

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY HALL, COUNCIL CHAMBERS
FEBRUARY 26, 2014**



AGENDA

MEETING CALLED TO ORDER – 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF FEBRUARY 12, 2014

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

Board of Adjustment Liaison Appointment

CONTINUATIONS - *Public hearing and possible action*

2519 Lucky John Drive- Plat Amendment

Public hearing and continuation to March 12, 2014

PL-13-01980

Planner Whetstone

901 Norfolk Avenue – Plat Amendment

Public hearing and continuation to March 12, 2014

PL-13-02180

Planner Alexander

REGULAR AGENDA - *Public hearing and possible action*

1049 Park Avenue Subdivision

Public hearing and possible recommendation to City Council on March 20, 2014

PL-13-01893

Planner Grahm

7101 Silver Lake Drive – Conditional Use Permit for Lockout Units PL-13-02034

Public hearing and possible action

PL-13-02034

Planner Astorga

7101 Silver Lake Drive – North Silver Lake Condominium Plat PL-13-02225

Public hearing and possible recommendation to City Council on March 20, 2014

PL-14-02225

Planner Astorga

Round Valley Park City Annexation – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3, T2SR4E east of US 40 and north of SR 248 requested zoning is ROS, Recreation Open Space (1,363 acres) and LI, Limited Industrial (5 acres).

Initial Public hearing and Planning Commission Discussion

PL-13-01893

Planner Whetstone

ADJOURN

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 12, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips

EX OFFICIO:

Planning Manager, Kayla Sintz; Kirsten Whetstone, Planner; Christy Alexander, Planner;
Ryan Wassum, Planner; Polly Samuels-McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Strachan who was excused.

ADOPTION OF MINUTES

January 22, 2014

MOTION: Commissioner Gross moved to APPROVE the minutes of January 22, 2014 as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Phillips disclosed that that he lives in the vicinity of 115 Sampson Avenue. He had not discussed the agenda item regarding 115 Sampson Avenue with any of his neighbors, and he did not believe it would affect his judgment or decision.

CONTINUATION(S) – Public Hearing and continuation to date specified.

1. Snyder's Addition to Park City Amended Lot 1, Block 15, located at 901 Norfolk Avenue – Plat Amendment (Application PL-13-02180)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Gross moved CONTINUE the 901 Norfolk Avenue plat amendment to February 26, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 7101 North Silver Lake Drive – Conditional Use Permit for Lockout Units
(Application PL-13-02034)

Chair Worel announced that the applicant for 7101 Silver Lake Drive – conditional use permit for lockout units requested that the item be continued to February 26, 2014. Since it was noticed on the agenda, the Planning Commission would take public input.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Gross moved to CONTINUE the 7101 North Silver Lake Drive – Conditional Use Permit for lockout units to February 26, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 7101 North Silver Lake Condo Plat (Application PL-13-02225)

The applicant had also requested that this item be continued to February 26, 2014. The Planning Commissioner would take public input this evening.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Gross moved to CONTINUE 7101 North Silver Lake Condo Plat to February 26, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. 1185 Empire Avenue – Plat Amendment (PL-13-02163)

Planner Ryan Wassum reviewed the application for a plat amendment for the purpose of separating 1183 and 1185 Empire Avenue into two separate and legal lots with a proposed new lot line. The plat amendment would create Lot 1, which would be 1183 Empire and Lot 1A, 1185 Empire of Block 27, Snyder's Addition of the Park City survey. There is an existing non-historic on the 1183 and 1185 Empire lot, which would be raised to construct two new single family homes.

Planner Wassum reported that a demolition permit was issued to the applicant on October 1st, 2013 to raze the existing duplex at 1183 and 1185 Empire. The demolition permit is valid for 180 days and would expire on April 1st, 2014. Currently no plans have been submitted, but following the demolition the applicant intends on building two new single family homes. Planner Wassum stated that a moratorium was in place until 2016 on cutting into the road for utilities on Empire Avenue; however, that could be conditioned during the HDDR process.

The Staff found good cause for this plat amendment as it meets the Land Management Code and creates two smaller residential lots that are more compatible within the HR-1 District.

The Staff recommended that the Planning Commissioner conduct a public hearing for 1185 Empire Avenue Second Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ted King, the applicant, stated that there was an existing property line originally and a property line adjustment was made on the adjacent property. Since he owns the properties he was asked to clean up the remnant lot lines, which he did through a plat amendment. The reason for the currently requested plat amendment was to return the lot to how it was originally.

Chair Worel asked if the moratorium on cutting into the road for utilities needed to be a condition of approval as part of the Planning Commission approval, or just through the HDDR process.

Assistant City Attorney McLean replied that it was not related to the plat and she was comfortable that it could be conditioned with the HDDR. She pointed out that a building permit could not be issued until that was resolved.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 1185 Empire Avenue replat according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1185 Empire Avenue

1. The property is located at 1185 Empire Avenue and consists of two (2) “Old Town” lots, namely Lot 11, Lot 12, and the southerly half of Lot 13, Block 27 Snyder’s addition, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. There is an existing non-historic duplex located at 1183 and 1185 Empire Avenue with an approved demolition permit to raze the structure.
4. The property has frontage on Empire Avenue and the lot contains 4,951 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
5. Single family homes are an allowed use in the HR-1 zone.
6. On November 26, 2013, the owner submitted an application for a plat amendment to separate the 1183 and 1185 Empire Avenue Lot into two (2) legal lots of record, Lots 1 (2,465 sf) and 1A (2,475 sf), to facilitate construction for two (2) new single family

homes. The application was deemed complete on December 13, 2013.

7. The HR-1 zone requires a minimum lot area of 1,875 square feet.

8. The property has frontage on and access from Empire Avenue.

9. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.

10. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.

11. The proposed plat amendment does not create any new non-complying or nonconforming situations.

12. The maximum building footprint allowed for 1183 Empire Avenue, Lot 1, is 1,073 square feet per the HR-1 LMC requirements and based on the lot size.

13. The maximum building footprint allowed for 1185 Empire Avenue, Lot 1A, is 1,076 square feet per the HR-1 LMC requirements and based on the lot size.

14. The plat amendment secures public snow storage easements across the frontage of the lots.

15. There is good cause to add a new lot line and create two (2) legal and smaller residential lots that are more compatible within the HR-1 District.

Conclusions of Law – 1185 Empire Avenue

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1185 Empire Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The demolition of the structure at 1185 Empire is a condition precedent to plat recordation.
4. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots. Also recordation of the plat is a condition of building permit issuance.
5. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
6. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
7. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and shall be shown on the plat.
8. All prior snow storage easements from this property shall be reflected on this plat

4. The Fluter Subdivision, located at 225 Woodside Avenue – Plat Amendment (Application PL-13-02183)

Planner Christy Alexander reviewed the request for a plat amendment to combine 3-1/2 lots, Lots 4, 5, 6 and the south half of Lot 7, into two lots of record at 225 Woodside

Avenue. An existing single family home is located over the 3-1/2 properties and the home and garage currently encroach into Woodside Avenue. Planner Alexander stated that the intent for the plat amendment is to demolish the existing non-historic structure and garage, which would remove the encroachment. The plat amendment would divide the property into two lots where the applicant intends to build two single family homes. Planner Alexander noted that the applicant could build a duplex on one lot and a single family home on the second lot; however, he has stated that he was only interested in building two single family homes.

Planner Alexander stated that the only issue was raised by the neighbors to the north who was concerned about his retaining wall when the existing structure is demolished. The property owner at 255 will be responsible for making sure that the retaining wall is not damaged or compromised.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the Fluter Subdivision Plat Amendment located at 225 Woodside Avenue.

Chair Worel asked if the retaining wall should be addressed in the conditions of approval. Planner Alexander replied that the retaining wall was addressed in the Staff report and she offered to add it to the conditions of approval.

Jonathan DeGray, representing the applicant, referred to the site plan and noted that the retaining wall in question runs down the north property line. It is within the City's right-of-way and does not go into the Fluter property. Mr. DeGray stated that to the extent that a driveway could be placed in the north lot and there is a lot of flexibility across the proposed 37-1/2 feet of frontage on the north lot. Therefore, the wall in the City right-of-way could remain. Mr. DeGray noted that the City right-of-way is currently encumbered by the garage and the staircase and other elements of the Fluter parcel that will be removed. There is a retaining wall adjacent to the north property and another retaining wall to the south.

Assistant City Attorney McLean stated that in looking at the site, the retaining wall to the west was not in the City right-of-way. Mr. DeGray clarified that the only retaining walls he was talking about was the one on the east side and the ones parallel to the curb and gutter. Ms. McLean clarified that the concerned property owner was to the northwest. She understood that his concern was if the house was removed that the wall on his property would also be removed. Planner Alexander replied that this was correct. Mr. DeGray emphasized that the wall would never be removed any further than the property line.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross understood that the applicant intended to construct two single-family homes, but he would be allowed by Code to build a house and a duplex. Commissioner Gross preferred to add a condition to ensure that it would be single-family residences and not a duplex. The Commissioners concurred.

MOTION: Commissioner Campbell moved to forward a POSITIVE recommendation to the City Council for the Fluter Subdivision Plat Amendment at 225 Woodside Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance, and as amended to add the condition that the larger of the two lots not be allowed to be built as a duplex. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 225 Woodside Avenue

1. The property is located at 225 Woodside Avenue within the Historic Residential (HR-1) District.
2. On December 18, 2013, the applicants submitted an application for a plat amendment to combine three and a half (3½) lots containing a total of 6,562.5 acres into two (2) lots of record.
3. The application was deemed complete on January 2, 2014.
4. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling and 3,750 square feet for a duplex.
5. The maximum footprint allowed in the HR-1 zone is 1,519 square feet for the proposed Lot 1 and 1,201 square feet for the proposed Lot 2 based on the lot areas of the two (2) lots.
6. The property has frontage on and access from Woodside Avenue.
7. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming.

8. The plat amendment secures public snow storage easements across the frontage of the lots.

Conclusions of Law – 225 Woodside Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat Amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 225 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The existing non-historic structure at 225 Woodside Ave. must be demolished before the plat amendment is recorded.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
4. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. Approvals to service the proposed two (2) lots from the utility companies are

required before plat recordation.

7. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Woodside Avenue and shall be shown on the plat.

8. The larger of the two (2) lots not be allowed to construct duplex.

**5. 115 Sampson Avenue Plat – Plat Amendment
(Application PL-13-02183)**

Planner Anya Grahn reported that the Planning Commission previously reviewed the plat amendment for 115 Sampson on October 9, 2013. At that time it was discovered that the Staff erroneously put it in the wrong zoning district. She was back this evening to discuss the plat amendment in the HRL, Historic Residential Low Density District.

Planner Grahn stated that the plat amendment contains several lots. It is all of lot 6 and portions of Lots 5, 7, 8 51, 52, 53, 54 and 55. An existing significant structure straddles Lots 6, 7, 53 and 54.

When the Planning Commission reviewed this plat amendment in October they also found that the owner had owned a contiguous lot, which raised some concerns. After further research the Staff found that the contiguous lot was located at 125 Norfolk Avenue. Planner Grahn stated that typically when there are contiguous lots, the LMC requires that both lots be included under the same subdivision. However, the Planning Director waived the requirement for this particular plat amendment. The Staff found that the lot has already been developed and the owner has no interest in further subdividing. The owner also understands that before they could obtain a building permit they would have to come to the Planning Department to talk about a plat amendment because interior lot lines run through the existing buildings on the site. If the owner was to redevelop the property, the Staff would have more control in reducing the lot size. The contiguous lot also contains multiple lots and it is a fairly large property. They would want it subdivided to keep more consistent with the size and scale of development in Old Town.

Planner Grahn asked if the Planning Commission would support waiving the requirement for the contiguous lot and only subdividing the 115 Sampson Avenue lot at this time. The Commissioners were comfortable waiving the requirement.

Planner Grahn noted that the house on 115 Sampson is a significant historic structure. There is currently a Notice and Order from the Building Department. The structure was mothballed several years ago and due to exposure to the elements it is in severe decline.

The Staff would like to move forward with the Historic District Design Review to preserve the house. Planner Grahn remarked that if the applicant is ever interested in putting on a small addition, it would have to go through the Steep Slope Conditional Use Permit and require Planning Commission review. Planner Grahn noted that the plat amendment would take care of any existing encroachment. A fence encroaches, per the survey, and there are also railroad ties. Approximately 35 square feet of Sampson Avenue is located on the property and there would be a street dedication for that portion. A ten-foot snow storage easement would also be along the entire west edge of the property. Due to its unusual lot configuration, the Planning Director had already reduced the setbacks to limit the size of the addition. Planner Grahn stated that the building pad has been reduced to approximately 3,330 square feet. There are three existing non-historic sheds on the property and if those were to be removed, the owner could add an addition as large as 1,658 square feet. If the sheds remain, the size would be reduced to 1,434 square feet.

Planner Grahn reported that the previous Planning Commission raised concerns about the parking. The applicant is currently parking on a raised, elevated parking pad off of Sampson Avenue, which is in the City right-of-way. They did not want to add additional constraints or demands to Sampson Avenue. Therefore, Planner Grahn recommended adding a condition of approval stating, "Any on-site parking shall be provided out of the Sampson Avenue right-of-way. At the time of the Steep Slope CUP the applicant can either reconstruct the existing parking pad completely within the property lines or remove it altogether and return it to landscaping."

Commissioner Campbell asked for clarification on the 35-foot street dedication at the corner. Planner Grahn explained that the property would be dedicated to the City because it is on a City street. Commissioner Campbell asked if it would remain part of the owner's lot or literally turned over to the City. Assistant City Attorney McLean replied that the City has a prescriptive easement on that portion of the property since it is part of Sampson Avenue, and the dedication memorializes the easement.

Chair Worel thanked Planner Grahn for adding the condition of approval because it captured the intent of the previous Planning Commission to avoid adding to the problems that already exist on Sampson.

Commissioner Phillips understood that the owner would have the ability to eventually eliminate the parking and re-vegetate it. He wanted to make sure that the owner would have somewhere to park. Planner Grahn stated that if the owner wanted to add a garage and a driveway, the condition would ensure that the entire section of the property would not end up being parking or paved area.

Chair Worel opened the public hearing.

Carol Sletta, a resident at 135 Sampson Avenue, referred to the “good cause” paragraph in the Staff report and read the last sentence, “The Plat Amendment will utilize best planning and design practices while preserving the character of the neighborhood, of Park City in furthering the health, safety and welfare of the Park City community.” Ms. Sletta did not believe the paragraph would be true if the project north of 115 Sampson is implemented. She commented on the prescriptive easement and noted that a variety of problems occur. Ms. Sletta encouraged the Planning Commission to look carefully at what was happening to this wonderful historic street. She hoped the Commissioners had walked the street and saw what Sampson Avenue looks like now. Road cuts were done after October 15th, which she understood was never done unless it was an emergency. The road cut was authorized by the City Engineer. Ms. Sletta was disappointed with the City’s lack of support for the neighborhoods, particularly in Old Town, and she urged the Commissioners to take a hard look at Sampson Avenue before they make any recommendations.

Chair Worel closed the public hearing.

Chair Worel remarked that Sampson Avenue had been a challenge for the previous Planning Commission and their primary concern was the ability to have access for emergency vehicles and for other vehicles to pass through. Parking on the street creates additional issues.

Board Member Campbell was unsure how the proposal as presented would negatively impact the current problems on Sampson. Chair Worel stated that she was more comfortable with the application with the added condition to keep them from parking on the street.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for 115 Sample Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance, with the additional condition of approval outlined by Staff. Preston Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 115 Sampson Avenue

1. The property is located at 115 Sampson Avenue within the Historic Residential Low-Density (HRL) Zoning District.

2. The applicants are requesting to combine portions of eight (8) Old Town lots into one Parcel. Currently, the property includes Old Town Lot 6, and portions of Lots 5, 7,8, 51, 52, 53, 54, 55 of Block 78 of the Park City survey.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.
4. The amended plat will create one new 7,692 square feet lot.
5. The existing historic home is listed as "Significant" on the Historic Sites Inventory (HSI) and has a footprint of 831.7 square feet.
6. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure.
7. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
8. Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time the mothballing of the house was permitted.
9. The severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.
10. A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. No Historic District Design Review (HDDR) application has yet been submitted.
11. The rear of the structure is the west elevation, facing Sampson Avenue. The façade faces east.
12. On September 16, 2013, the Planning Director made the determination to increase the required setbacks of the site to include a fifteen foot (15') front yard setback, ten foot (10') south side yard setback, fifteen foot (15') rear yard setback, and ten foot (10) north side yard setback.
13. On January 16, 2014, the Planning Director waived the requirement for the

applicants' to subdivide the contiguous properties at 125 Norfolk Avenue and 115 Sampson Avenue.

14. The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue. The total area for the street dedication will be approximately thirty-five (35) square feet.

15. The maximum building footprint allowed is 2,490 per the HR-L LMC requirements for a lot of this size. The current footprint of the historic structure is 831.7 square feet and the footprint of the three (3) shed accessory structures is approximately 224 square feet. This would allow a maximum footprint addition of approximately 1,434 square feet. The portion of the street dedication was considered in determining the allowed footprint, and approximately thirty-five (35) square feet was reduced from the overall lot size.

16. Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. The LMC's footprint formula reduces the allowed footprint as the lot size increases. The Planning Director has also increased the setbacks of the site, limiting the buildable area further.

17. Per LMC 15-2.1-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it does not comply with the required ten foot (10') north side yard setback along the north property line as it is only eight feet nine inches (8'9") from the property line.

18. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

19. The property at 115 Sampson Avenue is contiguous with the property at 125 Norfolk Avenue. 125 Norfolk Avenue is located directly to northeast of the 115 Sampson Avenue site.

20. The applicant submitted an application for a plat amendment on August 15, 2013.

21. The Planning Commission reviewed the application for a one (1) lot subdivision on October 9, 2013.

22. Staff learned that Silver Potato LLC owned the contiguous property at 125 Norfolk

Avenue on October 9, 2013.

23. Silver Potato LLC has directly expressed interest in not subdividing both lots at 115 Sampson Avenue at 125 Norfolk Avenue. The property at 125 Norfolk Avenue is already developed and the owner does not intend to redevelop this property at this time.

24. The parcel at 125 Norfolk Avenue is comprised of all of lots 8, 9, and 10; the south half of lot 11, and a portion of Lot 7 of Block 78 of the Millsite Reservation. There are existing structures on the 125 Norfolk Avenue metes and bounds parcel.

25. Silver Potato LLC purchased 125 Norfolk Avenue on August 8, 2005, and 115 Sampson Avenue on January 29, 2010.

Conclusions of Law – 115 Sampson Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 115 Sampson Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment and

historic preservation guarantee are recorded with the Summit County Recorder's office.

4. All new construction will require modified 13-D sprinklers as required by the Building Department.

5. One (1) 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Sampson Avenue.

6. The applicant shall dedicate the portion of Lots 51 and 52 that include Sampson Avenue to the City.

7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

8. Any on-site parking shall be provided out of the Sampson Avenue right-of-way. At the time of the Steep Slope CUP the applicant can either reconstruct the existing parking pad completely within the property lines or remove it altogether and return it to landscaping

**6. 820 Park Avenue – Conditional Use Permit for Mixed-use
(Application PL-13-01956)**

Planner Grahn reported that the Planning Commission previously reviewed this application on January 8, 2014. The applicant was requesting a conditional use permit for ten residential units in a multi-unit dwelling, an underground parking structure with 24 spaces, as well as the potential for commercial uses over 2,000 square feet, which means that it would be commercial retail and service minor. Planner Grahn noted that the applicant previously requested the use of a restaurant or a neighborhood convenience store; however that use was removed from the plan.

Planner Grahn remarked that a few minor changes to the design were noted in the Staff report. The applicant had removed one level of parking, reducing the number of parking stalls from 42 to 24. Also, the historic space was divided into possible tenant spaces and connected to the Rio Grande Building.

Planner Grahn stated that at the last meeting the Planning Commission was very supportive of this project. The Staff finds that the physical design and compatibility relates well to the mass and scale and the architecture and design of the neighboring buildings. Planner Grahn pointed out that the development would run parallel to the length of the Lift Lodge to address the concerns expressed by the neighbors regarding blocked views and

windows. The applicant, Rory Murphy, has worked closely with the neighbors to mitigate the impact of the new building as much as possible.

Planner Grahn noted that the applicant was also requesting height exceptions that are permitted by the LMC. One includes a Planning Director exception that allows for architectural features that extend up to 50% above the zone heights, as long as it does not include habitable space. In this case the monitor at the very top of the building would include a hall, which is not considered habitable space per the LMC. Other exceptions include gables, pitched roofs that extend five-feet above the zone height, enclosures or screening of the mechanical equipment also five-feet above the building height, and an elevator 8-feet above the zone height.

Planner Grahn asked whether the Planning Commission agreed with the Staff's analysis for granting the exceptions. Commissioner Joyce asked if the additional height blocks any view that would not have otherwise been blocked. Planner Grahn believed there were other condominiums along that level; however, the gable was clipped on one side to create more space between the buildings.

The project architect stated that the extension did not block additional views because the views in the middle of the Lift Lodge would be blocked regardless, and the views on the top level would look over the proposed development.

At the request of Commissioner Gross, Planner Grahn used the drawings to explain the five-foot gable extension that the Planning Director has the purview to grant an exception for the height. She also pointed out the 8-foot elevator extension. Commissioner Gross clarified that the elevator unit was screened rather than exposed. He was told that this was correct.

Mr. Murphy explained how they tried to capture some of the elements of the Coalition Building that burned down in 1981.

Chair Worel appreciated that the developers had provided a traffic study. She referred to page 135 of the Staff report which stated that there is no public parking on the existing site and; therefore, was no need for the replacement of the public parking. Mr. Murphy clarified that it is a private parking lot and not owned by the City. Therefore, it is not officially public parking. He noted that the Sweeney development has dedicated public parking but it would not fall under that category. He was asked by the City Attorney Matt Cassel to make the distinction that it is a private piece of ground that has been used for public parking.

Planner Grahn pointed out that the project would provide 15 parking spaces for the residential units and the applicant understands that any additional uses in the building would have to conform to the parking requirements for the nine remaining stalls available.

Chair Worel opened the public hearing.

Ruth Meintsma, 305 Woodside Avenue, stated that she had looked over the project with a lot of scrutiny and she approached Rory Murphy with her ideas and suggestions. It was well received. Ms. Meintsma commented on the roofline architecture and the exception. She thought the height exception was an important architectural feature because it brings in the concept of the Coalition and recreates that element. Ms. Meintsma believed the new manifestation of the roofline showed how Mr. Murphy had moved it west to accommodate the residences behind and the concerns about views. Ms. Meintsma identified in red where the roofline was clipped out to accommodate the views. In the visuals below, she thought the clip diminishes the symmetry that the Coalition Building gives. She noted that the same symmetry and feeling were created in both the Town Lift projects and the Marriott. Ms. Meintsma understood the reason for the clip, but she thought it was unfortunate that the community as a whole loses out on that feeling for the sake of a small group of residences behind. She believed the symmetry was important, particularly sitting behind the Rio Grande.

Ms. Meintsma recalled that in the initial Staff report there was discussion about the convenience store, and that was taken off the table due to neighbor concerns regarding traffic impacts. She was unsure whether a convenience store would work for this project, but because it was mentioned at the last meeting she thought it would be beneficial to have an open discussion, particularly since the issue was raised in Community Visioning and now in the General Plan about services for locals that avoid Main Street. Ms. Meintsma had drafted a map of Old Town from the General Plan, and indicated 820 Park Avenue and the surrounding bus stops in the area to show that it was a significant hub. She noted that the City has repeatedly talked about the City sanctioning the possibility of a convenience store, and how Mr. Murphy had coined the phrase "affordable commercial." When the idea went to the Planning Department, the Staff came up with the same term. When she asked how it would manifest, Director Eddington said that one example would for the City to rent at market value from a project, and then rent to someone who would create a convenient store at a much lower rent. Ms. Meintsma believed the hub she identified would be an ideal possibility for a convenience store, if not now then in the future, without needing extra parking.

Chair Worel closed the public hearing.

Commissioner Joyce noted that the plan had been revised to physically attach the Rio Grande into the larger building. He asked why the change was made. Mr. Murphy stated that the building always had an attachment. He originally understood that there could only be one building on one lot, and for that reason they attached it to the new structure. Commissioner Joyce asked the Staff if it was better from a historic standpoint to attach a historic building to a new building rather than allow separation.

Planner Grahn replied that it depends on the design. In some cases it is better to keep buildings separated. She believed it was worth looking at. In the original plan the historic building and the new development were so close in proximity that the roofs worked off of each other to provide screening for anyone walking through the open space. If they intend to shield it from the weather, she thought it might be easier to put a roof on it. Planner Grahn clarified that nothing had been decided and it was something they were still exploring. She clarified that the intent is to make sure they honor the historic and not detract from it.

Commissioner Joyce asked if the review Board had any issues with the design. Planner Grahn stated that the Historic Preservation Board did not review this project because they are also an appeal body. Mr. Murphy remarked that the project was still in the HDDR process and they were still working out the details. In conversations with the neighbors, there have been good suggestions that he would like to incorporate if possible. Mr. Murphy clarified that he was not opposed to separating the historic icon from the rest of the building, and it was being discussed with the HDDR review.

Commissioner Gross understood not wanting to have a deli or café due to parking issues, but he was unsure why the developers would limit themselves from a private convenience store. He was told that the deli/café was still part of the plan. The full restaurant was removed due to space issues and parking requirements.

Commissioner Gross asked if there were any variations in parking requirements between a real estate office or other intensive office uses, versus the rest of the commercial aspects of the project. Planner Grahn replied that the real estate office would be considered an office intensive use and the requirement would be 5 spaces per 1,000 square feet, unless the use is located in the Rio Grande structure. Historic structures are exempt from parking requirements. She believed a café or deli use would be 3 spaces per 1,000 square feet. She was unsure about the requirement for commercial use.

Commissioner Gross thought Ms. Meintsma made a good point with respect to the north elevation. He asked if there was another alternative. He suggested that using more transparent materials might be a way to accomplish the feel Ms. Meintsma had talked about. Mr. Murphy favored that idea of working with different materials, as well as Ms.

Meintsma's suggestion about the roofline; and he would consult with the project architect. He noted that they were still working on the north elevation to minimize the disruption to the neighbors.

Commissioner Joyce read from page 108 of the Staff report, the development would primarily face Park Avenue with a secondary façade along 9th Street. The bulk and mass of the two-story parking structure...". He assumed that was an error and should read a one-story parking structure. Planner Grahn replied that it was an error.

Commissioner Phillips commented on the symmetry of the roof where the corner had been clipped. He suggested that they also look at clipping the west gable to create some symmetry. Mr. Murphy agreed.

Commissioner Joyce noted that the neighbors had concerns regarding snow removal in the alley between the buildings. He was told that it would be heat snow melted with a drain into the parking structure. Mr. Murphy stated that the neighbors have had seepage along the wall and there is a new product that penetrates the cement and acts as a water barrier on existing cracks. They have already agreed to fix the wall for the neighbors.

MOTION: Commissioner Joyce moved to APPROVE the three conditional use permits for mixed use at 820 Park Avenue: (1) commercial use in the zone if gross floor area is more than 2,000 sf; (2) multi-unit dwelling; and, (3) parking areas with five or more spaces, in according with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 820 Park Avenue

1. The applicant submitted a Conditional Use Permit (CUP) on June 19, 2013. The application was deemed complete on November 26, 2013. The CUP application requests Planning Commission approval for a multi-unit dwelling of ten (10) units; commercial retail and service, minor; outdoor dining; café or deli; office (intensive); and a parking structure of twenty-four (24) spaces.
2. This proposal is for a mixed use building consisting of ten (10) condominium units averaging 1,498 square feet in area. There will also be 4,117 square feet of storefront space which may include commercial retail and service, minor; cafe or deli; and office (intensive). Also included is 545 square feet of commercial support space; 8,256 square feet of underground parking; and 4,080 square feet of common area (hallways, stairs, elevators, etc.). The use of outdoor dining is also included as

part of this Conditional Use Permit (CUP). The total square footage of the building as a whole is 34,148 (including underground parking and the historic Rio Grande).

3. The site is located at 820 Park Avenue and is .33 acres (approximately 14,375 square feet). The site is located in the Historic Recreation Commercial (HRC) District.

4. There is an existing historic structure located on the site. The Rio Grande Building has been identified as "significant" on the City's Historic Sites Inventory (HSI).

5. LMC 15-2.5-3(G)(1) states that the maximum Floor Area Ratio (FAR) for non-residential structures built after October 1, 1985 and located east of Park Avenue is 1.0. The applicant is proposing an FAR of 0.31 for the non-residential uses.

6. The property is adjacent to the Lift Lodge condominiums to the east, the Town Lift to the south, one (1) to three (3) story residential units on the west side of Park Avenue, and the UP&L Park directly to the north. Also north of the development are the Park Station Condominiums and the Summit Watch development.

7. The first floor of the development will contain two (2) residential condominium units as well as commercial retail and service, minor; Café or deli; outdoor dining; and office (intensive).

8. A total of ten (10) residential condominium units are proposed on the first, second, and third levels.

9. The applicant submitted a Historic District Design Review (HDDR) application on June 19, 2013. The application was deemed complete on October 17, 2013.

10. The Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the historic Rio Grande Building on October 9, 2013. The applicant submitted an appeal to this determination on October 18, 2013, and the Historic Preservation Board (HPB) granted the appeal and reversed staff's determination on November 13, 2013.

11. The proposed development will feature a shared party-wall with the Town Lift Condominiums along the south elevation. Land Management Code (LMC) 15-2.5-3(E) states that a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a building joined at the side lot line

may not exceed 100 feet, and the applicant is proposing a common wall of approximately twenty feet (20').

12. Indirect access from the Rio Grande development to the Town Lift Plaza will be provided on the fourth floor of the Rio Grande development and through the Town Lift Condominiums.

13. The development of this site and increased commercial retail use in the neighborhood will result in additional traffic and parking demands. The applicant is proposing to construct one (1) level of underground parking containing twenty-four (24) parking spaces. Vehicular ingress and egress to the site's underground parking is located off 9th Street. Ingress and egress to the commercial spaces is located on the ground level, facing Park Avenue. Elevator and stair access is provided to the residential condos, connecting them to the lower levels and including the parking garages.

14. Office (intensive) is a conditional use within the HRC District. This use is prohibited in storefronts adjacent to the Park Avenue right-of-way, but excludes those HRC zoned areas north of 8th Street. The 820 Park Avenue property is located north of 8th Street and on the south side of 9th Street.

15. The building mass, bulk, orientation and the location of the site, including orientation to adjacent building or lots is compatible with the neighborhood. The new construction will wrap the historic building, providing interior plaza spaces along the south and east sides of the historic building. The applicant is proposing a modern interpretation of mining era structures. The height and density of the development is similar in scale to the Town Lift Condominiums and is compatible with the scale of the Town Lift Condominiums.

16. The LMC does not stipulate the amount of open space required for developments in the HRC. The applicant is proposing to provide a hard-scaped interior plaza that will contain approximately 3,769 square feet or twenty-six percent (26%).

17. The physical design of the structure is compatible with surrounding structures in mass, scale, and style. The height and density of the development is similar in scale to the Lift Lodge and Town Lift Condominiums. The style of development is also congruent with the existing historic Rio Grande freight shed and the surrounding modern mining design of the adjacent structures.

18. Per Land Management Code (LMC) 15-2.5-5(A), gable pitch roofs may extend up to five feet (5') above the zone height for roof pitches 4:12 or greater; enclosed or

screened mechanical equipment may extend five feet (5') above the height of the building; and an elevator penthouse may extend eight feet (8') above zone height.

19. The Planning Director has granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48'). This architectural feature does not include habitable space.

20. The site is owned by 820 Park Avenue, LLC, a Utah limited liability company. 820 Park Avenue, LLC will retain ownership of the site and management of the new development, including tenant leases.

21. 820 Park Avenue, LLC and Park City Municipal Corporation are entering into a real estate purchase contract for the city-owned parcel, SA-398-X, located along 9th Street.

22. The development is not located within the sensitive lands overlay.

23. The proposed uses will fit in with surrounding uses. As previously noted, this site is an infill site surrounded by the Lift Lodge and Town Lift Condominiums. Both of these mixed-use developments provide commercial retail, restaurant, and multi-unit residential uses.

24. The Rio Grande project will provide resort-oriented commercial and retail to the existing Main Street core as well as additional housing to the existing bed-base in the Main Street area.

25. The proposed use is consistent with the current zoning district and with the General Plan. As stipulated by the General Plan, this development seeks to protect the historic character of Park City while providing resort-based development.

26. The proposed uses are similar and compatible with other uses in the same area. The proposed use of the site is identical to those of the Lift Lodge Condominiums and Town Lift Plaza.

27. The proposed uses are suitable for the proposed site.

28. The development does not propose to emit noise, glare, dust, pollutants, or odor.

29. The hours of operation for the commercial development will be consistent with the current Main Street activities and regulations. The number of employees at any

given time is expected to be between six (6) and twelve (12), depending on the season and type of commercial use.

Conclusions of Law – 820 Park Avenue

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

Conditions of Approval – 820 Park Avenue

1. All standard conditions of approval shall apply.
2. All exterior signs require a separate sign permit. Application for a Master Sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
3. All exterior lights must conform to the City lighting ordinance and included in the Historic District Design Review. Exterior lighting shall be subdued and directed downwards. Security lighting shall be minimal and be approved by Planning Staff prior to issuance of a certificate of occupancy.
4. Any noise, vibration, odors, steam, or other mechanical factors will be located on the rooftop of the new structure and will be screened and shielded to mitigate any adverse effects on people and property off-site.
5. All mechanical equipment, vents, and exhaust fans shall be enclosed and screened from public view. If screening and enclosing is not possible, mechanical equipment, vents, and fans shall be painted to match the surrounding wall colors. Roof mounted equipment and vents, if visible to the public, shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
6. Service and deliveries shall occur along Park Avenue and 9th Street, including

emergency Access as required by the Building Code. Waste management, however, may be limited to 9th Street.

7. All future commercial retail uses of this development must meet the Parking Requirements for Specific Land Use Categories, as outlined by LMC 15-3-6.

8. A minimum of three (3) bicycle spaces shall be provided on site. Medium-security bicycle racks must be of solid construction; resistant to rust, corrosion, hammers, and saws; and must allow both the bicycle frame and wheel to be locked by the user. Bicycle storage must be compatible with the surrounding building and street furniture as well as be located in a convenient, highly visible, active well-lit area that does not interfere with pedestrian movement or snow storage. Final bicycle parking areas shall be identified on the final approved plans.

9. All utility impact fees shall be calculated prior to issuance of a building permit.

10. Office (intensive) use shall be limited to no more than 1,000 gross floor area on the storefront level.

11. The Planning Department shall approve the development of the site through the Historic District Design Review (HDDR) process.

12. No building permit shall be issued prior to the final plat being recorded with the Summit County Recorder's Office.

13. A condominium plat shall be recorded prior to the sale of any residential or commercial condominiums in this development.

14. All emergency access doors shall be inspected for compliance with the IBC and shall be equipped with proper equipment and alarms to be able to be used only in emergency situations. Side and rear doors providing access to mechanical equipment, trash enclosures, and other services may be used by employees only when servicing the building.

15. Prior to issuance of a Certificate of Occupancy for use of the subject space an occupancy load plan shall be submitted by a qualified professional with final certification of this occupancy to be determined by the Chief Building Official. All building code required ingress and egress conditions for safe internal circulation for the entire building shall be addressed prior to final certification of occupancy for the subject space.

16. The CUP approval shall expire one (1) year from the date of Planning Commission approval of the Conditional Use Permit (CUP), unless a Building Permit is issued for this project prior to the expiration date, or a request for an extension is provided to the City in writing prior to expiration and the request is granted by the Planning Department.

17. No building permits for new construction shall be issued until the HDDR is approved and a historic preservation guarantee is provided to the City.

18. Any significant modifications of the use of this building will require Planning Commission approval.

19. Vehicular access shall only be from 9th street. No vehicular access shall be from Park Avenue.

20. Any outdoor dining must not occur after 10pm. Furthermore, there shall be no music or noise in excess of the City Noise Ordinance.

**7. Park City Heights Phase 1 – Subdivision
(Application PL-13-02189)**

Planner Kirsten Whetstone reviewed the request for approval of a final subdivision plat for the first phase of the Park City Heights Master Planned Development per the previously approved preliminary plat.

Planner Whetstone handed out three 11"x 17" sheets. The top sheet was the preliminary plat that was approved and recently amended by the Planning Commission in November. The other two were the details of the subdivision plat.

Planner Whetstone reported that the 239 acre parcel was approved for 239 units in the Community Transition (CT) zone. It is a residential project. The first phase consists of 103 lots. The 28 townhouse units, known as Park Homes in the MPD, are to be constructed for the IHC as part of obligation for affordable housing. These units were transferred from the hospital site to the Park City Heights site. The 5-acre parcel by the hospital was now an open space parcel. In addition to the townhomes, 35 lots at the north end, known as Small Lot Park Homes, are considered to be attainable affordable housing. Phase 1 also includes 40 additional lots for a mix of cottage homes and homestead lots. The plat also includes the approximately 5-acres public park parcel that was dedicated to the City. The applicants would maintain the park. Planner Whetstone remarked that a clubhouse parcel and open space parcels would be HOA owned and maintained. She identified a future support commercial parcel and the soils repository.

The Staff had reviewed the application and found that the lots, parcels and the street layouts were consistent with the amended Park City Heights Master Planned Development and the preliminary subdivision plat.

Planner Whetstone noted that page 174 of the Staff report contained a chart of the LMC review for the CT zone regarding the height limitations, unit equivalents, lot sizes and setbacks. Planner Whetstone provided a brief description of the general subdivision requirements on pages 175-178 of the Staff report.

The Staff found good cause for this subdivision in that it creates legal lots and parcels of record from a metes and bounds parcels; it memorializes and expands utility easements and provides for new utility easements; and provides open space and provides the ability to begin development on the approved MPD.

Planner Whetstone noted that the draft ordinance on page 181 of the Staff report outlined the findings of fact, conclusions or law and conditions of approval. She pointed out that the Staff highlighted the conditions specific to the plat; however, all the conditions of the annexation agreement, the development agreed and the preliminary plat continue to apply.

Planner Whetstone introduced Brad Mackey with Ivory Development and Spencer White, the applicant's representative. Mr. Mackey thanked Planner Whetstone for all her hard work and effort in filtering through the documents to make sure everything coincides. He looked forward to having this project finally move toward construction. He also thanked the Planning Commission and others involved for their time and effort in moving the project.

Mr. White recognized that many of the Commissioners were new and he offered to answer any questions they might have. He noted that it has been a nine year process and there was a lot of information; however, he believed Planner Whetstone had covered it all in her presentation.

Commissioner Gross had a question regarding traffic as it relates to the intersection of Richardson Flat and the Highway. He had heard that a light would be installed at some point, and he was concerned about traffic and what could happen once people start living there. Mr. Mackey stated that he met with UDOT approximately 6 months ago when they started construction on the intersection. He had coordinated with them on the locations for conduit so UDOT could run the necessary wiring for traffic signalization. UDOT established the semi-four locations, and there is a plan to put a light up whenever it becomes necessary. Mr. White clarified that the timing for putting up the light is based on a specific traffic count.

Commissioner Gross wanted to know who would pay for the light. Mr. White stated that the developer pays a portion. In the City Council meeting last week an agreement was in place to waive a portion of the cost. The City will participate in some of the cost but Mr. White was unsure of the specific details.

Chair Worel wanted to know how far the project needed to be built out before a bus would run a regular schedule. Mr. White hoped it would occur sooner rather than later, but they would have to work with the City. The developer always intended for it to happen rather quickly. Mr. Mackey stated that the drop off zones and turnaround lanes would be built with the first phase.

Commissioner Gross asked someone to point out the location of the bus turn off on the second sheet of the handout. Mr. Mackey stated that it would not show on the plat because it is on the right-of-way of Richardson Flat Road. He noted that it would be directly behind and to the north of lots five and six on Richardson Flat Road. The route is meant to loop through the existing park and ride lot and then come back to allow for drop off going out and pick up coming back.

Commissioner Joyce asked how the constraints of the CT zone affect the MPD and what was required. Planner Whetstone stated that because it was an annexation, additional restraints beyond the zoning were placed by the Annexation Agreement. The Master Plan Development had to be consistent with the Annexation Agreement. Planner Whetstone noted that the Development Agreement needed to be amended to be consistent with the amended preliminary plat. Planner Whetstone pointed out that conditions have been amended based on timing and events that had already occurred, as well as a change in ownership. The Development Agreement would come to the Planning Commission to be amended, and she believed that would help answer some of their questions.

Mr. White stated that some of the bigger items related to the CT zone was that 70% of the project site had to remain open space. The CT zone had a one to one density maximum. Therefore, the site was 239 acres and the density was capped at 239 total units, which included the 28 units that were transferred from IHC. Frontage protection zones were also addressed with the CT zone. Mr. White pointed out that these and other major issues had to be met as part of being in the CT zone. Planner Whetstone remarked that a lot of visual analysis was done with the MPD.

Commissioner Phillips asked about the plan for construction traffic. He was concerned about safety. Mr. White stated that his question was discussed during the MPD process. He noted that there would be on-site construction recycling to reduce the amount of traffic on the site. Construction trucks would be kept on the site. There is a repository on-site which would eliminate truck traffic from dumping the material off-site. Mr. White

acknowledged that there would still be construction traffic once they start building the homes.

Commissioner Phillips suggested that they encourage larger vehicles and deliveries to come through the back route. Mr. Mackey pointed out that the larger trucks delivering gravel, lumber and siding would have to come from that direction.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Park City Heights Subdivision, Phase 1 pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Park City Heights Subdivision – Phase 1

1. The property is located on Richardson Flat Road east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD.
5. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 Subdivision Plat.
6. On January 24, 2013 the City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.

7. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to mine soils mitigation.
8. On December 28, 2013, the City Planning Department received an application for a revised first phase subdivision plat for the Park City Heights MPD. The application was deemed complete on January 7, 2014 with receipt of additional information.
9. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.
10. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. Off-site utility work may be located within the Park City Soils Ordinance boundary.
11. The proposed subdivision plat creates lots of record for 28 townhouse units "Park Homes" to be constructed for the IHC Master Planned Development as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes lots of record for 35 "small lot Park Homes" and 40 lots for a mix of "Cottage homes" and "Homestead homes", a City Park parcel to be dedicated to the City, HOA clubhouse parcel, open space parcels, a future support commercial parcel, and dedication of first phase streets, utility, snow storage, drainage and trail easements.
12. The townhome "Park Home" lots range in area from 1,902 sf to 2,265 sf. The "small lot Park Home" lots range in area from 3,234 sf to 4,788 sf. The "Cottage" and "Homestead" lots of this phase range in area from 4,721 sf to 12,229 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD and Design Guidelines.
13. No non-conforming conditions are created by the subdivision.
14. An existing 50' wide power line easement for PacifiCorp traverses parcels A, C and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
15. The property is accessed from Richardson Flat Road, a public county road.
16. Access to all lots and parcels within the proposed subdivision is from local public

drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets are public streets.

17. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.

18. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.

19. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).

20. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates easements and public streets; provides for future support commercial parcel; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and amended Master Planned Development.

21. The findings in the Analysis section are incorporated herein

Conclusions of Law – Park City Heights Subdivision – Phase 1

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as amended and conditioned.
4. The subdivision is consistent with the amended Park City Heights preliminary plat approved by the Planning Commission on November 6, 2013.

5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City

Conditions of Approval – Park City Heights Subdivision – Phase 1

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply, and shall be noted on the plat.
4. Conditions of approval of the Park City Heights MPD and preliminary plat, as amended and approved by the Planning Commission on November 6, 2013, continue to apply, and shall be noted on the plat.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued. All survey documentation as required by the LMC is required to be completed prior to acceptance of public improvements. This shall be noted on the plat.
7. The City Park parcel (Parcel A) shall be dedicated to the City for a public park upon recordation of the plat. The exact location of trails within the Park and open space parcels will be provided with the City Park design plans to be submitted to the City's Parks Board for review and approval prior to construction of the park and trails.

8. Open Space parcels shall be deed restricted as open space, non-development parcels to be owned and maintained by the Homeowner's Association and shall include blanket utility, drainage, snow storage, and public trails easements, unless specific easements are provided as required by utilities and service providers. Public trails within the open space parcels shall be constructed in type and location consistent with the MPD site plan and trail plan. Final constructed trails are agreed, by the recording of the plat, to be within ten (10') foot public trail easements.

9. Parcel H, the soil repository shall not be dedicated to the City, and shall be used as a soil repository, subject to all conditions of the Voluntary Clean-up plan approved by the State. The soil repository shall not be utilized for snow storage. Storm water detention areas to the west of the designed repository shall be allowed to be utilized for snow storage as well as for storm water. Parcel H shall be owned and maintained by the HOA and will be subject to all conditions of the Voluntary Clean-up plan.

10. Prior to commencing any work to remediate metals impacted soils, a copy of the Utah Department of Environmental Quality approved remediation plan, prepared as part of the Utah Voluntary Clean-Up Program (VCP), shall be provided to the City.

11. The results and report of the soils investigation work prepared by IHI Environmental on May 6, 2013 that identifies and locates historic mine soils, and the remediation plan submitted to and approved by the State Department of Environmental Quality as part of the Voluntary Cleanup Program, shall be provided to the Building Department prior to issuance of any building permits for development of streets, utilities, lots, trails, parks, and all construction that requires disturbance of soil.

12. The applicants stipulate to a condition that a disclosure regarding the developer's participation in the Voluntary Clean-up Program and receipt of certificate of completion shall be included in the CCRs.

13. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval. This shall be noted on the plat.

14. A landscape and irrigation plan shall be submitted for City review and approval for

each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the amended MPD conditions of approval. This shall be noted on the plat.

15. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy. This shall be noted on the plat.

16. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved by the City Engineer prior to permit issuance. This shall be noted on the plat.

17. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance. This shall be noted on the plat.

18. Confirmation of street names shall be provided by the local postmaster and City Engineer prior to plat recordation.

19. A note shall be added to the plat stating that all units (including all deed restricted units) shall be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

20. In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score. This shall be noted on the plat.

21. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with Green Building requirements as

required by the amended Master Planned Development and Annexation Agreement, and shall be noted on the plat.

22. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance and noted on the plat.

23. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval and noted on the plat.

24. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC and MPD conditions of approvals, for the value of all public improvements shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

25. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.

26. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the Public Park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the plat.

27. Fire protection and emergency access plan shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the Wild land interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.

**8. 1450/1460 Park Avenue – Conditional Use Permit
(Application PL-13-01831)**

Planner Grahn reported that Planner Astorga was the project architect; however, he was unable to attend this evening and she would be presenting the application.

Chair Worel noted that the Planning Commission had reviewed this item on previous occasions, but she recalled that it was referred to as the Retreat at Park. She asked if the name had been changed. Craig Elliott, representing the applicant, replied that at one point the subdivision plat was referred to as the Retreat at Park, but it was never the official title of the project.

Planner Grahn reviewed the request for a conditional use permit for a multi-unit dwelling. The project proposes one unit in each of the two historic structures at the front of the lot facing Park Avenue, and eight units within the multi-unit dwelling. Six of the units would be sold at or below 80% average medium income (AMI), one unit would be sold at an attainable level, which is 120% AMI, and the other three unit would be sold at market rate.

The Planning Commission reviewed the project during work sessions on May 8th and June 26th, 2013. In September 2013 the Planning Commission and the City Council amended the LMC in the HRM District to accommodate this project with regards to the open space requirement for a multi-unit dwelling, setbacks for historic structures, and the Sullivan Road access in regards to the affordable housing apartments.

The Staff had analyzed the conditional use permit criteria and found compliance with the majority of the criteria.

In terms of parking at the back of the lot, the applicant was proposing six garage parking spaces that would be accessible from Sullivan Road. Two parking spaces would be adjacent to the garages. Two existing parking spaces would remain along Park Avenue. Planner Grahn stated that the Planning Department finds that this area should not be considered a parking area as defined by the LMC, since it is actually six driveways and two parking spaces. She reported that the City Engineer did not agree with the Staff's analysis. Because the City Engineer defines it as a parking area, he finds that it does not comply with the Code in terms of limited access along Sullivan Road and the visual screening between parking areas. Since the City Engineer has not approved any deviations regarding the driveway width, screening or separation between driveways, the Staff requested input from the Planning Commission on whether or not it should be defined as a parking area or whether an alternative scheme should be considered.

Commissioner Joyce stated that given the narrow spaces between the three driveways and the fact that the two on the sides were connected, it was difficult not to see it as a parking lot of eight cars versus three nicely separated driveways. He pointed out that the width restriction between the driveways was already narrower than normal.

Commissioner Gross recalled a discussion in the Staff report about additional curb cuts and he asked where those were proposed.

Craig Elliott stated that they were using the existing curb cuts on Park Avenue for the driveways. Mr. Elliott offered background on the context of the driveways along Sullivan Road. This was discussed at length in March; however, nothing in the Staff report shows it. He explained how it was approached and why they put the parking as three driveways.

Chair Worel asked if this was only property on Sullivan Road that was under the current Code. Planning Manager Sintz answered yes.

Commissioner Gross recalled discussions about utilities subject to Building Department approval and the start of construction, but not to impede pedestrian visibility on both the Sullivan Road side and Park Avenue. Mr. Elliott stated that currently the power on Sullivan Road is fed on overhead poles. There is a pole on the southeast corner of the site. He assumed they would be pulling power from that transformer and the lines would be underground from that point. The rest would depend on the utility providers request for servicing. Mr. Elliott noted that there were many locations along the building faces to place meters. In terms of power, the one he mentioned was the only one he knew for sure was on the property. Everything else would be connecting to the street.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Planner Grahn asked if the Commissioners were interested in discussing other parking schemes.

Chair Worel was concerned that the City Engineer had a different opinion of the parking. She would be more comfortable if the applicant and the City Engineer could work together to find a compromise. Mr. Elliott stated that several months ago he tried to schedule a meeting with the City Engineer, but he had not had time to contact him again or to walk the site with the City Engineer. Mr. Elliott explained why he thought the Planning Department was willing to accept it as driveways. The project is not required to do tandem parking and

all of the driveways are single loaded requirements for the parking counts. Commissioner Gross clarified that people could tandem park. Mr. Elliott replied that they could, but it is not required. Mr. Elliott noted that previously their submittal required tandem parking, which was not allowed in the zone. When that changed the requirement for the parking changed.

Chair Worel reiterated her suggestion that Mr. Elliott meet with the City Engineer to see if a compromise was possible; particularly since he disagrees with Planning Department on the proposed plan. Mr. Elliott was willing to work with the City Engineer.

Planning Manager Sintz suggested adding a condition of approval stating, "Driveway layouts and parking configurations must be approved by the City Engineer prior to Building Permit submittals." The Commissioners were comfortable with the added condition as stated.

Commissioner Joyce stated that since the entire back of the lock was taken up with the driveways and the wing spots, he asked if the project had a solution for trash removal. Mr. Elliott indicated covered storage sections on the south and the north side and bins for recycling and trash would be located in those areas.

MOTION: Commissioner Gross moved to APPROVE the conditional use permit for 1450-1460 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report and amended to include the condition of approval read by Planning Manager Sintz. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1450/1460 CUP

1. The site is located at 1450 / 1460 Park Avenue.
2. The site is located in the HRM District.
3. The two sites are listed on Park City Historic Sites Inventory as Significant sites.
4. The proposed project consists of ten (10) residential units including eight (8) units within the proposed multi-unit dwelling and one (1) unit in each of the two (2) existing historic structures facing Park Avenue.
5. The proposed multi-unit dwelling is sited behind the two (2) existing historic structures.

6. The proposal requires a conditional use permit (CUP) as the LMC lists a Multi-dwelling Unit as a conditional use in the HRM District.
7. The LMC also indicates that for new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback upon approval of a CUP.
8. This project is consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.
9. The Applicant does not alter the Historic Structures to minimize the residential character of the Building.
10. Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
11. The New Building is scale and compatible with existing Historic Buildings in the site and neighborhood and the larger building mass is located to rear of the historic structure to minimize the perceived mass from Park Avenue.
12. The yards are designed and to be maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged
13. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.
14. The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance.
15. The current plans call for concrete parking areas/driveways.
16. The applicant intends to provide six (6) garage parking spaces at the rear of the property, facing Sullivan Road. An additional two (2) parking spaces are requested adjacent to the driveways leading to the garages. The two (2) existing Park Avenue parking spaces are to remain.
17. The layout towards the rear of the site does not contain a parking area of 5 or

more parking spaces due to the fact that as shown below, there are six (6) driveways and two (2) parking spaces.

18. The proposed rear parking layout design intends to have (from north to south) a 7' landscaped area, a 9' parking space, an 18' double driveway, a 7.5' landscape area, an 18' double driveway, a 9' parking space, and a 6' landscaped area.

19. The site contains approximately 1,541 square feet of total hard-surfaced areas. The 425 square feet of interior landscaped areas equates to 27.8% of readily accessible snow storage.

20. The six (6) interior parking spaces measure ten feet (10') by twenty-five (25').

21. The four (4) exterior parking spaces measure nine feet (9') by eighteen feet (18').

22. The applicant shall work with the Building Department towards ADA parking space width requirements.

23. The existing parking layout requires that two (2) vehicles back up onto Park Avenue. The applicant requests to keep these two (2) parking spaces.

24. The proposed parking layout towards the rear of the site has access to Sullivan Road which then takes the vehicles to either Park Avenue or Deer Valley Drive. Sullivan Road is not considered by the City, including the City Engineer a public street. It's considered an internal road for City Park and also an area to accommodate parking for the park. The Sullivan Road City Park parking is also designed to back onto Sullivan Road.

25. Along Sullivan Road the three (3) driveway widths range from 18' to 27'.

26. The applicant does not request to provide five or more parking spaces. As they designed the parking off Sullivan Road to have six (6) garages and two (2) parking spaces next to the driveways leading to the garages.

27. The LMC requires a minimum of ten (10) parking spaces.

28. The applicant does not request a parking reduction.

29. New construction of Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces,

whichever is greater, for the temporary storage of bicycles.

30. Staff recommends that the applicant provides at least three (3) bicycle parking spaces.

31. The existing site is 18,294.438 square feet (0.42 acres). The proposal consists of ten (10) units, including the two (2) historic structures, which require a minimum lot area of 11,625 square feet.

32. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.

33. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road.

34. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.

35. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.

36. The applicant requests that most of the direct access to the site come from Sullivan Road. There are two (2) existing parking spaces off Park Avenue that the applicant requests to keep on site.

37. The landscape plan calls for four (4) trees along each landscaping area adjacent to Sullivan Road which helps breaking up the three (3) driveways on this Road. Staff recommends that these four (4) trees to have a four inch (4") diameter breast height (DBH) caliper.

38. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

39. The proposed use does not provide noise, vibration, odors, steam, or other

mechanical factors that are not already associated within the HRM District.

40. Trash storage and recycling pick areas have been identified within the two (2) hallways extending from the courtyards toward the parking area off Sullivan Road.

41. Expected ownership of the entire project is anticipated as a single entity (the Green Park Cohousing LLC) until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.

42. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

43. The Front Yard for any Multi-Unit Dwelling is twenty (20') feet.

44. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line.

45. The proposed front yard setback off Park Avenue is twenty feet (20').

46. The proposed front yard setback off Sullivan Road is twenty feet for the lower and garage level. The proposed front yard setback off Sullivan Road is fourteen feet (14') for the building at the second and third levels.

47. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback location standards for additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory:

- a) The project complies with the CUP criteria outlined as indicated on section III of this staff report.
- b) The mass and scale of the new multi-unit dwelling reflects the smaller proportions of the massing seen on the two (2) historic structures, and much of the bulk has been mitigated by further separating the historic structures from the new development. The proposed use of materials on the new structure as well as the human scale of the window and door openings mimic those of the historic structures and create a more cohesive design.
- c) The proposed building complies with all other provisions of LMC Chapter 15-2.4 HRM District.

d) The project shall comply with applicable International Building and Fire Codes.

48. The Side Yard for any Multi-Unit Dwelling is ten feet (10').

49. The proposed multi-unit dwelling meets the minimum side yard setbacks of ten feet (10').

50. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

51. The site consists of 52.9% open space.

52. The applicant will have a minimum of six (6) units being sold at or below affordable levels (80% of AMI). At least one (1) unit will be sold at an attainable level (120% of AMI).

53. The applicant has shown positive elements furthering reasonable planning objectives in terms of the required affordable housing.

54. Green Park Cohousing development satisfies a crucial need in the community—affordable housing.

55. The analysis section of this Staff Report is incorporated herein.

Conclusions of Law – 1450/1460 Park Avenue CUP

Conclusion of Law:

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval 1450/1460 Park Avenue CUP

1. All standard conditions of approval shall continue to apply.
2. The Dedication of a Façade Preservation Easement for the two (2) existing historic structures shall be filed with the City to assure preservation of both of the aforementioned historic structures prior to Certificate of Occupancy.
3. The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance. Grading and drainage shall comply with LMC § 15-3-3(A). The site may be able to take water out to Park Avenue storm drain or it may be accommodated on site.
4. The applicant shall work with the Building Department towards ADA parking space width requirements.
5. The site shall provide at least three (3) bicycle Parking Spaces for the temporary storage of bicycles.
6. The applicant shall accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
7. The landscape plan calls for four (4) trees along each landscaping area adjacent to Sullivan Road which helps breaking up the three (3) driveways on this Road. Staff recommends that these four (4) trees to have a four inch (4") diameter breast height (DBH) caliper.
8. The setback reduction shall be reduced for the current proposal. Future expansions are not anticipated as part of this review and any future additions expanding onto the minimum setback shall be reviewed by the Planning Commission as a conditional use.
9. The proposed addition shall comply with all other provisions outlined in LMC Chapter 2.4 HRM.
10. The proposed addition shall comply with all application International Building and Fire Codes.

11. Driveway layouts and parking configurations must be approved by the City Engineer prior to Building Permit submittals.

**9. 1450/1460 Park Avenue – Plat Amendment
(Application PL-13-02034)**

Planner Grahn reported that the applicant was proposing to combine lots 1 and 2 of the Retreat at the Park subdivision to accommodate the co-housing project that was discussed in the previous item. The requirement for a lot size for ten units is 11,625 square feet. The lot combination would result in 18,285 square feet. The applicant needed the conditional use permit, which was just approved, and the Planning Commission was being asked to forward a positive recommendation for approval of the plat amendment. If the plat amendment is approved, the project would go through the HDDR process for plan approval before pulling a building permit.

Chair Worel opened the public hearing.

There were no comments.

Chair Wore closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 1450/1460 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1450/1460 Park Avenue Plat Amendment

1. The property is located at 1450 / 1460 Park Avenue.
2. The property is located in the HRM District.
3. The proposed plat amendment creates one (1) lot of record from the two (2) platted existing lots of record consisting of the two (2) lots of The Retreat at the Park Subdivision re-platted and recorded in 2007.
4. Developments consisting of more than four (4) Dwelling Units require a Lot Area at

least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units.

5. The proposal consists of ten (10) units which would require the minimum lot area to be 11,625 square feet.
6. The proposed Plat Amendment combines the two (2) platted lots of record into one (1) lot totaling 18,294.43 square feet.
7. The LMC requires minimum width of a Lot in the HRM to be 37.5 feet, measured fifteen feet (15') from the Front Lot Line.
8. The proposed lot width along Park Avenue is approximately 109 feet.
9. The proposed lot width along Sullivan Road is approximately 101 feet.
10. The depth of the property varies from 172.1 feet along the north property line and 176.6 feet along the south property line.
11. No remnant parcels of land are created with this plat amendment.
12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1450/1460 Park Avenue Plat Amendment

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1450/1460 Park Avenue Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management

Code, and the conditions of approval, prior to recordation of the plat.

2. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. 10 foot side public snow storage along Park Avenue and Sullivan Road

The Park City Planning Commission meeting adjourned at 7:10 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 1049 Park Avenue Subdivision
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-13-01893
Date: February 26, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1049 Park Avenue Subdivision plat amendment, located at the same address, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Dave Baglino, Wasatch Engineering Contractors
Location: 1049 Park Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential condominiums, single-family residential, vacation rentals
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining the north five feet (5') of Lot 12 and all of Lot 13 of Block 4 of Snyder's Addition to the Park City Survey. There is an existing historic home on the property identified as a Landmark on the City's Historic Sites Inventory (HSI) that straddles the lot line between Lots 12 and 13, and encroaches into the neighboring property to the south by two (2') to three (3') feet. The applicant wishes to combine the lots in order to move forward with a Historic District Design Review (HDDR) approval.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Purpose

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

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,

- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish Development review criteria for the new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

The 1049 Park Avenue property is listed on the Historic Sites Inventory (HSI) as a "Landmark" site which includes a two (2) story frame hall-parlor house. The house has had minimal changes, the most significant of which is the reconstruction of the front porch with a pediment above the entrance. The hall-parlor form is the earliest type to be built in Park City and is one (1) of three (3) of the most common house types built in Park City during the Mining Era. The site was individually nominated to the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District, but was not listed due to the owner's objection. Because the site retains its historic integrity and is eligible for the National Register, it has been designated as "landmark" on the City's HSI.

On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, the Building Department was unable to issue a building permit for the construction of a new basement addition which would occur on the adjacent property. Though a maintenance easement existed, the City required the applicant to submit a consent letter from the neighboring property owner that provided their permission to build the basement over the shared property line. Further analysis revealed that a root cellar and crawl space existed beneath the historic structure. The root cellar is approximately seven feet ten inches (7'10") in height and encroaches approximately three feet (3') into the 1043 Park Avenue property. A crawlspace is beneath the remainder of the structure and is roughly three feet ten inches (3'10") in height. A portion of the crawlspace also encroaches approximately two feet (2') into the neighboring property.

The Planning Director determined that the replacement of the existing root cellar and foundation with a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014 (Exhibit F).

During this analysis, it was also discovered that the applicant needed to complete a plat amendment in order to remove the interior property line. A revised HDDR action letter was sent to the applicant on February 10, 2014, that added a Condition of Approval that no building permit would be issued prior to the recordation of the subdivision plat amendment.

In January 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The applicant is requesting that the Planning Commission forward a positive recommendation to City Council for a plat amendment combining the north five feet (5') of Lot 12 and all of Lot 13 of Block 4 of the Snyder's Addition to Park City. The existing landmark historic structure encroaches over the interior lot line and on to the property at 1043 Park Avenue. This encroachment increases from east to west, varying from two feet (2') to three feet (3'). The square footage of the encroachment is 47.5 square feet.

1043 Park Avenue, the parcel directly to the south of 1049 Park Avenue, contains the north half of lot 11, the south twenty feet (20') of lot 12, and the north half of lot 22 of Block 4 of Snyder's Addition. This lot contains approximately 3,375 square feet, or 0.07 acres. It is not a substandard lot. Further, the site is listed as "Significant" in the City's Historic Site Inventory.

Analysis

The home currently straddles the lot line between Lots 12 and 13 of Block 4 of the Snyder's Addition. The plat amendment is necessary in order for the applicants to make the necessary improvements to the site, which were approved as part of the Historic District Design Review (HDDR) on July 18, 2013.

	HR-1 Zone Designation	Existing Conditions	Proposed Conditions
<i>Lot Size</i>	1,850 SF	2,250 SF	2,250 SF
<i>Setbacks</i>			
Front (West)	10 ft.	18.5 ft. (porch) ; <i>complies</i>	18.5 ft.
Rear (East)	10 ft.	19 ft.; <i>complies</i>	10 ft.
Side (North)	3 ft.	2 ft. ; <i>valid complying (historic)</i>	2 ft.
Side (South)	3 ft.	0 ft. (encroaches 2-3ft, increasing to the west); <i>valid complying (historic)</i>	0 ft. (encroaches 2-3 ft. increasing to the west.)
<i>Height above existing grade</i>	27 ft.	23.5 ft.	26.5 ft. (new rear addition)

The proposed plat amendment does not increase any degree of nonconformity with respect to setbacks. The plat amendment would remove existing encroachments over the interior lot lines. The additions to the landmark structure would be required to meet the current setback requirements.

In running the footprint formula, the total allowed footprint on this lot is 991.4 SF. The historic structure encroaches 47.5 feet onto the property at 1043 Park Avenue. The total footprint of the historic building and new addition will be 1,035.75 square feet;

however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property because the remaining 47.5 square feet is located on the property at 1043 Park Avenue. As has been the standard in Park City, the 47.5 SF that encroach will be deducted from the total allowed footprint at 1043 Park Avenue. With the reduction of the encroachment, 1043 Park Avenue would be able to have a footprint of approximately 1,348.5 square feet; the total allowed square footage for that property is 1,396 square feet based on the survey (see Exhibit E).

As seen in the following chart, the current size of the historic structure at 1049 Park Avenue is similar in size to other historic structures in the neighborhood. The proposed addition is relatively small due to the footprint limitations and will not create a house that is larger than those seen in the neighborhood. The chart below shows the approximate house size for other historic structures on the 1000 block of Park Avenue.

Address:	Year Built:	Lot Size (+/-)	Existing SF	Max Footprint	Historical Significance
1000 Park	2002	100,928.52 SF	Condo Development		Non-Historic
1001 Park	1984	1,875 SF	1,620 SF	844 SF	Non-Historic
1005 Park	1993	1,875 SF	1,520 SF	844 SF	Non-Historic
1011 Park	1968	1,875 SF	1,059 SF	844 SF	Non-Historic
1015 Park	1894	1,875 SF	1,049 SF	844 SF	Significant
1021 Park	1901	3,750 SF	980 SF	1,519 SF	Landmark
1025 Park	1993	1,875 SF	1,834 SF	844 SF	Non-Historic
1030 Park	1971	14,810 SF	1,071 SF	3222 SF	Non-Historic
1035 Park	1982	11,250 SF	Condo Development		Non-Historic
1043 Park	1905	3,375 SF	1,204 SF	1,396 SF	Significant
1049 Park	1910	2,250.04 SF	1,171 SF	991.4	Landmark
1059 Park	1904	2,613.6 SF	848 SF	1,128.31	Significant
1060 Park	1946	13,939.2 SF	953 SF	3,184.46	Significant
1062 Park	1926	3,750 SF	605 SF	1,519 SF	Landmark
1064 Park	Vacant Lot	6,969.6	N/A	2,355.55	Non-Historic
1063 Park	1920	3,049.2	857	1,284.53	Landmark

The amendment of one (1) partial lot and one (1) full lot is not uncommon in Old Town, and the 1049 Park Avenue Subdivision is in keeping with the lot sizes already in existence in this neighborhood. The smallest lot size on this block is 1,875, or a traditional twenty-five by seventy-five foot (25'x75') Old Town Lot. The largest lot size is at 1000 Park Avenue and includes the three (3) condominium structures facing Deer Valley Drive. The second largest is at 1030 Park Avenue and is 14,810 square feet; this is the location of Prudential Real Estate Office. The average lot size, not including the development at 1000 Park Avenue is 4,958 square feet, and the property at 1049 Park Avenue is roughly forty-five percent (45%) of the average lot size.

Aside from an HDDR and Building Permit, if the applicant wishes to add an addition to the house, there are no other regulatory processes anticipated for this property. The site is not on a steep slope.

Good Cause

Planning Staff believes there is good cause for the application. Combining the lots will allow the property owner to move forward with site improvements, which include restoring the historic landmark house and adding a rear addition. If left un-platted, the property remains as is. Moreover, the plat amendment will resolve the issue of the existing landmark structure straddling interior lot lines. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along Park Avenue as well as resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with this addition until the plat amendment has been recorded.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 1049 Park Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1049 Park Avenue Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1049 Park Avenue Subdivision to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and one (1) and one-half (1/2) existing lots would not be adjoined. Any additions to or renovations of the historic house would not be permitted because the interior lot line runs through the house.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1049 Park Avenue Subdivision plat amendment, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial Photograph and streetscape photos

Exhibit D – Plat Map

Exhibit E – Survey of 1043 Park Avenue

Exhibit F – Planning Director Determination Letter, 2.10.14

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE 1049 PARK AVENUE SUBDIVISION PLAT LOCATED AT 1049 Park Avenue, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1049 Park Avenue, has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 26, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 26, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 20, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1049 Park Avenue Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1049 Park Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1049 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine the north five (5) feet of Lot 12 and all of Lot 13 of Block 4, Snyder's Addition into one (1) Parcel.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house.
4. The amended plat will create one new 2,250.04 square foot lot.
5. The existing historic 1,171 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).

6. Per Land Management Code (LMC) 15-2.2-4 Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid Complying Structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 12 and 13.
7. The existing historic structure encroaches into the property at 1043 Park Avenue. The degree of the encroachment increases from two feet (2') to three feet (3') from east to west. The total square footage of the encroachment is 47.5 square feet. A conditional easement currently exists to address this encroachment.
8. Any proposed additions to the existing historic home require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
9. The maximum allowed building footprint allowed on the lot is 991.3 square feet. The applicant intends to construct a new rear addition and renovate the existing historic home. Following the renovation, the total footprint of the house will be 1035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property. The remaining 47.5 square feet of the encroachment is located at 1043 Park Avenue.
10. The amendment of one and one-half (1.5) lots would be smaller than the average size of lot combinations on Park Avenue and is in keeping with the traditional size of development on the 1000 block of Park Avenue.
11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
12. On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, no building permit can be issued prior to the recording of the plat amendment.
13. The approval of the HDDR application was revised on February 10, 2014.
14. There is an existing root cellar and crawlspace beneath the historic building. The applicant intends to replace this makeshift foundation with a new basement foundation. The Planning Director determined that a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014. Rather, the replacement of the existing root cellar and foundation with a new basement foundation is maintenance and necessary to ensure the longevity of the historic structure.
15. On January 14, 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The application was deemed complete on February 11, 2014.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Park Avenue and shall be shown on the plat.
6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

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

PASSED AND ADOPTED this ____day of March, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing plat and map were prepared by me or under my direct supervision and that the information on this plat is correct.

BOUNDARY DESCRIPTION

The above described plat is located in the Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that the above described plat and map were prepared by me or under my direct supervision and that the information on this plat is correct.

ACKNOWLEDGMENT

I, the undersigned, do hereby certify that the above described plat and map were prepared by me or under my direct supervision and that the information on this plat is correct.



**A PARCEL COMBINATION PLAT
A COMBINATION OF THE NORTH 5 FEET OF LOT 12 AND ALL OF LOT 13 IN BLOCK 4, SNYDER'S ADDITION
1049 PARK AVE. SUBDIVISION**

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



SHEET 1 OF 1 PLANNING DEPT.

1049 PARK AVE. SUBDIVISION 1049 PARK AVE. ADDITION	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF _____, 2014 A.D. BY: _____ CHAIR	ENGINEER'S CERTIFICATE APPROVED AS TO FORM AND CONTENT OF THIS PLAT AND MAP BY MY OFFICE THIS 2014 A.D. DAY OF _____, 2014 A.D. BY: _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____, 2014 A.D. BY: _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I HEREBY CERTIFY THAT THE ABOVE PLAT AND MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS _____, 2014 A.D. BY: _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____, 2014 A.D. BY: _____ MAYOR	STATE OF UTAH COUNTY OF SUMMIT, AND FILED DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FILE _____ RECORDER _____
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USE REG. 20-12-13 FILE 23-Division 2, subdivision map, 1049-PK-13-12-AV

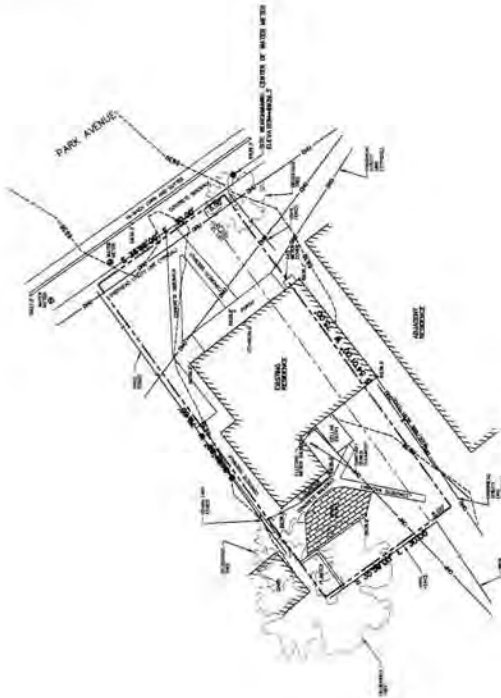
SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing plat is a true and correct copy of the original as filed in the office of the State of Ohio, and that the same is a true and correct copy of the original as filed in the office of the State of Ohio, and that the same is a true and correct copy of the original as filed in the office of the State of Ohio, and that the same is a true and correct copy of the original as filed in the office of the State of Ohio.



NOTES

1. 204 Benchmark; Center of water main
2. The vertical is responsible for verified building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on June 8, 2006.
4. Property corners were set or found.



	STAFF: MICHAEL LONG TRACY BRIDSON	EXISTING CONDITIONS MAP 1049 PARK AVENUE, SNYDERS-ADDITION NORTH 5' OF LOT 12 AND LOT 13 OF	SHEET 13-1-1 OF 13-1-1
	DATE: 6/27/06	FOR: RES GARRETT JOB NO.: 2-4-06 FILE: N:\Information\Survey\1049ParkAve\1049ParkAve.dwg	JAN 1 2011

PARK CITY
PLANNING DEPT

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor in the State of Utah, and that a survey of the described property was performed under my direction.

John Demkowicz
John Demkowicz
Date: 6/22/06



LEGAL DESCRIPTION

The North 5 feet of Lot 1, 2 and 4 of Block 4, Snyder's Addition to the Park City Survey, according to the official plat and of record in the office of the Summit County Recorder.

NOTES

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: July 8, 2006.
4. Property location: Section 16, T2S, R4E, S34M.
5. Purpose of survey: Boundary survey for SBA's REPLAT.



RECEIVED
JAN 14 2011

BOUNDARY SURVEY
1049 PARK AVENUE, SNYDER'S ADDITION
LOT 13 PLUS ADDITIONAL

FOR: WES GARRETT
JOB NO.: 3-6-06
FILE: A:\SnyderAddition\map\wgs\wgs06\060606.dwg

SHEET 1 OF 1

STAFF: MARSHALL KING
TRACY SINGSON

DATE: 6/22/06

(435) 547-7447

CONSULTING ENGINEER LAND SURVEYING DISTRICTS
222 West Street, P.O. Box 7688, Provo, Utah, 84602-7688

500062295 00
PROVO, UTAH
2006 OCT 13 14:52 PM
ROBERT ALLIANCE ENGINEERING INC.

S-6085



500 FOOT EXHIBIT



LOCATED IN SECTION 18
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

1049 PARK AVE SUBDIVISION



10 SCALE SITE PLAN



ORCID-PHOTOS
1049 PARK AVE. SUBDIVISION
SYNDER'S ADDITION
FOR: DAVID MAGLINO
FILE: \\Snyder's_Address\OrcidPhotos-12-13-report.dwg

STAFF: SCHEDER
MARSHALL KING
DATE: 1/2/14



1
of
1

RECEIVED
JAN 14 2014
SHERIFF'S OFFICE
PARK CITY



Subject Property

LOOKING NORTH FROM PARK AVE.




Subject Property

LOOKING SOUTH FROM PARK AVE.



Subject Property

LOOKING WEST FROM PARK AVE.

 <p>CALL OR FAX 303.440.8888</p>	<p>STAFF: SCHEDULE MARSHALL KING</p>	<p>STREETSCAPE PANORAMIAS 1049 PARK AVE. SUBDIVISION SNYDER'S ADDITION</p> <p>FOR: DAVID BINGLING OFF: 303.440.8888 FILE: K:\Snyder's Addition\DWG\panor1508-12-13-support.dwg</p>	<p>SHEET 1 RECEIVED OF 1 JAN 14 2014</p>
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PARK CITY
PLANNING DEPT.

RECEIVED
 JAN 14 2014
 PARK CITY
 PLANNING DEPT.



1049 PARK AVE. SUBDIVISION

LOCATED IN SECTION 16
 RANGE 4E, TOWNSHIP 2S
 PARK CITY, SUMMIT COUNTY, UTAH



SUMMIT COUNTY, UTAH

OWNERSHIP DATA
 1049 PARK AVE. SUBDIVISION
 SNYDER'S ADDITION
 FOR: DAVID HIGGINS
 FILE: X:\Snyder's Addition\map\1049A\08-12-13-report.dwg

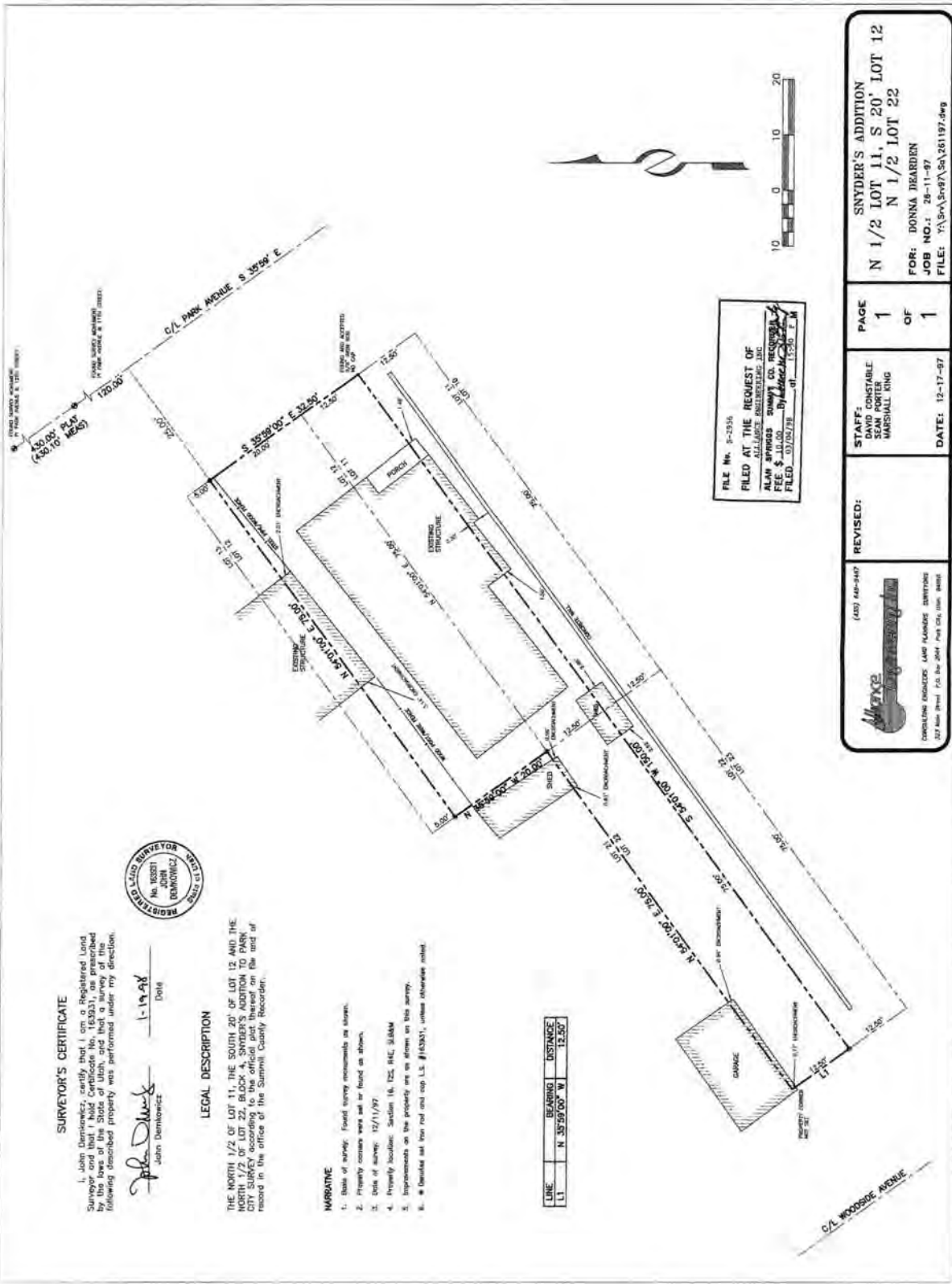
DATE: 1/2/14

STAFF SCHEDULE
 MUSHILL 800

SCALE:
 ONE INCH = 40 FEET
 "AS SHOWN"

SHEET
 1
 of
 1

RECEIVED
 JAN 14 2014
 PLANNING DEPT.



SURVEYOR'S CERTIFICATE

I, John Demonicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 162931, issued by the State of Utah, and that a survey of the following described property was performed under my direction.

John Demonicz
 John Demonicz
 1-19-98
 DATE



LEGAL DESCRIPTION

THE NORTH 1/2 OF LOT 11, THE SOUTH 20' OF LOT 12 AND THE NORTH 1/2 OF LOT 22, BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY according to the official plat thereof on file and of record in the office of the Summit County Recorder.

NARRATIVE

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: 12/11/97
4. Property location: Section 16, T2S, R12E, S16M
5. Improvements on the property are as shown on this survey.
6. * Detailed set from road and top L.S. #162931, unless otherwise noted.

LINE	BEARING	DISTANCE
L1	N 35°59'00\"/>	

FILE No. 9-2958
 FILED AT THE REQUEST OF
 ALLIANCE INSURERS INC.
 ALAN SPRINGS SUMMIT CO. RESURVEY
 FEE \$ 10.00 By *John Demonicz*
 FILED: 03/02/98 at 1:30 P.M.

SYNDER'S ADDITION
 N 1/2 LOT 11, S 20' LOT 12
 N 1/2 LOT 22

STAFF: DAVID CONSTABLE
 MARSHALL KING

FOR: DONNA DEARDEN
 JOB NO.: 26-11-97
 DATE: 12-17-97

REVISOR: (435) 442-2407

 CAROLINE INGOLDERS LAW PLANNERS DIVISION
 222 Main Street, P.O. Box 204, Park City, Utah 84060

PAGE 1 OF 1

FILE: Y:\304\3047\304\261197.dwg



10 February 2014

Kevin Horn
PO Box 386
Bountiful, UT 84011

Dave Baglino
Wasatch Engineering Contractors, Inc.
1762B Prospector Avenue
Park City, UT 84060

Dear Kevin and Dave:

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address:	1049 Park Avenue
Project Description:	Determination of legal non-complying structure status for existing landmark structure
Project Number:	HDDR: PL-12-01816; Plat: PL-14-02232
Date of Action:	January 28, 2014

Action Taken By Planning Director:

The Planning Director has made a determination that the existing structure located at 1049 Park Avenue is a valid complying structure. According to Land Management Code Section 15-2.2-4, Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height.

The proposed basement addition is replacing an existing cellar and crawlspace. The basement and crawlspace do not meet the setback requirements and appear to have been built out-of-period. This portion of the house is legal non-complying and there is a conditional easement in place as the house extends over the property line. Per LMC 15-9-6(A), any non-complying structure may be repaired, maintained, altered, or enlarged provided that such repair, maintenance, alteration, or enlargement shall neither create a new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of the structure.

The Planning Director finds that replacing the existing foundation and cellar with a new basement does not create a new non-compliance nor will it increase the degree of the existing non-compliance of all or any part of the basement structure.

Similarly, there is an existing non-complying out-of-period (non-historic) one-story addition along the north property line that does not currently comply with setbacks. The walls of this structure are comprised of tin panels atop limited stud wall construction. Some wood wall construction has rotted along the north elevation, near finished grade. During the renovation, these walls will be replaced with new walls that meet the International Building Code (IBC). This will be completed in an effort to repair the existing structure.

The Planning Director has made this determination based on the following findings of fact and conditions of approval:

Findings of Fact:

1. The property is located at 1049 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District, and is subject to all the requirements of the Park City Land Management Code (LMC) and the 2009 updates to the Park City Design Guidelines for Historic Districts and Historic Sites.
3. The lot contains an existing historic "landmark" house.
4. The area of the lot is 2,250 square feet. The minimal lot size in the HR-1 zoning district is 1,875 square feet.
5. Per LMC 15-2.2-4, Historic Structures that do not comply with Building Setbacks, Off-street parking, and driveway location standards are valid complying structures. The existing historic structure encroaches over the south property line and a non-historic one-story addition does not meet the current side yard setbacks along the north property line. No on-site parking is currently available.
6. A conditional easement was recorded with the county on May 3, 2004, for the maintenance of the encroaching historic structure over the neighboring property to the south. The historic structure encroaches by approximately two feet (2') to three feet (3'), increasing from east to west.
7. The historic structure will be elevated twenty-four inches (24") in order to pour a new basement foundation to follow the footprint of the existing structure and new addition. Per Design Guidelines B.3.2, the basement foundation will not significantly diminish the original placement, orientation, and grade of the historic building. No more than two feet (2') of the new foundation will be visible above the finished grade on the primary and secondary facades.
8. The setback requirements for the lot are three feet (3') for the side yards and ten feet (10') in the front and rear yards. The existing structure does not meet the setback requirements.

9. On July 18, 2013, a Historic District Design Review (HDDR) application was approved by Planning Staff for an exterior remodel of the structure. A revised Action Letter was sent on February 10, 2014.
10. The structure complies with the 27 foot height limit.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the high volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and drainage plans, and construction within the ROW, for compliance with the City standards is a condition precedent to building permit issuance.
4. No building permits shall be issued for this project until the final plans for the building remodel are reviewed and approved by the Planning Department staff for compliance with the Historic District Design Review and conditions as approved on July 18, 2013 and revised on February 10, 2014.
5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a Certificate of Occupancy for the structure.
6. No building permit shall be issued prior to recording the plat amendment.

Sincerely,



Thomas E. Eddington, Jr. AICP, LLA
Park City Planning Director

CC: Anya Grahn, Historic Preservation Planner

Planning Commission Staff Report



Project Number: PL-13-02034 & PL-14-02225
Subject: Stein Eriksen Residences (formerly known as North Silver Lake Lodge)
Author: Francisco Astorga, Planner
Date: February 26, 2014
Type of Item: Administrative – Conditional Use Permit Modification & Condominium Record of Survey

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit Modification request to allow for Nightly Rental Lockout Units and the Condominium Record of Survey at Stein Eriksen Residences, formerly known as North Silver Lake. Staff recommends that the Planning Commission consider approving the requested use and consider forwarding a positive recommendation regarding the Condominium Record of Survey to the City Council based on the findings of fact, conclusion of law, and conditions of approval as found in the February 12, 2014 Staff Report.

The February 12, 2014 Planning Commission packet was published on Park City's website on February 8, 2014. This staff report can be found online by clicking [here](#). This staff report can also be downloaded by visiting www.parkcity.org and clicking on the following path: Doing Business > Document Central > Planning > Planning Commission > 2014 > 02.12.2014 PC Packet.

The CUP Modification Staff Report is found on Packet part 2, page 126 and continues on Packet part 3. The Condominium Plat Staff Report is found on Packet part 3, page 170. Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

After the February 12, 2014 Staff Reports were published online the Planning Department received several public comments that were handed to the Planning Commission during the February 12 public hearing. Also two letters from the applicant were also received during this time frame. All of these comments and letters have been attached to this staff report as Exhibit P and Q.

At the applicant's request the Planning Commission continued these items to the February 26, 2014 Planning Commission meeting.

Exhibits

Exhibit P – Additional Public Comments
Exhibit Q – Additional applicant's letters

Francisco Astorga

From: Chris Lockwood <clockwood3@netscape.net>
Sent: Saturday, February 08, 2014 3:57 PM
To: Francisco Astorga
Subject: Stein Erikson Residences/North Silver Lake

To : Planning Commissioners

Re: Stein Erikson Residences/ North Silver Lake Lodge CUP review scheduled 2/12/14.

From: Chris Lockwood

I am writing as a long time (17 year) resident of the American Flag subdivision, having owned a home at 406 Centennial Circle for that period. As such, my wife and I are downhill and visible neighbors of the above referenced project.

It is my understanding that the developer is seeking approval of a plan that contemplates the allowance of 85 lock out units and the addition of bar,restaurant and spa facilities. Changes such as these will materially alter the nature of the project as originally proposed, making it, in effect , a hotel. Clearly, the different use patterns associated with a hotel invalidate any earlier representations or assumptions regarding the project's density and traffic impact.

Further, it is my understanding that the developer has already ignored prior commitments to a 33 foot height limitation for perimeter buildings.

The project, as originally approved, already fails any reasonable compatibility test viewed from the standpoint of its single family residential neighbors. Approval of the lock out units and hotel style amenities will make it worse. Accordingly, I urge the Commission to protect the interests of neighboring Park City residents , reject the proposed changes to the CUP and enforce the commitment to the 33 foot height limitation where applicable.

Thank you for your consideration.

North Silver Lake Lodge

Michael Warren [MichaelW@nuwi.com]

Sent: Sunday, February 09, 2014 2:36 PM

To: planning

Attachments: image001.jpg (3 KB)

To: Planning Commissioners

Re: North Silver Lake Lodge

7101 Silver Lake Drive

During the approval process, we were told that the 16 single family homes would act as a buffer to the 38 condominiums and that the condominiums were of a size and quality to be compatible with our surrounding neighborhood. In addition, **from the first review in 2008 until the final approval, a stated Condition of Approval of the project was that there would be no lockout units.** It was always clear that this condition was accepted by the developer as a way to make the project more tolerable to our community and therefore the Planning Commission.

We have now learned that the developer wants approval for 125 lockout units within the 38 condominiums. We have been asked to believe that this substantial change in the use of the property can be more than fully mitigated through an effective van pool/shuttle program. It is obvious that the creation of 163 rental units versus the approved 38 condominiums positively changes the economic model for the developer, the City and Deer Valley. However, it is not what was approved after years of discussion and review.

Furthermore, the parking provided in the original approved plan is grossly inadequate if the number of units is effectively more than tripled by creating the lockout units.

North Silver Lake, as it has been developed, is a quiet single family community. As a result of a Master Plan that did not appropriately evolve as the community was developed we have been required to accept a project that is of a mass and scale that is not compatible with the neighborhood. Now we are being asked to accept a use and occupancy that is clearly not compatible with the surrounding community and specifically identified as an unacceptable condition in the project's approval.

The developer's creation of a vision of a project that was compatible with the surrounding neighborhood, during the approval process, is totally contradictory to their current request. I therefore request that the Planning Commissioners' do not approve this application and require the developer to comply with the no lockout unit condition of the project's approval.

Thank you for your consideration.

Michael Warren

8240 Woodland View Drive

MICHAEL WARREN

PRINCIPAL

NEW URBAN WEST, INC

1733 OCEAN AVENUE, SUITE 350 SANTA MONICA, CA 90401

TEL: 310.566.6362 FAX: 310.394.6872 CEL: 310.345.4690

February 9, 2014

Dear City Council and Planning Commission,

MORTGAGE SCAM or CORRUPTION IN CITY HALL?

Will the City turn a single-family lot, with an estimated value by Summit County of \$1.2 million, into a parcel worth in excess of \$85 million dollars at the Feb 12th Planning meeting?

Is the request to record the Stein Erickson Lodge Residence plat at 7101 Silver Lake Drive a mortgage scam (perhaps perpetrated by VesCor associates) or Corruption in City Hall?

Today the total estimated Summit County value for property tax purposes on the Stein Erickson Lodge Residences vacant lot is \$1.2 million dollars (Please refer to the Summit County tax assessment for confirmation of the \$1.2 million dollar value).

If the Steins Erickson Lodge Residences plat is recorded at 7101 Silver Lake Drive, the lot will become worth in excess of \$85 million. Park City will have given a developer a massive profit.

A \$1.2 million estimated value by the County Assessors office is similar to other vacant single-family home lots on the same street in Deer Valley.

What is peculiar is the developer is requesting to build a 120+ room Hotel called the Stein Erickson Residences, instead of building single-family homes.

Under the Recorder Plat section on the Summit County website, the most recent recorded plat is #733182 for the North Silver Lake Lodge. In 2005 a North Silver Lake Lodge plat recorded a maximum of 6 single-family homes could be built on the lot, instead of the 120+ room Hotel requested today.

The North Silver Lake lot has been assessed property taxes for the last 8 years as a lot for single-family homes, based upon the recorded plat #733182. The lot has not been taxed as a Hotel site for the last 8 years.

Hypothesis

Could this be a clever developer scam? Is it possible con men are requesting a massive Hotel into the midst of a residential area when entitlements no longer exist?

History

The 7101 Silver Lake Drive lot has been affiliated with fraud and multiple scams before. Most notably Val E. Southwick, involved in the largest Ponzi scam in Utah history, owned 7101 Silver Lake Drive previously. Val E. Southwick is a clever man along with his associates. Southwick currently is serving time in a Utah prison for fraud. Southwick pleaded guilty to fraud and bilking investors all over the country out of millions and millions of dollars. According to Southwick's associate, William J. Hammons, there are at least 40 other associates involved in fraud that went free.

Hypothesis

Could the request to change the 7101 Silver Lake Drive lot, approved for single-family homes, into a 120+ room hotel be part of another fraud scheme?

History

Val E. Southwick was under investigation by the Securities and Exchange Commission for fraud. There was around \$450,000 million dollars missing from VesCor. VesCor is an acronym for Val E. Southwick's company. VesCor was under a Securities and Exchange Commission audit. In the midst of the SEC audit, the Attorney General issued a stand down order.

Isn't it strange that a stand down order was issued when it was pretty clear nearly \$450,000 million was missing? In or around the time the stand down order was issued, Val E. Southwick was able to get rid of 7101 Silver Lake Drive just before the SEC seized VesCor's assets.

The North Silver Lake LLC has been part of the VesCor Receivership to pay back LDS investors that were bilked out of nearly \$180,000 million by Val E. Southwick and those associated with VesCor. Google Val E. Southwick, VesCor or go to the VesCor Receivership website <http://www.vescorreceivership.com> for more information. 7101 Silver Lake Drive is mentioned in multiple depositions on the receivership website. Read "In the News" on the left for an overview.

Here is a Salt Lake Tribune article for more information.

Prison for a con man: Southwick bilked 800 victims in 30 states

By Tom Harvey
The Salt Lake Tribune

Published June 13, 2008 1:31 am

This is an archived article that was published on sltrib.com in 2008, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

Join the Discussion

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Posted: 7:36 PM- To scattered applause from a courtroom nearly filled with his victims, Ogden businessman Val E. Southwick was handcuffed and led away Thursday after a judge imposed the maximum sentence for a fraud that touched some 800 victims in 30 states and three foreign countries.

The sentence came after some 25 years of lawsuits, accusations of fraudulent business practices and gross mismanagement, Southwick's high living on investors' money and finally criminal charges that culminated in the hearing in 3rd District Court in Salt Lake City.

Southwick had pleaded guilty to nine counts of violating Utah's securities laws in which some 180 investors may have lost \$180 million in what appears to be the largest financial fraud in Utah history. He had asked Judge Robin W. Reese to allow him 30 days to report to prison so he could try to make arrangements for his wife and son, whose houses and cars are facing forfeiture to a court-appointed receiver of Southwick's web of 150 or companies generally known as VesCor.

Instead, Reese sentenced Southwick to back-to-back prison terms of 1-to-15 years on each of the nine charges, ordered restitution and immediate imprisonment.

Southwick remained stonefaced as a Salt Lake County sheriff's deputy

handcuffed Southwick and led him through a side door.

"This damage was done over a long period of time," Reese said.

Southwick had told the judge it was not his intend to cause harm to investors and that he needed time to see to his wife and son.

"I feel great, great remorse and I'm deeply saddened by my failure to make these investors whole," he said.

The judge heard not just from victims who urged a maximum sentence, but also from state and federal regulators who said Southwick had failed to cooperate fully since his guilty pleas on March 31.

Thomas Melton, an attorney for the federal Securities and Exchange Commission, said Southwick had provided a minimum of documents and information that the regulators had requested.

"We have received limited cooperation," Melton told Reese.

Assistant Attorney General Charlene Barlow also requested a maximum sentence, citing the number of victims and size of the losses.

"We're talking hundreds of millions," she said. "This was a very elaborate scheme."

But it was Southwick's victims, many elderly, who provided the emotion and drama in the courtroom. They spoke passionately to the judge or faced Southwick and addressed him directly as he sat at a table with two attorneys.

Terry Hansen of Payson stepped to the podium to speak and then turned and looked at Southwick and said, "I think he knows what kind of scum he is."

The comment caused the judge to admonish the speakers to be civil despite their emotions.

Hansen showed Southwick a photo of two of his grandchildren and said he wouldn't be able to visit them often because of his financial losses.

Edward Hood of Provo, using an oxygen bottle, spoke of "lies and deceptions over the years" and called Southwick "a true sociopath."

Susan Kilburn of Henderson, Nev., said Southwick had lost money from her settlement of a car accident.

"I've gone through hell to get the money that was taken from me," she said, adding she and her two children face foreclosure on their home.

Kim Moore of Ogden called Southwick a "narcissist" and "self-aggrandizing" and said he and his wife recently saw Southwick pull up beside them in a new Nissan 250Z.

But several people also asked the judge for leniency in sentencing so Southwick could work to repay them.

Ogden Mayor Matthew Godfrey said his family had lost substantial money but urged an light sentence or early parole, saying it would be best for victims if Southwick could work to repay them.

"This is not an evil man," Godfrey said.

Miami attorney Lewis Freeman, the court-appointed trustee in the VesCor bankruptcy cases in Las Vegas, said in an interview he had received no cooperation from Southwick.

"Last December, when I became the trustee, I reached out to Mr. Southwick directly and through counsel and I've been given no information, no help in my investigations, no cooperation," Freeman said.

tharvey@sltrib.com " Target="_BLANK">tharvey@sltrib.com

Hypothesis

Could 7101 Silver Lake Drive, the Stein Erickson Lodge Residence site, be part of another con or scam?

If the vacant lot at 7101 Silver Lake Drive is truly a Hotel site, why hasn't the lot been taxed like a Hotel site since 2005?

The most recent recorded North Silver Lake Lodge plat, #733182 recorded by Val E. Southwick in 2005 (his signature is on the plat), shows there are to be a maximum of 6 homes on .92 acre of the 5.96 acres lot. The rest of the lot is platted as common area. The common area was mostly mature forest up until the summer of 2013. The common area or what was forest has been tax-free since 2005.

The estimated value for the lot was decreased to \$1.2 million when Val E. Southwick recorded plat, #733182. The North Silver Lake Plat #733182 indicates only 6 homes may be built. The recorder plat does not indicate that the Common Area portion of the lot may someday be converted into a Hotel. The entitlements for a possible Hotel have not been taxed since pre-2005.

It appears the entitlements for 54 units and 14,000+ sq. ft. of commercial space where forfeited when Val E. Southwick recorded plat #733182 and the LLC stopped paying property taxes on the old entitlements?

Is the request for a Stein Erickson Hotel on the North Silver Lake lot another con or a mortgage scam?

Professional Opinion

On October 22, 2012 Summit County Recorder Allan Spriggs and Summit County Assessor Steve Martin sent their opinion to multiple Summit County and Park City officials (See attached County Auditor and Assessor Letter). According to Auditor and Assessor's letter:

"NSL-2-2B-AM

It is an inactive parcel that was broken out of lot 2 in 1997. It subsequently was further subdivided in 2005 as the North Silver Lake Lodge Condominium of 6 units on the original 5.96 acres. According to the recorded plat received from the Records Office, the remaining acreage under discussion was determined to be Common Area as per plat (lower left hand legend). And since the value of any common area is assumed in the combined undivided ownership of the project units, no Serial or Account number was created for tax assessment purposes.

The 85 million trust deed is irrelevant to assessment purposes and may mean something to the bank or the borrower or may cover multiple properties or other assets of the LLC for whom the deed was executed.

The conditional use development rights exist only on paper and only until 2013, if they are developed at all. Until a subsequent plat is recorded determining and fixing the “rights” to this parcel it would be unwise to attach value to undetermined, speculative, future potential as yet unrealized.

In 2014 PLEASE heed the warning of the County Recorder and the County Tax Assessor and do not record a new plat that will establishes “rights” at 7101 Silver Lake Drive for the developer. It appears a clever mortgage scam is in the works. If a new plat is approved and recorded for the Stein Erickson residences, the developer can argue the City has created vested rights on the property.

The developer will have succeeded in taking a lot with rights to six home sites at a value of \$1.2 million, and turned it into a parcel with vested rights for a 120+ room hotel and a value in excess of \$85 million dollars. A trust deed already exists in the public record for \$85 million on the 7101 Silver Lake Drive lot.

When Southwick got rid of 7101 Silver Lake Drive in the midst of a SEC audit, could Southwick have sold the lot to one of the at least 40 others associates affiliated with his fraud scams? Please read the following Salt Lake Tribune article. Most notably this sentence:

“Hammons told the judge that he was singled out for prosecution while at least 40 others associated with the scam went free.”

VesCor investment scam associate gets year in jail

THE SALT LAKE TRIBUNE

PUBLISHED APRIL 16, 2011 9:59 AM

This is an archived article that was published on sltrib.com in 2011, and information in the article may be outdated. It is provided only for personal

research purposes and may not be reprinted.

St. George • A St. George man who was convicted in February on seven counts of securities fraud related to his involvement in VesCor was ordered Friday to spend a year in the Washington County Jail and to pay restitution. William J. Hammons, 67, was convicted on seven felony counts of fraud. Hammons worked with Val E. Southwick, an Ogden businessman now in prison for a real estate investment scheme that bilked hundreds of investors out of more than \$180 million. VesCor companies took in an estimated \$250 million from investors, according to accountants who examined their books during bankruptcy proceedings. It was the largest financial fraud in Utah history.

Retired 8th District Judge A. Lynn Payne also ordered Hammons to serve 10 years probation, pay fines totaling \$11,500 and pay \$163,905 in restitution. Payne noted that Hammons was being sentenced only for convictions related to three families he swindled out of about \$200,000 and not for his larger association with Southwick. Payne said he had received numerous letters testifying that Hammons was honorable. "I was touched by the number of people who wrote to express their experience with him [Hammons] as an individual of great generosity," said Payne. Before being sentenced, Hammons told the judge that he was singled out for prosecution while at least 40 others associated with the scam went free. He then apologized to his victims. "I'm truly sorry these good people lost their good, hard-earned money," said a teary-eyed Hammons. He said it was never his intent to defraud and that if he had known the securities he was selling were "upside down" and dishonorable, "I wouldn't have had anything to do with it. That's the kind of person I am." Robert Campbell, who with his wife lost \$100,000 to Hammons, told the court Friday that people like Hammons present one face in public and another in private. "Like some political and religious leaders, they appear honest and anti- this and that and then become involved in the same things," he said. "They take advantage of people's trust and need to be held accountable." Campbell's wife, Roseann, said she was hoping Hammons would have been sent to prison for at least five years but is relieved the ordeal is over. "It has had an emotional and financial impact," she said. Lorraine Cameron and her husband, who lost \$50,000 to Hammons, also thought the sentence was light. "I'm disappointed that prison wasn't used," she said. Hammons' lawyers declined to comment. After the sentencing, their client was taken away in handcuff

TUESDAY, DECEMBER 23, 2008

Southwick Denied Parole, Next Hearing Date in 2025

Not so hidden message from the *800-pound gorilla*: Warehouse scamming is firmly off-limits

More news about convicted *Ogden* Ponzi scammer Val Southwick [in this morning's Salt Lake Tribune](#). From this morning's Tom Harvey story:

In an unusually harsh decision, the state Board of Pardons is leaving the convicted operator of a giant Ponzi scheme in prison for at least 17 years. With his next parole hearing set for 2025, that means 63-year-old former *Ogden* businessman Val E. Southwick might spend the rest of his life in prison, serving out nine consecutive terms for defrauding about 800 investors, many of them elderly, out of about \$180 million.

In its rationale for denying Southwick parole, the five-member board cited abuse of a position of trust, the number of victims and the extent of the harm done them. The 17 years set for Southwick's prison sentence is just three years short of a typical prison term of an inmate convicted of first-degree felony murder, according to parole board statistics from a 2006 study.

Although neither the *Tribune* nor the *Board of Pardons* mentions it as part of the "official" rationale for the Board's decision to *lock Southwick up and throw away the key*, we believe it's fair to infer that there's a special local lesson here for *Utah* scammers who would abuse their positions of ecclesiastical trust and prey upon unwary victims from *LDS* warehouses. The *800-pound gorilla* has a mighty long political reach; and it's apparent that Val Southwick (and other potential warehouse scammers) were just delivered an equally mighty mighty thump in the head -- with a clear message attached: Warehouse scamming is declared firmly off-limits, *capice?*

Request to Hold Off recording a new plat

PLEASE do not affix "rights" to the North Silver Lake parcel on February 12th.

"The conditional use development rights exist ONLY ON PAPER and ONLY UNTIL 2013" according to the professional opinion of Summit County.

An example of other cons perpetrated by the current developer and legal council on the North Silver Lake Lodge lot more recently.

The developer's legal council tried to intimidate the City and the public in 2008 and 2009 in to believing that vested rights remained for a 450,000 sq. ft condo project at 7101 Silver Lake Drive, the site of the proposed Stein Erickson Residences. Tom Bennett, legal council for the developer, argued a previous permit, known as the Harrison Horn Conditional Use Permit, established vested rights.

Tom Bennett argued for 2 years that vested rights remained at 7101 Silver Lake Drive based upon the previous Harrison Horn CUP. According to Bennett, the Harrison Horn CUP established vested rights in the same way the City had concluded Treasure Hill had vested rights. Bennett argued the City couldn't take away rights or entitlements because of the previously approved Harrison Horn CUP protected them.

Bennett also tried to convince people the North Silver Lake Lodge was a better project than the original Harrison Horn CUP because the North Silver Lake Lodge is smaller than the previous approval.

A fact Bennett and the developer neglected to mention was the size of the proposed North Silver Lake Lodge. The Planning Commission was asked to vote on the project in 2009 without requiring the actual square footage be stated in Staff Report for the North Silver Lake Lodge. .

It seems Bennett was trying to follow the old Harrison Horn playbook when attempting to get the North Silver Lake Lodge CUP approved. The developer did not provide the actual square footage to the public or to Planning Commission for the previous Harrison Horn CUP. Bennett was again trying to do the same with the North Silver Lake Lodge.

City Councilmen Jim Hier was on Planning Commission at the time the Harrison Horn CUP was approved. Hier stated at the 2009 North Silver Lake Lodge Appeal hearing he believed when he approved the Harrison Horn CUP that it was around an 180,000 sq. ft total project. Hier later discovered the Harrison Horn CUP he approved was approximately 450,000 sq. ft, instead of 180,000.

In 2009 the developer attempted to use the same tactic that allowed the massive Harrison Horn approval of 450,000 sq. ft. Bennett tried to keep the actual square footage out of the Staff Report for the North Silver Lake Lodge CUP.

A homeowner suggested that by neglecting to require a developer to state the actual square footage when seeking a permit, the North Silver Lake Lodge CUP could set precedent. Thankfully Planning Commission required the North Silver Lake developer to show the total square footage in the next Staff Report. Once the actual square footage was made public, the project was much larger than the public had ever imagined. The public was pretty shocked.

During the 2009 Appeal process, City Councilmen Jim Hier made it clear that vested rights did not exist for a 450,000 sq. ft. project based upon the previous Harrison Horn CUP. The Harrison Horn CUP had long since expired. Vested rights or entitlements do not exist with an expired Conditional Use Permit.

What Tom Bennett had be telling the public, Planning Commission and City Council since 2008 was false. City Council denied the North Silver Lake Lodge CUP at the 2009 Appeal Hearing, or so the public at the meeting thought. Suggesting there were vested rights under the Harrison Horn CUP was an intimidation tactic used by the developer and a scam.

In 2010 Jim Hier and Rodger Harlan went off City Council. The developer now had new inexperienced Councilmen to scam. The North Silver Lake Lodge was approved in 2010. The 2010 approval is larger than the 2009 North Silver Lake Lodge approval.

The developer's ability to intimidate the City into believing there are vested rights and entitlements based on an expired Conditional Use Permit is indicative of the deception they are willing to perpetrate.

The developer and legal council are willing to intimidate Planning Commission, City Council and the public by fabricating what are said to be legal facts to achieve their goals. .

Conclusion

The developer is trying to get approval to record a plat for rights to a hotel, when the lot only has rights for 6 homes. This is a con and mortgage scam

Will City Hall permit a Deer Valley single-family homes lot, worth \$1.2 million since 2005, to become a lot worth in excess of \$85 million by approving a new plat on Feb 12th?

If so, there is Corruption in City Hall?

Regards
Lisa A. Wilson

On the Recorder Plat you will see the signature Val E. Southwick, who was convicted of the largest fraud scam in Utah History. Also, you will see Bob Wells signature, Vice President of Deer Valley Resort, on the plat.

Here is how to access recorder plat information

Google or go to summitcounty.org

At the top of the page click on Government

Scroll down to Public Records

Move to the right and click on Public Web Documents

Click at the bottom here it says click here

Scroll to the Bottom and go to where it says Search By Document Type

Where it says Ordinance in yellow Click and scroll down to Recorder Plats

Under Plat Name enter North Silver Lake Lodge, or what you are looking for

Go to bottom of page and hit Search

Click on the small circle on the left under View and see the recorder plat

Property tax records are also available to the public on the Summit County site.

If you have trouble accessing Recorder plats, tax records, or Trust Deeds those at the Summit County office are helpful.

To the Council:

October 22, 2012

Re: "tax free property in Park City"

The properties under discussion are:

NSL-2-2D-am

North Silver Lake Subdivision lot 2d of lot 2 re-subdivision which is a 4.03 acre parcel designated as open space on the recorded plat. This parcel is valued as "open Space" and as such no further development rights are attached to the property. It is currently assessed at "open Space" value of \$1,500 per acre which is identical to all platted open space in the resort area. What Park City allows as its use (open space for adjoining condo projects) is up to the Park City authority; however it has little effect on the valuation since the property itself is stripped of any usage other than buffer and green space.

NSL-2-2B-AM

is an inactive parcel that was broken out of lot 2 in 1997. It subsequently was further subdivided in 2005 as the North Silver Lake Lodge Condominium of 6 units on the original 5.96 acres. According to the recorded plat received from the Recorders Office, the remaining acreage under discussion was determined to be Common Area as per plat (lower left hand legend). And since the value of any common area is assumed in the combined undivided ownership of the project units, no Serial or Account number was created for tax assessment purposes.

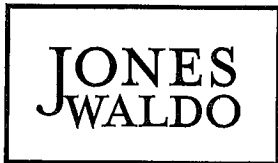
The 85 million trust deed is irrelevant to assessment purposes and may mean something to the bank or the borrower or may cover multiple properties or other assets of the LLC for whom the deed was executed.

The conditional use development rights exist only on paper and only until 2013, if they are developed at all. Until a subsequent plat is recorded determining and fixing the "rights" to this parcel it would be unwise to attach value to undetermined, speculative, future potential as yet unrealized.

It appears that in 2010 Ms. Wilson and other adjacent property owners filed an appeal of the CUP (Conditional Use Permit) and were denied on the whole and may be attempting a different route to slow the development of the parcel.

Alan Spriggs, Summit County Recorder

Steve Martin, Summit County Assessor



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AFFILIATED FIRM
LEAR & LEAR, LLP

February 11, 2014

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: CUP Application PL-13-02034 for North Silver Lake Lodge Project (the "Lockout Application"); Plat/Subdivision/Record of Survey Application PL-02225 for the above referenced project (the "Condominium Application")

Commissioners:

As you are aware, my firm represents a group of concerned homeowners in residential neighborhoods surrounding the Project, and this letter is sent on their behalf. Since the Planning Commission has joined the two hearings referenced above and comments sometimes relate to both hearings, we are responding with our comments on both applications in this letter.

Reference is made to an earlier letter we sent to the Planning Commission dated February 6, 2013 (the "2/6 Letter"), which letter was required to be submitted before the staff reports were issued on the above referenced applications. We have now reviewed the staff reports dated February 12, 2014 relating to these applications, and we wish to supplement our comments in the 2/6 Letter with those set forth below.

Lockout Application

1. We object to Findings of Fact No. 25. This states that the Project is not a Hotel because the definitional section for a Hotel contains one sentence that reads as follows: "Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels." True, a room is not a hotel, even if it contains a kitchen. A Hotel is a Building that contains many rooms or units, some of which are bedrooms, and some are rooms or units with a restaurant, bar and spa facilities to service the occupants of the Buildings bedrooms. Staff's position that lockouts are permitted in a Multi-Unit Dwelling project because of this statement in the Hotel definition of the Code is unsupported under any rational analysis.
2. We object to Findings of Fact No. 26 and Conditions of Approval No. 4. See our comment No. 2 to the Condominium Application set forth below. The operation of a bar,

restaurant and spa in the three Commercial Units, and the ability to rent out the Support Commercial Areas, including the large pool, patio areas, and adjacent lawn areas, constitutes Retail Businesses under the Code. Trying to limit the use of these areas to only on-site occupants of the Dwelling Units is practically unenforceable. The language contained in Condition of Approval No. 4 is not sufficient to prohibit the use by off-site persons of the Commercial Units or their related Limited Common Support Areas. For example, under the current wording, the owner of the Support Unit (or its lessee) can rent out those facilities for a 100-person wedding by only having one of the attendees of the wedding rent a lockout unit for the evening. Where are those 100 people going to park or how many shuttle trips does it take to accommodate the 100 wedding attendees?

3. We object to the portion of the staff report that discusses construction traffic and recommends or allows any construction traffic on Silver Lake Drive between its northerly entrance/exit (downhill intersection) on Royal Street and its southerly entrance/exit (uphill intersection) on Royal Street. No construction or service vehicle traffic should be permitted on Silver Lake Drive through the Belles and Evergreen neighborhoods. It is a narrow residential road and is closely abutted by many single family residences. All construction traffic should be directed to enter and exit the Project through the uphill intersection and proceed along Royal Street to the Highway 224 (the Mine Road). Royal Street after the downhill intersection is inappropriate for construction and service vehicle traffic as it is a major recreational route for hikers and bikers, is falling apart and in need of major permanent repairs, and is an unreasonable safety hazard because of two hairpin turns that forces large trucks to cross the center line.

4. We reassert all of the objections we set forth in our 2/6 Letter, and we object to any Findings of Fact or Conditions of Approval which relate to those objections.

Condominium Application

1. A condominium regime consists of two principal elements, private areas defined as Units and all of the rest of the areas defined as Common Areas and Facilities. Units can be either Residential Units or Commercial Units. The Commercial Units can be further sub-classified by their intended Use. If the Use is Support Commercial Use (see LMC§15-15-1.54 (A)), then the use must be oriented towards the internal circulation of the Development for the purpose of serving the needs of the residents or users of that Development, and not persons drawn from off-site. In a Multi-Unit Dwelling project, these are defined as Residential Accessory Uses (see LMC§15-6-8) and include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential use, such as a Hotel or Nightly Rental Condominium project, are common to the residential project and are not located within any Residential Units and include such Uses as: ski/equipment lockers; lobbies; registration; concierge, bell stand/luggage storage; maintenance areas; mechanical rooms and shafts; laundry

facilities and storage; employee facilities; common pools, saunas, hot tubs, and exercise areas not open to the public; telephone areas; guest business centers; public rest rooms, administrative offices, hallways and circulation; and elevators and stairways. If the Commercial Units are not used for Support Commercial Uses, then they are classified as Commercial Units that are privately owned or leased and operated as Retail Businesses for the purpose of gain or profit. If the Retail Businesses in the Commercial Units are a Restaurant, bar or spa and is contained in a Building that has sleeping rooms for the occupancy of guests on a nightly basis, as well as other services such as are listed in the Residential Accessory Uses, then it is a Hotel (see LMC§15-6-1.134) operation and a Hotel Use requires a CUP for such Use (see LMC§15-2.13-2 (B)).

The applicant's condominium documents make a distinction between the Commercial Units, designating three as Commercial Unit Nos. 1, 2 and 3 and two as Support Unit Nos. 1 and 2. Commercial Unit C-1 contains 852 sq. ft. and is intended to be used as a spa, Commercial Unit C-2 contains 817 sq. ft. and is intended to be used as a ski rental shop and Commercial Unit C-3 contains 3,244 sq. ft. and is intended to be used as a restaurant with a kitchen and a bar. Support Unit 1 contains 1,914 sq. ft. and is intended to house lobbies, registration, concierge, bell and other such Support Commercial Uses. Support Unit 2 contains 2,963 sq. ft. and we believe that will house other back of house Support Commercial Uses such administrative offices and locker rooms for employees; however, we have not seen plans that specifically identify these Uses.

The applicant's submitted Declaration draft contains a number of provisions that clearly indicate that the operation of this Project is intended to be a Hotel Use with Commercial Units and Support Commercial Units with Limited Common Support areas that are to be operated as Retail Businesses for profit and gain. Attached as Exhibit 1 are several of the provisions that support this position.

The staff report incorrectly states that the updated CUP plans and Record of Survey shows only 4,913 sq. ft. of support commercial space. As stated above, these documents actually show 4,913 sq. ft. of Retail Commercial space and 4,887 sq. ft. of Support Commercial space. The combined total area for these Commercial Units is 9,790 square feet. This amount of Commercial Square footage, whether classified as Retail or Support Commercial Use, is in excess of the 5,140 of Support Commercial Space identified in Findings of Fact No. 4 and therefore violates Conditions of Approval No. 15 (see April 28, 2010 Planning Commission minutes). The Planning Commission should require the applicant to modify the condominium plans and Record of Survey to reduce the area of Units C-1, 2 and 3 to an amount that complies with the requirements of the approved CUP as stated above, and further require that their Use be limited to a Residential Accessory Use under the Code.

2. We reassert all of the objections we set forth in our 2/6 Letter, and we object to any Findings of Fact or Conditions of Approval which relate to those objections.

Summary

The applicant really has no equity here. It is in this position because it has spent the last five years representing that it didn't want or need lockouts. We urge the Planning Commission to deny the lockout application in its entirety. Lockouts are a major deviation in intensity of use which is incompatible with the surrounding neighbors and cannot be mitigated under LMC§15-1-10 Allowing lockouts opens a plethora of additional legal issues: (i) ignoring the material increase in intensity of use that is incompatible with the surrounding neighborhoods that cannot be mitigated given the increased size of units granted under an exemption in a 35-year old MPD for multi-unit dwelling projects from the Code's UE requirements; (ii) necessity for elimination of additional parking spaces to meet Code unless it adopts a tortured interpretation of what is not a Hotel Use, what is a Support Commercial facility instead of a Retail Commercial facility, validation of a flaw in the Code that omits a requirement for parking spaces for multi-unit dwellings with lockouts when it has a parking requirement for all other types of Dwellings with lockouts, including Hotels; (iii) recognition of the validity of a flawed and outdated traffic study that doesn't address increased traffic created by the proposed use of this Project under its condominium documents and management agreements which use materially increases the number of employees and service/supply vehicles needed to operate the proposed lockouts and amenities; (iv) rewarding an applicant that has consistently piecemealed its process of revealing its real intended use of a project so that decisions have been obtained in project size, design and use which are ultimately inconsistent with its earlier representations and with existing Code requirements when looked at as a whole at this point in time; and (v) materially increasing the amount of time, effort and money spent by the City, the applicant and the neighbors in resolving these issues at either the City or district court level.

We also recommend that the Commission continue the hearing on the Condominium Application until changes can be made in the Project that result from a final decision on the Lockout Application.

Sincerely,



Robert C. Dillon

Attachment

WHEN RECORDED, MAIL TO:

Thomas G. Bennett
Ballard Spahr LLP
201 So. Main, Suite 800
Salt Lake City, UT 84111-2221

DECLARATION OF CONDOMINIUM
FOR
NORTH SILVER LAKE



10.3. Alteration of Units. Each Home Owner shall have the exclusive right to maintain and repair such Owner's Home. Each Home Owner shall keep his or her Home in a sanitary condition and in a good state of repair. In the event that any such Home should develop an unsanitary condition or fall into a state of disrepair and in the event that the Owner of such Home should fail to correct such condition or state of disrepair promptly following written notice from the Management Committee, the Management Committee shall have the right, at the expense of the Owner and without liability to the Owner for trespass or otherwise, to enter said Home and correct or eliminate said unsanitary condition or state of disrepair. An Owner may not make any change or alteration to the exterior of his or her Home or structure of the Home without the approval of the Architectural Review Committee. Owners of adjoining Homes may not modify the boundaries of such Units. Home Owners may not subdivide their Homes.

10.4. Right of Entry. The Management Committee shall have the right, at the expense of the Owner and without liability to the Owner for trespass or otherwise, to enter into any Home for the purpose of maintenance, repairs, including emergency repairs, and for the purpose of abating a nuisance, or a known or suspected dangerous or unlawful activity.

10.5. Transient Rental. Subject to the Association Rules and certain rules and regulations concerning the Support Limited Common Areas and Support Unit as promulgated by the Support Unit Owner as further described in this Declaration, nothing in this Declaration shall limit the rights of Declarant or any other Owner to operate the Home(s) owned by it for transient rental purposes. In accordance with Section 57-8-10(9)(h) of the Act, the Association shall not restrict or prohibit rentals of Units within the Project unless an Amendment to this Declaration is unanimously approved by all Owners (100% of the Total Votes of the Association), including Declarant, in accordance with the amendment procedures set forth in this Declaration.

ARTICLE 11

NATURE AND INCIDENTS OF COMMERCIAL UNIT OWNERSHIP

11.1. Nature of Commercial Units. Each Commercial Unit is and shall hereafter be a parcel of real property which may be separately held, conveyed, devised, mortgaged, encumbered, leased, rented, used, occupied, improved and otherwise affected in accordance with the provisions of this Declaration.

11.2. Interior of Commercial Units. Each Commercial Unit Owner shall have the exclusive right to paint, repaint, tile, wallpaper, carpet, or otherwise decorate the interior surfaces of the walls, ceilings, floors and doors forming the boundaries of the Owner's Commercial Unit and surfaces of all walls, ceilings, floors and doors within such boundaries. Each Commercial Unit Owner shall keep the interior of the Owner's Commercial Unit, including without limitation, interior walls, windows, ceilings, floors and permanent fixtures and appurtenances thereto, in a clean and sanitary condition and in a state of good repair. In the event that the Management Committee, or Common Area Manager on its behalf, determines that such Commercial Unit has developed an unsanitary condition or fallen into a state of disrepair and in the event that the Owner of such Commercial Unit should fail to correct such condition or state of disrepair promptly following written notice, the Management Committee, or Common Area Manager on its behalf, shall have the right, at the expense of the Commercial Unit Owner and

without liability to the Commercial Unit Owner for trespass or otherwise, to enter said Commercial Unit and correct or eliminate said unsanitary condition or state of disrepair.

11.3. Combination of Adjacent Commercial Units. Upon written notice to the Management Committee, or Common Area Manager on its behalf, two or more adjoining Commercial Units may be utilized by the Commercial Unit Owner(s) thereof as if they were one Unit. Any walls, floors or other structural separations between any two such Commercial Units, may, for as long as the two Commercial Units are utilized as one Unit, be utilized by the Commercial Unit Owner(s) of the adjoining Units as Limited Common Areas and Facilities, except to the extent that any such structural separations are necessary or contain facilities necessary for the support, use or enjoyment of other parts of the Project. At any time, upon the request of the Commercial Unit Owner of one of such adjoining Commercial Units, any opening between the two Commercial Units which, but for joint utilization of the two Units, would have been occupied by the structural separation, shall be closed, at the equal expense of the Commercial Unit Owner(s) of each of the two Commercial Units and the structural separations between the two Commercial Units shall thereupon become part of the Common Areas and Facilities.

11.4. Use of Commercial Units and Appurtenant Limited Common Areas. Subject to those restrictions set forth in Section 14.1 below, the Commercial Units and the Limited Common Areas appurtenant thereto designed to serve only such Commercial Unit (collectively, the "Commercial Space") may be used and occupied for commercial purposes only, including without limitation all activities necessary, related or incidental to the operation of the Project for guest services, shops, spa, beauty and wellness services, dining room, food and beverage services (including, without limitation, alcoholic beverages) or otherwise (the "Commercial Activities"). All revenue or income generated by the Commercial Activities on the Commercial Space shall be for the exclusive use and benefit of the Commercial Unit Owner. The Commercial Activities are expected to generate an unpredictable amount of visible, audible and odorous impacts and disturbances. The Commercial Activities may occur during daytime and nighttime. The Owner of a Commercial Unit may lease all or any portion of its Commercial Space for any such Commercial Activities. Notwithstanding anything to the contrary contained herein, the Commercial Unit Owner may:

11.4.1. Perform such Commercial Activities within its Commercial Space as are common to or necessary for the conduct of commercial operations, including, without limitation, spa, beauty and wellness services and classes, food and beverage service, dining room, bar, social club, dining club and private club operations (including, without limitation, sales of food and alcoholic and non-alcoholic beverages for consumption on and immediately adjacent to the Project and at other locations, preparation of hot and cold food and beverages at indoor and outdoor facilities on and immediately adjacent to the Project), meeting rooms, offices and retail operations, and any other uses or activities permitted by law, and any lights, sounds and odors which result from such Commercial Activities shall not violate the terms of this Declaration.

11.4.2. Apply for and obtain special use permits and licenses which are necessary or appropriate for the conduct of Commercial Activities in its Commercial

Space and for the sale or service of food or alcoholic beverages (including, without limitation, alcoholic beverages) on the Project in accordance with the Condominium Documents, without obtaining the approval of the Management Committee, or Common Area Manager on its behalf, on the condition that such permits and licenses are consistent with the existing zoning and actual uses of the Commercial Unit at the time the permit or license is applied for.

11.5. Improvements to Commercial Units. Notwithstanding anything to the contrary contained in this Declaration, a Commercial Unit Owner may make improvements or alterations to its Commercial Space without the consent of any Owner or the Management Committee, on the conditions that:

11.5.1. the improvement or alteration does not impair any other Unit or any Limited Common Areas and Facilities designed to serve any other Unit;

11.5.2. the Owner of the Commercial Unit promptly repairs any damage to any Common Areas and Facilities caused thereby at its cost and expense; and

11.5.3. the improvement or alteration complies with all laws, ordinances, regulations and rules of governmental and quasi-governmental authorities with jurisdiction.

11.6. Subdivision of Commercial Units. Commercial Units may be subdivided, as set forth in the following paragraphs:

11.6.1. No Commercial Unit or Units shall be subdivided either by agreement or legal proceedings, except as expressly provided herein. An Owner may subdivide a Commercial Unit in accordance with the same procedure for the combination of adjacent Units set forth in Section 9 below.

11.6.2. A subdivision of Commercial Units shall provide for reallocation of the undivided ownership interest in the Common Areas and Facilities among the resulting Units, consistent with the provisions of Section 9, so that the combined percentages of undivided ownership interest of the resulting Commercial Unit(s) are identical with the combined percentage of undivided ownership interest of the subdivided Commercial Unit(s) prior to subdivision.

11.6.3. The Commercial Owner(s) of the Unit(s) to be subdivided or combined shall be responsible for all costs associated with its implementation including but not limited to costs of Amendment and recording of an amended Condominium Plat to effect the proposal; review of the documents for form, including reasonable attorneys' fees incurred by the Management Committee, or Common Area Manager on its behalf; and the cost of any modifications to the Project to implement the proposal.

11.6.4. Upon receipt of all approvals required by Section 19.9.2 below, the Commercial Unit Owner(s) may proceed according to the proposed plans and specifications; provided that the Management Committee, or Common Area Manager on

its behalf, may, in its discretion, require that the Management Committee, or Common Area Manager on its behalf, or its agents administer the work, or that provisions for the protection of other Units or Common Areas and Facilities and/or reasonable deadlines for completion of the work be inserted in the contracts for the work. The changes in the Condominium Plat, if any, and the changes in this Declaration shall be placed of record, at the requesting Owner's expense, as Amendments thereto.

11.7. Additional Rights of Commercial Unit Owners. Notwithstanding anything to the contrary contained in this Declaration, a Commercial Unit Owner shall have the right to install, operate, maintain, repair and replace machinery, equipment, utility lines, wires, circuits, cables, and conduits serving such Owner's Commercial Unit, along, across and through any and all Common Areas and Facilities and any Limited Common Areas and Facilities, on the conditions that (i) the Owner of the Commercial Unit, at its sole cost and expense, shall repair, replace and restore any damage to the Common Areas and Facilities, and (ii) such installation, maintenance, repair or replacement complies with all laws, ordinances, regulations and rules of governmental and quasi-governmental authorities with jurisdiction.

11.8. Restrictions on Amendment. Any Amendment to this Article 11 and/or any other restrictions subsequently imposed on the use of Commercial Units, whether in this Declaration or any other Condominium Document, shall require the consent of sixty-seven percent (67%) of the Total Votes of the Association, which percent shall include the consent of fifty-one percent (51%) of the votes held by the Commercial Unit Owners.

ARTICLE 12

NATURE AND INCIDENTS OF SUPPORT UNIT OWNERSHIP

12.1. Nature of Support Unit. The Support Unit is and shall hereafter be a parcel of real property that may be separately held, conveyed, devised, mortgaged, encumbered, leased, rented, used, occupied, improved and otherwise affected in accordance with the provisions of this Declaration.

12.2. Interior of Support Unit. The Support Unit Owner shall have the exclusive right to paint, repaint, tile, wallpaper, carpet, or otherwise decorate the interior surfaces of the walls, ceilings, floors and doors forming the boundaries of the Support Unit and surfaces of all walls, ceilings, floors and doors within such boundaries. The Support Unit Owner shall keep the interior of the Support Unit, including without limitation, interior walls, windows, ceilings, floors and permanent fixtures and appurtenances thereto, in a clean and sanitary condition and in a state of good repair and in accordance with the Resort Quality Standard.

12.3. Use of the Support Unit. The Support Unit may be used and occupied for Support Activities. The Support Activities are expected to generate an unpredictable amount of visible and audible impacts and disturbances. The Owner of a Support Unit may lease all or any portion of its Support Unit for any such Support Activities. Notwithstanding anything to the contrary contained herein, the Support Unit Owner, or the Resort Manager on behalf of the Support Unit Owner, may:

12.3.1. Perform such Support Activities within its Support Unit as are common to or necessary for the conduct of resort operations, including, without limitation, meetings, conferences, weddings and conventions, management offices, housekeeping services, storage, laundry, retail sales and rentals, sales of services relating to recreational activities, the installation, operation and maintenance of illuminated and non-illuminated signage, sales and consumption of food and alcoholic and non-alcoholic beverages for consumption on and immediately adjacent to the Project and at other locations, meeting rooms and any other uses or activities permitted by law, and any lights, sounds and odors which result from such Support Activities shall not violate the terms of this Declaration.

12.3.2. Apply for and obtain special use permits and licenses which are necessary or appropriate for the conduct of Support Activities within the Project and for the sale or service of food or alcoholic beverages on the Project in accordance with the Condominium Documents, without obtaining the approval of the Management Committee, on the condition that such permits and licenses are consistent with the existing zoning and actual uses of the Support Unit at the time the permit or license is applied for.

12.4. Additional Rights of the Support Unit Owner. Notwithstanding anything to the contrary contained in this Declaration, the Support Unit Owner, or the Resort Manager on behalf of the Support Unit Owner, shall have the following additional rights:

12.4.1. The right to install, operate, maintain, repair and replace machinery, equipment, utility lines, wires, circuits, cables, and conduits serving the Support Unit, along, across and through any and all Common Areas and Facilities and any Support Limited Common Areas and Facilities, on the conditions that (i) the Support Unit Owner, at its sole cost and expense, shall repair, replace and restore any damage to the Common Areas and Facilities, and (ii) such installation, maintenance, repair or replacement complies with all laws, ordinances, regulations and rules of governmental and quasi-governmental authorities with jurisdiction.

12.4.2. In addition to Declarant's reserved rights to maintain signs in connection with its marketing and sale of Units as set forth in Section 8.2 above, the Support Unit Owner and Resort Manager shall have the exclusive right to maintain any signs, flags or advertising devices of any nature on the Common Areas and Facilities of the Project, including, without limitation, promotional, political, informational or directional signs or devices, or signs advertising the Project.

12.4.3. Notwithstanding anything in this Declaration to the contrary, no Owner or occupant, except the Support Unit Owner or another person or entity permitted in writing by the Support Unit Owner, shall have any right to the sale or service of food or alcoholic beverages on the Project. The Support Unit Owner may designate in writing any and all permitted providers for the sale or service of food or alcoholic beverages on the Project. No Owner or occupant shall do anything as may hinder or interfere with the Support Unit Owner's ability (or the ability of any person or entity designated by the Support Unit Owner as its permitted provider) to secure and maintain licenses for the sale

or service of food or alcoholic beverages. The Management Committee shall promptly execute such documents as may be requested by the Support Unit Owner, from time to time, to further assure the rights granted to the Support Unit Owner under this Section 12.4.3.

12.4.4. Notwithstanding any restriction or limitation in this Declaration, the Support Unit Owner, or the Resort Manager on behalf of the Support Unit Owner, shall have the right, without the consent or approval of the Association or other Owners, but without obligation, to (a) make alterations, additions or improvements, structural and nonstructural, interior and exterior, ordinary and extraordinary, in, to and upon the Support Unit or any other Units owned by the Support Unit Owner (including, without limitation, the removal of walls, floors, ceilings and other structural portions of any improvements within such Units), and (b) expand, alter, discontinue, replace or add to all or any part of the recreational facilities or other improvements within the Project.

12.4.5. There is reserved to the Support Unit Owner, the Resort Manager, its express successors, transferees, designees, agents, assigns and co-licensees, the exclusive right to provide room service, housekeeping, and any other resort, operations and resort services on the Project, including the non-exclusive right to sell, serve and deliver alcoholic beverages of every kind and character to and within all portions of the Project, specifically including the Commercial Units, the Support Units, the Residential Units, the Homes, the Common Areas and Facilities, and all Limited Common Areas and Facilities appurtenant to such Units. The exercise or grant of such exclusive and non-exclusive rights shall not be deemed to preclude, prevent or prohibit other uses of the Common Areas and Facilities or the Units not in conflict with such exclusive and non-exclusive rights (for example, a Commercial Unit may include a bar and the service and sale of alcoholic beverages to its guests and patrons). Grantees of any interest in the Project, by acceptance of any deed, lease, license or other instrument of conveyance to a Unit shall be and are hereby bound by such reservation of rights.

12.5. Resort Quality Standard. The Support Unit Owner may from time to time create and enter into any Resort Management Document as it shall determine in its sole and exclusive discretion and may promulgate certain rules, guidelines and restrictions regarding the appearance, design, maintenance, upkeep, decorating, furnishing and cleanliness of the Support Units and Support Limited Common Areas and Facilities, which rules, guidelines and restrictions shall be referred to as the "Resort Quality Standard." The Resort Quality Standard as applicable to both the operational and physical components of the Project shall be subject to change over time, as the Support Unit Owner, or the Resort Manager on behalf of the Support Unit Owner, determines is necessary or desirable, in order to adapt to technology, general market conditions, consumer preferences, trends and standards in the luxury resort industry and/or standards set forth in any Resort Management Document.

12.6. Resort Manager. The Support Unit Owner may enter into a contract with a Resort Manager for the management of the Support Unit and the Support Limited Common Areas and Facilities. Pursuant to such management contract, the Support Unit Owner may delegate to a Resort Manager some or all of the duties, powers, and responsibilities referred to in this Article

Francisco Astorga

From: Lisa Wilson <lisawilson@me.com>
Sent: Tuesday, February 11, 2014 4:24 PM
To: Francisco Astorga
Subject: SEL Residences

Hi Francisco,

Please give the attached letter to both the Planning Commission and City Council members for the Feb 12th meeting. Please make this letter and exhibits part of the public record for the Feb 12th, 2014 Planning meeting.

Thank you,
Lisa Wilson
(435) 901-0629

Dear Planning Commission and City Council,

Here is additional proof that the North Silver Lake Lodge CUP is a scam, corruption or both.

The public expressed concern about an approval at 7101 Silver Lake Drive during the public process for the North Silver Lake Lodge. A large footprint would destroy a mature forest and natural habitat.

The developer convinced City Council and the public that the North Silver Lake Lodge is 70.6% open space.

Finding of Fact #10 in the North Silver Lake Lodge permit states the project is 70.6% open space. The Finding of Fact #10 is false. The project is less than 49.8% open space and out of compliance with the Land Management Code in effect at the time the project was approved.

City Hall and the developer have intentionally misled the public during public hearings, public meetings and multiple Appeals.

The Land Management Code at the time of approval required 60% open space (See Finding of Face #9 in the North Silver Lake Lodge CUP). When it was proven the project is less than the 60% open space required, and in noncompliance with the code, Park City Municipal changed the Land Management Code.

The current code requires 50% open space, instead of the 60% open space required at the time of the 2010 North Silver Lake Lodge Conditional Use Permit approval.

Clearly this project has incredible political clout. It appears City Hall is willing to do just about anything to see that this project gains approval.

There is huge profit potential for the developer and a potential increase in property tax revenue, bed tax, sales tax etc for the City if the Stein Erickson Lodge Residences is constructed.

The North Silver Lake Lodge CUP, called Stein Erickson Lodge Residences today, is a developer scam that takes away the “rights” of the people.

Proof

The North Silver Lake Lodge Conditional Use Permit allows 4.03 acres of Deer Valley Resort ski area to be used toward the development’s open space requirement to achieve 70.6% open space. This is Finding of Fact #10 in the NSLL CUP. The Park City Legal Department told the public and City Council at an Appeal hearing the use of ski area on Lot 2D is legal toward development of the North Silver Lake Lodge.

Park City Municipal’s legal opinion is false. According to Summit County Officials, there are no development rights on North Silver Lake Lot 2D. Lot 2D is Deer Valley Resort ski area that is Dedicated Open space and does not hold development rights. Park City’s Municipal’s legal opinion during a 2011 Appeal hearing is fabricated.

According to a letter written to Council on October 12, 2012 by Alan Spriggs (Summit County Recorder) and Steve Martin (Summit County Tax Assessor),

“NSL-2-2D-am

...This parcel is valued as “open Space” and as such no further development rights are attached to the property.”

Property tax records verify that there are no development rights associated with Dedicated Open Space.

Deer Valley Resort has paid property taxes on Lot 2D of around \$56.00 annually for years. The estimated total value of 4.03 acres of Deer Valley land is \$6,045 by Summit County.

According to the Summit County Recorder and Assessor letter:

'It is currently assessed at a "open space" value of \$1,500 per acre which is identical to all platted open space in the resort area.'

Park City Legal Council repeatedly presented to the public fabricated Findings of Fact during the Conditional Use process.

Finding of Fact #10 in the North Silver Lake Lodge Permit States:

"10. The current site plan contains 70.6% open space on the site including the remainder 3.78 acres of open space on Lot 2D."

Math Proof:

$$\begin{array}{r} \underline{2.865 \text{ SEL footprint}} \\ 5.96 \text{ Hotel site} - .25 \text{ Bellemont} \end{array} = 2.865 = .5018$$

5.71

1 – .5018 = 49.8% open space

When Deer Valley ski area is removed from the CUP toward development the project is less than 49.8%. 60% open space was required at the time the CUP was issued.

An accurate open space value has yet to be presented to the public.

The City has lied to the public during public hearings, meetings and in the Staff report. Most importantly, City officials lied during the Appeal process while acting as both Judge and Jury.

The North Silver Lake Lodge does not have rights to utilize Deer Valley ski area on Lot 2D toward development of the North Silver Lake Lodge.

Please return the Land Management Code Open Space requirement back to 60% open space. 60% was the standard at the time of the approval in 2010. Most are unaware the open space requirement has been changed to 50% in the Land Management Code to aid the SEL Residence approval.

Pleased Deny the Stein Erickson Residence permit. The project is in non-compliance with code at the time of approval.

Condition of Law #5 in the North Silver Lake Lodge Cup States:

#5. The Planning Commission did not err in approving the application.

Condition of Law #5 is false. Planning Commission made an errors in approving the North Silver Lake Lodge CUP.

Condition of Law #5 is false. Planning Commission made an errors in approving the North Silver Lake Lodge CUP.

- Supporting Documents
- Deer Valley Resort Tax Record on Lot 2D
- State Ombudsman Disclaimer
- Portions of the 2010 North Silver Lake Lodge CUP
- Summit County Letter to Council
- Condition of Approval for the North Silver Lake MPD

I apologize my wording is blunt. I am simply unable to sugar coat what has taken place.

Lisa Wilson

Property tax bill for Deer Valley Resort ski area, that is Dedicated Open space, on North Silver Lake Lot 2D.

Account 0338065

Location

Parcel Number **NSL-2-2D-AM**
Account Number 0338065
Tax District 07 - PARK CITY A,J,K,U (D-D)
Acres 4.03

Owner

Name **DEER VALLEY RESORT COMPANY**
PO BOX 889
PARK CITY, UT 84060-0889

Value

Market (2011) \$6,045
Taxable \$6,045
Tax Area: 07 Tax Rate: 0.009224
Type Actual Assessed Acres
Land \$6,045 \$6,045 4.030

Situs Address

Legal LOT 2D OF THE SUBDIVISION OF LOT 2
NORTH SILVER LAKE SUBDIVISION;
ACCORDING TO
THE OFFICIAL PLAT ON FILE IN THE
SUMMITCOUNTY RECORDERS OFFICE CONT
4.03 ACRES

Child Accounts

Child Parcels

Parent Accounts 0289375

Parent Parcels NSL-2

Transfers

Instrument Date

09/18/1997

B: 97 P: 58

Tax

Images

Tax Year

Taxes

2011	\$55.76
2010	\$54.09

City Hall suggested it was acceptable to utilize ski area on Lot 2D based on the State Ombudsman Opinion. The Ombudsman on the final page made it clear an Advisory Opinion is not admissible in a legal action. See the last page of State Ombudsman Advisory Opinion.

is an advisory opinion as defined in § 13-43-205 of the Utah Code. It does not constitute legal advice, and is not to be construed as reflecting the opinions or policy of the State of Utah or the Department of Commerce. The opinions expressed are arrived at based on a summary review of the factual situation involved in this specific matter, and may or may not reflect the opinion that might be expressed in another matter where the facts and circumstances are different or where the relevant law may have changed.

While the author is an attorney and has prepared this opinion in light of his understanding of the relevant law, he does not represent anyone involved in this matter. Anyone with an interest in these issues who must protect that interest should seek the advice of his or her own legal counsel and not rely on this document as a definitive statement of how to protect or advance his interest.

An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to a dispute involving land use law. If the same issue that is the subject of an advisory opinion is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion, the substantially prevailing party on that cause of action may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution.

Evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action, except in small claims court, a judicial review of arbitration, or in determining costs and legal fees as explained above.

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North Silver Lake Lodge Conditional Use Permit

The Planning Commission reviewed the remand during two work sessions on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address the order and findings of the City Council. The Planning Commission approved the revised conditional use permit with a four to one vote on April 28, 2010.

The approval was appealed by two separate parties. On May 7, 2010, Eric Lee submitted an appeal (Exhibit A). On May 10, 2010, Lia Wilson submitted an additional appeal (Exhibit B). The City Council reviewed the appeal on June 24, 2010. All parties stipulated to additional condition of approval #19. The Council did not find merit in the notice issues, the compatibility of revised design or other issues raised in Ms. Wilson's appeal. The Council added an additional requirement of an opportunity for neighborhood input prior to approval of the phasing plan(s), but found that the Planning Commission adequately addressed the issues of the remand. Accordingly, the City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B Conditional Use Permit.

Findings of Fact, Conclusions of Law and Conditions of Approval re: N81 Subdivision Lot 2B Conditional Use Permit.

On July 1, 2010, having been duly advised, the City Council hereby modifies the Planning Commission Findings of Fact, Conclusions of Law, Conditions of Approval and Order with minor corrections to the findings and conditions (underlined) as follows:

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.98 acres in area.
6. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel

2 of 5

room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Belmont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Belmont Subdivision utilized $\frac{1}{4}$ acre of the Lot 2B parcel to comply with the open space requirement.
10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the allowance of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake lot 2B on October 15, 2009 and on November 12, 2009.
19. On November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
20. The Planning Commission reviewed the North Silver Lake Conditional Use Permit remand on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.
21. The Conditional Use Permit was appealed by two separate parties within ten days of the Planning Commission approval.
22. The design for Building 3 decreased the overall square footage of the Building 3 twenty-five percent (25%), reoriented the building on the site, and divided the original single building into two interconnected buildings of smaller scale and size than the original single building.

Condition of Law #5 has not been adhered to. Planning Commission did make errors when approving the North Silver Lake Lodge CUP

23. The landscape plan was modified to comply with the Wild Land Interface regulations.
24. Construction phasing and additional bonding beyond a public improvement guarantee has been required.

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.
5. The Planning Commission did not err in approving the application.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and

4 of 5

Letter to the Council from Summit County Officials

To the Council:

October 22, 2012

Re: "tax free property in Park City"

The properties under discussion are:

NSL-2-2D-am.

North Silver lake Subdivision lot 2d of lot 2 re-subdivision which is a 4.03 acre parcel designated as open space on the recorded plat. This parcel is valued as "open Space" and as such no further development rights are attached to the property. It is currently assessed at "open Space" value of \$1,500 per acre which is identical to all platted open space in the resort area. What Park City allows as its use (open space for adjoining condo projects) is up to the Park City authority; however it has little effect on the valuation since the property itself is stripped of any usage other than buffer and green space.

NSL-2-2B-AM

is an inactive parcel that was broken out of lot 2 in 1997. It subsequently was further subdivided in 2005 as the North Silver Lake Lodge Condominium of 6 units on the original 5.96 acres. According to the recorded plat received from the Recorder's Office, the remaining acreage under discussion was determined to be Common Area as per plat (lower left hand legend). And since the value of any common area is assumed in the combined undivided ownership of the project units, no Serial or Account number was created for tax assessment purposes.

The 85 million trust deed is irrelevant to assessment purposes and may mean something to the bank or the borrower or may cover multiple properties or other assets of the LLC for whom the deed was executed.

The conditional use development rights exist only on paper and only until 2013, if they are developed at all. Until a subsequent plat is recorded determining and fixing the "rights" to this parcel it would be unwise to attach value to undetermined, speculative, future potential as yet unrealized.

It appears that in 2010 Ms. Wilson and other adjacent property owners filed an appeal of the CUP (Conditional Use Permit) and were denied on the whole and may be attempting a different route to slow the development of the parcel.

Alan Spriggs, Summit County Recorder

Steve Martin, Summit County Assessor

North Silver Lake MPD that states the open space parcel may not be used toward development



Community Development/Engineering
Building and Planning Departments

March 15, 1990

Deer Valley Resort Company
P. O. Box 889
Park City, Utah 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Revision to the North Silver Lake MPD

Date of Meeting: March 14, 1990

Action Taken By Planning Commission: APPROVED

Conditions of Approval:

- 7. ① Prior to permit issuance for construction of the Skier Tunnel to Belleterre and the Skier trail across the open space parcel, Deer Valley shall enter into an agreement with the City to set forth limits of disturbance and methods for vegetation protection. This shall include the requirement that a security be posted to ensure compliance.
- ? ② Concurrent with the construction of the skier trail, Deer Valley shall be required to construct a hiking trail to link the skier trail to the Evergreen Subdivision and to Royal Street. The exact location of this trail shall be decided in the field prior to permit issuance. A 15 ft wide hiking trail easement has been shown on the revised MPD and shall be revised to reflect the exact location of the trail.
- 3. The open space parcel shall be not be entitled to any density and shall not be allowed to be included in the open space calculations for any other parcel in North Silver Lake.
- 4. The status of the approval of additional skier bridges or tunnels other than the tunnel which services Belleterre is uncertain at this time. This approval does not change the status of approval of additional skier structures in North Silver Lake. This tunnel, and any skier structure over or under City Right-of-Way, requires that an Encroachment Permit be approved by the City Council. If the City Council does not approve such an Encroachment Permit for the skier tunnel, the tunnel must be eliminated from the plan. The Staff will meet with Deer Valley to determine the status of other skier structures which may be proposed in the future.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060 • (801) 549-9333

Lisa Wilson
lisawilson@me.com

Dear Planning Commission and City Council,

Here is additional proof that the North Silver Lake Lodge CUP is a scam, corruption or both.

The public expressed concern about an approval at 7101 Silver Lake Drive during the public process for the North Silver Lake Lodge. A large footprint would destroy a mature forest and natural habitat.

The developer convinced City Council and the public that the North Silver Lake Lodge is 70.6% open space.

Finding of Fact #10 in the North Silver Lake Lodge permit states the project is 70.6% open space. The Finding of Fact is false. The project is less than 49.8% open space and out of compliance with the Land Management Code in effect at the time the project was approved.

City Hall and the developer have intentionally misled the public during public hearings, public meetings and multiple Appeals.

The Land Management Code at the time of approval required 60% open space (See Finding of Face #9 in the North Silver Lake Lodge CUP). When it was proven the project is less than the 60% open space required and in noncompliance with the code, Park City Municipal changed the Land Management Code.

The current code requires 50% open space, instead of the 60% open space required at the time of the 2010 North Silver Lake Lodge Conditional Use Permit approval.

Clearly this project has incredible political clout. It appears City Hall is willing to do just about anything to see that this project gains approval.

There is huge profit potential for the developer and a potential increase in property tax revenue, bed tax, sales tax etc for the City if the Stein Erickson Lodge Residences is constructed.

The North Silver Lake Lodge CUP, called Stein Erickson Lodge Residences today, is a developer scam that takes away the “rights” of the people.

Proof

The North Silver Lake Lodge Conditional Use Permit allows 4.03 acres of Deer Valley Resort ski area to be used toward the development’s open space requirement to achieve 70.6% open space. This is Finding of Fact #10 in the CUP. The Park City Legal Department told the public and City Council at an Appeal hearing the use of ski area on Lot 2D is legal toward development of the North Silver Lake Lodge.

Park City Municipal’s legal opinion is false. According to Summit County Officials, there are no development rights on North Silver Lake Lot 2D. Lot 2D is Deer Valley Resort ski area that is Dedicated Open space and does not hold development rights. Park City’s Municipal’s legal opinion during a 2011 Appeal hearing is false.

According to a letter written to Council on October 12, 2012 by Alan Spriggs (Summit County Recorder) and Steve Martin (Summit County Tax Assessor),

“NSL-2-2D-am

...This parcel is valued as “open Space” and as such no further development rights are attached to the property.”

Property tax records verify that there are no development rights associated with Dedicated Open Space.

Deer Valley Resort has paid property taxes on Lot 2D of around \$56.00 annually for years. The estimated total value of 4.03 acres of Deer Valley land is \$6,045 by Summit County.

According to the Summit County Recorder and Assessor letter:

It is currently assessed at a "open space" value of \$1,500 per acre which is identical to all platted open space in the resort area.

Park City Legal Council repeatedly presented to the public fabricated Findings of Fact during the Conditional Use process.

Finding of Fact #10 in the North Silver Lake Lodge Permit States:

"10. The current site plan contains 70.6% open space on the site including the remainder 3.78 acres of open space on Lot 2D

Math Proof:

$$\frac{2.865 \text{ SEL footprint}}{5.96 \text{ Hotel site} - .25 \text{ Bellemont}} = \frac{2.865}{5.71} = .5018$$

$$1 - .5018 = 49.8\% \text{ open space}$$

When Deer Valley ski area is removed from the CUP toward development the project is less than 49.8%. An accurate open space value has not been presented to the public.

The City has lied to the public during public hearings, meetings and in the Staff report. Most importantly, City officials lied during the Appeal process while acting as both Judge and Jury.

The North Silver Lake Lodge does not have rights to utilize Deer Valley ski area on Lot 2D toward development of the North Silver Lake Lodge.

Please return the Land Management Code Open Space requirement back to 60% open space, as it was at the time of the approval in 2010. Most are unaware the open space requirement has been changed to 50% in the Land Management Code to help the SEL Residence approval.

Pleased Deny the Stein Erickson Residence permit. The project is in non-compliance at the time of approval.

Condition of Law #5 in the North Silver Lake Lodge Cup States:

#5. The Planning Commission did not err in approving the application.

Condition of Law #5 is false. Planning Commission made an errors in approving the North Silver Lake Lodge CUP.

Supporting Documents

- Oct 12, 2012 Summit County Letter
- Deer Valley Resort Tax Record on Lot 2D
- North Silver Lake Lodge CUP
- New Code showing open space requirement is now 50%.

I apologize my wording is blunt. I am simply unable to sugar coat what has taken place.

Lisa Wilson

Francisco Astorga

From: Philip Kay <phil@kay2ventures.com>
Sent: Wednesday, February 12, 2014 1:14 PM
To: Francisco Astorga
Subject: North Silverlake Project

Park City Planning Comissioners and Interested parties;

As a homeowner who has live in the Evergreen subdivision for over 24 years, I want to express my grave concerns about the latest turn of events, in the form of the proposed lockout units for the North Silverlake (NSL) Project.

From the beginning of the approval process, this project did not, and has not, fit into the overall character of the Evergreen subdivision and larger on-mountain neighborhood. As you know, as originally proposed, the NSL project was mostly single family homes and a few few small townhouse condominiums. A hotel use, which the lockout units will provide, was never a consideration and, obviously, does not fit into the neighborhood. It will draw more traffic than Silver Lake Drive will support, it will create a transit neighbor population that is inconsistent with the single family homes and condominiums in the neighborhood, and it will detract from the character of the neighborhood by adding a hotel-like element to what was originally approved by the planning commission to be only an owner/user set of townhouses and single-family homes.

The developers' latest attempt to include lockout units, after repeatedly assuring both the neighboring homeowners and the planning commission and community that there wouldn't be lockouts, is disingenuous at best and outright fraudulent representation at the worst.

This proposed change has been very upsetting to all of the property's neighbors on North Silver Lake Drive, and despite of the developers' so-called "traffic mitigation report", common sense tells us that lockouts will only increase traffic as more families enter and leave the project in its proposed hotel-like setting.

I urge the planning commission to reject this latest attempt to change our neighborhood. While it may provide a the developers the ability to make the units "more attractive to buyers", it is an overall net negative for the existing homeowners, the neighborhood, and an already challenged traffic situation in Deer Valley.

Sincerely Yours,

Philip Kay
6893 Silverlake Drive

Email: phil@kay2ventures.com

Francisco Astorga

From: Lisa Wilson <lisawilson@me.com>
Sent: Wednesday, February 12, 2014 3:33 PM
To: Patricia Abdullah; Francisco Astorga
Cc: Jack Thomas; Andy Beerman; Tim Henney; Cindy Matsumoto; Liza Simpson; Benjamin Schapiro; Bill Bailey; Bill Witz; Blake Roney; Dillon Bob; Bob Sertner; Bondurant French; Brad Wilson; Brent Glissmeyer; Brian Van Hecke; Bruce & Laura Shelby; Carm Santoro; Caroline Hyman; Charles Loyd; Charles McEvoy; Chris Lockwood; Clay & Monica Wahlquist; Cliff Soechtig; Dana Baptiste; Daryl Babbitt; Dave & Nancy Gill; David Kirchheimer; David Smith; Diane Liemandt; Dick Thompson; Don Steen; Dr. Peter Ballas II; Eleanor Padnick; Gib Myers; Isaac Stein; James & Suzanne Kohlberg; Jeff Kirshner; Jim Burkus; Jim Cronin; Jim Riepe; Joe Booker; Joel Hyatt; John Shea; Komal Sri-Kumar; Lisa Wilson; Maria Quinlan; Mark Caldwell; Mark Prothro; Maryann Gallagher; Michael Fitzpatrick; Michael O'Malley; Michael Warren; Michelle Demschar; Mike Boyce; Nancy Williams; pamcsmith123; Pamela Stevenson; Peggy Dalal; Pete Solvik; Phil Kay; Priscilla Boone; Randy Taylor; Ray Kennedy; Richard Clark; Robert Buie; Ron Kirk; Ronald Reimann; Sako & Bill Fisher; Scott Eller; Sharon Thralls; Steve Batiste; Sue Croft; Susan & Joel Hyatt; Tim Lapage; Tom Bailey; Tom Boone; Tom Sutton; Tom Werner; Tony Pritzker; Verna Sands; Wayne Baumgardner; Wendy Steinle
Subject: SEL Residences

Hi Patricia & Francisco,

Please see that Planning Commission and City Council get the following for tonight's meeting. Please also make certain this makes it in the record for the Feb. 12, 2014 Planning Commission Meeting.

Sorry to be tardy on this. The Staff Report for 7101 Silver Lake Drive wasn't posted until some time over the weekend. We also have had incredible powder. Skiing is why many of us moved to Park City.

Thank you,
Lisa Wilson
(435) 901-0629

Dear Planning Commission and City Council,

Why has Condo Hotel development quadrupled in size?

The Park Record reported that the Stein Erickson Lodge Spa Remodel allowed the Spa to quadruple in size (see headline).



We have seen the Treasure Hill project quadruple in size from the original 1980's permit. Originally the developer had vested rights to build a 413,000 sq. project.

413,000 sq ft. was presented as the vested rights for Treasure Hill at a Park City High School Public meeting.

At the time the Treasure Hill developer was requesting the public buy the Treasure Hill land and entitlements for around \$98 million. The developer stated they had vested rights for 1.2 million square feet.

How can a developer with a 1980's permit for 413,000 sq. ft. believe he has vested rights for 1.2 million sq. ft? Easy. Treasure Hill wanted the extra square footage that is "Back of House" given to developers today in the new Land Management Code.

The Back of House Loophole

The Land Management Code allows for significant square footage to be constructed that does not count toward a developer's entitlements.

The following is taken directly from the Park City Land Management Code. The highlighted area does not count against a Condo-Hotel's entitlements. The highlighted area is free square footage given by the City to well connected developers.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 - Master Planned Developments 15-6-7

*F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:*

Ski/Equipment lockers Lobbies

Registration Concierge

Bell stand/luggage storage Maintenance Areas Mechanical rooms and shafts Laundry facilities and storage Employee facilities

Common pools, saunas and hot tubs, and exercise areas not open to the public Telephone Areas

Guest business centers

Public restrooms Administrative offices Hallways and circulation Elevators and stairways

*(G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and*

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 - Master Planned Developments

summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal

resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information

Lost and found

First Aid

Mountain patrol

Administration

Maintenance and storage facilities Emergency medical facilities

Public lockers

Public restrooms

Employee restrooms, employee locker

rooms, employee break rooms, and

employee dining areas

Ski school/day care facilities

Instruction facilities

Ticket sales

Equipment/ski check

Circulation and hallways for these Resort

Accessory Uses

(Amended by Ord. Nos. 06-22; 09-10; 10- 14; 11-05)

15-6-18

Have you been to the Montage? Significant square footage is “Back of House” and falls under the Resort Accessory Use section of the Land Management Code. This is how the Montage became massive. Much of the square footage in the Montage is not counted as commercial space or against entitlements. Park City gives space away free.

Have you seen the Vista Lounge at the Montage? The Vista Lounge is around the size of a soccer field. One can buy drinks, food, attend a fundraiser, wedding, shower and or watch a rock guitarist like Richie Sambora of Bon Jovi in the Vista Lounge. Lounges according to code do not count against the Montage’s entitlements.

Have you entered the ski locker area from the ski slope at the Montage? A nice employee will take your boots off and one can eat in a Lounge. The ski locker area, that also sells ski clothes, lift tickets etc does not count against square footage or entitlements according to code.

Have you had the opportunity to see the indoor Spa, pool, workout room, hot tubs and more at the Montage? Gorgeous. The City calls this area “Back of house”. Back of House or Resort Accessory Use does not count against entitlements under the current Land Management Code. Back of House is free space given to developers in the Park City Master Planned Development section of the Land Management Code.

“Common pools, saunas and hot tubs, and exercise areas not open to the public” is free space for the elite.

City Leaders have suggested a significant amount of “Back of House” is necessary for the City to allow businesses to function. They suggest that the “Back of House” square footage has always existed. Simply look at the Yarrow. Does the Yarrow look like the Montage?

Areas like Underground Parking structures and Meeting space also fall under the “Back of House Resort Accessory Use” designation. This is a major factor as to why Condo-Hotel construction has become massive in Park City recently.

What is called “Back of House Resort Accessory Use” is not available to Homeowners or small business. For example, a Lounge is our living room or grate room. Ski lockers is where we store our ski stuff, coats etc. Work out room is where some of us have a tread mill, weights etc in our homes. Restrooms are a necessity in our homes and businesses. These areas count against our square footage in our homes and businesses.

In a Condo Hotel glamorous restrooms are a “Back of House or Resort Accessory Use”. The restrooms in the Montage are gorgeous, especially in the Spa. The Spa restroom is additional footage given to Montage that doesn’t count against entitlements. The public may not use the Montage Spa restrooms. It’s private and for the elite.

Perhaps one has a better understanding as to why construction has become massive in Park City recently.

Developers have convinced City Leaders that building more Condo-Hotel space we will help our Utah Schools. There will be an increased property tax revenue stream from Condo-Hotel development for Schools.

Unfortunately, extra money for schools has not yet become a reality. We have seen the recent construction of the St. Regis, Montage, Chateau, Park City Hotel, expansion of the Stein Erickson Lodge and more. Where is all this extra property tax money for our schools?

It seems providing tax incentives to Condo Hotels has not produced the funding to Utah Schools that was expected.

56% of property revenue goes to the Park City School District. There is not enough revenue to cover expenses. Recently the Park City School Board voted in a property tax increase to cover our local school budget shortfall.

The Park City School District has been in the red for many years. It seems Condo Hotel construction has not trickled down to the Park City School District. The reality is creating loopholes for developer's does not benefit Utah Schools.

According to a Jan 29-31, 2014 Park Record article

“Park City School District Board of Education president Maurice “Moe” Hickey said he always receives a chuckle when he mentions that Utah is ranked 55 in the country when it comes to per-pupil funding...In order to catch up to Mississippi, which is ranked no. 49, we would have to increase taxes by \$300,000 million a year.”

Examples of tax-free land for Condo Hotels

The developer at 7101 Silver Lake Drive has been assessed zero in property tax on vacant land for the proposed Stein Erickson Lodge Residences since 2005. Property Tax has been assessed on 6 single-family homes sites since 2005, instead of taxing a massive Condo-Hotel site.

It is my understanding from those involved with Thinc (a community activist group opposing the Treasure Hill project) that Treasure Hill has been assessed zero in property taxes since 2005 also. Both the Treasure Hill project and Stein Erickson Residences at 7101 Silver Lake Drive have had virtually tax-free land for many years. This is a loss of revenue for our schools, teachers and kids.

Our children and teachers lose

It appears the freebies given to developers have yet to help schools and teachers.

If the Stein Erickson Residences is approved, millions and millions of dollars in lost tax revenue has taken place for years. 56% of the lost revenue should have gone to Park City School District. Some suggest if the Stein Erickson Residences is approved, the vacant lot will become worth in excess of \$85 million dollars

Solution

I have a copy of the 1997 Land Management Code. The “Back of House” or Resort Accessory Use loophole” did not exist.

Please return the Land Management Code to something closer to what Park City had in the 1997 code.

Many who moved to Park would like to maintain the Mountain way of life permitted in the 1990's Land Management Code, instead of the loopholes created for massive development in the new code.

If massive construction continues, we will we lose our Mountain Way of Life.

Check Tax Records

Please look into the fact that tax-free land has been given for years toward Condo Hotel Development. Please begin by looking at Treasure Hill and the Stein Erickson Lodge Residences site.

Ski area used tax-free toward development

Please investigate the fact that City Hall is willing to allow the use of Resort ski area toward development tax-free. One example is the use of ski area is approved in the North Silver Lake Lodge 2010 CUP on Lot 2D. The use of ski area toward development appears to be a contributing factor in the recent construction of massive Condo Hotel's.

By allowing Condo Hotel developers to utilize ski area tax-free toward the open space code requirement, developers can build massive projects up to their setbacks and height limits.

PLEASE HEAD THE WARNINGS OF THE SUMMIT COUNTY RECORDER AND SUMMIT COUNTY TAX ASSESSOR. PLEASE DO NOT AUTHORIZE RECORDING A NEW PLAT FOR GREATER THAN 6 INDIVIDUAL HOMES SITES ON THE CURRENT NORTH SILVER LAKE LOT AT 7101 SILVER LAKE DR. A STEIN ERICKSON RESIDENCES RECORDER PLAT FOR MORE THAN 6 HOMES WILL CREATE SO CALLED VESTED RIGHTS THAT CAN BE ARGUED LEGALLY FOR YEARS, JUST LIKE TREASURE HILL.

PLEASE DO NOT INCREASE THE RIGHTS BEYOND WHAT IS RECORDED ON THE NORTH SILVER LAKE RECORDER PLAT #733182.

According to the Summit County Recorder and Assessor letter Oct 12, 2012 to the Council

NSL -2-2B-AM

“The conditional use development rights exist only on paper and only until 2013, if they are developed at all. Until a subsequent plat is recorded determining and fixing the “rights” to this parcel it would be unwise to attach value to undetermined, speculative future potential as yet unrealized.

Alan Spriggs, Summit County Recorder

Steve Martin, Summit County Recorder”

To the Council:

October 22, 2012

Re: "tax free property in Park City"

The properties under discussion are:

NSL-2-20-am.

North Silver Lake Subdivision lot 2d of lot 2 re-subdivision which is a 4.03 acre parcel designated as open space on the recorded plat. This parcel is valued as "open Space" and as such no further development rights are attached to the property. It is currently assessed at "open Space" value of \$1,500 per acre which is identical to all platted open space in the resort area. What Park City allows as its use (open space for adjoining condo projects) is up to the Park City authority; however it has little effect on the valuation since the property itself is stripped of any usage other than buffer and green space.

NSL-2-28-AM

is an inactive parcel that was broken out of lot 2 in 1997. It subsequently was further subdivided in 2005 as the North Silver Lake Lodge Condominium of 6 units on the original 5.96 acres. According to the recorded plat received from the Recorder's Office, the remaining acreage under discussion was determined to be Common Area as per plat (lower left hand legend). And since the value of any common area is assumed in the combined undivided ownership of the project units, no Serial or Account number was created for tax assessment purposes.

The 85 million trust deed is irrelevant to assessment purposes and may mean something to the bank or the borrower or may cover multiple properties or other assets of the LLC for whom the deed was executed.

The conditional use development rights exist only on paper and only until 2013, if they are developed at all. Until a subsequent plat is recorded determining and fixing the "rights" to this parcel it would be unwise to attach value to undetermined, speculative, future potential as yet unrealized.

It appears that in 2010 Ms. Wilson and other adjacent property owners filed an appeal of the CUP (Conditional Use Permit) and were denied on the whole and may be attempting a different route to slow the development of the parcel.

Alan Spriggs, Summit County Recorder

Steve Martin, Summit County Assessor

If Planning Commission approves anything greater than 6 homes, another Treasure Hill like project and the problems associated with it will be created.

Please maintain Park City's natural beauty and habitat, instead of destroying it for potential profit.

Respectfully,

Lisa Wilson

(435) 901-0629

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Thomas G. Bennett
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bennett@ballardspahr.com

February 11, 2014

Via Electronic Mail

Park City Planning Commission
c/o Francisco Astorga
Planning Department
Park City Municipal Corp.
445 Marsac Avenue
PO Box 1480
Park City UT 84060-1480

Re: North Silver Lake CUP Application PL-13-02034 ("Lockout Application") and Plat Application PL-02225 ("Plat Application")

Dear Commissioners:

As you know, this firm represents SR Silver Lake, LLC ("SRSL") in connection with the development of a condominium project on Lot 2B of the North Silver Lake subdivision plat (the "Project"). This letter is in response to a letter dated February 6, 2014 to you from Robert Dillon ("Dillon Letter") opposing the above listed applications.

1. **Lockout Application.** SRSL has submitted the Lockout Application to amend the existing Conditional Use Permit (the "CUP") for the Project to allow eighty-five lockout units (the "Lockouts") to be created in the 38 stacked condominium units approved for the Project. The CUP clearly stated that it did not include a request for Lockouts, and that any such request would require the review and approval of the Planning Commission. The Lockout Application was submitted to initiate that review, but does not propose any other modifications to the CUP or open up any aspect of the CUP for re-examination by the Planning Commission.
 - a. **Intensity of Use.** The Dillon Letter repeatedly claims that allowing Lockouts in the Project materially changes the "intensity of Use" at the Project. The Park City Land Management Code ("LMC") is very clear on what constitutes an increase in the intensity of use in the context of a real estate project. LMC § 15-15-1.284(A) defines "Use, Intensity of" as "the maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose." In other words, the LMC measures the intensity of use by the number of units in a project. The Project was approved for 54 residential units. Including the Lockouts within the existing approved space and number of units does not increase the "intensity of use" at the Project. Further, LMC § 15-15-1.88 expressly excludes Lockout Units from the definition of Dwelling Units. It is clear that adding Lockouts is not

DMWEST #10547330 v3

adding any additional units and is, therefore, not increasing the Intensity of Use, as defined by the LMC.

- b. There is no Prohibition Against Lockouts. The CUP included a condition that stated “No lockout units are permitted within this approval.” This was not an indication that the Lockouts would not be approved if requested, but simply that SRSL had not included lockout units in its prior application. In fact, discussions at Planning Commission and City Council meetings acknowledge that lockout units are in fact an allowed use for the Project site, which is governed by the provisions of the RD zone, in which lockouts are an Allowed Use (see LMC § 15-2.13-2).
 - c. The Addition of Lockouts is not a Substantial Change in Use. The Dillon Letter claims that the inclusion of the Lockouts is a substantial change in Use of the Project. The argument boils down to an assertion that the creation of Lockouts makes the Project a hotel rather than a nightly rental condominium project. This is contrary to the LMC, which specifically states that “Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels” (see LMC § 15-1.134).
 - d. Traffic at LOS A. The request for the Lockouts does not increase the size or bedroom count of any of the approved residential units. The same number of individuals can stay at the Project regardless of whether portions of the residential units have separate exterior access. Further, the updated traffic analysis dated November 2013, which assumes conservatively that 100% of the units and Lockouts will be occupied, projects that traffic will function at an LOS (level of service) A. The Dillon Letter claims that the traffic study is flawed by the dates that it chose (1/31/09-2/3/09) to examine for traffic impact. Since the City Engineer considers only an LOS D or worse to be cause for concern (see 2/12/14 Staff Report at page 344 of Planning Commission packet), it is inconceivable that selecting different days would materially change the Level of Service to an unacceptable impact.
- 2. Condominium Application.** SRSL has also submitted an application for approval of a condominium plat (the “Plat”), dividing the Project into individual residential and commercial units, as contemplated by the CUP. The decision of whether to approve the requested CUP amendment to allow Lockouts has no impact on the Plat, since the Lockouts, if approved, would not change the size or boundaries of any condominium unit or other area in the Project. The primary focus of the Planning Commission is whether the Plat is consistent with the terms of the CUP.
- a. Square Footage. The square footage for the stacked buildings as shown on the Plat is consistent with the plans submitted with the CUP and reviewed by the City Council on June 24, 2010. Those plans for the multi-family buildings included 183,454 square feet, plus 62,000 square feet for parking. The Plat depicts approximately 100 square feet less of building area and more than 27,000 square feet less for parking. The CUP approved the construction of 5,102 square feet of commercial area. The Plat includes 4,913 square feet of

commercial area. This is consistent with the CUP, which limited square footage for “common space, private space, and commercial space” to the plans reviewed and approved by the City Council.

- b. Dining Area and Spa are Support Commercial. The LMC § 15-15-1.54(A) defines “Commercial Use, Support” as “a Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.” In other words, essentially any type of commercial activity can constitute “Support Commercial” if it is for the purpose of serving the residents of the development and not targeted to the general public. The proposed dining area and spa are amenities to serve the owners of residential units and their guests. This is consistent with many condominium projects in Deer Valley. The Silver Baron Lodge includes a dining area, yoga classes, concierge, and fitness center. The Grand Lodge includes a fitness center, guest lounge, and ski lockers. The Lodges at Deer Valley has a ski rental shop, fitness facility, and general store. Stag Lodge offers a full service restaurant and bar, fitness center, and concierge. Trail’s End Lodge provides massage rooms, a fitness center, steam room, and concierge. As these examples demonstrate, condominium owners are expecting more and more amenities to be included on-site. SRSL has provided for a dining area and spa within the Project to anticipate and meet the demands of its owners.
- c. Including Amenities Does Not Make the Project a Hotel. The Dillon Letter argues that because the definition of “Hotel” under LMC § 15-15-1.134 states that “Hotel/Motel does not include Nightly Rental Condominium projects *without* restaurants, bars, spas, and on-site check-in lobbies” that having those amenities automatically turns a condominium project into a hotel. This goes beyond the language of the LMC and is contrary to the “Support Commercial” concept. The Project was expressly permitted to include Support Commercial areas. Having these facilities available on-site reduces traffic to and from the Project, since owners will not have to go offsite to get a bowl of soup or a massage. As stated above, the scope of the Support Commercial use is not limited to the type of commercial activity, but rather the target customer base. The on-site facilities at the Project are for the purpose of serving the needs of the residential unit owners and their guests. Having such services available to owners does not convert the Project to a hotel use. This limitation on use is assured by the proposed Condition of Approval #4 as set out in the 2/12/14 Staff Report (requiring advertising and use of the commercial amenities to be limited to unit owners and guests). To the extent that these uses could be seen as having a negative impact on the neighborhood, this restriction effectively mitigates that impact.
- d. No Increased Parking Requirement. The parking requirement under the current LMC § 15-3-6 requires 76 parking spaces for the multi-family condominium units. This is not affected by whether the Lockouts are approved since a lockout unit is not a “Dwelling Unit” and therefore does not increase the parking requirement. As stated above, dining facilities and spa are Support Commercial uses. As these uses are designed to serve the on-site owners and guests, there is no separate parking requirement for such uses.

- e. ADA Units. There are two ADA units shown on the Plat as part of the Common Areas and Facilities. These units are designed to comply with the LMC as well as federal requirements for accessibility. The proposed Declaration of Condominium for the Project (“Declaration”) defines these two units as “Guest Rooms.” Contrary to the assertion in the Dillon Letter, Section 4.3 of the Declaration states that “unless otherwise approved by the City, no Guest Room may be rented separately from the rental or occupancy (in the case of an Owner) of another Unit in the Project,” as required by the CUP.
- f. Units 11 through 16. The architectural plans for Units 11 through 16 have not yet been finalized, so these residential units look like subdivision lots on the Plat. This is the same approach as the City has approved for other projects in Deer Valley, such as Nakoma. At such time as these units are fully designed, SRS� will submit an amendment to the Plat to be approved by the City. In that process the City can confirm compliance of Units 11-16 with the requirements of the CUP.
- g. Height Limitation on Homes. The height limit for the Project, as established in the Deer Valley MPD and acknowledged by the City, is 45 feet plus an additional five feet for a sloped roof. However, SRS� has consistently indicated that the perimeter units will be lower than the allowed height in order to be more compatible with the surrounding developments. While most of the detached and duplex homes on the periphery of the Project were designed to fall within the 33 foot height standard of the surrounding neighborhood, the plans submitted for the CUP always included four or five units that exceed the 33 foot limit. This is reflected in several staff reports and meeting minutes included as exhibits to the Dillon Letter. The single family and duplex residences shown on the Plat are consistent with this approach. Additional materials are being prepared by the Project architect that will show the comparison of the current plans with the prior design proposals submitted to the Planning Commission.
- h. Contractible Condominium. The Dillon Letter suggests there is something improper in creating through the Declaration a contractible condominium, as permitted under the Utah Condominium Ownership Act. The purpose for this common provision is to allow SRS� to put a portion of the Project into a separate condominium regime if appropriate. Withdrawing land from the Declaration would not change the use or approvals for the entire Project area and would not affect open space. While no contraction of the condominium regime is currently contemplated, in order to exercise this right SRS� would have to submit a plat amendment to the City for review and approval, which approval would require that the modification fully comply with the CUP.
- i. Phasing Plan. Condition of Approval number 17 to the CUP states that phasing must be approved by the Building Department. A phasing plan was discussed with the Planning Commission, but it was determined that while such plan was required, it was within the purview of the Building Department. Prior to approval of the phasing plan in June of 2011 SRS� met to discuss the plan with the neighbors, as requested. The phasing plan has no

impact on the Plat, since the Plat includes all of the units that will be developed in the Project.

- 3. Summary.** The following is a summary response to each of the actions requested in the Dillon Letter.
- a. Lockout units are an allowed use and should be approved in accordance with the Staff Report to the Planning Commission. The application for Lockouts does not create a substantial deviation from the approved CUP, as the Lockouts are included in the existing residential units and do not change the size of the condominium units or the Project.
 - b. The proposed commercial uses of a dining facility and spa are within the definition of Support Commercial uses. Support Commercial space is permitted by the LMC and the CUP. Having these services on-site does not make the Project a Hotel.
 - c. The traffic study updated November 2013 uses a very conservative estimate of 100% occupancy and 100% use of the Lockouts. No new traffic study is necessary to determine that the Lockouts will have no significant impact on traffic.
 - d. The restrictions of the Deer Valley Master Plan set a maximum height of 50 feet for the Project and all buildings fall within this limit. SRSL has always intended that the single-family and duplex homes will be substantially lower in order to be more similar in height to the surrounding homes. This is still the case, with the bulk of the peripheral homes designed to a height of 33 feet and a few (as intended from the early days of the CUP process) exceeding that height as dictated by the topography and limitations of specific building sites. More information on this issue will be presented to City staff and to the Planning Commission as appropriate.
 - e. The Plat and Declaration of Condominium comply with the CUP.

We appreciate your thorough review of these issues.

Best regards,



Thomas G. Bennett

TGB:mrc
Enclosures

Park City Planning Commission
February 11, 2014
Page 6

cc: Daniel Gryczman
Rich Lichtenstein
Marinel Robinson



Riley Traffic Consultants, LLC

February 12, 2014

Planning Commission
c/o Francisco Astorga
Planning Department
Park City Corporation
445 Marsac Ave
Park City, Utah 84060

RE: North Silver Lake Lodge
Traffic Impact Study

Dear Planning Commission Members,

The purpose of this letter is to respond to the concerns of citizen letters, about the Traffic Study for the subject property, which Riley Traffic Consultants, LLC prepared in 2009, and later amended in 2013, for the subject project.

The following points should be noted.

1. The Traffic Study has been extensively reviewed by traffic professionals for Park City Corporation, in both 2009 and 2013. Nationally, and locally accepted practices have been followed.
2. Peak traffic, when reviewed by a traffic study, refers to a *typical* A.M., P.M or Saturday peak traffic period. It is considered the period, which a roadway or infrastructure should be designed. Although special or annual events, such as the Sundance Film Festival, or Christmas week, may generate the highest traffic levels, these would not be a design value. More delay is typically acceptable during these periods. It would be impractical to design any roadway project for an annual peak traffic event.
3. Statements were made, saying that the traffic counts were invalid, in 2009, due to the recession. 2009, versus 2011 traffic, which was the latest available at the time, was considered, and addressed in the amended study, in section 4.1, of the report. It was shown to have negative or insignificant positive growth.
4. Statements were made that the traffic count periods, January 31, thru February 3, 2009, were low volume, in part due to the fact that these days fell on Sunday through Wednesday. It was stated that these are the

700 East 4001 South • Suite 500 • Salt Lake City, Utah 84107
(801) 264-6734 • fax (800) 276-6103
www.rileytraffic.com



Riley Traffic Consultants, LLC

lowest volume days for hotel occupancy. Traffic volumes, however, may or may not be consistent with hotel occupancy. An extensive review of daily traffic volumes, 2009 through 2013 was made, using automatic count data, from UDOT, on nearby SR-224. Traffic levels on any day, at this counter location in the Park City/Deer Valley Area vary by plus or minus five percent. When considering the low traffic volumes and high level of service (A), this variation is insignificant.

5. An objection was raised about the location of the traffic counts. Counts were made on Silver Lake Drive, at the access point, and at Royal Street, near Silver Lake Drive. The purpose of these counts was to evaluate the site location, and nearest intersection, Royal Street and Silver Lake Drive, which would be a logical route into the project.

Specifically, an objection was made, because the traffic counter was placed on Royal Street, east of the Silver Lake Drive intersection, where traffic would turn off for the project. The counter was placed there, in order to calculate traffic on Silver Lake Drive, west of the intersection. It is a simple equation for a three-leg intersection, in which traffic east of the intersection, added to traffic on the north leg at the intersection, equals traffic west of the intersection. The practice is known as “traffic balancing” and commonly used in traffic studies.

6. The most critical point of this study, is that projected traffic at critical intersections is level-of-service “A”. Traffic is clearly not the issue for this project.

Riley Traffic Consultants, has been performing professional traffic studies since 1999, for numerous public and private clients, including UDOT, UTA, municipalities and many attorneys. The attorneys commenting on this traffic study are not professional traffic engineers. These comments are incorrect and unsubstantiated. Clearly, both of these letters are crafted without the appropriate training, credentials or knowledge required for a professional traffic study. Both the 2009 and the 2013 Addendum traffic studies meet nationally and locally accepted standard practice and protocol.

Sincerely,

Sara R. Colosimo, P.E.
Principal Engineer

Planning Commission Staff Report



Subject: Round Valley Park City Annexation and Zoning
Date: February 26, 2014
Project #: PL-13- 01857
Type of Item: Legislative- Annexation and Zoning

SUMMARY RECOMMENDATION

Staff recommends the Planning Commission review the annexation and zoning petition for the Round Valley Park City Annexation and Zoning, conduct an initial public hearing, and provide direction to staff and the petitioner on discussion items outlined in this report. Staff recommends the Commission continue the public hearing and discussion to the March 12th regular meeting.

DESCRIPTION

Project Name: Round Valley Park City Annexation and Zoning
Project Planner: Kirsten A Whetstone, Senior Planner
Applicants: Park City Municipal Corporation (Sponsor), Afton Stephen Osguthorpe, and UDOT
Location: Round Valley Open Space north and south of the Quinn's Sports Complex on the west side of SR 248 and Gordo parcels along SR 248
Proposed Zoning: Recreation Open Space (ROS) is proposed for all open space and deed restricted properties. Light Industrial (LI) is proposed for the lower four parcels located across SR 248 from the Quinn's Water Treatment Plant. Frontage Protection Zone (FPZ) is proposed for the 250' frontage of SR 248.
Adjacent Land Uses: Quinn's Sport's Complex, Open Space, Park City Ice Arena, National Ability Center, IHC Hospital, USSA Building, Summit County Health Department, Park City Clinic, Highway 248, and single family subdivisions to the west and north. Adjacent zoning includes Community Transition (CT), Residential Development (RD), Recreation Open Space (ROS), Protected Open Space (POS), Single Family (SF) and Hillside Stewardship (HS) in Summit County.
Proposed Uses: Recreation open space uses for all open space areas, subject to existing easements and deed restrictions. Agricultural uses for the Osguthorpe parcel. No future uses have been identified for four (4) lower "Gordo" parcels located across SR 248 from the Quinn's Water Treatment Plant. The 4 upper "Gordo" parcels are deed restricted as open space.

PROPOSAL

The proposal is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the property in the Recreation Open Space (ROS) zoning district. Approximately five (5) acres are proposed to be zoned Limited Industrial (LI). No development or subdivision of the land is proposed with this annexation. Existing uses of the property are consistent with the proposed zoning.

BACKGROUND

On March 11, 2013, the petitioners filed a completed annexation petition with the City Recorder for annexation of 1,368 acres into the Park City municipal boundary including the necessary notification of the intent to file the petition with the County Clerk and Recorder and the County Planning Commission. Staff presented the Annexation petition to City Council on March 21, 2013. Following Council acceptance the petition was certified by the City Recorder on April 22, 2013 and Council was provided notice of the certification, indicating that the petition met requirements of State Code for Annexation Petitions.

On May 3, 2013, notice of petition acceptance was mailed to all Affected Entities beginning a thirty (30) day protest period. Beginning on May 8, 2013, the City Recorder published notices of petition acceptance in the Park Record for three consecutive weeks. No protests were filed with the County Clerk regarding the Round Valley Annexation petition, allowing Staff to continue review of the Annexation according to the City's Annexation Policy Plan.

Staff's review was put on hold while the applicants considered inclusion of an adjacent small parcel, owned by a third party, located at the northwest corner of Quinn's Junction. The property owner of the parcel ultimately decided not to be included in this annexation.

DESCRIPTION

The annexation area consists of two related areas including 1) the 1,104 acre north area consisting of the City owned Round Valley Open Space area and 2) the 264 acre south area consisting of City owned open space south of the Ability Center and south of the Quinn's Sports Complex, the Osguthorpe owned agricultural fields, and the "Gordo parcels"- eight small parcels (total of 8.42 acres) located off of SR 248 across from the Quinn's Water Treatment Plant at the intersection with Richardson Flats Road as depicted on the proposed Annexation Plat (Exhibit A).

The north area is undeveloped open space consisting of rolling hills, ridges, draws, and a main central valley (Round Valley). Vegetation is primarily sage brush, oak, grasses and other native trees and shrubs. Numerous non-motorized trails have been constructed in the area, utilized by hikers, bikers, runners, snowshoers and skiers (Exhibit B).

Agricultural uses are permitted on the Osguthorpe parcel in the south area (subject to the conservation easement), with the remaining parcels consisting of sage brush hills with other native shrubs and grasses. The southern area also contains a network of

non-motorized trails accessed from a trailhead located south of the Quinn's Field Complex. The south area includes the "Gordo" parcels located along SR 248. Two of the eight "Gordo parcels" are owned by UDOT with the remaining parcels owned by Park City.

With the exception of the UDOT parcels and two of the Gordo parcels, the annexation property is currently subject to conservation easements and various deed restrictions. Most of the property has been purchased by Park City as open space with open space funds and is permanently restricted for open space uses as spelled out in each deed restriction and conservation easement (Exhibit C). The annexation would not change or remove any of the restrictions or easements.

Current Summit County zoning for the property is 1) Rural Residential with an allowable density of 1 unit per 20 acres for Developable Lands (DL) and 1 unit per 40 acres for Sensitive Lands (SL) and 2) Hillside Stewardship (HS) with an allowable density of 1 unit per 30 acres for Developable Lands and 1 unit per 40 for Sensitive Lands (Exhibit D).

Proposed zoning is Recreation Open Space (ROS) for nearly all of the annexation area, including all of the existing open space and conservation easement areas (Exhibit E). Limited Industrial (LI) is proposed by the applicant for the four (4) lower "Gordo" parcels. Two of these four parcels are UDOT parcels (2.06 acres) and two are PCMC parcels (3 acres). These lower parcels are not deed restricted, were not purchased with open space funds, and the current zoning is Rural Residential (RR). The lower City owned parcels have been used in the past for storage of various materials. **Staff recommends discussion of these proposed zoning designations (see Discussion Section below).**

Additionally, Frontage Protection Overlay Zone (FPZ) is proposed for the annexation area along the west side frontage of SR 248. The LMC identifies this area for Entry Corridor Protection Overlay (ECPO), as subzone of the FPZ. ECPO includes specific regulations and setbacks for the area within 250' of the Highway ROW.

The portion of SR 248 that is not currently within the City boundary is also included in this annexation. The SR-248 right-of-way will not be dedicated to the City with the annexation plat and will remain a State Highway consistent with the status of this road through the rest of the City.

No subdivision plats or master planned development plans have been submitted with this annexation petition because the development of the property is not contemplated, other than as would be permitted within the ROS zone and allowed by the conservation easements. At this time no uses of the "Gordo" parcels have been identified or contemplated. Staff recommends as a condition of the annexation, to be reflected in the Ordinance, that prior to issuance of any building permits for use of any of the "Gordo" parcels a subdivision plat shall be submitted for review by the City Council and recorded at Summit County. The applicants have submitted an annexation plat (Exhibit A), prepared by a licensed surveyor and additional annexation petition

materials and a report (Exhibits F, G, H, I and J) addressing items required by the City's Annexation Policy Plan and Utah State Code.

Annexation of these properties changes the provision of law enforcement from County Sheriff to Park City Police, however services related to animal control and health will continue to be provided by Summit County. Zoning enforcement and development review (trails, trailheads, etc.) would change from Snyderville Basin Planning Code and Commission/Summit County Council to Park City Land Management Code and Park City Planning Commission/City Council.

PROCESS

Municipal annexation is a legislative act governed procedurally by Utah state law and the Park City Land Management Code. Once the annexation petition is filed with the City Recorder, the petition for annexation is first presented to the municipal legislative body for acceptance or rejection. Because annexation is a legislative act, the Council has broad discretion to accept or reject the petition.

The City Council reviewed and accepted the petition on March 21, 2013 and the petition was certified by the City Recorder on April 22, 2013. Mailed notice to affected entities was sent on May 8, 2013 and legal notice was published in the Park Record for three consecutive weeks. No protests were filed with the County Clerk, as allowed by the State Code; therefore the annexation may proceed.

City code requires the creation of a Staff Review Team which includes the following or their designees: Planning Director, City Engineer, Public Works, Fire Marshall, Police Chief, representatives from applicable utility providers and the Park City School District Superintendent. The Staff Review Team will review the annexation and zoning request. In addition, the Planning Department will prepare a staff report which evaluates the annexation proposal and includes review of, at least fifteen points. (See LMC 15-8-5). This annexation proposal has been reviewed in detail by the Staff Review Team at the Development Review Committee meeting held on July 9, 2013. The Planning Commission must review and make a recommendation to City Council on Annexations and associated zoning. The City Council is the final decision maker regarding annexation of land into Park City.

In evaluating the annexation and zoning map amendment, the Planning Commission and City Council review the proposal in accordance with the City's Annexation Policy Plan (Chapter 8 of the LMC) and the Utah Code. This report begins the public hearing process and allows for a review of the implications of the annexation to the City in terms of zoning, use, access, extension of city services and utilities, impacts on surrounding properties, and whether the annexation is consistent with the Park City General Plan.

This meeting is an introduction to the annexation proposal and an initial public hearing. Staff will address any issues or comments made at this meeting and will return to the Commission with a final detailed report addressing all fifteen points, the recommendation from the Staff Review Team and a draft Annexation Ordinance for the Commission's consideration and recommendation to the City Council. If an Annexation Agreement is required for this annexation of City property, staff will prepare an agreement for Commission review at the next meeting. The applicant has

submitted an annexation report outlining the fifteen (15) annexation review criteria (Exhibit J).

ANALYSIS

Review pursuant to the City's Annexation Policy

The annexation petition has been reviewed pursuant to the City's Annexation Policy Plan. The annexation consists of a 1,104 acre north parcel and a 264 acre south parcel that are separated by property that is already within the Park City Municipal boundary. The total annexation area is approximately 1,368 acres. The property is contiguous to the Park City Municipal boundary and the proposed annexation area is located within the Park City Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The annexation of this area will eliminate the existing peninsulas in the City's boundary.

Utah Code Annotated (UCA) Section 10-2-401, 10-2-402 and 10-2-403

The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.

DISCUSSION REQUESTED

Staff requests discussion of the following items:

- **Proposed Zoning.** The petitioner is requesting ROS zoning for most of the annexation area. Limited Industrial (LI) zoning is requested for two City owned parcels and two UDOT parcels along SR 248 in anticipation of continued storage uses (soil, snow, roadway equipment, etc.) or as a possible future site of the recycling center. FPZ Overlay zoning is proposed for the area within 250' of SR 248 to extend the existing Frontage Protection Overlay zone on this stretch of SR 248 (See Exhibit K for POS, ROS, CT, and LI Chapters of the Land Management Code). **Staff recommends discussion.**

Does the Commission find that LI zoning is appropriate in this area given the types of uses that could be proposed as either allowed or conditional or would a different zone be more appropriate given the location within the City's entry corridor?

Planning Staff requests the Commission discuss ROS or CT zoning given that most of the listed uses within these zones would be a Conditional Use rather than an Allowed use, as is the case of the LI Zone.

Are there areas of the property where POS zoning would be appropriate instead of ROS?

- **Implication of Extending the City Boundary.** By extending the City Boundary, properties along Old Ranch Road will become contiguous to the Park City Limits, and property owners could request the city extend the Annexation Expansion area to include these properties allowing the owners to

petition for annexation to Park City. With no City Services in the Old Ranch Road area, it would be difficult to extend municipal services to this area and difficult to meet the purposes of the Annexation Policy Plan. **Staff recommends discussion.**

- **Annexation of the property.** Staff has included all of the submittal information, and Annexation Policy Plan (Chapter 8 of the LMC) for Commission review. **Staff recommends discussion.**

Is there additional information that the Commission would like to have in order to make a recommendation on the Annexation and Zoning?

DEPARTMENT REVIEW

The application was reviewed in detail by the Development Review Committee on July 9, 2013. Staff provided the entire petition and submittal report with exhibits. The Committee provided comments which have been incorporated in this report and will be incorporated in the Annexation Ordinance.

NOTICE AND PUBLIC INPUT

The property was posted, notices were sent to surrounding property owners, and legal notice was published in the Park Record according to requirements of the Land Management Code.

Staff has received several phone calls from neighboring residents and property owners requesting additional information regarding the location of the property to be annexed, proposed zoning, whether the property would remain as open space, who would maintain the trails, whether trails would continue to be public trails, questions about hunting regulations and enforcement, trail use, and whether regulations of dogs and leash laws would change.

FUTURE PROCESS

Annexations require Planning Commission recommendation and City Council adoption and become pending upon publication of an ordinance and compliance with state code filing procedures. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

RECOMMENDATION

Staff recommends the Planning Commission review the annexation and zoning petition for the Round Valley Annexation and Zoning, conduct an initial public hearing, and provide direction to staff and the petitioner on discussion items outlined in this report. Staff recommends the Commission continue the public hearing and discussion to the March 12th regular meeting.

EXHIBITS

Exhibit A- Annexation Plat

Exhibit B- Vicinity Map and Existing Conditions

Exhibit C- Map of Conservation Easements and Deed Restrictions

Exhibit D- Existing Zoning

Exhibit E- Proposed Zoning

Exhibit F- View shed Corridors, site photos, typical vegetation

Exhibit G- Surrounding property map

Exhibit H- Sensitive Lands Analysis

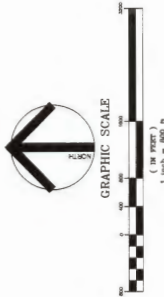
Exhibit I- Wildlife Habitat

Exhibit J- Annexation Petition Report

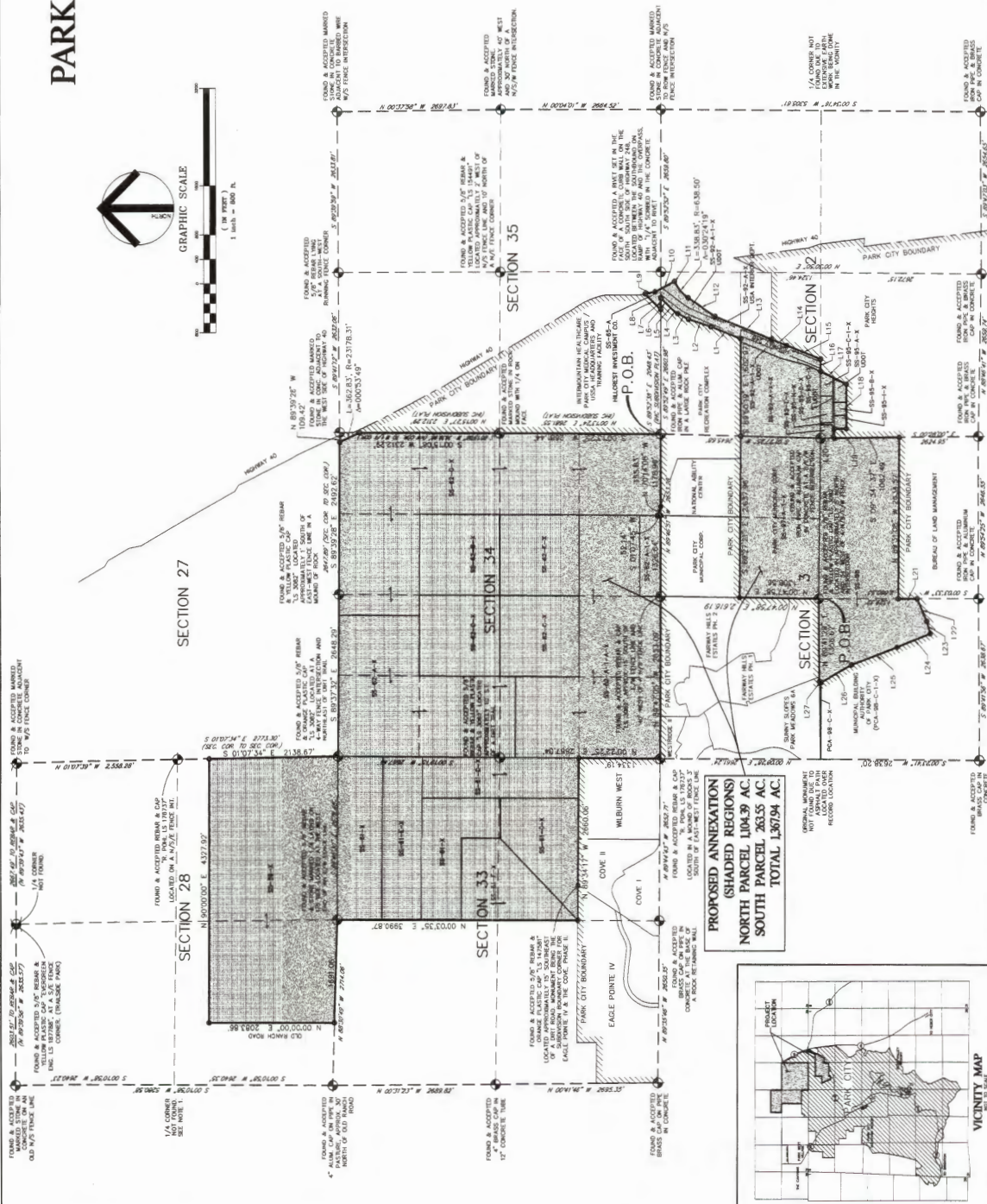
Exhibit K- ROS, POS, CT, LI, and FPZ zoning chapters from the Land Management Code

ROUND VALLEY PARK CITY ANNEXATION PLAT

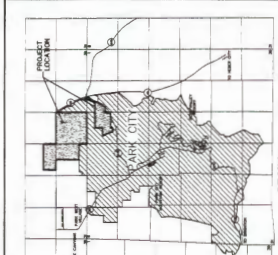
LOCATED IN SECTIONS 28, 33, 34 & 35,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
AND IN SECTIONS 2 & 3,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN,
SUMMIT COUNTY, UTAH



Line No.	Bearing	Distance
L1	N 22° 01' 00" E	527.41'
L15	S 27° 02' 08" W	602.76'
L2	N 17° 42' 46" E	399.75'
L3	S 28° 04' 06" E	200.00'
L4	N 27° 37' 06" E	115.81'
L5	N 40° 50' 13" E	97.93'
L6	N 45° 13' 24" E	268.00'
L7	N 89° 52' 49" W	192.47'
L8	N 45° 02' 30" E	301.62'
L9	S 11° 49' 28" E	168.26'
L10	S 27° 45' 07" E	360.10'
L11	S 63° 51' 50" W	13.79'
L12	S 34° 07' 11" W	544.70'
L13	S 22° 00' 39" W	1005.18'
L14	S 21° 58' 40" W	2132.7'



**PROPOSED ANNEXATION
(SHADED REGIONS)
NORTH PARCEL 104.39 AC.
SOUTH PARCEL 263.5 AC.
TOTAL 1,367.94 AC.**



PARCEL IDENTIFICATION
SEE SHEET 1 OF 2
BOUNDARY DESCRIPTION (COMBINED PARCELS)
SEE SHEET 2 OF 2
OWNER'S CONSENT TO RECORD
I, DAVE WILLIAMS, OWNER, HEREBY CERTIFY THAT THE UNDERSIGNED ARE THE OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, AND I DO HEREBY CONSENT TO THE RECORDATION OF THIS ANNEXATION PLAT.
DEEDGATE ACKNOWLEDGMENT
COUNTY OF SUMMIT } SALT LAKE COUNTY, UTAH
STATE OF UTAH }
I, DAVE WILLIAMS, COUNTY CLERK, DO HEREBY CERTIFY THAT THE UNDERSIGNED HAVE BEEN DULY QUALIFIED AND SWORN TO THE DUTY OF OFFICE AND TO THE VALIDITY OF THE RECORDATION OF THIS ANNEXATION PLAT.
SHADED REGIONS CERTIFICATE
I, DAVE WILLIAMS, COUNTY CLERK, DO HEREBY CERTIFY THAT THE UNDERSIGNED HAVE BEEN DULY QUALIFIED AND SWORN TO THE DUTY OF OFFICE AND TO THE VALIDITY OF THE RECORDATION OF THIS ANNEXATION PLAT.
RECORDATION INFORMATION
RECORDED IN BOOK 100, PAGE 100 OF THE PUBLIC RECORDS OF THE COUNTY OF SUMMIT, UTAH, ON THIS 10 DAY OF APRIL, 2020.
BY DAVE WILLIAMS, COUNTY CLERK.
WITNESSED BY ME, COUNTY CLERK, ON THIS 10 DAY OF APRIL, 2020.
BY DAVE WILLIAMS, COUNTY CLERK.

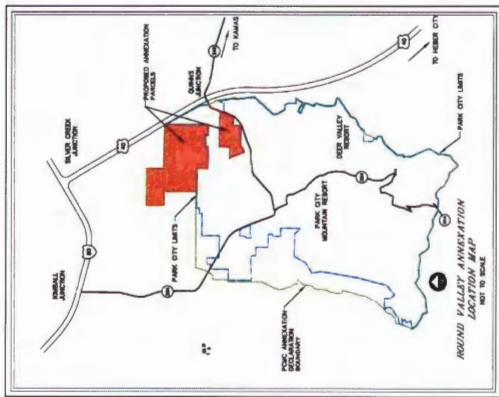
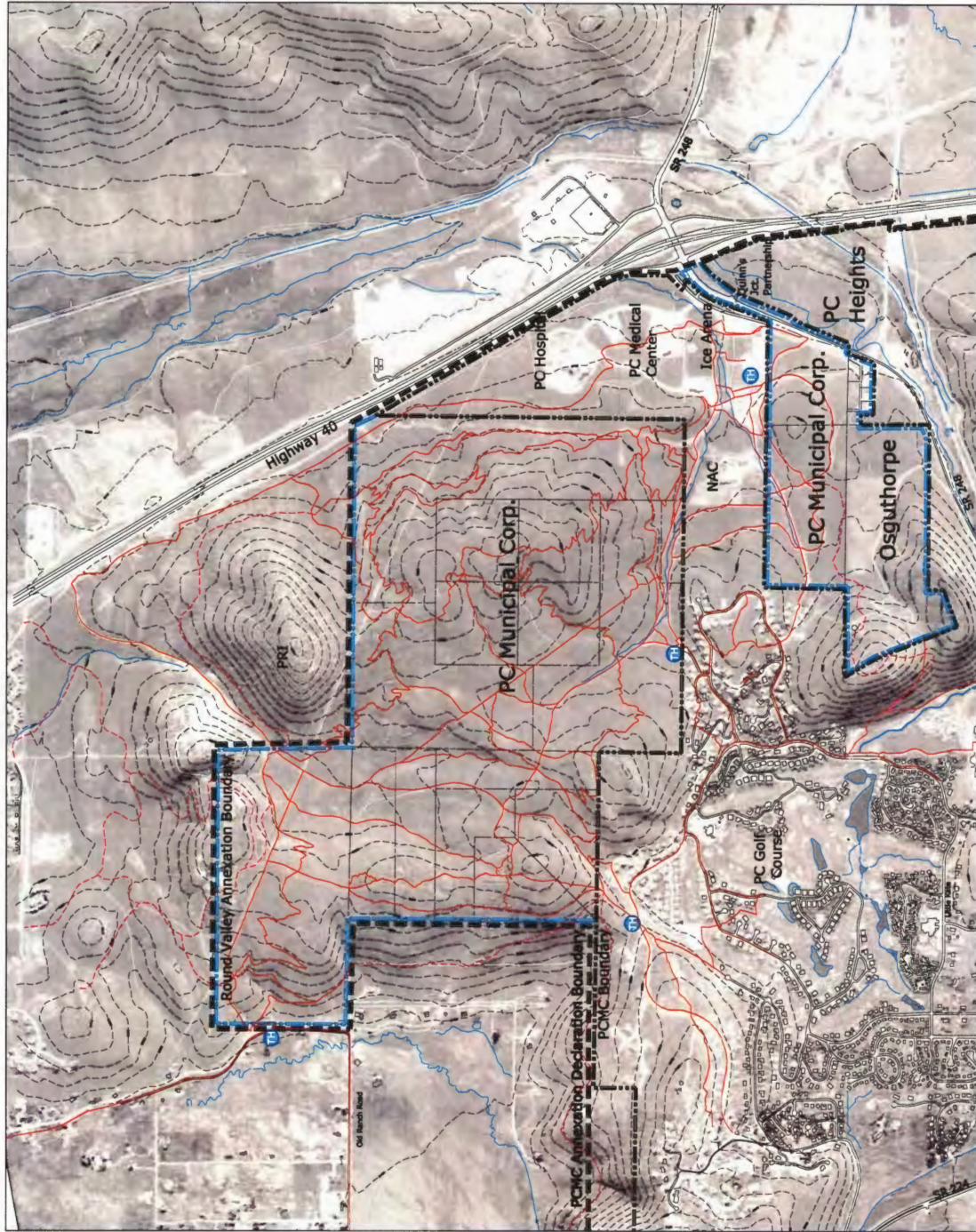
CITY COUNCIL APPROVAL
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 20____.
CHAIRMAN _____
CITY RECORDER _____

CITY ENGINEER APPROVAL
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 20____.
CITY ENGINEER _____

CITY ATTORNEY APPROVAL
APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 20____.
CITY ATTORNEY _____

COUNCIL APPROVAL AND ACCEPTANCE
APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL
THIS _____ DAY OF _____ A.D. 20____.
MAYOR _____

EVERGREEN ENGINEERING, INC.
104 East Broadway, Suite 100, Park City, UT 84302
Phone: (435) 644-8811
Fax: (435) 644-8819
www.evergreeneng.com



- LEGEND**
- Round Valley Annexation Boundary
 - PCMC Annexation Declaration Boundary
 - Existing PCMC Boundary
 - Existing Round Valley trails and jeep roads
 - Proposed Round Valley trails
 - Existing trailheads

222 Main Street, P.O. Box 2888, Park City, Utah 84302-0288
 (435) 644-4407
 CONSULTING ENGINEERS LAND PLANNERS ARCHITECTS

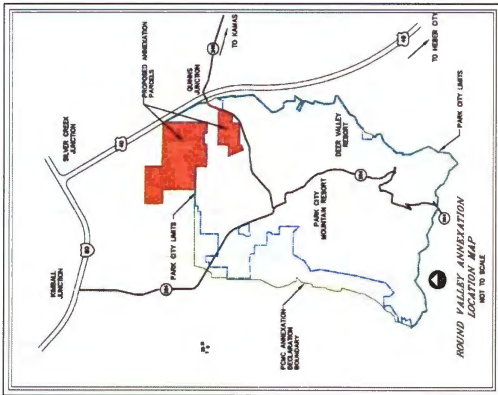
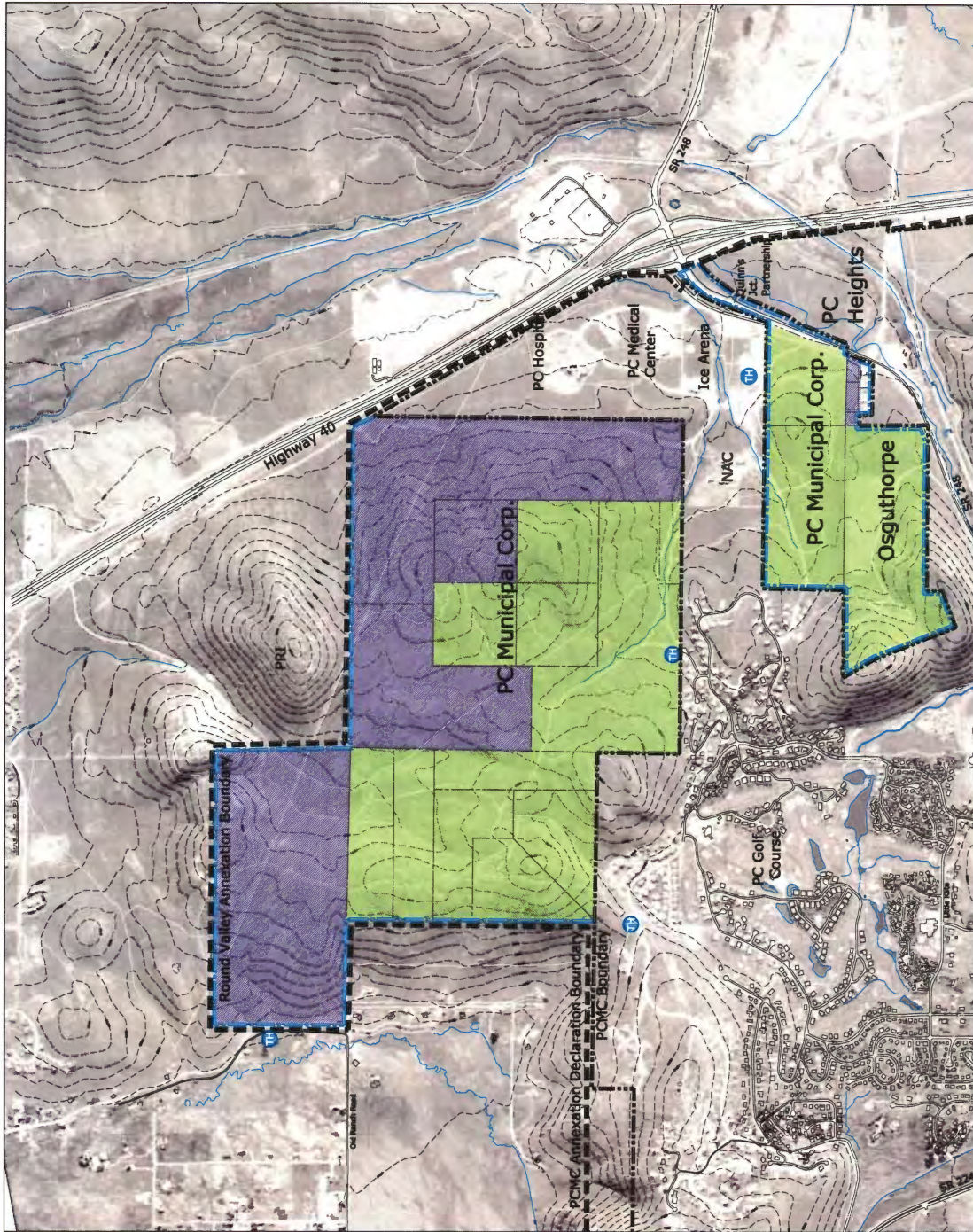
STAFF:
 STEVE SCHUELER

DATE: 5/14/13

ROUND VALLEY ANNEXATION PETITION
Existing Conditions + Ortho-Photo
PARK CITY MUNICIPAL CORPORATION
FOR: PCMC
JOB NO.: 7-1-12
FILE: K:\Quinn's Junction\Map\Existing Conditions map no ortho.dwg

SHEET
1
OF
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LEGEND

Annexation lands with existing Conservation Easements



Annexation lands with existing Deed Restrictions



Round Valley Annexation Boundary



PCMC Annexation Declaration Boundary



Existing PCMC Boundary



(435) 644-4447
Allynce
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 423 Main Street P.O. Box 266 Park City, Utah 84060-0266

STAFF: STEVE SCHULER
 DATE: 6/16/13

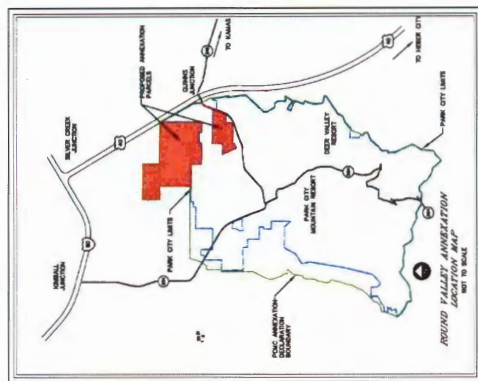
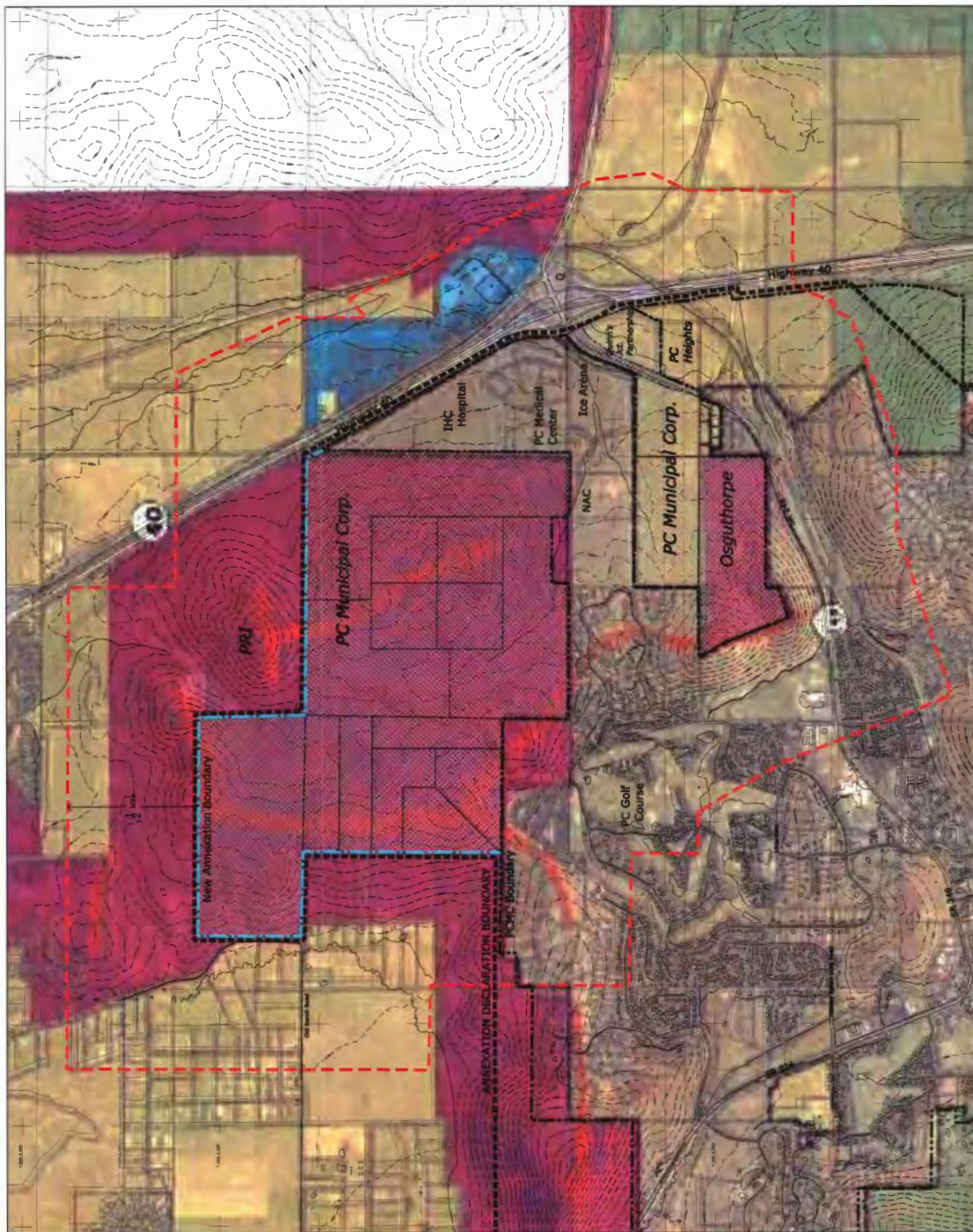
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 Conservation Easements+Deed Restrictions
 PARK CITY MUNICIPAL CORPORATION
 FOR: PCMC
 JOB NO.: 7-1-12
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SHEET 1 OF 1



SHEET 1 OF 1
 ROUND VALLEY ANNEXATION PETITION
 EXISTING SUMMIT COUNTY ZONING
 PARK CITY MUNICIPAL CORPORATION
 FOR: PCMC
 JOB NO.: 7-1-12
 FILE: X:\Quinn's Jurisdiction\New\Existing Conditions.dwg
 STAFF: STEVE SCHULDER
 DATE: 2/18/13
 (435) 644-4447

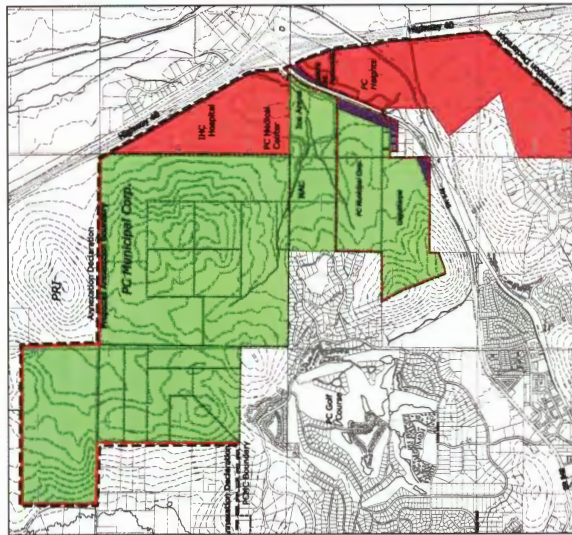
 CONSULTING ENGINEERS 400 PLAZA DRIVE SUITE 200
 322 Main Street, P.O. Box 2064, Park City, Utah 84060-2064



- LEGEND**
- Round Valley Annexation Boundary
 - - - PCMC Annexation Declaration Boundary
 - · - · Existing PCMC Boundary
 - · · · 1/2 Mile Boundary


Legend

- Ridgelines
- Rural Residential (RR)
- Hillside Stewardship (HS)
- Mountain Remote (MR)
- Neighborhood Commercial (NC)
- Community Commercial (CC)
- Service Commercial (SC)
- Resort Center (RC)
- Town Center (TC)
- Park City Boundary






Overall Annexation Area
Not to scale

Proposed Zoning

-  Recreation Open Space (ROS)
-  Light Industrial (LI)
-  Frontage Protection Zone (FPZ)

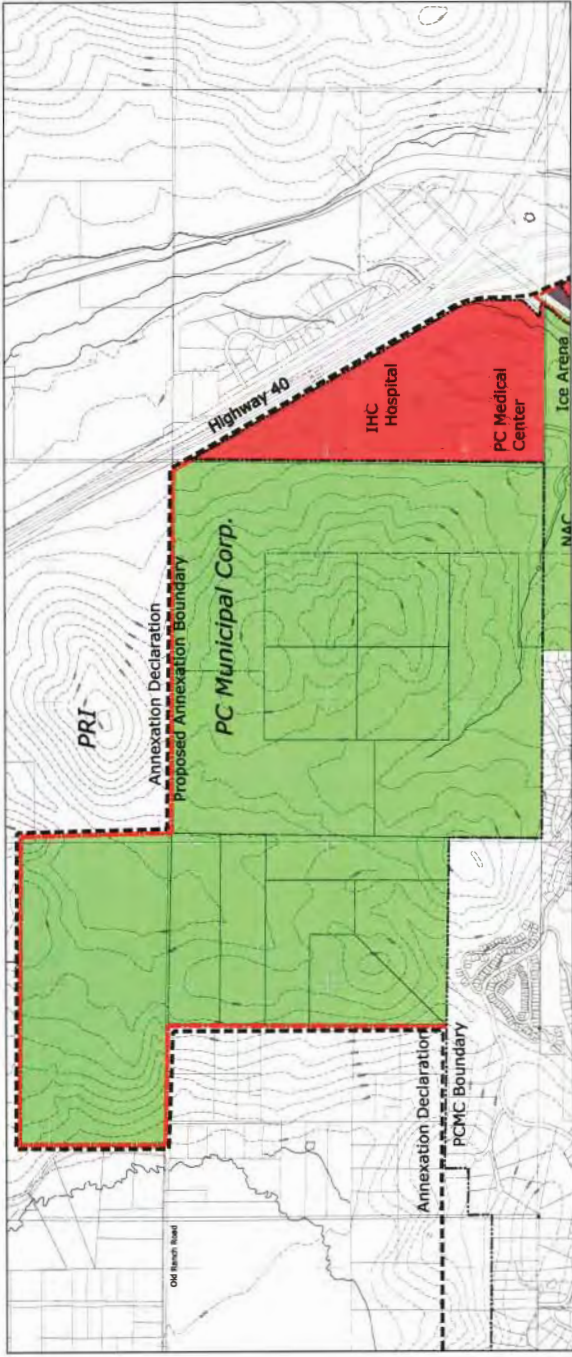
Zoning-Other, adjacent annexations

-  Community Transition (CT)
-  Recreation Open Space (ROS)
-  Preservation Open Space (POS)

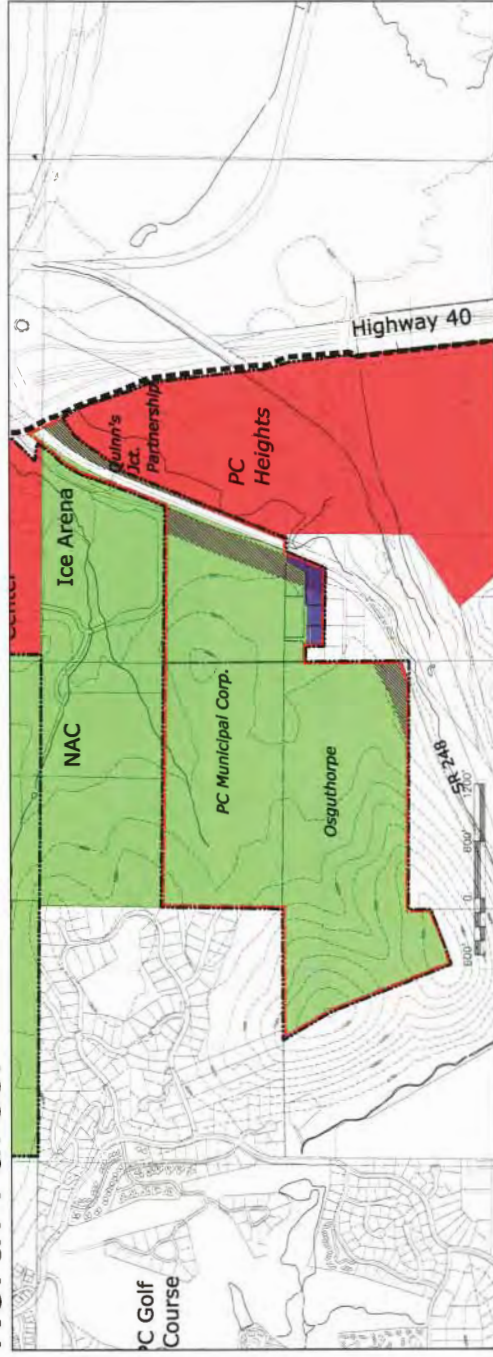
 Round Valley Annexation Boundary

 PCMC Annexation Declaration Boundary

 Existing PCMC Boundary



North Parcel



South Parcel

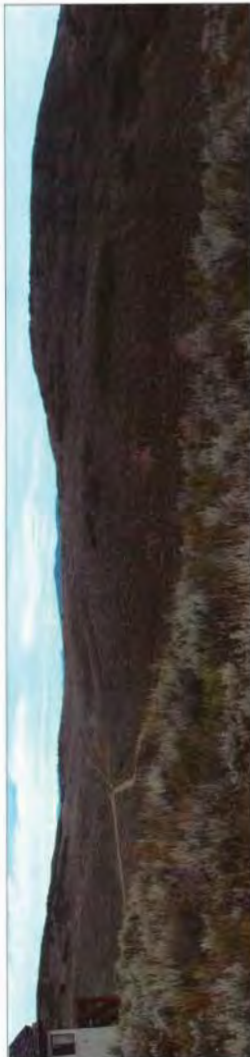


STAFF:
STEVE SCHULLER

ROUND VALLEY ANNEXATION PETITION
PROPOSED ZONING
PARK CITY MUNICIPAL CORPORATION

FOR: PCMC
JOB NO.: 7-1-12
FILE: R:\Urban\RoundValley\Zoning_Map_2.mxd

DATE: 6/16/13



A View of South RV from Park Meadows



B View from West RV/ Matt's Flat Trail



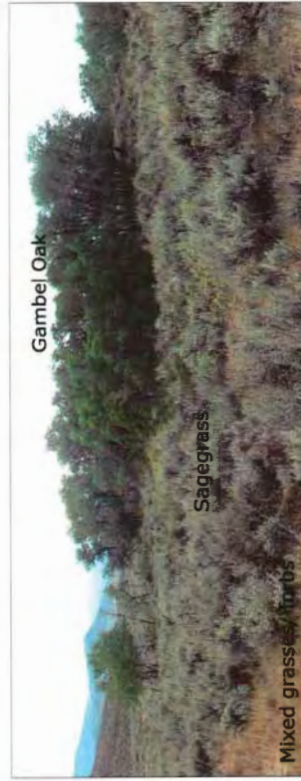
C View from SR 248 looking West



D View from Hwy. 40 looking West

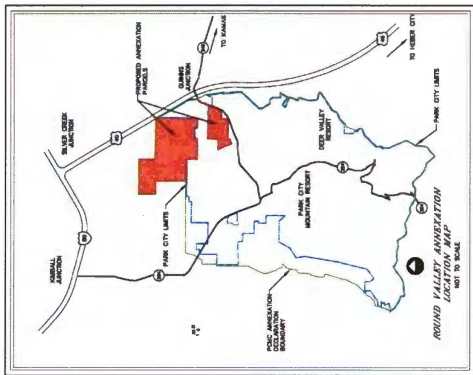


○ Viewpoint Legend (NTS)






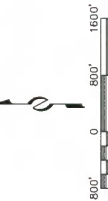
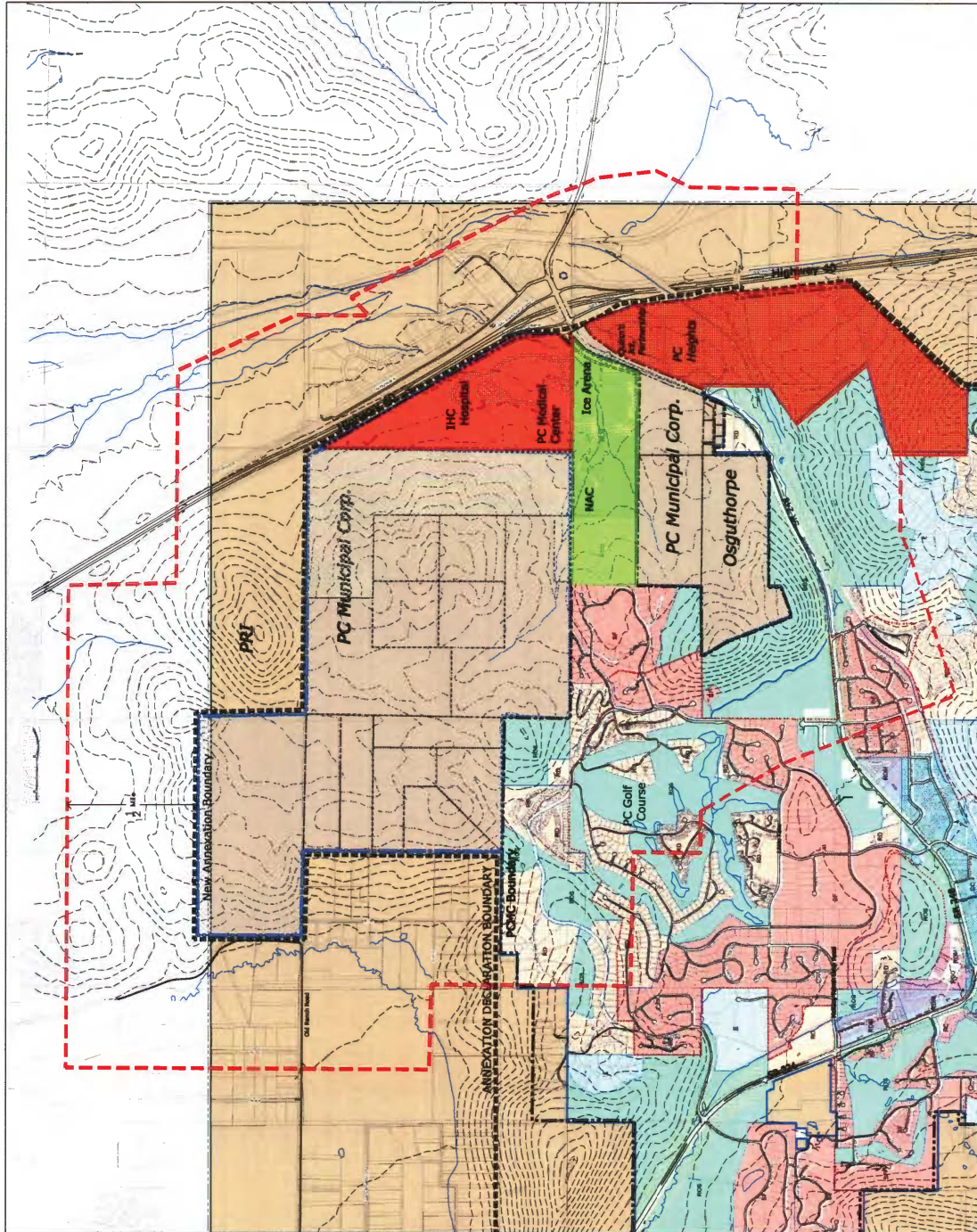
Prototypical vegetation patterns

	STAFF:	VIEWSHED CORRIDORS + SITE IMAGES	SHEET
	STEVE SCHULER	ROUNDVALLEY ANNEXATION	1
	FOR: PCMC		OF
	JOB NO.: 7-1-12		1
	FILE: K:\Quinn\junction\Annex_2012\Views_corridors.dwg		
	DATE: 2/19/13		



LEGEND

-  Round Valley Annexation Boundary
-  PCMC Annexation Declaration Boundary
-  Existing PCMC Boundary
-  1/2 Mile Boundary

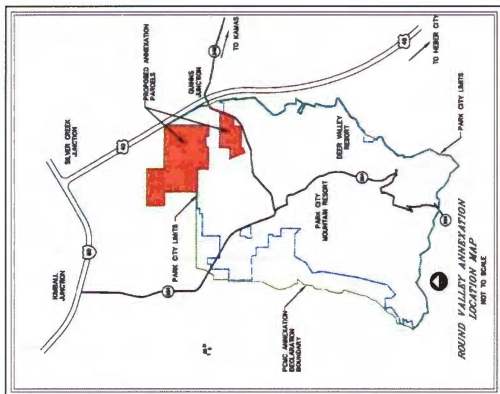
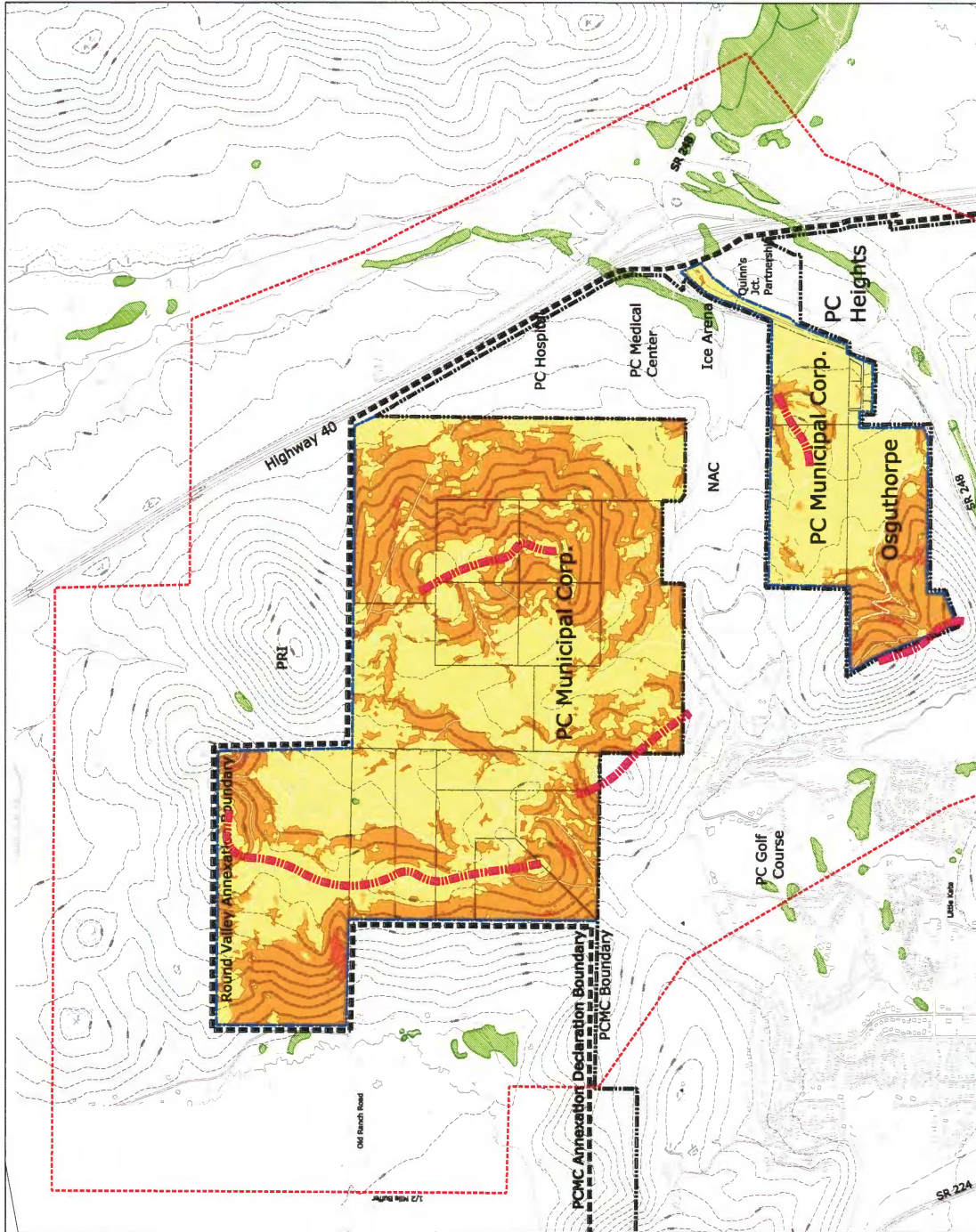


STAFF:
STEW SCHULER

DATE: 6/16/13

ROUND VALLEY ANNEXATION PETITION
1/2 MILE PROPERTY LAND USE
PARK CITY MUNICIPAL CORPORATION
FOR: PCMC
JOB NO.: 7-1-12
FILES: A:\Coburn's Junction\map\ExhibitG.dwg

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Slope Analysis

Color	Layer	Percent	Acres
Light Yellow	0-15%	55.0	752
Yellow	15-40%	44.0	602
Orange	40+%	2.0	27
			1,368

Ridgelines

Prominent Ridges

Wetlands*

Mapped Wetlands

Round Valley Annexation Boundary

PCMC Annexation Declaration Boundary

Existing PCMC Boundary

* Wetlands data provided by the State of Utah GIS website

Allynce
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
222 Main Street, P.O. Box 2000, Park City, Utah 84060-2000
(435) 844-4447

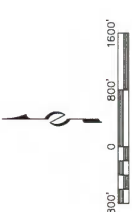
STAFF:
STEVE SCHUELER

DATE: 07/10/13






**ROUND VALLEY ANNEXATION PETITION
SENSITIVE LANDS ANALYSIS
PARK CITY MUNICIPAL CORPORATION**

FOR: PCMC
JOB NO.: 7-1-12
FILE: %\Quinn's_Jurisdiction\Map\Exhibit\Conditions.dwg

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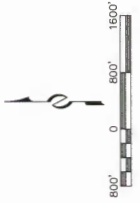


Wildlife Habitat Legend*

-  Mule Deer Habitat
-  Black Bear Habitat
-  Sage grouse-100% of project area
-  Ruffed grouse
-  Blue grouse



* Mapping data downloaded from the State of Utah GIS Portal website



STAFF:
STEPH SCHLEIER

DATE: 6/16/13

PROJECT:
ROUND VALLEY ANNEXATION PARCEL

WILDLIFE HABITAT

FOR: P/C/MC
JOB NO.: 7-1-12

FILE: X:\Quilins_Junction\Annexation_2013\Wildlife.shx.dwg

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Round Valley Annexation Petition

Introduction

Park City Municipal Corporation (PCMC) is petitioning to have the area generally known as Round Valley (RV), annexed into Park City. The bulk of the parcels contained within the proposed annexation area are either owned outright by PCMC or PCMC retains conservation easements or deed restrictions. The project is located in the Quinn's Junction area. See attached Existing Conditions map. The purpose of this report is to provide a review and analysis of the existing and proposed land uses associated with the annexation of the Round Valley property. The property exists within Park City's annexation declaration boundary, as shown on the attached Annexation Boundary Declaration exhibit. The annexation petition is consistent with the Purpose and General Requirements of Chapter 8-Annexation of the Park City Land Management Code. An Annexation Plat is attached.

Existing Conditions

The annexation area consists of properties within two larger parcels (North Parcel and South Parcel) which are separated from each other by properties within the boundaries of PCMC. Both of these parcels consist of lands purchased over 20 of years by PCMC specifically for open space protection and for use as a recreation amenity by residents and visitors (see Existing Conditions map) through taxpayer-funded Open Space bonds. The total area of the proposed annexation area is 1,367.16 acres. Existing natural conditions have been identified, in some cases mapped, and then subsequently analyzed to address the requirements of the Annexation Petition and are noted below.

The North parcel lands present as undeveloped open space with topography consisting of rolling hills surrounding a central valley (Round Valley). The lowest point of the valley area appears to contain a small jurisdictional wetlands habitat. Numerous trails used by hikers, bikers, and winter user's crisscross the Round Valley area.

The South parcel is similar in character to the North parcel. Topography consists of gently rolling terrain and flat fields. Most of this parcel exists as undeveloped open space with multi-use trails. A portion is farmed for hay, and several small parcels have been utilized for vehicle storage, road salt storage and related uses. Individual ownership parcels of the entire annexation area are found at the end of this document.

a. Slopes:

A slope analysis has been conducted with the following results:

Slopes 0 – 15%	55%
Slopes 15-40%	44%
Slopes 40%+	1%

See the attached slope analysis. Ridgelines have also been identified as part of this analysis.



Round Valley Annexation Petition

b. Wetlands and Hydrology:

Wetlands in the annexation area, and surrounding lands, have been mapped by the Environmental Protection Agency as part of a nationwide wetlands inventory and the mapping, available in a digital format, was downloaded from the State of Utah GIS portal website for use in mapping wetlands. This mapping would not be considered to be detailed enough for a site-specific wetlands identification, but is useful in generally determining where wetlands are likely located. The digital mapping shows a very small wetland area in Round Valley itself. An on-site delineation will be required in the event that activities are proposed in this wetlands area. These mapped wetlands are shown on the Sensitive Lands Map.

c. Vegetative Cover:

Vegetation consists of mountain mahogany, shrub oak, sagebrush, mixed native grasses and various perennials. Invasive weed species are found throughout the parcel (See attached character image of the vegetation patterns).

d. View Corridors:

Important view corridors exist along Route 248 and 40 and comprise portions of the RV Annexation area. The parcels within the annexation area were purchased or controlled by PCMC, in part, to protect the visual character of the entry in Park City. Visually, the Round Valley Annexation area presents as undeveloped foothills between the State Route 40 corridor and the Snyderville Basin. See the attached Viewshed Analysis.

e. Wildlife:

Wildlife habitat information for important species has been downloaded and mapped from the State of Utah GIS Portal website. As shown on the wildlife mapping, black bear, blue grouse, sage grouse, ruffed grouse and mule deer habitat are found within the annexation area and on nearby open space lands.

Threatened and Endangered Species-As shown on the following table, Summit County animal and plant species has been listed as one or more of the following: Federally-listed or candidate species under the Endangered Species Act (S-ESA), Wildlife species of concern (SPC), and Species receiving special management under a Conservation Agreement in order to preclude the need for Federal listing (CS). The animals and plants listed below are found in Summit County or Wasatch Counties but are not be specific to the annexation parcels.

Round Valley Annexation Petition

Table 1-Animal Species in Summit County of S-ESA, SPC, or CS Status

<i>Common Name</i>	<i>Scientific Name</i>	<i>State Status</i>
Bald Eagle	Haliaeetus Leucocephalus	S-ESA
Blue-Headed Sucker	Catostomus Discobolus	CS
Bobolink	Dolichonyx Oryzivorus	SPC
Bonneville Cutthroat Trout	Oncorhynchus Clarkii Utah	CS
Brown (Grizzly) Bear	Ursus Arctos	S-ESA
Canada Lynx	Lynx Canadensis	S-ESA
Colorado River Cutthroat Trout	Onchorhynchus Clark II pleuriticus	CS
Columbia Spotted Frog	Rana Luteiventris	CS
Deseret Mountain Snail	Oreohelix Peripherica	SPC
Greater Sage Grouse	Centrocercus Urophasianus	SPC
Leatherside Chub	Gila Copei	SPC
Lewis Woodpecker	Melanerpes Lewis	SPC
Long-billed Curlew	Numenius Americanus	SPC
Northern Goshawk	Accipiter Gentilis	CS
Smooth Greensnake	Opheodrys Vernalis	SPC
Three-Toed Woodpecker	Picoides Tridactylis	SPC
Western Pearlshell	Margaritifera Falcata	SPC
Western Toad	Bufo Boreas	SPC

An inquiry to the State of Utah, Division of Wildlife Resources, Department of Natural Resources (DWR) regarding any species of concern has been made. No species of concern have been identified by DWR as noted on the attached response.

f. Cultural Resources:

Historically, the annexation area has been, for the most part, undeveloped. There are no historic structures found on the annexation parcels in question. Historic land uses include agriculture, which has been an on-going activity on the Osguthorpe parcel for many years.

g. Geological Features

The RV annexation area contains no significant geological features identified in the State of Utah GIS databases including debris flows, fault lines, landslide areas, liquefaction areas and related phenomena. Several mapped small earthquake epicenters are found on the annexation area as are found throughout the greater Park City area. A review of the databases indicated no known geologic hazards. No known mine hazards were discovered in the area, per PCMC compliance with the mine hazard ordinance.



Round Valley Annexation Petition

The annexation area is outside of the Park City's soils ordinance boundaries.

Existing and Proposed Streets and Roads

No new roads or streets are currently proposed as part of this annexation.

Existing Public and Proposed Utilities

Utility services exist along road R-O-W's which surrounds the annexation parcels. A (Chevron) natural gas main line passes through the North Parcel and the Lost Canyon Water Line passes through the South Parcel. Numerous easements for additional utility corridors, ROW's, access and other uses exist throughout the annexation area and are set forth in the title report. No new utilities are proposed as part of this annexation application.

Location of Proposed Open Space

See discussion of Existing and Proposed Land Uses.

Existing and Proposed Land Uses

Existing land uses in the annexation area, for the most part, are protected open space and passive recreational uses. Agriculture, as noted in the Cultural Resources section, exists and would likely continue in the event of an annexation. Several small parcels, adjacent to Hwy 248, have, historically been utilized for vehicle storage, and related light industrial uses. County zoning in the annexation area consists of "Hillside Stewardship," and "Rural Residential."

The RV annexation area provides a significant recreational amenity to the Park City community. In addition to approximately 30 miles of mixed-use trails in the annexation area, support facilities, outside of the annexation area, including parking lots and trailheads are located at Round Valley Way and Gillmor Way in Quinn's Junction, on Meadows Drive in Park Meadows, and on Old Ranch Road. Deed-restricted open space easements exist on approximately 600 acres of the North Parcel. See Conservation Easement exhibit.

As shown on the attached 1/2-Mile Analysis exhibit, for a 1/2 mile radius surrounding the RV annexation area, land uses consist of open space, residential uses, resort residential, commercial and light industrial uses. About 1/3 of all lands within 1/2 mile of the annexation parcels are PCMC incorporated lands and consist of various residential uses (Park Meadows and Prospector), the Park City Golf Course, National Ability Center, Park City Ice Arena, the IHC Hospital and related medical offices, along with undeveloped open space. Zoning consists of SF, POS, ROS, RD, and CT. See attached Zoning Map.

The remaining 2/3 of the lands within 1/2 mile are located in un-incorporated Summit County. Land uses include the Highway 40 ROW, a small industrial park (Zoned as "Neighborhood Commercial") on the

Round Valley Annexation Petition

east side of Highway 40, low density residential in the Old Ranch Road area, portions of Richardson Flats, and other undeveloped parcels.

Proposed land uses would be consistent with historic and current uses including protected open space with associated recreational uses, agriculture, and light industrial uses. Proposed zoning is ROS and LI, with the FPZ (Frontage Protection Zone) overlay as shown on the attached proposed zone map.

Existing and Proposed Locations of Community Facilities

Existing community facilities in the annexation area consist of the aforementioned trail system and related recreation infrastructure. No community facilities, beyond what currently exists in Round Valley are anticipated as part of this annexation. The Weber Water Conservation District, with input from Park City Water Department and other entities, has analyzed future water demand. As a result of that analysis, a small reservoir or lake may be proposed on a portion of the annexation area with suitable topography. This use is consistent with the proposed ROS zone in which this water body would be proposed to be located. As noted on the Zoning Map, the LI zone within the annexation area could allow for uses, consistent with current community services, including road maintenance and storage facilities or new uses such as relocation of the recycling center.

Consistency with General Plan

The Round Valley Annexation area falls within Park City's Annexation Declaration Boundary and is consistent with objectives set forth in the current General Plan.

Anticipated Timetable for Development

No development is proposed as part of this annexation. Improvements and limited expansion of the trail system and trail system support infrastructure is anticipated on an as-needed basis.

Affordable Housing

No development is proposed as part of this annexation and so no affordable housing component is anticipated.

Public Utilities and Essential Services Analysis

- a. This annexation does not propose any development which would increase the number of school-aged children to the Park City School District.
- b. Capacity of sanitary sewer services-No increase in sanitary sewer services are proposed as part of this annexation.
- c. Other Services-The annexation area abuts existing boundaries of Park City Municipal Corporation. It is surrounded by mixed land use development. Service routes exist for solid waste pick up (private contractor) which is currently afforded to adjacent property owners. All existing municipal and county services are afforded to the proposed annexation property by virtue of its location adjacent

Round Valley Annexation Petition

to Park City Municipal Corporation boundaries and would require no change in the provision of these services as a result of this annexation.

- d. Water disclosure statement: Known water rights associated with the proposed annexation area are limited to the Osguthorpe Parcel (SS-98-X) with 102 acre feet with an 1878 priority. The parcel was placed in a conservation easement in 2010, removing development rights and ensuring agricultural use of the property. Park City Municipal has a first right of refusal for purchase or lease of the property to ensure water associated with the parcel remains.

Fiscal Impact Analysis

The annexation is not anticipated to alter any existing or projected demographic or economic conditions in the Park City area (or in the annexation area itself) as there is no population or economic base within the annexation area. The area surrounding the annexation area consists of commercial development, undeveloped open space, UDOT rights of way and limited industrial/ commercial uses, as shown on the Existing Conditions map. Prior annexation agreements in the surrounding areas include the Park City Heights project (an unconstructed mixed residential project directly to the south of this annexation petition) and Quinn's Junction Partnership project (a proposed movie studio complex, to the southeast) as noted on the Existing Conditions map. To the east is State Route 40 and beyond that is an existing commercial/ industrial complex.

Projected revenue as a result of this annexation would be negligible as no revenue generating activities are proposed.

The projected impact to taxpayers as a result of this annexation would be unchanged from the current conditions. The bulk of the lands are already owned outright or development rights are retained subsequent to this annexation petition by PCMC. Park City municipal services are already afforded to the annexation area resulting from the existing recreational uses of the property.

Tax revenues generated from parcel ownership within the annexation area are minimal. All publicly held lands, including PCMC, The United States of America, and UDOT are tax-exempt. The Osguthorpe parcel pays property taxes, but at a very low rate, as a result of a prior agreement with PCMC to transfer the development rights and its status as a greenbelt property. Property tax revenues are not anticipated to increase as a result of this annexation as the proposed land uses would, largely, remain unchanged from current conditions.

Cost of government services, via open space management funds, to the annexation area consist of trail maintenance and expansion and associated infrastructure improvements, noxious weed control, and wildfire control and related management activities. Estimated costs are approximately \$100,000 per annum. These costs are expected to remain, relatively, unchanged as a result of this annexation.



Round Valley Annexation Petition

Parcel ownership and acreage are noted on the following table.

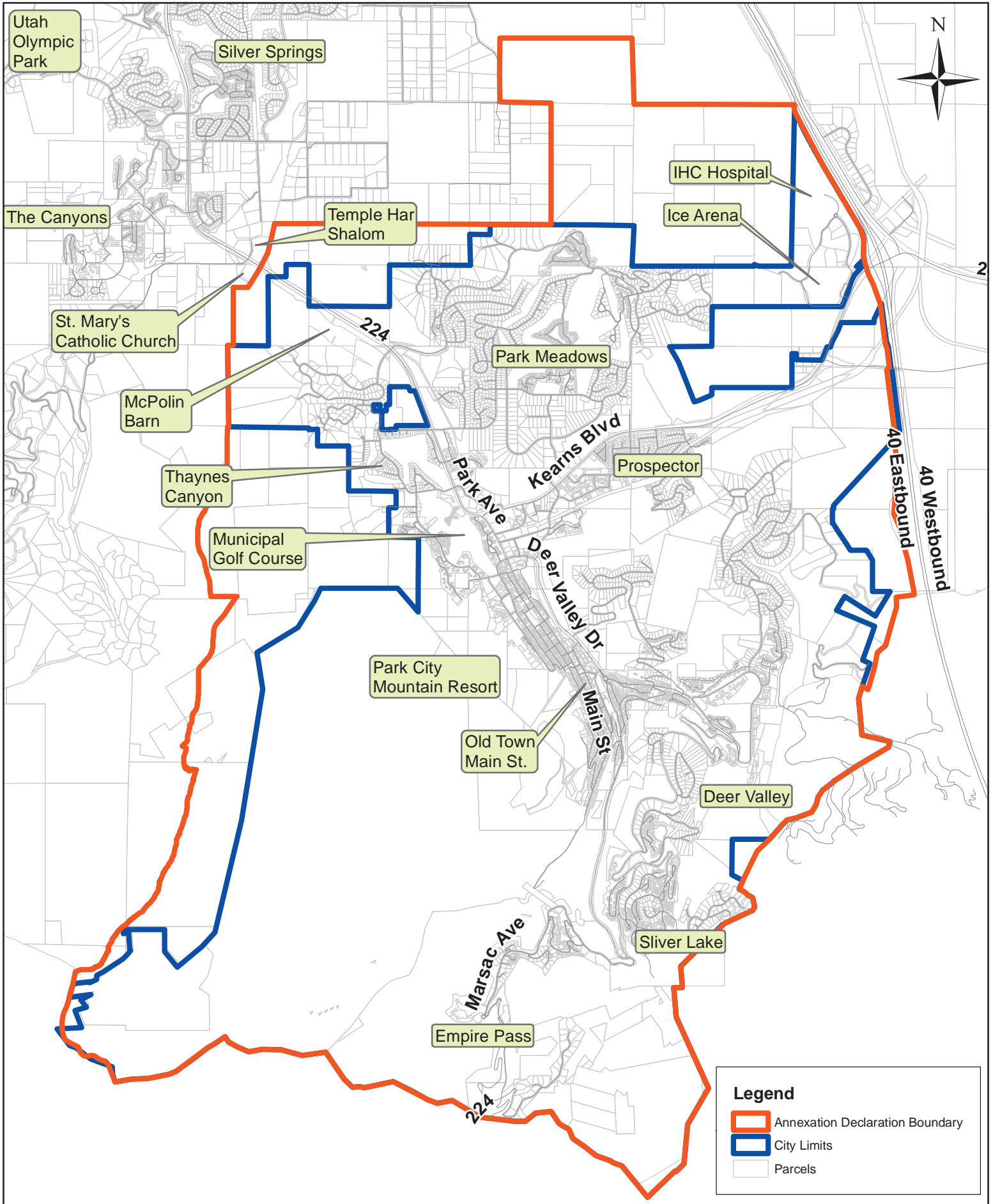
Property Ownership	Acres	Owner	
NORTH PARCEL			
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Tax No. SS-57-A-X	368.01	PCMC	Not part of this annex
Tax No. SS-57-2-A-X	29.00	PCMC	Not part of this annex
Section 28, T1S, R4E, SLB&M:			
Tax No. SS-59-X	203.65	PCMC	
Section 33, T1S, R4E, SLB&M:			
Tax No. SS-61-X	40.00	PCMC	
Tax No. SS-61-C-X	40.00	PCMC	
Tax No. SS-61-D-X	40.00	PCMC	
Tax No. SS-61-E-X	40.00	PCMC	
Tax No. SS-61-F-X	40.00	PCMC	
Section 34, T1S, R4E, SLB&M:			
Tax No. SS-62-A-X	117.73	PCMC	
Tax No. SS-62-B-X	40.00	PCMC	
Tax No. SS-62-C-X	40.00	PCMC	
Tax No. SS-62-D-X	40.00	PCMC	
Tax No. SS-62-E-X	40.00	PCMC	
Tax No. SS-62-G-X	209.62	PCMC	
Tax No. SS-62-A-1-X	10.33	PCMC	
Tax No. SS-62-A-1-A-X	143.66	PCMC	
SOUTH PARCEL			
Section 2, T2S, R4E, SLB&M:			
Tax No. SS-92-A-X		USA	
Tax No. SS-92-A-X-X	39.92	PCMC	
Tax No 92-A-1-X	3.38	UDOT	
Tax No. SS-95-A-X	2.00	UDOT	
Tax No. SS-95-B-X	1.00	PCMC	
Tax No. SS-95-C-X	0.06	UDOT	
Tax No. SS-95-D-X	2.00	PCMC	
Tax No. SS-95-E-X	1.00	PCMC	
Tax No. SS-95-I-X	1.00	PCMC	
Tax No. SS-95-N-X			
Tax No. SS-95-C-1-X	1.36	PCMC	
Section 3, T2S, R4E, SLB&M:			
Tax No. SS-97-A-1-X	80.00	PCMC	
Tax No. SS-98-X	121.05	Osguthorpe	



Round Valley Annexation Petition

Exhibits

Annexation Plat
Existing Conditions Map
Zoning Map
Conservation Easements Map
Annexation Declaration Map
Slope Map
View Corridors Exhibit
Wildlife Habitat Map
DWR Species response letter
Title Report
Half Mile Land Uses
Existing County Zoning





GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

September 12, 2012

Steve Schueler
Alliance Engineering
323 Main Street
Park City, UT 84060

Subject: Species of Concern Near the Park City Annexation Area, Summit County, Utah

Dear Steve Schueler:

I am writing in response to your email dated August 29, 2012 regarding information on species of special concern proximal to the proposed Park City Annexation Area located in Sections 27, 28, 33 and 34 of Township 1 South, Range 4 East, and Sections 2 and 3 of Township 2 South, Range 4 East, SLB&M, in Summit County, Utah.

The Utah Division of Wildlife Resources (UDWR) does not have records of occurrence for any threatened, endangered, or sensitive species within the project area noted above. However, within a two-mile radius there are recent records of occurrence for bobolink, Columbia spotted frog, greater sage-grouse, northern goshawk and short-eared owl, and historical records of occurrence for ferruginous hawk, long-billed curlew and western toad. All of the aforementioned species are included on the *Utah Sensitive Species List*.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the central region, Mark Farmer, at (801) 491-5653 if you have any questions.

Please contact our office at (801) 538-4759 if you require further assistance.

Sincerely,

Sarah Lindsey
Information Manager
Utah Natural Heritage Program

cc: Mark Farmer



**PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.7**

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.7-1. PURPOSE.

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

(Amended by Ord. No. 09-10)

15-2.7-2. USES.

Uses in the ROS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE CONDITIONAL USES.**¹

- (1) Trail and Trailhead Improvement
- (2) Outdoor Recreation Equipment
- (3) Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.
- (4) Accessory Building, less than 600 sq. ft.
- (5) Ski-related Accessory Building, less than 600 sq. ft.
- (6) Parking Area or Structure with four (4) or fewer spaces

¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process. Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the Master Festival permit.

- (7) Outdoor Event, Outdoor
- (8) Temporary Construction Improvement
- (9) Raising, grazing of horses
- (10) Raising, grazing of livestock
- (11) Anemometer and Anemometer Towers

(C) **CONDITIONAL USES.**

- (1) Agriculture
- (2) Recreational Outdoor and Trail Lighting
- (3) Recreation Facility, Private
- (4) Recreation Facility, Public
- (5) Recreation Facility, Commercial
- (6) Golf Course
- (7) Passenger Tramway Station and Ski Base Facility
- (8) Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- (9) Recreational Sports Field
- (10) Skating Rink
- (11) Skateboard Park
- (12) Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft.
- (13) Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft.
- (14) Accessory Building, greater than 600 sq. ft.
- (15) Ski-Related Accessory Building, greater than 600 sq. ft.
- (16) Child Care Center
- (17) Commercial Stable, Riding Academy

- Music
- (18) Vehicle Control Gates²
- (19) Resort Support, Commercial
- (20) Cemetery
- (21) Parking Area or Structure with five (5) or more spaces
- (22) Telecommunications Antenna³
- (23) Mines and Mine Exploration
- (24) Plant and Nursery stock products and sales
- (25) Fences greater than six feet (6') in height from Final Grade.
- (26) Small Wind Energy Systems

(D) **PROHIBITED USES.** Any use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-08; 09-10)

15-2.7-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved Parking Areas, and Screened mechanical and utility equipment are allowed as

²See Section 15-4-19 for specific review criteria for gates

³Subject to LMC Chapter 15-4-14, Telecommunications

exceptions in the Front, Side and Rear Yards.

(Amended by Ord. No. 09-10)

15-2.7-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for a pitched roof and to provide usable space within the Structure, the following height exceptions apply:

- (1) A gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) An antenna, chimney, flue, vent or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Ski lift or tramway towers may extend above the maximum Zone Height subject to a visual analysis and administrative approval by the Planning Director.

(5) Anemometers and Anemometer Towers used to measure wind energy potential for future Wind Energy Systems may extend above the maximum Zone Height subject to a visual analysis and Administrative Conditional Use approval, see Section 15-2.7-8.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point, see Section 15-2.7-9.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.7-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of Departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 09-10)

15-2.7-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any

Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. Nos. 04-08; 09-10)

15-2.7-7. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Department. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay

(Amended by Ord. No. 09-10)

15-2.7-8. ANEMOMETERS AND ANEMOMETER TOWERS.

Anemometers and Anemometer Towers require an Administrative Conditional Use permit for temporary installation, for up to three (3) years, to measure wind energy potential for a Site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including Access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the Anemometer, an Application for and all other submittal requirements for Administrative Conditional Use permits and a narrative addressing the following:

- (A) No violation of the City noise ordinance.

(B) Notification of adjacent Property Owners.

(C) Compliance with Setbacks and height requirements, see height exceptions. Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided and the public Rights-of-Way and power lines are not impacted by the location.

(D) Compliance with FAA regulations.

(E) Compliance with the International Building Code.

(F) At the time of Application for an Administrative Conditional Use permit, standard engineering drawings for the tower, base, and footings shall be submitted.

(G) **BUILDING PERMIT.** Prior to issuance of a Building Permit, the plans shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.

(H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five feet (5') shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1 to determine visual impacts on Ridge Line Areas and entry corridors.

(I) **REMOVAL AND DECOMMISSIONING.** Anemometers and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to

operate for a period of twelve (12) months or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the systems Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within three (3) years of the removal of the installation.

(Created by Ord. No. 09-10)

15-2.7-9. SMALL WIND ENERGY SYSTEMS.

Small Wind Energy Systems (system) require a Conditional Use permit. The Use must comply with Section 15-1-10, Conditional Use Review and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all Access roads and installation details, such as Grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the tower and turbines; Property survey showing size of Property and location of Structures, utilities, easements, Streets and Rights-of-Way on the Property and on adjacent Properties within a horizontal distance

equivalent to 110% of the proposed height; an Application for and all other submittal requirements for Conditional Use permits; and a narrative addressing the following review criteria:

(A) **LOCATION**. Location on the Property and associated wind data shall indicate the optimum citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system, due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

(B) **SETBACKS AND HEIGHT**. See Section 15-2.7-4(A) Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. EXCEPTION: Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

(C) **LOT SIZE**. Small Wind Energy Systems that are greater than eighty feet (80') in height shall be located on a Lot size of one (1) acre or more.

(D) **DESIGN**. Wind Energy Systems shall be a neutral color that blends with the

environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) **LIGHTING**. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

(F) **NOISE**. No violation of the City noise ordinance.

(G) **SIGNS**. Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs comply with the Park City Sign Code.

(H) **BUILDING PERMIT**. Prior to issuance of a Building Permit, the system shall comply with all applicable sections of the International Building Code, including electrical codes and all requirements and criteria of this section.

(I) **VISUAL ANALYSIS**. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

(J) **SYSTEM CONDITIONS**. The Applicant/system Owner shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting, mechanical and electrical repairs, structural repairs, and security measures.

(K) **REMOVAL AND DECOMMISSIONING**. Any Small Wind Energy System, that has reached the end of

its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more.

Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the System.

(L) **REPLACEMENT**. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

(Created by Ord. No. 09-10)

15-2.7-10. SIGNS.

Signs are allowed within the ROS District as provided in the Park City Sign Code, Title 12.

(Renumbered by Ord. No. 09-10)

15-2.7-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.

- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3 -3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E)
- Parking Ratio Requirements. LMC Chapter 15-3-6.

(Amended by Ord. No. 09-10)

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.8 - PROTECTED OPEN SPACE (POS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.8-1. PURPOSE.

The purpose of the Protected Open Space (POS) District is to:

- (A) promote useable, public, non-improved, non-commercial, connected and contiguous Open Space for community benefit,
- (B) promote open lands that remain fundamentally undisturbed,
- (C) prohibit construction on ridge lines and Steep Slopes, or in wetlands, watersheds, and view sheds,
- (D) promote the preservation of Historic Sites,
- (E) preserve the vegetation and habitat of natural Areas,
- (F) provide incentives to protect Open Space and conservation resources through voluntary conservation easements and/or deed restrictions, and
- (G) provide for careful review of low-intensity recreational Uses and

environmentally-sensitive, non-motorized trails.

15-2.8-2. USES.

Uses in the POS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE
CONDITIONAL USE PERMIT (CUP).**

- (1) Parking Area or Structure for four (4) or fewer spaces.
- (2) Fences greater than six feet (6') in height from existing Grade.

(C) **CONDITIONAL USES.**

- (1) Trail and Trailhead Improvement
- (2) Essential Municipal Public Utility Use, Service, or Structure
- (3) Accessory Building, less than 600 sq. ft.
- (4) Ski-related Accessory Building, less than 600 sq. ft.

- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge¹

(D) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 06-69)

15-2.8-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, at Grade patios, driveways, Ancillary Structures, approved Parking Areas and Screened mechanical and utility equipment are allowed in the Front, Side, and Rear Yards.

(Amended by Ord. No. 09-10)

15-2.8-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from existing Grade. This is the Zone Height.

¹Subject to a City approved Ski Area Master Planned Development and LMC Section 15-4-18.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(Amended by Ord. Nos. 06-69; 07-25)

15-2.8-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-69)

15-2.8-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-69)

15-2.8-7. SIGNS.

Signs are allowed within the POS District as provided in the Park City Sign Code, Title 12.

15-2.8-8. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.

- Landscaping. Title 14; LMC Chapter 15-3 -3.(D).
- Lighting. LMC Chapters 15-3 and 15-5.
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3 -3(E)
- Parking Ratio Requirements. LMC Chapter 15-3 -6.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.19 - LIGHT INDUSTRIAL (LI) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

- (A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,
- (B) allow Conditional Uses to mitigate potential impacts,
- (C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and
- (D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Accessory Apartment¹
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family²
- (7) Child Care, Family Group²
- (8) Child Care Center²
- (9) Agriculture
- (10) Plant and Nursery Stock
- (11) Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 Child Care Regulations

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.19 Light Industrial (LI)

District

15-2.19-2

- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Child Care Center²
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna³
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁴
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Private Residence Club Project and Conversion⁶
- (14) Office and Clinic, Medical

³See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁴See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (15) Financial Institutions with Drive-Up Window⁵
- (16) Retail and Service Commercial with Outdoor Storage
- (17) Retail and Service Commercial, Auto-Related
- (18) Transportation Services
- (19) Retail Drive-Up Window⁵
- (20) Gasoline Service Station
- (21) Café or Deli
- (22) Restaurant, General
- (23) Restaurant, Outdoor Dining
- (24) Restaurant, Drive-Up Window⁵
- (25) Outdoor Event⁶
- (26) Bar
- (27) Hospital, General
- (28) Light Industrial Manufacturing and Assembly Facility
- (29) Parking Area or Structure with five (5) or more spaces
- (30) Temporary Improvement⁶
- (31) Passenger Tramway Station and Ski Base Facility
- (32) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial
- (35) Entertainment Facility, Indoor
- (36) Commercial Stables, Riding Academy

⁵See Section 2.19-8 for Drive-Up Window review criteria

⁶Subject to an administrative Conditional Use permit.

- (37) Master Planned Developments⁷
- (38) Heliports
- (39) Commercial Parking Lot or Structure
- (40) Temporary Sales Office, in conjunction with an active Building permit.
- (41) Fences and Walls greater than six feet (6') in height from Final Grade⁶

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-76)

15-2.19-3. COMMUNITY REQUIREMENTS.

Applicants must demonstrate the following:

- (A) The Industrial Use will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside of the Building.
- (B) Open yards used for storage or parking may not adjoin any public Right-of-Way and must be fully Screened from public Rights-of-Way and adjoining Properties.
- (C) Underground Utilities are provided.

15-2.19-4. REVIEW CRITERIA FOR RESIDENTIAL USES.

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

A landscaped buffer Area is required to separate Residential Uses from existing or potential industrial Uses. This buffer Area must be a minimum of fifty feet (50') wide to provide adequate Screening, buffering, and separation of these Uses. The fifty foot (50') requirement may be divided between two adjoining Properties. In the case where one Property is already Developed, the adjoining Property must provide a buffer Area sufficient to meet the fifty foot (50') requirement. A detailed landscape plan must be submitted by the Applicant and approved by the Planning Commission and Staff prior to Conditional Use approval. The landscape plan must demonstrate that the fifty foot (50') buffer Area effectively Screens and buffers the existing and future Residential Uses from existing or future industrial Uses. In some cases additional Off-Site landscaping may be necessary to adequately mitigate impacts of these incompatible Uses.

15-2.19-5. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(A) **OPEN SPACE**. At least thirty percent (30%) of the total Site Area, shall be Transferred Development Right (TDR) Open Space and may not be used for Streets, roads, driveways, or Parking Areas.

(B) **LOT SIZE**. The minimum Lot Area is 10,000 square feet. The minimum Lot width is fifty feet (50'). In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

(C) **FRONT YARD**. The minimum Front Yard is thirty feet (30').

(D) **FRONT YARD EXCEPTIONS**. The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

(3) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(4) Sidewalks, patios, and pathways.

(5) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(6) Driveway leading to a garage or Parking Area. No portion of a Front Yard except for driveways and/or allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3.3 General Parking Area and Driveway Standards.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

(E) **REAR YARD**. The minimum Rear Yard is ten feet (10').

(F) **REAR YARD EXCEPTIONS**. The Rear Yard must be open and free of any Structure except:

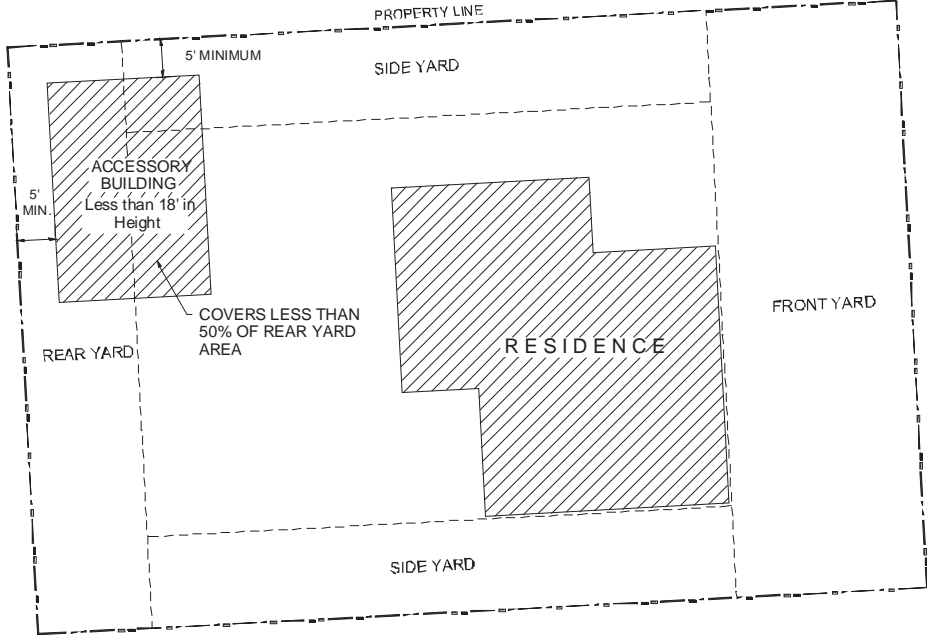
(1) Bay Windows and Chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

(2) Light wells and window wells projecting not more than four feet (4') into the Rear Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(4) Window sills, belt courses, cornices, trim, or other ornamental features projecting not more than six inches (6') beyond the window or Structure to which it is attached.

(5) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



(6) Hard-Surfaced Parking Areas

subject to the same location

requirements a detached Accessory Building meeting all landscaping requirements stated in LMC Chapter 15-3-3 and Title 14.

(7) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(8) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁸

(9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade provided it is located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARDS.**

(1) The minimum Side Yard is ten feet (10').

⁸Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard is five feet (5').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows and chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or

main Structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over doorways and windows projecting not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁹

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

⁹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(Amended by Ord. No. 06-76)

15-2.19-6. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty feet (30') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain

Habitable Space above the Zone Height. Such exceptions require approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lifts and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

(Amended by Ord. Nos. 06-76; 07-25)

15-2.19-7. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.19-8. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require a Conditional Use Permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere

with the intended traffic circulation on the Site or in the Area.

15-2.19-9. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate its view from nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use permit and architectural review. All Structure's must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use permit and architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

The loading and unloading of goods must take place entirely on the Site. Loading Areas must be Screened from general public view. All loading Areas shall be shown on the plans prepared for Conditional Use permit and architectural review.

15-2.19-10. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use subject to a Conditional Use review. No Conditional Use permit may be issued unless the following criteria are met:

(A) If the use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is provided on-Site at a rate of one (1) space per rentable room.

(I) The Use complies with Section 15-1-10.

15-2.19-11. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage, and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window

ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival license, sidewalk sale, or seasonal plant sale. See Section 15-2.19-11(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise in

excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use permit. The use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent Residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical, signs, etc.
- (e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) DISPLAY OF MERCHANDISE. Display of outdoor merchandise is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director

or Building Official.

(Amended by Ord. Nos. 05-49; 06-76)

15-2.19-12. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.19-13. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria, LMC Chapter 15-3-3(D) and Title 14.

(Amended by Ord. No. 06-76)

15-2.19-14. SIGNS.

Signs are allowed in the Limited Industrial (LI) District as provided in the Park City Sign Code, Title 12.

15-2.19-15. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.

- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.23 – COMMUNITY TRANSITION (CT) DISTRICT

Chapter created by Ordinance No. 06-48

15-2.23-1. PURPOSE.

The purpose of the Community Transition (CT) District is to:

- (A) Encourage low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health;
- (B) Encourage low Density Development designed in a manner so as to cluster Uses in the least visually sensitive Areas and maximizes open space;
- (C) Enhance and expand public open space and recreation Uses Compatible with the adjacent public deed-restricted open space;
- (D) Prohibit highway service commercial, regional-commercial, and limit residential land Uses;
- (E) Require Building and Site design solutions that minimize the visual impacts of parking and parking lot lighting from the entry corridor and adjacent neighborhoods and land Uses;

- (F) Preserve and enhance environmentally Sensitive Lands such as wetlands, Steep Slopes, ridgelines, wooded Areas, and Stream Corridors;
- (G) Preserve Park City’s scenic entry corridor by providing significant open space and landscape buffers between Development and the highway corridor;
- (H) Encourage transit-oriented Development and Uses;
- (I) Promote significant linkages to the broader community open space and trail network;
- (J) Encourage the Development of high quality public places such as parks, trails, and recreation facilities;
- (K) Encourage Development which preserves the natural setting to the greatest extent possible; and
- (L) Minimize curb cuts, driveways, and Access points to the highway.
- (M) Encourage sustainability, conservation, and renewable energy.

(Amended by Ord. No. 09-10)

15-2.23-2. USES.

Uses in the Community Transition District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activities
- (2) Home Occupation
- (3) In-home Babysitting
- (4) Family Child Care
- (5) Secondary Living Quarters
- (6) Agriculture

(B) **ADMINISTRATIVE CONDITIONAL USES.**

- (1) Trails and Trailhead Improvements
- (2) Outdoor Recreation Equipment
- (3) Essential Public Utility Use, Service or Structure less than 600 sf
- (4) Accessory Buildings less than 600 sf
- (5) Parking Areas with 4 or fewer spaces
- (6) Outdoor Events and Outdoor Music, see Section 15-4
- (7) Temporary Improvement
- (8) Outdoor Dining and support retail associated with support Uses with an MPD
- (9) Special Events
- (10) Fences and Walls, see Section 15-4
- (11) Anemometer and Anemometer Towers

(C) **CONDITIONAL USES.**

- (1) Master Planned Developments (MPDs)
- (2) Public, Quasi-Public, Civic, Municipal Uses
- (3) General Acute Hospital
- (4) Alternative Professional Health-related Services
- (5) Athletic Training and Testing Offices and Facilities
- (6) Athletic Program Administrative Offices
- (7) Support Short-Term Athlete Housing or lodging associated with an approved recreation facility (within an approved MPD)
- (8) Accredited Physician Office Space
- (9) Accredited Medical & Dental Clinics
- (10) Medical Heliport
- (11) Group Care Facility
- (12) Ancillary Support Commercial (within an approved MPD)
 - (a) Gift Shop
 - (b) Dispensing pharmacy
 - (c) Medical supply
 - (d) Restaurant
 - (e) Deli
 - (f) Outdoor Grills/ Beverage Service Stations
 - (g) Child Care Center
- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot

- (16) Municipal/Institutional Accessory Building and Use
- (17) Parking Lot, Public or
- (18) Public Utility or Essential Services
- (19) Single Family Dwelling (with an approved MPD¹)
- (20) Duplex Dwelling (with an approved MPD¹)
- (21) Multi-Unit Dwelling (with an approved MPD¹)
- (22) Telecommunication Antenna
- (23) Transit Facilities
- (24) Parking Areas, Lots, and Structures with more than five (5) Parking Spaces
- (25) Raising and Grazing of Horses
- (26) Commercial Riding Stables
- (27) Small Energy Wind Systems

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.23-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

¹ Residential Uses cannot exceed 1 unit/acre

(A) **LOT SIZE.** There is no minimum Lot size in the CT District.

(B) **FRONT, REAR AND SIDE YARDS.** The minimum Front, Side, and Rear Yards for all Structures is twenty-five feet (25'). The Planning Commission may vary required yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. Setbacks may be further restricted by Frontage Protection Overlay (FPZ) standards and/or Master Planned Development conditions of approval.

(C) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, and approved Parking Areas are allowed as exceptions in the Front, Side, and Rear Yards. Screened mechanical and utility equipment, hot tubs, and decks are allowed as exceptions in the Side and Rear Yards provided that a minimum five feet (5') Setback is maintained.

(D) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 09-10)

15-2.23-4. DENSITY.

The base Density of the CT District is one (1) unit per twenty (20) acres. Residential Uses cannot exceed one (1) unit/acre.

(A) **DENSITY BONUS – ONE (1) UNIT/ACRE.** The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are incorporated through a Master Planned Development:

(1) **OPEN SPACE.** The Master Planned Development shall provide seventy percent (70%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the Master Planned Development's required project parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating

exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **PUBLIC TRANSIT FACILITIES.** The Master Planned Development shall include the Development of a public transit hub facility within the Development Area. The Planning Commission may consider waiving this requirement if a Developer/Applicant contributes funding for an existing or proposed transit hub that is located within a close walking distance from a proposed Development.

(5) **ENHANCED PUBLIC BENEFIT DEDICATION.** The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development activity.

(6) **PUBLIC TRAILS AND PEDESTRIAN IMPROVEMENTS.** The Master Planned Development shall provide public dedicated pedestrian improvements and enhanced trail connections to adjacent open space and/or public ways.

(7) **SENSITIVE LANDS OVERLAY STANDARDS.** The

Master Planned Development shall comply with the Development standards set forth in Section 15-2.21 Sensitive Lands Overlay. Density is determined by compliance with the criteria in Section 15-2.23-4.

(8) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. The Planning Commission may consider alternative housing Uses for the additional five percent (5%) Affordable Housing commitment.

(9) **SUSTAINABLE-GREEN DEVELOPMENT DESIGN.** All Development within the proposed Master Planned Development shall implement City-approved sustainable green Building practices and Site design practices in effect at the time of Application.

(B) **DENSITY BONUS – THREE (3) UNITS/ACRE.** The base Density of the CT District may increase up to three (3) units per acre for non-residential Uses provided that all Density bonus requirements set forth in Section 15-2.23-4(A) Density Bonus – One (1) Unit/Acre are met and the following additional standards are incorporated into the Master Planned Development.

(1) **OPEN SPACE.** The Master Planned Development shall provide

eighty percent (80%) open space on the project Site.

(2) **FRONTAGE PROTECTION ZONE NO-BUILD SETBACK.** The Master Planned Development shall include a three hundred foot (300') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

(3) **PARKING.** Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

(4) **ADDITIONAL ENHANCED PUBLIC BENEFIT**

DEDICATION. The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

(5) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23-4(A)(8). Total is 110% of base requirement.

15-2.23-5. MAXIMUM BUILDING HEIGHT.

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

(A) **MAXIMUM BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

- (1) Gable, hip, or similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, or similar Structures may

extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(5) Anemometers and Anemometer Towers used to measure wind energy potential may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission.

(6) Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point or top of tower, whichever is greater.

(Amended by Ord. Nos. 07-25; 09-10)

15-2.23-6. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must

review the proposed plans for compliance with the Architectural Review standards, Chapter 15-5 and compliance with any additional architectural design guidelines approved by the Planning Commission as part of the Master Planned Development.

15-2.23-7. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3.

15-2.23-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the adjacent district.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.23-9. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible from a Public Street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use

by the public are exempt from this regulation.

15-2.23-10. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.**

Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not

diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance.

(f) No Use after 10:00 p.m.

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

- (b) No violation of the City noise ordinance.
- (c) Impacts on adjacent residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

15-2.23-11. ANEMOMETERS AND ANEMOMETER TOWERS.

(Created by Ord. No. 09-10)

Anemometers and Anemometer Towers require an Administrative Conditional Use permit for temporary installation, for up to three (3) years, to measure wind energy potential for a Site. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan, Limits of Disturbance plan for all construction, including Access roads, a description and photos of the tower, manufacturers cut sheet and certification information for the Anemometer, an Application for and all other submittal requirements for Administrative Conditional

Use permits and a narrative addressing the following:

- (A) No violation of the City noise ordinance.
- (B) Notification of adjacent Property Owners.
- (C) Compliance with Setbacks and height requirements, see Height Exceptions. Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and public Rights-of-Way and power lines are not impacted by the location.
- (D) Compliance with FAA regulations.
- (E) Compliance with the International Building Code.
- (F) At the time of Application for an Administrative Conditional Use permit, standard engineering drawings for the tower, base, and footings shall be submitted.
- (G) **BUILDING PERMIT.** Prior to issuance of a Building Permit, the plans shall comply with all applicable sections of the International Building Code, including electric codes and all requirements and criteria of this section.
- (H) Requests for temporary Anemometer Towers that exceed the Zone Height by more than five feet (5') shall provide a visual analysis from all applicable LMC Vantage Points described in Section 15-15.1 to determine visual impacts on Ridge Line Areas and entry corridors.

(I) **REMOVAL AND DECOMMISSIONING.** Anemometers and Anemometer Towers shall be removed after the temporary period has expired or if the Use is abandoned. A Use shall be considered abandoned when it fails to operate for a period of one (1) year or more.

In no case shall the temporary Use continue beyond the permitted time frame to be identified during review of the Administrative CUP, unless an extension is requested. Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation. To the greatest extent possible, the land shall be fully returned to its natural state within three (3) years of the removal of the installation.

15-2.23-12. SMALL WIND ENERGY SYSTEMS.

(Created by Ord. No. 09-10)

Small Wind Energy Systems (system) require a Conditional Use Permit. The Use must comply with Section 15-1-10, Conditional Use Review, and the following review criteria. The Applicant must submit a Site plan; Limits of Disturbance plan for all construction, including all Access roads and installation details, such as Grading and erosion control; a description and photos of the tower and turbine; manufacturers cut sheets and certification information for the

tower and turbines; Property survey showing size of Property and location of Structures, utilities, easements, Streets and Rights-of-Way on the Property and on adjacent Properties within a horizontal distance equivalent to 110% of the proposed height; an Application for and all other submittal requirements for Conditional Use Permits; and a narrative addressing the following review criteria:

(A) **LOCATION.** Location on the Property and associated wind data shall indicate the optimum citing location for highest wind energy potential and lowest air turbulence from the ground and surrounding objects; measured distances to adjacent habitable Structures, Property lines, power lines, and public and private Streets and Right-of-Ways; and trails. Systems shall not be installed in known migratory bird flyways, unless a wildlife study indicates that the proposed system due to the configuration, location, height, and other characteristics, will not negatively impact the flyway.

(B) **SETBACKS AND HEIGHT.** See Section 15-2.23-5, Height Exceptions. Small Wind Energy Systems shall not exceed the Setback requirements of the zone and shall be set back a minimum distance equal to 110% of the total height of the system. **EXCEPTION:** Setbacks may be decreased if a signed encroachment agreement with the affected Property Owner is provided, and the public Rights-of-Way and power lines are not impacted by the location.

(C) **LOT SIZE.** Small Wind Energy Systems that are greater than eighty feet

(80') in height shall be located on a Lot size of one (1) acre or more.

(D) **DESIGN**. Wind Energy Systems shall be a neutral color that blends with the environment. Gray, beige, and white are recommended and all paint and finishes shall be non-reflective.

(E) **LIGHTING**. Small Wind Energy Systems shall be lighted only if required by the FAA and shall comply with all applicable FAA regulations.

(F) **NOISE**. No violation of the City noise ordinance.

(G) **SIGNS**. Signs shall be restricted to reasonable identification of the manufacturer, operator of the system, utility, and safety signs. All signs shall comply with the Park City Sign Code.

(H) **BUILDING PERMIT**. Prior to issuance of a Building Permit the system shall comply with all applicable sections of the International Building Code, including electric codes and all requirements and criteria of this section.

(I) **VISUAL ANALYSIS**. A visual analysis from all applicable LMC Vantage Points as described in Section 15-15.1 for all Small Wind Energy Systems is required to determine visual impacts on Ridge Line Areas and entry corridors.

(J) **SYSTEM CONDITIONS**. The Applicant/system Owner shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting,

mechanical and electrical repairs, structural repairs, and security measures.

(K) **REMOVAL AND DECOMMISSIONING**. Any Small Wind Energy System, that has reached the end of its useful life or has been abandoned, shall be removed. A system shall be considered abandoned when it fails to operate for a period of one (1) year or more.

Upon a notice of abandonment from the Building Department, the system Owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned and request an extension, or the City shall have the authority to enter the Property and remove the system at the Owner's expense.

The Owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully returned to its natural state within five (5) years of the removal and decommissioning of the system.

(L) **REPLACEMENT**. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

15-2.23-13. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') above the ground, groves of small trees, or clumps of oak and

maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

15-2.23-14. CRITERIA FOR RAISING AND GRAZING OF HORSES.

(Created by Ord. No. 09-10)

The raising and grazing of horses may be approved as a Conditional Use by the Planning Department. In making a determination whether the raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.23-15. SIGNS.

Signs are allowed in the CT District as provided in the Park City Sign Code, Title 12.

(Renumbered by Ord. No. 09-10)

15-2.22-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).

- Parking Ratio Requirements. LMC
Chapter 15-3-6.

(Renumbered by Ord. No. 09-10)

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.20 - FRONTAGE PROTECTION ZONE (FPZ)

Chapter adopted by Ordinance No. 00-51

15-2.20-1. PURPOSE.

The purpose of the Frontage Protection Zone (FPZ) is to:

- (A) preserve Park City’s scenic view corridors,
- (B) preserve and enhance the rural resort character of Park City’s entry corridor,
- (C) provide a significant landscaped buffer between Development and highway Uses,
- (D) minimize curb cuts, driveways and Access points to highways,
- (E) allow for future pedestrian and vehicular improvements along the highway corridors.

15-2.20-2. FRONTAGE PROTECTION OVERLAY ZONE.

The Frontage Protection Zone (FPZ) is an overlay zone, as shown on the Official Zoning Map. The FPZ includes those Properties with frontage on, and within one

hundred feet (100') of the Right-of Way line of the following Streets:

- (A) Park Avenue, SR 224, from 15th Street north to the City Limits,
- (B) Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,
- (C) Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and
- (D) Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.

15-2.20-3. USES.

All Uses, including Allowed and Conditional Uses, must be consistent with the underlying Zoning District. Any Structure or Use within the FPZ is also subject to specific review criteria, including Conditional Use permit review, as stated in this section, and Entry Corridor Protection criteria as stated in Sections 15-2.20-4 and 15-2.20-5.

15-2.20-4. LOT AND SITE REQUIREMENTS.

Lot and Site Requirements and Building Heights for all Development Activities and uses within the Frontage Protection Zone must be consistent with the underlying Zoning District and are subject to the following additional requirements:

(A) Regardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way. An exception to this requirement shall be granted for two (2) municipal identification signs, one within the Utah State Highway 224 entry corridor, and the other within the Utah State Highway 248 entry corridor, provided that Park City Municipal Corporation is the Applicant and subject to approval pursuant to Municipal Code Section 12-9-1(L).

(B) All Construction Activity, including permanent signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.

(C) **EXCEPTIONS.** Minor remodels and facade improvements for existing Structures within the FPZ, including free standing signs shall require an Administrative Permit with approval by the Planning, Engineering, and Building

Departments. Construction of at Grade sidewalks, trails, public plazas, and temporary signs in the FPZ Setback Area requires an Administrative Permit with approval by the Planning, Engineering, and Building Departments.

(D) Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the FPZ may require an administrative Conditional Use permit with approval by the Planning, Engineering, and Building Departments.

(E) To minimize curb cuts, driveways, and Access to Park City's primary highways and Streets, Access to Property in the FPZ shall be from existing City Streets when possible, rather than direct highway Access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.

(F) The Planning Department shall review all proposals for pedestrian and bicycling pathways and trails through the FPZ. Trails and sidewalks may occupy Setback Areas. Open Space, preservation of view corridors, protection and enhancement of Sensitive Lands such as wetlands and meadows, and buffer Areas shall be considered in the review.

All Fences in the FPZ must be one of the following styles:

- (1) Wooden rail,

- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined and approved by the Planning Department, not including chain link Fencing.

(Amended by Ord. Nos. 01-25; 06-76; 09-10)

15-2.20-5. ENTRY CORRIDOR PROTECTION OVERLAY (ECPO).

(A) **INTENT.** To maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City shall comply with the requirements of this section. The Entry Corridor Protection Overlay (ECPO) is a sub-zone within the FPZ.

(B) **APPLICABILITY TO PROPERTY WITHIN EXISTING PARK CITY LIMITS.** The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City limits including:

- (1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,
- (2) Utah State Highway 224 south of Prospect Street, and

- (3) Utah Highway 248 east of Wyatt Earp Way.

(C) **APPLICABILITY TO FUTURE ANNEXED PROPERTIES.** Upon submission of an annexation petition, the Planning Department shall identify relevant entry corridors for designation by the City Council. Open vistas and meadows shall be identified and maintained to the maximum extent feasible.

(D) **ACCESS/TRAFFIC.** Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing City Streets that join with the corridor roadways rather than direct roadway Access. Common driveways between adjoining Properties shall be encouraged. Whenever direct driveway Access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

(E) **SETBACKS.**

- (1) A Setback in the Entry Corridor Protection Overlay shall be established by the Planning Department based upon a visual assessment of the Property. However, in no case shall the Setback be less than one hundred feet (100') from the nearest entry roadway Right-of-Way. In Areas where open meadow vistas are considered important, the required Setback may be increased significantly. The one hundred foot (100') standard is intended to be

more appropriate for Properties currently within the City limits. Upon annexation request, the appropriate Setback will be determined based upon a Site specific visual analysis.

(2) Building Setbacks in the Entry Corridor Protection Overlay shall vary from Structure to Structure with any one Lot or Development. Setbacks shall also vary from those on adjoining roadway-oriented Property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment.

(3) Agricultural or stock Fences shall be allowed in the Setback subject to approval by the Planning Department. See Fencing, Section 15-2.20-5(H).

(F) **PARKING LOTS.** Parking Lots must be located to the rear or sides of Buildings to the maximum extent feasible.

(G) **BERMS/EARTHWORK SCREENING.** All earthen berms and earthwork Screening must be Graded and planted in such a manner so as to permit views of primary uses on the Site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

(H) **FENCING.** All Fences in the ECPO must be of one of the following styles:

- (1) Wooden rail,
- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined by the Planning Department, not including chain link Fencing.

(I) **BUILDING HEIGHT.** No Building within the ECPO shall exceed the following height limits, as defined in Chapter 15 of this Title:

- (1) Twenty feet (20') if the entry corridor Setback is less than one hundred fifty feet (150').
- (2) Twenty-five feet (25') if the entry corridor Setback is greater than one hundred fifty feet (150') but less than two hundred feet (200').
- (3) Up to the maximum height allowed by the underlying zone if the Setback is two hundred feet (200') or greater.

In addition, Buildings may be required to be stepped back to preserve and enhance important views.

(J) **PEDESTRIAN FACILITIES.** Trails and sidewalks shall be provided in all ECPO Developments in accordance with the

Park City Trails Master Plan. Trails and sidewalks may occupy Setback Areas.

(K) **LANDSCAPING/VEGETATION PROTECTION.** A landscaping plan shall be required for all ECPO Developments, and all Significant Vegetation protection shall be undertaken pursuant to LMC Chapter 15-5.

(L) **DESIGN STANDARDS.** All Development within the ECPO shall comply with the design standards contained in LMC Chapter 15-5.

(M) **TRAILHEAD PARKING.** Trailhead parking of less than twenty-five (25) spaces is allowed within the Setback Area but at least thirty feet (30') outside of the UDOT Right-of-Way. Parking must be adequately Screened with berms and/or landscaping to a height of at least three feet (3') above the surface of the Lot unless said landscaping/berming is discouraged by UDOT for sight/safety reasons. Vehicular Access to trailhead parking Lots is to be by City Streets if possible or by permission of UDOT if from a State Highway. Any Structure, way finding sign or Use is subject to the Conditional Use permit review.

(N) **OUTDOOR DISPLAY OF ART.** The permanent installation of an outdoor display of art that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way. Outdoor displays of art are subject to the provisions of Title 15-4-15.

(O) **PUBLIC PARK FACILITIES.**

(1) The permanent installation of outdoor recreational equipment that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

(B) Public park Accessory Buildings less than eighteen feet (18') in height and six hundred square feet (600 sq. ft.) in size are allowed as a Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

(Amended by Ord. Nos. 04-17; 04-31; 06-76)