



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

October 28, 2021

The Council of Park City, Summit County, Utah, met in open meeting on October 28, 2021, at 3:45 p.m. in the City Council Chambers.

WORK SESSION

SR 224 Roadway Improvements Discussion:

Dave Thacker, Building Official, presented this item and stated the City hoped to improve from the accidents that had occurred on Marsac Avenue. He coordinated with the Police Department and UDOT on continued safety measures.

Chief Wade Carpenter reviewed the runaway truck accident that occurred in August and he indicated the City had dealt with brake problems for several years. Captain Phil Kirk indicated his team had been working on dump truck enforcement on the road for the past few months and had achieved almost 100% compliance with brake checks. Chief Carpenter stated dump truck drivers were the main violators and it was good to see the education and progress. Lieutenant McKinney remarked SR 224 was a high priority for monitoring these vehicles and noted his appreciation to the Highway Patrol. Officer Powers, who was in charge of brake inspections, indicated there were many violations that were critical such as the vehicle being over its weight limit. He gave examples of violations that officers could use to put the trucks out of service until those things were fixed and noted most out-of-service violations were not serious. He stated most trucks being stopped were from around town.

Chief Carpenter stated that after monitoring the offenses on Marsac Avenue, only five percent were from trucks. He indicated officers were not allowed to stop trucks randomly, so an inspection schedule needed to be set up. It was indicated most violators were not the local vehicles.

John Robertson, City Engineer, stressed it was important to have brake check areas. After the accident in August, flashing beacons were installed on top of the brake check station signs. The speed limit was also reduced for trucks from 45 mph to 30 mph. Signs would also be installed encouraging truck drivers to use their engine brakes. He noted a pavement rehabilitation project would commence on Marsac Avenue in 2023. Thacker stated the Flagstaff Master Plan Development (MPD) included language that stated primary access was Mine Road and trucks should be using that road. Staff

updated the construction mitigation plans to address truck access and locations for soil deposits.

Council Member Doilney asked if the major accidents on Marsac Avenue were from dump trucks to which Carpenter affirmed. Council Member Doilney observed the compliance was an indication of awareness and education. He felt companies with box trucks had better training programs than independent contractors. Thacker noted staff was working on how to get training in place.

Council Member Worel knew there was a staffing shortage with the Utah Highway Patrol (UHP) and asked if a private company could assist the Police Department with the brake checks. Chief Carpenter stated private companies didn't have the legal authority to assist because citations would need to be written when vehicles were out of compliance. Council Member Worel suggested signage could be put in the roundabout to help with safety precautions.

Council Member Joyce asked for a follow-up discussion in six months to see if there was continued truck compliance. His concern was that City buses pulled into the roundabout and passengers could be in potential danger. He suggested contributing City funds to move up the pavement rehabilitation timeline.

Council Member Henney stated in 2013, it was determined Marsac Avenue was the route for trucks. A runaway truck lane could help driver error, which was the cause for most accidents. He hoped to hear at a future discussion about the "why" behind the determination to route trucks down Marsac versus Royal Street and how driver error and the infrastructure in place contributed to the decision.

Council Member Gerber asked if the City partnered with the County Sheriff's Department on vehicle inspections, to which it was indicated only Officer Powers performed the inspections with the help of UDOT. Council Member Gerber asked if trucks used Google Maps to navigate the area. Chief Carpenter stated they did use Google Maps and it was creating a problem. He talked to the commissioner to see if their IT people could get ahead of this.

Mayor Beerman stated it took a lot of money to continue with the checkpoints, and he wanted the City to be reimbursed. He asked if this could be funded through impact fees. Thacker stated he would have to check with the Legal Department on using impact fees, but staff could use a permitting fee since the trucks were related to construction.

FY22 Special Service Contracts (SSC) - Diversity, Equity, and Inclusion:

Jed Briggs and Kirsten Darrington, Budget Department, presented this item. Darrington reviewed SSC were awarded to nonprofits to provide unique services to the community. The City had regular service contracts and social equity contracts. She noted the social

equity contracts were changed to include diversity, equity, and inclusion to expand the scope. She noted the committee wanted funding to be prioritized for new or expanded projects and initiatives. The budget for FY 2022 was \$250,000. The SSC committee came up with priorities for the services provided. She also reviewed the outreach for getting the word out that applications were being taken. The RFP would be opened tomorrow with the submission deadline of November 19th. Recommendations for awards would be presented to Council in December.

Darrington reviewed the four criteria for awarding contracts, including the accountability and stability of the organization, the program need and the specific benefit, fiscal stability and other financial support, and fair market value of the services. Council Member Worel asked if there was a substitute for the requirement for two years of financials if a nonprofit had just started. Briggs stated special exceptions had been made in the past. Council Member Joyce stated the committee was looking for improvement and that could be worked around.

Council Member Worel indicated there was a \$60,000 line item for mental health and she asked if the applications went through this process or a separate process. Briggs stated this could be part of the process or it could have its own process, according to Council direction. Council Member Gerber thought Council should discuss the \$60,000 line item since the City, County and School District came together and decided this. Now, the Council should discuss what the funding went towards and what the future direction should be. Council Member Joyce thought the mental health contract had been treated like a regular contract. He thought that program was different than the SSC.

Council Member Doilney liked the new name for SSC and thought the contracts should be for two years so programs could get up and running and see progress. He also liked the timeline for the RFP.

Council Member Henney asked if the mental wellness line item was currently with the SSC funds or with the regular contract funds and noted if there was enough money in the traditional fund then nothing needed to be done. He also wondered if \$250,000 was the correct amount for these contracts or if additional money could be allocated, and if the City could allocate more within State Code. Briggs stated they were moving away from the one percent limit by moving many of the contracts to regular budget items. Council Member Joyce suggested when budgeting for 2023, Council should have a discussion on the \$250,000 allocation. Council Member Henney favored extending the SSC for two years and he liked the RFP process timelines.

Council Member Worel favored the two-year contracts and the RFP timelines, and as far as outreach, she suggested getting a current list of nonprofit directors from the Community Foundation. Darrington stated she was in contact with them and was working to update the list.

Short Range Transit Plan (S RTP) Update:

Alex Roy, Transportation Planner, and Jason Miller and Paul Jewel, Fehr & Peers, presented this item. Miller reviewed the goals for the S RTP: improve connectivity, engage the community, ensure a top rated transit system, and incorporate tactical, relevant innovation. This would be a five-year plan to help understand where to go from here. He stated the recent separation of Transit with the County and COVID gave the team incentive to have a clean slate approach in thinking what transit would look like in the future and how it would fit into the mobility plan. Roy stated staff wanted to include the community as much as possible. A survey was online, and there would be open houses and pop-up open houses to help get feedback on transportation. He reviewed the many forms of outreach used to make the community aware of the survey.

Miller indicated he completed an existing conditions analysis and had initial findings. He thought Park City was making the right transit connections. He presented findings on ridership and stated that although there was a drop, it was better than most transit areas.

Council Member Doilney asked that the Chamber of Commerce and local businesses were made aware of the surveys so they could communicate it to their employees. Council Member Worel asked who the target group was for open houses, to which Roy stated the general public. Roy indicated the S RTP survey link was on the Transportation Planning page of the City website.

Council Member Gerber was happy to see additional transit lines coming back. Mayor Beerman stated Deer Valley requested an express line to the resorts and asked if they were happy with the proposed lines. Sarah Pearce, Deputy City Manager, stated Kim Fjeldsted, Transit Manager, could answer that in the Communications section of the meeting. Miller noted that Deer Valley was part of the stakeholder group that was included in the analysis process.

Park City School District (PCSD) Master Plan Update by Todd Hauber, PCSD Business Administrator:

Todd Hauber, School District Business Administrator, and Superintendent Jill Gildea presented this item. Hauber stated the PCSD had worked on the educational needs and the need for this bond for the past three years. He reviewed the ninth grade would be moved to the high school and there would be a build out on the west side of the building. Council Member Gerber asked if the addition could be expanded in the future. Hauber stated the design would allow an additional 400 students. Council Member Gerber stated traffic was an issue at the high school and asked if there were plans for cars exiting the high school parking lot. Hauber stated there would be traffic mitigation during construction, but the expansion had no plans for transportation.

Council Member Doilney commented the high school seemed to be in constant construction and he hoped the School District could build with an eye for the future. He thought it was tight to build for 400 students and 350 would be incoming students. Hauber stated they wanted to keep the school small, but the analysis looked 10 years to the future.

Hauber discussed the sixth through eighth grades would be at Ecker Hill Middle School and three additions would be constructed there. There was a lot of interest in expanding the preschool so there would be additions to each of the elementary schools to accommodate the preschools. There would also be a community service, or wrap around service, and McPolin Elementary and Jeremy Ranch Elementary at Kimball Junction would have rooms built for that.

Council Member Doilney asked what would happen with Treasure Mountain Elementary School. Hauber stated that conversation would take place after the current construction was completed. Council Member Worel asked if the projects at the different schools would happen simultaneously. Hauber stated the high school was the priority and they wanted that to be completed by fall 2024. Ecker Hill would begin soon after to be completed 2024. The elementary schools would be in construction with end times of 2023 and 2024.

Council Member Doilney asked how safe it was to use Treasure Mountain Elementary when it was deemed lacking in safety features. Hauber stated he was aware of the major renovations needed and they were addressing needs minimally since the purpose of the building would be changing.

Mayor Beerman stated he participated in various stakeholder groups and the public liked the direction of this proposal. He indicated schools were important to the community.

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	Present

Margaret Plane, City Attorney Michelle Kellogg, City Recorder	
None	Excused

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Gerber thanked staff and Mayor Beerman for hosting the Colorado Association of Ski Towns (CAST) event so all could share challenges ski towns were facing. She attended the Historic Park City Alliance (HPCA) meeting where they were presented with a Sundance plan and she noted there was good communication. Council Member Henney echoed the thoughts on CAST.

Council Member Joyce stated the Sewer Board had its annual budget meeting. They would extend the East Canyon Creek Facility, in sync with growth on that side of the area.

Council Member Worel stated too few students took the SHARP survey so data was insufficient. She noted the behavioral health and mental health assessment was complete and a report would be forthcoming.

Council Member Doilney attended Ski Utah Board meeting and they were pushing out the ads with a focus on conservation and sustainable tourism. He attended his first Ski Utah Board meeting. One issue was compensation for people working in government. He mentioned thought should be given to increasing the salary for the Planning Commission. Dias stated the next meeting would address boards and commissions.

Mayor Beerman related he was happy to meet in person again and have the public in attendance. He attended Mountain Towns 2030 and indicated it was great. He indicated next year it would be held at Breckenridge, Colorado. He noted Mountain Towns 2030 discussed climate change and what could be done to mitigate it.

Mayor Beerman and the Council determined to canvass the municipal election November 16th at 4:00 p.m. Mayor Beerman stated last Tuesday was the groundbreaking for the solar farm in Tooele that would power the electrical needs for multiple entities including Park City Municipal and it should be completed in 2022.

Staff Communication Reports:

Council Member Henney reviewed the five reports submitted for informational purposes.

1. Park City Recreation and the Journal of Olympic Studies:

2. Water Revenue Bond Issuance:

3. Transit Update:

Council Member Gerber noted the reinstatement of the Blue Line and the addition of the new Teal Line and asked if riders on the Green or Blue Lines were able to connect with the Teal. Kim Fjeldsted stated there was some overlap with those three routes, but Teal would go straight to Deer Valley. Council Member Gerber asked if routes would go through neighborhoods. Fjeldsted stated it would be status quo for now, but they were looking at areas where Transit could expand.

4. 2021 Parking Data Summary:

5. Kimball Arts Festival and Park Silly Sunday Market Debrief Update:

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.

Greg Leitzke, President of the Park City Pickleball Club, stated pickleball was one of the fastest growing sports in the U.S. It was a very social sport as well. At a previous meeting, public input was given to request more pickleball time on the tennis courts. He stated there was no space for pickleball players. He met with Ken Fisher to see if pickleball players could be given more time at the MARC. He asked Council if the players could get help in building courts. He distributed a flier promoting his cause.

Mayor Beerman stated it was good their group worked with Fisher and he was open to discussions on future opportunities. Council Member Gerber stated she was in the group that looked at the recreation plan in 2016-17 and pickleball wasn't on the radar. She asked if that group would be brought back. Ken Fisher, Recreation Manager, stated a community needs assessment was needed. He thought a survey was the first step to get a sense of the community priorities. Council Member Joyce stated two years ago, there was a conversation on having a space by Quinn's Junction, since there was parking and bathrooms nearby.

Bob Theobald distributed a handout and stated there was an unpermitted pickleball court behind his property and Frode Jensen's property in Park Meadows. He spoke with the developer and Council members from the time of the development. There was a Stop Work order on July 6th. Behind the property was the Willow Ranch Subdivision, which had setbacks. The Planning staff ignored the plat to grant a permit for an outdoor sauna and that was concerning. He showed a plat map of the adjoining property and read the plat notes. He read from the distributed materials. He noted an approval from the HOA was never given. Theobald stated the Planning Department was required to

provide notification of compliance to the Building Department and it wasn't happening, and he thought there was a disconnect between departments. He expressed frustration and requested that this issue be resolved.

Matt Dias stated a meeting had been set up with Theobald and the Planning Director, and he invited some Council members to attend as well. Council Members Joyce and Worel volunteered to be part of the conversation. Council Member Joyce indicated Council didn't get involved until an issue rose to the level that Council needed to get involved. The other parties were not represented tonight so this wasn't the time for Council to be involved.

Ryan Hiel attended the SR 224 Roadway Improvements discussion and he thanked staff for their efforts in enforcing noncompliant trucks. He stated he lived on Marsac Avenue, and the homes were in constant danger from all vehicles on the road. Many cars sped, there was a blind curve, and a crosswalk with low visibility, so he feared for his safety. He noted neighbors who had their homes damaged from vehicles leaving the road. He hoped authorities would provide speed mitigation and signage warning about the blind curve. A sidewalk was also needed on the east side.

Jeremy Rubell stated he was excited about the bus system enhancements, but he didn't think it was clear about the Orange Line using Marsac instead of Royal Street. He knew many people who used the line to get to Snow Park weren't here year-round and thought they should be considered.

Rick Barros stated he learned it wasn't the City's intention to provide busing up Royal Street for ski season. He indicated there were hundreds of homes in Deer Valley and residents there used buses to go to Main Street and Silver Lake. He hoped the City would consider an on-demand service instead of cutting out all of Deer Valley since the alternative was to drive everywhere.

Gottfried Tittiger concurred with Barros' comment and added the bus was a great way to get around during Sundance. The only way to get to Transit was to walk 1.5 miles to Snow Park.

IV) CONSIDERATION OF MINUTES

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

Council Member Gerber moved to approve the City Council meeting minutes from September 23, 2021 and October 7 and 18, 2021. Council Member Doilney seconded the motion.

RESULT: APPROVED

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

V) CONSENT AGENDA

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

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

RESULT: APPROVED

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

VI) OLD BUSINESS

1. Consideration for Hosting the Triple Crown Sports Event in Park City:

Jenny Diersen, Special Events Manager, presented this item. Matt Pilcher and Katrina Magaro, Triple Crown, and Bob Kohler, Chamber of Commerce, were in attendance. Diersen listed three options for Council consideration: discontinue the Triple Crown event, discontinue the City services agreement (CSA) for Triple Crown, or negotiate a multiyear CSA with Triple Crown. She reviewed the history of Triple Crown coming to the City. Staff completed outreach with restaurants, schools, businesses and the community and two emails were received. Pilcher stated his father started the relationship between Triple Crown and Park City. He loved having the tournament at Park City and he hoped the event could continue coming to the City.

Council Member Gerber asked if Triple Crown would go to a neighboring city or would it go to a different part of the country if the contract with Park City was not renewed. Pilcher asked if it would help if they played on neighboring fields. Council Member Gerber stated it wouldn't help because there would still be traffic from the event. She indicated there were many sporting events, so she wasn't concerned that diversity would be lost if one event stopped coming to town. Council Member Doilney stated it wasn't just a diversity issue with Triple Crown. He noted the many benefits of Triple Crown and he disagreed that the home events were the same. He also didn't think the traffic issue was the sole responsibility of Triple Crown. Council Member Gerber indicated more events were coming, but the City didn't have to keep all the events. Each event brought something to town, but a decision to cut events had to start somewhere. Council Member Doilney didn't want to keep every event, but this was the one event that came midweek and businesses wanted them to stay.

Council Member Joyce explained the process Council went through a few years ago to cut back on events. Businesses were thriving and he was concerned for the residents. Council Member Henney asked to hear from the public.

Mayor Beerman opened the meeting for public input. No comments were given. The following eComments were received:

Kelley Kowalski, All Seasons Resort Lodging eComment: "I fully support TCS and voiced my support via the PCALA survey."

Rhonda Sideris, Park City Lodging eComment: "Hello and thank you for allowing me to once again express my support for the Triple Crown event. In the past, I have supported the event from a business perspective. Now, I want to also share the great times my kids had going to the games and watching these talented young athletes. I felt comfortable allowing my kids to attend in my absence. It gave them both motivation to practice and play harder at the sports they were both involved in as they could see that college scouts were also in attendance. This is one of the few events that a parent can check all the boxes; free, safe, healthy fun and no alcohol permitted. Please consider renewing the contract for Triple Crown. We need the diversity in our town that is becoming more and more like a town for the very elite."

Shelley Gillwald eComment: "I am aware you have heard from me numerous times, on behalf of the Park City Soccer Club and our Extreme Cup Soccer Tournament. In lieu of repeating myself this evening during the City Council's discussion about Triple Crown Sports and their desire for a new City Services Agreement, I will submit this brief statement so PCSC is on the record in response to Council's request for community input. Park City Soccer Club (PCSC) believes in the importance of youth-based events, the experiences they provide, and the benefits they bring to the community (all of which Council has heard before.) For this reason, our organization does not object to the Triple Crown Tournaments returning to Park City each summer.

Our concerns on the subject, however, are two-fold: 1. We are opposed to the concept of overlapping Extreme Cup and Triple Crown dates, and the need to share field space. The negative economic impact is a burden on PCSC and our social equity based scholarship program, while the logistics are difficult for all parties including City staff. 2. We remain surprised, and honestly frustrated, by the level of in-kind support afforded to TCS through Fee Waivers, We are aware the discussion at hand is about TCS, not Park City Soccer Club, however it is difficult to understand how a for-profit, out-of-state business can be granted tens of thousands of dollars in subsidies while a local non-profit -- dedicated to supporting Park City's own underserved population through event proceeds -- continues to receive less than \$2,000 in fee waivers / event subsidies each year. (Our 2021 City Fee Waivers totaled \$1,725.) We have spoken at length with Jenny Diersen, and believe staff has done a good job of presenting workable options for

moving forward. It is our hope that Council's consideration will focus on elements of Options 2 or 3, as opposed to TCS's proposal."

Mayor Beerman closed the public input portion of the meeting.

Council Member Henney stated the community was asked to weigh in and nobody was here. Mayor Beerman stated it was disappointing nobody spoke tonight, but Council had heard from residents that events needed to be cut back. Council Member Gerber indicated there would be public feedback for events that the community held dear, so the lack of feedback was a sign that this event wasn't important to the residents.

Council Member Worel stated she was not interested in waiving fees, but the event should go through the special event process. Council Members Henney and Joyce favored discontinuing the event. Council Member Joyce felt more events should be cut as well. Council Member Doilney agreed with Council Member Worel that they should go through the special event process. Council Member Gerber favored discontinuing the tournament. Mayor Beerman thanked Triple Crown for a good partnership over many years.

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:

Jenny Diersen, Special Events Manager, presented this item. She reviewed that the City had been working with Kane Security for a few years and noted this contract was specifically for peak time hours and during major special events. Mayor Beerman reviewed staff had tried to mitigate traffic on side streets, especially during Sundance, and it was effective. Council Member Doilney noted Sundance was a costly event and the City pumped money into it with this contract. He found it ironic since Council just cut another event. Council Member Joyce was hopeful Sundance would evolve and be less impactful to 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 Doilney moved 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. Council Member Henney seconded the motion.

RESULT: APPROVED

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

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:

Lillian Lederer, Planner, presented this item and stated this was a Landmark Historic Site and the plat amendment would remove two lot lines to create one lot.

Council Member Henney asked if there was an order to the conditions of approval, and was concerned with Condition of Approval Seven, to which it was determined they could be satisfied in any order.

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

Council Member Worel moved to approve Ordinance No. 2021-40, an ordinance approving the 316 Ontario Subdivision, located at 316 Ontario Avenue, Summit County, Park City, Utah. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

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:

Rebecca Ward, Assistant Planning Director, presented this item and stated the proposed code amendments would update the Rossie Hill Landmark Historic structures and update the current status of 1302 Norfolk. She reviewed the addresses for three structures on Rossie Hill received new addresses and she wanted to ensure that both addresses were referenced in the code.

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

Council Member Joyce moved 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. Council Member Worel seconded the motion.

RESULT: APPROVED

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

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:

Makena Hawley, Planner, presented this item and indicated the proposed plat would create a lot line down the middle of the duplex to create two separate lots.

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

Council Member Doilney moved 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. Council Member Henney seconded the motion.

RESULT: APPROVED

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

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:

Spencer Cawley, Planner, presented this item and indicated the zoning map would be amended. Council Member Henney disclosed he was a member of the Fire District board and asked if that was a conflict, to which it was indicated there was no conflict. Cawley explained the fire station property was currently zoned Estate and had to comply with those setbacks. They requested the zone be amended and rezoned Public Use Transition (PUT) so the station could be expanded.

Council Member Joyce stated the building plans fit into the new zone height requirements and asked if it would have fit into the current height limits, to which Cawley affirmed. Council Member Joyce asked if the noticing explained the new building would be closer to the neighbors. Cawley stated the PUT Zone had to have the same setbacks as the surrounding properties. The 2002 variance allowed the station to encroach into the rear setback. Council Member Joyce confirmed the Fire District didn't need a variance to the residential zone because they would now be in the PUT Zone. John Shirley clarified the current zone was three feet from the property line and the station would maintain the same setback with the new building.

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

Council Member Henney noted firefighters needed a bigger vehicle with a ladder because of the tall buildings in the area.

Council Member Doilney moved 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. Council Member Henney seconded the motion.

RESULT: APPROVED

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

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:

Margaret Plane, City Attorney, presented this item and explained emergency declarations were issued to hold electronic meetings during the pandemic. This code amendment would eliminate the need for Council and all City public bodies to meet without the requirement of having an anchor location. She noted the Open and Public Meetings Act was amended by the State Legislature as well. This amendment stated Council would not have to be present at meetings, but staff would have to be at the anchor location.

Council Member Henney indicated he heard from residents that they wanted to attend Council meeting in person. Council Member Gerber asked for clarification on when an electronic meeting could be held. Plane stated an electronic meeting could be scheduled, but it had to be noticed and staff would have to be at the anchor location, unless there was a health/safety risk. Council Member Worel asked how other boards would authorize electronic meetings. Plane indicated boards could put that provision in their bylaws.

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

Council Member Henney moved 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. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

VIII) ADJOURNMENT

IX) PARK CITY WATER SERVICE DISTRICT MEETING

II) ROLL CALL

Attendee Name	Status
Chair Andy Beerman Board Member Max Doilney Board Member Becca Gerber Board Member Tim Henney Board Member Steve Joyce Board Member Nann Worel Matt Dias, Executive Director Margaret Plane, City Attorney Michelle Kellogg, Secretary	Present
None	Excused

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

Chair Beerman opened the meeting for anyone who wished to comment or submit comments to the Council on items not included on the agenda. No comments were given. Chair Beerman closed the public input portion of the meeting.

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:

Board Member Gerber moved 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. Board Member Henney seconded the motion.

RESULT: APPROVED

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

IV) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



SR 224 (Mine Road)

Improvements discussion



Police Department

- Brake Check Area Update
 - No repeat offenders
 - Less than 5% of violators are dump trucks
 - Is our presence helping?
- Utah Highway Patrol (UHP) truck inspections update
 - Statistics
 - Where are trucks that are inspected coming from...
- Police Authority
 - Why not just stop every truck?
- Officer Resources
 - UHP and PCPD



Engineering Dept.

- UDOT Immediate Updates
 - Increased signage (engine brake, speed limit, lighting, etc.)
- Statistics on Mine Road
 - Number of accidents each year
 - Percentage of accidents
- Next Steps:
 - PCMC Requests
 - Increase capacity & visibility of brake check area
 - UDOT project
 - 2023 Pavement rehabilitation project

Building Dept.

- Flagstaff MPD language
 - “...the primary access to the Annexation Area will be via Marsac Avenue and the Mine Road...”
- Soil Hauling in Flagstaff MPD area
 - All excavated materials are staying on the hill!
- CMP Updates
 - No tolerance for truck related violations
 - Stop work order enforced
- Enforcement
 - Educating during preconstruction meeting
 - No warnings



Next Steps

- Continue close monitoring and enforcement
 - More UHP inspections/Joint ops
 - UDOT signage follow up
 - Other
-
- Questions/Discussion

An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town's buildings, mostly multi-story structures with dark roofs, are densely packed in the lower half of the frame. In the background, steep, snow-covered mountains rise, with some rocky patches visible. The overall atmosphere is cold and serene, with a soft, diffused light.

FY22 Special Service Contracts: Diversity, Equity, and Inclusion



BACKGROUND

- Special Service Contract : Valued and unique services provided to our community
- In FY20, Council approved a revamp of this program, creating two categories:
 - 1) Regular Service Contracts (4-year contract)
 - 2) Social Equity Service Contracts (2-year contract)
- The RFP for social equity services was delayed to open later in 2021
- SSC Subcommittee changed the name of the social equity category to Diversity, Equity, and Inclusion (DEI) to expand the scope



SSC DEI GOALS

Work to ensure more alignment
with resource allocation and
Council's current goals/priorities

Be more dynamic, proactive,
deliberate, flexible

Define services that Council feels
are essential to fund in the
foreseeable future

Alignment with Social Equity
strategic plan and resource
allocation



SCOPE OF WORK

- Services provided will 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.**
- Budget: Council budgeted **\$250k** for DEI contracts for FY22



PRIORITIES

- **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

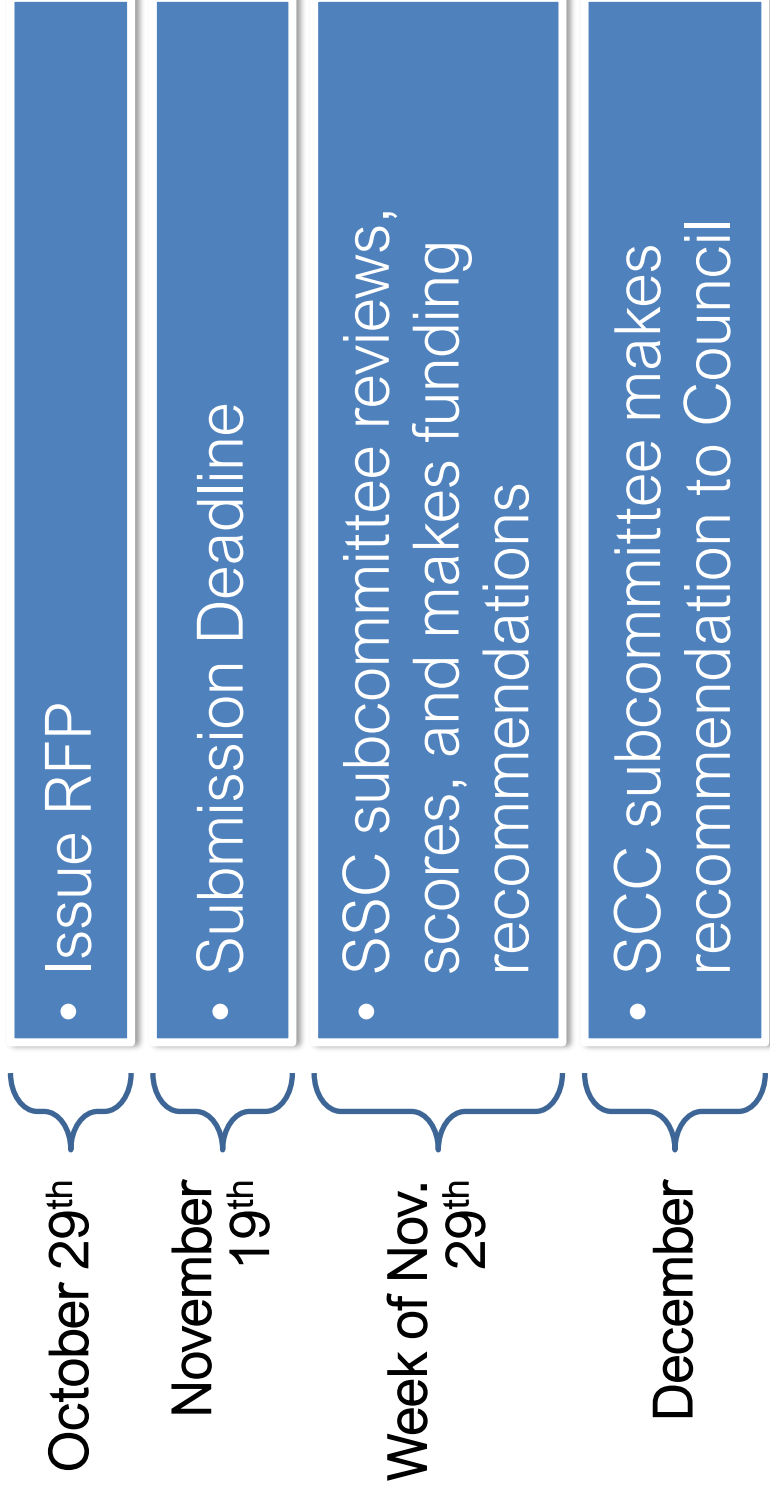


COMMUNICATIONS

- The RFP will be posted on the City's website
- Work with Council Liaisons to spread the word
- Connect with community partners to identify additional eligible nonprofits
- Email announcements and reminders will be sent to eligible applicants
- An information session will be held virtually and a recording will be provided to applicants



RFP TIMELINE



CURRENT RFP

(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 (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 service needs described above as well as the criteria described in the City's Public Service Contract Policy



CURRENT RFP

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

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

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

- A clear demonstration of public benefit and provision of direct services to City residents focused on one of the services described above.
- 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.



CURRENT RFP

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

- A clear description of how public funds will be used and accounted for.
- Other funding sources that can be used to leverage resources.
- A sound financial plan that demonstrates managerial and fiscal competence.
- 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.



ITEMS TO CONSIDER

- Agree with diversity, equity, and inclusion emphasis?
- Comfortable with timeline?
- Length of contract: 1 or 2 years?
 - Staff recommends two (FY22 & FY23)
- Are there additional ways we can spread the word about this program?



PARK CITY
SHORT RANGE
TRANSIT PLAN

Introduction for
City Council
10/28/21





PROJECT OVERVIEW

PROJECT GOALS



Improve Park
City
connectivity



Engage the
entire
community



Ensure “best in
class” transit
system and
delivery



Incorporate
tactical,
relevant
innovation

What is a Short Range Transit Plan?

- Detailed analysis of current transit performance and review of future community conditions
 - Where is Park City Transit today and what will the community conditions for transit be in the future?
- 5-year time horizon for immediate route and service improvements
 - But also sets stage for bigger, longer term initiatives beyond 5 years
- Detailed operational and capital financial plans
 - Estimates of required revenue and associated expenses
- Organizational implications
 - Related policies, procedures, staffing needs, community partnerships, etc.
- Implementation Plan
 - Roadmap for each year of the plan with specific strategies
- Phasing and prioritization
 - Interrelation of strategies and incremental approach

PROJECT TEAM

LEGEND

FP: FEHR & PEERS

LSC: 

SE: 



PARK CITY

1884

Project Management Team (PMT) &
Advisory Committee (AC)

Single point of
contact

Paul Jewel^{FP}
Principal-in-charge

Jason Miller^{FP}
Project Manager

Selena M^cKinney^{LSC}
Justine Marmesh^{LSC}
A.T.Stoddard^{LSC}

Richard Brockmyer^{FP}
Katrina Schneider^{FP}
Mary Sizemore^{FP}

Jason Miller^{FP}
Gordon Shaw^{LSC}
Paul Jewel^{FP}

K. Skollingsberg^{FP}
Jason Miller^{FP}

Jason Miller^{FP}
Paul Jewel^{FP}
K. Skollingsberg^{FP}

Gordon Shaw^{LSC}
Chris Cushing^{SE}
Natalia Brown^{FP}

Existing
Conditions

Travel Demand,
Future Conditions*

Preliminary
System Design*

Stakeholder &
Public Outreach

Draft & Final
S RTP

Aerial vs.
Busway Analysis

About me

- 12 years as Executive Director of Mountain Rides Transportation Authority in Sun Valley, ID
- Depth of consulting expertise leading similar mountain resort transit plans for:
 - Telluride, CO
 - Summit County, CO
 - Jackson, WY
 - Moab, UT
 - Sandpoint, ID
 - Red Lodge, MT
 - Blaine County, ID
 - Previous project in Park City in 2019



PROJECT TASKS

- Task 1: Project Management, Kickoff, Vision
- Task 2: Public Involvement
- Task 3: Existing Conditions
- Task 4: Travel Demand, Future Conditions, Multimodal Assessment
- Task 5: Preliminary System Design and Plan
- Task 6: Draft and Final SRTP
- Task 7: Aerial vs. Busway Analysis

- Traffic congestion
 - How to balance access, experience, quality of life
 - How can PCT move more people faster?
- Separation of PC Transit and High Valley Transit
 - Ability to focus on critical (and changing) Park City connectivity needs
- “Clean slate” thinking
 - Creativity to rethink service, incorporate innovation
 - Adjust to new nodes such as Arts and Culture District
- Integrated mobility
 - How can getting around without a car be easily enabled?
- Address capacity constraints and roadway ops
 - Transit prioritization and speed and reliability concepts

PUBLIC OUTREACH OVERVIEW



Public outreach activities

- Stakeholder interviews
 - Complete
- Community survey
 - Open now until November 13th
 - Available in English and Spanish
- Open house
 - Estimated for mid-December
 - Spanish translator planned
 - Possibly in-person and virtual
- Pop-up open houses
 - Mid-December through mid-January
- Advisory Committee
 - Involvement throughout



OPEN HOUSES & POP-UP EVENTS



MULTILINGUAL



SURVEYS, LIVESTREAMING, & OTHER TOOLS

Community Survey

- Fall Open House,
- In buses
- On transit apps
- Promoted on social media
- City newsletter
- Postcards
- Local news publication
- PCTV
- Senior Center
- In-person community events.



INITIAL FINDINGS

Park City Transit Today

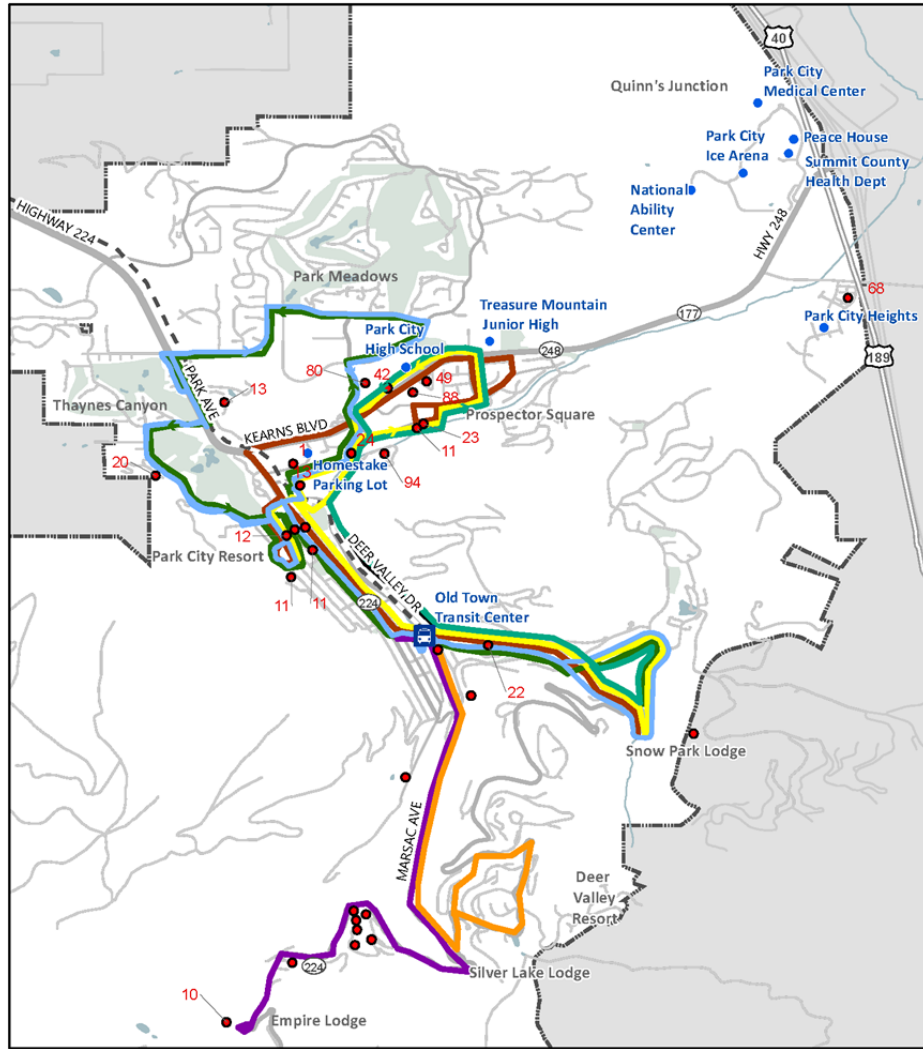


Figure 10
Park City Winter Routes
Based on Proposed Winter
2021-22 Service



- 1 Red: Prospector Square
- 2 Green: Park Mdw/Thaynes Cnyn - Deer Valley Resort
- 3 Blue: Winter 2019-2020
- 4 Orange: Main St - Silver Lake Village
- 5 Yellow: Prospector Square - Deer Valley Resort
- 9 Purple: Main St - Montage Deer Valley
- 10 White: Kimball Jct- Main St Express
- 50 Teal:
- 17: Main Street Trolley
- On Demand Stops
- Affordable Housing
- 22 # of Units (listed if 10 or more)
- Park City Boundary
- Note: Orange and Purple Routes are not operated in fall or spring.

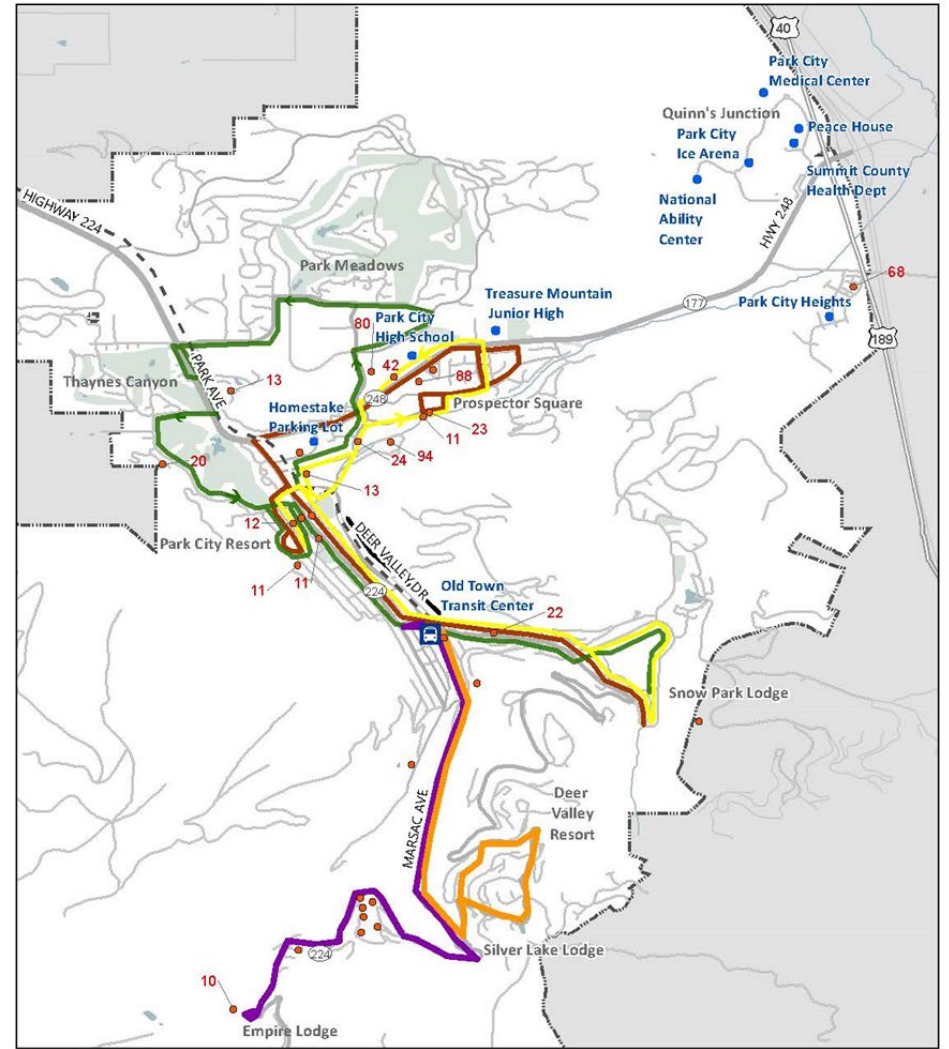


Figure 11
Park City Summer Routes
Based on Proposed
Summer 2021-22 Service



- 1 Red: Prospector Square
- 2 Green: Park Mdw/Thaynes Cnyn - Deer Valley Resort
- 4 Orange: Main St - Silver Lake Village
- 5 Yellow: Prospector Square - Deer Valley Resort
- 9 Purple: Main St - Montage Deer Valley
- 10 White: Kimball Jct- Main St Express
- 17: Main Street Trolley
- Park City Boundary
- On Demand Stops
- Affordable Housing
- 22 # of Units (listed if 10 or more)
- Note: Orange and Purple Routes are not operated in fall or spring

Peer Comparison

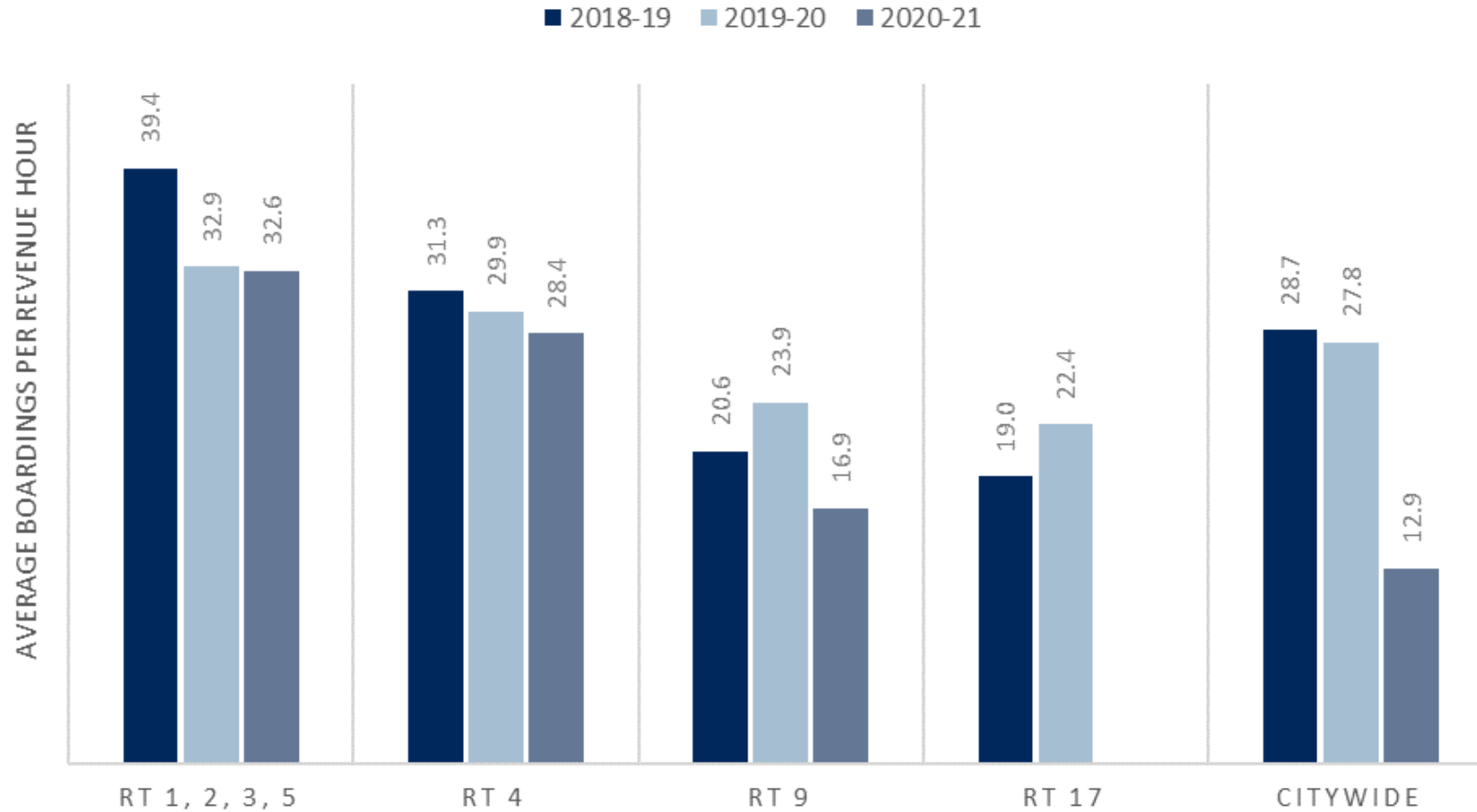
Metric	Park City Transit	Summit Stage	RFTA	ECO Transit	Breck Free Ride	ESTA	START	Average
Annual Ridership	2,677,927	1,747,746	5,212,525	1,117,311	1,308,780	1,123,564	1,098,706	2,040,937
Operating Expenses	\$12,602,292	\$10,630,010	\$34,825,962	\$10,067,616	\$4,721,751	\$4,413,734	\$4,660,951	\$11,703,188
Service Hours	138,529	81,428	276,514	83,246	53,545	58,337	63,255	107,836
Service Miles	2,241,211	1,476,471	4,946,740	1,806,527	496,347	944,365	869,784	1,825,921
Passenger trips per Hour	19.3	21.5	18.9	13.4	24.4	19.3	17.4	18.9
Passenger trips per Mile	1.2	1.2	1.1	0.6	2.6	1.2	1.3	1.1
Cost per Hour	\$90.97	\$130.54	\$125.95	\$120.94	\$88.18	\$75.66	\$73.69	\$108.53
Cost per Mile	\$5.62	\$7.20	\$7.04	\$5.57	\$9.51	\$4.67	\$5.36	\$6.41
Cost per Passenger Trip	\$4.71	\$6.08	\$6.68	\$9.01	\$3.61	\$3.93	\$4.24	\$5.73

Serving	Park City / Summit	Summit Stage, CO	Aspen, CO	Eagle County, CO	Town of Breckenridge	Mammoth Lakes CA	Jackson WY	Average
Year-Round Population	42,829	31,011	56,946	55,127	4,938	17,977	33,510	34,620
Skier Days	1,837,730	Not available	1,550,000	1,634,250	1,600,750	1,128,500	715,100	1,411,055
Overnight Visitors	4,688,693	Not available	Not available	Not available	Not available	965,000	1,802,000	2,485,231

Source: 2019 National Transit Database, Park City Chamber and Tourism Bureau, Jackson Chamber and Tourism. Skier Days are notated from best available data.

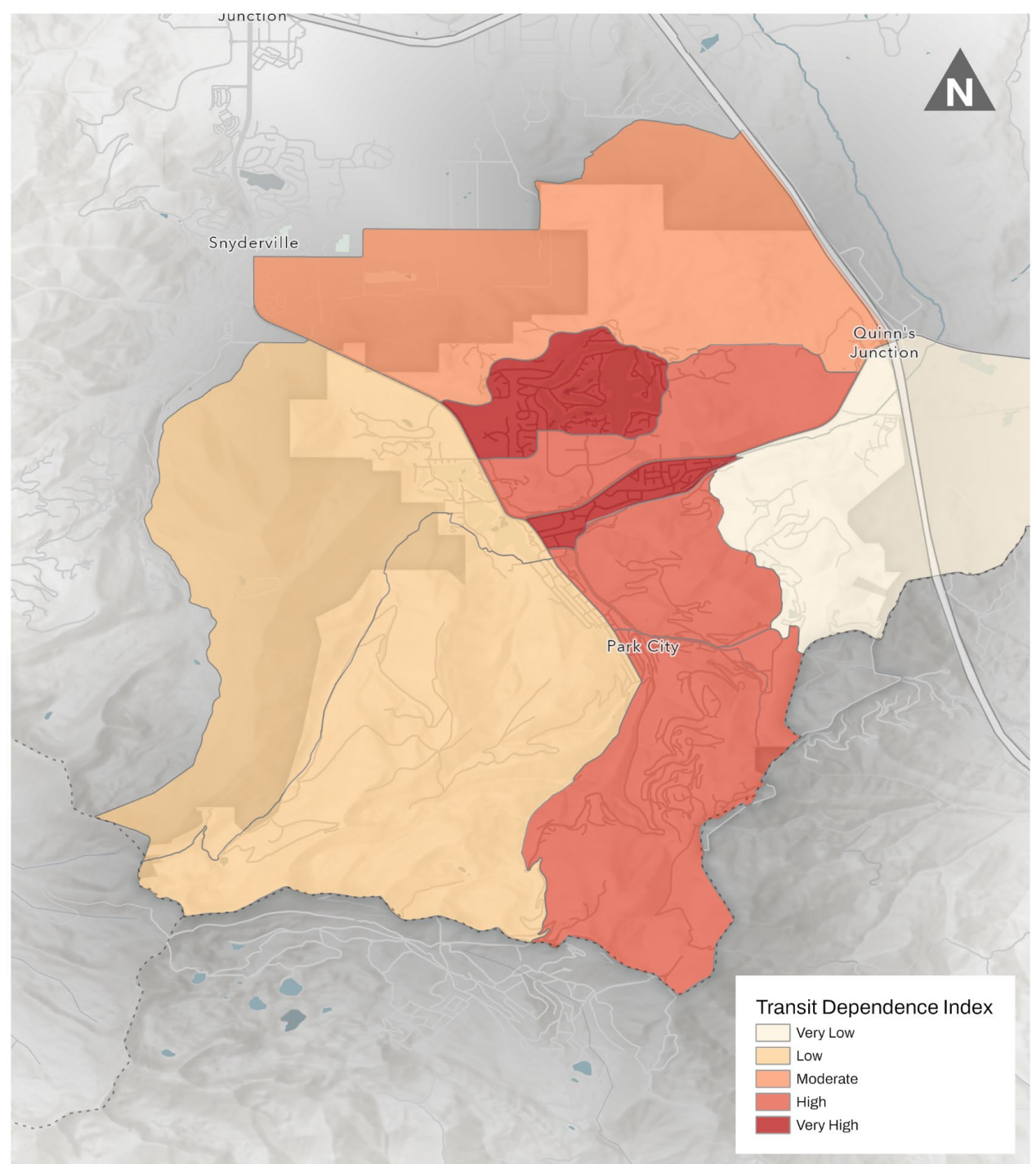
Performance

Park City Transit Passengers Per Hour By Routes In Winter

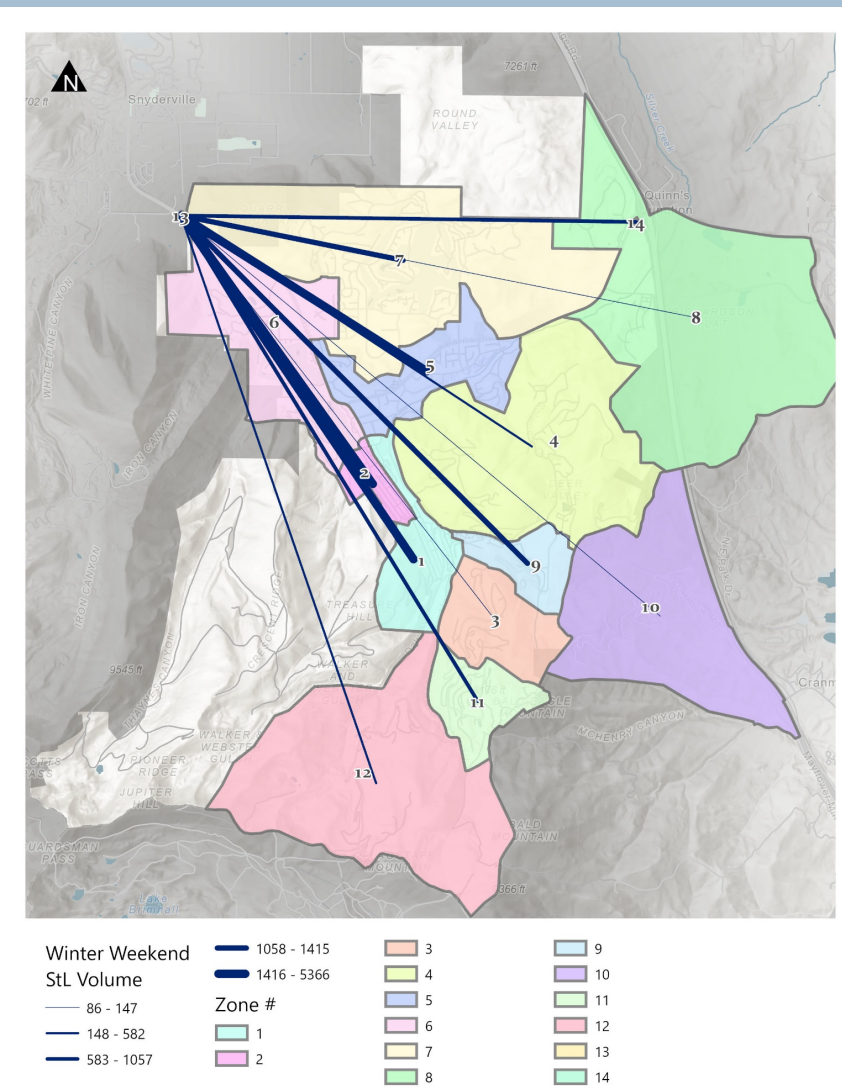
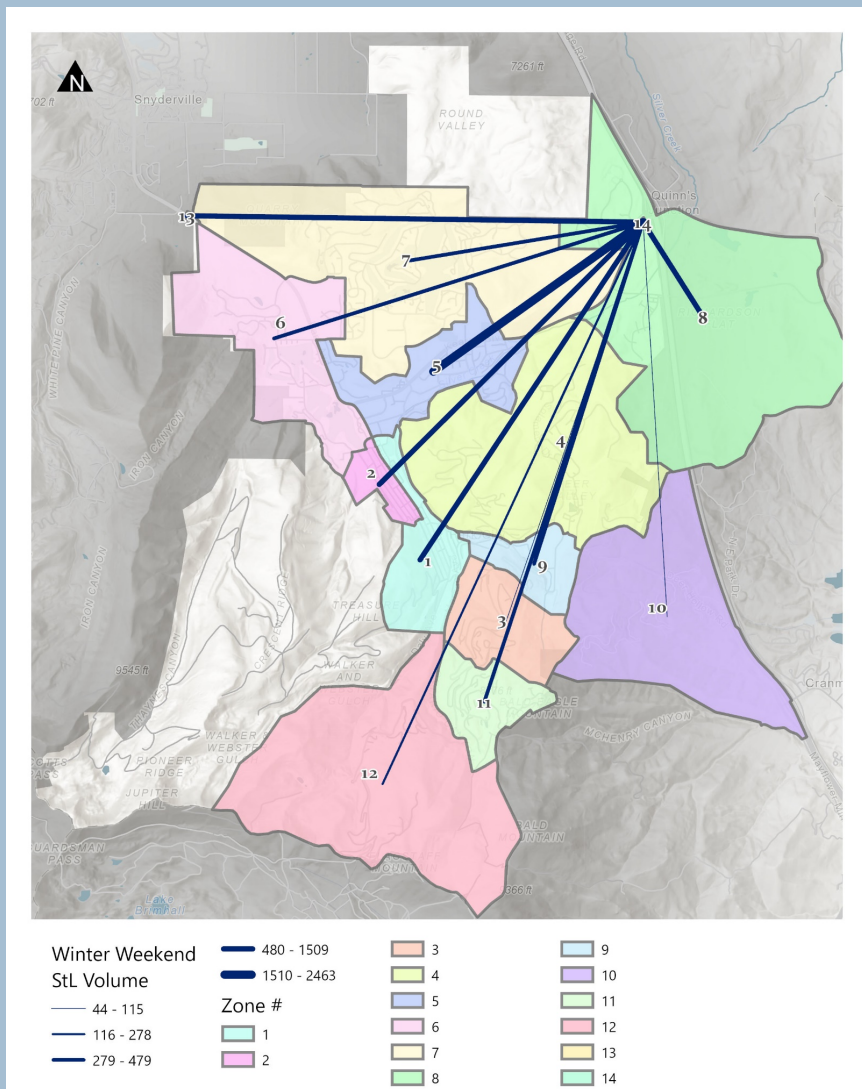


Fiscal Year	Ridership	Revenue Hours	Passengers Per Hour
FY 2018-19	1,352,890	49,543	27.3
FY 2019-20	1,153,617	46,177	25.0
FY 2020-21	611,430	28,080	21.8

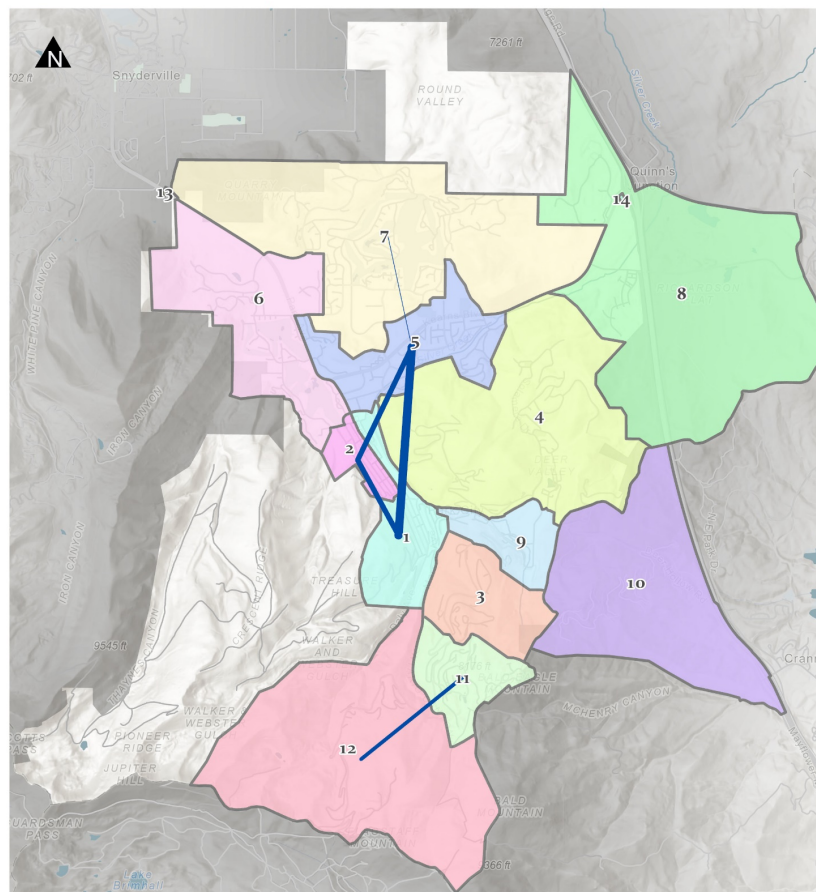
Transit Dependency



Regional Travel Patterns



Local Travel Patterns



Winter Weekday
OD StL Volume

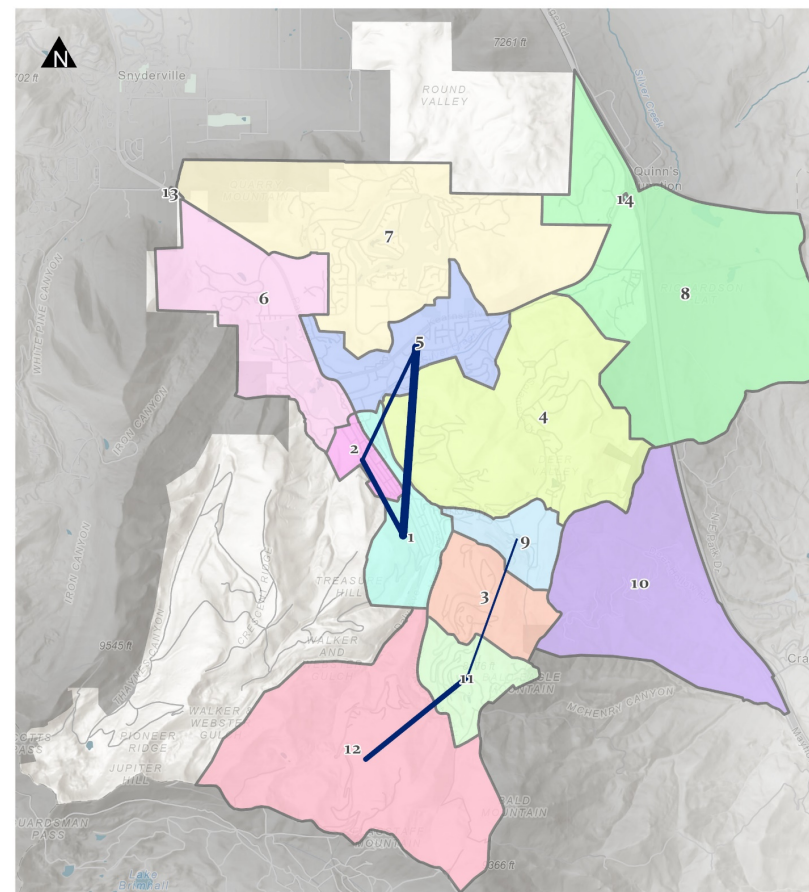
— 1115 - 1179
— 1180 - 1373
— 1374 - 1516

— 1517 - 1611
— 1612 - 2412
Zone #

1
2

3
4
5
6
7
8

9
10
11
12
13
14



Winter Weekend
OD StL Volume

— 1008
— 1009 - 1397
— 1398 - 1839

— 1840 - 2036
— 2037 - 2907
Zone #

1
2

3
4
5
6
7
8

9
10
11
12
13
14

Average Daily Boardings

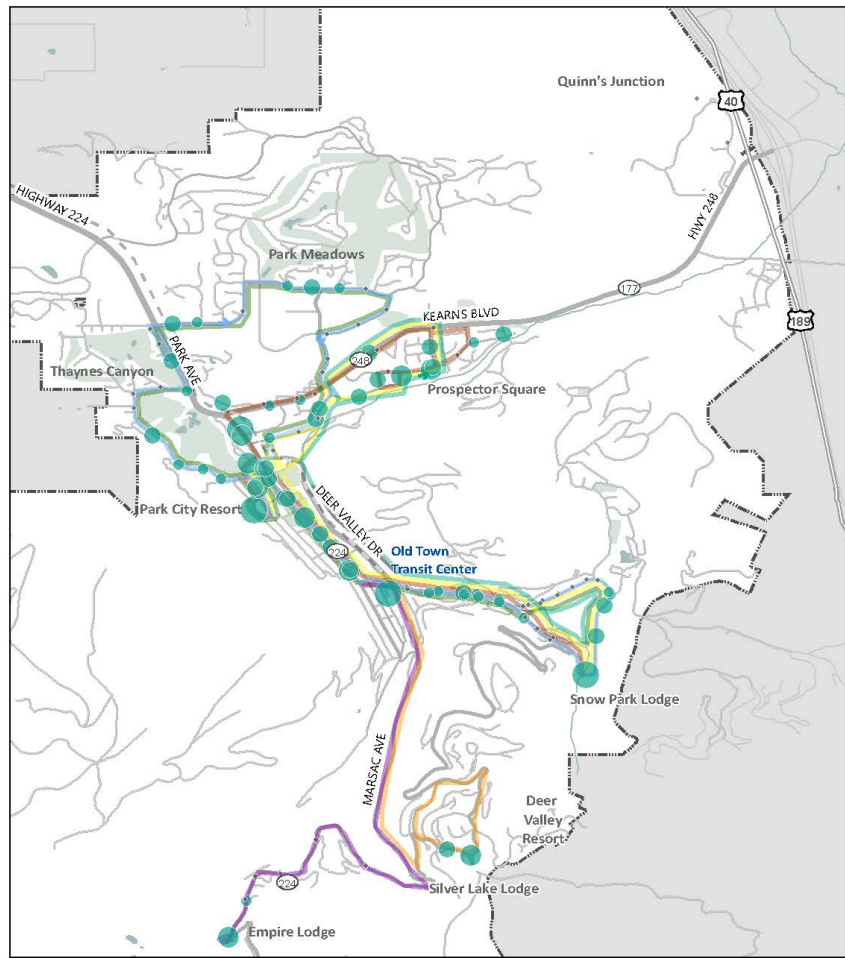


Figure 14
Park City Transit Average
Daily Boardings in Winter

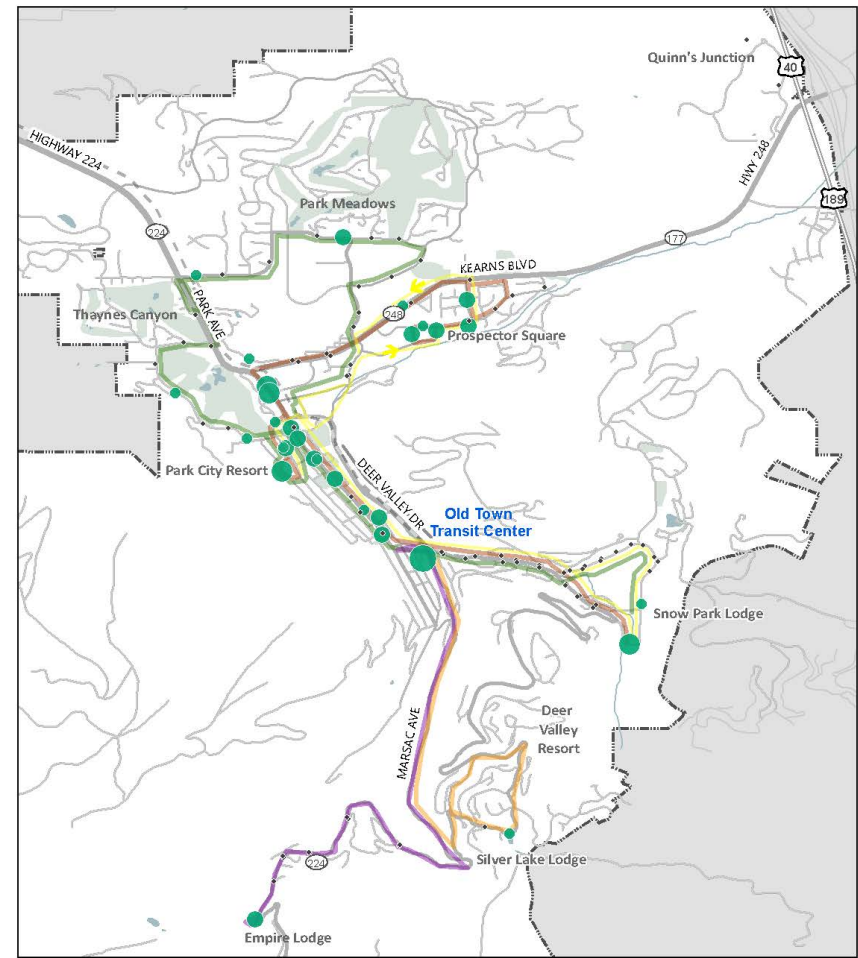


Figure 15
Park City Transit Average
Daily Boardings in Summer



Next Steps

Upcoming Months

Through end of October

- Online survey open
- Site visit, PMT and AC
- Completion of Tech Memo #1 (combined with #2) – Existing & Future Conditions, Travel Demand, Multimodal Assessment

November

- Establish evaluation criteria
- Initial service options development and analysis

December

- Service options workshop
- Pop-up events
- Community open house

January

- Develop preferred system vision



Questions?

An aerial photograph of a mountain town covered in snow, with steep, snow-covered slopes in the background. The town's buildings are densely packed in the valley, and the overall scene is in a cool, blue-toned color palette.

316 ONTARIO AVENUE

Plat Amendment

City Council

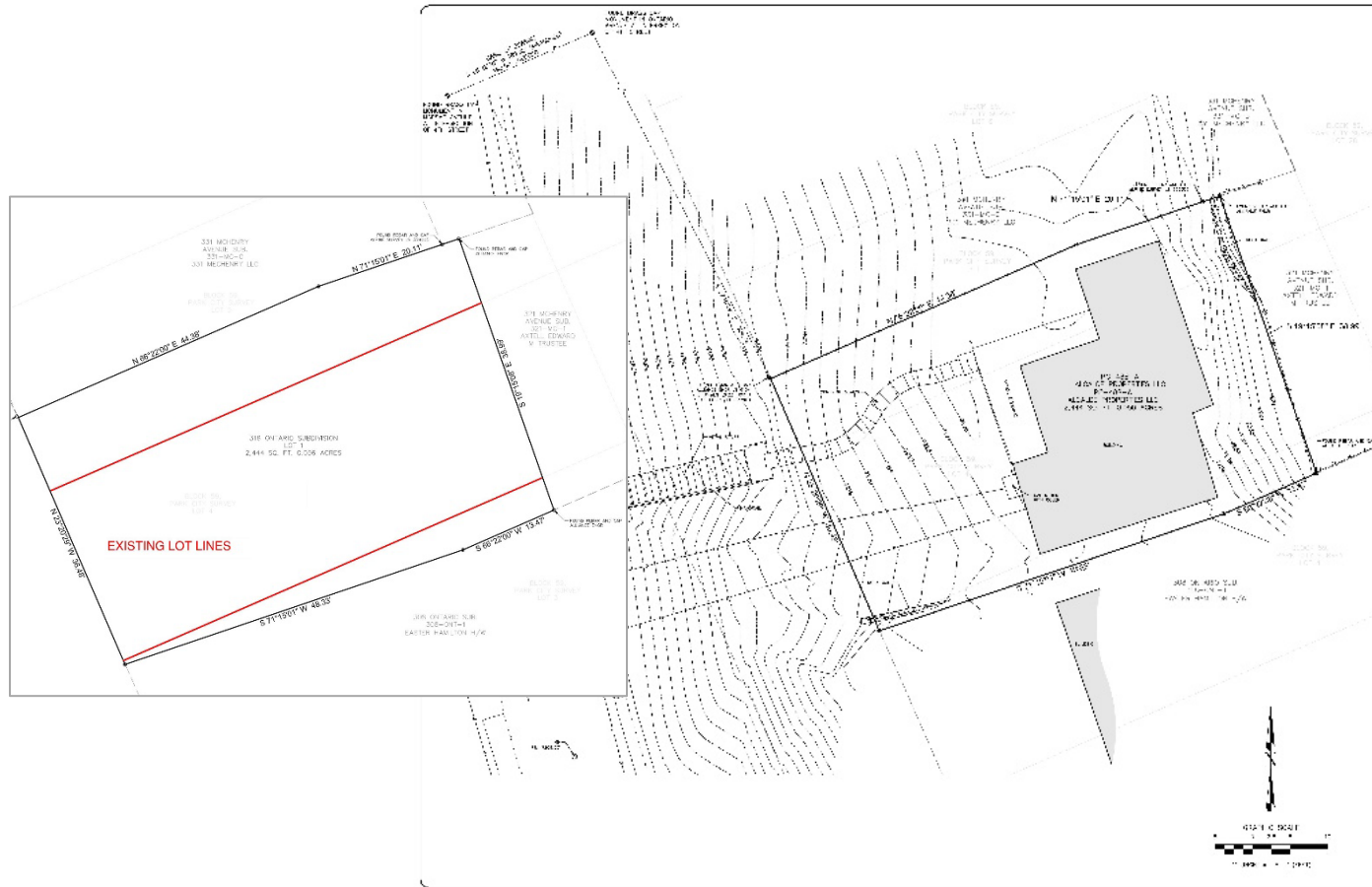
Ordinance 2021-40 | October 28, 2021



BACKGROUND

- Located in the Historic Residential-Low (HRL) Zoning district
- Designated a Landmark Historic Site
- Applicant proposes removing two remnant Lot lines to create one Lot for a Single-Family Dwelling
- Plat Amendment is in addition to a Board Of Adjustment (BOA) approved variance to the front setback for a detached garage, and a pending Historic District Design Review (HDDR) and Steep Slope Conditional Use Permit (CUP) for the detached garage





316 ONTARIO AVENUE

Good Cause

- The City Council must find good cause for the proposed Plat Amendment.



316 ONTARIO AVENUE

GOOD CAUSE

- The proposed Plat 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.



316 ONTARIO AVENUE

CONDITONS OF APPROVAL

- The Applicant is required to request a variance approval from the Board of Adjustment from the minimum lot size requirements prior to recording the Plat
- The Applicant must enter into an Encroachment agreement with the City for driveway access over unbuilt Right-of-Way
- The Applicant must complete the HDDR and Steep Slope CUP (Staff level approval) prior to recording the Plat



316 ONTARIO AVENUE

RECOMMENDATION

Staff recommends Council hold a Public Hearing and consider approving Ordinance 2021-40.





HISTORIC SITES INVENTORY UPDATE

LAND MANAGEMENT CODE AMENDMENTS



HISTORIC SITES INVENTORY UPDATE

LAND MANAGEMENT CODE SECTION 15-11-10

The proposed amendments

Update the Historic Sites Inventory, which the City Council codified in 2017

Reflect new addresses for the Rossie Hill Landmark Historic Structures

and

Update the current status of 1302 Norfolk Avenue

No substantive changes are proposed





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)



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

HISTORIC SITES INVENTORY UPDATE

LAND MANAGEMENT CODE SECTION 15-11-10

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

. . . .

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

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

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

. . . .



HISTORIC SITES INVENTORY UPDATE

LAND MANAGEMENT CODE SECTION 15-11-10

In 2016, the Planning Department nominated 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 historic significance

The property owner requested review by the Utah Property Rights Ombudsman to determine whether the structure could be demolished

The advisory opinion found the demolition permit application was entitled to approval

HISTORIC SITES INVENTORY UPDATE

LAND MANAGEMENT CODE SECTION 15-11-10

On June 7, 2017, the Historic Preservation Board designated 1302 Norfolk Avenue a Significant Historic Site on the Historic Sites Inventory

On June 17, 2017, the property owner appealed the designation

To prevent demolition of the structure,
the City purchased the property and is the current owner

HISTORIC SITES INVENTORY UPDATE

LAND MANAGEMENT CODE SECTION 15-11-10

The June 7, 2017 Historic Preservation Board designation remains valid

The proposed Land Management Code amendments update the Historic Sites Inventory to reflect 1302 Norfolk Avenue is no longer under appeal

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

....

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

....

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

HISTORIC SITES INVENTORY UPDATE

LAND MANAGEMENT CODE SECTION 15-11-10

Staff recommends the Planning Commission conduct a public hearing and consider approving Ordinance No. 2021-41

1061 & 1063 Lowell Avenue

Northstar Subdivision – Lot 1 Amended
Plat Amendment

City Council| PL-21-04872
October 28, 2021



LMC Regulation	Requirements
Building Footprint	Per LMC <u>§ 15-2.2-3(E)</u> 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.



—1061 & 1063 Lowell Avenue—

PLAT AMENDMENT

- Single Family Dwelling is an Allowed Use in the HR-1
- A Duplex Dwelling is a Conditional Use in the HR-1 for lots greater than 3,750 sq. ft.
 - The proposed Lots 1a and 1b are 0.22 acres each or 9,742 square feet.
- Lots will meet LMC requirements outlined in Chapter 2.2 Historic Residential (HR-1) District for use, density, setbacks, height, and parking, outlined below.
 - Redevelopment will require HDDR approval and possibly Steep Slope Conditional Use permits





–1061 & 1063 Lowell Avenue–

PLAT AMENDMENT

- On September 22, 2021 The Planning Commission unanimously forwarded a positive recommendation to the City Council for approval





–1061 & 1063 Lowell Avenue–

Good Cause

1. New development would encourage construction of Historically compatible structures.
2. Resolve the existing non-conforming use/structure and non-conforming deed line.
3. Character and compatibility of the lots would keep with preserving the character of the neighborhood.



Recommended Conditions of Approval

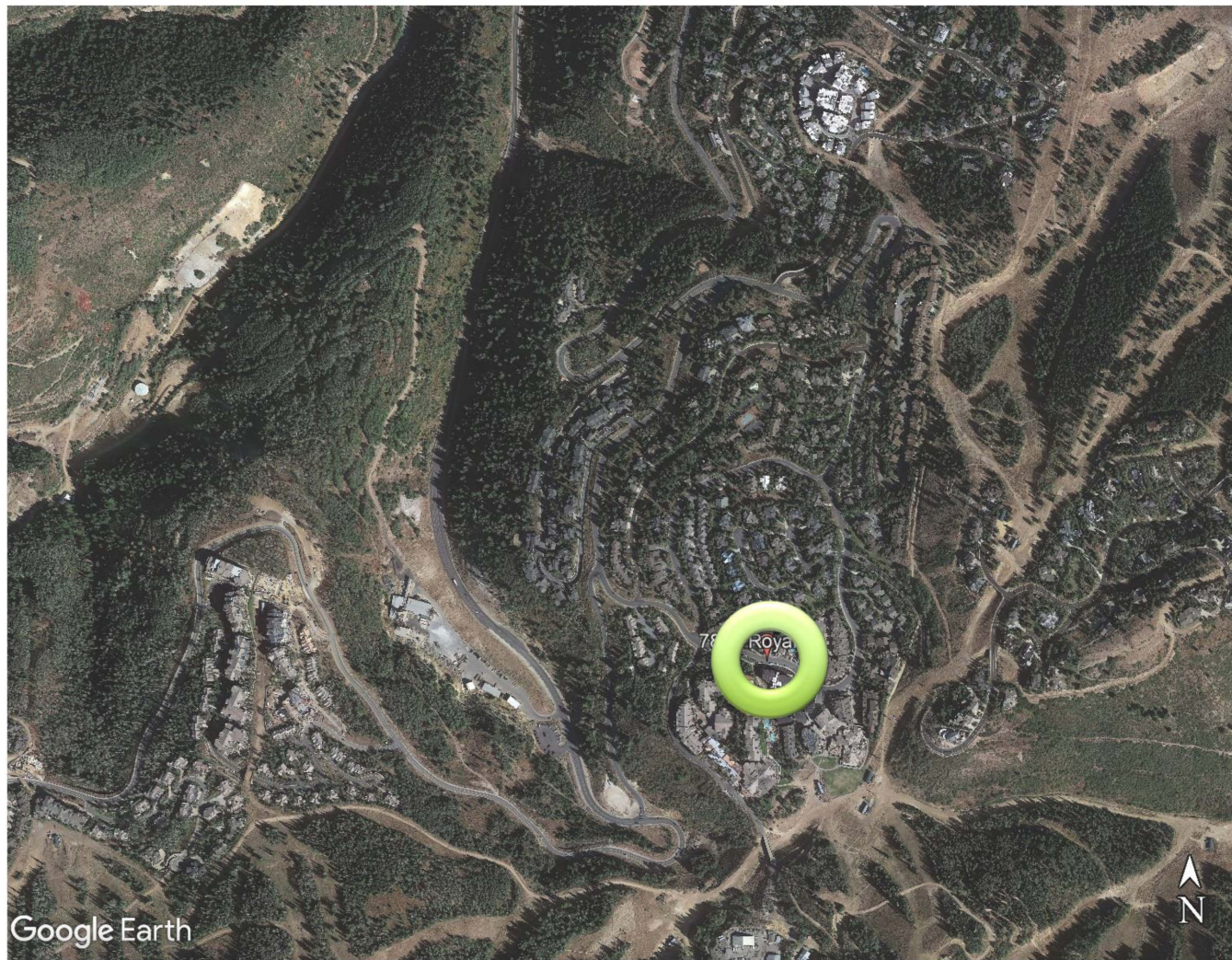
1. The property owners are to assume all obligations under the Release, Waiver, and Agreement by such an amendment in a form approved by the City Attorney, to be recorded prior to recordation of the Plat Amendment.
2. In the case of one owner of the duplex intending to redevelop their lot, both lots would require agreement and be subject to demolishing the duplex in conjunction.
3. The Building Footprint for each Lot is 2,818 square feet.

An aerial photograph of a mountain town covered in snow. The town is densely packed with buildings, mostly with dark roofs, and is surrounded by snow-covered hills and mountains in the background. The sky is a clear, pale blue.

FIRE DISTRICT STATION #34

ZONING MAP AMENDMENT





Google Earth





SUMMARY

- Parcel PCA-1200-4-X – Owned by Park City Fire District
- 0.17 Acres
- Estate (green); Residential Development (yellow)
- Use, size, setbacks inconsistent with Estate Zoning District
- Rezone to Public Use Transition to accommodate planned expansion



BACKGROUND

- Deer Valley Master Plan zoned in the 1980's.
- Current structure to be fully demoed starting in 2022.
- Station #34 requires additional space to accommodate six (6) personnel and a larger fire apparatus.
- Expansion of essential municipal public facilities and structures in the E Zone is a Conditional Use.
- May 21, 2002: BOA approved Variance allowing the PCFD to expand and encroach into Setbacks.
- May 22, 2002: Planning Commission approved CUP allowing expansion of essential municipal and public facilities.
- Re-zone to PUT will allow expansion to be Permitted Use.



ANALYSIS

7805 ROYAL STREET

1. Complies with PUT Zoning District requirements
 - Density, height, and setbacks

2. Complies with General Plan
 - Small Town

Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods



ANALYSIS

7805 ROYAL STREET

2. Complies with General Plan (cont.)

- 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.

- *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 protect negative impacts to the region.*



ANALYSIS

7805 ROYAL STREET

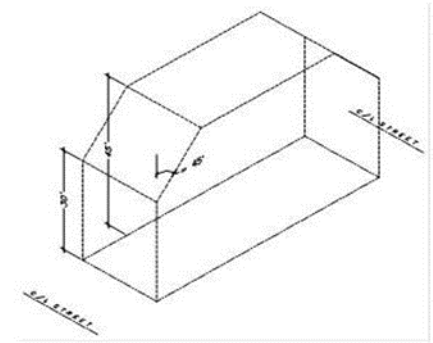
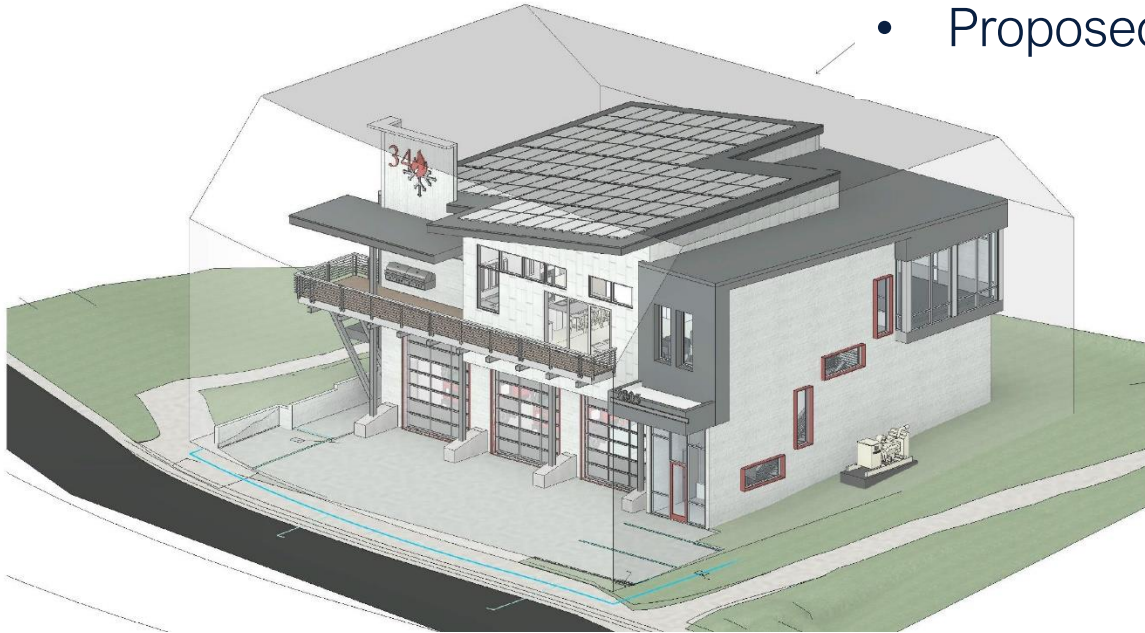
3. The proposed zone change complies with the Sensitive Land Overlay, LMC Chapter 15-2.21.
 - Prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands
4. The Development Review Committee reviewed the proposed rezone from E to PUT Zoning District and did not identify any issues.



HEIGHT CONSIDERATIONS

12th Amended Deer Valley MPD height limitation 64'

- Golden Hirsch – 64'
- Chateau at Silver Lakes Condo – 45'
- Black Bear Condo – 35'
- Proposed Fire Station #34 -30'



— PLANNING COMMISSION —

On October 13, 2020, the Planning Commission unanimously forwarded a positive recommendation for the City Council's consideration.



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.



Park City Pickleball



Information:

- Pickleball fastest growing sport in US
- PC players grew from 100 in 2016 to over 1,000 in 2021
- More than 100 pickleball courts built in Utah past 3 years
- Morgan (4), Oakley (8), Heber City (15) new courts past 3 years
- Municipal Recreation departments are taking lead to fulfill demand

GOALS

Short Term (Better Indoor Play Options)

- More equitable court consideration at MARC
- Improved net quality
- Pickleball representative on RAC Board

Long Term (Dedicated Pickleball Courts)

- 16 - 24 court outdoor pickleball complex (4 – 6 tennis courts)
- 8 - 16 court indoor complex (2 -4 tennis courts)
- Public & Private funding / Partner with City Recreation

Greg Leitzke / President PCPC / parkcitypickleballclub@gmail.com

- Construction started without permit/bond – mid June
- Owner: City permit **not** required – only HOA approval
- Stop Work Order - July 6
- Owner's 1st Application – rejected as incomplete
- Owner's 2nd Application - July 30...
- HOA "Certificate of Approval" not provided (GRAMA)



Theobald's view of Lot 3 Owner's unpermitted pickleball court, parking/garage and garbage area after illegal removal of mature trees and shrubbery

Park City Land Management Code

15-7.3-1 Conformance To Applicable Rules And Regulations

C. SELF-IMPOSED RESTRICTIONS. If the Owner places restrictions on any of the land contained in the Subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Subdivision Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney. 1992 LMC 15.4.1 (b)

In 1992/93, the Planning Commission and the City Council approved the Willow Ranch Subdivision with developer's self-imposed building area and setback restrictions greater than the LMC. These restrictions are illustrated on the recorded Subdivision Plat and defined in the recorded CC&Rs. The restrictions can be modified only with HOA and City variance/Plat amendment.

SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Willow Ranch Subdivision
Amended Plat

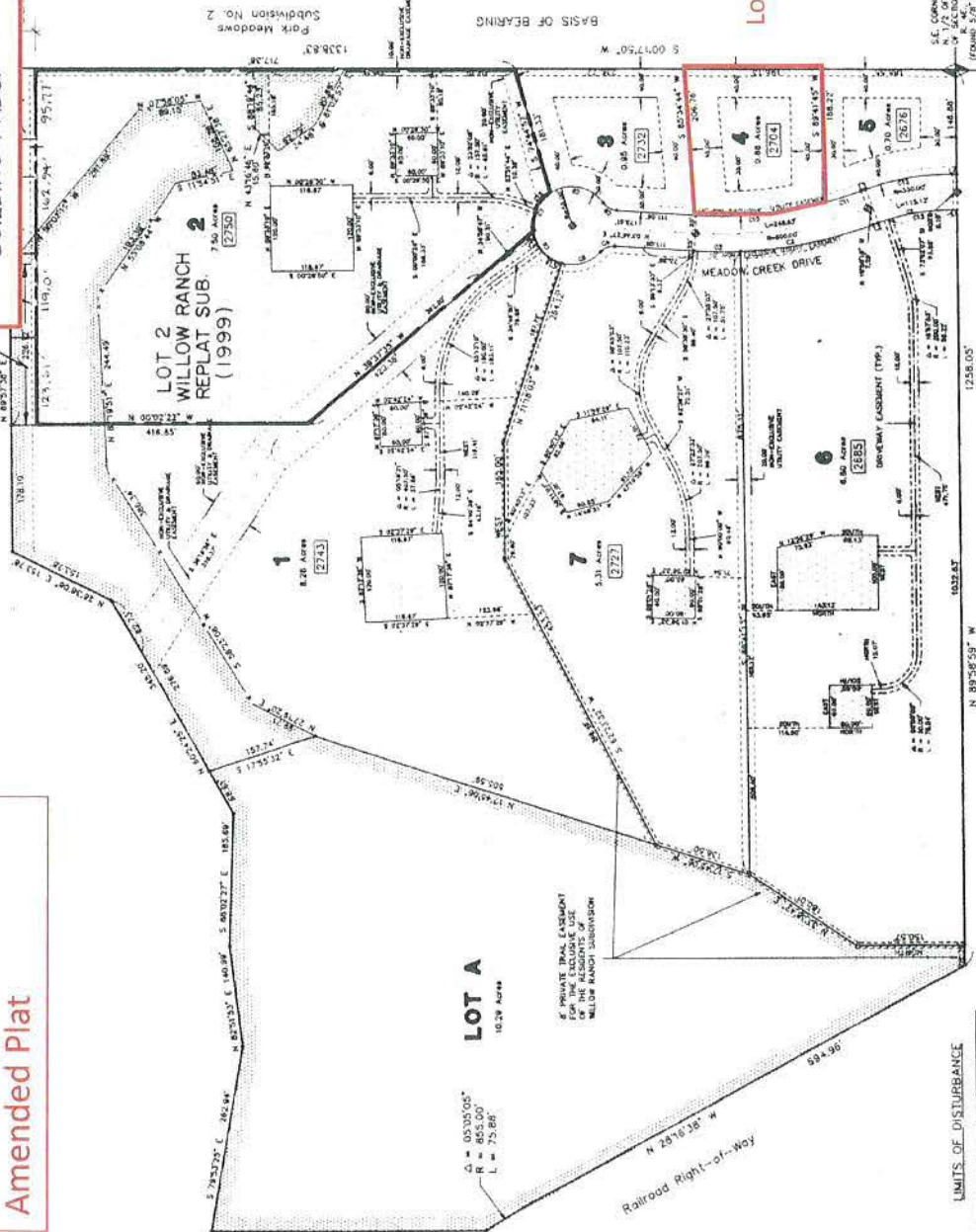
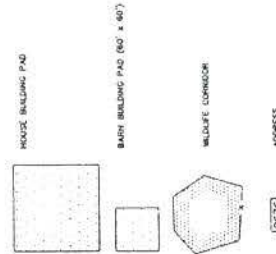
INVL-3

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

NOTES:

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND SIDEWALK, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FLOODING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 4, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO CHANGING OF HORSES IN THE MEADOW CORRIDORS.
8. CHANGING OF LOTS 1, 2, 4, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.B.M. AND DESIGN GUIDELINES OF THE CITY OF PARK CITY.
9. HOME SQUARE FOOTAGE WILL BE LIMITED TO A MAXIMUM OF 4,000 SQUARE FEET ON LOTS 1, 2, 4, AND 7 AND 4,400 SQUARE FEET ON LOTS 3, 5, AND 6.
10. BARN SQUARE FOOTAGE WILL BE LIMITED TO A MAXIMUM OF 1,000 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARN WILL BE LIMITED TO 33 FEET TO MEASUREMENT OF ROOF AND 28 FEET TO PEAK OF ROOF.
12. HOMES ON LOTS 1, 2, 4, AND 7 WILL BE REQUIRED TO INSTALL MOORED 13-0 FINE SPRINKLER SYSTEMS AS DIRECTED BY THE PARK CITY FIRE DEPARTMENT.
13. LOTS 1, 2, 4, AND 7 ARE SUBJECT TO AN ANNUAL MAINTENANCE PLAN AND AN OPEN SPACE CONSTRAINT DEDICATED WITH THE CITY OF PARK CITY MUNICIPAL CORPORATION.
14. NO BASEMENTS ARE ALLOWED.
15. PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
16. PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY ISSUE SUBDIVISION ORDINANCE FOR LOTS WITHIN MEADOW CREEK DRIVE WITHIN A PAVED EXCAVATION AND FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PLACING OF MEADOW CREEK DRIVE.
17. LOTS 1, 2, 4, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE CITY OF PARK CITY MUNICIPAL CORPORATION AND REQUIREMENTS AS STATED IN THE MEADOW CREEK CLMA.

LEGEND



LOT A
10.29 Acres

Δ = 05°05'05"
R = 855.00'
L = 75.86'

PRIVATE TRAIL EASEMENT
FOR THE EXCLUSIVE USE
OF THE MEADOW CREEK
WILLOW RANCH SUBDIVISION

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	TOTAL AREA (sq. ft.)
LOT 1	11,000	3,400
LOT 2	11,000	17,400
LOT 3	11,000	17,400
LOT 4	11,000	17,400
LOT 5	11,000	17,400
LOT 6	11,000	17,400
LOT 7	11,000	17,400
LOT 8	11,000	17,400

SHOWN AND THAT I HOLD
A UTAH FURTHER CERTIFY THAT
I AM THE RECORD



NOTES:

Willow Ranch Plat/CC&Rs

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
8. OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
9. HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
10. BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARNs WILL BE LIMITED TO 23 FEET TO MIDPOINT

Willow Ranch Plat

NOTES:

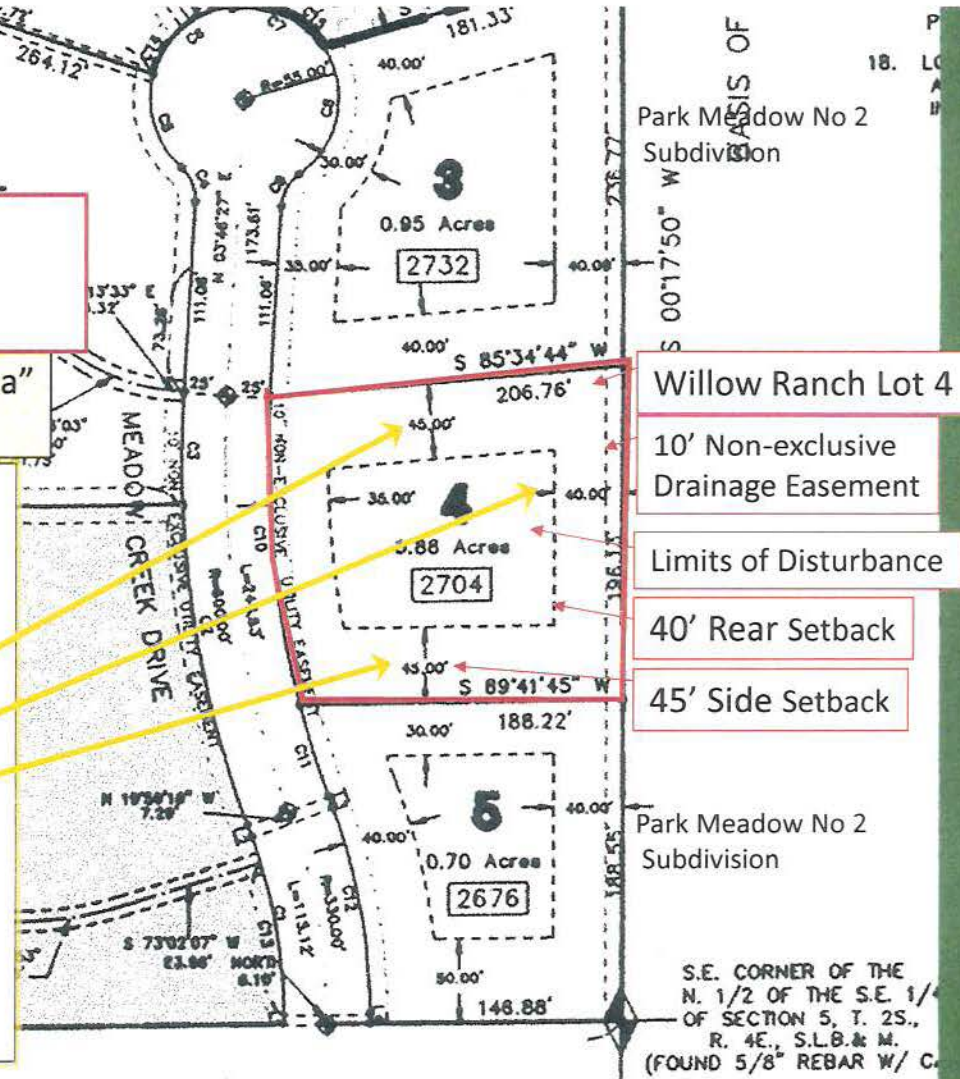
1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

Equestrian Lots Surveyed "Residence Limits of Disturbance Area"
Small Lots 3, 4 and 5 - LODA are as "per set backs"

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.95 ACRES	per set backs	4400	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500



Park Meadow No 2 Subdivision

Willow Ranch Lot 4

10' Non-exclusive Drainage Easement

Limits of Disturbance

40' Rear Setback

45' Side Setback

Park Meadow No 2 Subdivision

S.E. CORNER OF THE N. 1/2 OF THE S.E. 1/4 OF SECTION 5, T. 2S., R. 4E., S.L.B. & M. (FOUND 5/8" REBAR W/ C.)

Willow Ranch Plat/CC&Rs

3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

6.3. Number of Dwellings and Structures. Only one Dwelling may be constructed on any Lot. No other habitable structure, shed, storage building or outbuilding is permitted, except for Barns and Accessory Dwelling Units on the Equestrian Lots. Garages must be attached to the Dwelling. An Equestrian Lot Owner may construct an Accessory Dwelling Unit, subject to further review and approval by the City. The Accessory Dwelling Units may not be detached from the Dwelling Unit and must share the main entrance to the Dwelling Unit. Additionally, Accessory Dwelling Units (a) may not exceed 800 square feet; (b) must share utilities (no separate meter); (c) must have at least one dedicated parking space; and (d) may not be rented on a nightly basis.

BOOK 711 PAGE 526

Permitting Process - Lot 4 Sauna



Heather Wasden

To: Crystal Kaufman

Green Category

Was Ms. Kaufman copied with the Plat and the content of the email and did she forward to anyone?

PDF

REC_-_Plats_-_Subdivision_Condominium_-_WILLOW_RANCH_SUB_Entry_#_374694__2-26-199...

1 MB

From: Heather Wasden <heather.wasden@parkcity.org>

Sent: Monday, August 17, 2020 4:25 PM

To: tpotasky@bdogbuilders.com

Subject: 2704 Meadow Creek Dr: accessory building

Todd,

As per our conversation I hit my first hurdle please see the attached plat and read through the details on it. There are restrictions on Limits of Disturbance and home square footages.

It is in the Estate Zone and you may read through the zone restrictions for Accessory structures as well.

Let me know if you other questions, there are more regulations that it would need to comply with like Wildland Urban Interface Code and Landscaping vegetation replacement, etc.

Willow Ranch Subdivision Plat Restrictions supersede provisions of Estate Zone Accessory structures.

Heather Wasden



Additional Comments

GREEN DAVID H/W (JT)

Permit #: TEMP21-047 / Lot 4 / Willow Ranch Sub. / 2704 MEADOW CREEK DR

TEMP21-047

Building Plan Review	
Item	Comments
Plans	01/21/21 - Cooper Wade - Rejected - After initial review the following needs noted on - See additional Notes
After initial review the following needs noted on the plans: 1) WUI path to compliance 2) Electrical Floor Heating to be used.	
Plans	06/03/21 - Cooper Wade - Rejected - Provide plans that correlate with the correct plan - See additional Notes
Provide plans that correlate with the correct plan. Include structural drawings	
HOA Subdivision Notification	01/20/21 - Crystal Kaufman - Approved - Please provide a signed HOA letter prior to issuan - See additional Notes
Please provide a signed HOA letter prior to issuance. Please feel free to contact the Building Dept. 435-615-5101 for any questions or concerns. Thank you.	
REScheck	01/21/21 - Cooper Wade - Rejected - REScheck must be signed by the Design Professional - See additional Notes
REScheck must be signed by the Design Professional of Record for the project.	

Planning	
Item	Comments
Plans	01/22/21 - Heather Wasden - Rejected - Please see the document I uploaded named "Planning - See additional Notes
Please see the document I uploaded named "Planning Initial Plan Review 2704 Meadow Creek Dr"	
Plans	04/26/21 - Heather Wasden - Rejected - I spoke with a representative of the owner on the - See additional Notes
I spoke with a representative of the owner on the phone and it sounds like the square footage of the existing home is at the maximum allowed square footage per the plat. The addition would exceed what is allowed. It appears a Plat Amendment to change the allowed maximum square footage would be needed to continue forward with this project.	
Plans	05/17/21 - Heather Wasden - Rejected - I spoke with Melanie in Engineering and she is goi - See additional Notes
I spoke with Melanie in Engineering and she is going to reach out to the applicant to discuss the structure being within the Easement on the Rear yard. She will let me know the outcome.	

Code Enforcement	
Item	Comments
Site Plan	01/21/21 - Gabe Jaramillo - Approved - LOD inspection required. A contractor sign must be - See additional Notes
LOD inspection required. A contractor sign must be displayed. A portable toilet or access to a restroom is required. A dumpster or dump trailer is required on site.	
Site Plan	06/03/21 - Heather Wasden - Updated - See the conditions of approval on the plans
LOD inspection required. A contractor sign must be displayed. A portable toilet or access to a restroom is required. A dumpster or dump trailer is required on site.	

PC Plan Review Report

1/20/21 Crystal Kaufman - Approved – *“Please provide a signed HOA letter prior to issuance. Please feel free to contact the Building Dept. 435-615-5101 for any questions or concerns...”*

Explain what is approved - HOA letter **not** provided pursuant to GRAMA request.

1/22/21 Heather Wasden -Rejected - *“Please see the document I uploaded named “Planning Initial Plan Review 2704 Meadow Creek Dr”* **Not** provided pursuant to GRAMA request.

1/22/21 Heather Wasden –Approved - (Recorded Plat) Explain - **Not** provided GRAMA

4/26/21, Heather Wasden – Rejected - *“I spoke with a representative of the owner on the phone and it sounds like the square footage of the existing home is at the maximum allowed square footage per the plat. The addition would exceed what is allowed. It appears a Plat Amendment to change the allowed maximum square footage would be needed to continue forward with this project.”*

The maximum square footage permitted by the Plat and CC&Rs is 4,400 sq. ft. Public tax records show the home has a finished “Living Area” of 4,502 sq. ft. and an additional garage area of 912 sq. ft. Subtracting a CC&R exclusion of 600 sq. ft. equals an effective total of 414 sq. ft. exceeding maximum permitted. Adding the sauna building at 361 sq. ft. equals an effective total of 5,175 sq. ft. – approximately 775 sq. ft. over the 4,400 sq. ft. maximum permitted.



Park City Municipal Corporation
Planning Department

June 3, 2021

Building Permit Conditions of Approval:

Project Address: 2704 Meadow Creek Dr
Building Permit Plan Review #: PLAN21-047
Planning Plan Reviewer: Heather Wasden

1. Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision
2. Per the plans and applicant the maximum structure height including the chimney is approximately 16'-3" which is compliant with LMC 15-2.10-3 which states Detached Accessory Structures must be less than 18' in height
3. Per the applicant there will be no Significant Vegetation removed for this project, just grass is being removed; Per LMC 15-5-5(N) all Significant Vegetation must be replaced with equivalency, all disturbed vegetation shall be replaced to existing or improved conditions; seeded areas must be at least 80% or more germinated prior to Site Completion; bark mulched areas must have 50% or more plants installed and no gravel or stone-mulch is proposed or approved with this permit.
4. All exterior siding materials must comply with LMC 15-5-5 and each building facade may only have a maximum of 3 different types of materials, stone siding must be natural, metal siding shall be non-reflective.
5. All exterior lighting must be down directed and shielded per LMC 15-5-5(J).
6. Mechanical equipment (such as but not limited to A/C units or hot tub, water features, etc.) shall comply with LMC 15-2.10-3 and must be screened and shielded, any roof top mechanical equipment or venting may only go up to 5' above the highest building point per LMC 15-2.10-4.
7. Per LMC 15-5-5(E) all roofing materials shall be natural earth toned in color and shall have a Solar Reflective Index of 35 or less.
8. Windows cannot be untreated metal frames per LMC 15-5-5(I).

The Applicant's claim of a combined square footage of home, garage and sauna as being below the maximum 4,400 sq. ft. conflicts with public records and must be verified and reconciled.

Public tax records show a finished "Living Area" of 4,502 sq. ft. An additional "Attached/Built-in Garage Area" of 912 sq. ft. (less 600 sq. ft. as per CC&R exclusion) is an effective total of 414 sq. ft. exceeding maximum permitted. Adding the sauna building at 361 sq. ft. equals an effective total of 5,175 sq. ft. – approximately 775 sq. ft. over the 4,400 sq. ft. maximum permitted

Will Lange, as a duty of the licensed listing agent, provided the 4,502 square footage data at the time the current Owner/Applicant purchased the property in 2013.

Mr. Lange is also the current President of the Willow Ranch HOA responsible for plan compliance review and Letters/Certificates of Approval.

Willow Ranch Plat/CC&Rs

Account 0289466 Viewing Doc Building

- Primary
- Manufactured Housing

Building Information

Property Code	Building Status %
RESIDENTIAL PRIMARY	0
Living Area	Year Built
4502	1993
Basement Area	Attached/Built-in Garage Area
0	912
No. Full Baths	No. Half Baths
4	1
No. Designer Bathrooms	
0	

Source: Summit County Tax Assessor



Park City Municipal Corporation
Planning Department

June 3, 2021

Building Permit Conditions of Approval:

Project Address: 2704 Meadow Creek Dr
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Planning Plan Reviewer: Heather Wasden

1. Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision
2. Per the plans and applicant the maximum structure height including the chimney is approximately 16'-3" which is compliant with LMC 15-2.10-3 which states Detached Accessory Structures must be less than 18' in height
3. Per the applicant there will be no Significant Vegetation removed for this project, just grass is being removed; Per LMC 15-5-5(N) all Significant Vegetation must be replaced with equivalency, all disturbed vegetation shall be replaced to existing or improved conditions; seeded areas must be at least 80% or more germinated prior to Site Completion; bark mulched areas must have 50% or more plants installed and no gravel or stone-mulch is proposed or approved with this permit.
4. All exterior siding materials must comply with LMC 15-5-5 and each building facade may only have a maximum of 3 different types of materials, stone siding must be natural, metal siding shall be non-reflective.
5. All exterior lighting must be down directed and shielded per LMC 15-5-5(J).
6. Mechanical equipment (such as but not limited to A/C units or hot tub, water features, etc.) shall comply with LMC 15-2.10-3 and must be screened and sheilded, any roof top mechanical equipment or venting may only go up to 5' above the highest building point per LMC 15-2.10-4.
7. Per LMC 15-5-5(E) all roofing materials shall be natural earth toned in color and shall have a Solar Reflective Index of 35 or less.
8. Windows cannot be untreated metal frames per LMC 15-5-5(I).

Attachment A

	Record request or inquiry	Records produced	Notes
a.	Copies of applications, supporting materials, amendments, decisions, minutes, notes, emails, transcripts, letters, memoranda and all other documents in the possession of the City or any agency or department or official of the City since January 1, 2018 to date [August 5, 2021] relating to an application to build a sauna at 2704 Meadow Creek Drive, including, without limitation, any correspondence, by email or otherwise to or from Stanton Jones.	1. Email correspondence between Heather Wasden and Todd Potasky 2. Email correspondence between Crystal Kaufman and Ben Akers/DOPL 3. 2704 Meadow Creek Plan Review 4. Permit copy for 2704 Meadow Creek Dr. Sauna	The City did not provide architectural plans for 2704 Meadow Creek. Mr. Jensen did view the architectural drawings in person at the Building Department offices on multiple occasions.
b.i.	See additional Notes		No additional notes exist other than as noted in b. ii.
b. ii.	See the conditions of approval on the Plans	5. Building Permit Conditions of Approval 6. Conditions of Approval comments [from Engineering] 7. WUI Compliance notes	
b. iii.	Please provide a signed HOA letter		No record exists. Willow Ranch is not a registered HOA with the City, therefore no approval or HOA notification was required pursuant to PCMC Section 15-1-12(F).
b. iv.	Please see the document I uploaded names "Planning - See additional Notes"		No additional notes exist other than as noted in b. ii.
c.	As part of the approval process, the City requested a letter of Approval from the HOA. Please explain whether a letter of Approval was obtained from the HOA and if not, why not. If so, please provide me with a copy."		See b. iii.
d.	On April 26, 2021, in your role as Planning Technician for the sauna application, you rejected the plan, writing: "I spoke with a representative of the owner on the phone		No additional records exist related to this request.

	and it sounds like the square footage of the existing home is at the maximum allowed square footage per the plat. The addition would exceed what is allowed. It appears a Plat Amendment to change the allowed maximum square footage would be needed to continue forward with this project." Please provide any documentation explaining how this issue was resolved and whether the proposed sauna exceeds the maximum allowed square footage."		
e.	In an email exchange between you in your role as Planning Technician for the sauna application and Todd Potasky, the (then) builder, in August 2020 (included in the Response) you notified Mr. Potasky that there was an issue of Limits of Disturbance and restrictions on home size square footage and sent to him a copy of a recorded Plat entry # 374694 and suggested he read the details on it. Please provide any documentation explaining how this issue was resolved and whether the proposed sauna exceeds the maximum allowed square footage."		No additional records exist related to this request.
f.	The Subdivision Plat illustrates the Setbacks which define the "Limits of Disturbance Area" and "Natural Area", as further defined in the Subdivision CC&Rs. The Report, however, does not provide any information regarding how the applicant has complied with or will comply with the Setback, Limits of Disturbance Area and Natural Area restrictions under the Plat. The sauna appears to violate all of these restrictions. Please provide any documentation and explain how this issue was resolved.		No additional records exist related to this request.
g.	The Building Permit Conditions of Approval, dated June 3, 2021 states that: 'Per the		No additional records exist related to this request.

	applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision.' According to the internet website realtor.com the main house size is 4,502 sq ft. (See: https://www.realtor.com/realestateandhomes-detail/2704-Meadow-Creek-Dr_Park-City_UT_84060_M13152-40653). Please explain why the City believes the total square footage of the house and the sauna is less than 4,400 square feet and provide any related documentation.		
h.	Copies of all records, including, without limitation, all applications, supporting materials, amendments, decisions, minutes, notes, emails, transcripts, letters, memoranda and all other documents in the possession of the City or any agency or department or official of the City since January 1, 2018 to date (which have not previously been produced), including, without limitation, all records in the files of the Planning Department, relating to an application to build a sauna at 2704 Meadow Creek Drive.	8. Park City Fire District Receipt 9. RESCheck Compliance Certificate 10. Snyderville Basin Water Reclamation District Receipt 11. York Engineering Structural Calculations	After conducting further research, these records are also produced (See Attachment A).
i.	A copy of any Letter of Approval of the sauna project from the Willow Ranch HOA which has been provided to the City.		No additional records exist related to this request. See b. iii.
j.	On April 26, 2021, Heather Wasden wrote in the Plan Review Report (TEMP21-047), a copy of which has been provided to me pursuant to my August 5 GRAMA request: "I spoke with a representative of the owner on the phone and it sounds like the square footage of the existing home is at the maximum allowed square footage per the plat. The addition would exceed what is		No additional records exist related to this request.

	allowed. It appears a Plat Amendment to change the allowed maximum square footage would be needed to continue forward with this project." Please provide me with all documentation relating to the maximum square footage issue relating to the sauna.		
k.	The Subdivision Plat for Willow Ranch Subdivision illustrates the Setbacks which define the "Limits of Disturbance Area" and "Natural Area", as further defined in the Subdivision CC&Rs. Please provide me with any documentation regarding compliance with the Setback, Limits of Disturbance Area and Natural Area restrictions under the Plat in connection with the sauna application.		No additional records exist related to this request.
l.	Certain emails previously provided to me pursuant to this GRAMA request may have attachments, but the attachments have not been provided. Please provide all attachments to emails which are subject to this request, including, without limitation, the attachment to the email dated 5/13/21 from Crystal Kaufman to dopletech@utah.gov.	12. Department of Commerce Owner/Builder Certification 13. York Engineering Structural Report 14. RESCheck Inspection Checklist 15. Utah Energy Conservation Code Energy Efficiency Certificate 16. Snyderville Basin Water Reclamation District Admin fee receipt 17. Park City Fire District application comments	These records are produced here (see Attachment A).

Bob Theobald

From: Bob Theobald
Sent: Tuesday, October 19, 2021 17:13
To: andy@parkcity.org; max.doilney@parkcity.org; Becca.Gerber@parkcity.org; tim.henney@parkcity.org; steve.joyce@parkcity.org; nann.worel@parkcity.org
Cc: laura.suesser@parkcity.org; john.phillips@parkcity.org; sarah.hall@parkcity.org; john.kenworthy@parkcity.org; Bill.Johnson@Parkcity.org; douglas.thimm@parkcity.org; Christin.Vandime@parkcity.org; Michelle Downard; Melanie Jackson; mark@parkcity.org; matt.dias@parkcity.org; David.thacker@parkcity.org; heather.wasden@parkcity.org; Bob Richer; ruth.gezelius@parkcity.org; crystal.Kaufman@parkcity.org; Frode Jensen
Subject: 1 Willow Ranch Subdivision - Plat Violations

To Interested Parties:

This email is in regard to the Willow Ranch Subdivision and the related Plat previously approved by the Planning Commission and the City Council. I live in Park Meadows Subdivision #2 adjacent to Willow Ranch.

You are receiving this email because you are a (locatable) former Park City staff member, Planning Commissioner, or City Council Member who was responsible for the initial review and final approval of the Subdivision in 1992/3. The approval was a landmark accomplishment in that it involved the first open space conservation easement in Park City. The City and developer/Declarant also agreed to protecting as much open space as possible by imposing additional restrictions on the Plat and in the CC&Rs. City officials should be proud and this legacy deserves protection. After review of the attached material, if your recollection serves you and you are so inclined, your affirmation or clarification of facts and intent is welcome.

Or, you are receiving this email because you are now a City official responsible for applying the provisions of the Land Management Code applicable to Willow Ranch, including the Plat and Notes thereon according to the intentions of Declarant and the City authorities at the time. This matter warrants your close attention since it raises important issues about the proper construction and implementation of the Land Management Code and City-approved plats, with far-reaching implications.

In particular, I believe the current City Planning and Building Departments erred in processing two recent applications for building permits which, in my opinion, clearly require an amendment to the Willow Ranch Plat by City Council, as follows:

- Willow Ranch Lot 4 – The City improperly granted a permit for a detached sauna building outside the platted “Limits of Disturbance Area” in the “Natural Area”; and which exceeds the permitted building square footage of 4,400 sq. ft., both of which are as indicated on the Plat and Notes. The sauna is currently under construction.; and,

- Willow Ranch Lot 3 - After denying a deficient application for an unpermitted, partially-constructed pickleball court, the planning staff suggested to the applicant that he has 180 days to resubmit for a CUP. The planning staff failed to inform the applicant that any construction for any use outside the “Limits of Disturbance Area” in Willow Ranch is subject to a City Council Plat Amendment and, in the alternative, staff has failed to require the applicant to restore his property to its pre-construction state.

It also appears that in both cases the applicants (and the HOA) may have “mistakenly” represented or omitted pertinent facts in their applications and during the review process which the City relied upon in evaluating and processing the applications.

I would also note that this past spring the owners of Lot 2 in Willow Ranch sought (and were granted) a plat amendment to provide for a flexible allocation of square footage applicable to the house and barn on owners’ lot. The “Findings of Fact” and the “Conditions of Approval”, as determined by the Planning Commission and the City Council, amended and restated several of the Plat Notes with numerous references to compliance with the CC&Rs. This Lot owner/applicant should be commended as this is the appropriate process that the owners of Lots 3 and 4 should be required to follow. (Ordinance 2021-20)

Given the likely mistakes in direct violation of the Plat and uncertainties of the actions of the City, as well as the questionable applications submitted by the owners, it would seem to give sufficient cause for the City to immediately call-up the Lot 3 and 4 permits for review by City Council.

The documents provide further factual and legal back up and support for these assertions. Some of you may have previously seen parts of this information, but it is necessary for all to have the same and most recently updated version. It is most beneficial to read/view the material in the following order:

- Narrative - Willow Ranch Violations 10-19-21
- Lot 4 Willow Ranch Improper Sauna Permit 10-7-21
- Pickleball Plan PP Revised 9-20-21

Please click on link to access documents <https://www.dropbox.com/t/bnvqeRJy2K8N5WD2>

PDF formatted Power Point files suitable for printing will be sent under separate drop box.

Thank you.

Respectfully,
Bob Theobald
435-714-0301

October 19, 2021

City Council Members, Planning Commission and Staff (Former and Present):

I reside at 2810 Holiday Ranch Loop Road. My property is in Park Meadows Subdivision #2 (PKM2), adjacent to Willow Ranch Subdivision (WRS). I write regarding recent additional development and proposed development in WRS which impacts my property, as well as the properties of numerous additional neighbors in WRS and PKM2, and gives rise to several important questions regarding the proper interpretation and enforcement of the Land Management Code (LMC) and the Willow Ranch Subdivision Plat (Plat).

I apologize in advance for the length of this letter, but I believe the questions it raises are both appropriate for Council review and understanding and are important if residents are to have confidence that the development pressures Park City finds itself under today are to be managed appropriately and consistently under our land use laws for the benefit of all residents and the larger community. In this regard, I also want to be clear at the outset that the many questions and criticisms which I raise in this letter are not personally directed at any official... I know that the various departments are trying really hard to do their best at this time given all the circumstances, including the Covid impacts. My intent here is to constructively inform you of the problems I see with the goal of finding proper resolution, and in the process perhaps help improve the City planning operation.

Overview

In early July several of my neighbors and I became aware that the Owner of Lot 3 in WRS was in the process of constructing an unpermitted 1,800 square foot concrete pickleball court at a site on his property which clearly and plainly violates numerous provisions of the LMC and Plat and given its location would likely be an impossible noise nuisance if built. We subsequently became aware that the Owner of Lot 4 in WRS proposed to build a [360 square foot] Accessory Building on his lot to house an indoor sauna and for other uses. The City granted a building permit for the sauna in August, which is now under construction, and which we now believe also clearly and plainly violates numerous provisions of the LMC and Plat. Since early July, we have been providing information to the Planning and Building Departments regarding the numerous problems with these projects, including two PowerPoint presentations which are attached for your information and review.

I am very concerned that Planning Department simply doesn't understand the applicable restrictions under the LMC or the special requirements and constraints the City and the Developer placed on WRS when it was approved, which requirements and constraints are applicable to *any and all further development* in Willow Ranch.

Under these restrictions, the pickleball court proposed on Lot 3 as covered in the "Pickleball Plan...9-20-21" slide presentation simply cannot and should not be approved. It would violate numerous provisions of the LMC and Plat. Yet, as described below, the Planning Department has not so informed the Owner of Lot 3 and has not rejected his application. I am also concerned that the sauna building on Lot 4 was erroneously approved. These details are covered in the "Lot 4 Willow Ranch...10-7-21" slide presentation and also discussed below. Based on the precedent of the sauna approval, and without a course adjustment, I am concerned that Planning may well also incorrectly approve the pickleball permit in the near future.

This letter further explains my informed view of the binding restrictions applicable in WRS, which are based on the history of the approval of the subdivision and are shared by many other persons knowledgeable regarding the history of WRS. I will then describe the specific problems I have identified with both applications. Ultimately, I believe both applications require approval of a plat amendment or variance process for valid approval which the Planning Department has not required and which, in any event, it has no authority to grant. This function is solely within the exclusive purview of the City Council.

Willow Ranch Subdivision

The WRS is a unique development in Park City and environs. At the time it came up for annexation and approval in 1992, the Developer, the Planning Commission and City Council all agreed that these sensitive, beautiful lands replete with wildlife and open space needed protections substantially greater than the Estate District protections under the LMC.

The annexation and approval of Willow Ranch was quite a contentious issue at the time it was proposed. The Developer resides in the Park City area and can confirm the events of the time. The original, approximately seventy acre parcel was wholly undeveloped, extremely wet (characterized as swampy on an early map and designated as wetlands subject to Army Corps of Engineers jurisdiction), encompassed a historic railroad grade and straddled SR 224, and, importantly, was

situated adjacent to several existing subdivisions – Ridgeview, McCloud Creek, and the Park Meadows subdivisions -- all with common property boundaries. It also lay outside the city limits of Park City. It was abundantly clear then (and now) that any development would impact each of these neighbors. At the time, there was a fair amount of opposition from many quarters to any kind of traditional single family residential development whatsoever on the site.

The City and the Developer recognized that there were critical issues to be resolved before the subdivision could be approved. Some of the land would have to be withdrawn from potential development and thus a conservation easement was agreed to. WRS was apparently the first subdivision in Park City to impose/accept a conservation easement on the property. As a result, the City took over stewardship of a significant portion of Willow Ranch. In further negotiations, the City conditioned residential development approval upon maintaining as much of the property as possible as open space in its “Natural” condition. The City and the Developer also recognized that additional protections were required to be memorialized with binding effect in some fashion beyond the Estate zoning provisions.

In lieu of a development agreement or the creation of a new “Super-Estate District”, these much-needed restrictions were incorporated into and noted on the Plat and further defined in the WRS CC&Rs (CC&Rs). They include substantially increased setback restrictions and maximum square footage limitations which supersede and moot the Estate District restrictions and exceptions which would otherwise permit additional Improvements and a variety of types of land uses. The threat of this occurring is precisely what City and Developer wanted to eliminate. Further development was strictly prohibited in certain designated protected “Natural Areas” as defined by specific setbacks. The limitations noted in the Plat incorporate the restrictions in the contemporaneously negotiated CC&Rs and are difficult to be understood without reference to them. The Plat and the CC&Rs, read together, make it crystal clear that further development beyond the Plat restrictions requires a Plat amendment, with active Council participation and approval.

Based on my review of the 1992/3 negotiation documents and minutes of public hearings, the CC&Rs serve, in my judgment, as part of a quasi-development agreement between the City, Developer/Declarant and current Lot owners. The Developer/Declarant and the City essentially incorporated the CC&Rs into the Plat. This is because the CC&Rs define certain elements of the Plat, which the City and other agencies (wildlife, water and Army Corps) had significant input into. *Yes, the City had direct input to the CC&Rs.* They provide definitions and under

Article 3.3 **specifically require, accept and obligate** the City (acting through the Council) to participate on certain critical matters and constraints as noted on the Plat. The original Plat Notes, subsequent amendments and Conditions of Approval of amendments refer in several instances to the CC&Rs for definition and required compliance. Accordingly, the combined CC&Rs and Plat are more than just a private agreement among homeowners.

Without knowledge of this Park City history and/or participation in previous Willow Ranch Plat amendments, it is difficult to appreciate the Plat restriction setbacks and limits of disturbance without looking at the inter-related provisions of the CC&Rs and Plat.

All of the foregoing becomes very relevant when analyzing the process City Planning and Building appears to have followed and be following for both the improper building permit granted on August 9th for the indoor sauna building on Lot 4 and the proposed pickleball court on Lot 3. The specifics of the sauna permit are addressed first.

The Sauna Permit

In a follow up meeting, on October 8th, I met with the Planning Director, as well as the Building Director and Resident Advocate at City Hall to discuss these Willow Ranch issues. Both City Manager and City Attorney were noticed but did not attend or respond. While the meeting was congenial, my overall sense of the meeting is that the new Planning Director (and staff) misreads the implications of the Willow Ranch subdivision approval process and the Plat and thus the City erred in granting the sauna permit and, if not corrected, will err again in respect of the pickleball application.

Among the matters we discussed and the questions giving rise to my concerns about the sauna process are:

1. Staff erroneously applied the LMC Estate District setback exceptions (15-2.10-3 E 6 and F 9) to the sauna approval process. I believe this was incorrect for reasons stated above and because the Planning Department has no authority to disregard the legally binding setbacks adopted by the Plat. This misguided notion usurps the responsibility and authority of City Council.

2. In my view, the setback exceptions for an Accessory Building are simply not available on Lot 4 or anywhere in WRS, because the stricter setback restrictions on the Plat supersede the Estate District requirements and exceptions. If the owner wanted an exception, he should have sought (and the City should have told him to seek) a Plat Amendment for any modifications to the Plat or Notes, including Note #1 Setbacks (Limits of Disturbance Area). Simple research of City/County records indicates that plat amendments have always been required for changes in Willow Ranch. See Ordinances: 95-44, 97-40, 99-25 and 2021-20.
3. Of particular relevance, the owner of Lot 2 in the WRS recently sought a Plat Amendment (Ordinance 2021-20) even though the changes sought involved relatively few, if any, real impacts, only requiring simple Note changes to the Plat to achieve a flexible allocation between home and barn square footage---with no increase to total square footage and without expanding beyond the Limits of Disturbance Area and encroaching into the "Natural Area." Yet, this issue was scrutinized by Planning Commission with a Plat Amendment ultimately presented to and granted by Council. The Staff Reports and audio recordings of the proceedings are telling as to the concerns and level of detail of discussions for this "simple" matter. The Conditions of Approval for this application reference and require compliance with the CC&Rs. Why the sauna application, with significant potential impacts and modifications required on the Plat, was not forwarded and subjected to the same scrutiny by Planning Commission and Council, is befuddling to me.
4. The Plat Note # 9 sets forth Maximum Building square footage. Neither the Planning Director nor Building Director has been able to explain to me why staff accepted the sauna Applicant's apparently untrue claim that his building square footage is less than the maximum allowed 4,400 sq. ft. Public records show that the existing residence already exceeds the maximum square footage by at least 102 square feet (not including excess garage square footage) and the sauna plan pushes the excess to approximately 775 sq. ft., in violation of the Plat. The public information relating to existing square footage was and is readily available to City staffers. I assume the original building plans were approved by the City and, as I understand it, actually provided by the City to the County for tax purposes. The Director could not clearly explain to me how the sauna application, which substantially exceeds the maximum square footage limits could have been approved. There are three serious issues to be questioned

here: 1) the applicant's apparent misleading claim to City authorities; 2) the HOA's absence of oversight and disclosure to the City; and 3) the planning technician's acceptance of the applicant's claim without diligent verification. This is notwithstanding the fact that the issue and debate regarding the size of the buildings becomes moot when it is recognized that without plat amendment, only one building/structure of any type is allowed on Lots 3, 4, and 5....**the home**. No such amendment has been sought or given.

5. I have recently spoken to the WRS Developer/Declarant, as well as to several former planning commissioners and two Council members in 1992/3, who all say that the purpose of the CC&Rs and Plat restrictions when imposed was in effect to supersede Estate District exception provisions. There are additional 1993 Council and Planning Commission members that reside in the Park City area who I believe will also support this perspective. The Building Director disagrees, claiming that the restrictions imposed by the CC&Rs and incorporated into the Plat in 1993 are not binding on the City because they are private matters. This disagreement needs to be resolved. In addition to the reasoning described above, my position is the Plat was approved by Ordinance and the City Council is obligated to review any proposed modifications.
6. The Building Director has told me that one reason the CC&Rs are not relevant to consideration is because they were not registered with the City or locatable in City offices. I respectfully suggest that he is wrong. The documentation regarding the negotiations of approval of WRS and minutes of public hearings held by Planning Commission and Council is readily available. The CC&Rs were dutifully recorded as suggested/required by the 1993 LMC 15.4.1 (b) – Self-Imposed Restrictions. The 2021 version of the provision is LMC 15-7.3-1. It would seem that the Director(s) should recognize the need to, and would know how to, research and obtain these documents on-line from the County Recorder's Office, if at all interested.
7. Based on my analysis of the GRAMA responses (although to date incomplete), it appears that the Building Director executed the sauna Permit based upon a "Planning Technician's" (incomplete) review and recommendation with little or no oversight. I cannot locate on the Permit or Plan Review Report any acknowledgement or sign-off from a senior planner, the Planning Director, or the Assistant Director.

The Pickleball Application

While I am concerned that Planning may have wrongly decided the sauna permit for the reasons mentioned, I am even more concerned that Planning may apply elements of the same *illogical*, inconsistent and illegal permitting process to its future evaluation of the pickleball court and other Willow Ranch issues.

Quite simply, the pickleball court application on Lot 3 simply cannot and should not be approved.

As discussed extensively in the slide presentation, if the pickleball application is approved, it will violate the setbacks required under the Code and the Plat. If the court is built it will inevitably be a noise nuisance which simply cannot be abated. A recognized acoustic expert has told us that courts in such close proximity to neighbors would require a literal enclosure, a *building*, to abate the noise to acceptable levels. The court, if permitted to proceed, would both severely impact the quiet enjoyment of our homes and also devalue homes collectively in the \$millions.

In mid-August Planning did deny the Owner of Lot 3 a permit to build a pickleball court as an Allowed Use and told the Owner that if he wishes to proceed he will have to apply for a CUP. I agree that a pickleball court cannot be approved as an Allowed Use. However, I am concerned that Planning apparently did not advise him that a permit to build a pickleball court inside the Plat imposed setbacks ("Natural Area") on Lot 3 (as Owner intends) *would absolutely require a variance or plat amendment*. It would seem that an applicant would want to know the complete process and what was required before spending the funds necessary for just a CUP approval. The City apparently did not tell him. The planning and building departments are doing a dis-service to the applicant by not providing full disclosure of the required process. I believe a plat amendment or variance process is unavoidable. In saying this, however, in no way do I believe a plat amendment or variance should ultimately be granted. There is no basis here, no *hardship* whatsoever, which could possibly justify a plat amendment or variance. I am happy to discuss with any interested person the numerous reasons why no conceivable hardship exists or can be found, and why a plat amendment or variance is, in this situation, practically impossible.

While we wait to find out whether the Owner will file an application for a CUP, we, the severely impacted neighbors, must also live through the unsightly and

incomplete work which the Owner, (who undoubtedly should have known better by common sense and who was provided constructive notice of the LMC requirements) began last June *without a permit* for, according to the Building Director, up to 180 days -- in order to give the Owner the opportunity to “**perhaps**” file an acceptable application to determine if he can proceed with the court. The Building Director insists to me that the 180-day grace period extended to the Owner/applicant is required by law and absolute. I can find no such requirement and wonder if the director is not erroneously confusing this requirement with the requirement that an applicant be given 180 days to commence construction **AFTER** a permit is issued. In any event the director has yet to provide me with any document or code reference substantiating his claim.

Meanwhile, it is me and my neighbors who are being damaged now. What if I were considering or were forced to sell my home in the near term? According to real estate agents (of which I am one), I would be relegated to accept perhaps 20% or more in reduced selling price solely because of the violations, indecision of the Owner, and buyer uncertainty of the possibilities. What if I needed an appraisal for refinancing? This is not fair. I believe the Owner should be informed of the complete process (CUP and Plat Amendment), be required to immediately (10 days) apply for such, or promptly restore his property and...he should be penalized as the law provides for commencing construction without a permit.

There is one additional concern that relates to these and any future development proposals submitted by Willow Ranch owners. The Owner/Applicant of both the Lot 4 sauna and the Lot 3 pickleball proposals, as well as all other homeowners, knew, or at least had constructive notice of, the effect of the restrictions illustrated on the Plat and more fully detailed in their own CC&Rs. Owners, presumably, have reviewed and voted on, and have experienced the process of, previous Plat Amendments submissions. Aren't HOA presidents obligated to know the process and procedures applicable to additional development and diligently and accurately assist the members with proposals? What were his suggestions and/or directives?

According to the Willow Ranch HOA president, the owners voted unanimously to approve both the sauna and the pickleball court, implying that they believed the project was in full compliance with CC&RS and Plat. Yet, the plans presented to City staff for both permits omitted the operative setbacks as well as conflicting and unverified square footage claims. No evidence of any HOA analysis, site visit, vote or approval was provided to the City staff or has been provided to us through a GRAMA request. The HOA's participation or absence thereof and the submissions made by the applicants is very concerning to me and very suspicious at best.

Apparently, everyone in the WRS, in unanimous consent, simply ignored the binding Plat restrictions and supposedly approved the projects. Any future submissions from members of this HOA should be thoroughly vetted with all pertinent facts substantiated with audits and surveys

City Council Review

We have been waiting for the Planning Director to notify us of a meeting she intended to arrange with her and the legal department. However, I believe that these and other issues relating to recent development activity in WRS clearly justify an immediate call-up and further review by Council. These issues are under the direct purview of the Council, not planning staff or department heads who, by approving the sauna, are also ignoring the purpose and requirements of the Plat restrictions approved by the City Council in 1993. The current Council may not have a choice whether to call-up and participate. Abdicating or allowing any improper decisions to stand regarding modifications to the Code or Plat restrictions may be contrary to law. I assume Council has or will consult with its legal department.

Conclusion

The Planning and Building Department personnel may be outstanding on other matters and issues. But, in this case, I believe they have fallen short. I assure you that I understand that the shoes of the previous Planning Director and people that were in his department are difficult to fill, if not impossible. I do acknowledge and appreciate that the Planning Department is operating understaffed and current staff may be newer to town and more recently employed. Staff may not be aware of the historical facts of 30 years ago. (Although a proper Willow Ranch amendment process did take place last April.) Any criticisms in this matter are not meant to be personal...any face behind the job and responsibility would be questioned and addressed in the same manner. And, I know that the City Council and all of the various departments are trying really hard to do their best given all the circumstances, including the Covid impacts.

My efforts are not intended to criticize but, hopefully, to constructively inform the City and help improve the City planning operation. Citizens should not be subjected to spending significant time and very significant dollars arguing with City staff that, in my, and many others' informed opinion, have not properly administered the permitting process allowing for the proper Planning Commission and Council review and enforcement of the Code and Willow Ranch Plat.

These issues are time-sensitive for numerous reasons and we have been attempting to discuss the matter with the City for months, with little response until very recently. I hope this effort can result in reaching some important decisions in these important matters very soon.

If you believe I am incorrect on any point, please notify me. Otherwise, as a previous or current participant in Willow Ranch issues your input would be important and welcome. We are available to discuss these issues with anyone, including City Council at the next meeting on October 28th.

It is important that not only applicants but neighbors, too, as well as the community at large can rely upon a logical, coherent, consistent, diligent and fair approval process which takes into account all of the relevant facts and legal restrictions.

We await a response from the City.

Respectfully

Bob Theobald
435-714-0301

Willow Ranch Subdivision

Plat Violations

Park City Council

October 28, 2021

Improperly Permitted Sauna Building

Willow Ranch Subdivision - Lot 4

Estate District/Sensitive Lands Overlay

Issues – Objections

Prepared by Bob Theobald/Frode Jensen

October 7, 2021

Several live links are provided to the PC Land Management Code

Park City Land Management Code

15-7.3-1 Conformance To Applicable Rules And Regulations

C. SELF-IMPOSED RESTRICTIONS. If the Owner places restrictions on any of the land contained in the Subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Subdivision Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney. 1992 LMC 15.4.1 (b)

In 1992/93, the Planning Commission and the City Council approved the Willow Ranch Subdivision with developer's self-imposed building area and setback restrictions greater than the LMC. These restrictions are illustrated on the recorded Subdivision Plat and defined in the recorded CC&Rs. The restrictions can be modified only with HOA and City variance/Plat amendment.

Park City Land Management Code

To (Developer/Declarant) Oct 5, 2021, at 1:02 PM

“Attached are two presentations that I/we intend to show and discuss with the City. I would appreciate your review and comments if there is something out of line with your intentions as developer. Thanks Theo”

Reply - Wed 10/6/2021 8:34

“Pretty strong arguments - well documented.

Impressive work Theo.

It’s hard for me to understand how any owner, or the HOA for that matter, could so blatantly move forward with plans obviously not in compliance with the conditions they purchased.” (Developer/Declarant)

To (Developer/Declarant) Oct 6, 2021, at 9:30 AM

Thanks for your time in reviewing the issues. I take away that I can represent to the City that you concur with my observations and conclusions of the situation.

Hopefully, this will not get too ugly with the City if/when they realize the intent of the Plat restrictions supersedes Estate Zone provisions... Thanks again Theo

Reply - Wed 10/6/2021 10:19



Those designs and restrictions were in response to the sensitivity of the property.

On the west side of the subdivision is property in the stewardship of the City with what was the first conservation easement done in Park City.” (Developer/Declarant)

SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

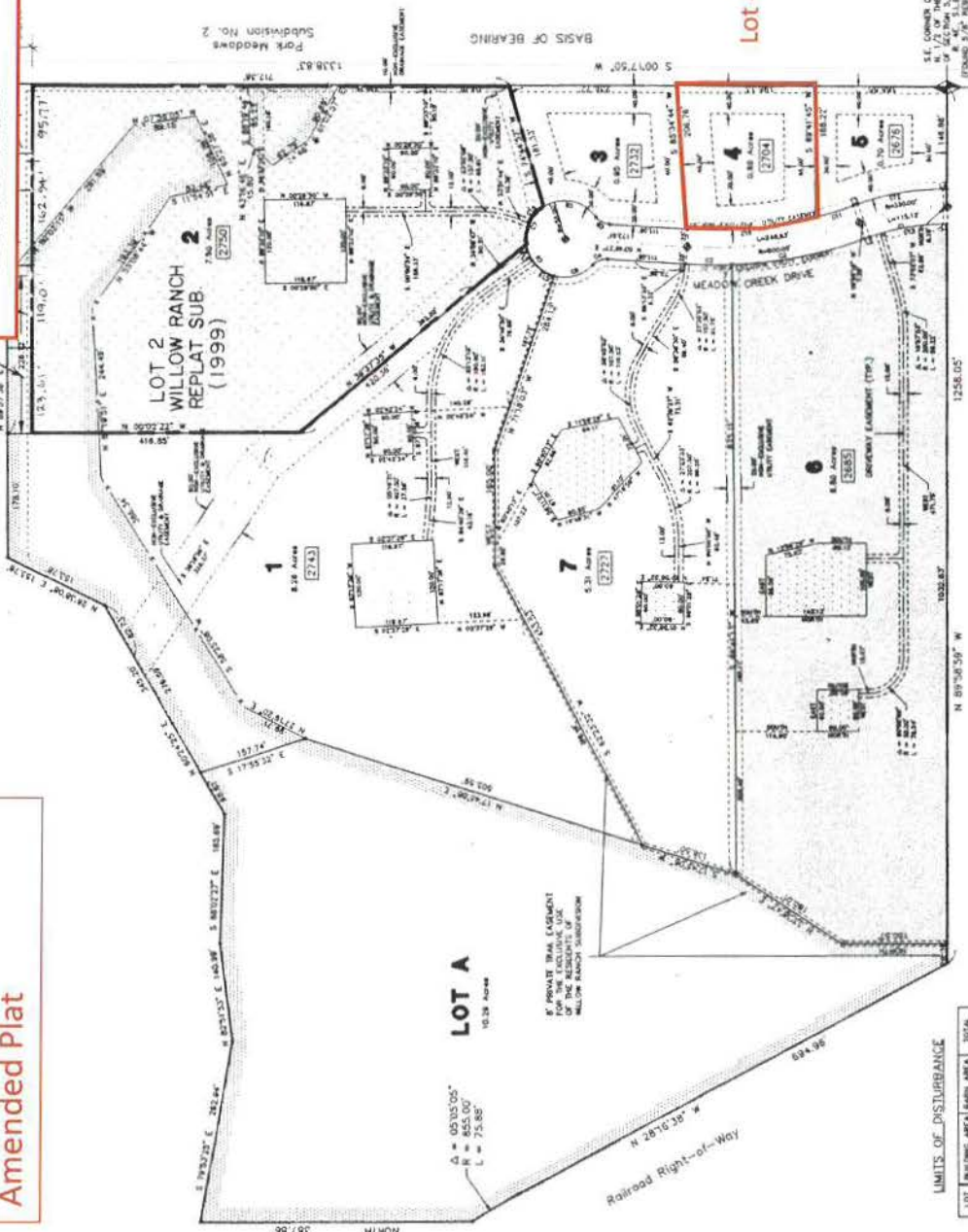
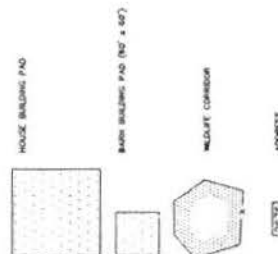
Willow Ranch Subdivision
Amended Plat

IN V.I.L.S.

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

- NOTES:
1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
 2. ON LOTS 1 AND 2, THE TOTAL IMPAVED AREA, INCLUDING BUILDING FOOTPRINT AND DRIVEWAY, SHALL NOT EXCEED FOUR THOUSAND FEET.
 3. A 5 FOOT SIDE-SETBACK UTILITY AND SHARPER EASEMENT IS REQUIRED LOCATED ALONG BOTH SIDES OF ALL LOT LINES.
 4. A 10 FOOT SIDE-SETBACK UTILITY EASEMENT IS REQUIRED LOCATED ALONG BOTH SIDES OF ALL LOT LINES.
 5. THE EASEMENT AND FOUNDATION DESIGN SHALL BE APPROVED BY DETAILING.
 6. REGULATION BY ALL LOTS BY SPARKLER ONLY.
 7. ON LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, A MAXIMUM OF THREE CIRCLES WILL BE ALLOWED AND NO SHEDS OF MORE THAN 10 FEET IN DIAMETER.
 8. EASEMENTS OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 ARE REQUIRED TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE UTILITY AND SHARPER EASEMENTS OF THE WILLOW RANCH.
 9. HOME SQUARE FOOTAGE WILL BE LIMITED TO A MAXIMUM OF 4,000 SQUARE FEET ON LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 AND 4,000 SQUARE FEET ON LOTS 3, 4, 5, 6, 7 AND 8.
 10. HOME SQUARE FOOTAGE WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
 11. BUILDING HEIGHTS OF HOMES AND BARNES WILL BE LIMITED TO 23 FEET TO MEASURE TO THE TOP OF THE ROOF AND 18 FEET TO THE TOP OF THE GABLE.
 12. HOMES ON LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 WILL BE REQUIRED TO BE INSTALLED WITHIN 13-0 FEET OF THE LOT LINE.
 13. LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 ARE SUBJECT TO AN ANIMAL MANAGEMENT PLAN AND EQUESTRIAN LOT OPEN SPACE CONSTRAINT ENFORCED WITH THE PARK CITY MUNICIPAL CORPORATION.
 14. NO BASEMENTS ARE ALLOWED.
 15. PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
 16. PARK CITY MUNICIPAL CORPORATION (PCMC) SHALL CONDUCT A REVIEW WITHIN A 30-DAY PERIOD OF THE LOT LINE MAPS, BEFORE ANY CONSTRUCTION.
 17. NO BUILDING PERMITS WILL BE ISSUED UNTIL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO THE PAVER OF MEADOW CREEK DRIVE.
 18. LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF THE PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH CCRA.

LEGEND



LIMITS OF DISTURBANCE

LOT	BEARING	AREA	AREA	TOTAL
LOT 1	N 28°16'30" W	14,000	3600	17,600
LOT 2	N 28°16'30" W	14,000	3600	17,600
LOT 3	N 28°16'30" W	14,000	3600	17,600
LOT 4	N 28°16'30" W	14,000	3600	17,600
LOT 5	N 28°16'30" W	14,000	3600	17,600
LOT 6	N 28°16'30" W	14,000	3600	17,600
LOT 7	N 28°16'30" W	14,000	3600	17,600
LOT 8	N 28°16'30" W	14,000	3600	17,600



STATE OF UTAH
COUNTY OF SUMMIT
CITY OF PARK CITY
CARRIED HEREIN

NOTES:

Willow Ranch Plat/CC&Rs

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
8. OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
9. HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
10. BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARNs WILL BE LIMITED TO 23 FEET TO MIDPOINT

When Recorded Mail to:

THOMAS T. BILLINGS, ESQ.
Van Cott, Bagley, Cornwall & McCarthy
314 Main Street, Suite 205
P.O. Box 4611
Park City, Utah 84060

DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
WILLOW RANCH SUBDIVISION
PARK CITY, UTAH

THIS DECLARATION is made this 29th day of February, 1993, by Willow Ranch
Development Company, a Utah corporation, referred to below as "Declarant":

RECITALS:

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

RECORDED
374695
COALITION TITLE
93 FEB 26 AM 11:19
ALAN SPRIGGS
SUMMIT COUNTY RECORDER
PREP BY Dg Hc

Willow Ranch Plat/CC&Rs

"Declaration" shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions, and any other matters or conditions shown on the official Plat of the Willow Ranch Subdivision, which are incorporated into this Declaration by reference.

"Plat" shall mean the Plat of the Willow Ranch Subdivision as approved by the City and recorded in the office of the Summit County Recorder, and any amendments that may be made from time to time.

"Improvement" shall mean all structures and appurtenances of every type and kinds, including but not limited to buildings, Dwelling Units, garages, storage buildings, walkways, retaining walls, sprinklers, pipes, driveways, landscaping, pools, decks, stairs, poles, lighting, signs, satellite dishes or other antennas, and any mechanical equipment located on the exterior of any building.

Willow Ranch Plat/CC&Rs

"Floor Area" shall mean the total of all floor surfaces surrounded by the exterior walls of any Dwelling or habitable structure (or in the case of Equestrian Lots, also of any Barn), on all levels. Porches, patios, balconies and decks are not counted as Floor Area unless under roof and enclosed on three sides by the walls of the Dwelling. The first 600 square feet of attached garage space is not counted as Floor Area. The maximum Floor Area for each Lot is shown on Exhibit "F" to this Declaration.

"Natural Area" shall mean the portion of any Lot that is outside of the Limits of Disturbance Area.

Willow Ranch Plat/CC&Rs

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

057\23383.1A
02/17/93/10:54 am

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.95 ACRES	per set backs	4400	N/A
★ 4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500

6	C13	301.00'	80.71'	88.88'	N 08°28'36" W	167.72'
7	C14	55.00'	23.32'	24.12'	S 49°52'21" W	35.13'
8	C15	55.00'	23.32'	24.12'	S 49°52'21" W	35.13'
9	C16	55.00'	23.32'	24.12'	S 49°52'21" W	35.13'

Willow Ranch Subdivision Amended Plat

NOTES:

- BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

Equestrian Lots Surveyed "Residence Limits of Disturbance Area"
Small Lots 3, 4 and 5 - LODA are as "per set backs"

EXHIBIT 'F'

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.05 ACRES	per set backs	4400	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500

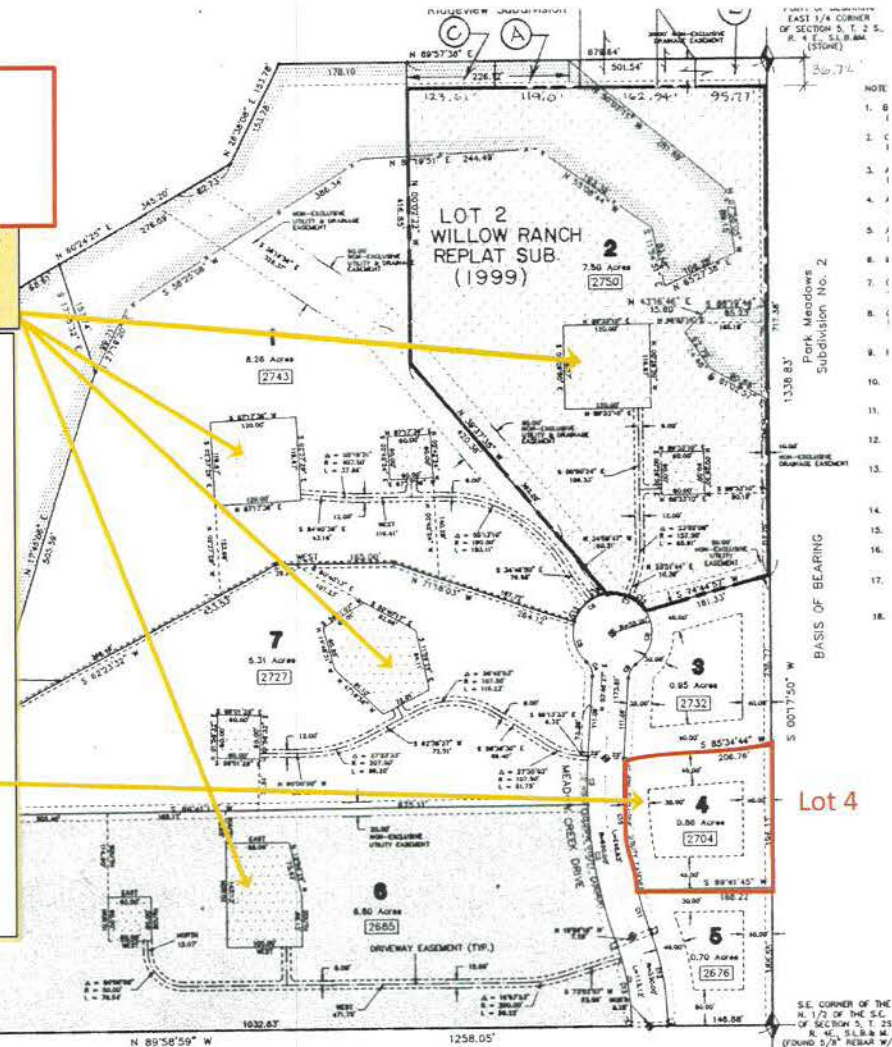
LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 3	14,400	3600	18,000
LOT 4	14,400	3600	18,000
LOT 5	14,400	3600	18,000
TOTAL	71,200		

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 A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

February 12, 1999



McLeod Creek Subdivision

Park Meadows
Subdivision No. 1

Willow Ranch Plat

NOTES:

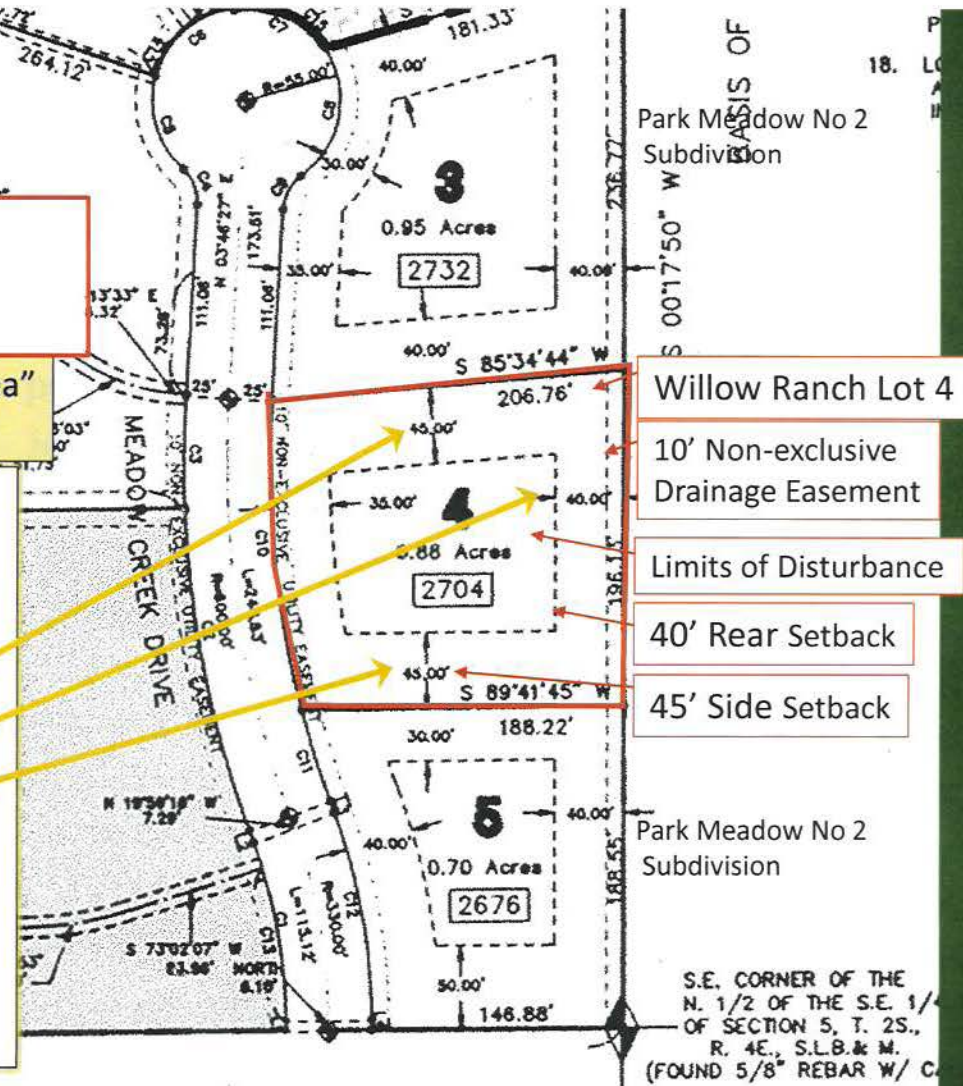
1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

Equestrian Lots Surveyed "Residence Limits of Disturbance Area"
Small Lots 3, 4 and 5 - LODA are as "per set backs"

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

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5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500



Willow Ranch Plat/CC&Rs

3.2. Approval by Committee. No improvements of any kind, including without limitation the construction of any Dwelling Unit, garage, Accessory Dwelling Unit, Barn, out building, parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, poles, trampolines, satellite dishes or antenna, solar panels, or any other permanent structure may be constructed, installed, maintained or allowed to stand in the Subdivision without the prior written approval of the Committee. No excavation, grading, filling, draining, landscaping, or installation or removal of existing vegetation shall be made without the prior written approval of the Committee. Approval of the Committee will be sought in the following manner:

BOOK 711 PAGE 5

a. Plans submitted. Plans for the construction of any new Dwelling Unit and/or Barn must be submitted to the Committee for review. It is recommended that preliminary plans be submitted before the expense of final construction drawings is incurred. The plan must be in sufficient detail to show the location on the Lot of the exterior walls of the Dwelling Unit and/or Barn and all other structures to be built with it; detailed drawings of all elevations of all buildings showing locations of windows,

Willow Ranch Plat/CC&Rs

doors, roof pitches, decks and other exterior elements; a list of exterior siding and roofing materials and/or a sample, including color samples; and a landscape plan showing the location of driveways, walkways, patios, decks and other hard surfaced or irrigated areas and the areas to be disturbed by construction and the means of restoring those areas. In the case of an addition or modification to an existing Dwelling, the Committee may waive any of the foregoing requirements.

b. Review Fee. The applicant will pay a review fee to the Committee of \$100 for each new dwelling, \$20 for each addition or remodel, or, in the case of Improvements which cost less than \$1,000, or which make no structural changes, the applicant will pay a fee of \$10. The primary purpose of the fee is to document the date of submission, but the Committee may also use the proceeds to pay for its expenses in reviewing the plans and giving notice of meetings. No fee will be accepted until the Committee determines the submission to be complete.

Willow Ranch Plat/CC&Rs

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

d. **Written Record.** The Committee will maintain a written record of its actions, and maintain in its files a copy of all plans approved or rejected for a period of five years.

e. **Failure to Act.** If the Committee has not approved or rejected any submission within 45 days after payment of the review fee and submission of complete plans, the submission is deemed to have been disapproved.

711-510

Willow Ranch Plat/CC&Rs

3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval

6.3. Number of Dwellings and Structures. Only one Dwelling may be constructed on any Lot. No other habitable structure, shed, storage building or outbuilding is permitted, except for Barns and Accessory Dwelling Units on the Equestrian Lots. Garages must be attached to the Dwelling. An Equestrian Lot Owner may construct an Accessory Dwelling Unit, subject to further review and approval by the City. The Accessory Dwelling Units may not be detached from the Dwelling Unit and must share the main entrance to the Dwelling Unit. Additionally, Accessory Dwelling Units (a) may not exceed 800 square feet; (b) must share utilities (no separate meter); (c) must have at least one dedicated parking space; and (d) may not be rented on a nightly basis.

Willow Ranch Plat/CC&Rs

6.4. Dwelling Size. the minimum Floor Area for Dwellings in the Subdivision is 2,400 square feet, and the maximum Floor Area is 4,400 square feet, except on an Equestrian Lot, the maximum Floor Area shall be 8,000 square feet. No Dwelling shall be constructed or altered in a manner that would violate these limits. Up to 600 square feet of attached garage space is allowed in excess of these limits. Garage area in excess of 600 square feet shall be counted as Floor Area.

6.5. Dwelling Setback and Placement. All portions of the Dwelling and any other Improvements are to be within the Limits of Disturbance Area or set backs designated (or revised by variance granted as per 3.3 hereof) for each Lot, and must also comply with the City's minimum front, rear and side yard setbacks.

11.7. Constructive Notice. Every person who owns, occupies, or acquires any right, title or interest in any Lot in the Subdivision is conclusively deemed to have notice of this Declaration and its contents, and to have consented to the application and enforcement of each of the Covenants, Conditions and Restrictions against his Lot, whether or not there is any reference to this Declaration in the instrument by which he acquires his interest in any Lot.

Willow Ranch Plat/CC&Rs

Neither Lot 4 Owner or the HOA Committee has provided any evidence of a complete and properly-reviewed site plan, or a vote with a “Certificate of Approval” to modify any Plat restriction, including maximum home size of 4,400 sq. ft. and the “Limits of Disturbance Area”

The Owner or HOA Committee has not demonstrated a “hardship”, nor applied for a Variance or Plat amendment.

No Improvements can be legally constructed (on any Lot) outside the “Limits of Disturbance Area” without a Plat amendment... by City Council.

Willow Ranch Plat

NOTES:

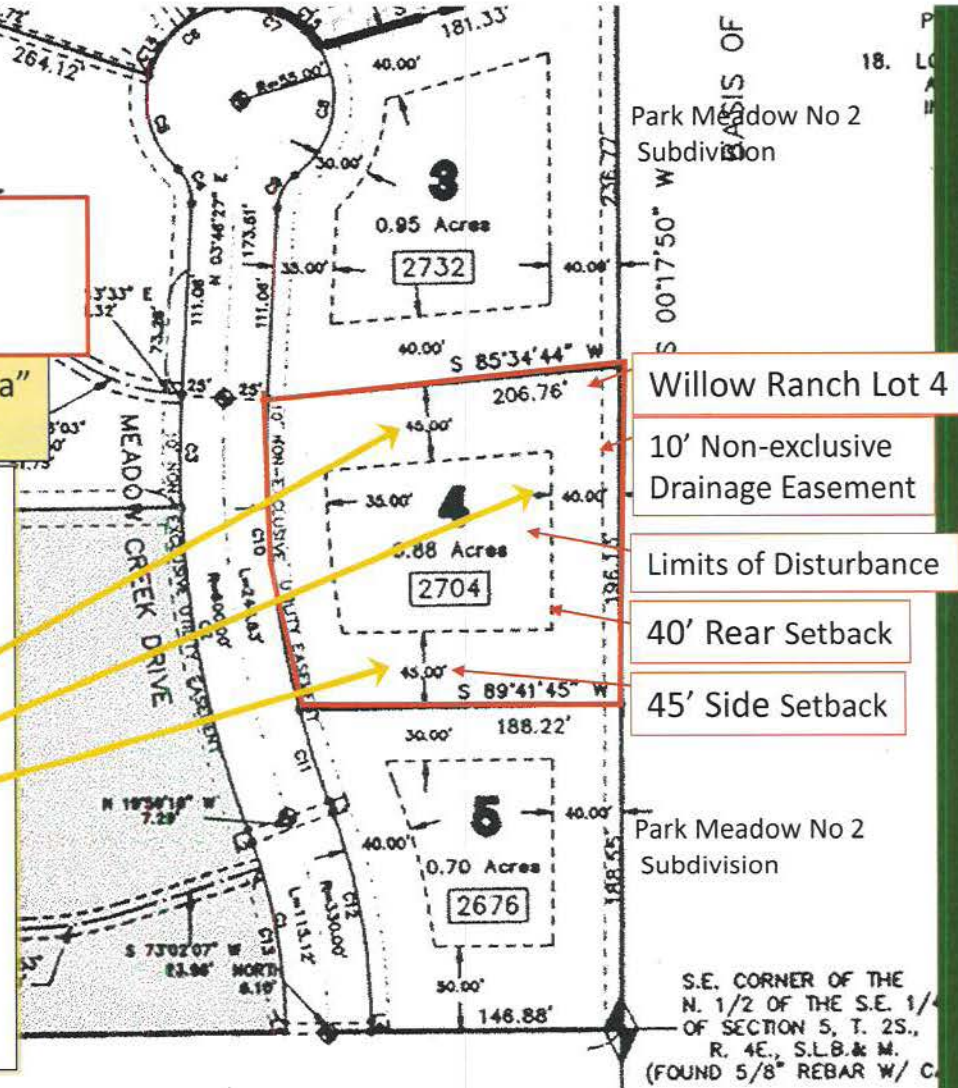
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Improperly Permitted Sauna Building
Currently Under Construction
Outside "Limits of Disturbance Area"
Exceeding Maximum Building Area of 4,400 sq. ft.

LODA
Lot 3

LODA
Lot 4

Sauna

Meadow Creek Dr

Highway Ranch Loop Rd

© 2021 Europa Technologies
© 2021 Google

Permitting Process - Lot 4 Sauna

Park City Permitting Documents:

Application/Building Permit # 21-940- Issued August 9, 2021

Staff Emails

- Heather Wasden - Planning Dept.
- Crystal Kaufman – Building Dept.

PC Plan Review Report TEMP 21-047

Building Permit Conditions of Approval (Site Plan not provided)

Permitting Process - Lot 4 Sauna



Park City Building Permit

Permit #: 21-940
Issue Date: 08/09/2021

Application Accepted Date: 01/20/2021
Type of Improvement: ~~Single Family Addition~~
Description: New Sauna outbuilding (detached) including a bathr

Bldg. Address: 2704 MEADOW CREEK DR
City: Park City State: UT Zip: 84060
Subdivision: Willow Ranch Sub. Phase:
Block: Lot #: 4 Parcel #: WLR-4
Property Owner: GREEN DAVID H/W (JT) P: (201) 232-6549
City: PARK CITY State: UT Zip: 84060
Permit Contact:
Email: heimoritzinger@mac.com

CONTACT INFORMATION

Engineer of Record: York Engineering
Email: tanner@yorkengr.com P: (801) 876-3501

Design Professional: Studio Moxie

General Contractor: David Green
License #: P: (201) 232-6549
City: State: Zip:
Email: david.dmjcasting@gmail.com

Electrical Contractor: Olsen Electric Inc
License #: 6162517-5501 P: (435) 640-5665

Construction Valuation	\$	0.00
Electrical Valuation	\$	0.00
Plumbing Valuation	\$	0.00
Mechanical Valuation	\$	0.00

PERMIT FEES

Building Fee	\$	1,352.32
Electrical Fee	\$	97.25
Mechanical Fee	\$	50.00
Plumbing Fee	\$	125.25
Building Plan Check Deposit	\$	0.00
Plan Check Totals (65% of Permit Fee)	\$	879.01
Deposit Credit	\$	0.00
Plan Check Fee	\$	879.01
State Fee	\$	16.25
Parks, Trails, Open Space Impact Fee	\$	0.00
Public Safety Impact Fee	\$	0.00
Roadway Facilities Impact Fee	\$	0.00
Outdoor Water Impact Fee	\$	0.00
Indoor Water Impact Fee (# of units)	\$	0.00
Total Fees:	\$	2,520.08

APPROVALS

DATE

INFO

Plan Review Finalized:	Yes	08/09/21	Dave Thacker
------------------------	-----	----------	--------------

Email: david.dmjcasting@gmail.com

Electrical Contractor: Olsen Electric Inc
License #:6162517-5501 P: (435) 640-5665
City: Park City State: ut Zip: 84098
Email: kris.oeipc@gmail.com

Plumbing Contractor: Performance Plumbing
License #:6140022-5501 P: (801) 718-6311
Address: 1983 South 1640 west street F
City: woods cross State: UT Zip: 84087
Email: Aaronoly50@yahoo.com

Mechanical Contractor: Performance Plumbing
License #:6140022-5501 P: (801) 718-6311
Address: 1983 South 1640 west street F
City: woods cross State: UT Zip: 84087
Email: Aaronoly50@yahoo.com

APPLICATION DETAILS

Main Floor: 361 sq. ft. VB R-3 Residential, on...

Bedrooms: 0 # Bathrooms: 1
Covered Parking: 0 # Stories: 1
Max Occupancy: 0 Fire Sprinkler: No
Const. Material: Wood Frame # of Units: 550

Final REVIEW Finalized.

YES

08/09/21

Dave Thacker

Lot Footage: 38,332

Setbacks	Front:	Rear:	Left:	Right:
Min.	35	10	10	10
Actual:	153'-6"	28'	10'	157'-7"

APPLICATION NUMBER:

TEMP21-047

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 here-by 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.

Applicant Name: ben akers Replaced with Owner – May 3, 2021

Signature of Builder/Authorized Agent or Owner: Date:

App:  Date:

08/09/2021

Permit Issued By: Date:

Dave Thacker

08/09/2021

Receipt #: Date:

8007

☐ Cash ☐ Check # [] ☐ Credit Card

Permitting Process - Lot 4 Sauna



Heather Wasden

To Crystal Kaufman

Was Ms. Kaufman copied with the Plat and the content of the email and did she forward to anyone?

Mon 1:11 PM

Green Category



REC_-_Plats_-_Subdivision_Condominium_-_WILLOW_RANCH_SUB_Entry_#_374694_2-26-199...
1 MB

From: Heather Wasden <heather.wasden@parkcity.org>

Sent: Monday, August 17, 2020 4:25 PM

To: tpotasky@bdogbuilders.com

Subject: 2704 Meadow Creek Dr: accessory building

Todd,

As per our conversation I hit my first hurdle please see the attached plat and read through the details on it. There are restrictions on Limits of Disturbance and home square footages.

It is in the Estate Zone and you may read through the zone restrictions for Accessory structures as well.

Let me know if you other questions, there are more regulations that it would need to comply with like Wildland Urban Interface Code and Landscaping vegetation replacement, etc

Willow Ranch Subdivision Plat Restrictions supersede provisions of Estate Zone Accessory structures.

Heather Wasden

Permitting Process - Lot 4 Sauna

From: tpotasky@bdogbuilders.com [<mailto:tpotasky@bdogbuilders.com>]

Sent: Tuesday, August 25, 2020 2:19 PM

To: Heather Wasden

Subject: RE: 2704 Meadow Creek Dr: accessory building

Hello Heather,

Thanks for the links provided last week. We have reviewed all and concluded that there is nothing in the statutes that would prohibit an accessory building of about 200 sq./ft., 5' from rear set back and height not higher than 18'. Can you confirm this or let us know what we may have overlooked?

Thanks in advance.

Todd

From: Heather Wasden

Sent: Thursday, August 27, 2020 12:37 PM

To: tpotasky@bdogbuilders.com

Subject: RE: 2704 Meadow Creek Dr: accessory building

Hi Todd,

Do you want to call me at 801-448-4745? I think I could explain better over the phone rather than a long confusing email.

Thank you,

Heather

Did this phone call ever take place? If so, what was discussed during the call?

Permitting Process - Lot 4 Sauna

2704 Meadow Creek- Temp 20-1383



Crystal Kaufman

To jkijanen@gmail.com

Retention Policy Sent Items 365 days (1 year)

Expires 9/2/2021

 This item will expire in 24 days. To keep this item longer apply a different Retention Policy.

Who is the addressee? What is this permit for and what is the nexus, if any, to current permit application PLAN21-047?



9/2/2020

Good morning,

I am reaching out to let you know that this permit is almost ready to be paid and issued, we are still waiting on a signed HOA letter from McLeod Creek HOA. Their contact information is listed below:

McLeod Creek Julie Ann Guiney (435) 640-2965 jamg57@msn.com

McLeod Creek Eric Lee (435) 901-4129 (435) 731-9194 ericphiliplee@gmail.com

Please let me know if you have any questions or concerns, thank you.

Permitting Process - Lot 4 Sauna

From: Ben Akers <ben@bdogbuilders.com>

Sent: Monday, May 3, 2021 10:57 AM

To: Crystal Kaufman <crystal.kaufman@parkcity.org>

Subject: Permit #: PLAN21-047 / Lot 4 / Willow Ranch Sub. / 2704 MEADOW CREEK DR

Hi Crystal,

Please cancel our permitting for this project: Permit #: PLAN21-047 / Lot 4 / Willow Ranch Sub. / 2704 MEADOW CREEK DR

The Owner has decided to use a different builder. They will be submitting new plans as the HOA has made them change the location and the structure a bit.

Thanks, **Ben Akers**

Hello Ben,

I have cancelled the permit and will keep this email as a reference.

Thank you and have a good day!

Crystal Kaufman

Permitting Process - Lot 4 Sauna

Owner Builder- 2704 Meadow Creek Dr.



Crystal Kaufman

To  'dopltech@utah.gov'



5/13/2021

[Retention Policy](#) Sent Items 365 days (1 year)

Expires 5/13/2022



Owner Builder- David Green.pdf
352 KB

Who is the addressee, what is the content of attachment and what does the message mean? This attachment document has **not** been provided pursuant to GRAMA request

One more for an addition.

Thank you!

Crystal Kaufman



Additional Comments

GREEN DAVID H/W (JT)

Permit #: TS1921-047 / Lot 4 / Willow Ranch Sub. / 2704 MEADOW CREEK DR.

TEMP21-047

Building Plan Review	
Item	Comments
Plans	01/21/21 - Cooper Wade - Rejected - After initial review the following needs noted on - See additional Notes: After initial review the following needs noted on the plans: 1) WUI bath to compliance 2) Electrical Floor Heading to be used.
Plans	06/03/21 - Cooper Wade - Rejected - Provide plans that correlate with the correct plan - See additional Notes
Provide plans that correlate with the correct plan, include structural drawings	
HOA Subdivision Notification	01/20/21 - Crystal Kaufman - Approved - Please provide a signed HOA letter prior to issuance - See additional Notes
Please provide a signed HOA letter prior to issuance. Please feel free to contact the Building Dept. 433-4131 for any questions or concerns. Thank you.	
RCCcheck	01/21/21 - Cooper Wade - Rejected - RCCcheck must be signed by the Design Professional - See additional Notes
RCCcheck must be signed by the Design Professional of Record for the project.	
Planning	
Item	Comments
Plans	01/22/21 - Heather Warden - Rejected - Please see the document I uploaded named "Planning" - See additional Notes
Please see the document I uploaded named "Planning Initial Plan Review 2704 Meadow Creek Dr"	
Plans	04/26/21 - Heather Warden - Rejected - I spoke with a representative of the owner on the - See additional Notes
I spoke with a representative of the owner on the phone and it sounds like the square footage of the existing home is at the maximum allowed square footage per the plat. The addition would exceed what is allowed. It appears a Plat Amendment to change the allowed maximum square footage would be needed to continue forward with this project.	
Plans	05/17/21 - Heather Warden - Rejected - I spoke with Melanie in Engineering and she is going to reach out to the applicant to discuss the structure being within the easement on the rear yard. She will let me know the outcome.
Code Enforcement	
Item	Comments
Site Plan	01/21/21 - Gabi Jaramila - Approved - LOD inspection required. A contractor sign must be - See additional Notes
LOD inspection required. A contractor sign must be displayed. A portable toilet or access to a restroom is required. A dumpster or dump trailer is required on site.	
Site Plan	06/03/21 - Heather Warden - Updated - See the conditions of approval on the plans
LOD inspection required. A contractor sign must be displayed. A portable toilet or access to a restroom is required. A dumpster or dump trailer is required on site.	

PC Plan Review Report

1/20/21 Crystal Kaufman - Approved – *“Please provide a signed HOA letter prior to issuance. Please feel free to contact the Building Dept. 435-615-5101 for any questions or concerns...”*

Explain what is approved - HOA letter **not provided pursuant to GRAMA request.**

1/22/21 Heather Wasden -Rejected - *“Please see the document I uploaded named “Planning Initial Plan Review 2704 Meadow Creek Dr”* **Not** provided pursuant to GRAMA request.

1/22/21 Heather Wasden –Approved - (Recorded Plat) **Explain - Not provided GRAMA**

4/26/21, Heather Wasden – Rejected - *“I spoke with a representative of the owner on the phone and it sounds like the square footage of the existing home is at the maximum allowed square footage per the plat. The addition would exceed what is allowed. It appears a Plat Amendment to change the allowed maximum square footage would be needed to continue forward with this project.”*

The maximum square footage permitted by the Plat and CC&Rs is 4,400 sq. ft. Public tax records show the home has a finished “Living Area” of 4,502 sq. ft. and an additional garage area of 912 sq. ft. Subtracting a CC&R exclusion of 600 sq. ft. equals an effective total of 414 sq. ft. exceeding maximum permitted. Adding the sauna building at 361 sq. ft. equals an effective total of 5,175 sq. ft. – approximately 775 sq. ft. over the 4,400 sq. ft. maximum permitted.

PC Plan Review Report

The MLS records disclose that in 2013 Will Lange, the licensed real estate listing agent, provided the square footage data to the current Owner/Applicant. Mr. Lange is also the current President of the Willow Ranch HOA responsible for review of plan compliance and Letters/Certificates of Approval. Building square footage is a Plat restriction

5/17/21 Heather Wasden - Rejected – *“I spoke with Melanie in Engineering and she is going to reach out to the applicant to discuss the structure being within the Easement on the Rear yard. She will let me know the outcome.”*

5/28/21 – david green – *Updated* – What was updated? - **Not** provided pursuant to GRAMA

6/03/21 – Heather Wasden - Approved – *“See conditions of approval on the plans”*

The Plan Review Report never acknowledged receipt of the Willow Ranch HOA Certificate of Approval, and it was **not** provided pursuant to a GRAMA request.

Is there a back up file to the Report or notes that document methods and findings of how issues have been resolved?



Park City Municipal Corporation
Planning Department

June 3, 2021

Building Permit Conditions of Approval:

Project Address: 2704 Meadow Creek Dr
Building Permit Plan Review #: PLAN21-047
Planning Plan Reviewer: Heather Wasden

1. Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision
2. Per the plans and applicant the maximum structure height including the chimney is approximately 16'-3" which is compliant with LMC 15-2.10-3 which states Detached Accessory Structures must be less than 18' in height
3. Per the applicant there will be no Significant Vegetation removed for this project, just grass is being removed; Per LMC 15-5-5(N) all Significant Vegetation must be replaced with equivalency, all disturbed vegetation shall be replaced to existing or improved conditions; seeded areas must be at least 80% or more germinated prior to Site Completion; bark mulched areas must have 50% or more plants installed and no gravel or stone-mulch is proposed or approved with this permit.
4. All exterior siding materials must comply with LMC 15-5-5 and each building facade may only have a maximum of 3 different types of materials, stone siding must be natural, metal siding shall be non-reflective.
5. All exterior lighting must be down directed and shielded per LMC 15-5-5(J).
6. Mechanical equipment (such as but not limited to A/C units or hot tub, water features, etc.) shall comply with LMC 15-2.10-3 and must be screened and shielded, any roof top mechanical equipment or venting may only go up to 5' above the highest building point per LMC 15-2.10-4.
7. Per LMC 15-5-5(E) all roofing materials shall be natural earth toned in color and shall have a Solar Reflective Index of 35 or less.
8. Windows cannot be untreated metal frames per LMC 15-5-5(I).

The Applicant's claim of a combined square footage of home, garage and sauna as being below the maximum 4,400 sq. ft. conflicts with public records and must be verified and reconciled.

Public tax records show a finished "Living Area" of 4,502 sq. ft. An additional "Attached/Built-in Garage Area" of 912 sq. ft. (less 600 sq. ft. as per CC&R exclusion) is an effective total of 414 sq. ft. exceeding maximum permitted. Adding the sauna building at 361 sq. ft. equals an effective total of 5,175 sq. ft. – approximately 775 sq. ft. over the 4,400 sq. ft. maximum permitted

Will Lange, as a duty of the licensed listing agent, provided the 4,502 square footage data at the time the current Owner/Applicant purchased the property in 2013.

Mr. Lange is also the current President of the Willow Ranch HOA responsible for plan compliance review and Letters/Certificates of Approval.

Willow Ranch Plat/CC&Rs

Wonderful Well Kept Home in Willow Ranch in
Park Meadows

Residential

Agent Full Public



2704 Meadow Creek Drive
Park City, UT 84060

Closed

MLS#: 9991988

County: Summit

DOM/CDOM: 289

List Price: \$1,550,000

Original List Price: \$1,699,000

Sold Price: \$1,325,000



Highlights

Type:	Single Family
Sub-Type:	Detached
Total Bedrooms:	4
Total Baths:	5
Full Baths:	4
Total Fireplaces:	2
Apx Year Built:	1993
Apx Year Remodeled:	2002
Construction New:	No

Size and Costs

LP\$/SqFt: \$344

Apx SqFt Total: 4,502

Apx SqFt: 4,502

Finished:

Apx SqFt

Garage:

Source of

Garage

Measurements:

Location and

Vicinity

Geographic	Park City
Area:	
Major Area:	Park City
	Limits
Area:	09 - Park
	Meadows
Subdivision:	Willow
	Ranch

2704 Meadow Creek Dr, Park City, UT 84060-6832, Summit County

MLS Beds
4

MLS Baths
5

MLS Sale Price
\$1,325,000

MLS Sale Date
01/29/2013

MLS Sq Ft
4,502

Lot Sq Ft
38,333

Yr Built
1993

Type
RES-NEC

OWNER INFORMATION

Owner Name	Green David	Tax Billing Zip	84060
Owner Name 2	Green Susanna	Tax Billing Zip+4	6832
Tax Billing Address	2704 Meadow Creek Dr	Owner Vesting	Husband/Wife
Tax Billing City & State	Park City, UT	Primary Resident	Yes

LOCATION INFORMATION

Census Tract	9643.08	Township	Park City A J K
Carrier Route	H005	Zip Code	84060
Subdivision	Willow Ranch Sub	Zip + 4	6832
Lot #	4		

TAX INFORMATION

Tax ID	WLR-4	Tax Appraisal Area	07
Account	0289466	Tax Year	2020
Parcel ID	WLR 4	Annual Tax	\$5,614
% Improved	75%	Lot Number	4

CHARACTERISTICS

Lot Acres	0.88	Full Baths	4
Lot Area	38,333	Half Baths	1
Basement Type	MLS: Concrete Perimeter	Fireplaces	2
Building Sq Ft	4,502	Garage Type	Built-In
Stories	2	Garage Sq Ft	912
Bedrooms	MLS: 4	Year Built	1993
Total Baths	5	County Use Code	Resbuildingprimary
MLS Total Baths	5	Land Use	Residential (NEC)

LISTING INFORMATION

MLS Listing Number	9991988	MLS Status Change Date	01/29/2013
MLS Status	Closed	Closing Date	01/29/2013
MLS Area	09 - PARK MEADOWS	Closing Price	\$1,325,000
Listing Date	03/21/2012	Listing Agent Name	01345-Will Lange
Current Listing Price	\$1,550,000	Listing Broker Name	BHHS UTAH PROPERTIES - SV
Days on Market	289	Selling Agent Name	01107-Aj Johnson
Original Listing Price	\$1,699,000	Selling Broker Name	SUMMIT SOTHEBYS INTL - DEERV AL

Willow Ranch Plat/CC&Rs

Account 0289466 Viewing Doc Building

- Primary
- Manufactured Housing

Building Information

Property Code	Building Status %
RESIDENTIAL PRIMARY	0
Living Area	Year Built
4502	1993
Basement Area	Attached/Built-in Garage Area
0	912
No. Full Baths	No. Half Baths
4	1
No. Designer Bathrooms	
0	

Source: Summit County Tax Assessor

15-7.3-1 Conformance To Applicable Rules And Regulations

C. SELF-IMPOSED RESTRICTIONS. 1992 LMC 15.4.1 (b)

Willow Ranch is a unique subdivision - the specific 45-ft. side setbacks and 40-ft. rear setback illustrated on Lot 4 and the maximum building size of 4,400 sq. ft. shown on the Subdivision Plat are self-imposed, City-approved and supersede the Estate District setbacks of 30 feet and the associated exceptions in the Code.

In 1993, the City approved the developer's self-imposed restrictions as illustrated on the recorded Subdivision Plat and defined in the recorded CC&Rs.

Any Improvements outside the "Limits of Disturbance Area" as defined by the Plat setbacks or in excess of 4,400 sq. ft. requires a variance/Plat amendment due only to "hardship", with unanimous consent by the HOA Committee and City approval. The City Council is the only entity authorized to do so!

Permitting Process - Lot 4 Sauna

Questions: Did the Lot 4 Owner, Builder and/or the HOA ever provide the City with complete, accurate and full disclosure of:

- a certified total square footage of the existing and proposed buildings;
- the operative setbacks and “Limits of Disturbance Area” according to the Subdivision Plat and CC&Rs;
- the City Council’s required involvement to modify any Plat restrictions?

And, did the Owner/HOA, as required by CC&Rs - Article III Section 3.2 c, ever represent to the City that the sauna plan complied with conditions imposed by the Declaration of CC&Rs, including the Subdivision Plat?

c. Review. Within 15 days from receipt of a complete submission, the Committee will review plans and make an initial determination whether or not the plans comply with the conditions imposed by this Declaration. If they do not, the plans will be rejected. If they are in compliance, the Committee will approve the plans. The

If any answer is NO, it may be cause for a City Council call-up and further review of the representations and permitting process?

Permitting Process - Lot 4 Sauna

Sauna Building Permit # 21-940 was issued August 9, 2021:

- Without receiving accurate Site Plan illustrating Plat setbacks (LODA)
- Without Applicant's request or HOA/City determination of a "hardship"
- Without receipt of HOA Certificate of Approval, (Not provided pursuant to GRAMA.)
(In 2020, the City required builder of Permit TEMP 20-1383 to provide a letter of Approval from the McLeod Creek HOA as opposed to the Willow Ranch HOA – undetermined if Willow Ranch letter was ever provided)
- Without resolution of 4,400 sq. ft. maximum building size. - Public records indicate buildings are approximately 775 sq. ft. over maximum permitted.
- Without Council Plat Amendment - Setbacks/"Limits of Disturbance Area"

Was Ms. Wasden's knowledge of the Plat restriction regarding "Limits of Disturbance", as mentioned in her 8/17/2020 email, ever conveyed to the new General Contractor (Owner) or noted in the Plan Review Report? Was it copied to or discussed with other staff members (Ms. Kaufman) or investigated by anyone?

Was the process a total disregard by the City of the No.1 Note of the Plat ?

Under what authority is City staff, department heads or Planning Commission permitted to disregard or unilaterally modify any restrictions on a recorded Plat and issue a Building Permit?

Thank you for your attention.
We are available for questions and further discussion.
Bob Theobald and Frode Jensen

Unpermitted Pickleball Court

Willow Ranch Subdivision - Lot 3

Estate District/Sensitive Lands Overlay

Issues – Impacts – Objections

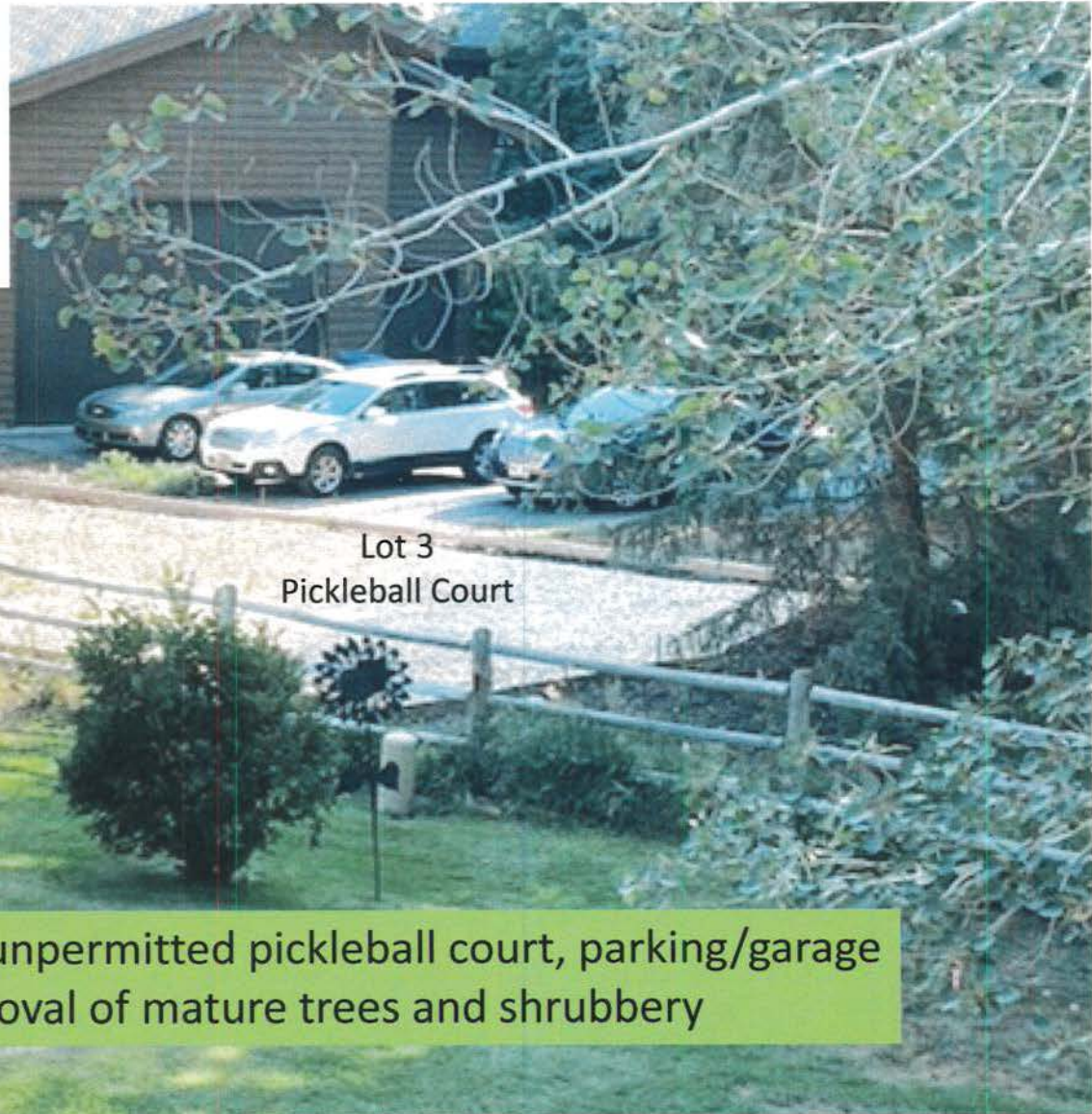
Prepared by Bob Theobald/Frode Jensen

Prepared August 8, 2021

Revised September 7, 2021

Several live links are provided to the PC Land Management Code

- Construction started without permit/bond – mid June
- Owner: City permit **not** required – only HOA approval
- Stop Work Order - July 6
- Owner's 1st Application – rejected as incomplete
- Owner's 2nd Application - July 30...
- HOA "Certificate of Approval" not provided (GRAMA)



Owner's 2nd Permit Application

July 30th 2021

2 Pages

- Park City Building Permit – Standard Application Form
 - Site Plan – (Misleading and Incomplete)

HOA “Certificate of Approval” Not Provided (GRAMA)

PARK CITY

1984

Park City Building Permit

Application Accepted Date: 07/30/2021
Type of Improvement: Grading/Landscaping
Description: Permit to install a post tension pickle ball court

Bldg. Address: 2732 MEADOW CREEK DR
City: Park City State: UT Zip: 84060
Subdivision: Willow Ranch Sub. Phase:
Block: Lot #: 3 Parcel #: WLR-3
Property Owner: JONES STANTON D & NANCY H/W (JT)
City: PARK CITY State: UT Zip: 84098
Permit Contact: Jeremy Pendleton P:(801) 859-7152
Email: office@pendletonlandscape.com

CONTACT INFORMATION

Design Professional: Jeremy Pendleton
General Contractor: Pendleton Landscape
License #: 10740866-5501 P: (801) 518-6228
Address: 1656 E Red Tree Court
City: Draper State: UT Zip: 84020
Email: office@pendletonlandscape.com

Electrical Contractor:
License #: P:
City: State: Zip:

Plumbing Contractor:
License #: P:
City: State: Zip:
Email:

Mechanical Contractor:
License #: P:
City: State: Zip:
Email:

APPLICATION DETAILS

Const. Material: Concrete # of Units: 0

Construction Valuation	\$	52,700.00
Electrical Valuation	\$	0.00
Plumbing Valuation	\$	0.00
Mechanical Valuation	\$	0.00

PERMIT FEES

Grading Permit Fee	\$	573.55
Total Fees:	\$	573.55

APPROVALS**DATE****INFO**

Setbacks	Front:	Rear:	Left:	Right:
Min.	0	0	0	0
Actual:	0	0	0	0

APPLICATION NUMBER:**PLAN21-981**

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

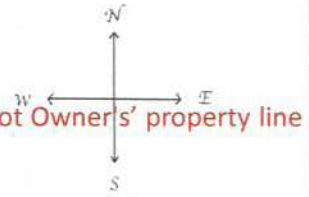
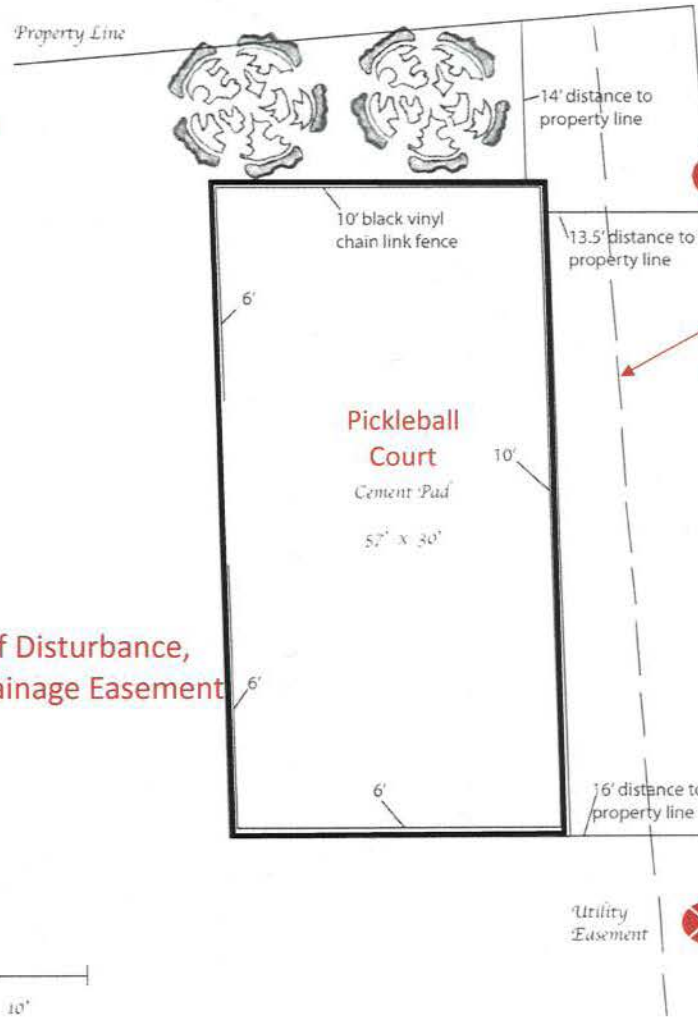
Jones Residence
2732 Meadow Creek Dr
Park City, UT

Applicant's Site Plan



Overlays provided
by Theobald/Jensen

✗ Misleading/False



✗ Not Owner's' property line

✗ Not Owner's ownership



Any fence exceeding 7' in height will require stamped engineer details to be approved prior to installation.

✗ Not shown: Limits of Disturbance, 40' Setbacks, 10' Drainage Easement

✗ Not Owner's' property line

✗ Not Owner's' Utility Easement

WRAY "Sliver" PARCEL - PCA-2-2100-B
Separating Willow Ranch Lot 3 and
Park Meadows No 2 (Theobald/Jensen)





Jones Residence
2732 Meadow Creek Dr
Park City, UT

Applicant's Site Plan

Lot 3/Wray
Boundary

PENDLETON
landscape

Overlays provided
by Theobald/Jensen*

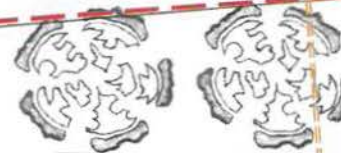
40' Setback
"Natural Area"

LMC- Estate - 30' setback

"Limits of Disturbance Area"
Platted/CC&Rs Exhibit "F"
Self Imposed - City Approved

Scale 1" = 10'

Property Line



10' black vinyl
chain link fence

10' Drainage
Easement

Pickleball
Court
Cement Pad
57' x 30'

40' Setback
"Natural Area"

7.23'

14' distance to
property line

4.16' 7.08'
13.5' distance to
property line

W
R
A
Y
P
A
R
C
E
L

Wray/Theobald Boundary

Wray/Jensen Boundary

Any fence exceeding 7'
in height will require
stamped engineer
details to be approved
prior to installation.

Lot 3/Wray Boundary
Willow Ranch East
Boundary

*Measurements
approximate

Utility
Easement

Owner's 2nd Permit Application
July 30th 2021

Permit Denied August 18, 2021

Planning Department
Advised Owner to Re-apply

Conditional Use Permit
Private Recreation Facility

Park City Land Management Code

An application to build a pickleball court on the already excavated site on Lot 3 in the Willow Ranch Subdivision **cannot be approved** under the Land Management Code (Code) as an Allowed Use or a Conditional Use.

- Development of Improvements in the Estate District is permitted for certain enumerated Allowed Uses, including Accessory Uses. Section 15-2.10-2.A. and 15-2.10-2.A.11.
- There is **no Allowed Use** which covers a pickleball court in the Estate District. Section 15-2.10-2.A.
- Accessory Uses are permitted Allowed Uses in the Estate District, but a **pickleball court is not an Accessory Use**. Section 15-2.10-2.A.11.

Park City Land Management Code

- A pickleball court is a **Private Recreation Facility** which is a Conditional Use in the Estate District. Section 15-2.10-2.B.19.
- Under the Code, the City **shall not** issue a Conditional Use permit if the application violates any requirement of the Code. Section 15-1-10.D.1.
- The excavated pickleball site **violates** the 30 foot required side and rear setbacks in the Estate District. Section 15-2.10-3.C., E., and F.
- There is **no exception** to the 30 foot required side and rear setbacks for a Private Recreation Facility (including a pickleball court) in the Estate District. Section 15-2.10-3. E., and F.

Park City Land Management Code

- The excavated pickleball site **violates** the self-imposed, City-approved, 40-foot required side and rear setbacks in the Willow Ranch Subdivision Plat and the Willow Ranch CC&Rs.
- A Use which is not an Allowed Use or a permitted Conditional Use is a **Prohibited Use**. Section 15-2.10-2.C.
- **Therefore, the application cannot be approved.**

[https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.10 Estate \(e\) District](https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.10%20Estate%20(e)%20District)

Park City Land Management Code

15-7.3-1 Conformance To Applicable Rules And Regulations

C. SELF-IMPOSED RESTRICTIONS. If the Owner places restrictions on any of the land contained in the Subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Subdivision Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney.

In 1992/93, the Planning Commission and the City Council approved the Willow Ranch Subdivision with developer's self-imposed building area and setback restrictions greater than the LMC. These restrictions are illustrated on the recorded Subdivision Plat and defined in the recorded CC&Rs. The restrictions can be modified only with HOA and City variance/Plat amendment.

Willow Ranch Plat/CC&Rs

"Declaration" shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions, and any other matters or conditions shown on the official Plat of the Willow Ranch Subdivision, which are incorporated into this Declaration by reference.

"Improvement" shall mean all structures and appurtenances of every type and kinds, including but not limited to buildings, Dwelling Units, garages, storage buildings, walkways, retaining walls, sprinklers, pipes, driveways, landscaping, pools, decks, stairs, poles, lighting, signs, satellite dishes or other antennas, and any mechanical equipment located on the exterior of any building.

"Natural Area" shall mean the portion of any Lot that is outside of the Limits of Disturbance Area.

Willow Ranch Plat/CC&Rs

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

057\23383. 1A
02/17/93/10: 54 .am

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
★ 3	.95 ACRES	per set backs	4400	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500

6	C13	505.00'	80.31'	89.88'	N 08°26'26" W	18°37'53"
7	C14	505.00'	80.31'	89.88'	S 28°09'23" W	25°17'54"
8	C15	505.00'	80.31'	89.88'	N 49°44'17" W	33°47'43"
9	C16	505.00'	80.31'	89.88'	S 68°08'36" W	25°50'51"

NOTES:

- BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

Equestrian Lots Surveyed "Residence Limits of Disturbance Area" Small Lots 3, 4 and 5 - LODA are as "per set backs"

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
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4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500

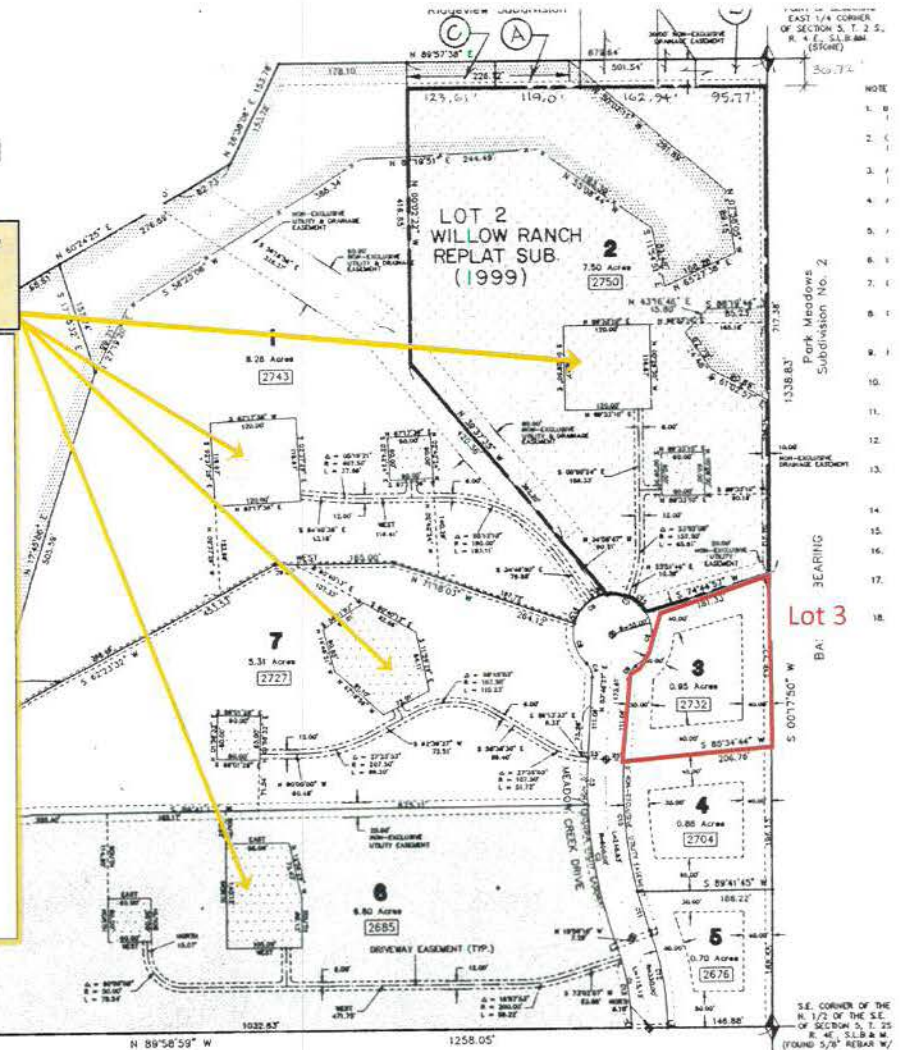
LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 3	14,400	3600	18,000
LOT 4	14,400	3600	18,000
LOT 5	14,400	3600	18,000
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
TOTAL	71,200	21,600	92,800

SURVEYOR'S CERTIFICATE

I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4486 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN MADE IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

Feb. 10, 1999



McLeod Creek Subdivision

S.E. CORNER OF THE N. 1/2 OF THE S.E. 1/4 OF SECTION 5, T. 25 N. 40' S.L.B. & W. (ROUND 5/8" REBAR W/

UP Meadows Subdivision No. 1

Willow Ranch Plat

NOTES:

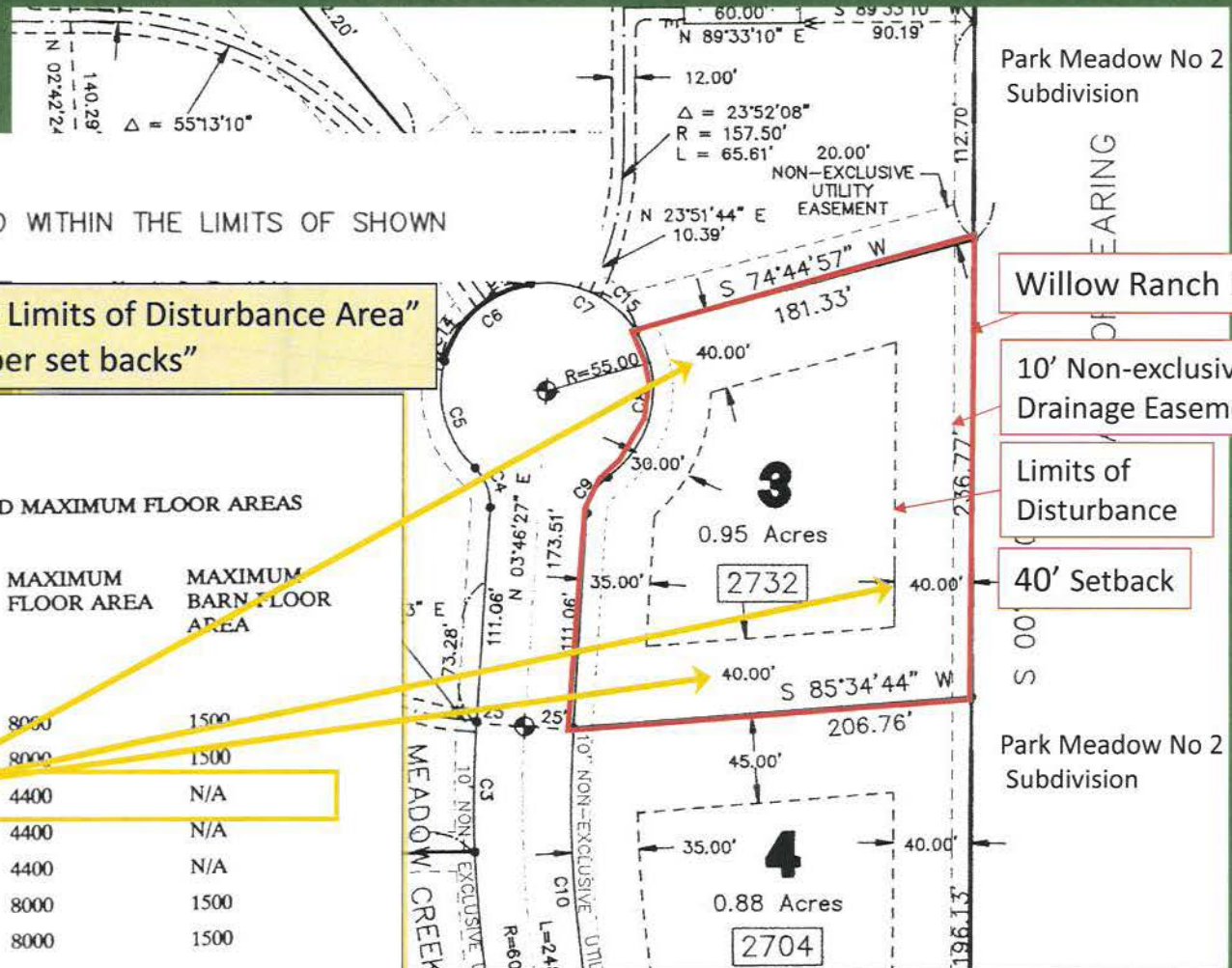
1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

Equestrian Lots Surveyed "Residence Limits of Disturbance Area"
Small Lots 3, 4 and 5 - LODA are as "per set backs"

EXHIBIT 'F'

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

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5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500



Park Meadow No 2
Subdivision

Willow Ranch Lot 3

10' Non-exclusive
Drainage Easement

Limits of
Disturbance

40' Setback

Park Meadow No 2
Subdivision

Jones Residence
2732 Meadow Creek Dr
Park City, UT

Applicant's Site Plan

Lot 3/Wray
Boundary

PENDLETON
landscape

Overlays provided
by Theobald/Jensen*

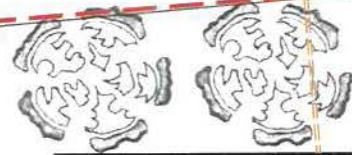
40' Setback
"Natural Area"

LMC- Estate - 30' setback

"Limits of Disturbance Area"
Platted/CC&Rs Exhibit "F"
Self Imposed - City Approved

Scale 1" = 10'

Property Line



14' distance to
property line

10' black vinyl
chain link fence

10' Drainage
Easement

Pickleball
Court
Cement Pad
57' x 30'

40' Setback
"Natural Area"

16' distance to
property line

Utility
Easement

W
R
A
Y
P
A
R
C
E
L

Wray/Theobald Boundary

Wray/Jensen Boundary

Any fence exceeding 7'
in height will require
stamped engineer
details to be approved
prior to installation.

Lot 3/Wray Boundary
Willow Ranch East
Boundary

*Measurements
approximate

Willow Ranch Plat/CC&Rs

3.2. Approval by Committee. No improvements of any kind, including without limitation the construction of any Dwelling Unit, garage, Accessory Dwelling Unit, Barn, out building, parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, poles, trampolines, satellite dishes or antenna, solar panels, or any other permanent structure may be constructed, installed, maintained or allowed to stand in the Subdivision without the prior written approval of the Committee. No excavation, grading, filling, draining, landscaping, or installation or removal of existing vegetation shall be made without the prior written approval of the Committee. Approval of the Committee will be sought in the following manner:

BOOK 711 PAGE 5

3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

Willow Ranch Plat/CC&Rs

6.5. Dwelling Setback and Placement. All portions of the Dwelling and any other Improvements are to be within the Limits of Disturbance Area or set backs designated (or revised by variance granted as per 3.3 hereof) for each Lot, and must also comply with the City's minimum front, rear and side yard setbacks.

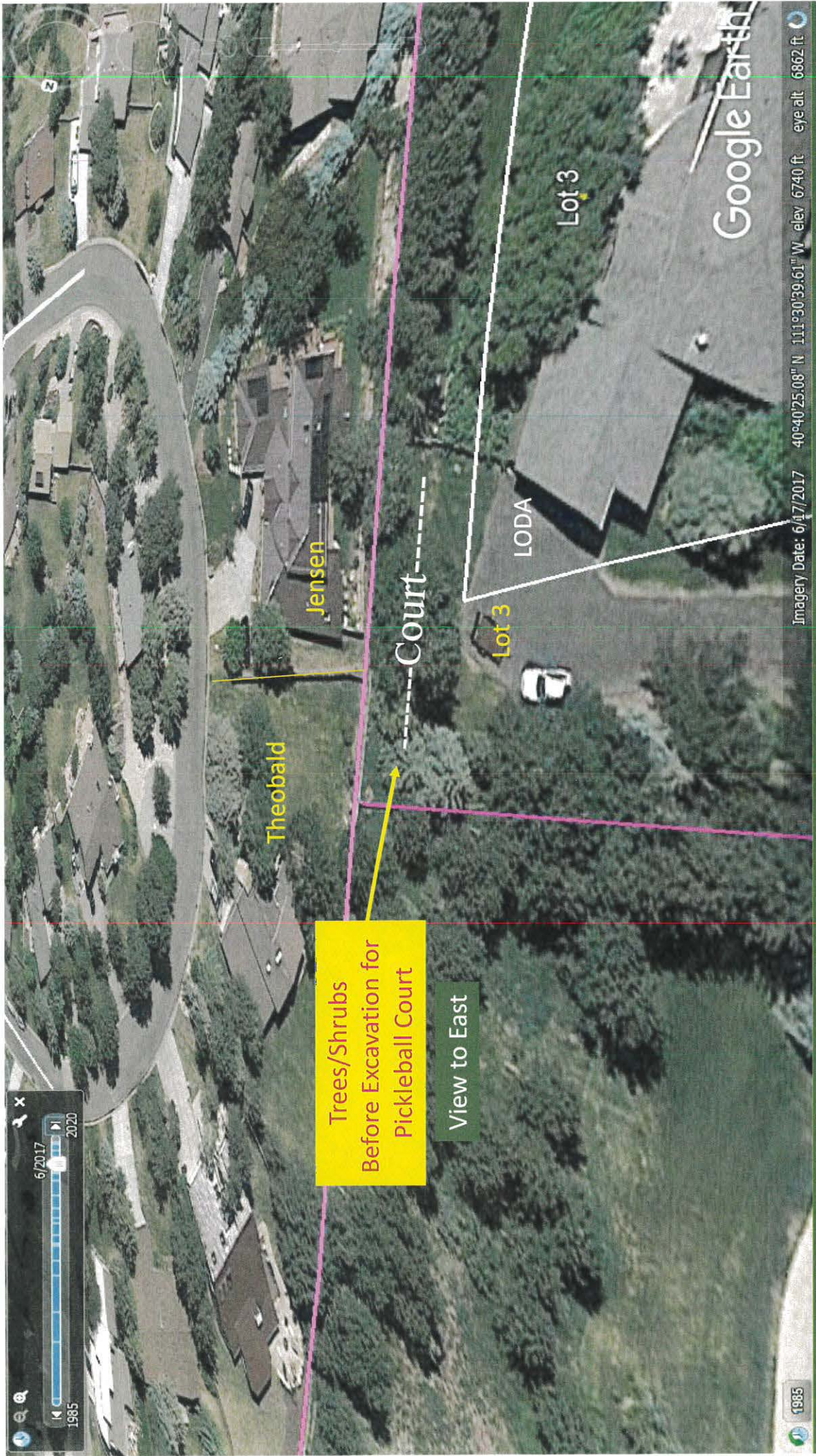
Neither Lot 3 Owner or the HOA Committee has provided any evidence of a “hardship”, a complete/properly-reviewed site plan, or a vote with a “Certificate of Approval” to modify any Plat restriction. To the contrary, the HOA president and one other HOA member stated they were not sure if they (or the Committee) reviewed a site plan for a pickleball court – (in the “Native Area” outside the “Limits of Disturbance Area”).

Owner/HOA Committee has not applied for a Variance or Plat amendment.

No Improvements can be legally constructed (on any Lot) outside the “Limits of Disturbance Area” without a Plat amendment... by City Council.

Lot 3 Pickleball Court

Visual and Noise Impacts
to
Neighbors and Wildlife



[https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.10-10 Vegetation Protection](https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.10-10%20Vegetation%20Protection)

Lot 3

LODA

Court

Lot 3

Trees/Shrubs
Before Excavation for
Pickleball Court

View to Southwest

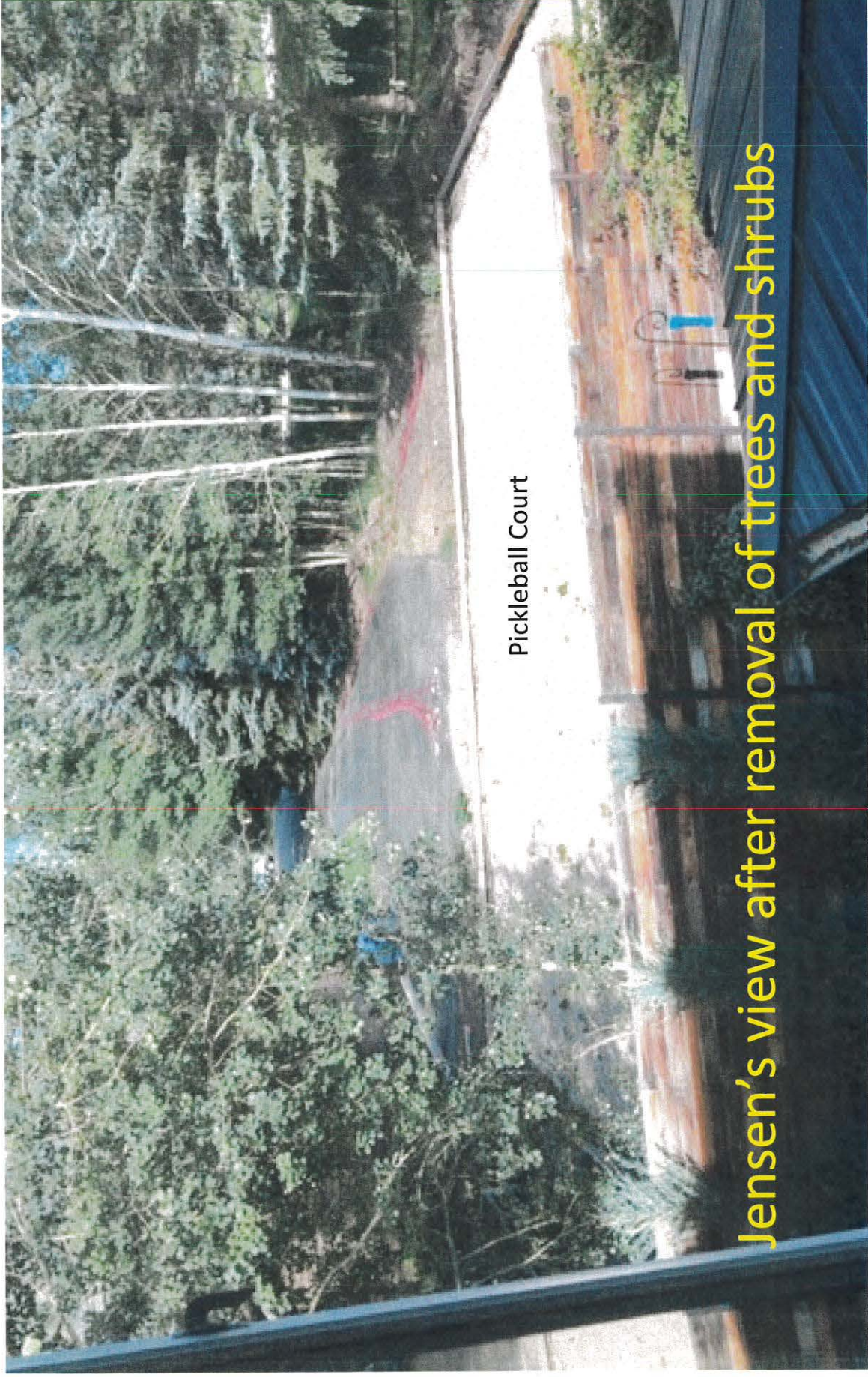
Jensen

Theobald

Google Earth

1985

Imagery Date: 7/18/2019 40°40'24.80" N 111°30'39.75" W elev 6740 ft eye alt 6866



Pickleball Court

Jensen's view after removal of trees and shrubs

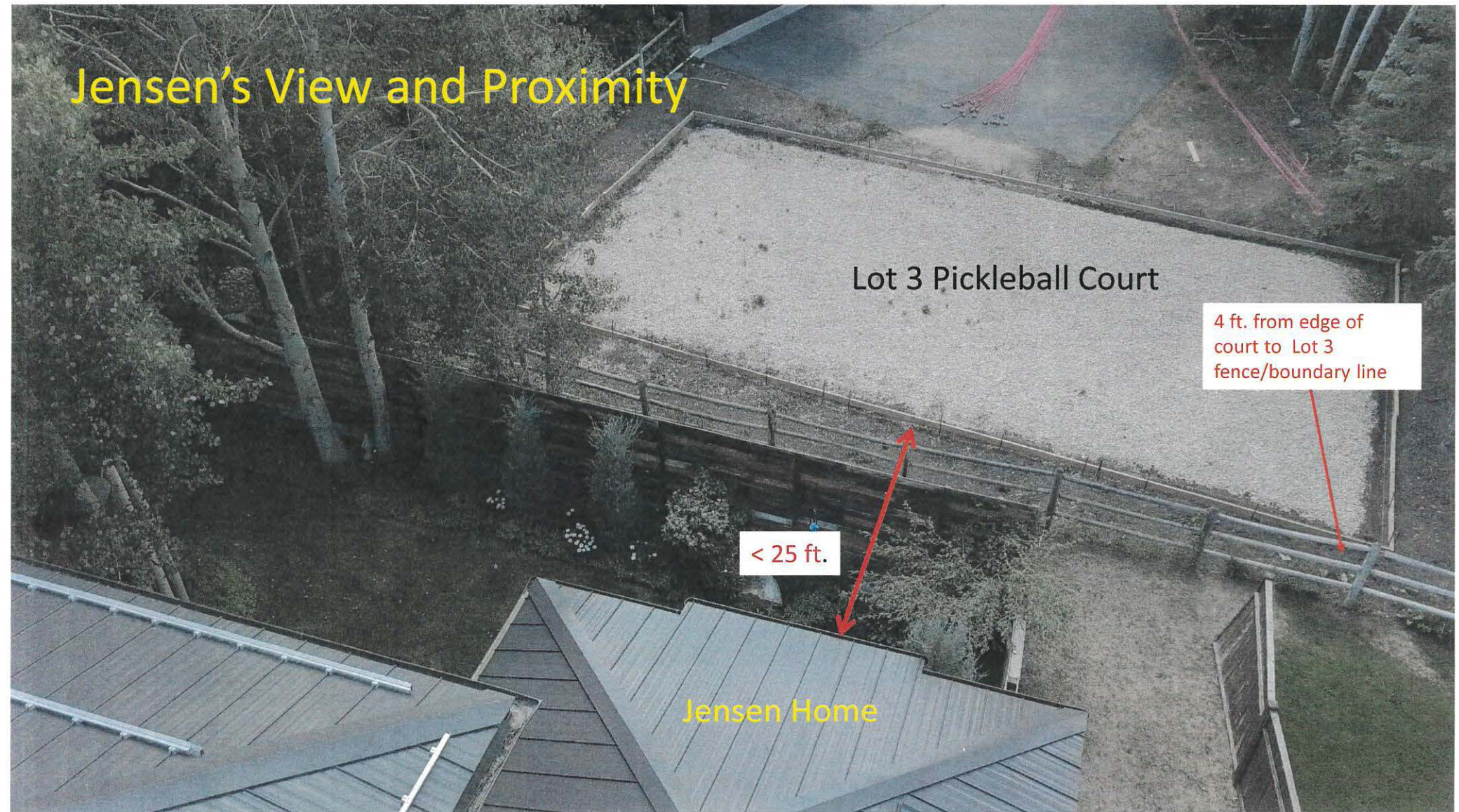
Jensen's View and Proximity

Lot 3 Pickleball Court

4 ft. from edge of
court to Lot 3
fence/boundary line

< 25 ft.

Jensen Home



LINE	DIRECTION	DISTANCE
1.1	S 00°00'00" E	6.03'
1.2	N 19°55'16" W	7.20'
1.3	S 19°59'16" E	7.29'
1.4	N 00°00'00" E	6.10'

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into a public street and lots, together with easements as set forth in the attached plat hereunto by me hereunto, as witness, my hand and seal, this 10th day of March, 1906.

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

Executed this 12th day of February, 1923.

Richard Outley - President
William Branch Development Inc. a Utah corporation

INTRODUCTION

State of Utah)
County of Summit)
On the 18th day of February, 1993 personally appeared
before me, Richard Dudley, who, being by me duly sworn, did say
that he is the President of Willow Ranch Development, Inc., a
Utah Corporation and that within and foregoing thereof, said
Corporation to Record, was signed on behalf of said Corporation
and said Richard Dudley acknowledged to me that said Corporation



My commission expires: 1/6/96

LEGAL DESCRIPTION

[illegible]

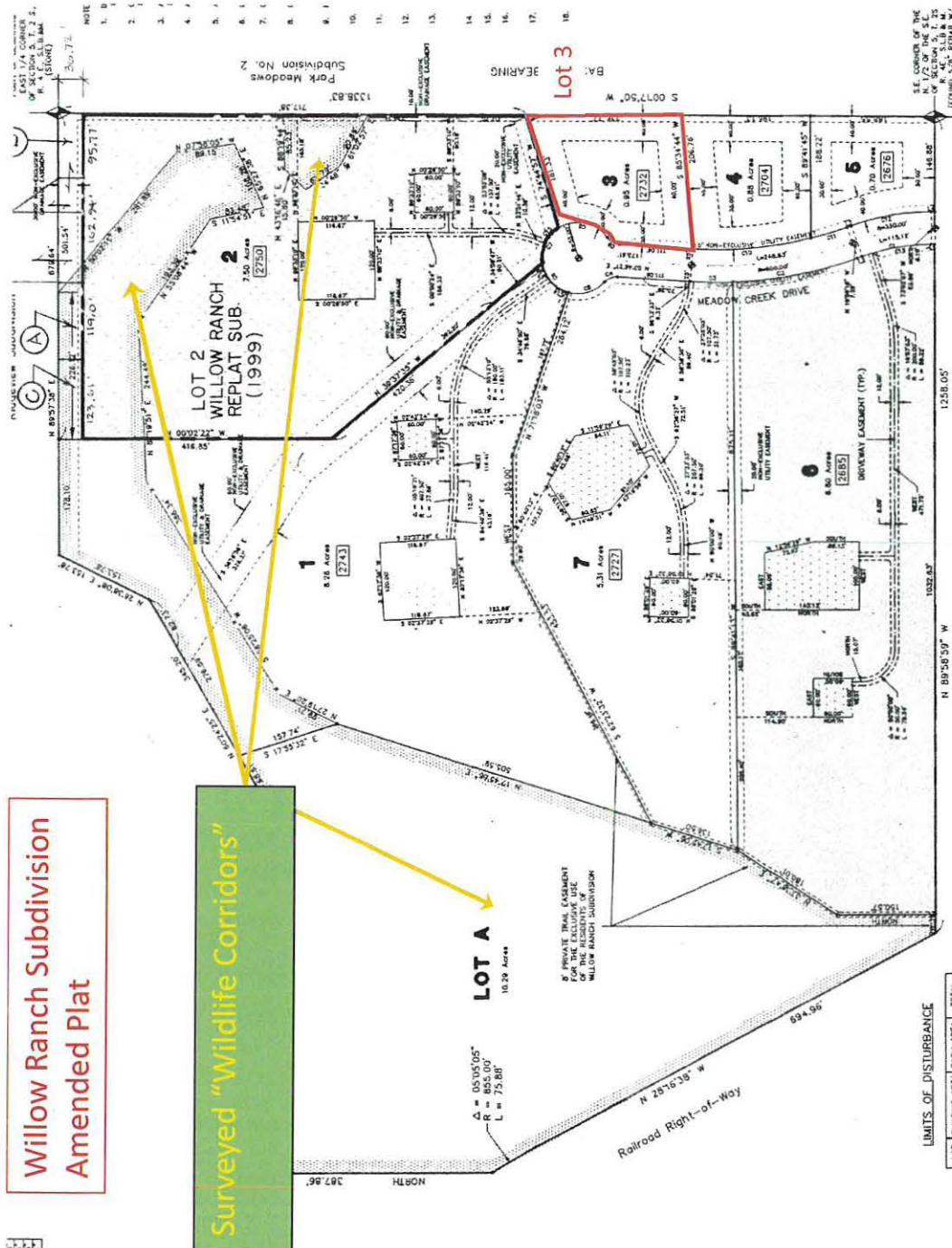
Containers 41-45 acres of land more or less.

SURVEYOR'S CERTIFICATE

I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4494 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

Feb. 12, 1993

Willow Ranch Subdivision
Amended Plat



LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

McLeod Creek Subdivision

division No. 1

15-2.21-8 Sensitive Land Regulations - Wildlife And Wildlife Habitat Protection

Surveyed "Wildlife Corridors" &
Frequent Roaming Areas

400 ft.

Lot 3
LODA

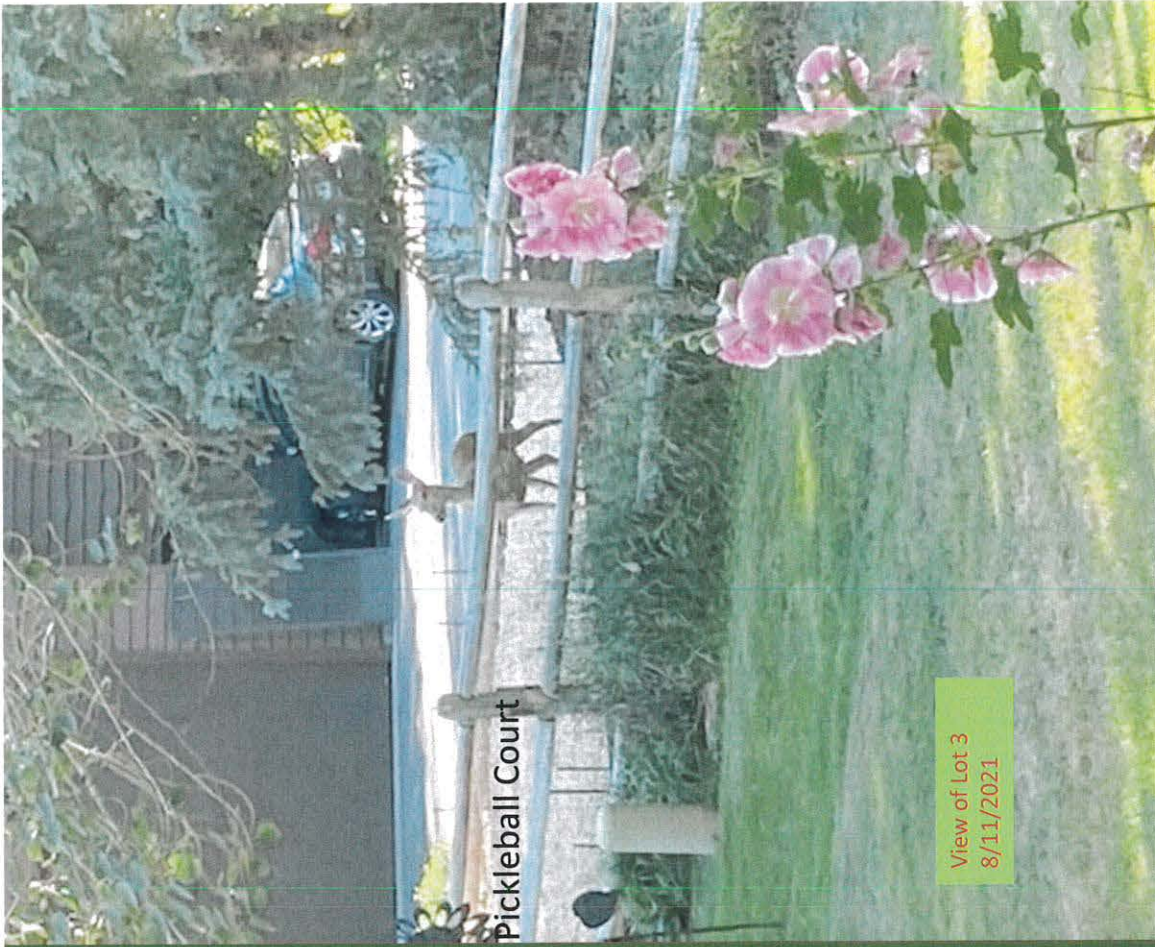
Lot 4

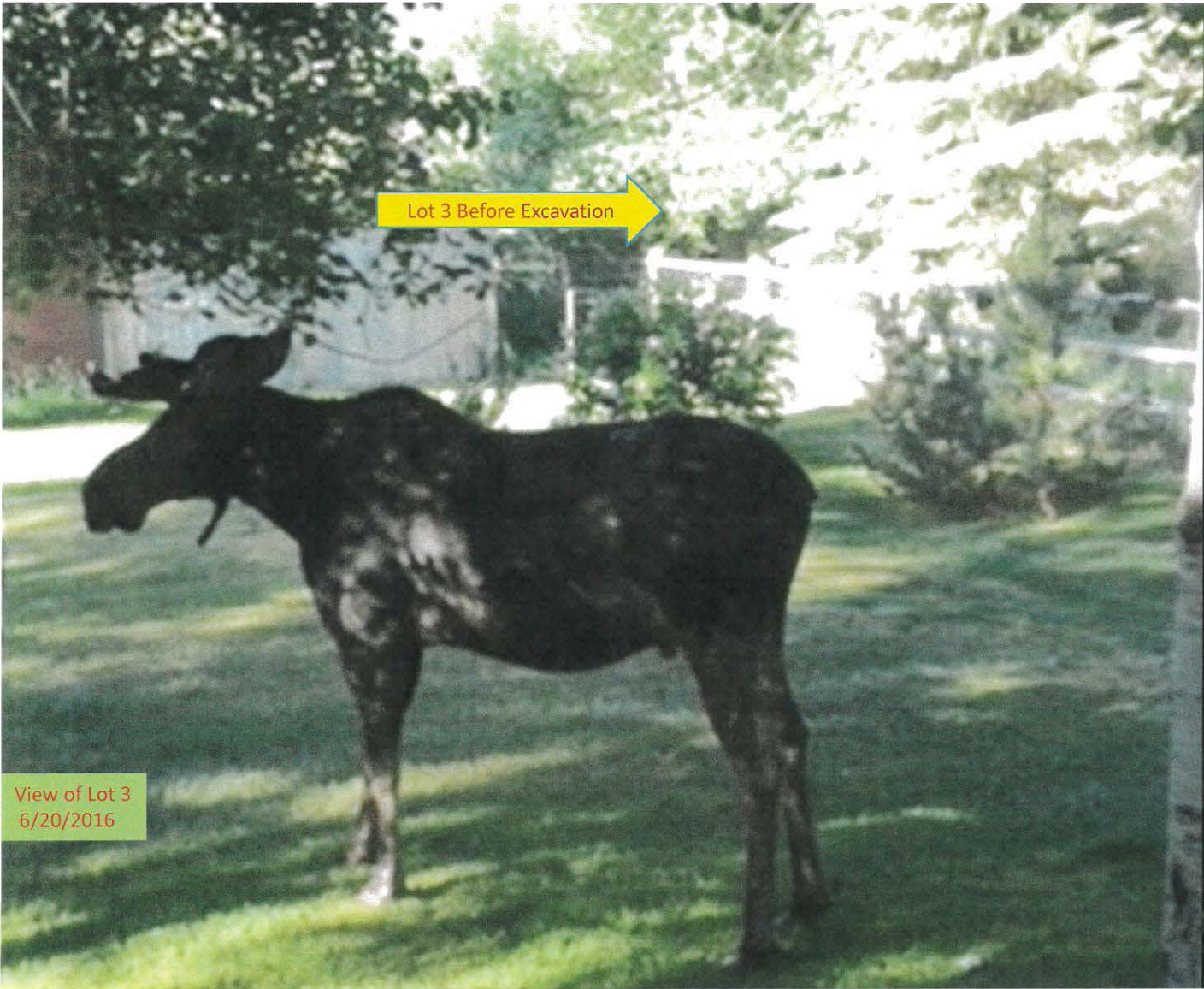
© 2021 Europa Technologies
© 2021 Google

River Birch Ct

Google







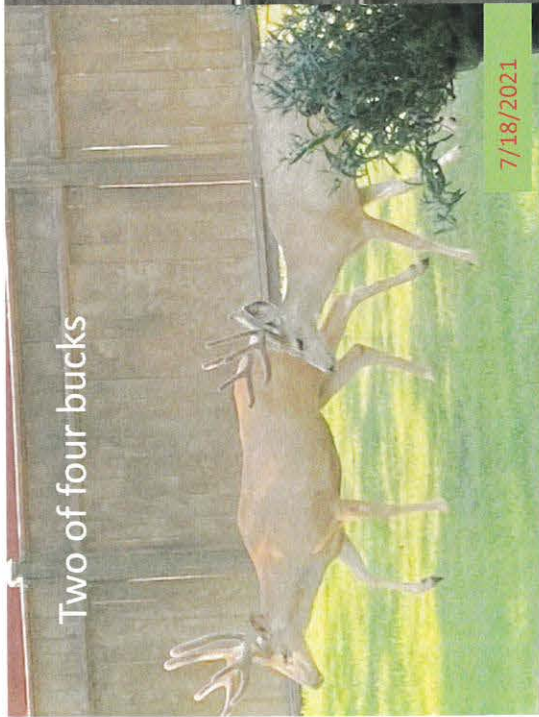
Lot 3 Before Excavation

View of Lot 3
6/20/2016



Lot 3 Before Excavation

View of Lot 3
8/24/2019



Two of four bucks

7/18/2021



Doe and 2 spotted fawns

View of Lot 3
8/11/2021



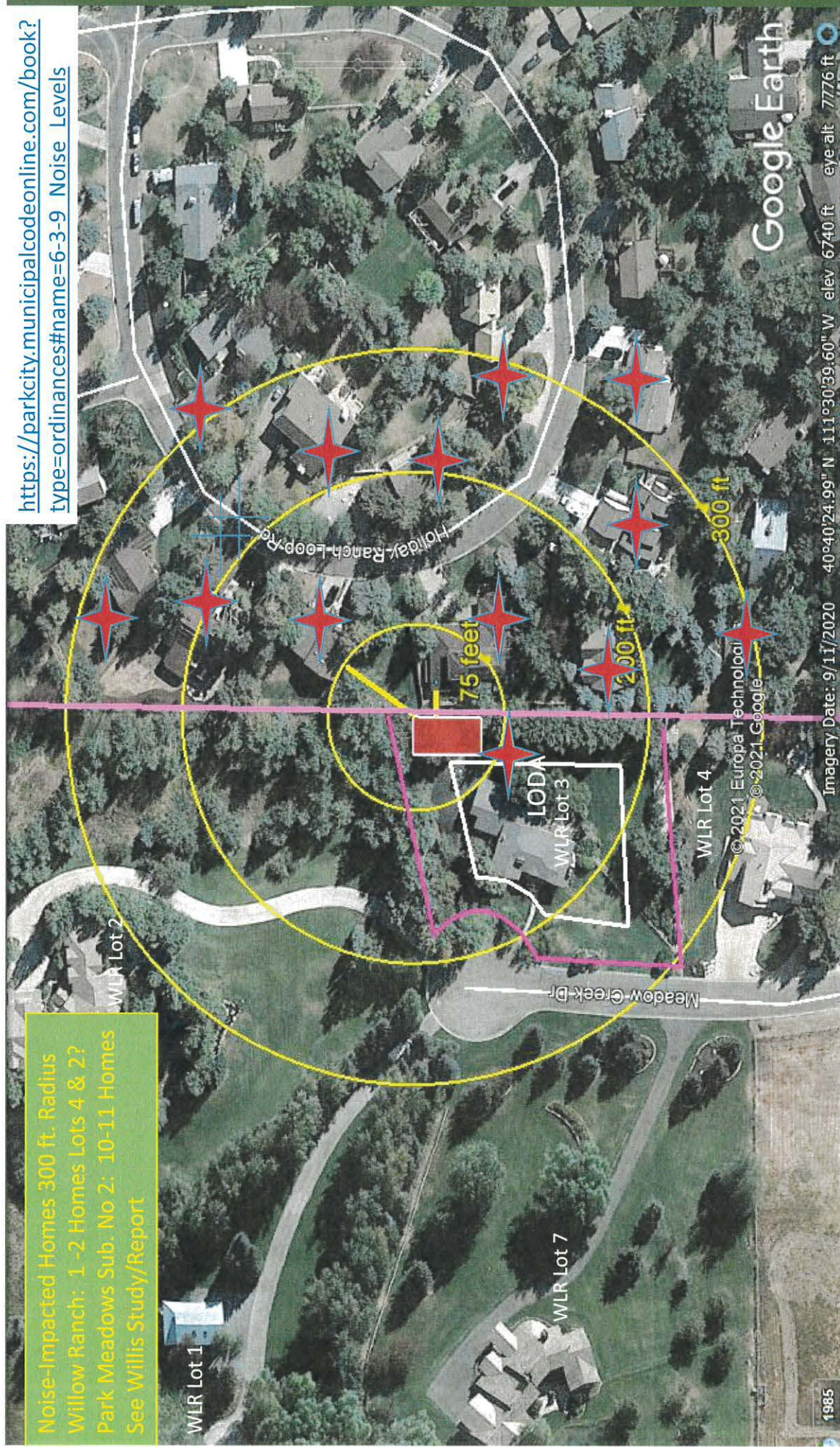
Pickleball Court

POP-POP-POP-POP

Theobald's View of Lot 3 - 8/1/2021

[https://parkcity.municipalcodeonline.com/book?type=ordinances#name=6-3-9 Noise Levels](https://parkcity.municipalcodeonline.com/book?type=ordinances#name=6-3-9%20Noise%20Levels)

Noise-Impacted Homes 300 ft. Radius
Willow Ranch: 1-2 Homes Lots 4 & 2?
Park Meadows Sub. No 2: 10-11 Homes
See Willis Study/Report



Imagery Date: 9/11/2020 40°40'24.99" N 111°30'39.60" W elev 6740 ft eye alt 7776 ft

Willis Study and Report

Decibel levels exceeding limits imposed by local noise ordinances are regularly found in connection with pickleball play within 350 feet of homes. Noise abatement and mitigation measures should be adopted by developers and planning authorities for all courts located within this distance

Courts located within 75 feet of homes have been measured at decibel levels exceeding 80 dBA, which far exceed local noise ordinances, representing a high level of noise impact for the occupants of receiving properties. At this distance, courts will have a significant impact on quality of life for adjacent residents and will regularly produce noise complaints to facility operators and public officials. Experts have found that paddle impacts at this distance easily penetrate the interior of a home and prevent the quiet enjoyment of the residents' use of their living rooms, dining rooms, bedrooms, balconies, decks, patios, and other spaces used for dining, work, rest, sleep and other family activities requiring concentration, such as conversation and reading.

Accordingly, experts conclude that some potential backyard sites may simply be deemed so close to residences that noise concerns are impractical or impossible to abate or mitigate and construction at these sites should simply be prohibited.

YouTube Noise Video

https://www.youtube.com/watch?v=_jlaxJunjCI

25 ft. to home

Jensen

Theobald

..... POP-POP-POP-POP

Pickleball Court

75 ft. to home

Theobald's view of Lot 3 Owner's unpermitted pickleball court, parking/garage and garbage area after illegal removal of mature trees and shrubbery

Summary:

- Construction started without permit/bond – mid June
- Owner claimed: City permit **not** required – only need HOA approval
- City issued Stop Work Order - July 6
- Owner's 1st Application – rejected as incomplete
- Owner's 2nd Application - July 30 -- Denied August 18
- HOA Certificate of Approval not provided (GRAMA)
- City advised Owner to re-apply - Conditional Use Permit (CUP) - ???

Question: Is the Applicant entitled to a Conditional Use Permit?

Answer: NO

- The Court is not an Allowed Use. It is a Private Recreation Facility which is a Conditional Use
- Neither is it a permissible Conditional Use since it violates the setbacks which all improvements are subject to.

15-7.3-1 Conformance To Applicable Rules And Regulations

C. SELF-IMPOSED RESTRICTIONS.

In addition, in 1993, the City approved the developer's self-imposed restrictions, as illustrated on the recorded Subdivision Plat and defined in the recorded CC&Rs. Any Improvements outside the "Limits of Disturbance Area" requires a variance/Plat amendment due only to "hardship", with unanimous consent by the HOA Committee and City approval. The City Council is the only entity authorized to do so!

CITY ACTION ITEM

In mid-June, in preparation for a pickleball court, Owner removed **SIGNIFICANT VEGETATION** including stands of trees and shrubs, excavated and leveled more than 2,000 sq. ft. of earth, installed forms and gravel and was ready to pour concrete... all without a permit or bond.

Now, more than 10 weeks have passed while neighbors have been subjected to a noisy, dusty, weedy construction site with views of the bowels of Lot 3 Owner's home – parking, garage and garbage areas that were previously screened by trees and shrubbery.

The Owner's intentions to file for a CUP are uncertain. It is incumbent on the City to immediately demand a bond for restoration regardless of intentions...

And, set a deadline for Owner to submit Application or commence restoration!

Thank you for your attention... and action.

We are available for questions and further discussion.

Bob Theobald and Frode Jensen