



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
January 9, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Park City, Utah will hold its regularly scheduled meeting at the City Council Chambers, 445 Marsac Ave Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, January 9, 2019.

I. ROLL CALL

II. MINUTES APPROVAL

- II.A. Consideration to Approve the Planning Commission Meeting Minutes from December 12, 2018.
[December 12, 2018](#)

III. PUBLIC COMMUNICATIONS

IV. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

V. CONTINUATIONS

VI. CONSENT AGENDA

- VI.A. 1012 Lowell Avenue – Steep Slope Conditional Use Permit – The applicant is proposing to construct a new Single Family Dwelling with a Building Footprint in excess of two hundred square feet (200 sf) located on an existing Slope of 30% or greater.
[Staff Report pg. 61](#)
[Exhibits pg. 71](#)

VII. WORK SESSION

VIII. REGULAR AGENDA

- VIII.A. Amended Lot 38 West Ridge Subdivision Phase II Plat Amendment adjusting the Reserved Open Space Line.
[Staff Report pg. 83](#)
[Exhibits pg. 95](#)
- VIII.B. 1293 Lowell Avenue – Condominium Plat for the approved Multi-Unit Dwelling consisting of fifteen (15) residential affordable housing units.
[Staff Report pg. 154](#)

IX. ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Planning Commission 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 City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 12, 2018

COMMISSIONERS IN ATTENDANCE:

Vice-Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Anya Grahm, Planner; Jody Burnett, Outside Counsel

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REGULAR MEETING

ROLL CALL

Vice-Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

Vice-Chair Phillips reported that Melissa Band was no longer on the Planning Commission because she had recently moved out of the City limits. He wished her the best in her new home and he expected Ms. Band to continue to be involved in the greater Park City community. Her service to Park City is greatly appreciated, and although her position will be replaced, she is irreplaceable. Vice-Chair Phillips stated that it had been an honor serving with Melissa Band.

Vice-Chair Phillips looked forward to welcoming another fellow citizen to the Planning Commission in the near future.

ADOPTION OF MINUTES

October 24, 2018

Commissioner Kenworthy referred to page 48 of the Minutes and changed stick shock to correctly read **sticker shock**. Commissioner Kenworthy referred to page 57 and changed to to correctly read **two**.

Commissioner Sletten referred to page 4 and a motion by Commissioner Kenworthy that was not seconded before the vote. Vice-Chair Phillips suggested that someone listen to the recording to see who had seconded the motion.

MOTION: Commissioner Sletten moved to APPROVE the Minutes of October 24, 2018 as amended. Commissioner Hall seconded the motion.

VOTE: The motion passed. Commissioner Thimm abstained since he was absent on October 24, 2018.

PUBLIC COMMUNICATIONS

Vice-Chair Phillips announced that no action would be taken on the Kimball Garage item. Anyone wishing to make comments this evening should do so under the public hearing for 638 Park Avenue.

Sally Elliott had sent a letter regarding the Flagstaff agreement; however, they were advised that it was not pertinent this evening. She was willing to discuss it during now during the Public Communications portions, if that was appropriate; or wait until the item comes up on the agenda. Director Erickson thought it was more appropriate for Ms. Elliott to wait until the item comes up on the agenda. At that point, the Planning Commission could determine whether her comments are relevant to the particular application. Director Erickson noted that Ms. Elliott's comments had been entered into the public record on that application.

Sanford Melville commented on the Kimball Garage item. Mr. Melville thanked Director Erickson for his email response to the questions Mr. Melville had prior to the last meeting. Director Erickson noted that those comments were included in the Staff report and copies were available for the public in the back of the room.

Mr. Melville had follow-up questions and comments on the procedures being considered. He understood that an Administrative CUP for use of the outdoor deck facility under the new proposal is processed entirely within the Planning Department. Director Erickson replied that he was correct. Mr. Melville noted that in the interview with KPCW, Director Erickson indicated that the Planning Department would be working with the public and the neighbors regarding the conditions of approval. He asked if the Planning Commission would review the conditions as well, or how the public gets involved in the process. Director Erickson explained that the Planning Department will sign the property and notice the public; and the public will be available to comment on either the action or provide additional input. The public would provide their input directly to the Planning Director. It would not go to the Planning Commission unless the action is appealed.

Ms. Melville stated that the LMC is very explicit about an entertainment facility indoors is an allowed use; however, an indoor private event facility requires a CUP. Mr. Melville thought the drafters of the LMC had something specific in mind regarding activities

when they made the significant distinction between an allowed use and a use requiring a CUP. If there was not a difference, no one would apply for a private event facility and subject themselves to the CUP process. Mr. Melville assumed there was something different with the uses and he asked Director Erickson to clarify the differences between activities for an allowed use for the indoor space and the activities that require a CUP. Mr. Melville emphasized any outdoor use at the Kimball would have a direct impact on the public and the neighbors in terms of noises, traffic, parking, and load-in/load out.

Mr. Melville reiterated his concern that the indoor use being proposed was exactly the same as the use that was proposed in the original CUP a few years ago. The only difference is that the activity is being called something different so it can be an allowed use. Director Erickson replied that the activity is different and similar in the general context. He did not want to speculate on what motivated the framers of the LMC, but the criteria remain the same. Director Erickson expected the uses to be very similar to what was originally approved.

Mr. Melville asked if there was a change in the business plan. Director Erickson replied that at this point, he had not seen additional information from the applicant on this particular question. He was not able to delve deeper into the dialogue this evening because this item was not noticed for action. Director Erickson offered to meet with Mr. Melville at his convenience outside of this meeting.

Vice-Chair Phillips encouraged Mr. Melville to make his comments so everyone had the benefit of hearing his concerns, and then follow-up with Director Erickson to get his questions answered. Mr. Melville clarified that he had already expressed his concerns; which are the impacts to everyone in the area. Vice-Chair Phillips thanked Mr. Melville for his continued involvement and for attending all the meetings.

Commissioner Hall wanted to know who would be noticed, since it would not be on the Planning Commission agenda. Director Erickson was unsure of the distance for neighbors who would be noticed, but he would find out.

Sandra Morrison from the Park City Historic Society and Museum stated that she had attended the appeal of the Historic Preservation Plan for the Kimball garage that was appealed to the Board of Adjustment. The appeal was regarding removing the historic roof to allow for this outdoor party deck. Ms. Morrison stated that at the time the BOA expressed concern about the uses on that deck that could be created by removing the historic roof. The BOA was interested in putting conditions on their approval. At that time, the Staff informed the BOA that a CUP was required; and that the CUP process was the appropriate time to add those conditions. Ms. Morrison asked if this item

needed to go back to the Board of Adjustment to add their conditions for the rooftop deck that was created by removing the historic roof.

Director Erickson was not prepared to answer Ms. Morrison's question this evening. He would review the Minutes from the Board of Adjustment meeting to see what actually transpired. Ms. Morrison recalled that there was a lot of discussion and concern regarding tents, umbrellas, heaters, and the deck becoming a large storage area.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the Planning Commission only had one meeting scheduled in January on January 9th. The second meeting on January 23rd was cancelled so it would not interfere with Sundance. That schedule could change depending on discussions this evening and other pending applications. Director Erickson stated that for now the preference was not to meet on January 23rd.

Vice-Chair Phillips referred to the new agenda format and asked if the Staff could add the page numbers for each agenda item.

Commissioner Sletten disclosed that for the two agenda items regarding 8680 Empire Club Drive, he owns property in a sister subdivision but it does not present a conflict. He had spoken with the City Attorney and he was advised to disclose but there was no reason to recuse.

Commissioner Thimm noted that a recent Planning Commission meeting was cancelled at the last minute due to the lack of a quorum. He wanted to publicly apologize for that occurrence because each Commissioner endeavors to attend whenever possible. They will do what they can to keep that from happening again. Vice-Chair agreed. The Planning Commission was ready to have that meeting but one of the Commissioners got ill. It was an unfortunate circumstance and they will all work hard so it does not happen again.

CONTINUATIONS – (Public Hearing and Continue to date specified.)

1. Amended Lot 38 West Ridge Subdivision Phase II Plat Amendment

Vice-Chair Phillips opened the public hearing. There were no comments. Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to CONTINUE the Amended Lot 38 West Ridge Subdivision Phase II Plat Amendment to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

2. Municipal Code Amendments regarding Gravel and Landscaping in Title 11 Chapter 15-3 Acceptable Cover; Title 14 Chapter 2-7 Park Strips; and Title 15 Chapters 5-1 Policy and Purpose, 3-3 General Parking and Driveway Standards, 5-5(N) Landscaping; and 15-15 Definitions

Director Erickson stated that after discussions with the Fire Marshall and the Fire District Fire Marshall, they tried to find ways to do additional wildland fire separation and fuels reduction in the Historic District. It became too complicated to bring the Code forward at this time. The Staff was still working on it and chose to Continue the item.

Vice-Chair Phillips opened the public hearing. There were no comments. Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE the LMC Amendments concerning gravel, water wise landscaping and xeriscape Municipal Code Amendments to a date uncertain. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 328 Woodside Avenue – Steep Slope Conditional Use Permit (SS-CUP – Construction of a new single-family dwelling with driveway access projecting over an existing Slope of 30% or greater.

MOTION: Commissioner Thimm moved to APPROVE the entire Consent Agenda. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Director Erickson informed the Planning Commission that in the LMC amendments, Steep Slope CUPs are being moved to an Administrative approval. The Planning Commission will not see Steep Slope CUP applications unless there are issues.

Findings of Fact – 328 Woodside Avenue

1. The property is located at 328 Woodside Avenue.
2. On October 3, 2018, the City received a complete application for a Steep Slope Conditional Use Permit (SS-CUP) for “Construction on a Steep Slope” at 328 Woodside Avenue.
3. The property is located in the Historic Residential (HR-1) District.
4. The lot contains 3,038 square feet. It is a downhill lot, and the average slope of the lot is approximately 31.3%. The average slope within the footprint area is approximately 23.4%. Nevertheless, the average slope beneath the proposed driveway is approximately 85.7%; per LMC 15-2.2-6(A)(3), a Steep Slope CUP is required for any Access driveway located on or projecting over an existing slope of 30% or greater.
5. Staff has found that the Historic District Design Review (HDDR) application complies with the Design Guidelines and Land Management Code, as redlined. The complete HDDR application was submitted on September 6, 2018.
6. A single-family dwelling is an allowed use in the HR-1 District.
7. Access to the property is from Woodside Avenue, a public street.
8. Two (2) parking spaces are proposed on site, one in a single-car garage and one on the driveway.
9. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by garages, parking pads, and pedestrian entryways. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.
10. An overall building footprint of approximately 1,200 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
11. The proposed structure complies with the Front and Rear Setbacks. The minimum Front and Rear Setbacks are ten feet (10'), for a total of twenty feet (20'); the applicant is proposing a ten foot (10') Front Setback and ten foot (10') Rear Setback, for a total of twenty feet (20').
12. The proposed structure complies with the Side Setbacks. The minimum Side Setbacks are three feet (3'), for a total of six feet (6'). The structure has a three foot (3') Side Setback for both the north and south side yards for a total of six feet (6').
13. The proposed structure is approximately 26.25 feet above existing grade at the tallest portions. The maximum height in the HR-1 is twenty-seven feet (27').
14. The proposed structure has an interior height of thirty-five feet (35'). The maximum interior height is thirty-five feet (35').
15. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building has been broken up into smaller components. Only a one story structure will appear above grade as seen from Woodside Avenue.

16. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this single-family dwelling on the cross canyon views and the Woodside Avenue streetscape. The proposed single-family dwelling is compatible with the surrounding structures as the majority of the mass and bulk of the single-family dwelling will be below Woodside Avenue and thus not visible from the right-of-way.

17. Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. The proposed driveway leads to one (1) single-car garage and one driveway parking space.

18. There is an existing concrete retaining wall in the Front Yard that maintains the grade of Woodside Avenue. To the east of this wall, the grade drops drastically and flattens out.

19. The applicant is proposing to construct the new house on this flatter portion of the lot. One stone retaining wall measuring approximately 3.83 feet in height will be necessary in the Front Setback in order to maintain the grade between the concrete retaining wall and exterior front wall of the new house. On the north side elevation, one retaining wall measuring not more than 4.16 feet in height is needed to retain the grade. The applicant is not proposing to change grade more than 4 feet around the periphery of the structure and has largely maintained Natural Grade.

20. The applicant is proposing a driveway leading to one parking space in the driveway and one (1) single-car garage. By incorporating a bridged driveway, the applicant has reduced the need for grading and drastically changing the topography of the Front Yard. Existing grade at the front of the lot will be maintained by the existing concrete retaining wall. Within the Front Setback, the grade will be largely maintained. A single stone retaining wall, in addition to the existing retaining wall, will be used in the Front Yard.

21. At the edge of curb, the applicant has incorporated a driveway with a maximum width of 12 feet. This driveway design is consistent with the width of driveways in the Historic District.

22. The proposed structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The design steps with the grade of the lot which allows for the mass and scale to be compatible with development patterns in the Historic District

23. The applicant broke up the mass of the proposed structure by incorporating multiple roof lines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the Historic District. The areas of the structure above grade will appear to be one to three stories in height, which is compatible with the neighborhood overall.

24. The applicant has incorporated setback variations to prevent a wall effect and reduce the building scale and setbacks on adjacent structures.

25. The proposed design is articulated and broken into compatible massing

components. The design includes setback variations and lower building heights for portions of the structure. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the Building Permit application for compliance with the LMC lighting code standards and Design Guidelines.

27. The property was posted and notice was mailed to property owners within 300 feet on November 20, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on November 24, 2018.

28. The property is located outside of the Soils Ordinance.

29. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 328 Woodside Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically, section 15-2.2-6(B).

2. The Use is consistent with the Park City General Plan, as amended.

3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 328 Woodside Avenue

1. All Standard Project Conditions shall apply.

2. The HDDR Application shall be approved prior to Building Permit issuance.

3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. This approval will expire on December 12, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on December 12, 2018, and the Final HDDR Design.

7. All new retaining walls within the Rear and Side Setback areas shall not exceed six feet (6') in height measured from final grade and retaining walls within the Front Setback area shall not exceed four feet (4') in height measured from final grade. An exception may be granted by the City Engineer per the LMC, Chapter 4.

8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
10. Construction waste should be diverted from the landfill and recycled when possible.
11. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
12. All excavation work to construct the foundation of the proposed single family dwelling shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
14. All conditions of approval of the 315 Park Avenue Subdivision Amended continue to apply.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **638 Park Avenue – City Council Remand of a Conditional Use Permit (CUP) for a Private Event Facility back to Planning Commission for additional review.**

Director Erickson reported that this item was for information only. The applicant has indicated the intention to withdraw the application. The Planning Department was still waiting for the formal withdrawal, as well as the application for a Business License. Director Erickson stated that the applicant had also filed an application for an Administrative Conditional Use Permit for the outdoor deck. That application will not be processed until the Staff sees the change on the other portion of the application.

Commissioner Hall asked Director Erickson to review the process for the public going forward. Director Erickson explained that the applicant has made application for an Administrative Conditional Use Permit for the outdoor deck. That application is processed as a conditional use permit; however, the Planning Director has the authority to take action. If the action is appealed, the appeal goes to the Planning Commission. Director Erickson noted that the applicant needed to withdraw the application for the entire project before he could process the Admin CUP application. If there is a gap and the Code is changed between withdrawal of the application and application for the business license, the business license would be processed under the new Code. Director Erickson remarked that the business license is reviewed as an allowed use under the Code. He has to sign off on the business license confirming that it is consistent with the uses designated as an allowed use in the zone. The applicant would apply for a business license for an event facility indoor, and he would review it under that definition and the other criteria for an allowed use.

Director Erickson reiterated his earlier comment that the Administrative CUP has a noticing requirement. Planner Newberry clarified that they are only required to send notices to the adjacent property owners. She pointed out that a notice would also be posted on the property.

Commissioner Suesser asked if the Admin CUP for the outdoor space would be processed concurrently with the business license for the CUP for the indoor event facility. Director Erickson was unsure but he would find out. He believed it depended on the mitigation strategies the applicant brought forward in the Admin CUP.

Commissioner Sletten asked if both the business license and the Admin CUP were appealable. Director Erickson replied that the Admin CUP was definitely appealable. The Business License is issued by the Finance Department and approved by the Planning Department. He would have to look at the LMC section under which the Business License was approved to determine whether the Business License could be appealed.

Planner Francisco Astorga stated that business licenses are appealed to the City Council. Commissioner Suesser clarified that the Admin CUP would be appealed to the Planning Commission. Director Erickson answered yes.

2. Land Management Code Amendments regarding Design Guidelines 15-13, Design Guidelines for Historic Districts and Historic Sites, and 15-15 Defined Terms

Planner Anya Grahn introduced Doug Stephens, the Chair of the Historic Preservation Board.

Planner Grahn reported that the Design Guidelines were adopted in 2009. As indicated in the General Plan, the Guidelines are a living document that should be reviewed and revised as necessary. Planner Grahn noted that this is the first time the Design Guidelines have been reviewed, which was the reason for a significant number of changes. She stated that in 2017 the Design Guidelines were codified and included in the LMC due to changes made by the State Legislature. Based on feedback from the HPB and the City Council, there was a big push to review the Design Guidelines to make sure they were up-to-date and reflective of what was actually occurring to protect the Historic District. The Staff has been working with the Historic Preservation Board since 2014 to make the necessary revisions.

Planner Grahn remarked that during that time the Staff created a website and they held office hours weekly to receive public input. There was very little public comment or public interest. The revisions in the Staff report were consistent with what was discussed with the HPB.

Planner Grahn outlined two major changes. Currently, the Design Guidelines are a standalone document; however, they will now be part of the LMC. The second change is that currently the Guidelines are broken down into two sections; design guidelines for historic sites and structures, and design guidelines for new construction. The Staff found this to be confusing because the residential and commercial guidelines were mixed together. Therefore, they decided to streamline the Guidelines and make specific chapters for historic residential, historic commercial, new infill residential, and new infill commercial. In an effort to create greater consistency and clarity, they made sure that each section matched and were consistent with one another. Planner Grahn stated that in reviewing the current Design Guidelines, the Staff found discrepancies in terms of what was required for new construction and they bridged some of the gaps. The Guidelines mentioned things such as gazebos, saving chimneys, and other things, but there were no clear guidelines on what could actually be done. Additional sections were added to address those items.

Doug Stephens thought it was obvious that the Staff and the HPB had spent considerable time on revising the Design Guidelines. It was based on giving the Staff flexibility in the decision-making process; but still giving consistency within the community regarding expectations for restoration. He stated that the HPB did not want a cookie cutter approach and preferred to encourage different designs within the community. Mr. Stephens remarked that going forward they would continue to make changes because projects continue to be more difficult and occur in places where no

one anticipated development. He believed the Staff has a lot of expertise and they were poised to move forward.

Vice-Chair Phillips noted that the Design Guidelines were 255 pages and there were a lot of redlines. He first found it to be very overwhelming; however, the more he read through it the more he realized it was primarily reorganizing the Guidelines. He asked Planner Grahm to point out the biggest changes in the actual policy.

Planner Grahm agreed that the intent of the Guidelines had not changed. It was more the amount of precision that was involved. There are a lot of arguments about massing and everyone wants to maximize their footprint and the square footage. Consequently, giant block structures are submitted and the Staff has to compromise and work with the applicant to scale down the mass and reduce the visibility.

Planner Grahm thought one of the biggest changes was to look at the footprint and where they would require transitional elements and ways to break up the mass. They came up with the idea of modules, which is based on the idea of looking at the proportions of the historic building and reflecting that into the new addition.

Mr. Stephens remarked that they were also looking more consistently at how the design fits into the streetscape of the neighborhood. Even if a structure is approved under the old Historic District Guidelines by itself, they look at whether it is in context with neighboring structures in that specific neighborhoods. Mr. Stephens thought that was another major change. He agreed with Planner Grahm that mass and scale were most important, especially from the street.

Planner Grahm stated that a lot of the redlines were reflective of policies and what the Staff would tell applicants during the design review team process, but it was not explicitly laid out word for word in the Guidelines. For example, not allowing more than 30% glass on a garage door. That has been enforced without a specific guideline, but it was now incorporated into the Guidelines. Planner Grahm remarked that she and Planner Tyler have a background in historic preservations, but they intent was to make the Guidelines user-friendly for the other Planners who do not have that expertise.

Commissioner Sletten referred to page 216 of the Staff report which addressed the solar reflex index. Planner Grahm noted that it would be addressed in the next agenda item of LMC amendments. Commissioner Sletten commended the Staff on their efforts in revising the Guidelines.

Commissioner Kenworthy was thankful and grateful to Mr. Stephens for his service. He previously served on the Historic Preservation Board for years and he understood the

amount of work that was involved. Commissioner Kenworthy also commended Ruth Meintsma for all the time, effort, and insight she has contributed for years towards this living document as a member of the public. Vice-Chair Phillips concurred.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

Commissioner Thimm noted that a few items in the redlines were stated as fact. He read from page 117, Item 9, "Avoid paving up to a building foundation to reduce heat island effect, building temperature, damage to foundation, and storm water runoff problems." He questioned where this fact actually came from. As a designer, he sometimes puts in paving to solve storm water runoff problems. Commissioner Thimm referred to page 132, which talks about 25% heat loss with regard to maintaining historic windows. He remarked that there are issues with the State Energy Code from the standpoint of envelope design that requires a certain level of UV in glass in fenestration. Commissioner Thimm reiterated that these statements were stated as facts and he questioned where those facts came from.

Planner Grahn replied that the Secretary of the Interior recently released new standards for energy efficiency in green buildings; and they looked at some of that information. They also looked at the Design Guidelines from other communities and took facts and calculations from those as well. She could provide a list of cities they had looked at, in addition to government documents and standards.

Commissioner Thimm wanted to know what would happen if the property owner and their designer came up against the Energy Code. He asked if the Guidelines would be superceded by State Code. Planner Grahn stated that in looking at material deconstructions with the Historic Preservations Board, there are very few original wood windows in Old Town. If a non-historic window needs to be replaced, they are required to replace it with a new wood window. In some cases, there are historic wood windows that were restored in the 1980's and 1990's that need minimal maintenance or can be salvaged and reused. In those cases, a window specialist comes to look at the window and provides a recommendation. Commissioner Thimm understood from the explanations that the Guidelines have a level of flexibility. Planner Grahn replied that the Staff works with the owners.

Commissioner Thimm noted that on page 156, the commercial section, Item B, talks about a "home's heat loss". He recommended changing that to "a building's heat loss"

since it was in the commercial section. Commissioner Thimm read from page 176, Item 2, "Appearance of accessibility ramps or elevators shall not significantly detract from the historic character of a building." He faces ADA requirements daily and it is a serious issue. There are many cases where compromise cannot occur with ADA requirements and he suggested softening the language to say "wherever possible or whenever practical". Planner Grahn noted that the HPB had this same discussion, and she would change the language. She suggested that when the Planning Commission forward a recommendation to the City Council that they include the proposed amendments in their motion. The Staff would revise the Guidelines to incorporate the recommended changes.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Design Guidelines for Historic Districts and Historic Sites from Section 15-13 and 15-15 of the Land Management Code, as outlined in the draft ordinance and amended this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. **Land Management Code (LMC) amendments to the Historic Districts (LMC Chapter 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, and 15-2.6), Supplemental Regulations (LMC Chapter 15-4), Architectural Review (LMC Chapter 15-5-5) Architectural Design Guidelines, and Defined Terms (LMC Chapter 15-15).**

Planner Laura Newberry noted that the redlines looked like a lot of changes but in reality it was mostly moving around sections to provide consistency and clarity. In addition, a few items had been added. Planner Newberry stated that the Staff had added a Planning Director determination for lots within the Park City survey that are short of the 1,875 square foot minimum lot size. A side setback reduction was added for corner lots along platted right-of-ways if the lot is less than 37.5 feet in width. On those lots with a reduced setback, there can be no additional setback exceptions. The window well setback exception was clarified so it can only be the minimum dimensions required by the International Residential Code or International Building Code if it is outside of the building envelope. Planner Newberry stated that the Staff will also add an allowance for private shared driveways in the rear setback.

Planner Newberry stated that the largest change was to make development on Steep Slopes an administrative CUP for lots less than 3,750 square feet. The larger lots would still come to the Planning Commission for a Steep Slope CUP.

Commissioner Sletten reiterated his previous question regarding the solar reflex index. He noted that page 216 references a measurement of 35, but he was unsure how that was calculated. Director Erickson stated that the SRIs have been around since September of 2017. As part of adjusting the solar panel section of the Code, and trying to respond to complaints from Park Meadows and the Historic District, the numbers originally started as the manufacturers' ratings of reflectivity. Director Erickson noted that they later went to the US Department of Energy and they came up with the calculation that balances the reflectivity of the surface with the heat absorption of the surface. The two combined resulted in the number. He stated that 35 was the result of field studies that were done when they took the samples outside and looked at other houses that people had complained about; as well as houses that did not have complaints, and what was consistent in the Historic District. Director Erickson remarked that 35 strikes a balance based on field work and research.

Vice-Chair Phillips opened the public hearing.

Bill Mammen, an architect in Park City, noted that copper has no SRI. It is not manufactured by anyone and no one gives it a rating. Pure galvanized steel also does not have an SRI rating. Mr. Mammen believed that both are historic materials and should not be excluded because of reflectivity. He hoped the Code would be adjusted to include those materials.

Commissioner Suesser asked if the Staff thought the LMC should be amended as Mr. Mammen requested. Ms. Newberry recalled language in the Code that talks about reflectivity and not having a reflective roof. People can still use copper, but it needs to be treated so it is not reflective.

Director Erickson stated that copper is not a big problem in Park City because it weathers so quickly. Commissioner Thimm remarked that unless it is sealed, copper will change its SRI. Director Erickson believed Mr. Mammen was correct about copper and corrugated steel.

Vice-Chair Phillips closed the public hearing.

Commissioner Hall was pleased that the Steep Slope CUP was moved to Administrative because she believed that was the proper process.

Commissioner Suesser made a comment that she intended to make when the steep slope CUP under the Consent Agenda was approved. She noted that Condition #11 for that item states, "To the extent possible, existing significant vegetation shall be maintained on site." She believed that significant vegetation requires Planning

Commission approval before it is removed.” Commissioner Suesser recommended removing “to the extent possible” from the condition when the Planning Director reviews Admin Steep Slope CUPs in the future. Director Erickson offered to make that correction.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the LMC Amendments to the Historic District Chapters 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5 and 15-2.6; the Supplemental Regulations (15-4); Architectural Review (15-5-5) Architectural Design Guidelines; and Defined Terms (15-15) as outlined in the draft ordinance and amended this evening. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

4. **Consideration to Appoint John Kenworthy and Mark Sletten as Representatives for Planning Commission on the Technical Advisory Committee for the Transportation Master Plan.**

Commissioner Thimm thanked Commissioners Kenworthy and Sletten for stepping forward to be a part of this process. Transportation and parking are very important issues in Park City. He appreciated their efforts.

Commissioner Sletten had spoken with Julia Collins who manages the department and he thought it was remarkable the significant amount of work they have accumulated so far. He noted that Commissioner Kenworthy had already attended a committee meeting.

Commissioner Kenworthy stated that transportation will be critical for Park City’s future and he was honored to be appointed for the position. He and Commissioner Sletten will provide updates to the Planning Commission on an ongoing basis.

Commissioner Suesser asked if the Transportation Master Plan involves the County as well as the City. Commissioner Kenworthy answered yes; and noted that it also represents members of Wasatch County. He thought it was important to plan as a community and as a region in order to be successful. Commissioner Suesser thanked both Commissioners for their service.

MOTION: Commissioner Suesser moved to APPOINT John Kenworthy and Mark Sletten as representatives for the Planning Commission to the Technical Advisory

Committee for the Transportation Master Plan. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

5. 416 Ontario Avenue – Frandsen Plat Amendment

Director Erickson reviewed the plat amendment to combine an existing lot and a portion of a second lot into one lot of record at 416 Ontario Avenue. There is an existing non-historic house on the site. A lot line runs through the kitchen of the house.

There had been no public input to date.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the Frandsen Plat Amendment based on the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 416 Ontario Avenue

1. The property is located at 416 Ontario Avenue.
2. The property consists of the entirety of Lot 4 and the south half of Lot 5 of Block 58 of the Park City Survey.
3. The property is within the Historic Residential-1 (HR-1) Zoning District.
4. There is an existing non-historic single-family dwelling currently on the site.
5. The house on site was originally constructed in 1904.
6. On October 5, 2016, the Historic Preservation Board denied a Determination of Significance for the house on this property.

7. On October 9, 2018, the City received a complete Plat Amendment application for the Frandsen Plat Amendment.
8. A Historic District Design Review will be required for any proposed construction on this lot.
9. Along the west side of the lot, a wood deck encroaches up to 8 feet into the ROW.
10. Along the west side of the lot, a stairway encroaches up to 10 feet into the ROW.
11. Along the west side of the lot, a railroad retaining wall encroaches up to 12.5 feet into the ROW.
12. The existing house is a legal non-complying structure on this lot since it was constructed before the existing lot requirements.
13. The proposed lot is 2,812 square feet in size.
14. The proposed lot meets the minimum lot size of 1,875 square feet.
15. The proposed lot is 37.5 feet wide and meets the minimum lot width of 25 feet.
16. The maximum allowed Building Footprint is 1,200.5 square feet.
17. The existing Building Footprint is approximately 985.2 square feet.
18. The maximum Building Height is 27 feet from Existing Grade. The existing structure is approximately 25 feet from Existing Grade.
19. The front Setback is 6.5 feet and does not comply with the 10 feet requirement.
20. The rear Setback is 30 feet and complies with the 10 feet requirement.
21. The north side Setback is 6 feet, and complies with the 3 feet requirement and the south side Setback is approximately 6 inches which does not comply with the 3 feet requirement.
22. A Steep Slope Conditional Use Permit will be required for any construction in excess of 200 square feet on slopes greater than 30 percent.
23. A Historic District Design Review application is required for any new construction proposed at the existing site.

Conclusions of Law – 416 Ontario Avenue

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding 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 – 416 Ontario Avenue

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 will be required along Ontario Avenue.

5. The site has a wooden deck, stairway, and railroad retaining wall located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant shall either remove the wooden deck, stairway, and railroad retaining wall located on the City ROW along Ontario Avenue or work with the City Engineer to assure that these improvements are authorized in the form of an ROW encroachment agreement.

6. Nothing in this approval of the Plat Amendment grants or dedicates or approves the ROW encroachment area for parking for exclusive use of the applicant. On-site parking must be provided for all new construction.

7. Compliance with off-street parking requirements is required prior to the issuance of any building permit for an addition or new construction.

6. **8680 Empire Club Drive - Residences at the Tower and Tower Club
Conditional Use Permit for 14 residential units and addition to the Tower
Club.**

7. **8680 Empire Club Drive - Residences at the Tower Condominium Plat**

These two items were related and the Planning Commission discussed them simultaneously. However, a separate action was required for each item.

Planner Whetstone introduced Jeff Butterworth and Rich Wagner with Storied Development, and Brent Harris, the project architect. Alliance Engineering is the project engineer.

Planner Whetstone reported that the first item was a request for approval of the conditional use permit for a 14-unit multi-family lodge building on Lot 9 of the Village at Empire Pass Phase I subdivision plat. The second item was a request for a condominium plat on the same project. The proposal includes one deed restricted employee housing unit within the building to be completed concurrent with the rest of the units. One ADA unit is also proposed. The ADA and the employee unit will be platted and maintained as common area.

Planner Whetstone noted that this proposal is subject to the Flagstaff Development Agreement, which required a 500 square foot police substation in Building 1. It was included in the proposal and will be delivered as required by the Emergency Response Plan, which is the technical report that included the requirement.

Planner Whetstone stated that the proposal also includes an addition to the existing Tower Club on Lot 9, which is also known as the Talisker Club. In previous documents it was also known as the Alpine Club. Planner Whetstone explained that the Tower Club is a private dining and amenity club. Flagstaff Development is limited to 75,000 square feet of resort support commercial. The Staff conducted a review of the commercial space at the Montage and found 1275 square feet existing at the Grand Lodge. Added to that are plans for dining, a lounge, the spa, the kitchen and the ski valet store for a total of 5803 square feet. Language was included in the table to show that there was still remaining resort support commercial for the final project on B2 East.

Planner Whetstone reported that the residential portion is 42,453 square feet; however, that number does not include the private residential which utilizes 21.227 unit equivalents. That is recorded in Exhibit K and shows there is remaining density from the pool of density allowed; which is 758 UEs and 550 units.

Planner Whetstone stated that Lot 9 is 1.5 acres. The zoning is RD-MPD. It is subject to the 2007 Flagstaff Development Agreement. She pointed to the Empire Pass Village on Pod A, which is where most of the units are supposed to be located. Access to the proposed project is from Village Way to the underground parking. The main pedestrian access is from Empire Club Drive.

Planner Whetstone stated that the proposal for Lodge Building 1 is as approved by the Village at Empire Pass Master Planned Development. A volumetric was approved with the small scale Village MPD. That information, as well as the analysis of how this building meets the height, the articulation, and the building volumetrics, were included in the Staff report. Planner Whetstone noted that a conditional use permit was approved in 20008 and this proposal represents a reduction by 11 units and 25,000 square feet of residential. It is a very tight site and one of the conditions requires a construction mitigation site in terms of staging and delivery of goods and services.

The Staff had reviewed the plans and found compliance with the Design Guidelines and volumetrics. They also reviewed the plans for compliance with the Conditional Use Criteria in 15-1-10(E) of the Land Management Code and found no unmitigated impacts as conditioned.

Planner Whetstone reported that public input was received before the November meeting that was cancelled. That public input was included in the current Staff report, as well as the Staff response. Planner Whetstone stated that earlier today she had received similar public comment. The applicants were prepared to respond to those comments.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Residences at Tower Club conditional use permit, according to the findings of fact, conclusions of law, and conditions of approval outlined in the Staff report.

Planner Whetstone reviewed the application for the condominium plat, which provides the private limited common space for the Residences Tower Club building. The specific units, their size, and unit equivalents will be provided in a table, which will become documented and memorialized when the plat is recorded.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Commissioner Thimm referred to the comment that the application represents a reduction in density by 11 units. He asked if those units were completely off the table along with the associated square footage and intensity of use, or whether they could reappear as another form of development. Planner Whetstone explained that it would require an amendment to the conditional use permit. She pointed out that there is remaining density for a vacant lot for a lodge building. Forty-one units were still available. Planner Whetstone thought it was possible for any of the lodge buildings to come back for a conditional use permit and request to add that density. However, the applicant would have to go through a complete CUP process and the process to amend the plat.

Commissioner Sletten stated that he had walked the site prior to the meeting that was cancelled. He thought it would be impractical to put any additional density on that site. Planner Whetstone understood that it was a remodel of the existing building and a remodel of the exterior.

Rich Wagner, representing the applicant, stated that there was no more allowable density for their project. The remaining density is associated with future projects. The Tower Residences are out of density.

Commissioner Suesser commented on the public input that was received. In looking through the Staff report, she thought the Staff was suggesting that the Twisted Branch

subdivision was the primary applicant responsible for the historic preservation mitigation work; along with the master association. She asked Planner Whetstone to clarify who the Master Association is and to address some of the public input.

Planner Whetstone stated that all owners of the units subject to the Flagstaff Development Agreement are members of the Master Association. They are also a party to the development agreements. Once everything is developed, ongoing obligations still have to be met. When there is no longer a developer or holder of the MPD, the obligation falls to the Master Association and all property owners.

Planner Whetstone explained that the Successor of Interest to Talisker is Redus, the group that has come forward with entitlements to create some of the lots that had not been created. Redus sold this particular lot to Storied Development, who is now the applicant of this particular parcel. Planner Whetstone reiterated that at this point, Redus is the Successor of Interest and since they are an applicant on the Twisted Branch Road and will be requesting metes and bounds property to create lots, the Staff would like additional time on that project to create proper findings regarding historic preservation and all other obligations.

Commissioner Suesser wanted to know who had completed the historic preservation work that was referenced on page 386 of the Staff report. Planner Whetstone stated that to her knowledge the completed work includes interpretative signs that were required on 21 sites. She found documentation indicating that the Historic Society was contracted by Talisker to do the signs. Planner Whetstone noted that the Little Bell Ore Bin was being restored and she believed that was being done by the City Mountain Mining District under contract. Commissioner Suesser asked if that work was directed by the Master Association. She was told that it was not directed by the Master Association. Planner Whetstone stated that the Judge was the other structure mentioned in the preservation plan and that has been mothballed for now.

Commissioner Kenworthy asked to hear from the applicant regarding the concerns raised in the public input. Jeff Butterworth understood and appreciated the public comment. He stated that Storied Development would be happy to help the Master Association with whatever obligations they have because they are a co-declarant with Redus on the Master Association. Mr. Butterworth explained that when Redus foreclosed on Talisker they became the Master. Storied Development then purchased sites the same as all other developers in Empire Pass, and the obligation in the closing documents does not come forth to them for the master developer. In some cases, they purchased the whole thing and they are the master development.

Commissioner Kenworthy asked Planner Whetstone what share they would have of the obligation. Planner Whetstone was unsure how it works with the fees for the Master Association. She had a copy of the CC&Rs that she still needed to review. Commissioner Kenworthy asked if money was set aside for this obligation. Planner Whetstone replied that funds were set aside for maintenance and preservation of the open space. She needed to do further research to see if there could be another obligation for historic preservation.

Director Erickson stated that the CC&Rs for this project and the formation of the Master Association is standard with respect to annual assessments against all of the members, and for the uses. A real estate fee takes place when a unit is sold, and a portion of that goes to the Master Association for transportation and open space preservation. The other portion comes to the City for open space preservation and transportation. Director Erickson pointed out that United Park City Mines performed all the site remediation and mine stabilization work that was required as a mitigation plan. The other organizations handled the interpretive signs and some of the minor stabilization that was required. Most of the re-vegetation and re-establishment was done by the Mine Company.

Commissioner Kenworthy asked if the City had money available for the preservation efforts. Director Erickson stated that if the City was to fund the preservation efforts, they would have to do something similar to the Vail agreement, which is to have an annual matching fund agreement. It would have to be a Capital Budget item. Director Erickson remarked that the first task is to figure out what they are doing and what needs to be done; and to understand the final obligation of the Master Developer. Director Erickson informed the Planning Commission that they would hear considerable public testimony this evening; however, the basic situation is that there was very little enforcement mechanism inside the approval documents and the technical documents. At this point they were trying to determine who is supposed to do what and when.

Commissioner Sletten believed the two funding sources for the Master HOA are the Master HOA dues paid by all owners; and the percentage of the transfer fee that is paid to the Association. He asked if any money was allocated in the line item budget specifically for remediation of the old mining elements. Mr. Butterworth replied that it was not specifically labeled that way, but preservation was definitely in the budget.

Vice-Chair Phillips opened the public hearing for the CUP and the Condominium Plat.

Sandra Morrison with the Park City Historical Society and Museum stated that they were also the over-arching organization of the volunteer Friends of Mining Historic. Ms. Morrison thanked the Planning Commission for allowing public input this evening. She

wanted to address the actual requirements of the Flagstaff Annexation and Development Agreement that was adopted in June 1999. Ms. Morrison recently had a conversation with Councilwoman Nann Worel regarding the historic preservation requirements of the Flagstaff agreement and the absence of any stabilization or preservation efforts since its adoption nearly 20 years ago. Ms. Morrison mentioned her frustration to Ms. Worel regarding the number of conversations and meetings she has had with various Staff without any result. Ms. Worel advised that the next time an item was scheduled on the Planning Commission agenda having to do with the Flagstaff Agreement that Ms. Morrison attend the meeting and express her concerns.

Ms. Morrison noted that the Empire Club application was subject to the restrictions and conditions of the Flagstaff Annexation and Development Agreement per Conditional Use Criteria #16 which states, "The application is subject to the restrictions and conditions of the Flagstaff Annexation and Development Agreement". She pointed out that Finding of Fact #9 in the Staff report states, "The property is subject to the Flagstaff Mountain Annexation and Development Agreement that was approved by the City Council in 1999; as well as the associated technical reports." In addition, Condition of Approval #17 states, "Conditions of Approval of the Flagstaff Annexation and Development Agreement and Technical Reports continue to apply."

Ms. Morrison had submitted a letter to the Planning Commission that was included in the Staff Report as Exhibit P. She stated that since submitting her letter, the Staff concluded in the Staff report that "There are no known historic sites or structures located on the subject CUP property". She believed that was an erroneous statement and demonstrates the lack of understanding about what the Annexation and Development Agreement was designed to achieve. Ms. Morrison read from Section 2.1 of the Agreement, "The Developer is hereby granted the equivalent of a large-scale Master Planned Development for Flagstaff Mountain. This large-scale MPD sets forth the maximum densities, location of densities, and the developer offered amenities, and is subject to all the normal applicable City processes, including the developer's responsibilities to submit and ultimately obtain City approval of satisfactory plans as detailed in 2.1.1 the Mine and Soil Hazard Mitigation Plan; 2.1.5 the Detailed Open Space Management Plan; and 2.1.6 the Historic Preservation Plan. Ms. Morrison noted that all three talk about the historic mine sites and the historic mining structures and their importance to Park City. Ms. Morrison stated that all three of the Plans are known as Technical Reports and they address retaining and saving these historic mine sites.

Ms. Morrison read from Section 2.9, the Flagstaff Mountain Mitigation Amenities section, "The developer shall deliver the following mitigation and amenities as an inducement to execute this Development Agreement". Ms. Morrison noted that the Development Agreement then lists all the community benefits the developer was

offering in exchange for being allowed to build Empire Pass. Ms. Morrison named the offered amenities as outlined in her letter. She noted that the amenities continue with Section 2.9.3, which is the Historic Preservation Plan. "The Historic Preservation Plan, at a minimum, shall contain an inventory of the historically significant structures located within the project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City with respect to any of the historically significant structures". It also states that the Head Frame at the Daly West Site is historically significant.

Ms. Morrison read from Technical Report 36, the Historic Preservation Plan, which was approved in December 2001. The Executive Summary states, "The Historic Preservation Plan dated 2000 is a 127-page detailed document produced by SWCA". Accompany the Plan is a summary chart that reviews the same information in an abbreviated format. It includes a brief description of every important site, together with a short history, a review of the existing conditions, and recommendations for preservation work. The chart also includes information regarding a proposed phasing timeline for restoration or remediation of the sites, with a proposed signage format. Ms. Morrison pointed out that the chart differs at various times from the full report. It is a large discrepancy that needed to be corrected. Ms. Morrison remarked that the Executive Summary goes on to state, "Concurrent with the first CUP authorizing construction of the residential units, FMP will submit to Staff a plan detailing the repairs and stabilization of the historic structures and public protection plan for these structures and mining features. Ms. Morrison understood that this was not that plan because that plan was approved in 2000. She thought it was supposed to occur with the approval of the first CUP. Ms. Morrison had asked the Staff whether the plan was ever submitted and if they could provide her with a copy. The Staff never responded. Ms. Morrison emphasized the importance of the document because it gives the timelines of what will be done and when.

Ms. Morrison thought everyone could agree that in terms of preservation nothing has happened at the Empire Pass Development, even though the inventory identified 22 sites. One of the sites was the Little Bell Ore Bin. She read, "The overall condition was damage to the ore bin. The entire structure is supported only by a central support creating a precarious and dangerous situation". The recommendation was that, "With the first phase of the Flagstaff Development, the Little Bell Ore Bin will be provided a permanent shelter in the form of all-weather roofing. Additional building stabilization will occur in the summer of 2001". She pointed out that today there is still no roof on the Little Bell. Ms. Morrison further read, "Since the condition of the structure poses a safety hazard, action should be taken as soon as possible to temporarily stabilize the structure until permanent repairs can be made". Ms. Morrison noted that the full page report describes the work in more detail and gives the work a high priority.

Ms. Morrison stated that 17 years later the Park City Museum and the Friends of Ski Mountain Mining History realized that it was important to stabilize the mining structure. The organizations spent \$60,000 this summer. They hired Calder Richards Engineering to develop the construction plans that were approved by the City. They hired Clark Martinez, the contractor, to stabilize the structure. It now stands proudly for everyone to enjoy.

Ms. Morrison stated that another major site that was identified was the Judge Mining and Smelting Office. The recommendation was that the building site would be cleaned of debris in the summer of 2001. With the first phase of the Flagstaff Development, the restoration of the building would be initiated. After restoration, the building was anticipated to serve as an office and recreation uses for the Flagstaff Development. Ms. Morrison noted that none of the recommended work had been done and the roof is falling in. Ms. Morrison noted that the historic mine structures were also identified in the other technical reports; specifically, in Technical Report #1, which is the Physical mine and Hazard Mitigation Plan. The Daly West is recognized as site #11 with recommendations of fencing, stabilization, and other security members for dilapidated structures. The fence was installed but no stabilization had occurred and the Daly West Mine collapsed.

Ms. Morrison commented on other structures named in the Technical Report and outlined in her letter.

Ms. Morrison referred to Technical Report #5, the Open Space Management Plan, which recognizes the importance of the historic mine sites and designates them as protected open space. Ms. Morrison read from Section 4.2, "Protected open space refers to portions of the plan area that will be preserved for the outstanding natural and/or cultural resource characteristics". It also states, "Another type of POS within the plan is associated with specific cultural resource sites. These include a number of mining sites considered sensitive due to their historic value and vulnerability to vandalism and/or the hazard they pose to an uninformed public". Ms. Morrison remarked that brief descriptions of these sites and why they qualify as protected open space were provided in the Plan. More detailed management consideration for these sites was provided in the Historic Preservation Plan. Ms. Morrison further read, "The primary purpose for protected open space is to promote the usable public, non-improved, non-commercial, connected and contiguous open space for community benefit; promote the preservation of undisturbed open land, prohibit construction of red lines, steep slopes, wetlands, water shed usage, and promote the preservation of the historic sites".

Ms. Morrison referred to the statement in the Staff report that there are no known historic sites or structures located on the applicant's property. She noted that none of the historic mining sites will ever be located on a property applying for development approval because the Development Agreement has already designed the sites as Protected Open Space. Ms. Morrison noted that the Technical Report contains the same historic sites in the Preservation Plan, and it reinforces saving and retaining the sites. Ms. Morrison the language from 4.2.3 regarding the requirements for the Little Bell Mine Site and 4.2.6 the Judge Mine Complex, which was included in her letter. She noted that the developer had not achieved any of the requirements, including at a minimum, the requirement for signage. There was still no signage and this summer the Museum and the Friends of Mining volunteers partnered with Mountain Trails and spent a day cleaning up the years of graffiti that had accumulated at the Alliance Mine site. Unfortunately, the graffiti was back.

Ms. Morrison stated that she could continue to quote the requirements contained in the Historic Preservation Plan, in the Open Space Management Plan, in the Mine Hazard Mitigation Plan, and the Technical Reports that are part of the Flagstaff Development Agreement. However, in the interest of time she would not continue. She thought it was obvious that the intent of the Agreement was to stabilize and preserve the historic mining structures and mine sites. Ms. Morrison remarked that many people spent an enormous amount of time to get this right. They were so passionate to see it happen and 20 years later nothing has been done. Ms. Morrison asked the Planning Commission to help finally make it happen.

Ms. Morrison remarked that Development at Empire Pass continues unabated with no discussion about the original commitment by the developer to preserve the town's remarkable history. Instead, these unique mine structures have fallen into tremendous disrepair, and Park City is in jeopardy of losing them forever. Ms. Morrison emphasized that the mining history needs to be saved. It is an important part of the town's history and culture that should not be ignored any longer. The mining history makes Park City unique and they are losing these treasures to neglect. The Historical Society and the Friends of Mining History are working to save whatever they can, but they cannot do it alone. They need help from everyone, especially all the developers who, through the Flagstaff Development Agreement, committed to the stabilization, preservation, and maintenance of these treasures for future generations.

Ms. Morrison requested a moratorium on approving further developments under the Flagstaff Development Agreement until an agreement is put in place that meets all the requirements. She stated that the Development Agreement makes everyone who owns property at Empire Pass responsible. The Agreement requirements remain with each and every property. As it is split and sold, these requirements remain with each and

every developer that makes an application. All the property owners belong to the Master Association and all of them need to come to the table. Ms. Morrison asked the Planning Commission to direct the Staff to get the Association to come back with a specific date for putting an agreement together and the plan that was supposed to be submitted with the first conditional use approval. The submittal should be a business plan with cost estimates and specifics on where the funds would come from. Ms. Morrison requested that the City require a \$5 million bond or an irrevocable letter of credit to be submitted prior to lifting the moratorium and issuance of any permits. It would guarantee to the Park City community that the stabilization of these historic mine sites would actually happen. She also asked that the developer reimburse the Park City Historic Society and the Friends of Mining for the \$60,000 that was spent on the Little Bell. She also requested that the Planning Commission continue this application and give the Staff direction this evening. If the Commissioners choose to approve the CUP and plat amendment this evening, they will be setting a precedent that no developers are responsible.

Sally Elliott stated that he had nothing to add to Ms. Morrison's comments except that in 1998 United Park City Mines and Park City Resort tore down the Keith-Kearns Building in the middle of the night without a demolition permit or notice to anyone. The land was in the County at that time. A meeting was held at Deer Valley Snow Park with the Chamber of Commerce Board, the entire County Commission and the entire City Council, and all the preservation-minded people in the community. They all bludgeoned United Park City Mines so terribly that United Park City Mines felt compelled to contribute \$38,000 towards the purchase and construction of the 36 signs currently on the Resorts. Ms. Elliott noted that she was able to match that amount with a restaurant tax grant for \$38,000. She stated that the non-profit volunteer group spent \$76,000 on constructing the signs. Ms. Elliott, along with Sandra Morrison and Marianne Cone, volunteered their time to do the text, the pictures, and all the production. The Resorts mounted the signs and placed them permanently in the ground. Ms. Elliott pointed out that it was a community joint effort. There was community support for the signage because it was a way of letting people know what was there. She remarked that twenty years later they were back at it again. Ms. Elliott stated that for three years the Historical Museum and the Friends of Mining History have been asking to meet with the Master Association for Empire Pass, but they have never been permitted or noticed when the Master Association has meetings.

Ms. Elliott stated that they wanted to be partners with the developer and they did not want the project delayed. They would like to get the Plan in place as quickly as possible so the developer could move forward with a successful project.

Lance Kincaid stated that he has been skiing in Park City since 1972. He has been a full-time resident since 1980. He has been a contractor working on historical buildings since 1993. His first job was the Osguthorpe barn. Mr. Kincaid stated that he has seen all these building falls down and he has seen promises made over the years about who would spend the money and who would do the work. Twenty years later nothing has been done. He stressed that the developer must buy in and go along with the facts that have been presented. These obligations need to be fulfilled. The structures are being destroyed by weather, people, and time. If something is not done now, the structures will be lost. Mr. Kincaid stated that he was currently working on water towers. One was destroyed a couple years ago and one was partially damaged by snow plows on the maintenance road. They asked to have signs put up so no snow gets pushed off the maintenance road onto the towers; however, as of a week ago there were still no signs. Mr. Kincaid emphasized the need for taking care of the little things.

Sanford Melville stated that he was not prepared to speak on this topic this evening, however, after listening to Ms. Morrison's presentation he wanted to comment. Mr. Melville agreed with all her comments about preservation. He stated that he was part of the graffiti removal committee on the Alliance Building. People ski by those facilities and ride their bikes by them; but when you look at them closely hands-on, they are really in a deteriorated condition. If action is not taken they will all be lost. Mr. Melville urged the Planning Commission to do whatever they can to help preserve those structures. Mr. Melville remarked that he continually sees the Planning Commission agonize over conditions of approval and findings of fact, and other technical details. However, if no enforcement action is taken it is all done for nothing. He encouraged the Commissioners to enforce the agreements already in place.

Steve Issowitz with Deer Valley Resort, stated that the Flagstaff Development Agreement is one of the bibles he uses on a daily basis for everything going on around the Resort and all the development. In listening to the previous comments there was nothing he disagreed with or disputed. Mr. Issowitz remarked that everything was put in place along with relocating Highway 224 with open space parcels that were supposed to have conservation easements. A run-away truck ramp and other things were required as part of that agreement. The historic preservation plan was part of that agreement. However, Mr. Issowitz thought it was important to clarify what has been done, what has not been done, and who are the responsible parties. He names all the people involved over the years and the events that have taken place over the years. He thought it was difficult to point to one person or persons, but it all runs with the land. It was not designed or written to disappear. Mr. Issowitz believed the applicants were just learning of these requirements after they purchased a piece of ground and now want to get a project approved. He thought it would behoove the Planning Commission the City Council, and the Staff to come up with a solid plan to figure out who would be

the responsible parties. The Agreement specifies that maintenance will be part of the 1% fee charged, and that falls on both the City and the HOA. He assumed the HOA nor the City expected to spend the kind of funds that United Park City Mines was supposed to spend when this was started. Mr. Issowitz recognized that it was not an easy discussion but one that needed to be considered.

Doug Ogilvy stated that he was the President of the Empire Pass MOA. He wanted it clear for the record that he has been president of the association for seven years and in that time he has received no communications from the Historical Society. With respect to the Little Bell Ore Bin, the Flagstaff Development Agreement says that for buildings that are not part of ongoing operations the MOA is responsible for maintenance. Mr. Ogilvy remarked that he was not approached before the project started this summer, but the Empire Pass MOA would be happy to meet with the Historical Society regarding the Little Bell Ore Bin. Mr. Ogilvy thought it would be appropriate to give the Staff time to research the history and determine who is responsible for what. He anticipated coming before the Planning Commission fairly soon with the Twisted Branch plat as the representative for Redus, the Declarant and Successor and Interest for Talisker.

Director Erickson suggested that Vice-Chair Phillips keep the public hearing open until the Planning Commission decides whether to take action this evening or continue for further information. He clarified that if the public hearing is closed this evening and there is a continuation, the public will not have additional opportunity to speak because the hearing will have been closed.

Commissioner Suesser wanted to hear from the applicant as to what they were willing to do in response to this request. Mr. Butterworth replied that this had taken them by surprise. The word "developer", in everything they read was UPK, the original developer. Mr. Butterworth stated that they purchased four sites and they are absolutely obligated to the Development Agreement; however, he would guarantee in the Assignment and Assumptions in the closing from Redus, that they are not obligated to act or do the Master Association obligations. He pointed out that none of these sites were on their property. Commissioner Suesser noted that their property was subject to the Flagstaff Development Agreement. Mr. Butterworth explained that the Development Agreement does not discern between the original master developer and a developer of a plot.

Planner Whetstone remarked that the Staff has been trying to identify who owns these sites. Many of the sites are on Deer Valley property. She has been working with Steve Issowitz to determine whether the Little Bell Ore Bin is on their property and whether they own the structure. She stated that regarding the mining structures and structures in the ground, they have not fully discerned whether UPK still owns those mine

structures. The only sites identified in Technical Report #6 is the Judge building and the Little Bell. Daly West is mentioned but the Daly West is owned by JSSD. The question is whether a third party can do work on someone else's property. Planner Whetstone noted that all of the open space areas are in conservation easements. The Planning Department was mapping them to try to identify whether there were gaps and whether all of the mine sites mentioned are part of the conservation easements that were put into place. Planner Whetstone clarified that the conservation easements were in place for everything that was not part of the development pods. However, work still needed to be done to decide who owns what because a preservation easement on a structure must be granted by the owner of that structure. Planner Whetstone pointed out that the applicant does not own any of those structures, but they are a party to the Master Association. An important key is to get the Master Association on board.

Commissioner Suesser asked for clarification of the inventory report that Sandra Morrison had referenced. Director Erickson stated that the initial report was prepared in 2000. The report was reviewed and vetted by the Planning Commission and approved in 2001; and it was reapproved without changes in 2004 before the first CUPs were issued. Director Erickson believed that all the sites had been inventoried and recommendations were made in the document. What was missing is who does what and by when. Commissioner Suesser understood that it was the obligation of all the property owners within the Master Association. Director Erickson thought the question was what is the responsibility of the Master Owners' Association and what is the obligation of the Master Developer.

Commissioner Kenworthy asked if Director Erickson agreed that the obligations stay with the land. Director Erickson replied that it absolutely stays with the land. The conservation easements run with the land. The Master Association will continue to exist after all the parcels are sold and the Master Developer will remain as the Successor and Interest to the Development Agreement.

Planner Whetstone noted that Summit Lands Conservancy was a third party holder of the conservation easements, and they are responsible for the preservation and maintenance.

Commissioner Kenworthy asked if Doug Ogilvy agreed that the Agreement was in default. Mr. Ogilvy replied that he did not agree that they were in default. Mr. Kenworthy clarified that he was not referring to the HOA specifically, but rather that the Agreement was not being adhered to. Mr. Ogilvy stated that he reviewed Exhibit 6, the Historical Preservation Plan, which appends a five-page spread sheet of 22 historical sites. He remarked that the difference between Exhibit 6 and the 2000 Inventory that Ms. Morrison had referenced is that the 2000 Inventory is an inventory of many historic

sites owned by United Park in 2000. Many of the sites within that 2000 inventory are not within the Flagstaff Annexation boundary, which is why they were not brought forward into the Exhibit 6 document. Mr. Ogilvy explained that for the 22 sites within Exhibit 6, it effectively says that the requirements for each of those sites are either interpretative signage, site restoration, revegetation, or stabilization. Mr. Ogilvy stated that United Park and Redus, as the successor to United Park, had spent millions on the re-vegetation and remediation of the mine waste dumps. However, he was unsure whether all the sites had been remediated but most were substantially complete. Mr. Ogilvy commented on historical signage and noted that Kelly Gee from United Park City Mines worked with the Historical Society years ago and there is interpretive signage throughout the Flagstaff Development area. He was not sure if every sign that was called out was installed, but United Park worked diligently on installing interpretive signage. Mr. Ogilvy commented on remediation and stabilization of historical structures. He read language from Exhibit 6, "The Empire Pass MOA is responsible for preservation and maintenance of buildings that are not part of an ongoing operation". He stated that in 2001, United Park conveyed the Daly West Headframe to JSSD, subject to the Development Agreement. JSSD required that building because it was both a ventilation shaft and an emergency egress for the miners. Therefore, the responsibility for the Daly West headframe was transferred to JSSD in 2001. Mr. Ogilvy noted that the Judge Mining Complex was the Park City Water Complex. Park City Water Department uses that to get into the mine to manage their water works. Stabilization work was done in 2001. The building was boarded up and it is in poor condition. That land is owned by United Park and operated by Park City Municipal Corporation. Mr. Ogilvy was unsure which party was responsible for further work; but it was definitely not the Master Association because it is part of an ongoing operation.

Mr. Ogilvy took exception to the statement that nothing has been done in 20 years. He has been here for seven years. A lot of work was done before then and more work has been done since he arrived. He did not believe they were 100% in compliance because some signage is missing and some revegetation might be missing. There is also the question of who is responsible for the stabilization of ongoing operations; specifically, the Judge Tunnel Complex and the Daly West headframe. Mr. Ogilvy remarked that the Alliance Mine is not within the Flagstaff Annexation Agreement and it is not listed as one of the 22 sites in Exhibit 6.

Mr. Kenworthy asked Mr. Ogilvy how long it would take for him to put together a list of items that he felt they were fully or partially responsible for under the Development Agreement. Mr. Ogilvy stated that he had not visited every site to know whether the interpretive signage was complete. He suggested that the Historical Society might know which sites are missing interpretive signage. In reviewing Google Earth, there are three mine dumps that have not been revegetated. He stated that from the perspective

of Redus' attorneys, responsibility for those sites run with the land. Therefore, the Master Developer is not responsible for that revegetation.

Mr. Ogilvy stated that he would be happy to work with the Historical Society on interpretive signage. Regarding stabilization, the MOA would be happy to participate with the Little Bell Ore Bin. He believed the Judge Mining Complex was the responsibility of either United Park or Park City Municipal Corporation. The Daly Headframe is the responsibility of JSSD. In representing the Master Developer, Mr. Ogilvy did not think they had much responsibility other than contributing to more interpretive signage.

Mr. Kenworthy understood from Mr. Ogilvy's comments that he did not need much time to define anything else. Mr. Ogilvy replied that he was correct.

Commissioner Thimm responded to Director Erickson's comment about the next step. He was not inclined to support anything this evening except a continuation of both the CUP and the Plat Amendment. However, he did not want to continue without some form of direction. Commissioner Thimm hoped that a CUP was not issued in violation of the Development Agreement, but he wanted to find out and understand all the requirements of the Master Developer and how it impacts this particular applicant as well as the other owners. If a preservation plan was required and has not been put together, that needs to be determined. Commissioner Thimm thought a preservation plan was a path to answering all the questions so they would have something reasonable to decide. Commissioner Thimm preferred to continue these applications with the ability for the public to have continued input.

Commissioner Hall concurred entirely with Commissioner Thimm. Commissioner Hall noted that Section 1.4 of the Development Agreement defines "Developer", and that includes all Successors and Interest in the definition. She also noted that Section 8.1 reiterates all the benefits, which would be the entitlements that run with the land and allow development, as well as all the burdens.

Commissioner Kenworthy agreed with a continuation. He also wanted to know what the Developer believed was their obligation, if any, and whether they would be willing to agree to a share of an eventual Historic Preservation Plan. Commissioner Kenworthy understood that time is money and he did not want to continually delay the applicant. He assumed preparing a Historic Preservation Plan would take some time considering the number of people involved. He asked whether the applicants would be willing to sign on as a participant.

Director Erickson stated that it took nearly eight months of negotiations with VRCPC to get the Preservation Plan and the funding sources in place to give money for the Friends of Ski Mining History. Dotting the I's and crossing the T's with the sensitivity and sophistication they have now will take some time. Director Erickson noted that they recently finished doing one of these with VRCPC and Park City Mountain. He agreed that they needed a better interpretation of whose is responsible and how far down the chain that responsibility carries. Secondly, they need to figure out what has already been done and what still needed to be done. Director Erickson believed there was concurrence this evening on the need for additional agreements on the Ore Bin. They also need to look at the property ownership. Director Erickson was aware that the Alliance site is on UPK land under lease to Park City Mountain Resort. He needed to look at the map before determining the remainder of the Judge site.

Commissioner Thimm stated that if they continued to a date uncertain, he doubted that much would happen during the winter in terms of preservation. He believed it was a matter of urgency because each year there is more deterioration. Commissioner Thimm asked if there was a way to quantify the time and set a specific time when this would be addressed so it would not go through another winter.

Jody Burnett, an attorney with the firm of Snow, Christensen and Martineau, stated that he was temporarily providing legal support on a consulting basis to the Planning Commission. Unfortunately, he was not familiar enough with the Flagstaff Annexation Development Agreement to comment on the specifics. Mr. Burnett believed that the question of who is the developer could be complicated by the foreclosure proceeding. The Legal Department would need to review it and give advice in terms of sorting out the responsibility of this applicant as opposed to others who are under the title of developer. He understood the Planning Commission question related to historic preservation; however, the question is really how much time Director Erickson needed in order to answer the critical questions and clarify the requirements applicable to the Master Developer, and where this applicant fits into that puzzle. Mr. Burnett stated that in fairness to the applicant this item should be continued to a date certain if possible.

Director Erickson thought the Planning Department was fairly efficient on what needs to be done. The question of the Master Developer would go to the Legal Department. He asked if March was a good target date. Commissioner Thimm stated that he used March as his example, but he assumed it would take a good amount of time. He preferred to establish a date for the continuance.

Commissioner Kenworthy agreed. This has been kicked down the road for 20 years and he would like some finality. Director Erickson replied that the issue was due process on this applicant.

Commissioner Hall asked if they could continue until the next meeting in January. Commissioner Suesser thought it would be difficult to have the questions answered by January because nothing substantive would get done during the holidays. Commissioner Suesser thought March was a reasonable timeframe.

Commissioner Thimm stated that at the very least they could move it to the first meeting in March, and at the very minimum have a report on the progress. Director Erickson thought that was reasonable.

Jeff Butterworth noted that continuing to March meant the applicant would miss the entire winter season and the entire summer season. He asked if it was possible to do this with a CUP where they would have to have a plan in place to obtain building permits, and the work outlined in the plan would need to be completed before occupancy. This would allow the applicant to continue without missing an entire season.

Mr. Kenworthy stated that this was his intention when he talked about a pre-agreement whereby the applicant would agree to a share, and to come back to the Planning Commission with what the applicants believe is their share. Mr. Butterworth was willing to do that and come back, but he was not prepared to answer that question this evening.

Mr. Burnett asked Mr. Butterworth what timeframe he would suggest based on what they needed to do; and whether they would be ready to come back on January 10th with that report. Mr. Butterworth stated that they would try to meet the January 10th date. It might be difficult considering the holidays; but if they were not ready it could be continued to a later date.

Director Erickson commented on the technical aspects and the process of scheduling for the January meeting in terms of the time to prepare the Staff reports and to get them published. The following meeting would be the second week in February because only one meeting was scheduled in January due to Sundance. Director Erickson pointed out that a second meeting in January was not a definitive "no" at this point. However, he would need to look at the notice requirements to make sure they would be consistent with all the noticing regulations.

Commissioner Hall asked if the Planning Commission could do a work session the second meeting in January, which would be January 23rd. Director Erickson replied that a work session still needs to be noticed correctly. If it is within the noticing timeframe and the Commissioners were willing to meet on January 23rd, they could possibly hold a work session. Director Erickson offered to look at the calendar the next day and see if they would meet the noticing requirements for a work session on January 23rd. Mr. Burnett thought a work session would be a good format to have the conversation with the applicant. It would also give the applicant two additional weeks to come back with the requested information.

Commissioner Sletten stated that the Planning Commission has talked about how the City can go about enforcing these conditions of approval. He stressed the importance of enforcement so when there is another MPD, five or six buildings do not get built and the last developer is penalized. Commissioner Sletten felt that enforcement was the only way to make it more equitable across the board.

Director Erickson clarified that the general recommendation was to plan for a work session on January 23rd, pending the noticing requirements.

Commissioner Suesser stated that involvement from other organizations and entities was necessary for the applicant to figure out their responsibilities, and she was unsure how quickly that could be done. Commissioner Suesser would not be satisfied if the applicant comes back and says they are responsible for specific things without backup or input from the Historical Society, Deer Valley, and the other Master Association Owners. She thought they needed to think more broadly than just asking the applicant to come back with a report on their responsibilities.

Mr. Butterworth agreed that they could not do it in a bubble. They will need to meet with Deer Valley, Redus, Empire Pass, and the Historical Society to create a plan together. Commissioner Suesser questioned whether January 23rd was a realistic timeframe. Mr. Burnett stated that if the idea is a work session the Commissioners would not take final action at that meeting. It might only be the start of a longer conversation, but hopefully it would move the conversation forward in a constructive way to reach a point of resolution for both the Planning Commission and the applicant. Mr. Burnett appreciated Commissioner Suesser's concerns, but having a work session on January 23rd might give the Planning Commission enough information to give the Staff clearer direction and for the Staff to respond.

Commissioner Sletten thought it would be helpful to engage City Attorney Mark Harrington because he was involved with the Agreement from the beginning. Mr. Burnett stated that he would have that conversation with Mr. Harrington. Either Mr.

Harrington, Mr. Burnett, or someone else from the Legal Department will work with the Staff to provide the best information possible prior to January 23rd.

Commissioner Suesser clarified that she was not opposed to a work session on January 23rd as long as everyone was clear on what they wanted to accomplish.

Vice-Chair Phillips appreciated the applicant's willingness to work with the Staff and for their patience. It was difficult to be in the applicant's position, but he thought the applicant also understood the gravity of the situation. Vice-Chair Phillips also thanked the great citizens who were pushing this forward. Personally, he was upset to be in this situation. It was difficult to see the magnificent structures being built today that take so much engineering; yet building around these historic structures that are falling apart. These structures are the history of Park City. Vice-Chair Phillips believed there was a lot of finger pointing but no one wanted to take responsibility. He challenged the developers and the landowners to step up and own this, and to challenge each other. He suggested that if they pulled together all of the resources, they could save these structures.

Commissioner Sletten stated that he has been involved with this for a long time, including the original approval. He remarked that Redus is not the "bad guy" in this. It goes back to Talisker because Talisker was responsible and they did nothing. He knows that Mr. Ogilvy has been working really hard to meet the requirements. Commissioner Sletten pointed out that Redus inherited the problem.

Commissioner Phillips clarified that he was not pointing a finger at anyone. He was just disappointed that it had reached this point. He would like to see everyone step up to save their historic past. Commissioner Kenworthy agreed that there was work to be done and that the economic driver of Historic Preservation could not be underestimated for the community or for the development. He agreed that neither Redus nor the developers were the bad guys. Things are where they are for whatever reason and they have to address it as a community. He believed now was the time to do it.

MOTION: Commissioner Kenworthy moved to CONTINUE the 8680 Empire Club Drive CUP to a work session on January 23, 2019, subject to review of the noticing requirements. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Suesser moved to CONTINUE 8680 Empire Club Drive Residences at the Tower condominium plat to a work session on January 23, 2019. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

8. 1791 Prospector Avenue - Conditional Use Permit for a Multi-Unit Dwelling.

Commissioner Thimm disclosed that at various times he has worked with Steve Brown professionally his company has worked with Steve Brown professionally over the years. He had not made the disclosure earlier because he was not unaware that Mr. Brown was involved with this project. Commissioner Thimm did not believe his past association would affect his ability to discuss and vote on this CUP.

Vice-Chair Phillips disclosed that he has worked with Bryan Markkanen on several occasions; however, that association would not impact his decision this evening.

Commissioner Kenworthy disclosed that he had also worked with Bryan Markkanen on matters completely outside of real estate. His association would not affect his decision this evening.

Planner Francisco Astorga reviewed the application for a conditional use permit for a multi-unit dwelling at 1791 Prospector Avenue. The site is owned by SMP1791 LLC, represented by Ed Lewis. Bryan Markkanen was with the Elliott Work Group. Steve Brown was another project manager on this application.

Planner Astorga reported that the proposal is a new residential building containing 20 apartments or residential units. The units consist of 13 one-bedroom units; 6 two-bedroom units; and one three-bedroom unit. He presented a Google Earth photo to show the site location, which was a platted lot of record. Planner Astorga noted that the construction shown was no longer there since the Prospector Avenue Reconstruction project was completed. He believed the site at 1791 Prospector was used for staging on the reconstruction project.

Planner Astorga reported that the site was in the GC, General Commercial, District which indicates that any residential use is a conditional use and requires Planning Commission review. Planner Astorga noted that a breakdown of each unit was included on page 519 of the Staff report. The building is 29,201 square feet. A note on page 519 indicates why this development does not qualify for a Master Planned Development. It is based on the residential unit equivalent, and the total of all the residential spaces combined is 17,087 square feet. The threshold for an MPD is 20,000 square feet.

Planner Astorga reported that an analysis of the lot and site requirements, building height, and architectural review were outlined in the Staff report. The conditional use permit review process was outlined on page 125 of the Staff report; as well as a breakdown of the required mitigation in Criteria 1-15 for a CUP. The applicant must mitigate the impacts created by the proposal per the 15 Criteria.

Planner Astorga presented an exhibit showing the proposed building adjacent to the Rail Trail. That lot of record was also owned by SMP1791 LLC, where the applicant has been working with the Staff to provide a straight connection to the Rail Trail. The Rail Trail ramp was in the back, and the applicant was proposing to take a significant portion from their private lot of record to create a straight access leading onto the ramp. The ramp, which is the vehicle access leading to and from the building, was contemplated when the last plat amendment took place. Planner Astorga noted that this site has had three plat amendments that reconfigured common spaces with private areas.

Planner Astorga stated that the building is three stories plus an underground level where the applicant was proposing to allocate 24 parking spaces. Within that Level 0, the underground parking area, there is an encroachment on to the common space of the Prospector Square common space. The applicant has been working with the Property Owners Association and they were ready to record an easement agreement. Planner Astorga remarked that the encroachment only takes place on the lowest level below grade. The building would be built in a way that both structures would be independent from one another. Planner Astorga reviewed a drawing on page 547 of the Staff report. He noted that Line A reflect on the lowest level was the property line. The encroachment is 6' and completely buried underground.

Commissioner Thimm asked for clarification on which property was encroached into. Planner Astorga replied that it was private area, but common ownership within the Prospector Square Property Owners Association. It is not considered public space because it is owned by the HOA and platted as common space.

Planner Astorga reviewed the plat to show what was currently perceived as Parking Lot G. There are two platted lots of record; Lot 48A on the northwest corner; and the proposed multi-unit dwelling to the south on Lot 48F. Planner Astorga noted that this was the last plat that was approved and it simply removed the lot line going through the two lots. This plat, as well as the one before it, anticipated the underground access for this development on Lot 48A and identified the approximate location for the proposed ramp. It also indicated the approximate location of the access to the Rail Trail. In working with the applicant, the Staff expressed a preference for direct access rather than going around Lot 48A. Planner Astorga stated that the access ties into specific

improvements that were built across the street on Prospector Avenue; and a recently completed sidewalk goes to Barrett Lane. The user would go down the alley on to the ramp.

Commissioner Thimm asked if an easement was established in order to use the underground property. Planner Astorga stated that an easement was established, but one building went over the property line. The applicant has been working with Prospector Square to amend the easement so they could still encroach, but remain two separate buildings based on how it is being built. Commissioner Thimm asked if a condition of approval requires that to be completed. Planner Astorga answered yes. The Staff had asked the applicant not to record the easement until after this meeting and the public hearing. He clarified that the easement is ready to be recording pending Planning Commission action on the CUP.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit based on the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Planner Astorga noted that the applicant was prepared to make a presentation if the Commissioners had specific questions.

Bryan Markkanen, representing the applicant, thought the application was clear. If the Commissioners needed additional information it could be provided.

Commissioner Suesser asked if there was no trigger for affordable housing because it was not an MPD. Planner Astorga answered yes. He noted that all multi-unit dwellings are required to provide parking spaces for bicycles. There have also been discussions with the applicant about putting in 220 volt outlets in the parking garage to be used by the apartment building residents for electric bikes. Commissioner Hall asked if that discussion was included in the Staff report or whether it was a verbal discussion. Director Erickson replied that it was part of the application.

Commissioner Suesser asked if the parking lot adjacent to the proposed building was public parking. Planner Astorga replied that it was Parking Lot G, which is common parking for Prospector Square. He pointed out that most of the site is located in the Prospector Overlay where the setbacks are reduced to zero. It also provides a floor area ratio of 2.0. Planner Astorga recalled that the proposed floor area ratio was 1.9.

Planner Astorga remarked that a major issue is that people assume that the entire rectangle is Parking Lot G; however, that is incorrect. As indicated on the plat, there are two private lots of record that have vested rights for development.

Commissioner Sletten asked if the encroachment on to HOA property had already been approved by the HOA. Planner Astorga replied that the HOA has approved and signed the encroachment approval. However, it has not yet been recorded.

Commissioner Thimm asked if a condition of approval addresses the encroachment. Commissioner Suesser noted that Finding #45 addresses the encroachment. However, she agreed that it should also be addressed in a condition of approval. Planner Astorga offered to add the language as a condition of approval. Commissioner Thimm clarified that it would be consistent because the Planning Commission expects encroachments to be resolved as part of their action.

Commissioner Hall was pleased to see Finding of Fact #41 stating that the plan is to be long term rental units where the locals can live. She asked if there was a way to showcase this to other developers and being the leader in not doing nightly rentals. Ed Lewis, representing the applicant, clarified that the plan is to have long-term holders. He stated that they plan to be the First in State to use CLT construction cross-laminated timber; as well as being the First in Town to be LEED Platinum Certified Residential. They have no intention of selling the units and they would remain rentals. Commissioner Hall clarified that her question is whether they could codify it as no nightly rentals and the City could showcase this developer as an example to the community and other developers. Mr. Lewis stated that they would be pleased to be showcased as an example for no nightly rentals. Planner Astorga offered to add that as a condition of approval.

Vice-Chair Phillips agreed with Commissioner Hall. He also favored the number of one-bedroom units because there is a heavy demand.

Planner Astorga wanted to make sure everyone understood the meaning of nightly rentals. He stated per the LMC definition, nightly rental is the rental of a unit for 30 days or less. Mr. Lewis clarified that six months is the bare minimum they would rent. Commissioner Hall commended the developer on the LEED construction, one bedroom units and no nightly rentals.

Vice-Chair Phillips asked about the cross-laminated timber. Mr. Lewis explained how cross-laminated is glued together and stated that it is much more load bearing. It is prevalent in the Pacific Northwest, and Canada and Europe have been using it for a very long time. It is new in the United States; however, they chose cross-laminated timber because it helps with LEED certification because it is green and sustainable. It also helps with ceiling height since they are limited to 35'. The pre-fab CLT slabs are 7-1/2" to 9-1/2" which makes it easier to meet the ceiling height. Steve Brown stated that

another interesting element of CLT is that it creates the structure for the building. There will be no steel or any other columns. These structural columns stack. The tallest building in the world using CLT is the student housing project at the University of British Columbia. The structure is 15 stories tall and there is no steel.

Vice-Chair Phillips opened the public hearing.

Patricia Stokes, a full-time resident of the Sun Creek Condominiums, stated that she speaking this evening on behalf of herself and five of her neighbors who were also in attendance. Ms. Stokes noted that Sun Creek Condominiums is addressed at 1885 Prospector. There are 35 total units at Sun Creek. Twelve are permanent residents who are either long-term renters or owner-occupied. There are 17 owners on the Parking Lot G side. Ms. Stokes remarked that from the renderings, there was no way to know the depth of the building. She asked if there was an indication of the southern end point of the structure. Ms. Stokes was trying to figure out how it lines up with the Sun Creek building. It appeared that it was further into the Rail Trail than Sun Creek.

Planner Astorga replied that it follows the platted property lines.

Ms. Stokes stated that the platted property lines were destroyed during construction and no markers are left.

Planner Astorga explained that they have worked with surveyors and the developer is not able to encroach onto the Rail Trail State Park. The building needs to be built within the confined property lines.

Ms. Stokes understood; however, there is no longer an observational record of where the southern line exists because it was all moved around during construction.

Mr. Markkanen believed the office building to the west was also on that property line and that could be used as a reference. Ms. Stokes found that to be helpful.

Ms. Stokes stated that the hardy cement board exterior does not appear to blend with the current architectural styles in the neighborhood. She asked if there was a more appropriate mining town or mountain town design. She thought the proposed design was very modern and linear. Ms. Stokes asked if they could use an alternative finish on the building.

Vice-Chair Phillips requested that Ms. Stokes continue with her comments and the applicant and Staff would make notes and answer her questions at the end.

Ms. Stokes appreciated that the entrance to the parking garage was placed on the western end where commerce takes place; rather than on the residential end. She asked if the mechanical equipment on top of the building could also be moved to the western end.

Ms. Stokes understood that there are 20 units and 24 parking spaces underground. Given that these are rental units and the residents will not have pride of ownership, the neighbors are very concerned that their quality of life will be negatively affected by cars and people moving through at all hours. She assumed that each person living in a unit would have one car, which could be a minimum of 40 cars. They were concerned about light and sound at all hours. She wanted to know if there was a plan for noise abatement.

Ms. Stokes wanted to know what type of lighting impacts this structure would present. Ms. Stokes thanked the Planning Commission for the opportunity to ask questions.

Planner Astorga deferred the question regarding mechanical equipment to the applicant, other than to say that the only visible area identified is the elevator penthouse. In their description, the applicant indicated that they install as many solar panels that will fit. However, the layout has not yet been established because they have not been able to establish the mechanical for the A/C units, etc., which would occur after they have a structural building design. Planner Astorga noted that a condition of approval requires that solar panels shall meet the Code. The same is for the mechanical equipment which cannot be seen from a public right-of-way. Both are standard conditions for these items.

Planner Astorga stated that the applicant was proposing 24 parking spaces; however, the actual requirement for a building on this site based on the number of units would be 22 spaces. From that point of view, the applicant was providing two additional parking spaces than what is required by Code. Planner Astorga clarified that the parking analysis is based on the size of each unit. A unit less than 1,000 square feet only requires one parking space.

Regarding noise abatement, Planner Astorga stated that this is a General Commercial District. More commercial uses are able to emit types of odors, noise, vibrations, etc. He noted that residential development typically has less impacts than a commercial development. He pointed out that retail, restaurant, and offices are allowed uses that do not require a conditional use permit. This development will be similar to any other residential development within the GC zone and specifically in the Prospector area.

Commissioner Thimm asked if the developer would be subject to the noise ordinance. Planner Astorga replied that they would be subject to the noise ordinance the same as everyone else.

Regarding lighting, Planner Astorga stated that lighting was not provided in the application, but lighting is usually looked at during the building permit review. The requirement for residential development is that residential lighting shall be down-directed and shielded.

Mr. Markkanen addressed the question regarding hardy board. He stated that this development is not in a historic district where materials are highly considered. It is in the General Commercial District which is much more eclectic. Mr. Markkanen commented on the many examples of buildings on the street that used the same material. He remarked that the shiplap siding that is prevalent around town is oftentimes hardy or cement board siding. With respect to fire safety, hardy board would help protect from a disaster.

Mr. Markkanen stated that as the applicant/owner/developer on the site, they would be happy to meet with the neighboring tenants and owners to have a discussion and address their concerns.

Mr. Markkanen noted that Planner Astorga had addressed the solar panels. That is very fluid because they had to put something on there for the CUP application. It was downsized considerably because they do not need that much and there is no benefit to overproducing energy. The air conditioners will be smaller units that are currently seen everywhere in town. They will be installed in places most directly in line with the units below. Mr. Markkanen stated that the units could be shifted slightly towards the west but they will mostly be spread out around the roof. He believed the visual impact would be low since the units are only 3-4 feet tall. Mr. Markkanen noted that a boiler in the basement would feed some of the heat melt and that would not be visible at all. They also need a mechanical shaft, but that will go straight out the top of the elevator shaft and should not be a visual concern.

Mr. Markkanen thought Planner Astorga had adequately addressed the questions of light and sound. He was certain that the residential use would be much quieter than restaurants or other commercial activity. Mr. Markkanen believed the neighbors would self-police. If someone is too noisy they will either knock on their neighbor's door or call the police. Mr. Markkanen noted that lighting was not on the application because they were not at the stage of development to identify the lighting. They are well aware of the dark sky requirements and they are also driven by LEED Energy requirements. The lighting will most likely be minimal as required.

Commissioner Suesser asked Mr. Markkanen to name some of the buildings in the neighborhood with the same exterior material. Mr. Markkanen named the Black Tie Building, the Lobster Lofts, and an office building. Commissioner Suesser clarified that those buildings had the same exterior material that this developer was proposing to use. Mr. Markkanen stated that it is the same material but in a slightly different format.

Commissioner Suesser asked if there would be lighting in the parking lot. Mr. Markkanen replied that they were working with the Prospector Square Property Owners Association because ultimately it will be their responsibility. Currently, there is no lighting in that parking lot. Some light from the building will spill into the parking lot. Commissioner Suesser clarified that her question was raised out of the neighbors' concern regarding lighting.

Vice-Chair remarked that the main circulation that will need to be lit faces the parking lot and not the adjacent building.

Commissioner Sletten stated that he served on the City's Blue Ribbon Housing Commission for affordable housing. A dream of the committee was to have the private sector build for-rent housing to satisfy the housing needs of a lot of the constituency that currently have to live outside of Park City. He applauded this developer for what they were doing. It is a significant development for the area.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for a multi-unit dwelling located at 1791 Prospector Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1791 Prospector Avenue CUP

1. The site is located at 1791 Prospector Avenue.
2. The site consists of Lot 48F of the Prospector Square Subdivision Plat.
3. The site is within the General Commercial District.
4. A Multi-Unit Dwelling is a building containing four (4) or more dwelling units.
5. A Multi-Unit Dwelling is a conditional use in the General Commercial District.
6. The proposal consists of a new residential building containing twenty (20)

apartments / residential units: thirteen (13) one-bedroom apartments, six (6) two-bedroom apartments, and one (1) three-bedroom apartment.

7. The proposed building has three (3) floors on top of an underground parking garage.

8. The overall size of the proposed building is 29,201 square feet which includes 17,087 square feet of residential floor area; 8,768 square feet of parking area; 1,720 square feet of internal circulation; 632 square feet of common area lounge, kitchen, conference room area; 608 square feet of storage space; and 386 square feet of mechanical space.

9. The proposal does not require an MPD application based on the proposed residential UEs of 8.5 (17,087 square feet).

10. The lot has direct access to Prospector Avenue via two (2) access easements on adjacent (Prospector Square) Parking Lot G.

11. The site has a platted access for an underground parking level over Parking Lot G on the southwest corner of the site.

12. The subject site is included in the Prospector Overlay which provides a maximum Floor Area Ratio not to exceed two (2.0).

13. Lot 48F is 9,548 square feet in size, which allows a maximum floor area of 19,096 square feet.

14. The proposed gross residential floor area of the building is 18,956 square feet, which equates to a Floor Area Ratio 1.9.

15. The proposed residential gross floor area complies with the maximum Floor Area Ratio.

16. The proposed front, rear, and side setbacks are zero feet (0").

17. The highest roof points range in height from 33.6 to 34.5 feet.

18. The proposed building complies with the maximum building height

19. The proposed building does not show the location / heights of antennas, chimneys, flues, vents, and / or similar structures.

20. The proposal does not show the location / heights of mechanical equipment and associated screening.

21. The proposed building contains an elevator penthouse which complies with Building Height exception 5, listed above.

22. The proposal complies as conditioned with the Architectural Design Guidelines found in LMC § 15-5-5(A-N).

23. Prospector Square was master planned anticipating allowed and conditional uses.

24. Residential uses are less intensive than commercial uses for traffic and provide an alternating form of traffic.

25. Emergency vehicle access is proposed with twenty-four foot (24") drive aisles and two (2) curb cuts for access into and out of Parking Lot G.

26. The applicant proposes a total of twenty-four (24) parking spaces, all located in

the underground parking level.

27. The twenty-four (24) proposed parking spaces meet the minimum parking measurement of nine by eighteen feet (9"x18").

28. Vehicular circulation is provided via a ramp leading from Parking Lot G towards a garage door on the west façade / elevation.

29. Pedestrian circulation to the building is provided via a front door on the Parking Lot G / Prospector Avenue façade / elevation and the underground parking level.

30. All four (4) levels plus the roof top are connected via the circulation staircase / elevator corridor.

31. Levels 1-3 and the roof top also contain a secondary exterior staircase connecting these levels.

32. All apartments are accessed via a covered exterior circulation corridor on Levels 1-3.

33. The proposal includes a public pedestrian access to the Rail Trail via connection to the Prospector Avenue sidewalk to the Rail Trail.

34. The zero (0) lot line building will not have any fencing for separation.

35. The mass, bulk and orientation are consistent with other buildings in the area.

36. The Rail Trail connection mitigates any perceived loss of open space.

37. Signs and lighting are not yet proposed and will be provided in typical fashion to assist tenants and visitors with finding their routes, as well as assisting emergency vehicles / officials with required address and emergency signs.

38. The design is compatible with surrounding buildings in the mass and scale.

39. The proposed building will have similar noise, vibration, odors, steam, or other mechanical factors customarily found within residential buildings.

40. No commercial deliveries will be made to the site based on the nature of the residential use.

41. The business plan for the developer is long-term residential rentals, i.e., apartments.

42. By excavating for the underground parking garage level, it is anticipated that contaminated soils will be encountered.

43. The site is within the Park City Soils Ordinance boundary.

44. The proposed underground level contains a six foot (6") encroachment onto Parking Lot G, common space, completely below grade.

45. The applicant is ready to record an updated encroachment agreement with Prospector Square Property Owners' Association that would allow the encroachment to consist of independent structures.

46. The portions of the parking structure improvements located in the common Area are to be structurally designed, constructed, and operated in a manner such that, in the event the encroachment area is ever removed, the parking structure would remain fully functional and continue to be operated independent from the encroachment.

Conclusions of Law – 1791 Prospector Avenue CUP

1. The proposal satisfies the Conditional Use Permit review criteria as established by the Land Management Code's Conditional Use Review process (§15-1-10[E], Criteria 1-16).
2. The proposal complies with all requirements of the Land Management Code.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass and circulation.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 1891 Prospector Avenue CUP

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage, and grading plan shall be submitted with the building plans and approved prior to issuance of any building permits.
4. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the Conditional Use Permit review, shall be reviewed by the City Engineer during the Building Permit review.
5. The Snyderville Basin Water Reclamation District's review and approval of the utility plans, for conformance with the District's standards for review, is a condition precedent to building permit issuance.
6. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on December 12, 2018.
7. The Conditional Use Permit shall expire on December 12, 2019, unless an

extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.

8. The proposed building shall comply with Building Height exception no. 2 and 3 as listed in Land Management Code.

9. Solar Energy Systems shall be in compliance with the parameters established in the Land Management Code.

10. All exterior lights shall be in compliance with the parameters established in the Land Management Code

11. In addition to County health standards, trash enclosure design standards shall be in compliance with the parameters established in the Land Management Code.

12. The site shall contain an area to be used for recycling within the building, specifically within Level 0 underground parking level.

13. All mechanical equipment shall comply with the parameters established in the Land Management Code.

14. The proposal shall comply with all the Park City Soils Ordinance.

15. The proposed connection to the Rail Trail from the Prospector Avenue sidewalk shall be completed prior the applicant receiving a certificate of occupancy for the proposed building.

16. The applicant is ready to record an updated encroachment agreement with Prospector Square Property Owners' Association that would allow the encroachment to consist of independent structures.

17. The business plan for the developer is long-term residential rentals, i.e, apartments. As stipulated by the developer during the public hearing, nightly rentals will not be allowed in the development.

9. 7101 Silver Lake Drive - North Silver Lake Condominium Plat 2nd Amendment.

Planner Astorga reviewed the application for a condominium plat amendment, the second amendment for North Silver Lake, which amends Unit 14. He noted that Unit 14 would be made smaller by 37 square feet and the amendment rearranges the private drive for Units 8, 9 and 10.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Allison Phillips Belnap, an attorney with Ballard Spahr, stated that she works with Tom Bennet and she was representing the applicant this evening.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for 7101 Silver Lake Drive, the North Silver Lake Condominium Second Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as contained in the Draft Ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact 7101 Silver Lake Drive

1. The North Silver Lake, also known as Stein Erickson Residences, is located at 7101 Silver Lake Drive.
2. The site is within the Residential Development District and the Deer Valley Master Planned Development.
3. The current development consists of eleven (11) single-family dwellings, two (2) duplex dwellings, thirty-nine (39) residential units within the multi-unit buildings, three (3) support commercial units, and corresponding common and limited areas and facilities.
4. The proposed Condominium Plat Amendment modifies Unit 14 and Shared Driveway A, adjacent to Unit 8, 9, and 10 to accurately reflect what has been constructed.
5. A condominium is not use, but a type of ownership.
6. The proposed Condominium Plat Amendment adjusts the platted condominium unit #14 private, common, limited common areas and the common.
7. The net impact of these changes is a decrease of 37 square feet in the private area of Unit 14.
8. The proposed Condominium Plat Amendment also adjusts the common and limited common area of Shared Driveway A adjacent to Unit 8, 9, 10.
9. The proposed Condominium Plat Amendment is consistent with the 2010 approved Conditional Use Permit containing 54 units.
10. The original Conditional Use Permit does not have to be re-reviewed as the proposal complies with the approved Conditional Use Permit.
11. The density of 54 units still remains the same as the Deer Valley Master Planned Development allocated a specific maximum number of units at North Silver Lake.

12. The proposed Condominium Plat Amendments does not affect parking and open space.

13. There is good cause for this Condominium Plat Amendment as it complies with applicable codes and accurately records the constructed unit and driveway.

Conclusions of Law – 7101 Silver Lake Drive

1. There is good cause for this Condominium Plat Amendment.
2. The Condominium Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Condominium Plat Amendments.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat Amendment.
4. Approval of the Condominium 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 – 7101 Silver Lake Drive

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 shall 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 date and an extension is granted by the City Council.
3. All conditions of approval of the Conditional Use Permit and the Condominium Plat Ordinance No. 14-19 shall continue to apply.

10. 510 Ontario Avenue Plat Amendment and Roundabout Condominiums 1st Amendment.

Planner Astorga reviewed the application for a plat amendment for 510 Ontario and for the Roundabout Condominiums 1st Amendment. He reviewed a vicinity map shown on page 623 of the Staff report. The entire yellow area identified the platted Roundabout Condominiums. The red area was the current plat amendment for 510 Ontario.

Planner Astorga pointed to a 2700 square feet area that was transferred to 510 Ontario Avenue from the Roundabout Condominiums two years ago through quit claim deeds and Special Warranty Deeds without City approval, which constitutes an illegal subdivision.

Planner Astorga stated that the request was a plat amendment to combine parcels 1, 2, and 3. He called 1 and 2 parcels because they had not been legally subdivided. The third portion is the portion that was transferred from the Roundabout Condominiums. The second parcel severs the area that has already been transferred and changes the boundary of the Roundabout condominiums.

Planner Astorga introduced Greg Ross who was representing Elliot Realty and Ron Dichter, as well as the Roundabout Condominiums as part of this application.

The Staff requested that the Planning Commission review the application for the two plat amendment, conduct a public hearing, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in both draft ordinances. Planner Astorga explained that this was one application but the end result would be two plats. He had contacted the County and their preference was to have two separate plats for recording purposes.

Planner Astorga stated that the 510 Ontario Avenue plat amendment meets the minimum lot areas and standards of development for that site. He noted that the site has direct access or frontage on Deer Valley Drive; however, the Staff did not want to disrupt the flow of traffic. With agreement from the applicant, a condition was added to maintain access off Ontario Avenue.

Planner Astorga commented on another condition that addressed future development. He explained that this area is platted as common space even though it has a different owner. The common space was approved as part of the Roundabout Condominiums, which is two duplexes for a total of four units. The Roundabout Condominiums are in the R1 District, and based on the lot area it did not require an MPD or 60% open space. However, this area has always been perceived by the City Council and the Planning Commission to serve as open space, even though there was no specific requirement. The Staff was proposing to limit development to no more than what currently exists, which is a single family dwelling, based on the fact that the specific land came from common space from the adjacent property owner.

Planner Astorga stated that when the Roundabout Condominium was platted a public utility easement was placed on this area as standard practice required by the City Engineer for public utilities. A condition of approval states that if the applicant is able to satisfy to the City Engineer's Office that there are no utilities in that area, the City would vacate that public utility easement. Commissioner Sletten asked if that investigation

was yet to come. Planner Astorga answered yes. He explained that if the investigation proves there are utilities, the City will keep the easement on the property.

Greg Ross stated that the main concern of his client was the change of use. Due to the current zoning and because they were taking a non-required open space, his client did not understand why they needed a condition for change of use. His client has no intention to build a duplex or a multi-unit, but he did not want to give it up as a property right.

Commissioner Kenworthy asked if the applicant was looking to expand the single-family home on to that area. Mr. Ross stated that they were working on plans for an addition and remodel. It is still in the planning stage and nothing has been submitted.

Commissioner Hall clarified that the red area was zoned single-family home. Planner Astorga stated that both sites were R1, Residential Development.

Commissioner Kenworthy asked about the setback on Deer Valley Drive if the applicant wanted to expand the home to the maximum envelope. Planner Astorga replied that it would still be considered front to back. He could not recall whether it was 10' or 15' but it was addressed in the Staff report.

Commissioner Suesser understood that Planner Astorga had added a condition of approval requiring the structure to remain a single-family home. Planner Astorga stated that it was Condition of Approval #3 on page 631 of the Staff report. Director Erickson clarified that the front yard setback was 15'; and 20' for a garage.

Vice-Chair Phillips clarified that there would be access from Deer Valley Drive. Planner Astorga replied that he was correct and that the applicant had stipulated to that specific condition of approval. He noted that the applicant had submitted a concept drawing and had been working with the Historic Preservation Planner based on its proximity to Old Town. He believed it was a good design and encouraged the applicant to continue with that specific concept. Mr. Ross stated that the design does not have any access off Deer Valley Drive and keeps the access off of Ontario. They met with Planners Grahn and Tyler and their review was favorable. Mr. Ross reiterated that the applicant has no intentions other than to keep the structure a single-family residence, but he did have concerns with the condition regarding change of use because of a future sale or other reasons.

Vice-Chair Phillips thought the single-family structure was a duplex at one time. Planner Astorga believed it had also been a triplex. Mr. Ross emphasized that he has been on the property and it is a single-family residence.

Planner Astorga showed the concept site plan that was unofficially submitted. The area in yellow was the area in question that was transferred without going through the proper subdivision process.

Vice-Chair Phillips understood that the concept plan was hypothetical. He stated that the Planning Commission has to look through the lens of what could occur if the property is sold tomorrow to a new owner. He personally preferred to keep the structure as a single-family residence considering its location on Ontario Avenue. Planner Astorga suggested that this might be a different discussion if the area next door was not already platted as common space.

Commissioner Suesser clarified that the Amendment would create one large lot and that the property would not be subdivided. Planner Astorga replied that they would be a one-lot subdivision because it memorializes an actual lot of record or a plat. Commissioner Suesser asked if it would be one lot with two houses on the lot. Planner Astorga stated that the concept plan was hypothetically one big house. Mr. Ross thought the plan was deceiving because much of the area is deck off to the north side. He reiterated that the Historic Planners liked the direction of the plan. Mr. Ross remarked that the owner lived in the house permanently at one point. They moved out of state but their intention is to come back and again make it their permanent residence.

Commissioner Thimm asked Planner Astorga to describe the status of the area in yellow. Planner Astorga stated that the area in yellow was currently part of the Roundabout Condominiums common space that was already transferred from Roundabout to Elliot Realty, the applicant. Commissioner Suesser understood that there was nothing on the property identified in yellow. Planner Astorga replied that it was 100% vacant. Commissioner Thimm understood it was common area and asked if it was designated as open space. Planner Astorga replied that the plat did not designate any open space. It does not have parking or an open space designation. It is simply common space that has a different owner than the HOA. It is referred to as an illegal subdivision.

Commissioner Kenworthy asked if anyone wanted to build on the yellow area whether they would have to come back to the Planning Commission. Planner Astorga replied that they would not come to the Planning Commission. They could move forward with a building permit. Commissioner Hall pointed out that it was basically a lot line correction. It was only called a subdivision because of the condominiums. Planner Astorga replied that she was correct.

Vice-Chair Phillips opened the public hearing.

There were no comments.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for 510 Ontario Avenue Plat Amendment and the Amendment to the Roundabout Condominiums, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 510 Ontario

1. The site is located at 510 Ontario Avenue.
2. The site consists of an existing single-family dwelling accessed off Ontario Avenue.
3. The site is within the Residential District.
4. The proposed Plat Amendment consists of two (2) metes and bounds parcels (723 and 4,191 square feet each, respectively) plus a portion of Roundabout Condominium Plat common space consisting of 2,731.8 square feet.
5. On October 4, 2016 a special warranty deed was recorded at Summit County from Roundabout LLC to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
6. October 4, 2016 a quit claim deed was recorded at Summit County from Roundabout Homeowners Association, Inc., to Eliot Realty LLC consisting of 2,731.8 square feet of open space of the Roundabout Condominiums.
7. The October 4, 2016 property transfer of the 2,731.8 square feet of common area of the Roundabout Condominiums took place without City approvals.
8. The proposed Plat Amendment consists of one (1) lot of record 7,646 square feet in size.
9. This proposal does not increase density as there is already a single-family dwelling.
10. The minimum lot area for a single-family dwelling is 2,812 square feet; duplex dwelling is 3,750 square feet; and triplex dwelling is 5,625 square feet.
11. The applicant has been working with the Planning Dept. for an addition / renovation / remodel to the existing single-family dwelling.
12. Single-family and duplex dwellings are listed as allowed uses, and a triplex dwelling is listed as a conditional use.
13. The Residential District requires a minimum front setback of fifteen feet (15'), new front facing garages for single-family and duplex must be at least twenty feet (20'), a

minimum rear setback of ten feet (10'), and a minimum side setback of five feet (5').

14. The proposed Plat Amendment, one (1) lot subdivision, meets front, rear, and side setbacks.

Conclusions of Law – 510 Ontario

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

Conditions of Approval – 510 Ontario

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 shall record the Plats 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 plats will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A Plat note shall be added to limit one (1) single-family dwelling. No duplexes / triplexes allowed based on its proximity to the Historic District.
4. A ten foot (10') snow storage and non-exclusive public utility easement to extend along Ontario Avenue shall be noted on the Plat.
5. A Plat note shall be added indicating that access to the lot shall be from Ontario Avenue.
6. A Plat note shall be added indicating the portion of the site located within Flood Zone AO.
7. Prior to plat recordation the applicant shall be responsible of submitting to the Engineering Department proof that there are no existing utilities on the five foot (5') utility easement and a new five foot (5') utility easement is required along the side property line. If existing utilities are found with the five foot (5') utility easement, the proposed plat will not vacate the utility easement.
8. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the Plat.

Findings of Fact – Roundabout Condominiums

1. The subject site, Roundabout Condominiums, is located at 300 Deer Valley Drive.
2. Roundabout Condominiums was approved as two (2) condominium buildings, consisting of two (2) units in each building for a total of four (4) units.
3. On June 14, 2007 the City Council approved the Roundabout Subdivision Plat which was recorded February 21, 2008, a two (2) lot subdivision.
4. In 2014 the site remained unimproved and on May 8, 2014 the City Council approved Ordinance No. 14-21 approving the Roundabout Condominiums Plat, which consisted of four (4) condominium units.
5. On April 23, 2015 the City Council approved Ordinance No. 15-12 amending Ordinance No. 14-21 and approving the Roundabout Condominium Plat, four (4) condominium units.
6. The site is within the Residential District.
7. The proposed Condominium Plat Amendment consists of amending the boundary of the Roundabout Condominiums to reflect 2,731.8 square feet of common space that has already been transferred to the adjacent property owner.
8. On October 4, 2016 a special warranty deed was recorded at Summit County from Roundabout LLC to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
9. October 4, 2016 a quit claim deed was recorded at Summit County from Roundabout Homeowners Association, Inc., to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
10. The October 4, 2016 property transfer of the common area of the Roundabout Condominiums took place without City approvals.
11. The proposed Condominium Plat Amendment consists of amending the overall Condominium site to 25,754 square feet in size.
12. This proposed Condominium Plat Amendment does not increase density.
13. The proposed Condominium Plat Amendment does not affect any private units, limited common spaces, parking areas, footprint, etc.
14. The only platted designation of the 2731.8 square feet area is common space.
15. The existing Condominium Plat shows a platted ten foot (10') wide non-exclusive public utility & snow storage easement along Deer Valley Drive, as well as a five foot (5') utility easement along the side and rear property lines.
16. Roundabout Condominiums does not have an open space requirement.
17. The proposed Condominium Plat Amendment does not affect the minimum lot area or any of the required minimum setbacks based on the location of the 2,731.8 square feet of common space already transferred.

Conclusions of Law – Roundabout Condominiums

1. There is good cause for the Condominium Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Condominium Plat Amendments.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat Amendment.
4. Approval of the Condominium 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 – Roundabout Condominiums

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 shall record the Plats 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 plats will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten foot (10') snow storage and non-exclusive public utility easement to extend along Deer Valley Drive shall be noted on the Plat.
4. A five foot (5') utility easement shall be noted on the Plat along the side property line.
5. All Conditions of Approval of the Ordinance No. 15-21 shall continue to apply.

The Park City Planning Commission Meeting adjourned at 9:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 1012 Lowell Avenue
Project #: PL-18-03948
Author: Anya Grahn, Senior Historic District Planner
Date: January 9, 2019
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 1012 Lowell Avenue, conduct a public hearing, and approve the Steep Slope CUP for 1012 Lowell Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Owner/ Applicant: PCNOLA LLC (Arkitektur)
Location: 1012 Lowell Avenue
Zoning: Historic Residential-1 (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of a new single family house on a vacant lot.

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of a new single-family home, when the Building Footprint is in excess of 200 square feet and is located upon an existing Slope of 30% or greater. The applicant is proposing to construct a 2,793 square foot house on the site.

Background

On July 27, 2018, the Planning Department received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 1012 Lowell Avenue; the application was deemed complete on September 11, 2018. The property is located in the Historic Residential-1 (HR-1) District. The lot contains 1,875 square feet. It is a vacant downhill lot on the east side of Lowell Avenue.

This application is a request for a Conditional Use Permit (CUP) for construction of a new single-family house. Because the proposed footprint of this addition is in excess of 200 square feet and the proposed footprint is located upon an existing slope of greater than 30%, the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

On June 19, 2018, the Planning Department received a Historic District Design Review (HDDR) Pre-application for the development of a vacant lot at 1012 Lowell Avenue. The applicant submitted a HDDR application on July 27, 2018. The application was deemed complete on September 11, 2018. The HDDR application for the proposed

construction of the new single family house is currently under review as it depends on Planning Commission approval of the Steep Slope CUP prior to issuance of a building permit to construct the addition.

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed new house will contain a total of 2,793 gross square feet. The proposed footprint of the historic house and its new addition will be 843 square feet; the lot size currently allows a footprint of 844 square feet. The new development complies with all setbacks and building footprint, as outlined in the following table.

This is a downhill lot, and the average slope of the lot is about 29.3%. The slope drops drastically immediately east of Lowell Avenue, with portions of the grade having a slope of about 40%. The steepest portion of the lot is directly to the east of Lowell Avenue. (Please note that a 100% slope would be a 45 degree angle.)

The new construction meets the allowed building height. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	1,875 square feet, <u>complies.</u>
Building Footprint	844 square feet maximum based on existing lot area	843 square feet, <u>complies.</u>
Front Yard	10 feet minimum, total of 20 feet	15 feet, <u>complies</u>
Rear Yard	10 feet minimum, total of 20 feet	13 feet, <u>complies</u>
Side Yard	3 feet minimum, 6 feet total	3 feet, 6 feet total, <u>complies.</u>
Height	27 feet above existing grade, maximum.	27 feet, <u>complies.</u>
Interior Height	A Structure shall have a maximum height of 35 feet measured from the	34.94 feet, <u>complies.</u>

	lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference on the north and south side yards are 4 feet, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure.	The First Story is located completely under the finish Grade on all sides of the Structure. A 10 foot step is not required.
Roof Pitch	Between 7:12 and 12:12.	The main roof has a 7:12 pitch, <u>complies.</u>
Parking	Per LMC 15-3-6, a Single Family Dwelling is required to provide two (2) parking spaces on site.	The applicant proposes to provide one off-street parking space outside, in tandem configuration to the one-car garage (off-street parking for 2 cars total provided)

Steep Slope Conditional Use Permit

The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #8.

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (CUP) for construction of any new construction when the Building Footprint of the addition is in excess of 200 square feet, if the building of the footprint is located upon an existing slope of 30% or greater. As previously noted, the new house will have a total footprint of 843 square feet and the construction is proposed on a slope that varies from 20% to 40%.

Criteria 1: Location of Development.

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

The proposed single family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The house will be located on a typical 25 x 75 foot Old Town Lot. The house has been designed as a front-facing gable with a single car garage and front porch. The majority of the bulk and mass of the house are hidden behind the façade and is not visible from the Lowell Avenue right-of-way. The applicant has imposed increased front and rear yard setbacks that will provide greater green

space on the lot. As proposed, the house complies with the Design Guidelines and reflects the simple character of adjacent non-historic houses on the street.

Criteria 2: Visual Analysis.

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

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and cross canyon views. As demonstrated by the visual analysis, the proposed new single family house fits within the context of the slope, neighboring structures, and existing vegetation. The east side of Lowell Avenue consists of non-historic houses that are built to setbacks along Lowell Avenue that create a pattern of one- and two-story facades along the street. These houses were built on one- and two-lot combinations that create a consistent pattern of pedestrian-oriented entrances adjacent to garages. The west side of Lowell Avenue consists of larger single-family and duplex dwellings uphill from the street.

The proposed house complements and contributes to the established pattern along the east side of Lowell Avenue. The applicant has introduced a pedestrian-oriented entrance highlighted by a porch. To the north, a single-car garage door is covered by a second-level balcony. The proposed materials, scale, and fenestration pattern all complement existing development along the street.

The single Old Town Lot has reduced the bulk and mass of the proposed house. Even when viewed from downhill streets to the east, the overall size of the house will appear relatively small. The lot dimensions have dictated a narrow house broken into smaller masses that step with the topography and reflect modules similar to those found on historic houses. The applicant proposes a patio in the backyard screened by vegetation that will further reduce the perceived height of the building when viewed from the east. Slope stabilization has been proposed in the form of retaining walls in the side yards, no more than 3.5 feet in height; the side yards will be re-vegetated following construction. The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated.

There is currently no Mature Vegetation identified on this property. The applicant is proposing a robust landscape plan that will visually buffer and screen the view of the house from neighboring properties as well as the street. The street view of the house is simple in design and creates vehicular and pedestrian access to the property from Lowell Avenue.

Criteria 3: Access.

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

The access to this property is from Lowell Avenue. The applicant is proposing a single-car driveway on the north side of the property that will lead to a single-car garage. On-site parking will be provided within the driveway and one-car garage. The applicant has proposed landscaping the front yard to minimize the visual dominance of the driveway.

Criteria 4: Terracing.

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

The applicant has proposed a series of retaining walls in the north and south side yards. These walls are no more than 3.5 feet in height and will not be changing the Existing Grade by more than 4 feet. In most cases, the walls are closer to 2.5 feet tall. Because this is a downhill lot, these retaining walls will not be visible from the Lowell Avenue right-of-way. The side yards will then be landscaped to further stabilize soils.

Criteria 5: Building Location.

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

The applicant has sited the new single family dwelling in such a way that the original grade of the site will not be drastically altered by this construction project. Several landscaped terraces in the side yards will extend from the front yard to the flatter portion of the rear yard. The design has maximized opportunities for open space, and there is no Significant Vegetation to preserve as the site is overgrown with non-significant vegetation. New landscaping will be incorporated to help maintain the hillside and provide visual separations from the neighboring properties.

Criteria 6: Building Form and Scale.

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

The design for the new single-family house steps with the grade to reduce the perceived bulk and mass of the structure. The overall mass of the building is relatively small due to the lot size, and this mass is broken up further into modules and components reflective of historic residential development. The prominence of the garage on the façade has been reduced by the adjacent porch-covered pedestrian entrance and second-level balcony above. These features are proud of the garage.

Staff finds that the proposed design is consistent with the Design Guidelines for New Construction. Exterior elements of the new development—roofs, entrances, eaves,

porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood which is comprised of one- and two-story houses. Further, the style of this house is consistent with the Design Guidelines. The design proposed has provided street presence along Lowell Avenue with a one-car garage and pedestrian entrance. From the street, the house appears to be only two-stories in height.

Criteria 7: Setbacks.

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

The applicant has introduced increased front and rear yard setbacks to further break up the mass of the building. The mass of the façade has been broken up by changes in materials, roof forms, decks and porches, as well as projections. This has allowed the house to contribute to the streetscape overall while not creating a solid wall effect along the street. The increased front yard setback has also allowed a greater landscaped area along Lowell Avenue.

Criteria 8: Dwelling Volume.

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

The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. The roof has been designed to allow for a front and side-facing gables along the street front, consistent with adjacent structures. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application. The Historic District Design Review (HDDR) application for the proposed construction of the new house is currently under review as it is dependent on this Steep Slope CUP. Approval of the Steep Slope CUP and HDDR are required prior to issuance of a building permit.

Department Review

This project has gone through an interdepartmental review. No further input has been received that is not reflected in this staff report.

Notice

The property was posted and notice was mailed to property owners within 300 feet on December 20, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on January 5, 2019.

Public Input

No input has been received regarding the Steep Slope CUP.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 1012 Lowell Avenue as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, developed residential lot.

Consequences of not taking the Suggested Recommendation

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

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 1012 Lowell Avenue, conduct a public hearing, and approve the Steep Slope CUP for 1012 Lowell Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration

Findings of Fact:

1. The property is located at 1012 Lowell Avenue.
2. The site is located in the Historic Residential-1 Density (HR-1) Zoning District.
3. The lot contains 1,875 square feet. It is a downhill lot.
4. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building

Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.

5. The applicant is proposing to build a new single family house on a vacant lot.
6. The allowed footprint for a lot measuring 1,875 square feet is 844 square feet; the applicant is proposing a footprint of 843 square feet. The total house size will be 2,793 square feet.
7. The required front and rear yard setbacks are 10 feet, for a total of 20 feet. The applicant is proposing a 15 foot front yard setback and a 13 foot rear yard setback.
8. The required side yard setbacks are 3 feet for a total of 6 feet. The applicant is proposing 3 feet on both the north and south sides, totaling 6 feet.
9. The zone height is 27 feet, and the tallest portion of the structures measures 27 feet above Existing Grade.
10. The zone requires that the maximum height from the lowest finished floor plane to the top of the highest wall top plate that supports the ceiling joists or rafters is no more than 35 feet. The applicant is proposing an interior height of 34.94 feet.
11. Final grade must be within 4 vertical feet of the existing grade around the periphery of the structure, and the maximum proposed difference between existing grade and final grade will be no more than 4 feet.
12. On July 27, 2018, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 1012 Lowell Avenue; the application was deemed complete on September 11, 2018.
13. This is a downhill lot, and the average slope of the lot is about 29.3%. The slope drops drastically immediately east of Lowell Avenue, with portions of the grade having a slope as much as 40%.
14. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore is not regulated by the City for mine related impacts.
15. The development has been located and designed to reduce visual and environmental impacts of the Structure. The house will be built on a standard Old Town lot. The small lot size dictates a narrow house. Much of the bulk and mass of the house will be hidden behind the façade and not visible from Lowell Avenue. The applicant has incorporated front and rear yard setbacks that will provide greater green space on the lot.
16. The proposal minimizes impacts of the project by incorporating screening, slope stabilization, erosion mitigation, vegetation protection, and other items. The proposed single-family house fits within the context of the slope, neighboring structures, and existing vegetation. The proposed house complements and contributes to the established pattern along the east side of Lowell Avenue with a pedestrian entrance beneath a porch and a single garage door overshadowed by a second level balcony. The proposed materials, scale, and fenestration pattern break up the mass of the building and complement existing development along the street.
17. Access points and driveways have been designed to minimize grading of the natural topography and reduce overall building scale. The applicant is proposing a single-car driveway that will lead to a single-car garage. On-site parking will be provided in the driveway and garage. Landscaping will be used to visually minimize the dominance of the driveway.
18. The project includes retaining walls and terraces to retain Natural Grade. The applicant has proposed a series of retaining walls that are no more than 3.5 feet in

height and will not change existing grade by more than 4 feet. These walls will be located in the side yard setbacks and not visible from the street.

19. Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The new single-family house is sited in such a way that the original grade of the site will not be drastically altered by this construction project. The design has maximized opportunities for open space and there is no Significant Vegetation to preserve as the site is overgrown. New landscaping will be incorporated to maintain the hillside and provide visual separations from neighboring properties.
20. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The design for the new single-family house steps with the grade to reduce the perceived bulk and mass of the structure. The overall mass of the building is relatively small due to the lot size, and this mass is broken up further into modules and components reflective of residential developments. The prominence of the garage on the façade has been reduced by the adjacent porch-covered pedestrian entrance and second-level balcony. The proposed design is consistent with the Design Guidelines for New Construction.
21. The proposal minimizes the creation of a "wall effect" along the Street front. The applicant has introduced increased front and rear yard setbacks to further breakup the mass of the building. The mass of the façade has been broken up by changes in materials, roof forms, decks and porches, as well as projections. This has allowed the house to contribute to the streetscape overall while not creating a solid wall effect along the street. The increased front yard setback has also allowed a greater landscaped area along Lowell Avenue.
22. The volume of the structure has been restrained to minimize its visual mass and mitigate differences between the scale of the historic house and new addition. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
23. The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. The roof has been designed to allow for a front and side-facing gables along the street front, consistent with adjacent structures. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
24. The property was posted and notice was mailed to property owners within 300 feet on December 21, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on January 5, 2019.
25. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6.
2. The Use is consistent with the Park City General Plan, as amended.

3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

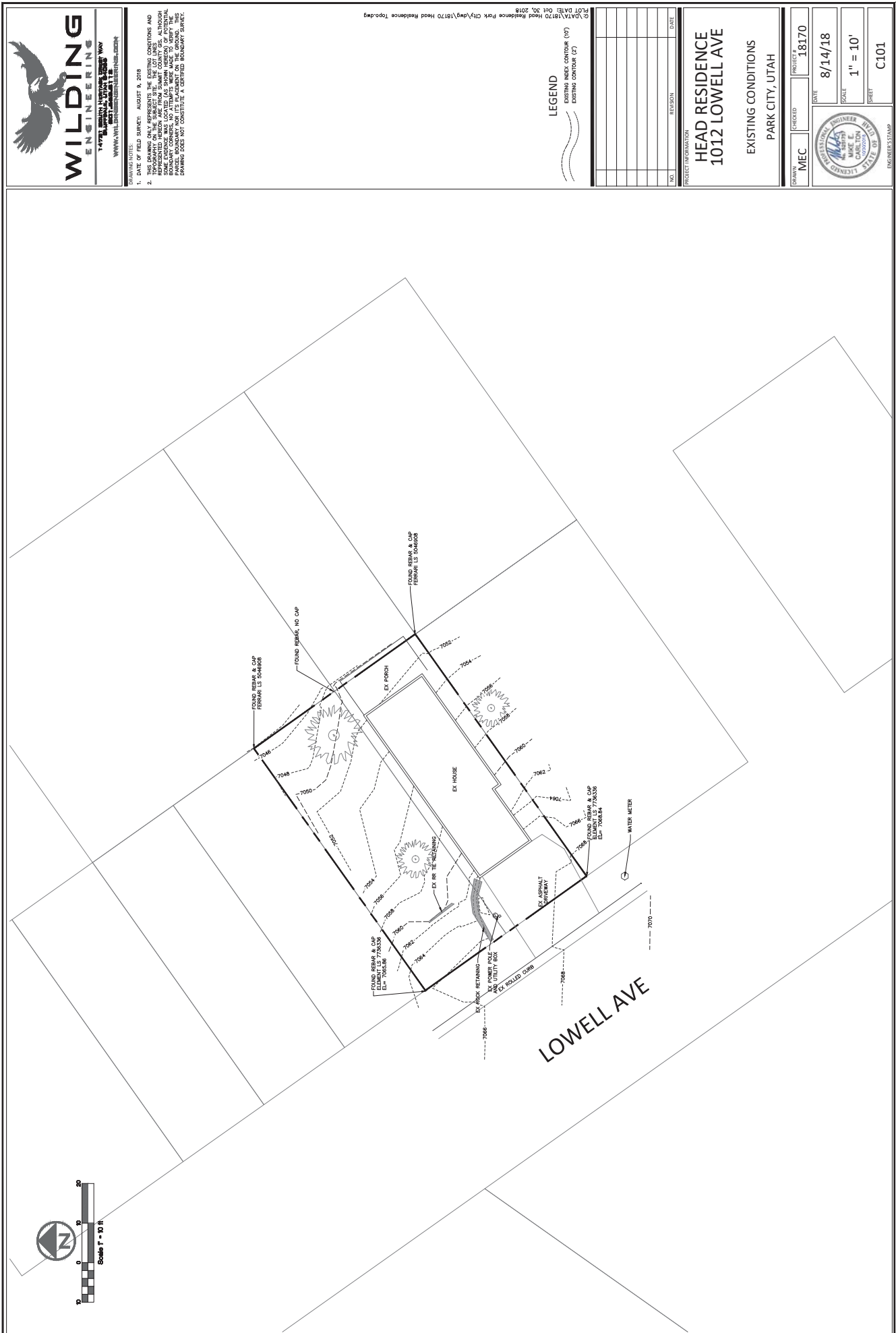
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on January 9, 2020, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on January 9, 2019, and the Final HDDR Design.
6. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
7. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, it is determined that an extension is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

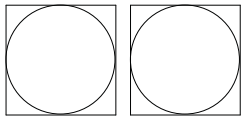
Exhibits

Exhibit A- Existing Conditions Survey

Exhibit B- Plans (existing conditions, site plan, elevations, floor plans)

Exhibit C- Visual Analysis/Streetscape





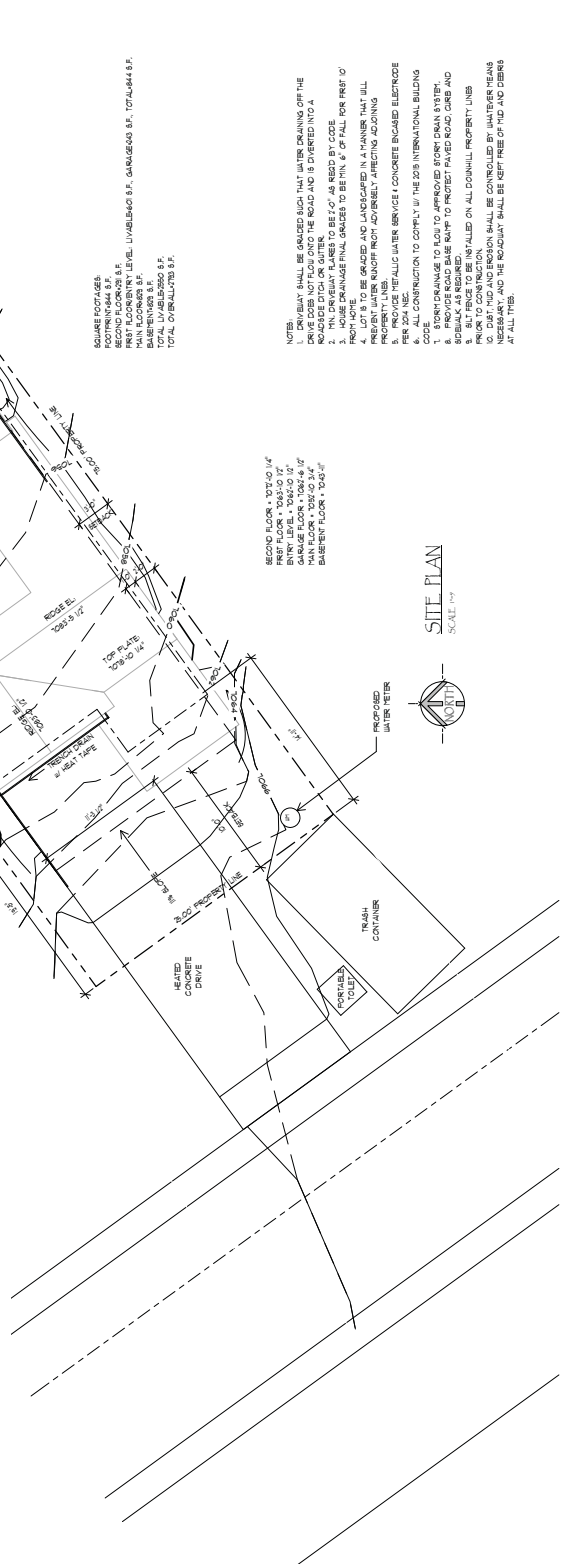
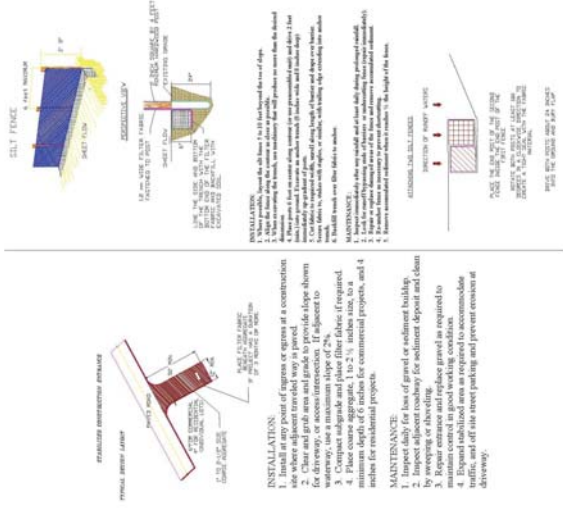
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Project: Residence for Stacy Head
1012 Lowell Avenue
Park City, Utah

Project number:
Date:
Drawn by:
Engineered by:
Focus:

Project number:
Date:
Drawn by:
Engineered by:
Focus:

C1.1



NOTES

1. DRIVEWAY SHALL BE GRADED SUCH THAT WATER DRAINING OFF THE DRIVE DOES NOT FLOW ONTO THE ROAD AND IS DIVERGED INTO A DRAINAGE DRAIN.
2. MAIN DRIVEWAY PAVEMENT TO BE 2' OF FILL FOR PREP. OF
3. HOUSE DRAINAGE FINAL GRADES TO BE 2' OF FILL FOR PREP. OF
4. LOT 8 TO BE GRADED AND LANDSCAPED IN A MANNER THAT WILL PREVENT WATER RUNOFF FROM ADJACENTLY AFFECTING ADJOINING
5. PROVIDE METALLIC WATER SERVICE CONCRETE ENCASED ELECTRICAL PER 2014 NEC
6. ALL CONSTRUCTION TO COMPLY WITH 2015 INTERNATIONAL BUILDING CODE
7. 8.00% DRAINAGE TO FLOW TO APPROVED STORM DRAIN SYSTEM
8. ALL PUMP SHALL BE REMOVED AFTER 10 MONTHS OF PROTECT PAVED ROAD, GRASS AND SIDEWALKS AS REQUIRED
9. ALL PUMP TO BE INSTALLED ON ALL CONCRETE PROPERTY UNITS
10. DRAINAGE AND INCHES SHALL BE CONTROLLED BY SHUTTER MEANS NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF HIG AND OBSTACLES AT ALL TIMES

SECOND FLOOR: 1014.6 1/2\"/>

MAIN FLOOR: 1014.6 1/2\"/>

BASEMENT: 1014.6 1/2\"/>

TOTAL OF 1014.6 1/2\"/>

ROOF EL. 1014.6 1/2\"/>

ROOF EL. 1014.6 1/2\"/>

ROOF EL. 1014.6 1/2\"/>

SITE - AERIAL

Engineered by	Focus
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Date	November 29, 2018
Drawn by	J Baley

Project number	
Date	November 20, 2018

revisions:

ence for Stacy
1012 Lowell Avenue
Park City, Utah

Head

THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION AND MODELS THEREOF, ARE PROPRIETARY AND CAN NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE WHOLE OR PART THEREOF IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.



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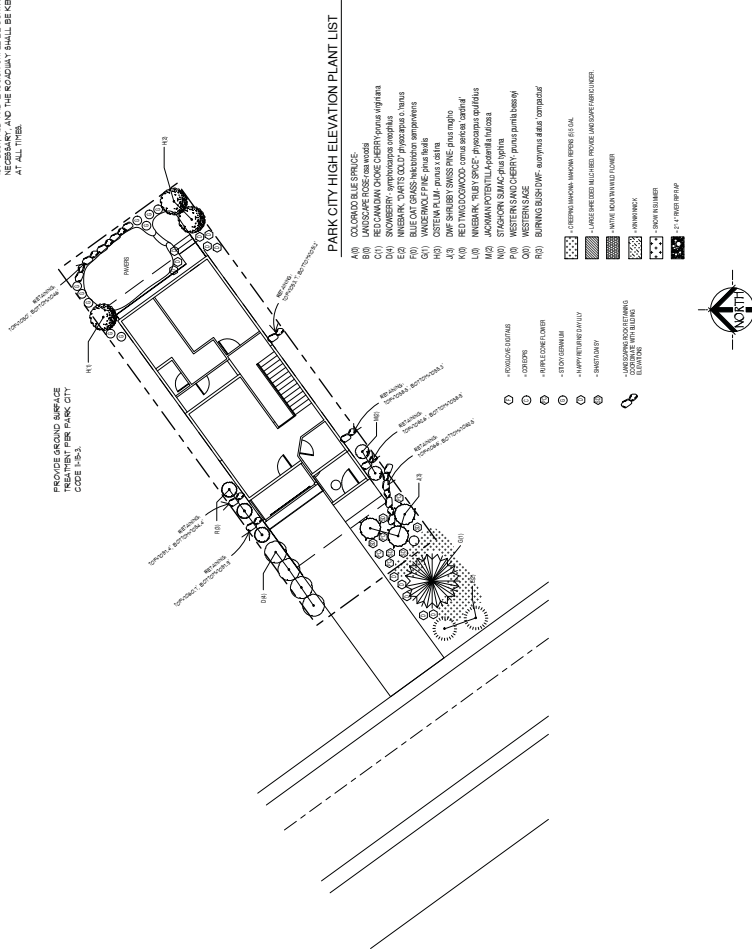
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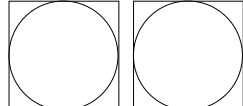
NOTES:
1. DRIVEWAY SHALL BE GRADED SUCH THAT WATER DRAINING OFF THE DRIVE DOES NOT FLOW ONTO THE ROAD AND IS DIVERTED INTO A DRAINAGE DITCH OR CATCH BASIN.
2. MIN. DRIVEWAY FLARE TO BE 2'-0" AS REQ'D BY CODE.
3. HOUSE DRAINAGE FINAL GRADES TO BE MIN. 6" OF FALL FOR FIRST 10' OF DRIVEWAY.
4. LOT 18 TO BE GRADED AND LANDSCAPED N.A. HANSEN THAT WILL PREVENT WATER RUNOFF FROM ADJACENTLY AFFECTING ADJOINING PROPERTY.
5. PROVIDE METALLIC WATER SERVICE + CONCRETE ENCASED ELECTRICAL SERVICE TO COMPLY W/ THE 208 INTERNATIONAL BUILDING CODE.
6. STORM DRAINAGE TO FLOW TO APPROVED STORM DRAIN SYSTEM. STORM DRAINAGE SHALL BE GRADED TO PREVENT FLOODING, EROSION AND SLOPEWASH AS REQUIRED.
7. STORM DRAINAGE SHALL BE INFILLED ON ALL ADJACENT PROPERTY LINES PRIOR TO CONSTRUCTION.
8. DRAINAGE AND EROSION SHALL BE CONTROLLED BY WATERWAYS DESIGN AND CONSTRUCTION. THE ROADWAY SHALL BE KEPT FREE OF H2O AND DEBRIS AT ALL TIMES.



SITE PLAN w/ PROPOSED VEGETATION
SCALE: 1/8" = 1'-0"

FOR FOUNDATIONS REBAR INSPECTIONS FOR
FOUNDATION WALLS OVER 8 FEET HIGH, FORM
REINFORCEMENT SHALL BE INSPECTED ON ONE SIDE
UNTIL AFTER THE REBAR HAS BEEN INSPECTED
AND APPROVED.





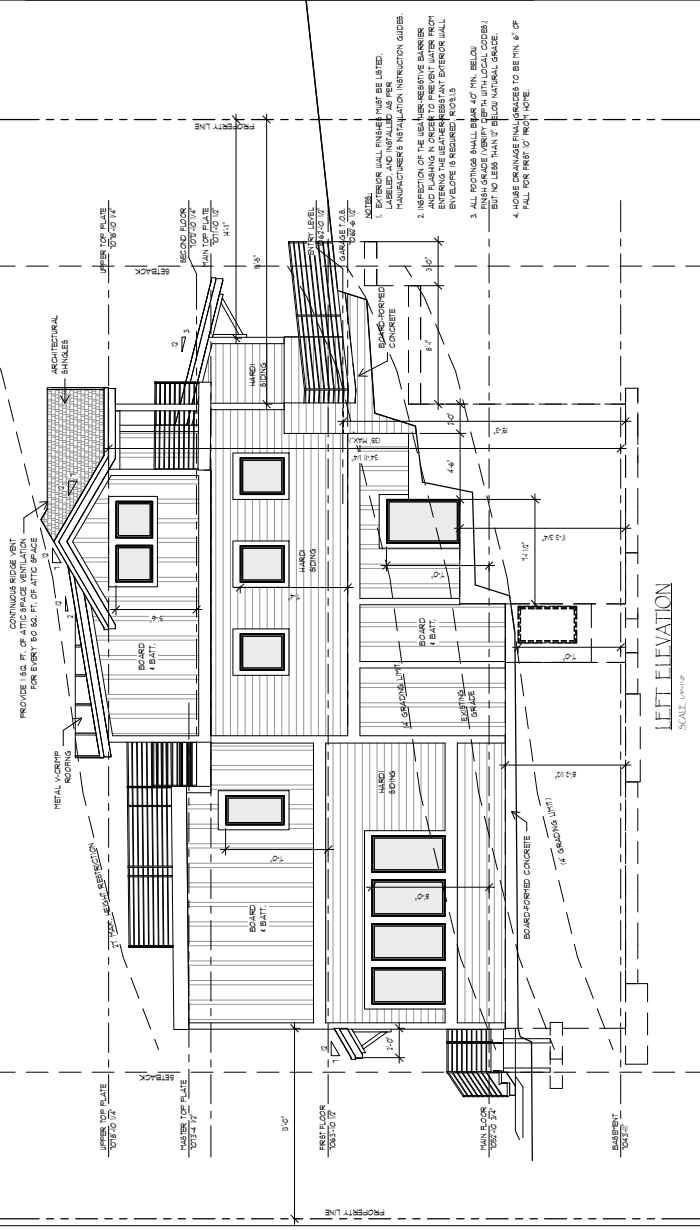
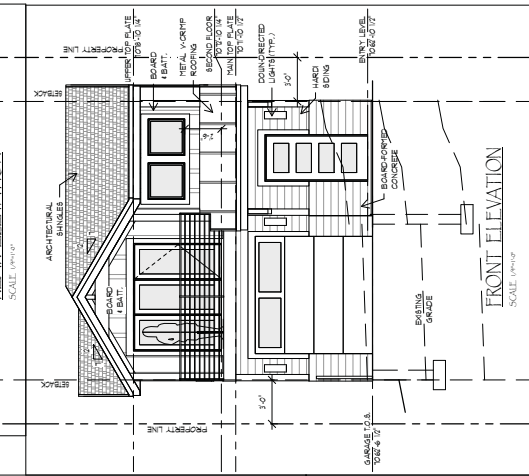
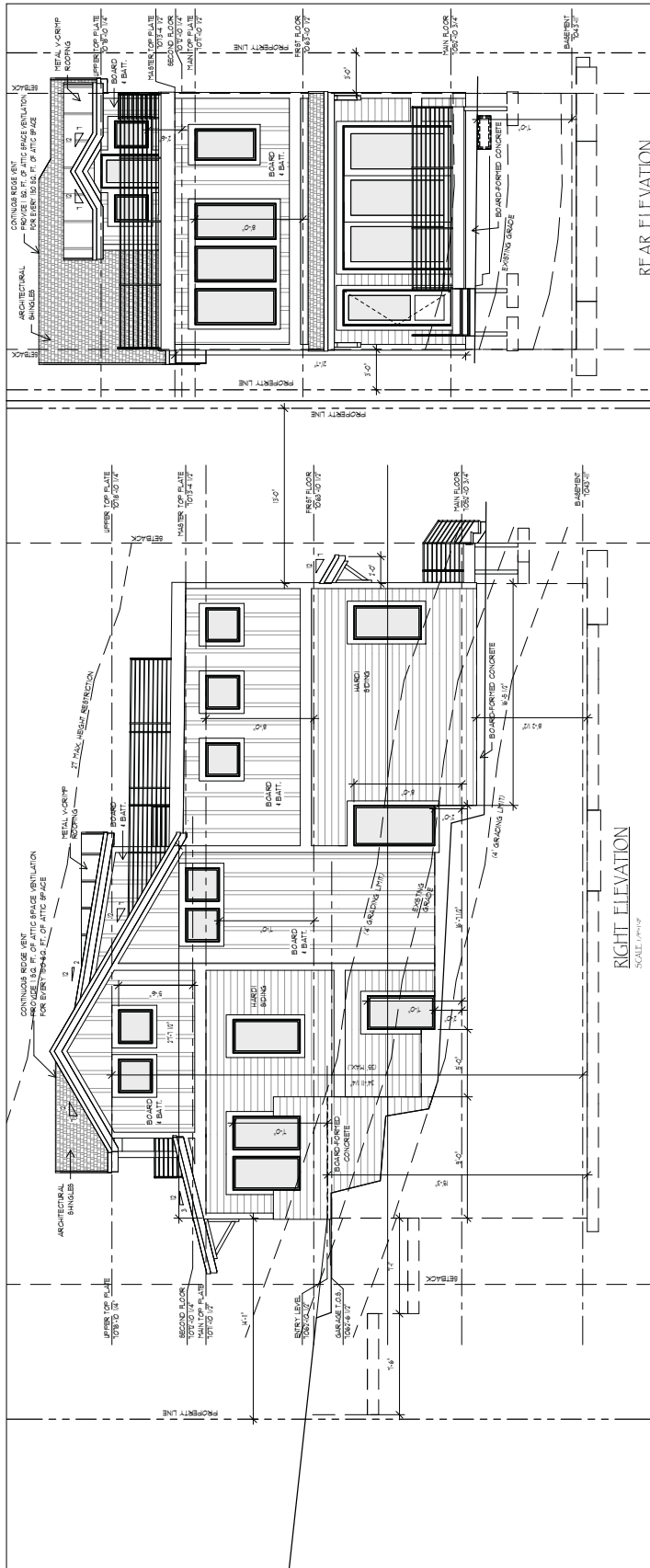
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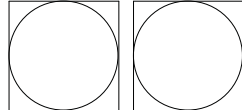
Project: Residence for Stacy Head
1012 Lowell Avenue
Park City, Utah

Project number:
Date: November 29, 2018
Drawn by: J. Bailey
Engineered by: Focus

EXTERIOR ELEVATIONS

A3.0





THESE PLANS HAVE BEEN PREPARED BY AN ARCHITECT OR ARCHITECTS AND THE ARCHITECTS ARE NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE ACCURACY, COMPLETENESS, OR QUALITY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECTS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ARCHITECTS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ARCHITECTS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

Project:
Residence for Stacy Head
1012 Lowell Avenue
Park City, Utah

PREPARED BY:
DATE:
DRAWN BY:
CHECKED BY:

Project number:
Date: November 29, 2018
Drawn by: J. Bailey
Engineered by: Focus

CONTEXTUAL ANALYSIS

A5.1



30° LEFT



60° LEFT



VIEW FROM R.O.W.

60° RIGHT

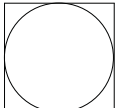
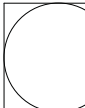


30° RIGHT



arkitektur

7707 SOUTH MAIN STREET
MIDVALE, UT 84047
801.285.8885



THE DESIGN SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION AND MODEL THEREOF, ARE NOT TO BE COPIED, REPRODUCED OR OTHERWISE EXPLOITED IN WHOLE OR PART WITHOUT THE WRITTEN PERMISSION OF THE AUTHOR.

Project: Residence for Stacy Head
1012 Lowell Avenue
Park City, Utah

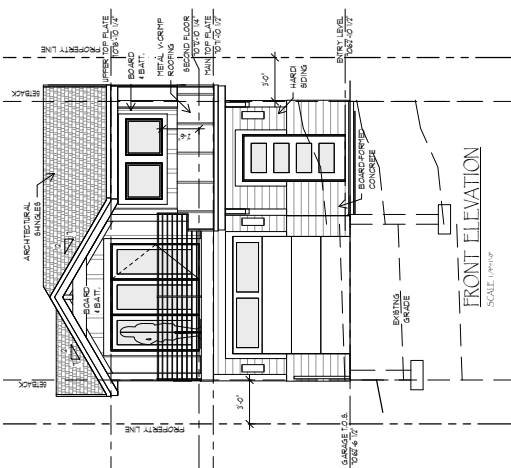
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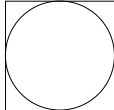
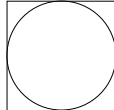
Project number	
Date	November 29, 2018
Drawn by	J Bailey
Engineered by	Focus

STREETSCAPE / CONTEXT
PHOTO

A4.0

1012 LOWELL AVENUE
FRONT ELEVATION AND CONTEXT PHOTO





THESE PLANS AND SPECIFICATIONS
WASHERS, REFRIGERATORS AND
STOVE, TO BE INSTALLED AND
OPERATED IN ACCORDANCE WITH
THE CITY OF SALT LAKE CITY
BUILDING DEPARTMENT, THE
NATIONAL BUILDING CODE, THE
INTERNATIONAL RESIDENTIAL
BUILDING CODE, THE INTERNATIONAL
MECHANICAL AND PLUMBING
CODE, THE INTERNATIONAL
FIRE CODE, THE INTERNATIONAL
Hazardous Waste Code,
AND ALL APPLICABLE ORDINANCES,
REGULATIONS, AND NOTICES.

Project:
Residence for Stacy Head
1012 Lowell Avenue
Park City, Utah

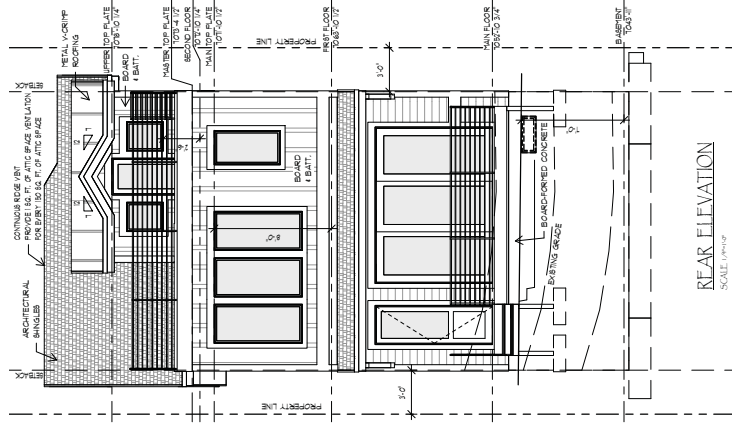
Revisions:

Project number:
Drawn by:
Engineered by:
Focus:

REAR CONTEXT PHOTO

A4.1

1012 LOWELL AVENUE REAR ELEVATION AND CONTEXT PHOTO



Planning Commission Staff Report

Subject:
Author:

Date:
Type of Item:

Amended Lot 38 West Ridge Sub. Phase II Plat Amendment
Laura Newberry, Planner
Francisco Astorga, AICP, Senior Planner
09 January 2019
Legislative – Plat Amendment

Project Number:	PL-18-03903
Applicant:	Jennifer Gardner & Ken Dorman
Location:	2563 Larkspur Drive
Zoning:	Residential Development (RD) and Sensitive Lands Overlay
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal

The proposed Plat Amendment application seeks to adjust the existing platted Reserved Open Space boundary line located in the rear of a platted lot in the West Ridge Subdivision Phase II. The proposed Plat Amendment does not result in a net loss of Reserved Open Space, see diagram 1 below.

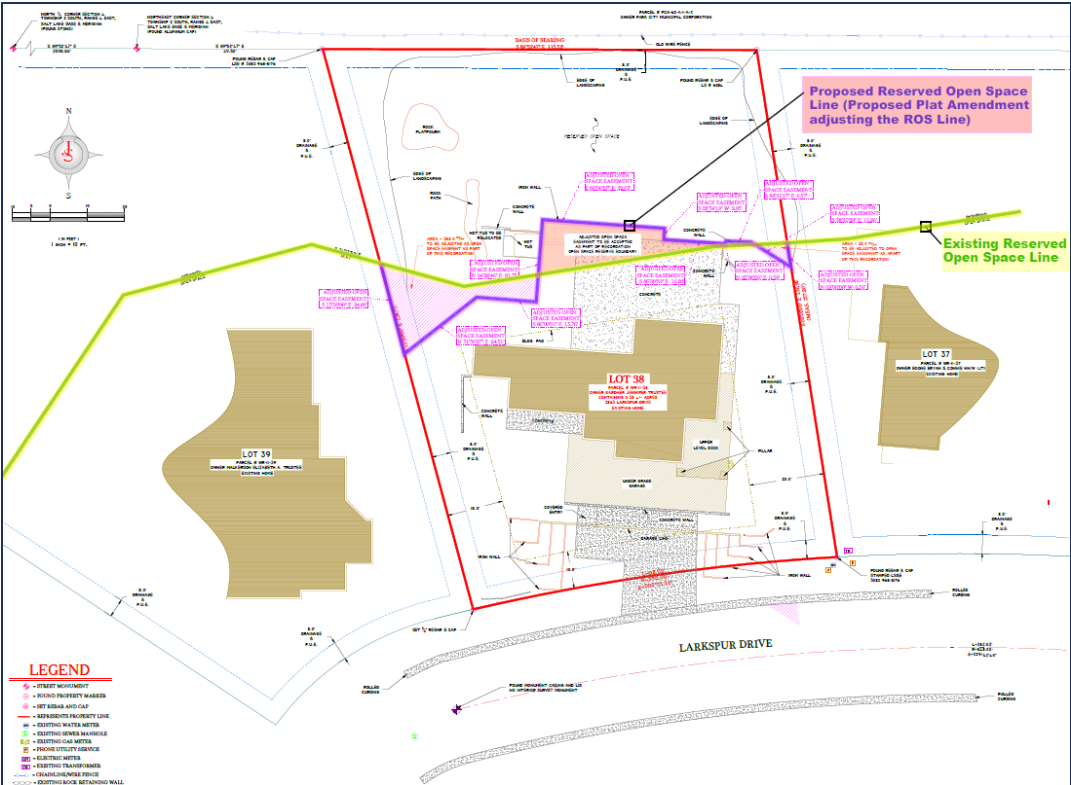


Diagram 1.

Summary Recommendations

Staffs recommends the Planning Commission review and hold a public hearing for the Amended Lot 38 West Ridge Subdivision Phase II Plat Amendment located at 2563 Larkspur Drive, and consider forwarding a **negative** recommendation to the City Council based on the Findings of Fact and Conclusions of Law found in the staff report.

Background

The subject property consists of Lot 38 of the West Ridge Subdivision Phase II. The lot is 15,190 square feet (0.35 acres) in area. On June 12, 2015 the City received building permit application BD-15-21292 for the construction of a new single-family dwelling on the vacant lot at 2563 Larkspur Drive. The permit was issued by the City on October 14, 2015. The site plan illustrated on sheet SD1 was reviewed and stamped approved by the City. The site plan did not indicate the construction of any improvements in the area identified as Reserved Open Space, which matched the designated platted area on the Subdivision Plat. See Exhibit L – BD-15-21292 Partial Plans (2015), including Sheet SD1 – Site Plan.

As shown on diagram 2, image clipped from the provided existing conditions survey, there are several improvements that were constructed and/or installed within the Reserved Open Space area towards the rear of the property:

- a. Entire north end portion of the concrete patio
- b. Retaining walls, one (1) iron wall and two (2) concrete walls
- c. Hot tub and its concrete pad
- d. Rock Path
- e. Landscaping, perimeter edge identified on the survey
- f. Rock platform
- g. Artificial turf around the hot tub concrete pad west (left) of the concreted patio (not indicated on the survey, but shown on the photographs)





On January 31, 2017 a site plan was submitted for review and was approved by the City. This updated site plan indicated work related to *temporary decks only*, all within the platted building pad, as the following text was noted by the applicant's architect: *"In order to achieve occupancy, these plans are amended to show treated wood landings outside every exterior doorway."* See Exhibit M – BD-15-21292 Updated Site Plan (2017). While the updated site plan did note a future patio and pavers within the Reserved Open Space area, it was clearly not part of that specific permit revision as a note was placed indicating that the permit was for temporary decks only by the Planning Department.

During construction, several Code Enforcement complaints were filed with the Building Department. Complaint CE-17-00634 filed on November 21, 2017, resulted in a Stop-Work Order due to having gravel in the Right-of-Way, re-grading within the platted Reserved Open Space, and the construction of metal retaining walls, all of which were not noted and/or properly indicated on the approved set of plans.

On June 4, 2018 the applicant submitted a Plat Amendment application to adjust the platted Reserved Open Space boundary. The proposal would allow all improvements to

remain in place as it adjusts the Reserved Open Space line within the platted lot; however, the Reserved Open Space area remains the same. This application was scheduled for Planning Commission review and public hearing on October 24, 2018; however, the applicant requested more time to update their application. The application was scheduled for Planning Commission review and public hearing on December 12, 2018; however, the applicant requested more time.

Purpose

The purpose of the Residential Development District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

The purpose of the Sensitive Land Overlay is to:

- A. require dedicated Open Space in aesthetically and environmentally sensitive Areas;
- B. encourage preservation of large expanses of Open Space and wildlife habitat;
- C. cluster Development while allowing a reasonable use of Property;
- D. prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
- E. protect and preserve environmentally sensitive land.

Analysis

The subject property is located at 2563 Larkspur Drive within the Residential Development District within the Sensitive Land Overlay. The subject property consists of Lot 38 of the West Ridge Subdivision Phase II. The lot is 15,190 square feet (0.35 acres). There are eleven of thirteen (11 of 13) lots within this platted subdivision that contain Reserved Open Space areas. The property directly north of the subdivision is within the Protected Open Space District, zoning designation.

The Final Plat for West Ridge Phase II was approved by the City Council in April 1991. There were seven (7) Conditions of Approval, two (2) of which were related to the Reserved Open Space:

- 3. *The plat shall show the maximum building square footages and limits of disturbance, and a note stating that prior to commencement of construction all lots abutting the ROS area shall be fenced pursuant to the Limits of Disturbance policy and Connection Fee Ordinance.*

4. *Prior to or concurrent with plat recordation the applicant shall have conveyed the ROS parcels to the City via an open space easement and recorded a Maintenance Agreement.*

The recorded Subdivision Plat clearly shows the delineated Reserved Open Space areas, specifically towards the back of Lots 33 – 40, which would indicate intent to reserve the steeper rear portion of the lots from development. See Exhibit N – West Ridge Sub Ph II Open Space Calculation. General notes of the Subdivision Plat regarding the Recorded Open Spaces indicate the following:

2. Dotted outlined areas shown within each Lot indicate the “Building Pad” see Covenants, Conditions, & Restrictions for complete description.

8. A Maintenance Covenant regarding the “RESERVED OPEN SPACE”, shown on this plat, is recorded concurrently herewith. Said maintenance covenant imposes specific limitation on the uses that can be made of the Reserved Open Space. Prior to commencement of construction, all lots abutting the Reserved Open Space shall be fenced pursuant to the Limits of Disturbance policy and Connection Fee Ordinance.

The follow section below is copied from the Amended and Restated Declarations of Covenants, Conditions, and Restrictions (CCRs) for the West Ridge Subdivision, See Exhibit G, which was also included in the original CCRs recorded in August 1990:

6.5. Reserved Open Space. The balance of the Lot that is not Building Pad or Limits of Disturbance area is Reserved Open Space. It is the intention of this Declaration that the Reserved Open Space be left in its undisturbed, natural condition. No existing vegetation (other than noxious weeds) may be removed from this portion of any Lot. No grading, excavating, or filling is permitted. No new vegetation may be planted except for replacement of the existing plants, or the addition of native species that will grow on the site, given the available water and exposure. No portion of the Reserved Open Space may be irrigated, provided however that any new plantings of native species may be irrigated as needed to establish natural growth. No structures of any kind are permitted in the Reserved Open Space, including without limitation, pools, tennis courts, decks, spas, swing sets, trampolines, playground equipment, or dog runs. No vehicles will be used, operated or stored on the reserved Open Space of any Lot.

In 2012, amendments were made to the CCRs reflecting the following specific language:

5.3 Building Size and Floor Area. The size of the Lots within the Subdivision were intentionally varied. The variations in Lot sizes, Building Pad sizes and Habitable Space allowances within the Subdivision is intended to preserve view corridors, open space, and cluster the structures, and to maintain an appropriate limit on Lot coverage. A maximum Floor Area for each Lot (expressed in square

feet of Habitable Space as defined in the Declaration) has been established and is set forth on the Plat. Subject to compliance with the definition of Habitable Space as defined below, no Dwelling Unit may be constructed on any Lot which exceeds the maximum Floor Area as shown on the Plat. Floor Area is expressed in square feet of Habitable Space. As referenced on the Plat and for purposes of the Declaration, the term "Habitable Space" shall mean the actual occupied area in the Dwelling Unit not including unoccupied accessory areas such as Corridors, Stairways, Elevator Shafts, Bathrooms, Mechanical Rooms, Closets, Mudrooms, Laundry Rooms, unconditioned Storage Areas, Fireplaces, completely walled-in chases/cavities, Interior Walls (except for door openings), and all Exterior Walls (including doorways). Exterior Porches and Decks, unfinished Attics, and Basements are not included as Habitable Space. Basements are defined as space in which the finished ceiling is no more than 18" above the exterior Final grade. Walk-out basements are acceptable. The first 600 square feet of garage areas are excluded, but any area over 600 square feet, unless the area qualifies as basement space, is to be included as Habitable Space. (Underline added).

The Maintenance Agreement mentioned on the Subdivision Plat Condition of Approval no. 4, See Exhibit I – 1990.08.02 Maintenance Covenant, indicated that the City was not a party to the CCRs, but desired to see the open space preserved as provided in the following covenant:

Limits of Disturbance. *Within each Lot as shown-on the Plat, there is an area larger than the Building Pad but smaller than the perimeter of the Lot that is the Limit of Disturbance. All construction activity, including excavation, storage or waste of excavated material, construction access, and any other construction activity is to be confined to the Limits of Disturbance area (and the Building Pad). Prior to the commencement of construction, the Owner will mark the Limits of Disturbance area on the Lot with surveyor's tape or in some other means.*

Reserved Open Space. *(Exact same language as shown on Section 6.5 of the CCRs, see previous page).*

In 1992 the City's Community Development Director wrote a response to the Home Owners Association's (HOA's) Architectural Committee regarding their recommendation that a driveway be allowed to encroach onto the Reserved Open Space. Director Lewis recommended denial of the encroachment and stated that: *"The purpose of the open space reserve area was to create visual open space corridor through the project. Encroachments into this area as you have proposed would visually impact the corridor itself."* See Exhibit J – 1992 Community Development Director Letter.

In 2005 the City's Planning Department received a letter from the West Ridge Subdivision President, requesting the Planning Department allow the designated Open Space in the subdivision to be used by the homeowners. In June 2005, the Planning Director responded in a letter, stating that *"The West Ridge Subdivision was originally designed for a hotel as part of the Park Meadows Master Plan. In changing from a hotel*

to a residential subdivision, the City was concerned about the increase in disturbance and outside water usage. Under these conditions, the City approved the Subdivision with the platted stipulation that a number of lots (particularly on the periphery) have Reserved Open Space as defined and regulated by the CC&Rs. It has been the City's consistent policy not to allow disturbance within the Open Space as the CC&Rs specifically prohibit vegetation disturbance, irrigation, fences, playground equipment and the like (Section 6.5 of the CC&Rs approved by City Council on 8/2/90). Native species may be planted and irrigated to establish growth but not more than one or two years." Director Putt continued on to indicating that, "It is unlikely that the staff, Planning Commission and City Council would support such a request without compelling reasons to do so. Nevertheless, any application would be given due process." See Exhibit K – 2005 Planning Director Letter.

Staff does not find good cause associated with this Plat Amendment request that would, in essence, authorize improvements already constructed and/or installed without proper permission from the City. Staff does not find the proposal to be in harmony with the purpose of the Residential Development District and the Sensitive Lands Overlay in that the proposal should be designed to fit the site, not the site modified to fit the proposal. The proposed Reserved Open Space boundary attempts to keep the improvements built without City approvals creating an unnatural and manufactured boundary, see Exhibit B – Proposed Plat Amendment and Exhibit C – Survey. The City approved the applicant's requested original building permit as it complied with applicable codes and development standards of the plat.

When the Subdivision Plat was approved there was great concern regarding the Restricted Open Space / Limits of Disturbance. The City supported the parameters of the Reserved Open Space as its intention was to be left in its undisturbed natural condition. No existing vegetation, other than noxious weeds, is to be removed within the Restricted Open Space. No grading, excavating, or filling is permitted within the Restricted Open Space. No new vegetation may be planted except for replacement of the existing plants, or the addition of native species that would grow on the site. No portion of the Reserved Open Space is to be irrigated. No structures of any kind are permitted in the Reserved Open Space and no vehicles will be used, operated or stored on the reserved Open Space of any Lot.

In 2012 the Home Owners Association (HOA) further confirmed the parameters of the Reserved Open Space / Limit of Disturbance by indicating in the Declaration of CCRs amendment that the variations in lot sizes, building pad sizes and habitable space allowances within the Subdivision was intended to preserve view corridors, open space, and cluster the structures, and to maintain an appropriate limit on lot coverage. The City has consistently been upholding the intent of the Reserved Open Space parameters as it has recognized that the purpose of the open space reserve area was to create visual open space corridor through the project. It has been the City's consistent policy not to allow disturbance within the open space.

Process

The approval or denial of this Plat Amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 15-1-18.

Department Review

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

Notice

On December 26, 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 December 22, 2018.

Public Input

Public input has been received which does not support the requested action by the applicant, see Exhibit O – Public Comments.

Alternatives

- The Planning Commission may forward a negative recommendation to the City Council for the proposed Plat Amendment as amended; or
- The Planning Commission may forward a positive recommendation to the City Council for the proposed Plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the proposed Plat Amendment to a future date.

Consequences of not taking recommended action

The construction and installation of improvements already in place in the existing platted Reserved Open Space would remain as they would be allowed once the Plat is recorded.

Summary Recommendation

Staffs recommends the Planning Commission review and hold a public hearing for the Amended Lot 38 West Ridge Subdivision Phase II Plat Amendment, and consider forwarding a **negative** recommendation to the City Council based on the Findings of Fact and Conclusions of Law found in the staff report.

Findings of Fact

1. The subject property is located at 2563 Larkspur Drive within the Residential Development District within the Sensitive Lands Overlay.
2. The subject property consists of Lot 38 of the West Ridge Subdivision Phase II.
3. The lot is 15,190 square feet (0.35 acres).
4. There are eleven of thirteen (11 of 13) lots within this platted subdivision that contain Reserved Open Space areas.

5. The property directly north of the subdivision is within the Recreation Open Space (ROS) zoning district and is a City protected open space area.
6. The Final Plat for West Ridge Phase II was approved by the City Council in April 1991.
7. Good cause is not associated with this Plat Amendment request that would, in essence, authorize improvements already constructed and/or installed without proper permission from the City which does not comply with the platted Reserved Open Space delineation shown on the official plat.
8. The proposal is not in harmony with the purpose of the Residential Development District and the Sensitive Lands Overlay in that the proposal should be designed to fit the site, not the site modified to fit the proposal.
9. The City approved the applicant's requested application as it complied with applicable code.
10. When the West Ridge Subdivision Plat was approved there was great concern regarding the Reserved Open Space / Limits of Disturbance.
11. The City supported the parameters of the Reserved Open Space area as its intention was to be left in its undisturbed natural condition.
12. No existing vegetation, other than noxious weeds, is to be removed within the Reserved Open Space.
13. No grading, excavating, or filling is permitted within the Reserved Open Space.
14. No new vegetation may be planted except for replacement of the existing plants, or the addition of native species that would grow on the site.
15. No portion of the Reserved Open Space is to be irrigated.
16. No structures of any kind are permitted in the Reserved Open Space and no vehicles will be used, operated or stored on the reserved Open Space of any Lot.
17. In 2012 the Home Owners Association further confirmed the parameters of the Reserved Open Space / Limit of Disturbance by indicating in the Declaration of CCRs amendment that the variations in lot sizes, building pad sizes and habitable space allowances within the Subdivision was intended to preserve view corridors, open space, and cluster the structures, and to maintain an appropriate limit on lot coverage.
18. The City has consistently been upholding the intent of the Reserved Open Space parameters as it has recognized that the purpose of the open space reserve area was to create visual open space corridor through the project.
19. It has been the City's consistent policy not to allow disturbance within the open space.

Conclusions of Law

1. The proposed Plat Amendment is not consistent with the original intent of the recorded Subdivision Plat.
2. The public will most likely be materially injured by the proposed Plat Amendment as the proposal to realign the Reserved Open Space line is not compatible with the direct neighborhood, including the adjacent protected public open space area.
3. Approval of the Plat Amendment adversely affects health, safety, and welfare of the citizens of Park City.

4. There is a lack of Good Cause to approve the proposal as the Plat Amendment would cause harm on adjacent property owners because the proposal is not compatible with existing lots in the near proximity.

Exhibits

- Exhibit A – Applicant's Project Description with Photographs
- Exhibit B – Proposed Plat Amendment
- Exhibit C – Survey
- Exhibit D – Current Plat
- Exhibit E – Aerial Photograph
- Exhibit F – Site Photograph
- Exhibit G – 2001 Amended and Restated Dec of CCRs West Ridge Sub.
- Exhibit H – 2012 Amendment to the Amended Dec of West Ridge Sub.
- Exhibit I – 1990.08.02 Maintenance Covenant
- Exhibit J – 1992 Community Development Director Letter
- Exhibit K – 2005 Planning Director Letter
- Exhibit L – BD-15-21292 Partial Plans (2015)
- Exhibit M – BD-15-21292 Updated Site Plan (2017)
- Exhibit N – West Ridge Sub Ph II Open Space Calculation
- Exhibit O – Public Comments

Application for Plat Amendment
Overall Project Intent and Scope of Work
2563 Larkspur Dr. Park City, UT 84060

October 30, 2018

Project Description

After working closely with the staff of the planning department, we are requesting to re-route our R.O.S. line. We believe this application provides a mutual solution that results in a net zero adjustment to the total square footage of the R.O.S., within our property lines.

We have filed this application to remedy the unfortunate situation that began with the building department's mistaken delineation of the rear L.O.D. on our final construction documents.

By way of background: prior to excavation, on September 9, 2015, the Park City building department approved and stamped our construction plans. They drew the LOD in red ink on our utility easement line, a 5 foot property line setback, on the sides and rear. This red line indicated the location of our construction fencing, which encompassed the allowable area of disturbance and included the R.O.S. The city still retains our substantial landscape bond that represents the square footage of disturbed land. Based upon the approved LOD, our contractor stored excavated soil and boulders within the R.O.S.

It was always our intention to bring the R.O.S. on our property back to native condition at the end of construction. However, prior to completion of this project, a stop work order was issued by the building department and remains in effect. We were told that this was issued due to work being done in the open space on our property.

As a result of the stop work order, we had a site meeting on December 14, 2017, with Dave Thacker, from the building department. He requested that our property be re-surveyed. The new survey led to a surprising discovery. It showed that a left corner of our rear patio was within the R.O.S. A segment of our 36" high, recycled steel, panel system, needed to retain the grade and control erosion, also fell inside the R.O.S. Though an honest accident, we took full responsibility for the inadvertent encroachment into the R.O.S.

Our application provides a plan in which the new R.O.S. square footage equals the square footage of the original R.O.S. line. (See attached photos and survey.) In addition we will relocate the spa and remove all synthetic lawn that is in the R.O.S. Slope and natural vegetation will be restored to match the surrounding grades.

This solution avoids the prolonged use of heavy machinery in the R.O.S. and upheaval of jack hammering cement. Such work would require numerous trucks to haul the dirt and cement, and result in extensive dust, dirt and noise for our neighbors and wildlife.

After many meetings with the planning and building departments, including our architect and landscape architect, we believe that this is the most equitable resolution for all parties. This proposal adjusts the original R.O.S. line, avoids the upheaval described above, and results in a net zero loss of the R.O.S.

Thank you for your consideration,
Sincerely,

Ken Dorman
Jennifer Gardner
263 Larkspur Dr.
Park City, UT 84060



Photo #1: Added ROS is within the two left white lines (left rectangle). This continues down the side yard, refer to plan. Area to the right of the right line is existing ROS. Spa to be relocated next to house and synthetic lawn within the ROS will be removed. Grade to match slope. Added curb needed to protect house from water and snow run-off

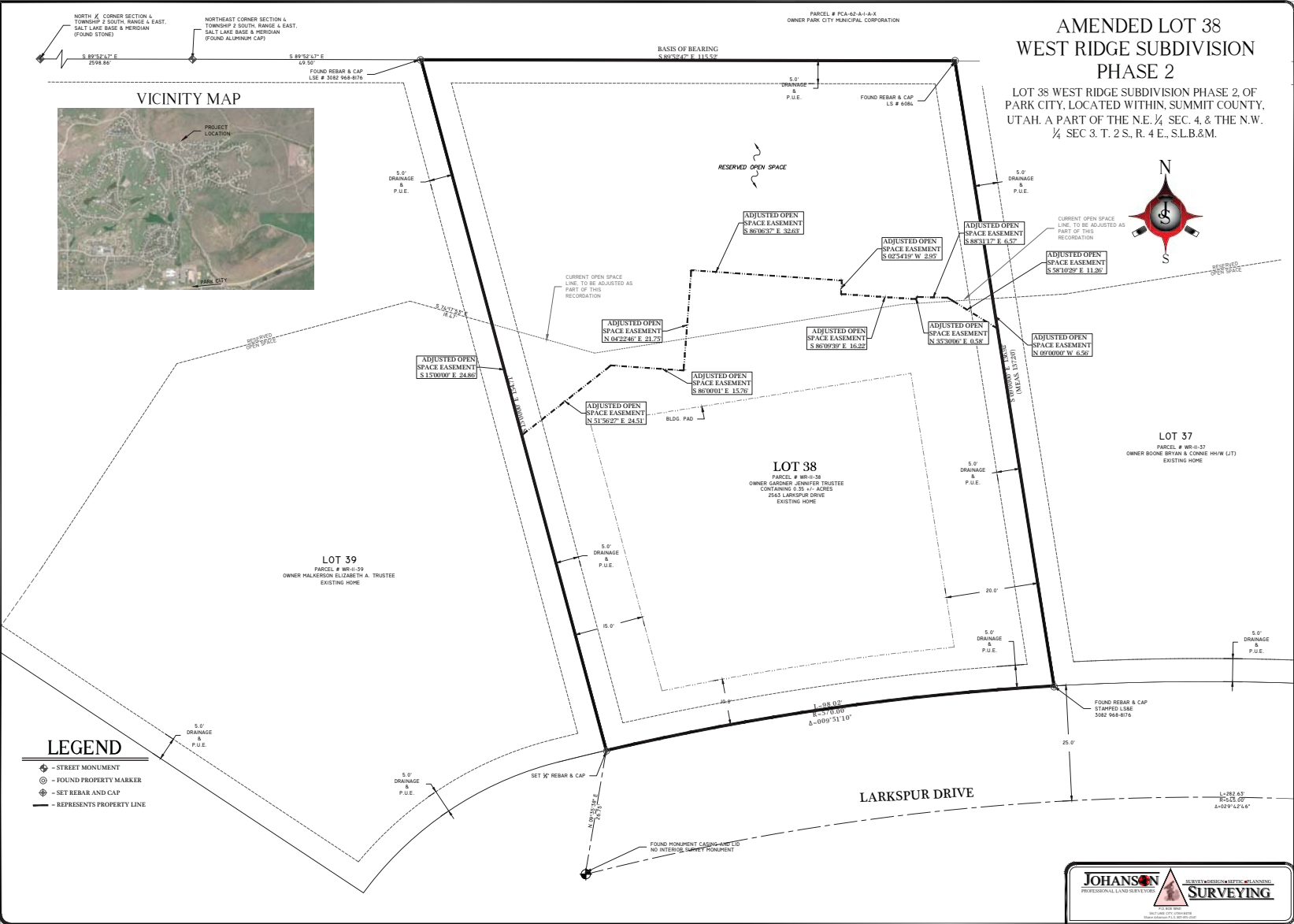


Photo #2: shows added ROS within white triangle on Eastern side of the rear property.



Photo #3: shows all of metal retaining wall.

Exhibit B – Proposed Plat Amendment



SURVEYOR'S CERTIFICATE

I, Shane Johanson do hereby certify that I am a Land Surveyor, and that I hold certificate No. 707514, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, hereafter to be known as **AMENDED LOT 38 WEST RIDGE SUBDIVISION**, and that same has been surveyed and shown on this plat. This survey was performed within the accordance of the minimum accuracy of an urban survey, Class "A", or a linear closure of 1:15,000". The purpose of this survey is to locate the boundaries of the described lots and to combine these lots into one single lot, for the eventual purpose of constructing and building future development.

LEGAL DESCRIPTION

All of lot 38 of the West Ridge Subdivision Phase 2 on file with the official records of Summit County Utah.

OWNER'S DEDICATION

Know all men by these presents that, the undersigned owner(s) of the above described tract of land to be hereafter known as

AMENDED LOT 38 WEST RIDGE SUBDIVISION PHASE 2

do hereby certify that we have caused this plat to be prepared.

In witness whereof _____ have hereunto set this _____ day of _____ A.D., 20____.

Jennifer Gardner

ACKNOWLEDGMENT

STATE OF UTAH | S.S.
County of SUMMIT

On the _____ day of _____ A.D., 20____, personally appeared before me Tomilee Tilley Gill, who being by me duly sworn did say she is the owner of GLL SUBDIVISION PLAT AMENDMENT, and that the within and foregoing instrument was signed voluntarily for the uses and purposes herein mentioned.

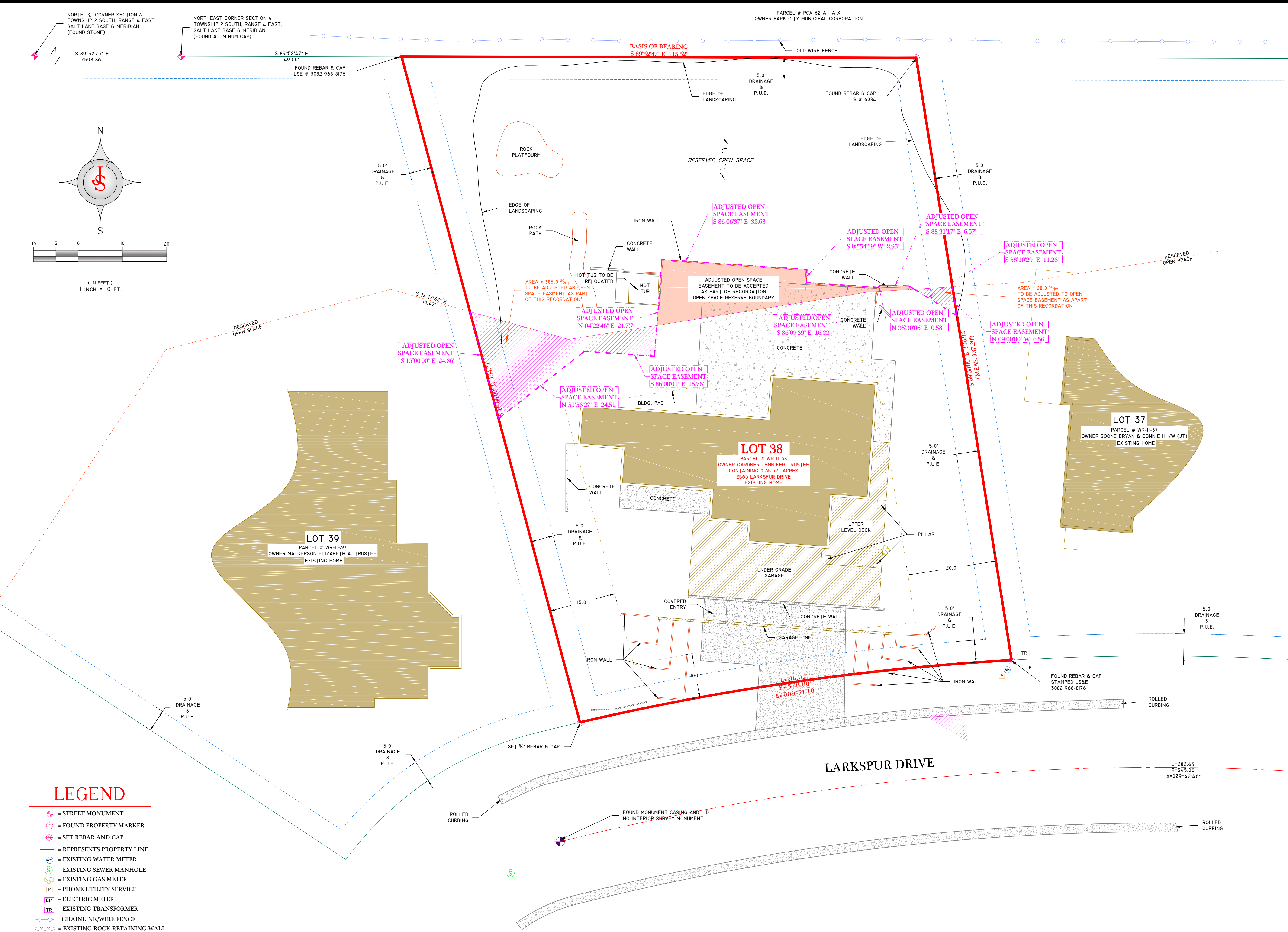
My commission expires: _____ Notary Public

reading in: _____

JOHANSON SURVEYING
PROFESSIONAL LAND SURVEYORS
SURVEY • DESIGN • SEPTIC • PLANNING

GRAPHIC SCALE
1" = 40' (IN FEET)
1 inch = 10 ft.

PARK CITY PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ OF _____ BY _____ date _____	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL ON THIS _____ DAY OF _____ BY _____ PARK CITY RECORDER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ BY _____ S.B.W.R.D.	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE ON THIS _____ DAY OF _____ BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____ PARK CITY MAYOR	COUNTY RECORDER# State of Utah, County of Summit, recorded and filed at the request of _____ Date _____ Time _____ Book _____ Page _____ Fee \$ _____ County Recorder	COUNTY RECORDER# NUMBER _____ ACCOUNT _____ SHEET 1 _____ OF 1 SHEETS
---	---	---	--	---	--	---	--



DRAWING TITLE

RECORD OF SURVEY

CLIENT CONTACT

JENNIFER GARDNER

LOT 38 WEST RIDGE SUBDIVISION
PHASE 2 LOCATED WITHIN, SUMMIT
COUNTY, UTAH. A PART OF THE
N.E. 1/4 SEC. 4, & THE N.W. 1/4 SEC. 3,
T. 2 S., R. 4. E. S.L.B.&M.

PROPERTY DESCRIPTION

Lot 38 of the West Ridge Subdivision Phase 2 on file within the official records of Summit County, Utah.
Containing 0.35 +/- Acres

SURVEYOR'S NARRATIVE

This survey was performed at the request of Jennifer Gardner For the purpose to locate property lines in relation to existing fencing, and other improvements, also for the possible purpose of future building, landscaping, or property sales.
The basis of bearing was derived from the found rebar and caps (possible original staking), and utilized on this survey as S89°52'47"W as shown on S.L.C. A.R.P.

NOTE:

1. Surveyor has made no investigation or independent search for easements of record encumbrances restrictive covenants ownership title evidence, or any other facts, conflicts, or discrepancies which may be disclosed by the details of a current title insurance policy.
2. See city and county planning, and zoning maps for information regarding setback, side yard, and rear yard instances as well as other building, use restrictions, and requirements.
3. Utility pipes, wires etc. may not be shown on this map, contractors builders and excavators shall verify the location of all existing utilities prior to construction, and/or excavation. Contact blue stakes and refer to utility maps for additional information.
4. Subdivision plat notes, pertaining to this lot and other restrictions obligations, convents etc. that may effect the design and use of this lot, see subdivision.

SURVEYOR'S CERTIFICATE

I, R. Shane Johanson, Do hereby certify that I am a Professional Land Surveyor, holding certificate No. 7075114, as prescribed under the laws of the State of Utah, and that I have made a survey of the described tract of land as shown on this plat and that this survey retraces lot lines and may have adjusted said lot lines to coincide with found evidence and other interpolations based from ground measurements and found records. Furthermore I recognize that other unwritten rights of ownership or lines of possession may exist, I do not imply to certify any of those rights, unless agreed upon by the appropriate parties.

REVISIONS:

REV #	DESCRIPTION	DATE

JOHANSON
PROFESSIONAL LAND SURVEYORS

SURVEY • DESIGN • SEPTIC • PLANNING
SURVEYING

P.O. BOX 18941
SALT LAKE CITY, UTAH 84118
Shane Johanson P.L.S. 801-815-2541

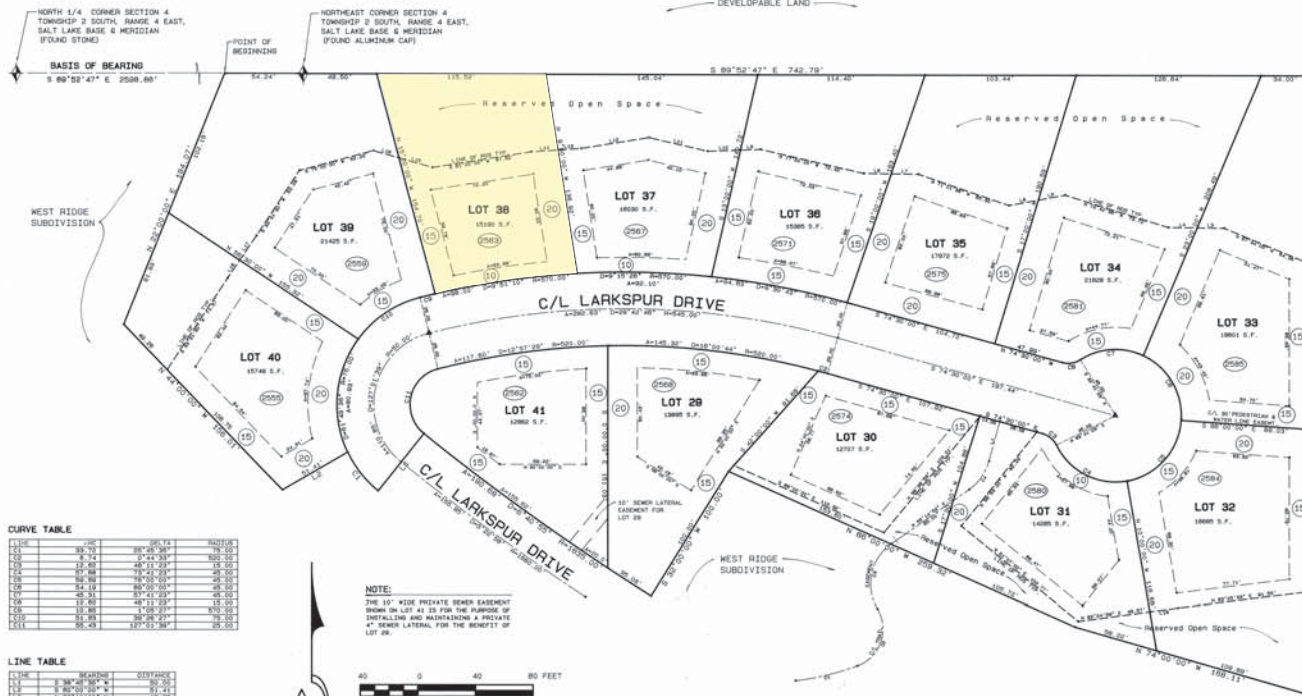
COPYRIGHT

This drawing is and at all times remains the exclusive property of Johanson Surveying shall not be used with out complete authorization and written support.

STAMP

PROJECT NO.
S-18-061
DATE:
10-26-2018
DRAWN BY: NATHAN BSEISO O.S.P. III
OVERSEEN BY: SHANE R. JOHANSON P.L.S.
SHEET NUMBER
SHEET-001

Exhibit D – Current Plat



CURVE TABLE

LINE	FROM	TO	CHORD	ANGLE	LENGTH
1	10	11	10.00	90.00	14.14
2	11	12	10.00	90.00	14.14
3	12	13	10.00	90.00	14.14
4	13	14	10.00	90.00	14.14
5	14	15	10.00	90.00	14.14
6	15	16	10.00	90.00	14.14
7	16	17	10.00	90.00	14.14
8	17	18	10.00	90.00	14.14
9	18	19	10.00	90.00	14.14
10	19	20	10.00	90.00	14.14
11	20	21	10.00	90.00	14.14
12	21	22	10.00	90.00	14.14
13	22	23	10.00	90.00	14.14
14	23	24	10.00	90.00	14.14
15	24	25	10.00	90.00	14.14
16	25	26	10.00	90.00	14.14
17	26	27	10.00	90.00	14.14
18	27	28	10.00	90.00	14.14
19	28	29	10.00	90.00	14.14
20	29	30	10.00	90.00	14.14
21	30	31	10.00	90.00	14.14
22	31	32	10.00	90.00	14.14
23	32	33	10.00	90.00	14.14
24	33	34	10.00	90.00	14.14
25	34	35	10.00	90.00	14.14
26	35	36	10.00	90.00	14.14
27	36	37	10.00	90.00	14.14
28	37	38	10.00	90.00	14.14
29	38	39	10.00	90.00	14.14
30	39	40	10.00	90.00	14.14
31	40	41	10.00	90.00	14.14

NOTE:

THE 10' WIDE PRIVATE SEWER EASEMENT SHOWN ON LOT 41 IS FOR THE PURPOSE OF INSTALLING AND MAINTAINING A PRIVATE 4" SEWER LATERAL FOR THE BENEFIT OF LOT 29.

LINE TABLE

LINE	BEARING	DISTANCE
1	N 89°52'47" E	2598.88
2	S 89°52'47" E	2598.88
3	N 89°52'47" E	2598.88
4	S 89°52'47" E	2598.88
5	N 89°52'47" E	2598.88
6	S 89°52'47" E	2598.88
7	N 89°52'47" E	2598.88
8	S 89°52'47" E	2598.88
9	N 89°52'47" E	2598.88
10	S 89°52'47" E	2598.88
11	N 89°52'47" E	2598.88
12	S 89°52'47" E	2598.88
13	N 89°52'47" E	2598.88
14	S 89°52'47" E	2598.88
15	N 89°52'47" E	2598.88
16	S 89°52'47" E	2598.88
17	N 89°52'47" E	2598.88
18	S 89°52'47" E	2598.88
19	N 89°52'47" E	2598.88
20	S 89°52'47" E	2598.88
21	N 89°52'47" E	2598.88
22	S 89°52'47" E	2598.88
23	N 89°52'47" E	2598.88
24	S 89°52'47" E	2598.88
25	N 89°52'47" E	2598.88
26	S 89°52'47" E	2598.88
27	N 89°52'47" E	2598.88
28	S 89°52'47" E	2598.88
29	N 89°52'47" E	2598.88
30	S 89°52'47" E	2598.88
31	N 89°52'47" E	2598.88
32	S 89°52'47" E	2598.88
33	N 89°52'47" E	2598.88
34	S 89°52'47" E	2598.88
35	N 89°52'47" E	2598.88
36	S 89°52'47" E	2598.88
37	N 89°52'47" E	2598.88
38	S 89°52'47" E	2598.88
39	N 89°52'47" E	2598.88
40	S 89°52'47" E	2598.88
41	N 89°52'47" E	2598.88

GENERAL NOTES:

1. A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All development within the West Ridge Subdivision Phase II is subject to said Declaration and the Land Management Code of Park City Municipal Corporation.
2. Dotted outlined areas shown within each lot indicate the "Building Pad" see Covenants, Conditions, & Restrictions for complete description.
3. Circled dimensions shown adjacent to Building Pads are minimum setbacks required.
4. Pursuant to Section 7.5.3(c) of the Park City Land Management Code all lots in the West Ridge Subdivision have been approved for front setback exception.
5. Driveway access from the roads to the Building Pad must be specifically approved by the West Ridge Architectural Committee and the Park City Planning Department.
6. A Maintenance Covenant regarding the "RESERVED OPEN SPACE", shown on this plat, is recorded concurrently herewith. Said maintenance covenant imposes specific limitation on the uses that can be made of the Reserved Open Space. Prior to commencement of construction, all lots abutting the Reserved Open Space shall be fenced pursuant to the limits of disturbance policy and Connection Fee Ordinance.
7. A type 15-D interior fire sprinkling system is required in all residences constructed in the West Ridge Subdivision Phase II. A 1-inch water supply line is provided.
8. Park City ordinances in effect at the time of approval of West Ridge Subdivision Phase II require payment of substantial water development and water connection fees at the time of building permit issuance. The fees are based on future-unit counts for interior use and also on the area of the limits of disturbance on the lots.
9. Owners of downhill lots may encounter difficulty in designing a home with gravity flow to the sanitary sewer lateral. No private sewer laterals are to be built within the Reserved Open Space.
10. Park City ordinance provides that there is no City snow removal until a subdivision contains legally occupied structures on 50% of the lots. Homeowners will face substantial maintenance costs for snow removal until 7 homes are legally occupied in West Ridge Phase II.
11. A 5-foot non-exclusive public utility and drainage easement is hereby dedicated to Park City Municipal Corporation along all front, side, and rear property lines, unless otherwise noted as a wider easement.

TRAIL LINE TABLE

LINE	FROM	TO	CHORD	ANGLE	LENGTH
1	10	11	10.00	90.00	14.14

TRAIL CURVE TABLE

CURVE	ARC	CHORD	ANGLE	LENGTH
1	25.98	10.00	90.00	14.14
2	25.98	10.00	90.00	14.14
3	25.98	10.00	90.00	14.14
4	25.98	10.00	90.00	14.14
5	25.98	10.00	90.00	14.14
6	25.98	10.00	90.00	14.14
7	25.98	10.00	90.00	14.14
8	25.98	10.00	90.00	14.14
9	25.98	10.00	90.00	14.14
10	25.98	10.00	90.00	14.14
11	25.98	10.00	90.00	14.14
12	25.98	10.00	90.00	14.14
13	25.98	10.00	90.00	14.14
14	25.98	10.00	90.00	14.14
15	25.98	10.00	90.00	14.14
16	25.98	10.00	90.00	14.14
17	25.98	10.00	90.00	14.14
18	25.98	10.00	90.00	14.14
19	25.98	10.00	90.00	14.14
20	25.98	10.00	90.00	14.14
21	25.98	10.00	90.00	14.14
22	25.98	10.00	90.00	14.14
23	25.98	10.00	90.00	14.14
24	25.98	10.00	90.00	14.14
25	25.98	10.00	90.00	14.14
26	25.98	10.00	90.00	14.14
27	25.98	10.00	90.00	14.14
28	25.98	10.00	90.00	14.14
29	25.98	10.00	90.00	14.14
30	25.98	10.00	90.00	14.14
31	25.98	10.00	90.00	14.14
32	25.98	10.00	90.00	14.14
33	25.98	10.00	90.00	14.14
34	25.98	10.00	90.00	14.14
35	25.98	10.00	90.00	14.14
36	25.98	10.00	90.00	14.14
37	25.98	10.00	90.00	14.14
38	25.98	10.00	90.00	14.14
39	25.98	10.00	90.00	14.14
40	25.98	10.00	90.00	14.14
41	25.98	10.00	90.00	14.14

THE SYMBOL INDICATES STREET ADDRESS AS SHOWN ON PLAT. NO NUMBERS INDICATES EITHER WAY BE USED.

THE SYMBOL INDICATES STREET MONUMENTS TO BE SET.

BUILDING SIZES

WEST RIDGE SUBDIVISION PHASE II

LOT NUMBER	MAXIMUM FLOOR AREA
29	3,800
30	4,000
31	4,000
32	4,000
33	3,800
34	3,800
35	3,800
36	3,800
37	4,000
38	3,800
39	4,000
40	3,800
41	3,800

*FLOOR AREAS ARE EXPRESSED IN SQUARE FEET OF HABITABLE SPACE DEFINED IN SECTION 4.3 OF THE DECLARATION. THE FIRST 600 SQUARE FEET OF GARAGE AREAS ARE EXCLUDED.

OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned are the owners of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-way, together with easements as set forth on this Record of Survey Plat to be known hereafter as WEST RIDGE SUBDIVISION PHASE II do hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah law.

ALSO, the owners hereby dedicate to Park City Municipal Corporation, Snowville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the pedestrian and utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement and for unrestricted access by the general public.

IN WITNESS WHEREOF, the undersigned sets their hands this 11th day of April, 1991.

WEST RIDGE COMMITTEES INC.
a Utah Corporation

John P. Hinkle
John S. Shaulder

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On this 11th day of April, 1991, personally appeared before me, the undersigned Notary Public, in and for said State and County, James F. Park and Kenneth S. Shaulder, who after being duly sworn, acknowledged to me that they are the President and Vice President of West Ridge Committees Inc., a Utah Corporation, that they signed the foregoing Owners Dedication and Consent to Record on behalf of that corporation with full authority of its bylaws.

John P. Hinkle
Notary Public
Residing at:

My Commission Expires:

6-1-93

SURVEYOR'S CERTIFICATE

I, John Demowicz, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 8384 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots and public right-of-ways to be hereafter known as WEST RIDGE SUBDIVISION PHASE II and that same has been correctly surveyed and staked on the ground as shown on this plat.

5791

John Demowicz



LEGAL DESCRIPTION

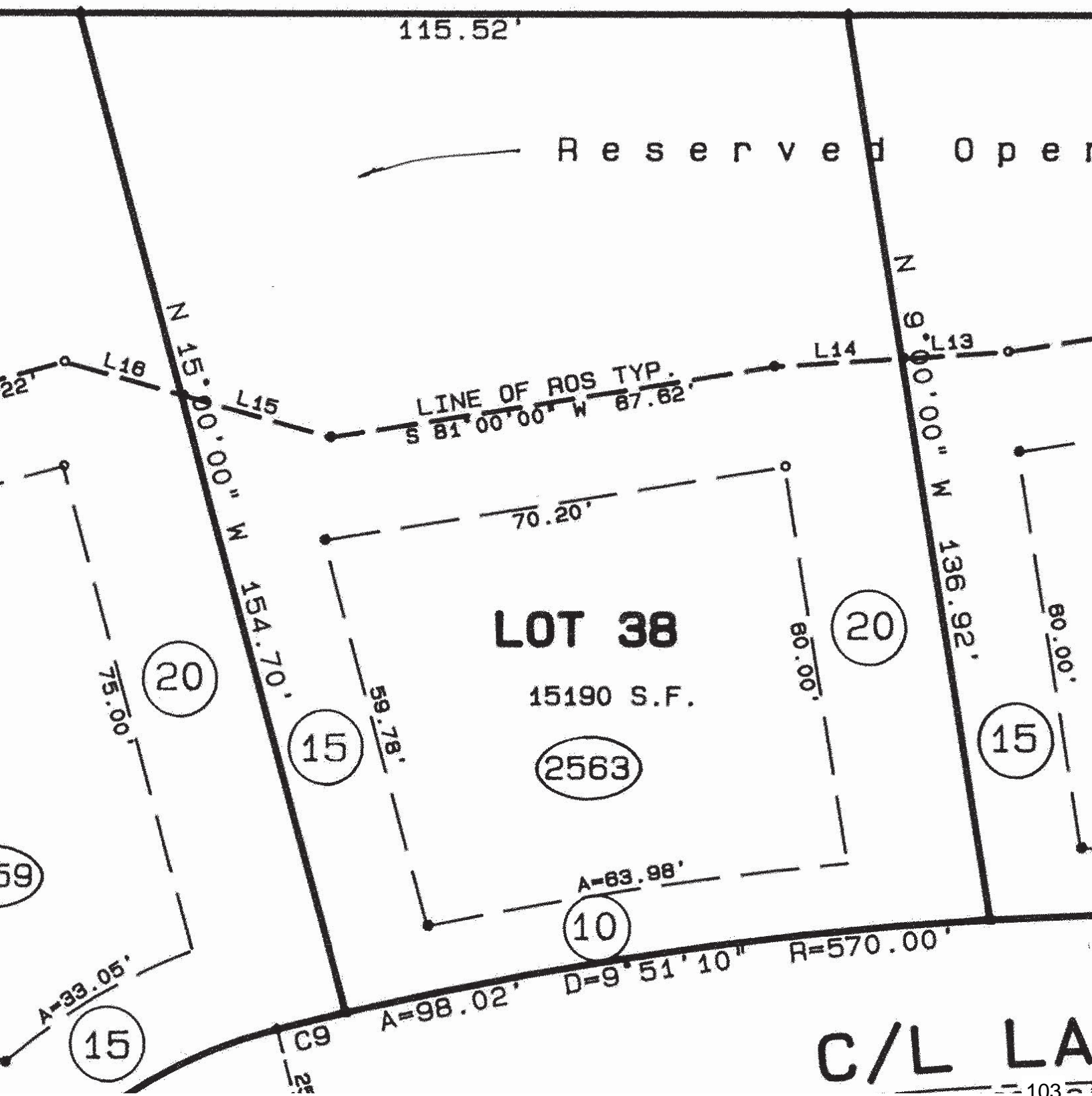
BEGINNING at a point S 89°52'47" E along a section line 2598.88 feet from the North quarter corner of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being the Northeast Corner of Lot 25, West Ridge Subdivision Phase I as recorded in the Office of the Summit County Recorder; and running thence S 89°52'47" E along said section line 54.24 feet to the Northeast Corner of said Section 4; thence continuing S 89°52'47" E along section line 588.50 feet; thence South 420.31 feet to the Northeast Corner of Lot 4, West Ridge Subdivision Phase I; thence Northwesterly along the Northerly Boundary of said West Ridge Phase I Subdivision the following nine courses: N 74°00'00" W 189.11 feet; thence N 88°00'00" W 259.32 feet; thence S 35°00'00" W 100.00 feet to a point on Larkspur Drive said point being on a 1000.00 foot radius curve to the right. Center bears N 22°00'00" W 100.00 feet of which the central angle is 87°45'57"; thence Northwesterly along Larkspur Drive and along the arc of said curve 190.88 feet; thence S 38°45'35" W 50.00 feet to a point on a 75.00 foot radius curve to the right. Center bears N 38°45'35" W 75.00 feet of which the central angle is 25°45'35"; thence Northwesterly along the arc of said curve 33.10 feet; thence S 80°00'00" W 51.41 feet; thence N 44°00'00" W 156.01 feet; thence N 25°00'00" E 184.07 feet more or less to the point of Beginning.

CONTAINS 5.70 ACRES

WEST RIDGE SUBDIVISION PHASE II

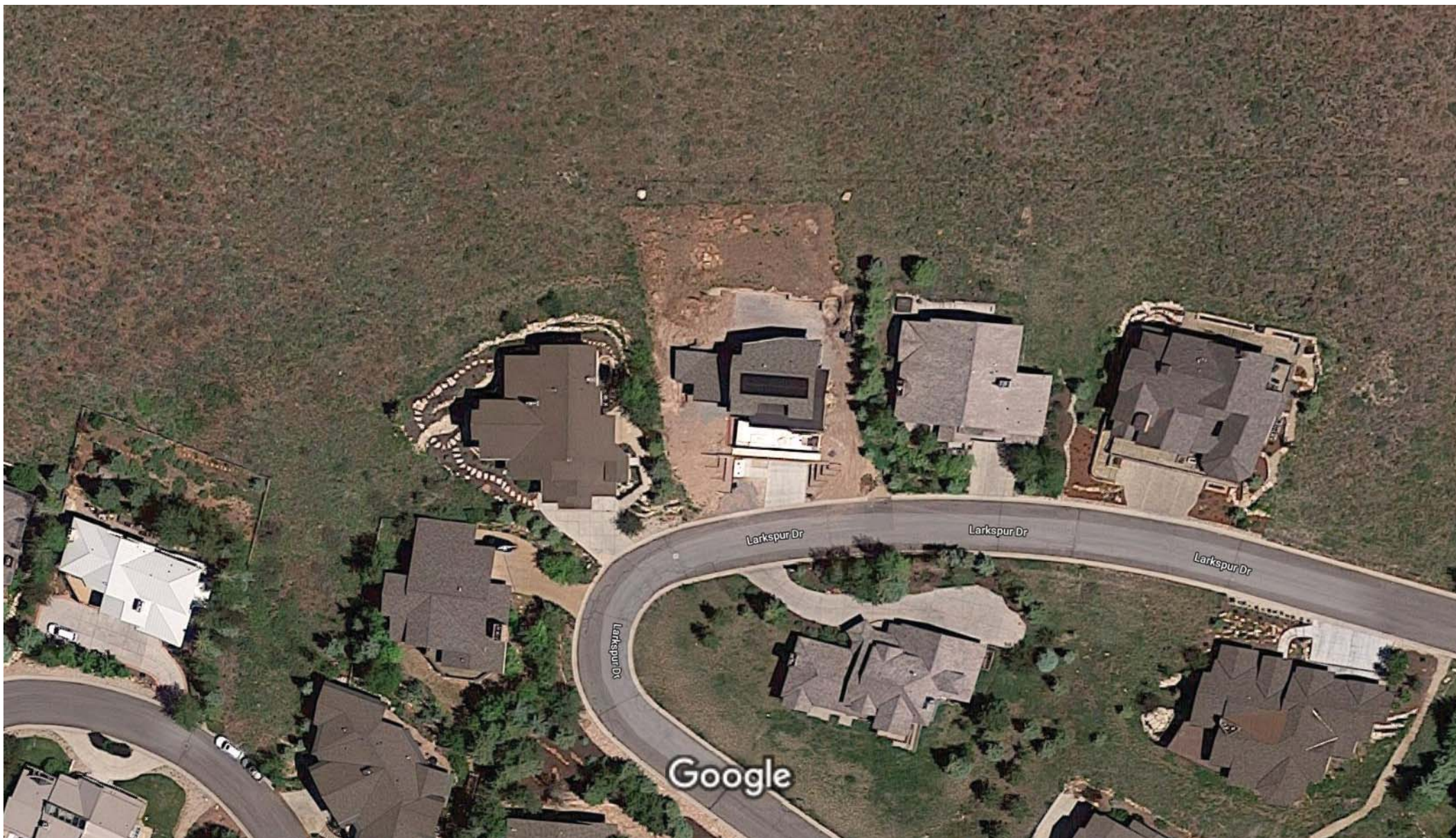
A SUBDIVISION LOCATED IN THE NORTHEAST 1/4 OF SECTION 4 AND THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

ALLIANCE ENGINEERING INC. P.O. BOX 2884 303 MAIN STREET PARK CITY, UTAH 84000 (801) 649-6487	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 22 nd DAY OF MAY 1991 A.D. BY <i>Don A. Bennett</i> CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 24 th DAY OF MAY 1991 A.D. BY <i>Eric W. Sedgwick</i> PE PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 24 th DAY OF MAY 1991 A.D. BY <i>Don A. Bennett</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 24 th DAY OF MAY 1991 A.D. BY <i>Anna L. Sedgwick</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11 th DAY OF APRIL 1991 A.D. BY <i>Broddy C. Cole</i> MAYOR	RECORDED STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF <i>High Country Tell</i> DATE 5-22-91 TIME 9:45 BOOK PAGE 266 <i>Alan Searge</i> RECORDER
---	---	---	--	--	---	---

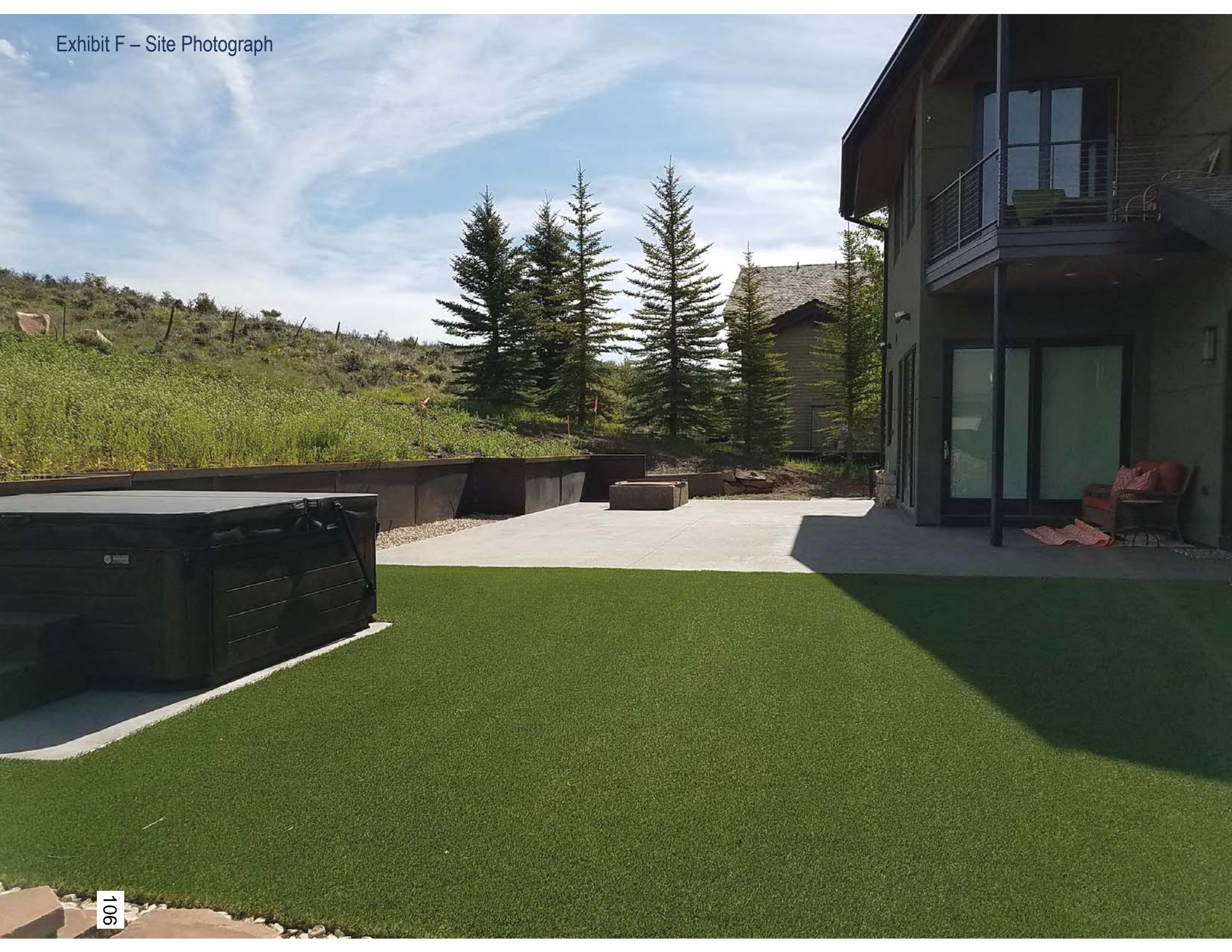


GENERAL NOTES:

1. A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All development within the West Ridge Subdivision Phase II is subject to said Declaration and the Land Management Code of Park City Municipal Corporation.
2. Dotted outlined areas shown within each Lot indicate the "Building Pad" see Covenants, Conditions, & Restrictions for complete description.
3. Circled dimensions shown adjacent to Building Pads are minimum setbacks required.
4. Pursuant to Section 7.5.3(c) of the Park City Land Management Code all lots in the West Ridge Subdivision have been approved for front setback exception.
5. Driveway access from the roads to the Building Pad must be specifically approved by the West Ridge Architectural Committee and the Park City Planning Department.
6. A Maintenance Covenant regarding the "RESERVED OPEN SPACE", shown on this plat, is recorded concurrently herewith. Said maintenance covenant imposes specific limitation on the uses that can be made of the Reserved Open Space. Prior to commencement of construction, all lots abutting the Reserved Open Space shall be fenced pursuant to the Limits of Disturbance policy and Connection Fee Ordinance.
7. A type 13-D interior fire sprinkling system is required in all residences constructed in the West Ridge Subdivision Phase II. A 1-inch water supply line is provided.
8. Park City ordinances in effect at the time of approval of West Ridge Subdivision Phase II require payment of substantial water development and water connection fees at the time of building permit issuance. The fees are based on fixture-unit counts for interior use and also on the area of the limits of disturbance on the lot.
9. Owners of downhill lots may encounter difficulty in designing a home with gravity flow to the sanitary sewer lateral. No private sewer laterals are to be built within the Reserved Open Space.
10. Park City ordinance provides that there is no City snow removal until a subdivision contains legally occupied structures on 50% of the lots. Homeowners will face substantial maintenance costs for snow removal until 7 homes are legally occupied in West Ridge Phase II.
11. A 5-foot non-exclusive public utility and drainage easement is hereby dedicated to Park City Municipal Corporation along all front, side, and rear property lines, unless otherwise noted as a wider easement.



Imagery ©2018 Google, Map data ©2018 Google 20 ft











**WHEN RECORDED PLEASE
RETURN TO:**

Westridge HOA
P.O. Box 682977
Park City, UT 84068

00592919 Bk01381 Pg00724-00740

ALAN SPRIGGS, SUMMIT CO RECORDER
2001 JUL 09 10:54 AM FEE \$83.00 BY DMG
REQUEST: WEST RIDGE HOMEOWNERS ASSOCIATI

Space above for County Recorder's Use

TAX PARCEL I.D. NOS.

WR-1-28

WR II-29-41

**AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
WEST RIDGE SUBDIVISION
PARK CITY, UTAH**

THIS DECLARATION, IS MADE THIS 5th day of MARCH, 2001, by WEST
RIDGE HOMEOWNERS ASSOCIATION, INC., a Utah corporation, referred to below as
"Declarant."

RECITALS:

A. Declarant is the homeowners' association of the owners of the following
described real property located in Park City, Summit County, Utah:

See the attached Exhibit A

B. Whereas, West Ridge Communities, Inc., developed a residential subdivision on
the property and, on August 21, 1990, duly recorded a Declaration of Covenants, Conditions and
Restrictions for West Ridge Subdivision, which declaration appears on the record as Entry
Number 328312 in Book 574, beginning at page 674, and a First Supplemental Declaration of
Covenants, Conditions Restrictions dated May 24, 1991 and duly recorded as Entry Number
341605 at Book 610 beginning at Page 01, and which specified that the property, and all lots
therein, were subject to certain protective covenants, conditions and restrictions all as set forth
in the Declaration, and which are deemed to be covenants running with the land mutually
burdening and benefiting each of the Lots.

C. Whereas, Declarant, pursuant to the authority granted to it under the provisions of
the original declaration of covenants, conditions, and restrictions, hereby intends that this

document amend and supersede the original declaration. In accordance with the procedures set forth in the original declaration, the requisite majority of homeowners approved these amendments. Declarant now desires to document and properly record the amended covenants, conditions, and restrictions. Declarant declares that all of the Lots shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to the amended protective covenants, conditions, restrictions and equitable servitudes, all of which are created for the mutual benefit of the Lots. It is the intention of the Declarant in imposing these covenants, conditions and restrictions to maintain a generally uniform pattern of development, to protect and enhance the property values and aesthetic values of the Lots by eliminating inconsistent uses or improvements, all for the mutual protection and benefit of the owners of the Lots. The covenants, conditions and restrictions are intended to, and shall in all cases run with the title of the land, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interest in the Lots, and shall inure to the benefit of all other Lots in the Subdivision. The covenants, conditions and restrictions shall be binding upon the Declarant as well as its successors in interest, and may be enforced by the Declarant or by any Owner.

ARTICLE I DEFINITIONS

1. Unless the context clearly requires the application of a more general meaning, the following terms, when used in this Declaration, shall have the following meanings:

1.1. "Architectural Committee" shall mean the committee created under Article IV Of this Declaration.

1.2. "Association" shall mean the West Ridge Subdivision Homeowners Association, whether incorporated or not, and as the context requires, the officers and directors of that Association.

1.3. "Building Pad" shall mean the area designated on the Plat for the location of the Dwelling Unit and all other structures on each Lot.

1.4. "City" shall mean the City of Park City, Utah, and its appropriate departments, officials, and boards.

1.5. "Declarant" shall mean and refer to West Ridge Homeowners Association.

1.6. "Declaration" shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions. The Subdivision Plat for West Ridge, and the Building Pads, Limits of Disturbance Areas, easements and other matters shown on that Plat, are also incorporated into this Declaration by reference.

1.7. "Dwelling Unit" shall mean the single family residence built or to be built on any Lot.

1.8. “Family” shall mean one household of persons related to each other by blood, adoption or marriage, or one group of not more than five people not so related living together as a unit who maintain a common household.

1.9. “Improvement” shall mean all structures and appurtenances of every type and kinds, including but not limited to buildings, Dwelling Units, garages, storage buildings, walkways, retaining walls, sprinklers, pipes, driveways, landscaping, pools, decks, stairs, poles, lighting, signs, satellite dishes or other antennas, and any mechanical equipment located on the exterior of any building.

1.10. “Limits of Disturbance Area” shall mean the area designated on the Plat for each Lot which is the outer limit of the area which may be disturbed by construction activity, and also the limit of the portion of the Lot which may be irrigated for landscaping purposes.

1.11. “Lot” shall mean any building Lot shown on the official plat of the West Ridge Subdivision. Within each Lot there is a designated Building Pad, Limits of Disturbance Area, and Reserved Open Space Area.

1.12. “Owner” shall mean the person or persons having title to any Lot. Owner shall mean the person holding fee simple title, including the Declarant, and buyers under any contract for deed, but shall exclude any person or entity holding title for purposes of securing performance of an obligation.

1.13. “Person” shall mean a natural person or any legal entity with a right to hold title to real property in its own name in the State of Utah.

1.14. “Plat” shall mean the official ownership plat of the West Ridge Subdivision as approved by the City of Park City and recorded in the office of the Summit County Recorder, as it may be amended from time to time.

1.15. “Reserved Open Space” shall mean the area on each Lot as shown on the Plat in which no disturbance of the natural vegetation is permitted and no irrigation is permitted.

1.16. “Subdivision” shall mean the West Ridge subdivision, and all Lots and other property within the Subdivision as shown on the Plat.

1.17. “Trustees” shall mean the duly elected and acting board of trustees of the West Ridge Homeowners Association.

ARTICLE II
HOMEOWNERS ASSOCIATION

2. To effectively enforce these Covenants, West Ridge Communities, Inc. has created a Utah Non-Profit corporation called West Ridge Homeowners Association. The Association shall be comprised of the Owners of Lots within the West Ridge Subdivision, and is established to perform the following functions and exercise the following rights and powers for the benefit of the Owners and the enforcement of these covenants. Membership in the Association is deemed an appurtenance to the Lot, and is transferrable only in conjunction with the transfer of the title to the Lot. The Association shall have and exercise, as necessary, the following powers:

2.1. Enforcement Powers. The Association shall have the power to enforce these covenants by actions in law or equity brought in its own name, the power to retain professional services needed for the enforcement of these covenants and to incur expenses for that purpose. The officers of the Association shall have the authority to compromise claims and litigation on behalf of the Association resulting from the enforcement of these covenants. The Trustees of the Association shall have the exclusive right to initiate enforcement actions in the name of the Association, however this shall not limit the individual rights of Lot Owners to personally enforce these Covenants in their own name. The Association may appear and represent the interests of the Subdivision at all public meetings concerning zoning, variances, or other matters of general application and interest to the Owners. Owners may appear individually.

2.2. Maintenance of Entry Landscaping. The Association is the beneficiary of easements reserved over portions of Lots 1 and 9, and a ten foot buffer on the perimeter of the project bordering on Meadows Drive and Sunny Slopes Drive, as shown on the Plat, for the purpose of installing and maintaining a landscaped entry and buffer area. The maintenance of these landscaped areas is the responsibility of the Association, which has the power to contract for maintenance services, install and modify landscaping and other entry features, and to purchase water for irrigation purposes independently from the water purchased for use on the balance of those Lots.

2.3. Assessments. The Association has the power to levy assessments against each Lot as necessary to carry out these functions. All assessments will be equal on all Lots, whether vacant or improved. Assessments will be made annually to meet the anticipated and recurring expenses of the Association including, but not limited to, the costs of landscape maintenance, water for irrigation, reimbursement of expenses incurred by the Trustees and Architectural Committee in performance of their obligations, and enforcement of these covenants. Notice of the Assessment and the proposed amount of the annual Assessment will be given in advance along with the notice of the annual meeting of the Association, provided that the amount of the proposed assessment may be increased or decreased at the meeting in which it is approved by the Owners. The Association may also levy special assessments to cover unanticipated expenses or shortfalls. No special assessment will be levied without approval of the Owners in a meeting called for that purpose.

2.4. Assessments Constitute Lien, Mortgagee Protection. Any validly imposed assessment by the Association shall constitute a lien against the Lots in the Subdivision. The Association shall have the right to foreclose on that lien when any assessment remains unpaid for a period of more than 90 days from the date the assessment was levied, but if the lien is not foreclosed upon, it may be renewed from year to year by recording a new notice of the lien, together with accumulated interest. The lien of the Association against any Lot shall have priority from the date that the first Notice of Lien on a specific Lot is recorded in the office of the Summit County Recorder, and is subordinate to any previously recorded liens or encumbrances filed against that Lot, specifically including any purchase money mortgage or trust deed. Notwithstanding the lien rights of the Association, the obligation to pay assessments is a personal obligation of the Owner of each Lot, and the Association may proceed to collect against the Owner, or the prior Owner of any Lot in the event of a sale. No Mortgagee or beneficiary under a Trust Deed who takes title by foreclosure or non-judicial sale, or accepts in deed in lieu of foreclosure or non-judicial sale, shall be held liable for the unpaid assessments of the Owner whose Lot was acquired by the Mortgagee or Beneficiary under a Trust Deed.

2.5. Statement of Account. Any Owner may request the Association to provide a statement of his account to any lender or prospective buyer of that Lot showing the assessments to be paid in full, or the amount of any past due assessments. The Buyer or lender for whom such a statement was prepared will be entitled to rely on its accuracy, and will not be held liable for any amounts not shown on the statement.

2.6. Indemnity of Association Trustees and Officers. The Association will indemnify the officers, agents and trustees of the association against any and all claims arising against them personally which are a result of the good faith exercise of the powers, duties and responsibilities of their office under this Declaration.

2.7. Election. In elections for members of the Board of Trustees, or any other matter which is presented to the Association, each Owner, including the Declarant, shall be entitled to cast one vote for each Lot he or she owns. In the case of a Lot with multiple Owners, the Owners will agree among themselves how the vote applicable to that Lot will be cast, and if no agreement can be reached, no vote will be received from that Lot. Any of the multiple Owners appearing at the meeting in person or by proxy is deemed to be acting with proper authority for all of the other Owners of that Lot unless the other Owners are also present or have filed written objections to that Owner's representation of the other Owners of the Lot in question.

2.8. Notice of Election, Notice of Meeting. Notice of any meeting for the election of members to the Board of Trustees or for any other purpose shall be sent to the Owners at their last known address (which may be determined from the most recent property tax assessment if no other address is known). Notice will be mailed not less than 30 days, nor more than 60 days in advance of the meeting. Any notice will state the purpose of the meeting, and the time, date and place of the meeting. At any such meeting, a quorum will exist if the Owners of 51% of the Lots are present in person or by written proxy. If fewer than 51% are present, and

notice was properly given, those present at the meeting may vote to continue the meeting to any date within 30 days. Notice of the continued meeting will be given by mail, and at the subsequent continued meeting, a quorum will exist if the Owners of 25% of the Lots are represented. The President of the Board of Trustees will give notice of any meetings, and will chair meetings of the Owners.

2.9. Special Meeting. When circumstances warrant, a special meeting of the Owners may be called by giving notice by telephone or mail. No business may be conducted at a special meeting without a full quorum of the Owners of 51% of the Lots being present in person or by written proxy. Members of the Committee will not be elected at a special meeting.

2.10. Term of Office. Members of the Board of Trustees shall serve for terms of three years. The offices will be filled on a staggered basis, with an election held at each of the annual meetings to fill one trustee position for a three year term. Additional trustees may be elected to fill vacancies due to any reason, with such elected trustees finishing only the vacant term in order to maintain the staggered schedule of trustee election. Members of the Board of Trustees may serve consecutive terms.

ARTICLE III ARCHITECTURAL COMMITTEE

3. It is the intention and purpose of these covenants, conditions and restrictions to impose architectural standards on the Improvements to any Lot of a type and nature that result in buildings which are architecturally compatible in terms of Lot coverage, proportion, materials, colors, and general appearance, while at the same time allowing for diversity in style and design appropriate for the mountain setting. To accomplish this goal, the Declarant hereby establishes the Architectural Committee, which is empowered to oversee and enforce the Architectural Design Standards set forth in this Declaration.

3.1. Architectural Committee Created. The Architectural Committee shall consist of at least three members, one of whom may be a consultant architect, and the others of whom shall be on the Board of Trustees, officers of the Homeowners Association or member of the Homeowners Association.

3.2. Approval by Committee. No Improvements of any kind, including without limitation the construction of any Dwelling Unit, garage, out building, parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, poles, trampolines, satellite dishes or antenna, solar panels, or any other permanent structure may be constructed, erected, or installed in the Subdivision without the prior consent of the Architectural Committee. No excavation, grading, filling, draining, landscaping, or installation or removal of existing vegetation shall be made without the advance written consent of the Architectural Committee. Approval of the Committee will be sought in the following manner:

a. **Plans submitted.** Plans for the construction of any new Dwelling Unit must be submitted to the Committee for review. It is recommended that a preliminary plan be submitted before the expense of final construction drawings is incurred. The plan must be in sufficient detail to show the location on the Lot of the exterior walls of the Dwelling Unit and all other structures to be built with it; detailed drawings of all elevations of all buildings showing locations of windows, doors, roof pitches, decks and other exterior elements; a list of exterior siding and roofing materials and/or a sample, including color samples; and a landscape plan showing the location of driveways, walkways, patios, decks and other hard surfaced or irrigated areas and the areas to be disturbed by construction and the means of restoring those areas. In the case of an addition or modification of an existing Dwelling, the Committee may waive any of the foregoing it feels are unnecessary to its review of the remodel or addition.

b. **Review Fee.** The applicant will pay a review fee to the Committee of \$100 for each new dwelling, \$50 for each addition or remodel, or, in the case of Improvements which cost less than \$1,000, or which make no structural changes, the applicant will pay a fee of \$10. The primary purpose of the fee is to document the date of submission, but the Committee may also use the proceeds to pay for its expenses in reviewing the plans and giving notice of meetings. No fee will be accepted until the President of the Architectural Committee considers the submission complete.

c. **Review.** Within 15 days from receipt of a complete submission, the Committee will review plans and make an initial determination whether or not the plans comply with the conditions imposed by the Declaration. If they do not, the plans will be rejected. If they are in compliance, the committee will approve the plans. The Committee may also approve the plans subject to specific modifications or conditions. Owners may desire to submit preliminary plans for review. The committee will review preliminary plans, without fee, and make its comments known to the Owner, provided, however, that no preliminary approval is to be considered a final approval, and no final approval will be granted on less than a complete submission. Upon approval, the Committee and the Owner will each sign a copy of the plans, which shall be left with the Committee. No construction that is not in strict compliance with the plans approved will be permitted.

d. **Written Record.** The Committee will maintain a written record of its actions, and maintain in its files a copy of all plans approved or rejected for a period of five years. The Committee will also provide evidence of its approval for the City, if requested by the Owner.

e. **Failure to Act.** If the Committee has not approved or rejected any submission within 45 days after payment of the review fee and submission of complete plans, the submission is deemed to have been disapproved.

3.3. **Variances.** Variances to the design standards contained in this Declaration may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No variance may be granted without the content of at least 25% of the Owners in the Subdivision at a meeting called for that purpose. The Architectural

Committee, or the Owners as a whole, cannot grant any variance that has the effect of modifying applicable City zoning or building code regulations. The burden of obtaining a variance is entirely on the applicant, including the costs of notice.

3.4. Extraordinary Costs. Whenever it deems appropriate, and with the consent of the Board of Trustees, the Committee may engage the services of an architect, or civil or structural engineer to assist in its review of any proposed Improvements. All costs of such additional review will be paid by the Applicant, provided however that no architect or engineer will be hired without advance notice to the Applicant of the intention to hire a review architect or engineer, and the aspects of the proposal that caused the Committee to believe that professional review was required, and the estimated cost of that review. If the applicant does not withdraw the proposal within five days after receipt of that notice, he is deemed to have consented to the Committee retaining such professional assistance. Whenever the Committee retains outside professional services in its review, the reviewing architect or engineer is acting only in an advisory capacity, and the applicant, for himself and his successors and assigns, waives any and all claims against the Committee in the event that advice from, or conditions imposed by, the reviewing professional prove ineffective, unnecessary or inappropriate to the circumstances. The costs of such review will be billed directly to the applicant.

3.5. General Design Review. The Committee will use its best efforts to provide a consistent pattern of development, and consistent application of the standards of this Declaration. These standards are, of necessity, general in nature, and it is the Committee should apply them in a manner that results in a high quality, attractive, and well designed community.

3.6. Declarant, Trustees and Committee not Liable. The Declarant, the Trustees, and the Committee and its members shall not be liable to the applicant for any damages, or to the Owners of and Lots within the Subdivision for their actions, inactions, or approval or disapproval of any set of plans submitted to the Committee for review. In the absence of bad faith or malicious actions, the Owners shall have no claim against the Declarant or Committee as a result of the performance or failure to perform the duties created by this Declaration. Each Owner has the right to enforce these covenants against every other owner, and may seek independent redress if it believes the Committee has acted improperly.

3.7. Limitations on Review. The Committee's review is limited to those matters expressly granted in this Declaration. The Committee shall have no authority over the enforcement of building codes, zoning ordinances, or other statutes, laws, or ordinances affecting the development or improvement of real property and shall have no liability to any Owner whose plans were approved in a manner that included any such violation. Corrections or changes in plans to bring them into conformity with applicable codes must be approved by the Committee prior to construction.

ARTICLE IV
RESTRICTIONS ON ALL LOTS

4. The following restrictions on use apply to all Lots within the Subdivision:

4.1. Zoning Regulations. The lawfully enacted zoning regulations of Park City, and any building, fire, and health codes are in full force and effect in the Subdivision, and no Lot may be occupied in a manner that is in violation of any such statute, law, or ordinance.

4.2. No Mining Uses. The property within the Subdivision shall be used for residential purposes only, and no mining, drilling, or quarrying activity will be permitted at any time.

4.3. No Business or Commercial Uses. No portion of the Subdivision may be used for any commercial business use, provided however that nothing in this provision is intended to prevent the use by any Owner of his Lot for a home occupation. No home occupation will be permitted, however, which requires or encourages the Owner's clients, customers, patients or others to come to the Lot to conduct business, or which requires any employees outside of the Owner's immediate family or household. No retail sales of any kind may be made in the Subdivision.

4.4. Restrictions on Signs. No signs will be permitted on any Lot or within the Subdivision, except for traffic control signs placed by the City, temporary signs warning of some immediate danger, or signs not in excess of six square feet identifying the contractor and/or architect of any dwelling Unit while it is under construction. Signs indicating the Lot is for sale may be placed in accordance with City sign regulations, and no such sign may exceed six square feet. No permanent signs stating the address or the name of the owner of the Lot may be installed without the advance consent of the Architectural Committee.

4.5. Completion Required Before Occupancy. No Dwelling Unit may be occupied prior to its completion and the issuance of a certificate of occupancy by the City of Park City. If a temporary certificate of occupancy is issued, it must be converted to a permanent certificate of occupancy no later than 12 months after issuance.

4.6. Dwelling to be Constructed First. No garage, storage unit, or other out building may be constructed prior to the construction of the primary Dwelling Unit on the Lot.

4.7. Animals. No animals other than ordinary household pets may be kept on any Lot. This specifically excludes keeping horses on any Lot.

4.8. No Re-Subdivision. No Lot may be resubdivided without the consent of the Architectural Committee, and no re-subdivision of any Lot may result in the construction of any additional Dwelling Units within the Subdivision.

4.9. Underground Utilities. All gas, electrical, telephone, television, and any other utility lines in the Subdivision are to be underground, including lines within any Lot which service installations entirely within that Lot. No propane tanks or oil tanks may be installed on any Lot except for temporary heat during construction.

4.10. Service Yards. All clothes lines, service yards, storage yards, and exterior mechanical equipment must be screened in a manner approved by the Architectural Committee so that they are not visible from adjoining Lots.

4.11. Maintenance of Property. All Lots, and the Improvements on them, shall be maintained in a clean, sanitary, attractive and marketable condition at all times. No Owner shall permit his Lot or the Improvements on it to fall into disrepair.

4.12. No Noxious or Offensive Activity. No noxious or offensive activity shall be carried out on any Lot, including the creation of loud or offensive noises or odors that detract from the reasonable enjoyment of nearby Lots.

4.13. No Hazardous Activity. No activity may be conducted on any Lot that is, or would be considered by a reasonable person to be unreasonably dangerous or hazardous, or which would cause the cancellation of conventional property casualty insurance. This includes, without limitation, the storage of caustic, toxic, flammable, explosive or hazardous materials in excess of those reasonable and customary for household uses, the discharge of firearms or fireworks, and setting open fires (other than property supervised and contained barbecues).

4.14. No Unsightliness. No unsightliness is permitted on any Lot. This shall include, without limitation, the open storage of any building materials (except during the construction of any Dwelling Unit or addition); open storage or parking of farm or construction equipment, inoperable motor vehicles, boats, campers, trailers, trucks larger than pick-up trucks (except during periods of actual loading and unloading); accumulations of lawn or tree clippings or trimmings; accumulations of construction debris or waste; household refuse or garbage except as stored in tight containers in an enclosure such as a garage; lawn or garden furniture except during the season of use; and the storage or accumulation of any other material, vehicle, or equipment on the Lot in a manner that it is visible from any other Lot or any public street.

4.15. No Annoying Lights. Any outdoor lighting shall be subject to approval by the Architectural Committee, and no outdoor lighting shall be permitted except for lighting that is designed to aim downward and limit the field of light to the confines of the Lot on which it is installed. This shall not apply to street lighting maintained by the City.

4.16. No Annoying Sounds. No speakers, or other noise making devices may be used or maintained on any Lot which create noise that might reasonably be expected to be unreasonably or annoyingly loud from adjoining Lots, except for security or fire alarms.

4.17. Sewer Connection Required. All Lots are served by sanitary sewer service, and no cesspools, septic tanks, or other types of waste disposal systems are permitted on any Lot. All Dwellings Units must be connected to the sanitary sewer system.

4.18. Drainage. No Owner shall alter the direction of natural drainage from his Lot, nor shall any Owner permit accelerated storm run-off to leave his Lot without first using reasonable means to dissipate the flow energy.

4.19. Vehicles Restricted to Roadways. No motor vehicle will be operated on the Subdivision except on improved roads and driveways. No snowmobiles or motorcycles will be operated on any Lot except for ingress and egress or while loading the equipment for lawful transport on public streets. The operation of any vehicle on the Reserved Open Space portion of any Lot is strictly prohibited, even during periods of construction.

4.20. Kennels. No kennel or dog run may be placed closer than 50 feet to any Dwelling Unit other than that of the Owner of the Kennel.

4.21. No Transient Lodging Uses. The Lots are to be used for residential housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, boarding house, "bed and breakfast," or other uses for providing accommodations to travelers. No lease of any Lot shall be for a period of less than 30 days. No Lot shall be subjected to time interval ownership.

ARTICLE V RESTRICTIONS ON IMPROVEMENTS

5. All Improvements on any Lot shall be subject to the following restrictions and architectural design standards:

5.1. Number of Buildings. Only one Dwelling Unit may be constructed on any Lot. All Dwellings shall have an attached garage which shall not exceed 600 square feet in area. No other storage building, outbuilding or habitable structure may be permitted on any Lot.

5.2. Placement of Buildings. Within each Lot, as shown on the Plat, there is an area marked as the Building Pad. All of the Dwelling Unit and garage, and any above grade decks or balconies must be confined to the Building Pad Area.

5.3. Building Size. The sizes of the Lots within the Subdivision were intentionally varied. The variations in Lot sizes, Building Pad sizes and building Floor Areas within the Subdivision is intended to preserve view corridors, open space, and cluster the structures, and to maintain an appropriate limit on Lot coverage. A range of maximum and minimum Floor Area for each Lot has been established and is set forth on the attached Exhibit B. No Dwelling Unit may be constructed which is not within the range stated for the Lot on which it is proposed. Floor Area includes all habitable floor area on all levels of the Dwelling Unit that is under roof, including porches, balconies and decks that are enclosed by walls on three or more

sides. The minimum habitable floor area on the main level of any Dwelling shall be at least 1,400 square feet. Garages are not counted in the Floor Area, unless they exceed 600 square feet, in which case the area in excess of 600 square feet is counted.

5.4. Building Setback and Placement. All portions of the Dwelling Unit are to be within the Building Pad designated for each Lot as shown on the Plat, which will dictate the minimum front, rear and side yard setbacks.

5.5. Building Height. No structure on and Lot may exceed 28 feet in height as measured at the natural grade on the Lot prior to construction to a point halfway between the eaves and the ridge line of the roof. The maximum ridge line height will be 33 feet above natural grade, with the intention being to have the building mass follow the natural, existing contour of the land. No garage may exceed one story. On Lots 16, 17, and 18 no structure may exceed one story in height above the curb line in front of the Lot.

5.6. Roof Design. Roof pitches must be within a range of a 5/12 to a 7/12 slope. No more than one roof pitch may be used on any structure. Eaves and roofs must overhang by at least twenty-four inches. Shingles will be medium shake shingles. No metal roofing or asphalt shingles are permitted. Mansard, fake mansard, A-frame, gambrel, curvilinear, and domed roof designs are prohibited. All fascia boards must be at least twelve inches in width. Special attention will be paid to the south facing roof overhang to allow for adequate sun protection. All roof metal such as flashing, vent stacks, gutters and chimney caps will be made of anodized aluminum or painted galvanized metal, and in either case, will be painted an earth tone color.

5.7. Siding Materials. Unless specifically approved by the Architectural Committee, only the following exterior wall surface materials are allowed: cedar siding, redwood siding, stone, wood shingles, and stucco without "tudor" wood breaks. Textured plywood, metal, vinyl, masonite or similar manufactured siding materials are prohibited. There shall be no more than two separate exterior wall materials on any wall surface. Exterior wall colors must harmonize with the site and surrounding buildings. The predominant tone should be earth tone, whether in the natural color or patina of the weathered color of the wall surface itself or the color of the stain or other coating. Bright or dramatic colors can be used for accent of exterior wall areas hidden from general view. Fascia and trim shall also remain in the earth tone spectrum.

5.8. Windows. Windows must be either wood, bronze-tone aluminum clad wood, bronze tone aluminum, or dark metal. All windows must be double glazed. Any trapezoidal windows must parallel the shape of the walls or roofs surrounding them. No mirrored or reflective glass may be used. All windows must be double glazed.

5.9. Chimneys. Chimneys must be enclosed in an approved siding material. No exposed metal flues are permitted.

5.10. Antennas. All antennas must be enclosed within the Dwelling Unit. Any satellite dishes must be located and screened in a manner approved in advance by the Architectural Committee so that they are not visible from either adjoining Lots or from outside the Subdivision. Solar panels will be permitted only with the consent of the Architectural Committee, and if permitted at all, must lie flat against the roof and may not differ in pitch from the roof surface on which they are mounted.

5.11. No Used or Temporary Structures. No previously erected, used, or temporary structure, mobile home, trailer house, or any other non-permanent structure may be installed or maintained on any Lot.

5.12. Balconies and Decks. Any balcony or deck that is more than twenty-four inches above the natural grade must be constructed in compliance with the following: All railings must have three horizontal members of at least six and one half inches in vertical thickness. All posts or pillars supporting any deck must be between eight and sixteen inches in width, including vertical members in railings. The area under any deck must either be landscaped or screened from view so that the view from adjoining Lots or streets is not of the unfinished underside of the deck. The area under any deck shall not be used for storage of equipment, firewood, building material, or similar material. The underside of any deck more than three feet above grade must either be completely screened with vertical lattice or siding, or, if exposed (as in the case of a second story deck) painted or stained to match the house.

5.13. Fire Sprinklers. All dwellings will be equipped with an automatic fire sprinkler system in accordance with the ordinances of Park City or, in the absence of an ordinance, a system which meets standard 13-D of the National Fire Protection Association for residential applications.

ARTICLE VI LANDSCAPE STANDARDS

6. The intent of this Declaration is to conserve water, and preserve the natural vegetation and condition on the property to the extent possible, given the construction of the Subdivision. The use of each Lot is subject to the following Landscape Standards:

6.1. Limits of Disturbance. Within each Lot as shown on the Plat, there is an area larger than the Building Pad but smaller than the perimeter of the Lot that is the Limit of Disturbance. All construction activity, including excavation, storage or waste of excavated material, construction access, and any other construction activity is to be confined to the Limits of Disturbance area. Prior to the commencement of construction, the Owner will mark the Limits of Disturbance area on the Lot with surveyor's tape or in some other means.

6.2. Revegetation. Following construction of the Dwelling Unit (and any subsequent remodel or addition) the Owner of the Lot will promptly re-grade and revegetate the area disturbed by construction. Within the Limits of Disturbance area, the Owner may plant

lawns and gardens, plant shrubbery, trees or other ornamental plantings or replace natural species. Within the Limits of Disturbance Area, subject to approval of the Architectural Committee, the Owner may construct decks on grade, pools, or similar Improvements that do not extend significantly above the existing grade.

6.3. Placement of Trees. Planting of trees within the Limits of Disturbance area is encouraged, provided that the location of trees will be subject to review by the Architectural Committee so that view corridors from adjoining Lots are preserved.

6.4. Sprinkler Systems. Sprinkler systems are required within the Limits of Disturbance area to provide irrigation during revegetation and beyond. No sprinkler system may extend beyond the Limits of Disturbance area.

6.5. Reserved Open Space. The balance of the Lot that is not Building Pad or Limits of Disturbance area is Reserved Open Space. It is the intention of this Declaration that the Reserved Open Space be left in its undisturbed, natural condition. No existing vegetation (other than noxious weeds) may be removed from this portion of any Lot. No grading, excavating, or filling is permitted. No new vegetation may be planted except for replacement of the existing plants, or the addition of native species that will grow on the site, given the available water and exposure. No portion of the Reserved Open Space may be irrigated, provided however that any new plantings of native species may be irrigated as needed to establish natural growth. No structures of any kind are permitted in the Reserved Open Space, including without limitation, pools, tennis courts, decks, spas, swing sets, trampolines, play ground equipment, or dog runs. No vehicles will be used, operated or stored on the reserved Open Space of any Lot.

6.6. Fences. Perimeter fencing shall not be permitted in the Subdivision except for such perimeter fencing as Declarant or the Association may install along Subdivision boundaries. Limited interior fencing is permitted subject to advance approval by the Architectural Committee and Park City, if the fence is of a type that falls within City regulations. No chain link or other wire fencing is permitted.

6.7. Driveway Access. Individual driveway accesses to each Lot must be approved by the Architectural Committee as part of the site plan of the Lot. Driveways should be located in a manner to minimize cuts and fills and the need for retaining walls. No driveway may exceed 12% slope. Driveways shall be wide enough to permit two cars to be parked side by side in front of the garage entrance. Cut and fill slopes must be re-vegetated.

ARTICLE VII OWNERS' MAINTENANCE OBLIGATIONS

7. It is the obligation of each Owner to maintain his Lot at all times in order to preserve and enhance the enjoyment of the Subdivision:

7.1. Duty to Maintain. It is the obligation of the Owner of each Lot to maintain his Lot and the Improvements to the Lot in a good state of repair and an attractive, safe, and healthy condition.

7.2. Repair by Association. In the event that an Owner permits his Lot or Improvements to fall into a state of disrepair that is dangerous, unsafe, unsanitary, or unsightly condition in violation of this Declaration, the Association may give written notice to the Owner describing the condition complained of and demanding that the Owner correct the condition within 30 days. If the Owner fails to take corrective action, the Association shall have the right, but not the obligation, to enter upon the offending Owner's Lot and take corrective action to abate the condition. All costs of abatement shall be charged to the Owner, who agrees to promptly pay the reasonable costs of any work performed under this provision. Unpaid amounts will bear interest at the lawful judgment rate under applicable state law.

7.3. Alterations of Exterior Appearance. The Owners will maintain their Lots and Improvements in substantially the same condition and appearance as that approved by the Architectural Committee. No subsequent exterior alterations, improvements or remodeling, whether structural or changes in landscaping, paint color or siding or trim materials will be made without the advance consent of the Committee.

7.4. Repair Following Damage. In the event of casualty loss or damage to the Improvements, the Owner will be entitled to reconstruct the Improvements as they existed prior to the damage or loss without review by the Committee, provided however that alterations or deviations from the originally approved plans will require review. Nothing in this Declaration is intended to prevent an Owner who has suffered property damage or loss from taking temporary measures to secure the property and prevent further damage, or to prevent injury or dangerous conditions following loss or damage, before re-construction begins. Such temporary measures may be taken without the consent or approval of the Architectural Committee, provided that any such measures must be of a temporary nature, and repair or reconstruction must begin as soon as circumstances will permit. No damaged structure will be permitted to remain on any Lot for more than 90 days without repairs commencing, and any damaged structure which does remain un-repaired after 90 days following the occurrence of damage is deemed a nuisance which may be abated by the Association.

ARTICLE VIII GENERAL PROVISIONS

8. The covenants, conditions, and restrictions contained in this Declaration may be enforced as follows:

8.1. Remedies.

(a) Any single or continuing violation of the covenants contained in this Declaration may be enjoined in an action brought by any other Owner, or by the Association

in its own name. In any action brought to enforce these covenants, the prevailing party shall be entitled to recover as part of its judgment all of the reasonable costs of enforcement, including attorneys fees and costs of court.

(b) Nothing in this Declaration shall be construed as limiting the rights and remedies that may exist at common law or under applicable federal, state, or local laws and ordinances for the abatement of nuisances, health and safety, or other matters. These covenants are to be construed as being in addition to those remedies available at law.

(c) the remedies available under this Declaration and at law or equity generally are not to be considered as exclusive, but rather as cumulative.

(d) The failure to take enforcement action shall not be construed as a waiver of the covenants contained in this Declaration in the future or against other similar violations.

8.2. Severability. Each of the covenants contained in this Declaration shall be independent of the others, and in the event that any one is found to be invalid, unenforceable, or illegal by a court of competent jurisdiction, the remaining covenants shall remain in full force and effect.

8.3. Limited Liability. Neither the Declarant, the Trustees, or the Architectural Committee or its individual members, nor any other Owner shall have personal liability to any other Owner for actions or inactions taken under these covenants, provided that any such actions or inactions are the result of the good faith exercise of their judgment or authority under these covenants, and without malice.

8.4. Term of Covenants, Renewal. This Declaration shall expire fifty years from the date the original declaration was first recorded with the Summit County Recorder, provided however that in the last year prior to expiration, the Owners of 90% of the Lots may, by written notice which is recorded with the Summit County Recorder, agree to extend the covenants for a period of an additional twenty years.

8.5. Amendment. At any time while this Declaration is in effect, the Owners of 80% of the Lots may amend the provisions of this Declaration. Any amendment must be in writing and be approved by 80% of the Owners at the time of the amendment. No such amendment will be binding upon the holder of any mortgage or trust deed on any Lot unless the mortgage or trust deed holder joins in the amendment. These covenants may be repealed in whole or in part by amendment.

8.6. Constructive Notice. Every person who owns, occupies, or acquires any right, title or interest in any Lot in the Subdivision is conclusively deemed to have notice of this Declaration and its contents, and to have consented to the application and enforcement of each of the covenants, conditions and restrictions against his Lot, whether or not there is any reference to this Declaration in the instrument by which he acquires his interest in any Lot.

8.7. Reservation of Easements. For the mutual benefit and convenience of all of the Owners, each Lot is burdened by an easement five feet in width around the perimeter of the Lot for the installation and maintenance of utility services to the Subdivision. The Owner grants the right to public utilities to enter upon each Lot for purposes of utility installation, meter reading, and maintenance, and the right to public agencies providing utility-type services and emergency and public safety services to enter on to the Lot as needed to perform their functions.

8.8. Notices. All notices under this Declaration are deemed effective 72 hours after mailing, whether delivery is proved or not, provided that any mailed notice must have postage pre-paid and be sent to the last known address of the party to receive notice. Notices delivered by hand are effective upon delivery.

8.9. Liberal Interpretation. The provisions of this Declaration shall be interpreted liberally to further the goal of creating a uniform plan for the development of the Subdivision. Paragraph headings are inserted for convenience only and shall not be considered in interpretation of the provisions. Singular will include plural, and gender is intended to include masculine, feminine and neuter as well.

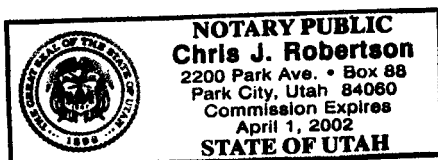
EXECUTED on the date stated above.

WEST RIDGE HOMEOWNERS ASSOCIATION,
a Utah non-profit corporation

By: Chris Johnson

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

On the 7 day of March, 2001, CHRIS JOHANSON appeared before me and acknowledged that he/she is the President of West Ridge Homeowners Association, Inc., a Utah not-for-profit corporation, which is the Declarant in the above instrument, and that he executed the same on behalf of the corporation with proper authority.



Chris J. Robertson
Notary Public and Seal

When Recorded
Mail to:
Gary Bailly
2525 Larkspur
Park City, UT 84060

00948027 B: 2134 P: 1274
Page 1 of 4
Alan Spriggs, Summit County Utah Recorder
06/28/2012 12:24:55 PM Fee \$55.00
By First American - Park City
Electronically Recorded

2012 AMENDMENT TO THE AMENDED DECLARATION OF WEST RIDGE SUBDIVISION

This 2012 Amendment to Declaration of Covenants Conditions and Restrictions for West Ridge Subdivision, Park City, Utah ("2012 Amendment"), is executed and made effective as of April 1, 2012, by the West Ridge Home Owners Association, a Utah non-profit corporation (the "Association") upon the action of the members of the Association pursuant to Article VIII, Section 8.5 of the Declaration defined below.

RECITALS

A. The Declaration of Covenants Conditions and Restrictions for West Ridge Subdivision, Park City, Utah, was recorded on August 21, 1990, in the records of Summit County, Utah, as Entry No. 328312, in Book 574 at pages 674-699 (the "Original Declaration"). The First Amended and Restated Declaration of Covenants Conditions and Restrictions for West Ridge Subdivision, Park City, Utah, was thereafter recorded on July 9, 2001, in the records of Summit County, Utah, as Entry No. 00592919 in Book 01381 at Pages 00724-00740 (the "Restated Declaration"). The Original Declaration and the Restated Declaration are collectively "the Declaration".

B. Pursuant to Article VIII, Section 8.5 of The Declaration, 80% of the West Ridge Subdivision property owners have voted to approve this 2012 Amendment to The Declaration.

C. The individual signing this Amendment on behalf of the Association certifies that this Amendment has been adopted by the requisite number of votes.

AMENDMENT

NOW, THEREFORE, The Declaration is hereby amended as follows:

1. Section 4.3 of the Declaration is amended to read:

No Business or Commercial Uses. No portion of the Subdivision may be used for any commercial business use, provided however that nothing in this provision is intended to prevent the use by any Owner of his Lot for a home occupation. No home occupation will be permitted, however, which requires or encourages the Owner's clients, customers, patients or others to come to the Lot to conduct business, or which requires any employees outside of the Owner's immediate

COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.

family or household. No retail sales of any kind may be made in the Subdivision. See Section 5.3 for the definition of Habitable Space.

2. Section 5.3 of the Declaration is amended to read:

Building Size and Floor Area. The size of the Lots within the Subdivision were intentionally varied. The variations in Lot sizes, Building Pad sizes and Habitable Space allowances within the Subdivision is intended to preserve view corridors, open space, and cluster the structures, and to maintain an appropriate limit on Lot coverage. A maximum Floor Area for each Lot (expressed in square feet of Habitable Space as defined in the Declaration) has been established and is set forth on the Plat. Subject to compliance with the definition of Habitable Space as defined below, no Dwelling Unit may be constructed on any Lot which exceeds the maximum Floor Area as shown on the Plat. Floor Area is expressed in square feet of Habitable Space. As referenced on the Plat and for purposes of the Declaration, the term "Habitable Space" shall mean the actual occupied area in the Dwelling Unit not including unoccupied accessory areas such as Corridors, Stairways, Elevator Shafts, Bathrooms, Mechanical Rooms, Closets, Mudrooms, Laundry Rooms, unconditioned Storage Areas, Fireplaces, completely walled-in chases/cavities, Interior Walls (except for door openings), and all Exterior Walls (including doorways). Exterior Porches and Decks, unfinished Attics, and Basements are not included as Habitable Space. Basements are defined as space in which the finished ceiling is no more than 18" above the exterior Final grade. Walk-out basements are acceptable. The first 600 square feet of garage areas are excluded, but any area over 600 square feet, unless the area qualifies as basement space, is to be included as Habitable Space.

IN WITNESS WHEREOF, this Amendment is hereby executed as of the date first above written.

West Ridge Subdivision, a Utah nonprofit corporation

By: [Signature]
Name: Gary R. Bailly
Its: President

State of Utah)
 :SS.
County of Summit)

The foregoing instrument was acknowledged before me this 28th day of June, 2012, by Gary R. Bailly, the President of West Ridge Subdivision, a Utah nonprofit corporation.

[Signature]
NOTARY PUBLIC

My Commission Expires: 4/11/2016
Residing at: Summit County, UT



ALL OF WEST RIDGE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT
THEROF AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE

AND

ALL OF WEST RIDGE SUBDIVISION PHASE II, ACCORDING TO THE OFFICIAL
PLAT THEROF AND OF RECORD IN THE SUMMIT COUNTY RECORDERS
OFFICE

WR-1, WR-2, WR-3, WR-4, WR-5, WR-6, WR-7, WR-8, WR-9, WR-10, WR-11, WR-12,
WR-13, WR-14, WR-15, WR-16, WR-17, WR-18, WR-19, WR-20, WR-21, WR-22,
WR-23, WR-24, WR-25, WR-26, WR-27, WR-28, WR-II-30, WR-II-31, WR-II-32,
WR-II-33, WR-II-34, WR-II-35, WR-II-36, WR-II-37, WR-II-38, WR-II-39, WR-II-40,
WR-II-41

When recorded, Mail to

Anita Sheldon,
City Recorder
Park City Municipal Corp.
P.O. box 1480
Park City, Utah 84060

**PLANNING DEPT.
APPROVED**

DATE Council 8/2/90

MAINTENANCE COVENANT

This agreement and covenant is entered into between Park City Municipal Corporation, referred to below as "Park City" and West Ridge Communities, Inc., a Utah Corporation referred to below as "West Ridge" to set forth the terms and conditions under which West Ridge guarantees the performance of certain obligations within the confines of the property described below. The parties agree as follows:

1. Property. The property affected by this covenant is described as follows:

All lots of the West Ridge Subdivision,
Park City, Summit County, Utah as shown
on the official plat thereof on record
in the office of the Summit County
Recorder.

2. Parties. The initial parties to this agreement are Park City and West Ridge. It is recognized that West Ridge intends to sell the property to third parties for construction of single family homes on the Lots, and that as that happens, the responsibility of West Ridge under this agreement will pass to the West Ridge Homeowners Association and to the Owners of those Lots. West Ridge Communities, Inc. will be discharged of any further responsibility under this agreement when 50% of the Lots have been sold to third parties. At that time, the obligations of West Ridge under this agreement will pass to the individual Lot Owners or the West Ridge Homeowners Association, as appropriate.

3. Open Space Maintenance. Within the boundaries of the West Ridge Subdivision, and within the boundaries of the specific Lots of that Subdivision, is an area described

on the Plat and in the Declaration of Covenants, Conditions and Restrictions as "Reserved Open Space." The Declaration of Covenants, Conditions and Restrictions for the Subdivision contain specific limitations on the uses that can be made of the Open Space in order to maintain the existing native vegetation in a natural state and minimize water demand for irrigation. The City is not a party to that Declaration, but desires to see the Open Space preserved as provided in the Declaration. The parties have therefore agreed that West Ridge will, and does by this agreement, grant to the City identical covenants, running in favor of the City, for the protection of the Open Space. These covenants are as follows:

Limits of Disturbance. Within each Lot as shown on the Plat, there is an area larger than the Building Pad but smaller than the perimeter of the Lot that is the Limit of Disturbance. All construction activity, including excavation, storage or waste of excavated material, construction access, and any other construction activity is to be confined to the Limits of Disturbance area (and the Building Pad). Prior to the commencement of construction, the Owner will mark the Limits of Disturbance area on the Lot with surveyor's tape or in some other means.

Reserved Open Space. The balance of the Lot that is not Building Pad or Limits of Disturbance area is Reserved Open Space. It is the intention of this Declaration that the Reserved Open Space be left in its undisturbed, natural condition. No existing vegetation (other than noxious weeds) may be removed from this portion of any Lot. No grading, excavating, or filling is permitted. No new vegetation may be planted except for replacement of the existing plants, or the addition of native species that will grow on the site, given the available water and exposure. No portion of the Reserved Open Space may be irrigated, provided however that any new plantings of native species may be irrigated as needed to establish natural growth. No structures of any kind are permitted in the Reserved Open Space, including

without limitation, pools, tennis courts, decks, spas, swing sets, trampolines, play ground equipment, or dog runs. No vehicles will be used, operated or stored on the reserved Open Space of any Lot.

4. City's Right of Enforcement. Enforcement actions under these covenants will be taken as follows:

(a) When the City believes there is a violation of the provisions of this Covenant, it will give written notice of the violation, stating specifically the nature of the violation and curative action required. Notice will be mailed to both the Owner of record of the Lot on which the alleged violation exists, and also the West Ridge Homeowners Association through its lawfully designated agent for service of process, if incorporated, and to the last address on file with the City if not incorporated. The notice will provide a period of 30 days in which the curative action must be taken.

(b) During that 30 day notice period, the Owner and/or the Association may contest the violation before the Building Department Board of Appeals established under the Uniform Building Code. During the time when an appeal is under consideration, no action will be taken by either party to this agreement.

(c) Upon the expiration of the 30 days notice in the absence of an appeal, or 30 days following determination of the Building Board of Appeals that a violation exists, if the Owner has not eliminated the violation, the City shall have the right, but not the obligation, to enter upon the property and perform the curative work at the cost of the Owner of the Lot on which the violation exists. The reasonable charges for the work done will be billed to the Owner, and are immediately due and payable. Unpaid charges will accrue interest at the rate of 1.5% per month until paid.

(d) Nothing in this agreement shall be construed as limiting the rights of either party to proceed under the general laws of the State of Utah or ordinances of Park City for abatement of nuisances, or from contesting the validity of any portion of this covenant, or any enforcement action under it, in a court of appropriate jurisdiction.

5. Costs and Attorney's Fees. In the event of legal action to enforce this covenant, or to collect sums owing, the prevailing party is entitled to recover its reasonable costs and attorneys fees in the action from the other party.

6. Covenant Running with the Land. This agreement shall constitute a covenant running with the land, and shall expire forty years from the date it is recorded.

Dated this ____ of _____, 1990.

West Ridge Communities, Inc.

By: _____
Paul A. Newkirk, Pres.

State of Utah)
 :SS
County of Summit)

On the ____ day of _____, Paul A. Newkirk appeared before me and acknowledged that to me that is the president of West Ridge Communities Inc., a Utah corporation, and that he signed the foregoing on behalf of the corporation with proper authority.

Notary Public
Residing At:

Commission Expires:

PARK CITY

1884

Department of Community Development
Engineering • Building Inspection • Planning

May 22, 1992

Mr. Patrick McGirl
P.O. Box 690934
Park City, Utah 84068

Re: Lot 23, Westridge Subdivision - Request for encroachment

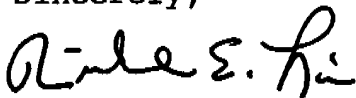
Dear Mr. McGirl:

This is to verify that the Planning Department has received a letter from the Architectural Committee for Westridge Subdivision in which Messrs. Tim Wyatt and Tim Furner have recommended that you be allowed to encroach into the reserved open space area with a driveway.

The Planning Department has reevaluated your request and has recommended denial of the encroachment into the open space reserve area. The purpose of the open space reserve area was to create visual open space corridors through the project. Encroachments into this area as you have proposed would visually impact the corridor itself. The Planning Staff also advised me that during the plan review they expressed concern over the location of your garage because the driveway would require extensive excavation. Based on the facts presented to me, I cannot grant your request for encroachment.

I understand your situation and hope there is some other alternative you can investigate for developing a turnaround on your site. You may want to examine excavating near the driveway approaching your garage in order to accommodate this. I would be willing to grant you an encroachment into the limits of disturbance in this area since it would not impact the open space reserve area.

Sincerely,



Richard E. Lewis
Director of Community Development

encs.
REL/gb



Building • Engineering • Planning

June 29, 2005

Mr. Gary Bailey, President
Westridge Homeowners Association
2525 Larkspur
Park City, UT 84060

RE: Westridge Open Space

Dear Mr. Bailey:

The Westridge subdivision was originally designed for a hotel as part of the Park Meadows Master Plan. In changing from a hotel to residential subdivision, the City was concerned about the increase in disturbance and outside water usage. Under these conditions, the City approved the subdivision with the platted stipulation that a number of lots (particularly on the periphery) have Reserved Open Space as defined and regulated by the CC&Rs. It has been the City's consistent policy not to allow disturbance within the Open Space as the CC&Rs specifically prohibit vegetation disturbance, irrigation, fences, playground equipment and the like (Section 6.5 of the CC&Rs approved by City Council on 8/2/90). Native species may be planted and irrigated to establish growth but not more than one or two years. It must be noted that blue spruce is not native to Park City and aspens are not native to the Westridge area and both need long-term irrigation as they are not drought tolerant.

Your request would need to be in the form of a plat amendment. It is unlikely that the staff, Planning Commission and City Council would support such a request without compelling reasons to do so. Nevertheless, any application would be given due process

Sincerely,

A handwritten signature in dark ink, appearing to read "P. Putt" or similar, written over a horizontal line.

Patrick Putt, Planning Director

c: Brooks T. Robinson, Senior Planner, Landscape Architect, Arborist

M:\Brooks\MISC\LETTER.WPD

DEFERRED SUBMITTALS

- 1. APPLIANCES & FIREPLACES: GENERAL CONTRACTOR SHALL SUBMIT ICC NUMBERS FOR FIREPLACES AND PERTINENT APPLIANCES PRIOR TO INSTALLATION
- 2. HEATING SYSTEM SHALL BE DESIGN/CONSTRUCT BY HEATING TRADES CONTRACTOR. HEATING TRADES CONTRACTOR SHALL SUBMIT HEAT LOSS CALCS TO BLDG DEPT. FOR REVIEW PRIOR TO BEGINNING INSTALLATION OR FABRICATION OF HEATING SYSTEM. THE HEATING SYSTEM SHALL BE A HOT WATER RADIANT IN FLOOR SYSTEM. AIR CONDITIONING SHALL BE BY A DUCTLESS, MULTI-SPLIT HIGH EFFICIENCY SYSTEM.
- 3. GAS PIPING SCHEMATIC: SEE NOTE #18 ON "ME" SHEETS FOR GAS PIPING REQUIREMENTS.
- 4. COMPLETE AUTOMATIC FIRE SPRINKLER PROTECTION SYSTEM PER 13d IS REQUIRED. SUBMIT FLOW CALCS, DESIGN CALCS AND SPRINKLER LAYOUT FOR REVIEW AND APPROVAL PRIOR TO MANUFACTURING ANY PART OF THE SYSTEM.
- 5. STUCCO AND EPS SYSTEM: SUBMIT THE MANUFACTURER'S RECOMMENDED APPLICATION INSTRUCTIONS ALONG WITH THE ICC LISTING FOR ALL STUCCO SYSTEMS TO BE USED.
- 6. SUBMIT ELEVATOR EQUIPMENT AND DETAILS FOR REVIEW AND APPROVAL PRIOR TO INSTALLING ANY EQUIPMENT.
- 7. SUBMIT THE SOLAR PV ARRAY INFORMATION INCLUDING ELECTRICAL CONNECTIONS AND INSTALLATION DETAILS FOR REVIEW AND APPROVAL PRIOR TO INSTALLING. SOLAR PV ARRAY REQUIRES A SEPARATE PERMIT APPLICATION.

BACKFLOW PREVENT DEVICES

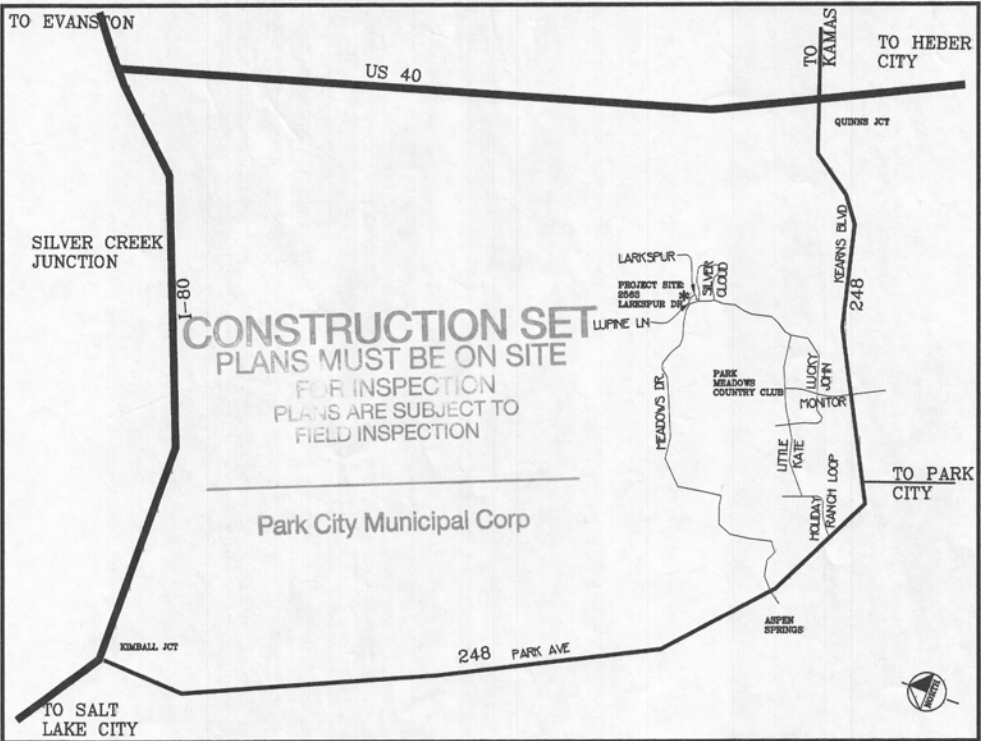
- 1. MAIN FEED FOR HOT WATER RADIANT SYSTEM.
- 2. EACH OF THE NEW HOSE BIBBS WILL HAVE BACK FLOW PREVENTERS. _6_ TOTAL
- 3. LANDSCAPE IRRIGATION SYSTEM

GENERAL NOTES

- 1. ALL SUBMITTALS AND CHANGES TO THE PLANS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO BEING SUBMITTED TO THE BUILDING DEPARTMENT FOR APPROVAL. ENGINEER TO APPROVE ALL STRUCTURAL CHANGES.
- 2. HABITABLE ROOMS, HALLWAYS, CORRIDORS, LAUNDRY ROOMS AND BASEMENTS SHALL HAVE A CEILING HEIGHT OF NOT LESS THAN 7. MEASURED FROM FINISHED FLOOR TO FINISHED CEILING, EXCEPT BATHROOMS MAY BE 6'8". NOT MORE THAN 50% OF THE REQUIRED FLOOR AREA IS PERMITTED TO HAVE A SLOPED CEILING LESS THAN 7 FT. WITH NO PORTION OF THE REQUIRED FLOOR AREA LESS THAN 5 FT IN HEIGHT. -IRC R305
- 3. MINIMUM WINDOW AREA SHALL EQUAL NOT LESS THAN 8% OF THE FLOOR AREA OF THE ROOM UNLESS ARTIFICIAL LIGHT IS PROVIDED CAPABLE OF PRODUCING AN AVERAGE ILLUMINATION OF 6 FC OVER THE AREA OF THE ROOM AT A HEIGHT OF 30" -IRC R303
- 4. NATURAL VENTILATION EQUALING 4% OF THE FLOOR AREA SHALL BE THROUGH WINDOWS, DOORS, LOUVERS OR OTHER APPROVED OPENINGS TO THE OUTDOORS UNLESS APPROVED MECHANICAL VENTILATION SYSTEM IS PROVIDED CAPABLE OF PRODUCING 0.35 AIR CHANGES PER HOUR IN THE ROOM OR A WHOLE-HOUSE VENTILATION SYSTEM IS INSTALLED. -IRC 5303
- 5. AT ROOF VALLEYS PROVIDE MINIMUM 28 GA. GALV. SHEET STEEL CORROSION RESISTING METAL EXTENDING AT LEAST 11" FROM THE CENTERLINE EACH WAY. INSTALL "ICE & WATERSHIELD" EXTENDING FROM THE EAVES TO A POINT AT LEAST 24" INSIDE THE EXTERIOR WALL LINE. -IRC R905.8.3
- 6. EXTERIOR WALLS SHALL PROVIDE THE BUILDING WITH A WEATHER-RESISTIVE EXTERIOR ENVELOPE. PROVIDE WEATHER RESISTIVE BARRIER FLASHING DETAILS FOR WINDOWS, DOORS AND OTHER OPENINGS IN THE BUILDING ENVELOPE, INCLUDE MANUFACTURER'S INSTALLATION INSTRUCTIONS. -IRC R703.1
- 7. STAIRWAYS SHALL BE NOT LESS THAN 36" IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT. HANDRAILS SHALL NOT PROJECT MORE THAN 4.5 INCHES ON EITHER SIDE -IRC R311.5.1
- 8. THE TOPS OF HANDRAILS SHALL BE PLACED BETWEEN 34" AND 38" ABOVE THE NOSING OF THE TREADS. THEY SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS. ENDS SHALL BE RETURNED TO THE WALL OR SHALL TERMINATE IN NEVEL POSTS OR SAFETY TERMINALS. THE HANDGRIP PORTION OF THE HANDRAILS SHALL BE NOT LESS THAN 1-1/4" NOR MORE THAN 2-5/8" IN CROSS SECTIONAL DIMENSION OR THE SHAPE SHALL PROVIDE AN EQUAL GRIPPING SURFACE. HANDRAILS PROJECTING FROM THE WALL SHALL HAVE NOT LESS THAN 1-1/2" BETWEEN THE WALL AND THE HANDRAIL -IRC R311.5.6
- 9. ALL UNENCLOSED FLOOR AND ROOF OPENINGS, OPEN AND GLAZED SIDES OF LANDINGS AND STAIRS, BALCONIES AND PORCHES MORE THAN 30" ABOVE GRADE, AND ROOFS USED FOR OTHER THAN SERVICE OF THE BUILDING SHALL BE PROTECTED BY A GUARD (GUARDRAIL). GUARDS SHALL BE NOT LESS THAN 36" IN HEIGHT. OPEN GUARDS SHALL HAVE INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SUCH THAT NO SPHERE 4" IN DIAMETER CAN PASS THROUGH. IRC R312
- 10. THE MINIMUM HEADROOM IN ALL PARTS OF A STAIRWAY SHALL BE NOT LESS THAN 6'8" MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING OR FROM A FLOOR SURFACE OF A LANDING OR PLATFORM. -IRC R311.5.2
- 11. CARE HAS BEEN TAKEN TO SHOW ACCURATE LOCATION OF TREADS AND RISERS, HOWEVER VARIATIONS IN FLOOR FINISHES AND STAIR LAYOUTS MAY REQUIRE MODIFICATIONS DICTATED IN THE FIELD. IN NO CASE SHALL STAIR RISERS EXCEED 8" AND TREAD SHALL NOT BE LESS THAN 9" IF OPEN RISERS ARE PROVIDED THE OPENINGS SHALL BE LESS THAN 4" -IRC R311.5.3
- 12. ALL TREADS AND RISERS WITHIN A RUN OF STAIRS SHALL BE EQUAL WITHIN A TOLERANCE OF 3/8" MAX. -IRC R311.5.3
- 13. PROVIDE 1/2" GWB ON WALLS AND SOFFITS UNDER A STAIRWAY WITH ENCLOSED ACCESSIBLE SPACE. -IRC R311.2.2
- 14. THE FIREPLACES FOR THIS PROJECT ARE INTENDED TO BE PACKAGED UNITS COMPLETE WITH FLUES AND COMBUSTION AIR. WHERE UNITS ARE REQUIRED TO BE DIRECT VENT, PROVIDE UNITS MEETING THE REQUIREMENTS OF THE IRC. AS NOTED IN DEFERRED SUBMITTALS, SUBMIT THE ICC LISTINGS FOR ALL SUCH UNITS TO THE BUILDING DEPARTMENT AND CONFORM TO ALL THE INSTALLATION INSTRUCTIONS PROVIDED BY THE MANUFACTURER. -IRC R1002 & R1004
- 15. CONTRACTOR MUST INSTALL WEATHER RESISTIVE BARRIER AND FLASHING AND HAVE IT INSPECTED AND APPROVED BY THE BLDG. DEPT. PRIOR TO INSTALLING ANY EXTERIOR FINISHES.
- 16. SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN APPROVED DRAINAGE COURSE BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10FT. IRC 401.3
- 17. VERIFY THAT THERE IS AT LEAST 18" CLEARANCE BETWEEN THE GRADE AND FLOOR JOISTS IN ALL CRAWLSPACES. CRAWLSPACES SHALL HAVE A 6 MIL VISQUEEN VAPOR BARRIER AND 4" OF CLEAN GRAVEL AND SHALL BE TEMPERED, NOT VENTED.

MARK	DRAWN:	THICKNESS	DESCRIPTION:
A		8" OR 10"	8" CONCRETE WALL W/ STEEL REINFORCEMENT. TYPICAL STEEL SHALL BE #5 BARS AT 15" OC HORIZONTAL AND #4 BARS AT 15" OC VERTICAL UNLESS NOTED OTHERWISE ON FTG. & FDN PLAN. WATERPROOF CONCRETE WALLS BELOW GRADE PER SPECS.
B		12"	FURRED CONCRETE WALL. WALL SAME AS CONC. WALL ABOVE EXCEPT IT IS FURRED WITH 2 X 4'S AT 24" OC ON THE INSIDE FACE. R-15 BLOW-IN BATT INSULATION UNDER 1/2" GWB ON INSIDE FACE OF WALL.
C		10"	FURRED CONCRETE WALL. WALL SAME AS FURRED WALL ABOVE EXCEPT IT IS FURRED WITH 2 X 2'S INSTEAD OF 2 X 4'S AND USE 1 1/2" SPRAY FOAM INSULATION. INSTALL 1/2" GWB OVER FURRING. (DO NOT LEAVE FOAM INSULATION EXPOSED IN CRAWLSPACES OR ATTIC SPACES)
D		7 1/4"	EXTERIOR STUD WALL: 2 X 6 STUDS @ 16" OC W/ WALL FINISH AS SCHEDULED (SEE A2.1 & A2.2) OVER TYVEK HOUSEWRAP OVER 1/2" PLYMD OVER THE STUDS AT EXTERIOR. INSTALL 1 1/2" RIGID FOAM OVER THE TYVEK AND FURRING CHANNELS WHERE SIDING IS SCHEDULED. INSTALL R-19 BLOW-IN BATT INSULATION BETWEEN STUDS COVERED WITH CERTAINTED "MEMBRANE" POLYAMIDE VAPOR BARRIER AND 1/2" GWB. (USE CEMENT BACKER BOARD BEHIND TILE AND AROUND FIREBOXES (TYP))
E		4 1/2"	INTERIOR STUD WALL: 2 X 4 STUDS AT 16" OC WITH 1/2" GWB ON BOTH SIDES. PROVIDE SOUND BATTS AT INTERIOR WALLS AROUND BATHROOMS AND MECHANICAL ROOMS. (NOTE THAT 5/8" CEMENT BACKER BOARD SHALL BE USED BEHIND TILE AND AROUND FIREPLACE BOXES.)
F			WINDOW OPENING: WINDOW SCHEDULE IS PER CALLOUT MINIMUM U VALUE = .35 SEE SHT A2.3 FOR ADDITIONAL INFO. ALL GLAZING INSULATED LOW-E SQUARED ALL GLAZING SHALL BE TEMPERED WHERE REQUIRED BY SECTION R308 OF THE IRC
G			DOOR SCHEDULE IS PER CALLOUT - SEE SHT. A2.3 ALSO V = WOOD DOOR AS SELECTED BY OWNER F = FIRE DOOR, 1 1/2" THICK SOLID CORE WOOD SELF-CLOSING EN = ENTRY DOOR COMPLETE WITH WEATHER SEALS SH = SHOWER DOOR, TEMPERED GLASS (TYP) H = "HIDDEN" DOOR 1 1/2" SOLID CORE WOOD SELF-CLOSING P = SAME AS 'V' BUT IN A POCKET FRAME SP = "SPECIAL" SEE NOTES ON PLAN

WALL SCHEDULE AND KEY



VICINITY MAP (NOT TO SCALE)

SHEET	DESCRIPTION:
TI	TITLE SHEET
SD1	SITE PLAN
CP	CONSTRUCTION PLAN
A1.1	GARAGE FLOOR PLAN
A1.2	1st. LEVEL FLOOR PLAN
A1.3	2nd. LEVEL FLOOR PLAN
A1.4	3rd. LEVEL FLOOR PLAN
A2.1	EAST & SOUTH (FRONT) EXTERIOR ELEVATIONS
A2.2	WEST & NORTH EXTERIOR ELEVATIONS
A2.3	DOOR & WINDOW SCHEDULES & WINDOW WATERPROOFING DETAILS
A3.1	BUILDING SECTIONS 1 & 2
A3.2	BUILDING SECTIONS 3 & 4
A3.3	BUILDING SECTIONS 5 & 8
A3.4	BUILDING SECTIONS 6 & 7
A4.1	INTERIOR ELEVATIONS
A4.2	INTERIOR ELEVATIONS
S1.1	GENERAL STRUCTURAL NOTES & DETAILS
S1.2	TYPICAL FOOTING & FDN DETAILS
S1.3	TYPICAL FRAMING DETAILS
S2.1	FOOTING & FOUNDATION PLAN
S2.2	LOWER FLOOR FRAMING PLAN
S2.3	MAIN FLOOR & LOWER ROOF FRAMING PLAN
S2.4	UPPER FLOOR & MAIN ROOF FRAMING PLAN
S2.5	HIGH ROOF FRAMING PLAN
S2.6	LOWER LEVEL SHEAR WALL & HOLDDOWN PLAN
S2.7	MAIN LEVEL SHEAR WALL & HOLDDOWN PLAN
S2.8	UPPER LEVEL SHEAR WALL & HOLDDOWN PLAN
S3.1	FTG & FOUNDATION DETAILS
S3.2	SUSPENDED CONC. SLAB DETAILS, RETAINING WALL DETAILS
S3.3	WALL AND FTG & FOUNDATION DETAILS
S3.4	WALL AND FTG & FOUNDATION DETAILS
S3.5	SUSPENDED CONC SLAB & FOUNDATION DETAILS
S4.1	BEAM, COLUMN & FRAMING DETAILS
S4.2	FRAMING & BEAM DETAILS
S5.1	STEEL FRAMING DETAILS
ME1	GARAGE LEVEL MECH/ELECT PLAN
ME2	1st FLOOR MECH/ELECT PLAN & SCHEDULE
ME3	2nd FLOOR MECH/ELECT PLAN & SCHEDULE
ME4	3rd FLOOR MECH/ELECT PLAN & SCHEDULE

SCHEDULE OF DRAWINGS

CATEGORY	DESCRIPTION:
PROJECT:	SINGLE FAMILY DWELLING
ADDRESS:	2563 LARKSPUR DRIVE PARK CITY, UTAH 84060
OWNER:	JENNIFER GARDNER & KEN DORMAN 2544 FAIRWAY VILLAGE DRIVE PARK CITY, UT 84060
PHONE:	510-882-4472
EMAIL:	jgardnerpc@yahoo.com
BLDG. TYPE:	TYPE V-B; FIRE SPRINKLED
OCCUPANCY:	RESIDENTIAL - "R"
FLOOR AREA:	
DATUM 100' =	
BLDG. HT.:	3 STORY, ROOF 28 FEET ABOVE UNDISTURBED NAT. GRADE. MAXIMUM HT. ABOVE NATURAL GRADE AT RIDGELINE: 32 FEET
LEGAL DESCRIPTION:	ALL OF LOT 38 WEST RIDGE SUBDIVISION PHASE II, SUMMIT COUNTY, UTAH. ENTRY NUMBER 341604, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
SOIL:	SANDY, SILTY SAND, CLAYEY SAND, SILTY GRAVEL AND CLAYEY GRAVEL q=2000 PSF (q=1500 PSF USED) PER TABLE R401.4.1 IRC 2009 EDITION
CODE:	INTERNATIONAL RESIDENTIAL CODE (IRC) 2012 EDITION STRUCTURAL SHALL COMPLY WITH INTERNATIONAL BUILDING CODE (IBC) 2012 EDITION

CODE INFORMATION



2001 Lucky John
Park City
Utah 84060
(435) 649-8868
743 649-9222



A PRIVATE RESIDENCE
FOR
JENNIFER GARDNER & KEN DORMAN
2563 LARKSPUR DRIVE, PARK CITY, UTAH 84060

BD-15-21292
PLAN CHK 9-16-15 WPM
GARDNER/DORMAN RESIDENCE
TITLE SHEET
DATE: 02-28-2015
DRAWN BY: WPM
JOB NO: 04-14-04

APPROVED
PARK CITY MUNICIPAL CORP
BUILDING DEPT
T1

RECORD OF SURVEY & TOPOGRAPHIC MAP

LOT 38 OF WEST RIDGE SUBDIVISION PHASE II
LYING WITHIN THE NORTHWEST QUARTER OF
SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

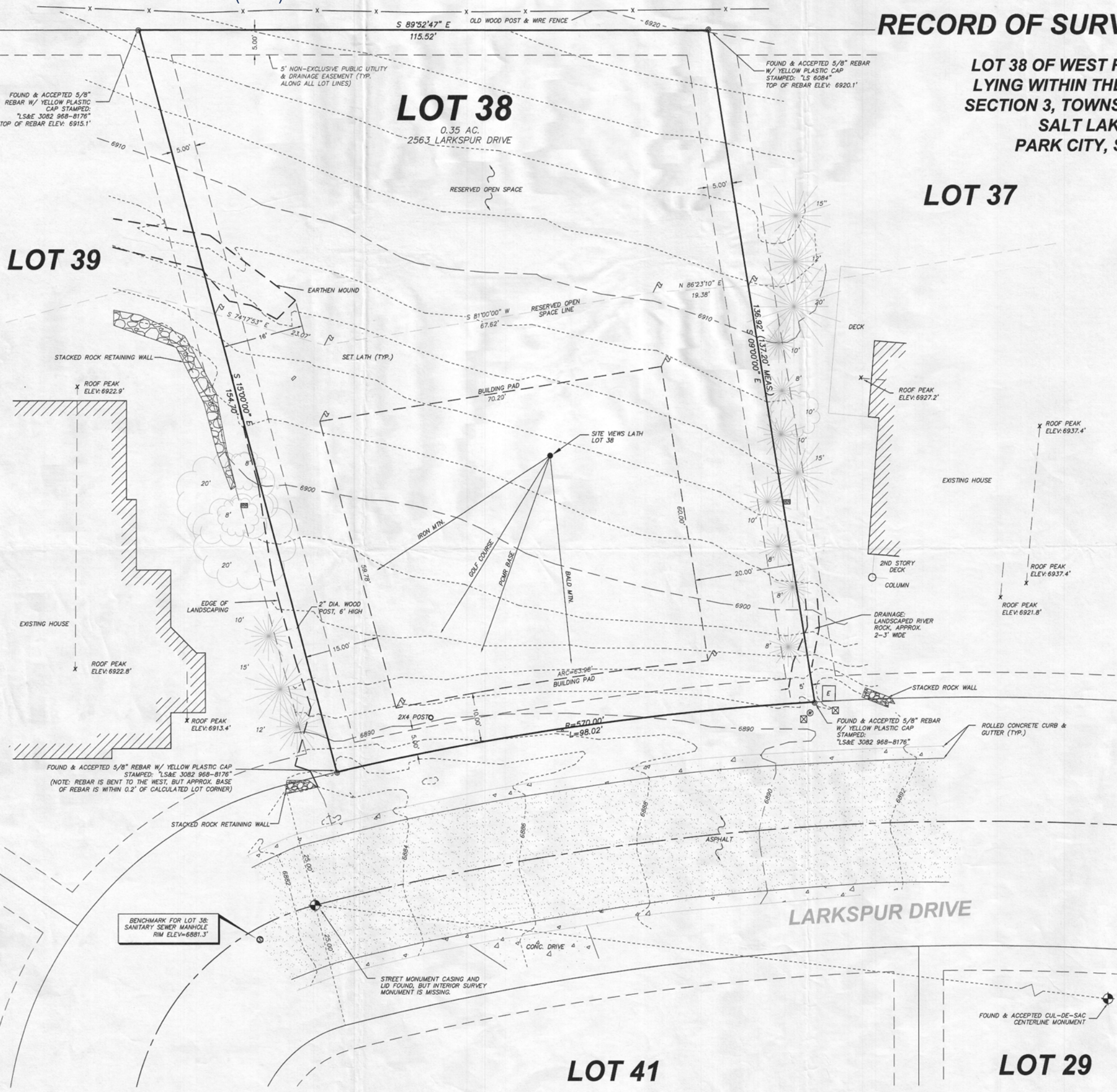
Park City
Surveying
P.O. Box 682993
Park City, UT 84068
(435) 669-2918
(435) 669-4637 fax

REVISIONS

DATE	BY	COMMENTS
XX/XX/XXXX		

SURVEYED BY:
MN
DRAWN BY:
MN
DATE:
APRIL 2014

RECORD OF SURVEY & TOPOGRAPHIC MAP
LOT 38
WEST RIDGE SUBDIVISION PHASE II
FOR: GARDNER
DWG: WEST RIDGE 38 ROS-TOPO



NARRATIVE:
THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP PRIOR TO DEVELOPMENT BY THE OWNER.
EXISTING SURVEY MONUMENTS IN ADJACENT ROADWAYS AND LOTS WERE USED TO REESTABLISH THE PROPERTY CORNERS.
THE BASIS OF BEARING IS SHOWN HEREON. ALL BEARING AND DISTANCES SHOWN HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED.
SURVEY COMPLETED: 04/15/2014
SEE SAID OFFICIAL WEST RIDGE SUBDIVISION PHASE II PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.
NOTE: OTHERS MAY APPLY.
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EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL FOUND EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

LEGAL DESCRIPTION:
ALL OF LOT 38 OF WEST RIDGE SUBDIVISION PHASE II, ENTRY NUMBER 341604, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SURVEYOR'S CERTIFICATE
I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.
DATE: 4/13/14
SIGNATURE: [Signature]
DATE: 7/2/15
PARK CITY PLANNING DEPT. APPROVED
PARK CITY MUNICIPAL CORP. RECEIVED JUN 12 2015 BUILDING DEPT.

SITE PLAN & TOPOGRAPHIC MAP

LOT 38 OF WEST RIDGE SUBDIVISION PHASE II
LYING WITHIN THE NORTHWEST QUARTER OF
SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

William P. Marmmen
Associates for
the Advancement
of Architecture

2001 Lucky John
Park City
Utah 84060
(435) 849-8888
FAX 845-9282

NARRATIVE:
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LEGAL DESCRIPTION:
ALL OF LOT 38 OF WEST RIDGE SUBDIVISION PHASE II, ENTRY NUMBER 341604, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.



GRAPHIC SCALE
1 INCH = 10 FEET

- LEGEND**
- FOUND STREET MONUMENT
 - FOUND REBAR W/ CAP (AS DESCRIBED)
 - SANITARY SEWER MANHOLE
 - UTILITY LATERAL
 - WATER METER
 - TRANSFORMER
 - COMMUNICATIONS BOX
 - IRRIGATION BOX
 - SIGN

TREE DIAMETER ANNOTATED TO EDGE OF DRIPLINE

- 5' CONIFEROUS TREE
- 5' DECIDUOUS TREE

DATUM 100'-0" = ELEV. 6908'-0"

- WATER METER
- WATER SERVICE LINE
TO BE 1 1/2" DIAMETER

PARK CITY PLANNING DEPT.
APPROVED
CA
SIGNATURE
7/2/15
DATE

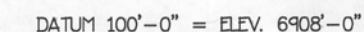
RECEIVED
PARK CITY MUNICIPAL CORP
JUN 12 2015
BUILDING DEPT

DWG: WEST RIDGE 38 ROS-TOPO
FOR: GARDNER
PRELIMINARY SITE PLAN AND TOPO MAP
LOT 38
WEST RIDGE SUBDIVISION PHASE II

APPROVED
PARK CITY MUNICIPAL CORP
SEP 23 2015
BUILDING DEPT

SD1

2001 Lucky John
Park City
Utah 84060
(435) 649-8868
FAX 645-9282



CP

DWG: WEST RIDGE 38 ROS-TOPO

FOR: GARDNER

CONSTRUCTION SITE PLAN AND TOPO MAP

LOT 38

WEST RIDGE SUBDIVISION PHASE II

SYMBOL LIST

STARTS UP

DOOR SIZE
TYPE/HARDWARE

DOOR REFERENCE
SEE SHT T1

WINDOW SIZE
TYPE/HARDWARE

WINDOW REFERENCE
SEE SHT T1

BUILDING SECTION

WALL SECTION

ROOM
NUMBER

ROOM NAME & NUMBER
& FINISH SCHEDULE

HOSE BIBB

NOTES:

- SEE WALL SCHEDULE ON SHEET T1 FOR DESCRIPTION OF WALLS AND DOOR AND WINDOW SYMBOLS
- ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD (F.O.S.) UNLESS THEY ARE NOTED OTHERWISE. WALL THICKNESS HAVE NOT BEEN MENTIONED SO USE 3 1/2" OR 5 1/2" AS IS APPROPRIATE TO ADD DIMENSION STRINGS. TOTAL WALL THICKNESSES ARE INDICATED ON THE FINISH SCHEDULE. FACE OF CONCRETE IS INDICATED AS "F.O.C."
- SEE THE STRUCTURAL DRAWINGS (SHEETS S1-S4) FOR STRUCTURAL NOTES AND DETAILS.
- ALL EXTERIOR DIMENSIONS ARE TO FACE OF STRUCTURAL INSULATED PANELS.

PARK CITY PLANNING DEPT.
APPROVED
Signature: *Ca* Date: 7/29/15

1544 sq. ft. GROSS FLOOR AREA
1112 sq. ft. NET FINISH FLOOR
3497 sq. ft. TOTAL FINISHED FLOOR AREA

DATUM 100'-0" = ELEV. 6908'-0"
1 2nd FLOOR PLAN
A1.3 SCALE 1/4" = 1'-0"

RECEIVED
PARK CITY MUNICIPAL CORP
JUN 12 2015

BUILDING DEPT
APPROVED
PARK CITY MUNICIPAL CORP
SEP 23 2015

GARDNER/DORIAN RESIDENCE
2nd FLOOR PLAN
DATE 02-04-2015 CHECKED BY: VMT
DRAWN BY: VMT JOB NO: 04-14-04

A1.3

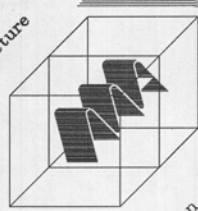
William P. Mattern
Architect for
the Advancement
of Architecture
2001 Lucky John
Park City
Utah 84060
(435) 646-8888
FAX 646-9282

142

SITE PLAN & TOPOGRAPHIC MAP

LOT 38 OF WEST RIDGE SUBDIVISION PHASE II
LYING WITHIN THE NORTHWEST QUARTER OF
SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

William P. Mammen
Associates for
the Advancement
of Architecture



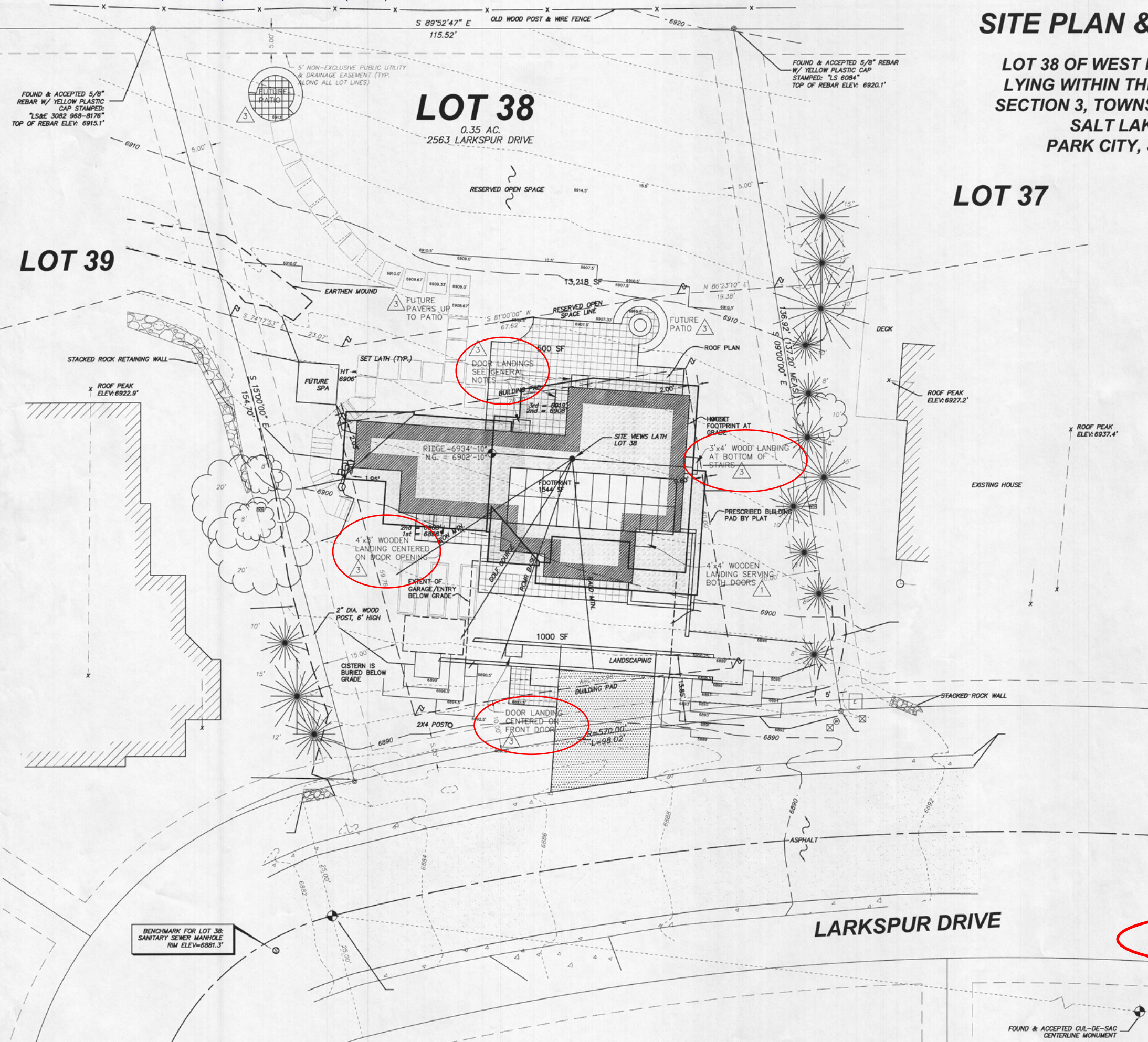
2001 Lucky John
Park City
Utah 84080
(435) 649-8868
FAX 645-9282

REVISIONS	DATE	BY	COMMENTS
	9-16-2015	WPM/PLAN	CHK
	9-27-2016	WPM/LANDSCAPE	
	1-14-2017	WPM/DOOR LANDINGS FOR C.O.	
	1-30-2017	WPM/CORRECTED NOTES	



SURVEYED BY:
MN
DRAWN BY:
MN
DATE:
APRIL 2014

GARDNER
FOR:
WEST RIDGE 38 ROS-TOPO
CONSTRUCTION SITE PLAN AND TOPO MAP
LOT 38
WEST RIDGE SUBDIVISION PHASE II



NARRATIVE:

THIS DRAWING IS BASED ON A SURVEY DONE BY PARK CITY SURVEYING. THE PURPOSE OF THE SURVEY WAS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP PRIOR TO DEVELOPMENT BY THE OWNER.

EXISTING SURVEY MONUMENTS IN ADJACENT ROADWAYS AND LOTS WERE USED TO REESTABLISH THE PROPERTY CORNERS.

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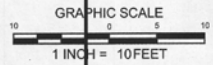
SURVEY COMPLETED: 04-15-2014. THIS DRAWING WAS DRAWN OVER THE SURVEY 2-16-2015. SEE SAID OFFICIAL WEST RIDGE SUBDIVISION PHASE II PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS. NOTE: OTHERS MAY APPLY.

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LEGAL DESCRIPTION:

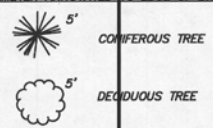
ALL OF LOT 38 OF WEST RIDGE SUBDIVISION PHASE II, ENTRY NUMBER 341604, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.



LEGEND

- FOUND STREET MONUMENT
- FOUND REBAR W/ CAP (AS DESCRIBED)
- SANITARY SEWER MANHOLE
- UTILITY LATERAL
- WATER METER
- TRANSFORMER
- COMMUNICATIONS BOX
- IRRIGATION BOX
- SIGN

TREE DIAMETER ANNOTATED TO EDGE OF DRIPLINE



DATUM 100'-0" = ELEV. 6908'-0"

GENERAL NOTES:

- IN ORDER TO ACHIEVE OCCUPANCY, THESE PLANS ARE AMENDED TO SHOW TREATED WOOD LANDINGS OUTSIDE EVERY EXTERIOR DOORWAY.
- THE SIZE OF THE LANDINGS SHALL BE 4' WIDE BY 3' DEEP UNLESS NOTED OTHERWISE.
- EACH LANDING SHALL BE WITHIN 7" TO 5" OF THE FIN. FLOOR ELEV. OF THE DOORWAY.
- EACH SHALL BE LEVEL EXCEPT THEY MAY SLOPE 1/8" PER FT. OUT FROM THE DOOR.
- CONTRACTOR SHALL PREPARE A CLEAR-PAVED CONCRETE PATH THAT CAN BE KEPT CLEAR OF SNOW AND ICE FROM THE FRONT DOOR TO THE STREET. SUCH PATH SHALL MEET ALL THE REQUIREMENTS OF THE IRC FOR EGRESS.

PARK CITY PLANNING DEPT.
APPROVED
SIGNATURE: [Signature]
DATE: 1.21.17

temp. decks only.

Park City Building Dept
JAN 31 2017
Approved

Exhibit N – West Ridge Sub Ph II Open Space Calculation

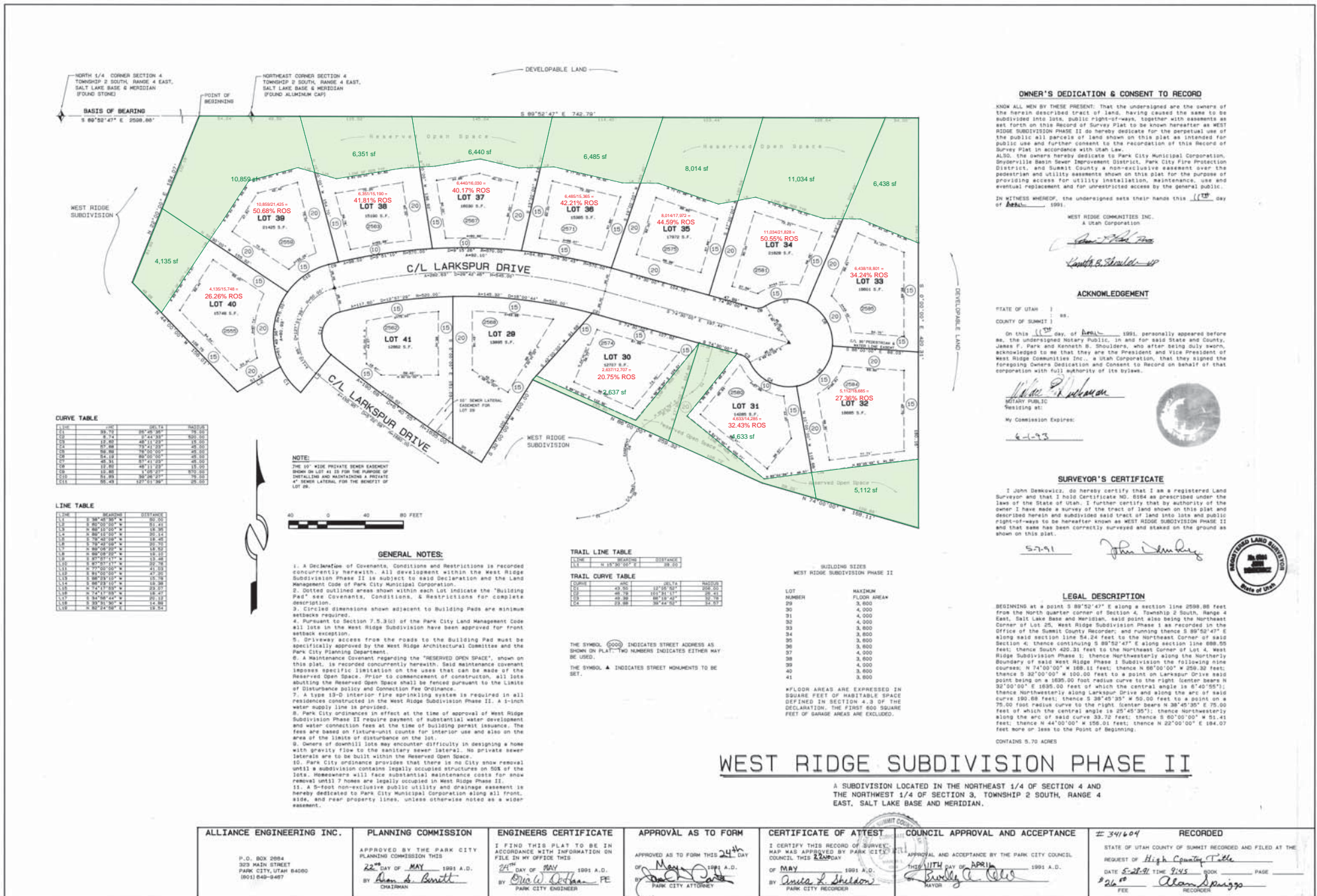


Exhibit O – Public Comments

From: [REDACTED]
To: [Laura Newberry](#)
Subject: 2563 Larkspur proposed Plat ammendment
Date: Monday, August 06, 2018 10:22:28 AM

We are the owners of [REDACTED] and are writing to oppose the proposed amendment. We were disturbed more than a year ago, when the developer removed the vegetation from the entire parcel, completely ignoring the non-disturbance limitations that every other homeowner in the subdivision has accepted. Any planting or other development of the non-disturbance area will interfere with our current view toward the Canyons ski area.

Of course, each of us would like to develop our own non-disturbance area and constrain all of our neighbors not to do so. We fully expect that if the plat amendment is approved others of us will also plan to add improvements to our own property.

Regards,

Francisco Astorga

From: David Jenkins <DJenkins@fatboycapital.com>
Sent: Sunday, October 14, 2018 11:30 AM
To: Laura Newberry
Subject: 2563 Larkspur plat amendment request

Dear Ms. Newberry:

We have received your notification to neighbors of a public hearing to consider application PL-18-03836, modifying the open space setback for lot 38 in the West Ridge Subdivision Phase II, with the address of 2563 Larkspur. We are opposed to the request.

We believe that this subdivision is unique in its layout of different size lots with different size homes, and we are generally opposed to the very large homes in this subdivision. While their home is not necessarily large compared to other Park City homes, it is rather imposing in its upward structure. Being that as it may, the platting of the subdivision was well thought out when originally approved, and all homeowners are aware of the open space conditions before they build.

If the homeowner was not the original builder of the home, and has bought the house second hand, and was generally inclined to make a home more beautiful to the subdivision, and given the large open space behind the house, we would probably not be opposed. However, such is not the case. The current owner has built the house, very recently, in just the past few years. If there was to be a plat change, it should have been done with the architect, incorporated into the overall design, reviewed by the HOA with its then appropriate approval, and submitted to the city at that time. This seems to be either a gross oversight, or an intentional desire to wrongfully achieve a larger lot.

Finally, if we grant for one, can we then grant for all? It would seem that there could be many lot owners that could want to justify a larger outside sculptured living area for their individual homes.

Sincerely,

David and Linda Jenkins
2549 Lupine Lane

Francisco Astorga

From: John Raskind <20belowzero@comcast.net>
Sent: Sunday, October 14, 2018 1:52 PM
To: Laura Newberry
Cc: Janet and Rick Smith; David and Linda Jenkins; Bob and Sharon Hoverson; John and Margie Harris; Tricia and Gary Baily; jmfeasler@aol.com; Cheryl cell Gorman; Becky Malkerson
Subject: 2563 Larkspur - plat amendment application hearing (PL-18-03036)

Laura,

We are unable to attend the public hearing, but as full time residents of the West Ridge subdivision in Park Meadows, we are adamantly opposed to this proposed plat amendment application.

With this property, the protected area has already been violated — actually clear cut — and all native plants removed. And now that this has been done, the property owner is seeking a retroactive plat amendment, to move the reserved open space line, in an attempt to mitigate their exposure to the penalties and revegetation costs which would otherwise be imposed for this violation.

The applicant/ property owner, as a recent property purchaser in West Ridge, had to go through the rigorous building permit and approval process and were well aware of the building envelope and zone of disturbance limits before they purchased the property or began construction.

Their violation has irreparably damaged a long-established protected open space area, previously frequented by wildlife. Furthermore, it has set up a situation where soil erosion and drainage issues will now become new and permanent problems for the adjacent properties.

To grant this plat amendment request sets a dangerous precedent, inviting other property owners to violate at will, the protected space outside of their permitted zone of disturbance, and do whatever they wish, without regard for their neighbors or the protected and reserved open space areas for which we are all stewards.

We strongly urge you to deny this request and apply the appropriate sanctions for this intentional and egregious violation.

Thank you,

Katherine A. Kendall and John R. Raskind

Francisco Astorga

From: John D Harris <jdharris2@gmail.com>
Sent: Monday, October 15, 2018 11:59 AM
To: Laura Newberry
Subject: 2563 Larkspur - Plat amendment application hearing.

Hi Laura,

My wife and I have lived in the Westridge Subdivision for over eleven years. Each lot has a building envelope and designated protected open space. These areas are clearly shown for each lot on a recorded plat. Anyone buying or building on a lot knows this in advance.

We will be out of town and unable to attend the public hearing. We want to make it very clear that we are absolutely opposed to any plat amendment. Granting an exception to one homeowner sets a precedent which could and should apply to all owners in the subdivision.

It is our understanding that the requesting party has already violated the restriction and destroyed some of the open space. The old saying "It is easier to ask for forgiveness than permission" should not be allowed.

We strongly urge you to:

1. Deny the request to amend the Plat.
2. Require the property owner to restore the open space to its original condition.
3. Ensure the restoration is done in a timely manner.
4. Apply all appropriate sanctions and fines for the intentional violation.

Sincerely

John and Margie Harris
2540 Larkspur Drive
.

Regarding the plat amendment application for 2563 Larkspur:

We live in West Ridge and are very concerned that this plat amendment if passed would set a precedent that would encourage other property owners to disregard the regulations regarding protected space.

The violation has already occurred which has already damaged the established open space area. This was done without regard for the regulations and without regard for their West Ridge neighbors.

We are opposed to this plat amendment application.

Concerned West Ridge Neighbors

RECEIVED

NOV 16 2018

PARK CITY
PLANNING DEPT.

Exhibit O – Public Comments

From: [John Gorman](#)
To: [J R](#)
Cc: [Laura Newberry](#)
Subject: Re: 2563 Larkspur - plat amendment application hearing (PL-18-03903)
Date: Wednesday, December 5, 2018 11:47:13 AM

John Cheryl Gorman 2547 Lupine Lane. We agree with Dr Raskin...

Sent from my iPad

On Dec 5, 2018, at 11:06 AM, J R <20belowzero@comcast.net> wrote:

Laura,

This is a follow up to our prior email comments sent to you on 10/14/18 re: this plat amendment application and public hearing, which has been subsequently rescheduled and given a new application #. We are, unfortunately, unable to attend the rescheduled public hearing, but as full time residents of the West Ridge subdivision in Park Meadows, we remain adamantly opposed to this proposed plat amendment application.

Although the most recent notice states that "the proposal results in no net loss of Reserved Open Space," the fact remains that the protected area has already been violated and all native plants removed. Now that this has been done, the property owners are seeking a retroactive plat amendment, to change the reserved open space line, in an attempt to mitigate their exposure to the penalties and revegetation costs which would otherwise be imposed for this violation.

The applicants / property owners, as a recent property purchasers in West Ridge, had to go through the rigorous building permit and approval process and were well aware of the building envelope and zone of disturbance limits before they purchased the property, began construction or landscaping.

Their violation has irreparably damaged a long-established protected open space area. Furthermore, it has set up a situation where soil erosion and drainage issues may now become new and permanent problems for the adjacent properties.

To grant this plat amendment request sets a dangerous precedent, inviting other property owners to violate at will, the protected space outside of their permitted zone of disturbance, and do whatever they wish, without regard for their neighbors or the protected and Reserved Open Space areas for which we are all stewards.

We strongly urge you to deny this request and apply the appropriate sanctions for this violation.

Thank you,

Katherine A. Kendall and John R. Raskind

Exhibit O – Public Comments

From: [J.R.](#)
To: [Laura Newberry](#)
Subject: 2563 Larkspur - plat amendment application hearing (PL-18-03903)
Date: Wednesday, December 5, 2018 9:08:08 AM

Laura,

This is a follow up to our prior email comments sent to you on 10/14/18 re: this plat amendment application and public hearing, which has been subsequently rescheduled and given a new application #. We are, unfortunately, unable to attend the rescheduled public hearing, but as full time residents of the West Ridge subdivision in Park Meadows, we remain adamantly opposed to this proposed plat amendment application.

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We strongly urge you to deny this request and apply the appropriate sanctions for this violation.

Thank you,

Katherine A. Kendall and John R. Raskind

Exhibit O – Public Comments

From: [Smith, Janet](#)
To: [Laura Newberry](#)
Subject: Concerns with attempted plat amendment
Date: Monday, December 10, 2018 12:53:51 PM

RE: PL-18-03903

Hello, Laura.

I'm writing to express my concern about the attempted plat amendment for the Westridge area of Park Meadows by the owners of 2563 Larkspur. I understand that the original meeting of the planning commission set for December has been cancelled. My husband and I had planned on attending that meeting in person to express our dismay and concerns, but since the meeting has not been re-scheduled yet, I thought it would be best to put my comments in writing. It is fine to make them public.

I wholeheartedly agree with our neighbors (Kathy Kendall and John Raskind) who copied me on their letter late last month regarding the flagrant violation of the no disturbance zone. We bought our property at 2571 Larkspur in good faith reliance on the representations in the official planning commission documents regarding the definitions and mapping for the no disturbance areas. We also built our house in compliance with those specifications and configured our house on the lot in reliance of those maps in order to maximize our views toward the southwest from windows and back patio. The no-disturbance area that the owners of 2563 have encroached on does circumvent the rules that we and others have followed. Building on that area will unambiguously damage our view. It should not matter whether the 2563 owners now say that their re-configured plans will yield as much non-disturbance area as the rules require. The fact is that they have already violated the rules and their changes (building and planting) do significantly alter the views and the physical area around them. The preemptive grading of natural vegetation and building they have done (it appears to be a hot tub and patio among other things) is clear evidence of disturbance and is already visible to us and other neighbors. This appears to us to be an unfair attempt to recoup losses and re-write rules that were public and easily available to all interested parties. Further, an amendment would set a bad precedent for those who might take it as license to "disturb and then apologize" and ask for a variance.

Thank you.

Best,

Janet

Professor Janet Kiholm Smith

Von Tobel Professor of Economics
Robert Day School of Economics and Finance

Director, Center for Innovation & Entrepreneurship

Exhibit O – Public Comments

Claremont McKenna College

Bauer Center, Room 303 | 500 E. Ninth St. | Claremont CA 91711

Phone: 909.607.3276 | Mobile: 909.994.5757 | Fax: 909.607.6955

jsmith@cmc.edu | <http://ssrn.com/author=253507>

www.sup\entrepreneurial finance/

Planning Commission Staff Report

Subject: Kings Crown Workforce Housing Condominiums
Author: Francisco Astorga, AICP, Senior Planner
Project Number: PL-18-04014
Date: 09 January 2019
Type of Item: Legislative – Condominium Plat

Recommendation

Staff recommends that the Planning Commission review and hold a public hearing for the Kings Crown Workforce Housing Condominiums located at 1293 Lowell Avenue, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Proposal

Applicant requests approval of a Condominium Plat to create fifteen (15) residential condominium units. The plat would allow the applicant to sell each unit individually which includes seven (7) deed restricted affordable housing units and eight (8) deed restricted attainable housing units subject to the approved Kings Crown Affordable Housing Mitigation Plan.

Description

Applicant: CRH Partners, LLC represented by Rory Murphy
Location: 1293 Lowell Avenue
Zoning: Recreation Commercial District
Adjacent Land Uses: Trails, skiing, open space, and residential.
Reason for Review: Condominium Plat applications require Planning Commission public hearing / review / recommendation to the City Council, and City Council public hearing / review / final action

Background/Timeline

- January 10, 2018 - Park City Planning Commission approved the Kings Crown Master Planned Development which included:
 - 30 market rate units totaling 80,963 square feet within three (3) separate multi-unit dwellings (23 flats and 7 townhouses) all to be platted as condominiums.
 - 27 single-family dwelling lots equating to approximately 71,880 square feet.
 - **15 deed-restricted affordable housing units totaling 15,640 square feet in a separate multi-unit dwelling.**
- On this same date the Commission also approved a Conditional Use Permit for the Multi-Unit Dwellings, both market rate and affordable housing units. See [staff](#)

[report/exhibits](#). The approved Master Planned Development / Conditional Use Permit for Building A , the affordable housing building on proposed Lot 1 , included the following:

- 15 deed-restricted affordable/attainable housing units
 - Square footage
 - Residential: 16,520
 - Owner storage: 880
 - Mechanical: 256
 - Internal circulation (hallways and stairs): 1,833
 - Parking and vehicular circulation: 5,571
 - Overall: 24,180
 - Eighteen (18) parking spaces located in an enclosed underground parking garage
 - Vehicular access off Lowell Avenue through one (1) driveway
 - Five (5) stories above the parking garage
- February 1, 2018 – Park City Council approved the Kings Crown Re-Subdivision Plat per [Ordinance No. 2018-05](#), and [staff report/exhibit](#).
 - June 13, 2018 – Park City Planning Commission ratified the Development Agreement required by the approved Master Planned Development, see [staff report/exhibits](#).
 - June 14, 2018 – Summit County recorded the Development Agreement -entry no. 01093392.
 - May 16, 2018 – Summit County recorded the Plat – entry no. 1091847.
 - August 30, 2018 – Park City Housing Authority approved the Affordable Housing Mitigation Plan, see [staff report/exhibits](#) and [meeting minutes \(page 10\)](#), which included a minimum of 8.55 Affordable Unit Equivalents totaling 7,695 square feet. Each Affordable Unit Equivalents is measured as 900 square feet of interior space.
 - November 8, 2018 – Park City Building Department issues a building permit for the Affordable Housing Building A as it was in compliance with the approved applicable Land Use applications as it the Planning Department found compliance with the approved Master Plan, Conditional Use Permit, Re-Subdivision Plat, and Affordable Housing Mitigation Plan.
 - November 5, 2018 – Park City Planning Department received a complete application for this Condominium Plat.

Purpose

The purpose of the Recreational Commercial District is found in [Land Management Code § 15-2.16-1 Purpose](#).

Analysis

The proposed Condominium Plat memorializes private, common, and limited common area that would that allows the units to be sold individually. The proposed Condominium Plat consists of fifteen (15) deed-restricted affordable/attainable units within the Kings Crown Building A, to be platted as the Kings Crown Workforce Housing Condominiums. The unit boundaries of each private unit will be set forth on the recorded plat.

The size of the private units within the multi-unit dwelling ranges from 662 – 1,377 square feet. See table below showing the dwelling unit no., private square footage, and limited common area:

Unit #	Private Square Footage	Limited Common Area Appurtenant With Each Private Unit
101	1,340	0
102 (ADA)	1,000	0
201	1,000	245 (front deck)
202	1,000	245 (front deck)
203	1,377	0
301	972	75 (front deck)
302	972	75 (front deck)
303	1,000	0
304	995	0
401	662	163 (front deck)
402	937	78 (front deck)
403	1,163	152 (rear deck)
404	1,179	152 (rear deck)
501	1,167	445 (front deck)
502	1,179	388 (front deck)
Total Affordable	7,712	<i>Not applicable</i>
Total Attainable	8,231	
Overall Total	15,943	

Units in **bold** represent **affordable housing units**; the rest are attainable units.

Common areas include an underground parking garage, internal circulation, exterior walls and internal bearing walls/columns, exterior spaces and patios, owner's storage and mechanical space, footing and foundation, roof, etc. Limited common areas include eight (8) front elevation and two (2) rear elevation decks.

The approved Master Plan and Housing Mitigation Plan included 8.55 affordable unit equivalents in the form of seven (7) deed-restricted units; furthermore the applicant included an additional 9.07 affordable unit equivalents in the form of eight (8) deed-restricted attainable units as approved in the Affordable Housing Mitigation Plan. The

proposed Condominium Plat is consistent with the approved Affordable Housing Plan as it provides the seven (7) deed-restricted units equating to 8.57 affordable unit equivalents. The recordation of this Condominium Plat would allow the applicant to sell each deed-restricted unit individually.

Staff finds good cause for this Condominium Plat as it reflects compliance with the approved Master Plan, Conditional Use, Re-Subdivision Plat, Affordable Housing Mitigation Plan, and issued Building Permit.

Process

The approval of this Condominium Plat application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 15-1-18.

Department Review

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

Notice

On December 26, 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 December 22, 2018.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the proposed Condominium Plat, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the proposed Condominium Plat, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the proposed Condominium Plat, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of Not Taking Recommended Action

Once the building is finished the property owner would not be able to sell each unit individually.

Summary Recommendations

Staff recommends the Planning Commission review and hold a public hearing for the Kings Crown Workforce Housing Condominiums located at located at 1293 Lowell

Avenue, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Attachment 1 – Proposed Condominium Plat

Exhibit B – Applicant's Project description

Exhibit C – Survey

Exhibit D – Master Planned Development & Conditional Use Permit Action Letter

Exhibit E – Affordable Housing Mitigation Plan Action Letter

Exhibit F – Aerial Photograph

Exhibit G – Site Photograph

Exhibit A – Draft Ordinance

Ordinance No. 19-XX

AN ORDINANCE APPROVING THE KINGS CROWN WORKFORCE HOUSING CONDOMINIUMS, LOCATED AT 1293 LOWELL AVENUE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 1293 Lowell Avenue have petitioned the City Council for approval of the Condominium Plat; and

WHEREAS, on December 22, 2019, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on December 26, 2018, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on January 9, 2019, to receive input on the Condominium Plat; and

WHEREAS, the Planning Commission on January 9, 2019, forwarded a recommendation to the City Council; and,

WHEREAS, on February 14, 2019, the City Council held a public hearing to receive input on the Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Kings Crown Workforce Housing Condominiums Plat, located at 1293 Lowell Avenue.

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

SECTION 1. APPROVAL. The Kings Crown Workforce Housing Condominiums Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 1293 Lowell Avenue, Lot 1 of the Kings Crown Re-Subdivision.
2. The site is located within the Recreation Commercial District.
3. On January 10, 2018 the Park City Planning Commission approved the Kings Crown Master Planned Development and a Conditional Use Permit for Multi-Unit Dwellings throughout the development for market rate and affordable housing units.

4. The approved Master Plan included Building A – Affordable Housing which included 15 deed-restricted affordable housing units totaling 16,520 square feet within a Multi-Unit Dwelling.
5. On February 1, 2018 the Park City Council approved the Kings Crown Re-Subdivision Plat per Ordinance No. 2018-05.
6. On June 13, 2018 the Park City Planning Commission ratified the Development Agreement required by the approved Master Planned Development.
7. On June 14, 2018 Summit County recorded the Development Agreement -entry no. 01093392.
8. On May 16, 2018 Summit County recorded the Kings Crown Re-Subdivision Plat – entry no. 1091847.
9. On August 30, 2018 the Park City Housing Authority approved the Kings Crown Affordable Housing Mitigation Plan.
10. On November 8, 2018 the Park City Building Department issues a building permit for the Affordable Housing Building A.
11. The Affordable Housing Building A building permit was found in compliance with the approved Master Plan, Conditional Use Permit, Re-Subdivision Plat, and Affordable Housing Mitigation Plan.
12. On November 5, 2018 the Park City Planning Department received a complete Condominium Plat application for Building A – Affordable Housing.
13. The proposed Condominium Plat memorializes common, limited common, and private areas that would that allows the units to be sold individually.
14. The proposed Condominium Plat consists of fifteen (15) deed-restricted affordable/attainable units within the Kings Crown Building A, to be platted as Kings Crown Workforce Housing Condominiums.
15. The unit boundaries of each private unit would be set forth on the recorded plat.
16. The size of the private units within the multi-unit dwelling ranges from 662 – 1,377 square feet.
17. Common areas include an underground parking garage, internal circulation, exterior walls and internal bearing walls/columns, exterior spaces and patios, owner's storage and mechanical space, footing and foundation, roof, etc.
18. Limited common areas include eight (8) front elevation and two (2) rear elevation decks.
19. The approved Master Plan and Housing Mitigation Plan included 8.55 affordable unit equivalents in the form of seven (7) deed-restricted units; furthermore the applicant included an additional 9.07 affordable unit equivalents in the form of eight (8) deed-restricted attainable units as approved in the Affordable Housing Mitigation Plan.
20. The proposed Condominium Plat is consistent with the approved Master Plan Development and Affordable Housing Plan as it provides the seven (7) deed-restricted units equating to 8.57 affordable unit equivalents.
21. The recordation of this Condominium Plat would allow the applicant to sell each unit.
22. There is Good Cause for this Condominium Plat as it reflects compliance with the approved Master Plan, Conditional Use Permit, Re-Subdivision Plat, Affordable Housing Mitigation Plan, and issued Building Permit.

Conclusions of Law:

1. There is good cause for this Condominium Plat.
2. The Condominium 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 Condominium Plat.
4. Approval of the Condominium 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:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CCRs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall 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 date and an extension is granted by the City Council.
3. All conditions of approval of the Master Planned Development, Conditional Use Permit, Kings Crown Re-Subdivision Plat Ordinance No. 2018-05, and approved Housing Mitigation Plan shall continue to apply.

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

PASSED AND ADOPTED this 14th day of February, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

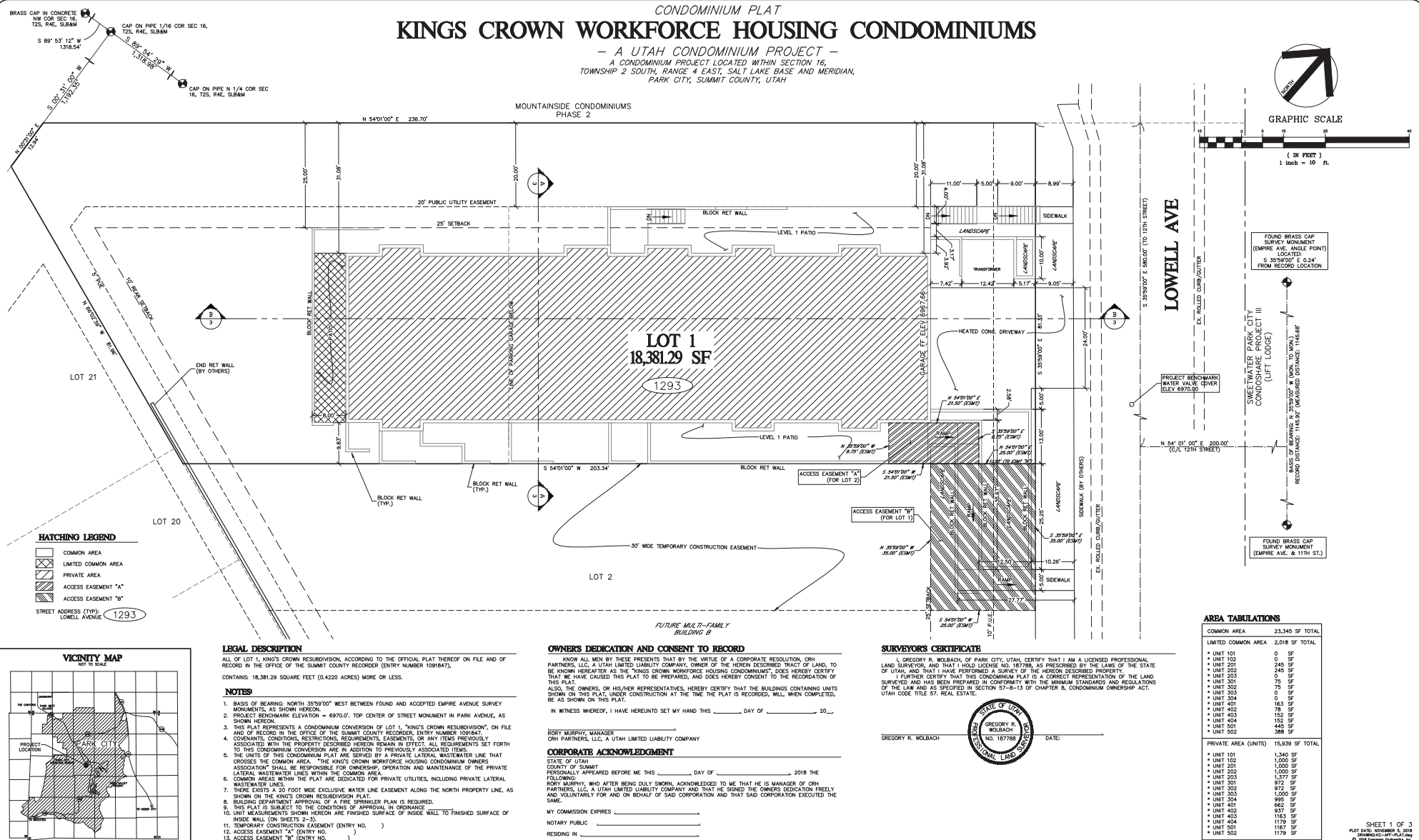
ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Condominium Plat



Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
P.O. Box 2861 • Park City • Utah • 84060
Phone: 435.648.4667 • Fax: 435.648.6019
E-mail: office@evergreen-eng.com

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS
DAY OF _____ A.D. 2018.

CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ A.D. 2018.

BY: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS
DAY OF _____ A.D. 2018.

CHAIR _____

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS
DAY OF _____ A.D. 2018.

CITY ATTORNEY _____

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2018

MAYOR _____

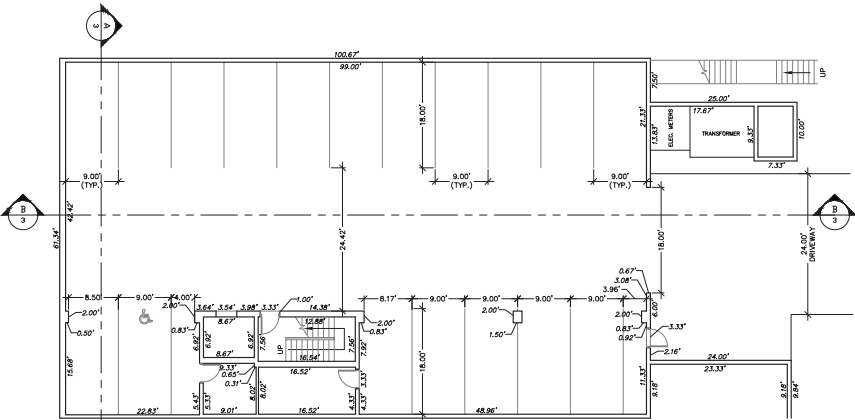
CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2018

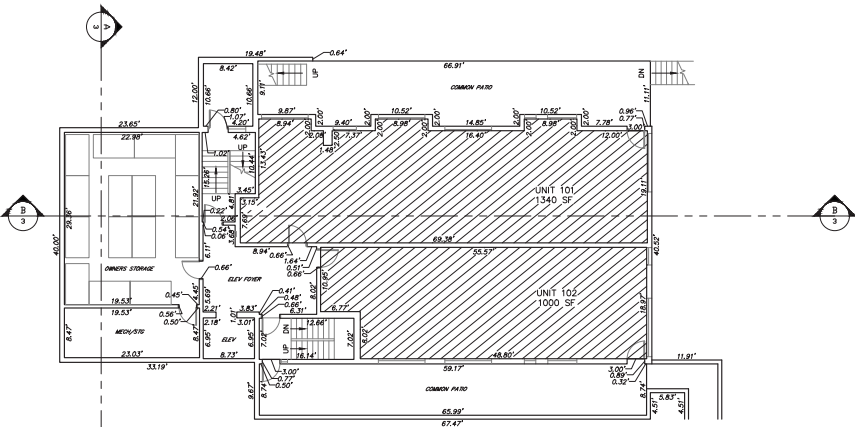
CITY RECORDER _____

RECORDED

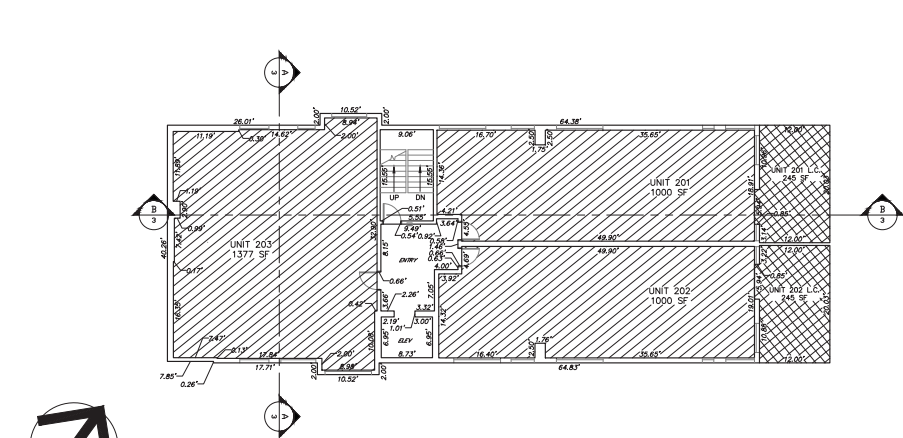
Nº. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF: _____
COUNTY RECORDER _____



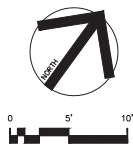
FLOOR PLAN - LEVEL 0
PARKING LEVEL
FLOOR ELEV. = 6967'-8"



FLOOR PLAN - LEVEL 1
UNITS 101, 102
FLOOR ELEV. = 6979'-4"

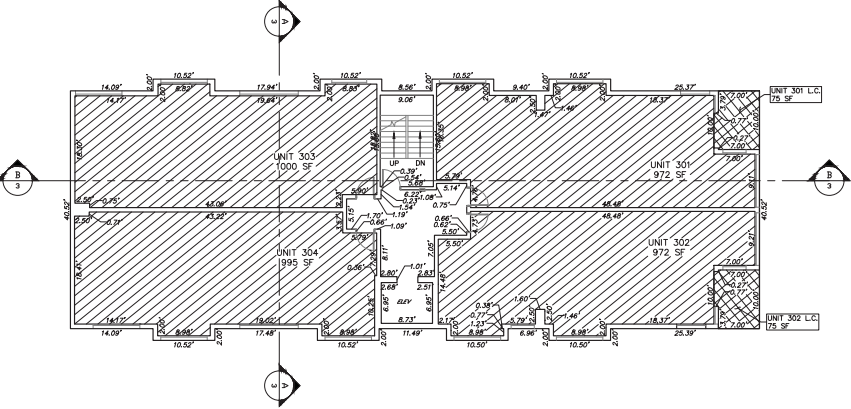


FLOOR PLAN - LEVEL 2
UNITS 201, 202, 203
FLOOR ELEV. = 6989'-4"



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA



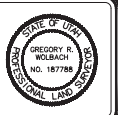
FLOOR PLAN - LEVEL 3
UNITS 301, 302, 303, 304
FLOOR ELEV. = 6999'-4"

PLAT DATE: NOVEMBER 5, 2018

NO. _____ RECORDED
DATE _____
STATE OF _____
CITY OF _____
RECORDED AT THE REQUEST OF _____
FEES _____ CITY RECORDER

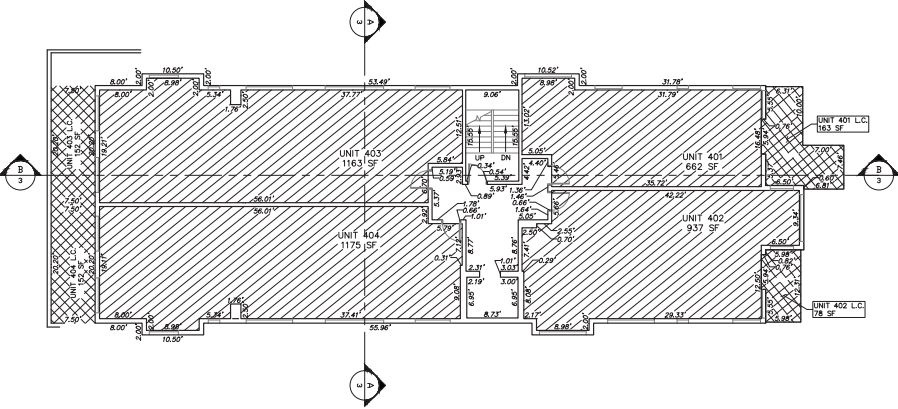
Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
10000 Evergreen Way, Suite 100
Portland, OR 97228
Phone: 503-557-5442
E-mail: info@evergreen-eng.com

REVISIONS	COMMENTS
DATE BY	

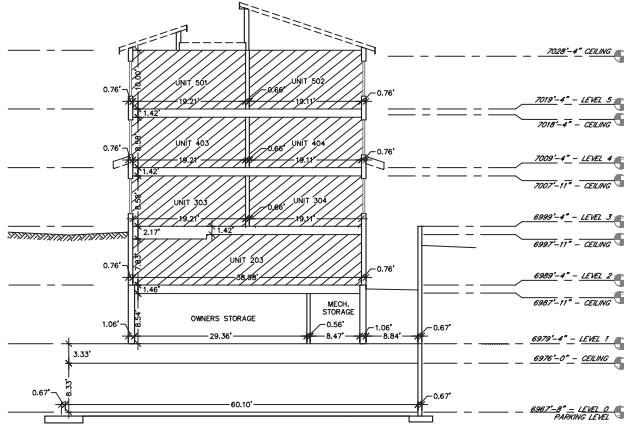


DESIGNED BY:	WOW
DRAWN BY:	ADM
CHECKED BY:	ADM

KINGS CROWN
WORKFORCE HOUSING CONDOMINIUMS
FLOOR PLANS - LEVELS 0, 1, 2 & 3
FOR: CRH PARTNERS
JOB NO.: 805
FILE: KC-WF-PLAT



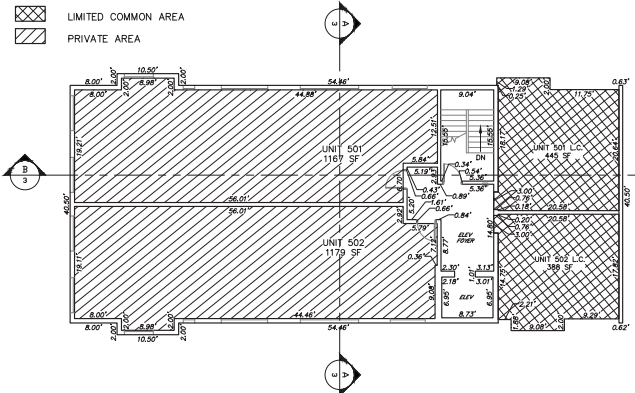
FLOOR PLAN - LEVEL 4
UNITS 401, 402, 403, 404
FLOOR ELEV. = 7009'-4"



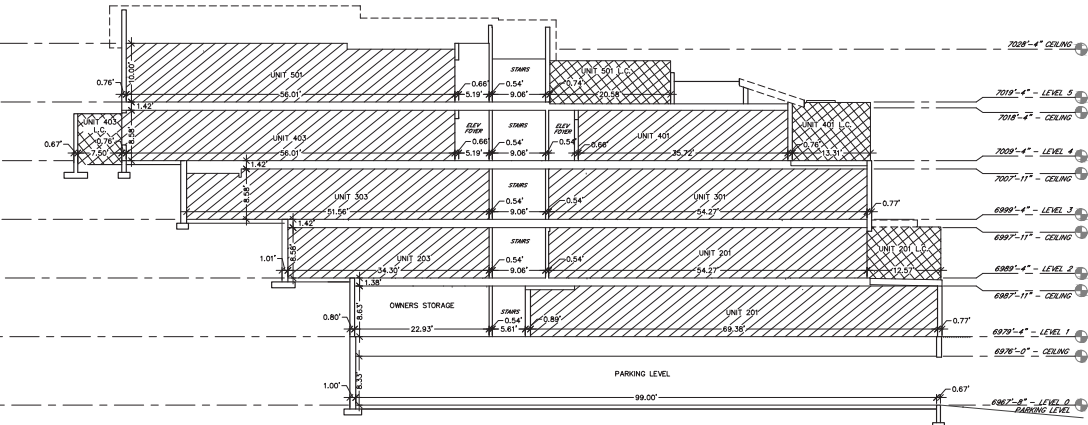
SECTION A

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA



FLOOR PLAN - LEVEL 5
UNITS 501, 502
FLOOR ELEV. = 7019'-4"



SECTION B

NO. _____ RECORDED
DATE _____
STATE OF _____
CITY OF _____
RECORDED AT THE REQUEST OF _____
FEES _____ CITY RECORDER

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
Professional Seal No. 187788
Phone: 801-557-5482
E-mail: info@evergreen-eng.com

REVISIONS	DATE	BY	COMMENTS



DESIGNED BY: WOV
DRAWN BY: ADM
CHECKED BY: ADM

KINGS CROWN
WORKFORCE HOUSING CONDOMINIUMS
FLOOR PLANS - LEVELS 4 & 5
BUILDING SECTIONS
JOB NO. 805
FILE: KC-APP-PLAT

PLAT DATE: NOVEMBER 5, 2018

November 4, 2018

Mr. Francisco Astorga, Senior Planner
Park City Planning Department
Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060

RE: Kings Crown Workforce Housing Condominium Plat Narrative

Dear Francisco,

Pursuant to our conversations and correspondence and in accordance with the Conditions contained as part of the Kings Crown Affordable Housing Plan approved by the Park City Housing Authority, we are respectfully submitting this Kings Crown Workforce Housing Condominium Plat for your review. Please let us know if you have questions or comments regarding this submittal.

Kings Crown Affordable Housing Requirements

On August 30th, 2108, the Park City Housing Authority approved the proposed Kings Crown Affordable Hosuing Plan. The Kings Crown project MPD has been approved for 57 residential units. The Affordable Housing Code requires that the applicant construct 15% of the total number of units approved as affordable housing. This equals 8.55 Affordable Unit Equivalentents (AUE). An AUE is defined as 900 square feet of living space (exclusive of parking, mechanical and circulation). $8.55 \text{ AUEs} \times 900 \text{ sqft} = 7,695 \text{ sqft}$ of affordable housing obligation. The Kings Crown project is proposing to construct 7,729 sqft of affordable housing living space with an additional 8,260 sqft of attainable housing living space. This meets our affordable housing obligation and provides extra attainable housing as well.

All of the affordable housing is located in one building, Building A, on the Master Plan. The building is located on-site and will be the first building to draw a building permit, thus eliminating the concern of unbuilt affordable housing obligations that have caused issues in Park City with previous developments.

There are a total of 15 individual affordable/attainable units proposed. They range in size from 671 square feet to 1,377 square feet. The proposed sales price is the maximum sales price and will be lowered if there is not sufficient demand for the maximum price. The unit type, total square footage, AMI target, and the proposed price are outlined in Table 1.

Table 1. Type of Unit/Sqft/AMI Target/Maximum Price

Unit	Sq Ft	Bedrooms	AMI	Maximum Sales Price
A-101	1340	3	80%	\$ 303,647.00
A-102 ADA	1000	2	60%	\$ 197,881.00

Exhibit B – Applicant's Project description

A-201	1000	2	70%	\$	239,122.00
A-202	1000	2	70%	\$	239,122.00
A-203	1377	3	150%	\$	303,647.00
A-301	972	2	150%	\$	512,404.00
A-302	972	2	150%	\$	512,404.00
A-303	1000	2	80%	\$	263,841.00
A-304	995	2	80%	\$	263,841.00
A-401	671	1	150%	\$	455,470.00
A-402	959	2	150%	\$	512,404.00
A-403	1174	3	150%	\$	569,338.00
A-404	1189	3	150%	\$	569,338.00
A-501	1160	3	150%	\$	569,338.00
A-502	1163	3	150%	\$	569,338.00
A-STG	680				
Total					
Total Affordable	7,729				

*Gray = affordable units

*White = attainable units

The sales price for the affordable and attainable units was calculated using guidelines provided by Park City Municipal Corporation. The mortgage payment for the Owner-Occupied Unit, including principal, interest, taxes, and insurance ("PITI"), shall not exceed 30% of the Target Household Income. The assumptions used to calculate the sales price shall be: (i) a 5% down payment; (ii) a 30-year term; and (iii) an interest rate equal to the prevailing FirstHome rate, or its program equivalent, of the Utah Housing Corporation at the time of the offer.

100% of the Kings Crown affordable housing units are proposed be constructed on-site. All of the required parking is located on-site and in an enclosed underground garage. There are 18 parking spaces required and 18 parking spaces provided. In addition, the applicant has provided a large storage area where residents can store their bikes, ski gear, etc. Each unit owner will have a private space separated by meshed fencing. This is located on the first floor (above parking) and to the west side of the building. The affordable housing owners will not have a locker in, nor access to the ski clubhouse area. The property is located directly adjacent to the Kings Crown ski run and the Park City Resort base area. Public transit is less than 100 meters away and virtually all of downtown is within walking distance. There are grocery stores, drug stores and coffee shops all within a short walk or bike ride.

We will ensure the buyers will be qualified according to the City's qualified buyer criteria and approved by Park City Municipal Corporation: The qualified buyer criteria is as follows:

1. A person who does not own any other real property
2. A household with an income that is 80% or less of the area median income for affordable units, or 150% or less of the AMI for attainable units
3. The combined net worth of the persons eighteen years of age and older in the household does not exceed an amount equal to five times the area median income
4. A household which has a minimum of one adult who meets one of the following criteria:

Exhibit B – Applicant's Project description

- a) A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within the Park City School District boundaries
- b) An owner or owner's representative of a business or entity with a primary place of business within the Park City School District boundaries
- c) A retired person who was a full-time employee of an entity located within the Park City School District boundaries for at least two continuous years immediately preceding his or her retirement
- d) A person who is unable to work or does not have a work history required under subsections (a) through (d) due to a disability

We will also ensure the units meet the affordable unit restrictions:

- 1. Appreciation is limited to 3% per year, compounding
- 2. Unit must be owner-occupied as the primary residence of the owner
- 3. Unit cannot be rented
- 4. Transfer of title is not allowed (nor incorporating into a trust)
- 5. Owner cannot purchase other property while owning a deed restricted unit

Timing of Occupancy

The timing of the occupancy of the Affordable Housing Building is important to the applicant as well as the City. The Affordable Building is proposed to be the first vertical building to draw a permit. The applicant intends to begin construction of the affordable housing building immediately upon receiving a building permit and expects to be complete within 18 months following the start of construction.

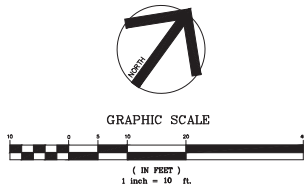
The applicant has agreed to the following conditions regarding the Kings Crown Workforce Housing:

- 1. The Affordable Housing building will be the first vertical building to draw a building permit.
- 2. We will not request a Certificate of Occupancy for the 7 townhomes prior to a Certificate of Occupancy for the Affordable Building.
- 3. CRH will post a Performance Bond in a form acceptable to the City for the construction of the Affordable Housing building.

Thank you for the opportunity to forward you this proposed Kings Crown Workforce Housing Plat. We appreciate your review of this report and look forward to discussing it with you. Please do not hesitate to contact us with any questions or comments you may have.

Sincerely,

Rory Murphy
CRH Partners



1. BASIS OF BEARING: IN 3559'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 14TH STREET. AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.

2. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SOUTHERN PLAINS, CANYON COUNTY, UTAH.

3. PURPOSE OF SURVEY: DEFINE EXISTING CONDITIONS OF PROPERTY FOR DEVELOPMENT.

4. REMARKS: SHOWN HEREON ARE TAKEN FROM FIELD DATA OBTAINED BY EVERGREEN ENGINEERING IN 2017.

5. SURVEY REQUESTED BY: MR. ROBERT MURPHY.

6. FEMAL FLOOD ZONE DESIGNATION: "OTHER AREAS" ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOOD FLOODPLAIN, FEMAL FLOOD INSURANCE RATE MAP NUMBER 49043C0919C.

7. REMARKS: NO BUILDING OR STRUCTURES OR ABOVE GRADE IMPROVEMENTS, SHOWN WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY AS DESCRIBED AND LOCATED HEREON.

8. SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS OR ENCUMBRANCES LOCATED WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY AS DESCRIBED AND LOCATED HEREON.

9. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES.

10. THE SURVEYOR HAS ADVISED THE CLIENT HEREON WITHOUT THE SURVEYOR'S CONSENT MAKES THIS SURVEY INVALID.

LOT 1, KING'S CROWN RESUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (ENTRY #1091847).

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

Gregory R. Wolbach
GREGORY R. WOLBACH



September 19, 2018
DATE

PLOTTED SEPTEMBER 19, 2018



22 January 2018

Rory Murphy
1887 Gold Dust Lane, Suite 301
Park City, Utah 84060

Re: King's Crown Master Planned Development and Conditional Use Permit

Rory:

On January 10, 2018, the Planning Commission of Park City approved your Master Planned Development (application no. PL-17-03515) and Conditional Use Permit (PL-17-03566), subject to the following findings of fact, conclusions of law, and conditions of approval:

Master Planned Development & Conditional Use Permit Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
9. The MPD includes a total of 32 lots.
10. The MPD includes seven (7) deed restricted affordable housing condominium

- units (8.55 affordable unit equivalents).
11. The MPD includes eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
 12. The MPD includes 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
 13. The MPD includes 23 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
 14. Building A is a multi-unit dwelling, listed as a conditional use.
 15. Building A has 15 residential affordable housing units.
 16. Building A has the following square footage:
 - a. Residential: 16,520
 - b. Mechanical: 256
 - c. Internal circulation (hallways and stairs): 1,833
 - d. Parking and vehicular circulation: 5,571
 - e. Overall: 24,180
 17. Building A has 18 parking spaces located in an enclosed underground parking garage.
 18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
 19. Building A has 5 stories above the parking garage.
 20. Building A is on proposed lot 1.
 21. Affordable housing residential units do not count towards residential Unit Equivalents.
 22. Building B/C is a multi-unit dwelling, listed as a conditional use.
 23. Building B/C has 12 residential units.
 24. Building B/C has the following square footage:
 - a. Residential: 28,253 (14.13 residential Unit Equivalents)
 - b. Mechanical: 375
 - c. Internal circulation (hallways, stairs, and elevator): 1,133
 - d. Parking and vehicular circulation: 9,305
 - e. Overall: 39,066
 25. Building B/C has 21 parking spaces located in enclosed underground parking garages.
 26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
 27. Building B/C has 4 stories above the parking garage
 28. Building B/C is on proposed lot 2
 29. Building D is a multi-unit dwelling, listed as a conditional use.
 30. Building D has 11 residential units
 31. Building D has the following square footage:
 - a. Residential: 24,590 (12.30 residential Unit Equivalents)
 - b. Mechanical: 166
 - c. Internal circulation (hallways, stairs, and elevator): 1,827
 - d. Parking and vehicular circulation: 8,313
 - e. Overall: 34,896
 32. Building D has 22 parking spaces located in an enclosed underground parking

- garage.
33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
 34. Building D has 4 stories above the parking garage.
 35. Building D is on proposed lot 2.
 36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
 37. Townhomes Building has 7 residential units
 38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
 39. Townhomes Building has 14 parking spaces, 2 within each parking garage.
 40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
 41. Townhomes Building has 3 stories above the garage level.
 42. Townhomes Building is on proposed lot 30
 43. Single-family dwellings are an allowed use within the District.
 44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
 45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
 46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
 47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
 48. The single family lots are on proposed lots 3-29.
 49. The applicant proposed two (2) lots to be re-platted as open space.
 50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
 51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
 52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.
 53. The proposed accessory building on Lot 32 is located on the RC District.
 54. Accessory buildings are an allowed use with the RC District.
 55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
 56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
 57. The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
 58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
 59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
 60. The RC District does not provide a FAR standard for single-family dwelling lots,

- but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 ($80,963 \div 199,867$) for multi-unit dwellings.
 62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density ($199,867 - 80,963$).
 63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
 64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
 65. A residential Unit Equivalent is 2,000 square feet.
 66. The applicant proposes the construction of the following 30 residential units and the allotment of 27 lots:
 - a. 12 flats within multi-unit Building B/C totaling 27,683 square feet (13.84 residential Unit Equivalents).
 - b. 11 flats within multi-unit Building D totaling 24,255 square feet (12.13 residential Unit Equivalents).
 - c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
 - d. 27 lots to accommodate one (1) future single-family dwelling on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).
 67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
 68. Applicant seeks the following setback reductions as allowed by the Code, if granted by the Planning Commission:
 - a. Proposed Lot 3-7 front setback reduction to ten feet (10').
 - b. Proposed Lot 21 side setback reduction to twenty feet (20').
 - c. Proposed Lot 22 side setback reduction to ten feet (10').
 69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
 70. The proposed setback reductions are in compliance with LMC MPD provisions.
 71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 [...].
 72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
 73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
 74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See building by building requirement:

- a. Affordable Housing Building A requires 18 parking spaces based on the size of the units. The proposed building contains 18 parking spaces.
 - b. Building B/C requires 21 parking spaces based on the size of the units. The proposed building contains 21 parking spaces.
 - c. Building D requires 21 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.
 - d. Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
 - e. Single-family dwelling residential lots require 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.
75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § [15-2.16-4 Building Height](#) and single-family dwellings listed under LMC § [15-2.16-5 Special Requirements For Single Family And Duplex Dwellings \(subsection L-M\)](#), including all applicable height exceptions as allowed in the LMC.
 76. The applicant does not seek additional height under the MPD parameters listed under LMC § [15-6-5 MPD Requirements, Sub-section F](#).
 77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
 78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.
 79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
 80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
 81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.
 82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
 83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
 84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
 85. There are no commercial or non-residential uses with this project, and all off-

street parking requirements are met within the project. The bus stop/ transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.

86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
90. The proposal includes 200% of the required Affordable Housing as required by the current housing resolution (03-2017).
91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown on a table within this staff report. The Staff and the Affordable Housing Authority retain the final say on these figures.
92. The proposal does not create additional demands for child care.
93. An environmental survey ([Exhibit P - Environmental Survey](#)) was prepared revealing no environmental contaminants on the property.
94. A mine site study ([Exhibit Q - Mine Site Studies](#)) was conducted and determined that there were no mining related activities on the property.
95. The proposal fulfills the following goals and objectives of the General Plan.
96. A cultural survey ([Exhibit O - Cultural Survey](#)) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission..
98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements.
100. There are certain uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
101. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.
102. The project is located on Lowell Avenue, between 12th and 13th Street.

103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
106. Utilities necessary for these proposed uses are available at or near the site.
107. Final utility plans, including grading and storm water run-off plans will be required at time of building permit review.
108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
109. The proposed conditional use meets all LMC parking regulations.
110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski runs.
111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
112. The project has been designed to mirror the existing neighborhood development patterns.
113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well.
114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the single-family

- lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
 124. The site is within steep slopes found throughout the site.
 125. The overall proposal, both Multi-Unit Dwellings (conditional use) and single-family detached houses (allowed use) takes place over approximately 30% of the entire site.
 126. The Applicant provided [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the](#) placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock
 127. Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.
 128. [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#) also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
 129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.
 130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
 131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.
 132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
 133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
 134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
 135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
 136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
 137. Applicant has provided the approximate excavation quantities of the 27 single-family dwellings which would be approximately 7500 cubic yards.
 138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
 139. The Chief Building official has studied the applicant's preliminary Construction

Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.

- 140. Construction Mitigation Plan will be finalized by the Building Dept. once building permits are submitted by the applicant.
- 141. The applicant stipulates to the conditions of approval.
- 142. The discussion in the Analysis section is incorporated herein.

Master Planned Development Conclusions of Law

- A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditional Use Permit Conclusions of Law:

1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
2. The proposal complies with all requirements of this LMC.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit Conditions of Approval:

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.

9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
11. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.

22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.
24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office.

If you have questions regarding your applications or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Astorga". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Francisco Astorga, AICP
Senior Planner



September 11, 2018

CRH Partners, LLC
1887 Gold Dust Lane
Park City, UT 84060
Attn: Hans Fuegi

NOTICE OF CITY COUNCIL ACTION

Description:	Affordable Housing Mitigation Plan
Project Title:	Kings Crown at Park City
Date of Action:	August 30, 2018

Summary of Recommendation

On August 30, 2018 Park City Housing Authority approved a recommendation made by the Planning Commission to approve a Housing Mitigation Plan proposed by CRH Partners, LLC. The Mitigation Plan proposes the construction and sale of 15 affordable/attainable deed restricted condominiums at Kings Crown at Park City. Seven units priced affordable to households earning an average of 76% of AMI are in fulfillment of the affordable housing obligation at Kings Crown at Park City. Eight attainable units priced affordable to 150% of AMI (in accordance with HUD Income Limits) are in excess of the generated housing obligation. Completed units will include one 1-bedroom unit, eight 2-bedroom units and six 3-bedroom units.

Findings of Fact:

1. The applicable Development Agreement was recorded June 14, 2018 for the Kings Crown Master Planned Development (MPD).
2. Housing Resolution 03-2017 Section 8 requires that affordable housing shall be provided equal to 15% of the market residential units in an MPD. The total residential units proposed in the MPD are fifty-seven (57), 15% of which equals 8.55 Affordable Unit Equivalents (AUEs). This requirement is met by providing 8.58 AUEs (7721 SF) of affordable housing averaging less than 80% of AMI. Each AUE is measured as 900 square feet of interior space.
3. The Housing Mitigation Plan was recommended for approval by the Planning Commission to the Park City Housing Authority on August 8, 2018. The plan was modified slightly after Planning Commission but the terms are substantially the

- same. The final version for approval is attached as Exhibit A with red-lined amendments to correct square footage and approved changes in the agreement.
4. The Applicant proposes a plan to build 7721 SF of affordable housing comprised of seven (7) two and three bedroom units varying in size from 997 SF to 1,377 SF all within one building. In addition, the Applicant proposes to build an additional eight (8) attainable units (150% AMI, HUD Income Limits) in the same building of one to three bedroom units.
 5. The Applicant proposes to price the seven affordable units at an average household AMI of 76% (\$57,834 to \$85,680 annual household income based on the Resolution definition of household size) and the remaining eight units attainable to 150% of AMI depending on HUD defined household size (\$128,520 to \$160,650 annual household income).
 6. Under Section 9 of the Housing Resolution, Applicant is requesting to use Alternative Distribution Ratios so that instead of building 4 townhomes, 1 single family home and 3.5 condominiums, they build 15 affordable/attainable Units in one building.
 7. Housing Resolution 03-2017 allows for waivers by the Housing Authority.
 8. Unit descriptions as required by Housing Resolution 03-2017, Section 13 are attached here as Exhibit C.
 9. The Applicant has requested the Housing Authority waive pursuant to Section 19 of Housing Resolution 03-2017 requirements related to construction timing and delivery of the affordable housing units, specifically Sections 11 (Timing of Occupancy) which states that the affordable units must be delivered in proportional timing to the market units & 14A (Construction of Market Units) which states that Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy ... for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units.
 10. The waiver provision states that the City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development.).
 11. Applicant proposes 8 additional attainable units in order to enhance project affordability, pricing the affordable units with an overall average of 76% of AMI. The Applicant will build the affordable/attainable building to green building standards in compliance with Section 9.B.5 of Housing Resolution 03-2017.
 12. In addition, in order to meet the spirit of the housing resolution timing requirements, applicant proposes that:
 - a. CRH will post a Performance Bond in an amount equal to the construction cost and in a form acceptable to the City for the completion of the Affordable Housing building.
 - b. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction, the Applicant shall appear before the Park City Housing Authority within 30 days to explain the timing discrepancy and propose a remedy. The Housing Authority shall at that time

have the right to require that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.

Conclusions of Law:

1. The conditions of the Development Agreement between CRH Partners, LLC and Park City Municipal Corporation recorded on June 14, 2018 related to Affordable Housing has been met by this plan
2. This plan complies with Park City Housing Resolution 03-2017.
3. Housing Authority approves a waiver of the Housing Resolution timing of construction and delivery of the affordable housing units.

Conditions of Approval:

1. The Affordable Housing building will be the first building to draw a building permit.
2. No Certificate of Occupancy will be granted for the Crown Homes (market townhomes) prior to receiving the CO for the affordable/attainable building.
3. CRH will post a Performance Bond equal to the cost of construction and in a form acceptable to the City for the construction of the Affordable Housing building.
4. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction, the Applicant shall appear before the Park City Housing Authority within 30 days to explain the timing discrepancy and propose a remedy. The Housing Authority shall at that time have the right to require that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.
5. Units will be sold at pricing as follows:

Unit #	Sq Ft	# of Bedrms	Sales Price	Max Hshold Income
A-101	1,349	3	\$ 303,647	\$ 85,680
A-102 ADA	1,000	2	\$ 197,881	\$ 57,834
A-201	1,000	2	\$ 239,122	\$ 67,473
A-202	998	2	\$ 239,122	\$ 67,473
A-203	1,377	3	\$ 303,647	\$ 85,680
A-303	1,000	2	\$ 263,841	\$ 77,112
A-304	997	2	\$ 263,841	\$ 77,112
affordable units total	7,721		\$ 1,811,101	
max total sales price @ 80% AMI			\$ 1,901,120	
average % AMI sales price			76%	
A-301	989	2	\$ 512,404	\$ 144,585

Exhibit E – Affordable Housing Mitigation Plan Action Letter

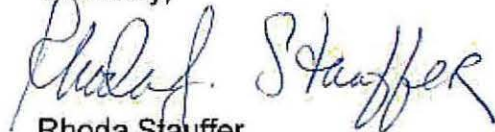
A-302	987	2	\$	512,404	\$	144,585
A-401	671	1	\$	455,470	\$	128,520
A-402	959	2	\$	512,404	\$	144,585
A-403	1,174	3	\$	569,338	\$	160,650
A-404	1,189	3	\$	569,338	\$	160,650
A-501	1,160	3	\$	569,338	\$	160,650
A-502	1,163	3	\$	569,338	\$	160,650
attainable units total @ 150% AMI per HUD income limits	8,292			\$ 4,270,034		
additional storage	736					
Total	16,749					

6. Deed Restrictions shall be recorded against all 15 units in a form approved by the City Attorney.
7. CCRs for the Affordable/Attainable building will include a provision that HOA fees won't increase more than three percent (3%) per year.
8. Initial HOA dues shall not exceed an average of \$250 per month per unit excluding utilities and internet and/or an average of \$370 per month per unit including utilities and internet.
9. Units shall be sold to eligible households as defined in the recorded Deed Restrictions.
10. All sales shall be approved in writing by the City Affordable Housing Office.
11. Housing Authority waived the Housing Resolution 03-2017 construction timing and delivery of the affordable housing units Sections 11 and 14.A.

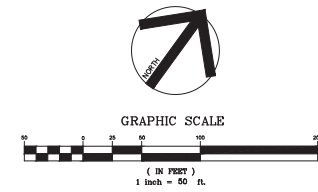
Attached:

Exhibit A = Housing Mitigation Plan proposed by CRH Partners LLC., dated July 16, 2018 and amended with agreed-upon changes in red
 Exhibit B = Project Site Plan: Affordable Housing Building is Building A on Lot 1
 Exhibit C = Floor Plans for Building A, Affordable and Attainable Housing Building

Sincerely,



Rhoda Stauffer
 Affordable Housing Program



SHEET 1

[illegible]

**Evergreen
Engineering, Inc.**

FOR: WOW ATELIER	DWG: LOWELL-BUILDING A	USE NO. 1812
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