specifications must be submitted in duplicate to the Committee and must include at least four (4) different elevation views. One complete copy of the plans and specifications shall be signed and dated for identification by the owner and left with the Committee for permanent file and record. In the event the Committee fails to take any action within forty five (45) days after said plans are submitted to the Committee, then all of such submitted plans shall be deemed to be approved. It shall be the goal of the Committee to expedite all requests.

3.3 Variances: The Committee shall have the authority to deviate from the requirements contained herein in extenuating circumstances when following these covenants would create an unreasonable hardship or burden for a property owner. Any variance in Building Pad locations from those shown on the recorded Subdivision Plat must be approved by the Committee. An affirmative vote of a majority of the members of the Committee must be gained for a variance to be granted. The Committee does not, however, have authority to allow deviation beyond the guidelines of the Park City Land Management Code.

3.4 General Requirements: The Committee shall exercise its best judgement to see that all improvements, construction, landscaping and alterations on the lands within the Subdivision conform and harmonize with the natural surroundings and with existing structures as to the external design, materials, colors, location, height, topography, grade and finished grade elevation in keeping with the architectural guidelines.

3.5 Preliminary Reviews: Persons who anticipate constructing improvements on the lands within the Subdivision, whether they already own lands or are contemplating the purchase of such lands, may submit preliminary sketches of such improvements to the Committee for informal consideration and preliminary approval or disapproval. All such sketches shall be concerned with maintaining the then existing natural surroundings and vegetation as much as possible. All preliminary sketches shall be submitted in duplicate

and shall contain a proposed site plan together with sufficient general information on all aspects that will be required to be in the complete plans and specifications to allow the Committee to act intelligently on giving an informal preliminary approval or disapproval.

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

3.7 Committee Not Liable: The Committee shall not be liable in damages to any person submitting any plans for approval, or to any owner or owners of lands within the Subdivision, by reason or any action, failure to act, approval, disapproval or failure to approve with regard to such plans. Any person or group acquiring title to any lands within the Subdivision or any person submitting plans to the Committee for approval shall, by doing so, be deemed to have agreed and covenanted that he, she or they will not bring any action or suit to recover damages against the Committee, its members as individuals or its advisors, employees or agents.

3.8 Written Records: The Committee shall keep and safeguard complete written records of all applications for approval submitted to it, including one set of all preliminary sketches and all architectural plans so submitted, and of all actions of approval or disapproval and all other actions taken by it under the provisions of this Declaration. Such records shall be maintained for a minimum of five (5) years after approval or disapproval.

IV. GENERAL RESTRICTIONS ON ALL PROPERTY

4.1 Zoning Regulations: No lands within the Subdivision shall ever be occupied by or for any Building or purpose or in any manner which is contrary to the zoning regulations applicable thereto validly in force from time to time.

4.2 No Mining, Drilling or Quarrying: No mining, drilling, quarrying, tunneling or excavating for any substance within the earth, including oil, gases, minerals, gravel, sand, rock or earth shall ever be permitted on the surface or below the surface of the property.

4.3 No Business Use: The lots within the Subdivision shall be exclusively used for residential living purposes, such purposes to be confined to approved residential Buildings within the Subdivision. No Lots or Buildings within the Subdivision shall ever be occupied or used for any commercial or business purpose.

4.4 Restrictions of Signs: With the exception of a sign no larger than six (6) square feet, identifying the architect, and a sign of similar dimension identifying the prime contractor, to be displayed only during the course of construction; and, a sign no larger than six (6) square feet for the owner to advertise his home or lot for sale, no sign or advertising devices, including but without limitation to commercial, political, informational or directional signs or devices shall be erected or maintained on any of the lands within the Subdivision, except signs approved in writing by the Committee for purposes of identifying ownership, addresses, rules and regulations, to caution or warn of danger and as may be required by law. The Committee shall also approve or disapprove of the size, materials, color and location of said signs.

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4.5 Restrictions on Animals: No animals other than ordinary household pets may be kept or allowed to remain on any lands within the Subdivision. Such ordinary household pets shall be kept within the confines of the owner's Lot and shall not create an annoyance to other owners of the lands within the Subdivision. The Architectural Control Committee, in its sole discretion, shall have the right to revoke an owner's privilege of having an ordinary household pet on the Property and shall have the power to require any owner to remove any animal belonging to it which is not disciplined or which constitutes an undue annoyance to other owners of land within the Subdivision.

4.6 No Resubdivision: No Lot shall be resubdivided and no Building shall be constructed or allowed to remain on any parcel of land within the Subdivision that is not designated as a "Building Pad" upon the Lot as shown on the recorded Subdivision Plat or that has not been approved by the Committee.

4.7 Underground Utility Lines: All water, gas, telephone, electrical, cable television and all other utility lines within the limits of the Property must be buried underground and may not be exposed above the surface of the ground.

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

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

4.10 No Noxious or Offensive Activity: No noxious or offensive activity shall be carried on or permitted upon any lands within the Subdivision, nor shall anything be done or placed upon any of the Property which is or may become a nuisance or cause embarrassment, disturbance or annoyance to others.

4.11 No Hazardous Activities: No activities shall be conducted on any Property and no improvements shall be constructed on any of the lands within the Subdivision which are, or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged on the Property and no open fires shall be lighted or permitted on any Property except in a contained barbeque unit while attended and in use for cooking purposes or within a safe and well designated fireplace as approved by the Committee.

4.12 No Unsightliness: No unsightliness shall be permitted upon any of the Property. Without limiting the generality of the foregoing, unsightly structures, facilities, equipment, tools, boats, vehicles other than automobiles used in the normal course of ingress and egress, objects and conditions shall be enclosed within an approved building or appropriately screened from view, except equipment and tools when in actual use for construction, maintenance and repair. Specifically, there shall be no trailers, mobile homes, tractors, truck campers or truck other than pick-up trucks used in the normal course of ingress and egress shall be kept or permitted to remain upon the Property and no vehicle, boat or equipment shall be constructed, reconstructed, repaired or abandoned upon any of the Property. No lumber, grass, shrub or tree clippings, plant waste, metals, bulk materials or scrap shall be kept, stored or allowed to accumulate on any of the Property, except in service yards meeting the requirements of Section 4.8. Refuse,

garbage and trash shall be placed and kept at all times in a covered container and such container shall be kept within an enclosed structure or appropriately screened from view. Hanging, drying or airing of clothing or household fabrics shall not be permitted within Buildings or on Lots if visible from Buildings, Lots or areas surrounding the Property.

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

4.14 No Cesspools or Septic Tanks: No cesspools or septic tanks shall be constructed upon any Property. Any other type of sewage disposal system shall be installed only after approval by the Committee and all governmental health authorities having jurisdiction.

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

4.16 Drainage: No owner shall have the right to alter or obstruct the then normal flow of runoff water or storm drainage into, from or across any of the Lots.

4.17 Landscaping and Preservation of Existing Site Vegetation: All Buildings should be located to preserve and utilize existing tree masses within the Building Pad. Trees with a caliper measurement of three inches or more, measured at a point on the tree trunk four feet above natural grade may not be removed, cut, destroyed or in any way harmed without approval in writing from the Architectural Committee. With respect to those trees, shrubs, bushes, and other vegetation required to be removed for the purposes of construction, access, utility runs and related matters, all vegetation to be cut or removed must be identified clearly with red surveyor's flagging, inspected and approved by the Architectural Committee in writing prior to removal.

V. RESTRICTION ON LOTS

5.1 Number and Location of Buildings: No Building or structure shall be placed, erected or permitted to remain on any Lot other than one single family dwelling and one garage together with related non-residential structures and improvements of the types described in Section 3.2 hereof. At the time of construction of the single family dwelling on any Lot, said Lot must also be improved with a garage of at least two car capacity.

5.2 Residence Floor Area: The single family dwelling which must be constructed on the defined Building Pad, on a Lot within the Subdivision shall have a minimum floor area, exclusive of garages, balconies, porches and patios of at least one thousand five hundred (1,500) square feet on the main floor. In split entry or bi-level homes, the main floor shall be defined as only one level and not both levels combined.

5.3 Single Family Dwelling to be Constructed First: No garage or other structure shall be constructed on any Lot until after commencement of construction of the single family dwelling on

the same Lot except as otherwise specifically permitted by the Committee. All construction and alteration work shall be prosecuted diligently, and each Building, structure or improvement which is commenced on any Lot shall be entirely completed within eighteen months after commencement of construction.

5.4 Height Limitations: No portion of a Building to be constructed on the Property shall be erected to a height greater than twenty-eight feet, measured from the natural or unmodified grade at that point on the Building site. This measurement applies to all elevations of the Building, the intent being that Buildings will conform and reflect the natural contour of the land.

5.5 Tower, Antennae and Satellite Dishes: No towers, and no exposed or outside radio or other electronic antennae, with the exception of one television receiving antennae per single family dwelling, with a height as approved by the Committee, shall be allowed or permitted to remain on any Lot. Any T. V. satellite dishes must be approved by the Committee and appropriately screened from view. It is recommended that lightning rods be installed on all structures.

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

5.7 Fences: It is the general intention that the beauty of the Property be disturbed as little as possible. No fences shall be permitted on or near the Lot boundaries and only interior fences (those on or directly adjacent to the Building Pad) will be considered for approval by the Committee and such fences shall be of a type specified by the Committee.

5.8 Flashings and Roof Gutters: Flashing or roof gutter or other metal fittings on the exterior of the Buildings shall be painted to match adjacent materials on Buildings.

5.9 Automatic Fire Sprinkler Systems. All buildings must contain an automatic fire sprinkler system or such other approved in writing automatic fire extinguishing system which complies with all applicable laws, ordinances and regulations in force at the time of initial occupancy of the dwelling.

5.10 Building Masses, Form and Roof Lines: In all cases building masses, forms and roof lines shall conform to and with existing contours of the land. At no point shall a maximum height of any structure on any of the Lots within the Subdivision exceed in elevation two stories above the existing land contour at said point (see Section 5.4 above).

VI. ENFORCEMENT

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

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

6.3 Limited Liability: Neither Declarant, the Committee or any member, agent or employee of any of the same shall be liable to any party for any action or for failure to act with respect to any matter if the action taken or failure to act was in good faith and without malice.

VII. GENERAL PROVISIONS

7.1 Duration of Declarations: Any provision, covenant, condition or restriction contained in this Declaration or any Supplemental or Amended Declaration which is subject to the common law rule sometimes referred to as the rule against perpetuities, shall continue and remain in full force and effect for a period of fifty years or until this Declaration is terminated as hereinafter provided, whichever first occurs. All other provisions, covenants, conditions and restrictions contained in this Declaration or in any Supplemental or Amended Declaration shall continue and remain in full force and effect until the 11th day of October 2033 provided, however, that unless at least one year prior to said time of expiration, there is recorded an instrument directing the termination of this Declaration, executed by the owners of not less than ninety percent of the Lots then subject to this Declaration, said other provisions, covenants, conditions and restrictions shall continue automatically for an additional ten years and thereafter for successive periods of ten years unless, at least one year prior to the expiration of any such extended period of duration, this Declaration is terminated by recorded instrument directing termination signed by the owners of not less than ninety percent of the Lots then subject to this Declaration as aforesaid.

7.2 Amendment or Revocation: At any time while any provision, covenant, condition or restriction contained in this Declaration or any Supplemental or Amended Declaration is in force and effect, it may be amended or repealed by the recording of a written instrument specifying the amendment or repeal, executed by the owners of not less than ninety percent of the Lots then subject to this Declaration. No such amendment or repeal shall be effective with respect to the holder or successor or assign of another holder of a mortgage or deed of trust recorded prior to recording of the instrument specifying the amendment or repeal unless such holder executes the said instrument.

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

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

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

IN WITNESS WHEREOF, The Boyer Company has executed this Declaration on the day and year first written above.

THE BOYER COMPANY

By *H. Roger Boyer*
H. Roger Boyer

STATE OF UTAH)
)ss
COUNTY OF SALT LAKE)

On this 11th day of October, 1983, personally appeared before me H. Roger Boyer, the signer of the foregoing Declaration of Protective Covenants, who duly acknowledged to me that he executed the same.

My Commission Expires:

4/28/85

Debbie L. Ball
Notary Public
Residing at Salt Lake City, Utah

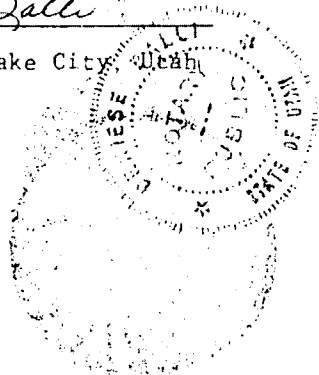


EXHIBIT A

Legal Description of the Iron Canyon Subdivision, according to the plat thereof recorded on the ____ day of October, 1983 in the official ownership records of Summit County, Utah as Entry Number _____:

A parcel of land located in the S.W. 1/4 of Section 5 and the N.W. 1/4 of Section 8, T2S, R4E, Salt Lake Base and Meridian being further described as follows:

Beginning at a point on the south line of the S.W. 1/4 of said Section 5, said point being South 89°21'00" West 246.55 feet from the South 1/4 corner of said Section 5 to the prolongation of an existing wood rail fence running northerly; thence along the prolongation of said fence South 0°04'12" West 11.37 feet to the northerly line of the Quitclaim deed exhibit "B" as stated in book M 58 page 60 of recorded document in the Summit County recorder's office; thence West 244.02 feet; thence North 44.00 feet to the Northeast corner parcel of land described in Book F page 389 as recorded in the Summit County recorder's office; thence West 840.00 feet to the N.W. corner of Thaynes Canyon subdivision No. 3 as shown on said subdivision plat; thence South 600.00 feet; thence West 1020.00 feet; thence North 543.50 feet to the South line of said Section 5; thence South 89°21'00" West 278.64 feet to the S.W. corner of said Section 5; thence North 0°12'32" West along said section line 842.84 feet, to a point on the boundary line agreement as stated in book M 230 page 626 and recorded in the Summit County recorder's office; thence North 88°50'23" East 376.77 feet; thence North 89°19'58" East 395.03 feet; thence South 88°50'22" East 1350.28 feet to a point that is defined in the boundary line agreement recorded in book M 230 page 626 in the Summit County recorder's office, the South 1/4 corner of said Section 5 as referenced in said boundary line agreement is located West 2639.77 feet from the S.E. corner of said Section 5; thence South 772.96 feet to the prolongation of an existing fence running easterly; thence along said fence and the prolongation of said fence North 89°34'50" East 264.75 feet to the prolongation of an existing rail fence running southerly; thence along said prolongation and said fence line South 0°04'12" West 579.66 feet to the point of beginning. Containing 56.21 acres more or less.

Basis of bearings being the south line of Section 4, T2S, R4E, Salt Lake Base and Meridian which has a bearing of South 89°49'21" West.

These covenants apply to lots 1 through 43, except lots 2 and 9 as shown on the subdivision plat, which contain structures which were built prior to the recording of the plat.

BOOK 277 PAGE 168

Construct the Main Street Water Line Replacement Phase 1 Project, in an Amount Not to Exceed \$2,194,350:

Griffin Lloyd, Public Utilities Engineer, presented this item and reviewed the Main Street mitigation efforts during construction. Outreach efforts included flyers and door-to-door contacting. They would give biweekly updates via newsletters. He noted the winning bidder had done several projects with the City over the last few years and he looked forward to working with them.

Council Member Rubell hoped the Main Street design could be leveraged to prepare for future work. Council Member Toly asked if the construction hours were Monday through Friday and not weekends. Lloyd indicated work on weekends would have to be approved by the Building Department. Mayor Worel asked about social media and other forms of outreach. Lloyd stated there would be social media posts and radio spots. Council Member Toly added she and Council Member Parigian updated the Lodging Association on the project.

Mayor Worel opened public input. No comments were given. Mayor Worel closed the public input.

Council Member Rubell moved to authorize the City Manager to execute a construction agreement, in a form approved by the City Attorney, with Silver Spur Construction to construct the Main Street Water Line Replacement Phase 1 Project, in an amount not to exceed \$2,194,350. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Dickey, Parigian, Rubell, and Toly

VII. NEW BUSINESS

1. Consideration to Accept or Deny an Annexation Petition to Bring 0.94 Acres within the Thaynes Canyon Neighborhood from Unincorporated Summit County into Park City to Create Three Lots for Single-Family Dwellings within the Single-Family Zoning District (2409 Iron Canyon Drive). PL-23-05882:

Rebecca Ward, Planning Director, presented this item and stated the request tonight was if the Council wanted the City to consider the annexation request. Numerous emails had been received and would be part of the public record (attached to this document). If the petition was accepted, the application would go to various entities and the Planning Commission for analysis prior to coming back to the Council for consideration.

Ward reviewed the location of a one-acre square that was unincorporated. The County zoned it as Rural Residential and it allowed one home. It would allow up to a 32-foot height and it could be used as a nightly rental. The applicant wanted to annex the parcel into the City limits and include part of the IC-MISC property to make the property larger and then subdivide and develop the parcels.

1
2 Ward stated accepting the petition would be the beginning of the process. An analysis
3 would be performed to ensure the plan fit with the surrounding community. It would be
4 reviewed through the sensitive land overlay. If approved, nightly rentals would be
5 prohibited and the developer would be required to contribute to the City's affordable
6 housing.

7
8 Brad Mackay, Ivory Development, stated the parcel was put under contract a year ago,
9 and the annexation application had been in the works since that time. He noted he
10 received several emails regarding the IC-MISC parcels and the thought was that those
11 parcels were common space. In looking at the plat, those were not open space. The
12 Boyers paid taxes on the land since the 1980s and they wanted to develop it now. Other
13 community concerns included compatibility with the surrounding areas. He stated
14 parcels to the north of the property were smaller than the proposed lots in this
15 annexation.

16
17 Council Member Dickey asked if the IC-MISC parcel had a development entitlement on
18 its own, to which Ward stated it was currently a parcel and would need to go through a
19 plat process. The annexation application required a subdivision plat application so those
20 parcels would be reviewed together. Council Member Dickey asked if the owner would
21 be entitled to that. Ward stated it would need to be reviewed and the Planning
22 Commission would take final action. Council Member Dickey asked if a driveway could
23 cross the IC-MISC parcel, to which Ward indicated a driveway would not require a
24 platting process. Council Member Dickey wanted to know why the neighbors thought it
25 was common area. His concern was that it would be subdivided into three lots. He
26 asked if the developer would petition for annexation if it was only one lot. Mackay stated
27 he wanted the opportunity to talk to the City but he couldn't do that tonight. He thought
28 annexation was appealing because they could access the City utilities.

29
30 Council Member Rubell asked if the review would be for the unincorporated parcel or
31 both that parcel and the IC-MISC parcel. Ward stated the review would be for both
32 parcels.

33
34 Council Member Ciraco asked if a lot combination would be required before a
35 subdivision was considered. Ward stated there could be a recommendation that the
36 parcels should not be combined as part of the annexation review. There was a lot of
37 public input concerning the right-of-way. Council Member Ciraco asked if IC-MISC was
38 always the property ID, to which Ward indicated she would have to look that up. Council
39 Member Ciraco noted that parcel extended all the way up the road and also up Iron
40 Mountain Drive. He also stated part of the parcel was sold to a landowner in Aspen
41 Springs. He discussed the footprints of Aspen Springs Phases I and II. Regarding
42 property taxes paid by Boyer, Council Member Ciraco speculated those were paid to
43 prevent access by the unincorporated parcel. He asked if there was an HOA at Park
44 City Heights, to which Mackay stated yes and it was developer controlled, but some of it
45 was being turned over to the homeowners. Council Member Ciraco asked if this petition

1 was just about the unincorporated parcel or did it have to be considered with a
2 prospective subdivision. Ward stated if the review process began, then it wouldn't
3 require the two parcels be combined.

4
5 Council Member Parigian stated he was not in favor of the annexation and asked when
6 the parcel ID was changed. Mackay stated the county had it zoned as CA for a short
7 time and then they corrected it. The County Recorder put a note on the plat stating the
8 IC-MISC was not open space. Council Member Parigian asked if Ivory Homes was
9 willing to negotiate at some point, to which Mackay affirmed.

10
11 Mayor Worel opened the public hearing.

12
13 Richard Pick 84060 opposed the annexation petition. The petition was for a county
14 parcel along with a City parcel with the hope of subdividing it into three lots. He stated
15 the City parcel was originally common area and all the lots had a note stating common
16 area was now being assessed under IC-MISC. The title to the common area was held
17 by the Boyer Company. A HOA was not created to take title of the land. In 2022, a
18 portion of the IC-MISC was conveyed to another owner, and had a note that stated this
19 area was not common area. He indicated the parcel was common area for over 40
20 years. He also had concerns regarding the S-curve on Iron Canyon Drive.

21
22 Jim Helfand 84060 indicated the parcel sold to the owner in Aspen Springs was sold in
23 1992. The change in the parcel ID was in 2003. His property was adjacent to the IC-
24 MISC property. He felt the annexation should be deferred because there was a legal
25 issue that hadn't been resolved. He thought the application was misleading because it
26 didn't include everything required by code. He thought the IC-MISC parcel was intended
27 to be common area. He had an issue with the petition because there was no mention of
28 what the proposed owner planned to do with the rest of the parcel.

29
30 Henry Fulton 84060 stated this proposed subdivision didn't fit in the neighborhood. It
31 would also set precedent for other developers to renovate one home and make three
32 homes on the property.

33
34 Mayor Worel closed the public hearing.

35
36 Council Member Parigian asked if the Council should consider the annexation if there
37 was a legal cloud. Plane stated the review would happen if the petition was accepted.
38 Council Member Ciraco had some concerns, but he had confidence the issues would be
39 vetted by staff and the Planning Commission. Council Member Rubell asked why the
40 IC-MISC parcel was part of the discussion since it was already part of the City. He
41 favored continuing the item until he received answers to the question. Plane stated
42 continuing was not an option. If no action was taken, it was deemed approved. Council
43 Member Rubell asked if the applicant could reapply if the petition was denied, to which
44 Plane stated they could.

1 Council Member Dickey stated he had no problem with the landowner wanting to annex
2 into the City, but the application was not that simple. He thought it was a waste of time
3 to review both parcels since it seemed like it had no hope. He supported a path of
4 considering the parcel with a limit of one home on the parcel. Ward stated the
5 recommendation being considered was consistent with the General Plan
6 recommendations, zoning recommendations, and there would be a full evaluation of the
7 other properties in the neighborhood for compatibility. Council Member Dickey indicated
8 his concern was to evaluate the application with those standards, but this process would
9 stir up a lot of interest and had no hope.

10
11 Council Member Toly stated the parcel was not considered common area by the County
12 Recorder. The City code did not want islands of county property within the City. The two
13 parcels confused the process. The two parcels didn't go together. Plane stated remnant
14 islands were now prohibited by the state law. Council Member Toly thought this petition
15 should be denied and a new application presented with just the county parcel being
16 considered.

17
18 Mackay stated the only parcel for consideration in the annexation petition was the
19 county parcel. The other documents in the petition were required as part of the petition,
20 but the only consideration was the county parcel. Ward explained that the applicant was
21 required to submit a subdivision application as part of the annexation petition. The
22 preliminary subdivision submitted included the county parcel and the additional parcel.
23 Council Member Dickey asked if the Council would review the annexation and
24 subdivision approval concurrently. Ward stated the Council would consider the
25 annexation and if approved, the subdivision approval would go to the Planning
26 Commission for final action. Mackay indicated the two parcels were already combined
27 and owned by one entity.

28
29 Council Member Parigian moved to deny an annexation petition to bring 0.94 acres
30 within the Thaynes Canyon neighborhood from unincorporated Summit County into
31 Park City to create three lots for single-family dwellings within the Single-Family Zoning
32 District (2409 Iron Canyon Drive. The motion died for lack of a second.

33
34 Council Member Dickey indicated Council had the authority to approve the annexation
35 and the Planning Commission had the authority to approve the subdivision. Mark
36 Harrington, Senior City Attorney, clarified the Council would have an annexation
37 agreement at the time of annexation approval. The agreement would determine the
38 development parameters. The Council had the most flexibility at the time of annexation.
39 Council Member Ciraco asked if the Council could send recommendations to the
40 Planning Commission if the annexation was approved. Plane stated the agreement was
41 built into City code to give the Council the authority to set the development parameters.
42 Council Member Dickey thought it was in the City's interest to be the land use authority
43 and the City should annex the property. He felt the Council had legislative authority.
44

Council Member Dickey moved to accept an annexation petition to bring 0.94 acres within the Thaynes Canyon neighborhood from unincorporated Summit County into Park City to create three lots for single-family dwellings within the Single-Family Zoning District (2409 Iron Canyon Drive). Council Member Toly seconded the motion.

Council Member Rubell stated the application would leave remnant parcels which was against the guidance in the report. He thought the intent of the IC-MISC parcel was to protect open space. He agreed the parcel should be annexed but he didn't agree with the application as presented. Mayor Worel indicated that would be analyzed in the process. Mackay stated the message was clear on the annexation, and he noted the remnant parcels were already in the City so there were no remnant parcels. There was no way to deed the parcels as open space to the subdivision because the subdivision was a standard subdivision. Those parcels could be purchased or deeded to someone else (accepting entity) but that was not part of the application. Council Member Ciraco asked what would constitute an accepting entity. Mackay stated state law defined those criteria for an accepting body. The subdivision needed to be designed as a planned community or it could be done by declaration, which had not been done because there was no HOA for Iron Canyon.

RESULT: APPROVED

AYES: Council Members Ciraco, Dickey, and Toly

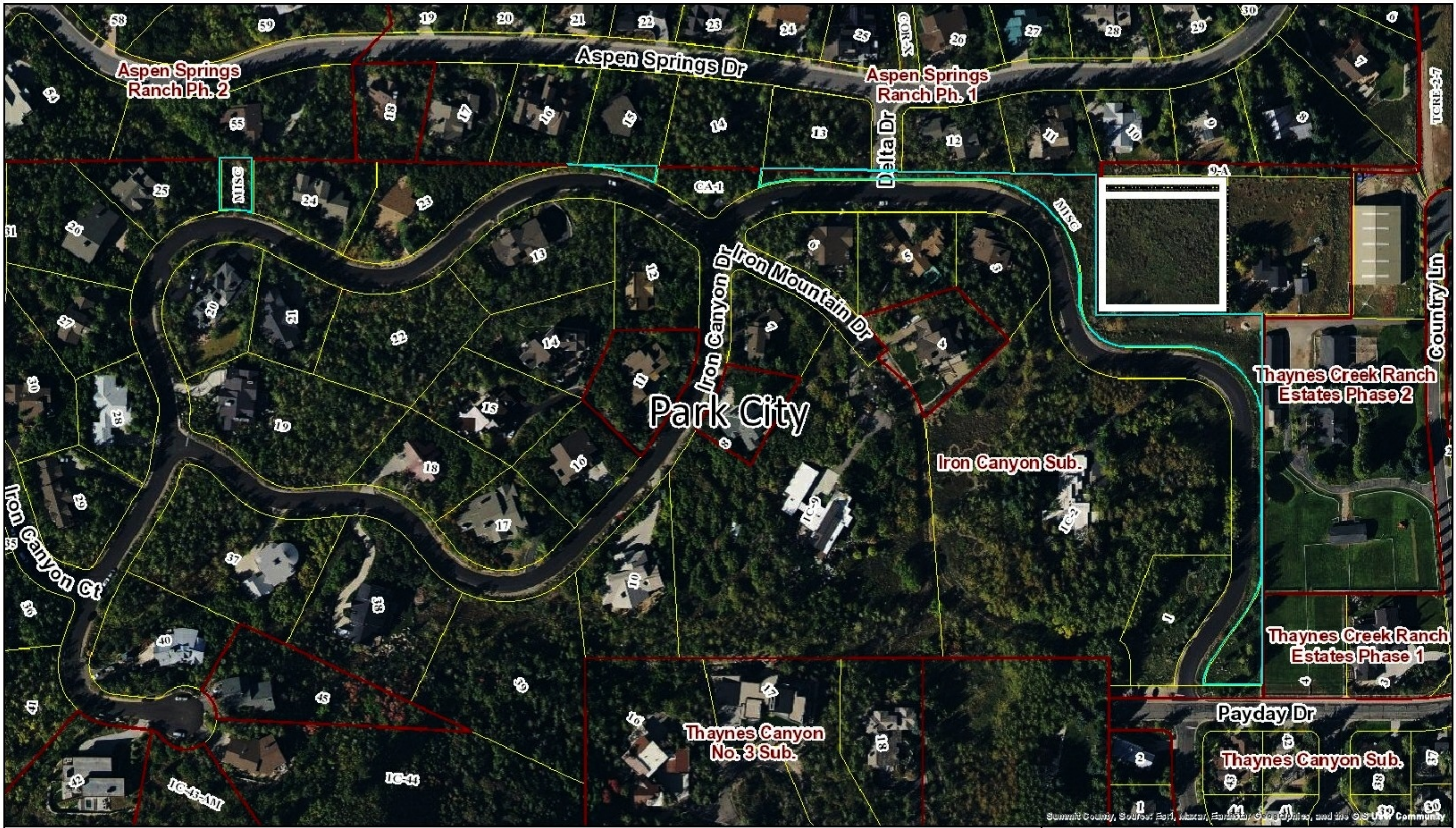
NAYS: Council Members Parigian and Rubell

2. Consideration to Authorize the City Manager to Execute a Design Professional Services Agreement with Kimley-Horn Associates in a Form Approved by the City Attorney Not to Exceed \$161,707 to Complete the Thaynes & Three Kings Drive Pathway Phase 1 Final Design:

Conor Campobasso, Transportation Planner, and John Robertson, City Engineer, presented this item. Campobasso reviewed the project background and public engagement efforts. He indicated there would be a 12-foot shared-use path along Thaynes. On Snow Creek, there would be a six-foot sidewalk. He hoped construction would begin in the fall and be completed by mid-2025.

Council Member Rubell stated the road was being narrowed and noted there were some bus stops. He expressed concern people might be standing in the road. Campobasso indicated there would be a platform for people to wait for the bus. Council Member Parigian asked what this contract included, to which Campobasso stated this would get the project through final design. Phase II of the project would cover an expanded area and was not included with this contract.

Mayor Worel opened public input.





VIA EMAIL AND HAND DELIVERY

March 7, 2024

Mark Harrington
Park City Attorney
445 Marsac Ave
Park City, UT 84060
mark@parkcity.org

Dear Mark:

I represent Ivory Development, LLC ("Ivory"). Ivory is under contract to purchase certain real property currently owned Boyer Robbins, LLC made up Parcel No. SS-104-B and a neighboring parcel described as "IC-MISC" (the "Property"). Ivory has requested that Parcel No. SS-104-B be annexed into Park City. In response to Ivory's petition, certain neighbors to the Property have made allegations that the IC-MISC parcel is common area owned by the Ivory Canyon subdivision owners. As part of its due diligence, Ivory has received a title report and has investigated the claims that the Property is open space. Ivory has not found any information suggesting that the Property is open space or is subject to any type of common ownership.

The Iron Canyon subdivision does not have, and has never had, a homeowner's association. The Property has been privately owned since the subdivision was developed in the 1980s. This fact is not only shown by the title report, but also by the Summit County Assessors records which show that the Property has been assessed as private property, and the property taxes paid by a sole owner, for more than 4 decades. Ivory is ready and willing to share its due diligence with the City. Ivory respectfully requests that the Council disregard speculation regarding the ownership of the Property that is supported by documentation.

Sincerely,

Analise Wilson
General Counsel

WHEN RECORDED MAIL TO:

Questar Regulated Services Company
P.O. Box 45360, Right-of-way
Salt Lake City, UT 84145-0360
2189iron.ic; RW01

00671404 Bk01566 Pg00256-00257

ALAN SPRIGGS, SUMMIT CO RECORDER
2003 SEP 02 13:48 PM FEE \$12.00 BY DMG
REQUEST: QUESTAR REGULATED SERVICES CO

Space above for County Recorder's use
PARCEL I.D.# IC-CA

RIGHT-OF-WAY AND EASEMENT GRANT

UT 12412

IRON CANYON ARCHITECTURE REVIEW COMMITTEE

Grantor, does hereby convey and warrant to QUESTAR GAS COMPANY, a corporation of the State of Utah, Grantee, its successors and assigns, for the sum of ONE DOLLAR (\$1.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, a right-of-way and easement 20.0 feet in width to lay, maintain, operate, repair, inspect, protect, remove and replace pipelines, valves, valve boxes and other gas transmission and distribution facilities (hereinafter collectively called "facilities") through and across the following described land and premises situated in the County of Summit, State of Utah, to-wit:

Land of the Grantor located in the Southwest Quarter of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian;

the centerline of said right-of-way and easement shall extend through and across the above-described land and premises as follows, to-wit:

Beginning at a point North 576.91 feet and West 267.73 feet from the South Quarter Corner of said Section 5, said point being on the north line of Iron Canyon Subdivision; thence South 62°57'56" West 115.24 feet to the north line of an existing Questar Gas Company easement.

TO HAVE AND TO HOLD the same unto said Questar Gas Company, its successors and assigns, so long as such facilities shall be maintained, with the right of ingress and egress to and from said right-of-way to maintain, operate, repair, inspect, protect, remove and replace the same. During temporary periods, Grantee may use such portion of the property along and adjacent to said right-of-way as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the facilities. Grantor(s) shall have the right to use said premises

except for the purposes for which this right-of-way and easement is granted to Grantee, provided such use does not interfere with the facilities or any other rights granted to Grantee hereunder.

Grantor(s) shall not build or construct, nor permit to be built or constructed, any building or other improvement over or across said right-of-way, nor change the contour thereof, without written consent of Grantee. This right-of-way shall be binding upon and inure to the benefit of the successors and assigns of Grantor(s) and the successors and assigns of Grantee, and may be assigned in whole or in part by Grantee.

It is hereby understood that any parties securing this grant on behalf of Grantee are without authority to make any representations, covenants or agreements not herein expressed.

WITNESS the execution hereof this 25th day of August, 2003.

Iron Canyon Architecture Review Committee

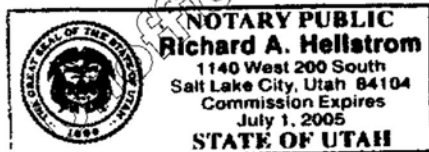
By- [Signature]
It's member ARC Iron Canyon

STATE OF UTAH)

COUNTY OF SUMMIT)

) ss.

On the 25th day of August, 2003, personally appeared before me
DEE L. MCARTHY
the signer(s) of the foregoing instrument, who duly acknowledged to me that he/she/they executed the same.



[Signature]
Notary Public

BK1566 PG0257

Recorded at Request of _____

at _____ M. Fee Paid \$ _____

by _____ Dep. Book _____ Page _____ Ref.: _____

Mail tax notice to _____ Address _____

P.O. Box 340
Park City, UT 84060

QUIT-CLAIM DEED

THE BOYER COMPANY, A UTAH GENERAL PARTNERSHIP
of _____, County of _____, State of Utah, hereby
QUIT-CLAIM to

BILL LIGETY AND CYNDI SHARP, HUSBAND AND WIFE AS JOINT TENANTS
of TEN and NO/100ths _____
and other good and valuable consideration
the following described tract of land in Summit
State of Utah:

See Exhibit "A" attached hereto
and by this reference made a part hereof.

Subject to the following:

No vehicular access onto Iron Canyon Drive or Iron Mountain Drive from subject property. No fencing or landscaping shall be allowed on the subject property unless approval is obtained from the Iron Canyon Architectural Control Committee prior to commencement of construction or improvements. Subject property is subject to Iron Canyon Subdivision Covenants, Conditions and Restrictions.

Subject to current general taxes, easements, restrictions and rights of way of record.

WITNESS the hand of said grantor, this 9th day of December, A. D. one thousand nine hundred and ninety two

Signed in the presence of _____

The Boyer Company, a Utah General Partnership

By: *[Signature]*

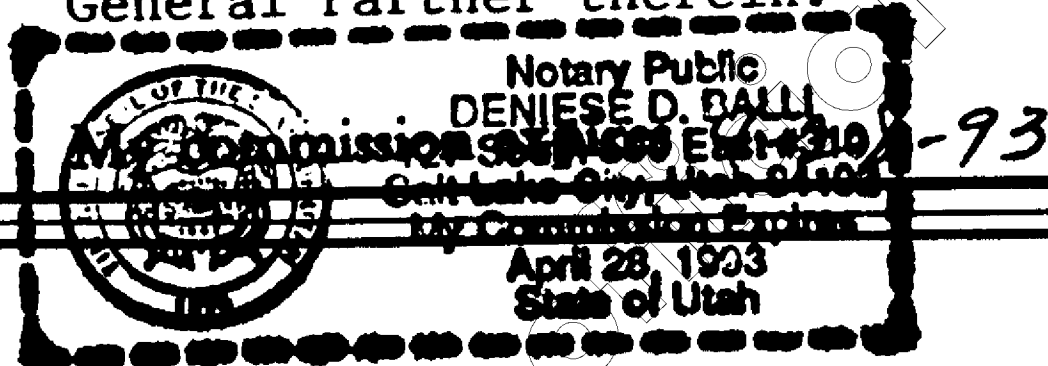
STATE OF UTAH, } ss.
County of Salt Lake

On the 9th day of December, A. D. one thousand nine hundred and ninety two

personally appeared before me _____, General Partner of The Boyer Company, a Utah General Partnership

the signer of the foregoing instrument, who duly acknowledge to me that he executed the same, for and in behalf of The Boyer Company, a Utah General Partnership as a General Partner therein.

[Signature]
Notary Public.
Address: Salt Lake County



370466
WESTERN STATES TITLE
DEC 10 PM 2:54
ALAN SPRIGGS
SUMMIT COUNTY RECORDER
REC'D BY Dg. 808

A
(Legal Description)

4526

BEGINNING AT THE NORTH EAST CORNER OF IRON CANYON SUBDIVISION, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID BOUNDARY LINE, WHICH IS ALSO THE SOUTH BOUNDARY LINE OF ASPEN SPRINGS RANCH SUBDIVISION PHASE I, NORTH $88^{\circ}50'22''$ WEST 539.91 FEET TO THE TRUE POINT OF BEGINNING, WHICH IS THE SOUTH EAST CORNER OF LOT 14 OF SAID ASPEN SPRINGS RANCH SUBDIVISION; THENCE SOUTH $07^{\circ}45'00''$ WEST 30.09 FEET TO THE NORTH EDGE OF IRON CANYON DRIVE; THENCE ALONG THE NORTH EDGE OF SAID IRON CANYON DRIVE ALONG A CURVE HAVING A RADIUS OF 192.74 FEET, ARC LENGTH OF 81.77 FEET, DELTA ANGLE OF $24^{\circ}18'19''$, CHORD BEARING OF SOUTH $57^{\circ}36'16''$ WEST CHORD LENGTH OF 81.18 FEET; THENCE ALONG A CURVE HAVING A RADIUS OF 15.00 FEET, ARC LENGTH OF 20.94 FEET, DELTA ANGLE OF $80^{\circ}11'51''$, CHORD BEARING OF SOUTH $85^{\circ}33'02''$ WEST CHORD LENGTH OF 19.32 FEET; THENCE NORTH $54^{\circ}21'03''$ WEST 48.87 FEET ALONG THE NORTH LINE OF IRON MOUNTAIN DRIVE; THENCE ALONG A CURVE HAVING A RADIUS OF 276.20 FEET, ARC LENGTH OF 44.51 FEET, DELTA ANGLE OF $09^{\circ}18'52''$, CHORD BEARING OF NORTH $59^{\circ}14'33''$ WEST, CHORD LENGTH OF 44.46 FEET; THENCE LEAVING THE NORTH EDGE OF SAID IRON MOUNTAIN DRIVE NORTH $12^{\circ}30'00''$ EAST 27.52 FEET TO THE BOUNDARY LINE OF IRON CANYON SUBDIVISION; THENCE ALONG SAID BOUNDARY LINE SOUTH $88^{\circ}50'22''$ EAST 163.85 FEET TO THE POINT OF BEGINNING.

+++

WHEN RECORDED MAIL TO:
THE BOYER COMPANY
ATTENTION: RICHARD W. MOFFAT
675 East 500 South, Suite 600
Salt Lake City, Utah 84102

Entry No.	247165
REQUEST OF	WESTERN STATES TITLE
FEE	\$ 8.00
RECORDED	3-3-86 at 2:08

AMENDMENT TO DECLARATION OF
PROTECTIVE COVENANTS FOR
IRON CANYON, A SUBDIVISION

THIS AMENDMENT (the "Amendment") is made and entered into this 26th day of February, 1986, by THE BOYER COMPANY, a Utah general partnership (the "Declarant").

RECITALS:

A. Declarant previously executed and recorded the following:

- (i) Declaration of Protective Covenants for the Iron Canyon subdivision, dated **October 28, 1983**, which was recorded October 28, 1983, as Entry No. 212521, In Book 277, at Page 160, of the official records of Summit County, State of Utah (the "Declaration").
- (ii) A Plat Map for Iron Canyon Subdivision, recorded October 28, 1983, as Entry No. 212520, of the official records of Summit County, State of Utah (the "Plat").

BOOK 375 PAGE 424

B. Declarant desires to amend the Declaration in certain respects.

NOW, THEREFORE, in consideration of the foregoing covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant agrees as follows:

1. The following sections of Article III shall be amended as follows:

(a) Section 3.1 of said Article III shall be amended to read as follows:

3.1 Architectural Committee: The Architectural Committee, hereinafter referred to as the "Committee", shall be composed of two (2) members in total. Initially, the Committee shall consist of H. Roger Boyer and Richard W. Moffat. At such time as ninety percent (90%) of the lots are sold, the then recorded owners of ninety percent (90%) of the lots shall have the power through a duly recorded written instrument to change the membership of the Committee. Said Committee shall have and exercise all of the powers, duties and responsibilities set out in this Declaration. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor.

2. In all other respects the Declaration and Plat are ratified and affirmed.

EXECUTED by Declarant on this 26th day of February, 1986.

"DECLARANT"

THE BOYER COMPANY, a Utah
general partnership

By



H. Roger Boyer
General Partner

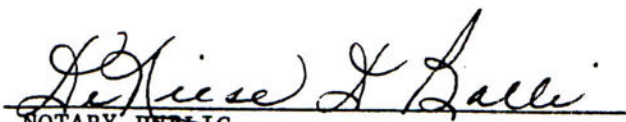
BOOK 375 PAGE 425

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

On this 27th day of February, 1986, personally appeared before me H. Roger Boyer, who duly acknowledged to me that he executed the foregoing instrument as one of the general partners of THE BOYER COMPANY, a Utah general partnership, and that the statements contained therein are true.

My Commission Expires:

4/28/89


~~NOTARY PUBLIC~~
Residing at Salt Lake City, Utah

BOOK 375 PAGE 426

EXHIBIT "A"

Real property situate in Summit County, State of Utah and more particularly described as follows:

Lots 1 through 45, inclusive, Iron Canyon, a subdivision, located in the Southwest Quarter of Section 5 and Northwest Quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, State of Utah, according to the official plat thereof, filed as Entry Number 21250 of the Official Records of the Summit County Recorder.

800- 375 PAGE 427

23 March 1992

Property Owners meeting
and agreeing to this
declaration:

June Frey
Faye Zarnin
John Sewell
Gene Pihl
Lois Chas. Dean
Kathy C. Adams
Brent Dickens
Gerald A. Juliette Wenner
Mark Naro
Brena Parsons
Kevin McCarthy

(Other Approvals Per
General Meeting)

To Whom It May Concern:

On this Date, February 29, 1992, the Iron Canyon property owners have met and agreed to transfer authority of the Architectural Control Committee (ACC) to property owners:

Brena Parsons
Max Griffen
Mark Naro
Brent Dickens
Tom Frey

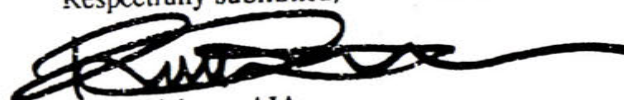
Lot 34 (Alternate)
Lot 25
Lot 24
Lot 18
Lot 1,2 (Alternate)

Brent Dickens has volunteered to be ACC spokesperson; seek recognition by Park City authorities, draft a "Welcome Notification" to undeveloped property owners and initiate any required plan review procedures.

It was unanimously agreed that we do not have, nor do we want, a recognized Home Owner's Association. Our goal is to limit our recognition and authority to that of an Architectural Control Committee which in part shall be to alert all property owners to abide by the CC & R's which govern development in Iron Canyon.

The membership and activities of the ACC is subject to review, critique, reassignment, reorganization or cessation as the Iron Canyon property owners may properly decide.

Respectfully submitted,



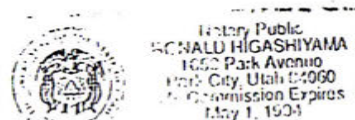
Brent Dickens, AIA
BD/jw
cc: The Boyer Company

RECORD AND RETURN TO: Brent Dickens
P.O. Box 681242
Park City, UT 84068
Phone: 645-8188

Date: 27 March 1992
STATE OF UTAH
COUNTY OF Summit) SS
On 27 March 1992 before me, the
undersigned a Notary Public in and for said State, personally appeared,
Brent Dickens
personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person whose name IS subscribed to the
within instrument and acknowledged that HE executed the same.
Witness my hand and official seal.

Signature

Name (Typed or Printed)



Architecture
& Planning
Brent Dickens AIA Architect

660-395
835 Fifth Avenue San Rafael CA 94901 Telephone 415-453-4454 Fax 415-453-7668

Summit County Treasurer

Michael R. Howard

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
0473180	IC-MISC	Dec 1, 2010	Nov 30, 2010	2010-028384

BOYER COMPANY
90 S 400 W STE 200
SALT LAKE CITY, UT 84101-1365

Situs Address	Payor
---------------	-------

Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D)	2,500	2,500	2010	07	0.009

Payments Received

net vantage \$22.37
Check Number 005595

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2010	Tax Charge	\$22.37	\$0.00	\$22.37	\$0.00
				\$22.37	\$0.00
Balance Due as of Nov 30, 2010					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3268

Summit County Treasurer

Corrie Kirklen

Account	Parcel Number	Receipt Date	Receipt Number
0473180	IC-MISC	Nov 30, 2011	2011-023115

BOYER COMPANY
90 S 400 W STE 200
SALT LAKE CITY, UT 84101-1365

Situs Address	Payor
---------------	-------

Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D)	2,500	2,500	2011	07	0.009

Payments Received

net vantage \$23.06
Check Number 007828

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2011	Tax Omission	(\$0.26)	(\$23.06)	\$22.80	\$0.00
2011	Tax Charge	\$0.00	\$0.00	\$0.00	\$0.00
2011	Pre Payment	\$0.00	\$0.00	\$0.26	(\$0.26)
				\$23.06	(\$0.26)
Balance Due as of Nov 30, 2011					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3268

Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Receipt Number
0473180	IC-MISC	Nov 27, 2012	2012-018803

BOYER COMPANY
90 S 400 W STE 200
SALT LAKE CITY, UT 84101-1365

Situs Address	Payor
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Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D)	2,500	2,500	2012	07	0.01

Payments Received

net vantage \$23.61
Check Number 010143

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2012	Tax Charge	\$23.87	\$0.26	\$23.61	\$0.00
				\$23.61	\$0.00
Balance Due as of Nov 27, 2012					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267

Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
0473180	IC-MISC	Dec 4, 2013	Dec 2, 2013	2013-022429

BOYER COMPANY
90 S 400 W STE 200
SALT LAKE CITY, UT 84101-1365

Situs Address		Payor			
Legal Description					
NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)					
Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	2,500	2,500	2013	07	0.009096
Payments Received					
net vantage			\$22.74		
Check Number 012343					
Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2013	Tax Charge	\$22.74	\$0.00	\$22.74	\$0.00
				\$22.74	\$0.00
Balance Due as of Dec 2, 2013					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267

Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Receipt Number
0473180	IC-MISC	Nov 26, 2014	2014-018858

BOYER COMPANY
90 S 400 W STE 200
SALT LAKE CITY, UT 84101-1365

Situs Address		Payor			
Legal Description					
NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)					
Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	2,500	2,500	2014	07	0.00907
Payments Received					
net vantage			\$22.68		
Check Number 014395					
Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2014	Tax Charge	\$22.68	\$0.00	\$22.68	\$0.00
				\$22.68	\$0.00
Balance Due as of Nov 26, 2014					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
0473180	IC-MISC	Dec 1, 2015	Nov 30, 2015	2015-023442

BOYER COMPANY
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	BOYER COMPANY

Legal Description
NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	2,500	2,500	2015	07	0.00848

Payments Received
Check Multi-Account Payment
Check Number Lockbox

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2015	Tax Charge	\$21.20	\$0.00	\$21.20	\$0.00
				\$21.20	\$0.00
Balance Due as of Nov 30, 2015					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Receipt Number
0473180	IC-MISC	Nov 28, 2016	2016-020971

BOYER COMPANY
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	BOYER COMPANY 101 S 200 E STE 200 SALT LAKE CITY, UT 84111

Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	2,500	2,500	2016	07	0.008034

Payments Received

Check \$20.09
Check Number 018780
Payor OWNER

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2016	Tax Charge	\$20.09	\$0.00	\$20.09	\$0.00
				\$20.09	\$0.00
		Balance Due as of Nov 28, 2016			\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Receipt Number
0473180	IC-MISC	Nov 27, 2017	2017-017592

BOYER COMPANY
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	BOYER COMPANY 101 S 200 E STE 200 SALT LAKE CITY, UT 84111

Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	2,500	2,500	2017	07	0.00782

Payments Received

Check \$19.55
Check Number 20922
Payor THE BOYER COMPANY

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2017	Tax Charge	\$19.55	\$0.00	\$19.55	\$0.00
				\$19.55	\$0.00
Balance Due as of Nov 27, 2017					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Receipt Number
0473180	IC-MISC	Nov 29, 2018	2018-019520

BOYER COMPANY
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	BOYER COMPANY 101 S 200 E STE 200 SALT LAKE CITY, UT 84111

Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	2,500	2,500	2018	07	0.008232

Payments Received

Check \$20.58
Check Number 023001
Payor THE BOYER COMPANY

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2018	Tax Charge	\$20.58	\$0.00	\$20.58	\$0.00
				\$20.58	\$0.00
		Balance Due as of Nov 29, 2018			\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
0473180	IC-MISC	Dec 3, 2019	Dec 2, 2019	2019-012431

BOYER COMPANY
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	BOYER COMPANY 101 S 200 E STE 200 SALT LAKE CITY, UT 84111

Legal Description
NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	2,500	2,500	2019	07	0.008316

Payments Received

Check \$20.79
Check Number 025054
Payor OWNER

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$20.79	\$0.00	\$20.79	\$0.00
				\$20.79	\$0.00
		Balance Due as of Dec 2, 2019			\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
0473180	IC-MISC	Nov 30, 2020	Nov 25, 2020	2020-007109

BOYER COMPANY
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	BOYER COMPANY 101 S 200 E STE 200 SALT LAKE CITY, UT 84111

Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	2,500	2,500	2020	07	0.008089

Payments Received

Check \$20.22
Check Number 026953
Payor OWNER

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2020	Tax Charge	\$20.22	\$0.00	\$20.22	\$0.00
				\$20.22	\$0.00
Balance Due as of Nov 25, 2020					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Receipt Number
0473180	IC-MISC	Nov 24, 2021	2021-006624

BOYER COMPANY
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	BOYER COMPANY 101 S 200 E STE 200 SALT LAKE CITY, UT 84111

Legal Description
NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
OPEN SPACE/DON'T FACTOR (DEDICATED - 02D	3,125	3,125	2021	07	0.00762

Payments Received					
Check				\$23.81	
Check Number 028956					
Payor OWNER					

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2021	Tax Charge	\$23.81	\$0.00	\$23.81	\$0.00
				\$23.81	\$0.00
Balance Due as of Nov 24, 2021					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
0473180	IC-MISC	Nov 29, 2022	Nov 28, 2022	2022-006135

BOYER COMPANY
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	ZIONS LOCKBOX

Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA)

Property Code	Actual	Assessed	Year	Area	Tax Rate
SECONDARY ACRES - 02E	3,125	3,125	2022	07	0.006587

Payments Received

Check Multi-Account Payment

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2022	Tax Charge	\$20.58	\$0.00	\$20.58	\$0.00
				\$20.58	\$0.00
Balance Due as of Nov 28, 2022					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



Summit County Treasurer

Corrie Forsling

Account	Parcel Number	Receipt Date	Receipt Number
0473180	IC-MISC	Nov 27, 2023	2023-005344

BOYER ROBBINS JV LLC
101 S 200 E STE 200
SALT LAKE CITY, UT 84111

Situs Address	Payor
	ZIONS LOCKBOX

Legal Description

NON DEDICATED STREETS & MISC AREA NOT INCORPORATED INTO LOTS AS SHOWN ON THE OFFICIAL PLAT OF IRON CANYON SUBDIVISION ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.36 AC (LESS 0.20 AC 698-545 IA-CA-1) BAL 1.16 AC (NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA) 2767-1892

Property Code	Actual	Assessed	Year	Area	Tax Rate
RESIDUAL\ROADS\OTHER ACRES - 02F	5,800	5,800	2023	07	0.005638

Payments Received

Check Multi-Account Payment

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2023	Tax Charge	\$32.70	\$0.00	\$32.70	\$0.00
				\$32.70	\$0.00
Balance Due as of Nov 27, 2023					\$0.00

PO Box 128
Coalville, UT 84017
(435) 336-3267



City Council Staff Report



Subject: Robbins Annexation Petition
Application: PL-23-05882
Author: Rebecca Ward, Planning Director
Date: March 7, 2024

Recommendation

(I) Review the petition to annex 0.94 acres within the Thaynes Canyon neighborhood from unincorporated Summit County into Park City, (II) conduct a public hearing, and (III) accept or deny the petition.

Description

Applicant: Brad Mackay, Ivory Development LLC

Location: Parcel SS-104-B

Zoning District: Existing Summit County Zoning: Rural Residential
Proposed Park City Zoning: Single Family

Adjacent Land Uses: Residential

Reason for Review: After an applicant submits an annexation petition, the City Council accepts or denies the petition. Acceptance of the annexation petition is not approval. If the City Council accepts the annexation petition, the petition then moves through the City's review process with internal departments, utilities, and districts, Planning Commission review and recommendation, and City Council final action. If the City Council denies the petition, the review terminates.¹

LMC Land Management Code

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

Summary

Parcel SS-104-B, a 0-94-acre parcel, is zoned Rural Residential in unincorporated Summit County and could potentially be developed with one Single-Family Dwelling and accessory structures through Summit County's Development Code, pending access to Iron Canyon Drive.² The Applicant proposes annexing Parcel SS-104-B into Park City

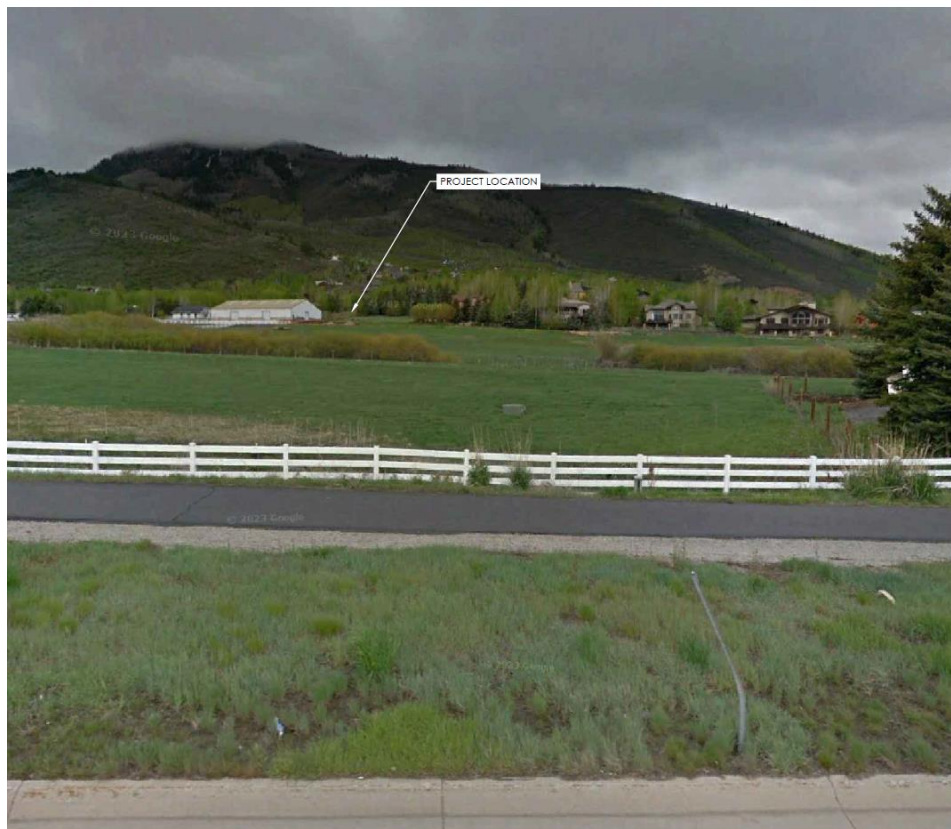
¹ LMC [§ 15-8-4](#)

² Summit County Development Code [§ 10-2-10](#)

and combining the property with an adjacent parcel for access to Iron Canyon Drive to create three lots in the Single-Family Zoning District to triple the density. If the parcel is developed within Summit County, the allowable height exceeds Park City height regulations, the Sensitive Land Overlay would not apply, and future uses could include Nightly Rentals. Lastly, annexing into Park City requires the Applicant contribute to the City's affordable housing. Staff recommends the City Council consider accepting the annexation petition with direction to the Planning Commission to evaluate the petition within the following parameters:

- The density be compatible with the Thaynes neighborhood and Zoning District.
- The property be annexed into the Sensitive Land Overlay.
- The Planning Commission establish a limit of disturbance, maximum building footprint, and maximum house size based on neighborhood compatibility and Sensitive Land Overlay analysis as part of the annexation and plat review.
- Nightly Rentals be prohibited.
- The Applicant comply with [Resolution 2020-25](#) *Affordable Housing Guidelines*.

The image below from the Applicant's submittal shows the area proposed to be annexed when viewed from the McPolin Trail:



VANTAGE POINT FROM HWY 224 AND McPOLION NATURE TRAIL
PARKING TURN OFF LOOKING EAST TOWARD THE PROJECT.
40°40'17.93" N 111°31'03.78" W

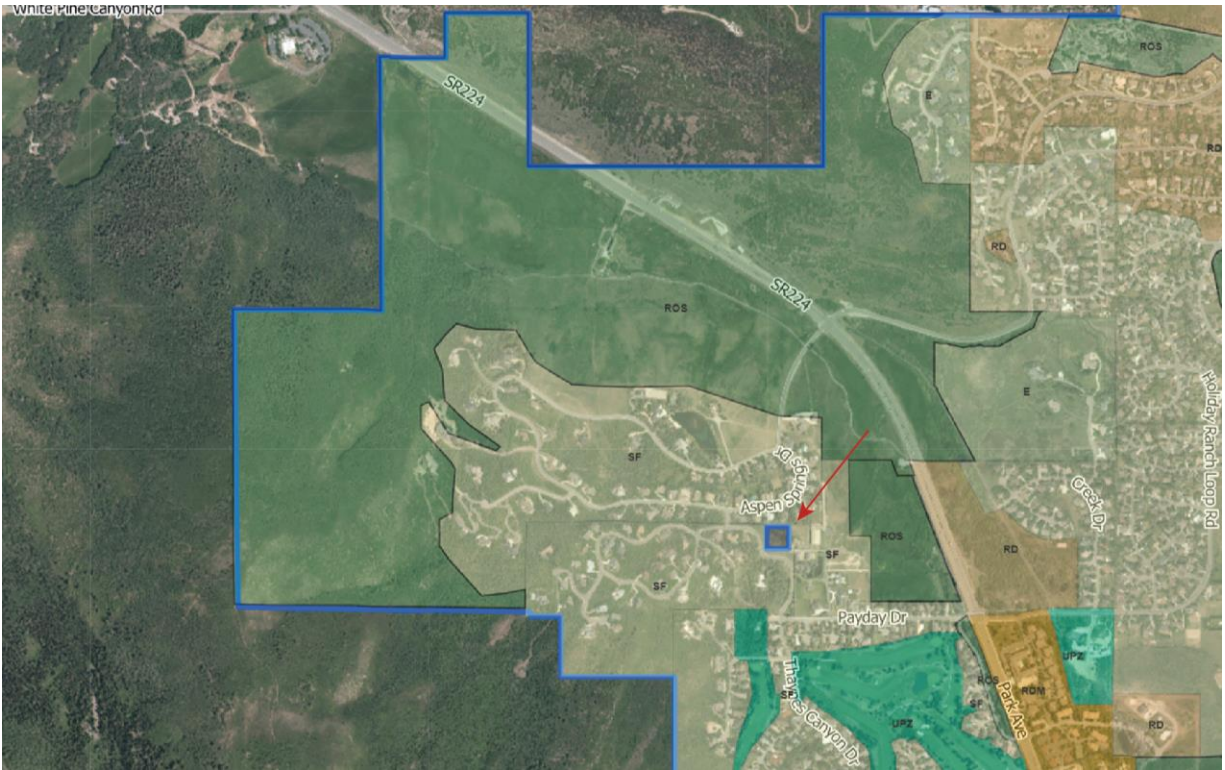
The image below from the Applicant's submittal shows the area proposed to be annexed when viewed from Iron Canyon Drive:



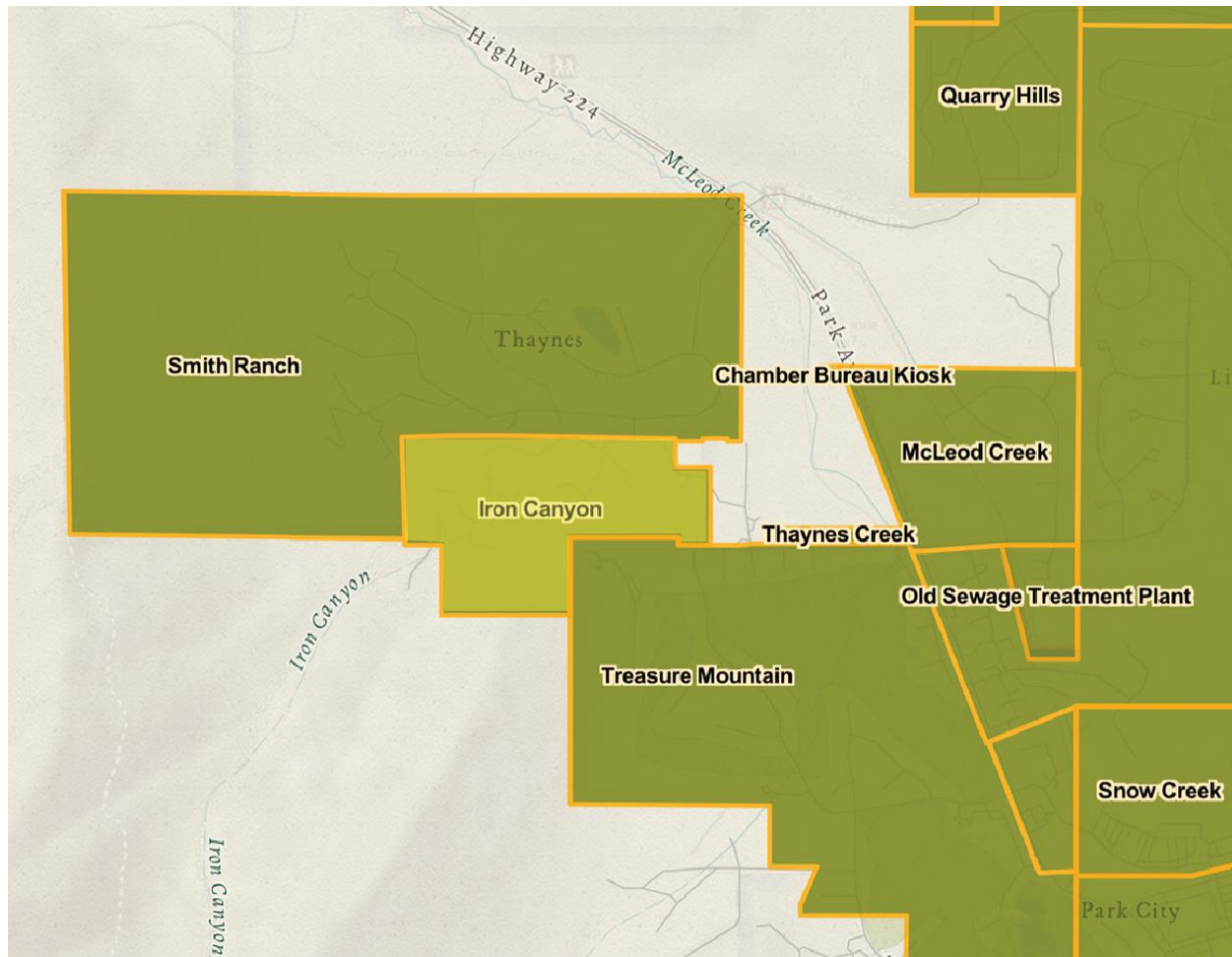
VANTAGE POINT FROM THE PROJECT LOCATED ON IRON
CANYON ROAD LOOKING WEST TOWARD HWY 224.
40°40'12.22" N 111°31'21.13" W

Background

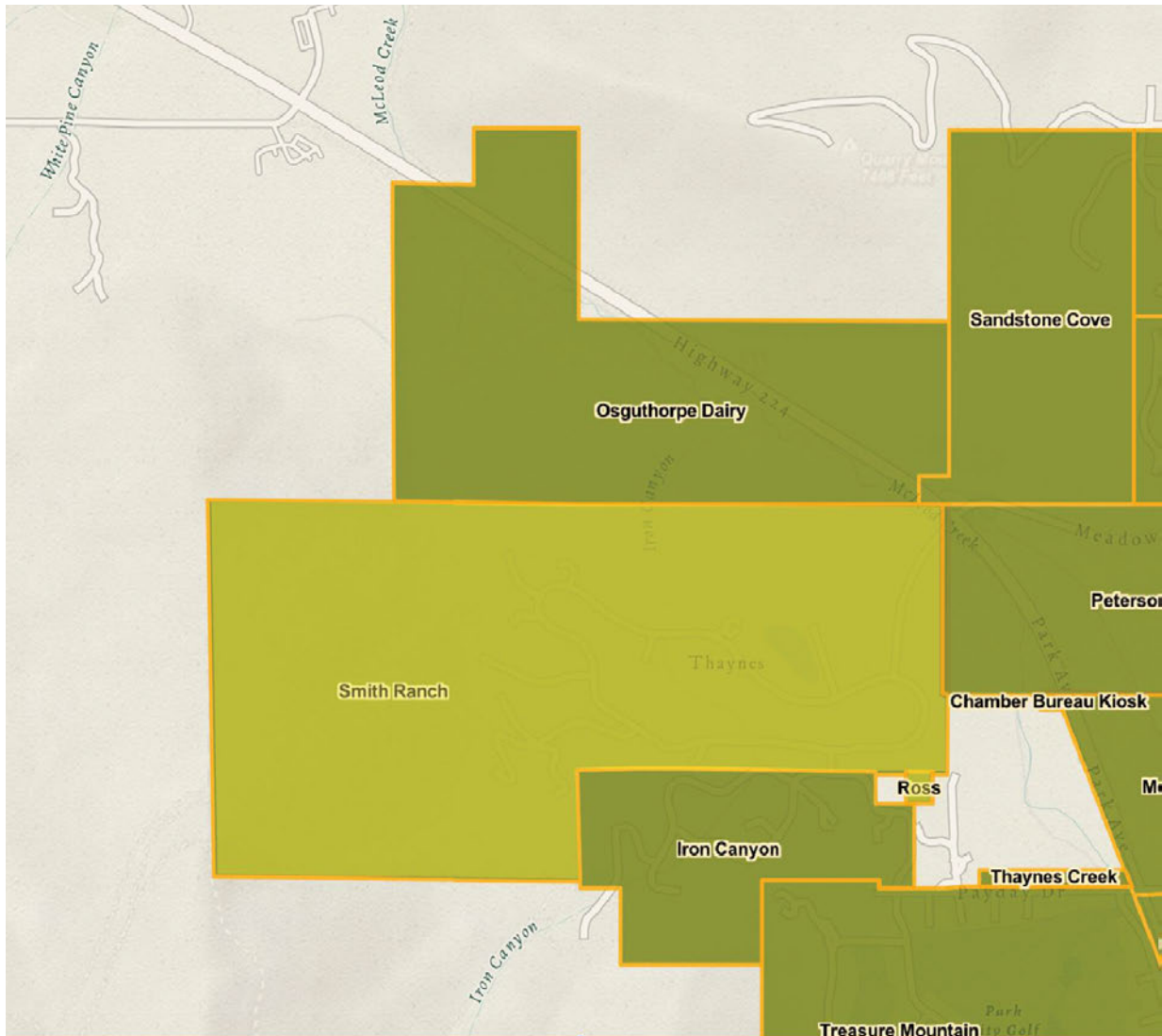
The Applicant proposes annexing a 0.94-acre square in the Thaynes Canyon neighborhood that is within unincorporated Summit County, indicated by a red arrow below, into Park City:



This 0.94-acre square within unincorporated Summit County is the result of three annexations into Park City from 1983 through 1993 that included acreage surrounding the property. In 1983, the City Council adopted Resolution No. 32-83, approving the 56-acre Iron Canyon Annexation (Exhibit B). The image below highlights the Iron Canyon acreage in yellow:



In 1988, the City Council approved Ordinance No. 88-4, annexing 278 acres known as the Smith Ranch Annexation into Park City (Exhibit C). In 1993, the City Council adopted Ordinance No. 93-4, approving the Ross Annexation, bringing an additional 0.92 acres into Park City (Exhibit D). The image below shows the City boundary in the neighborhood as of 1993 and highlights the Smith Ranch and Ross properties in yellow:



As a result, the 0.94-acre Parcel SS-104-B remains in unincorporated Summit County within the Snyderville Basin. Summit County zoned the property Rural Residential, as indicated in Summit County's online Zoning Map:

- The property is a logical extension of the City boundary.
- The annexation is consistent with the intent and purpose of the City's annexation requirements and the General Plan.
- The greatest amount of property possible that is a contiguous area is included.
- Piecemeal annexation is discouraged to avoid repetitious annexations.
- Islands of county jurisdiction shall not be left or created because of the annexation and peninsulas and irregular boundaries must be avoided.
- In addition to services provided by existing districts, including sewer, fire protection, and public schools, the City will provide:
 - Police protection
 - Snow removal on public streets
 - Street maintenance on existing streets when constructed or reconstructed to City standards
 - Planning, zoning, and code enforcement
 - Availability of municipal-sponsored parks and recreational activities and cultural events and facilities
 - Water services

The City must carefully analyze impacts of the annexation of an area, considering whether the area will create negative impacts on the City and whether the City can economically provide services. The proposed annexation brings a remnant 0.94-acre island from unincorporated Summit County into City jurisdiction, allowing for land use review through the lens of the Park City General Plan and the authority of the Land Management Code.

Process

Applicants proposing to annex into Park City file a petition with the City Recorder.³ LMC [§ 15-8-4\(B\)](#) requires the Planning Director to prepare a written recommendation for City Council consideration. The City Council may accept or deny the petition.⁴ If the City Council denies the petition, the review process terminates. If the City Council accepts the petition, the petition moves to the Staff Review Team, which includes the Planning Director, City Engineer, Public Works Director, Fire Marshal, Police Chief, utility providers, and Park City School District for review. The Planning Commission then holds a public hearing and makes a recommendation to the City Council on the annexation and zoning. The City Council holds a public hearing and takes final action.⁵

Analysis

(I) The Applicant proposes annexing a 0.94-acre property to combine with Parcel IC-MISC to create three single-family lots totaling 1.73 acres. Staff recommends the City Council accept the petition with the parameter that the Planning Commission review and recommend future development that is compatible with the Thaynes neighborhood and Zoning District.

³ LMC [§ 15-8-4\(A\)](#)

⁴ LMC [§ 15-8-4\(B\)](#)

⁵ LMC [§ 15-8-4\(E\)](#)

LMC [§ 15-8-1](#) outlines the purposes for annexations into Park City, including:

- Protecting the general interests and character of the community.
- Assuring orderly growth and development.
- Preserving open space.
- Enhancing parks and trails.
- Ensuring environmental quality.
- Protecting entry corridors, view sheds, and environmentally sensitive lands.
- Preserving historic and cultural resources.
- Creating buffer areas.
- Protecting public health, safety, and welfare.
- Compliance with the General Plan.

The 0.94-acre parcel proposed to be annexed into Park City is within the Thaynes neighborhood. The Thaynes neighborhood at the base of Iron Mountain includes the McPolin Farm and serves as the City's northern entry corridor. The primary uses include single-family dwellings and agriculture.

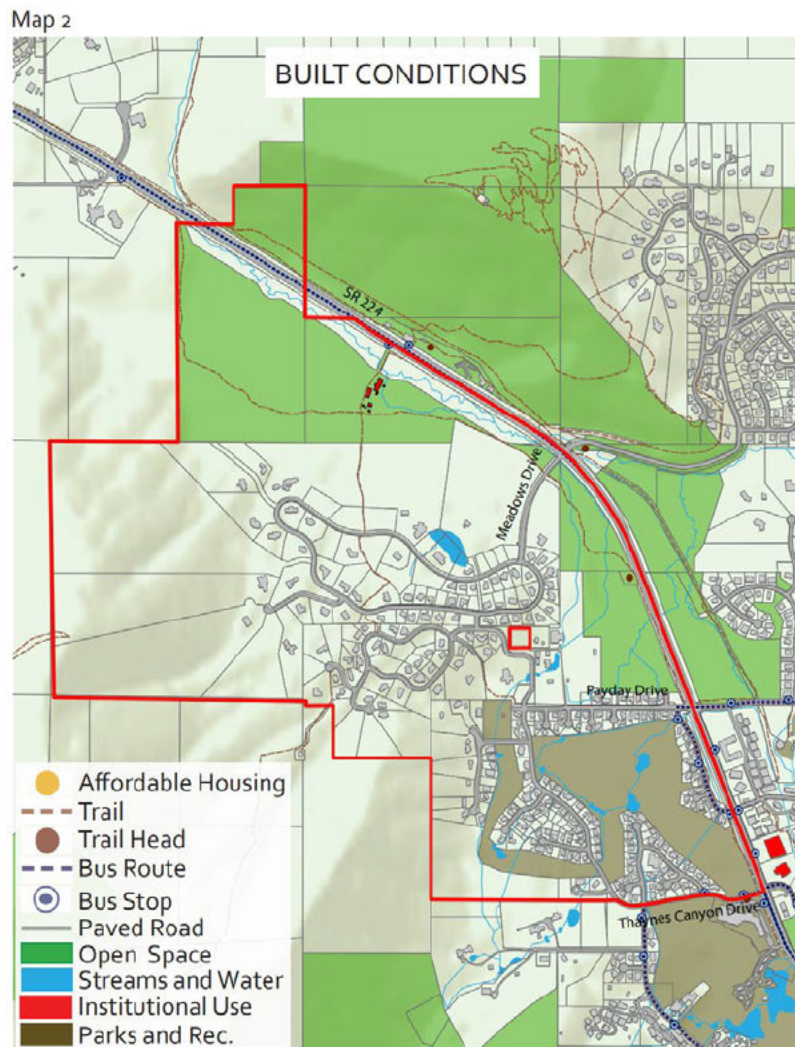


Figure 1: General Plan map of the Thaynes neighborhood with the 0.94-acre Parcel shown as a red square.

The Applicant proposes combining the 0.94-acre parcel with portions of IC-MISC to create one 0.5-acre lot, one 0.67-acre lot, and one 0.56-acre lot (1.73 acres total) for the development of three Single-Family Dwellings. While LMC [§ 15-2.11-3\(A\)](#) allows up to three units per acre in the Single-Family Zoning District, the average lot size within the Thaynes neighborhood indicates larger lots. Subdivisions within the Thaynes neighborhood include the following with the average lot size within each subdivision shown in the right column:

Subdivision	Average Lot Size
-------------	------------------

Thaynes Creek Ranch Estates Phase 1	0.9 acres
Thaynes Creek Ranch Estates Phase 2	2.3 acres
Aspen Springs Ranch	0.6 acres
Iron Canyon Subdivision	1.1 acres

Of the 99 lots within the Thaynes neighborhood, the average lot size is 1.2 acres.

The table below outlines the lots adjacent to the area proposed to be annexed. The lot size is indicated in the right column:

Adjacent Lots	Lot Size
2423 Country Lane	1 acre
2419 Country Lane	2.7 acres
2406 Iron Canyon	4.5 acres
2410 Iron Canyon	3 acres
2554 Aspen Springs Drive	0.4 acres
2558 Aspen Springs Drive	0.4 acres
2562 Aspen Springs Drive	0.4 acres
2566 Aspen Springs Drive	0.8 acres

The average lot size for adjacent lots is 1.65 acres.

As a result, staff recommends the City Council consider accepting the annexation petition with the parameter that the Applicant's proposed density be reviewed and recommended by the Planning Commission for compatibility with the Thaynes neighborhood and proposed Zoning District.

The most the Applicant could develop in Summit County is one Single-Family Dwelling with a taller structure and no Sensitive Land Overlay analysis.

The Applicant's request to annex into Park City triples the potential density for the site.

The 0.94-acre property is currently zoned Rural Residential in Summit County. The Rural Residential zone allows for one unit per 20 acres on developable land and one unit per 40 acres on sensitive lands. However, in areas that are already platted or otherwise entitled, the county will allow one Single-Family Dwelling.⁶ According to the Summit County Planning Department, there is no official “Lot of Record” determination for the property. However, they indicate it is likely the property may qualify for one unit through their [Lot of Record](#) determination process.

The tables below compare the lot and site requirements outlining what could be developed if the 0.94 acres is annexed into Park City in the Single-Family Zoning District compared to the existing Rural Residential Zoning in Summit County:

Height

Park City Single-Family Zoning District	Summit County Rural Residential
28 feet from existing grade ⁷	32 feet from existing or finished grade, whichever is greater ⁸

Setbacks

Park City Single-Family Zoning District	Summit County Rural Residential
Front – 20 feet, 25 feet for front-facing garages	Front – 30 feet
Side – 12 feet	Side – 12 feet
Rear – 15 feet	Rear – 12 feet

In addition to less restrictive height and rear setbacks regulations in Summit County, the 0.94-acre parcel proposed for annexation is not within Park City’s Sensitive Land Overlay, which would further shape development on the site.

Staff recommends if the City Council consider annexation, the proposal be reviewed within the Sensitive Land Overlay

General Plan Goal 1 is to protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods.⁹ City Implementation Strategy 1.13

⁶ Summit County Development Code [§ 10-2-4\(B\)](#)

⁷ LMC [§ 15-2.11-4](#)

⁸ Summit County Development Code [§ 10-2-4\(D\)](#)

⁹ General Plan, [Small Town](#), p. 26

recommends annexing land to shape growth reflective of the City's goals for land use.¹⁰ While the Applicant could apply to develop one single-family dwelling through Summit County, annexing the 0.94-acre property into Park City would allow for local review of Park City specific standards, including the Sensitive Land Overlay, which requires evaluation of slopes, wetlands, and visibility from designated vantage points.

The General Plan recommends the following: "[t]o maintain the natural and built environment of the Thaynes neighborhood, regulations limiting building pads should be adopted. Building pads should be located to follow the pattern of the street, typically maintaining Open Space toward the rear of the lot. Shared view corridors should be maintained Barns and secondary structures should maintain view corridors and be located near the primary building on a lot."¹¹ As a result, staff recommends the City Council consider accepting the proposed annexation so that future development can be considered within the Sensitive Land Overlay regulations.

The General Plan recommends the Thaynes neighborhood be a quiet residential neighborhood.

The General Plan concludes the Thaynes neighborhood primarily includes full-time residents and that the neighborhood "should remain a quiet residential neighborhood dominated by single family homes."¹² If the property is developed in Summit County, future uses could include Nightly Rentals. Staff recommends the City Council consider accepting the petition so that future uses can be evaluated that are compatible with the goals of the General Plan and Nightly Rentals may be prohibited.

Resolution No. 25-2020 requires contributions to the City's affordable housing.

[Resolution 25-2020](#) Affordable Housing Guidelines establishes two triggers for affordable housing obligations: development and annexation. The Applicant has indicated a willingness to coordinate with the Affordable Housing Team to create a plan for City Council consideration that contributes to Park City's affordable housing stock.

Department Review

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

Notice

On February 13, 2024, Summit County certified they completed the process outlined in Utah Code [Section 10-2-403](#), which requires a notice of intent to annex and a map of the area proposed to be annexed to be mailed to property owners within 300 feet (Exhibit B). The Applicant also mailed a notice of intent to affected entities and provided the proposed annexation petition to the Snyderville Basin Planning Commission and

¹⁰ General Plan, [Small Town](#), p. 31

¹¹ General Plan, [Neighborhoods 1](#), p. 151

¹² General Plan, [Neighborhoods 1](#), p. 149

Park City Planning Commission Chairs.

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on February 15, 2024. Staff mailed notice to property owners within 300 feet on February 15, 2024. The *Park Record* published notice on February 17, 2024.¹³

Public Input

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

Alternatives

- The City Council may accept the annexation petition, initiating the review process;
- The City Council may deny the annexation petition, terminating the review process.

Exhibits

Exhibit A: Annexation Petition

Exhibit B: Resolution No. 32-83, approving the 56-acre Iron Canyon Annexation

Exhibit C: Ordinance No. 88-4, approving the 278-acre Smith Ranch Annexation

Exhibit D: Ordinance No. 93-4, approving the 0.92-acre Ross Annexation

Exhibit E: Summit County Notice of Intent Certification

¹³ LMC [§ 15-1-21](#)

Public Comments re: Annexation Petition for 2409 Iron Canyon Drive:

Kris and John Maclay eComment: "We join our neighbors in opposing the division of the above-referenced lot into three lots for single family homes. The reasons have been enumerated by others, and we will add our concern that this stretch of road is extremely dangerous not just to school children, but the many PC citizens who walk it daily. Because of the curve, many, many vehicles veer onto the "wrong" side of the road all the time. There are no sidewalks, so there are many close calls between all kinds of commercial and private vehicles and people walking alone or with their dogs. It's bad in all seasons – summer when the trees on one side are growing so it creates a blind spot, and winter when the road is very slick. There is also a lot of wildlife, particularly moose, that walk the road. We simply can't have that kind of density and driveways in that location. We don't oppose the annexation of the property or having someone build one home there, subject to everyone's comments on the location of the driveway. Thank you for your consideration to this important matter."

John Maclay also wrote: "I would like to also express my opposition to the Taking of the Common Area to facilitate access to the SS104B lot. I do not understand who determined it was not common area after decades of being a common area. Also, to express my opposition to having one or more driveways access Iron Mountain on the S curve. It is a partially blind, steep curve and not a safe place to add a driveway. If you have any questions, please do not hesitate to contact me."

Jonathan Evans eComment: "I am writing in opposition to the annexation petition to create three single-family lots in our Iron Canyon and Thaynes Canyon neighborhoods. I concur with the detailed concerns outlined in many of my Iron Canyon neighbors' letters. First, the sizes of the proposed lots would significantly deviate from those of Iron Canyon and Thaynes Canyon. Such a divergent variance would conflict with the character and landscape of these communities, each of which was designed with principles that would be undermined by this incompatible proposed development. One home on a lot size consistent with those of other lots in these neighborhoods would be appropriate. Second, adding multiple new driveways exiting onto Iron Canyon Drive would undermine safety. As the father of young children, I do not want additional risk compounding along this section of road, which already creates problems in its shape, width, grade, drainage, and visibility. I regularly witness vehicles getting stuck, sliding off the road, or struggling with its sight lines. Moreover, the entire Iron Canyon neighborhood has only two points of ingress and egress to the rest of Park City. Increasing driveway density would introduce additional hazards in general for daily use and especially at times of need. A single driveway that would be placed in a safer location (such as on Payday Drive), and as important, that would generate traffic consistent with that of a single family home (versus three), would be in the best interest of the neighborhood and the City. Third, the self-serving interpretation that the common area was intended and should be included as developable land is misleading. Pursuing shifts in land use may be appropriate as needs and markets evolve, but proposals with outright contractions require unique circumstances -- and this proposal does not come close to meeting that standard. Finally, while you may receive letters from only a subset of Iron Canyon and nearby Thaynes residents given varying levels of engagement in

local matters, if every Iron Canyon resident were polled about this proposed development and actually responded, opposition would be nearly universal for reasons such as those above. Approval of the annexation petition would set an ugly precedent that would fail to serve broader community needs as well as the community members the City represents. I request that this annexation petition be denied and the review process be terminated. The applicant should exclude our Iron Canyon common area and examine annexing the tract for development of a single family home that does not have access to and from Iron Canyon Drive. Thank you for your consideration, and we appreciate all you do for Park City."

Jim Hailey eComment: "I am writing in opposition to the Annexation Petition to create three SFH lots in Iron Canyon. I have lived in Iron Canyon for 18 years and I agree with Dick Pick's email. I would like to add that the sizes of the proposed new lots are not in keeping with the Iron Canyon neighborhood. I strongly disagree that the Common Area should be included as developable land. It feels like a very underhanded move by Boyer and the JV. However, even if the city were to agree with the developer, then the proposed three lots would measure a total of 1.73 acres. Each lot would be little more than half an acre and the average lot in the Iron Canyon subdivision is 1.1 acre. Of the 99 lots in the Thaynes neighborhood the average lot is 1.2 acres. Approving this variance would negatively change the landscape of our great neighborhood. Furthermore, the proposed driveways are on a very dangerous curve on Iron Canyon Drive. This road isn't even wide enough to stripe with a center line so the idea of adding three driveways is absurd. I don't know what the developer is possibly thinking trying to exit three driveways on this dangerous corner. Thank you for considering my views."

Kristen Flaharty and Patrick Flaharty eComment: "I am writing in opposition to the Annexation Petition to create three SFH lots. I concur with Dick Pick's email. We have owned a home in Iron Canyon for 18 years. The section of road being proposed for the three driveways is just down from our home at 2426 Iron Canyon Drive. Many times, we have feared sliding off the road during the winter. We have termed it the "Three Sisters". There is no sidewalk and blind corners, it is a very dangerous stretch of road for the children in the neighborhood. We feel that three new homes on this small lot is not in keeping with our beautiful well planned neighborhood. As mentioned by many of our residents, our typical lot size is 1.1 acres. We do not feel it is in keeping with the neighborhood that we have known all these years and it presents many more safety concerns than already exist. Thank you for the opportunity to share my opinion and concerns."

Carin Terp eComment: "I am writing to oppose the subject petition. I am in agreement with Dick Pick's email below. My name is Carin Terp and my husband and I are the homeowners at 2429 Iron Canyon Drive. My three children (15, 13 and 8) ride their bikes and walk this stretch of road on a daily basis. The school bus stop for Treasure Mountain Junior High is at Rotary Park and it is oftentimes still pitch black at 6:48 am. It is an already treacherous road with blind spots and no sidewalks. An additional three driveways leading to Iron Canyon Drive would make the road even more hazardous. My

8-year-old walks around the block to her friend's house after school and on weekends. They like to explore the neighborhood and look for wild turkeys. It would be such a shame to have to limit my children's time playing outdoors in our own neighborhood because of three additional driveways on Iron Canyon — from a lot that is sized at .94 acres. It's truly absurd that this is even a consideration. I believe that three new homes on the small lot is not in line with the neighborhood where the typical lots are sized at 1.1 acre. Thank you for allowing me to voice my concerns on this matter."

Steve Boyd eComment: "I am writing in opposition to the Annexation Petition to create three SFH lots in Iron Canyon. I have lived in Iron Canyon for 16 years and I agree with Dick Pick's email. I would like to add that the sizes of the proposed new lots are not in keeping with the Iron Canyon neighborhood. I strongly disagree that the Common Area should be included as developable land. It feels like a very underhanded move by Boyer and the JV. However even if the city were to agree with the developer then the proposed three lots would measure a total of 1.73 acres. Each lot would be little more than half an acre and the average lot in the Iron Canyon subdivision is 1.1 acre. Of the 99 lots in the Thaynes neighborhood the average lot is 1.2 acres. Approving this variance would negatively change the landscape of our great neighborhood. Furthermore the proposed driveways are on a very dangerous curve on Iron Canyon Drive. As a 23 year Captain with PCFD, I have personally responded to several accidents on this S-curve. This road isn't even wide enough to stripe with a center line so the idea of adding three driveways is absurd. I don't know what the developer is possibly thinking trying to exit three driveways on this dangerous corner. I feel that one home with a driveway that exits closer to the lower section of the Iron Mountain Drive is appropriate. Thank you for considering my views."

Ellen Hotung eComment: "I am writing in opposition to the Annexation Petition to create three SFH lots. I concur with Dick Pick's email. I have lived in Iron Canyon for 21 years. I am very familiar with the section of road being proposed for the three driveways. My two children walked home from the bus stop on Payday Drive on this stretch of road for many years. Given the fact there is no sidewalk and blind corners, it is already very dangerous for the children in the neighborhood. We have several families whose children take the bus and walk home on this very section. In the winter months it becomes extremely slick. I personally have gone off this icy road in my SUV and had to be towed out of the ditch. I feel that three new homes on this small lot is not in keeping with our beautiful well planned neighborhood. Our typical lot size is 1.1 acres. I am not against annexing this parcel into the city however a fair trade would be one home with a driveway that exits on Payday Drive in exchange for city water. Thank you for the opportunity to share my opinion and concerns."

Stephen and Susan Kay eComment: "We are writing in opposition to the subject petition, and in support of the e-mail sent to you on March 2, 2024 by our neighbor Richard Pick. As detailed in Mr. Pick's e-mail to you, the petition combines a Summit County parcel with the adjacent Park City parcels, and then subdivides the resulting property into three lots. Iron Canyon Drive is the entry road into the Iron Canyon subdivision, where we purchased a home in trust for our family (including generations to

come) more than five years ago. The strip of land that runs along the road (a portion of Parcel IC-MISC) was platted in 1983 as part of the Iron Canyon subdivision and was represented as being common area. The parcels contains a monument sign identifying the area as Iron Canyon, consistent with its intended use as common area. For 40 years this has been common area. As such, it is the long held understanding and representation that the property was common area and therefore not subject to further development. It is just not right to take Iron Canyon common area and place it into a privately held joint venture for development for private use (and/or for development and sale with the profits being reaped by the participants in the new joint venture entity). We do not oppose allowing the landowner of SS-104-B constructing a single dwelling on the property. Nor do we oppose the annexation of SS-104-B into Park City. Construction of one dwelling on SS-104-B is entirely consistent with the neighborhood. Iron Canyon Drive serves as the entry and exit road for our Iron Canyon subdivision. The road is steeper and narrower than most other residential roads, has no curbs and gutters or sidewalks. In short this stretch of narrow road is hazardous. If three parcels were to be developed as proposed, with driveway access to those parcels from Iron Canyon Drive this road would become even more hazardous. I do not want to see driveway access to Iron Canyon Drive even if a single house was constructed on SS-104-B. The road is used by the families that live in the Iron Canyon subdivision as a "walking street", including to access school transportation and the Rotary park. The staff report proposes two alternatives for the City Council to consider. We would like to see the City Council select the alternative to deny this annexation petition, terminating the review process. The City Council may want to instruct the applicant to bring back a petition that excludes our Iron Canyon common area, annexes tract SS-104-B into Park City, includes a single family home and does not have access from Iron Canyon Drive. Thank you for the opportunity to provide input on this important matter. As noted previously, I fully support the e-mail sent to you by Mr. Pick."

Howard Sands eComment: "I am the owner of 2421 Iron Canyon Drive. I concur with the positions expressed below and to you by my neighbor Richard D. Pick. In addition, I do not believe that I received a notice of the pending matter or the City Council meeting in which this matter will be on the agenda, which I now learn will be tomorrow. I do not know if the meeting is open to the public, but because I did not receive advance notice, I am no longer available tomorrow. As a resident of the immediate neighborhood where the proposed project is contemplated, I would expect to receive proper notice and opportunity to participate. In light of the above and for the reasons expressed by Mr. Pick, I respectfully request that the proposal be rejected."

Howard Rothwell eComment: "The proposed annexation and subsequent subdivision of the parcel adjacent to Iron Mountsun Drive is a contrivance and a dangerous threat to our neighborhood. We object to the unnecessary annexation that would only serve to facilitate the greed and fraudulent conveyance of "common area" land by the original Iron Canyon developer to the development joint venture. We also object to the proposed subdivision into 3 tiny lots that would result in 3 driveways into our neighborhood. The entire parcel starts out being smaller than the average lot size in Iron Canyon! Dividing it into 3 tiny parcels is absurd! Let alone that the parcel is on the curve of Iron Mountain

Drive which already has too much traffic from outside the neighborhood. Please refer to the communications you have received from Mr. Pick which we wholeheartedly second! This is a great example of the excess development in Park City which must be controlled. There is no benefit to the neighbors, the whole of Thames and none to Park City as a whole.”

Richard Pick eComment: “I am writing in opposition to the subject petition. The petition combines a Summit County parcel (outlined in blue on Exhibit B) with the adjacent Park City parcels, and then subdivides the resulting property into three lots. Iron Canyon Drive is the entry road into our Iron Canyon subdivision and is also used by many of the residents of Aspen Springs. The strip of land that runs along the road (a portion of Parcel IC-MISC) was platted in 1983 as part of the Iron Canyon subdivision and was represented as being common area (see Exhibit A for the actual separate boundaries of this entire parcel). This is confirmed by the legal description associated with each lot of Iron Canyon according to the Summit County Assessor which includes the notation “COMMON AREA IS NOW BEING ASSESSED UNDER IC-MISC.” The parcels contains a monument sign identifying the area as Iron Canyon, consistent with its intended use as common area. Title to Parcel IC-MISC was held by the Boyer Company as the developer of the Iron Canyon subdivision and had been so held for almost 40 years on behalf of the Iron Canyon lot owners (a Homeowners Association was never created to take title). In December, 2022, the property was conveyed by the Boyer Company to an entity called the Boyer Robbins JV with a description in the deed which states “NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA.” This statement and the transfer of the property are not consistent with the long held understanding of the use of the property. Who determined this was not Iron Canyon common area? It was not those of us who live in Iron Canyon. It was not Park City. It was not Summit County. For 40 years this has been common area. Whether there can be found some legal basis for the transfer or not, it is the long held understanding and representation that the property was common area and therefore not subject to further development. It is just not right to take Iron Canyon common area and place it into the JV. I do not oppose allowing the landowner of SS-104-B constructing a single dwelling on the property. Nor do I oppose the annexation of SS-104-B into Park City. Construction of one dwelling on SS-104-B is entirely consistent with the neighborhood. Iron Canyon Drive serves as the entry and exit road for our Iron Canyon subdivision. It has a posted speed limit of 15 mph between Payday Drive and Delta Drive. This is because of the “S” curves and the grade of the road. The road is steeper and narrower than most other residential roads, has no curbs and gutters or sidewalks. In spite of the posted speed limit, there has been at least one out of control vehicle slide off on this section of the road every year for each of the last 30 years. These accidents usually occur by vehicles sliding off to the south as they go around the middle curve, but there have also been slide offs onto the subject property. Tow trucks are often required to extract the vehicles due to the terrain on either side of the road. Vehicles traveling around the northern most curve of the road cannot see oncoming traffic until they have entered the curve. In short this stretch of narrow road is hazardous. Furthermore, our children walk up the road after being

dropped off by the school bus which stops on Payday Drive. If three parcels were to be developed as proposed, with driveway access to those parcels from Iron Canyon Drive this road would become even more hazardous. I do not want to see driveway access to Iron Canyon Drive even if a single house was constructed on SS-104-B. The staff report proposes two alternatives for the City Council to consider. I would like to see the City Council select the alternative to deny this annexation petition, terminating the review process. The City Council may want to instruct the applicant to bring back a petition that excludes our Iron Canyon common area, annexes tract SS-104-B into Park City, includes a single family home and does not have access from Iron Canyon Drive. Thank you for the opportunity to provide input on this important matter to Iron Canyon residents."

Sally Pick eComment: "I am writing to you to let you know I support the comments submitted below by Richard Pick. I am not opposed to the annexation of the parcel and building one home on the lot. However, the entrance to the property should not be from Iron Canyon Drive. Iron Canyon Drive and Iron Mountain Drive are very narrow roads, and become even more narrow in winter with the snowfall and snow removal. The road is a tertiary road for snowplowing, and can be quite slippery in winter. There are no gutters, no sidewalks, no shoulders to speak of except for some gravel, and the "S" curves are blind corners and therefore can be dangerous. I had a "grab your heart experience" some time ago when traveling downhill, going around the northern most "S" curve. As I went around the curve I encountered a woman walking uphill with her dog. It was quite a surprise, and fortunately she stepped just off the road, so tragedy averted. If you take the corner wide, you can encounter vehicles coming up from the opposite direction and run the risk of colliding with them. A driveway entering Iron Canyon Drive would not be a good idea for anyone traveling the road or for the property owner trying to enter or leave. The driveway should be located off of Country Lane. I have also followed school students walking up Iron Canyon who have been dropped off at Rotary Park by their school bus. You cannot pass them because you cannot see around the blind corners to know if a vehicle is coming downhill. This is also true for people out for daily walks. You absolutely need a clear line of vision to know when to travel safely. The lots and homes in the surrounding neighborhood are large. Subdividing the lot into three lots results in homes and lot sizes inconsistent with surrounding property. One lot and one home is consistent with the surround neighborhoods. The speed limit is 15 mph on Iron Canyon Drive. Construction vehicles and other vehicles are known to travel above the speed limit and create a dangerous situation. This needs to be taken into consideration. The speed limit is 15 mph for a reason.

Linda DeShazer eComment: "I have been a home owner on Iron Canyon Drive for the last 20 years and I am opposed to the above petition. The petition combines a Summit County parcel (outlined in blue on Exhibit B) with the adjacent Park City parcels, and then subdivides the resulting property into three lots. Iron Canyon Drive is the entry road into our Iron Canyon subdivision and is also used by many of the residents of Aspen Springs. The strip of land that runs along the road (a portion of Parcel IC-MISC) was platted in 1983 as part of the Iron Canyon subdivision and was represented as

being common area (see Exhibit A for the actual separate boundaries of this entire parcel). This is confirmed by the legal description associated with each lot of Iron Canyon according to the Summit County Assessor which includes the notation "COMMON AREA IS NOW BEING ASSESSED UNDER IC-MISC." The parcels contain a monument sign identifying the area as Iron Canyon, consistent with its intended use as common area. Title to Parcel IC-MISC was held by the Boyer Company as the developer of the Iron Canyon subdivision and had been so held for almost 40 years on behalf of the Iron Canyon lot owners (a Homeowners Association was never created to take title). In December, 2022, the property was conveyed by the Boyer Company to an entity called the Boyer Robbins JV with a description in the deed which states "NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA." This statement and the transfer of the property are not consistent with the long held understanding of the use of the property. Who determined this was not Iron Canyon common area? It was not those of us who live in Iron Canyon. It was not Park City. It was not Summit County. For 40 years this has been common area. Whether there can be found some legal basis for the transfer or not, it is the long held understanding and representation that the property was common area and therefore not subject to further development. I do not oppose allowing the landowner of SS-104-B constructing a single dwelling on the property. Nor do I oppose the annexation of SS-104-B into Park City. Construction of one dwelling on SS-104-B is entirely consistent with the neighborhood. Iron Canyon Drive serves as the entry and exit road for our Iron Canyon subdivision. It has a posted speed limit of 15 mph between Payday Drive and Delta Drive. This is because of the "S" curves and the grade of the road. The road is steeper and narrower than most other residential roads, has no curbs and gutters or sidewalks. In spite of the posted speed limit, there has been at least one out of control vehicle slide off on this section of the road every year for each of the last 30 years. These accidents usually occur by vehicles sliding off to the south as they go around the middle curve, but there have also been slide offs onto the subject property. Tow trucks are often required to extract the vehicles due to the terrain on either side of the road. Vehicles traveling around the northern most curve of the road cannot see oncoming traffic until they have entered the curve. In short this stretch of narrow road is hazardous. Furthermore, our children walk up the road after being dropped off by the school bus which stops on Payday Drive. If three parcels were to be developed as proposed, with driveway access to those parcels from Iron Canyon Drive this road would become even more hazardous. I do not want to see driveway access to Iron Canyon Drive even if a single house was constructed on SS-104-B. The staff report proposes two alternatives for the City Council to consider. I would like to see the City Council select the alternative to deny this annexation petition, terminating the review process. Thank you for the opportunity to provide input on this important matter to all Thaynes Canyon residents."

Kevin McCarthy eComment: "I write to you in support of the comments submitted by Richard Pick, 2 Mar 2024. As background, my wife and I purchased lot IC-45-AM, 2460 Iron Mountain Drive in 1988 and subsequently built there in 1989. This was one of the first residences in the Iron Canyon subdivision. We moved out of that home in 2016 into a new one level home on TCR-1B-10, 22 PayDay Drive where we currently live and intend to remain ad infinitum. As a result I have been intimately aware of all the various

real estate and construction activities in the Iron Canyon, Aspen Springs, and Richards Ranch for over 35 years. For many years I have been concerned as to what was going to be the final resolution SS-104-B and the next door PCA-104-C which at the time was owned/occupied by a friend. I was supportive of her when she annexed into the city many years ago and formally connected into what became Country Lane. The consensus of the concerned neighbors was that SS-104-B would eventually become a single family house on a nice .9 acre lot accessing Country Lane, as we all believed the boundary strip along Iron Canyon Drive was common area of Iron Canyon and in any case totally unusable as an access point onto our street. Richard Pick has clearly articulated the associated safety concerns. Continuing as a concerned resident in what was the Richards Ranch I am strongly opposed of a development proposal trying to take advantage by reneging on the development and common area created by Boyer Development dating back over 40 years. This is compounded by looking to PCMC codes to escape the one home restriction on a lot which has been held as unincorporated to leverage the lower taxes in order to later make a jump into the city. The whole proposal feels akin to the Dakota Pacific plan to acquire property designated for one use and then shifting the use to a higher utilization without regard to the existing community. Respectfully, I support one home on SS-104-B with access via Country Lane.”

Mary and Keith Martin eComment: “We have read Richard Pick’s communications regarding the annexation proposal in Iron Canyon. Both of us are strongly against the proposal to create three smaller homesites off Iron Canyon Drive. Iron Canyon Drive, at that point with its “S” curve, is hazardous enough for drivers without adding blind driveways. The street there is barely walkable even though Park City is often touting making our neighborhoods pedestrian friendly. We do not oppose allowing the landowner of SS-104-B constructing a single dwelling and annexing that parcel into Park City. One dwelling on that parcel is consistent with the area. We hope Park City officials strongly consider keeping the entry area to Iron Canyon consistent with the established area.”

Kyle Kawakami eComment: “I am a property owner in Aspen Springs Ranch and received a notice regarding the proposed annexation of a lot known as SS-104-B. I know that my neighbor, Bill Ligety, send an email regarding this proposed annexation, and I am writing to let you know that I agree with Bill's position as stated in his email. I also urge that the review of this annexation be rescheduled to allow impacted owners the opportunity to offer solutions to mitigate the effects of the proposed development on SS-104-B. Thank you for your consideration.”

Bill Ligety eComment: “A neighbor brought this development proposal to my attention. I did not receive notice even though my property abuts two parcels of land labelled as IC-Misc. Until recently this land was on the tax roles as IC-CA. My understanding was that the CA designation signified that this was common area and held by the original developers as a protective strip to control access to the Iron Canyon Drive by adjacent properties. The assessor’s record shows a taxable value in 2023 of \$5,800 for the largest parcel suggesting there was no development value. Allowing the IC-CA now

called IC-MISC to be counted toward density on the property proposed for annexation would create a density incompatible with the neighborhood. The stretch of Iron Canyon Drive adjacent to this proposed development appears to be built to a very different and lesser standard than other roads in Park City. If any development is approved for the site, even one home, I believe the city would be prudent to require improvements to the road to correct presently dangerous situations: The lack of curb and gutter frequently results in gravel being deposited on the road by drivers who inadvertently cut the corners. Improper drainage often results in gravel being deposited on the road. Gravel on the road creates a hazard for cyclists and pedestrians as well as drivers. The absence of sidewalks or pathways next to the road forces the many people who walk on the road to be exposed to traffic. This is especially dangerous given the curves, narrow width of the road and steepness of the grade. The placement of even one driveway needs to be very carefully considered given how frequently cars have limited control on snowy days and occasionally slide off the road. Parking on Iron Canyon Drive for events at Rotary Park often chokes the road creating a dangerous situation. School children walk down this road to access the school bus stop on the corner of Payday Drive. The property designated previously as IC-CA is ideal for correcting the road and creating pathways of a safe standard. I urge you to reschedule the review of this annexation to a time when impacted owners who travel that road every day can be properly noticed and have the opportunity of offer constructive suggestions."

Anne Hodgson Evans eComment: "My family and I are full-time residents of the Iron Canyon neighborhood; we have a kindergartener and second grader who attend Parley's Park Elementary. I'm reaching out to express my objection to the annexation petition to create three single-family lots within our Iron Canyon and Thaynes Canyon neighborhoods. I share the concerns articulated in several letters from my fellow Iron Canyon residents. The addition of multiple new driveways exiting onto Iron Canyon Drive poses safety risks. As a parent of young children, I am concerned about exacerbating the hazards along this road, which already presents challenges in terms of its shape, grade, and width. I regularly observe vehicles encountering difficulties, such as getting stuck or sliding off the road, and I know from personal experience that this location's sight lines are already a challenge without additional vehicles entering and exiting along it. Furthermore, Iron Canyon has only two access points to the rest of Park City. Introducing more driveways would heighten safety concerns for daily use and emergencies. A single driveway placed in a safer location, such as on Payday Drive, and serving a single-family home, would be more prudent for the neighborhood and the city. The proposed lot sizes outlined in the petition would deviate significantly from the established norms of Iron Canyon and Thaynes Canyon. Such a departure would disrupt the character and aesthetic of our communities, which were meticulously planned with principles that this proposed development would undermine. A single home on a lot size consistent with those of existing properties in our neighborhoods would be more appropriate. The assertion that the common area should be included as developable land is misleading. While adjustments to land use may be warranted as circumstances evolve, proposals for outright contractions require exceptional justification, which this proposal lacks. I am aware that you have received letters from some of my fellow residents. The volume in correspondence from Iron Canyon and

neighboring Thaynes residents may be low due to varying levels of engagement with local affairs. But if this annexation petition were more well known, opposition would likely be unanimous. Approving the annexation petition would establish an unfavorable precedent that fails to address broader community needs or represent the interests of city residents effectively. I ask that the city reject the annexation petition and end its review process. The applicant should reconsider excluding the Iron Canyon common area from the proposal and explore alternative options for developing a single-family home without access to and from Iron Canyon Drive. Thank you for your attention to this matter, and for your dedication to serving Park City.”

Mike Castleman eComment: “As a resident of Iron Canyon I do not speak for any other resident and equally I want to dissuade any notion that the Pick’s recent email (below) represents my views as a resident.”

Steve Taylor eComment: “Agree with Richard Pick.”

Phoebe Hailey eComment: “I agree with the below letter (Pick). Thank you for the consideration of my email. I would like to emphasize the dangers of that S curve. Always, see people off the road here.”

Henry Fulton eComment: “I had spoken with you earlier regarding this petition. As a recent purchaser of property in Iron Mountain, I purchased our property (2414 Iron Canyon Dr) with the knowledge that all of the homes in the area were single homes on each lot. I believe this petition will negatively impact my property value. As a taxpayer I do not approve this petition. Additionally, I agree with Richard Pick’s comments below.”

Brian Terp eComment: “I agree with the objections noted in the email below from Sally Pick. Only I would go further and object even to the creation of a single lot. If the developers truly intended for this not to be common space, the land would have been developed/sold 40 years ago. The fact pattern here looks like the Boyer Company trying to enrich themselves at the expense of the Iron Canyon homeowners. And they are doing it when they should have no reasonable expectation that it’s even possible. Thank you for your consideration.”

David Norwood eComment: “I am writing in response to your letter of February 5, 2024, providing notice that my home at 2409 Iron Mountain Drive may be affected by a proposed annexation (Robbins Annexation Petition). I oppose this proposed annexation. In addition to the points outlined in Richard Pick’s note below, my opposition is also based on the following: Parcel SS-104-B is landlocked. Development of this parcel would require access to Iron Canyon Dr. or another nearby public street, which I believe in any eventuality would require involvement and approval by Park City. As it stands today this parcel cannot be developed and In essence represents open space. This open space is in direct line of sight and part of the view from my home. The proposed annexation would seem to value development (at a greater density than the surrounding neighborhood) at the expense of open space. Arguments that annexation would bring development within Park City regulations seem moot if the parcel cannot be developed

without this annexation. Parcel IC-MISC is common space within the Iron Canyon Subdivision. The purpose and past use of this parcel are very important considerations in evaluating this annexation proposal. This parcel obviously was not intended for development but was meant as common space for the benefit of residents, and I would suggest to provide a buffer against further development along Iron Canyon Dr. The proposed annexation would represent a conversion of Iron Canyon Subdivision's common area into a commercial real estate development that would eliminate existing open space and increase the development density of the neighborhood. I would urge the City Council to reject this annexation petition."

Teresa Norwood eComment: "I am writing in response to your letter of February 5, 2024, providing notice that my home at 2409 Iron Mountain Drive may be affected by a proposed annexation (Robbins Annexation Petition). I oppose this proposed annexation. In addition to the points outlined in Richard Pick's note below, my opposition is also based on the following: Parcel SS-104-B is landlocked. Development of this parcel would require access to Iron Canyon Dr. or another nearby public street, which I believe in any eventuality would require involvement and approval by Park City. As it stands today this parcel cannot be developed and In essence represents open space. This open space is in direct line of sight and part of the view from my home. The proposed annexation would seem to value development (at a greater density than the surrounding neighborhood) at the expense of open space. Arguments that annexation would bring development within Park City regulations seem moot if the parcel cannot be developed without this annexation. Parcel IC-MISC is common space within the Iron Canyon Subdivision. The purpose and past use of this parcel are very important considerations in evaluating this annexation proposal. This parcel obviously was not intended for development but was meant as common space for the benefit of residents, and I would suggest to provide a buffer against further development along Iron Canyon Dr. The proposed annexation would represent a conversion of Iron Canyon Subdivision's common area into a commercial real estate development that would eliminate existing open space and increase the development density of the neighborhood. I would urge the City Council to reject this annexation petition."

Jane Sullivan eComment: "I agree with Sally Pick."

Diane Liotta eComment: "I spoke with you last week, regarding the zoning of this lot in Thaynes Canyon. Richard has nicely summed up my concerns, please share with whomever needs to understand our side of the situation."

Michael Block eComment: "I am 100% in agreement with Sally Pick's concerns as explained below. I am opposed to the proposed petition to annex and subdivide this area which has long been community open space. This petition is not consistent with our neighborhood and would unfairly diminish the value of surrounding properties."

Jackie and Bryn Carey eComment: "We are writing to oppose the annexation petition to create the 3 single family lots in Iron Canyon and thanks. I know you have received other opposition comments which we agree with, especially around the proposed lot

sizes outlined in the petition that would deviate significantly from the established norms of Iron Canyon and Thaynes Canyon. A single home on a lot size consistent with those of existing properties in our neighborhoods would be more appropriate. The assertion that the common area should be included as developable land is misleading.”

March 2, 2024

To: Park City Council Members (via email):

Bill Ciraco
bill.ciraco@parkcity.org
Ryan Dickey
ryan.dickey@parkcity.org
Ed Paragian
ed.paragian@parkcity.org

Jeremy Rubell
jeremy.rubell@parkcity.org
Tana Toly
tana.toly@parkcity.org
Mayor Nann Worel
nann.worel@parkcity.org

**Re: Annexation Petition and Development Plan for Parcel SS-104-B
(Council Meeting March 7, 2024, New Business Item 1)**

This letter is to state our opposition to the Annexation Petition which was made public on February 28, 2024 and which is scheduled to be voted on in the March 7 Council meeting. The Petition involves both the annexation of the Summit County parcel just east of Iron Canyon Drive, combining that with a narrow parcel which runs along Iron Canyon Drive, and then subdividing the resulting property into 3 lots. The property proposed to be annexed is the square parcel labeled SS-104-B shown within the white border on the attached parcel map.¹

We do not oppose the landowner building a residence on Parcel SS-104-B nor its annexation by Park City. However, we oppose the development plan proposed in the Petition and urge the Council to either deny the Petition or at least postpone its vote until a more suitable plan is presented.

We live at 2554 Aspen Springs Drive and have resided there for 30 years. Our house overlooks the portion of Iron Canyon Drive that is adjacent to the proposed development. In those 30 years there has never been a year in which we have not witnessed at least one vehicle slide-off from the road during the winter, in some cases the vehicle overturning. This is in spite of the 15 mph posted speed limit and a sign warning of icy conditions. This has occurred on both sides of the road though usually on the south side of the series of "S" curves adjacent to the highlighted parcel.

This stretch of road is narrow, has no curbs or sidewalk, has blind curves and is hazardous to both drivers and children who walk up it from where the bus stops on Payday Drive. We believe allowing the construction of three driveways onto this section of road, and even one driveway, would result in this road being even more hazardous than it already is.

¹ There is an additional small parcel within Park City (PCA-105) directly above SS-104-B consisting of .08 Acres which is also proposed to be combined with SS-104-B but we have no objection to that proposal.

We also oppose the development plan because the Petition proposes to subdivide and build houses on a portion of property that has long been regarded as common area. The areas contained within the blue-green outline on the attached map represent Parcel IC-MISC. It stretches south to Payday Drive where there is a monument sign designating the entry to the Iron Canyon subdivision and across much of the northern portions of the subdivision. It serves to fill in the areas around the boundary of the subdivision.

This parcel has been regarded as common area since the inception of the Iron Canyon subdivision in 1983 even though title was held in the name of the developer, the Boyer Company. In December, 2022 the Boyer Company deeded the parcel to a joint venture and on the deed it stated "NOTE: THIS PROPERTY WAS DETERMINED NOT TO BE COMMON AREA." After almost 40 years of being treated as common area, this parcel is now claimed to be private property. There is no explanation of how this determination was made.

Also attached is a page which shows an enlarged map of Parcel SS-104-B and the portion of Parcel IC-MISC (shaded) which is proposed to be combined and subdivided into 3 lots. This would actually result in 4 parcels since the rest of Parcel IC-MISC is not proposed to be included in the resulting lot split. Nowhere in the documents submitted is there a discussion of this parcel being common area or the eventual destiny of the remaining land included in Parcel IC-MISC. For example, does the joint venture intend to remove the Iron Canyon monument at the bottom of Iron Canyon Drive if it now claims that property is no longer common area? The absence of any mention of this issue and how it was determined that the parcel was no longer common area does not seem to comply with Section 15-8-5(E) of the Park City Municipal Code dealing with Annexation Petitions.²

Finally, we understand that with regard to density, a property zoned for single family residences, as is proposed in the Petition, must be consistent in size with the size of adjacent properties. The surrounding properties are identified in the Staff Report as having an average size of 1.65 Acres. That report points out that the lot sizes of the proposed development are triple the density of surrounding parcels and therefore do not conform with this requirement.

For the above reasons we urge the Council to either reject the Petition or at least postpone its vote until these issues are addressed. Thank you for your consideration of these concerns.

James and Arlene Helfand

cc: Ms. Rebecca Ward, Park City Planning Department

² Section 15-8-5(E) reads "A comprehensive land use review and analysis of Property surrounding the proposed annexation must be completed and submitted with the annexation petition."



HOMEOWNERS ASSOCIATION REGISTRATION FORM

SUBDIVISION NAME IRON CANYON

Please provide 3 authorized representatives of your association.

NAME RICHARD DICK

ADDRESS 2447 IRON MOUNTAIN DR

EMAIL DICKRICK@REDPHATREPHOTO.COM

HOME # 201-652-0570 WORK # —

I certify under penalty of perjury that I am an authorized representative of the

IRON CANYON ACC Homeowners Association, and that the

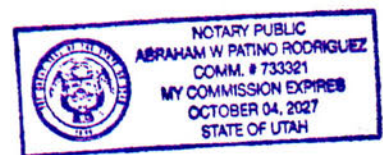
information provided above is true and correct.

Dated this 28 day of FEBRUARY 2024.

Signature [Signature] Position MEMBER

Subscribed and sworn/affirmed before me this 28th day of February 2024.

Notary Public [Signature]





HOMEOWNERS ASSOCIATION REGISTRATION FORM

SUBDIVISION NAME Iron Canyon

Please provide 3 authorized representatives of your association.

NAME Beth Smith

ADDRESS 2433 Iron Canyon DR

EMAIL smith.museoprograms@gmail.com

HOME # 801-652-0570 WORK # _____

I certify under penalty of perjury that I am an authorized representative of the

IRON Canyon ACC Homeowners Association, and that the

information provided above is true and correct.

Dated this 28 day of February 2024.

Signature Beth Smith Position member

Subscribed and sworn/affirmed before me this _____ day of _____ 20____.

Notary Public _____



HOMEOWNERS ASSOCIATION REGISTRATION FORM

SUBDIVISION NAME Iron Canyon

Please provide 3 authorized representatives of your association.

NAME HOWARD R. ROTHWELL

ADDRESS 2463 IRON MOUNTAIN DRIVE

EMAIL Howard@steppandrothwell.com

HOME # 913-226-6887 WORK # _____

I certify under penalty of perjury that I am an authorized representative of the

Iron Canyon Acc. Homeowners Association, and that the
information provided above is true and correct.

Dated this 28 day of FEBRUARY 2024.

Signature [Signature] Position MEMBER

Subscribed and sworn/affirmed before me this _____ day of _____ 20____.

Notary Public _____



Park City Municipal
Finance
445 Marsac Ave
Park City, UT 84060
435-615-5221

Welcome

02/29/2024 08:33AM Anna S.
001284-0003

OTHER

Homeowners Association
(HOAS)

External Item Reference: HOAS

External Payment Reference:

2024 Item: HOAS

1 @ \$50.0000

Homeowners

Association (HOAS) \$50.00

\$50.00

Subtotal \$50.00

Total \$50.00

CREDIT CARD - FINANCE \$50.00

Visa *****8759

Ref=000000016594

Auth=09539D

cc auth

Change due \$0.00

Paid by: IRON CANYON HOA - RICHARD D
PICK

Comments: IRON CANYON HOA

Thank you for your payment

Park City Municipal COPY
DUPLICATE RECEIPT



State of Utah

DEPARTMENT OF COMMERCE

Division of Corporations & Commercial Code

File Number: 13922474

Business Name Registration / DBA Application

Requested Business Name: **IRON CANYON ARCHITECTURAL REVIEW COMMITTEE**

Entity Number: 13922474

Application Date: 04/08/2024

Approved Date: 04/08/2024

Expiration Date: 04/08/2027

Filer Electronic Signature: Richard D. Pick

Business Information

Purpose: Non-classifiable Establishment. Any legal and lawful business purpose

Address: 2447 Iron Mountain Drive

Park City, UT 84060

Female Owned: No

Minority Owned: No

Registered Agent

Name: RICHARD D PICK

Type: Regular

Address: 2447 Iron Mountain Drive

Park City, UT 84060

Applicant / Owner(s):

Name: RICHARD D PICK

Entity Number:

Address: 2447 Iron Mountain Drive Park City Utah 84060

Park City, UT 84060



State of Utah
Department of Commerce
Division of Corporations & Commercial Code

This certifies that this registration has been filed
and approved on 08, April 2024 in the office of the
Division and hereby issues this Certification thereof.

L. Veillette

Leigh Veillette
Division Director



HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verifications that the IRON CANYON
(Subdivision)

Homeowner's Association has been notified of OWEN & DEBBIE BLAIR
(Owner)

Intent to build at 2459 IRON MOUNTAIN DR (LOT 41)
(Address)

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

Check One:

☒ Notice received and acknowledged. PLAT AMENDMENT

17th Mar 10/3/23
HOA Representative Date

☐ Notice mailed and received

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

(Owner signature and attach receipt)



HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verifications that the IRON CANYON
(Subdivision)

Homeowner's Association has been notified of Heather NAWFA PRUST
(Owner)

Intent to build at 14 IRON CANYON CT.
(Address)

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

Check One:

☒ Notice received and acknowledged.

[Signature]
HOA Representative

9/20/22
Date

☐ Notice mailed and received

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

(Owner signature and attach receipt)



HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verifications that the Iron Canyon
(Subdivision)

Homeowner's Association has been notified of Eric Malnove
(Owner)

Intent to build at 2437 iron canyon rd park city UT 84060
(Address)

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

Check One:

☒ Notice received and acknowledged

Howard R. Rothwell 5/29/24
HOA Representative Date

☐ Notice mailed and received

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

(Owner signature and attach receipt)



HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verifications that the IRON CANYON
(Subdivision)

Homeowner's Association has been notified of Rodney Fisher
(Owner)

Intent to build at 2449 IRON CANYON DRIVE
(Address)

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

Check One:

☒ Notice received and acknowledged

13.11.24
HOA Representative

8/10/24
Date

☐ Notice mailed and received

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

(Owner signature and attach receipt)

Planning Commission Staff Report



Subject: 1800 Park Avenue
Applications: PL-24-05476 Master Planned Development
PL-22-05475 Conditional Use Permit
PL-24-06238 Subdivision
Author: Alec Barton, Senior Planner
Date: September 25, 2024
Type of Item: Administrative

Recommendation

The Applicant will present their revised plans for the mixed-use Park and Kearns Master Planned Development (MPD) based on the Planning Commission's September 11, 2024, input. This staff report includes an in-depth analysis of Parking and the Applicant's proposed changes to Open Space configurations and features.

Staff recommends the Planning Commission continue the public hearing to October 23, 2024, for further review and possible Final Action.

Description

Applicant: Seth Singerman, Yarrow Hotel Owner LLC

Applicant Representatives: Peter Tomai, Specific Performance
Craig Elliott, Elliott Workgroup LLC

Location: 1800 Park Avenue

Zoning District: General Commercial
Frontage Protection Zone

Adjacent Land Uses: North – Olympic Welcome Plaza and Reid Office Building
East – Commercial
South – Fresh Market
West – Park Avenue Condos

Reason for Review: The Planning Commission reviews, conducts a public hearing, and takes Final Action on Conditional Use Permits, Master Planned Developments, and Subdivisions.¹

CUP Conditional Use Permit
EV Electric Vehicle
FPZ Frontage Protection Zone

¹ LMC [Section 15-1-8](#)

GC	General Commercial
LMC	Land Management Code
MPD	Master Planned Development

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

Summary

Constructed in 1977, the DoubleTree by Hilton Hotel (formerly “The Yarrow”) at 1800 Park Avenue has 182 rooms with restaurant and meeting room facilities on a prominent entry corridor at the corner of SR 224 (Park Avenue) and SR 248 (Kearns Boulevard).

The Applicant proposes creating one Lot for the 4.47-acre metes-and-bounds parcel and redeveloping the site with a mixed-use project with 231 residential units (171 nightly rental condominium units and 60 affordable housing units) totaling approximately 151,353 square feet, a 7,303-square-foot restaurant and bar, a 306-square foot coffee shop, 6,469 square feet of office space, 4,679 square feet of retail space, and at least 67,711 square-feet of Accessory Use exceptions, including storage/mechanical space, a bike/ski storage area, meeting space, a breakout room, and a spa/fitness center.

Background

The Planning Commission reviewed previous versions of this project on January 24, 2024 ([Planning Commission Packet](#), Item 4.B; [Meeting Minutes](#), p. 19); February 28, 2024 ([Planning Commission Packet](#), Item 4.B; [Meeting Minutes](#), p. 20); and June 26, 2024 ([Planning Commission Packet](#), Item 6.E; [Meeting Minutes](#), p.29). The Planning Commission’s concerns centered on Building Height and development within the sensitive Frontage Protection Zone (FPZ) along Park Avenue and Kearns Boulevard.

On August 7, 2024, the Applicant filed a Request for Notice of Action and requested the Planning Commission make a determination on the merits of the application (Exhibit B).

On August 28, 2024, the Planning Commission provided consensus direction to deny the Applicant’s request for an exception to the Zoning District Building Height within the FPZ and continued review of the project to the September 11, 2024, meeting ([Planning Commission Packet](#), Item 6.C; [Meeting Recording](#)).

On September 11, 2024, the Applicant presented revised project plans that moved all portions of the Structure exceeding the maximum Building Height for the underlying Zoning District outside of the FPZ. The revised project also reduced the portion of the Building footprint extending into the FPZ to approximately 17 percent. The Planning Commission expressed concerns that the revised project was inconsistent with the findings required to grant Building Height exceptions in LMC [§ 15-6-5\(F\)](#) and requested the Applicant return with updated drawings reflecting greater publicly accessible open space and enhanced landscaping and buffering along the south and east perimeters of the project site ([Planning Commission Packet](#), Item 6.A; [Meeting Recording](#)).

The Applicant further revised their plans (Exhibit A). Staff analysis below outlines updates and analysis regarding (I) Open Space, (II) Parking, and (III) Building Height.

Analysis

(I) Open Space

LMC [§ 15-6-5\(D\)](#) states the minimum Open Space requirement for MPDs involving redevelopment of an existing Development is 30%. The Planning Commission designates the preferable type and mix of Open Space for each MPD based on guidance in the General Plan. Open Space may include the following, as defined in LMC [§ 15-15-1](#):

- **Landscaped Open Space:** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.
- **Natural Open Space:** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

Open Space within MPDs is further defined in LMC [§ 15-5-5\(D\)](#). Landscaped Open Space may include gardens, greenways, pathways, plazas, and other similar Uses. Open Space does not include Streets, roads, driveways, Parking Areas, Commercial Uses, or Buildings requiring a Building Permit.

On September 14, 2022, when the Applicant initially presented a redevelopment proposal for this site to the Planning Commission, the project included a north-south pedestrian paseo between two five-story buildings ([Planning Commission Packet](#), Item 6.A; [Meeting Minutes](#), p. 4).

The Applicant withdrew that proposal and, in October 2023, submitted a different redevelopment proposal that eliminated the pedestrian paseo. At the January 24, 2024, Planning Commission meeting, staff requested Planning Commission input on the elimination of the north-south paseo and the reconfiguration of Open Space ([Planning Commission Packet](#), Item 4.B; [Meeting Minutes](#), p. 19). Commissioners commented on the improved daylight between building pods and the loss of porosity encouraged by the [Bonanza Park Small Area Plan](#) resulting from elimination of the paseo.

The Applicant continues to refine the project's proposed Open Space. Recent revisions in response to comments from the Planning Commission at the September 11, 2024, public meeting include:

- A reconfigured "signature trail" along the north perimeter providing more direct access to the site for pedestrians and cyclists (see Figure 1).
- A ramp along the north perimeter to provide future access to a proposed tunnel under Kearns Boulevard.
- An additional plaza with benches and landscaping at the northwest corner of the project site.

- Space for a coffee shop at ground level between Buildings B and C.
- A reimagined “art plaza” between Buildings C and D.
- Space for a food truck or other use to activate the “signature trail” in front of Building C.
- A 4.5 percent increase in overall Open Space resulting from a 30 percent increase in sidewalks from the last iteration of the plans. Landscaped Areas were reduced by about 7,500 square feet, or 18 percent, from the last iteration of the plans.

Together, sidewalks (47,914 square feet) and landscaped areas (33,436 square feet) provide 81,350 square feet of Open Space, or 41.8% of the project area (see Figure 2). The project exceeds the minimum required Open Space for an MPD. The Applicant should clarify whether all areas included in Open Space calculations will function as publicly accessible Open Space. For example, the area south of Building A is labeled as an “amenity terrace” but is included in Open Space calculations.

The Planning Commission should consider whether the amount and mix of Open Space is appropriate for an MPD seeking an increase to Building Height (see Section III below for analysis of Building Height Exceptions).



Figure 1: Sketch showing a reconfigured “signature trail” along the north perimeter of the project site. The location of a proposed coffee shop is shown in orange.

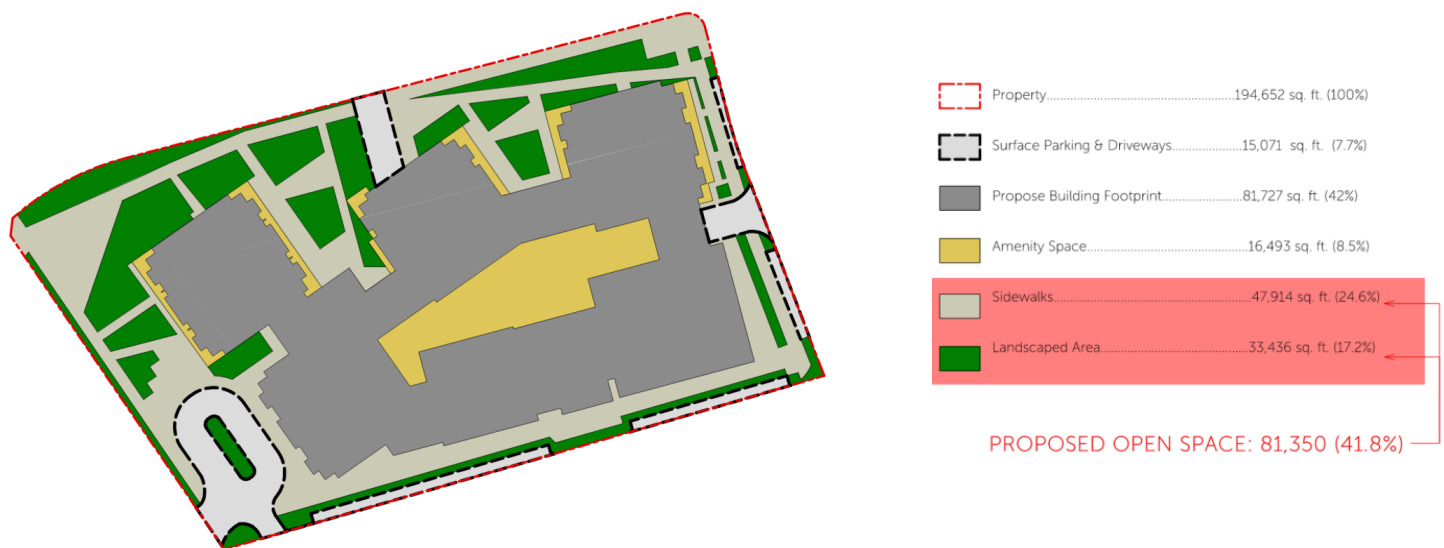


Figure 2: Proposed Open Space at 1800 Park Avenue.

(II) Off-Street Parking

Vehicle Parking

LMC [§ 15-3-6](#), *Parking Ratio Requirements For Specific Land Use Categories*, establishes required Parking for residential and non-residential Uses. The table below summarizes the required Parking for 1800 Park Avenue:

	Total Units	Space(s) Per Unit	Parking Required
Market Rate Units	171	--	197
2,000+ sq. ft.	1	2	2
1,000 – 1,999 sq. ft.	50	1.5	75
Under 1,000 sq. ft.	120	1	120
Affordable Units	60	1	60
Subtotal – Residential Uses	231		257
	Square Footage	Space(s) per Sq. Ft.	
Restaurant/Bar	7,303	1 / 100	73.03
Coffee Shop	306	3 / 1,000	0.92
Retail	4,679	5 / 1,000	23.4
Office	6,469	3 / 1,000	19.41
Subtotal – Non-Residential Uses	18,757		116.76
Total Parking Required			374
Proposed Parking			288
Deficient			-86

LMC [§ 15-3-6\(C\)](#) states if a project incorporates two Uses, the Use requiring the higher number of Parking Spaces shall govern. Considered a Hotel Use with affordable units and separately leasable commercial space, the project requires 325 Parking Spaces, or 49 fewer Spaces than the calculations for market rate units, affordable units, and specific non-residential Uses. Therefore, the higher Parking requirement in the table above applies.

	Units/Sq. Ft.	Space per Unit/Sq. Ft.	Parking Required
Hotel	171 suites	1 / suite	171
Separately Leasable Commercial Space	18,757 sq. ft.	1 / 200 sq. ft.	93.79
Affordable Units	60 Units	1 / Unit	60
Total Parking Required			325

In addition to the Uses outlined above, the Applicant proposes at least 67,711 square feet of Accessory Uses outlined in LMC [§ 15-6-8](#), including ski/equipment lockers (932 square feet), lobbies (2,016 square feet), public restrooms (1,124 square feet), spa and pool service facilities (3,133 square feet), meeting and breakout spaces (6,199 square feet), administrative offices (423 square feet), hallways and common areas (approximately 30,421 square feet), internal courtyard and pool (approximately 9,430 square feet), elevators (approximately 14,033 square feet), stairways, mechanical rooms and shafts, laundry facilities and storage, and employee facilities.

The Applicant excluded Accessory Uses from parking demands, and as a result, staff recommends clarification from the Applicant regarding the anticipated use of the spa and whether the meeting and breakout spaces will be limited to the Hotel guests or are anticipated to be operated as a Private Event Facility, defined in LMC [§ 15-15-1](#) as a facility where the primary Use is for staging, conducting, and holding events. LMC [§ 15-3-6\(B\)](#) requires 1 Parking Space per 4 persons for Private Recreation Facilities.

LMC [§ 15-6-5\(E\)](#) states that the number of Off-Street Parking Spaces in an MPD shall not be less than the requirements of the LMC, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a Parking analysis submitted by the Applicant.

LMC [§ 15-3-7](#) states the initial parking requirement is determined by referring to the requirements for the Use and the underlying Zoning District. For MPDs with a parking demand of nine or more Parking Spaces, the Planning Commission may reduce the parking requirement to prevent excessive parking and paving, subject to a parking study prepared by the Applicant analyzing:

- 1. Whether parking Uses will overlap.**
- 2. Whether commercial spaces within the project will serve those residing within the project rather than the general public.**

The project includes 288 proposed Parking Spaces, including 263 Parking Spaces in an underground garage and 25 surface Parking Spaces. The Applicant's Parking analysis states that the surface Parking Spaces are intended to serve the office, retail, and restaurant Uses for shorter term parking.

The Applicant proposes a parking management system to support vehicular access to the property and manage the use of Parking Spaces. No overnight parking is permitted in surface Parking Spaces. Parking passes will be issued to hotel/nightly rental users, owners of nightly rental units, and employees only. Owners of nightly rental units will not be allowed to use the parking area for their unit if it is in use as a nightly rental. The hotel operator will provide an optional valet service for guests. Employees will be encouraged to take alternative modes of transportation.

3. Other factors that support the conclusion that the project will generate less parking than the LMC would otherwise require.

The Applicant's Parking analysis notes that the property has operated as a hotel for over four decades and that a significant volume of employees and guests access the hotel through shuttles, rideshare services, and other forms of transportation that do not require parking. The analysis does not include specific figures or estimates of the number of employees and guests who arrive at the site using some form of transportation other than a single-occupancy vehicle.

The Applicant has requested a reduction in the number of required Off-Street Parking Spaces. The Applicant submitted a Parking analysis requesting a Parking reduction of approximately 23 percent. The Planning Commission may increase or decrease the required number of Off-Street Parking Spaces within an MPD based on the information in the Parking analysis, which LMC [§ 15-6-5\(E\)](#) specifies must include, at minimum:

a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

See table above for summary of required Parking calculations in the LMC.

b. A Parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy Parking.

The Applicant included a Parking comparison (Exhibit A) for one project within City limits (Rail Central Building Three in Bonanza Park) and one project outside of City limits (Newpark in Kimball Junction). Newpark is significantly larger than 1800 Park Avenue and includes a much higher percentage of Parking Spaces required for Commercial Uses. Rail Central Building Three is significantly smaller than 1800 Park Avenue and includes a much higher percentage of Parking Spaces required for Commercial Uses.

Although both comparison projects are mixed-use Developments like 1800 Park Avenue, their differing sizes and occupancy types limit their utility as comparison projects.

c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

See table above for summary of required Parking calculations for commercial (non-residential) Uses.

d. An analysis of time periods of Use for each of the Uses in the project and opportunities for shared parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

The Applicant provided peak time-of-day and peak time-of-year Parking demand analyses for 1800 Park Avenue (see Figures 3 and 4).

Land Use	User	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
Hotel/Condo	Combined	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%
		202	202	192	170	149	149	138	138	149	149	160	170	181	181	192	202	202	213	213
Hotel Restaurant/B	Combined	0%	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%
		0	7	22	7	7	4	73	73	24	7	7	22	40	44	51	49	44	29	22
Residential (Affordable)	Resident	95%	80%	67%	55%	50%	45%	40%	40%	40%	40%	45%	50%	60%	70%	80%	85%	95%	97%	100%
		57	48	40	33	30	27	24	24	24	24	27	30	36	42	48	51	57	58	60
Retail, Multi-tenant	Combined	1%	5%	15%	35%	60%	75%	100%	100%	95%	85%	85%	85%	90%	80%	65%	45%	15%	5%	0%
		0	0	1	3	5	7	9	9	8	8	8	8	8	7	6	4	1	0	0
Office	Combined	3%	15%	50%	90%	100%	100%	85%	85%	95%	95%	85%	60%	25%	15%	5%	3%	1%	0%	0%
		1	3	10	17	19	19	16	16	18	18	16	12	5	3	1	1	0	0	0
Totals		260	261	265	231	211	206	261	261	224	206	218	242	270	277	298	307	305	301	295
*Adjustments based on Shared Parking Third Edition, Data - Published by ICSC, NPA, and ULI																				

Figure 3: Applicant's peak time-of-day Parking demand analysis.

Land Use	User	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hotel/Condo	Combined	98.1%	97.9%	91.9%	61.5%	54.8%	66.0%	87.8%	84.0%	86.8%	60.0%	50.0%	83.2%
	9PM WKND	199	198	186	124	111	134	178	170	176	121	101	168
Hotel Restaurant/Bar	Combined	98.1%	97.9%	91.9%	61.5%	54.8%	66.0%	87.8%	84.0%	86.8%	60.0%	50.0%	83.2%
	9PM WKND	48	48	45	30	27	32	43	41	42	29	24	41
Residential (Affordable)	Resident	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%
	9PM WKND	52	52	52	52	52	52	49	49	52	52	52	52
Retail, Multi-tenant	Combined	59%	61%	70%	67%	72%	72%	70%	73%	66%	69%	76%	100%
	9PM WKND	3	3	3	3	3	3	3	3	3	3	3	4
Office	Combined	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%
	9PM WKND	0	0	0	0	0	0	0	0	0	0	0	0
Totals		301	300	286	209	193	221	273	263	273	205	181	265
*Adjustments based on Shared Parking Third Edition, Data - Published by ICSC, NPA, and ULI													
*Hotel Adjustments based on Actual Maximum Occupancy during each Month (November 2022 through October 2023)													

High Season	
Low Season	
Shoulder Season	

Figure 4: Applicant's peak time-of-year Parking demand analysis.

The analyses estimate a peak time-of-day demand of 307 Off-Street Parking Spaces at the 9 p.m. hour. January and February are the months with the highest estimated demand at the 9 p.m. hour, with 301 and 300 Parking Spaces, respectively.

e. A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

The Applicant proposes a Summit Bike Share Station in the southwest corner of the project area, adjacent to the drop-off area and lobby.

The Applicant's Parking analysis notes that there are existing amenities in the area that may discourage use of motorized vehicles, including bus stations and pedestrian and bicycle pathways. The analysis states that employees will be encouraged to take alternative modes of transportation, particularly existing bus service, but details of this proposed encouragement are needed. The Applicant does not propose a shuttle service for employees or guests, a car share for residents of the affordable units, or other potential mitigations to parking demands.

f. Provisions for overflow Parking during peak periods.

The Applicant proposes an optional valet service to increase Parking capacity during peak periods. Staff recommends this proposal be updated to reflect parking for the full-

time residents of the affordable units. Will tenants of the affordable units have dedicated parking spaces?

- g. An evaluation of potential adverse impacts of the proposed Parking reduction and Density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.**

The Applicant's Parking analysis does not identify potential adverse impacts to the surrounding neighborhood. The analysis indicates that optional valet service could increase the functional capacity of the underground garage to accommodate more than the required number of Parking Spaces for the project, but staff recommends the Applicant also indicate how valet service will impact full-time tenants.

Bicycle Parking

LMC [§ 15-3-9\(A\)](#) requires outdoor bicycle parking for ten percent of the required Off-Street Parking. Applicants granted a reduction in Off-Street parking must provide outdoor bicycle parking for the full Off-Street parking requirement. The Applicant proposes 40 outdoor bicycle parking spaces, including 24 spaces in the underground garage, eight spaces in the northeast corner of the project area adjacent to the proposed multi-use trail, and eight spaces along the south perimeter near a proposed retail area.

Staff recommends a Condition of Approval to require the Applicant to provide at least one bicycle parking space that is large enough to accommodate cargo, recumbent, tandem, or electric bicycles, or bicycles with trailers. As conditioned, the project provides bicycle parking for more than ten percent of the required Off-Street Parking and complies with the requirements of this Section.

LMC [§ 15-3-9\(B\)](#) requires a bicycle repair station and enclosed bicycle storage at the following rates:

- a. For one bicycle per three dwelling units
- b. For one bicycle per ten employees

The project requires enclosed bicycle storage to accommodate 77 bicycles for the dwelling units. [Resolution 05-2021](#) establishes employee generation by type of use. The project is expected to generate 191 employees, resulting in an enclosed storage requirement for 20 additional bicycles.

The Applicant proposes 932 square feet of indoor space to be used in part for the storage of bicycles. The Applicant has not demonstrated whether this will be an adequate amount of space for the storage of 97 bicycles. Additional information is needed to determine whether the project complies with the requirements of this Section.

Off-Street Loading Spaces

LMC [§ 15-3-10](#) requires Structures to have screened loading Areas located so that no vehicle loading or unloading merchandise is parked in any Front Yard, Street, or Right-of-Way. The Applicant proposes a loading dock for service vehicles along the east façade of the Structure, which is the façade least visible from public Streets. The dock will be screened by a planted median island, street trees, and other landscaping elements.

Electric Vehicle Charging Stations

The Applicant submitted their proposal in 2022. The LMC in effect at that time required Electric Vehicle (EV) Charging Station Infrastructure (or conduit) for 20% of the first 100 required Off-Street parking spaces for Multi-Unit Dwellings and for 5% of required Off-Street Parking Spaces above 100. On February 1, 2024, the City Council adopted [Ordinance No. 2024-03](#), increasing the required conduit.

While the Applicant is vested under the previous requirement, LMC [§ 15-3-11\(B\)](#) now requires EV Charging Station Infrastructure for 50% of the first 100 required Off-Street Parking Spaces and for 5% of required Off-Street Parking Spaces above 100. Under the current code, if the Commission approves a parking reduction, the project requires EV Charging Station Infrastructure for 64 Parking Spaces. The Applicant proposes EV Charging Station Infrastructure for at least 31 Parking Spaces. Staff recommends the Applicant consider increasing the conduit for future EV Charging Station Infrastructure because the cost is minimal when incorporated into initial construction, and expensive through future retrofits.

LMC [§ 15-3-11\(D\)](#) requires EV Charging Stations for five percent of required Off-Street Parking Spaces for the first 200 Parking Spaces. This requirement was not changed through the 2024 amendments to the LMC. The project requires 10 EV Charging Stations. The Applicant proposes 31 EV Charging Stations in the underground garage (see Figure 5). Staff recommends a Condition of Approval to require one of the EV Charging stations to be dual-port and ADA accessible. As conditioned, the project complies with the requirements of this section.

General Parking Area and Driveway Standards

The project must be compliant with Off-Street Parking standards for Developments outlined in LMC [§ 15-3-3](#), including grading and drainage, surfacing, parking area lighting, parking area landscaping, snow storage, storm water detention, parking space dimensions, driveway widths and spacing, and signs. The Applicant continues to refine the proposed project, and the current plans do not provide enough detail to evaluate these standards. The project will be evaluated and, as necessary, conditioned for compliance with these requirements.



Figure 5: Location of proposed EV Charging Stations, with staff highlights in yellow, in the underground garage.

LMC [§ 15-3-3\(G\)](#) states the Parking Area design for five or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways. Earlier versions of the project included surface parking requiring operators of vehicles to back into or out of Parking Spaces via adjoining property. The current proposal reduced the overall amount of surface parking and reoriented the Parking Spaces to be parallel only (see Figure 6). The Applicant has indicated they intend to pursue a shared access and parking agreement with the neighboring property to the south, Fresh Market.



Figure 6: Location of parallel parking, with staff highlights in yellow, along the south and east perimeters.

(III) Building Height

LMC [§ 15-6-5\(F\)](#) states that MPDs are subject to the height requirements of the underlying Zoning District. The maximum Building Height in the General Commercial (GC) Zoning District is 35 feet from Existing Grade.² The FPZ prohibits Structures within 30 feet of the Right-of-Way.³

The Applicant proposes Buildings reaching up to 45 feet above Existing Grade, with rooftop mechanical equipment and elevator shafts up to 52 feet above grade. All the requested Building Height exceptions are outside of the FPZ. Figure 7 compares the portions of Building Height above the Zoning District standard with the proposal presented at the August 28, 2024, Planning Commission meeting (Figure 8). Figure 9 compares the portions of Buildings extending into the FPZ Setback with the proposal presented at the August 28, 2024, Commission meeting (Figure 10).

² LMC [§ 15-2.18-4](#)

³ LMC [§ 15-2.20-4](#)

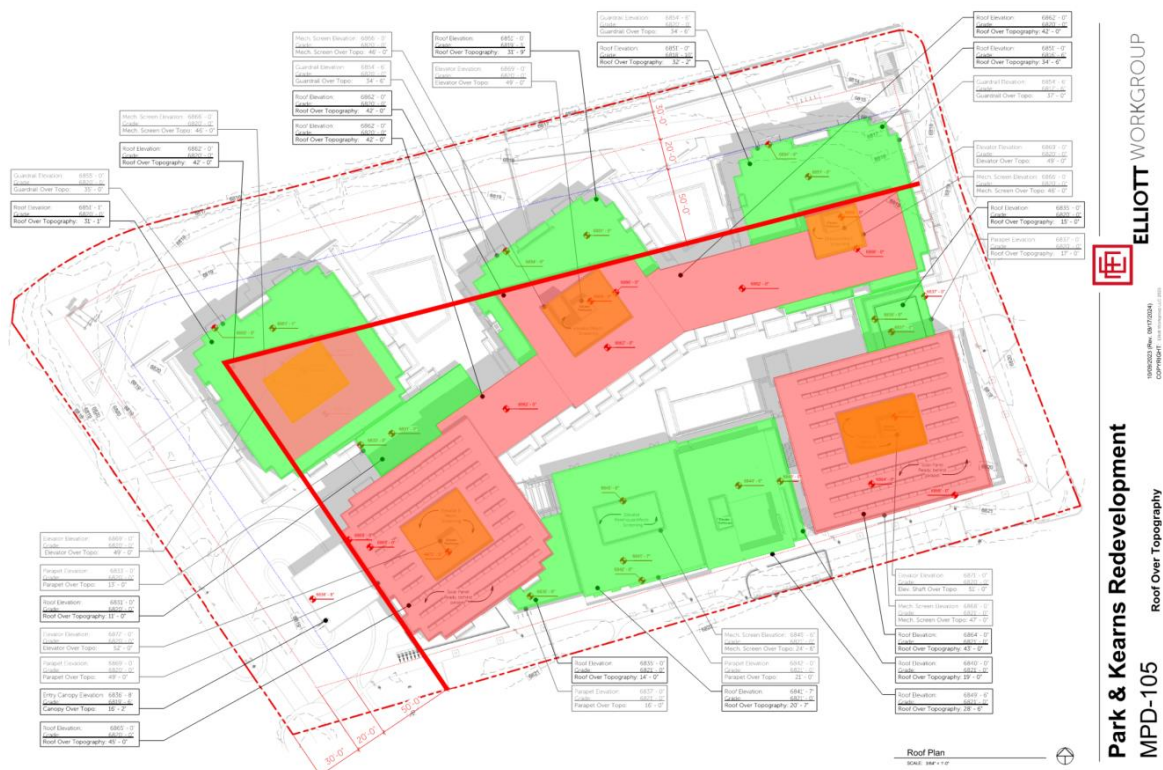


Figure 7: Applicant's Roof Over Topography submittal with staff highlights in red (requested Building Height exceptions), orange (requested rooftop mechanical and elevator penthouse exceptions), and green (portions of the project substantially below Building Height).



Figure 8: August 28, 2024, Roof Over Topography submittal with staff highlights in red (requested Building Height exceptions) and green (portions of the project substantially below Building Height).



Figure 9: Applicant's Roof Over Topography submittal with staff highlights in purple (portions of Buildings extending into the FPZ) and gray (portions of Buildings outside of the FPZ). The 30-, 50-, and 100-foot FPZ Setbacks are shown in lavender. The 25' MPD Setback along the south and east perimeters is shown in red. Staff included measurements from key façade points to the public Right-of-Way.

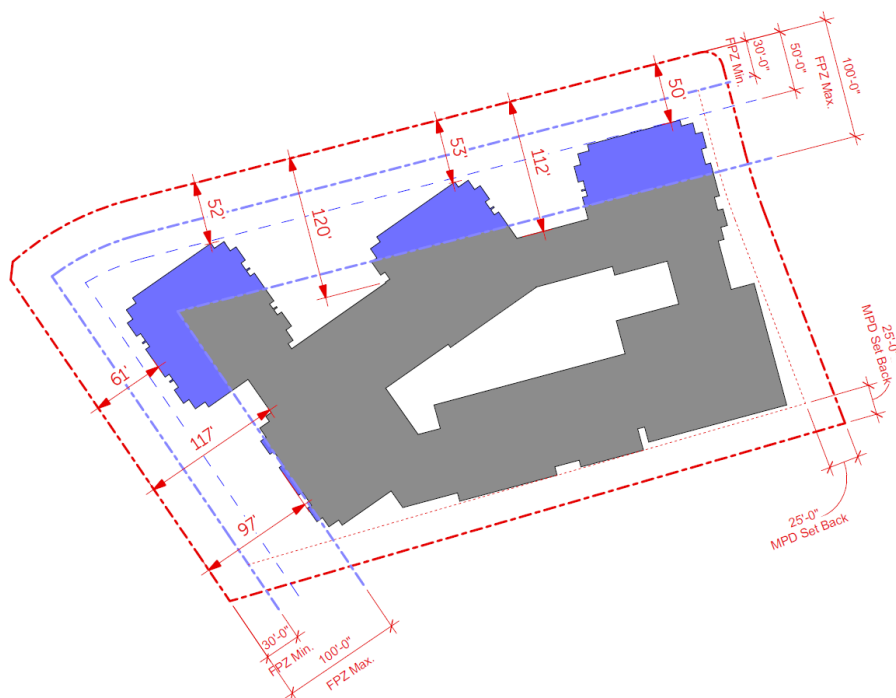


Figure 10: August 28, 2024, Applicant submittal showing portions of Buildings extending into the FPZ.

The Planning Commission may grant additional Building Height if the six necessary findings in LMC [§ 15-6-5\(F\)](#) are made. The Applicant bears the burden of proof, and the Commission is not required to approve additional height, even if the Applicant demonstrates to the Commission the six criteria for consideration of an increase in Building Height outlined below are met. Building Height exceptions within an MPD are within the Planning Commission's discretion based on site-specific review.

At previous meetings, the Planning Commission has expressed concerns about the arrangement and amount of publicly accessible Open Space and the limited landscaping and buffering along the south and east perimeters. Some Commissioners have also expressed concerns about the project's wall-like façade along Kearns Boulevard, the visual impacts of rooftop mechanical equipment, and the limited connectivity for people passing through the site. The Commission should consider whether the Applicant's revised plans provide desired architectural variation, transition in roof elements, publicly accessible Open Space, landscaping, buffering, and increased setbacks.

- 1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Façade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits.**
- 2. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site-specific analysis.**
- 3. There is adequate Landscaping and buffering from adjacent Properties and Uses.**
- 4. Increased Setbacks and separations from adjacent projects are proposed.**
- 5. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible.**
- 6. The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review.**

Department Review

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

Notice

This item was continued from the August 28, 2024, Planning Commission meeting. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 9, 2024. The *Park Record* published courtesy notice on August 14, 2024.⁴

⁴ LMC [§ 15-1-21](#)

Public Input

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

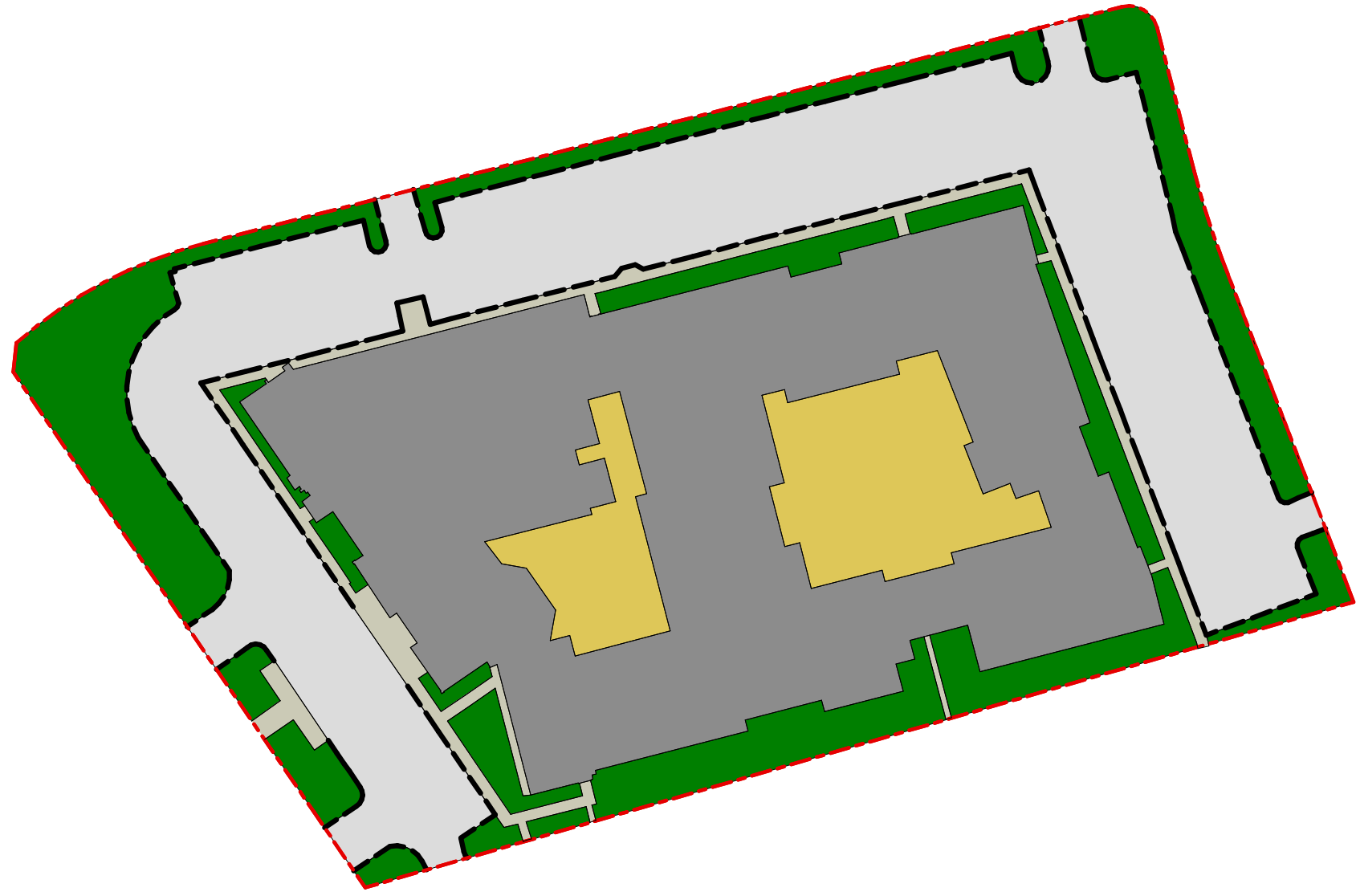
Exhibits

A: Applicant's Updated Plans

B: Applicant's Request for Notice of Action

Existing Building Open Space

SCALE: 1" = 80'-0"

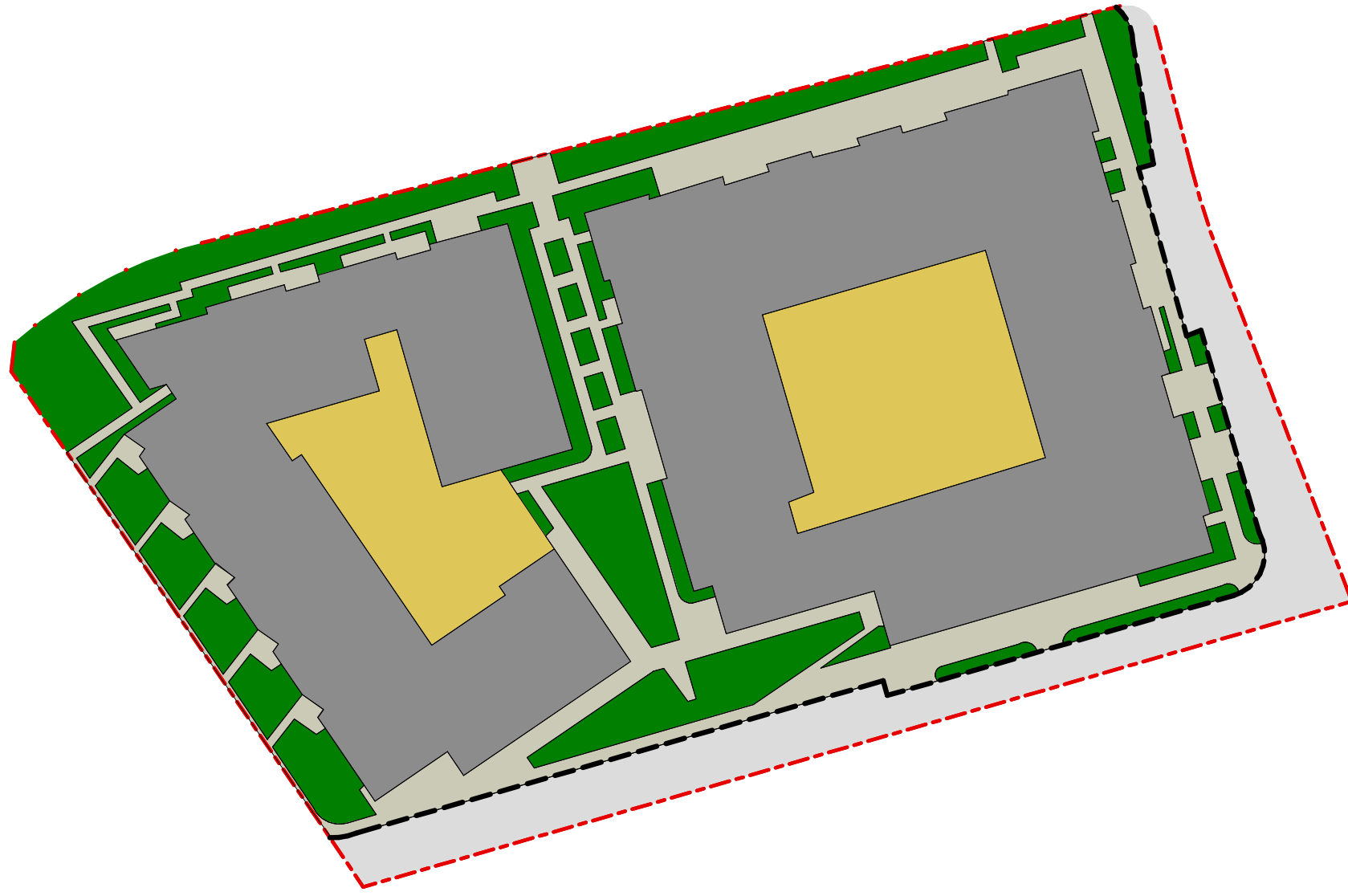


	Property.....	194,652 sq. ft. (100%)
	Surface Parking & Driveways.....	61,890 sq. ft. (31.8%)
	Existing Building Footprint.....	70,516 sq. ft. (36.2%)
	Amenity Space.....	16,228 sq. ft. (8.3%)
	Sidewalks.....	8,306 sq. ft. (4.3%)
	Landscaped Area.....	37,717 sq. ft. (19.4%)

EXISTING OPEN SPACE: 46,023 (23.7%)

Previously Proposed Building Open Space

SCALE: 1" = 80'-0"



	Property.....	194,652 sq. ft. (100%)
	Surface Parking & Driveways.....	20,821 sq. ft. (10.7%)
	Proposed Building Footprint.....	88,522 sq. ft. (45.5%)
	Amenity Space.....	23,412 sq. ft. (12.0%)
	Sidewalks.....	29,609 sq. ft. (15.2%)
	Landscaped Area.....	32,288 sq. ft. (16.6%)

PROPOSED OPEN SPACE: 61,897 (31.8%)

Proposed Building Open Space.

SCALE: 1" = 80'-0"



	Property.....	194,652 sq. ft. (100%)
	Surface Parking & Driveways.....	15,071 sq. ft. (7.7%)
	Propose Building Footprint.....	81,727 sq. ft. (42%)
	Amenity Space.....	16,493 sq. ft. (8.5%)
	Sidewalks.....	47,914 sq. ft. (24.6%)
	Landscaped Area.....	33,436 sq. ft. (17.2%)

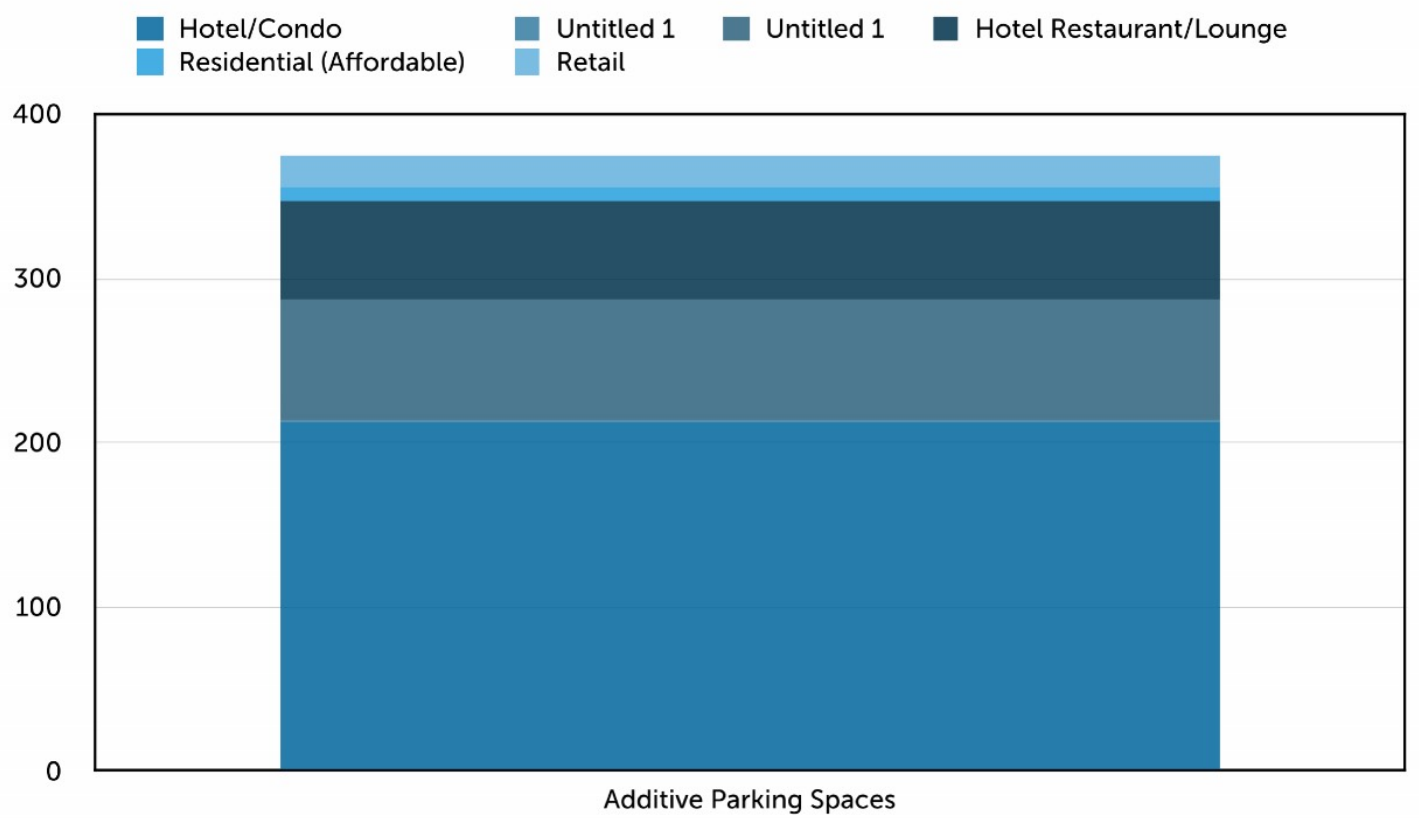
PROPOSED OPEN SPACE: 81,350 (41.8%)

1

Parking Calculation - Hotel

	quantities		parking required		spaces required
Hotel/Condo	213				213
studio	74	keys	1	per key	74.00
1 bedroom	46	keys	1	per key	46.00
2 bedroom	42	keys	1	per key	42.00
lockout	42	keys	1	per key	42.00
3 bedroom (<2000 SF)	8	keys	1	per key	8.00
3 bedroom (>2000 SF)	1	keys	1	per key	1.00
Hotel Restaurant/Bar	7,303	square feet	1	per 100 sf	73.03
Residential (Affordable)	60				60.00
studio	18	units	1	per unit	18.00
1 bedroom	42	units	1	per unit	42.00
Retail, Multi-tenant	2,543	square feet	3.5	per 1,000 sf	8.90
Office	6,469	square feet	3	per 1,000 sf	19.41
	273	keys			374.34

*Adjustments based on Shared Parking Third Edition, Data - Published by ICSC, NPA, and ULI



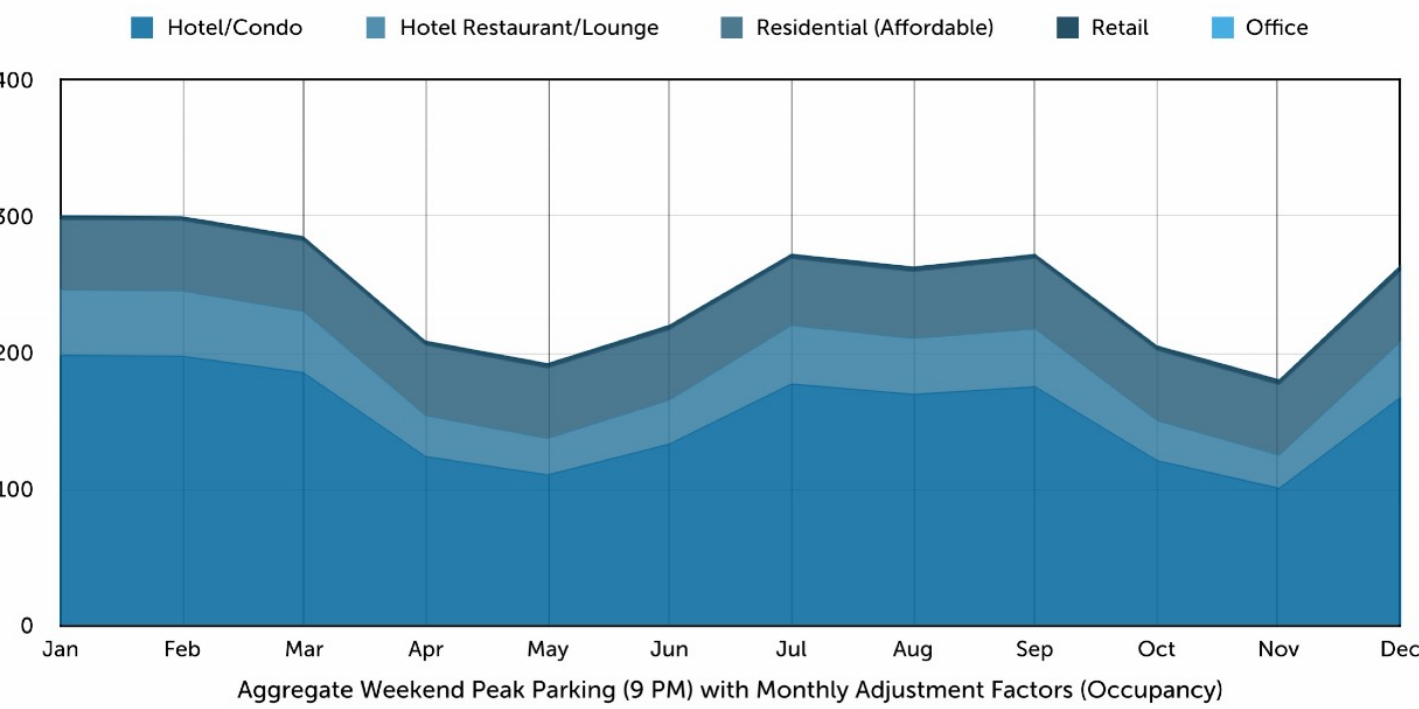
4

Monthly Occupancy Adjustments Factors at 9PM

Land Use	User	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hotel/Condo	Combined	98.1%	97.9%	91.9%	61.5%	54.8%	66.0%	87.8%	84.0%	86.8%	60.0%	50.0%	83.2%
	9PM WKND	199	198	186	124	111	134	178	170	176	121	101	168
Hotel Restaurant/Bar	Combined	98.1%	97.9%	91.9%	61.5%	54.8%	66.0%	87.8%	84.0%	86.8%	60.0%	50.0%	83.2%
	9PM WKND	48	48	45	30	27	32	43	41	42	29	24	41
Residential (Affordable)	Resident	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%
	9PM WKND	52	52	52	52	52	52	49	49	52	52	52	52
Retail, Multi-tenant	Combined	59%	61%	70%	67%	72%	72%	70%	73%	66%	69%	76%	100%
	9PM WKND	3	3	3	3	3	3	3	3	3	3	3	4
Office	Combined	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%
	9PM WKND	0	0	0	0	0	0	0	0	0	0	0	0
Totals		301	300	286	209	193	221	273	263	273	205	101	265

*Adjustments based on Shared Parking Third Edition, Data - Published by ICSC, NPA, and ULI
*Hotel Adjustments based on Actual Maximum Occupancy during each Month (November 2022 through October 2023)

High Season
Low Season
Shoulder Season

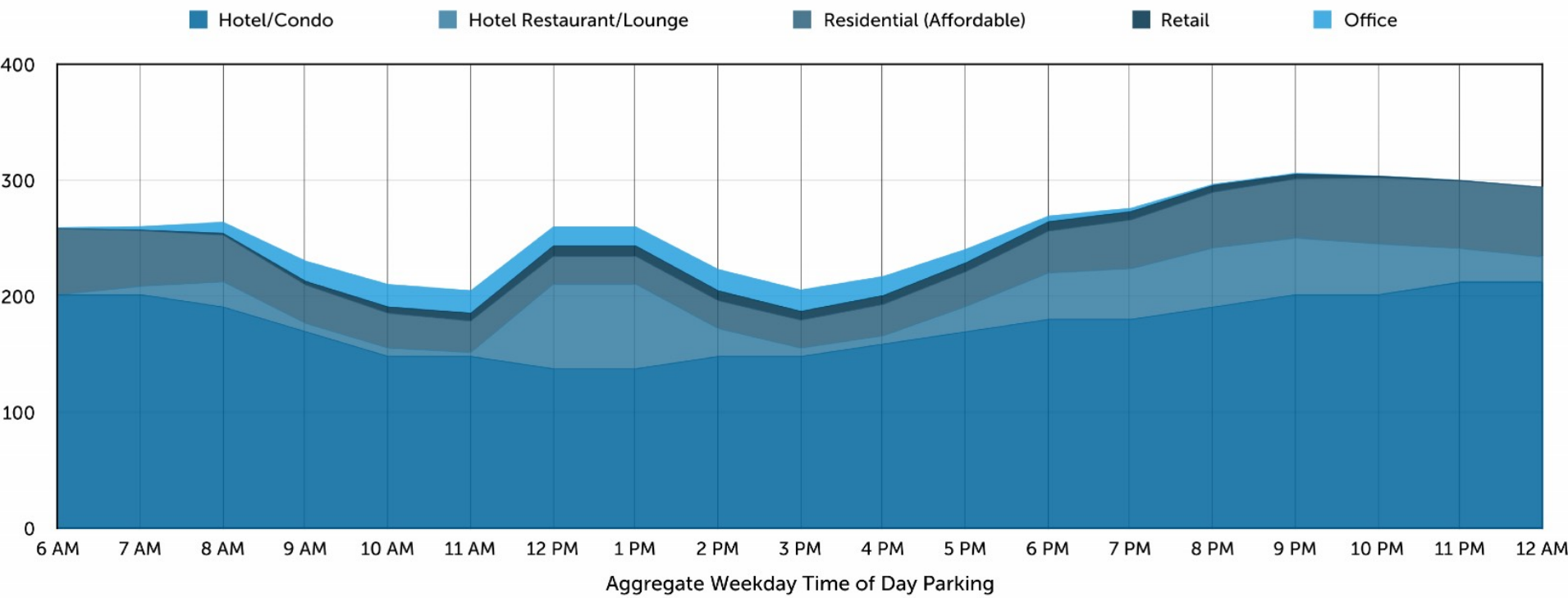


2

Weekday Time of Day Adjustments (100% Occupancy)

Land Use	User	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
Hotel/Condo	Combined	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	100%	100%	
		202	202	192	170	149	149	138	138	149	149	160	170	181	181	192	202	202	213	213
Hotel Restaurant/Bar	Combined	0%	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%
		0	7	22	7	7	4	73	73	24	7	7	22	40	44	51	49	44	29	22
Residential (Affordable)	Resident	95%	80%	67%	55%	50%	45%	40%	40%	40%	40%	45%	50%	60%	70%	80%	85%	95%	97%	100%
		57	48	40	33	30	27	24	24	24	24	27	30	36	42	48	51	57	58	60
Retail, Multi-tenant	Combined	1%	5%	15%	35%	60%	75%	100%	100%	95%	85%	85%	85%	90%	80%	65%	45%	15%	5%	0%
		0	0	1	3	5	7	9	9	8	8	8	8	8	7	6	4	1	0	0
Office	Combined	3%	15%	50%	90%	100%	100%	85%	85%	95%	95%	85%	60%	25%	15%	5%	3%	1%	0%	0%
		1	3	10	17	19	19	16	16	18	18	16	12	5	3	1	1	0	0	0
Totals		260	261	265	231	211	206	261	261	224	206	218	242	270	277	298	307	305	301	295

*Adjustments based on Shared Parking Third Edition, Data - Published by ICSC, NPA, and ULI

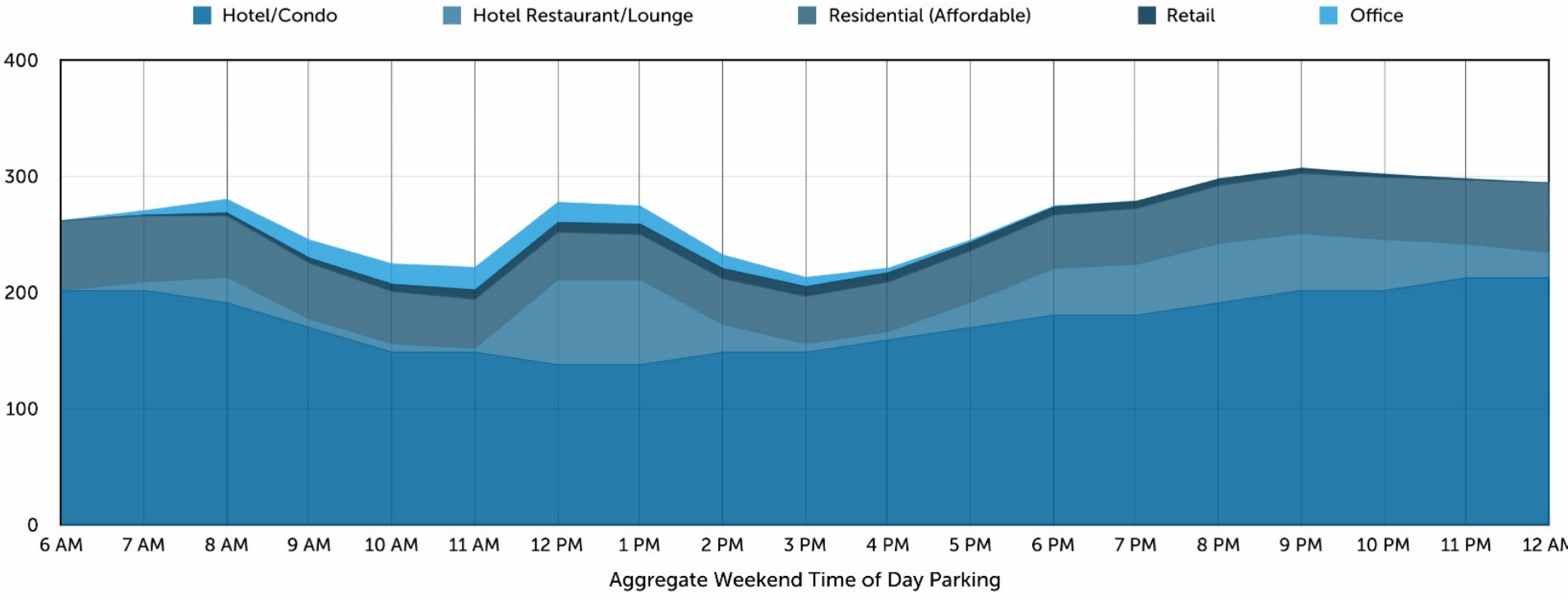


3

Weekend Time of Day Adjustments (100% Occupancy)

Land Use	User	9 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
Hotel/Condo	Combined	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%
		202	202	192	170	149	149	138	138	149	149	160	170	181	181	192	202	202	213	213
Hotel Restaurant/Bar	Combined	0%	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%
		0	7	22	7	7	4	73	73	24	7	7	22	40	44	51	49	44	29	22
Residential (Affordable)	Resident	100%	95%	88%	80%	75%	70%	68%	65%	65%	68%	71%	74%	77%	80%	83%	86%	89%	92%	100%
		60	57	53	48	45	42	41	39	39	41	43	44	46	48	50	52	53	55	60
Retail, Multi-tenant	Combined	1%	5%	30%	50%	70%	90%	95%	100%	100%	95%	90%	80%	75%	70%	65%	50%	30%	10%	0
		0	0	3	4	6	8	8	9	9	8	8	7	7	6	6	4	3	1	0
Office	Combined	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0
		0	4	12	16	17	19	17	16	12	8	4	2	1	0	0	0	0	0	0
Totals		262	271	281	246	225	222	278	275	233	213	222	246	275	279	298	307	302	298	295

*Adjustments based on Shared Parking Third Edition, Data - Published by ICSC, NPA, and ULI



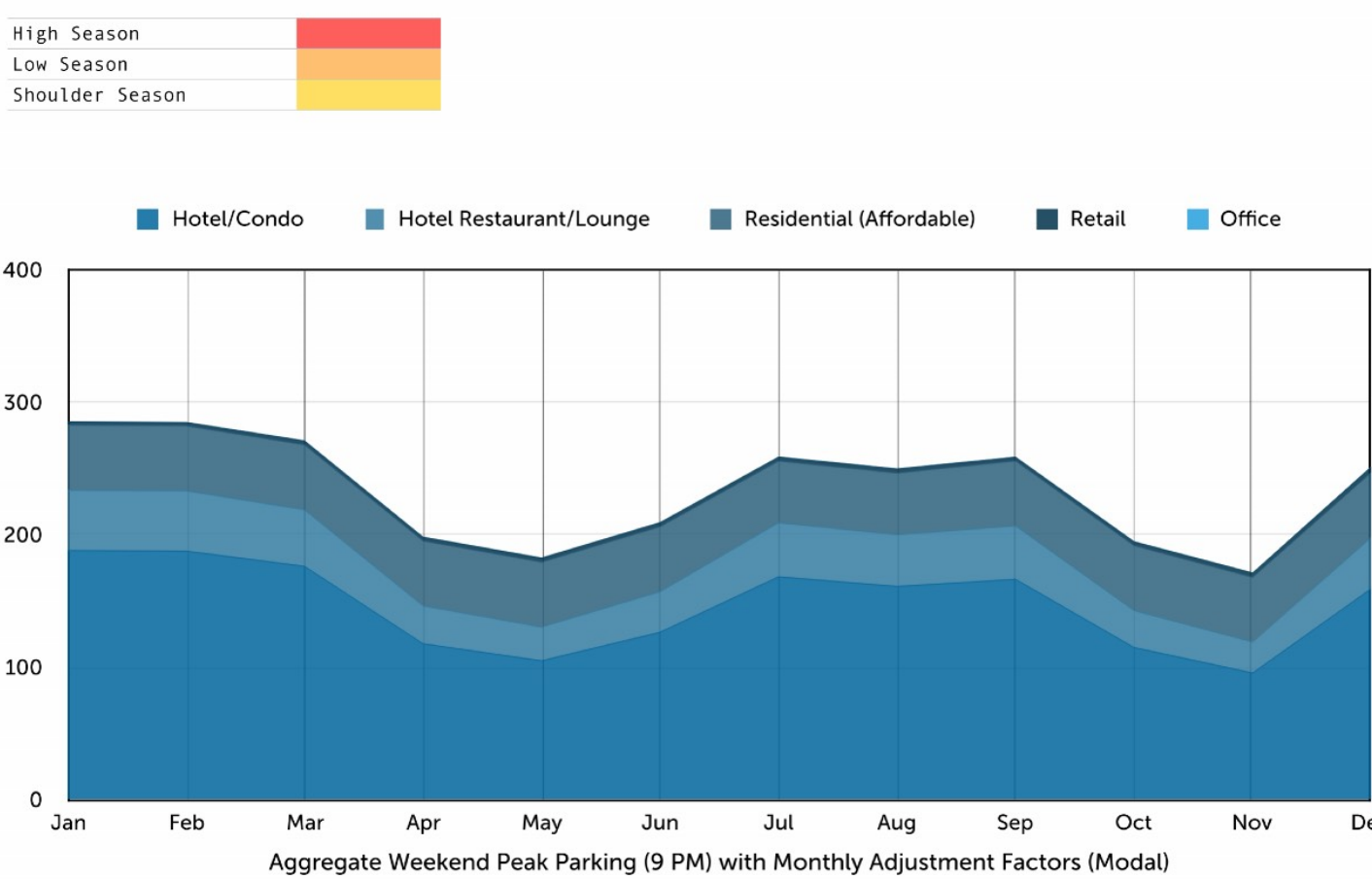
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Monthly Modal Adjustments Factors at 9PM

Land Use	User	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hotel/Condo	Combined	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	189	188	177	118	105	127	169	161	167	115	96	160
Hotel Restaurant/Bar	Combined	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	46	46	43	29	25	31	41	39	40	28	23	39
Residential (Affordable)	Resident	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	49	49	49	49	49	49	47	47	47	49	49	49
Retail, Multi-tenant	Combined	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	2	3	3	3	3	3	3	3	3	3	3	4
Office	Combined	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	0	0	0	0	0	0	0	0	0	0	0	0
Totals		280	285	271	199	183	210	259	250	259	195	172	252

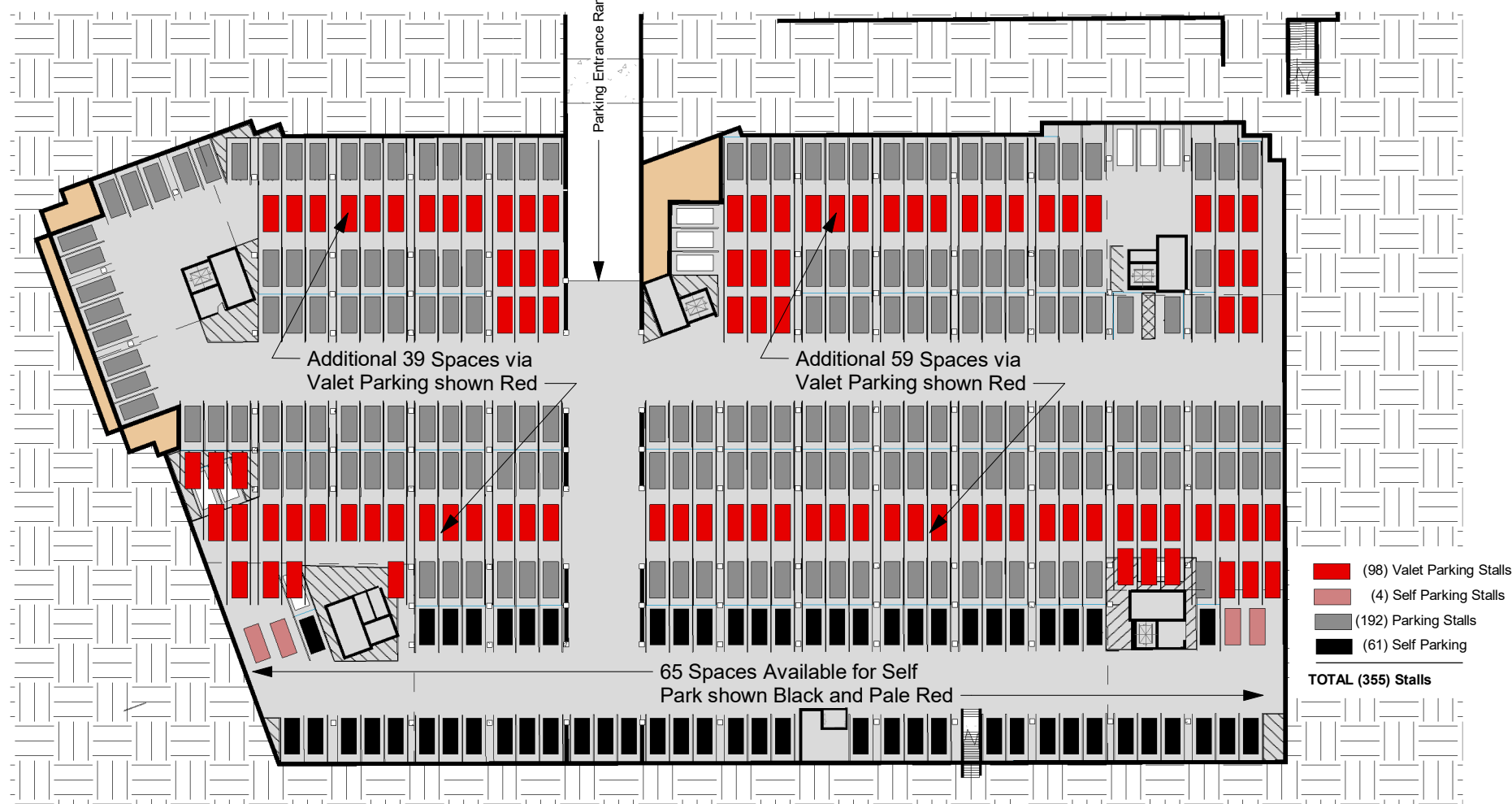
*Adjustment Reflect Alternative Transportation Use. Hotel Employees are Frequent Users of Free Bus Transit and Large Bus Transit Stop is Adjacent to the Site. Hotel Visitors Frequently use Alternative Transportation such as Ride Share, Car Service, and Multiple Visitors Carpooling in a Rental Car. Retail and Office Users are able to use Both Transit Stop and Pedestrian/Bike Pathways which are on and Adjacent to the Site. The Site is also Adjacent to Other Retail and Office Spaces that may Result in Single Trip Multiple Visits. Retail and Office have been Adjusted based on Weather Conditions which Coincides with the High, Low, and Shoulder Seasons. *The reduction of 5% is very conservative and is significantly less than suggested in "Shared Parking Third Edition".

High Season
Low Season
Shoulder Season



6

Overflow Parking During Peak Periods (Valet Parking)



- LMC Parking Calculation.....374 Stalls
- Parking Analysis Adjustment.....286 Stalls
- Underground Parking Provided.....263 Stalls
- Surface Parking Provided.....25 Stalls
- Overflow Parking.....380 Stalls

EXISTING HOTEL EMPLOYEE GENERATION & UNIT EQUIVALENT CALCULATION

Existing Yarrow Hotel		quantities	employee rate	employees	mitigation rate	workers per household
Hotel		room/suite	per room		28%	1.5
Guest Rooms		182	0.6	109.2	21.84	14.56
		182		109.2	21.84	14.56
		total area	unit equivalent	employee rate	employees	mitigation rate
Commercial			1,000.0		28%	1.5
Hotel Restaurant/Lounge		5,000	5.0	6.5	32.50	6.50
Meeting Space		9,437	9.4	1.3	12.27	2.45
			14.4		44.77	8.95
Total Existing Yarrow Hotel Affordable Unit Equivalents						20.53

HOTEL EMPLOYEE GENERATION & UNIT EQUIVALENT CALCULATION

Proposed Redevelopment		quantities	employee rate	employees	mitigation rate	workers per household
Hotel/Condo		room/suite	per room		28%	1.5
studio a		56	0.6	33.6	6.72	4.48
ADA studio (exempt)		1		0	0	0.00
studio corner		2	0.6	1.2	0.24	0.16
studio b		6	0.6	3.6	0.72	0.48
studio c		9	0.6	5.4	1.08	0.72
1 bedroom		32	0.6	19.2	3.84	2.56
ADA 1 bedroom (exempt)		1		0	0	0.00
1 bedroom corner		4	0.6	2.4	0.48	0.32
1 bedroom suite a		7	0.6	4.2	0.84	0.56
1 bedroom suite b		2		0	0	0.00
2 bedroom corner		29	0.6	17.4	3.48	2.32
ADA 2 bedroom (exempt)		1		0	0	0.00
2 bedroom a		6	0.6	3.6	0.72	0.48
2 bedroom b		6	0.6	3.6	0.72	0.48
3 bedroom Top Floor a		1	0.6	0.6	0.12	0.08
3 bedroom Top Floor b		1	0.6	0.6	0.12	0.08
3 bedroom Top Floor c		1	0.6	0.6	0.12	0.08
3 bedroom Top Floor d		2	0.6	1.2	0.24	0.16
3 bedroom Top Floor e		1	0.6	0.6	0.12	0.08
3 bedroom Top Floor f		1	0.6	0.6	0.12	0.08
3 bedroom Top Floor g		1	0.6	0.6	0.12	0.08
ADA 3 bedroom Top Floor (exempt)		1		0	0	0.00
		171		99	19.80	13.28
		total area	unit equivalent	employee rate	employees	mitigation rate
Commercial			1,000.0		28%	1.5
Hotel Restaurant/Lounge		4,184	4.2	6.5	27.20	5.44
Rooftop Bar		3,119	3.1	6.5	20.27	4.05
Retail		2,543	2.5	3.3	8.39	1.68
Office (Prof. Services)		6,469	6.5	3.7	23.94	4.79
Lobby Retail		2,136	2.1	0.00	0.00	0.00
Spa & Fitness		2,811	2.8	1.3	3.65	0.73
Breakout Rooms		1,148	1.1	1.3	1.49	0.30
Meeting Hall		5,051	5.1	1.3	6.57	1.31
Pool Locker(exempt)		322	0.0	0.00	0.00	0.00
Ski/Bike Locker (exempt)		932	0.0	0.00	0.00	0.00
Coffee Shop (exempt)		306	0.3	1.3	0.40	0.08
Total Exempt		12,786				
10% of Residential UE		15,168 ***				
		27.8		91.91	18.38	12.25
Total Proposed Redevelopment Affordable Unit Equivalents						25.45

Proposed Affordable	quantities	area	total area	affordable unit equivalent	additional aue proposed	required
Residential (Affordable)	60			900		
studio	18	332.0	5,976	6.64		
1 bedroom	42	435.0	18,270	20.30		
Total Proposed Affordable			24,246	26.94	149	25.45

MULTI-FAMILY EMPLOYEE GENERATION & UNIT EQUIVALENT CALCULATION

Proposed Redevelopment		quantities	area	total area	unit equivalent	aue required
Hotel/Condo		room/suite			2,000	28%
studio a		56	450	25,200	12.6	2.52
ADA studio (exempt)		1	450	0	0	0.00
studio corner		2	476	952	0.476	0.10
studio b		6	489	2,934	1.467	0.29
studio c		9	535	4,815	2.4075	0.48
1 bedroom		32	571	18,272	9.136	1.83
ADA 1 bedroom (exempt)		1	571	0	0	0.00
1 bedroom corner		4	476	1,904	0.952	0.19
1 bedroom suite a		7	594	4,158	2.079	0.42
1 bedroom suite b		2	705	1,410	0.705	0.14
2 bedroom corner		29	1,187	34,423	17.2115	3.44
ADA 2 bedroom (exempt)		1	1,187	0	0	0.00
2 bedroom a		6	1,224	7,344	3.672	0.73
2 bedroom b		6	1,254	7,524	3.762	0.75
3 bedroom Top Floor a		1	1,742	1,742	0.871	0.17
3 bedroom Top Floor b		1	1,702	1,702	0.851	0.17
3 bedroom Top Floor c		1	1,966	1,966	0.983	0.20
3 bedroom Top Floor d		2	1,782	3,564	1.782	0.36
3 bedroom Top Floor e		1	2,148	2,148	1.074	0.21
3 bedroom Top Floor f		1	1,853	1,853	0.9265	0.19
3 bedroom Top Floor g		1	1,771	1,771	0.8855	0.18
ADA 3 bedroom Top Floor (exempt)		1	1,546	0	0	0.00
		171		123,682	61.84	12.37
		total area	unit equivalent	employee rate	employees	mitigation rate
Commercial			1,000.0		28%	1.5
Hotel Restaurant/Lounge		4,184	4.2	6.5	27.20	5.44
Rooftop Bar		3,119	3.1	6.5	20.27	4.05
Retail		2,543	2.5	3.3	8.39	1.68
Office (Prof. Services)		6,469	6.5	3.7	23.94	4.79
Lobby Retail		2,136	2.1	0.00	0.00	0.00
Spa & Fitness		2,811	2.8	1.3	3.65	0.73
Breakout Rooms		1,148	1.1	1.3	1.49	0.30
Meeting Hall		5,051	5.1	1.3	6.57	1.31
Pool Locker(exempt)		322	0.0	0.00	0.00	0.00
Ski/Bike Locker (exempt)		932	0.0	0.00	0.00	0.00
Coffee Shop (exempt)		306	0.3	1.3	0.40	0.08
Total Exempt		12,786				
10% of Residential UE		15,168				
		16.3		91.91	18.38	12.25
Total Proposed Redevelopment Affordable Unit Equivalents						24.62

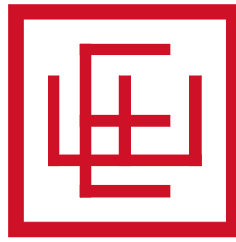
Proposed Affordable	quantities	area	total area	affordable unit equivalent	additional aue proposed	required
Residential (Affordable)	60			900		
studio	18	332.0	5,976	6.64		
1 bedroom	42	435.0	18,270	20.30		
Total Proposed Affordable			24,246	26.94	232	24.62

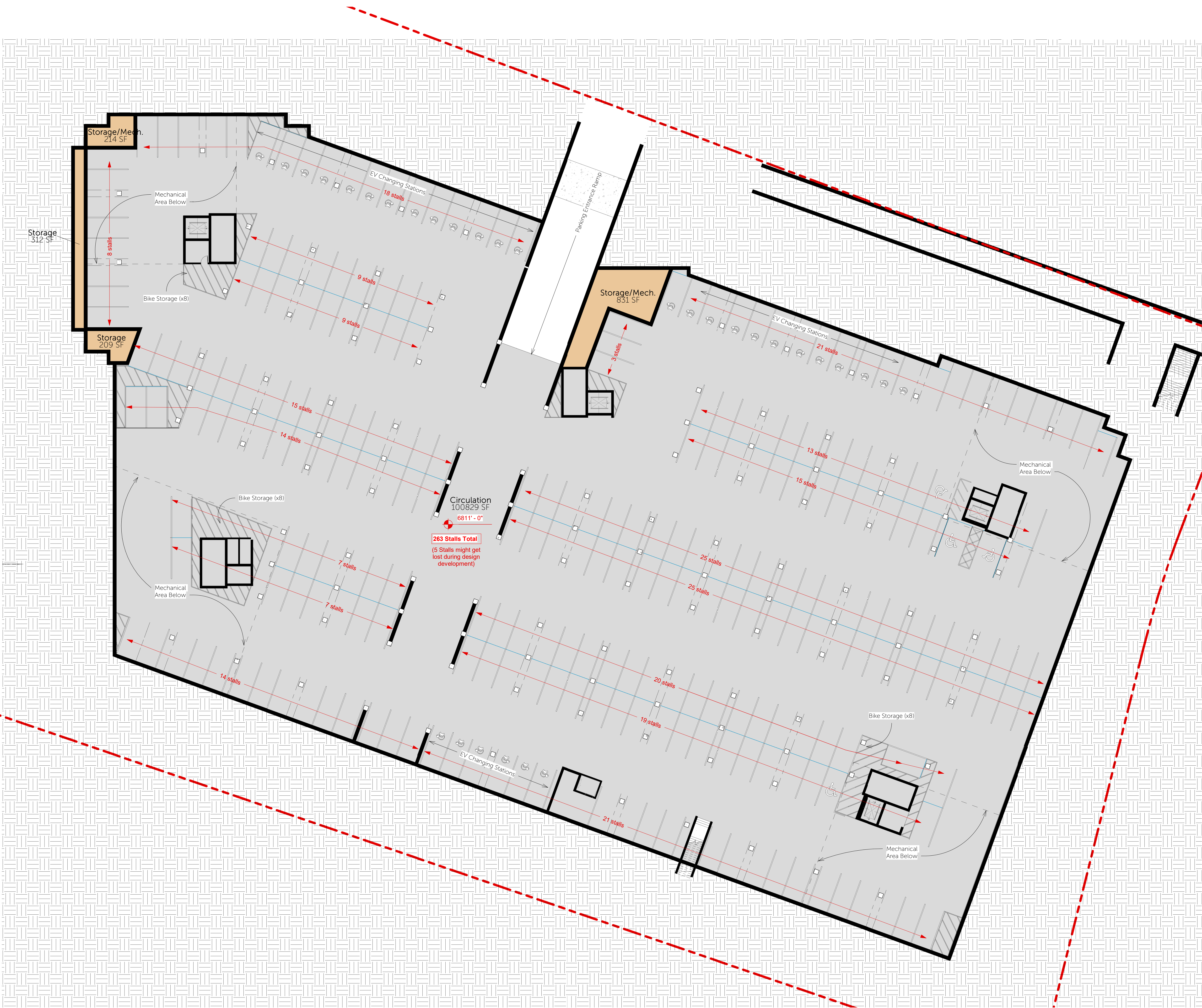
- Existing Building.....20.53 AUEs

Proposed Building (Hotel).....25.45 AUE's Required

Proposed Building (Multi-Family).....24.63 AUE's Required

AH Units Provided.....26.94 AUEs (60 units)





Level -1 - MPD
SCALE: 1" = 20'-0"



Park & Kearns Redevelopment

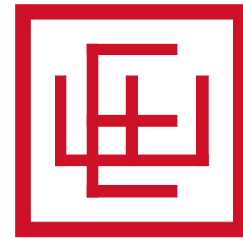
MPD-100

Parking Level -1



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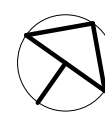
MPD-101

Level 1

- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio



Level 1 - MPD
SCALE: 1" = 20'-0"





- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio

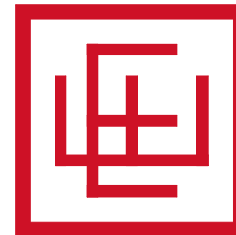
Level 2 - MPD
SCALE: 1" = 20'-0"



Park & Kearns Redevelopment

MPD-102

Level 2



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- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio

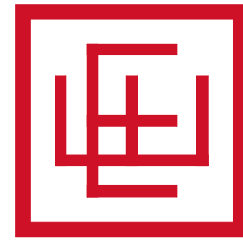
Level 3 - MPD
SCALE: 1" = 20'-0"



Park & Kearns Redevelopment

MPD-103

Level 3



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- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio

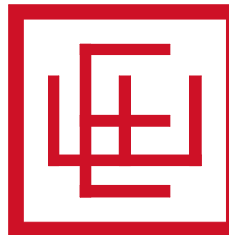
Level 4 - MPD
SCALE: 1" = 20'-0"



Park & Kearns Redevelopment

MPD-104

Level 4



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Guardrail Elevation: 6855' - 0"
Grade: 6820' - 0"
Guardrail Over Topo: 35' - 0"

Roof Elevation: 6851' - 1"
Grade: 6820' - 0"
Roof Over Topography: 31' - 1"

Mech. Screen Elevation: 6866' - 0"
Grade: 6820' - 0"
Mech. Screen Over Topo: 46' - 0"

Roof Elevation: 6862' - 0"
Grade: 6820' - 0"
Roof Over Topography: 42' - 0"

Mech. Screen Elevation: 6866' - 0"
Grade: 6820' - 0"
Mech. Screen Over Topo: 46' - 0"

Guardrail Elevation: 6854' - 6"
Grade: 6820' - 0"
Guardrail Over Topo: 34' - 6"

Roof Elevation: 6862' - 0"
Grade: 6820' - 0"
Roof Over Topography: 42' - 0"

Roof Elevation: 6862' - 0"
Grade: 6820' - 0"
Roof Over Topography: 42' - 0"

Roof Elevation: 6851' - 0"
Grade: 6819' - 3"
Roof Over Topography: 31' - 9"

Elevator Elevation: 6869' - 0"
Grade: 6820' - 0"
Elevator Over Topo: 49' - 0"

Guardrail Elevation: 6854' - 6"
Grade: 6820' - 0"
Guardrail Over Topo: 34' - 6"

Roof Elevation: 6851' - 0"
Grade: 6818' - 10"
Roof Over Topography: 32' - 2"

Roof Elevation: 6862' - 0"
Grade: 6820' - 0"
Roof Over Topography: 42' - 0"

Roof Elevation: 6851' - 0"
Grade: 6816' - 6"
Roof Over Topography: 34' - 6"

Guardrail Elevation: 6854' - 6"
Grade: 6817' - 6"
Guardrail Over Topo: 37' - 0"

Elevator Elevation: 6869' - 0"
Grade: 6820' - 0"
Elevator Over Topo: 49' - 0"

Mech. Screen Elevation: 6866' - 0"
Grade: 6820' - 0"
Mech. Screen Over Topo: 46' - 0"

Roof Elevation: 6835' - 0"
Grade: 6820' - 0"
Roof Over Topography: 15' - 0"

Parapet Elevation: 6837' - 0"
Grade: 6820' - 0"
Roof Over Topography: 17' - 0"

Elevator Elevation: 6869' - 0"
Grade: 6820' - 0"
Elevator Over Topo: 49' - 0"

Parapet Elevation: 6833' - 0"
Grade: 6820' - 0"
Parapet Over Topo: 13' - 0"

Roof Elevation: 6831' - 0"
Grade: 6820' - 0"
Roof Over Topography: 11' - 0"

Elevator Elevation: 6872' - 0"
Grade: 6820' - 0"
Elevator Over Topo: 52' - 0"

Parapet Elevation: 6869' - 0"
Grade: 6820' - 0"
Parapet Over Topo: 49' - 0"

Entry Canopy Elevation: 6836' - 8"
Grade: 6819' - 6"
Canopy Over Topo: 16' - 2"

Roof Elevation: 6865' - 0"
Grade: 6820' - 0"
Roof Over Topography: 45' - 0"

Roof Elevation: 6835' - 0"
Grade: 6821' - 0"
Roof Over Topography: 14' - 0"

Parapet Elevation: 6837' - 0"
Grade: 6821' - 0"
Parapet Over Topo: 16' - 0"

Mech. Screen Elevation: 6845' - 6"
Grade: 6821' - 0"
Mech. Screen Over Topo: 24' - 6"

Parapet Elevation: 6842' - 0"
Grade: 6821' - 0"
Parapet Over Topo: 21' - 0"

Roof Elevation: 6841' - 7"
Grade: 6821' - 0"
Roof Over Topography: 20' - 7"

Elevator Elevation: 6871' - 0"
Grade: 6820' - 0"
Elev. Shaft Over Topo: 51' - 0"

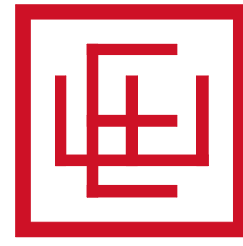
Mech. Screen Elevation: 6868' - 0"
Grade: 6821' - 0"
Mech. Screen Over Topo: 47' - 0"

Roof Elevation: 6864' - 0"
Grade: 6821' - 0"
Roof Over Topography: 43' - 0"

Roof Elevation: 6840' - 0"
Grade: 6821' - 0"
Roof Over Topography: 19' - 0"

Roof Elevation: 6849' - 6"
Grade: 6821' - 0"
Roof Over Topography: 28' - 6"

Roof Plan
SCALE: 3/84" = 1'-0"



Project Name:	Park and Kearns Redevelopment	Date:	2024.09.17
EWG Project Number:	2023-31	Issued By:	EWG

Sheet Number	Sheet Number	Description
MPD-007	Landscape Plan	- Incorporate elements from Small Area Plan - Revised Landscape and Hardscape areas - Revised Gathering Areas - Increased turning radius at loading dock - Add Street trees along South and East sides
MPD-010	Open Space	- Updated Proposed Building Open Space - Increased Open Space from 40% which is 41.8% greater than the baseline open space. Does not include include Amenity Space internal to the project.
MPD-021	Parking Analysis	- Updated Parking Calculations with new unit mix - Updated Overflow Parking exhibit reflecting Parking Level footprint revision - LMC Parking Requirement: 374 Stalls - Parking Analysis Adjustment: 286 Stalls - Parking Provided: 288 Stalls - Overflow Parking: 380 Stalls
MPD-022	Unit Equivalent Calculations	- Updated Unit mix - Decreased Proposed Redevelopment quantities from 174 units to 171 Market Rate Units. - Required AUE (Hotel): 24.45 - Required AUE (Multifamily): 24.63 - Provides AUE: 26.94 (60 Units)
MPD-100	Level -1	- Revised area due to revisions on footprint - Revised Parking Layout - Added dash line showing Mechanical Areas below - Reduced Storage/ Mechanical Areas, added stalls on this areas - Total Parking Stalls 263
MPD-101	Level 1	- Added Hotel Amenity - Coffee Shop near gathering area between blocks B & C - Revised Unit Mix
MPD-102	Level 2	- Revised Unit Mix
MPD-103	Level 3	- Revised Unit Mix
MPD-104	Level 4	- Update 3 Bedroom Unit Square Footage
MPD-106	Roof Over Topography	- Updated Elevator Penthouses and Mechanical Screening



1800 Park Avenue

Parking Management Plan

with Parking Analysis

September 17, 2024

Overview

The design of the project consists of an underground parking garage servicing the majority of the project along with surface parking on the south and east side of the property. Access to the parking garage is from the north side of the site along Kearns Boulevard. The revised access has been located between the two existing curb cuts and aligned with the east curb cut to the parking lot to the Jess Reid Building, across Kearns Boulevard, to improve ingress and egress to the property.

The proposed underground parking garage consists of **263** parking spaces with an additional **25** surface parking spaces. The surface spaces are intended to service the office, retail, and restaurant uses for shorter term parking. The total parking provided on site is **288** spaces.

The Master Planned Development process in the Land Management Code allows for a reduction in parking through the submittal of a Parking Analysis. As a mixed-use project that includes nightly rental uses, affordable housing, office, retail, and restaurant, the property will have significant variations in parking demand at different times of day and will have reductions due to the use of alternative modes of transportation.

To maintain a baseline, the Parking Analysis uses a hybrid calculation using the parking requirements found in the Land Management Code combined with the Time of Day and Monthly Occupancy Adjustments from “Shared Parking Third Edition”, published by ICSC, NPA, and ULI.

The uses in *Shared Parking* provide typical uses for hotel but do not cover some of the transportation mode counts typical of resort hotel/nightly rental uses. As the existing property has operated as a hotel for over four decades, a significant volume of access to the property has been through the use of shuttles, car service, and other forms of transportation that do not require parking. Understanding the historic use of the property, the modal adjustments submitted are very conservative.

The included Parking Analysis documents the rationale for the requested parking reduction. The total requested parking reduction is approximately 23%. The goal of the parking reduction request is to right size the parking for the project, which also works to minimize traffic generated from the project.

The Parking Analysis and Implementation of the Parking Management Plan follow:

Land Management Code (LMC) Required Parking Analysis

1. **The proposed number of vehicles required** by the occupants of the project based upon the proposed Use and occupancy.

a. As a nightly-rental condominium use, the LMC requires an analysis for both a “Multi-Family Use” and a “Hotel Use. See Tables 1 & 2 below:

Table 1 - Park & Kearns Mixed-Use Parking Calculations (Hotel)

	quantities		parking required		spaces required
Hotel/Condo	213				213
studio	74	keys	1	per key	74.00
1 bedroom	46	keys	1	per key	46.00
2 bedroom	42	keys	1	per key	42.00
lockout	42	keys	1	per key	42.00
3 bedroom (<2000 SF)	8	keys	1	per key	8.00
3 bedroom (>2000 SF)	1	keys	1	per key	1.00
Hotel Restaurant/Bar	7,303	square feet	1	per 100 sf	73.03
Residential (Affordable)	60				60.00
studio	18	units	1	per unit	18.00
1 bedroom	42	units	1	per unit	42.00
Retail, Multi-tenant	2,543	square feet	3.5	per 1,000 sf	8.90
Office	6,469	square feet	3	per 1,000 sf	19.41
					374.34

Table 2 - Park & Kearns Mixed-Use Parking Calculations (Multi-Family)

	quantities		parking required		spaces required
Hotel/Condo	171				197.00
studio	74	units	1	per unit	74.00
1 bedroom	46	units	1	per unit	46.00
2 bedroom	42	units	1.5	per unit	63.00
3 bedroom (<2000 SF)	8	units	1.5	per unit	12.00
3 bedroom (>2000 SF)	1	units	2	per unit	2.00
Hotel Restaurant/Bar	7,303	square feet	1	per 100 sf	73.03
Residential (Affordable)	60				60.00
studio	18	units	1	per unit	18.00
1 bedroom	42	units	1	per unit	42.00
Retail, Multi-tenant	2,543	square feet	3.5	per 1,000 sf	8.90
Office	6,469	square feet	3	per 1,000 sf	19.41
257					358.34

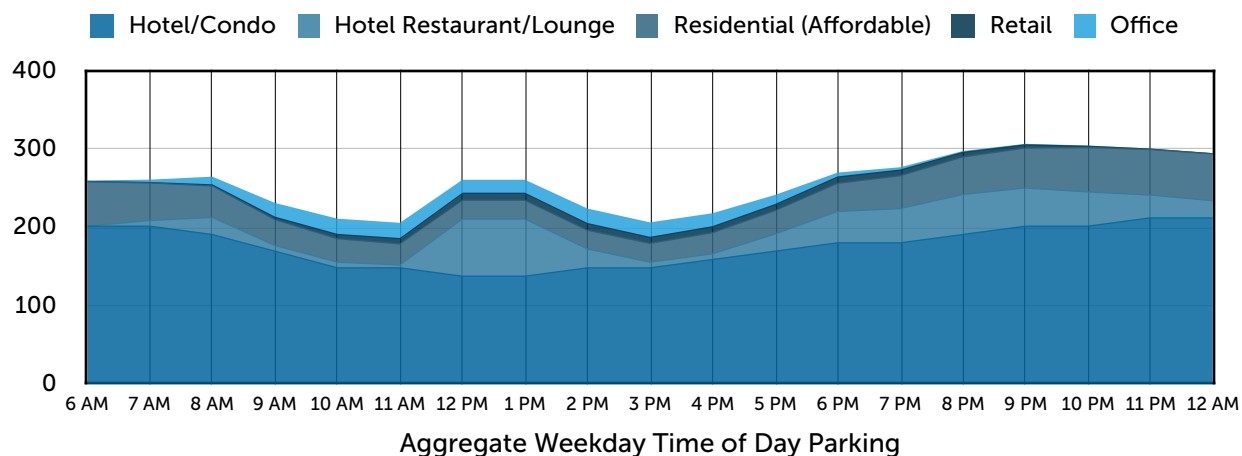
- b. The calculations above show the Hotel use requires the most parking at **374.34 parking stalls**.
 - c. The effective rate of parking in the code for the residential is approximately **1.1 space per unit**.
2. **Parking Comparison of projects of similar size** *with similar occupancy type to verify the demand for occupancy Parking.*
- a. There are few examples of similar projects locally that are in current operation. As a mixed-use project, 1800 Park has a similar occupancy type as the **Newpark** development, located in Kimball Junction. Though the Newpark project is significantly larger.
 - i. Following is a breakdown of the Newpark occupancies by type and parking.
 - Commercial: 123,000 sf - 566 stalls
 - The Commons Commercial: 12,500 sf - no dedicated spaces
 - The Commons Residential: 38 dwelling units - no dedicated spaces
 - Newpark Terrace: 60 dwelling units - 68 stalls +3 ADA spaces
 - Newpark Residences: 71 townhomes - 71 spaces
 - Newpark Flats: 43 Apartments - 53 spaces
 - ii. A concise synopsis of the parking at the Newpark Development shows that the property has 135,500 sf of commercial and 212 total residential units and a total of 761 parking spaces.
 - iii. The effective rate of the commercial parking is approximately 4 spaces per 1,000 sf and the residential parking is approximately .9 spaces per unit.
 - iv. Based on the existing uses in Newpark the parking calculations from the LMC would require approximately 1000 spaces. **This is a parking reduction of approximately 24%.**
 - b. Another example that has a similar occupancy type is **Rail Central Building Three**, located on Bonanza Drive in Park City, though this project is significantly smaller.
 - i. Following is a breakdown of the Rail Central occupancies by type and parking.
 - Commercial (Wholesale): 6,500 sf - 14 spaces
 - Residential: 24 units - 12 spaces
 - Total parking provided - 29 spaces
 - ii. The parking for the residential units are calculated at .5 spaces per unit. The units are studio type units and parking is regulated by application for parking passes and have an associated nominal cost.
 - iii. Adding the additional 3 spaces to the commercial, the effective rate of the commercial parking is 2.3 spaces per 1,000 sf.
 - iv. A baseline calculation of uses would require 47 parking spaces. **This a parking reduction of approximately 38%.**
 - c. With comparison projects having parking reductions of 24% to 38% the requested 23% parking reduction is in line with these comparable projects.

3. **Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.**
 - a. See parking Tables 1 & 2 above in item 1.
 - b. The effective parking rate in the code for commercial parking is **6.19 per 1,000 sf**. This rate is greatly increased by the parking required for the restaurant and bar in which the exterior roof deck is included in the area served.
4. **Analysis of time periods of use** for each of the uses in the project and opportunities for shared parking by different Uses. This shall be considered only when there is a Guarantee by Use covenant and deed restriction.
 - a. An analysis has been performed for time of day adjustments on both a Weekday and a Weekend based on “Shared Parking Third Edition” data, published by ICSC, NPA, and ULI. With the adjustments, the Weekday and Weekend were found to have the same parking demand. The highest demand is at 9PM with 307 spaces. See Table 3 below:

Table 3 - Park & Kearns Mixed-Use Weekday Time of Day Adjustments (100% Occupancy)

Land Use	User	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
Hotel/Condo	Combined	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%
		202	202	192	170	149	149	138	138	149	149	160	170	181	181	192	202	202	213	213
Hotel	Restaurant/B Combined	0%	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%
		0	7	22	7	7	4	73	73	24	7	7	22	40	44	51	49	44	29	22
Residential (Affordable)	Resident	95%	80%	67%	55%	50%	45%	40%	40%	40%	40%	45%	50%	60%	70%	80%	85%	95%	97%	100%
		57	48	40	33	30	27	24	24	24	24	27	30	36	42	48	51	57	58	60
Retail, Multi-tenant	Combined	1%	5%	15%	35%	60%	75%	100%	100%	95%	85%	85%	85%	90%	80%	65%	45%	15%	5%	0%
		0	0	1	3	5	7	9	9	8	8	8	8	8	7	6	4	1	0	0
Office	Combined	3%	15%	50%	90%	100%	100%	85%	85%	95%	95%	85%	60%	25%	15%	5%	3%	1%	0%	0%
		1	3	10	17	19	19	16	16	18	18	16	12	5	3	1	1	0	0	0
Totals		260	261	265	231	211	206	261	261	224	206	218	242	270	277	298	307	305	301	295

*Adjustments based on Shared Parking Third Edition, Data - Published by ICSC, NPA, and ULI



- b. Additionally, an analysis has been performed for mixed-use occupancy adjustment factors. This is a cumulative analysis and uses the Weekend 9PM parking demand. The highest demand is January and February with 298 spaces. See Table 4 below:

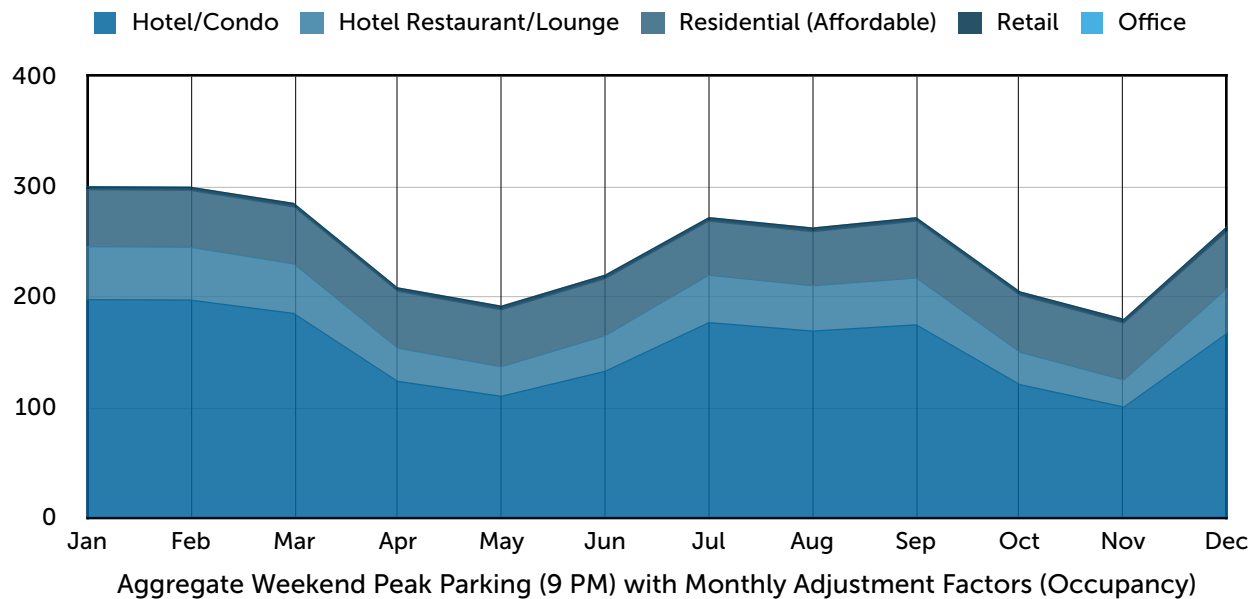
Table 4 - Park & Kearns Mixed-Use Monthly Occupancy Adjustments Factors at 9PM

Land Use	User	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hotel/Condo	Combined	98.1%	97.9%	91.9%	61.5%	54.8%	66.0%	87.8%	84.0%	86.8%	60.0%	50.0%	83.2%
	9PM WKND	199	198	186	124	111	134	178	170	176	121	101	168
Hotel Restaurant/Bar	Combined	98.1%	97.9%	91.9%	61.5%	54.8%	66.0%	87.8%	84.0%	86.8%	60.0%	50.0%	83.2%
	9PM WKND	48	48	45	30	27	32	43	41	42	29	24	41
Residential (Affordable)	Resident	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%
	9PM WKND	52	52	52	52	52	52	49	49	52	52	52	52
Retail, Multi-tenant	Combined	59%	61%	70%	67%	72%	72%	70%	73%	66%	69%	76%	100%
	9PM WKND	3	3	3	3	3	3	3	3	3	3	3	4
Office	Combined	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%
	9PM WKND	0	0	0	0	0	0	0	0	0	0	0	0
Totals		301	300	286	209	193	221	273	263	273	205	181	265

*Adjustments based on Shared Parking Third Edition, Data - Published by ICSC, NPA, and ULI

*Hotel Adjustments based on Actual Maximum Occupancy during each Month (November 2022 through October 2023)

High Season	
Low Season	
Shoulder Season	



5. **A plan to discourage the Use of motorized vehicles** and encourage other forms of transportation.

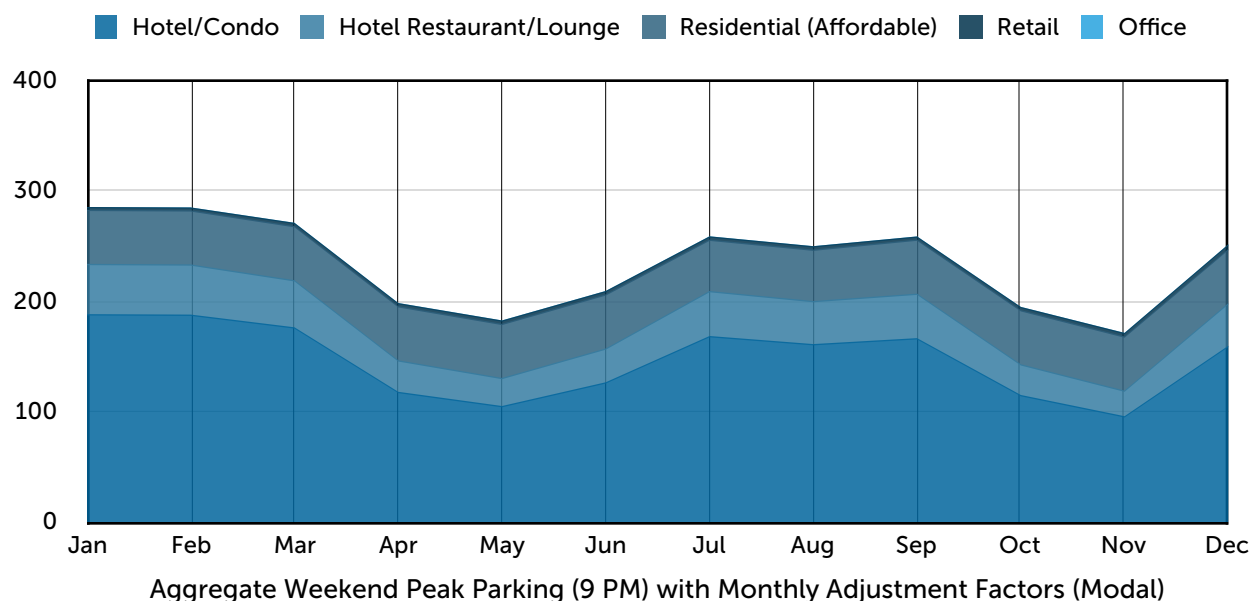
- a. In addition to hourly and monthly adjustments a modal adjustment using a reduction of 5% is being proposed. See Table 5 below:

Table 5 - Park & Kearns Mixed-Use Monthly Modal Adjustments Factors at 9PM

Land Use	User	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hotel/Condo	Combined	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	189	188	177	118	105	127	169	161	167	115	96	160
Hotel Restaurant/Bar	Combined	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	46	46	43	29	25	31	41	39	40	28	23	39
Residential (Affordable)	Resident	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	49	49	49	49	49	49	47	47	49	49	49	49
Retail, Multi-tenant	Combined	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	2	3	3	3	3	3	3	3	3	3	3	4
Office	Combined	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
	9PM WKND	0	0	0	0	0	0	0	0	0	0	0	0
Totals		286	285	271	199	183	210	259	250	259	195	172	252

*Adjustment Reflect Alternative Transportation Use. Hotel Employees are Frequent Users of Free Bus Transit and a Large Bus Transit Stop is Adjacent to the Site. Hotel Visitors Frequently use Alternative Transportation such as Ride Share, Car Service, and Multiple Visitors Carpooling in a Rental Car. Retail and Office Users are able to use Both Transit Stop and Pedestrian/Bike Pathways which are On and Adjacent to the Site. The Site is also Adjacent to Other Retail and Office Spaces that may Result in Single Trip Multiple Visits. Retail and Office have been Adjusted based on Weather Conditions which Coincides with the High, Low, and Shoulder Seasons. *The reduction of 5% is very conservative and is significantly less than suggested in "Shared Parking Third Edition".

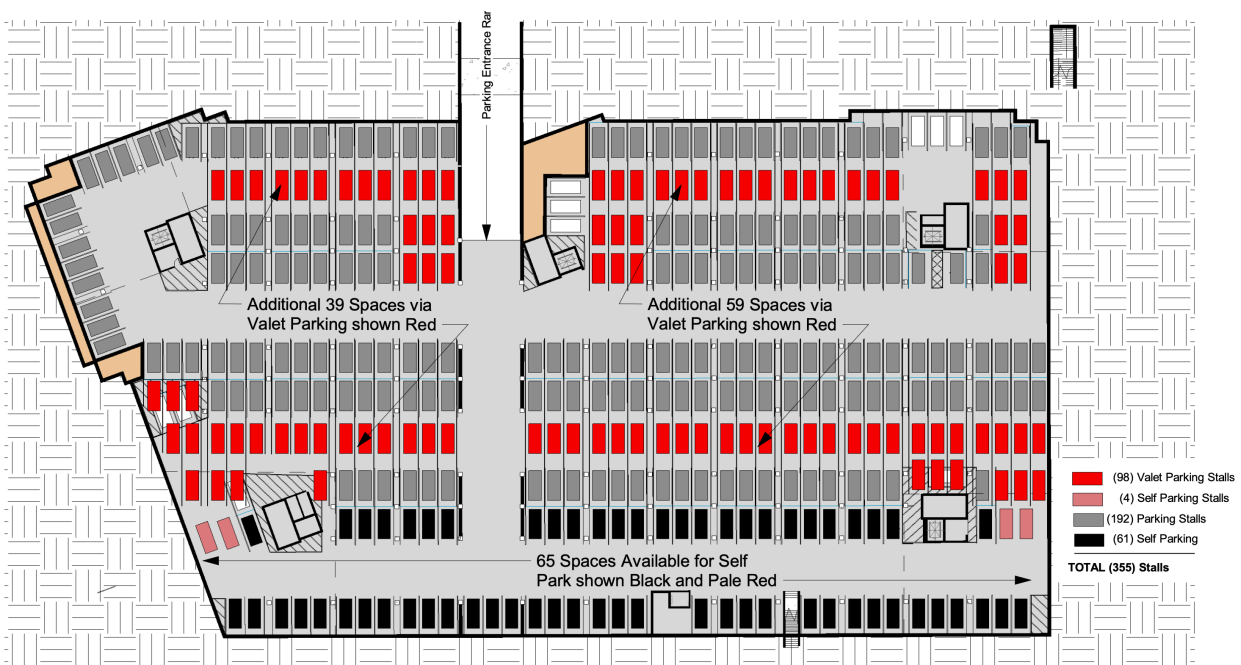
High Season	
Low Season	
Shoulder Season	



- i. This project is immediately adjacent to the newly improved Fresh Market Transit Stop. This stop accommodates a large number of bus routes for Park City Transit and High Valley Transit and has proven to be highly used by both employees and visitors of the current hotel, reducing the need for parking.
- ii. Hotel Visitors Frequently use Alternative Transportation such as Ride Share, Car Service, and Multiple Visitors Carpooling in a Rental Car, reducing the need for parking.
- iii. Full-Time Residents, Restaurant, Retail, and Office Users are able to use Both Transit Stop and Pedestrian/Bike Pathways which are on and adjacent to the Site reducing the need for parking.
- iv. The Site is also Adjacent to Other Retail and Office Spaces that may Result in Single Trip Multiple Visits reducing the need for parking.
- v. The project is located close to retail and services for the Full-Time Residents which will allow pedestrian access and thus reduce the need for parking.
- vi. Retail and Office have been Adjusted based on Weather Conditions which Coincides with the High, Low, and Shoulder Seasons.
- vii. The project has secure bike storage, bike racks, and will have a Summit Bike Share location adjacent to the entry.
- viii. The reduction of 5% is very conservative and is significantly less than suggested in "Shared Parking Third Edition".

6. **Provisions for overflow parking** during peak periods.

- a. During peak periods, overflow parking will be provided in the garage through the implementation of valet parking. An additional 98 spaces can be provided. See graphic below of parking garage with valet configuration:



7. **An evaluation of potential adverse impacts of the proposed Parking reduction and Density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.**
 - a. The proposed project does not include any Density increase.
 - b. The proposed parking reduction will not adversely impact the surrounding property as the Implementation of the Parking Management Plan provides the ability to provide overflow parking that provides 380 parking spaces through a valet program. And, additionally, another 12 short term parking spaces that have not been included in the calculations can be accommodated in the hotel and the drop-off area for the meeting area. This provides a total of 392 spaces which is greater than the 375 spaces shown in the calculations in Tables 1 & 2.

Implementation

General Operations

1. Property management of the property will implement a parking management system that supports vehicular access to the property and manages the use of the parking spaces associated with the property.
2. Overnight parking will only be allowed for the Hotel/Nightly Rental use and the Affordable Housing use. The parking garage and surface parking will be accessed nightly after Restaurant and Bar operating hours. Vehicles without appropriate passes displayed will be removed from the site at the vehicle owner's expense.
3. Vehicle repair in the parking garage is strictly prohibited (including oil changes). Anyone who works on a vehicle in the parking garage will be in violation of the lease agreement.
4. Surface parking is intended for short-term use to service the office, retail, restaurant, and bar. No overnight parking is allowed for these uses.
5. Only vehicles that are licensed and in operating condition are allowed on the property.

Hotel/Nightly Rental Operations

1. Parking passes will be issued to Hotel/Nightly Rental users that will allow access to the parking garage at the rate of one (1) pass per key. These passes will allow overnight parking and will be required to be displayed.
2. Parking passes will be issued to necessary Hotel/Nightly Rental operations employees as determined by the hotel operator and will be required to be displayed.
3. Parking passes will be issued to Owners of the Nightly Rental units at the rate of one (1) pass per unit. These Owners may not use the parking area if their unit is in use as a nightly rental.
4. Employees of the Hotel/Nightly Rental Operator will be encouraged to take alternative modes of transportation. With emphasis on use of bus service which is provided at the

Fresh Market Transit Center which is adjacent to the property. Additionally, indoor secure bike storage will be provided for employees of the Operator.

5. The Hotel/Nightly Rental Operator will provide a optional Valet service that is operated out of the Lobby/Check-in area.
6. The North East corner of the garage will be assigned as the first area of implementation for valet parking. This area is the farthest from the hotel entry and a good distance from the stair and elevator access to the Affordable Housing.
7. If the need increases, the valet area can expand first to the North West and then to the South area shown in the Valet Parking graphic.

Affordable Housing Operations

1. Residents will be required to apply for parking passes. Issued parking passes will be required to be displayed. Vehicles without a valid displayed parking pass or that do not adhere to the parking policy will be towed at the vehicle owner's expense.
2. Parking is limited to one (1) parking space per 1 bedroom apartment. And one (1) parking space per every two (2) studio apartments. Fifty-one (51) spaces will be available.
3. Residents will be encouraged to take alternative modes of transportation. With emphasis on use of bus service which is provided at the Fresh Market Transit Center which is adjacent to the property. Additionally, indoor secure bike storage will be provided for the residents.
4. Guests of the Affordable Housing residents will be allowed to park in the parking garage but will require a guest pass to be displayed. It is the responsibility of the Resident to notify guest(s) of the parking policies and issue a guest parking pass to the guest(s). Guest parking passes are for temporary guest parking and not to be used for tenant vehicles. Improper use of guest parking passes will result in a lease violation and/or vehicle towed at the vehicle owner's expense.
5. In the case of implementation of valet parking, Residents will be allowed to self park in the South portion of the garage as shown in the graphic for valet parking in the Parking Analysis. These areas are identified as black or pale red rectangles on the graphic and provides 68 spaces, which is more than the parking passes issued for the Affordable Housing Residents.
6. Failure to comply with any provisions of the parking agreement may result in termination of the lease agreement and or eviction proceedings, in addition to all other available legal remedies.
7. Residents will be required to sign the parking agreement document as part of the lease.

Meeting Operations

1. The Meeting spaces are intended to service the operations of the Hotel/Nightly Rental use and as such do not increase demand on the parking for the property.
2. In the case of a meeting that is open to guests of other Nightly Rental properties, the drop-off area at the hotel lobby entrance will be available for shuttle service and private car service.

3. The Operator may schedule meetings servicing local users in times when the vacancy rates are low and thus parking demand is low. This will primarily occur in Low Season and Shoulder Season as described in Tables 4 & 5 in the Parking Analysis section. Parking will be available in the garage for these uses.
4. No overnight parking will be allowed in association with this use.

Restaurant and Bar Operations

1. Parking for customers is located in the parking garage and surface parking spaces.
2. Parking passes will be issued to necessary Restaurant and Bar operations employees as determined by the Restaurant and Bar Operator and will be required to be displayed.
3. Employees of the Restaurant and Bar will be encouraged to take alternative modes of transportation. With emphasis on use of bus service which is provided at the Fresh Market Transit Center which is adjacent to the property. Additionally, indoor secure bike storage will be provided for employees of the Restaurant and Bar.
4. No overnight parking will be allowed in association with this use.

Office and Retail Operations

1. Parking for customers is located in the parking garage and surface parking spaces.
2. Parking passes will be issued to necessary Office and Retail operations employees as determined by the Office and Retail Operators and will be required to be displayed.
3. Employees of the Restaurant and Bar will be encouraged to take alternative modes of transportation. With emphasis on use of bus service which is provided at the Fresh Market Transit Center which is adjacent to the property. Additionally, indoor secure bike storage will be provided for employees of the Office and Retail Operators.
4. No overnight parking will be allowed in association with this use.



Justin Keys
Justin@hlhparkcity.com
Direct: 435.731.9195

August 7, 2024

VIA EMAIL

Park City Municipal Corporation
Park City Planning Commission
Attn: Rebecca Ward
rebecca.ward@parkcity.org
PO Box 1480
Park City, Utah 84060

Re: Request for Notice of Action – 1800 Park Avenue

Dear Director Ward,

This firm represents Singerman Real Estate (the “Applicant”), the owner of the property located at 1800 Park Avenue, Park City, Utah 84060 commonly referred to as “The Yarrow” or the “DoubleTree” hotel (“1800 Park”). Please accept this letter as a formal request to notice the upcoming August 28, 2024 Planning Commission meeting for potential action.

The Applicant submitted its original application for master planned development in 2022. Since that time, we have attended five separate work sessions (including one public hearing) with the Planning Commission to discuss the application. Additionally, the Applicant engaged in extensive public outreach, holding multiple open houses where it presented to members of the public as well as targeted groups such as the Park City Rotary Club.

At this juncture, the Applicant is prepared to notice its application for potential action, consistent with Park City LMC §§ 15-6-4(G), 15-1-12, and 15-1-21. Consistent with the requirements of LMC § 15-2-12(C), the Applicant provided a Notice Matrix with an electronic list of each Property Owner of record within the distance required to be noticed. We provide this formal request now, more than twenty-one (21) days prior to the August 28 Planning Commission Meeting so that Staff can meet the fourteen (14) day notice requirement of Section 15-1-21.

The Applicant is not seeking a speedy resolution through use of Utah Code § 10-9a-509.5(2). But it believes that its application is complete and is at a point where it is ready for a determination from the Planning Commission on the merits of its application.

*Park City Municipal Corporation
Park City Planning Commission
Attn: Rebecca Ward
Page 2 of 2*

We appreciate your efforts on our behalf. Please feel free to contact me if you have any questions regarding this formal request.

Very Truly Yours,
HOGGAN LEE HUTCHINSON

A handwritten signature in blue ink, appearing to read 'Justin J. Keys', with a stylized, cursive script.

Justin J. Keys