

Ordinance No. 08-50

**AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE JUPITER VIEW ESTATES SUBDIVISION APPROVAL LOCATED AT 1376 MELLOW MOUNTAIN DRIVE AND ONE EAGLE WAY SOUTH, SECTION 8 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, UTAH**

WHEREAS, the owner of the properties known as Lot 11 Hearthstone Subdivision and the Taber Parcel petitioned the City Council for approval of a two lot subdivision plat to be known as Jupiter View Estates; and

WHEREAS, the property includes the 6.63 acre Taber parcel and Lot 11 amended Hearthstone Subdivision and is generally located at 1376 Mellow Mountain Road and 1 Eagle Way South, north of the April Mountain Subdivision, south of the Aerie Subdivision, and east of the Hearthstone Subdivision; and

WHEREAS, the property is located in the E (Estate) zoning district and is also located within the SLO (Sensitive Lands Overlay); and

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

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

WHEREAS, the Planning Commission, on November 14, 2007, forwarded a positive recommendation on the subdivision plat to the City Council; and

WHEREAS, on November 29, 2007, the City Council held a public hearing to receive input on the proposed subdivision and approved the Jupiter View Estates Subdivision plat; and

WHEREAS, on October 27, 2008, the Applicant submitted an application and request for a one year extension of approval to allow additional time to complete the utility plans and record the plat; and

WHEREAS, on December 11, 2008, the City Council held a public hearing to receive input on the proposed plat approval extension;

WHEREAS, it is in the best interest of Park City, Utah to approve the request for a one year extension of approval for the Jupiter View Estates Subdivision plat as no person will be materially harmed and the health, safety, and general welfare of the public is not adversely affected by the subdivision.

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

**SECTION 1. APPROVAL.** A one year extension of approval of the Jupiter View Estates Subdivision is hereby approved as shown on the plat (Exhibit A) and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

Findings of Fact

1. The property is located in the E, Estate, zoning district and is within the SLO, Sensitive Lands Overlay.
2. The property consists of the 6.63 acre Taber parcel and Lot 11 amended Hearthstone Subdivision and the owner is requesting a subdivision of the Taber parcel to create two single family lots and to provide access, utility and trail easements across Lot 11 of the amended Hearthstone Subdivision. There is an existing single family house on Lot 11 and no subdivision of Lot 11 is requested.
3. Lot One is proposed to contain 3.57 acres and Lot Two is proposed to contain 3.06 acres.
4. Access from Mellow Mountain Road to Lots One and Two is provided via a private access easement across Lot 11 of the Hearthstone Subdivision.
5. At the time of the subdivision plat review the Planning Commission reviewed a Sensitive Lands Analysis for the property that included an analysis of steep slope areas, wetlands, stream corridors, vegetation identification, wildlife habitat, ridge line areas, entry corridors, and visual analysis from LMC vantage points.
6. The building pad for Lot 1 is located in the southern portion of the lot. The building pad for Lot 2 is located in the southern portion of the lot. Approximate location of the building pads are identified on the plat and limited to 8,000 sf in area per lot. A maximum Limits of Disturbance area of 16,000 sf per lot is stipulated by the SLO requirements. The entire house, foundation, construction disturbance, landscaping, and accessory structures shall be located within this disturbance area.
7. The property consists of slopes ranging from 0% to over 40% slope.
8. There are areas of 40% or greater slopes along Mellow Mountain Road. However, these areas do not meet the LMC requirement of Section 15-2.21-4 (A) that they cover a topographic area of at least 25' vertically and 50' horizontally. Therefore, they do not meet the definition of a Very Steep Slope and are not subject to the prohibitions identified in the Section. The proposed driveway crosses this area of 40% slope.
9. The proposed density of 2 single family dwellings for the 6.63 acre Taber parcel is consistent with and complies with requirements of the Estate zoning district.
10. The applicant submitted a preliminary visual analysis of the property from LMC designated vantage points. The property is visible from the PCMR bus stop vantage point. To ensure compliance with the intent of the SLO to minimize visual impacts of development within the SLO area, a site and house specific visual analysis will be necessary at the time of the building permit submittal to review the proposed building design for compliance with the SLO in terms of colors, materials, building and roof form, height, stepping, and orientation on the lot.
11. The proposed driveway is approximately 500' in length. Limiting the width and



- grading of this driveway to the minimums necessary for a safe and functional driveway will mitigate the visibility of the disturbance area.
12. The applicant submitted a fire protection plan to address fire and emergency access given the length of the driveway and location of the lots within the Wildland interface zone. Plat notes regarding specifics of this plan are necessary to ensure compliance with the plan.
  13. A public trail easement is identified on the plat within the 50' non-exclusive power line easement and within Lot 11 amended Hearthstone Subdivision.
  14. All existing and proposed utilities, access drives, trails, public and circulation areas for emergency vehicles will be located within approved easements to be reviewed and approved by the City Engineer prior to plat recordation.
  15. Mellow Mountain Road is not a dedicated street in this area.
  16. A construction mitigation plan will be necessary to address construction issues before any building permits are issued.
  17. Areas of Steep Slopes and Very Steep Slopes have been identified on the property. The proposed building pads are located 50' away from Very Steep Slopes.
  18. The property is located outside the City's Soils Ordinance District. A geotechnical report was submitted with the subdivision plat application and makes recommendations regarding placement of foundations with respect to an existing mine tunnel.
  19. The subdivision plat identifies the driveway location, limits of disturbance areas, building pads, and appropriate setbacks from property lines consistent with the Land Management Code in terms of the Estate zoning district and the SLO regulations. The driveway location and proposed easements are consistent with conditions of approval of the Hearthstone Subdivision.

#### Conclusions of Law:

1. There is good cause for an extension of approval.
2. The subdivision plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the approved subdivision plat and the one year extension approval.
4. Approval of the subdivision plat and one year extension, 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. City Attorney and City Engineer review and approval of the final form and content of the final subdivision plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to recording the plat. The name of the subdivision has been identified as the Jupiter View Estates Subdivision.
2. No remnant lots will be created as a result of this subdivision.
3. The applicant will record the final subdivision plat at Summit County by November 29, 2009.

4. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits for the Jupiter View Estates Subdivision. The construction mitigation plan shall include a re-vegetation plan for re-vegetation of all disturbed areas that remain after utility, road, house, and trail construction. All sensitive areas and significant vegetation shall be identified on the CMP and protected during construction. The method for protecting these areas shall be included on the CMP.
5. All existing mine tunnels and shafts on the Taber parcel shall be reviewed by the City at the time of building permit issuance and all required mitigation/reclamations shall occur prior to permit issuance.
6. A financial guarantee for any and all public improvements, including trails, in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer shall be in place as a condition precedent to plat recordation and issuance of building permits.
7. Utility and access easements in a form approved by the City Engineer and City Attorney shall be dedicated on the plat, or by separate document and simultaneously recorded with the plat.
8. The City does not provide snow removal from the private driveway to Lots 1 and 2.
9. As a condition precedent to plat recordation the City Engineer shall have approved the final utility plans, including storm water detention plans and grading plans for the driveway, including retaining walls. No building permits shall be issued until the plat is recorded and any public improvements are substantially complete or otherwise financially secured.
10. As a condition precedent to issuance of any building permits, the Chief Building Official shall conduct a final assessment and grant approval of the fire protection plan for construction of single family houses on Lots 1 and 2. A note shall be added to the plat stating that modified 13-D fire residential fire sprinklers are required for all new construction and no wood roofs are allowed.
11. As a condition precedent to plat recordation, the Snyderville Basin Water Reclamation District shall have approved the utility plan and signed the subdivision plat.
12. As a condition precedent to building permit issuance, a site-specific visual analysis shall be conducted by the lot owner and presented to the Planning Department with the building permit plans. The site-specific visual analysis shall demonstrate that the house, any accessory buildings, and driveway construction are in compliance with the Sensitive Lands Ordinance and visual impacts, in terms of building height, building and roof form, stepping, orientation on the lot, colors, and materials, have been mitigated. The allowable building height may be reduced to 28' pending results of the house specific SLO visual analysis. The intent of the final visual analysis is to ensure that the house is not visually obtrusive from LMC Vantage points, including the PCMR bus stop.
13. As shown on the plat, public trail easements on Lots 1 and 2 as well as on Lot 11 amended Hearthstone Subdivision, are dedicated to the public by recordation of the plat.
14. A note shall be added to the plat indicating that a landscape plan for Lots 1 and

- 2 shall be submitted for review and approval by the Planning Department prior to issuance of a building permit. The plan shall address water conservation in both plantings and irrigation methods and no landscaping shall extend beyond the limits of disturbance areas (LOD).
15. A note shall be placed on the plat indicating that the maximum building envelope, for each house on Lots 1 and 2 is 8,000 sf. In addition, all disturbances for the house, any accessory structures, and landscaping shall be contained by a 16,000 sf LOD area to be delineated on the site plan at the time of building permit issuance. Driveways and utility disturbance are addressed in a separate condition below.
  16. A plat note shall indicate that a min. of 15' is required between a foundation and the LOD fence.
  17. A note shall be placed on the plat indicating that the limits of disturbance for the driveways and utilities shall be restricted to only the area necessary for construction of functional and safe driveways and in order to minimize disturbance. In no case shall the total disturbance area (including all construction disturbances) for the two houses, landscaping, driveways, and utilities exceed 25% of the Steep Slope areas as depicted on the Slope Analysis Sheet C101. This total area is approximately 78,700 sf. Landscaping along the driveways is included within this total disturbance area figure.
  18. All standard project conditions shall apply to this development.
  19. At the time of building permit issuance for the two houses and all related construction and landscaping, the applicant must demonstrate that 75% of the steep slope areas (15-40% slope) will remain open and undisturbed.
  20. All conditions of approval of the amended Hearthstone Subdivision, as they relate to Lot 11, continue in full force and effect.
  21. Landscaping of the retaining walls for the driveway shall be approved by the City Arborist and shall provide materials appropriate to screen and soften the walls.

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

PASSED AND ADOPTED this 11th day of December, 2008.

PARK CITY MUNICIPAL CORPORATION

  
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Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:


  
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Mark D. Harrington, City Attorney





EXHIBIT B

JACK JOHNSON  
ATTORNEY AT LAW

MEMORANDUM

TO: Kirsten Wetstone

FROM: James Willis

DATE: August 28, 2008

RE: Extension for Jupiter View Estates Subdivision council approval

Kirsten,

We would like to request a 12 month extension on the Jupiter View Estates Subdivision council approval that was granted on November 29, 2007 and is set to expire in November 2008. We are currently still working on the utilities for the projects and require additional time to complete the design and receive the approval from the required governmental agencies.

Respectfully



James Willis



**Ordinance No. 08-49**

**AN ORDINANCE AMENDING TITLE 5, GOVERNMENT RECORDS  
ACCESS AND MANAGEMENT ACT, OF THE MUNICIPAL  
CODE OF PARK CITY, UTAH**

WHEREAS, the Utah State Legislature enacted the Government Records Access and Management Act which became effective as of July 1, 1992; and

WHEREAS, this Act provides that each political subdivision may adopt an ordinance relating to the information practices and records retention, amendment, management, classification, designation, and access and denial of access, including an appeal procedure; and

WHEREAS, Park City adopted Ordinance No. 92-15 establishing a Government Records Access and Management Program and codifying said program as Title 5 of the Municipal Code of Park City, Utah, in addition to providing for future flexibility in amendment; and

WHEREAS, in 2008 the Utah State Legislature renumbered and amended the chapter known as the Government Records Access and Management Act. Accordingly, this Ordinance provides for amendments of Title 5 of the Park City Municipal Code in correlation with the state code amendments; and

WHEREAS, the City Council deems it in the best interest of Park City to amend Municipal Code Title 5 in order to be in compliance and consistent with the requirements of the state code.

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

SECTION 1. AMENDMENT TO TITLE 5 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY. Title 5 is hereby amended to read as outlined in attached Exhibit A.

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

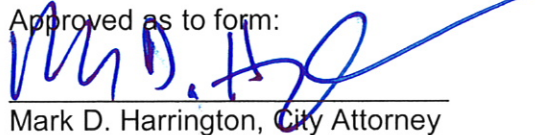
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney



## EXHIBIT A

### PARK CITY MUNICIPAL CODE

### TITLE 5 - GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

#### CHAPTER 1 - IN GENERAL

##### 5- 1- 1. SHORT TITLE.

This Title is known as the "Park City Government Records Access and Management Act".

##### 5- 1- 2. PURPOSE AND INTENT.

In enacting this act, the City recognizes two fundamental constitutional rights: the right of privacy in relation to personal data gathered by the City; and the public's right of access to information concerning the conduct of the public's business. The City also recognizes a public policy interest in restricting access to certain records, as specified in this Title for the public good.

It is the intent of the City to:

- (A) Establish fair and efficient management practices for City records.
- (B) Promote the public's right of easy and reasonable access to unrestricted public records.
- (C) Permit confidential treatment of records only as provided in this Title.
- (D) Provide guidelines for both disclosure and restrictions on access to City records, based on the equitable weighing of the pertinent interests and which are consistent with the nationwide standards.
- (E) Favor public access when in the application of this Title countervailing interests are of equal weight.

##### 5- 1- 3. DEFINITIONS.

- (A) **AUDIT**. A systematic examination of financial and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws or regulations; or, a systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.
- (B) **CHRONOLOGICAL LOGS**. Regular and customary summary of records of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire, and paramedic calls made to the agency and any arrests or jail bookings made by the agency.
- (C) **CLASSIFICATION, CLASSIFY AND THEIR DERIVATIVE FORMS**. Determining whether a record series, record, or information within a record is public, private, controlled, or protected, or exempt from disclosure under U.C.A. Section 63G-2-201(3)(B).

(D) **COMPUTER PROGRAM**. A series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not mean the original data, including numbers, text, voice, graphics, and images; analysis, compilation, and other manipulated forms of the original data produced by the use of the program; or the mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

(E) **CONTRACTOR**. Any person who contracts with a governmental entity to provide goods or services directly to the City; or any private, nonprofit organization that receives funds from the City. Contractor does not mean a private provider.

(F) **CONTROLLED RECORD**. A record containing data on individuals that is controlled as provided in Section 5-3-5 of this Title.

(G) **DESIGNATION, DESIGNATE, AND THEIR DERIVATIVE FORMS**. Indicating, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

(H) **GROSS COMPENSATION**. Every form of enumeration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

(I) **INDIVIDUAL**. A human being.

(J) **INITIAL CONTACT REPORT**. An initial written or recorded report, however titled, prepared by peace officers, engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the apparent discovery of an apparent violation of the law, which report may describe:

- (1) the date, time, location, and nature of the complaint, the incident or offense;
- (2) names of victims;
- (3) the nature or general scope of the agency's initial actions in response to the incident;
- (4) the general nature of any injuries or estimate of any damages sustained in the incident;
- (5) the name, address, and other identifying information about any person arrested or charged in connection with the incident;
- (6) the identity of the public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

- (K) **PERSON**. Any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization.
- (L) **PRIVATE PROVIDER**. Any person who contracts with the City to provide services directly to the public.
- (M) **PRIVATE RECORD**. A record containing data on individuals that is private as provided by Section 5-3-3 of this Title.
- (N) **PROTECTED RECORD**. A record that is classified as protected as provided by Section 5-3-7 of this Title.
- (O) **PUBLIC RECORD**. Any record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Section 5-3-1 of this Title.
- (P) **RECORD**. All books, letters, documents, papers, maps, plans, photographs, films, cards, tapes recording or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City. Record does not mean:
- (1) temporary drafts or similar materials prepared for the originator's own use or for the use of an individual for whom the originator is working;
  - (2) materials that are legally owned by an individual in her or his private capacity;
  - (3) materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;
  - (4) proprietary software
  - (5) junk mail or other commercial publications received by the City or an official or an employee of the City;
  - (6) books and other materials that are catalogued, indexed, or inventoried and contained in the collections of libraries open to the public, regardless of physical form or characteristics of the material;
  - (7) daily calendars and other personal notes prepared for the personal use of the originator or for the personal use of an individual for whom she or he is working; or
  - (8) computer programs that are purchased or developed by the City for its own use;
  - (9) notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary, an administrative law judge, a member of the Board of Pardons, or member of any other body charged with performing a quasi-judicial function.
- (Q) **RECORD SERIES**. A group of records that may be treated as a unit for purposes of designation, description, management or disposition.
- (R) **STATE ARCHIVES**. The Division of Archives and Records Service created in U.C.A.

Section 63G-12-101.

(S) **SUMMARY DATA.** Statistical records and compilations that contain data derived from private, controlled, or protected information but do not disclose private, controlled, or protected information.

#### **5- 1- 4. RECORDS CLASSIFICATION AND DESIGNATION.**

The City shall evaluate all record series that it uses or creates and designate those record series as provided by this Title. The City shall report the designation of its record series to the State Archives. A record, record series or information within a record may be classified at any time, but the City is not required to classify a particular record, record series or information until access to the record is requested. A record, record series or information within a record series may be reclassified or redesignated at any time.

### **CHAPTER 2. PUBLIC RECORDS AND THEIR DISCLOSURE**

#### **5- 2- 1. RIGHT TO INSPECT AND COPY RECORDS.**

Every person has the right to inspect a public record free of charge and the right to take a copy of a public record during normal working hours, subject to the payment of costs and pursuant to Chapter 8 of this Title. All records are public unless otherwise expressly provided by this Title or state or federal law or regulation.

#### **5- 2 -2. PUBLIC RECORDS.**

The list of public records in this section is not exhaustive and should not be used to limit access to records. The following records are public:

- (A) Laws and ordinances;
- (B) Names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, number of hours worked per pay period, dates of employment and relevant education, previous employment, and similar job qualification of the City's former and present employees and officers, excluding undercover law enforcement personnel or investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;
- (C) Final opinions, including concurring and dissenting opinions, and orders that are made by the City in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, protected, or controlled.
- (D) Final interpretations of statutes or rules by the City unless classified as protected under this Title.
- (E) Information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of the City as provided by U.C.A. Section 52-4, Open and Public Meetings, including the records of all votes of each member of the City Council;
- (F) Judicial records unless a court orders the records to be restricted under the rules of civil



or criminal procedure or unless the records are private under this Title.

(G) Records filed with or maintained by City and County Recorders, clerks, treasurers, surveyors, zoning commissions, or other governmental entities that give public notice of:

- (1) title or encumbrances to real property;
- (2) restrictions on the use of real property;
- (3) the capacity of persons to take or convey title to real property; or
- (4) tax status for real or personal property.

(H) Data on individuals that would otherwise be private under this Title if the individual who is the subject of the record has given the City written permission to make the record available to the public;

(I) Documentation of the compensation the City pays to a contractor or private provider; and

(J) Summary data.

### **5 -2 -3. PUBLIC RECORDS UNLESS EXEMPTED.**

The following records are normally public unless they are expressly exempt from disclosure under Subsection 5-3-1(B), or Section 5-3-3, 5-3-5, or 5-3-7:

- (A) Administrative staff manuals, instructions to staff, and statements of policy;
- (B) Records documenting a contractor's or private provider's compliance with the terms of a contract with the City;
- (C) Records documenting the services provided by a contractor or private provider to the extent the records would be public if prepared by the City;
- (D) Contracts entered into with the City;
- (E) Any account, voucher, or contract that deals with the receipt or expenditure of funds by the City;
- (F) Chronological logs and initial contact reports;
- (G) Correspondence by and with the City in which the City determines or states and opinion upon the rights of the State, a political subdivision, the public, or any person;
- (H) Empirical data contained in drafts if the empirical data is not reasonably available to the requester elsewhere in similar form and the City is given a reasonable opportunity to correct any errors or make non-substantive changes before release;
- (I) Original data in a computer program if the City chooses not to disclose the program;
- (J) Arrest warrants after issuance, except that, for good cause, a court may order restricted

access to arrest warrants prior to service;

(K) Search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;

(L) Records that would disclose information relating to formal charges or disciplinary actions against a past or present employee if the disciplinary action has been completed and all time periods for administrative appeal have expired and the formal charges were sustained;

(M) Final audit reports;

(N) Business licenses;

(O) A notice of violation or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline.

### **CHAPTER 3. NON-PUBLIC RECORDS AND THEIR DISCLOSURE**

#### **5- 3- 1. RECORDS THAT ARE NOT PUBLIC.**

The following records are not public:

(A) Records that are appropriately classified private, controlled, or protected as allowed by Sections 5-3-3, 5-3-5 and 5-3-7 of this title.

(B) Records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.

(C) Only those records specified in Sections 5-3-3, 5-3-5, and 5-3-7 may be classified private, controlled, or protected.

#### **5- 3- 2. DISCLOSURE OF RECORDS THAT ARE NOT PUBLIC.**

The City may not disclose a record that is private, controlled, or protected to any person except as provided below:

(A) Before releasing a private, controlled, or protected record, the City shall obtain evidence of the requester's identity.

(B) The City may disclose a private, controlled, or protected record to another governmental entity only as provided by U.C.A. Section 63G-2-206.

(C) The City shall disclose or authorize disclosure of private or controlled records for research purposes only as provided by U.C.A. Section 63G-2-202(8).

(D) Under Section 5-5-4, the City Council may require the disclosure of records that are private under Section 5-3-3, controlled under Section 5-3-5, or protected under Section 5-3-7 to persons other than those specified in this section.

(E) Under U.C.A. Sections 63G-2-404(8) and 63G-2-202(7), a court may require the disclosure of records that are private under Section 5-3-3, controlled under Section 5-3-5, or protected under Section 5-3-7 to persons other than those specified in this section.

(F) The City may, at its discretion, disclose records that are private under Section 5-3-3 or protected under Section 5-3-5 to persons other than those specified in this Title if the City Council or a designee determines that there is no interest in restricting access to the record, or that the interests favoring access outweigh the interest favoring restriction of access.

(G) The specific provisions of the statute, rule, or regulation govern the disclosure of records to which access is mandated pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is mandated or limited as a condition of participation in a state or federal program or for receiving state or federal funds.

### **5- 3- 3. PRIVATE RECORDS.**

The following records are private:

(A) Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

(B) Records containing data describing individuals' medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

(C) Records of publicly funded libraries that when examined alone or with other records identify a patron;

(D) Records concerning a current or former employee of, or applicant for employment with the City that would disclose the individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;

(E) Records concerning a current or former employee of, or applicant for employment with the City, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Section 5-2-2(B) or 5-2-3(A).

(F) Records describing an individual's finances, except that the following are public:

(1) Records described in Section 5-2-2;

(2) Information provided to the City for the purpose of complying with a financial assurance requirement; or

(3) Records that must be disclosed in accordance with another statute

(G) Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.

(H) Information obtained through a criminal background check under Utah Code Title 11, Chapter 40.

(H) Records provided by the United States or a governmental entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

#### **5- 3- 4. DISCLOSURE OF PRIVATE RECORDS.**

Upon request the City shall disclose a private record to:

- (A) the subject of the record;
- (B) the parent or legal guardian of an unemancipated minor who is the subject of the record;
- (C) the legal guardian of any legally incapacitated individual who is the subject of the record;
- (D) any other individual who;
  - (1) has a power of attorney from the subject of the record; or
  - (2) submits a notarized release from the subject of the record or from her or his legal representative dated no later than ninety (90) days before the date the request is made; or
  - (3) any person to whom the record must be provided pursuant to court order.

#### **5- 3- 5. CONTROLLED RECORDS.**

Records are classified as controlled by the City when the record contains medical, psychiatric, or psychological data about an individual and the City reasonably believes that:

- (A) releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or the safety of any individual;
- (B) releasing the information would constitute a violation of normal professional practice and medical ethics.

#### **5- 3- 6. DISCLOSURE OF CONTROLLED RECORDS.**

Upon request, the City shall disclose a controlled record to:

- (A) a physician, psychologist, or certified social worker upon submission of a notarized release from the subject of the record that is dated no more than ninety (90) days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information as provided by Subsection (C).
- (B) any person to whom the record must be disclosed pursuant to court order.
- (C) a person who receives a record from the City in accordance with Subsection (A) above may not disclose the controlled information to any person, including the subject of the record. If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to

inspect.

### **5- 3- 7. PROTECTED RECORDS.**

The following records are classified as protected by the City:

- (A) Trade secrets, as defined in U.C.A. Section 13-24-2, if the person submitting the trade secret has provided the City with the information specified in U.C.A. Section 63G-2-309 for business confidentiality claims.
- (B) Commercial information or non-individual financial information obtained from a person if:
  - (1) Disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the City to obtain necessary information in the future;
  - (2) The person submitting the information has a greater interest in prohibiting access than the public has in obtaining access; and
  - (3) The person submitting the information has provided the City with the information specified in U.C.A. Section 63G-2-309.
- (C) Commercial or financial information acquired or prepared by the City to the extent that a disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the City or cause substantial financial injury to the City or cause financial injury to the State economy;
- (D) Test or interview questions and answers to be used in future license, certification, registration, employment or academic examinations;
- (E) Records the disclosure of which would impair governmental procurement or give an unfair advantage to any person proposing to enter into a contract or agreement with the City, except that this subsection does not restrict the right of a person to see bids submitted to or by the City after bidding has closed;
- (F) Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:
  - (1) Public interest in obtaining the information outweighs the City's need to acquire the property on the best terms possible;
  - (2) The information has already been disclosed by persons not employed by or under a duty of confidentiality to the City; or
  - (3) In the case of records that would identify property described, potential sellers of the property have already learned of the City's plans to acquire the property;
  - (4) In the case of records that would identify the appraisal or estimated value of the property, the potential sellers have already learned of the City's estimated value of the property;



(G) Records prepared in contemplation of sale, lease, exchange, rental, or other contemplated transaction of real or personal property, including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property unless:

(1) The public interest in access outweighs the interest in restricting access, including the City's interest in maximizing the financial benefit of the transaction; or

(2) When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have been disclosed to persons not employed by or under a duty of confidentiality to the City;

(H) Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification or registration purposes if release of the records:

(1) reasonably could be expected to interfere with investigations undertaken for discipline, licensing, certification, or registration purposes;

(2) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

(3) would create a danger of depriving a person of a right to a fair trial or impartial hearing;

(4) reasonably could be expected to disclose the identity of a source who is not generally known outside of the government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if the disclosure would compromise the source; or

(5) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(I) Records the disclosure of which would jeopardize the life or safety of an individual;

(J) Records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental record-keeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

(K) Records the disclosure of which would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision or an offender's incarceration, treatment, probation, or parole;

(L) Records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(M) Records prepared by or on behalf of the City solely in anticipation of litigation that are not available under the rules of discovery;

- (N) Records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the City concerning litigation;
- (O) Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in U.C.A. Section 78B-1-137;
- (P) Drafts, unless otherwise classified as public;
- (Q) Records concerning the City's strategy concerning collective bargaining or pending litigation;
- (R) Records of investigations of loss occurrences and analyses of loss occurrences;
- (S) Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
- (T) Records that contain the location of historic, prehistoric, or biological resources that if known would jeopardize the security of those resources or the security of valuable cultural, historic, scientific, or educational information;
- (U) Records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
- (V) Records provided by the United States or a governmental entity outside the State that are given to the City with the requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- (W) Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in U.C.A. Section 52-4-7 of the Open and Public Meetings Act;
- (X) Records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- (Y) Memorandum prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons, or a member of any other body of law charged by law with performing a quasi-judicial function; and
- (Z) Records that would reveal negotiations regarding assistance or incentives offered by or requested from the city for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the city at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract; and
- (AA) Materials to which access must be limited for purposes of securing or maintaining the City's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets.

#### **5- 3- 8. DISCLOSURE OF PROTECTED RECORDS.**

Upon request the City shall disclose a protected record to:

- (A) The person who submitted the record;
- (B) Any other individual who:
  - (1) has a power of attorney from all persons and governmental entities whose interest were sought to be protected by the protected classification;
  - (2) submits a notarized release from all persons and governmental entities whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than ninety (90) days prior to the date the request was made; or
- (C) Any other person to whom a record must be provided pursuant to a court order.
- (D) The City shall provide a person with a copy of the record if the person:
  - (1) has a right to inspect it;
  - (2) identifies the record with reasonable specificity; and
  - (3) pays the lawful fees.

**5-3- 9. CONFIDENTIAL TREATMENT OF RECORDS FOR WHICH NO EXEMPTION APPLIES.**

A court may order the confidential treatment of records for which no exemption from disclosure applies if compelling interests, which favor restriction of access to the records clearly outweigh the interests favoring access. If the City requests a court to restrict access to a record under this section, the court shall require the City to pay the reasonable attorney's fees and court costs incurred by the leading party in opposing the City's request if the court denies confidential treatment under this section.

This section does not apply to records that are specifically required to be public under Chapter 2 of this Title or under U.C.A. Section 63G-2-301.

Access to drafts and empirical data may be limited under this section, but the courts may consider, in their evaluation of interests favoring restriction of access, only those interests that relate to the underlying information, and not to the deliberative nature of the record.

Access to original data in a computer program may be limited under this section, but the court may consider, in its evaluation of interests favoring restriction of access, only those interests that relate to the underlying information and not to the statues of that data as part of a computer program.

**CHAPTER 4 - PROCEDURES FOR ACCESS**

**5- 4- 1. WRITTEN REQUESTS FOR RECORDS.**

A person making a request for a record shall furnish the City with a written request containing

their name, mailing address, daytime phone number if available, and a reasonably specific description of the records requested.

**5- 4- 2.            RESPONSE TO REQUEST.**

As soon as reasonably possible, but no later than ten (10) business days after receiving a written request, or five business days after receiving a written request if the requester demonstrates that expedited response would primarily benefit the public, the City shall respond to the request by:

- (A)     approving the request and providing the record;
- (B)     denying the request;
- (C)     notifying the requester that it does not maintain the record and providing, if known, the name and address where the record can be found; or
- (D)     notifying the requester that because of one of the extraordinary circumstances listed in Section 5-4-4, below, it cannot immediately approve or deny the request. The notice shall describe the circumstances relied upon and shall specify the date when the record request will be approved or denied.

**5- 4- 3.            DUTY OF CITY TO RESPOND IS LIMITED.**

The following limits shall apply to requests:

- (A)     The City is not required to create a record in response to a request.
- (B)     The City is not required to fulfill a record request if the request unreasonably duplicates prior record requests from that person.
- (C)     If a person requests copies of more than fifty (50) pages of records, and if the records are contained in files that do not contain records that are exempt from disclosure, the City may:
  - (1)     provide the requester with copying facilities and require the requester to make her or his own copies; or
  - (2)     allow the requester to provide her or his own copying facilities and personnel to make the copies at the City offices, and waive the fees for copying the records.
  - (3)     nothing in this Title shall be construed to limit or impair the rights or protection granted to the City under federal copyright or patent law as a result of its ownership of the intellectual property right.
  - (4)     the City may not use the physical form, electronic or otherwise, in which a record is stored to deny or unreasonably hinder the rights of persons to inspect and receive copies of a record.
- (D)     The City may provide access to an electronic copy of a record in lieu of providing access to its paper equivalent.

#### **5- 4- 4. CIRCUMSTANCES WHICH WOULD EXTEND RESPONSE TIME.**

The following circumstances constitute "extraordinary circumstances" that allow the City to delay approval or denial for a reasonable period of time, but for no longer than fifteen (15) business days. If the City fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the records:

- (A) The request is for a voluminous quantity of records;
- (B) The City is currently processing a large number of record requests;
- (C) The request requires the City to review a large number of records to locate the records requested;
- (D) The decision to release a record involves legal issues that require analysis of statutes, rules, ordinances, regulations, or case law;
- (E) Segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing or computer programming; or
- (F) Another governmental entity is using the record, in which case the City shall promptly request that governmental entity currently in possession to return the record.
- (G) Another governmental entity is using the record as part of an audit and returning the record before the completion of the audit would impair the conduct of the audit.

#### **5- 4- 5. DENIALS OF REQUESTS FOR RECORDS.**

If the City denies a request in whole or in part, it shall provide a denial notice to the requester either in person or by sending the notice to the requester's address. The denial notice shall contain the following information:

- (A) A brief description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds;
- (B) Citations to the authority that exempt the record or portions of the record from disclosure;
- (C) A statement that the requester has the right to appeal the denial to the City Manager; and
- (D) A brief summary of the appeals process and time limits for filing an appeal.

Unless otherwise required by a court or agency of competent jurisdiction, the City may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.



## **CHAPTER 5. APPEALS**

### **5- 5- 1. APPEALS IN GENERAL.**

Any person aggrieved by the City's access determination under this Title, including a person not a party to the City's proceeding, may appeal the determination to the City Manager by filing a notice of appeal. The notice of appeal shall contain the following information:

- (A) The petitioner's name, mailing address, and daytime telephone number; and
- (B) The relief sought.
- (C) A short statement of facts, reasons, and legal authority in support of the appeal.

### **5- 5- 2. APPEAL OF EXTRAORDINARY CIRCUMSTANCES DECISIONS.**

If the City claims extraordinary circumstances and specifies the date when the records will be available and, if the requester believes the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the City's claim of extraordinary circumstances or date for compliance within thirty (30) days of notification of a claim of extraordinary circumstances by the City, despite the lack of a "determination" or its equivalent.

### **5- 5- 3. APPEAL OF BUSINESS CONFIDENTIALITY CLAIMS.**

If the appeal involves a record that is the subject of a business confidentiality claim under U.C.A. Section **63G-2-309**, the City Recorder shall:

- (A) Send notice of the requester's appeal to the business confidentiality claimant within three (3) business days after receiving notice, except that if notice under this section must be given to more than thirty-five (35) persons, it shall be given as soon as reasonably possible;
- (B) Send notice of the business confidentiality claim and the schedule for the City Recorder's determination to the requester within three (3) business days after receiving notice of the requester's appeal.
- (C) The requester shall have seven (7) business days after notice sent by the City Recorder to submit further support for the claim for business confidentiality.

### **5- 5- 4. DETERMINATION BY CITY MANAGER.**

The City Manager shall make a determination on any appeal within five (5) business days of the City Manager's receipt of the notice of appeal or within twelve (12) business days after the City sends the requester's notice of appeal to a person who submitted a claim of business confidentiality. The City Manager may, upon consideration and weighing the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private under Section 5-3-3 or protected under Section 5-3-7 if the interests favoring access outweigh the interests favoring restriction of access.

The City Recorder shall send written notice of the Mayor's determination to all participants. If the City Manager affirms the denial in whole or in part, the denial shall include a statement that

the requester has the right to appeal the denial to the City Council, and the time limits for filing an appeal.

The City Manager's duties under this section may be delegated.

If the City Manager fails to make a determination within the time specified in Subsection (A), the failure shall be considered the equivalent of an order denying the appeal.

#### **5- 5- 5. APPEAL OF CITY MANAGER'S DECISION TO CITY COUNCIL.**

A notice of appeal of the City Manager's decision must be filed with the City Recorder no later than thirty (30) days after the City Manager has denied the appeal or fails to make a determination within the time specified in Section 5-5-4. No later than three (3) days after receiving notice of appeal, the recorder shall schedule a hearing for the City Council to discuss the appeal which shall be held no sooner than fifteen (15) days and no later than thirty (30) days from the date of the filing of the appeal;

At the hearing, the City Council shall allow the parties to testify, present evidence and comment on the issues. The City Council may allow other interested persons to comment on the issues. No later than three (3) business days after the hearing, the City Council shall issue a signed order either granting the petition in whole or in part or upholding the determination of the City Manager in whole or in part.

The order of the City shall include:

- (A) A statement of reasons for the decision, including citations to this Title or federal regulations that govern disclosure of the record, provided that the citations do not disclose private, controlled, or protected information;
- (B) A description of the record or portions of the record to which access was ordered or denied, provided that the description does not disclose private, controlled, or protected information;
- (C) A statement that any party to the appeal may appeal the City's decision to the District Court; and
- (D) A brief summary of the appeal, and a notice that in order to protect its rights on appeal, the party may wish to seek advice from an attorney.

#### **5- 5- 6. NON-REQUESTER APPEALS.**

Any person aggrieved by the City's classification or designation determination under this Title, but who is not requesting access to the records, may appeal that determination using the procedures provided in this chapter. If a non-requester is the only appellant, the procedures provided in this section shall apply, except that the determination on the appeal shall be made within thirty (30) days after receiving the notice of appeal.

#### **5- 5- 7. EXTENSION OF TIME PERIOD.**

The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this Title.

## **5- 5- 8. JUDICIAL REVIEW.**

Any party to the proceeding before the City Council may petition for judicial review by the District Court of the City Council's order. The petition shall be filed no later than thirty (30) days after the date of the City Council's order.

## **CHAPTER 6. RECORDS RETENTION SCHEDULES**

### **5- 6- 1. ADOPTION OF RECORDS RETENTION SCHEDULES.**

The City shall adopt by Resolution retention schedules for each record series pursuant to the Utah Municipal General Records Retention Schedule, prepared by the Utah Department of Administrative Services, Division of Archives and Records Service, with amendments and exclusions as necessary.

## **CHAPTER 7. RIGHTS OF INDIVIDUALS ON WHOM DATA IS MAINTAINED**

### **5- 7- 1. REQUESTS FOR INFORMATION.**

The City shall file with the State Archivist a statement explaining the purposes for which record series designated private or controlled are collected and used by the City. This statement shall be a public record. When individuals on whom data is maintained request it, the City shall explain the reasons the individual has been asked to furnish the City with information that could be classified private or controlled, the intended uses of the information, and the consequences for refusing to provide the information.

The City shall not use private or controlled records for purposes other than those given in the statement filed with the State Archivist under Subsection (1) or for purposes other than those for which another governmental entity could use the record under U.C.A. Section 63G-2-206.

### **5- 7- 2. SEGREGATION OF RECORDS.**

Notwithstanding any other provision in this Title, if the City receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect under this Title, the City shall allow access to information in the record that the requester is entitled to inspect under this Title and deny access to information in the record if the information is exempt from disclosure to the requester, by issuing a written denial notice.

### **5- 7- 3. REQUEST TO AMEND A RECORD.**

Any individual may contest the accuracy or completeness of any public, private, or protected record by requesting the City to amend the record. However, this section does not affect the right of access to any private or protected records concerning him or her. The request shall contain the requester's name, mailing address, and daytime phone number and a brief statement explaining why the City should amend the record. The City shall issue an order either approving or denying the request to amend no later than thirty days from the receipt of the request.

If the City approves the request, the City shall correct all of its records that contain the same incorrect information as soon as practical. The City shall not disclose the record until it has

amended it, once the request has been approved.

If the City denies the request it shall inform the requester in writing and provide a brief written statement giving its reasons for denying the request.

If the requester disagrees with the City's decision not to amend a record, the requester may submit a written statement contesting the information in the record and the City shall file the requester's statement along with the disputed record or make the statement accessible if the record is not in a form such that the statement can accompany the record and disclose the requester's statement along with the information in the record whenever the City discloses the disputed information.

#### **5- 7- 4. APPEAL OF DENIAL TO AMEND RECORD.**

The requester may appeal the denial of the request to amend a record pursuant to Chapter 5 of this Title governing appeals.

#### **5- 7- 5. SECTION NOT APPLICABLE.**

This section does not apply to records relating to title or real or personal property, medical records, judicial case files, or any other records that the City determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

### **CHAPTER 8. FEES.**

#### **5- 8- 1. REASONABLE FEES TO BE SET BY RESOLUTION.**

The City will set reasonable fees by Resolution to cover the City's actual cost of duplicating a record or compiling a record in a form other than that maintained by the City. The initial fee, until changed by resolution is as set forth in Appendix "A". The City may not charge a fee for reviewing a record to determine whether it is subject to disclosure or inspecting a record.

#### **5- 8- 2. WAIVER OF FEES.**

The City may fulfill a record request without charge when it determines that:

- (A) releasing the record primarily benefits the public;
- (B) the individual requesting the record is the subject of the record;
- (C) the requester's legal rights are directly implicated by the information in the record; or
- (E) the requester is impecunious.

### **CHAPTER 9. CRIMINAL PENALTIES**

#### **5- 9- 1. INTENTIONAL DISCLOSURE OF PRIVATE, CONTROLLED OR PROTECTED RECORDS OR NON-DISCLOSURE OF PUBLIC RECORDS BY EMPLOYEES OR OTHERS.**

A public employee or other person who has lawful access to any private, controlled, or protected

record under this Title, and who intentionally discloses or provides a copy of a private, controlled, or protected record to any person knowing that such disclosure is prohibited, is guilty of a class B misdemeanor. A public employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final unappealed order from the City, the Records Committee, or a court, is guilty of a class B misdemeanor.

It is a defense to prosecution under this subsection that the actor released private, protected, or controlled information in the reasonable belief that the disclosure of the information was necessary to expose a violation of the law involving government corruption, abuse of office or misappropriation of public funds or property. It is also a defense to prosecution under this subsection that the record could have been lawfully released to the recipient if it had been properly classified.

**5- 9- 2.           OBTAINING RECORDS ILLEGALLY.**

A person who, by false pretense, bribery, or theft, gains access or obtains a copy of any private, controlled, or protected record to which she or he is not legally entitled is guilty of a class B misdemeanor. No person shall be guilty under this subsection who receives the record, information, or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery, or theft.



**Ordinance No. 08-48**

**AN ORDINANCE APPROVING THE EXTENSION OF 68 PROSPECT STREET REPLAT, AN AMENDMENT TO LOTS 8, 9, AND 10 OF BLOCK 18 OF THE PARK CITY SURVEY, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 68 Prospect Street have petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 25, 2006 to receive input on the Plat Amendment and forwarded a positive recommendation to the City Council on November 8, 2006; and,

WHEREAS, on December 14, 2006, the City Council approved the 68 Prospect Street Replat; and

WHEREAS, on December 6, 2007, the City Council approved a one year extension for the approved 68 Prospect Street Replat; and

WHEREAS, on December 4, 2008, the City Council approved an additional year extension for the approved 68 Prospect Street Replat; and

WHEREAS the 68 Prospect Street Replat will allow the consolidation of three lots into two lots within the same exterior boundary.

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 68 Prospect Street Replat, as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 68 Prospect Street.
2. The zoning is Historic Residential (HR-1)
3. The surrounding land use patterns are single family homes, most of them small in size on single, or combinations of typical Old Town lots.
4. The current configuration of lots is three equal sized lots measuring 25.7' x 80'.
5. One home traverses both of the interior lot lines.
6. The size of the current historic home is approximately 400 square feet.
7. The home is historically significant.
8. The proposed configuration of lots is two equal sized lots measuring 38.5' x 80'.
9. A Public Hearing was held on October 25, 2006. Two comments were received, both in support of the Plat Amendment.
10. Comments received on October 25<sup>th</sup> supported the construction of two smaller homes rather than one larger home.



11. The Planning Commission unanimously voted to recommend approval of the plat amendment on November 8, 2006.
12. No change in circumstance to the property has occurred since the time of the original approval as it relates to the Land Management Code requirements, including zoning, height, setbacks, lot size and building footprint.
13. No applicable changes to the LMC have occurred in the time since the application was initially approved.

Conclusions of Law:

1. There is good cause for this Plat Amendment because it allows the construction of two smaller homes, which is consistent with the surrounding land use patterns, massing and scale on Prospect Street.
2. The Plat Amendment is consistent with the Park City Land Management Code.
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. Removal of the historic home in the form of reconstruction as identified in the approved Preservation Plan, is a condition precedent prior to recordation of the plat.
3. The applicant will record the Plat Amendment at the County within one year from the date of City Council extension of the approval (by December 4, 2009). If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All standard project conditions will apply as noted in Attachment 2.
5. An executed Financial Guarantee between the Owner and the City is a condition precedent prior to recordation of the plat. As part of the Financial Guarantee, there will be a set date by which the reconstruction of the historic house must be completed by.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of December, 2008.

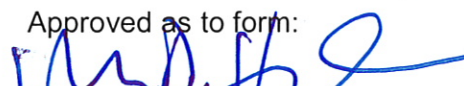
PARK CITY MUNICIPAL CORPORATION

  
 \_\_\_\_\_  
 Mayor Dana Williams

Attest:

  
 \_\_\_\_\_  
 Janet M. Scott, City Recorder

Approved as to form:

  
 \_\_\_\_\_  
 Mark D. Harrington, City Attorney





PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-

vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

**Ordinance No. 08-47**

**AN ORDINANCE APPROVING THE FIRST AMENDED UNION SQUARE CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 201 HEBER AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 201 Heber Avenue, has petitioned the City Council for approval of an amended condominium record of survey plat; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on November 12, 2008, the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, it is in the best interest of Park City Utah to approve the 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 First Amended Union Square record of survey 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 Union Square/Sky Lodge project is located at 201 Heber Avenue and is within the Historic Recreation Commercial (HRC—Heber Avenue Sub-Zone) Zoning District.
2. The project site includes three (3) historic buildings—the Union Pacific Depot (Zoom restaurant), Utah Coal and Lumber building (Easy Street Restaurant), and the “Tack” building (Bakery).
3. The Union Square Master Planned Development, a Multi-Dwelling Unit hotel project for a maximum of 23 residential units, was approved by the Planning Commission on November 10, 2004 and affirmed by City Council pursuant to call-up proceedings on January 13, 2005.
4. The approved Master Planned Development included up to 23 unit Multi-Unit Dwellings to be operated as a hotel and a new kitchen addition to the north end of the Zoom Restaurant.
5. The Development Agreement for the Union Square/Sky Lodge was reviewed by the Planning Commission on March 23, 2005 and ratified by the City Council on May 12, 2005.
6. The subject condominium plat affects the three existing historic buildings. Zoom, Easy Street Brasserie, and Bakery are identified as commercial units. The plat also designates all other private, common, limited common, commercial limited common area, public easements, and utility easements.
7. The project plan included a redevelopment of the Easy Street pedestrian walkway which includes enhanced landscaping and public gathering spaces. The Easy Street pedestrian walkway was dedicated as a non-motorized, public pedestrian easement. The amended record of survey reflects the as-built conditions for the pedestrian easement.
8. An accessible unit is constructed and designated to meet the requirements of the Americans with Disabilities Act. The unit is platted as a private unit and counts towards to total units allowed in the project.



Conclusions of Law:

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

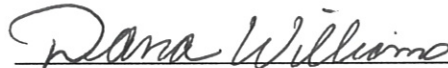
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Dedication on the plat of the Easy Street pedestrian walkway and all other public pedestrian ways as non-motorized, public pedestrian trail easements in a form acceptable to the City Attorney and City Engineer is condition precedent to plat recordation.
3. The pedestrian easement must be kept clear of all site furniture or other encumbrances.
4. The Condominium CC&Rs must reflect compliance with the Americans with Disabilities Act.
5. The applicant will record the amended record of survey 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.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of December, 2008.

PARK CITY MUNICIPAL CORPORATION



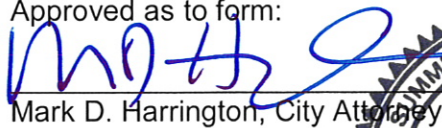
Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





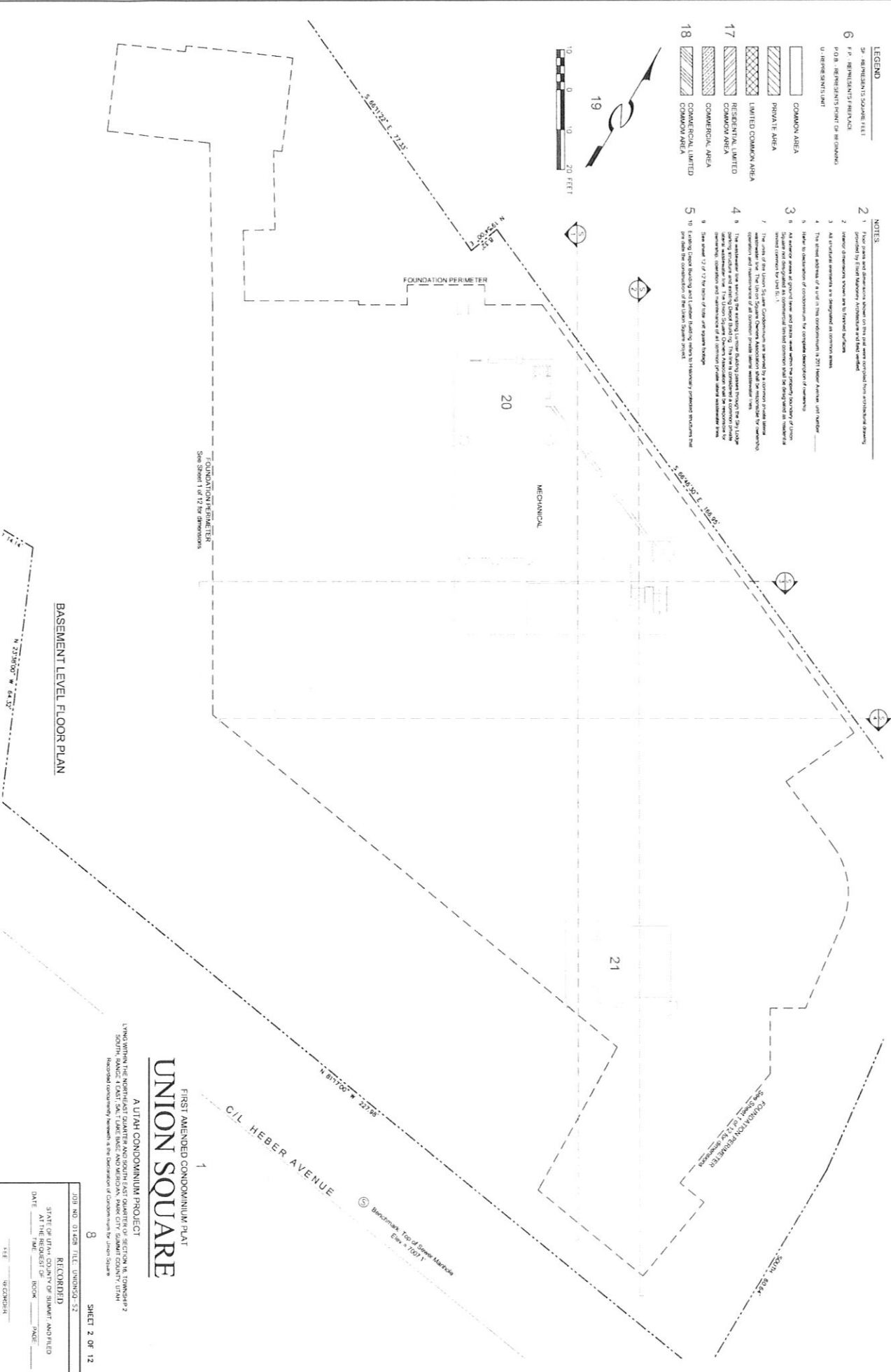
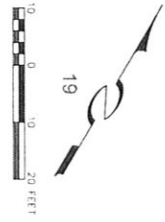


**LEGEND**

- 5- REFINEMENTS SQUARE FEET
- 6 P.P. REFINEMENTS REFERENCE
- FOUR REFINEMENTS POINT (OR REFERENCE)
- U- REFINEMENTS LIMIT
- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

**NOTES**

- 1 Floor plans and dimensions shown on this set were compiled from architectural drawings provided by Frank Matrone Architects and have been verified.
- 2 Interior dimensions shown are to finished surfaces.
- 3 All structural openings are designated as common areas.
- 4 The street address of a unit in this condominium is 201 Heber Avenue, unit number \_\_\_\_\_.
- 5 Heber is a subdivision of condominiums for separate ownership of ownership.
- 6 All common areas are shown and their dimensions and location are shown on the attached plan.
- 7 The area of the Union Square Condominium is owned by a common trust named "The Union Square Condominium Trust" and is owned and controlled by the common trust named "The Union Square Condominium Trust".
- 8 The attached plan shows the location of the common trust named "The Union Square Condominium Trust" and the location of the common trust named "The Union Square Condominium Trust".
- 9 The attached plan shows the location of the common trust named "The Union Square Condominium Trust" and the location of the common trust named "The Union Square Condominium Trust".
- 10 The attached plan shows the location of the common trust named "The Union Square Condominium Trust" and the location of the common trust named "The Union Square Condominium Trust".
- 11 The attached plan shows the location of the common trust named "The Union Square Condominium Trust" and the location of the common trust named "The Union Square Condominium Trust".



**BASEMENT LEVEL FLOOR PLAN**

**FIRST AMENDED CONDOMINIUM PLAN  
UNION SQUARE**

A UTAH CONDOMINIUM PROJECT  
 LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2  
 SOUTH, RANGE 1 EAST, SAL Lake, BEACON AND VERDIAV, PARK CITY, SALT LAKE COUNTY, UTAH  
 National Condominium Project is the Department of Condominiums for Utah Square

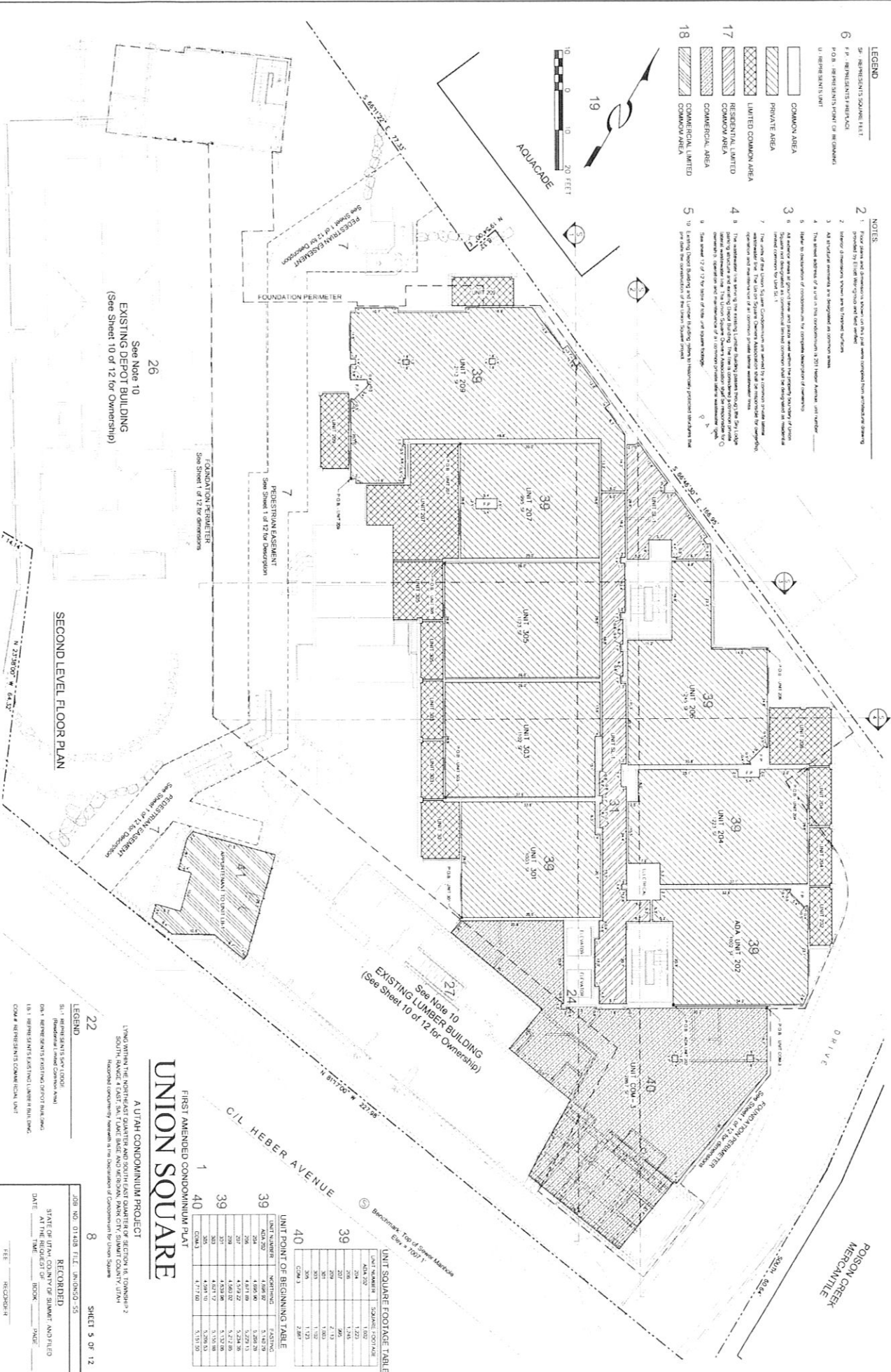
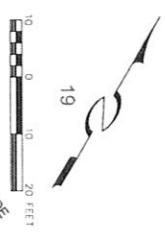
JOB NO. 01408 TITLE UNDERSO-52  
 STATE OF UTAH COUNTY OF SUMMIT ANDREAS  
 AT THE REQUEST OF ROOM NAME  
 DATE 11/11/11  
 8  
 SHEET 2 OF 12





- LEGEND**
- 5P REPRESENTATIVE SQUARE FOOT
  - 6 P P REPRESENTATIVE PERIMETER
  - P.O.B. REPRESENTATIVE PORTION OF THE COMMONS
  - U REPRESENTATIVE UNIT
  - COMMON AREA
  - PRIVATE AREA
  - LIMITED COMMON AREA
  - RESIDENTIAL LIMITED COMMON AREA
  - COMMERCIAL AREA
  - COMMON AREA

- NOTES**
- 1 Floor plans and dimensions shown on this plan were prepared from architectural drawings provided by client for design and field verification.
  - 2 Member dimensions shown are to finished surfaces.
  - 3 All structure elements are designed as common areas.
  - 4 The total address of this building is 1201 Heber Avenue, unit number.
  - 5 Refer to description of condominium for complete description of common areas.
  - 6 All exterior areas of ground level and area under the primary structure of units are common areas. The primary structure of units is common area. The primary structure of units is common area. The primary structure of units is common area.
  - 7 The area of the Union Square Condominium is owned by a common area owner.
  - 8 All exterior areas of ground level and area under the primary structure of units are common areas. The primary structure of units is common area. The primary structure of units is common area.
  - 9 The area of the Union Square Condominium is owned by a common area owner.
  - 10 The area of the Union Square Condominium is owned by a common area owner.
  - 11 The area of the Union Square Condominium is owned by a common area owner.
  - 12 The area of the Union Square Condominium is owned by a common area owner.
  - 13 The area of the Union Square Condominium is owned by a common area owner.
  - 14 The area of the Union Square Condominium is owned by a common area owner.
  - 15 The area of the Union Square Condominium is owned by a common area owner.
  - 16 The area of the Union Square Condominium is owned by a common area owner.
  - 17 The area of the Union Square Condominium is owned by a common area owner.
  - 18 The area of the Union Square Condominium is owned by a common area owner.
  - 19 The area of the Union Square Condominium is owned by a common area owner.



See Note 10  
EXISTING DEPOT BUILDING  
(See Sheet 10 of 12 for Ownership)

See Note 10  
EXISTING LUMBER BUILDING  
(See Sheet 10 of 12 for Ownership)

See Note 10  
EXISTING DEPOT BUILDING  
(See Sheet 10 of 12 for Ownership)

**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	SQUARE FOOTAGE
201	1,000
202	1,000
203	1,000
204	1,000
205	1,000
301	1,000
302	1,000
303	1,000
304	1,000
305	1,000
401	1,000
402	1,000
403	1,000
404	1,000
405	1,000

**UNIT POINT OF BEGINNING TABLE**

UNIT NUMBER	NORTHING	EASTING
201	4,871.80	5,227.13
202	4,871.80	5,227.13
203	4,871.80	5,227.13
204	4,871.80	5,227.13
205	4,871.80	5,227.13
301	4,871.80	5,227.13
302	4,871.80	5,227.13
303	4,871.80	5,227.13
304	4,871.80	5,227.13
305	4,871.80	5,227.13
401	4,871.80	5,227.13
402	4,871.80	5,227.13
403	4,871.80	5,227.13
404	4,871.80	5,227.13
405	4,871.80	5,227.13

**LEGEND**

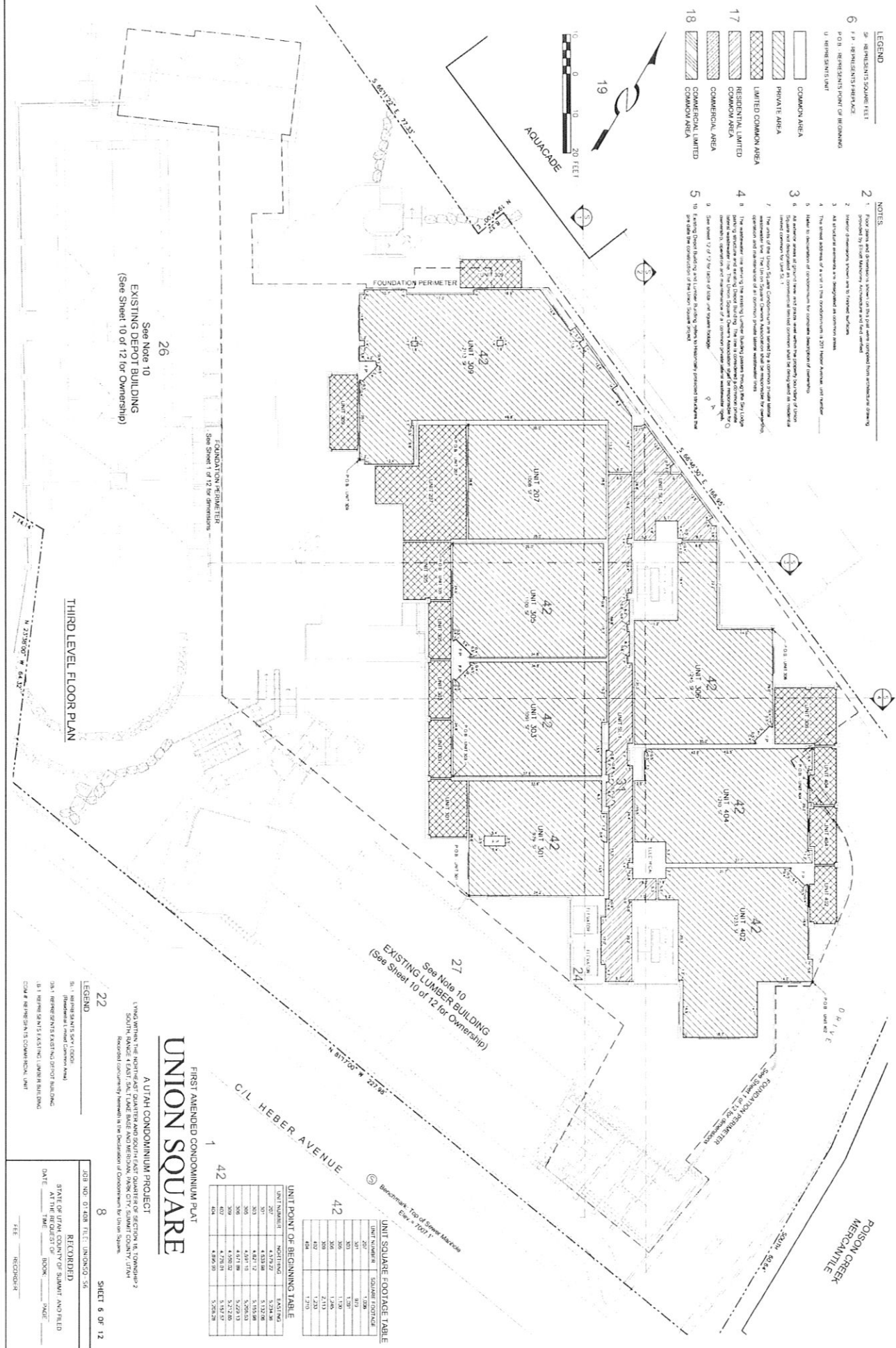
- 5P REPRESENTATIVE SQUARE FOOT
- P.O.B. REPRESENTATIVE PORTION OF THE COMMONS
- U REPRESENTATIVE UNIT

**RECORDED**  
STATE OF UTAH, COUNTY OF SALT LAKE  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ PAGE \_\_\_\_\_  
RECORDER \_\_\_\_\_

2008 NOV 07 10:48 AM TELL UNIFORMS 55  
SHEET 5 OF 12



- LEGEND**
- 18 COMMON AREA
  - 17 COMMERCIAL AREA
  - 16 LIMITED COMMON AREA
  - 15 PRIVATE AREA
  - 14 COMMON AREA
  - 13 RESIDENTIAL LIMITED COMMON AREA
  - 12 COMMERCIAL AREA
  - 11 COMMON AREA
  - 10 RESIDENTIAL LIMITED COMMON AREA
  - 9 PRIVATE AREA
  - 8 COMMON AREA
  - 7 RESIDENTIAL LIMITED COMMON AREA
  - 6 COMMERCIAL AREA
  - 5 COMMON AREA
  - 4 PRIVATE AREA
  - 3 COMMON AREA
  - 2 RESIDENTIAL LIMITED COMMON AREA
  - 1 COMMON AREA
- NOTES**
1. Floor area and dimensions shown on this plan were prepared from architectural drawings provided by the Architect.
  2. Interior dimensions shown are to finished surfaces.
  3. All structural elements are designated as common areas.
  4. The floor address is 42 of the independent 1,201 Square Feet unit number.
  5. Refer to the Unit's Owner's Manual for complete details of ownership.
  6. All exterior walls of the unit and walls and ceiling of the unit's balcony or deck are common areas.
  7. The area of the Unit's Owner's Manual is shared by a common unit owner.
  8. All exterior walls of the unit and walls and ceiling of the unit's balcony or deck are common areas.
  9. The area of the Unit's Owner's Manual is shared by a common unit owner.
  10. Refer to the Unit's Owner's Manual for complete details of ownership.
  11. See Note 10 of the Unit's Owner's Manual for complete details of ownership.
  12. See Note 10 of the Unit's Owner's Manual for complete details of ownership.
  13. See Note 10 of the Unit's Owner's Manual for complete details of ownership.
  14. See Note 10 of the Unit's Owner's Manual for complete details of ownership.
  15. See Note 10 of the Unit's Owner's Manual for complete details of ownership.
  16. See Note 10 of the Unit's Owner's Manual for complete details of ownership.
  17. See Note 10 of the Unit's Owner's Manual for complete details of ownership.
  18. See Note 10 of the Unit's Owner's Manual for complete details of ownership.



See Note 10  
EXISTING DEPOT BUILDING  
(See Sheet 10 of 12 for Ownership)

THIRD LEVEL FLOOR PLAN

See Note 10  
EXISTING LUMBER BUILDING  
(See Sheet 10 of 12 for Ownership)

# UNION SQUARE

FIRST AMENDED CONDOMINIUM PLAN

A UTAH CONDOMINIUM PROJECT  
 WITHIN THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALINE BASE AND MERIDIAN, PARK CITY, SALT LAKE COUNTY, UTAH  
 (See Note 10 of the Unit's Owner's Manual for complete details of ownership.)

**LEGEND**

- 18 COMMON AREA
- 17 COMMERCIAL AREA
- 16 LIMITED COMMON AREA
- 15 PRIVATE AREA
- 14 COMMON AREA
- 13 RESIDENTIAL LIMITED COMMON AREA
- 12 COMMERCIAL AREA
- 11 COMMON AREA
- 10 RESIDENTIAL LIMITED COMMON AREA
- 9 PRIVATE AREA
- 8 COMMON AREA
- 7 RESIDENTIAL LIMITED COMMON AREA
- 6 COMMERCIAL AREA
- 5 COMMON AREA
- 4 PRIVATE AREA
- 3 COMMON AREA
- 2 RESIDENTIAL LIMITED COMMON AREA
- 1 COMMON AREA

**UNIT POINT OF BEGINNING TABLE**

UNIT NUMBER	ACRES	SQ. FT.
207	0.0000	0.00
208	0.0000	0.00
209	0.0000	0.00
301	0.0000	0.00
302	0.0000	0.00
303	0.0000	0.00
304	0.0000	0.00
305	0.0000	0.00
401	0.0000	0.00
402	0.0000	0.00
403	0.0000	0.00
404	0.0000	0.00
405	0.0000	0.00
406	0.0000	0.00
407	0.0000	0.00
408	0.0000	0.00
409	0.0000	0.00
410	0.0000	0.00
411	0.0000	0.00
412	0.0000	0.00
413	0.0000	0.00
414	0.0000	0.00
415	0.0000	0.00
416	0.0000	0.00
417	0.0000	0.00
418	0.0000	0.00
419	0.0000	0.00
420	0.0000	0.00
421	0.0000	0.00
422	0.0000	0.00
423	0.0000	0.00
424	0.0000	0.00
425	0.0000	0.00
426	0.0000	0.00
427	0.0000	0.00
428	0.0000	0.00
429	0.0000	0.00
430	0.0000	0.00
431	0.0000	0.00
432	0.0000	0.00
433	0.0000	0.00
434	0.0000	0.00
435	0.0000	0.00
436	0.0000	0.00
437	0.0000	0.00
438	0.0000	0.00
439	0.0000	0.00
440	0.0000	0.00
441	0.0000	0.00
442	0.0000	0.00
443	0.0000	0.00
444	0.0000	0.00
445	0.0000	0.00
446	0.0000	0.00
447	0.0000	0.00
448	0.0000	0.00
449	0.0000	0.00
450	0.0000	0.00

**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	SQ. FT.
207	1,201
208	1,201
209	1,201
301	1,201
302	1,201
303	1,201
304	1,201
305	1,201
401	1,201
402	1,201
403	1,201
404	1,201
405	1,201
406	1,201
407	1,201
408	1,201
409	1,201
410	1,201
411	1,201
412	1,201
413	1,201
414	1,201
415	1,201
416	1,201
417	1,201
418	1,201
419	1,201
420	1,201
421	1,201
422	1,201
423	1,201
424	1,201
425	1,201
426	1,201
427	1,201
428	1,201
429	1,201
430	1,201
431	1,201
432	1,201
433	1,201
434	1,201
435	1,201
436	1,201
437	1,201
438	1,201
439	1,201
440	1,201
441	1,201
442	1,201
443	1,201
444	1,201
445	1,201
446	1,201
447	1,201
448	1,201
449	1,201
450	1,201

**UNIT POINT OF BEGINNING TABLE**

UNIT NUMBER	ACRES	SQ. FT.
207	0.0000	0.00
208	0.0000	0.00
209	0.0000	0.00
301	0.0000	0.00
302	0.0000	0.00
303	0.0000	0.00
304	0.0000	0.00
305	0.0000	0.00
401	0.0000	0.00
402	0.0000	0.00
403	0.0000	0.00
404	0.0000	0.00
405	0.0000	0.00
406	0.0000	0.00
407	0.0000	0.00
408	0.0000	0.00
409	0.0000	0.00
410	0.0000	0.00
411	0.0000	0.00
412	0.0000	0.00
413	0.0000	0.00
414	0.0000	0.00
415	0.0000	0.00
416	0.0000	0.00
417	0.0000	0.00
418	0.0000	0.00
419	0.0000	0.00
420	0.0000	0.00
421	0.0000	0.00
422	0.0000	0.00
423	0.0000	0.00
424	0.0000	0.00
425	0.0000	0.00
426	0.0000	0.00
427	0.0000	0.00
428	0.0000	0.00
429	0.0000	0.00
430	0.0000	0.00
431	0.0000	0.00
432	0.0000	0.00
433	0.0000	0.00
434	0.0000	0.00
435	0.0000	0.00
436	0.0000	0.00
437	0.0000	0.00
438	0.0000	0.00
439	0.0000	0.00
440	0.0000	0.00
441	0.0000	0.00
442	0.0000	0.00
443	0.0000	0.00
444	0.0000	0.00
445	0.0000	0.00
446	0.0000	0.00
447	0.0000	0.00
448	0.0000	0.00
449	0.0000	0.00
450	0.0000	0.00

**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	SQ. FT.
207	1,201
208	1,201
209	1,201
301	1,201
302	1,201
303	1,201
304	1,201
305	1,201
401	1,201
402	1,201
403	1,201
404	1,201
405	1,201
406	1,201
407	1,201
408	1,201
409	1,201
410	1,201
411	1,201
412	1,201
413	1,201
414	1,201
415	1,201
416	1,201
417	1,201
418	1,201
419	1,201
420	1,201
421	1,201
422	1,201
423	1,201
424	1,201
425	1,201
426	1,201
427	1,201
428	1,201
429	1,201
430	1,201
431	1,201
432	1,201
433	1,201
434	1,201
435	1,201
436	1,201
437	1,201
438	1,201
439	1,201
440	1,201
441	1,201
442	1,201
443	1,201
444	1,201
445	1,201
446	1,201
447	1,201
448	1,201
449	1,201
450	1,201

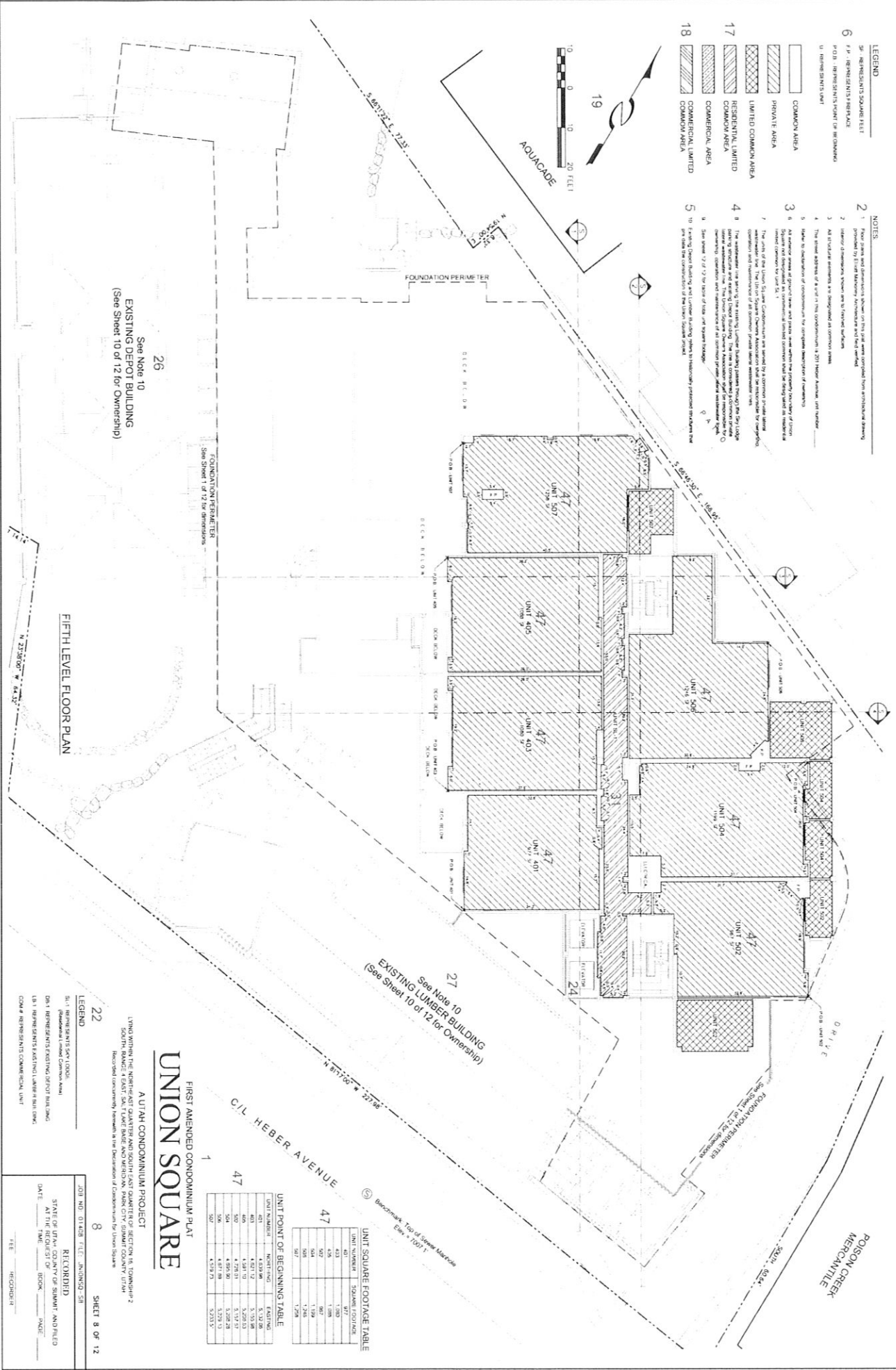
JOB NO. 07-HEB-FLEC-UNIONSQ-536  
 RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT AND FILED  
 DATE \_\_\_\_\_ BY \_\_\_\_\_  
 HEE RECORDER





- LEGEND**
- 19 REFINEMENTS SQUARE FOOT
  - 6 1/4 REFINEMENTS BRICK
  - 6 1/4 REFINEMENTS PLANT OR BRICKWORK
  - 11 REFINEMENTS UNIT
  - COMMON AREA
  - PRIVATE AREA
  - LIMITED COMMON AREA
  - RESIDENTIAL LIMITED COMMON AREA
  - COMMERCIAL AREA
  - COMMERCIAL LIMITED COMMON AREA

- NOTES**
- 1 Floor area and dimensions shown on this plan were compiled from architectural drawings provided by Elum Builders Architecture and Field, Inc.
  - 2 Interior dimensions shown are to finished surfaces.
  - 3 All structural elements are designed as concrete mass.
  - 4 The floor address of a unit in this condominium is 2011 Heber Avenue, unit number.
  - 5 Make no alteration or modification to any part of the structure.
  - 6 All exterior walls of concrete masonry and masonry block shall be finished with stucco or other approved finish.
  - 7 The units of this Limited Common Area shall be reserved for occupancy by members of the Utah State Condominium Association.
  - 8 The residential units in this Limited Common Area shall be reserved for occupancy by members of the Utah State Condominium Association.
  - 9 The commercial units in this Limited Common Area shall be reserved for occupancy by members of the Utah State Condominium Association.
  - 10 The floor address of a unit in this condominium is 2011 Heber Avenue, unit number.



See Note 10  
EXISTING DEPOT BUILDING  
(See Sheet 10 of 12 for Ownership)

FIFTH LEVEL FLOOR PLAN

See Note 10  
EXISTING LUMBER BUILDING  
(See Sheet 10 of 12 for Ownership)

**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	SQUARE FOOTAGE
401	1,228
402	1,228
403	1,228
404	1,228
405	1,228
406	1,228
407	1,228
408	1,228
409	1,228
410	1,228
411	1,228
412	1,228
413	1,228
414	1,228
415	1,228
416	1,228
417	1,228
418	1,228
419	1,228
420	1,228
421	1,228
422	1,228
423	1,228
424	1,228
425	1,228
426	1,228
427	1,228
428	1,228
429	1,228
430	1,228
431	1,228
432	1,228
433	1,228
434	1,228
435	1,228
436	1,228
437	1,228
438	1,228
439	1,228
440	1,228
441	1,228
442	1,228
443	1,228
444	1,228
445	1,228
446	1,228
447	1,228
448	1,228
449	1,228
450	1,228
451	1,228
452	1,228
453	1,228
454	1,228
455	1,228
456	1,228
457	1,228
458	1,228
459	1,228
460	1,228
461	1,228
462	1,228
463	1,228
464	1,228
465	1,228
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498	1,228
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500	1,228
501	1,228
502	1,228
503	1,228
504	1,228
505	1,228
506	1,228
507	1,228

**FIRST AMENDED CONDOMINIUM PLAT**  
**UNION SQUARE**

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALINE BASE AND MERIDIAN, PARK CITY, GARFIELD COUNTY, UTAH.

Recorded in the Office of the County Clerk of Garfield County, Utah.

**LEGEND**

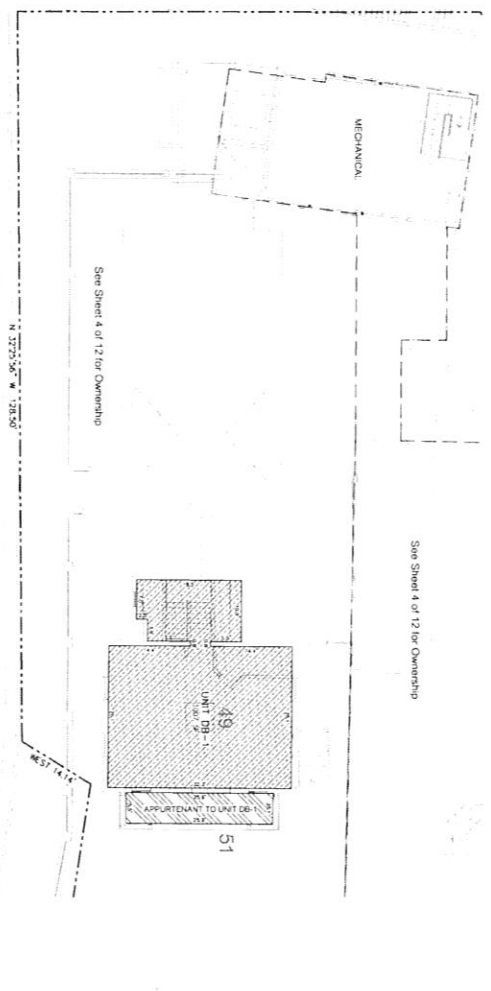
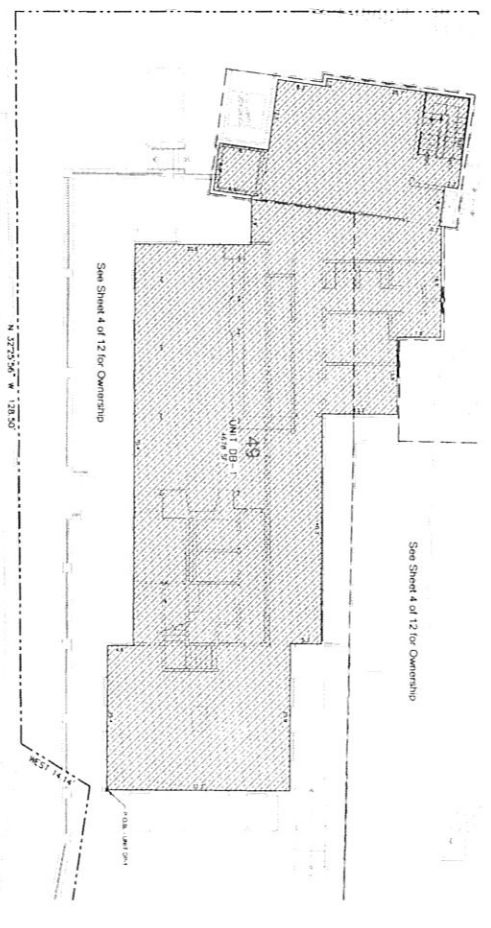
- 19 REFINEMENTS SQUARE FOOT
- 6 1/4 REFINEMENTS BRICK
- 6 1/4 REFINEMENTS PLANT OR BRICKWORK
- 11 REFINEMENTS UNIT
- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

**NOTES**

- 1 Floor area and dimensions shown on this plan were compiled from architectural drawings provided by Elum Builders Architecture and Field, Inc.
- 2 Interior dimensions shown are to finished surfaces.
- 3 All structural elements are designed as concrete mass.
- 4 The floor address of a unit in this condominium is 2011 Heber Avenue, unit number.
- 5 Make no alteration or modification to any part of the structure.
- 6 All exterior walls of concrete masonry and masonry block shall be finished with stucco or other approved finish.
- 7 The units of this Limited Common Area shall be reserved for occupancy by members of the Utah State Condominium Association.
- 8 The residential units in this Limited Common Area shall be reserved for occupancy by members of the Utah State Condominium Association.
- 9 The commercial units in this Limited Common Area shall be reserved for occupancy by members of the Utah State Condominium Association.
- 10 The floor address of a unit in this condominium is 2011 Heber Avenue, unit number.

JOB NO. 01-2023-TEL-ANNOUN-531  
STATE OF UTAH, COUNTY OF GARFIELD  
DATE: \_\_\_\_\_ DRAWN BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_  
FEE: \_\_\_\_\_ RECORDING: \_\_\_\_\_

**SHEET 8 OF 12**



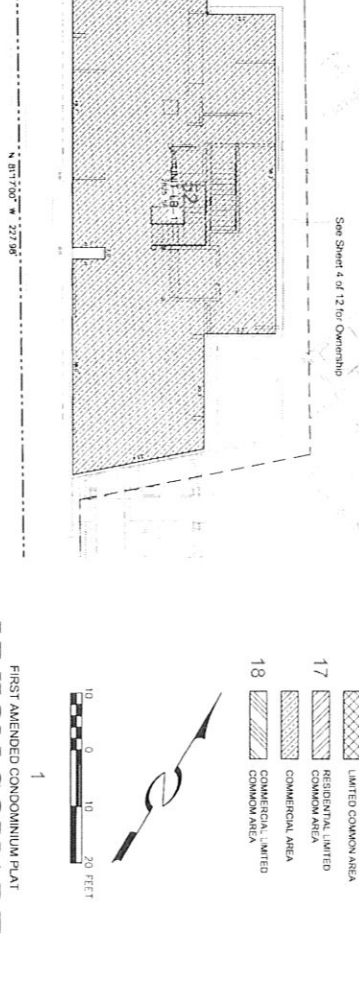
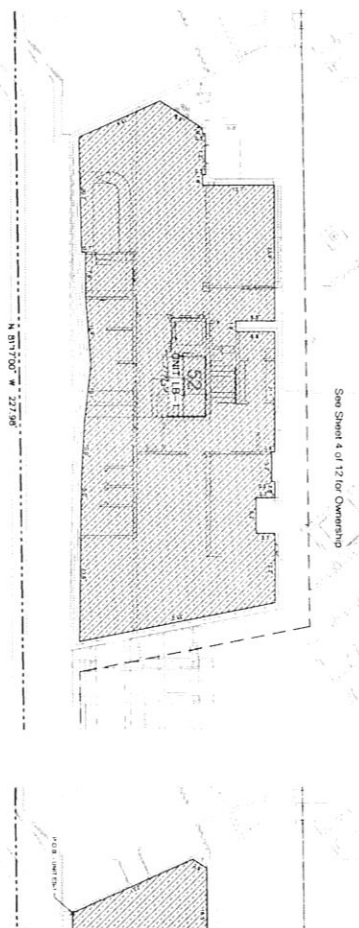
50 DEPOT BUILDING GROUND LEVEL FLOOR PLAN

50 DEPOT BUILDING UPPER LEVEL FLOOR PLAN

**LEGEND**  
 SF REPRESENTS SQUARE FEET  
 R.P. REPRESENTS RADIANCE  
 P.O.E. REPRESENTS POINT OF BEGINNING  
 U. REPRESENTS UNIT

**LEGEND**  
 S.C.1 REPRESENTS SPV CODE  
 (See Building Code Chapter 404)  
 DB.1 REPRESENTS EXISTING DRYER BUILDING  
 DB.2 REPRESENTS EXISTING LUMBER BUILDING  
 COM.# REPRESENTS COMMERCIAL UNIT

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA



53 LUMBER BUILDING GROUND LEVEL FLOOR PLAN

53 LUMBER BUILDING UPPER LEVEL FLOOR PLAN

Ⓢ Benchmark, Top of Square Marked  
 ELEV. = 7007.1'

Ⓢ Benchmark, Top of Square Marked  
 ELEV. = 7007.1'

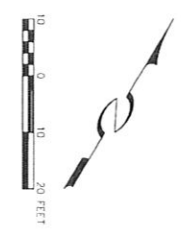
UTAH CONDOMINIUM PROJECT  
 FIRST AMENDED CONDOMINIUM PLAT  
 UNION SQUARE

**UNIT SQUARE FOOTAGE TABLE**

UNIT NUMBER	GROUND LEVEL	UPPER LEVEL	TOTAL
18.1	4,878	1,097	5,975
	7,797	2,282	10,079

**UNIT POINT OF BEGINNING TABLE**

UNIT NUMBER	NORTHING	EASTING
18.1	4,281.37	5,157.23
	4,281.39	5,081.73



JOB NO. 01408 FILED IN 2010-510  
 SHEET 10 OF 12

RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT AND FILED  
 AT THE OFFICE OF THE CLERK  
 DATE \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

BY WHOM THE INSTRUMENT WAS PREPARED AND BY WHOM THE INSTRUMENT IS RETURNED TO THE COUNTY CLERK FOR RECORDATION  
 SOUTH, HANCOCK & CO., SALT LAKE CITY AND VERONICA PARK CITY, SUMMIT COUNTY, UTAH  
 Recorded electronically through the Department of Consumer Services

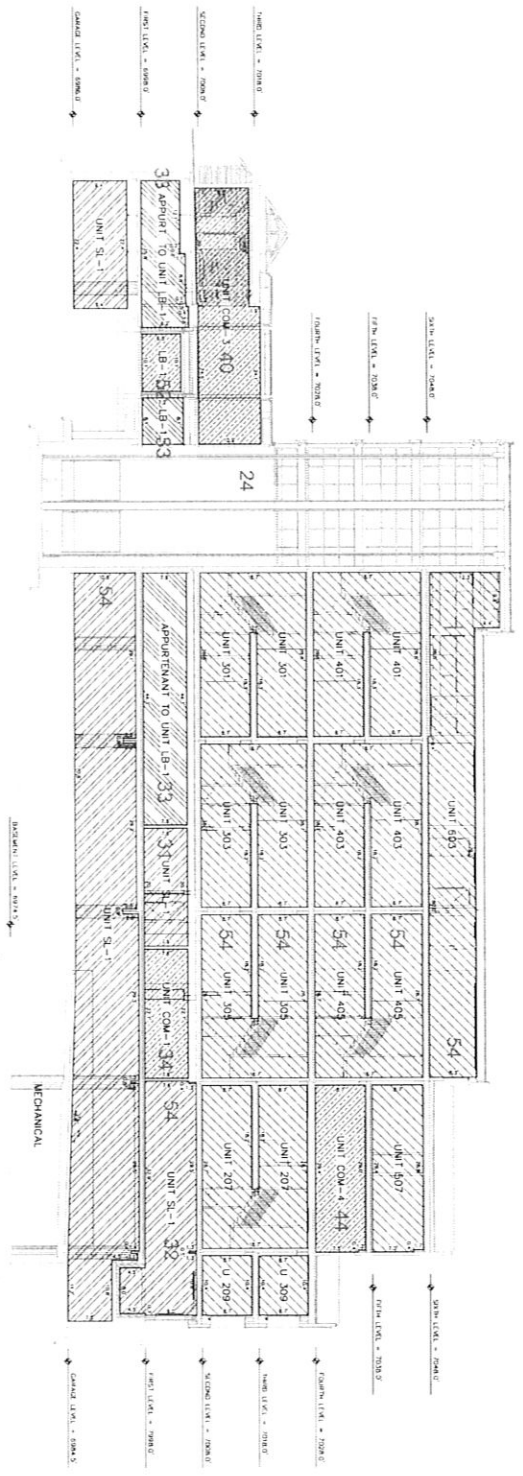
LEGEND

- 18 - RESIDENTIAL SWI-TWOOD (RESIDENTIAL LIMITED COMMON AREA)
- 17 - RESIDENTIAL EASTING (RESIDENTIAL LIMITED COMMON AREA)
- 16 - RESIDENTIAL WESTING (RESIDENTIAL LIMITED COMMON AREA)
- 15 - RESIDENTIAL NORTH (RESIDENTIAL LIMITED COMMON AREA)
- 14 - RESIDENTIAL SOUTH (RESIDENTIAL LIMITED COMMON AREA)
- 13 - RESIDENTIAL POINT OF BEGINNING
- 12 - RESIDENTIAL UNIT
- 11 - COMMON AREA
- 10 - PRIVATE AREA
- 9 - LIMITED COMMON AREA
- 8 - RESIDENTIAL LIMITED COMMON AREA
- 7 - COMMERCIAL AREA
- 6 - COMMERCIAL LIMITED COMMON AREA

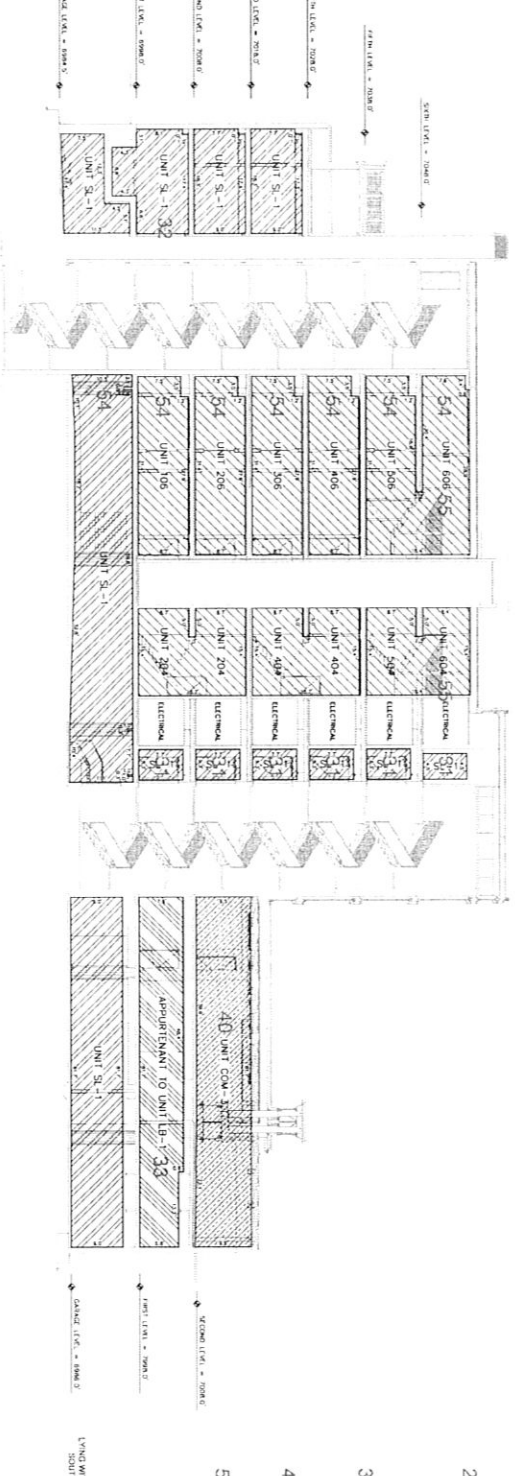
- LEGEND
- 6 P-P - RESIDENTIAL REFERENCE
  - 6 O-O - RESIDENTIAL POINT OF BEGINNING
  - U - RESIDENTIAL UNIT



SECTION S-1

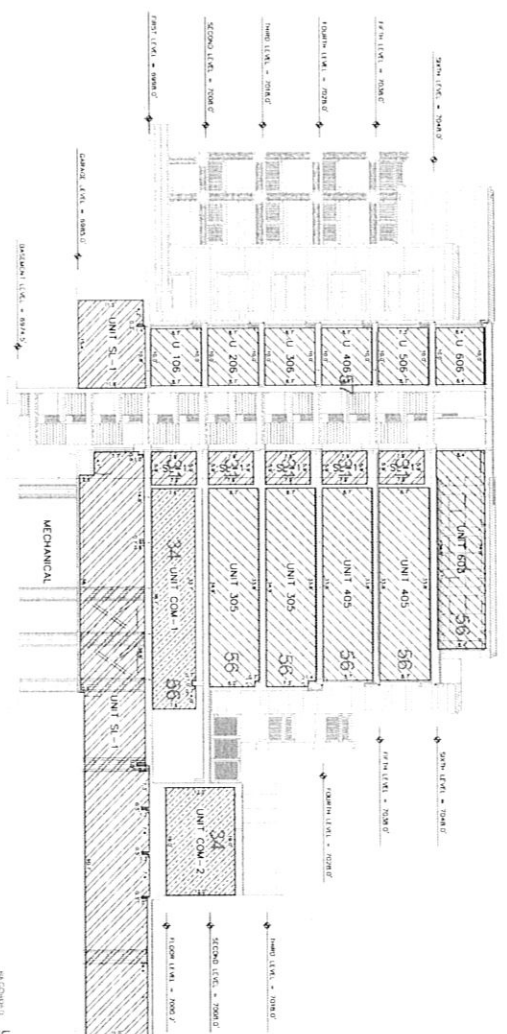


SECTION S-2

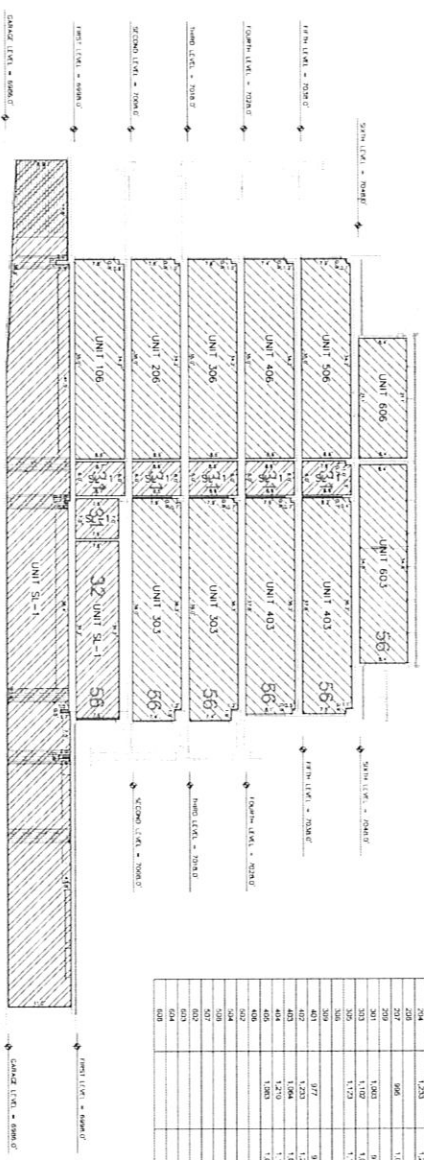


- NOTES
1. Floor plans and dimensions shown on this set are provided for information only and are not to be used for construction without the approval of the architect and engineer.
  2. All structural elements are designated as common areas.
  3. The floor address of each unit is shown on the unit's floor plan.
  4. All common areas are shown on the common area plan.
  5. All common areas are shown on the common area plan.
  6. All common areas are shown on the common area plan.
  7. The unit's floor plan is shown on the unit's floor plan.
  8. The unit's floor plan is shown on the unit's floor plan.
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  14. The unit's floor plan is shown on the unit's floor plan.
  15. The unit's floor plan is shown on the unit's floor plan.
  16. The unit's floor plan is shown on the unit's floor plan.
  17. The unit's floor plan is shown on the unit's floor plan.
  18. The unit's floor plan is shown on the unit's floor plan.

FIRST AMENDED CONDOMINIUM PLAT  
**UNION SQUARE**  
 A UTAH CONDOMINIUM PROJECT



SECTION S-3



SECTION S-4

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	GROSS AREA	NET AREA	TOTAL
500-1	1,811	2,797	5,602
500-2	1,811	2,797	5,602
500-3	1,811	2,797	5,602
500-4	1,811	2,797	5,602
500-5	1,811	2,797	5,602
500-6	1,811	2,797	5,602
505-1	1,811	2,797	5,602
505-2	1,811	2,797	5,602
505-3	1,811	2,797	5,602
505-4	1,811	2,797	5,602
505-5	1,811	2,797	5,602
505-6	1,811	2,797	5,602
506-1	1,811	2,797	5,602
506-2	1,811	2,797	5,602
506-3	1,811	2,797	5,602
506-4	1,811	2,797	5,602
506-5	1,811	2,797	5,602
506-6	1,811	2,797	5,602
506-7	1,811	2,797	5,602
506-8	1,811	2,797	5,602
506-9	1,811	2,797	5,602
506-10	1,811	2,797	5,602
506-11	1,811	2,797	5,602
506-12	1,811	2,797	5,602
506-13	1,811	2,797	5,602
506-14	1,811	2,797	5,602
506-15	1,811	2,797	5,602
506-16	1,811	2,797	5,602
506-17	1,811	2,797	5,602
506-18	1,811	2,797	5,602
506-19	1,811	2,797	5,602
506-20	1,811	2,797	5,602
506-21	1,811	2,797	5,602
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506-23	1,811	2,797	5,602
506-24	1,811	2,797	5,602
506-25	1,811	2,797	5,602
506-26	1,811	2,797	5,602
506-27	1,811	2,797	5,602
506-28	1,811	2,797	5,602
506-29	1,811	2,797	5,602
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506-40	1,811	2,797	5,602
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506-43	1,811	2,797	5,602
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506-45	1,811	2,797	5,602
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506-53	1,811	2,797	5,602
506-54	1,811	2,797	5,602
506-55	1,811	2,797	5,602
506-56	1,811	2,797	5,602
506-57	1,811	2,797	5,602
506-58	1,811	2,797	5,602
506-59	1,811	2,797	5,602
506-60	1,811	2,797	5,602

- LEGEND
- 18 RESIDENTS' GYM LOCKER (Residential) (not Common Area)
  - 17 RESIDENTS' LAUNDRY BALCONY
  - 16 RESIDENTS' STORAGE (not Common Area)
  - 15 RESIDENTS' STORAGE (not Common Area)
  - 14 RESIDENTS' STORAGE (not Common Area)
  - 13 RESIDENTS' STORAGE (not Common Area)
  - 12 RESIDENTS' STORAGE (not Common Area)
  - 11 RESIDENTS' STORAGE (not Common Area)
  - 10 RESIDENTS' STORAGE (not Common Area)
  - 9 RESIDENTS' STORAGE (not Common Area)
  - 8 RESIDENTS' STORAGE (not Common Area)
  - 7 RESIDENTS' STORAGE (not Common Area)
  - 6 RESIDENTS' STORAGE (not Common Area)
  - 5 RESIDENTS' STORAGE (not Common Area)
  - 4 RESIDENTS' STORAGE (not Common Area)
  - 3 RESIDENTS' STORAGE (not Common Area)
  - 2 RESIDENTS' STORAGE (not Common Area)
  - 1 RESIDENTS' STORAGE (not Common Area)



- NOTES
1. Floor plans and dimensions shown on this set are based on the information provided by the applicant.
  2. All dimensions are in feet and inches.
  3. All dimensions are based on the centerline of the building.
  4. All dimensions are based on the centerline of the building.
  5. All dimensions are based on the centerline of the building.
  6. All dimensions are based on the centerline of the building.
  7. All dimensions are based on the centerline of the building.
  8. All dimensions are based on the centerline of the building.
  9. All dimensions are based on the centerline of the building.
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  13. All dimensions are based on the centerline of the building.
  14. All dimensions are based on the centerline of the building.
  15. All dimensions are based on the centerline of the building.
  16. All dimensions are based on the centerline of the building.
  17. All dimensions are based on the centerline of the building.
  18. All dimensions are based on the centerline of the building.

FIRST AMENDED CONDOMINIUM PLAT  
 UNION SQUARE  
 A UTAH CONDOMINIUM PROJECT  
 LYING WITHIN THE UNINCORPORATED AREA OF SECTION 18, TOWNSHIP 2  
 SOUTH, RANGE 4 EAST, SALT LAKE COUNTY AND VERMILION PLANK CITY, SALT LAKE COUNTY, UTAH  
 Recorded concurrently in accordance with the Declaration of Condominium by Utah State

8 SHEET 12 OF 12

JOB NO. 01408 FILE: 01408-512

RECORDED  
 STATE OF UTAH, COUNTY OF SALT LAKE AND FIELD  
 DATE: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

SEE RECORDS



**Ordinance No. 08-46**

**AN ORDINANCE APPROVING THE MARSAC AVENUE AFFORDABLE HOUSING  
SUBDIVISION LOCATED AT 100 MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Marsac Avenue Affordable Housing Subdivision, have petitioned the City Council for approval of the Marsac Avenue Affordable Housing 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, on January 9 and February 27, 2008, the Planning Commission held public hearings on the MPD pre-application. The Commission directed staff to return with findings for compliance with the General Plan. On March 12, 2008, the Commission ratified the findings for compliance with the General Plan and directed the applicant to work with the neighborhood to provide a more compatible design in keeping with the historic development pattern. The Commission was also not in favor of the intensity of the use and directed the applicant to reduce the density from what was originally proposed.

WHEREAS, on May 28, 2008, the Planning Commission held a work session discussion on the Master Planned Development application and a public hearing was held on June 11th. An additional public hearing only was held on June 25<sup>th</sup>. On July 9<sup>th</sup>, the Planning Commission approved a Master Planned Development for ten single family homes located on a private street.

WHEREAS, the Planning Commission held a public hearing on September 10, 2008, to receive input on the Marsac Avenue Affordable Housing Subdivision;

WHEREAS, the Planning Commission, on September 10, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 2, 2008, the City Council held a public hearing on the Marsac Avenue Affordable Housing Subdivision and remanded the subdivision back to the Planning Commission for review concurrently with the Steep Slope Conditional Use Permits; and

WHEREAS, the Planning Commission, on October 22, 2008, forwarded a positive recommendation to the City Council on an amended subdivision application; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Marsac Avenue Affordable Housing 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 Marsac Avenue Affordable Housing 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 proposed Marsac Avenue Affordable Housing Subdivision is located at 100 Marsac Avenue and encompasses 2.7 acres, including the platted Seventh (First) street right of way and two metes and bounds parcels.
2. The zoning for this property is Historic Residential (HR-1).
3. Ten single family lots are proposed. Fifty-one affordable housing units could potentially be built on the property based on lot area.
4. Four deed-restricted Open Space Parcels encompassing a total of 1.63 acres are proposed. These parcels will be owned and maintained by the Homeowners Association.
5. A 10-foot trail easement is dedicated to public use.
6. Silver Hills Court is a 25-foot wide private road with public pedestrian, public utility and emergency access easement located in the right of way.
7. A gate or other device approved by the Chief Building Official will restrict access to Ontario Court to emergency vehicles only. The emergency access easement through this subdivision must be kept clear of snow at the responsibility of the Marsac Avenue Affordable Housing Subdivision Homeowners Association
8. The maximum building height in the HR-1 zone is 27 feet. The Planning Commission, in reviewing a Steep Slope Conditional Use Permit may grant a height exception.
9. No additional roof height was proposed or approved with the MPD.
10. Parking in an Affordable Housing MPD is required at a rate of one space per bedroom. Ten two-bedroom houses are proposed requiring 20 parking spaces.
11. Open Space in the amount of 60% exceeds the 50% requirement.
12. Approximately 80% of the historic stone walls are preserved and a preservation easement is provided on the plat.
13. The applicant proposes pedestrian access to Old Town in a safe and efficient manner.
14. There is good cause for the street vacation based on the decrease in density, neighborhood compatibility, consideration, utility of existing right of way, and no material injury.
15. The site is near the location of the Judge Aerial Tram, Loading Station, and Ontario Mill.
16. The **Analysis** section of this staff report is incorporated herein.

#### Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, 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 subdivision 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 subdivision 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. All conditions of approval of the Marsac Avenue Affordable Housing Master Planned Development shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers is required for review by the Building Department prior to any building permit.
5. A Preservation Easement for the historic walls must be recorded concurrently with the plat. A financial guarantee for the protection of the historic walls during construction will be

- determined by the Chief Building Official with the Construction Mitigation Plan.
6. A gate or other device approved by the Chief Building Official will restrict access to Ontario Court to emergency vehicles only. The emergency access easement through this subdivision must be kept clear of snow at the responsibility of the Marsac Avenue Affordable Housing Subdivision Homeowners Association.
  7. Open space deed restrictions must be recorded prior to or concurrently with the plat.
  8. The soil will be tested for compliance with the Park City Soils Ordinance and clean-up, if necessary, to meet the regulatory standards applicable to Empire Pass.
  9. The applicant will work with the City and UDOT to provide safe pedestrian sidewalk, crosswalk, and warning signs along SR 224.

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

PASSED AND ADOPTED this 6th day of November, 2008.

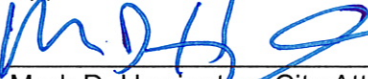
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney





**Ordinance No. 08-45**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 9 OF THE MUNICIPAL CODE OF PARK CITY TO REQUIRE ALL SEXUALLY ORIENTED BUSINESSES OPERATING WITHIN THE BOUNDARIES OF PARK CITY TO OBTAIN BUSINESS LICENSES FROM PARK CITY MUNICIPAL CORPORATION**

**WHEREAS**, the majority of Sexually Oriented Business operating within the Park City boundaries come from outside the boundaries of Park City;

**WHEREAS**, the Sexually Oriented Business licensing requirements of other municipalities may be more lenient than those of Park City;

**WHEREAS**, the Park City Police find that there are significant secondary effects associated with Sexually Oriented Businesses such as prostitution, drugs, gangs, robberies and assaults;

**WHEREAS**, the Park City Police and the Back Net Joint Task Force spend a significant amount of time and resources to investigate, enforce, and prosecute crimes associated with Sexually Oriented Businesses, above and beyond the basic level of resources otherwise required;

**WHEREAS**, pursuant to U.C.A. § 10-1-203(5)(d), Sexually Oriented Businesses operating in Park City, along with their secondary effects, require an enhanced level of municipal services and resources;

**WHEREAS**, the supervision, management and control of the crime associated with Sexually Oriented Businesses will be facilitated by local business license records and easily accessible location and contact information;

**WHEREAS**, public hearings were duly held before the City Council on November 6, 2008;

**WHEREAS**, public notice and opportunity to comment were provided, pursuant to the Municipal Code;

**WHEREAS**, to protect the health, safety, and welfare of the citizenry, the City Council finds that it is in the best interests of the residents of Park City to implement the proposed amendments in Appendix A, which require all Sexually Oriented Businesses operating within the boundaries of Park City to obtain business licenses from Park City Municipal Corporation;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:**

**SECTION I. FINDINGS.** The above-recitals are hereby incorporated herein as

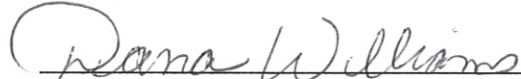
findings.

**SECTION II. AMENDMENT.** Title 4, Chapter 9, of the Municipal Code is amended to read as outlined in Exhibit A.

**SECTION III. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

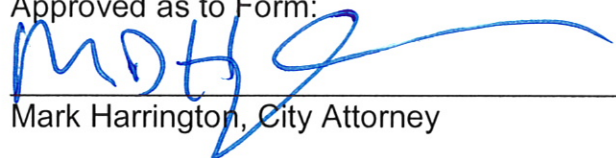
PASSED AND ADOPTED this 6<sup>th</sup> day of November, 2008

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to Form:  
  
\_\_\_\_\_  
Mark Harrington, City Attorney



**Exhibit A - Amendments to Title 4 Chapter 9**

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**4- 9- 6. BUSINESS LICENSE REQUIRED, EMPLOYEE LICENSE REQUIRED .**

It shall be unlawful for any person to engage in a Sexually Oriented Business within the boundaries of Park City, Utah, as specified herein, without first obtaining a Sexually Oriented Business license from Park City Municipal Corporation. Providing Escort Services within Park City shall be considered engaging in business. The business license shall specify the type of Sexually Oriented Business for which it is obtained. It shall be unlawful of any Employee of a Sexually Oriented Business to perform any services in the boundaries of Park City, Utah without first obtaining a Sexually Oriented Business Employee license from Park City Municipal Corporation. Any person operating as an independent contractor in Park City, Utah shall obtain both a Sexually Oriented Business license and an Employee license from Park City Municipal Corporation.

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*(Amended by Ord. 06-81)*

**4- 9-10. BUSINESS LICENSE APPLICATION.**

Before any Applicant may be licensed to operate a Sexually Oriented Business in Park City, Utah pursuant to this Chapter, the Applicant shall submit to the Business License Clerk, on a form to be supplied by the Park City Business License Clerk, the following:

(A) The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.

(B) If the Applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name the information required below for individual Applicants shall be submitted for each partner and each principal of an Applicant and for each officer or director. Any holding company, or any entity holding more than ten percent of an Applicant, shall be considered an Applicant for purposes of disclosure under this Chapter.

(C) All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity.

(D) For all Applicants the application must also state:

(1) any other names or aliases used by the individual;

(2) present physical address and telephone number of the Business Premises;



- (3) any internet websites that the business operates;
- (4) present residence and telephone number;
- (5) Utah drivers license or identification number; and
- (6) Social security number.

(E) Acceptable written proof that any individual is at least twenty-one (21) years of age;

(F) In the event the Applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the Applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located;

(G) A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the Sexually Oriented Business intends to operate. This description shall also include:

- (1) the hours that the business or service will be open to the public and the methods of promoting the health and safety of Employees and patrons and preventing them from engaging in illegal activity;
- (2) the methods of supervision preventing the Employees from engaging in acts of prostitution or other related criminal activities;
- (3) the methods of supervising Employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances;
- (4) the methods of screening Employees and customers in order to promote the health and safety of Employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

(H) Each applicant is required to attach to the application form the additional items listed under Section 4-9-12 of this Chapter.

(I) Each applicant is required to meet with the Police Chief or his/her designee.

(Amended by Ord. 06-81)

**4- 9-11. EMPLOYEE LICENSE APPLICATION.**

(A) Applications for an Employee license to work and/or perform services in a Sexually Oriented Business in Park City, Utah whether original or renewal, must be made to the Park City Business License Clerk by the person to whom the Employee license shall be issued. Each application for an Employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the Park City Business License Clerk. Applications must be submitted to the office of the Park City Business License Clerk during regular working hours. Each applicant shall be required to give the following information on the application form:

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- (1) The correct legal name of the applicant, and any other names or aliases used by the applicant or by which the applicant is known;
- (2) Present residence address, and telephone number;
- (3) Present business name, address, and telephone number;
- (4) Utah driver's license or identification number;
- (5) Social security number;
- (6) Age, date, and place of birth; and
- (7) Height, weight, hair color, and eye color.

(B) Each applicant shall provide acceptable written proof that the applicant is at least twenty-one (21) years of age;

(C) Each applicant is required to attach to the application form the additional items listed under Section 4-9-12 of this Chapter.

(D) Each applicant is required to meet with the Police Chief or his/her designee and sign a statement of understanding of the applicable laws and regulations.

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(Created by Ord. 06-81)

**4- 9-12. ADDITIONAL APPLICATION REQUIREMENTS .**

Attached to the application form for any license under this ordinance shall be the following:

- (A) Two (2) color photographs of the applicant clearly showing the individual's face

and the individual's fingerprints on a form provided by the Park City Police Department. For persons not residing in Park City, the photographs and fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;

(B) A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant possessed or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated, or presently owns or operates a Sexually Oriented Business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked, or suspended in this or any other county, city, state, or territory. In the even of any such denial, revocation, or suspension, state the date, the name or issuing or denying jurisdiction, and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application; and

(C) A statement detailing all criminal convictions, pleas of no contest except those which have been expunged, and pleas that are currently being held in abeyance and have not yet been dismissed, for the applicant, individual, or entity subject to disclosure under this Chapter for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses, any traffic offense designated as a felony shall not be construed as a minor traffic offense; stating the date, place, nature of each conviction, plea of no contest, except those which have been expunged, and plea that is currently being held in abeyance and has not yet been dismissed, and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers.

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*(Created by Ord. No. 06-81)*

#### **4- 9-16. EMPLOYMENT OF PERSONS WITHOUT PERMITS UNLAWFUL.**

It is unlawful for any Sexually Oriented Business operating in or engaging employees in Park City, Utah to employ, retain, or contract, or for any individual to be employed or contracted by a Sexually Oriented Business in the capacity of a Sexually Oriented Business Employee in Park City, Utah, unless that Employee first obtains and possesses a Sexually Oriented Business Employee license from Park City Municipal Corporation. It is not sufficient that the owner or employee of Sexually Oriented Business has a business license in any other location or jurisdiction.

For purposes of this Chapter, all owners, corporations, partnerships, or anyone who has any ownership interest in the Sexually Oriented Business doing business in Park City, Utah shall be criminally liable as a party to any violation of this Chapter. In addition, any manager or person with supervisory status over the unlicensed Employee doing business in Park City, Utah shall be criminally liable as a party to any violation of this

Chapter.

Any Employee who knowingly, intentionally, recklessly, or with criminal negligence introduces, furnishes, arranges, transports, assists or refers, or offers to introduce, furnish, arrange, transport, assist or refer any unlicensed Employee to provide, or for the purpose of providing Escort Services in Park City, Utah shall be criminally liable.

(Created by Ord. 06-81)

#### 4- 9-20. POSSESSION AND DISPLAY OF EMPLOYEE LICENSE.

It is unlawful for any individual licensed pursuant to this Chapter to fail to, at all times while engaged in licensed activities within the corporate boundaries of the City, carry their Park City Municipal Corporation Sexually Oriented Business license on their person. If the individual is Semi-Nude, such license shall be visibly displayed within the same room as the Employee is performing. When requested by police, City licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City.

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(Created by Ord. 06-81)

#### 4- 9-22. TRANSFER LIMITATIONS.

Sexually Oriented Business licenses granted under this Chapter are not transferable. It is unlawful for an individual to transfer a Sexually Oriented Business license. It shall be unlawful for a Sexually Oriented Business license held by a corporation, partnership or other non-corporate entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a Sexually Oriented Business licensee occurs, the license is immediately null and void and the Sexually Oriented Business shall not operate in Park City, Utah until a separate new license has been properly issued by the City as herein provided.

#### 4- 9-23. GENERAL REGULATIONS.

It is unlawful for any Sexually Oriented Business to:

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- (A) Allow persons under the age of eighteen (18) years, or the age of twenty one (21) years if required by applicable liquor ordinance, on the Business Premises, except that in Adult Businesses, which exclude minors from less than all of the Business Premises, minors shall not be permitted in excluded areas;
- (B) Allow, offer or agree to conduct any Escort Services with persons under the age of eighteen (18) years;
- (C) Allow, offer or agree to allow any alcohol being stored, used or consumed on or



in the Business Premises;

(D) Allow the outside door to the premises to be locked while any customer is in the Business Premises;

(E) Allow, offer or agree to gambling on the Business Premises;

(F) Allow, offer or agree to any Employee of a Sexually Oriented Business touching any patron or customer;

(G) Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the Business Premises;

(H) Allow Sexually Oriented Business Employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;

(I) Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the Business Premises, or in the event of an Escort or Escort Services, the Escort or Employee committing, offering, or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;

(J) Allow, offer, commit or agree to any Specified Sexual Activity in the presence of any customer or patron;

(K) Allow, offer or agree to allow a patron or customer to commit Specified Sexual Activities in the presence of an Employee or on the Business Premises;

(L) Allow, offer or agree to any Employee of a Sexually Oriented Business appearing before any customer or patron in a State of Nudity unless licensed as an Adult Theater;

(M) Allow, offer or agree that any Employee of a Sexually Oriented Business should appear before any customer or patron in a State of Partial Nudity without their employee license on their person or in their immediate control.

(N) Allow, offer, or agree to commit an act of lewdness as defined in Section 8-4-20 of this Code; or

(O) Not permit the Police Department or other proper City official to have access at all times to all premises licensed or applying for a license under this Chapter, or to make periodic inspection of said Business Premises whether the officer or official is in uniform or plain clothes.

*(Amended by Ord. 06-81)*

Deleted: Allow, offer, or agree to commit an act of lewdness as defined in § 8-4-20 of this Code; or

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**Ordinance No. 08-44**

**AN ORDINANCE APPROVING A PLAT AMENDMENT KNOWN AS 308 ONTARIO AVENUE SUBDIVISION COMBINING LOTS 1, 2, AND MOST OF LOT 3, OF BLOCK 59 OF THE PARK CITY SURVEY, INTO ONE LOT OF RECORD, PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 308 Ontario Avenue, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on October 22, 2008, the Planning Commission held a public hearing to receive public input on the proposed plat amendment ; and

**WHEREAS**, on October 22, 2008 the Planning Commission forwarded to City Council a positive recommendation; and

**WHEREAS**, on November 6, 2008 the City Council held a public hearing on the proposed subdivision; and

**WHEREAS**, it is in the best interest of Park City, Utah to approve the 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 308 Ontario 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 in the Historic Residential Low Density (HRL) zone.
2. The HRL zone is characterized by medium sized historic residential structures and larger contemporary houses on larger lots, and is a transitional zone from the historic HR-1 district to the R-1 and RM zoning districts.
3. The subdivision plat combines Lot 1, 2, and most of Lot 3 of Block 59 of the Park City Survey into one lot of record. The Area of proposed Lot 1 is approximately 5,387 square feet. The Lot Width of proposed Lot 1 is 59' measured 15' from the front lot line.
4. The minimum lot size (Area) in the HRL zone is 3,750 square feet. The minimum Lot Width in the HRL is 35 feet.
5. There is an existing 1,700 sf historic single-family home straddling Lots 2 and 3. The house has a non-conforming 3.5' setback to the north property line and is located 27' from the proposed south property line. Lot 1 is currently vacant, with the exception of stairs, paths, and landscaping.
6. Access to the property is from Ontario Avenue. The property has no frontage or

- access onto McHenry Avenue to the east. The property has frontage on platted, unimproved Third Street ROW along the south property line.
7. Off-street parking is currently limited due to the steeply sloped front yard. The lot slopes steeply from Ontario Avenue towards McHenry Avenue and the front property line is located approximately 44' back from the edge of the pavement of Ontario.
  8. Adjacent Third Street ROW is steeper than typically desired for an improved City Street or driveway. A public stairway within the Third Street ROW is not currently identified on the Trails Master Plan.
  9. On August 19, 2008, the Board of Adjustment granted a variance to allow a 1' front setback for a garage and covered deck over the garage.
  10. The maximum building footprint allowed for the proposed Lot 1 is 1,993.23 square feet, subject to Steep Slope CUP review by the Planning Commission. The existing building footprint is 869 square feet.
  11. Setbacks for proposed Lot 1 are 1' in the front for the garage and covered deck (per approved variance), 10' in the front for new floor area, 10' in the rear, 9' minimum on the north side for new construction (existing house has a non-conforming 3.5' setback), and 5' on the south corner side yard adjacent to Third Street ROW.
  12. Construction on these lots will create grading, terracing, site disturbance, shoring and project staging that could have impacts on the neighborhood, as there is limited area on Ontario for project staging and construction. A Construction Mitigation Plan that specifically addresses these issues will be necessary prior to issuance of any building permits.
  13. The applicant stipulates to the conditions of approval as listed.

#### Conclusions of Law

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

#### Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on any of the lots, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. A financial security for all public improvements shall be in place prior to plat recordation. The financial guarantee shall have been approved by the City Engineer as to amount and the City Attorney as to form prior to plat recordation.

4. The applicant will submit the final mylar to the City for recordation of the plat amendment at the County within one year of the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A remnant portion of Lot 3 was previously quit claimed to Lot 4 to resolve a setback issue for the existing adjacent house on Lot 4. This remnant portion of Lot 3 is not separately developable.
6. The owner shall enter into an encroachment agreement with the City for any use of platted Third Street for access, construction staging, and relocation and undergrounding of utilities.
7. Utilities exist for the proposed Lot. Overhead power lines serving the property will be placed under ground during construction of the addition. Easements for all existing power lines shall be identified on the plat prior to recordation. Alternatively, these lines may be relocated underground within the Third Street or Ontario ROW with approval by the City Engineer. Easements for sanitary sewer lines shall be identified on the plat prior to recordation as required by the Snyderville Basin Water Reclamation District.
8. A note shall be added to the plat stating that modified 13-D residential fire sprinklers are required for new construction on this Lot.
9. A Construction Mitigation Plan that specifically addresses the limited area on Ontario for project staging and development constraints of the property shall be submitted to the Building Department for review prior to issuance of any building permits

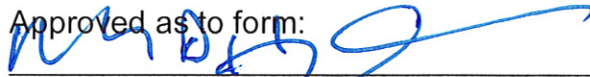
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 6<sup>th</sup> day of November, 2008.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Dana Williams, Mayor

Attest:  
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:  
  
\_\_\_\_\_  
Mark D. Harrington, City Attorney







**Ordinance No. 08-43**

**ORDINANCE AMENDING SECTION 14-4-9, SIDEWALKS TO BE CLEARED,  
SECTION 4-2-18(G), TRANSPORTATION SERVICE , AND  
SECTION 14-4-10. FIRE HYDRANTS TO BE UNCOVERED, IN THE  
MUNICIPAL CODE OF PARK CITY, UTAH**

WHEREAS, the Mayor and City Council deem it prudent to regularly examine municipal service levels and the efficient delivery of services to the public to ensure the health and safety of both residents and visitors alike; and

WHEREAS, it is important that City ordinances and laws are easily interpreted by the public and by City staff, specifically with regard to clear guidelines and consistent application of regulations; and

WHEREAS, emphasizing owner responsibility to clear sidewalks, establishing a tier system for sidewalk snow removal, enforcing private snow removal violations in a fair and consistent manner, and increasing public awareness of the importance of clearing fire hydrants during winter months were addressed by Council members during their work session held on September 11, 2008; and

WHEREAS, the Mayor and Council unanimously support modifying the Municipal Code, held a public hearing on proposed amendments at its regularly scheduled meeting on October 6, 2008, and deem it in the best interest of the community to amend the above-referenced sections as written below;

NOW, THEREFORE, BE IT ORDAINED that:

**SECTION 1. AMENDMENTS ADOPTED.** The following amendments are hereby adopted as follows:

**14- 4-9. SIDEWALKS TO BE CLEARED.** ~~*It shall be the duty of every property owner to clear the sidewalks and stairways at the perimeter of his property from accumulation of snow within a period of eight hours from the end of each storm. It shall be unlawful to permit an accumulation of more than eight inches (8") of snow to remain on the sidewalk for more than eight (8) hours at a time.*~~

**Tier I**

**Park City Municipal Corporation will provide snow removal services on the pedestrian Spine System Sidewalks, as identified in the "Park City Snow Removal Guide." Property owners are not required to remove snow from stairs and sidewalks at the perimeter of their property if those stairs and sidewalks are included within the Spine System Sidewalks.**



### Tier II

It shall be the duty of a property owner to clear the sidewalks and stairways at the perimeter of his property within eight (8) hours from the end of each storm if the sidewalks and stairways do not receive City services and are identified as critical to pedestrian movement in the "Park City Snow Removal Guide." It shall be unlawful for a property owner under a duty to remove snow to permit an accumulation of more than eight inches (8") of snow to remain on the sidewalks or stairs for more than eight (8) hours at a time.

### Tier III

Park City Municipal Corporation will not remove snow from sidewalks not listed in the "Park City Snow Removal Guide" nor are adjacent property owners required to remove snow from sidewalks and stairs not listed in the "Park City Snow Removal Guide".

Property owners required to remove snow may request relief from this ordinance through the City's "Request for Elevated Level of Service" process. A decision under this process will be based on the seasonality, location and outlet of the path or sidewalk. Property owners not under a duty to remove snow may request a higher level of service through the same process.

**14- 4-10. FIRE HYDRANTS TO BE UNCOVERED.** *It shall be the duty of every property owner to mark, uncover and remove accumulated snow and windrows of snow from over and around fire hydrants located ~~on his/her~~ at the perimeter of the owner's property. The hydrants shall be uncovered for a distance of not less than three feet (3') on all sides so the hydrants are accessible for emergency use. Hydrants shall be uncovered within seventy-two (72) hours of the time they are buried by **snowfall**; a plowed windrow of snow or from the time they become buried from drifts.*

**4- 2-18 (G). TRANSPORTATION SERVICE, PASSENGER AND SNOW REMOVAL OPERATORS AND FREIGHT, SERVICE AND DELIVERY TRUCKS.** License certificates shall take the form of a sticker to be placed on each licensed vehicle. The ~~division~~ City shall design stickers that are suitable for this use and non-removable without the sticker being destroyed. Various kinds of stickers may be used to show the term of a license if issued for less than one (1) year. The sticker shall be displayed on ~~all-service, freight-delivery~~ snow removal vehicles, passenger service vehicles, shuttles and taxis at all times. If no sticker is displayed, it is prima facie evidence that no license was issued. Delivery and service vehicles with a business location in Park City, on which a license fee is issued on a square footage basis, shall be exempt.

(1) Ready-mix concrete trucks, ore hauling trucks, dump trucks, drilling apparatus trucks, cranes, concrete pumping trucks, and other truck-based construction or excavation equipment shall be assessed as set forth in the rate tables per business engaged in such business.

(2) Businesses which utilize trucks in construction activity are subject to both the fee provisions of this section and also those for contractors except that an unlimited number of trucks, not exceeding nine thousand pounds gross vehicle weight (9,000 lbs. gvw), may be used in the construction activity without any charge applied to the vehicle.

(Amended by Ord. Nos. 03-02; 05-78)

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

PASSED AND ADOPTED this 6<sup>th</sup> day of November, 2008.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

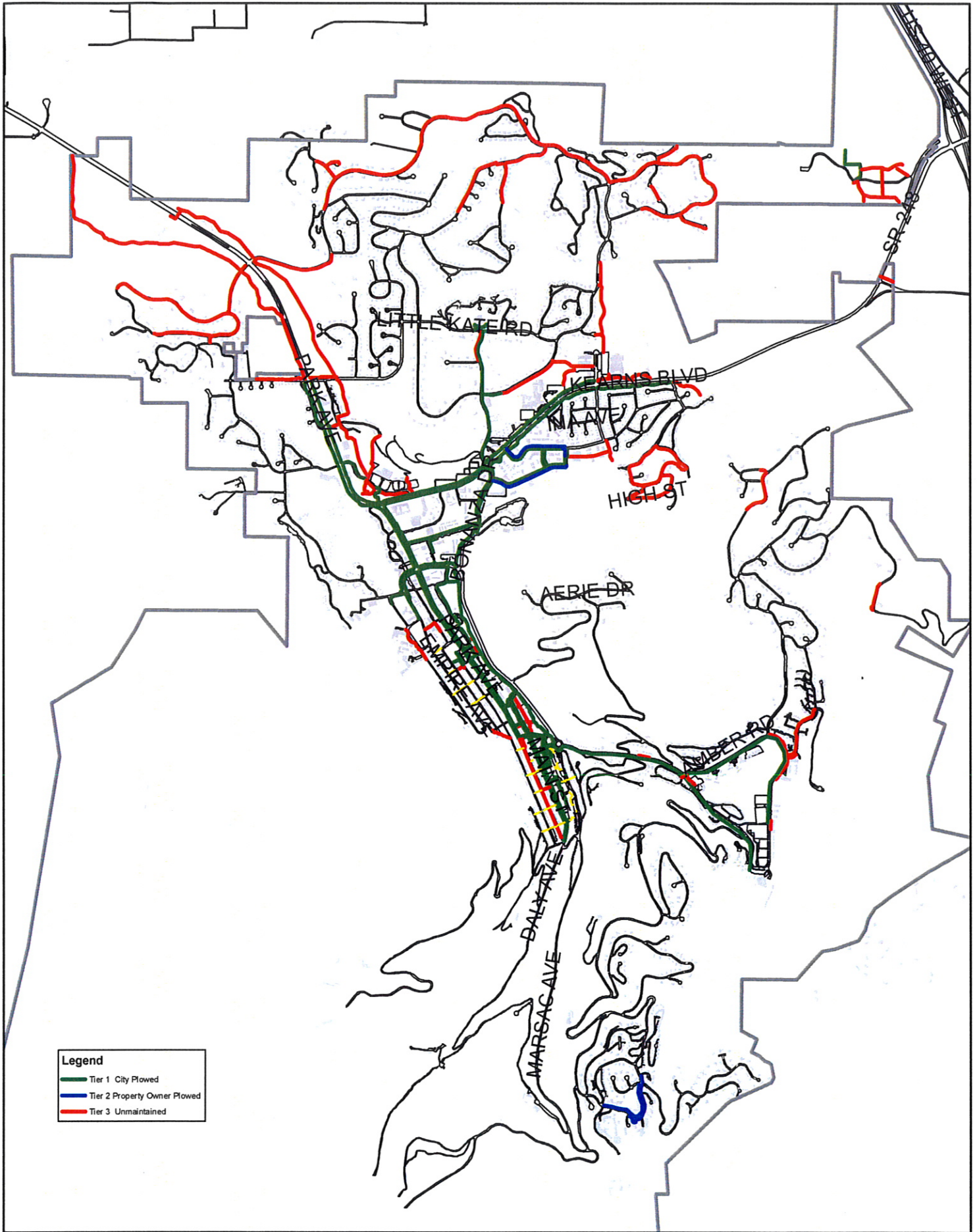
  
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Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney







# TRAIL/SIDEWALK PLOWING PLAN

0 0.1 0.2 0.3 0.4 0.5 Miles



**Ordinance No. 08-42**

**AN ORDINANCE APPROVING THE ZALLER SUBDIVISION PLAT AMENDMENT LOCATED AT 830 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 830 Empire Avenue have petitioned the City Council for approval of the Zaller Subdivision plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 8, 2008, to receive input on the Zaller Subdivision plat amendment;

WHEREAS, the Planning Commission, on October 8, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Zaller 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 Zaller Subdivision plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 830 Empire Avenue in the HR-1 zoning district.
2. The structure located at 830 Empire is considered historic and is listed on the City's Inventory of Historic Buildings.
3. The historic home is a legal non-conforming structure as the building does not meet setbacks, crosses lot lines and encroaches onto neighboring properties.
4. The existing historic structure encroaches 0.62 feet into the 8<sup>th</sup> street ROW to the east; 0.39 feet into the Empire Avenue ROW top the west; and 2.04 feet into Lot 16 to the south.
5. The applicant is proposing to lift the unit 1.6 feet and adding living space under the home to facilitate two bedrooms, bathrooms, and a small storage room. The lot slopes down to the east. With the excavation under the home, only the east façade will show the visual affect of the addition and the 1.6 foot lift of the home. During the process of raising the home the applicant is also proposing to re-design the south façade so that the structure is wholly on their own lot.
6. Section 15-2.2-4 of the LMC states that "Historic structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures".
7. There are also a Historic District Design Review and Conditional Use Permit applications under consideration by staff for this project.
8. Any construction within the Historic Residential District (HR-1) requires a Historic District Design Review.
9. No expansion to the building footprint is proposed.

10. A building permit cannot be issued for construction across a lot line.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one 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. In the event that the re-design of the south façade does not take place and a portion of the structure remains on Lot 16, an encroachment agreement must be signed by the owner of the adjacent Lot 16 before the recordation of the amended plat.

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

PASSED AND ADOPTED this 30th day of October, 2008.


PARK CITY MUNICIPAL CORPORATION

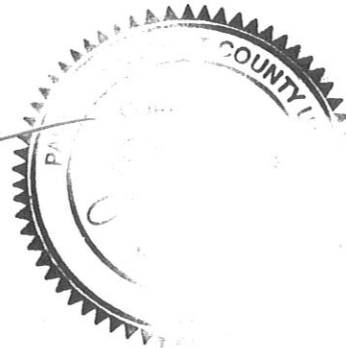
  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney





# Zaller Subdivision

An Amendment to Lots 14 & 15 and a Portion of the Vacated Right of Way of Empire Avenue Block 14, Snyder's Addition to the Park City Survey

## NARRATIVE

1. Survey requested by Thomas Zaller.
  2. Purpose of survey: lot line amendment between adjacent properties.
  3. Basis of survey: found Street Measurements on record, Block Dimensions on record, and the Park City Survey, recorded in the County Recorder's Office, recorded as Entry No. 187765 in the office of the Summit County Recorder, Subdivision of Block 14 from the Map of Park City by Caldwell & Richards Engineers, voided from the original map July, 1927.
  4. Date of survey: August 6, 2007; see the previous survey of the property recorded on file 68-0120 in the office of the Summit County Recorder.
  5. Location of survey: Block 14, Township 2 South, Range 4 East, Salt Lake Basin & Meridian.
- The owners of the property should be aware of and disclose any items affecting the property that may appear in a title insurance report.

## OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that I, Thomas F. X. Zaller, the undersigned owner of the property described herein, do hereby dedicate to the City of Park City, Utah, in accordance with Utah Law, the portion of the property shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this \_\_\_\_ day of \_\_\_\_\_ 2008.

By: \_\_\_\_\_  
Thomas F. X. Zaller

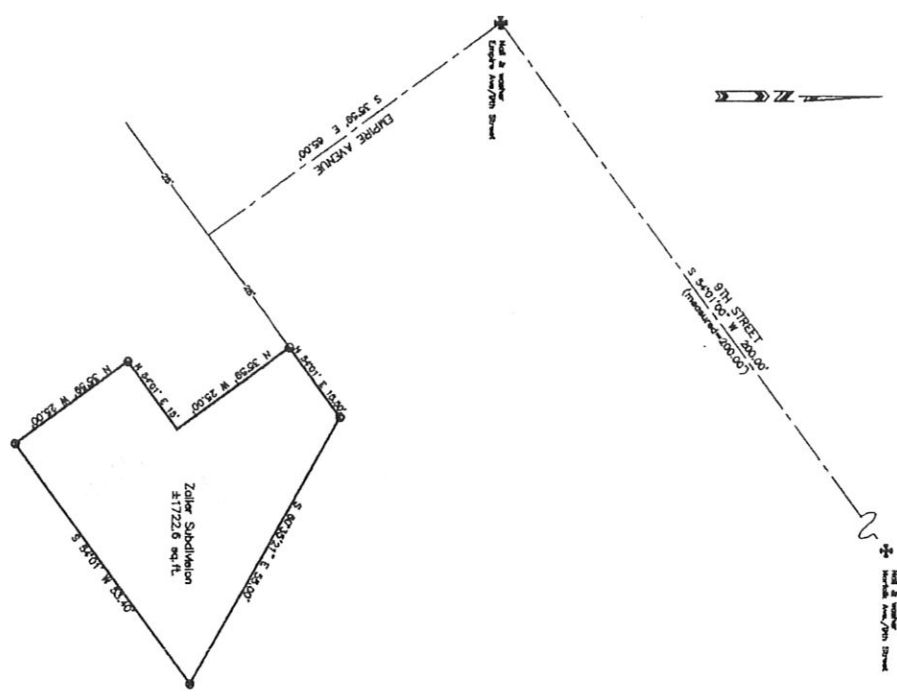
## ACKNOWLEDGEMENT

On this \_\_\_\_ day of \_\_\_\_\_, 2008, Thomas F. X. Zaller, personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is the legal owner of the property described herein and that he has signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By commission expires: \_\_\_\_\_

RESIDING IN \_\_\_\_\_ COUNTY, \_\_\_\_\_

NOTARY PUBLIC



## ZALLER SUBDIVISION

Beginning at the Northwest corner of Lot 14, Block 14, Snyder's Addition to the Park City Survey, according to the original plat thereof, on the end of the block, the following bearings and distances: thence N 54°01' E, 15.50 feet to a point on the northern line of said Lot 14, 15.50 feet; thence S 60°35'21\"/>

Beginning at the Northwest corner, Lot 16, Block 14, of Snyder's Addition to the Park City Survey, the following bearings and distances: thence N 54°01' E, 15.50 feet; thence North 54°01'00\"/>

- Legend
- ⊕ Found Street Monument
  - ⊙ Found rebar & cap—LS 8164
  - ⊙ Found nail & washer—LS 258005
  - ⊙ Found rebar & cap—LS 358005

## SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah, do hereby certify that I have supervised the making of the above described survey and that this plat is a true representation of said survey.

Date \_\_\_\_\_  
J.D. Galley RLS#036005

SPYDERVILLE BASIN WATER REPLETION DISTRICT APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2008 A.D. BY: _____	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2008 A.D. BY: _____	ENGINEER'S CERTIFICATE I AND THE PART TO BE IN ACCORDANCE WITH THE PLAN FILED IN MY OFFICE THIS _____ DAY OF _____ 2008 A.D. BY: PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ 2008 A.D. BY: PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THE RECORD OF SURVEY AND CORRECT THIS _____ DAY OF _____ 2008 A.D. BY: PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2008 A.D. BY: MAYOR	STATE OF UTAH DIVISION OF LAND SURVEYING AT THE REQUEST OF _____ DATE _____ TITLE _____ BOOK _____ PAGE _____ FILED _____ AUG 15 2008 PARK CITY PLANNING DEPT.
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RECORDED  
 DIVISION OF LAND SURVEYING  
 AUG 15 2008  
 PARK CITY PLANNING DEPT.

Nail & washer  
Empire Ave/9th Street

EMPIRE AVENUE  
S 35°59' E 85.00'

N 54°01' E 18.50'

N 35°59' W 25.00'

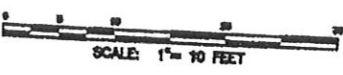
S 60°35'21" E 55.00'

N 56°01' E 15'

N 35°58' W 25.00'

S 54°01' W 53.40'

Zaller Subdivision  
±1722.6 sq.ft.



**Ordinance No. 08-41**

**AN ORDINANCE APPROVING THE ELLIOT GROVE CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 544 DEER VALLEY LOOP ROAD, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 544 Deer Valley Loop Road have petitioned the City Council for approval of the Elliot Grove condominium record of survey plat; 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 October 8, 2008, to receive input on the Elliot Grove condominium record of survey plat;

WHEREAS, the Planning Commission, on October 8, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Elliot Grove condominium record of survey plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The First Amended Elliot Grove condominium record of survey as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 544 Deer Valley Loop Road, Park City, Utah.
2. 544 Deer Valley Loop Road is located in the Residential-Medium Density (RM) district.
3. The lot is 9147.6 square feet or .21 acres in size.
4. The 3 condominium units vary in size. Unit A is 1,239 square feet, Unit B is 1,497 square feet, and Unit C is 1,401 square feet. All units are designated as residential units.
5. Two parking spaces are required for each residential unit. A total of six spaces are provided in the garage of the building.
6. The existing building located at 544 Deer Valley Loop Road partially complies with the requirements of the Residential-Medium Density (RM) district within the Land Management Code. The condo conversion will not increase the non-conformity of the property.
7. The findings within the Analysis section are incorporated within.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey and CCRs 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 condominium plat 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.

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

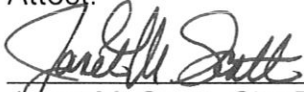
PASSED AND ADOPTED this 30th day of October, 2008.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

  
\_\_\_\_\_

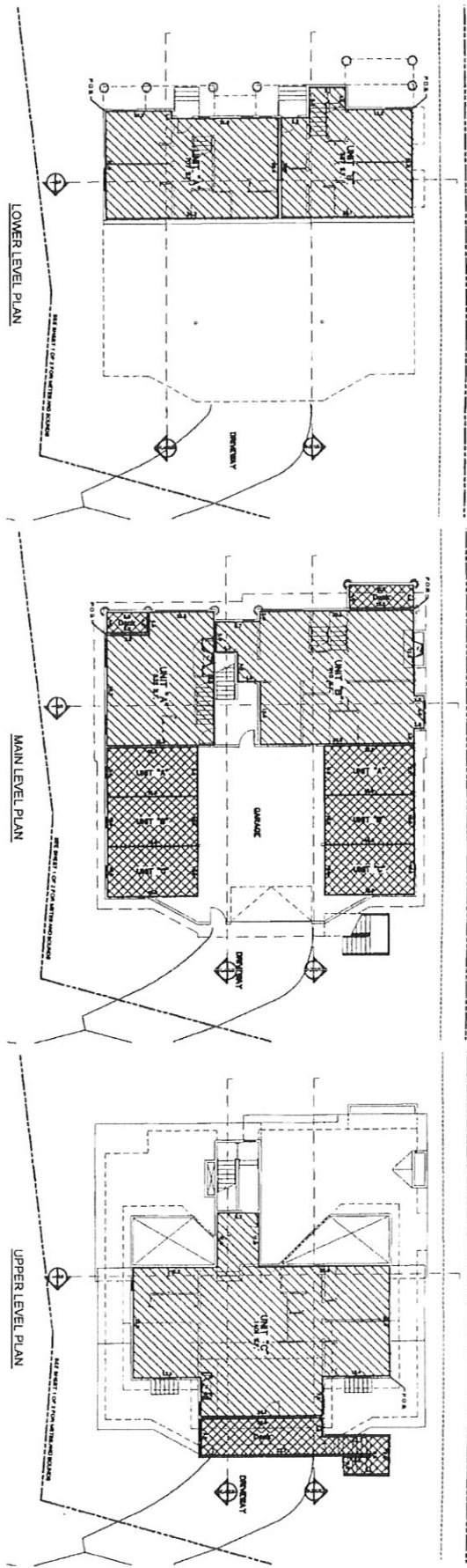
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_

Mark D. Harrington, City Attorney





LOWER LEVEL PLAN

MAIN LEVEL PLAN

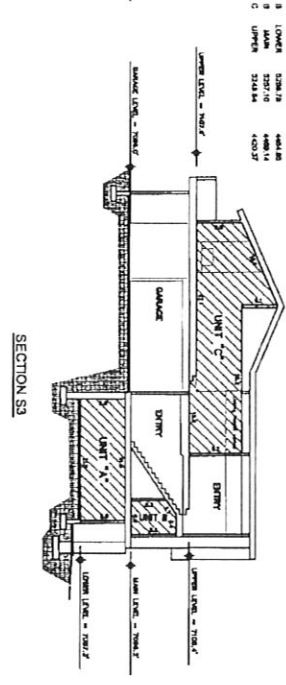
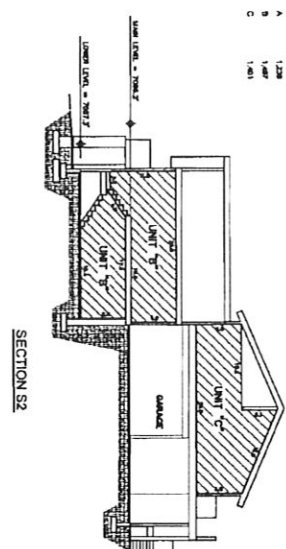
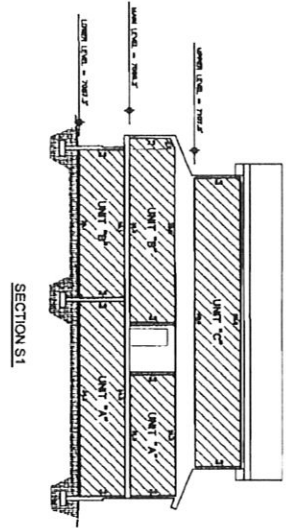
UPPER LEVEL PLAN

SQUARE FOOTAGE TABLE

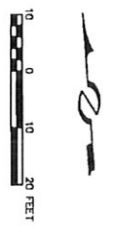
UNIT	SQ. FT.
A	1,484.28
B	1,484.28
C	1,484.28

UNIT POINT OF BEGINNING TABLE

UNIT	LEVEL	NORTHING	EASTING
A	UPPER	3128.28	4484.28
B	UPPER	3327.10	4484.28
C	UPPER	3526.92	4484.28



- NOTES:
- The dimensions of the project building and shown building envelope are based on drawings prepared by D. [Name] and [Name] and shall control. The owner, however, reserves the right to make any changes to the building envelope or building envelope shown on these drawings. The owner shall be responsible for any changes to the building envelope or building envelope shown on these drawings. The owner shall be responsible for any changes to the building envelope or building envelope shown on these drawings.
  - All building lines are in light weight or solid to the boundary unless otherwise noted.
  - Builder shall provide all materials and labor for the building envelope.
  - All materials and labor shall be provided by the contractor.
  - Builder shall provide all materials and labor for the building envelope.
  - Builder shall provide all materials and labor for the building envelope.
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  - Builder shall provide all materials and labor for the building envelope.
  - Builder shall provide all materials and labor for the building envelope.



**RECEIVED**  
 JUL 23 2008  
 PARK CITY PLANNING DEPT.

RECORD OF CONDOMINIUM  
**ELLIOTT GROVE**  
 CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 4 EAST, 34TH UTAH MERIDIAN  
 Incorporated pursuant to the Utah Condominium Act, Chapter 10, Utah Code Annotated, 1993.

SHEET 2 OF 2

JOB NO. 80208 FILE #442042-21  
 RECORDED  
 STATE OF UTAH, COUNTY OF BLAINE, AND FIELD  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_



**RECEIVED**  
 JUL 23 2008  
 PARK CITY  
 PLANNING DEPT.

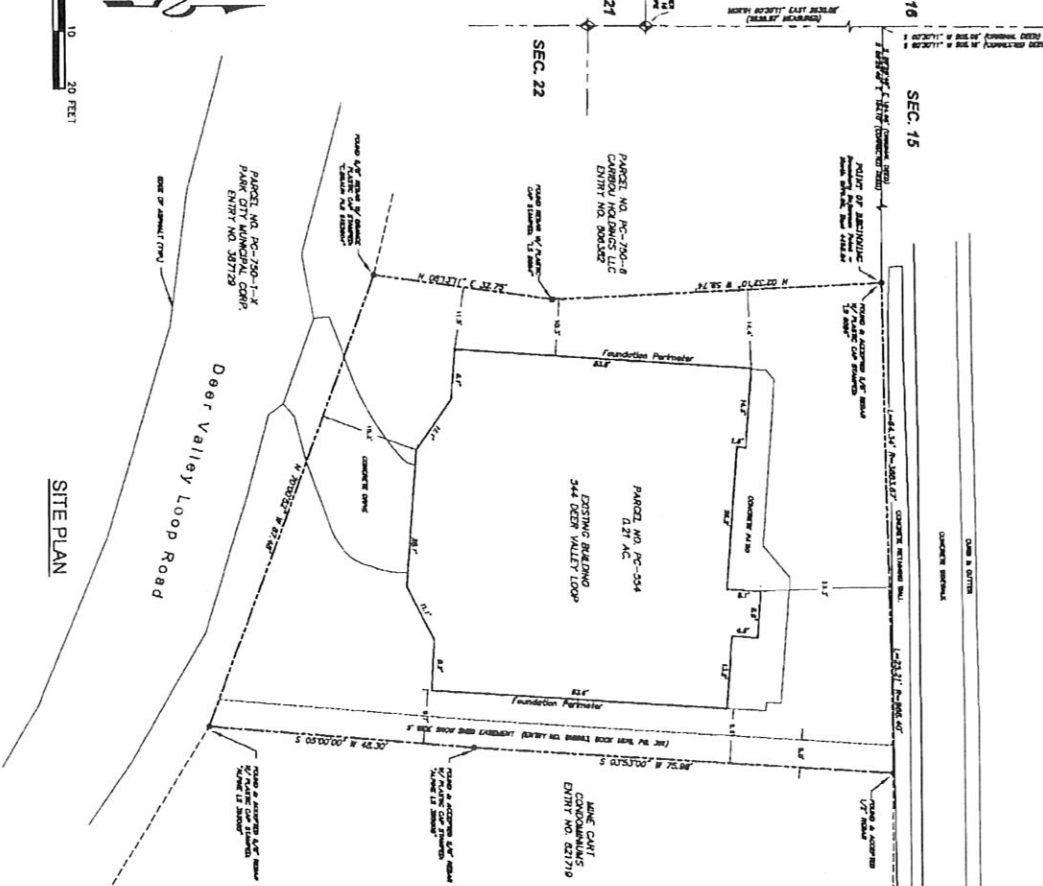
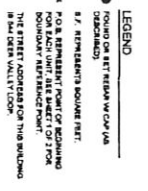
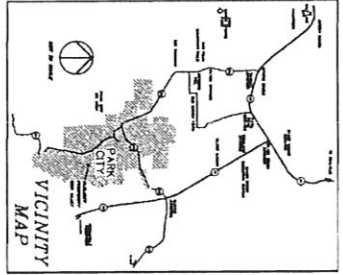
**SURVEYOR'S CERTIFICATE**  
 I, Charles B. Burt, Surveyor, do hereby certify that I am a duly Licensed Professional Surveyor in the State of Utah, and that I am the duly Licensed Professional Surveyor of record for the Survey of Condominium Plat for ELLIOTT GROVE CONDOMINIUM, a Utah Condominium Project in accordance with the provisions of the Utah Condominium Act, Chapter 67, Title 67, Utah Code, and that I have duly and properly performed my duties as such.

**OWNER'S DECLARATION AND CONSENT TO RECORD**  
 I, the undersigned, do hereby declare and consent to the recording of this Survey of Condominium Plat for ELLIOTT GROVE CONDOMINIUM, a Utah Condominium Project in accordance with the provisions of the Utah Condominium Act, Chapter 67, Title 67, Utah Code, and that I have duly and properly performed my duties as such.

**BOUNDARY DESCRIPTION**  
 The boundary description of the Survey of Condominium Plat for ELLIOTT GROVE CONDOMINIUM, a Utah Condominium Project in accordance with the provisions of the Utah Condominium Act, Chapter 67, Title 67, Utah Code, is as follows: ...

**ACKNOWLEDGMENT**  
 I, \_\_\_\_\_, do hereby acknowledge that I am the duly Licensed Professional Surveyor of record for the Survey of Condominium Plat for ELLIOTT GROVE CONDOMINIUM, a Utah Condominium Project in accordance with the provisions of the Utah Condominium Act, Chapter 67, Title 67, Utah Code, and that I have duly and properly performed my duties as such.

**NOTES**  
 1. The boundaries of the Survey of Condominium Plat for ELLIOTT GROVE CONDOMINIUM, a Utah Condominium Project in accordance with the provisions of the Utah Condominium Act, Chapter 67, Title 67, Utah Code, are as shown on the attached plat. ...



**RECORD OF CONDOMINIUM**  
**ELLIOTT GROVE CONDOMINIUMS**  
 A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, SUMMIT COUNTY, UTAH  
 Recorded concurrently herewith is the Declaration of Condominium for Elliott Grove Condominium.

JOB NO. 80908 FILE: 544 DWG-51	DATE: 07/23/08	BY: [Signature]
PARK CITY SURVEYING 2011 DeWette Blvd, Suite 1 Park City, Utah 84301 435-263-1111	SANDYVILLE BASIN WATER RECLAMATION DISTRICT RECLAMATION DISTRICT SANDYVILLE BASIN DIVISION OF WATER RESOURCES BY: SANDYVILLE	PLANNING COMMISSION APPROVED FOR RECORDATION ON THIS DATE OF 2008 A.D. BY: CHAIRMAN
ENGINEER'S CERTIFICATE APPROVED FOR RECORDATION ON THIS DATE OF 2008 A.D. BY: PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED FOR RECORDATION ON THIS DATE OF 2008 A.D. BY: PARK CITY ATTORNEY	CERTIFICATE OF ATTEST APPROVED FOR RECORDATION ON THIS DATE OF 2008 A.D. BY: PARK CITY RECORDER
CONJUNCT APPROVAL AND ACCEPTANCE APPROVED FOR RECORDATION ON THIS DATE OF 2008 A.D. BY: [Signature]	RECORDED DATE: _____ TIME: _____ BOOK: _____ PAGE: _____	

## Ordinance No. 08-40

### **AN ORDINANCE APPROVING THE IVERS/BAER SUBDIVISION COMBINING LOTS 12, 16-18 OF BLOCK 52 , LOTS 6-9 BLOCK 60 OF THE PARK CITY SURVEY, AND LOT ONE OF THE IVERS REPLAT, WITH ADJACENT REMNANT PARCELS INTO THREE LOTS OF RECORD, LOCATED AT 154 MCHENRY AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property known as 154 McHenry Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on October 12 and November 28, 2007 the Planning Commission discussed the 154 McHenry Avenue plat amendment at work session and on November 28, 2007 and January 9, January 23, and September 10, 2008, the Planning Commission held public hearings to receive public input on the proposed Subdivision ; and

WHEREAS, September 10, 2008 the Planning Commission forwarded a positive recommendation to City Council; and

WHEREAS, on October 2, 2008 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 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 Ivers/Baer 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 in the Historic Residential Low Density (HRL) zone.
2. The HRL zone is characterized by medium to smaller sized contemporary and historic residential structures, and is a transitional zone from the historic district to the larger contemporary zones.
3. The subdivision plat combines portions of Lots 12, 16-18 of Block 52 and Lots 6-9 of Block 60 of the Park City Survey, and Lot 1 of the Ivers Replat into three lots of record and results in a reduction in density. The total plat area contains approximately 16,410 square feet.
4. There is an existing single family home on Lot 1 that is a non-conforming structure due to the location of existing property lines that the subdivision plat

- can not resolve. Lots 2 and 3 are vacant.
5. Access to lots 1 and 2 is from McHenry Avenue.
  6. Access to lot 3 is proposed in two locations; the first is via a 12 foot wide driveway easement across the east side of Lot 2; the second is via a stair case that would have to be constructed from Ontario Court either from an easement across Lot 1 of the Block 52 Replat Subdivision or within the platted, un-built Second Street ROW. These stairs are a requirement of the City to provide emergency and fire access to Lot 3. These stairs must be built to City specifications for public stairways but could initially be private stairs to be maintained by the owner of Lot 3. If the City completes the staircase to McHenry in the future, the staircase would be public stairs and maintenance of the stairs would be consistent with the maintenance protocol for City staircases.
  7. The existing historic driveway will mitigate impacts of the 12-foot driveway accessing lot 3 on the existing topography and it will reduce the necessity of excessive grading and retaining necessary for the driveway.
  8. A portion of Lot 1 will be dedicated to the City as part of the McHenry right -of-way. A portion of Lot 12, Block 52 will be dedicated to PCMC/RDA.
  9. Lot 1 is 3,750 square feet in size with a maximum footprint of 1,519 square feet.
  10. Lot 2 is 6,430 square feet in size with a Maximum footprint of 2,241 square feet.
  11. Lot 3 is 6,078 square feet in size with a Maximum footprint of 2,160 square feet.
  12. The minimum lot size for a single- family home in the HRL zone is 3,750 square feet.
  13. Construction on these lots will create grading, terracing; site disturbance, shoring and project staging that could have impacts on the neighborhood, as there is limited area on McHenry Avenue for project staging and construction. Construction mitigation plans for these lots shall take into consideration these limitations.
  14. Minimal construction staging area is available along McHenry Avenue.
  15. The height for any construction on the property will be measured in accordance with the requirements in the LMC. Setbacks for Lot 1 are 10' minimum front and rear and 10' minimum on the sides due to non-conforming situation with the existing house. Setbacks for Lot 2 are 10' minimum front and rear and 5' minimum side with a total of 14'. Setbacks for Lot 3 are 12' minimum front and rear with total of 25' and 5' minimum side with a total of 18'.
  16. The applicant stipulates to the conditions as listed.

#### Conclusions of Law

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

#### Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and

- content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on any of the lots, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
  3. A financial security for all public improvements shall be in place prior to plat recordation. The financial guarantee shall have been approved by the City Engineer as to amount and the City Attorney as to form prior to plat recordation.
  4. 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 and the plat will be void.
  5. No remnant parcel created hereby is separately build-able.
  6. The emergency access stairs and long driveway from McHenry Avenue for Lot 3 shall be constructed concurrent with any building permits for the Lot. The stairway must meet City specifications, as to type of construction and location, for a public stairway. The owner at that time shall enter into an encroachment agreement with the City for construction of the stairs and driveway in the platted street. The encroachment agreement will provide for the driveway's snow storage to be relocated to Lot 3 in the event the City ever constructs public stairs in the public right-of-way for Second Street.
  7. A maintenance agreement for the stairs shall be executed prior to final building permit issuance. The owner of Lot 3 is required to maintain the stairs as private stairs until such time as the City completes construction of the staircase and they become a public staircase.
  8. Modified 13-D sprinklers are required in each house.

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

PASSED AND ADOPTED this 2nd day of October, 2008.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Mayor Dana Williams

Attest:

\_\_\_\_\_  
Janet M. Scott, City Recorder

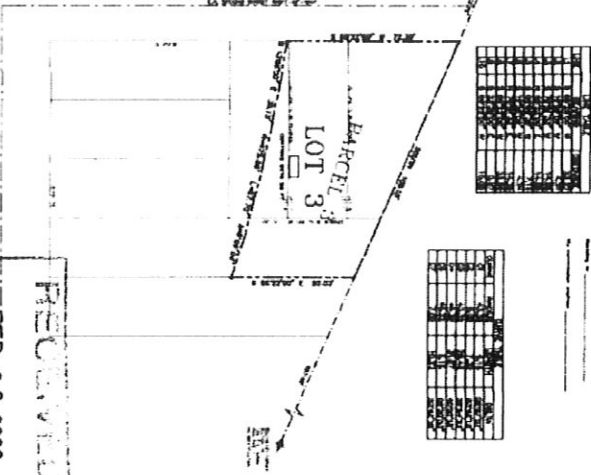
Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney

**Exhibit A**

**A LOT COMBINATION PLAT  
A RESUBDIVISION OF LOTS 12, 16-18 IN BLOCK 52 AND  
LOTS 6-9 IN BLOCK 80, PARK CITY SURVEY  
IVERS/BAER SUBDIVISION**

LOCATED IN SECTION 15  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN  
PARK CITY, SALT LAKE COUNTY, UTAH



**LEGISLATIVE COMMENT**  
The following information is provided for the information of the Legislature and the public. It is not intended to be a substitute for the actual text of the bill.

**DATE SUBMITTED**  
2/2/2006

**COMMENTS**  
This bill is a lot combination plat for a subdivision of lots 12, 16-18 in Block 52 and lots 6-9 in Block 80, Park City Survey, Ivers/Baer Subdivision. The bill is located in Section 15, Township 2 South, Range 4 East, Salt Lake Basin and Meridian, Park City, Salt Lake County, Utah.

**COMMENTS AND COMMENTS TO RECORD**  
The following information is provided for the information of the Legislature and the public. It is not intended to be a substitute for the actual text of the bill.

**DATE SUBMITTED**  
2/2/2006

**COMMENTS**  
This bill is a lot combination plat for a subdivision of lots 12, 16-18 in Block 52 and lots 6-9 in Block 80, Park City Survey, Ivers/Baer Subdivision. The bill is located in Section 15, Township 2 South, Range 4 East, Salt Lake Basin and Meridian, Park City, Salt Lake County, Utah.

**COMMENTS AND COMMENTS TO RECORD**  
The following information is provided for the information of the Legislature and the public. It is not intended to be a substitute for the actual text of the bill.

**DATE SUBMITTED**  
2/2/2006

**COMMENTS**  
This bill is a lot combination plat for a subdivision of lots 12, 16-18 in Block 52 and lots 6-9 in Block 80, Park City Survey, Ivers/Baer Subdivision. The bill is located in Section 15, Township 2 South, Range 4 East, Salt Lake Basin and Meridian, Park City, Salt Lake County, Utah.

<p><b>STATEWIDE BASS FISH DECLARATION DISTRICT</b> PROVIDED FOR COMPLIANCE TO CERTAIN BASS WITH DECLARATION DISTRICT STANDARDS PER UTAH DIV. OF CONSERVATION, UTAH A.S. BY: [Signature]</p>	<p><b>PLANNING COMMISSION</b> APPROVED IN THE YEAR OF PLANNING COMMISSION, UTAH A.S. BY: [Signature]</p>	<p><b>ENGINEER'S CERTIFICATE</b> I, THE UNDERSIGNED, A LICENSED SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREON. BY: [Signature]</p>	<p><b>APPROVAL AS TO FORM</b> I, THE UNDERSIGNED, A LICENSED SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREON. BY: [Signature]</p>	<p><b>CERTIFICATE OF ATTEST</b> I, THE UNDERSIGNED, A LICENSED SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREON. BY: [Signature]</p>	<p><b>RECEIVED</b> FEB 22 2006 PARK CITY PLANNING DEPT.</p>	<p><b>RECORDED</b> I, THE UNDERSIGNED, A LICENSED SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND DESCRIBED THEREON. BY: [Signature]</p>
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**Ordinance No. 08-39**

**AN ORDINANCE APPROVING THE RISNER RIDGE SUBDIVISION PLAT  
AMENDMENT, PARK CITY, UTAH.**

WHEREAS, the home owners association at the Risner Ridge Subdivision have petitioned the City Council for approval of the Risner Ridge plat amendment; and

WHEREAS, the properties were 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 August 27, 2008, to receive input on the Risner Ridge plat amendment;

WHEREAS, the Planning Commission, on August 27, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Risner Ridge 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 Risner Ridge plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is the Risner Ridge Subdivision.
2. The zoning is Residential Development (RD).
3. The proposed plat note restricting setbacks for Risner Ridge would be as follows:  
*"All buildings and structures on all lots shall be set back at least 15 feet from the side lot lines, 20 feet from the rear lot line, and a minimum of 30 feet from the front lot line."*
4. The plat note will increase the setbacks beyond what is required in the Land Management Code.
5. All existing buildings and structures meet the requirements of the proposed note. This note will not create any non-complying structures.
6. The City does not enforce Covenants, Conditions and Restrictions, but does enforce notes and instructions on a plat.

Conclusions of Law:

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

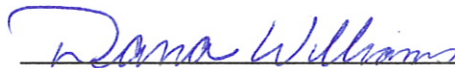
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendments 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 amendments 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 plats will be void.

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

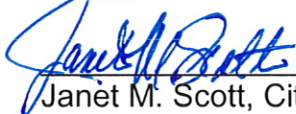
PASSED AND ADOPTED this 11<sup>th</sup> day of September, 2008.

PARK CITY MUNICIPAL CORPORATION



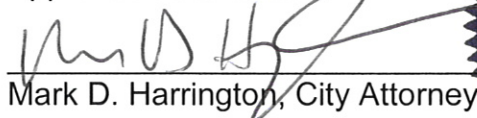
Mayor Dana Williams

Attest:

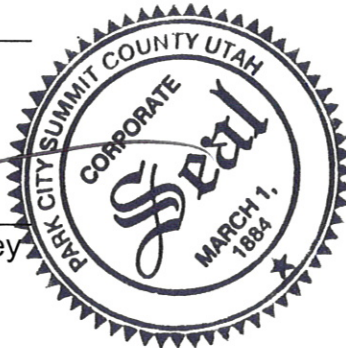


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





**Ordinance No. 08-38**

**AN ORDINANCE APPROVING THE RISNER RIDGE NO. 2 SUBDIVISION PLAT AMENDMENT, PARK CITY, UTAH.**

WHEREAS, the home owners association at the Risner Ridge No. 2 Subdivision have petitioned the City Council for approval of the Risner Ridge No. 2 plat amendment; and

WHEREAS, the properties were 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 August 27, 2008, to receive input on the Risner Ridge No. 2 plat amendment;

WHEREAS, the Planning Commission, on August 27, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Risner Ridge No. 2 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 Risner Ridge No. 2 plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is the Risner Ridge No. 2 Subdivision.
2. The zoning is Residential Development (RD).
3. The proposed plat note restricting setbacks for the Risner Ridge No. 2 would be as follows: *"All buildings and structures on all lots shall be set back at least 15 feet from the side lot lines and 20 feet from the front lot lines. Setback for the rear lot lines shall be 15 feet with the exception of lots 10 through 13 that are individual in relation to the adjacent golf course as shown on the recorded plat."*
4. Due to the proximity to the golf course the rear setbacks for lots 10-13 in Risner Ridge No. 2 are more restrictive than the LMC requirements and vary from 15'-40'. Those additional setback restrictions are already noted on the plat.
5. The plat note will increase the setbacks beyond what is required in the Land Management Code.
6. All existing buildings and structures meet the requirements of the proposed note. This note will not create any non-complying structures.



7. The City does not enforce Covenants, Conditions and Restrictions, but does enforce notes and instructions on a plat.

Conclusions of Law:

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

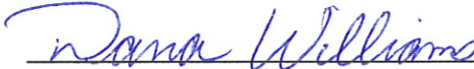
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendments 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 amendments 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 plats will be void.

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

PASSED AND ADOPTED this 11<sup>th</sup> day of September, 2008.

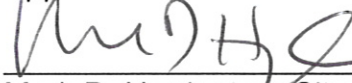
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney







**Ordinance No. 08-37**

**AN ORDINANCE APPROVING THE 1185 EMPIRE AVENUE PLAT AMENDMENT LOCATED AT 1183, 1185, AND 1195 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1183, 1185, and 1195 Empire Avenue have petitioned the City Council for approval of the 1185 Empire Avenue plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 27, 2008, to receive input on the 1185 Empire Avenue plat amendment;

WHEREAS, the Planning Commission, on August 27, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 1185 Empire Avenue 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 1185 Empire Avenue plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1183, 1185 and 1195 Empire Avenue in the HR-1 zoning district.
2. Two non-historic structures are located on the property.
3. The subject properties encompass Lots 12, 13, 14, and the southern three fourths portion of Lot 15, Block 14, Snyder's Addition to the Park City Survey.
4. The applicant intends on creating 2 lots from 3.75 lots.
5. Lot 1 containing the duplex at 1183 and 1185 Empire will have a width of 65.75 feet.
6. The duplex located at 1183 and 1185 Empire is a legal non-conforming structure as the building crosses two lot lines.
7. The LMC requires lots with widths from 62.5 feet up to 75 feet to have a side setback minimum of 5 feet and total of 18 feet.
8. The duplex at 1183 and 1185 Empire will meet the side yard setback requirements.
9. The structure at 1195 Empire was found to be unsafe and dangerous by Ron Ivie, Chief Building Official. A notice and order to vacate and demolish the structure was issued on October 15, 2007.
10. The demolition of 1195 Empire must take place before the recordation of the plat.
11. Lot 2 located at 1195 Empire will have a width of 28 feet.
12. Due to size constraints of the Lot a duplex would not be permitted at 1195 Empire Avenue.

13. A Historic District Design Review is required prior to any development in the Historic Residential District (HR-1).

Conclusions of Law:

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

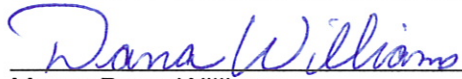
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one 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 demolition of the structure at 1195 Empire is a condition precedent to plat recordation.
4. No remnant parcels are separately developable.

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

PASSED AND ADOPTED this 11 day of September, 2008.

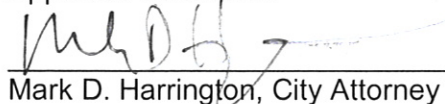
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney





**Ordinance No. 08-36**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE MARSAC PARKING  
STRUCTURE SUBDIVISION PLAT LOCATED AT 460 SWEDE ALLEY,  
PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Marsac Parking Structure subdivision, 460 Swede Alley, also commonly known as the Shell Space Building, Marsac Building, and China Bridge Parking Structure, have petitioned the City Council for approval of an amendment to the Marsac Parking Structure subdivision plat; 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 August 13, 2008, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on August 13, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 28, 2008, the City Council held a public hearing on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to the Marsac Parking Structure 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 Marsac Parking Structure Subdivision plat amendment 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 subject property is a 3.6 acre site located south of the transit center, north of Grant avenue, and between Swede Alley and Marsac Avenue.
2. The Marsac Parking Structure Subdivision plat was approved by City Council on March 24, 2005 and recorded at Summit County in November of 2005. The Subdivision plat combined multiple City-owned metes and bounds parcels.
3. The plat amendment creates three lots of record as follows: Lot One is 34,587 sf for the Marsac Building City Hall and the south surface parking lot (445 Marsac Avenue); Lot Two is 105,426 sf for the China Bridge Parking Structure and PCMC Shell Space building (460 Swede Alley); and Lot 3 is 16,078 sf for the access stairs, future downtown plaza and existing surface parking on Swede Alley (480 Swede Alley).
4. The property is in the Public Use Transitional (PUT) District that allows municipal uses, parking structures, commercial buildings and uses, subject to a conditional use permit



review.

5. The lot configuration meets minimum standards of the PUT District and LMC lot and site requirements for the PUT district, except in areas along Marsac Avenue where City Hall and existing China Bridge parking structure exist as legal non-complying structures because they do not meet required building setbacks for property abutting the HR-1 district.
6. The lot arrangement, proposed capital project sites, square footage, lot dimensions, access, easements, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.
7. Access to the second story of the Shell Space Building is located within the Parking Structure on Level 2. In order not to have an access opening across a property line, the Shell Space Building is located on the same lot as the Parking Structure. Cross access easements will need to be in place for access across the three lots for the benefit of the lots.

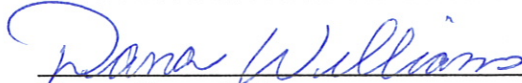
#### Conclusions of Law

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code, the General Plan and applicable State law regarding plat amendments.
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 amended Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will provide the mylar to the City for signatures and recordation the amended Subdivision Plat at the County, within one year from the date of City Council approval.
3. A note shall be added to the plat prior to recordation identifying the main access to Level 2 of the Shell Space building and cross access easements exist.


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
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Mark D. Harrington, City Attorney



