

Planning Commission Staff Report



Subject: 429 Ontario Avenue
Project #: PL-14-02351
Author: Francisco J. Astorga, City Planner
Date: March 25, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit for the construction of a new single-family dwelling at 429 Ontario Avenue based on the 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

Applicant/Owner: Thomas Vayda
represented by Jeremy Pack, MTN Buildings Inc.
Location: 429 Ontario Avenue
Zoning: Historic Residential-1
Adjacent Land Uses: Residential
Reason for Review: Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new single-family dwelling on a vacant lot of record.

Background

On January 20, 2015, the City received a completed application for a Conditional Use Permit for "Construction on a Steep Slope" at 429 Ontario Avenue. The plans were updated on February 24, 2015. The property is located in the Historic Residential-1 District. The property, Lot 2 of the Anderson Re-Plat, a Plat Amendment approved and recorded in June 2008, contains 3,750 square feet.

This application is a request for a Conditional Use Permit for construction of a new-single family dwelling. Because the total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slopes greater thirty percent (30%) or greater, the applicant is required to submit a Steep Slope Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code § 15-2.2-6. A Historic District Design Review application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.

Purpose

The purpose of the Historic Residential-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.

Analysis

A single-family dwelling is an allowed use in the Historic Residential-1 District. The proposed structure is 3,385 square feet, which includes the two (2) car tandem garage. The proposed main floor is 599, plus the 385 square foot garage. The proposed lower floor is 1,244 square feet. The proposed sub-1 lower floor is 1,157 square feet. Staff makes the following Land Management Code related findings:

LMC Requirements	Standard	Proposed
Building Footprint	1,519 square feet maximum, (based on lot area)	1,518.42 square feet, <u>complies.</u>
Front/Rear Yard Setbacks	10 feet, minimum	Front: 16 feet, <u>complies.</u> Rear: 10 feet, <u>complies.</u>
Side Yard Setbacks	5 feet, minimum	North: 6 feet, <u>complies.</u> South: 5 feet, <u>complies.</u>
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing (<u>natural</u>) Grade.	Various heights all under 27 feet, <u>complies.</u> <u>See discussion requested section within this report.</u>
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].	4 feet or less, <u>complies.</u>
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].	<u>Complies.</u>
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required	<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.	All roof forms contain a 7:12 roof pitch, except the roof form of the garage, see discussion below. <u>complies.</u>

Land Management Code § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the Historic Residential-1 District, subject to the following criteria:

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

The proposed structure is located towards the center of the lot with a sixteen foot (16') front yard setback and a ten foot (10') rear yard setback. The reason the house is sited in the center is because the lot has a platted private driveway access easement for the benefit of lots 1, 2, 25, & 26. The plat also indicates that no off-street parking is allowed in the driveway easement. The side yard width along the north side is six feet (6') while the side yard width varies along the south yard between five and six feet (5' & 6'). The rear setback is ten feet (10'). The proposed building coverage over the entire lot including the driveway easement is approximately 40%. The impermeable lot coverage of the proposal is approximately 58%, which includes the proposed structure, driveway, and driveway easement on the subject site.

2. **Visual Analysis.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed Access, and Building mass and design; and to identified the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts.**

The applicant submitted a model, and streetscape renderings showing a contextual analysis of visual impacts, see Exhibit K – Streetscape, Ontario Avenue looking West, Exhibit L – Streetscape, Ontario Avenue looking East, Exhibit M – Streetscape Views, and Exhibit P – Model.

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 cross canyon view. The cross canyon view contains a back drop of three and four (3 & 4) story buildings. The building is located in a neighborhood of similar structures and is completely surrounded by developed sites.

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 platted lot contains an access easement for the benefit of lots 1, 2, 25, & 26. The plat also indicates that no off-street parking is allowed in the driveway easement. The platted driveway easement pushes the house back as the norm is to have a ten foot (10') front yard setback. The proposal uses the access easement into a two (2) car tandem garage. Due to the built construction of Ontario Avenue, a common driveway over this and the neighbor lot to the north has been established for four (4) sites, including this site.

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

According to the submitted site plan only one (1) retaining wall is proposed. This retaining wall is set up along the northeast corner of the proposed structure running north towards the neighboring house. The proposed retaining wall replaces an existing wall which supports the platted driveway easement. The retaining wall will meet the Land Management Code development standards as they are permitted to not exceed six feet (6') above final grade when placed in the side yard setback areas.

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 proposed structure is located towards the center of the lot due to the platted driveway easement on the subdivision plat. Due to the topography of the site, from the front elevation the site resembles a one (1) story building with a significant cut as the proposed structure is a three (3) story single-family dwelling as seen on the other three (3) elevations. The maximum building height of 27 feet make the proposed lot follows the perceived natural topography of the site. The front façade is broken up which assists in providing front yard variation.

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. **Discussion Requested.**

The main ridge orients with the contours and the street. The tandem garage solution chosen, as affected by the platted driveway easement, minimizes the impact of the garage door on street. The rear elevation is broken up as it

contains rear access decks and the form has both vertical and horizontal small individual compartments.

The garage's roof is completely different as it is flat. The portion of the house has the minimum 7:12 roof pitch required in the Land Management Code. The different pitch makes the garage subordinate in design. The flat roof is not a green roof, per the Land Management Code's definition, as shown below:

Green Roof. A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles.

The Land Management Code indicates the following regarding roof pitch:

Roof Pitch. *The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.*

[...]

The applicant indicates that the roof over the garage is simply not part of the primary roof pitch, therefore, that roof form may be below the required roof pitch. There are portions of the house, however, including two (2) stories underneath the garage.

Staff finds that as viewed from Ontario Avenue, the garage is found to be subordinate to the house as they have two (2) completely different roof forms, especially because the garage is part of the same structure. Does the Planning Commission agree with this? If not, the applicant may choose to add a green roof or may have to redesign the proposal.

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.**

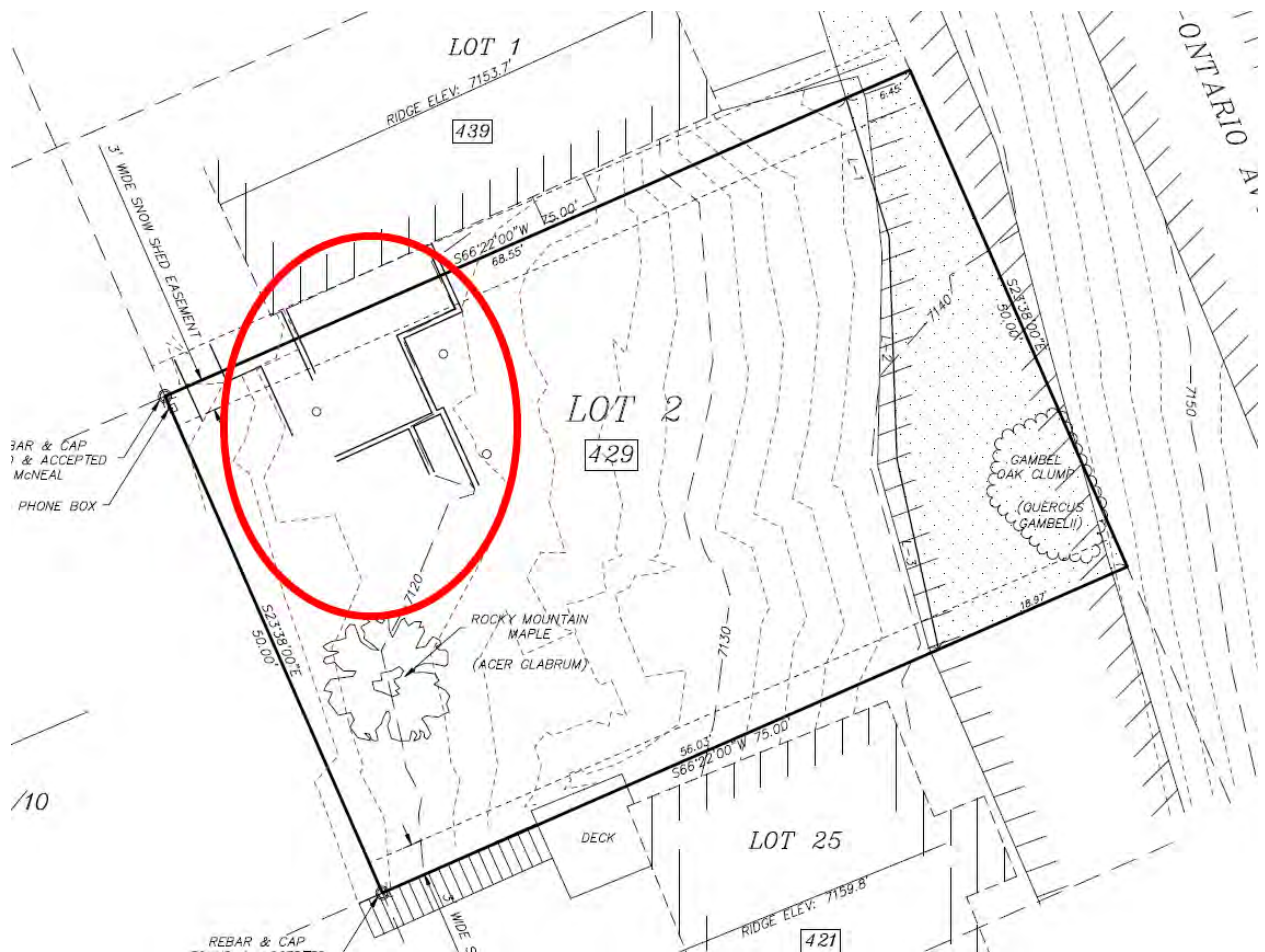
The proposed structure is setback sixteen feet (16') rather than the usual ten feet (10'), or eighteen feet (18') for an exterior parking space. The applicant is not able to accommodate exterior parking space because of the platted restriction shown on the subdivision plat where an exterior parking space cannot be accommodated on the driveway easement. The rear yard setback is ten feet (10').

8. **Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.2 – HR-1]. 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 structure is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure on the rear elevation. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of three and four (3 & 4) story dwellings.

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. **Discussion requested.**

The site has a man-made feature revealed by the certified topographic survey as shown below:

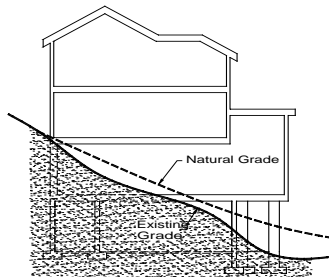


This man-made feature appears to be for planting/gardening purposes as it was set up with heavy timbers to create a series of flat planting areas. The use of this feature has been abandoned. This area created an effect on the site along the north side of the subject site as it has been flattened. When reviewing the south portion of the lot, the contours appear to be more consistent as they don't appear to have flat areas and contain a somewhat similar slope. The Land Management Code defines grade as the following:

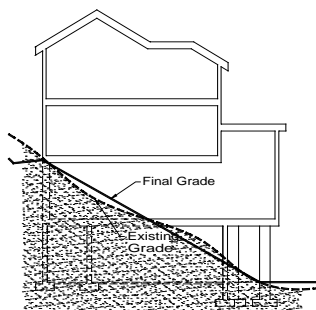
Grade. *The ground surface elevation of a Site or Parcel of land.*

A. **Grade, Existing.** *The Grade of a Property prior to any proposed Development or Construction Activity.*

B. **Grade, Natural.** *The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.*



C. **Grade, Final.** *The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.*



The Planning Director has reviewed the topographic survey in terms of natural grade and finds that the site has indeed been disturbed as shown on survey and other evidence has been submitted to the Planning Department for review. See Exhibit C – Topographic Survey and Exhibit O – Man-made Features. The

Planning Director estimates that the elevation contours have been pushed to the front of the lot.

Currently the north portion of the proposed main roof ridge does not meet the maximum building height of twenty-seven feet (27') measured from existing grade. Approximately a section of eight feet (8') horizontally of the main ridge does not meet the height as the highest elevation on that ridge is approximately twenty-nine feet (29') above existing grade. After analyzing the site following the natural grade parameters as indicated in the definition, it has been determined that without the man-made disturbances, the proposed structure would be below the maximum of height measured from existing grade. In other words, the proposal meets the twenty-seven foot (27') restriction when measured from natural grade.

Discussion Requested. Does the Planning Commission agree with this determination? If the Planning Commission does not agree with this, the applicant would have to redesign the structure to comply with this parameter.

Tandem Garage Height Exception

The Land Management Code designates a height exception for a tandem garage on a downhill lot in the Historic Residential-1 District. The Code indicates that the Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

The height over the proposed single car garage in tandem configuration (two vehicles, one in front of the other) is over the maximum of 27 feet. The lowest height of the garage from the highest point of the garage is seventeen feet (17') from existing grade. The maximum height from the highest point of the garage is thirty two feet (32') towards the rear of the property. This height is analyzed based on measuring the height from existing grade. The maximum height measured from natural grade per the adopted definition would be approximately twenty-nine feet (29').

Thomas Eddington, Planning Director, has reviewed the proposal and finds that the proposed tandem garage meets the criteria in order to receive the height exception for the tandem configuration garage.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in Land Management Code § 15-1-18. Approval of the Historic District Design Guideline compliance 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 would have to be addressed during building permit review.

Public Input

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

Alternatives

- The Planning Commission may approve the requested Steep Slope Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the requested Steep Slope Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur. The applicant would have to revise their plans.

Recommendation

Staff recommends the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit at 429 Ontario Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 429 Ontario Avenue.
2. The property is located in the Historic Residential-1 District.
3. The property is Lot 2 of the Anderson Re-Plat.
4. The applicant requests a Conditional Use Permit for construction of a new-single family dwelling.
5. The total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slopes greater thirty percent (30%) or greater.
6. A Historic District Design Review application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.
7. The proposed structure is 3,385 square feet, which includes the 385 square foot two (2) car tandem garage.
8. The proposed main floor is 599 (plus the garage).
9. The proposed lower floor is 1,244 square feet.
10. The proposed sub-1 lower floor is 1,157 square feet.
11. The property is 3,750 square feet in size.
12. The maximum building footprint is 1,519 square feet.
13. The proposed building footprint is 1,518.42 square feet.
14. The minimum front and rear yard setbacks are ten feet (10').

15. The proposed front yard setback is sixteen feet (16').
16. The proposed rear yard setback is ten feet (10').
17. The minimum side yard setbacks are five feet (5') minimum, ten feet (10') total.
18. The proposed north side yard setback is six feet (6').
19. The proposed south side yard setback is five feet (5')
20. The proposed structure is to comply with the building height parameters outline in the Land Management Code.
21. The proposed structure complies with the maximum building height parameters.
22. The proposed structure is located towards the center of the lot with a sixteen foot (16') front yard setback and a ten foot (10') rear yard setback.
23. The applicant submitted a model, and streetscape renderings showing a contextual analysis of visual impacts.
24. 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 cross canyon view.
25. The cross canyon view contains a back drop of three and four (3 & 4) story buildings.
26. The building is located in a neighborhood of similar structures and is completely surrounded by developed sites.
27. The platted lot contains an access easement for the benefit of lots 1, 2, 25, & 26.
28. The plat also indicates that no off-street parking is allowed in the driveway easement.
29. The proposal uses the access easement into a two (2) car tandem garage.
30. According to the submitted site plan only one (1) retaining wall is proposed.
31. The proposed retaining wall is set up along the northeast corner of the proposed structure running north towards the neighboring house.
32. The proposed retaining wall replaces an existing wall which supports the platted driveway easement.
33. The retaining wall will meet the Land Management Code development standards as they are permitted to not exceed six feet (6') above final grade when placed in the side yard setback areas.
34. Due to the topography of the site, from the front elevation the site resembles a one (1) story building with a significant cut as the proposed structure is a three (3) story single-family dwelling as seen on the other three (3) elevations.
35. The maximum building height of 27 feet make the proposed lot follows the perceived natural topography of the site. The rear portion of the garage, per the proposed tandem garage exception, breaks the twenty seven foot (27') maximum.
36. The front façade is broken up which assists in providing front yard variation.
37. The main ridge orients with the contours and the street.
38. The tandem garage solution chosen, as affected by the platted driveway easement, minimizes the impact of the garage door on street.
39. The rear elevation is broken up as it contains rear access decks and the form has both vertical and horizontal small individual compartments.
40. The garage roof is completely different than the roof over the house as it is flat.
41. The portion of the house has the minimum 7:12 roof pitch.
42. The different pitch makes the garage subordinate in design.
43. The flat roof is not a green roof, per the Land Management Code's definition.
44. A green roof is defined as "A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also

- include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles”.
45. The Land Management Code indicates that the primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
 46. The roof over the garage is simply not part of the primary roof pitch, therefore, that roof form may be below the required roof pitch.
 47. As viewed from Ontario Avenue, the garage is found to be subordinate to the house as they have two (2) completely different roof forms.
 48. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
 49. The design includes setback variations and lower building heights for portions of the structure on the rear elevation.
 50. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of three and four (3 & 4) story dwellings.
 51. The site has a man-made feature revealed by the certified topographic survey.
 52. The man-made feature area created an effect on the site along the north side of the subject site as it has been flattened.
 53. The Planning Department estimates Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property.
 54. The Planning Director has reviewed the topographic survey in terms of natural grade and finds that the site has indeed been disturbed as shown on survey and other evidence has been submitted to the Planning Department for review.
 55. The Planning Director estimates that the elevation contours have been pushed to the front of the lot.
 56. The Land Management Code designates a height exception for a tandem garage on a downhill lot in the Historic Residential-1 District.
 57. Thomas Eddington, Planning Director, has reviewed the proposal and finds that the proposed tandem garage meets the criteria in order to receive the height exception for the tandem configuration garage.

Conclusions of Law:

1. The Steep Slope Conditional Use Permit, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The Steep Slope Conditional Use Permit, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

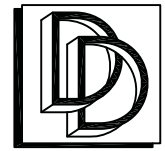
Conditions of Approval:

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 drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. 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 and the Design Guidelines for Historic Districts and Historic Sites.
7. 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.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on March 25, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade.
12. As part of the Construction Mitigation Plan, an access plan for 421 and 417 Ontario will be provided.

Exhibits

- Exhibit A – Project Description/Applicant's Steep Slope CUP Criteria Analysis
- Exhibit B – Existing Aerial Views
- Exhibit C – Topographic Survey
- Exhibit D – Ontario Avenue Improvements
- Exhibit E – Anderson Re-Plat –First Amended
- Exhibit F – Imposed Aerial Site Plan
- Exhibit G – Site Plan
- Exhibit H – Floor Plans
- Exhibit I – Elevations
- Exhibit J – Building Sections
- Exhibit K – Streetscape, Ontario Avenue looking West
- Exhibit L – Streetscape, Ontario Avenue looking East
- Exhibit M – Streetscape Views
- Exhibit N – Preliminary Landscape Plan
- Exhibit O – Man-made features



DYMOND
DESIGN

RE: STEEP SLOPE APPLICATION, #2, PROJECT CRITERIA DESCRIPTION

LOCATION OF DEVELOPEMENT-

THE LOCATION OF THE PROPOSED RESIDENCE IS TYPICAL IN LOCAION TO ALL RESIDENCES LOCATED WITH 100' OF PROPERTY. PLACED ON THE HIGH SIDE OF THE LOT AND AGAINST THE RIGHT OF WAY

VISUALA ANALYSIS-

PLEASE REFERENCE THE ATTACHED "STREETSCAPE PLAN" FOR REFERENCE. THE POTECTIAL IMPACTS OF THE PROPOSED ARE MINIMAL IN NATURE. THE ACCESS, SIZE & HEIGHT AS WELL AS THE BUILDING MASS ARE VERY SIMILAR TO ADJACENT PROPERTIES.

THE OPPORTUNITY FOR IMPROVEMENTS TO THE PROPERTY ARE MINIMAL. THE SLOPE IS VERY STEEP. EXISTING CONDITIONS SHALL REMAIN OR BE REPLACED/IMPROVED. PLEASE SEE PROPOSED LANDSCAPING PLAN.

ACCESS-

ACCESS TO PROJECT IS MINIAML IN IMPACT. DRIVEWAY DESIGN IS SITUATED TO ACCES THE EXISTING RIGHT OF WAY EASEMENT

TERRACING-

TERRACING OF RETAINING WALLS IS NOT REQUIRED. EXISTING SLOPES CAN BE MAINTAINED IN GENERAL WITH STONE RETAINING 4' MAX. HT. EA. LIFT, 4' OFFSET FROM LIFT/LIFT & 1:2 MAX. SLOPE

BUILDING LOCATION-

THE LOCATION OF THE PROJECT IS SIMILAR IN NATURE TO ALL ADJACENT PROPERTIES. THE LOT SIZE AND SHAPE HEAVILY DICTATES THE NATURE OF THE LOCATION.

THE CUTS ARE INDICATIVE OF THE LOTS NATURAL SLOPE AND HAVE BEEN KEPT TO A MINIMUM TO ALLOW THE RETENTION OF EXISTING TOPOGRAPHY & VEGITATION.

BUILDING FORM & SCALE-

THE FORM OF THE PROPOSED BUILDING IS IN RELATION TO THE ADJACENT PROPERTIES ABOUT THE FRONTAGE. ITS HEIGHT & MASS ARE SIMILAR IN PERCEPTION TO ADJACENT PROPERTIES.

THE PROPOSED PROPERTY IS A COMBINATION OF 2 LOTS AND THEREFOR HAS AN OBVOIUSLY LARGER BUILDABLE AREA, HOWEVER, HTE PROPOSED IS JUST AS LOW IN STATURE AS ADJACENT PROPERTIES.

SETBACKS-

SETBACKS HAVE BEEN ADHERED TO ACCORDING TO PROVISIONS OF PARK CITY BLDG. DEPT.

DWELLING VOLUME-

THE OVERALL VOLUME OF THE PROPOSED IS SIMILAR TO ADJACENT PROPERTIES COMPARATIVLY BASED ON LOT COVERAGE. THE ADJACENT PROPERTIES BUILDINGS'S VOLUMES ARE SIMILAR FOR 2 LOTS.

BUILDING HEIGHT (STEEP SLOPE)-

THE BUILDING HEIGHT HAS BEEN MODIFIED PER PARK CITY REQS. TO 35' FROM LOWEST (SLAB) TO HIGHEST WALL TOP PLATE. SEE PROVIDED ELEVATIONS & BUI±D SECTIONS.

Exhibit B – Existing Aerial Views



VICINITY MAP OF ONTARIO AVENUE
 SCALE: 1" = 20'
 0 50 100 250 500



LOCAL MAP, SUBJECT PROPERTY
 SCALE: 1" = 40'
 0 5 10 25 50

429 ONTARIO AVENUE
 LOT #2 ANDERSEN RE-PLAT - FIRST AMENDED
 PARK CITY, UTAH

EXISTING ARIEL VIEWS

DRAWN BY: BD
 DRAWN FOR: MONTAN BLDG.
 FILE: LOT 2 ANDERSEN RE-PLAT
 DATE: 6/20/04
 REVISION: .

Exhibit C – Topographic Survey

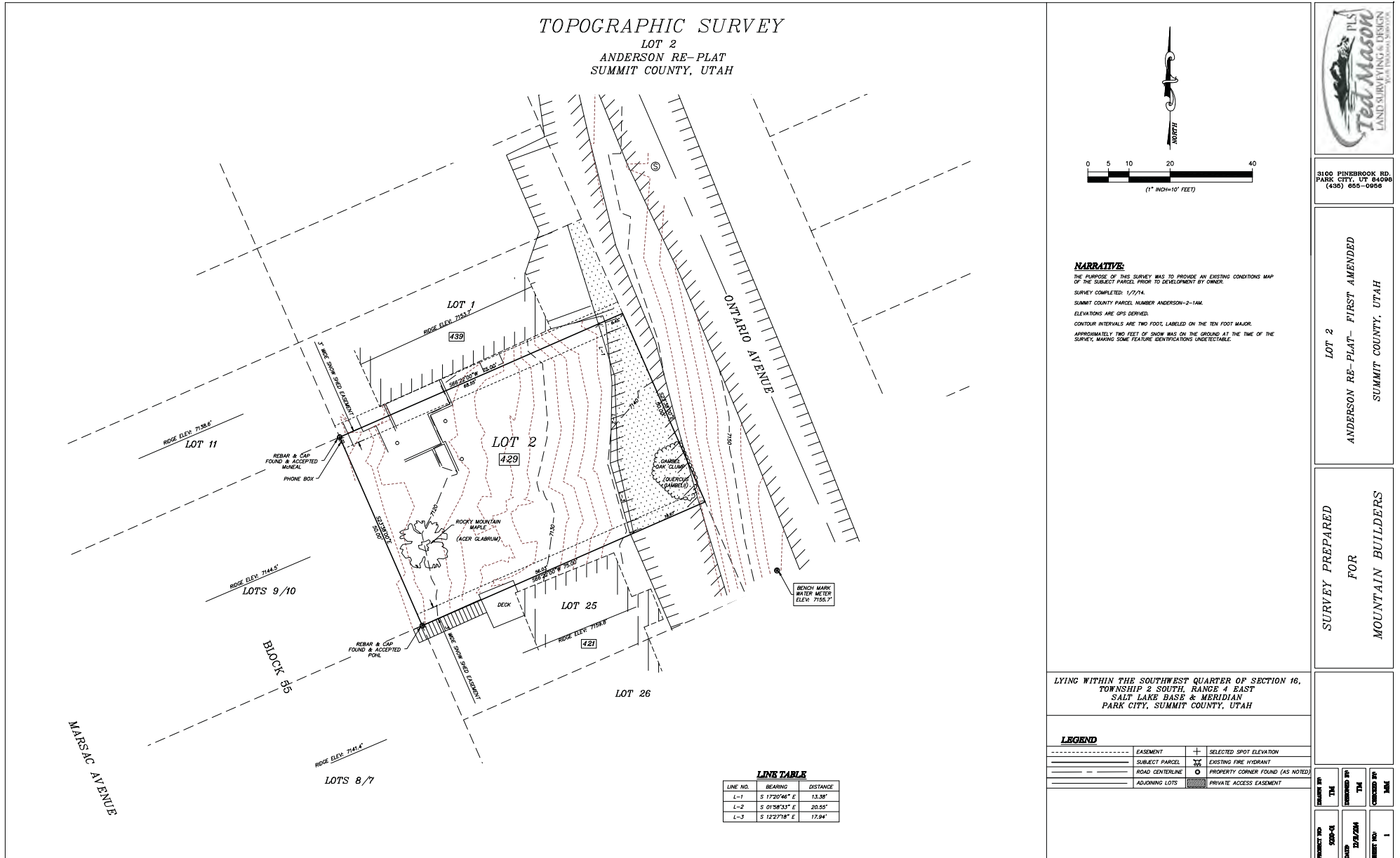


Exhibit D - Ontario Avenue Improvements

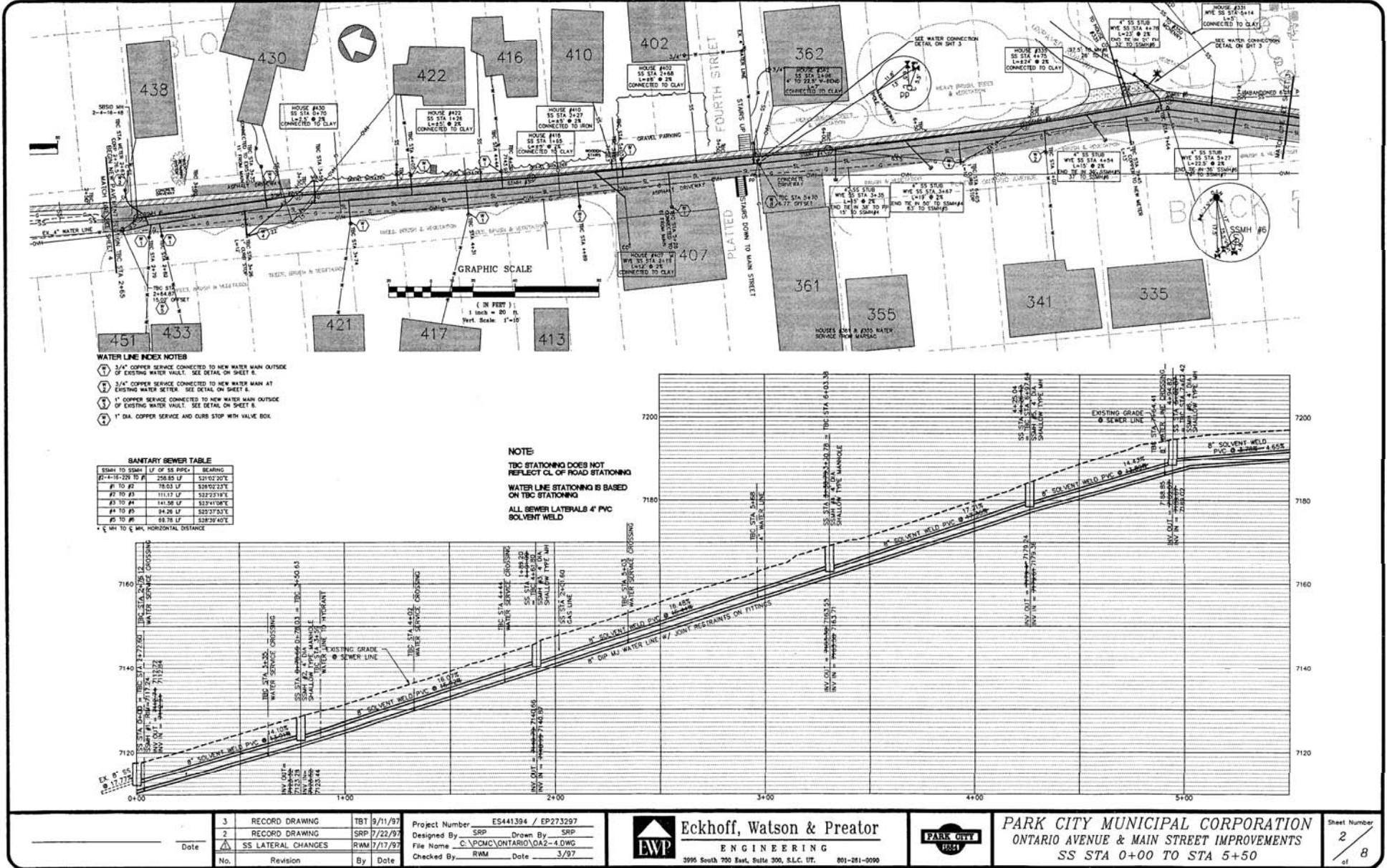
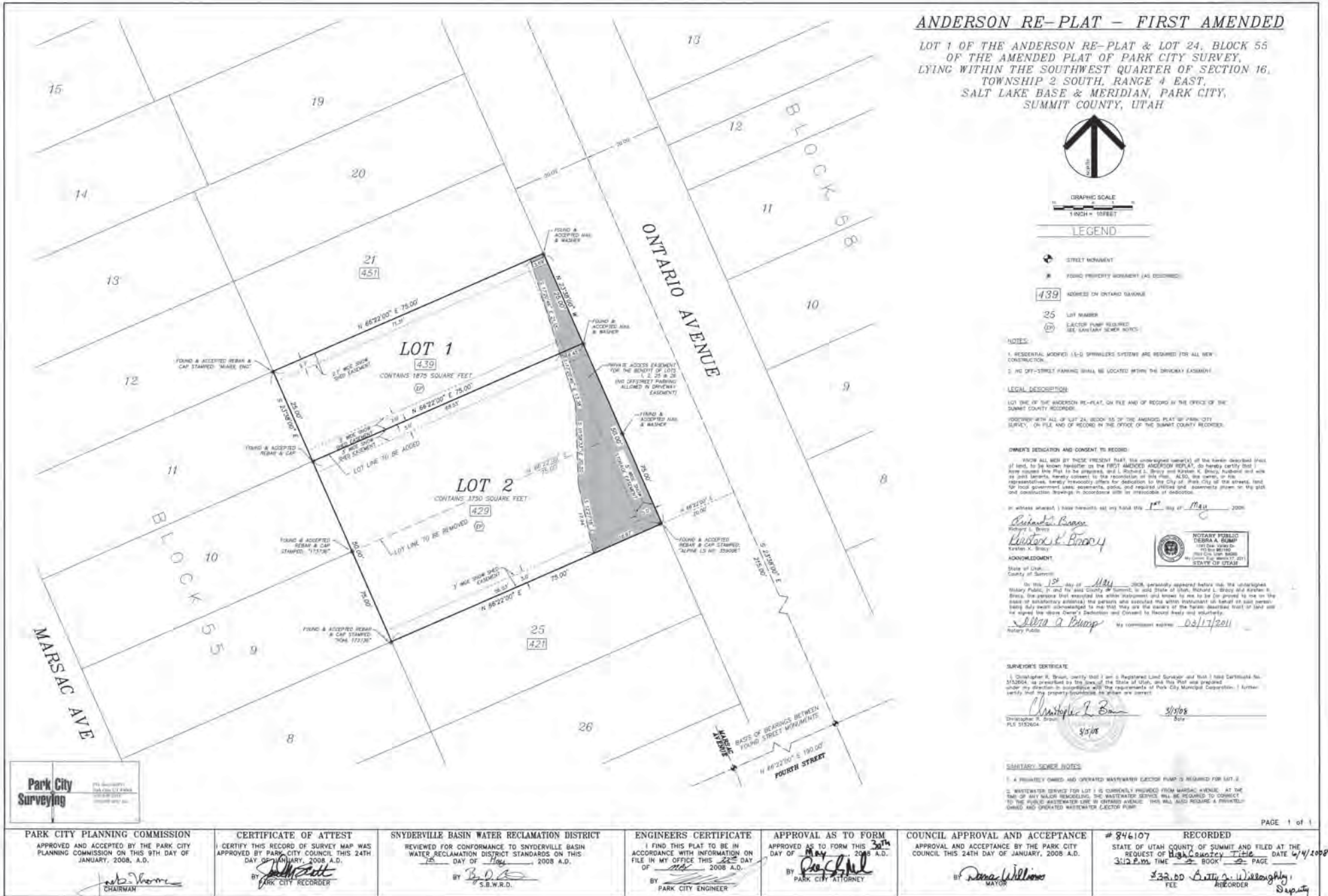
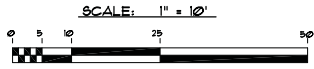


Exhibit E - Anderson Re-Plat - First Amended



PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 9TH DAY OF JANUARY, 2008, A.D. <i>Walter Thomas</i> CHAIRMAN	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF May, 2008 A.D. BY <i>William Scott</i> PARK CITY RECORDER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF May, 2008 A.D. BY <i>B. D. ...</i> S.B.W.R.D.	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22 nd DAY OF May, 2008 A.D. BY <i>...</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 30 th DAY OF May, 2008 A.D. BY <i>Paul Schell</i> PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 24TH DAY OF JANUARY, 2008 A.D. BY <i>Dana Williams</i> MAYOR	# 846107 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <i>High Country Title</i> DATE <i>6/4/2008</i> 3:12 PM TIME <i>BOOK 20</i> PAGE <i>532.00</i> FEE <i>Debra A. Gump</i> REORDER <i>Deputy</i>
---	---	--	---	--	--	--

Exhibit F – Imposed Aerial Site Plan



429 ONTARIO AVENUE
 LOT 2 ANDERSEN RE-PLAT - FIRST AMENDED
 PARK CITY, UTAH

IMPOSED ARIEL & SITE PLAN

DRAWN BY: BD
 DRAWN FOR: MONTAN BLDG.
 FILE: LOT 2 ANDERSEN RE-PLAT
 DATE: 6/20/14
 REVISION: 5/28/14, HDR 4

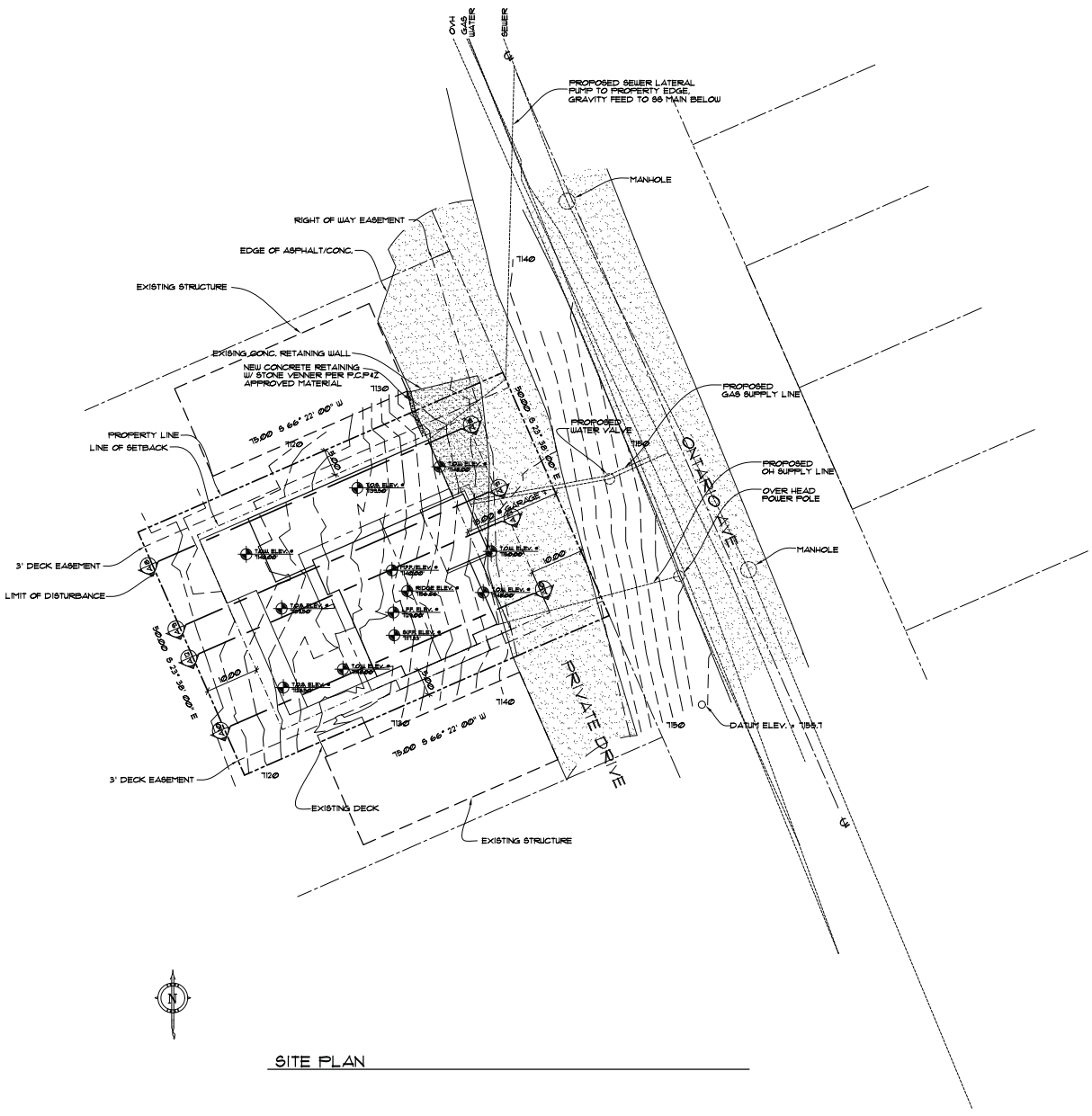
Exhibit G – Site Plan



ZONING: HR-1
 BUILDING HEIGHT: 35' LOW FFE / HIGH T.O.W.
 EXCEPTION: ADA ELEVATOR/GARAGE, 35' MAX. HT.
 ELEVATION VARIATION: MIN. 10' OFFSET ON DOWN HILL SIDE
 GRADING VARIATION: 4' WITHIN EXIST. GRADE

SETBACKS:
 FRONT: 10' TO HABITABLE / 15' TO GARAGE
 SIDE: 5'
 REAR: 10'

LOT CRITERIA:
 LOT AREA: 3750 SQ. FT.
 BUILDABLE ENVELOPE: 2200 SQ. FT.
 ALLOWABLE FOOTPRINT: 1515 SQ. FT.

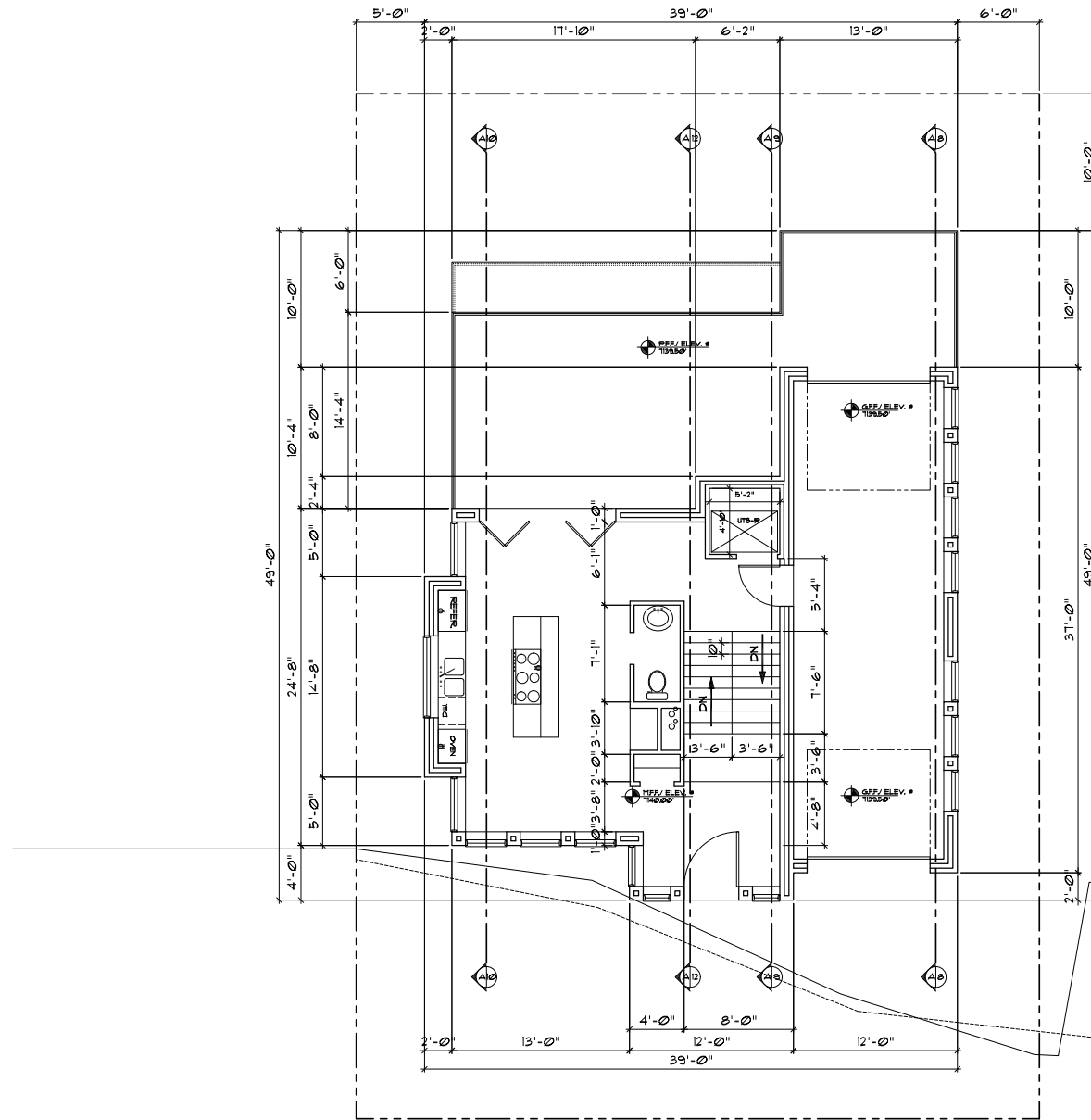


SITE PLAN

429 ONTARIO AVENUE
 LOT 2 ANDERSEN RE-PLAT - FIRST AMENDED
 PARK CITY, UTAH

DRAWN BY: BD
 DRAWN FOR: MONTAN BLDG.
 FILE: LOT 2 ANDERSEN RE-PLAT
 DATE: 04/04/14
 REVISION: 02/24/15, 1022R 5

Exhibit H – Floor Plans



MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 111 EXT. SQUARE FEET
 599 INT. SQUARE FEET

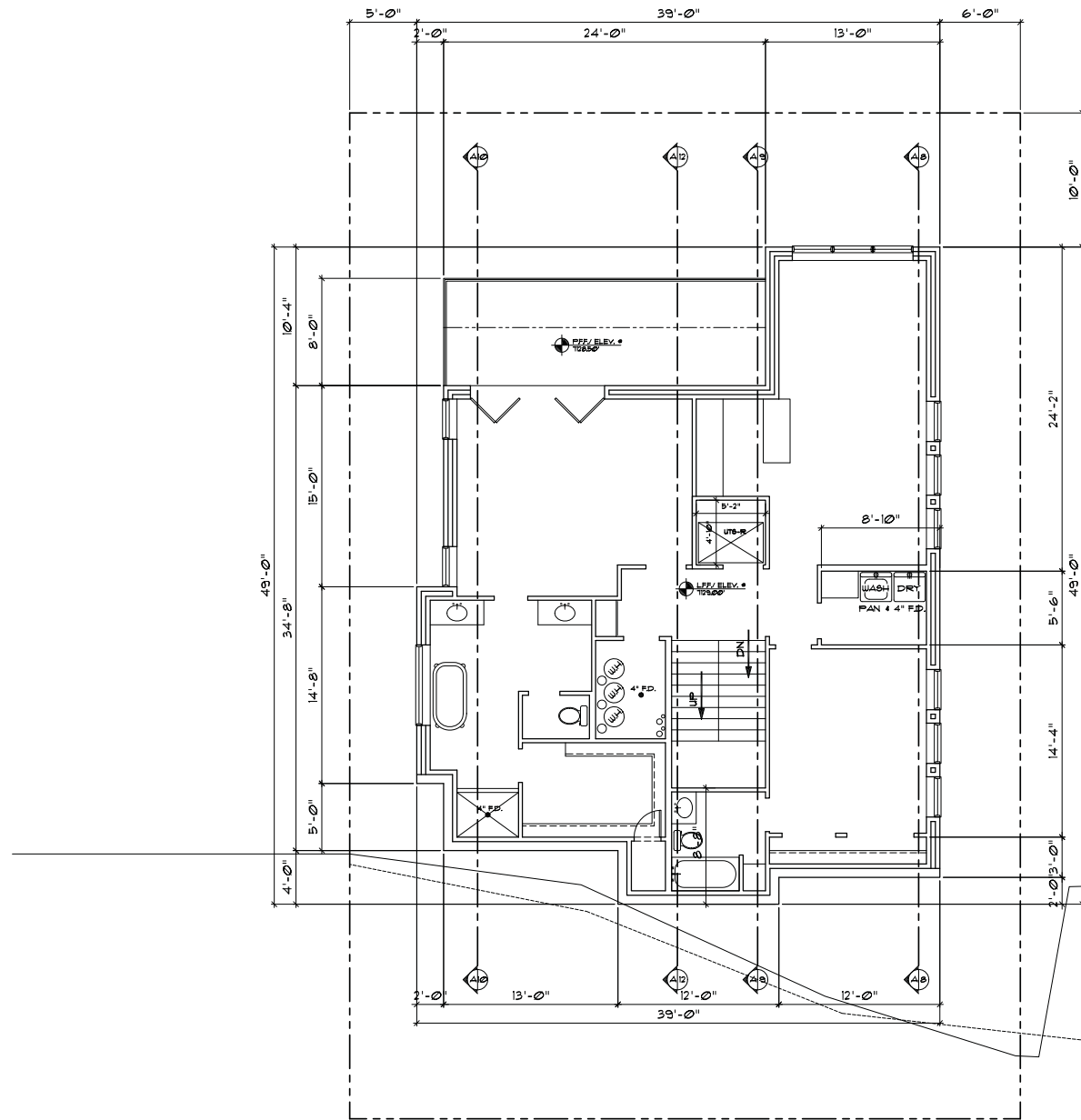
NOTE:
 IT IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR
 & ALL SUB-CONTRACTORS TO THOROUGHLY REVIEW THESE
 PLANS FOR DIMENSIONS & SIZES PRIOR TO ANY CONSTRUCTION
 OR CONCRETE PLACEMENT. PLEASE CONTACT DYMOND DESIGN
 WITH ANY DISCREPANCIES PRIOR TO CONSTRUCTION OR CONCRETE
 PLACEMENT. DIMENSIONS TAKE PRECEDENCE OVER SCALE.

ALL DIMENSIONS, APPOINTMENTS AND FINISHES INDICATED ON THESE PLANS ARE CONTROLLED BY THE DRAWINGS AND THE PROJECT'S SPECIFICATIONS. ANY CHANGES TO THE ORIGINAL DESIGN SHALL BE MADE BY A REVISION. ANY CHANGES TO THE ORIGINAL DESIGN SHALL BE MADE BY A REVISION. ANY CHANGES TO THE ORIGINAL DESIGN SHALL BE MADE BY A REVISION. ANY CHANGES TO THE ORIGINAL DESIGN SHALL BE MADE BY A REVISION.

**A NEW HOME FOR MOUNTAIN BUILDERS
 LOCATED AT 429 ONTARIO AVENUE
 PARK CITY, UTAH**

FILE NO: 114-8
 DRAWN BY: B.D.
 CHECKED BY: B.D.
 ORIGINAL DATE: 07/09/14
 REVISION 1: 07/14/15
 REVISION 2:
 REVISION 3:

Exhibit H – Floor Plans



ALL DIMENSIONS, APPROXIMATE AND SHALL NOT BE CONSIDERED AS THE BASIS FOR CONSTRUCTION. THE DRAWINGS ARE CONSIDERED AS THE PROPERTY OF DYMOND DESIGN AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DYMOND DESIGN. THE INFORMATION IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

A NEW HOME FOR MOUNTAIN BUILDERS
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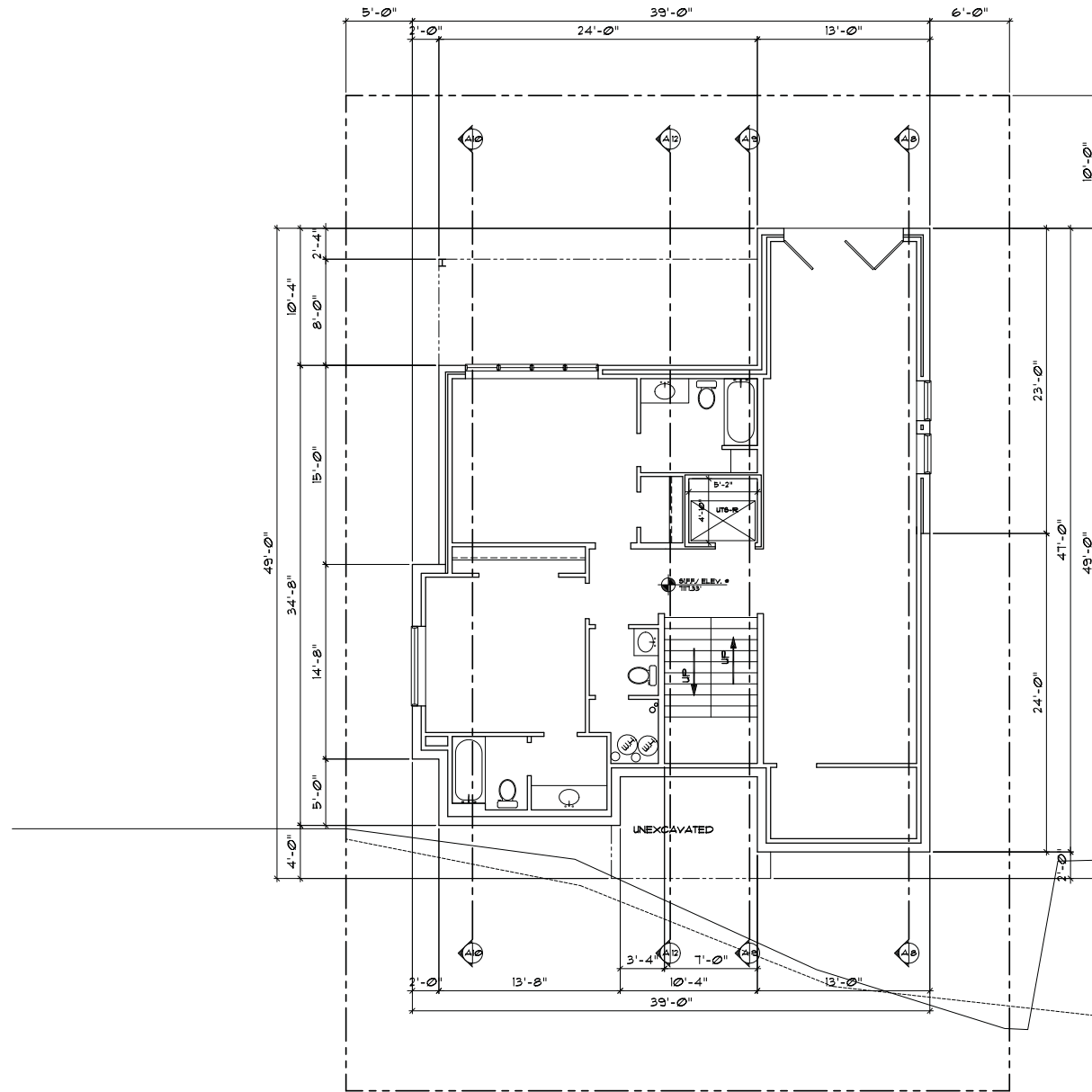
LOWER FLOOR PLAN

SCALE: 1/4" = 1'-0"
 1416 EXT. SQUARE FEET
 1244 INT. SQUARE FEET

FILE NO: 114-8
 DRAWN BY: B.D.
 CHECKED BY: B.D.
 ORIGINAL DATE: 07/09/14
 REVISION 1: 07/14/15
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 REVISION 3:

3 of

Exhibit H – Floor Plans



ALL DIMENSIONS, APPROXIMATE AND SHALL NOT BE CONSIDERED BY THE DRAWING AS CENTER AND THE PROPERTY OF DYMOND DESIGN AND ARCHITECTS, LLC. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DYMOND DESIGN AND ARCHITECTS, LLC.

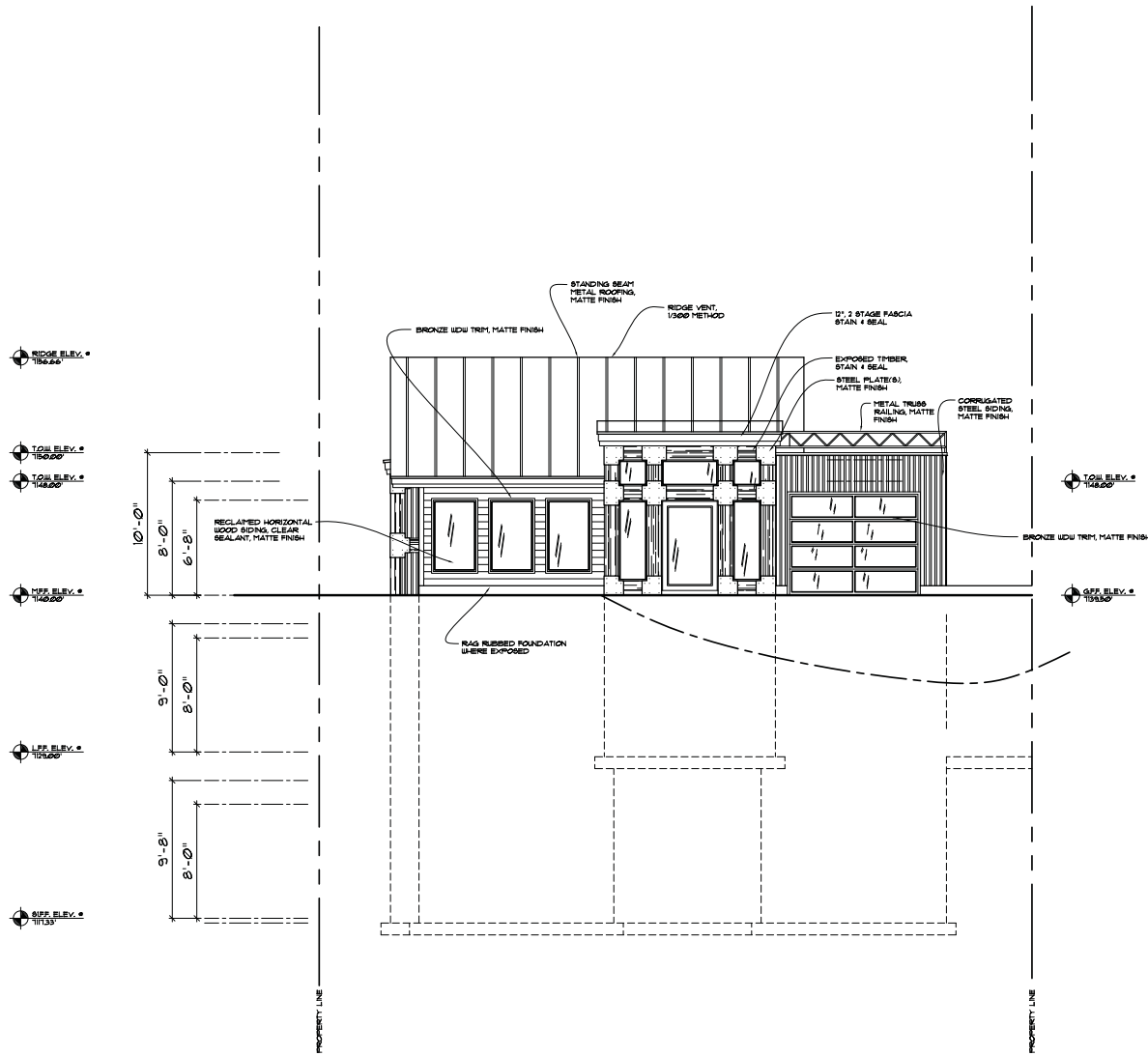
A NEW HOME FOR MOUNTAIN BUILDERS
 LOCATED AT 429 ONTARIO AVENUE
 PARK CITY, UTAH

NOTE:
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 PLACEMENT. DIMENSIONS TAKE PRECEDENCE OVER SCALE.

SUB 1 FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1332 EXT. SQUARE FEET
 1151 INT. SQUARE FEET

FILE NO: 114-8
 DRAWN BY: B.D.
 CHECKED BY: B.D.
 ORIGINAL DATE: 07/09/14
 REVISION 1: 07/14/15
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Exhibit I – Elevations



ALL DESIGN, DIMENSIONS AND PLANS NOTED OR REFERENCED BY THE DRAWING ARE COVERED AND THE PROPERTY OF DYMOND DESIGN AND ARE CREATED BY DYMOND DESIGN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DYMOND DESIGN. A NEW HOME FOR MOUNTAIN BUILDERS LOCATED AT 429 ONTARIO AVENUE PARK CITY, UTAH

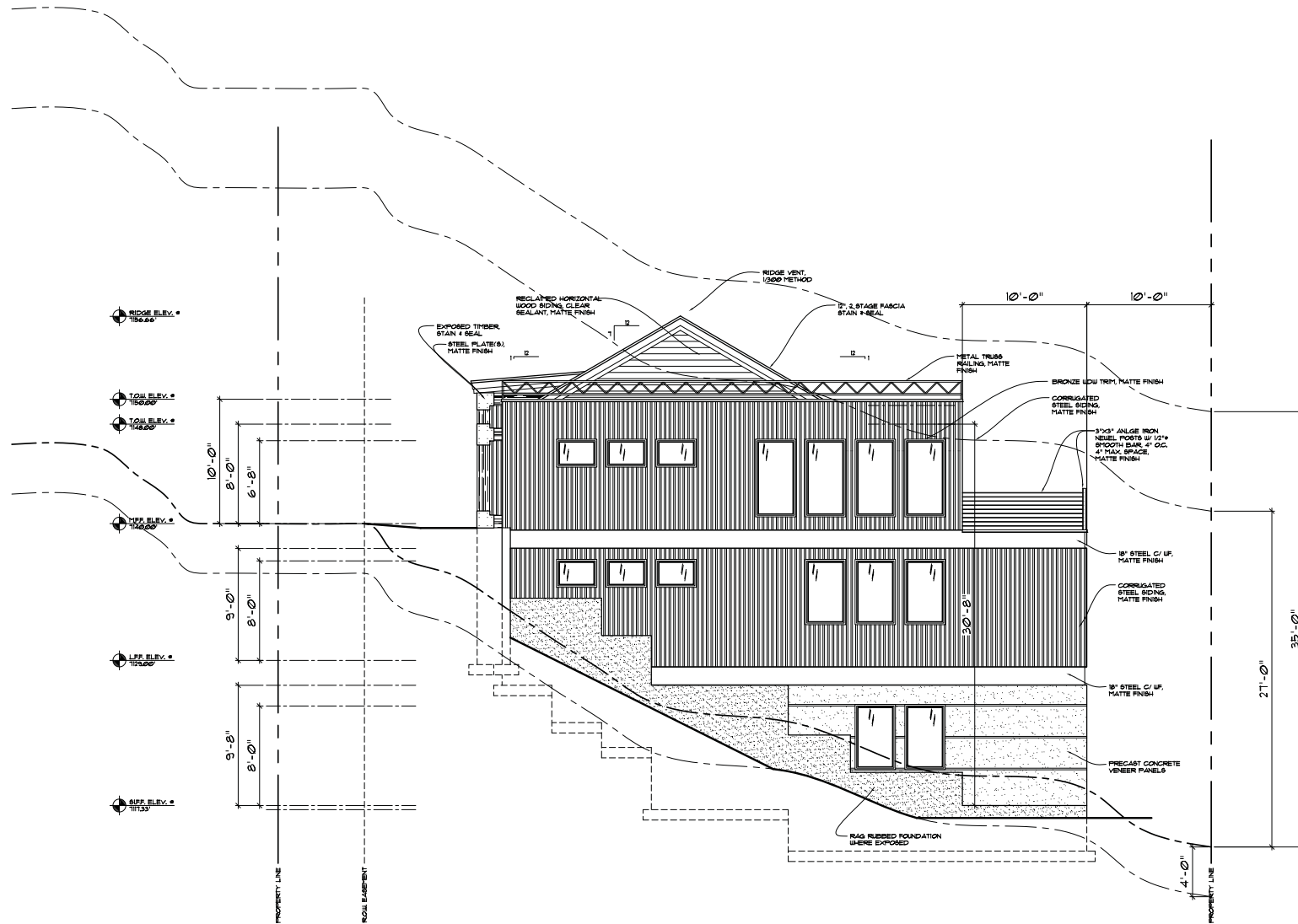
NOTE:
 IT IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR & ALL SUB-CONTRACTORS TO THOROUGHLY REVIEW THESE PLANS FOR DIMENSIONS & SIZES PRIOR TO ANY CONSTRUCTION OR CONCRETE PLACEMENT. PLEASE CONTACT DYMOND DESIGN WITH ANY DISCREPANCIES PRIOR TO CONSTRUCTION OR CONCRETE PLACEMENT. DIMENSIONS TAKE PRECEDENCE OVER SCALE.

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

FILE NO: 114-8
 DRAWN BY: B.D.
 CHECKED BY: B.D.
 ORIGINAL DATE: 07/09/14
 REVISION 1: 07/14/15
 REVISION 2:
 REVISION 3:

5 of

Exhibit I - Elevations



NOTE:
 IT IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR & ALL SUB-CONTRACTORS TO THOROUGHLY REVIEW THESE PLANS FOR DIMENSIONS & SIZES PRIOR TO ANY CONSTRUCTION OR CONCRETE PLACEMENT. PLEASE CONTACT DYMOND DESIGN WITH ANY DISCREPANCIES PRIOR TO CONSTRUCTION OR CONCRETE PLACEMENT. DIMENSIONS TAKE PRECEDENCE OVER SCALE.

RIGHT ELEVATION

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

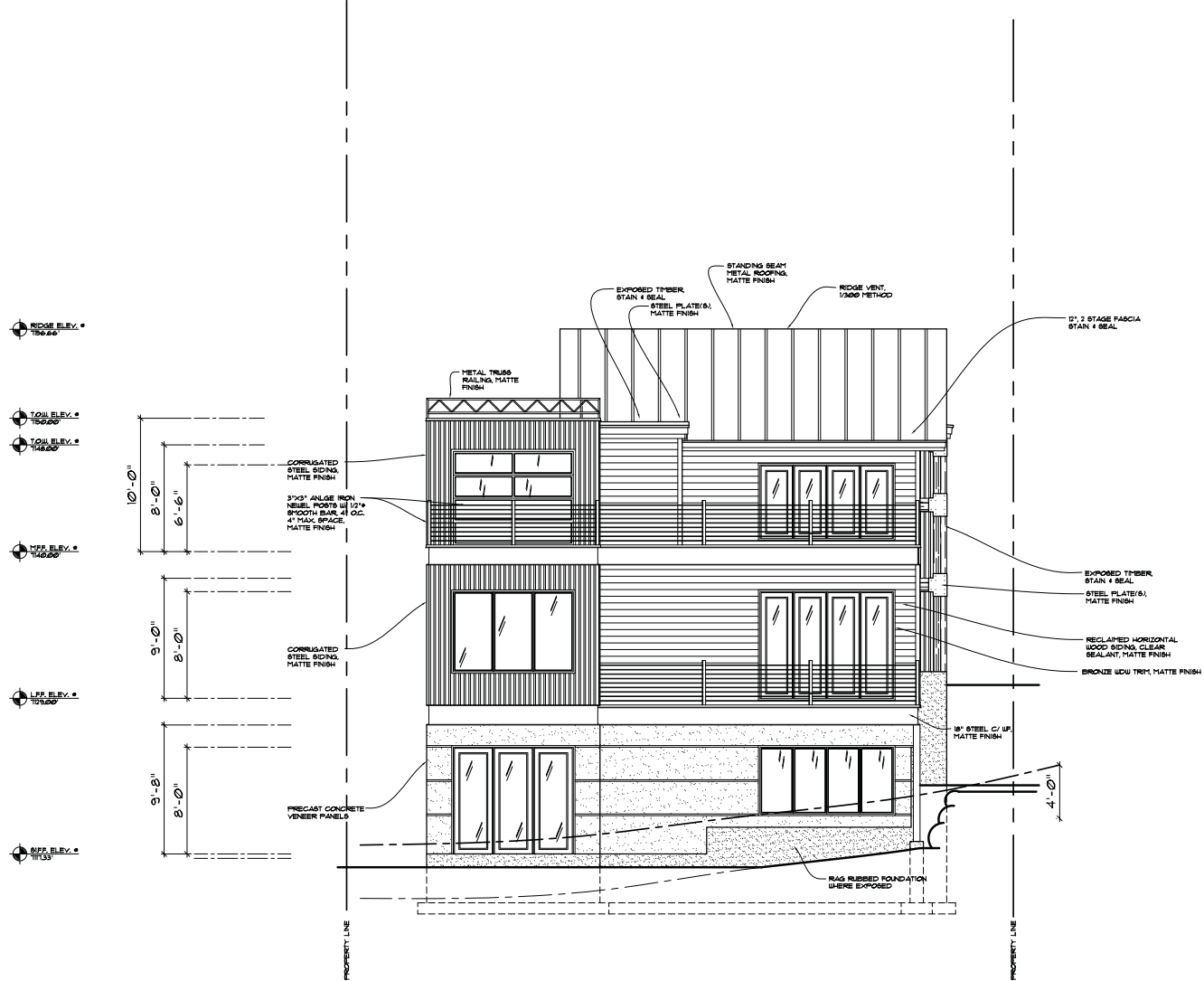
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 CHECKED BY: B.D.
 ORIGINAL DATE: 12/09/14
 REVISION 1: 02/14/15
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 REVISION 3:

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Exhibit I – Elevations



NOTE:
 IT IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR & ALL SUB-CONTRACTORS TO THOROUGHLY REVIEW THESE PLANS FOR DIMENSIONS & SIZES PRIOR TO ANY CONSTRUCTION OR CONCRETE PLACEMENT. PLEASE CONTACT DYMOND DESIGN WITH ANY DISCREPANCIES PRIOR TO CONSTRUCTION OR CONCRETE PLACEMENT. DIMENSIONS TAKE PRECEDENCE OVER SCALE.

REAR ELEVATION

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

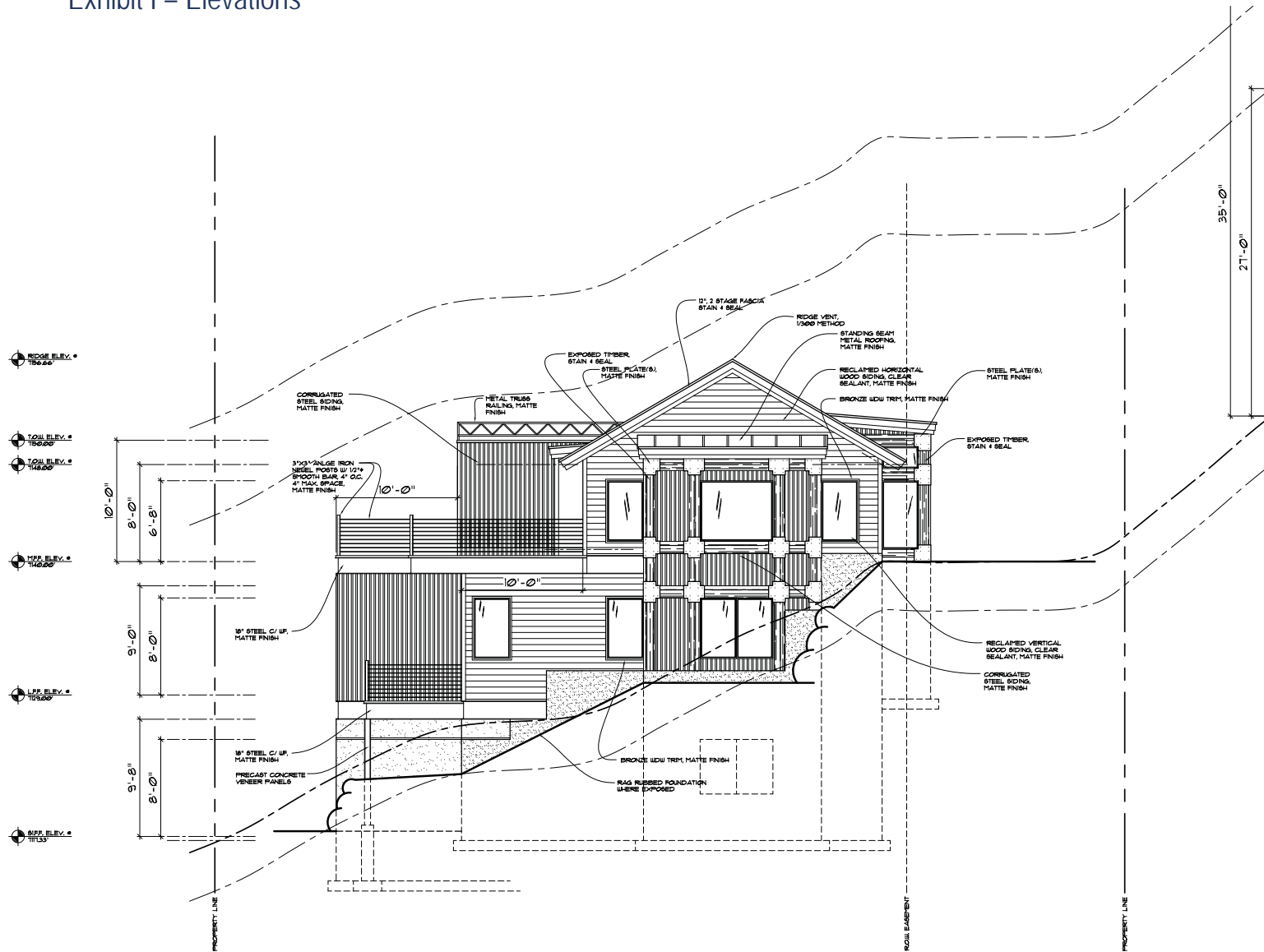
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 LOCATED AT 429 ONTARIO AVENUE
 PARK CITY, UTAH

FILE NO: 114-8
 DRAWN BY: B.D.
 CHECKED BY: B.D.
 ORIGINAL DATE: 5/19/14
 REVISION 1: 6/17/15
 REVISION 2:

7 OF

Exhibit I - Elevations



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 IT IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR & ALL SUB-CONTRACTORS TO THOROUGHLY REVIEW THESE PLANS FOR DIMENSIONS & SIZES PRIOR TO ANY CONSTRUCTION OR CONCRETE PLACEMENT. PLEASE CONTACT DYMOND DESIGN WITH ANY DISCREPANCIES PRIOR TO CONSTRUCTION OR CONCRETE PLACEMENT. DIMENSIONS TAKE PRECEDENCE OVER SCALE.

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

ALL DIMENSIONS, APPOINTMENTS AND PLANS NOTED OR REFERENCED BY THE DRAWINGS ARE CONTROL AND THE PROPERTY OF DYMOND DESIGN AND ARCHITECTS, LLC. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DYMOND DESIGN AND ARCHITECTS, LLC. THIS DOCUMENT IS THE PROPERTY OF DYMOND DESIGN AND ARCHITECTS, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF DYMOND DESIGN AND ARCHITECTS, LLC.

A NEW HOME FOR MOUNTAIN BUILDERS
 LOCATED AT 429 ONTARIO AVENUE
 PARK CITY, UTAH

FILE NO: 114-8
 DRAWN BY: B.D.
 CHECKED BY: B.D.
 ORIGINAL DATE: 07/09/14
 REVISION 1: 07/14/15
 REVISION 2:
 REVISION 3:

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Exhibit J – Building Sections



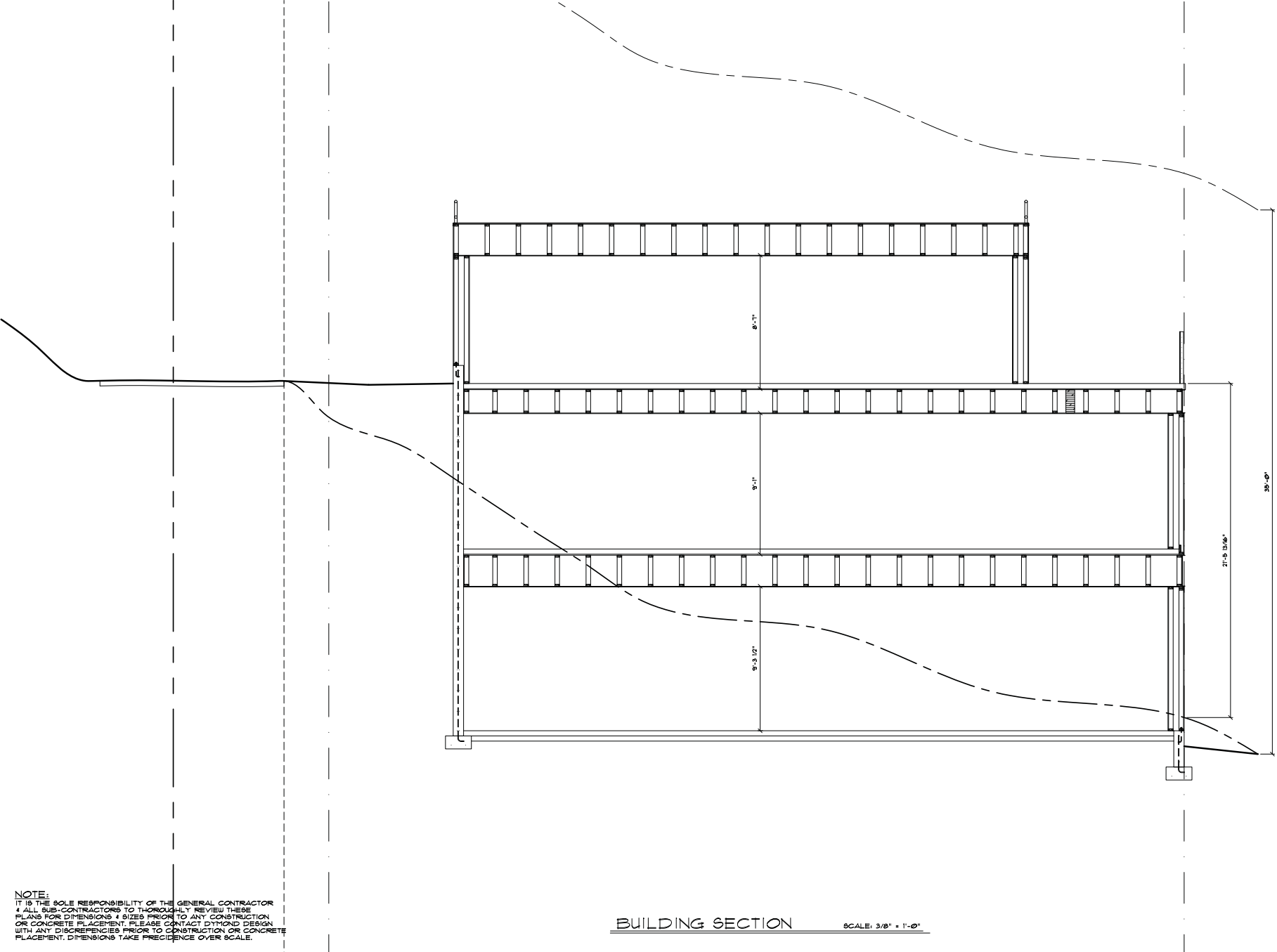
DYMOND
DESIGN

ALL DIMENSIONS, APPROXIMATE AND SHALL INCLUDE CORRECTIONS BY THE DRAWING AND THE PROPERTY OF DYMOND DESIGN AND ARE CREATED BY CAD. THE USER SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

A NEW HOME FOR MOUNTAIN BUILDERS
LOCATED AT 429 ONTARIO AVENUE
PARK CITY, UTAH

FILE NO:
DRAWN BY: M.D.
CHECKED BY: B.D.
ORIGINAL DATE: 07/02/14
REVISION 1:
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NOTE:
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BUILDING SECTION SCALE: 3/8" = 1'-0"

Exhibit J – Building Sections



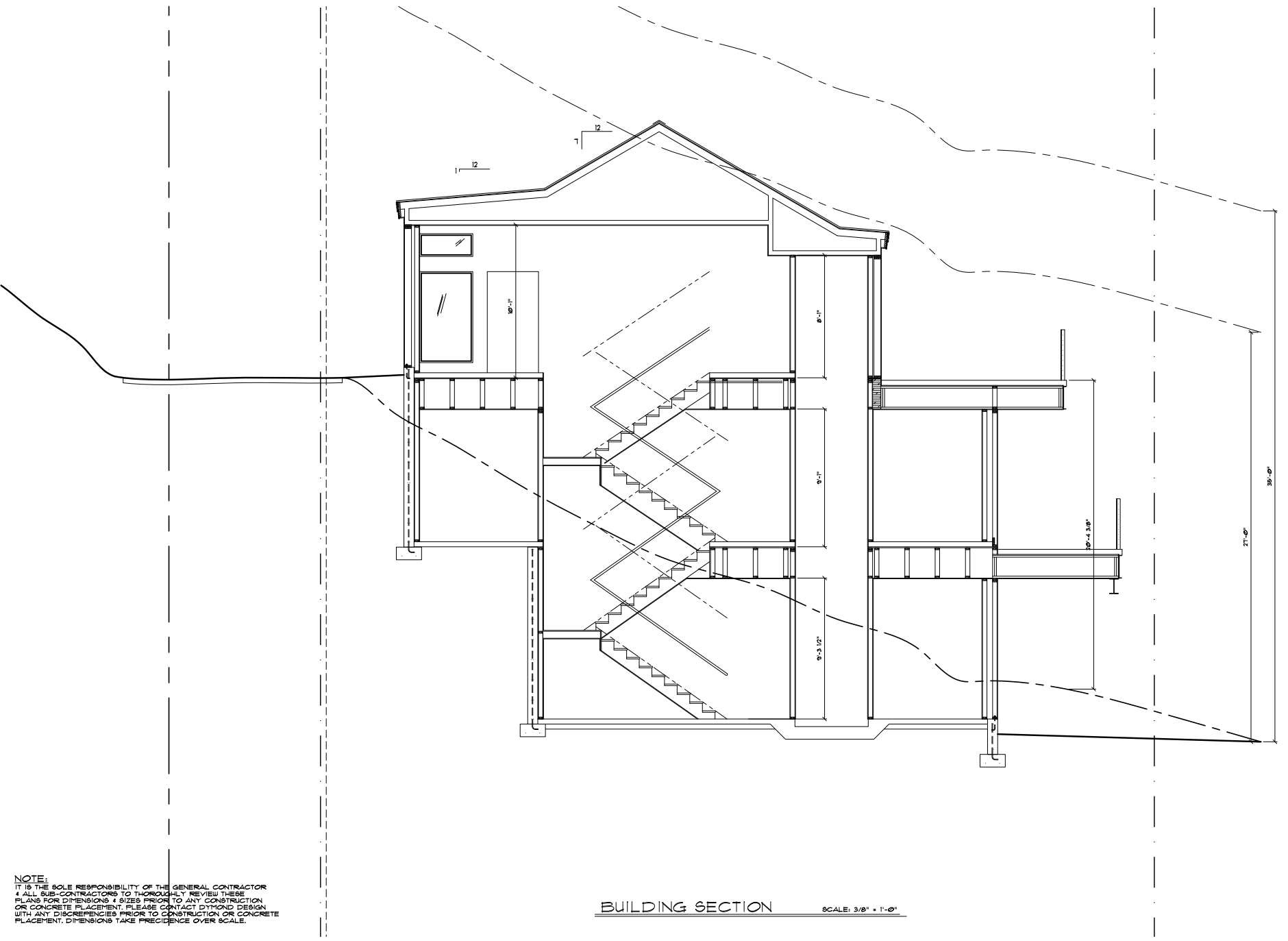
DYMOND
DESIGN

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A NEW HOME FOR MOUNTAIN BUILDERS
LOCATED AT 429 ONTARIO AVENUE
PARK CITY, UTAH

FILE NO:
DRAWN BY: J.B.
CHECKED BY: J.B.
ORIGINAL DATE: 07/02/14
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REVISION 3:

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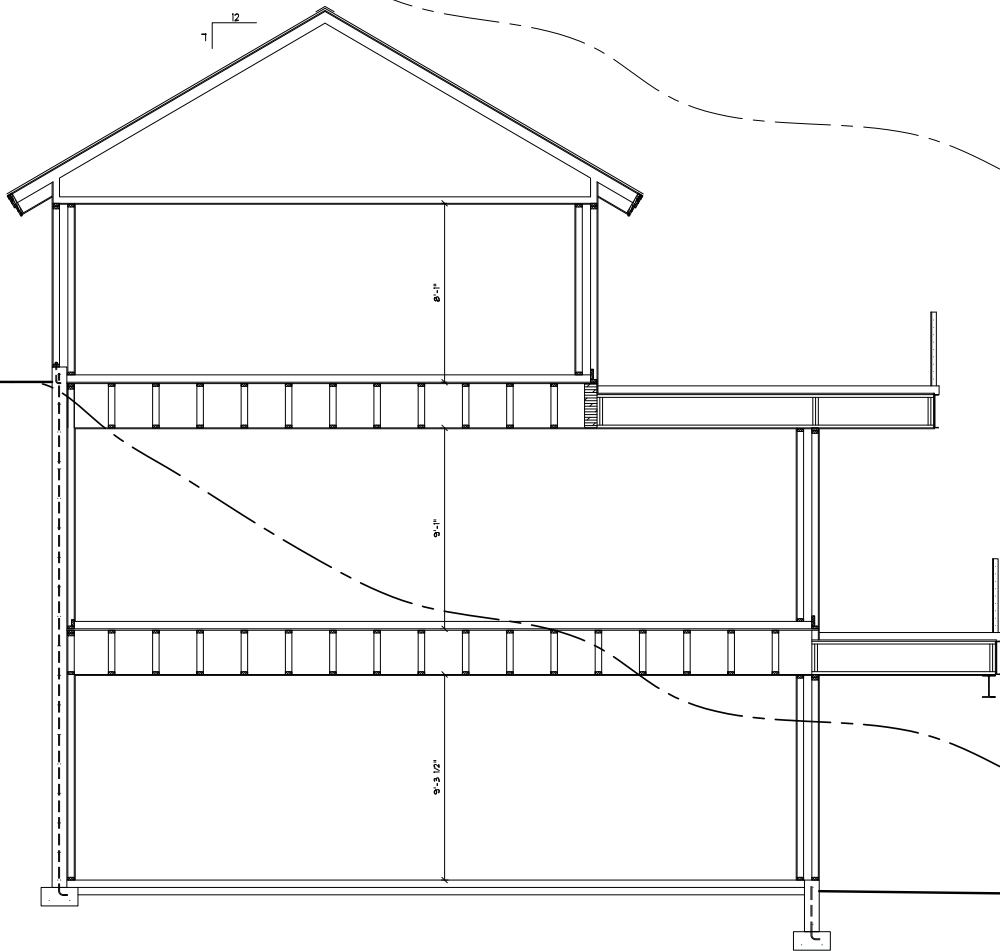


BUILDING SECTION SCALE: 3/8" = 1'-0"

Exhibit J – Building Sections



DYMOND
DESIGN



NOTE:
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PLACEMENT. DIMENSIONS TAKE PRECEDENCE OVER SCALE.

BUILDING SECTION SCALE: 3/8" = 1'-0"

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A NEW HOME FOR MOUNTAIN BUILDERS
 LOCATED AT 429 ONTARIO AVENUE
 PARK CITY, UTAH

FILE NO:
 DRAWN BY: B.D.
 CHECKED BY: B.D.
 ORIGINAL DATE: 07/02/14
 REVISION 1:
 REVISION 2:
 REVISION 3:

11 OF

Exhibit J – Building Sections



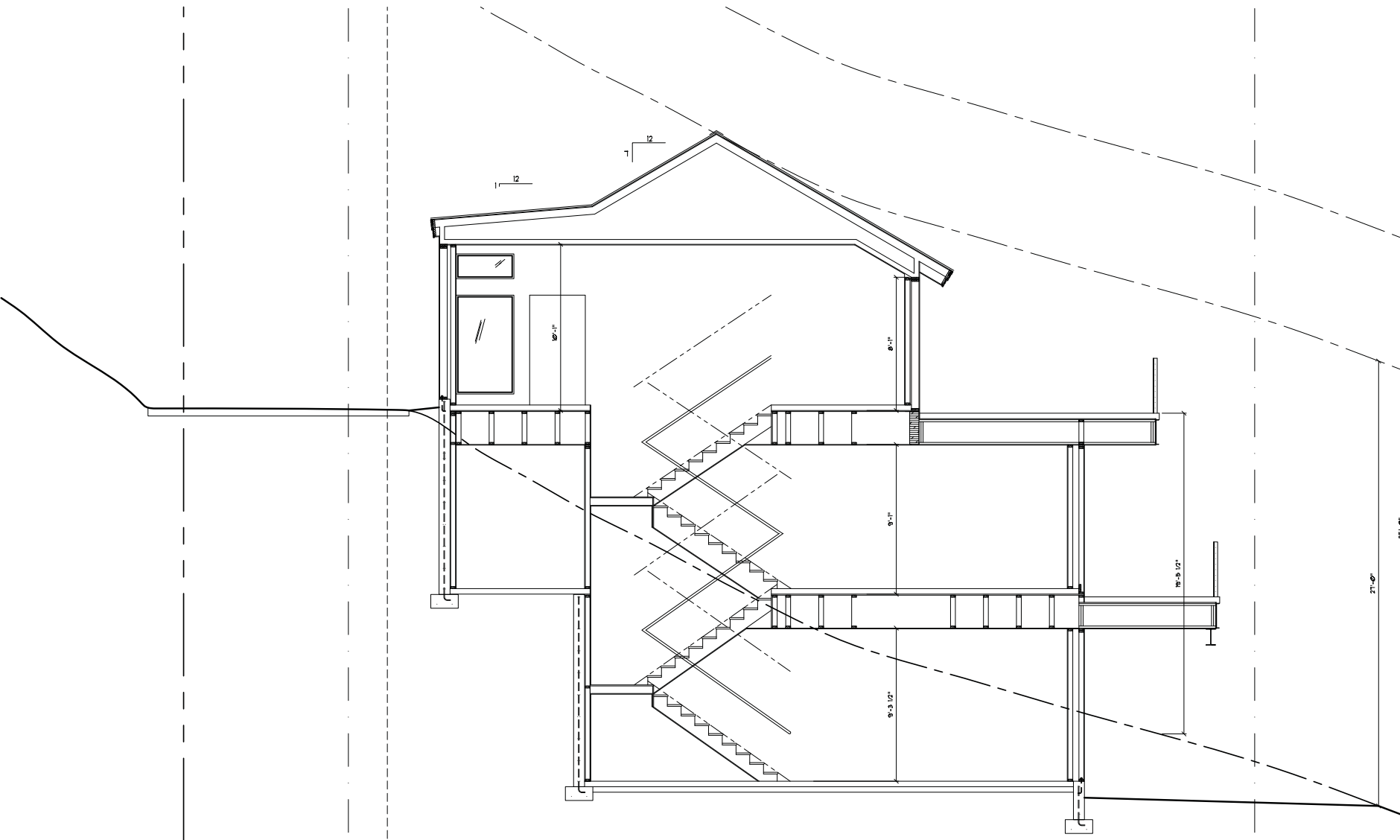
DYMOND
DESIGN

ALL DIMENSIONS, APERTURES AND FINISHES UNLESS OTHERWISE SPECIFIED BY THE DRAWINGS ARE CENTER AND THE FINISHES ARE FINISHED GRADE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

A NEW HOME FOR MOUNTAIN BUILDERS
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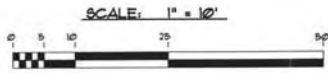
FILE NO:
DRAWN BY: M.B.
CHECKED BY: B.D.
ORIGINAL DATE: 07/02/14
REVISION 1:
REVISION 2:
REVISION 3:

12 OF



BUILDING SECTION SCALE: 3/8" = 1'-0"

Exhibit K – Streetscape, Ontario Avenue looking West



LOOKING SOUTHERLY TOWARD HARBACK



LOOKING EASTERLY ONTO RIGHT OF WAY EASEMENT # 60°



LOOKING EASTERLY ONTO RIGHT OF WAY EASEMENT # 30°



LOOKING WESTERLY TOWARD ONTARIO AVENUE # 30°



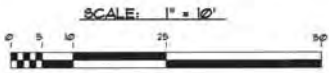
LOOKING WESTERLY TOWARD ONTARIO AVENUE # 60°

429 ONTARIO AVENUE
 LOT #2 ANDERSEN RE-PLAT - FIRST AMENDED
 PARK CITY, UTAH

STREETSCAPE OF PROPOSED VIEWS

DRAWN BY: RD
 DRAWN FOR: MOUNTAIN BLDG.
 FILE: LOT 2 ANDERSEN RE-PLAT
 DATE: 1/14/15
 REVISION:

Exhibit K – Streetscape, Ontario Avenue looking West



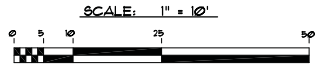
429 ONTARIO AVENUE
 LOT #2 ANDERSEN RE-PLAT - FIRST AMENDED
 PARK CITY, UTAH



STREETSCAPE, ELEVATION VIEW

DRAWN BY: RD
 DRAWN FOR: HOUSTON BLUM
 FILE: LOT 2 ANDERSEN RE-PLAT
 DATE: 8/2014
 REVISION: 02/14 COR 1

Exhibit L – Streetscape, Ontario Avenue looking East



LOOKING SOUTHERLY TOWARD MARSBACK



LOOKING EASTERLY ONTO RIGHT OF WAY EASEMENT • 60°



LOOKING EASTERLY ONTO RIGHT OF WAY EASEMENT • 30°



LOOKING WESTERLY TOWARD ONTARIO AVENUE • 30°



LOOKING WESTERLY TOWARD ONTARIO AVENUE • 60°

429 ONTARIO AVENUE
 LOT #2 ANDERSEN RE-PLAT - FIRST AMENDED
 PARK CITY, UTAH

STREETSCAPE OF PROPOSED VIEWS

DRAWN BY: BD
 DRAWN FOR: MOUNTAIN BLDG.
 FILE: LOT 2 ANDERSEN RE-PLAT
 DATE: 6/20/04
 REVISION: .

Exhibit L – Streetscape, Ontario Avenue looking East



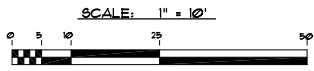
429 ONTARIO AVENUE
 LOT #2 ANDERSEN RE-PLAT - FIRST AMENDED
 PARK CITY, UTAH



STREETSCAPE, ELEVATION VIEW

DRAWN BY: BD
 DRAWN FOR: MONTAN BLDG.
 FILE: LOT 2 ANDERSEN RE-PLAT
 DATE: 04/2014
 REVISION: 06/11/14, HDR 1

Exhibit M – Streetscape Views



LOOKING EASTERLY ONTO RIGHT OF WAY EASEMENT



LOOKING SOUTHERLY TOWARD MARBACK



LOOKING WESTERLY TOWARD ONTARIO AVENUE

429 ONTARIO AVENUE
 LOT #2 ANDERSEN RE-PLAT - FIRST AMENDED
 PARK CITY, UTAH

STREETSCAPE OF EXISTING VIEWS

DRAWN BY: BD
 DRAWN FOR: MONTAN BLDG.
 FILE: LOT 2 ANDERSEN RE-PLAT
 DATE: 6/20/04
 REVISION: .

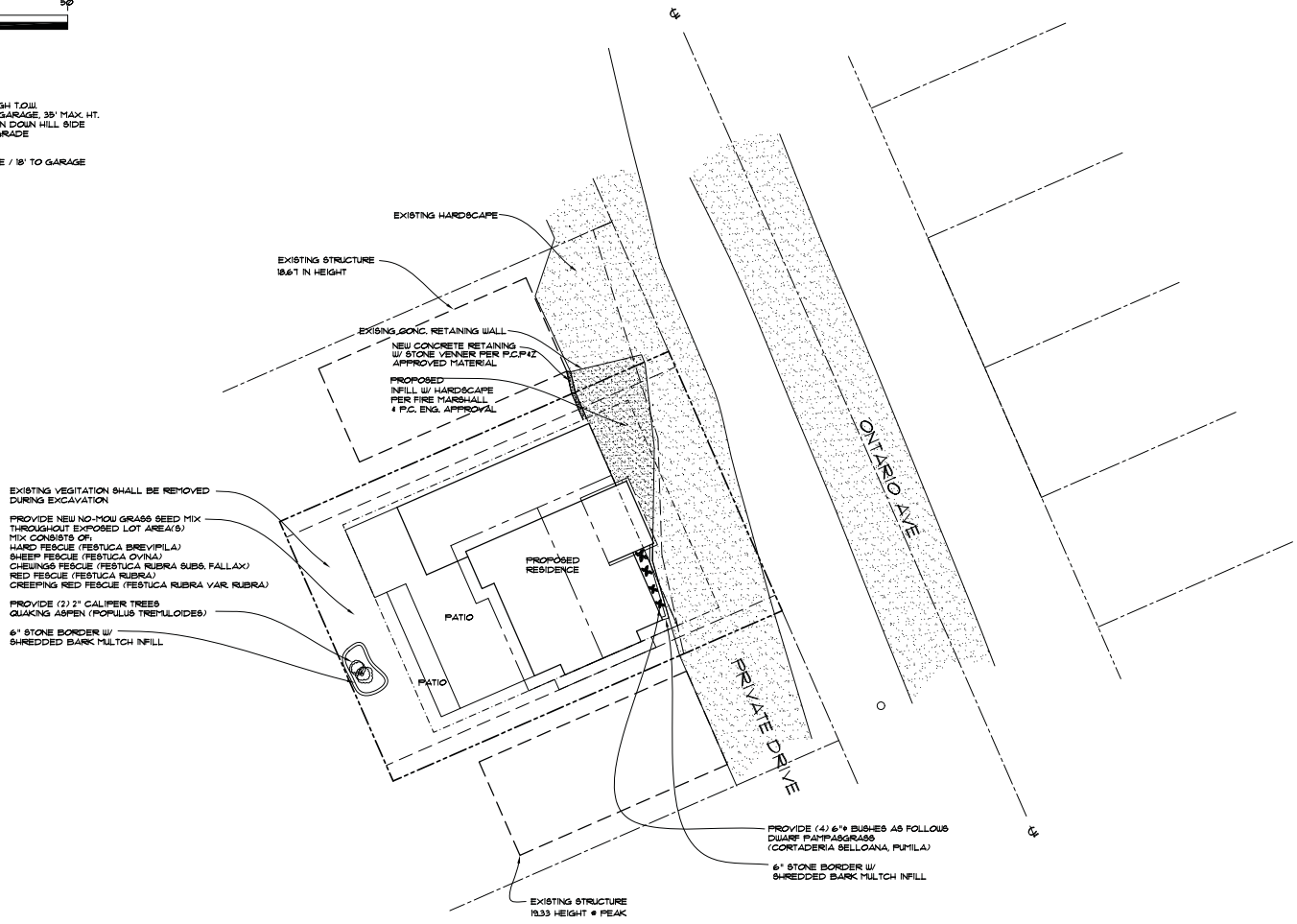
Exhibit N – Preliminary Landscape Plan



ZONING: HR-1
BUILDING HEIGHT: 35' LOW FFE / HIGH T.O.W.
EXCEPTION: ADA ELEVATOR/GARAGE, 35' MAX. HT.
ELEVATION VARIATION: MIN. 10' OFFSET ON DOWN HILL SIDE
GRADING VARIATION: 4' WITHIN EXIST. GRADE

SETBACKS:
FRONT: 10' TO HABITABLE / 18' TO GARAGE
SIDE: 5'
REAR: 10'

LOT CRITERIA:
LOT AREA: 3750 SQ. FT.
BUILDABLE ENVELOPE: 2200 SQ. FT.
ALLOWABLE FOOTPRINT: 1515 SQ. FT.



EXISTING VEGETATION SHALL BE REMOVED DURING EXCAVATION

PROVIDE NEW NO-MOW GRASS SEED MIX THROUGHOUT EXPOSED LOT AREA(S)
 MIX CONSISTS OF:
 HARD FESCUE (FESTUCA BREVIPILO)
 SHEEP FESCUE (FESTUCA OVINA)
 CHEWING FESCUE (FESTUCA RUBRA SUBS. FALLAX)
 RED FESCUE (FESTUCA RUBRA)
 CREEPING RED FESCUE (FESTUCA RUBRA VAR. RUBRA)

PROVIDE (2) 2" CALIFERN TREES QUAKING ASPEN (POPULUS TREMULOIDES)

6" STONE BORDER W/ SHREDDED BARK MULCH INFILL

PROVIDE (4) 6" BUSHES AS FOLLOWS DWARF PAMPASGRASS (CORTADERIA BELLOANA, PUMILA)
 6" STONE BORDER W/ SHREDDED BARK MULCH INFILL



LANDSCAPING PLAN

429 ONTARIO AVENUE
 LOT #2 ANDERSEN RE-FLAT - FIRST AMENDED
 PARK CITY, UTAH

DRAWN BY: SD
 DRAWN FOR: MONTAN BLDG.
 FILE: LOT 2 ANDERSEN RE-FLAT
 DATE: 6/24/14
 REVISION: 1/28/14, HCDP4







Exhibit O – Man-made features



Exhibit O – Man-made features

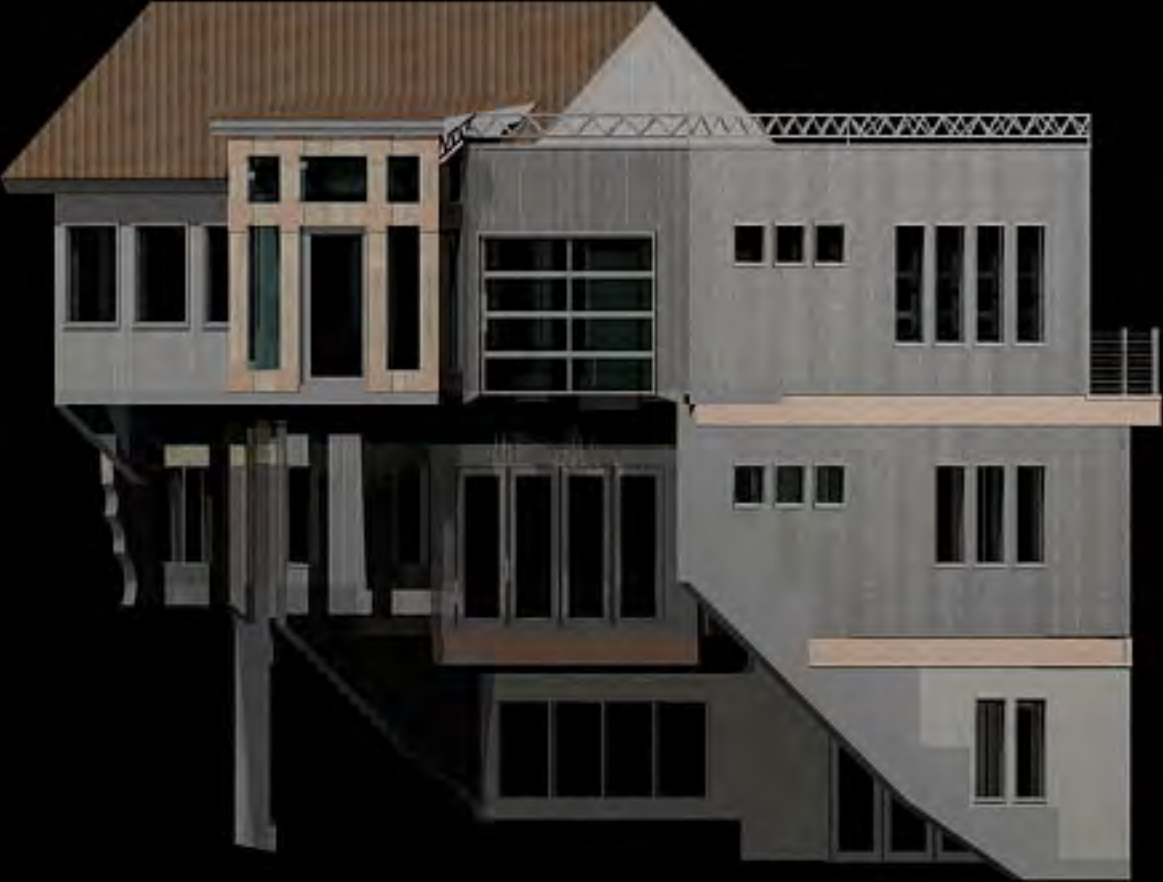


Exhibit O – Man-made features



Exhibit O – Man-made features



Exhibit O – Man-made features



Planning Commission Staff Report



Application No: PL-15-02665
Subject: 259, 261, 263 Norfolk Avenue
Upper Norfolk Subdivision Plat
Author: Francisco J. Astorga, City Planner
Date: March 25, 2015
Type of Item: Administrative – Amending Conditions of Approval on
Ordinance No. 06-55

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for Upper Norfolk Subdivision Plat Amendment, located at 259, 261, 263 Norfolk Avenue, to amend conditions of approval on Ordinance No. 06-55 adopted in 2006 and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

This Staff report reflects 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: 259 Upper Norfolk, LLC, Amos Fiat, member
261 Upper Norfolk, LLC, Amos Fiat, member
263 Upper Norfolk LLC, John Pelichioud, member
Represented by Jerry Fiat
Location: 259/261/263 Norfolk Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

This is a request to remove two (2) conditions of approval on executed Ordinance No. 06-55 adopted in 2006 which approved the Upper Norfolk Subdivision Plat. One of the conditions of approval in the Ordinance called for construction access to take place from King Road rather than Upper Norfolk Avenue. Construction access was made possible through temporary access agreements with adjacent property owners with access from King Road. The agreement was executed and recorded in October 2006, with a stipulation that it would become void December 2009. The Upper Norfolk Subdivision received approval in July 2006 and the plat was recorded in June 2007.

Background

On January 21, 2015, the City received a request for the Upper Norfolk Subdivision Plat

Amendment located at 259/261/263 Norfolk Avenue in the Historic Residential-1 District. The request is to remove two (2) conditions of approvals required in the executed ordinance. The access and layout of the lots are not being amended with this application. The subdivision is comprised of Lots 1, 2, and 3. The lots are accessed from Upper Norfolk Avenue. There is a single shared drive from the northern section of the lots (Exhibit D – Vicinity Map). The property owners of Lots 1, 2 and 3 are currently listed as co-applicants in this plat amendment request to remove two (2) conditions of approval. The applicants are represented by Jerry Fiat.

In July 2006, the City Council approved the Upper Norfolk Subdivision Plat Amendment request in Ordinance No. 06-55. In 2006 the applicant addressed neighborhood concerns, such as designing the driveway to retain the landscape berm, and proposing the construction phasing and staging on King Road, etc. The proposal included a request to demolish a three (3) unit non-historic condominium structure (the triplex had lockout units, therefore the reference in the minutes is a six (6) unit building), vacate the existing condominium plat, and establish three (3) lots of record with the intention of building three (3) single-family dwellings, one (1) in each lot. The plat was recorded at Summit County on June 1, 2007. The Upper Norfolk Avenue Condominiums Plat (prior triplex) was retired by Summit County on June 13, 2007. The triplex was demolished in February 2010.

The plat amendment approval contained the following conditions of approval outlined in the executed ordinance:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The lots are to be used for the construction of single family houses.
4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
5. The construction easement agreements must be finalized and submitted to the City prior to receiving building permits.
6. A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issue of a building permit.
7. A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.

These conditions above were not added as notes on the plat with the exception of condition no. 7 regarding prohibiting accessory apartments. Conditions of approval 4 and 5 stipulated that construction access would be from King Road via a construction access that would cross separately owned adjacent property through the finalization of construction easement agreements prior to receiving building permits. (Exhibit E –

Temporary Construction Access Easement [expired]).

When the plat amendment was originally approved in 2006, the three (3) lots in the subdivision were owned by the same entity and construction of all three (3) structures was anticipated to occur at the same time. (Exhibit F1 – 26 Jul 2006 Planning Commission Minutes & Exhibit F2 – 7.27.2006 City Council Minutes). Since that time the three (3) lots have been transferred to different entities.

The reason for the requirement of the access agreement was to reduce the construction impact of building three (3) structures all at the same time on the neighborhood. This access was made possible through an agreement that had a specific time frame before it became void. In 2006, Jerry Fiat, had control of the three (3) lots as well as the adjacent property with the access easement directly from King Road. The time period has since lapsed making the construction access from King Road no longer an option for the applicant. The easement agreement was executed and recorded in October 2006. The easement terminated in December 2009.

The 2006 Ordinance had findings of fact stating that due to the steepness of the lots, a steep slope conditional use permit would be required. Since that time, the triplex building was demolished and a more detailed analysis of the slope was evaluated by the Planning Department. Based upon more detailed analysis, the Planning Director determined that the lots do not meet the 30% slope threshold and therefore Steep Slope Conditional Use Permits will not be required.

Analysis

In order to remove the two (2) conditions of approval outlined in executed Ordinance No. 06-55 dealing with the construction access the applicant proposes access from Upper Norfolk Avenue, which is the legal access to the properties. In 2006 the applicant secured staging area behind to property (see Exhibit E2 – Temporary Construction Access Easement [220 King] attached easement). The applicant stated the following in his project description:

All staging, parking, deliveries, cranes, dumpster, porta potty, etc. will not be off the driveway servicing the three lots, and or the properties, and or the additional staging area in the rear of the properties.

No contractors shall park in neighbors, parking spaces, or outside the driveway servicing the lots.

We are proposing to store excavated material from the excavation on site (in the staging area in the rear) for back fill, in order to reduce truck traffic.

We would like to start construction summer of 2015, and complete construction by fall of 2016.

The applicant has indicated that construction for the three (3) single-family dwellings

would take place at the same time and that the above statements would be in compliance with the signed agreement. The work is to terminate in two (2) years or less as the easement agreement indicates such. The Planning Department recognizes that all three (3) lots would have to be utilized for the construction of each structure. Staff recognizes that cross access easement for the three (3) lots would also need to be executed prior to construction as the lots are built upon the available space is reduced.

As staff reviewed the current staging area easement, (see Exhibit E2 – Temporary Construction Access Easement [220 King]), it was found that two (2) legal descriptions were incorrectly drafted in the document, Easement Exhibit D (Work Area), and that the language needs to be fixed.

Staff finds good cause for this request to remove condition of approval no. 4 and 5 from executed Ordinance No. 06-55 due to the expiration of the recorded temporary construction access easement. The remaining conditions of approval shall continue to apply to the site. These three (3) conditions include that the lots are to be used for the construction of single-family houses, a utility/grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit, and that a note is added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.

Staff also recommends adding a condition of approval that indicated that the applicant shall submit a detailed existing conditions landscape plan or survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

Public input has been received by a concerned neighbor. See Exhibit H – Public Comments.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Upper Norfolk Subdivision Plat Amendment amending the conditions of approval on executed ordinance no. 06-55 as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Upper Norfolk Subdivision Plat Amendment amending the conditions

of approval on executed ordinance no. 06-55 and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on Upper Norfolk Subdivision Plat Amendment amending the conditions of approval on executed ordinance no. 06-55.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. They property owners would not be able to build on the lots because they wouldn't have construction access as indicated on the previous condition of approval.

Consequences of not taking the Suggested Recommendation

Condition of approval no. 4 of Ordinance 06-55 can not be met and therefore either some amendment to Ordinance 06-55 will have to occur.

Recommendation

Staff recommends the Planning Commission hold a public hearing for Upper Norfolk Subdivision Plat Amendment, located at 259, 261, 263 Norfolk Avenue, to amend conditions of approval on Ordinance No. 06-55 adopted in 2006 and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft ordinance

Exhibit B – Executed Ordinance 06-55

Exhibit C – Upper Norfolk Subdivision Plat

Exhibit D – Vicinity Map

Exhibit E1 – Temporary Construction Access Easement (200 King) [expired]

Exhibit E2 – Temporary Construction Access Easement (220 King)

Exhibit F1 – 26 July 2006 Planning Commission Minutes

Exhibit F2 – 27 July 2006 City Council Minutes

Exhibit G – Original Lot Configuration

Exhibit H – Public Comments

AN ORDINANCE APPROVING THE FIRST AMENDED UPPER NORFOLK SUBDIVISION PLAT AMENDING CONDITIONS OF APPROVAL ON ORDINANCE NO. 06-55 AT 259, 261, 263 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 259, 261, 263 Norfolk Avenue, have petitioned the City Council for approval of the First Amended Upper Norfolk Subdivision Plat Amendment; and

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

WHEREAS, the executed and recorded temporary construction access easement agreement (document no. 00793227) expired on December 31, 2009; and

WHEREAS, the three (3) lots need to have specific construction mitigation due to the narrowness of built Norfolk Avenue and steepness of the neighborhood; and

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

WHEREAS, the Planning Commission held a public hearing on March 25, 2015, to receive input;

WHEREAS, the Planning Commission, on March 25, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on _____, 2015, the City Council conducted a public hearing and reviewed the First Amended Upper Norfolk Subdivision Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Upper Norfolk Subdivision Plat Amendment.

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 existing plat amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 259/261/263 Norfolk Avenue.
2. The three (3) proposed lots would share one (1) driveway.
3. The proposed lots are for the purposes of building single-family houses.
4. There is not sufficient area on the Lots to conduct construction staging.
5. Norfolk Avenue is a substandard, narrow street on steep hillside.

6. On-street and off-street parking in the Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
7. Snow removal and emergency access to the Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
8. LMC § 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
9. In July 2006 the City Council approved the Upper Norfolk Subdivision plat by Ordinance 06-55.
10. The plat was recorded at Summit County on June 01 2007.
11. The property owners requests to remove the following two (2) conditions of approval from Ordinance 06-55:
 4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
 5. The construction easement agreements must be finalized and submitted to the city prior to receiving building permits.
12. All other conditions of approval in Ordinance 06-55 will remain in effect.
13. Conditions of approval 4 and 5 stipulated that construction access would be from King Road via a construction access that would cross separately owned adjacent property.
14. The access was made possible through a temporary construction access easement agreement that expired in December 2009 and the owners have been unable to secure and extension of this easement.
15. The temporary construction access easement agreement was executed and recorded in October 2006. The easement terminated in December 2009.
16. The applicant has indicated that construction for the three (3) single-family dwellings would take place at the same time and that the above statements would be in compliance with the signed agreement.
17. The proposed construction is to terminate in two (2) years or less as the easement agreement indicates such.
18. Cross access easement for the three (3) lots would also need to be executed prior to construction as the lots are built upon the available space is reduced.
19. The dimension of the Lots will not change with this Plat Amendment. The only change to the Upper Norfolk Subdivision by this First Amended Upper Norfolk Subdivision will be the plat notes and conditions of approval as contained herein.
20. The remaining conditions of approval shall continue to apply to the site. These three (3) conditions include:
 - The lots are to be used for the construction of single family houses.
 - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit.
 - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.
21. Staff recommends adding a condition of approval that indicates that the applicant

shall submit a detailed existing conditions landscape plan or survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.

Conclusions of Law:

1. There is good cause for this Plat Amendment to amend the conditions of approval of executed ordinance no. 06-55 and add notes to the plat due to the expiration of the recorded temporary construction access easement.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one 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.
3. The remaining conditions of approval from Ordinance No: 06-55 shall continue to apply.
 - The lots are to be used for the construction of single-family houses
 - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit
 - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots
4. An agreement must be entered into with the City Engineer concerning any construction staging which occurs within platted but un-built Upper Norfolk Right-of-Way
5. Prior to plat recordation, each lot will grant the other two (2) lots construction access easements which shall be executed and recorded and which will not expire until all single-family dwelling structures are built.
6. Prior to plat recordation, the Temporary Construction Access Easement on 220 King language shall be drafted appropriately, and if necessary, the applicant shall work with the easement signee to record an accurate description of the work area identified as Exhibit D on the Easement.
7. The applicant shall submit a detailed existing conditions landscape plan or survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.

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

PASSED AND ADOPTED this ___ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A

Plat Notes to be added to First Amended Upper Norfolk Subdivision Plat:

- This subdivision plat is subject to the conditions of approval contained in Ordinance 06-55 and amended by Ordinance 15-XX.
- Accessory apartments are prohibited on the newly created lots.
- Prior to plat recordation, each lot will grant the other two (2) lots construction access easements which shall be executed and recorded and which will not expire until all single-family dwelling structures are built.
- Prior to plat recordation, the Temporary Construction Access Easement on 220 King language shall be drafted appropriately, and if necessary, the applicant shall work with the easement signee to record an accurate description of the work area identified as Exhibit D on the Easement.
- The applicant shall submit a detailed existing conditions landscape plan or survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.

Ordinance No. 06-55

**AN ORDINANCE APPROVING THE UPPER NORFOLK SUBDIVISION
LOCATED AT 259-263 NORFOLK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 259-263 Norfolk Avenue have petitioned the City Council for approval of the Upper Norfolk Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12, 2006, to receive input on the Upper Norfolk Subdivision;

WHEREAS, the Planning Commission, on July 26, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27, 2006, the City Council approved the Upper Norfolk Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Upper Norfolk Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Upper Norfolk 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 at 259-263 Norfolk Avenue.
2. Currently the property is platted as the 'Upper Norfolk Condominiums'
3. There is an existing triplex structure located on the property.
4. The existing structure does not conform to the height and setback requirements of the HR-1 zoning district.
5. The applicant is proposing demolishing the existing structure.
6. The applicant is proposing vacating the existing 'Upper Norfolk Condominiums' plat.
7. The applicant is proposing establishing three lots of record – identified on the proposed plat as Lot 1, Lot 2, and Lot 3.

8. Lot 1 and Lot 2 measure 40.67 feet by 69.15 feet and contain 2812.33 square feet.
9. Lot 3 measures 39.98 feet at the front, 51.07 feet at the rear, 69.15 feet on the south side and 70.03 feet on the north side.
10. The proposed access to the lots is from Norfolk Avenue on the north side of the property.
11. The three proposed lots would share one driveway.
12. The proposed lots are for the purposes of building single family houses.
13. The proposed lots have slopes of greater than 30% and are subject to Conditional Use Permit, Construction on a steep slope review.
14. There is not sufficient area on the property to conduct construction staging.
15. Norfolk Avenue and Upper Norfolk Avenue are substandard, narrow streets on steep hillsides.
16. On-street and off-street parking in the Norfolk / Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
17. Snow removal and emergency access to the Norfolk / Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
18. LMC Section 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
19. Accessory apartments are conditional uses in the HR-1 zoning district and require one parking space per bedroom.
20. Accessory apartments will increase the parking demand in the Norfolk / Upper Norfolk Avenue neighborhood.

Conclusions of Law:

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

Conditions of Approval:

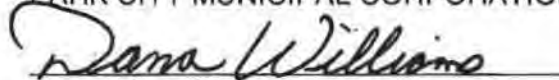
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one 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.
3. The lots are to be used for the construction of single family houses.
 4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
 5. The construction easement agreements must be finalized and submitted to the City prior to receiving building permits.
 6. A Utility / Grading Plan is required to be reviewed and approved by the City Engineer prior to the issuance of building permits.
 7. A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.


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

PASSED AND ADOPTED this 27th day of July, 2006.


PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Upper Norfolk Avenue Condominiums

MAY 10 2013

LEGEND

- 1. CONDOMINIUM UNIT
- 2. COMMON AREA
- 3. DRIVEWAY
- 4. PARKING SPACE
- 5. LANDSCAPING
- 6. UTILITY
- 7. FENCE
- 8. SIGN
- 9. LIGHT FIXTURE
- 10. TREE
- 11. SHRUB
- 12. GRASS
- 13. ASPHALT
- 14. CONCRETE
- 15. BRICK
- 16. STONE
- 17. METAL
- 18. GLASS
- 19. WOOD
- 20. PLASTER
- 21. GYPSUM
- 22. STUCCO
- 23. PAINT
- 24. TILE
- 25. CARPET
- 26. FLOORING
- 27. CEILING
- 28. WALL
- 29. DOOR
- 30. WINDOW
- 31. ROOF
- 32. FOUNDATION
- 33. STRUCTURE
- 34. EQUIPMENT
- 35. FURNITURE
- 36. FIXTURE
- 37. APPLIANCE
- 38. UTENSIL
- 39. TOOL
- 40. MACHINERY
- 41. VEHICLE
- 42. TRAILER
- 43. BOAT
- 44. AIRCRAFT
- 45. RAILROAD
- 46. HIGHWAY
- 47. BRIDGE
- 48. TUNNEL
- 49. CANAL
- 50. RIVER
- 51. LAKE
- 52. OCEAN
- 53. MOUNTAIN
- 54. HILL
- 55. VALLEY
- 56. PLAIN
- 57. DESERT
- 58. TUNDRA
- 59. SAVANNAH
- 60. JUNGLE
- 61. FOREST
- 62. PARK
- 63. GARDEN
- 64. YARD
- 65. LOT
- 66. TRACT
- 67. PARCEL
- 68. BLOCK
- 69. DISTRICT
- 70. CITY
- 71. COUNTY
- 72. STATE
- 73. FEDERAL
- 74. INTERNATIONAL
- 75. UNIVERSE

NOTES

1. The owner of the land on which the building is to be erected shall be responsible for the payment of all taxes and assessments levied on the land and the building.
2. The owner of the land shall be responsible for the payment of all costs of the survey and the preparation of the plat.
3. The owner of the land shall be responsible for the payment of all costs of the construction of the building.
4. The owner of the land shall be responsible for the payment of all costs of the maintenance and repair of the building.
5. The owner of the land shall be responsible for the payment of all costs of the insurance of the building.
6. The owner of the land shall be responsible for the payment of all costs of the operation of the building.
7. The owner of the land shall be responsible for the payment of all costs of the management of the building.
8. The owner of the land shall be responsible for the payment of all costs of the administration of the building.
9. The owner of the land shall be responsible for the payment of all costs of the enforcement of the rules and regulations of the building.
10. The owner of the land shall be responsible for the payment of all costs of the enforcement of the covenants, conditions and restrictions of the building.

DEVELOPER'S CERTIFICATE

I, the undersigned, being duly qualified, do hereby certify that the above is a true and correct copy of the plat of the Upper Norfolk Avenue Condominiums as the same appears on the records of the County of Fairfax, Virginia.

REGISTERED PROFESSIONAL ENGINEER

My commission expires on the 31st day of December, 2013.

ALPINE SURVEY, INC.
 10000 Old Dominion Blvd., Suite 100
 Fairfax, VA 22030
 (703) 261-1000

Exhibit C – Upper Norfolk Subdivision Plat

Upper Norfolk Subdivision An Amended Lot Line Plat in A Portion of Block 78 Millsite Reservation

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is a member of Upper Norfolk Properties, L.L.C., the owner of the herein described Upper Norfolk Subdivision, Millsite Reservation to the Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recording of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law. Also, the owners hereby irrevocably offer for dedication to the City of Park City of the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this 10 day of Oct 2006.
By: David Hanson
Member, Upper Norfolk Properties, L.L.C.

Legend

- ✦ Found Street Monument
- ⊗ Found rebar & cap-LS 173736
- ⊗ Found rebar & cap-LS 154941
- ⊗ Set rebar & cap-LS 359005
- ⊗ Set nail & washer-LS 359005
- ⊗ Address on Norfolk Avenue

SURVEYOR'S CERTIFICATE

I, J.D. Galtley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said property.



9/7/06
Date

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is a member of Upper Norfolk, L.L.C., the owner of the herein described Upper Norfolk Subdivision, Millsite Reservation to the Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recording of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law. Also, the owners hereby irrevocably offer for dedication to the City of Park City of the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this 10 day of Oct 2006.

By: Jerry Fiat
Member, Upper Norfolk, L.L.C.

STATE OF UTAH
County of Summit

On this 10 day of Oct, 2006, Jerry Fiat personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is a member of Upper Norfolk, L.L.C., that he has signed the above Owner's Dedication and Consent to Record on behalf of said Upper Norfolk Properties, L.L.C., and that he executed this document in his capacity as member of said Upper Norfolk, L.L.C., for the purpose set forth herein.

My commission expires: May 29, 2009

David C. Lee
NOTARY PUBLIC
RESIDING IN UTAH COUNTY, SUMMIT

NARRATIVE

1. Survey requested by Jerry Fiat.
2. Purpose of survey: amended lot line plat.
3. Basis of survey: found street monuments as shown. Block dimensions from the Amended Park City Monument Control Map by Bush & Guggel Inc., recorded as Entry No. 199887 in the office of the Summit County Recorder, and the Plat of Subdivision No.1 of Millsite Reservation, Park City, Utah, dated June 20, 1987.
4. Date of survey: July 29, 2005.
5. Property monuments set or found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of the Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. Accessory apartments are prohibited on the newly created lots.

OLD LEGAL DESCRIPTION

Beginning at a point which lies North 23°38' West, 6.34 feet from the southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; and running thence South 23°38' East, 61.34 feet to the southeast corner of Lot 30 of said Block 78; thence South 66°22' East, 69.15 feet to the point of beginning, containing 0.129 acres, more or less.
Additional Land: Beginning at a point which lies N 23°38' W, 6.34 feet from the southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; and running thence S 66°22' W, 69.15 feet; thence N 23°38' W, 51.07 feet; thence N 75°28'35" E, 70.03 feet to the northerly corner of said Lot 33; thence S 23°38' E, 39.98 feet to the point of beginning; contains 0.072 acres, more or less.

NEW LEGAL DESCRIPTIONS

Lot 1:
Beginning at a point which lies South 23°38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; said point also being North 23°38' West, 355.86 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue, 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°38' West, 40.63 feet; thence North 66°22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.

Lot 2:
Beginning at a point which lies North 23°38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; said point also being North 23°38' West, 396.53 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue, 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°38' West, 40.63 feet; thence North 66°22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.

Lot 3:
Beginning at a point which lies North 23°38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78, Millsite Reservation, Park City, Utah; said point also being North 23°38' West, 396.53 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence North 23°38' West, along the westerly right of way of Norfolk Avenue, 39.98 feet; thence South 75°28'35" West, 70.03 feet; thence South 23°38' East, 51.07 feet; thence North 66°22' East, 69.15 feet to the point of beginning, containing 3148.12 square feet, more or less.

<p>Alpine Survey, Inc. 19 Prospecter Dr. Park City, Utah 84060 (435) 655-8016</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS DATE: <u>9/7/06</u> BY: <u>J.D. Galtley</u></p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 26th DAY OF JULY 2006 A.D. By: <u>Paul Thomas</u> CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>21st</u> DAY OF <u>SEPTEMBER</u>, 2006 A.D. By: <u>David W. Latham</u> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>21</u> DAY OF <u>September</u> 2006 A.D. By: <u>Paul Thomas</u> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 27th DAY OF <u>July</u>, 2006 A.D. By: <u>David Williams</u> PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 27th DAY OF <u>JULY</u>, 2006 A.D. By: <u>David Williams</u> MAYOR</p>	<p># <u>814949</u> RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Alpine Survey, Inc.</u> DATE <u>6-1-07</u> TIME <u>4:30</u> PM BOOK <u>---</u> PAGE <u>---</u> <u>3300</u> FILE <u>---</u> RECORDER <u>Demetrius Brown, Deputy</u></p>
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Exhibit D - Vicinity Map Upper Norfolk Subdivision 259, 261, 263 Norfolk Avenue



ALAN SPRIGGS, SUMMIT CO RECORDER
2006 OCT 06 12:47 PM FEE \$29.00 BY BW
REQUEST: COALITION TITLE AGENCY, INC.
Electronically Recorded by Simplifile

WHEN RECORDED RETURN TO
Upper Norfolk, LLC
PO Box 244
Park City, UT 84060

TEMPORARY CONSTRUCTION ACCESS EASEMENT

This Agreement, made this 6 day of October 2006, between P.C. Estate Development, LLC., owner of legal and equitable title of the Servient Parcel, hereinafter designated Grantor, and the Upper Norfolk, LLC., hereinafter designated Grantee, owner of legal and equitable title to the Dominant Parcel.

Recitals.

1. The purpose of this Agreement is to provide an access road to the Dominant Parcels to receive construction materials and equipment. It is not intended to be used for any other purpose, including but not limited to parking, ingress and egress of construction workers.
2. Grantee intends to limit the use of the Road to the minimum and create the least possible disturbance in connection with the construction of the structures on the Dominant Parcel.
3. This Agreement is shall become effective upon approval by Park City of the plat and plans for construction on the Dominant Parcels, and the agreed consideration is paid.

NOW THEREFORE, for good and valuable consideration does hereby grant unto the Grantee, its heirs, successors, assigns, agents, contractors, subcontractors, and employees:

A. a temporary non-exclusive right of way for ingress and egress over and across the existing driveway ("Road") on the property described on Exhibit A ("Servient Parcel") for all vehicles, trucks, and construction equipment related to Grantee's performance of any and all construction activities necessary for Grantee to construct three residential homes on Grantee's three properties, which properties are more fully described on Exhibit B (the "Dominant Parcels"). Grantee will be required to construct a temporary road (the "Road") across the Servient Parcel in the approximate location as drawn on Exhibit C to gain access to the Dominant Parcel for construction purposes.

IT IS UNDERSTOOD that the Easement rights herein granted shall terminate 2 years from the date that construction begins on the Dominant Parcels, in no event later than December 31, 2009. Grantee shall use all reasonable efforts to minimize use of the Road. When the last structure on the Dominant Parcels are dried in and the exterior grading is complete, Grantor may request to vacate this Easement for the Road prior to the termination date, which request will not be unreasonably denied.

IT IS ALSO UNDERSTOOD that the Easement herein granted does not convey any right or interest in the above described property, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the Grantee's rights herein granted.

In addition, the Grantee, including its successors, assigns, agents, contractors, and employees agree to

BK1822 PG0039

J

the following conditions:

1. **CONSTRUCTION OF ROAD:** Grantee shall construct the Road and take appropriate measures to control erosion and to avoid trespass on adjacent properties.
2. **DAMAGE TO PROPERTY:** Grantee shall exercise care to avoid damaging the property in any manner not consistent with the purpose for which this agreement is issued, and shall restore any damaged property to its original condition or a reasonably equivalent condition.
3. **COOPERATION WITH GRANTOR:** Grantee shall at all times cooperate with Grantor(s) and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued. It is understood that Grantor is not a full time resident of the Servient Parcel. Grantee shall reasonably curtail any noise causing or dust causing construction activity on the access road, in such a way to not affect Grantor's and others' reasonable use of the ski easement and trail easement. Grantee will use its best efforts to accommodate Grantor's requests and use all reasonable efforts to limit the use and schedule the use of the access road .
4. **PARKING:** No part of the Servient Parcel may be used for parking construction vehicles or construction employee vehicles, other than for temporary loading or unloading.
5. **CLEAN-UP:** Grantee will keep the Servient Parcel free of construction related litter and debris. The construction site shall be kept clean and organized, and related litter shall be removed daily. Grantee shall inspect the site to ensure the site is free of construction debris. As necessary, during construction, Grantee shall clean the windows on Grantor's homes that face the construction site on a quarterly basis in any quarter during which the construction activities cause dust. Grantee shall clean all the ground occupied of all rubbish, excess material, temporary structures, and equipment.
6. **CONSTRUCTION MAINTENANCE.** Grantee shall comply with all applicable building codes, including but not limited to providing: silt fencing, erosion controls, maintain limits of disturbance, as well as provide a safe way for area residents, adjoining property owners, and the general public to use and access the Sweeney Master Plan Trails ("Trails"). Grantee will not disturb the Trails, and will make all necessary repairs to keep the Trails in their pre-construction condition.
7. **RE-LANDSCAPING.** Within 90 days after completion of construction (the date on which the local government grants a permanent certificate of occupancy), Grantee shall uniformly grade the Work Area, and the Road and re-landscape the Road and Work Area according the plan attached as Exhibit C.
8. **INDEMNITY & INSURANCE.** Grantee will use the Road, the Work Area and the Servient Parcel at its sole risk and expense. Grantee will indemnify and defend Grantor from and against all claims and liabilities, including reasonable attorneys' fees arising out of Grantee's use of the Servient Parcel. During construction, Grantee shall maintain a property and liability insurance policy in the amount of \$2 million, for its use of the Servient Parcels, naming Grantor as an additional insured.
9. **GATE ENCLOSURE:** All individuals accessing the property shall close and lock the gate entrance to the Servient Parcel at every entrance and exit.

10. GRANTOR'S RIGHT OF PERFORMANCE: If Grantee fails to comply with the terms of this Easement, including but not limited to cleaning up, restoring Grantor's property, obtaining insurance, and locking the gate enclosure, Grantor shall provide Grantee a written notice of any such failure and seven calendar days to cure. If Grantee fails to cure, Grantor may perform in place of Grantee and shall charge Grantee all costs of Grantor's performance, plus a fee of 20% of the costs of performance. If Grantor reasonably determines that Grantee continues to fail to comply with the terms herein after a written notice to cure, Grantor may rescind this Easement. Notwithstanding anything herein to the contrary, in the case of emergency, Grantor reserves the right to cleanup, lock up, and perform any other act required of Grantee and to charge Grantee for the same plus a fee of 20% of the cost of performance, without any prior notice.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 6 day of October 2006.

GRANTOR



 Jerry Fiat, Member
 P.C. Estate Development, LLC

GRANTEE



 Jerry Fiat, Member
 Upper Norfolk, LLC

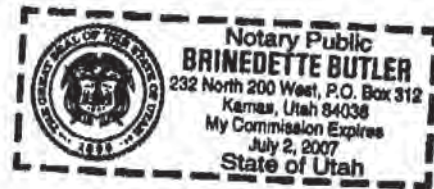
State of Utah)
) ss.
 County of Summit)

Before me, the undersigned, a Notary Public within and for said County and State, on this 6 day of October 2006, personally appeared to me Jerry Fiat, known to be the identical person(s) who executed the within and foregoing instrument stating that he had authority of P.C. Estate Development, LLC., for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



 NOTARY PUBLIC



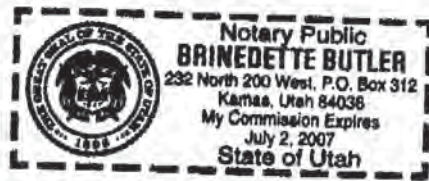
State of Utah)
) ss.
 County of Summit)

Before me, the undersigned, a Notary Public within and for said County and State, on this ___ day of October 2006, personally appeared to me Jerry Fiat, known to be the identical person(s) who executed the within and foregoing instrument, stating that he had authority of Upper Norfolk, LLC., for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

EK1822 PG0041

Brinedette Butler
NOTARY PUBLIC



BK1822 PG0042

Exhibit A
(Servient Parcel)

LOT 1 TREASURE HILL SUBDIVISION PHASE 1; ACCORDING TO THE OFFICIAL PLAT ON
FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 37,283 SQ FT OR 0.86 AC 958-
299 (REF:671-90; 951-682; 1345-1078; 1413-76& 1483-1699; 1483-1702; 1484-1142; 1486-1022)
1678-1202

BK1822 PG0043

Exhibit B
(Dominant Parcels)

Lot 1

Beginning at a point which lies South 23°38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 396.53 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°48' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.

Lot 2

Beginning at a point which lies South 23°38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 355.86 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°48' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.

Lot 3

Beginning at a point which lies South 23°38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, and running thence South 66°22' West, 69.15 feet; thence North 23°38' West, 51.07 feet; thence North 75°28'35" East, 70.03 feet to the northerly corner of said Lot 33, thence South 23°38' East 39.98 feet to the point of beginning; contains 0.072 acres, more or less.

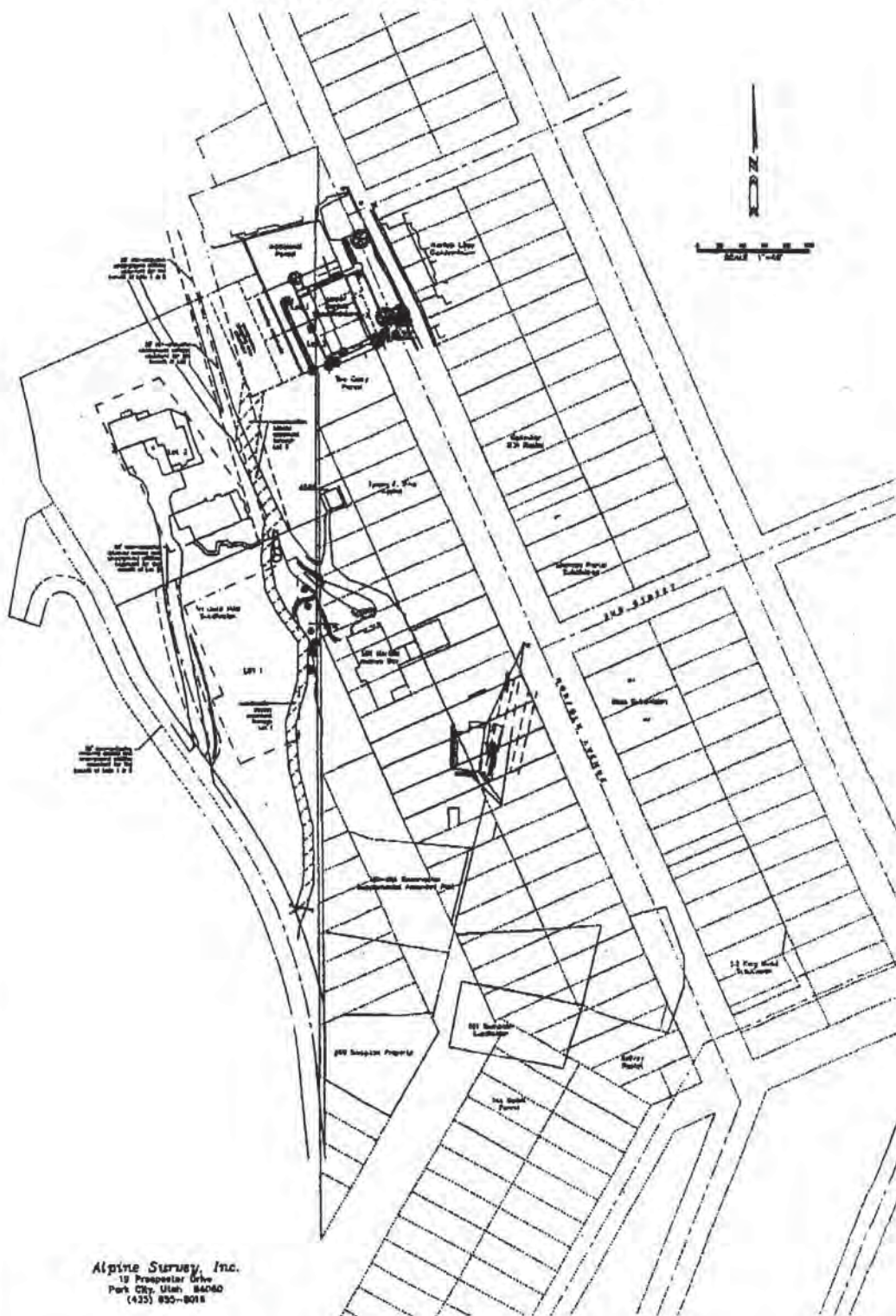
BK1822 PG0044

Exhibit C
(Map of Road and Relandscaping Plan)

BK1822 PG0045

Handwritten mark

Park City Survey
Blocks 31, 32, 77, 78 & 79



Alpine Survey, Inc.
19 Prospect Drive
Park City, Utah 84060
(435) 833-8018

BK1822 PG0046

ALAN SPRIGGS, SUMMIT CO RECORDER
2006 SEP 14 10:21 AM FEE \$33.00 BY BW
REQUEST: SUMMIT ESCROW AND TITLE INSURA
Electronically Recorded by Simplifile

WHEN RECORDED RETURN TO
Upper Norfolk, LLC
PO Box 244
Park City, UT 84060

Accommodation Recording

TEMPORARY CONSTRUCTION & ACCESS EASEMENT

This Agreement, made this 2th day of August 20 06, between Robert R. Sfire, owner of legal and equitable title of the Servient Parcel, hereinafter designated Grantor, and the Upper Norfolk, LLC., hereinafter designated Grantee, owner of legal and equitable title to the Dominant Parcel,

Recitals.

1. The purpose of this Agreement is to provide access to the Dominant Parcels to receive construction materials and equipment and to stage construction. It is not intended to be used for any other purpose, including but not limited to parking, ingress and egress of construction workers.
2. Grantee intends to limit the use of the Work Area and Road to the minimum and create the least possible disturbance in connection with the construction of the structures on the Dominant Parcel.
3. This Agreement ~~X~~ shall become effective upon approval by Park City of the plat and plans for construction on the Dominant Parcels, and the agreed consideration is paid.

J. Mearns
MS

NOW THEREFORE, for good and valuable consideration does hereby grant unto the Grantee, its heirs, successors, assigns, agents, contractors, subcontractors, and employees:

A. a temporary non-exclusive right of way for ingress and egress over and across the property described on Exhibit A ("Servient Parcel") for all vehicles, trucks, and construction equipment related to Grantee's performance of any and all construction activities necessary for Grantee to construct residential homes on each of Grantee's three properties, which properties are more fully described on Exhibit B (the "Dominant Parcels"). Grantee will be required to construct a temporary road (the "Road") across the Servient Parcel from the property with the address 700 King Road to the Dominant Parcel in the approximate location as drawn on Exhibit C to gain access to the Dominant Parcel for construction purposes.

J. Mearns
MS

B. a temporary easement for a work area for the staging of any and all materials and equipment (including without limitation, cranes, back hoes, lifts, and any other reasonably necessary piece of equipment), on that portion of the Servient Parcel as described on Exhibit D ("Work Area") for the purpose of constructing a residential homes on each of Grantee's three properties.

C. a temporary easement and the right to erect and use construction equipment, including a crane, on the Work Area and to use the airspace above portions of the Servient Parcel for moving said crane and materials to and around the site of Grantee's construction herein described, except that a long-term crane (a crane which stays for more than two weeks) shall only be placed on the 20 most Eastern feet of the Construction Area on the Servient Parcel.

IT IS UNDERSTOOD that the Easement rights herein granted shall terminate 2 years from the date that construction begins on the Dominant Parcel. Grantee shall use all reasonable efforts to minimize use of the Road. When the last structure on the Dominant Parcels are dried in and the exterior grading is complete, Grantor may request to vacate this Easement for the Road prior to the termination date,

which request will not be unreasonably denied.

IT IS ALSO UNDERSTOOD that the Easement herein granted does not convey any right or interest in the above described property, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not materially interfere with the Grantee's rights herein granted.

In addition, the Grantee, including its successors, assigns, agents, contractors, and employees agree to the following conditions:

1. **CONSTRUCTION OF ROAD:** Grantee shall construct the Road and take appropriate measures to control erosion and to avoid trespass on adjacent properties.
2. **DAMAGE TO PROPERTY:** Grantee shall exercise care to avoid damaging the property in any manner not consistent with the purpose for which this agreement is issued, and shall restore any damaged property to its original condition or a reasonably equivalent condition.
3. **COOPERATION WITH GRANTOR:** Grantee shall at all times cooperate with Grantor(s) and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued. It is understood that Grantor is not a full time resident of the Servient Parcel. Grantee shall reasonably curtail any noise causing or dust causing construction activity on the access road, in such a way to not affect Grantor's and others' reasonable use of the ski easement and trail easement. Grantee will use its best efforts to accommodate Grantor's requests and use all reasonable efforts to limit the use and schedule the use of the access road .
4. **PARKING:** No part of the Servient Parcel may be used for parking construction vehicles or construction employee vehicles, other than for temporary loading or unloading.
5. **CLEAN-UP:** Grantee will keep the Servient Parcel free of construction related litter and debris. The construction site shall be kept clean and organized, and related litter shall be removed daily. Grantee shall inspect the site to ensure the site is free of construction debris. As necessary, during construction, Grantee shall clean the windows on Grantor's homes that face the construction site on a quarterly basis in any quarter during which the construction activities cause dust. Grantee shall clean all the ground occupied of all rubbish, excess material, temporary structures, and equipment.
6. **CONSTRUCTION MAINTENANCE.** Grantee shall comply with all applicable building codes, including but not limited to providing: silt fencing, erosion controls, maintain limits of disturbance, as well as provide a safe way for area residents, adjoining property owners, and the general public to use and access the Sweeney Master Plan Trails ("Trails"). Grantee will not disturb the Trails, and will make all necessary repairs to keep the Trails in their pre-construction condition.
7. **RE-LANDSCAPING.** Within 90 days after completion of construction (the date on which the local government grants a permanent certificate of occupancy), Grantee shall uniformly grade the Work Area, and the Road and re-lanscape the Road and Work Area according the plan attached as Exhibit C.
8. **INDEMNITY & INSURANCE.** Grantee will use the Road, the Work Area and the Servient Parcel at its sole risk and expense. Grantee will indemnify and defend Grantor from and against

Before me, the undersigned, a Notary Public within and for said County and State, on this 8th day of August 2006, personally appeared to me Jerry Fiat, known to be the identical person(s) who executed the within and foregoing instrument, stating that he had authority of Upper Norfolk, LLC., for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Tassie Williams
NOTARY PUBLIC

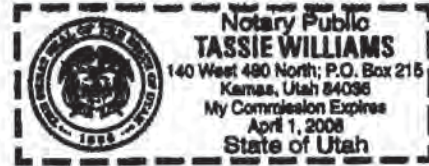


Exhibit A
(Servient Parcel)

The following adjacent parcels:

THILL-2-A-AM

A PORTION OF LOT 2, TREASURE HILL SUBDIVISION PHASE 1 AMENDED, MORE PARTICULARLY DESC AS FOLLOWS: BEG AT A PT WH IS S 66°22' W 21.67 FT & S 00°08'50" E 81.95 FT M/L FROM THE NE COR OF LOT 32 BLK 78 MILLSITE RESERVATION TO PARK CITY UTAH SD PT ALSO BEING S 66°40' W 240.50 FT & S 00°08'50" E 599.26 FT FROM A PARK CITY MONUMENT AT THE INT/SEC OF PARK AVENUE & 4TH STREET; & RUN TH S 00°08'50" E 136.08 FT; TH S 66°22' W 201.18 FT; TH N23°31'34" W 17.11 FT; TH N 31°26'11" W 109 FT TO THE PT OF BEG & RUN TH N 31°26'11" W 7.94 FT TO A PT ON A 605 FT RAD CUR TO THE LEFT (LONG CHORD BEARS N 11°00' W 94.07 FT); TH RUN NW'LY ALONG THE ARC OF SD CUR 94.16 FT (DELTA=08°55'04"); TH N 66°22' E 234.29 FT; TH S 23°38' E 100.00 FT; TH S 28°32'08" W 115.445 FT; TH W 177.49 FT TO THE PT OF BEG CONT 0.77 AC 958-302-311-313 973-487-4891433-946-950 (REF:671-90; 951-682; 1345-1078; 1413-76 & 1483-1699; 1483-1702; 1484-1142; 1486-1022)

THILL-2-B-AM

A PORTION OF LOT 2 TREASURE HILL SUBDIVISION PHASE 1 AMENDED, MORE PARTICULARLY DESC AS FOLLOWS: BEG AT A PT WH IS S 66°22' W 21.67 FT & S 00°08'50" E 81.95 FT M/L FROM THE NE COR OF LOT 32 BLK 78 MILLSITE RESERVATION TO PARK CITY UTAH SD PT ALSO BEING S 66°40' W 240.50 FT & S 00°08'50" E 599.26 FT FROM A PARK CITY MONUMENT AT THE INT/SEC OF PARK AVENUE & 4TH STREET; & RUN TH S 00°08'50" E 136.08 FT; TH S 66°22' W 201.18 FT; TH N23°31'34" W 17.11 FT; TH N 31°26'11" W 109.00 FT; TH E 177.49 FT; TH N 28°32'08" E 115.445 FT; TH N 66°12'00" E 16.39 FT TO THE PT OF BEG CONT 0.47 AC 958-302-315-317 1433-948-952 (REF:671-90; 951-682; 1345-1078; 1413-76 & 1483-1699; 1483-1702; 1484-1142; 1486-1022) CONSTANCE M SFIRE AN UND 1/2 INT 958-315-317; & 220 KING ROAD LLC AN UND 1/2 INT 1433-952;

BK1816 PG1551

Exhibit B
(Dominant Parcels)

Lot 1

Beginning at a point which lies South 23°38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 396.53 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°48' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.

Lot 2

Beginning at a point which lies South 23°38' East, 34.33 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, said point also being North 23°38' West, 355.86 feet and South 66°22' West, 25.00 feet from the intersection of Norfolk Avenue & 2nd Street and running thence South 23°38' East, along the westerly right of way of Norfolk Avenue 40.67 feet; thence South 66°22' West, 69.15 feet; thence North 23°48' West, 40.67 feet; thence North 66°22' East, 69.15 feet to the point of beginning; containing 2812.33 square feet, more or less.

Lot 3

Beginning at a point which lies South 23°38' West, 6.34 feet from the Southeast corner of Lot 33, Block 78 Millsite Reservation, Park City, Utah, and running thence South 66°22' West, 69.15 feet; thence North 23°38' West, 51.07 feet; thence North 75°28'35" East, 70.03 feet to the northerly corner of said Lot 33, thence South 23°38' East 39.98 feet to the point of beginning; contains 0.072 acres, more or less.

BK1816 PG1552

Exhibit C
Location of Road across Servient Parcel

Exhibit D
(Work Area)

Upper Norfolk, Lot 1

Beginning at the northwesterly corner of Lot 1, Upper Norfolk Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, and running thence S 23°38' E, along the westerly line of said Lot 1, 40.67 feet to the southwesterly corner of said Lot 1; thence S 66°22' W, 20.00 feet; thence N 23°38' W 40.67 feet; thence N66°22' E, 20.00 feet to the point of beginning; containing 813.4 square feet, more or less.

Upper Norfolk Lot 2

Beginning at the northwesterly corner of Lot 2 Upper Norfolk Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, and running thence S 23°38' E, along the westerly line of said Lot 1, 40.67 feet to the southwesterly corner of said Lot 2 thence S 66°22' W, 20.00 feet; thence N 23°38' W 40.67 feet; thence N66°22' E 20.00 feet to the point of beginning; containing 813.4 square feet, more or less.

Lot 3

Beginning at the northwesterly corner of Lot 1, Upper Norfolk Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°22' W, 20.00 feet; thence N 23°38' W 18.35 feet to the northerly line of Lot 2, 20.00 feet to the westerly line of the Lot 3, north of the Upper Norfolk Subdivision; thence S 23°38' W 18.35 feet to the point of beginning; containing 367.0 square feet, more or less.

BK1816 PG1555

Planning Commission Meeting
Minutes of July 26, 2006
Page 2

MOTION: Commissioner Barth nominated Commissioner O'Hara to be Chair and for Commissioner Thomas to continue as Vice-Chair. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

At this time, Commissioner O'Hara assumed the Chair.

IV CONSENT AGENDA

1. 320 Woodside Avenue - CUP for construction on a slope greater than 30%

V. REGULAR AGENDA/PUBLIC HEARINGS

1. 1104 & 1118 Lowell Avenue - Steep Slope Conditional Use Permit
2. 7745 Bald Eagle - Plat Amendment
3. 1335 Lowell Avenue, The Gables - Amendment to the Record of Survey
4. 2409 Iron Mountain Road - Plat Amendment
5. 101 Prospect Street

MOTION: Commissioner Wintzer made a motion to CONTINUE the Consent Agenda, 1104 & 1118 Lowell Avenue, 7745 Bald Eagle, and 1335 Lowell Avenue to August 9, 2006 and to CONTINUE 2409 Iron Mountain Road and 101 Prospect Avenue to August 23. Chair Barth seconded the motion.

VOTE: The motion passed unanimously.

6. 259-263 Norfolk Avenue - Condominium plat vacation/subdivision

Planner David Maloney reviewed the application for a three lot subdivision and noted that the Planning Commission has reviewed this item a number of times. The last time this was before the Planning Commission the Commissioners visited the site and discussed the contents of the Staff report and the applicant's proposal. The Planning Commission requested that the Staff return with findings and conditions for approval.

For the benefit of the public, Planner Maloney explained that an existing six unit structure on the property does not meet the Code in terms of height and setbacks, and a portion of the front decks are within the City right-of-way. The application is to demolish the existing structure and dissolve the existing condominium on the land, and to plat three new lots for the purpose of constructing three single family homes. Planner Maloney stated that the proposed access is from the north side of the lot. He presented a conceptual site plan that was submitted to the Planning Department for the purpose of verifying that it is reasonable

to access the three lots. Through Staff discussion and meetings with the applicant, the Staff has determined that the plat amendment proposed is reasonable and can be accessed from the north side of the lot.

Planner Maloney commented on concerns raised at the last public hearing about preserving the existing landscaping along the front of the site. In addition, the driveway being proposed on the conceptual site plan is 19 feet wide and issues were raised regarding the excessive width.

The Staff recommended approval of the proposed plat for the purpose of establishing lot lines and creating three lots of record. Planner Maloney noted that all three lots are on slopes greater than 30% which will require a conditional use permit prior to any development on the property. He stated that the 14 criteria listed in the Conditional Use Permit section of the Land Management Code would have to be addressed and all issues would have to be mitigated prior to the applicant receiving a conditional use permit.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council on the proposed three lot subdivision called the "Upper Norfolk Subdivision".

Commissioner Barth wanted to know what would happen if they voted to vacate the condominium plat and adopt the ordinance but the property is never built. Planner Maloney explained that the lots would remain platted until someone applies for a conditional use permit. The applicant would demolish the existing structure before the lots would be recorded so the lots would be vacant.

Chair O'Hara opened the public hearing.

Jim Keesler, a resident at 302 Norfolk, remarked that the structure encroaches into the City right-of-way and if the applicant demolishes the building, the City would have the opportunity to do something with it. Mr. Keesler wondered why the applicant needed a 19 foot wide driveway when Norfolk Avenue is only 8 feet wide. He could not understand why the City would allow pavement in an area that could be landscaped and could give something back to the public that the structure has possessed for so long. Mr. Keesler urged the Planning Commission to address this issue before the plat amendment is granted.

Chair O'Hara closed the public hearing.

Chair O'Hara noted that the Planning Commission will address specific issues during the CUP process

Jerry Fiat, the applicant, explained that the driveway will be shared by three homes and the reason for making it 19 feet wide is to allow two cars to pass or for one car to pass if another car is parked. Mr. Fiat pointed out that the existing house encroaches 18 feet on to the public right-of-way and the new homes would sit at least 10 feet back. The area that the driveway sits in is already disturbed and the net effect is that paved space will be returned to green space with a berm and planters.

Planner Maloney stated that once the Planning Department receives proposals to build the actual structures on the lots, they will be in a better position to see how the grades will tie in and determine exactly what access makes the most sense in terms of the configuration of the driveway. They would also look at landscaping at that point.

Commissioner Barth asked if Mr. Keesler will be within the noticing boundary when those proposal are reviewed. Planner Maloney replied that he would.

Commissioner Pettit stated that she is very familiar with Upper Norfolk and the challenges it presents to the neighborhood. Her concern was tied to density and traffic. She understood that there may be a benefit in demolishing the current existing non-conforming structure and that it may resolve some of the parking issues. Ms. Pettit asked about the number of bedrooms in the six unit condominium. Mr. Fiat replied that there are 3 bedrooms per unit. There are three townhouse units and each one has a lock out. These new structures would be single family homes and most likely second homes based on the nature of Upper Norfolk. Mr. Fiat saw this as a significant decrease in density. In addition, parking will be underneath the structure, as well as in front of the homes in the setback. Mr. Fiat noted that he did not ask for the maximum density that would be allowed for the size of the lot. Planner Maloney clarified that the minimum lot size in the zone is 25' x 75' and these lots are roughly 40 feet in width and 70 feet deep.

Ms. Pettit assumed that the single family homes would have the ability to submit a CUP application for accessory apartments. What might appear to be a reduction in density could change if that happens and that presents other issues. Ms. Pettit understood that the proposal is to access the site from up above through Mr. Fiat's property, and she was very concerned about any construction vehicle access on Norfolk because of the challenges of the street.

Planner Maloney stated that a condition of the plat approval requires that the construction easement agreements be finalized and submitted to the City prior to receiving building permits. This would insure that construction access is from King Road through the adjacent properties in the rear. Ms. Fiat stated that he has tried to do everything possible to minimize the impacts through the neighborhood and every neighbor who is adversely affected supports his proposal.

To address the concerns of accessory apartments, Planner Maloney noted that the Planning Commission has the option of a plat note stating that the structures should remain single family homes without any accessory or lock out units. Ms. Pettit stated that another concern is whether or not the homes could be used as nightly rentals. Planner Maloney replied that nightly rentals are permitted in the zone.

Commissioner O'Hara clarified that accessory apartment or nightly rental constraints are typically done on the plat rather than through a condition of the CUP. Planning Director Patrick Putt stated that it would be appropriate to establish a finding that speaks to the reason for a specific condition of approval.

Planner Maloney referred to Condition of Approval #6 and requested that the language "prior to plat recordation" be replaced with "prior to issuing a building permit". This revision was made based on a recommendation from the City Engineer.

Commissioner Sletten was not interested in regulating nightly use at this point, but he felt the issue of restricting accessory apartments could be addressed in a condition of approval. Mr. Fiat was not opposed to a plat note that restricts accessory apartments.

Polly Samuels McLean, Assistant City Attorney, stated that generally the City tries to steer away from plat notes that restrict these types of uses. It is more appropriate to make findings for a condition of approval. Ms. McLean noted that if the City Council adopts their recommendation, it will become part of the ordinance and the Building Department is very careful about reading all the conditions before they issue a building permit. Planner Maloney remarked that this property is also in the Historic District and the Planning Department would review any future plans for an amendment to the design. If there appears to be an accessory apartment, it would require a conditional use permit process.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the proposed Upper Norfolk subdivision according to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Staff report and subject to the amendments as discussed; the revision to Condition of Approval #6 to delete "plat recordation" and insert "issue of a building permit", and the addition of Condition of Approval #7 that would preclude accessory apartments. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 259-263 Norfolk Avenue

1. The property is located at 259-263 Norfolk Avenue.

2. Currently the property is platted as the "Upper Norfolk Condominiums",
3. There is an existing triplex structure located on the property.
4. The existing structure does not conform to the height and setback requirements of the HR-1 zoning district.
5. The applicant is proposing demolishing the existing structure.
6. The applicant is proposing vacating the existing "Upper Norfolk Condominiums" plat.
7. The applicant is proposing establishing three lots of record - identified on the proposed plat as Lot 1, Lot 2, and Lot 3.
8. Lot 1 and Lot 2 measure 40.67 feet by 69.15 feet and contain 281.33 square feet.
9. Lot 3 measures 39.98 feet at the front, 51.07 feet at the rear, 69.15 feet on the south side and 70.03 feet on the north side.
10. The proposed access to the lots is from Norfolk Avenue on the north side of the property.
11. The three proposed lots would share one driveway.
12. The proposed lots here for the purposes of building single family houses.
13. The proposed lots have slopes of greater than 30% and are subject to Conditional Use Permit, Construction on a steep slope review.
14. There is not sufficient area on the property to conduct construction staging.

Conclusions of Law - 259-263 Norfolk Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

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

Conditions of Approval - 259-263 Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The lots are to be used for the construction of single family houses.
4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
5. The construction easement agreements must be finalized and submitted to the city prior to receiving building permits.
6. A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issue of a building permit.

Chair O'Hara took this time to welcome Julia Pettit and Evan Russack, the new Planning Commissioners, and thanked them for their willingness to serve the City.

7. 3605 & 3615 Oakwood Drive - Plat Amendment

Planner Maloney reported that a plat amendment that was approved in July 2004 created a lot and a half from Lot 64 and half of Lot 63 in the Oaks Deer Valley Subdivision. This current proposal is to revert back to the originally platted lots within the subdivision for Lots 63 and 64. This would eliminate the lot and a half that was created in 2004. This item was presented to the Planning Commission on July 12, at which time there was some discussion regarding the reasoning behind the original approval. Planner Maloney had researched the minutes and found that the owner at that time wanted to create a lot and a half so he could build a larger house than what was allowed on Lot 64 alone. He had ownership of half of Lot 63 and combined with Lot 64 to make a lot and a half into one lot. That action increased the square footage of the house they could build per the CC&R's. Planner Maloney stated that the adjacent owners of the other half of Lot 63 and all of Lot

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 27, 2006**

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, July 27, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; David Maloney, Planner; Kirsten Whetstone, Planner; and Ben Davis, Planning Intern.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Resolution naming and honoring Sally Elliott as the Mayor's Choice for the 2006 Award in the Humanities – The Mayor read the resolution into the record and thanked Ms. Elliott for her many contributions to the community both as a former City Council member and current Summit County Commissioner.

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JULY 6, 2006 AND JULY 13, 2006

Roger Harlan, "I move approval of the work session notes and minutes of the meetings of July 6 and July 13, 2006". Candace Erickson seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Appointments to the Police Review and Complaint Committee – Mayor Williams recommended the reappointment of Jerry Bush, and appointments of Charles Neal and Coady Schueler for terms expiring July 2008.

VI CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance amending the Prospect Street Subdivision Plat, Park City, Utah (motion to continue to September 14, 2006) – The Mayor requested a motion to continue. Candace Erickson, "I so move". Roger Harlan seconded. Motion unanimously carried.

2. Continuation of a public hearing of an Ordinance approving a subdivision plat for 259-263 Norfolk Avenue, Park City, Utah – To better understand the action, Mayor

Williams noted that he and staff walked the property today. Dave Maloney explained that the condominium plat is being vacated. The owner intends to demolish the existing structure and establish three lots of record to construct three single family homes. The lots are on steep slopes and subject to a conditional use permit prior to the issuance of a building permit. Staff finds that the conceptual site plan proposed provides reasonable access from Norfolk Avenue. He added that the existing structure doesn't meet current HR-1 height and setback requirements and encroaches 18 feet into the Norfolk Avenue right-of-way. Because of the steep slope feature, the applicant has the ability to request a height increase but no increase in the floor area. At its meeting last night, the Planning Commission recommended approval with additional findings. Mr. Maloney distributed a revised ordinance and pointed out modifications and additions, including prohibition of accessory apartments. Mayor Williams relayed that this action relates to platting property, not designing structures.

Applicant Jerry Fiat stated that the existing structure encroaches on City right-of-way and he is proposing a 19 foot driveway where disturbance already exists. One driveway will serve three homes and is wide enough to accommodate trucks. He felt it is a benefit eliminating three units of density, removing a non-conforming structure, adding on-site parking which did not exist, and providing construction access from King Road at considerable expense. Additionally, he has agreed to prohibit accessory units. The disturbed area of the existing structure is greater than the net affect of new three structures and the driveway. There will be more green space.

Mr. Maloney added that it appears that the design of the driveway will retain the landscape berm and the conditional use process will finalize the design. Roger Harlan noted that a year ago, many Upper Norfolk Avenue residents were against this project. The applicant has done a good job of addressing neighborhood objections, but he is still concerned about construction impacts. Jerry Fiat discussed proposed construction phasing and staging on King Road.

Dave Maloney stated that he received a correspondence from an adjacent neighbor, Kevin King, who wrote that his letter is a formal notice of appeal if the plat is approved tonight and referenced LMC Section 15-7.34 which deals with road design requirements. Mr. Maloney pointed out that this section of the Code deals with new subdivisions and does not apply to this application.

The Mayor opened the public hearing, and hearing no input, closed the hearing.

3. Ordinance approving the Lot 5 April Mountain Subdivision Plat Amendment, located at 1315 Mellow Mountain Road, Park City, Utah – Ben Davis, Intern Planner, explained that the application is to adjust building pads by moving the lot further north, which will preserve natural landscaping. The Planning Commission forwarded a

positive recommendation. He explained limitations on the access road for construction of the driveway. The Mayor opened the public hearing, and closed it as there were no comments from the audience.

4. Ordinance approving the Kampai Plat Amendment, located at 586 Main Street, Park City, Utah – Ben Davis explained that the request is to combine Lot 22, Lot 24 and a metes and bounds parcel into one lot of record. There is an existing historic building where the Kampai Restaurant operates. There is no impact on the pedestrian walkway easement in the area, and there are no objections by neighboring owners. The Planning Commission forwarded a positive recommendation. The Mayor opened the public hearing. There was no public input and the hearing was closed.

5. Ordinance approving a plat amendment for Lots 63 and 64, The Oaks at Deer Valley, located at 3615 and 3605 Oakwood Drive, Park City, Utah – Planner Dave Maloney explained that Lots 62, 63 and 64 were owned by two separate parties and in 2004, a plat amendment was approved to combine Lot 64 and half of Lot 63, although the property owners of the other half of Lot 63 and Lot 62 felt that they didn't receive proper notice. The plat amendment proceeded and a lot and a half was created and there was a verbal agreement between the parties that Lot 63 would remain open space. The owners of Lot 64 and half of Lot 63 could have increased the size of the residence by 150% with the lot combination. Since that time, the owners of Lot 62 and half of Lot 63 have purchased the other half of Lot 63 and Lot 64, and are requesting to revert to the way the lots were originally platted in 1989. All three lots are still vacant, the ownership is under one party, and approval eliminates remnant parcels.

The Mayor opened the public hearing and with no comments, closed the public hearing.

VII CONSENT AGENDA

Jim Hier, "I move we approve Consent Agenda Items 1 through 5". Roger Harlan seconded. Motion unanimously carried.

1. Ordinance approving a subdivision plat for 259-263 Norfolk Avenue, Park City, Utah – See staff report and public hearing.

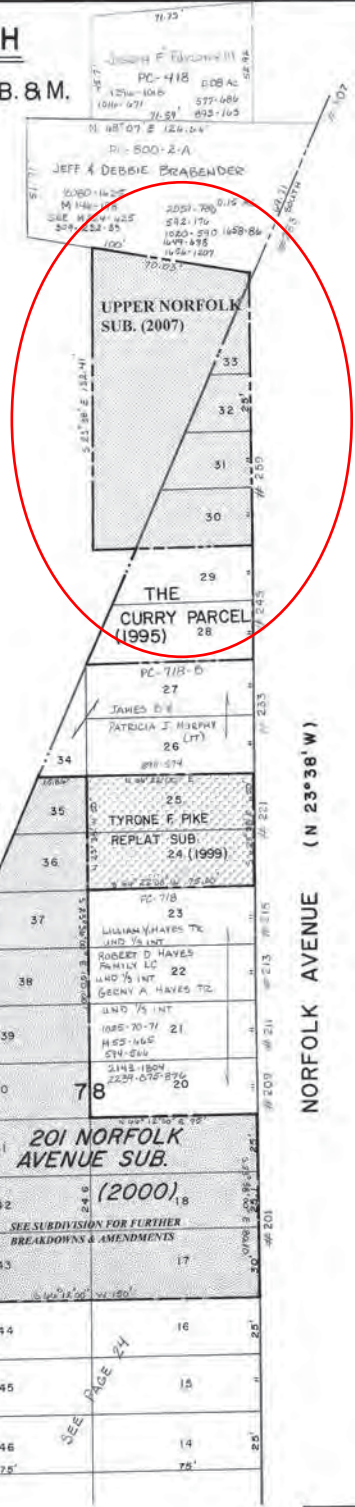
2. Ordinance approving the Lot 5 April Mountain Subdivision Plat Amendment, located at 1315 Mellow Mountain Road, Park City, Utah - See staff report and public hearing.

3. Ordinance approving the Kampai Plat Amendment, located at 586 Main Street, Park City, Utah - See staff report and public hearing.

Exhibit G – Original Lot Configuration

SUMMIT COUNTY UTAH

PARK CITY - BLOCK 78 LOTS (14-46), SECTION 16, T2S R4E, S.L.B. & M.



NOTE: # REFERS TO STREET ADDRESS

SCALE
ONE INCH 40 FEET

SALT LAKE BLUE 10/13/14

Exhibit H – Public Comments

March 18, 2015

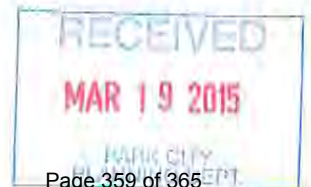
Dear Francisco Astorga and the Planning Board,

Thirty-two years ago, Don and Betty Holbrook built their house at 238 Upper Norfolk Street. It is now owned by Michael Kaplan. The same contractors renovated 244 Upper Norfolk Street, which is owned by Edward DeSisto. Part of the construction involved erecting a retaining wall, which was approved and later inspected by the city. (The city issued an encroachment permit, a copy of which is included with this letter.) This wall was built with the intent of providing parking spaces for the residents of 238 and 244 Upper Norfolk Street. The city has allowed both owners to post signs which read, "The parking along the wall is reserved for 238 and 244 Norfolk Street." Over the years we have made improvements to the wall, including a red sandstone rock face, and maintained the landscape behind the wall.

Jerry Fiat is the owner of three lots on the uphill side of Upper Norfolk, beyond one end of the retaining wall. One of Jerry Fiat's early plans was to create an ingress and egress by cutting down half of the wall, which is on a 30-degree slope. The Planning Department has previously rejected the plan. We are concerned that the new proposals may try to do the same as the first plan. We would like to have assurance that the retaining wall will not be disturbed.

The construction mitigation for this project is a real concern for the whole neighborhood. We would like to see a plan that includes the following:

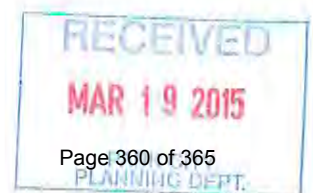
- 1) There would be no contractor parking on the street where the residents normally park. A carpool plan for the contractors would be helpful.
- 2) Construction vehicles would not impede the flow of traffic along the street. Of special concern is the ready access for emergence vehicles.
- 3) Residents would have the authority to have vehicles fined and/or towed that are in violation.
- 4) City inspectors and police and police would monitor their compliance.
- 5) There should be a detailed construction mitigation plan.



The residents of Upper Norfolk wish to maintain the historic, mountainous nature of the neighborhood and we trust your leadership will follow the spirit of the Park City Municipal Code.

Thank you,

Edward DeSisto
244 Upper Norfolk Street



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

4442000

REQUEST OF Park City Municipal

FEE \$ D.H. ALAN SPENCER, CLERK CO. RECORDER

RECORDED 7-9-94 at 9:10 M

ENCROACHMENT PERMIT
 236,238, 240 UPPER NORFOLK AVENUE
 DONALD B. HOLBROOK, BETTY J. HOLBROOK
 AND DEBRA PACK

INDEXED: _____
 GRANTOR: _____
 GRANTEE: _____
 RELEASED: _____
 ABSTRACTED: A 125
 STAMPED: _____

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION ("City") AND DONALD B. and BETTY J. HOLBROOK and DEBRA PACK ("Owners") to set forth the terms and conditions under which the City will permit the Owners to build certain improvements to their lots within the right-of-way at 236-238, 240, Upper Norfolk Avenue, Park City, Utah. Subject to the following terms and conditions of this Agreement, Owners shall have the right to construct and maintain a retaining wall to support a driveway and parking area within the platted right-of-way

1. This Encroachment Agreement shall be appurtenant to the following described property:

✓ Lots 21, 22 and 23, Block 29 Park City Survey (Upper Norfolk Avenue).

This Agreement is not transferrable to other property, but is freely transferrable with the title to these lots. The license and conditions as stated in the Agreement, are binding on the successors in title or interest of Owners.

2. The improvements permitted within the street right-of-way for Upper Norfolk Avenue shall consist of a concrete retaining wall of a design approved by the City as being structurally sufficient to retain the earth and the loadings that are reasonably anticipated. The extent of the encroachment is shown on plans approved by the City in conjunction with construction on the Holbrook-Pack property.

3. Although it is not currently planned, and somewhat unlikely because of the expense involved, the

BOOK 306 PAGE 561-565

(# 1)

City may, at some future date, elect to make improvements to Upper Norfolk Avenue at this location and widen the street to the full width of the right-of-way for Upper Norfolk Avenue. To the extent that any street improvements require the removal, relocation, replacement, and/or destruction of the improvements the Owners may have built within the right-of-way, the Owners waive any right to compensation for the loss of the use of the street right-of-way and/or any change in the grade and elevation of the street. This waiver of compensation, in the event the improvements are removed for street widening purposes, is the consideration given for the granting of this encroachment permit.

4. Prior to widening the street in a manner that will require the removal or relocation of the improvements, the City will give the Owners thirty (30) days notice, in which time the Owners shall make adjustments and remodel the access to the lots necessary to accommodate the changes in the street width and/or grade at Owners' cost.

5. No permanent right, title, or interest of any kind shall vest in the Owners in the street right-of-way by virtue of this Agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

6. The Owners or their successors shall maintain the retaining wall in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections of the wall. The Owners agree to hold the City harmless and indemnify the City for any and all claims which might arise from third parties who

BOOK 306 PAGE 562

are injured as a result of the Owners' use of the right-of-way for private purposes, or from the failure of the Owners' improvements.

7. This Agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owners or their successors.

Dated this 5th day of July, 1984.

PARK CITY MUNICIPAL CORPORATION

John C. Green, Jr.
Mayor John C. Green, Jr.

ATTEST:

William R. Gasthousen
City Recorder



Donald B. Holbrook
Donald B. Holbrook

Betty J. Holbrook
Betty J. Holbrook

Debra Pack
Debra Pack

BOOK 306 PAGE 563

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On the 7 day of July, 1984, personally appeared before me JOHN C. GREEN, JR. and WILLIAM R. GATHERUM, who being duly sworn did say, each for themselves, that he the said John C. Green, Jr. is the Mayor and he, the said William R. Gatherum is the City Recorder of PARK CITY MUNICIPAL CORPORATION, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its City Council, and they duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Thomas E. Chase
Notary Public
Residing at Park City, Utah



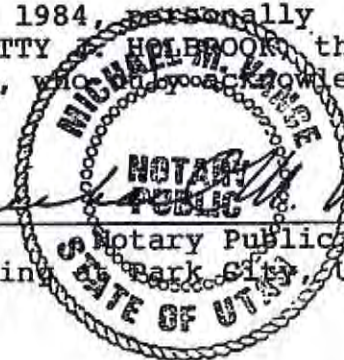
My Commission Expires:

Oct 17, 1986

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On the 2nd day of July, 1984, personally appeared before me DONALD B. and BETTY S. HOLEBROOK, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Michael M. Vance
Notary Public
Residing at Park City, Utah



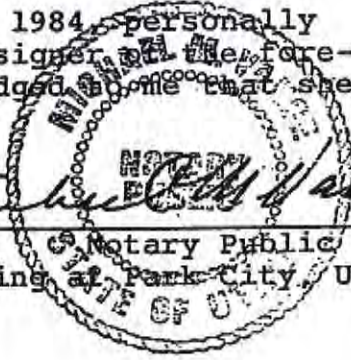
My Commission Expires:

6/18/88

BOOK 306 PAGE 564

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On the 2nd day of July, 1984, personally appeared before me DEBRA PACK, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.


Michael E. Hance
Notary Public
Residing at Park City, Utah

My Commission Expires:
6/18/88

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