



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
October 28, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regular City Council meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Thursday, October 28, 2021. To participate virtually, follow the public meeting information at www.parkcity.org.

WORK SESSION

3:45 p.m. - SR 224 Roadway Improvements Discussion

[SR 224 Roadway Mitigation Staff Report](#)

[Exhibit A: Brake Check Enforcement Data](#)

4:15 p.m. - FY22 Special Service Contracts - Diversity, Equity, and Inclusion

[Special Service Contracts Staff Report](#)

[Exhibit A: SSC RFP 2022](#)

5:00 p.m. - Short Range Transit Plan Update

[Short Range Transit Plan Staff Report](#)

5:30 p.m. - Park City School District Master Plan Update by Todd Hauber, PCSD
Business Administrator

[Park City School District Master Plan Presentation](#)

5:50 p.m. - Break

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Park City Recreation and the Journal of Olympic Studies
[Park City Recreation Journal of Olympic Studies Staff Report](#)

2. Water Revenue Bond Issuance
[Water Revenue Bond Staff Report](#)
3. Transit Update
[Transit Update Staff Report](#)
[Exhibit A: Fixed Route Ridership](#)
[Exhibit B: Paratransit/On Demand Ridership](#)
[Exhibit C: Trolley Ridership by Stop](#)
[Exhibit D: Winter Service Options Survey Results](#)
[Exhibit E: Accident Data](#)
[Exhibit F: Route Reliability](#)
[Exhibit G: Customer Feedback](#)
4. 2021 Parking Data Summary
[2021 Parking Summary Staff Report](#)
[Exhibit A: 2021 Parking Summary](#)
[Exhibit B: 2021 Event Parking Summary](#)
5. Kimball Arts Festival and Park Silly Sunday Market Debrief Update
[Park Silly Sunday Market & Arts Festival Debrief Staff Report](#)

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from September 23, 2021 and October 7 and 18, 2021

[September 23, 2021 Minutes](#)

[October 7, 2021 Minutes](#)

[October 18, 2021 Minutes](#)

V. CONSENT AGENDA

1. Request to Adopt Resolution 23-2021, a Resolution Declaring November 1, 2021 as "Extra Mile Day" in Park City, Utah
[Extra Mile Day Staff Report](#)
[Exhibit A: Extra Mile Day Resolution](#)

VI. OLD BUSINESS

1. Consideration for Hosting the Triple Crown Sports Event in Park City
(A) Public Input
[Triple Crown Sports City Service Agreement Staff Report](#)
2. Consideration to Approve an Extension and Increase the Amount of the Professional Services Agreement for Transportation and Security Services with Kane Security in an Amount Not to Exceed \$331,000

(A) Public Input (B) Action
[Special Event and Peak Day Traffic Agreement Extension Staff Report](#)
[Exhibit A: Draft Second Addendum for Special Event and Peak Day Traffic Agreement](#)

VII. NEW BUSINESS

1. Consideration to Approve Ordinance No. 2021-40, An Ordinance Approving the 316 Ontario Subdivision, Located at 316 Ontario Avenue, Summit County, Park City, Utah
(A) Public Hearing (B) Action
[316 Ontario Subdivision Staff Report](#)
[Exhibit A: Ordinance No. 2021-40](#)
[Exhibit B: Historic Site Form](#)
[Exhibit C: Existing Conditions](#)
[Exhibit D: Streetscape Photos](#)

2. Consideration to Approve Ordinance No. 2021-41, an Ordinance Amending Land Management Code § 15-11-10 Park City Historic Sites Inventory to Update the Rossie Hill Drive Landmark Historic Site Addresses and the Status of 1302 Norfolk Avenue
(A) Public Hearing (B) Action
[Historic Sites Inventory Staff Report](#)
[Exhibit A: Ordinance No. 2021-41](#)
[Exhibit B: Lilac Hill East Subdivision](#)
[Exhibit C: June 7, 2017 HPB Staff Report](#)
[Exhibit D: June 7, 2017 HPB Meeting Minutes](#)
[Exhibit E: Historic Site Form](#)
[Exhibit F: August 3, 2017 City Council Staff Report](#)
[Exhibit G: August 3, 2017 City Council Meeting Minutes](#)

3. Consideration to Approve Ordinance 2021-42, an Ordinance Approving The Northstar Subdivision - Lot 1 Amended plat, Located at 1061 and 1063 Lowell Avenue, Park City, Utah
(A) Public Hearing (B) Action
[The Northstar Subdivision Lot 1 Amended Staff Report](#)
[Exhibit A: Draft Ordinance and Plat](#)
[Exhibit B: Northstar Subdivision Plat](#)
[Exhibit C: Working Plat Showing Deed Line](#)
[Exhibit D: Existing Conditions Survey](#)
[Exhibit E: Applicant's Written Description](#)
[Exhibit F: Panoramic Photos](#)
[Exhibit G: Aerial Photographs](#)
[Exhibit H: Notice of Non-Compliance with Protective Covenants](#)
[Exhibit I: 2010 CC&R Release, Waiver, and Agreement](#)
[Exhibit J: Notice of Removal of Protective Covenants](#)
[Exhibit K: Recorded Party Wall Agreement](#)
[Exhibit L: 1977 Declaration of Protective Covenants for the Northstar Subdivision](#)
[Exhibit M: 1981 LMC Allowed Uses – HR-1 District](#)

[Exhibit N: 1977 Release, Waiver, and Agreement of Proposed Northstar Subdivision](#)

[Exhibit O: Approved 1983 Building Permit](#)

[Exhibit P: Release, Waiver and Agreement for Lot 1A](#)

4. Consideration to Approve Ordinance No. 2021-43, an Ordinance Approving a Zoning Map Amendment for One (1) Tract of Land Zoned Estate (E) to Public Use Transition (PUT) Including All of PCA-1200-4-X Located at 7805 Royal Street, Park City, Utah
(A) Public Hearing (B) Action
[Zoning Map Amendment Staff Report](#)
[Exhibit A: Draft Ordinance 2021-43 and Proposed Zoning Map](#)
[Exhibit B: Applicant Statement](#)
[Exhibit C: PL-02-00151 Variance](#)
[Exhibit D: PL-02-00149 CUP](#)
[Exhibit E: Boundary and Topography Survey](#)
[Exhibit F: Proposed Plans](#)
[Exhibit G: Proposed Zone Map Change](#)
5. Consideration to Approve Ordinance 2021-44, an Ordinance Governing the Use of Electronic Meetings by City Council, Amending Sections 2-3-2 and 15-12-14 of the Municipal Code of Park City
(A) Public Hearing (B) Action
[Electronic Meetings Staff Report](#)
[Exhibit A: Electronic Meetings Ordinance](#)

VIII. ADJOURNMENT

IX. PARK CITY WATER SERVICE DISTRICT MEETING

I. ROLL CALL

II. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

III. CONSENT

1. Request to Authorize the City Manager to Amend the Terms of 1) the October 8, 1991, Water Supply Agreement between Salt Lake City Corporation and Park City Municipal Corporation to October 31, 2022; and 2) the March 2, 2016, Amendment to the 1991 Agreement
[Spiro Tunnel Water Supply Amendment Staff Report](#)
[Exhibit A: 2021 Amendment to Water Supply Agreement](#)
[Exhibit B: 2017 Spiro Tunnel Water Agreement](#)

IV. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Public comments can be accepted virtually. To comment virtually, use

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

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

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Dave Thacker

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section:

Subject:

3:45 p.m. - SR 224 Roadway Improvements Discussion

Suggested Action:

Attachments:

[SR 224 Roadway Mitigation Staff Report](#)

[Exhibit A: Brake Check Enforcement Data](#)

City Council

Staff Communications Report



Subject: SR-224 Roadway Improvements
Authors: Chief of Police, Wade Carpenter; Chief Building Official, Dave Thacker; City Engineer, John Robertson
Department: Public Safety, Building, Engineering
Date: October 28, 2021
Type of Item: Informational

Summary

Several large vehicle accidents have occurred at the Marsac/Deer Valley Drive Roundabout on State Road 224 (SR-224) over the past two years as a result of equipment failure and operator error. On the whole, the accidents resulted from trucks losing brakes due to over use, engine brake failure, operator error, and/or the likelihood of missing a gear while downshifting, to name a few. The distinction between operator/equipment failure, as opposed to roadway design, is critical for the overall discussion about how to approach this issue moving forward.

The section of road connecting Empire Pass (Flagstaff Development Area) to Old Town supports thousands of residential, commercial, public transit, delivery, and construction traffic trips each day. Though located in Park City, this road is under the jurisdictional control and regulation of the State of Utah Department of Transportation (UDOT). It is easy to assume that the issue is only related to construction vehicles. However, after several weeks of close monitoring, large vehicles utilizing this roadway include a wide variety of delivery and household service vehicles, such as landscaping, furniture, cleaning, emergency, etc.

Due to the similar conditions present at the most recent large vehicle accidents, additional safety measures were implemented and remain ongoing by Park City's Building, Parking, Engineering, and Police Departments. These include staffing, revising building permits, heavy vehicle inspections and checkpoints, signage, warnings and citations, stop work orders, and additional communication with important stakeholders (HOA's, Homebuilders Assoc., UDOT, etc.).

In addition, Park City has formally requested UDOT undertake emergency mitigation measures to enhance roadway signage and visibility, and make physical improvements to the brake test area. That work is in progress and Park City continues to provide stop-gap emergency resources and collaborate with UDOT to implement more effective enforcement measures and safety improvements.

Analysis

During the Aug. 19, 2021, [Council Meeting](#), staff was asked to return in late October to provide a progress report and update to Council. In an effort to mitigate any future traffic accidents, Park City has undertaken the following:

- Dedicated police enforcement to gain compliance with the brake test area on SR-224. PCMC is staffing the location 10 hours a day, including Police, Parking, and Building Department officials (ATTACHMENT A);

- City Engineer Roberston requested emergency UDOT action for increased enforcement, enhanced signage, and to improve roadway safety facilities;
- Placed a Stop-Work-Order on three Flagstaff area development worksites found in violation of Construction Mitigation Plan (CMP) regulations;
- Chief Building Official Thacker visited all active building sites in Empire Pass to reinforce CMP requirements related to heavy equipment, hauling, and deliveries to and from all Empire Pass construction sites;
- Chief Building Official Thacker reviewed all active construction mitigation plans to ensure appropriate safety standards for heavy-duty construction equipment (delivery, excavation, support vehicles, etc.) are properly documented and followed;
- Chief Carpenter made a formal request to the Utah Highway Patrol (UHP) Colonel for increased enforcement and regular truck inspections. The UHP has communicated support and committed resources to this effort. Since August, UHP has devoted two days to large vehicle (over 10,000 GWV) inspection, during which several citations were issued and vehicles impounded;
- Chief Building Official Thacker requested the Park City Homebuilders Association assist with contractor management of their crews/subs, and improve vehicle operator training for steep slope driving and equipment quality.
 - Thacker is facilitating additional discussion during the next PC Area Home Builders Association training on Nov. 10, 2021. The Homebuilders Association has been supportive and welcoming of these conversation at membership meetings; and
- City Manager Dias contacted the Utah Homebuilders Association to request improved management of vehicle operator training and equipment.

Prior to the latest accident, Park City had already requested, and UDOT had almost completed, a safety analysis of the Marsac Ave corridor. On July 28, 2021, the day of the most recent accident, the analysis was presented to Park City in draft for review and discussion. UDOT's analysis recommended the following improvements:

- Installation of advisory curve speed limits signing and striping;
- Replace all old signage with updated signage meeting current retroreflective standards;
- Engine brake allowance prior to entering into Ontario Canyon area; and
- Flashing beacons for grade and brake test area.

Upon review of UDOT's analysis, and in light of the accident history, staff recommended additional emergency modifications, listed below:

- Elongation and widening of the brake test to allow multiple vehicles to use the brake-test area at one time, and require vehicles to come to a complete stop;
- Separate speed limits for passenger vehicles and trucks with higher gross vehicle weight along the steepest sections of the corridor;
- Additional and regularly scheduled UHP enforcement;
- Additional and regularly scheduled UHP inspections and checkpoints; and
- Install crash cushions north (lower) to the existing runaway truck ramp.

UDOT continues to evaluate Park City's additional requests. UDOT indicated that heavy-duty vehicles and construction equipment will remain a permitted use on Utah

highways. UDOT also agreed to prioritize their review of our requests, based upon our long history of partnership.

Since the last accident, a discussion has grown about provisions within the original Flagstaff Development Agreement and Royal Street as a temporary or long term alternative. The original master CMP and Development Agreement describes a preference for SR-224/Guard road, unless otherwise specified, due to the brake test area and truck runaway ramp constructed to improve safety. The 2001 CMP states: "...the primary access to the Annexation Area will be via Marsac Avenue and the Mine Road. The vast majority of construction personnel and material handling traffic to and from the Annexation Area will travel along this route...". However, the Chief Building Official retains the ability to require alternative routes.

Importantly, the Chief of Police, City Engineer, and Chief Building Official believe operator error is primarily responsible for the accident history at this location. The existing brake test location and truck runaway ramp, when and if used appropriately, are actually consistent with state guidelines.

However, given the history and lack of day-to-day UDOT/UHP enforcement, PCMC has requested emergency capital infrastructure mitigation from UDOT/UHP (above and beyond our original request) until permanent safety measures can be implemented. Until then, our already stressed law enforcement resources are continuing their enhanced enforcement and mitigation efforts. This effort cannot be sustained next year without additional and dedicated staff.

Alternatives

Beyond the emergency UDOT request, PCMC temporarily staffing the brake test area, CMP enhancements, additional signage and updated striping, the City Council may also direct staff to research and consider:

- Mitigate hours of operation of trucks entering and exiting the Flagstaff Development Area;
- Increase the cost of nightly rental licenses in this area to help offset capital costs for a checkpoint;
- Direct the City Engineer and Chief Building Official to levy additional regulations, including if and when Flagstaff and upper Deer Valley construction mitigation plans or amendments should require routing all construction traffic down to Royal Street, and what public process should be part of that evaluation; and
- Add additional checkpoints for trucks exceeding 10,000 GVW throughout the City – and increase the amount of building permits in this area to help offset costs.

Exhibit A – Brake Check Enforcement Tracking Data

#	Date/time of violation	Action taken	Driver's explanation	Business name	Driver	DOB	Case #
1	7-30-2021; 10:33 am	warning citation	thought local delivery veh's exempt	M & M Dist 7 Up	Law, Titus	1/5/1981	13274
2	7-30-2021; 10:55 am	warning citation	didn't see the sign	Mattress Warehouse	Wayman, Lyman	8/16/1995	13276
3	7-30-2021; 11:55 am	warning citation	didn't see the sign	Hot Rod Yox Plumbing	Funk, Tyler	12/30/1967	13281
4	7/31/2021; 1025 am	warning citation	didn't see the sign	Charlie's Produce	Webson, Mahershall	11/8/1983	13336
5	8-2-2021; 8:30 am	warning citation	didn't see the sign	Dig & Dump LLC	Puebla, Reyes	12/4/1990	13431
6	8-2-2021; 8:50 am	warning citation	didn't see the sign	Tuck Landscaping	Cruz, Mario	7/18/1969	13433
7	8-2-2021; 9:00 am	warning citation	didn't see the sign	Aviles Furniture (Mexico)	Torres, Esteban	4/7/2002	13434
8	8-2-2021; 2:19 pm	warning citation	didn't see the sign	Border States Electric	Lawrence, Jackson	10/13/1999	13451
9	8-2-2021; 2:30 pm	warning citation	didn't see the sign	Diamond Rental/Penske	Davila, Flores	7/13/1979	13463
10	8-2-2021; 3:05 pm	warning citation	didn't think I had to stop	SN Custom Railing	Palmer, Wayne	9/6/1974	13464
11	8-2-2021; 3:35 pm	warning citation	I didn't think tour buses had to stop	Vacations by Rail	Okelberry, Claire	10/9/1960	13468
12	8-3-2021; 9:30 am	citation	I can't read English so I didn't know to stop	Jeremy Kelle Trucking	Zayas, Ignacio	11/13/1981	13519
13	8-3-2021; 11:17 am	warning citation	saw the traffic cones but didn't see the sign	Snow County Limo (Dave)	Pinnell, Gary William	8/19/1958	13521
14	8-3-2021; 11:45 am	warning citation	I didn't know I needed to stop	On the Floor	Schiess, Paul Kennard	1/7/1961	13523
15	8-3-2021; 5:05 pm	warning citation	I didn't see the sign	landscaping self employed	Fiefia, Taniela K	10/4/1956	13549
16	8-4-2021; 10:21 am	warning citation	I didn't see the sign	Interwest Final; Milo delivery	Tuiloma, Mulimuga	3/21/1997	13593
17	8-4-2021; 10:50 am	warning citation	I didn't see the sign	Rocky Mountain Power	Cook, Travis Evan	7/25/1989	13597
18	8-4-2021; 3:45 pm	warning citation	I didn't see the sign	Cache Valley Electronic	Clyde, Chance Cole	7/19/2001	13621
19	8-4-2021; 4:00 pm	warning citation	I slowed & checked my brakes in traffic lane	FEDEX	Alexander, Elliott	10/5/1984	13623
20	8-4-2021; 4:50 pm	warning citation	I didn't know I needed to stop	Anderson Construction	Perez, Manuel S.	11/22/1961	13624
21	8-5-2021; 9:35 am	warning citation	I didn't see the sign	FJP Supply Inc, Midvale	Calix, Julio A	6/10/1995	13663
22	8-5-2021; 10:10 am	warning citation	I didn't see the sign; with UHP Trooper Rodenbac	Rocky Mountain Waterproofing	Clark, Benjamin K	6/17/1988	13673
23	8-5-2021; 10:35 am	warning citation	I didn't see the sign	Sheffield Plumbing	Dickerson, Steven M.	6/28/1968	13675
24	8-5-2021; 3:55 pm	warning citation	I didn't see the sign	Ron Peterson Construction	Cook, Russell E.	7/20/1972	13698
25	8-5-2021; 4:50 pm	warning citation	I didn't think I had to stop with this truck	Integrated Plumbing Solutions	Eardley, James K	8/30/1980	13700
26	8-6-2021; 3:30 PM	warning citation	I didn't see the sign	Pick's Installation	Flores, Carlos	10/28/1975	13771
27	8-23-2021; 9:55 am	citation	I didn't think I needed to stop unless I had a load	JPN Transport, Lehi	Perkins, Jeffrey	5/4/1963	14746
28	8-23-2021; 10:05 am	citation	I didn't see the sign since I was talking to passenger	Momentum Recycles	Aguilar, Gabriel	2/27/1991	14748
29	9-1-2021; 9:50 am	citation	I didn't see the sign; must have been looking elsewhere	Morgan Trucking hauling asphalt	McFarland, David	10/10/1957	15333
30	9-8-2021; 8:35 am	citation	saw engine brake sign but not the brake check sign	Home Depot	Hunter, Thomas L	8/21/1970	15793
31	9-8-2021; 10:20 am	citation	I didn't see the sign	Triton Plumbing	Huntington, Jeffrey	5/20/1971	15801
32	9-9-2021; 9:05 am	citation	I didn't know I had to stop; I have ADHD	Honey Bucket	Presnell, Kevin D	5/11/1977	15858
33	9-10-2021; 10:15 am	citation	I didn't see the sign	Rand Concrete Coatings	Izarraras, Brian J	8/18/1998	15956
34	9-13-2021; 9:45 am	citation	I saw the signs but sorry I didn't stop for them	Elite Hardscape	Rabia, Saldana	9/27/1971	16124
35	9-14-2021; 9:45 am	citation	I saw the signs but my pass. told me I didn't need to stop	Martinez Parcel	Bartlett, Timothy	12/27/1992	16169
36	9-15-2021; 11:30 am	citation	I'm sorry--I saw the signs but didn't stop	Bisel Const.	Atkinson, Harley	5/19/1950	16241
37	9-16-2021; 10:55 am	citation	I didn't see the signs.	Heber Appliance	Peters, Cordell	12/17/1954	16318
38	9-16-2021; 11:50 am	citation	I thought I was below the 10,000 GVW since empty	Atlas Roofing (26,00 GVW)	Uriate, Johnsua	4/23/1984	16321
39	9-17-2021; 8:50 am	citation	I saw the sign but sorry but I didn't stop for it.	PC Tree	Cluff, Trevor	12/28/1998	16380
40	9-22-2021; 9:00 am	citation	The other drivers told me I didn't need to stop	Codale Electric	Flores, Fernando	1/21/1987	16636
41	9-23-2021; 9:30 am	citation	I thought that was for trucks with air brakes	Momentum Recycling	Vega, Joseph	5/31/1962	16703
42	9-24-2021; 8:55 am	citation	I didn't think it applied to smaller trucks like mine	Atlas Sheet Metal	Furlong, Jesse	12/15/1991	16777
43	9-24-2021; 9:40 am	citation	I didn't know I had to stop in a truck this size	PC Handyman Services	Ayala, Luis	7/16/1982	16785
44	9-24-2021; 10:20 am	citation	I didn't think I needed to stop in a truck this size	Epic Windows	Withers, Brayden	11/5/1996	16787
45	9-27-2021; 9:30 am	citation	I wasn't sure if I needed to stop with this size truck	Wasatch Electric	Stam, Caleb	6/12/1996	16964
46	9-27-2021; 1:30 pm	citation	I didn't see the signs. First time I've been up here	1-800-Got-Junk	Lewis, Anthony	7/20/1990	16978
47	9-27-2021; 1:45 pm	citation	I didn't see the signs.	Wild Willies Yard Services	Muller, Michael	6/8/1970	16980
48	9-28-2021; 1:30 pm	citation	Sorry but I wasn't paying attention.	CI Hardwood Floors	Condori, Federico	1/1/1982	17038
49	9-30-2021; 9:25 am	citation	I thought only bigger trucks had to stop	Burton Lumber	Jensen, Bruce	8/1/1969	17120
50	10-1-2021; 10:00 am	citation	I didn't see the signs and the flashing lights	Performance Audio	Watts, Charles	1/17/1982	17184
51	10-1-2021; 6:00 pm	citation	Sorry. I didn't see the signs.	Bigrock Landscaping	Alfaro, Jose	9/21/1978	17210
52	10-4-2021; 4:30 pm	citation	I didn't see the signs.	Redoubt Excavation	Meyer, Sadie	6/1/2002	17367
53	10-5-2021; 9:10 am	citation	I saw the signs but I only go 25 mph down the hill.	Waxie	Martin, Randy	4/11/1967	17410
54	10-5-2021; 10:00 am	citation	I'm sorry I only speak Spanish.	C & E Stone Masonry	Castro, Antonio	10/23/1973	17415
55	10-6-2021; 9:15 am	citation	Sorry but I wasn't paying attention.	Wind River Contracting	Sumsion, Johnny	1/27/1962	17457
56	10-11-2021; 4:00 pm	citation	Just moved here from Hawaii--didn't see the signs	FedEX	Eteuati, Patrick	9/7/1995	17741
57	10-18-2021; 10:00 am	citation	I didn't see the signs. Just renting the truck.	Penske	Gale, Philip	7/8/1975	18071

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Kirsten Darrington

Submitting Department: Budget, Debt & Grants

Item Type: Staff Report

Agenda Section:

Subject:

4:15 p.m. - FY22 Special Service Contracts - Diversity, Equity, and Inclusion

Suggested Action:

Attachments:

[Special Service Contracts Staff Report](#)

[Exhibit A: SSC RFP 2022](#)

City Council Staff Report

Subject: FY22 SSC Diversity, Equity, and Inclusion Contracts

Author: Jed Briggs & Kirsten Darrington

Department: Budget

Date: October 28, 2021

Type of Item: Administrative

Recommendation

The Special Service Contract Committee recommends City Council provide direction on the RFP for the FY22 Special Service Contracts (SSC) focusing on diversity, equity, and inclusion.

Background

In FY20, Council approved a revamp of the Special Service Contracts program. This revamp split the process into two categories/rounds: 1) regular service contracts and 2) social equity service contracts. The regular service contracts were awarded last fiscal year and are on the second year of a four-year contract. Earlier this year, Council decided to delay the RFP for social equity services to allow non-profit organizations more time to recover from the Covid pandemic. The Committee recommends starting the process again and has fine-tuned this category, now called Diversity, Equity, and Inclusion (DEI) to expand the scope.

Special Service Contract Committee members include Council Members Becca Gerber and Steve Joyce, Budget Operations and Strategic Planning Manager, Jed Briggs, Trails, Open Space & Real Estate Manager, Heinrich Deters, and Grants and Contracts Coordinator, Kirsten Darrington.

Description

The scope of work for the DEI SSC contracts was influenced by the Inclusion section of the Social Equity Strategic Plan. The services provided through these contracts will help PCMC better cultivate and engage diverse perspectives, differing ideas, and individuals from different backgrounds to help define policy and practices that help shape culture. Funding will be prioritized for new or expanded projects and initiatives. The intent of this funding is not to be used for ongoing non-profit services, but instead for enhanced services that focus on diversity, equity, and inclusion.

Priorities for this category include:

- Services/Programs with a stated focus on Diversity, Equity, and Inclusion –
 - Diversity – Encourages participation from diverse voices in our community
 - Equity – Works to promote equitable outcomes and measures impact in the community

- Inclusion – Engages and empowers diverse experiences to foster an inclusive community
- Innovative and/or New Programing – Provides innovative solutions regarding issues the City faces
- Communication – Enhances communication to all members of our community
- Issue Awareness – Identifies and addresses our diverse community's concerns and interests
- Affordability – Helps to ease residents' cost of living

Communications Strategy

The city will ensure the community is aware of this opportunity through the following methods:

- The RFP will be posted the City's website
- The Grants and Contracts Coordinator will work with Council Liaisons to spread the word to the nonprofit community
- The coordinator will connect with community partners, including Park City Community Foundation, to identify additional eligible nonprofits
- Email announcements and reminders will be sent to eligible applicants
- An information session will be held online and a recording will be provided to applicants

Timeline

For FY22, the Committee proposes issuing the RPF at the end of October, reviewing applications the final week of November, then bringing recommendations to Council in December 2021.

Budget

Council has \$250k budgeted for DEI contracts for FY22.

Exhibits

Exhibit A: Special Service Contract Diversity, Equity, and Inclusion RPF



Special Service Contract -Application Form

Park City Municipal Corporation

Please provide an electronic copy of this application and all other requested information to Kirsten Darrington at kirsten.darrington@parkcity.org by **midnight on November 19, 2021.**

(1) Organization Contact Information

Name _____

Address _____

Phone _____

E-mail _____

(2) The services provided through the DEI contracts will help PCMC cultivate a community that engages diverse perspectives, differing ideas, and individuals from different backgrounds to help define policy and practice and help shape culture.

Funding will be prioritized for new or expanded projects with a focus on Diversity, Equity, and Inclusion.

Priorities for this category include:

- Services/Programs with a stated focus on Diversity, Equity, and Inclusion –
 - Diversity – Encourages participation from diverse voices in our community
 - Equity – Works to promote equitable outcomes and measures impact in the community
 - Inclusion – Engages and empowers diverse experiences to foster an inclusive community
- Innovative and/or New Programing – Provides innovative solutions regarding issues the City faces
- Communication – Enhances communication to all members of our community
- Issue Awareness – Identifies and addresses our diverse community concerns and interests
- Affordability – Helps to ease residents' cost of living

(3) Proposed Total Grant Amount: \$ _____

(4) In addition to the above requested information, applications must address the following components:

- 1.** Specific detail of how the requested funds will be used, clearly identifying which funding priorities are being addressed as identified in section 2 (attach summary - *one page maximum*);
- 2.** Financial information for your organization including annual budget and other sources of potential funding. Please also include 2 years of financial statements such as Balance Sheet, Income Statement, Statement of Financial Position, Activity Statement, etc. or include Independent Auditors' Reports (attach relevant documents);
- 3.** Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which the funds were used for their intended purpose (attach summary - *half page maximum*); and
- 4.** Specifically address how your proposal meets the criteria described in the City's Public Service Contract Policy (specific criteria components are outlined below, please attach no more than one page for each criterion):

Criterion 1: Accountability and Sustainability of Organization - The organization must have the following:

- a.** Quantifiable goals and objectives.
- b.** Non-discrimination in providing programs or services.
- c.** Cooperation with existing related programs and community service.
- d.** Compliance with the City contract.
- e.** Federally recognized not-for-profit status.

Criterion 2: Program Need and Specific City Benefit - The organization must have the following:

- a.** A clear demonstration of public benefit and provision of direct services to City residents focused on one of the Community Critical Priorities.
- b.** A demonstrated need for the program or activity. Funds may not be used for one-time events, scholarship-type activities or the purchase of equipment.

Criterion 3: Fiscal Stability and Other Financial Support - The organization must have the following:

- a.** A clear description of how public funds will be used and accounted for.
- b.** Other funding sources that can be used to leverage resources.
- c.** A sound financial plan that demonstrates managerial and fiscal competence.
- d.** A history of performing in a financially competent manner.

Criterion 4: Fair Market Value of the Services - The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible benefits.

Signed: _____ **Date:** _____

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Julia Collins

Submitting Department: Transportation Planning

Item Type: Work Session

Agenda Section:

Subject:

5:00 p.m. - Short Range Transit Plan Update

Suggested Action:

Attachments:

[Short Range Transit Plan Staff Report](#)

Subject: Short Range Transit Plan Update
Author: Alex Roy, Senior Transportation Planner
Jason Miller, Fehr & Peers
Department: Transportation Planning
Date: October 28, 2021
Type of Item: Work Session

Summary

A work session presentation to update Council on the Short-Range Transit Plan launch and work to date. This plan is one of three important transportation planning initiatives currently underway that will provide a blueprint for important and coordinated transit capital investments, programs, and policies over the next decade.

Background

The most recent Short Range Transit Plan (SRTP) was completed in 2016 ([available here](#)). Importantly, Park City has a proven track record of completing projects plans as demonstrated in the list of projects and services outlined in the 2016 plan. Keeping this plan current also helps the City prioritize competing investments and projects and compete for federal and state grants.

Two significant developments necessitate the new SRTP, namely, the passage of additional transit taxes in 2016 and 2018 and High Valley Transit (HVT) assuming responsibility for regional transit operations.

The new SRTP develops transit routes and policies for the years 2022 – 2026. The City is especially interested in ensuring that the new SRTP works to create a transit-friendly culture, implements the newly developed Vision 2020 goals, and capitalizes on new transit technology, equipment, and services. The SRTP will function as a 5 year business plan for transit service in Park City, with clear and achievable transit priorities. The project includes an in-depth study of the City's transit routes, route efficiency, on-demand microtransit, smartphone apps, mobility service, coordination with private transportation companies, and integration with walking and biking infrastructure. The SRTP will also consider the proposed major developments at the Arts and Culture District and the ski areas bases. For example, an aerial system's capacity, costs, and critical issues will be compared with bus transit, and microtransit will be compared with a local bus route.

The project opened a survey, in English and Spanish, at the end of September which will run through October 2021. This survey ([English](#) / En [Español](#)) asks existing transit riders where they are traveling and what could be done to improve transit. It also asked non-riders what system changes could be done that would make them more likely to ride transit in the future. This survey has been advertised at the Fall Open House, in buses, on transit apps, promoted on social media, in the City's newsletter, by postcards, in local news publications, on PCTV, at the Senior Center, and at in-person community events.

A Stakeholder Advisory Committee (SAC) was formed to provide stakeholder and community feedback throughout the project. The SAC consists of representatives from The Park City Chamber of Commerce, the Ski Areas, the National Ability Center, Christian Center of PC, Summit Co/HVT, UDOT, Park City School District, Park City Community Foundation, HOAs, residents, and local transit riders.

The SRTP Professional Services Agreement was approved by [Council on April 15, 2021](#).

Funding

In 2020, through the Utah Department of Transportation (UDOT), FTA allocated 5305 Federal Grant to Park City in the amount of \$144,000 to update the SRTP keeping operations and transit service current and in line with industry standards. The amount allocated by the City budget is \$36,000 with UDOT/Federal Transit Administration (FTA) funding in the amount of \$144,000 for a total project budget of \$180,000. Note this project budget includes \$18,000 of Park City Project Administration funding, a fiscally responsible strategy that will offset staff salary.

Department Review

The following departments have reviewed this report: Executive, Legal, Engineering, Transit, and Transportation Planning.

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

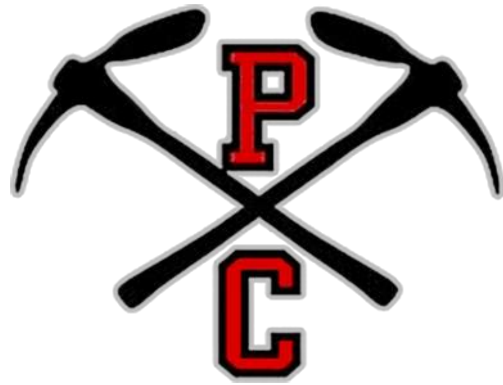
Subject:

5:30 p.m. - Park City School District Master Plan Update by Todd Hauber, PCSD Business Administrator

Suggested Action:

Attachments:

[Park City School District Master Plan Presentation](#)



PCHS + ECKER HILL ADDITIONS

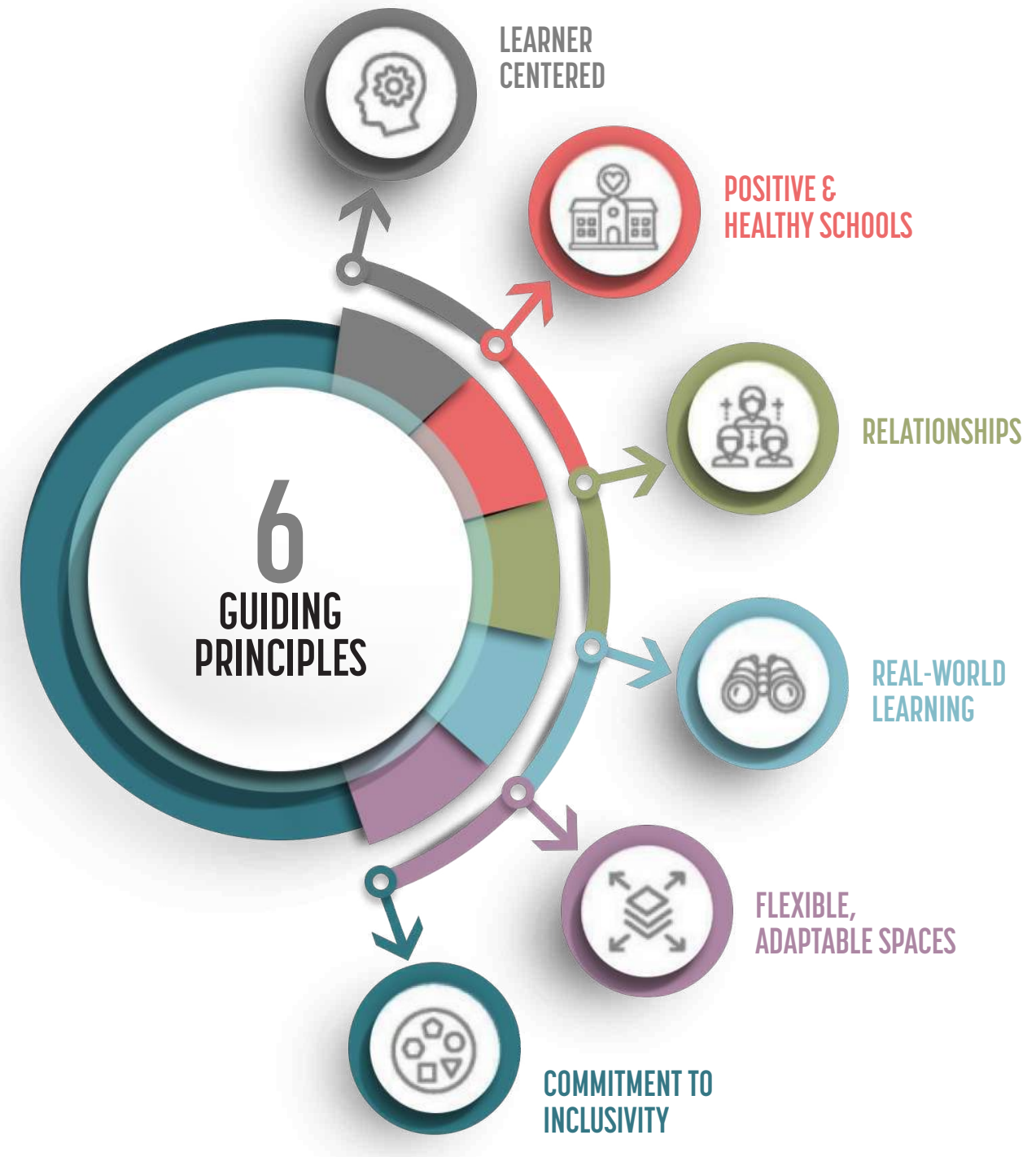
PARK CITY SCHOOL DISTRICT

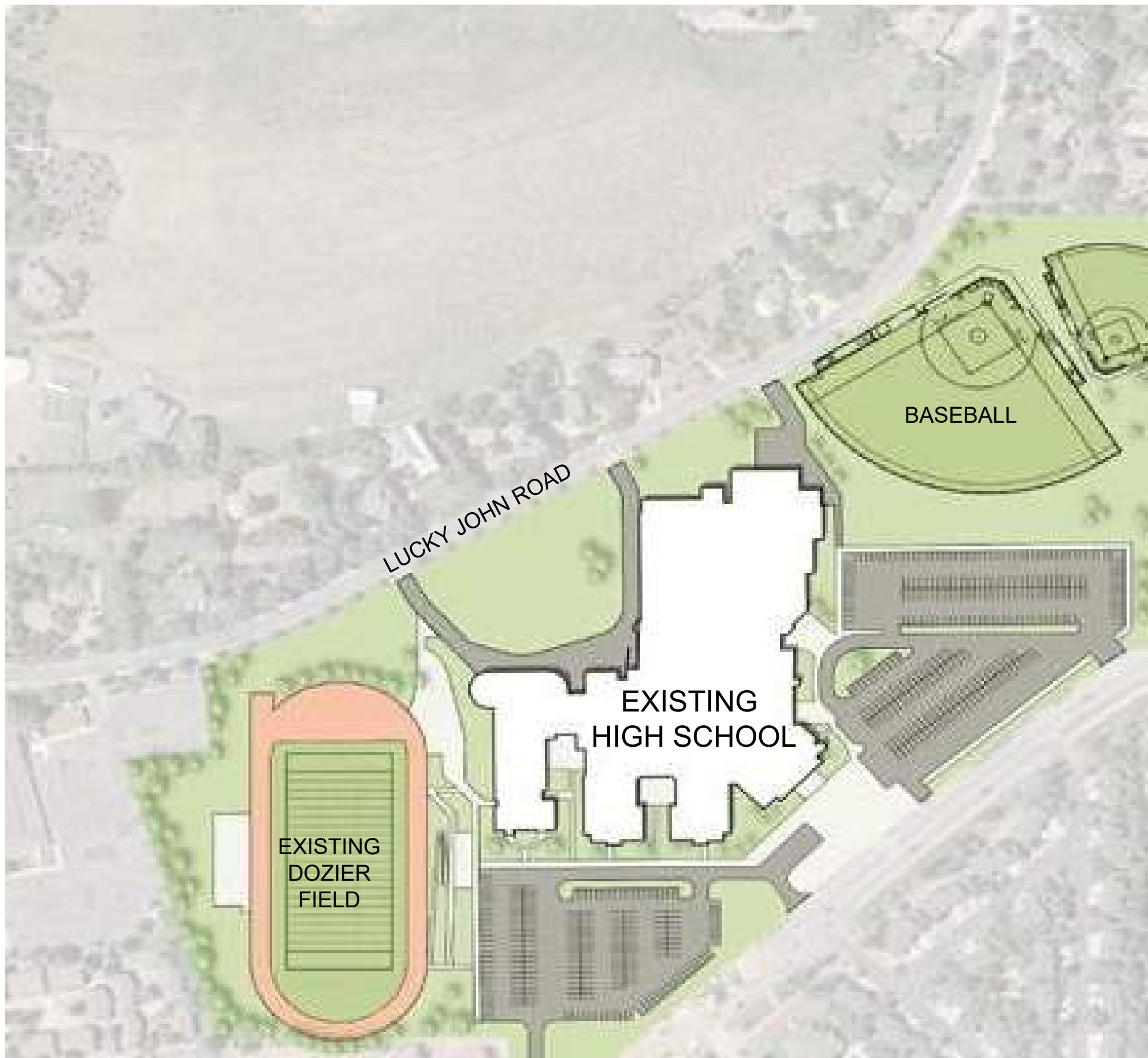
FUTURE OF LEARNING

ACADEMIC OBJECTIVES

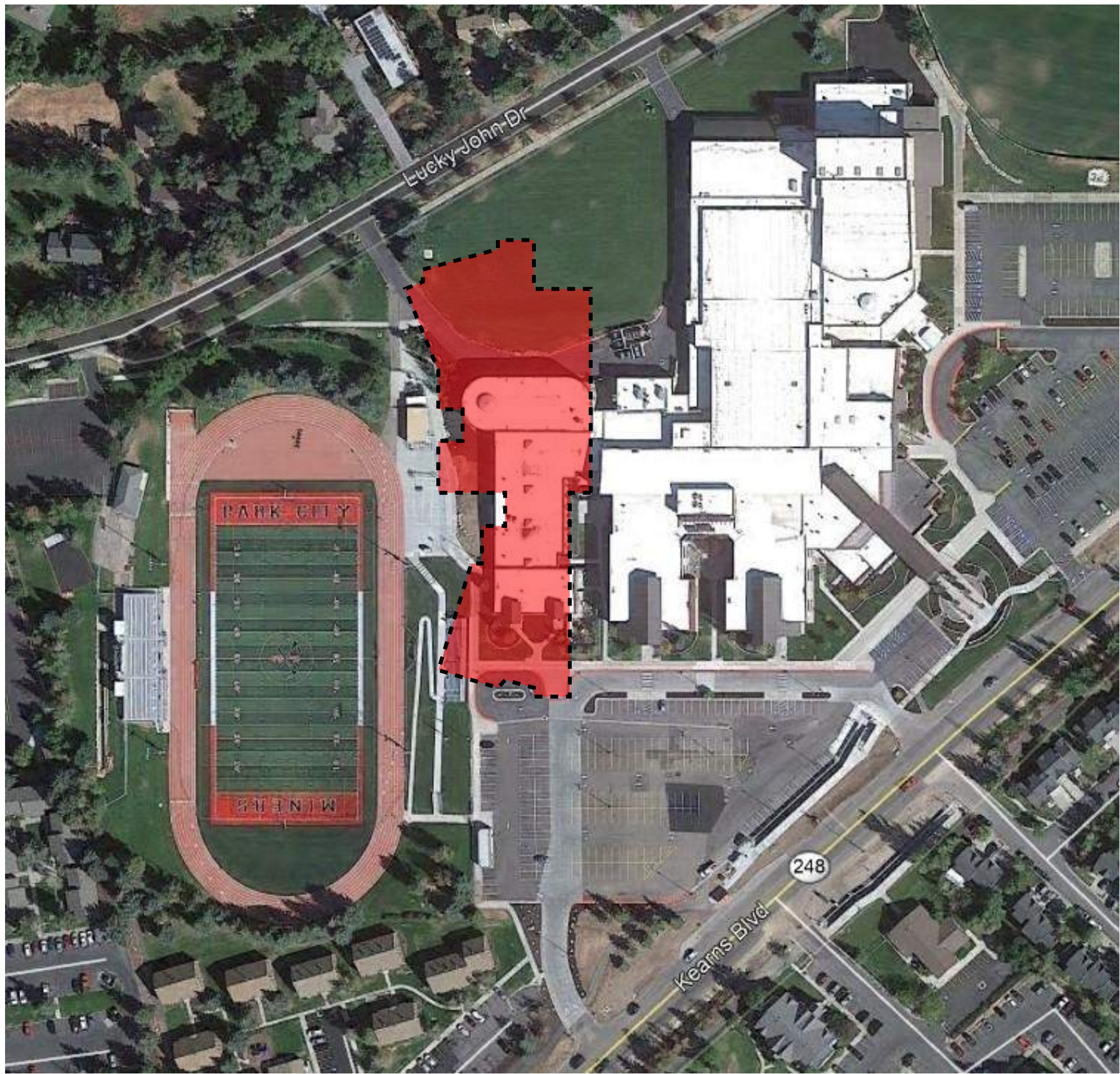
The following academic objectives were clearly defined in previous master plan studies and the facility assessment. Moving forward, it is recommended that building projects focus on these key academic goals.

- + Support District's 6 Guiding Principles for Education
- + Full high school experience at PCHS (grades 9-12)
- + Full middle school experience at Ecker Hill (grades 6-8)
- + Enhanced CTE experiences across the District
- + Provide early learning opportunities
- + Offer wrap-around services to support community



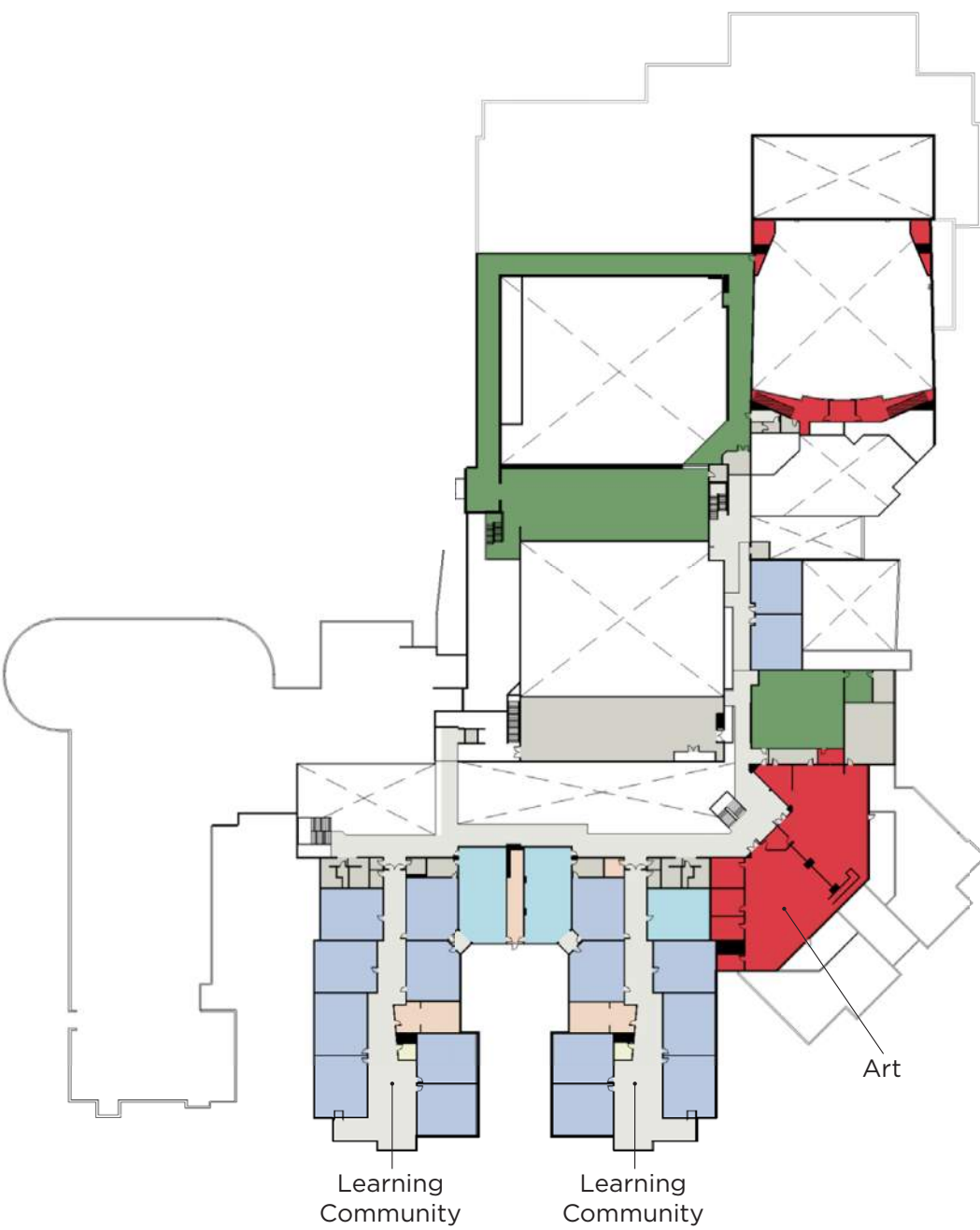
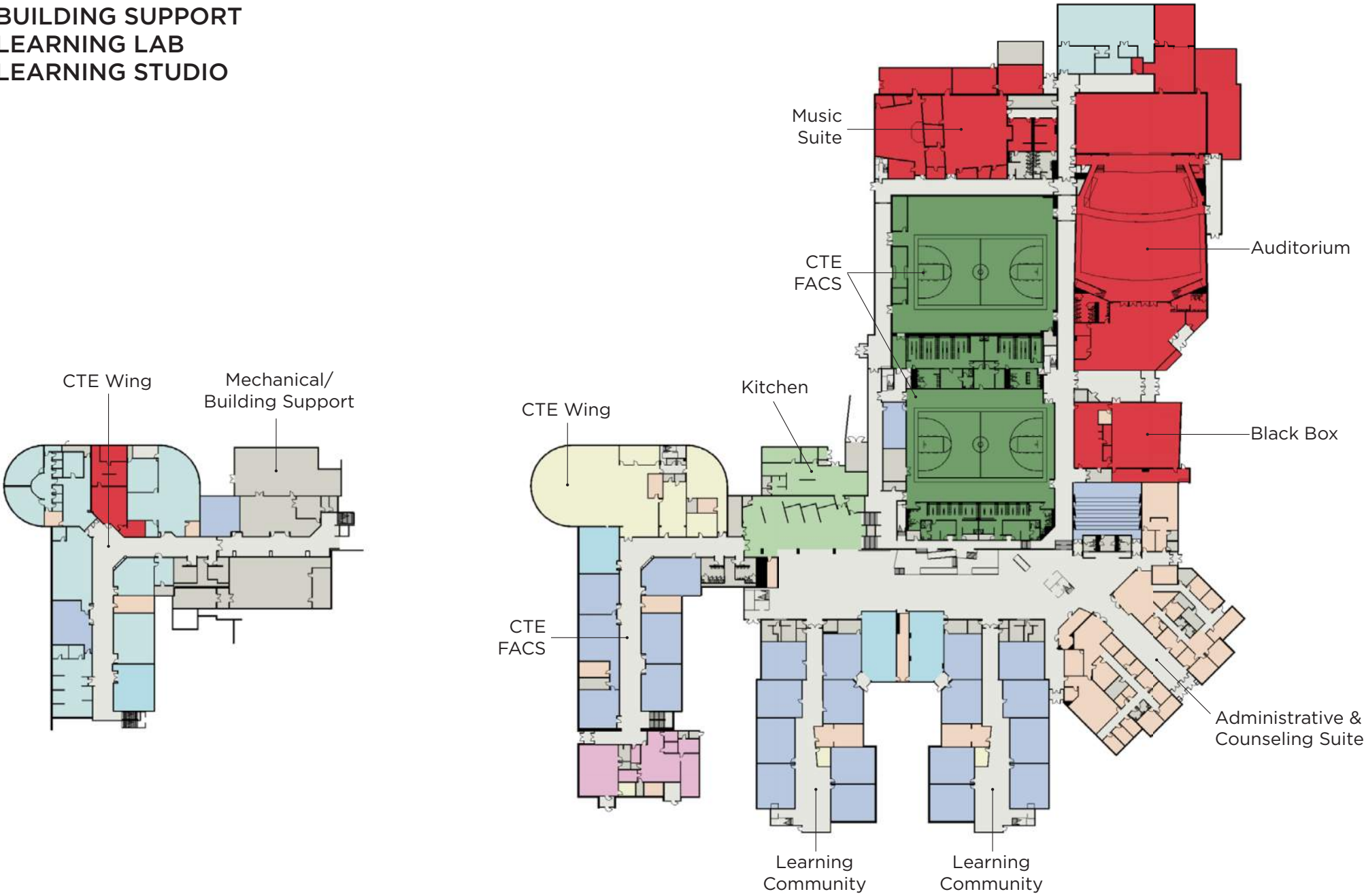






LEGEND

- ADMINISTRATION/FACULTY
- PERFORMING AND FINE ARTS
- ATHLETICS
- CIRCULATION
- COLLABORATION/GATHERING
- BUILDING SUPPORT
- LEARNING LAB
- LEARNING STUDIO



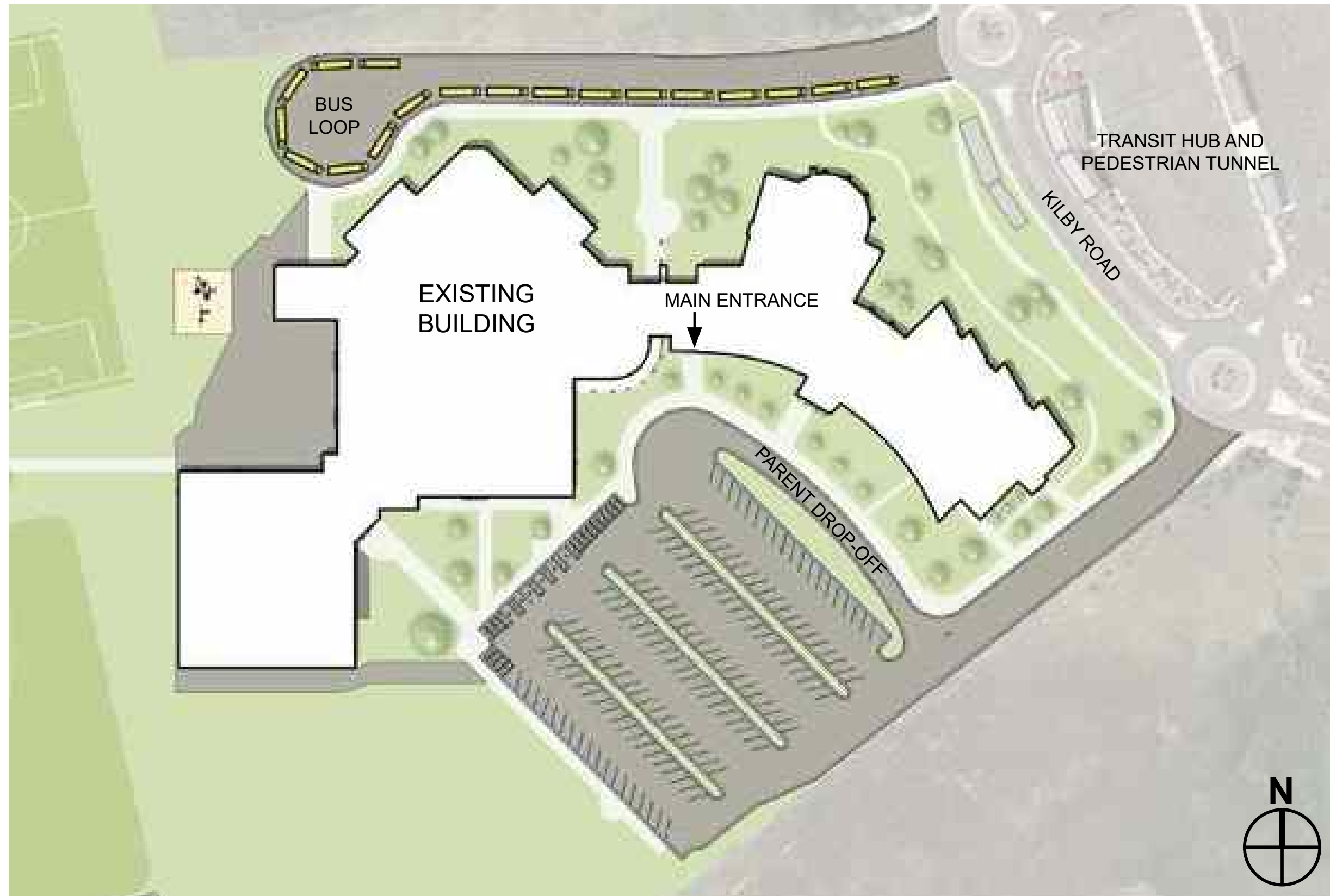
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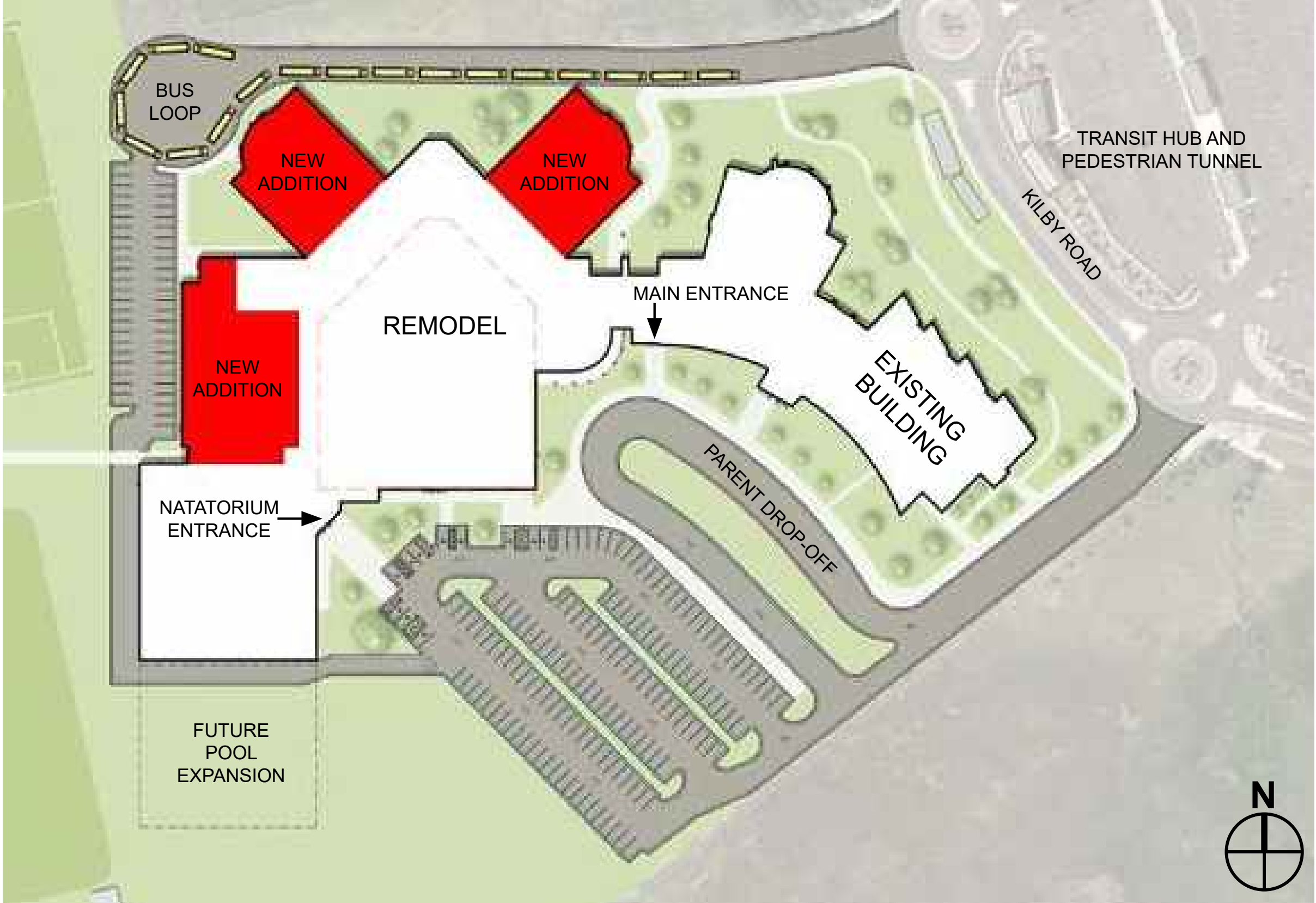
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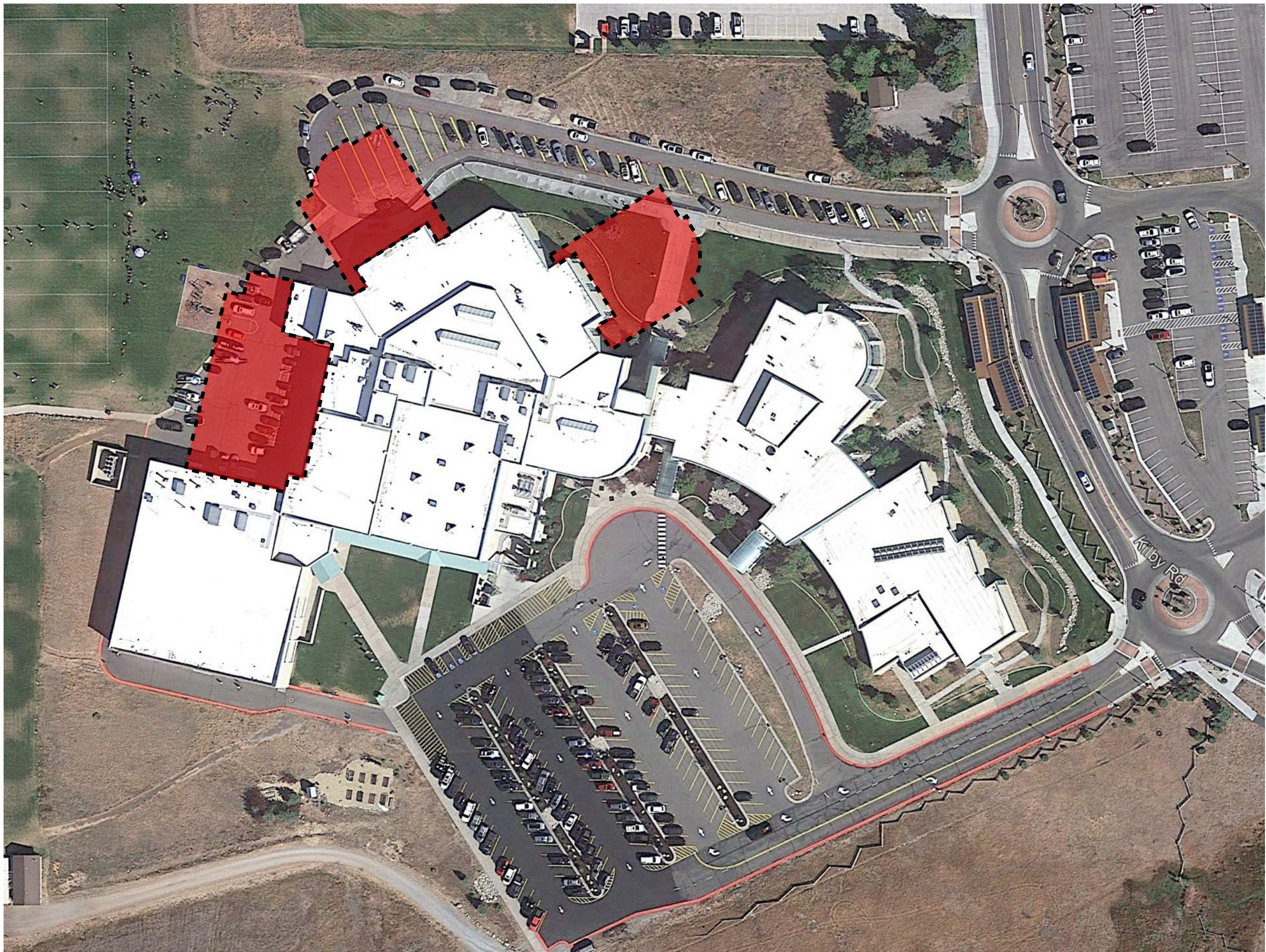
- LEGEND**
- ADMINISTRATION/FACULTY
 - PERFORMING AND FINE ARTS
 - ATHLETICS
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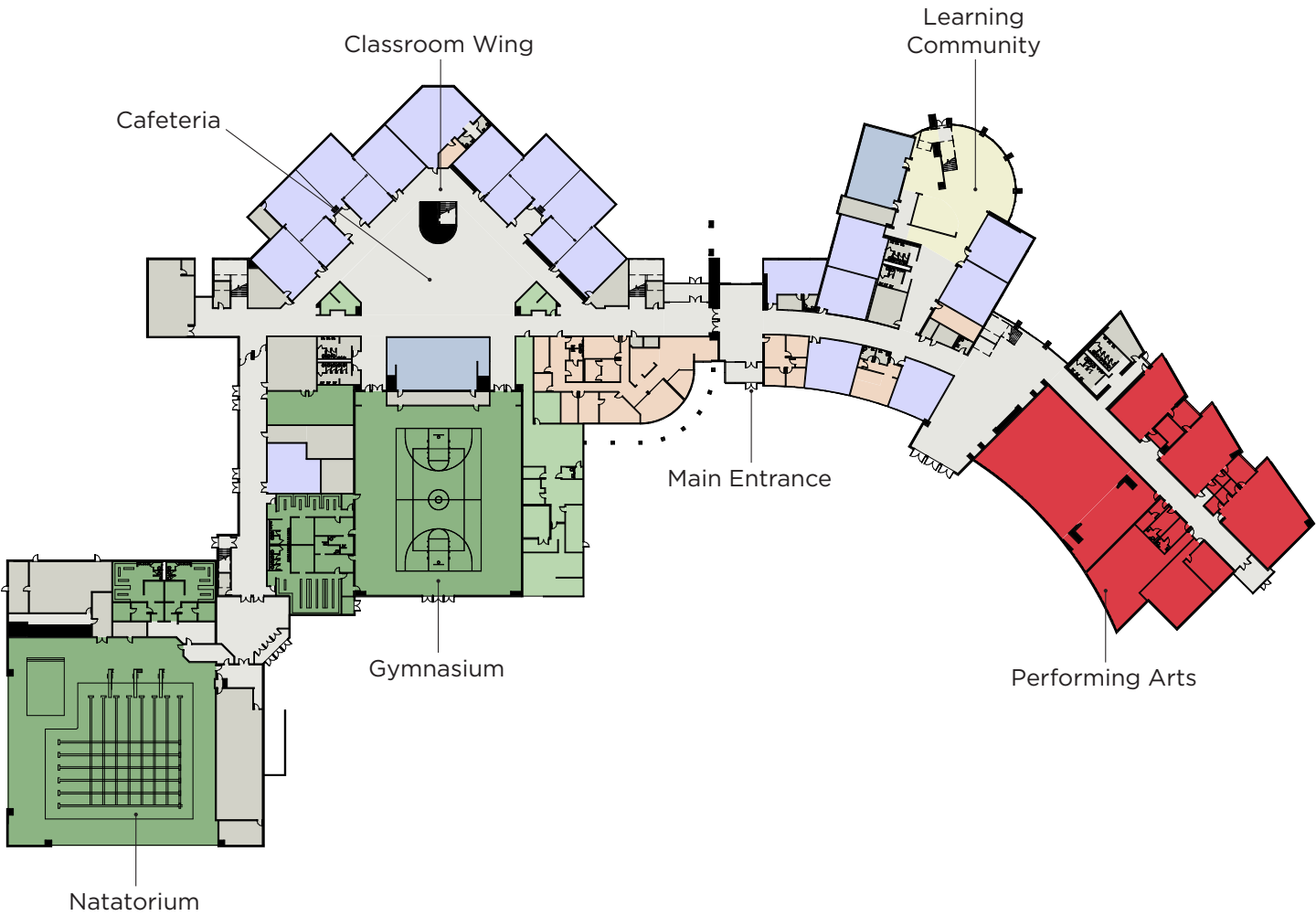


BUCKNER HILL MIDDLE - PROPOSED SITE PLAN

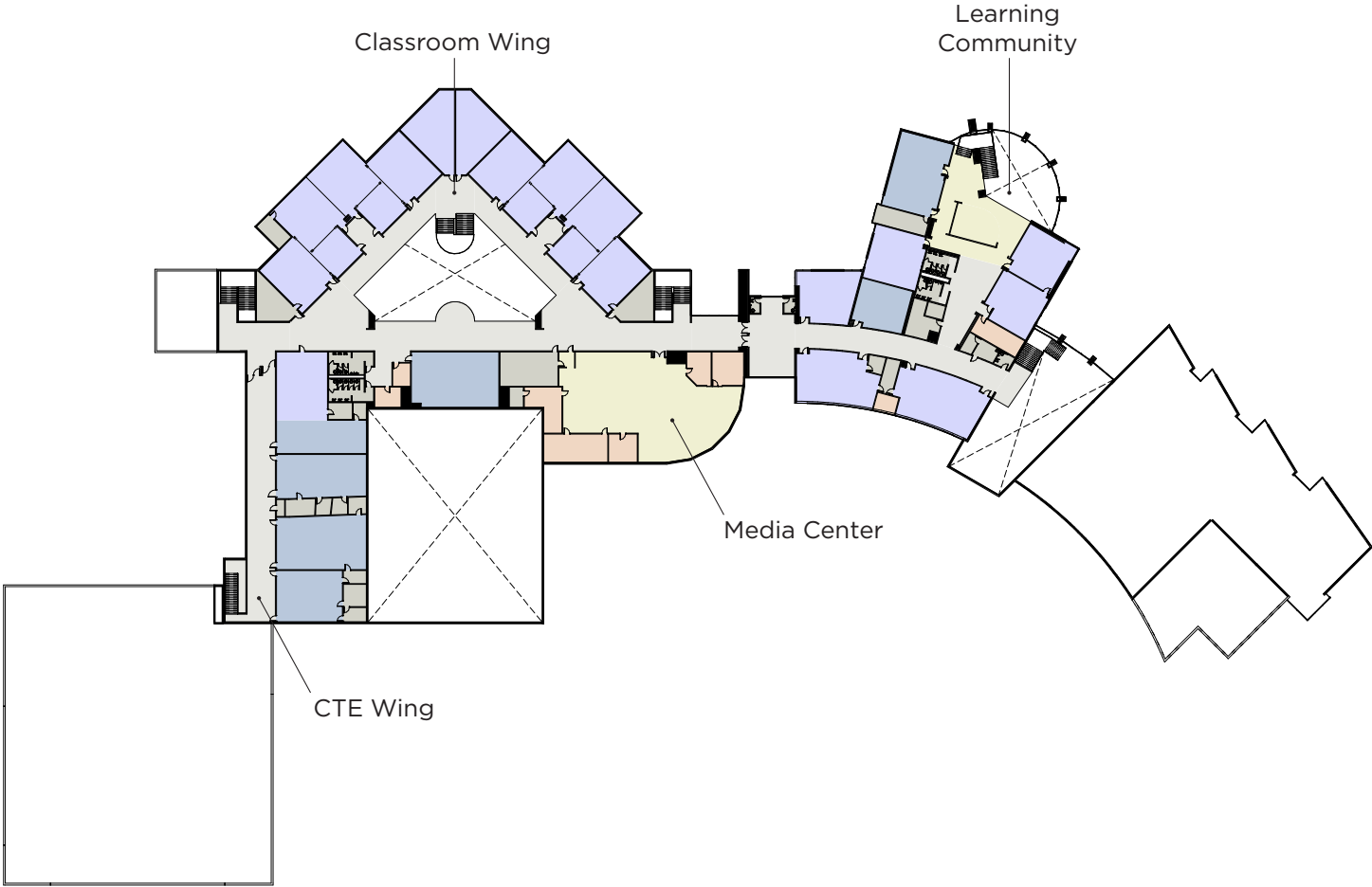


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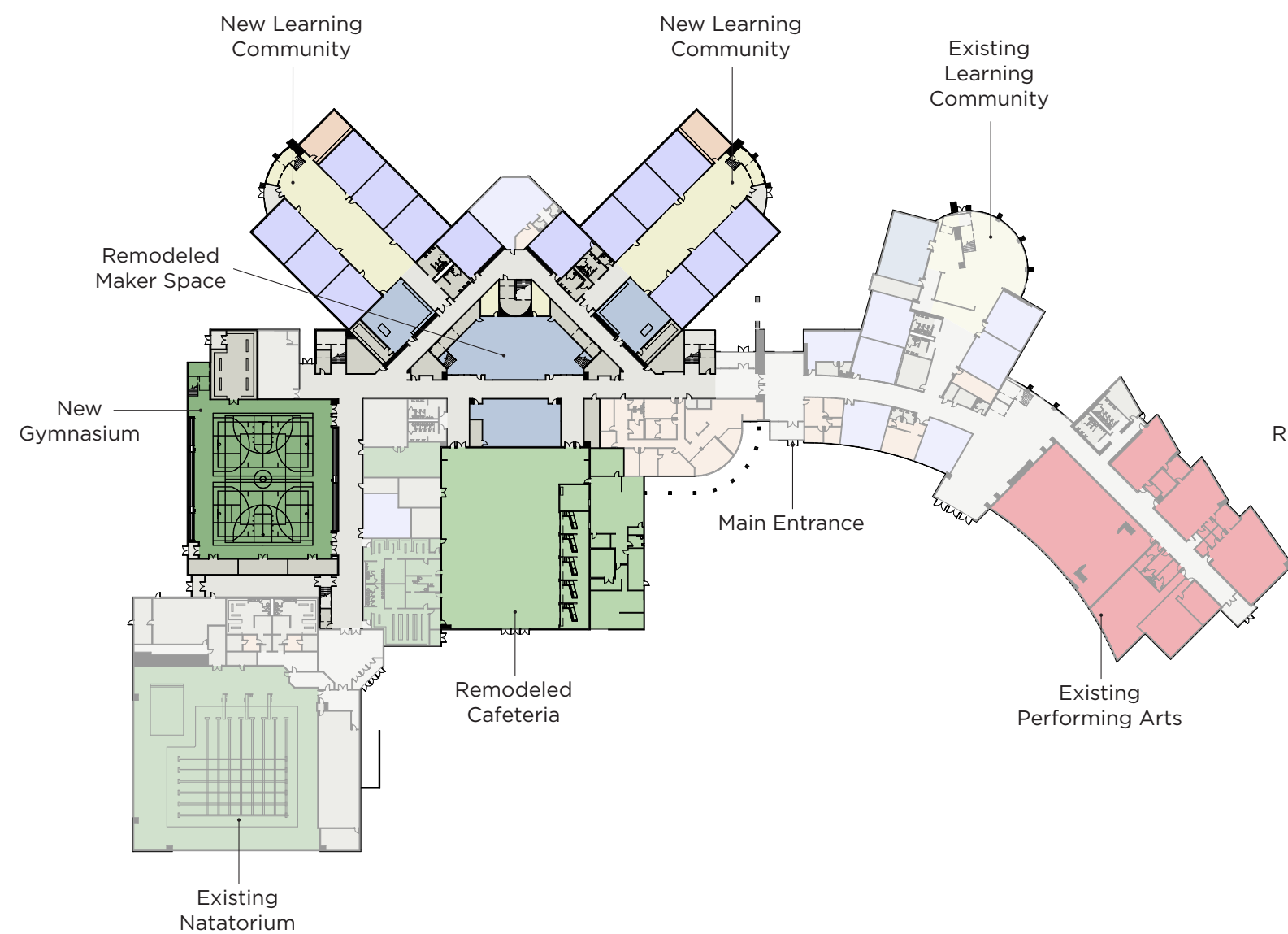
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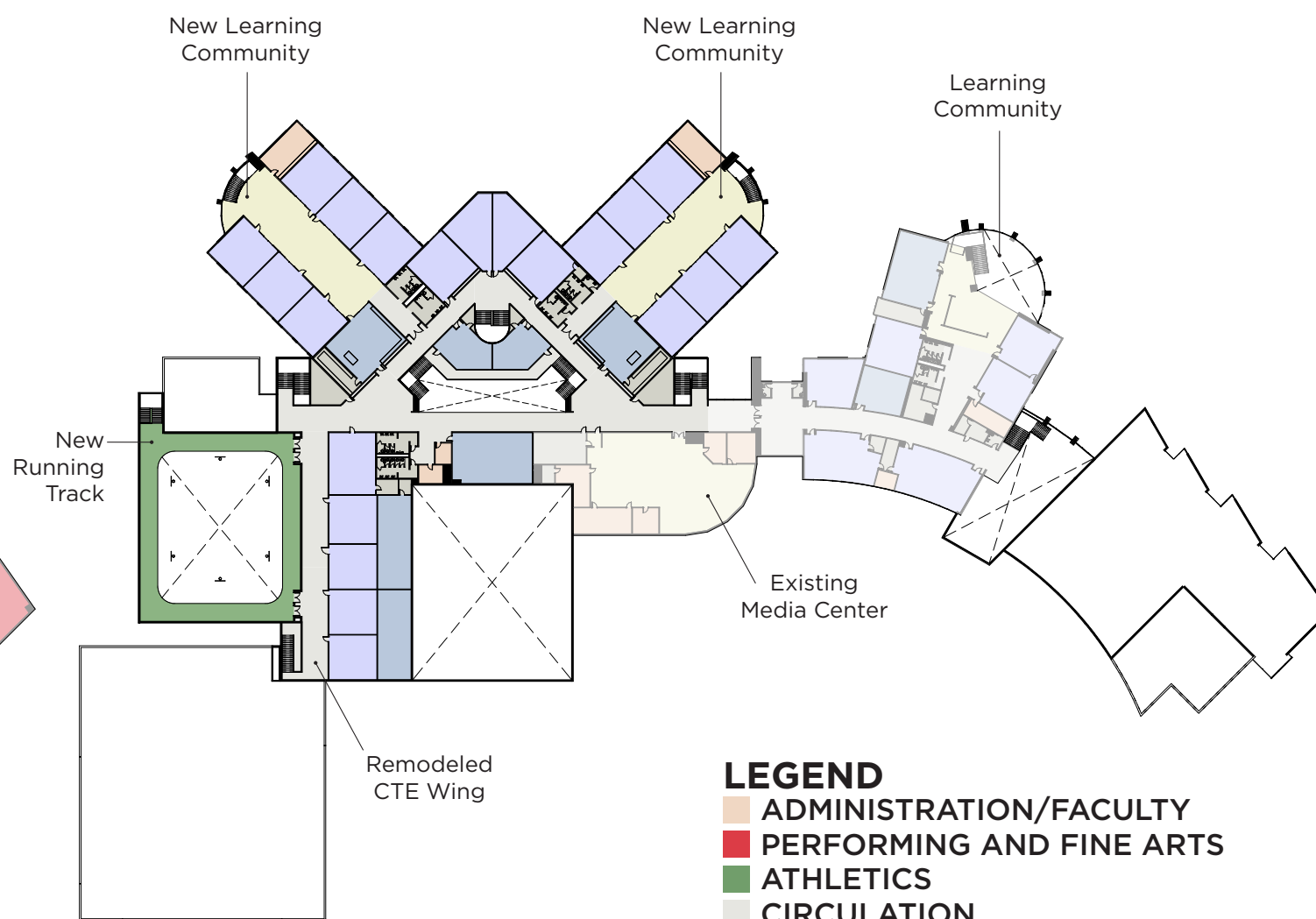
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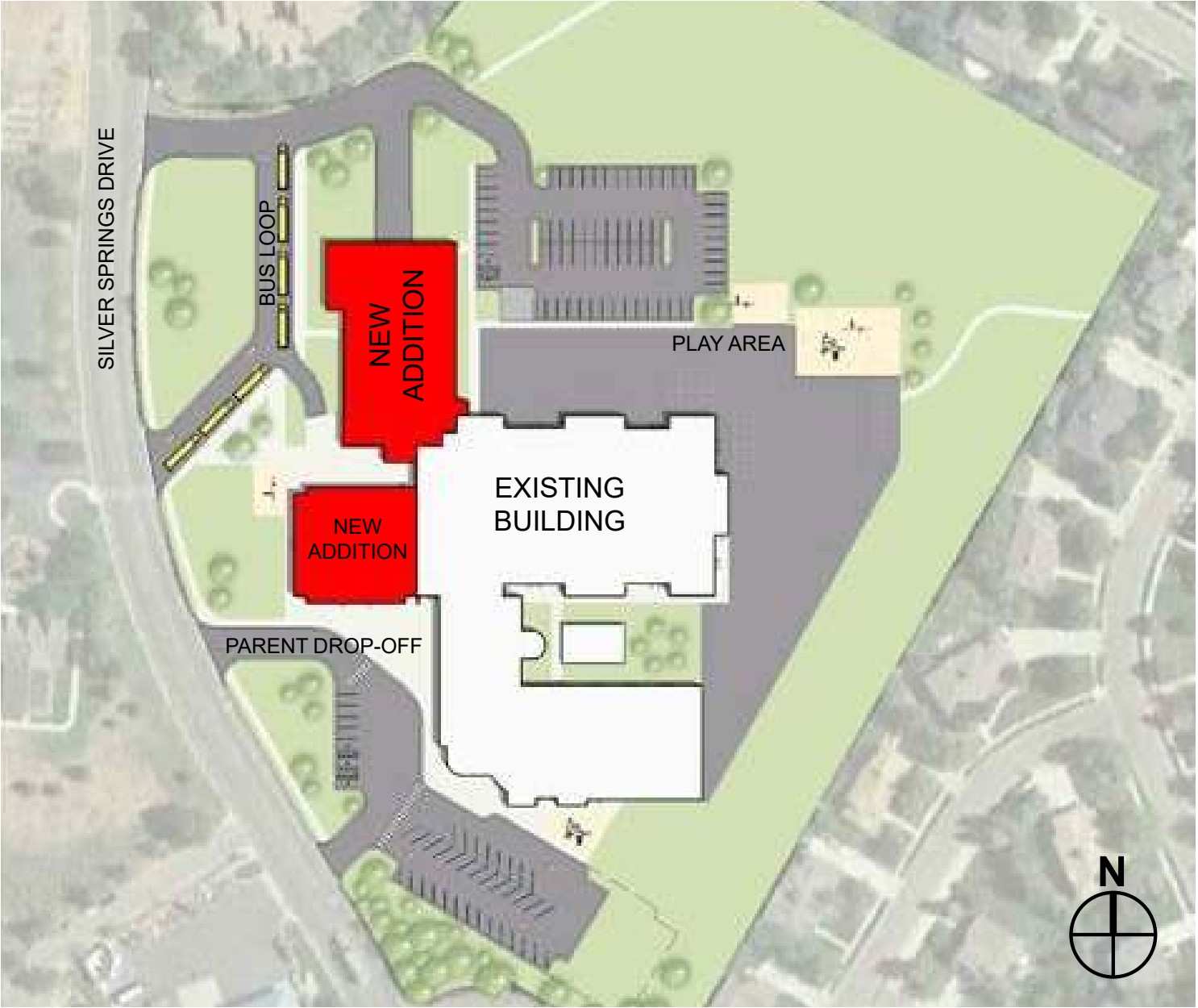


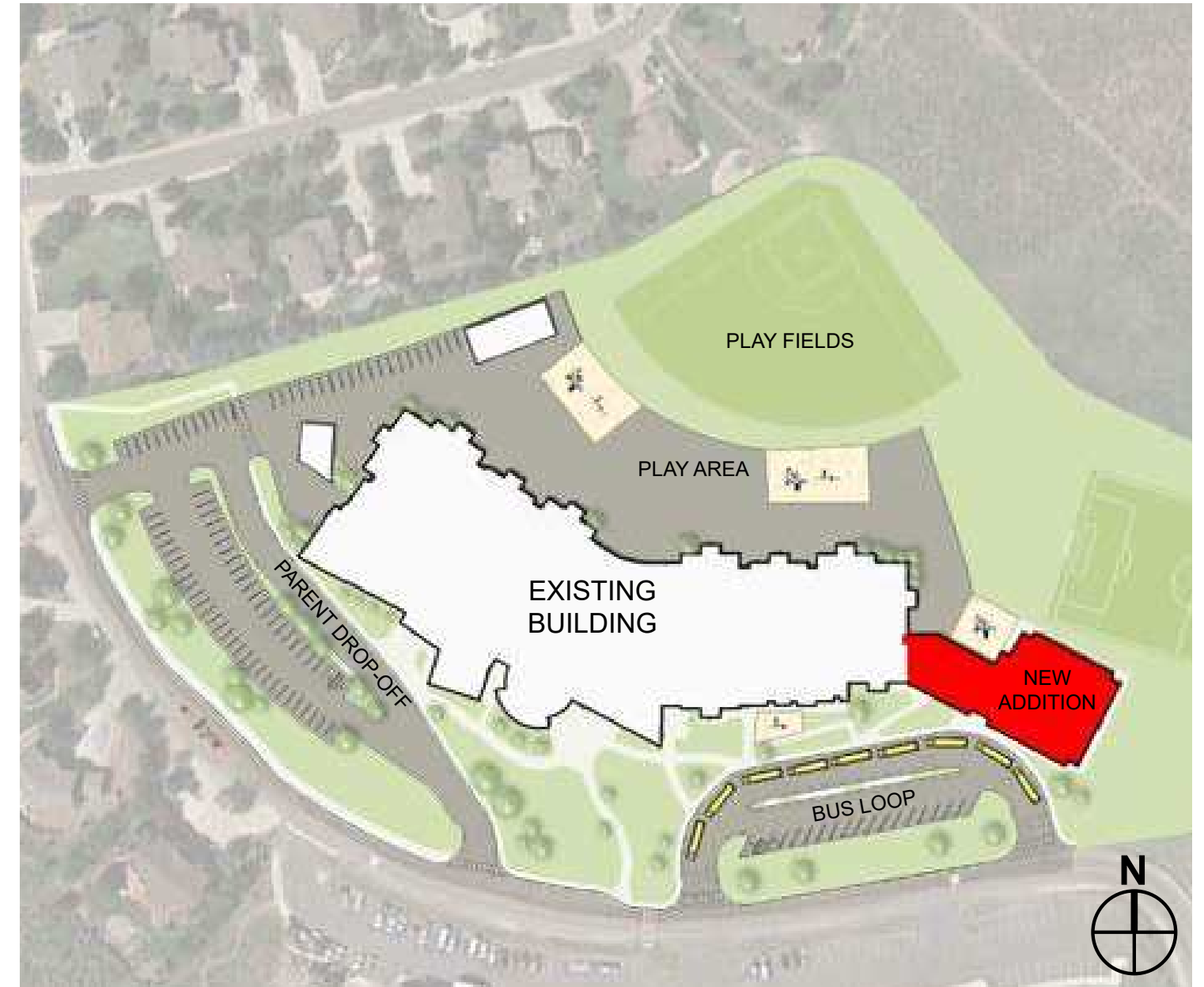
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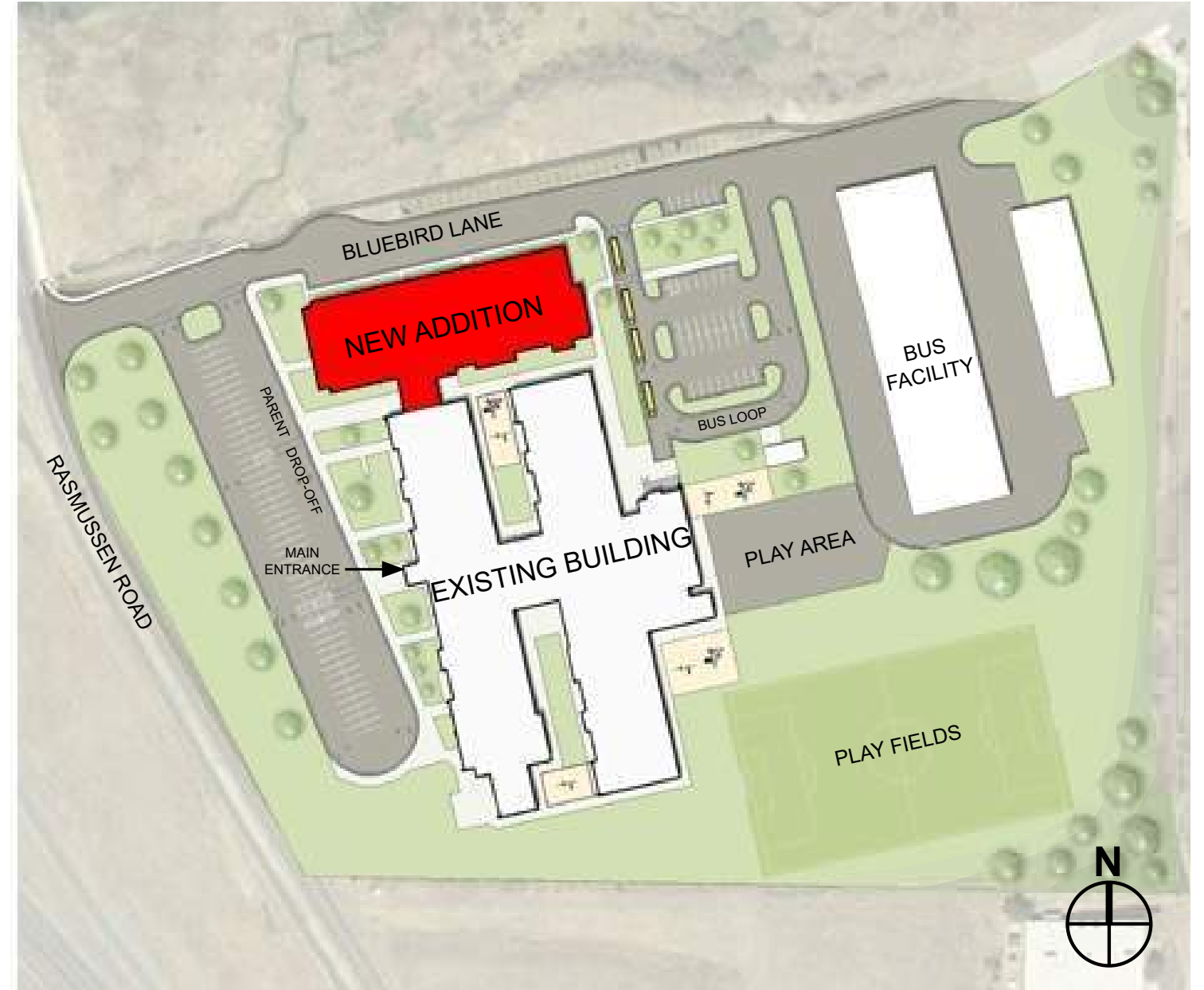
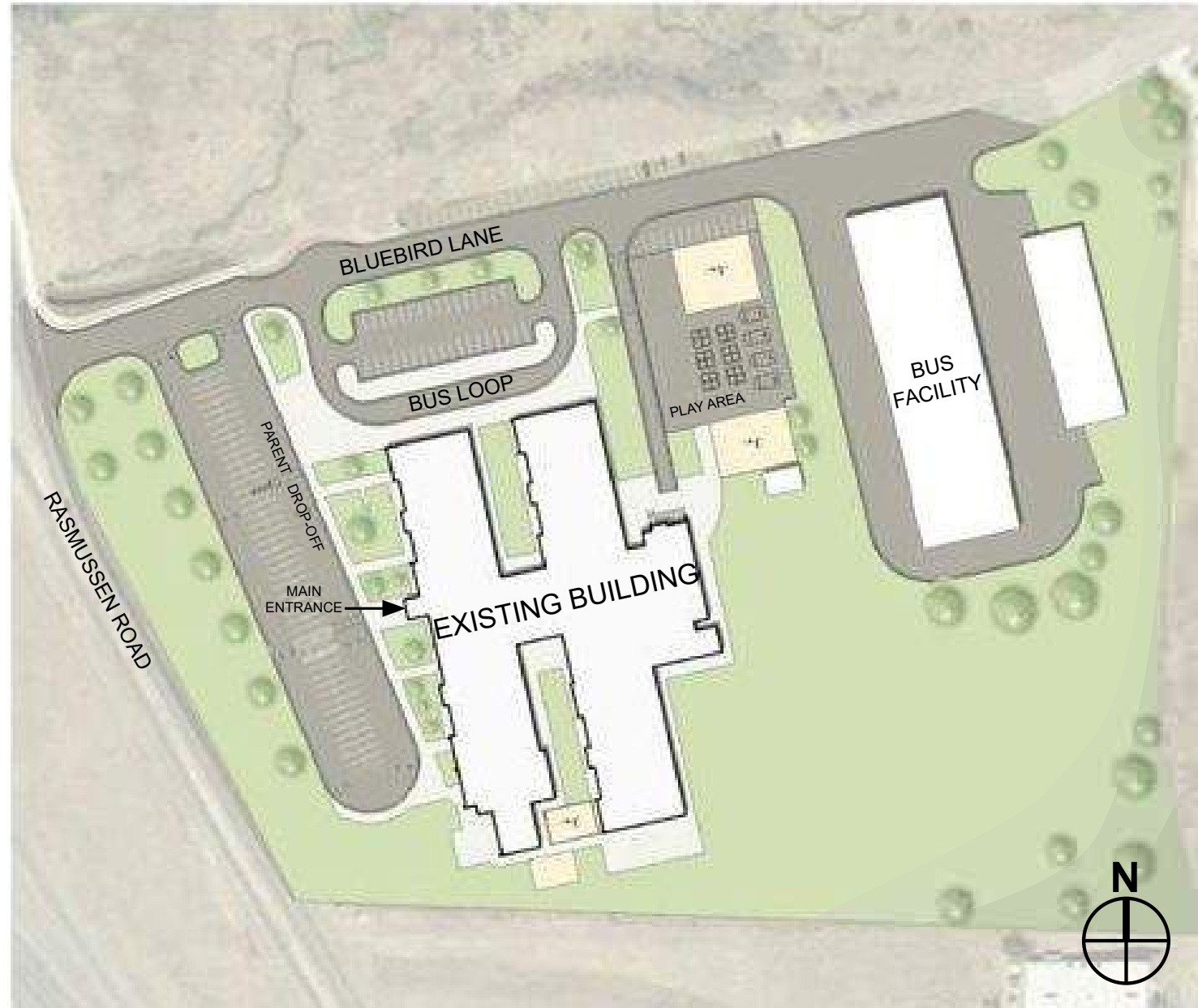
- LEGEND**
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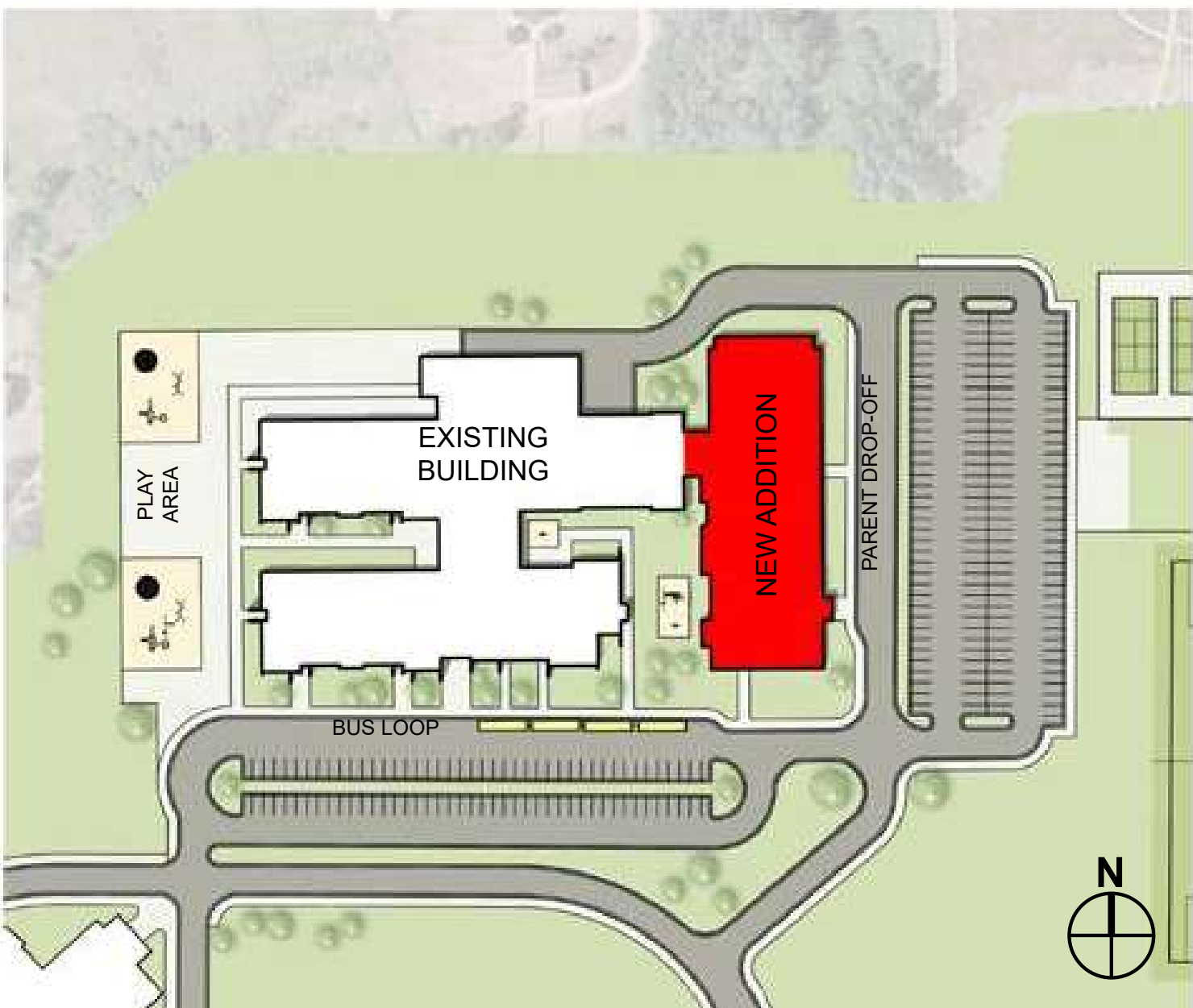












Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

5:50 p.m. - Break

Suggested Action:

Attachments:

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Tate Shaw

Submitting Department: Recreation

Item Type: Staff Report

Agenda Section:

Subject:

Park City Recreation and the Journal of Olympic Studies

Suggested Action:

Attachments:

[Park City Recreation Journal of Olympic Studies Staff Report](#)



Staff Communications Report

Subject: Journal of Olympic Studies
Author: Tate Shaw, Assistant Recreation Director
Department: Recreation
Date: October 28, 2021

In 2018, having been commissioned by the Utah Olympic Legacy Foundation, Park City Recreation along with other entities from the Park City Sport and Wellness Coalition participated in a research study on the impact of youth sports within our community after the 2002 Winter Olympics.

This research collaboration by Utah State University is the basis for the development of a case report and community assessment identifying current practices and recommending best practices to foster talent development and the accessibility of local sports programming. The goal was to help answer how the Park City community can provide athletes with the best programming possible to maximize their potential. Participants in the study included athletes, parents, coaches, and administrators from recreational play to elite and Olympic levels. Participants used round table and focus group discussions facilitated by Travis Dorsch, Ph.D. and Matt Vierimaa, Ph.D. professors from Utah State University Families in Sport Lab.

Based on the research, a manuscript was produced titled [**What's our Olympic legacy?: A case study of one community's efforts to optimize youth sport programming following a mega-sporting event.**](#) In January 2021 this manuscript was accepted into the Journal of Olympic Studies and officially published in September 2021. Park City Recreation is well represented and has been recognized as author and participating entity. This manuscript was authored by Dr. Dorsch and Dr. Vierimaa and coauthored by Matthew Terwillegar, Julian Coffman, and Tate Shaw.

Utah State University was grateful for the recreation department's contributions to the project. This publication provides Park City a notable seat at the table with larger cities like Vancouver and London that are informing the mega-sporting event literature. Additionally, Dr. Dorsch is hopeful that future Olympic bid committees can use this research as they navigate the important task of creating a legacy for future Olympic Games.

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Jed Briggs

Submitting Department: Budget, Debt & Grants

Item Type: Staff Report

Agenda Section:

Subject:

Water Revenue Bond Issuance

Suggested Action:

Attachments:

[Water Revenue Bond Staff Report](#)



City Council Staff Communication

Subject: Park City Water Revenue Bond Issuance
Author: Jed Briggs
Department: Budget, Debt, and Grants
Date: October 28, 2021
Type of Item: Informational

Summary

On September 30 the City issued a new water revenue bond with a total amount of \$66.1M to cover the planned remaining costs of major water infrastructure construction. The City received a favorable True Interest Cost (TIC) of 1.89%.

Background

Over the next two years, staff is planning approximately \$60 million in water capital improvement projects as adopted in the City's 5-year Capital Improvement Plan. Water improvement projects and design work for several projects are currently underway. These include significant design work related to the construction of the MIW project (Three Kings Water Treatment Plant), Quinns Junction Water Treatment Plant upgrades, and related capital improvements throughout town. These projects are required and essential to maintain the current level of water service and quality, protect public health, and maintain regulatory compliance.

Construction of these projects will continue over the next several years, with water revenue bonds used to fund the remaining expenses of the projects. The first of these bonds was issued in [FY20](#) for \$75.5M. Currently, bonds beyond FY23 are not anticipated as necessary water system operation, maintenance, and replacement costs will be funded at a level covered by annual water service fee revenues.

Analysis

The latest water bond closed on September 30 with a total par amount of \$66.1M, which covers the remaining costs of water construction projects. The City received a very favorable True Interest Cost (TIC) of 1.89%, which was lower than anticipated due to the federal debt ceiling concerns impacting interest rates. The TIC includes all the subsidiary costs like late fees, discount costs, prepaid interest, and finance charges along with all the other factors that are related to the value of money.

In addition, staff, in conjunction with the City's financial advisor, are always looking to refinance older bonds as part of a new issuances. Council adopted a [refunding resolution](#) to refinance the Series 2012 and 2012B bonds as part of this issuance. There is approximately \$8.5M remaining in these bonds. By refunding with a lower interest rate (2.15%) and releasing the debt service reserve, the City will save ~\$500k.

Before issuing bonds, the City is rated by major rating agencies. The City was rated by Moody's and S&P, who reaffirmed the City's exemplary water revenue bond rating. S&P

rated the City's water revenue bonds in the spring of 2020, but due to the Covid-19 pandemic, actually gave the City a 'negative' long-term outlook. This was consistent with most bond issuances during the midst of COVID, and particularly due to our tourism related economy.

However, this was quickly changed and reinstituted to 'stable' in our current rating. The strength of the local economy and the sophistication of the water financial and planning model carried the strong credit rating, according to the S&P analysts. Also, the rating agencies were very complimentary of the City budget documents, saying they were some of the most professional they see.

Water Revenue Bond Rating

- **Moody's – Reaffirmed Aa2 rating, stable outlook**
 - Wealthy customer base that can absorb rate increases
 - Well-planned capital program
 - Challenges: elevated leverage, expected water quality issues due to mining legacy
 - Potential upgrade to Aaa rating once we get through major capital projects
- **S&P – Reaffirmed 'AA' and changed from negative to stable outlook**
 - Strength of economy
 - Sophistication in financial model and planning
 - "One of the best budget books" they've ever seen
 - Cash was a little bit lower than peers with similar operations

GO Bond Rating – (S&P also provided an additional GO Bond analysis)

- **S&P revised outlook to stable from negative and affirmed 'AA+' on GO bonds**
 - Very strong economy
 - Very strong management, with strong financial policies and practices
 - Strong budgetary performance, increase to General Fund balance
 - Very strong liquidity – total available cash at 141.5% of expenditures and 5.9x debt service
 - Very strong institutional framework score

Funding Source

Debt service for water revenue bonds is funded through water service fees and water impact fees and is included in the rate structure which has been adopted as part of the Budget, 5-Year CIP, and included in the long range Water Fund Financial Model.

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Kim Fjeldsted

Submitting Department: Transit

Item Type: Staff Report

Agenda Section:

Subject:

Transit Update

Suggested Action:

Attachments:

[Transit Update Staff Report](#)

[Exhibit A: Fixed Route Ridership](#)

[Exhibit B: Paratransit/On Demand Ridership](#)

[Exhibit C: Trolley Ridership by Stop](#)

[Exhibit D: Winter Service Options Survey Results](#)

[Exhibit E: Accident Data](#)

[Exhibit F: Route Reliability](#)

[Exhibit G: Customer Feedback](#)



City Council Staff Communication Report

Subject: Quarterly Transit Report
Author: Kim Fjeldsted, Transit Manager
Department: Executive
Date: October 28, 2021
Type of Item: Administrative

Summary

Park City and Summit County established a Joint Transit Advisory Board (JTAB) in 2006 to review transit operations and services and make recommendations for both the City and County Council's. After the successful launch of High Valley Transit on July 1, 2021, the JTAB was retired. Park City and Summit County have continued to work closely together to ensure seamless transit service for riders in the greater Park City area. Park City Transit performance statistics previously reported in JTAB will now be brought to the council in a quarterly report, along with other important transit updates. Over time, staff is working to evolve and modernize PC Transit to provide more efficient and effective services.

Route and Service Updates

Post separation from Summit County, Park City Transit continues to focus on important performance measures while diligently working on modernizing the future of local transit in Park City.

- Fixed Route Service:
 - As of July 1, 2021, Park City Transit is providing service within Park City Municipal boundaries (1 Red, 2 Green, 5 Yellow, and other seasonal routes) and connections to regional transit hubs (10 White Express). Ridership has not returned to pre-pandemic levels. We are still experiencing an average 30-40% decrease on most days, outside of special events. Our ridership is matching national trends for public transportation. We are working on marketing efforts to encourage ridership and expect numbers to increase dramatically the winter. See **Attachment A**.
- Paratransit Service & On Demand:
 - As of July 1, 2021, Park City Mobility continues to provide ADA services for trips beginning within Park City Municipal boundaries. "Valley Ride" (operated by HVT) provides ADA complementary Paratransit service outside Park City. Overall, the transition has gone well. HVT and PC Mobility have found a solution for the few exceptions. Post separation, as expected, Paratransit has also seen a reduction in trips while on demand has remained consistent. See **Attachment B**.
- Trolley Service:
 - In June of 2021, Park City Transit surveyed area residents, property owners, and property managers in the Daly Avenue area (see [Summer Trolley Service Staff Report](#)). Based on feedback, the Trolley service was reinstated on July 1 but with a reduced schedule to focus on high utilization periods. The Trolley operates Wednesday-Saturday, noon – 10:00 p.m., with 15-minute frequency. The survey solicited input two routing options, and the Council elected to go with a hybrid

version based on the results. A majority supported leaving the Trolley in the Daly neighborhood, and ridership data shows most riders utilize the Trolley to get to the Old Town Transit Center and Swede and Main Street, followed by the neighborhood area (top of Main). Staff recommends continuing the current routing through winter. Currently, the Trolley runs up Main Street, to the Daly turn around, and back down Swede Alley to Old Town Transit Center (OTTC), then to Heber. The turnaround appeared to be the item that received the most opposition, predominantly from a few residents on Hillside Avenue. See **Attachment C** for Trolley boardings and alightings for July through September 2021.

- Winter Service 2021-2022:
 - A public survey was conducted in October to solicit feedback on minor routing changes. See **Attachment D** for survey results considered in this year's plan:
 - The 3 Blue will be put back into service;
 - We are excited to introduce a new route, the 50 Teal, which is designed to increase the frequency in the Prospector area and provide direct service to Main Street and Deer Valley;
 - The Trolley will return to a full schedule, 7 days a week, 8am to 8pm.
 - Due to low ridership on the last trip, the Citywide will end 30 min earlier than prior years (1:40 am);
 - The routing for the 4 Orange will change slightly, utilizing Marsac Ave instead of Royal Street to ensure route efficiency; and
 - The 2 Green route will have a minor change, with two stops just off Pay Day Road eliminated, making riders go one street over on SR-224.

Performance Measures

Accidents:

- Park City Transit has increased the focus on avoidable accidents since July 2019. Emphasis on defensive driving through training and performance management has resulted in a decrease in avoidable accidents by 88% overall since 2019 and 78% per service hour. See **Attachment E**. Safety is a priority for transit and the attention to this vital performance measure has resulted in significant improvement.

Fixed Route Reliability:

- Nationally, there is not a set standard for on-time reliability for public transit. Going forward, we intend to share fixed route reliability data quarterly and establish a goal after a year of data benchmarking. For July - September, Park City Transit fixed routes performed on average 88.5% on-time. See **Attachment F** for route specific reliability data.

Customer Concerns:

- Customer concerns continue to remain low, demonstrating the transition from one provider to two has been relatively seamless and productive. We continue to hear calls for micro transit service within the municipality's boundaries, voices for direct express routes to resorts, and bus routes that are equal to or better than standard traffic times. See **Attachment G**

Other Important Updates

- Federal Grants:

- As of June 30, 2021, Park City Transit and HVT are independently seeking federal grants. Park City Transit will complete the 14 bus purchase previously brought to the Council ([PC-SLC Connect Electric Bus Purchase Staff Report](#)). This purchase involves grants received before June 30, 2021. Per the separation agreement, 8 buses from the acquisition will become HVT property (4 for HVT, 4 for PC-SLC Connect) leaving 6 buses for Park City.
- Short Range Transit Plan (S RTP) (See [website](#)):
 - The S RTP will incorporate key findings from the Transportation Master Plan (see [website](#)) to create high-value transit service options for a variety of users. The objective of the S RTP is to create an actionable 5-year plan that gives clear route and schedule guidance for the next five years of transit. Park City aims to increase the convenience, frequency and reliability of riding transit. This plan prioritizes connections between the major destinations and new developments in Park City including Park City Mountain, Deer Valley Resort, Old Town, Quinn's Junction Park and Ride and the Arts & Culture District, and will examine various technologies, including on-demand microtransit, into a unified system of services that integrates transit with walking and biking. The planning process will also include further evaluation of an aerial transit system. The S RTP is scheduled for completion Spring 2022.
- Transit IT Updates:
 - The project to modernize our planning, scheduling, and operations software is in its final stages of completion. See [Transit Route Design and Scheduling Software Staff Report](#). We successfully integrated our dispatching and scheduling software. The next and final phase of this project will be transit operator scheduling software, Makeshift, set for early November. Makeshift has a mobile component and integration with our ADP payroll system that provides numerous features for enhanced access and management of staff schedules, as well as efficiencies in payroll processing.
 - The upgrade to our dispatching software is complete and staff continues to test and add new software functions into daily operations. One new feature allows instant notification to the public of changes in service, such as detours due to an incident, construction, or event.
 - As part of the bus stop enhancement project, upgrades to the bus stop transit signs are underway. The current signage has reached the end of life and upgrades to these signs will improve both the type of information displayed and the ability for more real-time responses and custom messages.

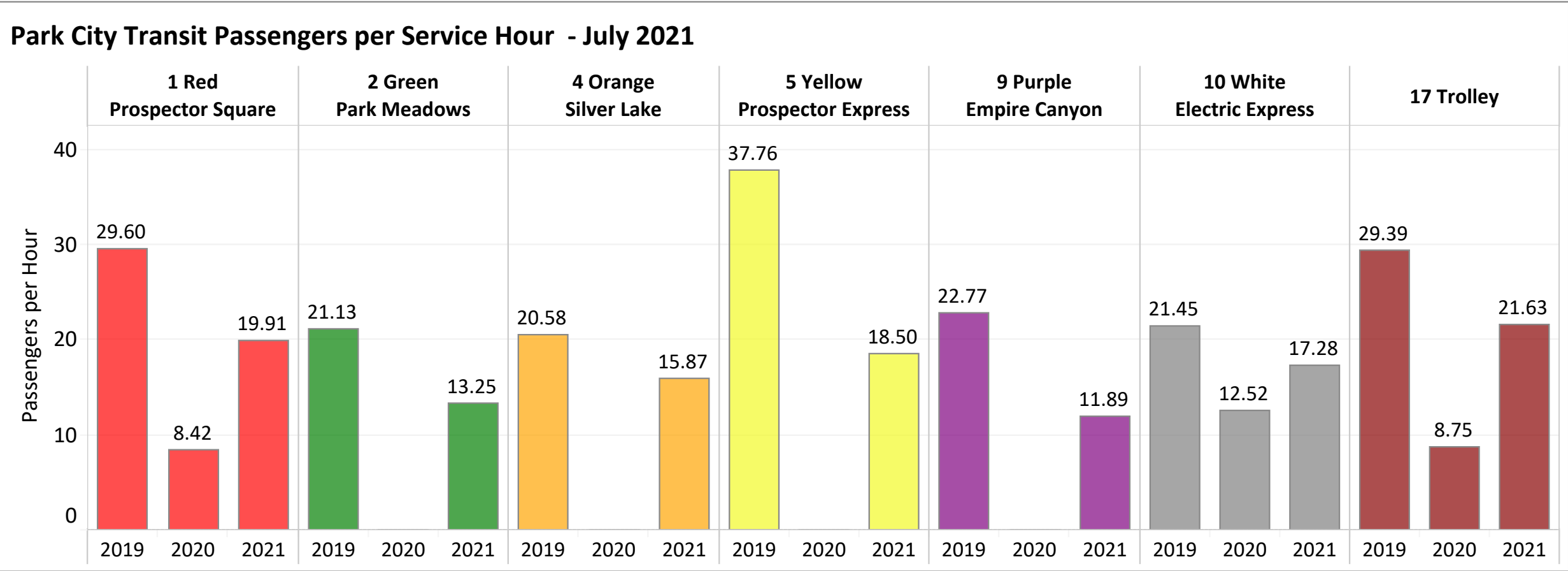
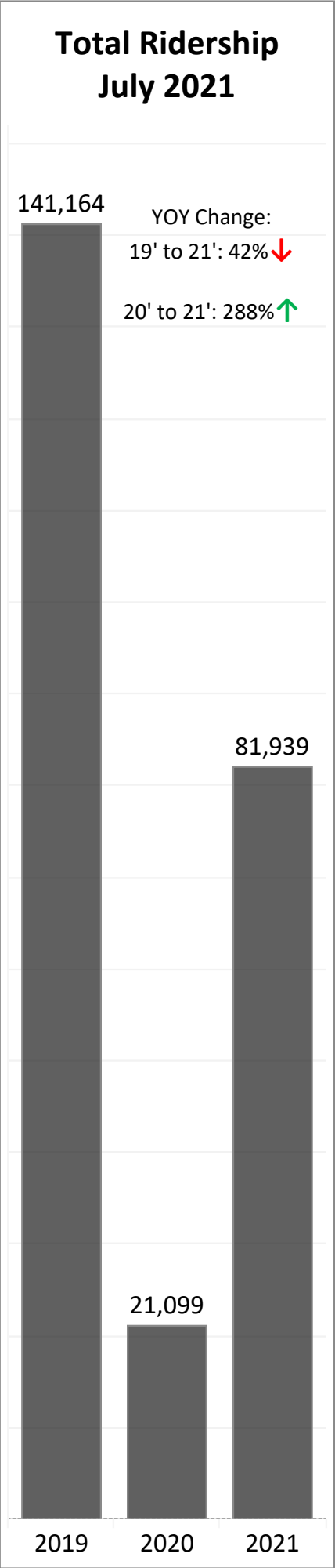
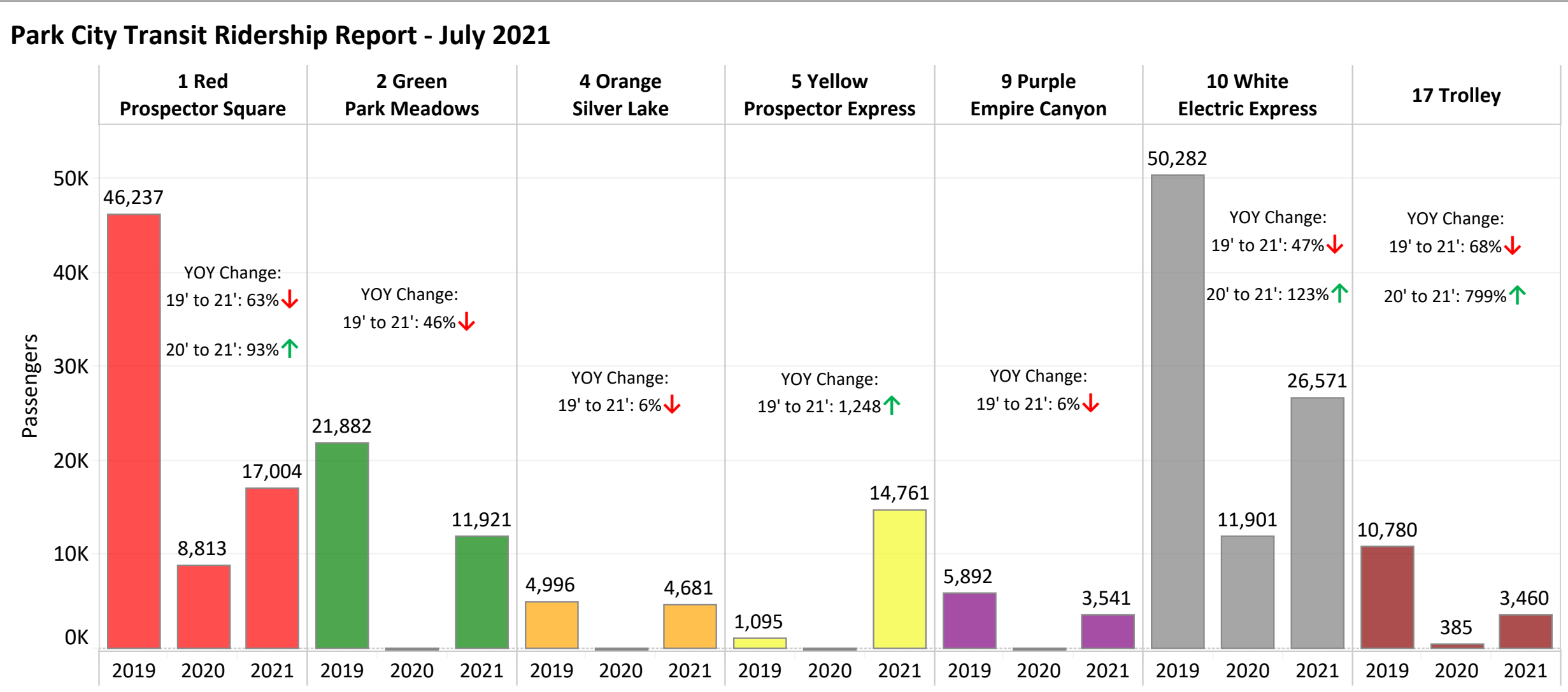
Winter Parking Overflow Shuttle Service

Vail has reached out to us to explore running the High School parking lot shuttle again this winter. From 1-1-21 through 3-7-21, PC Transit moved 15,331 people from the high school to PCMR. We are drafting an updated contract for Vail's review. Deer Valley was not interested in the service last year, but we have reached out again to see if that changed.

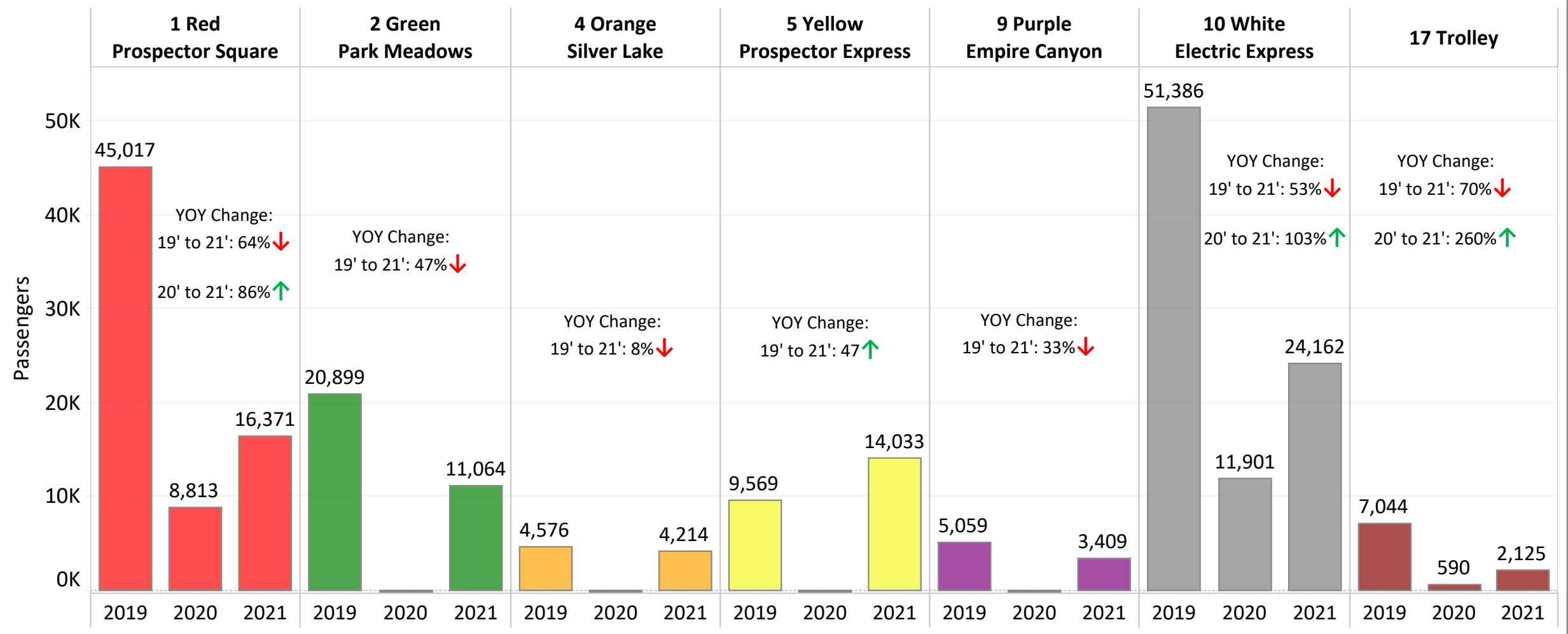
We understand the community is eager to have new and improved transit services in Park City now that HVT is up and running. PC Transit is excited to have ridership return to normal this winter, and eager to implement new routes and services, new technologies and equipment, and reorient our attention from meeting regional transit demands to a focus on City and neighborhood services.

Attachments

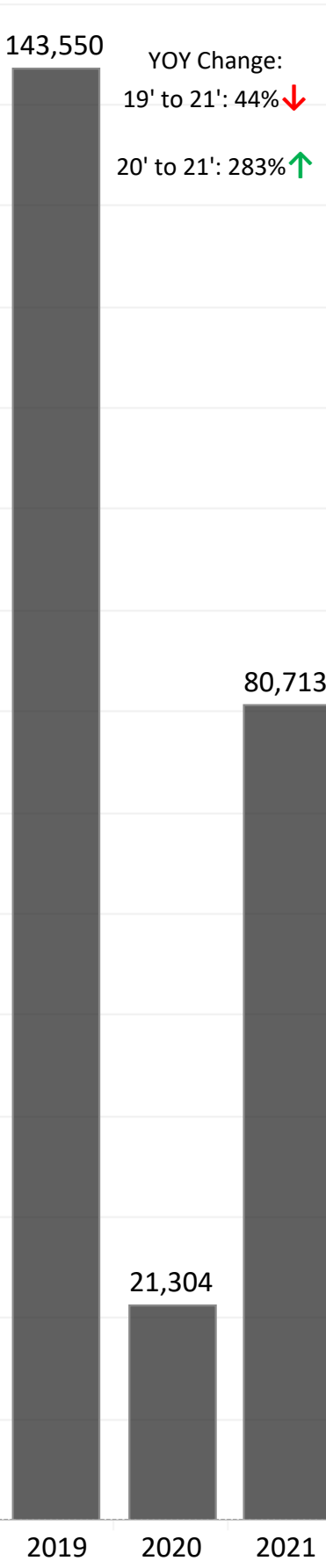
Attachment A: Fixed Route Ridership
Attachment B: Paratransit/On Demand Ridership
Attachment C: Trolley Ridership by Stop
Attachment D: Winter Service Options Survey Results
Attachment E: Accident Data
Attachment F: Route Reliability
Attachment G: Customer Feedback



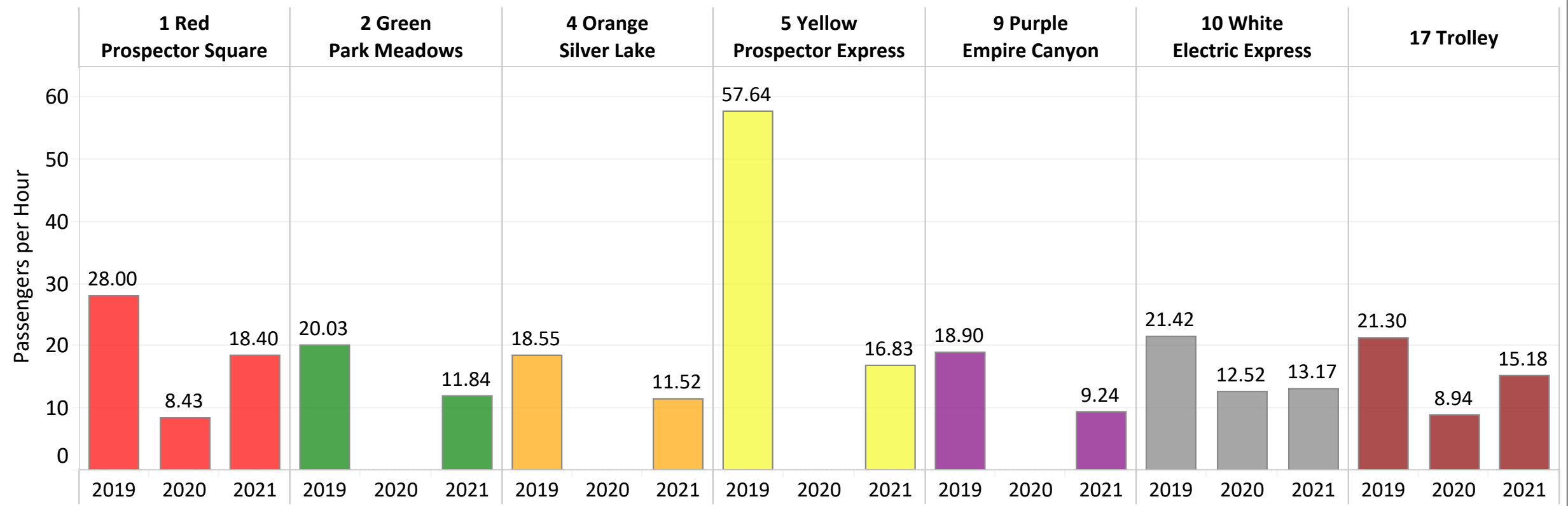
Park City Transit Ridership Report - August 2021



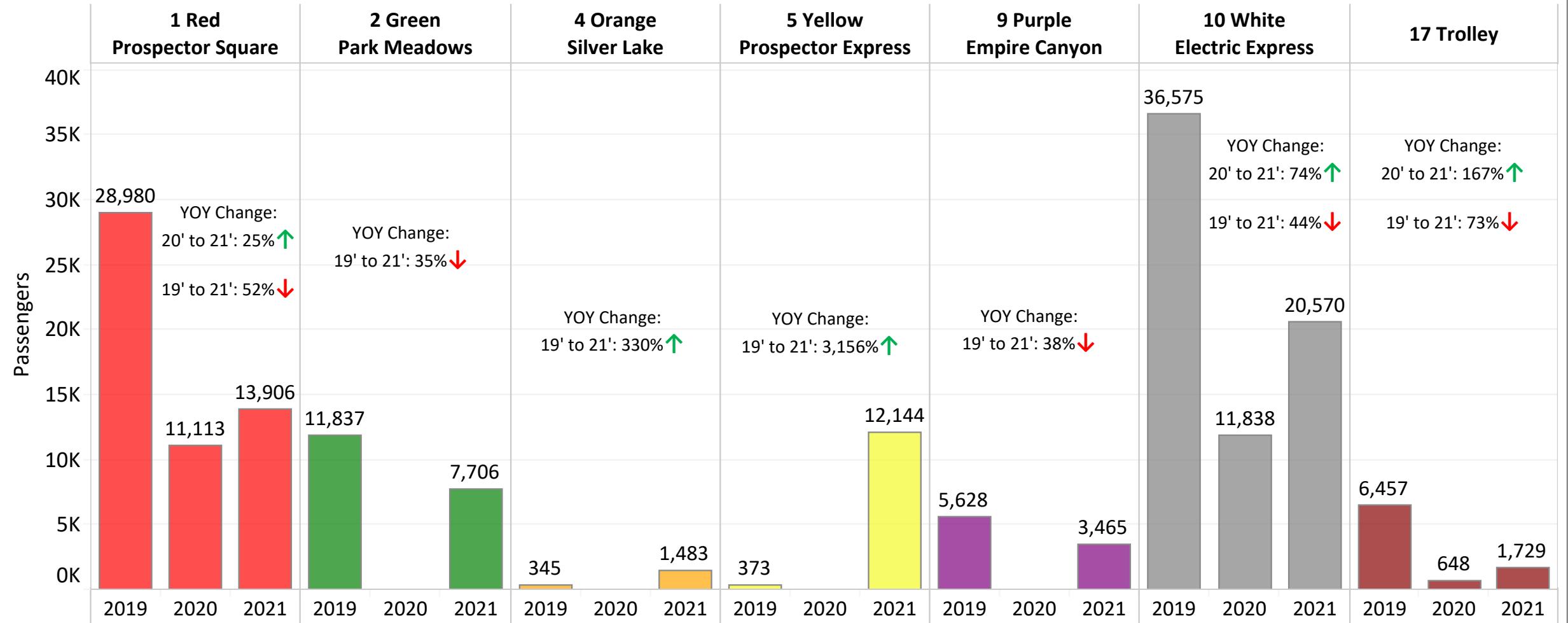
Total Ridership August 2021



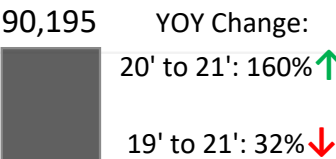
Park City Transit Passengers per Service Hour - August 2021



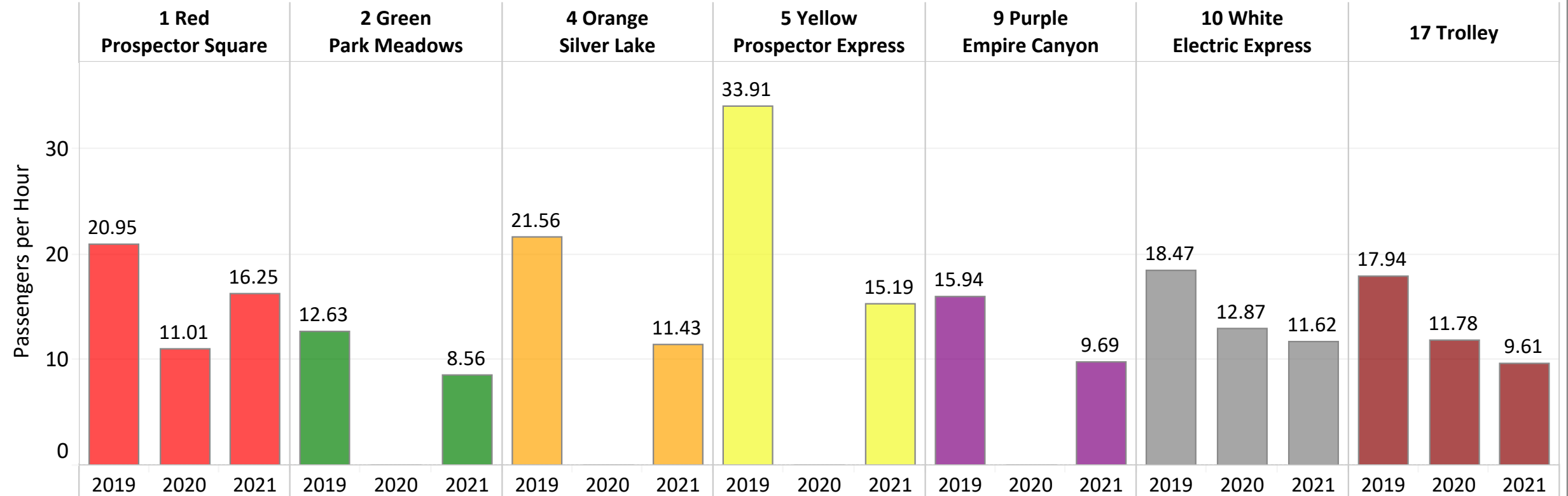
Park City Transit Ridership Report - September 2021

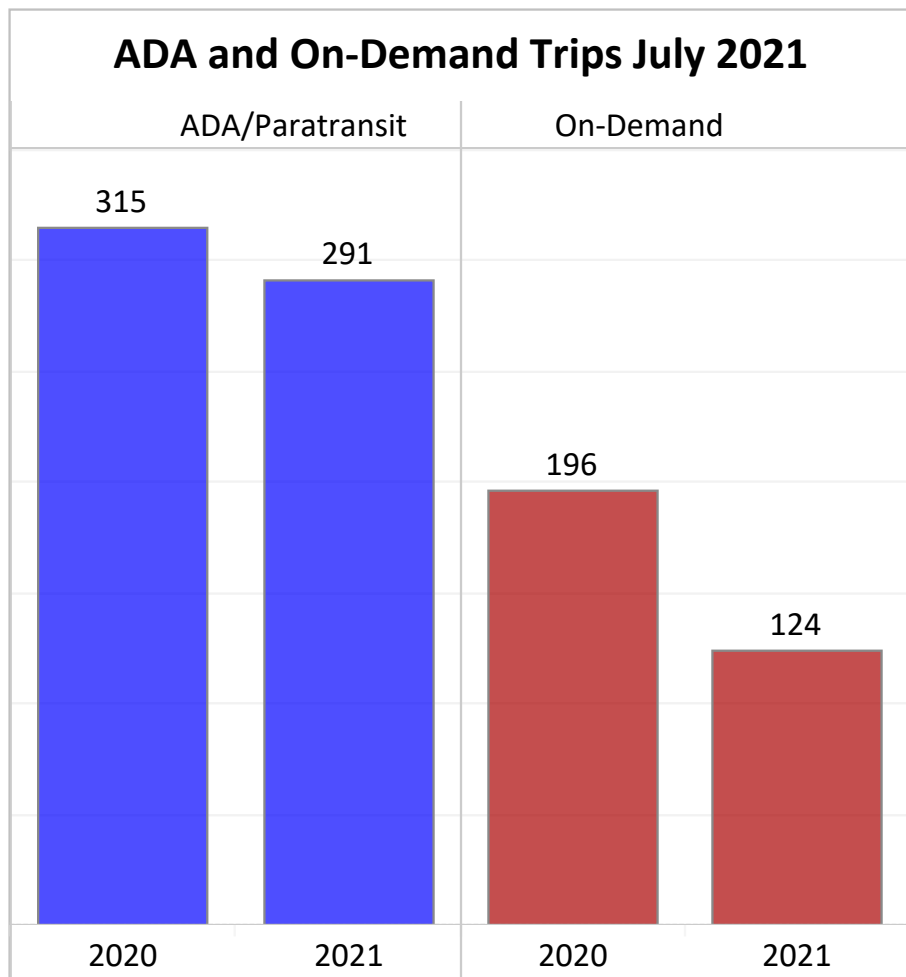


Total Ridership September 2021

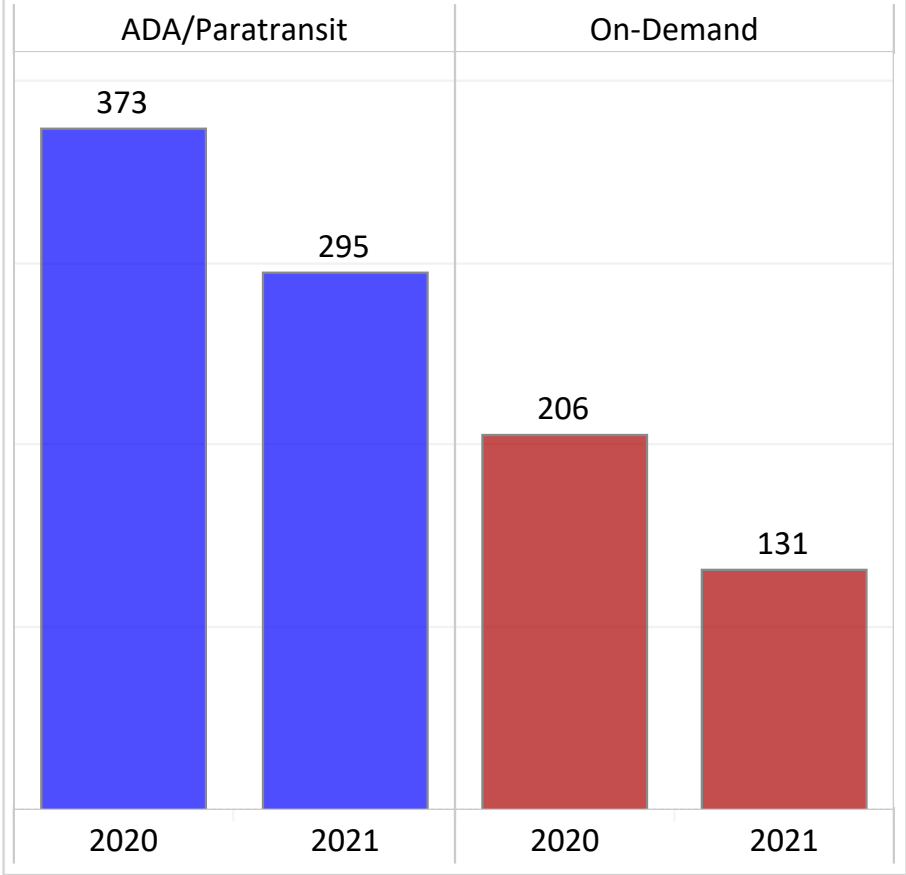


Park City Transit Passengers per Service Hour - September 2021

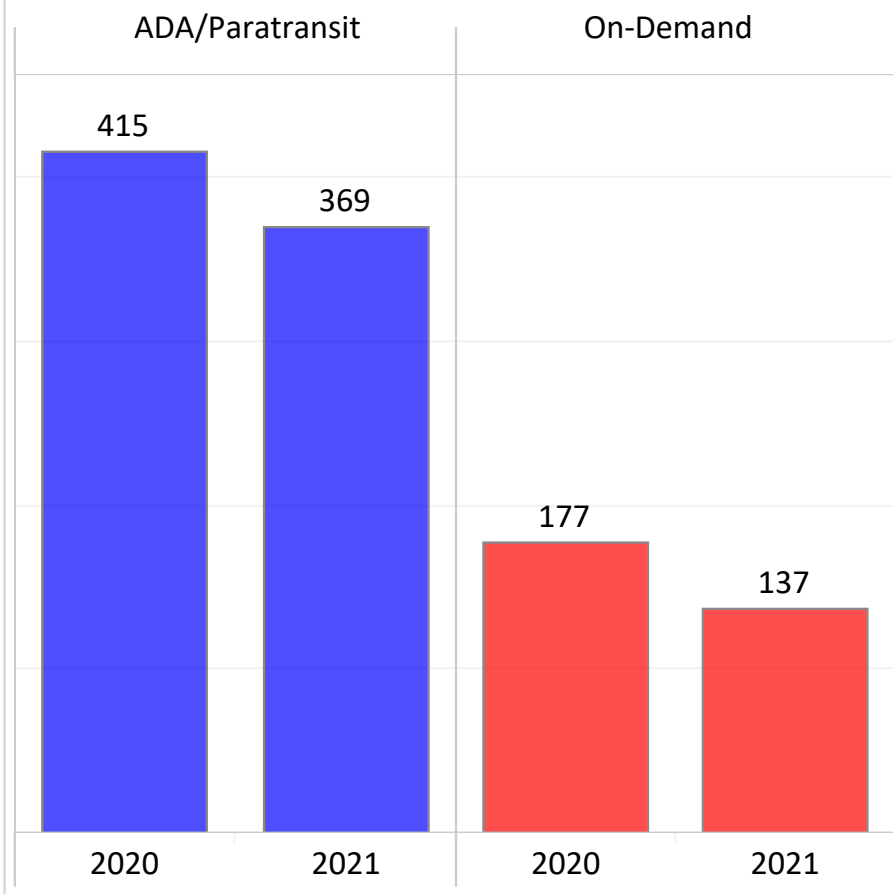




ADA and On-Demand August 2021



ADA and On-Demand September 2021



Attachment C: Trolley Ridership by Stop

Daily Average Trolley Stop Usage July - September 2021		
Stop	Boarding	Alighting
Top of Main (Daly Ave.)	8.1	22
China Bridge	7.7	10.6
Town Lift Down	8.2	7.4
9th Street	15.3	4.2
Town Lift Up	15.5	3.4
Swede & Main	47.2	61.3
OTTC	50.5	54.2
Total	152.6	163.1

Winter 2021-2022 Service Options Survey Summary

No significant service changes are proposed for routes not listed below.

Route	Survey Comments	Winter 2020-2021 Service Overview	Proposed Winter 2021-2022 Service Overview	Notes
 2 Green	19 survey comments in English and 1 comments in Spanish received. Most comments were either unrelated to the removal of the stops or noted that few people use those stops. Other comments mentioned parking options near bus stops, better frequency on the route, crowding on the bus, and connections to other bus routes.	Every 30 minutes 6:37 a.m.—11:07 p.m.	Every 30 minutes 7:00 a.m.—11:00 p.m.	<i>Winter 2021-22 proposal recommends eliminating two stops on Prospector Drive.</i>
 3 Blue	18 survey comments in English and 1 comments in Spanish received. Some comments mentioned on-street parking impacts should be examined. Other comments brought up direct or express routing that skips Park City Mountain. Multiple comments were positive reactions to bringing the route back into service this winter.	Not in Service Winter 2020-21	Every 30 minutes, 7:14 a.m. —4:44 p.m.	<i>Three route options were originally proposed. Based on public input, recommendations from the 2016 SRTP, and ridership data, the 2019 version of the route is proposed for Winter 2021-22 service.</i>
 4 Orange	19 survey comments in English and 1 comments in Spanish received. Some comments expressed concern with getting from Silver Lake Village to Snow Park Lodge. Other comments mentioned increased frequency and later service hours.	Every 30 minutes, peak service only 6:06 a.m.—10:06 a.m. 2:06 p.m.—6:06 p.m. 10:06 p.m.—11:06 p.m.	Every 30 minutes, 6:42 a.m.—11:12 p.m.	<i>Winter 2021-22 proposal recommends routing on Marsac Ave instead of Deer Valley Drive and Royal Street.</i>
 Trolley	23 survey comments in English and 0 comments in Spanish received. Some comments suggested extending later in the night to cover peak hours. Other comments questioned who benefits from this change.	Not in Service Winter 2020-21	Every 15 minutes, 8 a.m.— 8 p.m., 7 days per week	<i>Summer 2021 hours: Every 15 minutes, 12:00 p.m.—10:00 p.m., Wed-Sat only</i>
 50 Teal	21 survey comments in English and 0 comments in Spanish received. Most comments were either supportive of the route, or mentioned later service hours, . One comment mentioned the pros or cons of directing resources to this route versus increasing frequency on other routes. Other comments mentioned using Ironhorse Drive	Not in Service Winter 2020-21	Every 30 minutes, 6:53 a.m.—5:23 p.m.	<i>New Route</i>
 City-Wide	18 survey comments in English and 0 in Spanish received. Most were either supportive of the change or mentioned they didn't ride the route. A few commenters noted it would make them less likely to go out on Main Street.	Every 30 minutes 5:28 a.m.—6:36 a.m. 11:14 p.m.—2:14 a.m.	Every 30 minutes, 11:40 p.m.— 1:40 a.m.	<i>Winter 2021-22 proposal recommends eliminating the last trip to meet expected ridership demand.</i>

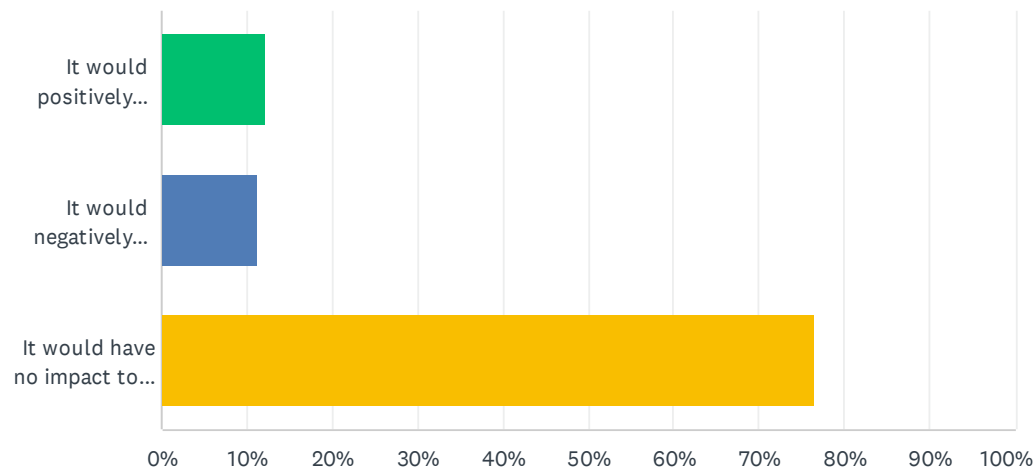
Winter 2021-2022 Service Options Survey

English Survey Responses

Open-ended responses on questions 2, 5, 7, 9, 11, and 13 have been summarized on Page 1 to remove any personally identifying information.

Q1 How would the removal of two stops on Prospector Drive impact your transit experience?

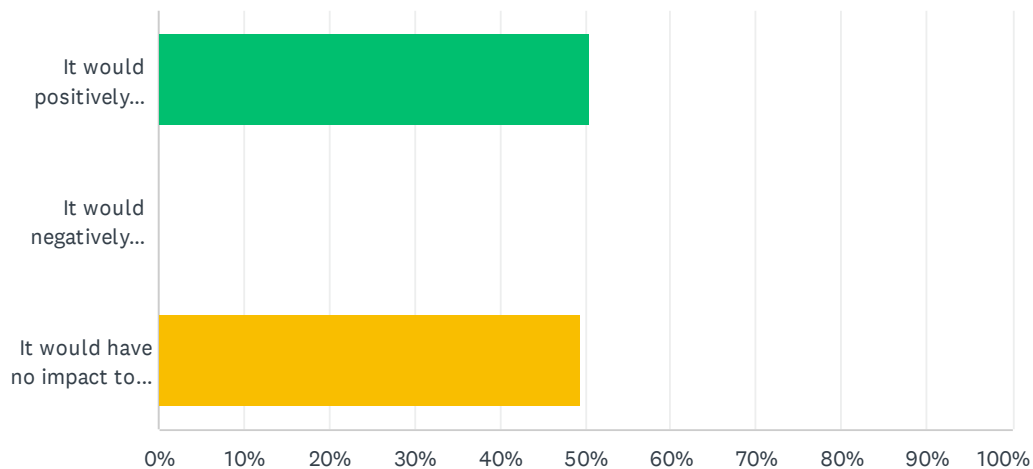
Answered: 132 Skipped: 4



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	12.12%	16
It would negatively impact my transit experience	11.36%	15
It would have no impact to my transit experience	76.52%	101
TOTAL		132

Q3 How would bringing back service on the 3 Blue impact your transit experience?

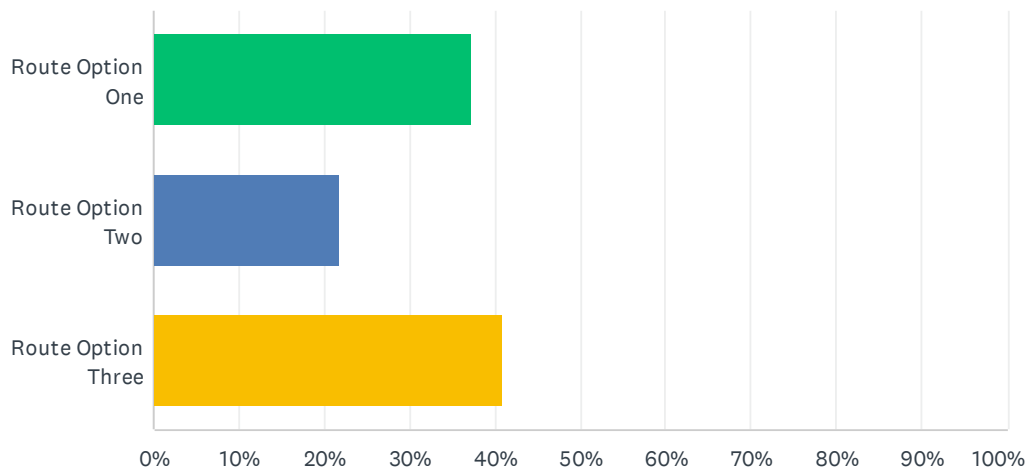
Answered: 115 Skipped: 21



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	50.43%	58
It would negatively impact my transit experience	0.00%	0
It would have no impact to my transit experience	49.57%	57
TOTAL		115

Q4 If you support proposed service on the 3 Blue bus route, which route option do you prefer?

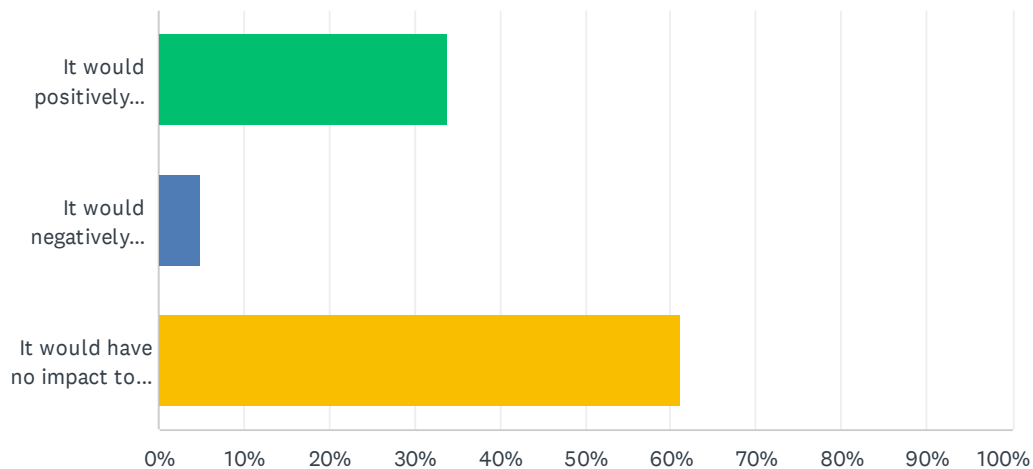
Answered: 83 Skipped: 53



ANSWER CHOICES	RESPONSES	
 Route Option One	37.35%	31
 Route Option Two	21.69%	18
 Route Option Three	40.96%	34
TOTAL		83

Q6 How would the proposed 4 Orange routing on Marsac Ave impact your transit experience?

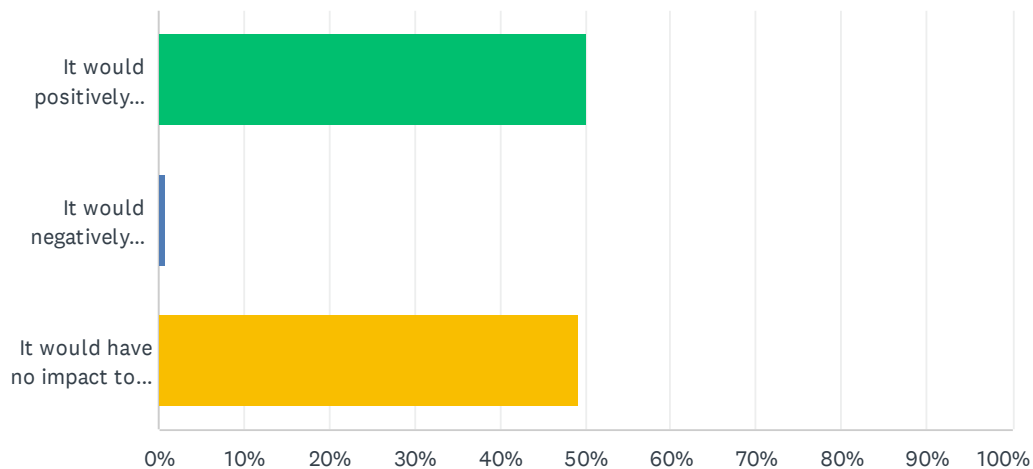
Answered: 124 Skipped: 12



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	33.87%	42
It would negatively impact my transit experience	4.84%	6
It would have no impact to my transit experience	61.29%	76
TOTAL		124

Q8 How would proposed service on the 50 Teal Express impact your transit experience?

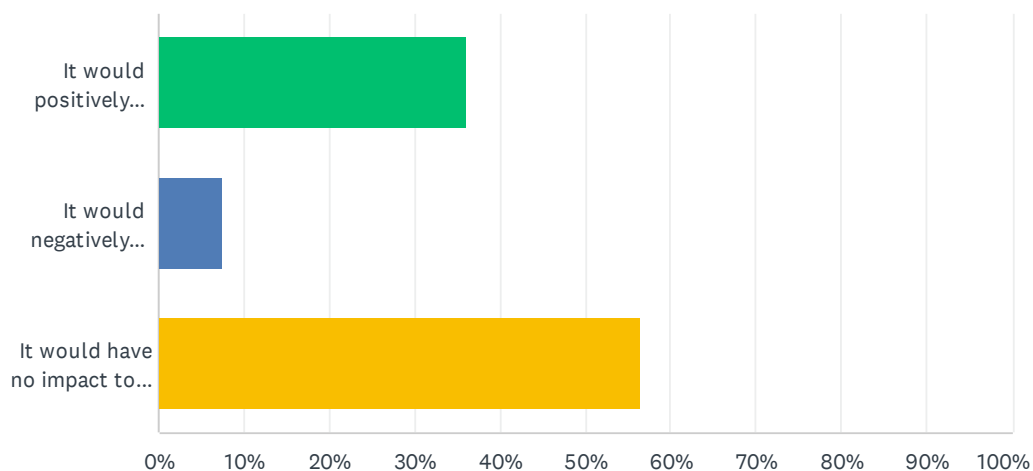
Answered: 122 Skipped: 14



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	50.00%	61
It would negatively impact my transit experience	0.82%	1
It would have no impact to my transit experience	49.18%	60
TOTAL		122

Q10 How would proposed Trolley hours impact your transit experience?

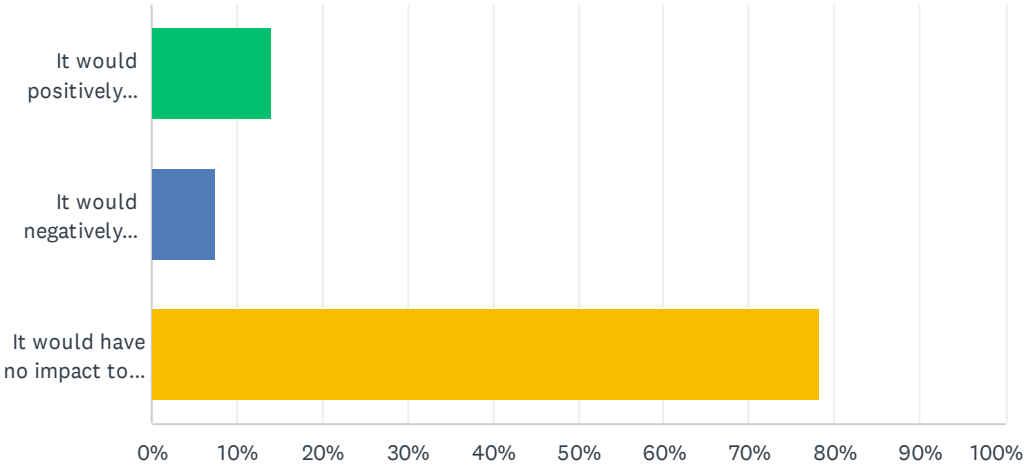
Answered: 122 Skipped: 14



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	36.07%	44
It would negatively impact my transit experience	7.38%	9
It would have no impact to my transit experience	56.56%	69
TOTAL		122

Q12 How would removing the 2:15 a.m. trip on the Citywide impact your transit experience?

Answered: 120 Skipped: 16



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	14.17%	17
It would negatively impact my transit experience	7.50%	9
It would have no impact to my transit experience	78.33%	94
TOTAL		120

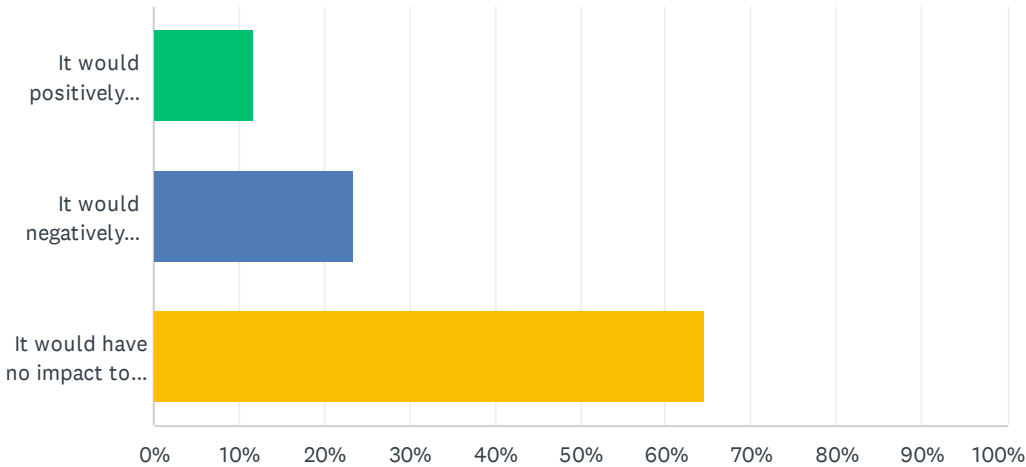
Winter 2021-2022 Service Options Survey

Spanish Survey Responses

Open-ended responses on questions 2, 5, 7, 9, 11, and 13 have been summarized on Page 1 to remove any personally identifying information.

Q1 How would the removal of two stops on Prospector Drive impact your transit experience?

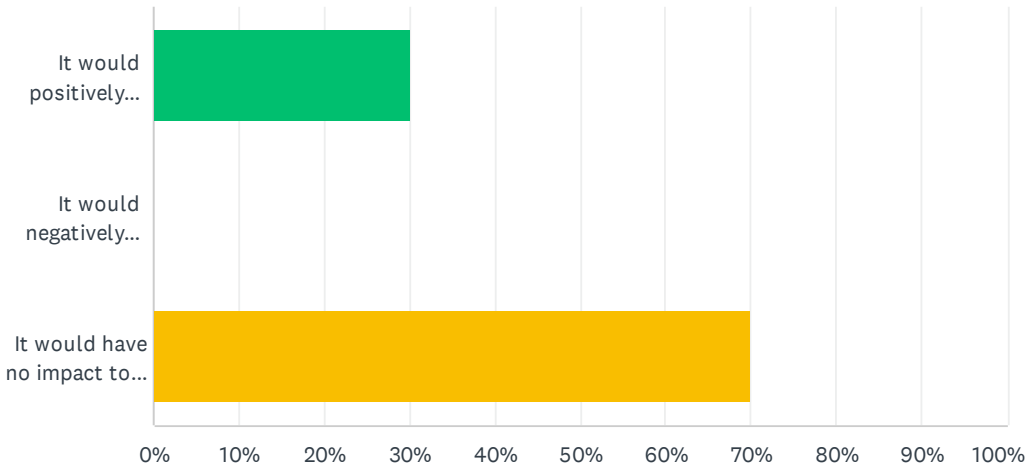
Answered: 17 Skipped: 1



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	11.76%	2
It would negatively impact my transit experience	23.53%	4
It would have no impact to my transit experience	64.71%	11
TOTAL		17

Q3 How would bringing back service on the 3 Blue impact your transit experience?

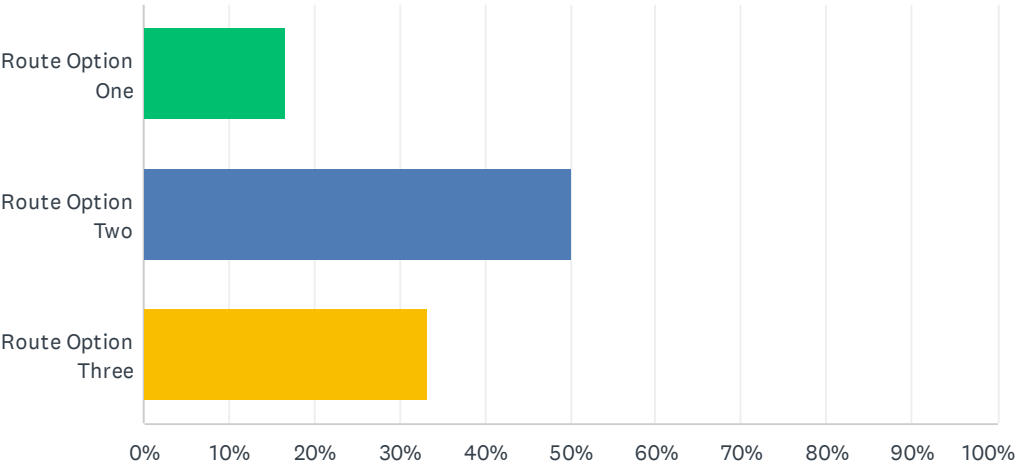
Answered: 10 Skipped: 8



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	30.00%	3
It would negatively impact my transit experience	0.00%	0
It would have no impact to my transit experience	70.00%	7
TOTAL		10

Q4 If you support proposed service on the 3 Blue bus route, which route option do you prefer?

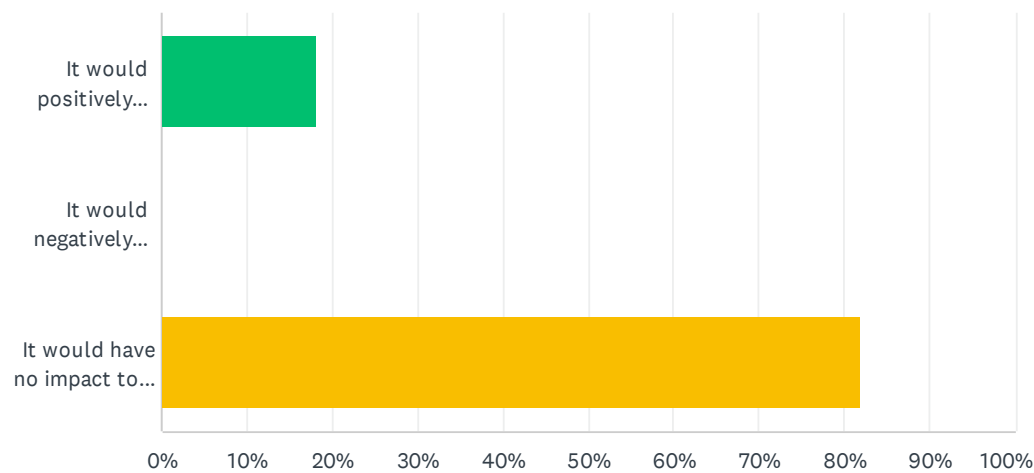
Answered: 6 Skipped: 12



ANSWER CHOICES	RESPONSES	
 Opción de ruta uno	16.67%	1
 Opción de ruta dos	50.00%	3
 Opción de ruta tres	33.33%	2
TOTAL		6

Q6 How would the proposed 4 Orange routing on Marsac Ave impact your transit experience?

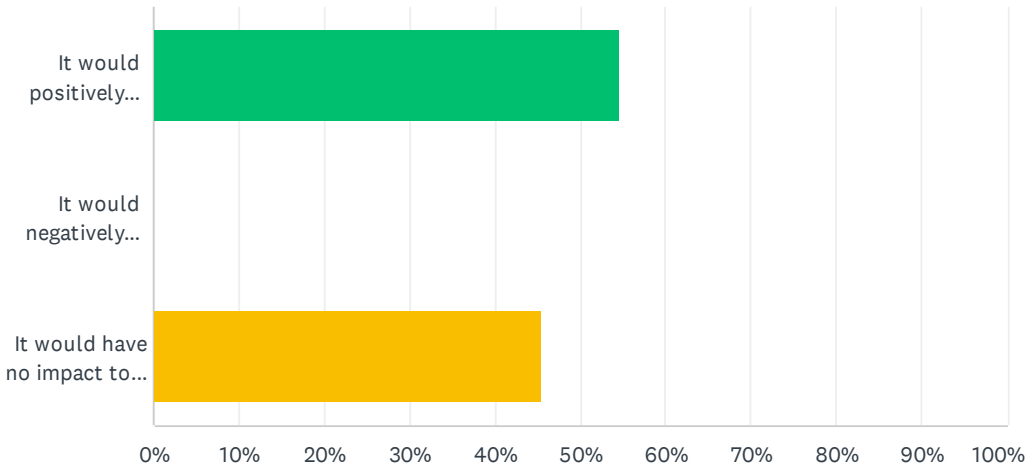
Answered: 11 Skipped: 7



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	18.18%	2
It would negatively impact my transit experience	0.00%	0
It would have no impact to my transit experience	81.82%	9
TOTAL		11

Q8 How would proposed service on the 50 Teal Express impact your transit experience?

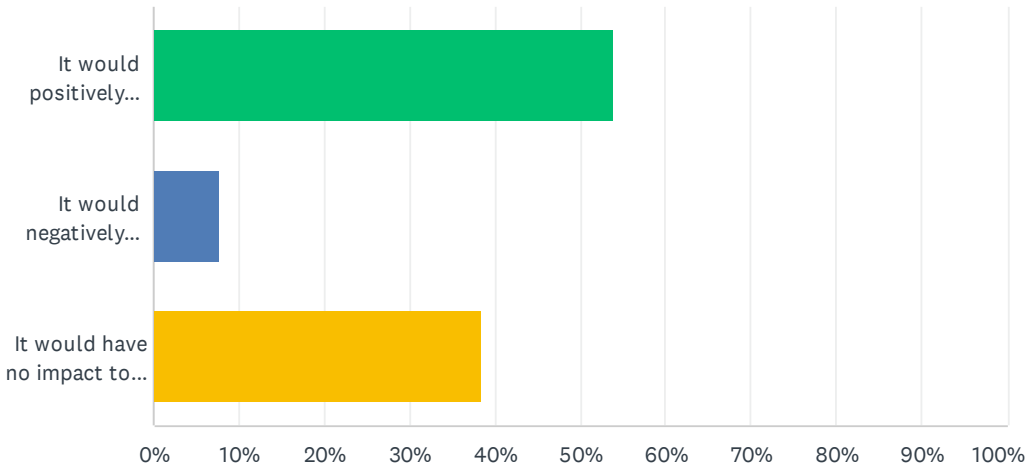
Answered: 11 Skipped: 7



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	54.55%	6
It would negatively impact my transit experience	0.00%	0
It would have no impact to my transit experience	45.45%	5
TOTAL		11

Q10 How would proposed Trolley hours impact your transit experience?

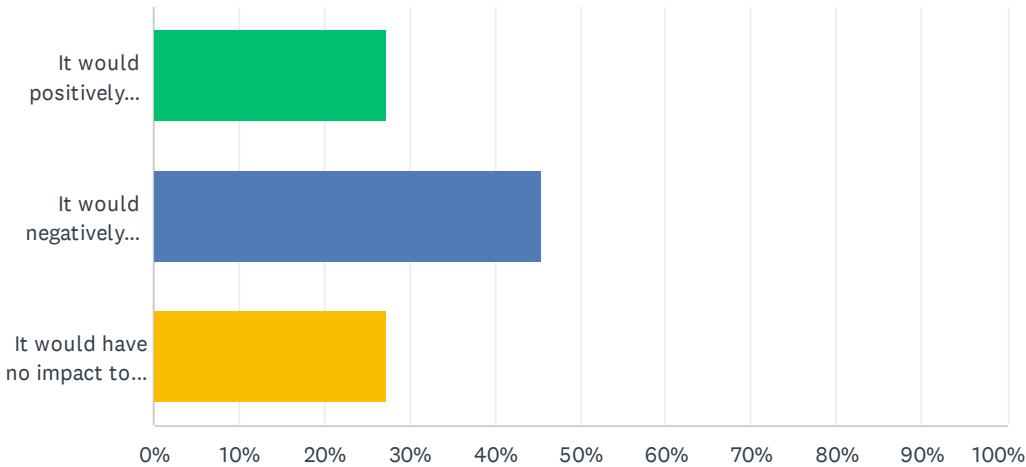
Answered: 13 Skipped: 5



ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	53.85%	7
It would negatively impact my transit experience	7.69%	1
It would have no impact to my transit experience	38.46%	5
TOTAL		13

Q12 How would removing the 2:15 a.m. trip on the Citywide impact your transit experience?

Answered: 11 Skipped: 7

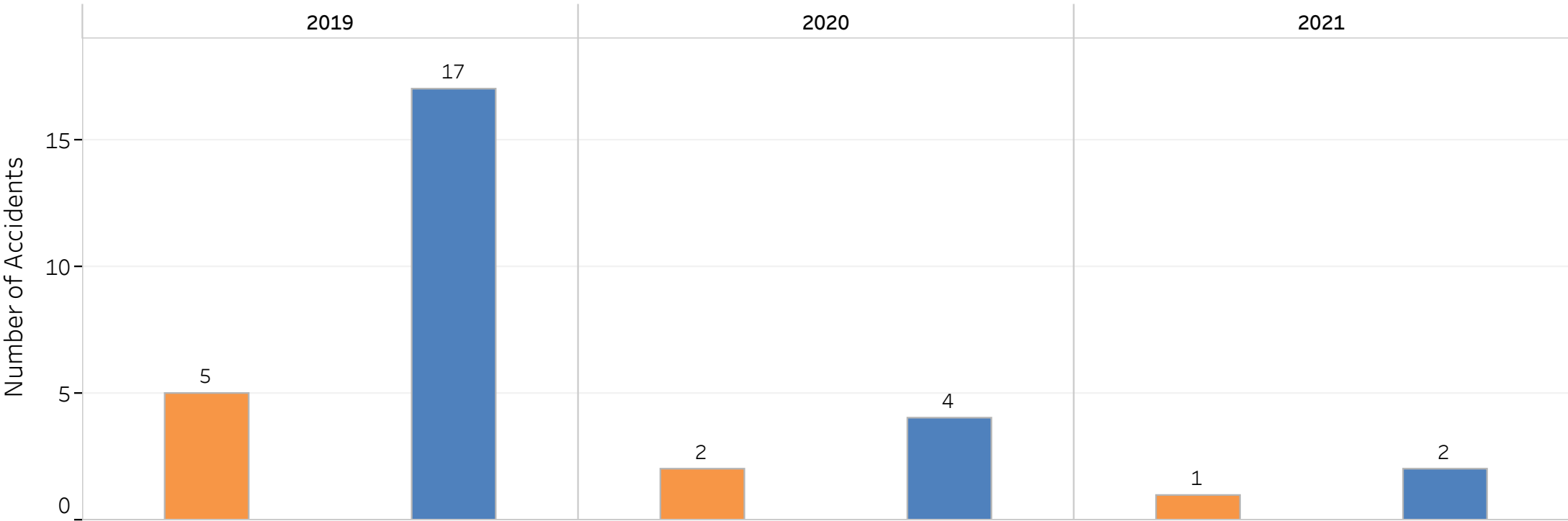


ANSWER CHOICES	RESPONSES	
It would positively impact my transit experience	27.27%	3
It would negatively impact my transit experience	45.45%	5
It would have no impact to my transit experience	27.27%	3
TOTAL		11

Accidents

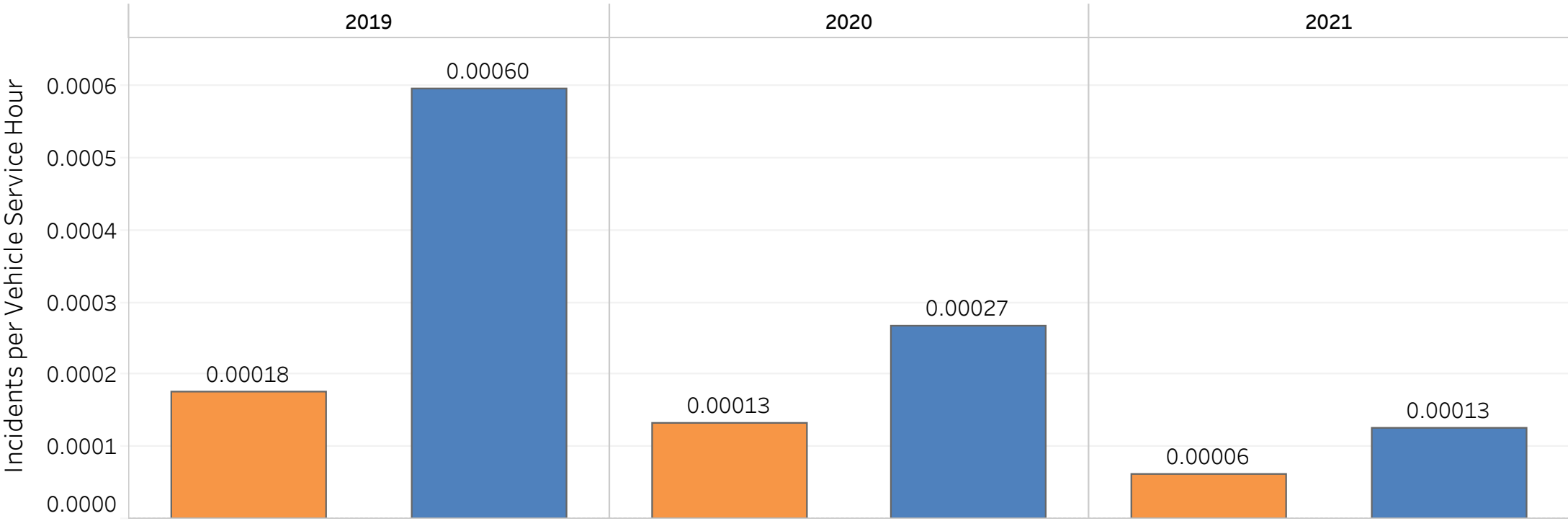
Accidents by Type - July through September

Unavoidable Accidents Avoidable Accidents



Accidents per Hour of Service by Type - July - September

Unavoidable Accidents Avoidable Accidents

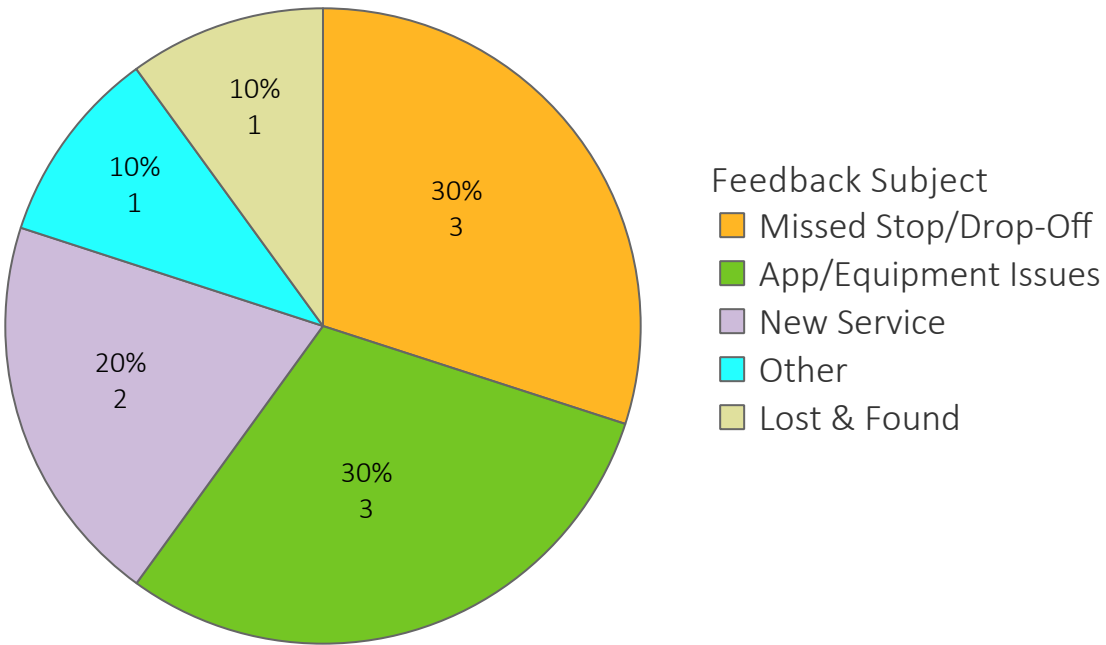


Attachment F: Route Reliability

Average Route Reliability July - September 2021			
Route	On-time	Late	Early
01 Red	88%	11%	1%
02 Green	90%	8%	2%
04 Orange	96%	3%	1%
05 Yellow	84%	15%	1%
09 Purple	94%	3%	3%
10 White	95%	4%	0%
All Routes	91%	7%	2%

Feedback (July 2021 - August 2021)

Total Feedback = 10



Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Johnny Wasden

Submitting Department: Parking Services

Item Type: Staff Report

Agenda Section:

Subject:

2021 Parking Data Summary

Suggested Action:

Informational

Attachments:

[2021 Parking Summary Staff Report](#)

[Exhibit A: 2021 Parking Summary](#)

[Exhibit B: 2021 Event Parking Summary](#)



City Council Staff Report

Subject: Summer 2021 Old Town Parking Summary & Analysis

Author: Billy Kurek, Parking Supervisor

Johnny Wasden, Parking Manager

Department: Transportation– Parking Services

Date: October 28, 2021

Type of Item: Informational

Summary

The Old Town parking management program plays a critical role in support of Park City's General Plan, the Transportation Demand Management Plan (TDM), and Traffic and Transportation Master Plan (TTMP), and balancing the overall quality of life in Old Town. The parking management plan also balances the often-competing interests of Main Street businesses, as well as plays a key role in managing special events.

Key goals of the parking management program include: Maintaining available parking during projected peak times, reducing traffic congestion and idling, and implementing viable solutions to accommodate travel to and from Old Town for residents, employees, and visitors.

This report reviews the utilization of Old Town parking facilities for Summer 2021, including utilization and occupancy analysis of Park City's parking assets—including surface lots. Overall, 2021 saw a record number of parking transactions, and revenues returned to pre-COVID levels.

Analysis

Peak and Off-Peak Utilization Trends

In reviewing utilization during peak and off-peak times during 2021, trends remained stable from previous years with exception of the elimination of paid parking during the COVID-19 pandemic. For 2020/21, the highest utilization occurred in March and July, and the lowest in April and November. Impacts such as weather and events can be observed in the day-to-day parking data. See exhibit A.

Main Street & Paid Surface Lot Utilization

Despite daily free parking in peripheral surface lots, Main Street remains among the highest areas of utilization during hours of paid parking. This trend has recently been shifting slightly as visitors are more familiar interacting with the new China Bridge parking payment technology - See Exhibit A.

China Bridge Utilization

Exhibit A illustrates occupancy, number of paid parking sessions, and parking duration in the China Bridge garage. Weekends and events showed consistently highest occupancy of visitor parking, while the average trend shows the garage is strongly

utilized during the morning/afternoon workday. Parking is consistently available in the China Bridge garage, except for peak weekends and events. Parking staff will continually monitor and evaluate these trends to pursue even more dynamic rate solutions.

Old Town Employee Transportation Programs

Staff worked extensively with the HPCA operations group to develop quality options for Old Town employees this winter. Simple and efficient transportation options play an important role in staff retention, morale, and customer satisfaction. The following transportation options are available to Old Town Employees:

- Park City on Demand Transit Service from the Homestake parking lot;
- Guaranteed Ride Home;
- Old Town Employee (OTE) monthly permit – limited number;
- Old Town Business annual permit (transferrable between users);
- Free daytime parking in China Bridge and most surface lots; and
- Carpool permits requiring 2 or more applicants.

There is also free parking in the Sandridge lot (often reaches 100% capacity by 5 pm during both peak and off-peak seasons (with rare exceptions on low volume days), and tends to hold at 90%-100% until 7 pm. Afterward we see a marked decline in usage until the following day. This data is in line with employee shift transitions and daytime users leaving.

Residential Parking

In an effort to improve customer service turnaround times with resident permitting, staff transitioned expiration dates for resident parking permits to June instead of November. Staff also implemented a new “virtual” permitting system which allows for better customer service, easier permit issues, patrol efficiency, and fraud reduction.

The Park Avenue redesign and new resident parking permit requirement, with shared visitor parking, has calmed the over-utilized parking corridor between 9th Street and Deer Valley Drive. Staff anticipates decreased traffic accidents during the winter season due to wider travel lanes and improved snow storage. Staff also witnessed quality parking spot turnover closest to the business district, along with fewer conflicts with parking vehicles and bikes due to the new bike lane. Even with the reduction in parking on one side of Park Avenue, there appears to be ample capacity to accommodate the varied demand.

Special Event Parking

Parking collaborated with the Special Events department to apply appropriate parking rates based on peak demand volumes and to incentivize transit ridership and reduce congestion. Maintaining 15% parking availability during peak times is the parking industry-standard; below 15%, drivers will create traffic within a garage and surrounding roadways as they knowingly search for available parking.

Exhibit B identifies the top 10 occupancy days in China Bridge and Main St./Surface Lots, which directly correlate to large events. While China Bridge tends to fluctuate and only fill to 100% during peak times, surface lot usage remains high and steady throughout peripheral non-event dates.

Consistent findings suggest that events and high-traffic times will heavily impact our parking resources—regardless of location.

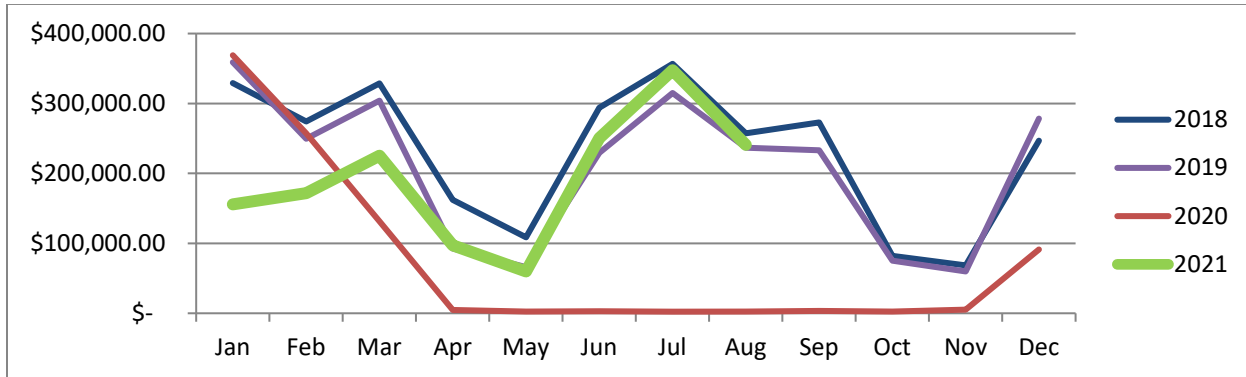
Upcoming Parking Projects

Text2Park – This new mobile parking payment solution will replace the current parking app. The GoParkCity brand will remain intact but mobile payments will take place without the need to download software. New signs throughout Old Town are required to convey the new payment method to users. This project will launch in Spring 2022 due to sign material sourcing and production delays from the vendor.

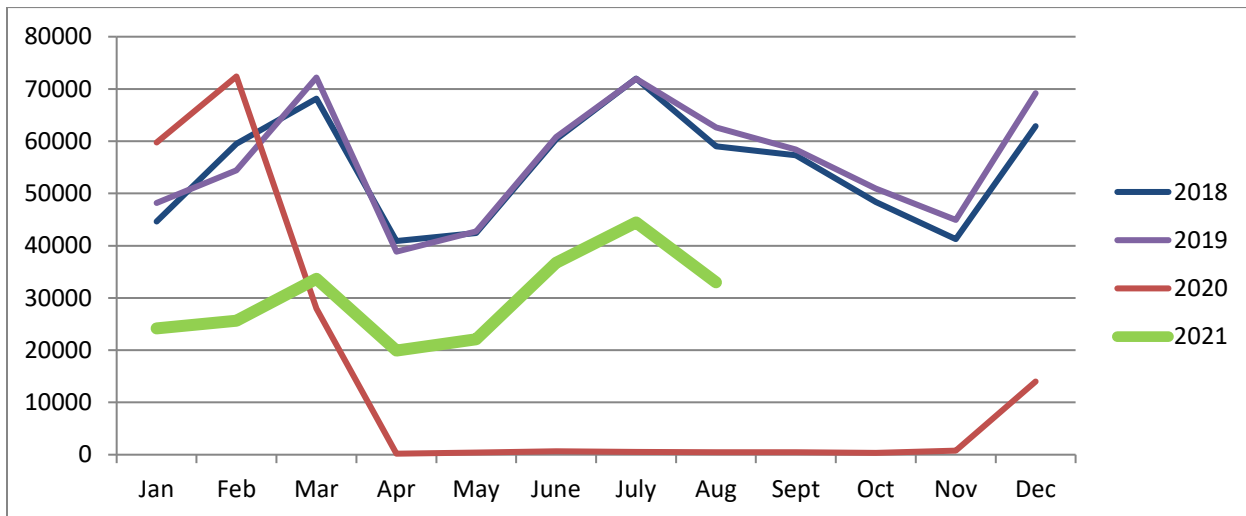
This project also includes amending the paid parking fee structure in the China Bridge parking garage, eliminating the 1st hour free, and changing the start of paid parking from 5 pm to 6 pm. These fee structure changes are supported by the HPCA and will come to Council for adoption in the spring.

EXHIBIT A

Financial Comparison, Year Over Year



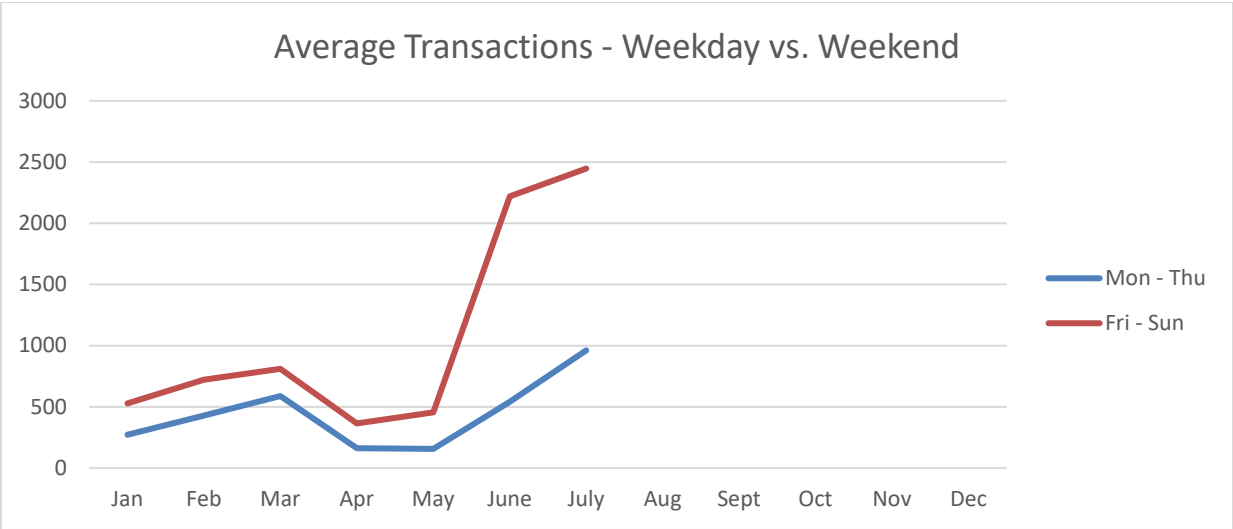
Transaction Comparison, Year Over Year



Total parking utilization between 2018 and 2021 YTD. Trends show consistent utilization trends except for 2020, where parking technology was turned off to accommodate free parking between March and December.

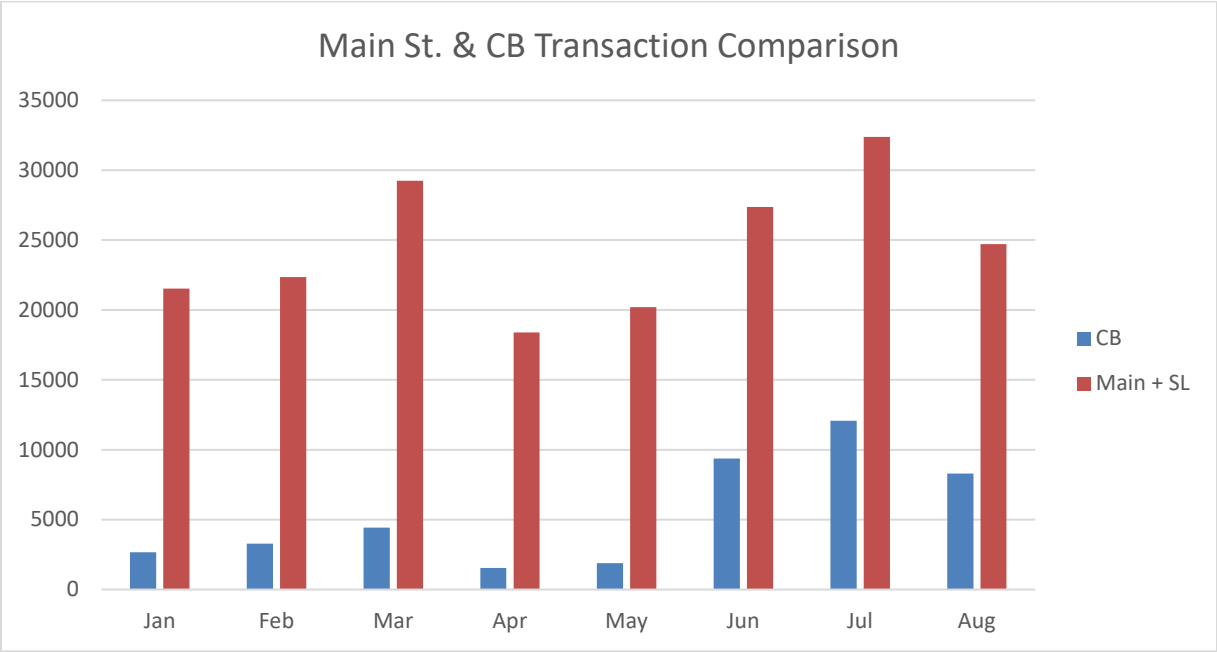
Apparent decreases in parking transactions in 2021 compared to previous years are a result of improved data collection and processing methods, and a reduction to “free” transactions which were a product of inconsistent hardware and technology reporting used in 2018 through early 2020. However, the same trends can be seen in terms of peak utilization months.

Weekday vs. Weekend



Pay Lot occupancy comparison – Monday-Thursday vs. Friday-Sunday

Main St. & Surface Lots vs. China Bridge Transactions



Transactional (Paid parking session) comparison of Main Street vs. China Bridge. While China Bridge is highly utilized during the day, this data demonstrates the dynamics of free parking until 5 pm and overall parking turnover throughout paid parking areas

Time of Day

Average Occupancy by Hour/Month									
2021	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	
0	85	98	86	54	53	76	93	110	121
1	74	84	68	44	43	72	72	99	114
2	58	69	55	35	35	52	61	81	108
3	53	64	52	32	33	46	53	80	105
4	55	62	50	32	33	45	51	74	106
5	53	64	54	32	34	36	51	83	105
6	59	71	60	35	35	48	53	84	109
7	69	81	70	47	48	64	63	95	120
8	91	110	101	76	71	100	95	121	144
9	127	156	138	111	111	160	152	174	166
10	184	199	191	152	156	208	241	248	188
11	213	228	222	179	183	286	295	299	207
12	238	256	249	197	208	323	354	332	221
13	246	278	284	214	229	355	386	361	235
14	251	297	301	217	236	367	386	366	232
15	279	308	307	219	227	349	381	350	233
16	294	320	321	210	211	331	353	352	228
17	280	314	320	183	181	277	327	329	214
18	268	309	319	159	152	270	340	336	213
19	255	285	303	141	142	272	355	326	216
20	228	254	266	132	122	246	311	309	202
21	187	217	219	106	105	186	256	240	178
22	151	182	168	84	80	129	183	172	152
23	115	128	117	65	64	95	132	130	129
Before 5	143	161	153	111	114	172	185	195	
After 5	112	241	245	124	121	211	272	263	
8a-5p	214	239	235	175	181	275	294	289	

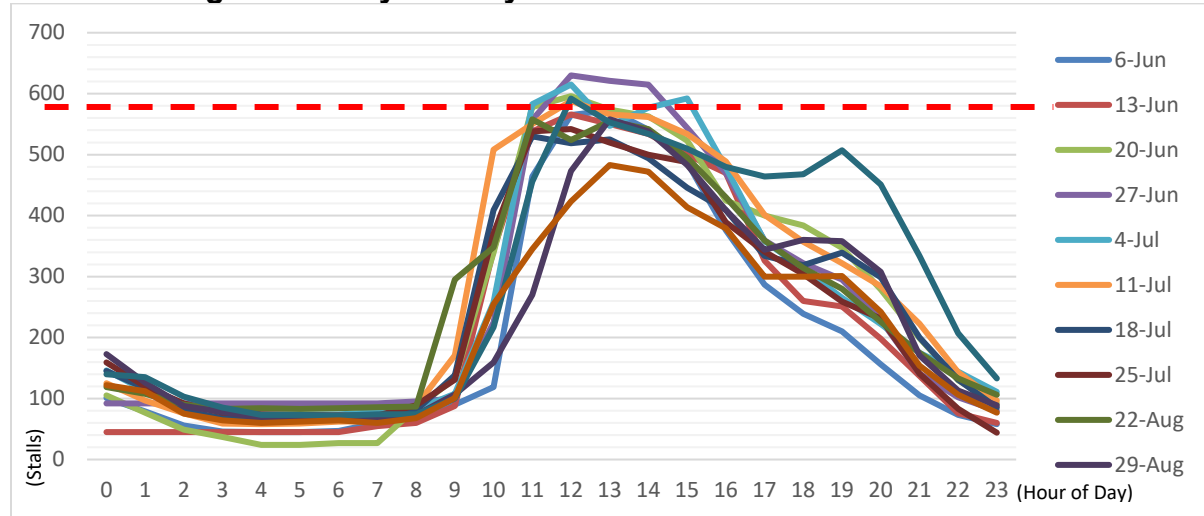
Heat map of average occupancy in China Bridge garage, 2021 Year to Date. Trends demonstrate increased garage usage during the peak Summer Event season, following an unusually slow winter due to factors like COVID and poor snow accumulation. These trends are consistent with previous years as seen in the 2019 data below.

2019	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	
0	99	114	79	36	40	63	78	77	100	90	70	99	79
1	73	90	60	31	36	56	71	70	93	83	63	83	67
2	55	71	46	27	32	51	66	64	90	80	63	72	60
3	48	65	44	27	32	51	65	63	89	80	62	70	58
4	48	65	43	27	32	50	65	63	89	79	60	70	57
5	49	66	44	27	32	51	66	64	88	79	60	69	58
6	52	69	48	31	35	55	70	70	90	83	62	75	62
7	68	85	64	42	46	68	81	84	101	94	76	93	75
8	107	126	110	80	81	106	118	123	133	135	113	135	114
9	154	181	157	125	127	153	171	170	181	183	155	179	161
10	209	244	206	166	170	204	228	226	251	219	189	222	211
11	243	288	238	190	198	251	291	271	332	250	220	259	253
12	278	323	265	200	212	282	328	303	380	275	245	300	283
13	298	349	282	204	223	305	342	321	376	300	260	332	299
14	310	361	286	205	224	305	344	324	365	299	255	336	301
15	310	382	294	199	212	285	322	314	339	291	247	334	294
16	302	392	287	188	191	259	288	287	312	274	231	316	277
17	277	364	264	144	148	204	231	242	261	224	191	288	236
18	262	359	277	118	122	179	209	226	243	198	166	287	221
19	263	358	306	117	121	185	222	242	236	200	154	289	224
20	239	330	282	114	112	179	210	227	211	186	139	274	209
21	205	277	222	93	91	144	170	180	168	147	123	219	170
22	163	209	156	65	62	101	125	123	132	119	88	174	126
23	124	150	107	43	45	75	91	91	108	100	79	130	95

2019 China Bridge occupancy. Note: 2020 China Bridge occupancy data is largely skewed due to the decision to lift gates and switch to free parking in response to COVID impacts. This action turned off our occupancy counting hardware.

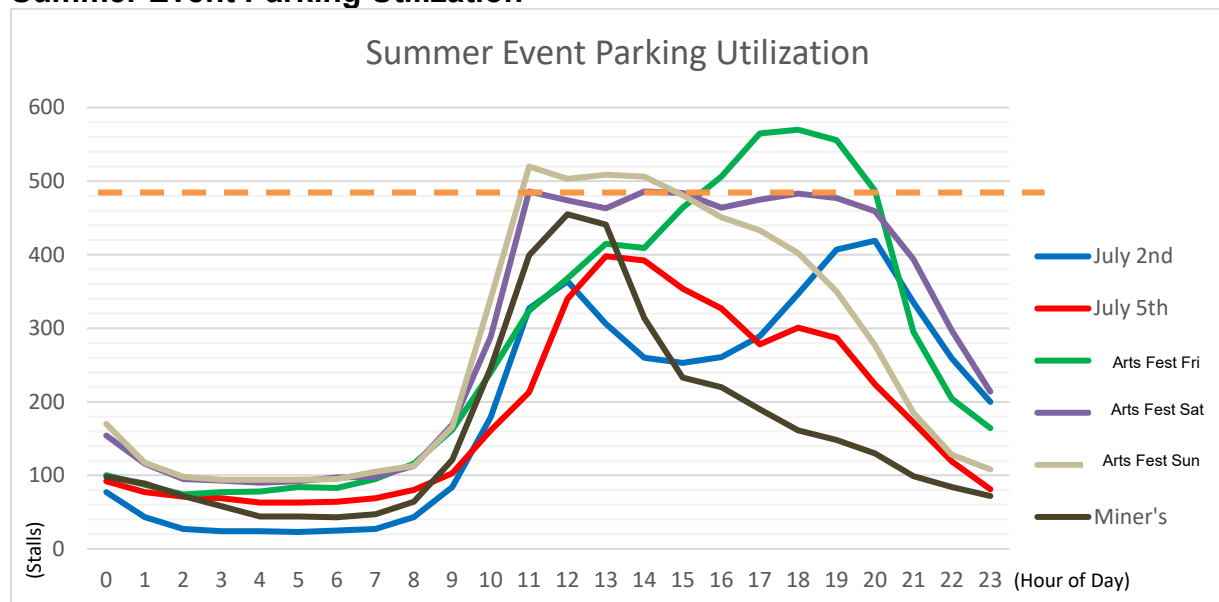
EXHIBIT B

Event Parking - Park Silly Sunday Market/Car Free Main Street



Park Silly Market utilization week over week in China Bridge. Red dashed line represents threshold for Visual Messaging Systems boards “parking full” messaging during events.

Summer Event Parking Utilization



Summer Event occupancy in China Bridge. Event rates and wayfinding are activated for all of these major events which impacts peak times of day and driver behavior.

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Jenny Diersen

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Kimball Arts Festival and Park Silly Sunday Market Debrief Update

Suggested Action:

Attachments:

[Park Silly Sunday Market & Arts Festival Debrief Staff Report](#)



City Council Staff Communications Report

Subject: Park Silly Sunday Market and Arts Festival Debrief Update
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: October 28, 2021

Staff has been working to compile comprehensive debrief information regarding the 2021 [Park Silly Sunday Market](#) and [Park City Kimball Arts Festival](#), as contractually required.

Both Applicants have one more year in their City Service Agreements and are contractually obligated to return to City Council and provide a debrief of the events by November 1 each year.

To provide a better balance to the City Council's agenda and allow more time for public discussion and analysis, staff plans to return to debrief the events at the November 4, 2021, City Council meeting.

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Minutes

Agenda Section:

Subject:

Consideration to Approve the City Council Meeting Minutes from September 23, 2021 and October 7 and 18, 2021

Suggested Action:

Attachments:

[September 23, 2021 Minutes](#)

[October 7, 2021 Minutes](#)

[October 18, 2021 Minutes](#)



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

September 23, 2021

The Council of Park City, Summit County, Utah, met virtually in open meeting on September 23, 2021, at 4:00 p.m. in the City Council Chambers.

WORK SESSION

Discuss the Future Empire Creek Water Flow:

Clint McAfee, Public Utilities Director, presented this item. He reviewed the history of the Judge and Spiro Mine Tunnels and indicated they were the major water sources for the City. This water had high concentrations of metals. In 2009, the Environmental Protection Agency (EPA) directed the City to apply for Utah Pollutant Discharge Elimination System (UPDES) permits for both tunnels. Water quality standards were set and the water exceeded acceptable metal levels. The City stopped using water from the Judge Tunnel for drinking water in 2013 and the water was diverted to Empire Creek. In 2014, the UPDES permits were finalized and the City entered into a compliance order. Currently, work was set to pipe Judge water to 3Kings Water Treatment Plant (3KWTP). He noted other projects being executed by his team as well.

McAfee stated some in the community expressed concern that when Judge was piped, there would be less water flowing in Empire Creek. He displayed a cost spreadsheet with alternatives. Alternative One was the current plan to take the water from Empire Creek to 3Kings Water Treatment Plant and Empire Creek would return to being a seasonal creek. Alternative 2.1 would use the City drinking water to pump water into the creek. This alternative would require a new treatment plant since creek water standards were more stringent than drinking water standards. The water would be treated and pumped uphill to be discharged, thus incurring a significant cost. Alternative 2.2 would use the existing Rockport water system and it would be pumped uphill which would also incur the additional cost of a pump station and a pipeline.

Council Member Worel asked if Judge had run clear at one time. McAfee stated the water came out of the mine and went through a turbidity meter. If the water was clear it was disinfected with chlorine gas and moved to the Empire Water Tank. When the water was not clear, the tank valve would shut and the water would discharge into a gooseneck to the stream until it cleared up. Council Member Worel asked if the Judge water would be different if it was tested today than it was when the City entered the

1 compliance agreement. McAfee indicated it was not different, but it was tested on a
2 monthly basis and it was monitored for all standards.

3
4 Council Member Doilney asked how much water went into the creek from Judge
5 currently, to which McAfee indicated 900 gallons per minute or one million plus gallons
6 per day. Council Member Gerber asked if there were additional water sources in the
7 valley that could be diverted to Empire Creek or if there was an opportunity to collect
8 snowmelt that didn't have the contaminants; or if there was capability to turn the water
9 flow into the stream for a certain number of hours a day or during certain times of the
10 year. McAfee stated there were no other water sources that could be diverted. Snow
11 could be stored, but it would not equal one million gallons per day. Pumping part-time
12 was possible, but there would still be a cost to construct the infrastructure.

13
14 Mayor Beerman stated the City used a bioswale for the Prospector drain which used
15 natural processes to reduce the metals in the water. McAfee stated there was a
16 bioswale that treated some of the Prospector drain, but it didn't treat it down to stream
17 water standards. It was more effective in the summer and only treated a small stream.
18 Mayor Beerman asked if a portion of the water could go back into the stream and if a
19 bioswale could be looked into. McAfee stated one alternative was onsite treatment, but
20 that was eliminated and a bioswale would take up more room than a treatment plant.
21 This site was regulated because of the contamination, so it was challenging. Another
22 challenge was that the City did not own this land, but only had an easement across the
23 land.

24
25 Council Member Joyce stated the Council spent so much time discussing water
26 conservation, yet this discussion was about providing water to this creek all year round
27 when much of the course wouldn't be seen. Council Member Henney stated Council
28 realized the community would get used to having that flow when Judge was first
29 diverted to the stream. Now the community was requesting the City look at creative
30 ways to keep that flow. He asked if all options had been explored, and stated keeping
31 the flow wasn't worth \$25 million. He realized the current flow from Judge did not meet
32 creek water quality standards. Council Member Joyce stated one thing missing from the
33 alternatives was it didn't allow for one million gallons per day. He stated in a drought
34 region, he was concerned this much water would be going down a creek just because
35 people liked to hear it. Council Member Gerber thought a compromise needed to be
36 reached, but the harder part was finding a lower budget. Another compromise would be
37 an understanding that during drought situations, the creek would not flow.

38
39 McAfee restated any water put in the creek would have to meet water quality
40 standards, so a treatment plant would have to be built, and the water would have to be
41 pumped. Council Member Gerber asked how much more cost would be involved to
42 enable the 3Kings Water Treatment Plant to lower the zinc levels so the water would
43 meet creek standards. McAfee stated some water came from the Jordanelle Special

Service District (JSSD) and zinc was in the pipes and the water. Every foot of pipe would have to be replaced and the City would have to stop receiving water from JSSD to meet the standards.

Council Member Doilney thought it was Council's job to discuss the situation with the community to reflect transparency and disclose that in a year the flow would be impacted. He couldn't justify putting water into the creek, but he wanted to explore options. Council Member Worel stated many residents weren't here in 2007 or 2014 when the City was told to meet state water standards, so it was important to have the conversation now.

Mayor Beerman opened the meeting for public input

Ed Godyki indicated he heard about this various times over the years. He was sure McAfee hadn't looked at all the options and it shouldn't cost \$25 million to solve the issue. He wanted to explore options since fish lived in the stream, moose drank from it, and homeowners had higher property values because their homes abutted the creek. It could be looked at as a historic place, and that might open options. He also stated Poison Creek was a better-known name for this water source than Empire Creek.

Sally Elliott stated it appeared the City would divert the Homer Pace ditch water to the wetland area and the discussion was about the upper part of the creek. She thought the water in the wetlands would preserve the wildlife values, but it wouldn't help those that lived between Bonanza and the road by Chatham Crossing. Council Member Joyce stated this discussion was about cutting off the Judge Tunnel water output by Daley. Council Member Doilney clarified the wetlands would be restored to 2013 levels.

Douglas Stephens asked what flows residents could expect when the flow was turned off. McAfee stated the water flow would depend on the precipitation the City received.

Betsy Wallace stated the creek was in her backyard and hoped the City considered the environmental appeal. One reason people visited Park City was for the stream, grass, and trees next to the stream. The stream cooled the City.

Kim Fry was concerned that the environmental impact would change if the creek was dry, and thought the things mentioned by Wallace were valid concerns. She appreciated the conversation to explore options that wouldn't involve one million gallons per day. Council Member Joyce commented that the trees along the creek were there before the extra water was discharged into the stream.

The following comment was sent via email:

1 Shirin Spangenberg: "I attended the Prospector meeting on Monday night and have put
2 a lot of thought into cutting off the water to the Prospector estuary. Eight years ago the
3 water was turned on, and in that time the Prospector Park has become a place of
4 wonder and beauty. As you walk by the water it has gone from a swamp to a place
5 where you can see fireflies dancing in the night, white pelicans have been coming to
6 visit for quite a few years, we saw a fisher king bird just the other day, the muskrats and
7 other little creatures have found a home. We have taken away many of their homes in
8 the past. Park Meadows is no longer a meadow for them to live in. Max mentioned that
9 it's private property, but they had to have building permits to put in all of that housing.
10 Most of the open space has disappeared. This may be an artificial estuary, but we have
11 eaten up much of the natural landscapes for them to live in. I feel that it's our
12 responsibility to keep enough water in the park to keep this ecosystem alive and
13 thriving. I think the water should be cleaned and diverted to the park. It may be costly,
14 but I think it's more costly to lose the wonderful wildlife that depends on the water in the
15 estuary."

16
17 Mayor Beerman closed the public input portion of the meeting.

18
19 Council Member Henney thought it would be helpful to have an ecological study in that
20 area, and suggested Swaner Preserve or Utah State University would have the
21 knowledge to perform that study. McAfee stated it would be a hard thing to study
22 without seeing the effects when the water would be turned off. Council Member Henney
23 stated he was not concerned with the wetlands, but was concerned with the upper
24 creek. McAfee suggested having an arborist look at the trees and give an opinion.

25
26 Council Member Gerber asked if renegotiations could take place with the Utah
27 Department of Environmental Quality (UDEQ) because the area had thrived with the
28 additional water flow, even with the zinc in the water. She also favored having an
29 ecologist evaluate the area and assess it for potential impacts. Mayor Beerman noted
30 there was a State stipulated order to come into compliance. He thought staff could
31 explore more options with the EPA and DEQ. McAfee stated he could do that, but
32 asserted he had been meeting with them for years and the standards hadn't changed,
33 the City was only given more time to come into compliance.

34
35 Mayor Beerman also requested continued community outreach on this issue. After
36 some discussion, Jager stated her team could present outreach options to Council in
37 the near future.

38
39 **Drought and Water Conservation Update:**

40 Jason Christensen, Water Manager, presented this item and stated 2021 was a difficult
41 water year. Park City had an exceptional water conservation plan in place for drinking
42 and irrigation. He noted there was a 50% water reduction in residential accounts. In
43 response to the drought, staff took action, especially in the Parks and Golf Departments,

1 to reduce the amount of water used by the City. There was an ordinance in place that
2 determined what actions would take place at what stage in a drought. Christensen
3 stated if the drought continued, the City would continue implementing the practices used
4 this summer. The irrigation water rate would increase, and he would present some
5 options to Council during the next budget cycle, including a cash for grass program.

6
7 Council Member Joyce didn't think the City should be aggressive with water rate
8 changes, and thought the rate structure put the burden on single family homes. He
9 thought the base rates were too high, which made commercial and multi-family units so
10 much cheaper. Christensen stated with tiered prices, there were four rate classes. It
11 was difficult to differentiate water used at a restaurant versus a hotel. Council Member
12 Joyce indicated there was a difference in rates, but only on the base rates and not on
13 the actual water usage. He asked to have a discussion before year's end. Council
14 Member Henney requested a discussion on meter size fees. Council Member Gerber
15 thought a formula similar to figuring parking spaces per business could be used. Council
16 Member Doilney indicated commercial water use hadn't changed based on economic
17 situations, so higher rates were not a deterrent. But higher rates for commercial could
18 generate more revenue at the expense of the visitors.

19
20 Mayor Beerman summarized Council would like commercial rates and irrigation rates
21 evaluated. He didn't think the City code matched the water goals and amendments
22 should be made to the LMC. He favored incentives to reduce grass. Council Member
23 Worel agreed and wanted expectations set up front so developers and homeowners
24 would know what the parameters were. Council Member Henney stated this should be a
25 continuing discussion so it would be clear for the next budget cycle. Council Member
26 Joyce asked for community outreach in conjunction with the ongoing Council dialogue.

27
28 **Parley's Canyon Fire Incident Summary - Deputy Fire Chief Pete Emery:**

29 Council Member Henney reviewed the report on the Parley's Canyon fire. Pete Emery,
30 Deputy Fire (PCFD) Chief, thanked Council for their support. He gave a breakdown of
31 the Park City Fire Fighter efforts and the efforts of other agencies. He stated 10 minutes
32 after the fire was reported, there was a helicopter, two single engine air tankers, and
33 three forest service and other vehicles at the site. The fire rapidly grew and Summit
34 Park and Pinebrook neighborhoods were evacuated. He thought it was fortunate that
35 most aircraft were not committed to other fires and were able to assist in the effort to put
36 out the flames. Neighboring fire districts assisted as well. Most of the firefighting efforts
37 were by air. It was determined 541 acres were burned.

38
39 Council Member Worel was impressed with the response by PCFD, other agencies and
40 the neighbors. She asked if the air support was related to the high values of the homes
41 near the fire. Emery stated that structures near the fire gave weight to the urgency of
42 support needed. Council Member Worel thought much of the success could be
43 attributed to good planning. Council Member Henney asked if the shut off power line

1 impacted the ability to fight the fire, especially as it related to pumping water from the
2 tank. Emery stated the perception was they could get ahead of a fire if the crew could
3 tie into a hydrant or another water source, such as a tank engine. He thought the water
4 tanks had enough water.

5
6 Mayor Beerman indicated he asked Chief Hewitt at the beginning of the summer about
7 PCFD preparedness and was told they were prepared. He appreciated the planning and
8 efforts of PCFD.

9
10 **REGULAR MEETING**

11
12 **I) ROLL CALL**

13

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Excused

14
15 **II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

16
17 **Council Questions and Comments:**

18 Council Member Joyce stated the mid-year retreat was held at the City Park Bandstand
19 and it was nice. The community pillars were discussed and each Council member was
20 assigned a pillar and worked with a taskforce on the priority. The Sewer District had an
21 annual meeting and it was surprising how fast building was going in the area.

22
23 Council Member Worel echoed the sentiments on the Council retreat. She indicated the
24 liaison assignments were going well. She asked for a report when the City issued an
25 RFQ versus an RFP. Council Member Henney stated that discussion should happen in
26 a work session because oftentimes the public didn't read staff communication reports.
27 He indicated the community development improvements process was reported in
28 today's meeting packet and was very good. He noted contractors went from being
29 frustrated with the construction process to having a much better process. He
30 commented on the fire report in the work session and stated many components went
31 into the success of the fire department, and he thanked them for planning. He also

1 stated he enjoyed the mid-year retreat and talking through the community pillars was
2 beneficial.

3
4 Council Member Doilney enjoyed the Fall Projects Open House yesterday. He
5 encouraged the residents to get out and mix with each other. Council Member Gerber
6 thought the temporary programming and murals at the Bonanza Park Arts and Culture
7 area was great. She was proud of all the art around the City. She met with Public Works
8 employees and she noted their gratitude for the employee pay changes.

9
10 Mayor Beerman wished all a happy fall. He saw locals on Main Street and in the
11 neighborhoods. He encouraged all to adhere to speed limits and noted the elk herds
12 were here. He also noted citizens gave feedback on City processes and the staff
13 communication reported on the progress from those suggestions.

14
15 **Staff Communication Report:**

16
17 **1. Community Development Improvements Update:**

18 Please see Council Questions and Comments for discussion on this report.

19
20 **III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE**
21 **AGENDA)**

22
23 Mayor Beerman opened the meeting for anyone who wished to comment or submit
24 comments to the Council on items not included on the agenda.

25
26 Bob Berube via email: "It seems like the simplest solution to solve the problem of
27 spread this ski season would be a requirement of vaccination to ride the lifts. Vail is
28 insisting on proof of vaccination to eat in on mountain restaurants and appears to be
29 leaning in the direction of not masking people in lift lines and planning on loading lifts at
30 capacity. Proof of vaccination could easily be linked to passes and would greatly reduce
31 the risk of spread throughout the season. A recent editorial in the Park Record lauded
32 Park City and Summit County residents with high vaccination rates and if we don't
33 require this proof of visitors we're putting residents at risk as well as a safe for all ski
34 season and the local economy as well. Seems like riding up the mountain in a packed
35 gondola with unmasked and unvaccinated occupants would be extremely unsafe and a
36 problem easy to remedy."

37
38 Mayor Beerman closed the public input portion of the meeting.

39
40 **IV) CONSIDERATION OF MINUTES**
41

Consideration to Approve the City Council Meeting Minutes from September 2, 2021:

Council Member Worel referred to Page Six, Line Eight and noted the group was Voter Rise, not Voter Rights.

Council Member Joyce moved to approve the City Council meeting minutes from September 2, 2021 as amended. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

V) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Professional Service Agreement in a Form Approved by the City Attorney's Office with Fehr & Peers Transportation Consultants for the Rail Trail Master Planning in an Amount Not to Exceed \$151,538:

Council Member Doilney asked for regular reports on the Rail Trail improvements.

2. Request to Authorize the City Manager to Execute a Construction Agreement in a Form Approved by the City Attorney's Office with TerraWorks Inc., for the Park City Cemetery Cremation Garden Phase 1 Project in an Amount Not to Exceed \$59,667:

Council Member Gerber moved to approve the Consent Agenda. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

VI) NEW BUSINESS

1. COVID-19 Update from the Summit County Health Director, Dr. Phil Bondurant:

Phil Bondurant, Summit County Health Director, presented this item. He stated with COVID there were many unknowns and uncertainties. The County had high vaccination rates, but the pandemic was taking the lives of unvaccinated individuals. He wanted to create a path forward to find ways to protect the residents as ski season began. He stated Utah had a reduction in cases for the first time since May. He expressed concern for the five to 11-year-olds who were not eligible for vaccination. Monday, the Summit County Council extended the health order that extended the 2% threshold for elementary and middle school mask mandates.

1 Council Member Doilney thanked Bondurant for addressing the restaurant group.
2 Bondurant stated messaging would go out to help people understand what could be
3 done to stay safe and healthy. Council Member Doilney indicated he asked the
4 restaurant group who was vaccinated or not and why, and the numbers were
5 encouraging. He was happy that companies mandated vaccinations and thought that
6 would help the community.

7
8 Council Member Gerber heard concerns that many in the workforce didn't live in Summit
9 County, so it was uncertain how much COVID was going around town. She asked how
10 to know if there was an issue with the workforce or tourists, since those numbers would
11 not be counted in the County. Bondurant stated contact tracing was still active, for both
12 students and adult populations. He knew there were some breakthrough cases here,
13 but those individuals who were vaccinated and got COVID recovered very well. There
14 was only one outbreak in a workplace in September in Summit County. Council Member
15 Gerber asked what the requirements were for quarantining, and she thought it would
16 help if there were guidelines on when people or children should get tested. Bondurant
17 stated he was working with the National Guard and others so there were more
18 opportunities for people to get tested.

19
20 Council Member Worel stated some people were self-testing and asked how the County
21 would get those numbers. Bondurant stated the County would receive reports from
22 doctors, hospitals, and other counties. Self-reporting would help individuals know to go
23 to a doctor or a hospital. He was confident the County was seeing a good test rate. He
24 noted the Health Department would receive self-tests to distribute so people could test
25 themselves and then not go to work if they tested positive.

26
27 Council Member Joyce stressed the Intensive Care Units at the hospitals were at high
28 capacity and he thought the situation was critical, yet the State and the County were not
29 doing anything. Bondurant stated the important thing that distinguished the response
30 was the vaccinations. The Summit County attorneys counseled that putting restrictions
31 in place without taking vaccinations into effect was not defensible. If the cases were
32 manageable, a mask order could be challenged and then the County wouldn't have that
33 option when the case rates got worse. The Health Department's focus for now was
34 messaging. Council Member Joyce asked if there was a number that, if reached, would
35 trigger some action. Bondurant stated they looked at CDC guidelines to establish
36 thresholds. Council Member Gerber asked when vaccinations would be approved for
37 five to 11-year-olds. Bondurant stated there was a meeting on child vaccinations and a
38 vote would be taken in October.

39
40 Mayor Beerman opened the meeting for public input. No comments were given. Mayor
41 Beerman closed the public input portion of the meeting.
42

Council Member Doilney encouraged parents to have their children vaccinated. Council Member Gerber noted she now had a better understanding of the Health Department's hesitancy issuing a mask mandate. She hoped residents would continue to wear masks and take care of each other.

2. Consideration to Adopt Resolution 22-2021, a Resolution Recognizing October 2021 as Domestic Violence Awareness Month in Park City:

Kendra Wyckoff, Peace House Executive Director, presented this item and stated this was a critical public safety issue. She reviewed the resources available for those who were affected by domestic violence and sexual assault and stated abuse impacted all demographics and was a prevalent crime in the community.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting and stated Peace House provided a safety net and he appreciated all they did for the community.

Council Member Worel moved to adopt Resolution 22-2021, a resolution recognizing October 2021 as Domestic Violence Awareness Month in Park City. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

3. Consideration to Approve Ordinance 2021-36, an Ordinance Approving The Crescent Condominiums First Amended, Amending Unit B, Located at 633 Park Avenue, Park City, Utah:

Alex Ananth, Senior Planner, presented this item and indicated the amendment would allow a deck enclosure on the second level.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Gerber moved to approve Ordinance 2021-36, an ordinance approving The Crescent Condominiums First Amended, amending Unit B, located at 633 Park Avenue, Park City, Utah. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

4. Consideration to Approve Ordinance 2021-37, The Gigaplat Replat, First Amended and Restated, Located at 1915 Prospector Avenue, Park City, Utah:

Alex Ananth, Senior Planner, presented this item and indicated this amendment would allow an access easement to the historic Rail Trail.

Council Member Henney disclosed his girlfriend lived close to the location, but it would not affect his opinion.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Joyce stated this amendment tied into walkability and access to trails.

Council Member Joyce moved to approve Ordinance 2021-37, The Gigaplat Replat, First Amended and Restated, located at 1915 Prospector Avenue, Park City, Utah.

Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

5. Consideration to Approve Ordinance No. 2021-38, an Ordinance Amending Primarily Residential Zoning Districts in the Land Management Code Sections § 15-2.1-2; § 15-2.2-2; § 15-2.3-2; § 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2; § 15-2.15-2; § 15-15-1; and § 15-15-2, and Enacting Section 15-4-7.1, Internal Accessory Dwelling Units - Enacting Stopgap Amendments for Internal Accessory Dwelling Units to Prepare for State Preemption of Certain Accessory Apartment Regulations that are Effective October 1, 2021:

Rebecca Ward, Deputy Planning Director, presented this item and reviewed the Additional Dwelling Units (ADU) currently allowed. She proposed changes to the LMC to prepare for State pre-emption on October 1. She stated there was a survey for community members regarding ADUs and to date, the survey results indicated there was support; but there were also some concerns, including increased demands on parking and traffic.

Ward reviewed the State passed an Internal ADU bill that would go into effect October 1. As a response, the City would distinguish an ADU from an IADU. Council Member Gerber asked if an IADU would be required to have cooking, sleeping, and restroom facilities, to which Ward affirmed. Council Member Worel asked if the 30 day or more rental was included in the State definition, to which Ward affirmed. Council Member Worel didn't think that would help the workforce. Mayor Beerman noted the State could extend that to 60 or 90 days. Ward clarified these restrictions were only for IADUs and the City could work on the ADU language in a way that would work for the community. Council Member Gerber asked if this would only apply to units going forward or if it only applied to existing ADUs. Ward stated this was for new units going forward.

1 Ward indicated the LMC amendments would be the most restrictive code for IADUs and
2 staff would continue working on amendments for ADUs.
3 Council Member Doilney thought the State prohibited tracking nightly rentals and asked
4 if they would now allow cities to monitor for nightly rental listings to determine
5 compliance. He asserted the City could use this as an opportunity to open that door for
6 all nightly rentals.

7
8 Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman
9 closed the public hearing.

10
11 Council Member Henney moved to approve Ordinance No. 2021-38, an ordinance
12 amending primarily residential zoning districts in the Land Management Code Sections
13 § 15-2.1-2; § 15-2.2-2; § 15-2.3-2; § 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; §
14 15-2.12-2; § 15-2.13-2; § 15-2.14-2; § 15-2.15-2; § 15-15-1; and § 15-15-2, and
15 enacting Section 15-4-7.1, Internal Accessory Dwelling Units. Council Member Doilney
16 seconded the motion.

17 **RESULT: APPROVED**

18 **AYES:** Council Members Doilney, Gerber, Henney, Joyce, and Worel

19
20 **VII) ADJOURNMENT**

21
22 With no further business, the meeting was adjourned.
23
24
25

Michelle Kellogg, City Recorder



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

October 7, 2021

The Council of Park City, Summit County, Utah, met virtually in open meeting on October 7, 2021, at 3:30 p.m. in the City Council Chambers.

Council Member Doilney moved to close the meeting to discuss personnel and litigation at 3:35 p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 4:30 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

WORK SESSION

Walking and Biking Liaison Committee (WALC) Project Prioritization Update:

Heinrich Deters, Trails and Open Space Manager, presented this item. He stated the WALC committee was reestablished with former members as well as some new members. He reviewed the original committee created a project list, which was completed except for one project. The new committee recommended finishing the final project, a tunnel under SR 248 and SR224, and then they would draft some new recommendations for the future. Deters noted there was not enough funding to build the recommended tunnel and grants would be needed.

Council Member Doilney supported the proposed tunnel and asked if there was an automated warning system that could be installed in the tunnels to help avoid bike collisions. Council Member Joyce stated some of the WALC funds were tentatively earmarked for the Arts and Culture District and asked if that was still the plan. Deters stated the committee requested the WALC funds be pulled from the Arts and Culture District so they could be used for the tunnel. He thought staff needed to look at all

1 funding sources, not only for the tunnel but for the network around it as well, and the
2 Budget Department would come back with a funding plan for the prioritized projects.
3

4 Council Member Worel indicated the committee looked at the options and concluded
5 that the funds designated for the Arts and Culture District didn't make the most sense.
6 Mayor Beerman asked if the proposed Rail Trail project would come out of WALC funds
7 or impact fees. Erik Daenitz, Assistant Budget Director, indicated the Rail Trail ongoing
8 maintenance was funded with impact fees, but enhancements were made with WALC
9 funds.
10

11 Ed Parigian, WALC Committee Member, thought the tunnel was a good priority since
12 that was needed before other connections could be constructed. He stated the group
13 didn't recommend holding funding for the Arts and Culture District since that project was
14 uncertain. Alex Butwinski, WALC Committee Member, stated he was on the original
15 committee and the group was still in agreement that the tunnel was the key project
16 missing in the WALC plan.
17

18 Bo Pitkin, WALC Committee Member, indicated the WALC 2.0 priority list included the
19 Rail Trail, the Kearns Boulevard pathway, numerous roads in and around the Arts and
20 Culture District, and feeder points to the tunnel. Parigian stated the group needed to
21 know where the tunnel would come out. Butwinski felt there needed to be expertise on
22 where the tunnel should go.
23

24 Council agreed the tunnel should be the next WALC priority. Council Member Joyce
25 thought Council and the community were beginning to prioritize walkability projects
26 again. He requested that Council think about increasing funding for this during the next
27 budget cycle. Mayor Beerman agreed and stated at the last budget cycle, he had
28 recommended allocating a portion of the Transportation funding for walkability. Council
29 Member Gerber asked if the WALC Committee could address bikes and pedestrians on
30 the trails and ways to keep both groups safe.
31

32 **Discuss Decarbonizing Buildings:**

33 Celia Peterson and Luke Cartin, Sustainability Department, presented this item.
34 Peterson stated 57% of carbon emissions in the City were due to industrial and
35 residential sources, which was high for a City. She noted the good efforts made with
36 municipal buildings, but there was room for improvement. She indicated she had some
37 listening sessions with groups in the community to see what they were doing in their
38 homes and businesses to save energy. This group met once a month to discuss and
39 propose ways to reach a community net zero status.
40

41 Peterson reviewed some proposed energy saving programs. One program was a Listing
42 Energy Label. At the time of a real estate property listing, an energy label could be
43 attached so potential buyers could see what had been done with the unit. Another

1 voluntary program was a Green Building Registry, which showed the energy scores of
2 each building in the city. The Commercial Building Energy Disclosure program was
3 used in Salt Lake City and was required for commercial buildings. This program
4 compared similar buildings for energy usage. A long-term rental license requirement
5 was another proposal for rental units. A business license would be required annually
6 and every four years an energy audit would be required in order to renew the license.
7 For new construction, there was discussion on having incentives for architects and
8 builders to build net-zero structures. A certification pathway was a way builders could
9 achieve this goal. Providing clear expectations would be key. The incentive program
10 would leverage existing incentives in order to make net-zero appealing.

11
12 Peterson noted some financial tools that could be explored, including C-PACE, which
13 was a low-cost financing tool for large projects; the Utah Clean Energy Fund, a nonprofit
14 that gave low interest financing for clean energy and efficiency projects in rural areas;
15 and the Municipal Energy Tax/Franchise Tax Revenue, a local tax that could generate
16 ongoing revenue.

17
18 Peterson also indicated the City and Chamber of Commerce worked with Recycle Utah
19 in a Green Business Program 2.0, which targeted business owners, employees and
20 buildings. Recycle Utah checked in with businesses once a year, but a tracking system
21 was needed.

22
23 Council Member Joyce thought priority should be given to new construction. Council
24 Member Worel was impressed with the effort put into the proposed programs. She
25 stated the goal of the City was to encourage long-term rentals, and requiring business
26 licenses might discourage new long-term rentals. She suggested focusing on short-term
27 rentals first. Peterson noted the group thought of that and indicated they would work
28 with property managers in having energy measures included in a checklist for each
29 short-term rental unit. Council Member Gerber asked if there were any business license
30 restrictions for nightly rentals currently, to which Peterson stated there were no
31 restrictions, but there could be incentives. She pointed out the work was being done
32 with property managers. Cartin noted that multi-family unit owners could qualify for C-
33 PACE funds for making energy improvements to their units.

34
35 Mayor Beerman asked if there were any C-PACE programs in process in the City.
36 Peterson stated there were some informational meetings to promote C-PACE and there
37 were some things in the pipeline. She stated it would take tremendous outreach to get
38 any of the proposed projects running. Mayor Beerman thought the franchise tax
39 received from energy went to the General Fund and suggested looking at those funds to
40 help with energy efficiencies in the City's affordable housing. Cartin stated there was
41 momentum across the State for renewable energy, and he hoped to see more support
42 and fewer barriers. Peterson stated Utah Clean Energy was very helpful in moving the

discussion forward. Cartin indicated there were many participants in the City and County and he hoped the efforts would be coordinated County-wide.

Jeff Bousson and Kevin Emerson, Utah Clean Energy, were present. Emerson indicated as Park City implemented any of the proposed programs, it would continue to be a leader in the State. Bousson thought it was great to engage with so many different members of the community, including businesses, builders, the Chamber, nonprofits, and others. Building a plan was one thing, but implementing that plan was more challenging. There were implementation timelines and he was excited to see them move forward so the City could achieve it's net-zero goals. Peterson stated she was giving regular updates to the group, but now was the time to begin implementation.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Excused

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Doilney indicated he met with Ally Isom who was running for U.S. Senate. He noted the fall colors were beautiful and stated the trees needed attention.

Council Member Henney noted the Staff Communications reports: the budget report indicated tax revenue was still strong, and the Winter 2022 Special Event Planning report noted the major events, especially the World Cup which would take place before Sundance this year.

Council Member Worel indicated she attended the Spiro Mine Tunnel ribbon cutting and thought it was amazing to be inside the tunnel. She noted the Mental Health survey findings were back and they would be presented at the next Council meeting. Of note,

1 there was increased alcohol use, which was interesting. As the results would be
2 studied, she felt it was important to begin conversations, especially with youth. Pamela
3 Bello requested to come and present the SHARP data, which was a voluntary survey
4 taken by students that reflected their attitudes. Council agreed to have Bello come
5 present.

6
7 Council Member Joyce agreed the Spiro Mine Tunnel event was amazing. He was
8 impressed with the tax revenue and noted one restaurant told him last weekend was the
9 second highest revenue weekend for that business this summer, which was amazing
10 that a high revenue weekend would occur in October. He stated a special service
11 contract discussion would be on a future agenda to update Council. He attended a
12 candidates forum Monday and more would be coming as Election Day approached. He
13 noted Thomas Purcell withdrew his candidacy. He attended a Coffee with Council last
14 night and a variety of questions were discussed. Council Member Henney also noted
15 the fall colors played into the high revenue days the City experienced.

16
17 Council Member Gerber attended the Lodging meeting. She enjoyed seeing the Spiro
18 Mine Tunnel grand opening as well. Mayor Beerman agreed the Spiro opening was
19 well attended. He was impressed with how much was accomplished since the City set
20 critical priorities. Historic Preservation was important and this event was proof. He noted
21 Herb Armstrong passed away and indicated he was a longtime respected member of
22 the community.

23
24 Mayor Beerman announced the Colorado Association of Ski Towns (CAST) would be in
25 town on October 21-22 and on the 20th Mountain Towns Community would convene and
26 Gina McCarthy, the White House Advisor on Climate Change, would be the keynote
27 speaker. He stated the County was at moderate COVID status and he wanted to return
28 to meeting in person in the Council Chambers. The Council could begin by having
29 hybrid meetings if some members were uncomfortable meeting together. Council
30 Member Henney noted many people wanted to attend Council in person because they
31 didn't have the technology to watch it on Zoom. Council Member Joyce stated the
32 COVID status just rose to high transmission again. Council Member Doilney stated
33 Council attended other functions that were riskier than being in Council Chambers
34 together. He suggested requiring vaccines or masks during the meetings. Council
35 Member Henney stated he would be in favor of in person meetings if Council could
36 meet safely. Mayor Beerman indicated he would work with the City Manager to talk
37 about parameters for meeting together.

38
39 **Staff Communications Reports:**

40
41 **1. Budget Monitoring Staff Report - August 2021:**

42
43 **2. Winter 2022 Special Event Planning:**

III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for anyone who wished to comment or submit comments to the Council on items not included on the agenda.

Jody Whitesides stated he was in the Pickleball Club, and his group was concerned that the Municipal Athletic Recreation Center (MARC) gave priority to tennis players. Pickleball could only take place outside and not in the bubble. He asked that pickleball be given more time and for players to have the ability to reserve time in the bubble during the winter months.

Jim Jones stated there were 600 pickleball members in the community and it was the fastest growing sport in the country. He hoped for equitable time with the tennis players. He hoped times could be made available from 8:00-10:00 a.m. daily. This was a public facility and he requested the courts be marked for pickleball.

Ed Parigian indicated business license fees for nightly rental units were \$28 per bedroom. He felt the fees should be realigned. He knew the State mandated a maximum for fees, but he felt there were ways to work around the regulations. He suggested getting revenue for affordable housing or other City projects from increasing fees on nightly rentals.

Jeremy Rubell stated he wanted to comment on the clean energy discussion during the work session. He thought many in the community were active in environmental protections, but many were not, and he hoped to include those that were disengaged from the conversation. He thought there could be a bigger impact by going after the bigger homes in the City.

Mayor Beerman closed the public input portion of the meeting and stated there was a desire for pickleball and staff would gather information for a future discussion.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from September 21, 2021:

Council Member Gerber moved to approve the City Council meeting minutes from September 21, 2021. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

V) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute Contract Change Order No. 2 to the Construction Agreement with Stratton and Bratt Landscapes, LLC for the Prospector Avenue and Gold Dust Lane Landscaping Project in a Form Approved by the City Attorney in an Amount Not to Exceed \$58,638.11 and a Total Project Amount Not to Exceed \$329,625.11:

2. Request to Authorize the City Manager to Enter into a Design Services Contract with Wall Consultant Group for Engineering Services Related to the Review of the Transportation and Traffic Studies Submitted on Behalf of the Deer Valley Snow Park Redevelopment Project in an Amount Not to Exceed \$45,908 in a Form Approved by the City Attorney:

Council Member Doilney asked about the need for consultants on private projects and indicated the City needed this contract to ensure Deer Valley was following the appropriate steps of the project. Dias stated the Wall Group would review the application at an elevated level since the size and scope of the project was so big. The applicant would be required to pay for part of this fee. Council Member Doilney asked to see the cost breakdown and the City's responsibility.

3. Request to Approve an Agricultural Grazing Lease with SR Kivett for the Approximately 65-acre, City-Owned Naniloa Parcel, Located on the North Side of Interstate 80, in a Form Approved by the City Attorney:

Council Member Henney reviewed the three items on the Consent Agenda.

Council Member Doilney moved to approve the Consent Agenda. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

VI) NEW BUSINESS

1. Consideration to Approve Ordinance No. 2021-39, an Ordinance Approving the 91 and 95 King Road Plat Amendment, Located at 91 King Road and 95 King Road, Park City, Utah:

Browne Sebright, Planner, presented this item and stated the proposed amendment would remove internal lot lines and dedicate a portion of the property to the City right-of-

way. Council Member Henney confirmed there was no public comment during Planning Commission and Council meetings on this item.

Mayor Beerman opened the public hearing.

Jeff Love stated he was the applicant if Council had any questions.
Mayor Beerman closed the public hearing.

Council Member Joyce moved to approve Ordinance No. 2021-39, an ordinance approving the 91 and 95 King Road Plat Amendment, located at 91 King Road and 95 King Road, Park City, Utah. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

2. Consideration to Approve a One Year Live PC Give PC Street Party, a Level Four Special Event, Friday, November 5, 2021:

Jenny Diersen, Special Events Manager, and Diego Zegarra, Community Foundation Vice President of Equity and Impact, presented this item. Diersen reviewed the Park City Community Foundation had hosted this event for the past 13 years and had raised millions of dollars with this fundraiser. They requested to bring the party outside on Park Avenue and to have noise until 10:00 p.m., but staff required that the noise end at 9:00 p.m. She indicated a high level of outreach would be performed. Zegarra stated his staff went door-to-door to chat with neighbors and only one resident had concerns with noise and music related to the event. He asked to have the event outside because of COVID.

Council Member Gerber stated from the Historic Park City Alliance (HPCA) discussion, Devanza's was concerned. Zegarra stated the concern was the event might have food that would compete with the restaurant, and Zegarra told them the Community Foundation would like to partner with them so they could sell food to the attendees. Council Member Gerber asked what would happen after 9:00 p.m., to which Diersen stated the event would end and there would be cleanup.

Council Member Worel asked how the event would make sure only those 21 and older would be allowed since alcohol was involved. Ellie Cutting stated they applied to have the entire party categorized as a beer garden with fencing and wristbands. Everyone would have their identification checked and those under 21 years old would have to come with a parent or guardian.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Doilney indicated there were conversations on event fatigue, but this event was a community oriented event. He liked that it would only be an outdoor event for one year. He also supported the 75% fee waiver. Council Member Henney asked if the event always ended at 9:00 p.m. Zegarra stated normally it would end at midnight, but this accommodation was fine. He stated it was a community event and he didn't want to annoy neighbors.

Council Member Henney moved to approve a one-year Live PC Give PC Street Party, a Level Four Special Event, Friday, November 5, 2021. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

3. Discuss Triple Crown Sports City Service Agreement:

Jenny Diersen, Special Events Manager, presented this item and reviewed the contract would expire in November. This event had been in Park City for the past 20 years and brought in revenue during midweek. She noted Council implemented changes to special events in 2018. Some in the community questioned whether Triple Crown should continue in Park City. Initial outreach was performed with businesses, lodging and some members of the community.

Matt Pilcher, Triple Crown, stated the event held this past summer was incredible and he was appreciative of the Parks and Recreation Department. He noted there was a lot of ethnic diversity that came to the tournament.

Council Member Worel referred to the economic data on Page Three of the staff report and asked what the City and County lodging totals were. Bob Kollar stated the City had 60% of lodging revenue and the County had 40% of lodging revenue from this event. Diersen stated the local economic impact was approximately \$54,000.

Council Member Gerber asked if all lodging was measured or could it be tracked specifically to Triple Crown, to which Pilcher stated it was tracked for Triple Crown. Council Member Gerber asked what the history of City service fees was with Triple Crown and stated in previous years she thought the City paid more than 50% and now the request was 50%. Diersen stated in previous years the fees were \$93,000 and the City paid \$50,000 max with the note that it would reduce the fee waiver by \$10,000 each year. Triple Crown reduced their overall fees. Council Member Worel noted the economic impact to the City was \$54,500 and the City paid \$40,000 in service fees.

Council Member Gerber asked what other for-profit events the City provided fee waivers. Diersen stated other events that applied in the past were Tour of Utah, World

1 Cup and Deer Valley Concerts. These were not necessarily non-profits, but because of
2 the extreme economic impact, the City considered fee waivers.

3
4 Mayor Beerman opened the meeting for public input.

5
6 Rhonda Sideris stated she supported Triple Crown and noted all the benefits they
7 brought to the community.

8
9 Shelley Gillwald indicated she supported Triple Crown, but she was concerned about
10 the potential conflict of dates in 2024 and 2025 with Extreme Cup. She hoped fields
11 would not have to be shared.

12
13 Mayor Beerman closed the public input portion of the meeting.

14
15 Council Member Doilney stated this was a unique event in town. There was more
16 impact than just the economic impact. One thing was this event occurred midweek. He
17 thought there would be a void if the event left Park City.

18
19 Council Member Joyce was part of the Special Events Advisory Committee (SEAC) and
20 event fatigue was discussed at length. He thought events should be for locals and then
21 he liked regional events. This event had minimal community participation and a lot of
22 traffic, which impacted locals. He noted SEAC decided the events that were the least
23 priority were the big sporting events. It wasn't just this event, but Council should look at
24 all sporting events. He didn't see a reason to extend the contract.

25
26 Council Member Gerber agreed SEAC meetings resulted in a consensus that the
27 priority should be local events that had minimal impacts and that focused on locals. She
28 hoped space could be created for other local events. One reason Extreme Soccer was
29 here was because it was a local event. She hoped the community could give feedback
30 when this item came back at the next meeting.

31
32 Council Member Worel asked what the fee waiver difference was between Triple Crown
33 and Extreme Cup Soccer. Diersen stated Extreme Cup Soccer had \$12,000 in fees and
34 the City gave them a 25% fee waiver, which was approximately \$3,000. Diersen
35 indicated staff continued to reduce fee waivers for events. Council Member Worel asked
36 if Extreme Cup Soccer was a nonprofit organization, to which Diersen affirmed.

37
38 Council Member Henney stated Council Member Doilney had good points and he was
39 swayed a little, but he wanted to hear from the community at the next meeting. Council
40 Member Doilney agreed the community should speak on this. He felt the community
41 would miss Triple Crown once it was gone and noted this was distinctly different than
42 other events. Mayor Beerman reiterated he heard the complaint that there were too

many events in town. Council struggled to prioritize different events and cutbacks had to be made.

4. Consideration to Authorize a Two-Year Extension through November 8, 2023, for Park City Municipal (PCMC) to Exercise its Option to Extend the PCMC/Park City School District (PCSD) Fields Lease Agreement for an Additional 16 Years:

Jonathan Weidenhamer, Economic Development Manager, presented this item and indicated the agreement was unique in that the City paid for field maintenance and water. In return, the school district gave the City access to its gyms. This agreement had been extended a couple times. He reviewed discussions for possible amendments to the agreement, but it was decided to extend this agreement for two years since the school district was focusing on the school master plan and a proposed bond at the moment. He noted staff had creative ways to reduce water consumption on the fields. Mayor Beerman and Council Member Worel were liaisons with this group and they supported the extension.

Mayor Beerman opened the meeting for public input.

Todd Hauber, Park City School District Business Administrator, wanted to keep the conversation going and looked forward to working on water conservation efforts.

Mayor Beerman closed the public input portion of the meeting.

Council Member Joyce stated it made sense to extend the agreement while the school district was involved in other projects.

Council Member Joyce moved to authorize a two-year extension through November 8, 2023, for Park City Municipal to Exercise its Option to Extend the PCMC/Park City School District Fields Lease Agreement for an additional 16 Years. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

5. Consideration to Approve a 12-Month Extension of the Management Contract of the Downtown Business Improvement District in a Form Approved by the City Attorney:

Jonathan Weidenhamer, Economic Development Manager, presented this item and reviewed the history of the contract. The County discontinued trash service in Park City and HPCA recommended having a single provider to reduce chaos and congestion. A business improvement district was formed to administer a trash service provider and the City collected the fees for them through business licensing. The HPCA then wanted additional fees collected for business promotion and marketing so the City put out an

RFP, and HPCA was awarded the contract. In 2010, the contract became more complicated when Silly Market began on Main Street. The money was used for seasonal marketing. At the last addendum, specific performance measures were added as a condition of payment. This proposed addendum suggested more ways the BID would meet Council goals. It was agreed this would be the last extension.

Rhonda Sideris stated this would be the last extension. Then a new contract would be negotiated. She thought HPCA was different than it was years ago. She hoped to continue working with the City.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Henney stated last year the extension was presented and he expressed concern that no major changes had been made, especially with recycling, waste diversion, and other issues. There was frustration amongst the Council at that time. The County had a new contract for waste that would go into effect next year. He didn't want a one off with a waste provider for the BID. He wanted to wait for the County.

Council Member Joyce stated the City was interacting with HPCA for trash, but it also interacted with HPCA on Silly Market and those things should be dealt with separately. He didn't think the City should be responsible for marketing for Main Street any more than it would promote other areas of town, such as Bonanza Park. He supported the extension tonight, but wanted to look at the relationship the City had with Main Street versus other business areas in town. He thought improvement was needed.

Council Member Henney moved to approve a 12-month extension of the management contract of the Downtown Business Improvement District in a form approved by the City Attorney. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

VII) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

October 18, 2021

The Council of Park City, Summit County, Utah, met virtually in open meeting on October 18, 2021, at 3:30 p.m. in the City Council Chambers.

SPECIAL MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
None	Excused

II) NEW BUSINESS

Consideration to Accept or Deny the Southeast Quinn's Junction Annexation Petition, Proposing Annexation of Approximately 1,200 Acres in the Richardson Flat and Clark Ranch Area:

Gretchen Milliken, Planning Director, presented this item and reviewed that on October 8th, the City filed a notice of intent to annex these parcels. On October 13th, the County certified that notices were sent to surrounding property owners and on October 15th the annexation petition was filed with the City Recorder. She explained the history of the property and the relationship the City had with its owner, United Park City Mines (UPCM). It was indicated that within the Flagstaff Development Agreement, UPCM agreed to annex into Park City. Milliken indicated the annexation of property into the City must be a logical extension of City boundaries and must be consistent with the

1 intent and purpose of the General Plan. The preliminary review of the area did not
2 reveal any adverse impacts or economic issues with regard to providing municipal
3 services for the anticipated uses.

4
5 Three options were presented for Council consideration: accept the annexation petition,
6 deny the annexation petition, or neither accept or reject the petition at this time and
7 discuss the issue further at the next regular meeting.

8
9 Council Member Doilney stated the County certified the annexation petition and he
10 guessed they were comfortable with the process. Margaret Plane clarified the County's
11 role at this stage was to send notices and the County's certification indicated they
12 completed that task. They acted quickly and the City was appreciative of that.

13
14 Council Member Joyce asked if a rezone would be required if the City wanted to put up
15 to 40 acres of affordable housing on the Clark Ranch property. Milliken stated there was
16 a space for nonrecreational use, but rezoning would be required before affordable
17 housing could be approved for that parcel. Mayor Beerman reviewed that the Citizens'
18 Open Space Advisory Committee (COSAC) originally designated 10-12 acres for
19 affordable housing, but Council requested an analysis of the property to determine an
20 accurate acreage that could accommodate affordable housing.

21
22 Mayor Beerman opened the meeting for public input. No comments were given. Mayor
23 Beerman closed the public input portion of the meeting.

24
25 Council Member Joyce asked what the next steps in the annexation process were.
26 Plane stated if the petition was approved, then it would go to the City Recorder for
27 certification. She would ask the County or others for information and had up to 30 days
28 to consider the petition for certification. After certification, it would go into a more
29 thorough review process. Milliken stated after that review process and a vetting with the
30 public, it would go to the Planning Commission and Council for approvals. Plane
31 indicated the public would have the opportunity to give input at the Planning
32 Commission and Council public hearings.

33
34 Mayor Beerman calculated about 900 total acres from the parcels and asked if anything
35 else was included besides the highway. Milliken stated the land alongside the highway
36 was also included. Council Member Worel asked how long the annexation process
37 would take. Milliken stated it would take a few months for review and then it would be
38 scheduled at future Planning Commission and Council meetings. Plane indicated there
39 were tentative timelines, but it could take up to 12 months. She thought this process
40 could be compressed depending on how quickly each step was completed.

Council Member Henney asked what communication had transpired thus far between the City and County over this annexation. Mayor Beerman stated the City and County had been working on this at the staff level and the goals were aligned between the entities. There had been no direct communication with the County Council since the petition was made. Matt Dias indicated Summit County had always been respectful and aware of the City's development agreement with UPCM. The City had a good partnership with the County. Council Member Henney referred to the annexation between Hideout and Summit County and noted that Hideout initially had referenced a good partnership and alignment with Summit County. He didn't want the annexation petition to disrupt the relationship with the County. He also verified that the annexation would keep the area for low density and recreational purposes.

Council Member Doilney moved to accept the Southeast Quinn's Junction Annexation Petition, proposing annexation of approximately 1,200 acres in the Richardson Flat and Clark Ranch area. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

III) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Resolution

Agenda Section:

Subject:

Request to Adopt Resolution 23-2021, a Resolution Declaring November 1, 2021 as "Extra Mile Day" in Park City, Utah

Suggested Action:

Attachments:

[Extra Mile Day Staff Report](#)

[Exhibit A: Extra Mile Day Resolution](#)

City Council Staff Report



Subject: Extra Mile Day Resolution
Author: Michelle Kellogg
Department: Executive
Date: October 28, 2021
Type of Item: Administrative

Summary Recommendation

Approve the resolution proclaiming November 1, 2021, as Extra Mile Day in Park City. This resolution supports individuals and organizations who are dedicated to “going the extra mile” in volunteerism and service.

Extra Mile America is an organization made up of 100% volunteers that are committed to reminding individuals and organizations that creating positive change is not just a water cooler topic; it is being active in going the extra mile. This organization casts a bright light on the “*Extra Mile Heroes*” and change-makers who surround us and who continue to give their best. Extra Mile cities can be found at www.ExtraMileAmerica.org.

Background

- The idea for Extra Mile Day started in 2009 when Shawn Anderson created the Extra Mile America Tour, a cross country bicycle tour and inspirational outreach event.
- Extra Mile Day has grown from 23 participating cities in its inaugural year to over 500 cities this year.
- Park City has been an “Extra Mile City” for the last nine years.

In an effort to bring awareness of Extra Mile Day to the community, the Communications Department will be promoting it via a social media campaign. We encourage all to go the extra mile on November 1st.

Funding Source

There is no membership fee or other commitments associated with this resolution.



Resolution No. 23-2021

**RESOLUTION DECLARING NOVEMBER 1, 2021, AS "EXTRA MILE DAY" IN PARK CITY,
UTAH**

WHEREAS, Park City, Utah is a community which acknowledges that a special vibrancy exists within the entire community when its individual residents collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Park City, Utah is a community which encourages its residents to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Park City, Utah is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, Park City, Utah acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2021.

NOW THEREFORE, the Mayor and City Council of Park City, Utah, do hereby proclaim November 1, 2021, to be Extra Mile Day. We urge each individual in the community to take time on this day to personally "go the extra mile", and also acknowledge all those who are inspirational in their efforts and committed to make their organizations, families, community, country, or world a better place.

PASSED AND ADOPTED this 28th day of October, 2021.

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

City Attorney's Office

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Jenny Diersen

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Consideration for Hosting the Triple Crown Sports Event in Park City
(A) Public Input

Suggested Action:

Attachments:

[Triple Crown Sports City Service Agreement Staff Report](#)

City Council Staff Report

Subject: Triple Crown Sports City Service Agreement
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: October 28, 2021
Type of Item: Administrative

Recommendation

Take public input and provide direction regarding hosting the Triple Crown Sports (TCS) event in Park City in the future. If Council is supportive of hosting the TCS tournament, they should either provide direction on preferred terms for a City Service Agreement (CSA) or direct TCS to go through the Special Event Permit process.

Executive Summary

TCS is a boy's baseball and girl's fastpitch softball tournament held over 14 days (initially 21 days) in Park City since 2003. The Park City Chamber and Visitors Bureau brought the event to Park City to boost the year-round and mid-week economy. The event is held in various communities across the country.

TCS's current [CSA](#) expires on November 30, 2021. On [October 7, 2021](#) (report p. 228 / [Audio](#) 2:27:20, minutes not yet published), Council held a work session and discussed their desire for the community to provide more feedback on the future of tournament in Park City before providing direction to staff.

TCS prepared the following proposal for Council to consider:

1. New Contract Length: Two-year rolling agreement for 2022 (July 15 to 27) and 2023 (July 14 to 28). Annually on August 15, the CSA would renew for another year, unless the parties put in writing intent not to renew. For instance, on August 15, 2022, the contract would renew for 2024, and so on, without written notice.
 - a. Alternatively, TCS proposed a three-year CSA for 2022, 2023, and 2024 (July 14 to 26) with the intent to begin negotiating a new contract by January 2024.
2. Fee Reductions: City waive fifty percent of City Service Fees, an estimated total of \$60,000. TCS agrees to pay fifty percent of fees annually, estimated at \$30,000.
3. Date Conflicts: Guarantee no conflict with Extreme Soccer. In years with a conflict of dates between tournaments (2024 and 2025), TCS agrees to share fields.

Background

The City has used CSAs as a tool for managing significant events that benefit from long-term planning, create cultural, community and economic value and balancing community impacts. These agreements outline each party's service scope, including contract length, City services, financial assistance, use and lease terms of City facilities and property, performance measures, insurance, and indemnification.

Over the years, TCS has worked with the City to manage impacts, reduce and pay for event related costs, and align with community goals and priorities. TCS and the City

have often worked through conflicts as they arise ([detailed background linked here](#)) constructively. Against their desire, TCS canceled the Park City event in 2020 due to COVID-19 and the safety standards PCMC intended to require. TCS remains sensitive to the timing of cancellation including its impact on revenue and customer relations.

On [September 17, 2020](#) (report p. 7/ [minutes](#), p.1), Council provided direction to extend the current TCS CSA for one year due to the impacts of COVID-19. Council appeared to be split on extending the contract. Those willing to consider a future contract suggested:

- A shortened contract duration;
- Eliminate fee reductions; and
- Prioritize local tournaments and teams before out-of-state tournaments.

On [October 13, 2020](#) (report p. 164 / [minutes](#) p. 12), Council unanimously approved a one-year contract extension, noting fees should be reduced by \$10,000 annually for the duration of the CSA.

Analysis

TCS desires to continue hosting its annual event in Park City with subsidized City support services. However, the role of Special Events as an economic development tool – and particularly large events that draw many visitors from out of the area – has changed significantly over the last 20 years. In 2018, the City Council [revised the City's Special Events Policy](#) and made changes to [title 4A of the municipal code](#), focusing on reducing event impacts on the community in the summer months, and the number of events overall.

TCS continues to provide benefits to small businesses, including mid-week lodging, diversifying our guests, and promoting recreation.

While nothing would limit TCS from applying for a Special Event Permit, staff and TCS request Council direction on the following alternatives.

Options for Council to consider:

1. Discontinue TCS tournament in Park City;
2. Discontinue a multiyear CSA with TCS but direct staff to consider a single year Special Event Permit;
 - a. Conditions such as fees, conflicts, etc., can be negotiated.
 - b. If TCS proceeds through the Special Event Permit process, it would likely continue to qualify as a Level Four event which may be reviewed and approved with conditions or denied by Staff administratively unless there are material changes in which it would be reviewed by City Council.
3. Negotiate a multiyear CSA with TCS. Staff recommends;
 - a. A two-year contract (2022/23). Currently, there are no conflicts with other tournaments, events, or local uses. If a conflict arises, TCS will be required to accommodate, move dates, or cancel if a solution cannot be reached.
 - b. Eliminate fee waivers or City subsidies, consistent with Council policy on events to wean off Fees before FY24 (July 2023).

- c. Eliminate conflicts with other events: TCS shall not conflict with other events, including sharing fields with Extreme Soccer. While feasible, this is burdensome on staff and weakens the economic benefit and operations of each event.
- d. Outline TCS requirements to compliment and support community priorities of Social Equity, Transportation, and Sustainability.

Outreach

Staff continued to inform Extreme Soccer, HPCA, Lodging Association, Restaurant Association, Park City Chamber, Prospector Association, School District, and Basin Recreation as well as a few concerned residents of the discussions with TCS. To date we have not received additional comments.

Economic Data

Data is provided by Triple Crown Sports. These numbers have been updated since the October 7th meeting.

Item	2017	2018	2019**	2020	2021
Total Number of Teams*	140	124	124	0	134
Instate Teams*	29	27	35	0	27
Out of State Teams*	111	97	89	0	107
City Lodging	\$315,500 / 54%	\$309,727 / 58%	\$201,373 / 47%	0	\$517,452 / 60%
County Lodging	\$266,000 / 46%	\$220,469 / 42%	\$227,788 / 53%	0	\$344,968 / 40%
Total Lodging	\$581,000	\$530,196	\$429,161	0	\$862,420
Estimated Tax Revenue direct to PC from lodging	\$6,310	\$5,779	\$4,677	0	\$10,349
Economic Impact Overall	\$3,628,800	\$3,032,640	\$2,237,760	0	\$2,097,842
Local Economic Impact	\$94,349	\$78,849	\$58,182	0	\$54,544
<i>*Estimated 36 people per team</i>					
<i>** Year which TCS was shortened to accomidate sharing fields with Extreme Soccer</i>					
<i>Average Length of Stay is 6 days</i>					

Funding

TCS estimated City Service Fees are \$60,000. There is no cash subsidy from the City associated with this agreement. Events with CSAs do not count towards the annual \$200,000 Special Event Fee Reduction (SEFR) threshold.

Triple Crown City Service Fees 2018 - 2021			
Year	Fees Waived	Fees Paid by Triple Crown	Total
2018	\$50,000.00	\$11,036.00	\$61,036.00
2019	\$50,000.00	\$4,970.00	\$54,970.00
2020	\$0.00	\$0.00	\$0.00
2021	\$40,000.00	\$26,638.00	\$66,638.00

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Jenny Diersen

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve an Extension and Increase the Amount of the Professional Services Agreement for Transportation and Security Services with Kane Security in an Amount Not to Exceed \$331,000

(A) Public Input (B) Action

Suggested Action:

Attachments:

[Special Event and Peak Day Traffic Agreement Extension Staff Report](#)

[Exhibit A: Draft Second Addendum for Special Event and Peak Day Traffic Agreement](#)



City Council Staff Report

Subject: Special Event & Peak Day Traffic Agreement Extension
Author: Jenny Diersen
Department: Special Events & Economic Development
Date: October 28, 2021
Type of Item: Administrative

Recommendation:

Approve an extension and increase the amount of the Professional Services Agreement for Transportation and Security Services with Kane, LLC (KS) in an amount not to exceed \$331,000.

Executive Summary

In 2018 the City entered into an Agreement with KS to help City officials manage transportation and security during Special Events and peak days. The Agreement expires on November 1, 2021, unless extended by a mutual written agreement by the parties. KS has provided written notice and intent to renew for the final year of the Agreement, and City staff is pleased with the services provided by KS.

Recommended changes to the Agreement are outlined in Exhibit A and include an increase in cost due to increased number of hours for peak day management staffing and a return of Special Events put on hold in 2020 and 2021 due to the pandemic. All other terms and conditions of the original Agreement shall continue to apply. This is the final year of the contract; an RFP will be issued for services in the future.

Background

Since 2005, Park City has had to contract with various service providers to deliver an enhanced level of mitigation for impacts stemming from Special Events. As the need for such services has increased and in order to streamline and manage costs, the City released a request for proposals (RFP) for enhanced transportation and security services during Special Events and peak days in 2018. The scope specifically included parking management, for-hire and shuttle management, residential mitigation, bollard installation, and pedestrian management. A key effort of the contract was to consolidate staffing resources between five departments and reduce personnel costs as a result of using so many different vendors. This additional labor pool is a necessary component to hosting Special Events and managing peak traffic days throughout town, and the Municipality simply does not have the internal resources to carry this out on its own.

The [Original Agreement](#) with KS was approved by the City Council on [October 22, 2019](#) (report p. 3, [minutes](#) p. 10). The Agreement allows extension of terms with the consent of the City Council for two years (2021 and 2022). The First Addendum was approved by City Council on July 30, 2021 ([report](#) p. 3, [minutes](#) p. 11). During the First

Addendum, minor changes were made to the contract including updating insurance terms and adding a completion time clause.

Analysis

Anticipating the return of Special Events to pre-pandemic levels along with the increased need to manage peak days in the winter, the Council approved a \$100,000 increase to Special Event and peak day management contract in the FY22 budget. The chart below outlines increases in anticipated hours for peak day management with the return of Special Events.

	2020	2021	*2022
Special Event Hours	7,271	180	7,271
Peak Day Traffic Hours	579	2,746	2,754
Total Hours Used	7,850	2,926	10,025
Total Contracted Hours	7,850	7,850	10,025
<i>*2022 hours are estimates</i>			

On October 8, 2021, KS provided notice to renew the Agreement through 2022. Without the contract, staffing needs would fall to City staff, and we are not able to provide this level of temporary staffing services on our own.

City Staff from Special Events, Parking, Emergency Management, Police and Streets reviewed the services performed by KS from the past year and recommend renewing the contract for FY 22 with increased budget, based on the following:

- Departmental savings – The combined services allow lower-cost rate across departments;
- Departmental staffing - If done through individual departments, staff wouldn't be able to provide efficient the levels of service to mitigate congestion, traffic, and parking impacts, while balancing other priorities and projects;
- KS has been a valuable, professional Service Provider to Park City;
- The FY22 budget accounted for an increase in costs; and
- Services and costs are only incurred based upon usage – we only pay what we use.

Funding

The budget was approved during the FY22 budget process and come from the General Fund.

Attachments

Exhibit A: DRAFT Second Addendum for Special Event & Peak Day Traffic Agreement

**SECOND ADDENDUM TO PARK CITY MUNICIPAL CORPORATION
SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT**

This SECOND ADDENDUM is made and entered into in duplicate this ____ day of _____, 20____, by and between **PARK CITY MUNICIPAL CORPORATION**, a Utah municipal corporation, (“City”), and **KANE, LLC**, a Limited Liability Company, (“Service Provider”), to amend the Park City Municipal Corporation Service Provider/Professional Services Agreement signed and executed by the parties on December 31, 2019.

WITNESSETH:

WHEREAS, the parties entered into a Park City Municipal Corporation Service Provider/Professional Services Agreement on December 31, 2019, (hereinafter “Original Agreement”);

WHEREAS, the parties entered into a First Addendum on November 20, 2020, to extend the termination date of the Original Agreement to November 1, 2021, amend the scope of services in Exhibit A of the Original Agreement, amend the Compensation and Payment of Section 3.A of the Original Agreement to reflect the total fee for the project is not to exceed **TWO HUNDRED FIFTY FIVE THOUSAND FIVE HUNDRED ONE DOLLARS (\$255,502)** annually, revise the insurance requirements of Section 8 of the Original Agreement and add a completion time requirement to Section 22 of the Original Agreement (hereinafter “First Addendum”);

WHEREAS, the term of the Original Agreement and First Addendum is due to end November 1, 2021;

WHEREAS, Section 2. of the Original Agreement; Term, included a two (2) year renewal for 2021 and 2022, provided both parties execute written notice of consent to renew, which Service Provider completed on October 8, 2021, and the City completed on October 8, 2021;

WHEREAS, the parties wish to renew for an additional one (1) year term to November 1, 2022;

WHEREAS, the parties wish to clarify the services schedule; and

WHEREAS, the project is still ongoing.

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend the Original Agreement as follows:

1. AMENDMENTS:

a. **EXTENSION OF TERM.** The term of the Original Agreement shall be extended to a termination date of November 1, 2022.

b. **SCOPE OF SERVICE.** The Scope of Services shall be amended as follows:
See Exhibit "A" – Amended Scope of Services - attached hereto and made a part hereof.

The total fee for the Project is amended to state that it shall not exceed **THREE HUNDRED THIRTY-ONE THOUSAND DOLLARS (\$331,000.00)** annually.

c. **COMPENSATION AND PAYMENT METHOD.**

Amend Section 3.A – The total project maximum funds available are not to exceed **THREE HUNDRED THIRTY-ONE THOUSAND DOLLARS (\$331,000.00)** annually.

2. **OTHER TERMS.** All other terms and conditions of the Original Agreement shall continue to apply.
3. **ENTIRE AGREEMENT.** This Second Addendum is a written instrument pursuant to Section 21 of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by all parties.
4. **COUNTERPARTS.** This Second Addendum may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument.
5. **ELECTRONIC SIGNATURES.** Each party agrees that the signatures of the parties included in this Second Addendum, whether affixed on an original document manually and later electronically transmitted or whether affixed by an electronic signature through an electronic signature system such as DocuSign, are intended to authenticate this writing and to create a legal and enforceable agreement between the parties hereto.

IN WITNESS WHEREOF the parties hereto have caused this Second Addendum to be executed the day and year first herein above written.

PARK CITY MUNICIPAL CORPORATION, a
Utah municipal corporation
445 Marsac Avenue
P.O. Box 1480
Park City UT 84060-1480

MATT DIAS, City Manager

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

DRAFT

SERVICE PROVIDER:

Name: Kane, LLC, a Utah limited liability company

Address: 724 W 500 S, Suite 900

City/State/Zip: West Bountiful, UT 84087

Tax ID#: 83-0828884

PC Business License #: _B-017002_____

Printed Name

Signature

Title

THE CITY REQUIRES THE SERVICE PROVIDER TO COMPLETE EITHER
THE NOTARY BLOCK OR THE UNSWORN DECLARATION, WHICH ARE
BELOW.

STATE OF UTAH)
) ss.
 COUNTY OF SUMMIT)

On this day of , 20___, before me, the undersigned notary, personally appeared _____, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as _____ (title) for _____, a Utah limited liability company.

 Notary Public

I declare under criminal penalty under the law of Utah that the foregoing is true and correct. Signed on the ____ day of _____, 20____, at _____ (insert State and County here).

Printed name _____

Signature: _____

DRAFT

Sundance 2021, January 20 - January 30, 2022	Total Hours	Costs
Ped Management, Residence Management, Taxi Management	5393	\$132,395.92
Parking Enforcement Posted Staff	1104	\$33,672.00
Parking Enforcement, Rover Breakers, Supervisors		\$16,250.00
Pre-planning		\$6,000.00
Equipment		\$6,500.00
On-Site Admin		\$5,500.00
2021 Total	6497	\$200,317.92
	5% Discount	\$10,015.90
2022 Total	6497	\$190,302.02
Savor the Summit 2022, June 25, 2022	Total Hours	Costs
Taxi Management	16	\$854.00
Bollard Staff	20	\$630.00
Supervisor/Rover Breaker	16	\$520.00
Pre-planning		\$150.00
Equipment		\$150.00
On-Site Admin		\$100.00
2021 Total	52	\$2,404.00
	5% Discount	\$120.20
2022 Total	52	\$2,283.80
Fourth of July 2021 (Holiday Rates), July 4, 2022	Total Hours	Costs
Residence Management, Taxi Management, Parking Staff, Rover Breakers	128	\$5,856.00
Bollard Staff	8	\$380.00
Supervisors	20	\$975.00
Pre-planning		\$1,000.00
Equipment		\$700.00
Kane Manager	20	\$1,035.00
On-Site Admin		\$1,000.00
2021 Total	176	\$9,849.60
	5 % Discount	\$492.48
2022 Total	176	\$9,357.12
Arts Festival 2022, August 5 - 7, 2022	Total Hours	Costs
Residence Management, Taxi Management, Parking Staff, Rover Breakers	262	\$7,991.00
Bollard Staff	50	\$1,575.00
Supervisors	40	\$1,950.00
Pre-planning		\$1,200.00
Equipment		\$1,000.00
Kane Manager	30	\$1,035.00
On-Site Admin		\$1,000.00
2021 Total	382	\$15,751.00
	5% Discount	\$787.55
2022 Total	382	\$14,963.45
Tour Of Utah 2022, July 30 - July 31, 2022	Total Hours	Costs
Residence Management, Taxi Management, Parking Staff, Rover Breakers	93	\$2,836.50
Bollard Staff	18	\$567.00
Rover Breaker, Supervisor	15	\$487.50
Pre-planning		\$950.00
Equipment		\$500.00
On-Site Admin		\$750.00
2021 Total	126	\$6,091.00
	5% Discount	\$304.55
2022 Total	126	\$5,786.45
Miners Day 2022 (Holiday Rate), September 5, 2022	Total Hours	Costs
Parking Staff	30	\$1,372.50
Bollard Staff	8	\$380.00
Rover Breaker, Supervisor	10	\$517.50
Pre-planning		\$150.00
Equipment		\$200.00
On-Site Admin		\$100.00
2021 Total	48	\$2,448.00
	5% Discount	\$122.40
2022 Total	48	\$2,325.60
Halloween 2021 (Holiday Rates), October 31, 2022	Total Hours	Costs
Parking Staff	30	\$1,372.50
Bollard Staff	12	\$570.00
Pre-planning		\$200.00
Equipment		\$500.00
On-Site Admin		\$150.00
2021 Total	42	\$2,513.25
	5% Discount	\$125.66
2022 Total	42	\$2,387.59
Total Event Hours for 2022	7271	\$227,406.03
Total Peak Day Hours for 2022	2,754	\$103,520.00
Total Contract Amount	10,025	\$330,926.03

City Council Staff Report

Subject: 316 Ontario Avenue
Application: PL-20-04641
Author: Lillian Lederer, Planner I
Date: October 28, 2021
Type of Item: Administrative – Plat Amendment



Recommendation

(I) Review the proposed 316 Ontario Avenue Plat Amendment; (II) conduct a public hearing; and (III) consider adopting Ordinance No. 2021-40, subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: Paige and Brad Brainard,
represented by Bruce Taylor with Summit Design Group
Location: 316 Ontario Avenue
Zoning District: Historic Residential Low – Density
Adjacent Land Uses: Residential
Reason for Review: The Planning Commission reviews and makes a recommendation to City Council for plat amendments. The City Council holds a public hearing and takes Final Action.

Acronyms

HRL Historic Residential Low – Density
LMC Land Management Code

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

Summary

The Applicant proposes removing two remnant Lot lines to create one Lot for a Single-Family Dwelling designated a Landmark Historic Structure on the Park City Historic Sites Inventory.

Background

316 Ontario Avenue is a cross-wing type house constructed circa 1895 and is a Landmark Historic Structure on the Historic Sites Inventory. (Exhibit B). On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage facing Ontario Avenue ([Staff Report](#); [Minutes](#), p. 2).

To enable construction of the detached garage, the Applicant proposes creating one Lot for 316 Ontario Avenue to remove remnant Lot lines for the Landmark Historic Site. The Applicant also submitted a Historic District Design Review and Steep Slope Conditional Use Permit, which were approved by the Planning Department on October 14, 2021.

The photo below, taken from Google Maps, shows the steep slope leading up to the Landmark Historic Structure that has a Building Footprint of only 644 square feet. 321 McHenry Street can be seen in the background. Please see Exhibit B for additional photos.



On October 13, 2021, the Planning Commission reviewed the proposed plat amendment and forwarded a positive recommendation to the City Council, with one Planning Commissioner voting nay because of construction on a steep slope¹ ([Staff Report](#); [Audio](#)).

Analysis

(I) The proposal complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density District*.

A Single-Family Dwelling is an allowed use in the Historic Residential Low – Density (HRL) Zoning District.² The proposed plat amendment creates one Lot for the Landmark Historic Single-Family Dwelling at 316 Ontario Avenue.

On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue ([Staff Report](#); [Minutes](#), p. 2). However, pending Planning Commission recommendation and City Council approval, the Applicant will also need to request Variance approval for the Lot size, which does not meet the HRL Zoning District requirements (Condition of Approval 7).

In all other requirements, the proposed plat amendment complies with Land Management Code (LMC) [§ 15-2.1-3](#), which outlines Lot and Site requirements:

Zoning Requirement	Analysis of Proposal
Lot Size – 3,750 square feet	Does Not Comply – Variance Required Condition of Approval 7 requires the Applicant to request Board of Adjustment approval for a Variance from the minimum Lot size requirements in the HRL Zoning District prior to recordation of the amended plat. The proposed Lot is 2,444 square feet.
Lot Width – 35 feet	Complies – the Lot width is 36.48 feet
Building Footprint – 1,065 square feet	Complies – 1,050 square feet
Front Setback – 10 feet	Variance Granted – On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue.
Rear Setback – 10 feet	Exempt – New Construction Must Comply The Rear Setback ranges from nine feet to ten feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures. ³

¹ The Planning Department approved a Steep Slope Conditional Use Permit to mitigate construction on a steep slope, finding compliance with the criteria outlined in LMC [§ 15-2.1-6](#).

² LMC [§ 15-2.1-2](#).

³ LMC [§ 15-2.1-4](#).

Side Setbacks – five feet	Exempt – New Construction Must Comply The southern Setback is just under three feet; the northern Setback is three feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.⁴ The detached garage must comply with Side Setbacks (Condition of Approval 5).
Snow Release	Condition of Approval 8 Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official

(II) There is Good Cause for this plat amendment because the amendment allows for on-site parking along a narrow and steep Right-of-Way, resolves existing issues with a Landmark Historic Structure built over Lot lines, and is in character with the neighborhood.

Plat amendments require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement is vacated or amended.⁵

LMC [§ 15-15-1](#) defines Good Cause as follows:

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

- providing public amenities and benefits,
- resolving existing issues and non-conformities,
- addressing issues related to density,
- promoting excellent and sustainable design,
- utilizing best planning and design practices,
- preserving the character of the neighborhood and of Park City and
- furthering the health, safety, and welfare of the Park City community.

Historic Structures that do not comply with parking requirements are valid Non-Complying Structures.⁶ The Landmark Historic Site contains no parking on site and the Single-Family Dwelling is accessed from Ontario Avenue, a narrow and steep road. Approval of the plat amendment allows the Applicant to construct a detached garage within the front Setback as approved by the Board of Adjustment and will provide parking for the Site.

⁴ LMC [§ 15-2.1-4](#).

⁵ LMC [§ 15-7.1-3\(B\)](#).

⁶ LMC [§ 15-2.1-4](#).

The plat amendment resolves existing issues because the Landmark Historic Structure is built across Lot lines.

The detached garage will be in character with the neighborhood and must comply with the Historic District Design Guidelines and completion of the Historic District Design Review Process (Condition of Approval 9). Please see the Applicant's photos to view the garages along Ontario Avenue (Exhibit D).

(III) The Engineering Department requires a Condition of Approval.

316 Ontario Avenue does not have a culinary water meter or sanitary sewer lateral. The Engineering Department requires that the Applicant submit a site plan showing utilities, grading, and storm drainage design and calculations for review and approval prior to submitting a building permit. This requirement is reflected in Condition of Approval 10.

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 29, 2021. Staff mailed courtesy notice to property owners within 300 feet on September 29, 2021. The *Park Record* published notice on September 29, 2021. LMC [§ 15-1-21](#).

Public Input

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

Exhibits

Exhibit A: Draft Ordinance No. 2021-40

Exhibit B: Historic Site Form

Exhibit C: Existing Conditions

Exhibit D: Streetscape Photos

Ordinance No. 2021-40

AN ORDINANCE APPROVING THE 316 ONTARIO SUBDIVISION, LOCATED AT 316 ONTARIO AVENUE, SUMMIT COUNTY, PARK CITY, UTAH

WHEREAS, the owners of property at 316 Ontario Avenue petitioned the City Council for approval of the 316 Ontario Subdivision;

WHEREAS, on September 29, 2021, a public hearing was duly noticed according to the requirements of the Land Management Code;

WHEREAS, on October 13, 2021, the Planning Commission reviewed the proposed plat amendment, held a public hearing, and forwarded a positive recommendation to the City Council;

WHEREAS, on October 28, 2021, the City Council reviewed the 316 Ontario Subdivision and held a public hearing; and

WHEREAS, the 316 Ontario Subdivision is consistent with the Park City Land Management Code, including § 15-7.1-3(B), § 15-7.1-6, and Chapters 15-2.1, and 15-7.

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

SECTION 1. APPROVAL. The 316 Ontario Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. 316 Ontario Avenue is a cross-wing type house constructed circa 1895.
2. 316 Ontario Avenue is designated a Landmark Historic Site on the Park City Historic Sites Inventory.
3. To enable construction of the detached garage, the Applicant proposes creating one Lot for 316 Ontario Avenue to remove remnant Lot lines for the Landmark Historic Site.
4. The Applicant also submitted a Historic District Design Review and Steep Slope Conditional Use Permit, which were approved by the Planning Department on October 14, 2021.
5. The proposal complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density District*.

6. A Single-Family Dwelling is an allowed use in the Historic Residential Low – Density (HRL) Zoning District.
7. The proposed plat amendment creates one Lot for the Landmark Historic Single-Family Dwelling at 316 Ontario Avenue.
8. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue.
9. However, the Applicant will also need to request Variance approval for the Lot size, which does not meet the HRL Zoning District requirements.
10. The HRL Zoning District requires a minimum Lot Size of 3,750 square feet. The Applicant must request Board of Adjustment approval for a Variance from the minimum Lot size requirements in the HRL Zoning District prior to recordation of the amended plat. The proposed Lot is 2,444 square feet.
11. The minimum Lot width in the HRL Zoning District is 35 feet. The proposed Lot is 36.48 feet.
12. The Building Footprint for a 2,444-square-foot Lot is 1,065 square feet. The proposed project will contain 1,050 square feet.
13. The required Front Setback in the HRL Zoning District is 10 feet. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue.
14. The required Rear Setback in the HRL Zoning District is 10 feet.
15. The Rear Setback ranges from nine feet to ten feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures pursuant to LMC Section 15-2.1-4.
16. The required Side Setbacks in the HRL Zoning District are five feet. The southern Setback is just under three feet; the northern Setback is three feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures pursuant to LMC Section 15-2.1-4.
17. New construction must comply with Setbacks.

Conclusions of Law

1. There is Good Cause for this plat amendment because the amendment allows for on-site parking along a narrow and steep Right-of-Way, resolves existing issues with a Landmark Historic Structure built over Lot lines, and is in character with the neighborhood.
2. The Plat Amendment is consistent with Land Management Code Section 15-7.1-3(B), 15-7.1-6, and Chapters 15-2.1 and 15-7.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The property is not located within the Park City Soil Ordinance Boundary and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
4. 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.
5. New construction must comply with Setbacks.
6. The Applicant shall enter into an Encroachment Agreement for a driveway and access over the City Right-of-Way to the detached garage.
7. The Applicant shall obtain Board of Adjustment approval for a Variance from the minimum HRL Zoning District Lot size prior to recordation of this plat.
8. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
9. The detached garage must comply with the Historic District Design Guidelines and completion of the Historic District Design Review Process and Steep Slope Conditional Use Permit approval is required prior to recordation of the plat.
10. 316 Ontario Avenue does not have a culinary water meter or sanitary sewer lateral. The Engineering Department requires that the Applicant submit a site plan showing utilities, grading, and storm drainage design and calculations for review and approval prior to submitting a building permit.

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

PASSED AND ADOPTED this 28th day of October 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

PARTS OF LOTS 3, 4 AND 5,
BLOCK 59, PARK CITY SURVEY

LOCATED IN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I further certify that on behalf of Diamond Land Surveying, LLC, I have completed a survey of the property described in the plat in accordance with Sections 17-1 through 17-17 of Utah Code and the Subdivision Plat shown hereon is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law.

BOUNDARY DESCRIPTION

A Parcel of land located in Block 59, Park City Survey, which is located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southwest Corner of Lot C, 331 McHenry Avenue Subdivision, as recorded in the Office of the Recorder of Summit County as Entry#902760, said point is South 27°16'59" East 304.74 feet from the Brass Cap Monument located in Ontario Avenue at the intersection of Fourth Street and running;

thence North 66°22'00" East 44.38 feet along the Southeasterly line of said Lot C, 331 McHenry Subdivision;

thence North 71°15'01" East 20.11 feet along said Southeasterly line of Lot C & B, 331 McHenry Avenue Subdivision to the Westerly line of 321 McHenry Avenue Subdivision, as recorded in the Office of the Recorder of Summit County as Entry#908632;

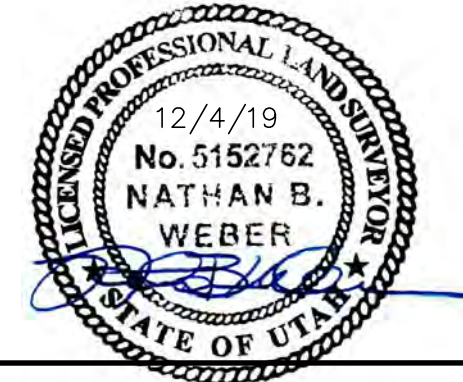
thence South 19°15'08" East 38.99 feet along the Easterly line of said 321 McHenry Avenue Subdivision to the Northwesterly line of 308 Ontario Subdivision, as recorded in the Office of the Recorder of Summit County as Entry#879733;

thence South 66°22'00" West 13.47 feet along the Northwesterly line of said 308 Ontario Subdivision;

thence South 71°15'01" West 48.33 feet along the Northwesterly line of said 308 Ontario Subdivision;

thence North 23°20'29" West 36.48 feet to the point of beginning.

Parcel contains 2,444 Sq. Ft. or 0.056 Acres.



OWNER'S DEDICATION AND CONSENT TO RECORD

Know all by these presents that we, the undersigned owners of the described tract of land hereon, to hereafter be known as 316 ONTARIO SUBDIVISION, and having caused this Plat Amendment to be made, do hereby consent to its recordation in the office of the County Recorder of Summit County, Utah in accordance with Utah State Law.

Also, the owners hereby irrevocably offer for dedication for the perpetual use of the public, all parcels of land shown on this plat as intended for public use, and does further dedicate the easements as shown hereon.

In witness whereof, the undersigned have set their hand this _____ day of _____, 2019.

By: _____
Brad Brainard

ACKNOWLEDGMENT

STATE OF _____) :SS
COUNTY OF _____)

On this _____ day of _____, 2019,
personally appeared before me, the undersigned Notary Public in and for said State and
County, who, after being duly sworn, acknowledged to me that he is the owner of
316 ONTARIO SUBDIVISION, that he he has signed the above Owner's Dedication and
Consent to record freely and voluntarily, and he executed this document for the purposes
set forth herein.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____

MY COMMISSION NUMBER	RESIDING IN
----------------------	-------------

316 ONTARIO SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER
OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

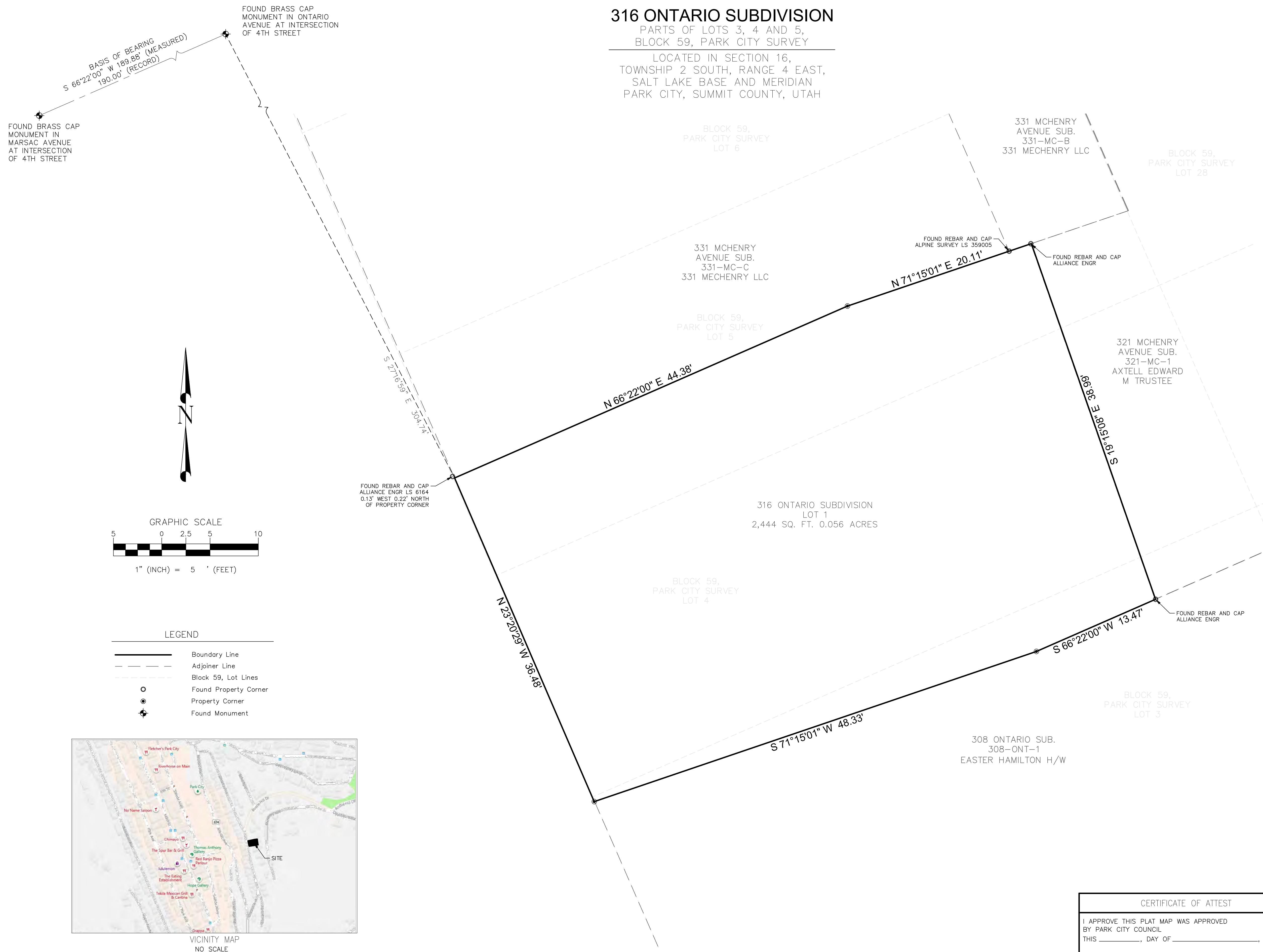
RECORDED # _____

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

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

NO FEE
FEE \$ _____

_____ DAVIS COUNTY RECORDER



CERTIFICATE OF ATTEST

I APPROVE THIS PLAT MAP WAS APPROVED
BY PARK CITY COUNCIL
THIS _____, DAY OF _____, 2019.

PARK CITY RECORDER

APPROVED AS TO FORM ON:
THIS _____, DAY OF _____, 2019.

PARK CITY ATTORNEY

GOVERNING BODY
APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED:
THIS _____, DAY OF _____, 2019,
AT WHICH TIME THIS PLAT WAS APPROVED AND ACCEPTED.

PARK CITY MAYOR

COUNTY ENGINEER

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT REVIEWED
BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH
AVAILABLE INFORMATION ON FILE IN THIS OFFICE.

DATE _____ PARK CITY ENGINEER _____

WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO:
THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT'S
STANDARDS.
THIS _____, DAY OF _____, 2019.

S.B.W.R.D.

PARK CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION ON
THIS _____, DAY OF _____, 2019.

CHAIRMAN

DIAMOND
LAND SURVEYING, LLC



5243 South Greenpine Drive
Murray, Utah 84123
Phone (801) 266-5099 Fax (801) 266-5032
office@diamondlandsurveying.com
www.diamondlandsurveying.com

HISTORIC SITE FORM

UTAH STATE HISTORIC PRESERVATION OFFICE

(10-91)

1 IDENTIFICATION

Name of Property: **Thomas Savage House**

Address: **316 Ontario Avenue**

Twnshp Range Section:

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

UTM:

Current Owner Name: **Cathleen and Craig A. Savage (jt.)**

USGS Map Name & Date: **Park City East**

Current Owner Address: **PO Box 762**

Quad/2011

Park City, UT 84060

Tax Number: **PC-488-A**

Legal Description (include acreage): **see continuation sheet**

2 STATUS/USE

Property Category

☒ building(s)

☐ structure

☐ site

☐ object

Evaluation

☒ eligible/contributing

☐ ineligible/non-contributing

☐ out-of-period

Use

Original Use: **single dwelling**

Current Use: **single dwelling**

3 DOCUMENTATION

Photos: Dates

☒ digital: **Nov. 2013 (3)**

☒ prints: **2006, 1940s**

☐ historic:

Drawings and Plans

☐ measured floor plans

☐ site sketch map

☐ Historic American Bldg. Survey

☐ original plans available at:

☐ other:

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

☒ abstract of title

☒ tax card & photo

☐ building permit

☐ sewer permit

☒ Sanborn Maps

☐ obituary index

☐ city directories/gazetteers

☒ census records

☐ biographical encyclopedias

☒ newspapers

☒ city/county histories

☐ personal interviews

☐ USHS History Research Center

☒ USHS Preservation Files

☐ USHS Architects File

☐ LDS Family History Library

☒ local library: **Park City Museum**

☐ university library(ies):

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

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

Boutwell, John Mason and Lester Hood Woolsey. *Geology and Ore Deposits of the Park City District, Utah*. White Paper, Department of the Interior, United States Geological Survey. Washington: Government Printing Office, 1912.

Carter, Thomas and Peter Goss. *Utah's Historic Architecture, 1847-1940*. Salt Lake City: Center for Architectural Studies, Graduate School of Architecture, University of Utah and Utah State Historical Society, 1988.

Hampshire, David, Martha Sonntag Bradley and Allen Roberts. *A History of Summit County*. Coalville, UT: Summit County Commission, 1998.

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

Peterson, Marie Ross and Mary M. Pearson. *Echoes of Yesterday: Summit County Centennial History*. Salt Lake City: Daughters of Utah Pioneers, 1947.

Pieros, Rick. *Park City: Past & Present*. Park City: self-published, 2011.

Randall, Deborah Lyn. *Park City, Utah: An Architectural History of Mining Town Housing, 1869 to 1907*. Master of Arts thesis, University of Utah, 1985.

Ringholz, Raye Carleson. *Diggings and Doings in Park City: Revised and Enlarged*. Salt Lake City: Western Epics, 1972.

Ringholz, Raye Carleson and Bea Kummer. *Walking Through Historic Park City*. Self-published, 1984.

Thompson, George A., and Fraser Buck. *Treasure Mountain Home: Park City Revisited*. Salt Lake City: Dream Garden Press, 1993.

Researcher/Organization: Daniel Carmen / CRSA Architecture

Date: October 2015

4 ARCHITECTURAL DESCRIPTION

Building Style/Type: cross-wing type / vernacular style No. Stories: 1

Foundation Material: not verified Wall Material(s): drop-novelty wood siding

Additions: none x minor major (describe below) Alterations: none x minor major (describe below)

Number of associated outbuildings 0 and/or structures 0.

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

316 Ontario is a cross-wing type house, which has retained many of its original historical elements. The cross-wing, also known as a T/L cottage, is one of the main three house types built during the historic Park City mining era. The cross gable roof is sheathed with composition shingles. There is a small shed extension off the north side of the house, which can be seen in the c. 1940 tax photo and remains largely unchanged. The walls are clad with drop-novelty wood siding. There is a pair of one-over-one double hung sash windows in the front gable end and a single window of the same type next to the door under the porch. Storm windows are present on all these windows. The windows in the gable end have a wood pediment header and although it closely matches the original, it appears to be newer. The porch is covered by a shed extension of the roof and is supported by simple wood square posts with no railing. The door is a wood frame and panel door. The site slopes up from the street and a wood stair leads to the porch from the sidewalk. No foundation is visible in the available photographs, thus its materiality remains unverified. The overall form and materiality of the building remains intact and the building retains its historic value.

5 HISTORY

Architect/Builder: **unknown**

Date of Construction: **c. 1895**

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

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

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

This house appears on the 1900 Sanborn Insurance map, which was the first of those maps to cover this area, making it difficult to determine exactly when it was built. The property was initially owned by the Park City Townsite Corporation, and may have been used to house workers at that time. The title history shows that it was sold to James Mehan in 1916, who sold it shortly after to Thomas Savage.

Thomas Savage appears on the 1920 census, living in this house with his wife Maria and their daughter Margaret. They were born in Ireland, and immigrated to the U.S. in 1910 and 1915 respectively. Thomas worked as a miner, and was caught in a cave-in in 1923, while working for the Daly West mine. He died from injuries sustained in that accident in 1924. His wife Maria sold the house to Thomas's brother Herbert in that same year.

Herbert Savage is noted as owning an occupying this house on both the 1930 and 1940 census. His family consisted of his wife Margaret, and their four children. He was also born in Ireland, and came to the U.S. in 1913. He worked as a miner, and was killed in a snow slide in 1949. The property stayed in his family until 2014, when it was sold to the current owners, Alcalde Properties LLC.

Legal Description (include acreage): **A PORTION OF LOTS 4 & 5 BLK 59 AMENDED PLAT OF PARK CITY SURVEY; MORE PARTICULARLY DESC AS FOLLOWS: BEG AT A PT S 23°38'00" E 13.59 FT ALONG THE E'LY R/W LINE OF ONTARIO AVE FROM THE NW COR OF LOT 5, BLK 59 PARK CITY SURVEY; & RUN TH N 66°22'00" E 44.38 FT; TH N 71°15'01" E 30.73 FT TO THE E'LY LINE OF LOTS 5 & 4; TH ALONG SD E'LY LINE S 23°38'00" E 33.80 FT TO THE SE'LY COR OF LOT 4; TH S 66°22'00" W 75 FT TO THE SW'LY COR OF LOT 4 & TH E'LY R/W LINE OF ONTARIO AVE; TH ALONG SD E'LY LINE N 23°38'00" W 36.41 FT TO THE PT OF BEG CONT 2691 SQ FT OR 0.062 AC; ALSO LOT 3 BLK 59 PARK CITY SURVEY CONT 1875 SQ FT (LESS 1637 SQ FT 574-132 PC-487-A)(LESS 0.01 AC 1461-1324 PC-492-1-A) BAL 0.06 AC 574-134 619-32 (REF:NWD-216547-134 619-32) 2092-1672**



316 Ontario Avenue. Northwest oblique. November 2013.



316 Ontario Avenue. West elevation. November 2013.



316 Ontario Avenue. Southwest oblique. November 2013.

TITLE SEARCH FORM

[Obtain information from title abstract books at County Recorder's Office]

Tax Number: PC-488-A

Address: 316 Ontario Avenue

City: Park City, UT

Current Owner: Cathleen and Craig A. Savage

Address: (see historic site form for address)

Legal Description (include acreage): PC BK59 pt. L3, L4, pt. L5 (see historic site form for complete legal description)

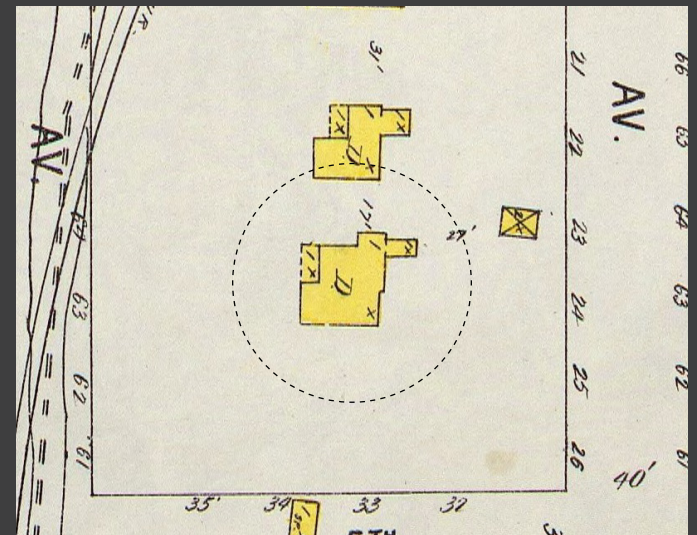
TRANSACTION DATES	GRANTOR (SELLER)	GRANTEE (BUYER)	TYPE OF TRANSACTION	DOLLAR AMOUNT	COMMENTS
12/22/1882	Edward P. Ferry	David McLaughlin	W.D.		
5/13/1916	W.I. Snyder	James Mehan	W.D.		
7/29/1916	James Mehan	Tom Savage	W.D.		
1/23/1922	Tom Savage	Maria Savage	W.D.		Lot 3
1/29/1924	Maria Savage	Herbert Savage	W.D.		
10/7/1939	Summit County	Herbert Savage	Red. Cert.		
8/6/1991	John, William, and Cathleen Savage	Cathleen Savage	Q.C.D		Lot 3 and portion of Lots 4 & 5
9/24/2014	Craig Savage	Alcalde Properties LLC	W.D.		

Researcher: Daniel Carmen, CRSA Architecture

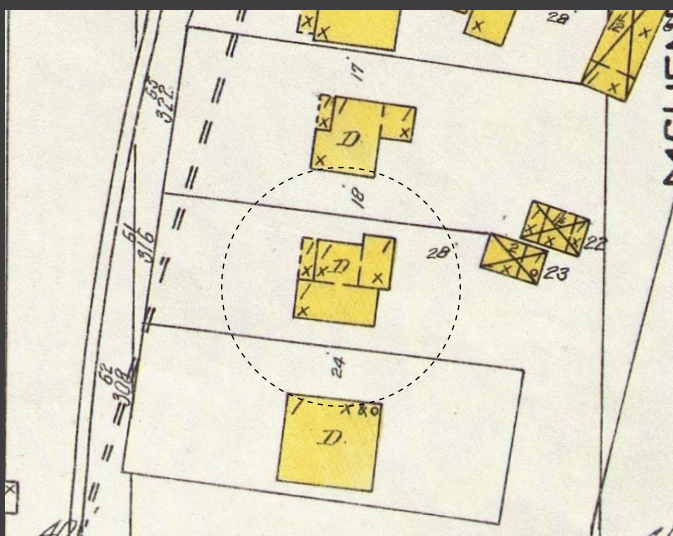
Date: 10/30/2014

Outside of extents of 1889 Sanborn map

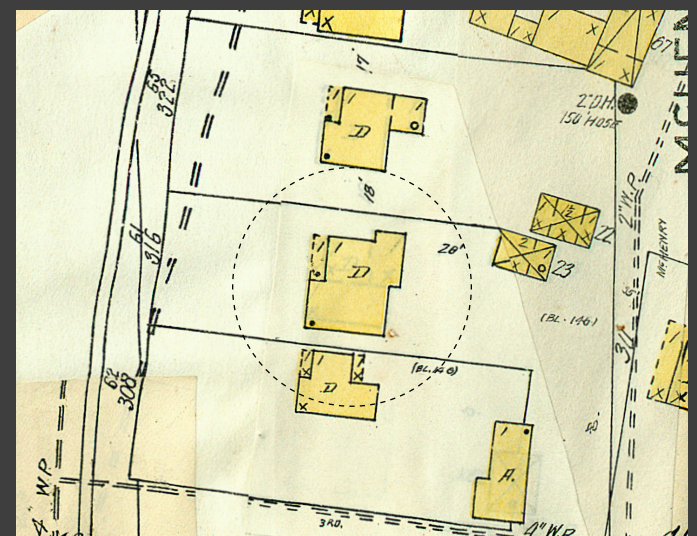
1889



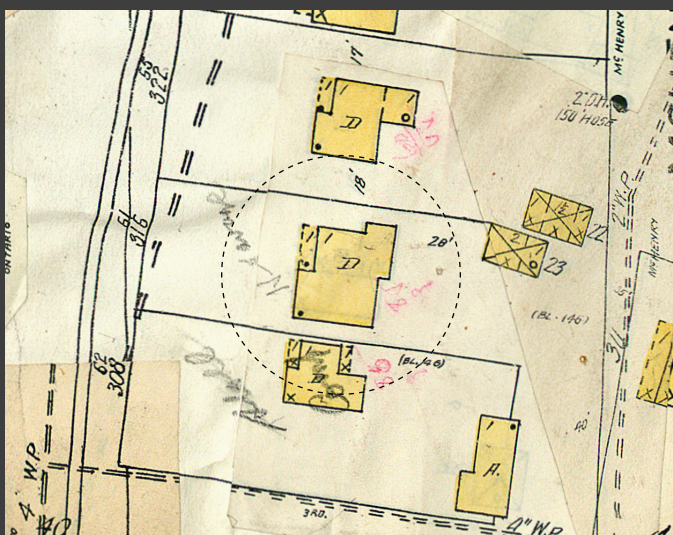
1900



1907



1929



1941

THOMAS SAVAGE DIES

Yesterday morning at the Miners' Hospital, Thomas Savage, the unfortunate young man who on the 31st of last May was caved on while at work in the Daly West and suffered a broken back, succumbed to his awful injuries, after nine months of suffering.

Deceased had been in Park City for thirteen years, always popular with his fellow workmen, and a genial, all round good fellow with hosts of friends. His awful accident caused wide spread regret and sorrow, and his passing away, while a severe shock to his loved ones, came as a relief, because of much suffering, with no hope of recovery. To the bereaved young widow and brother sympathy goes out in their sad affliction.

Thomas Savage was a native of Ireland, and was thirty-five years old on the 18th of last August. He came to America fourteen years ago, working in Colorado a year before coming to Park City. He is survived by his widow and one child, also a brother, Herbert Savage, who resides in this city.

Funeral services will be held at the Catholic church next Monday morning at 10 o'clock.

Park Record 2/15/1924

Miner Killed In Snow Slide—Two Escape

A tragic death occurred Monday afternoon when Herbert Savage was caught in a snow slide and two others, Owen Penrod and Leonard Addy, narrowly escaped the avalanche of snow that thundered down the hillside just south of the last home in Empire canyon.

Herbert Savage's body was recovered by rescue-workers approximately half an hour after the slide occurred.

Injured were Leonard Addy, who suffered minor bruises.

Owen Penrod, under care of a physician, was at his home for treatment of shock, bruises and a cut on the jaw suffered when a rescue worker's shovel gouged him.

Occurred at 4 p.m.

The slide occurred at approximately 4 p.m.—only a few minutes after more than 50 men, employed at the Judge and Alliance had passed en route from their work to their homes.

Consisting of top-cover snow which was deposited by a blizzard which raged here Sunday, the slide came down the mountainside "like water coming down a mountain," in the words of John Busio who witnessed the spectacle.

The slide deposited about 25 feet of snow on the canyon highway. Its length was approximately 175 feet.

Mr. Busio, Nick Naglich and Joe Lopez, who live in neighboring homes a short distance below the slide area, were credited Monday night with spreading the alarm which brought rescue work promptly enough to save Addy and Penrod from suffocation.

Heard Slide's Rumbling

Mr. Busio said he was cleaning the snow from the roof of his chicken coop when he heard a rumbling noise a short distance up the canyon.

Watching the slide engulf Mr. Savage, Mr. Addy and Mr. Penrod, he called to Mr. Naglich and Mr. Lopez. The three ran to where the victims were last seen and frantically began shoveling to reach them. Other neighbors living farther down the canyon, attracted by the roar, rushed to join the rescue effort.

Mr. Addy "out ran" the slide and was unharmed.

Caught Full Force

Mr. Penrod was caught with the full force of the slide and was thrown against the side of the canyon, where rescuers reached him after a few minutes digging.

He said Monday night that "it picked me up and whirled me around and set me down near a telephone pole."

The body of Mr. Savage was found under approximately six feet of snow after rescuers had probed for half an hour the area where he was last seen.

Sheriff George M. Fisher, Dr. C. A. Lafoon, and members of the Park City fire department worked over Mr. Savage for approximately half an hour before he was pronounced dead. His body was removed from the slide area at about 6 p.m.

Avalanche Predicted

Less than five minutes before the slide rumbled down about 50 men employed at the Judge and Alliance tunnel had passed the slide area. They returned to the scene when they heard the slide and participated in the rescue operations.

Property Damage Light

Only property damage as result of the slide was to Mr. Lopez' chicken coop, which was partially wrecked.

Services Friday

Funeral services for Herbert William Savage will be conducted tomorrow, Friday, at 10 a.m. in St. Mary's of the Assumption Catholic church by Rev. William F. Kennedy.

Mr. Savage was born July 31, 1891, at Tullymore, Newcastle, Ireland, and had been a resident of this city for the past 40 years. He was a miner.

He was a charter member of Mine, Mill and Smelter Workers union, local No. 99, and of St. Mary's of the Assumption parish. He married Mary Mulcahy December 23, 1917 in this city.

Surviving are his widow and three sons and two daughters: John T. Roland R., William J., Bridget Margaret and Kathleen Savage, all of this city.

Holy rosary will be recited Thursday at 8 p.m. at Archer mortuary. Friends may call at the mortuary Thursday and Friday prior to services. Burial will be in the City cemetery.

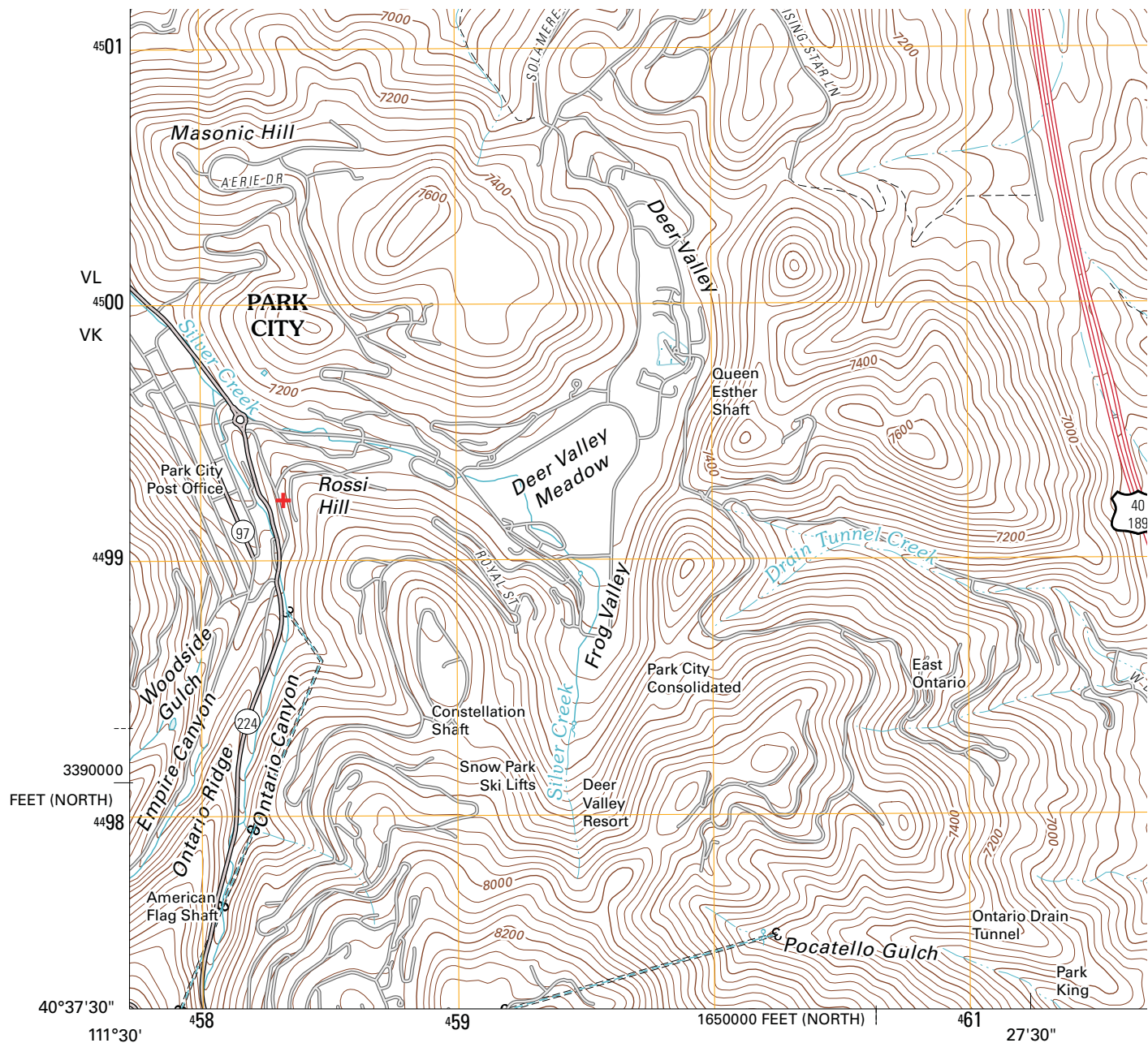
Park Record 2/10/1949

316 Ontario Avenue, Park City, Summit County, Utah

Intensive Level Survey—Biographical and Historical Research Materials

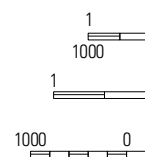
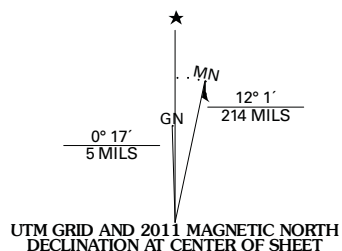


Tax photo c. 1940



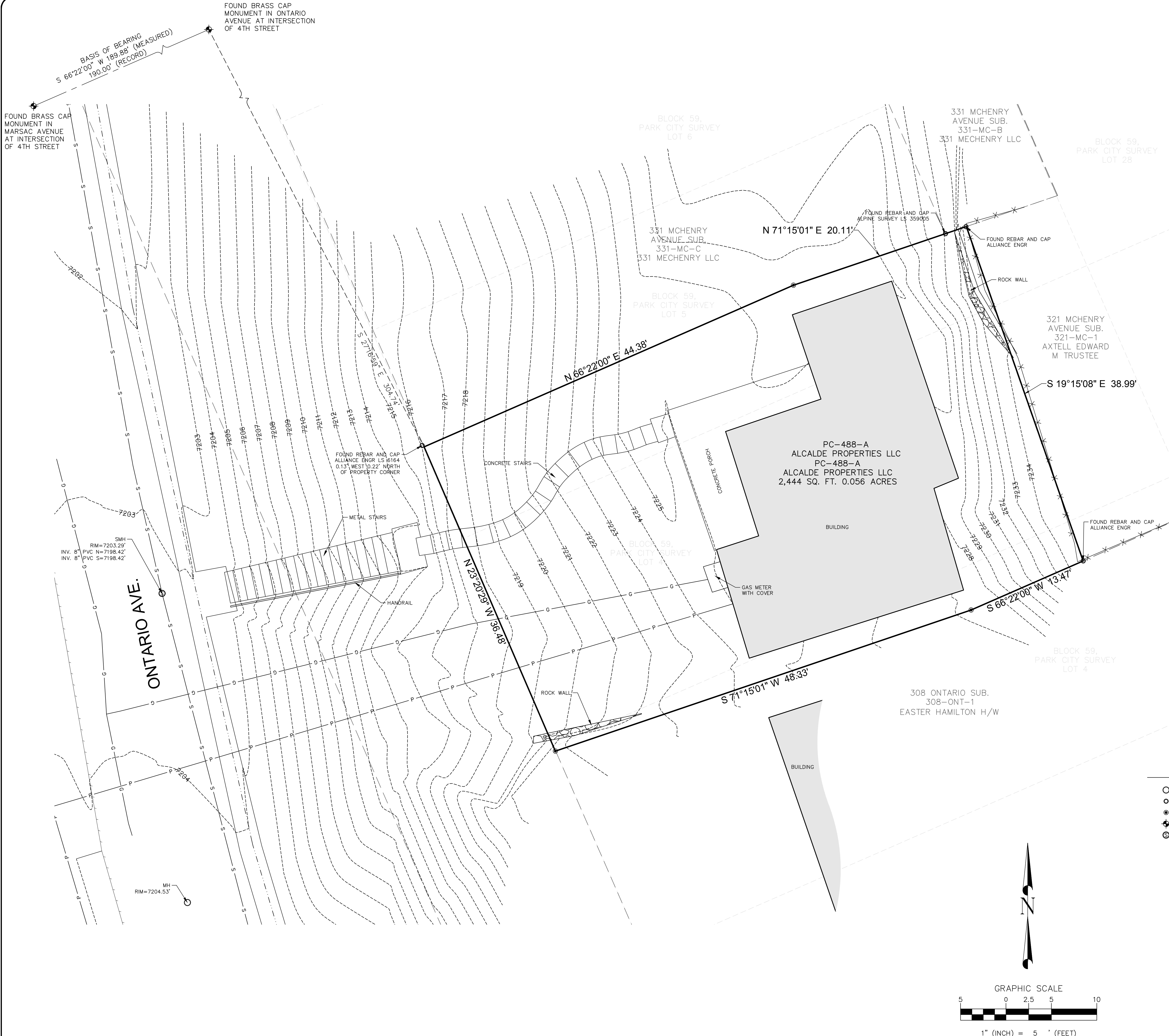
Produced by the United States Geological Survey
 North American Datum of 1983 (NAD83)
 World Geodetic System of 1984 (WGS84). Projection and
 1 000-meter grid: Universal Transverse Mercator, Zone 12T
 10 000-foot ticks: Utah Coordinate System of 1983
 (north and central zones)

Imagery.....NAIP, July 2009 - August 2009
 Roads.....©2006-2010 Tele Atlas
 Names.....GNIS, 2009
 Hydrography.....National Hydrography Dataset, 2009
 Contours.....National Elevation Dataset, 2008



U.S. National Grid	
100,000-m Square ID	
VL	45 00
VK	
Grid Zone Designation	
12T	

+ location on USGS Park City East 1:24000 Quadrangle Map (2011)



Surveyor's Certificate

I, Nathan B. Weber, certify that I am a Professional Land Surveyor as prescribed under the laws of the state of Utah and that I hold license no. 5152762. I further certify that a land survey was made of the property described below, and the findings of that survey are as shown hereon.

Deed Description
Book 2258 Page 0617

Lot Number three(3), in Block Number fifty-nine(59) Park City Survey, Park City, Summit County, Utah; according to the amended Plat thereof on file in the Office of the Recorder of Summit County.

Together with a portion of Lots 4 and 5, Block 59, Amended Plat of PARK CITY SURVEY: more particularly described as follows: Beginning at a point South 23°38'00" East 13.59 along the Easterly right of way line of Ontario Avenue from the Northwest Corner of Lot 5, Block 59, Park City Survey; and running thenceNorth 66°22'00" East 44.38 feet; thenceNorth 71°15'01" East 30.73 feet to the Easterly line of Lots 5 and 4; thencealong the said Easterly line South 23°38'00" East 33.80 feet to the Southeastery Corner of Lot 4; thenceSouth 66°22'00" West 75.00 feet to the Southwesterly Corner of Lot 4 and the Easterly right of way line of Ontario; thencealong aid Easterly line North 23°38'00" West 36.41 feet to the point of beginning.

Less the following:
A portion of Lot 3, block 59, Amended Plat of PARK CITY SURVEY, more particularly described as follows:Beginning at a point South 23°38'00" East 50.38 feet along the Easterly right of way line of Ontario Avenue from the Northwest Corner of Lot 5, Block 59, Park City Survey; and running thenceSouth 23°38'00" East 24.62 feet to the South Corner of Lot 3, Block 59, Park City Survey; thencealong said Southerly line North 66°22'00" East 75.00 feet to the East Corner of said Lot 3; thenceNorth 23°38'00" West 20.51 feet along the Easterly line of said Lot 3; thenceSouth 66°22'00" West 26.89 feet; thenceSouth 71°15'01" West 48.29 feet to the point of beginning.

Also less and excepting the following:
Commencing at the Northeastery Corner of said Lot 5; and running thenceSouth 23°38'00" East 16.21 feet to the true point of beginning; thenceSouth 23°38'00" East 38.29 feet; thenceSouth 66°22'39" West 13.42 feet; thenceNorth 19°28'43" West 39.29 feet; thenceNorth 71°15'01" 10.61 feet to the point of beginning.

As-Surveyed Description

A Parcel of land located in Block 59, Park City Survey, which is located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southwest Corner of Lot C, 331 McHenry Avenue Subdivision, as recorded in the Office of the Recorder of Summit County, Utah, said point is South 27°16'59" East 304.74 feet from the Brass Cap Monument located in Ontario Avenue at the intersection of Fourth Street and running;

thence North 66°22'00" East 44.38 feet along the Southeastery line of said Lot C, 331 McHenry Subdivision;

thence North 71°15'01" East 20.11 feet along said Southeastery line of Lot C & B, 331 McHenry Avenue Subdivision to the Westerly line of 321 McHenry Avenue Subdivision;

thence South 19°15'08" East 38.99 feet along the Easterly line of said 321 McHenry Avenue Subdivision to the Northwestery line of 308 Ontario Subdivision;

thence South 66°22'00 West 13.47 feet along the Northwestery line of said 308 Ontario Subdivision;

thence South 71°15'01" West 48.33 feet along the Northwestery line of said 308 Ontario Subdivision;

thence North 23°20'29" West 36.48 feet to the point of beginning.

Parcel contains 2,444 Sq. Ft. or 0.056 Acres.

LEGEND		
	Manhole	Boundary Line
	Found Property Corner	Adjoiner Line
	Property Corner	Block 59, Lot Lines
	Found Monument	Adjoiner Line per Deed
	Sewer Manhole	Easement Line
		Overhead Power Line
		Fence Line
		Flow Line
		Edge of Asphalt Line

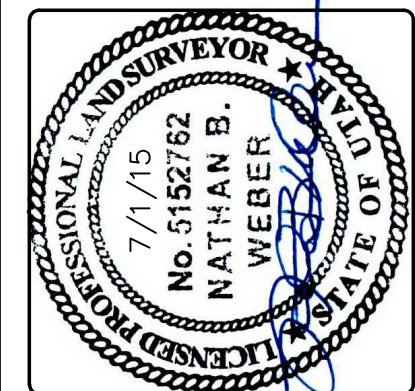
Narrative:

The basis of bearing is South 66°22'00" West between the found monuments on Ontario Avenue and Fourth street and Marsac Avenue and Fourth street of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian as shown.

The purpose of this survey is to retrace and monument the boundary of the above described property according to the official records and the location of pertinent existing improvements located on the ground.

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

REVISIONS		DATE	BY
No.			



Boundary Surveys
Topography Surveys
Subdivisions
Construction Staking
ALTA & A.C.S.M. Surveys

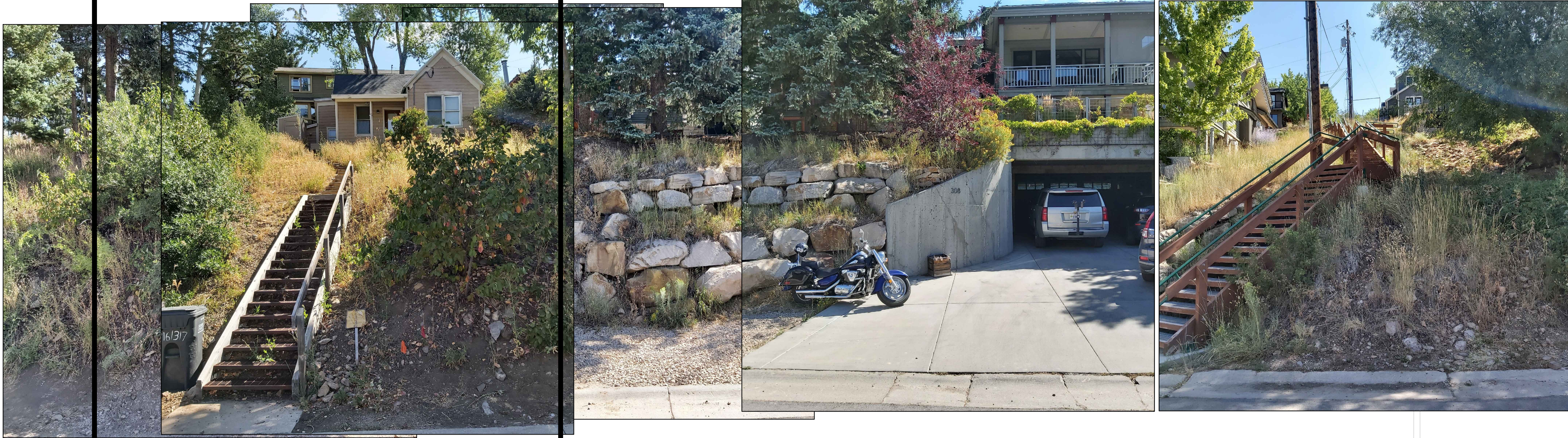
DIAMOND
LAND SURVEYING, LLC

5243 South Greengrass Drive
Murray, Utah 84123
Phone 801-266-5032
office@diamondlandsurveying.com
www.diamondlandsurveying.com

BOUNDARY AND TOPOGRAPHY SURVEY
316 ONTARIO AVENUE
PARK CITY, UTAH

BRAD BRAINARD

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DATE PLOTTED	7/1/15
JOB No.	15-079
SHEET	1 OF 1



SUBJECT PROPERTY

ONTARIO AVENUE (WEST) STREETScape

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GARAGE STRUCTURE FOR
ALCALDE PROPERTIES LLC
PCC-488-A

316 ONTARIO
PARK CITY, UTAH

summitdesign
architecture

p.o. box 681302 park city, utah 84068
435.649.2055

STREETSCAPE

AUG 14 '20



SCALE: 1/8" = 1'-0"

SHEET

City Council Staff Report

Subject: Historic Sites Inventory Update
Application: PL-21-04939
Author: Rebecca Ward
Date: October 28, 2021
Type of Item: Legislative - Land Management Code Amendment



Recommendation

(I) Review the proposed Land Management Code Amendments to make technical updates to existing listings on the Park City Historic Sites Inventory; (II) conduct a public hearing; and (III) consider adopting Ordinance No. 2021-41 (Exhibit A).

Description

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

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

The City Council holds a public hearing and takes Final Action on Land Management Code amendments.

Background

On September 1, 2021, the Historic Preservation Board reviewed the proposed updates to the Historic Sites Inventory in Land Management Code [§ 15-11-10](#) and unanimously forwarded a positive recommendation to the Planning Commission and City Council ([Staff Report](#); [Minutes](#), p. 9).

On September 22, 2021, the Planning Commission reviewed the proposed Land Management Code amendments and unanimously forwarded a positive recommendation to the City Council ([Staff Report](#); [Minutes](#), p. 23).

The Rossie Hill Drive Landmark Historic Sites

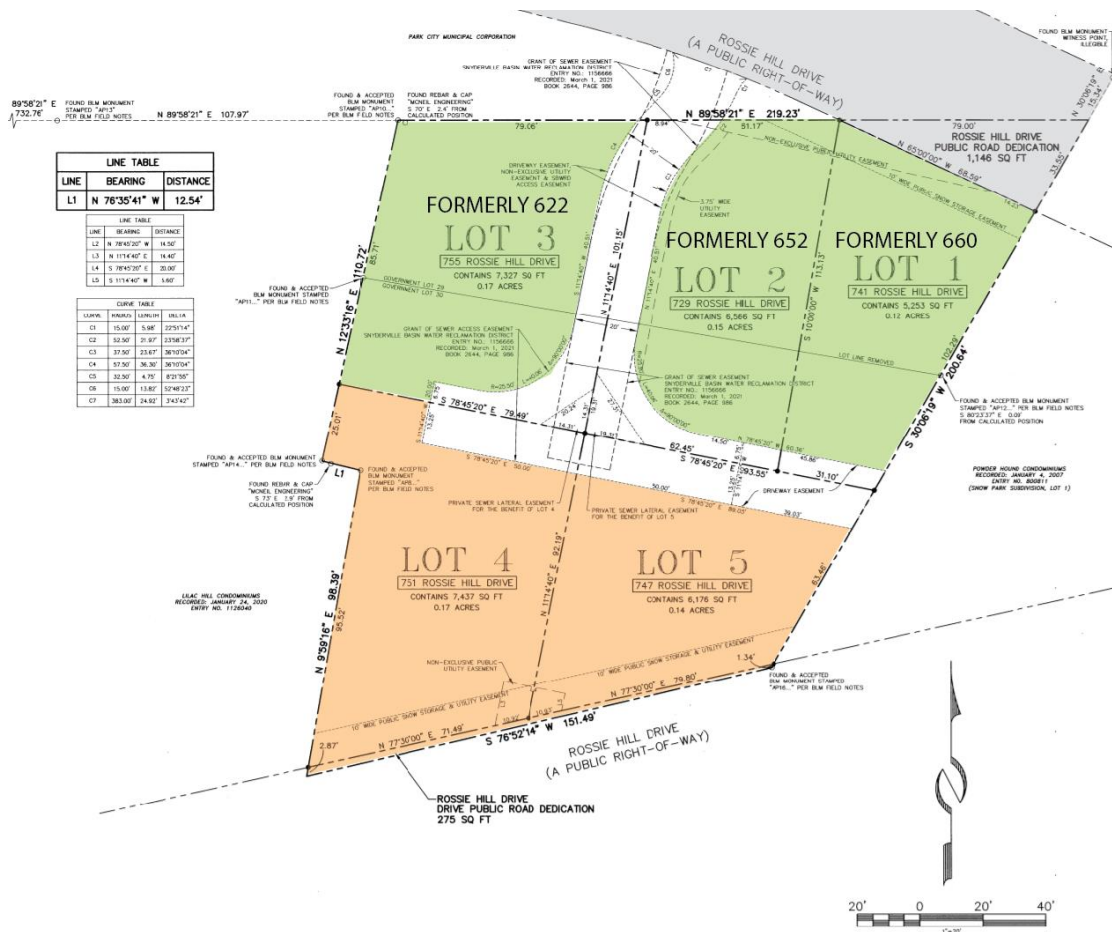
The proposed Land Management Code amendments update the Historic Sites Inventory to reflect the new Landmark Rossie Hill addresses. No change to the Landmark Status of the Sites is proposed.

The Park City Historic Sites Inventory designates three Rossie Hill Drive properties Landmark Historic Sites. To further protect the Rossie Hill Landmark properties, in 2017, the City Council adopted [Ordinance No. 2017-05](#), rezoning these properties from

Residential – Medium to Historic Residential Low – Density to reduce density from potentially as many as 24 units to five Single-Family Lots, and to create a Recreation Open Space buffer between Deer Valley Drive and Rossie Hill Drive.

On January 9, 2020, the City Council adopted [Ordinance No. 2020-02](#), approving the Lilac Hill East Subdivision, creating three Lots for the Landmark Historic Structures, and two Lots for new Single-Family Dwelling development (Exhibit B). As part of the Subdivision process, the Summit County GIS Specialist assigned new addresses to the Landmark Historic Sites to accommodate two new Lots behind the Historic Sites accessed by a new private driveway.

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



LILAC HILL EAST SUBDIVISION

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

UTAH STATE
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

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



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



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



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

On May 5, 2021, the Historic Preservation Board approved panelization and material deconstruction for 755 Rossie Hill Drive ([Staff Report](#)), denied panelization but approved material deconstruction for 729 Rossie Hill Drive ([Staff Report](#)), and approved material deconstruction of 741 Rossie Hill Drive ([Staff Report](#)) for the rehabilitation of the Landmark Historic Structures, and to accommodate rear additions ([Meeting Minutes](#)). The Rossie Hill projects are now under construction. The proposed Land Management Code amendments update the Historic Sites Inventory to reflect the new Landmark Rossie Hill addresses, and to link them to their former addresses and the Historic Preservation materials accumulated for the sites over the years.

1302 Norfolk Avenue – A Significant Historic Site

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

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

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

To prevent demolition of the Structure, the City purchased the property. The Historic Preservation Board's 2017 determination that 1302 Norfolk Avenue is a Significant

Historic Site remains valid (Exhibit E, Historic Site Form). However, the Historic Sites Inventory lists 1302 Norfolk Avenue as a Significant Historic Site, pending appeal. Staff recommends the proposed Land Management Code amendments to clarify that the Historic status of 1302 Norfolk Avenue is no longer under appeal.

Analysis

The Planning Department maintains the inventory of Historic Sites listed on the Park City Historic Sites Inventory, pursuant to Land Management Code [§ 15-11-10\(B\)](#). The Historic Sites Inventory lists over 400 sites the City Council designated Landmark or Significant, based on the age of the structure, its importance to the community, its Historic Integrity or Essential Historic Form, and its significance in local, regional, or national history, architecture, engineering, or culture associated with the Settlement & Mining Boom Era (1868 – 1893), the Mature Mining Era (1894 – 1930), or the Mining Decline & Emergence of Recreation Industry (1931 – 1962).

Consideration of the lives of significant people in Park City, Utah, the region, or nation, the distinctive characteristics of the type, period, or method of construction, and the work of a notable architect, or of a master craftsman are also factors that may contribute to the designation of a Landmark or Significant Historic Site.¹

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

The Historic Preservation Board recommends to the Planning Commission and City Council Land Management Code amendments that encourage Historic preservation.² The Planning Commission reviews and recommends Land Management Code amendments to the City Council.³

The Historic Preservation Board and Planning Commission unanimously forwarded a positive recommendation to the City Council for the following proposed amendments to update the Historic Sites Inventory to reflect the change to the Rossie Hill Drive addresses and the status of 1302 Norfolk Avenue:

[Section 15-11-10\(D\)\(1\):](#)

. . . .

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

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

¹ LMC [§ 15-11-10](#).

² LMC [§ 15-11-5\(D\)](#).

³ LMC [§ 15-12-15\(A\)\(3\)](#).

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

.....

and

Section 15-11-10(D)(2):

.....

cr. 1302 Norfolk Avenue* **[removal of asterisk]**

.....

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

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on August 18, 2021. The *Park Record* published notice on August 18, 2021.⁴

Public Input

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

Exhibits

Exhibit A: Ordinance No. 2021-41

Exhibit B: Lilac Hill East Subdivision

Exhibit C: June 7, 2017 HPB Staff Report

Exhibit D: June 7, 2017 HPB Meeting Minutes

Exhibit E: 1302 Norfolk Avenue Historic Site Form

Exhibit F: August 3, 2017 City Council Staff Report

Exhibit G: August 3, 2017 City Council Meeting Minutes

⁴ LMC [§ 15-1-21](#).

ORDINANCE 2021-41

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED this 28th day of October 2021

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

15-11-10 Park City Historic Sites Inventory

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

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

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

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

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

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

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

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

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

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

B. PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC

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

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

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

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

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

128 **1. CRITERIA FOR REMOVAL.**

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

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

2. PROCEDURE FOR REMOVAL.

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

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

1. Landmark

.....

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

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

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

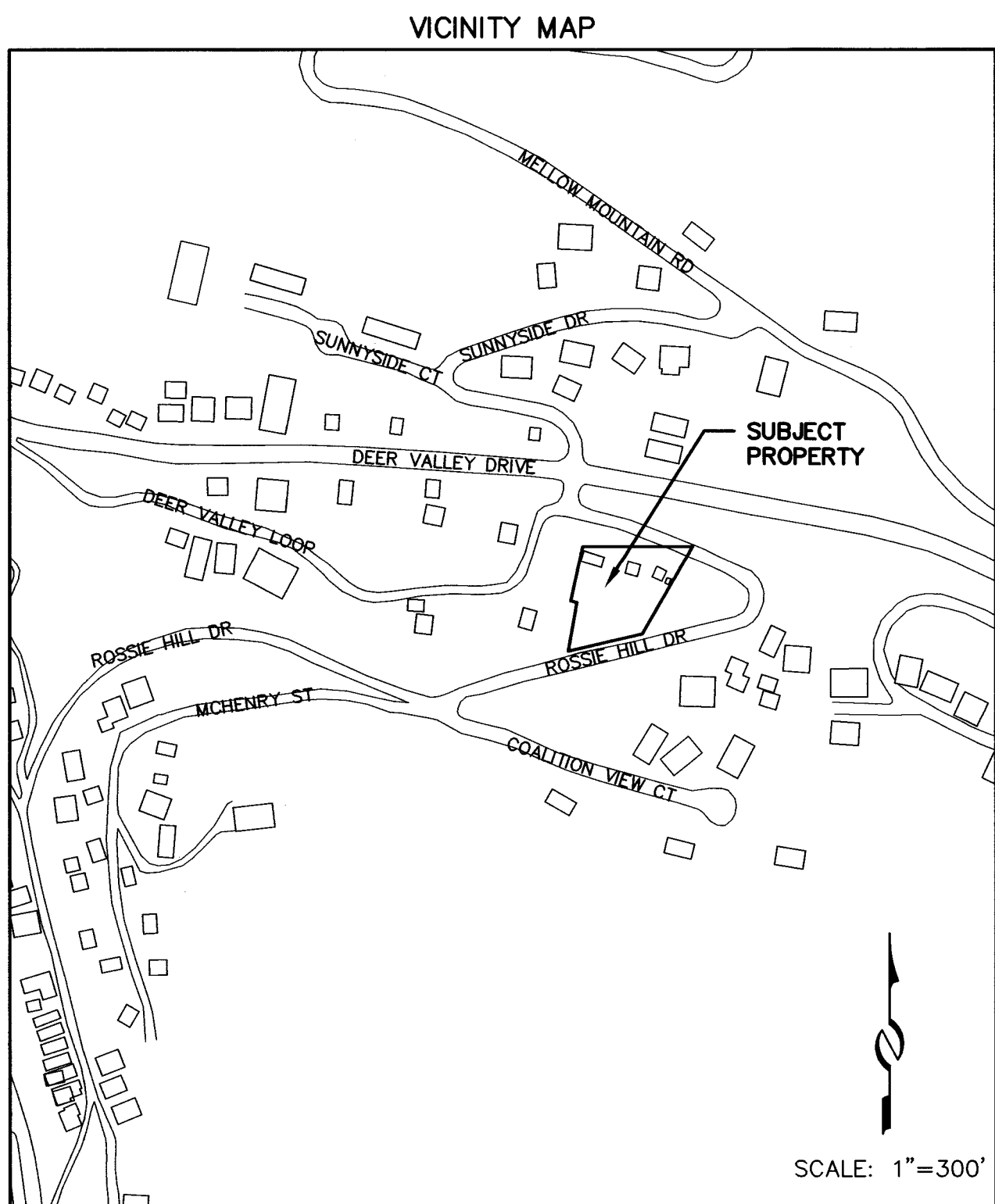
....

2. Significant

....

a. 1302 Norfolk Avenue* [removal of asterisk]

....



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

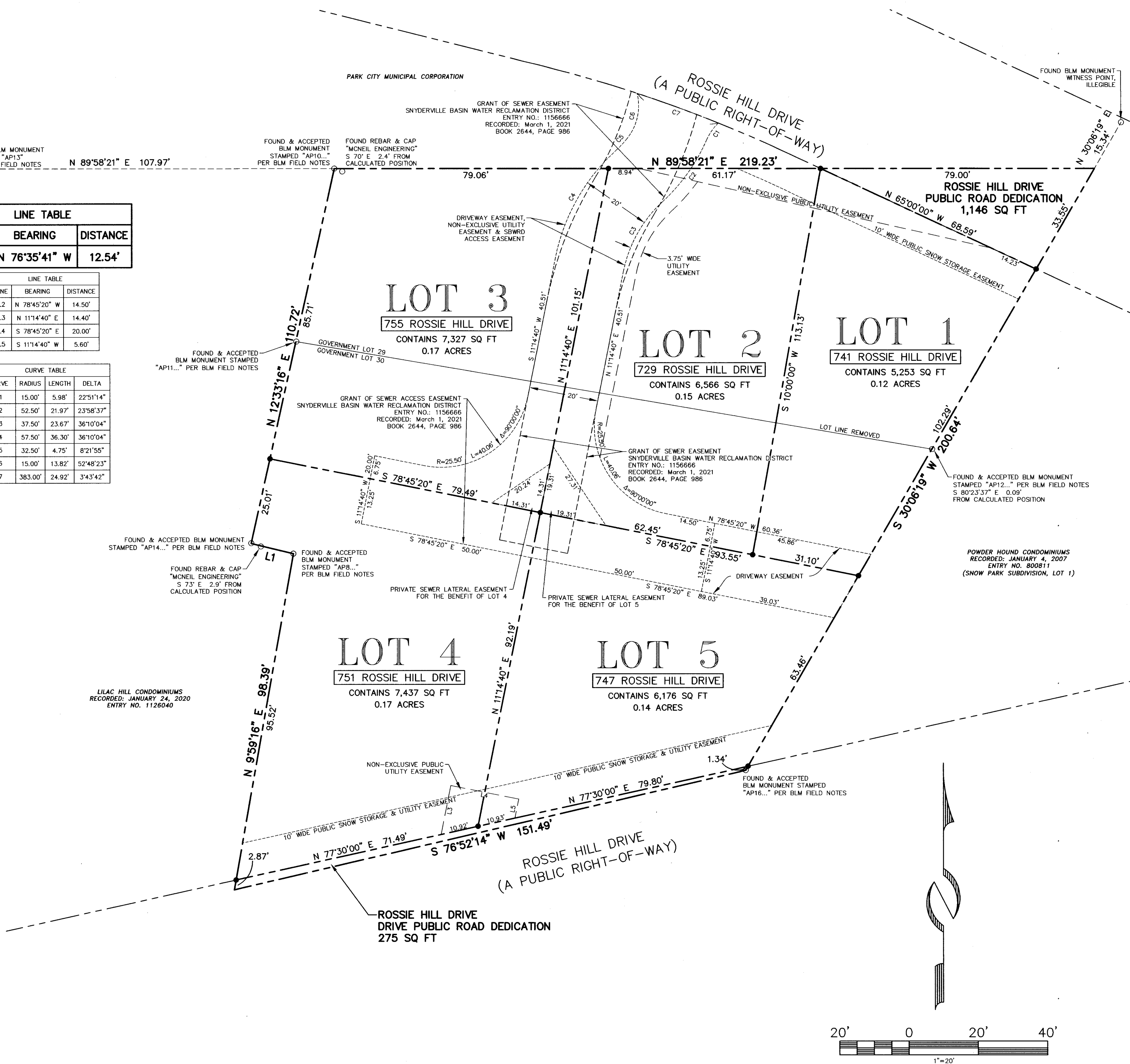
659.88'
BASIS OF BEARING - SECTION LINE - S 00°30'11" W 2630.05' (2629.80' MEAS.)
1970.17'

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

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

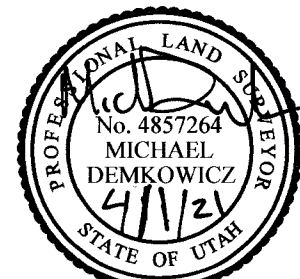
LINE TABLE		
LINE	BEARING	DISTANCE
L2	N 78°45'20" W	14.50'
L3	N 11°14'40" E	14.40'
L4	S 78°45'20" E	20.00'
L5	S 11°14'40" W	5.60'

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



LILAC HILL EAST SUBDIVISION

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



SURVEYOR'S CERTIFICATE

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

LEGAL DESCRIPTION

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

Also sometimes known and described as follows:

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

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

OWNER'S DEDICATION AND CONSENT TO RECORD

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

In witness whereof, the undersigned set his hand this 2nd day of April, 2021.

LILAC HILL EAST, LLC,
a Delaware limited liability company

By: Todd Franklin Watanabe, Authorized Signatory

ACKNOWLEDGMENT

STATE OF UT
COUNTY OF Summit

On this 2nd day of April, 2021, Todd Franklin Watanabe personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Authorized Signatory of Lilac Hill East, LLC, a Delaware limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed LILAC HILL EAST SUBDIVISION.

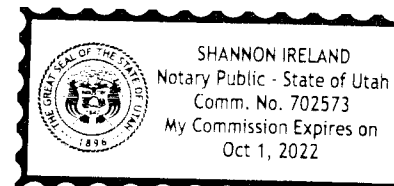
By: Shannon Ireland
Notary Public

Printed Name

Residing in: Summit

My commission expires: October 1, 2022

Commission No. 702573



NOTES

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

LEGEND

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

SHEET 1 OF 1

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

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

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

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 06
DAY OF May, 2021
BY Park City Engineer
PARK CITY ENGINEER

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

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

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

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

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

LILAC HILL EAST SUBDIVISION

168



Historic Preservation Board Staff Report

Planning Department

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

Summary Recommendation:

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

Topic:

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

Background:

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

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

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

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

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

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

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

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

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

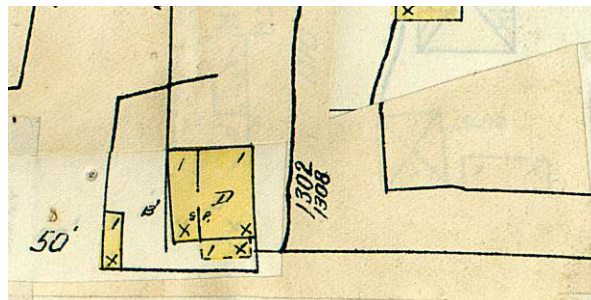
The ten (10) day appeal period of the Community Development Director's determination expired on February 26; however, because February 26 was a Sunday, the final appeal date was Monday, February 27th. On February 27th, the Planning Department received an appeal of the Community Development Director's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

History of the Structure:

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



Historic Photograph of 1302 Norfolk



1927 Sanborn Map

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

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

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

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

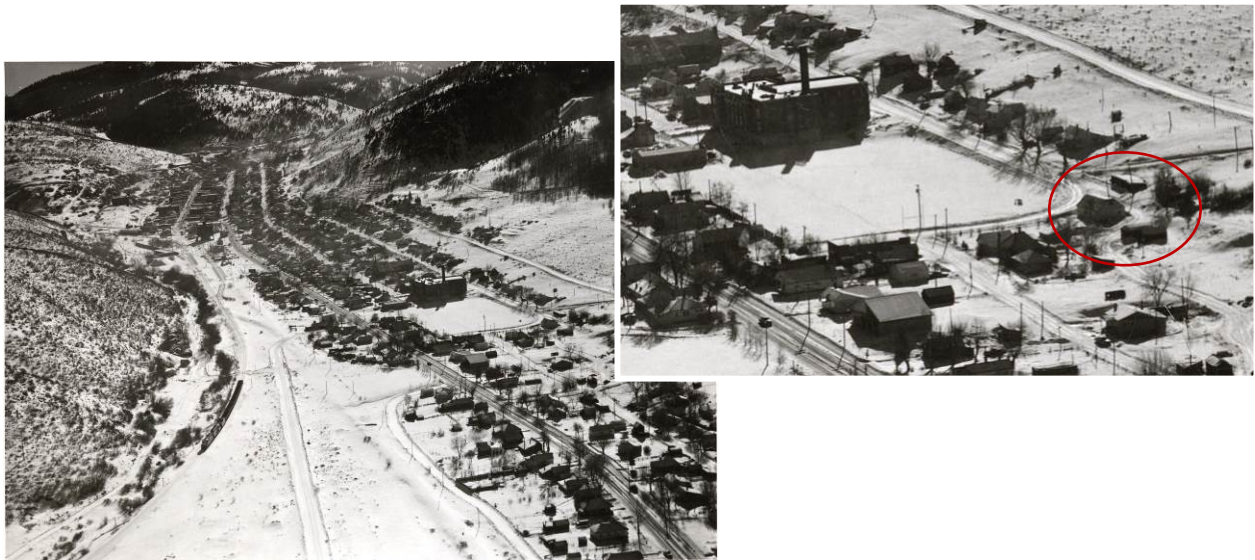
Julian Hibbert (1909-1990) had a long career with the Park City School District. In 1940, he was in the English Department at the Park City High School. He taught eighth grade in 1941, and was principal at the Marsac School in 1943. He married Alice Hibbert (1914-1991) in 1940. The couple had four children: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

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

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



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



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

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

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



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

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



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



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

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

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

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

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

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

Analysis and Discussion:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Process:

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

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

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

Notice:

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

Public Input:

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

Alternatives:

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

Significant Impacts:

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

Countervailing public interest

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

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

Recommendation:

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

Finding of Fact:

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

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

Conclusions of Law:

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

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

Exhibits:

Exhibit A – Proposed Historic Site Form

Exhibit B – Notice Letter to Property Owner

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

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

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

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

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

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

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Stephens opened the public hearing.

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

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

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

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

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

Chair Stephens closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: The motion passed unanimously.

Findings of Fact – 1302 Norfolk Avenue

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

demolish the house at 1302 Norfolk Avenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusions of Law – 1302 Norfolk

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

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

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

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

Universal Design Guidelines

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

Foundations

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

1 IDENTIFICATION

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

Address: **1302 Norfolk Avenue**

Alternative Address:

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

Tax Number: **SA-283**

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

Current Owner Address: **11610 Bellagio Rd**

Los Angeles, CA 90049

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

2 STATUS/USE

Property Category

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

Evaluation

☐ Landmark Site
☒ Significant Site
☐ Not Historic

Use

Original Use: **single dwelling**

Current Use: **single dwelling**

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

3 DOCUMENTATION

Photos: Dates

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

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

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

Drawings and Plans

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

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

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

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

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

4 ARCHITECTURAL DESCRIPTION

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

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

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

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

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

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

5 HISTORY

Architect/Builder: **unknown**

Date of Construction: **1932**

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

(see instructions for details)

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

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

6 SIGNIFICANCE

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

Date of Construction: c. 1932¹

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

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

1. Historic Era:

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

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries. However, by the mid-twentieth century, most mines in Park City had closed, the population had dwindled, and building activity nearly ceased. Though the few houses built during this period generally reflect the types and styles used in communities throughout Utah, they were constructed in a way that reinforces the settlement patterns of Park City's significant mining era. They are both modest in scale and tightly packed on the hillsides, contributing to the overall character of the community. This is one of the few extant houses to be constructed during the Great Depression.

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

Gordon Tessman (1899-1962) was a US Navy veteran of World War I; Park City Councilman from 1933-1937; commander of the Park City Post of the Veterans of Foreign Wars; a radio service and repairman; and custodian at the Park City Post Office in 1962.

Ernest De Jonghe (1904-1970) was born in Rouler, Belgium, but immigrated with his family to the United States in 1906. He was raised in Park City, beginning in 1908, attending local schools. He was a miner at the Spiro Tunnel, stationary engineer at the west end shaft of the Spiro Tunnel, and shift boss at the Silver King over the course of his mining career.

Frank Carpenter (1923-1972) was a member of the LDS Church, World War II Veteran, and owner and operator of Bill's Inc.

Julian Hibbert (1909-1990) had a long career with the Park City School District. In 1940, he was in the English Department at the Park City High School. He taught eighth grade in 1941, and was principal at the Marsac School in 1943.

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

At the time of this house's construction, Park City was suffering through the Great Depression and no construction was occurring, yet this house was built in the Colonial ranch style that was popularized after World War II. The style evolved from the more Traditional Cape Cod style homes. This style is epitomized by its one-story square or rectangular plan with a clipped side gable roof form. Colonial Revival Ranch styles are typically clad in brick or wood siding, and this house uses a wide-plank horizontal siding on the walls and vertical siding in the gables which was a typical treatment of the time period. The main entrance is located beneath a projecting gable dormer on the center of the roof. The bay window directly south of the main entrance highlights the location of the front door. Large rectangular divided-light windows are located on the corners of the house, typical of this era as well.

1302 Norfolk, Park City, Summit County, Utah

Historic Site Form—continuation sheet



1302 Norfolk Avenue. West Elevation. June 2016.



1302 Norfolk Avenue. Northwest oblique. June 2016.



1302 Norfolk Avenue. East Elevation. June 2016.



1302 Norfolk Avenue. South Elevation. June 2016.

Owners Name Park City
Location _____
Kind of Bldg Res St. No. 1302 Norfolk Ave
Class 4 Type 1 2 3 4. Cost \$ 5158 X 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	1042	495	\$ 5158	\$
	x x				
	x x				

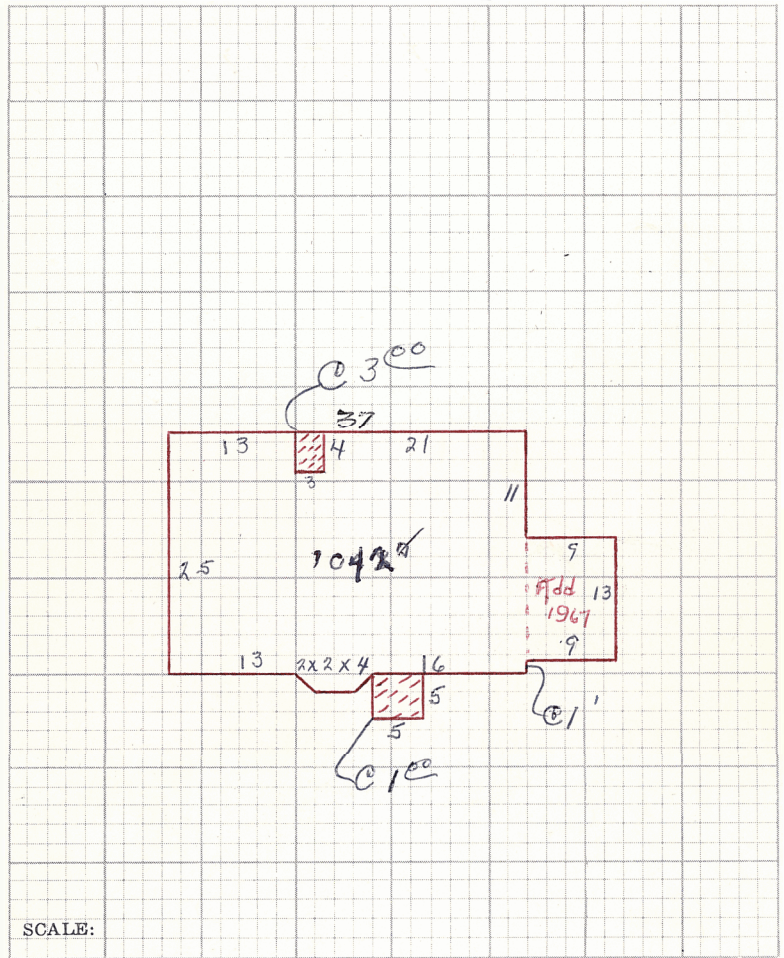
Att. Gar.—C.P. x Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions	Additions
Foundation—Stone _____ Conc. <u>✓</u> Sills _____		
Ext. Walls <u>Sho Shake over Siding</u>		
Roof Type <u>Clp Gable</u> Mtl. <u>Pat</u>		
Dormers—Small _____ Med. _____ Large _____		
Bays—Small <u>1</u> Med _____ Large <u>4</u>		
Porches—Front <u>5x5 25</u> @ <u>100</u>		
Rear <u>4x3 12</u> @ <u>300</u>		
Porch <u>12x5</u> @ <u>300</u>		
Planters _____ @ _____		
Ext. Base, Entry _____ @ _____		
Cellar-Bsmt. — $\frac{1}{4}$ $\frac{1}{8}$ $\frac{1}{2}$ $\frac{3}{4}$ Full _____ Floor _____		
Bsmt. Gar. _____		
Basement-Apt. _____ Rms. _____ Fin. Rms. _____		
Attic Rooms Fin. <u>3</u> Unfin. _____		
Plumbing { Class <u>1</u> Tub. <u>1</u> Trays _____ Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Wtr. Sfr. _____ Shr. St. _____ O.T. _____ Dishwasher _____ Garbage Disp. _____		
Heat—Stove _____ H.A. <u>✓</u> FA <u>✓</u> HW _____ Stkr _____ Elec. _____		
Oil _____ Gas <u>✓</u> Coal _____ Pipeless _____ Radiant _____		
Air Cond. — Full _____ Zone _____		
Finish—Fir. _____ Hd. Wd. <u>1</u> Panel _____		
Floor—Fir. _____ Hd. Wd. _____ Other _____		
Cabinets _____ Mantels. <u>1</u> <u>el 6</u>		
Tile—Walls _____ Wainscot <u>clv</u> Floors _____		
Storm Sash—Wood D. _____ S. _____; Metal D. <u>2</u> S. _____		
Awnings — Metal _____ Fiberglass _____		

Total Additions	1941	2209
Year Built <u>1932</u> Avg. 1 <u>1941</u> Replacement Cost		7347
Age 2. <u>67</u> Obsolescence		
Inf. by (Owner) Tenant - Adj. Bld. Value		
(Neighbor - Record - Est.) Conv. Factor		x.47
Replacement Cost—1940 Base		
Depreciation Column <u>1</u> 2 3 4 5 6		
1940 Base Cost, Less Depreciation		
Total Value from reverse side <u>Ratio 4 gar</u>		223
Total Building Value		\$ 223

Appraised ① 11-4 19 68 By 1587 - 6411
Appraised ② _____ 19 _____ By _____

JUL 11 1969
1328



SCALE:

RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
ATIO & BARBEQUE	1967	x	FLD	200	.47			144
		x			.47			
		x			.47			
		x			.47			
		x			.47			
		x			.47			

Garage — Class 1 Depr. 2% 3%

Cars 14 Floor DIRT Walls BRK. TEX Roof RR Doors

Size 14 x 25 Age 35 Cost 3161 x 47% 1477

1940 Base Cost x 25% Depr.

Total 223

REMARKS Average Year of Construction Computation!

Year 1932 \$ 5413 = 73 % x 36 Year = 2628

Year 1967 \$ 1954 = 27 % x 1 Year = 27

Average Year of Construction 1941

27 IN 68

TC-74 REV. 61
STATE OF UTAH — STATE TAX COMMISSION



(Serial No.-Owner-Add.-Desc. of Property)

	FRONTAGE OR AREA	DEPTH FACTOR	RATE	CORNER INFLU- ENCE	RATE	VALUE
PARCEL NO.						
	Lot		net			1880
TOTAL						1880
ASSESSED VALUE						375

Mr. Rydman Serial No. 5A 283
Bob Richardson

Location Block 24 SA

Kind of Bldg. RES. St. No. 1302, Norfolk Ave.

Class (4) Type 1 2 3 4. Cost \$ 2043 X — %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		900		\$ 2043
	x x				
	x x		900	521	4689

Gar.—Carport — x — Flr. — Walls — Cl. —

Description of Buildings	Additions
Foundation—Stone <u>—</u> Conc. <u>✓</u> None <u>—</u>	
Ext. Walls <u>Shy Shakes on Siding</u>	
Insulation—Floors <u>—</u> Walls <u>—</u> Clgs. <u>✓</u>	90 90
Roof Type <u>Asph/Gble</u> Mtl. <u>Pat</u>	
Dormers—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Bays—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Porches—Front <u>2x4</u> @ <u>4x1</u>	
Rear <u>—</u> @ <u>—</u>	
Porch <u>—</u> @ <u>—</u>	
Metal Awnings <u>—</u> Mtl. Rail <u>—</u>	
Basement Entr. <u>—</u> @ <u>—</u>	
Planters <u>—</u> @ <u>—</u>	
Cellar-Bsmt. — ¼ ½ ¾ Full <u>—</u> Floor <u>—</u>	
Bsmt. Apt. <u>—</u> Rooms Fin. <u>—</u> Unfin. <u>—</u>	
Attic Rooms Fin. <u>(3)</u> Unfin. <u>—</u>	483 725
Plumbing { Class <u>(1)</u> Tub <u>—</u> Trays <u>—</u> Basin <u>(1)</u> Sink <u>—</u> Toilet <u>—</u> Wtr. Sfr. <u>—</u> Shr. St. <u>—</u> O.T. <u>—</u> Dishwasher <u>—</u> Garbage Disp. <u>—</u>	350 550
Built-in-Appliances <u>—</u>	
Heat—Stove <u>H.A.</u> Steam <u>—</u> Stkr. <u>—</u> Blr. <u>(✓)</u>	283 606
Oil <u>—</u> Gas <u>✓</u> Coal <u>—</u> Pipeless <u>—</u> Radiant <u>—</u>	
Air Cond. <u>—</u>	
Finish—Fir <u>✓</u> Hd. Wd. <u>—</u>	
Floor—Fir <u>—</u> Hd. Wd. <u>—</u> Other <u>—</u>	30 20
Cabinets <u>—</u> Mantels <u>—</u> C. <u>—</u>	140 390
Tile—Walls <u>—</u> Wainseot <u>—</u> Floors <u>—</u>	
Storm Sash—Wood D. <u>—</u> S. <u>—</u> ; Metal D. <u>2</u> S. <u>—</u>	35 60
Total Additions	1351

Year Built <u>—</u>	Avg. Age <u>26</u>	Current Value	\$ 3394
Inf. by <u>Owner - Tenant -</u>	Age <u>26</u>	Commission Adj.	%
<u>Neighbor - Record - Est.</u>		Bldg. Value	
Remodel Year <u>—</u>	Est. Cost <u>—</u>	Depr. Col. 1 2 3 4 5 6 <u>61</u>	%
		Current Value Minus Depr.	\$ 2070

Garage—Class — Depr. 2% 3% Carport—Factor —

Cars — Floor — Walls — Roof RR Doors —

Size—14 x 20 Age 25 Cost 150 x 30 % 42

Other —

Total Building Value \$ 101 4/168

Appraised 4-21-58 By 1302

KIND OF BUILDING	1958	1959	1960	1961	1962	19	19	19	19	19
GARAGE	42	42	42	42	42					
RESIDENCE	2070	2036	2002	1969	1935					
TOTAL	2112	2078	2044	2011	1977					
ASSESSED VALUE	845	830	820	805	790					
KIND OF BUILDING	19	19	19	19	19	19	19	19	19	19
GARAGE										
RESIDENCE										
TOTAL										
ASSESSED VALUE										

RECORD OF ASSESSMENT OF IMPROVEMENTS

Summit COUNTY SERIAL NO SA-283

Form TC-74-B Rev. 12-57 30M
State Tax Commission of Utah

TITLE SEARCH FORM

[Obtain information from title abstract books at County Recorder's Office]

Address: 1302 Norfolk Avenue

Tax Number: SA-283

City: Park City, UT

Current Owner: 418 Centennial Circle, LLC

Address: 11610 Bellagio Road, Los Angeles, CA 90049

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

TRANSACTION DATES	GRANTOR (SELLER)	GRANTEE (BUYER)	TYPE OF TRANSACTION	DOLLAR AMOUNT	COMMENTS
8/7/2013	Zelda A. Marzec	418 Centennial Circle	Quit Claim	\$10.00	
12/21/2012	Edwin Marzec	Zelda A. Marzec	Quit Claim	\$10.00	
2/9/1984	PCMC	Edwin & Zelda Marzec	Warranty Deed		Book 290 Page 269
4/27/1982	Lowell A. Brown, Jr., Dan Clark, & Brent Gold	PCMC			
10/27/1981	Western Savings & Loan	Brown, Clark, & Gold			Entry No. 79742
5.31.1950	Julian & Alice Hibbert	Harold Taylor	Quit Claim	\$10.00	
1/13/1945	Frank & Dorothy Carpenter	Julian & Alice Hibbert	Quit Claim	\$10.00	
6/26/1944	Ernest De Jonghe	Frank Carpenter	Quit Claim		
8/31/1937	Gordon E. Tessman	Ernest De Jonghe			
8/14/1935	Ontario Silver Mining Co.	Gordon E. Tessman			



City Council Staff Report

Subject: LMC Amendments
Author: Anya Grahn, Historic Preservation Planner
Hannah Tyler, Planner II
Bruce Erickson, AICP, Planning Director
Department: Planning Department
Date: August 3, 2017
Type of Item: Legislative—Land Management Code Amendment

Summary Recommendation

Staff recommends City Council hold a public hearing and consider approving the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding LMC Section 15-1-18 Appeals and Reconsideration Process, Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; LMC 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites, and LMC 15-13 Design Guidelines.

Description

Project Name: LMC Amendments
Location: Citywide
Proposal: Administrative and substantive amendments to the Park City Development Code regarding Land Management Code Chapter 15 Section 1-18 Appeals and Reconsideration Process; Chapter 15 Section 11-10 Park City Historic Sites Inventory (legislatively adopting the list of designated properties on the Historic Inventory); Chapter 15 Section 11-11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Chapter 15-13 Design Guidelines (adopting new chapter in the Land Management Code which codifies the existing guidelines)
Reason for Review: LMC Amendments require Planning Commission review and City Council review and action.

Executive Summary

Due to recent changes in the state law that went into effect on May 9, 2017, staff is proposing to amend the LMC in order to comply with State Code.

Acronyms

HPB Historic Preservation Board
HSI Historic Sites Inventory
LMC Land Management Code

Background

Due to recent changes in the state law that went into effect on May 9, 2017, staff is proposing to amend the LMC in order to comply with State Code. Staff is proposing to:

- **Amend Section 15-1-18 Appeals and Reconsideration Process** as the appellant now has the ability to choose for appeals on Historic Preservation related applications to be reviewed by either the Board of Adjustment (current appeal body) or City Council.
- **Amend Section 15-11-10 Park City Historic Sites Inventory**
- **Amend Section 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites**
- **Adopt Chapter 15-13 Design Guidelines** as we propose inserting new chapter for the existing guidelines specifically into the Land Management Code

The Park City Planning Commission reviewed the LMC revisions on June 28, 2017. The Planning Commission unanimously forwarded a positive recommendation to City Council for the LMC changes with a four-to-zero vote; the Planning Commission Chair does not vote. [See [Planning Commission Report](#) (starting page 395) and [Minutes](#) (starting page 40).]

Analysis

1. Section 15-1-18 Appeals and Reconsideration Process

Based on the current state legislation which amended Utah Code 10-9a-701 that came into effect on May 9, 2017, the appellant now has the option to appeal any administrative decisions related to application of historic preservation regulations to either the Board of Adjustment (BOA) or the City Council. Thus, appeals of staff decisions on Historic District Design Review (HDDR) application for compliance with the Design Guidelines for Historic Districts and Historic Sites) and appeals of Historic Preservation Board decisions shall now go either to the BOA or City Council. In addition, Utah Code 10-9a-704 was amended which allows for 30 days to appeal Historic Preservation Board decisions. Lastly, Utah Code 10-9a-707 added language regarding interpretation of land use regulations by the appeal authority. Staff is proposing the following revisions to LMC 15-1-18:

15-1-18 Appeals And Reconsideration Process

- STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment or City Council at the request of the appellant. If the appellant chooses to have the City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.
- HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board

may be appealed to the Board of Adjustment or City Council at the request of the appellant.

...

- E. **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority which is Staff regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, the applicant may appeal the decision within 30 days after the day on which the historic preservation authority issues a written decision. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

...

- G. **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner even if the appeal authority is the City Council. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo, without deference to the land use authority's determination of factual matters, and it ~~The appeal authority~~ shall determine the correctness of the ~~decision of the land use authority in its interpretation and application of the land use ordinance~~ land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. All appeals must be made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal. City Council, when acting as an appeal body for appeals of Historic Preservation decisions may exercise only administrative authority.

2. Chapter 15-11-10 Park City Historic Sites Inventory

Staff is proposing to codify the adoption of properties designated on the Historic Sites Inventory and the process by which determinations of significance are made. Staff is proposing the following revisions:

15-11-10 Park City Historic Sites Inventory

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

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

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

- a. It is at least fifty (50) years old or if the Site is of exceptional importance to the community; and
- b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and
- c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
 - 1. An era that has made a significant contribution to the broad patterns of our history; or
 - 2. The lives of Persons significant in the history of the community, state, region, or nation; or
 - 3. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

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

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

2. It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; and
- d. It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
 1. An era of Historic Importance to the community, or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
3. **CONTRIBUTORY SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the City Council, with a recommendation from the Planning Department ~~finds it meets~~ considers all the criteria listed below:
 - a. The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and
 - b. Meets one of the following:
 1. Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or
 2. It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 1. An era of Historic importance to the community; or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period
 - c. Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.
4. Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the City Council, with a recommendation from the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant.

B. PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites which reflects the Historic Sites Inventory adopted herein. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which City Council considers to be in compliance with ~~comply with~~ the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

1. **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
2. **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
3. **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be recommended to the City Council to be added to the Historic Sites Inventory.
~~a. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

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

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

1. **CRITERIA FOR REMOVAL.**

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

2. **PROCEDURE FOR REMOVAL.**

- a. **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
- b. **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
- c. **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. The HPB will make a recommendation to City Council, #The HPB City Council will consider and determine whether the proposal complies finds that the Application does not ~~comply~~ with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure to be removed from the Historic Sites Inventory. ~~The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

D. Properties identified on the Historic Sites Inventory are hereby designated by Ordinance as Landmark or Significant. These properties include:
(Staff has included the full list of Landmark, Significant, and Contributory properties as part of Exhibit A—Attachment 2 .)

3. **Chapter 15-11-11 Design Guidelines for Park City’s Historic Districts and Historic Sites**

The state legislature has amended the State Code (10-9a-103 (28)) to clarify the definition of a “land use regulation” to includes any “rule that governs the use or development of land.” The State Code (10-9a-501) also now requires that only the City Council may enact a land use regulation. Therefore, staff has proposed

codifying the Design Guidelines in order to strengthen their enforceability through the land use code. Currently, the Design Guidelines for Historic Sites (Design Guidelines) are described generally in LMC 15-11-11. Staff is proposing relocating the Design Guidelines to Chapter 15-13, a new chapter that will specifically outline and adopt by Ordinance the Design Guidelines. The existing Design Guidelines were adopted by Resolution (23-09) by City Council in 2009.

Staff has been working with the Historic Preservation Board since 2016 to revise and reorganize the Design Guidelines, and bringing those changes to City Council for approval. At this time, the HPB has only reviewed and revised the Historic District Design Guidelines for Historic Commercial and Historic Residential Buildings. Staff began working on revisions to the Design Guidelines for new Infill Commercial and Infill Residential Buildings starting in 2017.

Staff proposes adopting the existing 2009 Design Guidelines as part of the LMC. Staff anticipates repealing and replacing these guidelines, based on the feedback of the HPB, Planning Commission, and City Council starting in fall 2017.

For now, staff recommends the following amendments to LMC 15-11-11:

15-11-11 Design Guidelines For Park City's Historic Districts And Historic Sites

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites which shall be reviewed by the City Council. These guidelines shall, upon adoption of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code **by reference in Chapter 15-13**. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by **a resolution an ordinance** of the City Council.

4. Chapter 15-13 Design Guidelines

This is also a new chapter proposed for the LMC. In response to changes in the State Code, staff proposes creating a new chapter that will specifically outline the Design Guidelines. Staff has been working with the HPB since January 2016 to update and revise the Design Guidelines. Staff anticipates completing this review in late-summer 2017. Staff will then repeal and replace this section with the new Design Guidelines.

Because the existing Design Guidelines were meant to be guidelines and not code, there may be some difficulties that occur when the guidelines become mandated as code. Staff has worked to revise these in our Design Guideline revisions; however,

in the meantime, staff finds that it would be appropriate for the Planning Director to make minor adjustments when issues arise.

Staff is proposing the following be included in this chapter:

15-13 Design Guidelines for Historic Districts and Historic Sites

15-13-1 Purpose and Policy

15-13-2 Design Guidelines for Historic Districts and Historic Sites

15-13-1 Policy and Purpose

The Design Guidelines for Park City's Historic Districts and Historic Sites (referred to throughout the document as the "Design Guidelines") is intended to fulfill the policy directives provided in the General Plan and the Land Management Code.

The goal of the Design Guidelines is to meet the needs of various interests in the community by providing guidance in determining the suitability and architectural compatibility of proposed projects, while at the same time allowing for reasonable changes to individual buildings to meet current needs. For property owners, design professionals, and contractors, it provides guidance in planning projects sympathetic to the unique architectural and cultural qualities of Park City. For the Planning Department staff and the Historic Preservation Board, it offers a framework for evaluating proposed projects to ensure that decisions are not arbitrary or based on personal taste. Finally, it affords residents the benefit of knowing what to expect when a project is proposed in their neighborhood.

The Design Guidelines are not intended to be used as a technical manual for rehabilitating or building a structure, nor are they an instruction booklet for completing the Historic District/Site Design Review Application. Instead, they provide applicants, staff, and the Historic Preservation Board with a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations.

15-2.25-2 Design Guidelines for Historic Districts and Historic Sites

The Design Guidelines for Historic Districts and Historic Sites are hereby adopted and incorporated herein.

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

On Saturday, June 9, 2017 a legal notice was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website.

Public Input

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

Alternatives

- The City Council may approve Amendments related to LMC Section 15-1-18 Appeals and Reconsideration Process, Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; LMC 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites, and LMC 15-13 Design Guidelines; or
- The City Council may deny these Amendments; or
- The City Council may continue the public hearing and discussion to a date certain.

Significant Impacts

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

Consequences of Not Taking Recommended Action

The Land Management Code would not reflect the changes made by the

Summary Recommendation

Staff recommends City Council hold a public hearing and consider approving the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding LMC Section 15-1-18 Appeals and Reconsideration Process, Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; LMC 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites, and LMC 15-13 Design Guidelines.

Exhibits

Exhibit A – Draft Ordinance with corresponding Attachments

Attachment 1 – LMC Chapter 15-1-18 Appeals and Reconsideration Process

Attachment 2 – LMC Chapter 15-11-10 Park City Historic Sites Inventory

Attachment 3 – LMC Chapter 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites

Attachment 4 – LMC Chapter 15-13 Design Guidelines

agreed that this item should be continued and they should bring back options for the site.

Council Member Matsumoto asked if other lots that faced Rossie Hill would request access. Grahn stated the BLM owned a major part of the land there. Council Member Henney stated this lot could have access from either Deer Valley Loop or Rossie Hill Drive. Harrington stated that Council approved the 2016 ordinance on this subdivision with access minimized for Rossie Hill. If continuance was desired, clarification should be obtained from the Planning Department on the circumstances around the subdivision approval last fall. A lot that met the requirements should be allowed to develop. Council should be more specific and couldn't ignore what was approved in 2016. If Council prohibited access to Rossie Hill Drive, then it would be necessary to revoke the former ordinance.

Council Member Henney moved to continue Ordinance No. 2017-41, an ordinance approving the Lilac Hill Subdivision-First Amended at 632 Deer Valley Loop pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney to a date uncertain and that a hyperlink be provided to the City Council minutes from 2016 when the original ordinance approving the subdivision was passed, with the hope of coming to a resolution that addresses the concerns of the neighbors, the Council and the applicant. Council Member Worel seconded the motion.

Council Member Matsumoto asked that neighbors on Deer Valley Loop be notified prior to the Council meeting so they would have a say on the proposed additional traffic on their street.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

3. Consideration to Approve Ordinance 2017-42, an Ordinance Amending Park City Land Management Code (LMC) Title 15 Chapter 1, Section 18 Appeals and Reconsideration Process; Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; Title 15 Chapter 11, Section 11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Title 15- Chapter 13 Design Guidelines:

Anya Grahn and Hannah Tyler, Planning Department, presented this item. Grahn stated this code amendment reflected historic preservation changes that were made to the State Code. They included giving an appellant the choice of appealing to the Board of Adjustment or to the City Council, the City Council would make the final determination on which sites to list on the Historic Site Inventory, with the recommendation of the HPB, and the Design Guidelines were now being codified.

Council Member Matsumoto asked if the State gave the appellant the choice and if the 30 day limit to appeal was longer than it used to be. Tyler stated these amendments

were all State mandated, and noted the appeal timeline used to be 10-14 days. Grahn clarified that if staff denied the request to remove the historic significance, the applicant could appeal to the Board of Adjustment or to the City Council. The decision could be appealed to the court from there.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to approve Ordinance 2017-42, an ordinance amending Park City Land Management Code (LMC) Title 15 Chapter 1, Section 18 Appeals and Reconsideration Process; Title 15, Chapter 11 Section 10 Park City Historic Sites Inventory; Title 15 Chapter 11, Section 11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Title 15- Chapter 13 Design Guidelines. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

4. Consideration to Approve Park City Shot Ski Event – a Level Three Special Event, on Saturday, October 14, 2017:

Tommy Youngblood, Special Events, noted the event date was changed to October 14 since the following weekend was UEA weekend. He stated the Sunrise Chamber of Commerce requested to sponsor the activity and make it an annual event. HPCA recommended having more crossings on Main Street for pedestrians. It was noted that last year the event had 1091 participants. Youngblood stated the footprint would not be larger than last year since the route would include a U Turn.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Matsumoto moved to approve Park City Shot Ski Event – a Level Three Special Event, on Saturday, October 14, 2017. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

5. Consideration to Continue an Ordinance Approving Woodside Park Subdivision - Phase I, Located at 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue to a Date Uncertain:

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

City Council Staff Report

Subject: Northstar Subdivision – Lot 1 Amended
Address: 1061 and 1063 Lowell Avenue
Application: PL-21-04872
Author: Makena Hawley, Planner II
Date: October 28, 2021
Type of Item: Administrative – Subdivision

Recommendations

(1) Review the requested Subdivision, (2) conduct a public hearing, and (3) consider approving Ordinance 2021-42.

Description

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

Acronyms

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

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

Summary

1061 and 1063 Lowell Avenue are the addresses of the Duplex residing on Lot 1 of the existing Northstar Subdivision. The applicant is proposing to bifurcate the lot down the center of the lot and duplex, creating two (2) lots of record. No other changes are proposed.

On September 22, 2021, the Planning Commission voted to unanimously forward a positive recommendation to the City Council.

Background

On August 18, 2021, the City received a complete application for the Northstar Subdivision – Lot 1 Amended. The property is located at 1061 and 1063 Lowell Avenue

within the HR-1 District. The Lot is 0.44 acres or 19,484 square feet in area. The proposed Plat Amendment creates two (2) Lots of record from Lot 1.

The property is Lot 1 of the 1977 Northstar Subdivision (Exhibit B). On July 19, 1977, the *Declaration of Protective Covenants for the Northstar Subdivision* was recorded (Exhibit L). Section 7.4 of the Declaration prohibits further re-subdivision of Northstar Lots. Section 8.1 of the Declaration limit development on each Northstar Subdivision Lot to one Single-Family Dwelling or “one double family dwelling.”

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

In 1999, a deed was recorded with Summit County to bifurcate the existing platted lot with a Duplex into two Parcels, NR-1 and NR-1-A (Exhibit C). However, while a proposal to raze the Duplex and subdivide Northstar Lot 1 into four Single-Family Lots was reviewed by the Planning Commission in 2017, ([Staff Report](#), p. 291; [Minutes](#), p. 73), the application was later withdrawn, and the subdivision of Northstar Subdivision Lot 1 has not been approved by Park City Municipal Corporation.

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

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

Analysis

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

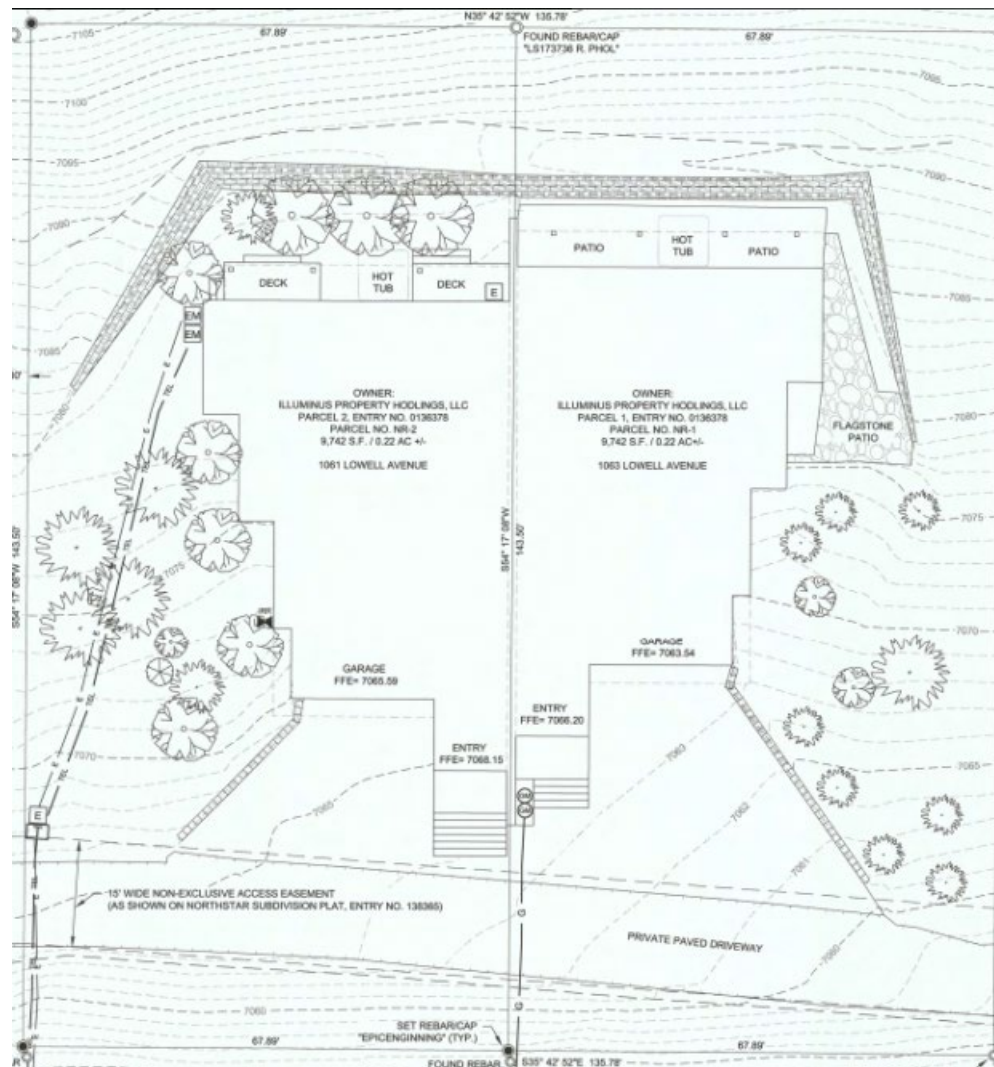
The proposed Northstar Subdivision – Lot 1 Amended complies with the purposes of the Historic Residential (HR-1) Zoning District.

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,

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

Existing Conditions:



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

existing Duplex or would allow the property owner to raze the Duplex to construct two Single-Family Dwellings – one on each Lot, or to raze the Duplex and construct two Duplexes – one on each Lot, subject to Conditional Use approval by the Planning Commission.

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

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

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

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

Good Cause

Good Cause is required for plat approval as stated in LMC [§ 15-7.1-3\(B\)](#). LMC [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

Approval of the Plat allows for new development compliant with the Historic District Design Guidelines.

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

Character and Compatibility

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

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

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

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

the property owner of each Lot could pursue a Conditional Use Permit to build a Duplex on each Lot, doubling the total Units.

However, LMC [§ 15-2.2-3](#) establishes a Building Footprint for HR-1 Lots. Whether Single-Family Dwellings or Duplexes are constructed on the Lots, the Maximum Building Footprint for each Lot is 2,818 square feet. Condition of Approval #6 requires the final plat notes to state that “The Building Footprint for each Lot is 2,818 square feet.” Though it is possible, with an approved CUP for the density to double the built environment will retain the same limitations.

Staff Recommends two Additional Conditions of Approval

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

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

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

Department Review

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

Notice

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

Public Input

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

Exhibits

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

Ordinance No. 2021-42

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

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

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

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

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

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

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

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

Findings of Fact

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

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

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

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

Conclusions of Law

1. There is Good Cause for the Northstar Subdivision – Lot 1 Amended Plat because it resolves non-conformities, resolves the existing non-conforming deed line, preserves the character of the HR1 neighborhood and does not increase density.
2. The Northstar Subdivision – Lot 1 Amended Plat is consistent with Land Management Code Section 15-7.1-3(B), Section 15-7.1-6, and Chapter 15-2.13.
3. Neither the public nor any person will be materially injured by the Northstar Subdivision – Lot 1 Amended Plat.
4. Approval of the Northstar Subdivision – Lot 1 Amended Plat, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with Utah law, the Land Management Code, and the Conditions of Approval prior to recordation of the plat.
2. The Applicant shall record the plat at the county within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The property owners are to assume all obligations under the Release, Waiver, and Agreement by such an amendment in a form approved by the City Attorney, to be recorded prior to recordation of the Plat Amendment.
5. In the case of one owner of the duplex intending to redevelop their lot, both lots would require agreement and be subject to demolishing the duplex in conjunction.
6. The Building Footprint for each Lot is 2,818 square feet.

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

PASSED AND ADOPTED this 28th day of October 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

NORTHSTAR SUBDIVISION - LOT 1 AMENDED

LOCATED IN THE:
SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

X _____ DATE _____

ACKNOWLEDGMENT

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

NOTARY PUBLIC IN AND FOR THE STATE OF UTAH

RESIDING IN _____, UTAH

STATE OF UTAH }
COUNTY OF _____ } SS

MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

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

NARRATIVE

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

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

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

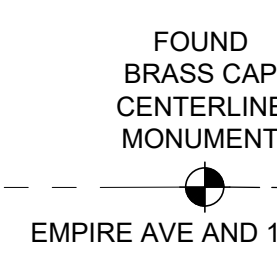
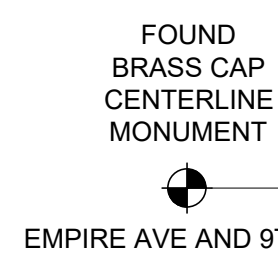
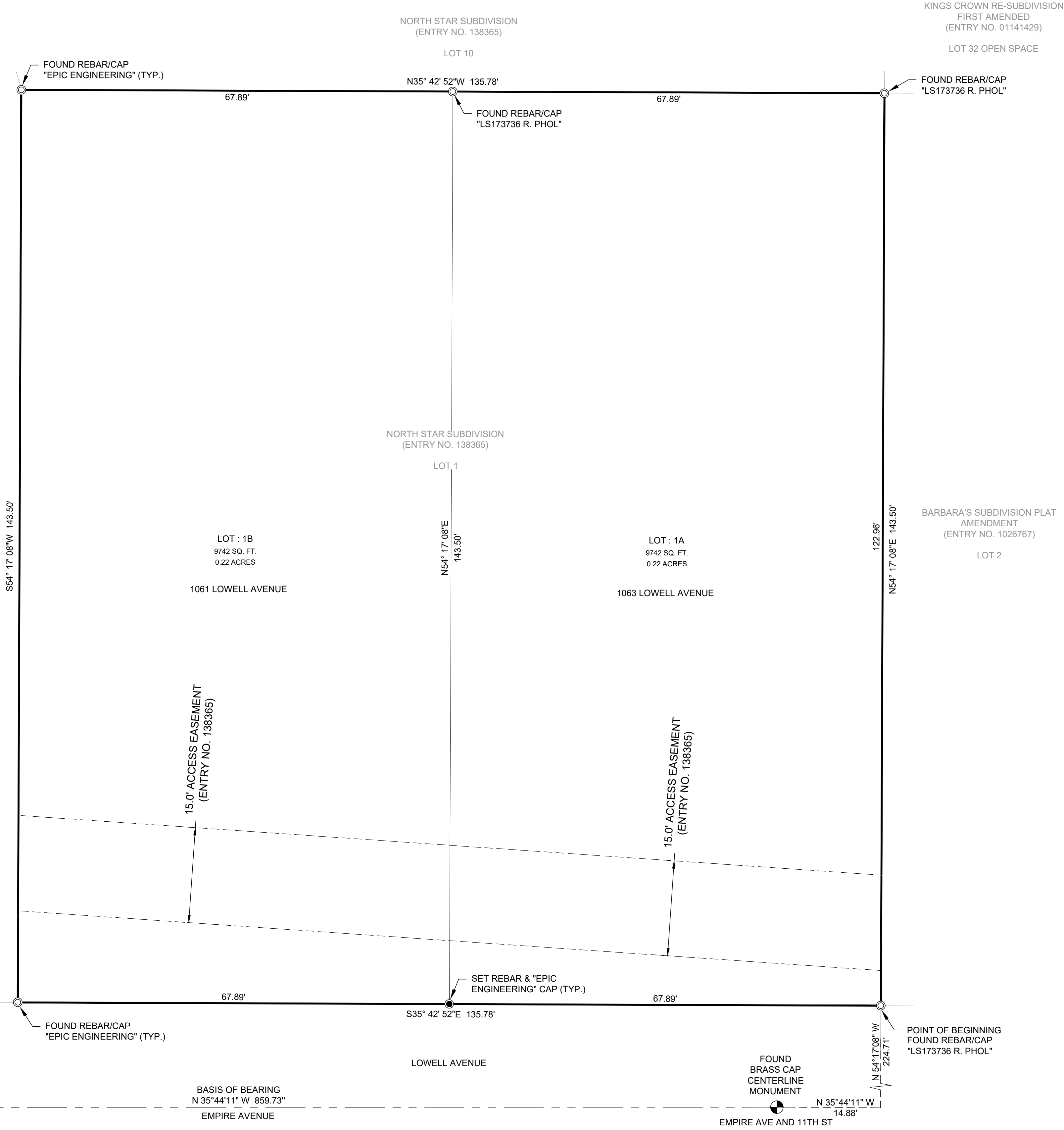
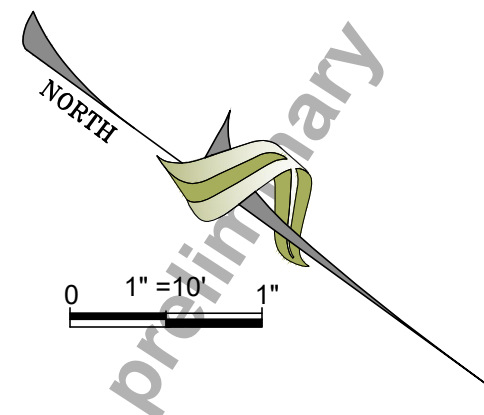
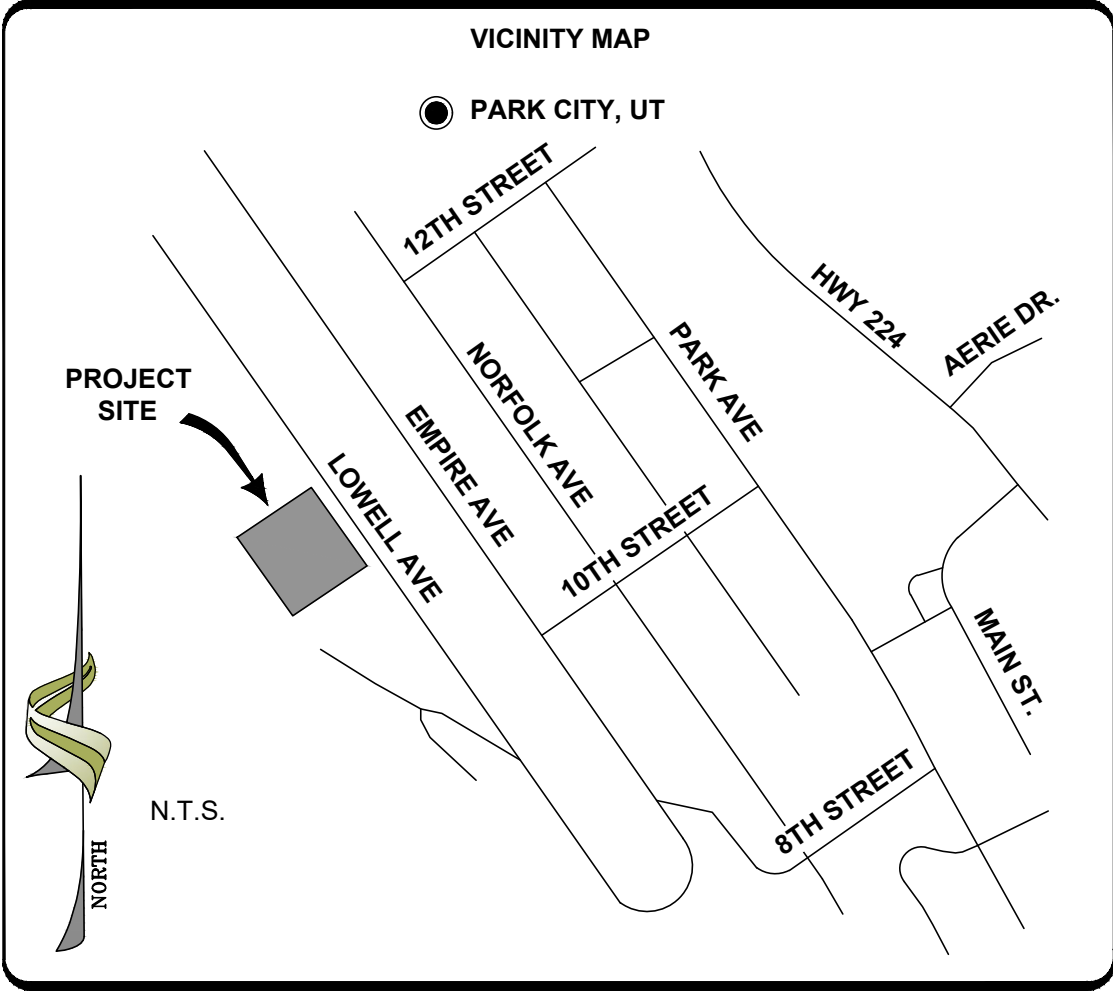
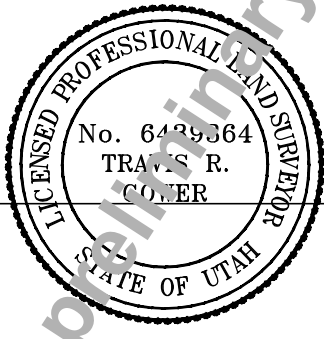
PROPERTY CORNERS WERE MONUMENTED AS DEPICTED ON THIS SURVEY.

SURVEYOR'S CERTIFICATE

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

TRAVIS R. GOWER
P.L.S. 6439364

DATE _____



PARK CITY COUNCIL APPROVAL

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

MAYOR _____ CITY RECORDER _____

PUBLIC SAFETY ANSWERING POINT APPROVAL

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

SUMMIT COUNTY GIS COORDINATOR _____

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

PARK CITY PLANNING COMMISSION

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

CHAIRMAN _____

APPROVAL AS TO FORM

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

CITY ATTORNEY _____

PARK CITY ENGINEER

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

CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

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

PARK CITY RECORDER

RECORDED AND FILED AT THE REQUEST OF _____

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

TIME: _____ ENTRY# _____ FEE: _____

CITY RECORDER _____

SUMMIT COUNTY RECORDER

RECORDED AND FILED AT THE REQUEST OF _____

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

TIME: _____ ENTRY# _____ FEE: _____

COUNTY RECORDER _____

LEGEND

STREET MONUMENT (FOUND)

MONUMENT LINE

PROPERTY LINE

LOT LINE

SET MONUMENT

FOUND MONUMENT

NORTHSTAR SUBDIVISION - LOT 1 AMENDED

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

3341 South 4000 West
West Valley, Utah 84120
(801) 955-5065
50 East 100 South
Holladay, Utah 84032
(435) 954-6900

0 1" = 10'

DRAWN: JF

CHECKED: TG

PROJECT #: 16SM1891.14

DATE: 06/29/2021

SHEET NO: 1 OF 1

OWNERS DEDICATION

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

Joseph E. Bernolfo III
JOSEPH E. BERNOLFO III

ACKNOWLEDGMENT

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

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

SURVEYOR'S CERTIFICATE

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

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

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

Jack J. Johnson
JACK J. JOHNSON

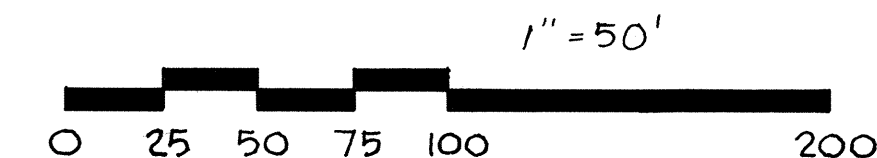
FEBRUARY 16, 1977
DATE

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

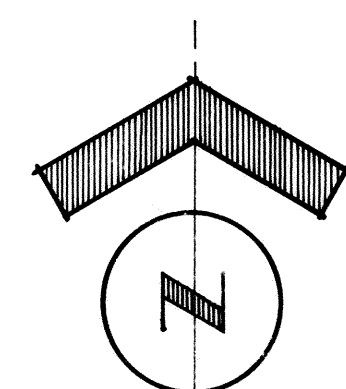
Entry No. 138366
DATE 6-19-77 TIME 3:33 BOOK M95 PAGE 290
AT THE REQUEST OF *Summit Co. Title*
FEE 4.00
26
SUMMIT COUNTY RECORDER

NORTHSTAR SUBDIVISION

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



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



BLOCK 28
SNYDER'S ADDITION

BLOCK 29
SNYDER'S ADDITION

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

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

PREPARED BY:

J. J. JOHNSON & ASSOCIATES
CIVIL ENGINEERING, LAND PLANNING SURVEYING
1515 PARK AVE., P.O. BOX 10661
PARK CITY, UTAH 84060

FEB. 77

CITY PLANNING COMMISSION

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

Burnie Watts
CHAIRMAN

ENGINEERS CERTIFICATE

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

John Chohase
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 18
DAY OF May A.D. 1977

Nick J. Colanin
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

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

Bruce C. Decker
PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE

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

Leon Thriarte
MAYOR

NO. 138366 RECORDED

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

Summit County Title

DATE 6/19/77 TIME 3:33

FEE \$

SUMMIT COUNTY RECORDER

TS

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

SERIAL # NR - LOT #

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

For current ownership see computer indexes.

OWNERS DEDICATION

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

Joseph E. Bernolfo III
JOSEPH E. BERNOLFO III

ACKNOWLEDGMENT

BY ME DAY OF FEBRUARY A.D. 1977 PERSONALLY
FOR ME THE UNDERSIGNED HERBY PUBLIC IN FOR SAID
COUNTY, JOSEPH E. BERNOLFO III WHO AFTER
SWORN, ACKNOWLEDGED TO ME THAT HE IS THE
THE HERBON DESCRIBED TRACT OF LAND
OWNED THE OWNERS DEDICATION FREELY
FARLY.

Stephen J. Johnson MY COMMISSION EXPIRES 12-10-80
RESIDING IN SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

BEFORE ME DO HEREBY CERTIFY THAT I AM A REGISTERED
AND THAT I HOLD CERTIFICATE NO. 4470 AS PRE-
R THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY
HORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE
ID SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE
ID TRACT OF LAND INTO LOTS, HEREAFTER TO BE
NORTHSTAR SUBDIVISION AND THAT SAME HAS
TLY SURVEYED AND STAKED ON THE GROUND AS
IS PLAT.

92.98 40 AND 41 OF SNYDER'S ADDITION TO PARK CITY;
TOGETHER WITH THE FOLLOWING VACATED STREETS
: CRESCENT STREET FROM LOWELL AVENUE SOUTH WEST-
: CENTER LINE OF QUAKING ASP AVENUE; HALLANDY STREET
AVENUE SOUTH WESTERLY TO THE CENTER LINE OF QUAKING
SHEPHERD STREET FROM LOWELL AVENUE SOUTH WESTERLY
E SECTION LINE OF SECTION 10; THE EASTERLY ONE-
404 ASP AVENUE FROM THE CENTER SECTION LINE NORTHWESTERLY
RTY LINE OF CRESCENT STREET; FINE AVENUE FROM THE CENTER SECTION
TERLY TO THE NORTHWESTERLY LINE OF CRESCENT STREET; ALL THE ABOVE
CLARY DESCRIBED AS FOLLOWS BEGINNING AT A POINT SOUTH 89°55'09" WEST ALONG
ON LINE 2697.94 FEET FROM THE EAST QUARTER CORNER OF SECTION 10 TOWNSHIP 2 SOUTH,
JACKSON AND MERIDIAN; SUD POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF LOWELL
LINE SOUTH 89°55'09" WEST ALONG SAID CENTER SECTION LINE 402.75 FEET; THENCE NORTH
75.15 FEET; THENCE WITH 54°04'00" EAST 995.00 FEET TO A POINT ON THE WESTERLY
S OF LOWELL AVENUE; THENCE SOUTH 94°09'00" EAST ALONG SAID RIGHT OF
735 FEET TO THE POINT OF BEGINNING.

ACRES.

4 AN EASEMENT FOR ACCESS BEGINNING AT A POINT WHICH
3'28" WEST ALONG THE CENTER OF SECTION LINE 2697.94
E EAST QUARTER CORNER OF SECTION 10 TOWNSHIP 2 SOUTH,
1 EAST LANE BARE AND MERIDIAN AND NORTH 89°55'09" WEST
STERLY RIGHT OF WAY LINE OF LOWELL AVENUE 740.225 FEET; AND RUNNING
54°04'00" WEST 808 FEET; THENCE NORTH 82°15'15" WEST 25.00 FEET;
54°04'00" EAST 15.00 FEET; THENCE SOUTH 89°55'09" EAST 84.84 FEET
OF BEGINNING.

NORTHSTAR SUBDIVISION

LOCATED IN N.W. 1/4 SEC. 16 T25 R4E SLB 4 M

0 25 50 75 100 200

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

1

1-A

0.22 AC.

2

14,483 FT²

3

10,467 FT²

4

9,015 FT²

5

11,185 FT²

6

27,492 FT²

7

29,416 FT²

8

44,658 FT²

9

41,767 FT²

10

61,663 FT²

11 TH ST.

10 TH ST.

9 TH ST.

LOWELL AVE.

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

EAST 1/4 CORNER SEC. 16, T25, R4E, SLB 4 M

OWNERS DEDICATION

ACKNOWLEDGMENT

SURVEYOR'S CERTIFICATE

RECORDED CONCURRENTLY

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

DATE 12-11-77 TIME 1:22 BOOK 2118 PAGE 275
AT THE REQUEST OF SUMMIT CO. REC.
FEE 14.00

26 SUMMIT COUNTY RECORDER

PREPARED BY:

SON & ASSOCIATES

3, LAND PLANNING SURVEYING

VE., P.O. BOX 1061

UTAH 84002

CITY PLANNING COMMISSION

APPROVED & ACCEPTED BY THE PARK CITY

PLANNING COMMISSION THIS 16 DAY OF

Feb AD 1977

Bruce K. Kettle

CHAIRMAN

ENGINEERS CERTIFICATE

APPROVED & ACCEPTED BY THE PARK CITY

ENGINEERING DEPARTMENT THIS 22 DAY OF

May AD 1977

John G. Goshue

PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 12 DAY OF

May AD 1977

Nick J. Colanin

PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

ATTEST THIS 14 DAY OF

May AD 1977

Bruce C. Decker

PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE

APPROVED & ACCEPTED BY THE PARK CITY

COUNCIL THIS 18 DAY OF 1977

Leon Thier

MAYOR

NO. 1382-5

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, RECORD

AT THE REQUEST OF: Summit County 10th

DATE 12-11-77 TIME 1:22

FEE 14.00

26 SUMMIT COUNTY REC

Book 32-33-31
42-41

Platted

NORTH S

238

LOTS

1 LIEBERT S. & MARIA FILAR TURNER 369-734 1-A JOHN J. & DAWN A. MCNULTY (JT) 948-106	2 RICHARD A TRIPPEER JR TR 1125-549 M183-298	3 RICHARD A TRIPPEER JR TR 1125-549 M183-299	4 SCOTT & REBECCA RICHARDS (JT) 564-363	5 W BRENT DICKENS & PATRICIA B DICKENS TRUSTEES 657-797-799
6 CAROL C. LARSON 517-755 867-317	7 ROBERT A & ANNIE LEWIS J GARDA 531-13	8 WILLIAM W. III & SUSAN W. TRUXES-(JT) 652-176 818-92	9 SULGRAVE INVEST AND TRADE & RIDGELAND BUSINESS LTD. 600-635 1150-178-9	10 ERIC R. HERMANN & SUSAN FREDSTON-HERMAN (JT) 949-546

SERIAL # NR - LOT #

Effective 6-1-1999 parcel ownership will not be updated on this plat
For current ownership see computer indexes.

OWNERS DEDICATION

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

Joseph E. Bernolfo III
JOSEPH E. BERNOFFO III

ACKNOWLEDGMENT

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

John J. Johnson
JOHN J. JOHNSON
NOTARY PUBLIC

MY COMMISSION EXPIRES 12-30-80
RESIDING IN SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, JOHN J. JOHNSON DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4416 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HEREINAFTER TO BE KNOWN AS NORTHSTAR SUBDIVISION AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BLOCKS 9, 10, 11 AND 12 OF SNYDER'S ADDITION TO PARK CITY, PARK CITY, UTAH TOGETHER WITH THE FOLLOWING VACATED STREETS AND AVENUES: CRESCENT STREET FROM LOWELL AVENUE SOUTH WEST-ERLY TO THE CENTER LINE OF QUAKING ASP AVENUE; HALLADAY STREET FROM LOWELL AVENUE SOUTH WESTERLY TO THE CENTER LINE OF QUAKING ASP AVENUE; SHEPHERD STREET FROM LOWELL AVENUE SOUTH WESTERLY TO THE CENTER SECTION LINE OF SECTION 10, THE EASTERLY ONE-HALF OF QUAKING ASP AVENUE FROM THE CENTER SECTION LINE NORTHWESTERLY TO THE NORTHERLY LINE OF CRESCENT STREET; PACIFIC AVENUE FROM THE CENTER SECTION LINE NORTHWESTERLY TO THE NORTHERLY LINE OF CRESCENT STREET. ALL THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SOUTH 89°55'05" WEST ALONG THE CENTER SECTION LINE 2671.54 FEET FROM THE EAST QUARTER CORNER OF SECTION 10 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND NORTH 89°59'1" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE 1446.28 FEET; AND RUNNING THENCE SOUTH 54°04' WEST 808.8 FEET; THENCE NORTH 82°18' WEST 250.00 FEET; THENCE NORTH 82°01' EAST 150.00 FEET; THENCE SOUTH 85°59' EAST 24.84 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR ACCESS BEGINNING AT A POINT WHICH IS SOUTH 81°53'05" WEST ALONG THE CENTER OF SECTION LINE 26.87, 36 FEET FROM THE EAST QUARTER CORNER OF SECTION 10 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND NORTH 89°59'1" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE 1446.28 FEET; AND RUNNING THENCE SOUTH 54°04' WEST 808.8 FEET; THENCE NORTH 82°18' WEST 250.00 FEET; THENCE NORTH 82°01' EAST 150.00 FEET; THENCE SOUTH 85°59' EAST 24.84 FEET TO THE POINT OF BEGINNING.

John J. Johnson
JOHN J. JOHNSON
FEBRUARY 16, 1977
DATE

NORTHSTAR SUBDIVISION

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

0 25 50 75 100 200

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

BLOCK 28
SNYDER'S ADDITION

BLOCK 29
SNYDER'S ADDITION

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

EAST 1/4 CORNER SECTION 10
T2S, R4E, SLB 4 M

PREPARED BY:

J.J. JOHNSON & ASSOCIATES
CIVIL ENGINEERS, LAND PLANNING SURVEYING
1915 PARK AVE., P.O. BOX 1061
PARK CITY, UTAH 84060

FEB. 77

CITY PLANNING COMMISSION

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

Bernie Hotta
CHAIRMAN

ENGINEERS CERTIFICATE

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

John Johnson
PARK CITY ENGINEER

APPROVAL AS TO FORM

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

Rich J. Colanin
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

ATTEST THIS 16th DAY OF Feb A.D. 1977

Bruce E. Davis
PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE

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

Leon Thier
MAYOR

NO. 1382-5 RECORDED

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

Summit County Title

DATE 2/23/77 TIME 2:12 P.M.

FEE \$

SUMMIT COUNTY RECORDER

LOCATED IN THE:
SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

RECORD LEGAL DESCRIPTION

PARCEL NO.1:

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

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

PARCEL NO.2:

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

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

AS-SURVEYED DESCRIPTION

TWO PARCELS OF LAND, FORMERLY KNOWN AS LOT 1 OF THE NORTHSTAR SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

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

NARRATIVE

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

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

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

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

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

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

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

SURVEYOR'S CERTIFICATE

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

PHILLIP R. CHRISTENSEN
P.L.S. 319686

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

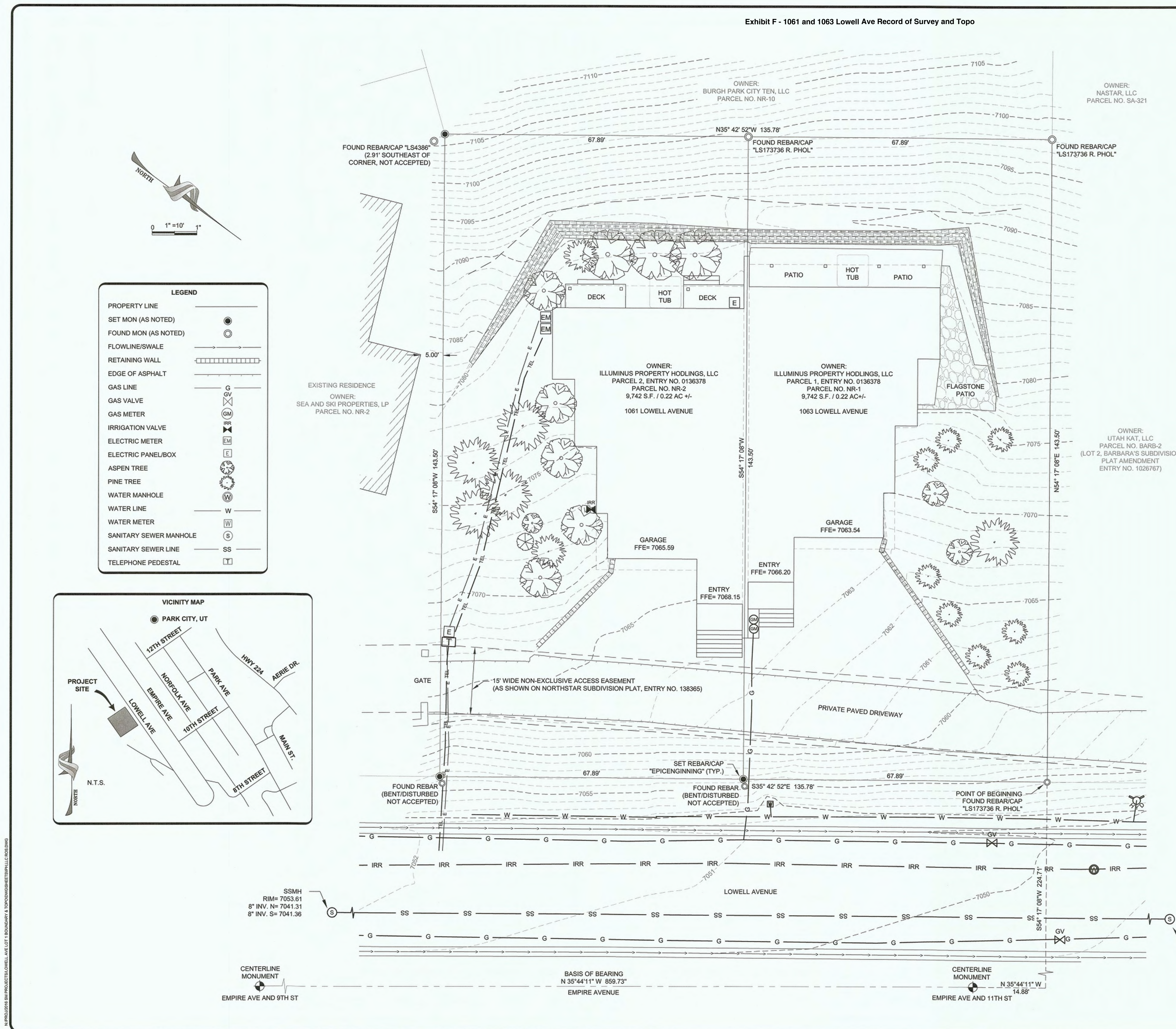
MAY 16, 2016
DATE

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



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

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



June 29, 2021

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

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

Project Description:

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

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

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

Submittal Requirements and Attachments:

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

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





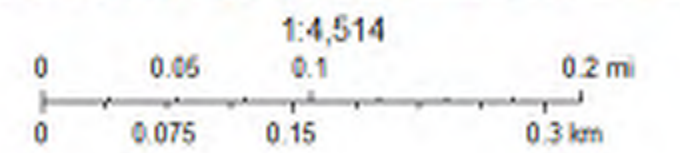


Tax Parcels

Exhibit G - Aerial Photographs



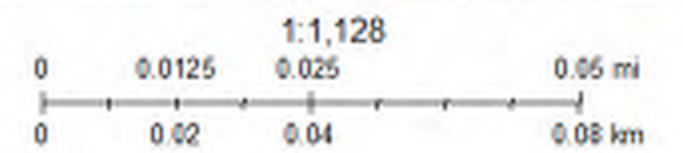
June 21, 2016



Tax Parcels



June 21, 2016



B: 1960 P: 1395

Page 1 of 1

Alan Spriggs, Summit County Utah Recorder

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

By COALITION TITLE AGENCY, INC.

Electronically Recorded by Simplifile

WHEN RECORDED, RETURN TO:

Northstar Subdivision Homeowners Association

c/o Thomas T. Billings, Esq.

Van Cott, Bagley, Cornwall & McCarthy

36 South State Street, Suite 1900

Salt Lake City, UT 84111

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

NOTICE OF NONCOMPLIANCE WITH PROTECTIVE COVENANTS

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

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

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

DATED this 19th day of December, 2008.

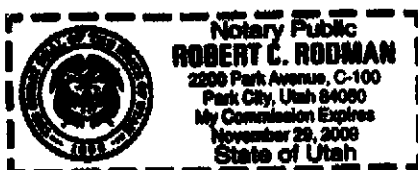
NORTHSTAR HOMEOWNERS

ASSOCIATION, a Utah nonprofit corporation

By: Amel Luis J. Gorda
Its: President

STATE OF Utah)
COUNTY OF Summit) : ss.

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



Notary Public

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

Exhibit K - CC&R Release, Waiver and Agreement

WHEN RECORDED, RETURN TO:

Northstar Subdivision Homeowners Association

c/o Thomas T. Billings, Esq.

Van Cott, Bagley, Cornwall & McCarthy

36 South State Street, Suite 1900

Salt Lake City, UT 84111

Affects Parcel ID No. NR-1

ENTRY NO. 00891323

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

Release PAGE 1/5

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 18.00 BY VAN COTT BAGLEY CORNWALL MCCARTHY

**RELEASE, WAIVER, AND AGREEMENT**

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

RECITALS:

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

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

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

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

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

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



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

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

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

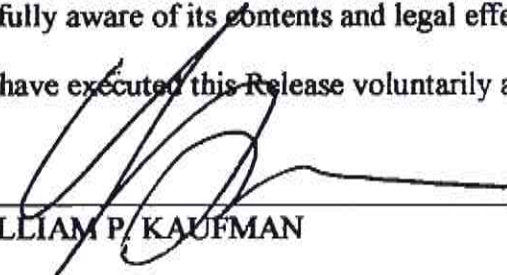
4. This Release constitutes the entire agreement between the parties with respect to the subject matter hereof and there are no written or oral representations or agreements between the parties other than those expressly set forth herein. It is expressly understood and agreed that this Release may not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

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

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

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

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

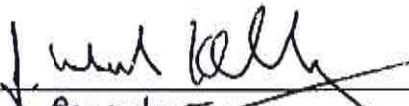


WILLIAM P. KAUFMAN

SPOUSE

NORTHSTAR HOMEOWNERS
ASSOCIATION



By: 
Its: PRESIDENT

STATE OF _____)
: ss.
COUNTY OF _____)

See attached acknowledgement

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

Notary Public

STATE OF _____)
: ss.
COUNTY OF _____)

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

See attached acknowledgement

Notary Public

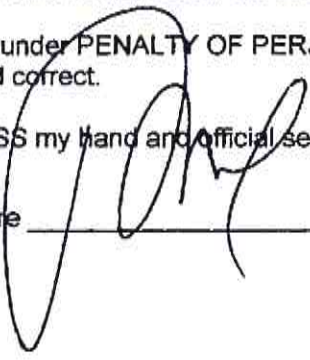
State of California

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

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature 

(Seal)

OPTIONAL INFORMATION

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

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

Signer(s) if Different Than Above: _____

Other Information: _____

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name(s): _____

☐ Individual☐ Corporate Officer

(Title(s))

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

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

)

) ss.

COUNTY OF SAN FRANCISCO

)

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

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

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

WITNESS my hand and official seal.



Place Notary Seal Above

Helen Harrison

Signature of Notary Public

OPTIONAL

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

Description of Attached Document

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

Document Date: January 25, 2010

Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

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

Signer is representing: _____

ESSE: PLACEMENT
OF SIGNATURE

Top of thumb here

WHEN RECORDED, RETURN TO:

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

ENTRY NO. 00891326

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

Notice PAGE 1/2

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 16.00 BY VAN COTT BAGLEY CORNWALL MCCARTHY



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

NOTICE OF REMOVAL OF PROTECTIVE COVENANTS

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

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

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

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

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

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

DATED this 14th day of January, 2010.

NORTHSTAR HOMEOWNERS
ASSOCIATION, a Utah nonprofit corporation

By: Annie Davis J. Beale
Its: Secretary

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

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

[Signature]
Notary Public



Entry No.

244212

WESTERN STATES TITLE

REQUEST OF

FEE

ALAN SPRIGGS, SUMMIT CO. RECORD

By *[Signature]* **RESTRICTIVE COVENANTS RUNNING WITH THE LAND**

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

at: 4:47

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

RECITALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DATED this 23rd day of December, 1985.

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

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

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

STATE OF UTAH }
 ss.
COUNTY OF SALT LAKE

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

My Commission expires: 6-2-87

Notary Public, Residing at
Salt Lake City, Utah

EXHIBIT A

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

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

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

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

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

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

DECLARATION OF
PROTECTIVE COVENANTS FOR THE
NORTHSTAR SUBDIVISION

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

I. PURPOSE OF COVENANTS.

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

II. DEFINITIONS.

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

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

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

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23.50

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

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

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

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

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

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

III. NORTHSTAR HOMEOWNER ASSOCIATION.

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

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

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

IV. MUNICIPAL SERVICES

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

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

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

V. COVENANT FOR ASSESSMENT.

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

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

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

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

5.4 Special Assessments For Capital Improvements.

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

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

5.6 Annual Assessment Commencement and Due Dates.

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

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

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

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

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VI. ARCHITECTURAL COMMITTEE.

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

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

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

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

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

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

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

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

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

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

VII. GENERAL RESTRICTIONS ON ALL PROPERTY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VIII. RESTRICTIONS ON SUBDIVISION LOTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. ENFORCEMENT.

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

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

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

X. GENERAL PROVISIONS.

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

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

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

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

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

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

JOSEPH E. BERNOLFO, III

STATE OF UTAH)

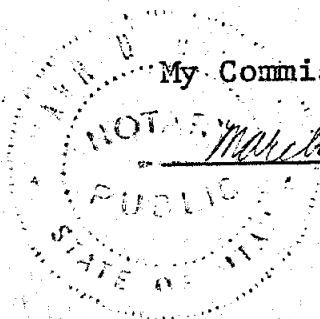
: ss.

COUNTY OF SALT LAKE)

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

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



My Commission Expires:

March 17, 1981

Mary B. Overman

Notary Public

Residing at:

Salt Lake City, Utah

BOOK#97 PAGE 403

Exhibit A

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

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

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

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PARK CITY, UTAH
LAND MANAGEMENT CODE

Consisting of

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

Adopted August 22, 1980

Effective August 28, 1980

Reprinted as Amended June 15, 1981

\$5.00

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

SECTION 4. DISTRICTS AND REGULATIONS

4.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

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

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

4.1.2.1. Single-unit detached dwelling.

4.1.2.2. Two-unit dwelling.

4.1.2.3. Home occupation.

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

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

4.1.2.6. Lockout room.

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

4.1.3.1. Public and quasi-public institutional use.

4.1.3.2. Nightly rentals.

4.1.3.3. Child nursery.

4.1.4. LOT AND SIZE REGULATIONS.

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

4.1.4.2. Side Yard.

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

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

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

RELEASE, WAIVER, AND AGREEMENT

OF PROPOSED NORTH STAR SUBDIVISION

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

WITNESSETH:

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

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

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

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

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

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

BOOK M 95 PAGE 290

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

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

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

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

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

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

BOOKM95 PAGE291

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

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

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

PARK CITY, a Municipal Corporation

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

By Leon Uliast
MAYOR

ATTEST:

(Seal)

By Bruce C. Decker
City Recorder

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

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

My commission expires:

Nov. 24, 1977.

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

BOOK M95 PAGE 272

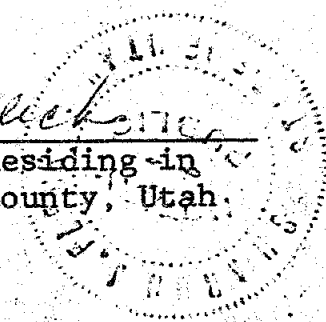
STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

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

My commission expires:

February 11 1978

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



BOOK M95 PAGE 293

BUILDING PERMIT APPLICATION

BECOMES PERMIT WHEN SIGNED

LOG 311

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

*Proposed Use of Structure **DUPLEX**

*Bldg. Address **#1 NORTHSTAR**

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

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

*Property Location **19485** *If metes and bounds see instructions **4500**

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

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

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

*Business Name Address **PO 2455 P.C. UTAH** Business Lic. No. **36021-6**

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

*General Contractor **A.D.A.C. DEV. CORP** Phone **649-0181**

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

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

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

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

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

*Mechanical Contractor **U.** Phone **2100**

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

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

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

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

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

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

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

BUILDING FEE SCHEDULE

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

☐ Rough Basement Building Fees **2522.06**

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

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

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

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

No. of Bldgs. **1** R. Value **19** Water **1200.00**

No. of Stories **2** Walls **19** Roof **30** Sewer **1200.00**

No. of Bedrooms **6** Storm Sewer **1200.00**

No. of Dwellings **2** Moving or Demo. **1200.00**

Type of Construction **Shmpt.** Reinspection **6725.51**

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

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

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

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

Special Approvals **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**

Board of Adjustment **TO STARTING FRAMING**

Health Dept. **NOTE: Prior to foundation inspection, review and approval of final grading, drainage and landscape plans required.**

Fire Dept. **#1438**

Soil Report **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**

Water or Well Permit **TO STARTING FRAMING**

Traffic Engineer **NOTE: Prior to foundation inspection, review and approval of final grading, drainage and landscape plans required.**

Flood Control **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**

Sewer or Septic Tank **TO STARTING FRAMING**

City Engineer (off site) **NOTE: Prior to foundation inspection, review and approval of final grading, drainage and landscape plans required.**

Gas **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**

Comments: **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**

NOTE: Prior to foundation inspection, review and approval of final grading, drainage and landscape plans required.

Land Use Cert. **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**

Electrical Dept. **TO STARTING FRAMING**

HiBack C.G. & S. **NOTE: Prior to foundation inspection, review and approval of final grading, drainage and landscape plans required.**

Other **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**

Bond Required ☐ Yes ☐ No Amount **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**

This application does not become a permit until signed below.

Plan Chk. OK by **HR-1**

Signature of Approval **HR-1** Date **6-8-83**

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

Signature of Contractor or Authorized Agent **HR-1** Date **6-8-83**

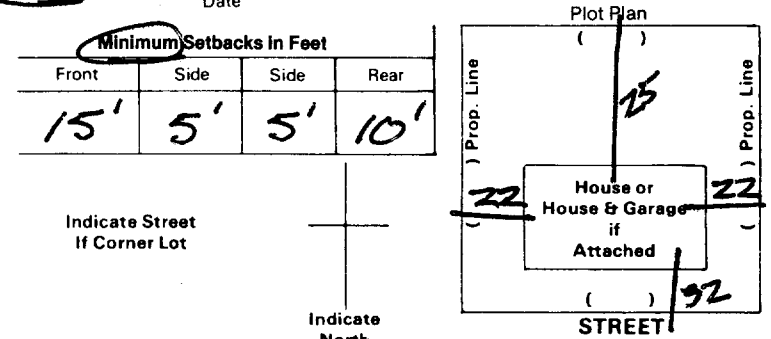
Signature of Owner (If owner) **HR-1** (Date) **6-8-83**

Census Tract. **HR-1** Traffic Zone **HR-1** Coordinate Ident. No. **HR-1**

New S.L.U. Code No. **HR-1** Old S.L.U. Code No. **283**

Certificate of Occupancy **HR-1**

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



NOTE: 24 hours notice is required for all inspections.

WHEN RECORDED, RETURN TO:

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

ENTRY NO. 00891324

02/02/2010 11:14:09 AM B: 2019 P: 1323

Release PAGE 1/4

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 16.00 BY VAN COTT BAGLEY CORNWALL MCCARTHY



Affects Parcel ID No. NR-1A

RELEASE, WAIVER, AND AGREEMENT

18th THIS RELEASE, WAIVER, AND AGREEMENT ("Release") is entered into as of the day of January, 2010, by and between G-RAMA RENTALS, LLC, a Utah Limited Liability Company, and RICHARD G. HETHERINGTON, JR. and TERESA M. ULREY (collectively, "Property Owner"), on the one hand, and NORTHSTAR HOMEOWNERS ASSOCIATION (the "Association"), on the other hand.

RECITALS:

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

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

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

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

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

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

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

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

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

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

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

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

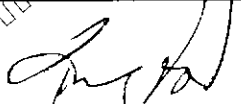
7. Each party hereby agrees, represents and warrants that it has had advice of counsel of their own choosing in the preparation and execution of this Release, that they have read the provisions of this release, and that they are fully aware of its contents and legal effect.

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

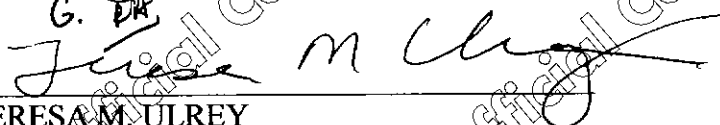
G-RAMA RENTALS, LLC,
a Utah Limited Liability Company

By: 

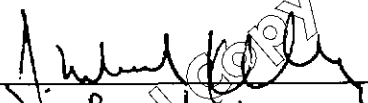
Its: President


RICH P. HETHERINGTON, JR.

G. RA

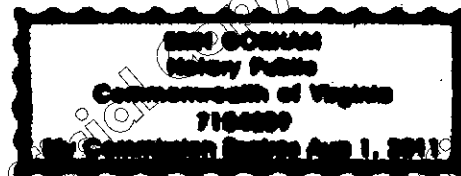

TERESA M. ULREY

NORTHSTAR HOMEOWNERS
ASSOCIATION

By: 

Its: President

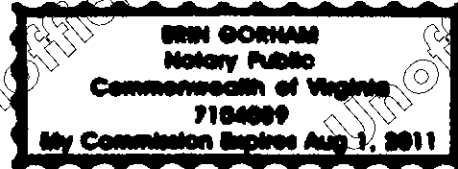
STATE OF Virginia)
COUNTY OF Fairfax) ss.



The foregoing instrument was acknowledged before me this 10 day of January, 2010, by Richard H. Hokenbury, Jr.

Erin Gorman
Notary Public

STATE OF Virginia)
COUNTY OF Fairfax) ss.



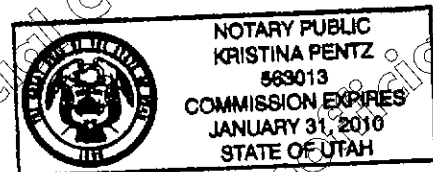
The foregoing instrument was acknowledged before me this 18 day of January, 2010, by Teresa M. Ulrey

Erin Gorman
Notary Public

STATE OF Utah)
COUNTY OF Summit) ss.

The foregoing instrument was acknowledged before me this 20 day of January, 2010, by J. Michael Kelly, who is the President of the Northstar Homeowners Association, a Utah nonprofit corporation.

Kristina Pentz
Notary Public



City Council Staff Report

Subject: Park City Fire District Station #34
Application: PL-21-04913
Author: Spencer Cawley, Planner I
Date: October 28, 2021
Type of Item: Legislative – Zoning Map Amendment



Recommendation

Staff recommends the City Council (1) review the proposal to rezone Parcel PCA-1200-4-X from Estate to Public Use Transition, (2) conduct a public hearing, and (3) consider approving Ordinance No. 2021-43 subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Ordinance (Exhibit A).

Description

Applicant: Park City Fire Service District
Location: 7805 Royal Street, Fire Station #34
Zoning District: Estate
Adjacent Land Uses: Commercial and Multi-Unit Residential
Reason for Review: The Planning Commission reviews rezone applications and forwards a recommendation to the City Council for Final Action¹

Acronyms

CUP Conditional Use Permit
E Estate Zoning District
LMC Land Management Code
MPD Master Planned Development
PCFD Park City Fire District
PUT Public Use Transition Zoning District
RD Residential Development Zoning District
SLO Sensitive Land Overlay

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

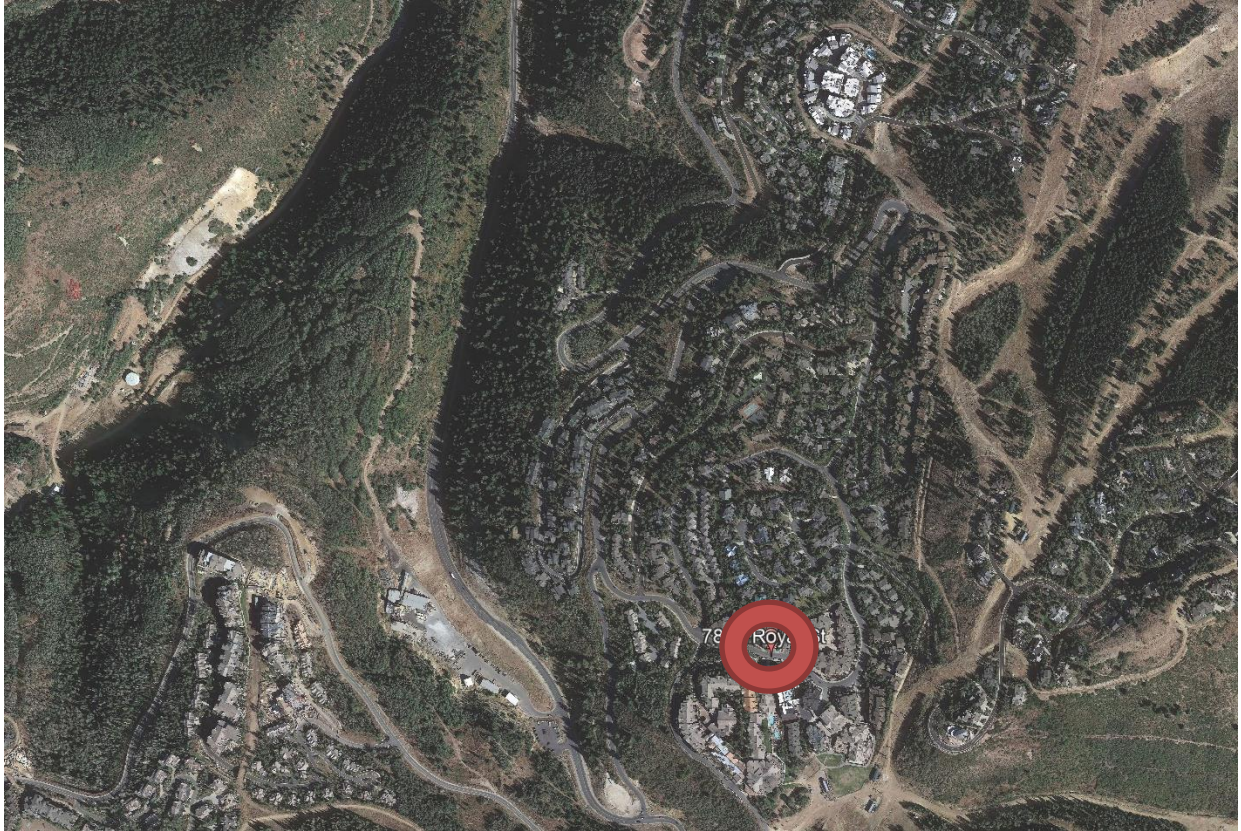
Summary

To accommodate updates to Fire Station #34 capacity, on July 30, 2021, the Park City Fire District submitted a Zone Change application to the Planning Department. Staff deemed the application complete on August 20, 2021. The Applicant proposes to rezone Parcel PCA-1200-4-X from the Estate (E) to Public Use Transition (PUT) Zoning District to accommodate planned expansion of the current Use and compatibility with future Public Use.

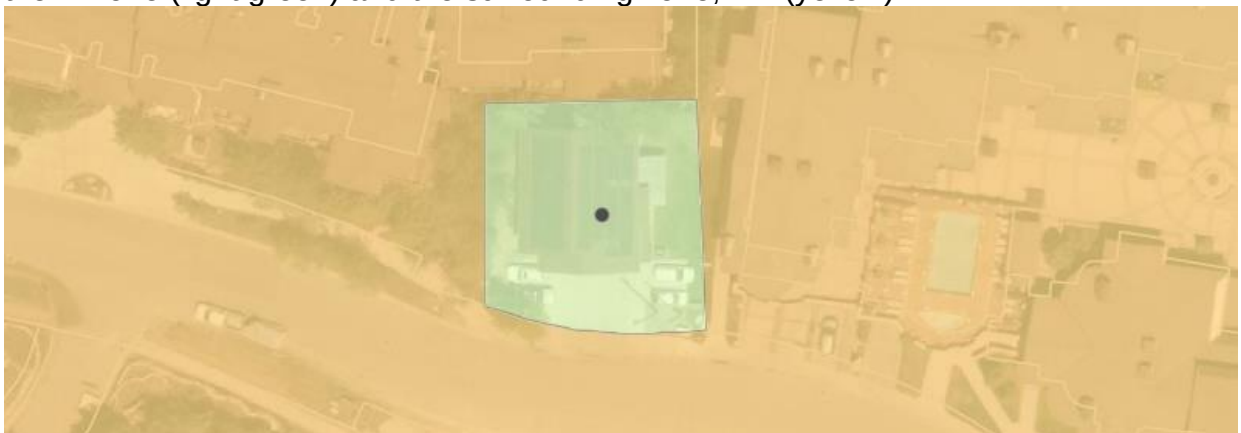
¹ LMC [§ 15-1-7](#)

On [October 13, 2021](#), the Planning Commission unanimously forwarded a positive recommendation to the City Council.

The following aerial image shows the location of Fire Station #34 in Upper Deer Valley.



The image below is an excerpt from the existing Zoning Map which shows the Parcel in the E Zone (light green) and the surrounding zone, RD (yellow).



Background

Fire Station #34 is owned by the Park City Fire District and located in the E Zone, but it is the only Estate parcel in the area. Fire Station #34 is surrounded by Residential Development (RD) zoning, which was developed as part of the Deer Valley Master

Planned Development initiated in the 1980s.

Under the Land Management Code (LMC), expansion of essential municipal public facilities and structures in the E Zoning District is a Conditional Use that requires review by the Planning Commission.² Fire Station #34 has reached its lifespan and must be upgraded to accommodate the growth of the Silver Lake Village and other condominium developments in upper Deer Valley.

To meet the Area's increasing demands, Fire Station #34 requires additional space to accommodate six (6) personnel (three per shift) and a larger fire apparatus. Changing the zoning from the E to PUT will allow the expansion of Fire Station #34 and to plan for future Public Use if the station is removed (Exhibit B).

In 2002, the Applicant expanded the fire station and received the following approvals:

- May 21, 2002: The Board of Adjustments approved a Variance allowing the Park City Fire District to expand the Fire Station to encroach twenty-five feet (25') into the rear Setback and twelve feet (12') into the side Setbacks within the Estate Zone (Exhibit C).
- May 22, 2002: The Planning Commission approved a Conditional Use Permit (CUP) allowing for the expansion of essential municipal and public facilities for 7805 Royal Street in the Estate Zone. This CUP approved a remodel of the station to support four (4) firefighters, a full-size fire engine, and two auxiliary vehicles. The building depth increased by ten feet (10') to accommodate the new equipment (Exhibit D).

Analysis

The Planning Commission hears requests for Zoning changes.³ The Planning Commission holds a public hearing on amendments to the Zoning Map and forwards a recommendation to the City Council. The City Council holds a public hearing and takes Final Action on Zoning Map amendments.⁴

(I) The proposal to rezone Parcel PCA-1200-4-X from Estate to Public Use Transition Zoning ensures future compliance with PUT Zoning District requirements as well as the Sensitive Land Overlay.

The tables below compare the E and PUT Zone Allowances, Allowed Uses, and Conditional Uses:

Zone Allowance	Estate (Current)	Public Use Transition (Proposed)
Density	One (1) Unit per three (3)	Setbacks and height

² LMC [§ 15-2.10-2\(B\)\(5\)](#)

³ LMC [§ 15-12-15\(B\)\(3\)](#).

⁴ LMC [§ 15-1-7](#).

	acres	determine density for each site.
Setbacks	Front, Rear, and Side: Thirty feet (30') The Variance approved in 2002 allowed PCFD to encroach 25' into the Rear Setback and 12' into the Side Setbacks. If the parcel had been zoned RD prior the expansion of the Use in 2002, the requested Variance would have been for five feet (5') into the Rear Setback only.	Construction abutting a residential zone shall meet the required minimum Setback of that zone. In this instance, the abutting residential zone is the Residential Development (RD) Zone: Front: 10' Rear: 15' Side: 12' Condition of Approval 2 The 2002 approved Variance continues to be in effect. If the Park City Fire District needs additional changes to setbacks, they can request that the Board of Adjustment modify the Variance approval.
Maximum Building Height	Twenty-eight feet (28') from Existing Grade	Condition of Approval 3 Forty-five feet (45') measured from Existing Grade. Thirty feet (30') at Front Lot Line measured above the average Natural Grade, then proceeds at a forty-five-degree (45°) angle toward the rear of the Property until it intersects with a point forty-five (45') above the Natural Grade and connects with the rear portion of the bulk plane.

Height Considerations

The [12th Amended Deer Valley MPD](#) indicates that Lots in the Silver Lake Village Subdivision have a development height limitation of 64'. This is tied to base elevation 8,122' with peak-of-roof not to exceed elevation 8,186'. Five feet (5') in excess is

allowed if peak-of-roof does not exceed elevation 8,186’.

- Golden Hirsch – 64’
- Chateau at Silver Lakes Condo – 45’
- Black Bear Condo – 35’
- Proposed height of Fire Station #34 -30’

Prior to construction, the Applicant must submit a subdivision application to create a lot for Parcel PCA-1200-4-X. This requirement is reflected in **Condition of Approval 5**.

(II) General Plan Compliance

The zone change will allow for expansion of Public Services and is compatible with the abutting RD Zoning District. The proposed zone change aligns with the City’s General Plan and it is considered good planning practice to allow this parcel to remain as a public Use at the end of the site’s current Use.

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals best supported by this proposed zone change are outlined with staff analysis below.

Small Town

Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods.

The proposed zoning map amendment will allow for community input on future Development design for Parcel PCA-1200-4-X through the public Conditional Use permit review process and provide transition between adjacent zones for the purpose of providing municipal Uses.

Natural Setting

Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City’s role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community.

The proposed amendment will ensure that necessary public services are meeting the public service needs of upper Deer Valley and the surrounding resort.

Goal 14: Living within Limits—The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region.

The future remodel and expansion of Fire Station #34 will be held to the standards established in the Sensitive Lands Overlay, allowing Development in a manner that encourages the preservation of Park City’s environment and unique Urban Scale.

The proposed zone change complies with the Sensitive Lands Overlay because

Parcel PCA-1200-4-X is not along a ridge line area, on a steep slope, or near a wetland or stream.

(III) The Development Review Committee reviewed the proposed rezone from E to PUT Zoning District and did not identify any issues.

On August 17, 2021, the Development Review Committee reviewed the proposed rezone and did not identify any issues.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 29, 2021. Staff mailed courtesy notice to property owners within 300 feet on September 29, 2021. The *Park Record* published notice on September 29, 2021.⁵

Public Input

Staff did not receive any public input prior to or during the Planning Commission meeting on October 13, 2021. Staff did not receive any public input at the time this report was published.

Alternatives

- The City Council may adopt Ordinance No. 2021-43; or
- The City Council may deny Ordinance No. 2021-43 and direct staff to make Findings for this decision; or
- The City Council may continue the discussion to a date certain.

Exhibits

Exhibit A: Ordinance 2021-43 and Proposed Zoning Map
Exhibit B: Applicant's Statement
Exhibit C: 2002 Variance
Exhibit D: 2002 Conditional Use Permit
Exhibit E: Boundary and Topography Survey
Exhibit F: Proposed Plans

⁵ LMC [§ 15-1-21](#).

Ordinance No. 2021-43

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR ONE (1) TRACT OF LAND ZONED ESTATE (E) TO PUBLIC USE TRANSITION (PUT) INCLUDING ALL OF PCA-1200-4-X LOCATED AT 7805 ROYAL STREET, PARK CITY, UTAH

WHEREAS, the Tract of Land is owned by the Park City Fire Service District and will expand the current Use to accommodate the increased need for this public service; and

WHEREAS, the owner of the property located at 7805 Royal Street petitioned the City Council for approval of one (1) Lot 7805 Royal Street Zoning Map Amendment; and

WHEREAS, on September 29, 2021, the property was posted, and notice was mailed to according to the requirements of the Land Management Code; and

WHEREAS, legal notice was published in the Park Record on September 29, 2021 according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 13, 2021, to receive input on the Zoning Map Amendment; and

WHEREAS, on October 13, 2021, the Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS, on October 28, 2021, the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, the proposed zoning map amendment is consistent with the following purposes of the Utah Municipal Land use, Development, and Management Act (LUDMA) section 10-9a-102. Purposes – General land use authority.

- 1) The purposes of this chapter are to:
 - a. provide for the health, safety, and welfare;
 - b. promote the prosperity;
 - c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
 - d. protect the tax base;
 - e. secure economy in government expenditures;
 - f. foster the state's agricultural and other industries;
 - g. protect both urban and nonurban development;
 - h. protect and ensure access to sunlight for solar energy devices;
 - i. provide fundamental fairness in land use regulation;
 - j. facilitate orderly growth and allow growth in a variety of housing types; and
 - k. protect property values.

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

SECTION 1. APPROVAL. The Zoning Map Amendment from Estate (E) District to Public Use Transition (PUT), as shown in Attachment, 1 is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property contains 0.17 acres and is currently zoned Estate (E).
2. The Parcel is identified by Summit County as PCA-1200-4-X.
3. The Applicant proposes to rezone the Parcel from the Estate Zone to Public Use Transition Zone to accommodate planned expansion of the current Use and ensure compatibility with future Public Use.
4. The Parcel is located in the Sensitive Lands Overlay and will comply with the regulations of Land Management Code Chapter 15-2.21.
5. Under the Land Management Code, expansion of essential municipal public facilities and structures in the Estate Zone are Conditional Uses which require review by the Planning Commission.
6. The Applicant's proposed Zone Change to Public Use Transition will allow the expansion of these public services as a Permitted Use.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code, including Section 15-1-7(2).
3. The Zoning Map Amendment is consistent with applicable state law.
4. The Zoning Map Amendment furthers the purposes of UCA § 10-9a-102(1).

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. Park City Fire District shall request the Board of Adjustment to modify the 2002 Variance approval if the proposed plan does not meet the approved Setbacks.
3. The building height will comply with the Public Use Transition zoning district and will not exceed the height of surrounding structures.
4. Prior to submitting a building permit application to construct a new Fire Station within the Public Use Transition Zoning District, the Applicant must submit the materials outlined in Land Management Code Section 15-2.10-6, *Sensitive Lands Review*, subject to Planning Director Approval.
5. Prior to completing any upgrades to the existing structure, the Applicant shall complete a Plat Amendment to create one Lot of Record for parcel PCA-1200-4-X.

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

PASSED AND ADOPTED this 28th day of October 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

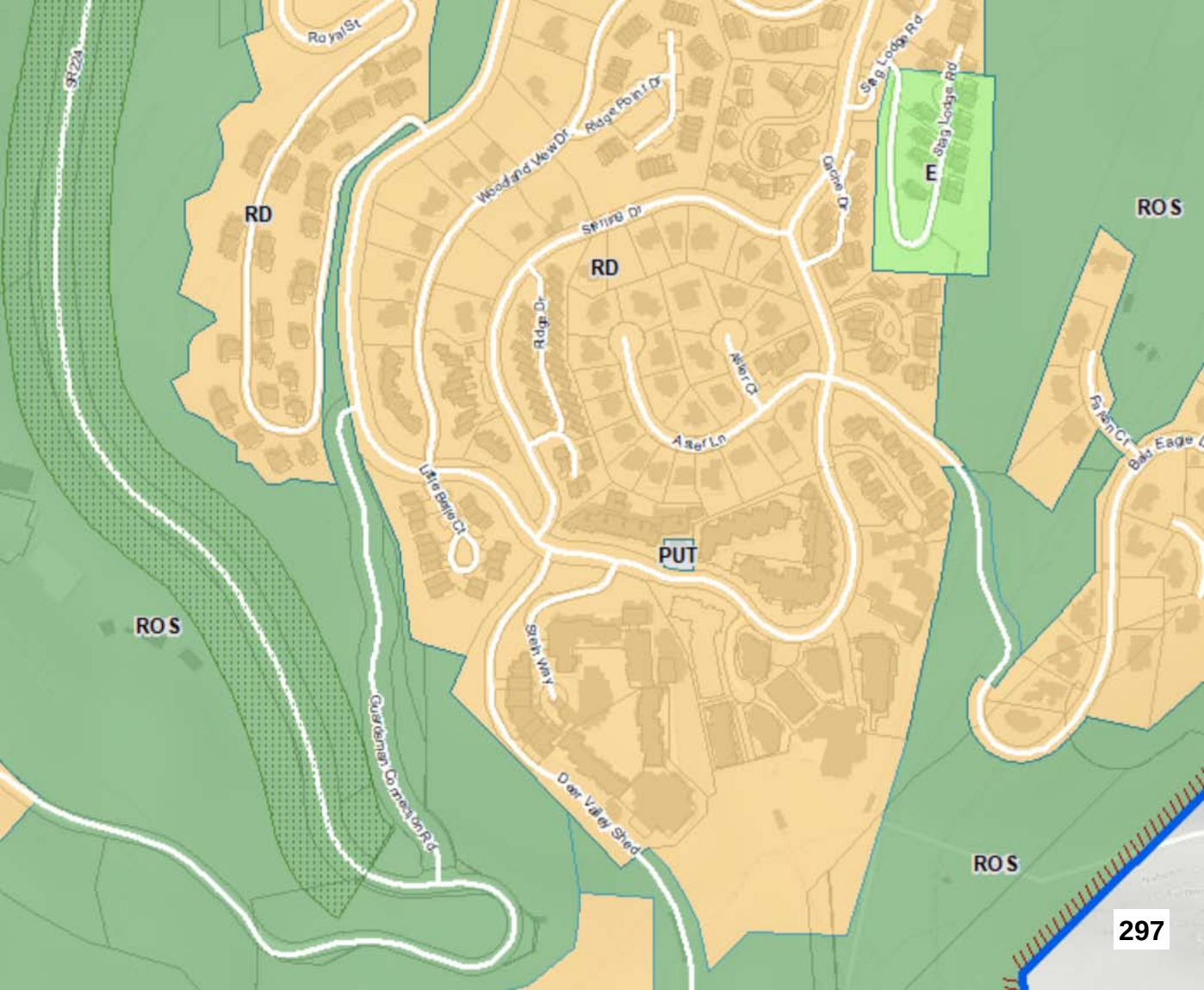
ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1: Rezoning Identification Map



From: Johnny Shirley <jmshirley@thinkaec.com>
Sent: Friday, August 20, 2021 8:47 AM
To: Spencer Cawley
Subject: [External] RE: PL-21-04913 Zone Change

[CAUTION] This is an external email.

The existing Station #34 has reached its age limit and must be replaced. With the growth of the silver lake village and additional condo villages in upper Deer Valley the need for additional space and users is required to meet the demand. In review of the current zoning of Station #34 which is an estate zone, it makes sense to correct the zone going forward to match the use. The zone proposed for the station is the Public Use Transition. This allows for the fire station as a permitted use and would limit what the property could be used for if the station was removed in the future. The proposed station will add an additional apparatus bay and provide larger bays for larger apparatus equipment. The Station is laid out to support (4) staff employees. There are (8) parking spaces allocated (platted) in the adjacent Chateaux parking structure for staff. The existing building has been placed 3'-4" off the back property line. The proposed building would maintain the same setback. Side yard setbacks proposed on the architecture set sheet D001 as 10'-0". The existing station roof holds Photovoltaic panels on both slopes. The proposed roof would be a single slope to house the same panels.

Thank You,

John M. Shirley, AIA
PRINCIPAL// ARCHITECT
Think Architecture
c: 801.755.9486

THE BOARD OF ADJUSTMENT
PARK CITY, SUMMIT COUNTY, UTAH

IN RE: Request for variances to encroach twelve feet into the thirty foot side yard setback and twenty five feet into the thirty foot rear yard setback for the existing Silver Lake Fire Station located at 7805 Royal Street East

Petition #VP-02-0151	)	Findings of Fact
Legal Description: PCA-1200-4-X	)	and Conclusions of Law

The Board of Adjustment of Park City, Utah met on Tuesday, May 21, 2002, for a regularly scheduled and noticed meeting. After determining that a quorum of members of the Board were present, the Board conducted its scheduled business. Among the petitions heard by the Board was the above entitled petition which was filed on April 19, 2002.

After hearing all interested parties, the Board made the following findings of fact:

1. The property located at 7805 Royal Street East is located in the Estate zone.
2. The applicant is requesting an addition to the existing fire station to accommodate additional vehicles and firefighters at the Silver Lake Station.
3. The Land Management Code prohibits construction within thirty feet (30') of any property line in the Estate Zone.
4. The proposed addition will encroach twenty five feet (25') into the rear yard setback.
5. The proposed addition will encroach twelve feet (12') into the side yard setback.
6. There is a need for additional emergency services in the Silver Lake and Flagstaff areas of Park City.
7. The proposed fire station addition will enable the Park City Fire District to provide additional emergency response services to the Silver Lake and Flagstaff areas.
8. The community should continue to provide excellence in public services and community facilities to meet the needs and desires of residents and visitors.
9. The facts discussed in the background and analysis sections are incorporated herein.

Considering all relevant facts, the Board of Adjustment concluded that a variance should be **GRANTED** under the provisions of the Land Management Code because:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property in the same district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

5. The spirit of the zoning ordinance is observed and substantial justice done.

The following conditions were placed on the approval of said variance request:

1. The addition design is subject to review and approval from the City Engineer, Chief Building Official, and the Planning and Zoning Administrator for compliance with the Land Management Code.
2. Existing vegetation on the site shall be preserved to the greatest extent possible.
3. Conformance with Park City Design Guidelines is required prior to any construction.
4. This approval shall expire if a full building permit has not been issued prior to May 21, 2003.

Dated this 2nd day of July, 2002.



Chairperson, Board of Adjustment



Department of Community Development
Engineering • Building Inspection • Planning

May 23, 2002

Park City Fire Service District
Attn: Steve Zwirn
PO Box 680967
Park City, Utah 84068

NOTICE OF PLANNING COMMISSION ACTION

Project Address: 7805 Royal Street East
Project Description: CUP for Addition to Silver Lake Fire Station
Date of Meeting: May 22, 2002

Action Taken By Planning Commission: Approved in accordance with the Findings of Fact and Conclusions of Law as outlined in the staff report; and Conditions of Approval as written below:

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. Approval of a variance from the Board of Adjustment is a condition precedent to the issue of a building permit.
3. All materials used in the construction of the addition shall match the existing materials on the structure.
4. The height of the addition may not exceed the existing height of the building.
5. The applicant shall submit a landscape plan for the areas between the facility and the neighboring Black Bear Lodge upon submitting a building permit application.
6. This approval shall be null and void as of May 22, 2003, unless the applicant has received a building permit for the project.

Any person who submitted written comment on a proposal, the owner of any property within three hundred feet (300') of the boundary of the subject site, or the owner of the subject property may appeal to the City Council any action pertaining to the approval. The petition must be filed in writing with the City Recorder within ten (10) calendar days of a Planning Commission decision.

Best Regards,


Ray Milliner
Planner

Planning Commission Report

DATE: May 22, 2002
DEPARTMENT: Planning Department
TITLE: Expansion of Silver Lake Fire Station
TYPE OF ITEM: Conditional Use Permit

SUMMARY RECOMMENDATIONS: Staff recommends the Commission hold a public hearing, consider public input and consider approving the Conditional Use Permit for the expansion of the existing Silver Lake Fire Station located at 7805 Royal Street East according to the Findings of Fact, Conclusions of Law and conditions of a approval outlined in this report.

A. DESCRIPTION

Project Name: CUP for an essential municipal facility
Project Planner: Ray Milliner
Applicant: Park City Fire District
Representative: Steve Zwirn
Owner of Property: Park City Fire District
Location: 7805 Royal Street East
Zone: Estate

B. BACKGROUND

The applicant is requesting a CUP which will enable an expansion of the existing fire station at 7805 Royal Street East. The station currently houses two firefighters, one small engine and an auxiliary vehicle (brush fire engine or ambulance). The expansion will provide for the housing of two additional firefighters as well as a larger engine, an ambulance and a brush fire vehicle. The additional equipment and personnel are proposed due to the continued population growth in the Silver Lake and Flagstaff Mountain Resort areas and Fire District's need to maintain a high level of emergency response services there. It is hoped that construction will occur during the summer months in order to have the renovation completed in time for the busy winter season.

To accommodate the necessary square footage, the applicant proposes to expand the existing building by twelve feet (12') on the west (side yard) and ten feet (10') on the north (rear yard). The north expansion will encroach an additional ten feet (10') into the rear yard setback for a total of a twenty five foot (25') encroachment into the thirty foot (30') rear yard setback (the existing building encroaches fifteen feet (15')). The western expansion will encroach twelve feet (12') into the required thirty foot (30') side yard setback. Therefore, the applicant has applied for a variance to the rear yard setback for the Estate zone with the Board of Adjustment. At the time of this writing, the Board has not made a ruling on the matter (a hearing is scheduled for May 21, 2002). If the CUP is approved by the Planning Commission, a condition of approval has been drafted which requires Board of Adjustment variance approval prior to the issue of a building permit.

No height increases are proposed for the structure, the applicant has proposed to match all existing materials, and the addition will be similar to the existing building architecturally.

C. ANALYSIS

Applications for essential municipal or public facilities located in the Estate zone are reviewed as a conditional use pursuant to section 15-2.10-2(B) of the Land Management Code. Outlined below is Staff's analysis according to the Conditional Use Permit Standards for Review from Section 15-1-10(D) and (E) of the zoning requirements of the Land Management Code, which relate to this project:

Standards For Review:

Standard 1: Application complies with all requirements of LMC. **COMPLIES.** This recommendation is predicated on the condition of approval that the applicant receive a variance to the LMC requirement that a building in the Estate zone have thirty foot (30') rear and side yard setbacks. All other aspects of the application are in conformance with the requirements of the LMC, as it relates to height, parking, setbacks, architectural details, and so on.

Standard 2: Use will be compatible with surrounding structures in use, scale, mass and circulation. **COMPLIES.** The project was reviewed by members of the Legal Department, and Community Development Department at the April 30, 2002 staff review meeting. Staff determined that the fire station expansion is compatible with surrounding uses as it is an essential public service. The mass and scale of the proposed renovation is compatible with the existing building, as well as surrounding structures, the surrounding vernacular is multi-story structures of varying widths and lengths. The proposed structure would be approximately 31 feet tall, and 45'x42' at its largest dimensions.

Standard 3: Use is consistent with the Park City General Plan. **COMPLIES.** Goal 3 of Chapter 2 of the general plan states "The community should continue to provide excellence in public services and community facilities to meet the needs and desires of residents and visitors." Staff finds that the proposed application is consistent with this goal as it enhances the ability of the Park City Fire District to "provide excellence" in responding to emergency situations in the growing Silver Lake and Flagstaff Areas.

Standard 4: The effects of any differences in use or scale have been mitigated through careful planning. **COMPLIES.** The proposed fire station expansion is a conditional use in the Estate zone, prior to the commencement of any construction, the Planning Commission will review the project for compatibility with the LMC according to the sixteen review criteria below, the Board of Adjustment will determine whether a variance is appropriate for the proposed encroachment into the rear yard setback, and the Community Development Department will review the building permit application for compliance with the LMC and International Building Code.

Review Criteria

Criteria 1: Size and location of the site; **COMPLIES.** The fire station is the only emergency response facility in the Silver Lake/Flagstaff area at the current time. It currently houses one small engine and a service vehicle. Because of the recent growth of the area it is appropriate that the facility be expanded to accommodate future emergency services needs of the community.

Criteria 2: Traffic considerations; **COMPLIES.** It is essential that the facility have large bay doors that face Royal Street East, as emergency vehicles, on occasion, exit the facility at a high rate of speed. Therefore, the road cut and paved area in the front yard setback are wider than normally proposed for residential or commercial structures.

Criteria 3: Utility capacity; COMPLIES. The proposed use has existing access to all necessary utilities.

Criteria 4: Emergency vehicle access; COMPLIES. The facility has adequate access to emergency services.

Criteria 5: Location and amount of off-street parking; COMPLIES. The proposed addition will house four firefighters, and three emergency vehicles. The emergency vehicles will be housed inside of the structure, and four parking spaces have been provided in front of the building for the firefighters.

Criteria 6: Internal circulation system; COMPLIES. The primary need of the structure is ample access to Royal Street East, this has been provided, and is appropriate.

Criteria 7: Fencing, screening and landscaping to separate uses; COMPLIES. The LMC requires that the applicant provide landscaping between the parcel and the uses on either side of the property. The landscape plan will be reviewed by the Community Development Department as part of the building permit application.

Criteria 8: Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots; COMPLIES. The proposed building meets the mass, and height requirements of the Estate zone.

Criteria 9: Usable open space; COMPLIES. This criteria is not applicable.

Criteria 10: Signs and lighting; COMPLIES. The station has a small identification sign hanging above the large bay doors, which conforms with the requirements of the Sign Code. No changes to the existing sign or additional signs are proposed as part of this application.

Criteria 11: Physical design and compatibility with surrounding structures in mass, scale and style, design, and architectural detailing; COMPLIES. The existing structure is sheathed with board and batten siding with multiple gables in the Mountain Architecture style. The front facade is dominated by two large bay doors facing Royal Street East. Though larger than the structure in question, the surrounding buildings are of a similar style of construction and built with similar materials. The proposed addition will match the existing building in style and materials. Staff finds that the mass, scale and design of the addition is compatible with the existing Silver Lake structures.

Criteria 12: Noise, vibration, odors, steam, or other mechanical factors that might affect people; COMPLIES. By nature, when responding to an emergency, the vehicles housed in a fire station emit a shrill and alarming sound which draws attention to the vehicles. However, staff finds that these "sirens" are an important part of the stated goals of LMC Section 15-1-2(A) which are to "To promote the general health, safety and welfare of the present and future inhabitants, businesses, and visitors of the City," and are therefore appropriate.

Criteria 13: Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick up areas; COMPLIES. Delivery trash and service vehicles will not change their approach to the parcel.

Criteria 14: Expected ownership and management of the property; **COMPLIES.** The Park City Fire District is the owner and operator of the property.

Criteria 15: Architectural and Uniform Building Code review; **COMPLIES.** Prior to commencing construction, the applicant must file an application for a building permit with the Building Department. The application must be reviewed and approved by the Building, Engineering and Planning Departments prior to the issue of a building permit.

Criteria 16: Sensitive Lands Review. **COMPLIES.** The proposed site for the addition is in not located within the Sensitive Lands Overlay Zone, and is therefore not subject to sensitive lands review.

D. DEPARTMENT REVIEW

The application was reviewed by City staff at the April 30, 2002 staff review meeting. Members of the Community Development Department, Legal Department and Public Works were present. No concerns were expressed at that time.

E. RECOMMENDATION

Staff recommends the Commission hold a public hearing, consider public input and consider approving the Conditional Use Permit for the expansion of the existing Silver Lake Fire Station located at 7805 Royal Street East according to the Findings of Fact, Conclusions of Law and conditions of a approval outlined below.

Findings of Fact

1. The existing Fire Station is owned by the Park City Fire District.
2. The existing Fire Station is located in the Estate Zone.
3. Expansions of essential municipal and public facilities in the Estate zone are a conditional use requiring a review by the Planning Commission and a public hearing.
4. The proposed addition will encroach twenty five feet (25') into the rear yard setback
5. The proposed addition will encroach twelve feet (12') into the side yard setback.
6. On May 21, 2002, the Board of Adjustment granted a variance to the applicant for a ten foot encroachment into the rear yard setback.
7. The height of the existing building will not increase as a result of this application.
8. The purpose of the addition is to house two additional firefighters a fire engine and two auxiliary vehicles which will provide additional emergency services in the Silver Lake and Flagstaff areas of Park City.
9. The proposed fire station addition will enable the Park City Fire District to provide additional emergency response services to the Silver Lake and Flagstaff areas.
10. The findings in the Analysis section are incorporated herein.
11. The applicant stipulates to all Conditions of Approval.

Conclusions of Law

1. The application complies with all requirements of Sections 15-2.10-2(B), and 15-1-10(E)1-15 of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. Approval of a variance from the Board of Adjustment is a condition precedent to the issue of a building permit.
3. All materials used in the construction of the addition shall match the existing materials on the structure.
4. The height of the addition may not exceed the existing height of the building.
5. The applicant shall submit a landscape plan for the areas between the facility and the neighboring Black Bear Lodge upon submitting a building permit application.
6. This approval shall be null and void as of May 22, 2003, unless the applicant has received a building permit for the project.

EXHIBITS

Exhibit A - Site Plan

Exhibit B - Letter From Applicant

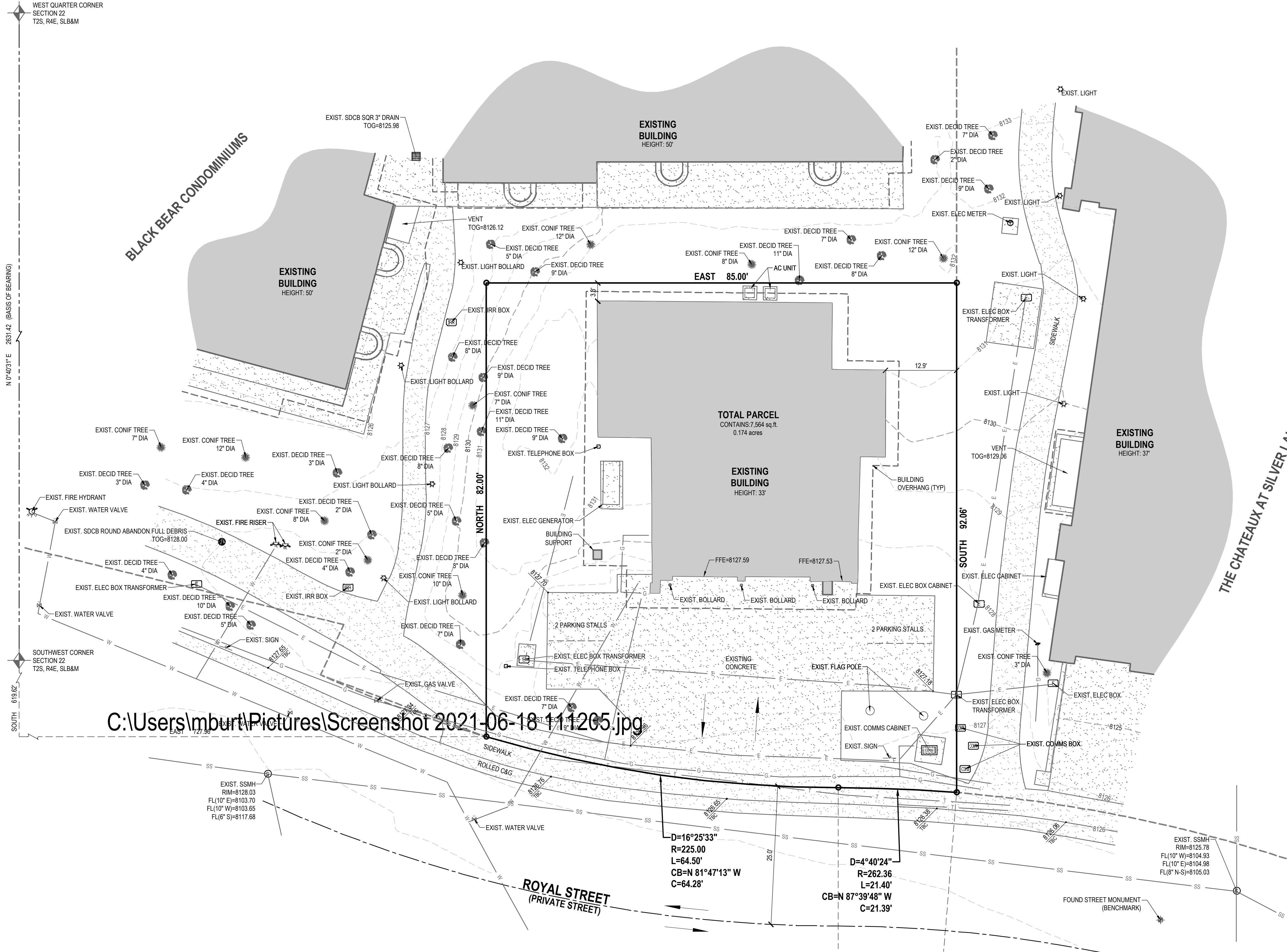
811

Know what's below.
Call before you dig.

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

BENCHMARK

FOUND STREET MONUMENT LOCATED IN
ROYAL STREET
ELEV = 8125.68'



SURVEYOR'S NARRATIVE

I, Patrick M. Harris, do hereby state that I am a Professional Land Surveyor and that I hold certificate no. 286882 as prescribed by the laws of the State of Utah and represent that I have made a survey of the following described property. The Purpose of this survey is to provide a boundary and topography survey to our client. The Basis of Bearing is N0°40'31"E 2631.42' between the Southwest corner and the West quarter corner of Section 22, Township 2 South, Range 4 East, S.L.B.&M.

PROPERTY DESCRIPTION

Beginning at a point which is South 619.62 feet and East 727.96 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian; said point also being on the Northerly right-of-way line of Royal Street East Road, as dedicated and running thence North 82.00 feet; thence East 85.00 feet; thence South 92.06 feet to a point on the North right-of-way line of Royal Street East Road, said point also being on a 262.36 foot radius curve to the left (center bears S4°40'22"W 262.36 feet of which the central angle is 4°40'22"); thence Westerly along the arc of said curve and Northerly right-of-way line 21.40 feet to a point of a 225.00 foot radius reverse curve to the right (center bears North 225.00 feet of which the central angle is 16°25'36"); thence Northwesterly along the arc of said curve and Northerly right-of-way line 64.51 feet to the point of beginning.

AS SURVEYED DESCRIPTION

Beginning at a point on the North line of Royal Street said point being South 619.62 feet and East 727.96 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running,

thence North 82.00 feet;
thence East 85.00 feet;
thence South 92.06 feet to the North line of Royal Street;
thence along said North line of Royal Street the following two (2) courses:
thence Northerly 21.40 feet along the arc of a 262.36 feet radius non-tangent curve to the left (center bears South 4°40'24" West and the long chord bears North 87°39'48" West 21.39 feet through a central angle of 4°40'24");
thence Northerly 64.50 feet along the arc of a 225.00 feet radius reverse curve to the right (center bears North and the long chord bears North 81°47'13" West 64.28 feet through a central angle of 16°25'33") to the point of beginning.

Contains 7,564 square feet. 0.174 acres.

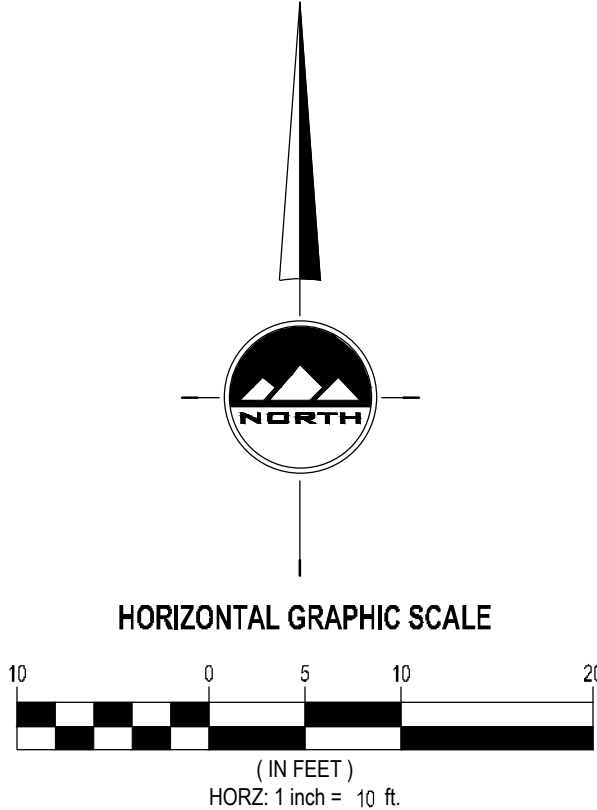
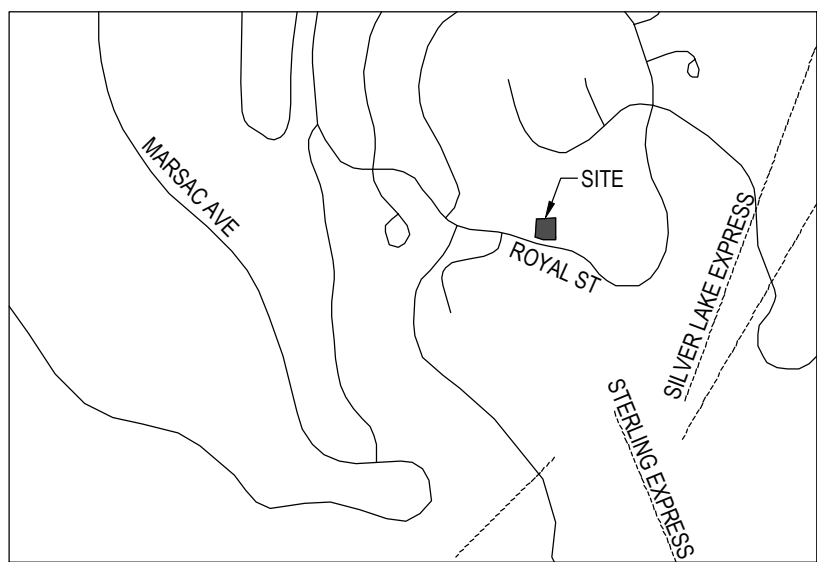
7/26/21

Date

Patrick M. Harris
License no. 286882

LEGEND	
	SECTION CORNER
	MONUMENT
	EXIST REBAR AND CAP
	SET ENSIGN REBAR AND CAP
	WATER METER
	WATER MANHOLE
	FIRE HYDRANT
	SECONDARY WATER VALVE
	IRRIGATION VALVE
	SANITARY SEWER MANHOLE
	STORM DRAIN CLEAN OUT
	STORM DRAIN CATCH BASIN
	STORM DRAIN COMBO BOX
	STORM DRAIN CULVERT
	SIGN
	ELECTRICAL BOX
	UTILITY MANHOLE
	UTILITY POLE
	LIGHT
	CABLE BOX
	TELEPHONE BOX
	GAS METER
	TREE
	SHRUB
	ADJACENT RIGHT OF WAY
	RIGHT OF WAY
	CENTERLINE
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	DEED LINE
	TANGENT LINE
	EXIST DITCH FLOW LINE
	FENCE
	EDGE OF ASPHALT
	SANITARY SEWER LINE
	STORM DRAIN LINE
	LAND DRAIN LINE
	CULINARY WATER LINE
	SECONDARY WATER LINE
	IRRIGATION LINE
	OVERHEAD POWER LINE
	ELECTRICAL LINE
	GAS LINE
	EXISTING CONTOURS
	CONCRETE
	BUILDING
	PUBLIC DRAINAGE EASEMENT
	DENSE VEGETATION PREVENTING ACCESS FOR ACCURATE SURVEY
	TRAFFIC CIRCULATION

NOTE: MAY CONTAIN SYMBOLS THAT ARE NOT USED IN THIS PLAN SET.



LOCATED IN THE NORTHWEST QUARTER
OF SECTION 27
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

EN SIGN

THE STANDARD IN ENGINEERING

SALT LAKE CITY

45 W. 10000 S., Suite 500
Sandy, UT 84070
Phone: 801.255.0529

LAYTON

Phone: 801.547.1100

TOOELE

Phone: 435.843.3590

CEDAR CITY

Phone: 435.865.1453

RICHFIELD

Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
THINK ARCHITECTURE
7927 HIGHPOINT PARKWAY, SUITE 300
SANDY, UTAH 84094

CONTACT:
COREY SOLIM
PHONE: 801-269-0055

PARK CITY FIRE STATION #34

BOUNDARY AND TOPOGRAPHY SURVEY

7805 ROYAL STREET

PARK CITY, UTAH



BOUNDARY AND
TOPOGRAPHY SURVEY

PROJECT NUMBER
10827

PRINT DATE
7/26/21

DRAWN BY
M. BURT

CHECKED BY
P. HARRIS

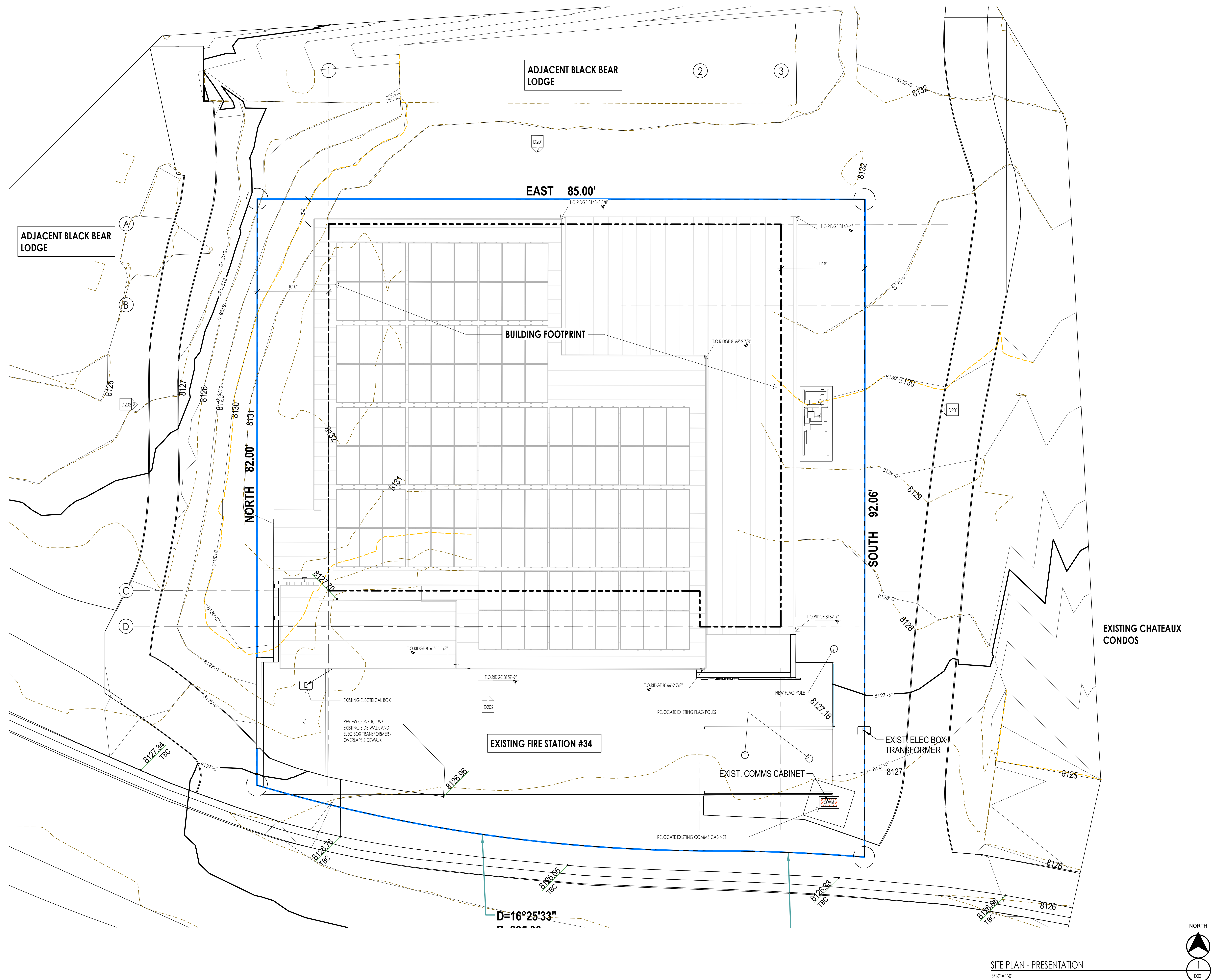
PROJECT MANAGER
P. HARRIS

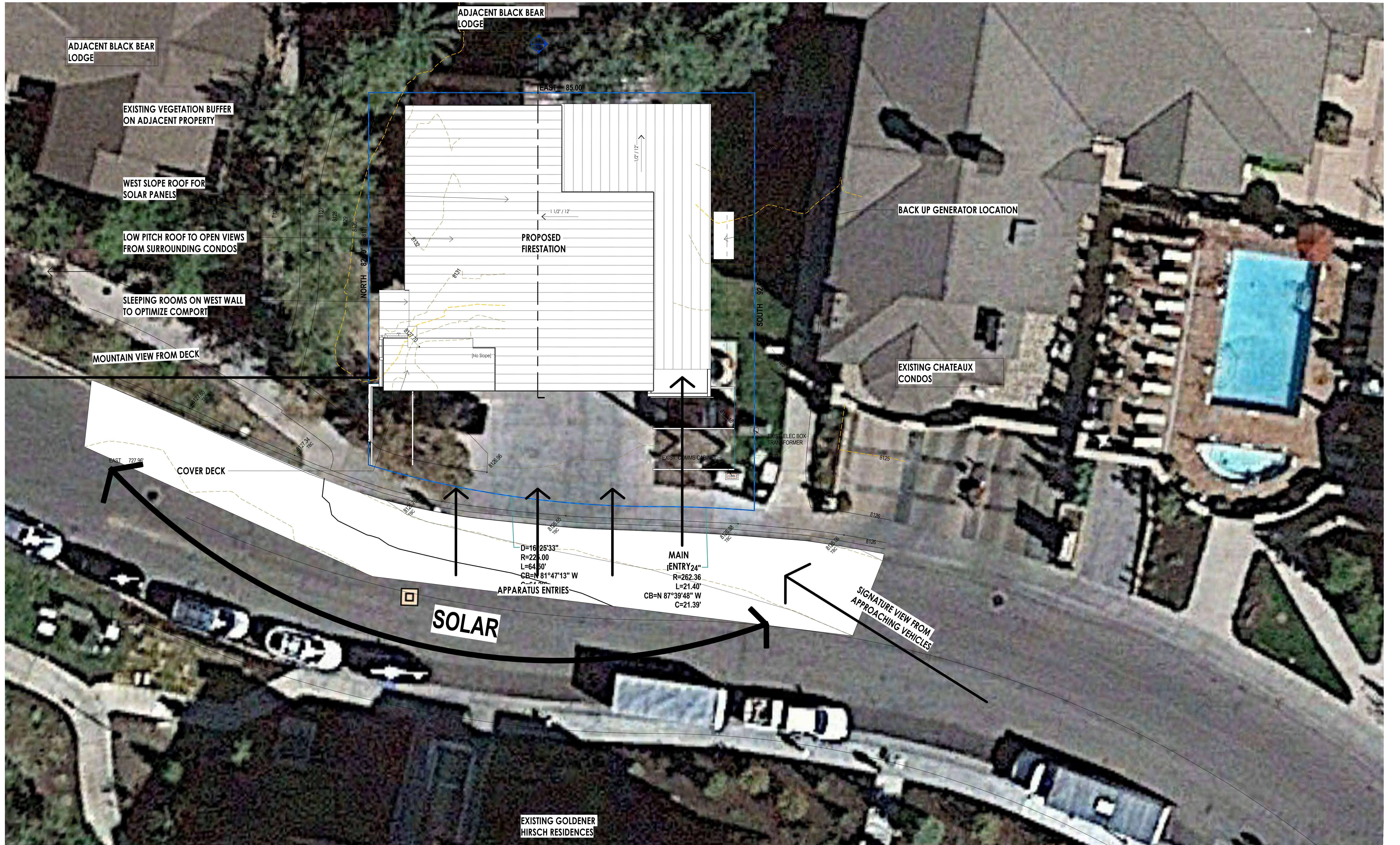


PARK CITY FIRE STATION 34

PARK CITY, UT

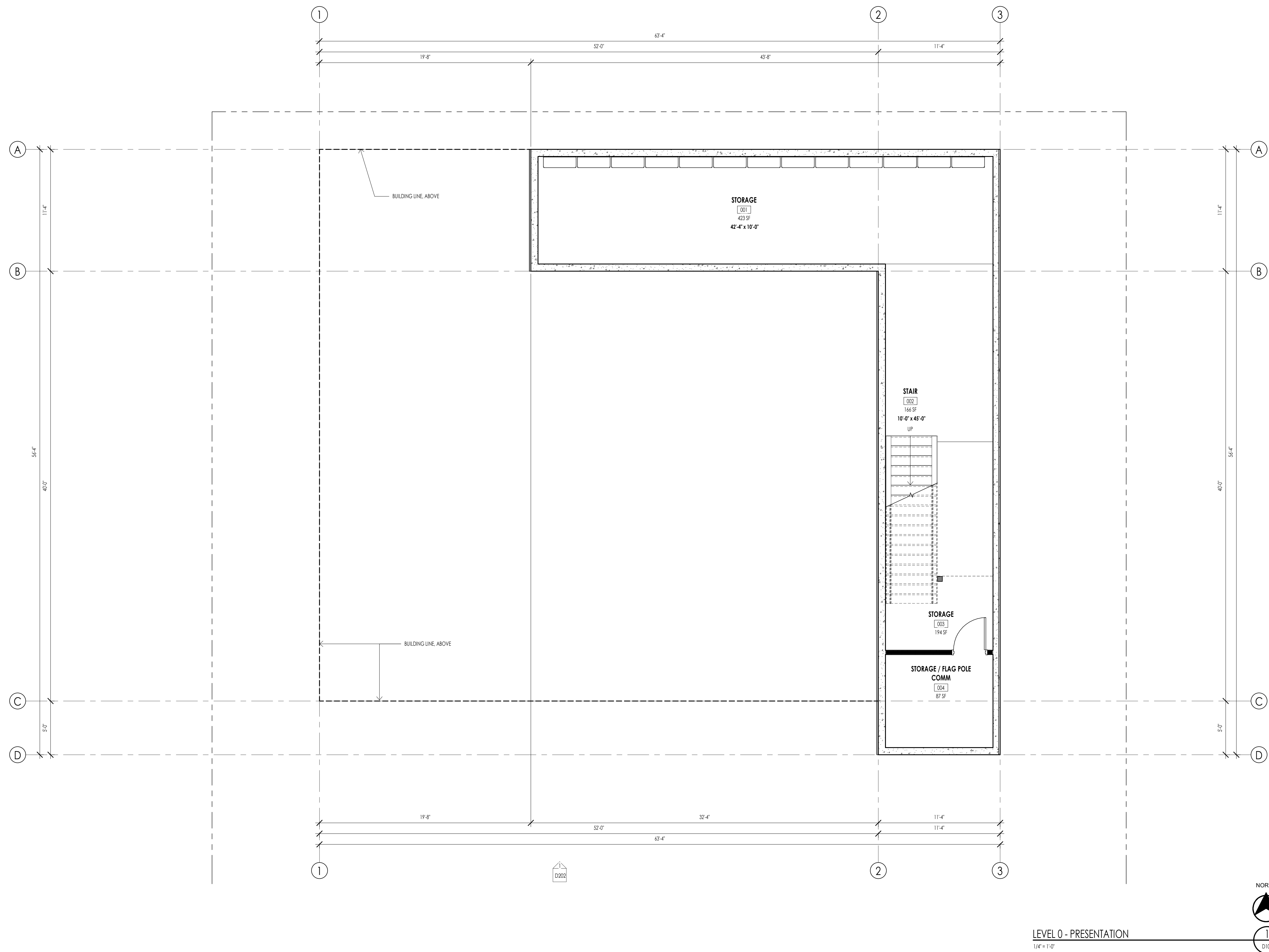
2021.07.28







NOTE: RED CIRCLE REPRESENTS ADJACENT PROPERTIES WITHIN 300 FEET OF EXISTING FIRESTATION



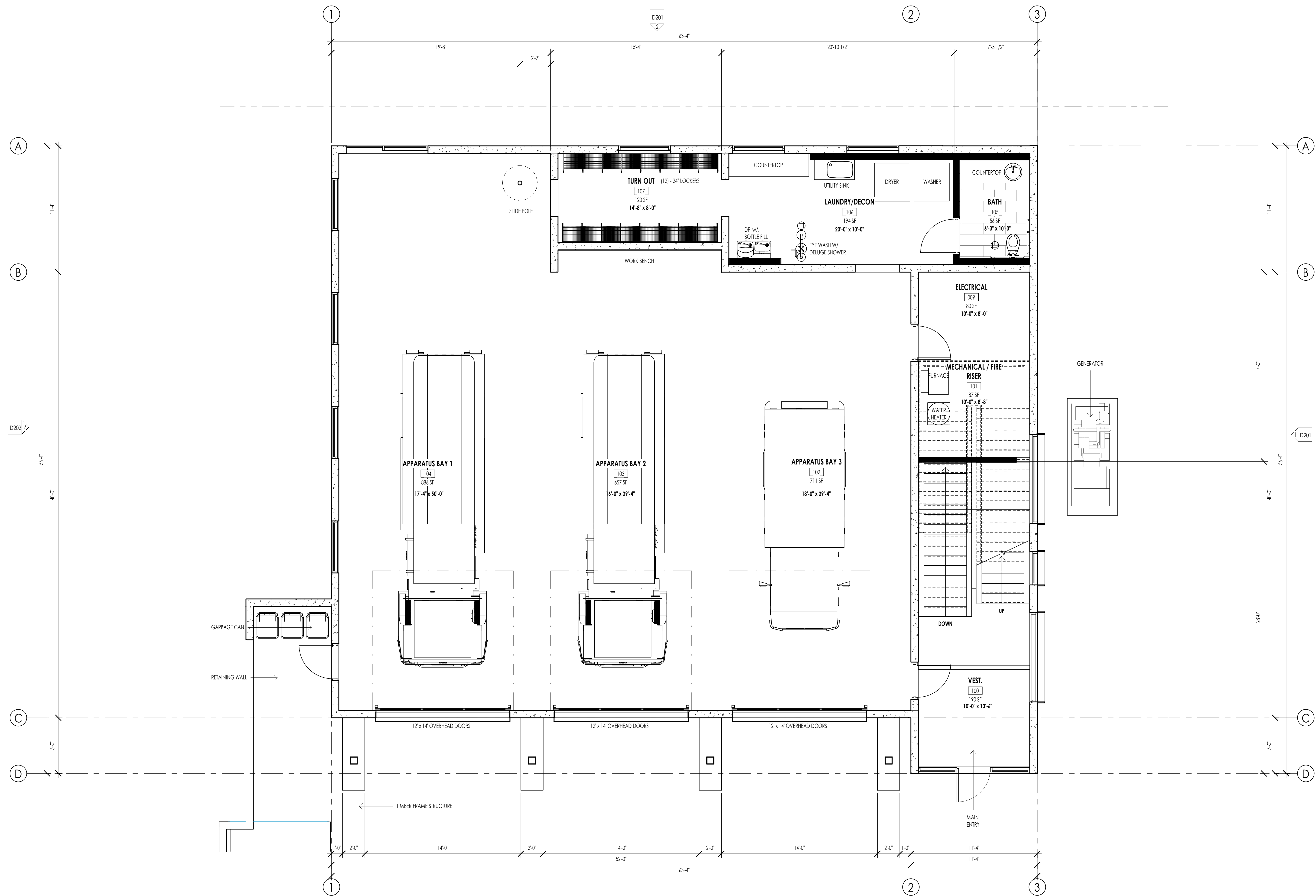
PARK CITY FIRE STATION 34

PARK CITY, UT

LEVEL 0

D100

2021.07.28

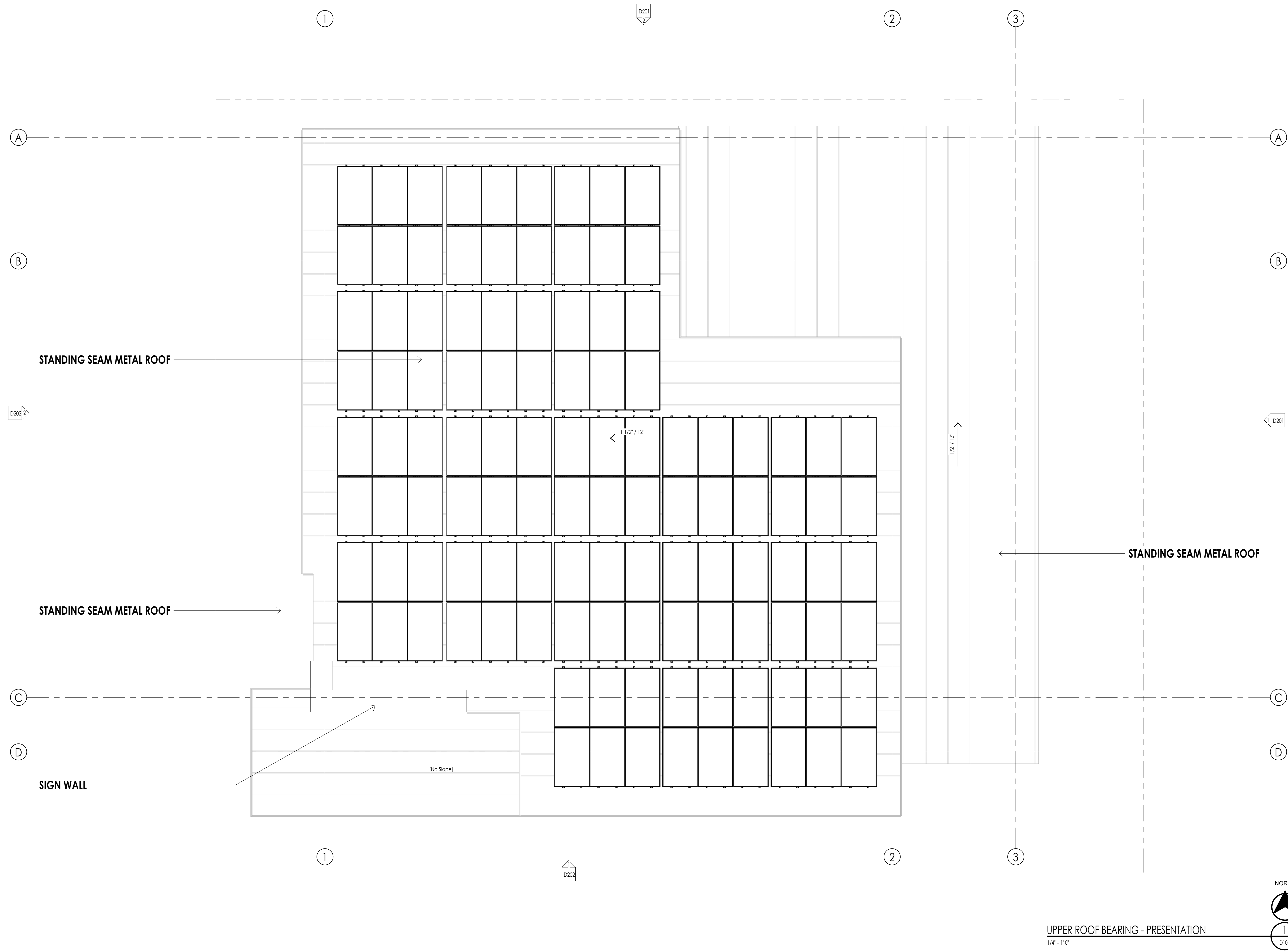


BUILDING AREA	
AREA	OPTION 01
LEVEL 0	1005 SF
LEVEL 1	3518 SF
LEVEL 2	3309 SF
	7832 SF

LEVEL 1 - PRESENTATION
1/4" = 1'-0"







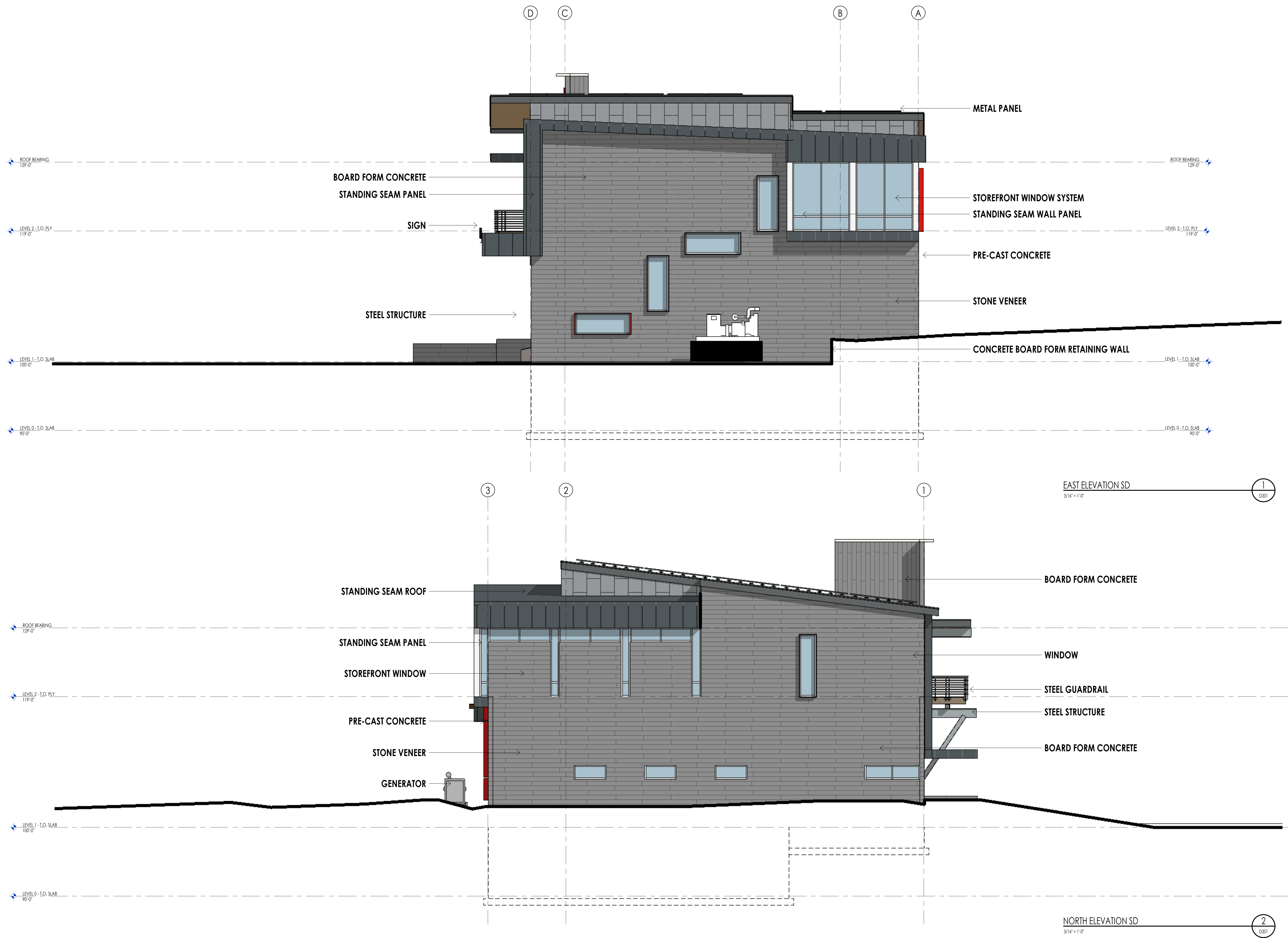
PARK CITY FIRE STATION 34

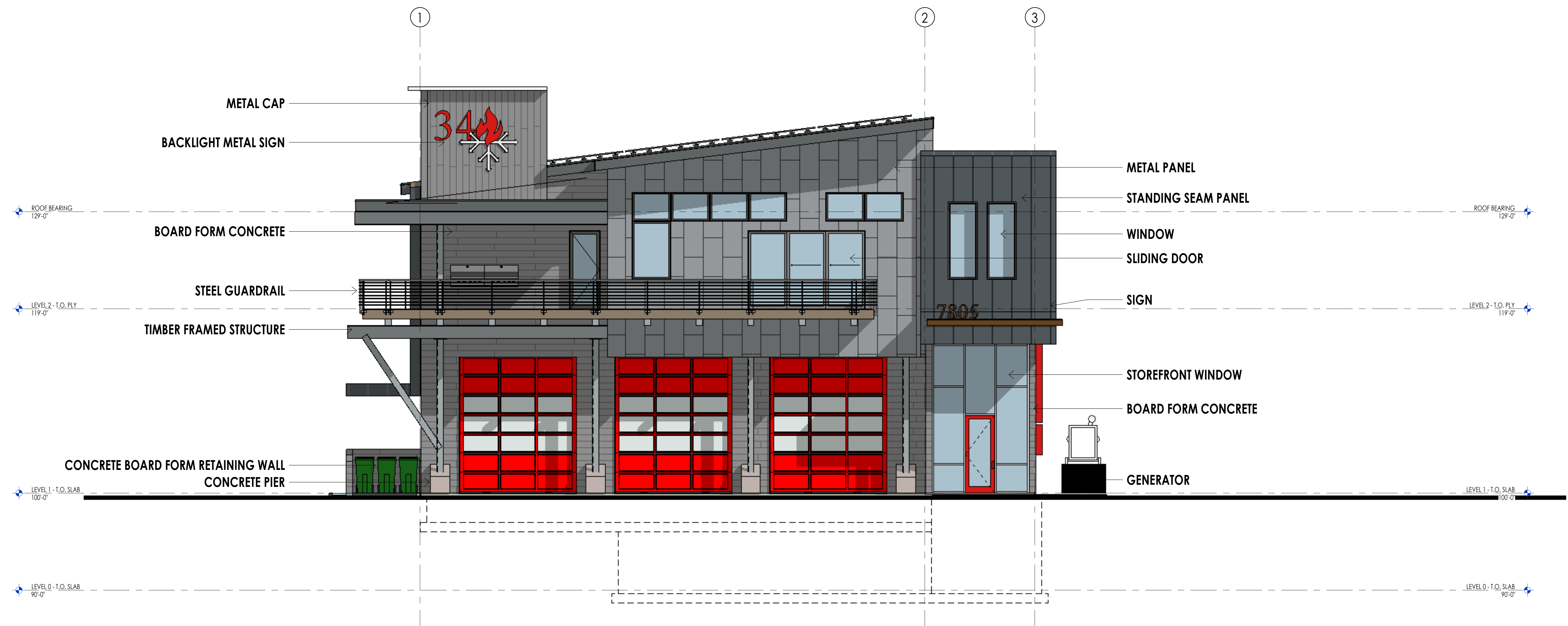
PARK CITY, UT

ROOF PLAN

D103

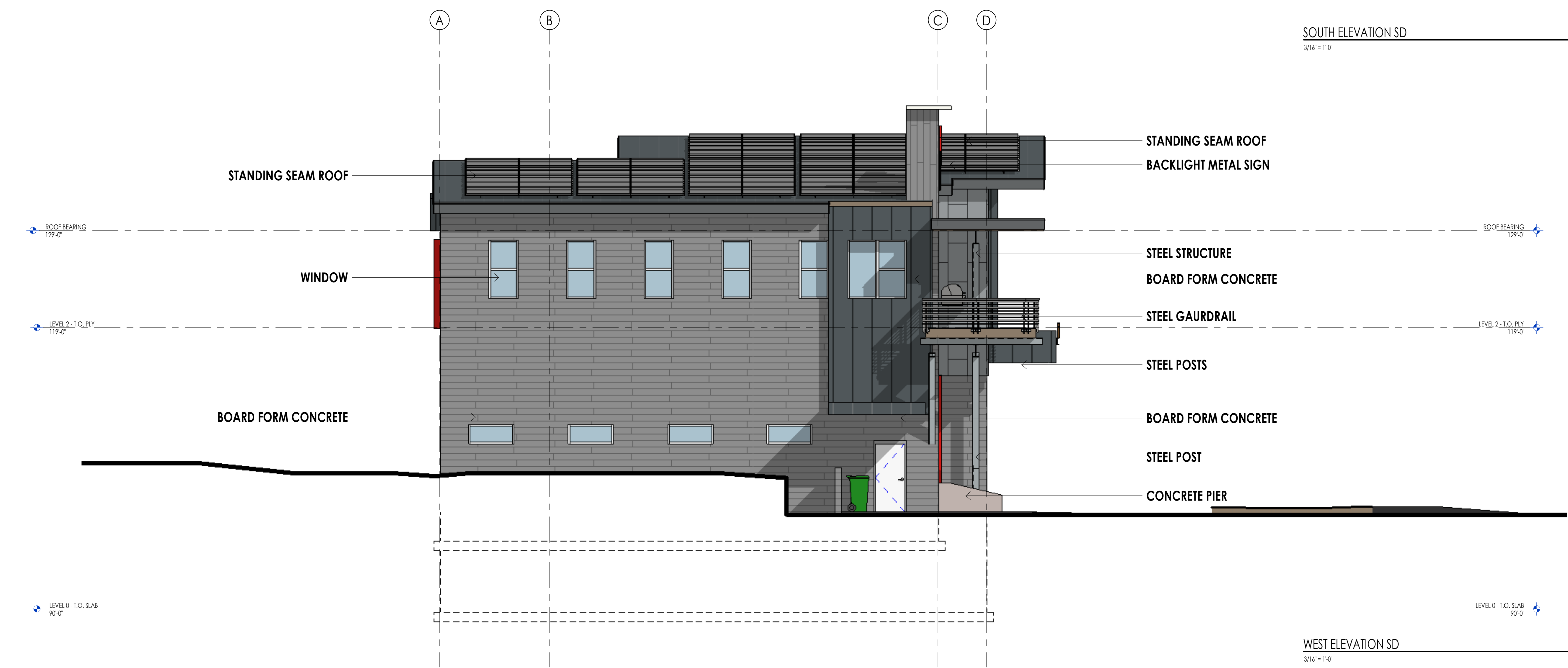
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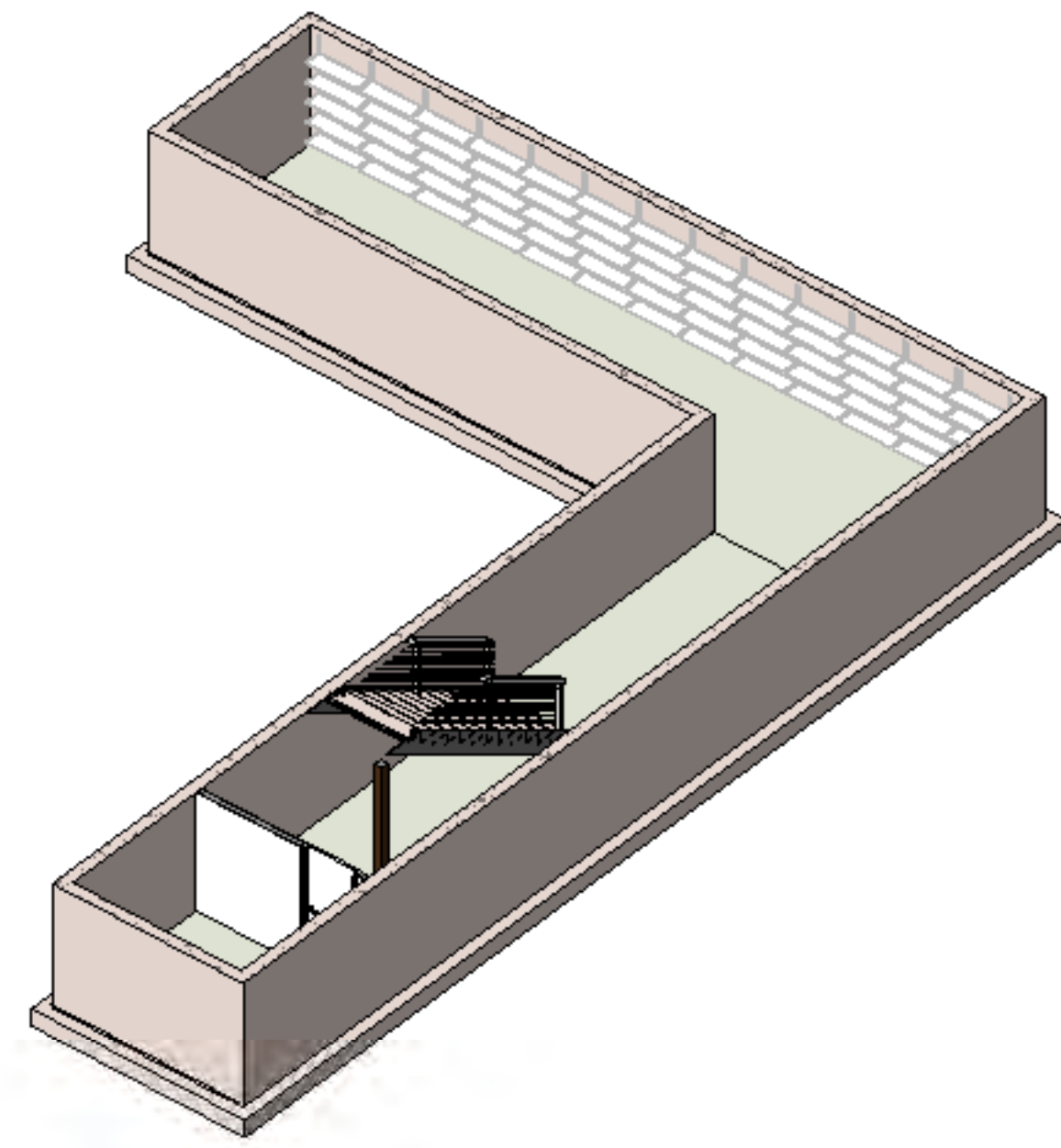
SOUTH ELEVATION SD
3/16" = 1'-0"

1
C202



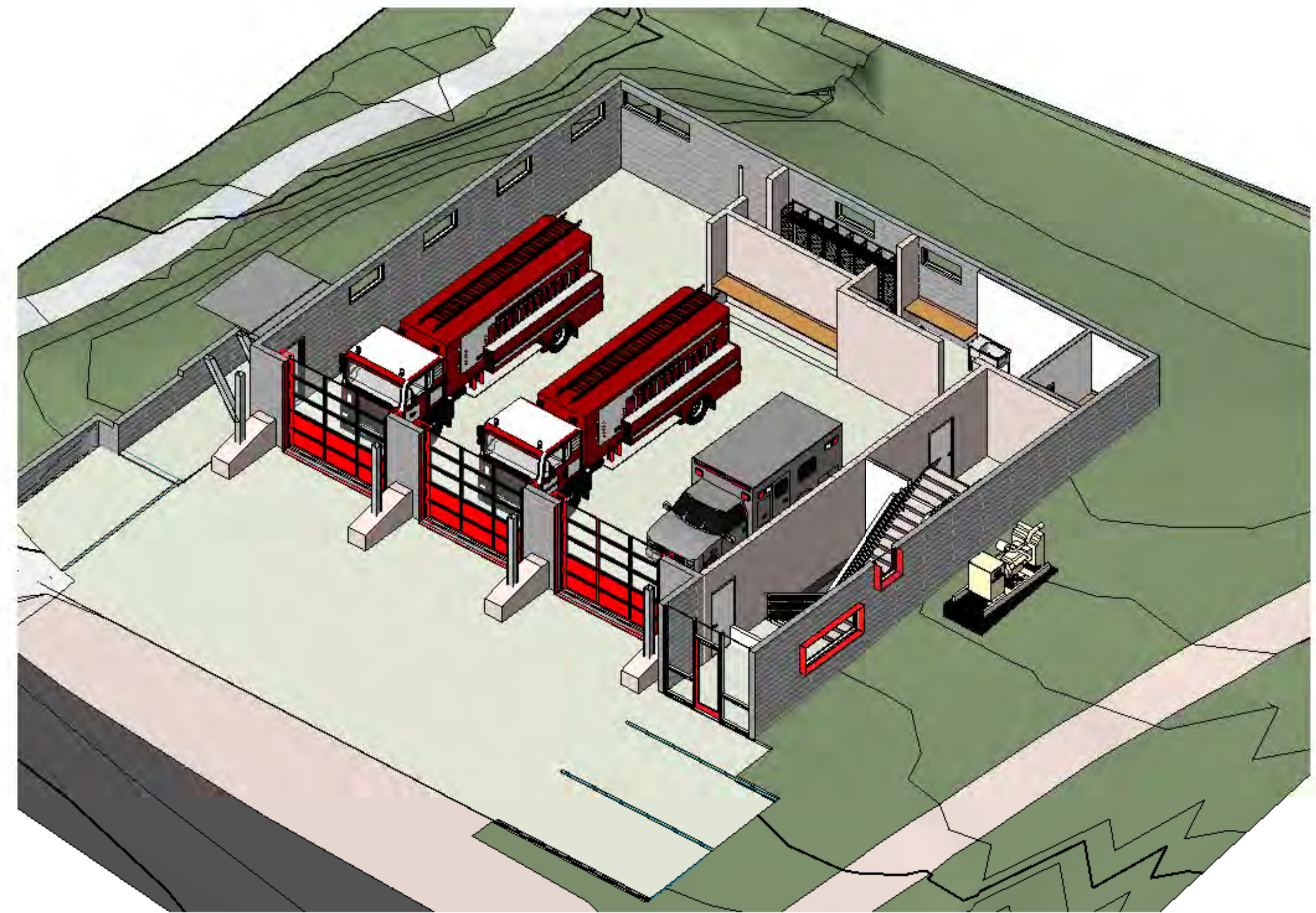
WEST ELEVATION SD
3/16" = 1'-0"

2
C202



LEVEL 0 PERSPECTIVE

1
0300



LEVEL 1 PERSPECTIVE

2
0300



LEVEL 2 PERSPECTIVE

3
0300



ROOF PERSPECTIVE

4
0300



LEVEL 2 PERSPECTIVE ENLARGED

1
D301

LEVEL 2 PLAN PERSPECTIVE

PARK CITY FIRE STATION 34

PARK CITY, UT

D301

2021.07.28



PARK CITY FIRE STATION 34

PARK CITY, UT

EXTERIOR VIEWS

D302

2021.07.28



PARK CITY FIRE STATION 34

PARK CITY, UT

EXTERIOR VIEWS

D303

2021.07.28



PARK CITY FIRE STATION 34

PARK CITY, UT

EXTERIOR VIEWS

D304

2021.07.28



PARK CITY FIRE STATION 34

PARK CITY, UT

EXTERIOR VIEWS

D305

2021.07.28

SHADED GEOMETRY REPRESENTS
ALLOWABLE BUILDING HEIGHT/ MASSING



PARK CITY FIRE STATION 34

PARK CITY, UT

SOUTHWEST VOLUME STUDY

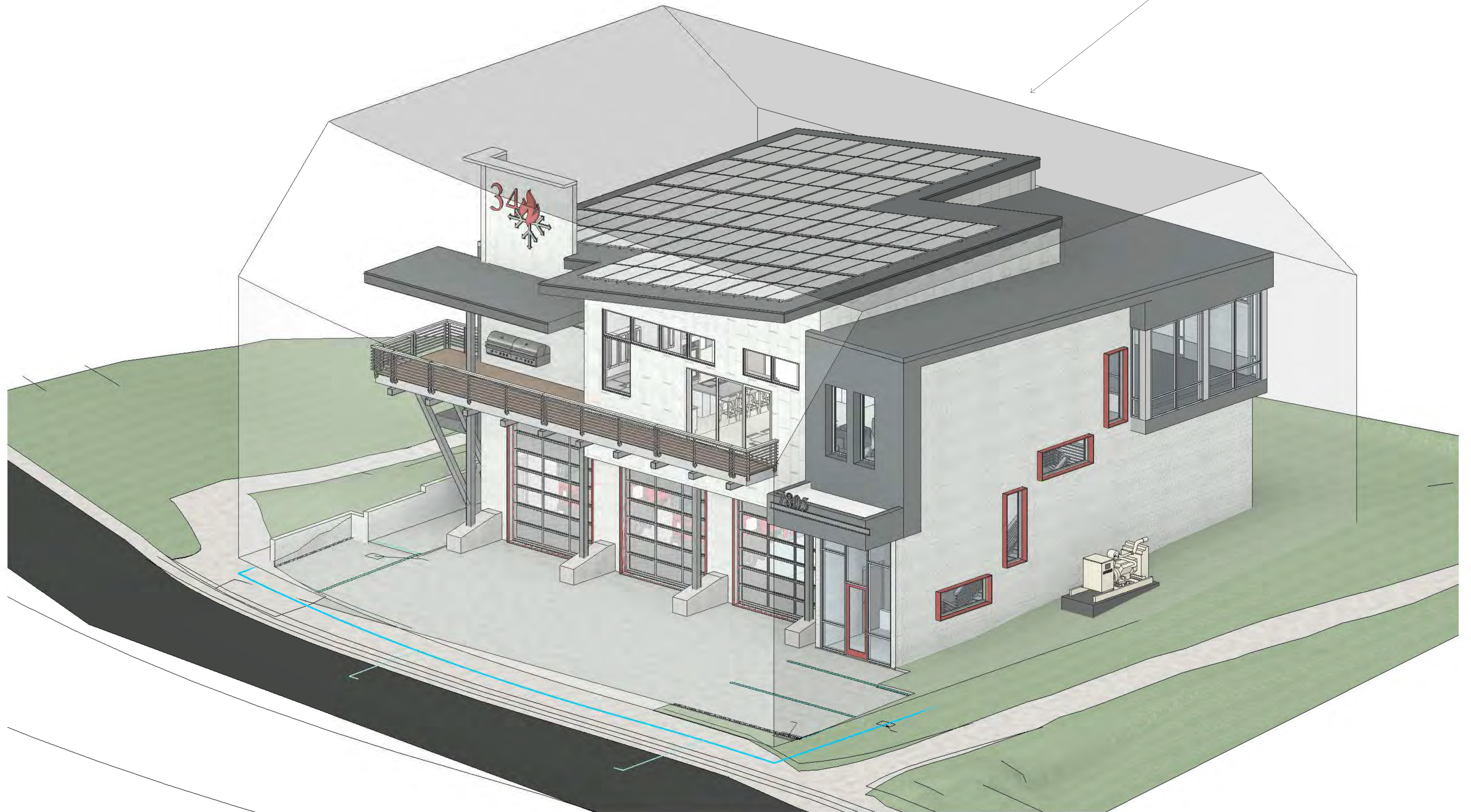
1
D401

SOUTHWEST VOLUME

D401

2021.07.28

SHADED GEOMETRY REPRESENTS
ALLOWABLE BUILDING HEIGHT/ MASSING



PARK CITY FIRE STATION 34

PARK CITY, UT

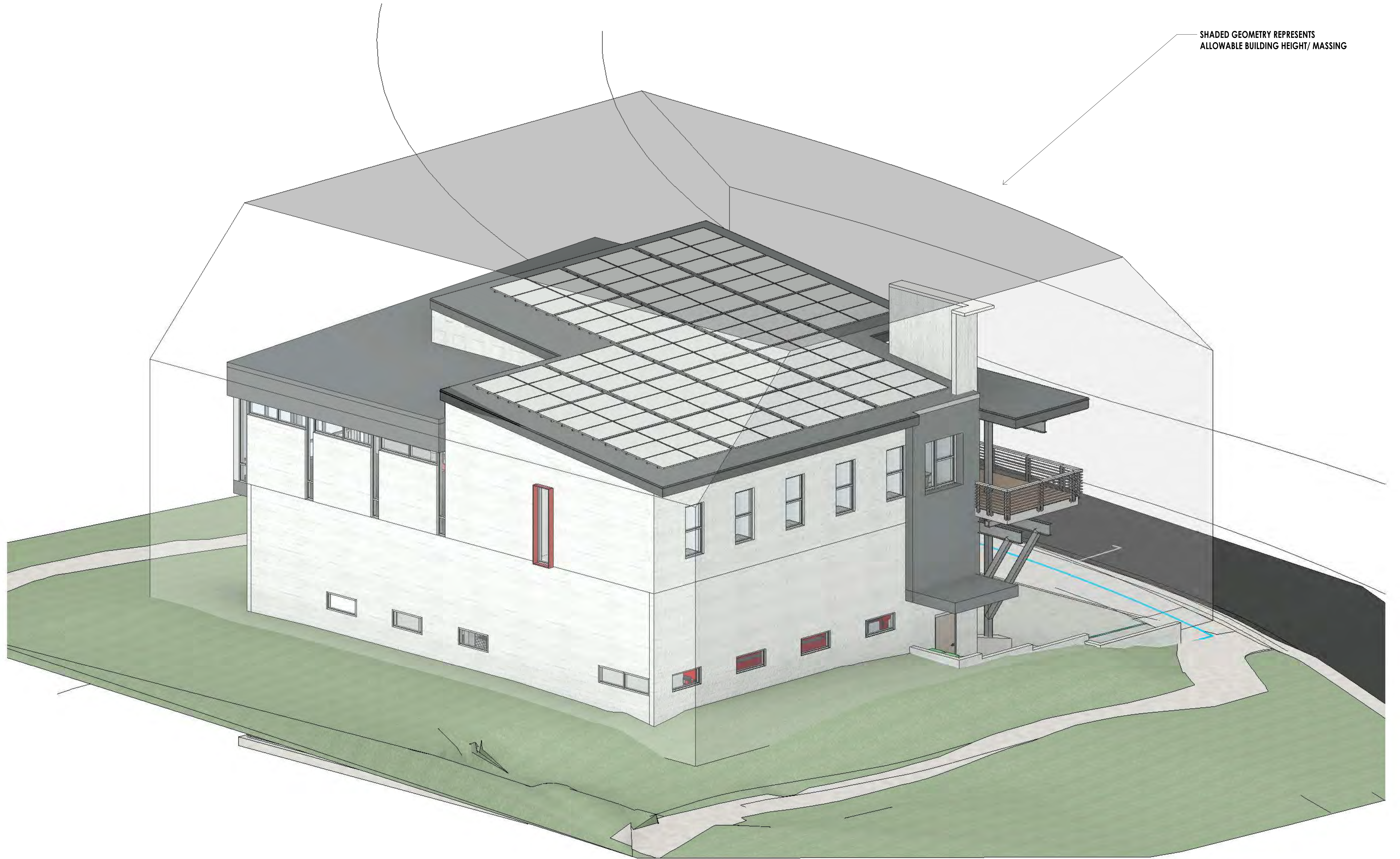
SOUTHEAST VOLUME STUDY

1
D402

SOUTHEAST VOLUME

D402

2021.07.28



SHADED GEOMETRY REPRESENTS
ALLOWABLE BUILDING HEIGHT/ MASSING

PARK CITY FIRE STATION 34

PARK CITY, UT

NORTHWEST VOLUME STUDY

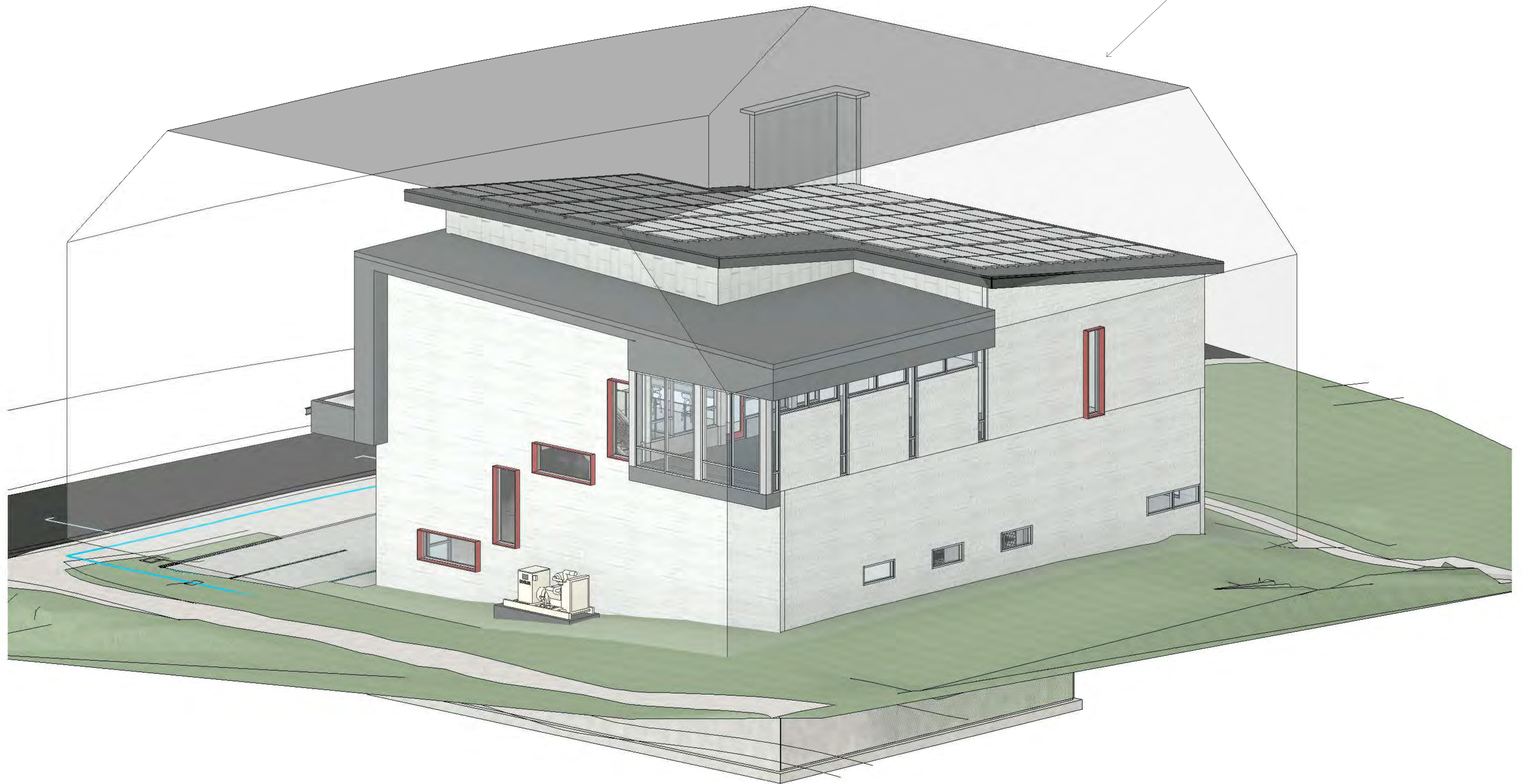
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D403

NORTHWEST VOLUME

D403

2021.07.28

SHADED GEOMETRY REPRESENTS
ALLOWABLE BUILDING HEIGHT/ MASSING



PARK CITY FIRE STATION 34

PARK CITY, UT

NORTHEAST VOLUME STUDY

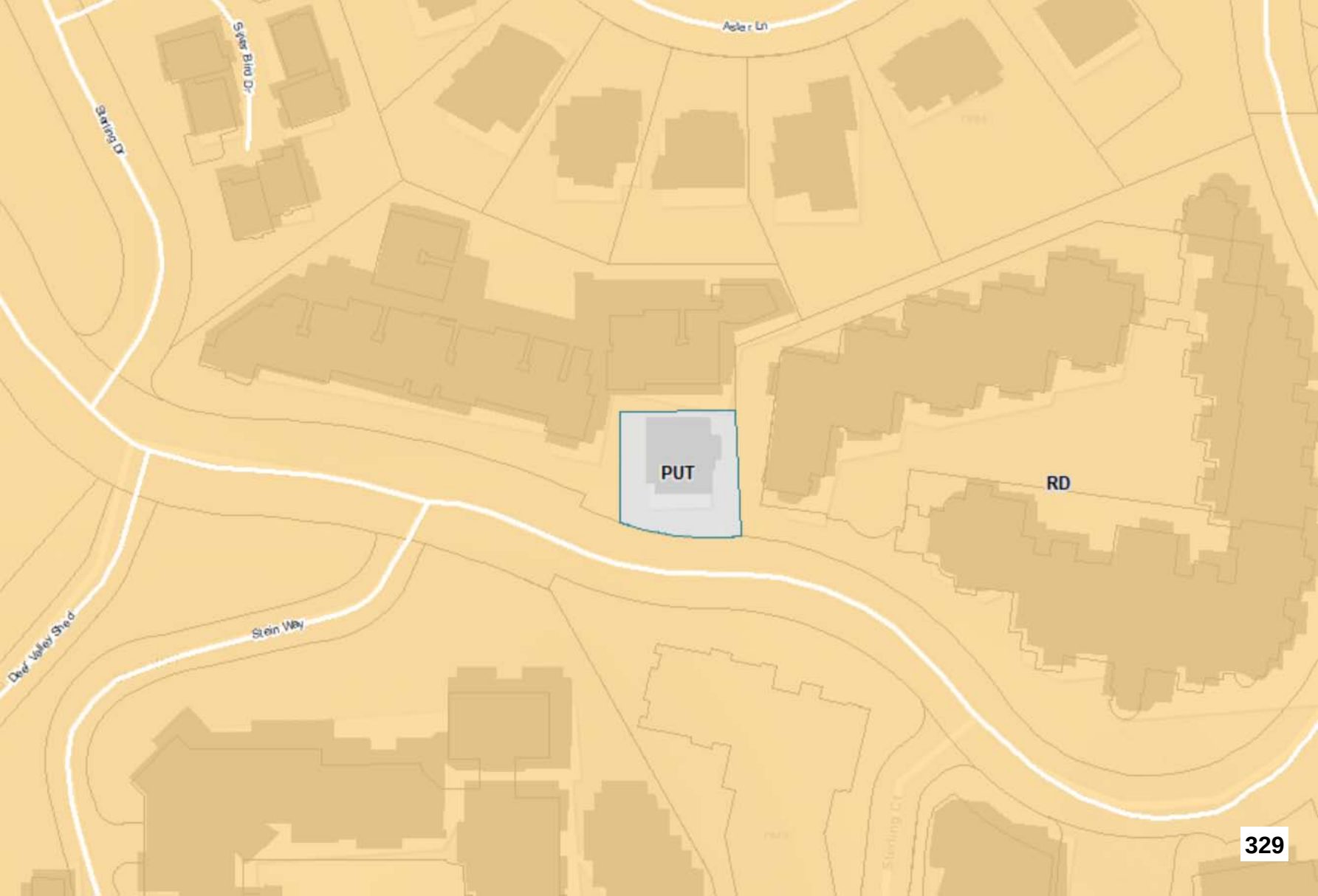
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D404

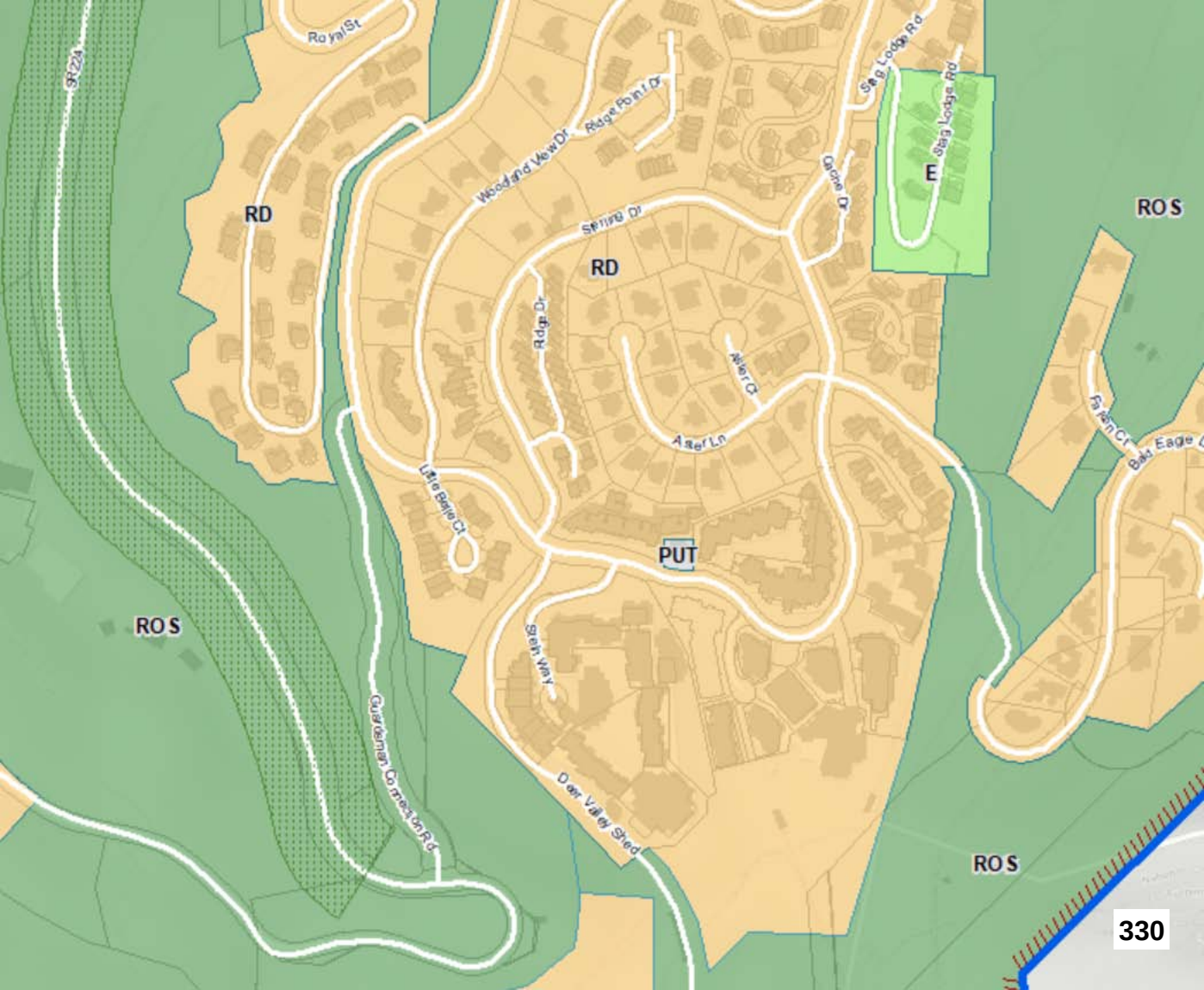
NORTHEAST VOLUME

D404

2021.07.28







Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Luke Henry

Submitting Department: Legal

Item Type: Ordinance

Agenda Section:

Subject:

Consideration to Approve Ordinance 2021-44, an Ordinance Governing the Use of Electronic Meetings by City Council, Amending Sections 2-3-2 and 15-12-14 of the Municipal Code of Park City
(A) Public Hearing (B) Action

Suggested Action:

Review

Attachments:

[Electronic Meetings Staff Report](#)

[Exhibit A: Electronic Meetings Ordinance](#)



City Council Staff Report

Subject: Electronic Meeting Requirement Update
Author: Margaret Plane, City Attorney
Department: City Attorney's Office
Date: October 28, 2021
Type of Item: Legislative

Summary Recommendation

The City Council should consider amending the City Code and the Land Management Code to allow itself and the Planning Commission to hold electronic meetings with the maximum amount of flexibility allowed under the Open and Public Meetings Act. The amendments follow Council's direction during the [April 29, 2021 Council meeting](#), which was that all City public bodies should be given the flexibility to hold electronic meetings as allowed by the Open and Public Meetings Act.

Background & Analysis

The Open and Public Meetings Act (OPMA) allows public bodies to meet electronically if a resolution, rule, or ordinance governing electronic meetings has been adopted by that specific body. The City Code currently specifies that [City Council](#) and [the Planning Commission](#) can hold electronic meetings, but it requires a quorum to be physically present at a single anchor location. However, the quorum requirement is waived if a proclamation of local, state, or national emergency is in effect. OPMA was amended during the [2021 legislative session](#) to allow broader use of electronic meetings by public bodies when a determination is made that meeting in person presents a substantial risk to health or safety.

In addition to making changes in the Code for itself and the Planning Commission, Council adopted [Resolution 05-2020](#) on March 19, 2020 to clearly allow all Park City public bodies to hold electronic meetings without an anchor location during COVID-19. The Resolution was only effective when a local emergency was declared by the City or County. City Council adopted [Resolution 06-2021](#) on April 29, 2021, to extend the ability of City public bodies to continue using electronic meetings until October 31, 2021. City Council further directed staff to propose a general ordinance addressing the future use of electronic meetings.

The uncertainty that existed during adoption of the current electronic meeting ordinances has subsided. The past 18 months have demonstrated that public bodies are able to conduct their actions and deliberations openly and successfully using hybrid and electronic meetings. Public health concerns are ongoing, and Council, the Planning Commission, and other City public bodies must continue to evaluate how to safely hold meetings, be transparent, and create opportunities for public participation. The previous resolutions allowing electronic meetings without an anchor location were intended to be temporary until health concerns dissipated or a permanent solution that addresses conducting electronic meetings was adopted.

Changes to OPMA went into effect in May 2021. These changes provide the flexibility necessary to continue conducting electronic meetings either with an anchor location or without an anchor location when a determination is made that an in-person meeting would present a substantial risk to health or safety. This requirement is built into the statute, which only requires public bodies to adopt a rule, resolution, or ordinance governing electronic meetings before they can occur. Those rules, resolutions, or ordinances may include additional requirements to hold an electronic meeting, but they cannot require less than OPMA's health or safety determination.

If the proposed amendments to City Code are adopted, Council would have the ability to conduct electronic meetings to the extent that electronic meetings are allowed by OPMA. If OPMA is amended, the amendments would allow Council to continue meeting as allowed by the amended statute and future resolutions or ordinances would not be required. Removing the City Code provision governing the Planning Commission gives the Commission the ability to adopt a rule or resolution allowing whatever flexibility it deems appropriate within OPMA's limits. Under the City Code and OPMA, other City public bodies already have this ability and just need to adopt a rule or resolution if they have not already. While the restrictions put in place due to the COVID-19 emergency have changed, there are still some concerns about gathering at anchor locations due to continued public health concerns. These amendments address those concerns by giving Council and all other City public bodies the maximum amount of flexibility allowed under state law to hold electronic meetings, with or without an anchor location.

Recommendation

Staff recommends Council adopt the proposed amendments.

Exhibits

Exhibit A: Ordinance 2021-44 An Ordinance Governing the Use of Electronic Meetings by City Council, Amending Sections 2-3-2 and 15-12-14 of the Municipal Code of Park City.

Ordinance No. 2021-44

**AN ORDINANCE GOVERNING THE USE OF ELECTRONIC MEETINGS BY CITY COUNCIL,
AMENDING SECTIONS 2-3-2 AND 15-12-14 OF THE MUNICIPAL CODE OF PARK CITY.**

WHEREAS, Park City values transparency and conducting the public's business in public meetings where actions are taken and deliberations are conducted openly;

WHEREAS, while the preference is for City Council to convene in person, Council recognizes that there may be circumstances where electronic meetings are necessary;

WHEREAS, City Council desires to promote flexibility in hosting public meetings and to ensure consistency with the Open and Public Meetings Act, which was amended during the 2021 General Session to grant additional flexibility in how public bodies conduct electronic meetings;

WHEREAS, the COVID-19 virus continues to raise health or safety concerns for in-person public meetings and electronic meetings help facilitate social distancing;

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:

Sections 2-3-2 and 15-12-14 of the Municipal Code of Park City are amended and adopted to read as outlined in Exhibit A. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 28th day of October, 2021.

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Margaret Plane, City Attorney

Exhibit A:

Park City Municipal Code

Title 2 Administration

Section 2-3 City Council Procedure

2-3-2 Meetings

- A. REGULAR MEETINGS. The City Council shall, by ordinance adopted at the beginning of the year, prescribe an annual meeting schedule with at least one regular meeting each month.
- B. SPECIAL MEETINGS.
1. If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered in the minutes of the City Council. The order shall provide at least three (3) hours notice of the special meeting and notice thereof shall be served by the City Recorder or Clerk on each member of the City Council who did not sign the order by delivering the notice personally or by leaving it at the Council member's place of residence. The personal appearance by a member of any specially called meeting constitutes a waiver of the notice required in this section.
 2. No business shall be transacted at any special meeting of the City Council unless it has been stated in the notice of such meeting. Any business which may lawfully come before a regular meeting may be transacted at a special meeting.
 3. RECONSIDERATION. Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.
- C. ELECTRONIC MEETINGS. The City Council may hold electronic meetings in accordance with section 52-4-207 of the Utah Code, as amended. ~~convene and conduct an electronic meeting only if a quorum of the Council is physically present at a single anchor location. However, if a proclamation of local, State or national emergency is in effect, a quorum is not required to be physically present at a single anchor location in order for an electronic meeting to be held. The meeting should be conducted and notice must be given in accordance with U.C.A. §52-4-207, as amended.~~

Park City Municipal Code
Title 15 Land Management Code
Section 15-12 Planning Commission

15-12-14 Voting ~~and Electronic Meetings~~

- A. Actions of the Commission pass by majority vote. A majority is a simple majority of those members participating in the meeting and entitled to vote on the matter under consideration. The vote of the Chair shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chair Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chair Pro Tem. All votes shall be a simple majority.
- ~~B. The Planning Commission may convene and conduct an electronic meeting only if a quorum of the Planning Commission is physically present at a single anchor location. However, if a proclamation of local, State or national emergency is in effect, a quorum is not required to be physically present at a single anchor location in order for an electronic meeting to be held. The meeting should be conducted and notice must be given in accordance with U.C.A. §52-4-207, as amended.~~

Council Agenda Item Report

Meeting Date: October 28, 2021

Submitted by: Clint McAfee

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the City Manager to Amend the Terms of 1) the October 8, 1991, Water Supply Agreement between Salt Lake City Corporation and Park City Municipal Corporation to October 31, 2022; and 2) the March 2, 2016, Amendment to the 1991 Agreement

Suggested Action:

Attachments:

[Spiro Tunnel Water Supply Amendment Staff Report](#)

[Exhibit A: 2021 Amendment to Water Supply Agreement](#)

[Exhibit B: 2017 Spiro Tunnel Water Agreement](#)

Park City Council Staff Report

Subject: Amendment to Water Supply Agreement between Salt Lake City and Park City
Author: Clint McAfee
Department: Public Utilities
Date: October 28, 2021
Type of Item: Administrative

Recommendation

Authorize the City Manager to amend the terms of 1) the October 8, 1991, Water Supply Agreement between Salt Lake City Corporation and Park City Municipal Corporation to October 31, 2022; and 2) the March 2, 2016, amendment to the 1991 agreement, as amended in the attached agreement. See Exhibit A.

Background

PCMC currently leases 1,000 acre feet from SLC's 36% portion of water originating from above the 6,600 foot point in the Spiro Tunnel between May 1st and October 31st of each year. The lease agreement was executed on October 8, 1991, and carried an initial twenty-five (25) year term with the option to renew for successive five (5) year periods upon written agreement. On March 2, 2016, PCMC and SLC amended the 1991 agreement to extend the agreement one year while also enlarging the period of use to year-round. The intent was to allow time to explore the possibility of a long-term year-round use agreement.

Extending the lease for a long-term period is very complicated due to multi-party ownership of water from the Spiro Tunnel. Staff and Salt Lake City continue the desire and effort to pursue a long-term lease agreement. Thus, for the near term, a one year extension is needed. Similar amendments extending the 1991 agreement were executed each year since 2017.

The Amendment currently before Council would be the sixth amendment to the 1991 agreement. It will continue to allow staff to work on the possibility of a long-term year-round use agreement. The extension to October 2022 will automatically extend for one year the 2017 Spiro Tunnel Water Agreement, whereby Park City supplies snowmaking water to Vail. See Attachment B.

Funding

Costs associated with the water diverted will be passed onto the user of the water. The cost of preparing and executing the addendum is included in the current water operations budget.

Exhibits

- A 2021 Amendment to Water Supply Agreement
- B 2017 Spiro Tunnel Water Agreement

2021 Amendment to Water Supply Agreement

This 2021 Amendment to Water Supply Agreement is made and entered into on the ____ day of _____, 2021, by and between Salt Lake City Corporation, a municipal corporation of the State of Utah, (the “**City**”) and Park City Water Service District, a special service district organized and existing pursuant to the provisions of Utah Code Annotated §17A-2-1301 *et seq.*, 1953, as amended, (the “**District**”). The City and the District are hereinafter sometimes referred to as a **Party** and collectively as the **Parties**.

WHEREAS, the City and Park City Municipal Corporation entered into a Water Supply Agreement on October 8, 1991, (hereinafter the “Agreement”), which provided for the City to make available to Park City Municipal Corporation of a portion of Spiro Tunnel Water from May 1 and October 31 of each year, provided that such water was surplus to the City’s needs; and

WHEREAS, Park City Municipal Corporation has assigned all of its rights, interests and obligations under the Agreement to the District; and

WHEREFORE, the Agreement has been amended on several occasions, including an Amendment dated March 2, 2016, to extend the term of the Agreement and make available to the District the City’s Spiro Tunnel Winter Water; and

WHEREAS, the City and the District now desire to extend the term of the Agreement, as amended, without changing the other terms of the Agreement.

NOW, THEREFORE, in consideration of the premises, the Parties agree to amend the Agreement and the March 2, 2016 Amendment as follows:

1. Paragraph 3 of the March 2, 2016 Amendment is hereby deleted in its entirety and amended to state:

Term. The term of the Agreement shall take effect upon recordation of it by the Salt Lake City Recorder, and shall end on October 31, 2022; provided, however, that the term may be extended upon the written consent of both Parties.

2. Except as provided in this 2021 Amendment, the Agreement, as amended, shall continue in full force and effect in accordance with their terms.

3. Representation Regarding Ethical Standards for Salt Lake City Officers and Employees and Former Salt Lake City Officers and Employees. The District represents that it has not (1) provided an illegal gift or payoff to an Salt Lake City officer or employee or former Salt Lake City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in Salt Lake City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, an Salt Lake City officer or employee or former Salt Lake City officer or employee to breach any of the ethical standards set forth in Salt Lake City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

IN WITNESS WHEREOF, the Parties have caused this 2021 Amendment to Water Supply Agreement to be executed as of the day and year first above written.

PARK CITY WATER SERVICE DISTRICT

Andy Beerman, Chair

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Thomas A. Daley, Sr., Deputy City Attorney

SALT LAKE CITY CORPORATION

Laura Briefer, Director
Salt Lake City Department of Public Utilities

Attest:

Salt Lake City Recorder

Approved as to form:

E. Russell Vetter, Senior City Attorney

SPIRO TUNNEL WATER AGREEMENT

This Agreement dated October 12, 2017, is between the Park City Water Service District (the “District”) and VR CPC Holdings, Inc., a Delaware corporation, d/b/a Park City Resort (“VR”).

RECITALS

A. By Amendment to Water Supply Agreement dated October 12, 2017 (“Amendment”), between the Salt Lake City Corporation (the “City”) and Park City Water Service District (the “District”), the City has agreed to make available to the District from November 1, 2017 through April 30, 2018 the “Available City Spiro Tunnel Winter Water” as that term is defined in the Amendment.

B. The term of the Amendment extends until October 31, 2018, unless terminated or extended pursuant to the terms of the Amendment.

C. The price for the quantity of the City Spiro Tunnel Winter Water that is used is 55% of the current “Metropolitan Water Rate,” payable on a monthly basis. The current Metropolitan Water Rate is \$331.80 per acre foot, and 55% of the Metropolitan Water Rate is \$182.49 per acre foot.

D. The Amendment provides that the Available City Spiro Tunnel Winter Water may be used for snowmaking, and that 80% to 85% of that water will return to the surface streams in the form of snow melt runoff (the “snowmaking return flows”).

E. The Amendment further provides that the District shall be entitled to such snowmaking return flows to the extent it files, at the District’s expense, an application with the Utah Division of Water Rights seeking credit for the snowmaking return flows, and such application is granted.

F. VR operates the Park City Resort and owns the unencumbered right to 34% of the waters flowing through and from the Spiro Tunnel beyond the first 6600 feet (“VR’s Spiro Tunnel water”).

AGREEMENT

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The District agrees to make available to VR for use at the Park City Resort any portion of the Available City Spiro Tunnel Winter Water that VR desires to use during the term of the Amendment.

2. The price for the amount of the City Spiro Tunnel Winter Water used by VR at the Park City Resort shall be the same price set forth in the Amendment. No additional fee shall be charged by the District for such water.

3. The point of delivery of the Available City Spiro Tunnel Winter Water to VR shall be at the District's golf course ponds below the portal of the Spiro Tunnel (the "Point of Delivery"). VR shall measure the total amount of water diverted at the Point of Delivery and used for snowmaking at the Park City Resort and furnish such information to the District at the end of each month during the snowmaking season.

4. For purposes of this Agreement, the Available City Spiro Tunnel Winter Water used by VR shall be 36% of the total amount of water diverted at the Point of Delivery and used for snowmaking at the Park City Area of the Park City Resort. VR shall make payment to the District for the amount of Available City Spiro Tunnel Winter Water that VR uses within 30 days of providing the District the monthly information on the amount of water it diverted and used for snowmaking pursuant to paragraph 3 above. VR does not intend to use any of the Available City Spiro Tunnel Winter Water in the Canyons area of Park City Resort.

5. Any information or payment required to be given to the parties hereunder shall be sufficiently given when sent by registered or certified mail addressed or made by hand delivery to:

The District:

Park City Water Service District
Attention: Public Utilities Director
1050 Ironhorse Drive
P.O. Box 1480
Park City, Utah 84060

VR:

VR CPC Holdings, Inc.
Attention: Senior Vice President and Chief Operating Officer
390 Interlocken Crescent
Broomfield, Colorado 80021

With a copy to:

Vail Resorts Management Company
Attention: Legal Department
390 Interlocken Crescent
Broomfield, CO 80021
LegalNotices@vailresorts.com

7. VR shall cooperate with the District in the District's application with the Utah Division of Water Rights seeking credit for the snowmaking return flows resulting from the Available City Spiro Tunnel Winter Water used for snowmaking at the Park City Resort, and provide such information regarding the snowmaking use of water as may be required in connection with such application.

8. This Agreement shall be subject to the terms of the Amendment.

Executed as of the date first set forth above.

Attest:


Park City City Recorder



PARK CITY WATER SERVICE DISTRICT

By:


Chairman

VR CPC Holdings, Inc., a Delaware corporation,
d/b/a Park City Resort

By:


Senior Vice President