

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
October 22, 2014**



AGENDA

SITE VISIT AT 4:45 PM

Meet at City Hall at 4:45 PM 510 Payday Drive – Frank Richards Property PL-14-02427
Planner Whetstone

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF October 8, 2014 – Continued to Meeting on November 12, 2014

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

920 Empire Avenue – Steep Slope Conditional Use Permit in the Historic Residential (HR-1) zoning district. <i>Public hearing and possible action</i>	PL-14-02462 <i>Planner Boehm</i>	03
95 King Road – Conditional Use Permit for Nightly Rental use in the Historic Residential – Low Density (HR-L) zoning district. <i>Public hearing and possible action</i>	PL-14-02 <i>Planner Boehm</i>	27
510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat <i>Public hearing and possible recommendation to City Council on November 13, 2014</i>	PL-14-02427 <i>Planner Whetstone</i>	51
1825 Three Kings Drive – Three Kings Realty at Silver Star Conditional Use Permit for Office Building <i>Public hearing and possible action</i>	PL-14-02329 <i>Planner Whetstone</i>	161
Land Management Code Amendments related to: 1. Pet services in GC and LI zoning Districts (LMC Sections 15-2.18-2, 15-2.19.2, and 15-15-1) 2. Definitions regarding Pet Services (LMC Chapter 15) <i>Public hearing and recommendation to City Council on November 20, 2014</i>	PL-14-02348 <i>Planner Whetstone</i>	237

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.

Planning Commission Staff Report



Subject: 920 Empire Avenue
Project #: PL-14-02462
Author: John Paul Boehm, Planner
Date: October 22, 2014
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 920 Empire Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 920 Empire Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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.

Description

Owner/ Applicant: 920 Partners, LLC.; represented by Craig Kitterman
Architect: Craig Kitterman
Location: 920 Empire Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new single family home containing 2,003 square feet (including the full basement area and garage) on a vacant 1,875 square foot lot located at 920 Empire Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30%.

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 new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 19, 2014, the City received an application for a Steep Slope Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 920 Empire Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on September 10, 2014.

In May of 2014, the owner of 920 Empire Avenue requested that the City perform a Determination of Significance (DOS) with the intent to have this site removed from the City’s Historic Sites Inventory (HSI). On June 18th, 2014, the Historic Preservation Board found that the duplex that was at 920 Empire Ave. was not historic and therefore voted to have the site removed from the Historic Sites Inventory. This determination allowed the owner to demolish the non-historic structure on the site. The site is now vacant.

Analysis

This application is a request for a Steep Slope Conditional Use Permit for construction of a new single family dwelling containing 2,003 square feet (including the full basement and the single car garage) on a single “Old Town” lot containing 1,875 sf. The property is described as Lot 27, Block 15 of the Snyder’s Addition to the Park City Survey. Because the total proposed structure is greater than 1,000 square feet, and the slope within the first 30’ of the lot is thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit. The lot has an average slope, across the entire depth, of sixteen percent (16%). The lot is a vacant, infill developable lot with no existing vegetation present.

This property is required to have independent utility services for water, sewer, etc. Stubbing of these utilities is subject to a Utility plan to be approved by the City Engineer and applicable utility providers, such as SBWRD. The stubs for new services were installed prior to the final paving of Empire Avenue, as requested by the City Engineer.

The proposed house contains a total of 2,003 square feet, including the basement and a single car garage. The proposed building footprint is 812 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of fourteen and one-half feet (14.5’) which is greater than the required ten feet (10’) of stepping. See below for description of each floor:

Floor	Proposed Sq. Ft.
Main	586 square feet
Lower/Basement	812 square feet
Upper	605 square feet

Overall area	2,003 square feet
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Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 sf	1,875 sf, <u>complies.</u>
Building Footprint	844 square feet (based on lot area) <u>maximum</u>	812 square feet, <u>complies.</u>
Front and Rear Yard	10 feet minimum (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- ranges from 17' to 18.5' and garage door is 30' from edge of street, <u>complies.</u> Rear- 10 feet <u>complies.</u>
Side Yard	3 feet minimum (6 feet total)	3 feet on each side, no window wells- <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is permitted for a single car garage on a downhill lot.	Various heights all at or less than 27 feet - <u>complies.</u> <u>No height exception for garage is requested.</u>
Total Building Height	35 feet from lowest floor plane to highest wall plate	34.5 feet- <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required.	Third story on rear façade is 12.5' back from lower levels- <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs with a 5:12 pitch for the rear roof form, not considered a primary roof- <u>complies.</u>
Parking	Two (2) off-street parking spaces required	One (1) space within a single car garage and one uncovered space (18' in length) on the driveway, within the lot area, compliant with required dimensions (12' maximum width)- <u>complies.</u>

A separate Historic District Design Review (HDDR) application was submitted to the Planning Department on October 17, 2014, for the proposed single family house. This

application will be reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed house is dependent on approval of the Historic District Design Review.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family house is located on a platted lot of record in a manner that reduces the visual and environmental impacts of the Structure. The downhill lot was previously disturbed for prior construction of a small duplex that was later demolished, therefore excavation is minimized. The main level is set below the grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation is minimized due to the existing topography. There is no vegetation present on this infill lot. The proposed footprint complies with that allowed for the lot area. The front and rear setbacks are increased for portions of the structure.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, including a cross canyon view, streetscape and photographs showing a contextual analysis of proposed house related to visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) and three (3) story houses and a large condominium building.

This is an infill site of a single “old town” lot with many larger structures in the immediate neighbor hood. The lot was previously developed with a house that was determined to be not historically significant and has been demolished. The site is currently vacant.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, smaller in scale and mass than surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by setting the house lower on the lot, architectural stepping and a stepped foundation, minimized excavation and greater horizontal step in the roofline. Additionally, the garage door is located approximately 30 feet back from the edge of Empire Avenue.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed design incorporates a driveway from Empire Avenue. Due to the previous construction/excavation, the 30% slope of the lot at the street, and the 25' lot width, side access is not feasible. The proposed driveway has a maximum slope of 14% with sections at 5% (in front of the garage) and 10% (from property line to edge of street) (see Exhibit E- Driveway cross section). Overall slope is 9.7% as measured from the front of the garage to the edge of the paved street. This slope is due to setting the house lower into the lot to be compatible with the historic structure to the north and to accomplish the required minimum 7:12 roof pitch for the main roof element while maintaining required building height restrictions. The driveway is designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The lot has a steeper grade at the front becoming relatively gentle at the rear. Overall, the slope is 16%. The only retaining walls that are proposed are on the sides at the front portion of the lot to regain Natural Grade and to create the driveway, front porch, and landscaped area. New retaining walls will not exceed six feet (6') in height, with the majority of the walls less than four feet (4'). Retaining walls between four (4) and six (6) feet will require approval by the Planning Director and the City Engineer. The lot to the north has a similar slope as the subject lot and retaining between them is not necessary.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography, which has already been modified by previous construction and excavation. The site design and building footprint provide an increased front setback area (18.5') in front of the garage and (17') to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet. The garage door is setback 30' from the edge of the street and at least 18.5' from the ROW line. The front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants.

Criteria 6: Building Form and Scale.

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

The house steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping creates the interior half story levels and allows the lower level to meet existing grade. The garage is subordinate in design in that it is partially below the street and the width is minimized.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

Front setbacks are increased as the garage portion of the house is setback 18.5 feet from the property line and nearly 30 feet from the edge of the street, to accommodate the code required parking space entirely on the lot. No wall effect is created with the proposed design. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduces the over mass of the structure does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with an increased horizontal step.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed house is both articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design does not propose a height exception for the single car garage as allowed by the LMC. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale

between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. Portions of the house are less than 27' in height. The tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The proposed height steps down from the roofline of the house to the south and steps up from the shorter house to the north and the differences in scale between the proposed Structure and existing Structures are mitigated.

While a 35 foot height is allowed for the garage on a downhill lot, this design does not propose to utilize a height exception from existing grade. The design complies with the 27 foot height allowance measured from existing grade.

Staff finds that the split level design allows additional design aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement with no exception needed for the garage, and reduces the mass at the rear of the structure.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have to be addressed by revisions and conditions of approval.

Notice

On October 8, 2014, the property was posted and notice was mailed to property owners within 300 feet. On October 4th, 2014, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input

No public input was received on this application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 920 Empire Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 920 Empire Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The lot is an existing infill residential lot that contains no significant vegetation. A house on this lot would be an improvement over the existing situation.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 920 Empire Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 920 Empire Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 920 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 27, Block 15 of the Snyder's Addition to the Park City Survey. The lot area is 1,875 square feet. The lot is vacant.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This is an infill "Old Town" lot. There is no existing significant vegetation on this lot. A non-historic structure was demolished on this property in July of 2014. This is a downhill lot.
6. Access to the property is from Empire Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes. There are condominium buildings to the north on Empire Avenue.
9. The proposal consists of a single family dwelling of 2,003 square feet, including the basement area and a single car garage.
10. The driveway is designed with a maximum width of twelve feet and is approximately thirty feet in length from the garage to the existing edge of street with a minimum of eighteen feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
11. The proposed driveway has a maximum slope of 14% with sections at 5% (in front of the garage) and 10% (from property line to edge of street). Overall slope is 9.7% as measured from the front of the garage to the edge of the paved street.
12. An overall building footprint of 812 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
15. The proposed home includes a split level configuration created by a mezzanine level for the front interior entry area. The proposed structure complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall

plate and is in compliance with the LMC amendments adopted by City Council on November 21, 2013.

16. There is a fourteen and one-half foot (14.5') step back from the first two stories. The stepping occurs within the first twenty- three feet (23') of the rear (lower) facade.
17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Empire Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.
18. Retaining is necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet or less. Retaining walls between four (4) and six (6) feet will require approval by the Planning Director and the City Engineer. Retaining of grade at rear is minimized by the stepping foundation. There are no window wells.
19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.
20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% slope areas.
21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
22. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.
24. This property is required to have independent utility services for water, sewer, power, etc. Stubbing of these utilities was completed during the Empire Avenue reconstruction project.
25. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
26. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
27. The findings in the Analysis section of this report are incorporated herein.
28. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with requirements of the Park City Land Management Code, specifically Section 15-2.2 for the HR-1 zoning district.

2. The Steep Slope CUP application is consistent with the Park City General Plan.
3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

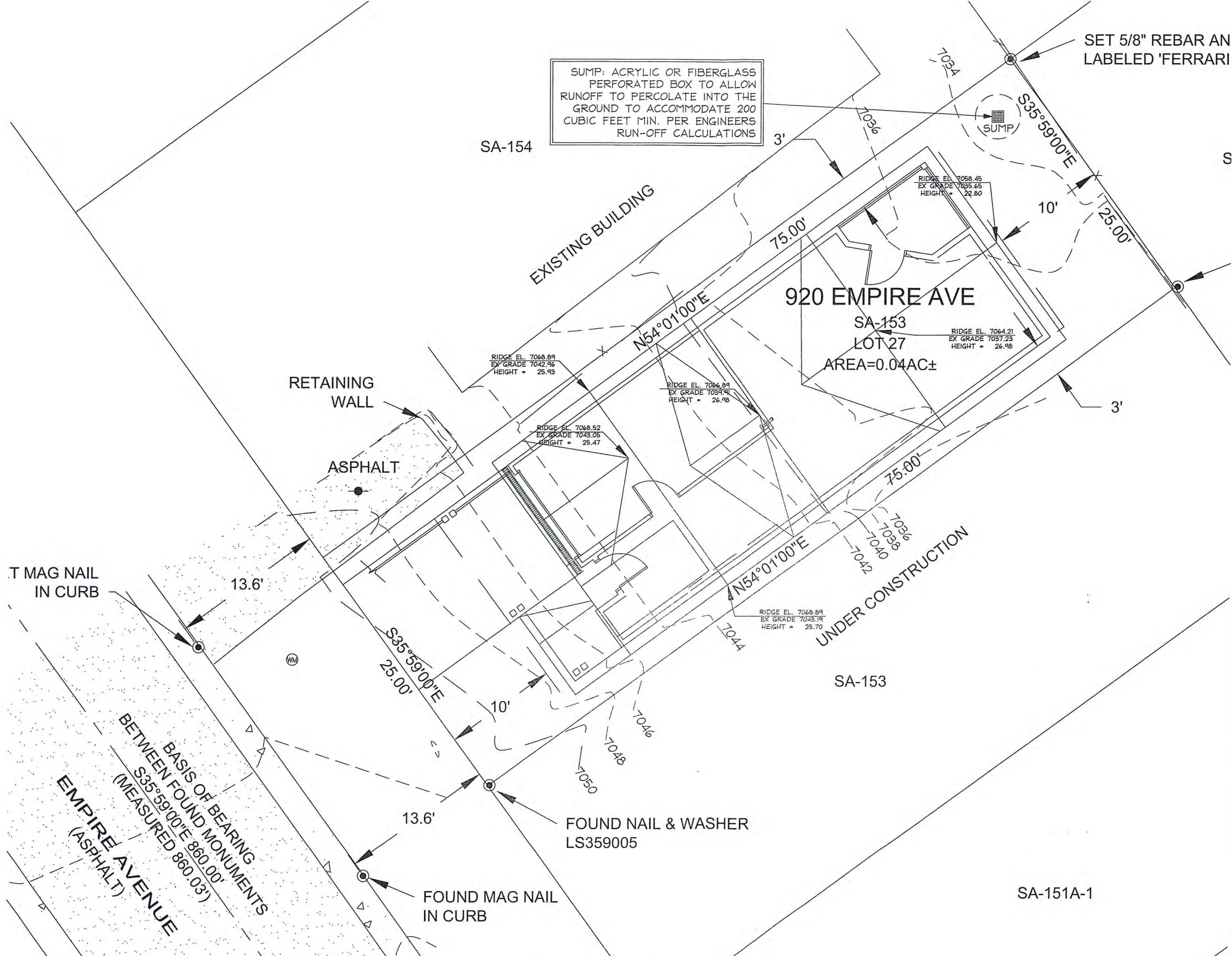
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate, individual utility service is required for 920 Empire Avenue.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions and that the driveway complies with the required slope restrictions.
9. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.
10. This approval will expire on October 22, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

Exhibits

Exhibit A- Site Plans

Exhibit B- Visual Analysis and Streetscape

Exhibit C- Recorders plat



SUMP: ACRYLIC OR FIBERGLASS PERFORATED BOX TO ALLOW RUNOFF TO PERCOLATE INTO THE GROUND TO ACCOMMODATE 200 CUBIC FEET MIN. PER ENGINEERS RUN-OFF CALCULATIONS

SET 5/8" REBAR AN LABELED 'FERRARI'

GENERAL SITE NOTES

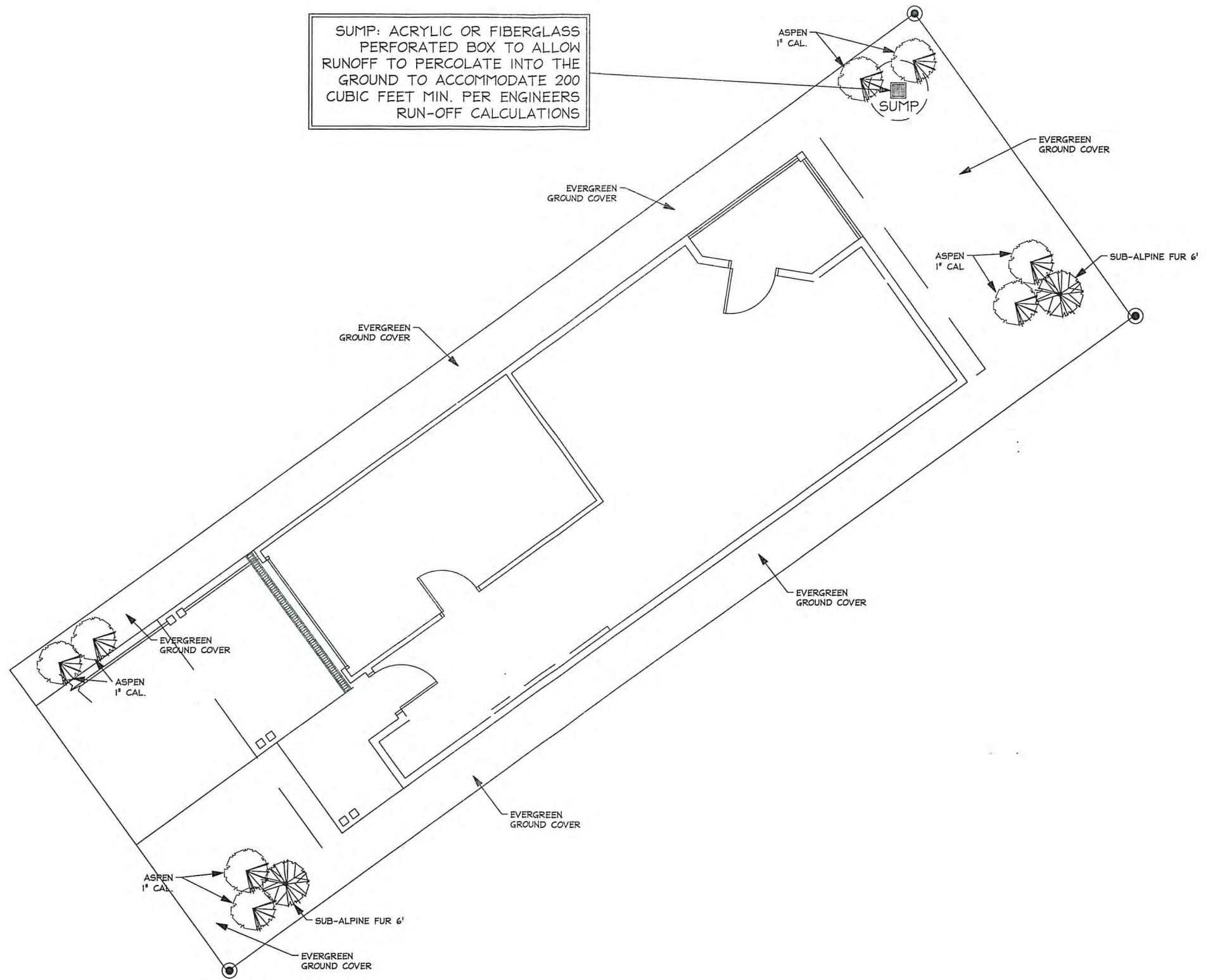
1. ALL CONSTRUCTION SHALL CONFORM TO ALL CURRENT ADOPTED CODES AND PRACTICES OF THE COMMUNITY OR AREA IN WHICH CONSTRUCTION TAKES PLACE.
2. SITE PREPARATION: ALL STUMPS, ROOTS AND FILL SHALL BE MOVED FROM THE SOIL TO A DEPTH OF AT LEAST 12" BELOW THE NATURAL SURFACE OF THE GROUND TO BE OCCUPIED BY THE BUILDING.
3. R506.2 SITE PREPARATION. THE AREA WITHIN THE FOUNDATION WALLS SHALL HAVE ALL VEGETATION, TOP SOIL AND FOREIGN MATERIAL REMOVED.
4. R506.2.1 FILL. FILL MATERIAL SHALL BE FREE OF VEGETATION AND FOREIGN MATERIAL. THE FILL SHALL BE COMPACTED TO ASSURE UNIFORM SUPPORT OF THE SLAB, AND EXCEPT WHERE APPROVED, THE FILL DEPTHS SHALL NOT EXCEED 24 INCHES FOR CLEAN SAND OR GRAVEL AND 8 INCHES FOR EARTH.
5. R401.3 DRAINAGE. SURFACE DRAINAGE SHALL BE DIVERTED TO A STORM SEWER CONVEYANCE OR OTHER APPROVED POINT OF COLLECTION THAT DOES NOT CREATE A HAZARD. LOTS SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET.
 - 5.1. DRAINAGE ONTO NEIGHBORING PROPERTIES IS PROHIBITED.
6. R310.2.2 - DRAINAGE. WINDOW WELLS SHALL BE DESIGNED FOR PROPER DRAINAGE BY CONNECTING TO THE BUILDING'S FOUNDATION DRAINAGE SYSTEM REQUIRED BY SECTION R405.1 OR BY AN APPROVED ALTERNATIVE METHOD.
7. R405.1 CONCRETE OR MASONRY FOUNDATIONS. DRAINS SHALL BE PROVIDED AROUND ALL CONCRETE OR MASONRY FOUNDATIONS THAT RETAIN EARTH AND ENCLOSE HABITABLE OR USABLE SPACES LOCATED BELOW GRADE. SEE IRC SECTION 405 FOR APPROVED METHODS.
8. WINDOW WELLS TO BE DUG 16" BELOW WINDOW SILL TO ALLOW FOR 10 INCHES OF 1 INCH AGGREGATE FILL 6 INCHES BELOW THE SILL.
9. R319.1 ADDRESS NUMBERS. BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 1/2 INCH WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING ADDRESS CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE.
10. P2902.5.3 LAWN IRRIGATION SYSTEMS. THE POTABLE WATER SUPPLY TO LAWN IRRIGATION SYSTEMS SHALL BE PROTECTED AGAINST BACKFLOW BY AN ATMOSPHERIC VACUUM BREAKER, A PRESSURE VACUUM BREAKER ASSEMBLY OR A REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY. VALVES SHALL NOT BE INSTALLED DOWNSTREAM FROM AN ATMOSPHERIC VACUUM BREAKER. WHERE CHEMICALS ARE INTRODUCED INTO THE SYSTEM, THE POTABLE WATER SUPPLY SHALL BE PROTECTED AGAINST BACKFLOW BY A REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY.
11. IF SOIL IS TO BE PLACED OVER THE CURB, GUTTER AND SIDEWALK TO ALLOW DRIVING OF EQUIPMENT OVER THE CONCRETE WITHOUT BREAKING IT THAT AT LEAST A 4" DIAMETER PIPE IS TO BE PLACED IN THE GUTTER THROUGH THIS DAM TO ALLOW FOR DRAINAGE OF SURFACE WATER.
12. ALL FOOTINGS TO BE A MINIMUM OF 30 INCHES BELOW FINISH GRADE AND A MINIMUM OF 40 INCHES BELOW FINISH GRADE IN PARK CITY (SUMMIT COUNTY).
13. E3608.1.2 - UPPER GROUND: AN ELECTRODE ENCASED IN CONCRETE LOCATED WITHIN AND NEAR THE BOTTOM OF A CONCRETE FOUNDATION OR FOOTING THAT IS IN DIRECT CONTACT WITH THE EARTH SHALL BE CONSIDERED AS A GROUNDING ELECTRODE PER I.R.C. SECTION E3608.1.2
14. KEEP GAS AND ELECTRICAL METERS IN AN AREA THAT IS PROTECTED FROM SNOW AND ICE.

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PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION



SUMP: ACRYLIC OR FIBERGLASS PERFORATED BOX TO ALLOW RUNOFF TO PERCOLATE INTO THE GROUND TO ACCOMMODATE 200 CUBIC FEET MIN. PER ENGINEERS RUN-OFF CALCULATIONS



IRRIGATION SYSTEM TO BE DRIP SYSTEM

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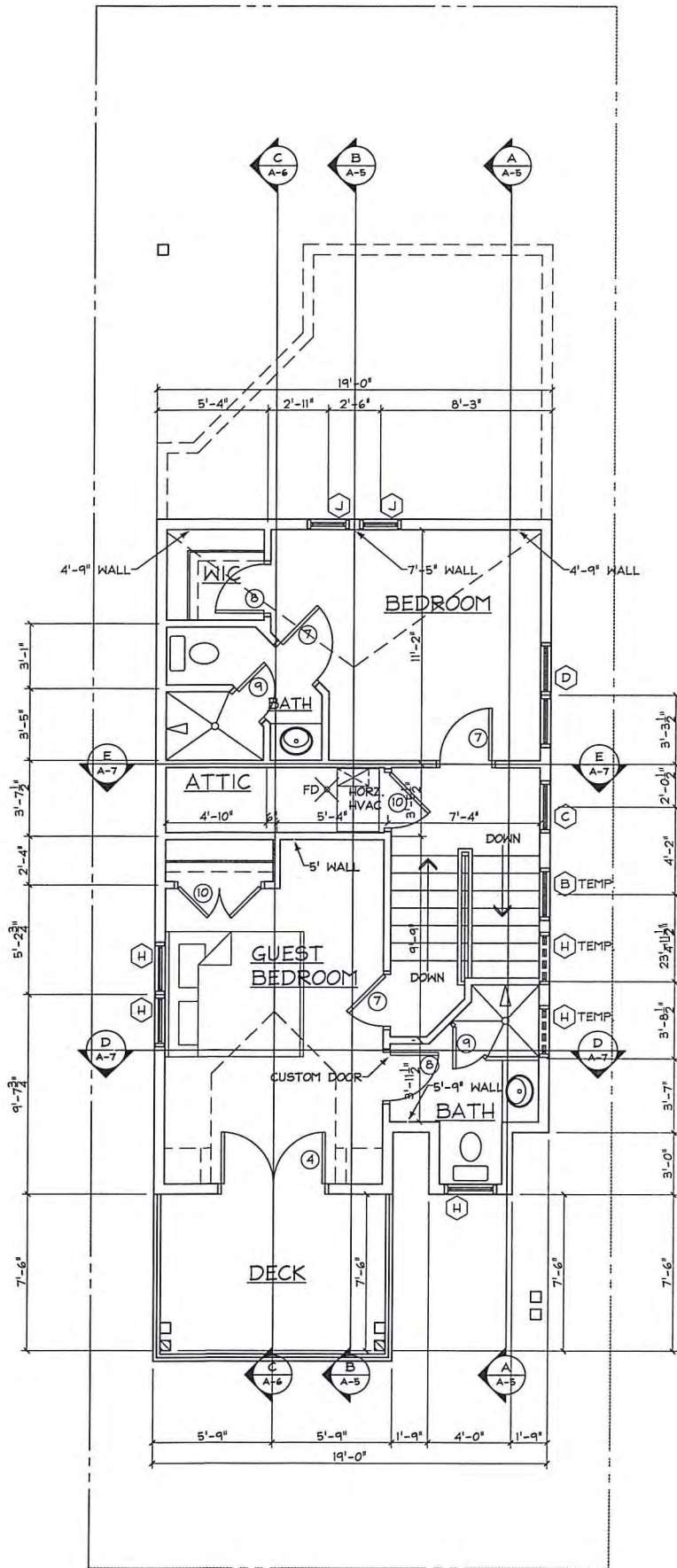
920 EMPIRE AVENUE

EMPIRE AVENUE

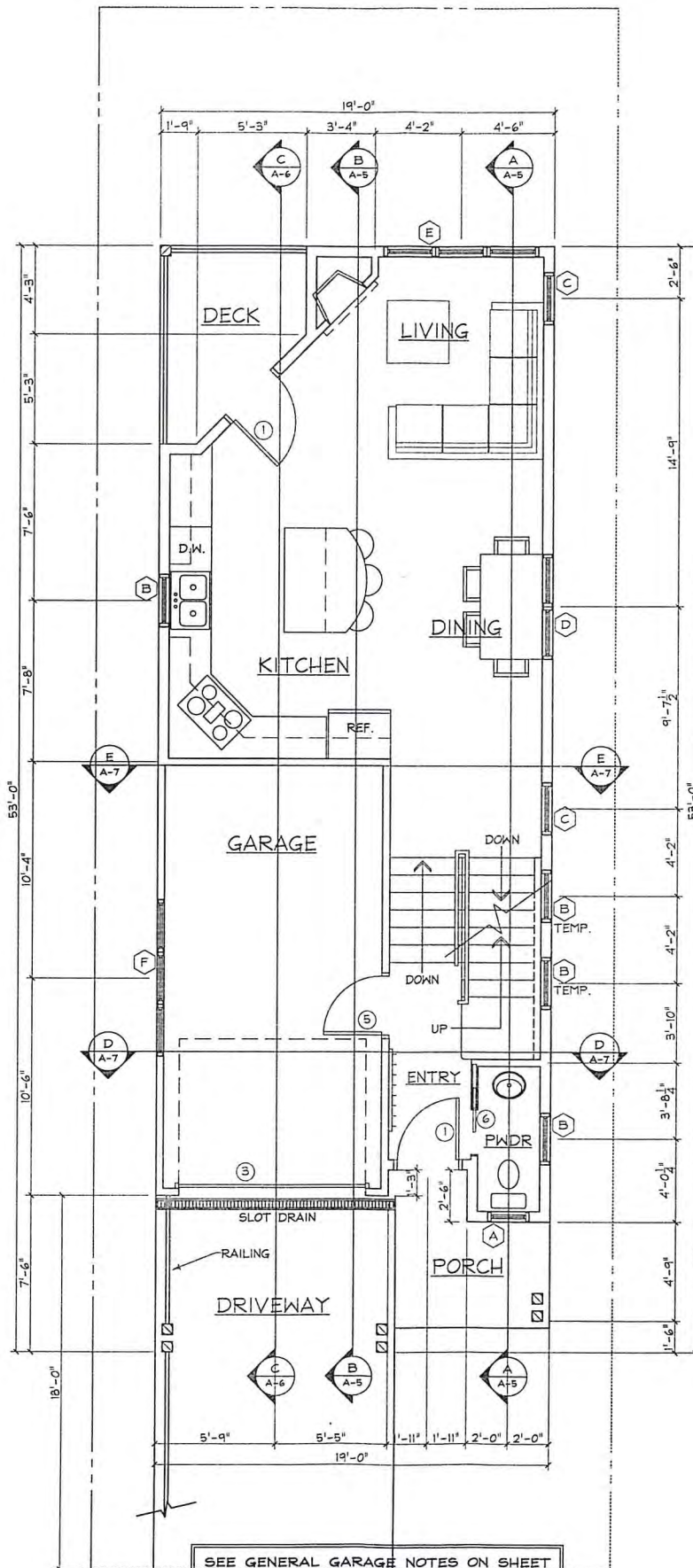
VACANT

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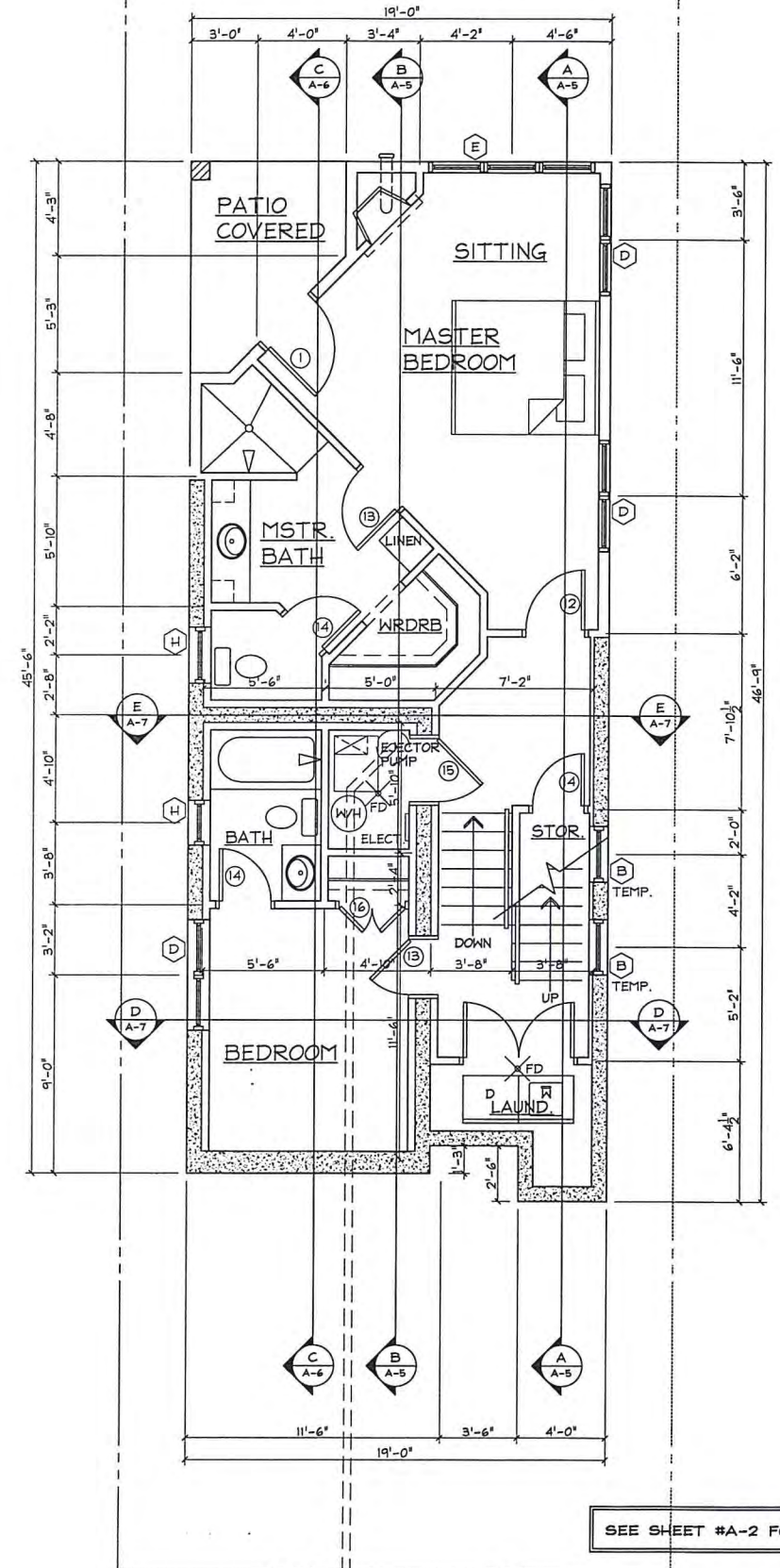
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UPPER FLOOR PLAN



MAIN FLOOR PLAN



BASEMENT FLOOR PLAN

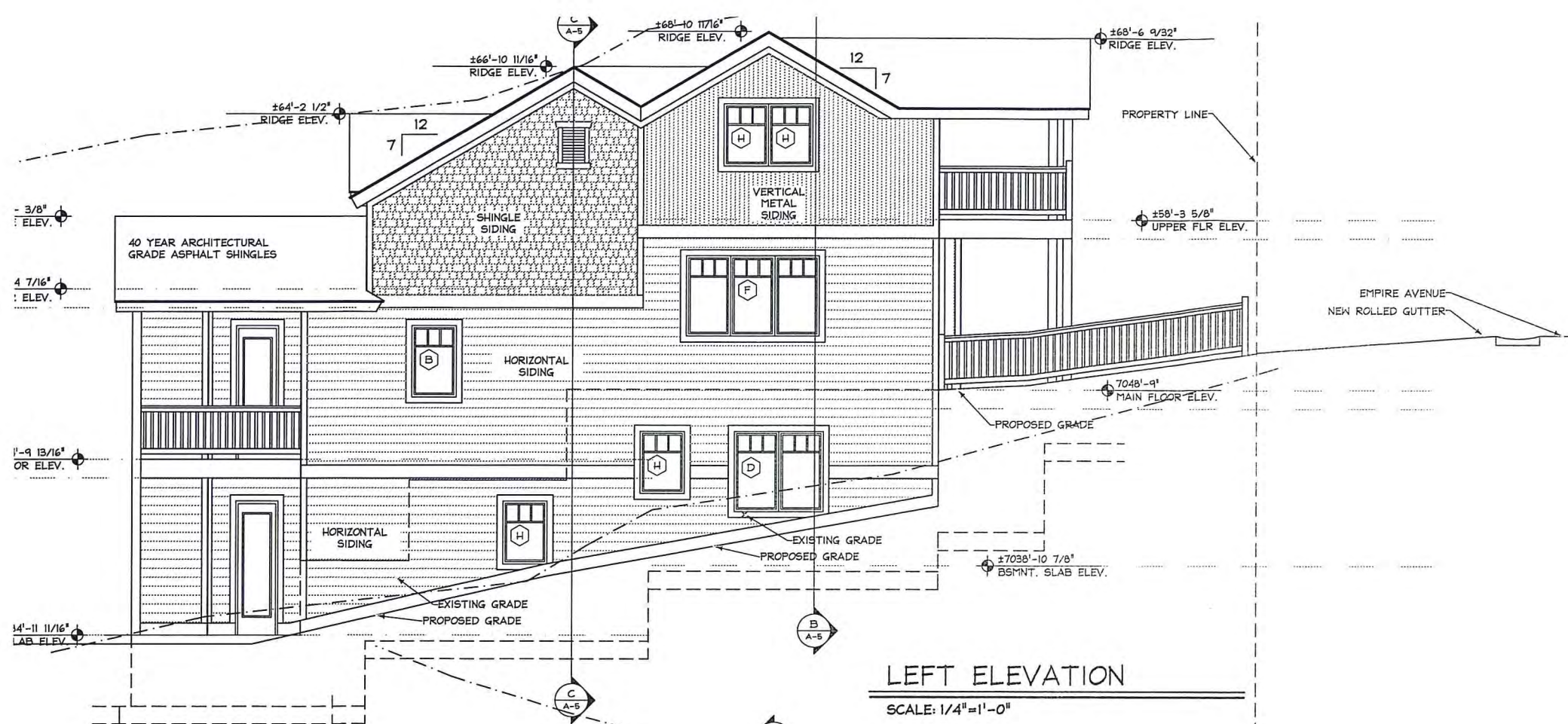
FOOTPRINT	
TOTAL	812 SQ. FT.

FLOOR AREA	
GROSS	
MAIN	523 SQ. FT.
UPPER	552 SQ. FT.
BASEMENT	718 SQ. FT.
TOTAL	1,793 SQ. FT.

SQUARE FOOTAGE	
GROSS	
MAIN	586 SQ. FT.
UPPER	605 SQ. FT.
BASEMENT	812 SQ. FT.
TOTAL	2,003 SQ. FT.

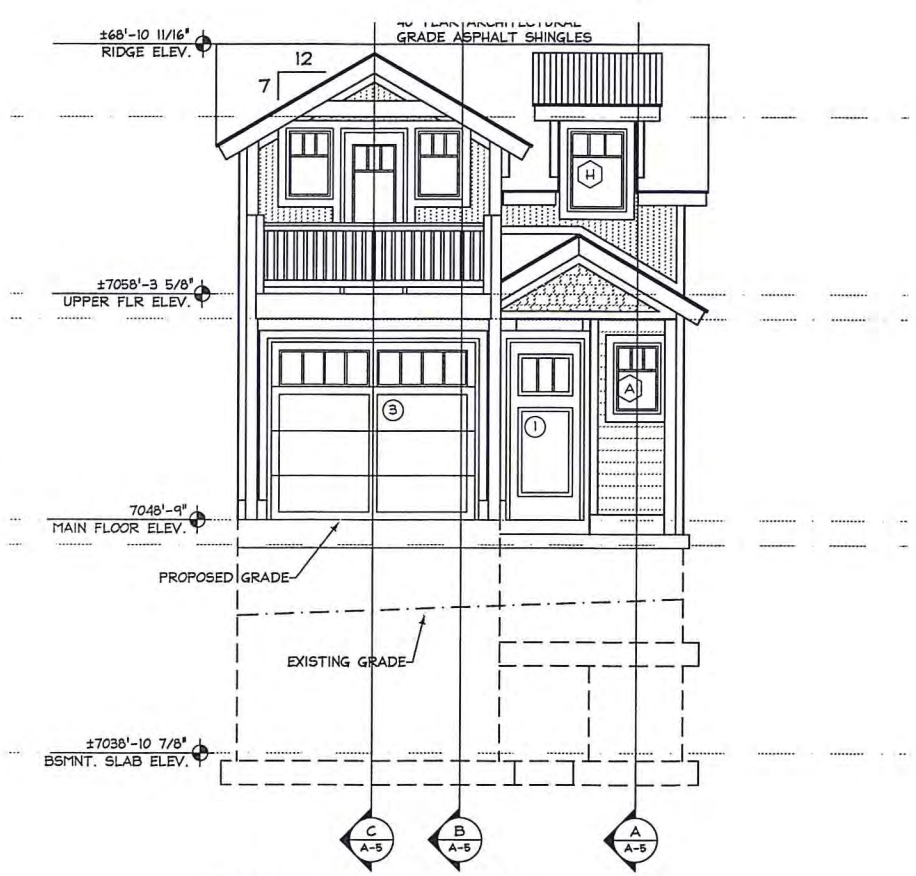
SEE SHEET #A-2 FOR ADD. NOTES





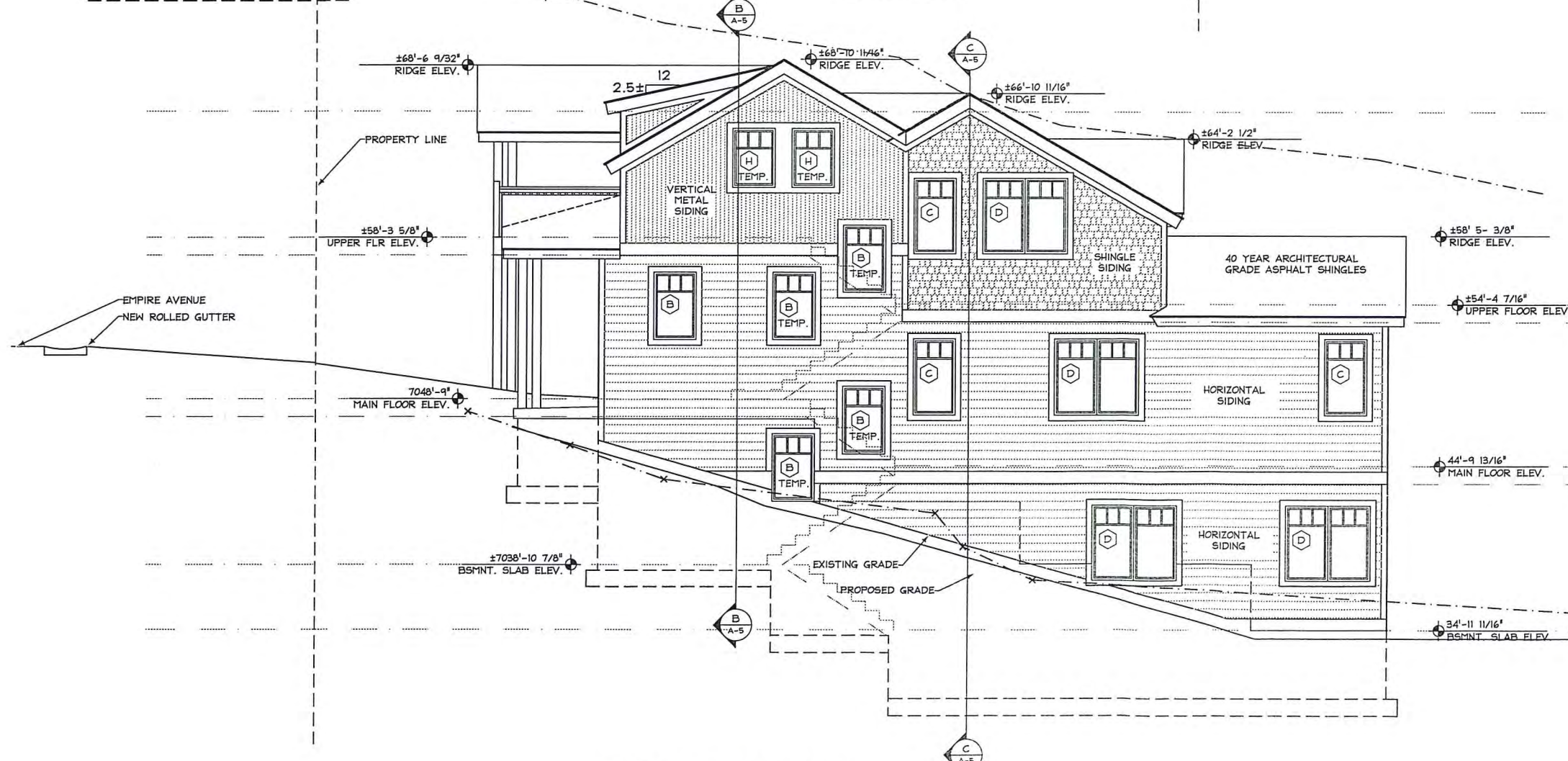
LEFT ELEVATION

SCALE: 1/4"=1'-0"

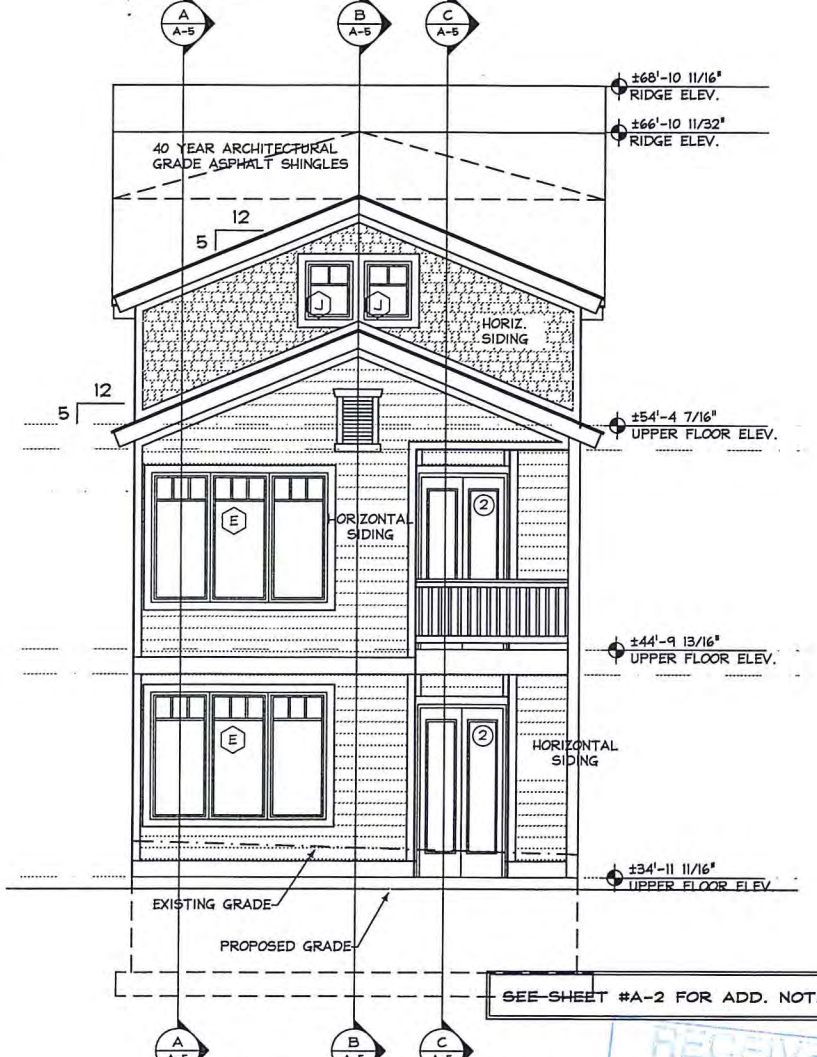


FRONT ELEVATION

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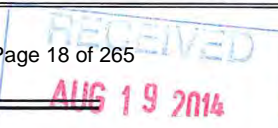


RIGHT ELEVATION



REAR ELEVATION

SEE SHEET #A-2 FOR ADD. NOTES



PROVIDE ICE AND WATER SHIELD CONSISTING OF TYPE 15 FELT APPLIED SHINGLE PATTERN AND SOLID MOTTED TOGETHER WITH APPROVED CEMENTING MATERIAL BETWEEN THE FELLS EXTENDING FROM THE EAVE UP THE ROOF TO A POINT 24" INSIDE THE EXTERIOR WALL LINE OF THE BUILDING, OR USE APPROVED ICE AND WATER SHIELD.

EXTERIOR WALL COVERING TO BE OF APPROVED TYPE STUDS OR SHEATHING TO BE COVERED ON THE OUTSIDE FACE WITH A WEATHER RESISTANT BARRIER.

CONCRETE MIX - 154. MINIMUM COMPRESSIVE STRENGTH 3000 P.S.I. MAXIMUM 7 1/2 GALLONS OF WATER PER SACK OF CEMENT. (FIVE SACKS PER CUBIC YARD MINIMUM)

MINIMUM OF 4 MIL POLYETHYLENE TO BE INSTALLED OVER INSULATION ON GILD WALL APPLICATIONS AND UNVENTED CEILING - STATE ENERGY CODE.

WINDOW SCHEDULE			
SYM	SIZE	TYPE	COMMENTS
A	2'-0" x 3'-0"	CASEMENT	
B	2'-6" x 4'-0"	CASEMENT	
C	2'-6" x 4'-6"	CASEMENT	
D	5'-0" x 4'-6"	(2) CASEMENTS	
E	7'-6" x 5'-6"	(1) FIXED (2) CASEMENTS	
F	7'-6" x 4'-6"	(1) FIXED (2) CASEMENTS	
G	2'-0" x 2'-6"	CASEMENT	
H	2'-6" x 3'-6"	CASEMENT	
J	2'-0" x 2'-0"	CASEMENT	

NOTES: * WINDOW SUPPLIER TO VERIFY ALL WINDOW TYPES, SIZES, QUANTITIES, AND LOCATIONS WITH OWNER PRIOR TO ORDERING.
 ** NOTE: ALL WINDOW SIZES ARE MEASURED TO OUTSIDE OF FRAME
 *** NOTE: WINDOWS TO HAVE A U-FACTOR OF 0.35 TYPICAL OR BETTER

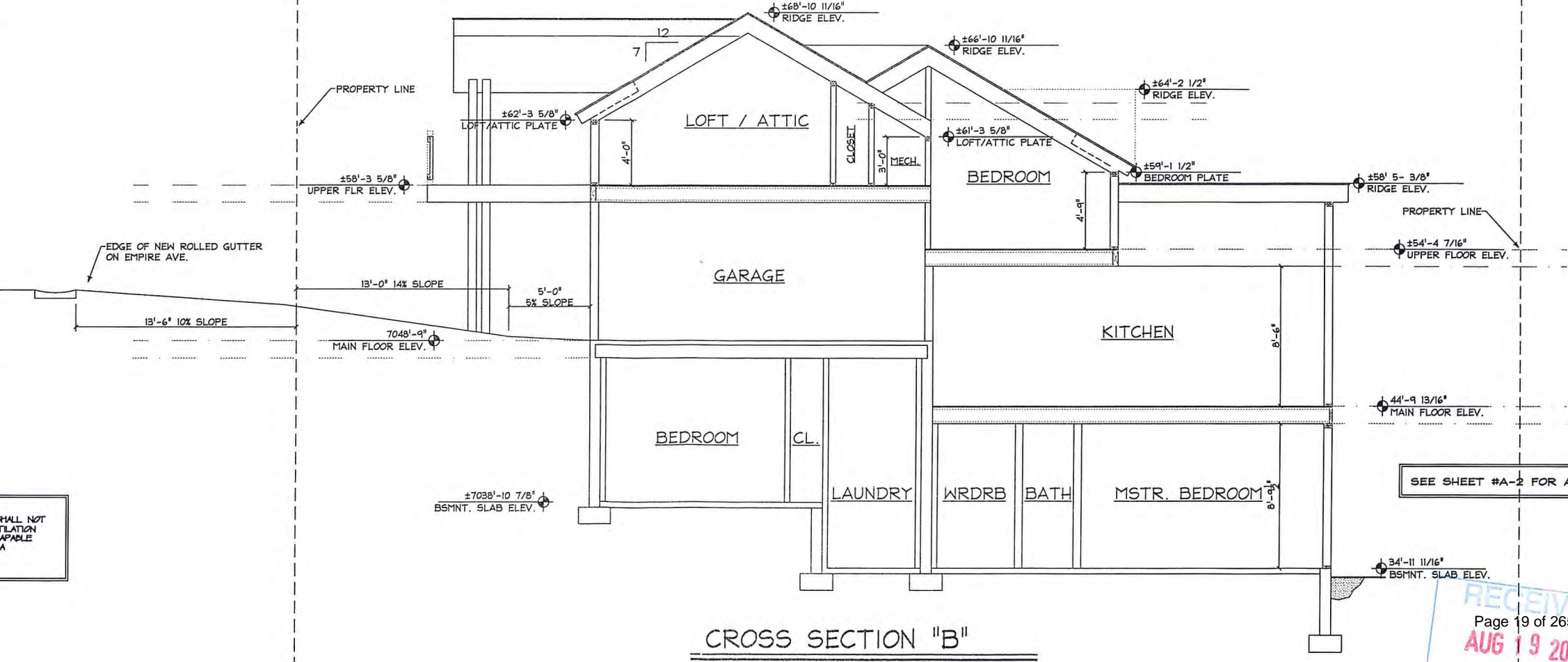
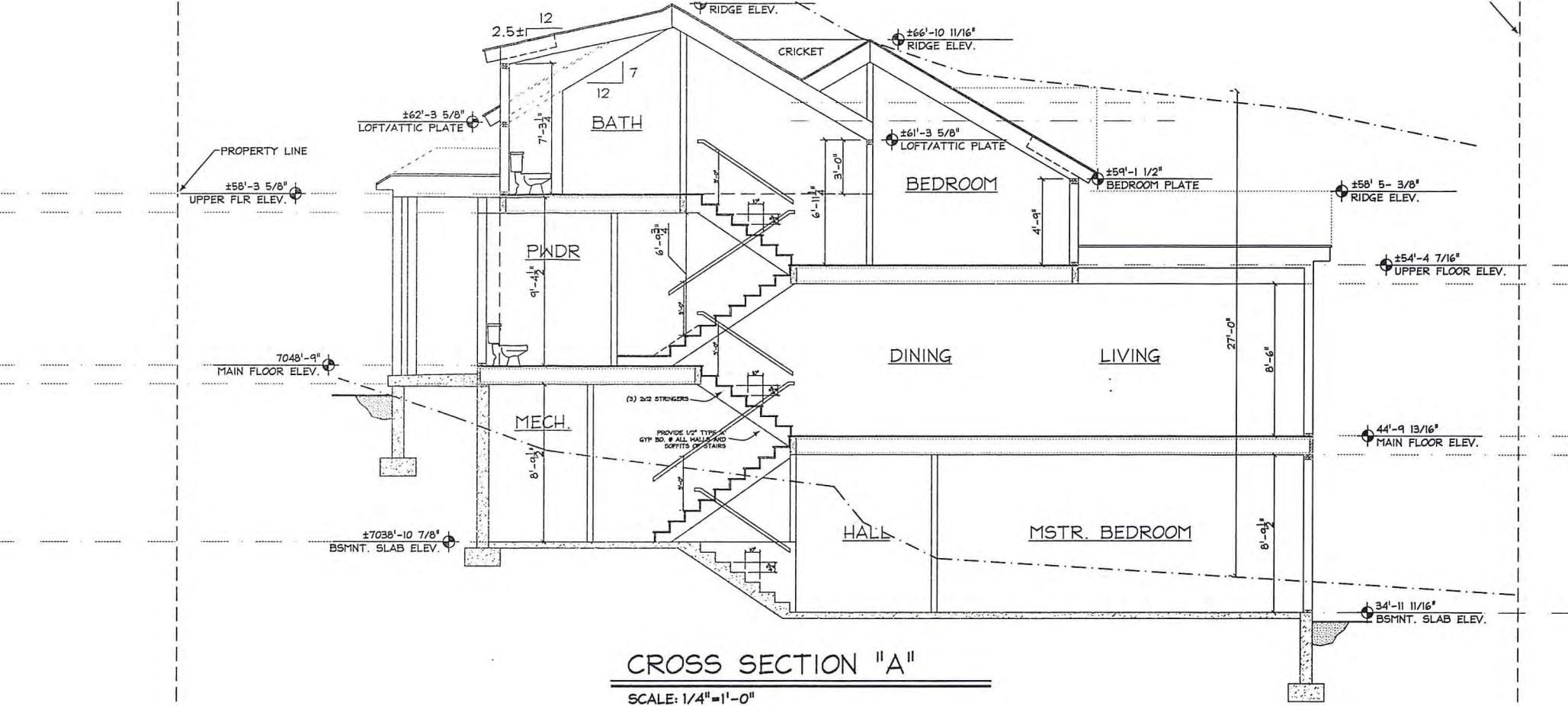
DOOR SCHEDULE			
SYM	SIZE	TYPE	LOCATION
1	3'-0" x 7'-6"	GLASS (TEMP)	EXTERIOR
2	5'-0" x 7'-6"	GLASS DBL. (TEMP)	EXTERIOR
3	9'-0" x 7'-6"	SECT. OVERHEAD	GARAGE
4	5'-0" x 7'-0"	GLASS DBL. (TEMP)	EXTERIOR
5	2'-10" x 7'-6"	SOLID	GARAGE
6	2'-2" x 7'-6"	SOLID	INTERIOR
7	2'-6" x 7'-0"	SOLID	INTERIOR
8	2'-4" x 7'-0"	SOLID	INTERIOR
9	2'-0" x 6'-0"	GLASS (TEMP)	INTERIOR
10	2'-8" x 7'-0"	SOLID	INTERIOR
11	4'-0" x 7'-0"	SOLID DBL.	INTERIOR
12	2'-8" x 7'-6"	SOLID	INTERIOR
13	2'-6" x 7'-6"	SOLID	INTERIOR
14	2'-4" x 7'-6"	SOLID	INTERIOR
15	2'-10" x 7'-6"	SOLID	INTERIOR
16	3'-0" x 7'-6"	SOLID DBL.	INTERIOR

* NOTE: DOOR SUPPLIER TO VERIFY ALL DOOR TYPES & SIZES WITH OWNER PRIOR TO ORDERING
 ** NOTE: ALL DOOR SIZES ARE MEASURED TO INSIDE OF FRAME
 *** NOTE: ALL DOORS TO HAVE A U-FACTOR OF 0.35 TYPICAL OR BETTER

DOOR & WINDOW NOTES

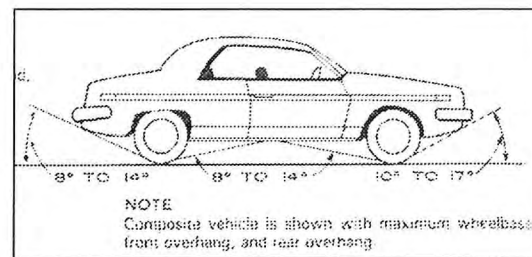
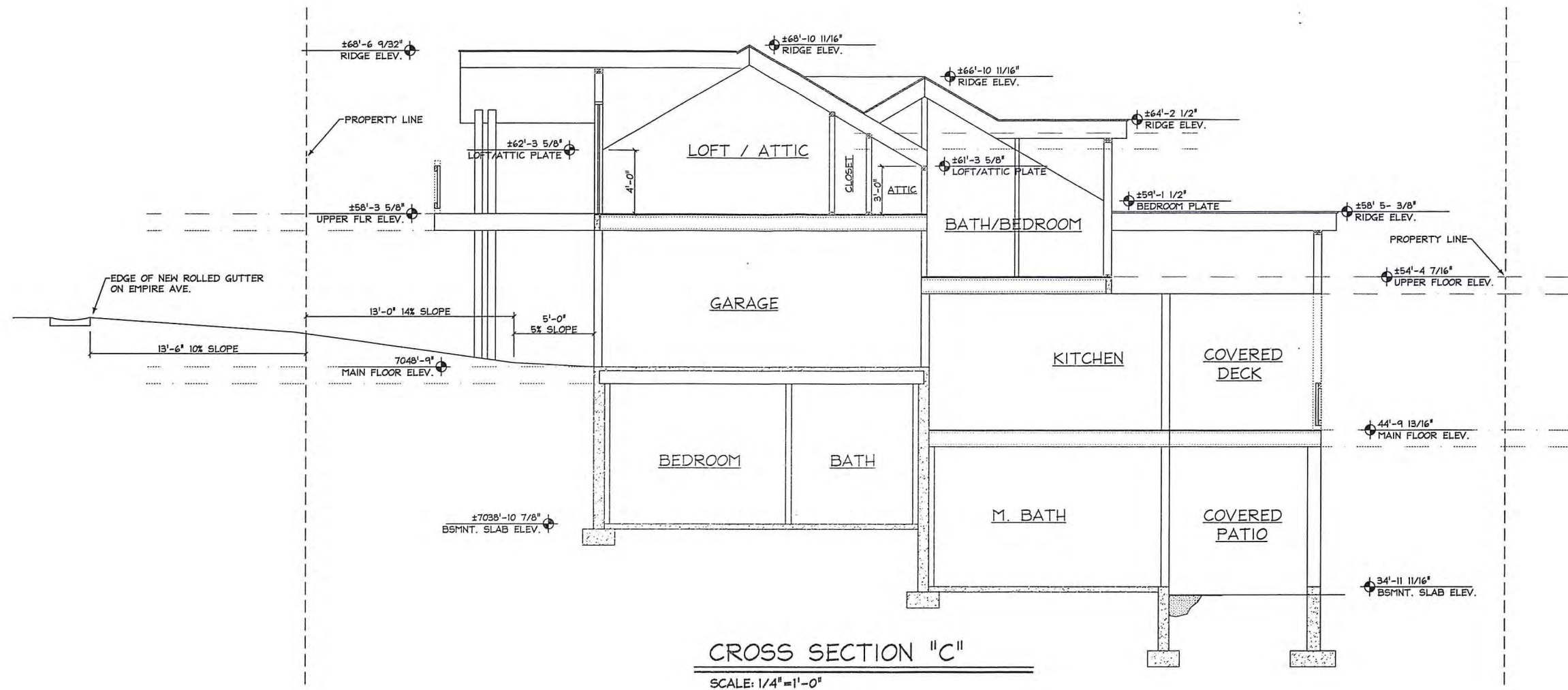
- MINIMUM WINDOW AREA SHALL EQUAL NOT LESS THAN 1/10 OF FLOOR AREA, BUT NOT LESS THAN 10 SQUARE FEET. IN LIEU OF EXTERIOR OPENINGS, A MECHANICAL VENTILATION SYSTEM MAY BE PROVIDED AND SHALL BE CAPABLE OF PROVIDING TWO AIR EXCHANGES PER HOUR. ONE-FIFTH OF THE AIR SUPPLY SHALL BE TAKEN FROM THE OUTSIDE.
- THE OPERABLE WINDOW AREA IN BATHROOMS, WATER CLOSET COMPARTMENTS, LAUNDRY ROOMS AND OTHER SIMILAR ROOMS SHALL NOT BE LESS THAN 1 1/2 SQUARE FEET, UNLESS A MECHANICAL VENTILATION SYSTEM CONNECTED DIRECTLY TO THE OUTSIDE IS PROVIDED. CAPABLE OF PRODUCING FIVE AIR CHANGES PER HOUR AND DISCHARGING A DISTANCE OF 5' MINIMUM FROM OPENINGS INTO THE BUILDING.
- WINDOW HEADS ARE TO BE DOOR HEIGHT. BEDROOM WINDOW SILLS SHALL BE WITHIN 44" OF THE FINISHED FLOOR.
- ALL WINDOWS SHALL BE DOUBLE GLAZED WITH 1/2" MINIMUM AIR SPACE AND SHALL CONFORM TO IRC.
- GLASS USED IN SHOWER DOORS OR TUB ENCLOSURES SHALL BE NOT LESS THAN 3/16" THICK WHEN FULLY TEMPERED OR 1/4" THICK WHEN LAMINATED.
- FRAMELESS GLASS DOORS, GLASS IN DOORS, GLASS WITHIN A 24" ARC OF DOORS IN RESIDENTIAL AND 48" OF DOORS IN COMMERCIAL, GLAZING 40" OR LESS ABOVE A WALKING SURFACE THAT IS WITHIN 5 FEET OF STAIRS OR GLAZING WITHIN 5' OF POOLS OR SPAS, FIXED GLASS PANELS AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT SHALL COMPLY WITH THE I.D.C./IRC, AND SHALL BE IDENTIFIED BY A PERMANENT LABEL.
- PROVIDE SCREENS ON ALL DOORS AND OPERABLE WINDOWS.
- PROVIDE PROPER FLASHING AND COUNTER FLASHING AROUND WINDOWS AND DOORS.

THE OPERABLE WINDOW AREA IN BATHROOMS, WATER CLOSET COMPARTMENTS, LAUNDRY ROOMS AND OTHER SIMILAR ROOMS SHALL NOT BE LESS THAN 1 1/2 SQUARE FEET, UNLESS A MECHANICAL VENTILATION SYSTEM CONNECTED DIRECTLY TO THE OUTSIDE IS PROVIDED. CAPABLE OF PRODUCING FIVE AIR CHANGES PER HOUR AND DISCHARGING A DISTANCE OF 5' MINIMUM FROM OPENINGS INTO THE BUILDING.

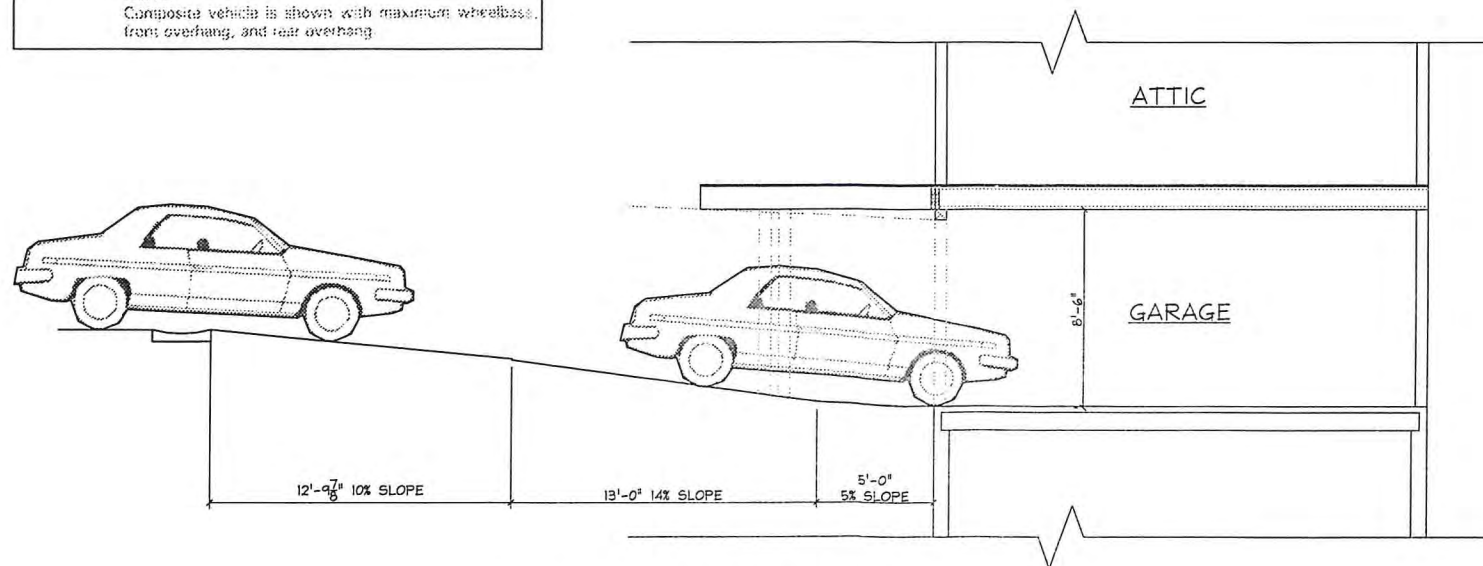


SEE SHEET #A-2 FOR ADD. NOTES

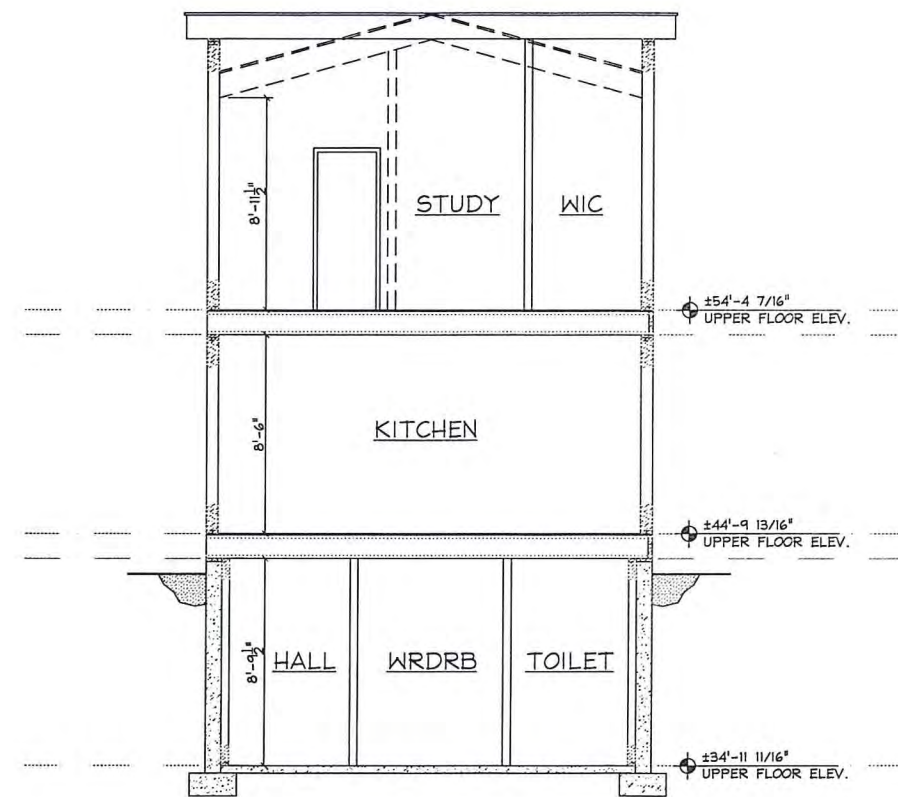
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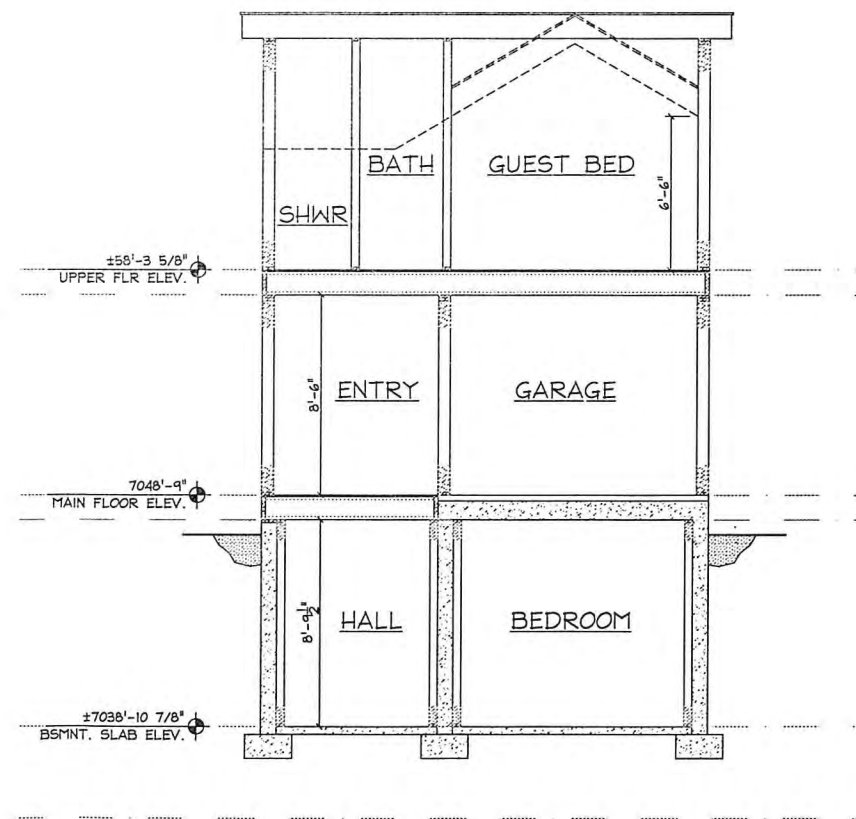
NOTE: AUTOMOBILE DATA FROM ARCHITECTURAL GRAPHICAL STANDARDS, NINTH EDITION.



SEE SHEET #A-2 FOR ADD. NOTES



CROSS SECTION "E"



CROSS SECTION "D"

SEE SHEET #A-2 FOR ADD. NOTES

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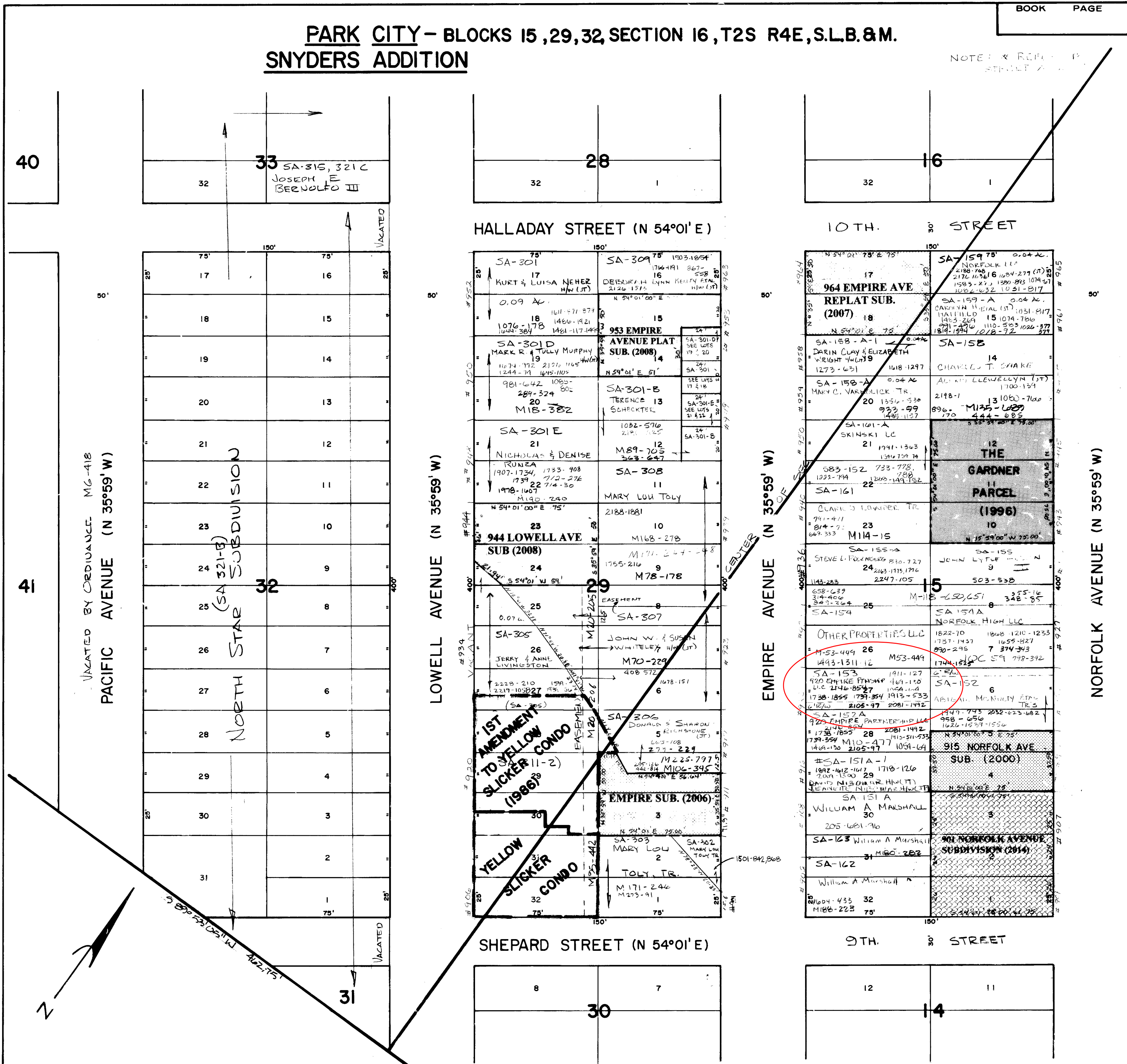
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**PARK CITY - BLOCKS 15, 29, 32, SECTION 16, T2S R4E, S.L.B.&M.
SNYDERS ADDITION**

NOTE: * REFILE IN
STREET A...



Approved Utah State Tax Comm	REVISIONS - DATE AND INITIAL (In Pencil)
	4/10/14 [Signature]

SUMMIT COUNTY, UTAH

SCALE
ONE INCH 40 FEET
BOOK PAGE



Planning Commission Staff Report

Subject: 95 King Road
Application #: PL-14-02468
Author: John Paul Boehm, Planner
Date: October 22, 2014
Type of Item: Conditional Use Permit for Nightly Rental

Summary Recommendations:

Staff recommends the Planning Commission review the proposed Conditional Use Permit (CUP) application for nightly rental of a single family home located at 95 King Road. Staff recommends the Commission conduct a public hearing and consider approving the Conditional Use Permit for Nightly Rental at 95 King Road. Staff has provided the following findings of fact, conclusion of law, and conditions of approval for your consideration.

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.

Description

Applicant: Susan Palmer
Location: 95 King Road
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Single family and duplex residences
Reason for Review: Conditional Use Permit for Nightly Rentals in the HRL District requires Planning Commission review and approval.

Proposal

The applicant is requesting that the Planning Commission review their proposal to allow Nightly Rentals in an existing single family home located at 95 King Road. Staff is requesting discussion on several of the CUP criteria including parking, circulation and control of service vehicles (trash pickup).

Background

On August 22, 2014, a complete application was received by the City for a Conditional Use Permit (CUP) to allow nightly rental use of an existing 1,175 square foot single family home located at 95 King Road. The property is located within the Historic Residential Low Density (HRL) zoning district. A Conditional Use Permit is required for nightly rental in this zoning district. The existing non-historic single family home was re-constructed in 1996 to replace the prior home which was destroyed by a house fire.

In 2008, the Planning Commission approved a nightly rental Conditional Use Permit for 99 King Road. This property is similar to the subject property in that both properties are

located on the steep upper section of King Road and both have legal non-conforming parking spaces. The Planning Commission and Planning Staff included conditions of approval to mitigate the issues associated with the unique characteristics of upper King Road. Staff is recommending similar conditions of approval for 95 King Road.

In February of 2012, the Planning Commission denied a nightly rental Conditional Use Permit for 60 Sampson Avenue. This denial was based on impacts associated with the size of the home at 60 Sampson Avenue (3,800 square feet, 4 bedrooms, 5 baths). In April of 2012, the applicant appealed the denial to the City Council who ultimately approved the nightly rental Conditional Use Permit. Several conditions of approval were added to mitigate any potential issues. The conditions of approval included limiting the number of vehicles and renters allowed at any one time for nightly rentals. The City Council also added a condition of approval to address concerns regarding trash receptacles being left out on the street. Staff has incorporated similar conditions of approval into this report.

Analysis

The applicant is requesting approval of a CUP to allow nightly rental use of an existing 1,175 sf two bedroom, two bath, single-family house. The house, constructed in 1996, is located on Lots 23 and 24 of Block 76 of the Park City Survey. The total area of Lots 23/24 is 3,485 square feet which is smaller than the minimum lot size of 3,750 sf currently required in the HRL zoning district for a single family house. The setback to the west property line does not meet the current LMC required setback for front yards on lots up to 75 feet in depth as the distance from the northwest corner of house to the property line is four feet, six inches (4.5'). The house is a legal non-complying structure.

The home is accessed from King Road, as the driveway and garage are located on the frontage to the road along the west property line.

According to the Land Management Code, Section 15-2.1-2, Nightly Rental is a Conditional Use in the HRL zoning district. Staff has reviewed the proposed Conditional Use Permit with respect to the conditional use review criteria as outlined in LMC 15-1-10 as follows:

Criteria 1: Size and location of the site. No unmitigated impacts.

The project is located on the 3,485 square foot lot at 95 King Road. The site is large enough to accommodate the proposed use of nightly rental within an existing structure. The 1,175 square feet structure is small relative to the surrounding houses and buildings and meets the LMC height and footprint requirements. The structure is located within walking distance of the Upper Norfolk ski runs at PCMR, Old Town and Main Street, and the bike trails at King Road and Daly Avenue. According to the business license records there are 7 existing nightly rental uses in the surrounding neighborhood on King Road, Sampson, and Ridge Avenues (see Exhibit C). The house is 1,175 square feet in area and contains 2 bedrooms and 2 bathrooms. The house has a non-

complying front-yard setback (4.5') and conforms to setback requirements on both side yards and the rear.

Criteria 2: Traffic considerations. No unmitigated impacts.

The project could likely contribute some traffic to the neighborhood. However, the trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals. This is primarily due to the location in close proximity to vacation amenities. Given that the house is 1,175 square feet in size, it is unlikely that more than one family would be renting the house at any given time and therefore, it is likely that only one vehicle would be needed.

Criteria 3: Utility capacity. No unmitigated impacts.

No additional utility capacity is required for this project. Utilities for a nightly rental use are consistent with the available utilities.

Criteria 4: Emergency vehicle access. No unmitigated impacts.

The nightly rental business license triggers an inspection of the house by the Park City Building Department and all IBC and Fire Code requirements have to be met prior to issuance of a business license. Nightly rental use does not change the requirement for emergency vehicle access which exists on King Road and Ridge Avenue.

Criteria 5: Location and amount of off-street parking. Discussion requested.

Pursuant to LMC 15-3-6, parking for the first 6 bedrooms of a Nightly Rental is based on the parking requirement for the unit. This house contains 2 bedrooms. The current code requires two 9' by 18' spaces to be located on-site and generally to be perpendicular to the street. In this case, the applicant has one legal space within the garage and one sub-standard non-compliant space on the driveway. The driveway space is non-compliant due to the fact that it is partially located in the City Right-of-Way.

The existing home was built prior to the City's requirement for two parking spaces. The structure has been damaged by fire twice, once in 1986 and again in 1995. In both cases the owner was allowed to re-build in the previous, non-compliant fashion. As is the case with many of the homes on King Road, the City allows residents to park vehicles in the Right-of-Way as long as the vehicle is not in the roadway. In the summer, it is possible to park a second vehicle in the driveway in front of the single-car garage without impacting King Road. Staff feels that it is not possible to park a second vehicle in front of the garage during the winter months as it is likely that this second vehicle will obstruct snow removal activities on King Road.

As part of the CUP application for Nightly Rentals, staff is recommending that the Planning Commission add a condition of approval that all lease agreements for nightly

rental at 95 King Road include language limiting the number of vehicles allowed to one (1) vehicle. The applicant has stated that they would be willing to place this limitation on all nightly rentals.

Criteria 6: Internal circulation system. **Discussion requested.**

King Road is a steep and narrow street. Vehicles will need to utilize King Road for ingress and egress. During heavy snow fall or bad road conditions, access to the lot may be limited or may require a four-wheel drive vehicle in order to gain access. There may be times when renters need to park off-site in an approved overnight public parking lot and walk to the property. Staff recommends as a condition of approval that the nightly rental lease include information to this effect, and that alternative access to the property and alternative locations for parking may become necessary during heavy snow events.

Criteria 7: Fencing, screening and landscaping to separate uses. **No unmitigated impacts.**

Fencing is not proposed at this time. No changes to the exterior landscaping are part of this application. The property is landscaped and appears to be well kempt and in good condition.

Criteria 8: Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. **No unmitigated impacts.**

The building mass, bulk, orientation and location will remain unchanged.

Criteria 9: Usable open space. **N/A**

The use is not required to provide open space in excess of that provided by typical single family houses.

Criteria 10: Signs and lighting. **No unmitigated impacts.**

No signs are proposed. All exterior lighting was previously approved. Any lighting installed after the home was constructed would need to conform to current standards. There are no known violations of the lighting standards within the LMC at this property.

Criteria 11: Physical design and compatibility with surrounding structures in mass, scale and style. **No unmitigated impacts.**

The existing home is compatible with surrounding structures in mass, scale, and style.

Criteria 12: Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

No noise, vibration, odors, steam or mechanical factors are anticipated. There is porch in the front of the house; however there is no outdoor hot tub.

Criteria 13: Control of delivery and service vehicles, loading and unloading zones, and screening. **Discussion requested.**

No deliveries are anticipated. Residential trash pickup for the Lot will be from King Road as it is with all houses in the area. A trash dumpster is not proposed or required and the garbage cans can be located within the garage. Staff recommends adding a condition of approval that garbage receptacles shall be placed out for trash pick-up no more than 15 hours prior to the anticipated pick-up time, and that the receptacles are placed properly back onto the property no more than 15 hours after the actual pick-up time.

Criteria 14: Expected ownership and management of the property. **No unmitigated impacts.**

The house is owned by the applicant as a second home, and she only plans to rent the home out for short period of times to help supplement her income (off-set expenses). The property owner intends to use a local property management company to assist with maintenance needs.

Criteria 15: Sensitive Lands Review. **No unmitigated impacts.**

The house is not located within the Sensitive Lands Overlay zone. The use is within an existing structure and no external changes are proposed.

Department Review

This item was reviewed by the Planning, Engineering, Building and Legal departments. Issues discussed during the review related to parking. These issues have been addressed by recommended conditions of approval.

Public Notice

On October 8, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on October 4th, 2014.

Public Input

On October 16th 2014, Staff received public input in support of the proposed CUP (see Exhibit D).

Alternatives

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or

- The Planning Commission may continue the discussion on the Conditional Use Permit and request specific additional information necessary to make a decision on the application

Staff requests Discussion

- Parking
- Circulation
- Trash Cans

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for Nightly Rentals in the HRL District and consider approving the CUP for nightly rental at 95 King Road. Staff has prepared the following according to the findings of fact, conclusions of law, and conditions of approval for the Planning Commission consideration. .

Findings of Fact

1. The property is located a 95 King Road. The property is improved with a non-historic 1,175 square foot, two bedroom, two bath single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 95 King Road is located on Lots 23 and 24 of Block 76 of the Park City Survey. The total area of Lots 23/24 is 3,485 square feet which is smaller than the minimum lot size of 3,750 sf currently required in the HRL zoning district for a single family house.
4. The earliest record that staff was able to locate regarding the structure at 95 King was a building permit for fire damage repair dated March 6, 1986. The Building Department keeps records dating back to 1980 so the home was constructed sometime prior to 1980. The site is not listed on the City's Historic Sites Inventory.
5. The setback to the west property line (4'6") does not meet the current LMC required setback for front yards on lots up to 75 feet in depth (10').
6. The house has one legal parking spot in a single car garage and one non-compliant parking spot in front of the garage that is partially in the City Right-of-Way.
7. Nightly rental uses are subject to a Conditional Use Permit in the HRL zoning district.
8. On August 22nd, 2014, the owner of 95 King Road submitted a complete application requesting approval of a Conditional Use Permit to allow nightly rental use of the existing home.
9. According to the City's business license records, there are currently eight (8) active nightly rental business licenses in the surrounding neighborhood of King Road, Sampson and Ridge Avenues.
10. The business license and inspection of the property by the Building Department are required to ensure that the business owners are verified and the property meets all applicable fire and building codes.

11. Staff finds that there are no unmitigated impacts regarding size and location of the site as the existing structure is not changing.
12. Staff finds that there are no unmitigated impacts regarding traffic considerations as trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals.
13. Staff finds that there are no unmitigated impacts regarding utility capacity as no additional utility capacity is required for this project.
14. Staff finds that there are no unmitigated impacts regarding emergency vehicle access as nightly rental use does not change the requirement for emergency vehicle access which exists on King Road and Ridge Avenue.
15. Staff finds that there are no unmitigated impacts regarding the location and amount of off-street parking as the house was built prior to the requirement of two off street spaces and the fact that the applicant has agreed to limit the number of vehicles allowed for nightly rentals to one (1).
16. Staff finds that there are no unmitigated impacts regarding circulation as the applicant has agreed to provide information in the nightly rental lease agreement regarding the occasional need for a four wheel drive vehicle and the possibility that the renter may need to find legal parking in a free or pay lot and then walk to the property during times that King Road is impassable.
17. Staff finds that there are no unmitigated impacts regarding fencing, screening and landscaping as no changes to these elements are proposed.
18. Staff finds that there are no unmitigated impacts regarding building mass, bulk, orientation and the location on site as no changes are proposed to the existing building.
19. Staff finds that there are no unmitigated impacts regarding signs and lighting as no signs or additional lighting is proposed at this time. Existing lighting was previously approved.
20. Staff finds that there are no unmitigated impacts regarding physical design and compatibility with surrounding structures as the existing home is compatible with surrounding structures in mass, scale, and style.
21. Staff finds that there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors as there is no outdoor hot tub.
22. Staff finds that there are no unmitigated impacts regarding control of delivery and service vehicles as the applicant will be using a local property management company who will adhere to the condition of approval that trash receptacles cannot be placed on the street more than 15 hours prior to expected pick-up and must be removed with 15 hours of actual pick-up.
23. Staff finds that there are no unmitigated impacts regarding expected ownership and management of the property as the applicant will be utilizing a local property management company.
24. Staff finds that Criteria #9 and #15 of LMC 15-1-10 do not apply to this application as there is no open space required for this use and the property is not in the sensitive lands overlay.
25. The applicant stipulates to the conditions of approval.

Conclusions of Law

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

Conditions of Approval

1. All standard project conditions shall apply.
2. All existing and any new exterior lighting shall be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-(l) and 15-3-3(c) prior to the issuance of a nightly rental business license.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.
4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
5. All lease agreements for nightly rental shall include language that limits the number of vehicles allowed at 95 King Road to one (1) vehicle.
6. Property management shall place garbage receptacles out for trash pick-up no more than 15 hours prior to the anticipated pick-up time, and they shall move these receptacles back onto the property no more than 15 hours after the actual pick-up time.
7. All lease agreements for nightly rental shall include language indicating that during heavy snow fall or bad road conditions, access to the lot may be limited or may require a four-wheel drive vehicle in order to gain access. There may be times when renters need to park off-site in an approved overnight public parking lot and walk to the property.
8. Nightly rental use of 95 King Road prohibits Commercial uses such as hospitality houses, screening rooms, reception centers, etc.
9. The CUP will be reviewed after one year, on October 22nd 2015, by staff. If there are recorded complaints, staff will bring the matter before the Planning Commission.

Exhibits

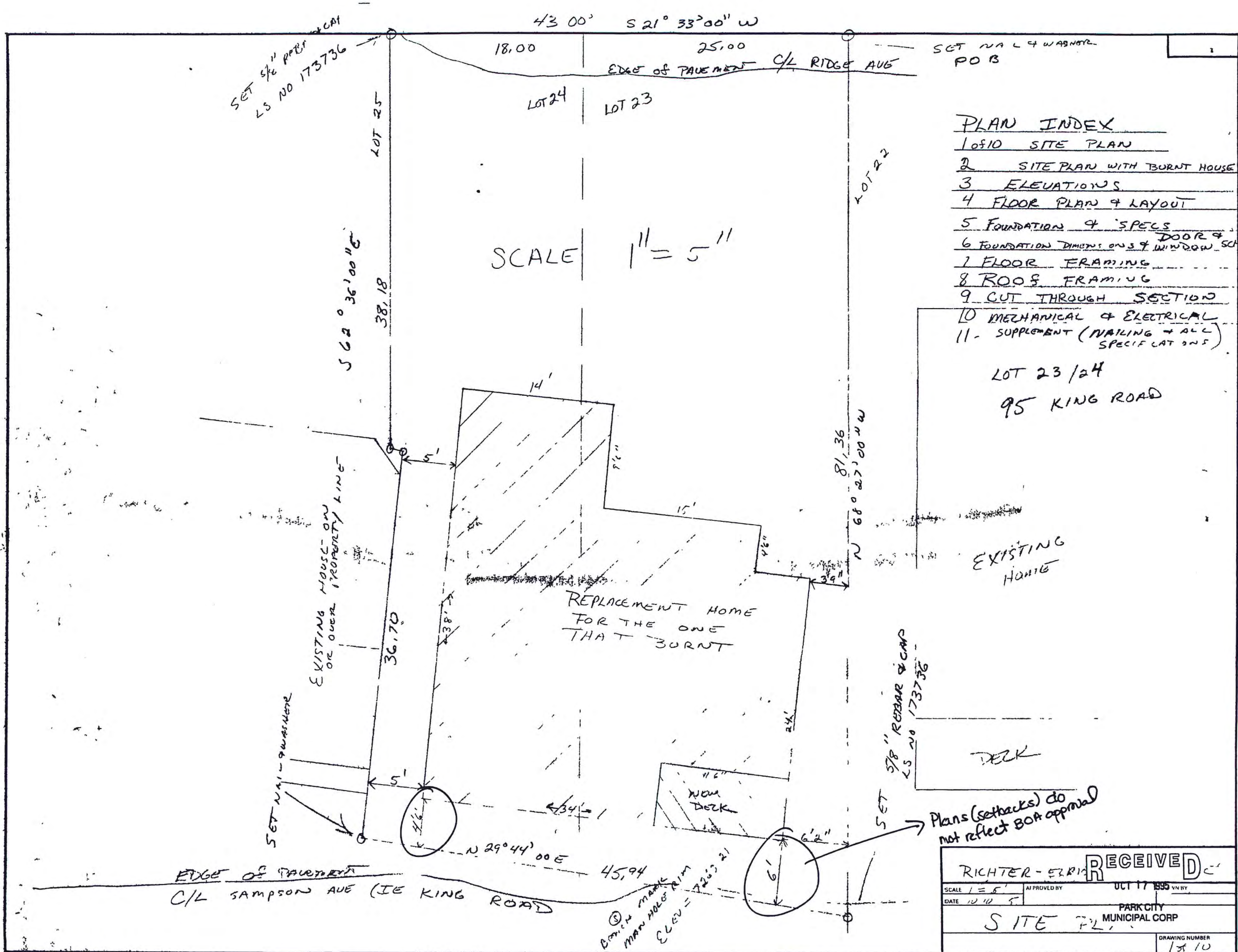
Exhibit A- Site Plans

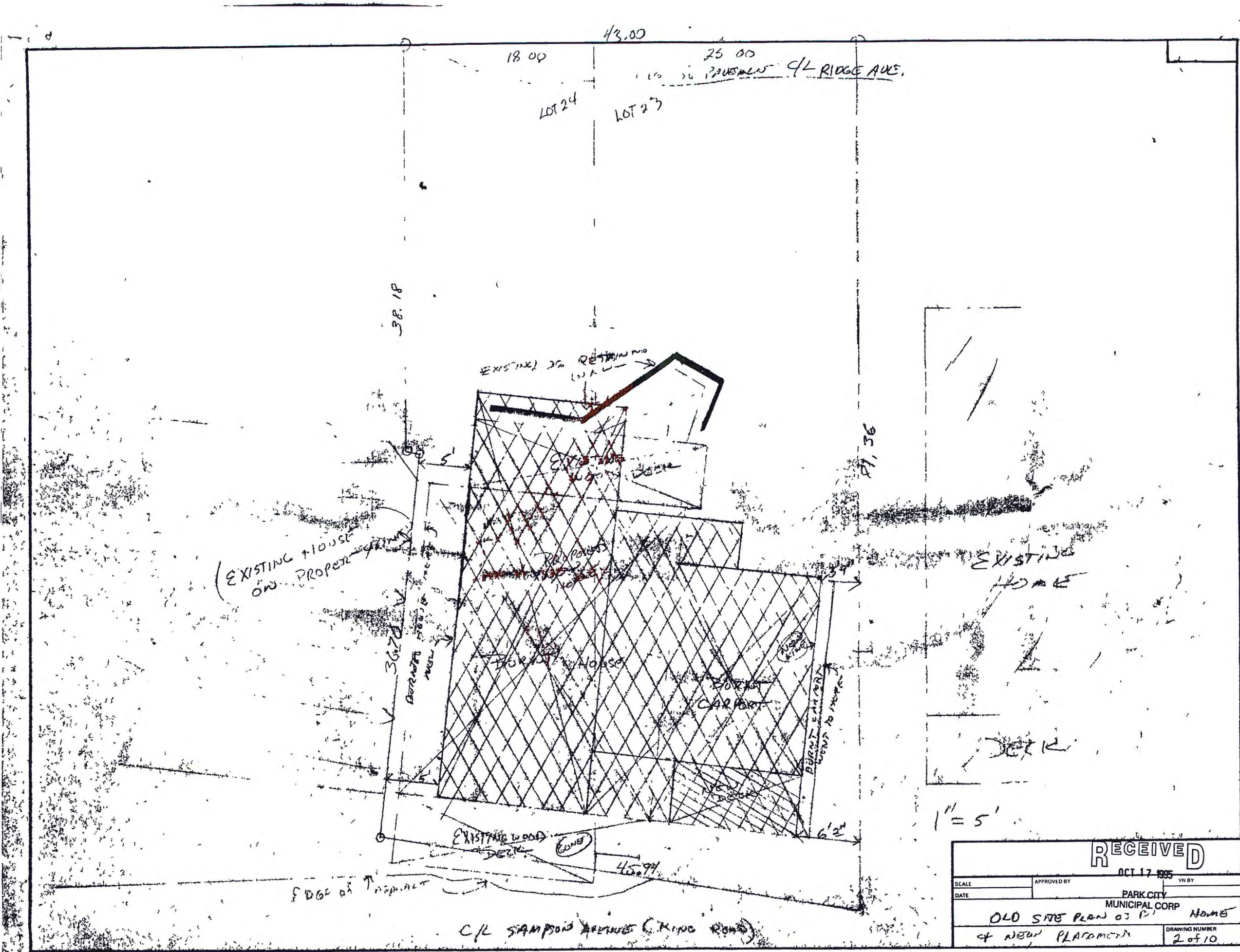
Exhibit B- Applicant's Letter

Exhibit C- Map of Current Nightly Rentals in Surrounding Neighborhood

Exhibit D- Public Input

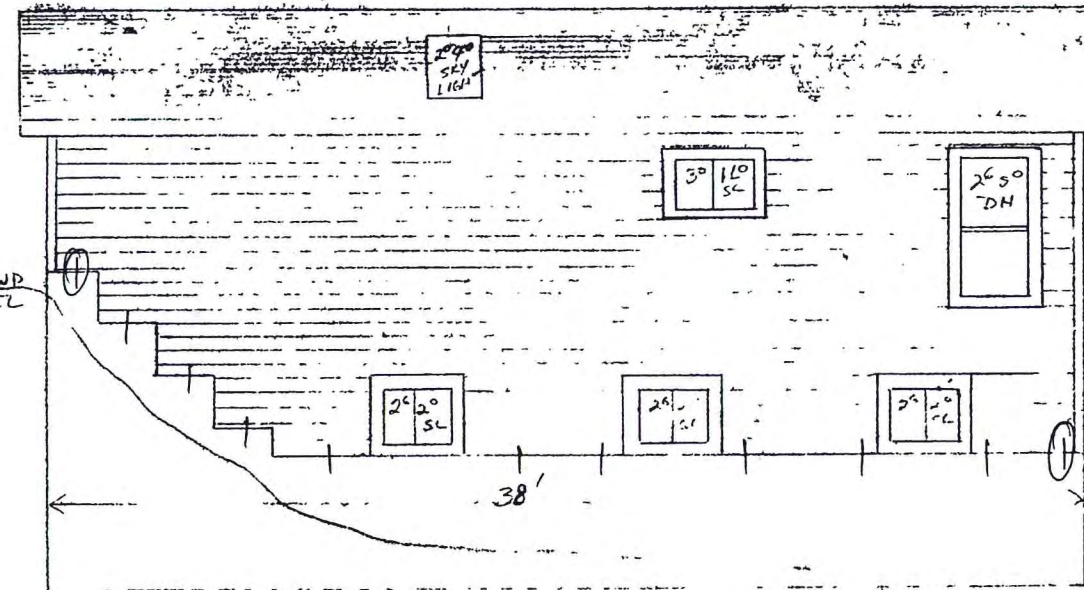
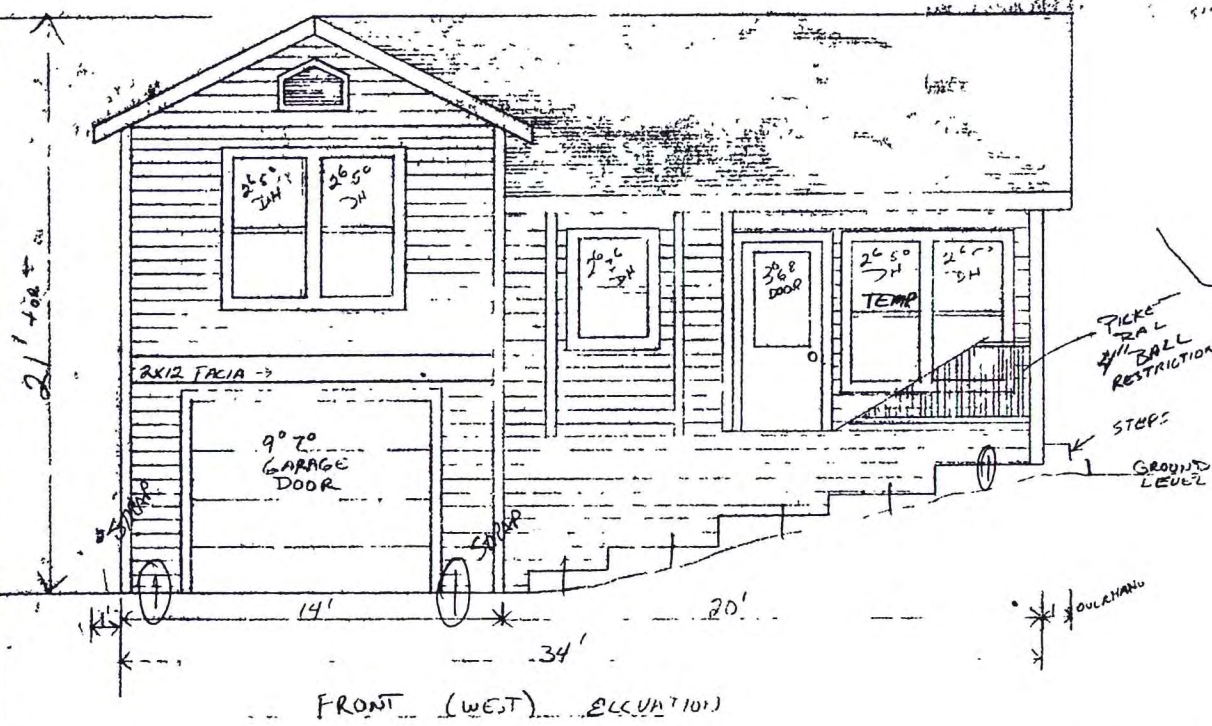
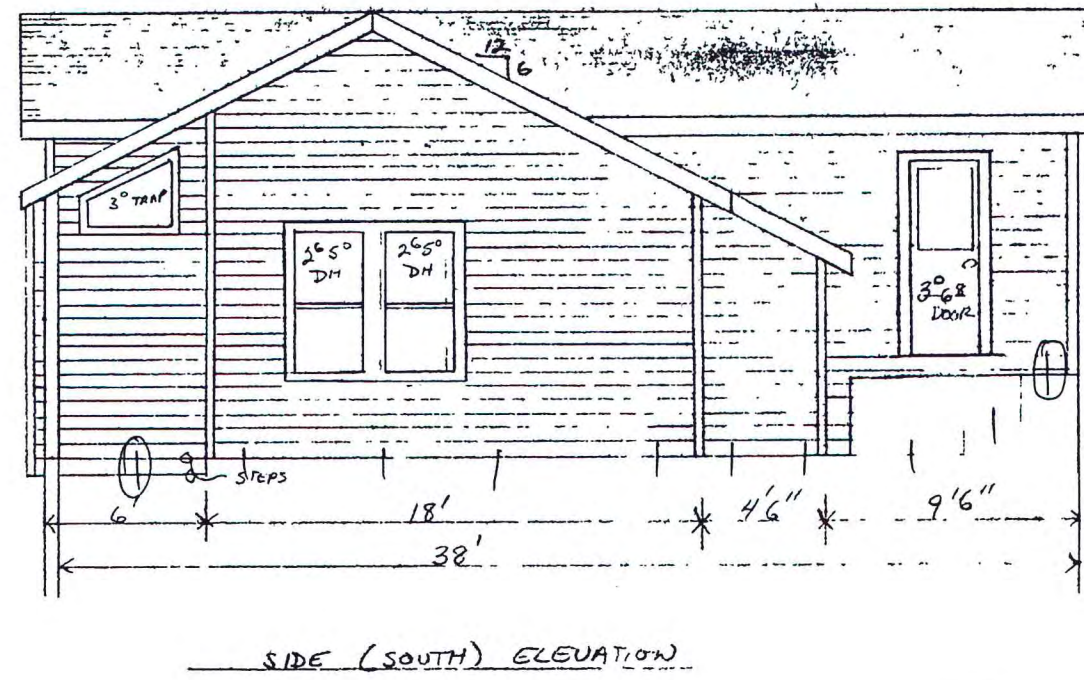
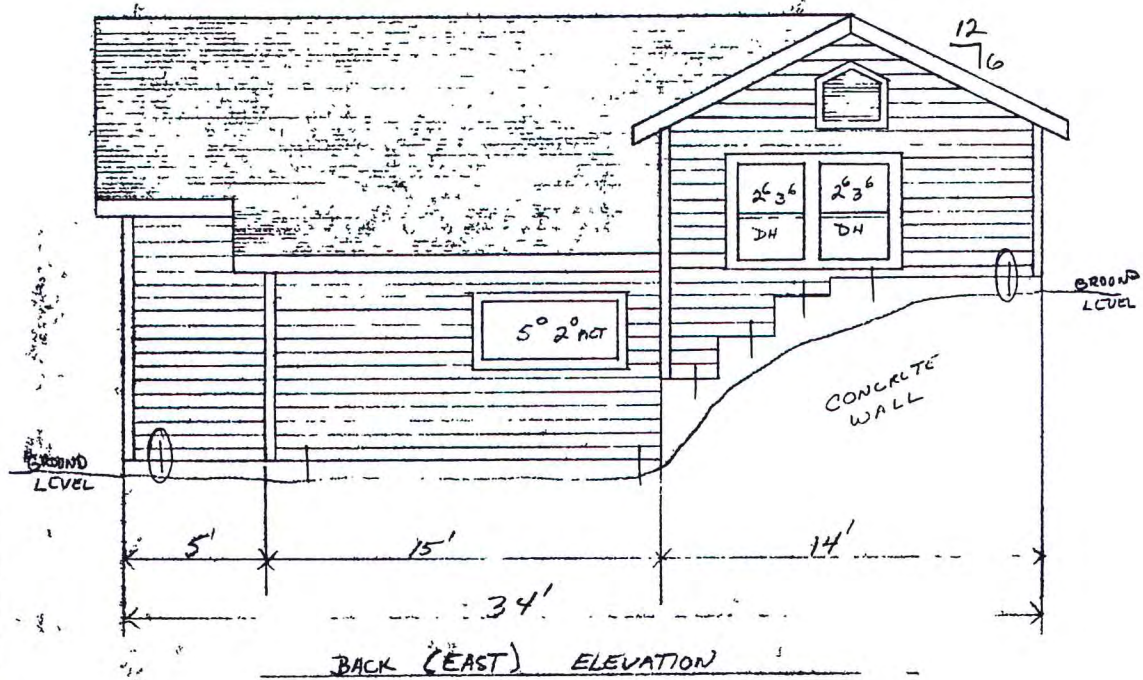
Exhibit E- Standard Project Conditions





RECEIVED	
OCT 17 1995	
SCALE	APPROVED BY
DATE	BY
PARK CITY MUNICIPAL CORP	
OLD SITE PLAN 03 P1 HOME	
+ NEW PLACEMENT	
DRAWING NUMBER	
2 of 10	

RECEIVED
 AUG 27 2014
 PARK CITY
 PLANNING DEPT.



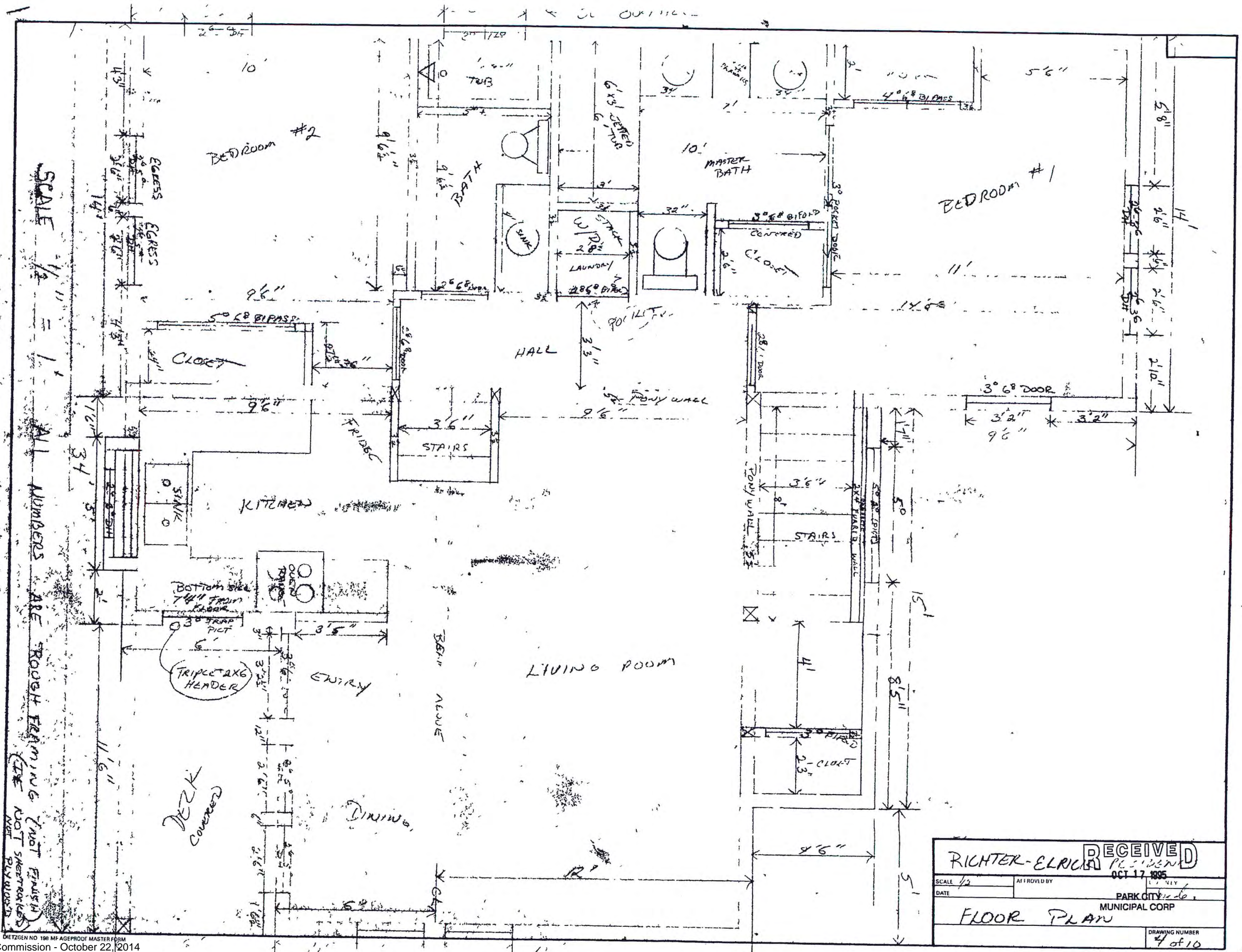
1 - ANCHOR BOLTS
 ① - STRAP PLATES

SCALE 1/4" = 1'



RECEIVED	
OCT 17 1995	
RICKTER-ELRICK	
SCALE	APPROVED BY
DATE 10/14/95	PARK CITY, UTAH BY
	MUNICIPAL CORP
ELEVATIONS	
DRAWING NUMBER	
3 of 10	

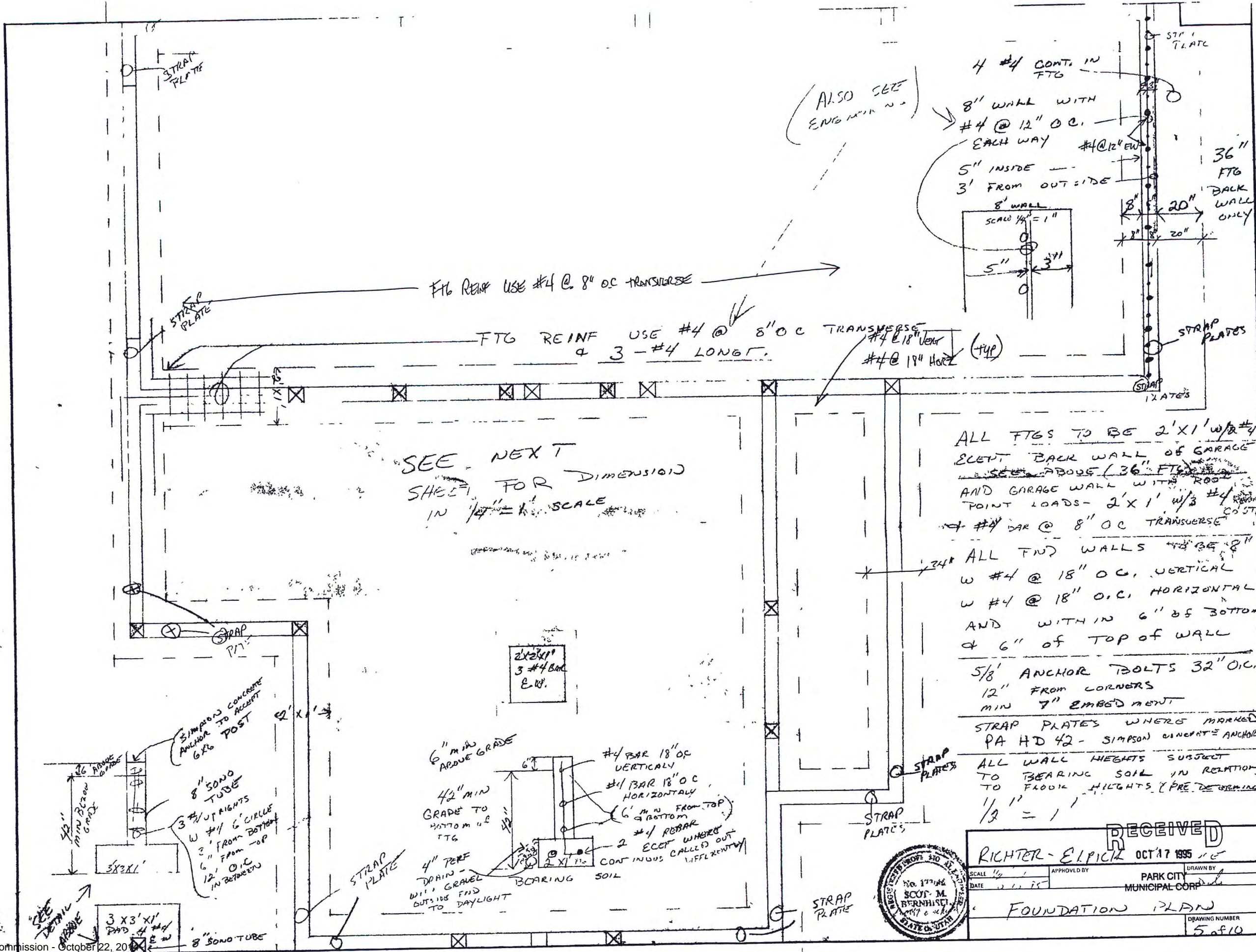




SCALE 1/2" = 1'-0"
 ALL NUMBERS ARE ROUGH FRAMING (NOT FINISH)
 (SEE NOTE SHEET R001)

RECEIVED RICHTER-ELRIC PRESIDENT OCT 17 1995	
SCALE 1/2"	APPROVED BY
DATE	PARK CITY MUNICIPAL CORP
FLOOR PLAN	
DRAWING NUMBER	
4 of 10	

RECEIVED
 AUG 27 2014
 PARK CITY
 PLANNING DEPT



SEE NEXT SHEET FOR DIMENSION IN 1/4" = 1' SCALE

ALL FTGS TO BE 2' X 1' W/ 3 #4 REB
 EXCEPT BACK WALL OF GARAGE
 AND GARAGE WALL WITH POINT LOADS - 2' X 1' W/ 3 #4 REB
 #4 BAR @ 8" O.C. TRANSVERSE

ALL END WALLS TO BE 8" W #4 @ 18" O.C. VERTICAL
 W #4 @ 18" O.C. HORIZONTAL
 AND WITHIN 6" OF BOTTOM & 6" OF TOP OF WALL

5/8" ANCHOR BOLTS 32" O.C. 12" FROM CORNERS
 MIN 7" EMBEDMENT

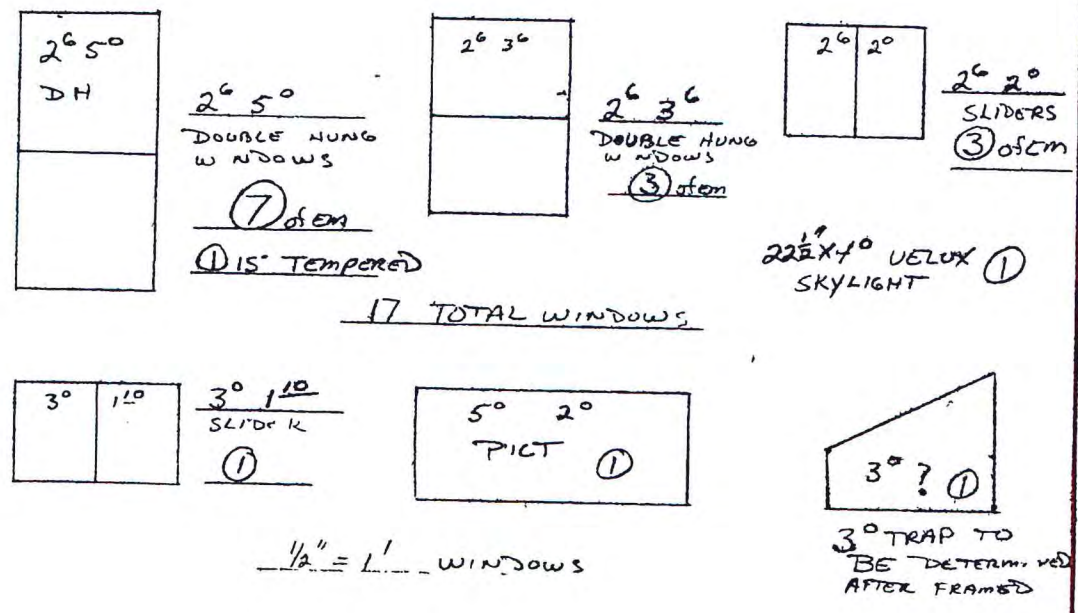
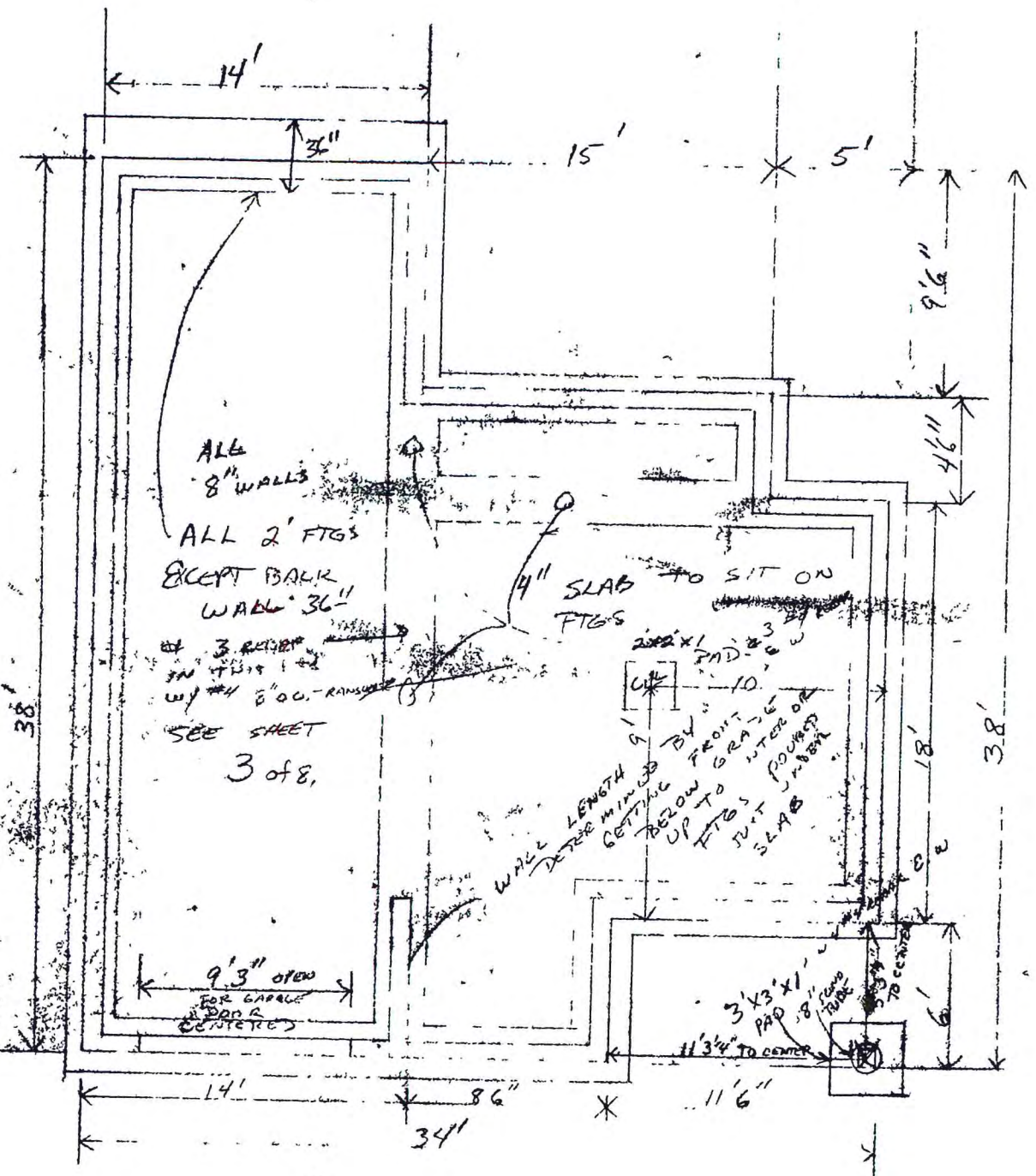
STRAP PLATES WHERE MARKED PA HD 42 - SIMPSON CONCRETE ANCHORS

ALL WALL HEIGHTS SUBJECT TO BEARING SOIL IN RELATION TO FLOOR HEIGHTS (PRE-DETERMINED)
 1/2" = 1'

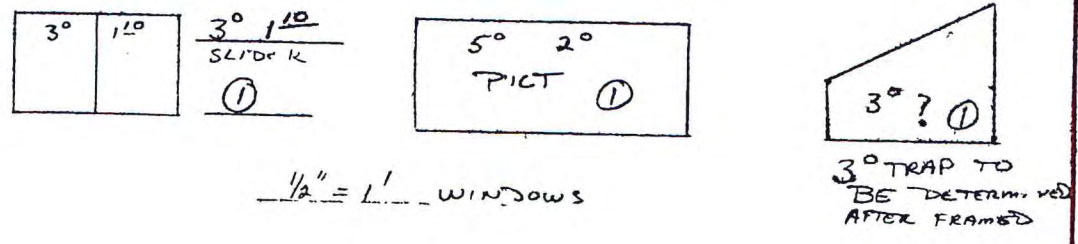


RECEIVED	
RICHTER-ELPICK OCT 17 1935	
SCALE 1/4" = 1'	APPROVED BY
DATE	PARK CITY MUNICIPAL CORP
FOUNDATION PLAN	
DRAWING NUMBER 5 of 10	





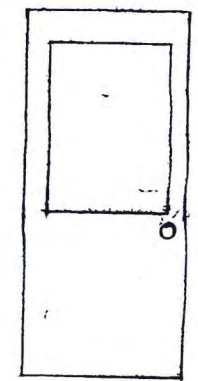
17 TOTAL WINDOWS



1/2" = 1' WINDOWS

3" TRAP TO BE DETERMINED AFTER FRAMED

WINDOWS + EXT. DOORS TO MEET OR EXCEED ALL PARK CITY CODES FOR INSULATION VALUES



3'0" EXT. DOOR HALF LIGHT (2) of cm

(1) 9'0" x 7'0" GARAGE DOOR INSULATED - METAL

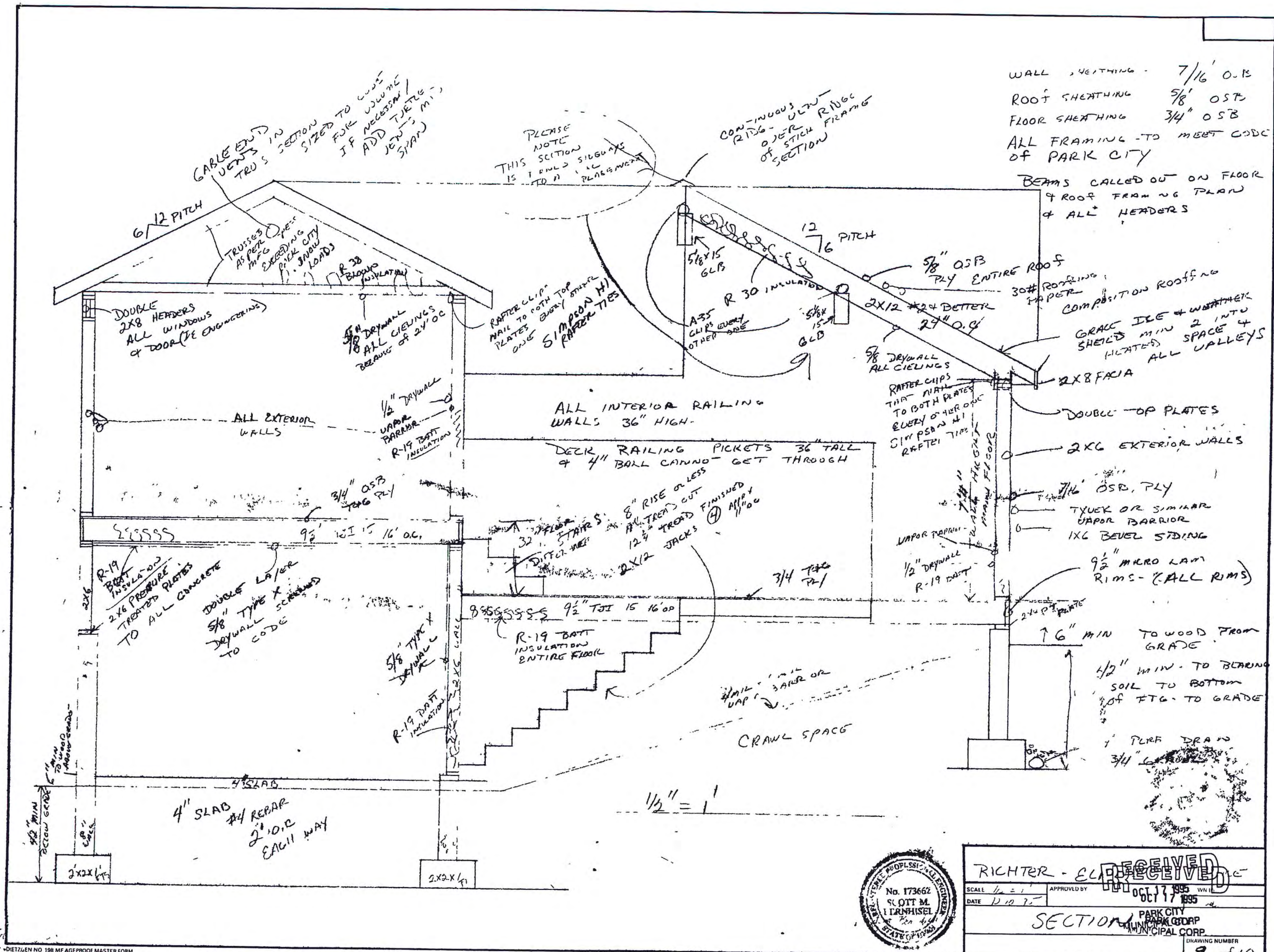
INTERIOR DOORS TO BE PICKED BY OWNER

SCALE 1/4" = 1'



RECEIVED	
SCALE	APPROVED BY OCT 17 1995 HAWN
DATE 10 16 11	
PARK CITY MUNICIPAL CORP	
DRAWING NUMBER 6 of 10	





WALL SHEATHING - 7/16" OSB
 ROOF SHEATHING 5/8" OSB
 FLOOR SHEATHING 3/4" OSB
 ALL FRAMING - TO MEET CODE OF PARK CITY

BEAMS CALLED OUT ON FLOOR & ROOF FRAMING PLAN & ALL HEADERS

5/8" OSB PLY ENTIRE ROOF
 30# ROOFING PAPER
 COMPOSITION ROOFING

GRACE ICE & WEATHER SHIELDS MIN 2 INTO HEATED SPACE & ALL VALLEYS

ALL INTERIOR RAILING WALLS 36" HIGH

DECK RAILING PICKETS 36" TALL & 4" BALL CANNOT GET THROUGH

DOUBLE TOP PLATES

2X6 EXTERIOR WALLS

7/16" OSB PLY

TRUCK OR SIMILAR VAPOR BARRIER
 1X6 BEVEL SIDING

9 1/2" MICRO LAM RIMS - (ALL RIMS)

6" MIN TO WOOD FROM GRADE

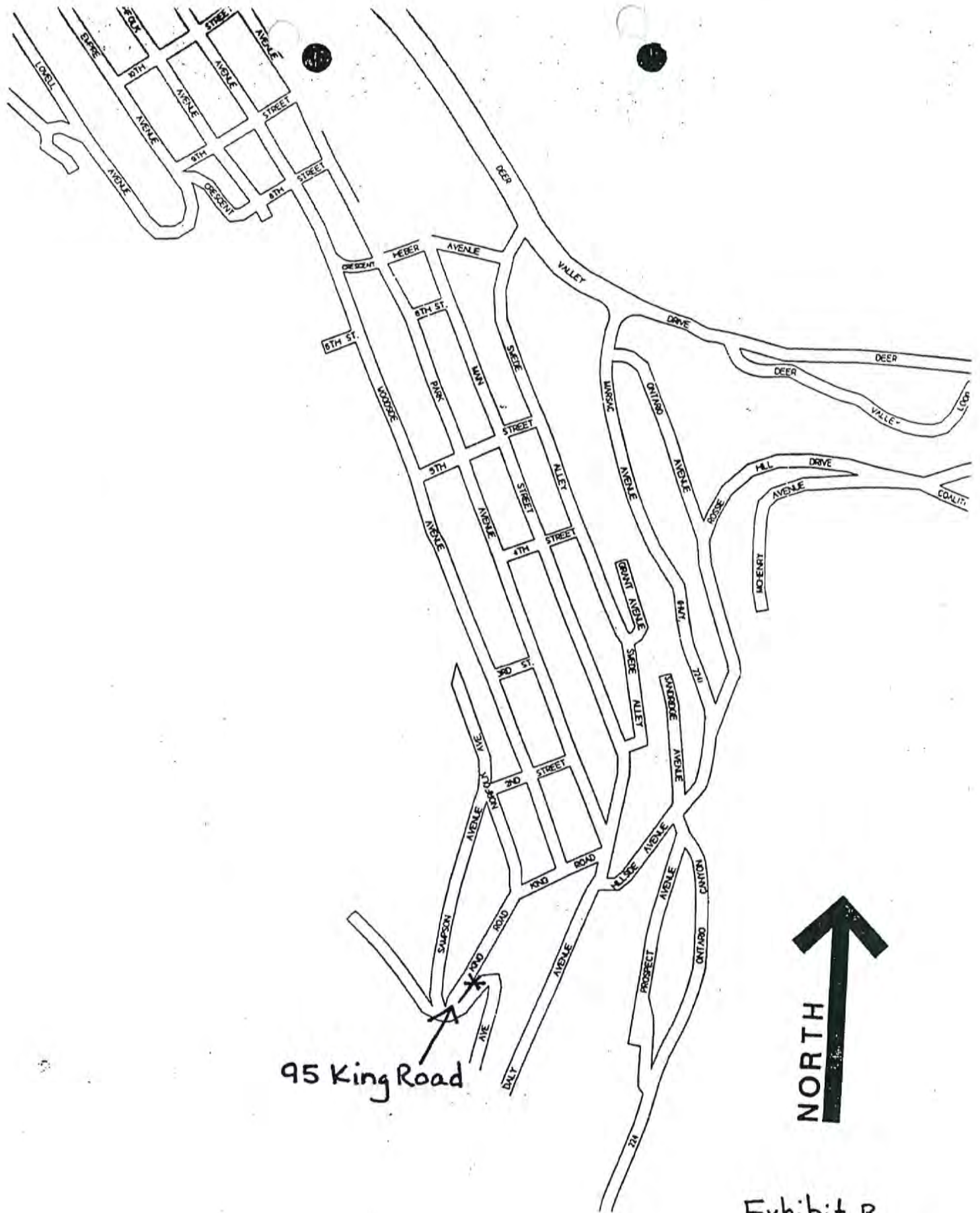
4 1/2" MIN - TO BEARING SOIL TO BOTTOM OF FTG. TO GRADE

1" PLRF DRAG
 3/4" LAG BOLTS



RICHTER - ELA		RECEIVED	
SCALE 1/2" = 1'	APPROVED BY	OCT 17 1995	
DATE 12/12/95	PARK CITY MUNICIPAL CORP.		
SECTION			
DRAWING NUMBER 9 0510			





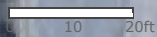
95 King Road



Exhibit B
Location Map



Existing Property Line



August 19, 2014

Planning Department of Park City,

I am submitting the application to obtain a Conditional Use Permit for nightly rental for my home located at 95 King Rd in Park City.

Currently, my home falls into the HRL Zone. Now living in Chicago, IL, this approval would allow me to maintain the home expenses as well as have the opportunity to personally enjoy my home and Park City for which I have lived for 20 years.

Please see attachment as required by application submittal.

Sincerely,


Susan Palmer



Project Description: Submitting CUP application for property located at 95 King Rd, Park City, Utah

~Proposed use of CUP will "fit In" with the majority of properties located in the Old Town District of Park City. Architecture design is similar to other properties in Old Town.

~The services it will provide to Park City: Higher property taxes; Nightly rentals will generate revenue for Park City in taxes as well as retail and restaurant revenue.

~The proposed use is consistent with most zoning districts in the Old Town Area.

~The proposed use is similar and compatible with other uses in the same area. For example: Other homes such as 90 King Road and 99 King Road are nightly rentals. The structure and style of my home are both similar and compatible with that of Old Town.

~The proposed use is suitable for the site as far as size and adequate parking. There is one car garage and one off street parking space.

~The proposed use will not emit excess noise, glare, dust, pullutants or odor.

~The hours of operation will be conducive to nightly rentals when applicable. A property manager will be employed.

~No other issues need to be mitigated.



John Boehm

From: Stephen Elrick <stephen@bhhsutah.com>
Sent: Thursday, October 16, 2014 5:34 PM
To: John Boehm
Subject: 95 King Rd CUP for Nightly Rental

John,

My name is Stephen Elrick and I live at 97 King Rd next door to Susan Palmer's home at 95 King Rd. I have lived at 97 King Rd for almost 20 years and I have no issues with Susan renting her home on a nightly rental basis.

Stephen

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



**Planning Commission
Staff Report**

PLANNING DEPARTMENT

Subject: Thaynes Creek Ranch Estates Phase II
Date: October 22, 2014
Author: Kirsten Whetstone, Senior Planner
Project Number: PL-14-02427
Type of Item: Subdivision plat

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, consider any input, and consider forwarding a positive recommendation to City Council to approve the Thaynes Creek Ranch Estates Phase II subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

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.

Description

Project Name: Thaynes Creek Ranch Estates Phase II
Applicant: Franklin D. Richards Jr. Family Trust, owner
Representative: Steve Schueler, Alliance Engineering
Location: 510 Payday Drive
Zoning: Single Family (SF)
Neighboring Land Uses: Single family residential subdivisions of Thayne’s Canyon, Thayne’s Creek Ranch, Iron Canyon, Aspen Springs; dedicated City open space west of SR 224; and Rotary Park

Proposal

This is a request for approval of a final subdivision plat application for the second and final phase of the Thaynes Creek Ranch Estates subdivision. This phase consists of three (3) single family lots and one (1) non-residential parcel on approximately 9.28 acres. The lots are consistent with the preliminary plat approved with the Richards/PCMC Annexation. All lots have frontage on and will access Country Lane, an existing private street platted with the first phase of Thayne’s Creek Ranch Estates subdivision (see Exhibit A- proposed subdivision plat).

Background

On February 7, 2012, the applicant filed an annexation petition with the City Recorder for annexation of two parcels currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal

boundaries (see Exhibit B- vicinity map). The Richards/PCMC Annexation consisted of the 13.75 acre Richard's parcel zoned Single Family (SF) and the 19.74 PCMC parcel zoned Recreation Open Space (ROS). The Annexation was approved by City Council on January 31, 2013 and was certified by the State for recordation at Summit County on March 22, 2013. Conditions of the Annexation Agreement (Exhibit C) continue to apply to this subdivision plat application. A seven lot preliminary subdivision plat was approved with the Annexation (Exhibit D).

On June 17, 2013, an application for a final subdivision plat for the first four lots was submitted to the Planning Department. The subdivision plat, known as Thayne's Creek Ranch Estates Phase One Subdivision, was approved by City Council on October 3, 2013. The subdivision plat was recorded at Summit County on December 19, 2013 (Exhibit E- Thayne's Creek Ranch Estates Phase I Subdivision plat).

On July 9, 2014, an application for a final subdivision plat for the Thaynes Creek Ranch Estates Phase II was submitted to the Planning Department (see Exhibit A). The application for the final three lots was determined to be complete on July 21, 2014.

On September 24, 2014 the Planning Commission discussed the application, conducted a public hearing and continued the item to October 22, 2014 to allow time for a site visit and for staff consideration and analysis of amendments requested by the applicant. The Planning Commission also requested the minutes of previous meetings to determine how the "no-build" zone on Lot 7 was determined. Staff determined the 336' no-build zone from the preliminary plat that was approved at the time of the Annexation (Exhibit H- minutes).

Purpose

The purpose of the Single Family SF District is to:

- (A) Maintain existing predominately Single Family detached residential neighborhoods,
- (B) Allow for Single Family Development Compatible with existing Developments,
- (C) Maintain the character of mountain resort neighborhoods with Compatible residential design; and
- (D) Require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Description

The owner of the Richards Parcel, The Franklin D. Richards Jr. Family Trust, represented by Mr. Frank Richards, is seeking a three lot single family

subdivision on 9.28 acres as the second and final phase of a seven (7) residential lot single family equestrian subdivision on a total of 13.75 acres. The existing house and guest house are located on Lot 5, along with several out buildings. Lots 6 and 7 are vacant single family development lots. Lot 8 is identified as a non-residential parcel that is to be an HOA owned common parcel for an existing riding arena. The total density for the entire project is seven (7) residential lots on 13.75 acres (0.51 units per acre). The SF zone allows up to 3 units per acre. The HOA lot has no density assigned or allowed.

Analysis

Land Use and Density

The current application consists of three (3) single family lots on approximately nine (9) acres; a non-residential lot for the existing riding arena to be owned in common by the HOA; and various easements for utilities, water conveyance, snow storage, and access, including the access easement for an adjacent property owner to gain access to Payday Drive. The private street, Country Lane, is not part of this plat as it was platted with Phase One.

The proposed plat includes plat notes addressing conditions of approval consistent with the Richards/PCMC Annexation, consistent with the preliminary plat and Phase One plat. Lot 5 is 2.70 acres, Lot 6 is 2.73 acres, and Lot 7 is 3.21 acres. The non-residential lot, Lot 8, is 0.64 acres. Staff recommends a condition of approval that Lot 8 being renamed on the final plat as Parcel 8 and clearly noted as a non-residential parcel.

No commercial density is proposed or allowed per the zoning. Nightly rentals are not an allowed use within the Single Family (SF) zoning district.

Single Family (SF) zoning allows up to three (3) units per acre. The proposed density of this phase is 0.35 units per acre (not including Lot 8). Overall density for the two phases is 0.51 units per acre (7 lots on 13.75 acres). Overall density is consistent with the overall density in the surrounding neighborhoods of Thayne's Canyon, Iron Mountain, and Aspen Springs, as reviewed at the time of the Annexation.

Staff recommends a condition of approval and plat notes stating that no further subdivision of the lots is permitted, only one single family dwelling, including a garage, and a detached barn, may be constructed on each of Lots 6 and 7, and no human occupation of the barns is allowed. Accessory apartments are permitted in the SF zone, subject to requirements of LMC Chapter 15-4, however accessory apartments are not permitted within the barns.

Lot 5 contains an existing single family house, a guest house, and three out buildings (a storage shed and two barns). These structures may remain. The guest house and storage shed are located on the western perimeter property line and have non-conforming setbacks. The structures were built in the 70s under

Summit County regulations. Staff recommends a condition of approval that if either of these structures is demolished or added on to that all new construction shall meet the setbacks of the LMC in effect at the time of building permit application for the new construction.

The Applicant has satisfied the affordable housing requirement by paying a fee in-lieu, as approved by the Park City Housing Authority, to satisfy the required 0.9 AUE (810 sf). The fee was paid to the City prior to issuance of building permits for two lots under construction in Phase One.

The proposed lots are sufficient in area to allow horses, as permitted by the SF zoning district. The SF district allows a maximum of 2 horses per acre. The Annexation Agreement permitted an owner to submit an administrative Conditional Use Permit for raising and grazing of horses on these lots with review by the Planning Director. An animal management plan is required to be submitted with an administrative Conditional Use Permit application prior to commencing the raising and grazing of horses. Barns are required to be a minimum of 75' from any residential dwelling unit. Administrative CUPs require notice to adjacent neighbors prior to approval.

Character and Development of adjacent property

Surrounding land uses include dedicated open space; Highway 224; single family subdivisions of Thaynes Creek Ranch and Thaynes Canyon, Iron Canyon, and Aspen Springs; and Rotary Park. The character of development on adjacent properties is generally single family homes on lots ranging from 0.3 acres to 5 acres, with both smaller and larger lots within the established neighborhoods. Staff provided an analysis of the Lot and house/footprint size comparison in the surrounding area at the time of the Annexation (see Exhibit E).

Maximum building footprint

The plat identifies maximum building footprints for the proposed Lots, consistent with the preliminary plat. Maximum footprint proposed for Lots 5, 6, and 7 is 4,900 square feet. Consistent with lots in the immediate neighborhood on the north side of Payday Drive, the CCRs and the plat include language restricting the living area of the upper floor to 60% of the living area of the main floor. The garage area is included within the proposed building footprint. The preliminary plat called for maximum building height of 30' (25' plus 5' for pitched roof) for Lots 5 and 6 and 28' (23' plus 5' for pitched roof) for Lot 7. The plat identifies a separate maximum building footprint of 1,800 square feet for barns located on Lots 6 and 7. Lot 5 already includes a house, guest house, storage shed, and two barns. Barns are allowed a building height of 18' for pitched roof.

Maximum Limits of Disturbance and Irrigated Area

The proposed plat identifies maximum disturbance areas for finished irrigated landscaping (excluding pasture areas that may be irrigated with private irrigation shares) and total disturbance area (LOD) for building and barn footprints, paved driveways, patios and other hardscape, and irrigated finished landscaping.

Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area, consistent with the preliminary plat and the plat for the first phase. Area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation.

Designated “no-building zones” and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of approved utilities, irrigation facilities, and fence installations and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.

Maximum irrigated area for Lots 6 and 7 is proposed at 12,000 square feet per the preliminary plat, which is consistent with the irrigated area allowed on Lots 1 and 2 of the first phase. All landscaped areas must comply with the City’s Landscape Ordinance (LMC Section 5-5-M). Staff recommends that finished landscaping and patio areas shall generally be located within twenty-five feet of the house foundation and, if desired, within ten feet of the barn foundation.

Pasture areas are only permitted to be irrigated using the private water shares purchased with each lot. Finished landscape may be irrigated using private water shares, however the full water impact fees for the total finished landscape area is required to be paid at the time of the building permit, per requirements of the Water Agreement. Staff also recommends that trees, such as cottonwoods, aspens, willows, and fruit trees be permitted within the pasture areas, subject to irrigation using private water shares.

Lot 6 includes a platted no-build area that consists of the easterly eighty (80’) feet of the lot. The construction of a barn and house must be located west of the no build area. There is an existing hay barn on Lot 6 located within the no-build area that may remain. Lot 7 includes a platted no-build zone that consists of the northern most 336’ of the lot. Maximum LOD area (including building and barn footprints, paved driveways, patios and hardscape, and all finished irrigated landscaping) for Lots 5, 6, and 7 is restricted to 45% of the Lot Area. No new construction is permitted within the no-build area or within the wetland buffer areas.

Access

Access to the Richards property is from Payday Drive at the existing driveway to the Richards farm at 510 Payday Drive. Lots 5, 6, and 7 have frontage on Country Lane, a private street platted with the Phase One plat. Each lot is allowed a maximum driveway width of fifteen feet, measured at the property line with Country Lane. Each driveway may widen as it approaches the garage. Overall driveway lengths shall be minimized to the greatest extent possible in order to locate building pads for Lots 6 and 7 as far west as possible.

Roads and Utilities

Country Lane provides access to Lots 5, 6 and 7. This private street was platted with the first phase and has been constructed in the location of the driveway to the Richards property.

A 20' sanitary sewer access easement is identified within the ROW area for Country Lane connecting to Payday Drive ROW. Additional public and private utility and water conveyance easements are identified on the plat along property lines.

No new City (public) roads will be constructed, expanded or maintained and the developer will pay for required utility services, including power, sewer and water. Prior to issuance of permits, the required impact fees, such as the water, sewer hook-up, and parkland fees, will be collected according to the fee schedule in effect at the time of building permit application. Country Lane will be privately owned and maintained and is constructed with a fire district approved turn-around and all required fire hydrants.

The property is subject to an Annexation Agreement that addresses the provision of private water rights for irrigation of the pasture areas on individual lots as well as requirements for water impact fees for development of each lot, as provided in the Water Agreement. The final Water Agreement shall be recorded at Summit County prior to recordation of the final subdivision plat, per conditions of approval of the Annexation.

A final utility plan will be submitted by the applicant for approval by the City Engineer, as a condition precedent to recordation of the final subdivision plat (Exhibit F). Sewer service is provided by Snyderville Basin Water Reclamation District (SBWRD) who shall approve the sewer utility plan and plat prior to recordation. A line extension agreement with SBWRD to extend sewer to the Property is the applicant's responsibility and shall occur prior to recordation of the final subdivision plat.

Appropriate guarantees for all public improvements associated with development on this property, including sidewalks and landscaping within the public ROW are required prior to issuance of any building permits. Fire hydrant locations will need to be addressed to the satisfaction of the City Engineer and Fire Marshall.

Affordable Housing

Consistent with the Annexation Agreement, affordable housing has been addressed, as set forth in the Park City Affordable Housing resolution in effect at the time of the application. Based on six new dwelling units within the entire subdivision, the affordable housing requirement is 0.9 AUE. The applicant satisfied the entire affordable housing obligation by paying in-lieu fees prior to issuance of the first building permit as allowed by the Park City Housing Authority.

Environmental

Wetland areas have been officially delineated (mapping was reviewed during the annexation). The plat identifies the 50' wetlands protection buffer area on Lots 5, 6, 7, and 8. No structures or construction are permitted in these buffer areas.

The easterly eighty (80') of Lot 6 and the northern most three hundred and thirty-six feet (336') of Lot 7, the areas adjacent to the City's open space parcels along Highway 224, are designated on the plat as a "no building zone". There are no steep or very steep slopes as the property is relatively flat with an overall slope of less than 15%. Proposed development is outside of the Entry Corridor Protection Overlay area and the property is not within the Park City Soils Ordinance boundary.

Irrigation ditches flow through the property and easements are provided on the plat to ensure that downstream users have access to their water rights. All use and conveyance of irrigation water is subject to the approved Water Agreement, to be signed and executed prior to recordation of the final plat. will be protected from development consistent with the Annexation Agreement.

Fencing

The proposed fencing plan is consistent with the preliminary plat and Annexation Agreement (Exhibit G). White fencing consistent with the existing perimeter fence will be installed to delineate to property lines for each of the lots, as well as within Lots 5, 6, and 7 to create secure areas for horses, if desired.

Annexation Agreement

The Annexation Agreement states that the maximum density of the Richard's Parcel (final subdivision) is seven (7) lots. Lots may not be subdivided to increase the density of the subdivision. Each lot may be developed with only one dwelling unit and one barn, with the exception of Lot 5 that includes an existing guest house, storage shed, and two barns.

Plat notes restrict barns to agricultural uses only and state that barns are not for the use of living area for human occupation. The Annexation Agreement notes that a fencing plan will be provided with the final plat and that maximum building footprint for houses and barns, and limits of disturbances areas for driveways, patios, and landscaping will be identified with the final subdivision plat.

The final plat, as conditioned, is consistent with the Annexation Agreement and approved preliminary plat regarding maximum building footprint and driveway/patio areas; maximum irrigated areas; locations of barns and no-build areas; fencing; lot sizes; and general layout.

The required maintenance and condition of all pasture areas (irrigation, weeding, fertilizing, etc.) and the design of the barns shall be described in the CCRs with enforcement by the HOA. Barns are required to be separated from homes by a minimum of 75 feet. A note shall be included on the final plat indicating that

barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.

The affordable housing obligation for the annexation (0.9 AUE) shall be satisfied prior to issuance of the first certificate of occupancy for new construction, to be determined by the Park City Housing Authority.

Zoning

Zoning for the property is Single Family (SF) and the property is subject to the Richards/PCMC Annexation Agreement and Land Management Code (LMC). The following is an analysis of the proposed plat per requirements of the Annexation Agreement and LMC:

	Permitted SF zone	Proposed
Height	Zone height is 28' plus 5' for a pitched roof.	Lots 5 and 6- maximum building height of 30' (25' plus 5' for a pitched roof) per preliminary plat. Lot 7- maximum building height of 28' (23' plus 5' for pitched roof). Barns are allowed at 18' for pitched roof. Per preliminary plat.
Front setback	20' (25' to front facing garage)	Minimum of 20' (25' for front facing garages)
Rear setback	15'	Minimum of 15' (80' if subject to a "no-building zone" on Lot 6 and 336' if subject to a "no- building zone" on Lot 7). Existing shed and guest house on Lot 5 have 1'-3' rear setbacks and exist as non-complying structures with regard to the rear setback.)
Side setbacks	12'	Minimum of 12'
Density	Three (3) dwelling units per acre.	Three dwelling units on 8.64 acres (0.35 units per acre not including Lot 8 and 0.32 units per acre including Lot 8).
Maximum footprint	No maximum stated in zone.	4,900 sf for Lots 5, 6, and 7- including house and garage.

		1,800 sf for each barn on Lots 6 and 7 (Lot 6 also includes an existing 1,585 sf hay barn that may remain). Lot 5 also includes an existing guest house and garage (1,398 sf), a shed that includes a studio apartment (2,349 sf), and two barns (2,203 sf and 1,690 sf) that may remain. Per preliminary plat corrected.
Parking	Minimum of 2 parking spaces per dwelling unit.	2 parking spaces per dwelling unit.

Department Review

The application has been reviewed by the Development Review Committee. No additional issues were raised beyond those addressed by revisions to the plat and as recommended as conditions of approval.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the Thaynes Creek Ranch Estates Phase II subdivision plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to deny the subdivision plat and direct staff to make findings for this decision, or
- The Planning Commission may continue discussion and action on the subdivision plat to a future date.

Notice

On September 9, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on September 6, 2014.

Public Input

Staff received two phone calls requesting additional information regarding the plat and location of future houses. Staff had not received written comments at the time of this report.

Good Cause

There is good cause for this subdivision plat in that it creates legal lots 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 access easements for adjacent property; provides no build

setbacks for protection of the City's Open Space, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.

Future Process

Approval of this subdivision by the City Council would constitute Final Action that may be appealed following the procedures found in LMC 15-1-18.

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, consider any input, and consider forwarding a positive recommendation to City Council to approve the Thaynes Creek Ranch Estates Phase Two subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A- Proposed Subdivision plat

Exhibit B- Aerial Vicinity Map

Exhibit C- Annexation Agreement

Exhibit D- Preliminary Subdivision plat

Exhibit E- Surrounding lot comparison

Exhibit F- Utility plan

Exhibit G- Fencing plan

Exhibit H- Minutes

Ordinance 14-

AN ORDINANCE APPROVING THE THAYNES CREEK RANCH ESTATES PHASE 2 SUBDIVISION LOCATED AT 510 PAYDAY DRIVE IN THE SOUTH HALF OF SECTION 5 AND NORTH HALF OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Richard's Parcel of the Richards/PCMC Annexation located at 510 Payday Drive, have petitioned the City Council for approval of the Thaynes Creek Ranch Estates Phase 2 subdivision plat for three (3) single family lots and one common non-residential lot for an existing riding arena; and

WHEREAS, the preliminary subdivision plat approved by City Council on January 31, 2013 at the time of approval of the Richards/PCMC Annexation, sets forth a maximum of seven single family development lots and one common lot for an existing indoor riding arena for the entire Richards Parcel. The preliminary plat for the entire Parcel indicates a maximum allowable density of seven units, and provides guidelines for lot sizes, building pad areas for houses and barns, building massing and footprint restrictions, limits of disturbance areas, phasing, access, and other site planning requirements that have a goal of enhancing rather than detracting from the aesthetic quality of the entry corridor and ensuring that the final plat will result in a development that is compatible with the surrounding neighborhood; and

WHEREAS, an Annexation Agreement, between the City and Franklin D. Richards, Jr., Family Trust, pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and final subdivision plat, was approved by the Council on January 31, 2013; and

WHEREAS, on June 17, 2013, an application for a final subdivision plat for the first four lots was submitted to the Planning Department. The subdivision plat, known as Thayne's Creek Ranch Estates Phase One Subdivision, was approved by City Council on October 3, 2013. The subdivision plat was recorded at Summit County on December 19, 2013; and

WHEREAS, on September 6, 2014 proper legal notice was published in the Park Record, according to the Land Management Code of Park City; and

WHEREAS, on September 9, 2014, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 24, 2014, to receive input on the subdivision; and

WHEREAS, the Planning Commission, forwarded a recommendation to the City Council; and

WHEREAS, on October __, 2014, the City Council held a public hearing on the Thaynes Creek Ranch Estates Phase 2 subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Thaynes Creek Ranch Estates Phase 2 Subdivision plat.

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 Thaynes Creek Ranch Estates Phase 2 subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224.
2. The property was annexed into Park City with the Richards/PCMC Annexation approved by the City Council on January 31, 2013 and recorded at Summit County on April 12, 2013.
3. The property is zoned Single Family (SF).
4. Access to the property is from Payday Drive at the existing driveway to the Richard's property. The driveway has been improved to a private street known as Country Lane.
5. On January 31, 2013, concurrent with the Annexation, the City Council reviewed and approved a preliminary subdivision plat for a total of seven single family lots and one common lot for the riding arena. The proposed phase two plat is consistent with the preliminary subdivision plat and consists of four (4) lots. Three of the lots are single family development lots and one lot is a common, non-residential lot for the existing riding arena.
6. The property is not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of the plat is within the Park City Soils Ordinance boundary.
7. The subdivision creates non-conforming rear setbacks for an existing outbuilding and a guest house on Lot 5.
8. The subdivision complies with the Land Management Code regarding final subdivision plats, including SF zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
9. 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.; and 5) preservation of natural amenities and features, have been addressed through the Annexation and subdivision plat review process as required by the Land Management Code.
10. Sanitary sewer facilities are required to be installed in a manner prescribed by

the Snyderville Basin Water Reclamation District (SBWRD).

11. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation determined at the time of the annexation is 15% of 6 new units or 0.9 AUE (810 sf). The affordable housing obligation has been satisfied with payment of an in-lieu fee as approved by the Park City Housing Authority.
12. Land uses proposed in the second phase subdivision include three single family lots and one lot to be dedicated to the HOA for common recreation facilities, such as the existing riding arena. Only one single family home and one barn are permitted to be constructed on each of Lots 6 and 7. Lot 6 contains an existing hay barn that may remain. Lot 5 contains an existing house, a guest house, a storage shed, and two barns that may remain. Lots 5 and 7 are allowed up to six (6) horses and therefore the barns are larger than on Lots 1, 2, and 6.
13. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan.
14. The PCMC Parcel that is adjoining Lots 6 and 7 allows only those uses permitted by the Deed of Conservation Easement.
15. The subdivision plat is consistent with the purpose statements of the SF zone. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding neighborhood.
16. Areas of wetlands and irrigation ditches, and any required setbacks from these areas for the private road were identified during the annexation.
17. The proposed subdivision is outside the City's Soils Ordinance District.
18. Wetlands are protected by language in the LMC and Annexation Agreement requiring building pad locations, setbacks, and requirements for protection of sensitive lands during construction. Delineated wetland buffer areas are shown on the plat.
19. There is good cause for this subdivision plat in that it creates legal lots 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 access easements for adjacent property; provides no build areas for protection of the City's Open Space and wetland buffer areas, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.
20. The findings in the Analysis section are incorporated herein.

Conclusions of Law

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 Richards/PCMC Annexation Agreement approved by the City Council on January 31, 2013.
4. The subdivision is consistent with the Richards/PCMC preliminary plat approved by the City Council on January 31, 2013.

5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat.
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

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 on or prior to the date that is one year from the final City Council approval. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further 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 Richards/PCMC Annexation, as stated in the Annexation Agreement, continue to apply.
4. Final approval of the sewer facilities plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
5. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. 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.
6. 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 LEED for Homes Silver rating, per the Annexation Agreement.
7. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and conditions of the Annexation Agreement prior to building permit issuance.
8. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals has been provided to the City for public improvements. A portion of the guarantee, to be determined by the City Engineer, shall be held by the City through the warranty period and until such improvements are accepted by the City.
9. All standard project conditions shall apply.
10. Recordation of a final subdivision plat is a requirement prior to issuance of building permits.
11. The final subdivision plat shall include plat notes stating that the maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Lot 8 (to be renamed Parcel 8) is not a residential building lot and shall be dedicated to the Thaynes Creek Ranch Estates HOA as a common recreation parcel that may contain the existing riding arena, a

- storage area, and other associated uses identified in the CCRs. Barns shall not be used for human occupation.
12. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
 13. Fencing shall be consistent through-out the subdivision. A fencing plan shall be submitted with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods and shall be consistent with the fencing plan approved with the preliminary plat.
 14. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required to provide connectivity to Rotary Park. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house located on either the Phase One or Phase Two plats.
 15. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.
 16. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
 17. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.
 18. A note shall be added to the final subdivision plat indicated that barns may not be used for human occupation.
 19. A note shall be included on the final plat indicating that barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.
 20. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plat prior to recordation.
 21. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.
 22. Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.
 23. The plat shall note that Lots 5, 6 and 7 are restricted to a maximum house building footprint of 4,900 sf, including the garage. New barn footprint is restricted to 1,300 sf for Lot 6 and 1,800 sf for Lot 7. Lot 5 has an existing

single family house (3,906 sf footprint), an existing guest house and garage (1,398 sf footprint), a shed with a studio apartment (2,349 sf footprint), and two barns (2,203 sf and 1,690 sf) that may remain. Lot 6 has an existing hay barn with a 1,585 sf footprint that may remain and be enclosed with no additional building footprint allowed. All new construction shall meet LMC lot and site requirements in effect at the time of the building permit and shall comply with these plat notes.

- 24. Maximum building height for barns is 18' (to peak of roof).
- 25. Maximum building height for houses on Lots 5 and 6 is 30' (25' plus 5' for pitched roof). Maximum building height for Lot 7 is 28' (23' plus 5' for pitched roof).
- 26. Maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 12,000 sf for Lots 6 and 7. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.
- 27. Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area. Area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation. Designated "no-building zones" and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of necessary utilities, irrigation facilities, and fence installation and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.
- 28. All new construction on Lot 5 shall comply with the Land Management Code in effect at the time of building permit application for the new construction.
- 29. Lot 8 shall be renamed on the final plat as Parcel 8 and clearly noted as a non-residential parcel.

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

PASSED AND ADOPTED this ____ day of _____, 2014.

PARK CITY MUNICIPAL
CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of THAYNES CREEK RANCH SUBDIVISION-PHASE II and that the same has been or will be monumented on the ground as shown on this plot. I further certify that the information on this plot is accurate.

BOUNDARY DESCRIPTION

Beginning at a point that is North 00°24'31" East 358.83 feet along section line and North 89°53'23" West 2218.31 feet from the southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the northeast corner of Lot 2, Thayne Creek Ranch Estates-Phase I, recorded December 18, 2013, as Entry No. 085234 in the Office of the Recorder, Summit County, Utah; and running thence along the boundary of Thayne Creek Ranch Estates-Phase I the following ten (10) courses: 1) South 89°52'18" West 363.01 feet; thence 2) North 05°33'54" West 31.57 feet to a point on a curve to the right having a radius of 84.00 feet, of which the radius point bears North 84°23'08" East; thence 3) along the arc of said curve 7.60 feet through a central angle of 05°11'00"; thence 4) North 00°22'54" West 258.97 feet to a point on a curve to the right having a radius of 15.74 feet, of which the radius point bears North 89°37'06" East; thence 5) along the arc of said curve 22.88 feet through a central angle of 83°17'21" to a point of reverse curve to the left having a radius of 41.10 feet, of which the radius point bears North 07°05'33" West; thence 6) northwesterly along the arc of said curve 188.87 feet through a central angle of 253°17'21"; thence 7) South 00°22'54" East 315.66 feet to a point on a curve to the left having a radius of 116.00 feet, of which the radius point bears North 89°29'57" East; thence 8) southerly along the arc of said curve 10.25 feet through a central angle of 05°03'51"; thence 9) South 05°33'54" East 278.17 feet; thence 10) South 89°54'17" West 288.71 feet to a point on Iron Canyon subdivision, recorded October 28, 1983, as Entry No. 212520 in the Office of the Recorder, Summit County, Utah; thence along the southerly and easterly boundaries of the Annexation and Zoning Plat of the Ross Property, recorded March 17, 1994, as Entry No. 400284 in the Office of the Recorder, Summit County, Utah; thence along the southerly and easterly boundaries of the Annexation and Zoning Plat of the Ross Property the following two (2) courses: 1) South 89°53'23" East 139.26 feet; thence 2) North 00°06'37" East 234.05 feet to the south boundary of Aspen Springs Ranch Phase I, recorded October 31, 1991, as Entry No. 349163 in the Office of the Recorder, Summit County, Utah; thence along the southerly and easterly boundaries of Aspen Springs Ranch Phase I the following six (6) courses: 1) South 88°43'51" East 89.24 feet; thence 2) North 82°51'16" East 17.77 feet; thence 3) North 00°07'59" East 185.26 feet; thence 4) North 04°59'46" West 122.52 feet; thence 5) North 04°02'36" West 269.07 feet; thence 6) South 88°43'36" East 30.55 feet; thence South 00°07'58" West 16.15 feet; thence South 89°53'23" East 216.19 feet; thence South 00°38'00" East 682.83 feet; thence South 89°53'23" East 187.26 feet; thence South 00°06'37" West 297.12 feet to the point of beginning.

The above description is based on a clockwise rotation of 00°06'37" from record bearings to state plane bearings.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as THAYNES CREEK RANCH SUBDIVISION-PHASE II, does hereby certify that he has caused this Subdivision Plat to be prepared and I, FRANKLIN D. RICHARDS, JR., as Trustee of THE FRANKLIN D. RICHARDS JR. FAMILY TRUST DATED December 24, 2002, hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2014.

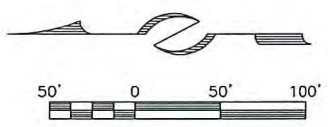
FRANKLIN D. RICHARDS, JR., Trustee

ACKNOWLEDGEMENT

STATE OF _____
 COUNTY OF _____

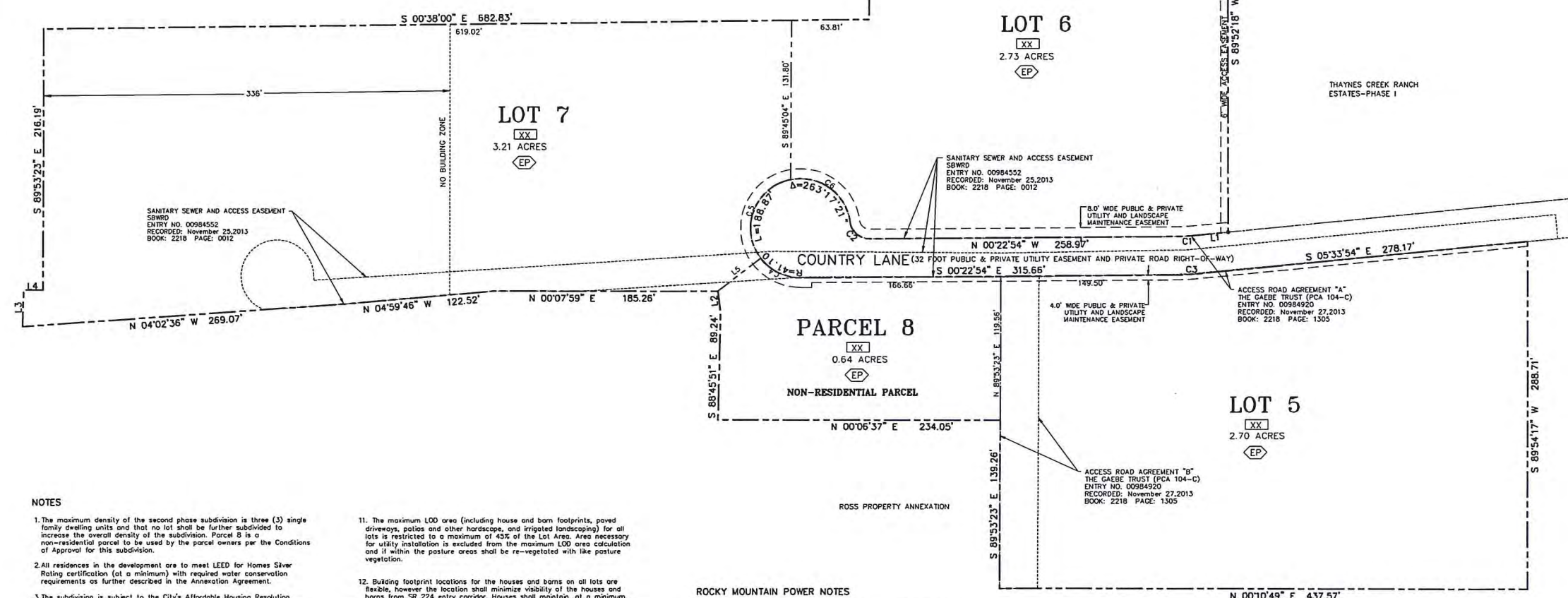
On this _____ day of _____, 2014, FRANKLIN A. RICHARDS, JR. personally appeared before me, the undersigned Notary Public, in and for said County and State, who after being duly sworn, acknowledged to me that he is the TRUSTEE of THE FRANKLIN D. RICHARDS JR. FAMILY TRUST, Dated December 24, 2002, that he has signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Family Trust; that he has been duly appointed as TRUSTEE by the Declaration of the Family Trust and that he has executed this document in his capacity as TRUSTEE as the act of said Family Trust for the purpose set forth herein.

A Notary Public Commissioned in Utah Residing at: _____
 My Commission Expires: _____
 Printed Name _____



LINE	BEARING	DISTANCE
L1	S 05°33'54" E	31.57
L2	N 82°51'16" E	17.77
L3	S 88°43'36" E	30.55
L4	S 00°07'58" W	16.15
L5	S 37°29'03" E	44.78

CURVE	RADIUS	LENGTH	DELTA
C1	84.00	7.60	05°11'00"
C2	15.74	22.88	83°17'21"
C3	116.00	10.25	05°03'51"
C4	41.10	37.94	52°53'51"
C5	41.10	83.20	15°58'48"
C6	41.10	67.72	94°24'42"



NOTES

- The maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Parcel 8 is a non-residential parcel to be used by the parcel owners per the Conditions of Approval for this subdivision.
- All residences in the development are to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
- The subdivision is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement.
- The Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.
- Any barns in this subdivision may not be used for human occupation.
- All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plot prior to recordation.
- Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.
- Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.
- Buildable lots are restricted to a maximum building footprint of 4,900 sf, for the house and garage. The floor area of all second stories shall be restricted to 60% of the first story footprint. Barn footprints are restricted to a maximum of 1,800 sf.
- The maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation systems) is \$1,000 sf per lot, non-transferable. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation systems.
- The maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for all lots is restricted to a maximum of 42% of the Lot Area. Area necessary for utility installation is excluded from the maximum LOD area calculation and if within the pasture areas shall be re-vegetated with like pasture vegetation.
- Building footprint locations for the houses and barns on all lots are flexible, however the location shall minimize visibility of the houses and barns from SR 224 entry corridor. Houses shall maintain, at a minimum, the required setbacks from all barns. A photographic visual analysis of the proposed houses, as viewed from a minimum of three locations along the SR 224 entry corridor between the Olympic Loop art work and Payday Drive, shall be submitted with the building permit application.
- Each lot of record is allowed a maximum driveway width of fifteen feet, measured at the property line with Country Lane. Each driveway may widen as it approaches the garage. Overall driveway lengths shall be minimized to the greatest extent possible in order to locate building pads for Lot 6 & 7 as far to the west as possible.
- At the time of any resurfacing of Country Lane, the Homeowner's Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District (SBWRD) standards. Prior notification of the adjustments and inspection by SBWRD is required.
- This subdivision is subject to the Conditions Of Approval in Ordinance 1-1-11.
- The Access Road Agreement which exists to the benefit of the "Goebel Trust" extends outside of the platted subdivision as detailed in Entry # 00984920, Book: 2218, Page: 1305, as recorded with the Summit County Recorder's Office, November 27, 2013.
- A Sewer Easement at Thayne Creek Ranch Estates exists to the benefit of the Snyderville Basin Water Reclamation District, Entry # 00984552, Book: 2218, Page: 0012, as recorded with the Summit County Recorder's Office, November 23, 2013.
- A grading and landscape plan shall be submitted with each building permit application. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.
- A wetlands delineation for this subdivision (November 7, 2011) was prepared and accepted by the Army Corps of Engineers (ACOE) and PCMC and is on-file with PCMC. Affected lot owners shall comply with both the ACOE and PCMC regulations with respect to wetlands impacts including maintaining a 50-foot buffer from the wetlands per PCMC LMC.

ROCKY MOUNTAIN POWER NOTES

Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the public utility easements identified on this plot map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense. At no time may any permanent structures be placed within the PUE or any other obstruction which interferes with the use of the PUE without the prior written approval of the utilities with facilities in the PUE.

Rocky Mountain Power approves this plat solely for the purpose of confirming that the plat contains public utility easements. Rocky Mountain Power may require other easements in order to serve this subdivision. This approval does not constitute abrogation or waiver of any other existing rights obligations or liabilities provided by Law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the owner's dedication and the notes and does not constitute a guarantee of particular terms of electric utility service.

THAYNES CREEK RANCH ESTATES-PHASE II

LOCATED IN THE SOUTH HALF OF SECTION 5 AND THE NORTH HALF OF SECTION 8
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.
 BY _____ S.B.W.R.D.

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 A.D.
 BY _____ CHAIR

ENGINEER'S CERTIFICATE
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ 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

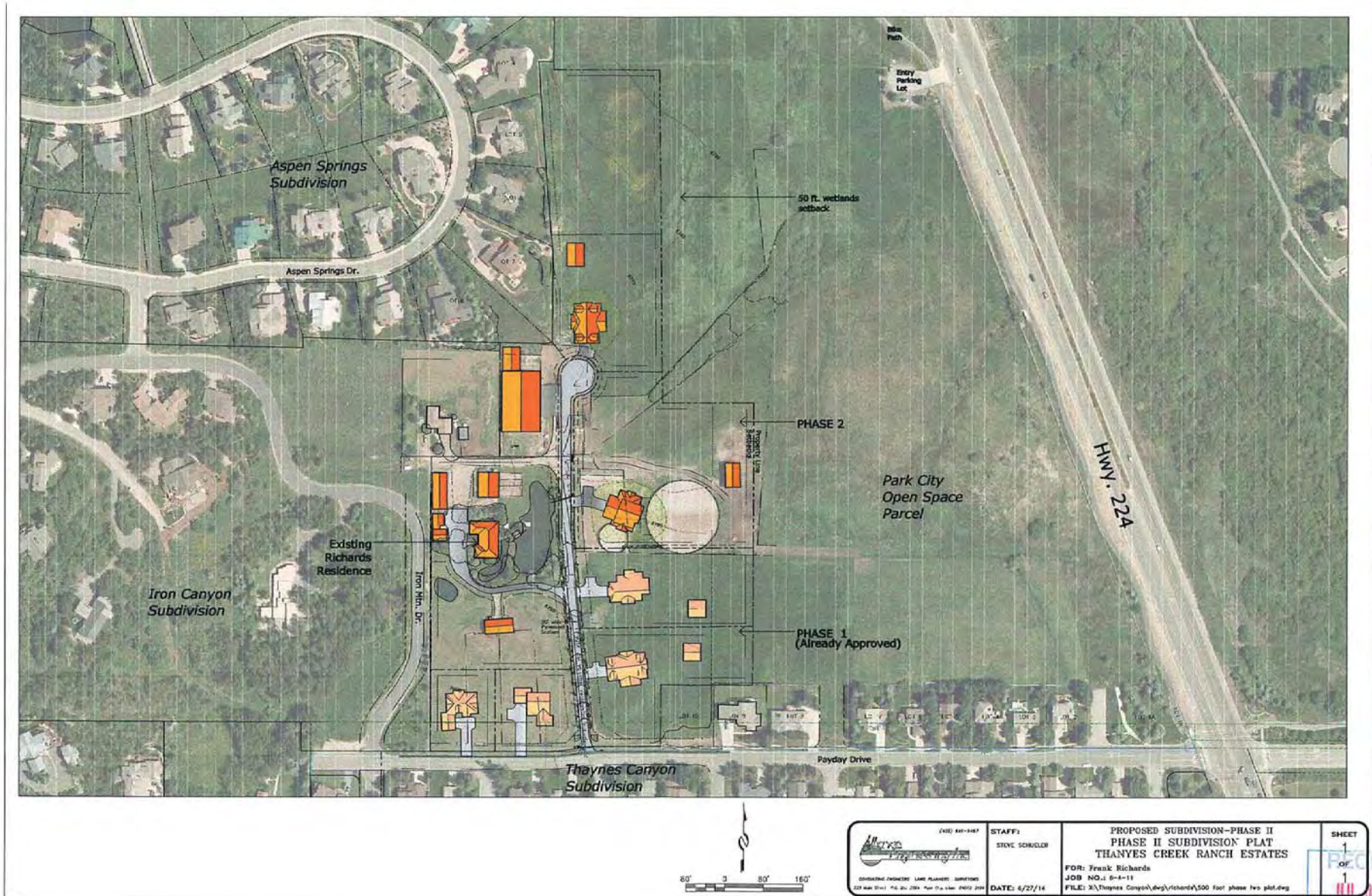
CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.
 BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.
 BY _____ MAYOR

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____
 Page 68 of 265
 ENTRY NO. _____ FEE _____ RECORDER _____

JOB NO.: 1-6-14 FILE: X:\ThayneCanyon-spm\dwg\sr\plot2014\010514.dwg

EXHIBIT B





OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from PARK CITY, dated January 31st, 2013, complying with Section 10-2-425, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to PARK CITY, located in SUMMIT County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 22nd day of March, 2013 at Salt Lake City, Utah.

GREG BELL
Lieutenant Governor

When recorded return to:
Park City Municipal Corporation
City Recorder
P O Box 1480
Park City, Utah 84060 Fee exempt per Utah Code Annotated 11-13-102

Ordinance 13-06

ORDINANCE APPROVING AN ANNEXATION OF APPROXIMATELY 33 ACRES KNOWN AS THE RICHARDS/PCMC ANNEXATION LOCATED IN THE SOUTH HALF OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO ZONE THE PCMC PROPERTY AS RECREATION OPEN SPACE (ROS) AND THE RICHARDS PROPERTY AS SINGLE FAMILY DEVELOPMENT (SF).

WHEREAS, on February 7, 2012, the Petitioners, PCMC and Franklin D. Richards, Jr. Family Trust, filed an annexation petition with the City Recorder for annexation of two metes and bounds described parcels that are currently within the jurisdiction of Summit County and surrounded by properties that are within the Park City municipal boundaries as shown on the attached Annexation Agreement;

WHEREAS, the Property is 33.49 acres in area and is located west of SR 224 and north of Payday Drive, as described in the attached Annexation Agreement, Annexation Plat (Exhibit A to the Annexation Agreement), Legal Descriptions (Exhibit B to the Annexation Agreement) and Proposed Zoning Map Amendment (Exhibit F to the Annexation Agreement);

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction;

WHEREAS, the annexation petition was accepted by the City Council on February 16, 2012;

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code;

WHEREAS, On March 1, 2012, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, and provided legal notice that the petition had been certified and the required 30-day protest period had begun;

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on April 1, 2012;

WHEREAS, the Planning Commission, after proper notice, conducted public hearings on the Annexation petition application on May 9th, September 26th, October 24th, November 28th, December 12th, 2012, and on January 9th, 2013;

WHEREAS, on January 9th, 2013, the Planning Commission forwarded a recommendation to City Council on the proposed annexation and zoning of the Richards/PCMC Annexation;

WHEREAS, on January 31st, 2013, the City Council conducted a public hearing and discussed the annexation and zoning map amendment and took public testimony on the matter, as required by law;

WHEREAS, the City Council finds that the annexation and requested zoning map amendments are consistent with the Park City General Plan;

WHEREAS, the preliminary subdivision plat (Exhibit C to the Annexation Agreement) sets forth a maximum of seven single family development lots and one common lot for an existing indoor riding arena. Preliminary platting indicates maximum allowable density of seven units, lot sizes, preliminary building pad areas for houses and barns, house sizes, building massing and height restrictions, limits of disturbance areas, phasing, access, and other site planning requirements that have a goal of enhancing rather than detracting from the aesthetic quality of the entry corridor and ensuring that the final plat will result in a development that is compatible with the surrounding neighborhood; and

WHEREAS, an Annexation Agreement, between the City and Franklin D. Richards, Jr., Family Trust, pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and final subdivision plat, is herein attached.

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

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached to the Annexation Agreement and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below and within the Annexation Agreement.

The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement and shall be subject to all City levies and assessments, conditions, and restrictions as described in the terms of said Annexation Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION AGREEMENT. City Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto and as approved to form by the City Attorney.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation and the proposed zoning meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City

General Plan, and Park City Annexation Policy Plan - Land Management Code Chapter 8, Annexation.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said PCMC Parcel in the ROS zoning district and the Richards Parcel in the SF zoning district, as shown in Exhibit F to the Annexation Agreement.

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. On February 7, 2012, the applicants filed an annexation petition with the City Recorder for annexation of two parcels currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal boundaries.
2. The applicants are requesting annexation and zoning approval for two separately owned parcels. The Franklin D. Richards Jr. Family Trust ("Richards Parcel") is 13.75 acres and the requested zoning is Single Family (SF). The PCMC Parcel is 19.74 acres and the requested zoning is Recreation Open Space (ROS).
3. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224. The property is surrounded on all boundaries by Park City municipal boundaries and is considered an island of unincorporated land.
4. The applicants submitted an annexation plat for the two parcels, prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code. A Preliminary Subdivision Plat (Exhibit C to the Annexation Agreement) and an existing conditions survey map were also submitted.
5. The Preliminary Subdivision Plat indicates four single family home lots in Phase I and three single family lots in Phase II, and Lot 8, the equestrian lot. The existing home, guest house and horse training facility are in Phase II and may remain unplatted until a final subdivision plat is submitted and approved by the City for that property. Barn pad locations are indicated for the equestrian lots.
6. The petition was accepted by the City Council on February 16, 2012 and certified by the City Recorder on March 1, 2012. Legal notice was published in the Park Record and the Public Website as required by State Code. Notice of certification was mailed to affected entities as required by the State Code. The protest period for acceptance of the petition ended on April 1st. No protests to the petition were filed.
7. The PCMC property is a dedicated open space parcel, subject to a March 24th, 2005, Deed of Conservation Easement in favor of the Summit Land Conservancy, in perpetuity. In 1999, the City purchased this 19.74 acre parcel through a purchase agreement with the Trust for Public Land from Frank Richards. A lease agreement is required for use of the PCMC Parcel by any person or entity other than by the City.
8. The PCMC Parcel is currently utilized for agricultural uses of grazing and growing of hay, as well as for undisturbed open space along streams, irrigation ditches, and wetlands. The City provides winter time grooming of a ski trail within the parcel, along Hwy 224. The land was originally part of the Franklin D. Richard,

Jr. Family Trust. The PCMC property will remain as open space in perpetuity, subject to restrictions of the 2005 Deed of Conservation Easement (Exhibit D to the Annexation Agreement).

9. The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary along the south property lines with the Thayne's Creek Subdivision Annexation (June 2, 1989) and the Treasure Mountain Annexation (Thayne's Canyon Subdivision) (July 28, 1971). The property is contiguous with the City along the north property lines with the Peterson Property Annexation (February 22, 1993) and the Chamber Bureau Kiosk Annexation. Along the west property line there is contiguity with the Smith Ranch Annexation (July 14, 1988) (aka Aspen Springs Subdivision) and the Iron Canyon Annexation (October 28, 1983). Along the east property lines there is contiguity with the McLeod Creek Annexation (May 7, 1979).
10. The proposed annexation properties are the only non-annexed properties owned by these Petitioners in the surrounding area.
11. Access to the Richards property is from Payday Drive at the existing driveway to the Richards farm. Access to the PCMC property is also from Payday Drive, just west of Hwy 224 at a stubbed in roadway. This access is used by ski grooming equipment and other municipal vehicles to maintain the property. No access is proposed directly off of Highway 224 with this annexation or for the subdivision.
12. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation is 15% of 6 new units or 0.9 AUE (810 sf). Affordable house shall be provided on-site according to requirements of the Housing Resolution 20-07, unless payment of fees in lieu is approved by the Park City Housing Authority. Addition requirements regarding affordable housing are spelled out in the Annexation Agreement. Fees in lieu are subject to the dollar amounts established by the Housing Authority and in effect at the time of submittal of building permits or as required by the Housing Authority.
13. Land uses proposed in the Preliminary Subdivision Plat include a total of 7 single family lots and 1 common area lot (Lot 8 of the preliminary subdivision plat) for an existing riding arena. No density is assigned or permitted to be developed on Lot 8. Only one single family home and one barn are permitted to be constructed on the remaining lots. Lot 5 of the preliminary subdivision plat contains an existing single family house and a guest house that may remain and be used as a guest house. These uses are permitted.
14. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan. The PCMC Parcel allows only uses permitted by the 2005 Deed of Conservation Easement (Exhibit D to the Annexation Agreement). Lots 3 and 4 may be combined into one lot of record, allowing a maximum of 2 horses on the combined lot, subject to the LMC Section 15-2.11-6 Maximum House Size and Setbacks on Combined Lots and any conditions of approval of a plat amendment to combine the lots prior to issuance of a building permit.
15. The proposed land uses are consistent with the purpose statements of the SF and ROS zones respectively. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding

- neighborhood.
16. The Annexation Agreement and Preliminary Subdivision Plat limit the total number of lots to eight (8), including the equestrian lot, and the final plat would include a note indicating that no further subdivision of lots is allowed and no residential or commercial density is permitted on Lot 8. Barns are to be used for agricultural uses, horses, and related storage and not for human occupation.
 17. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
 18. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
 19. Areas of wetlands and irrigation ditches, and any required setbacks from these areas have been identified on the property.
 20. The annexation is outside the City's Soils Ordinance District and there are no areas of steep slope that would indicate the property should be placed in the Sensitive Lands Overlay Zone. Wetlands and streams are protected by language in the LMC requiring minimum setbacks and protection during construction. The platting of specific building envelopes for houses and barns at the time of the final subdivision plat will further protect these sensitive areas from impacts of development.
 21. 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.
 22. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and as conditioned will protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space and ensure environmental quality; protect a prominent entry corridor, view sheds and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general health, safety, and welfare of the public.
 23. City Staff has reviewed the proposed annexation and preliminary plat against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of this report.
 24. The property was posted, courtesy notices were mailed to surrounding property owners, and legal notice was published in the Park Record according to requirements for annexations in the LMC and State Code.

Conclusions of Law

1. The Annexation and Zoning Map amendment are consistent with the Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to designate the PCMC property as Recreation Open Space (ROS) and the Richards Parcel as Single Family (SF).
2. The Annexation Agreement shall be fully executed and recorded at Summit County.

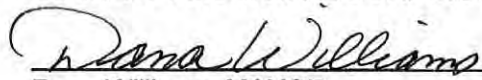
3. Petitioner and PCMC shall execute a Water Agreement (Exhibit E to the Annexation Agreement, to be recorded separately) providing for the transportation of water to the subdivision.
4. Recordation of a final subdivision plat, to create legal lots of record; dedicate utility, access, drainage, snow storage, and irrigation easements; identify platted building pads for houses and barns; identify limits of disturbance areas and driveway and hard surface areas; establish architectural guidelines for barns; establish fencing details; and to address other issues that are typically addressed at the time of the final subdivision plat, is a requirement prior to commencing of site work and issuance of building permits on the Property.
5. The final subdivision plat shall be in substantial compliance with the Preliminary Subdivision Plat (Exhibit C to the Annexation Agreement) submitted with the Annexation petition, as amended. The final subdivision plat shall include plat notes stating that the maximum density of the subdivision is seven (7) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Barns shall not be used for human occupation. The existing guest house on Lot 5 may remain and is not separately saleable from the main dwelling. If the affordable housing unit is provided on site that unit is in addition to the maximum density of seven units.
6. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
7. Fencing shall be consistent through-out the subdivision and described on the final subdivision plat and in the CCRs. A fencing plan shall be submitted with the final subdivision plat application and with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods.
8. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with Iron Mountain Drive is required to provide connectivity to Rotary Park and shall be identified on the final subdivision plat. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house on the property.
9. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. A landscaping plan for public right-of-way and any common areas shall be submitted with the final subdivision plat.
10. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
11. Excavated materials shall remain on site to the greatest extent possible.
12. Use of the PCMC Parcel shall be addressed and regulated by a signed and executed Lease Agreement for Agricultural Use and Grazing for use by any person or entity other than the City. All use of the PCMC Parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy.
13. The application is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement. The affordable housing

- obligation shall be provided on the property, unless otherwise approved by the Park City Housing Authority. If the affordable housing unit is provided within the subdivision, the unit will not count against the maximum allowed density.
14. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved. Barns may not be used for human occupation.
 15. Access easements shall be provided on the final subdivision plat, along lot lines as necessary to facilitate utility service, irrigation, and access to the PCMC Parcel, for equestrian use and for maintenance of the parcel as allowed by the March 2005 Deed of Conservation Easement.
 16. All conditions and restrictions of the Annexation Agreement shall continue to apply to the final subdivision plat.
 17. The final subdivision plat shall dedicate a private access easement for the Ross-Gaebe Property to memorialize the existing private easement across the existing driveway and to extend this easement to the public ROW at Payday Drive.
 18. Prior to recordation of a final subdivision plat a historic reconnaissance survey should be conducted by the applicant in conformance with the City's Historic Preservation Chapter 11 of the Land Management Code and a certification letter regarding any historic resources shall be submitted to the City. Any discovered historical or cultural resources will be added to the City's Historic Sites Inventory and designated as either "Significant" or "Landmark" according to the criteria as listed in LMC Chapter 11.
 19. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots.
 20. A lot line adjustment application will be allowed to combine Lots 3 and 4 into one lot of record. The lot combination will be subject to the LMC Section 15-2.11-6 Maximum House Size and Setbacks on Combined Lots.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Annexation Agreement, and in compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 31st day of January, 2013.

PARK CITY MUNICIPAL CORPORATION

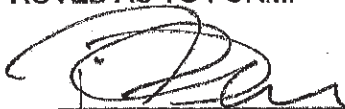

 Dana Williams, MAYOR

ATTEST:


 Janet M. Scott, CITY RECORDER



APPROVED AS TO FORM:



Thomas A. Daley, Sr. DEPUTY CITY ATTORNEY

Attachment- Annexation Agreement and Exhibits

When recorded, please return to:
PARK CITY MUNICIPAL CORPORATION
City Recorder
P O Box 1480
Park City UT 84060

RICHARDS PARCEL ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement") is made by and between Park City Municipal Corporation (hereinafter, "PCMC" or the "City") and Franklin D. Richards, Jr. Family Trust (December 24, 2002) (hereinafter, "Petitioner") to set forth the terms and conditions under which Park City will annex certain land owned by Petitioner (hereinafter, "Richards Parcel" or "Petitioner's Property"), consisting of approximately 13.75 acres and located in unincorporated Summit County, Utah, north of Payday Drive and west of State Route 224. The Richards Parcel is one of two parcels proposed to be annexed into Park City's municipal boundaries. The other parcel proposed for annexation is a 19.74 acre parcel owned by the City (hereinafter, "PCMC Parcel"). Together, the annexation of the Richards Parcel and the PCMC Parcel shall be referred to as the Richards/PCMC Annexation; the petition to annex both parcels shall be referred to as the "Annexation Petition;" and both the Richards Parcel and the PCMC Parcel shall be referred to as the "Annexation Property." The Richards/PCMC Annexation Petition requests annexation into the corporate limits of Park City and extension of municipal services to the Richards Parcel. The PCMC Parcel is included in the Annexation Petition but is not subject to the terms of this Annexation Agreement. The City and Petitioner are sometimes collectively referred to in this Agreement as the "Parties" or individually as a "Party". This Agreement is made under authority of §§ 10-2-401 et. Seq. of the Utah Code, Annotated 1953, as amended "MLUDMA").

WHEREAS, the Richards/PCMC Annexation includes the following parcels: the PCMC Parcel, with tax identification number SS-104-1-B-1-X, owned by PCMC and consisting of 19.74 acres, and the Richards Parcel, with tax identification number SS-104-1-B, owned by Petitioner and consisting of 13.75 acres.

WHEREAS, in furtherance of the foregoing, the Petitioner desires to annex the Richards Parcel into the corporate limits of the City and, to that end, a complete Annexation Petition for the Annexation Property was filed with the City on February 12, 2012. The Annexation Petition was accepted by the City Council on February 16, 2012, and certified by the City Recorder on March 1, 2012. The first public hearing was conducted by the Planning Commission on May 9, 2012. Subsequent public hearings were conducted by the Planning Commission on September 26th and December 12th of 2012 and January 9th of 2013.

WHEREAS, in connection with the Richards/PCMC Annexation, the Annexation Property is proposed to be zoned Single Family (SF Zone) for the Richards Parcel and Recreation Open Space (ROS Zone) for the City Parcel. The SF Zone is a City zoning district allowing for low density, single family home development that maintains existing predominately single family detached residential neighborhoods, maintains the character of mountain resort neighborhoods with compatible design, and

requires a streetscape that minimizes impacts on existing residents and reduces the architectural impacts of the automobile. The SF zoning district is more fully described in the City's Land Management Code.

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of City's action to annex Petitioner's property, and in consideration of the mutual promises contained herein, as well as the mutual benefits to be derived here from, the Parties agree that the terms and conditions of the Richards/PCMC Annexation shall be as follows:

1. **Property.** The Richards Parcel to be annexed is approximately 13.75 acres in area, as depicted on the annexation plat attached as Exhibit A (the "**Annexation Plat**") and as more fully described in the legal descriptions attached as Exhibit B. The PCMC Parcel consists of 19.74 acres. The total Richards/PCMC Annexation includes both parcels and totals approximately 33.49 acres.

2. **Zoning.** Upon Annexation, the Richards Parcel will be zoned Single Family (SF). The PCMC Parcel will be zoned Recreation Open Space (ROS). The official zoning map of Park City shall be amended to include these properties and zoning designations (see Exhibit F).

3. **Subdivision; Density and Phasing.** Pursuant to Land Management Code Section 15-8-3 on February 12, 2012, a complete revised application for a Preliminary Subdivision Plat on the 13.75 acre Richards Parcel of the Property was filed with the City. The Preliminary Subdivision Plat is attached as Exhibit C. The maximum allowable residential density is seven (7) dwelling units with all units to be single family detached houses located within the Richards Parcel. The PCMC Parcel is to be platted as open space with ROS zoning, subject to the Deed of Conservation Easement described below. Uses of the PCMC Parcel must comply with the ROS zoning and the March 24th, 2005, Deed of Conservation Easement entered into by and between Park City Municipal Corporation (Exhibit D), in favor of the Summit Land Conservancy, a Utah non-profit corporation.

The maximum density allowed on the Richards Parcel does not include the required affordable housing unit ("**AUE**") as specified in Paragraph 10 below. The land use development of the Property shall be governed by the maximum density stipulated in this Agreement, zoning designations provided herein and by the Final Subdivision Plat, to be finalized as soon as reasonably practicable following completion of the annexation process pursuant to Utah Code Annotated § 10-2-425(5).

Moreover, any substantive amendments to this Annexation Agreement shall be processed in accordance with the Park City Land Management Code and MLUDMA in effect at the time an application for amendment is filed with the City Planning Department.

Further, as part of the Final Subdivision Plat approval process, the phasing of the development of the Petitioner's Property shall be determined in a manner that ensures the adequacy of public facilities as may be required to support any such development.

4. **Sidewalks.** A condition precedent to building permit issuance for construction on any lot within the Final Subdivision, is the dedication to the City of a ten (10') wide, non-exclusive, public easement across the Petitioner's Property along Payday Drive, for the purposes of public access, utilities, irrigation, storm water drainage, landscaping and snow storage. Construction of a five (5') foot wide non-vehicular public pedestrian sidewalk, to be located within the ten (10') public easement and

constructed to City Standards and Specifications as required by the City Engineer, shall be included as part of the required public improvements for the future development. The sidewalks shall connect to the existing sidewalk within the Thayne's Creek Ranch B Subdivision and shall run to the Property's western boundary at Iron Mountain Drive, with the final location to be determined by the City Engineer during the Final Subdivision Plat review process. Any obligations or guarantees with respect to the construction of such sidewalks shall be governed by the terms and conditions of the Final Subdivision for the Property.

5. **Fire Prevention Measures.** Because of potential wild land interface issues on the Petitioner's Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes. Such plan may include a requirement for residential fire sprinkler systems for all structures. Fire and emergency access and fire hydrants shall be installed as required by the fire protection plan prior to issuance of any full building permits on the Property.

6. **Roads and Road Design.** All streets and roads within the Property are to be private roads designed and retained as private roads. Final design shall be determined during the Final Subdivision Plat review process.

7. **Sanitary Sewer, Line Extensions and Storm Water Detention Facilities.** Construction and alignment of the sanitary sewer shall be established as part of the Final Subdivision Plat for the Property (as accepted by the City and filed in the official real estate records of Summit County, Utah, the "**Subdivision Plat**"). The preferred alignment of the sanitary sewer shall be that alignment which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District.

In connection with the Final Subdivision Plat review process, on-site storm water detention facilities, or alternatives, as approved by the Park City Engineer, may be required. The timing for the construction of such storm water detention facilities shall be determined by the City Engineer, at the time of final Subdivision Plat review (the "**Storm Detention Facilities**"). Maintenance of on-site storm water detention facilities will be the responsibility of the Petitioner or of a future homeowner's association for common facilities.

8. **Water Rights.** Pursuant to the Annexation Petition the Petitioner owns 102.5 ac-ft of water under Water Right 35-8458, of which 42 ac-ft is utilized on the 13.75 acres for irrigation. Petitioner and City are currently working to resolve a title dispute on as much as 69 acre feet of the 102.5 acre feet. That dispute will not affect the implementation of this Annexation Agreement.

Previously, the Petitioner conveyed 7.5 ac-ft from Water Right 35-8458 to the lot owners within the Thayne's Creek Ranch Subdivision as part of the Thayne's Creek Ranch Annexation Agreement and Subdivision approval. An additional 10 ac-ft were conveyed to the Trust for Public Lands in connection with irrigation of the Conservation Easement on the 19.74 acre PCMC Parcel. Petitioner agrees to convey to lot purchasers one (1) acre foot from this water right for each of Lots 3 and 4, two (2) acre feet for each of Lots 1 and 2, four (4) acre feet for each of lots 6 and 7, and two and a half (2.5) acre feet for lot 5, the equestrian lot, for the purpose of irrigation and stock water, for a total of sixteen and a half

(16.5) acre feet. Park City also owns a portion of the same water right and uses it along with Park City's other water rights to irrigate the PCMC Parcel and other City-owned property.

Since filing the Annexation Petition, the Petitioner has conveyed 86 acre feet of the decreed water right to a third party who is unrelated to the Richards/PCMC Annexation. The underlying water right which is being segregated to represent the respective interests of the three parties (including the third party) has a priority date of 1882. Thus, this water right will be subject to priority cuts by the Utah Division of Water Rights.

The distribution of water represented by water rights which will be owned by Park City, the Petitioner, and the third party through open ditches, streams, and head gates will present challenges to Park City due to Park City operating the water distribution system above and below the proposed subdivision. Accordingly, PCMC and Petitioner will enter into a separate agreement regarding the delivery of water to the Petitioner's Property. (Hereafter the "Water Agreement").

As set forth in the Water Agreement, which will be approved by City Council, Petitioner and the City have agreed that the City will operate the head gates leading into the Petitioner's Property and proposed subdivision. City will operate the head gates in accordance with the water rights of record owned in the aggregate by the individual lot owners and the City. The Petitioner understands that Park City's operation of head gates will be subject to the Utah Division of Water Right's enforcement of water rights. Petitioner further understands that the City will not operate or in any way be responsible for the design, construction, or maintenance of the irrigation water delivery system within the subdivision.

The water agreement, be recorded separately, will also address improvements to the existing ditch system and infrastructure (improvements) that will be required to accurately divert and measure the correct flow rate to the Petitioner, the City, and the third party. The cost of improvements will be shared between the Petitioner and the City in proportion to each party's quantity of water, as provided in the Water Agreement.

City may convey water through the Petitioner's proposed subdivision as provided in the Water Agreement. It will be the responsibility of the water right owners in the subdivision to construct facilities to meet their irrigation needs based on this continuous flow and delivery location. City may elect to establish an irrigation turn system.

9. **Water Impact Fees and Other Water Facilities and Systems Costs.** Certain water facilities and systems internal to Petitioner's Property shall be required to be constructed and, to the extent they are dedicated to the City, easements therefore granted to the City, all of which shall be determined, and agreed to, by the affected parties and the City during the Final Subdivision review process (the "**Water Facilities and Systems**"). Any and all such Water Facilities and Systems shall be constructed to not less than the specifications reasonably required by the City Engineer. Petitioner acknowledges that water impact fees will be collected by City in the same manner and in the same amount as with other development within municipal boundaries and that impact fees so collected will not be refunded to Petitioner or to individual building permit applicants developing within the proposed annexation area. Ownership of water rights will not affect the application of the Impact Fee Ordinance to the Property.

10. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the City's Affordable Housing Resolution 20-07. The affordable housing requirement is 0.9 Affordable Unit Equivalent (AUE) determined by applying the requirement for 15% of the six dwelling units to be constructed. One dwelling unit currently exists on the property. The 0.9 AUE equates to 810 square feet of net livable space, as one (1.0) AUE is 900 square feet of net livable space. Payment of fees in lieu of development of affordable units on or off-site is allowed at the discretion of the Park City Housing Authority in compliance with the criteria stated in the City's Affordable Housing Resolution 20-07, with in-lieu fee to be calculated based on the formula identified in the City's Affordable Housing Resolution (25-12). Timing of the completion of affordable units and timing of payment of fees in lieu of development are subject to the requirements of Affordable Housing Resolution 20-07.

11. **Sustainable Development requirements.** All construction of dwelling units within the Final Subdivision shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the SF Zone. Unless otherwise approved in the Final Subdivision plat, in compliance with the current Environmental/ Sustainability Element of the General Plan, each home in the development must receive National Association of Home Builders National Green Building Standards Silver (or higher) Certification (or other Green Building certification as approved by the Planning Commission at the time of the Final Subdivision plat approval) **OR** reach LEED for Homes Silver (or higher) Rating. Green Building Certification and LEED for Homes Silver rating criteria to be used shall be those applicable at the time of building permit application.

In addition to the builder achieving the aforementioned points on the Green Building or LEED for Homes Silver (or higher), certification checklists, in order to achieve water conservation goals, the builder must also either:

- 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**
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist; **OR**
- Achieve an equivalent water conservation standard applicable at the time of the building permit application.

Points achieved in these resource conservation categories will count towards the overall score. Application for the award certification and plaque commemorating LEED for Homes Silver (or higher) is at the discretion and expense of the Petitioner or individual Lot owner.

12. **Planning Review Fees.** Lot owners of lots within the proposed subdivision shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City in accordance with the Park City Land Management Code and the Park City Municipal Code.

13. **Impact and Building Fees.** Lot owners of lots within the proposed subdivision shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact,

park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Property at the time of application for any building permits. Ownership of water rights shall not change the application of the Impact Fee Ordinance to the Property.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the Subdivision Ordinance and, further, Park City's final approval of the construction of any such public improvements, those water facilities, utilities, fire hydrants, and easements as may be agreed by Parties in connection with the Final Subdivision Plat review and approval process (the "**Public Improvements**"), shall be conveyed and dedicated to the City, for public purposes.

15. **Snow Removal and Storage.** Snow removal from private roads shall be the responsibility of the Property Owners. Park City shall not be obligated to remove snow from private sidewalks unless the sidewalks are classified as part of a community trail system and incorporated into the City wide snow removal program. Public snow storage easements shall be provided along Payday Drive and identified on the Final Subdivision plat to be located within the ten foot (10') public easement described in paragraph 4.

16. **Fiscal Impact Analysis.** The Fiscal Impact Analysis, prepared by Alliance Engineering for the Petitioner dated January 24, 2012 and updated with the revised preliminary subdivision plat prior to the September 26th, 2012 Planning Commission meeting, has been reviewed by the Planning Staff and Planning Commission. The Fiscal Impact Analysis concludes that the Annexation will not result in an overall negative impact on the City or School District. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property, concludes a possible net fiscal gain to the School District is possible, based on the increase in property tax revenue for a mix of primary and secondary homes.

17. **Traffic Mitigation.** A review and analysis of impacts of the development on neighboring streets and major intersections was submitted with the Annexation petition. No mitigation measures are proposed due to the low density and low level of impact of the proposed development on local streets and at major intersections.

18. **Lease Agreement for Use of the PCMC Parcel.** A separate agreement will be entered into by Petitioner and PCMC ("Lease Agreement") for the use of the PCMC Parcel by Petitioner. All use of the PCMC Parcel shall be consistent with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy (**Exhibit D**).

19. **Effective Date.** This Annexation Agreement is effective upon recordation of the annexation plat and the filing and recordation of the annexation ordinance, and further, the City provides notice of the recordation to the parties of this Annexation Agreement.

20. **Governing Law; Jurisdiction and Venue.** The laws of the State of Utah shall govern this Annexation Agreement. The City and Petitioner agree that jurisdiction and venue are proper in Summit County.

21. **Real Covenant, Equitable Servitude.** This Annexation Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land,

and are intended to bind all successors in interest to any portion of the Property. This Agreement, a certified copy of the ordinance approving the Annexation (the "**Annexation Ordinance**"), and the Annexation Plat shall be recorded in the County Recorder's Office of Summit County, Utah.

22. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Petitioner or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Agreement, in whole or in part, upon written notice to the City; and provided that, in connection with and to the extent of any such assignment, Petitioner shall not have any further rights or responsibilities under this Agreement as and to the extent accruing from and after the date of any such assignment.

23. **Compliance with City Code.** Notwithstanding Paragraph 19 of this Agreement, from the time the Park City Council (the "**City Council**") approves of this Agreement and upon completion of the Annexation by recordation of the annexation plat with the County Recorder's Office of Summit County, Utah, the Property shall be subject to compliance with any and all City Codes and Regulations pertaining to the Property.

24. **Full Agreement.** This Agreement, together with the recitals and exhibits attached to this Agreement (which are incorporated in and made a part of this Agreement by this reference), and the written agreements expressly referenced herein, contain the full and complete agreement of the Parties regarding the Annexation of the Property into the City. Only a written instrument signed by all Parties, or their successors or assigns, may amend this Annexation Agreement.

25. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement among the Parties. Except as otherwise specified herein, this Agreement, the rights and benefits under this Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

26. **Vested Rights.** Subject to the provisions of this Agreement, Petitioner (or its assigns) shall have the right to develop and construct the proposed Subdivision in accordance with the uses, density, and configuration of development approved in the Final Subdivision plat when approved, subject to and in compliance with other applicable ordinances and regulations of Park City.

27. **Nature of Obligations of Petitioner.** Applicant is liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the City.

28. **Severability.** If any part or provision of this Annexation Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Annexation Agreement except that specific provision determined to be unconstitutional, invalid, or enforceable. If any condition, covenant or other

provision of the Annexation Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by the law.

IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement as of the 4 day of MARCH, 2013.

(Signatures begin on following page)

PARK CITY MUNICIPAL CORPORATION,
A political subdivision of the State of Utah

By: *Dana Williams*
Dana Williams, Mayor

Dated this 4 day of MARCH, 2013.

ATTEST: City Clerk

By: *Janet Scott*
Janet Scott, City Recorder

Dated this 4 day of MARCH, 2013.

APPROVED AS TO FORM:

Thomas A. Daley, Sr.
Thomas A. Daley, Sr., Deputy City Attorney

Dated this 4 day of MARCH, 2013.



FRANKLIN D. RICHARDS, JR. FAMILY TRUST (DECEMBER 24, 2002), Petitioner

By: *Franklin D. Richards, Jr.*

Name: FRANKLIN D. RICHARDS JR.

Dated this 4 day of MARCH, 2013

Acknowledgement (notary)

Exhibits

- A. Annexation Plat
- B. Legal Descriptions
- C. Preliminary Subdivision plat
- D. Deed of Conservation Easement
- E. Water Agreement (recorded separately)
- F. Zoning Map Amendment

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 15445, as prescribed by the laws of the State of Utah, and that the plat accurately describes and establishes the boundary as prescribed within the boundary of the RICHARDS/PCMC ANNEXATION petition.

J. Demkowicz
John Demkowicz LS 15445
Date: 3-4-2013



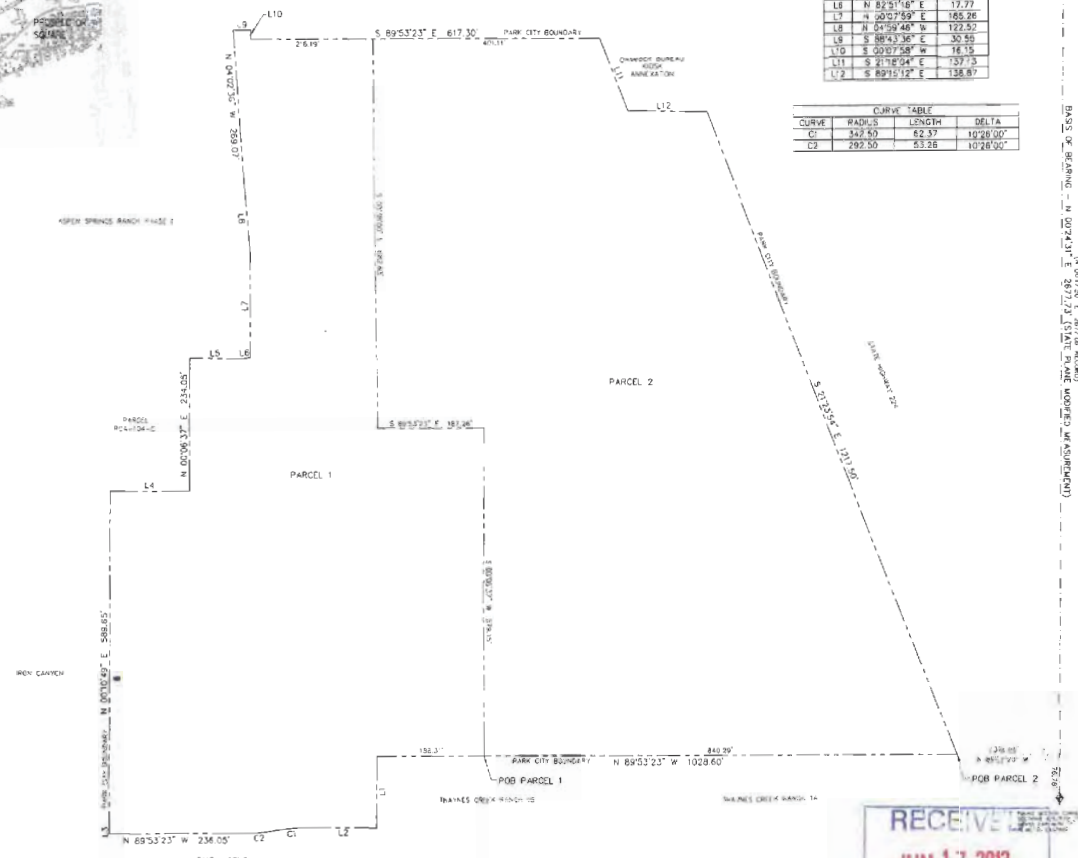
BOUNDARY DESCRIPTION

PARCEL 1 (RICHARDS)
A parcel of land located in the north half of Section 5 and the north half of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at point that is North 00°24'31" East 76.76 feet along section line and North 89°53'23" West 2216.84 feet from the southwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being located on the north boundary of Thynnes Creek Ranch 18 Subdivision, recorded May 24, 1994, as Entry No. 400844 in the office of the recorder, Summit County, Utah, then along the boundary of said subdivision boundary the following two (2) courses: 1) North 89°53'23" West 188.3 feet, thence 2) South 00°06'57" West 128.30 feet to a point on the westerly right-of-way of Payette Drive as shown on Thynnes Canyon Subdivision, recorded July 26, 1977, as Entry No. 115623 in the office of the recorder, Summit County, Utah, thence along said right-of-way the following four (4) courses: 1) North 89°53'23" West 228.02 feet to a point on a curve to the left having a radius of 347.50 feet, at which the radius point bears South 00°26'37" West, thence 2) along the arc of said curve 92.37 feet through a central angle of 102°00' to a point of tangency to the right having a radius of 292.50 feet, at which the radius point bears North 10°18'21" West, thence 3) westerly along the arc of said curve 53.26 feet through a central angle of 102°00', thence 4) North 89°53'23" West 236.02 feet, thence North 00°10'48" East 15.83 feet to the southeast corner of Iron Canyon Subdivision, recorded October 26, 1983, as Entry No. 212520 in the office of the recorder, Summit County, Utah, thence along said subdivision boundary North 00°10'48" East 288.65 feet to a point on the southerly boundary of the Annexation and zoning Plat of the Pros Property recorded March 17, 1994, as Entry No. 400874 in the office of the recorder, Summit County, Utah, thence along the east boundary the following two (2) courses: 1) South 89°53'23" East 139.26 feet, thence 2) North 00°06'57" East 234.00 feet to a point on the southerly boundary of Aspen Springs Ranch, Tracts 1 Subdivision, recorded October 30, 1991, as Entry No. 348913 in the office of the recorder, Summit County, Utah, thence along said subdivision boundary the following six (6) courses: 1) South 88°45'01" East 89.26 feet, thence 2) North 82°01'00" East 12.77 feet, thence 3) North 00°07'58" East 165.26 feet, thence 4) North 64°50'45" West 123.33 feet, thence 5) North 04°02'36" West 269.07 feet, thence 6) South 88°33'48" East 30.53 feet to a point on the westerly boundary of Park City Municipal Corporation parcel PCA-103-C-X, thence along said parcel boundary the following two (2) courses: 1) South 00°07'58" West 16.15 feet, thence 2) South 89°53'23" East 218.19 feet, thence South 00°06'57" East 825.82 feet, thence South 89°53'23" East 187.26 feet, thence South 00°30'37" West 879.15 feet to the point of beginning. Description contains 13.75 acres.

PARCEL 2 (PARK CITY MUNICIPAL CORPORATION)
A parcel of land located in the southwest quarter of the southeast quarter of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at point that is North 00°24'31" East 76.76 feet along section line and North 89°53'23" West 1326.20 feet from the southwest corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the north boundary of Thynnes Creek Ranch 14, recorded July 11, 1980, as Entry No. 343888 in the office of the recorder, Summit County, Utah, and running thence along the north boundary of Thynnes Creek Ranch 14 North 89°53'23" West 840.29 feet, thence North 00°06'57" East 579.15 feet, thence North 89°53'23" West 187.26 feet, thence North 00°38'00" West 682.82 feet to a point on the southerly boundary of Park City Municipal Corporation parcel PCA-103-C-X, thence along said parcel boundary South 89°53'23" East 402.11 feet to a point on the westerly boundary of the Chamber Range Annexation Plat, recorded January 2, 1989, as Entry No. 244420 in the office of the recorder, Summit County, Utah, thence along said parcel boundary the following two (2) courses: 1) South 21°18'04" East 137.13 feet, thence 2) South 89°53'23" East 136.87 feet to the westerly right-of-way of State Highway 224, thence along said right-of-way South 21°23'54" East 127.50 feet to the point of beginning. Description contains 19.74 acres.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°06'57" W	128.30
L2	N 89°53'23" E	120.02
L3	N 00°10'48" E	15.86
L4	S 89°53'23" E	138.26
L5	S 89°53'23" E	89.24
L6	N 82°01'00" E	12.77
L7	N 00°07'58" E	165.26
L8	N 64°50'45" E	123.33
L9	S 88°33'48" E	30.53
L10	S 00°07'58" W	16.15
L11	S 21°18'04" E	137.13
L12	S 89°53'23" E	136.87

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	347.50	62.37	102°00'
C2	292.50	53.26	102°00'

RICHARDS/PCMC ANNEXATION

LOCATED IN THE SOUTH HALF OF SECTION 5 AND THE NORTH HALF OF SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



FILE NO. S0007775
RECORDED BY 16-19
DATE 06-17-2013
BY [Signature]

COUNTY SURVEYOR FILING STATE OF UTAH COUNTY SUMMIT
APPROVED AS TO FORM SUMMIT COUNTY SURVEYOR
APPROVED IN COMPLIANCE WITH SECTION 17-23-20 OF THE UTAH CODE
THIS 02 DAY OF March 2013 A.D.
Wade Wille
ACTING SURVEYOR

PLANNING COMMISSION
FORWARDED A RECOMMENDATION THIS 9 DAY OF January 2013 A.D.
BY THE PARK CITY PLANNING COMMISSION
Chairman

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 20 DAY OF March 2013 A.D.
BY [Signature]
PARK CITY ENGINEER

CITY ATTORNEY
APPROVED AS TO FORM THIS 4th DAY OF March 2013 A.D.
BY [Signature]
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 31 DAY OF January 2013 A.D.
BY [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE #96797
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 31 DAY OF January 2013 A.D.
BY [Signature]
MAYOR

STATE OF UTAH, COUNTY OF SUMMIT, and FILED AT THE REQUEST OF Park City Municipal Corp. DATE 6/15/2013 TIME 2:18 PM BOOK PAGE 408
C. Willoughby deputy RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, and FILED AT THE REQUEST OF Park City Municipal Corp. DATE 6/15/2013 TIME 2:18 PM BOOK PAGE 408
C. Willoughby deputy RECORDER

EXHIBIT C

EXHIBIT B

PARK CITY MUNICIPAL CORPORATION ANNEXATION

January 6, 2012

A parcel of land located in the southwest quarter of the southeast quarter of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at point that is North 00°24'31" East 76.78 feet along section line and North 89°53'23" West 1376.55 feet from the southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the north boundary of Thaynes Creek Ranch 1A, recorded July 11, 1991, as Entry No. 343985 in the office of the recorder, Summit County, Utah; and running thence along the north boundary of Thaynes Creek Ranch 1A North 89°53'23" West 840.29 feet; thence North 00°06'37" East 579.15 feet; thence North 89°53'23" West 187.26 feet; thence North 00°38'00" West 682.83 feet to a point on the southerly boundary of Park City Municipal Corporation parcel PCA-103-C-X; thence along said parcel boundary South 89°53'23" East 401.11 feet to a point on the westerly boundary of the Chamber Bureau Kiosk Annexation Plat, recorded January 2, 1986, as Entry No. 244420, in the office of the recorder, Summit County, Utah; thence along said plat boundary the following two (2) courses: 1) South 21°18'04" East 137.13 feet; thence 2) South 89°15'12" East 138.87 feet to the westerly right-of-way of State Highway 224; thence along said right-of-way South 21°23'54" East 1217.50 feet to the point of beginning.

Description contains 19.74 acres.

X:\ThaynesCanyon-spm\docs\desc\2-pcmc annex.doc

RICHARDS ANNEXATION

January 6, 2012

A parcel of land located in the south half of Section 5 and the north half of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at point that is North 00°24'31" East 76.78 feet along section line and North 89°53'23" West 2216.84 feet from the southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being located on the north boundary of Thaynes Creek Ranch 1B Subdivision, recorded May 24, 1994, as Entry No. 400847 in the office of the recorder, Summit County, Utah; and running thence along said subdivision boundary the following two courses: 1) North 89°53'23" West 188.31 feet; thence 2) South 00°06'37" West 126.30 feet to a point on the northerly right-of-way of Payday Drive as shown on Thaynes Canyon Subdivision plat, recorded July 28, 1971, as Entry No. 113625 in the office of the recorder, Summit County, Utah; thence along said right-of-way the following four (4) courses: 1) North 89°53'23" West 120.02 feet to a point on a curve to the left having a radius of 342.50 feet, of which the radius point bears South 00°06'37" West; thence 2) along the arc of said curve 62.37 feet through a central angle of 10°26'00" to a point of reverse curve to the right having a radius of 292.50 feet, of which the radius point bears North 10°19'23" West; thence 3) westerly along the arc of said curve 53.26 feet through a central angle of 10°26'00"; thence 4) North 89°53'23" West 236.05 feet; thence North 00°10'49" East 15.65 feet to the southeast corner of Iron Canyon Subdivision, recorded October 28, 1983, as Entry No. 212520 in the office of the recorder, Summit County, Utah; thence along said subdivision boundary North 00°10'49" East 589.65 feet to a point on the southerly boundary of the Annexation and Zoning Plat of the Ross Property, recorded March 17, 1994, as Entry No. 400284 in the office of the recorder, Summit County, Utah; thence along said plat boundary the following two (2) courses: 1) South 89°53'23" East 139.26 feet; thence 2) North 00°06'37" East 234.05 feet to a point on the southerly boundary of Aspen Springs Ranch, Phase 1 Subdivision, recorded October 31, 1991, as Entry No. 349163 in the office of the recorder, Summit County, Utah; thence along said subdivision boundary the following six (6) courses; 1) South 88°45'51" East 89.24 feet; thence 2) North 82°51'16" East 17.77 feet; thence 3) North 00°07'59" East 185.26 feet; thence 4) North 04°59'46" West 122.52 feet; thence 5) North 04°02'36" West 269.07 feet; thence 6) South 88°43'36" East 30.55 feet to a point on the westerly boundary of Park City Municipal Corporation parcel PCA-103-C-X; thence along said parcel boundary the following two (2) courses: 1) South 00°07'58" West 16.15 feet; thence 2) South 89°53'23" East 216.19 feet; thence South 00°38'00" East 682.83 feet; thence South 89°53'23" East 187.26 feet; thence South 00°06'37" West 579.15 feet to the point of beginning.

Description contains 13.75 acres.

X:\ThaynesCanyon-spm\docs\desc\1-richards annex.doc

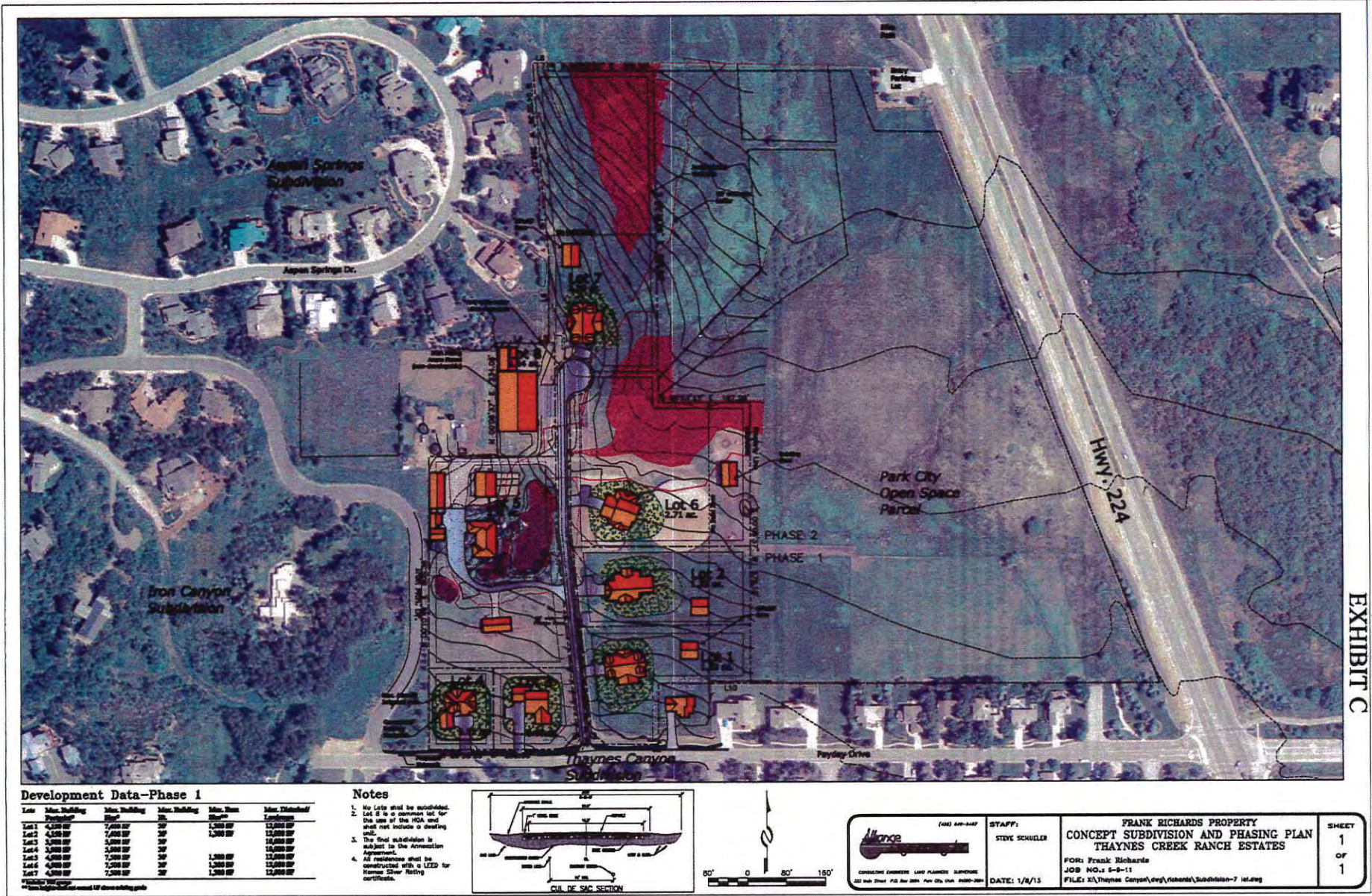
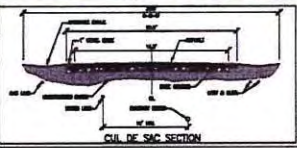


EXHIBIT C

Development Data-Phase 1

Lot	Max. Building Footprint	Min. Building Size	Min. Building Spacing	Min. Setback	Min. Threshold Landscaping
Lot 1	4,500 SF	7,000 SF	30'	1,500 SF	12,000 SF
Lot 2	4,500 SF	7,000 SF	30'	1,500 SF	12,000 SF
Lot 3	3,000 SF	5,000 SF	30'	1,000 SF	10,000 SF
Lot 4	3,000 SF	5,000 SF	30'	1,000 SF	10,000 SF
Lot 5	4,500 SF	7,000 SF	30'	1,500 SF	12,000 SF
Lot 6	4,500 SF	7,000 SF	30'	1,500 SF	12,000 SF
Lot 7	4,500 SF	7,000 SF	30'	1,500 SF	12,000 SF

- Notes**
1. No Lots shall be subdivided. Lot 8 is a common lot for the use of the HOA and shall not include a dwelling unit.
 2. The final subdivision is subject to the Annexation Agreement.
 3. All residences shall be constructed with a LEED for Homes Silver Rating certificate.



<p>CONCEPT ENGINEERS LAND PLANNERS ARCHITECTS 222 Main Street, 2nd Floor, Worcester, MA 01608-3000</p>	<p>STAFF: STEVE SCHUELER</p>	<p>FRANK RICHARDS PROPERTY CONCEPT SUBDIVISION AND PHASING PLAN THAYNES CREEK RANCH ESTATES</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 1/8/13</p>	<p>FOR: Frank Richards JOB NO.: 6-8-11 FILE: H:\Thaynes Canyon\org\richards\Subdivision-7 101.dwg</p>	

Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

EXHIBIT D
Fee Exempt per Utah Code
Annotated 1953 21-7-2

DEED OF CONSERVATION EASEMENT
Richards Ranch (SR 224)

THIS GRANT DEED OF CONSERVATION EASEMENT is made this 24th day of MARCH, 2005, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation having an address of 445 Marsac Avenue, Post Office Box 1480, Park City, UT 84060-1480 ("Grantor"), in favor of the SUMMIT LAND CONSERVANCY, a Utah non-profit corporation having an address of Post Office Box 1775, Park City, UT 84060 ("Grantee").

00730831 BK01688 PG00720-00730
ALAN SPRIGGS, SUMMIT CO RECORDER
2005 MAR 30 10:50 AM FEE \$.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of approximately 20,000 acres (871,200 square feet) of real property located west of SR 224 in Park City, Summit County, Utah, described more particularly at Exhibit A, attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Property possesses natural, scenic, recreational, and visual open space values (collectively, "Conservation Values") of great importance to Grantee, the people of Park City, and the people of the State of Utah which are worthy of protection; and

WHEREAS, the Property is prominently visible from one of Park City's two entry corridors, namely SR 224; and

WHEREAS, the Property's proximity to Aspen Springs, the McPolin Farm, Willow Ranch, and the Huntsman Gateway open spaces is significant as it is part of a continuous corridor of open space on the sensitive SR 224 entry corridor; and

WHEREAS, at a November 3, 1998 special bond election, Park City voters authorized the issuance of general obligation bonds in an amount of ten million dollars for the express purpose of acquiring and forever preserving undeveloped park and recreational land; and

WHEREAS, the Property was purchased by Grantor using proceeds of the November 3, 1998 special bond election; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by the continuation of land use patterns, including, without limitation, those relating to visual open space existing at the time of this grant, that do not significantly impair or interfere with those values; and

WHEREAS, Grantor further intends as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

BK1688 PG0720

WHEREAS, Grantee is a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code, whose primary purpose is the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, and/or open space condition; and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come;

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, which the Parties agree constitute adequate consideration for this agreement, and pursuant to the laws of the State of Utah and in particular Utah Code Annotated, Title 57, Chapter 18, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. **Purpose.** It is the purpose of this Easement to assure that the Property will be maintained forever (predominately) in open and recreational use, protecting in perpetuity its scenic, open and undisturbed character and recreational value, and preventing any use of the Property that may significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to those activities that are consistent with the purpose of this Easement.
- 1.1 **Baseline Documentation.** To establish the present condition of the Property's agricultural, natural, scenic, recreational and/or other conservation resources and the Property's manmade features, so as to make possible the proper monitoring of future uses of the Property and to ensure compliance with the terms of this Easement, the Parties may prepare an inventory of the Property's relevant resources, features and conditions.
2. **Rights of Grantee.** To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement:
 - a. To reserve and protect the conservation values of the Property;
 - b. To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property;
 - c. To enter upon the Property in the case of an emergency as determined by Grantee, in which event Grantee shall notify Grantor prior to entering onto the Property, if possible, or as soon thereafter as is reasonably practical;
 - d. To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of

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the Property that may be damaged by inconsistent activity or use, pursuant to Paragraph 6 herein; and

- e. To enforce this Easement by appropriate legal proceedings, after providing Grantor with reasonable notice and reasonable opportunity to cure.
3. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are prohibited in perpetuity on the Property:
- a. Construction of buildings, residences, mobile homes, or other structures, or any other permanent improvements for use for human habitation, constructed or placed in, on, under, or upon the Property; and
 - b. Any unanticipated use or activity on or at the Property which would significantly impair the conservation values of the Property, unless such use or activity is necessary for the protection of the conservation values that are the subject of this Easement, in which case such use or activity shall be subject to the prior approval of Grantee, which approval shall not be unreasonably withheld.
4. **Reserved Rights.** Grantor reserves to itself, and to its successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, Grantor expressly reserves the right to:
- a. Use the Property as undeveloped park and recreational land; and
 - b. Construct related amenities.
5. **Continuous Conservation Reserve Program (CCRP).** Part of the property is presently encumbered by a CCRP contract; dated June 1, 2003. The CCRP is a 15- year USDA - Farm Service Agency contractual agreement for the stream corridor that is enrolled is 180' from the stream embankment and the designated land classification is riparian buffer zone. The parties expressly agree that requirements of the CCRP contract are permitted during the CCRP's effective period. Both parties recognize the contract and will honor its terms for its effective period.
6. **Notice of Intent to Undertake Certain Permitted Actions.** The purpose of requiring Grantor to notify Grantee prior to undertaking certain permitted activities, as provided in Paragraph 4, is to afford Grantee an opportunity to ensure that the activities in question are designed and carried out in a manner consistent with the purpose of this Easement.

BK1688 PG0722

Whenever notice is required, Grantor shall notify Grantee not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question:

- a. in writing; and/or
- b. by electronic notification. Electronic notification is sufficient with proof of receipt.

The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement.

6.1 **Grantee's Approval.** Where Grantee's approval is required, as set forth in Paragraph 5, Grantee shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantor's written request therefore. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement.

7. **Grantee's Remedies.** If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. Grantee and Grantor agree to mediate any dispute in a timely manner if the issue of a violation is disputed. If mediation is unsuccessful and Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fail to begin curing such violation within the thirty (30) day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any conservation values protected by this Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to require the restoration of the Property to the condition that existed prior to any such injury. Without limiting Grantor's liability therefore, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, Grantee may pursue its remedies under this Paragraph without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this Paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this Paragraph, both prohibitive and mandatory, in

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addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Paragraph shall be cumulative and shall be in addition to all remedies not or hereafter existing at law or in equity. If Grantor prevails in any action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee. If Grantee prevails in any action to enforce the terms of this Easement, Grantee's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantor.

- 7.1 **Grantee's Discretion.** Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any right or remedy upon a breach by Grantor shall impair such right or remedy or be construed as a waiver.
- 7.2 **Acts Beyond Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.
8. **Access.** No right of access by the general public to any portion of the Property is conveyed by this Easement.
9. **Costs and Liabilities.** Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.
- 9.1 **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized but in no event obligated to make or advance any payment of taxes, upon ten (10) days prior written notice to Grantor, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest until paid by Grantor at the lesser of two (2) percentage points over the prime rate of interest from time to time charged by Zion's Bank or the maximum rate allowed by law.

9.2 **Hold Harmless.** Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorneys' fees arising from or in any connection with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in Paragraphs 9 and 9.1; and (3) the existence or administration of this Easement.

10. **Extinguishment.** Grantee shall not voluntarily or willingly allow the extinguishment of any of the restrictions of this Easement, and if any or all of the restrictions of this Easement are nevertheless extinguished by a judicial or other governmental proceeding, any and all compensation received by Grantee as a result of the extinguishment shall be used by Grantee in a manner consistent with the conservation purposes of this Easement.

10.1 **Condemnation.** If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

10.2 **Amendment.** This Easement, including the prohibited uses and reserved rights, may be modified only by mutual written agreement of Grantor and Grantee. No amendment shall be made that will adversely affect the status of this Easement as a qualified conservation easement pursuant to Title 57, Chapter 18 of the Utah Code, nor Grantee's status as a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code and applicable laws of the state of Utah. Any such amendment shall be consistent with the stated purposes of this Easement, shall not affect its perpetual duration, and shall not permit any impairment of the significant conservation values of the Property. Any such amendment shall be filed in the office of the Summit County Recorder.

11. **Transfer of Easement.** If Grantee determines that it no longer is able to perform its obligations or enforce its rights under this Easement, or that it no longer desires to enforce said rights, or if Grantee ceases to exist, or is otherwise prevented from enforcing its rights under this Easement, or if Grantee no longer qualifies as a qualified organization under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), Grantee may convey its rights and obligations under this Easement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold conservation easements under State statute. Grantee shall require that the conservation purposes that this grant is intended to advance continue to be carried out. Grantee is hereby expressly prohibited from subsequently transferring the Easement, under any circumstances and whether or not for consideration, unless:

BK1688 PG0725

- a. Grantee, as a condition precedent of the transfer, requires that the conservation purposes which this Easement is intended to advance continue to be carried out;
- b. The transferee is an organization qualifying at the time of transfer as eligible under Paragraph 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable) and regulations promulgated thereunder; and
- c. Grantor and/or its successor in interest, at its sole discretion, either selected the transferee or consents in writing to the transfer.

12. **Grantor Transfer of Interest.** Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which he divests himself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer. The failure of Grantor to perform any act required by this Paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

13. **Estoppel Certificates.** Upon request by Grantor, Grantee shall within twenty (20) days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantor.

14. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows (or to such other address as either party from time to time shall designate by written notice to the other):

To Grantee: **SUMMIT LAND CONSERVANCY**
 Attn: Executive Director
 Post Office Box 1775
 Park City, UT 84060

To Grantor: **PARK CITY MUNICIPAL CORPORATION**
 Attn: City Recorder
 445 Marsac Avenue
 Post Office Box 1480
 Park City UT 84060-1480

15. **Recordation.** Grantee shall record this instrument in timely fashion in the official records of Summit County, Utah, and may re-record it at any time as may be required to preserve its rights in this Easement.

BK1688 PC0726

16. **General Provisions.**

- a. **Controlling Law.** The laws of the state of Utah shall govern the interpretation and performance of this Easement.
- b. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding this Easement shall be liberally construed in favor of the grant to affect the purpose of this Easement and the policy and purposes of Utah statute. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.
- c. **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- d. **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.
- e. **No Forfeiture.** Nothing contained herein will result in the forfeiture or reversion of Grantor's title in any respect.
- f. **Joint Obligation.** If more than one person or entity is the successor or assign of Grantor, the obligations imposed by this Easement upon Grantor shall be jointly and severally binding on each such person or entity.
- g. **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.
- h. **Termination of Rights and Obligations.** A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that ability for acts or omissions occurring prior to transfer shall survive transfer.
- i. **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction of interpretation.

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- j. Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantor and Grantee have set their hands on the day and year first above written.

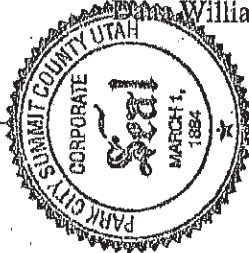
GRANTOR:

PARK CITY MUNICIPAL CORPORATION

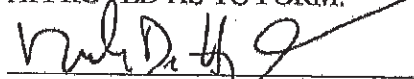

Dana Williams, Mayor

ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:


Mark D. Harrington, City Attorney

GRANTEE:

SUMMIT LAND CONSERVANCY


Jennifer Guetschow, Executive Director

BK1688 PG0728

Corporate Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 24th day of MARCH, 2005, personally appeared before me Jennifer Guetschow, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn (or affirmed), did say that she is the Executive Director of the SUMMIT LAND CONSERVANCY by Authority of its Bylaws/Resolution of its Board of Directors, and acknowledged to me that said corporation executed the same.

Lucinda J. Lopigolo
Notary Public



BK1688 PG0729

EXHIBIT A

Beginning at a point West 2403.70 feet, and North 655.95 feet from the Southeast Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running Thence East 187.26 feet; thence South 577.14 feet to the North line of Thaynes Creek Ranch Subdivisions as recorded; thence East along said North line 831.89 feet to the West line of State Highway U-244; thence North 21°12' West along said West line 1351.47 feet; thence West 539.30 feet; thence South 0°44'37" East 682.93 feet to the point of beginning;

TOGETHER WITH all of the right, title and interest of Grantor in the right of use in and to 8.34% of the irrigation portion of the water and water rights included in the Weber River Decree Award No. 458 being sufficient water for the irrigation of 3.33 acres, or 10 acre feet, heretofore used for the irrigation of the above described lands, reserving unto the Grantor all remaining rights of the Grantor in and to the use of the water evidenced by the said Award No. 458.

30 10/1/14
PCA 104-1-27

Excepting all area within 180 feet of the stream embankment covered in the CCRP Agreement.

Subject to all matters of record.

BK1688 PG0730

SPECIAL WARRANTY DEED
(Richards Property)

THE TRUST FOR PUBLIC LAND, a nonprofit California public benefit corporation, authorized to do business in Utah as TPL-Utah, whose principal business address is 116 New Montgomery, San Francisco, CA 94105 ("Grantor"), hereby CONVEYS AND WARRANTS against the Acts of the Grantor only to PARK CITY MUNICIPAL CORPORATION, a municipal corporation and political subdivision of the State of Utah ("Grantee") for the sum of TEN DOLLARS and other good and valuable consideration the following described tract of land in Summit County, State of Utah, to wit:

Beginning at a point West 2403.70 feet and North 655.95 feet from the Southeast Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence East 187.26 feet; thence South 577.14 feet to the North line of Thaynes Creek Ranch Subdivisions as recorded; then East along said North line 831.89 feet to the West line of State Highway U-224; thence North 21° 12' West along said West line 1351.47 feet; thence West 539.30 feet; thence South 0° 44' 37" East 682.93 feet to the point of beginning ("Property");

Together with all of the right, title and interest of Grantor in the right to use in and to 8.34% of the irrigation portion of the water and water rights included in the Weber River Decree Award No: 458 being sufficient water for the irrigation of 3.33 acres, or 10 acre feet, heretofore used for the irrigation of the above described lands, being all of Grantor's water rights received from its predecessor in interest.

SUBJECT TO the covenant that the Property shall be restricted in perpetuity to use as undeveloped park and recreational land and amenities.

SUBJECT TO all easements, covenants, restrictions, rights of way and reservations appearing of record as set forth in Exhibit "A" attached hereto, and taxes for the year 1999 and thereafter.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this 27 day of August, 1999.

THE TRUST FOR PUBLIC LAND

By: *Ted O. Hansen*

Name: *Ted O. Hansen*

Title: *Vice President*

WARRANTY DEED - Page 1

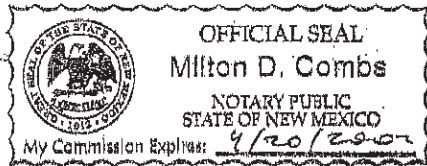
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ALAN SPRIGGS, SUMMIT CO RECORDER
1999 AUG 31 09:20 AM FEE \$14.00 BY DMC
REQUEST: FIRST AMERICAN TITLE CO UTAH

aug → 99-08276

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

This instrument was acknowledged before me on August 27, 1999, by TED G. HARRISON, the VICE PRESIDENT of The Trust for Public Land, a nonprofit California public benefit corporation, on behalf of said corporation.



[Signature]
Notary Public

My Commission Expires:

4/20/2002
(SEAL)

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EXHIBIT D

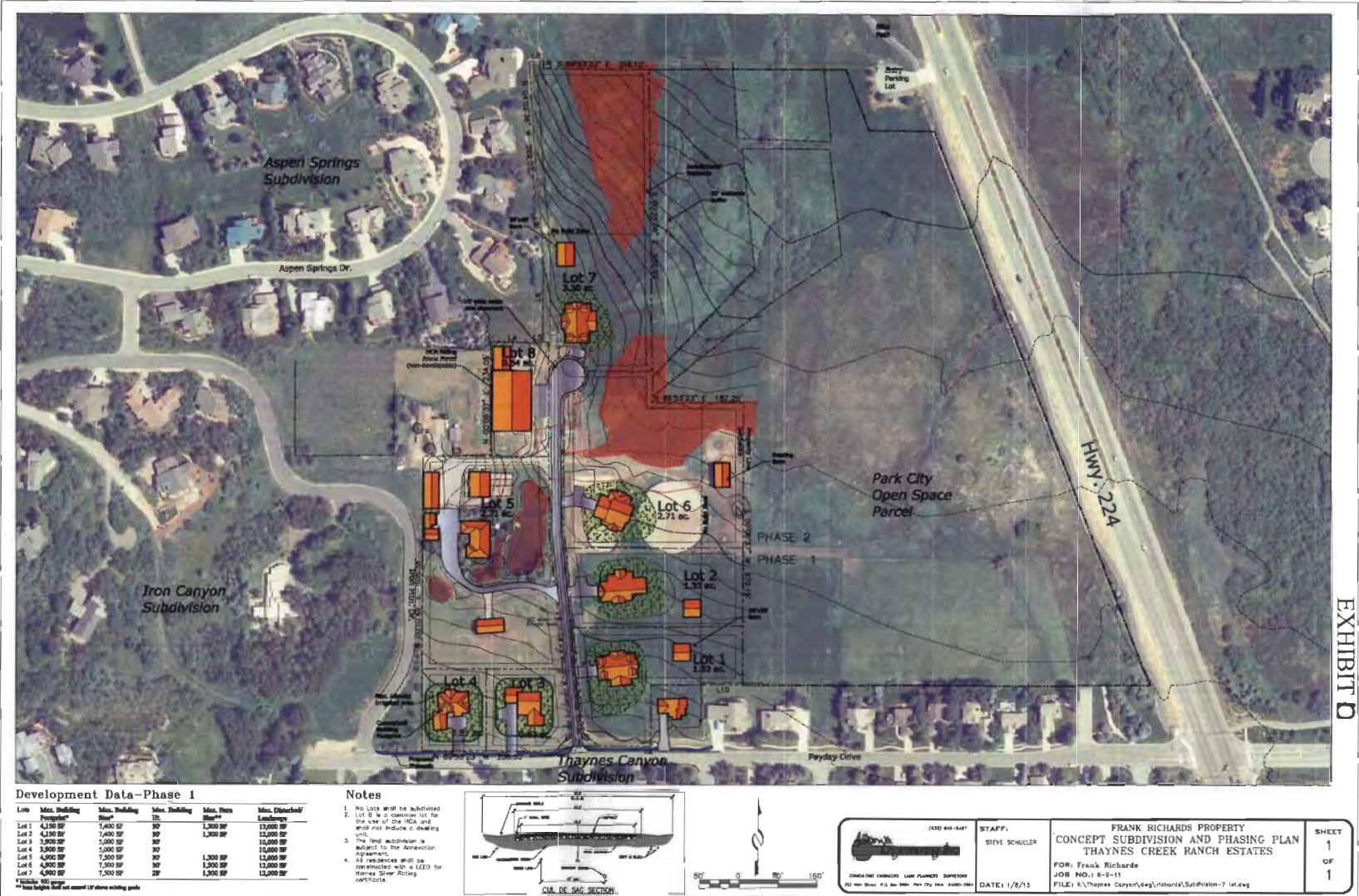


EXHIBIT D

EXHIBIT E

Exhibit H - House Size Comparison in the Neighborhood

Subdivision	Lot sizes	Floor Area/Foot print	Garage	Total Area	Height
Thayne's Creek Ranch II	0.31 acre	3,400 sf- not including garage	600 sf	4,000 sf	28' plus 5' for pitched roof
Thayne's Small	0.20 acre	Not restricted	n/a	Not restricted (approx. 3,000 sf)	28' plus 5' for pitched roof
Thayne's Canyon	0.18- 0.25 acre	Not restricted	n/a	Not restricted (listings range from 2,750 sf to 7,500 sf)	28' plus 5'
Iron Canyon	0.40 to 5.5 acres	Not restricted - 4,000 sf footprint	included	8,000 sf (footprint x 2)	28' plus 5'
Aspen Springs	0.35 to 0.80	5,500 sf	500 sf	6,000 sf	28' plus 5' (some restricted to 30' total ht to ridge)
	4.82 acres ranch lot 1	8,000 sf	500 sf	8,500 sf	
Richards Lots 1 and 2	1.29 acres	4,200 sf footprint	included	6,250 sf	28' max
Richards Lots 3 and 4	0.51 and 0.63 acre	4,000 sf footprint	included	6,000 sf	28' max
Richards 5 and 6	2.69 and 3.48 acres	4,200 sf	included	6,500 sf	28' max

VICINITY MAP



THAYNES CREEK RANCH ESTATES ROAD AND UTILITY DESIGN 2013

SHEET INDEX

1. ROAD PLAN AND PROFILE
2. SEWER PLAN AND PROFILE
3. WATER PLAN
4. DETAILS



PREPARED FOR
FRANK RICHARDS
510 PAY DAY DRIVE
PARK CITY, UTAH 84060

GENERAL NOTES

- C-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
 - A. Park City Municipal Construction Design Standards, Construction Specifications, and Standard Drawings, April 2007 or latest edition.
 - B. Supplemental South Water Reclamation District (S&WRRD) Development, Process, Design Standards and Construction Specifications, April 16, 2012 or latest edition.
 - C. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.
 - D. USDOT Standard Specifications for Road and Bridge Construction, latest edition (for improvements in the USDOT right of way).
 - E. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - F. Applicable construction plans and details.
 - G. Storm Water Pollution Prevention Plan (SWPPP)
- C-2 Contractor/Owner shall submit a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, city engineer, S&WRRD engineer, Park City engineer, and their designated representatives and inspectors.
- C-3 The contractor shall be responsible for ground and surface water control during construction. The requirement shall include, but not be limited to the installation of silt fences, erosion control, catch basins, sediment basins, and road construction.
- C-4 The contractor shall maintain accurate records of "As Built" conditions of all underground work. The "As Built" shall be tied to nearby defined monuments and/or surface measurements or be required by accuracy by the "As Built" conditions. The "As Built" information shall be given to the owner and be incorporated in the final "As Built" drawings. Special "As Built" requirements for S&WRRD are listed on S&WRRD Section 0222.
- C-5 Refer to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utilities conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- C-6 The contractor shall have a qualified representative to handle grade determination, drainage, flow, and connections to existing features using proper grade setting techniques when the job is not done to existing, not done to, or S&WRRD.
- C-7 All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by S&WRRD.
- C-8 The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction, the contractor shall submit to the Owner and Design Engineer for approval.
- C-9 Construction meetings shall be an integral part of the project. Construction meeting shall include, but shall not be limited to earthwork, trench back-fill, base courses, and culvert placement. Construction meetings shall be performed by a qualified, independent, meeting company retained by the contractor.
- C-10 The contractor shall be required to install the Park City Meter before making up the water system. The work includes, but not limited to, the shutdown or relocation of the water system and connections to the existing water main, or message relative, and/or other utility.



CIVIL ENGINEER

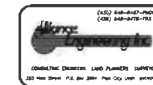
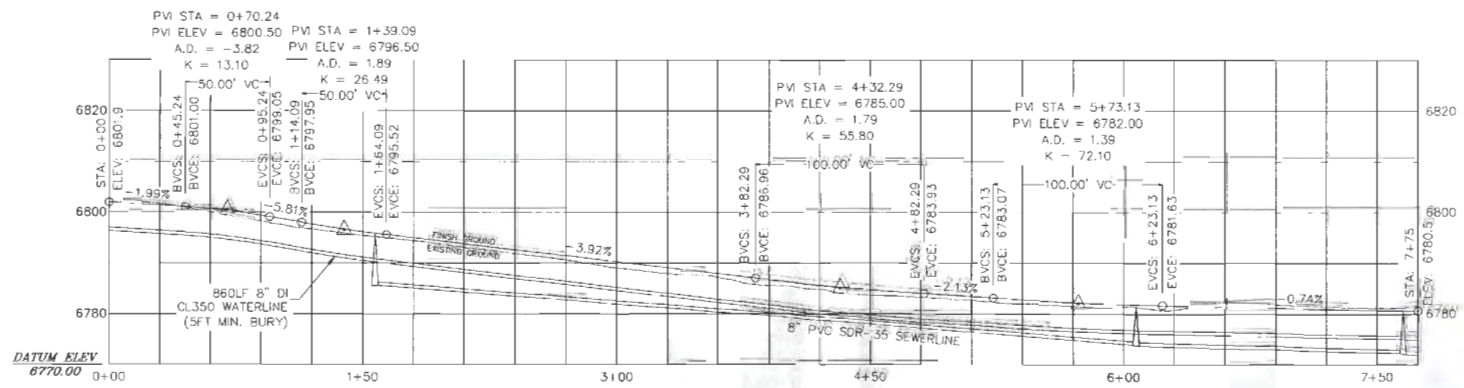
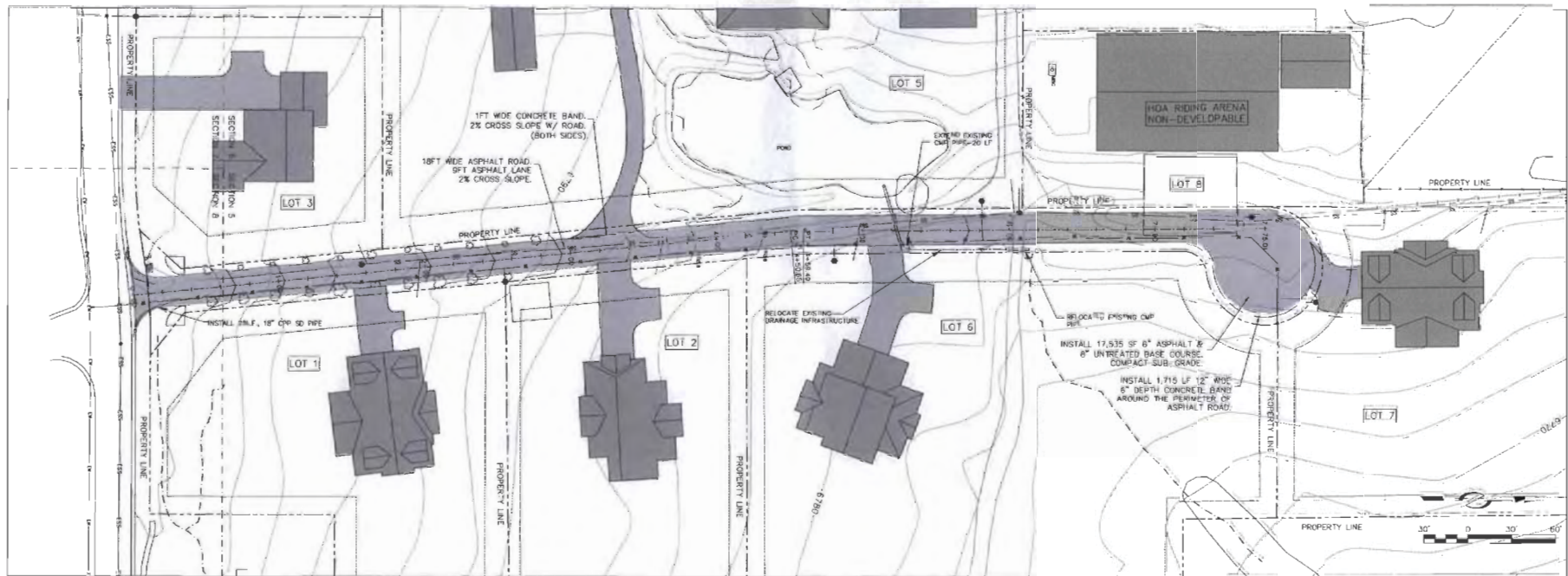
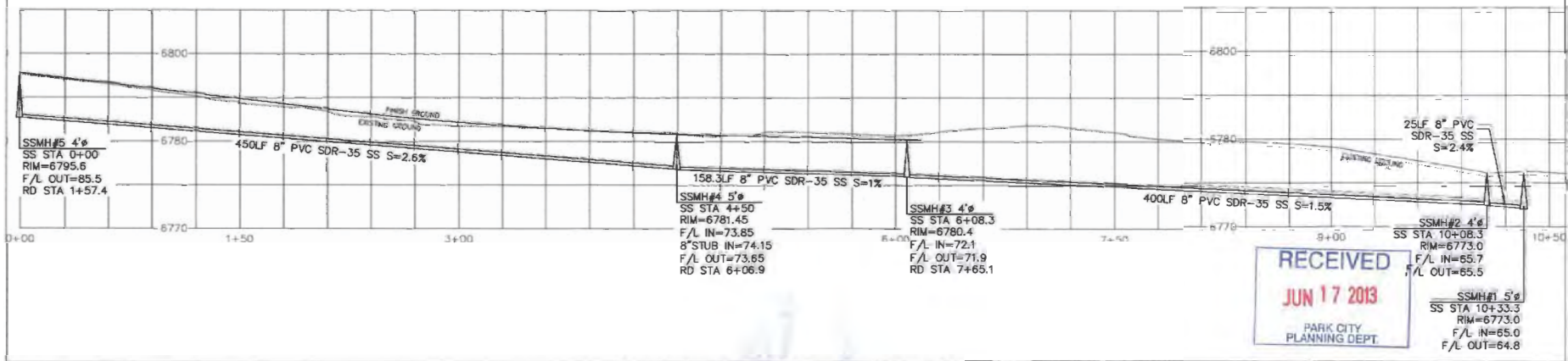
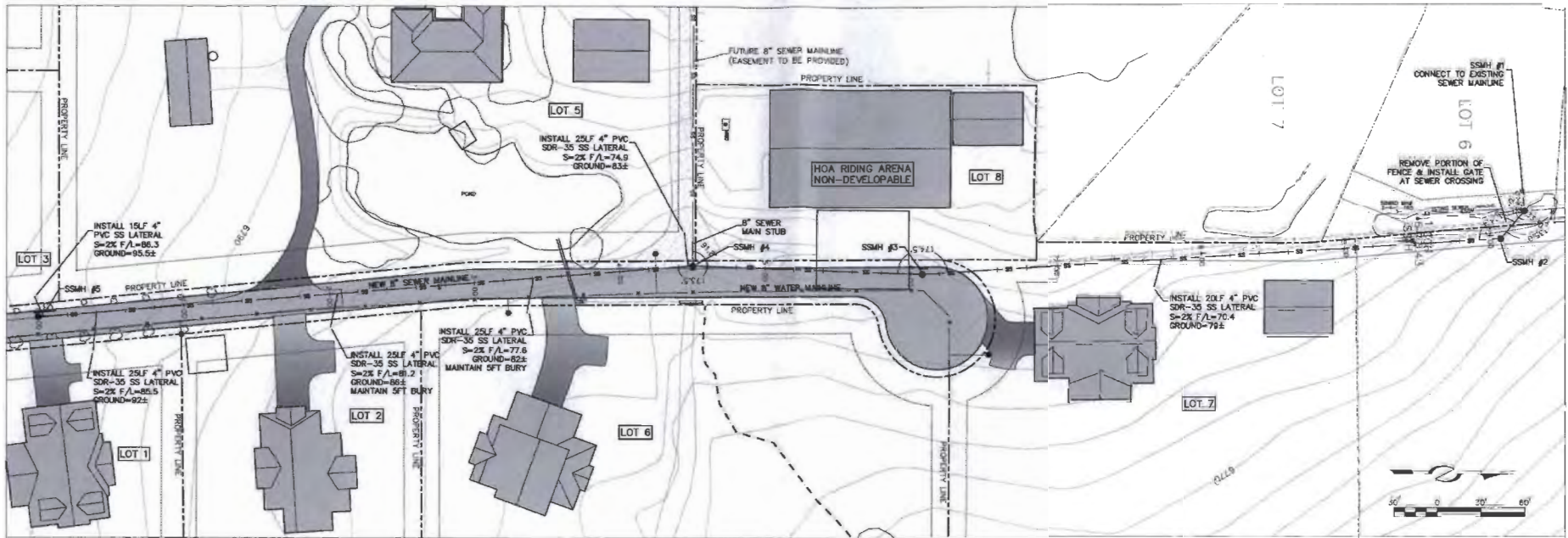


EXHIBIT F



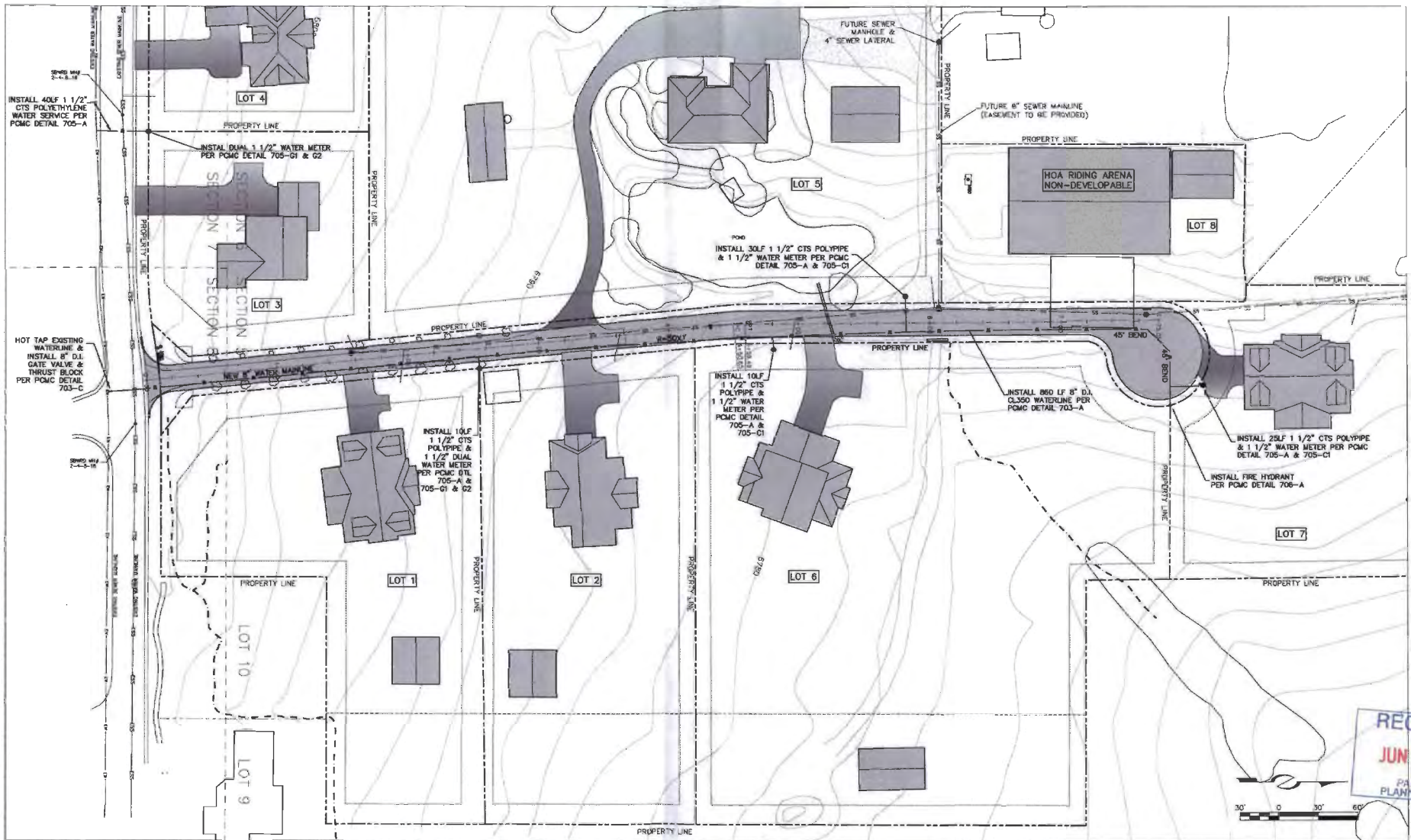
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 PARK CITY
 PLANNING DEPT.

	(313) 544-9677 STAFF: MICHAEL DEMKOWICZ STEVE SCHUELER	RICHARDS SUBDIVISION ROAD DESIGN PLAN & PROFILE	SHEET 1 OF 4
	CONSULTING ENGINEERS / LAND PLANNERS / SURVEYORS 313 544-9677 / P.O. Box 2886 / Park City, Utah 84302-2886	DATE: 6/15/13	FOR: FRANK RICHARDS JOB NO.: 6-3-11 ELLEN J. WALKER, CANTON, SPAIN / MICHAEL DEMKOWICZ, ILLA, CP / RICHARDS, DESIGN, INC.




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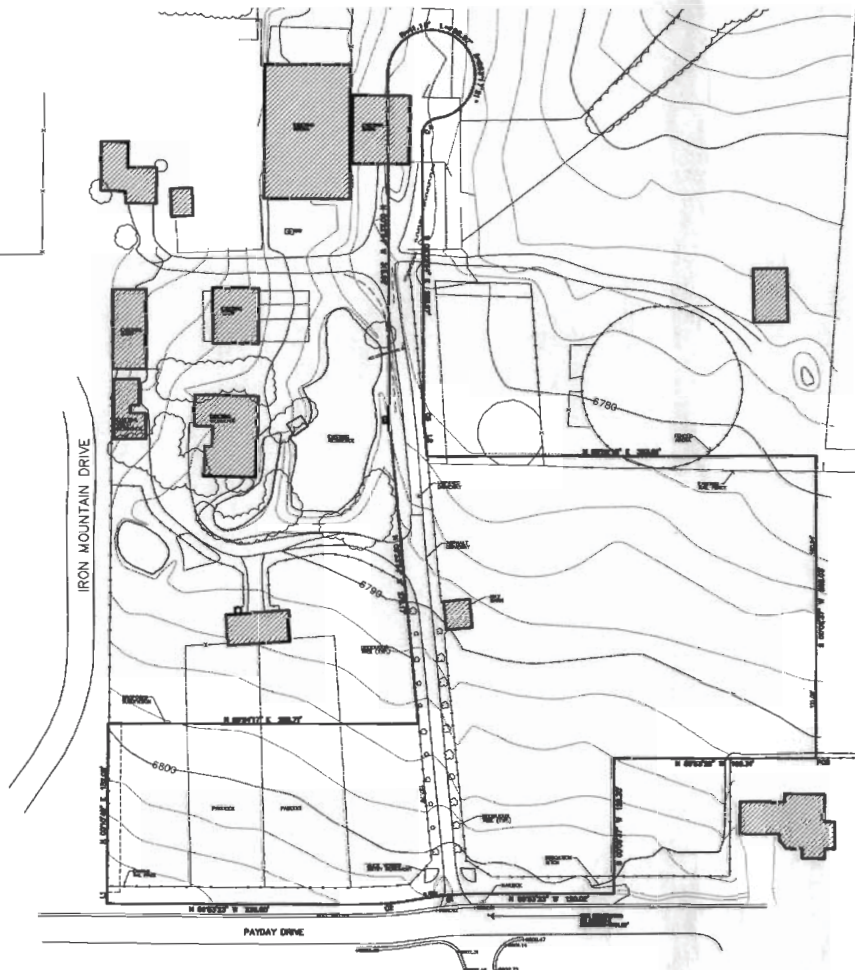
	STAFF: MICHAEL SCHROEDER STEVE SCHUELER	RICHARDS SUBDIVISION SEWER DESIGN PLAN & PROFILE	SHEET 2 OF 4
	CONSULTING ENGINEER AND PLANNING SERVICES 101 West Street, P.O. Box 2000, Park City, Utah 84060-2000	DATE: 5/10/15	



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 PARK CITY
 PLANNING DEPT.



	(313) 448-2467 STAFF: MICHAEL DENKOWICZ STEVE SCHULER	RICHARDS SUBDIVISION WATER DESIGN PLAN & PROFILE	SHEET 3 OF 4
	CONSULTING ENGINEER: LAND PLANNERS SERVICES 22200 STATE ST. SUITE 200 PARK CITY, UT 84303-2000	DATE: 6/10/13	FOR: FRANK RICHARDS JEDR. NO.: 8-3-11 FILE#: SCATHAYLES CANYON SPN/DWG/RICHARDS/LEA-CP_RICHARDS-DESIGN.DWG



SURVEYOR'S CERTIFICATE

I, Mark A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certificate no. 4832736 as provided under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. The benchmarks Statutory Lower middle, elevation=6801.87
2. See record of survey plat for easements and restrictions.
3. This topographic map is based on a field survey performed on October 10, 2011.
4. The architect is responsible for verifying building setbacks, zoning requirements and building heights.



LINE	BEARING	DISTANCE
L1	N 00°30'49" E	15.85
L2	S 05°23'24" E	21.87

CURVE	RADIUS	LENGTH	DELTA
C1	342.30	63.37	18°28'07"
C2	222.80	13.58	10°28'07"
C3	116.00	10.58	08°12'07"
C4	15.74	22.88	88°12'21"
C5	84.00	7.80	08°11'07"



<p>(435) 648-0467 CONSULTING ENGINEERS LAND PLANNING SURVEYORS 821 Main Street, P.O. Box 2884, Park City, Utah 84002-0284</p>	<p>STAFF: MARSHALL EDWARDS BLAKE MYERS MARTY MORRISON STEVE SCHEIDT</p>	<p>EXISTING CONDITIONS SURVEY RICHARDS FARM 510 PAYDAY DRIVE</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 7/3/12</p>	<p>FOR: FRANK RICHARDS JOB# MO.1 0-9-11 FILES: X:\Theodore\Convey-sp21\dwg\lev\topo\1\A-0-0-12.dwg</p>	

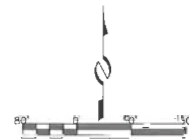
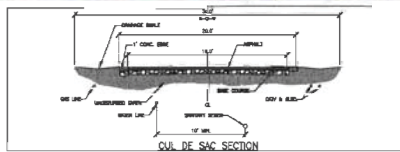
EXHIBIT G



Development Data-Phase 1


Lot	Max. Building Footprint	Max. Building Size*	Max. Bann Size	Max. Disturb/ Landscaping
Lot 1	4,150 SF	7,400 SF	1,300 SF	12,000 SF
Lot 2	4,150 SF	7,400 SF	1,300 SF	12,000 SF
Lot 3	3,900 SF	5,000 SF	1,000 SF	10,000 SF
Lot 4	3,900 SF	5,000 SF	1,000 SF	10,000 SF
Lot 5	4,900 SF	7,500 SF	1,300 SF	12,000 SF
Lot 6	4,900 SF	7,500 SF	1,300 SF	12,000 SF
Lot 7	4,900 SF	7,500 SF	1,300 SF	12,000 SF

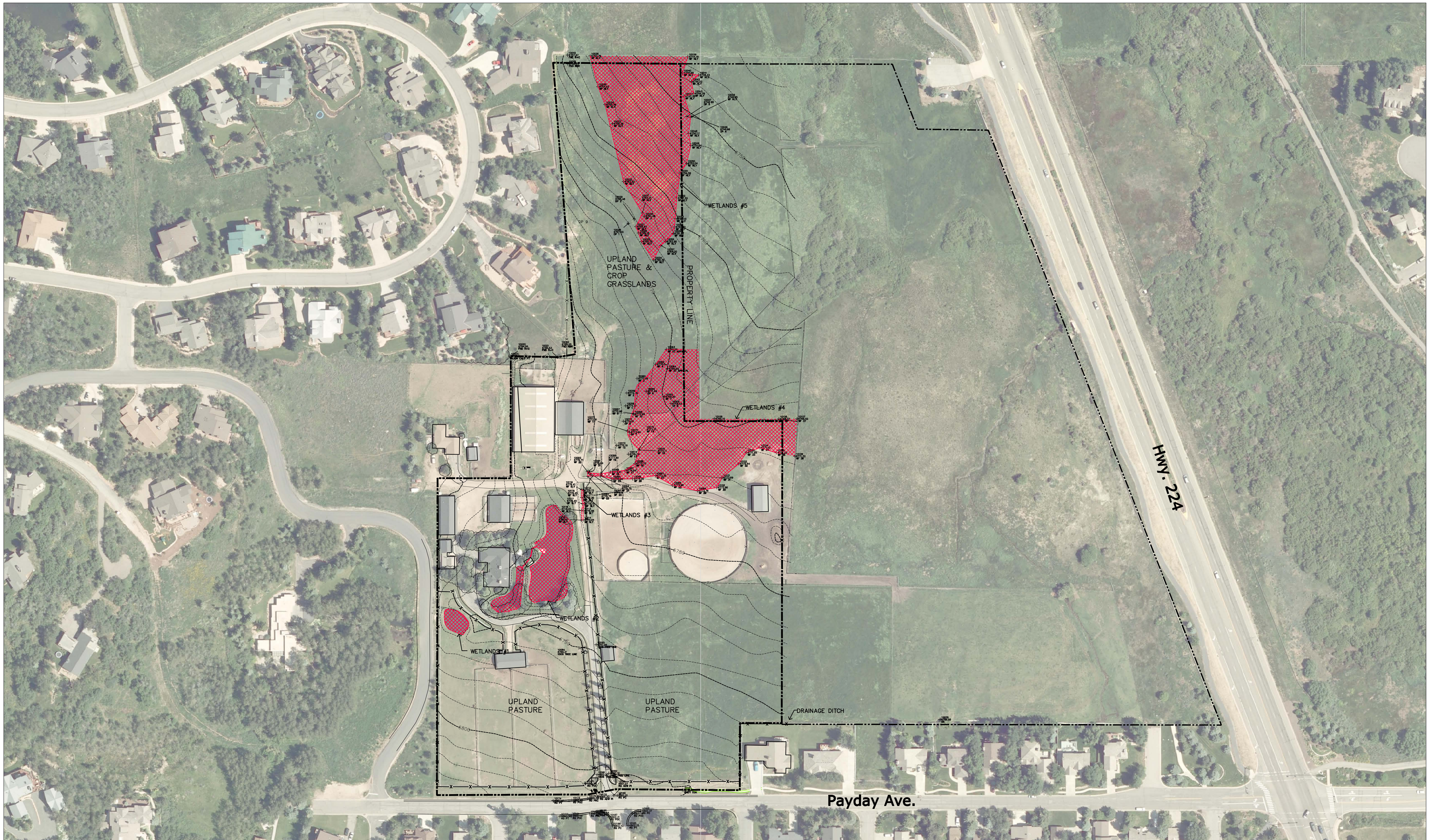
*Includes 900 garage



<p>CONSULTING ENGINEERS AND PLANNERS SURVEYORS 222 West Street, P.O. Box 2081, Park City, Utah 84060-2081</p>	<p>(435) 849-8147</p> <p>STAFF: STEVE SCHUELER</p>	<p>FRANK RICHARDS PROPERTY CONCEPT SUBDIVISION AND PHASING PLAN THAYNE'S CREEK RANCH ESTATES</p> <p>FOR: Frank Richards JOB NO.: E-2-11 FILE: X:\Thayne's Canyon\dwg\thcr\04\Subdiv\01-7 lot.dwg</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 1/8/13</p>	<p>Fencing Plan</p>	



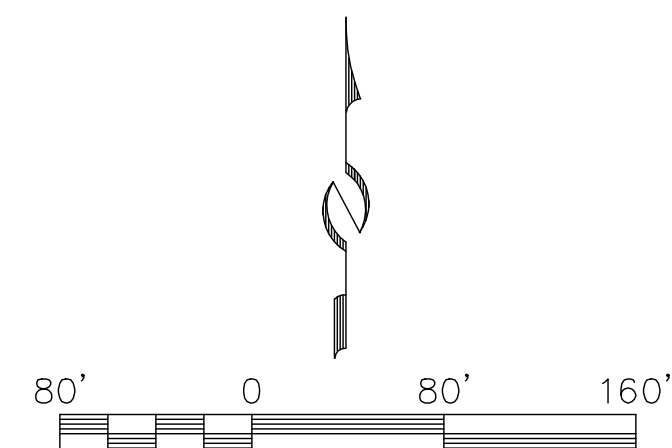
 <p>(435) 849-9447 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 523 Main Street, P.O. Box 2084 Park City, Utah 84060-2084</p>	<p>STAFF: STEVE SCHUELER</p>	<p>FENCING IMAGES 510 PAYDAY AVE. RICHARDS PARCEL</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 1/9/13</p>	<p>FOR: JOB NO.: 6-9-11 FILE: X:\Thoyras Conyer\dwg\richards\bcsw.dwg</p>	




WETLANDS AND DRAINAGE

 Wetlands

WETLANDS #1	AREA
#1	1,650 SF
#2	12,650 SF
#3	161 SF
#4	39,913 SF
#5	40,572 SF
TOTAL	94,946 SF (2.18 acres)



(435) 649-9467

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
 STEVE SCHUELER
DATE: 1/23/13

WETLANDS DELINEATION
 510 PAYDAY AVE.
 RICHARDS PARCEL
FOR:
 JOB NO.: 6-9-11
 FILE: X:\Thaynes Canyon\dwg\richards\land use analysis.dwg

SHEET
 1
OF
 1

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
MAY 9, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Adam Strachan, Nann Worel, Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean

WORK SESSION ITEMS

University of Utah Student Presentation of Wintzer Properties in Bonanza Park

Planning Director Thomas Eddington reported that the City has been working on the Bonanza Park Plan for a number of months. As they began to finalize the concepts for the plan, there was an opportunity to work with Professor Joerg Ruegemer and his students at the University of Utah Department of Architecture to see how they could fit organic development onto some of the existing structures in Bonanza Park. Some of the structures lend themselves well to being redeveloped and utilizing some of their air rights for affordable housing and sustainable housing. The purpose of this work session was to present the University of Utah Architectural Studio that the students had worked on this past semester.

Director Eddington noted that Professor Ruegemer partnered with Charlie Wintzer to look at some opportunities for using the air rights above his storage units on Iron Horse in Bonanza Park for this design studio.

Planner Kayla Sintz stated that this was the start of a great relationship the City hopes to have with the University of Utah on a number of different projects. She noted that the four projects displayed this evening were a sampling of the projects that went to the final jury. She commented on the outstanding work that was done by the U of U students. Director Eddington stated that there were a total of 12 projects with a wide variety of ideas.

Director Eddington introduced Joerg Ruegemer. Professor Ruegemer stated that he is from Germany. In his country they need to be very aware of space and everything is small in density. In Germany it is common to squeeze buildings into six feet wide gaps or to take over existing buildings. He noted that Park City wants to protect their character and keep their density. As more people come in, it is important to use existing spaces in a very smart way. Professor Ruegemer stated that the Wintzer's storage units were designed to withstand a heavy load, which makes them perfect for placing housing on top.

Professor Ruegemer explained that a four-month studio began in January. It was a combination of seminar and studio and the students had to learn how to design energy efficient buildings. Professor Ruegemer explained how the projects were started using a model of the entire Bonanza Park area that was redesigned from their own perspective. As opposed to tearing everything down, the students left everything in place and added to it. Professor Ruegemer stated that the beauty of European cities has grown over many centuries because the structures are not torn down. The existing structures are enhanced and made better.

Four students from the University of Utah presented their own project and answered questions. Each one explained how they designed their project over the storage units under the criteria of affordability, sustainability, livability, and maximizing the use of space. The driving force was

passive strategies and affordable housing.

Director Eddington stated that these students were four of twelve students who were all extraordinary to work with. The amount of thought that went into the projects surprised everyone on the jury, as well as those who attended the two studio sessions. Director Eddington stated that this exercise helped the City recognize things that they sometimes miss as they start looking at a world defined by Code. This was good timing as they continue to work through the Bonanza Park Plan.

Director Eddington thanked Charlie and Mary Wintzer for allowing the students to use their property for this project. Mary Wintzer felt it was a great opportunity since storage units have a bad reputation. For these students to see something new and possible has given everyone else a chance to think outside the box.

Ruth Meintsma wanted to know when these projects would become reality. Director Eddington remarked that it was only a design studio and the projects were designed in theory. However, the City could use these ideas as they move forward with the Bonanza Park Plan and other areas within the community.

Richards/PCMC Parcel – Annexation Petition (Application #PL-12-01482)

Planner Kirsten Whetstone reviewed the request for an annexation of two parcels into Park City. She identified the parcel that is owned by Park City Municipal Corporation and deed restricted for open space. On the west was a 14 acre parcel owned by Frank Richards that they would like to bring into Park City. Planner Whetstone noted that the property is completely surrounded on every boundary by the Park City Municipal Corporation. It is currently considered an island of County jurisdiction. Planner Whetstone stated that the General Plan and the State Code discourages this type of configuration in the City. The property has been sitting as an island for some time and she believed it was created in the late 1980's or 1990's as other pieces were annexed.

Planner Whetstone noted that the requested zoning for the City piece was ROS, Recreation Open Space. The requested zoning for the Richards piece is SF, Single Family, which is consistent with Aspen Springs, Iron Canyon and Thaynes Creek Ranch and the Thaynes Subdivision that surrounds the Park City golf course. Planner Whetstone pointed out that the parcel owned by PCMC would remain open space and no changes would occur. No access was proposed onto the highway or on to Payday Drive. The Richards family was proposing to subdivide the entire 14 acre parcel into five lots, with Lot 1 being a combination of annexation property plus the last 1.3 acre lot in the Thaynes Creek Ranches subdivision that is already in the City. She indicated two additional lots for single family. Lot 5 was for the existing structures and homes. Lot 4 would be for a future home. At this time there are no plans to develop Lot 4 and the Richards' would continue their horse training operations on that parcel. Planner Whetstone presented an overview of the zoning in the area.

Planner Whetstone stated that the affordable housing was based on 15% of any new residential. Since that equates to approximately 45% of an AUE, they could either build an AUE or pay an equivalent amount.

Planner Whetstone reported that there was no open space associated with the Richards parcel per se, other than the building pads would be identified and the remaining land would be left undeveloped and used to pasture horses. There had been some discussion about designating the area to the north as ROS since it is wetlands and cannot be developed.

Commissioner Pettit asked if the property owned by PCMC was purchased as part of the open space bond. Planner Whetstone replied that it was purchased with bonds and dedicated with a conservation easement in 1990.

Planner Whetstone commented on trails and noted that an existing sidewalk runs along the north side of Payday Drive and ends at the end of the subdivision. The Staff would recommend that the sidewalk continue all the way to Thaynes Canyon Drive. Planner Whetstone noted that the property is within the Park City Annexation area.

Planner Whetstone remarked that the applicant had provided significant information on wildlife, wetlands, sensitive lands, physical analysis, utilities, and traffic. Before the next meeting she would verify whether any of the structures qualify for the Park City Historic Sites Inventory. If any do qualify they would be added to the inventory.

Planner Whetstone reviewed the annexation review process. The final decision is made by the City Council following a public hearing and a recommendation by the Planning Commission.

Chair Wintzer clarified that if the property is annexed, it would come back to the Planning Commission as a subdivision plat. Planner Whetstone replied that this was correct. Chair Wintzer felt that questions regarding lot size and similar issues would be more appropriate at the subdivision process. Planner Whetstone remarked that the annexation agreement would guide the final plat. The Staff was thinking that building pads would be identified on the final plat, as well as house sizes and other restrictions. Chair Wintzer understood that the only parcels that would be subdivided were Lots 1, 2 and 3. He questioned why the applicant was not subdivide the entire parcel. He believed it would be cleaner to have it all done through the platting process.

Mr. Richards, the applicant, stated that he uses all the property and he plans to continue his horse operation on the remaining property. He was proposing to subdivide the three lots on Payday Drive at the present time. Each lot would be approximate 1-1/3 acres. The lots are large and whoever buys them could use them as equestrian lots. Mr. Richard remarked that he was not interested in subdividing the back portion at this time.

Chair Wintzer understood the existing use, but it was hard to annex property into the City without having the use defined. It would be easier for the Planning Commission to understand what the final use would be if it was all subdivided at one time. Mr. Richards replied that the use would be what the zone is and what goes on it. Planner Whetstone clarified that the final plat would follow the preliminary. She asked if Mr. Richards was talking about a final plat being in two phases. Mr. Richards stated that it may be four or five years before he is too old to ride and ready to subdivide the back portion.

Commissioner Pettit understood from the Staff report that the selection of the single family zoning designation was tied to the surrounding subdivisions. Even though what seems to be proposed is a much lower density subdivision and configuration, she was concerned that the zoning could allow a much more dense development in that area. Planner Whetstone stated that the intent has always been that there would be no more than five lots, and that would be noted on the subdivision plat. She explained that the SF zone was chosen because of the configuration of setbacks and no nightly rental. It is more consistent in terms of uses and it allows the horses.

Chair Wintzer asked Mr. Richards if he would be willing to annex the property into the City with no more than five lots on the property. Mr. Richards replied that it would not be a problem.

Assistant City Attorney McLean stated that there were a number of legal ways that would provide different levels of assurance. As part of the annexation agreement it could be limited to a certain number of properties such as the five lots currently proposed, and that would limit the density. Plat notes would have to go through the public process to be amended. Conceivably, the Annexation Agreement could go back to the City Council. Both are legislative acts and both could be done. If certain areas are designated to be zoned as ROS within the SF area, that would be another way to show their intention.

Commissioner Pettit stated that another element that may play into this from a developable standpoint was that she did not have a good understanding of the delineation of the wetlands, particularly on Lot 4. In looking at the acreage in the SF zoning, the number could be as high as 51, but that may not be true because of the wetlands.

Commissioner Strachan noted that Planner Whetstone had indicated that there might be historic structures. He was not familiar with this property and asked what those structures would be.

Planner Whetstone stated that there were two houses and some out barns. She was unsure when the houses were built. Mr. Richards stated that one home was built in 1978 and the other was built in 1984. Based on those dates, Planner Whetstone clarified that the structures would not be historic.

Mr. Richards questioned the limitation of the size of the dwelling. When he built the eight homes on Payday Drive fifteen years ago, it took seven hearings and five years to get those approved. People objected to the size of the homes and wanted to limit the size to approximately 2800 square feet. Mr. Richards stated that if he subdivides the property into 1-1/3 acre lots, he would not want to be restricted to 2800 square feet.

Chair Wintzer informed Mr. Richards that the house sizes would be addressed at the subdivision part of the process and not with the annexation. Mr. Richards stated that he may not want to annex if he is not allowed to build decent size homes. Chair Wintzer suggested that Mr. Richards discuss the size of homes with Staff and come to some understanding.

Commissioner Hontz noted that Planner Whetstone could tell Mr. Richards now what size home would be allowed per Code, based on the lot size and zoning. It would give Mr. Richards some understanding of what is allowed, and that could be tweaked at the subdivision. Planner Whetstone stated that in most zones there is not a house size limitation. She explained that the Staff would do

an analysis of the surrounding area to determine a compatible house size. In terms of restrictions, the Staff prefers a limitation on building footprint and let the height, the footprint and the architecture determine the house size.

Mr. Richards asked if the footprint was the same as a build pad. Planner Whetstone answered yes. Mr. Richards stated that he did not have a problem with the size of a building pad, but he might have a problem with the location of the building pad. If someone wants to use the lot for equine purposes, they may want to put the house near the front to allow for pasture in the back or possibly place the house to one side or the other. He understood that they would have to abide by the side yards and setbacks, but to force someone to put their home in the middle of the lot destroys the possibility of using it for horses. Chair Wintzer believed Mr. Richards could work out that issue with Staff. Planner Whetstone agreed. She pointed out that it was a discussion that should occur at the preliminary plat level. Mr. Richards pointed out that he was proposing to sell the lots and it would be difficult if the buyer did not have flexibility in locating their home on the lot. Chair Wintzer opened the public hearing.

Kevin McCarthy, a resident in Iron Canyon, stated that he has been a neighbor of the Richards' for 24 years and he attended a number of the hearings when Mr. Richards was proposing to build on Payday. Mr. McCarthy noted that all the people with small houses across the street have remodeled them into giant houses. His home looks down on the Richards' property and he was anxious to see a nice development.

Chair Wintzer closed the public hearing.

Commissioner Strachan suggested that Mr. Richards should see the Staff's compatibility analysis before deciding to move forward with the annexation. He thought Mr. Richards might be surprised at how restrictive the compatibility analysis may be. The surrounding houses may appear large, but someone who purchases an acre and a third lot may have a broader idea and would want a house much larger than the neighboring homes. If Mr. Richards is considering building homes that are much bigger in size than the surrounding homes, he should know that the size might be restricted if the property is annexed. Commissioner Strachan pointed out that the applicant has the option to decide whether or not to annex into the City, but they should have all the facts before making that decision.

Steve Schuler, with Alliance Engineering, understood that there was a square footage analysis consistent with the Single Family Zone, and asked if that was different from the compatibility analysis. Planner Whetstone stated that it was different from the Historic District where the lot size dictates the square footage. With a new subdivision, lot coverage would be the biggest issue.

Commissioner Strachan pointed out that once a property is annexed into the City there is no way out. Mr. Richards understood that fact, which is why he was concerned about a size limitation. He asked if the compatibility analysis would compare the homes in Iron Canyon. Planner Whetstone replied that the analysis would include Iron Canyon, Aspen Springs and Thaynes. It would also take the larger lots into consideration.

At the request of a neighbor, Chair Wintzer re-opened the public hearing.

Carol Cutter, a resident in the Thaynes Creek area liked the idea of equestrian lots, but she wanted to know what would happen if a buyer did not want to use it as an equestrian lot. She was concerned that someone would build a larger house because they would not need the space for horses. Ms. Cutter noted that the City open space parcel was directly behind her home and she wanted to know how subdividing would affect the rights for animal grazing and the existing activity on that property.

Planner Whetstone explained that a purchase agreement exists between Mr. Richards and the City and this annexation would not change that agreement. There is water that the City uses and Mr. Richards also uses some of that water to irrigate the pasture. He also has the ability to graze horses and cows.

Ms. Cutter asked if the same rights would go with the lots. Planner Whetstone replied that the new lots that would be created were not part of the purchase agreement. The use would remain the same. Mr. Cutter understood that the use would remain for Mr. Richards, but she wanted to know if the people who purchase the additional lots would also have that same use. Planner Whetstone was unsure and offered to look for an answer.

Mr. Richards stated that he has grazed horses and cattle on that land for 35 years. They are stewards of that property and every spring they clean the land and fertilize it and irrigate all summer long. When he sold the property to the City he sold them ten acre feet of water so the property could be kept green and presentable. He believed that was something positive that the City would like to continue.

Commissioner Strachan stated that an easement agreement with the City would allow that to continue. Planner Whetstone would review the purchase agreement with the Legal Department to make sure a new lot owner would have that ability. Commissioner Pettit thought it should be reviewed in the context of Ms. Cutter's question, which was whether or not the same rights afforded to Mr. Richards under his agreement with the City would transfer to the people purchasing the subdivided lots by virtue of their proximity.

From a procedural standpoint and assuming that the annexation gets approved, Mr. Schuler asked about the subdivision process. Chair Wintzer stated that the annexation and the subdivision could be done at the same time if requested by the applicant. As currently presented, if the property is annexed into the City it would come back at a later time for the subdivision. Chair Wintzer reiterated that it would be a cleaner review for the Planning Commission if the subdivision plat and the annexation came in at the same time. Chair Wintzer encouraged Mr. Richards to include Lots 4 and 5 at the same time; however, if he chooses not to do that, he would suggest limiting it to two lots so they could call out the wetlands to determine what areas could be built on.

Planner Whetstone noted that the final subdivision had not been submitted. The annexation process requires a preliminary plat or an MPD, and the review of an MPD or final plat is only supposed to occur if the project is annexed. She asked if there was leeway in the Code for the Planning Commission to review the annexation and the subdivision at the same time. Assistant City Attorney McLean believed it could be done extemporaneously. The annexation should be

scheduled as the first item followed by the subdivision as a separate application. Ms. McLean pointed out that the agenda for this evening only noticed the item as an annexation.

The Planning Commission reviewed the items for discussion on page 9 of the Staff report.

Chair Wintzer requested to see the wetlands designated so they would know which areas are possible for building. Mr. Schuler remarked that Dave Gardner had done a delineation on the Richards property, but the City property was not delineated because it was not for development. Planner Whetstone noted that numerous pages of appendices regarding the wetlands report were not included in the packet but it was posted on the website.

Commissioner Pettit stated that in addition to the purchase agreement, she would like to see the conservation easement and what it entails. She wanted to better understand the relationship between this parcel and the Richards property.

Planner Whetstone would also provide a lot analysis. Chair Wintzer pointed out that placing the houses closer to the cul-de-sac road would be nicer on the entry corridor. If there is an agreement to graze horses, he would like to see that continue. Chair Wintzer stated that the City spent a lot of money obtaining the Osguthorpe Farm and he would encourage equestrian activity.

Planner Whetstone asked if the Commissioners agreed that the proposed zoning designations were appropriate for the parcels and consistent with the surrounding neighborhood and purposes of the Land Management Code.

Commissioner Strachan suggested that the northern portion of Lot 4 may be more appropriate as ROS. He thought they should take a better look at the wetlands designation on the property. From what was shown in the Staff report, he believed much of that property would be restricted for building. The intent is to build on Lots 1, 2 and 3. Lot 5 already has structures on it and Lot 4 is separate and contains all of the wetlands. If Lot 4 or a portion of Lot 4 is zoned ROS, Commissioner Strachan preferred that it be straight legislative zoning as opposed to a plat amendment.

Mr. Schuler pointed out that there are utilities going to the north to access an existing Snyderville Basin sewer line in Aspen Springs. He was unsure if that would make a difference in zoning ROS. Planner Whetstone would look into it.

Planner Whetstone noted that the Planning Department sent over 600 letters to property owners and she had been answering emails and phone calls for two weeks. Most people wanted information, particularly regarding the open space. Planner Whetstone stated that when concerns were expressed, it was primarily from the lots in Aspen Springs that would back to that portion. Everyone wanted assurance that a house would not be built back there. There were no concerns about houses along Payday. If Lot 4 was developed, the preference was to put the house down by the existing lake.

Commissioner Strachan believed that most public opposition would come from those landowners because their views would be obstructed if homes were built in front of them. Appeasing the

neighbors was another reason to support the ROS designation. Mr. Schuler pointed out that designated wetlands would serve the same purpose.

Commissioner Pettit reiterated that she would be comfortable with the Single Family Zone designation, as long as they could limit the number of lots and control density in a way that protects the property from excessive development in the future. Planner Whetstone noted that Assistant City Attorney McLean had offered ways to accomplish that.

Planner Whetstone stated that the Staff would focus on the analysis. In addition, as they write up the annexation agreement and the conditions of approval of an annexation, they would focus on the location of building pads, building heights and design characteristics, mitigation of impacts to wildlife, wetlands or other sensitive lands. They would look at maintaining the rural, agricultural character. They would consider ROS zoning, compatibility with the neighborhood, providing pedestrian amenities and connectivity, compliance with affordable housing and provisions of the utility service and understanding the water component.

Commissioner Pettit commented on where this property is located and the goal tied to maintaining rural agricultural character, and how the current equestrian use of the property follows that goal. Commissioner Pettit asked if there was a way to create an incentive to make it attractive for potential buyers to maintain that agricultural rural use. She preferred to create the carrot versus the stick.

Chair Wintzer asked if the property was too small to zone as agricultural. If 80% of the lot was used to graze horses, a tax break may be the incentive to keep it rural agricultural. Mr. Richards was unsure about the City regulations, but the County requires five acres to maintain a Green Belt status. Mr. Schuler remarked that Green Belt status was one of the reasons for not including Lots 4 and 5 at this time.

Commissioner Strachan thought another way to incentivize people to use those lots agriculturally would be for the City to grant grazing rights under a non-CUP or through an expedited CUP process as part of the annexation agreement. It could be zoned for that use and included in the annexation agreement; and it would run with the land.

Mr. Richards stated that a right-of-way would be maintained on the north side of Lot 2 so people could ride down there and graze their horses. Planner Whetstone thought that raised the issue of public access. She would discuss it with the trails people and report back at the next meeting.

Chair Wintzer commended Mr. Richards for working with the City in the past. He thought annexing the property would be nice for the entry corridor. He encouraged Mr. Richards to continue with the annexation.

Commissioner Hontz thanked Mr. Richards for submitting a complete annexation petition. Because it is such a small subdivision and because the City will have the assurances and protections of plat notes, zoning changes and a subdivision at the same time, that would be reassuring enough for her to move forward in an expedited manner. Commissioner Hontz thought it was important for others to see that when an applicant submits what is required and tries to work with the Staff and the

Work Session Notes
May 9, 2012
Page 9

Planning Commission, things can move as quickly as possible.

Commissioner Hontz stated that she started to look at some of the analysis and she actually had different assumptions. However, because the subdivision is so small, the assumptions that need to be changed would not make a difference in terms of affordable housing or fiscal impacts. She looked forward to having Mr. Richards come back at the next meeting.

The Work Session was adjourned.

meeting space consistent with the Deer Valley MPD. The enclosed meeting space will provide for more all season use of the area.

Conclusions of Law – Stein Eriksen Lodge

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code, the 11th Amended Deer Valley MPD, and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Stein Eriksen Lodge

1. The City attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant 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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall be recorded prior to issuance of a certificate of occupancy for the proposed meeting space.
4. All conditions of approval of the Deer Valley Master Planned Development (11th Amendment) shall continue to apply.
5. As common area, the meeting space is not a separate commercial unit or units, and as such may not be separately sold or deeded.
6. All required disturbance and impact fees will be calculated based on the building permit application and are required to be paid prior to issuance of a building permit.

**2. Richards/PCMC Parcel – Annexation Petition
(Application #PL-12-01482)**

Planner Kirsten Whetstone reviewed the request for an annexation of two parcels. One is the 9.74 open space parcel owned by Park City Municipal Corporation along Highway 224. The property is owned by the City but it is located in the County and under County jurisdiction. The second parcel is 13.5 acres commonly known as the Richards Farm. Planner Whetstone noted that the

application is the Richards/PCMC Annexation and the co-applicants are Frank Richards and Park City Municipal.

Planner Whetstone noted that the Planning Commission previously reviewed this application and the associated materials and exhibits. Since Commissioner Gross was not on the Planning Commission at the time, Planner Whetstone had provided him the same information to review for this meeting.

Planner Whetstone stated that the request was for ROS zoning on the City Parcel and SF, single family zoning, for the Richards parcel. The applicant was requesting a seven lot subdivision plat. Per City requirement, any large parcel annexation application must also include a master planned development. If the annexation area is less than the MPD requirement, the City requests a preliminary subdivision plat, which was submitted with this application.

Planner Whetstone presented the proposed preliminary subdivision plat. She noted that during the meeting on May 9th, the Planning Commission requested additional information on house sizes in the area, information regarding the conservation easement, wetlands delineated on the subdivision plat, and location of the building pads; taking into consideration the new required setbacks from the wetlands. Planner Whetstone clarified that a perpetual conservation easement has been provided on the City parcel with no density. The delineated wetlands were identified in orange on the preliminary subdivision plat and a dotted line 50 feet away from the red color were the required wetlands setback areas.

Planner Whetstone identified the changes made to the preliminary plat since the last meeting. One change was that Lot 1 had been reduced in size to 1.29 acres. Lots 3 and 4 were previously one single lot. The Staff would have been comfortable with the larger lot as an equestrian lot; however, the neighbors were concerned that it was not in character with existing development. The applicant was interested in having property in the area that was not horse property. Planner Whetstone remarked that another major change was the addition of Lot 7. Planner Whetstone noted that she had not received the revised preliminary site until after the packets were sent, which was why Lot 8 was not shown in the Staff report. Lot 8 was an approximately 3,000 square foot lot for an indoor riding arena. The applicant had originally talked about removing the arena; however, because it is equestrian property, he realized the arena would be an amenity. The indoor riding arena would be privately owned by the HOA as common area for the subdivision. The Staff recommended that there should be no density associated with Lot 8.

Planner Whetstone remarked that Mr. Richards had wanted the ability to further subdivide the property at a later time, not understanding that when an annexation is presented the City Council would require the density to be known at that time. If changes are made after the annexation, the annexation agreement would need to be amended. Planner Whetstone noted that Mr. Richards worked with Alliance Engineering to divide the first phase of this development. She identified the four lots that would be the first plats of the development.

Planner Whetstone requested Planning Commission input on discussion items outlined in the Staff report. No action was being requested this evening. The Staff recommended that the Planning Commission conduct a public hearing and continue the item to October 24, 2012.

Frank Richards, the applicant, introduced Steve Schuler with Alliance Engineering and Grant McFarlane, a friend and advisor. Mr. Richards commented on a letter he had sent to the Planning Commission outlining past history and his current proposal.

Mr. Richards stated that if Lot 7 is approved, he would clean up the area and remove the rolls of wire, culverts and fence gates and other items he has accumulated over the years that sit behind Mr. McDonald's lot. He also proposed to enclose Lot 7 and all the other proposed lots with white vinyl fencing similar to a farm/ranch atmosphere. Mr. Richards stated that he would also remove the pens behind the indoor arena that was used to house cattle. He would take out the old hay barn which adjoins the indoor arena to the right. It is a 35 year-old structure and still in good condition, but the road to lot 7 would go through where the hay barn is currently located. He would also remove the corrals and pens east of the hay barn and clean up that area. Mr. Richards presented photos he had taken and identified the pens and barns he would remove and the areas where they were located. He pointed out that the area would be cleaned up and the rear most lot would adjoin Lot 6. Each lot would be 3 acres.

Mr. Richards stated that he was persuaded to sell 20 acres of property to the City in 1999 because the City was anxious to maintain a view corridor coming into the Park City. He was not interested in selling at that time, but the City wanted to have control to avoid potential problems in the future. As a trade-off, the City allowed Mr. Richards to continue using the property. Mr. Richards noted that the two lots along Pay Day Drive were half acre lots, and larger than anything else in the neighborhood. The two lots on the east side of the lane were 1.25 acres. They would be horse lots and allowed two horses on each lot. Mr. Richards stated that it was the lot he lives on and the other two 3- acre lots. He was not opposed to maintaining open space and noted that a good portion of his farm has already gone into open space. The footprint on the 3-acre lots would be 5% of the total lot area, and the remainder would be open space. He was also interested in maintaining the equestrian character. Five of the lots would be eligible for horses. Mr. Richard thought the indoor arena should be retained as a place where people can ride in the winter time.

Mr. Richards thought his proposal was reasonable and met all the criteria. In addition to cleaning up the area, Mr. Richards proposes to keep the tree-lined lane and continue it back to Lot 7. He believed this proposal would be a great addition to the City.

Chair Worel noted that in the last sentence of his letter, Mr. Richards indicated that he would be happy to consider offers if someone wanted to purchase this parcel of land and maintain open space. She asked if Mr. Richards wanted to pursue a potential purchase before moving forward with the annexation.

Mr. Richards clarified that he has not had a purchase offer and he questioned whether anyone would make an offer. He noted that Aspen Springs would be the most impacted by Lot 7, and those neighbors support the proposal because it would benefit their property. Commissioner Gross asked if the cul-de-sac road coming in off of Pay Day would be a public or private road. Mr. Richards replied that it would be a private road, but it would still be required to meet certain standards. Regarding Lot 7, Commissioner Gross assumed Mr. McDonald had been living with the existing condition for a number of years. However, the proposed building envelope

for the house appears to be right in Mr. McDonald's face. Mr. Richards pointed out that Mr. McDonald's house sits farther up. Commissioner Gross noted that currently Lots 3 and 4 were showing 9,000 square foot as the maximum building, and he asked if that was still the correct size. Planner Whetstone replied that Lots 3 and 4 would be 3,525 sf footprints and 6,150 square feet as the approximate house size. She noted that the applicant had agreed to a maximum height of 28 feet on all of the lots. Mr. Richards stated that in looking at the height of the surrounding structures each one is 28 feet plus 5 feet. He suggested that a 30-foot maximum height was reasonable, considering that it was 3-feet lower than all other structures.

Commissioner Gross commented on a for-sale sign on Pay Day next to Lot 10. Once they superimpose what a house would look like on that lot, he questioned whether the proximity of the side yards would be tight with Lot 1 and the adjacent house. Planner Whetstone explained that the lot is already in the City and it was part of another subdivision. Mr. Richards stated that Kevin McCarthy had purchased Lot 10, which was in the previous annexation and a recorded plat. Commissioner Gross clarified that his issue was with the open lot next to Lot 10. He no longer had an issue knowing that the City owns the property. Planner Whetstone pointed out that Lot 10 is part of the Thaynes Creek Phase 2 Subdivision. Mr. Gross was concerned that once a house is built on the lot, it would look tight compared to the Estate size lots that were being created for the adjacent subdivision.

Commissioner Gross appreciated the open space and believes it is a wonderful view corridor.

Steve Schuler, with Alliance Engineering, stated that the house sizes and landscaped areas in the exhibit were only to convey the approximate sizes being proposed in terms of building square footages. It was not necessarily the location of the building envelope that would be part of the plat per se.

Commissioner Gross asked about the locations of the barns. Mr. Richard stated that he spoke with Mr. Jorgensen, the owner of Lot 9 who would be affected, and he had no problems with it. His house sits up high and he likes the livestock.

Commissioner Wintzer pointed out that the Planning Commission was looking at an annexation. Questions regarding density, house size, roads, utilities, etc. should be addressed in the subdivision process rather than the annexation process. Planner Whetstone replied that this was correct. A final subdivision plat would come to the Planning Commission for a recommendation to the City Council once the property is in the City. The Planning Commission would review the final subdivision plat for conformance with the preliminary plat.

Mr. Richards noted that the CC&Rs would require that the barns remain a specific type. The barns would be uniform in style and color. He believed it would improve the appearance and the value of the properties.

Commissioner Hontz noted that the existing buildings and pasture to the west of Lot 8 were not included in the annexation. Mr. Richard replied that it belongs to his neighbors, who were present to speak at the public hearing. When Mr. Richards purchased his property in 1975, the previous owner had sold that one acre parcel to another buyer with a right-of-way coming from Pay Day

Drive over his property. Mr. Richards clarified that he had no control over the right-of-way. Planner Whetstone noted that the one acre parcel is in the City. The vacant parcel to the west of the one acre parcel is not, and it is not contiguous to this annexation.

Chair Worel opened the public hearing.

Haley McDonald spoke on behalf of her family who owns the lot adjacent to Lot 7. She thanked the Planning Commission for considering the impacts to the neighbors and for asking the right questions. She referred to the comment that Lot 7 would be in their face, and she noted that Mr. Richards had visited her family to explain the proposal. Ms. McDonald stated that her only concern is that currently the lot is vacant, but eventually there would be a house in their back yard. She was comfortable with the proposal as explained, however she wanted to make sure that it stayed the same with minimal changes because had already gone from four lots to five lots to now 7 lots. Ms. McDonald believed the current proposal was reasonable. She wanted to make sure the house would not have a reflective roof because it would reflect up into their house.

Mr. Richards stated that the HOA would have an architectural review committee to address those issues.

Ms. McDonald reiterated her concern that major changes would be made without the neighbors being aware. She asked how they would be notified if significant changes were made to this particular plat.

Commissioner Wintzer stated that this was an ongoing process. He urged Ms. McDonald to stay involved with every meeting until the project is approved. The neighbors have the responsibility to communicate with Staff to keep abreast of the process. Commissioner Wintzer remarked that it was also important for Ms. McDonald and others to continue to provide input.

Ms. McDonald appreciated the process and the fact that everyone was doing the right thing to insure minimal impacts. Mr. Richards owns the property and he should be able to develop it.

Kevin McCarthy stated that he spoke at the last public hearing. He has been a neighbor to Frank and Kathy Richards for 25 years and went was involved in a contentious process when Mr. Richards subdivided the lots on Pay Day Drive. Mr. McCarthy stated that Mr. Richards is the personification of the term 'Steward of the Land". As Mr. Richards had mentioned, Mr. McCarthy had purchased the lot and was moving from up the canyon down to level ground. As soon as they know where the other house will be platted, his architect would work his house around it . Mr. McCarthy would be comfortable with whatever plan the City and Mr. Richards come up with.

Vicky Gabey stated that she has been a neighbor to the Richards for 37 years. She annexed into the City in the 1990's. Ms. favored the proposal. She asked the Planning Commission and Mr. Richards to remember the neighbors when planning the specifics of this project.

Chair Worel closed the public hearing.

Commissioner Hontz stated that she went through the materials the Staff supplied to Commissioner Gross, and she could not find a letter from the State verifying that there were no historic or cultural resources. She understood from the Code and in previous annexations that the City contacts the State for verification from their database, and the State provides a certified letter. That has been provided for every annexation and she would like to see it for this annexation.

Commissioner Hontz referred to the fiscal analysis and affordable housing analysis on pages 20 and 21 of the May 9th Staff report. She did not agree with the actual numbers that were used for that analysis and she believed the analysis was incorrect. However, after running numbers that she thought were more logical, her recommended change would not necessarily affect the outcome. As an example, Commissioner Hontz rejected the 50/50 split on primary versus secondary homes based on Summit County numbers. She would use the actual numbers from Aspen Springs or the adjacent neighborhoods because it would provide a better reflection of who would purchase in the area. Commissioner Hontz believed there would be less of a benefit with more primary owners that there would be with more secondary owners. Commissioner Hontz remarked that the numbers used in the data creation were not logical towards the reality of the development.

Commissioner Hontz stated that this was definitely the appropriate location for this type of development in terms of lot size and home size. It was also the exact appropriate location per the General Plan and what they were trying to accomplish with the update of the General Plan in terms of maintaining agricultural use in town. On the other hand, when the City does an annexation, particularly in this case where it would be up-zoning, the question is how this benefits the City and whether open space is enough. Commissioner Hontz believed this was an opportunity to think about additional benefits such as TDRs, better conserved open space, and/or affordable housing. It is a benefit for the land owner to go from zero to seven units, and the Planning Commission needs to find the benefits for the City.

Commissioner Wintzer was concerned about putting a fence around Lot 7. He preferred that Lot 7 appear to be more open. He thought it could be done by either reducing the size or shifting it into part of Lot 6. Commissioner Wintzer hated to see a white picket fence around some of the houses because the current appearance of the property is so nice.

Mr. Richards explained that he was only trying to get a farm feeling. He did not feel strongly about white fencing if the Planning Commission preferred a different type of fence. Commissioner Wintzer clarified that his comment was not about the type of fencing. He personally wanted a portion of Lot 7 to appear to be open space. Mr. Richards pointed out that all but 5% of the lot would be open space. Commissioner Wintzer replied that once the property is fenced it loses the appearance of being open. He thought Lot 7 was counterintuitive to the rest of the subdivision. If Lot 7 was moved further to the south, less trees would have to be removed for the road, and there would be less land disturbance and a feeling of more open space. Commissioner Wintzer thought Mr. Richards could do that and still achieve the same density and value. Commissioner Wintzer believed that Lot 7 was too big and pushes too far to the north. It needs to be more consistent with the rest of the subdivision.

Commissioner Strachan concurred with Commissioner Wintzer. He believed the development worked in this location and the annexation was worthwhile. Commissioner Strachan stated that as

part of the annexation process the Planning Commission makes a recommendation to the City Council regarding the zoning. He felt the zoning should be Estate rather than Single Family. It would not upset the proposed development and it would not reduce the number of homes. He read the purposes of the Estate zone and thought they fit perfectly with this proposal; as opposed to the purpose statements of the Single Family zone. The Estate zone is a better fit and it also protects the corridor in the future when Mr. Richards passes and another person owns the property.

Mr. Richard understood that the density was approved with the plat. Commissioner Strachan replied that owners can request a plat amendment that could be approved by a future Planning Commission if it is allowed in the zone. He explained how that might be avoided if the property was zoned Estate.

Commissioner Wintzer questioned whether the Estate zone would work because Mr. Richards would only be allowed four units under the zoning requirements. He suggested that the Planning Commission address the issue through the annexation agreement. Mr. Richards stated that zoning was not an issue as long as he could achieve seven units.

Commissioner Savage pointed out that this was a co-application with the City related to annexation of the open space, and Mr. Richards has rights to utilize the open space for grazing. He wanted to know what would happen to those rights as a consequence of development. He asked if the right would into the HOA or remain with the single lot Mr. Richards would continue to own.

Mr. Richards and the Commissioners discussed different scenarios that could occur. Planner Whetstone stated that in her research she found an agreement between Summit Land Conservancy, who holds the deed restriction, and the City. There appears to be a separate agreement that allows Mr. Richards to utilize that property and it had to do with the special warranty deed. Planner Whetstone point out that because the agreement regarding what occurs on the property is between the City and Summit Lands Conservancy, they need to find the agreement that allows Mr. Richards to use and maintain the property to see if it can be assigned to an HOA, and whether the restriction agreement between the City and Summit Lands Conservancy needs to be amended. Planner Whetstone would research the matter. Commissioner Wintzer understood from the comments that the main goal is to maintain the same use on the public land.

Commissioner Gross understood that when the City purchased the land, they also purchased water rights from Mr. Richard. Mr. Richards stated that he gave the City seven acre feet and they purchased three additional for a total of 10 acre feet of water. Mr. Richards uses the water to irrigate the property. He has approximately 20 acre feet associated with his 13-1/2 acres. He proposes to sell 2 acre feet to each lot.

Planner Whetstone summarized that the Planning Commission would like to relocate the building pad on Lot 7. Mr. Richards was comfortable with that request. Planner Whetstone asked if the Planning Commission had issues with dividing Lot 3, which was a horse lot, into two lots along Pay Day Drive. The Commissioners had no issue with dividing Lot 3.

Mr. Richards referred to the Staff recommendation to continue this item to October 24th and noted that he would not be able to attend that meeting.

MOTION: Commissioner Savage moved to CONTINUE the Richards/PCMC Annexation and Zoning until November 14, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. **Land Management Code Amendments – Chapter 1-General Provision and Procedures; Chapter 2-Zoning; Chapter 3-Off Street parking; Chapter 4-Supplemental Regulations; Chapter 5-Architecture Review; Chapter 6-Master Planned Development; Chapter 7-Subdivisions, Chapter 8-Annexation; Chapter 10-Board of Adjustment; Chapter 11-Historic Preservation; Chapter 12-Planning Commission; Chapter 15-Definitions. (Application #PL-12-01631)**

Chair Worel requested that Planner Whetstone review the LMC items that were recommended be continued this evening.

Planner Whetstone stated that the Staff noticed a number of additional changes beyond the analysis and redlined changes in the Staff report, and recommended that those items be continued for further analysis. The 22 items to be continued were outlined on page 79 of the Staff report. Planner Whetstone noted that the items were publicly noticed and they would be continued to the meeting on October 24th.

Planner Whetstone stated that the amendment to Chapter 6 regarding MPDs in the Historic District was redlined in the Staff report per the discussion from the last meeting. However, the Planning Commission had requested a history on MPDs, and since the Staff was still compiling that information they recommended continuing that discussion to October 24th. Planner Whetstone also recommended that the Planning Commission continue items 3, 5 and 7 in the Analysis Section to October 24th.

Commissioner Wintzer suggested that the motion to continue identify the amendments by Chapter as listed on page 80 of the Staff report. Chair Worel clarified that Chapters 2, 6, 7 and 15 would be continued. Commissioner Hontz noted that some items under those chapters were not recommended to be continued. However, she was not prepared to move forward with them this evening and would be comfortable if they were continued as well.

Chair Worel opened the public hearing on the items to be continued.

Chris Schaefer, a property owner in condominiums on Main Street, commented on MPDs in the Historic District, particularly as it pertains to the Kimball Arts Center application. Mr. Schaefer stated that the concept of a master planned development assumes a large area that is going to be developed, possibly multi-use and possibly crossing boundary lines. He noted that the proposed Kimball building does not meet the criteria because it is a single building on a single lot within a single zone. He only became aware of the changes that day and had not had time to read and understand the proposed changes. Mr. Schaefer stated that as a property owner and a citizen he was concerned that the Kimball, by applying for master planned development status for their project, was trying to make a run around the Planning Commission. He hoped the proposed

4. Richard Parcel – Annexation (Application PL-12-01482)

Planner Whetstone reviewed the request for annexation and zoning of approximately 33 acres of property along Highway 224. Park City Municipal Corporation owns a 19.74 acre parcel. The Frank Richards Family Trust owns the remaining 13.75 acres. Planner Whetstone reported that the requested zoning for the Frank Richards Parcel is single family zoning. A preliminary plat was submitted with the annexation for seven single family lots, with a requirement in the annexation agreement that the lots be constructed to LEED Silver Standard. Part of the proposal is a common lot for an indoor riding arena as an amenity for the subdivision. Planner Whetstone indicated a private driveway and public roads. Lots greater than one acre could be horse lots.

Planner Whetstone stated that the 19.74 acres owned by Park City Municipal Corporation was recommended to be zoned ROS. However, regardless of the zoning, that parcel would be City open space and subject to the Deed of Conservation Agreement that has been held by Summit Land Conservancy since 2005.

Planner Whetstone reported that the annexation was subject to the conditions of the ordinance attached to the Staff report, which included Findings of Fact, Conclusions of Law and Conditions of Approval. It was also subject to the Annexation Agreement which was in draft form and attached to the Staff report as Exhibit I on page 250. Planner Whetstone stated that the procedure is for the Planning Commission to forward a recommendation to the City Council on the requested Annexation, whereby the City Council would make the final determination and take final action.

Planner Whetstone noted that the annexation plat being recommended at this point was included as Exhibit A in the Staff report. If approved, the annexation plat would be recorded at Summit County with the ordinance and the Annexation Agreement. It would then go to the State for final certification.

Planner Whetstone reviewed the revisions to the preliminary subdivision plat. Additional information was added regarding the white fences proposed. The barns were moved as close to the houses as allowed by Code, which was 75'. Planner Whetstone noted that the fence on Lot 7 would be consistent with the existing fence across the north property line. Planner Whetstone outlined the main items that would be addressed at the final subdivision plat. A final subdivision plat would be submitted, the final lot platting would be reviewed for consistency with the preliminary plat. Buildings and barn location, sizes, design and height would be identified as on the preliminary plat. A final subdivision determination is made at the time of review of the final subdivision plat. Issues such as limits of disturbance, grading, a fencing plan, lighting, landscaping, utilities and other items addressed as conditions of approval that must be submitted prior to recording the plat or at the time of the building permit would be part of the final subdivision review. Planner Whetstone emphasized that much more detail would be submitted and reviewed at the final subdivision phase.

Planner Whetstone commented on items that still needed to be address by the City Council.

She noted that the Annexation Agreement addresses water; however a separate water agreement was being drafted as part of the annexation, as well as a license agreement for agricultural use and grazing of the PCMC parcel.

Planner Whetstone outlined items to be addressed by the Housing Authority. The Housing authority has the ability to determine whether affordable housing can be an in-lieu fee or whether it must be provided on site. All annexations require an affordable housing component according to the resolution in effect at the time of the annexation.

Planner Whetstone reviewed the public benefits associated with the annexation request. The Staff analysis was provided in the Staff report. She believed the most important benefit was the ability for local control of this land in a prominent entry corridor. Currently, the property is an island of County jurisdiction surrounded by Park City. The property is contiguous to the City and could easily be served by City services. Planner Whetstone stated that the current configuration was equestrian rural character and the proposal would preserve the existing agricultural entrance into Park City. It also preserves the sensitive wetlands.

Planner Whetstone stated that a typical single family subdivision in the area is three units per acre, which would allow approximately 40 units on the site. Therefore, the seven units proposed would be a significant reduction in density. She pointed out that currently the City parcel was being used on a gentleman's handshake agreement. Another benefit of the annexation would be that any use of that City property would require a license agreement or lease agreement to be determined by the City Council. Planner Whetstone remarked that LEED Silver construction was another benefit of this proposal. An extension of the sidewalk from the existing subdivision across the property's frontage on Payday Drive was a public benefit of the annexation.

Planner Whetstone presented recommended changes to the findings. She referred to Finding #7 regarding the lease agreement on page 222 of the Staff report. In an effort to keep the language more general, she recommended striking the last sentence in Finding #7 and replacing it with, "A lease agreement is required for any use of the PCMC Parcel by any entity other than the City." Planner Whetstone referred to page 223 of the Staff report, and revised Condition #11 to read, "Use of the PCMC parcel shall be addressed and regulated by a signed and executed License Agreement for Agricultural Use and Grazing prior to commencing the use. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy."

Commissioner Savage asked if the recommended changes were acceptable to the applicant. Mr. Richards stated that he has had an agreement with the City for 14 years. He was comfortable with the recommended changes as long as he could continue to use the ground. He pointed out that the proposal would be done in two phases. The second phase would be Lots 5, 6, 7 and 8. He would like to continue to graze horses like he has for many years, until the property is subdivided and fences are installed.

Planner Whetstone referred to the draft Annexation Agreement on page 250 of the Staff report. She noted that Mr. Richards and the City reviewed the agreement and made changes after the Staff report was published. She highlighted the key revisions. On page 255, Item 18, in an effort to keep the language more general, the phrase, "parties shall enter into" was stricken, as

well as the language specifically mentioning Frank Richards and specific uses. Item 18 of the Annexation Agreement was revised to read, "A license agreement for agricultural use and grazing on the PCMC parcel for use of the PCMC parcel is required for any use by anyone other than the City. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy (Exhibit D)." Planner Whetstone explained that the mention of specific uses was deleted because the uses would be determined by Park City and Summit Land Conservancy.

Planner Whetstone noted that additional revisions for clarification would be made prior to sending this to the City Council.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the annexation and the zoning map amendment based on the findings of fact, conclusions of law, and conditions of approval in the draft ordinance with the revisions as stated.

Steve Schueler with Alliance Engineering believed Planner Whetstone had adequately abbreviated the benefits of this project. He recalled specific concerns raised by the Planning Commission at the last meeting regarding specific issues such as the barn, fencing and other items. He was willing to discuss those concerns in more detail if the Commissioners still had questions. Commissioner Wintzer pointed out that those issues should be addressed at the time of the subdivision and not with this application. Mr. Schueler understood that they would be addressed at that time; however, he was willing to speak to any issues this evening.

Commissioner Savage apologized for having to leave early at the last meeting before he had the opportunity to participate in the discussion. He understood that historically the large plot of land that Mr. Richards currently anticipates continuing to use as grazing property with this subdivision now belongs to Park City Municipal. Therefore, Mr. Richards would need to enter into a lease agreement with PCMC in order to have that allowed use for a sustained period of time. Commissioner Savage wanted to make sure that Mr. Richards was comfortable that the lease agreement would provide him the ability to get that entitlement in the way he has contemplated this development.

Mr. Richards stated that the project was designed so he would not have to use that property. All the lots, with the exception of the two on Payday Drive, are in excess of an acre or 1.25 acre. He has a verbal agreement with the City and he understood that when he sells the lots, if people choose to use that property and maintain it, they would have to enter into an agreement with the City.

Commissioner Savage recalled a previous discussion where the HOA of that subdivision would have an agreement that would provide access to that property for all the homeowners. Commissioner Savage clarified that he was not trying to structure anything for Mr. Richards. He only wanted to explicitly make sure that Mr. Richards was comfortable with the direction of the revised language. Mr. Richards replied that he was comfortable with the direction of the language.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thomas asked if any studies or analysis had been done regarding the impacts to the wildlife on that parcel because he has personally seen moose in the area. Mr. Schueler stated that there would not be any impact to the wildlife corridors with respect to the City property because there were no proposed changes to that space. Mr. Richards' property is fully fenced. Commissioner Thomas stated that if Mr. Richards anticipates continued grazing on the City property, it would imply an impact.

Mr. Richards stated that he rarely sees wildlife in the area; however, occasionally he has spotted deer or moose and they graze with the horses. Commissioner Thomas stated that he drives that road every day and he sees moose once a week in that area.

Heinrich Deters, City Trails, remarked that there have been historical uses of agriculture on the property, and that was the reason for wanting to separate the lease agreement for uses from the Annexation. The details and controls would be formalized in the lease agreement with a specific person, rather than as a possible entitlement to a specific lot. Mr. Deters stated that wildlife impacts could still be addressed. He has been working with Conservation Services on a grazing plan for this area and they could also look into wildlife issues. Commissioner Thomas noted that historically the City has required a wildlife study in other annexations. Mr. Schueler stated that he and Mr. Richards had reviewed the wildlife information from the State Department of Wildlife Resources, and that information was contained in the Staff report. Planner Whetstone pointed out that the maps shows that the area is used by deer, elk, moose, birds and other wildlife.

Commissioner Wintzer noted that Condition #3 on page 225 of the Staff report talks about identifying building pads for houses and barns at the final subdivision plat. He would like the language to include that hard surface pads that identifies the driveways and where they would go to the barns would also be addressed with the final subdivision plat.

Commissioner Wintzer clarified that the City was currently approving the annexation with the zones. He would like to have the bottom portion of Lots 1, 3, and 6 put into the ROS zone. It could still be fenced, but it would guarantee that buildings would not be located close to the open space. Mr. Schueler thought that could be accomplished by designated building pad locations. Commissioner Wintzer replied that it would be accomplished initially, but those could be amended. The zone could not be amended without applying for a zone change. Commissioner Wintzer pointed out that ROS zoning would move the barns close to the homes and away from the open space.

Commissioner Hontz asked about the redline setback. Planner Whetstone replied that it was the 50' setback from the wetlands. Commissioner Hontz thought the wetland setback was 100' feet from structures. Mr. Schueler replied that the LMC requires 50 feet. Commissioner Hontz asked about the requirement for the Army Corp of Engineers. Planner Whetstone replied that it

was 20 feet from irrigation, but the applicant was showing 50 feet. Commissioner Hontz concurred with Commissioner Wintzer. There needs to be a reality in the way things should be. If the Planning Commission likes a proposal and wants to approve it, they need to add the layers of protection. She supported Commissioner Wintzer's idea of adding ROS so the actual line follows the redline or the wetlands. She also preferred to include the upper portion of Lot 7 as well.

Commissioner Wintzer pointed to the areas that he was suggesting be zoned ROS. Planner Whetstone remarked that the issue was that the barn could not be any closer than 75 feet, and the plan as shown was drawn at 75 feet. She suggested the possibility of putting an ROS line on the plat for Lot 7 that could be identified and legally described in the subdivision plat. She believed that would address their concerns about protecting the north end. Planner Whetstone stated that zoning a portion of the lots ROS would eliminate the acreage for horses. Commissioner Hontz pointed out that the acreage was not being taken away because they were only changing the zoning. The owner would have the same amount of acreage required to have horses, but they would not be able to use the ROS portion to calculate additional density. She agreed that protection measures were already in place, but without additional layers, it is too easy to request changes and amend was what done.

Commissioner Savage remarked that in terms of thinking about visual corridors and highway 224, Thaynes Canyon is lined with houses. Everything they were talking about modifying in Mr. Richards' plan would be tucked into a corner with houses on both sides. In his opinion they were only talking about moving the barn back and forth. Commissioner Savage stated that Mr. Richards has proven to be a responsible friend of the City's and he thought they should allow him to do his project.

Commissioner Hontz stated that the ROS zone would not change Mr. Richards' plan. However, it would make it more difficult for a future owner to undo what Mr. Richards intended. Commissioner Savage disagreed. He felt it would force the buyer who purchases a lot from Mr. Richards to be constrained to one side of the lot rather than take full advantage of the lot.

Planner Whetstone pointed out that the Annexation Agreement would not allow additional density. Commissioner Savage clarified that his issue was not about density. It was about allowing the owner to place a barn on his lot where he wants it. Planner Whetstone explained that the subdivision plat would state that these lots may not be separately divided. The annexation agreement sets the density and the applicant is proposing building pads for the final plat to set the location of housing and barns.

Commissioner Hontz remarked that additional layers would make any changes more difficult and require three steps instead of one. Step one would be to amend the annexation agreement. Step two would be to modify the lot location through the subdivision plat. Step three would be to change the zone. Commissioner Hontz understood that not everyone agreed with her, but she was not willing to move forward without the layers.

Commissioner Savage thought they were talking about two different things. He understood that Commissioner Wintzer was proposing to draw a vertical line through Lot 1 and everything to the

right of that line would be zoned ROS. ROS zoning would preclude building on that portion of the lot at any point in the future. Commissioner Savage believed that approach would significantly diminish the natural value of the lot because the owner would be restricted on how he could use his lot. He did not think the Planning Commission should do those things "willy-nilly". Commissioner Wintzer stated that it was not being done "willy-nilly". Secondly, Mr. Richards does not have a lot. He was requesting to create a lot and the Planning Commission was providing description to it. Planner Whetstone clarified that the request was for an annexation and preliminary plat. Commissioner Savage made it clear that he agreed with Commissioner Hontz regarding the wetlands.

Commissioner Hontz understood that water rights were part of the annexation agreement, and she asked if the City had to purchase those water rights when they purchased the acreage.

Tom Daley, representing the City, explained that the water rights belong to Mr. Richards and he would sell them as part of the entitlement to the individual lot owners. Commissioner Hontz read from the Annexation agreement, "additional ten acre feet were conveyed to the trust for public lands". Mr. Daley explained that those were part of the same underlying water rights. The ten acre feet were separated off and are pertinent to the Park City open space. Therefore, they would not be used in the subdivision. Commissioner Hontz asked if any money exchanged hands for those ten acre feet of water. Mr. Daley replied that the City purchased ten acre feet. Mr. Richards owns approximately 11,000 acre feet of water rights and the ten acre feet are a part of that.

Commissioner Strachan read language in the Annexation Agreement stating that the petitioner has to pay 86 acre feet of the decreed water right to a third party. He wanted to know who would be the third party. Mr. Daley replied that it was a deal Mr. Richards made with John Cummings. Mr. Richards explained that he leased the water rights to the City for approximately ten years with a first right of refusal. He offered the rights to the City and the City chose not to buy them. John Cummings became aware that the water rights were available and he purchased them from Mr. Richards.

Commissioner Hontz referred to her comments from December 12th and noted that nothing in the application had changed enough to make her change her opinion on what they were being asked to approve this evening. She believed the density was compatible with the neighborhood and she never found that to be an issue. However, she uses the same filter for every annexation and with this one she did not believe there were appropriate "gets" for the community in return for the density that she felt was very generous. Commissioner Hontz thought it was important to have the additional protection of ROS lines being added at a minimum on Lot 7, and to have an entire affordable housing unit instead of the partial unit proposed, whether on-site or a fee in lieu, in addition to utilizing a caretaker unit on site. The added protection and the affordable housing unit would need to occur before she could begin to feel comfortable with upzoning from zero to 7 units.

Commissioner Strachan stated that his comments have remained the same since the beginning. He has always thought the Estate zone was more appropriate than single family. Commissioner Strachan also thought the comments made by Commissioners Wintzer and Hontz regarding the

position of the building pads should be set in stone and defined now.

Commissioner Savage stated that the City talks about "gives" and "gets", yet they were not giving credit to the historical "gives" that Mr. Richards has provided to Park City and Summit County and the community. He thought the Planning Commission was treating Mr. Richards like a random stranger. Commissioner Savage believed there were a lot of "gets" for Park City. They would annex this property into the City and get the economic benefit associated with development on that property. They would also get the underlying tax base that would come about as a consequence of that development. Commissioner Savage stated that considering the homes along Payday Drive and the homes along the Aspen Springs subdivision, he would conclude that the density in this proposal was significantly less than in those very present contiguous neighborhoods. Therefore, density was not an issue and there were economic benefits to this annexation request.

Commissioner Savage believed Mr. Richards had come forward with a proposal that improves the overall quality of what exists in the City, and it does nothing to detract from the beauty associated with the surrounding area.

Commissioner Gross concurred with Commissioner Savage.

Commissioner Thomas was uncomfortable being painted into a corner because he was concerned about the visual impact of the barns on the entry corridor to Park City. He sided with Commissioners Strachan and Wintzer in terms of the sensitivity of where those barns are placed. Commissioner Thomas stated that in the design process and establishment of the building pads, Lots 1, 2 and 6 pull the residential components as tight to the front yard setback as possible, being sensitive to the depth of that building pad to create 75 feet to the barn and possibly pull the barns forward. Commissioner Thomas believed the barns would have a visual impact on the entry corridor. He felt they needed to be careful about where they establish the building pads; however, he was unsure whether that should be done now or in the subdivision plat.

Commissioner Wintzer stated that the zoning is done now and the building pads are defined with the subdivision plat. Commissioner Thomas replied that in his opinion, the most critical component was positioning the building pads as tight to the west as possible. Mr. Schueler pointed out that the barn on Lot 6 was an existing barn. Commissioner Thomas stated that it would have been helpful to have that identified as an existing barn. He pointed out that two or three additional barns would add to the visual impact, particularly if equipment is parked next to them. Mr. Schueler remarked that the barns are proposed to be large enough to store equipment inside rather than outside the barn.

Commissioner Gross recalled that two months ago Mr. Richards presented photos of the barn that he wanted to use. At that time the Planning Commission wanted variety as opposed to having all the barns look the same. He believed Mr. Richards had tried to be responsible in reacting to their direction.

Mr. Richards stated that by putting two zones on 1.25 acre of ground really limits the salability of

the lot. Commissioner Gross suggested that the ROS portion could be designated as a no-build easement area as opposed to a different zone. Mr. Richards asked if it could be done through covenants. Commissioner Wintzer pointed out that a covenant could be easily changed.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council on the Richards/PCMC Annexation and zoning map amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance, as amended by Planner Whetstone, and with the amendment to Condition #3 to include the hard surfaces, and the request to add a zone line to zone the easterly portion of Lots 1, 2 and 6 and the wetlands portion of Lot 7 to ROS zoning.

Commissioner Hontz referred to page 225 of the Staff report, and language in Condition #7, "Construction of a five-foot wide public sidewalk along Payday Drive...." "The sidewalk and all required public improvements including, landscaping on the public right-of-way, shall be complete prior to issuance of a certificate of occupancy for any house on the property." Commissioner Hontz pointed out that Mr. Richards already has a house on his property; therefore, the condition was not accurately written. She wanted to make sure that nothing else could be built until the sidewalk and all improvements were installed. Planner Whetstone revised Condition #7 to state, "...for any new construction on the property subject to the final plat."

Commissioner Gross seconded the motion.

VOTE: The motion passed 4-2. Commissioners Gross, Thomas, Wintzer and Strachan voted in favor of the motion. Commissioners Savage and Hontz were opposed.

Planner Whetstone requested that the Commissioners be more definitive on the location of the proposed ROS line. Commissioner Savage understood that the Commissioners intended to arbitrarily decide this evening how Mr. Richards would have to divide his lots. Commissioner Wintzer replied that this was correct. Planner Whetstone stated that this has previously been done on other parcels. One in particular was Morning Star Estates, which had more restrictive zoning for the open space. However, the City typically plats the ROS line, which is the limit of disturbance line. In this case they were platting building pads and the remainder of the lot would be unbuildable area. Planner Whetstone believed that ROS zoning for the wetlands and the wetlands setback area made sense on Lots 6 and 7.

Assistant City Attorney McLean recommended that the Planning Commission consider where they wanted the absolute no-build zone as opposed to defining the building pads. That would allow some flexibility for shifting the building pad as long as it stayed out of the no-build area. Commissioner Hontz remarked that there was already agreement on areas where building could not occur because of the wetlands. This was just an added layer of protection. Commissioner Savage was comfortable with an ROS designation on the wetland areas because it was already an unbuildable area.

Commissioner Thomas indicated the existing homes along Payday and the last house before Mr. Richards. He remarked that if the existing property line between the two properties

continued straight up, that could delineate the ROS zone. It would leave a non-complying barn in the ROS zone, but the other two barns would be forced forward slightly. Planner Whetstone pointed out that a barn would be allowed in the ROS zone as an accessory structure through a CUP. Commissioner Thomas stated that extending the property line would not necessitate moving the barn on Lot 1. The barn on Lot 2 would probably have to shift forward. Commissioner Gross asked if the existing barn could be grandfathered in its existing location within the ROS zone, with the caveat that if it were ever demolished and replaced, the replacement barn would have to move. Commissioner Thomas pointed out that in addition to building pads, they could designate non-disturbance lines that are platted on the subdivision plat to help protect the sensitive areas.

Commissioner Savage assumed that the items they were discussing could be accomplished in conjunction with the subdivision approval. Commissioner Thomas stated that other than the modification of the zone, the rest could be accomplished with the subdivision. Commissioner Savage reiterated his earlier position that the Planning Commission was willy-nilly imposing a constraint on Mr. Richards in an effort to get a "get" now, when they would have significant amount of control and influence at the time of the subdivision. In his opinion, doing it now provides no benefit to the City and it detracts the ability for Mr. Richards to have maximum creativity to plan his subdivision. Commissioner Wintzer pointed out that a motion had already been made and it was voted on and passed.

Director Eddington understood that the Planning Commission was recommending moving the ROS line to the west approximately 75 feet. Planner Whetstone clarified that it would be from the northwest corner of Lot 9 of the Thaynes Creek Subdivision and continues north, parallel to the northern property line of Lot 6. It would also encompass all of the wetland areas. Commissioner Hontz suggested that instead of forming a triangle, it should be an east to west or west to east line somewhere north of the barn on Lot 7.

Assistant City Attorney McLean stated that accessory buildings less than 600 square feet are allowed uses in the ROS zone. A barn is called out as an accessory building in the Code. An accessory building larger than 600 square feet would require a conditional use in the zone. Commissioner Thomas asked if they could establish the buildings pads since they were looking forward to doing a plat amendment. Ms. McLean replied that they could establish the building pad area, but if the property is zoned, a building pad could not be placed within a zone that does not allow it.

Planner Whetstone reviewed the proposed changes in addition to the ones she had revised earlier in the meeting.

- Condition #3 – To define driveways and hard surface areas at the time of the final subdivision plat.

- The recommendation that the easternmost 80' of Lots 1, 2, and 6 and the northern most 250' of Lot 7 be zoned Recreation Open Space (ROS) with the remaining portions of these lots zoned Single Family (SF).

Mr. Richards asked if he would be able to have a gravel road to the back of his property. Planner Whetstone stated that he could put a driveway in the ROS zone.

Commissioner Hontz clarified that everything starting on Highway 224 on the open space parcel all the way over to the new line would be zoned ROS, and it would then go up to Lot 7. The ROS zone would be contiguous to the east and to the south and the west. Planner Whetstone replied that this was correct.

Due to the discussion and additional changes following the vote on the previous motion, the motion was amended and voted on again.

MOTION: Commissioner Wintzer amended his previous motion to include the clarification of the new ROS lines as stated by Planner Whetstone. Commissioner Gross seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Wintzer, Thomas and Gross voted in favor of the motion. Commissioners Savage and Hontz were opposed.

Findings of Fact – Richard Parcel Annexation

1. On February 7, 2012, the applicants filed an annexation petition with the City Recorder for annexation of two parcels currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal boundaries.
2. The applicants are requesting annexation and zoning approval for two separately owned parcels. The Frank Richards parcel is 13.75 acres and the requested zoning is Single Family (SF). The PCMC parcel is 19.74 acres and the requested zoning is Recreation Open Space (ROS).
3. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224 (Exhibit A). The property is surrounded on all boundaries by Park City municipal boundaries and is considered an island of unincorporated land.
4. The applicants submitted an annexation plat for the two parcels, prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code. A preliminary subdivision plat and an existing conditions survey map were also submitted.
5. The preliminary plat indicates four lots in Phase I and three possible future lots in Phase II. The existing home and horse training facility are in Phase II and may remain unplatted until a final subdivision plat is submitted and approved by the City for that property.
6. The petition was accepted by the City Council February 16, 2012 and certified by the City Recorder on March 1, 2012. Notice of certification was mailed to affected entities as required by the State Code. The protest period for acceptance of the petition ended on April 1st. No protests to the petition were filed.

7. The PCMC property is a dedicated open space parcel, subject to a March 24th, 2005, Deed of Conservation Easement in favor of the Summit Land Conservancy, in perpetuity. In 1999, the City purchased this 19.74 acre parcel through a purchase agreement with the Trust for Public Land from Frank Richards. A Lease Agreement is required for any use of the PCMC Parcel by any entity other than the City.
8. The PCMC parcel is currently utilized for grazing and growing of hay, as well as for undisturbed open space along streams, irrigation ditches, and wetlands. The City provides winter time grooming of a ski trail within the parcel, along Hwy 224. The land was originally part of the Frank Richards property. The PCMC property will remain as open space in perpetuity, subject to restrictions of the Conservation Easement.
9. The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary along the south property lines with the Thayne's Creek Subdivision Annexation (June 2, 1989) and the Treasure Mountain Annexation (Thayne's Canyon Subdivision) (July 28, 1971). The property is contiguous with the City along the north property lines with the Peterson Property Annexation (February 22, 1993) and the Chamber Bureau Kiosk Annexation. Along the west property lines there is contiguity with the Smith Ranch Annexation (July 14, 1988) (aka Aspen Springs Subdivision) and the Iron Canyon Annexation (October 28, 1983). Along the east property lines there is contiguity with the McLeod Creek Annexation (May 7, 1979).
10. The property is the entirety of property owned in this location by these applicants that has not already been annexed to the City.
11. Access to the Richards property is from Payday Drive at the existing driveway to the Richards arm. Access to the PCMC property is also from Payday Drive, just west of Hwy 224 at a stubbed in roadway. This access is used by ski grooming equipment and other municipal vehicles to maintain the property. No access is proposed directly off of Highway 224 with this annexation or for the subdivision.
12. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation is 15% of 6 new units or 0.9 AUE (810 sf). Affordable housing shall be provided on-site according to requirements of the Housing Resolution 20-07, unless payment of fees in lieu is approved by the Park City Housing Authority. Additional requirements regarding affordable housing are spelled out in the Annexation Agreement. Fees in lieu are subject to the dollar amounts established by the Housing Authority and in effect at the time of submittal of building permits.
13. Land uses proposed in the subdivision include a total of 7 single family lots and 1 common area lot (Lot 8 of the preliminary plat) for an existing riding arena. No density is assigned or permitted to be developed on Lot 8. Only one single family home and one

barn are permitted to be constructed on the remaining lots. Lot 5 of the preliminary plat contains an existing single family house and a guest house. These uses are permitted. A maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan. The PCMC parcel allows only uses permitted by the Conservation Easement.

14. The proposed land uses are consistent with the purpose statements of the SF and ROS zones respectively. The SF zone does not allow nightly rental uses and restricting this use is desired by the neighborhood. The Annexation Agreement and preliminary plat limit the total number of lots seven (7) and the final plat would include a note indicating that no further subdivision of lots is allowed and no residential or commercial density is permitted on Lot 8.
15. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
16. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
17. Areas of wetlands and irrigation ditches have been identified on the property.
18. The annexation is outside the City's Soils Ordinance District and there are no areas of steep slope that would indicate the property should be placed in the Sensitive Lands Overlay Zone. Wetlands and streams are protected by language in the LMC requiring minimum setbacks and protection during construction. The platting and designation of sensitive areas as platted ROS (Recreation Open Space) will further protect these sensitive areas from impacts of development.
19. The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Section 10-2-4-1, 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.
20. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and as conditioned will protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space and ensure environmental quality; protect a prominent entry corridor, view sheds and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety and welfare.
21. City Staff has reviewed the proposed annexation and preliminary plat against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of this report.

7. The placement of the building pad in any location on the lot will severely impact their view corridor and the views along SR224 as well as make the home seem to stand alone in the pasture disjointed from the rest of the community. He continued that if the proposal is approved, the placement of the building pad is of the utmost importance. Any placement that adheres to the property lines, setbacks, and wetland setbacks will have the same negative view impact whether it is north, south or east from its current position. The pad placement in any of those directions will have a huge impact on Lot 7 in Aspen Springs. The pad, as now shown, is in the absolute worst location with regard to the impact on their existing home. They had to accept the indoor riding rink, obstructing their views to the south when they purchased their home but the pad placement on Lot 7, as depicted, will result in having structures to the south, southeast and east. Mr. McDonald expressed that the further east the pad placement is moved, the less impact, and moving the house to the barn location would hide the home behind existing landscaping at a reduced elevation. Moving the home where the cul-de-sac is depicted further south, would tighten up the subdivision and would open their view corridor. Lot 7 looks like its forced to fit into this plan and he would be happy to spearhead some fund-raising for the City to buy that lot.

He has some questions about variations in the plan. Initially, Lot 4 was included which the Planning Commission did not support and the current Lot 7 was the old Lot 4 and he asked what has changed now to entice the Commission to forward a positive recommendation. He asked if objections have been raised from other residents about the development of Lot 7 which was approved with conditions and invited members to his deck to observe his concerns. Ms. Whetstone displayed a photograph of the view from his house and he pointed out the trees to the north which would hide the home. Mr. McDonald stated that the Commission wants to move it further south which places it in an open area. This would be a non-issue if the 50 foot setbacks were not required from the wetlands. Kirsten Whetstone advised that this plan has not changed since the December 12, 2012 Planning Commission meeting. There was discussion about moving the pad down further but this is really an issue that should be addressed when the final plat is reviewed. Ms. Whetstone added that building height is another consideration and there is a height restriction on Lot 7 proposed on the preliminary plat of 28 feet with the rest of homes at 33 feet. Mayor Williams asked if this was specific to protecting the view corridor of the houses behind it. She pointed out the small rise at the pad location, the height restriction would keep it lower, and it is possible that the Planning Commission will further restrict it at 24 feet.

Andy Beerman asked Mr. McDonald if he has spoken to Mr. Richards about purchasing the lot. Chris McDonald stated that he would entertain the idea if he could afford it and Mr. Richards stated that he is open to the sale. Mayor Williams interjected that to a certain extent this is not in front of City Council because the pads are not being defined tonight. Mr. McDonald pointed out some old *treasures* on the property which makes his backyard look very rural which they like. This equipment will be moved out and in place of that, will be a home. Mr. Richards explained that he and his family have been there for 35 years and farmed the property. He is proposing to remove the barn, the corals,

difficult to try and sell a lot with two different zoning designations and the no build zone doesn't allow any structures.

Cindy Matsumoto asked if the barn on Lot 7 will remain and Kirsten Whetstone explained that it requires a CUP in the ROS for structures larger than 600 square feet. This hay barn is about 1,300 square feet. She believed that the intent of the Planning Commission was to eliminate structures on the east side.

Andy Beerman asked for clarification on the Planning Commission's logic compared to staff's recommendation. Ms. Whetstone believed the Commission was concerned about a density increase because the zoning is Single Family which allows 3:1 but there is an Annexation Agreement which controls the density unless it is renegotiated. The Commission felt that layered regulation will make it more difficult to change. She explained that the Planning Commission forwarded a positive recommendation on a 4:2 vote but the two opposed were opposed for opposite reasons. One Commissioner felt the recommended zoning for the back of the lots was too strict and the other believed there weren't enough layers of regulation. The intent of keeping the structures to the west was to mitigate visual impacts. Mr. Beerman asked about the process for renegotiating an annexation agreement. Mark Harrington explained that annexations are legislative as opposed to administrative actions and are more difficult to amend. Administrative decisions are controlled by the parameters of the Code and the burden shifts to the City to show non-compliance with adopted criteria. The no build zone pursuant to the Annexation Agreement will be stronger than ROS but the Planning Commission viewed both as layers of regulation and in addition, a rezone is required. Mr. Harrington expressed that it may create additional confusion and expectations because it is a little more permissive. He cautioned against additional layers that have varying degrees of expectations because it is confusing and may set up a different argument down the road.

Cindy Matsumoto asked about the old road along Payday Drive and Mr. Richards explained that the City owns it as well as the 50 foot right-of-way. In response to a question from Dick Peek about the utility layout in the meeting packet, Mr. Schueler explained that it was an older concept and part of the original Annexation Petition. Many elements of the utility plan will still be the same but it's just an old configuration that has been refined over the course of the last year. He elaborated on details of the connections.

Kirsten Whetstone commented that she received an email from the McDonalds after the meeting packet was published. The Mayor opened the public hearing.

Chris McDonald, owner of Lot 7 in Aspen Springs, relayed that his wife spoke at the last Planning Commission meeting. He thanked Mr. Richards for reaching out to his neighbors and he appreciates that he wants to develop his property as a continued legacy to his family and should be able to develop his property within the confines of the Code. He stated that he and his wife do not support the development of any way of Lot

development of the Richards Parcel requires a subdivision plat and the zoning map must be amended as well. She displayed a map of the parcels and pointed out one remaining island left of County property which may be annexed in the future as it has no access. She displayed the preliminary plat which has an existing house on Lot 5, three lots along Payday and three lots further up into the parcel. The wetlands were identified as well as the required 50 foot setback requirement. Ms. Whetstone noted that there is an indoor riding arena on Lot 8 and a hay barn on Lot 6 and displayed photographs of different view corridors.

Kirsten Whetstone explained that it is appropriate for Council to give direction to the Planning Commission on features of the final subdivision plat. The building and barn pad locations will be finalized at the time of final plat review and may actually be platted. These lots are intended to be equestrian lots with specific build areas and a fencing plan. There are a few items that need to be addressed by the City Council including final action on the annexation and zoning, the water agreement, and a lease agreement for the PCMC parcel with Frank Richards. The affordable housing must be constructed on site unless a different decision is made by the Housing Authority. More photographs were shown of the area from different views.

She pointed out the public benefits of the annexation including local control as the property sits on our entry corridor. It is important to provide City services and water to contiguous properties, maintain the equestrian and rural character of the area and preserve sensitive lands. There is a reduction in density when compared to the surrounding Single Family which is 3:1 acre. This results in 35 units and the proposal is for seven which is fixed with the adoption of the Annexation Agreement. The applicant has agreed to LEED Silver for all of the homes with a water conservation component and the development will provide pedestrian connectivity. The Payday sidewalk will be continued to Iron Canyon Drive.

She explained that the Planning Commission recommended that the north 250 feet of Lot 7 be zoned ROS and the easternmost portion of the lots zoned ROS as opposed to staff's recommendation which was to place a no build designation but keep it in Single Family zoning. Staff is recommending holding a public hearing and adopting the Ordinance based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Alex Butwinski asked if the no build zone provides stronger protection rather than zoning it ROS. Kirsten Whetstone explained that the ROS allows structures 600 square feet or less under an administrative CUP. Mr. Butwinski asked if Mr. Richards is okay with the no build zone and Mr. Richards expressed his intention to subdivide the property into seven lots plus the indoor arena lot which is separate. He would like to have Single Family zoning like the surrounding neighborhood. The Annexation Agreement is consistent about the PCMC Parcel being ROS and his zoning Single Family except for the back 250 feet of Lot 7 which will also be zoned ROS. It is very

Tom Daley stated that at this point, we're getting into legal claims and he advised Council not to respond. He suggested renewing the invitation to Mr. Love to meet with him. Jeff Love stated that he would be happy to meet with Mr. Daley but would like some Council members present to discuss what went on in the past. He repeated that Ms. Leithead decided that it wasn't a timely complaint but encouraged members to call her to ask her personal opinion of what went on and you will not like the answer she is going to give you. He can make himself available to her to discuss what went on in the past. It was definitely discrimination that occurred but this is all corruption-based. He would appreciate some sort of response from the City.

IV RESIGNATIONS AND APPOINTMENTS

Consideration of an appointment to the Historic Preservation Board to fill an unexpired term to May 2014 – Dick Peek, "I move to appoint Gary Bush to the HPB".
Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

V NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of the Richards/Park City Municipal Corporation Annexation and Zoning Map Amendment, in a form approved by the City Attorney - Kirsten Whetstone introduced Frank Richards and Steve Schueler from Alliance Engineering. The annexation relates to two parcels, one owned by the City and the other by Frank Richards for a total of 33 acres. The Richards Parcel contains 13.75 acres and a preliminary plat has been prepared which is a requirement of the Annexation Petition. The plan is for seven single family lots and the applicant is requesting Single Family zoning which is consistent with adjacent subdivisions surrounding the parcel. The parcel is an island in the County's jurisdiction and is zoned Rural Residential which is 1:20 for developable areas and 1:40 for sensitive lands. The property is distant from any other County properties under its jurisdiction. She stated that the Planning Commission recommended that a portion of the Richards Parcel be zoned ROS to add layers of regulation to prevent density increase. The PCMC Parcel is 19.74 acres and will remain as open space and the City is the co-petitioner. This is consistent with the other open space zones in the area. All of the uses on the parcel would require a lease agreement which is scheduled later on the agenda. Ms. Whetstone pointed out that the parcel is also subject to a deed conservation easement.

She relayed that the Annexation Agreement outlines the zoning and density and the PCMC Parcel will be subject to Conditions of Approval listed in the Ordinance. The

to him.

The Mayor interjected that he is having an issue here because there is the threat of a lawsuit against PCMC and he is not sure that Public Input is the right forum to have this discussion. The City Council does not necessarily have the legal background to be able to answer his questions.

Mr. Love stated that these are not legal questions, but comments. This is Public Input and he is surprised that the Mayor is trying to limit it. Mayor Williams responded that Mr. Love can throw any number of questions at members, but is not sure this body can answer them. Deputy Attorney Daley commented that the intent is not to curtail public input and again suggested setting up a meeting to see how many questions can be answered and what may be appropriate for Public Input.

Mr. Love stated that with respect to a lawsuit, he will make the same offer that he made five months ago to the Council by waiving his rights to file a lawsuit if members will investigate his complaint. This has never been about money, but rather about the truth and what went on with his application. He has repeatedly tried and has had numerous meetings and everyone who have said that this is not the right forum. This isn't the right time to talk about this. He asked what the right forum is. He waited until litigation was done and then he came to Council and tried to resolve this and unfortunately, the City Council has no interest in knowing the truth it appears.

He indicated that he was naïve enough to think that Ms. Leithead would be an independent third party reviewing the complaint but if the Council reads her decision, first of all, Tom Eddington is not a city attorney. Mr. Love stated that he filed one HDDR application, not three, and the City did not approve his HDDR. She has confused a plat amendment with a HDDR application and if she had bothered to speak to him, she might have gotten the facts correct. Mr. Love stated that he would love to have the opportunity to convey evidence to Council of what went on and he has never had that opportunity, except for meeting with Dana Williams on July 20, 2012. The rest of the Council has not given him the opportunity to convey what went on and he has the facts to support everything that he has said in the past.

Mr. Love stated that Ms. Leithead's decision was based on her finding that he didn't complain soon enough and what is ironic is that over the last two and a half years, he has probably personally approached the Mayor 30 times to complain about what's going on. It is ironic that she would throw out he didn't complain soon enough and the other irony is that the statute of limitations is 180 days and the four times that she said that he had the opportunity to complain, he personally felt it was more corruption related than discrimination related. It was a little hard to determine what was going on. Mr. Love reiterated that it is a little ironic that he didn't complain soon enough and the reality is it wasn't until Mark Harrington disclosed to Council on July 20th what the City's position was about. That's when he realized what was going on.

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
JANUARY 31, 2013**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 31, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Council member Liza Simpson was absent and excused. Staff present was Diane Foster, Interim City Manager; Tom Daley, Deputy City Attorney; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; and Heinrich Deters, Trails Coordinator.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Andy Beerman reported that he and Alex Butwinski joined the Leadership Class at the Legislature which was a great opportunity and Mr. Butwinski commented that yesterday he and Mr. Beerman attended the ULCT luncheon on this year's legislative session.

The Mayor thanked everyone contributing to another successful Sundance Film Festival. He attended the SBSRD meeting this week and pointed out that the International Women's Forum is meeting in town. He spoke about being invited to participate in a conference call on KPCW on immigration next week with the Sutherland Institute. President Obama has introduced his new immigration platform which directly affects our community. The immigration system has not been revamped since 1991 and the areas of focus are enforcement and the path to citizenship which affects 11 million people in the United States.

III PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

Jeff Love Complaint - Jeff Love, 615 Woodside, asked if there are any updates since Ms. Leithead made her decision. There were none. He doesn't agree with her decision and asked if there is an appeal process. Tom Daley responded that there is no appeal process in the ordinance itself, but Mr. Love may have other legal options. Mr. Daley understood that Mr. Love's attorney no longer represents him. Mr. Love stated that since he no longer has legal representation he hoped that someone could speak to him directly. He asked if Ms. Leithead represented PCMC or whether she is an independent third party. Mr. Daley emphasized that she is an independent third party and is the administrator under the ordinance. She is not an attorney for PCMC. He offered to arrange a meeting with Mr. Love and Ms. Leithead and would be happy to attend the meeting as well. Mr. Love asked if she represented PCMC in the past or in the future and Mr. Daley stated that these are questions that he would be happy to answer in a meeting. Mr. Love stated that he tried to get answers in the past, but no one would talk to him. He is not sure how Ms. Leithead as the administrator of this complaint can do a thorough investigation and never speak to him. It is a little puzzling

lobbyists because legislators don't have staff to analyze bills. Ms. Foster felt this is a good approach for the year and right now there are no bills specifically targeting Park City. The City will also be working with the County, Chamber and School District on legislative issues.

2. Radon Awareness Month. Jim Blankenau explained that January has been declared Radon Action Month by the Governor for the purpose of raising awareness of the potential hazards of radon and to encourage people to test their homes. About one-third of the homes tested in the state have high levels of radon and it is the leading cause of lung cancer behind smoking. There are about 21,000 deaths per year in the US from radon exposure which is greater than drunk driving. He clarified that radon is a radio-active element which is a gas that is colorless, tasteless, and odorless and is derived from the decay of uranium. The only way to detect it is to test and radon has a very short half-life; its decay product are solid particles that adhere to the lungs. It enters homes through cracks in the floors, walls, construction joints, suspended floors, and gaps in service pipes. EPA recommends remediation if there are greater than four picocuries per leader and the World Health Organization actually recommends three picocuries per leader. Radon issues can be solved by installing a sub-slab ventilation system. Mr. Blankenau indicated that radon kits can be purchased at any hardware store or can be ordered through the State Division of Radiation Control.

Mark Harrington asked about the duration of exposure and Mr. Blankenau responded that he is not aware of a specific exposure time. Mayor Williams felt that results change with the placement of the test kit and felt it better to have a professional company test homes so that it results are accurate.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
JANUARY 31, 2013**

Present: Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek

Diane Foster, Interim City Manager; Jim Blankenau, Environmental Regulatory Program Manager; and Mark Harrington, City Attorney

Dave Stewart, Lobbyist

Absent: Council member Liza Simpson

1. Legislative update. Dave Stewart stated that the projected \$300,000 million in new federal dollars has softened recently and the final numbers will hopefully be available in February. The state is dependent on federal dollars and he believed that the federal government will hold quite a bit back in reserve and there may be potential cut-backs that would affect the state. There is an idea of putting sales tax back on food which will have an impact on Park City but there is sensitivity in the Legislature regarding tax increases and the likelihood of that is slim. There is a proposal to bring more clarity to the fireworks law allowing the sale of fireworks but communities can restrict use. He explained that Salt Lake County found that when an entity imposes a tax increase, any RDA within the district has inadvertently been receiving the tax revenue and there will be a bill so that all of the tax will come to the entity. He spoke about amendments to the building code and several bills on water rights. There is a property tax proposal regarding second homes so if the home is sold to as a primary residence, the new owner can change the status without waiting a year. The Mayor asked about the concealed weapon proposal and Mr. Stewart explained that it has been discussed but it is not public yet. There is an effort to address anti-discrimination laws regarding employment and housing on a statewide basis. Mr. Beerman asked about amendments to liquor laws and Dave Stewart indicated that there are some changes looking to clean up current provisions and proposal for a master liquor license for franchises.

Diane Foster explained that the City will be using a team approach this year and Jody Morrison will be working on a lot of the administrative pieces. Alex Butwinski is the legislative liaison and will be very involved this year as well as Alternates Dick Peek and Andy Beerman. This group will go to the legislative policy committee with the ULCT on Mondays and she will be attending the staff level meetings every Wednesday. Tom Daley has a handle on all of the water bills and Mark Harrington participates on the land use policy committee which meets year round. Kirsten Whetstone and Thomas Eddington are tracking planning issues and Roger Evans participates on the seismic code commission and is very familiar with building code matters. Police Chief Wade Carpenter stays informed on police chiefs' business. She explained the need for

regarding any historic and cultural resources be submitted to the City. Any discovered historical structures shall be added to the City's Historic Sites Inventory, and designed as either "Significant" or "Landmark" according to the criteria as listed in LMC Chapter 11.

18. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the property at the time of development of the lots.

The Park City Planning Commission meeting adjourned at 10:30 p.m.

Approved by Planning Commission: _____

of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new construction on the Property.

8. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. A landscaping plan for public right-of-way and any common areas shall be submitted with the final subdivision plat.
9. A note shall be included on the final subdivision plats requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
10. Excavated materials shall remain on site to the greatest extent possible.
11. Use of the PCMC parcel shall be addressed and regulated by a signed and executed License Agreement for Agricultural Use and grazing prior to commencing the use. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy.
12. The application is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement. Affordable housing obligation shall be provided on the property, unless otherwise approved by the Park City Housing Authority.
13. A note shall be added to the final subdivision plats stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within the building pad identified on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.
14. Access easements shall be provided on the final plat, along lot lines to facilitate access to the PCMC parcel, for equestrian use and for maintenance of the parcel as allowed by the March 2005 Deed of Conservation Easement.
15. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat.
16. The final subdivision plat shall dedicate a private access easement for the Ross-Gaebel Property to memorialize the existing private easement across the existing driveway and to extend this easement to the public ROW at Payday Drive.
17. Prior to recordation of a final subdivision plat, an historic and cultural resources survey of the Property shall be conducted by the Applicants in conformance with the City's Historic Preservation Chapter 11 of the Land Management Code and a certification letter

22. The property was posted, courtesy notices were mailed to surrounding property owners, and legal notice was published in the Park Record according to requirements for annexations in the Land Management Code.

Conclusions of Law – Richards Parcel Annexation

1. The Annexation and Zoning Map amendment are consistent with the Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – Richard Parcel Annexation

1. The Official Zoning Map shall be amended to designate the PCMC property as Recreation Open Space (ROS) and the Richards' Parcel as Single Family (SF) with the easternmost 80' of Lots 1, 2, and 6 and the northern most 250' of Lot 7 to be zoned Recreation Open Space (ROS) with the remaining portions of these lots zoned Single Family (SF).
2. The Annexation Agreement shall be fully executed and recorded at Summit County.
3. Recordation of a final subdivision plat, to create legal lots of record; dedicate utility, access, drainage, snow storage, and irrigation easements; identify building pads for houses and barns; identify limits of disturbance areas and define driveway and hard surface areas; establish architectural guidelines for barns; establish fencing details; and to address other issues that are typically addressed at the time of the final subdivision plat, is a requirement prior to commencing of site work and issuance of building permits on the Property.
4. The final subdivision plat shall be in substantial compliance with the preliminary plat submitted with the Annexation petition and reviewed by the Planning Commission.
5. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
6. Fencing shall be consistent throughout the subdivision and described on the final subdivision plat and in the CCRs. A fencing plan shall be submitted with the final subdivision plat application and with each building permit application to allow Staff to review all fencing for consistency throughout the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods.
7. Construction of a five foot wide public sidewalk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required and shall be identified on the final subdivision plat. The sidewalk and all required public improvements, including landscaping of the public right-

Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Liza Simpson was absent and excused. Staff present was Diane Foster, Interim City Manager; Brooke Moss, Human Resources Manager; Matt Cassel, City Engineer; Phyllis Robinson, Public Affairs Manager; Thomas Eddington, Planning Manager; Nate Rockwood, Budget Manager; Kyle McArthur, Water Program Manager; Clint McAfee, Water Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Andy Beerman, "I move to close the meeting to discuss personnel, property and litigation". Alex Butwinski seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Andy Beerman, "I move to open the meeting". Alex Butwinski seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder



Andy Beerman, "I move that we approve the Richards/PCMC Annexation and Zoning Map as amended by the City Attorney subject to the resolution of the water rights title dispute, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the draft Ordinance and subject to the draft Annexation Agreement". Alex Butwinski seconded. Mark Harrington clarified that the language, *as amended by the City Attorney*, will be that there is flexibility to revisit the preliminary plat layout with regard to building pads, barn location and design. Mr. Beerman agreed with the clarification as did Mr. Butwinski. Mr. Harrington commented that the reference to water rights relate to the Water Agreement not the Annexation Agreement. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

2. Consideration of a lease of City property for agricultural uses between Franklin D. Richards and Park City Municipal Corporation, in a form approved by the City Attorney – Heinrich Deters explained that the lease follows the annexation action and is specific and exclusive to Frank Richards for the term of his life. The purpose is to formalize the historic agricultural and grazing uses associated with the Park City open space and the annexation of the PCMC Parcel. The lease basically provides some oversight and monitoring of the use of the property and has been reviewed by Summit Lands Conservancy and their edits are included.

Mr. Deters stated that Mr. Richards has been a steward of this parcel prior to when the City purchased it and has educated him about the property. It is important to acknowledge that this lease formalizes the historic use and it basically saves the City money. Mr. Richards controls the weeds and takes care of the property and this is a *get* for the community. Alex Butwinski asked if this precludes a future lease with someone else for the same agricultural use. Tom Daley explained that the whole idea was to have Mr. Richards continue to take care of the property and to get a process in place; the lease conforms to the conservation easement. The Mayor pointed out his interest in the agricultural practices associated with the use of pesticides or herbicides and Mr. Deters explained that there is a review process by staff and he will use NRCS as a technical resource. The Mayor invited public input; there was none.

Dick Peek, "I move to enter into an Agreement with Frank Richards and Park City Municipal Corporation regarding the continuation of historical agricultural uses on the PCMC Parcel as set forth in the Lease". Cindy Matsumoto. Motion carried. The Mayor thanked Franklin Richards for everything he has done for the community and is glad this is done.

Andy Beerman	Aye
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Mr. Richards asked if the placement of the houses and barns are determined, can the rest of the lot be fenced in such a way that it could be pasture. Dick Peek clarified that the question is whether a fence would be allowed in a no build zone. Mr. Richards spoke about the Planning Commission tightening the development up as much as it could but it would be better if owners had some flexibility on the location of the barn as long as the barn is not within the back 50 or 100 feet of their lot. These lots are a long way from the road and he has no problem with limiting the buildings but he has an issue with not having any freedom to locate the barn. Someone in the future may want to lease the City's property for grazing and the location of the barn should be practical. In response to a question from the Mayor, Kirsten Whetstone explained that the Code specifies that barns must be a minimum of 75 feet from the houses. Mr. Richards pointed out that is only 50 to 100 feet in relation to being 700 or 800 feet from the road. Lots are limited to a house and a barn and there should be some freedom as to their placement. He stated that the barn cannot be any closer than 75 feet to the house which prompted the Commission to tighten up the development. It was clarified that the no build zone was added after the application was submitted.

Mr. Butwinski stated that he specifically asked Mr. Richards if he is okay with the no build zone and he said yes. Frank Richards admitted that he was somewhat confused by the meaning of the no build zone. Mr. Butwinski felt he would have more flexibility with ROS. Mark Harrington clarified that the Planning Commission's recommendation was for both not either. He felt members are on the right track, though, and City Council could give direction to the Planning Commission about further discussion on items. The Council will review the final subdivision plat in any event. The Council could relay to the Planning Commission support for the no build zone, no ROS zoning, with direction to review both the barn size, design and ultimate location, and to tweak the no build zone if the sizes get a little smaller.

Cindy Matsumoto felt that providing flexibility for the location of the barns may be beneficial for Payday residences. Mark Harrington emphasized that the City Council will have the benefit of more visual analysis with the final plat which may prompt changing Lot 7. The Mayor pointed out the potential of a barn being built right behind Mr. Jorgensen's house. The Mayor asked if the Commission had any ideas about the design of the barns and Frank Richards stated that he distributed brochures. Dick Peek understood that each owner will develop the lot which was confirmed.

Chris McDonald feared that the Planning Commission is not going to provide flexibility to move not only the barn pads, but the houses. With regard to Lot 7, the Mayor believed that the direction to the Planning Commission should be to give every effort to preserve and protect view corridors from adjacent lots. Mark Harrington advised that it doesn't need to be a finding but should be incorporated into the motion to be on record with regard to the flexibility with the preliminary plat versus the final plat. The concern is that the Planning Commission will feel the preliminary plat should be consistent with the final plat and may use that as the basis for not being flexible and there should be something on the record in the motion.

Alex Butwinski totally agreed that Mr. Richards has been very patient throughout the process. One of the Planning Commission members talked about not getting enough *gets* and he agreed that it does tend to get some negative connotation. The City will actually get some good things with the annexation including the potential for an increased property tax base as these lots are developed. The plat will confirm the number of building lots and if the process occurred in the County, something in the range of 45 units could be approved. The City also receives impact fees and a sidewalk along Payday Drive and he feels we gain a significant number of *gets* with the annexation. He stated that he has sympathy for preserving Mr. McDonald's view corridor but he, like Cindy Matsumoto, had a house built right behind him which is the nature of the environment we live in. Mr. Richards seems amenable to working with Chris McDonald. He agreed with Mr. Richards on the reduced salability of a lot with a bifurcated zone whether or not it affects the value, it would affect potential buyers who may not understand the zoning. After listening to the City Attorney and some other discussion about a no build zone being tighter, and the applicant is willing to agree to that, there is no reason not to approve the Annexation Agreement.

Mayor Williams felt that the City gained a bigger *get* in 1999 which is the whole area parallel to the entry corridor which was one of the first pieces that we bought from the farm. Cindy Matsumoto stated that she agrees with Mr. Butwinski about having two zones on a lot which would be confusing and the no build zone on the property seems better. She hoped the final subdivision plat will reflect a solution for the building pad on Lot 7. She understood Mr. McDonald's concern because he seems like the only one impacted and supported helping him out as much as possible. She discussed considering purchasing a home on Payday 20 years ago but understood there were plans for 100 homes behind the street. It is a real asset to Park City to have less homes and maintain a more open rural look and she supports moving forward with the annexation as proposed by staff.

Dick Peek asked the potential of the HOA running the riding arena as a commercial operation. Frank Richards stated the riding arena is private and this will be addressed in the CC&Rs. The riding arena is for the exclusive use of home owners in the subdivision. Mr. Peek did not like the white vinyl fencing around the property and Mr. Richards explained that they presented a fence proposal based on a request from the Planning Commission. He pointed out a number of locations on the property with the white vinyl fencing and they are proposing to keep the same style with a part of the area fenced with post and rail. Steve Schueler discussed the intent to make the fence less visible on Lot 7. Mr. Peek felt the no build zone is stronger than ROS and supported it.

Andy Beerman stated that he feels this is a reasonable proposal. It is not perfect and will impact the neighbors but agrees with the Mayor on the bigger *get* of acquiring open space on the entry corridor. He doesn't support the ROS zoning as it places a potential burden on Mr. Richards and doesn't protect the City.

Mike Jorgensen, Payday Drive, stated that his home is adjacent to the proposed plan. He spoke about being civil during the process. He does not have any financial stake in the project but objected to the ROS designation as it would allow someone to build a structure 30 feet wide, 30 feet long, 20 feet deep and 33 feet high on the edge of his property. The *gets* identified make the negatives sound wonderful. He didn't feel that this annexation is harmful but found it interesting that Mr. Richards has agreed to build a sidewalk on someone else's property. The last plan presented to the Planning Commission was really good but the barns are now 20 feet high and should be lowered to 18 feet. He worries about the fence which is an unknown at this point. His biggest concern about the Planning Commission meeting was that after the public hearing was closed, the Commission proposed a change in the zoning so there was no opportunity to comment on it. The City Attorney advised that this is legal but Mr. Jorgensen felt it is unethical. There were random zones of ROS created and the vote had to be taken twice because the idea was slammed through so quickly. He again pointed out that a 600 square foot structure can be built on ROS. He reiterated that the zoning was adopted after the public hearing closed. Mr. Richards has been very good with neighbors and pointed out that he could have built 135 affordable housing units on his parcel with County zoning and fortunately he did not do that. He encouraged looking at Mr. Richards' original barn idea and he again thanked everyone for being civil.

Cindy Matsumoto understood that the design of the barns has not been finalized and will probably match the style of the house. Frank Richards explained that his original proposal is to build MD Barns, which are considered to be the premiere horse barns in the country. Even though the barns might look similar, they would be the finest available. One of the Planning Commissioners thought the idea was ridiculous and the barns should reflect the house style. The Mayor asked if the increase from 14 feet to 18 feet was to accommodate pitched roofs. Ms. Whetstone believed it was to achieve variety.

Mike Jorgensen relayed that Commissioner Jack Thomas, who is also an architect, stated that there were many different designs that would work at 14 feet, but he didn't personally feel that is possible. Now they are 18 feet and he would prefer that the barns be shorter. Steve Schueler added that this is something that can be resolved with other concerns.

Vicky Gaby believed that she is Frank Richards' longest standing neighbor and lives near the island where the indoor arena serves as one of her fences, Aspen Springs as another fence, and Iron Canyon as a pasture. She is annexed into the City and has been a neighbor of the Richards for 35 plus years. Mr. Richards has taken excellent care of the property. She is very supportive of his plan as someone else could build a dense project on the property.

With no further input, the public hearing was closed.

loading shoots and other equipment to continue the tree lined driveway with a white vinyl fence on either side to the cul-de-sac. He discussed a displayed photograph pointing out that the back of the lots are probably 1,000 feet from the road. Steve Schueler stated that initially the house was pushed back behind the trees and the Planning Commission decided to pull it in closer to the cul-de-sac at its current location. He suggested working with Mr. McDonald and staff on the building pad location.

Mayor Williams emphasized that delineating the areas of disturbance is not before the City Council and the final plat will return to the Planning Commission and City Council. Ms. Whetstone discussed the desire to be fairly consistent with the preliminary and final plat. The Mayor stated that this doesn't preclude discussions between Mr. McDonald, staff and Mr. Richards regarding the placement of the house on Lot 7 and Ms. Whetstone agreed.

Mr. McDonald reiterated their objections initially to Lot 7 and she explained that it was a concern raised by staff and the Planning Commission talked about it and restricted the north area of the lot to ROS. Frank Richards stated that the coverage on Lot 7 is less than 5% of the total area. Mr. McDonald felt that is a result of the setbacks and the wetlands resulting in very limited space. Initially when the neighborhood was noticed about the annexation, this was a non-build area and the plan went from four, to six to seven lots. The only impacted home in Aspen Springs is their property and they are surrounded. Frank Richards pointed out that the riding arena was there when they purchased their home and Mr. McDonald acknowledged that they knew this property could be developed when they purchased their property and he asked if there are other alternatives for Lot 7. Ms. Whetstone commented on staff meeting with Mr. Richards and Alliance Engineering on these same questions. A minimum of one acre is required for horse lots and when the plan went from six to seven lots, two lots on Payday were combined. The wetlands were discussed.

The Mayor felt there is space to move the pad on Lot 7 and Kirsten Whetstone stated that there will be more information at the time of the final plat review process. Cindy Matsumoto encouraged Mr. McDonald to remain involved in the next phase of the project. She stated that somebody built in front of her house too. Mr. McDonald felt something can be worked out and spoke about Commissioner Wintzer's desire to push the development toward the road in the corner but Mr. Richards didn't believe Mr. Wintzer said that. Mr. McDonald feared that the Planning Commission will have limited leeway to change the preliminary plan and the pad placement is critical. Ms. Whetstone recalled that Commissioner Wintzer mentioned several times that the Planning Commission was not finalizing building pads at this time and wanted building pads and hard surfaced areas to be determined at the time of the final plat.

Mr. Richards stated that the average lot is two acres and he is concerned that placing too many conditions will make them unattractive to buyers. He is supportive of the no build areas and pointed out that with ROS zoning, a 600 square foot building can be constructed anywhere on the lot. The Mayor invited input from others.



Planning Commission Staff Report

Subject: Three Kings Realty at Silver Star
Author: Kirsten Whetstone, MS, AICP
Project Number: PL-14-02329
Date: October 22, 2014
Type of Item: Administrative - Conditional Use Permit (CUP)

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and consider approving a Conditional Use Permit for office uses at 1825 Three Kings Drive, to be located within a restored historic building with a proposed addition, as part of the Spiro Tunnel MPD (aka Silver Star Resort). Staff has provided findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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.

Description

Applicants: Alan Long, owner of Silver Star Realty and Silver Star Plaza Condominiums Owners Association, Inc., a Utah non-profit corporation
Location: 1825 Three Kings Drive
Zoning: Residential Development Medium Density (RDM) (Spiro Tunnel Master Planned Development (aka Silver Star))
Adjacent Land Uses: Residential condominiums, commercial and support commercial uses, Park City resort, trails, Park City Golf Course, single family houses, Park City Parks and Spiro Tunnel Water facilities, and open space parcels.
Reason for Review: Conditional Use Permits require review and final action by the Planning Commission.

Proposal

The applicant requests approval of a Conditional Use Permit (CUP) for office uses in the Residential Development Medium Density (RDM) zoning district as part of the Spiro Tunnel MPD (aka Silver Star). The applicants, owner of Silver Star Realty and the Silver Star Plaza Condominium HOA, propose to restore an historic mine tunnel shed, construct an addition to the shed, and adaptively re-use the building as a real estate office for the Silver Star community. The Conditional Use Permit is for a 2,260 square foot single story building to include 1,325 sf for real estate office uses, 615 sf for the existing mine tunnel entrance area, and 320 sf for storage, including cold storage for the

Silver Star Café to replace a temporary storage shed that exists at this location. The building is located on common area owned by the Silver Star Plaza Condominiums Owners Association, Inc.

A Historic District Design Review application is also required prior to issuance of a building permit for any work on the historic building. Staff and the Design Review Team have reviewed a pre-HDDR application for the restoration and addition and provided comments regarding location, scale, and architectural character of the addition.

Background

The subject property, located at 1825 Three Kings Drive, is identified on the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R Condominium Plat as common area. The plat was approved by the City Council on November 30, 2006 following approval of the Spiro Tunnel MPD (aka Silver Star MPD) by the Planning Commission in 2004. The property is subject to the Spiro Tunnel MPD Development Agreement. The MPD includes allowances for commercial and offices uses within the Plaza Area of the MPD as described below. The Spiro Tunnel MPD requires a Conditional Use Permit for new building construction, such as the proposed addition to the historic shed.

On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O). Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.

Up to 14,500 sf of commercial and office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential.

Currently there are 11,367 sf of commercial/office uses at the site, including the Sundance offices in MS-2 and MS-3. The flexible space in MS-3 is utilized by Sundance as offices during the Sundance season and for the artist-in-residence program or other community events during the summer and is counted as commercial/office space. The proposed 1,325 sf of office space would bring the total commercial/office floor area to 12,692 sf, which is less than the total allowable of 14,500 sf with 1,808 sf of commercial uses remaining.

There are currently 5,594 sf of support commercial uses, including the Silver Star café and the ski shop located in the Historic Building known as MS-1. There are an additional 3,130 sf of support uses for the residential units only, such as a club house,

common pool/spa, exercise room and laundry. The 320 sf of storage for Silver Star Café would increase the support commercial space to 5,914 sf.

Parking has been provided for all of the residential UE and all of the allowable commercial/office space per the MPD. There are 110 existing shared surface parking spaces for the commercial/office uses, affordable housing units, and parking for trailhead and city parks/water department employees by agreement. Parking for the residential condominium units is provided within the parking structures under the buildings and parking for the cottages is located within individual parking garages.

On September 10, 2008, a Conditional Use Permit was approved for a bar/grill (The Shaft at Silver Star CUP) at this same location (Exhibit F). The building/addition was never constructed and the CUP has expired.

The project site is located within the Residential Development Medium Density (RDM) zoning district. Office uses are allowed with an MPD as described above. The Spiro Tunnel MPD and CUP approved office uses at this site.

On July 9, 2014, Staff received an application for a Conditional Use Permit for a 2,260 square foot single story building for office uses, storage, and mine access (1645 sf addition to 615 sf existing historic shed). The finished building will include 1,325 sf for office uses, 320 sf for storage uses (dry and cold storage for Silver Star Café) and 615 sf for the mine tunnel entrance area. The application was considered complete on September 26, 2014, upon receipt of the mailing labels and envelopes.

Purpose

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) Allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) Encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) Allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) Allow Development in accordance with the Sensitive Lands Ordinance;
- (E) Provide opportunities for variation in architectural design and housing types,
- (F) Promote pedestrian connections within Developments and between adjacent Areas; and
- (G) Minimize impacts of the automobile on architectural design.

Analysis

The proposal complies with lot and site requirements of the RDM District and/or Master Planned Development as described below.

RDM Zone	Required/Proposed
Lot Size	No minimum lot size.
Floor Area Ratio (FAR)	No FAR required. Gross Floor Area is 2,260 sf including 1,325 sf (office), 320 sf (storage for Silver Star Café) and 615 sf (mine tunnel access area).
Front/rear yard setbacks	Zero lot line development permitted within the MPD, subject to Fire Code restrictions for separation between buildings. Complies.
Side yard setbacks	Zero lot line development permitted within the MPD, subject to Fire Code restrictions for separation between buildings. Complies.
Building Height	Thirty-three (33') from Existing Grade is allowed (includes exception for pitched roof). Building height will be verified at the time of Building Permit review. One story-proposed addition is 12'6" and the existing mine shed is 18'2". Complies.
Parking	Per Silver Star MPD all parking for the plaza area is shared and was provided at the time of construction of the project for all allowed uses, including 14,500 sf of commercial/office uses. To better manage the 110 shared surface parking spaces residential parking is reserved, trail head parking is identified for the northern most spaces, seasonal spaces for City Parks and Water Department employees is permitted in the north parking area, and other commercial and office uses utilize the remaining spaces (See Parking Memorandum- Exhibit D). Complies.
Architectural Design	All construction is subject to Design

	Guidelines for Historic Buildings and Sites, subject to submittal and review for compliance with the Design Guidelines, prior to issuance of a building permit.
Uses	Up to 14,500 sf of commercial and office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential. Currently there are 11,367 sf of commercial/office uses and 5,594 sf of support commercial uses. The addition of 1,325 sf of office space will bring total commercial/office to 12,692 sf which is less than 14,500 sf allowed and will bring the total support commercial uses to 5,914 sf. The MPD requires Conditional Use Permit for new building construction. Complies.

Conditional Uses are subject to review according to the following criteria set forth in the LMC 15-1-10(E):

1. Size and location of Site:

The 2,260 square foot one story building includes 615 sf of the existing mine tunnel area to be rehabilitated, 320 sf of storage area to replace the temporary structure utilized by the Silver Star Café, and 1,325 sf of office space. The site is located to the north of Building R (commercial space) and south of Building O (residential units) at the Silver Star plaza. The existing site is sufficient in size for the proposed addition and uses and allows code required separation between existing buildings. The addition and office uses are located on the south side of the building with approximately 14' of separation between the building and Building R. There is no change to the distance separating Building O from the existing mine shed and tunnel.

The Silver Star plaza is a part of the Spiro Tunnel MPD, a mixed use (residential, office, commercial) development located at 1825 Three Kings Drive at the base of the Silver Star ski lift of the Park City Resort. **No unmitigated impacts.**

2. Traffic considerations including capacity of the existing Streets in the area:

Additional traffic to the site will primarily be due to the 4-5 employees. Additional trips on the surrounding streets are estimated at 20-25 trips during the day between 8AM and 5 PM. The owner lives at Silver Star and there is a public transit stop at the entrance to the property on Three Kings Drive that may reduce both trips generated and parking demand. There are 110 surface parking spaces at the property (306 total parking spaces constructed as part of the Spiro Tunnel MPD). The parking was provided for all of the Residential UE, the 14,500 sf of

commercial/office uses, and the affordable housing units. The proposed 1,320 sf of office uses will not contribute a significant amount of additional traffic over the trips generated by the existing uses and the full 14,500 sf was considered in the traffic study provided when the MPD was approved. **No unmitigated impacts.**

3. Utility capacity;

Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and any amended utility, drainage, and access easements shall be provided as required by the City Engineer and utility providers. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system. **No unmitigated impacts.**

4. Emergency vehicle access;

The proposed development will not interfere with existing access routes for emergency vehicles. **No unmitigated impacts.**

5. Location and amount of off-street parking;

There are currently 110 shared parking spaces at the property. All parking for the MPD approved uses was provided when the project was constructed. This parking includes surface parking for the residential units, the 14,500 sf of allowed commercial/office uses, and the affordable housing units, including additional parking provided for trail head parking and City Parks and Water Department Parking in the summer. Parking for the residential units is located in parking structures under the condominium buildings. Parking at the MPD is managed and monitored per the Parking Memorandum, that was reviewed by the Planning Commission, to ensure that the affordable units on the plaza are not impacted by office, commercial or trail head parking. Staff recommends that a one year review of the parking shall be provided to the Planning Commission one year following certificate of occupancy for the office space to ensure that parking continues to be managed and monitored per the Parking Memorandum that was reviewed by the Planning Commission for the entire MPD. **No unmitigated impacts as conditioned.**

6. Internal vehicular and pedestrian circulation system;

Internal vehicular and pedestrian circulation system includes existing driveways and sidewalks. No changes to this system are proposed with the additional office uses. **No unmitigated impacts.**

7. Fencing, Screening, and Landscaping to separate the use from adjoining uses;

No outdoor storage of goods or mechanical equipment is proposed or allowed onsite. No fencing is proposed. The area disturbed by construction of the addition will be landscaped in a manner consistent with existing landscaping at the site. **No unmitigated impacts.**

8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;
The one story addition is compatible in mass, bulk, and orientation to the existing historic shed and tunnel structure. The office uses are oriented towards the commercial building and the existing tunnel and shed are oriented towards the residential units. Maximum building height in the RDM zone is 28' plus 5' for a pitched roof. The proposed addition is 12'6" and the existing shed is 18'2". **No unmitigated impacts.**
9. Usable open space:
The MPD provided 74.60 % open space (14.8 acres). With the additional 1,645 sf of building footprint the open space is reduced to 74.41% based on total MPD area of 19.84 acres. **No unmitigated impacts.**
10. Signs and Lighting;
There are no signs proposed for the building at this time. Any new exterior signs or lighting must be approved by the Planning Department prior to installation and must comply with the Silver Star Master Sign Plan. **No unmitigated impacts**
11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
The building compliments the existing historic and contemporary building styles on site. Materials consist of wood, metal, and glass. The site is a significant historic site on the Historic Sites Inventory and therefore prior to building permit issuance a Historic District Design Review application will need to be submitted and reviewed for compliance with the Design Guidelines for Historic Buildings and Sites. The Design Review Team reviewed a pre-HDDR application and provided input regarding placement of the addition, as well as scale, height, architectural character, and materials. **No unmitigated impacts.**
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;
Office uses and storage will be contained within the building and no noise, vibration, odors, steam, or other mechanical factors are expected that might affect people and property off –site. **No unmitigated impacts.**
13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area;
There are existing enclosed trash dumpsters located on the property within an easy walk from the building. There are no loading docks associated with the proposed use. **No unmitigated impacts.**
14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities;

The building is located on common area owned by the Silver Star Plaza Condominiums Owners Association, Inc. If the CUP is approved, the Silver Star Plaza Condominium plat would have to be amended prior to issuance of a building permit to identify the building. Amendment of the plat requires approval by vote of the HOA. If the HOA intends to sell the building then the condominium plat would have to be amended to indicate the building as a private commercial condominium unit, similar to the designation of the other buildings on the plat. If the building remains commonly owned, the amended plat can identify the building and indicate that it is common area.

No unmitigated impacts.

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1. Failure to comply with the Soil Ordinance is a Class B misdemeanor. **No unmitigated impacts, as conditioned.**

General Plan

The proposed office use is a local business and primarily supports residential uses within the Silver Star MPD. The CUP application is consistent with the purposes of the General Plan regarding a mixed use development with retail, office, and residential uses on this property. The proposal includes rehabilitation and adaptive re-use of a dilapidated historic structure.

Department Review

This application was reviewed by the Development Review Committee and issues raised regarding ownership of the site, the requirement for an Historic District Design Review and a condominium record of survey plat amendment prior to building permit issuance, as well as concerns for maintaining the existing utility easements and existing access easements to the mine shed have been addressed with conditions of approval. No further issues were brought up at that time.

Notice

On October 8, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on October 8, 2014.

Public Input

No public input has been received by the time of this report. A public hearing is scheduled for this item.

Future Process

Prior to issuance of a building permit, the Silver Star Plaza Condominium plat would have to be amended to identify the building on the plat. Amendment of the plat requires a positive vote of the Silver Star Plaza Condominium HOA. The building can be

identified as a private commercial condominium unit if the intent is to sell the unit to Silver Star Realty or can remain as common area, owned by the HOA, and leased to the Silver Star Realty or other entity. A Historic District Design Review is also required prior to issuance of a building permit as the site is listed as a Significant Site on the Historic Sites Inventory.

Alternatives

- The Planning Commission may approve the CUP as conditioned or amended; or
- The Planning Commission may deny the CUP and direct staff to make Findings for this decision; or
- The Planning Commission may continue the CUP to a date certain and provide staff with direction on additional information that they would like to see.

Significant Impacts

Any significant impacts to the City or neighborhood as a result of this Conditional Use Permit have been mitigated through design and conditions of approval.

Consequences of not taking the Suggested Recommendation

Offices uses could not occupy the building.

Recommendation

Staff recommends the Planning Commission review the Conditional Use Permit application, hold a public hearing, and consider approving the CUP according to the findings of fact, conclusions of law and conditions of approval incorporated herein:

Findings of Fact

1. The subject property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and within the Spiro Tunnel Master Planned Development (aka Silver Star MPD).
3. The project site is located within the Residential Development Medium Density (RDM) zoning district. Office uses are allowed with an MPD. The Spiro Tunnel MPD and CUP approved office uses at this site and no MPD amendment is required for this proposed CUP application.
4. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).
5. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.

6. The CUP is subject to the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R condominium plat approved by City Council on November 30, 2006 and recorded at Summit County on February 19, 2008. The building is located in the common area of this condominium plat and is currently owned by the Silver Star Plaza Condominiums Homeowner's Association.
7. The existing single story historic mine shed consists of approximately 615 square feet. The proposed single story addition consists of approximately 1,645 square feet of gross floor area, including 1,325 sf for office uses and 320 sf for storage and walk-in cooler for Silver Star Café to replace the temporary storage shed located at this site. The mine shed area will continue to be used for access to the mine tunnel for maintenance of water facilities.
8. The site is listed on the Historic Sites Inventory as a Significant Historic Site.
9. There are currently 110 shared parking spaces at the property. All parking within Spiro Tunnel MPD (Silver Star), with the exception of the private garages for the 22 cottage units, is shared parking, and was provided at the time of construction of the project in accordance with parking requirements for the approved uses.
10. No outdoor storage of goods or mechanical equipment is proposed. The existing temporary structure housing a walk-in cooler and storage for the Silver Star Café will be removed upon completion of the addition and these uses (storage for the Café) will be relocated to a 320 sf portion of the addition, completely enclosed within the building.
11. Additional traffic to the site will primarily be due to the 4-5 employees, as the office is primarily to provide real estate services to the Silver Star MPD owners. Additional trips on the surrounding streets are estimated at 20-25 trips (5 trips per employee per day) during the day between 8AM and 5 PM. A public transit stop is located at the property on Three Kings Drive near the main entrance.
12. Any additional utility capacity, in terms of water requirements due to added fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit.
13. The proposed development will not interfere with access routes for emergency vehicles.
14. No signs are proposed at this time. Any new signs will be reviewed under a separate sign permit for compliance with the approved Master Sign Plan for Silver Star.
15. Exterior lighting will be reviewed at the time of the building permit review.
16. The proposal exists within the Park City Soil Ordinance Boundary.
17. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The Applicant complies with all requirements of the LMC;

4. The Use is consistent with the Spiro Tunnel Master Planned Development and the Park City General Plan, and
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. All signs associated with the use of the property must comply with the Silver Star Master Sign Plan and the City's Sign Code.
3. All exterior lighting shall comply with the lighting requirements in the LMC and shall be down directed and shielded.
4. No outdoor storage of goods or mechanical equipment is allowed on-site for this use. The existing temporary storage shed shall be removed from the site upon completion of the building.
5. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
6. Prior to recordation of the plat amendment for this property a utility plan and any amended utility, drainage, and access easements shall be provided as required by the City Engineer and utility providers.
7. A utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and Sewer District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.
8. A Historic District Design Review application is required to be submitted and the plans shall be reviewed for compliance with the Design Guidelines for Historic Buildings and Sites prior to issuance of a building permit for any work on the historic building.
9. The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1.
10. The Silver Star Plaza Condominium plat will have to be amended prior to issuance of a building permit to identify the building and addition on the plat. If the HOA intends to sell the building then the condominium plat would have to be amended to indicate the building as a private commercial condominium unit, similar to the designation of the other buildings on the plat. If the building remains commonly owned, the amended plat can identify the building and indicate that it is common area.
11. A one year review of the parking shall be provided to the Planning Commission one year following certificate of occupancy for the office space to ensure that parking continues to be managed and monitored per the Parking Memorandum that was reviewed by the Planning Commission for the entire MPD. Parking shall be actively managed to ensure that the residential units on the plaza are not impacted by office, commercial, support commercial or trail head parking.
12. A construction mitigation plan (CMP) shall be submitted with the building permit and shall identify how construction activity and construction parking impacts on

the residential units and commercial activity on the plaza will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.

Exhibits

Exhibit A- Applicants letter

Exhibit B- Proposed Plans

Exhibit C- Recorded Condominium plat

Exhibit D- Parking Memorandum

Exhibit E- MPD Approval

Exhibit F- 2008 CUP approval for The Shaft at Silver Star CUP

Exhibit G- Photographs

September 30, 2014

Kirsten Whetstone
Park City Building Department
445 Marsac
P.O. Box 1480
Park City, Utah 84060

Kirsten,

My name is Alan Long and I am the applicant for the Silver Star Mine Shack Real Estate office renovation. I have been an owner at Silver Star since 2009 and I have had a license in real estate since 1979. Last year, when I purchased the Silver Star Ski Shop and a two bedroom affordable condo from the developers of Silver Star I also purchased their plans, with the City's approval, to renovate the Mine Shack into a real estate office.

I have opened many real estate offices in the past and because of my fondness for Silver Star and my neighbors I thought this would be a good fit. The purpose of the office will be to deal with the sales of Silver Star homes. We will not be doing Property Management or rentals. Currently, when you go to the Multiple Listing Service for Silver Star, you will find only two homes for sale. The on-site real estate office will have access to the more than 120 homes in Silver Star! The more homes we have access to, the more we can keep the prices trending higher, benefitting all Silver Star homeowners.

The area between the Ski Shop and affordable housing that includes the elevated, refrigerated unit takes away from the appealing aesthetic of the Silver Star community. The new renovated structure will incorporate and completely hide the refrigerated unit, allowing the Silver Star Café to continue functioning successfully. The real estate office has more potential than the current mine shaft and refrigerated unit to provide multiple benefits. Park City will now receive property taxes that are not being generated by the existing structures and homeowner dues will be paid to the Silver Star Home Owner's Association.

The office will be open Monday to Friday 9 to 5. A receptionist will not be required; all inquiries go to the listing agent's email or cell phone. The office will have two real estate agents and myself, each of us will take a different day of the week to staff the office. No additional staff is required as agents upload their listings themselves to the Multiple Listing Service and to the internet. I will also be saving the Silver Star community a parking spot; I live up the street and plan to leave my car inside my garage. I can walk or ski down plus, Silver Star has a courtesy shuttle for all homeowners.



In summation, as a real estate office, the renovated structure will serve the owners of Silver Star by maintaining high property values, esthetically add to the development, create revenue for the HOA and property taxes for Park City and also give the Water Department access through a now stable structure. Based on all the above I am hopeful that the Planning Department will approve this project.

Thank you for your time and consideration,

A handwritten signature in blue ink that reads "Alan Long". The signature is written in a cursive style with a large, looping "L" and "G".

Alan Long



- * Architecture
- * Landscape Architecture
- * Land Planning
- * Construction Management
- * Interior Design

2014.09.08

Park City Planning
445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

Attn: Kirsten Whetstone

Three Kings Realty
Commercial/ Support Commercial Analysis

This letter is to review of the existing commercial and Support commercial space provided in the Silver Star Village.

The "Village" is broken into (2) categories of commercial space: Commercial and Support commercial.

Support Commercial Space

1. SF-1 building which faces the golf course, containing the skier elevator, the café, condo rental agency. Area of 3,510 sq. ft.
2. MS-1, Silver Star Ski and Sport. Area of 2,084 sq. ft.

Total Support Commercial area of 5,594 sq. ft.

Commercial Space

1. MS-2, Sundance offices. Area of 4,992 sq. ft.
2. MS-2 expansion office space. Area of 4,399 sq. ft.
3. MS-3, support commercial space available as flexible space for community events. Area of 1,976 sq. ft.
4. Proposed new commercial area Realty Office. Area of 1,645 sq. ft.

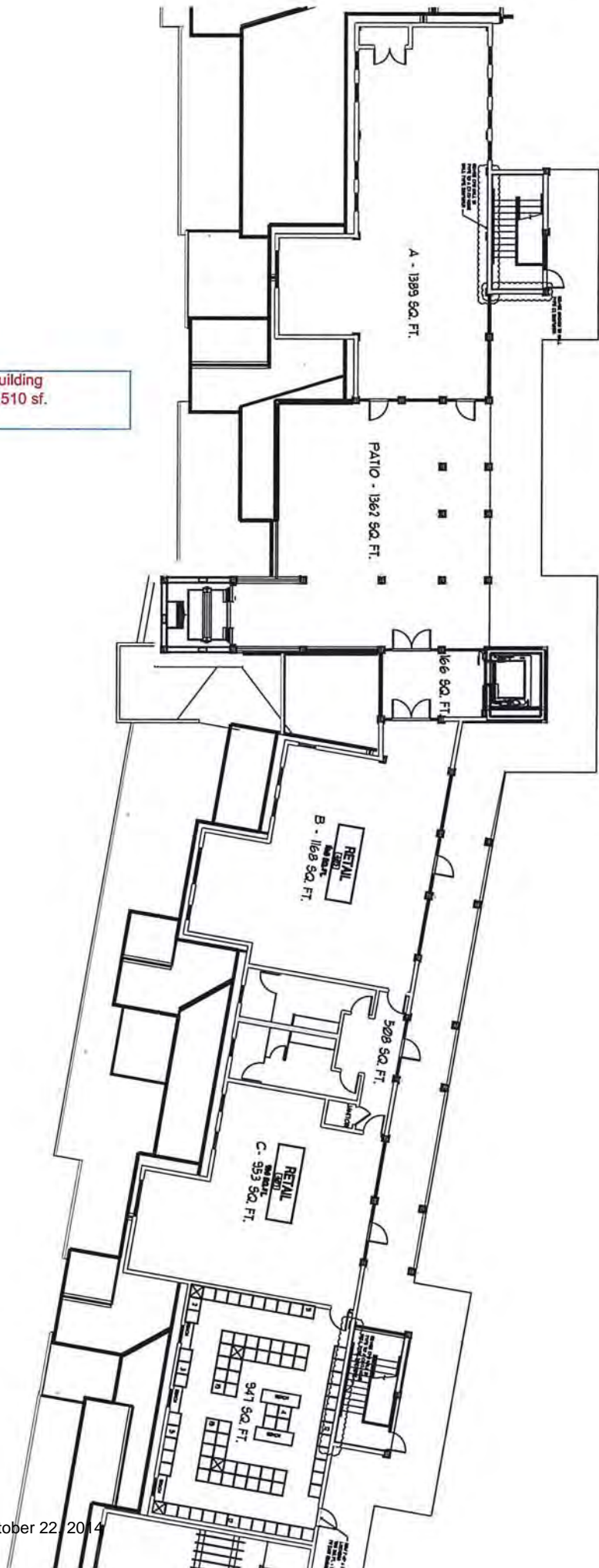
Total commercial area of 13,012 sq. ft.

Please review the attached floor plans of the village floor plans to verify areas and categories.

Thank you,
John M. Shirley AIA

5151 South 900 East
Suite 200
Salt Lake City, Utah 84117
☎ +801.269.0055
www.thinkaec.com

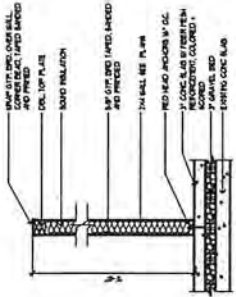
Silver Star SF-1 condo building
Support Commercial = 3,510 sf.



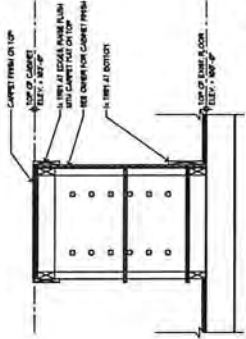


jsa architects
 architects
 interior designers
 4411 Sand Road East
 Suite 201
 Park City, UT 84303
 Tel: 435 734 2288
 Fax: 435 734 2289
 www.jsa-ut.com

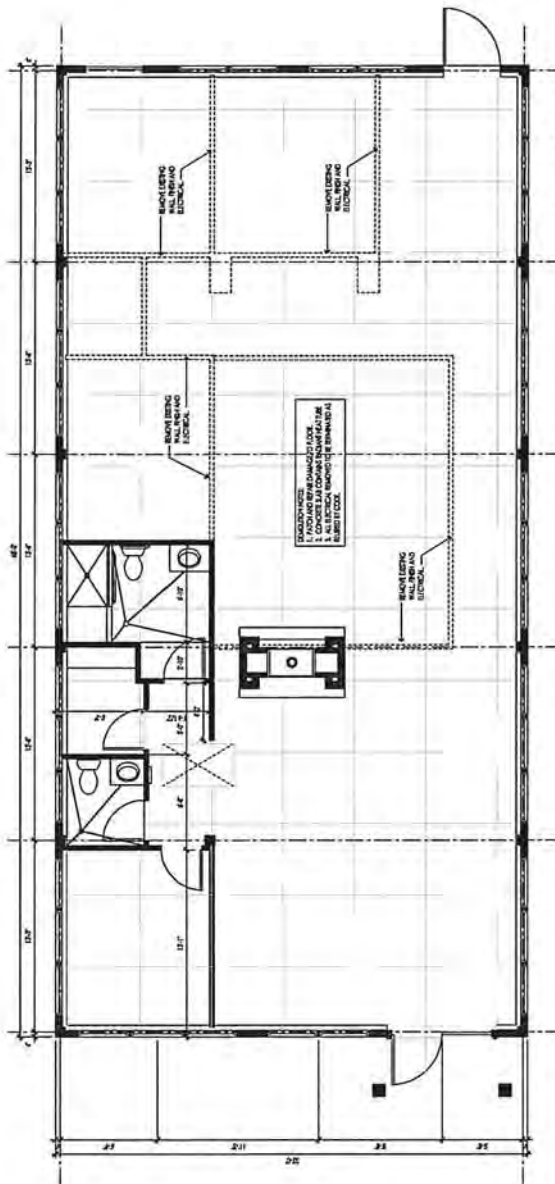
The design and construction of buildings is a complex process. We are committed to providing our clients with the highest quality design and construction services. We are a full-service architectural and interior design firm. We are committed to providing our clients with the highest quality design and construction services. We are a full-service architectural and interior design firm.



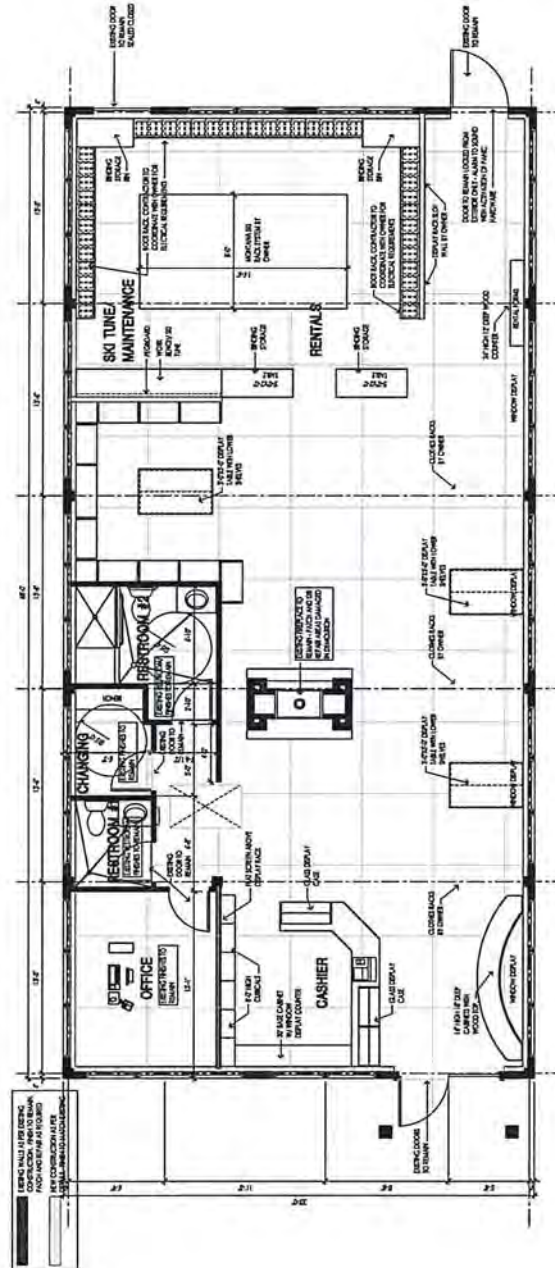
INTERIOR WALL DETAIL
 SCALE: 1/4" = 1'-0"



CABINET DETAIL
 SCALE: 1/4" = 1'-0"



DEMOLITION PLAN
 SCALE: 1/4" = 1'-0"



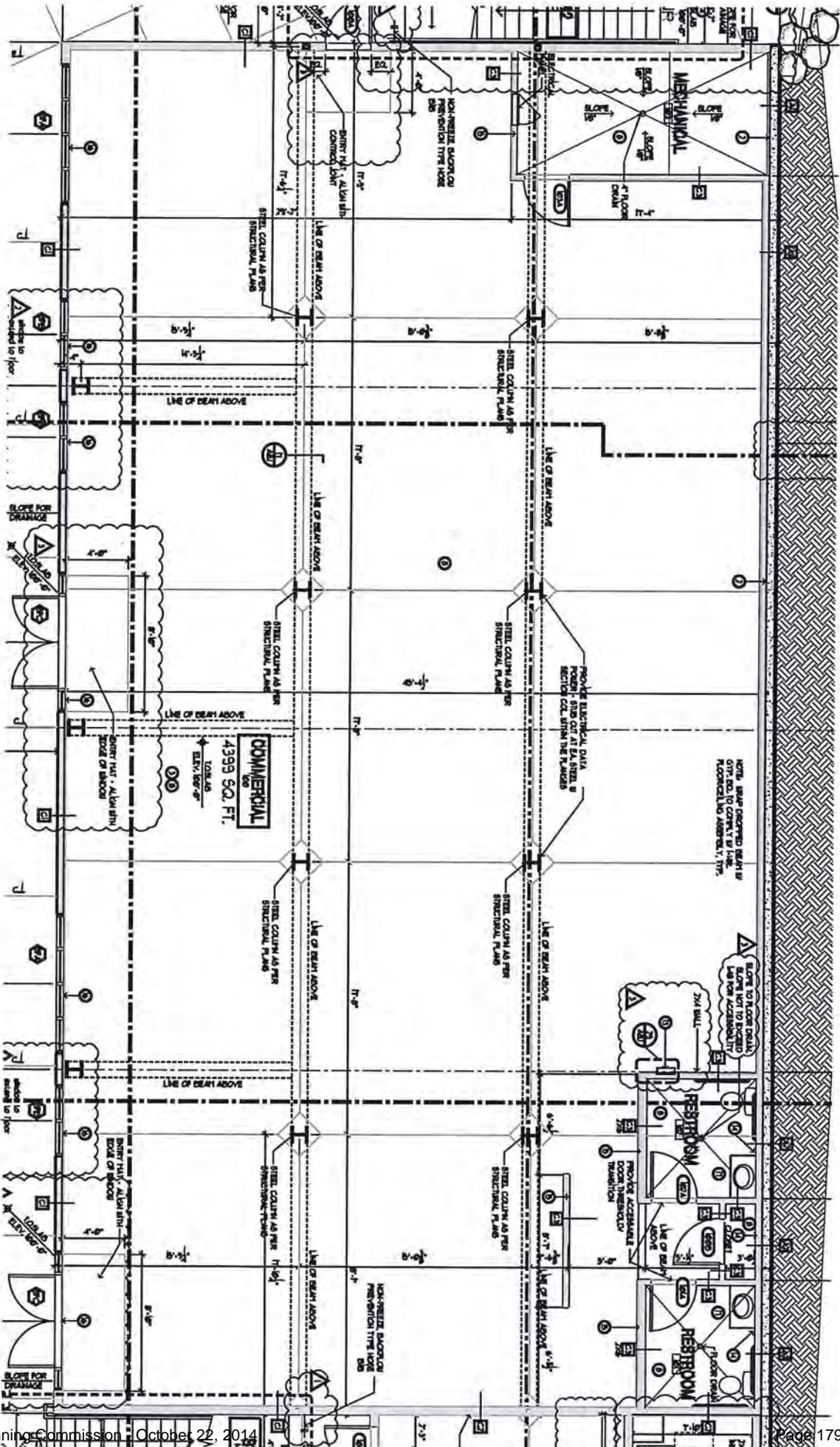
TENANT FINISH FLOOR PLAN
 SCALE: 1/4" = 1'-0"

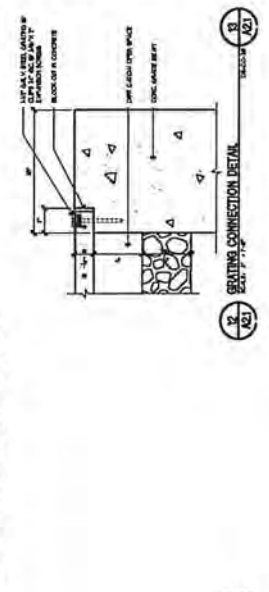
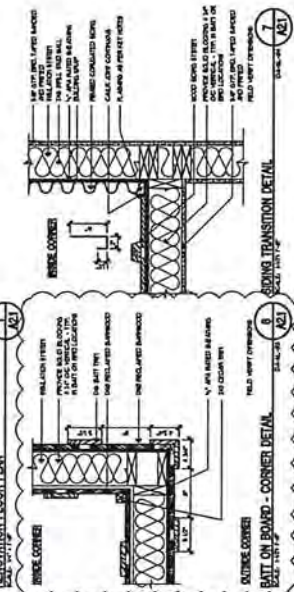
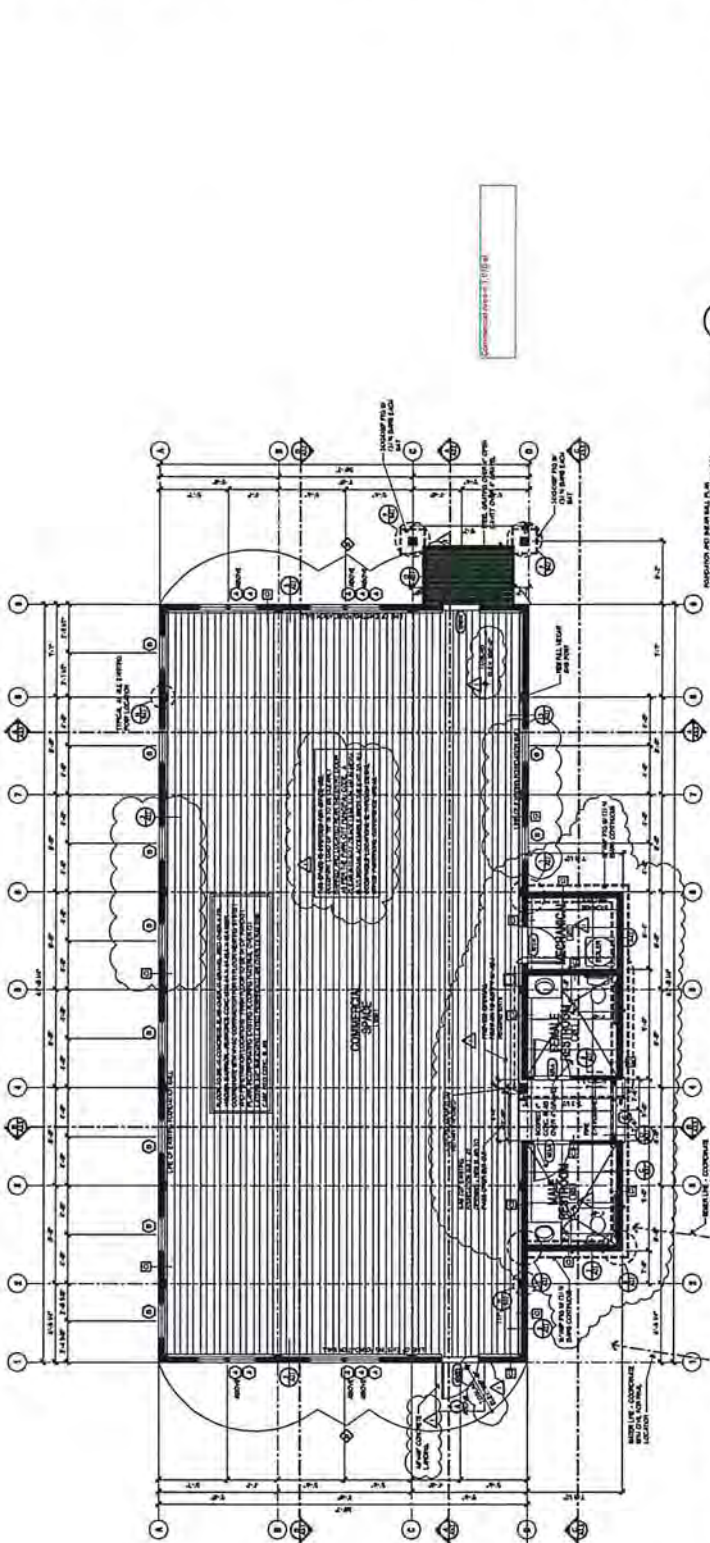
Project:
 SILVER STAR
 SPORTS
 TENANT IMPROVEMENT
 85 SILVER STAR DRIVE
 PARK CITY, UT 84303

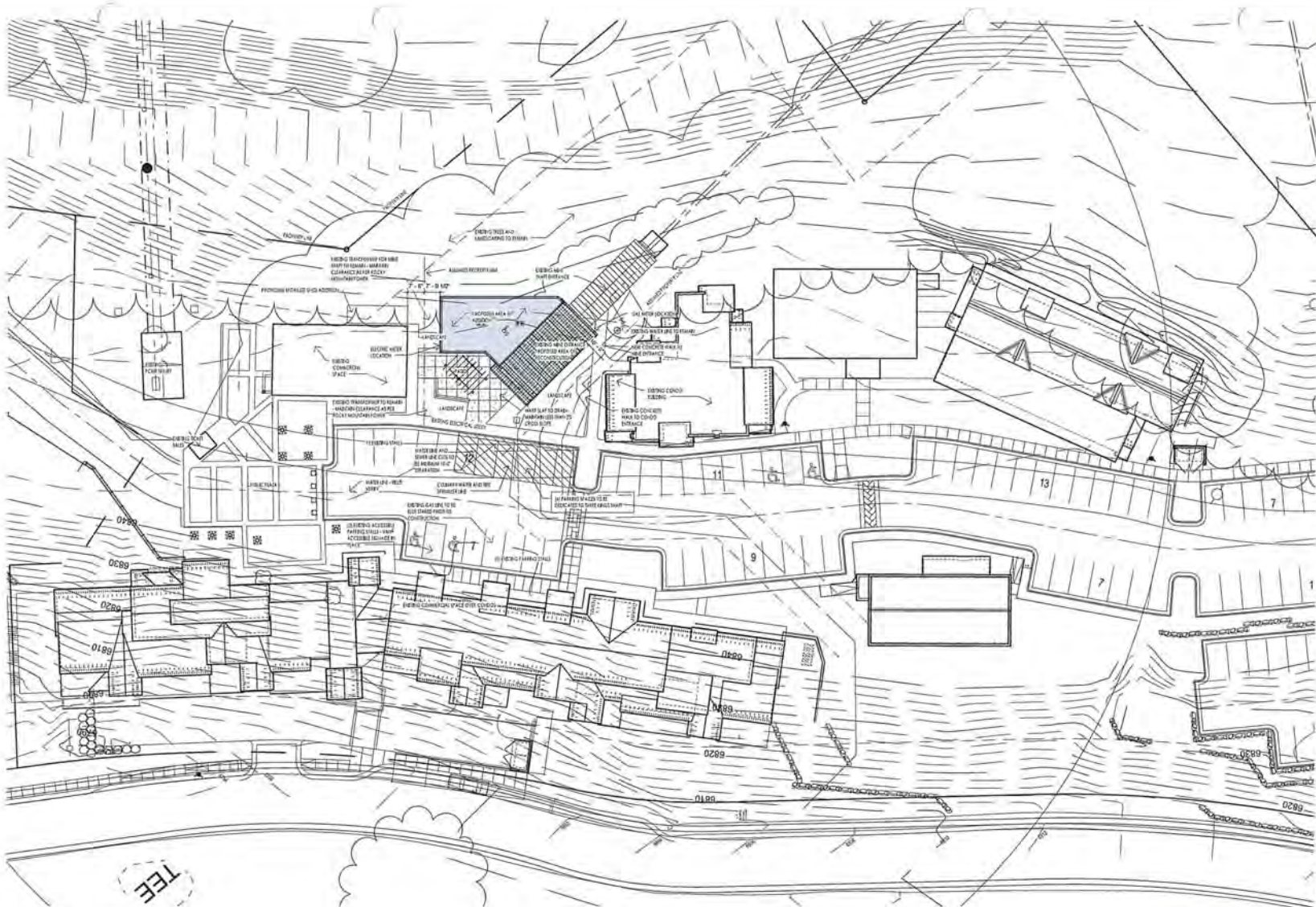
date: AUGUST 29, 2011
revisions:

date: AUGUST 29, 2011
project: 0462 SPORTS/UT
drawn by: JMS
checked by: JMS
title:

FLOOR PLANS
 sheet
A21
 PERMIT SET 2011.08.08







SITE LEGEND	
ELECTRIC LINE	⊗
FIRE LINE	⊙
GAS LINE	⊖
WATER LINE	⊕

MASTER SITE PLAN
1" = 20'-0"

RECEIVED
JUL 09 2014
PARK CITY PLANNING DEPT



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

1875 South 900 East, Suite 200
1575 South 1100 East, Suite 111
P.O. Box 241022
Salt Lake City, UT 84124
Tel: 801.249.1423
www.thinkpk.com

The project information is provided for informational purposes only. It is not intended to constitute an offer of any financial product or service. The information is subject to change without notice. Please contact your broker for more information.

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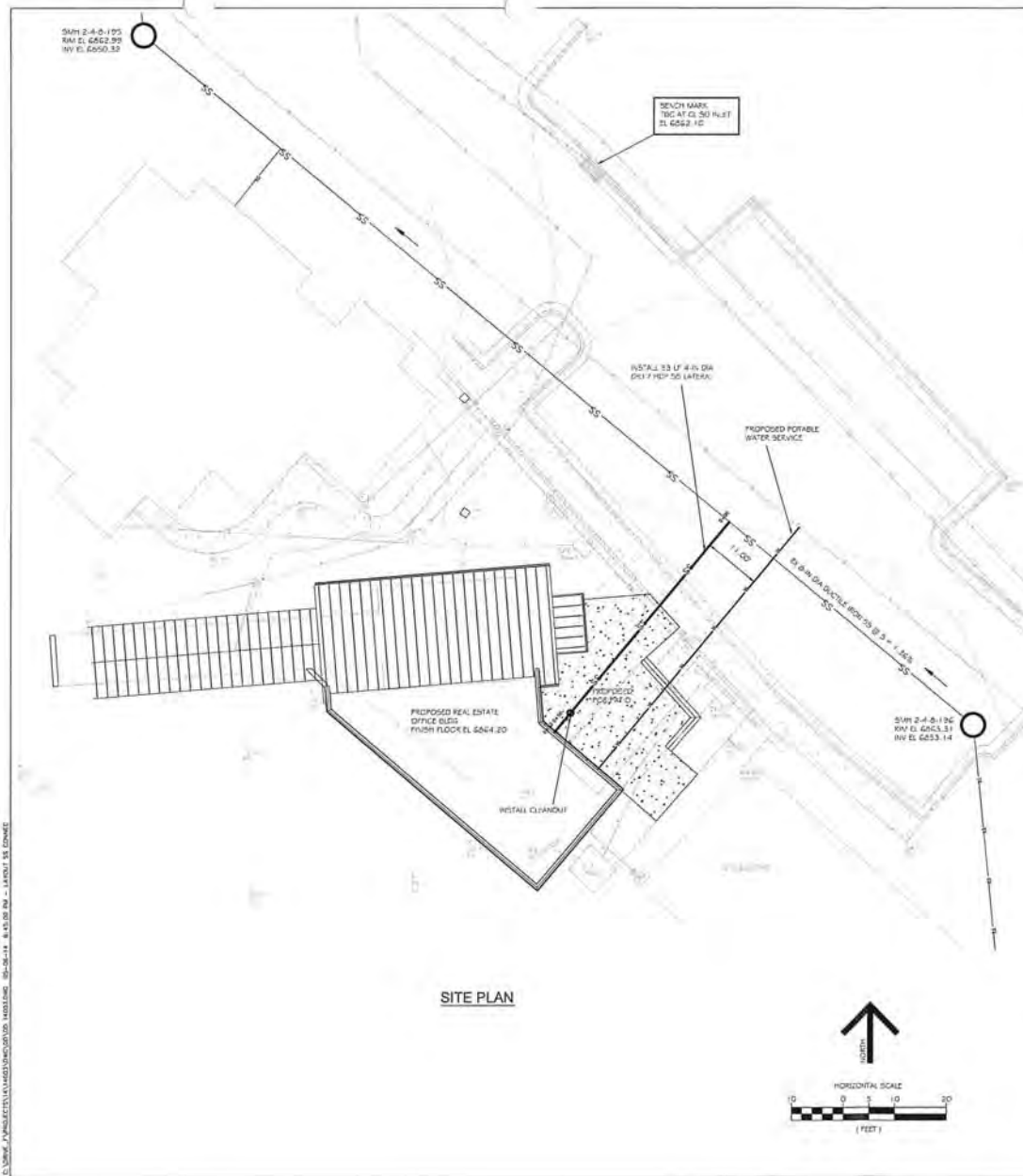
REALTY OFFICE
1825 THREE RINGS DRIVE PARK CITY UT 84060

CUP SUBMITTAL 2014.05.26

PROJECT NO. 13149
DATE 2014.06.30
REVISIONS

SHEET TITLE
SITE PLAN

SHEET NUMBER
A11



ELEVATION DATUM

LOCAL DATUM (APPROXIMATE MEAN SEA LEVEL)

DESIGN NOTES

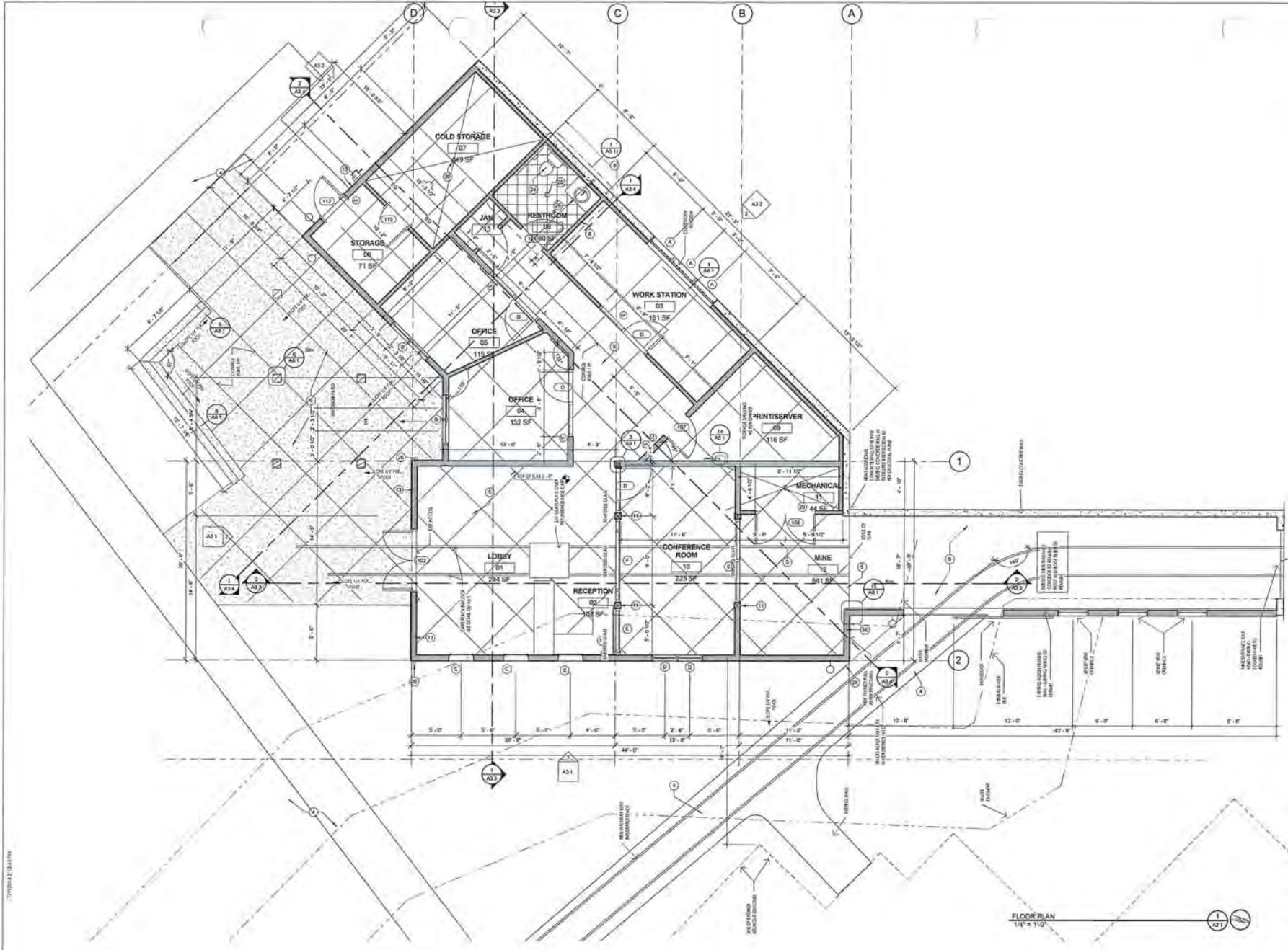
- EXISTING SPOT GRADES SHOWN INDICATED FOR CLARITY. ADD 6000 FEET TO ELEVATIONS SHOWN TO REFERENCE PLAN ELEVATION DATUM IN THE FIELD.
- THIS DRAWING IS NOT INTENDED TO ADDRESS THE FOLLOWING:
 - CONSTRUCTION
 - BUILDING LOCATION, DESIGN, OR FOUNDATION DRAINAGE
 - PROPOSED SITE UTILITIES OTHER THAN SANITARY SEWERS
 - SITE DRAINAGE AND CROPPING
 - SITE CONCRETE AND PAVING
 - FORMAL LANDSCAPING
- SEE ARCHITECTURAL DRAWINGS FOR PROPOSED BUILDING FLOOR ELEVATION SHOWN PROVIDED BY ARCHITECT.
- ALL UTILITY LINES SHOWN ARE UNDERGROUND.

REGULATORY NOTES

- AT LEAST TWO FULL BUSINESS DAYS PRIOR TO COMMENCEMENT OF ANY WORK, CALL 811 FOR UNDERGROUND UTILITY MARKING. ALSO, PROVIDE AT LEAST THREE FULL BUSINESS DAYS NOTICE TO APPROPRIATE FEDERAL, STATE, COUNTY, AND MUNICIPAL DEPARTMENTS, UTILITY AND REGULATION COMPANIES, AND UTILITY DISTRICTS BEFORE COMMENCING ANY WORK IN THE FIELD.
- COORDINATE AND OBTAIN ALL CONSTRUCTION PERMITS REQUIRED BY REGULATORY AUTHORITIES.
- PRIOR TO COMMENCEMENT OF ANY WORK, REVIEW AND FULLY UNDERSTAND ALL CONSTRUCTION REQUIREMENTS, CONDITIONS, AND LIMITATIONS IMPOSED BY PERMITS AND APPROVALS ISSUED BY REGULATORY AUTHORITIES.
- CONSTRUCT IMPROVEMENTS IN ACCORDANCE WITH STATE, MUNICIPAL, FIRE, AND UTILITY DISTRICT STANDARDS, UNLESS SPECIFIED OTHERWISE.
- THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A MAPPED FLOODPLAIN. SEE FEMA FLOOD RESURFANCE RATE MAP, COMMUNITY PANEL NO. 48043C 03 17C, EFFECTIVE DATE MARCH 14, 2008.
- THERE ARE NO JURISDICTIONAL MARKERS ON THE PROPERTY.
- PRIOR TO ANY WORK, COORDINATE WITH AND OBTAIN APPROVAL FROM THE SILVER STAR PLAZA CONDOMINIUM OWNERS ASSOCIATION, INC. FOR ALL IMPROVEMENTS DEPICTED HEREON.

ABBREVIATIONS

AD	ADJUSTED CENTERLINE
AL	ADJUSTED LATERAL
AS	AS-BUILT
BS	BUILDING SETBACK
CC	CONCRETE
CD	CONCRETE DRAIN
CE	CONCRETE EDGE
CF	CONCRETE FINISH
CH	CHANNEL
CL	CLIMATE
CM	CONCRETE MASONRY
CO	CONCRETE
CS	CONCRETE SLAB
CU	CURB
DA	DRAINAGE AREA
DB	DRAINAGE BASIN
DC	DRAINAGE CHANNEL
DD	DRAINAGE DITCH
DE	DRAINAGE ELEVATION
DF	DRAINAGE FLOW
DG	DRAINAGE GRATE
DH	DRAINAGE HOLE
DI	DRAINAGE INLET
DJ	DRAINAGE JUNCTION
DK	DRAINAGE KICK
DL	DRAINAGE LATERAL
DM	DRAINAGE MAIN
DN	DRAINAGE NEST
DO	DRAINAGE OPENING
DP	DRAINAGE POINT
DQ	DRAINAGE QUANTITY
DR	DRAINAGE RATE
DS	DRAINAGE SLOPE
DT	DRAINAGE TRENCH
DU	DRAINAGE UNDER
DV	DRAINAGE VALVE
DW	DRAINAGE WALL
DX	DRAINAGE EXHAUST
DY	DRAINAGE YARD
DZ	DRAINAGE ZONE
EA	EXISTING
EB	EXISTING BUILDING
EC	EXISTING CONCRETE
ED	EXISTING DRAINAGE
EE	EXISTING ELEVATION
EF	EXISTING FINISH
EG	EXISTING GRASS
EH	EXISTING HOLE
EI	EXISTING INLET
EJ	EXISTING JUNCTION
EK	EXISTING KICK
EL	EXISTING LATERAL
EM	EXISTING MAIN
EN	EXISTING NEST
EO	EXISTING OPENING
EP	EXISTING POINT
EQ	EXISTING QUANTITY
ER	EXISTING RATE
ES	EXISTING SLOPE
ET	EXISTING TRENCH
EU	EXISTING UNDER
EV	EXISTING VALVE
EW	EXISTING WALL
EX	EXISTING EXHAUST
EY	EXISTING YARD
EZ	EXISTING ZONE
FA	FINISH
FB	FINISH BUILDING
FC	FINISH CONCRETE
FD	FINISH DRAINAGE
FE	FINISH ELEVATION
FF	FINISH FINISH
FG	FINISH GRASS
FH	FINISH HOLE
FI	FINISH INLET
FJ	FINISH JUNCTION
FK	FINISH KICK
FL	FINISH LATERAL
FM	FINISH MAIN
FN	FINISH NEST
FO	FINISH OPENING
FP	FINISH POINT
FQ	FINISH QUANTITY
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FS	FINISH SLOPE
FT	FINISH TRENCH
FU	FINISH UNDER
FV	FINISH VALVE
FW	FINISH WALL
FX	FINISH EXHAUST
FY	FINISH YARD
FZ	FINISH ZONE
GA	GRASS
GB	GRASS BUILDING
GC	GRASS CONCRETE
GD	GRASS DRAINAGE
GE	GRASS ELEVATION
GF	GRASS FINISH
GG	GRASS GRASS
GH	GRASS HOLE
GI	GRASS INLET
GJ	GRASS JUNCTION
GK	GRASS KICK
GL	GRASS LATERAL
GM	GRASS MAIN
GN	GRASS NEST
GO	GRASS OPENING
GP	GRASS POINT
GQ	GRASS QUANTITY
GR	GRASS RATE
GS	GRASS SLOPE
GT	GRASS TRENCH
GU	GRASS UNDER
GV	GRASS VALVE
GW	GRASS WALL
GX	GRASS EXHAUST
GY	GRASS YARD
GZ	GRASS ZONE
HA	HOLE
HB	HOLE BUILDING
HC	HOLE CONCRETE
HD	HOLE DRAINAGE
HE	HOLE ELEVATION
HF	HOLE FINISH
HG	HOLE GRASS
HH	HOLE HOLE
HI	HOLE INLET
HJ	HOLE JUNCTION
HK	HOLE KICK
HL	HOLE LATERAL
HM	HOLE MAIN
HN	HOLE NEST
HO	HOLE OPENING
HP	HOLE POINT
HQ	HOLE QUANTITY
HR	HOLE RATE
HS	HOLE SLOPE
HT	HOLE TRENCH
HU	HOLE UNDER
HV	HOLE VALVE
HW	HOLE WALL
HX	HOLE EXHAUST
HY	HOLE YARD
HZ	HOLE ZONE
IA	INLET
IB	INLET BUILDING
IC	INLET CONCRETE
ID	INLET DRAINAGE
IE	INLET ELEVATION
IF	INLET FINISH
IG	INLET GRASS
IH	INLET HOLE
II	INLET INLET
IJ	INLET JUNCTION
IK	INLET KICK
IL	INLET LATERAL
IM	INLET MAIN
IN	INLET NEST
IO	INLET OPENING
IP	INLET POINT
IQ	INLET QUANTITY
IR	INLET RATE
IS	INLET SLOPE
IT	INLET TRENCH
IU	INLET UNDER
IV	INLET VALVE
IW	INLET WALL
IX	INLET EXHAUST
IY	INLET YARD
IZ	INLET ZONE
JA	JUNCTION
JB	JUNCTION BUILDING
JC	JUNCTION CONCRETE
JD	JUNCTION DRAINAGE
JE	JUNCTION ELEVATION
JF	JUNCTION FINISH
JG	JUNCTION GRASS
JH	JUNCTION HOLE
JI	JUNCTION INLET
JJ	JUNCTION JUNCTION
JK	JUNCTION KICK
JL	JUNCTION LATERAL
JM	JUNCTION MAIN
JN	JUNCTION NEST
JO	JUNCTION OPENING
JP	JUNCTION POINT
JQ	JUNCTION QUANTITY
JR	JUNCTION RATE
JS	JUNCTION SLOPE
JT	JUNCTION TRENCH
JU	JUNCTION UNDER
JV	JUNCTION VALVE
JW	JUNCTION WALL
JX	JUNCTION EXHAUST
JY	JUNCTION YARD
JZ	JUNCTION ZONE
KA	KICK
KB	KICK BUILDING
KC	KICK CONCRETE
KD	KICK DRAINAGE
KE	KICK ELEVATION
KF	KICK FINISH
KG	KICK GRASS
KH	KICK HOLE
KI	KICK INLET
KJ	KICK JUNCTION
KK	KICK KICK
KL	KICK LATERAL
KM	KICK MAIN
KN	KICK NEST
KO	KICK OPENING
KP	KICK POINT
KQ	KICK QUANTITY
KR	KICK RATE
KS	KICK SLOPE
KT	KICK TRENCH
KU	KICK UNDER
KV	KICK VALVE
KW	KICK WALL
KX	KICK EXHAUST
KY	KICK YARD
KZ	KICK ZONE
LA	LATERAL
LB	LATERAL BUILDING
LC	LATERAL CONCRETE
LD	LATERAL DRAINAGE
LE	LATERAL ELEVATION
LF	LATERAL FINISH
LG	LATERAL GRASS
LH	LATERAL HOLE
LI	LATERAL INLET
LJ	LATERAL JUNCTION
LK	LATERAL KICK
LL	LATERAL LATERAL
LM	LATERAL MAIN
LN	LATERAL NEST
LO	LATERAL OPENING
LP	LATERAL POINT
LQ	LATERAL QUANTITY
LR	LATERAL RATE
LS	LATERAL SLOPE
LT	LATERAL TRENCH
LU	LATERAL UNDER
LV	LATERAL VALVE
LW	LATERAL WALL
LX	LATERAL EXHAUST
LY	LATERAL YARD
LZ	LATERAL ZONE
MA	MAIN
MB	MAIN BUILDING
MC	MAIN CONCRETE
MD	MAIN DRAINAGE
ME	MAIN ELEVATION
MF	MAIN FINISH
MG	MAIN GRASS
MH	MAIN HOLE
MI	MAIN INLET
MJ	MAIN JUNCTION
MK	MAIN KICK
ML	MAIN LATERAL
MM	MAIN MAIN
MN	MAIN NEST
MO	MAIN OPENING
MP	MAIN POINT
MQ	MAIN QUANTITY
MR	MAIN RATE
MS	MAIN SLOPE
MT	MAIN TRENCH
MU	MAIN UNDER
MV	MAIN VALVE
MW	MAIN WALL
MX	MAIN EXHAUST
MY	MAIN YARD
MZ	MAIN ZONE
NA	NEST
NB	NEST BUILDING
NC	NEST CONCRETE
ND	NEST DRAINAGE
NE	NEST ELEVATION
NF	NEST FINISH
NG	NEST GRASS
NH	NEST HOLE
NI	NEST INLET
NJ	NEST JUNCTION
NK	NEST KICK
NL	NEST LATERAL
NM	NEST MAIN
NN	NEST NEST
NO	NEST OPENING
NP	NEST POINT
NQ	NEST QUANTITY
NR	NEST RATE
NS	NEST SLOPE
NT	NEST TRENCH
NU	NEST UNDER
NV	NEST VALVE
NW	NEST WALL
NX	NEST EXHAUST
NY	NEST YARD
NZ	NEST ZONE
OA	OPENING
OB	OPENING BUILDING
OC	OPENING CONCRETE
OD	OPENING DRAINAGE
OE	OPENING ELEVATION
OF	OPENING FINISH
OG	OPENING GRASS
OH	OPENING HOLE
OI	OPENING INLET
OJ	OPENING JUNCTION
OK	OPENING KICK
OL	OPENING LATERAL
OM	OPENING MAIN
ON	OPENING NEST
OO	OPENING OPENING
OP	OPENING POINT
OQ	OPENING QUANTITY
OR	OPENING RATE
OS	OPENING SLOPE
OT	OPENING TRENCH
OU	OPENING UNDER
OV	OPENING VALVE
OW	OPENING WALL
OX	OPENING EXHAUST
OY	OPENING YARD
OZ	OPENING ZONE
PA	POINT
PB	POINT BUILDING
PC	POINT CONCRETE
PD	POINT DRAINAGE
PE	POINT ELEVATION
PF	POINT FINISH
PG	POINT GRASS
PH	POINT HOLE
PI	POINT INLET
PJ	POINT JUNCTION
PK	POINT KICK
PL	POINT LATERAL
PM	POINT MAIN
PN	POINT NEST
PO	POINT OPENING
PP	POINT POINT
PQ	POINT QUANTITY
PR	POINT RATE
PS	POINT SLOPE
PT	POINT TRENCH
PU	POINT UNDER
PV	POINT VALVE
PW	POINT WALL
PX	POINT EXHAUST
PY	POINT YARD
PZ	POINT ZONE
QA	QUANTITY
QB	QUANTITY BUILDING
QC	QUANTITY CONCRETE
QD	QUANTITY DRAINAGE
QE	QUANTITY ELEVATION
QF	QUANTITY FINISH
QG	QUANTITY GRASS
QH	QUANTITY HOLE
QI	QUANTITY INLET
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QK	QUANTITY KICK
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QO	QUANTITY OPENING
QP	QUANTITY POINT
QQ	QUANTITY QUANTITY
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QS	QUANTITY SLOPE
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QV	QUANTITY VALVE
QW	QUANTITY WALL
QX	QUANTITY EXHAUST
QY	QUANTITY YARD
QZ	QUANTITY ZONE
RA	RATE
RB	RATE BUILDING
RC	RATE CONCRETE
RD	RATE DRAINAGE
RE	RATE ELEVATION
RF	RATE FINISH
RG	RATE GRASS
RH	RATE HOLE
RI	RATE INLET
RJ	RATE JUNCTION
RK	RATE KICK
RL	RATE LATERAL
RM	RATE MAIN
RN	RATE NEST
RO	RATE OPENING
RP	RATE POINT
RQ	RATE QUANTITY
RR	RATE RATE
RS	RATE SLOPE
RT	RATE TRENCH
RU	RATE UNDER
RV	RATE VALVE
RW	RATE WALL
RX	RATE EXHAUST
RY	RATE YARD
RZ	RATE ZONE
SA	SLOPE
SB	SLOPE BUILDING
SC	SLOPE CONCRETE
SD	SLOPE DRAINAGE
SE	SLOPE ELEVATION
SF	SLOPE FINISH
SG	SLOPE GRASS
SH	SLOPE HOLE
SI	SLOPE INLET
SJ	SLOPE JUNCTION
SK	SLOPE KICK
SL	SLOPE LATERAL
SM	SLOPE MAIN
SN	SLOPE NEST
SO	SLOPE OPENING
SP	SLOPE POINT
SQ	SLOPE QUANTITY
SR	SLOPE RATE
SS	SLOPE SLOPE
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SU	SLOPE UNDER
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SX	SLOPE EXHAUST
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TA	TRENCH
TB	TRENCH BUILDING
TC	TRENCH CONCRETE
TD	TRENCH DRAINAGE
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TV	TRENCH VALVE
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TX	TRENCH EXHAUST
TY	TRENCH YARD
TZ	TRENCH ZONE
UA	UNDER
UB	UNDER BUILDING
UC	UNDER CONCRETE
UD	UNDER DRAINAGE
UE	UNDER ELEVATION
UF	UNDER FINISH
UG	UNDER GRASS
UH	UNDER HOLE
UI	UNDER INLET
UJ	UNDER JUNCTION
UK	UNDER KICK
UL	UNDER LATERAL
UM	UNDER MAIN
UN	UNDER NEST
UO	UNDER OPENING
UP	UNDER POINT
UQ	UNDER QUANTITY
UR	UNDER RATE
US	UNDER SLOPE
UT	UNDER TRENCH
UU	UNDER UNDER
UV	UNDER VALVE
UW	UNDER WALL
UX	UNDER EXHAUST
UY	UNDER YARD
UZ	UNDER ZONE
VA	VALVE
VB	VALVE BUILDING
VC	VALVE CONCRETE
VD	VALVE DRAINAGE
VE	VALVE ELEVATION
VF	VALVE FINISH
VG	VALVE GRASS
VH	VALVE HOLE
VI	VALVE INLET
VJ	VALVE JUNCTION
VK	VALVE KICK
VL	VALVE LATERAL
VM	VALVE MAIN
VN	VALVE NEST
VO	VALVE OPENING
VP	VALVE POINT
VQ	VALVE QUANTITY
VR	VALVE RATE
VS	VALVE SLOPE
VT	VALVE TRENCH
VU	VALVE UNDER
VV	VALVE VALVE
VW	VALVE WALL
VX	VALVE EXHAUST
VY	VALVE YARD
VZ	VALVE ZONE
WA	WALL
WB	WALL BUILDING
WC	WALL CONCRETE
WD	WALL DRAINAGE
WE	WALL ELEVATION
WF	WALL FINISH
WG	WALL GRASS
WH	WALL HOLE
WI	WALL INLET
WJ	WALL JUNCTION
WK	WALL KICK
WL	WALL LATERAL
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WR	WALL RATE
WS	WALL SLOPE
WT	WALL TRENCH
WU	WALL UNDER
WV	WALL VALVE
WW	WALL WALL
WX	WALL EXHAUST
WY	WALL YARD
WZ	WALL ZONE
XA	EXHAUST
XB	EXHAUST BUILDING
XC	EXHAUST CONCRETE
XD	EXHAUST DRAINAGE
XE	EXHAUST ELEVATION
XF	EXHAUST FINISH
XG	EXHAUST GRASS
XH	EXHAUST HOLE
XI	EXHAUST INLET
XJ	EXHAUST JUNCTION
XK	EXHAUST KICK
XL	EXHAUST LATERAL
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XN	EXHAUST NEST
XO	EXHAUST OPENING
XP	EXHAUST POINT
XQ	EXHAUST QUANTITY
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XS	EXHAUST SLOPE
XT	EXHAUST TRENCH
XU	EXHAUST UNDER
XV	EXHAUST VALVE
XW	EXHAUST WALL
XX	EXHAUST EXHAUST
XY	EXHAUST YARD
XZ	EXHAUST ZONE
YA	YARD
YB	YARD BUILDING
YC	YARD CONCRETE
YD	YARD DRAINAGE
YE	YARD ELEVATION
YF	YARD FINISH
YG	YARD GRASS
YH	YARD HOLE
YI	YARD INLET
YJ	YARD JUNCTION
YK	YARD KICK
YL	YARD LATERAL
YM	YARD MAIN
YN	



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CUP SUBMITTAL 2014.05.26
PROJECT NO. 13149
DATE: 2014.06.30
REVISED:
SHEET TITLE: FLOOR PLAN
SHEET NUMBER: A21

RECEIVED
JUL 09 2014
THINK CITY LEFT

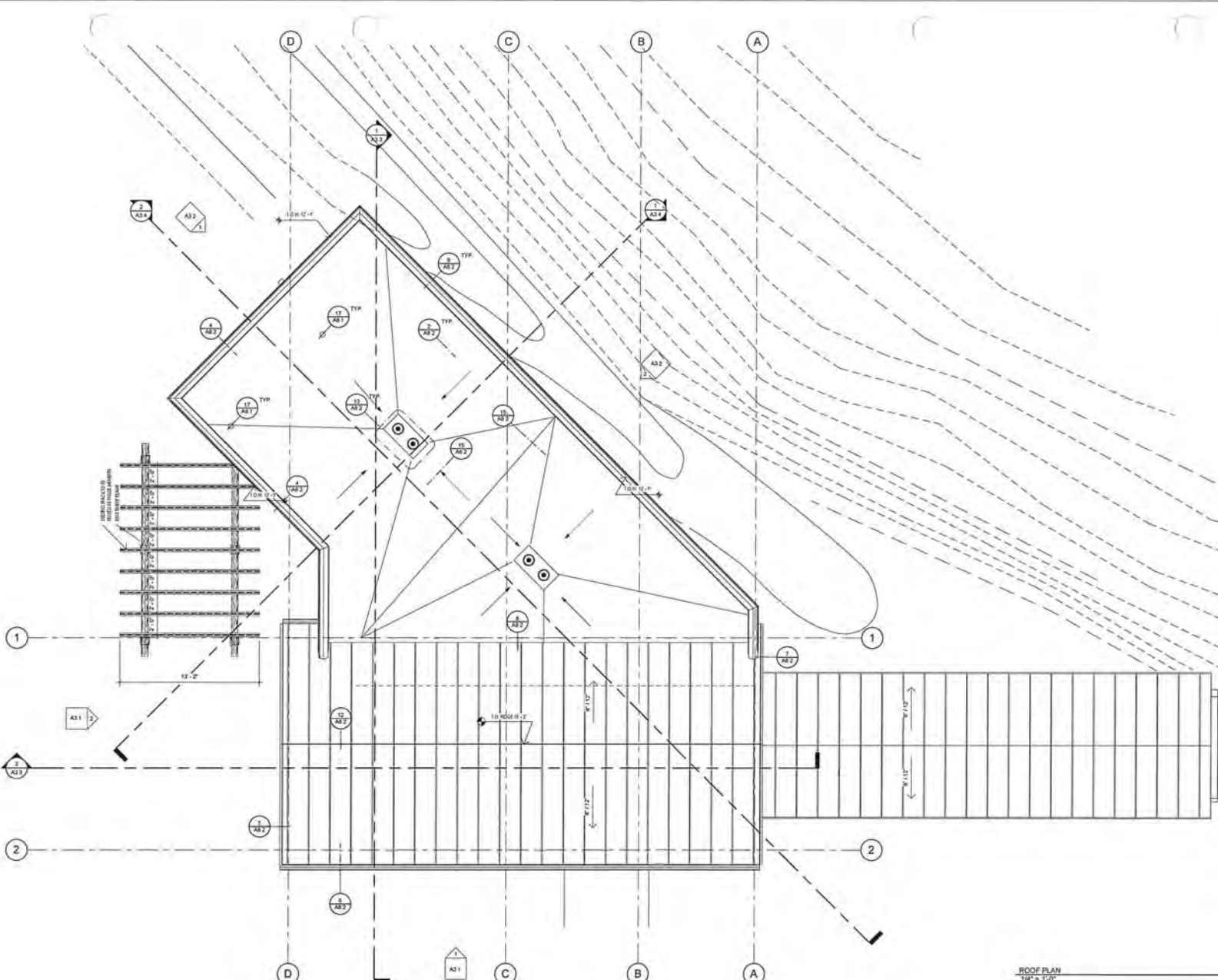


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The project and its development shall be
designed and constructed in accordance with
the applicable codes and regulations of the
jurisdiction in which the project is located.
The design and construction shall be in
accordance with the applicable codes and
regulations of the jurisdiction in which the
project is located.



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1825 THREE RINGS DRIVE PARK CITY UTAH 84090

CUP SUBMITAL 2014.05.26

PROJECT NO. 13149
DATE: 2014.06.30
REVISED:

SHEET TITLE: ROOF PLAN
SHEET NUMBER: A2.2



ROOF PLAN
1/4" = 1'-0"

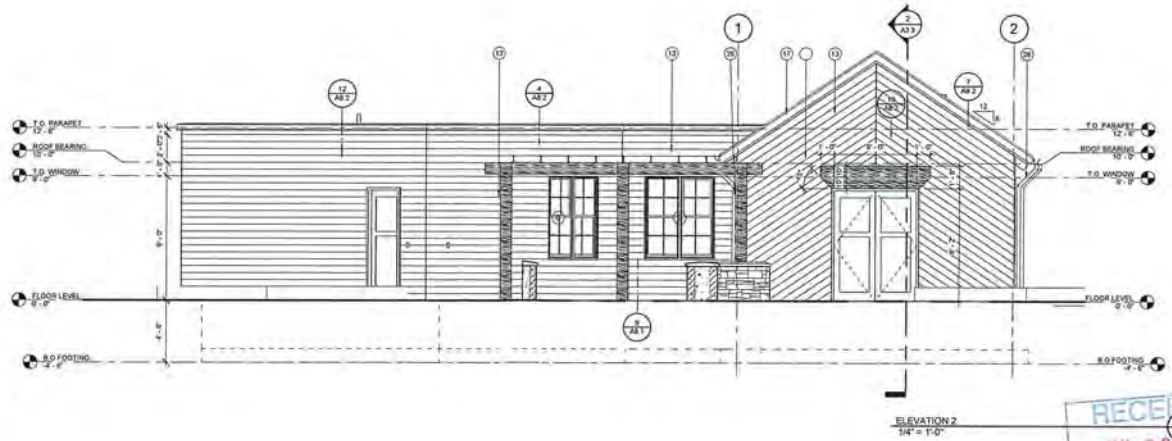
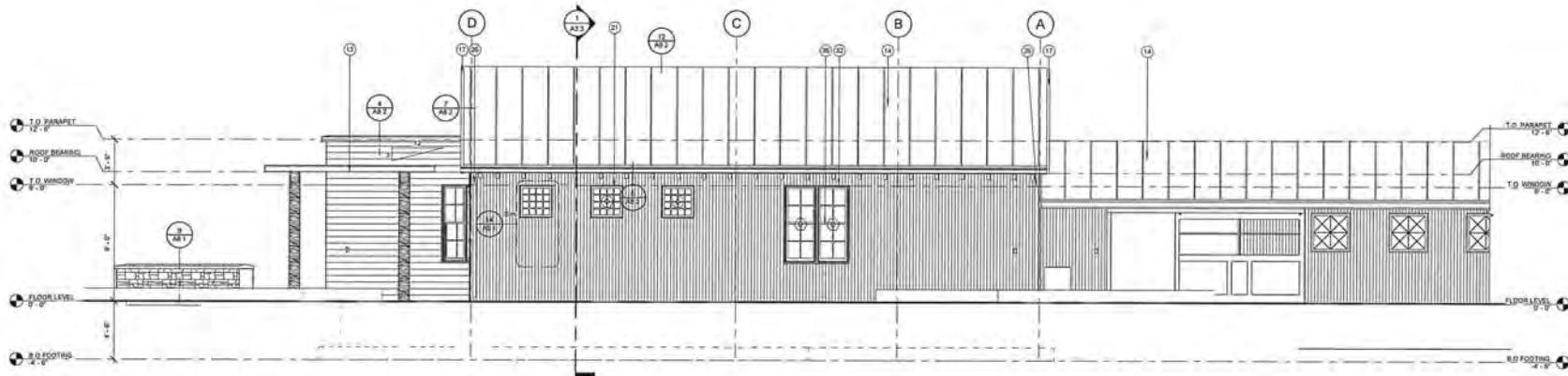


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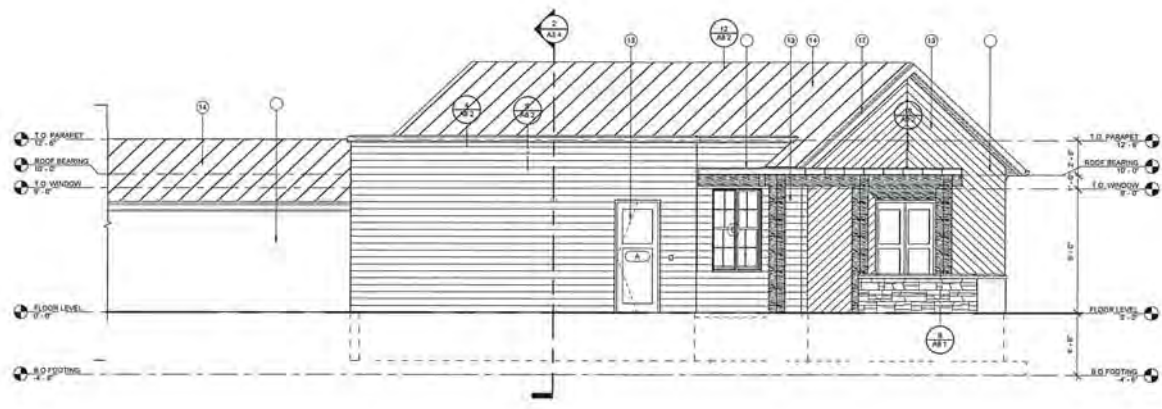
REALTY OFFICE
1825 THREE RINGS DRIVE PARK CITY UT 84060
PROJECT NO. 13149
DATE: 2014.06.30
REVISION:
SHEET TITLE: EXTERIOR ELEVATIONS
SHEET NUMBER: A31
CUP SUBMITAL 2014.05.26



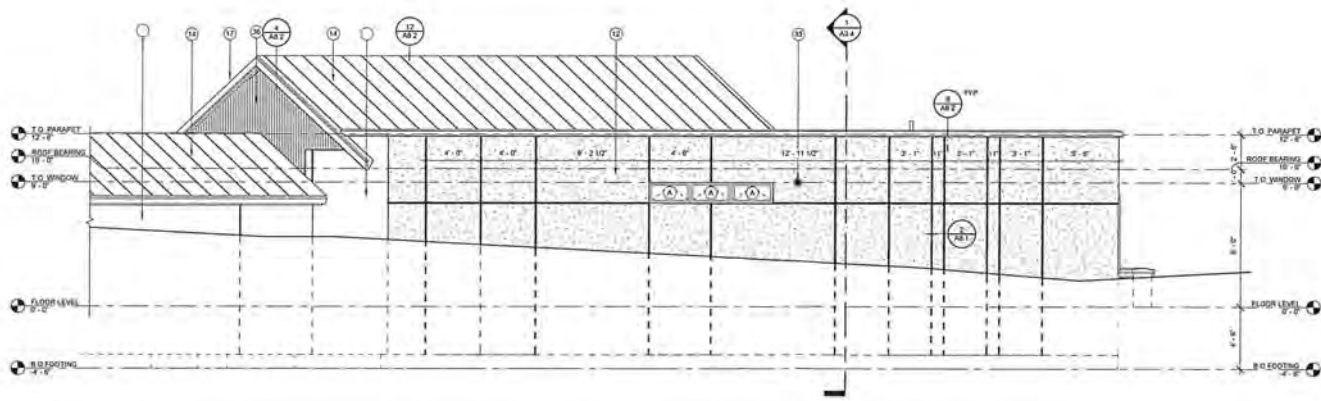
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ELEVATION 3
1/4" = 1'-0" (A32)



ELEVATION 4
1/4" = 1'-0" (A32)

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1825 THREE RINGS DRIVE PARK CITY UT 84302

CUP SUBMITAL 2014.05.26
PROJECT NO. 13149
DATE: 2014.06.30
REVISION:
SHEET TITLE: EXTERIOR ELEVATIONS
SHEET NUMBER: A32

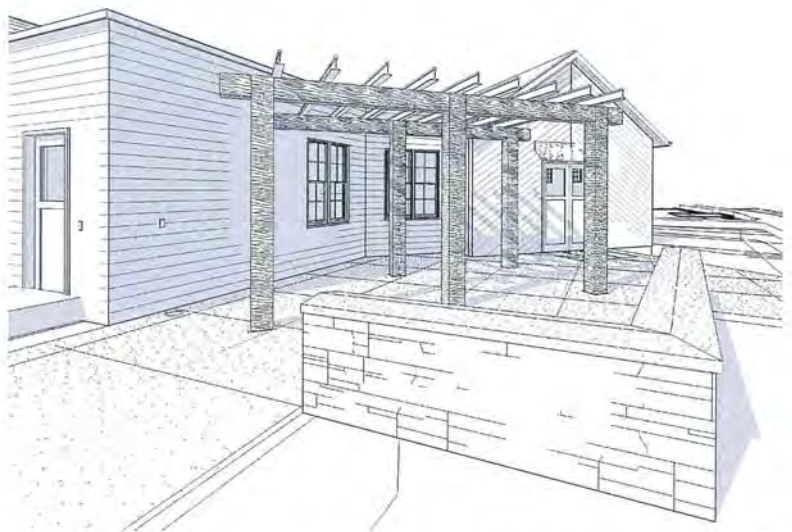




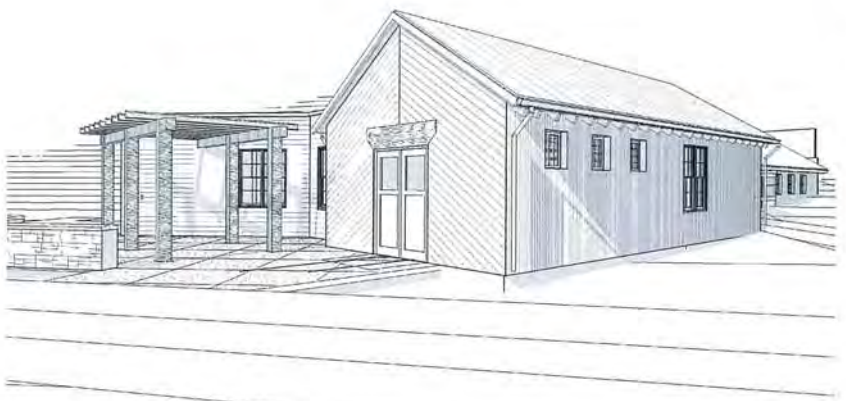
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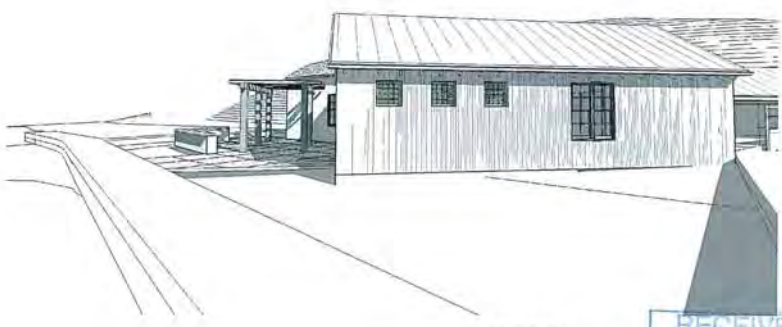
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EAST CORNER 1 A92



ENTRY STREET VIEW 3 A92



NORTH FACADE

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1825 THREE RINGS DRIVE PARK CITY UT 84060

CUP SUBMITTAL 2014.05.26

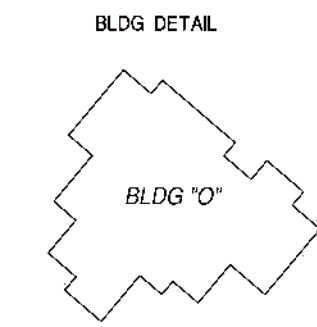
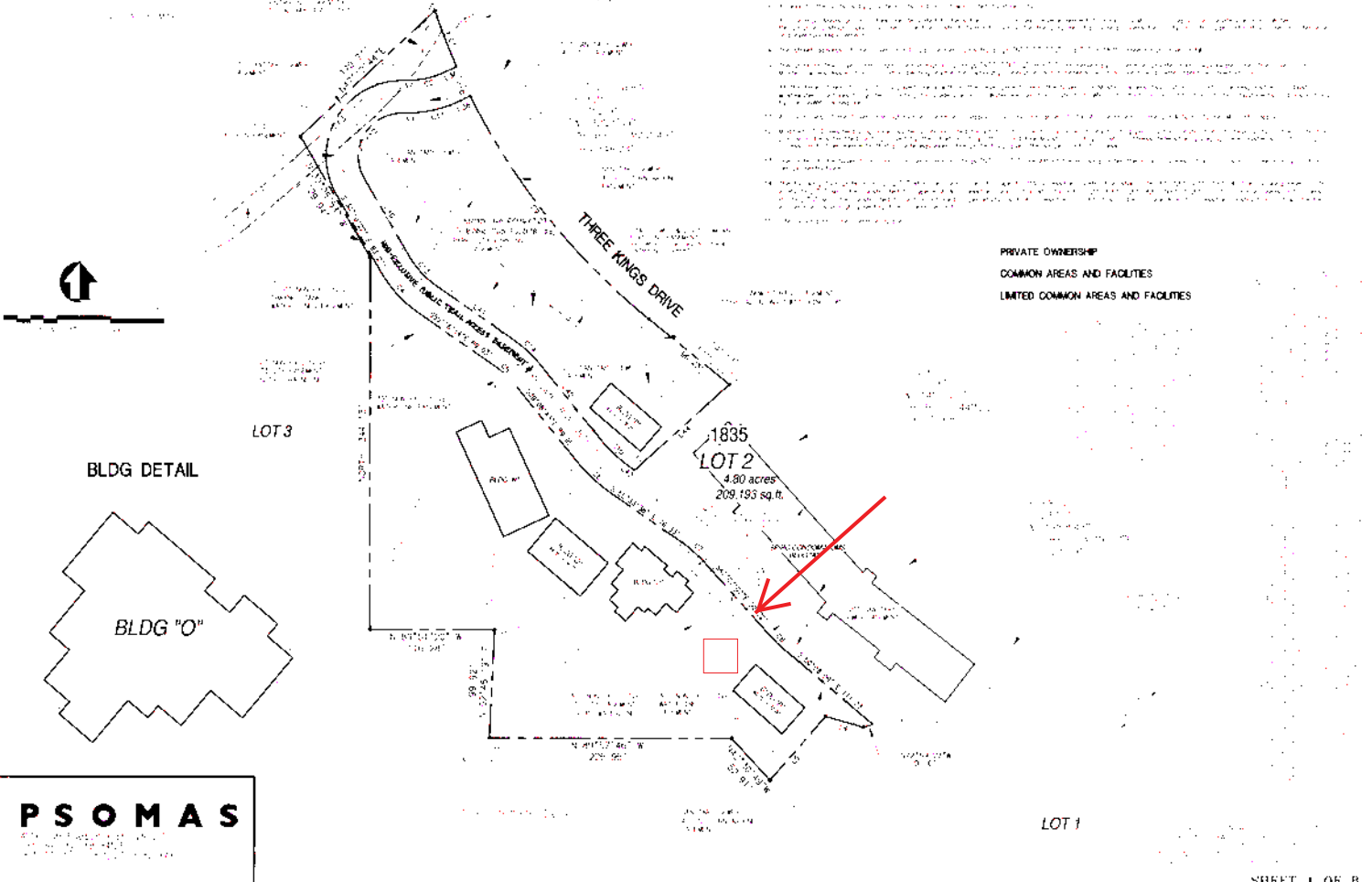
PROJECT NO. 13149
DATE: 2014.06.30
REVISED:

SHEET TITLE:
PERSPECTIVE VIEWS

SHEET NUMBER:
A92



THE SILVER STAR PLAZA CONDOMINIUMS
BUILDINGS "N", "O", "P", "Q" AND "R"



PSOMAS
Professional Surveying & Mapping, Inc.
1000 S. 1000 E., Suite 100
Salt Lake City, UT 84143
Tel: 313.222.2222

SURVEYOR'S CERTIFICATE
I, the undersigned, being duly qualified and licensed as a Professional Surveyor in the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original as shown to me by the owner or his authorized agent, and that the same is in accordance with the laws of the State of Utah, and the rules and regulations of the State Board of Surveyors, and that the same is a true and correct copy of the original as shown to me by the owner or his authorized agent, and that the same is in accordance with the laws of the State of Utah, and the rules and regulations of the State Board of Surveyors.

June 12, 2014

LEGAL DESCRIPTION
The following is a legal description of the land shown on the foregoing plat:
[Detailed legal description text follows]

OWNER'S DEDICATION AND CONSENT TO RECORD
I, the undersigned, being duly qualified and licensed as a Professional Surveyor in the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original as shown to me by the owner or his authorized agent, and that the same is in accordance with the laws of the State of Utah, and the rules and regulations of the State Board of Surveyors, and that the same is a true and correct copy of the original as shown to me by the owner or his authorized agent, and that the same is in accordance with the laws of the State of Utah, and the rules and regulations of the State Board of Surveyors.

ACKNOWLEDGMENT
I, the undersigned, being duly qualified and licensed as a Professional Surveyor in the State of Utah, do hereby certify that the foregoing plat is a true and correct copy of the original as shown to me by the owner or his authorized agent, and that the same is in accordance with the laws of the State of Utah, and the rules and regulations of the State Board of Surveyors, and that the same is a true and correct copy of the original as shown to me by the owner or his authorized agent, and that the same is in accordance with the laws of the State of Utah, and the rules and regulations of the State Board of Surveyors.

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDINGS "N", "O", "P", "Q" AND "R"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MORGAN
PARD CITY, SUMMIT COUNTY, UTAH

<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON 10/22/14</p> <p>10/22/14 By: <i>[Signature]</i> 10/22/14</p>	<p>PLANNING COMMISSION APPROVED BY THE PARD CITY PLANNING COMMISSION THIS 20th DAY OF November 2014</p> <p><i>[Signature]</i> CHAIRMAN</p>	<p>CITY ENGINEER THIS PLAT IS IN ACCORDANCE WITH INFORMATION ON FILE IN THE PLANNING & ENGINEERING DEPARTMENT ON 20th DAY OF NOVEMBER 2014</p> <p><i>[Signature]</i> PE CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS 20th DAY OF February 2014</p> <p><i>[Signature]</i> CITY CLERK</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD IS CORRECT AND WAS APPROVED BY THE CITY CLERK ON 20th DAY OF NOVEMBER 2014</p> <p><i>[Signature]</i> CITY CLERK</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE BOARD OF CITY COUNSEL ON 20th DAY OF NOVEMBER 2014</p> <p><i>[Signature]</i> CITY CLERK</p>	<p>RECORDED ENTRY NO. 837579 DATE OF UTAH: 11/20/14 RECORDED AND FILED AT THE OFFICE OF THE COUNTY CLERK DATE: 11-20-14</p> <p><i>[Signature]</i> COUNTY CLERK</p>
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SILVER STAR PARKING REPORT 2014**June 27, 2014**

Kirsten Whetstone, Senior Planner
Community Development Department
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Dear Kirsten,

As per the Silver Star Master Plan Agreement with PCMC, we are submitting this Parking Plan for the year 2014. Parking is treated in a flexible manner from season to season, particularly for the times more than 200 employees of the onsite businesses and Sundance. Most of the flex occurs weekdays Mon – Friday 8 AM – 5 PM year round where, depending on where the need is, the employees will shift between above and below ground parking. The demands on the surface are a result of the success of the Silver Star Café, in addition to the popularity of the Armstrong / Spiro trail system. The other part of the flex occurs when Sundance staff is not present, evenings and weekends and the Park City Municipal Staff is not present evenings May – October. During this period there is generally enough parking for all needs of the café and the trailhead. Problems do occur when large groups of users for the trail head and or café decide to all drive their own vehicle to meet at Silver Star.

Above-ground Parking

Silver Star has a total of 122 marked above-ground parking places. There are currently several user groups that have parking rights at Silver Star, including PCMC (approx. 30 spaces), Sundance (approx. 80 spaces), Affordable Housing (25 spaces) and Spiro/Armstrong Trailhead (approx. 10-20 spaces). In addition, the public may park at Silver Star for access to the café, the HOA/Resorts West offices and to the ski shop. All of the various parking demands, save the affordable housing, are seasonally-based and using a “flexible” parking plan to take care of all of the needs on site.



Table 1.

Use	Total Spaces Avail.	Total Spaces Used	Summer	Winter
Sundance	80	80	yes (@30)	yes
PCMC	30	30	yes	no
Affordable House	25	25	yes	yes
Trailhead	5-20	20-100	yes	no
Silver Star retail	15 - 40	20 – 40 +	yes	yes
All Other Uses	5-10	5-10	yes	yes

The maximum parking pressure occurs weekdays during the café lunch, primarily nice weather days when the trail system is open, however will occur at lunch on nice weather days during the winter as well.

Sundance

Sundance has strong seasonal demands for parking. At the height of the Fest period (basically from Nov. 1st through Jan. 15th), they use their maximum allotment of 80 spaces. The rest of the year, the parking demands are significantly less, with about 30 spaces being occupied during the spring and early summer. The parking demands are usually confined to the work week (M-F), with this distinction blurring in the days leading up to the fest. Sundance during the early summer, has a work from home Fridays, in addition they at times use as many as 3 Utah commuter Vans, greatly reducing their parking needs.

Spiro Armstrong Trailhead

Spiro trailhead parking is very active from May through October. It is becoming more popular as a snowshoe walk throughout the winter, however the number of people parking to use the trail is worth mentioning but not an impact at this time.

PCMC

PCMC has legal rights to the parking lot located near the water treatment plant, but has acknowledged that the lot is to be shared with Sundance for overflow parking during peak periods surrounding the fest. The City uses approximately 30 spaces during the golf course maintenance season (April 1- October) and very few, if any, in the other months. At times in the summer their spaces are taken by trail users and they are forced to park in the adjacent lots. This is certainly happening more frequently and is a problem later in the summer when Sundance expands its staff, (Mid August – October)

Affordable

The affordable housing units have each been given an assigned space in front of the units. This accounts for 25 spaces year-round with the most significant pressure during the nighttime hours. 10 apartments were recently changed from deed restricted rental to deed restricted owned. This took spaces that were Sundance as all of the rented units were Sundance staffers and the owners are not. However, most of the owners are gone during the day.

Café

The café is becoming more successful and the demand for parking is increasing. Parking is at a premium for nice weather days at lunch May – October and more frequently nice days at lunch during the winter season. Parking in the evening for dinner and weekends is generally sufficient, although signage and monitoring are needed when trail use is high, particularly on weekends.



Other Retail Uses

The Ski shop and property management has little demand and most of the parking needs are short term. During peak times staff monitoring the parking will allow them to utilize an otherwise reserved space for Sundance and or residents or one of the designated curbside locations.

Ski Lift

Other than periodic maintenance work, there is virtually no official demand on Silver Star parking from the lift operations. Even the employees are trucked back and forth. Although there is no skier parking at Silver Star there always seems that there is always those individuals, that will park regardless of what the signs read. Pressure from skiing is very predictable when the Resorts stretch to their capacity, the demand to park at Silver Star increases.

Mining Operation

Periodically, the Spiro Mine needs to undergo maintenance and construction related activity. The Public Works Department has been excellent thus far in communicating this to Silver Star and there have not been any disruptions in parking from this activity. The Mine operations may use 8-10 spaces due to the type of activity.

Monitoring

Silver Star manages the parking with signage throughout the year. Signage that reads no skier parking, and No trailhead parking beyond this point are placed in key locations and allow for easy monitoring on a daily basis. Monitoring by staff occurs daily at lunch time when the weather is nice and daily in the winter for those individuals that want to park and ski. Well placed signs and staff at key times in key locations helps to minimize that need.

Outdoor Special Events

At this point there are no special events scheduled at Silver Star.

Underground Parking

Silver Star has a total of 152 underground garage spaces and 44 Cottage garage spaces. Parking underground reaches peak for 2 months in the summer, July and August, and again in the winter during peak occupancy periods, primarily the holidays, Sundance and March. We flex the employees above ground whenever we can during this time frame (primarily nights and weekends). Silver Star has initiated a parking permit system for guests, owners and employees so we can easily determine who is parking in a location they are not allowed.

Conclusions and Action Items

The popularity of the Armstrong / Spiro trail system and the addition of Dawns Trail this summer have and will continue impact the parking at Silver Star. The largest impact occurs as Sundance is staffing up starting in Mid August. Staffing the parking lot daily Mon – Friday during this time until the golf course is



closed is necessary. The number of Trail users being turned away will increase. We have placed signs asking that people carpool, ride the bus, walk or ride their bike. On weekends we are using signs to control trailhead parking and will monitor as needed.

Winter parking is somewhat predictable and we monitor the parking every day, and use signage to control the skier parking. The underground parking is assigned to individual condos. The unassigned spots are for guests and onsite staff. This parking regularly fills up during peak periods, July, August and then December – March. The unassigned spots fill with staff most of the year.

The Silver Star Café is regularly putting posts on social media asking the patrons to carpool, ride the bus, walk or ride the bike. Signage asking people to ride share, ride the bus or leave their cars at home has been posted.

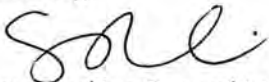
Other options that have been discussed are, allowing parking on sections of the west side of Three Kings, either for trail users and or employees. Keeping in mind that golf course staff used to park on the street and the lower parking lot was proposed as part of the development agreement. Parking on Three Kings during events has been allowed and utilized on a limited basis with some success.

Summary

In summary, the parking situation at Silver Star is no longer sufficient for all of the different groups. This is primarily the trail users from May – October, Monday – Friday mid- day. All Silver Star Staff including Sundance realize that there are parking challenges that can occur regularly during these times. We all talk about it and remind each other when people are parking where they should not be. Trail users will be turned away more frequently as the demands on the trail increase.

If you have any questions or concerns whatsoever, please do not hesitate to contact me (435-640-1730). Thank you for the opportunity to submit this report.

Sincerely,



Steve Perkins General Manager
Silver Star HOA



Planning Commission Staff Report



Author: Kirsten A. Whetstone
Subject: Spiro Tunnel,
 Master Planned Development
 (Conditional Use Permit)
Date: October 27, 2004
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Department recommends the Planning Commission conduct a public hearing and approve the Spiro Tunnel Master Planned Development and Conditional Use Permit with the findings of fact, conclusions of law, and conditions of approval as outlined in this staff report.

Topic

Applicant: Paladin, LLC
Location: Three Kings Drive, north of Crescent Road and west of the Spiro Water Treatment Facility
Zoning: Residential Development (RD)
 Residential Medium Density (RDM)
 Single Family (SF)
Adjacent Land Uses: Park City Mountain Resort, Crescent Condominiums, Pay Day Condominiums, Three Kings Condominiums, Park City Municipal Golf Course, Park City Spiro Water Treatment Facility, and Thaynes Canyon single-family residential subdivision.

Background

On August 12, 2004, Council adopted an ordinance approving the annexation and annexation agreement for the 12.32 acre Spiro Tunnel Annexation. The annexation agreement sets forth development parameters for the zoning, types and locations of land use; density range; timing of development; as well as the development approval process. The proposed development of the 12.32- acre parcel is combined with two adjacent parcels for a total of 19.84 acres and is to be reviewed according to the Master Planned Development review and approval process as outlined in Chapter 6 of the Land Management Code. A final subdivision plat is required to create platted parcels prior to issuance of any building permits for new construction. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats. This MPD is being processed concurrent with the CUP criteria pursuant to LMC Section 15-2.14.2B (38).

On April 14, May 12, June 23, July 14, September 8, September 22, and October 27, 2004, the Planning Commission held public hearings on the Spiro Tunnel MPD. Concerns raised at the hearings include traffic (primarily construction traffic), construction impacts, parking along Three Kings Drive, nature of the non-profit artist in residence and commercial portions of the MPD,

location of future building pad for the single family house on Lot 1, public trail access, skier drop-off issues, increase of bus service, and general issues regarding the site and landscape plans.

Proposal

The applicant seeks Master Planned Development (MPD) and Conditional Use Permit approval for a mixed-use development known as the Spiro Tunnel MPD. The MPD includes the 12.32-acre Spiro Tunnel annexation parcel, an adjacent 5.26- acre RD zoned parcel, and an adjacent 3- acre SF zoned parcel (19.84 acres total). The MPD consists of the following:

Table 1. Density

Lot	Unit Equivalents	Actual Units	Parking required	Parking proposed
22 cottage “duplexes/or single units” in Area C	22	22	44	44- in garages
Single family house with existing guest house (Area D of the MPD – to become a separate lot at time of subdivision plat)	1	1	2	2 in garage
Condominiums- Townhouses and flats in Area B	14	14	28	28- in parking structure
Condominiums- Townhouses and flats in Area A	60	61	122	122- in parking structure
Artist-in Residence studios, offices, gallery retail, and parking. Support Commercial and Meeting Space allowed per LMC 15-6-8 (C)(D).	14.5 commercial UE- specific to the uses proposed, change of use may require additional CUP review due to parking and traffic increases.	14,500 sf (up to 5% of condo floor area may be used for Support Commercial uses and 5% for meeting rooms)	93 (seasonal.. see Parking letter)	96- surface
Artist-in Residence housing/employee housing	14-18 affordable ue (No UE)	Approx. 14 (depending on size and subject to the Spiro Tunnel Affordable Housing report.)	14 (depending on unit size)	14 surface
Open Space –14.80 acres				
TOTAL: 19.84 acres	97 UE	98 units (not including affordable units)	303 (depends on afford.)	306 (110 surface spaces)

Analysis

Master Planned Development Review

Staff has performed a review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments (MPD) requirements as presented at the September 8 meeting and revised based on Commission input as follows:

Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval.

Site Specific Approvals

The approved MPD and Development Agreement will re-state all development parameters, including site plan configuration, open space, building volumetrics including any height exception, allowed uses and density, affordable housing, historic restoration, utility plan requirements, general architectural character, and other development requirements. Specific architectural and landscape detailing will be reviewed by the Planning staff for compliance with the Park City Architectural Design Guidelines, prior to building permit issuance. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission, signed by the Mayor on behalf of the City Council, and recorded with the Summit County Recorder within 6 months of the Planning Commission approval of the MPD.

No separate conditional use permit approval will be required prior to building permit issuance for construction of the residential units and commercial/support commercial buildings as approved. This MPD is being processed concurrent with the CUP criteria pursuant to LMC Section 15-2.14.2B (38). Any change of use may require submittal of a new Conditional Use Permit application for review and approval by the Planning Commission.

Approval and recordation of a subdivision plat combining the parcels into platted lots, as well as City Engineer approval of the design of all public improvements is necessary prior to construction of any portion of this project, with the exception of on-going historic restoration of the existing buildings.

Density

Complies. Development density of the Spiro Tunnel MPD is proposed at 97 UE on the 19.84 acres that comprise MPD Areas A, B, and C (as depicted on the Spiro Tunnel Master Planned Development site plan dated 10-21-04). Twenty-two cottage units (22 UE) and one single family lot with a guest house (1 UE total) are within Area C. Area B is designated as the artist-in-residence campus with up to 14,500 sf of artist-in-residence studios, offices, gallery retail, and parking (10,500 sf to be located within existing mining structures with 4,000 sf to be with new buildings) and 15 UE of condominium units. Support commercial, office and meeting space is also allowed per the LMC 15-6-8 (C) (D), no UE are assigned to this support and meeting space.

Fifteen employee housing units (constructed to satisfy the affordable housing unit requirement per the affordable housing plan) are proposed within Area B (no UE are assigned to these units). Area C is proposed for a total of 59 UE (in a combination of townhouses and flats with the flats located to the rear of the property along the existing fire access road). Resulting gross density of 97 UE (98 units) on 19.84 acres is 4.89 ue/acre (4.94 units per acre).

Staff finds the proposed land uses, density and location of units, is consistent with the SF, RD, and RDM districts and with adjacent developments, and is appropriate given the benefits to the community of 1) the extensive historic renovation and remediation of this site, 2) facilitation of an artist-in-residence program, and 3) provision of skier amenities consistent with the PCMR Master Plan.

Density-Sensitive Lands

The property is not located within the Sensitive Lands Overlay zone and was not zoned such during the annexation

Allowable gross and net density, given the underlying zones and range of allowable density, for the three parcels is depicted in the following tables:

Table 2. Gross Acreages and Total UEs

Zone	Zone Density	Gross Spiro Acreage	Total UE's (range)
RD	3-5 UEs/Acre	5.26 Acres	16-26 UEs
SF	3 UEs/Acre	2.26 Acres	7 UEs
RDM	5-8 UEs/Acre	12.32 Acres	62-99 UEs
Totals		19.84 Acres	85-132 UEs

Table 3. Net Acreage and Total UEs (excepting areas of slope greater than 40% and drainage areas)

Zone	Zone Density	Net Spiro Acreage	Total UEs (range)
RD	3-5 UEs/Acre	4.32 Acres	15-24 UEs
SF	3 UEs/Acre	2.06 Acres	6 UEs
RDM	5-8 UEs/Acre	10.70 Acres	55-88 UEs
Totals		17.08 Acres	78-116 UEs

The proposed density (97 UEs) of the Spiro Tunnel MPD is within the ranges as described above.

The upper range is generally considered appropriate for Master Planned Developments that provide public benefits and amenities, in addition to better-designed projects. The Spiro Tunnel MPD provides such public benefits and amenities. These include 1) the extensive renovation of historic structures, 2) ski infrastructure amenities and improvements consistent with the PCMR Master Plan, 3) redevelopment and rehabilitation of a former industrial site, 4) infrastructure, parking, and housing for an artist-in-residence program, 5) resolution of parking (trailhead and Public works employees) and pedestrian conflicts along Three King Drive (sidewalks), and 6) public bus stop amenities.

Setbacks

Complies. The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Spiro Tunnel MPD complies with this standard. Along much of the perimeter property line development exceeds the 25' setback, as shown on the MPD site plan. Within the MPD, the Planning Commission may reduce the zone setbacks. The only property line interior to the MPD is the future (as shown on the preliminary subdivision plat) lot line between Lot 1 (generally the Donile Parcel) and Lot 2 (the remainder of the site). The applicants are not requesting a reduction to the setbacks from the interior lot lines.

Open Space

Complies. The proposed MPD exceeds the standard 60% open space requirement set forth in the LMC. Approximately 75% of the site is proposed as open space, per LMC definitions. There are several large areas of open, undisturbed land, around the cottage units in Area C and other areas of both public and private open space in the form of plazas and landscaped areas.

Off-Street Parking

Complies. Parking for all single-family and cottage-style duplex units will meet the two-space/unit requirement. Parking for the condominium units will meet the specific parking

requirements as outlined in LMC Chapter 3- Parking. The applicants are not asking the Planning Commission for any exceptions to the LMC parking requirements. Three-hundred and three (303) parking spaces are required and 306 are proposed. No exceptions to the LMC parking requirements are requested for the support commercial areas and artist-in-residence uses. Given the seasonal aspects of the artist-in-residence program and the non-profit office there will be sufficient parking developed on the site to allow summer time public trail head parking and summer time Public Works employee parking, without creating additional parking spaces for these uses. Parking lot design, landscaping, and lighting will be reviewed at the time of building permit issuance for compliance with LMC requirements. A parking plan was submitted for review and approval. Public parking for wintertime skier use will be prohibited and enforced by the property management (see attached letter from applicants).

Building Height

Complies with conditions. The single-family house and cottage units will be constructed pursuant to the 33' zone height limitation (of the SF and RDM districts). Height exceptions are being requested for the stacked-flat condominiums and townhouses located at within Area A, as well as for the stacked flat condominiums located on the overburden area of steep slope east of the existing historic structures (as depicted in the FOG-Height Analysis dated August 30, 2004 and discussed by the Planning Commission on September 8th and 22nd, 2004).

The applicant is requesting a 5' to 7' height exception (over the 33' height limit) for Area A, as depicted in the FOG exhibit, due to the topography of the existing site and due to the fact that the project is within the Prospector Soils District which complicates the amount of soil that can be disturbed and relocated on-site as well as how deep the parking structures can be buried. Primarily the roof ridges, gables, and elevator areas exceed the 33' height limit. LMC height exceptions, as described in RD (Section 15-2.13-4 (A) Maximum Volume and Building Height Exceptions, would continue to apply regarding antennas, chimneys, vents, mechanical equipment, elevators, ski lift towers, etc.

In Area B the applicant is requesting height exceptions of between 7' and 12' (over the 33' height limit) due to the very steep overburden slope in this area. This height exception is requested for the southern and central portion of the plaza building. The northern most section of the building meets the 33' height limit. The central and southern sections, with the exception of an elevator and small gable end, meet a 45' height limit (see FOG-Height Analysis dated August 30, 2004).

The Planning Commission reviewed the August 30, 2004-FOG-Height Analysis at the September 8 and September 22, 2004 meetings and concluded that the proposed building height exceptions do comply with the LMC criteria for height exceptions for Master Planned Developments (Section 15-6-5 (F)). Staff recommends a condition of

approval that the building plans submitted for building permit shall be in substantial compliance with the building heights demonstrated on the August 30, 2004- FOG-Height Analysis.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission could make the following findings. The Commission agreed that the proposed building heights, as outlined in the FOG height analysis meet the following criteria.

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

Complies. The applicants are not proposing an increase in density or square footage, as a result of the height increase. The project is within the density range allowed by the zoning (as described in Tables 2 and 3) and the additional building height allows a variety of roof forms and minimizes the amount of excavation required. The existing grade/topography has been modified by prior construction and mining activities in the area of the requested height exceptions and includes an area of cut/fill slopes and steep overburden deposits. These slope areas create an unnatural grade change. The method by which building height is measured causes the heights of the stacked flat buildings to exceed the zone height. The stacked flat buildings in Area A are appropriate in this location along the toe of the open space slopes and they contribute architectural variety to the project. Height exceptions for some of the townhouse buildings allow less excavation and contribute to architectural variety.

The stacked flat buildings in Area B are located in such a manner as to step up and minimize visual impacts of a steep, bare, sparsely vegetated overburden slope.

The additional height is offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures. The variation in roof form and pitch provides increased architectural interest over generally flat roof buildings. FOG height studies demonstrate that height exceptions allow for the roof height and design variety, without allowing for additional floor area.

2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by

shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. No structures currently existing on neighboring properties are within close enough proximity to cause potential impacts due to shadows, loss of solar access, or loss of air circulation. The closest buildings on the south end, across Crescent Drive, are approximately 75' from the nearest proposed structure and are screened currently with thick vegetation. The area of stacked flats on the steep overburden slope off of Three Kings Drive is not located directly across from the existing Payday Condominium buildings. The buildings in Area B, subject to the height exceptions, have greater setbacks (35') from the street and are further mitigated with an area of landscaping and a skier drop-off lane.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The buildings where height exceptions are requested exceed the RD and RDM District setback requirements. The setback requirements of the RD and RDM District are 20 feet for front yards, 15 feet for rear yards (10' for RDM district), and 12 feet for side yards (10' for RDM district). Proposed setbacks are 25-40 feet for the front yard setbacks and 25- 80 feet for the rear setbacks. There are no side yard setbacks in the area of the requested height exceptions due to the configuration of the property lines. Staff finds that sufficient building separation between each structure is provided, as demonstrated in the cross section studies. Staff also finds that the building separation and building heights are compatible with those of the surrounding condominiums. A preliminary landscape plan indicates sufficient landscape buffer between the various buildings on site as well as around the perimeter of all buildings subject to the height exception request. A specific and detailed landscaping/buffer plan, consistent with the preliminary plan, is required as part of the building permitting process to better describe the landscaped buffer that is proposed on the MPD drawings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The proposed design clusters the majority of the density into Areas A and B where the adjacent land uses are predominately condominium buildings in exchange for larger areas of project open space in the area around the existing historic structures, so as not to overwhelm these significant buildings. This design also leaves larger areas of open space at the northern end of the project where the surrounding property is single-family houses and open

space/undeveloped land. The proposed design places the development on the least sensitive areas; primarily those areas previously disturbed by mining and construction activities. The LMC requirement for MPD open space is 60%. Approximately 75% open space is provided throughout the entire project. Much of the project open space is passive open space, ski trails, and areas of more sensitive terrain and more heavily vegetated.

5. The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines or Historic District Design Guidelines if within the Historic District.

Complies. The buildings are designed with a significant amount of variation and transition in roof-lines, ridge elevations, and roof shapes. There are a variety of building types on the site that can provide a variety of roof elements and heights. Transitions in building heights and a variety of roof elements is an integral part of the overall architectural design. The design complies with Chapter 9, Architectural Guidelines.

Analysis of #6 is not applicable due to the zoning. The Property is not located within the Sensitive Lands Overlay (SLO) District.

Site Planning

Complies. The nine MPD site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics.

- 1) The location of the proposed structures is consistent with the site planning criteria. The units are situated on the most developable (and already disturbed areas) and least visually sensitive portions of the site. Areas most heavily vegetated are not proposed for development. Existing vegetation will be preserved to the greatest extent possible. Substantial buffer in terms of setbacks (240'-260') and vegetation are provided between the duplexes/cottages and the existing single family homes to the north. Building sizes (of the duplexes) are comparable to the single family homes.
- 2) With the exception of the main plaza building, located on the steep man-made overburden site, the project has been designed to minimize grading and the need for large retaining structures. The buildings step horizontally and vertically with the existing topography. The larger buildings are located to the rear of the property at the toe of the vegetated slope that creates a backdrop to the entire site.
- 3) The private road for the cottages is designed to minimize to the extent possible cuts and fills and generally follows an existing road/utility cut. Utilities primarily exist to the site, with the exception of sewer service, which requires some

temporary disturbance of the golf course, the Payday Condominiums open space and landscaping, and Three Kings Drive. The existing water line below the existing Thaynes Canyon Tank will need to be respected, not relocated. This will require a 30-foot separation between buildings and special design of all cuts, fills, and building placement. There is also a risk of spillage from the 1.5 million-gallon tanks, so storm drainage and grading design are paramount and will affect the final design of the project.

- 4) The Spiro Trail and access will be maintained in the current location within the open space portions of the site and additional trailhead parking will be provided on site for summer time use.
- 5) Adequate internal vehicular and pedestrian circulation is provided. Emergency and secondary access routes have been discussed with the Chief Fire Marshal and adequate turn-around radii will be provided where required.
- 6) All requirements for adequate snow removal and snow storage will be complied with and these areas will be described in detailed as required during the building permitting process and reviewed as part of the landscape plan to verify that landscaping will not conflict with required snow storage areas.
- 7) Adequate refuse storage and collection, and adequate recycling facilities are proposed both within the parking structures and within screened trash enclosures. Conditions of approval will need to address these requirements in detail, both during the construction process and once the development is complete and occupied. Areas identified for refuse storage and collection shall either be within the parking structures or otherwise adequately screened from public view. Refuse collection for the cottage units shall be consistent with that of single-family subdivisions provided this is acceptable to the waste removal company. Otherwise, areas of common refuse storage shall be provided. These areas shall be adequately screened.
- 8) The project has designed a bus drop-off and pick-up area as a central feature of the plan to provide convenient transportation alternatives for the residence of the development and as a convenience for neighborhood access to the ski amenities.
- 9) Service and delivery areas for the support commercial and artist-in-residence portion of the project will be located in the northern portion of the plaza building, away from pedestrian and skier access and the public plaza areas.

Landscape and Streetscape

Complies with conditions. Landscaping, streetscape, and lighting will be reviewed in detail at the time of building permitting. The applicant will need to clarify the amount and type of street lighting, if any is proposed along the residential street serving the cottage units. Parking lot lighting and landscaping will comply with the LMC requirements of Chapter 3. Street lighting will comply with the City Engineer's specifications and the Municipal Lighting Code. All streetlights will be privately maintained. Staff recommends a condition of approval that each building permit application shall include a landscape

plan depicting water-efficient irrigation systems. The applicants propose utilizing only native trees and shrubs and planting native grasses and wildflowers as the primary turf landscaping, with minimal use of high water demand turf areas.

Sensitive Lands Compliance

Complies. The Sensitive Lands Overlay Zone does not specifically apply to this site; however, the location of the development is based on Sensitive Lands principles (see discussion under Density- Sensitive Lands).

Employee/Affordable Housing

Complies with conditions. The Spiro Tunnel MPD proposal was reviewed by Phyllis Robinson, affordable housing consultant to Park City Municipal Corporation (see attached Exhibit C) and complies with the City's Affordable Housing Resolution. At this time 14 on-site employee/affordable housing units are proposed, in compliance with the proposed density and specified land uses (specifically for the commercial/office component as a non-profit artist-in-residence program as opposed to as a general commercial/office use). Staff recommends a condition of approval that addresses any change in use that requires a Conditional Use Permit shall be evaluated against the City's Affordable Housing Resolution to determine whether additional affordable housing obligations are required.

Conditional Use Review

Complies as outlined below.

Staff has reviewed the proposed MPD with respect to the conditional use criteria as outlined in LMC 15-1-10 as follows:

1. Size and location of the site: **Complies.** Spiro Tunnel MPD is located west of Three Kings Drive and consists of 98 units (22 duplex/cottage style condominium units, 1 single family, and 75 condominium/townhouse units) as well as an artist-in residence program and resort/support commercial on a total of 19.84 acres. The site and location are appropriate for this density. The proposed density is less than the maximum permitted based upon the underlying zoning. As designed, the project density has been sited in a manner which maintains approximately 75% of the site as open space.
2. Traffic considerations: **Complies.** A traffic study was conducted and a report, prepared by Fehr and Peer Associates, Inc. was submitted to the City. The report concludes that the traffic generated by the Spiro Tunnel MPD will increase the amount of traffic on Three Kings Drive, but the resulting overall traffic will not impact traffic operation on Three Kings Drive or exceed the capacity of this street. Operation of the impacted intersections with Hwy 224 and Deer Valley Drive is expected to continue to operate at the existing LOS (level of service) (which at peak times during winter months is a LOS D). The report has been reviewed by the City. A component of the Construction Mitigation Plan (CMP) will

address construction traffic, routing of trucks at various times of the day, parking of construction vehicles, and other construction related traffic issues. This CMP shall be approved by the City prior to issuance of any permits.

3. Utility capacity: **Complies.** Utilities necessary for the proposed uses are available either on site or within close proximity. The applicants have been working with the SBWRD and the Payday condominium association to extend a sewer line to the property. Three Phase power is available.
4. Emergency vehicle access: **Complies.** A fire and emergency response mitigation plan has been reviewed by the City for compliance with the adopted Fire codes. At the time of building permit issuance, all recommendations of the plan will need to be complied with, including roadway design, location of emergency exits and drives, residential fire sprinklers, landscaping, cul-de-sac radii, etc. Primary access is from Three Kings Drive and secondary access is from Crescent Road. Emergency vehicles will be able to traverse the entire site, via the surface parking and an existing dirt road west of the condominiums. This road will be gated for emergency and pedestrian access only. No vehicular traffic will enter onto Crescent Road.
5. Location and amount of off-street parking: **Complies.** No parking exceptions are requested. The applicant is proposing 306 parking spaces and the site plan requires 303 parking spaces. All parking shall be reviewed prior to final certificate of occupancy for compliance with the approved site plan and the LMC.
6. Internal circulation system: **Complies.** Vehicular access to the condominium/townhouse units is from Three Kings Drive into three separate parking structures. Access to the duplex units is from a private drive within the MPD. Vehicular access to the artist-in-residence, affordable housing, and support commercial is from Three Kings Drive by way of a private drive to surface parking. Pedestrian access is from a bus stop area off of Three Kings Drive, the existing dirt road located west of the townhouses, along Three Kings Drive on a proposed sidewalk, and through the site via plazas and walkways (public and private) that connect the various components of the MPD.
7. Fencing, screening and landscaping to separate uses: **Complies.** Fencing is not proposed. Landscaping, setbacks, and construction on a variety of topographical levels will be the primary means of separating uses. Various uses within the MPD will be integrated by using pedestrian walkways and landscaped plaza areas.
8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots: **Complies.** The location of the proposed structures is consistent with MPD site planning criteria, including the proposed height exceptions. The units are situated on the most developable and least visually sensitive portions of the site and areas most heavily vegetated are not proposed for development. Substantial buffer (240'- 260') in terms of setbacks and vegetation are provided between the duplexes/cottages and the existing single family homes to the north. With the exception of the main plaza building, located on the steep man-made overburden site, the project has been designed to

minimize grading and the need for large retaining structures. The buildings step horizontally and vertically with the existing topography.

Larger buildings are located to the rear of the property at the toe of the vegetated slope that creates a backdrop to the entire site. The smaller cottage units are located in an area near existing single family homes and the denser condominium units are located closer to existing condominium units. Some of the taller stacked flat buildings, including the main plaza building, are located along the steep overburden area, across from the city golf course and water treatment facility.

9. Usable open space: **Complies.** Both Natural and Landscaped Open Space are provided (at approximately 75%) in excess of the MPD requirement of 60%.
10. Signs and lighting: **Complies.** Signs and lighting must be in conformance with the Park City codes. A master sign plan is required to be submitted for Planning Department review and approval prior to review of individual sign permits. All signs require a separate sign permit. Street lights must be approved by the City Engineer and will be privately maintained.
11. Physical design and compatibility with surrounding structures in mass, scale and style: **Complies.** The applicants prepared a study to compare the heights and density of surrounding projects, including Crescent Condominiums, Payday Condominiums, Temptation Condominiums, and the single family subdivision (Thaynes Canyon) to the north (see Exhibit E). The proposed Spiro Tunnel MPD is compatible as proposed with the surrounding structures in mass, scale, and style. The smaller cottage style units are located to the north adjacent to the single family subdivision and the townhouse units are located in the central and southern section closer to the existing condominium projects. The larger stacked flat buildings are located to the rear of smaller townhouse type units. Support commercial and the artist-in-residence uses are located interior to the site.
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people: **Complies as conditioned.** Prior to issuance of any building permits for the artist-in-residence studios and support commercial uses the building plans shall address compliance with the City's noise ordinance and shall provide mitigation for any vibration, odor, steam, or other mechanical factors that might occur as a result of any use associated with such plans.
13. Control of delivery and service vehicles, loading and unloading zones, and screening: **Complies.** Service and delivery will be minimal as the commercial component is small-scale support related commercial (ticket booth, ticket ATM, small resort support retail shop/café (total of 4,500 sf) and 2,000 sq. ft. for an office for the Artist-in Residence office). This amount and type of retail and office does not generate large semi-tractor trailers (no loading docks, etc. are proposed). The type of delivery expected is typical of smaller businesses on Main Street. Loading and unloading will occur on site in front of the Plaza building, which is several hundred feet from existing residences. No deliveries will be

made from Three Kings Drive or Crescent Road. Laundry and maid service will be needed on a weekly basis for the condominiums. Trash pickup will be within the parking structures and individually for the duplexes. The CMP will address construction delivery activities.

14. Expected ownership and management of the property: **Complies.** The project will be platted as a condominium. The one single family lot will not be part of the condominium and will be located on a separate lot from the rest of the MPD. Nightly rental is a permitted use within the RD and RDM zoning districts. Nightly rental will not be allowed within the one single family home in the SF District.
15. Architectural and Uniform Building Code review: **Complies.** Specific architectural details, colors, and materials have been submitted. The general architectural intent is consistent with the Park City Architectural Design Guidelines and is compatible with the surrounding structures. Prior to permit issuance all construction shall meet the City's building code review and shall be consistent with the architectural intent described by the Spiro Tunnel Master Planned Development architectural concept and materials plans.
16. Sensitive Lands Review: **Not applicable.** The property is not within the sensitive lands overlay zone and therefore this is not applicable to this request. See above discussion of Sensitive Lands/Density.

Recommendation: The Planning Department requests the Planning Commission conduct a public hearing, consider any additional public comment, and approve the Spiro Tunnel Master Planned Development and Conditional Use Permit according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The proposed project, known as the Spiro Tunnel MPD is subject to the Spiro Tunnel Annexation Agreement between Paladin, LLC and Park City Municipal Corporation approved by the City Council on August 12, 2004 and ratified by the Planning Commission on October 27, 2004. The annexation agreement sets forth terms and conditions of annexation and zoning of a 12.32 acre parcel that is a part of the Spiro Tunnel MPD.
2. The Spiro Tunnel MPD is a mixed use project consisting of 97 residential UE (22 cottage style units, 1 single family lot for a new single family residence and the existing historic house as an associated guest house, 74 townhouse/stacked flat condominiums,) 14.5 commercial UE (for an artist-in-residence use with artist studios, gallery retail, and office uses), up to 5% of the townhouse/condominium floor area for support commercial (approximately 7,500 sf) such as ski and condominium hotel related support commercial and office, and up to 5% of the townhouse/condominium floor area for meeting rooms, and 15 ue employee/artist-in-residence housing on a total of 19.84 acres.

3. The project provides approximately 14.80 acres of Open Space, approximately 75% of the site.
4. The MPD is being processed concurrent with a Conditional Use Permit for the entire project as described in #2 above. No additional conditional use permits are required prior to issuance of building permits for the structures described by the Spiro Tunnel Master Planned Development. A change of use, from that described by the MPD may require a separate conditional use permit
5. The project is located in the RD, (Residential Development), RDM (Residential Development Medium Density), and SF (Single family) zoning districts.
6. Three large structures exist on the site, as well as several smaller structures. These structures remain after the mining activity that occurred on this site. Currently the site is used as a staging area and office area for a construction and excavation company, as well as for the offices of the property owner and developer of the Spiro Tunnel MPD. There is also an existing single family home on the northern portion of the site, on the parcel known as the "Donile parcel".
7. The proposed MPD is consistent with the August 12, 2004, Spiro Tunnel Annexation Agreement
8. In large part, the Spiro Tunnel MPD site has been disturbed to the point where the natural slopes and contours have been erased by mining and construction activities. The units are situated on the most developable and least visually sensitive portions of the site and areas most heavily vegetated are not proposed for development. Substantial buffer (240'- 260') in terms of setbacks and vegetation are provided between the duplexes/cottages and the existing single family homes to the north.
9. The site is not visually prominent from designated LMC Vantage points, is not located within the entry corridor, does not contain SLO designated ridgelines, and does not contain wetlands (with the exception of 0.3 acres of drainage areas) according to the wetlands determination conducted by Psomas Engineering in May of 2004.
10. The proposed density of 97 UEs on 19.84 acres is within the density ranges allowed by the RD, SF, and RDM districts (85-132 UEs). The proposed density is also within the density ranges allowed by the zoning districts when slope areas greater than 40% and drainage areas are removed, leaving 17.08 acres (78- 116 UEs) of developable land.
11. The Spiro Tunnel MPD provides public benefits and amenities including 1) extensive renovation of three historic structures, 2) ski infrastructure amenities and improvements consistent with the PCMR Master Plan, 3) redevelopment and rehabilitation of a former industrial site, 4) infrastructure, parking, and housing for an artist-in-residence program, 5) resolution of parking (for Spiro trailhead and public works seasonal employees) and pedestrian conflicts along Three Kings Drive (sidewalks), and 6) public bus stop facility. The Master HOA will maintain improvements in perpetuity.

12. The site plan provides a minimum 25' setback around the perimeter of the property. Greater setbacks (240' to 260') are provided along the north property line and setbacks of 40' to 60' are provided along Three Kings Drive and Crescent Road.
13. The location of the proposed structures is consistent with MPD site planning criteria. The buildings step horizontally and vertically with the existing topography.
14. The site plan provides approximately 75% open space, exceeding the standard 60% open space for MPDs.
15. The property is not within the Sensitive Lands Overlay (SLO) zone.
16. The site plan depicts parking for all single family and cottage style duplex units that meets the two spaces per unit LMC requirements with a total of approximately 306 spaces provided. Parking for all townhouses, condominiums, offices and support commercial uses meets the specific parking requirements as outlined in LMC Chapter 3- Off Street Parking. At the time of building permit issuance compliance with the parking requirements will need to be verified as conditioned. Specific parking lot design, landscaping, and lighting will be reviewed at the time of building permit issuance for compliance with the LMC, as conditioned.
17. A landscape plan depicting water-efficient irrigation systems, generally drought tolerant plant materials, and adequate mulching is required due to the City's focus on water conservation.
18. A traffic study was conducted and a report was prepared by Fehr and Peer Associates, Inc. The report concludes that traffic generated by the Spiro Tunnel MPD upon completion of the construction, will increase on Three Kings Drive, but the resulting overall traffic will not impact traffic operations on Three Kings Drive and will not exceed the capacity of this street. Construction traffic will be addressed in the Construction Mitigation Plan.
19. A parking plan was submitted with the Spiro Tunnel MPD outlining how parking will be allocated, how parking during the winter season will be controlled and enforced to prevent public day skier parking, and other aspects of parking for this project. Parking management for trail uses and employees of the Spiro Tunnel Water facility and Parks Department will be addressed in the parking plan.
20. An affordable housing analysis was conducted and the affordable housing obligation of 15 ue (affordable ue) is based on the density and uses described by the Spiro Tunnel MPD application. Any future change in use requiring a new conditional use permit, may increase the affordable housing obligation for this MPD.
21. The Land Management Code, Section 15-6-5 (E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination of compliance with the outlined findings.
22. The Planning Commission reviewed a FOG-Height Analysis (August 30, 2004) at the September 8 and 22, 2004 Planning Commission meetings and found that

the proposed height exceptions, as described in the FOG-Height Analysis, for the stacked flat and townhouse condominiums and plaza building do comply with the LMC Criteria for height exceptions for MPDs as described in Section 15-6-5 (F). Up to a 7' height exception (above the 33' maximum zone height) is requested for Area A and up to a 12' height exception (above the 33' maximum zone height) is requested for Area B. The cottage style duplex buildings will be constructed pursuant to the 33' zone height limitations per the LMC.

23. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for façade variation and design, but rather provides architectural variation.
24. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.
25. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.
26. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.
27. The additional building height is designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines.
28. Utilities must be provided and/or relocated to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are necessary for long term maintenance. Off-site improvements are necessary to serve the site with sewer.
29. Off-site improvements will create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.
30. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.
31. No public streets are vacated nor created with this site plan. A private street is created to serve the cottage style duplexes with access and egress.
32. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior

- to building permit issuance, with the exception of restoration permits for the historic structures, as determined by the City.
33. Public hearings were held on the proposed MPD on April 14, May 12, June 23, July 14, September 8, September 22, and October 27, 2004.
 34. As conditioned, the project complies with fire and emergency access requirements, by virtue of a fire protection plan that address access, material types, structural requirements, residential sprinkler systems, fire and emergency access, and fire separation. The Chief Building Official prior to issuance of building permits must grant final assessment and approval of the final fire protection plan.
 35. The applicant agrees to provide for City review and approval, prior to issuance of any building permits (with the exception of restoration and remodel of the existing structures), a final dimensioned site plan, final landscape and irrigation plan, final grading and utility plans, a parking plan, service and delivery details, final affordable housing plan, and detailed architectural elevations (including exterior lighting details). All plans will be consistent with the plans, models, cross sections, and design details approved by the Planning Commission on October 27, 2004.
 36. A master sign plan is required for Planning Department review and approval and all individual signs require a sign permit prior to installation that is in conformance with the master sign plan.
 37. The project will be platted into two lots, one for the single family house and guest house and one for the remainder of the development. The project will also be platted as a condominium project with a common condominium homeowner's association, prior to sale of any individual residential or commercial unit. Nightly rentals will be permitted for the condominium units.
 38. A stipulation of annexation was that the property be included in the City's Prospector Soils Ordinance and will be subject to all applicable regulations for excavations, testing, disposal, and capping.
 39. The applicant stipulates to the conditions of approval.
 40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.

Conclusions of Law

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6-Master Planned Developments Section 15-6-5 and Section 15-1.10 review criteria for Conditional Use Permits.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, is consistent with the Spiro Tunnel Annexation Agreement.

5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The MPD provides amenities to the community so that there is no net loss of community amenities.
8. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
10. The MPD, as conditioned promotes the Use of non-vehicular forms of transportation through design and by providing trail connections, skier amenities, and bus stop amenities.
11. The MPD has been noticed and public hearings held in accordance with the LMC.
12. The MPD promotes historic preservation by restoring and adapting for appropriate re-use, three large historic mining buildings.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.
14. The proposed uses of the Conditional Use Permit are compatible with surrounding structures in use, scale and mass, and circulation.
15. The proposed uses of the Conditional Use Permit are consistent with the Park City General Plan and Spiro Tunnel MPD.
16. Any effects in difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply (Exhibit A).
2. A final exterior lighting plan, including a parking lot lighting plan, shall be submitted to and approved by the City as a condition precedent to full permit issuance. All exterior lighting shall be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-(l) and 15-3-3(c).
3. A final landscaping and irrigation plan shall be submitted to and approved by the City as a condition precedent to full permit issuance. Landscaping materials and irrigation shall comply with the Water Conservation Plan (September 13, 2004) submitted for review by the Planning Commission.
4. All streetlights will be privately maintained.
5. Final site plan (including final layout and landscaping of the surface parking lots) and architectural elevations consistent with the LMC and the plans, visual analysis, FOG-Height analysis, cross sections, and details reviewed and approved by the Planning Commission at the September 22 and October 27, 2004 meetings shall be reviewed and approved by the City as a condition precedent to issuance of a

footing and foundation permit. The Planning Staff shall review all revisions. If such revisions are of a substantial nature, the plans will be presented to the Planning Commission for review.

6. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of a building permit. As a condition precedent to issuance of any building permits the Applicant shall provide the Chief Building Official with information regarding any existing mine shafts or left over mining structures that could complicate foundation construction. Final approval regarding snow shedding issues will be granted by the Chief Building Official only upon finding the final architectural and structural plans in compliance with the City's snow shedding requirements.
7. A Construction Mitigation Plan (CMP) shall be submitted to the City and shall be reviewed by the City for compliance with the Municipal Code, as a condition precedent to issuance of any building permits, with the exception of restoration work on the existing buildings, which will require a separate CMP. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
8. The CMP shall address disposal and treatment of all excavated material and capping of exposed soils in accordance with the City's Soils Ordinance, Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. All applicable regulations and requirements of the Soils Ordinance shall apply to this property prior to and following official adoption by the City Council of the amended Soils Ordinance to include within the Soils Ordinance Boundary, the Spiro Tunnel MPD property. A detailed limit of disturbance plan shall be submitted as part of the CMP. No maintenance of any sidewalk, bus drop off, parking area, trail, or landscaping will be done by Park City.
9. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the Spiro Tunnel MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction, with the exception of restoration and remodeling of the old mining structures. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
10. A final record of survey plat must be submitted to the City for review and approval by the City Council, for compliance with the LMC, and must be recorded at the

County, prior to closing on any sale of individual condominium units. The record of survey plat shall address compliance with the ADA, including the potential for all ADA compliant units to be indicated on the record of survey plat and held as common space in perpetuity.

11. The Declaration of Condominium shall be submitted to the City Attorney for review and approval as to form. The Declaration shall be recorded at the time of recordation of the record of survey plat.
12. Recordation of a final subdivision plat, reviewed and approved in conformance with the LMC Subdivision regulations, by the Planning Commission and City Council, is a condition precedent to issuance of building permits, with the exception of building permits associated with the restoration and remodel of existing mining structures.
13. The City Engineer shall review and approve all associated utility, public improvements, grading and drainage plans for compliance with the LMC and City standards as a condition precedent to building permit issuance (except for building permits associated with the restoration and remodel of existing mining structures) and subdivision plat recordation. The final utility plans shall be consistent with preliminary utility plans on file with the City.
14. Approval by the City of a Master Sign plan, and approval of individual sign applications, in conformance with the Park City Sign Code, is a condition precedent to installation of any signs on the property, with the exception of construction related signs.
15. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and subdivision plat, for conformance with the District's standards for review, is a condition precedent to final plat recordation and building permit issuance.
16. An annual review of the overall traffic and parking situation (including effectiveness of restricting day skier parking) associated with the Spiro Tunnel MPD (resort support commercial, artist-in-residence, and office portions) shall be conducted by the Applicant (or Condominium Association) and presented to the City for three consecutive years upon issuance of a certificate of occupancy for these uses. The report shall identify any traffic or parking impacts that have occurred and shall make recommendations as to ways to mitigate these impacts.
17. Mechanical vents shall be painted, hidden with architectural features, located and/or landscaped to mitigate negative impacts on the architectural intent of the buildings and such that noise, vibration, odors, steam, and impacts on the neighboring properties are minimized to the greatest degree possible.
18. All historic preservation work on the existing buildings requires an Historic Design Review to be submitted for review and approval for compliance with the Historic Preservation Plan submitted at the time of the Spiro Tunnel MPD application and approved by the City and for compliance with the Park City design guidelines as a condition precedent to issuance of any building permits.
19. All construction shall comply with the restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).

20. As a condition precedent to receiving a certificate of occupancy for any residential condominium, townhouse, or duplex unit, the Applicants shall provide the City with proof of compliance with the Affordable Housing Analysis () submitted to and agreed upon by the City and the Applicant at the time of MPD approval.
21. Any future changes in use that requires a conditional use permit shall be evaluated as to the possibility of increasing the affordable housing obligation.
22. A master sign plan shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual signs on the Property.
23. Design and location of all loading areas, including areas for trash maintenance, shall be reviewed and approved by the City for compliance with the LMC and Building Code, as a condition precedent to issuance of a full building permit.
24. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
25. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission, signed by the Mayor on behalf of the City Council, and recorded with the Summit County Recorder within 6 months of the Planning Commission approval of the MPD or the Planning Commission approval shall expire.

Exhibits

A- Spiro Tunnel Project plans (master site, landscape, architectural, cross sections, Fog-Height Analysis) attached under separate cover.



Building • Engineering • Planning

September 12, 2008

Rory Murphy
PO Box 4223
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: The Shaft at Silver Star
Project Description: A Conditional Use Permit for a 2,176 sf pub and tunnel access/maintenance building at Silver Star Plaza (Spiro Tunnel MPD).
Date of Action: September 10, 2008

Action Taken by Planning Commission: The Planning Commission approved the Conditional Use Permit based on the following amended findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The proposed pub is located on Lot 2 of the Silver Star Subdivision.
2. The subject property is located within the Residential Development Medium Density (RDM) District subject to the Spiro Tunnel Master Planned Development.
3. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (townhouses, cottages, and single family house), an artist-in-residence campus with up to 14,500 sf of artist-in-residence studios, offices, and gallery retail; parking; and 15 Unit Equivalents of affordable housing.
4. Approval of a specific license for alcohol sales by the State Department of Alcohol Beverage Control would have to be obtained to sell alcoholic beverages.
5. Support commercial space is allowed per the LMC 15-6-8 (C).
6. The Spiro Tunnel MPD approval allows up to 14,500 square feet of commercial uses specific to the MPD. According to conditions of the MPD, change of use may require additional CUP review due to parking and traffic increases.
7. Currently there are ~~currently~~ 12,078 square feet of commercial uses at Silver Star, including the Sales Center offices, Sundance offices, and office/retail space within the Silver Star Plaza building. There are approximately 3,130 square feet of existing support commercial, specifically oriented to the occupants of Silver Star (not including back of house uses, such as laundry facilities, common spa and recreation facilities, club houses, etc.).
8. The proposed pub would add 1,829 sf of commercial uses. The total square feet of commercial uses would be 13,907 sf and will comply with the 14,500 square feet of commercial uses as allowed by the Spiro Tunnel MPD.

9. Access to the subject property is via Silver Star Court, located off Three Kings Drive, a public street. Silver Star Court is a private street.
10. The proposal includes moving the existing 800 sf mine structure forward (southeast) on the property approximately 19' to allow the 1,376 sf addition to be placed to the rear and side thus maintaining the front façade. Moving the structure forward will also keep the building on the existing flat portion of the lot, off of the steep vegetated slope to the rear.
11. The existing mining structure is not on the Park City Historic Building Inventory. However, the applicants intend to preserve the existing building by reconstructing it as an adaptive re-use. The existing siding will be reused as was done on the other three historic buildings on the property.
12. The structure is connected to a mine tunnel that leads back to deeper tunnels currently used by the City. Maintaining access to the tunnels for maintenance was discussed with the City Water Department and JSSD (who provides the miners and maintenance) and is part of the proposed plans.
13. The Pub is intended primarily for owners and visitors of Silver Star, however due to the proximity to the Silver Star lift the pub will also serve the general public. Parking for the Plaza portion of the Silver Star project exists in close proximity and was constructed in anticipation of the allowable commercial and support commercial uses. Approximately 2-4 employees are anticipated.
14. The general architectural intent is consistent with the Park City Architectural Design Guidelines and is compatible with the surrounding historic buildings and architectural theme of the Silver Star development.
15. The Pub is located at the base of a ski lift and terminus of a ski run.
16. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management. The CMP shall address requirements of the City's soils ordinance.
17. A private street is utilized for access to this project.
18. A financial guarantee for all landscaping and required re-vegetation is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if the developer or owners do not complete these improvements in a timely manner. This financial guarantee is required prior to building permit issuance.
19. The Pub is not within an area determined to be sensitive during the sensitive lands analysis, conducted at the time of the annexation. The area is not a wetland, ridgeline, critical habitat, stream corridor, Very Steep Slope, sensitive hillside, or on the Entry Corridor.
20. The project has been designed to mitigate additional disturbance by minimizing grading, minimizing cut and fill, stepping the retaining walls with the natural grade, maintaining existing significant vegetation to the greatest extent possible, and utilizing silt fencing during construction to contain sediment.
21. A stipulation of Spiro Tunnel Annexation was that the property be included in the City's Prospector Soils Ordinance and will be subject to all applicable regulations for excavations, testing, disposal, and capping.

22. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The proposed Pub is compatible with surrounding structures in use, scale and mass, and circulation.
2. The proposed Pub and uses are consistent with the Park City General Plan, Land Management Code, and the Spiro Tunnel Master Planned Development.
3. Any effects in difference in use or scale of the Pub have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. All exterior lighting shall be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-(1) and 15-3-3(c). All lighting shall be approved by the Planning Department prior to installation.
3. Final landscape plan shall be submitted with the building permit application.
4. Final building plans shall be consistent the plans reviewed and approved by the Planning Commission at the September 10, 2008 meeting.
5. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of a building permit. As a condition precedent to issuance of any building permit, the Applicant shall provide the Chief Building Official with information regarding any existing mine shafts or left over mining structures that may complicate footing and foundation construction.
6. Maintaining access to the tunnels for maintenance, as discussed with the City Water Department and JSSD (who provides the miners and maintenance) is required and shall be included as part of the proposed building plans.
7. A Construction Mitigation Plan (CMP) shall be submitted to the City and shall be reviewed by the City for compliance with the Municipal Code, as a condition precedent to issuance of any building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department.
8. The CMP shall address disposal and treatment of all excavated material and capping of exposed soils in accordance with the City's Soils Ordinance, Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. All applicable regulations and requirements of the Soils Ordinance shall apply to this property.
9. A detailed limit of disturbance plan shall be submitted as part of the CMP and shall be approved by the City as a condition precedent to building permit issuance. Existing significant vegetation shall remain to the greatest extent possible.
10. A financial guarantee shall be provided to the City prior to building permit issuance for new construction. The guarantee shall be in a form and amount acceptable to the City and as specified in the LMC for the value of any required improvements, including landscaping to revegetate areas disturbed by construction.
11. The City Engineer shall review and approve all associated utility installations and/or changes (if any) as a result of the construction, public improvements, grading, and

-
- drainage plans for compliance with the LMC and City standards as a condition precedent to building permit issuance.
12. No exterior signs are approved as part of this CUP. A sign permit is required prior to installation of all regulated signs.
 13. Approval of a license for alcohol sales by the State Department of Alcohol Beverage Control is a requirement to selling alcoholic beverages.
 14. The Snyderville Basin Water Reclamation District's review and approval of any amendments to the approved utility plans that result from construction of the Pub, for conformance with the District's standards for review, is a condition precedent to building permit issuance.
 15. All construction shall comply with the restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).
 16. A condominium plat shall be approved and recorded prior to issuance of a certificate of occupancy for the Pub if ownership is transferred from the HOA.
 17. Conditions of approval of the Spiro Tunnel MPD continue to apply.
 18. A financial guarantee for all landscaping and required re-vegetation, as well as for installation or relocation of any public utilities, shall be posted with the City prior to issuance of a building permit.
 19. A preservation plan shall be submitted with the building permit application detailing how the mining structure will be renovated and reconstructed. The building plans shall include step backs to differentiate between existing mining construction and new construction.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or e-mail me at Kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, AICP
Senior Planner

File

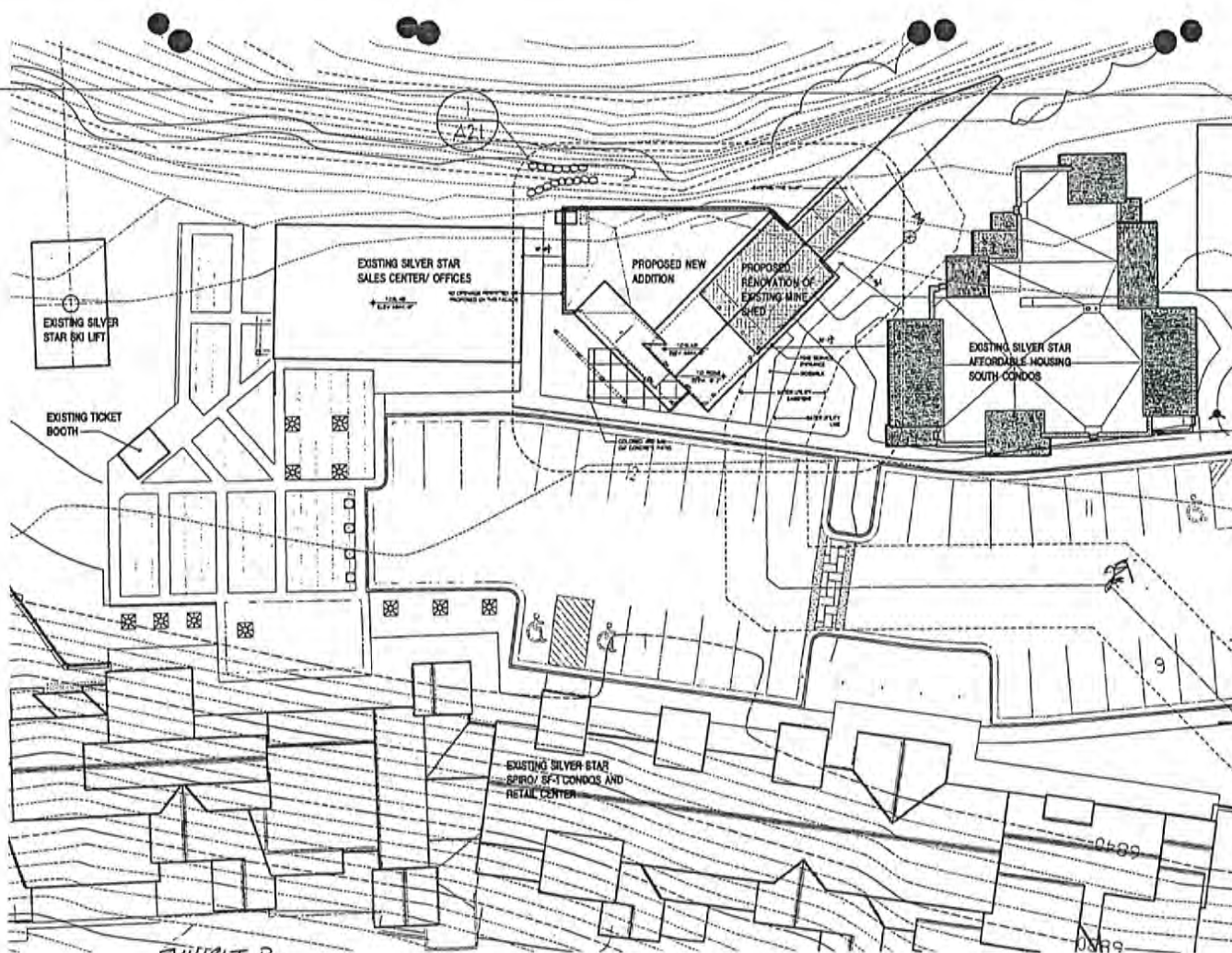


EXHIBIT B.



jsa architects
 architects
 planners
 interior designers
 443 East 800 East
 Suite 201
 Salt Lake City, UT 84143
 Ph. 801.733.2288
 Fax. 801.733.2287
 www.jsa.com

The design is intended to be used as a guide only. It is not intended to be used as a final design. The design is subject to change without notice. The design is not intended to be used as a final design. The design is subject to change without notice.

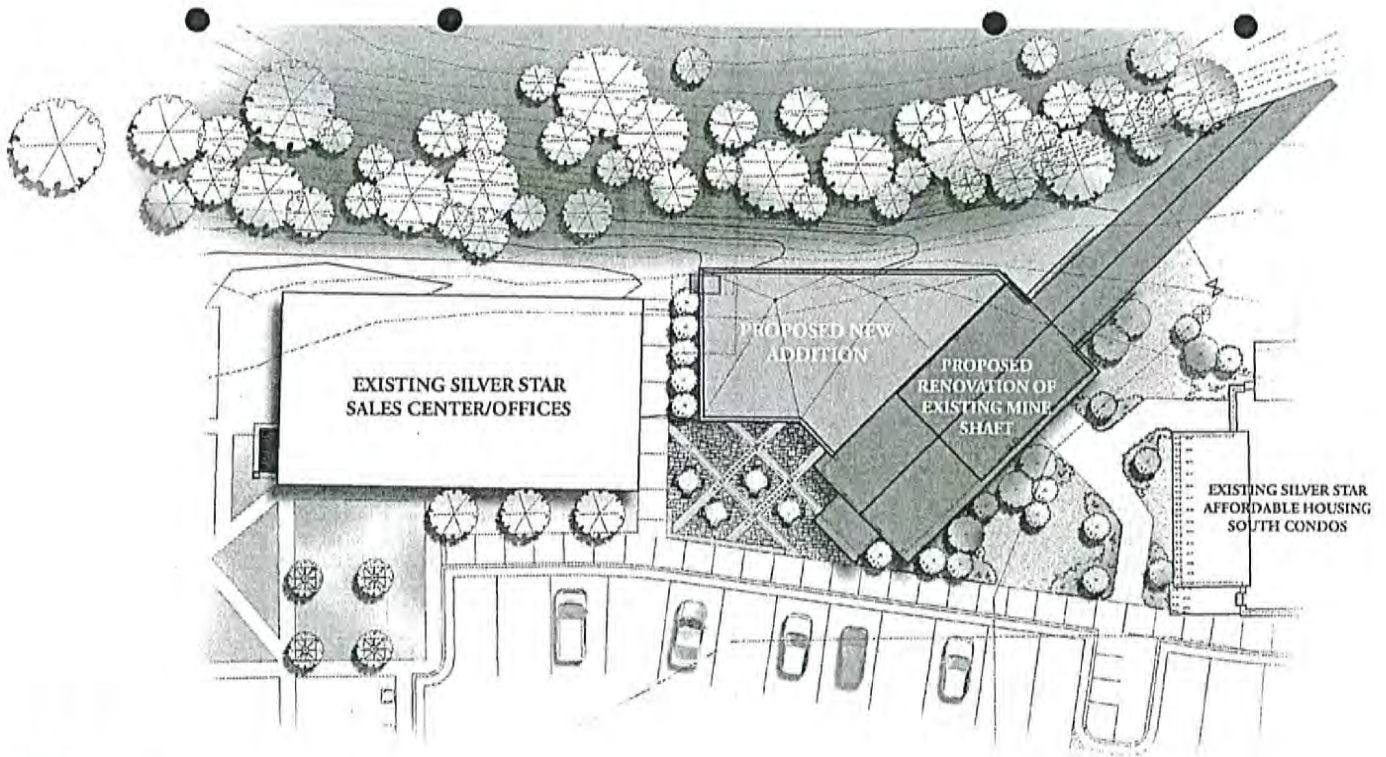
project
**THE SHAFT
 AT SILVER STAR**

SILVER STAR DEVELOPMENT
 125 SOUTH THREE KINGDOMS DRIVE
 PARK CITY, UTAH

date: JWK 05.09
 revisions:

date:
 project no:
 sheet no:
 sheet

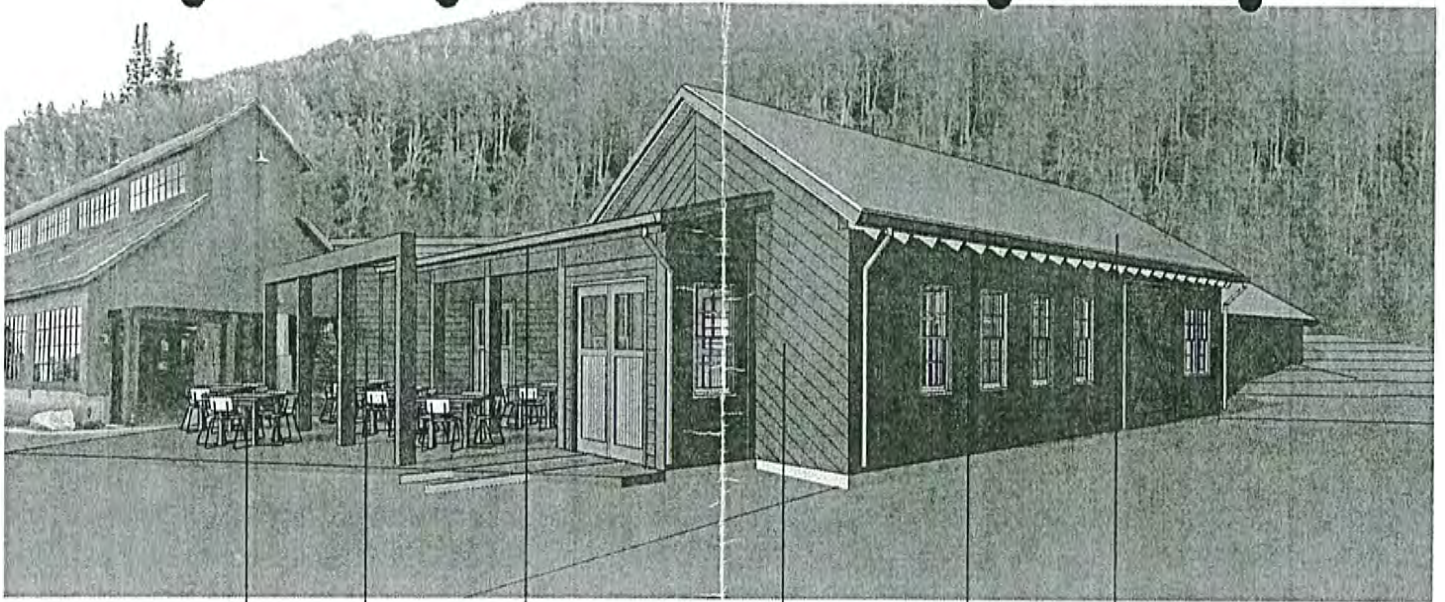
NOT FOR CONSTRUCTION - PRELIMINARY DESIGN
 SITE PLAN
 sheet
A11



SILVER STAR SHAFT BAR AND GRILL
Park City, Utah

Site Plan

SEP - 2 2008



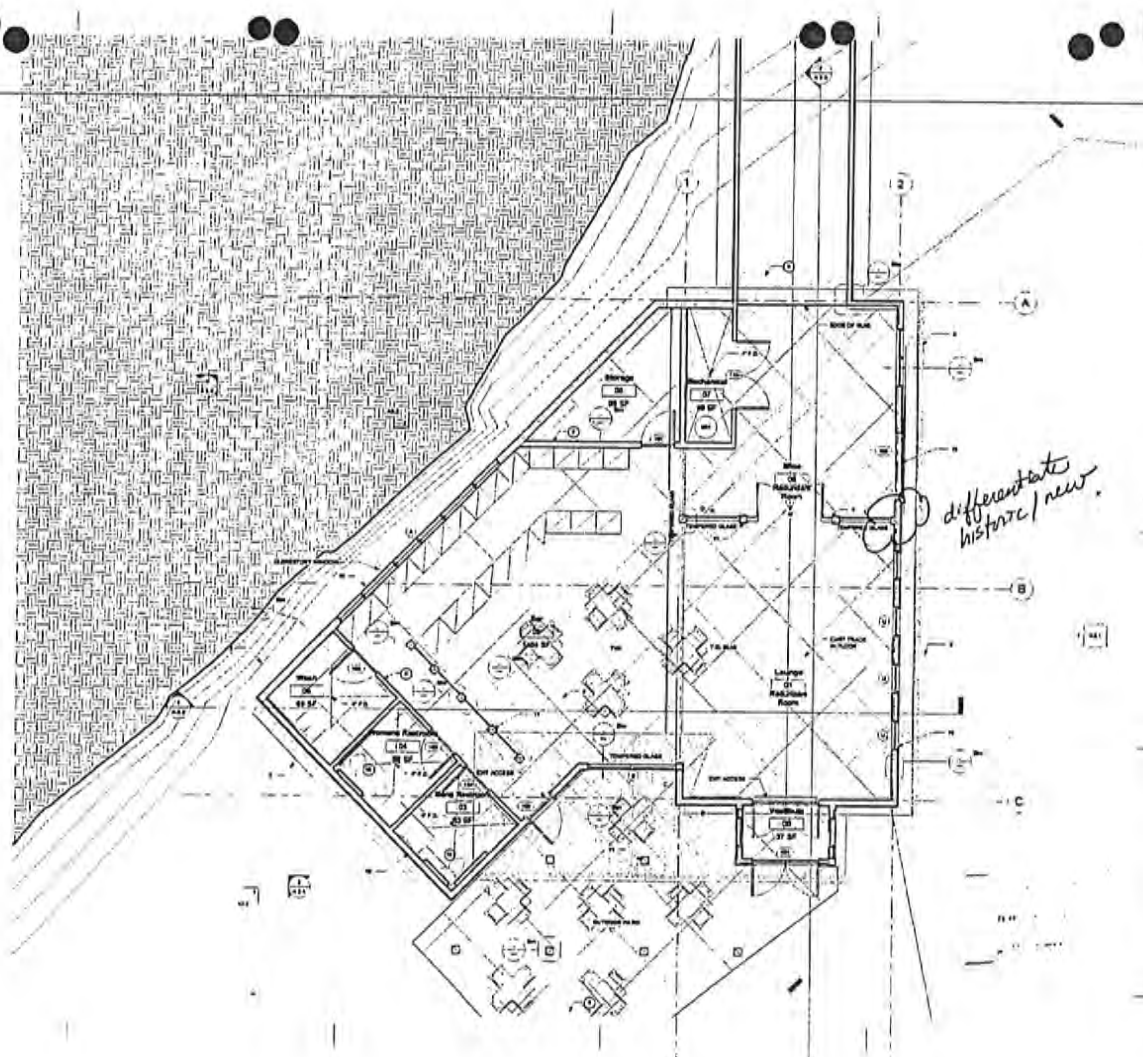
- CEDAR LAP SIDING
 - EXISTING CLAP BOARD SIDING TO REMAIN ON EXISTING SHAFT STRUCTURE
 - "CORTEN" CORRUGATED METAL ROOF TO MATCH EXISTING
 - NEW WOOD WINDOWS
- OUTDOOR DINING
 - STEEL BOX RAINGUTTERS



SILVER STAR SHAFT BAR AND GRILL
Park City, Utah

RECEIVED
JUL 15 2008
BY [unclear]
[unclear]

EXHIBIT B



jsa architects
 architects
 planners
 interior designers
 400 East 10th Ave
 Suite 200
 Salt Lake City, UT 84103
 PH: 801-532-2800
 Fax: 801-532-2801
 www.jsa.com

This map does not constitute a warranty of actual surveying, and is not intended to be used as a substitute for a professional survey. The user assumes all responsibility for the accuracy of the information presented on this map.

project:
**THE SHAFT at
 Silver Star**

Enter address here

date: 06-2007
 revisions:

date:
 checked by: JDS/SA
 checked by: JDS/SA

title
FLOOR PLAN

PLAN REVIEW SET sheet
A2.1

EXHIBIT G

The Silver Star Realty and Water reclamation shed.

The silver Star Village was created on the site of (3) significant historic buildings. Each in turn has been re-stored and adapted to new uses. Left on the site are (2) mine entrances, the spiro mine shaft and the three kings mine shaft. There is a boiler building at the village entrance and many mining artifacts placed around the site. It is an important site in regards to the history of mining in park city and it has been the goal since 2003 to maintain and celebrate the sites history.

The last peice of the site to be rehabilitated is the spiro mine shack. The spiro mine shaft exits into a small 20'x32' gabled shed with a covered corridor connecting to the shaft opening. The building is currently used to store materials left from the village construction and as an entrance for the water department to access the mine. The water departement currently uses this entrance for the electrical power access.

The structure is a wood frame which rest on the bare ground. The exterior clading is a mix of ship lap siding laid on angle and galvanized corrugated metal. The roof is galvanized corrugated metal.

The proposal for the project is to remove the existing frame and rebuild the shaft entrance for (2) uses. The first use will be to maintain an entrance and staging area for the water departement. This access would enter from a new entrance on the North facing the housing project. The second use will be a commercial space which will be the main area of the shed with a glass wall separating the mine entrance and commercial space. An addition is proposed to the South which is to set back with a flat roof to distinguish the old from the new. The rebuilt structure will utilize the same wood siding on the facade as well as the corrugated metal roofing. The mine carts are proposed to be used as art pieces and as a reception desk. The tracks from the mine would be cast into the concrete floor of the space and extend through the front to the entry plaza. The interior structure is proposed to be designed in such a way that the roof trusses will be exposed. The additional track left at the site would be used as trallis material.

The project is to celebrate this unique feature of the site. To organize the materials left and make useful what is currently avoided. We think the proposed plan will do this and further strengthen the historic value of the Silver Star Village.



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



AERIAL IMAGE



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

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SILVER STAR SPORTS/
RESTORED MACHINE SHOP

TEMPORARY STORAGE UNIT TO BE
REMOVED AND INCORPORATED INTO
PROPOSED BUILDING

EXISTING MINE SHAFT
ENTRANCE TO BE
REHABILITATED

SILVER STAR AFFORDABLE
HOUSING

VIEW OF MINE SHAFT SHED



SILVER STAR AFFORDABLE
HOUSING

HISTORIC REHABILITATION
OF SAW MILL

SILVER STAR VILLAGE
COMMERCIAL OFFICES

SILVER STAR CAFE

SILVER STAR SPORTS/
RESTORED MACHINE SHOP

VIEW FROM MINE SHAFT SHED
EXISTING CONDITIONS



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

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STREET FACADE



ENTRY WALL/ WEST



SOUTH WALL



EAST WALL



EAST WALL



SHED AT MINE SHAFT ENTRANCE

EXISTING CONDITIONS



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EXISTING AND PROPOSED



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CONCEPT IMAGES



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EXISTING CONDITIONS



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EAST WALL



SHED AT MINE SHAFT ENTRANCE

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Planning Commission Staff Report



Application No: PI-14-02348
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP
Date: October 22, 2014
Type of Item: Legislative – LMC Amendments

Summary Recommendation

Staff recommends the Planning Commission review proposed amendments to the Land Management Code (LMC) regarding 1) zoning regulations for Pet Service Uses in the General Commercial (GC) and Limited Industrial (LI) zoning districts, and associated definitions (Chapters 2.18, 2.19, and 15) as described in this report. Staff recommends the Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to the City Council to adopt the attached Ordinance.

Description

Project Name: LMC Amendments to Chapters 2 and 15
Applicant: Planning Department
Approximate Location: General Commercial/Limited Industrial zones
Proposal: Amendments to the Land Management Code require Planning Commission review and recommendation with final action by the City Council.

Background

Planning Staff was approached by several local business owners with questions related to zoning regulations for various pet services, including pet/animal grooming and pet/animal daycare. These uses are not specifically addressed in the Land Management Code.

These uses and proposed LMC amendments were discussed by the Planning Commission on May 28, 2014, where the Commission provided Staff direction to research similar ordinances in other communities and return with additional information. On June 25th Staff requested a continuation of this item to July 9th, 2014. On July 9th Staff requested continuation to a date uncertain due to staff work load on project applications (see Exhibit A- minutes of May 28, 2014 meeting).

On May 28, 2014, Staff proposed LMC Amendments to clarify Animal Services and associated definitions (See Exhibit B- minutes of the May 28, 2014 meeting). The Commission had concerns about the term "Animal Services" believing that it was too broad and could be interpreted to mean cows, horses, goats, reptiles and other such animals. Staff's intent was for the Code to clarify where pet services, such as grooming

and daycare could be permitted, either as an allowed use or a conditional use. Additionally Staff included definitions of various Animal Services that were consistent with the Park City Municipal Code. This was confusing as the definitions related to the County Animal Control regulations and not to specific land uses. The Municipal Code definitions continue to apply to all animal service establishments regarding various licenses and regulations of the Health Department and Animal Control.

Staff modified the definitions to be more specific to the actual proposed uses. The Commission was also concerned about not having specific criteria to review these uses by before allowing them in various zones. Staff has provided a better explanation of how Conditional Use Permits are reviewed and the criteria that apply to all CUP applications; whether for a brewery, hotel, gas station, outdoor dining, or auto related use, etc. (see below).

The Commission requested staff review other resort communities and provide a summary of how animal/pet services are addressed in those communities. Staff researched several resort communities, as well as reviewed the Summit County, Utah land use codes, and summarized findings below. See Exhibit B for additional information from other communities.

General Plan

The proposed LMC amendments have been reviewed for consistency with the recently adopted Park City General Plan. The General Plan does not specifically address these issues; however the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values. The General Plan indicates that the LMC shall be updated with current land uses and shall take into consideration economic development with smaller local businesses in appropriate locations that are in keeping with Park City's unique character.

Proposed LMC Amendments

Pet service uses in GC and LI (Chapters 2.18 and 2.19)

In order to address zoning and land use issues related to various pet services, Staff recommends the following LMC Amendments:

- 1) Pet Boarding as a Conditional Use in the GC and LI zoning districts.
- 2) Pet Daycare as Conditional Use in the GC and LI zoning districts.
- 3) Pet Grooming services as an Administrative Conditional Use (Admin CUP) in the GC and LI zoning districts.

Associated definitions for these uses are proposed to be added to Chapter 15 (see below).

Proposed Definitions:

Staff recommends the following LMC Amendments to Chapter 15- Definitions to clarify various associated pet service uses (see Ordinance- Attachment 3):

Household Pets- Household pets include dogs, cats, rabbits, birds, and other small companion animals such as gerbils and ferrets and other similar animals owned for non-commercial use.

Pet Boarding- A commercial establishment for overnight boarding and care of four (4) or fewer dogs and five (5) or fewer other Household Pets that are not under the care of a veterinarian, in a purposely-designed establishment.

Pet Daycare- A commercial establishment that has a primary purpose of providing same day, short-term daycare of Household Pets in a purposely-designed establishment that excludes the keeping or boarding of animals overnight.

Pet Grooming- A commercial establishment where Household Pets are bathed, clipped, combed, or similarly cared for, for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged. Pet grooming also includes any self-service pet washing business where the customer washes their own pets or provides other self-service grooming tasks.

Veterinary Clinic- A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.

Office, Medical- A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and /or clients. A Medical office includes Veterinarian-Veterinary Clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian-Veterinary Clinic, but does not include pet boarding Uses for non-medical related reasons.

Analysis

Conditional Use Permits

Administrative Conditional Use Permits (Admin CUPs) require an application, review by Planning Staff for compliance with the fifteen CUP criteria in LMC Section 15-1-10 (see below), ten day public notice, and mailed notice to adjacent property owners.

Conditional Use Permits (CUPs) require an application, review by Planning Staff with final action by the Planning Commission following a public hearing, fourteen day public notice, and mailed notice to property owners within 300 feet.

The application for all Conditional Use Permits (Admin CUP and CUP) requires written information regarding the proposed use, location, adjacent uses and zoning, size of

property/space, number of employees, parking, hours of operation, ownership, as well as the applicant's assessment of the proposed use and compliance with the fifteen review criteria.

Certain CUPs require additional information, such as compliance with Summit County Health Codes, Business Licensing, Building Codes, Fire Codes, Architectural Design Guidelines, State Licensing Boards, Animal Services Licensing, Army Corps of Engineering, etc. Typically these various codes and licenses must be obtained prior to issuance of a Certificate of Occupancy or Business License for specific business, following CUP approval and compliance with any specific conditions of approval required by the Planning Staff or Planning Commission to mitigate impacts identified during review of the CUP application.

Conditional Use Permit review criteria in the LMC

The Land Management Code includes fifteen (15) criteria for Conditional Use Permits as stated in LMC Section 15-1-10(E):

1. Size and location of Site;
2. Traffic considerations including capacity of the existing Streets in the area;
3. Utility capacity;
4. Emergency vehicle access;
5. Location and amount of off-street parking;
6. Internal vehicular and pedestrian circulation system;
7. Fencing, Screening, and Landscaping to separate the use from adjoining uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;
9. Usable open space;
10. Signs and Lighting;
11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;
13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area;

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities;
15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

All Conditional Use Permit applications are reviewed against the above fifteen criteria, with review specific to the particular use. For example, the first criteria relates to the Size and Location of the Site. The proposed use for a pet grooming business within a 1,500 sf tenant space in a shopping center might have different requirements for mitigation of size and location than a pet grooming business proposed within a 10,000 sf warehouse building. Before the use can be approved, a decision is made by either the Planning Staff/Director or the Planning Commission as to whether the particular proposal complies with the criteria and how possible impacts are mitigated. Conditional Uses are presumed to be allowed in a stated zoning district provided that impacts are mitigated.

Pet Service uses in other communities

Staff researched a few resort towns with permitted and conditional use permitted animal services. The following information compares Aspen, Colorado; Sedona, AZ; Santa Fe, NM; and Summit County, Utah.

Aspen, CO:

Animal boarding and animal grooming –allowed use in the Service/Commercial/Industrial (S/C/I) zoning district. S/C/I zone initially created to protect uses such as this.

Veterinary Clinic- allowed in the S/C/I zone and Conditional Use Permit in the RR (Rural Residential)

Definitions:

- Animal boarding- An establishment which houses animals overnight or over an extended period of time.
- Animal grooming- An establishment principally engaged in grooming animals in which overnight boarding is prohibited.
- Veterinary clinic- A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.
- Pet or Doggy Daycare- no definition (considered under animal boarding and grooming).

Sedona, AZ:

Permitted Use:

- C-2 General Commercial: “**commercial kennel**: enclosed and entirely sound proof”
- C-3 Heavy Commercial: “**commercial kennel**: enclosed and entirely sound proof”
- C-3 Heavy Commercial: “**pet grooming and pet daycare**”

- Conditional Use Permit required:

- C-1 General Commercial: “**commercial kennel**: enclosed and entirely sound proof”
- C-2 General Commercial: “**small animal hospitals with outdoor runs, pens, and cages**”

- Definitions:

- Commercial Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire or selling animals, and in addition means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains 5 or more dogs under controlled conditions.
- Pet grooming and pet daycare- No definitions in code.
- Animal hospital means a place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Kennels shall be incidental only to such hospital use.
- Household pets means dogs, cats, rabbits, birds, and other small companion animals such as gerbils and ferrets for family use only (noncommercial), including cages, pens, and the like.

Santa Fe, NM:

(* notes that a special use permit is required if located within 200ft of residential zoned property, otherwise permitted)

Veterinary Establishments & Kennels Permitted as Allowed Use in:

- C-1* Office and Related Commercial
- C-2* General Commercial
- C-4* Limited office & Arts & Crafts
- BCD Business Capitol
- I-1 Light Industrial
- BIP* Business & Industrial Park

Veterinary Establishments also Permitted as an Allowed Use in:

- SC-2* Planned Shopping Center
- SC-3* Planned Shopping Center

- MU Mixed Use

Definitions:

- Kennel- A commercial establishment where animals are boarded, kept, or maintained.
- Veterinary Establishment- A facility or place where animals, including agricultural and farm animals, are given medical and surgical care and treatment and the boarding of animals limited to short-term care incidental to the hospital use.
- Pet or Doggy Daycare- no definitions, considered under Kennels.

Summit County, UT:

(Low Impact Permit is administrative/staff review with notice and public hearing at discretion of staff)

Pet Services and Grooming:

- Rural Residential (RR), Hillside Stewardship (HS), and Mountain Remote (MR)- prohibited
- Community Commercial (CC) and Service Commercial (SC)- Low Impact Permit
- Neighborhood Commercial (NC)- Conditional Use Permit

Commercial Kennel:

- RR, HS, MR- Conditional Use Permit
- CC, SC- Low Impact Permit
- NC- Conditional Use Permit

Veterinarian in:

- RR, HS, MR- prohibited
- CC, SC- Low Impact Permit
- NC- Conditional Use Permit

Definitions:

- Pet Services and Grooming- An establishment providing grooming services, operated totally within a building, for dogs, cats, birds, fish and other small domestic animals customarily owned as household pets. Typical uses include dog bathing and clipping salons, and pet grooming shops, but excluding uses for livestock and large animals.
- Commercial Kennel- Any premises, except where accessory to an agricultural use, where five (5) or more dogs, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for commercial use. The selling of one litter of offspring per year, per premises, shall not be construed as commercial.
- Veterinarian- An establishment for the care and treatment of small, domestic animals.
- Pet or Doggy Daycare- no definition, considered under Commercial Kennel.

Pet service uses currently in Park City LMC

Currently in Park City, pet grooming services are allowed in the GC and LI zoning districts as Allowed Uses, considered under Retail and Service Commercial, Minor. Veterinary Clinics are currently allowed in the GC zone and are conditional uses in the LI zone as they are considered under Office and Clinic, Medical (with limited boarding for pets under care of a veterinarian). The current definition of Office, Medical is as follows:

A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and /or clients. A Medical office includes Veterinarian Clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

Staff recommends amended the above definition to include the term “Veterinary Clinic” consistent with the proposed definition for Veterinary Clinic. Staff included a definition for “Household Pets” and references this term in all definitions related to Pet service uses.

Proposed Pet service uses in GC and LI (Chapters 2.18 and 2.19)

Staff therefore recommends the following LMC Amendments:

- 1) Pet Boarding as a Conditional Use in the GC and LI zoning districts.
- 2) Pet Daycare as Conditional Use in the GC and LI zoning districts.
- 3) Pet Grooming services as an Administrative Conditional Use (Admin CUP) in the GC and LI zoning districts.
- 4) Veterinary Clinics as an Allowed Use in the GC zoning district and as a Conditional Use in the LI zoning district (consistent with the current regulations).

Commercial Kennels

Staff has not included “Commercial Kennel” as either a definition or use at this time. The County definition of Commercial Kennel as a commercial establishment for overnight boarding of 5 or more dogs is consistent with the Municipal Code and Animal Control Division is Summit County. Staff requests discussion on the issue of Commercial Kennels and suggests the following options:

- Include Commercial Kennels in the GC and LI as Conditional Use and include the definition as: Commercial Kennel- A commercial establishment where, except when accessory to an agricultural use, five (5) or more dogs, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for

commercial use. The selling of one litter of offspring per year, per premises, shall not be construed as commercial.

- Qualify Commercial Kennels that might be more appropriate to the GC and LI properties in Park City by creating a definition for Small Commercial Kennels, such as a “Commercial establishment where more than five (5) and fewer than ten (10) dogs over four (4) months of age and up to ten other Household Pets are boarded overnight in a completely sound proofed building.
- Leave Commercial Kennels out at this time to allow time to do further study and determine if there are areas of Park City where this use would be more appropriate. Staff recommends this option.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces on October 4, 2014 and published in the Park Record on the same date, at least 14 days prior to the public hearing, as required by the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to make a recommendation to Council.

Significant Impacts

The proposed LMC amendments for animal/pet services clarify terms and zoning regulations for various pet services, such as pet grooming, pet daycare, and veterinary clinics within the GC and LI zoning districts.

Summary Recommendation

Staff recommends the Planning Commission review proposed amendments to the Land Management Code (LMC) regarding 1) zoning regulations for Pet Service Uses in the General Commercial (GC) and Limited Industrial (LI) zoning districts, and associated definitions (Chapters 2.18, 2.19, and 15) as described in this report. Staff recommends the Commission conduct a public hearing, consider public input, and consider

forwarding a positive recommendation to the City Council to adopt the attached Ordinance.

Exhibits

Draft Ordinance and attachments

Exhibit A- Minutes of the May 28, 2014

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 2.18 (GENERAL COMMERCIAL (GC) ZONE); CHAPTER 2.19 (LIGHT INDUSTRIAL (LI) ZONE); AND CHAPTER 15-DEFINITIONS REGARDING PET SERVICE USES

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

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, to address applicable changes to the State Code, and to align the Code with the Council's goals; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on October 22, 2014, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 20, 2014; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code, the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, promote economic development, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (Section 15- 2.18-2). General Commercial (GC) regarding Pet Service uses. The recitals above are incorporated herein as findings of fact. Section 15- 2.18-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (Section 15- 2.19-2).Light Industrial (LI) regarding Pet Service uses. The recitals

above are incorporated herein as findings of fact. Section 15- 2.19-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 2).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Fifteen (Section 15-15-1). The recitals above are incorporated herein as findings of fact. Chapter 15-15-1 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 3).

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2014

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

- (2) Lockout Unit¹
- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting³
- (7) Child Care, Family³
- (8) Child Care, Family Group³
- (9) Child Care Center³
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical
- (22) Financial Institution without a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service Commercial, Minor
- (25) Retail and Service Commercial, Personal Improvement
- (26) Retail and Service Commercial, Major
- (27) Cafe or Deli

¹Nightly rental of Lockout Units requires Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 Child Care Regulations

- (28) Restaurant, General
- (29) Hospital, Limited Care Facility
- (30) Parking Area or Structure with four (4) or fewer spaces
- (31) Parking Area or Structure with five (5) or more spaces
- (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁴
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion⁸

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (13) Financial Institution with a Drive-up Window⁶
- (14) Retail and Service Commercial with Outdoor Storage
- (15) Retail and Service Commercial, Auto Related
- (16) Transportation Service
- (17) Retail Drive-Up Window⁶
- (18) Gasoline Service Station
- (19) Restaurant and Cafe, Outdoor Dining⁷
- (20) Restaurant, Drive-up Window⁶
- (21) Outdoor Event⁷
- (22) Bar
- (23) Sexually Oriented Businesses⁸
- (24) Hospital, General
- (25) Light Industrial Manufacturing and Assembly
- (26) Temporary Improvement⁷
- (27) Passenger Tramway and Ski Base Facility
- (28) Ski tow rope, ski lift, ski run, and ski bridge
- (29) Commercial Parking Lot or Structure
- (30) Recreation Facility, Public
- (31) Recreation Facility, Commercial
- (32) Indoor Entertainment Facility

⁶See Section 2-18-6 for Drive-Up Window review

⁷Requires an administrative Conditional Use permit

⁸See Section 2-17-8 for additional criteria.

- (33) Master Planned Development with moderate housing density bonus⁹
- (34) Master Planned Developments⁹
- (35) Heliport
- (36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
- (37) Fences greater than six feet (6') in height from Final Grade⁷
- (42) Pet Boarding
- (43) Pet Daycare
- (44) Pet Grooming Services⁷

(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)

15-2.18-3. 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 a 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. All Development activity must comply with the following minimum yards:

(A) **FRONT YARDS.** The minimum Front Yard is twenty feet (20') for all Main

⁹Subject to provisions of LMC Chapter 15-6, Master Planned Development

- (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
- (42) Pet Boarding
- (43) Pet Daycare
- (44) Pet Grooming Services⁶

(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.

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

15-2.19-4. REVIEW CRITERIA FOR RESIDENTIAL USES.

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) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

1.168 **NOTEWORTHY**. Deserving notice or attention because of uniqueness, excellence, or Significance.

1.169 **NURSERY, GREENHOUSE**. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.170 **NURSING HOME**. A Business described also as a “rest home”, or “convalescent home”, other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

1.171 **OFF-SITE**. Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

1.172 **OFF-STREET**. Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

1.173 **OFFICE**.

(A) **Office, General**. A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

(B) **Office, Intensive**. Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.

(C) **Office, Medical**. A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinary ~~ian~~ clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinary ~~ian~~ Clinic, but does not include pet boarding Uses for non-medical related reasons.

(D) **Office, Moderately Intensive**. A Business offering executive, administration, professional, or clerical services which are performed with a moderate level of client interaction and traffic generated by employee and/or clients.

condition prior to such deterioration, decay, or damage.

1.180 OUTDOOR USE OR EVENT.

Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

1.181 OWNER. Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.182 PARCEL. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

1.183 PARKING.

(A) **Parking, Public.** A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential.** A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared.** The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

1.184 PARKING AREA. An unenclosed Area or Lot other than a Street used or designed for parking.

1.185 PARKING LOT, COMMERCIAL. A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

1.186 PARKING SPACE. An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

1.187 PARKING STRUCTURE. A fully enclosed Structure designed and intended for parking.

1.188 PASSENGER TRAMWAY. A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

1.189 PERIOD OF HISTORIC SIGNIFICANCE. A specific period of time that provides a context for Historic Sites based on a shared theme.

1.190 PERSON. An individual, corporation, partnership, or incorporated association of individuals such as a club.

1.191 PET SERVICES.

(A) Household Pets – Household pets include dogs, cats, rabbits, birds, and

other small companion animals such as gerbils and ferrets and other similar animals owned for non-commercial use.

- (B) **Pet Boarding** – A commercial establishment for overnight boarding and care of four (4) or fewer dogs and five (5) or fewer other Household Pets that are not under the care of a veterinarian, in a purposely-designed establishment.
- (C) **Pet Daycare** – A commercial establishment that has a primary purpose of providing same day, short-term daycare of Household Pets in a purposely-designed establishment that excludes the keeping or boarding of animals overnight.
- (D) **Pet Grooming** – A commercial establishment where Household Pets are bathed, clipped, combed, or similarly cared for, for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged. Pet grooming also includes any self-service pet washing business where the customer washes their own pets or provides other self-service grooming tasks.
- (E) **Veterinary Clinic** – A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.

1.192 **PLANNED UNIT DEVELOPMENT (PUD)**. Multiple, Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as possible with TDR Open Space and in which the overall design, size, mass, scale,

Setback, materials, colors and visual character are integrated one with another.

1.193 **PHYSICAL MINE HAZARDS**. Any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity.

1.194 **POROUS PAVING**. A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving. Porous paving includes pervious paving.

1.195 **PRELIMINARY PLAT**. The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

1.196 **PRESERVATION**. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Property. Work, including preliminary measures to protect and stabilize the Property, generally focuses upon ongoing maintenance and repair of Historic materials and features rather than extensive replacement and new construction.

1.197 **PRESERVATION EASEMENT**. An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary

Economic Development Manager stating that there were no mining hazards on the Library site.

Commissioner Strachan remarked that a letter from the Economic Development Director was typically not good enough evidence. It was not critical for this project because they know that there are no mine hazards, but for future projects he recommended better documentation regarding mining hazards.

Assistant City Attorney McLean explained that once the Development Agreement is ratified it goes directly to the Mayor for his signature; not to the full City Council.

MOTION: Commissioner Joyce moved to RATIFY the MPD Agreement for 1255 Park Avenue, Library and Education Center, as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendments (Application PL-14-02348)

Planner Whetstone reviewed the four proposed amendments to the LMC.

1. Public Improvement Warranty Guarantees (LMC Section 15-1-13).

The proposed amendment would amend Chapter 1, Section 13 – Completion of Site Work Improvements; specifically the Improvement Warranty Guarantees and the amount of money that the City can retain. Planner Whetstone noted that the State changed the law and this amendment would update the Code to be consistent with State Law. The current language allows the City to retain 25% of the actual cost for a period of one year following final inspection. Per State law, the amendment would reduce the amount to 10%. Planner Whetstone remarked that the City Engineer has said that the City could request 100%, retain 10% and return 90%. Another option was the language shown in red on page 21 of the Staff report, "...or the lesser of the engineer's original estimated cost of completion or the actual construction." That language was taken directly from the State Code.

The Staff recommended that the Planning Commission discuss the amendment, conduct a public hearing and forward a recommendation to the City Council for final action.

Commissioner Stuard asked if the 10% limit was a Statutory Limit.

Assistant City Attorney McLean explained that the State Code changed from 25% to 10%, but it was only for the Warranty amount. As currently written, the LMC does not comply with the State Code. If the LMC is not amended, the City would have to follow the State Code. Not amending the language for compliance with State Code creates the possibility for errors because of the discrepancy. Ms. McLean stated that the City always tries to update the existing LMC to comply with the State Code.

Commissioner Strachan asked about the current warranty. Assistant City Attorney McLean stated that it was more for larger subdivisions. For example, the movie studio has to do the infrastructure per City specifications, and they have to warranty the infrastructure for a one or two year period after completion to make sure there are no cracks in the road, etc.

Commissioner Stuard thought that reducing the amount from 25% to 10% puts a burden on the City Engineer to make sure that public improvements were completed to the correct specifications before accepting and starting the warranty period. Ms. McLean stated that there was a process for how that is done. She would convey his concern to the City Engineer; however, the City is tied to the State Code. Commissioner Stuard cited several examples where the infrastructure has failed or created other issues. It is a major issue that could be expensive to remedy.

Commissioner Strachan remarked that Park City Heights and the movie studio were the two largest developments. He asked if they were subject to the 10% or the 25% warranty retention. Assistant City Attorney McLean replied that they were subject to 10% because of when the permit was issued. The building permit is the trigger. She explained that the movie studio has a guarantee of 125% for several items, but once the work is completed and the City accepts the improvements, the guarantee drops down to 10%. At that point all the funds will be released except for 10%.

Commissioner Strachan concurred with Commissioner Stuard. With large projects like Park City Heights and the movie studio, it would be a major task for the City Engineer to check all the infrastructure to make sure it meets the specs. Assistant City Attorney McLean clarified that the City does not wait until the end to inspect it. The City has put out an RFP for inspectors for Park City Heights to examine and inspect the infrastructure as it progresses.

Planner Whetstone understood that once the infrastructure has been completed, the City Engineer takes a report to the City Council for approval and acceptance. After that, the City holds the warranty for a year.

Chair Worel wanted to know who bears the cost of paying the inspectors hired by the City for a specific project. Ms. McLean replied that it is paid by the developer as part of the inspection fees.

Commissioner Stuard asked if the language in red, "...or the lesser of..." was also mandated by the State. Planner Whetstone answered yes.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

2. Clarify by codifying the existing prohibition of nightly rentals within April Mountain and Mellow Mountain Estates Subdivisions (Sections 15-2, 13-5.

Planner Whetstone reported that this was an administrative issue. The proposed amendment would amend Chapter 2.13, which is the RD zone. She noted that when the April Mountain and Mellow Mountain Estates subdivisions were approved; both subdivisions were approved with a condition, which is on the plat, that no nightly rentals are allowed. Planner Whetstone explained that when someone asks about nightly rentals, the Planner may not be aware of the prohibition in those two subdivisions and tells them that nightly rentals are allowed in the RD zone.

Planner Whetstone clarified that this amendment would put a footnote on nightly rentals in the Code to say that nightly rentals are not permitted in April Mountain or Mellow Mountain Estates subdivisions.

Commissioner Joyce disclosed that he lives in April Mountain. He asked if April Mountain and Mellow Mountain were the only two subdivisions in the RD zone that have this limitation. Planner Whetstone answered yes. Commissioner Joyce recalled a significant amount of discussion as part of the General Plan update, that the City does not enforce Homeowner Association limitations. Where this is platted and if it becomes part of the LMC, he asked if the City would get involved if someone did nightly rentals in one of those subdivisions. Director Eddington replied that it would be an issue for the City Code Enforcement.

Planner Whetstone pointed out that it would help the Planning Department Staff be more aware because it would be on the plat and in the LMC. Without the footnote, a planner may be given an address and just assume nightly rentals are allowed because the address is in the RD zone. Planner Whetstone remarked that because the condition is on the plat, it is

already a City Code Enforcement issue and that would not change. The footnote would simply add clarification.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

3. Animal Services in GC and LI zoning districts (LMC Sections 15-2, 18-2, 15-2, 19.2 and 15-15-1)

Planner Whetstone noted that the proposed amendment addresses animal services such as grooming, boarding, and doggy daycare. The Staff has been asked questions about these uses and where they are allowed to occur. Kennels were defined in the definitions; however, the Staff had not yet identified an area or zones where kennels would be an allowed or conditional use.

Planner Whetstone stated that the Municipal Code has a definition for kennels, which is defined as over four dogs. She explained that for any of the animal services she had mentioned, if they have over four dogs it is considered a kennel.

Planner Whetstone noted that the LMC does not address animal services specifically. There is an animal grooming service in the GC zone, but it was approved as minor retail, similar to a hair cutting business. She reported that when someone had asked about having a doggy daycare in the GC or LI zone the Staff decided to craft definitions for the Code. Planner Whetstone clarified that veterinarians are now an allowed use in the GC zone under the definition of office and clinic medical in the definition section. Veterinarians are a conditional use in the LI zone.

Planner Whetstone remarked that the Code does not identify locations for boarding, daycare, or grooming as a conditional use. She referred to page 103 and noted that those uses were added to the list of uses in the GC zone and in the LI zones.

Planner Whetstone read the proposed definitions for boarding, daycare and grooming from page 95 of the Staff report. She also read the definition for kennels. Planner Whetstone recalled that the Staff had discussed kennels as conditional uses in the GC and LI zones but had decided not to include. However, it was still listed in the Staff report and she asked the Planning Commission for their thoughts on kennels.

Commissioner Joyce did not understand the restriction of no more than four animals at one time. Using Petco as an example, they constantly have dogs and cats in and out of their grooming center all day. He asked if the restriction was four at a time or four in one day. Planner Whetstone replied that it is four at a time. Director Eddington pointed out that the definition did not specify number of animals for the grooming use. It only applied to daytime and overnight boarding.

Commissioner Stuard stated that in the definitions for boarding and doggy daycare, he questioned the meaning of “takes in”. He understood that they were talking about actual dogs on the premises and he thought it meant more than “takes in”. Director Eddington suggested replacing “takes in” with “houses”. Planner Whetstone raised the issue of whether the limit would include the owner’s personal dog in the total number. Commissioner Stuard assumed it would be the number of dogs they were providing occupancy for or services to at any point in time, or in the case of boarding, overnight.

Planner Whetstone stated that boarding has never been an issue, but the Staff has been approached regarding daytime care and grooming.

Commissioner Joyce felt they were opening a can of worms and they were not even close to the right definition. He noted that everything was generalized to animals. He referred to the debate in Summit County about allowing horses and now bringing in dogs. Commissioner Joyce asked if they would allow somebody to have an animal kennel for cows or horses. He was concerned about leaving it open to any type of animal, and whether animal kennel would include chickens and roosters. Commissioner Joyce noted that all the examples refer to dog boarding, but the language does not limit it to dogs or cats. He thought the definition was too broad.

Commissioner Joyce questioned why they would want to allow a kennel in Park City. Planner Whetstone clarified that no one has inquired about kennels. Commissioner Joyce pointed out that kennels went from being a non-allowed use to an allowed use. Planner Whetstone reiterated that the Staff had discussed removing kennels from the language as an allowed use. She pointed out that kennels were listed as a conditional use in the GC and LI zones, and she recommended removing the reference to kennels for both of those zones.

Commissioner Stuard suggested that the Staff and the Planning Commission needed more time to work on this item. Planner Whetstone remarked that animal grooming and doggy daycare were the pressing issues. She suggested that they strike animal kenneling, and not assign a number to grooming. She noted that people have small pets other than cats or dogs that should be considered in this section. The LMC has a separate section for

raising and grazing horses. Commissioner Phillips suggested using the wording “house pets.”

Commissioner Strachan thought the Staff should research how other jurisdictions have addressed this issue and which animals were included or excluded. Planner Whetstone stated that she had reviewed five codes and they all used the word “animals.” Commissioner Strachan thought the definition of veterinarian as “One trained and authorized....” should be changed to read, “One trained and licensed by the State of Utah to treat animals medically.” Chair Worel concurred.

Chair Worel opened the public hearing.

Bob Saylor stated that he and his wife may have been the one who raised the question about animal daycare because they had applied for a business license. He and his wife were interested in having a doggy daycare facility in the City limits. Their market would be local pet owners and visitors. There is more pet friendly lodging and it gives a choice to the lodging operators for their clients to have a place to house their pets when they are skiing or enjoying other activities. Mr. Saylor noted that the suggested definition for animal services day care says fewer than four animals. From his perspective as a business person, to have commercial space but be limited to less than four animals is an impossible business model. However, the definition for animal services for kennels was broader and states four or more. Mr. Saylor asked if a doggy daycare was ever allowed, if it would be limited to three or less animals. He reiterated that the limit would make it impossible to have that type of business in Park City. He commented on a business near the Jeremy Ranch exit in a small retail center. Among those is a business called Dog in House and they take in between 60-75 dogs per day. It is a combination of 3,000 square feet of enclosed space and a couple thousand square feet of open space behind the building where the dogs can migrate in and out at will supervised by Staff. Mr. Saylor commented on the difference between fewer than four and 60-75 in terms of a successful business model. He thought there needed to be more clarification.

Mr. Saylor understood from the comments this evening and from the redlines that animal services/kenneling actually means all of the above.

Chair Worel thanked Mr. Saylor for his comments and noted that the Commissioners were also uncomfortable with the wording. They looked forward to having the Staff come back with other examples and recommendations. Mr. Saylor stated that he has only been in Park City a short time and he was not familiar with the process. Chair Worel explained that it would go back to Staff for more research and work and the item would be scheduled on another agenda and publicly noticed. Commissioner Strachan informed Mr. Saylor that he

was free to communicate his concerns to the Staff. Commissioner Stuard thought the Staff could benefit from Mr. Saylor's knowledge regarding the type of business.

Commissioner Stuard believed they should consider the possibility of a square footage ratio, requirements for sound attenuation for adjacent tenants, and other elements. Mr. Saylor stated that those were all important elements for this type of business. Others included health and safety, waste elimination, and odor. He believed there was enough history to address those issues.

Planner Whetstone noted that all those elements would be addressed by the Planning Commission at the time of the conditional use permit. There is certification that will state the specific requirements. When someone applies for a conditional use permit for a kennel, the requirements would be reviewed by the Planning Commission. Planner Whetstone noted that in the Staff discussions regarding kennels, the question was raised as to whether some of the uses could be allowed uses in the GC zone if it was three or fewer animals. Outdoor uses should be reviewed as a CUP per the 15 criteria established in the Code.

Commissioner Joyce appreciated Mr. Saylor's business interest. However, Park City is a more compact business area with historic districts and residential areas. He was surprised when he read the Staff report to find that kennels were being considered in Park City. He wanted to know what was pushing the use and whether they even wanted kennels as a conditional use. Commissioner Joyce understood that you needed more than three animals to have a successful business. The question was whether they would prefer that Mr. Saylor take his business to Summit County or whether they wanted it in the City. Commissioner Joyce was unsure how they had even reached the point of having this discussion. It was not mentioned as part of the General Plan. If they polled the people of Park City he believed the answer would be overwhelmingly No.

Planner Whetstone noted that the definition of a kennel is four or more animals. Commissioner Joyce commented on the number of issues the County has faced regarding kennels; particularly noise, odor and waste management.

PJ Saylor stated that she and her husband would not be asking for a business license if the polling had not already been done. The answer was a resounding Yes, people do want it here. Ms. Saylor commented on the number of doggy daycare facilities in Salt Lake. She stated that they could move their business to the County where the use has already been approved, but that would take away from the City the people who drop-off their dog for daycare while they go out to dinner, or ski, or participate in other activities. If Park City does not have a doggy daycare, people will go to Salt Lake or Midway where doggy daycare is available.

Commissioner Joyce noted that everyone in Park City has a dog and there is a demand for dog parks. The problem is that no one wants one near their house. If the polling shows an interest for doggy daycare, the question is where do these uses go, what neighbor lives next to it, and do those people want it.

Ms. Saylor assumed the Planning Commission would invite the public to comment to help find the answers. She commented on the amount of research available about decibel levels of a dog barking being equal to children on a playground. She noted that the EPA makes recommendations regarding animal waste. The EPA has done a lot of studies to address the issues. Ms. Saylor stated that she and her husband intend to focus their business on the vacationers. It is a changing environment and Park City is behind most other cities. Ms. Saylor noted that they had done a lot of research and talked to a lot of people. She gets calls every day from people expressing a need for doggy daycare. She noted that the Dog In House maxes out every day. It is a service to the citizens and the citizens of Park City are very interested.

Commissioner Stuard remarked that three of the four proposed amendments were administrative and minor. However, the one regarding animal services is in a completely different category and it deserved its own separate discussion. Chair Worel agreed.

Ms. Saylor explained the difference between doggy daycare and kenneling. She offered to provide the Commissioners with information from her research before the next meeting.

Sue Wong stated that she and her husband live in Virginia and they are thinking about moving to Park City. Besides the beautiful mountain, she is amazed that Park City is dog-friendly. However, one inside the city limits there is nowhere to put your dog if you want to go out to a restaurant. Ms. Wong noted that dogs are social animals who want to play. That is the major difference between kenneling and doggy daycare. When dogs are put in kennels they are left there until their owners pick them up. In doggy daycare the dogs socialize and play until their owners pick them up. To a lot of people their pets are their children. Ms. Wong stated that currently there are more dogs in this Country than there are children. She knows Mr. and Mrs. Saylor well enough to know that wherever they choose to put a doggy daycare, it would not interrupt any surrounding business. She truly believed they would be cognizant of their surroundings and respectful of the neighbors. Ms. Wong encouraged the Planning Commission to give them a chance.

Chair Worel closed the public hearing.

4. Planning Commission Rules of Order (LMC Section 15-12-10)

Planner Whetstone noted that the State enabling legislation requires a municipality to have a Planning Commission; as well as items within the Code to address the rules and procedures of the Planning Commission. She noted that the required language is currently included in Chapter 12 of the LMC - Planning Commission. State law requires either the Planning Commission or the City Council to adopt Rules of Order and Procedure for the Planning Commission to follow.

Planner Whetstone noted that Exhibit B on page 112 of the Staff report was a Resolution Adopting Planning Commission Rules of Order and Procedure. Attached to the Resolution were the actual Rules of Order. The document was prepared by the Legal Department for Planning Commission consideration and adoption.

Planner Whetstone noted that the actual language proposed in Section 15-12-10 was identified in red on page 107 of the Staff report. The Planning Commission would forward their recommendation on that language. The Resolution itself would be adopted by the Planning Commission.

Commissioner Joyce noted that the redlined language on page 107 states that the Rules of Order and Procedure for use by the Planning Commission in all public meetings shall be the Rules of Order and Procedure adopted by City Council unless the Planning Commission adopts its own rules. He asked why the Planning Commission would care about adopting its own rules.

Assistant City Attorney McLean replied that during a previous training in work session she had distributed the rules of procedure associated with the City Council. The feedback from the Planning Commission was that the rules did not apply to them. One example is that it says Mayor rather than Chair. In response to that feedback, the Legal Department used the same template and updated the Rules and Procedures to be more specific to the Planning Commission. Ms. McLean remarked that the State Code requires the Planning Commission to have rules and procedures and that there be an adopted ordinance for the rules and procedures. She explained that adopting the rules and procedures by resolution as opposed to having it in the Code provides more flexibility because it eliminates the need for an LMC amendment to make any changes.

Commissioner Joyce wanted to know why the redline language on page 107 was included as an amendment to the LMC, since the Planning Commission would adopt its own Rules and Procedures, if the City Council Resolution did not fit with the Planning Commission. Assistant City Attorney replied that the City Council will always have a Resolution. She expected that the Planning Commission would always have its own Resolution, but including the language ensures that one is always in existence.

Chair Worel understood that if the Planning Commission adopted the Resolution this evening, it would remain in effect until a new one was adopted. Ms. McLean replied that this was correct. The red line language is needed because State Law requires an ordinance that addresses the Rules and Procedures.

Assistant City Attorney McLean noted that Attachment 5 was missing the Section number for the redlined language. It should be its own Section 15-12-10.5.

Commissioner Stuard asked if adopting the Rules of Order and Procedure would have any practical effect on how the Planning Commission currently conducts their meetings. Assistant City Attorney McLean replied that the Resolution would only memorialize their current practice for conducting meetings.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Amendments to the LMC for Section 15-1-13 as contained in Attachment 1 of the Draft Ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for Amendments to the LMC, Section 15-2.13-2, regarding nightly rentals in April Mountain and Mellow Mountain Estates Subdivisions. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the amendments to Section 15-2.18.2, regarding animal service uses in the General Commercial Zone to the June 25, 2014 Work Session. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.