

**PARK CITY MUNICIPAL CORPORATION  
 PLANNING COMMISSION  
 CITY COUNCIL CHAMBERS  
 March 28, 2018**



**AGENDA**

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF March 14, 2018**

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

**STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATIONS**

Twisted Branch Road Subdivision Plat – A Subdivision Plat for 3 lots of record for an on-mountain private restaurant, a City water tank, and a recreational warming shelter/yurt; platted ROW for existing Twisted Branch Road; and platted parcels for Deer Valley Resort ski trails and bridges, open space, and existing Guardsman Pass Road, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area. <i>Public Hearing and continue to April 11, 2018</i>	PL-17-03664    23 <i>Planner                  Whetstone</i>
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**REGULAR AGENDA – Discussion, public hearing, and possible action as outlined below**

Park City Heights Subdivision Phase 2 – The applicant is requesting a final subdivision plat for a total of 39 single family lots consistent with the Park City Heights Master Planned Development. <i>Public hearing and possible recommendation for City Council on April 19, 2018</i>	PL-17-03552    24 <i>Planner                  Whetstone</i>
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Land Management Code (LMC) Text Amendment – Removing the Transfer of Development Rights Sending Treasure Hill (TDR-STH) language from LMC Section 15-2.24-4(A)(1) and 15-2.24-5(A)(7). <i>Public hearing and possible recommendation for City Council on April 19, 2018</i>	PL-18-03816    94 <i>Planner                  Astorga</i>
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<b>Work Session – Code Enforcement Update – Presentation by Deputy Building Official and Planning Director regarding current Coded Enforcement policies.</b>	Deputy Chief    106 <i>Building                  Official                  Downard and                  Director                  Erickson</i>
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**ADJOURN**

**\*Parking validations will be provided for Planning Commission meeting attendees that park in the China Bridge parking structure.**

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

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

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
MARCH 14, 2018

COMMISSIONERS IN ATTENDANCE:

Melissa Band, Sarah Hall, John Kenworthy, John Phillips, Mark Sletten, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Tippe Morlan, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Vice-Chair Band called the meeting to order at 5:35 p.m. and noted that all Commissioners were present. She welcomed the three new Commissioners.

**ADOPTION OF MINUTES**

February 28, 2018

MOTION: Commissioner Thimm moved to APPROVE the Minutes of February 28, 2018 as written. Commissioner Suesser seconded the motion.

VOTE: The motion passed.

**PUBLIC COMMUNICATIONS**

Carol Sletta, a resident at 135 Sampson Avenue, expressed concern about the overcalled mitigation plan for the Sampson/Ridge/Upper Norfolk/King Road neighborhood. She was concerned about the multiple projects that will be started in the near future, and the lengthy construction time of the current projects. Ms. Sletta thought it would be helpful if the neighbors could be consulted regarding the mitigation of the neighborhood projects; in particular, noise, road closures, and general public safety. In reviewing the construction mitigation plan, Ms. Sletta noticed that there had been many violations in the neighborhood over the past many years, and there appears to be exceptions to many of the rules, such as street parking, construction equipment parked on the streets, use of construction equipment driven on the streets, off-site staging, road closures, etc.

Ms. Sletta thought the mitigation plans should be customized for the protection of the Old Town neighborhoods, because they are different than Park Meadows, Prospector and

other areas. She was more than willing to talk to the City about helping to make upcoming construction in the neighborhood as painless as possible for the neighbors.

Ms. Sletta stated that on Sampson Avenue over the last five or more years, no less than 12 cars would be parked on their street. At times the road would be so narrow that a fire truck could not go through, and that is very concerning. Ms. Sletta hoped that with the upcoming projects, the City will find a way to create a mitigation plan that would be safer in Old Town.

Vice-Chair Band noted that the Planning Commission does its best to mitigate construction impacts, but most of the Commissioners do not live in Old Town. However, the few who do have great insight. She suggested that the Planning Commission discuss construction mitigation for Old Town at a future meeting and invite the City Engineer to participate in the discussion. Director Erickson thought it was a good idea. He announced that the City Council would be discussing Code Enforcement in two weeks. Approximately 50% of that is construction mitigation strategies. He and the Deputy Building Official would be giving a presentation to the City Council. Based on direction from the City Council, the Planning Department could prepare a Staff report for discussion on March 28<sup>th</sup>.

Director Erickson recalled that the conditions were added to the last rounds of Steep Slope CUPs and accessory apartment requests that the Planning Commission had approved. Regarding the two projects on the agenda this evening, Planner Morlan was prepared to add additional conditions prior to going to the City Council if the Planning Commission chooses to forward these projects this evening.

Vice-Chair Band noted that Code Enforcement has been an issue for the Planning Commission. Director Erickson anticipated rigorous questioning.

Commissioner Suesser liked the idea of customizing the construction mitigation plans and tailoring them to Old Town conditions. She believed that was important. Director Erickson agreed that it was a good idea and the Staff would look at that possibility.

### **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Erickson introduced Liz Jackson, Laura Newberry, and Graham Bunt, the newest Analyst. The Commissioners can expect communications from all three because they work as a team. The Commissioners can contact Liz, Laura or Graham whenever they need something, and all three have authorization to add to Director Erickson's schedule.

Director Erickson reported that he had validations for anyone who parked in the China Bridge to attend this meeting.

Director Erickson reported that the Commissioners would see an email tomorrow from the City with an update on the iPads. The head of IT has put together an equipment stipend for the Planning Commissioner. The Commissioners will be able to pick either an iPad Pro 12.9" screen or a 10.5" screen. The City will purchase the iPads so they can be checked and maintained. Director Erickson stated that all the Commissioners were eligible for a new iPad. He did not expect the new iPad to be up and running by the next meeting. If anyone has concerns about mingling personal and City emails for GRAMA reasons, the City can produce the information in paper to be delivered or picked up. They should contact Liz, Laura, or Graham if they prefer paper until the new iPads are ready.

Director Erickson noted that the Commissioners would also be signing an agreement about how to use the equipment.

Director Erickson commented on the Land Management Code. He hoped to have new copies printed for the three new Commissioners by Friday. Any other Commissioners wishing to have paper copies of the new LMC should be ready on Monday. Director Erickson stated that the Code on the website is more reliable than the paper Code, and he encouraged the Commissioners to use the website version. Both the electronic copy and the paper copy show the date when the ordinance was updated. It also tracks the previous ordinances.

Vice-Chair Band requested a paper copy of the Code, since she was using Liza Simpson's old LMC. Director Erickson pointed out that when this next round of LMC changes go through for affordability, parking, the Affordable Master Plan, and solar in the Historic Districts, the LMC will be out of date again. The Staff was trying to find extra copies of the General Plan so it did not have to be published. He had put in a budget request to the City Council to fund that if they end up needing to re-publish for all the Commissioners.

Director Erickson commented on the sign-up sheet that the Commissioners need to sign at each meeting. He stated that the Commissioners needed to go by HR to fill out their disclosure forms. They are paid for each meeting by direct deposit into their personal checking accounts.

Director Erickson reminded the Commissioners to make sure their microphones are turned on when they speak.

Director Erickson suggested that Vice-Chair Band move the Open and Public Meetings Training to the end of the agenda.

Commissioner Suesser informed everyone that she was not feeling she may have to excuse herself before the end of the meeting.

## REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

### 1. Election of Chair and Vice-Chair

MOTION: Melissa Band nominated John Phillips as the Vice-Chair. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: John Kenworthy nominated Melissa Band as the Chair. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

### 2. Open and Public Meeting Training

Not hearing any objections, Chair Band moved the Open and Public Meeting Training to the last item on the agenda.

### 3. 89 King Road – A plat amendment proposing to combine three existing lots and a remnant parcel of a fourth lot into one lot of record at 89 King Road to be 4,915 square feet in size. Application PL-18-03773

Planner Tippe Morlan reviewed the request to combine three existing lots and a sliver of a fourth lot on the south side into one lot of record. These lots and portion of a lot are all currently addressed at 89 King Road. All three interior lot lines bisect the existing non-historic house on the lot. The property owner has indicated intent to demolish the existing structure and construct a new single family dwelling. Planner Morlan clarified that this request would remove all existing encroachments and non-compliance from the existing house, as well as the proposed new house. When that application comes in it would be required to meet all LMC standards for the HRL zone. It would also have to go through the Historic District Design Review process.

Planner Morlan noted that a Steep Slope CUP may also be required, depending on where the proposed future new house would sit on the lot, since the rear portion of the lot is quite a bit steeper than the portion where the existing house sits. Planner Morlan remarked that there would be additional applications for this property as changes progress.

Commissioner Phillips asked if it was safe to say that a Steep Slope CUP was likely. Planner Morlan answered yes, especially since a good portion of the lot does not meet

the front or side setbacks and it would have to be pushed back. If the applicant wanted to maintain a similar footprint it would need to have a Steep Slope CUP. Planner Morlan explained that the proposed lot would meet HRL requirements. However, the existing house does not meet the current requirements of the front and side yard setbacks. There is also an encroachment of the wall on the north side of the lot.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council on this plat amendment, finding good cause that it cleans up property lines and allows the property owner to make improvements and changes to bring the lot into compliance with the LMC.

Chair Band opened the public hearing.

Mark Blue stated that he lives at 89 King Road. He asked about the applicant's timeline for destruction and rebuild.

Planner Morlan stated that this application was only for a plat amendment. The City had not yet received applications for demolition or for a new house. In order to submit applications for a new house or a demolition, the property lines first need to be removed through a plat amendment.

Mr. Blue asked about the timeline for the steps.

Planner Morlan reiterated that currently there were no other applications submitted beyond this plat application. If the Planning Commission forwards the plat amendment to the City Council, it would be schedule for the City Council meeting on April 5<sup>th</sup>.

Mr. Blue asked if the City was aware of the applicant across the street. It is an empty piece of land that was sold and he understood that it already had an approval on October 15, 2017. He wanted to understand the amount of construction that would be occurring on King Road this next summer.

Planner Morlan was not familiar with any other applications on King Road, and she was unable to answer his question this evening. She encouraged Mr. Blue to come into the Planning Department and the Staff would be able to help him with the status of any other applications.

Chair Band agreed that the questions Mr. Blue was asking required research by the Planning Department.

Mr. Blue wanted to know what was planned for the meeting on April 5<sup>th</sup>. Planner Morlan stated that if the Planning Commission issues a recommendation this evening, on April 5<sup>th</sup> the City Council will decide whether to approve, deny, or possibly table this application for a plat amendment.

Mr. Blue clarified that the only approval tonight would be a plat amendment for the three lots. Planner Morlan replied that he was correct. It was only to approve the plat amendment and to get it recorded and finalized.

Mr. Blue asked if the owner had applied for any type of architectural designs. Chair Band informed Mr. Blue that there was nothing other than this plat amendment.

Director Erickson explained the application processes and noted that it could be several months before any activity takes place on the lot. Mr. Blue asked if the existing structure was historic. Planner Morlan answered no. She also stated that no architectural designs have been submitted. Planner Morlan did not believe the owner had reached that point in deciding how to proceed with the project. The Staff knows nothing further until the applicant submits an application.

Mr. Blue stated that he was only doing his due diligence.

Chair Band thanked Mr. Blue for his comments. She suggested that he follow the meeting agendas to be aware if another application is submitted. Commissioner Phillips told Mr. Blue that the Staff is very helpful if he goes into the Planning Department.

Chair Band closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the 89 King Road Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 89 King Road

1. The property is located at 89 King Road.
2. The site consists of the entirety of Lot 26, Lot 27, Lot 28, and a remnant parcel of Lot 25 of Block 76 of the Park City Survey.

3. The property is in the Historic Residential – Low Density (HRL) District.
4. There is an existing non-historic structure at this address.
5. On February 28, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on February 24, 2018, according to requirements of the Land Management Code.
6. The City received a Plat Amendment application for the 89 King Road Plat Amendment on January 9, 2018. The application was deemed complete on January 26, 2018.
7. The proposed plat amendment will create one lot 4,915 square feet in size.
8. The existing home was constructed in 1950.
9. The property lines between the existing lots bisect the structure.
10. The applicant proposes to combine the subject lots into one lot of record.
11. No known encroachments exist on this property.
12. The existing home is a single-family dwelling which is an allowed use in the HRL district.
13. The minimum lot area in this zone is 3,750 square feet. The proposed lot has an area of 4,915 square feet.
14. Lot size in this neighborhood ranges from 1,742 to 11,963 square feet. Proposed lot size of 4,915 square feet is consistent with lot sizes in the area and less than the average size of 5,128 sf. There is not sufficient lot area to create two HRL lots of 3,750 square feet each.
15. The minimum lot width in the HRL zone is 35 feet. The proposed lot meets the requirements of this zone at 75 feet in width.
16. The proposed lot will also be approximately 60 feet deep.
17. The minimum front yard setback is 10 feet. The existing house has an 8-foot front



yard setback.

18. The minimum rear yard setback is 10 feet. The existing house has a 29-foot rear yard setback.

19. The minimum side yard setback is 5 feet on each side and 18 feet total. The existing house has an 8-foot side yard setback on the north side and a 1-foot side yard setback on the south side with a total of 9 feet on both sides.

20. The existing structure does not meet current LMC front or side yard setback requirements.

21. At the time the residence was constructed, the property was a part of the Historic Residential (HR-1) zoning district.

22. The zoning for King Road was changed from HR-1 to HRL as approved by the City Council on June 7, 1984.

23. The maximum building footprint for a lot this size is 1,864.4 square feet. The existing footprint meets this standard at approximately 1,700 square feet.

24. A Historic District Design Review application is required for any new construction proposed at the existing site.

25. A Steep Slope Conditional Use Permit is required for any construction proposed on slopes greater than 30 percent according to the HRL requirements.

26. King Road is a narrow steep street that can at times receive heavy snowfall. Snow storage easements along public streets allow the City to efficiently plow and clear streets.

#### Conclusions of Law – 89 King Road

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 lot combinations.
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 – 89 King Road

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.

3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

4. Side lot line snow shedding easements may be required for new construction per requirements of the Chief Building Official.

5. A 10-foot wide public easement along the King Road frontage shall be shown on the plat.

**4. 86 Prospect Street – A plat amendment proposing to convert two existing lots into three new lots of record including one lot 2,002 square feet in size and two lots 2,908 square feet in size. Application PL-18-03792)**

Planner Morlan handed out a new applicant statement that she had received the previous day. She noted that it was very similar to the one in the Staff report. The difference is that the new statement states that the existing building is non-historic.

Planner Morlan reviewed the application to convert two existing parcels into three lots of record. Currently, the north lot is an existing Old Town lot and the south parcel is a metes and bounds parcel that was never platted in the City. The applicant would like to create three new lots from the entire property. Planner Morlan noted that the existing Lot 12 is 1,994 square feet, which allows for a single-family home in the zone. The metes and bounds parcel, which has not been subdivided, is currently 5,830 square feet. She stated that the area was sufficient in the zone to construct either a single family dwelling or a duplex. In the HR-1 zone a duplex dwelling requires 3,750 square feet. Planner Morlan reported that the proposed lots would be one lot of 2,202 square feet, and two lots of 2,908 square feet.

Planner Morlan stated that there were currently three existing structures on the property; the existing house, an accessory structure in the rear that was approved as an art studio in 1994, and a shed to the south which encroaches over the south property line.

Planner Morlan reported that the applicant intends to demolish the structure and construct three new single-family dwellings. She pointed out that there were sufficient lot areas for only single-family dwellings on each of the three lots. Planner Morlan remarked that an HDDR and LMC requirements for the HR-1 will be required for all future structures. Steep Slope CUPs would also very likely be required on each of these lots given the slope around the distribution of the property. The existing structures must be removed before the plat is recorded, since new property lines cannot be recorded through an existing structure. That requirement was noted in Condition of Approval #6.

Planner Morlan summarized that the proposed lots meet the HR-1 requirements. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation based on finding good cause the plat amendment would resolve the existing encroachment and resolve the non-complying setbacks for the existing house, particularly in the front yard area.

Commissioner Phillips noted that the Commissioners were given a printed copy of a document that appeared to be the same as Exhibit E in the Staff report; however, the dates were different. Planner Morlan explained that the one she handed out this evening was received from the applicant's engineer yesterday. The only change was that the new exhibit labeled the existing house as non-historic.

Chair Band asked if there was a timeline for removing the existing structures. Planner Morlan replied that they would have to be removed before the plat could be recorded. If it is not recorded within one year of approval, the approval expires.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Phillips suggested that it would be a good idea for the Staff to include the purpose statements in the Staff report on future applications, as opposed to just a

link. He thought it would be helpful for the Commissioners and for the public to see the purpose statements written out on a particular project.

Commissioner Phillips asked for a broad description as to why the existing house was determined to be non-historic. Planner Morlan stated that she had personally researched this house because it was constructed in 1907 but not on the Historic Sites Register. In her research she found that the existing structure was constructed in 1907, but in the 1982 the Historic Property Survey it was identified as historic but close to being a new structure due to significant alterations and additions. The City does not have record of permits or alterations that far back. Planner Morlan was not familiar with what changes and additions that the 1982 survey referred to. She stated that in the early 2000s, one of the historic property surveys conducted in the City had taken it off the Register, but there was no paper trail indicating any reasons other than quoting the 1982 Survey that it was close to being a new structure. Planner Morlan pointed out that it was not included on the 2009 Historic Property Inventory, and it is not on the current Inventory. Commissioner Phillips understood it was likely due to the additions that were put on to the house. Planner Morlan replied that he was correct.

Commissioner Kenworthy asked if Planner Morlan had compared the footprint with the Sanborn map from 1907. Planner Morlan stated that Planners Anya Grahn and Hannah Tyler had done that for all the historic houses when they worked on the most recent Historic Properties Survey.

Commissioner Phillips assumed the houses would come through as a CUP. It was not important this evening, but often times this is their only opportunity to look at projects. Commissioner Phillips referred to the topography Exhibit. He understood how it would lay out, but in the future it would be nice to see the new lot lines overlaid over the topography. If the Planning Commission does not have the opportunity to see it again, it would be nice to have that overlay in case they do have comments or something additional to add to the plat.

**MOTION:** Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the Prospect Place plat amendment for the property located at 86 Prospect Street, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

**VOTE:** The motion passed unanimously.

For the benefit of the new Commissioners, Director Erickson explained certain terms. In the Historic District any lot steeper than 30% cross slope is required to go through another conditional use permit with the Planning Commission, which is the Steep Slope

CUP. It is an excellent opportunity to add additional conditions of approval with respect to construction. Director Erickson stated that in the Historic Districts, excavation for foundations is not allowed between November-April with a Steep Slope CUP. Director Erickson explained that the Historic District Design Review, referred to as the HDDR, is a public process by which the Staff reviews projects inside the Historic District against the Historic District Guidelines. It is another level of review. The Staff compares the plat information and the Steep Slope Conditional Use Permit.

Director Erickson noted that the Staff reports contains the recommendation by the Staff on each item. The Commissioners can read that language directly from the Staff report when making a motion. If the Planning Commission wishes to change the recommendation, they should direct the Staff to draft findings to support their direction.

Findings of Fact – 86 Prospect Street

1. The property is located at 86 Prospect Avenue.
2. The site consists of Lot 12 of Block 18 of the Park City Survey and a metes and bounds parcel 75 feet wide by 80 feet deep located south of and adjacent to Lot 12.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing non-historic structure with an accessory building approved as an art studio at this address.
5. On February 28, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on February 24, 2018, according to requirements of the Land Management Code.
6. The City received a Plat Amendment application for the Prospector Place Plat Amendment on February 8, 2018. The application was deemed complete on February 15, 2018.
7. The proposed plat amendment will create three lots, one at 2,002 square feet and two at 2,908 square feet in size.
8. Each of the proposed lots is of sufficient area for a single family house and not of sufficient area for a duplex.
9. Existing Lot 12 is 1994.20 square feet and has sufficient lot area for a single family

house.

10. The metes and bounds parcel is 5,830 square feet and has sufficient area for a duplex. Duplexes require a Conditional Use Permit in the HR1 District.

11. The existing home was constructed in 1907 and has been altered in a manner that it is not on the Historic Sites Inventory.

12. The existing home is a single-family dwelling which is an allowed use in the HR-1 district.

13. There is an accessory structure on the property which was approved as an art studio in 1994.

14. There is a shed on the property which encroaches over the south property line and onto neighboring property.

15. The minimum lot area in this zone is 1,875 square feet. One of the proposed lots is 2,002 square feet in size and two are 2,908 square feet in size.

16. The minimum lot width in the HR-1 zone is 25 feet. The proposed lots meet this requirement with one lot 25 feet wide and two lots 36.3 feet wide.

17. The proposed lots will each be approximately 80 feet deep.

18. The minimum front yard setback is 12 feet. The existing house has a 4-foot front yard setback.

19. The minimum rear yard setback is 12 feet. The existing house has a 26-foot rear yard setback.

20. All three new lots will have a front and rear yard setback of 12 feet each and 25 feet total.

21. The minimum side yard setback is 10 feet on each side and 24 feet total. The existing house has a 27-foot side yard setback on the north side and a 23-foot side yard setback on the south side with a total of 56 feet on both sides.

22. The existing structure does not meet front yard setback requirements.

23. The maximum building footprint for a lot this size is 2,520.4 square feet. The existing footprint meets this standard at approximately 1,805 square feet.
24. The maximum building footprint is 894.49 square feet for the proposed Lot 1 and 1,234.8 square feet for the proposed Lots 2 and 3.
25. The existing structures will need to be removed before the plat is recorded.
26. A Historic District Design Review application is required for any new construction proposed at the existing site.
27. A Steep Slope Conditional Use Permit is required for any construction proposed on slopes greater than 30 percent according to the HR-1 requirements. Construction mitigation, including parking of construction vehicles, will need to be addressed with each building permit.
28. Prospect Avenue is a narrow steep street that can at times receive heavy snowfall. Snow storage easements along public streets allow the City to efficiently plow and clear streets.

#### Conclusions of Law – 86 Prospect Street

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 lot combinations.
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 – 86 Prospect Street

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.

3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A 10-foot-wide public snow storage easement along the frontage of Prospect Avenue is required and shall be provided on the plat.
5. Removal of existing structures that will create new non-complying setback situations with the new lot lines is a condition precedent to recordation of this plat amendment.
6. The encroaching shed shall be removed or relocated to resolve the encroachment prior to plat recordation.

#### **5. Planning Commission Rules of Order Resolution**

Assistant City Attorney McLean stated that this item was more for bookkeeping purposes. This Resolution was adopted by the Planning Commission in 2014. It is mandated by State Code. Although it was passed by the Planning Commission as a resolution, it was never signed because the Staff failed to get the signatures on the Resolution and it was never assigned a Resolution Number. Since the Open and Public Meetings Act training was on the agenda this evening, this was a good time to review the Rules and Procedure of Order for the Planning Commission.

Assistant City Attorney McLean explained that if the Planning Commission does not have any rules, the rules adopted by the City Council become their rules. She noted that changes were made in order to follow more closely what the Planning Commission does to make it specifically their rules. If the Planning Commission feels that the rules should change in any way or they would like to do things differently, they can make that request. Ms. McLean stated that legally there are no firm requirements for what the rules should be, but they are required to have Rules of Order.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Chair Band did not believe the Rules of Order addressed Planning Commission conduct. Director Erickson replied that it only discusses how to make motions, etc. He pointed out that it has a lot to do with public decorum, which is important for the Planning Commission to know and understand because the City Council functions



under the same rules. Director Erickson noted that the means of making a motion is the simplified version of the Roberts Rules of Order. He noted that some items needed additional discussion. For example, the possibility of moving more items to the Consent Agenda. Unless there were major changes this evening, Director Erickson recommended that the Planning Commission adopt the Resolution and make changes later if necessary.

Chair Band clarified that the Rules of Orders were similar to what the City Council uses. Director Erickson replied that it was modified to how the Planning Commission functions versus the City Council. Public decorum and other things are exactly the same. He pointed out that when someone making public comment tries to engage the Planning Commission, the Commissioners should be polite but try not to engage in a discussion with the person making comment. The intent is for the public to make their comments and for the Commissioners to have a discussion among themselves based on the presentations and input.

Assistant City Attorney McLean stated that in the future, when she does the Open Public Meetings Act annual training, they can review the Rules of Order at the same time to see if any changes need to be made or just as a reminder of the rules.

Chair Band asked if the City Council had recently reviewed their rules. Ms. McLean replied that the Council adopted their rules in 2014, and they are required to be posted in the Council Chambers. Chair Band personally preferred to review the rules in a year if they pass the Resolution this evening.

MOTION: Commissioner Kenworthy moved to ADOPT the Resolution regarding the Planning Commission Rules of Order and Procedure. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

**6. Open and Public Meeting Training- Required training for compliance with Utah Code 52-4 Open Public and Meeting Meetings Act.**

Assistant City Attorney McLean stated that Open Public Meetings Act Training is done annually. She reminded everyone to update their disclosure forms with the City Recorder. Each Commissioner is responsible for updating the disclosure form any time they have a change in job, address, sitting on a new Board, or anything else that might be a potential conflict. The Commissioners that were re-appointed were asked to redo their disclosure forms even if nothing has changed, so they have a new up-to-date submittal as of the reappointment date.

Assistant City Attorney McLean remarked that Transparency in Government is one of the foundations of government. When people feel like things occur behind the scene it leads to the perception of corruption and lack of faith in government. Even on a local level, it is important to make sure that whatever they do is transparent and in the public eye. Ms. McLean stated that to be open means to act openly, make decisions openly, deliberate openly, and conduct the people's business in the Council Chamber where it is recorded and the public can witness their discussions.

The Planning Commission is subject to the Open and Public Meetings Act and every meeting must be public. A meeting is defined by a quorum, which is four Commissioners. The Planning Commission cannot conduct any business unless there is a quorum. She pointed out that the Vice-Chair or a Chair Pro Tem is always allowed to vote. The Chair does not vote unless their vote is needed to break a tie.

Assistant City Attorney McLean stated that convening means to talk about business. If the Commissioners have chance meetings or meet socially, they do not have to leave the event if they are in one place at the same time as long as they do not discuss Planning Commission business.

Assistant City Attorney McLean cautioned the Commissioners about having a meeting after the meeting. Particularly after a contentious meeting everyone wants to rehash it. Often times the Commissioners go out socially after a meeting, and she always goes to make sure they do not fall into the habit of rehashing what just happened. She stressed the importance of not having a meeting after the meeting.

Assistant City Attorney McLean reminded the Commissioners to be careful about emailing. They should never email the entire Planning Commission and they should never have a back and forth banter via email because if four or more Commissioners participate, it could be considered a meeting. Ms. McLean noted that sometimes the Staff will send an email to ask about availability on certain dates for a special meeting. The Commissioners can respond to those emails, but they need to be careful about discussing agenda items.

Director Erickson stated that if a Commissioner emails the Planning Department with a question on an agenda item or other questions, the Staff will respond but it will also be made part of the public record to avoid any issues.

Assistant City Attorney McLean stated that email is a public record under GRAMA. She noted that the iPads are not City equipment. However, Planning Commission related emails should always be done on their City email accounts because the City backs it up and they do not have to worry about co-mingling with their private emails. If something

is sent to their private email they should forward it to their City account. If they follow that procedure there will never be a question of where to recapture that email if someone does a GRAMA request.

Assistant City Attorney McLean emphasized that people are entitled to know what the Planning Commission is doing and to observe them in the process. If people can see the process in action, it lessens the perception that decisions are made behind closed doors. Chair Band thinks people still believe that, and as the Chair she has to decide how much banter and back and forth to allow with the public. When people come for public comment they have things to say and the Commissioners just sit there with a stone face. She understood that part of the Rules of Order is not to engage in a discussion with the public, but without back and forth banter, the public often feels like they are not being heard. Chair Band was unsure how to strike a balance because sometimes people ask valid questions. People do not understand when they are told to talk with the Staff or someone else after the meeting to get the answer to their question, and then the Planning Commission goes ahead and makes a decision.

Assistant City Attorney McLean stated that from an Open Public Meetings Act standpoint, the fact that the public can comment and the Commissioners can provide feedback and discuss it is transparency in action. In terms of how they want to balance it is up to the Planning Commission in terms of public input. The reason for the rule is because when they get into a dialogue it is very hard to stop, or it grows into a discussion with more than just the person making the comment and the Planning Commission. Ms. McLean pointed out that there was no legal requirement on what they have to do. She recommended that they let the public make their comments and then let the Staff or the applicant respond and either answer the question or let them know where they can get the answer. Ms. McLean pointed out that it was a recommendation, but ultimately it would be the call of the Chair in terms of running the meeting.

Assistant City Attorney McLean noted that the State Code specifically says that nothing prevents the Commissioners from emailing each other, but they are not allowed to communicate with each other via email or text while the meeting is going on.

Commissioner Phillips asked about handing a note from one Commissioner to another. Ms. McLean replied that technically a note could be part of a GRAMA request, depending on the content. If it is about the substance of what is being discussed, the public is not getting the benefit of hearing a private conversation. If someone sees a note being passed it goes against the appearance of transparency, even if the note is about something other than the item being discussed.

Assistant City Attorney reviewed the rules on the meeting location. State law states that the entire meeting has to occur in one place. Site visits or a retreat are exceptions to the rule. Another exception is the situation they had with Treasure Hill where they held the entire meeting at the Library to accommodate more people. Once the meeting is started in one location it cannot be moved.

Director Erickson assumed the Planning Commission would have more site visits when they start looking at Land Management Code changes. Site visits are noticed differently. In order to keep public business in front of the public they would not have a discussion on site. The applicant and the Staff can provide information, but the discussion takes place at the meeting where it can be recorded. Assistant City Attorney McLean stated that she typically recommends that the Chair provide a brief summary of the site visit at the beginning of the meeting or when that item comes up on the agenda.

Commissioner Phillips clarified that during a site visit the Commissioners are allowed to ask questions about the site and what they observe, as long as it does not turn into a discussion. Ms. McLean answered yes. For example, they cannot have a substantive discussion about potential impacts they might see. That discussion needs to take place during the meeting. The site visit is a factual gathering.

Assistant City Attorney McLean stated that a Resolution from 2008 allows the Planning Commission to have electronic participation at a meeting. She noted that she generally discourages electronic meetings because even with 2018 technology, things get lost. The person trying to participate is not fully able to participate. The City now has live meetings and anyone can listen to the meeting. She reiterated that electronic meetings are not recommended, but the Planning Commission has the discretion to allow it; particularly in situations where they might not have a quorum.

Assistant City Attorney McLean noted that the Planning Commission would rarely have a reason to go into a closed meeting. If that situation every occurs, she would counsel the Commissioners on the procedure.

Assistant City Attorney McLean reviewed the notice requirement under the Open and Public Meetings Act. The agenda needs to be noticed at least 24 hours before. The agenda must be detailed enough to let people know what will be discussed. Notices must also be published at City Hall and on the Utah Public Notice Website. They send it to the Park Record but that it not mandatory by State law. Ms. McLean stated that they must also give notice of the annual schedule every year, which is the second and fourth Wednesday of each month.

Commissioner Thimm commented on times when the Commissioners get an email or papers sitting on the dais that was not part of the Staff report and came in an hour or two before the meeting. He asked if there was any way to require last minute items to be received by the Planning Commission 24-hours prior to the meeting or it would not be considered. Commissioner Thimm thought that receiving information at the last minute was inappropriate. Assistant City Attorney McLean replied that the public has a right to submit information up to the last minute; but the Commissioners have the purview to weight it however they want. For example, if a neighbor submits last minute information in an attempt to get a continuance, they could decide whether or not it was fair and make their decision accordingly. Ms. McLean noted that the Staff encourages people to submit all materials in time for the Staff report because that give the Planning Commission the opportunity to read through and study it. State law requires that the applicant be provided with the Staff report 72 hours prior to the meeting. The Planning Commission Staff report is provided on Friday.

Assistant City Attorney McLean stated that most applications require public hearings. If a public hearing is not required, the public still has the right to watch the meeting. However, the culture in Park City has been that if a member of the public would like to speak, they are usually given that opportunity. The Chair has the ability to keep the comments on point. Assistant City Attorney McLean noted that the public can bring up topics that are not on the Agenda, but the Planning Commission cannot take action or make any decisions. They could ask to have it on another agenda where it could be discussed for possible action.

Assistant City Attorney stated that all meetings are recorded and Minutes are prepared. The Minutes are the official record of the meeting. The recordings are unedited. Therefore, even during a break the recording continues. State law requires that the meeting must be recorded from the beginning until it is adjourned.

Chair Band noted that the Minutes of February 28<sup>th</sup> that were in the Staff report were marked Approved, even though they were not approved until this evening. Ms. McLean replied that it was a mistake because Minutes are always marked as a Draft until they are approved.

Assistant City Attorney McLean stated that an emergency meeting is when a meeting is called without 24-hour notice. She did not recall that the Planning Commission has ever called an emergency meeting, and it was unlikely to occur.

Assistant City Attorney McLean stated that intentionally violating the Open and Public Meetings Act is a Class B Misdemeanor enforced by the County Attorney and Attorney General. The biggest mistakes usually happen out of good intentions, which is why it is

important to know the rules. Ms. McLean stated that there are no requirements for recusal on Legislative actions such as LMC Amendments and the General Plan, and interaction with the public is encouraged. They are not restricted from talking to the public on those matters outside of a meeting. Administrative matters are more restrictive. Interaction with the public outside of the meeting is discouraged. Their decisions should be based on adherence to the Code and the Findings and Conclusions substantiate their decision. Ms. McLean noted that if a Commissioner has interaction or communication outside of a meeting, it should be disclosed in the meeting so everyone is aware of what the conversation. If someone asks a question and the Commissioner stops the conversation, they do not have to disclose the encounter. However, if someone provides facts or their opinion on a project and it is difficult to stop the conversation, that should be disclosed.

Chair Band stated that when she has a conversation with someone outside of a meeting she emails it to the Staff and it becomes part of the public record. She asked if that was sufficient. Ms. McLean answered yes. If that happens they can forward an email to her and to Director Erickson and they will make sure it gets into the record.

Regarding quasi-judicial matters, Assistant City Attorney McLean noted that when the Planning Commission hear an appeal it is usually an appeal of the Planning Director's interpretation. In appeals, the Planning Commission acts as a judge and there should be no ex-parte or outside communication. They are restricted to the evidence that they hear at the meeting.

Assistant City Attorney McLean stated that she reached out to Mr. Bateman, the Property Rights Ombudsman, but he had not yet responded. When she hears back she would try to schedule him on one of the agendas.

The Park City Planning Commission Meeting adjourned at 6:45 p.m.

Approved by Planning Commission: \_\_\_\_\_



# Planning Commission Staff Report

**Application:** PL-17-03664  
**Subject:** Twisted Branch Road Subdivision  
**Author:** Kirsten Whetstone, MS, AICP, Senior Planner  
**Date:** March 28, 2018  
**Type of Item:** Continuation

### Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue this item to April 11, 2018.

### Description

**Owner:** REDUS Park City LLC and Park City Municipal Corporation  
**Applicant:** Michael Demkowics - Alliance Engineering  
**Location:** Guardsman Pass and Twisted Branch Roads and metes and bounds property between them within the Flagstaff Annexation area  
**Zoning:** Residential Development (RD-MPD) and Recreation Open Space (ROS), subject to the Flagstaff Annexation and Development Agreement  
**Adjacent Land Uses:** Deer Valley Resort, Guardsman Pass Road, B2 East Subdivision (undeveloped residential), Red Cloud Subdivision (residential lots) and open space areas and trails.

### Proposal

This is a request for a subdivision plat to create platted lots of record for 1) an on-mountain restaurant as described in the amended Flagstaff Development Agreement, 2) a City water tank and public trailhead parking, and 3) a small warming shelter (less than 800 square feet in area). The plat will also plat right-of-way for existing Twisted Branch Road and create parcels for Deer Valley Resort (ski runs, trails, bridges, snowmaking, access, etc.), open space, and Guardsman Pass Road, including platting the public right-of-way for Guardsman Pass Road. No residential development density is proposed or assigned to any of the proposed lots or parcels.

Staff requests continuation to April 11<sup>th</sup>, to allow additional time for review of a revised utility plan to ensure that the plat addresses all easements and conditions.

# Planning Commission Staff Report



**Subject:** Park City Heights Phase 2  
Subdivision plat  
**Author:** Kirsten Whetstone, MS, AICP  
**Date:** March 28, 2018  
**Type of Item:** Legislative- Subdivision plat  
**Project #:** PL-17- 03552

## Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing for the Park City Heights Phase 2 Subdivision plat and forward a positive recommendation to City Council to approve this plat pursuant to the findings of fact, conclusions of law, and conditions of approval as outlined in the draft Ordinance.

## Topic

**Applicant:** Ivory Development LLC  
**Applicant representative:** Brad Mackay  
**Location:** 3900 Calamity Lane (Located south of Richardson Flat Road and west of US Highway 40)  
**Zoning:** Community Transition (CT), subject to the Park City Heights Master Planned Development  
**Adjacent Land Uses:** Single family homes and lots of Park City Heights Phase 1, Open Space, and future Park City Heights phases.

*Disclosure:* The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an applicant and does not have any current ownership in the property.

## Proposal

This is a request for approval of a final subdivision plat (**Exhibit A**) for Phase 2 of the Park City Heights Master Planned Development (MPD) and Subdivision, pursuant to the November 6, 2013, approved Park City Heights amended preliminary plat for 239 residential lots (**Exhibit B**). This second phase consists of thirty-nine (39) single family lots ranging in area from 12,596 to 27,752 square feet and one 105.91 acre open space parcel (Parcel D), located south and west of Park City Heights Subdivision Phase 1.

Also included in this application is a request to revise the overall phasing plan for development of this subdivision (**Exhibit C**). This requested Phase 2 includes construction of the extension of Calamity Lane and two short cul-de-sacs. The applicants are required to construct a water tank this summer and plan to access the site from the extension of Calamity Lane. Proposed Phase 2 is a logical extension of Phase 1. Street and utility designs have been reviewed by the City Engineer, Water



Department, and Snyderville Water Reclamation District. As conditioned, Parcel D will include easements for public trails and utilities. An access easement is provided for the landlocked Byers parcel (PCA-89) consistent with the preliminary plat.

The first phase consisted of 28 Townhouse lots, 35 Park Home lots, and 40 Cottage/Homestead lots (**Exhibit D**). In Phase 1, all 28 Townhouses, all 35 Park Homes and 5 of the Cottage homes are designated as affordable deed restricted units for a total of 68 affordable units and 35 market units. Currently eight Townhouses, six Park Homes and eight market rate Cottage Homes are complete and have certificates of occupancy. An additional six Park Homes and nine market rate Cottage Homes are under construction. In the past month permit applications were submitted for an additional eight Townhouses and six Park Homes, for construction this summer.

Lot and street layout is consistent with the amended Park City Heights MPD and the approved revised preliminary subdivision plat (amended and approved by the Planning Commission on November 6, 2013). Conditions of approval of the amended Park City Heights MPD Development Agreement ([Exhibit E](#)), as well as Park City Heights Annexation Agreement ([Exhibit F](#)) continue to apply. See **Exhibits H and I** for an aerial photo and photographs of the site.

House size restrictions are proposed for all Homestead lots within the Park City Heights MPD, per the 2014 Amended Development Agreement (Agreement). Based on corresponding lot numbers from the approved preliminary plat and review of the topography and street layout, staff recommends the following maximum house sizes (where maximum house size means maximum Residential Floor Area as defined by the Land Management Code):

- 4,500 square feet for Lots 201 to 205
- 5,000 square feet for Lots 206 to 211 and Lots 236 to 239
- 6,000 square feet for Lots 212 to 235

Additionally, the Agreement requires a Conditional Use Permit (CUP) (with review of a visual analysis included as part of the CUP) for any house with a proposed maximum height greater than 28' (from top of the ridge/roof to existing grade) located on western perimeter Lots 205, 206, 214, and 215 (preliminary plat Lots 66, 67, 76 and 77). Staff recommends as a condition of approval that the Conditional Use Permit applications shall include a visual analysis of the proposed house from the intersection of State Highway 248 and Richardson Flat Road, from the intersections of Richardson Flat Road with Ledger Way and/or Piper Way, whichever location provides the best view of the lot, and from the Rail Trail crossing of Richardson Flat Road.

### **Background**

May 27, 2010 - The property was annexed into Park City with the Park City Heights Annexation and zoned CT-MPD (Community Transition- Park City Heights MPD).

May 11, 2011 - Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units for a total of 239 units on 239 acres.

June 22, 2011 - Planning Commission approved a preliminary subdivision plat for the Park City Heights MPD.

November 17, 2011 - City Council approved the original Park City Heights Phase 1 subdivision plat.

November of 2012- Ivory Development took ownership of the property.

January 24, 2013 - City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.

November 6, 2013 - Planning Commission approved an amended MPD and an amended overall preliminary subdivision plat for the entire Park City Heights Development to address relocation of lots, streets, and parcels due to mine soils mitigation and a Voluntary Clean-up plan approved by the State.

February 26, 2014 - Amended Development Agreement for the Park City Heights MPD was ratified by the Planning Commission to include terms, requirements, and restrictions of the development, per the November 6, 2013 amended MPD, and includes all conditions of approval of the amended MPD.

February 27, 2014 - City Council approved the amended Park City Heights Subdivision Phase 1 plat.

November 4, 2014 – Amended Phase 1 plat was recorded at Summit County.

March 8, 2017 – Planning Commission approved amendments to the Design Guidelines that were subsequently recorded at Summit County as an amendment to the Development Agreement.

May 2, 2017 - City Planning Department received an application for a final subdivision plat for 16 single family lots as Park City Heights Phase 2. The application was deemed complete on May 24, 2017. Additional information was requested specific to MPD compliance regarding house size restrictions and utility plan details.

January 19, 2018 - revised submittal was received, requesting 39 single family lots and extending Calamity Lane to the end of the cul-de-sac in order to facilitate construction of a required water tank.

February 2, 2018 - revised submittal was considered complete.

February 28, 2018 – Planning Commission conducted a public hearing and reviewed the application and draft Ordinance in a work session. The Commission discussed a proposed amended phasing plan; maximum house sizes (e.g. maximum residential floor area consistent with the Land Management Code definitions); plat conditions regarding Conditional Use Permit and visual analysis requirements for Lots 205, 206, 214 and 215, consistent with the Park City Heights MPD Amended Development Agreement; and draft conditions of approval. No public input was provided at the hearing and the item was continued to March 28<sup>th</sup> (**Exhibit L-** Minutes of the February 28<sup>th</sup> meeting).

## **Analysis**

### **Subdivision Plat**

Phase 2 consists of thirty-nine (39) single family Homestead lots ranging in area from 12,596 to 27,752 square feet and one 105.91 acre open space parcel (Parcel D), located south and west of Park City Heights Subdivision Phase 1. Phase 2 includes construction of the extension of Calamity Lane off of Ledger Way and two short cul-de-sacs. Street and utility designs were reviewed by the City Engineer and the Snyderville Basin Water Reclamation District (SBWRD). The site was previously rough graded during the voluntary clean up and mine soil mitigation.

Parcel D includes blanket easements for public trails, access and utilities. The lots, parcels, and street layout are consistent with the amended Park City Heights MPD and the preliminary subdivision plat. Dedication of public street ROW and utility, snow storage, drainage, access and trails easements are also included. Final review of the plat by the City Engineer and Legal Department is a condition precedent to plat recordation.

Proposed lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as further conditioned and allowed by the Park City Heights MPD and as stated in the approved and recorded Park City Heights Design Guidelines. No non-conforming conditions are created by the subdivision plat. Maximum houses sizes, setbacks, building height, and other site and lot restrictions consistent with the MPD and approved amended Park City Heights Design Guidelines will be noted on the plat prior to recordation.

Access to the development is from Richardson Flat Road a public city road that intersects with State Highway 248 and becomes a county road after it crosses US 40. Access to individual lots and parcels is from local public streets within the subdivision, including Ledger Way and Calamity Lane.

All streets and drives within the subdivision plat are public streets, with final dedication to the City required upon completion and acceptance of public improvements. The City will commence maintenance and snow removal once 50% of the units for this phase are complete with certificates of occupancy.

An existing 50' wide power line easement for PacifiCorp traverses parcels D. An

additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.

### Revised Phasing Plan

The applicant is also requesting to revise the overall phasing plan (**Exhibit C**). Phasing approved with the preliminary plat (**Exhibit B**) for Phase 2 included 46 lots south of Phase 1 consisting of a mix of Cottage Homes and Homestead Homes. This requested Phase 2 plat includes construction of the extension of Calamity Lane (off Existing Ledger Way) and two short cul-de-sacs and incorporates a portion of approved Phase 3 as well as Phases 5 and 6. The applicants are required to construct a water tank this summer and plan to access the site from an extension of Calamity Lane. Proposed Phase 2 is a logical extension of Phase 1.

### Affordable Housing

An affordable housing mitigation plan was approved by the Park City Housing Authority (**Exhibit K**) on July 17, 2014 and amended on December 15, 2017 to include a pricing per unit table (Exhibit B to the December 2017 approval). The housing mitigation plan requires Ivory Homes to return to the Housing Authority by December of each year with a status report to include: the number of units built, sales prices, projections for the following year, balance of obligation, and any requested adjustments to the plan.

The housing plan allows for adjustments to the phasing and sub-phasing as plats are filed, but includes a condition that prior to issuance of building permits for the last 10% of the market rate units (e.g. last 16 market rate units), 100% of the affordable units shall be complete and have certificates of occupancy issued.

As a condition of the Park City Heights MPD a total of 79 deed restricted affordable units are required. The Development Agreement states that all 28 Townhouse units and all 35 Park homes (all deed restricted affordable) are located in Phase 1, along with 5 Cottage homes (attainable) (on designated lots- Lots 36, 39, 42, 54, and 75 (lot numbers related to the Phase 1 plat) and "affordable units for subsequent phases will be identified with the final subdivision plats for those phases".

Phase 1 of the subdivision includes 68 affordable units (28 townhouses, 35 park homes and 5 cottage homes) and 35 market rate units. Proposed Phase 2 of the subdivision includes 39 market rate homestead units, Phase 3 includes 2 market rate homestead units, Phase 4 includes 43 market rate units and 3 affordable cottage homes, and Phase 5 includes 39 market rate units and 8 affordable cottage homes. The reason there are no affordable units in proposed Phase 2 is because all of these lots are Homestead lots. None of the Homestead lots are designated as affordable units. See table below.

**Current and proposed phasing of Market Rate and Affordable Units**

Phase	Market rate units (160) current/proposed		Affordable townhouses (28) current/proposed		Affordable park homes (35) current/proposed		Affordable cottages (16) current/proposed		Total affordable current/proposed	
1	36	35 (platted)	28	28	35	35	5	5	68	68
2	43	39	0	0	0	0	3	0	3	0
3	32	2	0	0	0	0	2	0	2	0
4	23	44	0	0	0	0	6	3	6	3
5	15	40	0	0	0	0	0	8	0	8
6	11	n/a	0	n/a	0	n/a	0	n/a	0	n/a
Totals	160	160	28	28	35	35	16	16	79	79

The affordable housing plan indicates that the Project may be platted in phases and that each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted. Staff recommends an adjustment to the Park City Heights Housing Mitigation Plan be reviewed and approved by the Park City Housing Authority during the annual review and status report in December of 2018 to reflect this amended subdivision phasing plan.

A total of six Park Homes and eight Townhouses were constructed and completed in 2016 and 2017, with an additional 6 Park Homes currently under construction and slated for completion in 2018. Permits for 8 additional Townhomes and 6 additional Park Homes were recently submitted for construction in 2018. Construction of one deed restricted Cottage Home will also begin this summer (2018). To date 8 Market Rate homes have been completed and 9 additional Market Rate homes are under construction.

A total of 14 of the 35 affordable permits and 8 of the 18 market rate permits have certificates of occupancy. The revised plat phasing plan does not change the affordable housing mitigation plan requirements. The applicant is on schedule to provide affordable housing according to the housing plan and with Certificates of Occupancy (CO). (See Table below).

Year of permit	Townhomes affordable	Park Homes affordable	Cottage-affordable	Cottage-market	Homestead-all market
2016	4 (COs)	6 (COs)	0	1 (CO in 2017)	0
2017	4 (COs)	6 (COs anticipated in 2018)	0	7 (COs in 2017/2018)	0
2018	8 (permits not issued yet, COs anticipated in 2018)	6 (permits issued, COs anticipated 2018/2019)	1 (permit not issued yet, CO anticipated 2018)	9 (permits issued, COs anticipated 2018/2019)	1 (permit just issued, CO anticipated 2018)
2019	4 - planned	6 - planned	1- planned	Not known	Not known
Totals with CO to date	8	6	0	8	0

Land Management Code review

The subdivision is located in the Community Transition (CT) District. The subdivision plat is subject to the following LMC criteria as well as the amended Park City Heights MPD conditions and Park City Height Design Guidelines ([Exhibit J](#)):

CT Zone	Per CT and MPD	Proposed (or as plat notes)
Height	28' (+5' for pitched roof)	28' (+5' for pitched roof). Lots 205, 206, 214 and 215 limited to 28' maximum without approval of a Conditional Use Permit and visual analysis. <b>Consistent with MPD.</b>
Density	1 unit per acre (MPD approved 239 units on 239 acres)	39 single family units and 1 Open Space parcel for Phase 2. Consistent with MPD. Total area of Phase 2 is 127.42 acres. <b>Consistent with MPD.</b>
Lot Size	No minimum lot size	Homestead lots range in area from 12,596 to 27,752 sf. <b>Consistent with MPD</b>
Front setback	Per MPD and Design Guidelines.	Minimum of 20' to house, 30' to front garage, 15' to porches and single story bays (LMC exceptions apply). <b>Consistent with DG.</b>
Rear setback	Per MPD and Design Guidelines (DG)	Minimum of 25' (LMC exceptions apply). <b>Consistent with DG.</b>
Side setbacks	Per MPD and Design Guidelines (DG)	Minimum of 6', minimum combined side setbacks of 16'. Corner lot side minimum of 15' to house, 25' to front facing garage, and 10' to porches (LMC exceptions apply). <b>Consistent with DG</b>
Parking	2 spaces per dwelling unit	2 spaces per dwelling unit. <b>Consistent with LMC.</b>

Maximum house size	No maximum required in LMC.	4,500 sf for Lots 201 to 205 5,000 sf for Lots 206 to 211 and Lots 236 to 239 6,000 sf for Lots 212 to 235 <b>Consistent with MPD.</b>
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General Subdivision Requirements

- (A) Subdivision Name-** The proposed subdivision name does not duplicate or closely approximate the name of another Subdivision in the area. The streets have unique names.
- (B) Monuments-** All survey monumentation as required by the LMC is required to be completed prior to acceptance of public improvements.
- (C) Limits of Disturbance-** A grading and limits of disturbance plan for construction of the streets and utilities was submitted with the plat to identify limits of disturbance for construction of streets and utilities, with conditions related to re-vegetation of disturbed areas per the Park City Heights MPD for this phase. Limits of Disturbance plans are required for each individual building permit.
- (D) Ridgeline Development-** Lots 205, 206, 214 and 215 (identified as Lots 66, 67, 76, and 77 on the preliminary plat) are identified as Lots located on a minor ridge along the western perimeter. The amended MPD requires that these lots be reviewed at the time of final plat to determine whether a Conditional Use Permit should be required for houses with a building height of greater than 28' from existing grade. Staff recommends a condition of approval that construction on Lots 205, 206, 214 and 215 requires a Conditional Use Permit if proposed building height exceeds 28 feet from existing grade. A visual analysis, as viewed from the intersection of State Highway 248 and Richardson Flat Road and from the intersection of Richardson Flat Road and Ledger Way, shall be submitted with the Conditional Use Permit applications for these lots.
- (E) Open Space-** Open space parcel D is designated consistent with conditions of the Park City Heights MPD.
- (F) Roads and Utility Lines-** All roads will be designated as public streets. Easements are provided for public utilities. Final approval of the utility plans is subject to approval of this plat and per final review by the City Engineer and other utility providers. Off-site utility improvements may require additional off-site easements that will need to be dedicated prior to commencing construction of said utilities. All utilities will be designed to minimize disturbance of existing vegetation. Re-vegetation and/or remediation of disturbed areas are conditions of final utility installation acceptance.
- (G) Drainage Ways-** Existing drainage areas and ways will be incorporated into the storm water management system and open space parcels to the greatest extent possible, per the Park City Heights storm water management plan. Final design of the storm water management system for this phase is subject to approval by the City Engineer.
- (H) Soils Conditions-** As required by the Park City Heights MPD, and due to the potential for areas of expansive soils within this subdivision, a soils conditions

report shall be submitted prior to issuance of any building permits for structures, utilities, and roads, and shall be reviewed by the City Engineer and Building Official prior to issuance of an excavation permit for any construction.

**Mine Soils** - The approved Voluntary Cleanup plan for historic mine waste soils is complete.

- (I) Trails and Sidewalks-** Trails and sidewalks are consistent with the Park City Heights MPD. Sidewalks are proposed within public right of way areas. HOA open space areas shall include trail easements or shall state that blanket trail easements are dedicated for public trails within HOA open space parcels. Trails within dedicated open space parcels can be constructed without specific easements. Off-site trails crossing other property shall be placed in easements prior to construction. The exact location of trails within Parcel D will be approved by the City prior to construction and once constructed will assume to be within a 10' public trail easement.
- (J) Limits of Disturbance/Building Pad locations-** The location of houses for this phase is stipulated by adherence to minimum building setbacks and limit of disturbance conditions, as further identified in the Park City Heights Design Guidelines.
- (K) Top Soil Preservation and Final Grading-** Staff recommends a condition of approval that all applicable requirements of the LMC regarding top soil preservation and final grading be completed prior to issuance of a certificate of occupancy for each house. No portion of this phase is within the Park City Soils Ordinance boundary; however, areas of disturbance due to off-site utility improvements that do fall within the Park City Soils Ordinance boundary are required to adhere to all requirements of the Ordinance.
- (L) Architectural Standards-** Architecture is reviewed at the time of building permit issuance for compliance with the Park City Heights Design Guidelines.
- (M) Water Bodies and Water Courses-** There are no bodies of water that are incorporated into the lots so as to not burden the City with responsibility of the water body. The HOA is responsible for maintenance of open space and drainage areas that are not part of individual lots, including natural drainage areas. Detention areas that are part of the storm water management plan may have standing water at times. Maintenance of these areas is the responsibility of the HOA.
- (N) Fire Sprinkling-** There is a plat note requiring all construction to comply with the International Building Code requirements for fire sprinklers.

#### General Lot Design Requirements

Staff has reviewed the proposed plat for compliance with the General Lot Design Requirements per LMC 15-7.3-3 as follows:

- (A) Lot Arrangement-** there are no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on these lots in compliance with the IBC, the LMC, and in providing reasonable Driveway access.
- (B) Building Sites-** proposed building sites are designed to minimize disturbance of



existing vegetation in areas not already disturbed by grading required to remediate mine soils.

**(C) Square footage-** maximum house sizes are recommended as a plat note per the amended Park City Heights MPD and Design Guidelines.

**(D) Lot Dimensions-** proposed lot dimensions take into consideration additional width for corner lots, depth and width of lots for non-residential purposes, and areas for parking.

**(E) Double Frontage Lots and access to Lots-** Lots fronting on two streets is avoided, with the exception of corner lots.

**(F) Lot Drainage-** Lots are laid out to provide positive drainage away from all Buildings. Individual lot grading and drainage shall be included with each building permit.

**(G) Landscaping-** Prior to issuance of a building permit for each lot a landscape plan is required to be submitted and reviewed by the Staff for compliance with the LMC and Design Guidelines. Any disturbed HOA open space areas shall be re-vegetated and/or landscaped per the MPD and Design Guidelines.

**(H) Limits of Disturbance/Vegetation protection-** Prior to issuance of a building permit for each lot a landscape plan showing limits of disturbance and vegetation protection is required to be submitted and reviewed by the Staff for compliance with the LMC and conditions of the MPD.

**(I) Re-vegetation, seed, and sod-** All disturbed areas will be re-vegetated, seeded, and/or sodded prior to issuance of a certificate of occupancy per the LMC.

**(J) Debris and Waste-** Debris and waste are required to be removed per the LMC prior to issuance of a certificate of occupancy. This is a condition of building permitting. The Park City Heights MPD requires consolidation and recycling of construction waste and debris to be identified on the Construction Mitigation Plan prior to issuance of a building permit.

**(K) Fencing-** Fencing of hazardous conditions may be required by the Chief Building Official. Fences will be constructed according to standards of the LMC and conditions of approval of the Park City Heights MPD.

#### Road Requirements and Design

Staff has reviewed the proposed plat for compliance with the Road Requirements and Design per LMC 15-7.3-4 as follows:

**(A) Layout requirements-** Street layout for this phase complies with general layout requirements, including frontage on improved streets, relation to existing topography, block design, access to arterials and collectors, and dead-end roads.

**(B) Road Names-** Road names shall be sufficiently different in sound and spelling from other names in Summit County with final confirmation of street names to be provided by the City Engineer prior to plat recordation.

**(C) Road Regulatory Signs-** All required road and street signs will need to be approved by the City Engineer and Public Works prior to installation.

**(D) Street Lighting-** Installation of street lights shall be approved by the City Engineer and Planning Department prior to installation. No street lights are proposed

**(E) Reserve or Protection strip-** No reserve or protection strips are proposed.

**(F) Road Design Standards-** The roads are in compliance with the street design and layout approved by the Planning Commission during approval of the Park City Heights MPD and consistent with the LMC.

**(G) Intersection Design Standards-** The streets are laid out in compliance with intersection standards of the LMC.

**(H) Bridges-** No bridges are proposed.

**(I) Road Dedications and Reservations-** No new perimeter half-streets are proposed. No new frontage roads are proposed with this phase. No new dedication for widening existing roadways is required.

Staff finds this subdivision complies with the Land Management Code regarding final subdivision plats, including CT District requirements, general subdivision requirements, and lot and street design standards and requirements.

General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have also been addressed through the Master Planned Development process as required by the Land Management Code. Utility, grading, and site work (streets) plans were submitted with the plat for review and coordination by the City and service providers ([Exhibit G1](#) and [Exhibit G2](#)).

Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD). The applicants have met with the SBWRD officials to review the plat and utility plans for compliance with these requirements. Final approval of the sewer facilities and a signature on the plat from SBWRD is required prior to final plat recordation.

A construction mitigation plan (CMP) is required to be submitted and approved by the City prior to building permit issuance on individual lots as well as for construction of public infrastructure. Staff recommends a condition of approval that the CMP shall address construction access, parking, allowed hours of work, temporary lighting, construction signs, limits of disturbance, recycling and stockpiling of materials, re-vegetation of all disturbance areas, noise, dust, and other items listed on the standard CMP form required by the Building Department. If an access easement can be acquired to use the US 40 frontage road for construction access to the site, that option shall be pursued to mitigate impacts on existing City Streets and residents.

### **Good Cause**

There is good cause for this subdivision in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as open space areas within and around the subdivision; dedicates trail easements and public streets; provides snow storage easements; provides an access

easement for an adjacent landlocked parcel; and provides future development parcels for units consistent with the approved the Park City Heights Annexation Agreement and amended Master Planned Development.

### **Department Review**

This application has been reviewed by the Development Review Committee, including other City Departments and utility and service providers. Identified concerns were addressed by revisions and notes on the plat and with conditions of approval as stated in the attached ordinance.

### **Notice**

On February 14, 2018, the property was posted and notice was mailed to property owners within 300 feet according to requirements of the Land Management Code. On February 10, 2018, legal notice was published in the Park Record and on the Utah Public Notice website, according to requirements of LMC.

### **Public Input**

Staff has not received specific input from adjacent property owners regarding this plat application at the time of this report.

### **Future Process**

Approval or denial of this subdivision application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to City Council to approve the revised Park City Heights Phase 2 subdivision plat as conditioned or amended.
- The Planning Commission may forward a negative recommendation to City Council to deny the revised Park City Heights Phase 2 subdivision plat and direct staff to make Findings for this decision.
- The Planning Commission may continue this item to a date certain and request additional information in order to make a recommendation.

### **Significant Impacts**

There are no significant negative fiscal or environmental impacts that result from this application that have not been sufficiently mitigated with plat notes, conditions of approvals, and adherence to the approved, amended MPD and Park City Heights Design Guidelines. Portions of this phase were included in the voluntary soil remediation that removed vegetation and soils as necessary to receive certification that the clean-up was complete. An on-site soil repository for these soils was created at the Park City Heights site within Phase 1. The site has been rough graded as a result of the soil cleanup work.

### **Consequences of not taking the Suggested Recommendation**

The property would remain as individual metes and bounds parcels and separate lots of record would not be created for the approved Park City Heights MPD. Building permits could not be issued for construction of dwelling units unless lots are platted.

### **Recommendation**

Staff recommends the Planning Commission conduct a public hearing for the Park City Heights Phase 2 Subdivision plat and forward a positive recommendation to City Council to approve this plat pursuant to the findings of fact, conclusions of law, and conditions of approval as outlined in the draft Ordinance.

### **Exhibits**

Ordinance

Exhibit A - Proposed Park City Heights Subdivision Phase 2 plat

Exhibit B - Approved amended Park City Heights Preliminary plat (and phasing)

Exhibit C - Proposed revised overall phasing plan

Exhibit D - Park City Heights Subdivision Phase One plat

Exhibit E - [Park City Heights MPD Development Agreement- link](#)

Exhibit F - [Park City Heights Annexation Agreement - link](#)

Exhibit G1- [Site and Utility plans - link](#)

Exhibit G2- [Street Plans and details- link](#)

Exhibit H - Aerial photo

Exhibit I - Photos of the site

Exhibit J- [Design Guidelines- link](#)

Exhibit K – Housing Mitigation Plan

Exhibit L – Minutes of the February 28, 2018 Planning Commission meeting

**DRAFT Ordinance No. 2018- xx**

**AN ORDINANCE APPROVING THE PARK CITY HEIGHTS PHASE 2 SUBDIVISION LOCATED OFF CALAMITY ROAD SOUTH OF RICHARDSON FLAT ROAD AND WEST OF US HIGHWAY 40, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Park City Heights Phase 2 located south of Richardson Flat Road, south and east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 2 final subdivision plat; and

WHEREAS, on February 14, 2018, the property was posted and mailed notice was sent to property owners within 300 feet, according to requirements of the Land Management Code; and

WHEREAS, on February 10, 2018, legal notice was posted in the Park Record and on the Utah Public Notice website, as well as the Park City website; and

WHEREAS, the Planning Commission held a public hearing on February 28, 2018, to receive input on the subdivision; and

WHEREAS, the Planning Commission, held a public hearing on March 28, 2018 and forwarded a \_\_\_\_\_ recommendation to the City Council; and

WHEREAS, on April 19, 2018, the City Council held a public hearing on the Park City Heights Phase 2 final subdivision plat; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the Park City Heights Phase 2 final subdivision plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Park City Heights Phase 2 final subdivision plat, 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 south of Richardson Flat Road, south and east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned CT-MPD (Community Transition subject to the Park City Heights MPD).
3. On May 11, 2011, the Park City Planning Commission approved the Park City

Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.

4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD.
5. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 final subdivision plat.
6. On January 24, 2013 the City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.
7. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to mine soils mitigation.
8. On February 27, 2014, the City Council approved a revised Park City Heights Phase 1 final subdivision plat that was subsequently recorded at Summit County on November 4, 2014.
9. On May 2, 2017, the City Planning Department received an application for a final subdivision plat for 16 single family lots as Park City Heights Phase 2. The application was deemed complete on May 24, 2017. Additional information was requested specific to MPD compliance regarding house size restrictions.
10. On January 19, 2018, the City Planning Department received a revised submittal requesting 39 single family lots and extending Calamity Lane to the end of the cul-de-sac in order to facilitate construction of a required water tank in 2018.
11. On February 2, 2018, the revised submittal for 39 lots was considered complete.
12. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Amended Park City Heights Master Planned Development Agreement and the Park City Heights Design Guidelines.
13. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary.
14. The proposed subdivision plat creates lots of record for 39 Homestead houses and dedicates public streets, utility, snow storage, drainage, access and trail easements.
15. The Homestead lots of this phase range in area from 12,596 to 27,752 square feet. Parcel D is also platted as a 105.91 acre open space parcel. The lots are consistent with the Lot and Site Requirements of the Community Transition (CT) District as conditioned by the Park City Heights MPD and Design Guidelines.
16. The applicant requests a revised overall phasing plan to include the extension of Calamity Lane within this second phase in order to construct the required water tank this summer. Access to the water tank requires the extension of Calamity Lane.
17. No non-conforming conditions are created by the subdivision.
18. An existing 50' wide power line easement for PacifiCorp traverses Parcel D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
19. The Park City Heights development is accessed from Richardson Flat Road, a public county road, and access to lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets are public streets.
20. The subdivision complies with the Land Management Code regarding final

subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.

21. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
22. Sanitary sewer facilities are required to be designed and installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
23. There is good cause for this subdivision plat in that it creates legal lots and an open space parcel of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides for open space areas within and around the subdivision; dedicates easements and public streets; and provides for future development parcels for market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.
24. As a condition of the Park City Heights MPD a total of 79 deed restricted affordable units are required. The Development Agreement states that all 28 Townhouse units and all 35 Park homes (all deed restricted affordable) are located in Phase 1, along with 5 Cottage homes and that “affordable units for subsequent phases will be identified with the final subdivision plats for those phases”.
25. The lots within this Phase are designated as Homestead lots on the MPD. None of the Homestead lots are designated as affordable deed restricted lots.
26. The affordable housing mitigation plan indicates that the Project may be platted in phases and that each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted.
27. An adjustment to the Park City Heights Housing Mitigation Plan should be reviewed by the Park City Housing Authority during the annual review and status report in December of 2018 to reflect the amended subdivision phasing plan.
28. A total of 14 of the 35 affordable permits to date and 8 of the 18 market rate permits have certificates of occupancy. The amended phasing plan does not change requirements of the housing mitigation plan. The applicant is on schedule to provide affordable housing according to the housing mitigation plan.
29. An access easement is provided for the landlocked Byers parcel (PCA-89) consistent with the preliminary plat.
30. Findings in the Analysis section are incorporated herein.

#### Conclusions of Law:

1. The subdivision complies with LMC Chapter 7 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD and preliminary plat as amended and conditioned.
4. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.

5. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A plat note shall state that the plat is subject to the conditions of the Park City Heights Annexation, approved by the City Council on May 27, 2010.
4. A plat note shall state that the plat is subject to conditions of approval of the Amended Park City Heights MPD approved on November 6, 2013, by the Planning Commission and memorialized in the Park City Heights Development Agreement, as amended, February 26, 2014 and March 8, 2017.
5. A plat note shall state that this plat is subject to this Ordinance (2018-xx).
6. Final approval of the sewer facilities by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
7. A plat note shall state that trees, structures and retaining walls shall not be located within SBWRD easements.
8. The plat shall indicate that all streets and utilities, except for sewer laterals, constructed within the ROW are dedicated to the City for public use. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
9. Ten foot wide public snow storage easements are required along all street frontages.
10. All survey monumentation as required by the LMC is required to be completed prior to acceptance of public improvements.
11. Parcel D, a non-developable parcel, shall be dedicated to the Park City Heights HOA as restricted open space, to be owned and maintained by the Master HOA, and shall be encumbered by a blanket utility, drainage, snow storage, and public trails easement.
12. A plat note shall state that public trails within the open space parcels shall be constructed in type and location as approved by the City consistent with the MPD. Final constructed trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements. Trails within Phase 2 shall be constructed prior to issuance of 50% of the certificates of occupancy in this phase.
13. A plat note shall state that all construction, including streets, utilities and structures shall comply with recommendations of the supplemental, updated soils investigation conducted by AGEC on December 20, 2011 that updated and supplemented the June 9, 2006 Geotechnical Study provided by Gordon, Spilker, Huber Geotechnical



Consultants, Inc.

14. A plat note shall state that additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
15. A plat note shall state that a landscape and irrigation plan shall be submitted and approved by the City for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines.
16. A plat note shall state that a limits of disturbance plan (LOD) and existing vegetation protection plan shall be part of the building permit submittal.
17. A plat note shall state that exterior lighting shall conform to requirements of the City's Lighting Ordinance and the Park City Heights Design Guidelines.
18. A plat note shall state that applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
19. A plat note shall state that grading, drainage and storm water run-off plans shall be approved by the City Engineer prior to building permit issuance.
20. A plat note shall state that prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines, including building setbacks, building height, maximum floor area, building articulation, architecture and materials, landscaping, lighting and other elements as stated in the Park City Heights Design Guidelines. Include a table for setbacks, building height and maximum floor area on plat prior to recordation.
21. Confirmation of street names shall be provided by the City Engineer prior to plat recordation.
22. A note shall be added to the plat stating that all units shall be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.
23. A plat note shall state that In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score, as further described in the Park City Heights Design Guidelines.
24. A plat note shall state that an industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to

issuance of a building permit to provide third party inspection for compliance with Green Building and Water Conservation requirements. Final certification documenting compliance shall be provided to the Building Department prior to issuance of certificates of occupancy.

25. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance on individual lots as well as for construction of public infrastructure. The CMP shall address construction access, parking, allowed hours of work, temporary lighting, construction signs, limits of disturbance, recycling and stockpiling of materials, re-vegetation of all disturbance areas, noise, dust, and other items listed on the standard CMP form required by the Building Department.
26. To mitigate impacts on existing City streets and residents, temporary construction access to Phase 2 and to subsequent phases shall be from Richardson Flat Road onto a temporary graded road, utilizing Lot C-1 and Parcel G located east of Piper Way, then connected to Piper Way just south of the Kinley Drive and Piper Way intersection. If an access easement can be acquired from the UDOT to use the US 40 frontage road that option should be pursued for temporary construction access. The disturbed area shall be re-graded and re-vegetated if not used for a period of one year or longer.
27. Ledger Way shall not be used for construction access to Phase 2 or any future phases.
28. A common construction recycling and excavation materials storage area within the development shall be utilized for this phase as required by the MPD.
29. A financial guarantee, in a form and amount acceptable to the City and in conformance with these conditions of approvals, for the value of all required public improvements, shall be provided to the City prior to building permit issuance for new construction. All public improvements shall be completed according to City standards prior to release of this guarantee. Ten percent of the bond shall be held by the City for the warranty period and until such improvements are accepted by the City.
30. A plat note shall state that maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the public rights-of-way and common areas, with the exception of public trails, shall be provided by the Master HOA, unless otherwise agreed upon by the City Council.
31. A plat note shall state that a fire protection and emergency access plan shall be submitted and approved by the Park City Fire District prior to the issuance of any building permits for this phase. The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the Wild land interface zones and shall ensure that Park City's ISO rating is not negatively affected by the development.
32. A plat note shall state that modified 13-D residential fire sprinklers are required for all occupied structures.
33. An existing 50' wide power line easement for PacifiCorp traverses Parcels D and an additional 10' shall be dedicated with this plat for a total width of 60', as requested by PacifiCorp to meet future anticipated utility easement needs.

34. Issuance of building permits for Phase 2 are subject to completion and issuance of certificates of occupancy for deed restricted affordable housing as required by the approved Housing Mitigation Plan, as amended.
35. An adjustment to the Park City Heights Housing Mitigation Plan, regarding phasing of units, shall be reviewed by the Park City Housing Authority during the annual review and status report in December of 2018, to be consistent with the amended subdivision phasing plan.
36. A note shall be included on the final plat stating that a Conditional Use Permit is required for construction on Lots 205, 206, 214 and 215, if Building Height exceeds 28' from existing grade to the top (ridge) of the roof. Conditional Use Permit applications shall include a visual analysis of the proposed house from the intersection of State Highway 248 and Richardson Flat Road, from the intersections of Richardson Flat Road with Ledger Way and/or Piper Way, whichever location provides the best view of the lot, and from the Rail Trail crossing of Richardson Flat Road.
37. A note shall be included on the final plat stating the following maximum Residential Floor Area (aka house sizes), consistent with the LMC definitions, shall apply:
  - 4,500 square feet for Lots 201 to 205
  - 5,000 square feet for Lots 206 to 211 and Lots 236 to 239
  - 6,000 square feet for Lots 212 to 235
38. A note shall state that this plat is subject to the Water and Maintenance Agreement with Park City Municipal Corporation dated October 3, 2014.
39. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.
40. A minimum 40' wide access easement shall be dedicated on the plat for the benefit of the landlocked Byers parcel (PCA-89), consistent with the preliminary plat.
41. All standard project conditions shall apply.

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2018.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Andy Beerman, MAYOR

ATTEST:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

Exhibit A- Park City Heights Phase 2 Subdivision plat

# PARK CITY HEIGHTS

## PHASE 2

A SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION 2,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
SUMMIT COUNTY, UTAH



**SURVEYOR'S CERTIFICATE**  
I, Spencer W. Llewellyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 10516507 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owners that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, streets, and easements, and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.

Spencer W. Llewellyn  
Professional Land Surveyor  
Certificate No. 10516507

### BOUNDARY DESCRIPTION

A portion of the SW 1/4 of Section 2 & the NW 1/4 of Section 11, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Utah, more particularly described as follows:  
Beginning at the Southwesterly Corner of Lot 65, PARK CITY HEIGHTS PHASE 1 SUBDIVISION, according to the Official Plat thereof on file in the Office of the Summit County Recorder, located 888'46"8"E along the Section Line 2,377.21 feet and North 389.50 feet from the Northwest Corner of Section 11, T2S, R4E, SLB&M; thence S60°23'17"W 124.23 feet; thence N24°03'34"W 30.41 feet; thence S60°31'45"W 166.82 feet; thence S17°17'28"E 212.74 feet; thence S32°16'59"W 173.63 feet; thence Easterly along the arc of a non-tangent curve to the right having a radius of 340.00 feet (radius bears: S17°39'55"W) a distance of 49.27 feet through a central angle of 08°18'09" Chord: S67°31'00"E 29.23 feet; thence S20°18'57"W 40.00 feet; thence S24°20'37"W 122.08 feet; thence S53°23'00"E 74.69 feet; thence S43°02'53"E 165.62 feet; thence S34°28'01"E 72.43 feet; thence S49°31'37"E 741.19 feet; thence S42°11'04"W 2,168.85 feet; thence South 103.66 feet; thence N89°30'31"W along the extension of and along the Northerly line of MORNING STAR ESTATES, according to the Official Plat thereof on file in the Office of the Summit County Recorder 1,126.96 feet; thence N0°19'41"E 380.00 feet; thence N89°30'31"W 242.00 feet to the Section line; thence N0°19'41"E along the Section line 1,094.01 feet; thence S60°17'52"E 344.36 feet; thence N75°52'07"E 1,501.92 feet; thence N9°09'27"W 82.44 feet to the Southerly line of the Real Property described in Deed Book 771 Page 718 of the Official Records of Summit County; thence N88°46'45"E along said deed 89.54 feet; thence N0°09'41"E along said deed and extension thereof and along the Easterly line of Lot 3 QUINN'S WATER TREATMENT SUBDIVISION, according to the Official Plat thereof on file in the Office of the Summit County Recorder 1,415.34 feet to the Southerly line of that Real Property described in Deed Book 527 Page 47 of the Official Records of Summit County; thence N88°51'07"E along said deed 611.67 feet; thence S20°10'21"E 662.43 feet; thence S84°01'00"E 78.50 feet to the Westerly line of PARK CITY HEIGHTS PHASE 1, according to the Official Plat thereof on file in the Office of the Summit County Recorder; thence along said plat the following 3 (three) courses and distances: Southerly along the arc of a non-tangent curve to the left having a radius of 1,340.00 feet (radius bears: S84°01'00"E) a distance of 526.99 feet through a central angle of 22°31'59" Chord: S05°17'09"E 523.60 feet; thence S23°19'58"E 50.25 feet; thence Southerly along the arc of a non-tangent curve to the left having a radius of 1,325.00 feet (radius bears: N71°19'21"E) a distance of 108.54 feet through a central angle of 04°39'30" Chord: S21°01'24"E 108.51 feet to the point of beginning.

Contains: L27-42 access-1

### OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_ THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS, AND STREETS TOGETHER WITH EASEMENTS TO BE HEREINAFTER KNOWN AS

## PARK CITY HEIGHTS PHASE 2

DO HEREBY DEDICATE TO SUMMIT COUNTY ALL THESE TRACTS OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER. THE UNDERSIGNED OWNERS ALSO CONVEY TO SUMMIT COUNTY, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT AND TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY AND DRAINAGE EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF \_\_\_\_\_ HAVE HEREBY SET \_\_\_\_\_ HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

CHRISTOPHER P. GAMVROULAS  
PRESIDENT, IVORY DEVELOPMENT, LLC

### LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH  
COUNTY OF \_\_\_\_\_  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_ PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, CHRISTOPHER P. GAMVROULAS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC, A UTAH LLC AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

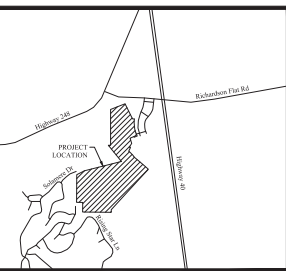
MY COMMISSION EXPIRES: \_\_\_\_\_ A NOTARY PUBLIC COMMISSIONED IN UTAH RESIDING IN \_\_\_\_\_ COUNTY

MY COMMISSION No. \_\_\_\_\_ PRINTED FULL NAME OF NOTARY

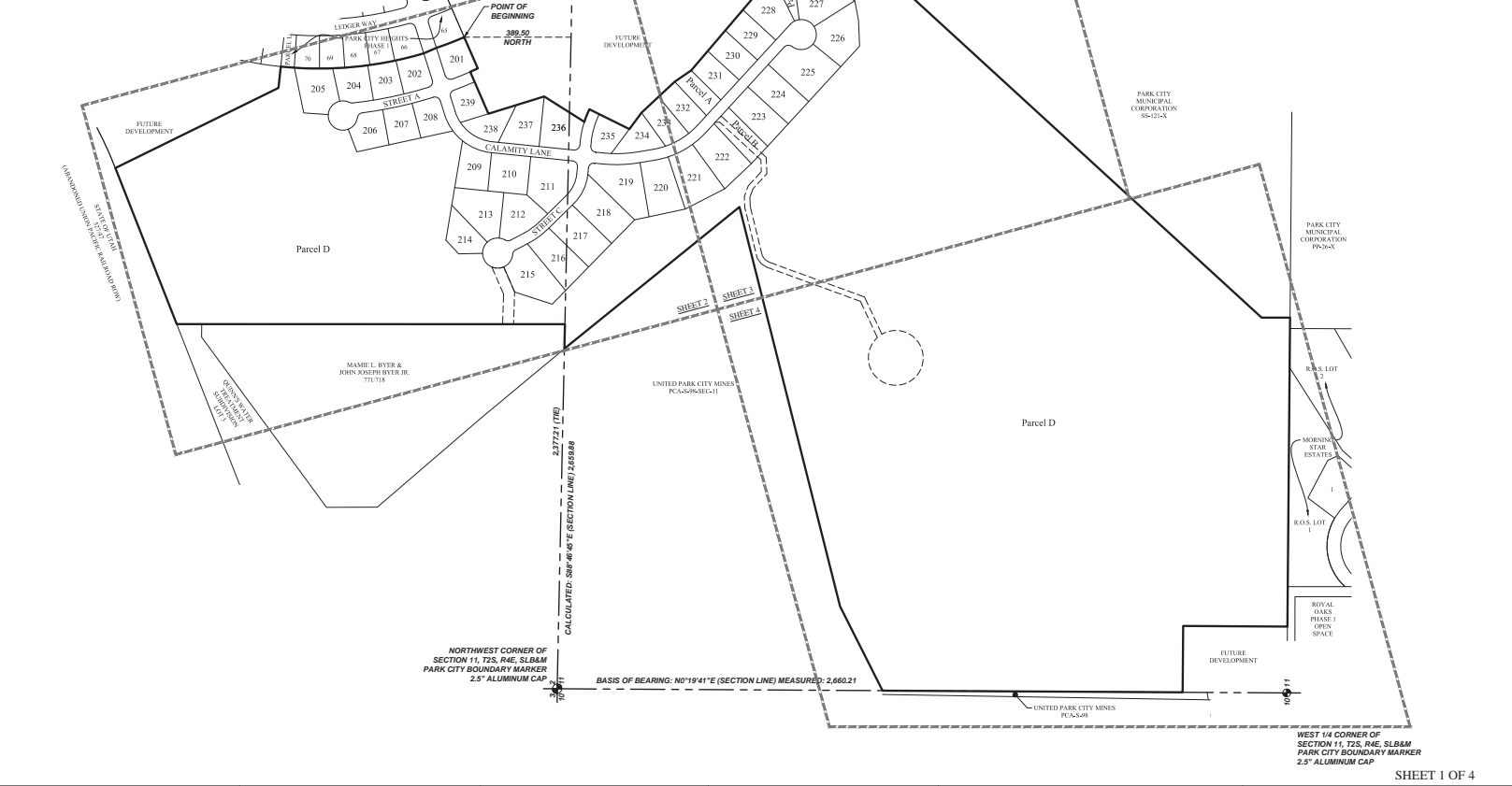
## PARK CITY HEIGHTS PHASE 2

A SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION 2,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
SUMMIT COUNTY, UTAH

RECORDED # \_\_\_\_\_  
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FILE \_\_\_\_\_ SUMMIT COUNTY RECORDER



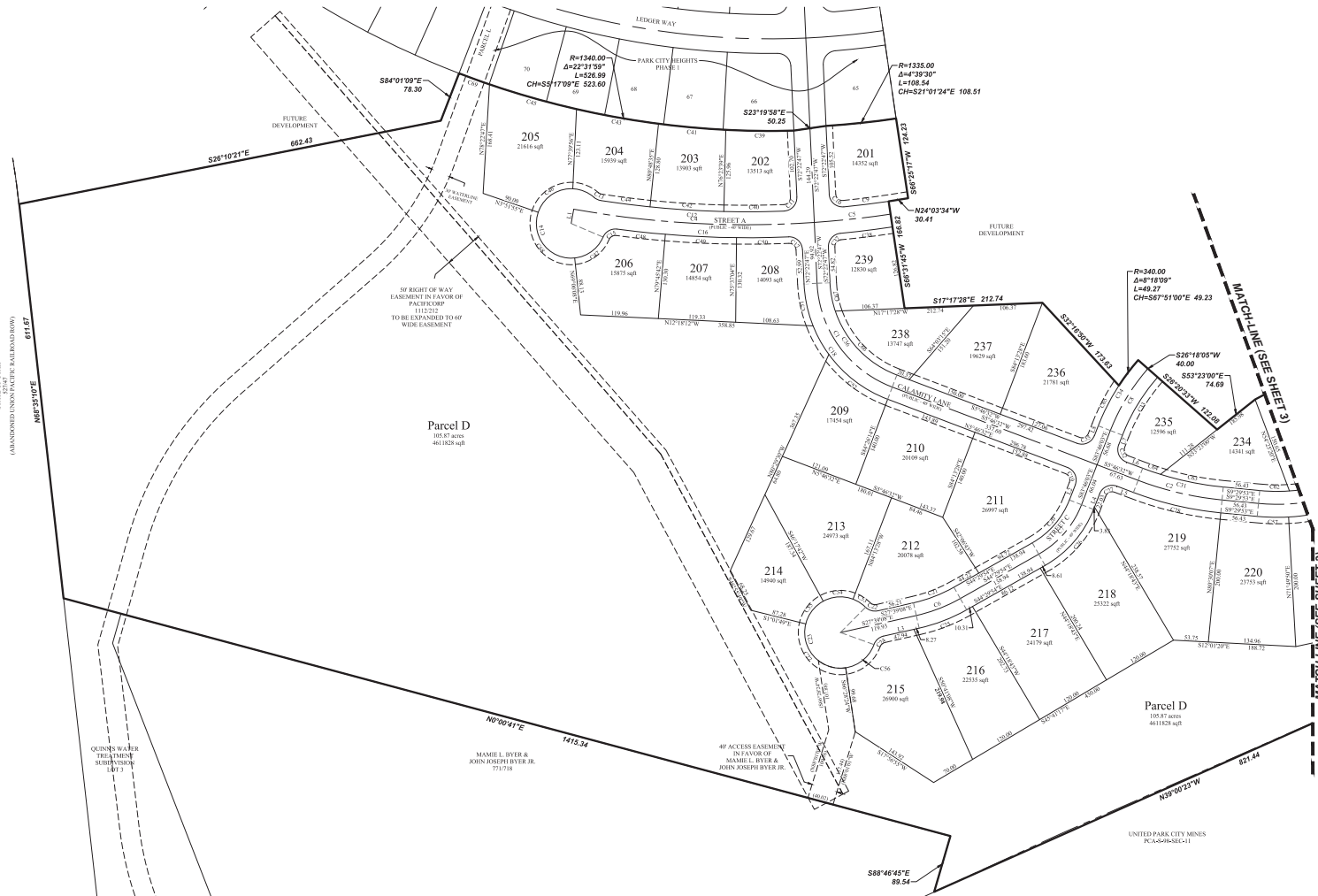
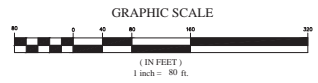
VICINITY MAP



PREPARED BY <b>FOCUS</b> ENGINEERING AND SURVEYING, LLC 32 WEST CENTER STREET MIDVALE, UTAH 84047 PH: (801) 352-0075 www.focusnh.com	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF ____ A.D. 20__	QUESTAR GAS APPROVED THIS ____ DAY OF ____ A.D. 20__	PARK CITY FIRE DISTRICT APPROVED THIS ____ DAY OF ____ A.D. 20__ BY THE PARK CITY FIRE DISTRICT	MOUNTAIN REGIONAL WATER MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT HAS COMMITTED TO PROVIDING WATER SERVICE TO THE LOTS INCLUDED IN THIS PLAT, AND HAS REVIEWED SAID PLAT FOR CONFORMANCE TO DISTRICT RULES AND REGULATIONS. APPROVED ON THIS ____ DAY OF ____ 20__	PLANNING COMMISSION APPROVED THIS ____ DAY OF ____ A.D. 20__ BY THE SUMMIT COUNTY PLANNING COMMISSION
	SUMMIT COUNTY ATTORNEY SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____ 20__ BY: _____	ROCKY MOUNTAIN POWER APPROVED THIS ____ DAY OF ____ A.D. 20__	ENGINEER'S CERTIFICATE I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE _____ SUMMIT COUNTY ENGINEER	COUNTY ASSESSOR I HEREBY CERTIFY THAT ALL TAXES, INTEREST, AND PENALTIES OWING TO THE LAND HAVE BEEN PAID. DATE _____ SUMMIT COUNTY ASSESSOR	COUNTY MANAGER APPROVED BY RESOLUTION/ORDINANCE OF THE COUNTY MANAGER ____ DAY OF ____ A.D. 20__ ATTEST: SUMMIT COUNTY RECORDER _____ COUNTY MANAGER, SUMMIT COUNTY

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**PARK CITY HEIGHTS**  
**PHASE 2**  
 A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 2,  
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 SUMMIT COUNTY, UTAH



MATCHLINE (SEE SHEET 3)

MATCHLINE (SEE SHEET 3)

SHEET 2 OF 4

**PARK CITY HEIGHTS**  
**PHASE 2**  
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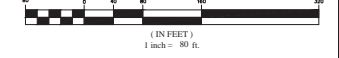
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# PARK CITY HEIGHTS

PHASE 2  
A SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION 2,  
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SUMMIT COUNTY, UTAH



GRAPHIC SCALE

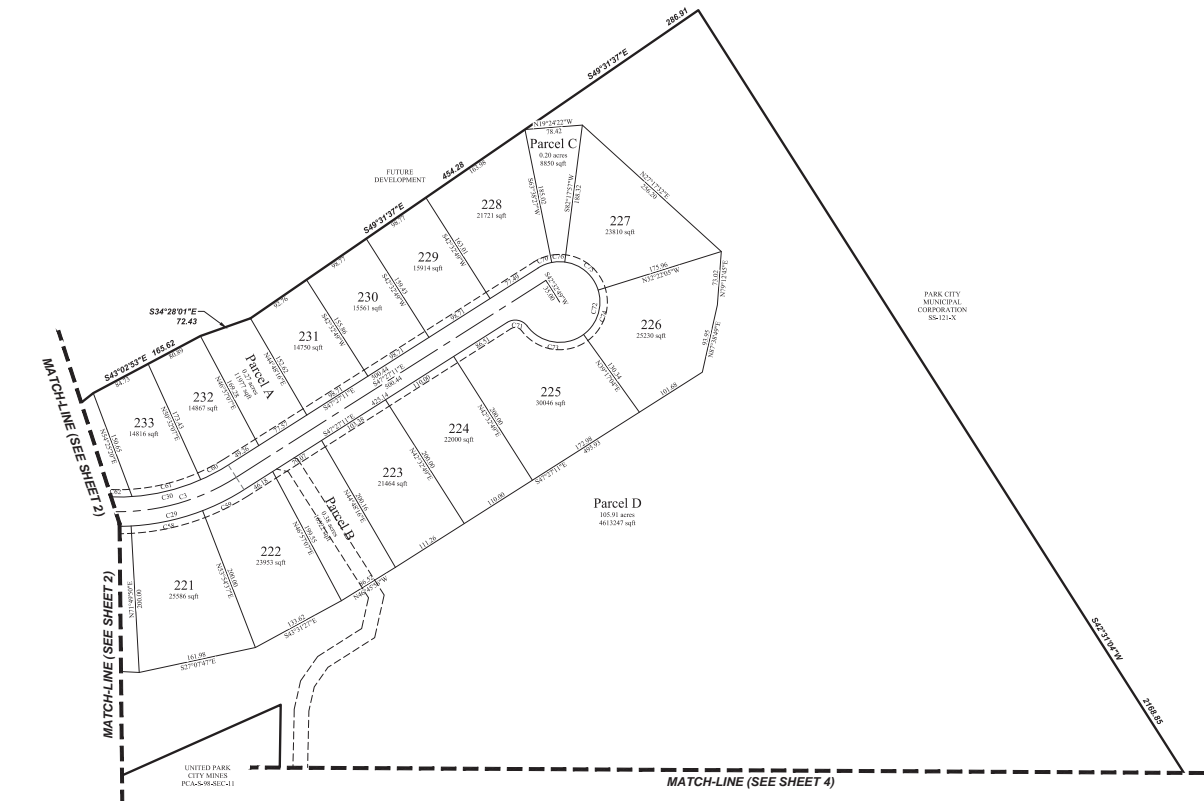


Curve Table				
CURVE	RADIUS	DELTA	LENGTH	CHORD LENGTH
C1	180.00	46°30'00"	288.24	339.6739
C2	900.00	15°42'00"	135.29	801°51'30"E
C3	360.00	37°57'00"	198.73	S28°29'32"E
C4	1500.00	14°13'10"	372.30	S11°50'34"E
C5	1500.00	4°31'00"	118.27	S21°12'40"E
C6	248.00	16°30'40"	72.92	S38°04'31"E
C7	150.00	39°10'09"	102.81	S64°07'39"E
C8	320.00	20°50'07"	112.08	N73°42'39"W
C9	1480.00	2°42'00"	96.70	S27°02'29"E
C10	20.00	89°02'42"	33.31	S24°00'00"E
C11	20.00	90°25'02"	32.35	S02°54'47"E
C12	1480.00	10°58'34"	283.52	S11°42'54"E
C13	20.00	32°20'58"	11.61	S89°58'53"W
C14	53.00	248°11'41"	269.10	S62°00'31"W
C15	20.00	74°13'16"	26.67	N44°41'42"W
C16	1520.00	9°59'35"	261.11	S12°24'51"E
C17	20.00	89°49'26"	33.12	N27°29'04"E
C18	280.00	46°00'00"	232.80	S19°00'00"W
C19	20.00	90°27'22"	32.36	S15°00'14"E
C20	136.00	39°10'09"	80.10	S64°07'39"E
C21	228.00	16°30'40"	67.84	S38°04'31"E
C22	20.00	57°13'34"	20.59	S01°50'39"W
C23	55.00	295°07'08"	283.29	S62°30'52"W
C24	20.00	57°13'34"	20.59	N56°22'55"W
C25	248.00	16°30'40"	78.80	S38°04'31"E
C26	1700.00	39°10'09"	116.51	S64°07'39"E
C27	20.00	89°23'25"	32.86	N38°04'06"W
C28	520.00	15°42'00"	138.63	S01°51'30"E
C29	120.00	37°57'00"	211.98	S28°29'32"E
C30	280.00	37°57'00"	185.48	S28°29'32"E
C31	480.00	15°42'00"	127.68	S01°51'30"E
C32	20.00	90°27'22"	32.36	S15°00'14"W
C33	360.00	20°50'07"	105.08	N73°42'39"W
C34	340.00	20°50'07"	119.09	N73°42'39"W
C35	20.00	89°23'25"	32.86	S39°39'46"E
C36	160.00	46°00'00"	108.00	S38°04'39"E
C37	20.00	85°11'44"	31.20	N49°40'21"W
C38	1520.00	3°52'46"	86.81	S21°52'52"E
C39	1540.00	4°29'02"	104.87	N18°16'38"W
C40	1480.00	3°25'50"	92.82	S15°24'10"E
C41	1340.00	4°25'31"	104.28	N09°59'22"W
C42	1480.00	4°25'45"	114.03	S11°23'53"E
C43	1340.00	5°29'30"	128.44	N04°51'51"W
C44	1480.00	2°27'46"	76.52	S07°42'31"E
C45	1540.00	5°27'54"	128.42	N09°51'17"E
C46	53.00	73°48'00"	68.91	S49°14'00"E
C47	53.00	41°54'28"	57.03	N13°20'06"W
C48	1520.00	2°49'14"	74.83	N08°49'41"W
C49	1520.00	4°08'38"	109.03	N12°18'37"W
C50	1520.00	3°01'43"	80.35	N15°51'48"W
C51	200.00	19°01'00"	66.51	N29°11'32"E
C52	200.00	33°07'53"	115.63	N22°29'28"E
C53	53.00	24°30'27"	57.16	S17°00'29"W
C54	53.00	49°25'06"	67.84	S18°51'37"E
C55	53.00	47°19'17"	65.43	S07°29'39"E
C56	53.00	9°58'31"	9.58	N08°13'22"W
C57	520.00	8°48'18"	48.43	N13°58'01"W
C58	120.00	17°53'11"	100.00	N27°04'47"W
C59	120.00	11°21'48"	63.46	N41°40'17"W
C60	280.00	8°42'43"	42.66	S43°02'30"E
C61	280.00	19°30'09"	96.92	S24°40'28"E
C62	280.00	9°27'56"	47.90	S14°11'49"E
C63	480.00	11°17'51"	98.84	S03°37'57"E
C64	480.00	3°29'53"	29.12	S04°00'19"W
C65	340.00	11°43'58"	69.82	S75°53'04"E
C66	160.00	50°25'08"	141.28	S31°50'06"W
C67	160.00	16°01'00"	44.73	S64°27'13"W
C68	53.00	114°43'47"	107.16	N38°29'02"E
C69	1340.00	2°08'11"	49.97	N04°54'45"E
C70	53.00	21°49'37"	20.25	S38°54'22"E
C71	20.00	85°00'21"	30.71	S49°23'22"W
C72	55.00	285°08'21"	255.17	N05°27'29"E
C73	55.00	89°44'05"	86.14	N06°29'37"W
C74	55.00	71°00'11"	68.16	N06°52'01"W
C75	55.00	65°19'57"	62.71	S24°57'53"W
C76	55.00	18°39'36"	17.91	S17°01'40"E

Line Table		
LINE	DIRECTION	LENGTH
1.1	S89°10'05"E	22.86
1.2	S87°40'07"E	25.22
1.3	S27°39'08"E	56.21
1.4	S83°40'07"E	25.96
1.5	S05°40'32"W	27.46
1.6	S05°40'32"W	26.81
1.7	S83°40'07"E	15.86
1.8	S83°40'07"E	16.50

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- NOTES:**
- ALL UNITS SHALL BE CONSTRUCTED TO NATIONAL ASSOCIATION OF HOME BUILDERS NATIONAL GREEN BUILDING STANDARDS SILVER CERTIFICATION OR OTHER EQUIVALENT GREEN BUILDING CERTIFICATION APPROVED BY THE PLANNING DEPARTMENT OR REACH LEED FOR HOMES SILVER RATING (MINIMUM 60 POINTS) GREEN BUILDING CERTIFICATION OR LEED RATING CRITERIA TO BE USED SHALL BE THOSE APPLICABLE AT THE TIME OF THE BUILDING PERMIT SUBMITTAL.
  - THE OPEN SPACE AND COMMON AREA TO BE MAINTAINED BY THE MASTER HOA.
  - ALL STREETS AND UTILITIES, EXCEPT FOR SEWER LATERALS, CONSTRUCTED WITHIN THE RIGHT-OF-WAY TO BE DEDICATED TO THE CITY FOR PUBLIC USE.
  - PARCELS A, B & C ARE DEDICATED TO THE PARK CITY HEIGHTS HOME OWNERS ASSOCIATION AND ARE ALSO INCLUDED IN THE MASTER EASEMENT FOR PUBLIC UTILITIES, DRINKING WATER AND TRAIL EASEMENTS.
  - TRAIL EASEMENTS NOTED IN # ABOVE ARE FURTHER DESCRIBED IN CONSTRUCTION DRAWINGS. THE FRAIL CONSTRUCTED TRAILS ARE AGREED BY THE HOMEOWNERS OF THIS PLAT TO BE WITHIN A 10' EASEMENT. ALL TRAILS SHALL BE CONSTRUCTED IN TYPE AND LOCATION THAT ARE CONSISTENT WITH THE PARK CITY HEIGHTS MDP SITE PLAN AND TRAIL PLAN.
  - MAINTENANCE OF SEWERALS (INCLUDING, WITHOUT LIMITATION, SNOW REMOVAL, TRAIL LIGHTING, AND LANDSCAPING WITHIN THE PUBLIC RIGHTS-OF-WAY AND COMMON AREAS, WITH THE EXCEPTION OF THE PUBLIC PARK AND PUBLIC TRAILS, SHALL BE PROVIDED BY THE HOA, UNLESS OTHERWISE AGREED UPON BY THE CITY COUNCIL.
  - ALL CONSTRUCTION, INCLUDING STREETS, UTILITIES, AND STRUCTURES SHALL COMPLY WITH PARK CITY STANDARDS AND RECOMMENDATIONS OF THE DECEMBER 20, 2011, GEOTECHNICAL STUDY FOR THE PARK CITY HEIGHTS DEVELOPMENT PROVIDED BY AGEE GEOTECHNICAL CONSULTANTS, INC. SPECIAL CONSTRUCTION METHODS, REMOVAL OF UNSUITABLE SOILS, AND OTHER MITIGATION MEASURES ARE RECOMMENDED IN THE STUDY. ADDITIONAL SOILS STUDIES AND GEOTECHNICAL STUDIES MAY BE REQUIRED BY THE ENGINEERING AND BUILDING DEPARTMENT PRIOR TO ISSUANCE OF PERMITS FOR STREETS UTILITY INSTALLATION, AND UTILITIES.
  - A SUPPLEMENTAL UPDATED SOILS INVESTIGATION BY AGEE WAS CONDUCTED ON DECEMBER 20, 2011 SUPPLEMENTING THE WORK DONE BY GORDON, SPEAR, HUBER GEOTECHNICAL CONSULTANTS, INC. (JUNE 5, 2008). SEE NOTE # 8.
  - ALL LANDSCAPING PLAN SHALL BE SUBMITTED FOR CITY REVIEW AND APPROVAL FOR EACH PARCEL AND SINGLE LOT PRIOR TO BUILDING PERMIT ISSUANCE. A LANDSCAPE PLAN SHALL BE REQUIRED AT THE TIME OF SUBMITTAL. LANDSCAPING PLAN MUST COMPLY WITH PARK CITY HEIGHTS DESIGN GUIDELINES.
  - EXTERIOR LIGHTING SHALL CONFORM TO REQUIREMENTS OF THE CITY'S LIGHTING ORDINANCE.
  - ALL BUILDING CONSTRUCTION IS SUBJECT TO REVIEW AND APPROVAL BY PARK CITY BUILDING DEPARTMENT. A LIMITS OF RESTRICTIONS PLAN AND VEGETATION PLAN SHALL BE PART OF THE SPECIFIC BUILDING PERMIT APPLICATION.
  13. MODIFIED 1-0 RESIDENTIAL FIRE SPRINKLERS ARE REQUIRED FOR ALL OCCURRED STRUCTURES.
  14. SNOW STORAGE EASEMENTS ARE GRANTED ALONG AND OUTSIDE THE PUBLIC RIGHT-OF-WAY WHERE NOTED ON THE PLAT.
  15. CITY ACCEPTANCE OF THE PUBLIC STREETS FOR MAINTENANCE AND SNOW PLOWING SHALL NOT OCCUR UNLESS AT LEAST 50% OF HOUSES WITHIN THIS PHASE OF DEVELOPMENT ARE OCCUPANCY.
  16. SEE LOT RESTRICTIONS PLAT NOTE AND DESIGN GUIDELINES FOR SETBACK REQUIREMENTS.
  17. THE FINAL PLAT IS SUBJECT TO THE CONDITIONS CONSISTENT WITH THE AMENDED MDP AGREEMENT APPROVED BY THE CITY COUNCIL DATED MAY 27, 2009 AND SUBJECT TO THE AMENDED MDP APPROVAL BY THE PARK CITY PLANNING COMMISSION DATED NOVEMBER 3, 2014 AND THE PARK CITY HEIGHTS DEVELOPMENT AGREEMENT RATIFIED BY THE PLANNING COMMISSION ON SEPTEMBER 24, 2014 AND THE DESIGN GUIDELINES THAT ARE AN EXHIBIT TO THE DEVELOPMENT AGREEMENT.
  18. THIS PLAT IS NOT LOCATED WITHIN THE PARK CITY SOILS ORDINANCE ON FEBRUARY 24, 2014 AND THE DESIGN GUIDELINES THAT ARE AN EXHIBIT TO THE DEVELOPMENT AGREEMENT.
  19. SEE PARK CITY HEIGHTS DESIGN GUIDELINES FOR THE APPLICABLE HOUSE SIZES. THE FOLLOWING TABLE INDICATES THE MAXIMUM ALLOWABLE HOUSE SIZES FOR PARK CITY HOUSE SIZING CALCULATIONS AND THE AMENDED MDP.  
LOTS 201-209 = 4,000 SF  
LOTS 206-208 = 4,000 SF  
LOTS 209-231 = 6,000 SF  
LOTS 236-239 = 5,000 SF
  20. THE FINAL PLAT IS SUBJECT TO THE PARK CITY MUNICIPAL CORPORATION WATER AGREEMENT, DATED OCTOBER 1, 2004.
  21. THIS SUBDIVISION IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE X3-2018.
  22. ALL APPLICABLE REQUIREMENTS OF THE LMC REGARDING TOP SOIL PRESERVATION, FINAL GRADING AND LANDSCAPING SHALL BE COMPLETED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
  23. A STORM WATER RUN-OFF AND DRAINAGE PLAN SHALL BE SUBMITTED WITH EACH PHASE OF THE PROJECT AND WITH THE BUILDING PERMIT APPLICATION AND CONSISTENT WITH THE CONDITIONS OF NOVEMBER 3, 2014 APPROVAL AND SHALL BE APPROVED PRIOR TO BUILDING PERMIT ISSUANCE.
  24. A CONSTRUCTION RECYCLING AREA AND EXCAVATION MATERIALS STORAGE AREA SHALL BE PROVIDED. DEVELOPMENT SHALL BE UTILIZED FOR THIS PHASE AS REQUIRED BY THE MDP CONDITIONS OF APPROVAL.
  25. A FINANCIAL GUARANTEE, IN A FORM AND AMOUNT ACCEPTABLE TO THE CITY AND IN CONFORMANCE WITH THE CONDITIONS OF APPROVAL, AMOUNTING TO 100% OF THE VALUE OF ALL REQUIRED PUBLIC IMPROVEMENTS, INCLUDING THOSE PUBLIC IMPROVEMENTS IDENTIFIED IN THE AMENDED MDP, SHALL BE PROVIDED TO THE CITY PRIOR TO BUILDING PERMIT ISSUANCE FOR NEW CONSTRUCTION WITH EACH PHASE. ALL PUBLIC IMPROVEMENTS SHALL BE COMPLETED ACCORDING TO THE CITY STANDARDS PRIOR TO RELEASE OF GUARANTEE. TEN PERCENT OF THE 10% BOND SHALL BE HELD BY THE CITY FOR THE WARRANTY PERIOD AND UNTIL SUCH IMPROVEMENTS ARE ACCEPTED BY THE CITY FOR THE RELEASE OF GUARANTEE. TEN PERCENT OF THE 10% BOND SHALL BE HELD BY THE CITY FOR THE WARRANTY PERIOD AND UNTIL SUCH IMPROVEMENTS ARE ACCEPTED BY THE CITY FOR THE RELEASE OF GUARANTEE.
  26. TREES, STRUCTURES AND RETAINING WALLS SHALL NOT BE LOCATED WITHIN SWMD EASEMENTS. A LANDSCAPE PLAN SHALL BE SUBMITTED FOR CITY REVIEW AND APPROVAL FOR EACH LOT, PRIOR TO BUILDING PERMIT ISSUANCE FOR THAT LOT.
  27. IN ADDITION TO MEETING GREEN BUILDING LEED FOR HOMES CHECKLISTS AND IN ORDER TO ACHIEVE WATER CONSERVATION GOALS, EACH HOUSE MUST EITHER: 1) ACHIEVE AT A MINIMUM, THE SILVER PERFORMANCE LEVEL POINTS WITHIN CHAPTER 4, WATER EFFICIENCY, OF THE NATIONAL ASSOCIATION OF HOME BUILDERS NATIONAL GREEN BUILDING STANDARDS; OR 2) ACHIEVE A MEDIUM COMBINED 10 POINTS WITHIN THE USABLE AREA (SUCH AS LANDSCAPING AND WATER EFFICIENCY) WHO CATEGORY OF THE LEED FOR HOMES CHECKLIST. POINTS ACHIEVED IN THESE RESOURCE CONSERVATION CATEGORIES WILL COUNT TOWARDS THE OVERALL LEED RATING FOR THE PROJECT.
  28. THIRD PARTY INSPECTION WILL BE PROVIDED, AN INDUSTRY STANDARD THIRD PARTY INSPECTOR SHALL BE MUTUALLY AGREED UPON BY THE BUILDER, HOMEOWNER AND THE APPLICANT PRIOR TO BUILDING PERMIT ISSUANCE.
  29. OPEN SPACE PARCELS ARE NOT RESTRICTED AS OPEN SPACE. NON-DEVELOPMENT PARCELS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. SEE NOTE # 5.
  30. ALL LOT EASEMENTS AND SNOW SHEED EASEMENTS TO ALLOW THE STORMING OF SNOW SHEED FROM THE ROOFS OF THE STRUCTURE OR TO THE ADJACENT LOT.

**PARK CITY HEIGHTS**  
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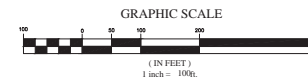
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DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

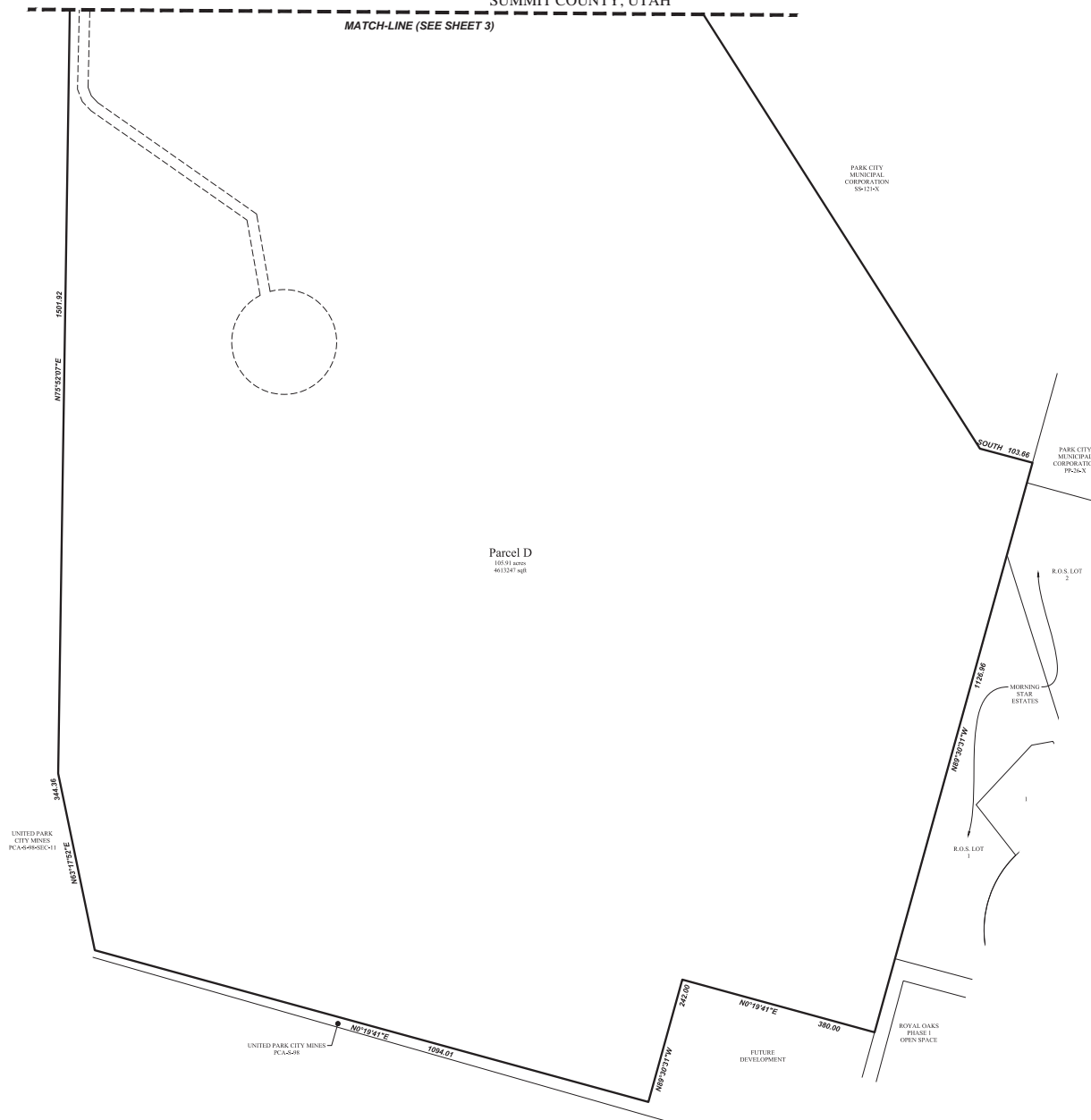
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# PARK CITY HEIGHTS

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MATCH-LINE (SEE SHEET 3)



SHEET 4 OF 4

**PARK CITY HEIGHTS**  
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February 22, 2018

Park City Senior Planner  
Kirsten Whetstone  
Park City Planning Department  
Park City, UT 84060

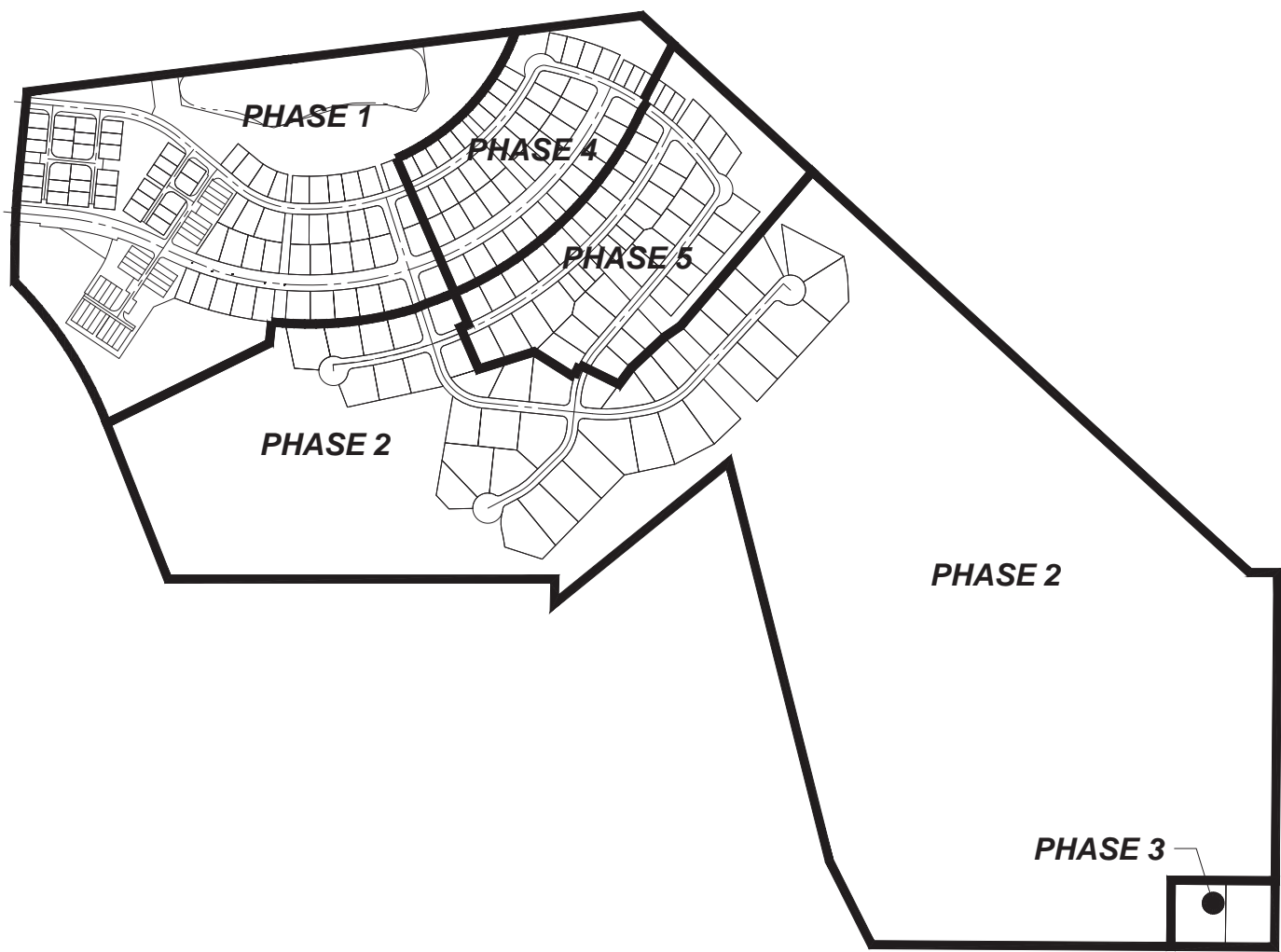
RE: Park City Heights Revised Phasing Plan

Dear Kirsten:

This letter is in response to your email requesting information regarding the proposed change to the approved phasing plan for Park City Heights Subdivision. At the time the current phasing plan was approved, the location of the final water tank was not finalized and as such the location of the water line that would be feeding the water tank was also not able to be determined. Over the past four years we have been working with Roger McClain from the water department to finalize the location of the tank along with the supply lines to the water tank. Per the amended water agreement with Park City dated October 31, 2014, the water tank will need to be constructed concurrent with the next phase of development. The need to amend the phasing plan stems from the need to build the infrastructure to the water tank. The water tank supply lines are planned to run in Calamity lane. The sanitary sewer, storm drain lines, culinary water, and power will also need to be run in the road at the same time as the supply line to the tank to avoid future utility conflicts. The road will need to be built to access the tank. Therefore with all the infrastructure in place needed to build the tank, it makes sense to build the proposed phase 2 as the next phase of development. Phase 3 is proposed to be the 2 lots that will access off Hidden Oaks subdivision. Originally these 2 lots were included in the phase 6 lots. However due to a property acquisition from Summit County in order to facilitate the platting of these lots it makes sense to keep the 2 lots as a separate plat. The timing of phase 3 may not come sequentially due to the acquisition of property from Summit County. Phase 4 is proposed to be more of the cottage lots adjacent to the detention area and is currently planned to be constructed in 2019-2020. Phase 5 will be the last phase and will have to be built following the construction of phase 4 to connect to sanitary sewer. The timing of phase 5 will depend on the market.

Sincerely,

Brad Mackay, PE  
Ivory Development LLC



**Park City Heights**  
 Park City  
 Phasing Exhibit

REVISION BLOCK	DATE	DESCRIPTION

Phasing Exhibit	
Scale: 1"=200'	Drawn: TM
Date: 02/23/18	Sheets: 16-3-43
Sheet	
1 OF 1	

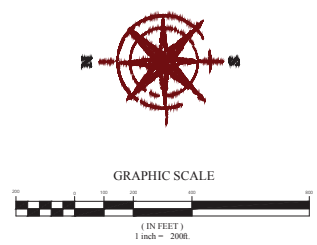






EXHIBIT E - LINK TO MPD AGREEMENT

EXHIBIT F- LINK TO ANNEXATION AGREEMENT

EXHIBIT G- LINK TO SITE AND UTILITY PLANS



EXHIBIT H



# EXHIBIT I- PHOTOS OF SITE



View of Phase 2 looking southwest



View looking southeast towards soil repository and US 40 berm



View of Phase 2 looking southwest from Calamity Ct



View looking west towards minor ridge from Calamity Lane





View looking northeast from Calamity Court and Ledger Way intersection





View looking North to Phase A Cottage homes on Ledger Way



View to Phase 2 site looking west from Calamity Court and Ledger Way



View looking south from Ledger Way and Richardson Flat Road



View looking south at Rail Trail crossing of Richardson Flat Road



View looking southeast from Richardson Flat Road near SR 248



View looking east from Richardson Flat Road at SH 248

# EXHIBIT J - LINK TO DESIGN GUIDELINES



COMMUNITY DEVELOPMENT

January 31, 2017

Christopher P. Gamvroulas  
Ivory Development  
978 Woodoak Lane  
Salt Lake City, UT 84117

**NOTICE OF HOUSING AUTHORITY APPROVAL**

---

**Description:** Updated/Amended Affordable Housing Mitigation Plan  
**Project Title:** Park City Heights Master Planned Development  
**Date of Action:** December 15, 2016

**Summary of Housing Authority Action**

On December 15, 2016 Park City Housing Authority approved an amended Housing Mitigation Plan for the phased completion and sale of 79 deed restricted units in fulfillment of the affordable housing obligation at Park City Heights Master Planned Development. Completed units will include 28 Park Town Homes (7 four-plex buildings), 35 Park Homes and 16 larger Cottage Homes.

The First Amendment to the original Housing Mitigation Plan ("Plan") is attached as Exhibit B. The Plan was approved with the following conditions of approval:

**Conditions of Approval:**

1. Ivory Homes will return to the Housing Authority by December of each year with a status report that includes: number of units built, sale prices, balance remaining, projections for the next year including number of units in each type and pricing for the next year, and any requested adjustments to the Housing Mitigation Plan.
2. Any changes to the unit pricing, bedroom count or completion schedule included in the Amended Housing Mitigation Plan in Exhibit B will require approval by the Housing Authority.

Attached are Exhibits as follows:

Exhibit A = Original Housing Mitigation Plan approved on July 17, 2014

445 Marsac Avenue • PO Box 1480 • Park City, Utah 84060  
435-615-5152 • 435-658-9019 (fax)



Exhibit B = Amended Housing Mitigation Plan approved on December 15, 2016.  
Exhibit C = First Amendment to the Deed Restriction recorded on January 19,  
2017 applicable to the sale of 14 houses.

If you have any questions about this Housing Mitigation Plan letter of approval, please contact me. I can be reached at 435-615-5152 or via email at [rhoda.stauffer@parkcity.org](mailto:rhoda.stauffer@parkcity.org).

Sincerely,



Rhoda J. Stauffer  
Affordable Housing Program Manager

July 1, 2014

Park City Housing Authority  
PO Box 1480  
Park City, UT 84060

## EXHIBIT A

### Park City Heights - Housing Mitigation Plan

**Project:** Park City Heights Master Planned Development

**Developer:** Ivory Homes

#### **General:**

On May 11, 2011 the Master Planned Development (MPD) for Park City Heights was approved for a mixed residential development consisting of 160 market rate units and 79 affordable/attainable units on 239 acres. An amendment to the MPD was approved on November 6, 2013, this addressed relocation and configuration of lots and streets. As part of the approval the Developer is required to satisfy an affordable/attainable housing requirement with forty-four (44) units approved under the 17-99 Housing Resolution and thirty-five (35) units approved under the 20-07 Housing Resolution.

The units will be large enough to capture all of the square footage necessary under the AUE obligations. All affordable/attainable units are to be for sale units. None of the units are intended to be rented by the Developer or future owners. Restrictions and priorities may include qualification options, sales price limits/range, rental restrictions and affordability terms.

#### **Phasing Schedule:**

The Project may be platted and in phases in accordance with the approved phasing plan. The following schedule is provided to indicate the required AUE's to be built in each phase. However, each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted.

##### Phase 1 – 103 Units

- 68 Affordable/Attainable
- 35 Market Rate Units

##### Phase 2 – 47 Units

- 5 Affordable/Attainable
- 42 Market Rate Units

##### Phase 3 – 34 Units

- 2 Affordable/Attainable
- 32 Market Rate Units

##### Phase 4 – 29 Units

- 4 Affordable/Attainable
- 25 Market Rate Units

##### Phase 5 – 15 Units

- 15 Market Rate Units

Phase 6 – 11 Units

- 11 Market Rate Units

All Phases      79 Affordable/Attainable Units (or equivalent AUE's)  
                    160 Market Rate Units

**Total: 239 Units**

**Construction Timing:**

The general layout and concept plan for Park City Heights dictates that the infrastructure is built from the lowest point of the slope (north) or entrance of the project to the highest point on the mountain (south). Because construction dictates this development pattern and the majority of affordable units are lower on the hill, the affordable units will be constructed at a different rate than market rate units. All of the affordable/attainable units will receive a certificate of occupancy prior to issuance of building permits for the last ten (10) percent of the market rate units. Project and housing requirements dictate that the affordable/attainable units are built in conjunction with the market rate units. The developer is front loading as many affordable/attainable units as possible to ensure that the requirements are satisfied. All of the affordable/attainable units are in the first 4 Phases.

Phase 1 construction will begin in early fall of 2014 for a total of sixty-eight (68) affordable/attainable units. The first Certificates of Occupancy are anticipated to be completed in late 2014/early 2015. The first affordable/attainable unit will be ready for occupancy prior to the first market rate unit. The majority of the affordable/attainable units are clustered at the entrance to the Subdivision and the Developer will ensure that the units are built with high quality building materials and well maintained. Projected absorption rate is 8-12 units per year as dictated by the market.

**Phase 1 – Year 1 Projection = 10 Total Units**

TYPE OF UNIT	NUMBER OF UNITS	NUMBER OF BEDROOMS	SQUARE FEET PER UNIT
Park Home – Single Family	6	3	1,600 – 2,100
Park Home – Townhome	4	2-3	1,000 – 1,400

**Product Pricing:**

The intent is to offer a wide range of both product type and product pricing. Pricing in the first building of the Attached Park Home Townhomes product in Phase 1 will begin in the \$240,000 range and go upwards of \$400,000 for the Single Family Detached Park Homes, depending on unit type, bedroom counts, square footage, and construction finishes. Developer will work with Park City Municipal Corp to determine final sales pricing as well as product type and size. It is anticipated that attached units will be priced lower and single family detached units will be closer to the maximum price range, thus having a greater range of diversity.

**Marketing Plan:**

Developer agrees to give priority to those full-time employees who work within the area of the Park City School District boundaries, particularly essential workers. This area includes but is not limited to Intermountain Healthcare Park City Medical Campus, USSA Headquarters and Training Annexation.

Developer will hold information seminars with these target groups to discuss the qualifications for purchasing deed restricted affordable/attainable housing units. Developer will also provide Credit Repair Services for all of those in need of such services.

### Methodology of Affordability:

#### Affordability Defined

Affordability is defined such that the total amount of the mortgage, basic utilities, taxes, insurance and HOA payments may not account for more than 30% of household income. The median wage of the core Park City workforce is determined annually by the City Council.

#### Affordable Unit Equivalent

There are two resolutions that govern the affordable/attainable units in Park City Heights. Resolution 17-99 dictates that a two-bedroom unit with 800 square feet of Net Livable Space is considered one Affordable Unit Equivalent; and Resolution 20-07, dictates that a two-bedroom unit with 900 square feet of Net Livable Space is considered one Affordable Unit Equivalent.

#### Average of Affordability

The intent is to maintain an average rate of affordability. Flexibility must be given in the Housing Mitigation Plan in an attempt to maximize a level of affordability. There may be some single-family units that fall outside of the affordable range, alternatively, providing attached units could keep the average rate of affordability lower delivering a lower average price.

#### Compliance Standards

It is anticipated that there will be a mix of unit types and standards as outlined below:

- All affordable units will be built to a minimum LEED Certified OR NAHB Green level and appliances & light bulbs shall be Energy Star qualified products.
- Size differentials of the exterior appearance of the cottage home affordable units will be compatible with cottage home market rate units and will use similar exterior materials and guidelines.
- Standard construction practices will be the same for the affordable/attainable and market units and incorporate the same general construction materials in the following areas: insulation, windows, heating systems, and other components related to energy efficiency including landscaping.
- All affordable/attainable units will be constructed in accordance and consistent with the MPD approved Park City Heights Neighborhood Design Guide.
- All affordable/attainable units will be constructed on Park City Heights property (MPD site). This includes the transfer of the IHC units from the Park City Medical Center site to Park City Heights.

#### Product type/Unit descriptions

Product type in all phases will be determined based on market conditions, lot size, topography, number of stories, adjacent homes, and other factors. Flexibility will be required and a necessity in order to provide the right product at the right price to maintain affordability. Units will be configured in two, three and four bedroom layouts. A minimum of seven (7) – two bedroom units will be provided in the Attached Park Home Townhomes.

#### Average Median Income/Workforce Housing Wage (Guideline)

Housing Resolution 17-99 uses an Average Median Income (AMI) in Summit County and Housing Resolution 20-07 uses the Workforce Housing Wage (WHW) in Park City. The first ten (10) units will be split with four (4) of the units under HR 17-99 and six (6) under HR 20-07.

December 15, 2016

Park City Housing Authority  
PO Box 1480  
Park City, UT 84060

**Park City Heights – Amended Housing Mitigation Plan**

**Project:** Park City Heights Master Planned Development

**Developer:** Ivory Homes

**General:**

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### **Marketing Plan:**

Developer agrees to give priority to those full-time employees who work within the area of the Park City School District boundaries, particularly essential workers. This area includes but is not limited to Intermountain Healthcare Park City Medical Campus, USSA Headquarters and Training Annexation.

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- Standard construction practices will be the same for the affordable/attainable and market units and incorporate the same general construction materials in the following areas: insulation, windows, heating systems, and other components related to energy efficiency including landscaping.
- All affordable/attainable units will be constructed in accordance and consistent with the MPD approved Park City Heights Neighborhood Design Guide.
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Average Median Income/Workforce Housing Wage (Guideline)

Housing Resolution 17-99 uses an Average Median Income (AMI) in Summit County and Housing Resolution 20-07 uses the Workforce Housing Wage (WHW) in Park City.



**Exhibit B**  
**Park City Heights Proposed Pricing by Unit Type**

	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bedrooms	Housing Resolution Pricing Limit	Negotiated Pricing
Town Homes				
T25	319,900	3	409,501	319,900
T26	249,900	2	365,759	249,900
T27	297,900	3	409,501	297,900
T28	329,900	3	409,501	329,900
T9	326,298	3	409,501	349,900
T10	254,898	2	365,759	299,900
T11	303,858	3	409,501	329,900
T12	336,498	3	409,501	359,900
T21	332,823	3	409,501	349,900
T22	259,995	2	365,759	299,900
T23	309,935	3	409,501	329,900
T24	343,227	3	409,501	359,900
T13	339,479	3	409,501	349,900
T14	265,194	2	365,759	299,900
T15	316,133	3	409,501	329,900
T16	350,091	3	409,501	359,900
T17	346,268	3	409,501	349,900
T18	270,497	2	365,759	299,900
T19	322,455	3	409,501	329,900
T20	357,092	3	409,501	359,900
T5	353,193	3	409,501	349,900
T6	275,906	2	365,759	299,900
T7	328,904	3	409,501	329,900
T8	364,233	3	409,501	359,900
T1	360,256	3	409,501	349,900
T2	281,424	2	365,759	299,900
T3	335,482	3	409,501	329,900
T4	371,517	3	409,501	359,900
sub-total	8,903,256		11,159,834	9,235,200

Bedroom Count Summary	
2 bedrooms	7
3 bedrooms	46
4 bedrooms	26

Numbers of Affordable Units Per Year				
	TH	PH	Cottages	total
2016	4	6	0	10
2017	4	6	0	10
2018	4	6	1	11
2019	4	6	3	13
2020	4	6	3	13
2021	4	5	3	12
2022	4	0	3	7
2023	0	0	3	3
total	28	35	16	79

(1,924,634) amount below max allowed pricing

	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bedrooms	Limit	Proposed Scenario
Park Homes				
1	\$408,900	3	\$375,179	\$375,179
2	\$374,900	3	\$375,179	\$375,179
3	\$408,900	3	\$375,179	\$375,179
10	\$408,900	3	\$375,179	\$375,179
11	\$374,900	3	\$375,179	\$375,179
12	\$408,900	3	\$375,179	\$375,179
4	\$477,900	4	\$445,463	\$465,900
5	\$384,272	3	\$375,179	\$438,500
6	\$419,272	3	\$375,179	\$438,500
7	\$477,900	4	\$445,463	\$465,900
8	\$384,272	3	\$375,179	\$438,500
9	\$419,122	3	\$375,179	\$438,500
13	\$489,878	4	\$445,463	\$465,900
14	\$393,878	3	\$375,179	\$438,500
15	\$429,600	3	\$375,179	\$438,500
22	\$489,878	4	\$445,463	\$465,900
23	\$393,878	3	\$375,179	\$438,500
24	\$429,600	3	\$375,179	\$438,500
16	\$502,095	4	\$445,463	\$465,900
17	\$403,772	3	\$375,179	\$438,500
18	\$440,340	3	\$375,179	\$438,500
19	\$502,095	4	\$445,463	\$465,900
20	\$440,300	3	\$375,179	\$438,500
21	\$440,300	3	\$375,179	\$438,500
28	\$514,648	4	\$445,463	\$465,900
29	\$451,348	3	\$375,179	\$438,500
30	\$451,348	3	\$375,179	\$438,500
31	\$514,648	4	\$445,463	\$465,900
32	\$451,348	3	\$375,179	\$438,500
33	\$451,348	3	\$375,179	\$438,500
25	\$527,515	4	\$445,463	\$465,900
26	\$462,631	3	\$375,179	\$438,500
27	\$462,631	3	\$375,179	\$438,500
34	\$527,515	4	\$445,463	\$465,900
35	\$462,631	3	\$375,179	\$438,500
sub-total	\$15,581,363		\$13,834,105	15,241,574

\$1,407,469 amount above max allowed pricing

	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bedrooms	Limit	Proposed Scenario
Cottages				
1	499,900	4	506,008	506,008
2	514,897	4	506,008	506,008
3	514,897	4	506,008	506,008
4	514,897	4	506,008	506,008
5	530,343	4	506,008	506,008
6	530,343	4	506,008	506,008
7	530,343	4	506,008	506,008
8	546,253	4	506,008	506,008
9	546,253	4	506,008	506,008
10	546,253	4	506,008	506,008
11	562,640	4	506,008	506,008
12	562,640	4	506,008	506,008
13	562,640	4	506,008	506,008
14	579,519	4	506,008	506,008
15	579,519	4	506,008	506,008
16	579,519	4	506,008	506,008
sub-total	8,700,856		8,096,128	8,096,128

Total Revenue Initial Ivory Pricing Revenue	\$ 33,185,475		
Total Revenue Resolution Limits		\$ 33,090,067	
Total Negotiated Pricing Revenue		\$ 32,572,902	\$ (517,165) amount negotiated pricing is below max allowed pricing

WHEN RECORDED, RETURN TO:

Park City Municipal Corporation  
Attention: City Recorder  
P.O. Box 1480  
Park City, UT 84060

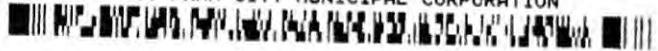
**ENTRY NO. 01062065**

01/19/2017 04:21:36 PM B: 2393 P: 1528

Amendment PAGE 1/5

MARY ANN TRUSSELL SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



**AMENDMENT NO. 1 TO THE  
DEED RESTRICTIONS PROTECTING THE  
AFFORDABILITY AND SUSTAINABILITY OF  
AFFORDABLE HOMES AT  
PARK CITY HEIGHTS**

This Amendment No. 1 to Deed Restrictions Protecting the Affordability and Sustainability of Affordable Homes at Park City Heights (the "Amendment") is made and entered into as of the 19<sup>th</sup> day of January \_\_\_\_, 2017 (the "Effective Date"), by and between Ivory Homes, a Utah Corporation ("Owner"), and Park City Municipal Corporation, a municipal corporation of the State of Utah ("City").

**RECITALS**

A. Owner and the City are parties to that certain Deed Restrictions Protecting the Affordability and sustainability of Affordable Homes at Park City Heights (the "Agreement") dated as of January 29, 2015, which Agreement was recorded in the Office of the Recorder of Summit County, Utah on February 2, 2015 as Entry No. 01012050 in Book 2277, beginning at Page 1536. The Agreement pertains to seventy nine (79) affordable housing residential units located at Park City Heights, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Units").

B. Pursuant to Section 3 of the Agreement, the initial pricing is now established for fourteen (14) Units described as "Park Town Homes T25, T26, T27, T28, T9, T10, T11, and T12" which are governed by Housing Resolution 17-99 and "Park Homes (single family) 1, 2, 3, 10, 11 and 12" which are governed by Housing Resolution 20-07.

C. Owner, the City and the Park City Housing Authority determined after at a public hearing before the Park City Housing Authority on December 15, 2016 that effective as of December 16, 2016 the Housing Mitigation Plan approved by the Park City Housing Authority on July 17, 2014 should be amended ("Amended Plan") in order to establish initial pricing of the Unit. That Amended Plan established the initial sale prices for the above identified units. Consequently, Owner and the City desire to amend the Agreement as hereinafter set forth.

**AMENDMENT TO THE AGREEMENT**

NOW THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and the City hereby agree as follows:

1. **INITIAL SALES PRICE.** The initial sales price for each Owner Occupied Unit listed below shall be as follows:

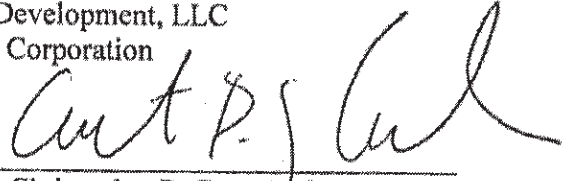
UNIT NUMBER	INITIAL SALES PRICE	UNIT NUMBER	INITIAL SALES PRICE
<b>Park Town Homes</b>		<b>Park Homes – Single Family</b>	
T25	\$319,900	1	\$375,179
T26	\$249,900	2	\$375,179
T27	\$297,900	3	\$375,179
T28	\$329,900	10	\$375,179
T9	\$329,900	11	\$375,179
T10	\$359,900	12	\$375,179
T11	\$349,900		
T12	\$299,900		

2. **CAPITALIZED TERMS.** Any capitalized terms not defined in this Amendment shall have the same meaning as set forth in the Agreement.
3. **NO OTHER CHANGES.** Except as specifically provided in this Amendment, all of the terms, conditions, agreements and provisions set forth in the Agreement remain unaffected, and they are hereby reaffirmed, ratified and approved in their entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Effective Date.


**OWNER:**

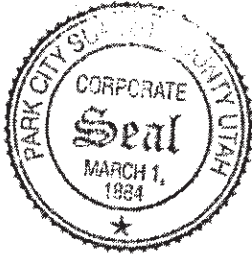
Ivory Development, LLC  
a Utah Corporation

By:   
Christopher P. Gamvroulas  
Title: President

**CITY:**

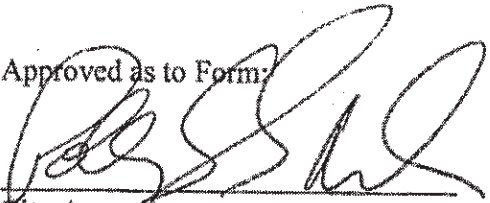
PARK CITY MUNICIPAL CORPORATION,  
a municipal corporation of the State of Utah

By:   
Name: Jack Thomas  
Title: Mayor

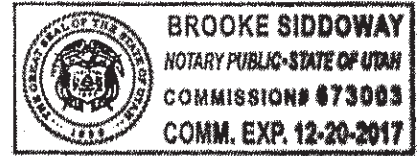


Attest:

  
City Recorder

Approved as to Form:  
  
City Attorney

ACKNOWLEDGMENTS



STATE OF UT )  
 : ss.  
COUNTY OF Salt Lake )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of January, 20 17, by Christopher P. Gamvroulas, in his capacity as the President of Ivory Development, L.L.C., a Utah limited liability company.

Brooke Siddoway  
NOTARY PUBLIC

My Commission Expires: 12-20-17

Residing at: S.L. County

STATE OF UTAH )  
 : ss.  
COUNTY OF SUMMIT )

The foregoing instrument was acknowledged before me this 19 day of January 2017 by Jack Thomas, in such person's capacity as the Mayor of Park City Municipal Corporation.

Michelle Kellogg  
NOTARY PUBLIC

My Commission Expires:

Residing at:

5-19-2019

Park City Municipal



## EXHIBIT A

### Legal Description of the Units

The Park City Heights deed restricted units will total to 79 affordable units and will be built in four phases. This Amendment #1 to the DEED RESTRICTIONS PROTECTING THE AFFORDABILITY AND SUSTAINABILITY OF AFFORDABLE HOMES AT PARK CITY HEIGHTS pertains to Park Town Homes T25, T26, T27, T28, T9, T10, T11, T12 and Park Homes (single family) 1, 2, 3, 10, 11 and 12

This Amendment pertains to Parcel Numbers PCH-1-T25, PCH-1-T26, PCH-1-T27, PCH-1-T28, PCH-1-T9, PCH-1-T10, PCH-1-T11, PCH-1-T12, PCH-1-1, PCH-1-2, PCH-1-3, PCH-1-10, PCH-1-11, PCH-1-12,

EXHIBIT L- February 28, 2018 Planning Commission minutes

16. The proposed amended plat is consistent with the approved Master Planned Development for the Village at Empire Pass.

Conclusions of Law – 8902 Empire Drive

1. There is good cause for this amended condominium plat.
2. The amended plat 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 plat.
4. Approval of the amended plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 8902 Empire Club Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended 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.
3. A plat note indicating that all conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass West Side subdivision plat, and the Silver Strike Conditional Use Permit shall continue to apply.
4. Prior to plat recordation and issuance of a building permit to combine the hallway with the Units 201 and 203, any common utilities within the hallway area shall be relocated as determined by the Chief Building Official, and an emergency and ADA exit plan for the building shall be approved by the Park City Fire District and Park City Building Department.

2. **Park City Heights Subdivision Phase 2 – The applicant is requesting a final Subdivision Plat for a total of 39 single family lots consistent with the Park City Heights Master Planned Development. (Application PL-17-03552)**

Planner Whetstone introduced the applicant, Brad Mackey, with Ivory Development.



Planner Whetstone noted that this was part of the Park City Heights Master Planned Development. It was annexed to the City and a lot of history is associated with it. This is the Second Phase Subdivision Plat. One standard to review it by would be the approved amended preliminary plat, as well as all of the conditions of approval, the development agreement, and the annexation.

Planner Whetstone stated that because of the amount of history and the number of findings and conditions, the Staff thought it was important to conduct a public hearing and give the Planning Commission the opportunity to look through this application and discuss the issues outlined in the Staff report. She requested that the Planning Commission continue this item to March 28<sup>th</sup>.

Planner Whetstone reviewed a preliminary plat for 39 units in the next Phase. The units are located to the south of where homes are currently being built. She stated that 239 acres were annexed into the City and placed in the Community Transition Zone (CT), which has a density of one unit per acre for residential development. The agreement was that this would include 79 affordable deed restricted units as well as the market rate units. Planner Whetstone disclosed that at one time the City had an ownership interest; however, while it still retains a security interest as the holder of some of the agreements, the City does not have any current ownership in the property.

Planner Whetstone oriented the Commissioners to the First Phase of the project. The units being built currently included the 28 Townhouse units, which are deed restricted, 35 Park Homes, and 16 of the Cottage-style units. The units further up the hill are the Homestead units.

Commissioner Suesser asked if the Cottages were part of the affordable units. Planner Whetstone stated that 16 of the Cottages would be deed restricted. She had included the last Housing Mitigation Plan in the Staff report, which talks about the units being developed on an annual basis rather than a phasing basis. For example, if the affordable units are not on schedule by December 2018, the market rate Certificates of Occupancy are held until they catch up with the COs for the affordable units.

Planner Whetstone reported that Phase 2 are 39 single-family lots. All are Homestead units and none are affordable units. She explained that the primary reason for doing this phase next was based on the requirement to construct the water tank, which requires extending Calamity Lane. Since Calamity Lane needed to be extended it made sense to put in that infrastructure and plat those lots at the same time.

The Staff requested that the Planning Commission provide input on amending the phasing plan and discuss maximum house sizes. She noted that the Design Guidelines

that were recorded as part of the MPD identified the house size for the Townhouses, the Park Homes and the Cottages. However, the Homestead lots were based on the preliminary subdivision plat that identified the maximum house size for certain lots. They were by number, but the numbering has changed. Planner Whetstone stated that she relooked at the numbers and it relates to the maximum house size in the preliminary plat.

Commissioner Thimm asked if the shifting of numbers resulted in a higher number of larger houses, or whether it was the same number and only renumbered. Planner Whetstone replied that they were just renumbered to make an association between Lots 64, 65, 66 and what it related to.

Planner Whetstone noted that in Phase 1 the lots on the east side of Ledger Way are 3500 square foot Cottage style units. In Phase 2, the downhill lots on the first cul-de-sac were identified as 4,000 square feet for Lots 201 to 205. She had spoken with the designer and the sale manager and he had requested that the square footage for Lots 201 to 205 be increased from 4,000 square feet to 4,500 square feet, because it is harder to bury a basement on a downhill lot. Planner Whetstone pointed out that the uphill lots on cul-de-sac A were already identified as 5,000 square feet. Planner Whetstone remarked that all the other sizes were consistent with the preliminary plat.

Commissioner Suesser asked if there were townhomes on the north side of the lots. Planner Whetstone replied that they were all Homestead units. She identified Richardson Flat Road on the far north side and noted that the 35 lots were all Park Homes ranging up to 3,000 square feet; and all the basements are buried. Commissioner Phillips believed Commissioner Suesser was referring to the units abutting those lots. Planner Whetstone stated that all the Homestead lots in this Phase abut Homestead lots. Across Ledger Way are the Cottage lots. Commissioner Suesser understood that the square footage of the Homestead lots are 4,000 square feet. Planner Whetstone answered yes. She noted that they were all uphill lots where it was easy to bury the basement. Behind those lots is where the designer was requesting an increase to 4,500 square feet.

Commissioner Phillips asked how the additional 500 square feet would help to bury the basement. Planner Whetstone replied that it helps in counting the basement area that they are not able to bury. In addition, it would help minimize the excavation. Commissioner Phillips understood the reasoning. Planner Whetstone stated that when the preliminary plat was approved with the MPD, it said that house sizes could be discussed at the time of the final plat.

Planner Whetstone presented the Phasing Plan as it is now with Phase 1, which has already been platted. Phase 2 was going to continue the two streets to the south with Phase 3 coming back to the north, and Phase 4. However, because of the water tank, the applicant was requesting that Phase 2 move up the hill, and plat all of the open space, which is Parcel D. Phase 3 are the two lots adjacent near Hidden Oaks. The applicant had submitted Phase 3 but they were still working on the access to those lots. Phase 4 would come back down and continue the infrastructure. Phase 5 fills in. Planner Whetstone stated that Phase 4 was where they were doing construction staging at this time.

Commissioner Phillips wanted to know what amount was deed restricted in Phase 2 of the previous version versus Phase 2 of this version. Mr. Mackey stated that the original Phase 2 was now Phase 4. The layout is identical. Eleven deed restricted units in the Cottage area that was mostly in Phase 2 would now be Phase 4. Mr. Mackey remarked that Phase 2 has zero deed restricted units, but as Planner Whetstone had mentioned, they are on a yearly requirement for building those units. Currently, six Park homes under construction are all framed. Eight Townhomes are into the City for approval of a building permit. One Cottage home is ready to submit for building permit. Mr. Mackey stated that it complies with the affordable housing schedule and they intend to meet that schedule. He explained that they were bringing Phase 2 on now as it stands, because the Second phase of development requires the construction of a water tank concurrent with the phasing of Phase 2. They have to build the road to get to the water tank, as well as all the utilities in the road. As long as that was being built they thought it made sense to plat the lots. Commissioner Phillips assumed it would not have much impact on the progress of the deed restricted units. Mr. Mackey did not believe it would.

Planner Whetstone stated that five deed restricted Cottage homes that were identified in Phase 1 have already been platted and they can begin pulling building permits.

Commissioner Thimm clarified that the phasing plan would not change the delivery schedule of affordable housing units. Planner Whetstone replied that he was correct. Commissioner Thimm asked if it would change the type of units and when they are delivered. Planner Whetstone answered no.

Planner Whetstone stated that during the MPD when the visual analysis was done, there is a power line on a minor ridge on the property that was visible. At that time the Planning Commission had concerns about the lots on the western perimeter. She noted that four lots at the end of the cul-de sacs are in this Phase. Planner Whetstone reported that a condition was put on the MPD that development on the western perimeter lots requires a conditional use permit if the structure has a height greater than

28'. She pointed out that the condition would be placed on this plat. The Staff believes that if the height exceeds 28' there should be a visual analysis, consistent with the MPD. Mr. Mackey was comfortable with adding that condition. He explained that there is an allowance in the Code to exceed 28'. If it is a gable they could go an additional five feet. These homes would be restricted to a rambler style or a modern type of architecture and he did not believe it would be an issue. Mr. Mackey stated that the ridge is approximately the western line of the power corridor. Therefore, there should not be visual issues over that ridge because they would be gaining 20+ feet up to the top of the ridge. Mr. Mackey was comfortable with a 28' restriction. If not, it would open up the additional ability to put a gable roof. If they wanted to design a home that did not comply with the condition, it would require a conditional use permit that would come back to the Planning Commission.

Planner Whetstone requested input from the Planning Commission on the discussion items presented, as well as other comments on the Findings and Conditions. The Commissioners could submit their comments to her prior to preparing the Staff report for the March 28<sup>th</sup> meeting.

Commissioner Suesser asked for the location of the water tank. Mr. Mackey reviewed the new phasing plan to identify the location. He understood that Roger McLain with the Public Works Department and the City Council walked all the possible locations before choosing the tank site. He indicated an open space parcel that is a trail access that would also serve as an access road up to the tank site.

Vice-Chair Band opened the public hearing.

There were no comments.

Vice-Chair Band closed the public hearing.

The Commissioners had no other questions or comments. Commissioner Thimm asked if they could take action this evening since the Planning Commission had no other issues. Assistant City Attorney McLean stated that they could since the agenda did not specify a continuance this evening. However, she questioned whether Planner Whetstone was comfortable with the Findings and Conditions as written since she had planned on a continuance. Planner Whetstone had no objection to a motion if the Commissioners and the applicant had reviewed the Findings and Conditions and had no changes or concerns.

Director Erickson stated that if the Planning Commission took action this evening, Finding 35 needed to be modified for clarification. It defines how house sizes are

defined, and the Staff wanted to bring it more into alignment with the definitions in the Land Management Code. He explained that currently there are three different ways to measure home size. Planner Whetstone remarked that the Staff had discussed revising the language from “the following maximum house size shall apply” to language that ties it to the LMC. The revised language would read, “maximum residential floor area shall apply, as defined by the Land Management Code”.

Commissioner Thimm read from page 173 of the Staff report under Staff Recommendations, “The Staff recommends that the Planning Commission conduct a public hearing for Park City Heights Phase 2 subdivision plat, review the application and draft ordinance, and continue this item to March 28, 2018, with direction to Staff...” He believed anyone in the public who read the Staff report would think they had the opportunity to comment at the meeting on March 28<sup>th</sup>. The Commissioners concurred.

MOTION: Commissioner Phillips moved to CONTINUE Park City Heights Subdivision Phase 2, to March 28, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 6:15 p.m.

Approved by Planning Commission: \_\_\_\_\_



PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Land Management Code Amendments  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Application No.** PL-18-03816  
**Date:** 28 March 2018  
**Type of Item:** Legislative – Land Management Code Amendments  
Removing the Transfer of Development Rights - Sending  
Treasure Hill Designation

### Summary Recommendations

Staff recommends that the Planning Commission review the proposed Land Management Code (LMC) Amendments removing the Transfer of Development Rights - Sending Treasure Hill (TDR-STH) language from LMC Chapter 15-2.24 TDR Overlay Zone, subject to Park City Municipal Corporation acquiring the Treasure Hill Hillside Properties (Creole-Gulch and Mid-station Sites) of the Sweeney Properties Master Plan by April 1, 2019, as described in this staff report. Staff recommends that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council.

### Description

**Proposal:** Removing the TDR-STH language from the LMC  
**Applicant:** Planning Department, directed by City Council  
**Location:** Hillside Properties (Creole-Gulch and Mid-station Sites)  
Sweeney Properties Master Plan  
**Reason for Review:** LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

### Acronyms within this Report

LMC Land Management Code  
TDR Transfer of Development Rights  
STH Sending Treasure Hill (Overlay Zone)  
CUP Conditional Use Permit  
E Estate (District)  
MPD Master Planned Development  
ROS Recreation and Open Space (District)

### Background

On February 15, 2018, the City Council approved an agreement to purchase Treasure Hill Hillside Properties (Creole-Gulch and Mid-Station sites) of the Sweeney Properties Master Plan, See [Exhibit B – February 15, 2018 City Council Staff Report](#) and [Exhibit C – February 15, 2018 City Council Meeting Minutes](#). On February 14, 2018, the Planning Commission passed and adopted Planning Commission Resolution No. 01-2018

supporting continuing the Treasure Hill Conditional Use Permit (CUP) application to a date uncertain and supporting the City Council and Mayor in their consideration of purchasing the Treasure Hill property, see [Exhibit D – Planning Commission Resolution No. 01-2018](#).

During the February 15, 2018 City Council meeting, the Council publicly deliberated removing the TDR-STH section in the LMC that provides the ability to transfer density from the Treasure Hill site to other sites in town. Although the TDR-STH section could allow the City an ability to recoup some of the cost of purchasing the site, the Council directed staff to remove the TDR-STH language from the code. The LMC includes the following language related to the transfer of development rights. Staff proposes to amend the language as redlined below:

**15-2.24-2 Establishment Of Sending And Receiving Districts**

- A. *The City Council may amend Sending Sites and Receiving Sites as TDR Zoning Districts within the Official Zoning Map by ordinance in the manner of amending the Official Zoning Map pursuant to Section 15-1-7 of this Code. The designations “TDR-S” shall be the prefix title for the overlay Zoning District for Sending Sites, the designation “TDR-R” shall be the prefix title of the overlay Zoning District for Receiving Sites.*
- B. *All vacant lots within the Park City Historic Districts (except for those lots included in SOT1, SOT2, ~~and SOT3, and STH~~) and all Sites listed on the Park City Historic Sites Inventory shall be eligible as Sending Sites and shall be an overlay Zoning District referred to as TDR-Sending Historic District (TDR-SHD).*
- C. *Sending Sites and Receiving Sites shall be consistent with the General Plan and the purpose statements of Chapter 2.24.*

**15-2.24-4 Development Credit Determination Letter**

- A. *The total number of Development Credits available to a Sending Site shall be determined as follows:*
  - ~~1. TDR – Sending Treasure Hill (TDR-STH). For properties within TDR-STH, one (1) Development Credit per existing MPD Unit Equivalent may be calculated. A maximum of twenty-two (22) MPD Unit Equivalents may be sent from the TDR-STH Sending Site.~~
  - 2. *TDR – Sending Old Town1 (TDR-SOT1), Sending Old Town 2 (TDR-SOT2), and Sending Old Town 3 (TDR-SOT3). For Properties within TDR-SOT1, TDR-SOT2, and TDR-SOT3, one (1) Development Credit may be calculated per existing minimum lot area within the underlying Zoning District.*
  - 3. *TDR – Sending Historic District (TDR-SHD).*
    - a. *For vacant Lots of record in the Historic Districts, one (1) Development Credit per existing Lot of record may be calculated.*
    - b. *For Sites listed on the Historic Sites Inventory, one (1) Development Credit per 2,000 square feet of unused development potential.*

- B. *If requested, this calculation will be made by the Park City Planning Director or his or her designee in the form of a determination letter. If the calculation results in a fraction it shall be rounded to the nearest hundredth. Such letter will indicate the Development Credits at the time the request is made. The letter is an indication of possible Development Credits that may Transfer. The Development Credits are not Base Zone Density. The number of Development Credits may change if an MPD is amended or expires, or if the LMC is amended. A determination letter is not a binding document and does not grant a vested right.*

**15-2.24-5 Sending Site Procedure**

- A. *The following is the Sending Site procedure that must be followed to send Development Credits:*

1. *TDR-S Property Owners may choose to develop their property under Base Zoning, or they may choose to sell, Transfer, or joint venture their Development Rights.*
2. *TDR-S fee Property Owners may request a Development Credit determination letter from the Park City Planning Director.*
3. *A TDR-S Property Owner is eligible to negotiate the sale, Transfer, or joint venture of their Property's Development Credits.*
4. *A Development Credit may only be sold, conveyed, or otherwise transferred by the Owner(s) or their legal representative.*
5. *The sale, conveyance, or Transfer shall occur upon surrender of the Development Credits which authorizes the Park City Planning Director, or designee to Transfer the Development Credits to the stated transferee by reissuing the Development Credits in the transferee's name, and recording a Development Credit Certificate in the real Property records of Summit County.*
6. *With each Transfer or sale, a Conservation Easement and/or deed restriction shall be recorded covering the entire Site, or if only a portion of the available Development Credits are sold then the Conservation Easement and/or deed restriction shall cover a proportional amount of the Site to be determined by the Park City Planning Director or a designee.*
- ~~7. *Within TDR-STH, portions of Development Rights may be sent to a Receiving Site. Within the TDR-STH portions of Development Rights up to the maximum of twenty-two (22) MPD Unit Equivalents may be sent to a Receiving Site overlay Zoning District. Twenty-two (22) MPD Unit Equivalents in the TDR-STH zone equates to twenty-two (22) Development Credits in a Receiving Site overlay Zoning District.*~~
8. *Within the TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning District, Property Owners must sell, Transfer, or joint venture all of the Development Rights within the overlay zone. Portions of the TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning District shall not be developed if any portion of the TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning District has been sent to a Receiving Site. An Owner of land within the TDR-SOT overlay Zoning District will not be eligible to Transfer*



*Development Credit if they chose to sell or develop any portion of the TDR-SOT1, TDR-SOT2 and TDR-SOT3 overlay Zoning District. The TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning Districts must be transferred in whole.*

9. *When all available Development Credits on a Sending Site have been purchased, no Uses other than those enumerated in the Conservation Easement are allowed. Responsibility for any required maintenance or abatement remains with the fee title Owner.*
10. *The final Transfer of Development Credits will be completed upon Development Approval on a Receiving Site and the Recording of a deed restriction and/or Conservation Easement against the Sending Site or if the Owner of the Development Credits chooses to forfeit Development Rights and records a deed restriction and/or Conservation Easement to do so.*
11. *TDR-S Property Owners shall notify any lien or mortgage holders of the sale of the Development Credits, and such notification shall be demonstrated by written approval submitted to the City prior to Transfer.*
12. *TDR-S Property Owners shall be responsible for notification of the county tax assessor regarding possible changes in Property value.*

### **District Purpose**

The purposes of the TDR Overlay Zone are to:

- A. promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of Park City;
- B. preserve Open Space, scenic views, environmental areas, Steep Slopes and Sensitive Lands;
- C. conserve Agriculture, and forest areas;
- D. protect lands and structures of aesthetic, architectural, and Historic significance;
- E. retain Open Space in which healthful outdoor recreation can occur;
- F. improve upon Park City's well-established park and trail system;
- G. ensure the owners of preserved, conserved, or protected land may make reasonable use of their Property rights by transferring their right to develop to eligible zones;
- H. provide a mechanism whereby Development rights may be reliably Transferred;
- I. ensure Development Rights are transferred to properties in Areas or districts that have adequate community facilities and infrastructure, including transportation, to accommodate additional Development; and
- J. locate receiving zones to improve future traffic circulation.

### **Analysis**

The proposed amendments remove the ability to transfer any density from the Treasure Hill site to other locations, subject to Park City Municipal Corporation acquiring the subject property. Currently the LMC designates the Treasure Hill Hillside Properties as a TDR-Sending zone allowing the transfer of up to the maximum of twenty-two (22) MPD Unit Equivalents that may be sent to a Receiving Site overlay Zoning District, subject to applicable review process and approval. Staff recommends that the LMC

Amendment take effect if the Treasure Hill Hillside Properties (Creole-Gulch and Mid-station Sites) of the Sweeney Properties are indeed acquired by Park City in accordance with the Settlement Agreement (and other relevant documents) by April 1, 2019.

In addition, the official Zoning Map will also need to be amended pursuant to LMC § 15-1-5 and 15-1-7 to remove the TDR-STH Zone Overlay designation and to change the zoning designation of the site from the current Estate District / Master Planned Development (E-MPD) to the Recreation and Open Space (ROS) zoning district. Staff requests to follow up on this Zoning Map Amendment after the results of the November 2018 Bond measure.

### **Process**

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

### **Notice**

On March 14, 2018, legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

### **Public Input**

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC amendments. The public hearing for these amendments was properly and legally noticed as required by the LMC. No public input has been received as of the date of this report.

### **Significant Impacts**

The proposed LMC amendments remove the ability to transfer any density from the Treasure Hill site to other sites, subject to City acquisition of the site.

### **Recommendation**

Staff recommends that the Planning Commission review the proposed LMC Amendments removing the Transfer of Development Rights - Sending Treasure Hill language from LMC Chapter 15-2.24 TDR Overlay Zone, subject to Park City Municipal Corporation acquiring the Treasure Hill Hillside Properties (Creole-Gulch and Mid-station Sites) of the Sweeney Properties Master Plan by April 1, 2019, as described in this staff report. Staff recommends that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council.

### **Exhibits**

Exhibit A – Proposed Ordinance

[Exhibit B – February 15, 2018 City Council Staff Report](#) [hyperlink]

[Exhibit C – February 15, 2018 City Council Meeting Minutes](#) [hyperlink]

[Exhibit D – Planning Commission Resolution No. 01-2018](#) [hyperlink]

## Exhibit A – Proposed Ordinance

Draft Ordinance 2018-XX

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, CHAPTER 15-2.24 TRANSFER OF DEVELOPMENT RIGHTS (TDR) OVERLAY ZONE SECTIONS 15-2.24-2(B), 15-2.24-4(A)(1), AND 15-2.24-5(A)(7) RELATED TO THE SENDING TREASURE HILL OVERLAY ZONE.**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals and implementation of the General Plan; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts; and

WHEREAS, on February 15, 2018, the City Council approved an agreement to purchase Treasure Hill Hillside Properties (Creole-Gulch and Mid-Station sites) of the Sweeney Properties Master Plan subject to a bond approval by Park City voters in November 2018, and City Council determined that if the purchase occurred, City Council did not want to ability to transfer density from the Treasure Hill site to other sites in town; and

WHEREAS, Chapter 2.24 Transfer of Development Rights (TDR) Overlay Zone provides a description of requirements, provisions and procedures specific to this overlay zone that the City desires to revise; and

WHEREAS, by removing the TDR sending overlay zoning from the Treasure Hill site, it removes the ability to transfer any density from the Treasure Hill site to other sites, subject to City acquisition of the site; and

WHEREAS, the Land Management Code amendments shall not take effect if the Treasure Hill Hillside Properties (Creole-Gulch and Mid-station Sites) of the Sweeney

Properties are not acquired by Park City in accordance with the Settlement Agreement (and other relevant documents) by April 1, 2019; and

WHEREAS, March 14, 2018, legal notice was published in the Park Record as required by the Land Management Code; and

WHEREAS, the Planning Commission conducted a public hearing at the regularly scheduled meeting on March 28, 2018, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing at its regularly scheduled meeting on April 19, 2018; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.24 Section 15-2.24-2(B), 15-2.24-4(A)(1), AND 15-2.24-5(A)(7). The recitals above are incorporated herein as findings of fact. Section 15-2.24 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective on December 1, 2018, only if the Treasure Hill Open Space Bond passes. If the Bond fails, this ordinance shall be null and void.

PASSED AND ADOPTED this 19th day of April, 2018

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Andy Beerman, Mayor

Attest:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

Approved as to form:

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Mark Harrington, City Attorney

## Attachment 1

### **15-2.24 Transfer Of Development Rights (TDR) Overlay Zone**

- 15-2.24-1 Purpose
- 15-2.24-2 Establishment Of Sending And Receiving Districts
- 15-2.24-3 Sending Site Eligibility
- 15-2.24-4 Development Credit Determination Letter
- 15-2.24-5 Sending Site Procedure
- 15-2.24-6 Receiving Site Eligibility
- 15-2.24-7 Receiving Site Procedures
- 15-2.24-8 Unit Equivalents Of Development Credits

#### **15-2.24-1 Purpose**

The purposes of the Transfer of Development Rights Overlay Zone are to:

- A. promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of Park City;
- B. preserve Open Space, scenic views, environmental areas, Steep Slopes and Sensitive Lands;
- C. conserve Agriculture, and forest areas;
- D. protect lands and structures of aesthetic, architectural, and Historic significance;
- E. retain Open Space in which healthful outdoor recreation can occur;
- F. improve upon Park City's well-established park and trail system;
- G. ensure the owners of preserved, conserved, or protected land may make reasonable use of their Property rights by transferring their right to develop to eligible zones;
- H. provide a mechanism whereby Development rights may be reliably Transferred;
- I. ensure Development Rights are transferred to properties in Areas or districts that have adequate community facilities and infrastructure, including transportation, to accommodate additional Development; and
- J. locate receiving zones to improve future traffic circulation.

#### **15-2.24-2 Establishment Of Sending And Receiving Districts**

- A. The City Council may amend Sending Sites and Receiving Sites as TDR Zoning Districts within the Official Zoning Map by ordinance in the manner of amending the Official Zoning Map pursuant to Section 15-1-7 of this Code. The designations "TDR-S" shall be the prefix title for the overlay Zoning District for Sending Sites, the designation "TDR-R" shall be the prefix title of the overlay Zoning District for Receiving Sites.
- B. All vacant lots within the Park City Historic Districts (except for those lots included in SOT1, SOT2, ~~and SOT3, and STH~~) and all Sites listed on the Park City Historic Sites Inventory shall be eligible as Sending Sites and shall be an overlay Zoning District referred to as TDR-Sending Historic District (TDR-SHD).
- C. Sending Sites and Receiving Sites shall be consistent with the General Plan and the purpose statements of Chapter 2.24.

#### **15-2.24-3 Sending Site Eligibility**

All Properties located within the TDR-S overlay zone are eligible to Transfer Development Credits.

#### **15-2.24-4 Development Credit Determination Letter**

- A. The total number of Development Credits available to a Sending Site shall be determined as follows:
- ~~1.~~ ~~TDR – Sending Treasure Hill (TDR-STH). For properties within TDR-STH, one (1) Development Credit per existing MPD Unit Equivalent may be calculated. A maximum of twenty two (22) MPD Unit Equivalents may be sent from the TDR-STH Sending Site.~~
  - ~~2.~~ 1. TDR – Sending Old Town1 (TDR-SOT1), Sending Old Town 2 (TDR-SOT2), and Sending Old Town 3 (TDR-SOT3). For Properties within TDR-SOT1, TDR-SOT2, and TDR-SOT3, one (1) Development Credit may be calculated per existing minimum lot area within the underlying Zoning District.
  - ~~3.~~ 2. TDR – Sending Historic District (TDR-SHD).
    - a. For vacant Lots of record in the Historic Districts, one (1) Development Credit per existing Lot of record may be calculated. For Sites listed on the Historic Sites Inventory, one (1) Development Credit per 2,000 square feet of unused development potential.
- B. If requested, this calculation will be made by the Park City Planning Director or his or her designee in the form of a determination letter. If the calculation results in a fraction it shall be rounded to the nearest hundredth. Such letter will indicate the Development Credits at the time the request is made. The letter is an indication of possible Development Credits that may Transfer. The Development Credits are not Base Zone Density. The number of Development Credits may change if an MPD is amended or expires, or if the LMC is amended. A determination letter is not a binding document and does not grant a vested right.

#### **15-2.24-5 Sending Site Procedure**

- A. The following is the Sending Site procedure that must be followed to send Development Credits:
1. TDR-S Property Owners may choose to develop their property under Base Zoning, or they may choose to sell, Transfer, or joint venture their Development Rights.
  2. TDR-S fee Property Owners may request a Development Credit determination letter from the Park City Planning Director.
  3. A TDR-S Property Owner is eligible to negotiate the sale, Transfer, or joint venture of their Property's Development Credits.
  4. A Development Credit may only be sold, conveyed, or otherwise transferred by the Owner(s) or their legal representative.
  5. The sale, conveyance, or Transfer shall occur upon surrender of the Development Credits which authorizes the Park City Planning Director, or designee to Transfer the Development Credits to the stated transferee by reissuing the Development Credits in the

transferee's name, and recording a Development Credit Certificate in the real Property records of Summit County.

6. With each Transfer or sale, a Conservation Easement and/or deed restriction shall be recorded covering the entire Site, or if only a portion of the available Development Credits are sold then the Conservation Easement and/or deed restriction shall cover a proportional amount of the Site to be determined by the Park City Planning Director or a designee.
- ~~7.~~ ~~Within TDR-STH, portions of Development Rights may be sent to a Receiving Site. Within the TDR-STH portions of Development Rights up to the maximum of twenty-two (22) MPD Unit Equivalents may be sent to a Receiving Site overlay Zoning District. Twenty-two (22) MPD Unit Equivalents in the TDR-STH zone equates to twenty-two (22) Development Credits in a Receiving Site overlay Zoning District.~~
- ~~8.~~ 7. Within the TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning District, Property Owners must sell, Transfer, or joint venture all of the Development Rights within the overlay zone. Portions of the TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning District shall not be developed if any portion of the TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning District has been sent to a Receiving Site. An Owner of land within the TDR-SOT overlay Zoning District will not be eligible to Transfer Development Credit if they chose to sell or develop any portion of the TDR-SOT1, TDR-SOT2 and TDR-SOT3 overlay Zoning District. The TDR-SOT1, TDR-SOT2, and TDR-SOT3 overlay Zoning Districts must be transferred in whole.
- ~~9.~~ 8. When all available Development Credits on a Sending Site have been purchased, no Uses other than those enumerated in the Conservation Easement are allowed. Responsibility for any required maintenance or abatement remains with the fee title Owner.
- ~~40.~~ 9. The final Transfer of Development Credits will be completed upon Development Approval on a Receiving Site and the Recording of a deed restriction and/or Conservation Easement against the Sending Site or if the Owner of the Development Credits chooses to forfeit Development Rights and records a deed restriction and/or Conservation Easement to do so.
- ~~44.~~ 10. TDR-S Property Owners shall notify any lien or mortgage holders of the sale of the Development Credits, and such notification shall be demonstrated by written approval submitted to the City prior to Transfer.
- ~~42.~~ 11. TDR-S Property Owners shall be responsible for notification of the county tax assessor regarding possible changes in Property value.

#### **15-2.24-6 Receiving Site Eligibility**

All Properties located within the TDR-R overlay zone are eligible to receive Transfer Development Credits within the procedures outlined in 15-2.24.7.



#### **15-2.24-7 Receiving Site Procedures**

- A. The following is the Receiving Site procedure that must be followed to receive Transfer Development Credits.
1. All regulations governing zoning, subdividing, and approval processes remain as currently adopted and amended. If any Development within the TDR-R overlay requests a Density greater than permitted by the Base Zoning, the increased Density shall be realized through Development Credits.
  2. Any Development requesting higher density than the Base Zoning must be reviewed by the Planning Commission as a Master Planned Development. The Planning Commission shall consider all factors set forth in LMC Chapter 15-6.
  3. Any Development requesting the higher densities shall bring evidence of Development Credits in the form of options to purchase, ownership or joint ventures at the time of Master Planned Development approval and evidence of ownership at time of Development Agreement approval.
  4. Areas may develop at the underlying Base Zoning without purchasing Development Credits. If these Properties desire to increase their Densities beyond the existing zone, then Development Credits shall be required and the height limitation for the Site may be increased from the Base Zoning limits through an approved MPD.
  5. Any Development Approval process, using Development Credits, shall adhere to the Base Zoning requirements including the Master Planned Development requirements.

#### **15-2.24-8 Unit Equivalents Of Development Credits**

- A. The following is the value of a Development Credit that may be applied to a receiving overlay zone:
1. One (1) Development Credit is equivalent to one thousand (1,000) square feet of Gross Commercial Floor Area or two thousand (2,000) square feet of Gross Residential Floor Area in the Receiving Site overlay Zoning District.



## City Council **DRAFT** Staff Report

**Subject:** Strategic Code Enforcement Update  
**Author:** Dave Thacker, Chief Building Official/Fire Code Official  
Michelle Downard, Deputy Chief Building Official  
**Department:** Building Department  
**Date:** March 29, 2018  
**Type of Item:** Informational

### Preface

The following report is a draft of a Staff Report to City Council as part of a quarterly Code Enforcement update. The Planning Department and Building Department have agreed to use this report to brief the Planning Commission and Historic Preservation Board (April 4, 2018) on current Code Enforcement issues and practices. The report will be in final form when presented to City Council on March 29, 2018.

### Summary

Staff is returning to Council with a strategic code enforcement update. Staff continues to balance their strategies between providing community education, compliance, and responding to community concerns while not being punitive. Efforts have been focused on high priorities such as conditions of approval in construction mitigation plans, noise, special events, designing a newsletter, parking enforcement and implementing online complaint submittals- all of which have proven effective. Staff will continue to adjust enforcement activity to ensure increased code compliance throughout the city.

### Background

The Code Enforcement team's approach is a hybrid or strategic code enforcement (as opposed to strictly proactive or reactive). Park City code enforcement is primarily complaint based with the ability to be proactive on specific, high priority topics.

### Analysis

Staff is returning with a strategic code enforcement update related to the City Council discussions on the May 11, 2017 ([packet pg. 192](#)), the June 8, 2017 ([packet pg. 75](#)), Aug. 17, 2017 ([packet pg. 22](#)) and the November 9, 2017 ([packet pg. 4](#)) Council Meetings.

### Conditions of Approval/Construction Mitigation Plans

- Consistent with previous Council discussions, staff is prioritizing the coordination of conditions of approval and Construction Mitigation Plans. Applicable construction conditions of approval from Planning Commission and Historic Preservation Board Action Letters are being delivered to Building for inclusion within the Construction Mitigation Plan at the time of Planning's sign off on the

permit. Staff has agreed to revise these documents to clarify conditions and increase the visibility / enforcement of Planning Commission conditions.

- New construction mitigation plans are reflective of the reduced number of restricted work dates as previously discussed with Council.
- Staff conducted process engineering to maximize efficiency and effectiveness of parking passes related to construction sites.

### **Noise**

Amendments to the Park City Noise Ordinance were adopted by Council on November 16, 2017 ([packet pg. 238](#)). Code enforcement, the police department and the city attorney's office have been working in coordination with each other to conduct training for enforcement staff, develop and distribute informational fliers and conduct community outreach. Staff will be returning to Council with an additional update specific to the noise ordinance after approximately 6 months of implementation.

### **Hawking**

Recently, staff has witnessed and received complaints regarding businesses calling to passersby on Main Street and passing out advertising material, in violation of Park City Municipal Code 4-2-11, Certain Acts Prohibited. Code Enforcement has applied strategic enforcement with escalating enforcement action. Enforcement is ongoing.

### **Newsletter**

Staff designed and is circulating a newsletter to local contractors and designers to inform them of Building Department staff changes, new website tools and upcoming restricted work dates, (which were decreased from previous years).

### **Parking/Gravel**

Code Enforcement activities related to construction and parking are heavily influenced by external conditions unrelated to the actual activity itself. Construction and parking impacts that would have gone un-reported are now very visible and impactful. The dwindling number of vacant lots and maximization of development on small lots further compound construction in the residential districts in comparison to 5 to 10 years ago. Materials storage, size of excavation, construction timelines and large cranes for delivery are all consequences of this same trend. Additionally, the increased occurrence of rental units and recreational vehicles (travel trailers, snowmobiles and boat) has increased parking demands.

On August 4, 2016, following numerous citizen concerns regarding enforcement of parking regulations, City Council approved an ordinance executing a stay of enforcement until October 31, 2016 for Parking and Driveway Standards, Municipal Code of Park City (MCPC) 15-3-4 (A)(3)(b). ([Packet pg. 198](#) and [Ordinance No. 2016-40](#)) Specifically, this stayed the enforcement of driveway areas being utilized for storage of trailers, campers, motor homes, boats and equipment. The stay of enforcement has since expired and the city code is in effect.

Code Enforcement continues to receive complaints about parking violations related to using driveways for storage. Enforcement of parking has been a difficult issue for code enforcement as citizens have voiced concerns on both sides of the issue. Code enforcement has an obligation to respond to complaints, and continues to be complaint based regarding this matter.

### **Complaint Submittals**

For some time, code enforcement has accepted complaints through email, hard copy and telephone. However, concerns remained about the lack of anonymity involved with each of these options. In order to accommodate anonymous citizen complaints and provide another manner to submit a complaint, staff has created an [Online Complaint Form](#). The form can be completed and submitted online.

Complainants may choose to remain anonymous or provide their contact information. Code enforcement officers receive notification of the submittal and investigate the issue regardless of complainant contact information being provided.

With the addition of a code enforcement officer about 1 year ago, staff has focused on taking on more job duties, including stormwater inspections and focusing additional resources on accommodated community feedback through tools like online submittals. This has allowed staff to dedicate resources to the issues that the community is concerned about and caused code enforcement cases to increase.

Staff has been striving to accomplish the goals of community education, compliance, and responding to Council and community concerns while not being punitive. Code enforcement strategies and priorities will continue to adjust as a result of evolving concerns, construction activity fluctuation, seasonal changes and the specific needs of special events.

### **Department Review**

The Legal, Parking, Planning, Police, Special Events, Water and Executive Department have reviewed this report.

