



**PARK CITY PLANNING COMMISSION MEETING  
SUMMIT COUNTY, UTAH  
May 10, 2023**

**SITE VISIT 4:45PM - CANCELLED**

**SITE VISIT CANCELLED** – The Site Visit Scheduled for 327 McHenry Avenue has been Cancelled.

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

**1. ROLL CALL**

**2. MINUTES APPROVAL**

- 2.A Consideration to Approve the Planning Commission Meeting Minutes from April 12, 2023  
[04.12.2023 Minutes](#)

**3. PUBLIC COMMUNICATIONS**

**4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

- 4.A Land Management Code Amendment Update  
[Land Management Code Amendment Staff Communication Update](#)
- 4.B Lot Combinations in Historic Districts  
[Lot Combination Pending Ordinance Staff Communication](#)  
[Exhibit A: Pending Ordinance](#)

**5. CONTINUATIONS**

- 5.A **327 McHenry Avenue – Conditional Use Permit** – The Applicant Proposes to Construct a Private Recreation Facility (Swimming Pool) in the Rear Yard. PL-22-05389 (5 mins.)  
(A) Public Hearing; (B) Continuation to a Date Uncertain  
[327 McHenry CUP Continuation Report](#)
- 5.B **Huntsman Estates – Plat Amendment** – The Applicant Proposes to Amend Plat Note 3 to Clarify the Building Envelope and Limits of Disturbance Shown on the Huntsman Estates Plat. PL 23-05540 (2 mins.)  
  
(A) Public Hearing; (B) Continuation to June 14, 2023  
  
[Huntsman Estates Continuation Staff Report](#)

**6. REGULAR AGENDA**

- 6.A **1120 Empire Avenue – Plat Amendment** –The Applicant Proposes to Remove The Lot Lines Common to Lots 26 and 27 Plus the North 0.5 Feet of Lot 28 to Create a Single Lot of Record. PL-23-05598. (15 Mins.)  
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on June 15, 2023

1120 Empire Ave Staff Report  
Exhibit A: 1120 Empire Avenue Plat Amendment Draft Ordinance  
Exhibit B: 1968 LMC  
Exhibit C: 1988 Re-Model Building Permit  
Exhibit D: 1991 Re-Model Building Permit  
Exhibit E: 2014 Deck Replacement Building Permit  
Exhibit F: 1968 Off-Street Parking Requirements

- 6.B **1460 Eagle Way – Plat Amendment** – The Applicant Proposes to Increase Lot B for an Addition and Allow a Buffer Between Lot B and Estate Lot 1. PL-23-05559 (20 mins.)  
(A) Public Hearing; (B) Possible Recommendation for City Council Consideration on June 15, 2023

1460 Eagle Way Staff Report  
Exhibit A: 1460 Eagle Way Plat Amendment Draft Ordinance and Proposed Plat  
Exhibit B: Eagle Way Plat Amendment First Amendment Lot B (2007)  
Exhibit C: Applicant Statement  
Exhibit D: Ordinance No. 99-4  
Exhibit E: February 4, 1999, Staff Report  
Exhibit F: Ordinance No. 07-42  
Exhibit G: July 12, 2007, Staff Report  
Exhibit H: Sensitive Land Overlay Report  
Exhibit I: Property Photos  
Exhibit J: Existing Conditions and Topographic Map

- 6.C **1325 Empire Avenue and Parcel SA-200 – Plat Amendment** –The Applicant Proposes a Plat Amendment to Amend the Knudson Subdivision and Parcel SA-200 and Re-Subdivide the Vacant Lots into Four Lots to Eventually Allow for Four Single-Family Dwellings. PL-22-05357 (30 mins.)  
(A) Public Hearing; (B) Possible Recommendation for City Council Consideration on June 15, 2023

1325 Empire Avenue (North Norfolk) Plat Amendment Staff Report  
Exhibit A: Draft Ordinance 2023-XX  
Attachment A: Proposed Plat  
Exhibit B: Existing Conditions  
Exhibit C: Property Photos  
Exhibit D: Park City Survey  
Exhibit E: Fire Access Easement  
Exhibit F: 2014 Knudson Plat  
Exhibit G: Resolution from 1980 re. Closure of Norfolk Ave  
Exhibit H: 10-16-80 CC Minutes RE Norfolk Closure Resolution  
Exhibit I: Resolution 11-82 Authorizing Norfolk Ave Property Trade  
Exhibit J: 04-22-82 CC Minutes RE Property Trade  
Exhibit K: Ordinance 14-03 Knudson Plat  
Exhibit L: 2014 Staff Report  
Exhibit M: Knudson Proposed Plat - PCFD Stamped  
Exhibit N: Fire Marshall Letter



[Exhibit O: Encroachment Agreement outlining snow removal terms 13th\\_Norfolk 2003](#)  
[Exhibit P: Planning Director Setback Determination for Lot D](#)  
[Exhibit Q: Applicant Response to Planning Commission Questions](#)

6.D

**Land Management Code Amendments – Compliance with Changes to Utah Code** – The Planning Commission Will Review Amendments to the Land Management Code to Align with the Utah Legislature's Enactment of S.B. 174 Regarding Internal Accessory Dwelling Units and H.B.408 Food Truck definitions. (20 mins.)

(A) Public Hearing; (B) Possible Recommendation for City Council Consideration on June 15, 2023

[Amendments to Comply with State Code Definitions Staff Report](#)  
[Exhibit A: Draft Ordinance No. 2023-XX](#)

## 7. WORK SESSION

7.A

**Land Management Code Amendments – Final Action** – The Planning Commission Will Conduct a Work Session on Final Action Land Use Authorities for Various Land Use Applications to Discuss Opportunities to Shift Final Action from the City Council to the Planning Commission and from the Planning Commission to Planning Staff. (45 mins.)

[Final Action Staff Report](#)

## 8. ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or [planning@parkcity.org](mailto:planning@parkcity.org) at least 24 hours prior to the meeting.

**\*Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

## **Planning Commission Agenda Item Report**

Meeting Date: May 10, 2023

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Information

Agenda Section: SITE VISIT 4:45PM - CANCELLED

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**Subject:**

**SITE VISIT CANCELLED** – The Site Visit Scheduled for 327 McHenry Avenue has been Cancelled.

**Suggested Action:**

**Attachments:**

## Planning Commission Agenda Item Report

Meeting Date: May 10, 2023

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Minutes

Agenda Section: MINUTES APPROVAL

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**Subject:**

Consideration to Approve the Planning Commission Meeting Minutes from April 12, 2023

**Suggested Action:****Attachments:**

[04.12.2023 Minutes](#)



**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 12, 2023**

**COMMISSIONERS IN ATTENDANCE:** Chair Laura Suesser, John Kenworthy, Vice Chair Sarah Hall, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg

**EX OFFICIO:** Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Spencer Cawley, City Planner; Jason Glidden, Affordable Housing Manager; David Gustafson, Engineering Department Project Manager; Jack Niedermeyer, City Planner; Olivia Cvetko, City Planner; Mark Harrington, City Attorney

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**1. ROLL CALL**

Chair Laura Suesser called the meeting to order at 5:30 p.m. She confirmed the presence of all Commissioners.

Chair Suesser reported that the site visit scheduled for today at 327 McHenry Avenue was canceled and rescheduled for May 10, 2023.

**2. MINUTES APPROVAL**

**A. Consideration to Approve the Planning Commission Meeting Minutes from March 8, 2023.**

**MOTION:** Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from March 8, 2023. Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**B. Consideration to Approve the Planning Commission Meeting Minutes from March 22, 2023.**

Commissioner Johnson noted that an emoji was inadvertently included in the first sentence of the sixth paragraph on page 27.

**MOTION:** Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from March 22, 2023, as amended. Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

### **3. PUBLIC COMMUNICATIONS**

There were no public communications.

### **4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

Planning Director, Gretchen Milliken indicated that there were no Staff Communications.

Commissioner Hall stated that because she was remote for this meeting, she assumed that someone in the Chambers would serve as Chair Pro Tem for the Homestake item on tonight's Agenda.

Chair Suesser stated that Commissioner Van Dine agreed to serve as Chair Pro Tem for the Homestake matter. Senior City Attorney, Mark Harrington opined that the last motion that appointed Commissioner Van Dine as Chair Pro Tem for this item would suffice in her serving in that capacity at tonight's meeting. Commissioner Hall stated that as a matter of practice, she would prefer to not serve as Chair for any meeting that she attends via Zoom. She suggested appointing a second Chair Pro Tem if both she and Chair Suesser were unable to serve in that capacity at any future meetings. Chair Suesser was comfortable appointing someone to fill that role if and when the situation arises. The Commission Members agreed to address the situation on a case-by-case basis.

Chair Suesser stated that there had been inquiries regarding the reasons for her recusal from the Homestake matter. She decided that she could not be impartial on the project because she has a conscientious objection to the project due to the potential adverse health impacts on residents living in such close proximity to the transmission facility. She noted that the transmission facility might be upgraded at some point in the future.

#### **A. General Plan Work Session - Due to a Full Agenda, the General Plan Work Session will be Scheduled for a Later Date.**

Chair Suesser reported that the General Plan Work Session scheduled for this meeting would be postponed.

#### **B. Land Management Code Amendments Schedule Update.**

Director Milliken reported that most of the information is contained in the Staff Communication included in the Packet. She mentioned that the update involved the status of the Request for Proposal ("RFP") for the consultant, as well as the Land Management Code ("LMC") priorities for the rest of the year. She invited any questions to be presented to Staff.

### **5. CONTINUATIONS**

#### **A. 327 McHenry Avenue – Conditional Use Permit – The Applicant Proposes to Construct a Private Recreation Facility (Pool) in the Rear Yard. PL-22-05389.**

City Planner, Spencer Cawley reported that the site visit was continued to May 10, 2023, so that it would remain in line with the continuation of the review of the application on that date.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed and continued the public hearing.

**MOTION:** Commissioner Johnson moved to CONTINUE 327 McHenry Avenue – Conditional Use Permit, and the public hearing – to May 10, 2023. Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- B. 1325 Empire Avenue and Parcel SA-200 – Plat Amendment –The Applicant Proposes a Plat Amendment to Amend the Knudson Subdivision and Parcel SA-200 and Re-Subdivide the Vacant Lots into Four Lots to Eventually Construct Four Single-Family Dwellings. PL-22-05357.**

City Planner, Jaron Ehlers stated that there was nothing to add to the requested continuance.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed the public hearing.

**MOTION:** Commissioner Van Dine moved to CONTINUE 1325 Empire Avenue and Parcel SA-200 – Plat Amendment – to May 10, 2023. Commissioner Johnson seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

## **6. REGULAR AGENDA**

- A. 475 Woodside Avenue - Steep Slope Conditional Use Permit - Applicant Seeks to Demolish an Existing Single-Family Dwelling and Construct a New Single-Family Dwelling on a Steep Slope. PL-23-05585.**

Director Milliken reported that the above application was withdrawn.

- B. 1875 Homestake Road, Homestake Affordable Master Planned Development - Development Agreement - The Planning Commission Will Review the Development Agreement for the Homestake Affordable Master Planned Development, a Project Proposing 99 Affordable and 24 Market-Rate Units in the General Commercial Zoning District. PL-22-05288, PL-22-05300.**

Chair Suesser recused herself from the above item and left the meeting. Chair Pro Tem Van Dine assumed the Chair.

Planner Cawley reported that this item addresses ratification of the Development Agreement that outlines the Affordable Master Planned Development (“AMPD”) approvals that would be recorded with the County. The Planning Commission determined that the Homestake AMPD meets the requirements of the LMC and unanimously approved the project on October 26, 2022. The Staff Report outlined the scope of review for ratifying the Development Agreement. Following the publication of the Packet, Staff received public input and those emails were forwarded to the Commissioners. Staff would address any questions raised by that public input.

Planner Cawley reported that Staff recommended the Planning Commission review the draft Development Agreement for consistency with the Commission's October 26, 2022 approval, and consider ratifying the Development Agreement attached as Exhibit 1 to the Staff Report.

Chair Pro Tem Van Dine sought confirmation from the Commissioners that they had the opportunity to review the materials provided on this matter. The Commissioners confirmed that they reviewed what was provided. Chair Pro Tem invited comments or questions from the Commission. She understood that they were looking at this based on what is required by the LMC for a Development Agreement. City Attorney Harrington confirmed that was accurate.

On behalf of the applicant, J Fisher Companies, Rory Murphy reported that they met every condition for ratification of the Development Agreement. He was present with his business partner, Ryan Davis, and their legal counsel, Craig Terry. Applicant Murphy stated that the concerns raised during the previous meeting were hopefully addressed in the Staff Report. They were prepared to answer questions.

Commissioner Kenworthy thanked Staff for including his November 5 letter and appreciated the transparency in having that letter included in the record. He stated that City policy will affect the surrounding and abutting properties and he questioned whether the City had considered those impacts. He observed that they were setting a precedent with a four-story 40 to 50-foot building that could potentially encircle this electrical substation. Commissioner Kenworthy stated that City Hall had an applicant who has the responsibility to have those studies that were done on the electromagnetic fields include the precedent-setting that his letter indicated six months ago. He queried where they would be comfortable with the Setback line, and who would be responsible for this Setback line precedent for the AMPD Codes that were met on this property.

Commissioner Kenworthy asked if this decision would be setting a precedent that Electromagnetic Fields ("EMFs") do not require any mitigation at this site. City Attorney Harrington stated that it would not. He explained that the Commission made its decision in October based on the record regarding whether the project complies with the policy direction from the City as embodied by the General Plan and the Land Management Code. He stressed that those were the only two things that controlled the Commission's review. The Commission made its decision in accordance with those two documents.

City Attorney Harrington added that there was a finding or a statement in the record that acknowledged that there is not a current national, State, or local standard regarding EMF distances for proposed residential or other development. He understood that there was no evidence showing adverse impacts from the distances and there was testimony that there was no evidence that was controlling. He noted that the Commission recently received evidence that provided further clarification and was included in the Council's report on March 9. He commented that this is outside of the Commission's record but they added it as a recital to the Development Agreement as requested by Commissioner Johnson.

City Attorney Harrington explained that should the Commission receive evidence in a future decision they could consider that evidence on a case-by-case basis. Additionally, if the Commission wished to direct Staff or the Council to embark upon a more serious study of EMF levels throughout the City and propose a residential standard, that could be explored. He reiterated that the Commission would not be setting a precedent in moving forward with this application.

Commissioner Kenworthy felt that the Commission voted on this project based on the LMC and they had the EMF issue. He does not have a degree in science or medicine and did not have the LMC to guide him at that particular stage. When he and Commissioner Johnson requested additional information, Commissioner Kenworthy requested in his November 5 letter that they have a reliable baseline.

Since then, they have had several different studies to satisfy some of the points raised by Commissioner Johnson. Commissioner Kenworthy expressed concern that there was no reliability in the baseline that was presented. He noted the disclosure from EMF Utah, LLC that made no claims regarding the health and safety, current, past or future, of the survey site based on EMF levels measured.

Commissioner Kenworthy referenced the report that stated that City Hall and the Council were “advised to read the current health and safety documentation provided by Federal, State, County, and City environmental safety divisions, along with third-party environmental and technical organizations before making their own determination regarding the health and safety risk of the survey site.” Commissioner Kenworthy asked if this was what Park City wanted, and noted his qualifications for having this included in the process. He was troubled, and he heard the same from Chair Suesser when she explained the reasons behind her refusal. He strongly recommended that City Hall never again serve as the applicant, advocate, judge, and jury because it just does not work.

Commissioner Johnson asked if there were any plans by the City to bury the transmission lines in the Homestake area. Affordable Housing Manager Jason Glidden referred that question to Engineering Department Project Manager, David Gustafson. Manager Glidden understood that Rocky Mountain Power was working on the burial of distribution lines. Manager Gustafson advised that currently the distribution lines that run from the Snyderville Substation to the Munchkin Substation were being undergrounded. There was no intention on the part of Rocky Mountain Power to bury transmission lines. They presented to Council the option of doing a small section, but the cost was \$5.3 million, and he did not expect that to happen in the future. Commissioner Johnson understood that the burden of burying transmission lines would be totally on the City and Rocky Mountain Power would not contribute any monies towards that.

Commissioner Kenworthy asked how the future electrical needs of the community would be addressed if the City was not going to use Rocky Mountain Power’s Substation at this site to increase voltage. Manager Gustafson explained that currently, Rocky Mountain Power had no intention to upsize to the 138,000 volts at this substation. The infrastructure being installed along State Route 224 was sized for 138,000 volts; however, based on a study in 2012, Rocky Mountain Power made some adjustments to other substations.

Manager Gustafson advised that there were three substations tied into the Munchkin Substation and Rocky Mountain Power made adjustments to those facilities so that they would not have to increase the voltage at the Munchkin Substation to 138,000 volts. He stated the 46,000 voltage was good for right now.

Commissioner Kenworthy reiterated his question on the future electrical needs of the community. He noted the national conversation that 30% of cars sold by 2030 would be electric. If that comes into play, he questioned whether the electrical load would be enough to recharge cars without any future development like Homestake, Deer Valley, or Park City Mountain. He wondered how they would satisfy these national and statewide movements.



Manager Gustafson stated that the documentation he has received from Rocky Mountain Power stated that they have no intention of upgrading to 138,000 volts at this time. He acknowledged that no one knows what would occur in the future.

Commissioner Kenworthy noted there was no guarantee on a cap or ceiling of how high the voltage could go in the future. Manager Gustafson was unable to answer that question. Manager Glidden added that based on communications received from Rocky Mountain Power, even if they were to increase the power into that substation, the geographical space there currently would not be enough. In other words, Rocky Mountain Power would need more space in that area to expand the substation. He acknowledged there is property next door that they could possibly use. He added that according to the Rocky Mountain Power engineer, they would decommission the capacitors that are closest to the Homestake site, which would mean that they would not be emitting any EMF. Manager Glidden further understood that all of the equipment would then be pushed toward the east.

Manager Gustafson commented that the distance from the 138 lines coming into the substation would be further away from the Homestake project than the capacitor currently is from the site. Manager Glidden noted that in all likelihood, they would see more distance, which would actually reduce the EMFs coming into the project. Manager Glidden also addressed Commissioner Kenworthy's comments regarding EMF Utah and noted that EMF Utah was hired as a vendor to take readings, not to make assumptions about the health impact of those readings. This explained the disclaimer in their report since they were hired only to take readings to establish the baseline as requested by the Planning Commission. He added that they included Commissioner Johnson in this process to ensure that they met the standards of what he wanted for a baseline, as the Commission appointed him as the point person. Manager Glidden reiterated that EMF Utah was hired only to take readings, not to interpret them and determine the health and safety of those readings.

Commissioner Kenworthy appreciated this clarification and expressed his understanding. He noted that the disclaimer stated further, "these electrical field survey readings are a snapshot in time, and are not predictive of what the readings will be at any point in the future or indicative of what the readings were in the past. These can and do change for a variety of reasons."

Commissioner Kenworthy referenced his November letter that highlighted reliability as the key issue. He felt this was what they asked for after the matter was carried over after the vote, and he had to rely on what is written. At the end of the day, for him it was an issue of accountability and who would be accountable. He addressed that in the November 5 letter as well.

City Attorney Harrington was unsure if Commissioner Kenworthy's comments were properly pointed. He stated that the Commission and Commissioner Kenworthy were accountable for a decision under the Land Management Code, no more and no less. These other issues are of great public concern and he noted that they had been appropriately raised for the City Council's consideration as they decide whether or not to move forward with the project or address the issues in the ground lease. He added that the City Council could also address these issues in terms of additional terms with the potential future residents. These issues were requested to be carried forward to City Council, and City Attorney Harrington assured that they had been communicated to the Council.

City Attorney Harrington stressed that ultimately the legislative body would be the body accountable for the project moving forward or not, not the Planning Commission. He stated that the Planning Commission was responsible for LMC compliance, and because this is a City project, they always subject themselves to these greater good questions for the benefit of the community when it goes through the Planning Commission. He commented that discussion of these issues at this time had nothing to do with the Commission's evaluation of the ratification of the Development Agreement pursuant to an approval voted on several months ago. He reiterated that accountability for some indiscernible liability in the future would ultimately lie with the property owner, not the Planning Commission as long as the Commission acted pursuant to its authority under the Land Management Code.

Commissioner Kenworthy asked if City Attorney Harrington understood his point about the applicant being the advocate and the jury. City Attorney Harrington stated his statements were not advocacy; rather, it was the job he does for every single applicant that comes before the Planning Commission. He felt that as part of their Commission appointment, most of the Commissioners were asked what they would do in regard to a project that they might not like, but that met the LMC. He explained that was the reason why the Council would ask that question, and he acknowledged it was a difficult question to answer. City Attorney Harrington reiterated that he was not advocating for this project; rather, he was suggesting that the Planning Commission's authority was to apply the Code to the project.

Commissioner Kenworthy understood, but still adamantly felt that the public saw it as advocacy since City Hall is the applicant, and different sections within City Hall were the judge and the jury in this process. He felt there was a better way to do this, and stressed that he did not like the position he was in.

City Attorney Harrington commented that the Commission had been successful in moving the direction of the ship because that was why the Council entertained a public/private partnership and had the private partner serve as the primary applicant. Commissioner Kenworthy observed that through previous administrations, the City felt it could build its way out of this. Taking away the political messaging, he stated that we failed miserably in trying to build their way out of it, and a public/private was the logical next step. His goal was that everyone would get an education about what the evaluation of the public process did; they heard more than anything else that they were desperate. He noted that he employs over 100 people in these two counties and knows the desperation out there. Commissioner Kenworthy commented that desperation was not in the LMC; however, he felt that desperation was pushing this project and was probably a lot of what caused this.

Commissioner Sigg had the disadvantage of starting his review of this project once it was pretty far along, and he was not really involved in everything leading up to the approval. He stated that some of the underlying miscues included the desperate need to create housing. He applauded the City and the Housing Authority for ramping this up; however, he noted he looked at close to 500 units of workforce housing and there were multiple other sites under consideration. For the developer group, these studies were not considered pre-site plan approval. He felt the most fundamental way to solve these distancing issues was to pull the units further away from the sub-station. While acutely aware of the costs involved in terms of where the project currently sat, Commissioner Sigg felt those would have been fundamental precursors to laying out any kind of site, whether they believed the science or not. He felt they were looking at this after the fact and wondered why it was coming up now.

Commissioner Sigg felt this issue could have been solved with different site planning on the front end, and he struggled with this. In addition, he noted the formation of two committees on Bonanza. He felt this project seemed like it was in advance of what the study would show should happen in the Bonanza District. Commissioner Sigg stressed he was supportive of affordable housing, but they were looking at master planning an area, and they had a building with a certain shape and location but for which they had not master planned for circulation or traffic. They received a promise that Homestake Drive would be improved simultaneously with this development, which he felt was an absolute necessity because they heard it would be a failure if this project were developed without those improvements.

Commissioner Sigg felt there were a lot of cases where the cart was leading the horse, and he had a lot of questions in terms of how they got to this point when they could have had these studies in the beginning and sited the buildings in such a way that they would not even be having these discussions. He recognized that these were not questions related to the black-and-white of the Development Agreement, and what they were mandated to consider. He expressed discomfort at coming into this at the last minute and was forced to take a vote. Commissioner Sigg stressed that it was difficult to vote against City Hall because they do not want to be perceived as being against workforce housing. He emphasized that workforce housing was a good thing and the City needs it; however, there were also fundamental aspects that they looked at in terms of occupancy and density and whether it would essentially become a bunkhouse for workers. He felt those issues could be worked out, but he struggled with this issue being decided in desperation.

Commissioner Sigg felt this was moving at a very rapid pace. He stated that while he supports workforce housing, the longer that the City allows workforce housing to be used as an incentive tool for Nightly Rentals, which is the systemic cause of why they have a housing shortage, they would have to be more cognizant of that when they approve projects. He mentioned an unnamed project where he voted against his conscience and commented that it was driven by a mandated agreement that was already in place and was the lesser of two evils. He noted they gave away a lot more of the same systemic causes of this housing shortage that makes this unsustainable. The reason they are in the situation they are in is because they give too many Nightly Rentals out as an incentive in exchange for workforce housing.

Commissioner Sigg added that during a recent visit to Steamboat, it was refreshing to see the resort there purchase three hotels for their workforce housing. He felt there was more of an effort by the private partner to do something about the issue and not just dump it on the municipality. He added that Steamboat also changed zoning in many of their areas to disallow Nightly Rentals. He understood that Utah is a property-right State so it might be difficult for something like that to happen here; however, he felt they had to be careful about giving away the ranch for housing. Housing is very important, but he felt there was a disconnect.

Chair Pro Tem Van Dine confirmed that the public hearing was conducted during the last meeting on this item, and there would not be public comment on this item at this meeting.

Commissioner Johnson appreciated City Attorney Harrington's comments and stated it explained how he was looking at this. He felt this was one of those situations where the AMPD was approved, and it could not be revisited at this point. He stated that this Development Agreement aligned with that approval. He explained his views on the EMF issue and stated that 10 years ago there was a proposal to move this substation next to Iron Horse Apartments, which is a lower income facility. Historically, he looked at the uses surrounding this substation

and transmission lines, and noted there is a Recycle Center, a maintenance and storage facility for the resort, and a parking lot. He added that the storage units in the area were strategically planned as a buffer for the substation. He felt the EMF issue had not just come out of nowhere; rather, it has always been a concern, which is why that area had been designed in the manner that it has.

Commissioner Johnson agreed with Commissioner Sigg's comments that some of the EMF information might have been better considered when addressing the site plan. He noted that every 10 feet results in a decrease of 60 – 70%. Commissioner Johnson noted that the highest readings were at the 30 – 40 foot level. That was not due to the substation as the power gets stepped down from the transmission lines into the substation. He felt that burying the transmission lines would be a great way to mitigate this, as would increasing the Setback.

Commissioner Johnson was ready to proceed and acknowledged it was a difficult position where they became aware of ways to mitigate it after the fact. This was a lesson he would take moving forward into the future. He understood they could not mitigate the Setbacks because the Site Plan was already approved. While they could have looked at the situation and realized that the highest levels were coming from the transmission lines. He suggested the City could ask the applicant to contribute to the City's cost to put some of these transmission lines underground. This is why this did not sit well with him, but based on the Code and the Commission's role he felt he would look to ratify the Development Agreement.

Commissioner Frontero agreed with many of the comments made by Commissioner Kenworthy and Commissioner Sigg. He understood that if the Commission ratified the Development Agreement, it would then go to City Council. It would be City Council who would make the final decision on whether to move forward with this project.

City Attorney Harrington explained that the Development Agreement would go to the Mayor for signature. The City Council would have to approve the ground lease and any other transactional documents for this project to move forward, and that had not yet occurred. He confirmed that ultimately the City Council had the final authority to decide whether this project would move forward, including the issues the Commission had requested the Council to consider. He stated that for the project to move forward, the Mayor must sign the Development Agreement, and the Council must approve the ground lease and the terms of the project. These documents had not yet been presented to City Council.

In response to Commissioner Frontero's inquiry, City Attorney Harrington stated that the Mayor would be limited to the same Code authority as the Planning Commission in terms of signing the Development Agreement. The signing of the Development Agreement by the Mayor was an administrative act that is Code-based.

Commissioner Frontero commented that based on his review of the Development Agreement, the only area he identified as something that might prevent him from voting to ratify was in Recital E, which he read as follows:

"Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals, and objectives of the Park City General Plan, and to address other issues as more fully set forth below."

City Attorney Harrington advised that was a Recital and if they want to eliminate Recital E, it was not material and it could be eliminated. Chair Pro Tem Van Dine did disagree with removing Recital E because she felt there was more to the project than the EMF issue. Commissioner Frontero was not in favor of removing that paragraph; rather, he suggested that he might look to Recital E as potentially a reason to vote against ratifying the Development Agreement. He was not sure that this project was in harmony and would promote the General Plan. He felt it was clear that many of the Commissioners had concerns about the process and the timing and inconclusiveness of some of the reports. He understood that if they moved forward with this, the Mayor would likely sign it.

Commissioner Frontero asked if there was any scenario wherein they approved the Development Agreement and it did not move forward. City Attorney Harrington answered in the affirmative and reiterated that the City Council could still consider the Commission's concerns and any other concerns from the community. He noted that the process was still ongoing and there were active negotiations wherein the deal points and financial considerations were all still to be considered. There would be many scenarios where this project would not go forward; the Development Agreement was the first step in terms of defining the development entitlement consistent with the Code.

City Attorney Harrington explained that Recital E was meant to capture a finding already made by the Commission, but it was a redundancy that they typically include in the event there is litigation down the road in terms of good faith. He noted that Recitals are not substantive to the agreement; rather, they provide context. He stressed that the Commission could discuss modifying or changing that Recital, but noted it was not material to the review criteria under the LMC because the compliance with the General Plan was already found in the conclusions contained in the Final Action Letter. They were not to revisit that finding during this meeting. He understood the concerns given new information and general planning issues, and it would be completely appropriate for the Commissioners to continue to raise these issues with City Council. City Attorney Harrington encouraged the Commissioners to raise concerns to Council as he was not advocating against that, but it was not appropriate for what was presently before the Commission.

Commissioner Frontero addressed City Council directly and hoped to see additional review of the EMF and asked that the City Council find further mitigation going forward.

Commissioner Hall referenced her prior comments on this item and stated that in October, they had unanimous approval for this project, with the exact same Commissioners. They hear often that the Planning Commission is required to follow the LMC and not vote their conscience or their heart or personal preference. Rather, they are only supposed to apply an application to the LMC for compliance. She stated that this was done in October and there was unanimous approval for this project.

Commissioner Hall emphasized that they were only looking at the terms of the Development Agreement. She expressed frustration because she felt they needed to be spending their time following the Code, which requires them to be looking at the terms of the Development Agreement and whether it was consistent with the unanimous approval. She noted that the LMC was amended after many years of having an AMPD in the Code, under which not a single application was processed because it was ineffective. The Commission decided that public/private partnerships would possibly be an avenue to get some much-needed affordable housing. The Code was amended for that purpose, and they now had many applications where

the City is the sole applicant. She noted that in this case, the City was a co-applicant, but the developer was leading the charge because they would be building the structure.

Commissioner Hall did not feel any pressure to have this go through and noted that the application simply met the LMC. The applicant could have asked for more, yet they did not even ask for the exceptions they were offered through the AMPD. Commissioner Hall was frustrated that they were not actually following the LMC and they were having a lot of discussion that was irrelevant to the scope of the Commission's review.

**MOTION:** Commissioner Johnson moved to RATIFY 1875 Homestake Road – Development Agreement. Commissioner Hall seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

Commissioner Kenworthy trusted that the Mayor and City Attorney would allow the follow-up matters.

The Commission took a short recess after which Chair Suesser rejoined the meeting and assumed the Chair.

**C. 2426 Iron Canyon Drive – Plat Amendment – The Applicant Proposes to Relocate the Building Pad Located on the Lot. PL-23-05566.**

Director Milliken introduced City Planner, Jack Niedermeyer, to the Commission. Planner Niedermeyer has been with the Planning Department for approximately one year and this would be his first presentation before the Planning Commission. Planner Niedermeyer reported that after publication of the Staff Report, the applicant submitted a revised amended Plat that showed a minor reduction in Building Pad square footage from 4,000 square feet to 3,998 square feet. Lot 8 of the Iron Canyon Subdivision was recorded in 1989. All Lots within the Subdivision have 4,000-square-foot platted Building Pads. The existing Single-Family Dwelling was constructed in 1990, without consultation as to the Building Pad location.

Planner Niedermeyer stated that the applicant proposed to amend the existing Building Pad to encompass the existing Single-Family Dwelling and to allow for future deck expansion. A graphic was presented and it was reported that the area highlighted in pink would be the area for future deck expansion. The area for the future deck expansion was included in the calculation of 3,998 square feet. Planner Niedermeyer stated that the current Single-Family Dwelling and proposed Building Pad were compliant with the Single-Family zoning Setbacks and the Sensitive Overlay requirements. The Development Review Committee reviewed the application and raised no concerns. A graphic was presented showing the area of the proposed deck, which will attach to the existing deck on the second story.

Planner Niedermeyer explained there was good cause for this proposal, as it would resolve an existing issue and Non-Conformity. It would be consistent with the pattern of development in the neighborhood, and the area of the Building Pad would not be increased, nor would it disturb more area than previously allowed. The change would be consistent with the Iron Canyon Subdivision. The Planning Commission and City Council have approved similar proposals within the Iron Canyon Subdivision on seven occasions. The City Council was scheduled to consider Lot 45 on April 27, 2023, and Lot 25 received a positive recommendation from the Planning Commission on March 22, 2023.

With respect to Conditions of Approval, Planner Niedermeyer explained that all other Conditions of Approval and plat requirements for the Iron Canyon Subdivision would continue to apply and would be noted on the Plat. Condition of Approval 5 was referenced, which states that the applicant shall show the bearings and distances of the final proposed Building Pad on the recorded Plat. Condition of Approval 6 provides that, "any expansion of the Building Footprint shall be fully encompassed within the amended Building Pad, including footings."

Condition of Approval 9 was read as follows: "The final Building Pad shown on the Plat shall not exceed 4,000 square feet, including footings for decks and roof forms." Planner Niedermeyer highlighted that the existing Single-Family Dwelling had an Existing Non-Conforming roof form that was measured at 34'-10" from existing grade. Per the zoning requirements, no structure shall be erected to a height greater than 28' from existing grade. However, a gable, hip, Barrel, or similar pitched roof may extend up to 5' above that zone height if the roof pitch is 4:12 or greater. The roof pitch on the existing home was 5:12, so the 5' exception would be allowed to a Maximum Building Height of 33 feet. This home exceeds the Maximum Building Height by 1'-10" so they included Conditions of Approval 7 and 8. Condition of Approval 7 provides that "no expansion of the existing Non-Conforming roof form measured at 34'-10" from existing grade is permitted." Condition of Approval 8 states, "Any new construction shall comply with Land Management Code Section 15-9-5, Moving, Enlarging or Altering Non-Conforming Uses."

Staff recommended the Planning Commission review the proposed Plat Amendment, conduct a public hearing, and consider forwarding a positive recommendation for City Council's consideration on April 27, 2023.

The applicant, Patrick Flaharty, was present and had nothing to add.

Chair Suesser suggested that the word "proposed" be deleted from Condition of Approval 5. She stated that the recorded Plat should show the actual bearings and distances of the final Building Pad rather than the proposed Building Pad.

Commissioner Hall accepted this suggestion, but as a matter of process noted that the applicant would have to record the Plat in order to make any changes. Chair Suesser believed that the Condition of Approval would be printed on the Plat, as would the bearings and distances.

Director Milliken agreed with Chair Suesser's point and noted that the word "proposed" was included because it was currently proposed; however, as a Condition of Approval, it would be odd to include "proposed" on the Plat. Staff would delete the word "proposed."

Commissioner Frontero had no questions and observed that Planner Niedermeyer did a good job of aligning the issues and setting out the requirements. Commissioner Sigg understood this involved an existing house and had no questions.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed and continued the public hearing.

**MOTION:** Commissioner Van Dine moved to forward a POSITIVE recommendation for the City Council's consideration on April 27, 2023, for 2426 Iron Canyon Drive – Plat Amendment, based on the Findings of Facts, Conclusions of Law and Conditions of Approval, as amended, contained in the Draft Ordinance as follows:

### **Findings of Fact**

1. The property is located at 2426 Iron Canyon Drive.
2. The Lot is within the Single-Family Zoning District.
3. The subject property is Lot 8 of the Iron Canyon Subdivision, approved by the City Council in 1989.
4. The Lot contains 0.39 acres.
5. The Plat Amendment proposes to adjust the Building Pad area shown on the Iron Canyon Subdivision Plat.
6. The proposed Building Pad is proposed to be 4,000 square feet, including footings.
7. The City Council has approved the following adjusted Building Pads for Lots of the Iron Canyon Subdivision: Lots 4, 5, 11, 29, 33, 42, and 43.
8. The proposed Plat Amendment is consistent with the pattern of development in the neighborhood.

### **Conclusions of Law**

1. There is Good Cause for this Plat Amendment because it brings a non-complying structure into compliance by moving the location of the Building Pad to encompass the existing Single-Family Dwelling.
2. The Plat Amendment is consistent with the Land Management Code, including Chapter 15-2.11 and § 15-7.1-6 Final Subdivision Plat.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

### **Conditions of Approval**

1. The City 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 year's time, this



approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Any new construction shall comply with Land Management Code Chapter 15-2.11 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.
4. All other Conditions of Approval and platted requirements for the Iron Canyon Subdivision continue to apply and shall be noted on the plat.
5. The Applicant shall show the bearings and distances of the final Building Pad on the recorded Plat.
6. Any expansion of the Building Footprint shall be fully encompassed within the amended Building Pad, including footings.
7. No further expansion of the Existing Non-Conforming roof form, measured at 34'-10" from existing grade, is permitted.
8. Any new construction shall comply with Land Management Code Section 15-9-5 Moving, Enlarging, or Altering Non-Conforming Uses.
9. The final Building Pad shown on the Plat shall not exceed 4,000 square feet, including footings for decks and roof forms.

Commissioner Sigg seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**D. 593 Park Ave – Plat Amendment – The Applicant Proposes to Combine Two Vacant Lots in the Historic Residential (HR-1) Zoning District. PL-23-05539.**

City Planner, Olivia Cvetko reported that the application proposes to combine Lots 22 and 23 of Block 5 of the Amended Park City Survey. A graphic was presented showing that the Lots are currently vacant. Both Lots are standard 25' x 75' Lots that are common in the area, which is zoned Historic Residential-1 ("HR-1"). Planner Cvetko stated that the combined proposed Lot will be 3,750 square feet in size. An Ordinance approving an identical Plat Amendment for these Lots was adopted in 2009, and the owners filed a Historic District Design Review ("HDDR"), but failed to record the Plat, resulting in expiration of the Ordinance. Additionally, the HDDR was discontinued as requested by the applicant.

The current applicants are the new property owners who have requested to combine the two Lots. As proposed, the Lot will comply with the HR-1 Lot size requirements. The new Lot size will be consistent with other single-family homes in the area, especially on the same street. There were quite a few condominiums along this street and the proposal would be consistent with those structures as well. Planner Cvetko stated that if adopted, the Maximum Building Footprint would be 1,519 square feet. Screenshots from Google Earth were presented showing the location of the Lots.

Staff found good cause for the Plat Amendment. Planner Cvetko referenced the Code that states that the purpose of the Zoning District is to encourage single-family development on combinations of 25' x 75' Historic Lots. The creation of this Lot will allow the applicant to develop a single-family home, which will decrease the intensity of allowed development.

Planner Cvetko stated that this proposal will not vacate or amend any right-of-way and no easements will be vacated or amended. The Development Review Committee reviewed this application and did not find any issues. Staff recommended the Planning Commission hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on May 11, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as set forth in the Draft Ordinance.

Chair Suesser noted that they have looked at the Purpose contained in Section 15-2.2 for the Historic Residential District in the past. They debated the third provision, which is to encourage structures that contribute to the character and scale of the Historic District, and whether that was consistent with encouraging Single-Family development on combinations of 25' x 75' Lots. She has argued that this provision was not meant to encourage the combination of these Lots; rather, it was meant to apply to development on 25' x 75' Lots. She noted that the Commission might want to clarify this as they look to the revisions to the Land Management Code.

Given the purpose of this Zoning District, Chair Suesser could not find that combining these two Lots was consistent with contributing to and encouraging the character and scale of the Historic District. She did not find good cause for this application. The Lots were a nice big green open space, and there are condominiums on the street; however, this was contemplated to be a Single-Family home across two Historic Lots. Chair Suesser did not care for the photographs selected for this presentation and suggested that in the future, more photographs would help. She drove past this location and pulled it up online to get a better sense of the Lots.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed and continued the public hearing.

Commissioner Van Dine felt this would be a good use of this space because it would be subject to Historic Design and would incorporate into the neighborhood well.

Commissioner Johnson understood the concept of Chair Suesser's comments and felt it would be good for the Commission to revisit that as part of the Land Management Code amendments. He struggled with interpreting this provision as well.

Commissioner Kenworthy agreed with Commissioner Johnson and Chair Suesser that they should address this, and adjust the Code. He felt that 50 feet was reasonable, but going beyond that was not for the continuity of the district. Commissioner Van Dine agreed.

**MOTION:** Commissioner Van Dine moved to forward a POSITIVE recommendation for City Council consideration on May 11, 2023, for 593 Park Avenue – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Draft Ordinance as follows:

**Findings of Fact**

1. The property is located at 593 Park Avenue.

2. The property is listed with Summit County as Lots 22 and 23 of Block 5 of the Amended Park City Survey.
3. The property is in the Historic Residential (HR-1) Zoning District.
4. The Applicant seeks to remove an existing Lot Line to create one Lot. 5. The property is currently vacant.
5. Ordinance No 09-37, an Ordinance approving a Plat Amendment Combining Lots 22 and 23 was Adopted in 2009 but never recorded. The Plat Amendment has since expired.
6. The current minimum Lot Size in the HR-1 District is 1,875 square feet.
7. The Proposed Lot is 3,750 square feet.
8. The current minimum Lot Width in the HR-1 District is 25 feet.
9. The Proposed Lot is 50 feet wide.
10. No remnant Parcels are created with this Plat Amendment.
11. The Proposed Lot Size is consistent with adjacent Lots.
12. The findings in the Analysis section of the Staff Report are incorporated herein.

#### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, Historic Residential (HR-1) Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

#### **Conditions of Approval**

1. The Planning Department, 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this Plat approval 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. Any new development on 593 Park Avenue, must comply with the Land Management Code.
4. Any new development on 593 Park Avenue must undergo the Historic District Design Review Process.
5. The Plat shall note that this Lot is subject to Ordinance 2023-xx.

Commissioner Kenworthy seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**E. Fractional Use of Dwelling Units – Land Management Code Amendments – The Planning Commission Will Review Code Amendments to Comply with Senate Bill 271 Enacted by the Utah Legislature to Remove Fractional Use Regulations from the Land Management Code.**

Assistant Planning Director, Rebecca Ward noted that the Commission is very familiar with this item and provided a brief summary. She explained that the proposed draft Ordinance will remove the Fractional Use of Dwelling Unit regulations that were codified in Fall 2023 to comply with new changes to State Code that would go into effect in May 2023. Assistant Director Ward also reported that the Chatham Crossing Subdivision and the West Ridge Subdivision both requested that the Planning Commission consider prohibiting Fractional Use and Nightly Rentals in those subdivisions, which was included in the Ordinance scheduled for City Council review on April 27, 2023.

Assistant Director Ward explained that Senate Bill ("S.B.") 271, which was enacted this year and prohibits municipalities from regulating Fractional Use models, expressly preserves the ability of Homeowners Associations ("HOAs") to address Fractional Use in their Covenants, Conditions, and Restrictions ("CC&Rs"). The HOAs that had pending amendments before the Planning Commission and City Council were notified of that legislation. Staff recommended that the Planning Commission consider forwarding a positive recommendation for City Council's consideration on April 27, 2023, as outlined in the Draft Ordinance that would remove the regulations of Fractional Use from the Land Management Code.

Commissioner Van Dine asked if they would be allowed to communicate with the HOAs to make sure they are aware of this legislation, and that they would have to come before the Commission. Director Milliken stated that would be allowed, and added that Staff had already communicated with HOAs that had already put in an application. Assistant Director Ward stated that in the public notice for the citywide e-mail, that information was provided to community members, and was also included on the City's website. They have a list of HOAs that are registered with the City that could be notified. Commissioner Van Dine asked for that to be done in light of this new law.

Commissioner Kenworthy asked if it would be illegal for the Commission to not say "yes." City Attorney Harrington confirmed that that was correct.

Commissioner Hall was disappointed with the State on this issue but was ready to move forward. Commissioner Johnson thanked the Commissioners, Staff, and community members who put so much time into something just to get it shot down at the last second. He mentioned the meetings at the Library and the public outreach conducted on this issue.

Commissioner Sigg disclosed that he is a property owner in one of the two Subdivisions that have applied to prohibit Nightly Rentals. City Attorney Harrington stated that the disclosure was sufficient. Commissioner Sigg asked about the timeline and understood that this Ordinance would repeal any language as it pertained to Fractional Ownership. The burden would be on any HOAs that might want to prohibit these uses within their respective CC&Rs. He asked what would happen if someone made an application and wondered if residents would rush to file applications before the HOAs prohibit the uses.

Director Milliken explained that Fractional Use is not necessarily an application. Rather, it is a land use wherein an entity or persons buy a home and then sell fractions of it. There is a Planning Use application associated with it and these entities still have the right to purchase a home if the CC&Rs were not in place at the time of purchase.

Chair Suesser referenced Commissioner Sigg's disclosure and the mention of Nightly Rentals. Commissioner Sigg corrected his statement and indicated that he meant to refer to Fractional Use.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed and continued the public hearing.

**MOTION:** Commissioner Johnson moved to forward a POSITIVE recommendation for the City Council's consideration on April 27, 2023, for the Fractional Use of Dwelling Units in Chatham Crossing and West Ridge Subdivisions – Land Management Code Amendments, as outlined in the Draft Ordinance. Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

- F. Land Management Code Amendments - Accessory Uses in Master Planned Developments - The Planning Commission Will Consider Amendments Regarding Support Commercial, Residential Accessory Uses, and Resort Accessory Uses Outlined in Land Management Code Chapter 15-6 Master Planned Developments, Section 15-6-8 Unit Equivalents, and to Clarify that Resort Support Commercial Uses in Recreation and Open Space Section 15-2.7-2 Uses, Residential Development Section 15-2.13-2 Uses, Residential Development Medium Section 15-2.14-2 Uses, Regional Commercial Overlay Section 15-2.17-2 Uses, General Commercial Section 15-2.18-2 Uses, and Light Industrial Section 15-2.19-2 Uses are Linked to Approved Master Planned Developments. PL-22-05447.**

Assistant Director Ward reported that the proposed amendments incorporate Planning Commission input from the December 14, 2022, and February 8, 2023 Work Sessions. Accessory Uses in Master Planned Developments ("MPDs") allow for a type of density bonus that does not count against Unit Equivalents ("UEs") for the MPD. The Commission's input was to re-evaluate the allowances and to refine and restrict some of the Uses. The proposed

amendments for Support Commercial would limit signage for Support Commercial Uses intended for people already on the site. Therefore, signage would be directed to interior spaces only, with limited marketing to the primary users on the site. There was also an allowance in the current Code regarding meeting space, wherein up to 5% of the total project square footage could be allocated for meeting space. Assistant Director Ward recalled the Commission's concerns with that being converted over time and being expanded into other uses. That meeting space allowance was removed. While meeting space would still be allowed for MPDs, it would count toward the UEs for the project.

Assistant Director Ward stated that pursuant to the current Code, Support Commercial Uses could be used for both hotel development and residential condominiums. The Commission directed Staff to remove it from residential condominiums and limit Support Commercial Uses to hotels under one ownership. The amendments also captured affordable housing obligations for employees generated from these Support Commercial Uses and would establish a maximum square footage of 5% of the total project, or 5,000 square feet total. The amendments would also prohibit conventional chain businesses from these Uses.

In terms of Residential Accessory Uses, Assistant Director Ward presented a list of what was currently allowed under the Code. The Planning Commission directed Staff to amend the Code to allow for only functional uses, which were limited to electrical, heating and ventilation, air conditioning, and ductwork necessary for the operation of the building. Laundry facilities and storage, employee facilities, hallways and circulation, elevators, and stairways would remain in the Code as a Residential Accessory Use. Pursuant to Commission direction, they also included Child Care Facilities, which would be exempt from UEs.

Assistant Director Ward asked if the Commission wanted to include Enclosed Bicycle Storage that exceeded the requirements of the new Code. The new Code that would require enclosed bicycle parking for new projects is scheduled for Council review on April 27, 2023. She asked if a developer exceeded the square footage requirements and whether that could be considered for a density bonus.

Assistant Director Ward next addressed Resort Accessory Uses and advised that they removed Administration and Instruction Facilities from the list. Where Resort Support Commercial is allowed in the Code, there is a footnote that links it to approved MPDs, except for the following three zones: Recreation and Open Space, General Commercial, and Light Industrial. The amendment included a footnote adding that those commercial uses were allowed if approved as part of the Resort MPD. Staff recommended the Commission conduct a public hearing and consider forwarding a positive recommendation for City Council's consideration on April 27, 2023.

Chair Suesser's opinion was that for Residential Accessory Uses, Storage should be separated from Laundry Facilities and defined. She questioned whether Storage would be for the hotel, owners, or guests. In terms of Employee Facilities, Chair Suesser asked if that referred to day-use facilities for employees, such as locker rooms, or whether it was employee housing. She asked where parking came in relative to these amendments. Assistant Director Ward stated that as far as Support Commercial Uses go, there were parking requirements under the current Code. Chair Suesser asked if parking structures go toward density in a project, and felt that was something the Commission struggled with in the past and was worthy of discussion.

Assistant Director Ward explained that for Support Commercial Uses, the Code requires five spaces per 1,000 square feet; therefore, it is similar to the parking requirements for convenience stores. For Resort Support Commercial and Residential Accessory Uses, a Child Care Center would trigger the parking defined for that use.

Chair Suesser understood that a parking structure did not go toward a project's density. Assistant Director Ward believed that to be correct as far as UEs were concerned. She noted the Setback and Building Envelope regulations would remain. Chair Suesser reiterated her concern about the vagueness of the terms "Storage" and "Employee Facilities." Assistant Director Ward offered that those facilities could include lockers, housekeeping, and those types of facilities that Staff could further define.

With regard to Storage, Chair Suesser felt the term was vague and suggested deleting it. Commissioner Sigg agreed that Storage is vague and could be interpreted in a way that every resident would get a 500-square-foot storage unit, which would be a generous Accessory Use. He felt that unless it could be defined as something appurtenant to the operation of the building or the maintenance of the building, it was too general. Chair Suesser expressed her preference to strike Storage from the list.

In terms of Employee Facilities, Commissioner Sigg felt that could include an employee's lounge that could be 4,000 square feet for everyone that works at The Canyons. It is also vague but understood if it was a changing area, lockers required for employment in the facility, and other similar uses. As written, it could include any kind of benefit that employees use or enjoy that could result in a large amount of square footage. He mentioned a bowling alley and a lounge, or something similar.

Chair Suesser suggested the term "employee lounge or locker room." Commissioner Sigg suggested, "Employee Facilities directly related to the operation of the building or property." Chair Suesser liked this suggestion.

Commissioner Johnson struggled with Resort Accessory Uses and wanted the list trimmed down significantly. Many of the uses are part of running a successful business. He would remove Ski School, but keep Daycare Facilities. He would also remove Lost and Found. He struggled with Employee Restrooms, but liked the inclusion of Public Lockers and Public Restrooms, as those would be a benefit to the community. He offered that Ticket Sales and Equipment/ski checks would all be part of running a successful resort or business. Commissioner Johnson reiterated his struggle with including these uses based on the current climate in town. He noted that Park City is already a resort community with two very successful businesses, and they did not need to incentivize these types of development.

Chair Suesser agreed with Commissioner Johnson's comments and stated that the point of this exercise was that these projects had ballooned because they were being approved at a certain density, and all of these extra Uses were added on top of what was approved. She felt that many of these Uses should be wrapped into the original approval rather than be add-ons. She agreed that this list could be trimmed down significantly. She felt that Ski School should be stricken and stressed that this was not to say that she was not in favor of Ski School facilities; rather, she felt it should not be a bonus on the project.

Commissioner Sigg agreed with the comments of Chair Suesser and Commissioner Johnson that many of these Uses were part of the operating model of the resorts. He did not feel they

needed to incentivize Vail or Alterra and many of these square footage allowances listed should be part of their capex, with the burden on the developers to pay for them. He added that many of the Uses on the list relate to the operation and potential profit centers within the resorts. These developers are doing well and should be included in their capex and their operating model.

Commissioner Sigg suggested striking Mountain Patrol, and while this is a public amenity and health and safety issue, it was there for the developer to run their mountain safely. He would also strike Lost and Found, and Public Lockers. He would keep Emergency Medical, Public Restrooms, and Employee Restrooms on the list of Uses, and added that restrooms were fundamental to any structure. Commissioner Sigg felt that a Ski School was a moneymaker for the developer, as was Daycare.

Chair Suesser asked if they should incentivize the developers by keeping Daycare as a bonus. She would like to encourage Daycare facilities and noted they seemed to have dropped by the wayside in many plans in the last few years. Commissioner Sigg stated that they should not incentivize Daycare Facilities if these facilities would raise everyone's taxes to solve the daycare problem in Park City. Commissioner Johnson wanted to keep Daycare Facilities on the list and felt it was a major need in the community. Commissioner Van Dine agreed wholeheartedly. Commissioner Sigg suggested defining Daycare as a daycare, versus ski programs that charge to put children in a program. Commissioner Johnson suggested changing it to Public Daycare Facilities. Commissioner Frontero suggested Employee Daycare. Commissioner Sigg was not opposed to daycares but he did not want it to be like the Reindeer Program where families not only had a difficult time getting in, but when they did, they paid a lot of money.

Commissioner Kenworthy supported incentivizing Daycare Facilities and was unsure how they could define it differently. He felt the City was in a desperate situation, and they should want to do all they can with all projects to incentivize daycare like they incentivized affordable housing at Studio Crossing. He would like to keep as much of that as possible. In response, Commissioner Sigg stressed that he likes daycares but emphasized that Daycare Facilities should not become a profit center for Alterra. He would not support providing incentive bonuses to create another profit center; rather, if it was for public use for the community and employees, he felt it was a great idea.

In response to an inquiry from Commissioner Kenworthy, Assistant Director Ward explained that these LMC Amendments, if enacted, would impact new applications from the date the Ordinance was adopted going forward. The Development Agreements for the Deer Valley and Mountain Resort developments outlined the Accessory Uses specific to those projects. Commissioner Kenworthy observed that these changes would not affect those projects.

City Attorney Harrington cautioned against oversimplifying it either way, as they would not want to create a record against them and referenced the Treasure development. He encouraged the Commission to analyze these proposed amendments with an eye toward moving forward and what applications would be subject to these provisions when they are presented in the future. Commissioner Johnson was looking at it from some future resort use coming into play and mentioned mountain biking. He added that was why he wanted to see the list more restrictive.

City Attorney Harrington commented that the more the Commission could phrase their concerns with the Uses, rather than using for-profit or not-for-profit as the marker. Using the term "external uses" would be a better way to define many of the commercial Uses. He noted they



have a couple of Support Commercial Uses coming back that were limited to on-site residents, and some of those businesses were being challenged with operational restrictions that might result in them coming back to ask for reconsideration of those restrictions.

As with restaurants, he suggested focusing on the use of Daycare Facilities and whether the use would have impacts on external clients, or whether it would be limited to internal uses. He suggested categorizing the Uses more in terms of the impacts that would be mitigated by the proposed Use as opposed to whether it would be a profit center.

Commissioner Frontero asked if there was anything in place to keep Resort Support Commercial Uses under a certain percentage. Assistant Director Ward stated there was no cap. Commissioner Frontero suggested that might be an option to consider, but acknowledged that they would have to revisit that issue, so he stated they should leave that aside for now. He agreed with Commissioner Sigg that, generally speaking, he would be against giving a bonus for any Use that would generate revenue. He stated that Lost and Found would not generate revenue, but it would be an operational item for which he could go either way. He would support cutting First Aid, but keeping Emergency and Maintenance.

With regard to Public Lockers, Commissioner Frontero assumed those would be paid lockers and felt that was part of running the operation. He recalled his prior statements that he would eliminate all of these Uses and was leaning towards trimming down this list. He would include incentives for employee amenities. Commissioner Frontero suggested deleting Ticket Sales and Ski Check.

In line with City Attorney Harrington's comments, Director Milliken asked if it was possible to go through the list with the Use in mind, relate them to an interior or exterior use, and still arrive at the same result. She understood that they should not focus on financial gain; rather, they would focus on whether a Use was for the internal use of the resort versus an external use that could potentially result in profit.

Commissioner Frontero felt that in terms of the envelope of a building, he would consider stairs, HVAC, elevators, and other things to run the building. He would not include things to run the operation necessarily. In his mind, he felt the uses to run the operation should not be included on the list.

Chair Suesser asked if that included employee amenities, such as employee restrooms, break rooms, and dining. Commissioner Frontero was willing to make a carve-out for employee items. Chair Suesser would delete Employee Dining Areas from the list. She looked at this in terms of developers abusing this by adding things that would not add to density. She would like to restrict it so that it would be reasonable and felt that dining would be included in Break Rooms.

Commissioner Frontero agreed with Chair Suesser's comments. He noted that the inclusion of Daycare was challenging and wondered if they would be providing daycare for people paying \$250/day for a lift ticket. Chair Suesser liked the idea of changing it to Employee Daycare Facilities, and hopefully, that would encourage daycare facilities open to the public; however, the Employee Daycare Facilities seemed like a reasonable bonus to provide developers.

Commissioner Van Dine understood Chair Suesser's suggestion that Daycare, as an external use, would not be an Accessory Use; however, as an internal use, it would be included. Chair

Suesser liked the idea of Daycare Facilities; she just did not think they needed to incentivize developers to include public facilities serving as a bonus.

Commissioner Sigg suggested there might be language as to how that might be deed restricted because it would be easy for a developer to repurpose the space if none of the employees had children. He stated that if they were going to identify a particular Use, they should ensure that it stays that Use through a deed restriction or something along those lines.

Chair Suesser referenced Meeting Space and noted that they were talking about Convention Space as well. She noted that Convention Space usually counted toward density, but wanted to ensure that they removed Meeting Space. Assistant Director Ward stated that they removed the full Meeting Space allowance; however, Meeting Space would still be allowed through an application process and would count toward the UEs. She would have to look into whether Convention Space always counted towards UEs. Commissioner Van Dine commented that if they did not remove some of these Uses, they would go toward the developer's housing obligation.

In terms of Maintenance and Storage Facilities, Commissioner Sigg felt it was broad. He could think of an example of Maintenance Facilities and wondered whether it would include eight garages for maintenance equipment. He felt the idea would be appurtenant to a specific building structure. He would not want Maintenance to explode in size.

Commissioner Kenworthy mentioned the Golf Course and the maintenance items that were not in the parking lot. He felt that Maintenance and Storage should be considered because it is a huge need in a seasonal community. He felt they have not been able to solve the problem, and now they would further squeeze projects, which did not bode well. Chair Suesser disagreed by stating that they would just state it would count towards density. Commissioner Kenworthy commented that storage needs for businesses were significant, and pointed out that they had not solved it.

Commissioner Sigg suggested defining it for the operation of the residential buildings. He agreed that Maintenance and Storage were required to run a building. Chair Suesser commented that it was part of the operation's needs that they were eliminated from the density bonus. Commissioner Kenworthy responded that they did not want others to solve it the way the Commission had done in the past, which was to take over parking. He stressed that buildings need storage and maintenance and he wanted to keep the bonus for Storage and Maintenance Facilities and make sure the space would not turn into something else.

Assistant Director Ward asked the Commission if they wanted to clarify Maintenance and Storage Facilities similar to how they did with Residential Accessory Uses wherein they would be specifically related to the resort operation. Commissioner Sigg agreed, as long as a developer did not get eight garages for equipment or parts. He suggested precluding things such as vehicular equipment. He understood that buildings require reasonable maintenance and storage to operate, but he felt that people would abuse the system and create 6,000 square feet of maintenance for a 10,000-square-foot building and claim the Maintenance and Storage Uses were necessary. Commissioner Kenworthy stressed that it would be an enforcement issue.

Commissioner Johnson was okay with moving forward with what was proposed. Chair Suesser would like to eliminate Storage Facilities and limit them to Maintenance.

Commissioner Hall suggested removing Information and Lost and Found. She would keep First Aid, as she felt that health and safety was a priority and it would work in conjunction with Emergency Medical Facilities. In addition, she would add a blanket Daycare, and noted that local residents used much of the current resort daycare year-round. These facilities were some of the more cost-effective daycares in the community. The high cost charged to the day-users actually subsidizes a lower annual cost for locals. She agreed with Commissioner Kenworthy's comments that they were in a desperate situation in terms of Daycare Facilities.

Commissioner Hall was agreeable to remove Public Lockers but would keep Equipment and Ski Check because that was a huge component for the City's transportation goals. She would like to incentivize a resort to have amazing ski checks that would make it easier to people to use transit to the resort. She wanted to see Enclosed Bike Storage included in Residential Accessory Uses.

Commissioner Van Dine stated that her opinions aligned with Commissioner Hall's and felt that First Aid and Mountain Patrol, and Emergency Medical be included. Providing areas for those essential workers on the mountain was needed. She agreed with Commissioner Hall's comments regarding Daycare Facilities and noted that locals pay less at Deer Valley during the summer because the resort charges more to the day users during the winter. If Daycare is an internal use, such as employee daycare, she would be supportive; however, she also was agreeable with keeping Daycare Facilities on the list.

Commissioner Van Dine agreed with keeping Equipment and Ski Check for transportation issues. She would like to keep Employee Dining Areas on the list, as it went along with the First Aid and Patrol by providing areas for the workers. She reiterated that this all gets tied back to housing obligations. It would not be to the developer's benefit to building huge areas, because although they would get a density bonus, they also want to make money from these areas. Commissioner Van Dine was agreeable to deleting Information and Lost and Found, as well as Administration. She was also agreeable to removing Storage Facilities, and just keeping them as Maintenance Facilities. Chair Suesser agreed with the changes suggested by Commissioners Van Dine and Hall.

Assistant Director Ward asked if there was a consensus on removing the items highlighted in yellow as presented to the Commission. Commissioner Johnson suggested deleting Employee Dining areas, and he would agree with the remainder of the revised list. Chair Suesser worried about the abuse referenced by Commissioner Sigg, and the conversion of space to other for-profit or external uses after the fact. Commissioner Van Dine noted that Deer Valley decreased some of its usable space for regular dining to increase the employee dining space because it was difficult to get employees in and out during their lunch breaks in an efficient time frame. Chair Suesser felt Employee Dining was redundant and commented that Locker Rooms, Restrooms, and Break Rooms were sufficient.

Commissioner Sigg asked what would happen if a developer sought a density bonus by deciding to have all of their employee locker rooms, restrooms, break rooms, and dining in one building. He posited that if a developer used one building in a multi-building project for Accessory Uses, that building would receive a pretty good entitlement. Chair Suesser noted that when these projects come before the Commission, the applicants state they are entitled to these Uses to double the project. It is never broken down as a density bonus.

Commissioner Sigg observed that the constraints would be more intense for a small building where these things might become more usable and important as opposed to a larger site with multiple buildings. Commissioner Frontero felt this was a good point, which was why he suggested considering a maximum percentage of the overall project. He thought that would address Commissioner Sigg's concerns and those of the entire Commission, and would help with keeping an eye on what a developer could do. These Uses had become an entitlement and he was in favor of including a hard percentage. Commissioner Frontero acknowledged that would be difficult to determine; however, a percentage would help against this getting out of control.

In response to Chair Suesser's inquiry on this issue, Assistant Director Ward explained that when they reached out to other resort communities, they learned that Park City was unique in terms of how they permit these projects. As far as percentages for Support Commercial for users on site, they found it was fairly common to have a cap, which is already in the Code. She stated they could look into a cap for Resort Accessory Uses.

Assistant Director Ward asked if the Commission was thinking that the cap would be established based on whatever the development was proposed to be at that time, or whether they would want to establish the cap based on the total square footage of the site.

In response to an inquiry, she stated that they would be potentially looking at future development as well as amendments or modifications. They could base the cap on the time the application came before the Planning Commission. Commissioner Frontero liked that suggestion. Since it would be part of the Code, Commissioner Sigg concurred with Commissioner Frontero and added that he liked the notion of square footage; however, noted that it might be defined as a very minimum square footage, wherein they let the developer justify why they might need more.

Commissioner Frontero agreed they could do that by lowering the percentage. Commissioner Sigg stated that a developer's request for more than the minimum percentage should be tied to the Code so that the Commission would have the authority to reject a request for a larger percentage. If they kept the percentage at a stringent minimum, it would send a good message.

Commissioner Sigg understood that if a developer demonstrated the need for more space for an Accessory Use that met the criteria that would be fine. He expressed concern about setting a percentage that would result in more space than needed. The percentage cap should be minimal, while also giving the applicant the right to make their case for more space.

Director Milliken stated that with the current list, a resort could use all of these Accessory Uses in their project, in which case a percentage would be reasonable. Alternatively, a developer could choose to only include two or three Accessory Uses in which case the percentage would be excessive.

Commissioner Frontero envisioned something along the lines that Resort Accessory Uses would be limited to a maximum percentage, and of that, list the allowable Uses. The developer could then decide which Uses they would want to use within the allowable percentage. He opined that the resorts would still build what they need to operate these facilities. The question was just how many of these freebies they would give them.

Commissioner Sigg noted that people come to Deer Valley because they like hanging in their skis and getting a ticket. This is great for Deer Valley because they sell more tickets, and it is part of their model. He added that it is a service they provide, which in turn draws the consumer back to the resort regularly and contributes to their success. The problem with the percentage model was that if there was a very large resort, even a small percentage of the volumetric might exceed what it would need. He mentioned a large parking lot with hundreds of thousands of square feet, where 5% of that total square footage would be significant. Commissioner Frontero mentioned using a scale so the total square footage would not defeat the purpose and was interested to hear what other resorts did in this regard.

Chair Suesser commented that while they might want to set up a percentage, they also would not want to capture all types of Resort Accessory Uses that they do not want to give as a bonus. Assistant Director Ward commented that based on their review of other resorts, they did not find one that used Accessory Uses in this manner; however, the current Code does not have caps. She explained that some of the projects they have seen had hundreds of thousands of UEs, so applying a percentage might be difficult to gauge because the size of the project could be significantly different from project to project.

Currently, Resort Accessory Uses are outlined in the Code as a "give" to the developer. There was some question as to whether they could amend the Code to state that the Planning Commission would establish the square footage of allowable Resort Accessory Uses. This would give the Commission the flexibility to evaluate impacts and mitigation and to look at the project as a whole without giving the developer a certain percentage.

Commissioner Frontero understood that Assistant Director Ward suggested that the Code would list the allowed Resort Accessory Uses, and state that the square footages must be brought to the Planning Commission for approval. Assistant Director Ward confirmed that the language could state that these Uses and square footage would require Planning Commission approval.

Commissioner Johnson liked this suggestion because they could look at each project. Commissioner Frontero agreed. Commissioner Sigg was agreeable, as long as there would be a mechanism wherein the Planning Commission could deny a request on a given project. He wondered if there was a way to incentivize Accessory Uses that would be a tangible giveback to the freebie that the developer would receive. Chair Suesser mentioned that there seemed to be consensus on the language proposed by Assistant Director Ward. She asked if Staff had enough feedback to retool the Draft Ordinance and return it.

Assistant Director Ward summarized the discussions from this meeting as follows:

- There was consensus for the Support of Commercial amendments;
- There was consensus to limit Residential Accessory Uses to what would be required for the function of the building;
- Under Laundry Facilities, they would remove Storage;
- Employee Facilities would be amended to include those employee facilities related to the operation of the residential structure;
- There was consensus to allow for Enclosed Bicycle Storage that would exceed the Code requirements;

- For Resort Accessory Uses, she presented a slide and explained that they would remove those Uses highlighted in yellow and red. The Uses highlighted in teal would remain on the list; and
- There was consensus to include an amendment that would require that these Resort Accessory Uses be subject to Planning Commission review and approval, and as part of that language, they would include that the square footage would also be subject to Planning Commission review and approval.

She noted that these amendments would be at lines 66, 67, and 88 – 102 of the Draft Ordinance.

Assistant Director Ward asked if there was any concern about updating the Use Tables at the footnote. If there was consensus on these items, they could move this forward to City Council after a public hearing. If there was not, they could return with the revised Draft Ordinance.

Commissioner Johnson suggested spending 10 minutes to clean up the Draft Ordinance and then move it forward. Commissioner Sigg agreed to work to move this forward tonight.

Chair Suesser wondered if they wanted Planning Commission approval on the Residential Accessory Uses, and referenced Sommet Blanc. She felt that the project got away from them in terms of what they approved and all of the Accessory Uses put into that project. She asked whether Sommet Blanc would fall under Resort or Residential. Assistant Director Ward stated that Sommet Blanc would fall under Residential and the items that were included were removed. The current Code allowed for saunas, hot tubs, and exercise areas, and it was through those exceptions that they brought forward their Residential Accessory Uses. The proposed amendments would limit that to Mechanical Equipment necessary to operate the building. Chair Suesser noted that they gave Sommet Blanc a lot of bonuses, and they might see more condominium/hotel projects where these amendments would limit the bonuses.

In response to an inquiry from Commissioner Sigg, Assistant Director Ward stated that the current Code states that Residential Accessory Uses include typically back-of-house uses and administration facilities for the benefit of the residents of a commercial residential use such as a hotel or Nightly Rental. The proposed amendments would remove that language, so it would only apply to residential development and would limit Accessory Uses to Mechanical Rooms and Shafts, Childcare Centers, and Enclosed Bicycle Storage.

Chair Suesser asked if the Commission wanted the same control for these limited Residential Accessory Uses as they implemented for Resort Accessory Uses. Assistant Director Ward clarified that for the Residential Accessory Uses, the residential units were currently based on UEs; therefore, 2,000 square feet of residential use equaled one Unit Equivalent. This was the residential use, not necessarily the Accessory Uses beyond that. The Setbacks, Heights, and other restrictions come into play to further restrict the residential development. She did not feel they needed the language suggested by Chair Suesser because it was already restricted by the UE square footage in the Code which is different from Resort Accessory Uses where there are no UEs.

Commissioner Sigg understood Assistant Director Ward stated that the Code provided that a UE of 2,000 square feet could claim an Accessory Use. Assistant Director Ward explained that

the amendments would allow only for the Mechanical Equipment for the function of the building. Therefore, with these amendments, a sauna or anything along those lines would be excluded.

Assistant Director Ward presented the Draft Ordinance with the Resort Accessory Uses and noted that they removed the language that the listed uses were “considered typical back of house uses.” They could insert language that states “These Uses and square footages require review and approval by the Planning Commission, and may include...” followed by the amended list. There was consensus to include this language.

In terms of the Resort Accessory Use table, she reiterated that everything she highlighted in yellow would be removed, along with the redlined language. The language highlighted in teal would be included. Commissioner Frontero agreed with the list.

Chair Suesser suggested that the added language read: “....require review and approval by the Planning Commission, *but* may include...” Commissioner Frontero suggested the following: “These Uses and square footages require review and approval by the Planning Commission. These may include...” Chair Suesser agreed with this change.

Chair Suesser thanked Assistant Director Ward for her work on these amendments.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed and continued the public hearing.

**MOTION:** Commissioner Johnson moved to forward a POSITIVE recommendation for the City Council’s consideration on April 27, 2023, for Land Management Code Amendments – Accessory Uses and Master Planned Developments, as amended. Commissioner Kenworthy seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

## 7. ADJOURN

The meeting adjourned at approximately 8:30 p.m.

[4/12/23/Planning staff responses are redlined below]

### Homestake Statement – Planning Commission 4/12/2023

Understanding the Planning Commission is not able to respond to questions in this forum on an application or project, please consider the following taken from the Staff Report and it's linked documents as you prepare to ratify the Homestake DA:

- 1) On page 2, it states that 'All reconsideration and appeal deadlines have run' and footnotes LMC 15-1-18. Per 15-1-18, it states that appeals must be filed within 10 days of final action. However, for Reconsideration, it states:

*The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.*

I do not see a timeline or deadline included in this portion of the code. Does this mean if a majority of the Commissioners vote to reconsider the decision, then it may be reconsidered at any time?

No- The AMPD approval is not legislative and may not be reconsidered by a new vote, beyond the original Final Action date.

- 2) Looking at the timeline provided by Staff, one might question how the project was placed on the agenda for the Planning Commission to take final action when the baseline EMF study had not yet been provided and therefore was written in as a Condition of Approval (COA). Unfortunately, it would appear the condition of approval was met but left Commissioners with concern and additional questions. Perhaps going forward, there should be a caveat to such COA's that should the commission not find the results of a COA favorable, they may rescind their approval on the application. Along with this, it would appear any additional EMF Surveys completed (November 11<sup>th</sup> and December 13<sup>th</sup>) are in effect meaningless as the Commission cannot reconsider its action. Essentially, the COA is worthless – we just have additional information which is to be ignored.

The Baseline information was not a Condition of Approval. Commissioner Johnson requested and the Planning Commission agreed for an additional baseline submission as part of Finding of Fact 39 for future use on other applications simply as a reference point. The applicant met that deadline but subsequently agreed to additional testing points clarified in the field with Commissioner Johnson. Both Commissioner Suesser and Hall agreed and authorized



Commissioner Hall to execute the Final Action letter on 12/23/23, due to the unavailability of Commissioner Suesser at that time. No Condition of Approval was at issue.

- 3) On December 23<sup>rd</sup>, the Final Action letter was signed by the Chair Pro Tem. Why not the Chair? Why has the Chair recused herself since this time? Should that not be public record? Given she participated in the meetings and was part of the process, this should be a red flag to the community.

Commissioner Suesser authorized Commissioner Hall to sign the 12/23/22 Final Action Letter. It appears Commissioner Suesser received a duplicative electronic request in January that had not been disabled since she authorized Commissioner Hall to sign in December. Assuming this was a new request, she sent an objection letter to the Mayor on January 20, 2023. Commissioner Suesser subsequently withdrew that objection on March 9, 2023, and indicated her decision to recuse from the discussion going forward. The basis for her recusal was inadvertently not clearly stated at the March 22<sup>nd</sup> Commission meeting. This occasionally happens and Commissioners often clarify at a subsequent meeting or by adding the basis to meeting minutes.

- 4) On February 8<sup>th</sup>, the DA was scheduled for review and ratification, but **PLANNING STAFF requested it be continued** to allow City council to receive an update. The 10 days for appeal had run out in November and based on the staff report, reconsideration by the Commission was not an option either. One must ask why staff desired it to be continued? If we're sticking with the staff's declaration at the beginning of their report, any update or new information is irrelevant to the approval and ratification. Again, we have additional information which is to be ignored.

The DA ratification is a separate action from MPD vote. The DA ratification was postponed so the Planning Commission concerns could be included in the March update to Council and the Planning Commission could provide further input on matters outside the scope of their LMC review. Last meeting, Commissioner Johnson also requested a reference to the March 9<sup>th</sup> Council exhibits as a "Whereas" in the DA for alignment of the record.

- 5) The staff report states that 'any follow-up matters...that individual Planning Commissioners wish to pursue should be done through the City Council...' Have the steps to be taken been clearly outlined for the any individual commissioner? Will their correspondence / communication with the Council be part of the Public Record when the matter comes before the Council?

Those matters were all included in the March 9<sup>th</sup> City Council report and Planning Commissioners were invited to personally intended and comment directly if they wished. Please refer to the packet and meeting minutes of March 9<sup>th</sup> City Council. The Planning Commission may continue to provide the Council with additional information as stated in the staff report and confirmed with the Mayor.

- 6) On March 28<sup>th</sup>, 2023, an email from PacifiCorp indicates there are no plans to upgrade the substation to 138kV. Then, on April 5<sup>th</sup>, 2023 (approximately a week later), there is an email from RMP stating that, yes, they are rebuilding the transmission lines to 138kV but will continue to operate at 46kV; the reason given is fire mitigation. However, does this not then set them up to operate at 138kV down the road? Does anyone believe they would do this simply for safety

with no plans for expansion? With the amount of development in the pipeline, is it even reasonable to assume expansion will not be necessary? Nearby development in the works significantly increasing demand & density includes but is not limited to Holiday Villages, Parkside, Bonanza/Arts and Culture, the High School, the Yarrow and so on. What companies can you list that make this type of capital expenditure without an anticipated return on investment?

These questions appear outside the scope of the LMC review of the ratification of the DA, but you are free to follow up directly to the Council. RMP's latest communication speaks for itself and appears to re-confirm the footprint at the existing substation cannot accommodate a 138V upgrade given current technical requirements. An expansion of the substation would currently require a Conditional Use Permit through the Planning Commission.

## Planning Commission Staff Communication



**Subject:** 2023 Land Management Code Amendments  
**Author:** Rebecca Ward, Assistant Planning Director  
**Date:** May 10, 2023  
**Type of Item:** Informational

The Planning Commission conducted a series of work sessions in 2022 to identify and prioritize Land Management Code (LMC) amendments for 2023 and established a preliminary schedule for January through March ([Staff Report](#), p. 10-11). On January 25, 2023, the Planning Commission requested that among those amendments identified for 2023, Conventional Chain Business and Vibrancy Ordinance review, Final Action review, and Affordable Master Planned Development evaluation be prioritized ([Minutes](#), p. 37-38). Planning staff presented an updated schedule on April 12, 2023, incorporating the Planning Commission's input ([Staff Communication](#)).

On April 26, 2023, the Planning Commission requested lot combinations in Historic Districts be added to the prioritization list as they were previously scheduled for review later this year to provide an opportunity for thorough research, review, and community engagement ([Audio](#)). In response to the Planning Commission's request to prioritize lot combinations, the Planning team scheduled a public hearing for a pending ordinance on May 24, 2023. The Planning team also noticed a pending ordinance, which will take effect on May 10, 2023 through November 10, 2023. Lot combination applications submitted prior to the pending ordinance will continue to be processed under the established standards in the LMC, and applications submitted after May 10, 2023 will be processed only to the extent they comply with the pending ordinance until new standards are adopted.

Additionally, the City Council is scheduled to consider a contract with a potential LMC consultant on May 11, 2023. Pending Council's decision, the Planning team will move forward with the consultant or reissue the RFP for consultant services to assist with the affordable housing and transportation demand management amendments prioritized by the Commission in January of this year.

In addition to LMC amendments, the Planning Commission requested standardization of Traffic Impact Studies. The Engineering Department has been working with a consultant on standards and is preparing for a June 28, 2023 Planning Commission work session.

The status of LMC amendment progress is outlined below:

### Enacted

**Water Wise Landscaping Updates** – on March 9, 2023, the City Council enacted [Ordinance No. 2023-10](#) to update and clarify water wise landscaping regulations, as

recommended by the Planning Commission. The Planning team created a [webpage](#) with water wise landscaping resources for community members. The Water Department is preparing initiated the [Landscaping Incentive Program](#) May 1, 2023.

**Repeal of Fractional Use Regulations** – in response to [S.B. 271](#) *Homeownership Requirements* and state preemption, on April 27, 2023, the City Council adopted [Ordinance No. 2023-16](#) to repeal [Ordinance No. 2022-21](#) directing Fractional Use to those Zoning Districts that allow Timeshares and Private Residence Clubs ([Staff Report](#); [Audio](#)).

**Prohibition of Nightly Rentals in Chatham Crossing & West Ridge Subdivisions** – on April 27, 2023, the City Council also prohibited Nightly Rentals in Chatham Crossing and West Ridge Subdivisions as recommended by the Planning Commission as part of [Ordinance No. 2023-16](#) ([Staff Report](#); [Audio](#)). The Council stated they would like to evaluate Nightly Rentals holistically by Zoning District moving forward rather than through individual subdivision petitions.

**Bicycle Parking Requirements (Hall and Van Dine, liaisons)** – on April 27, 2023, the City Council unanimously adopted [Ordinance No. 2023-18](#) to update outdoor bicycle parking requirements and to require enclosed bicycle storage for Multi-Unit Dwellings with over ten units and for those uses that generate employees ([Staff Report](#); [Audio](#)).

**Sensitive Land Overlay (Frontero and Johnson, liaisons)** – on April 27, 2023, the City Council unanimously adopted [Ordinance No. 2023-19](#) to expand ridge line areas and vantage points to include annexed acreage, to update defined terms, to establish review for a Trails Master Plan, to require additional application materials for Steep Slopes and Very Steep Slopes, and to expand review to include Very Steep Slopes within 50 feet of the property ([Staff Report](#); [Audio](#)).

## **Planning Commission Recommendation for City Council Consideration**

**Accessory Uses in Master Planned Development (Sigg and Suesser, liaisons)** – the City Council reviewed the proposed amendments on April 27, 2023, and conducted a public hearing but continued the item to June 12, 2023. The Council requested clarification on the distinction between the recommendation to allow Support Commercial for hotels under one ownership, but not for condominiums ([Staff Report](#); [Audio](#)).

## **Planning Commission Schedule for Review**

Date	Topic	Liaisons
5/24/23	<p><b>Work Session</b>  <b>Steep Slope and Excavation Standards</b>  Compare Steep Slope Conditional Use Permit and Sensitive Land Overlay Steep Slope criteria and excavation standards outlined in the Subdivision, Conditional Use Permit, and Master Planned Development standards.</p> <p><b>Public Hearing</b>  <b>Lot Combinations in Historic Districts</b>  On December 7, 2022, the Historic Preservation Board conducted a work session on Lot Combinations in the Historic Districts (<a href="#">Staff Report</a>; <a href="#">Minutes</a>, p. 9). Public input was provided to the City Council on December 8, 2022 (<a href="#">Minutes</a>, p. 5 – 6). As part of the Lot Combination review, the City Council recommended the Commission consider whether two units should be required to be retained on site when two full lots are combined into one, with one primary and one secondary like an Accessory Apartment with a potential affordable deed restriction requirement.</p> <p>Staff has been gathering information on the number of vacant lots in the Historic Districts and the average lot size, as well as evaluating potential provisions for Good Cause, and conducting additional outreach with input from property owners, architects, and community members.</p>	Johnson Suesser
6/14/23	<p><b>Work Session</b>  <b>Conventional Chain Business + Vibrancy Ordinances</b>  Scheduled for Planning Commission review on March 8, 2023 (<a href="#">Staff Report</a>), but continued to April 26, 2023 due to a late meeting. The HPCA Board was unavailable April 26, 2023, and requested the work session be scheduled for June.</p>	Hall
7/12/23	<p><b>Work Session</b>  <b>Temporary Winter Balcony Enclosures</b>  On December 15, 2022, the City Council directed staff to take temporary winter balcony enclosures back to the Historic Preservation Board and Planning Commission for continued review (<a href="#">Staff Report</a>; <a href="#">Minutes</a>, p. 2).</p>	
7/26/23	<p><b>Work Session</b>  <b>Sustainability Amendments</b>  Evaluate EV Charging Station Conduit and Installation Requirements, wood burning stoves, and incentives.</p>	Frontero Hall



8/9/23	<p><b>Work Session</b>  <b>Affordable Master Planned Developments (AMPD)</b>  On February 8, 2023, the Planning Commission requested information to evaluate updates to the AMPD code:</p> <ul style="list-style-type: none"> <li>• Provide information on occupancy numbers for projects that receive federal and state funding and evaluate occupancy numbers to numbers of vehicles owned</li> <li>• Update financial analysis for reduced open space and setbacks, increased height, and potential reductions to parking that reflect current market conditions</li> <li>• Evaluate increased commercial allowances and parking impacts</li> <li>• Evaluate financial implications of allowing limited nightly rentals in exchange for affordable units aimed at lower Area Median Incomes</li> <li>• Evaluate incentives for more units at 30 – 40% AMI</li> <li>• Review affordable housing examples in mountain resort towns (<a href="#">Staff Report</a>; <a href="#">Minutes</a>, p. 29)</li> </ul> <p>The consultant who provided a 2019 report with analysis for the recommended AMPD code is unable to update their work within the allocated budget. As a result, the Economic Development, Housing, and Planning teams are updating the 2019 Audit Report for Commission consideration.</p>	Johnson Kenworthy
8/26/23	<p><b>Work Session</b>  <b>Parking Clarifications</b>  The 2019 Land Use Task Force identified opportunities to clarify parking standards for Single-Family Dwellings and Multi-Unit Dwellings for consistency across Zoning Districts. These parking clarifications will update residential Historic District standards, as well as residential standards citywide for consistent interpretation and application.</p>	
9/27/23	<p><b>Work Session</b>  <b>Historic District Design Guidelines</b>  On March 9, 2023, the City Council approved a contract with <a href="#">io LandArch</a> to illustrate LMC Chapter 15-13 <i>Design Guidelines for Historic Districts and Historic Sites</i>. The Historic Preservation Board is scheduled to review the illustrations on August 2, 2023, with a possible recommendation to the Planning Commission for consideration.</p>	

The October, November, and December work sessions are reserved for consultant work sessions to discuss affordable housing and transportation demand management prioritized by the Planning Commission.

## Planning Commission Staff Communication



**Subject:** Lot Combinations in Historic Districts  
**Application:** PL-23-05655  
**Author:** Planning Team  
**Date:** May 10, 2023  
**Type of Item:** Informational – Pending Ordinance

### Description

Applicant:	Planning Department
Zoning Districts:	Historic Residential Low – Density Historic Residential – 1 Historic Residential – 2 Historic Residential Medium
Land Management Code Sections Amended:	Historic Residential Low – Density § 15-2.1-2 Lot and Site Requirements §15-2.1-4 Existing Historic Buildings and/or Structures  Historic Residential – 1 § 15-2.2-3 Lot and Site Requirements § 15-2.2-4 Existing Historic Buildings and/or Structures  Historic Residential – 2 § 15-2.3-3 Lot and Site Requirements § 15-2.3-4 Existing Historic Buildings and/or Structures  Historic Residential Medium § 15-2.4-3 Lot and Site Requirements § 15-2.4-4 Existing Historic Buildings and/or Structures
Reason for Review:	The Planning Commission reviews and forwards a recommendation to the City Council for Land Management Code amendments; the City Council takes Final Action <sup>1</sup>

### Background

In the fall of 2022, the Planning Commission conducted a series of work sessions to identify Land Management Code (LMC) amendments for 2023. On January 25, 2023, the Planning Commission reviewed the list of amendments for 2023 and prioritized Conventional Chain Business and Vibrancy Ordinances, Final Action, and Affordable

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<sup>1</sup> LMC [Section 15-1-7](#)



Master Planned Developments ([Minutes](#), p. 37-38). On April 26, 2023, the Planning Commission requested to also prioritize lot combinations in Historic Districts ([Audio](#)).

The Planning team has been researching the background on the formation of current lot combination regulations, the General Plan recommendations, and compiling GIS data for lots in the Historic Districts regarding the number of vacant lots, adjoining vacant lots, and average lot sizes. On December 7, 2022, the Historic Preservation Board conducted an introductory work session on lot combinations ([Staff Report](#); [Minutes](#)). Public input was provided to the City Council regarding lot combinations on December 8, 2022 ([Minutes](#), p. 5 – 6). In addition to preparing information for Planning Commission consideration, the Planning team conducted two meetings on February 13 and 15 with community stakeholders, including property owners, architects, developers, and community members.

In response to the Planning Commission's April 26, 2023 request to prioritize lot combinations, the Planning team issued public notice of a *Pending Ordinance Establishing Maximum Lot Sizes for Lot Combinations in the Historic Districts*. Staff noticed the Pending Ordinance on May 10, 2023. As a result, lot combination applications submitted prior to the pending ordinance will continue to be processed under the established standards in the LMC and applications submitted after May 10, 2023 will be processed only to the extent they comply with the pending ordinance until new standards are adopted.

Planning Commission public hearings to discuss lot combinations are scheduled for May 24, 2023, July 12, 2023, and August 23, 2023.

The Pending Ordinance establishes a baseline for the Planning Commission discussions as follows, but may be modified throughout the six-month period:

- **Historic Residential Low – Density Zoning District**
  - Establish a maximum lot size of 5,623 square feet, or three Old Town lots, for Single-Family Dwelling (the only residential use allowed)
  - Exempt Historic Sites that exceed the maximum lot size
- **Historic Residential Medium Zoning District**
  - Establish maximum lot sizes for Single-Family, Duplex, Triplex, and Fourplex Dwellings and Planning Commission discretion to establish a maximum lot size during Conditional Use Permit review
  - Exempt Historic Sites that exceed the maximum lot size
- **Historic Residential – 1 and Historic Residential – 2 Zoning Districts**
  - Establish a maximum lot size of 3,750 square feet, or two Old Town lots, for Single-Family Dwellings and a maximum lot size of 7,500 square feet, or four Old Town lots, for Duplexes.
  - Exempt Historic Sites that exceed the maximum lot size

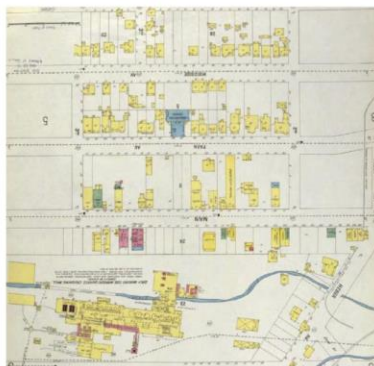
## Analysis

Park City has over 400 registered historic sites, two National Historic Districts, and six [Historic Zoning Districts](#). Goal 15 in the Park City General Plan is to “[p]reserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.” The General Plan states “[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929).”

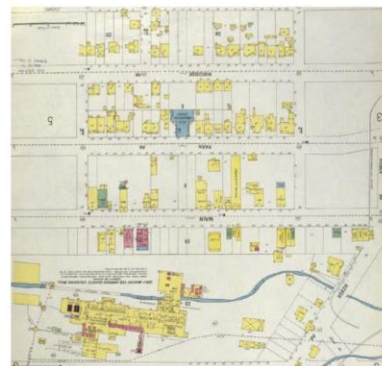
Historically, lots in Park City’s Old Town were platted 25 feet in width and 75 feet in depth. Some Historic Structures were built across property lines on two adjacent lots. However, most miners’ cottages were small enough to fit on one platted lot. This resulted in a higher-density development pattern in Old Town which is uncommon for Park City’s residential neighborhoods. The image below from the General Plan illustrates historic lot sizes shown in the Sanborn Fire Insurance Maps:



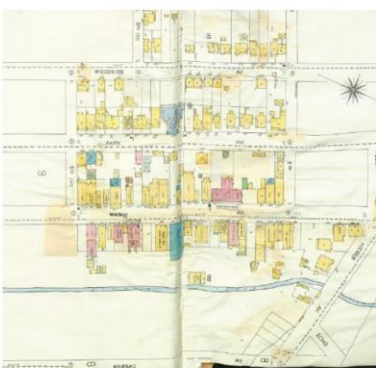
1889 Sanborn Fire Insurance Map



1900 Sanborn Fire Insurance Map



1907 Sanborn Fire Insurance Map



1929 Sanborn Fire Insurance Map



2012 Development Map

These historic Sanborn Fire Insurance maps show the progression of development along Woodside Avenue, Park Avenue, and Main Street from 1889 through 1929. In the past, small mining homes were built on narrow residential lots and commercial buildings grew up around Main Street. More recently, however, developmental pressures have led to lot combinations, substantial additions to our historic buildings, and expansive development on vacant lots.

Many adjacent and partial 25 x 75-foot lots in Old Town are under common ownership and were developed as one parcel, one property, with structures crossing lot lines. Some of these structures are designated Significant and Landmark on [Park City’s Historic Sites Inventory](#), requiring preservation. Over time, the LMC was amended to require combined lots under parcel ownership to be combined into one lot for new development. Current land use regulations encourage lot combinations to reduce overall density in the Historic

Residential – 1, Historic Residential – 2, and Historic Residential Low – Density Zoning Districts, the Old Town residential areas.

On July 27, 2006, the City Council adopted [Ordinance No. 06-56](#), to encourage lot combinations and to mitigate infill development on larger lots ([Staff Report](#), p. 105). The LMC establishes Maximum Building Footprint regulations in the Historic Residential – 1,<sup>2</sup> Historic Residential – 2,<sup>3</sup> and Historic Residential Low – Density<sup>4</sup> Zoning Districts that proportionally reduce the building footprint as lot size increases:

MAXIMUM FP =  $(A/2) \times 0.9A/1875$  1 LMC § 15-2.2-1(D) 2  
LMC § 15-2.3-1(E) Where FP = maximum Building Footprint  
and A = Lot Area.

Example: 3,750 sq. ft. Lot:  $(3,750/2) \times 0.9(3750/1875) =$   
 $1,875 \times 0.81 = 1,519$  sq. ft.<sup>3</sup>

The Table below illustrates the percentage of the lot that can be built upon as the lot size increases:

Lot Area	Maximum Building Footprint	Maximum Building Footprint percentage of Lot
1,875 SF	844 SF	45%
2,813 SF	1,201 SF	43%
3,750 SF	1,519 SF	41%
4,688 SF	1,801 SF	38%
5,625 SF	2,050 SF	36%
6,563 SF	2,269 SF	35%
7,500 SF	2,460 SF	33%

The current code encourages lot combinations with the Maximum Building Footprint formula to reduce the size of new development to reduce overall density in Old Town to address issues like snow shedding and vehicle parking. However, Objective 15B of the General Plan is to “[m]aintain character, context and scale of local historic districts with compatible infill development and additions” and Community Planning Strategy 15.12, Historic Character Goals, encourages the City to “examine lot sizes in Old Town to determine if a maximum lot size would provide more compatible mass and scale for new structures as well as additions to existing structures” and Community Planning Strategy 1.5 is to “[r]evise minimum lot size within primary residential neighborhoods to create opportunities for smaller, more compact development and redevelopment. Create specific context sensitive requirements within the LMC, such as minimum road frontages and minimum lot width.”

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<sup>2</sup> LMC [§ 15-2.2-3\(E\)](#)

<sup>3</sup> LMC [§ 15-2.3-3\(E\)](#)

<sup>4</sup> LMC [§ 15-2.1-3\(E\)](#)



Additionally, the General Plan identifies benefits of smaller lots for potential affordable and attainable infill housing. Community Planning Strategy 7.1.1 states “[d]ecreased minimum and maximum lot size requirements . . . might allow for affordable/attainable infill housing.” The General Plan Housing Toolbox outlines that “[b]y strategically allowing a mix of smaller lot sizes . . . diversity in housing can be attained within a community, therefore creating more housing opportunities for lifelong residence [sic] and the workforce.”

To encourage infill development and redevelopment within the residential Historic Districts as identified in the General Plan, the recommended pending ordinance establishes maximum lot sizes for residential Historic Districts as follows:

### **Historic Residential Low – Density Zoning District**

The Historic Residential Low – Density Zoning District includes three sub-neighborhoods: the King Road/Ridge Avenue area southwest of Old Town, the McHenry Avenue area near Rossi Hill east of Old Town, and the Lower Rossi Hill area along Deer Valley Drive east of Old Town:



The purpose statement of the Historic Residential Low – Density Zoning District includes reducing density due to substandard streets and to provide an area of lower density residential use within Old Town.<sup>5</sup> As a result, the minimum lot area required within the

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<sup>5</sup> LMC [§ 15-2.1-1](#)

Historic Residential Low – Density Zoning District is 3,750 square feet, which is two 25 x 75-foot Old Town lots.<sup>6</sup>

LMC [§ 15-2.1-3\(E\)](#) establishes a maximum building footprint for a combination of lots that do not exceed 18,750 square feet (ten Old Town 25 x 75-foot lots) of 3,269 square feet and 4,500 square feet for lots that exceed 18,750 square feet. The only residential use allowed in the Historic Residential Low – Density Zoning District in LMC [§ 15-2.1-2](#) is a Single-Family Dwelling. Duplexes, Triplexes, and Multi-Unit Dwellings are prohibited. The Zoning District establishes a Conditional Use for Essential Municipal and Public Utility Use, Facility Service and Structures and Private Recreation Facilities, which may be appropriate for larger lots. However, for Single-Family Dwellings, **staff recommends the pending ordinance establish a maximum lot size of 5,625 square feet, or three Old Town lots, for Single-Family Dwellings, exempting Historic Sites.**

### Historic Residential Medium Zoning District

The Historic Residential Medium Zoning District is a transition area between commercial Old Town and the Resort Center neighborhood along Park Avenue<sup>7</sup> and outlines minimum lot sizes for Single-Family, Duplex, Triplex, and Four-Plex Dwellings. Otherwise, minimum lot areas are established by the Planning Commission during Conditional Use Permit review.<sup>8</sup> **Staff recommends the pending ordinance establish maximum lot sizes for Single-Family of 3,570 square feet (exempting Historic Sites), and Duplex, Triplex, and Fourplex Dwellings with Planning Commission discretion to establish a maximum lot size during Conditional Use Permit review for other uses.**

### Historic Residential – 1 and Historic Residential – 2 Zoning Districts

The purpose of the Historic Residential – 1 Zoning District is in part to “encourage single family development on combinations of 25’ x 75’ historic lots.”<sup>9</sup> The purpose statement of the Historic Residential – 2 Zoning District is in part to define development parameters consistent with the Historic Residential – 1 regulations for lot size, coverage, and building height to serve as a transition between residential and commercial development in Old Town.<sup>10</sup> Single-Family Dwellings are an allowed use in these Zoning Districts and Duplexes require a Conditional Use Permit. Triplexes and Multi-Unit Dwellings are prohibited. **Staff recommends the pending ordinance establish a maximum lot size of 3,750 square feet, or two Old Town lots, for Single-Family Dwellings (exempting Historic Sites) and a maximum lot size of 7,500 square feet, or four Old Town lots, for Duplexes.**

### Department Review

The Planning Department and City Attorney’s Office reviewed this report.

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<sup>6</sup> LMC [§ 15-2.1-3\(A\)](#)

<sup>7</sup> LMC [§ 15-2.4-1\(D\)](#)

<sup>8</sup> LMC [§ 15-2.4-3\(B\)](#)

<sup>9</sup> LMC [§ 15-2.2-1](#)

<sup>10</sup> LMC [§ 15-2.3-1](#)

**Exhibit**

Exhibit A: Pending Ordinance Establishing Maximum Lot Sizes for Lot Combinations in the Residential Historic Districts

## **PENDING ORDINANCE**

### **AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE LOT AND SITE REQUIREMENTS FOR SECTIONS 15-2.1-3 HISTORIC RESIDENTIAL LOW – DENSITY, 15-2.2-3 HISTORIC RESIDENTIAL – 1, 15-2.3-3 HISTORIC RESIDENTIAL – 2, AND 15-2.4-3 HISTORIC RESIDENTIAL MEDIUM**

WHEREAS, Park City has over 400 registered historic sites, two National Historic Districts, and six Historic Zoning Districts;

WHEREAS, Goal 15 in the Park City General Plan is to “[p]reseve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.”

WHEREAS, the General Plan states “[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929).”

WHEREAS, Historically, lots in Park City’s Old Town were platted 25 feet in width and 75 feet in depth;

WHEREAS, to mitigate infill development on larger lots, the LMC establishes Maximum Building Footprint regulations in the Historic Residential – 1, Historic Residential – 2, and Historic Residential Low – Density Zoning Districts that proportionally reduce the building footprint as lot size increases;

WHEREAS, the Land Management Code establishes minimum lot sizes but does not establish maximum lot sizes for residential Historic Districts;

WHEREAS, the Planning Commission requested Lot Combination land use regulations be prioritized for evaluation and updates;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the City's resort-based economy, and to protect or promote moderate income housing;

WHEREAS, on \_\_\_\_\_ the Planning Commission conducted a duly noticed public hearing;

WHEREAS, on \_\_\_\_\_ the Planning Commission forwarded a \_\_\_\_\_ recommendation for City Council's consideration;

WHEREAS, on \_\_\_\_\_ the City Council conducted a duly noticed public hearing;

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT

CODE TITLE 15. Municipal Code of Park City Title 15 Land Management Code

Sections 15-2.1-3 Historic Residential Low – Density Lot and Site Requirements, 15-2.2-3 Historic Residential – 1 Lot and Site Requirements, 15-2.3-3, Historic Residential – 2 Lot and Site Requirements, and 15-2.4-3 Historic Residential Medium Lot and Site Requirements as outlined in Attachment 1.

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



PASSED AND ADOPTED THIS \_\_\_\_th day of \_\_\_\_\_ 2023.

PARK CITY MUNICIPAL CORPORATION

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Nann Worel, Mayor

Attest:

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City Recorder

Approved as to form:

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City Attorney's Office

## Attachment 1

### **15-2.1-3 Lot And Site Requirements**

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE**. The minimum Lot Area is 3,750 square feet. The maximum Lot Area for a Single-Family Dwelling is 5,625 square feet.

B. **LOT WIDTH (HRL DISTRICT)**. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. **BUILDING ENVELOPE (HRL DISTRICT)**. The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(D).

D. **BUILDING PAD (HRL DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

a. Porches or decks, with or without roofs;

- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Historic Sites;
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A = Lot Area.

Example: 3,750 sq. ft. Lot:  $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$  sq. ft.

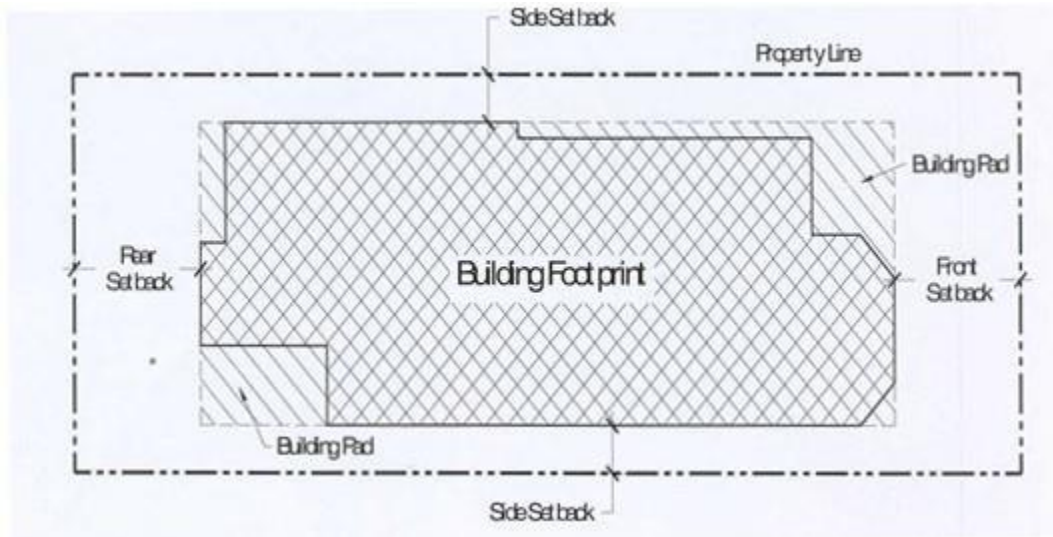
See the following Table 15-2.1. for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.1.

Lot Depth (ft.) **	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	37.5*	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500	Per Formula

\* for existing 25' wide lots, Use HR-1 standards.

\*\* for lots > 75' in depth use Footprint formula



F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

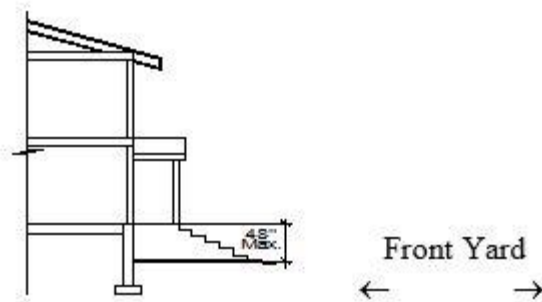
TABLE 15-2.1a

Lot Depth	Minimum Front/Rear Setback	Total of Setback
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

2. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

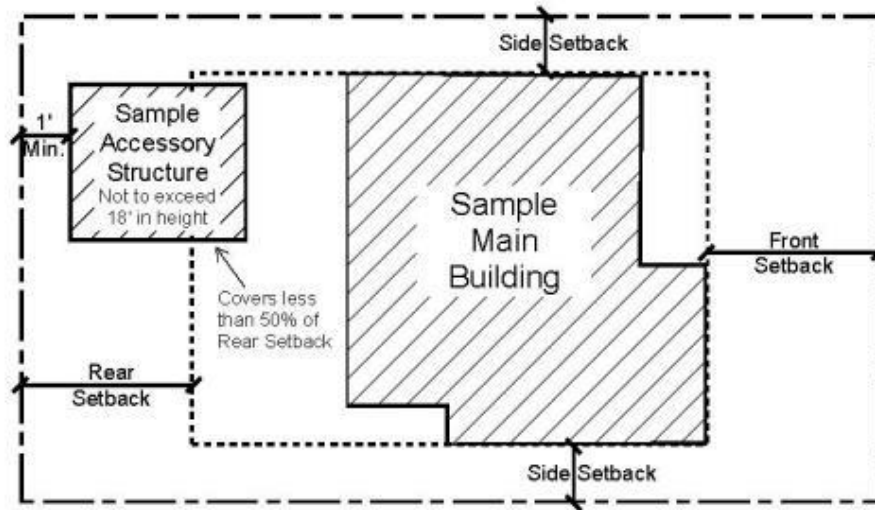


3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to either a garage or an approved Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

- 89           3. Window wells not exceeding the minimum International Residential Code  
90           (IRC) or International Building Code (IBC) requirements for egress may  
91           extend not more than four feet (4') into the Rear Setback. Should egress  
92           requirements be met within the building pad, no Rear Setback exception is  
93           permitted.
- 94           4. Roof overhangs or eaves projecting not more than two feet (2') into the  
95           Rear Setback.
- 96           5. Window sills, belt courses, cornices, trim, exterior siding, or other  
97           ornamental features projecting not more than six inches (6") beyond the  
98           main Structure to which they are attached.
- 99           6. Detached Accessory Buildings not more than eighteen feet (18') in height,  
100          and including any free-standing Solar Energy Systems, located a  
101          minimum of five feet (5') behind the front facade of the Main Building, and  
102          maintaining a minimum Rear Setback of one foot (1'). Such Structure must  
103          not cover over fifty percent (50%) of the Rear Setback. See the following  
104          illustration:



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7. A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

9. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences and Retaining Walls.

10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.

11. Pathways or Steps connecting to a City staircase or pathway.

12. One (1) Shared Driveway leading to either a garage or an approved Parking Area. See Section 15-2.1-7 Parking Regulations for additional requirements.



I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.1b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setback
37.5*	3 ft. each side	6 ft.
50.0	5 ft. each side	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

\* for existing 25' wide lots, Use HR-1 standards.

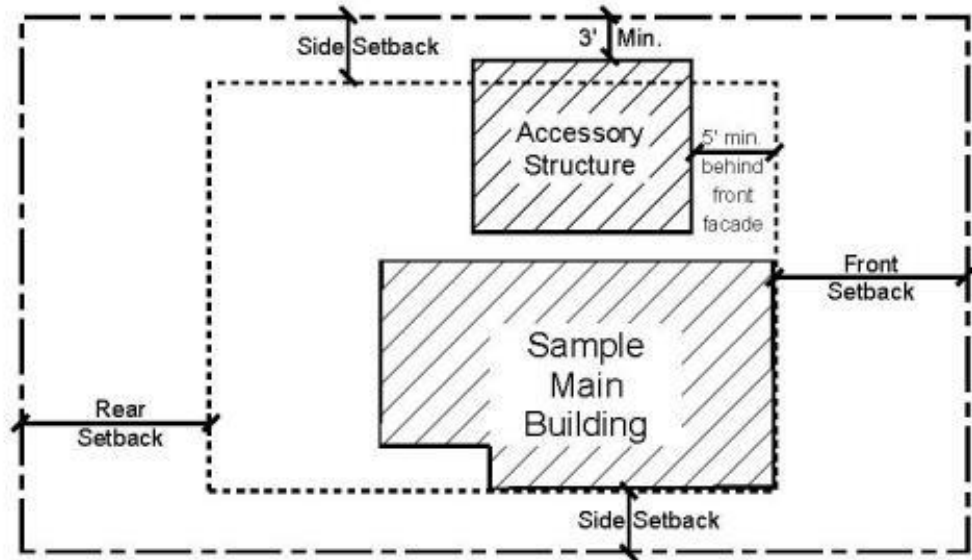
On Corner Lots, the minimum Side Setback that faces a side Street or a platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Side Setback.

- 132 2. Chimneys not more than five feet (5') wide and projecting not more than  
133 two feet (2') into the Side Setback.
- 134 3. Window wells not exceeding the minimum International Residential Code  
135 (IRC) or International Building Code (IBC) requirements for egress may  
136 extend not more than four feet (4') into the Side Setback. Only permitted  
137 on Lots with a minimum required Side Setback of five feet (5') or greater.  
138 Should egress requirements be met within the building pad, this Side  
139 Setback exception is not permitted.
- 140 4. Roof overhangs or eaves projecting not more than two feet (2') into the  
141 Side Setback on Lots with a minimum required Side Setback of five feet  
142 (5') or greater. A one foot (1') eave overhang is permitted on Lots with a  
143 Side Setback less than five feet (5').
- 144 5. Window sills, belt courses, trim, exterior siding, cornices, or other  
145 ornamental features projecting not more than six inches (6") beyond the  
146 main Structure to which they are attached.
- 147 6. Patios, decks, pathways, steps, or similar Structures not more than thirty  
148 inches (30") in height from Final Grade, not including any required  
149 handrail.
- 150 7. Fences, walls or retaining walls, as permitted in Section 15-4-2 Fences  
151 and Retaining Walls.
- 152 8. One (1) private or Shared Driveway leading to a garage or an approved  
153 Parking Area. See Section 15-2.1-7 Parking Regulations for additional  
154 requirements.

9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

- K. **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
- L. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high

enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

## HISTORY

*Adopted by Ord. [00-15](#) on 3/2/2000*

*Amended by Ord. [06-56](#) on 7/27/2006*

*Amended by Ord. [15-35](#) on 10/12/2015*

*Amended by Ord. [2018-27](#) on 5/31/2018*

*Amended by Ord. [2018-43](#) on 7/19/2018*

*Amended by Ord. [2020-42](#) on 9/17/2020*

*Amended by Ord. [2022-16](#) on 5/26/2022*

### **15-2.1-4 Existing Historic Buildings And/or Structures**

#### **Significant and Landmark Historic Sites that exceed the maximum Lot Area, and**

Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION**. In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Historic Sites, the Planning Commission may

grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

## HISTORY

*Adopted by Ord. [00-15](#) on 3/2/2000*

*Amended by Ord. [2016-44](#) on 9/15/2016*

*Amended by Ord. [2020-42](#) on 9/17/2020*

*Amended by Ord. [2022-16](#) on 5/26/2022*

### **15-2.2-3 Lot And Site Requirements**

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and the maximum Lot Area is 3,570 square feet. The minimum Lot Area is [and] 3,750 square feet for a Duplex and the maximum Lot Area is 7,500 square feet. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed.

B. **LOT WIDTH.**

The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. **BUILDING ENVELOPE (HR-1 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3.

D. **BUILDING PAD (HR-1 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

- a. Porches or decks with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;

237 d. Bay Windows;

238 e. Chimneys;

239 f. Sidewalks, pathways, and steps;

240 g. Screened hot tubs; and

241 h. Landscaping.

242 2. Exceptions to the Building Pad Area, excluding Bay Windows, are not

243 included in the Building Footprint calculations, and are subject to Planning

244 Director approval based on a determination that the proposed exceptions

245 result in a design that:

246 a. provides increased architectural interest consistent with the Design

247 Guidelines for Historic Districts and Historic Sites;

248 b. maintains the intent of this section to provide horizontal and vertical

249 Building articulation.

250 E. **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of

251 any Structure located on a Lot or combination of Lots, not exceeding 18,750

252 square feet in Lot Area, shall be calculated according to the following formula for

253 Building Footprint. The maximum Building Footprint for any Structure located on

254 a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be

255 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling

256 Unit, for garage floor area. A Conditional Use permit is required for all Structures

257 with a proposed footprint of greater than 3,500 square feet.

258

259 Accessory Buildings listed on the Park City Historic Sites Inventory that are not

expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot:  $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$  sq. ft.

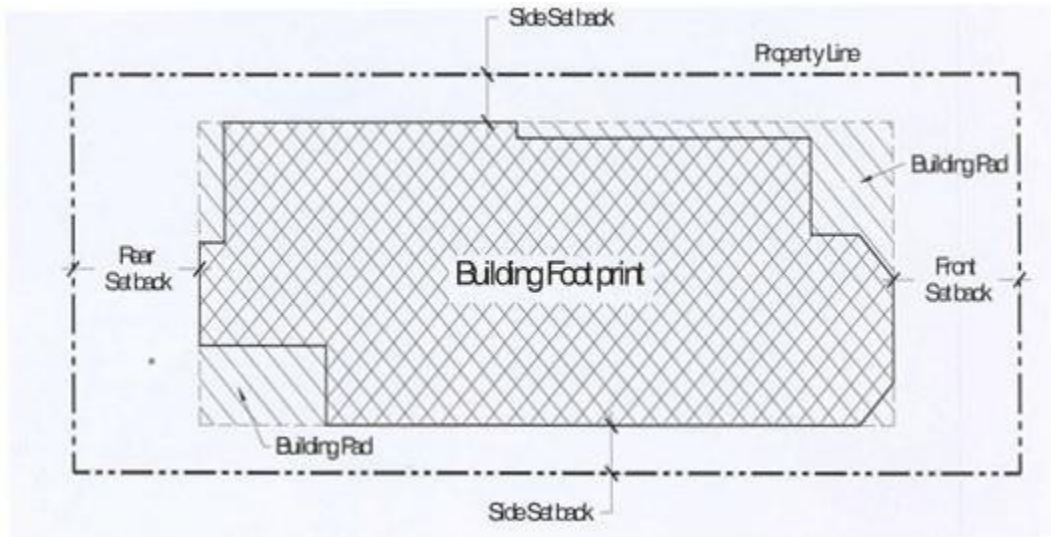
See the following Table 15-2.2 for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.2

Lot Depth (ft.)	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	25.0	1,875	844
75 ft.	37.5	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 75 ft.	Per Formula

\* For Lots > 75' in depth use footprint formula.





F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

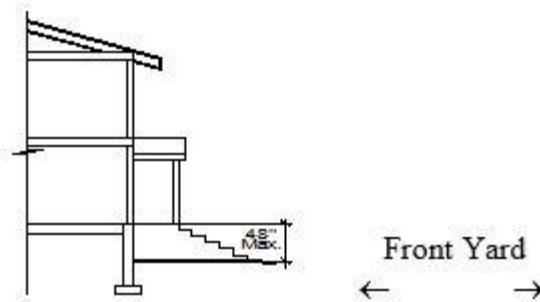
TABLE 15-2.2a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



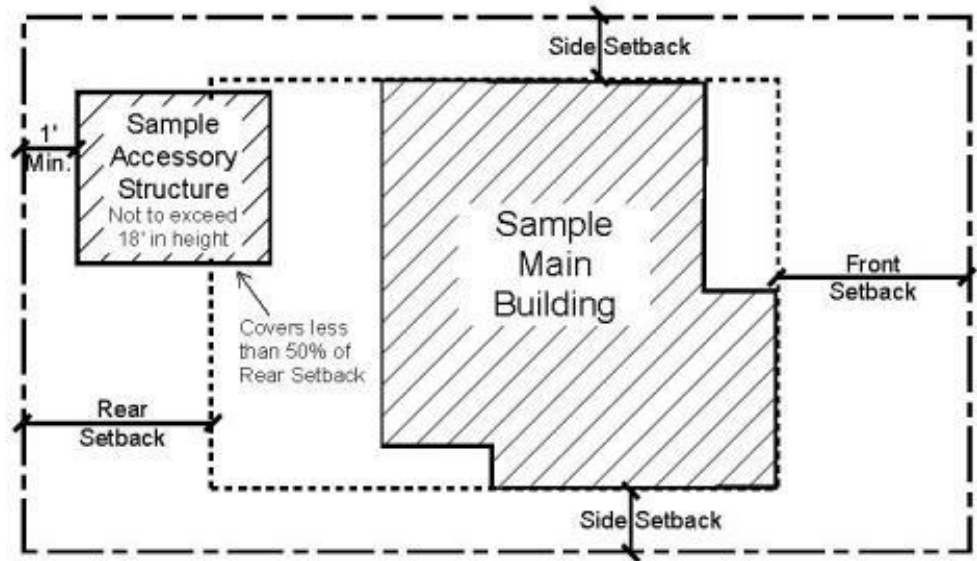
3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

- 300           3. Window wells not exceeding the minimum International Residential Code  
301           (IRC) or International Building Code (IBC) requirements for egress may  
302           extend not more than four feet (4') into the Rear Setback. Should egress  
303           requirements be met within the building pad, no Rear Setback exception is  
304           permitted.
- 305           4. Roof overhangs or eaves projecting not more than two feet (2') into the  
306           Rear Setback.
- 307           5. Window sills, belt courses, cornices, trim, exterior siding, or other  
308           ornamental features projecting not more than six inches (6") beyond the  
309           main Structure to which they are attached.
- 310           6. Detached Accessory Buildings, not more than eighteen feet (18') in height,  
311           and including any free-standing Solar Energy Systems, located a  
312           minimum of five feet (5') behind the front facade of the Main Building, and  
313           maintaining a minimum Rear Setback of one foot (1'). Such Structure must  
314           not cover over fifty percent (50%) of the Rear Setback. See the following

315 illustration:



- 316
- 317 7. A Hard-Surfaced Parking Area subject to the same location requirements
- 318 as a Detached Accessory Building.
- 319 8. Mechanical equipment (which must be screened), hot tubs, or similar
- 320 Structures located at least three feet (3') from the Rear Lot Line.
- 321 9. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences
- 322 and Retaining Walls.
- 323 10. Patios, decks, pathways, steps, or similar Structures not more than thirty
- 324 inches (30") above Final Grade, not including any required handrail, and
- 325 located at least one foot (1') from the Rear Lot Line.
- 326 11. Pathways or steps connecting to a City staircase or pathway.
- 327 12. One (1) Shared Driveway leading to a garage or approved Parking Area.
- 328 See Section 15-2.2-8 Parking Regulations for additional requirements.

I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.2b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setbacks
25.0	3 ft. each	6 ft.
37.5	3 ft. each	6 ft.
50.0	5 ft. each	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief

Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

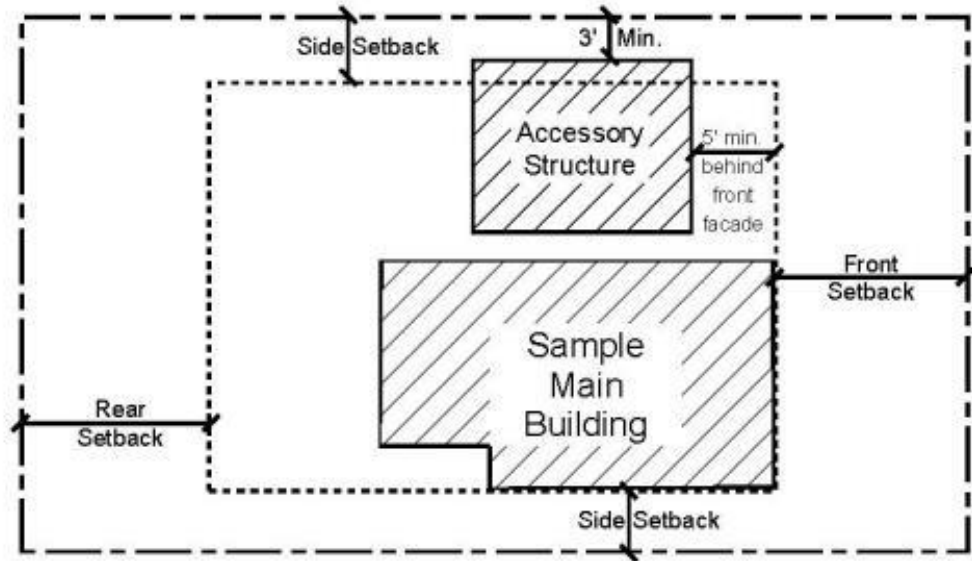
J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.

Should egress requirements be met within the building pad, no Side Setback exception is permitted.

4. Roof overhangs or eaves projecting not more than two feet (2') into the Side Setback on Lots with a minimum required Side Setback of five feet (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots with a Side Setback of less than five feet (5').
5. Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, not including any required handrails.
7. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences and Retaining Walls.
8. One (1) private or Shared Driveway leading to a garage or approved Parking Area. See Section 15-2.2-8 Parking Regulations for additional requirements.
9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following

387 illustration:



388  
389 11. Mechanical equipment (which must be screened), hot tubs, or similar  
390 Structures located at least three feet (3') from the Side Lot Line.

391 K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release  
392 issues to the satisfaction of the Chief Building Official.

393 L. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet  
394 (2') in height above road Grade shall be placed on any Corner Lot within the Site  
395 Distance Triangle. A reasonable number of trees may be allowed, if pruned high  
396 enough to permit automobile drivers an unobstructed view. This provision must  
397 not require changes in the Natural Grade on the Site.

398 HISTORY

399 Adopted by Ord. [00-15](#) on 3/2/2000

400 Amended by Ord. [06-56](#) on 7/27/2006



401 Amended by Ord. [09-10](#) on 3/5/2009  
402 Amended by Ord. [15-35](#) on 10/12/2015  
403 Amended by Ord. [2016-44](#) on 9/15/2016  
404 Amended by Ord. [2018-27](#) on 5/31/2018  
405 Amended by Ord. [2018-43](#) on 7/19/2018  
406 Amended by Ord. [2019-07](#) on 1/29/2019  
407 Amended by Ord. [2020-42](#) on 9/17/2020  
408 Amended by Ord. [2022-16](#) on 5/26/2022

409 **15-2.2-4 Existing Historic Buildings And/or Structures**

410 Significant and Landmark Historic Sites that exceed the maximum Lot Area, and  
411 Historic Buildings and/or Structures that do not comply with Building Footprint, Building  
412 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid  
413 Non-Complying Structures. Additions must comply with Building Setbacks, Building  
414 Footprint, driveway location standards and Building Height. Additions to Historic  
415 Buildings and/or Structures are exempt from Off-Street parking requirements provided  
416 the addition does not create a Lockout Unit or Accessory Apartment. All Conditional  
417 Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with  
418 parking requirements of Chapter 15-3.

419 A. **EXCEPTION**. In order to achieve new construction consistent with the Design  
420 Guidelines for Historic Districts and Historic Sites, the Planning Commission may  
421 grant an exception to the Building Setback and driveway location standards for  
422 additions to Historic Buildings and/or Structures, including detached Garages:

423

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

## HISTORY

*Adopted by Ord. [00-15](#) on 3/2/2000*

*Amended by Ord. [06-56](#) on 7/27/2006*

*Amended by Ord. [07-25](#) on 4/19/2007*

*Amended by Ord. [2016-44](#) on 9/15/2016*

*Amended by Ord. [2020-42](#) on 9/17/2020*

*Amended by Ord. [2022-16](#) on 5/26/2022*

### **15-2.3-3 Lot And Site Requirements**

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

- A. **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and the maximum Lot Area is 3,570 square feet. The minimum Lot Area is [and] 3,750 square feet for a Duplex Dwelling and the maximum Lot Area is 7,500 square feet. For properties platted as lots within the historic Park City Survey and originally platted as 25 feet wide by 75 feet deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process.
- B. **LOT WIDTH.** The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.
- C. **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur with exceptions as allowed in Section 15-2.3-4.
- D. **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.
1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

- a. Porches or decks, with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Historic Sites; and
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

**E. BUILDING FOOTPRINT (HR-2 DISTRICT).**

1. The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per

Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

- See Section 15-6-5 for maximum allowed Building footprint for Master Planned Developments within the HR-2 District.

MAXIMUM FP = (A/2) x 0.9<sup>A/1875</sup>

Where FP = maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: (3,750/2) x 0.9<sup>(3750/1875)</sup> = 1,875 x 0.81 = 1,519 sq. ft.

See the following Table 15-2.3 for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.3.

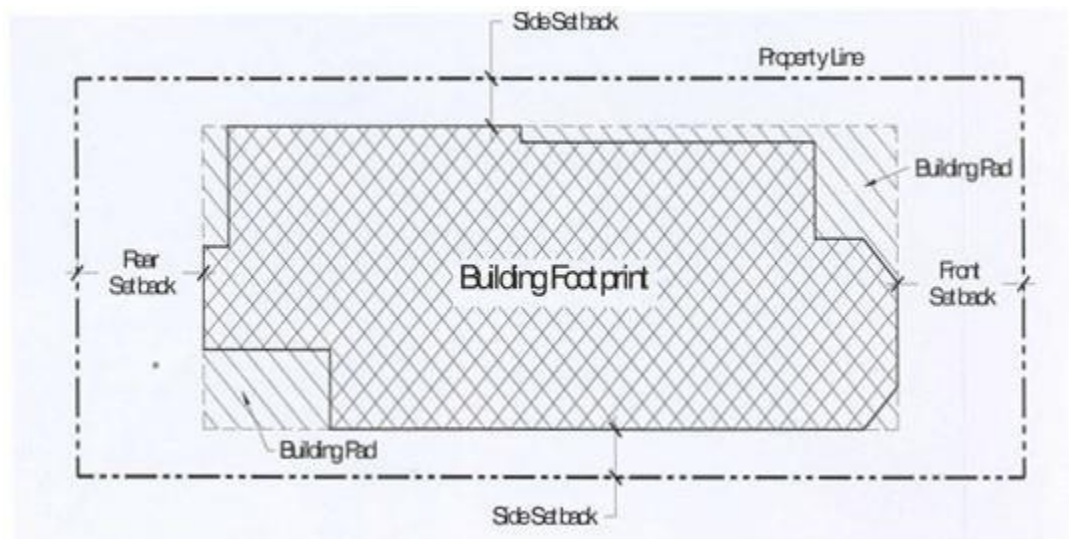
\*For Lots > 75’ in depth use footprint formula.

Lot Depth (ft.)*	Lot Width (ft.)	Lot Area Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	1,875	844
75 ft.	37.5	2,813	1,201
75 ft.	50.0	3,750	1,519

75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,270
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500 ft.	Per formula

510

511



512

513

TABLE 15-2.3.a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

514

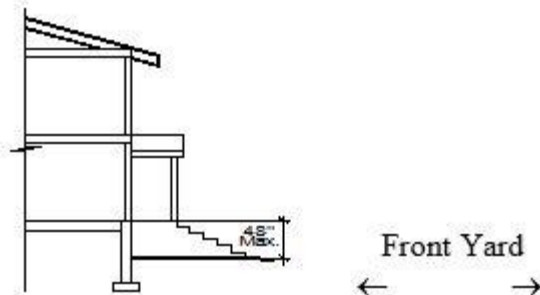
F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

**TABLE 15-2.3a**

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height or as permitted in Section 15-4-2, Fences and Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.
2. Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



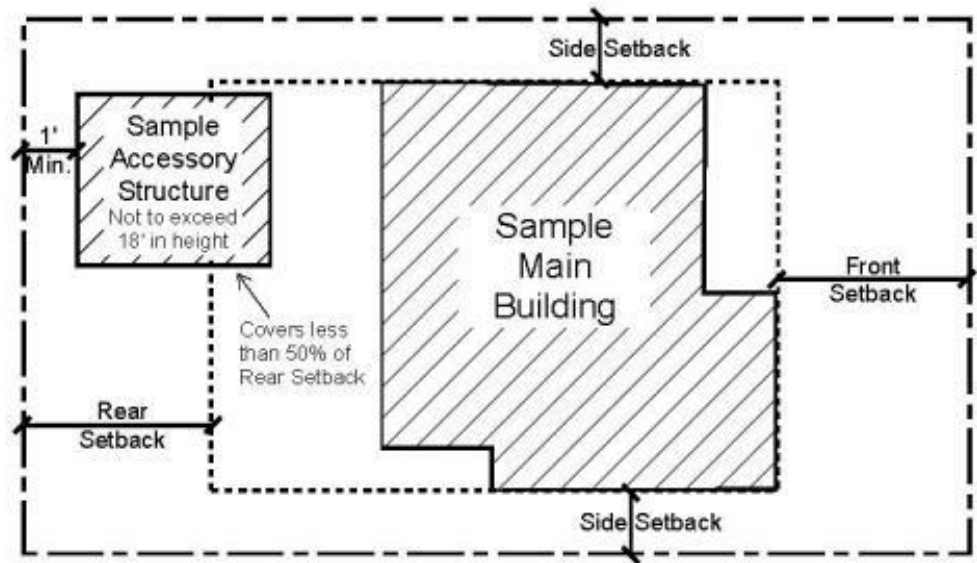
3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.
7. Single car detached Garages approved as part of a Master Planned Development in Subzone A.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no rear Setback exception is permitted.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback.



- 552 5. Window sills, belt courses, cornices, trim, exterior siding, or other  
553 ornamental features projecting not more than six inches (6") beyond the  
554 main Structure to which they are attached.
- 555 6. Detached Accessory Buildings not more than eighteen feet (18') in height,  
556 and including any free-standing Solar Energy Systems, located a  
557 minimum of five feet (5') behind the front facade of the Main Building, and  
558 maintaining a minimum Rear Setback of one foot (1'). Such Structure must  
559 not cover over fifty percent (50%) of the Rear Setback. See the following  
560 illustration:



- 561
- 562 7. A Hard-Surfaced Parking Area subject to the same location requirements  
563 as a detached Accessory Building.
- 564 8. Mechanical equipment (which must be screened), hot tubs, or similar  
565 Structures located at least three feet (3') from the Rear Lot Line.

9. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences and Retaining Walls.

10. Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.

11. Pathways or steps connecting to a City staircase or pathway.

12. One (1) Shared Driveway leading to a garage or approved Parking Area.

See Section 15-2.3-12 Parking Regulations for additional requirements.

I. **SIDE SETBACKS**. The Side Setbacks are as follows:

TABLE 15-2.3b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setbacks
25.0	3 ft. each	6 ft.
37.5	3 ft. each	6 ft.
50.0	5 ft. each	10 ft.
62.5	5 ft.	14 ft.
75.0	5 ft.	18 ft.
87.5	10 ft.	24 ft.
100.0	10 ft.	24 ft.
Greater than 100.0	10 ft.	30 ft.

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along

the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

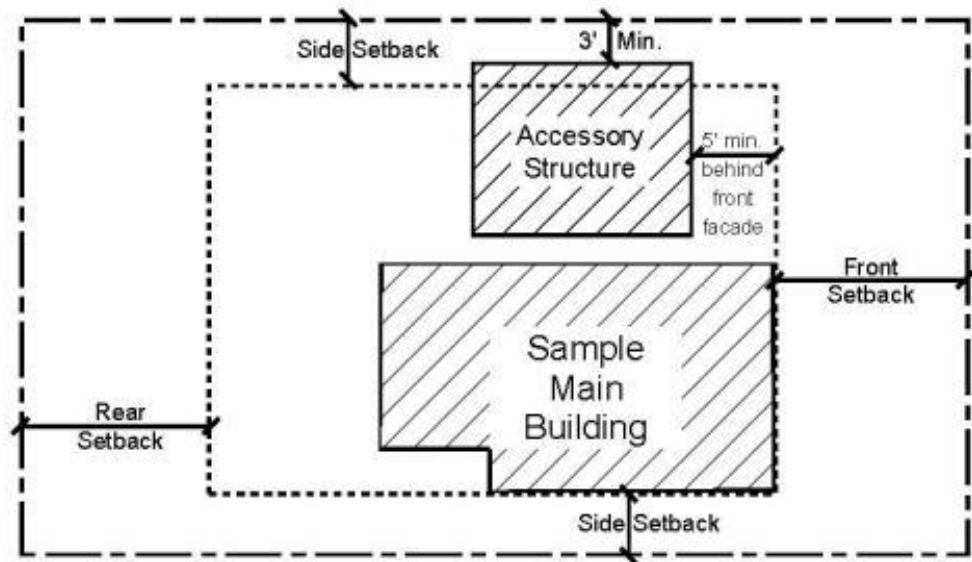
a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater. Should egress requirements be met within the building pad, no Rear Setback exception is permitted.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Side Setback on Lots with a minimum required Side Setback of five feet (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots with a Side Setback of less than five feet (5').
5. Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, not including any required handrail.

7. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences and Retaining Walls.
8. One (1) private or Shared Driveway leading to a garage or approved Parking Area. See Section 15-2.3-12 Parking Regulations for additional requirements.
9. Pathway or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

L. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

M. **MASTER PLANNED DEVELOPMENTS**. The Planning Commission may increase or decrease Setbacks in Master Planned Developments in accordance with Section 15-6-5; however the above Grade spacing between houses shall be consistent with the spacing that would result from required Setbacks of the Zone and shall be Compatible with the Historic character of the surrounding residential neighborhood. The Planning Commission may increase or decrease Maximum Building Footprint in Master Planned Developments in accordance with Section 15-6-5.

## HISTORY

*Adopted by Ord. [00-51](#) on 9/21/2000*

*Amended by Ord. [06-56](#) on 7/27/2006*

*Amended by Ord. [09-10](#) on 3/5/2009*

*Amended by Ord. [10-14](#) on 4/15/2010*

*Amended by Ord. [15-35](#) on 10/12/2015*

*Amended by Ord. [2016-44](#) on 9/15/2016*

*Amended by Ord. [2018-27](#) on 5/31/2018*

658 Amended by Ord. [2018-43](#) on 7/19/2018

659 Amended by Ord. [2019-07](#) on 1/29/2019

660 Amended by Ord. [2020-42](#) on 9/17/2020

661 **15-2.3-4 Existing Historic Buildings And/or Structures**

662 **Significant and Landmark Historic Sites that exceed the maximum Lot Area, and**

663 Historic Buildings and/or Structures that do not comply with Building Footprint, Building  
664 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid  
665 Non-Complying Structures. Additions must comply with Building Setbacks, Building  
666 Footprint, driveway location standards and Building Height. Additions to Historic  
667 Building and/or Structures are exempt from Off-Street parking requirements provided  
668 the addition does not create a Lockout Unit or Accessory Apartment. All Conditional  
669 Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with  
670 parking requirements of Chapter 15-3.

671 A. **EXCEPTION.** In order to achieve new construction consistent with the Design  
672 Guidelines for Historic Districts and Historic Sites, the Planning Commission may  
673 grant an exception to the Building Setbacks and driveway location standards for  
674 additions to Historic Buildings and/or Structures, including detached single car  
675 Garages:

- 676 1. Upon approval of a Conditional Use permit, and
- 677 2. When the scale of the addition, and/or driveway is Compatible with the  
678 Historic Building and/or Structure, and
- 679 3. When the addition complies with all other provisions of this Chapter, and

- 680 4. When the addition complies with the adopted Building and Fire Codes;  
681 and  
682 5. When the addition complies with the Design Guidelines for Historic  
683 Districts and Sites.

684 HISTORY

685 *Adopted by Ord. [00-51](#) on 9/21/2000*

686 *Amended by Ord. [2016-44](#) on 9/15/2016*

687 *Amended by Ord. [2020-42](#) on 9/17/2020*

688 **15-2.4-3 Lot And Site Requirements**

689 Except as may otherwise be provided in this Code, no Building permit shall be issued  
690 for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a  
691 private or Public Street shown on the Streets Master Plan or on a private easement  
692 connecting the Lot to a Street shown on the Streets Master Plan.

693

694 All Development activity must comply with the following minimum Lot and Site  
695 requirements:

696 A. **LOT SIZE**. Minimum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

697



698 Maximum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	3,750 sq. ft.
Duplex Dwelling	7,500 sq. ft.
Triplex Dwelling	11,250 sq. ft.
Four-plex Dwelling	15,000 sq. ft.

699

700 B. **LOT AREA.** Minimum and maximum Lot Area for all other Uses shall be  
701 determined by the Planning Commission during the Conditional Use review.

702

703 Developments consisting of more than four (4) Dwelling Units require a Lot Area  
704 at least equal to 5,625 square feet plus an additional 1,000 square feet per each  
705 additional Dwelling Unit over four (4) units. All Setback, height, parking, Open  
706 Space, and architectural requirements must be met. See Section 15-2.4-3,  
707 Conditional Use Permit Review.

708 C. **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet  
709 (15') from the Front Lot Line. Existing platted Lots of record, with a minimum  
710 width of at least twenty five feet (25'), are considered legal Lots in terms of Lot  
711 Width. In the case of unusual Lot configurations, Lot Width measures shall be  
712 determined by the Planning Director.

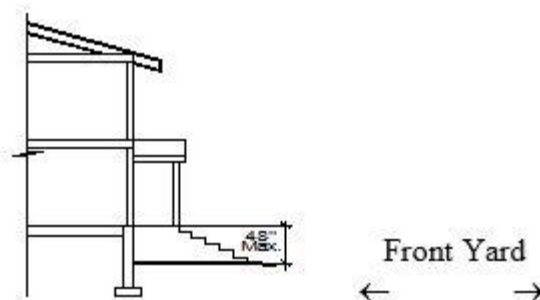
713 D. **FRONT SETBACK.**

714 1. The minimum Front Setback for Single-Family, Duplex Dwellings, and  
715 Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet  
716 (75') or less, then the minimum Front Setback is ten feet (10').

2. New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.
3. See Section 15-2.4-7 for special requirements for Triplexes and Multi-Unit Dwellings.

E. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.



3. Decks, porches, and Bay Windows, not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Setback.

5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or approved Parking Area. No portion of a Front Yard except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

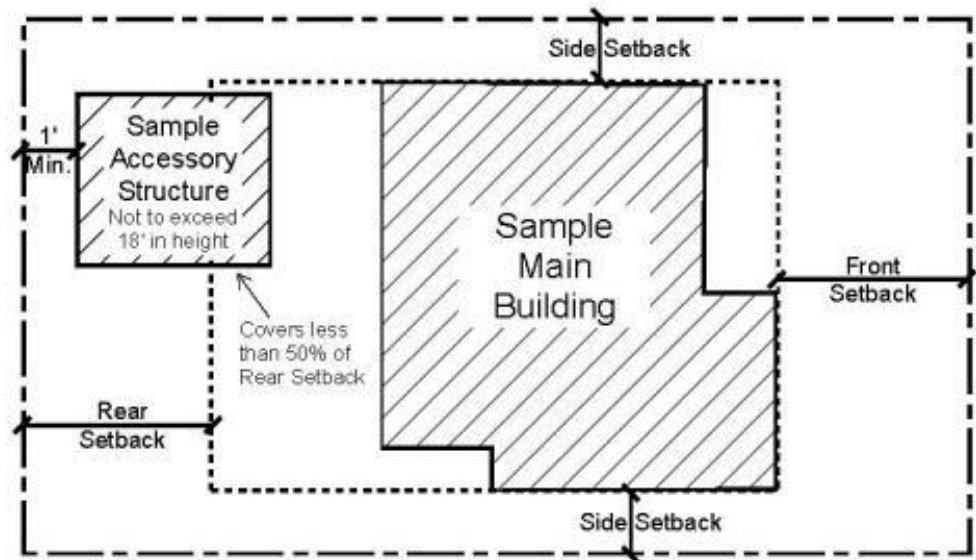
**F. REAR SETBACK.**

1. The minimum Rear Setback is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.
2. See Section 15-2.4-7, Special Requirements for Multi-Unit Dwellings.

**G. REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.

6. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



7. A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2 Fences and Retaining Walls.

10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.

11. One (1) Shared Driveway leading to a garage or approved parking Area. See Section 15-2.4-11 Parking Regulations for additional requirements.

#### H. **SIDE SETBACK.**

1. The minimum Side Setback for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').
2. The minimum Side Setback for Lots twenty-five feet (25') wide or less is three feet (3').
3. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is ten feet (10') for both Main and Accessory Buildings. A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
4. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

794 a. Exterior Side Setbacks shall be based on the required minimum  
795 Side Setback for each Lot; however the Planning Commission may  
796 consider increasing exterior Side Setbacks during Conditional Use  
797 Permit review to mitigate potential impacts on adjacent Property.  
798 Side Setback exceptions continue to apply.

799 b. The longest dimension of a Building joined at the Property Line may  
800 not exceed one hundred feet (100').

801 5. See Section 15-2.4-7 special requirements for Multi-Unit Dwellings.

802 I. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any  
803 Structure except:

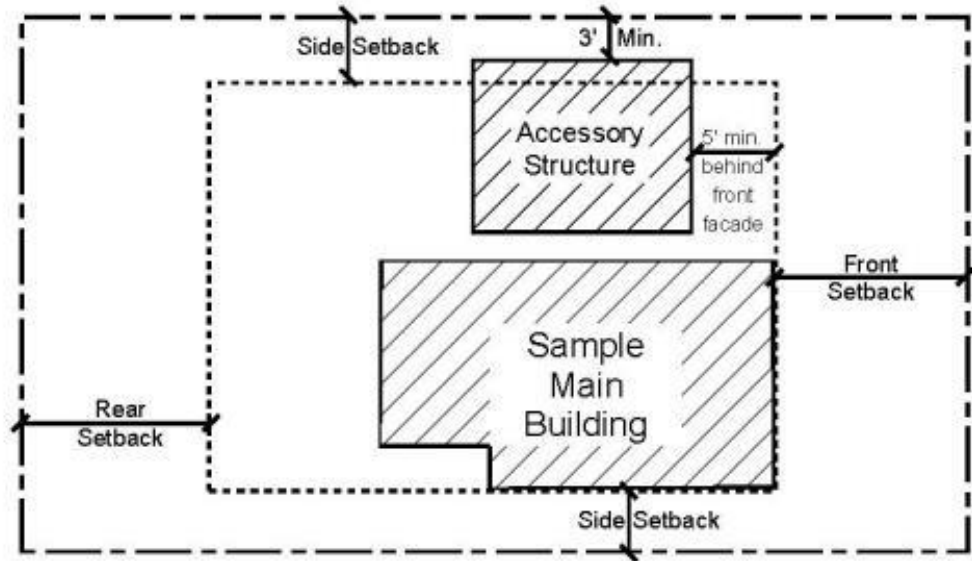
804 1. Bay Windows not more than ten feet (10') wide and projecting not more  
805 than two feet (2') into the Side Setback. Only permitted on Lots with a Side  
806 Setback of at least five feet (5') or greater.

807 2. Chimneys not more than five feet (5') wide and projecting not more than  
808 two feet (2') into the Side Setback. Only permitted on Lots with a Side  
809 Setback of at least five feet (5') or greater.

810 3. Window wells not exceeding the minimum International Residential Code  
811 (IRC) or International Building Code (IBC) requirements for egress may  
812 extend not more than four feet (4') into the Side Setback. Only permitted  
813 on Lots with a minimum required Side Setback of five feet(5') or greater.  
814 Should egress requirements be met within the building pad, no Rear  
815 Setback exception is permitted.

- 816 4. Roof overhangs and eaves projecting not more than two feet (2') into the  
817 Side Setback. Only permitted on Lots with a Side Setback of at least five  
818 feet (5') or greater.
- 819 5. Window sills, belt courses, cornices, trim, and other ornamental features  
820 projecting not more than six inches (6") beyond the main Structure to  
821 which they are attached.
- 822 6. Fences, walls and retaining walls as permitted in Section 15-4-2 Fences  
823 and Retaining Walls.
- 824 7. Patios, decks, pathways, steps, and similar Structures not more than thirty  
825 inches (30") in height above Final Grade, not including any required  
826 handrail.
- 827 8. One (1) private or Shared Driveway leading to a garage or approved  
828 Parking Area. See Section 15-2.4-11 Parking Regulations for additional  
829 requirements.
- 830 9. Pathways and steps connecting to a City staircase or pathway.
- 831 10. Mechanical equipment (which must be screened), hot tubs, or similar  
832 Structures located at least three feet (3') from the Side Lot Line.
- 833 11. Detached Accessory Buildings, not more than eighteen feet (18') in height,  
834 and including any free-standing Solar Energy Systems, located at least  
835 five feet (5') behind the front façade of the Main Building, maintaining a

836 minimum Side Setback of three feet (3'). See the following illustration:



- 837
- 838 J. **SNOW RELEASE**. Site plans and Building design must resolve snow release
- 839 issues to the satisfaction of the Chief Building Official.
- 840 K. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
- 841 (2') in height above road Grade shall be placed on any Corner Lot within the Site
- 842 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
- 843 enough to permit automobile drivers an unobstructed view. This provision must
- 844 not require changes in the Natural Grade on the Site.

845 HISTORY

- 846 Adopted by Ord. [00-51](#) on 9/21/2000
- 847 Amended by Ord. [06-69](#) on 10/19/2006
- 848 Amended by Ord. [09-10](#) on 3/5/2009
- 849 Amended by Ord. [15-35](#) on 10/12/2015



850 Amended by Ord. [2016-44](#) on 9/15/2016

851 Amended by Ord. [2018-27](#) on 5/31/2018

852 Amended by Ord. [2018-43](#) on 7/19/2018

853 Amended by Ord. [2020-42](#) on 9/17/2020

854 **15-2.4-4 Existing Historic Buildings And/or Structures**

855 Significant and Landmark Historic Sites that exceed the maximum Lot Area, and

856 Historic Buildings and/or Structures that do not comply with Building Footprint, Building  
857 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid  
858 Non-Complying Structures. Additions to Historic Buildings and/or Structures are exempt  
859 from Off-Street parking requirements provided the addition does not create a Lockout  
860 Unit or an Accessory Apartment. Additions must comply with Building Setbacks,  
861 Building Footprint, driveway location standards and Building Height.

862 A. **EXCEPTION.** In order to achieve new construction consistent with the Historic  
863 District Design Guidelines, the Planning Commission may grant an exception to  
864 the Building Setback and driveway location standards for additions to Historic  
865 Buildings and/or Structures, including detached Garages:

866

- 867 1. Upon approval of a Conditional Use permit, and
- 868 2. When the scale of the addition and/or driveway is Compatible with the  
869 Historic Building and/or Structure, and
- 870 3. When the addition complies with all other provisions of this Chapter, and
- 871 4. When the addition complies with the adopted Building and Fire Codes,  
872 and

873                   5. When the addition complies with the Design Guidelines for Historic  
874                   Districts and Sites.

875 HISTORY

876 *Adopted by Ord. [00-51](#) on 9/21/2000*

877 *Amended by Ord. [06-69](#) on 10/19/2006*

878 *Amended by Ord. [13-42](#) on 10/17/2013*

879 *Amended by Ord. [2016-44](#) on 9/15/2016*

880 *Amended by Ord. [2020-42](#) on 9/17/2020*

# Planning Commission Staff Report



**Subject:** 327 McHenry Avenue – Private Recreation Facility  
**Application:** PL-22-05389  
**Authors:** Spencer Cawley, Planner II  
**Date:** May 10, 2023  
**Type of Item:** Conditional Use Permit

## Recommendation

(I) Open a public hearing, and (II) consider continuing a Conditional Use Permit to construct a Private Recreation Facility (pool) to a date uncertain.

## Description

**Applicant:** 327 McHenry LLC  
Jerry Fiat, Applicant Representative

**Location:** 327 McHenry Avenue

**Zoning District:** Historic Residential – Low Density

**Adjacent Land Uses:** Single-Family Dwellings

**Reason for Review:** The Planning Commission reviews Conditional Use Permits, conducts a public hearing, and takes Final Action<sup>1</sup>

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<sup>1</sup> LMC [§ 15-1-8\(G\)](#)

## Planning Commission Staff Report

**Subject:** Huntsman Estates Plat Amendment  
**Application:** PL-23-05540  
**Author:** Alexandra Ananth, Sr. Planner  
**Date:** May 10, 2023  
**Type of Item:** Administrative – Plat Amendment



### Recommendation

Staff recommends this item be **continued** to the June 14, 2023, Planning Commission Agenda so that staff and the Applicant may continue to work on Conditions of Approval.

This item was noticed for a public hearing so the Planning Commission will need to open the public hearing and continue the item to June 14, 2023.

# Planning Commission Staff Report



**Subject:** 1120 Empire Ave  
**Application:** PL-23-05598  
**Author:** Virgil Lund Planner I  
**Date:** May 10, 2023  
**Type of Item:** Administrative – Plat Amendment

## Recommendation

(I) Review the 1120 Empire Avenue Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council’s consideration on June 15, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance No. 2023-XX (Exhibit A).

## Description

**Applicant:** Fasque LLC  
Applicant Representative: Alliance Engineering

**Location:** 1120 Empire Avenue

**Zoning District:** Historic Residential 1 (HR-1)

**Adjacent Land Uses:** Single-Family Dwellings

**Reason for Review:** Plat Amendments require Planning Commission recommendation and City Council Final Action<sup>1</sup>

HR-1 Historic Residential 1  
LMC Land Management Code

*Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).*

## Background

1120 Empire Avenue is in the Historic Residential-1 (HR-1) Zoning District. The site is identified by Summit County as parcel number SA-181-A, all of Lots 26 and 27, and the north 0.5 feet of Lot 28, Block 17, Snyder’s Addition to Park City. 1120 Empire Avenue is occupied by a Duplex. The Applicant proposes removing the Lot Line common to Lot 26 and 27. The Applicant also proposes to correct a nominal discrepancy of 0.5 feet for the Lot Line common to Lot 27 and 28 on the south side of the property to create a 3,787.5-square-foot Lot. (Lot. (Due to the nominal discrepancy, the proposed Lot is 37.5 square feet bigger than two old town lots).

The existing Duplex was constructed in 1974, according to the Summit County

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<sup>1</sup> LMC [§ 15-7.1-2](#)

Assessor website. According to the 1968 Zoning Map, 1120 Empire Avenue was in the Residential (R-1) Zone. The 1968 Land Management Code (LMC) lists two-family dwellings as a Permitted Use in the Residential (R-1) Zone. See Exhibit B.



*Figure 1: View of Property from Empire Avenue*

In 1988, the City issued a Building Permit for a re-model including the replacement of the deck, stairway, and doors. See Exhibit C.

In 1991 the City issued a building permit for a Duplex remodel. The scope of work included adding a Hot Tub and other structural improvements to support the Hot Tub. See Exhibit D.

In 2014 the City issued a building permit to replace the decking over the concrete slab and to replace the stairs leading to the deck. See Exhibit E.

On March 28, 2023, the Applicant submitted a plat amendment application. On March 29, 2023, staff determined the application was complete.

### **Analysis**

A Plat Amendment is the combining of existing Lots into one or more Lots, amendments to Plat notes, or amending other platted elements.<sup>2</sup> Plat Amendments require Planning Commission review and recommendation to City Council for Final Action.<sup>3</sup> The

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<sup>2</sup> LMC [§ 15-7.1-3\(B\)](#)

<sup>3</sup> LMC [§ 15-12-15\(B\)\(9\)](#)

Applicant proposes removing the Lot Line common to Lot 26 and 27. The Applicant also proposes to correct a nominal discrepancy for the Lot Line common to Lot 27 and 28 on the south side of the property.

**(I) The proposed Plat Amendment complies with the Historic Residential – 1 (HR-1) Zoning District Requirements**

The purposes of the HR-1 Zoning District are to:

1. preserve present land Uses and character of the Historic residential Areas of Park City;
2. encourage the preservation of Historic Buildings and/or Structures;
3. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
4. encourage single family Development on combinations of 25' x 75' Historic Lots;
5. define Development parameters that are consistent with the General Plan policies for the Historic core; and
6. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.<sup>4</sup>

In 1974, 1120 Empire Avenue was in the R-1 Residential Zone, and two-family dwellings were an allowed use in the 1968 LMC (Exhibit B).

In today's LMC, Duplex Dwellings require a Conditional Use Permit to be reviewed and approved by the Planning Commission.

The existing Use of a Duplex Dwelling is a Non-Conforming Use in the HR-1 Zoning District. <sup>5</sup> A Non-Conforming Use is a Use of land that:

1. legally existed before its current zoning designation;
2. has been maintained continuously since the time the zoning regulation governing the land changed; and
3. because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.<sup>6</sup>

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<sup>4</sup> LMC [§ 15-2.2-1](#)

<sup>5</sup> LMC [§ 15-9-1](#)

<sup>6</sup> LMC [§ 15-15-1](#)

If the applicant decided to demolish the structure and rebuild it as a Duplex Dwelling, a Conditional Use Permit would be required from the Planning Commission.

The table below outlines the HR-1 Lot and Site Requirements established in LMC [§ 15-2.2-3](#)

HR-1 Zoning District Requirement	Analysis of Proposal
Min. Lot Size: 3,750 sq ft for a Duplex Dwelling	<b>Complies:</b> Total Lot area of proposed plat is 3,787.5 square feet.
Min. Lot Width: 25 feet	<b>Complies:</b> the width of the combined Lots is 50.5 feet.
Building Pad Building Footprint	<p>The LMC in effect at the time of construction did not establish Building Pad or Building Footprint limitations. See Exhibit B.</p> <p>The existing structure is Non-Conforming with the Building Pad and Building Footprint requirements for the HR-1 Zoning District.</p> <p>Staff recommends <b>Condition of Approval 4:</b> The Duplex may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure (See LMC Section 15-9-6(A)).</p>
Setbacks:  Front: 10 feet Rear: 10 feet Side: 5 feet	<p>The LMC in effect in 1974 required a 5-foot Side Yard Setback, a 20-foot Front Yard Setback (or the average of the existing buildings where more than fifty (50) percent of the frontage on the block is developed), and a 10-foot Rear Yard Setback. See Exhibit B.</p> <p>The existing structure was not built to the 1968 R-1 Zone requirements regarding Setbacks.</p> <p>The existing structure is not compliant with existing LMC requirements.</p> <p>Staff recommends <b>Condition of Approval 4:</b> The Duplex may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance,</p>



alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

The retaining wall, concrete pathway, and wood steps on the north side of the property are all allowed Side Setback exceptions outlined in LMC § 15-2.2-3(J).

See image below for the existing conditions survey.

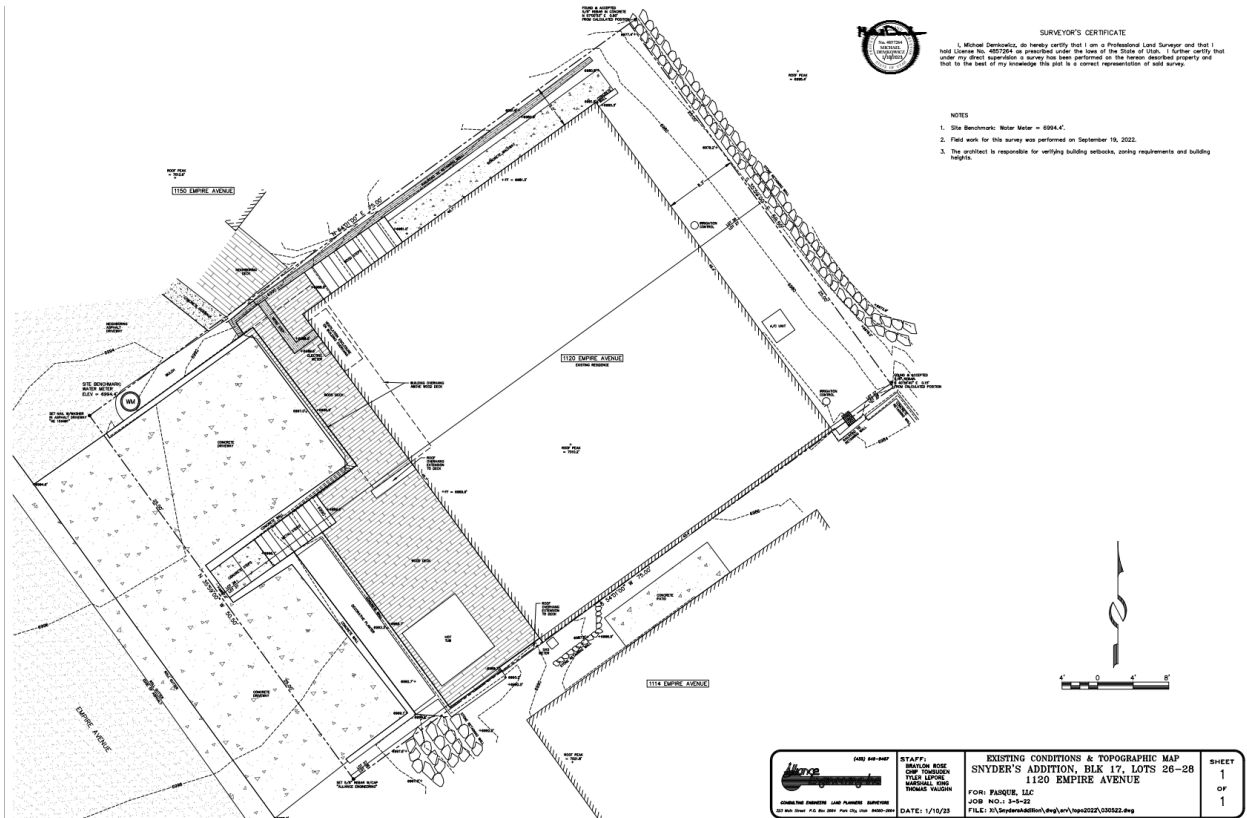
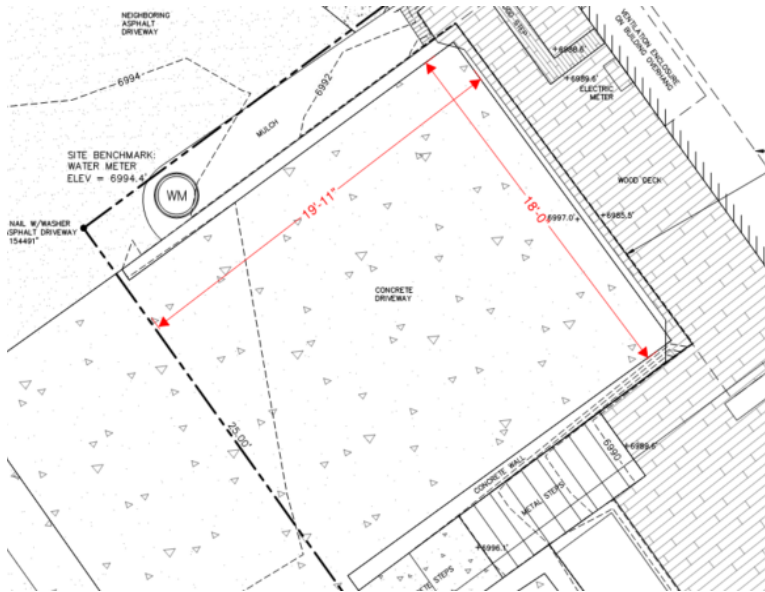


Image 2: Existing Conditions

### Off-Street Parking

The Duplex located at 1120 Empire Avenue is non-conforming with Off-Street Parking requirements outlined in LMC [§ 15-3-6](#), which requires two parking spaces per Dwelling Unit, for a total of four Off-Street parking spaces for a Duplex Dwelling.

The 1968 LMC required one parking space per dwelling unit. See Exhibit F. LMC [§ 15-3-3\(F\)](#) states that Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long. The two-unit structure was built with the Parking Spaces required by the LMC in effect at the time of construction. The image below shows the required dimensions for two parking spaces:



The existing driveway is not compliant with current Off-Street Parking Requirements. The LMC requires four Parking Spaces for a Duplex Dwelling, and the existing structure only has two Non-Conforming parking spaces. Any new construction must comply with the current parking requirements in effect in the LMC at the time of application submittal.

#### **Architectural Review LMC [§ 15.2.4-9](#)**

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with LMC [Chapter 15-5 Architectural Review](#). Any proposed structure or future development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for review and compliance with LMC [Chapter 15-11, Historic Preservation](#), and LMC [Chapter 15-13, Design Guidelines for Historic Districts and Historic Sites](#)

**(II) Staff finds good cause for removing two Lot lines common to Lots 26 and 27 and the additional Lot Line common to Lots 27 and 28 to create one Lot because (A) present land Uses and the Character of the HR-1 Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.**

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6 Final Subdivision Plat](#), and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement is vacated or amended.

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

**A. The Historic Residential – 1 (HR-1) Zoning character is retained and existing issues and non-conformities are addressed.**

One of the purposes of the HR-1 Zoning District is to preserve present land Uses and character of the Historic residential areas of Park City.<sup>7</sup>

The existing Building Footprint for the structure at 1120 Empire Avenue is 1,860 square feet. With the current LMC Building Footprint formula for the HR-1 Zoning District and the proposed Lot of 3,787.5 square feet, the future Building Footprint for a new structure would be limited to 1,531 square feet. If the Applicant was to demolish the existing structure, the maximum Building Footprint for any new structure would be 1,531 square feet.

The plat amendment also resolves existing issues and non-conformities. One lot will be created for the Duplex Dwelling and future development will be required to comply with the requirements of the LMC in effect at the time of the application submittal. Condition of Approval 4 states the Duplex may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure. There is Good Cause for this Plat Amendment because it resolves existing issues and non-conformities.

**B. No Public Street or Right-of-Way is vacated or amended.**

Access to the Lot is from Empire Avenue. The Applicant's proposal does not vacate or amend any portion of the platted ROW.

**C. No easement is vacated or amended.**

**(III) The Development Review Committee met on April 4, 2023, reviewed the proposal, and found the plat amendment conforms with their required standards.<sup>8</sup>**

**Department Review**

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

**Notice**

Staff published notice on the City's website and the Utah Public Notice website and

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<sup>7</sup> LMC [§ 15-2.2-1\(A\)](#)

<sup>8</sup> The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

posted notice to the property on April 25, 2023. Staff mailed courtesy notice to property owners within 300 feet on April 25, 2023. The *Park Record* published notice on April 26, 2023.<sup>9</sup>

### **Public Input**

Staff did not receive any public input at the time this report was published.

### **Alternatives**

- The Planning Commission may forward a positive recommendation for Ordinance No. 2023-XX, Approving the 1120 Empire Avenue Plat Amendment, to the City Council for Consideration on June 15, 2023; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2023-XX, Denying the 1120 Empire Avenue Plat Amendment, to the City Council for Consideration on June 15, 2023, and direct Staff to make finding for the denial; or
- The Planning Commission may request additional information for the 1120 Empire Avenue Plat Amendment and continue the discussion to a date certain.

### **Exhibits**

Exhibit A: Draft Ordinance No. 2023-XX and Proposed Plat

Exhibit B: 1968 LMC

Exhibit C: 1988 Re-Model Building Permit

Exhibit D: 1991 Re-Model Building Permit

Exhibit E: 2014 Deck Replacement Building Permit

Exhibit F: 1968 Off-Street Parking Requirements

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<sup>9</sup> LMC [§ 15-1-21](#).

## **Ordinance No. 2023-XX**

### **AN ORDINANCE APPROVING THE 1120 EMPIRE AVENUE PLAT AMENDMENT, LOCATED AT 1120 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1120 Empire Avenue petitioned the City Council for approval of the 1120 Empire Avenue Plat Amendment; and

WHEREAS, on April 26, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on April 25, 2023, courtesy notice was mailed to property owners within 300 feet of 1150 Park Avenue; and

WHEREAS, on May 10, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on May 10, 2023, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on June 15, 2023; and

WHEREAS, on June 15, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

**SECTION 1. APPROVAL.** The 1120 Empire Avenue Plat Amendment, located at 1120 Empire Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact**

##### ***Background:***

1. The property is located at 1120 Empire Avenue.
2. The property is listed with Summit County as Parcel number SA-181-A and consists of all of Lots 26 and 27, and the north 0.5 feet of Lot 28, Block 17, Snyder's Addition to Park City.
3. The property is in the Historic Residential – 1 (HR-1) Zoning District.
4. No easement is vacated or amended as a result of the plat amendment.
5. The LMC regulates Lot and Site Requirements per LMC § 15-2.2-3.
6. Duplex Dwellings are a Conditional Use in the HR-1 Zoning District and require a minimum Lot size of 3,750 square feet. The combined Lot size is 3,787.5 square feet.
7. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width of the Lot is 50.5 feet.

8. The required front Setback is ten feet (10').
9. The required Side Setback is five feet (5').
10. Building Height in the HR-1 Zoning District is 27 feet.
11. The existing structure is Non-Conforming with the Building Pad and Building Footprint requirements for the HR-1 Zoning District.
12. The existing structure is not compliant with existing LMC requirements regarding Setbacks.
13. The two-unit structure was built with the Parking Spaces required by the LMC in effect at the time of construction.
14. The existing driveway is not compliant with current Off-Street Parking Requirements. The LMC requires four Parking Spaces for a Duplex Dwelling, and the existing structure only has two Non-Conforming parking spaces. Any new construction must comply with the current parking requirements in effect in the LMC at the time of application submittal.

### **Conclusions of Law**

1. There is Good Cause for removing two Lot lines common to Lots 26 and 27 and the additional nominal discrepancy between Lots 27 and 28 to create one Lot because present land Uses and the Character of the HR-1 Zoning District are retained and it resolves existing issues and non-conformities.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, *Historic Residential – 1 (HR-1) Zoning District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

### **Conditions of Approval**

1. The City 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. The Duplex may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

5. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

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

PASSED AND ADOPTED this 15<sup>th</sup> Day of June 2023.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Nann Worel, MAYOR

ATTEST:

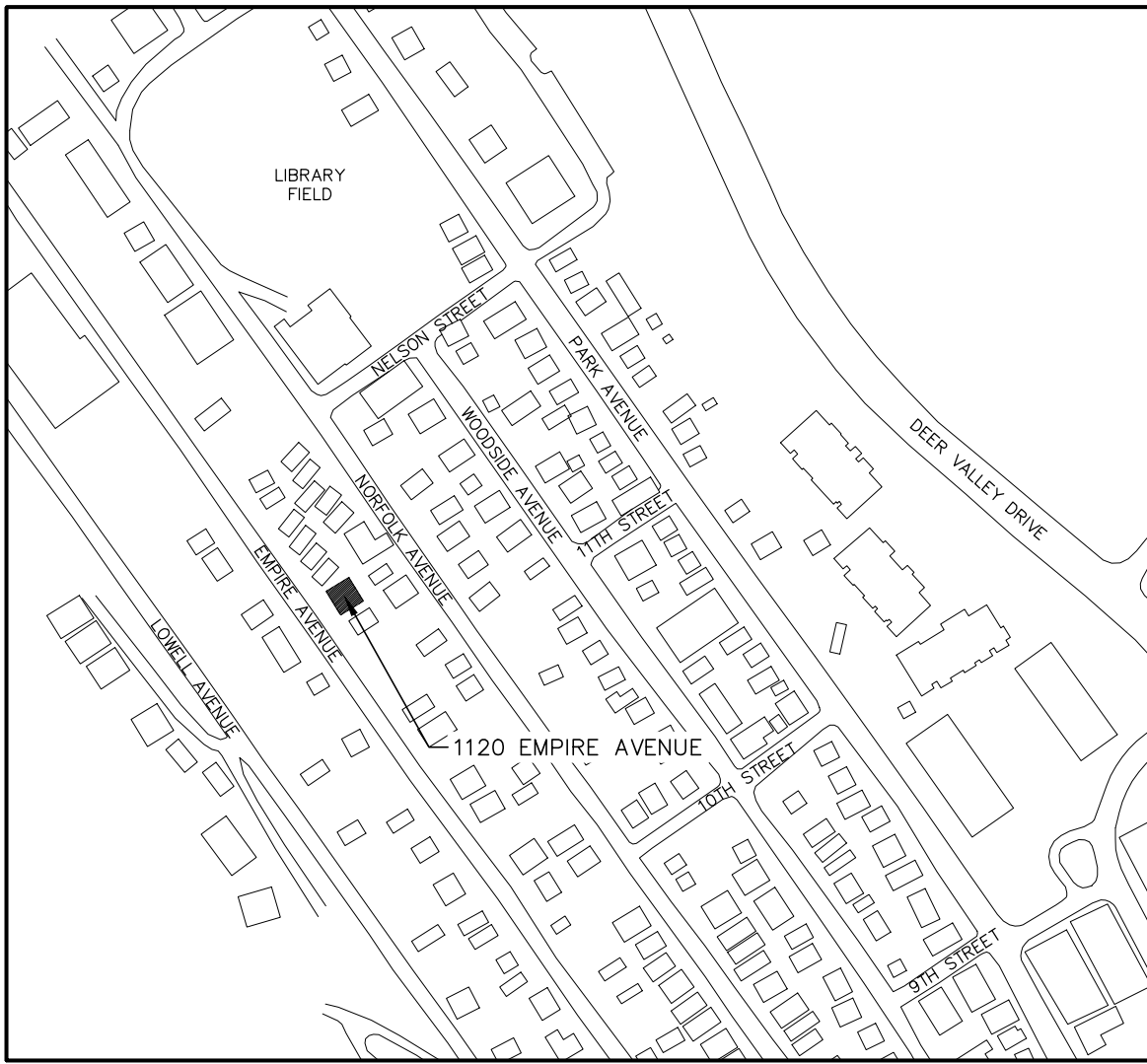
\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

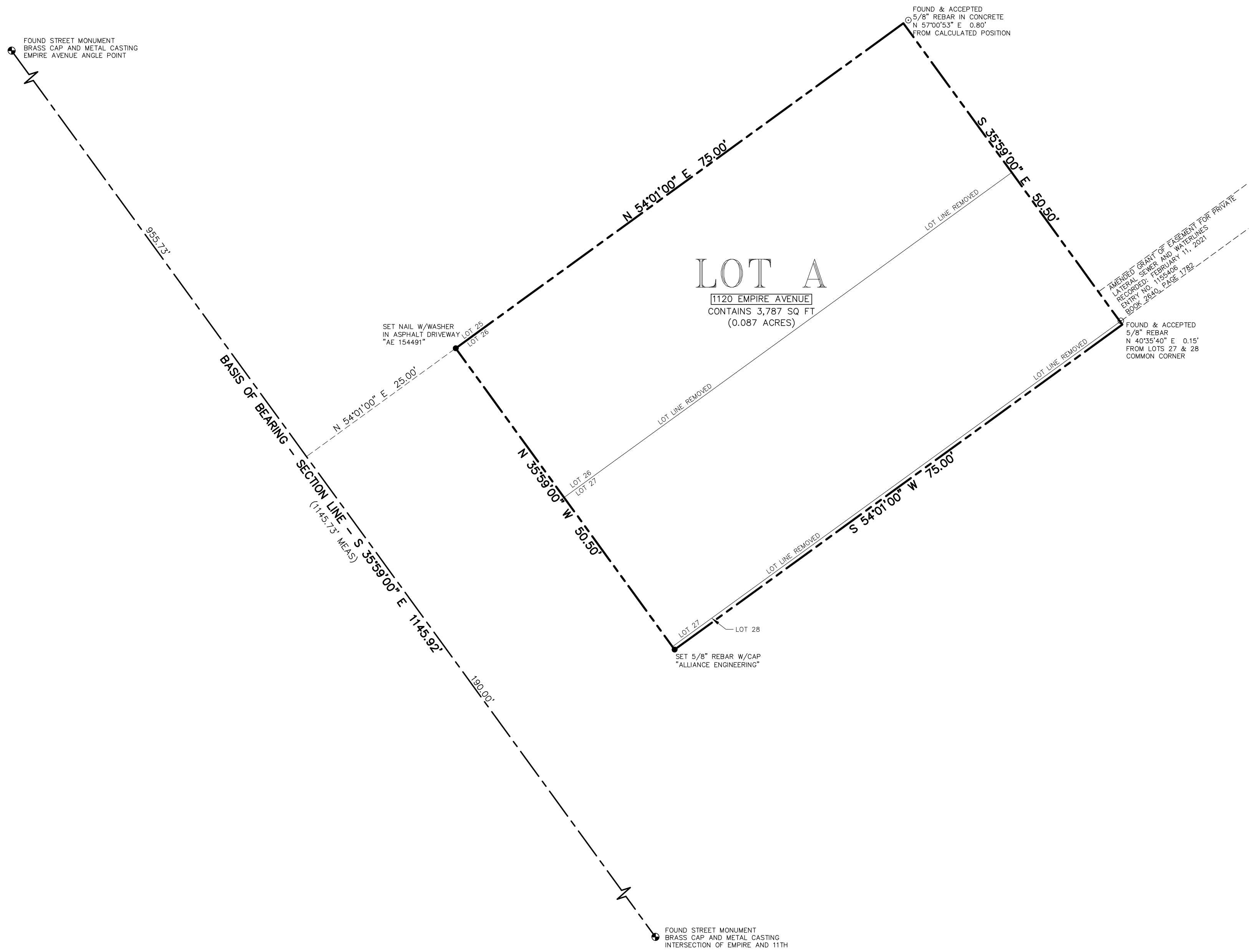
\_\_\_\_\_  
City Attorney

**Attachment 1 – Proposed Plat**





VICINITY MAP



# 1120 EMPIRE AVENUE PLAT AMENDMENT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



## SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that I have completed a survey and have referenced a record of survey map of the existing property boundaries in accordance with Section 17-23-17 and have verified the boundary locations and have placed monuments as represented on the plat. I do further certify that by authority of the owners, I have prepared this plat amendment of the property described hereon, hereafter to be known as 1120 EMPIRE AVENUE PLAT AMENDMENT.

## LEGAL DESCRIPTION

Parcel 1:  
Lots 26, 27, and the north .5 feet of Lot 28, Block 17, Snyder's Addition to Park City, according to the official plat thereof, recorded in the office of the county recorder of Summit County.

Parcel 2:  
Together with a right of way for sewer and water lines over and across the south five feet of Lot 6, Block 17, Snyder's Addition to Park City, Summit County as disclosed in that certain Amended Grant of Easement for Private Lateral Sewer and Waterlines recorded February 11, 2021, as Entry No. 1155406, in Book 2640, at Page 1782, Summit County Recorder's Office.

## OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1120 EMPIRE AVENUE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Fasque, LLC, a Utah limited liability company

By: \_\_\_\_\_  
Name: Joseph E. Tesch  
Title: Attorney-in-Fact for Damian Roche as Manager of Fasque LLC, a Utah limited liability company

## ACKNOWLEDGMENT

STATE OF \_\_\_\_\_)  
: SS.  
COUNTY OF \_\_\_\_\_)

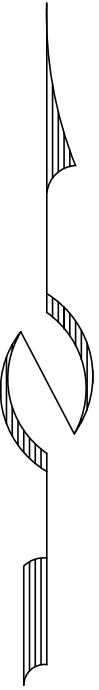
On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, Joseph E. Tesch personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Fasque, LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the 1120 EMPIRE AVENUE PLAT AMENDMENT.

By: \_\_\_\_\_  
Notary Public  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

## NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2023-\_\_\_\_\_.
- See Record of Survey S-xxxx in the Office of the Recorder, Summit County, Utah.
- Snow Shed Easement Agreements, with no dimensions, affecting the south property line are recorded in the Office of the Recorder, Summit County, Utah as follows:

Entry No. 854334, recorded September 8, 2008 in Book 1948 at Page 358  
Entry No. 854335, recorded September 8, 2008 in Book 1948 at Page 360  
Entry No. 862244, recorded January 9, 2009 in Book 1962 at Page 983



SHEET 1 OF 1

(435) 649-9467  
**Alliance Engineering Inc.**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2023 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2023 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2023 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2023 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2023 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2023 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2023 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____
--	---	---	---	---	---	---	--



67-9-7. REAR YARD REGULATIONS.

The minimum depth of the rear yard for all main buildings shall be twenty (20) feet, and for all accessory buildings one (1) foot except on corner lots which rear on the side of another lot, accessory buildings shall not be located closer than six (6) feet.

67-9-8. HEIGHT REGULATIONS.

No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet and no dwelling shall be erected to a height of less than one (1) story.

CHAPTER 10. RESIDENTIAL ZONE R-1

67-10-1. PERMITTED USES.

- (1) Agriculture.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Accessory buildings and uses customarily incidental to the main use.
- (5) Signs, identification, name plate, property, public information, temporary.

67-10-2. CONDITIONAL USES.

- (1) Animal and fowl grazing, pasturing or housing.
- (2) Cemetery.
- (3) Child nursery.
- (4) Golf Course.
- (5) Home occupation.
- (6) Planned unit development meeting the provisions of Chapter 17 of this Ordinance.
- (7) Private recreational grounds and facilities.
- (8) Private educational institutions.
- (9) Public and semi-public buildings and uses.
- (10) Temporary buildings and uses incidental to construction work.

67-10-3. AREA REGULATIONS.

The minimum lot area shall be three thousand (3,000) square feet.

67-10-4. WIDTH REGULATIONS.

The minimum width of any lot shall be thirty-seven and one-half (37-1/2) feet, at a distance of twenty (20) feet back from the front lot line.

67-10-5. SIDE YARD REGULATIONS.

- (1) The minimum side yard for any dwelling or other building shall be

five (5) feet except that a side yard shall not be required where dwelling structures are designed with a common wall on that side lot line.

(2) The minimum side yard for a private garage or other accessory building located at least six (6) feet on the rear of the main building, shall be one (1) foot.

(3) On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than ten (10) feet.

#### 67-10-6. FRONT YARD REGULATIONS.

The minimum depth of the front yard for all buildings shall be twenty (20) feet, or the average of the existing buildings where more than fifty (50) percent of the frontage on the block is developed.

#### 67-10-7. REAR YARD REGULATIONS.

The minimum depth of the rear yard for all main buildings shall be ten (10) feet, and for accessory buildings one (1) foot except on corner lots which rear upon the side yard of another lot, accessory buildings shall not be located closer than five (5) feet to such side yard.

#### 67-10-8. HEIGHT REGULATIONS.

No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet and no dwelling shall be erected to a height of less than one (1) story.

### CHAPTER 11. MULTIPLE RESIDENTIAL ZONE R-M

#### 67-11-1. PERMITTED USES.

- (1) Agriculture.
- (2) One, two, three and four-family dwellings.
- (3) Accessory buildings and uses customarily incidental to a main use.
- (4) Signs, identification, name plate, property, public information, temporary.

#### 67-11-2. CONDITIONAL USES.

- (1) Boarding house.
- (2) Cemetery.
- (3) Clinic, medical or dental.
- (4) Child nursery.
- (5) Club and lodge of a private and non-profit character.
- (6) Golf course.
- (7) Group dwellings.
- (8) Home occupation.

# BUILDING PERMIT APPLICATION

BECOMES PERMIT WHEN SIGNED

Date of Application <b>9/7/88</b>	Date Work Starts <b>9/9/88</b>	Receipt No. <b>51798</b>	Date <b>9/7/88</b>	Permit Number <b>3847</b>
--------------------------------------	-----------------------------------	-----------------------------	-----------------------	------------------------------

★ Proposed Use of Structure

**SFD/REMODEL**

★ Bldg. Address

**1120 EMPIRE AVE**

★ Address Certificate No.

Assessors Parcel No.

★ Lot # ★ Block ★ Subd. Name & Number

★ Property Location

**1120 EMPIRE**

★ Total Property Area - In Acres or Sq. Ft.

Total Bldg. Site Area Used

★ Owner of Property

**W.E. THORNTON**

★ Mailing Address

★ Business Name Address

★ Architect or Engineer

**SELF**

★ General Contractor

**SELF**

★ Business Address

★ State Lic. No.

★ City/Co. Lic. No.

★ Electrical Contractor

★ Business Address

★ Plumbing Contractor

★ Business Address

★ Mechanical Contractor

★ Business Address

★ Previous Usage of Land or Structure (Past 3 yrs.)

★ Dwell. Units Now on Lot

★ Assessory Bldgs. Now on Lot

★ Type of Improvement/Kind of Const.

☐ Sign    ☐ Build    ☒ Remodel    ☐ Addition  
☐ Repair    ☐ Move    ☐ Convert Use    ☐ Demolish

★ No. of offstreet parking spaces:

Covered    Uncovered **4**

SUB-CHECK

Zone

**HR-1**

Zone Approved By

**SM**

Disapproved

Approved

**9/7/88**

Date

Sub-Ck. By

**SM**

Plot Plan

Minimum Setbacks in Feet

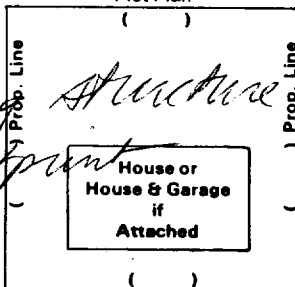
Front    Side    Side    Rear

**Remodel existing structure**

**No changes to footprint**

Indicate Street  
If Corner Lot

Indicate  
North



STREET

## BUILDING FEE SCHEDULE

Square Ft. of Building	Valuation
<input type="checkbox"/> Rough Basement	Building Fees
<input type="checkbox"/> Finish Basement	Plan Check Fees
Carport sq. ft.	Electrical Fees
Garage sq. ft.	Plumbing Fees
Type of Bldg.	Mechanical Fees
Occ. Group	Water
No. of Bldgs.	Sewer
No. of Stories	Storm Sewer
No. of Bedrooms	Moving or Demo.
No. of Dwellings	Temporary Conn.
Type of Construction	Reinspection
<input type="checkbox"/> Frame <input type="checkbox"/> Brick Var.	
<input type="checkbox"/> Brick <input type="checkbox"/> Block <input type="checkbox"/> Concrete <input type="checkbox"/> Steel	
Max. Occ. Load	
Fire Sprinkler <input type="checkbox"/> Yes <input type="checkbox"/> No	
	<b>Total</b>
	<b>3500</b>

Special Approvals	Required	Received	Not Req.
Board of Adjustment			
Health Dept.			
Fire Dept.			
Soil Report			
Water or Well Permit			
Traffic Engineer			
Flood Control			
Sewer or Septic Tank			
City Engineer (off site)			
Gas			
Comments: <b>Redwood to replace existing deck, replacing treeds on front, retaining, rear basement door replacement</b>			
Land Use Cert.			
Electrical Dept. <b>NOT FRONT FACADE -</b>			
HiBack C.G. & S. <b>DOWN BELOW ON SIDE</b>			
Other			
Bond Required <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount		

This application does not become a permit until signed below.

Plan Chk. OK by

Signature of Approval

**RD**

Date

**9/7/88**

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

Signature of Contractor or Authorized Agent

**W.E. Thornton**

Date

**9/7/88**

Signature of Owner (if owner)

Census Tract.	Traffic Zone	Coordinate Ident. No.
---------------	--------------	-----------------------

New S.L.U. Code No.

Old S.L.U. Code No.

117

Certificate of Occupancy

NOTE: 24 hours notice is required for all inspections.

P.O. BOX 1480  
 PARK CITY, UTAH 84060  
 PHONE 649-9321

DATE 9-7-88

REC'D FROM W E Threlton

UF ☐ GF ☒ CASH ☐  
 \_\_\_\_\_ FUND ☐ CHECK ☒ 35.0

[illegible]

51798

REC'D. BY                     

1455

97-250/1243

6/9

10  
11  
12

Dollars

W. E. THORNTON  
& COMPANY

5346 BAYWOOD CIRCLE 272-8029  
SALT LAKE CITY, UT 84117

SALT LAKE CITY, UT 84117

Pay to the  
Order of \_\_\_\_\_

Library File

City Center Office

**BRIGHTON BANK**

3411 S. State St. • Salt Lake City, Utah 84111

For

118

00200 79:140520E427:1 0557700

# BUILDING PERMIT APPLICATION

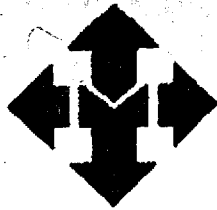
BECOMES PERMIT WHEN SIGNED

FOR INSPECTIONS CALL 645-5040

*Date of Application <b>12-4-91</b>		Date Withd <b>4-1-92</b>		Receipt No. <b>7663</b>		Date Recd <b>12/4/91</b>		Permit Number <b>6370</b>	
*Proposed Use of Structure <b>RENTAL</b>				<b>BUILDING FEE SCHEDULE</b>					
*Bldg. Address <b>1120 EMAGE AVE</b>				Square Ft. of Building		Valuation <b>8000</b>			
*Address Certificate No.				<input type="checkbox"/> Rough Basement		Building Fees		<b>60 00</b>	
Assessors Parcel No.				<input type="checkbox"/> Finish Basement		Plan Check Fees		<b>39 00</b>	
*Lot # *Block *Subd. Name & Number				Carport sq. ft.		Water Conn.			
*Property Location				Garage sq. ft.		Reinspection			
<input type="checkbox"/> *If metes and bounds see instructions				Type of Bldg.		Occ. Group		1% State	
*Total Property Area - In Acres or Sq. Ft. <b>5000</b>				No. of Bldgs.		R. Value		Water Dev.	
Total Bldg. Site Area Used <b>2112</b>				No. of Stories		Walls		Water Meter	
*Owner of Property				No. of Bedrooms		R		Impact	
Phone <b>278-6222</b>				No. of Dwellings					
*Mailing Address				Type of Construction					
<b>5346 BARBERA CIR SLC UT 84117</b>				<input type="checkbox"/> Frame <input type="checkbox"/> Brick Var.					
*Business Name Address				<input type="checkbox"/> Brick <input type="checkbox"/> Block <input type="checkbox"/> Concrete <input type="checkbox"/> Steel					
Business Lic. No.				Max. Occ. Load					
*Architect or Engineer				Fire Sprinkler <input type="checkbox"/> Yes <input type="checkbox"/> No		Total		<b>99 00</b>	
Phone <b>OWANEE / McNEIL ENGINEERING</b>				Special Approvals		Required		Received	
*General Contractor				Board of Adjustment				Not Req.	
Phone <b>OWANEE</b>				Health Dept.					
*Business Address				Fire Dept.					
*State Lic. No.				Soil Report					
*City Lic. No.				Water or Well					
*Electrical Contractor				Traffic Engineer					
Phone <b>LATEZ</b>				Flood Control					
*Business Address				Sewer Receipt					
*State Lic. No.				City Engineer (c					
*City Lic. No.				Gas					
*Plumbing Contractor				Comments:					
Phone <b>LATEZ</b>				10/26/92: Permit info not to be deck					
*Business Address									
*State Lic. No.									
*City Lic. No.									
*Mechanical Contractor				Land Use Cert.					
Phone <b>LATEZ</b>				Electrical Dept.					
*Business Address				HiBack C.G. & S.					
*State Lic. No.				Other					
*City Lic. No.				Bond Required <input type="checkbox"/> Yes <input type="checkbox"/> No		Amount			
*Previous Usage of Land or Structure (Past 3 yrs.)				This application does not become a permit until signed below.					
<b>RENTAL PERSON</b>				Plan Chk. OK by <b>Sm/pe</b>					
*Dwell. Units Now on Lot				Signature of Approval <b>Sm/pe</b>					
*Assessory Bldgs. Now on Lot				Date					
*Type of Improvement/Kind of Const.				This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.					
<input type="checkbox"/> Sign <input type="checkbox"/> Build <input type="checkbox"/> Remodel <input type="checkbox"/> Addition				* <b>Good Korte</b> <b>12491</b>					
<input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Convert Use <input type="checkbox"/> Demolish				Signature of Contractor or Authorized Agent					
*No. of offstreet parking spaces:				Signature of Owner (if owner)					
Covered Uncovered				(Date)					

<b>SUB-CHECK</b>		Zone <b>HR-1</b>	Zone Approved By <b>SLV</b>
Disapproved <b>12/4/91</b> Sub-Ck. By <b>SLV</b>			
Approved			
Date			
Minimum Setbacks in Feet			
Front	Side	Side	Rear
<b>as per existing</b>			
Indicate Street If Corner Lot			
Indicate North			
Plot Plan			
House or House & Garage if Attached			
STREET			

## 120



# McNEIL ENGINEERING, INC.

1952 EAST 7000 SOUTH, SUITE 209  
SALT LAKE CITY, UTAH 84121  
(801) 944-8112

DATE: Oct. 25, 1991  
TO: Geoff Morten  
Park City Building Dept.  
FROM: James M Williams  
RE: Kurt Thorton  
Log 196  
Empire Ave.

Transmitting a total of 4 pages

## COMMENTS:

Here is the unbalanced snow load / snow drift calculations on the hot tub deck, where the new roof sheds snow on it, as you requested. If you have any questions, or need any additional information of calculations, please contact our office.

Facsimile (801) 942-8165

## WOOD BEAM DESIGN

McNeil Engineering Inc.

Designed By: JMW

Length:  $l := 16 \text{ ft}$ Allowable bending stress Fb:  $Fb := 1700 \text{ psi} \cdot 1.25$ Allowable shear stress Fv:  $Fv := 95 \text{ psi} \cdot 1.25$ Modulus of elasticity:  $E := 1700000 \text{ psi}$ Calculate bending moment:  $M := 19469.76 \text{ ft} \cdot \text{lb}$ Calculate the shear:  $V := 4724.5 \text{ lb}$ 

Required section modulus:  $S := \frac{M}{Fb}$   $S = 109.947 \text{ in}^3$

Required area:  $A := 1.5 \cdot \frac{V}{Fv}$   $A = 59.678 \text{ in}^2$

Try: (4) 2 x 12  $b := 6 \text{ in}$   $d := 11.25 \text{ in}$ 

$$A := b \cdot d$$

$$= 67.5 \text{ in}^2$$

Check deflection:

$$I := b \cdot \frac{d^3}{12}$$

$$S := b \cdot \frac{d^2}{6}$$

$$S = 126.563 \text{ in}^3$$

$$I = 711.914 \text{ in}^4$$

$$\frac{1}{240} = 0.8 \text{ in}$$
 $y := 0.72 \text{ in}$ 

NOTE: an allowable deflection of 1/240 is ok for a snow drift condition. Please note that we have not increased the amount of potential snow drifting with the addition of a deck on top of the existing lower flat roof. We are adding (2) 2 x 12 to the existing (2) 2 x 12, thus increasing the roof strength by a factor of 2. The original framing has not had any problem for all of these years. The code requires a Wb of 50' min., but the tables show a Wb of 25', we used 50', but feel this is very conservative. Because this is a drift condition, we used a ldf of 1.25. The beam can carry the normal snow load with no ldf.





**McNEIL ENGINEERING, INC.**  
 1952 EAST 7000 SOUTH, SUITE 209 • SALT LAKE CITY, UTAH 84121  
 Phone (801) 944-8112 • Fax (801) 944-8165

CIVIL, STRUCTURAL ENGINEERING & LAND SURVEYING  
 PAVEMENT & ROOF CONSULTING

PROJECT

DATE

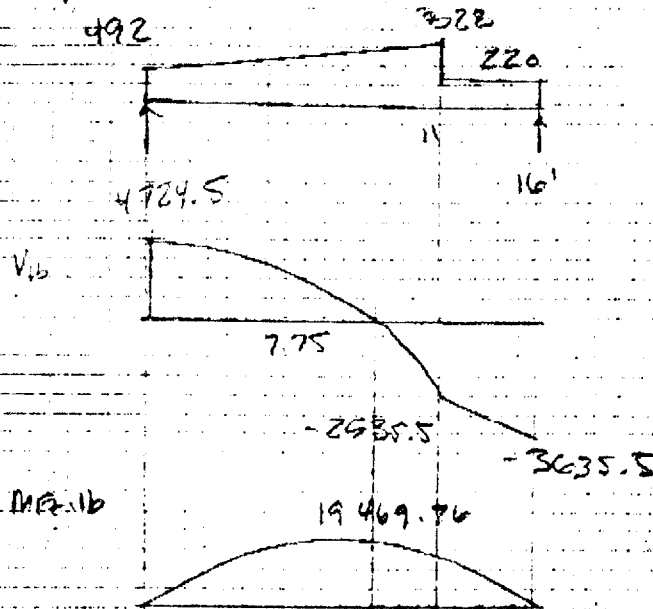
SHEET OF

2

DESIGNED BY

CHECKED BY

DECK / ROOF BEAMS  
 W/ SNOW DRIFTING



NOTE: IT IS MY OPINION  
 THAT THIS SNOW DRIFTING  
 CONDITION WILL PROBABLY  
 NEVER HAPPEN, DUE TO THE  
 FACT THAT THE ROOF IS AN  
 ATTACHED FRAME, AND THAT  
 THE CODE REQUIRED A  $W_b = 60'$ !

WE HAVE SHOWN BY CALCULATION  
 THAT THE ROOF WILL WITHSTAND  
 THIS LOAD, ALTHOUGH WE  
 REALLY HAVEN'T ALTERED THE  
 EXISTING CONDITIONS WITH  
 RESPECT TO DRIFTING OF SNOW.  
 THE BEAMS ARE DOUBLE WHAT  
 THEY WERE.

SEE NEXT SHEET FOR  
 CALCULATIONS

McNeil Engineering Inc.

Calc by: JMW

CALCULATION FOR POTENTIAL SNOW DRIFTING AS PER UBC 91:

Difference in ht between upper / lower roof:

$$h_r := 8 \cdot \text{ft}$$

Horiz. dist. of upper roof normal to drift:  
(50 ft min, 500 ft max)

$$W_b := 50 \cdot \text{ft}$$

Basic ground snow load:

$$P_g := 128.58 \cdot \text{psf}$$

Snow exposure coefficient:

$$C_e := 0.7$$

Importance factor:

$$I := 1.0$$

Roof snow load:

$$P_f := C_e \cdot I \cdot P_g$$
$$P_f = 90.006 \cdot \text{psf}$$

Snow density:

$$D := 0.13 \cdot P_g + 14 \cdot \text{psf}$$
$$D = 30.715 \cdot \text{psf}$$

$$D := \text{if}(D \leq 35 \cdot \text{psf}, D, 35 \cdot \text{psf})$$

$$D = 30.715 \cdot \text{psf}$$

Ht of ballance snow load:

$$h_b := \frac{P_f}{D}$$
$$h_b = 2.93$$

$$h_r - h_b \cdot \text{ft}$$

$$\frac{h_r - h_b \cdot \text{ft}}{h_b} = 1.73 \cdot \text{ft}$$

If < 0.2 neglect drifting

Ht of drift surcharge:

(See figure A-11)

$$h_d := 3.5 \cdot \text{ft}$$

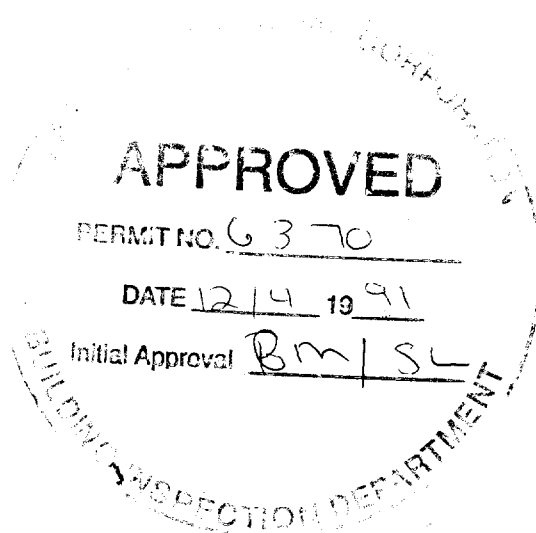
Max. intensity of snow w/ drift:  
( $< D \cdot h_r = 245.723 \cdot \text{length} \cdot \text{psf}$ )

$$P_m := D \cdot (h_d + h_b \cdot \text{ft})$$
$$P_m = 197.51 \cdot \text{length} \cdot \text{psf}$$

Effective width of snow drift:

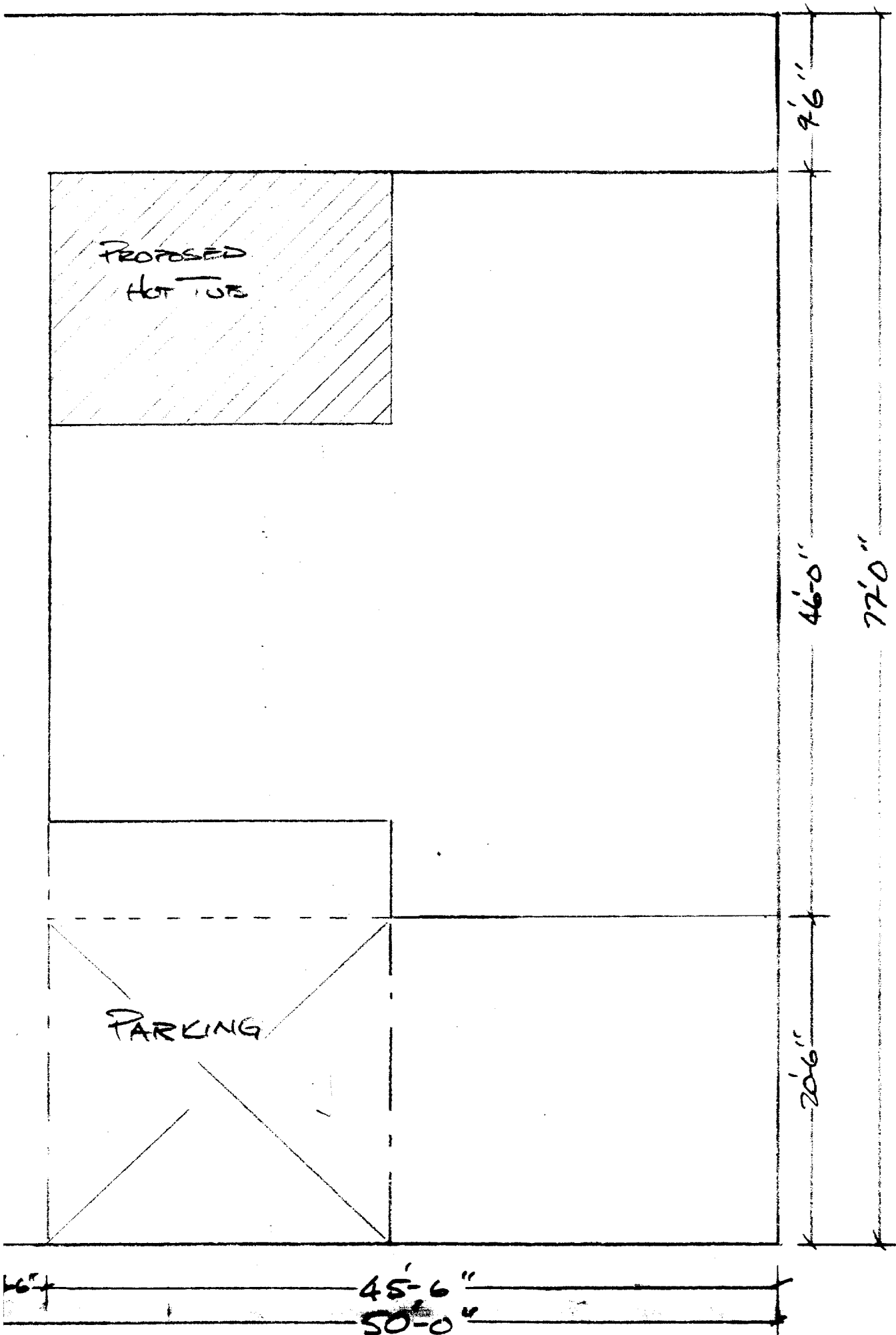
$$W_d1 := 4 \cdot h_d$$
$$W_d1 = 14 \cdot \text{ft}$$
$$W_d2 := 4 \cdot (h_r - h_b \cdot \text{ft})$$
$$W_d2 = 20.279 \cdot \text{ft}$$
$$W_d = 14 \cdot \text{ft}$$

$$W_d := \text{if}(W_d1 < W_d2, W_d1, W_d2)$$

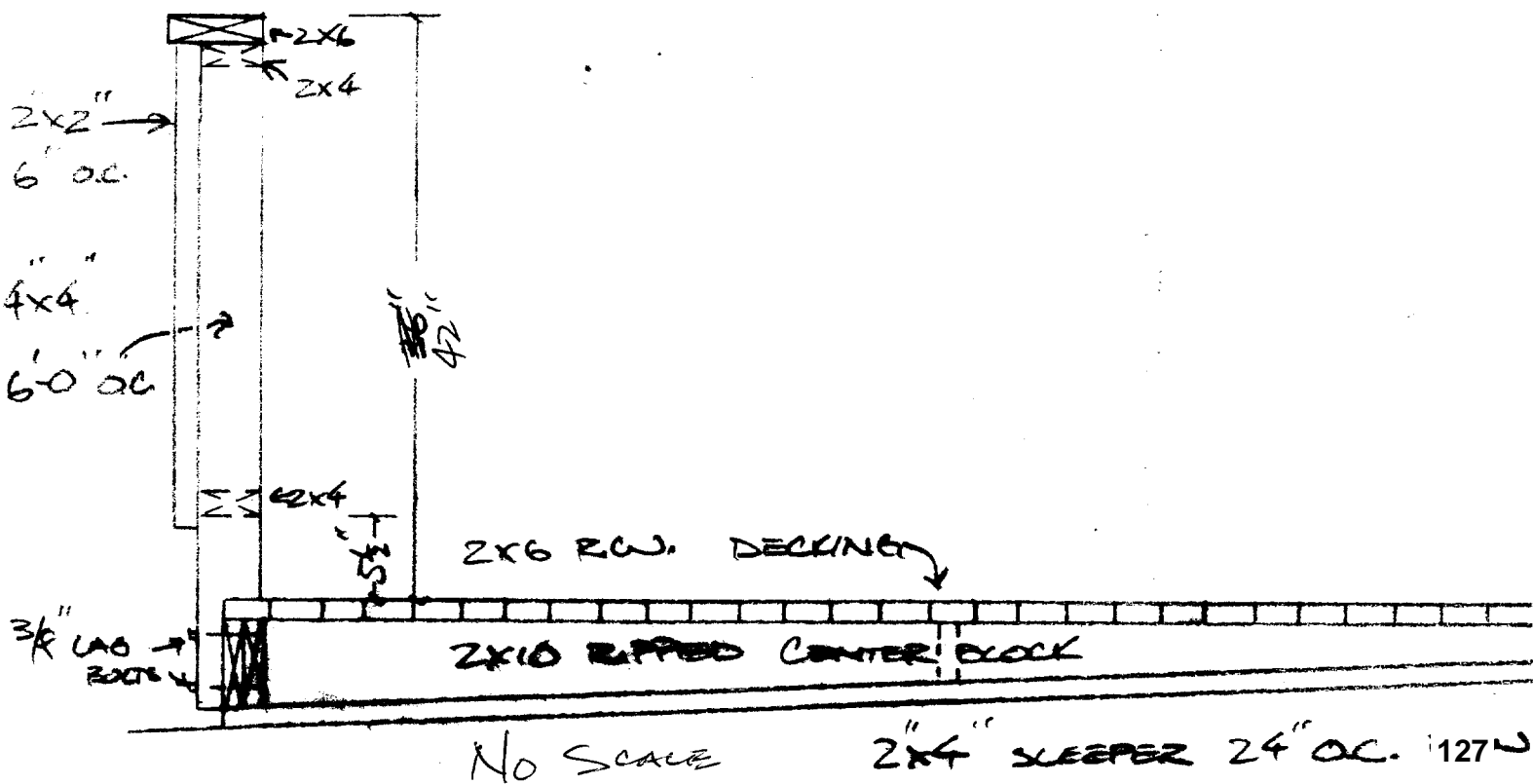
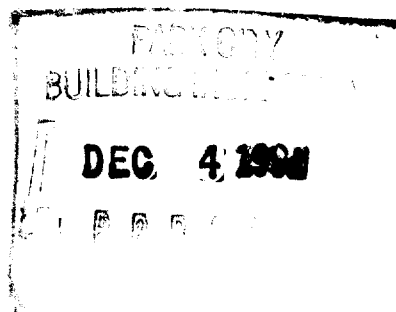


THORNTON, RESIDENCE  
1120 EMPIRE AVE

PLOT PLAN



2-1<sup>3</sup>/<sub>4</sub> MICRO LAMS



2X10 PLATE 3/8 LAG BOLT  
TO ANCHOR 4" O.C.

2X10 @ 16" O.C.  
DOUBLE AS ENGINEERED  
METAL CORSET EACH END

2-2X10 BEAM  
SUPPORTED BY  
2X4 WALL  
16" O.C.

4X6 POST

REMOVE EXISTING SHINGLES & APPLY ICE  
& WATER SHIELD 36" (MIN) OUT TO EXISTING  
ROOF - RE-APPLY NEW SHINGLES

NEW SINGLE PLY ROOFING FOR LOW  
SLOPE APPLICATIONS

CENTER LINE OF  
BEARING WALL  
TO FOUNDATION

HOT  
TUB

2-1 3/4" X 1 1/4"  
MICRO LAG

FIELDS VERIFY  
ALL ELECTRICAL  
TO MEET 90  
N.E.C.

1/4" SCALE



# BUILDING SIMPLE PERMIT

PO BOX 1480 • 445 MARSAC AVE • PARK CITY, UTAH 84060  
(435) 615-5100

**Site Address:** 1120 EMPIRE AVE  
PARK CITY UT 84060

**PERMIT NUMBER:** BD-14-20135  
**PARCEL NUMBER:** SA-181-A  
**STATE PERMIT #:**  
**ISSUED DATE:** 7/21/2014

**Project Name:**

## OWNER

FASQUE LLC  
1741 SIDEWINDER DR STE 200  
PARK CITY UT 84060

## CONTRACTOR

Sellers Manage & Develop Co  
2497 E FORT UNION BLVD  
SALT LAKE CITY UT 84121

**State License:** 378310-5501  
**Expires:** 11/30/2015

INVESTIGATION FEE N  
UNIT TYPE ADDITIONS/ALTERATION I  
CONSTRUCTION VALUE 7200  
WAIVE FEES no

## FEES

BUILDING PERMIT FEE	54.00
PLAN CHECK FEE	35.10
STATE FEE	0.54
<b>Total Permit Fees</b>	<b>89.64</b>

## PERMIT DESCRIPTION

Replace decking over existing concrete slab

This department must have 24 hrs. notice for all inspections  
(435) 615-5100

All work must be inspected prior to concealment

## Conditions:

Cond:

## Valuation Items:

<u>Occupancy</u>	<u>Type</u>	<u>Factor</u>	<u>Sq Feet</u>	<u>Valuation</u>
<b>TOTALS</b>				

I certify that no work will be done except as described above or on accompanying plans. Issuance of this permit shall not be construed as approval of any violation of the codes, laws or ordinances as adopted by the City of Park City or the State of Utah.

SIGNATURE

Sean MacLeod

DATE

7.21.2014

PRINT NAME:

SEAN MacLEOD



# DEPARTMENT OF BUILDING SAFETY

Park City Municipal

445 Marsac Ave.

Park City UTAH 84060

Office: 435- 615-5100

Inspection Line: 435- 615-5103

Received:

7/21/14

Building Permit Number:

BD-14-20135

## BUILDING PERMIT APPLICATION

Property Address: 1120 EMPIRE AVE

Property Owner: DANIAN ROUSCH I

Phone: 435 649 2424

Mailing Address: (If different than property address)

Address: 875 IRON HORSE DR

City: PARK CITY

State: UT

Zip: 84060

Contractor: GRANT WILLIAMSON

Phone: 801-509-9605

State License #: 3783105501

Business Lic. # (if applicable):

Architect: N/A

Phone: State License #:

Email address (for corrections):

Description or purpose of work: Replace decking over concrete slab. Rebuild stairs attached to deck. Sleeve and plate gas line. 1/2" plate for gas line.

Valuation of Work \$ 7200.00  
Exclude mech/elec/plumb value  
separate permits required

Sq. feet 900

BTU'S

AMPS

UNITS

### SIGNATURE OF UNDERSTANDING AND AGREEMENT:

I hereby certify that the setback distances proposed by this permit application are accurate, and do not violate applicable ordinances, rules or regulations of Park City Municipal Corporation or covenants, easements or restrictions of record; that all measurements shown, and allegations made are accurate; that I have read and agree to abide by all conditions printed on this application and that I assume full responsibility for compliance with the State of Utah Building Code (I.B.C.), Park City's Municipal and Land Use Ordinance and all other applicable Ordinances, for work under this permit.

Plans Subject to Field Inspection

SIGNED

Sean MacLeod

PRINTED

SEAN MacLEOD

### DEPARTMENT USE ONLY

#### PLANNING COMMENTS:

Reviewer and Date:

#### ENGINEERING COMMENTS:

Reviewer and Date:

#### ENVIRONMENTAL COMMENTS:

Reviewer and Date:

#### BUILDING COMMENTS:

Reviewer and Date:

#### OTC INFORMATION

CE's: ☒ N/A ☐ 2X FEE: \_\_\_\_\_

SOILS: ☒ NO ☐ YES

HOA: ☐ N/A ☒ RECEIVED

CONDO/SUBDIVISION: \_\_\_\_\_

VALID LIC: ☐ N/A ☒ OK TYPE: B120

YR. BUILT: \_\_\_\_\_ ☐ GIVEN HANDOUT





## CONSTRUCTION MITIGATION AGREEMENT

PERMIT #: \_\_\_\_\_

ADDRESS: 1170 EMPIRE PARK CITY UT. 84060

Contractor Name: GRANT WILLIAMSON

Contractor Address: 12636 So. 125 W. Ste. A, DRAPER UT. 84020

Contact Person: SEAN MacLEOD

Contact Phone: 801 419 8626

When signing this agreement, the responsible party(ies) acknowledges reading and understanding the conditions of the construction mitigation plan and hereby agrees to comply with not only this, but all applicable city ordinances. A copy of the construction mitigation plan will be kept on-site for all contractors/sub-contractors to have access to at all times. This form shall serve as a notice that failure to comply with the mitigation conditions will result in enforcement action. \*Additional restrictions may apply please see the specific construction mitigation agreement if applicable\*

### Subject to Change

Print Name: SEAN MacLEOD

Signature: Sean MacLeod Date: 7.21.2014

## STORM WATER POLLUTION ACKNOWLEDGMENT

As the project owner or authorized agent of the owner, I have read and understand the requirements listed in the storm water pollution attachment A for construction activities to control storm water pollution from sediments, erosion and construction materials. I certify that I will comply with these requirements.

Print Name: SEAN MacLEOD

Signature: Sean MacLeod Date: 7.21.2014

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_



ENGINEERS  
SURVEYORS  
PLANNERS

July 16, 2014

Sean Macleod  
12636 S. 125 W. Suite A  
Draper, UT 84020

**RE Empire Deck (LEI #2014-1233)**

To Whom It May Concern:

We understand that the existing decking and sleepers are being removed and replaced on the deck/patio of the home located at 1120 Empire Avenue, Park City, Utah.

No additional gravity or lateral analysis was performed for the existing structure and no recommendations or observations are expressed or implied concerning the performance of the existing structure. LEI Engineers and Surveyors, Inc. assumes no liability for the existing structure outside the scope of the provided calculations.

See the attached calculation and notes. Please call if you have any questions or concerns.  
Thank you.

Sincerely,

Jason Hall  
LEI Engineers and Surveyors, Inc.

**Attachments**

Reviewed by:

Jared R. Palfreyman, P.E.  
Bluffdale Structural Manager



APPROVED  
PARK CITY MUNICIPAL CORP

JUL 21 2014

BUILDING DEPT.

D.K.  
Per  
CBO

- Civil Engineering
- Structural Engineering
- Surveying
- Land Planning
- Landscape Architecture



Structural Review for: Empire Deck  
Location: Park City, Utah  
Job #: 2014-1233  
Engineered by: J. Hall  
Code: 2012 IBC

Loadings

Risk Category: II

Ground Snow Load:

Elevation = 6990 ft  
County = Summit  
 $A_o = 5$   
 $S = 63$   
 $P_o = 86$   
 $P_g = 152.0$  psf

Roof Snow Load:

$C_t = 1.1$   
Roof Exposure  $C_e = 0.9$  Full  
 $I = 1.0$   
 $P_f = 105.4$  psf

Roof Dead Load:

DL = 15 psf

Floor Loadings:

Dead Load = 10 psf  
Live Load = 40 psf

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PARK CITY MUNICIPAL CORP

JUL 21 2014



BUILDING DEPT.



## Snow Drift Calculations

Roofing Material = Shingle/Tile  
Ground Snow Load  $p_g$  = 152 psf  
Flat Roof Snow Load  $p_f$  = 105 psf  
Roof Pitch = 6  
Angle = 27  
 $C_s$  = 1.00  
Sloped Roof Snow Load  $p_s$  = 105 psf  
 $\lambda$  = 30.00  
Height of normal Snow Load  $h_b$  = 3.51 ft

### Drift #1

Roof Height Difference  $h_c$  (ft) = 18  
Does Drift Exist ( $h_c/h_b < .2$ )? **Yes**

Length of upper roof  $l_u$  (ft) = 40  
Height of Drift  $h_d$  (ft) = 3.7  
 $w$  (ft) = 15  
Max drift width (ft) = 144  
Drift tapers to zero @  $w$  (ft) = 15

Drift Load  $p_d$  (psf) = 112

**Total load (psf) = 218**

---

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PARK CITY MUNICIPAL CORP  
JUL 21 2014 *D.R.*  
BUILDING DEPT.



## Preface & Structural Notes

This engineering report is valid only for the following plan and location:

**Empire Deck**  
**1120 Empire Avenue, Park City, Utah**

### **NOTE TO PLAN CHECKER AND BUILDING INSPECTOR:**

**If the above address does not match the intended building address, notify LEI immediately @ 801-798-0555. This engineering packet is to be used only once for the above mentioned location and is not to be copied or reproduced without written consent of LEI Consulting Engineers.**

#### Structural Notes:

##### General Notes

- 1 If values and assumptions stated in this report are incorrect, or if changes in the field are noticed which are different from those stated in this report, the engineer must be notified in order for the necessary corrections to be made.
- 2 If there are any discrepancies between the calculations and the drawings, these calculations shall supercede.
- 3 This engineering report deals only with the structural parts of the building and does not provide liability to the non-structural parts.
- 4 If plans are stamped in conjunction with this engineering packet, certification pertains only to the structural elements of the plans.
- 5 The general contractor is responsible for the method, means, and sequence of all structural erection except when specifically noted otherwise on the drawings. He shall provide temporary shoring and bracing as his method of erection requires to provide adequate vertical and lateral support during erection. This shoring and bracing shall remain in place until all permanent members are placed and all final connections are completed including all roof and floor attachments.

##### Site Preparation

- 1 Do not place footings or foundations on disturbed soils, undocumented fill, debris, frozen soil, or in ponded water.
- 2 All slabs on grade shall be underlain by 4 in. of free-draining granular material such as "pea" gravel or 3/4 - 1 in. minus clean gravel.
- 3 Footings, foundations, excavations, grading and fill shall be performed as per the geotechnical report.

##### Concrete

- 1 All concrete footings and slabs on grade shall have a 28 day minimum strength = 2500 psi.
- 2 All concrete foundation walls and retaining walls shall have a 28 day minimum strength = 3000 psi.
- 3 Concrete shall be thoroughly consolidated by suitable means during placement.
- 4 Footings shall be centered below the wall and/or column above, typical unless noted otherwise.
- 5 Exterior footings shall bear below the effects of frost.
- 6 Stagger footing construction joints from wall construction joints above by at least 6 feet.
- 7 Reinforcing in continuous footings shall be continuous at corners and/or intersections by providing proper lap lengths and/or corner bars.
- 8 Interior slabs on grade shall be a min. of 4" thick.
- 9 Place vertical reinforcing in the center of the wall (except for retaining walls or when each face is specified).
- 10 Vertical reinforcing shall be dowelled to footing or structure below and to structure above with the same size bar and spacing, typical U.N.O.
- 11 Provide corner bars at all intersections and corners. Use same size bar and spacing as the horizontal reinforcing.
- 12 Horizontal reinforcing shall terminate at the ends of the walls and at openings with a standard hook.
- 13 Provide drainage at the base of retaining walls.

##### Reinforcing Steel

- 1 Reinforcing steel shall be new stock deformed bars and shall conform to ASTM A615, grade 60, with a design yield strength = 60 ksi.
- 2 Reinforcing steel shall be free of loose, flaky rust, scale, grease, oil, dirt, and other materials which might affect or impair bond.
- 3 Splices in continuous reinforcing shall be made on areas of compression and/or at points of minimum stress, typical U.N.O.
- 4 Lap splices shall be 40 bar diameters or 24" long in concrete. Dowels shall have a minimum of 30 bar diameters embedment.
- 5 Bends shall be made cold; do not use heat. Do not un-bend or re-bend a previously bent bar.
- 6 Reinforcing steel in concrete shall be securely anchored and tied in place prior to placing concrete and shall be positioned with the following minimum cover:  
concrete cast against and permanently exposed to earth = 3"  
concrete exposed to earth or weather = 1 1/2"  
slabs on grade = center of slab

##### Structural Steel

- 1 Structural steel W-shapes shall conform to ASTM A992 grade 50 enhanced steel. Structural steel plates shall conform to ASTM A36.
- 2 Structural steel HSS-shapes shall conform to ASTM A500, grade B, with a min. yield strength  $F_y = 46$  ksi (rectangular) or  $F_y = 42$  ksi (round).
- 3 Structural pipe shall conform to ASTM A53, with a min. yield strength  $F_y = 36$  ksi.
- 4 High strength bolts shall conform to ASTM A325, all other bolts shall conform to ASTM A307 or better.
- 5 Welded anchor studs and deformed bar anchors shall conform to the manufacturer's specs.
- 6 Fabrication shall be done in an approved fabricator's shop.
- 7 Use high strength (8000 psi min. at 28 days), non shrink, liquid epoxy grout beneath all steel base plates and bearing plates.
- 8 Bolt shall be bearing type connections U.N.O.
- 9 Steel to steel bolted connections shall be made with ASTM A325 high strength bolts and nuts, U.N.O.
- 10 All other bolted connections shall be made with bolts and nuts conforming to ASTM A307 U.N.O., including anchor bolts.
- 11 Bolted connections shall be tightened and shall have washers as required by AISC U.N.O.
- 12 Enlarging of holes shall be accomplished by means of reaming. Do not use a torch on any bolt holes.
- 13 Welded connections shall be made using low hydrogen matching filler material electrodes, U.N.O.
- 14 Welders shall be currently certified according to AWS within the last year. All welding procedures shall be pre-qualified. Welders shall follow welding procedures.
- 15 Welding and gas cutting shall be done per AWS.
- 16 Welds shall have the slag removed.





**Structural Notes (cont):**

**Masonry Veneer Anchor Ties**

- 1 Masonry veneer ties shall be one of the following:
  - a. Dovetail anchors
  - b. DX-10 seismic clip interlock system by Hohmann & Barnard
  - c. Engineer approved 2 piece adjustable hot-dipped galvanized ties.
- 2 Maximum spacing shall be 16" o.c. horizontal and vertical.
- 3 Provide continuous horizontal galvanized #9 wire in center third of mortar joints at 16" o.c. Engage #9 wire with all anchor ties in seismic zone category E.

**Wood Truss**

- 1 Bottom chords of trusses, acting as ceiling members must be able to support a 10 psf live load per IBC requirements.
- 2 The truss manufacturer shall be responsible for the design and fabrication of the pre-engineered trusses.
- 3 The trusses shall be designed as per the attached engineering specs.
- 4 The trusses shall be designed to carry any additional loads due to mechanical units, overhead doors, roof overbuilds, etc.
- 5 The trusses shall be designed per the IBC and local ordinances.
- 6 All members shall be designed for combined stresses based on the worst loading condition.
- 7 The truss manufacturer shall indicate proper bracing of compression chord members @ 6' long (or longer), as well as bracing for truss erection.
- 8 All dimensions shall be field verified prior to fabrication.
- 9 The contractor shall be responsible for the installation of the trusses per the truss manufacturer's recommendations and specs.
- 10 No web or chord members shall be modified in the field without approval from the truss engineer.
- 11 The project engineer is not responsible for the pre-engineered trusses, nor for the installation of the trusses.
- 12 Contractor is to verify truss layout is consistent with these plans and notify engineer of any deviations.

**General Framing**

- 1 All joists, rafters, posts and headers shall be DF-L #2 or equal U.N.O. If TJI's or equal are used, they must be installed per manufacturer's specs.
- 2 All joists and rafters shall have solid blocking at their bearing points.
- 3 All wood/lumber placed onto concrete shall be pressure treated or redwood.
- 4 Verify all beam sizes with engineering specs.
- 5 All beams and headers over 6'-0" shall be supported by double trimmer studs U.N.O.
- 6 All headers over 8'-0" shall have double king studs at each end U.N.O.
- 7 All over frame areas are to have full roof sheathing below.
- 8 Provide solid blocking and continuous bearing to foundation at all bearing point loads from above.
- 9 Provide double floor joists below all parallel bearing walls above.
- 10 Glulam beams shall be 24F-V4 DF/DF for single spans and 24F-V8 DF/DF for multiple spans and cantilevered spans.
- 11 Microllam beams shall be Laminated Veneer Lumber (LVL) with the following minimum design values: E=1,900,000 psi, Fb=2,600 psi, Fv=285 psi
- 12 Parallam beams shall be Parallel Strand Lumber (PSL) with the following minimum design values: E=2,000,000 psi, Fb=2,900 psi, Fv=290 psi.
- 13 TimberStrand beams shall be Laminated Strand Lumber (LSL) w/ the following minimum design values:
  - 1-1/4" wide (rim board): E=1,300,000 psi, Fb=1,700 psi, Fv=425 psi.
  - 1-3/4" wide: E=1,550,000 psi, Fb=2,325 psi, Fv=310 psi.
- 14 All rafters and joists over 3 ft long shall be hangered if not supported by bottom bearing.
- 15 All hangers and other wood connections must be designed to carry the capacity of the member that they are supporting.
- 16 No structural member shall be cut or notched unless specifically shown, noted or approved by engineer.
- 17 Lag screws shall be inserted in a drilled pilot hole 60 - 75% of the shank diameter by turning with a wrench, not by driving with a hammer.
- 18 Nails are to be common wire U.N.O.
- 19 All bolt holes shall be drilled with a bit 1/32" to 1/16" larger than the nominal bolt diameter.
- 20 All joints in wall sheathing shall occur in the middle of a plate or block and nailed on each side of the joint w/ edge nailing per the shearwall sched.
- 21 All over built roof rafters shall be braced vertically to the trusses below at 4' o.c. max.
- 22 Double top plates are to have a minimum 48" lap splice w/ (8) 16d nails U.N.O.
- 23 All fasteners and connectors in contact with treated lumber shall be galvanized G90 or better.

**APPROVED  
PARK CITY MUNICIPAL CORP**

**JUL 21 2014**

*J.R.*

**BUILDING DEPT.**



Project: 2014-1233

Location: DJ01

Floor Joist

[2009 International Building Code(2005 NDS)]

1.5 IN x 5.5 IN x 6.0 FT (2 + 2 + 2) @ 8 O.C. (Weak Axis Bending - Flat Use)

#2 - Redwood - Dry Use

Section Adequate By: 366.0%

Controlling Factor: Deflection

DEFLECTIONS	Left	Center	Right
Live Load	0.01 IN L/2237	0.01 IN L/3278	0.01 IN L/2237
Dead Load	0.00 in	0.00 in	0.00 in
Total Load	0.01 IN L/2104	0.01 IN L/3255	0.01 IN L/2104
Live Load Deflection Criteria: L/480 Total Load Deflection Criteria: L/360			

REACTIONS	A	B	C	D
Live Load	65 lb	174 lb	174 lb	65 lb
Dead Load	5 lb	15 lb	15 lb	5 lb
Total Load	71 lb	189 lb	189 lb	71 lb
Uplift (1.5 F.S)	-4 lb	-5 lb	-5 lb	-4 lb
Bearing Length	0.02 in	0.05 in	0.05 in	0.02 in

BEAM DATA	Left	Center	Right
Span Length	2 ft	2 ft	2 ft
Unbraced Length-Top	0 ft	0 ft	0 ft
Unbraced Length-Bottom	0 ft	0 ft	0 ft
Floor sheathing applied to top of joists-top of joists fully braced.			
Floor Duration Factor	1.00		

#### MATERIAL PROPERTIES

#2 - Redwood

	Base Values	Adjusted
Bending Stress:	Fb = 925 psi	Fb' = 1383 psi
	Cd=1.00 Cl=1.00 CF=1.30 Cfu=1.15	
Shear Stress:	Fv = 160 psi	Fv' = 160 psi
	Cd=1.00	
Modulus of Elasticity:	E = 1200 ksi	E' = 1200 ksi
Min. Mod. of Elasticity:	E_min = 440 ksi	E_min' = 440 ksi
Comp. $\perp$ to Grain:	Fc $\perp$ = 650 psi	Fc $\perp$ ' = 650 psi

Controlling Moment: -37 ft-lb

Over right support of span 2 (Center Span)

Created by combining all dead loads and live loads on span(s) 2, 3

Controlling Shear: -98 lb

At right support of span 1 (Left Span)

Created by combining all dead loads and live loads on span(s) 1, 2

Comparisons with required sections:	Req'd	Provided
Section Modulus:	0.32 in3	2.06 in3
Area (Shear):	0.92 in2	8.25 in2
Moment of Inertia (deflection):	0.33 in4	1.55 in4
Moment:	-37 ft-lb	238 ft-lb
Shear:	-98 lb	880 lb



Jason Hall  
LEI Consulting Engineers  
14441 S. 980 W.  
Bluffdale, UT 84065

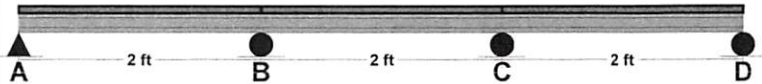
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#### LOADING DIAGRAM



#### JOIST LOADING

Uniform Floor Loading	Left	Center	Right
Live Load	LL = 109 psf	109 psf	109 psf
Dead Load	DL = 10 psf	10 psf	10 psf
Total Load	TL = 119 psf	119 psf	119 psf
TL Adj. For Joist Spacing wT =	79.3 plf	79.3 plf	79.3 plf

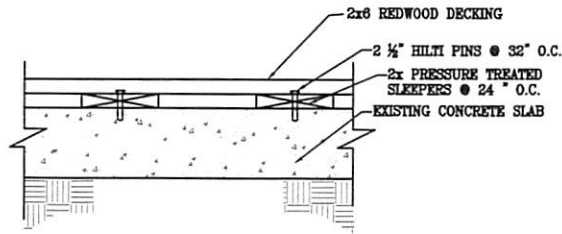
APPROVED  
PARK CITY MUNICIPAL CODE  
JUL 21 2014  
BUILDING DEPT





**LEI**  
ENGINEERS  
SURVEYORS  
PLANNERS  
3302 N. Main Street  
Spanish Fork, UT 84660  
Phone: 801.798.0555  
Fax: 801.798.9393  
office@lei-eng.com  
www.lei-eng.com

STRUCTURAL ELEMENTS ONLY



1 DECK FRAMING

2 NOT USED

APPROVED  
PARK CITY MUNICIPAL CORP  
JUL 21 2014  
BUILDING DEPT.

3 NOT USED

4 NOT USED

DIMENSIONS  
SHOWN ON THE  
STRUCTURAL  
PLANS ARE FOR  
CONVENIENCE  
ONLY. VERIFY ALL  
DIMENSIONS WITH  
THE CURRENT  
ARCHITECTURAL  
PLANS PRIOR TO  
CONSTRUCTION.

**EMPIRE DECK**  
1120 EMPIRE AVENUE, PARK CITY, UTAH  
**STRUCTURAL DETAILS**

DRAWN BY:  
**JCH**  
SCALE:  
**NTS**  
DATE:  
**7/16/2014**

LEI PROJECT #:  
**2014-1233**

SHEET  
**SD.1**



# BUILDING PERMIT

## PARK CITY DEPARTMENT OF BUILDING SAFETY

INSPECTION RECORD  
445 MARSAC AVE PARK CITY UTAH 84060  
OFFICE PHONE (435)615-5100

ADDRESS <i>1120 Empire Ave</i>	PERMIT # <i>BD-14-20135</i>
CONTRACTOR <i>Grant Williamson</i>	DATE ISSUED <i>7/21/14</i>
CONTRACTOR TEL # <i>801-509-9605</i>	ELECTRICAL CONTRACTOR
PLUMBING CONTRACTOR	MECHANICAL CONTRACTOR

TYPE OF PERMIT	SFD	<u>MULTI RES</u>	COMM	GRADING	OTHER	
CLASS OF WORK	NEW	ADDITION	ALTERATION	<u>REPAIR</u>	DEMO	OTHER

THE FOLLOWING INSPECTIONS ARE REQUIRED BY LAW

~~INSPECTION REQUIRED FOR NEXT BUSINESS DAY~~  
INSPECTION LINE (435)615-5103  
OR ONLINE AT [WWW.PARKCITY.ORG](http://WWW.PARKCITY.ORG)

SITE	DATE	INSPECTOR	ROUGH INSP	DATE	INSPECTOR
SOILS			ROUGH PLUMBING		
TEMP ELECTRIC			ROUGH ELECTRICAL		
			ROUGH MECHANICAL		
			ROUGH FRAMING		
			GAS LINE INSPECTION	<i>7/22/14</i>	<i>D.K</i>
<b>FOUNDATION</b>			FIRE SPRINKLERS		
L.O.D.			SHEAR WALL		
SETBACKS			ROOF FRAME/SHEET		
FOOTINGS			ROOF DRY IN		
FOUNDATION			WEATHER BARRIER		
RETAINING WALL			DESIGN REVIEW(PLNG)		
STRUCTURAL SLAB			INSULATION		
			DRYWALL		
<b>SUB-ROUGH</b>			MISC.		
SUB-ROUGH PLUMB			GAS TURN ON		
SUB-ROUGH MECH			SHOWER PAN(S)		
SUB-ROUGH ELEC			MASONRY/STUCCO		
STRUCTURAL SLAB			FIRE WALLS		
			POWER TO PANEL		

FINAL	DATE	INSPECTOR	FINAL	DATE	INSPECTOR
ELECTRICAL			FINAL DESIGN(PLANNING)		
PLUMBING			LANDSCAPING(PLANNING)		
MECHANICAL			PUBLIC IMPROVE (ENG)		
FINAL BUILDING	<i>11.3.14</i>	<i>Em</i>	CERTIFICATE OF OCC.		
FIRE SPRINKLER					

**\$75 REINSPECTION FEE IF LOST/STOLEN**

THIS CARD MUST BE POSTED ON THE JOB SITE AT ALL TIMES  
OR INSPECTIONS **WILL NOT** TAKE PLACE

THIS INSPECTION CARD MUST BE RETURNED TO THE BUILDING DEPARTMENT  
**PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY**





# BUILDING PERMIT

DECISIONS RELATIVE TO THIS APPLICATION ARE SUBJECT TO REVIEW BY THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPAL OR COUNTY ENTITY ISSUING THE SINGLE-FAMILY RESIDENTIAL BUILDING PERMIT AND APPEAL UNDER THE INTERNATIONAL RESIDENTIAL CODE (I.R.C) AS ADOPTED BY THE LEGISLATURE.

SEE BELOW FOR INSPECTOR COMMENTS

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper. A small dark smudge is visible near the top left corner, and some very faint, illegible marks appear along the right edge.

**PARK CITY COMPLIANCE INSPECTION REPORT**

445 MAINTENANCE AVE., P.O. BOX 1480, PARK CITY, UT 84060

PHONE (435) 615-5100

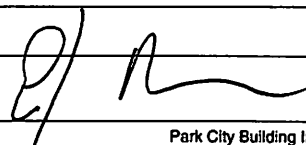
Property Address 1120 Empire Lot No. \_\_\_\_\_ Date 11.3.14Contractor S9/HSC Time \_\_\_\_\_Permit No. BD-14-20135

Inspection Kind <input checked="" type="checkbox"/> COMM. <input checked="" type="checkbox"/> RES.		<input type="checkbox"/> BLDG. <input type="checkbox"/> MECH. <input type="checkbox"/> SPECIAL	<input type="checkbox"/> ELEC. <input type="checkbox"/> ZONING <input type="checkbox"/> FIRE SPRINKLER	<input type="checkbox"/> PLBG. <input type="checkbox"/> PREINSPECTION <input type="checkbox"/> HOUSING	Reason for Inspection <input checked="" type="checkbox"/> CALLED <input type="checkbox"/> ROUTINE <input type="checkbox"/> COMPLAINT <input type="checkbox"/> PICK UP
RESULTS OF INSPECTION  see comments for explanation		<input checked="" type="checkbox"/> WORK APPROVED		<input type="checkbox"/> WORK IN VIOLATION	<input type="checkbox"/> grading <input type="checkbox"/> struct. steel <input type="checkbox"/> underground <input type="checkbox"/> flush test
		<input type="checkbox"/> WORK INCOMPLETE			<input type="checkbox"/> footings <input type="checkbox"/> masonry <input type="checkbox"/> insulation <input type="checkbox"/> pressure test
				<input type="checkbox"/> foundation <input type="checkbox"/> columns <input type="checkbox"/> drywall <input type="checkbox"/> water meter	
				<input type="checkbox"/> retain wall <input type="checkbox"/> frame <input type="checkbox"/> susp. ceiling <input type="checkbox"/> laterals	
			<input type="checkbox"/> slab <input type="checkbox"/> rough <input type="checkbox"/> trusses <input checked="" type="checkbox"/> final		
			<input type="checkbox"/> rebar <input type="checkbox"/> nailing <input type="checkbox"/> power <input type="checkbox"/> other		
				<input type="checkbox"/> make necessary corrections <input type="checkbox"/> prior violations not corrected	
				<input type="checkbox"/> reinspection required <input type="checkbox"/> prior violations corrected	
				<input type="checkbox"/> reinspection fee required prior to reinspection <input type="checkbox"/> items listed below will be inspected at next regular inspection	
		<input type="checkbox"/> UNABLE TO MAKE INSPECTION		<input type="checkbox"/> Cannot locate structure or unit. <input type="checkbox"/> Need Revised Plans Approved.	
		<input type="checkbox"/> Issued Stop Work Order, Do Not Proceed With Work		<input type="checkbox"/> Building inaccessible/locked. <input type="checkbox"/> Approved plans not available.	
		<input type="checkbox"/> Obtain Building, Elect., Plumbing, Mechanical or Applicable Permits			

**COMMENTS**DECK WORK COMPLETEOK TO CLOSE

032457

Signed



Park City Building Inspector

141

Handwritten notes at top right, including "11/10" and "11/11".

Main body of handwritten notes, including "11/10" and "11/11".

Large handwritten notes in the lower half of the page, including "11/10" and "11/11".

# PARK CITY COMPLIANCE INSPECTION REPORT

445 MARSAC AVE., P.O. BOX 1480, PARK CITY, UTAH 84060

PHONE (435) 615-5100

Property Address 1120 Empire Ave Lot No. \_\_\_\_\_ Date 7/22/14  
 Contractor Sellers Manage & Develop Time \_\_\_\_\_

Permit No. BD-14-20135

Inspection Kind <input type="checkbox"/> COMM. <input checked="" type="checkbox"/> RES.		<input type="checkbox"/> BLDG. <input type="checkbox"/> MECH. <input type="checkbox"/> SPECIAL	<input type="checkbox"/> ELEC. <input type="checkbox"/> ZONING <input type="checkbox"/> FIRE SPRINKLER	<input checked="" type="checkbox"/> PLBG. <input type="checkbox"/> PREINSPECTION <input type="checkbox"/> HOUSING	Reason for Inspection <input checked="" type="checkbox"/> CALLED <input type="checkbox"/> ROUTINE <input type="checkbox"/> COMPLAINT <input type="checkbox"/> PICK UP
RESULTS OF INSPECTION  see comments for explanation		<input checked="" type="checkbox"/> WORK APPROVED		<input type="checkbox"/> WORK IN VIOLATION	<input type="checkbox"/> grading <input type="checkbox"/> footings <input type="checkbox"/> foundation <input type="checkbox"/> retain wall <input type="checkbox"/> slab <input type="checkbox"/> rebar
		<input type="checkbox"/> WORK INCOMPLETE		<input type="checkbox"/> struct. steel <input type="checkbox"/> masonry <input type="checkbox"/> columns <input type="checkbox"/> frame <input type="checkbox"/> rough <input type="checkbox"/> nailing	<input type="checkbox"/> underground <input type="checkbox"/> insulation <input type="checkbox"/> drywall <input type="checkbox"/> susp. ceiling <input type="checkbox"/> trusses <input type="checkbox"/> power
					<input type="checkbox"/> flush test <input checked="" type="checkbox"/> pressure test <input type="checkbox"/> water meter <input type="checkbox"/> laterals <input type="checkbox"/> final <input type="checkbox"/> other
					<input type="checkbox"/> make necessary corrections <input type="checkbox"/> reinspection required <input type="checkbox"/> reinspection fee required prior to reinspection
					<input type="checkbox"/> prior violations not corrected <input type="checkbox"/> prior violations corrected <input type="checkbox"/> items listed below will be inspected at next regular inspection
		<input type="checkbox"/> UNABLE TO MAKE INSPECTION		<input type="checkbox"/> Cannot locate structure or unit. <input type="checkbox"/> Building inaccessible/locked.	<input type="checkbox"/> Need Revised Plans Approved. <input type="checkbox"/> Approved plans not available.
		<input type="checkbox"/> Issued Stop Work Order, Do Not Proceed With Work <input type="checkbox"/> Obtain Building, Elect., Plumbing, Mechanical or Applicable Permits			

## COMMENTS

Gas line / Under pressure

Changed out knicked / cut gas line protection of pipe as per discussion with C.B.O. Approved

062044

Signed

D.K.

Park City Building Inspector







Park City Municipal Corporation  
445 Marsac Avenue  
Park City, UT 84060  
Office number: 435-615-5100  
Inspection Line: 435-615-5103

## DEPARTMENT OF BUILDING SAFETY SUB-PERMIT APPLICATION

Building Permit #: BD-14-20135  
Address: 1120 EMPIRE  
Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Contractor: VR PLUMBING  
Phone: 645-5808 State Contractor Lic #: 157731-5518  
Journeyman # (if applicable): \_\_\_\_\_  
Business Lic. # (if applicable): \_\_\_\_\_

Type of work (circle one): ELECTRICAL MECHANICAL **PLUMBING**

Description or purpose of work:

Valuation of work \$ 1200

REPAIR GAS LINE

Sq. feet \_\_\_\_\_ BTU'S \_\_\_\_\_ AMPS \_\_\_\_\_ UNITS \_\_\_\_\_

### SIGNATURE OF UNDERSTANDING AND AGREEMENT:

I hereby certify that the setback distances proposed by this permit application are accurate, and do not violate applicable ordinances, rules or regulations of Park City Municipal Corporation or covenants, easements or restrictions of record; that all measurements shown, and allegations made are accurate; that I have read and agree to abide by all conditions printed on this application and that I assume full responsibility for compliance with the State of Utah Building Code (I.B.C.), Park City's Municipal and Land Use Ordinance and all other applicable Ordinances, for work under this permit.

Plans Subject to Field Inspection

SIGNED \_\_\_\_\_  
PRINTED WILLIAM NELSON

### DEPARTMENT USE ONLY

Sub-Permit Number: PB-14-00248

Receipt Number: 1420202-1

Date: 7/21/14

#### OTC INFORMATION

CE's: ☒ N/A ☐ 2X Fee: \_\_\_\_\_  
VALID LIC: ☐ N/A ☒ CK TYPE: \_\_\_\_\_  
VALUE INCLUDED: ☒ YES ☐ NO

Sub-total 44.85

1% State Surcharge \_\_\_\_\_

TOTAL FEE \$ 45.30





(IV) The Board may permit the relocation on a lot of a nonconforming building or structure or a building or structure occupied by a nonconforming use.

(V) The Board may reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship.

67-5-3. ACTION BY THE BOARD.

In exercising the above-mentioned powers, such Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partially, or may modify the order, requirements, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken, provided that before any variance be granted it shall be shown that special circumstances attached to the property covered by the application, which do not generally apply to other properties in the same zone; that because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

67-5-4. VOTING OF BOARD.

The concurring vote of three (3) of the five (5) members of the Board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the applicant on any matter on which it is required to pass or to effect any such variation or special exception to this Ordinance.

CHAPTER 6. PARKING AND LOADING SPACE.

67-6-1. OFF-STREET PARKING REQUIRED.

Except as to buildings fronting on Main Street between Heber Avenue and 1st Street, there shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions of ingress and egress by standard-sized automobiles as hereinafter provided.

67-6-2. PARKING SPACE FOR DWELLINGS.

In all zones there shall be provided space for the parking of one (1) automobile for each dwelling unit in a new dwelling, or each dwelling unit added in the case of the enlargement of an existing building.

67-6-3. PARKING SPACE FOR BUILDINGS OR USES OTHER THAN DWELLINGS.

For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building there shall be at least one (1) permanently maintained parking space of not less than one hundred sixty (160) square feet net area as follows:

# Planning Commission Staff Report



**Subject:** Eagle Way Plat Amendment – Second Amended  
**Application:** PL-23-05559  
**Author:** Spencer Cawley, Planner II  
**Date:** May 10, 2023  
**Type of Item:** Administrative – Plat Amendment

## Recommendation

(I) Review Eagle Way Plat Amendment – Second Amended, (II) hold a public hearing, and (III) consider forwarding a recommendation for City Council’s consideration on June 15, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance No. 2023-XX (Exhibit A).

## Description

**Applicant:** Karen Marriott  
Alliance Engineering, Applicant Representative

**Location:** 1460 Eagle Way

**Zoning Districts:** Single-Family  
Estate

**Adjacent Land Uses:** Residential, Open Space

**Reason for Review:** Plat Amendments require Planning Commission recommendation and City Council action<sup>1</sup>

E Estate  
LMC Land Management Code  
SF Single Family  
ROW Right-of-Way

*Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).*

## Summary

On February 14, 2023, the Applicant submitted a Plat Amendment application to the Planning Department for the Eagle Way Plat Amendment – Second Amended (originally part of the Aerie Phase 1 Subdivision). The current Eagle Way Plat Amendment (Exhibit B) includes 0.76-acre Lot B (1460 Eagle Way with an existing Single-Family Dwelling in the Single-Family (SF) Zoning District) and three-acre Estate Lot 1 (1468 Eagle Way, a

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<sup>1</sup> LMC [§ 15-7.1-2](#)

vacant Lot south of Lot B in the Estate (E) Zoning District). Since the Eagle Way Plat Amendment was approved, the Applicant acquired seven-acre Parcel SA-254-2-C south of Estate Lot 1. Access to Lot B and Estate Lot 1 is from the Eagle Way. Eagle Way terminates at the eastern property line of Estate Lot 1.

The image below shows how the Lots and parcel exist today (left) and the proposed Plat Amendment (right):

- 0.76-acre 1460 Eagle Way with a Single-Family Dwelling (Lot B) outlined in blue
- Three-acre 1468 Eagle Way (Estate Lot 1) outlined in red
- Seven-acre Parcel SA-254-2-C (proposed addition to Estate Lot 1) outlined in orange

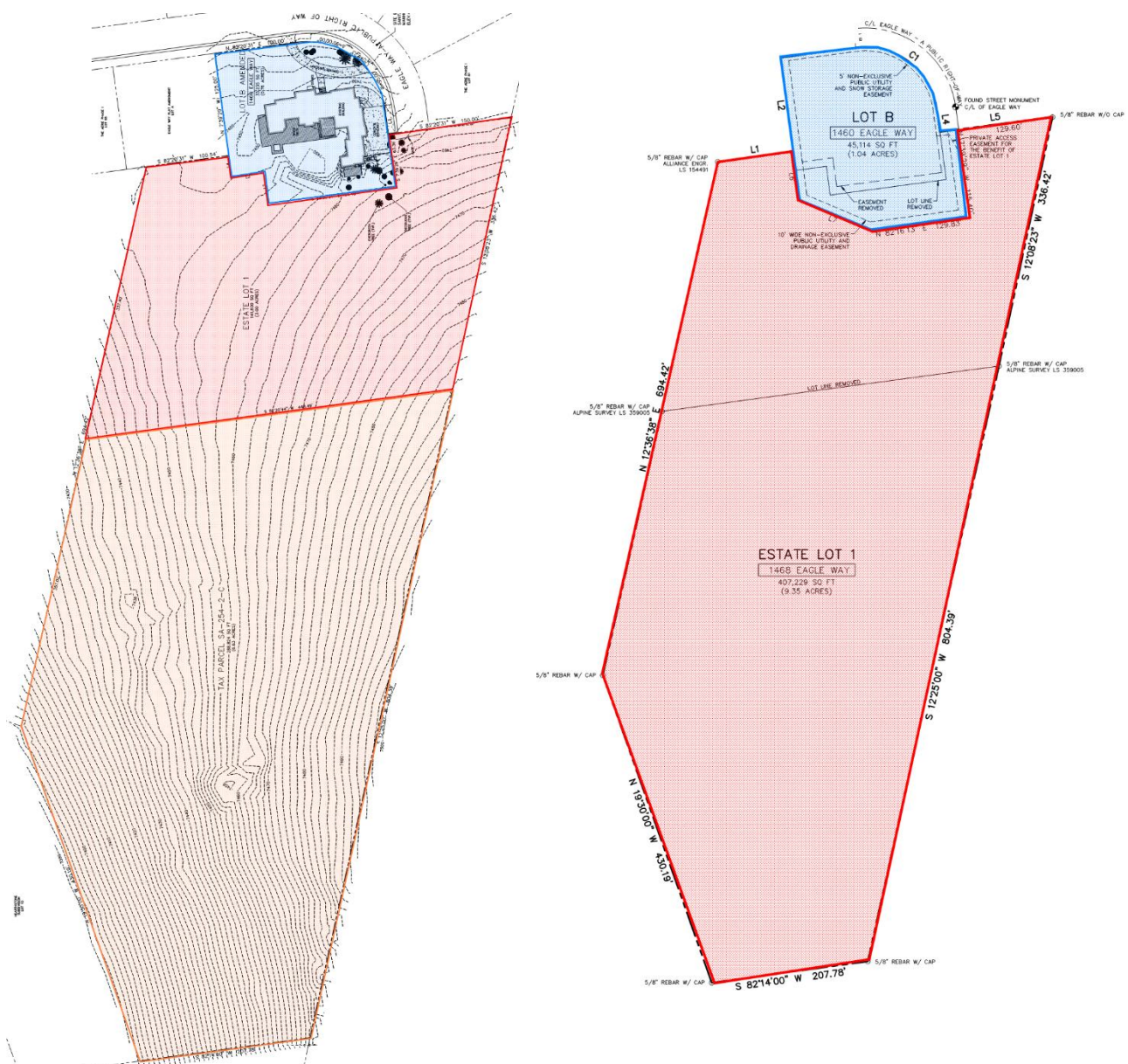


Figure 1: Existing Site Conditions (left) and proposed plat (right).



According to the Applicant, the purpose of the Plat Amendment is to increase the size of Lot B from 0.76 acres (33,235 square feet) to 1.04 acres (45,114 square feet) to accommodate a future garage addition and to create an open space buffer between Lot B and Estate Lot 1. Estate Lot 1 is proposed to be joined with the seven-acre parcel to create one Estate Lot with 9.35 acres (407,229 square feet). (See Exhibit C for the Applicant's Statement).

The following images show the site's existing conditions and the proposed plat. The image below is taken from the Summit County Parcel Viewer. Staff added highlights to show the context of the site with the surrounding neighborhood:

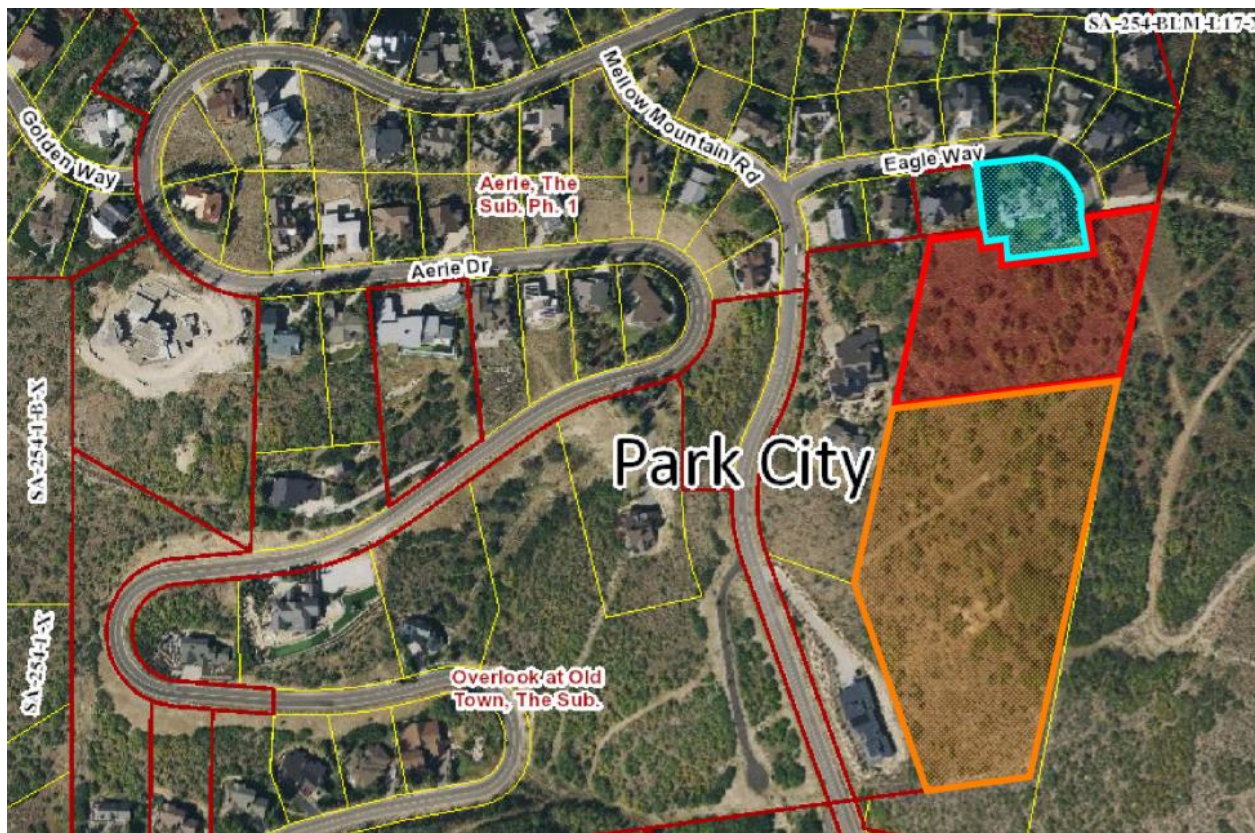
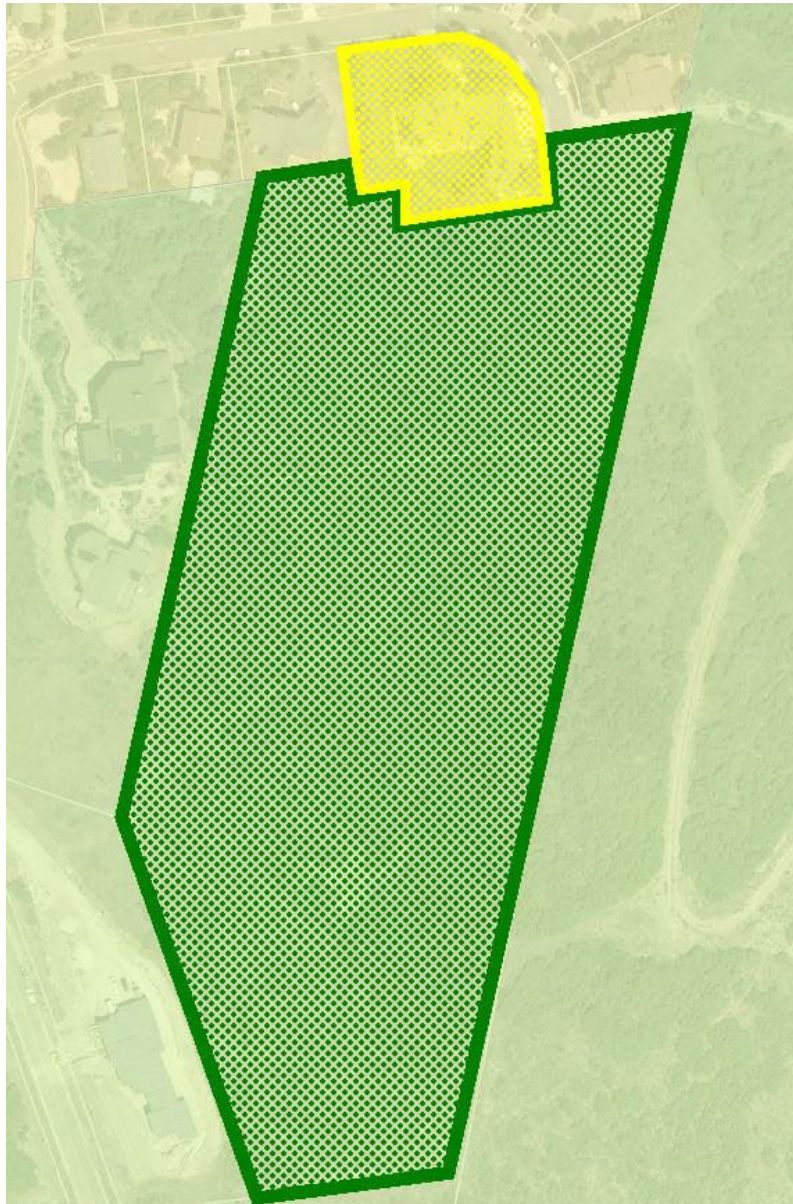


Figure 2: Eagle Way Lots and Parcel in neighborhood context.

The following image depicts the existing zoning for the contiguous properties—yellow is the SF Zoning District and green is the E Zoning District:



*Figure 3: Property Zoning*

Currently, 1460 Eagle Way (Lot B) is in the SF Zoning District. 1468 Eagle Way (Estate Lot 1) and Parcel SA-254-2-C are in the E Zoning District. The Plat Amendment proposes to increase Lot B with 12,400 square feet in the Estate Zoning District from Estate Lot 1 to increase Lot B to 1.04 acres. This will create a split-zoned Lot. Pursuant to LMC [§ 15-1-6\(B\)](#), the Area of Lot B within the SF Zone must comply with all SF Lot and Site requirements. The Area within the E Zoning District must comply with all E Lot and Site requirements.



The following image shows the location of the proposed garage addition:



Figure 4: Proposed Location of Garage Addition

### **Background**

The Aerie Phase 1 established 80 Single-Family Lots in the Aerie Subdivision and was part of a settlement agreement, recorded in 1981 (Summit County Entry No. 187143). The Subdivision Plat acknowledges the following: *Pursuant to a motion and stipulation, Civil No. 4613, in the Third Judicial District Court of Summit County, State of Utah, and a Settlement Agreement between the same parties dated April 24, 1981, notice of which was filed for record on May 15, 1981, as Entry No. 179581 Book M187 Page 429, Records of Summit County.*

1460 Eagle Way (originally Lot 62 of Aerie Phase 1 Subdivision) was combined with a portion of neighboring Lot 63 in 1999 (see image below). The purpose of the Eagle Way Plat Amendment was to eliminate Lot 63 and divide it between the owners of Lots 62 and 64. By eliminating Lot 63, approximately 9,375 square feet was added to Lot 62 (1460 Eagle Way now known as Lot B of the Eagle Way Plat Amendment) for a total of 22,438 square feet. The Planning Commission reviewed the proposal on December 16, 1998, and forwarded a positive recommendation to the City Council. The City Council reviewed the proposal on February 4, 1999, and adopted Ordinance No. 99-4 (Exhibit D). At the time of review, Planning Staff stated the following:

*These [Lot] sizes are well within the norms of other lots in the Aerie subdivision.*

The existing houses are well under the maximum house size allowed as a result of the re-plat. (See Exhibit E.)

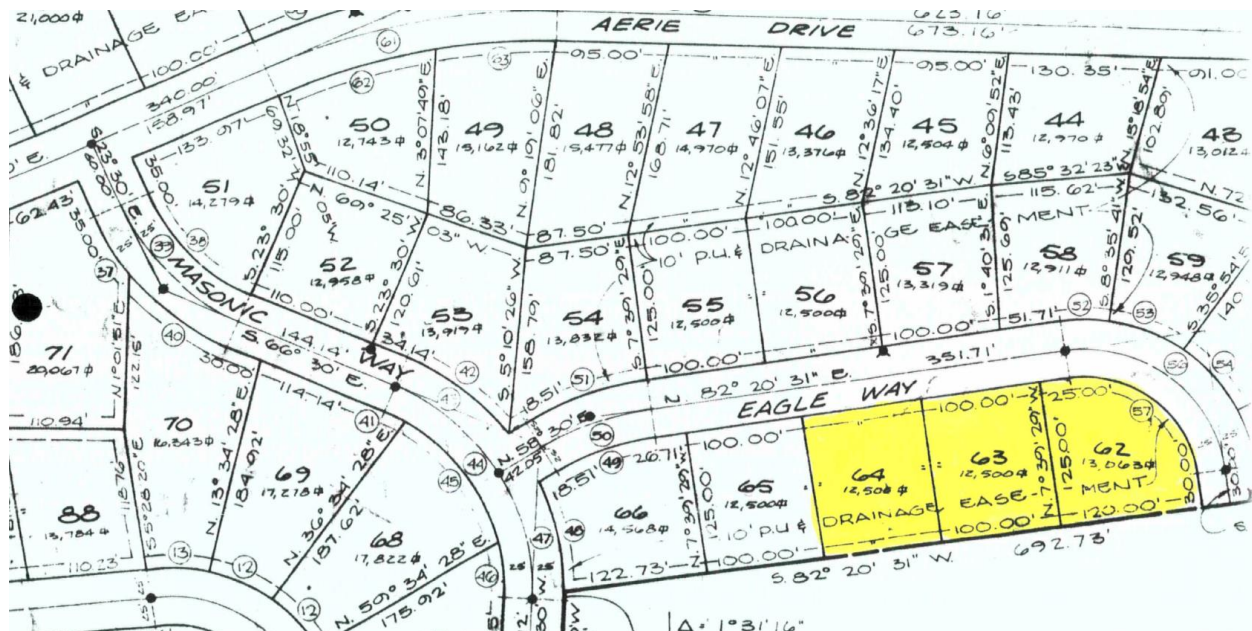
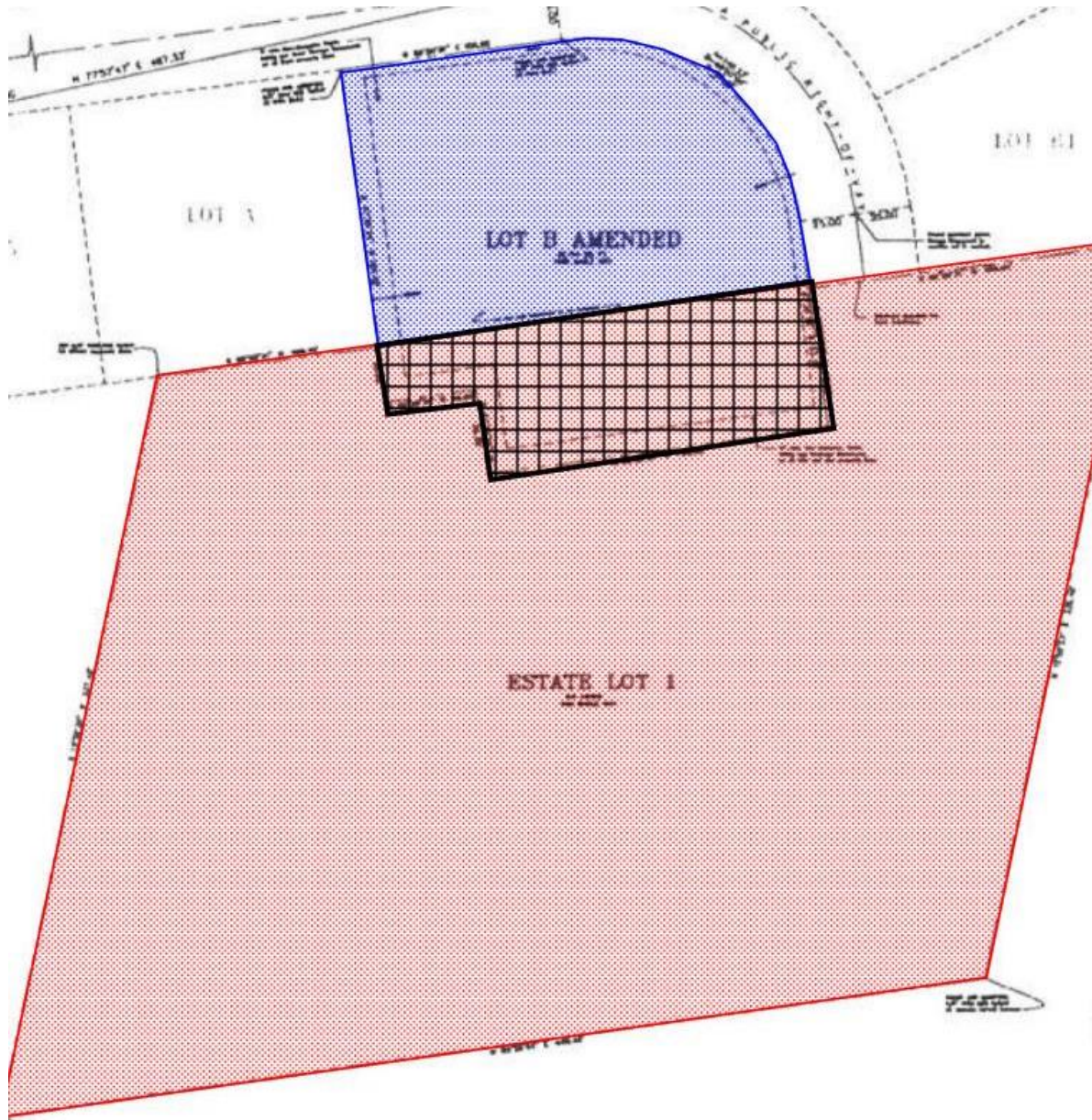


Figure 5: Lots 62, 63, and 64 as originally platted in the Aerie Phase 1 Subdivision.

In 2007, the property owner again amended the Plat. The Applicant acquired a 3.29 acre meets and bounds parcel in the E Zoning District, south of Lot B of the Eagle Way Plat Amendment. The amendment expanded Lot B (1460 Eagle Way) to include a portion of the Estate property to the south, amending Lot B to increase to 32,714 square feet. The first amended plat of Lot B also created a 3-acre Estate Lot (Estate Lot 1, also known as 1468 Eagle Way) to the south of Lot B. The purpose of the 2007 Eagle Way Plat Amendment allowed the property owner to build a garage addition.



The following image highlights the description of the amendment above. Lot B is highlighted in blue, the 3.29 acre meets and bounds parcel highlighted in red, and the expansion of Lot B into the parcel highlighted in black:



*Figure 6: 2007 Plat Amendment highlighted for visual clarification.*

On June 27, 2007, the Planning Commission reviewed the proposal and forwarded a unanimous positive recommendation to the City Council. On July 12, 2007, the City Council unanimously adopted Ordinance No. 07-42 (Exhibit F) approving the First Amendment Lot B of Eagle Way Plat Amendment. See Exhibit G for the 2007 Staff Report.



### Analysis

A Plat Amendment is required to amend platted elements.<sup>2</sup> Plat Amendments require Planning Commission review and recommendation to City Council for Final Action.<sup>3</sup>

**(I) The proposed Plat Amendment complies with the Single-Family Zoning District<sup>4</sup> and Estate Zoning District Requirements<sup>5</sup>.**

<b>SF Zoning District Requirements</b>	<b>Analysis of Proposal</b>
Front Setback: 20 feet	<b>Complies</b>  Existing Front Setback Is 20 feet.  Proposed Front Setback is 20 feet.
Side Setback: 12 feet	<b>Complies</b>  Existing Side Setback is 12 feet.  Proposed Front Setback is 12 feet.
Rear Setback: 15 feet	<b>Complies</b>  Existing Rear Setback is 15 feet.  Proposed Rear Setback is 15 feet.
Building Height: 28 feet	<b>Condition of Approval 4</b>  Any addition to the existing Structure in the SF Zone shall not exceed the zone height of 28 feet from Existing Grade.

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<sup>2</sup> LMC [§ 15-7.1-3\(B\)](#)

<sup>3</sup> LMC [§ 15-12-15\(B\)\(9\)](#)

<sup>4</sup> LMC [§ 15-2.11.3](#)

<sup>5</sup> LMC [§ 15-2.10-3](#)

E Zoning District Requirements	Analysis of Proposal
Front, Rear, and Side Setbacks: 30 feet	<b>Condition of Approval 5</b>  Any addition to the Structure in the E Zone shall meet the 30-foot Setback requirement.
Building Height: 30 feet	<b>Condition of Approval 6</b>  Any addition to the Structure in the E Zone shall not exceed the zone height of 30 feet from Existing Grade.
Lot Size and Density:  The minimum Lot size for all Uses is three acres, except a duplex requires six acres. The maximum Density is one unit per three acres.	<b>Condition of Approval 7</b>  The Applicant's proposal creates one Estate Lot with 9.34 acres. Any development will require additional Sensitive Lands analysis.
Minimum Lot Width: 100 feet	<b>Complies</b>  The proposed Estate Lot has a Lot maximum width of 448 feet and a minimum width of 207 feet.

#### **Architectural Review LMC [§ 15-2.13-5](#)**

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with LMC Chapter 15-5, *Architectural Review*.

#### **(II) The Proposal Complies with the Sensitive Land Overlay criteria, LMC Chapter 15.2.21.**

The proposed development is located within the Sensitive Land Overlay (SLO). LMC [§ 15-2.21-2\(A\)](#) requires:

*Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, Wildland interface, and Wildlife Habitat Areas and provide at time of Application, a Sensitive Lands Analysis.*

The Applicant's representative compiled a Sensitive Land Report, attached as Exhibit G. Please see the exhibits in the SLO Report to review the map exhibits. The table

below outlines the findings of the analysis:

SLO Analysis Criteria	Analysis of Proposal
<p><i>Slope/Topographic Map:</i> A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geological hazard, Areas subject to land sliding, and all significant Steep Slopes in categories of greater than 15%, 30-40%, and greater than 40%.</p>	<p>Appendix A and B of the SLO report show the slope and topography for Lot B, Estate Lot 1, and Parcel SA-254-2-C. The maps depict a site that is mildly sloped from east to west. The steepest parts of the above 30% are toward the rear of Parcel SA-254-2-C (see Appendix B).</p> <p>Lot B has areas of Very Steep Slopes (over 40%) that were, according to the Applicant, created for landscaping with the construction of retaining walls. The proposed addition will remove these walls as part of excavating for the new garage addition.</p> <p>Per LMC <a href="#">§ 15-2.21-4</a>, no Development is allowed on or within 50 feet of Very Steep Slopes (greater than 40%). However, an Area of Very Steep Slopes must cover a topographic Area at least 25 feet vertically, upslope or downslope, and 50 feet horizontally in any direction to be subject to this prohibition. The proposed addition will not cover an Area of Very Steep Slopes of that size and therefore not subject to this provision.</p> <p><b>Condition of Approval 7</b> The Applicant shall avoid, or to the greatest extent possible, minimize proposed cuts and fills. All Graded slopes shall be recontoured to the natural, varied contour of surrounding terrain.</p> <p><b>Condition of Approval 8</b> If final plans show the introduction of new retaining walls, then the Use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.</p>



Figure 7: Slope Map

<p><b>Ridge Line Areas:</b> A map depicting all Crests of Hills and Ridge Line Areas.</p>	<p>The property exists between the elevations of 7442.0 feet and 7462.0 feet. Proximate topography indicates the property does not exist on or within 150 feet of any ridge lines.</p>
<p><b>Vegetative Cover:</b> A detailed map of vegetative cover, depicting the following:</p> <ul style="list-style-type: none"> <li>a. Deciduous trees;</li> <li>b. Coniferous trees;</li> <li>c. Gamble oak or high shrub; and</li> <li>d. Sage, grassland, and agricultural crops.</li> </ul>	<p>Designed, existing landscaping and non-native deciduous trees may be impacted by future development. The subject property contains primarily gamble oak and scrub oak along with sage and grassland south of the proposed addition.</p> <p><b>Condition of Approval 9</b></p> <p>According to the survey, the site's existing vegetation will be impacted.<sup>6</sup> The Applicant shall provide a landscape plan pursuant to LMC <a href="#">§ 15-5-5(N)(4)(i)(1-4)</a> at the time of Building Permit submittal, which requires preservation of Significant Vegetation. If Significant Vegetation is determined to be unhealthy and/or unsafe, under a Site-Specific review conducted by the Forestry Board and Planning Director in conjunction with a building permit review, it may be replaced with equivalent landscaping in type and size.</p>

<sup>6</sup> The LMC defines Significant Vegetation as "Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

<p><i>Designated Entry Corridors and Vantage Points:</i> Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.</p>	<p>The property is not visible from the designated entry corridors and vantage points.</p>
<p><i>Wetlands:</i> A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.<sup>7</sup></p>	<p>The property is not affected by any designated wetlands as determined by UGS data updated July 19, 2022, and approved from the National Wetland Inventory.</p>
<p><i>Stream Corridors, Canals, and Irrigation Ditches:</i> A map delineating all stream corridors, canals, and irrigation ditches defined by the Ordinary High-Water Mark.</p>	<p>The property is not affected by any designated streams, canals, or irrigation ditches as determined by UGS data updated July 19, 2022, and approved from the National Wetland Inventory.</p>
<p><i>Wildlife Habitat Areas:</i> A map depicting all wildlife habitat areas, as defined by a Wildlife Habitat Report shall be provided by the Applicant.</p>	<p>In Exhibit G, p. 10-15, the SLO Report indicates that the following Wildlife Habitats are substantial and either cross the property or are nearby:</p> <ul style="list-style-type: none"> <li>• Black Bear (Year-round)</li> <li>• Dusky Grouse (Year-round)</li> <li>• Moose (Year-round)</li> <li>• Mule Deer (Summer)</li> <li>• Rocky Mountain Elk (Winter)</li> <li>• Snowshoe Hare (Year-round)</li> </ul> <p><b>Condition of Approval 10</b> Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-Site and adjacent natural Areas.</p>

<sup>7</sup> See LMC [§ 15-2.21-6](#)

### **(III) The Planning Commission must find Good Cause for Plat Amendments.**

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, and approval shall require a finding of Good Cause and a finding that no Public Street Right-of-Way, or easement is vacated or amended.

#### **A. The Planning Commission must determine if there is Good Cause for this Plat Amendment.**

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

The Park City General Plan identifies Aerie, Mellow Mountain, and Sunnyside as Sub-Neighborhoods of the Masonic Hill Neighborhood. In 2011, Masonic Hill was identified as a “critical area for protection and conservation”. The General Plan further states “there are a few parcels of land in the open space loop around Masonic Hill that are not currently protected as open space. Due to the steep slopes, ridgelines, and lack of access to these parcels, the parcels would be best utilized as open space.”<sup>8</sup> Finally, the General Plan directs the neighborhood aesthetics be preserved saying, “the neighborhood should continue to build out with controlled pads protecting the natural vegetation. Wildlife habitat and corridors are a priority in this neighborhood”.<sup>9</sup>

The following tables outline the lot sizes for Single-Family Dwellings in three subdivisions within the Masonic Hill Neighborhood proximate to the Eagle Way Plat:

Address	Subdivision	Lot Size
1156 Aerie Drive	Aerie Phase 1	1.08 Acres
1216 Aerie Drive	Aerie Phase 1	0.49 Acres
1223 Aerie Drive	Aerie Phase 1	0.32 Acres
1228 Aerie Drive	Aerie Phase 1	0.47 Acres
1235 Aerie Drive	Aerie Phase 1	0.32 Acres
1240 Aerie Drive	Aerie Phase 1	0.54 Acres
1247 Aerie Drive	Aerie Phase 1	0.34 Acres
1252 Aerie Drive	Aerie Phase 1	0.65 Acres
1259 Aerie Drive	Aerie Phase 1	0.37 Acres
1271 Aerie Drive	Aerie Phase 1	0.40 Acres
1283 Aerie Drive	Aerie Phase 1	0.42 Acres

<sup>8</sup> [Park City General Plan](#), Volume II, p. 228

<sup>9</sup> [Park City General Plan](#), Volume II, p. 231

1288 Aerie Drive	Aerie Phase 1	0.68 Acres
1295 Aerie Drive	Aerie Phase 1	0.45 Acres
1300 Aerie Drive	Aerie Phase 1	0.94 Acres
1311 Aerie Drive	Aerie Phase 1	0.34 Acres
1329 Aerie Drive	Aerie Phase 1	0.37 Acres
1344 Golden Way	Aerie Phase 1	0.41 Acres
1345 Aerie Drive	Aerie Phase 1	0.34 Acres
1354 Aerie Drive	Aerie Phase 1	0.35 Acres
1359 Aerie Drive	Aerie Phase 1	0.37 Acres
1362 Aerie Drive	Aerie Phase 1	0.81 Acres
1370 Aerie Drive	Aerie Phase 1	0.63 Acres
1371 Aerie Drive	Aerie Phase 1	0.46 Acres
1378 Aerie Drive	Aerie Phase 1	0.65 Acres
1383 Aerie Drive	Aerie Phase 1	0.43 Acres
1386 Aerie Drive	Aerie Phase 1	0.61 Acres
1395 Aerie Drive	Aerie Phase 1	0.33 Acres
1398 Aerie Drive	Aerie Phase 1	0.49 Acres
1401 Aerie Drive	Aerie Phase 1	0.31 Acres
1403 Eagle Way	Aerie Phase 1	0.32 Acres
1407 Aerie Drive	Aerie Phase 1	0.29 Acres
1408 Eagle Way	Aerie Phase 1	0.33 Acres
1410 Aerie Drive	Aerie Phase 1	0.49 Acres
1413 Aerie Drive	Aerie Phase 1	0.41 Acres
1415 Eagle Way	Aerie Phase 1	0.29 Acres
1418 Eagle Way	Aerie Phase 1	0.29 Acres
1419 Aerie Drive	Aerie Phase 1	0.29 Acres
1420 Mellow Mountain Road	Aerie Phase 1	0.32 Acres
1422 Aerie Drive	Aerie Phase 1	0.48 Acres
1425 Mellow Mountain Road	Aerie Phase 1	0.63 Acres
1427 Eagle Way	Aerie Phase 1	0.29 Acres
1431 Aerie Drive	Aerie Phase 1	0.38 Acres
1432 Mellow Mountain Road	Aerie Phase 1	0.30 Acres
1434 Aerie Drive	Aerie Phase 1	0.48 Acres
1437 Mellow Mountain Road	Aerie Phase 1	0.38 Acres
1439 Eagle Way	Aerie Phase 1	0.31 Acres
1444 Mellow Mountain Road	Aerie Phase 1	0.33 Acres
1446 Aerie Drive	Aerie Phase 1	0.48 Acres
1449 Aerie Drive	Aerie Phase 1	0.46 Acres
1451 Aerie Drive	Aerie Phase 1	0.30 Acres

1458 Aerie Drive	Aerie Phase 1	0.48 Acres
1463 Aerie Drive	Aerie Phase 1	0.30 Acres
1470 Aerie Drive	Aerie Phase 1	0.52 Acres
1475 Eagle Way	Aerie Phase 1	0.42 Acres
1479 Aerie Drive	Aerie Phase 1	0.29 Acres
1482 Aerie Drive	Aerie Phase 1	0.49 Acres
1487 Eagle Way	Aerie Phase 1	0.31 Acres
1491 Aerie Drive	Aerie Phase 1	0.35 Acres
1494 Aerie Drive	Aerie Phase 1	0.55 Acres
1503 Aerie Drive	Aerie Phase 1	0.36 Acres
1506 Aerie Drive	Aerie Phase 1	0.29 Acres
1515 Aerie Drive	Aerie Phase 1	0.34 Acres
1518 Aerie Drive	Aerie Phase 1	0.29 Acres
1527 Aerie Drive	Aerie Phase 1	0.31 Acres
1530 Aerie Drive	Aerie Phase 1	0.29 Acres
1539 Aerie Drive	Aerie Phase 1	0.29 Acres
1542 Aerie Drive	Aerie Phase 1	0.29 Acres
1551 Aerie Drive	Aerie Phase 1	0.30 Acres
1554 Aerie Drive	Aerie Phase 1	0.38 Acres
1555 Aerie Drive	Aerie Phase 1	0.39 Acres
1561 Aerie Drive	Aerie Phase 1	0.44 Acres
1563 Aerie Drive	Aerie Phase 1	0.30 Acres
1566 Aerie Circle	Roth Family	0.69 Acres
1567 Aerie Drive	Aerie Phase 1	0.61 Acres
1572 Aerie Drive	Aerie Phase 1	0.70 Acres
1575 Aerie Drive	Aerie Phase 1	0.34 Acres
1577 Aerie Drive	Aerie Phase 1	0.62 Acres
1578 Aerie Drive	Aerie Phase 1	0.76 Acres
1264 Aerie Drive	Aerie Phase 1 – 2 <sup>nd</sup> Amended*	1.62 Acres
1324 Aerie Drive	Aerie Phase 1 – Amending Lots 9, 10, & 11*	3.75 Acres
1347 Golden Way	Aerie Phase 2	0.39 Acres
1348 Golden Way	Aerie Phase 2	0.52 Acres
1351 Golden Way	Aerie Phase 2	0.53 Acres
1352 Golden Way	Aerie Phase 2	0.61 Acres
1355 Golden Way	Aerie Phase 2	0.57 Acres
1356 Golden Way	Aerie Phase 2	0.63 Acres
1359 Golden Way	Aerie Phase 2	0.67 Acres
1360 Golden Way	Aerie Phase 2	0.83 Acres



1363 Golden Way	Aerie Phase 2	0.70 Acres
1364 Golden Way	Aerie Phase 2	0.70 Acres
1367 Golden Way	Aerie Phase 2	1.03 Acres
1368 Golden Way	Aerie Phase 2	0.95 Acres
1430 Eagle Way	Eagle Way Plat Amendment	0.36 Acres
1460 Eagle Way	Eagle Way Plat Amendment Lot B	0.75 Acres
1468 Eagle Way	Eagle Way Plat Amendment Lot B	3.00 Acres

Within the Aerie Subdivision, the average Single-Family Lot size is approximately one-half acre or 21,780 square feet. However, like the 1999 Eagle Way Plat Amendment, at least three other amendments have combined Lots in the Aerie (\*Aerie Phase 1 Subdivision Second Amendment Amending Lots 5 & 6 (total 1.62 acres); Aerie Phase 1 Amending Lots 9, 10, & 11 (3.75 acres); Roth Family Subdivision(0.69 acres))

Address	Subdivision	Lot Size
938 Aerie Drive	Overlook at Old Town	2.66 Acres
962 Aerie Drive	Overlook at Old Town	0.78 Acres
974 Aerie Drive	Overlook at Old Town	0.57 Acres
986 Aerie Drive	Overlook at Old Town	0.50 Acres
998 Aerie Drive	Overlook at Old Town	0.79 Acres
1039 Aerie Drive	Overlook at Old Town	1.46 Acres
1075 Aerie Drive	Overlook at Old Town	0.86 Acres
1115 Aerie Drive	Overlook at Old Town	1.61 Acres
1179 Aerie Drive	Overlook at Old Town	2.03 Acres

The Overlook at Old Town Subdivision is adjacent to the south and east of the Aerie, and the average Single-Family Lot Size is approximately 1.25 acres or 54,450 square feet.

Address	Subdivision	Lot Size
950 Aerie Drive	Hearthstone 2 <sup>nd</sup> Amended	0.87 Acres
1358 Mellow Mountain Road	Hearthstone First Amendment	1.53 Acres
1376 Mellow Mountain Road	Hearthstone First Amendment	3.20 Acres

Adjacent to the south of the Aerie is the Hearthstone Subdivision and has protected open space. The maximum house size is between 3,500 and 6,500 square feet and any garage area over 800 square feet counts toward the house size. The average Single-Family Lot size in the Hearthstone is approximately 1.8 acres or 78,408 square feet.

In comparison, the Applicant's proposal will create one Single-Family Lot of 1.04 acres

(42,114 square feet) and one Estate Lot of 9.35 acres (407,229 square feet). Single-Family Lots greater than one acre are present in the Masonic Hill Neighborhood, although smaller lots are more common. Larger open space parcels, whether owned by the City or by Homeowner's Associations, range from one-half acre to 110 acres.

**B. No Public Street or Right-of-Way is vacated or amended.**

All roads in the Aerie Subdivision are public. This amendment does not alter access to the property.

**C. No easement is vacated.**

A 10-foot public utility easement must be amended to follow the change in the property line. Planning Staff recommends **Condition of Approval 11** requiring the Applicant to amend the utility easement prior to recordation of the plat.

**(IV) The Development Review Committee met on March 7, 2023, reviewed the proposal, and request a Condition of Approval.<sup>10</sup>**

The Development Review Committee confirmed the proposal complies with required standards. However, the Engineering Department requires a non-exclusive ten-foot public snow storage easement on Eagle Way to be dedicated on the Plat. (**Condition of Approval 12**).

**Department Review**

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

**Notice**

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on April 26, 2023. Staff mailed courtesy notice to property owners within 300 feet on April 26, 2023. The *Park Record* published notice on April 22, 2023.<sup>11</sup>

**Public Input**

Staff did not receive any public input at the time this report was published.

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<sup>10</sup> The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

<sup>11</sup> LMC [§ 15-1-21](#)

### **Alternatives**

- The Planning Commission may forward a positive recommendation for Ordinance No. 2023-XX, Approving The Eagle Way Plat Amendment Second Amendment, to the City Council for Consideration on June 15, 2023; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2023-XX, Denying The Eagle Way Plat Amendment Second Amendment, to the City Council and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

### **Exhibits**

Exhibit A:	Draft Ordinance No. 2023-XX and Proposed Plat
Exhibit B:	Eagle Way Plat Amendment First Amendment Lot B
Exhibit C:	Applicant Statement
Exhibit D:	Ordinance No. 99-4
Exhibit E:	February 4, 1999, Staff Report
Exhibit F:	Ordinance No. 07-42
Exhibit G:	July 12, 2007, Staff Report
Exhibit H:	Sensitive Land Overlay Report
Exhibit I:	Property Photos
Exhibit J:	Existing Conditions and Topographic Map

## Ordinance No. 2023-XX

### AN ORDINANCE APPROVING THE EAGLE WAY SECOND AMENDED PLAT AMENDMENT, LOCATED AT 1460 EAGLE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 1460 Eagle Way petitioned the City Council for approval of The Eagle Way Second Amended Plat Amendment; and

WHEREAS, on April 22, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on April 26, 2023, courtesy notice was mailed to property owners within 300 feet of 517 Park Avenue; and

WHEREAS, on May 10, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on May 10, 2023, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on June 15, 2023; and

WHEREAS, on June 15, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.10 and 15-2.11.

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

**SECTION 1. APPROVAL.** The Eagle Way Second Amended Plat Amendment, located at 1460 Eagle Way, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact**

##### ***Background:***

1. The property is located at 1460 Eagle Way.
2. The property is listed with Summit County as Parcel number EW-B-1AM.
3. The property is in the Single-Family Zoning District.
4. The Applicant owns contiguous property in the Estate Zoning District, Estate Lot 1 and metes-and-bounds Parcel SA-254-2-C.
5. The Applicant proposes amending the plat to increase the size of 1460 Eagle Way (Lot B) to accommodate a garage addition, create an open space buffer between Lot B and Estate Lot 1, and to combine Estate Lot 1 with the metes-and-bounds Parcel.
6. The Land Management Code regulates Lot and Site Requirements pursuant to LMC § 15-2.10-3 for Estate Zoning District and § 15-2.11-3 for Single Family Zoning District.

7. A Single-Family Dwelling is an allowed Use in the Single-Family, and also in the Estate Zoning District for Lots with at least three acres.
8. The required Front Setback in the Single-Family District is 20 feet.
9. The required Side Setback in the Single-Family District is 12 feet.
10. The required Rear Setback in the Single-Family District is 15 feet.
11. The required Front, Rear, and Side Setback in the Estate District is 30 feet.
12. The maximum Building Height in the Single-Family Zoning District is 28 feet from Existing Grade.
13. The maximum Building Height in the Estate Zoning District is 30 from Existing Grade.
14. The property is within the Sensitive Land Overlay.
15. The Applicant's Representative compiled a Sensitive Land Overlay Report.
16. The proposal complies with the Sensitive Land Overlay Zone Regulations.
17. The Planning Commission must determine Good Cause for this Plat Amendment.
18. No Public Street or Right-of-Way is vacated or amended.
19. No easement is vacated.
20. A 10-foot-wide public utility easement exists along the perimeter of Lot B and must be maintained.
21. The Development Review Committee met on March 7, 2023, reviewed the proposal, and require a Condition of Approval for a 10-foot snow storage easement along Eagle Way.

### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.10 *Estate (E) District*, LMC Chapter 15-2.11 *Single-Family (SF) District*, LMC Chapter 15-2.21 *Sensitive Land Overlay Zone (SLO) Regulations*, and LMC § 15-7.1-6 *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

### **Conditions of Approval**

1. The City 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. Any addition to the existing Structure in the Single-Family Zone shall not exceed the zone height of 28 feet from Existing Grade.

5. Any addition to the Structure in the Estate Zone shall comply with the 30-foot setback requirement.
6. Any addition to the existing Structure in the Estate Zone shall not exceed the zone height of 30 feet from Existing Grade.
7. The Applicant shall avoid, or to the greatest extent possible, minimize proposed cuts and fills. All Graded slopes shall be recontoured to the natural, varied contour of surrounding terrain.
8. If final plans show the introduction of new retaining walls, then the Use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.
9. The Applicant shall provide a landscape plan pursuant to LMC § 15-5-5(N)(4)(i)(1-4), which requires preservation of Significant Vegetation. If Significant Vegetation is determined to be unhealthy and/or unsafe, under a Site-Specific review conducted by the Forestry Board and Planning Director in conjunction with a building permit review, it may be replaced with equivalent landscaping in type and size.
10. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-Site and adjacent natural Areas..
11. The Applicant shall amend the 10-foot (10') public utility easement prior to recordation of the plat.
12. A non-exclusive ten-foot (10') public snow storage easement on Eagle Way shall be dedicated on the Plat.
13. Recordation of the Plat is required prior to the issuance of a Building Permit for any addition to the existing Structure.
14. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

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

PASSED AND ADOPTED this 15<sup>th</sup> Day of June 2023.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Nann Worel, MAYOR

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

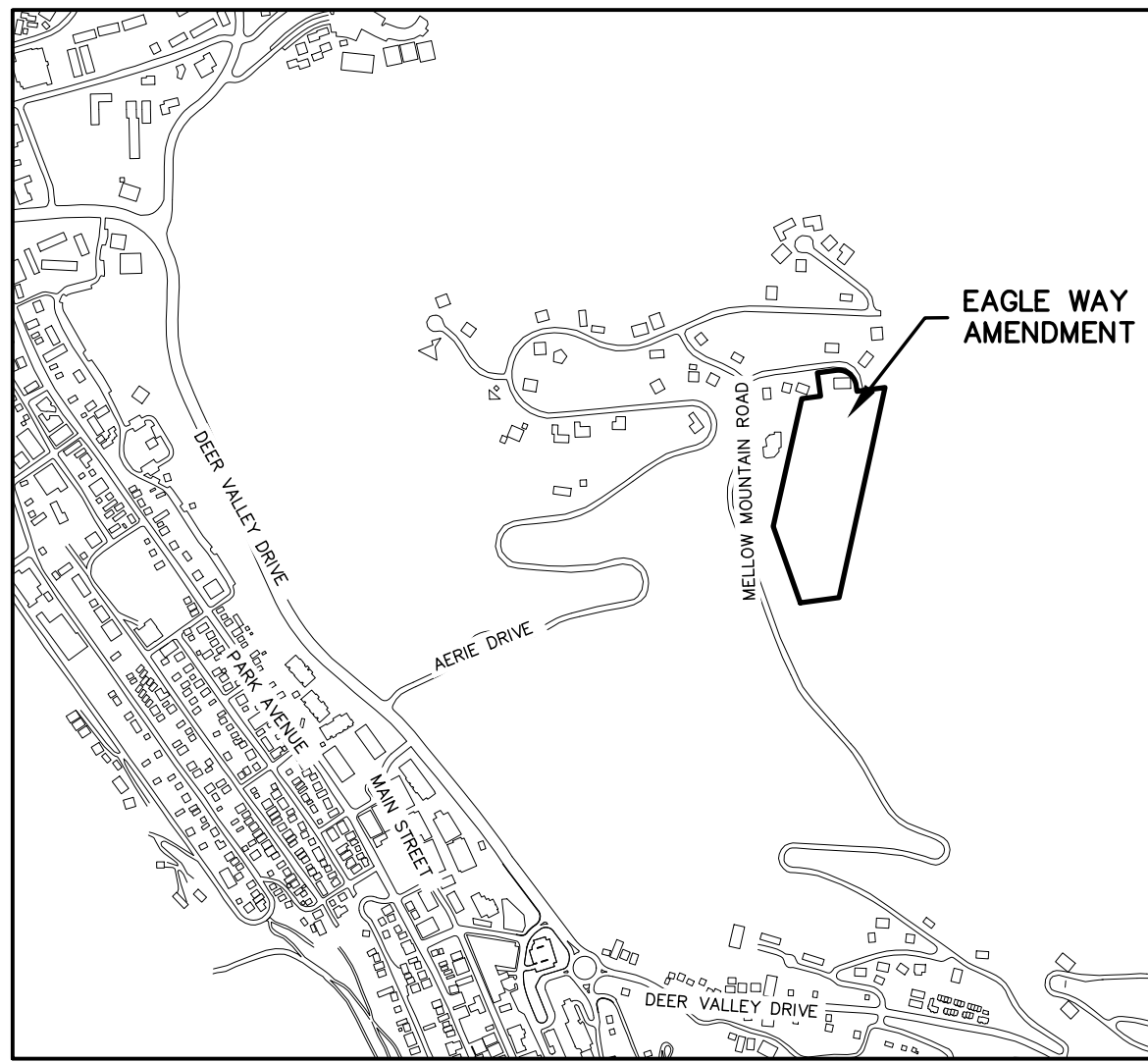
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City Attorney's Office

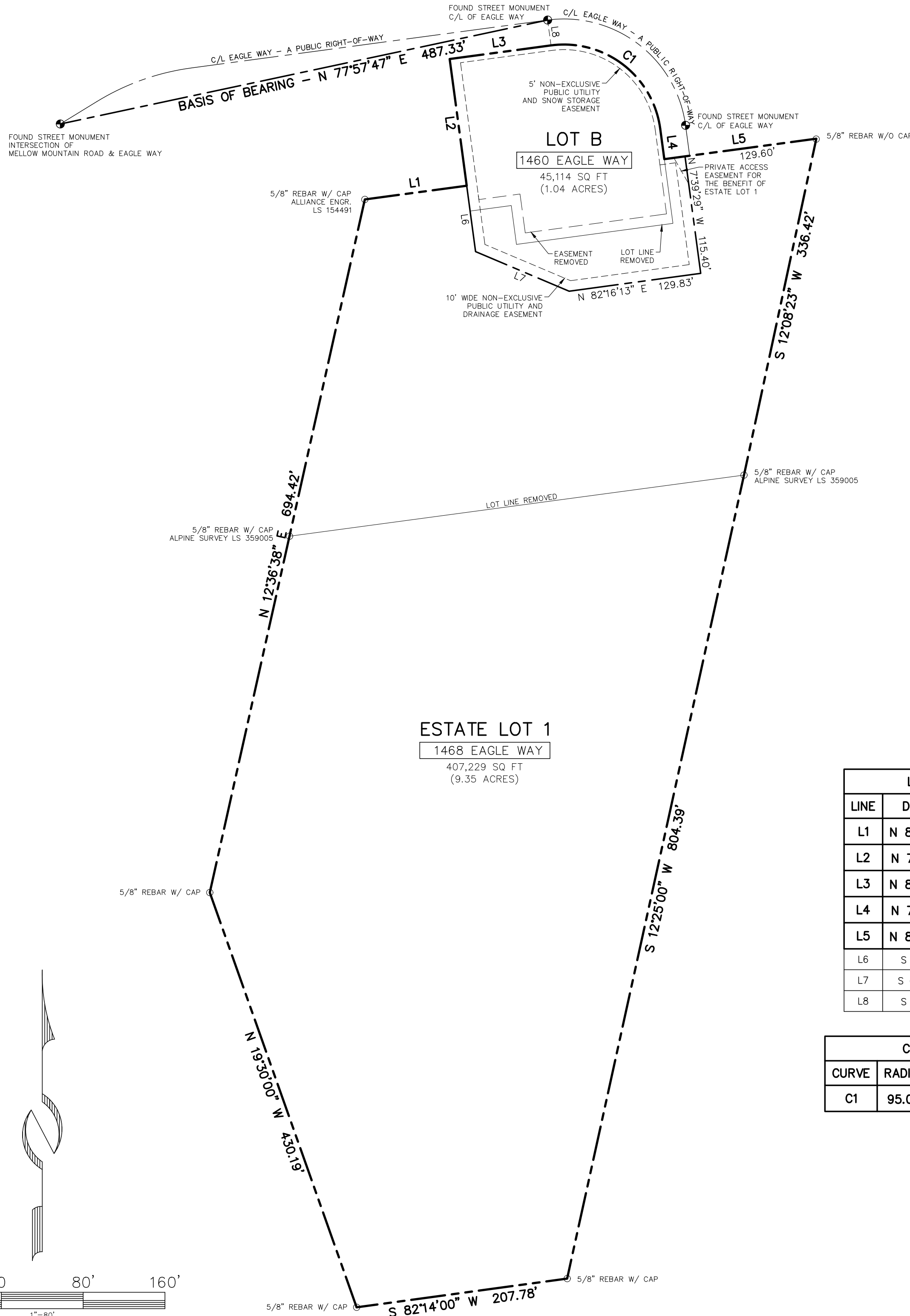
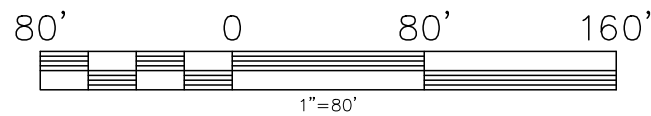
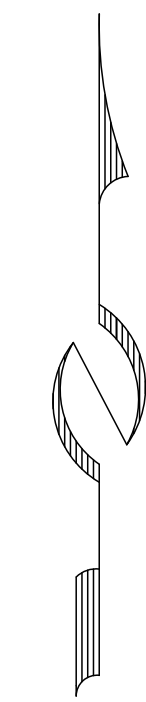
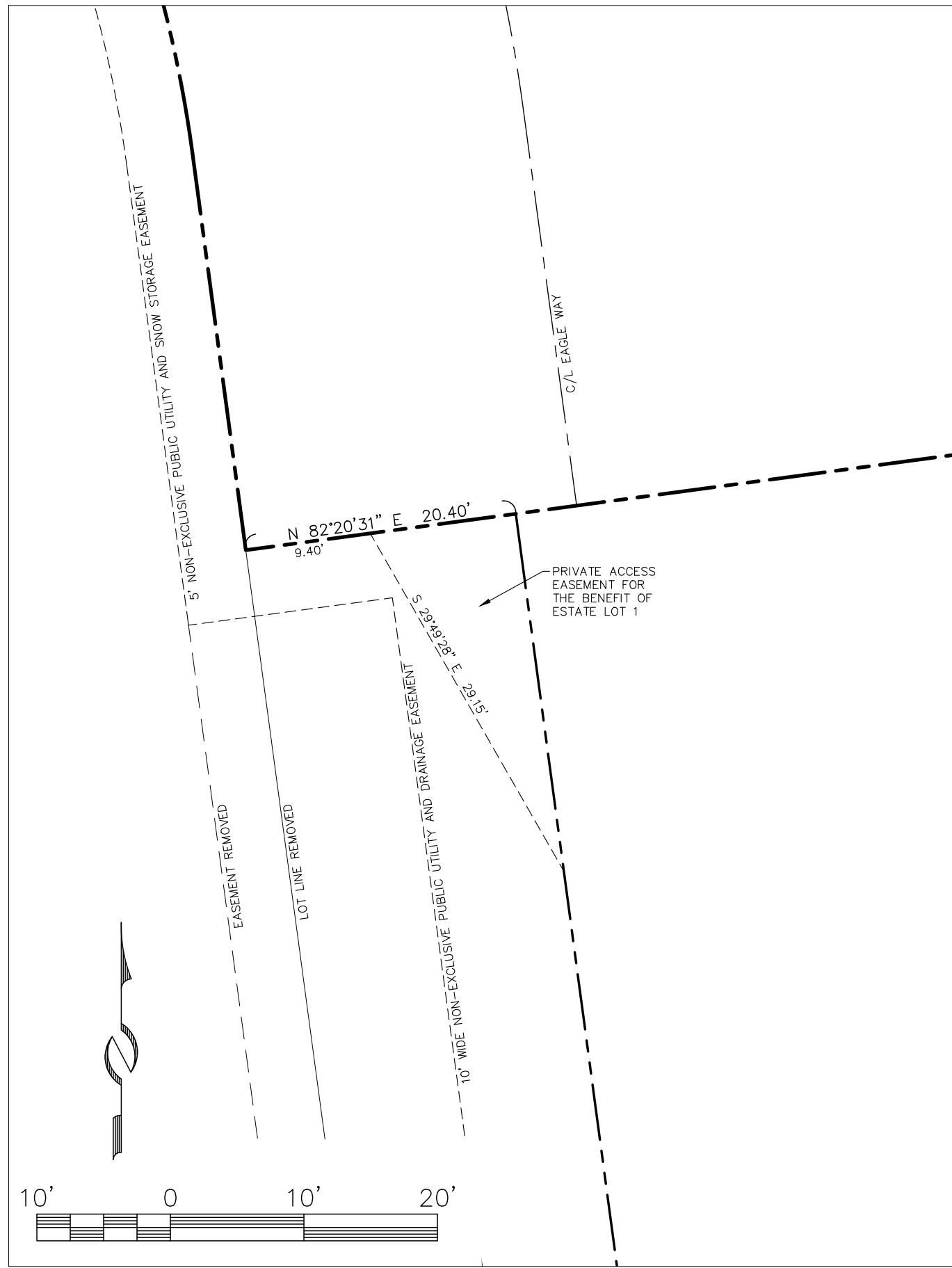
**Attachment 1 – Proposed Plat**

DRAFT



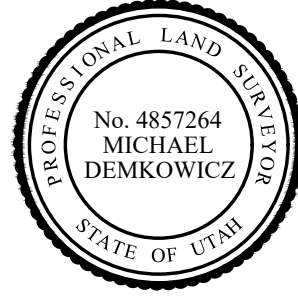


VICINITY MAP



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 82°20'31" E	100.54'
L2	N 7°39'29" W	125.00'
L3	N 82°20'31" E	100.00'
L4	N 7°39'29" W	30.00'
L5	N 82°20'31" E	150.00'
L6	S 7°39'29" E	65.00'
L7	S 67°04'43" E	99.40'
L8	S 7°39'54" E	25.00'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	95.00'	149.23'	90°00'00"



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that I have completed a survey and have referenced a record of survey map of the existing property boundaries in accordance with Section 17-23-17 and have verified the boundary locations and have placed monuments as represented on the plat. I do further certify that by authority of the owners, I have prepared this plat amendment of the property described hereon, hereafter to be known as EAGLE WAY PLAT AMENDMENT SECOND AMENDED.

LEGAL DESCRIPTION

PARCEL 1:

Estate Lot 1, FIRST AMENDMENT LOT B OF EAGLE WAY PLAT AMENDMENT, according to the official plat on file in the Summit County Recorders Office.

PARCEL 2:

Lot B Amended, FIRST AMENDMENT LOT B OF EAGLE WAY PLAT AMENDMENT, according to the official plat on file in the Summit County Recorders Office.

PARCEL 3:

Beginning at Lode Claim Corner No. 4 of the Garey No. 1 Claim, Uintah Mining District, Summit County; said point (corner) being situated 557.06 feet South and 565.39 feet East of the southwest closing corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 82°14' West 207.84 feet; thence North 19°30' West 430.19 feet; thence North 12°36'38" East 357.02 feet; thence North 82°20'31" East 448.55 feet; thence South 12°25' west 804.42 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, Karen C. Marriott, as Trustee of the Karen C. Marriott Revocable Trust, dated December 11, 2012, hereby certifies that she has caused this plat amendment to be made, together with easements as set forth to be hereafter known as EAGLE WAY PLAT AMENDMENT SECOND AMENDED. The undersigned owner hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat amendment, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set her hand this \_\_\_\_ day of \_\_\_\_\_, 2023.

Karen C. Marriott Revocable Trust, dated December 11, 2012

By: \_\_\_\_\_  
Karen C. Marriott, Trustee

ACKNOWLEDGMENT

State of \_\_\_\_\_)

: ss.

County of \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2023, Karen C. Marriott personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Trustee of the Karen C. Marriott Revocable Trust, dated December 11, 2012, and that said document was signed by her on behalf of said Trust by authority of the Trust, and she acknowledged to me that she executed EAGLE WAY PLAT AMENDMENT SECOND AMENDED.

By: \_\_\_\_\_  
Notary Public

Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No: \_\_\_\_\_

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2023-\_\_\_\_\_.
- See Record of Survey S-\_\_\_\_\_ in the Office of the Recorder, Summit County, Utah.

# EAGLE WAY PLAT AMENDMENT SECOND AMENDED

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15 AND THE SOUTHWEST QUARTER  
OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

2/14/23 JOB NO.: 6-11-22 FILE: X:\Aerie\dwg\src\plot2022\061122.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER  
RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2023  
BY \_\_\_\_\_  
ENGINEERING DEPARTMENT

PLANNING COMMISSION  
RECOMMENDED BY THE PARK CITY  
PLANNING COMMISSION THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2023  
BY \_\_\_\_\_  
CHAIR

ENGINEER'S CERTIFICATE  
I FIND THIS PLAT TO BE IN  
ACCORDANCE WITH INFORMATION ON  
FILE IN MY OFFICE THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2023  
BY \_\_\_\_\_  
PARK CITY ENGINEER

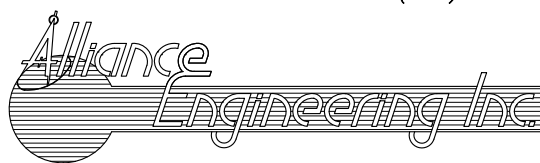
APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2023  
BY \_\_\_\_\_  
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE  
APPROVAL AND ACCEPTANCE BY THE PARK CITY  
COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023  
BY \_\_\_\_\_  
MAYOR

CERTIFICATE OF ATTEST  
I CERTIFY THIS PLAT  
WAS APPROVED BY PARK CITY  
COUNCIL ON THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2023  
BY \_\_\_\_\_  
PARK CITY RECORDER

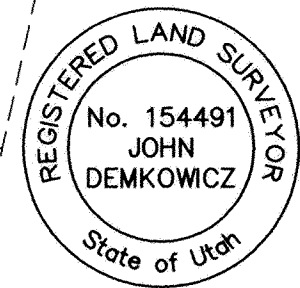
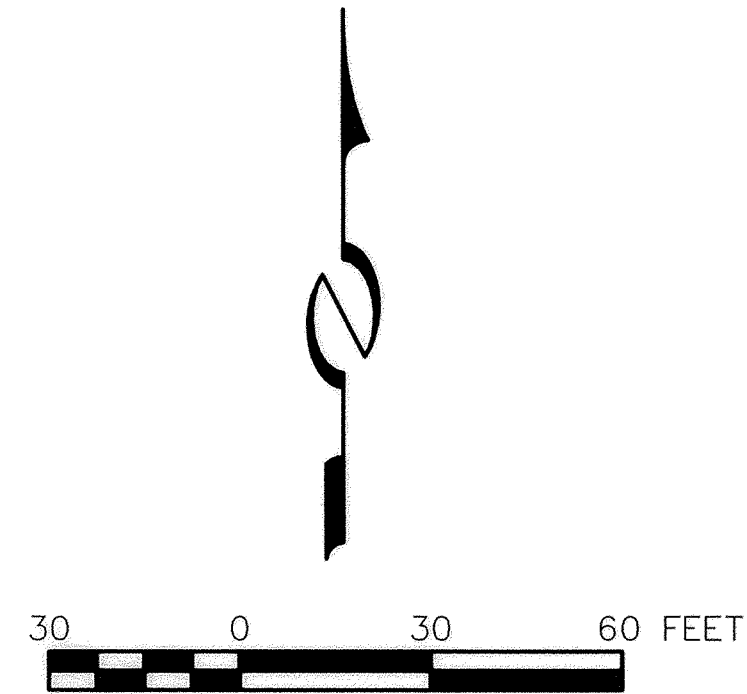
PUBLIC SAFETY  
ANSWERING POINT APPROVAL  
APPROVED THIS \_\_\_\_ DAY  
OF \_\_\_\_\_, 2023  
BY \_\_\_\_\_  
SUMMIT COUNTY GIS COORDINATOR

RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER  
TIME \_\_\_\_\_ DATE \_\_\_\_\_ ENTRY NO. \_\_\_\_\_



(435) 649-9467

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



SURVEYORS CERTIFICATE

I, JOHN DEMKOWICZ, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah. I further certify that by the authority of the owner, I have prepared this amended plat for the tract of land described herein to be known hereafter as FIRST AMENDMENT LOT B OF EAGLE WAY PLAT AMENDMENT, and that same has been correctly surveyed and staked on the ground.

*John Demkowicz*  
JOHN DEMKOWICZ LS #154491

9/24/07  
DATE

BOUNDARY DESCRIPTIONS

PARCEL 1

ALL OF LOT B, EAGLE WAY PLAT AMENDMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED APRIL 12, 1999 AS ENTRY NO. 535518, RECORDS OF SUMMIT COUNTY, UTAH.

PARCEL 2

BEGINNING AT A POINT NORTH 12°25' EAST 804.42 FEET FROM CORNER NO. 4, OF THE CAREY NO. 1 CLAIM, SAID CORNER BEING 557.06 FEET SOUTH AND 565.39 FEET EAST OF THE SOUTHWEST CLOSING CORNER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 82°20'31" WEST 448.55 FEET; THENCE NORTH 12°36'38" EAST 341.00 FEET; THENCE NORTH 82°20'31" EAST 447.32 FEET; THENCE SOUTH 12°25' WEST 340.58 FEET TO THE POINT OF BEGINNING.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Karen Christine Marriott is the owner of the herein described tract of land, having caused this plat amendment to be prepared, does hereby consent to the recordation of this Amended Record of Survey Plat in the office of the Summit County Recorder, Summit County, Utah in accordance with Utah law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and Park City Fire Protection District, a non-exclusive easement over the utility and access easements shown on this plat for the purpose of providing utility installation, maintenance, use and eventual replacement. The owner also dedicates for public use those areas shown on this plat as intended for public use.

In witness whereof I have hereunto set my hand this 24th day of September, 2007.

*Karen Christine Marriott*  
Karen Christine Marriott

ACKNOWLEDGMENT

State of: Utah )  
County of: Summit ) ss

On this 24th day of September, 2007, Karen Christine Marriott personally appeared before me, the undersigned Notary Public, who being duly sworn, did say that she is the owner of the herein described tract of land and that the Owner's Dedication and Certificate of Consent to Record was signed freely and voluntarily for the purpose therein mentioned.

*Tassie Williams*  
Notary Public commissioned in: Utah  
Printed Name: Tassie Williams  
Residing In: Summit County  
My Commission Expires: 4-1-08

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Karen Christine Marriott is the owner of the herein described tract of land, having caused this plat amendment to be prepared, does hereby consent to the recordation of this Amended Record of Survey Plat in the office of the Summit County Recorder, Summit County, Utah in accordance with Utah law.

ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and Park City Fire Protection District, a non-exclusive easement over the utility and access easements shown on this plat for the purpose of providing utility installation, maintenance, use and eventual replacement. The owner also dedicates for public use those areas shown on this plat as intended for public use.

In witness whereof I have hereunto set my hand this 24th day of September, 2007.

*Karen C. Marriott*  
Karen C. Marriott

ACKNOWLEDGMENT

State of: Utah )  
County of: Summit ) ss

On this 24th day of September, 2007, Karen C. Marriott personally appeared before me, the undersigned Notary Public, who being duly sworn, did say that she is the owner of the herein described tract of land and that the Owner's Dedication and Certificate of Consent to Record was signed freely and voluntarily for the purpose therein mentioned.

*Tassie Williams*  
Notary Public commissioned in: Utah  
Printed Name: Tassie Williams  
Residing In: Summit County  
My Commission Expires: 4-1-08

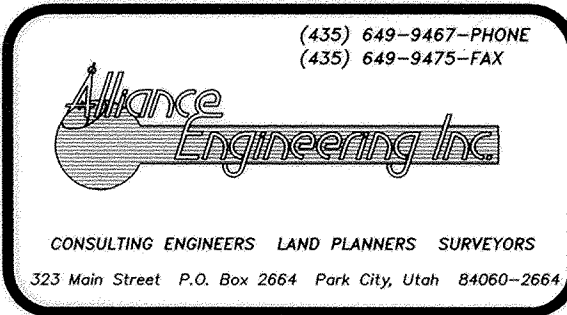
ESTATE LOT 1  
3.0 ACRES  
1460 EAGLE WAY

NOTES

- ALL CONSTRUCTION IN THE ESTATE ZONE WILL BE REQUIRED TO MAINTAIN A 30 FOOT SETBACK FROM ALL PROPERTY LINES.
- NO REMNANT PARCEL CREATED HEREBY IS SEPARATELY BUILDABLE.
- REFER TO RECORDED SURVEY S-6512 IN THE SUMMIT COUNTY RECORDER'S OFFICE.

FIRST AMENDMENT LOT B OF  
EAGLE WAY PLAT AMENDMENT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE  
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 24th DAY OF SEP, 2007 A.D.

BY *B. D. G.*  
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 27TH DAY OF JUNE, 2007 A.D.

BY *Michelle Sh*  
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 26th DAY OF SEPTEMBER, 2007 A.D.

BY *Chris W. Cochran*  
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 21st DAY OF SEPTEMBER, 2007 A.D.

BY *Wm D. H. e*  
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF MAP WAS APPROVED BY PARK CITY COUNCIL THIS 12TH DAY OF JULY, 2007.

BY *Chris Williams*  
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 12TH DAY OF JULY, 2007 A.D.

BY *Theresa Ann Con*  
MAYOR

JOB NO.: 3-11-05 FILE: X:\Aerie\P\EAGLEPA3.dwg

# 828447 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title DATE 10-18-07 TIME 12:54 PM BOOK 12 PAGE 1  
FEE \$31.00 RECORDER *Denise Brown, Deputy*

EAGLE WAY PLAT AMENDMENT SECOND AMENDED  
(1460 & 1468 Eagle Way)

February 14, 2023

PROJECT INTENT

The original Eagle Way Plat Amendment, recorded April 12, 1999, as Entry No. 535518, in the Office of the Recorder, Summit County, Utah, created two single family lots from Lots 62, 63 and 64, The Aerie Phase I, recorded December 31, 1981, as Entry No. 187143. The First Amendment Lot B of Eagle Way Plat Amendment, recorded October 18, 2007, as Entry No. 828447, expanded Lot B (1460 Eagle Way) to include property to the south, creating a lot consisting of 0.75 acres. The first amended plat of Lot B also created a 3-acre Estate Lot 1 (1468 Eagle Way) to the south of Lot B. The 3-acre Estate Lot 1 is currently vacant.

The current proposal for this application is to increase Lot B to 1.04 acres to allow a garage addition to the existing residence at 1460 Eagle Way and to allow a buffer between Lot B and the Estate Lot 1. The new Estate Lot 1 would consist of 9.35 acres, which includes land acquired by the owner since the first amendment to Lot B was recorded in 2007.



**Ordinance No. 99-4**

**AN ORDINANCE APPROVING A PLAT AMENDMENT TO ALLOW A LOT COMBINATION OF THREE LOTS INTO TWO LOTS AT 1440 EAGLE WAY OF THE AERIE SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owners of the property known as lots 62 and 64 of the Aerie Subdivision have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 16, 1998, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on December 16, 1998, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 4, 1999, the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

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

**SECTION 1. APPROVAL.** The Aerie subdivision plat is hereby amended as shown in Exhibit A subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The lot is located at 1442 Eagle Way, also known as lot 63 of the Aerie subdivision, and is zoned Single Family-SF.
2. Lot 63 is currently vacant and portions are owned by Karen Marriott and Richard Mullin.
3. The proposed Eagle Way re-plat eliminates lot 63 and adds 9375 square feet to lot 62 (Marriott) and 3125 square feet to lot 64 (Mullin).

**Conclusions of Law:**

1. There is good cause for this amended plat as the plat will result in a reduction in density.

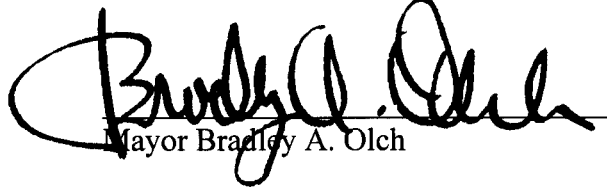
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

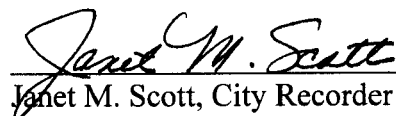
1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Aerie subdivision continue to apply.
4. Increased house sizes, and required setbacks, will be governed by section 7.15.7 of the Land Management Code.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.  
PASSED AND ADOPTED this 4th day of February 4,1999.

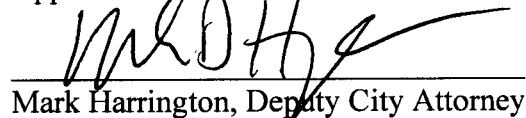
PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

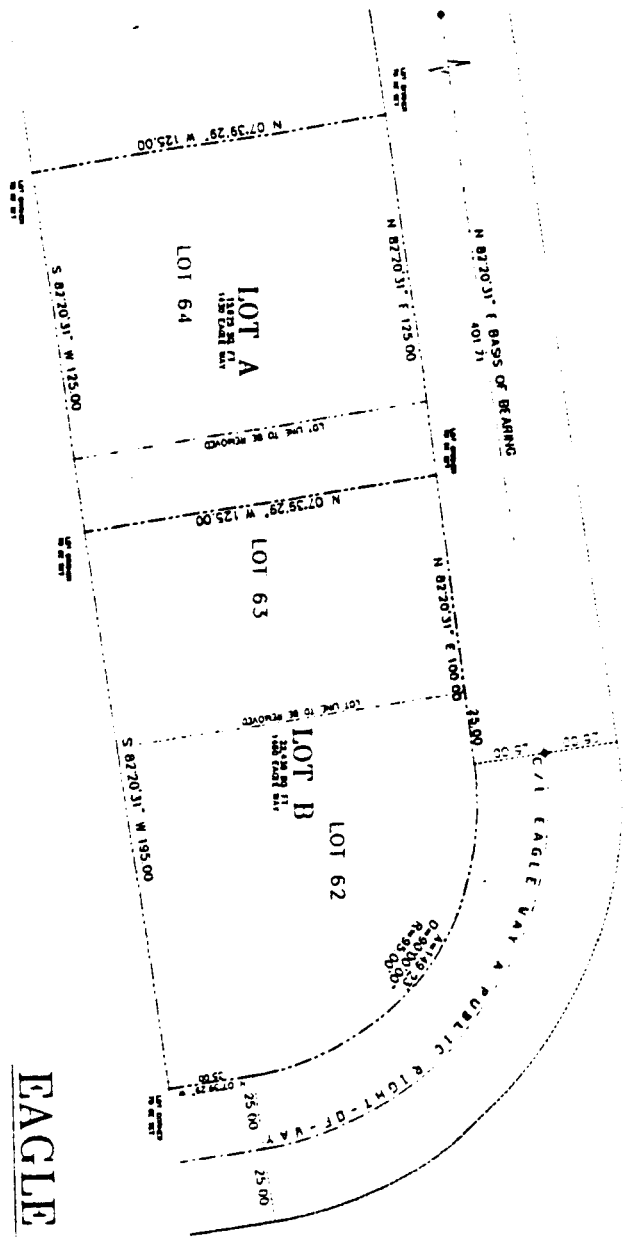
Attest:

  
Janet M. Scott, City Recorder

Approved as to form::

  
Mark Harrington, Deputy City Attorney





# LOT LINE ADJUSTMENT PLAT EAGLE WAY PLAT AMENDMENT

LOCATED IN THE S40N01W1/4 SECTION 10  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN  
AND MERRIAM PARK CITY, SOUTHERN COUNTY, UTAH  
AN APPROXIMATE 1 TO 1000 ACRES  
N.W. 1/4

SURVEYOR'S NAME SURVEYOR'S ADDRESS SURVEYOR'S CITY SURVEYOR'S STATE SURVEYOR'S ZIP	SURVEYOR'S LICENSE NO. SURVEYOR'S EXPIRATION DATE	SURVEYOR'S FEE SURVEYOR'S DATE	SURVEYOR'S SIGNATURE SURVEYOR'S DATE	SURVEYOR'S SEAL SURVEYOR'S DATE	SURVEYOR'S SIGNATURE SURVEYOR'S DATE	SURVEYOR'S SEAL SURVEYOR'S DATE	SURVEYOR'S SIGNATURE SURVEYOR'S DATE	SURVEYOR'S SEAL SURVEYOR'S DATE	SURVEYOR'S SIGNATURE SURVEYOR'S DATE	SURVEYOR'S SEAL SURVEYOR'S DATE
--	--	-----------------------------------	---	------------------------------------	---	------------------------------------	---	------------------------------------	---	------------------------------------

EXHIBIT A - EAGLE WAY PLAT

RECEIVED  
OCT 19 1938  
PARK CITY  
PLANNING DEPT.

OWNER'S DECLARATION AND CONSENT TO RECORD I, the undersigned, being the owner of the above described land, do hereby declare that the same is not subject to any lien or encumbrance other than those shown on the plat, and that the same is not subject to any other lien or encumbrance. I hereby consent to the recording of this plat and the same being a part of the public records of this county.	OWNER'S DECLARATION AND CONSENT TO RECORD I, the undersigned, being the owner of the above described land, do hereby declare that the same is not subject to any lien or encumbrance other than those shown on the plat, and that the same is not subject to any other lien or encumbrance. I hereby consent to the recording of this plat and the same being a part of the public records of this county.
---	---





## CITY COUNCIL STAFF REPORT

**DATE:** February 4, 1999  
**DEPARTMENT:** Planning  
**AUTHOR:** Brooks T. Robinson  
**TITLE:** Eagle Way re-plat, Aerie subdivision  
**TYPE OF ITEM:** Plat amendment; three lots into two

---

**SUMMARY RECOMMENDATIONS** Conduct a public hearing, consider any public input, and approve as conditioned.

---

### **DESCRIPTION**

Owners	Karen Marriott and Richard Mullin
Location	1440 Eagle Way, Aerie subdivision
Zoning	Single Family - SF
Adjacent Land Uses	Residential
Reason for Review	Plat amendments require Planning Commission Review and City Council approval

### **B. Background**

The Planning Commission reviewed this application at their meeting of December 16, 1998. The Commission approved the application as conditioned and forwarded a positive recommendation to the City Council

The property is legally described as lot 63 of the Aerie subdivision. It is rectangular in shape and approximately 12,500 square feet in size. The property is vacant. The owner of lot 62 (Marriott) and the owner of lot 64 (Mullin) own portions of lot 63 between them. Houses currently exist on lots 62 and 64.

The applicants propose to eliminate lot 63 and divide it between lots 62 and 64. The existing lot lines between lots 62 and 63 and between lot 63 and 64 would be removed and a new lot line would be created. Approximately 9375 square feet will be added to lot 62 and 3125 square feet added to lot 64.

**C.     Analysis**

Lot combinations are allowed within the SF zone. The two new lots will have square footages of 22,438 (former lot 62, new lot B) and 15,625 (former lot 64, new lot A). These sizes are well within the norms of other lots in the Aerie subdivision. The existing houses are well under the maximum house size allowed as a result of the re-plat. Any increase in house square footage on a combined lot must meet the criteria set forth in section 7.15.7 of the Land Management Code.

**D.     Department Review**

This project has gone through an interdepartmental review. There were no issues brought up at that time. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

**E.     Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

**F.     Public Input**

No input was given at the Planning Commission public hearing.

**ALTERNATIVES**

- A.     The City Council may approve the application with the conditions stated, or modify the conditions, or
- B.     The City Council may deny the application and direct staff to prepare findings supporting this recommendation, or
- C.     The City Council may continue the discussion to a later date.

**SIGNIFICANT IMPACTS**

There are no significant fiscal or environmental impacts to the City with this amendment. The lot sizes are in keeping with the rest of the Aerie subdivision and there are no compatibility issues.

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION**

The ownership and lot lines would remain the same.

## **RECOMMENDATION**

Staff recommends that the City Council hold a public hearing, address any public input, and consider approval of the Alta Vista subdivision plat amendment based on the following findings of fact, conclusions of law and conditions of approval:

### **Findings of Fact:**

1. The lot is located at 1442 Eagle Way, also known as lot 63 of the Aerie subdivision, and is zoned Single Family-SF.
2. Lot 63 is currently vacant and portions are owned by Karen Marriott and Richard Mullin.
3. The proposed Eagle Way re-plat eliminates lot 63 and adds 9375 square feet to lot 62 (Marriott) and 3125 square feet to lot 64 (Mullin).

### **Conclusions of Law:**

1. There is good cause for this amended plat as the plat will result in a reduction in density.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

### **Conditions of Approval:**

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Aerie subdivision continue to apply.
4. Increased house sizes, and required setbacks, will be governed by section 7.15.7 of the Land Management Code.

## **EXHIBITS**

Exhibit A - Location Map

Exhibit B - Proposed Eagle Way re-plat

Exhibit C- Existing Conditions Map

Exhibit D - Proposed Ordinance

M:\CDD\BTR\COUNCIL\CC99\EAGW1442.WPD

**Ordinance No. 07-42**

**AN ORDINANCE APPROVING THE FIRST AMENDMENT LOT B OF EAGLE WAY  
PLAT AMENDMENT LOCATED AT 1460 EAGLE WAY, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1460 Eagle Way have petitioned the City Council for approval of the First Amendment Lot B of Eagle Way Plat Amendment plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 27, 2007, to receive input;

WHEREAS, the Planning Commission, on June 27, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 12, 2007, the City Council held a public hearing and approved the First Amendment Lot B of Eagle Way Plat Amendment plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The plat amendment as shown in Exhibit A are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1460 Eagle Way in the Single Family (SF) and Estate (E) zones.
2. The SF zone is a residential zone characterized by a mix of larger contemporary buildings and moderate sized structures.
3. The E zone is a residential zone characterized of larger single family lots with contemporary single family homes and open space.
4. The applicant is the owner of Lot B of the Eagle Way Subdivision and a 3.3 acre metes and bounds parcel directly adjacent to Lot B.
5. The applicant is proposing to subdivide the metes and bounds parcel into one lot of record 3.0 acres in size and to add .3 acres to existing Lot B of the Eagle Way Subdivision.

6. There is a single family home on Lot B of the Eagle Way Subdivision, formerly known as Lot 62 and part of Lot 63 of the Aerie Subdivision.
7. The property fronts, and receives access from Eagle Way.
8. Setbacks for the E zone are 30 feet from all property lines.
9. The applicant would like to build a garage addition on the existing home on Lot B.

Conclusions of Law:

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

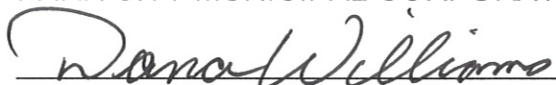
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All construction in the Estate zone will be required to maintain a 30 foot setback from all property lines.
4. No remnant parcel created hereby is separately buildable.

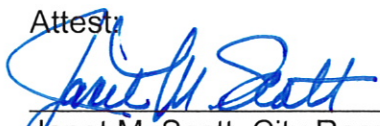
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 12<sup>th</sup> day of July, 2007.


PARK CITY MUNICIPAL CORPORATION

  
Mayor Dana Williams

Attest:

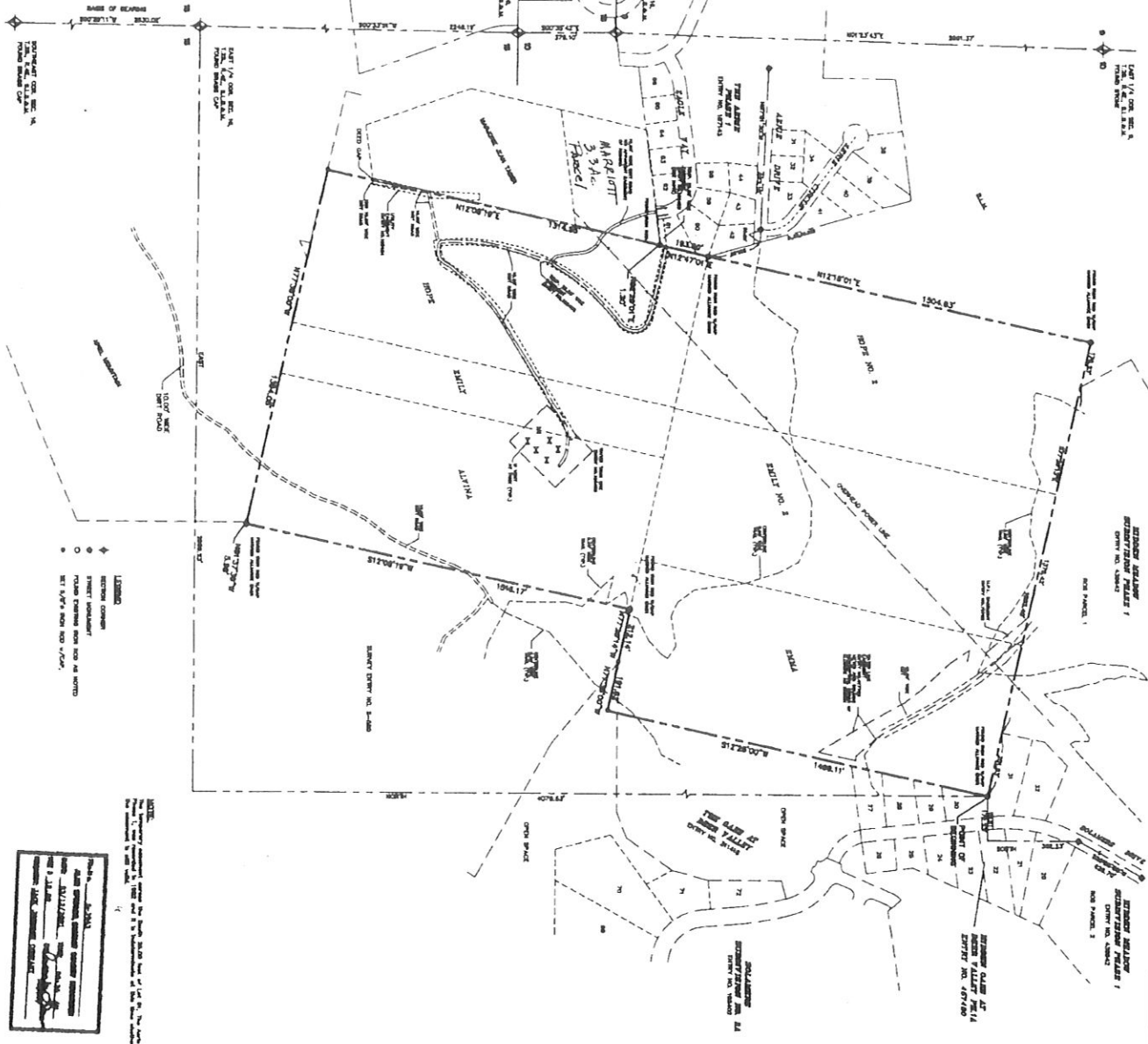
  
Janet M. Scott, City Recorder

Approved as to form:

  
Tom Daley, Deputy City Attorney







RECORD OF BOUNDARY SURVEY  
SILVER KING GROUP PROPERTY  
LOCATED IN SECTION 10 AND 16,  
TOWNSHIP 3 NORTH, RANGE 14 EAST,  
SALT LAKE BASIN AND MERRIDALE,  
PARK CITY, SUMMIT COUNTY, UTAH

**ABSTRACT.**  
The survey was prepared by Silver King Group.  
The purpose of the survey is to determine the location of the  
the lines of the survey and the location of the survey lines.  
The survey was prepared by Silver King Group.  
The purpose of the survey is to determine the location of the  
the lines of the survey and the location of the survey lines.

**AS SHOWN ON THE SURVEY.**  
The survey was prepared by Silver King Group.  
The purpose of the survey is to determine the location of the  
the lines of the survey and the location of the survey lines.  
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**REMARKS.**  
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the lines of the survey and the location of the survey lines.

3-3743

<b>RECORD OF BOUNDARY SURVEY</b> <b>SILVER KING GROUP PROPERTY</b> LOCATED IN SECTION 10 AND 16, T.R.S., R.4E, S.12&13E PARK CITY, SUMMIT COUNTY, UTAH		SHEET NO. 01-05-01	DATE 01-05-01	THE JACK JOHNSON COMPANY 1777 Sun Peak Drive • Park City, Utah 84008 (801) 645-8000 • Fax (801) 645-1820
SILVER KING GROUP		ASH NO. 048.0100.00	DATE 01-05-01	THE JACK JOHNSON COMPANY





## City Council Staff Report



PLANNING DEPARTMENT

**Author:** Ray Milliner  
**Subject:** First Amendment Lot B of Eagle Way Plat Amendment  
**Date:** July 12, 2007  
**Type of Item:** Administrative – Plat Amendment

### **Summary Recommendations**

Staff recommends the City Council hold a public hearing on the First Amendment Lot B of Eagle Way Plat Amendment and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### **Topic**

**Applicant:** Karen Marriott  
**Location:** 1460 Eagle Way  
**Zoning:** Single Family (SF) and Estate (E)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

### **Background**

On August 31, 2007, the City received a completed application for First Amendment Lot B of Eagle Way Plat Amendment. The property is located at 1460 Eagle Way in the Single Family (SF) zone. There is an existing single family home on the property. The applicant is also the owner of a 3.3 acre metes and bounds parcel located directly behind her single family lot. The parcel is in the Estate zone. Access to both the platted lot and the metes and bounds parcel is from existing Eagle Way.

The applicant proposes to subdivide the metes and bounds parcel into one 3.0 acre lot of record in the Estate zone and to take the remaining .3 acres of the parcel and attach it to Lot B of the Eagle Way Subdivision. The purpose of the subdivision is to accommodate an addition to the rear of the existing home on Lot B and to convert the metes and bounds parcel into a lot of record.

### **Analysis**

The property is located in both the Single Family and Estate zones. The proposed plat amendment will create a single lot of approximately 3.0 acres and increase the size of an existing lot by approximately .3 acres. Section 15-2.10-3 of the Land Management Code states that the minimum lot size for the Estate zone is 3 acres. The remaining .3 acres that the applicant would like to add to Lot B is also in the Estate zone. Staff finds that because this small section of property is proposed to be added to a platted legal lot of record, the plat amendment is appropriate as the use of a single family home on the property will not change. However, because the .3 acre section is in the E zone, all

setback and height requirements for that zone will apply to any construction in that zone (30 feet from all property lines).

Eagle Way terminates at the property line of the metes and bounds parcel. Therefore, access to adjacent properties from the end of Eagle Way will not be available as there is no access easement proposed on this plat. At the time of this report, staff has received no information from adjacent property owners indicating that an access easement is necessary or desired. Therefore, staff recommends that the plat remain as proposed.

Staff finds good cause for this plat amendment as all contiguous property owned by the applicant is included in this subdivision, and it will be subdivided into one lot of record or added into an existing lot. Staff further finds that no material harm will come to any adjacent property owners as access to adjacent properties remains unchanged by this subdivision.

#### **Department Review**

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

#### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

#### **Public Input**

No public input regarding the plat amendment has been received at the time of this writing.

#### **Alternatives**

- The City Council may approve the First Amendment Lot B of Eagle Way Plat Amendment subdivision as conditioned or amended, or
- The City Council may deny the First Amendment Lot B of Eagle Way Plat Amendment subdivision and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the First Amendment Lot B of Eagle Way Plat Amendment subdivision.

#### **Significant Impacts**

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

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

The building would remain as is and no additional construction could take place across the existing lot lines.

#### **Recommendation**

Staff recommends the City Council hold a public hearing on the First Amendment Lot B of Eagle Way Plat Amendment and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

**Exhibits**

Exhibit A – Proposed Plat

Exhibit B – Site Survey



SENSITIVE LAND OVERLAY STUDY:  
LOT B, EAGLE WAY PLAT AMENDMENT  
1460 EAGLE WAY, PARK CITY, UT 84060

BY MICHAEL DEMKOWICZ, P.E. P.L.S  
OWNER & PRESIDENT OF ALLIANCE ENGINEERING, INC.

2700 Suite 50 & 60, Park City, Utah  
P.O. Box 2664 | Office: 435-649-9647

### Chapter 2.21.3 Sensitive Lands OverlayZone – Ordinance Provisions

**PURPOSE:** The purpose of the Sensitive Land overlay (SLO) 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.

*(Amended by Ord. No. 07-81)*

**OVERLAY REVIEW PROCESS:** The overlay review process has four primary steps:

- A) SENSITIVE LAND ANALYSIS**
  - Applicants for development within the SLO must identify the property’s sensitive environmental and aesthetic areas such as steep slopes, ridge line areas, wetlands, stream corridors, wild land interface, and wildlife habitat areas and provide at time of application a sensitive land analysis.
- B) APPLICATION OF OVERLAY ZONE REGULATIONS**
  - Regulatory standards apply to the type of sensitive land delineated.
- C) SITE DEVELOPMENT SUITABILITY DETERMINATION**
  - Staff shall review the sensitive land analysis, apply the applicable sensitive land overlay regulations, Section 15-2.21-4 through 15-2.21-9, and shall prepare a report to the applicant and the Planning Commission identifying those areas suitable for development as developable land.
- D) HARDSHIP RELIEF**
  - If the Applicant demonstrates that the regulations PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Land Overlay Zone (SLO) Regulations 15-2.21-2 would deny all reasonable use of the property, the Planning Commission may modify application of these regulations to provide the applicant reasonable use of the property.

*(Amended by Ord. No. 07-81)*

**SENSITIVE LAND ANALYSIS:****1) Slope/Topographic Map**

- A slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight area of high geologic hazard, areas subject to land sliding, and all significant steep slopes in the following categories: greater than 15%, greater than 30%, and very steep slopes greater than 40%.

**2) Ridge Line Area ( N/A )**

- A map depicting all crests of hills and ridge line areas.

**3) Vegetative Cover**

- A detailed map of vegetative cover, depicting the following: deciduous trees, coniferous trees, gamble oak or high shrub and sage, grassland, and agricultural crops.
- The Planning Department may require a more detailed tree/ vegetation survey if the site has unusual or significant vegetation, stand of trees, or woodlands.

**4) Designated Entry Corridors and Vantage Points**

- Designated entry corridors and vantage points present within or adjacent to the site, including Utah highway-248 east of Wyatt Earp Way and Utah highway-224 north Holiday Ranch.

**5) Wetlands**

- A map delineating all wetlands established by using the 1987 *Federal Manual for identifying and Delineating Jurisdictional Wetlands*, as amended. **See Section 15-2.21-6.**

**6) Stream Corridors, Canals, and Irrigation Ditches.**

- A map delineating all stream corridors, canals, and irrigation ditches, defined by the Ordinary High-Water Mark.

**7) Wildlife Habitat Areas**

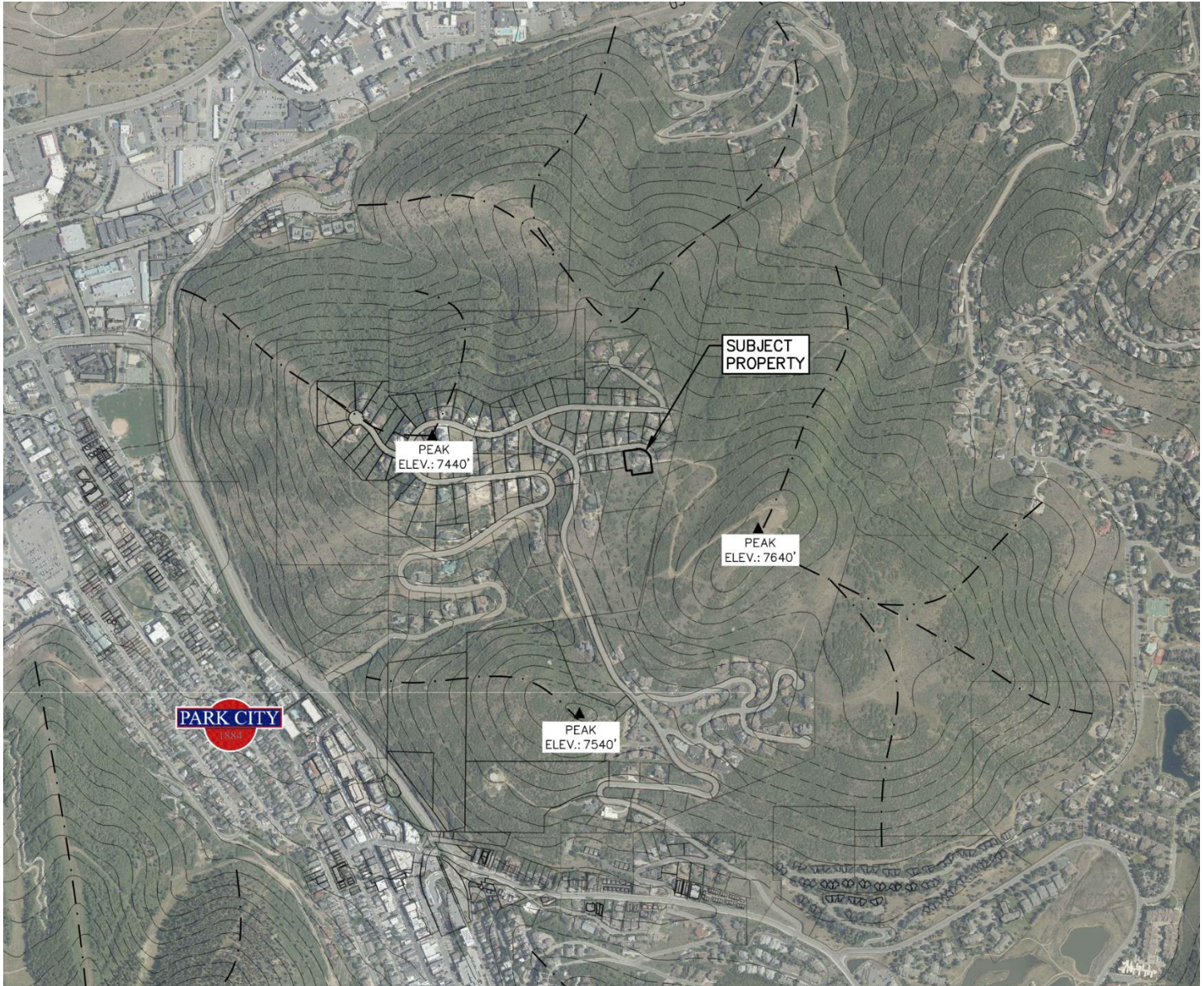
- A map depicting all wildlife habitat areas, as defined by the wildlife habitat report shall be provided by the applicant. The wildlife habitat report shall be prepared by a professional, qualified in the areas of ecology, wildlife biology, or other relevant disciplines.



## **Topographic Map and Slope Analysis:**

*See attached Appendix A & B.*

## Ridge Line Study:

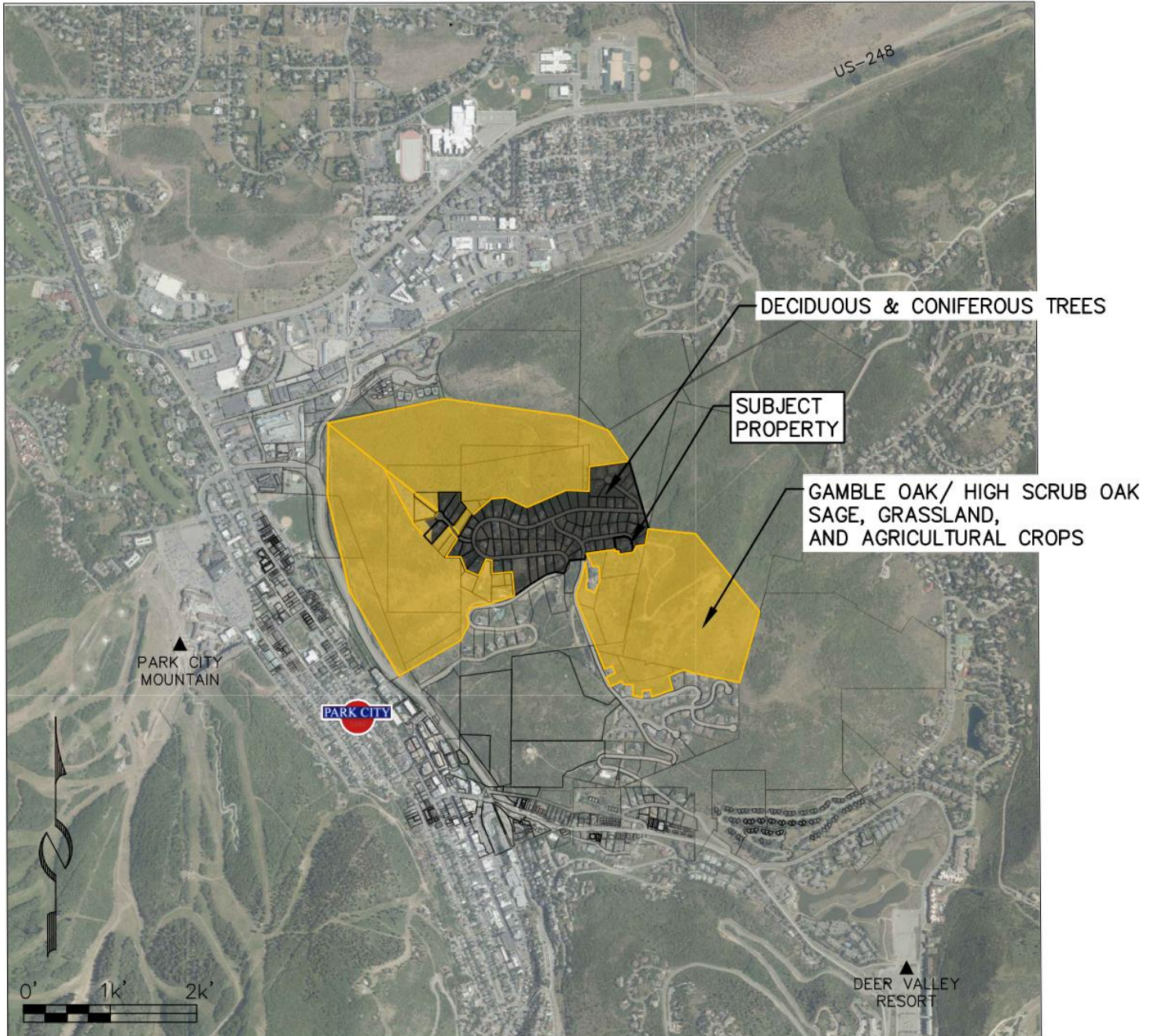


A field survey and topographic study was performed February 7, 2023 and found the subject property exists between elevations 7442.0' and 7462.0'. Proximate topography indicates subject property does not exist on any ridge lines.

*Topographic contours displayed above were collected from public databases (2018 USGIS) and serve as a visual aide for the purposes of this document.*



## Vegetative Cover:



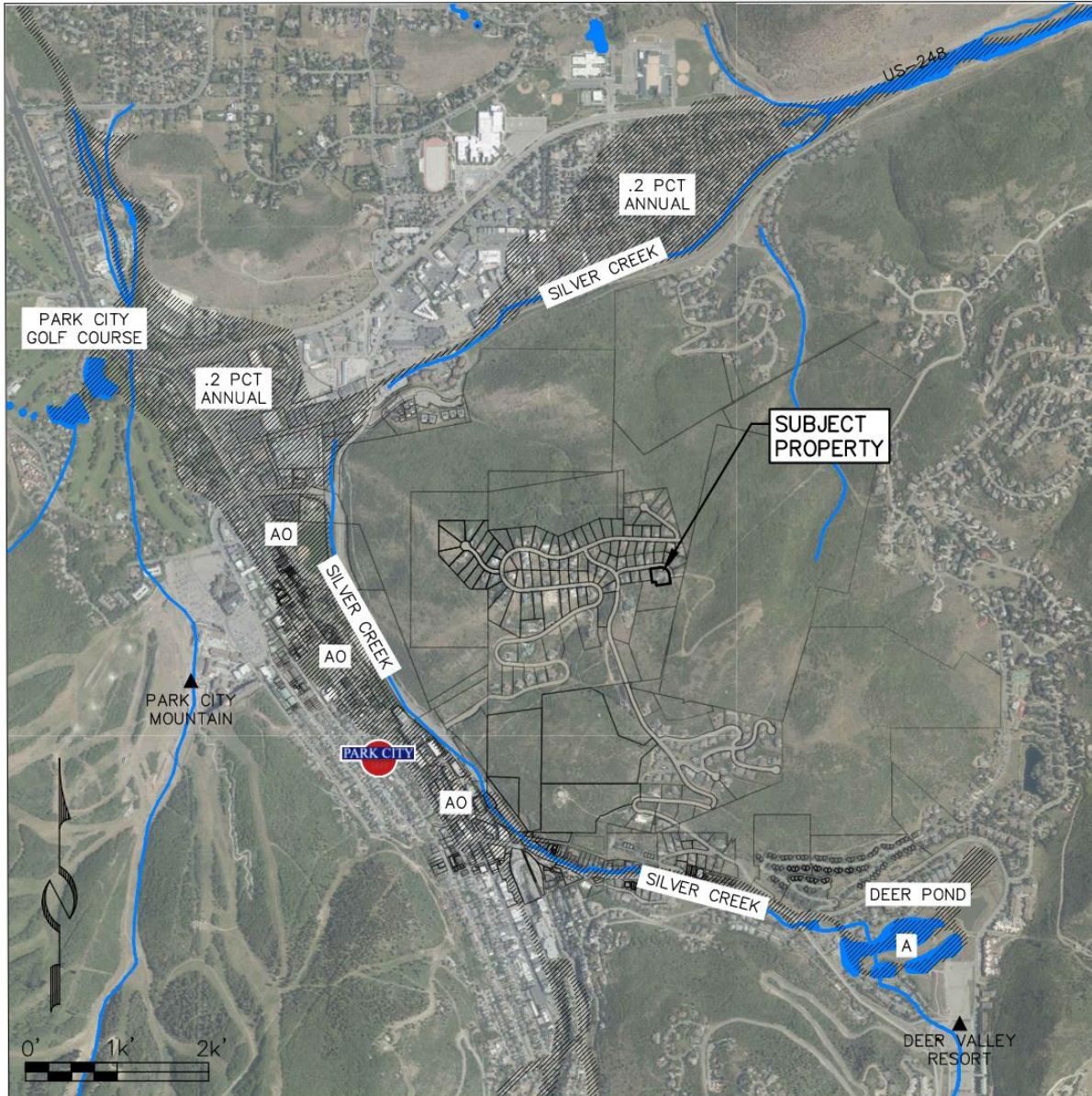
See appendix A for field survey of existing vegetation affected by the proposed building addition. Designed landscaping and non-native deciduous trees appear to be affected by future building footprint. Subject property contains primarily gamble oak and scrub oak along with sage and grassland south of the proposed structure.

## **Designated Entry Corridors and Vantage Points:**

*This portion of the Sensitive Land Overlay study is not applicable as directed from city staff.*



## Wet Lands:



Subject property is not affected by any designated wet lands as determined by UGS data updated July 19, 2022 and approved from the National Wetland Inventory.

*NOTE: This is not an official water delineation map and is specifically used as a visual aide to assess if the subject property is affected by any designated wetlands.*

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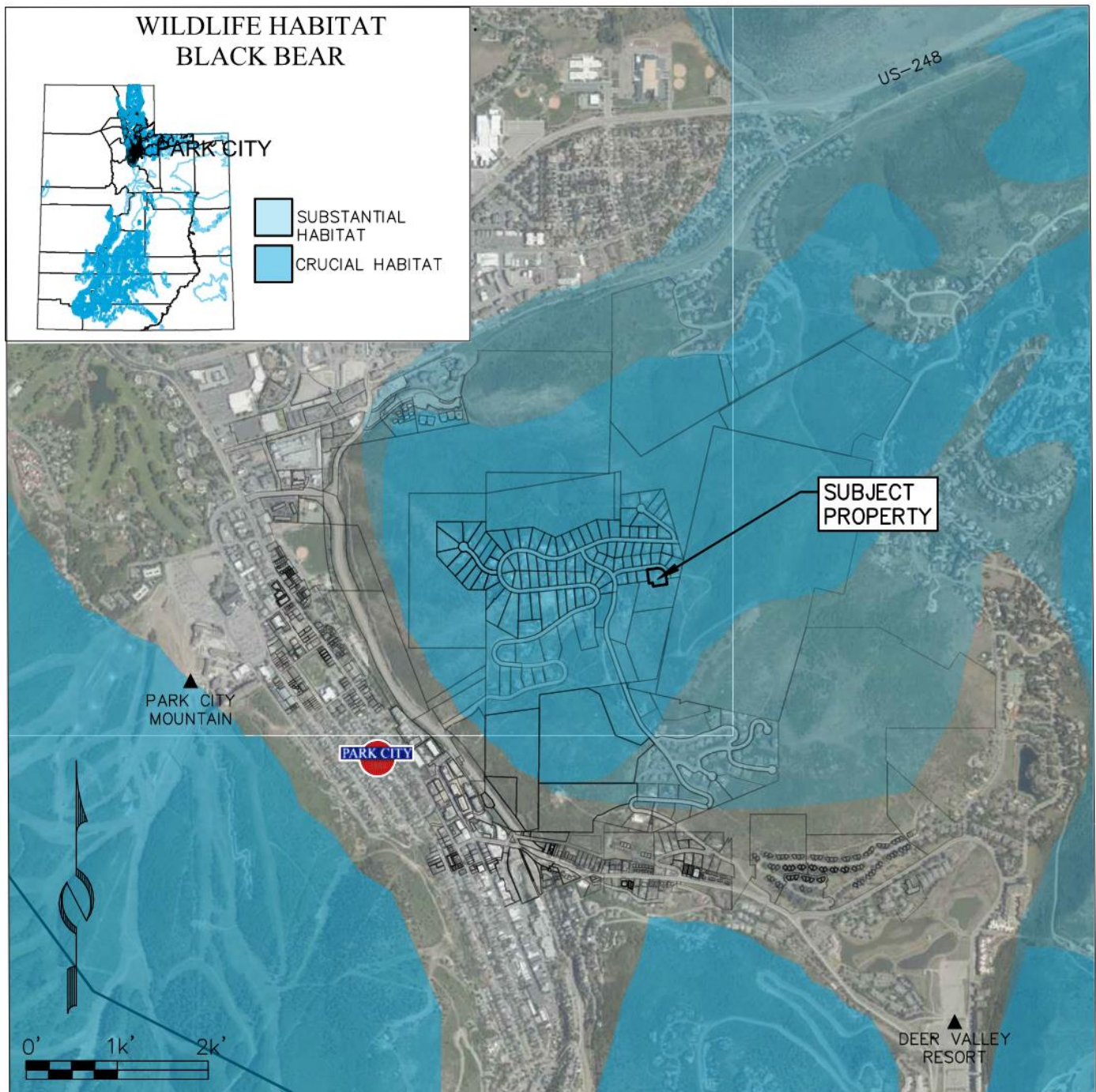
### **Stream Corridors, Canals, and Irrigation Ditches:**

See wetland and stream corridor map above. Subject property is not affected by any designated streams, canals or irrigation ditches as determined by UGS data updated July 19, 2022 and approved from the National Wetland Inventory.

*NOTE: This is not an official water delineation map and is specifically used as a visual aide to assess if the subject property is affected by any designated wetlands.*

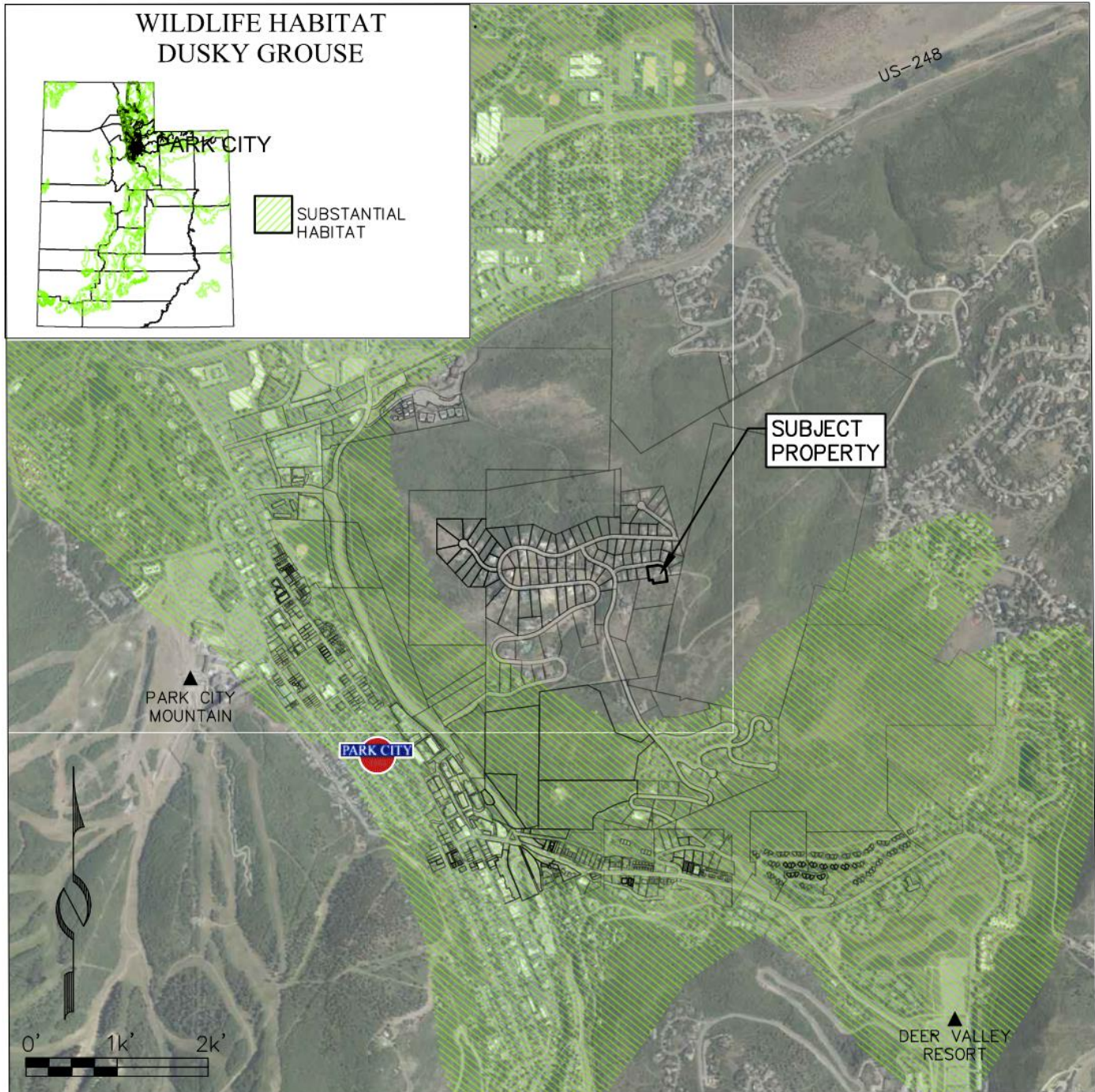


## Wildlife Habitat Areas:



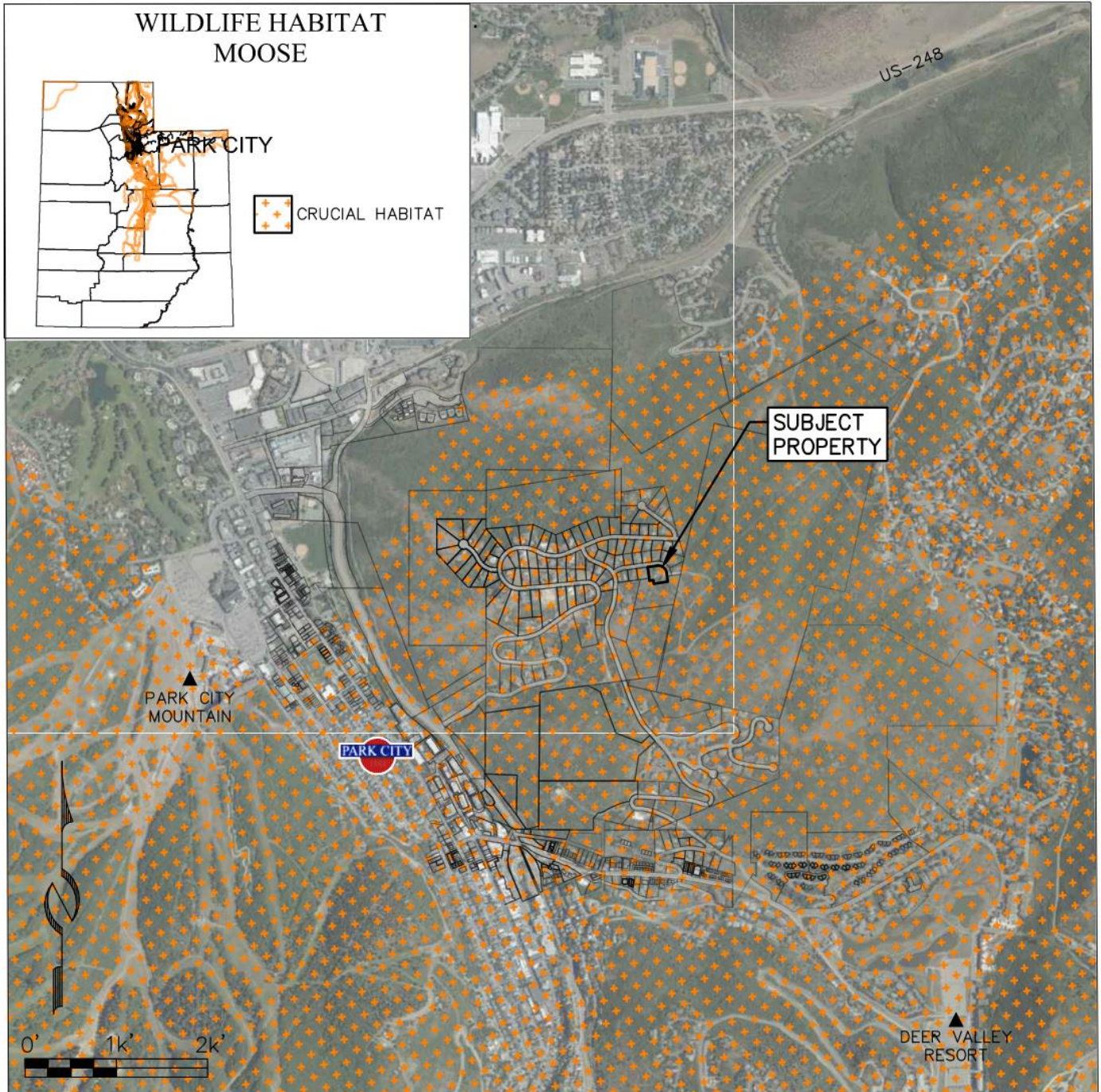
**FIGURE 7.1:** Shows a crucial, year-long habitat for the regional Black Bear.





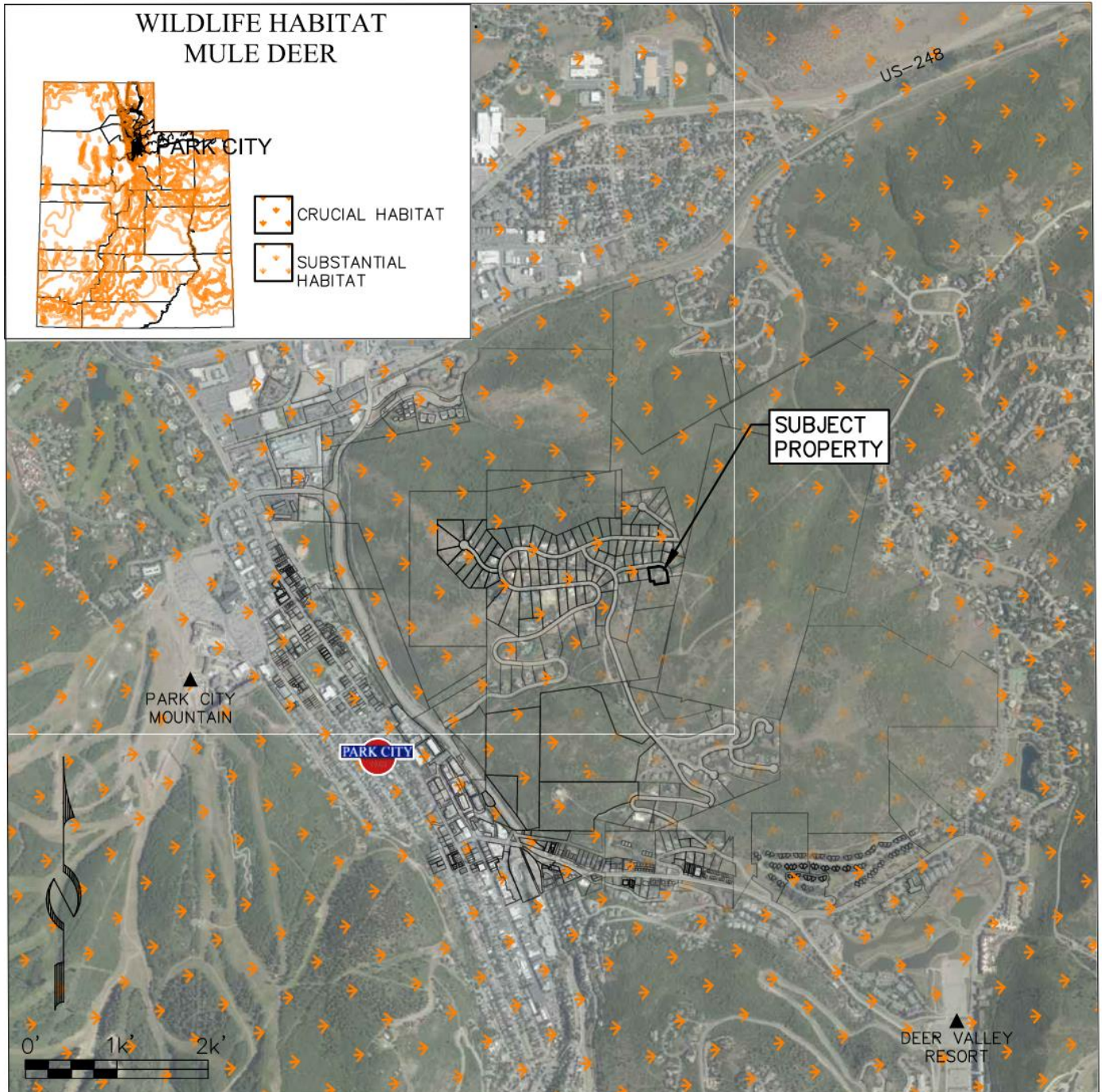
**FIGURE 7.2:** Shows a substantial, year-long habitat for the Dusky Grouse. Does not affect subject property.





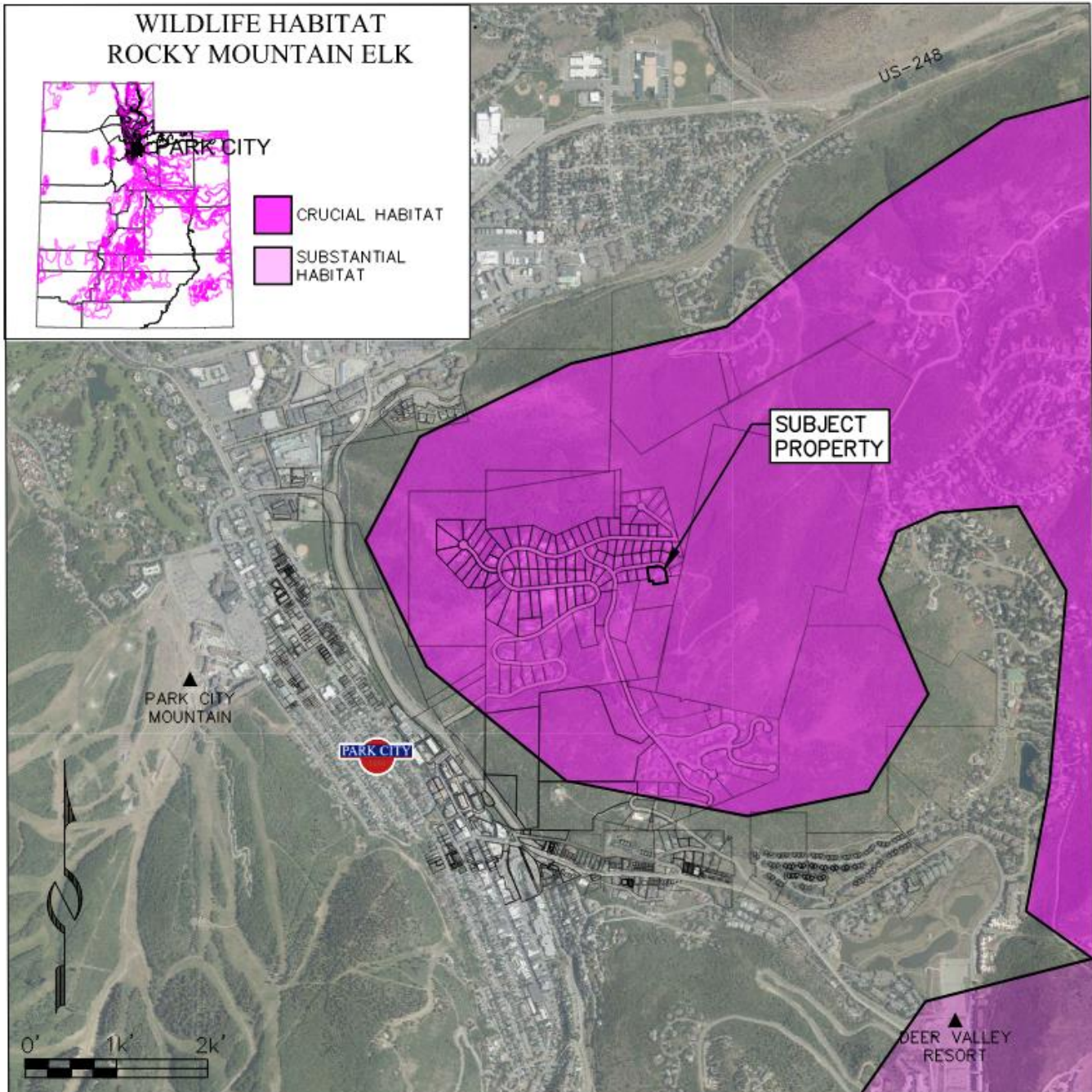
**FIGURE 7.3:** Shows a crucial, year-long calving habitat for the regional Moose.





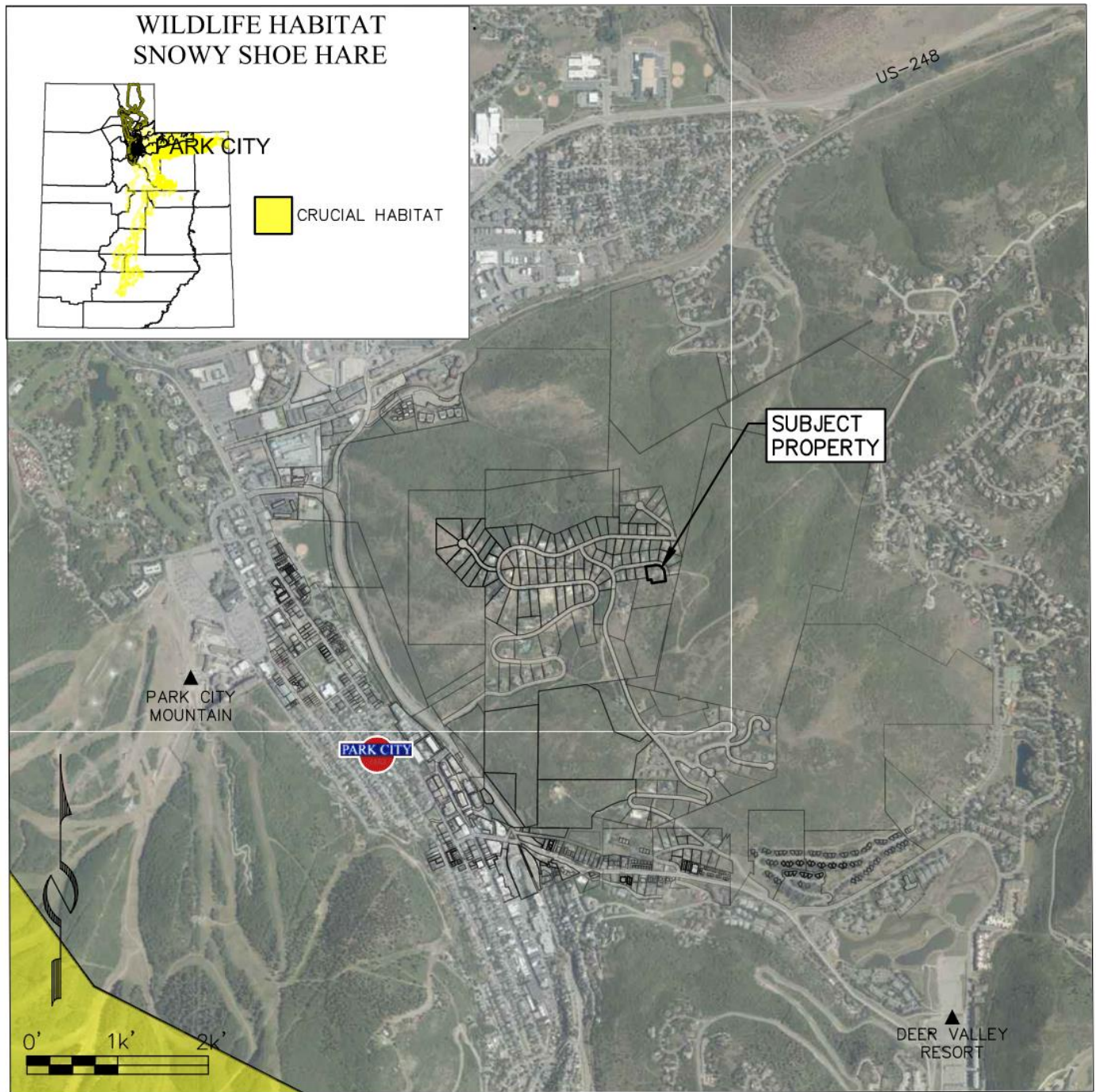
**FIGURE 7.4:** Shows a crucial, seasonal (Summer) habitat for the regional Mule Deer.





**FIGURE 7.5:** Shows a crucial, seasonal (Winter) habitat for the Rocky Mountain Elk.





**FIGURE 7.6:** Shows a crucial, year-long habitat for the Snowy Shoe Hare. Does not affect subject property.

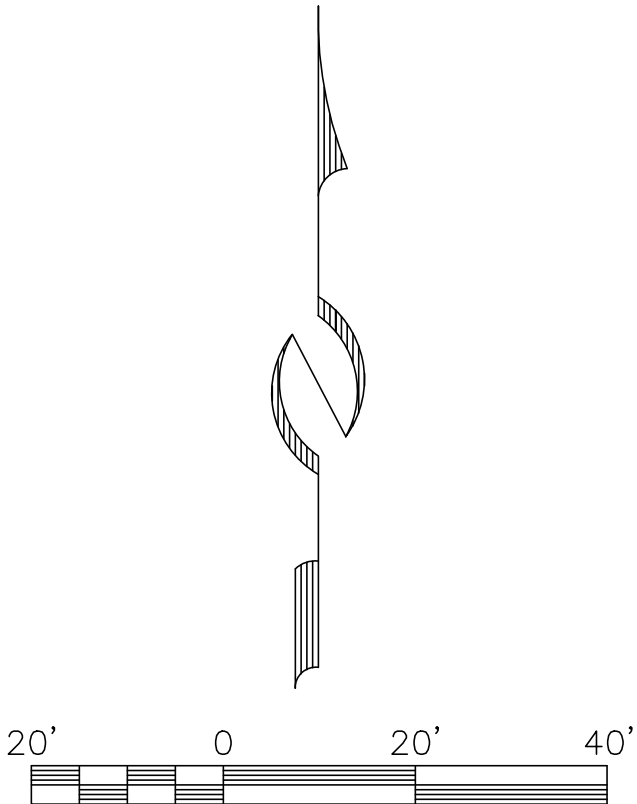




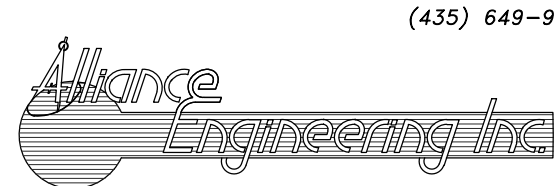
- NOTES**
1. Site Benchmark: Sanitary Sewer Manhole = 7443.1'.
  2. Field work for this survey was completed on February 7, 2023.
  3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
  4. Snow coverage at the time of the survey was approximately 5-6'. Therefore, some conditions may exist which are not shown.
  5. See First Amendment Lot B of Eagle Way Plat Amendment, Entry No. 828447 in the Summit County Recorder's Office.

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 7°39'29" W	30.00
L2	N 7°39'29" W	38.36
L3	S 82°20'31" W	40.60
L4	N 7°39'29" W	25.00

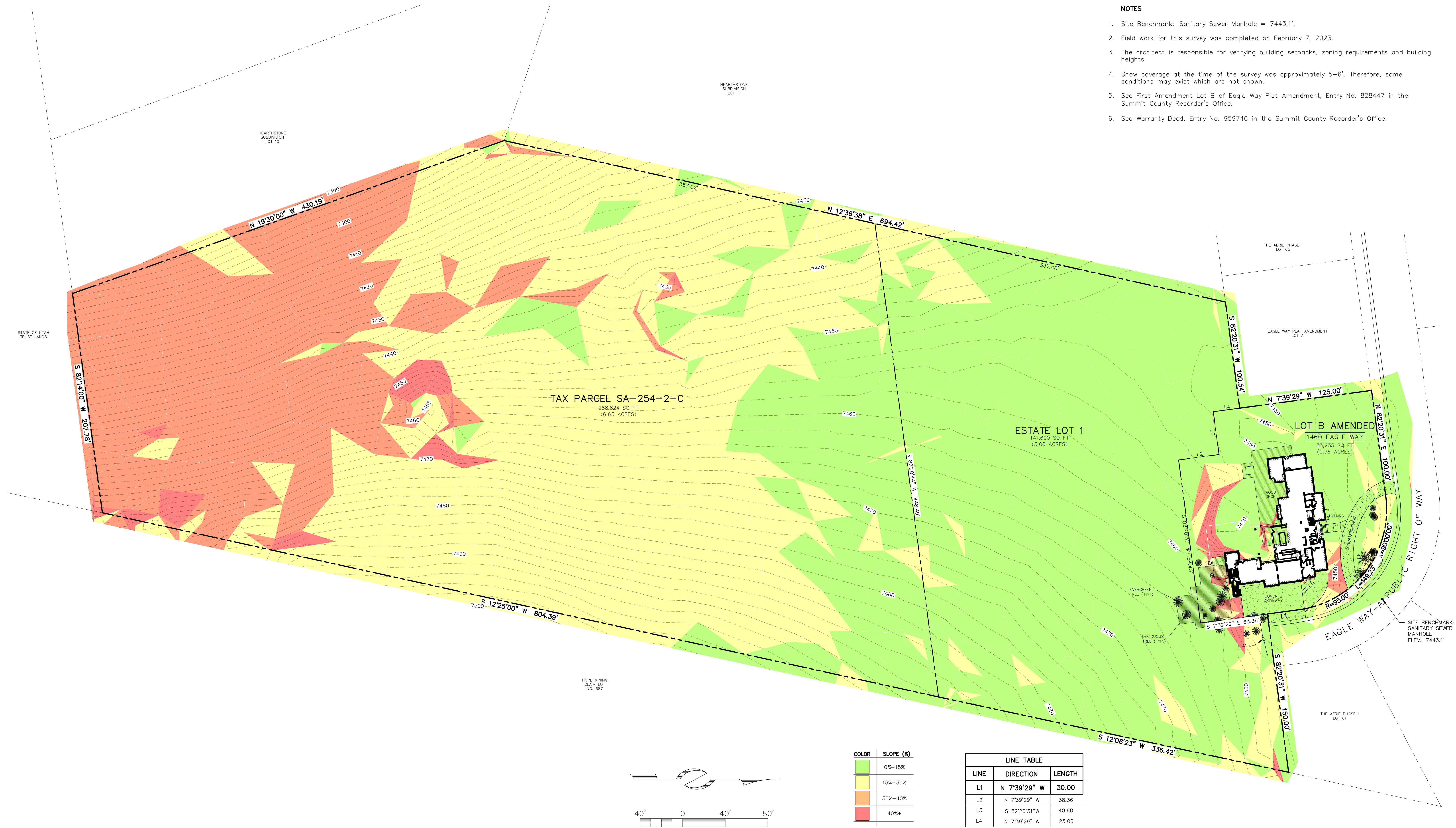
COLOR	SLOPE (%)
Light Green	0%-15%
Yellow	15%-30%
Orange	30%-40%
Red	40%+



# APPENDIX A

 <small>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</small>	<b>STAFF:</b> MARSHALL KING BRAYLON ROSE TYLER LEPORE THOMAS VAUGHN MARK THOMAS	EXISTING CONDITIONS & TOPOGRAPHIC MAP LOT B EAGLE WAY PLAT AMENDED 1460 EAGLE WAY	<b>SHEET</b> 1 <b>OF</b> 1	
	<b>DATE:</b> 4/11/2023	<b>FOR:</b> KAREN MARRIOTT		
		<b>JOB NO.:</b> 6-11-22		
		<b>FILE:</b> X:\Aerie\dwg\src\topo22\061122.dwg		





# APPENDIX B

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

**STAFF:**  
MARSHALL KING  
BRAYLON ROSE  
TYLER LEPORE  
THOMAS VAUGHN  
MARK THOMAS

**DATE:** 4/20/23

**EXISTING CONDITIONS & TOPOGRAPHIC MAP**  
**FIRST AM LOT B OF EAGLE WAY PLAT AM**  
**& TAX PARCEL SA-254-2-C**

**FOR:** KAREN MARRIOTT  
**JOB NO.:** 6-11-22  
**FILE:** X:\Aerie\dwg\src\topo22\061122.dwg

**SHEET**  
**2**  
**OF**  
**2**





1460 Eagle Way – side looking westerly





1460 Eagle Way – front looking southeasterly





**1460 Eagle Way – side and rear looking westerly**





1460 Eagle Way – rear looking northwesterly





1460 Eagle Way – looking southerly from rear of house





1460 Eagle Way – rear looking northerly



**1460 Eagle Way – looking southwesterly from rear of house**





1460 Eagle Way – rear looking northeasterly



1460 Eagle Way – rear looking northeasterly



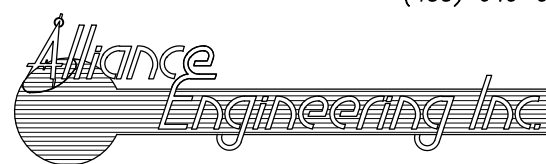
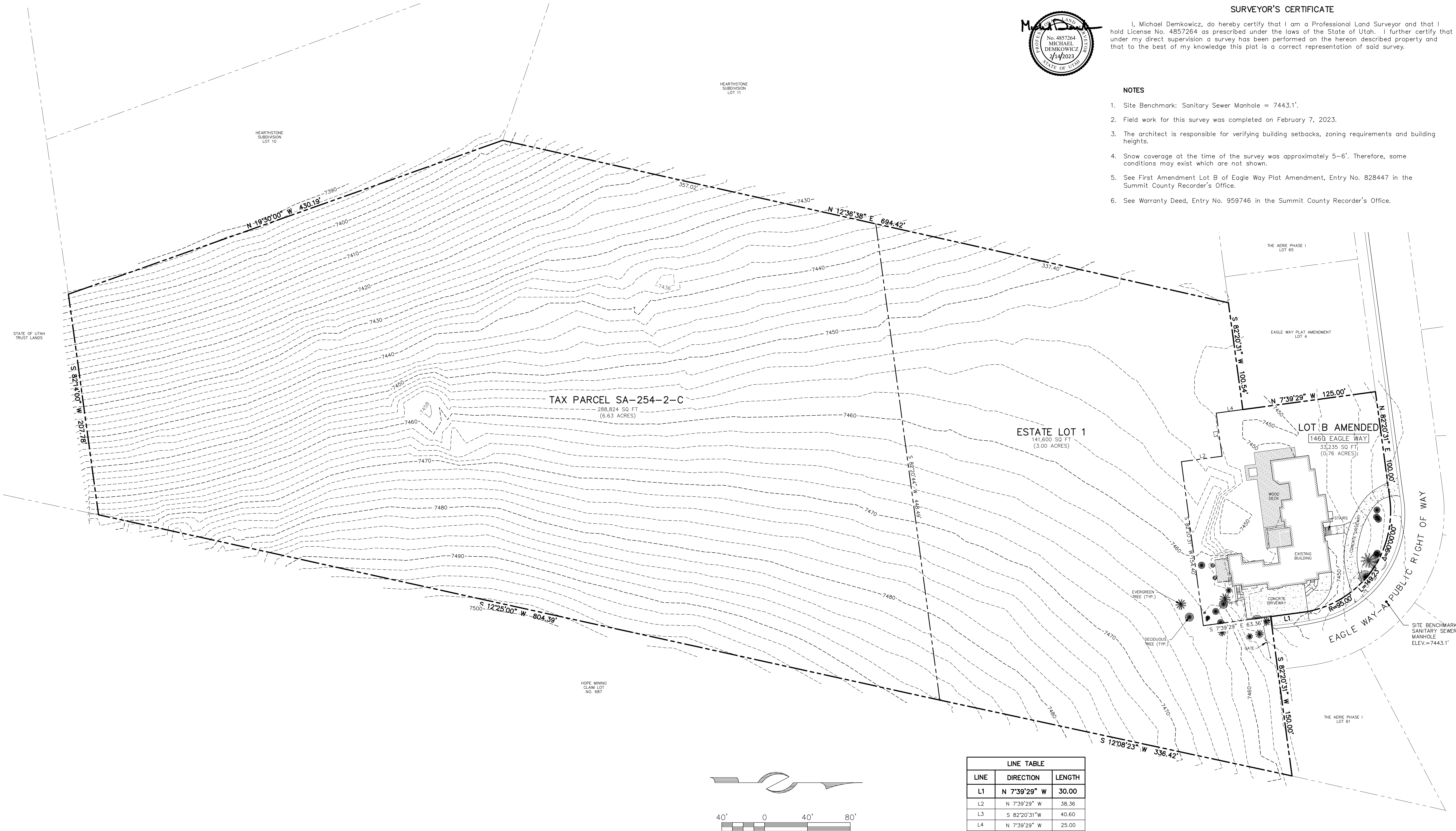


SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

NOTES

1. Site Benchmark: Sanitary Sewer Manhole = 7443.1'.
2. Field work for this survey was completed on February 7, 2023.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. Snow coverage at the time of the survey was approximately 5-6'. Therefore, some conditions may exist which are not shown.
5. See First Amendment Lot B of Eagle Way Plat Amendment, Entry No. 828447 in the Summit County Recorder's Office.
6. See Warranty Deed, Entry No. 959746 in the Summit County Recorder's Office.



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

**STAFF:**  
MARSHALL KING  
BRAYLON ROSE  
TYLER LEPORE  
THOMAS VAUGHN  
MARK THOMAS

**DATE:** 2/14/23

**EXISTING CONDITIONS & TOPOGRAPHIC MAP**  
**FIRST AM LOT B OF EAGLE WAY PLAT AM**  
**& TAX PARCEL SA-254-2-C**

**FOR:** KAREN MARRIOTT

**JOB NO.:** 6-11-22

**FILE:** X:\Aerie\dwg\srvt\topo22\061122.dwg

**SHEET**  
**1**  
**OF**  
**2**



## Planning Commission Staff Report



**Subject:** 1325 Empire Avenue and Parcel SA-200  
**Application:** PL-22-05357  
**Authors:** Jaron Ehlers, Planning Technician  
Alexandra Ananth, Senior Planner  
**Date:** May 10, 2023  
**Type of Item:** Plat Amendment

### Recommendation

(I) Review the proposed Plat Amendment to re-subdivide 1325 Empire Avenue and Parcel SA-200 into four (4) developable Lots, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for the City Council's consideration on June 15, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance 2023-XX (Exhibit A).

### Description

**Applicant:** 1325 Empire Avenue Holdings, LLC  
**Location:** 1325 Empire Avenue and Parcel SA-200  
**Zoning District:** Recreation Commercial (RC)  
**Adjacent Land Uses:** Single Family Dwellings, Park City Library, and Field, Condominiums, Nightly Rentals  
**Reason for Review:** Plat Amendments require Planning Commission recommendation and City Council action<sup>1</sup>

LMC Land Management Code  
RC Recreation Commercial  
ROW Right-of-Way

*Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).*

### Summary

The Applicant is proposing a plat amendment to create four Lots from one (1) vacant Lot and one (1) Parcel—1325 Empire Avenue and Parcel SA-200—to eventually develop four (4) Single-Family Dwellings.

---

<sup>1</sup> LMC [§ 15-7.1-2\(B\)](#)

## Background



**Figure 1: This figure shows the two Lots proposed for re-subdivision into four smaller Lots to eventually accommodate four Single-Family Dwellings.**

On October 16, 1980, the City Council passed a resolution closing a portion of the Norfolk Avenue Right-of-Way. That portion was described as “Norfolk Avenue from the front of Block 19, Lot 6 northwest through 14<sup>th</sup> Street and continuing from the north side of 14<sup>th</sup> from Block 21 through Lot 14” (Exhibit G). Block 19, Lot 6 is part of the property subject to this application, and the closure of Norfolk Avenue began where Norfolk Avenue now ends today (Exhibit D). On April 22, 1982, that closed portion of Norfolk Avenue was sold by the City (Exhibit I).







- access over a turnaround or hammerhead.
- Clarity on whether the proposed stairs through Knudsen B would be public, private, or for Fire Department access only.
- A vehicular circulation plan for the new Lots and private drive accessing the Lots.
- A Setback determination from the Planning Director for proposed Lot D.
- If a fire stair access easement agreement already was recorded on Knudson B.
- Confirmation the portion of Norfolk Avenue from 13<sup>th</sup> Street is City ROW.
- A parking plan showing the potential parking onsite.
- Explanation for why the City does not plow Norfolk Avenue from 13<sup>th</sup> Street.
- Snow Storage plans for the proposed Lots.

Because this application had been publicly noticed for both Planning Commission and City Council public hearings, on April 4, 2023, the City Council opened a public hearing and continued discussion to June 15, 2023 ([Staff Report](#) | [Audio](#)).

On April 12, 2023, the Planning Commission considered the application, held a public hearing, and continued discussion to May 10, 2023 ([Staff Report](#) | [Audio](#)) at the Applicant's request.

### **Analysis**

This Staff Report is intended to address changes to the application and respond to the specific requests for additional feedback by the Planning Commission during the February 12 meeting. For a general overview of the proposal, please refer to the [February 12, 2023, Staff Report](#). The Analysis portion of this report is divided into the following sections:

- Changes to the application since the February 12 meeting.
- Setback determination for Lot D.
- Fire Marshal Determination.
- Analysis of the proposed Stairs.
- Status of Norfolk Avenue.
- Parking, vehicle circulation, and proposed snow storage.

**(I) The proposal has been modified with changes to the Lot Sizes. Proposed Lot sizes remain compliant with the Recreation Commercial (RC) Zoning District Lot and Site requirements outlined in LMC Chapter 15-2.16.**

LMC [§ 15-2.16-2 outlines the Allowed Uses for this Zoning District](#). While Single Family Dwellings and Duplexes are allowed uses in the RC Zoning District, LMC [§ 15-2.16-5](#) outlines a minimum Lot size for Single Family Dwellings (1,875 sq ft) and Duplexes (3,750 sq ft). Due to the minimum Lot size requirements, the four Lots would be restricted to Single-Family Dwellings because the proposed Lots do not meet the minimum Lot Size for Duplex Dwellings:

- Lot A would have a size of 2,479 sq ft.
- Lot B would have a size of 2,482 sq ft.



- Lot C would have a size of 2,618 sq ft.
- Lot D would have a size of 3,281 sq ft.

LMC [§ 15-2.16-5](#) outlines that all Single Family Dwellings must have a lot width of at least 25 ft. All of the Lots exceed the 25-ft requirement:

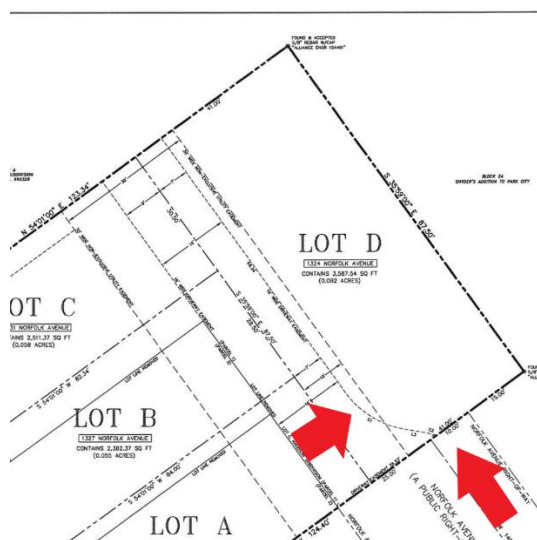
- Lot A has a width of 28.5 ft
- Lot B has a width of 28.5 ft
- Lot C has a width of 30.5 ft
- Lot D has a width of 37.5 ft

LMC [§ 15-2.16-5](#) outlines what the Building Footprint and Setback Requirements are for the Lot sizes proposed:

Lot	Maximum Building Footprint	Front Setbacks	Rear Setbacks	Side Setbacks
A	1078.32 sq ft	12 ft	12 ft	3 ft
B	1079.45 sq ft	12 ft	12 ft	3 ft
C	1129.92 sq ft	12 ft	12 ft	3 ft
D	1364.29 sq ft	13 & 12 ft	12 ft	3 ft

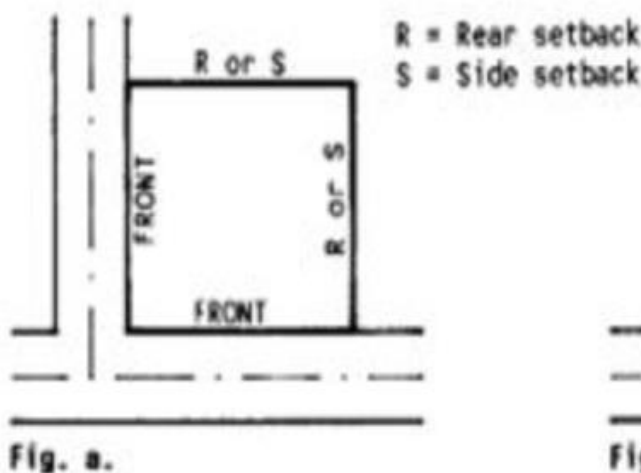
**(II) On April 3, 2023, the Planning Director issued the following Determination for proposed Lot D designating it a Corner Lot under LMC § 15-4-17 (Exhibit P).**

Land Management Code (LMC) [§ 15-4-17](#) governs when a Lot does not have clear Front, Sides, and Rear Setbacks. With proposed access to Lot D from the shared driveway on both the West and South ends of the Lot, it has been determined that Lot D is a Corner Lot with two Front Setback requirements. Lot D is considered a Corner Lot as the private driveway acts as an extension of Norfolk Avenue and with the pedestrian access easement on that driveway, it is considered a street. A Portion of the South end of the Lot can be accessed from the Right of Way for Norfolk Avenue as well.



**Figure 4: Image of Lot D with Red Arrows showing Access to Lot D**

LMC § [15-4-17](#) states regarding Corner Lots that “Development on Corner Lots shall have two (2) front Setbacks, unless otherwise an exception by this Code. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary should border the Rear Yard, the Planning Director may specify which is the Rear Yard.”



**Figure 5: Diagram from LMC depicting Corner Lots**

This provision requires that both the Western and Southern ends of Lot D shall both have Front Setbacks. As noted above, the Rear Setback would be the area which is “opposite the driveway Access from the Street” and it is up to the Planning Director to determine which side is the Rear.

As the applicant has indicated that primary access will be through the South end of the proposed Structure, it has been determined that the rear is the North end of the Lot.

LMC § [15-2.16-5](#) establishes what the Setbacks are for Single Family Dwellings and Duplexes in the RC Zoning District based on Lot Depth. The proposed Lot D has a Lot Depth of 87.5 Feet, meaning its setback requirements are at least 12 feet in Front and 12 feet in the Back with a total of 25 feet (meaning both must be at least 12.5 or one 13 feet), and 3 feet for the Side. In this case, the determination is that there are two Front Setbacks, with the Western Setback being 12 Feet and the Southern Setback of 13 Feet, one Rear Setback of 12 Feet, and one Side Setback of 3 Feet.

**(III) The Park City Fire District (PCFD) has determined that a private staircase would satisfy the required access under the Fire Code.**

On February 12, 2022, the Park City Fire District (PCFD) reviewed and approved the following proposed map for the proposed subdivision, which included the requirement for the Fire Access Stairs, as sufficient for firefighting purposes (Exhibit M).

As part of the approval by PCFD, a private emergency services access easement was required to be recorded on 1315 Empire Avenue. That easement was recorded with Summit County on February 22, 2022 (Exhibit E). Before the proposed North Norfolk Plat Amendment can be recorded, Staff is recommending a Condition of Approval that the Fire Access Easement shown on the proposed Plat be required to be recorded with the County **(Condition of Approval 5)**.

During the February 12 meeting, the Planning Commission requested additional information from PCFD on why the Fire Access Stairs were accepted over requiring a turnaround for Emergency Vehicles. On March 6, 2023, the Planning Department received a letter from PCFD detailing their reasoning (Exhibit N). The Fire Marshal indicated that all properties must be within 150 Feet of a Fire Access Road but that could be extended under certain conditions. The Fire Access Stairs meet those conditions.

**(IV) The stairs as of now are private, for emergency access only, but the Applicant and the City are exploring the possibility of shared public stairs accessed from Empire Avenue.**

As there is no turnaround on the property, PCFD requires secondary access to provide emergency services to the property. That can be satisfied by a 5-foot wide private emergency access stair. At the same time, the neighboring Lot of 1330 Empire Avenue is owned by the City with plans to create a public stair from Empire to Woodside to support an affordable housing development. The Applicant has indicated willingness to help with the construction of this stair if it will satisfy the fire access requirements.

To account for this possibility, **Condition of Approval 4** states: “A Plat Note shall be added that reads: Prior to any combustible material may be delivered to the site, the emergency access stairs required by the Park City Fire District must be completed. If an agreement is made for the construction of public stairs on 1330 Empire Avenue that accesses the North Norfolk Subdivision and satisfies the Building, Housing, Engineering, and Planning Departments as well as the Park City Fire District, then that may satisfy this requirement and shall not require a Plat Amendment.”

**(V) The portion of Norfolk Avenue located north of 13<sup>th</sup> Street is a public road that is privately maintained.**

During the February 12 meeting, the status of Norfolk Avenue located north of 13<sup>th</sup> Street was discussed and more information requested, specifically whether the extension was public or private, who maintains it, and why that situation exists.

On May 27, 2003, an agreement was recorded with Summit County between the City and Peter Papineau Builders, INC (referred to as the Owner in the agreement) (Exhibit O) regarding the construction of the extension of Norfolk Avenue north of 13<sup>th</sup> Street. The agreement makes clear that the road remains a City ROW and specified what could be constructed by the Owner on approval by the City Engineer. The City also retains the

right to add improvements it deems necessary. The agreement also requires the Owner maintain the road. As the City owns property accessed by this section of Norfolk Avenue, the City pays a portion of the snow removal costs as a property owner.

This portion of Norfolk Avenue as it exists today does not meet City width standards and is a dead end with little to no turnaround area. Norfolk Avenue, north of 13th Street does not match Norfolk Avenue to the south of 13th in width or alignment. The pavement width varies from 15 feet at it's narrowest to 17 feet at the widest. The minimum width required for access by a fire truck is 20 feet. According to Summit County Parcel Viewer, this section of the roadway is owned by the City, but Public Works has not maintained or plowed it for the past 30 years. The City does not have plans to bring this section of Norfolk Avenue up to City standards. The Applicant also does not wish improvements to be made to bring this section of Norfolk Avenue up to City standards. With the requirement of a staircase for PCFD access, the Fire Marshall is satisfied with the ability to access the property from Norfolk Avenue and the stairs. The City Engineer does not have access concerns considering the low intensity of use created by Single-Family Dwellings.

**(VI) No Public Parking will be allowed on the Shared Driveway, the City Engineer has no concerns regarding circulation, and the Setbacks for Lot D allow for Snow Storage.**

In the event Public Stairs are created, there is a concern that the public would park on the shared driveway, which is intended for private use only. The Applicant would still need to meet the parking requirements for all the Single-Family Dwellings. To address this, Staff recommends **Condition of Approval #7** requiring the Applicant install signs saying it is for private parking only.

The City Engineer does not have concerns regarding vehicle circulation or access for the proposed Subdivision.

The Applicant has indicated that the 13-foot southern front and northern rear setbacks of Lot D will be used for snow storage.

**(VII) Commissioners had several concerns and questions regarding pedestrian access, vehicle circulation, and potential alternative uses for Lot D. The Applicant provided a response to those concerns (Exhibit Q).**

To address the concerns of the Commissioners, the Applicant has stated they have made several changes to the proposal. The North and South setbacks of Lot D will be used for Snow Storage. The Applicant would provide a public pedestrian walkway to the public stairs. They have angled the shared driveway to provide a better connection to Norfolk Avenue. The Applicant does not believe reducing the Lot sizes to 25' x 75' to improve circulation and snow storage is necessary considering the other changes made. The Applicant feels that a Single-Family Dwelling is the best use of Lot D.

### **Department Review**

The Planning Department, Engineering Department, and City Attorney's Office reviewed this staff report. The Development Review Committee met on September 20, 2022, and feedback became Conditions of Approval which were discussed at the February 22 meeting. The Development Review Committee met again on May 2, 2023, and feedback led to amended Conditions of Approval.

### **Notice**

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on February 8, 2023. Staff mailed courtesy notice to property owners within 300 feet on February 8, 2023. The *Park Record* published notice on February 8, 2023.<sup>2</sup>

### **Public Input**

Staff did not receive any public input at the time this report was published.

### **Alternatives**

- The Planning Commission may forward a positive recommendation for City Council's consideration on June 15, 2023;
- The Planning Commission may forward a negative recommendation for City Council's consideration on June 15, 2023, and may direct staff to make findings for the denial; or
- The Planning Commission may continue the item to a date certain.

### **Exhibits**

Exhibit A: Draft Ordinance No. 2023-XX

Attachment 1: Proposed North Norfolk Plat Amendment

Exhibit B: Survey with Existing Conditions

Exhibit C: Site Photographs

Exhibit D: Park City Survey

Exhibit E: Fire Access Easement

Exhibit F: Existing Knudson Subdivision Plat

Exhibit G: Resolution from 1980 re. the Closure of Norfolk Avenue

Exhibit H: October 16, 1980 City Council Minutes

Exhibit I: Resolution 11-82 authorizing the sale of closed portion of Norfolk Avenue

Exhibit J: April 22, 1982 City Council Minutes

Exhibit K: Ordinance 14-03 Approving Knudson Plat

Exhibit L: February 13, 2014 City Council Staff Report on Knudson Subdivision

Exhibit M: Provisional Plat Approved by PCFD

Exhibit N: Fire Marshal Letter

Exhibit O: Encroachment Agreement regarding Norfolk Avenue Extension

Exhibit P: Planning Director Determination for Setbacks on Lot D

Exhibit Q: Applicant Response to Planning Commission

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<sup>2</sup> LMC [§ 15-1-21](#)



## Ordinance No. 2023-XX

### **AN ORDINANCE APPROVING THE NORTH NORFOLK PLAT AMENDMENT, LOCATED AT 1325 EMPIRE AVENUE AND PARCEL SA-200, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 1325 Empire Avenue and Parcel SA-200 have petitioned the City Council to amend the Knudson Subdivision and Parcel SA-200. Located in the Recreation Commercial Zoning District, and re-subdivide it into four Single-Family Lots known as the North Norfolk Subdivision; and

WHEREAS, on February 8, 2023, staff posted notice to the property and according to the requirements of the Land Management Code; and

WHEREAS, staff mailed courtesy notice to all affected property owners on February 8, 2023, and legal notice was published in the Park Record and on the Park City and Utah Public Notice websites; and

WHEREAS, the Planning Commission, on February 22, 2023, held a public hearing and continued the discussion to April 12, 2023;

WHEREAS, on April 12, 2023, the Planning Commission reviewed the application and held a public hearing and continued discussion to May 10, 2023; and

WHEREAS, on May 10, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on May 10, 2023, the Planning Commission forwarded a \_\_\_\_\_ recommendation to the City Council; and

WHEREAS, on June 15, 2023, the City Council reviewed the applicant and held a public hearing; and

WHEREAS, it is in the best interest of Park City, Utah, to approve the North Norfolk Plat Amendment; and

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

**SECTION 1. APPROVAL.** The North Norfolk Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact:**

1. On October 16, 1980, the City Council passed a resolution closing a portion of the Norfolk Avenue right-of-way.
2. On April 22, 1982, that closed portion of Norfolk Avenue was sold by the City.
3. In 2014, a Plat Amendment was submitted for 3 lots, located at 1314 & 1350 Empire

Avenue known as the Knudson Plat.

4. On January 29, 2014, the Planning Commission forwarded a positive recommendation to City Council, and on February 13, 2014, City Council approved The Knudson Plat.
5. The Knudson Plat was recorded with Summit County on February 27, 2014.
6. The land was not developed.
7. In May of 2022, the Applicant submitted this Plat Amendment, proposing to subdivide a vacant Lot and Parcel into four Lots to eventually be developed with four Single Family Dwellings.
8. The proposed four (4) Lots comply with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.
9. LMC § 15-2.16-5 outlines the Building Footprint, Maximum Building Height, and Setback Requirements for the Lot sizes proposed. While Single Family Dwellings, Duplexes, and Triplexes are allowed uses in the Recreation Commercial Zoning District, § 15-2.16-5 outlines minimum Lot Size for Single Family Dwellings (1,875 sq ft) and Duplexes (3,750 sq ft). Lot A is 2,479 sq ft. Lot B is 2,482 sq ft. Lot C is 2,618 sq ft. Lot D is 3,281 sq ft. The four Lots are compliant with the minimum Lot Size Requirements for Single Family Dwellings, but none are compliant for Duplexes.
10. The Single Family Dwellings will require two off-street parking spaces per Lot, as required by § 15-3-6.
11. There is Good Cause for this Plat Amendment because it will allow for development that promotes density that is consistent with the Resort Neighborhood and purposes of the Recreation Commercial Zoning District.
12. The shared driveway is in keeping with the historical context of Old Town.
13. The four Lots could be developed with Single Family Dwellings. Single Family Dwellings are common in the Recreation Commercial Zoning District and the proposed Lots are in keeping with these requirements.

**Conclusions of Law:**

1. Neither the public nor any person will be materially injured by the proposed plat amendment.
2. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.
3. The proposal complies with the Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.

**Conditions of Approval:**

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 (1) year from the date of City Council approval. If recordation has not occurred within one year, 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. Prior to submitting a building permit, the Applicants must provide a geotechnical

report and storm drainage storage plan for the site. Construction of a basement may be limited on the recommendation of a Licensed Geotechnical engineer and the City Engineering Department.

4. A Plat Note shall be added that reads: Prior to any combustible material may be delivered to the site, the emergency access stairs required by the Park City Fire District must be completed. If an agreement is made for the construction of public stairs on 1330 Empire Avenue that accesses the North Norfolk Subdivision and satisfies the Building, Housing, Engineering, and Planning Departments as well as the Park City Fire District, then that may satisfy this requirement and shall not require a Plat Amendment. The Fire Access Easement shown on the proposed Plat must be recorded with the County before the recordation of the Plat.
5. Prior to the recordation of this Plat, a 30-Foot Non-Exclusive Utility Easement, as shown on the proposed Plat, must be recorded with Summit County.
6. A Plat Note shall indicate that no Buildings can be built within the 30-foot Non-Exclusive Utility Easement. Landscaping and non-heated driveways may be constructed but owners should be aware that these items can be removed at any time and the Lot owners will be responsible for any replacements within the easement area.
7. Public parking is not allowed on the shared driveway, and the owner shall place signs that indicate it is private.
8. A Plat Note shall indicate that Lot D shall have a two Front Setbacks, with the Western Setback being 12 Feet and the Southern Setback 13 Feet, the North Setback being a rear setback of 12 Feet, and the East Setback a side setback of 3 Feet. Primary access will be from the South Side.
9. A Plat Note shall indicate that in the event of construction of a public stair with access to the property, a portion of the 19 Foot Driveway & Pedestrian Access easement shall be used to allow public pedestrian access to the public stairs. That access will be designated by it being constructed with a material clearly visually distinct from the rest of the shared driveway.
10. The Applicant or a future HOA shall be responsible for maintaining the shared driveway including snow removal and storage.
11. A Plat Note shall indicate that this Plat is subject to Ordinance 2023-XX.

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

PASSED AND ADOPTED this 15th day of June 2023.

PARK CITY MUNICIPAL CORPORATION

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Nann Worel, MAYOR

ATTEST:

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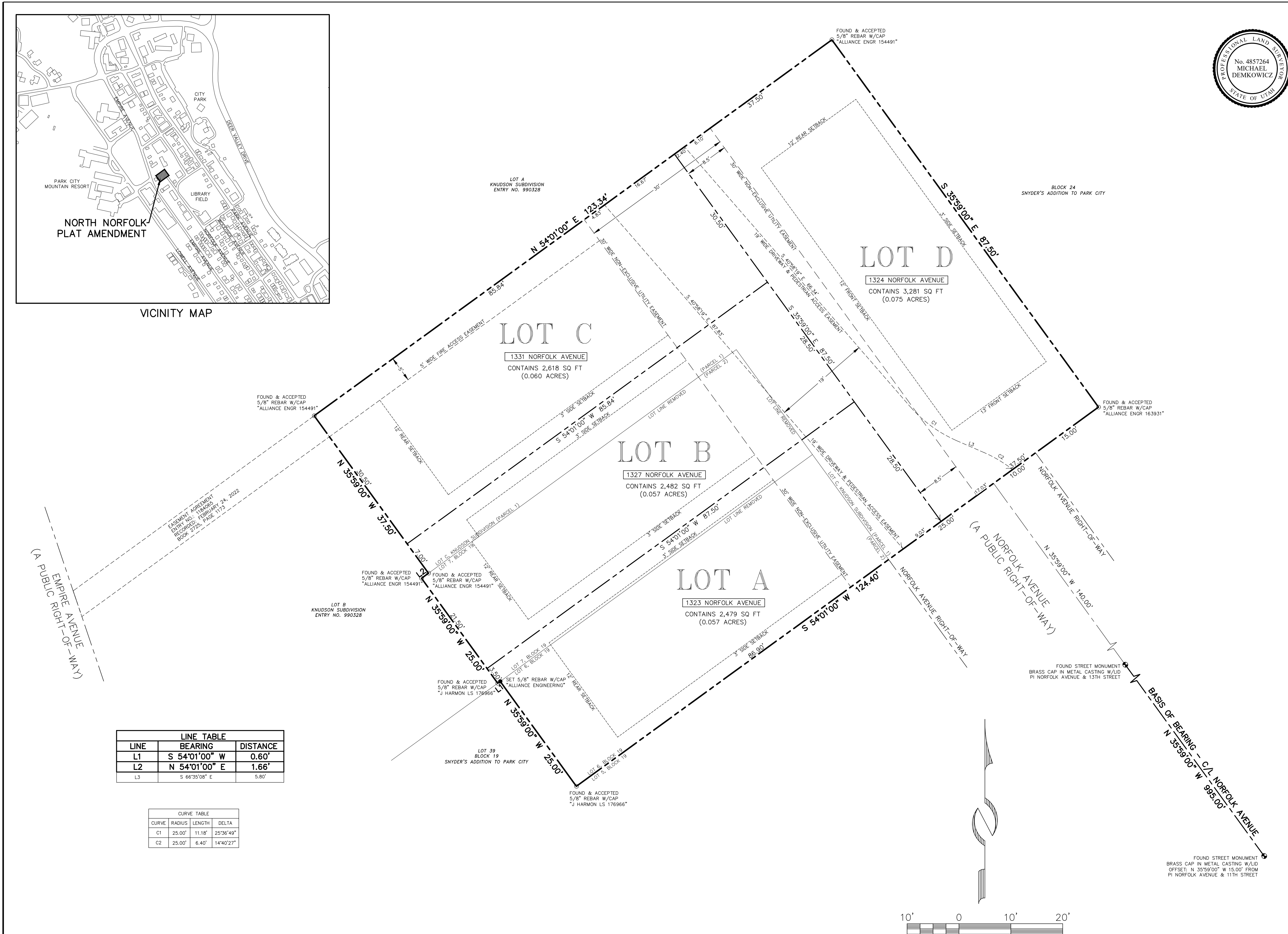
City Recorder

APPROVED AS TO FORM:

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City Attorney's Office

DRAFT



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 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 land shown on this plat and described hereon, and have subdivided said land into lots, hereafter to be known as NORTH NORFOLK PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

PARCEL 1:

Lot C, Knudson Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office. Together with:

A non-exclusive and restricted access easement for ingress and egress by emergency services as disclosed in that certain easement agreement dated February 23, 2022, by and between Marya, LLC, and Skyler, LLC, formerly known as Skyler LTD, recorded February 24, 2022, as Entry No. 1184065, in Book 2725, at Page 1173, Summit County Recorder's Office, more particularly described as follows:

A five (5) foot wide access easement located in the northwest quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement also being located within Lot B of the Knudson Subdivision recorded February 27, 2014, as Entry No. 990328, in the Office of the Summit County Recorder and being more particularly described as follows:

Beginning at the westernmost corner of Lot B Knudson Subdivision, said corner being common to the southernmost corner of Lot A, Knudson Subdivision; running thence coincident with the boundary line common to Lot A and Lot B North 54°01'00" East 57.43 feet to the northernmost corner of Lot B, said corner being common to the westernmost corner of Lot C Knudson Subdivision; thence coincident with the boundary line common to Lot B and Lot C South 35°59'00" East 5.00 feet; thence South 54°01'00" West 58.99 feet to the easterly right-of-way of Empire Avenue; thence coincident with said right-of-way of Empire Avenue North 18°41'00" West 5.24 feet to the point of beginning.

PARCEL 2:

All of Lots 6 and 7, in Block 19, Snyders Addition to Park City, Utah, according to the official plat thereof on file and of record, in the Office of the Summit County Recorder.

Less and excepting:

A parcel of land located in the northwest quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being the rear 0.6 feet of Lot 6, Block 19, Snyder's Addition to Park City and being more particularly described as follows:

Beginning at the westernmost corner of Lot 6, Block 19, Snyder's Addition to Park City; thence coincident with the boundary line Lot 6 and Lot 39 South 35°59'00" East a distance of 25.00 feet to the southernmost corner of Lot 6; thence coincident with the boundary line of Lot 6 and Lot 5 North 54°01'00" East a distance of 0.60 feet; thence parallel to the boundary line of Lot 6 and Lot 39 North 35°59'00" West a distance of 25.00 feet to the boundary line of Lot 6 and Lot 7; thence coincident with said boundary line South 54°01'00" West a distance of 0.60 feet to the point of beginning.

Together with:

A non-exclusive and restricted access easement for ingress and egress by emergency services as disclosed in that certain easement agreement dated February 23, 2022, by and between Marya, LLC, and Skyler, LLC, formerly known as Skyler LTD, recorded February 24, 2022, as Entry No. 1184065, in Book 2725, at Page 1173, Summit County Recorder's Office, more particularly described as follows:

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Beginning at the westernmost corner of Lot B Knudson Subdivision, said corner being common to the southernmost corner of Lot A, Knudson Subdivision; running thence coincident with the boundary line common to Lot A and Lot B North 54°01'00" East 57.43 feet to the northernmost corner of Lot B, said corner being common to the westernmost corner of Lot C Knudson Subdivision; thence coincident with the boundary line common to Lot B and Lot C South 35°59'00" East 5.00 feet; thence South 54°01'00" West 58.99 feet to the easterly right-of-way of Empire Avenue; thence coincident with said right-of-way of Empire Avenue North 18°41'00" West 5.24 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described land, and hereby causes the same to be divided into lots, together with easements as set forth to be hereafter known as NORTH NORFOLK PLAT AMENDMENT. The undersigned owner hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easement shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown herein.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

1325 Empire Ave Holdings, LLC, a Delaware limited liability company

By: Gavin David Steinberg, Manager

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_

: ss.

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, Gavin David Steinberg personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of 1325 Empire Ave Holdings, LLC, a Delaware limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the NORTH NORFOLK PLAT AMENDMENT.

By: \_\_\_\_\_  
Notary Public

Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No. \_\_\_\_\_

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2023-\_\_\_\_\_.

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

# NORTH NORFOLK PLAT AMENDMENT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT		PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	PUBLIC SAFETY	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2023		RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2023	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2023	APPROVED AS TO FORM THIS _____ DAY OF _____, 2023	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2023	I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2023	ANSWERING POINT APPROVAL	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
BY _____		BY _____ CHAIR	BY _____ PARK CITY ENGINEER	BY _____ PARK CITY ATTORNEY	BY _____ MAYOR	BY _____ PARK CITY RECORDER	APPROVED THIS _____ DAY OF _____, 2023	AT THE REQUEST OF _____
							OF _____, 2023	_____ FEE _____ RECORDER
							BY _____ SUMMIT COUNTY GIS COORDINATOR	TIME _____ DATE _____ ENTRY NO. _____



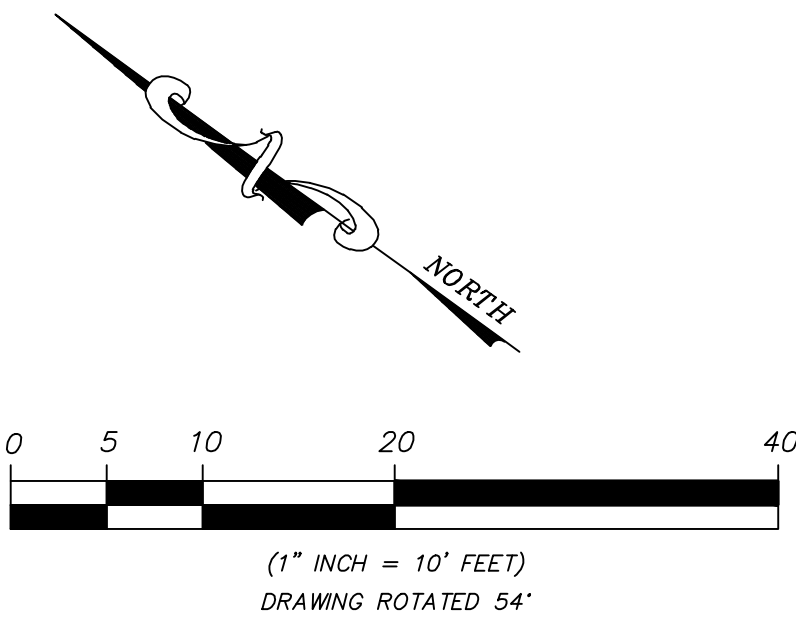
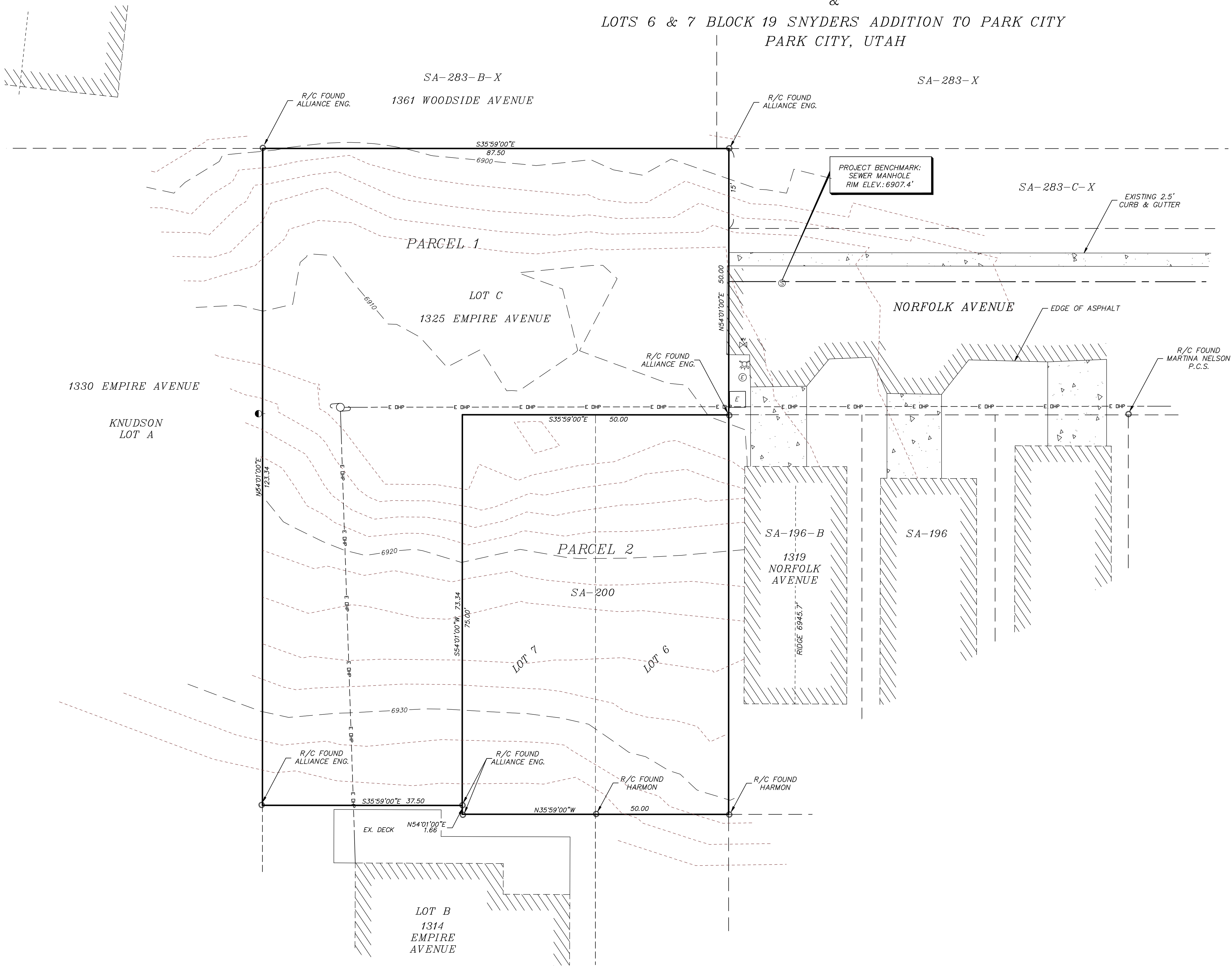
TOPOGRAPHIC/EXISTING CONDITIONS SURVEY

LOT C KNUDSON SUBDIVISION

&

LOTS 6 & 7 BLOCK 19 SNYDERS ADDITION TO PARK CITY

PARK CITY, UTAH



3100 PINEBROOK RD.  
SUITE 1000  
PARK CITY, UT 84098  
(801) 573-7871

**NARRATIVE:**

THE PURPOSE OF THIS SURVEY WAS TO IDENTIFY THE LOT LINES AND PROVIDE TOPOGRAPHIC DATA TO ESTABLISH THE POSSIBILITY OF DEVELOPMENT ON THE SUBJECT PARCELS.

UTILITIES WERE NOT IDENTIFIED UNDERGROUND AND FURTHER INVESTIGATION IS SUGGESTED.

AN EXISTING CONDITIONS & TOPOGRAPHIC MAP WAS COMPLETED BY ALLIANCE ENGINEERING DATED 1-24-14. THE ELEVATIONS ON THIS SURVEY ARE BASED UPON A SAID SURVEY.

PROPERTY CORNERS WERE NOT SET, HOWEVER FOUND PROPERTY CORNERS ARE IDENTIFIED ON THE SURVEY.

SURVEY COMPLETED: 5/07/2022.

SEE SAID KNUDSON SUBDIVISION FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS. SURVEYOR IS NOT RESPONSIBLE FOR SAID RESTRICTIONS.

CONTOUR INTERVALS ARE TWO FOOT, LABELED ON THE TEN FOOT MAJOR.

SNOW COVERAGE AT THE TIME OF THE INITIAL SURVEY WAS APPROXIMATELY 1' TO 2 FEET. ADDITIONAL INFORMATION WAS GATHERED AT A LATER DATE ON THE HARD SURFACED FEATURES.

LOT C KNUDSON SUBDIVISION<sup>4</sup>9

&

LOTS 6 & 7, BLOCK 19, SNYDERS ADD.

SUMMIT COUNTY, UTAH

SURVEY PREPARED

FOR

LARRY FELDMAN

LYING WITHIN SECTION 11,  
TOWNSHIP 1 SOUTH, RANGE 4 EAST  
SALT LAKE BASE & MERIDIAN  
SUMMIT COUNTY, UTAH

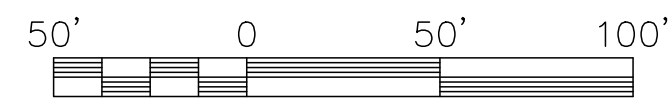
**LEGEND**

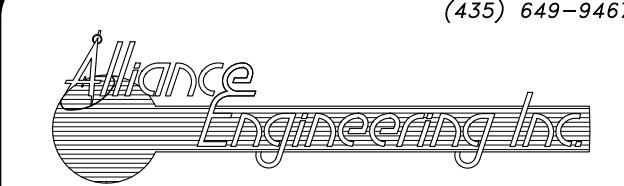
SUBJECT PARCEL	+	SELECTED SPOT ELEVATION
ADJOINERS	○	PROPERTY CORNER FOUND (AS NOTED)
ROAD CENTERLINE	⚡	FIRE HYDRANT
CONTOUR MAJOR	Ⓢ	ELECTRICAL BOX
CONTOUR MINOR	Ⓢ	SEWER MANHOLE
OVERHEAD POWER	Ⓢ	ELECTRICAL TRANSFORMER
	⚡	WATER VALVE



DRAWN BY:	TM	DESIGNED BY:	TM	CHECKED BY:	MM
PROJECT NO:	1110-08	DATE:	5/9/2022	SHEET NO:	1





 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</small>	<small>(435) 649-9467</small>	<b>STAFF:</b> MARSHALL KING	<b>AERIAL PHOTOGRAPH</b> <b>NORTH NORFOLK PLAT AMENDMENT</b>  <b>FOR:</b> GAVIN DAVID STEINBERG <b>JOB NO.:</b> 7-3-22 <b>FILE:</b> X:\SnydersAddition\dwg\PlatExhibits\2022\North Norfolk\North Norfolk-aerial.dwg	<b>SHEET</b> <b>1</b> <b>OF</b> <b>1</b>
		<b>DATE:</b> 5/11/22		





1325 Norfolk Ave - looking northerly





1325 Norfolk Ave - looking easterly





1325 Norfolk Ave - looking northeasterly





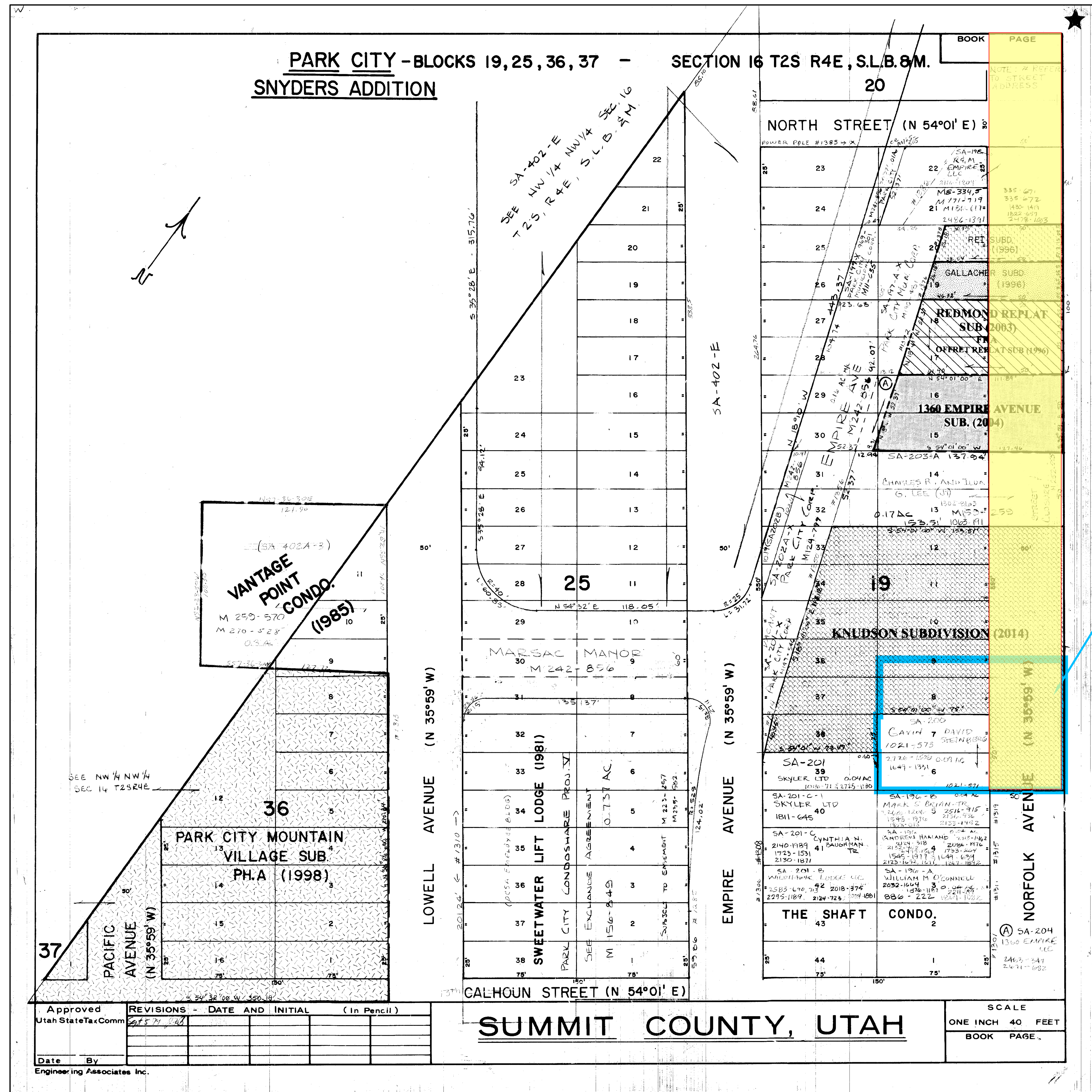
1325 Norfolk Ave - looking southwesterly





1325 Norfolk Ave - looking northwesterly





NORTH NORFOLK PLAT AMENDMENT



01184065 B: 2725 P: 1173

Page 1 of 7

Rhonda Francis Summit County Recorder

02/24/2022 03:35:42 PM Fee \$40.00

By COALITION TITLE AGENCY, INC.

Electronically Recorded

**WHEN RECORDED MAIL TO:**

SKYLER LLC  
C/O: GARY KNUDSON  
PO BOX 511  
PARK CITY, UT 84060-0511

Knudson-B  
Knudson-C  
SA-200

**EASEMENT AGREEMENT**

**THIS EASEMENT AGREEMENT** (the "Agreement") is entered into on this 23 day of ~~FEBRUARY~~ 2022 ("Effective Date") by and between **MARYA, LLC** ("Grantor"), and **SKYLER, LLC, formerly known as Skyler LTD** ("Grantee").

**RECITALS**

- A. On the date hereof, Grantor owns real property in Summit County generally located at 1314 EMPIRE AVE, Summit County, Utah, which is more particularly described as:

LOT B KNUDSON SUBDIVISION; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 4,133 SQ FT OR 0.09 AC. 2229-1106.

Tax Parcel No.: KNUDSON-B (GRANTOR PROPERTY)

- B. On the date hereof, the Grantee owns real property in Summit County generally located at 1325 EMPIRE AVE, Summit County, Utah, which is more particularly described as:

LOT C KNUDSON SUBDIVISION; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 7,125 SQ FT OR 0.16 AC.

Tax Parcel No.: KNUDSON-C (GRANTEE PROPERTY 1)

- C. On the date hereof, the Grantee owns real property in Summit County, Utah, which is more particularly described as:

ALL OF LOTS 6 AND 7 IN BLOCK 19, SNYDERS ADDITION

TO PARK CITY, UTAH ACCORDING TO THE OFFICIAL  
PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS  
OFFICE

Tax Parcel No.: SA-200 (GRANTEE PROPERTY 2)

- D. The only purpose of this Access Easement is to allow fire department and emergency services ("Emergency Services") access to Grantee Property 1 and Grantee Property 2 by and through an access easement, described herein, for the benefit of the Grantee Property 1 and Grantee Property 2.
- E. There exists a certain five foot (5') wide unimproved dirt path across a certain portion of the Grantor Property, as depicted on Exhibit A ("Access Easement").
- F. The Grantor Property and Grantee Property are adjoining parcels. Grantee Property 1 (KNUDSON - C) is adjacent to the Access Easement. However, Grantee Property 2 (SA-200) is not adjacent to the Access Easement and Emergency Services may only access Grantee Property 2 by way of Grantee Property 1 and not by way of any other portion of GRANTOR'S PROPERTY.

#### AGREEMENT

**NOW THEREFORE**, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, GRANTOR hereby grants a non-exclusive and restricted access easement over the ACCESS EASEMENT for ingress and egress by Emergency Services to access and for the benefit of GRANTEE'S PROPERTY 1 and GRANTEE PROPERTY 2 on the terms and provisions set forth herein.

- 1. The Recitals above and all Exhibits hereto are hereby incorporated into this Agreement by this reference.
- 2. The Access Easement is as depicted in Exhibit A which is incorporated herein.
- 3. Grantee and any successors in interest have a right to construct a concrete / asphalt sidewalk within the full length and width of the Easement Access area. Grantee and any successors are responsible for all costs of construction and maintenance of any such improvements in the Access Easement. Grantee has no rights to otherwise improve upon or make improvements, in any form, to the Access Easement, including but not limited to, grading, retaining, expanding the width, or any other improvement on the Grantor Property, including the ACCESS EASEMENT, without prior written permission from Grantor, except as may be required from time to time by a governmental authority having jurisdiction over the Emergency Services and then only for purposes of providing access for Emergency Services, (provided such governmental authority shall not have the right to increase the width of the Access Easement).



4. Grantor shall have no right to impede or restrict access to or the use of the ACCESS EASEMENT by the Emergency Services providers as contemplated herein, provided, however that Grantor shall have the right to restrict access to the Access Easement in a manner acceptable to Park City Emergency Services providers so that only Emergency Services providers may have access to the Access Easement.

5. The parties acknowledge that Park City currently has plans to build a public access easement on property adjacent to Grantor's Property (the "City Easement"). If and when the City Easement is constructed, and provided that the City Easement is accepted in writing by Park City Municipality (including Emergency Services) as providing equivalent and acceptable Emergency Services access to Grantee Property 1 and Grantee Property 2, this Access Easement shall automatically terminate. Provided, however, that if Grantee Property 1 is able to connect directly to the City Easement, the Access Easement shall be redescribed as the smallest possible area necessary to allow Emergency Services Access to Grantee Property 1 from the City Easement.

6. GRANTEE HAS INSPECTED THE EASEMENT PROPERTY AND ACCEPTS THE EASEMENT PROPERTY IN "AS-IS", "WHERE-IS" CONDITION, WITH ALL FAULTS, AND GRANTEE AGREES THAT GRANTOR HAS NOT MADE, AND DOES NOT MAKE, ANY WARRANTY OR REPRESENTATION WHATSOEVER, EXPRESS OR IMPLIED, AS TO THE PHYSICAL CONDITION OF THE EASEMENT PROPERTY; AND GRANTOR EXPRESSLY DISCLAIMS ALL SUCH WARRANTIES; AND THE PARTIES AGREE THAT ALL RISK ASSOCIATED THEREWITH SHALL BE BORNE BY GRANTEE. NOTWITHSTANDING THE FOREGOING, GRANTOR HEREBY REPRESENTS AND WARRANTS TO GRANTEE THAT GRANTOR IS THE OWNER OF FEE SIMPLE TITLE TO THE EASEMENT PROPERTY AND HAS FULL AUTHORITY TO GRANT THE EASEMENT CREATED HEREIN.

7. This Agreement and the easement created hereunder constitute equitable servitude and covenants running with the land, binding on GRANTOR's PROPERTY and benefitting and appurtenant to GRANTEE PROPERTY 1 AND GRANTEE PROPERTY 2, and shall be binding upon and inure to the benefit of the parties hereto and their respective successors-in-interest.

8. This Agreement is for the sole and exclusive benefit Grantee and its successors-in-interest, for the sole purpose of Emergency Services providers requiring emergency access pursuant hereto, and there shall be no individual rights for use of the Access Easement, including any other third-party beneficiaries, and nothing in this Agreement shall be construed to grant to any other person any right, remedy or claim under or in respect of this Agreement or any provision hereof.

9. This Agreement may only be amended by a writing executed and recorded by Grantor and Grantee, or their respective successors-in-interest.

10. This Agreement shall be governed by and interpreted pursuant to the laws of the State of Utah.

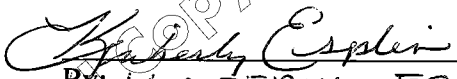
11. Any waiver by a party hereto of any breach of any kind or character whatsoever by another party, whether such waiver be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement on the part of the other party.

12. In the event any action or proceeding is brought by any party against any other party hereto, the prevailing party shall be entitled to recover attorney's fees in such amount as the court may adjudge reasonable.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the Effective Date.

**GRANTOR**

**MARYA, LLC**


  
By: KIMBERLY ESPLIN  
Its Manager

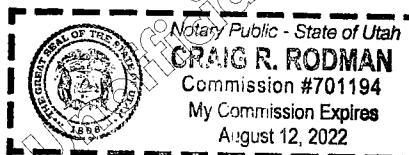
**ACKNOWLEDGEMENT**

STATE OF UTAH )  
County of Summit : ss.


STATE OF UTAH )  
COUNTY OF Summit )

On this 23 day of FEB., 2022, KIMBERLY ESPLIN (name of document signer) personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he/she is the Manager of Marya, LLC, a Utah limited liability company, and that said document was signed by him/her on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he/she acknowledged to me that he/she executed the same.

  
\_\_\_\_\_  
Notary Public




**GRANTEE**  
**SKYLER, LLC**

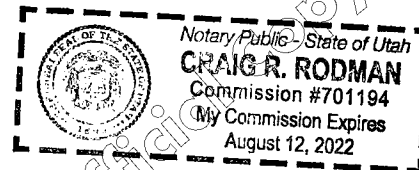
  
By: KIMBERLY ESPLIN  
Its Manager

**ACKNOWLEDGEMENT**

STATE OF Utah )  
County of Summit : ss.

On this 23 day of FEB, 2022, KIMBERLY ESPLIN (name of document signer) personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he/she is the Manager of Skyler, LLC, a Utah limited liability company, and that said document was signed by him/her on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he/she acknowledged to me that he/she executed the same.

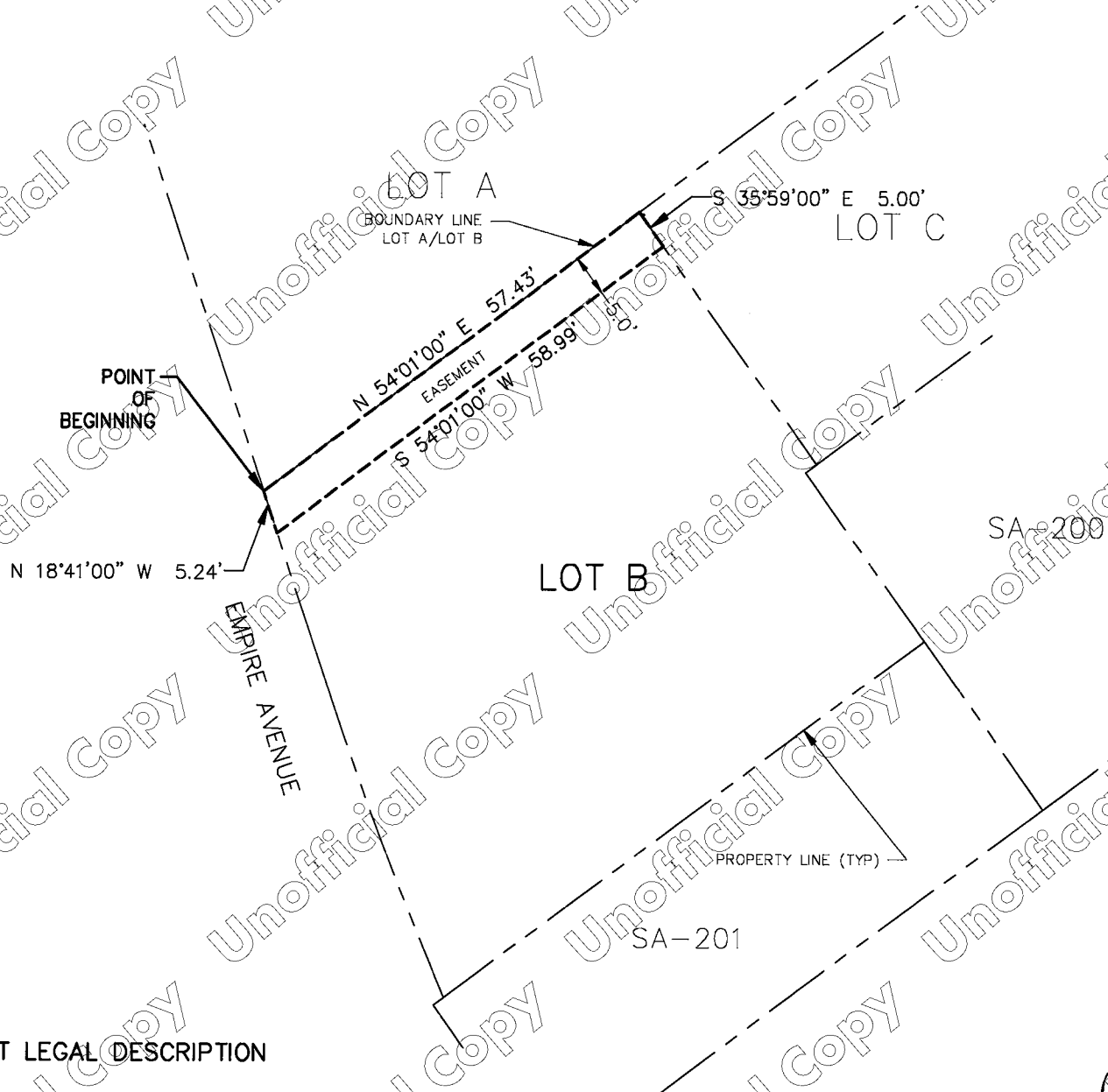
  
Notary Public



**EXHIBIT “A”**

**(Survey of Access Easement on Grantor’s Property)**

# **KNUDSON SUBDIVISION** **LOT B EASEMENT** **EXHIBIT "A"**



## **EASEMENT LEGAL DESCRIPTION**

A five (5) foot wide Access Easement located in the Northwest Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement also being located within Lot B of the Knudson Subdivision recorded February 27, 2014 as Entry No. 990328 in the office of the Summit County Recorder and being more particularly described as follows:

Beginning at the westernmost Corner of Lot B Knudson Subdivision, said corner being common to the southernmost Corner of Lot A Knudson Subdivision; and running thence coincident with the boundary line common to Lot A and Lot B North 54°01'00" East 57.43 feet to the northernmost Corner of Lot B, said corner being common to the westernmost Corner of Lot C Knudson Subdivision; thence coincident with the boundary line common to Lot B and Lot C South 35°59'00" East 5.00 feet; thence South 54°01'00" West 58.99 feet to the easterly right-of-way of Empire Avenue; thence coincident with said right-of-way of Empire Avenue North 18°41'00 West 5.24 feet to the Point of Beginning.

SCALE: 1" = 20'

PROFESSIONAL LAND SURVEYING  
AND CONSULTING

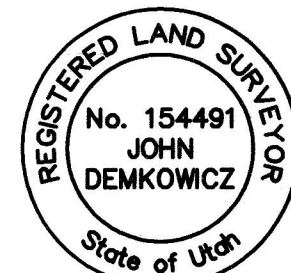
**ALLTERRA**  
**UTAH, LLC**

435-640-4200

463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036

244





# SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of KNUDSON SUBDIVISION and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

*John Demkowicz*  
John Demkowicz  
2-20-2014  
Date

## PROPERTY DESCRIPTION

### PARCEL 1: PARK CITY REDEVELOPMENT AUTHORITY

A parcel of land located in the northwest quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the northernmost corner of Lot 12, Block 19, Snyder's Addition to Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along the easterly boundary of Block 19 South 35°59'00" East 50.00 feet to the easternmost corner of Lot 11; thence along the south boundary of Lots 11 and 34 South 54°01'00" West 119.08 feet to the easterly edge of Empire Avenue; thence along the easterly edge of Empire Avenue North 18°41'00" West 52.37 feet to the north boundary of Lot 33; thence along the north boundaries of Lots 33 and 12 North 54°01'00" East 103.51 feet to the point of beginning.

### PARCEL 2: SKYLER, LTD.

LOT 8, Block 19, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the office of the Recorder.

All of LOTS 9, 10, 35 AND 36, Block 19, Snyder's Addition to Park City, Park City, Utah, according to the official plat thereof on file and of record in the Summit County Recorder's Office, less and excepting any portion lying within Empire Avenue.

Beginning at the north corner of Lot 12, Block 19, Snyder's Addition to Park City, Utah, said point of beginning also being on the west right-of-way line of Norfolk Avenue; thence North 54°01' East 50.00 feet to the east right-of-way line of said Norfolk Avenue; thence South 35°59' East along said east line 100.00 feet; thence South 54°01' West 50.00 feet to said west line; thence North 35°59' West along west line 100.00 feet to the point of beginning.

Beginning at the north corner of Lot 8, Block 19, Snyder's Addition to Park City, Utah, said point of beginning also being on the west right-of-way line of Norfolk Avenue; thence North 54°01' East 50.00 feet to a point on the east right-of-way line of Norfolk Avenue; thence South 35°59' East along said east line 75.0 feet; thence South 54°01' West 50.00 feet to a point on said west line; thence North 35°59' West along west line 75.0 feet to the point of beginning.

### PARCEL 3: MARYA, LLC.

Lots 37 AND 38, Block 19, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the Office of the Recorder, less and excepting any portion lying within Empire Avenue.

## OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that MARYA, LLC., a Utah limited liability company, owner of Parcel 3, as described herein, does hereby certify that it has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

In witness whereof, the undersigned set their hands 21st day of February, 2014.

MARYA, LLC., a Utah limited liability company

By: *Gary L. Knudson* Gary L. Knudson, Manager  
By: *Helen M. Knudson* Helen M. Knudson, Manager

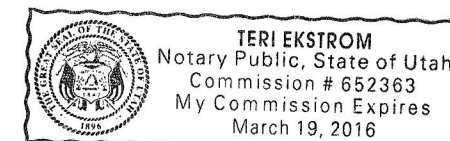
## ACKNOWLEDGMENT

State of Utah: ss:  
County of Summit:

On this 21st day of February, 2014, Gary L. Knudson and Helen M. Knudson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary L. Knudson and Helen M. Knudson acknowledged to me that they are the Managers of MARYA, LLC., a Utah limited liability company, organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

*Teri Ekstrom*  
A Notary Public commissioned in Utah  
Teri Ekstrom  
Printed Name

Residing in: Summit Co.  
My commission expires: March 19, 2016



## OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Redevelopment Authority, owner of PARCEL 1 as described herein, does hereby certify that it has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

IN WITNESS WHEREOF, the undersigned set his hand this 20 day of February, 2014.

REDEVELOPMENT AGENCY OF PARK CITY

By: *Jack Thomas*  
Title: Chairman

## ACKNOWLEDGMENT

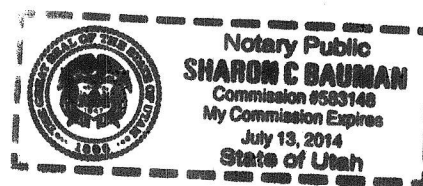
State of Utah: ss:  
County of Summit:

On this 20 day of February, 2014, Jack Thomas personally appeared before me, the undersigned Notary Public in and for said state and county.

Having been duly sworn, Jack Thomas acknowledged to me that he is authorized and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

*Sharon C. Bauman*  
A Notary Public commissioned in Utah

*Sharon C. Bauman*  
Printed Name  
Residing in: Park City, Utah  
My commission expires: 07-13-2014



## OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that SKYLER, LTD., owner of Parcel 2 as described herein, does hereby certify that it has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

In witness whereof, the undersigned set their hands this 21st day of February, 2014.

SKYLER, LTD.

By: *Gary L. Knudson* Gary L. Knudson, General Partner  
By: *Helen M. Knudson* Helen M. Knudson, General Partner

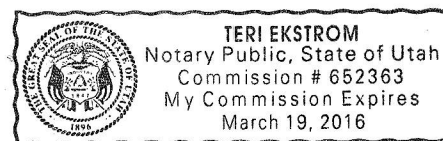
## ACKNOWLEDGMENT

State of Utah: ss:  
County of Summit:

On this 21st day of February, 2014, Gary L. Knudson and Helen M. Knudson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary L. Knudson and Helen M. Knudson acknowledged to me that they are the General Partners of SKYLER, LTD., organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

*Teri Ekstrom*  
A Notary Public commissioned in Utah  
Teri Ekstrom  
Printed Name

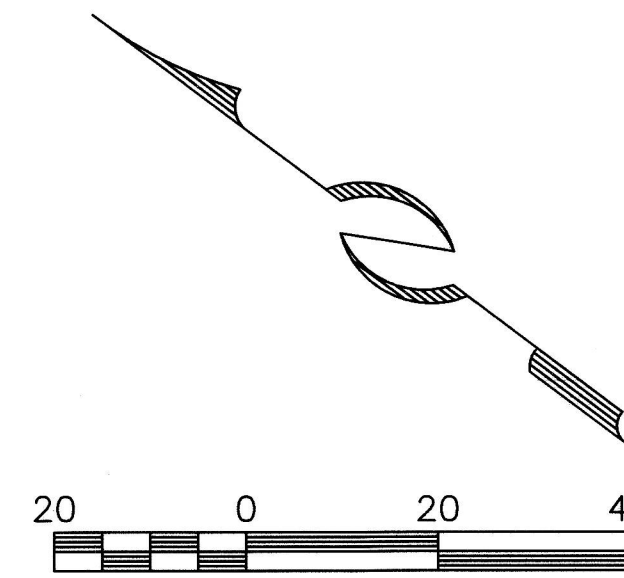
Residing in: Summit Co.  
My commission expires: March 19, 2016



# A RE-SUBDIVISION OF PLATTED LOTS AND RIGHT-OF-WAY, BLOCK 19, SNYDER'S ADDITION TO PARK CITY SURVEY

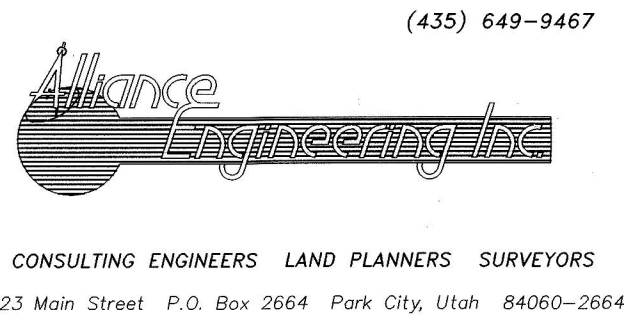
## KNUDSON SUBDIVISION

LOCATED IN THE NORTH HALF OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

2/20/14 JOB NO.: 6-12-13 FILE: X:\SnydersAddition\dwg\sr\plat2013\061213.dwg



### SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 24th DAY OF Feb., 2014  
BY: *B. B. W. R. D.*  
B.B.W.R.D.

### PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 24TH DAY OF JANUARY, 2014  
BY: *[Signature]*  
CHAIR

### ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 24th DAY OF February, 2014  
BY: *[Signature]*  
PARK CITY ENGINEER

### APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 25th DAY OF February, 2014  
BY: *[Signature]*  
PARK CITY ATTORNEY

### CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 13 DAY OF February, 2014  
BY: *[Signature]*  
PARK CITY RECORDER

### COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 13TH DAY OF FEBRUARY, 2014  
BY: *[Signature]*  
MAYOR

### RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF COALITION TITLE  
DATE 2/27/2014 TIME 8:29 AM  
ENTRY NO. 4990328 FEE \$33.00 RECORDER *[Signature]*

WHEREAS, the City Council of Park City deems it desirable to close Norfolk Street: and

WHEREAS, the City owns the street in fee and it is desirable to sell such land;

NOW, THEREFORE, be it resolved by the City Council of Park City, Utah, that:

1. The street hereby described below is closed.

Norfolk Avenue from the front of Block 19,  
Lot 6 northwest through 14th Street and  
continuing on from the north side of 14th  
from Block 21 through Lot 24.

2. The Mayor is hereby authorized to execute such documents that are necessary to accomplish the sale of such land.

3. This resolution becomes effective upon adoption.

ADOPTED THIS 16 DAY OF October, 1980.

Entry No. **202815**

Book 20252 Page 555  
REQUEST OF Park City Municipal Corp.  
FEE ALAN SPRIGGS, SUMMIT CO. RECORDER  
\$ 0.41 By Susan Robinson  
RECORDED 3-1-83 at 3:37 M

PARK CITY MUNICIPAL CORPORATION

By: John C. Green, Jr.  
John C. Green, Jr., Mayor

Attest:

Michelle J. Green  
Deputy City Recorder

Parcel #1:

Beginning at the Northerly most corner of Lot 22 in Block 19 of Snyder's Addition to Park City, Utah; and running thence South 35°59' East along the Northeasterly line of said Block 19, 425 feet to the Easterly most corner of Lot 6 in said Block 19; thence North 54°01' East 50 feet to the Southwesterly line of Block 24, Snyder's Addition to Park City, Utah; thence North 35°59' West along the Southwesterly line of said Block 24, 425 feet; thence South 54°01' West 50 feet to the point of beginning. Contains 21,250 square feet.

Parcel #2:

Beginning at the most Southerly corner of Lot 26, Block 21, Snyder's Addition to Park City, Utah, and running thence South 54°01' West 50.00 feet to the most Easterly corner of Block 20 of Snyder's Addition to Park City, Utah; thence North 35°59' West 18.70 feet to the Easterly line of proposed Empire Avenue (50 feet wide); thence North 18°41' West along the Easterly line of said Empire Avenue 71.92 feet to a point of curvature being concave to the Southwest, having a central angle of 1°26'20" and a radius of 525.00 feet; thence Northwesterly along the arc of said curve 13.18 feet; thence North 54°01' East 24.85 feet to the most Westerly corner of Lot 23, Block 21 of Snyder's Addition to Park City, Utah; then South 35°59' East 100.00 feet to the point of beginning. Contains 3971.50 square feet.

BOOK 2 52 PAGE 555



CITY COUNCIL MINUTES

16 OCTOBER 1980

The meeting was called to order by Councilman Bob Wells. A roll call was taken. Councilmen Tina Lewis, Helen Alvarez, Tom Shellenberger, and Bob Wells were present. Also present were the City Attorney, Mike McCoy; the Director of Finance, Ric Jentzsch; and the City Manager, Arlene Loble. Councilman Richard Martinez and Mayor Green were excused. A motion was made by Councilman Lewis that Councilman Wells act as Mayor Pro Tem. Councilman Alvarez seconded the motion; the motion carried.

Regarding the minutes of 2 October 1980, Councilman Shellenberger asked that the amount to be paid under the Banberry Water Agreement which was not to be reimbursed be included in the minutes. Councilman Lewis made a motion to approve the minutes as amended. Councilman Alvarez seconded the motion; the motion carried.

The council questioned checks #872 and #8227. As the Finance Director had not yet arrived, Councilman Alvarez made a motion to approve the Summary of Verified Bills in the amount of \$199,191.89 for the period ending October 10, 1980, with the exception of Checks #872 and #8227. Councilman Lewis seconded the motion; the motion carried.

NEW BUSINESS

1. Liquor License Permit for Copper Bottom Inn.

Mr. S. Michael Finney appeared before the council to request their approval for a package agency and a minibottle license for a restaurant. Councilman Shellenberger made a motion to approve the liquor license for the Copper Bottom Inn. Councilman Lewis seconded the motion; the motion carried.

2. Adoption of the Mechanical Code.

At this time, the City Attorney explained to the council that the ordinance to be considered also included the Uniform Pool Code, 1979 Edition, the Uniform Sign Code, 1979 Edition, and the Uniform Solar Energy Code, 1979 Edition. Kevin Hooper of the Planning and Building Department went on to explain each of these codes. The Mechanical Code deals with heating equipment within a building assuring adequate ventilation for various types of heating equipment. The Uniform Sign Code deals with the structural requirements, how the sign is constructed, and what are the requirements for attachment to the building. The Uniform Pool Code deals with structure, drainage, and health & safety requirements of hot tubs, pools, etc. Since adoption of the Mechanical Code is the only one that appeared on the agenda, the council hesitated to adopt all four at this time. The possibility of placing the other three on the Agenda for the November 6 meeting was discussed. Councilman Shellenberger made a motion to adopt the Uniform Mechanical Code, 1979 Edition, Ordinance 80-14. Councilman Lewis seconded the motion; the motion carried.

### 3. Liquor License for the Eating Establishment.

Sherwin Baron requested the Council's approval for a mini-bottle license at 317 Main Street, The Eating Establishment, which is owned by Double E Investment LTD. Councilman Alvarez made a motion to approve the application for a package agency of Double E Investment LTD. Councilman Lewis seconded the motion; the motion carried.

### 4. Presentation by Cable Television.

At this time, Community Television of Utah presented to the council a \$75,000 Bond which they had been required to post. The money is on deposit in the form of a certificate at a local Park City bank. Continuing the presentation, several members of the company were introduced to the council, and then a demonstration of the cable television service was provided.

### 5. Petition vacating Calhoun Street.

Mr. Phillip Falk explained to the council that he was a representative of a small corporation, L'Ermitage. He went on to explain that they had purchased some property approximately ten years ago and then discovered that part of the home was on city property. They believed that there was a statute of limitations in the sense that they were not required to remove it. Since then, the home has been deteriorating and they would like to demolish it and improve the land. However, in order to do that, a little more land than they presently have is required. This is due to the parking requirements. He also pointed out that their property abuts the street. Mr. Falk has been to Coalville but has not found any evidence of action that may or may not have been taken in regard to previous vacation of the street. Sweetwater, the adjacent property owner, is now in Phase III of plans which call for constructing across the street. The property owned by L'Ermitage is located at 1287 Empire Avenue on the same side as Sweetwater Lift Lodge immediately to the north between Sweetwater and the pump house. About fourteen or fifteen feet encroaches.

At this time, Councilman Wells noted that he recalled a request by Sweetwater for the vacation of Calhoun Street; however, he could not recall whether it was ever acted upon. Councilman Alvarez had the minutes of the request for vacation, but she was unable to find if it had ever been acted on.

Mr. Falk continued by reading the petition which stated that Bush & Gudgell had conducted a survey of the property. (A copy was attached and submitted to the council with the petition.) According to the survey, the house built on the property encroaches upon a portion of Calhoun Street also known as 13th Street. Petitioner desires to clear title to the property on which said house is situated by petitioning the council of Park City for an ordinance vacating a portion of said street and quit-claiming to petitioner a tract of land described in the petition. Petitioner desires to develop and improve said described property to improve the overall appearance of the neighborhood. The property is not now used as a public thoroughfare.

Councilman Alvarez stated that it has been common practice to close the street and sell the property. She asked Mr. Falk if he was willing to make the city an offer for the property. Mr. Falk stated that he had reason to believe that Park City, if the property is of no value to Park City, would just give up the property; that is what they are asking for. However, if



quit-claiming is contrary to any of the city's codes, he would consider making an offer.

Councilman Wells suggested that it be determined if anything happened on the previous Sweetwater application.

6. Resolution closing a portion of Norfolk Avenue.

The portion of Norfolk to be closed is described as, ". . . from the front of Block 19, Lot 6, Northwest through 14th Street and continuing on from the north side of 14th from Block 21 through Lot 24". The city attorney stated that, in compliance with the state law concerning closure of streets, a petition from all abutting property owners would be required so that there will be no adversely-affected property owners. Councilman Alvarez asked for a response from the property owners who were present. It was pointed out that some of the property has been closed once before but never deeded. Councilman Alvarez made a motion to close the portion of Norfolk in front of Lot 6, Block 19, Northwest through to 14th Street and continuing on from the north side of 14th from Block 21 through Lot 24. Councilman Shellenberger seconded the motion; the motion carried. A property owner, Mrs. Yates, was concerned whether the property was being vacated or would she have to pay the city for it. The city attorney pointed out that it was not being vacated; it is being closed. The city will have title to the street, and it may be acquired by purchase. The price would be negotiated between the city and the purchaser. Mrs. Yates was further concerned that the property might be for sale to a developer, should one be interested. The city attorney agreed that it would be available, but he did not expect that the city would sell to just anybody.

UNFINISHED BUSINESS

1. Resolution authorizing and directing the Mayor and City Recorder to execute an assignment of Water Rights with the Weber Basin Water Conservancy District.

The assignment is for 30 acre feet from North Park City Development to Park City from the Weber Basin Water Conservancy District. This is in connection with the Banberry Water Agreement and the contribution of water rights. Councilman Alvarez made a motion to adopt the resolution. Councilman Lewis seconded the motion; the motion carried.

2. Prospector Square commercial parking.

A document was distributed relating to parking in Prospector Square commercial area. The Prospector Square Commercial Area lot owners adopted the amendment with a change which adds a subparagraph E under the collection provision which provides that if a particular commercial lot owner constructed additional parking on his own lot, he would receive credit against the master plan for parking so constructed. This amendment to the condominium declaration establishes the procedure for development of additional parking, if needed. In the paragraph that relates to purchase or construction of parking it refers to the ". . . now current standards of the city. . ."; the council feels that this should be changed to the ". . . then current standards of the city. . .". The property owners want some indication from the city that adopting this amendment would get the property developable. Councilman Shellenberger made a motion to accept the amendment. Councilman Alvarez seconded the motion; the motion carried.

2. Brent Gold, condominiumization approval for Aspen Grove.

Mr. Gold stated that he had spoken with Ron Ivie concerning his objections to condominiumization approval for Aspen Grove. At this time, the council had before them a letter from Mr. Ivie withdrawing any objections pursuant to an agreement reached with the owner/developer/contractor of the project to perform. Councilman Alvarez questioned whether that agreement constituted a contract. Mr. Gold did not know, but he felt the agreement was binding. Councilman Alvarez made a motion to approve condominiumization of Aspen Grove on conditions of the contract between the developer and the city. Councilman Lewis seconded the motion; the motion carried.

CORRESPONDENCE

1. Inducement Resolution for an Industrial Revenue Bond for the Office Warehouse Project to the west of Prospector Square.

It has been requested that this appear on the agenda for November 5, 1980, City Council meeting.

COMMITTEE REPORTS

1. Tom Shellenberger: No Report.

2. Helen Alvarez: Dan & Priscilla Willard want to build on the second floor of their building, between Main Street and Swede Alley, above city property. This involves approximately 1,100 square feet. There was a question as to what kind of arrangement they desired, lease of the air space, purchase, etc. Councilman Alvarez pointed out that the property was going to be condominiumized and, rather than dealing with various property owners, it would be her recommendation to sell it. She suggested that the Willards give the city a public easement on the ground level and the city would make some consideration in the price. At this time, Councilman Wells noted that he had received an essentially identical request from Jim Carr with respect to another building. It was the consensus of the council that these two men appear before the council, personally, to discuss the issue.

Councilman Alvarez reported that John Price had been to see her regarding Prospector Park. She learned that certain promises and agreements made by Murray First Thrift were superceded by the 2% Impact Fee Agreement adopted April 25, 1975. However, after April, 1975, Marvin Steadman made promises to the Planning Commission. Therefore, Councilman Alvarez feels that the impact fee was not intended to take care of all the open space, park land, or playground space. There was a question as to whether Park City was ever deeded the water rights. She has received a letter and copies of the certificates for 55 shares of Weber-Davis water, and we are taking that water from the Pacific Well. She has received a letter from David Church concerning what can be done. She has researched the business license, and she would like a resolution tonight for some action. The license ordinance states that no license granted or issued under provisions of the ordinances of the city shall be deemed to be assignable or transferrable or to authorize any person other than the person therein mentioned or named to do business. If ownership of the condominium complex and athletic complex has been transferred, the new owner needs to apply for a license. She also questioned whether the new operators should

be granted a license. If the old owner still owns a portion of the operation, the license may be revoked. The ordinance provided for such revocation after notice and hearing. Councilman Alvarez is particularly concerned about the ten-acre park and the stream. A review of the official minutes of the City Council and of the files did not show that a valid license had ever been issued to Prospector Square Convention Center. Councilman Alvarez further recommended that, should the operating owner of the complex apply for a business license, the building be inspected by Ron Ivie for compliance with the Uniform Building Code.

Our present subdivision ordinance says that if there are no provisions for the completion of the improvements, that no building permits shall be issued in the subdivision. It is illegal to issue a building permit. Since there is no bond for Phase II, Councilman Alvarez recommended that the city stop issuing building permits until such time as they have a bond unless the subdivision ordinance that they came under does not have that provision. The bond will include \$13,600 for the buffer strip. Councilman Alvarez made a motion to institute an action against Prospector Associates and such other parties which are found to be involved for the stream improvements in Prospector Park Phases I, II, & III, and the Learning & Cultural Center Condominiums. Councilman Shellenberger seconded the motion; the motion carried.

### 3. Tina Lewis:

She distributed a copy of the new patron policy and circulation policy for the library. She expects the most controversial aspect will be that customers outside of the taxing district pay for a library card since the library is supported by city funds only and receives no funds from the county. The fee will be \$10 annually.

The library has received a new set of 1980 encyclopedias.

She thanked the Park City Women who put on the Park City Sock Hop. The proceeds will go to the library and handicapped children.

The recreation survey done by BYU has been received.

At this time, Councilman Lewis welcomed the new City Manager, Arlene Loble, and congratulated Councilman Wells on the arrival of a new baby daughter October 8.

Councilman Lewis thanked everyone who made the Oktoberfest a success.

Dr. Robert Winn has been appointed to the County Health Board to represent Park City.

A report was received from the Golf Course Committee; it was referred to the City Manager.

CITY ATTORNEY

No Report.

CITY MANAGER

The City Manager discussed ballot issues, Initiatives A & B and Proposition II, and discussed the consequences to the city should these pass.

She also explained that bus service would be cut off from the last week of October until Thanksgiving weekend to get the buses cleaned up and ready for the ski season.

The city council meeting was adjourned at 9:50 p.m.

At this time, the Redevelopment Authority convened a public input hearing to receive comments on the Historic Main Street Redevelopment Plan.

## REDEVELOPMENT AUTHORITY

## PUBLIC HEARING

## HISTORIC MAIN STREET REDEVELOPMENT PLAN

The Master Plan for Redevelopment of Historic Main Street was prepared by Muir Chong & Associates. The nature of the plan was stressed as being conceptual and not considered to be the ultimate plan and structure for revitalization of the Main Street Area. Comment from the citizens was invited. One citizen was concerned about the properties scheduled for acquisition by the Redevelopment Authority as one of them belonged to him. He was assured that the diagram in the plan was general, not specific, and therefore, not absolutely accurate. Other comments received concerned the critical need for signage, parking, retention of city-owned property behind the Silver Wheel Theater for a minipark, and acquisition of the Marsac School.

Councilman Lewis made a motion to adjourn the hearing. Councilman Shellenberger seconded the motion; the motion carried.

The hearing adjourned at 11:00 p.m.



RESOLUTION

Resolution No. 11-82

A Resolution Authorizing a Property  
Trade on Norfolk Avenue in Park City

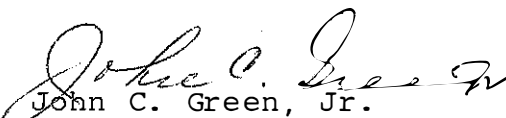
WHEREAS, the City Council of Park City, Utah, did authorize the transfer of city-owned land on Norfolk Avenue, to Richard and Kit Davies, and, property belonging to the Davies to be accepted by the city, and,

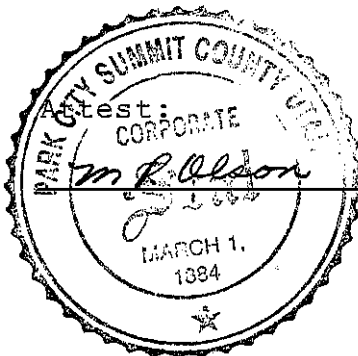
WHEREAS, the transfer will benefit the citizens of Park City, and the future planning of streets within the city.

NOW THEREFORE BE IT RESOLVED by the City Council of Park City, Utah, that the City Attorney is authorized to have executed the deeds to accomplish this transfer of land, which descriptions are attached hereto.

PASSED AND ADOPTED this 22nd day of April, 1982.

PARK CITY MUNICIPAL CORPORATION

  
John C. Green, Jr.  
Mayor



Recorded at Request of \_\_\_\_\_  
at \_\_\_\_\_ M. Fee Paid \$ \_\_\_\_\_  
by \_\_\_\_\_ Dep. Book \_\_\_\_\_ Page \_\_\_\_\_ Ref.: \_\_\_\_\_  
Mail tax notice to Richard and Kit Davis Address 4601 Barreville Rd  
Crystal Lake, IL 60014

QUIT-CLAIM DEED  
[CORPORATE FORM]

PARK CITY MUNICIPAL CORPORATION, a corporation  
organized and existing under the laws of the State of Utah, with its principal office at \_\_\_\_\_, of County of \_\_\_\_\_, State of Utah,  
grantor, hereby QUIT CLAIMS to

RICHARD B. DAVIES AND KIT S. DAVIES of \_\_\_\_\_ grantee  
for the sum of \_\_\_\_\_ DOLLARS,

the following described tract of land in \_\_\_\_\_ County,  
State of Utah:

Beginning at the Northerly most corner of Lot 5, Block 78, Park City Survey, and running thence North 66° 22' East, 10 feet, thence South 23° 38' East along a line 10 feet off set and parallel to the westerly line of Norfolk Avenue as plotted, 37.23 feet to a point which is 10 feet, more or less, Northwesterly from an existing retaining wall along the Northwesterly line of existing Norfolk Avenue, thence South 15° 42' 30" West, more or less, parallel with said retaining wall 15.77 feet to the Northeasterly line of Lot 4, said Block 78, thence North 23° 38' West along the easterly line of Lots 4 and 5, said Block 78, 49.43 feet to the point of beginning.

Containing 433.30 square feet.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_

Attest: \_\_\_\_\_  
Secretary.  
[CORPORATE SEAL]

By \_\_\_\_\_ Company  
X *John C. Green*  
*Mayer* President.

STATE OF UTAH, }  
County of \_\_\_\_\_ } ss.

On the \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_  
personally appeared before me \_\_\_\_\_ and \_\_\_\_\_  
who being by me duly sworn did say, each for himself, that he, the said \_\_\_\_\_  
is the president, and he, the said \_\_\_\_\_ is the secretary  
of \_\_\_\_\_ Company, and that the within and foregoing  
instrument was signed in behalf of said corporation by authority of a resolution of its board of  
directors and said \_\_\_\_\_ and \_\_\_\_\_  
each duly acknowledged to me that said corporation executed the same and that the seal affixed  
is the seal of said corporation.

\_\_\_\_\_  
Notary Public.  
My commission expires \_\_\_\_\_ My residence is \_\_\_\_\_

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

Recorded at Request of \_\_\_\_\_  
at \_\_\_\_\_ M. Fee Paid \$ \_\_\_\_\_  
by \_\_\_\_\_ Dep. Book \_\_\_\_\_ Page \_\_\_\_\_ Ref.: \_\_\_\_\_  
Mail tax notice to Park City Mun. Corp. Address P.O. Box 1480, Park City 84060  
(EXEMPT)

QUIT-CLAIM DEED

RICHARD B. DAVIES AND KIT S. DAVIES  
of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah, hereby  
QUIT-CLAIM to

PARK CITY MUNICIPAL CORPORATION  
of \_\_\_\_\_ grantee  
for the sum of  
DOLLARS,

the following described tract of land in \_\_\_\_\_ County,  
State of Utah:

Beginning at the Southeasterly most corner of Lot 3, Block 78, Park City Survey, and running thence South 66° 22' West along the southerly line of Lot 3, 20.96 feet to a point which is 10 feet, more or less, northwesterly from an existing retaining wall along the northwesterly line of existing Norfolk Avenue, thence North 15° 42' 30" East, more or less, parallel with said retaining wall, 33.07 feet, more or less, to the northeasterly line of said Lot 4, said Block 78, thence along said northeasterly line of Lots 4 and 3, South 23° 38' East, 25.57 feet to the point of beginning.

Containing 267.96 square feet.

WITNESS the hand of said grantor, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. one thousand nine hundred and \_\_\_\_\_

Signed in the presence of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } \_\_\_\_\_  
\_\_\_\_\_ } \_\_\_\_\_  
\_\_\_\_\_ } \_\_\_\_\_

*Don't sign this one.*

STATE OF UTAH, } ss.  
County of \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ A. D. one  
thousand nine hundred and \_\_\_\_\_ personally appeared before me

the signer of the foregoing instrument, who duly acknowledge to me that he executed the same.

My commission expires \_\_\_\_\_ Address: \_\_\_\_\_ Notary Public.

CITY COUNCIL MEETING  
PARK CITY, UTAH  
APRIL 22, 1982

Mayor Green called the meeting to order at 5 p.m. in the Memorial Building in Park City, Utah on April 22, 1982. Members present were Bob Wells, Tina Lewis, Tom Shellenberger, and Bill Coleman. Helen Alvarez was absent. Also in attendance was Mayor Green; Arlene Loble, City Manager; Tom Clyde, City Attorney; Ron Ivie, Chief Building Official; and Mike Vance, Community Development Director.

PUBLIC HEARING - Snow Creek Supplemental Annexation Policy Declaration

1. Mayor Green opened the Public Hearing on Snow Creek Annexation. Arlene Loble informed the audience and Council that the formal presentations on annexation should be postponed until next week, however because it is scheduled on the agenda for this meeting, anyone who would like to comment may and Council would entertain their comments. There was no response from the audience. Bob Wells, "I move we continue the Public Hearing on Snow Creek Annexation until April 29th". Tom Shellenberger seconded. Motion carried.

PUBLIC HEARING - Old Sewer Plant Site Supplemental Annexation Policy Declaration

2. Mayor Green opened the Public Hearing on the Old Sewer Plant Site Supplemental Annexation Policy Declaration. The City Manager clarified that the property involved is already within the city. The land was given to the city by the Armstrong family, but was never formally annexed into the city. The zoning of this property is ROS. There was no response from the audience. The Mayor declared the Public Hearing closed.

APPROVAL OF THE MINUTES of April 8, 1982

Mayor Green questioned the last paragraph on Page 3, first sentence. It was decided that because interpretation was lost in transcription that that sentence be replaced by, "Arlene Loble explained that the past cost of operating expenses did not come off the tax roles, but the water fund was paying for the cost of the general obligation bonds of the Water Department". Tom Shellenberger pointed out that on Page 6, first paragraph under the subject of industrial revenue bond inducement resolution, that a motion was omitted which died for lack of a second. The inserted correction shall read, (Tom Shellenberger, "I move we approve the Industrial Revenue Bond Inducement Resolution in the amount of \$10 million to finance construction of retail and commercial projects on Main Street for Silver Mill of Park City". Motion died for lack of a second.) Tom Shellenberger, "I move we approve the Minutes as corrected. Bill Coleman seconded. Motion carried.

APPROVAL OF VERIFIED BILLS AND PRIOR CHECKS WRITTEN

The City Manager explained the new computer format for presentation and recordkeeping practices of the Finance Department. Bob Wells, "I move approval of the Verified Bills and Checks Written". Bill Coleman seconded. Motion carried.

ABB923



PUBLIC COMMUNICATIONS AND PETITIONS

1. Request for Class C Beer Permit for Ryan's of Park City at 541 Main Street - The City Manager asked Doug Ryan, representing the establishment whether a building permit has been obtained. Mr. Ryan explained that the demolition permit has been obtained, or is available to the contractor and it was the contractor's feeling that there would be no problem obtaining the building permit for remodeling. The size of the premises was in question and may conflict with the city's code for issuance of an occupancy permit. The City Manager suggested that the issuance of the permit be postponed, until review of compliance of the code. Bob Wells, "I move approval of the permit conditional upon the compliance and issuance of the occupancy permit". Bill Coleman seconded. Motion carried.

2. Plat Approval for the Village Loft Condominiums - Mike Vance explained that there are no bondable improvements for this 18 unit project, however there is an agreement which is in its final stage. When the agreement is signed between the city and Jack Davis, it will contain all of the improvement specifications required. Bill Coleman, "I move we approve the plat for the Village Loft Condominiums". Bob Wells seconded. Motion carried.

COMMUNICATIONS AND REPORTS FROM COUNCIL

None before Council.

RESIGNATIONS AND APPOINTMENTS

None before Council.

ORDINANCE

An Ordinance Creating an Employee Transfer and Discharge Appeals Board in Park City, Utah - It was recommended several weeks ago that this matter be postponed until certain revisions could be proposed. The current ordinance requires that employees be elected at large among city employees, since the Public Works or Police departmental memberships vastly outnumber other city divisions, representational format changes are proposed. Further, when there is an appeal to be heard from within a division where two employees work together and one of the employees is on the Board, the appealing employee is put in an awkward position. The third proposal is the recommendation of that would allow for the election of two employees and one supervisor from the four divisions (Community Development, Police Department, Public Works Department, and General Services - all others that do not fall in the abovementioned three categories). This body will also have an advisory capacity for personnel recommendations to the City Manager. Tina Lewis, "I move approval of the ordinance creating an Employee Transfer and Discharge Appeals Board in Park City". Bob Wells seconded. Motion carried.

PUBLIC INPUT

Mayor Green inadvertently did not open the Public Input session of the meeting, and asked if there were any items on the agenda that the audience would like to address. At this time, it was pointed out that Public Hearing on the water rate structure will be held at next's week meeting. No response from the audience.

UNFINISHED BUSINESS

1. Industrial Revenue Bond Inducement Resolution in the amount of \$10,000,000 to finance construction of retail and commercial projects on Main Street for Silver Mill of Park City - It was Bob Wells feeling that the architectural treatment of the project was a consideration of the Planning Department and the Historic District Commission and that the matter for before Council consideration is the revenue bonding. It was Ms. Lewis' opinion, that approval of the bond would be endorsement of the project, which she feels is not complimentary to the historical district of Park City. Mr. Heaton, representing Silver Mill, explained that the plans are not final and may very well alter. Tom Shellenberger, "I move that we approve the Industrial Revenue Bond Inducement Resolution for the Silver Mill project". Bob Wells seconded. Motion carried. Bill Coleman clarified that he has represented the sellers but not the developers.

Lewis	Nay
Wells	Yea
Shellenberger	Yea
Coleman	Yea
Alvarez	Absent

2. A Resolution reaffirming the intention of Park City, Utah to issue one or more issues of industrial development revenue bonds to finance the acquisition of recreational and commercial facilities by Deer Valley Resort Company in the amount of \$12,000,000 - It was recommended to table this matter. Tina Lewis, "I so move". Bill Coleman seconded. Motion carried. There was discussion regarding abstention and vote for tabling. Based on advice from counsel, the vote stood.

3. A Resolution authorizing a land trade between Park City Municipal Corporation and Richard and Kit Davies for property on upper Norfolk - Bill Coleman, "I move we adopt a resolution authorizing a land trade between Park City Municipal Corporation and Richard and Kit Davies". Tina Wells seconded. Motion carried.

#### NEW BUSINESS

1. A Resolution authorizing the condemnation of real property owned by Huntsman-Christensen needed for the U-224 Belt Route right-of-way - The parcels include two Huntsman-Christensen tracts, and the Park City Depot/Sweetwater tract. Tom Clyde recommended that Council approve the condemnations on the three Huntsman-Christensen parcels, and the two other condemnations required for the U-224 Belt Route right-of-way will be acted on at a future date. Tom Shellenberger, "I move we approve the Resolution authorizing the condemnation of real property owned by Hutsman-Christensen for the U-224 Belt Route". Bob Wells seconded. Motion carried.

Lewis	Yea
Alvarez	Absent
Wells	Yea
Shellenberger	Yea
Coleman	Abstention, for reasons of secured interests

2. Resolution authorizing the filing of civil complaints for violations of the dangerous building code - There have been numerous requests by the Building Department to owners of burned out or ruined abandoned buildings to abate the nuisance, with no response. The City Attorney request approval of the Council to file complaints against

the owners of these properties. The properties involved are (1) 1005 Park Avenue (Otto Carpenter), (2) 1049 Norfolk (Todd and Spencer Nelson), 933 Norfolk (Renea and Gilbert Martinez), (3) 1020 Norfolk, and (4) Upper Daly Avenue. The last two appear to be on the United Park City Mines land. Ron Ivie, Chief Building Official, discussed the potential dangers of abandoned ruined structures in Park City, and recommended Council's approval of the resolution for authorization to proceed in a legal fashion to eliminate such hazards. Bob Wells, "I move adoption of this Resolution". Tom Shellenberger seconded. Motion carried.

3. Approval of a lawsuit settlement in Greer vs. Park City Municipal Corporation regarding the Main Street sidewalk - This matter has been discussed in detail in Council work sessions. The lawsuit involves the award of a contract for the repavement of the sidewalk. Because the city was unable to perform and fulfill the contract at that time, it is proposed that contractor be awarded \$2,000. Bob Wells, "I move we approve the settlement between Greer and Park City". Tom Shellenberger seconded. Motion carried.

4. Approval of the authorization of initiation of nuisance action against the owners of Whisky Springs Project (Park Avenue adjacent to Silver King Bank) - The project area presents a hazard because the foundation hole has been dug, but over the last several months, no work has progressed, leaving the hole open and potentially dangerous. Tom Clyde discussed the communication from the owner of the property, who assured the city that through renewed financial arrangements, commencement of the project will be forthcoming. However, the City Attorney, recommended Council action since their permits have lapsed. Ron Ivie detailed the hazards to adjacent properties involved and also recommended Council action. Tina Lewis, "I move approval of the of the authorization of initiation of nuisance action against the owners of Whisky Springs Project". Tom Shellenberger seconded. Motion carried.

5. Approval of authorization to take appropriate action regarding the Park Avenue road failure - Tina Lewis, "I move tabling Item No. 5 of authorization to take appropriate action regarding the Park Avenue road failure". Bob Wells seconded. Motion carried.

6. Approval for termination of the maintenance contract with the Fire Protection District - The contract provides that the Fire District vehicles will be maintained by the city shops for \$25.00 per hour for labor and the cost of parts. The contract further provides that if either party is dissatisfied with the arrangement, the contract may be terminated upon 30 days notice. The District has demanded reimbursement for damages incurred to a pumper truck when it was left outside in the cold at the city shops and the pump froze. However, the city has never billed the District for repairs and the relationship between the city and the District does not appear to be beneficial for either party, and it is the City Attorney's recommendation to terminate the contract. Tom Shellenberger, "I move we terminate the contract with the Fire Protection District". Tina Lewis seconded. Motion carried.

7. Resolution in Recognition of the City Recorder, Marlene Olson - This agenda item was not placed on the agenda. Mayor Green read the resolution. This resolution was passed unanimously.

RECALL OF UNFINISHED BUSINESS

Bob Wells, "I move we recall the item considering the industrial revenue bond inducement resolution at Silver Mill of Park City". Tom Shellenberger seconded. Bill Coleman asked that because in his own mind, he would like further review of the matter, he asked that this item be tabled or postponed. It was suggested that a motion be made again for the record. Tom Shellenberger, "I move that we approve the inducement resolution for the Silver Mill \$10 million industrial bond". Bob Wells seconded. Motion not carried.

Lewis	Nay
Shellenberger	Yea
Wells	Yea
Alvarez	Absent
Coleman	Abstention, because of confusion regarding agency relations

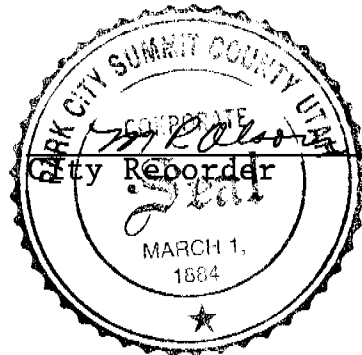
The meeting was adjourned.

\* \* \* \* \*

MEMORANDUM OF EXECUTIVE SESSION AT CITY HALL  
AT 1:00 P.M. ON APRIL 22, 1982

Members Present:	Mayor Green
(motion to open)	Bill Coleman
(motion to close)	Tina Lewis
	Tom Shellenberger
Members Absent:	Helen Alvarez
Also Present:	Arlene Loble, City Manager
	Tom Clyde, City Attorney
	Mike Vance, Community Development Director
Subjects Discussed:	Pending litigation Park Avenue

Prepared by Janet M. Scott





**AN ORDINANCE APPROVING THE KNUDSON SUBDIVISION PLAT LOCATED AT  
1314 & 1350 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Knudson Subdivision located at 1314 & 1350 Empire Avenue, have petitioned the City Council for approval of the Knudson Subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 29, 2014 to receive input on the proposed subdivision;

WHEREAS, on January 29, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 13, 2014 the City Council held a public hearing on the proposed Knudson Subdivision; and

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

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Knudson Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. On December 31, 2013, the applicants submitted an application for a plat amendment to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 square feet into three (3) lots of record.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove lot lines under the Acorn Inn and compliance with the northerly side and rear yard setbacks for the Acorn Inn.

4. The application was deemed complete on January 7, 2014.
5. As per Land Management Code (LMC) 15-7.1-6(A) "an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office.
6. The Planning Director made a determination on January 23, 2014 and the Planning Commission voted to support the determination that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather, the applicant may move forward with the request for a three (3) lot plat amendment at 1314 & 1350 Empire Avenue only.
7. The RC zone requires a minimum lot area of 1,875 square feet.
8. Lots A and B have frontage on and access from Empire Avenue. Lot C has frontage on and access from Norfolk Avenue.
9. The proposed subdivision contains a total of 25,883 square feet of area. Lot A contains 14,625 sq. ft., Lot B contains 4,133 sq. ft., and Lot C contains 7,125 sq. ft.
10. Lot A is intended to be used for a future RDA pedestrian connection between PCMR and Miner's Hospital. The Acorn Inn will remain on Lot B. Lot C is vacant.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The plat amendment secures a public snow storage easement across the frontage of Lot A on Empire Avenue.
13. The amendment of eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW would be the second largest plat amendment in the neighborhood. The largest of these plat amendments is the Carl Winters School Subdivision which contains seventy-two (72) lots and the next largest is the Park City High School Mechanical Arts Building which contains seven (7) lots.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

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

PASSED AND ADOPTED this 13<sup>th</sup> day of February, 2014

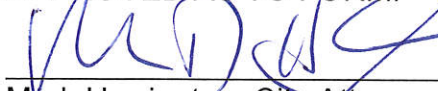
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

  
\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney



I, John Demickovic, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154497, as prescribed by the laws of the State of Utah, and that by authority of the aforesaid, I have prepared this Record of Survey map of KNUDSEN SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

KNOW ALL MEN BY THESE PRESENTS that Park City Redevelopment Authority, as to PARCEL 1, does hereby certify that it has caused this Part Amendment to be prepared and hereby consents to the incorporation of this Part Amendment.

## ACKNOWLEDGMENT

State of Utah  
County of Summit

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, \_\_\_\_\_ previously appeared before me, \_\_\_\_\_, undersigned Notary Public in and for said state and county. Having been duly sworn,

I acknowledged to me that he is authorized \_\_\_\_\_ and that he signed the above-captioned \_\_\_\_\_ as \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.

In witness whereof, I have hereunto set my hand and the seal of my office at \_\_\_\_\_, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Notary Public in and for the State of Utah

### Electronic Public Commentation to U.S.

Printed Name \_\_\_\_\_  
Residing in \_\_\_\_\_  
In communication with \_\_\_\_\_

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that SKYLER, LTD., the undersigned owner of herein described tract of land, to be known hereafter as KNUDSON SUBDIVISION, hereby certifies that it has caused this Plat Amendment to be prepared. SKYLER, hereby consents to the recordation of this Plat Amendment.

NUMBER 1 TO

**Jerry Knudson, Manager**

100

Only of \_\_\_\_\_, 2014, Gary Knudson  
ACKNOWLEDGMENT

### University Public Administration in Utah

ated Name \_\_\_\_\_  
 icking its \_\_\_\_\_

## OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that MARYA, U.L.C., a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereinafter as JOHNSON SUBDIVISION, does hereby certify that it has caused this Plat of Amendment to be prepared. MARYA, U.L.C., hereby consents to the recordation of this Plat of Amendment.

## 2014.

1

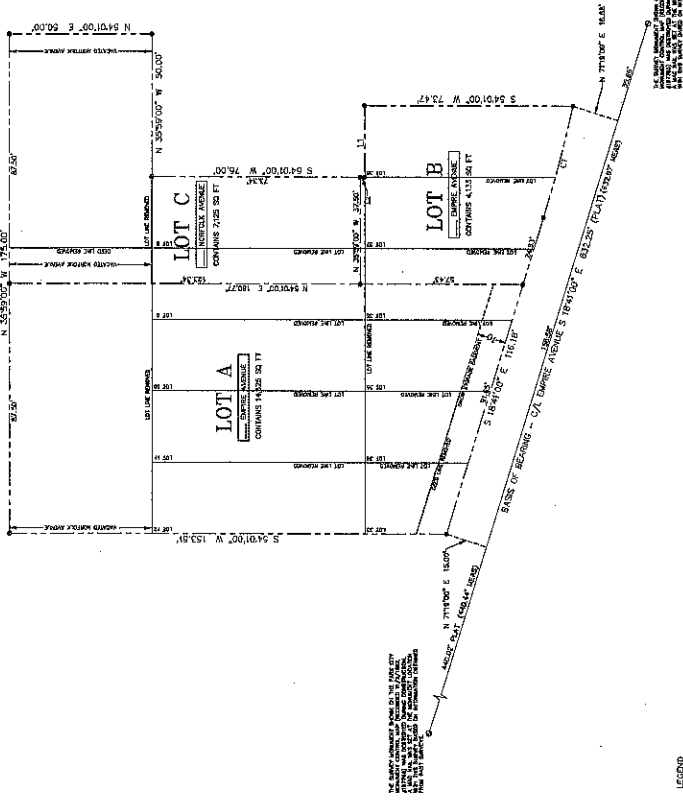
County of \_\_\_\_\_, State of \_\_\_\_\_

**ACKNOWLEDGMENT**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, Gary Knudsen, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary Knudsen acknowledged to me that he is the owner of \_\_\_\_\_, a Utah limited liability company, organized and existing under the laws of the State of Utah and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Declaration and Consent to the sale of the above described property.

History Public Commissioned Test 11/18/18

Printed Name \_\_\_\_\_  
Residing in \_\_\_\_\_



LEGEND

UNE TABLE		
LINE	BEARING	DISTANCE
11	S 25°59'00" E	25.00


CURVE TABLE		
CURVE	RADIUS	LENGTH
C1	485.00	40.45
		DELTA
		4° 6' 43"

A RE-SUBDIVISION OF PLATTED LOTS AND RIGHT-OF-WAY  
BLOCK 19, SNYDER'S ADDITION TO PARK CITY SURVEY

LOCATED IN THE NORTH HALF OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

KNUDSON SUBDIVISION

SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT  
REVIEWED FOR CONFORMANCE TO SYDNEYVILLE BASIN WATER  
RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2014 A.D.,  
BY \_\_\_\_\_  
S.E.B.W.R.D.

 **DAVID J. SMITH**  
REGISTERED PROFESSIONAL ENGINEER  
No. 10000 State of New York  
EXPIRATION DATE 12/31/2015

SYDNEYVILLE ENGINEERS AND PLANNERS, INC.  
One Street, A.D. Box 2000, Port City, Utah 84050-2000  
Phone: 435-894-2000 Fax: 435-894-2001  
www.sydneysv.com

(435) 499-4427

PLANNING COMMISSION

APPROVED BY THE PARK CITY  
DANING COMMISSION THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2014 A.D.

BY \_\_\_\_\_ CHAIRMAN

ENGINEER'S CERTIFICATION

I FIND THIS PLAN TO BE IN  
ACCORDANCE WITH INFORMATION  
FILED IN MY OFFICE THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2014 A.D.

BY \_\_\_\_\_ PARK CITY ENGINEER

APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2014 A.D.  
BY \_\_\_\_\_  
PARK CITY ATTORNEY

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

COUNCIL APPROVAL AND ACCEPTANCE

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

BY \_\_\_\_\_ MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUBMIT, AND FILED

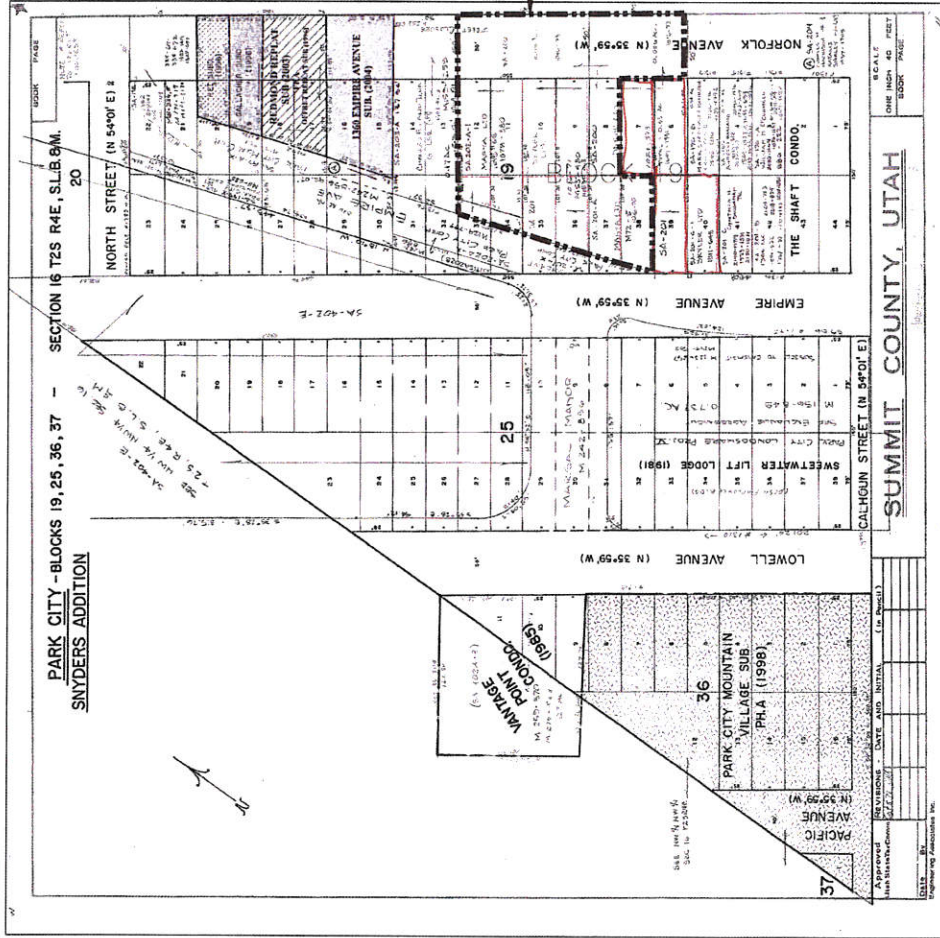
AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

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



# EXHIBIT B



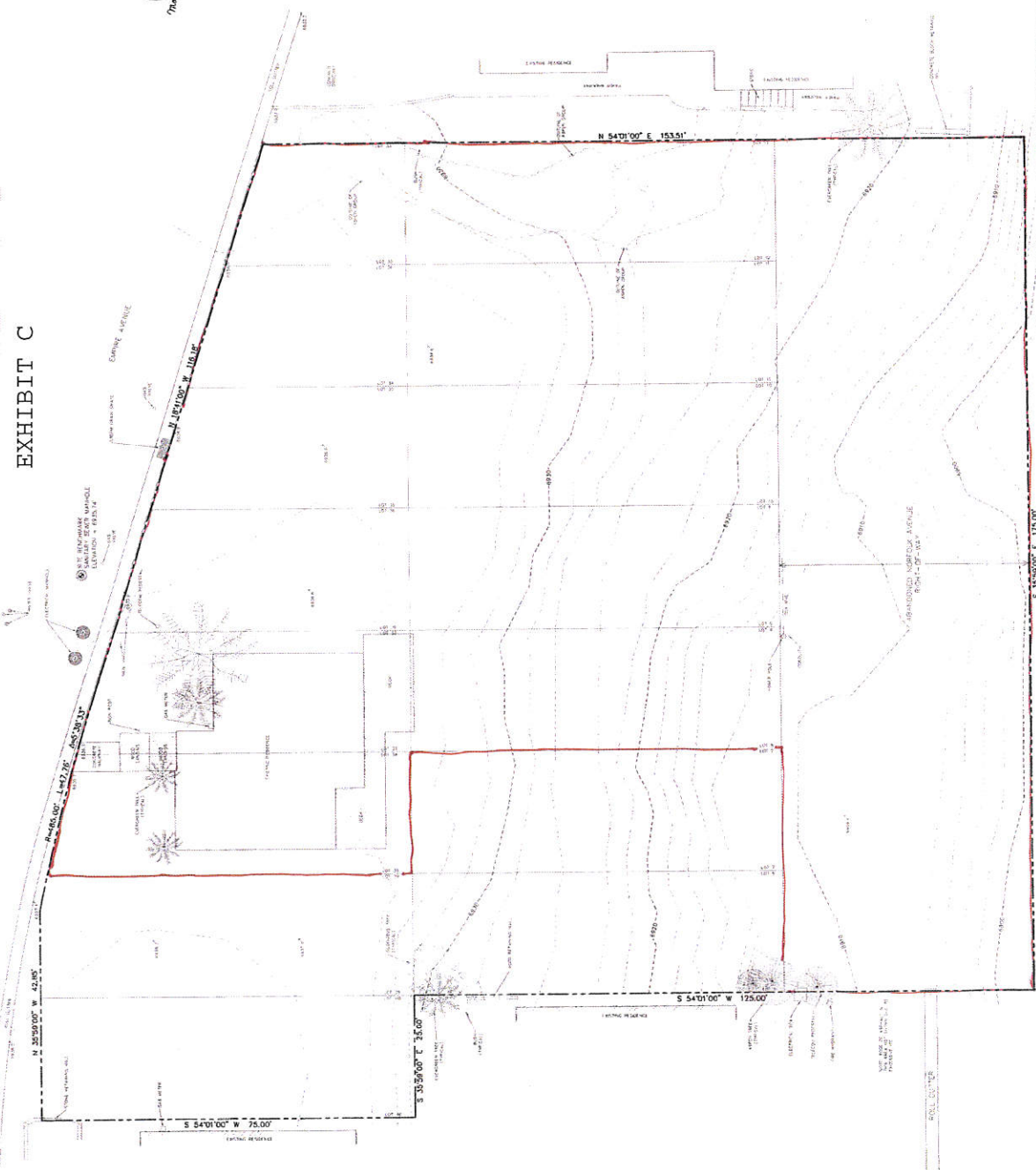
## KNUDSON SUBDIVISION

LOCATED IN SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

NOTE:  
1. In addition to lots in this subdivision, lots 6 & 7 and  
lots 38 & 40, are owned by Gary Knudson, under the  
entity, Snyder - 10.

	STAFF:	OWNERSHIP PLAT	SHEET
	STEVE SCHULER SURVEILLING	KNUDSON SUBDIVISION SNYDER'S ADDITION	1
DATE: 12/31/13		JOB NO.: 6-12-13	OF
FILE: K:\Snyder's Addition\wg\wg12013\wg1213-snyder.dwg			1

# EXHIBIT C



## SURVEYOR'S CERTIFICATE

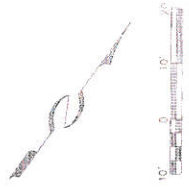
I, the undersigned, do hereby certify that I am a registered land surveyor in the State of Utah. I further certify that this topographic map was prepared by me or under my direct supervision and that I am a duly licensed and qualified person to prepare such maps. I further certify that this topographic map is a true and correct representation of the land surveyed and that the same has been prepared in accordance with the laws of the State of Utah and the rules and regulations of the Board of Surveyors and Map Makers of the State of Utah.



1-24-14

## NOTES

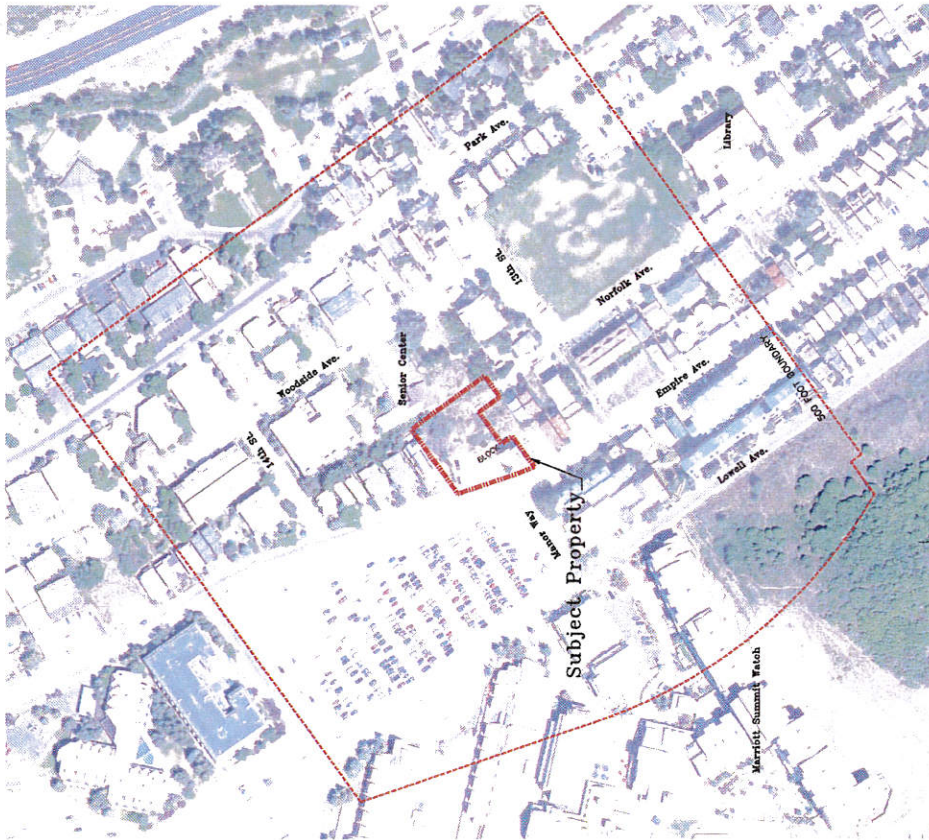
1. Site boundaries, Survey, Survey Station
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on or about 7/1/2014.
4. Property corners were not set.
5. Some corners of the map are approximately 1/2" off from the true position. This is due to the fact that the measurements and/or conditions may not have been as shown on this map.



<b>STAFF:</b> MARSHALL KING JEFFREY HARRIS HANSEN POLLEY		<b>EXISTING CONDITIONS &amp; TOPOGRAPHIC MAP</b> BLOCK 19, SNYDERS ADDITION	<b>SHEET</b> 1 OF 1
<b>DATE:</b> 1/24/14		<b>FOR:</b> PARK CITY MUNICIPAL CORPORATION <b>JOB NO.:</b> 6-12-13 <b>FILE:</b> C:\Users\jking\Documents\6-12-13\6-12-13.dwg	



# EXHIBIT D

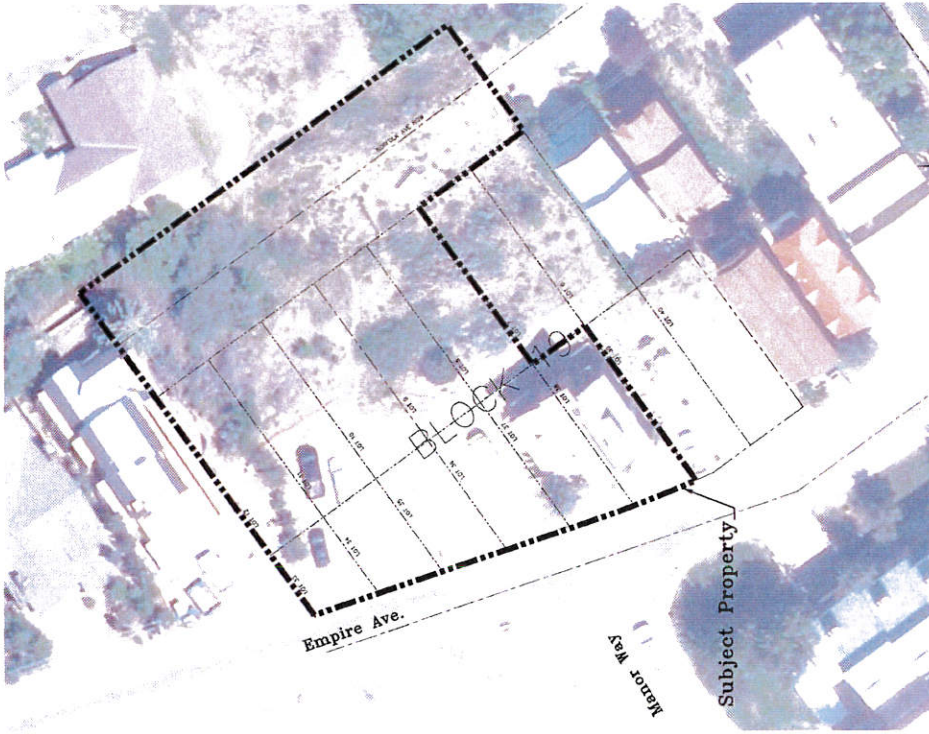


500 FOOT EXHIBIT

## KNUDSON SUBDIVISION

LOCATED IN SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 14 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

NOTE:  
1. In addition to Lots in this subdivision, Lots 6 & 7 and  
Lots 30 & 40, are owned by Cory Knudson, under the  
entity, Snyder L.L.C.

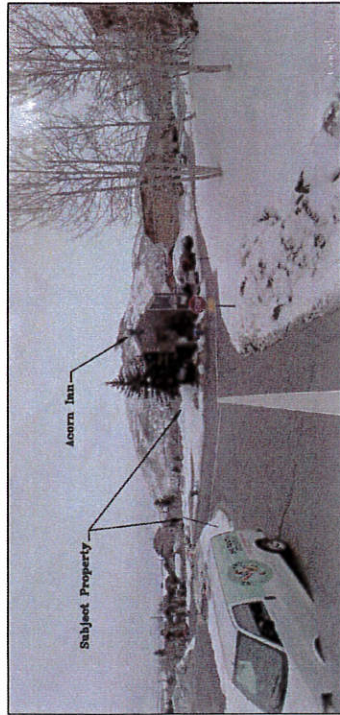


20 SCALE SITE PLAN

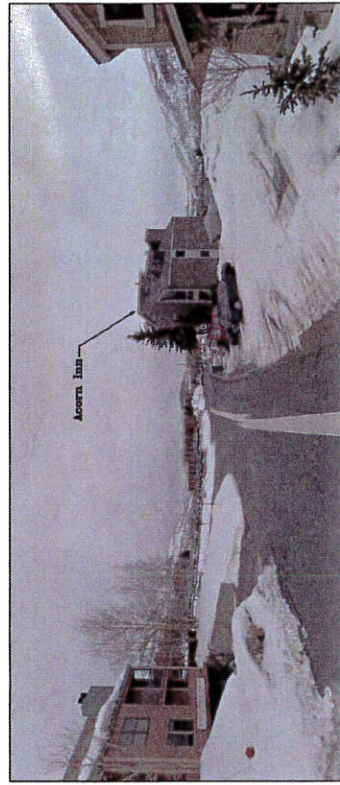
	STAFF:	ORTHOPHOTOS	SHEET
	KNUDSON SUBDIVISION	KNUDSON SUBDIVISION	1
	FOR: KNUC	SNYDER'S ADDITION	OF
	JOB NO.: 6-12-13		1
	FILE: 3\Snyder's Addition\deg\subdiv\051213-support.dwg		
	DATE: 12/23/13		



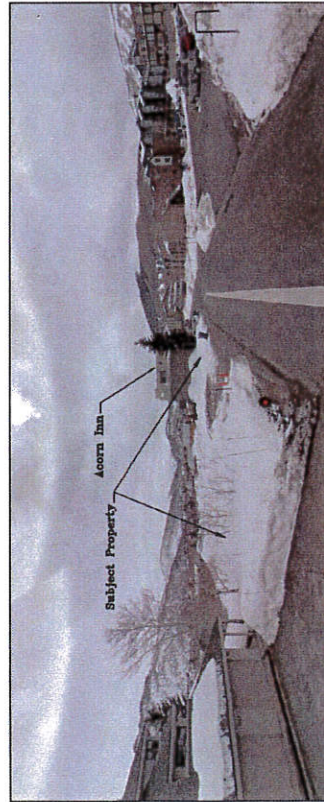
# EXHIBIT E



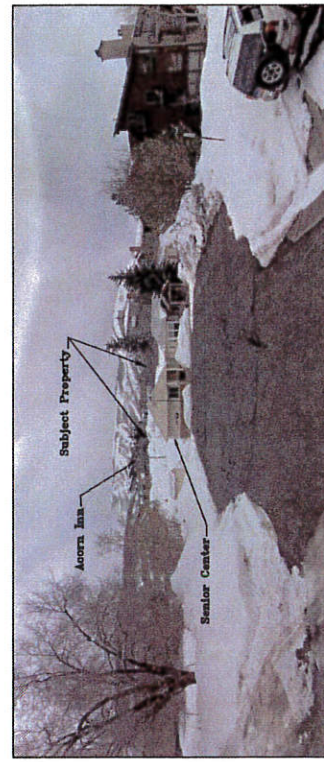
LOOKING EAST FROM MANOR WAY



LOOKING NORTH FROM EMPIRE AVE.



LOOKING SOUTH FROM EMPIRE AVE.



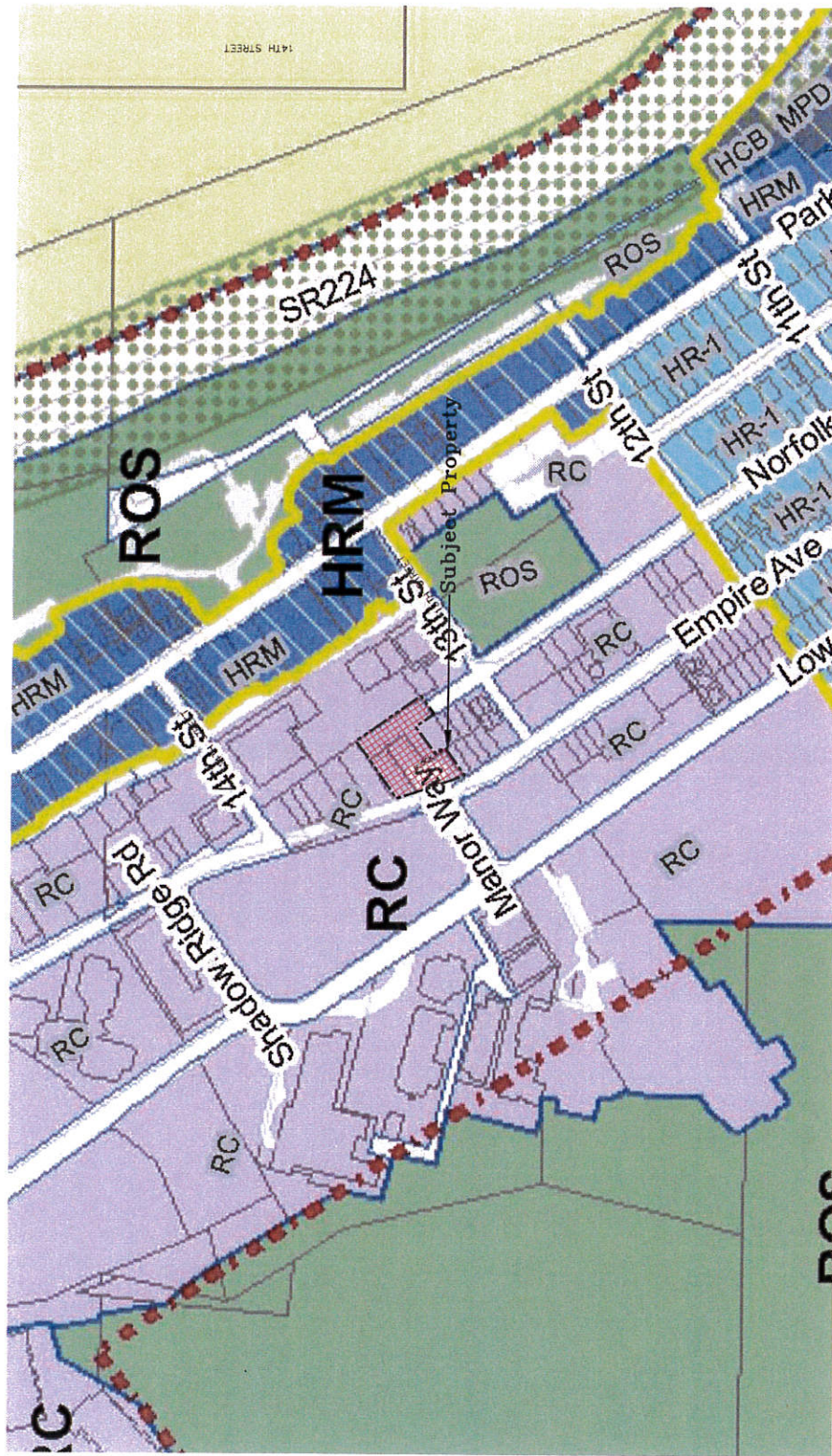
LOOKING WEST FROM NORFOLK AVE.

RECEIVED  
DEC 31 2013

		STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF LAND USE AND PLANNING DIVISION OF LAND USE AND PLANNING	SHEET 1 OF 1
PROJECT NO. 12-12-13 DATE: 12/31/13		SNYDER'S ADDITION SNYDER'S ADDITION	
FILED IN: 12-12-13			



EXHIBIT F



KNUDSON SUBDIVISION

LOCATED IN SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

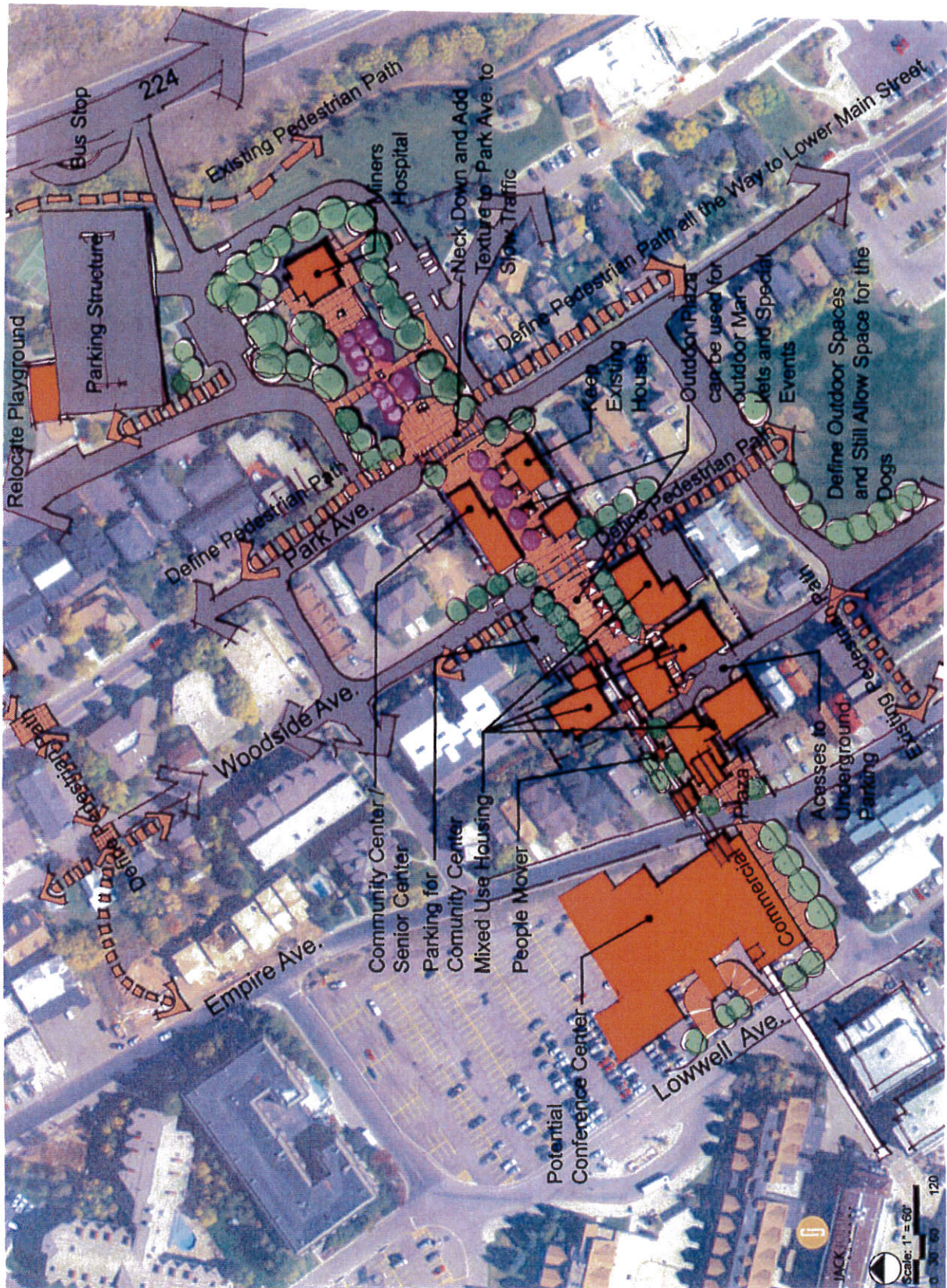


	STAFF: PLANNING SUBDIVISION	DATE: 12/31/13	SHEET 1 of 1
	ZONING MAP KNUDSON SUBDIVISION SNYDER'S ADDITION FOR PCMC JOB NO.: E-12-13 FILE: E:\Projects\2 Addition\map\addition\13\0023-support.dwg		

RED HATCHING IS FOR ILLUSTRATIVE PURPOSES ONLY



# EXHIBIT G





# EXHIBIT H



January 23, 2014

Gary Knudson  
PO Box 511  
Park City, UT 84060

## NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address: 1314 & 1350 Empire Avenue  
Project Description: Plat Amendment  
Project Number: PL-14-02202  
Date of Action: January 23, 2014

## ACTION TAKEN BY PLANNING DIRECTOR:

Per Land Management Code (LMC) 15-7.1-6(A) an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

The Planning Director finds that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather,

1

the applicant may move forward with the request for a three lot plat amendment at 1314 & 1350 Empire Avenue only.

Findings of Fact:

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. The applicants are requesting to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 acres into three (3) lots of record. Currently, the property includes Lots 8-12, Lots 33-38, and the abandoned Norfolk Avenue ROW of Block 19 within the Snyder's Addition survey area of Park City.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove lot lines under the Acorn Inn and provide access for Lot C to Norfolk Ave.
4. New additions to the Acorn Inn would require adherence to current setbacks as required in the RC District.
5. The property at 1314 Empire Avenue is contiguous with the 2 lots (Lots 39 & 40) directly south along Empire Avenue as well as the 2 lots (Lots 6 & 7) directly south of Lot C.
6. The applicant submitted an application for a plat amendment on December 31, 2013.
7. The Planning Commission will review the application for a three (3) lot subdivision on January 29, 2014.
8. Staff learned that Gary Knudson owned the contiguous property directly south and southeast of 1314 Empire Avenue (Lots 6, 7, 39, & 40) on January 14, 2013.
9. Gary Knudson has directly expressed interest in not subdividing the other 4 lots contiguous to 1314 Empire Avenue (Lots 6, 7, 39, & 40). The property contiguous to 1314 Empire Avenue is not already developed and the owner does not intend to develop this property at this time.
10. There are no existing structures on the 4 contiguous lots (Lots 6, 7, 39, & 40).

Conditions of Approval

1. All standard conditions of approval shall apply.
2. Any modifications to the property contiguous to 1314 Empire Avenue (Lots 6, 7, 39, & 40) will require the applicant to submit a plat amendment application to the Planning Department.

If you have any questions regarding this determination, please don't hesitate to



contact the Planning Department at 435-615-5060.

Sincerely,

A handwritten signature in black ink, appearing to read 'Th. Eddington Jr.', with a stylized flourish at the end.

Thomas E. Eddington Jr., AICP, LLA  
Planning Director

CC: Christy J. Alexander, AICP  
Planner II

## City Council Staff Report



**Subject:** Knudson Subdivision, 1314 & 1350 Empire Avenue  
**Author:** Christy J. Alexander, Planner II  
**Date:** February 13, 2014  
**Type of Item:** Administrative – Plat Amendment  
**Project Number:** PL-14-02202

### Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider approving the Knudson Subdivision located at 1314 & 1350 Empire Avenue, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### Description

**Applicant:** Jonathan Weidenhamer & Matt Twombly (Park City Redevelopment Authority (RDA)) and Gary Knudson, represented by Steve Schueler  
**Location:** 1314 & 1350 Empire Avenue  
**Zoning:** Recreation Commercial (RC) District  
**Adjacent Land Uses:** Single-family residential, vacation rentals, nightly rentals, duplex, condominiums, recreational open space, office space, resort commercial.  
**Reason for Review:** Plat amendments require Planning Commission review and recommendation to City Council

### Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lots 8-12, Lots 33-38, and the adjacent abandoned Norfolk Ave ROW of Block 19 of the Snyder's Addition to the Park City survey.

The applicant wishes to combine the lots to create three (3) new lots, one to be owned by the Park City RDA and two to be owned by Gary Knudson, the current owner of the Acorn Inn. This amendment is necessary in order for the City's RDA to move forward with a redevelopment project it has been working on since 2010 and to remove lot lines under the Acorn Inn and create compliance with the northerly side and rear yard setbacks for the Acorn Inn. The lots are currently zoned as Recreation Commercial (RC).

### Purpose

The purpose of the Recreation Commercial (RC) District is to:

- (A) Allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) Allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) Encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) Limit new Development on visible hillsides and sensitive view Areas,
- (E) Provide opportunities for variation in architectural design and housing types,
- (F) Promote pedestrian connections within Developments and to adjacent Areas,
- (G) Minimize architectural impacts of the automobile,
- (H) Promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- (I) Promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- (J) Promote the preservation and rehabilitation of Historic Buildings.

## **Background**

The Knudson Subdivision project is located in the "Snyder's Addition" survey area. The project is located between the 13<sup>th</sup> and 14<sup>th</sup> Street blocks on both Empire Ave and Norfolk Avenue, directly across the street from Park City Mountain Resort, as shown on the enclosed ortho-photographs (Exhibit D). The proposed subdivision is comprised of Lots 8-12, Lots 33-38, and the abandoned Norfolk Avenue ROW, approximately .64 acres. The lots comprising the proposed subdivision have, historically, been owned by Gary Knudson, under various entities, for over 40 years. In 1972 Mr. Knudson built the Acorn Inn, a small nightly rental, on Lots 37 and 38. The remaining lots are undeveloped.

On December 17, 2013, the Park City RDA entered into a Purchase and Sale Agreement with two entities controlled by Gary and Helen Knudson to purchase all of lots 10, 11, 12 and portions of Lots 9, 33, 34, 35, 36. On December 23, 2013, the Park City RDA closed on Lots 11 and 12 and portions of Lots 33 and 34. The Park City RDA and another entity controlled by Gary and Helen Knudson will close on the balance of the lots described in the Purchase and Sale Agreement on or before February 28, 2014, provided the Knudson Subdivision is approved pursuant to the application before council today. The Park City RDA is purchasing the property for the purpose of allowing for future pedestrian corridor and public improvements on said lots. Mr. Knudson, through his various entities, will develop his remaining parcels as determined by his own schedule. Mr. Knudson has not filed an application for any development to date.

On December 31, 2013, the City received an application to create these three (3) legal lots of record from 25,883 square feet; the application was deemed complete on January 7, 2014. Lot A as shown on the proposed plat in Exhibit A, if approved, will be purchased as described above by the Park City RDA to facilitate a key pedestrian east/west connection. It is intended to become a visual and functional pedestrian

transportation corridor connecting Empire Avenue to Park Avenue and allowing movement from the resort to lower Main Street. However, the City's RDA will not restrict that property as part of the plat, leaving it alone until the master plan for the area is finalized. Therefore, the City's RDA could use Lot A for future development should the master plan not be carried out. Gary Knudson intends to keep Lot B (with the Acorn Inn) as well as keep Lot C for future development.

Mr. Knudson also owns Lots 6, 7, 39 & 40, all undeveloped, which are adjacent to this proposed subdivision as shown on the Ownership Plat and Aerial Photo exhibits (Exhibits B and D). As per Land Management Code (LMC) 15-7.1-6(A) "an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application."

The Planning Director made a determination on January 23, 2014 that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather, the applicant may move forward with the request for a three (3) lot plat amendment at 1314 & 1350 Empire Avenue only. The Planning Commission voted unanimously to waive the requirement on January 29, 2014 at their regular meeting, thus allowing the subdivision process to proceed forward as Mr. Knudson has no intentions to develop his contiguous properties at this time.

The Planning Commission also voted unanimously on January 29, 2014 to forward a positive recommendation to the City Council for the Knudson Subdivision based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

### **Analysis**

The applicants wish to combine the lots in order to move forward with the City's redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR. In addition, Gary Knudson's lots will have residential development opportunity. Although Mr. Knudson is not intending to develop Lot C in the immediate future, the allowed uses in this zone, and compatible to this neighborhood which could be developed on these sites include: Single Family Dwelling, Duplex Dwelling, Triplex Dwelling, Secondary Living Quarters, Lockout Unit, Accessory Apartment, Nightly Rental, Home Occupation, Child Care: In-Home Babysitting, Child Care: Family, Child Care: Family Group, Child Care Center, Accessory Building and



Use, Conservation Activity, Agriculture, Bed & Breakfast Inn, Boarding House: Hostel, Minor Hotel, Parking Area or Structure with four (4) or fewer spaces.

The proposed subdivision contains a total of 25,883 square feet of area. Lot A contains 14,625 sq. ft., Lot B contains 4,133 sq. ft., and Lot C contains 7,125 sq. ft. The zoning for the subdivision is Recreation Commercial (RC) and is subject to the following criteria:

<b>RC Zone</b>	<b>Permitted</b>
Lot Size	1,875 SF minimum
Front yard setback	20 feet
Side yard setback	10 feet
Rear yard setback	10 feet
Height	35 feet/3 stories
Development Floor Area Ratio	1.0 (not including underground parking structures)
Parking	As determined per use

<b>Lot B with Acorn Inn</b>	<b>Existing Building on New Lot Configuration</b>
Lot Size	4,133 SF
Front yard setback	20 feet
Side yard setback	Approximately 5 feet on the south and 13 feet to the north. The south setback is existing legal non-conforming. No additions could be made to the building unless they comply with the current Code. The new configuration of the northern lot line is compliant with the Code.
Rear yard setback	10 feet for the building which is compliant; the deck is 1 foot off the property line which is also compliant.

The plat amendment will be the second largest plat amendment in the neighborhood. The largest of these plat amendments is the Carl Winters School Subdivision which contains seventy-two (72) lots and the next largest is the Park City High School Mechanical Arts Building which contains seven (7) lots. Access to the lots are from Empire Avenue for Lots A and B. Lot C sits adjacent to Norfolk Avenue.

Staff finds good cause for this plat amendment to create three (3) legal lots of record from the existing eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW. The proposed plat amendment does not create any new non-conforming situations.

### **Good Cause**

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the City to move forward with redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR. The plat amendment is necessary so that there is not any remnant parcels and to allow any improvements to occur on the property. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community as well as absorb the adjacent abandoned Norfolk Avenue ROW into the Knudson Subdivision.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

### **Department Review**

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

### **Public Input**

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

### **Alternatives**

- The City Council may approve the Knudson Subdivision as conditioned or amended; or
- The City Council may deny the Knudson Subdivision and direct staff to make Findings for this decision; or

- The City Council may continue the discussion on the Knudson Subdivision to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

### **Significant Impacts**

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

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

The proposed plat amendment would not be recorded and eleven (11) existing lots and abandoned ROW would not be adjoined and remain as is.

### **Recommendation**

Staff recommends that the City Council hold a public hearing and consider approving the Knudson Subdivision based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Ownership Plat

Exhibit C – Existing Conditions Survey

Exhibit D – Vicinity Map/Aerial Photograph

Exhibit E – Streetscape Images

Exhibit F – Zoning Map

Exhibit G – Master Plan for City Property in RDA

Exhibit H – Notice of Planning Director Determination to waive LMC 15.1-6(A)

## **Exhibit A – Draft Ordinance with Proposed Plat**

Ordinance 14-

### **AN ORDINANCE APPROVING THE KNUDSON SUBDIVISION PLAT LOCATED AT 1314 & 1350 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Knudson Subdivision located at 1314 & 1350 Empire Avenue, have petitioned the City Council for approval of the Knudson Subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 29, 2014 to receive input on the proposed subdivision;

WHEREAS, on January 29, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 13, 2014 the City Council held a public hearing on the proposed Knudson Subdivision; and

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

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Knudson Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact:**

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. On December 31, 2013, the applicants submitted an application for a plat amendment to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 square feet into three (3) lots of record.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove



lot lines under the Acorn Inn and compliance with the northerly side and rear yard setbacks for the Acorn Inn.

4. The application was deemed complete on January 7, 2014.
5. As per Land Management Code (LMC) 15-7.1-6(A) "an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office.
6. The Planning Director made a determination on January 23, 2014 and the Planning Commission voted to support the determination that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather, the applicant may move forward with the request for a three (3) lot plat amendment at 1314 & 1350 Empire Avenue only.
7. The RC zone requires a minimum lot area of 1,875 square feet.
8. Lots A and B have frontage on and access from Empire Avenue. Lot C has frontage on and access from Norfolk Avenue.
9. The proposed subdivision contains a total of 25,883 square feet of area. Lot A contains 14,625 sq. ft., Lot B contains 4,133 sq. ft., and Lot C contains 7,125 sq. ft.
10. Lot A is intended to be used for a future RDA pedestrian connection between PCMR and Miner's Hospital. The Acorn Inn will remain on Lot B. Lot C is vacant.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The plat amendment secures a public snow storage easement across the frontage of Lot A on Empire Avenue.
13. The amendment of eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW would be the second largest plat amendment in the neighborhood. The largest of these plat amendments is the Carl Winters School Subdivision which contains seventy-two (72) lots and the next largest is the Park City High School Mechanical Arts Building which contains seven (7) lots.

#### Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

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

PASSED AND ADOPTED this \_\_\_\_ day of February, 2014

PARK CITY MUNICIPAL CORPORATION

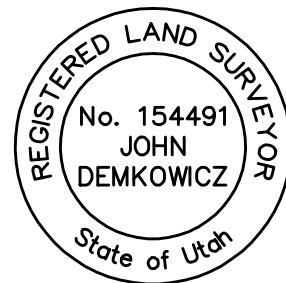
\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

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

John Demkowicz

Date

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Redevelopment Authority, as to PARCEL 1, does hereby certify that it has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat Amendment.

IN WITNESS WHEREOF, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Park City Redevelopment Authority

ACKNOWLEDGMENT

State of Utah

County of Summit

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, \_\_\_\_\_ personally appeared before me, the undersigned Notary Public in and for said state and county. Having been duly sworn, \_\_\_\_\_ acknowledged to me that he is authorized \_\_\_\_\_ and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that SKYLER, LTD., the undersigned owner of the herein described tract of land, to be known hereafter as KNUDSON SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared. SKYLER, LTD., hereby consents to the recordation of this Plat Amendment.

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

SKYLER, LTD.

Gary Knudson, Manager

State of \_\_\_\_\_;

ss:

County of \_\_\_\_\_;

ACKNOWLEDGMENT

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, Gary Knudson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary Knudson acknowledged to me that he is the Manager of SKYLER, LTD., organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that MARYA, LLC., a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as KNUDSON SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared. MARYA, LLC., hereby consents to the recordation of this Plat Amendment.

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

MARYA, LLC., a Utah limited liability company

Gary Knudson, Manager

State of \_\_\_\_\_;

ss:

County of \_\_\_\_\_;

ACKNOWLEDGMENT

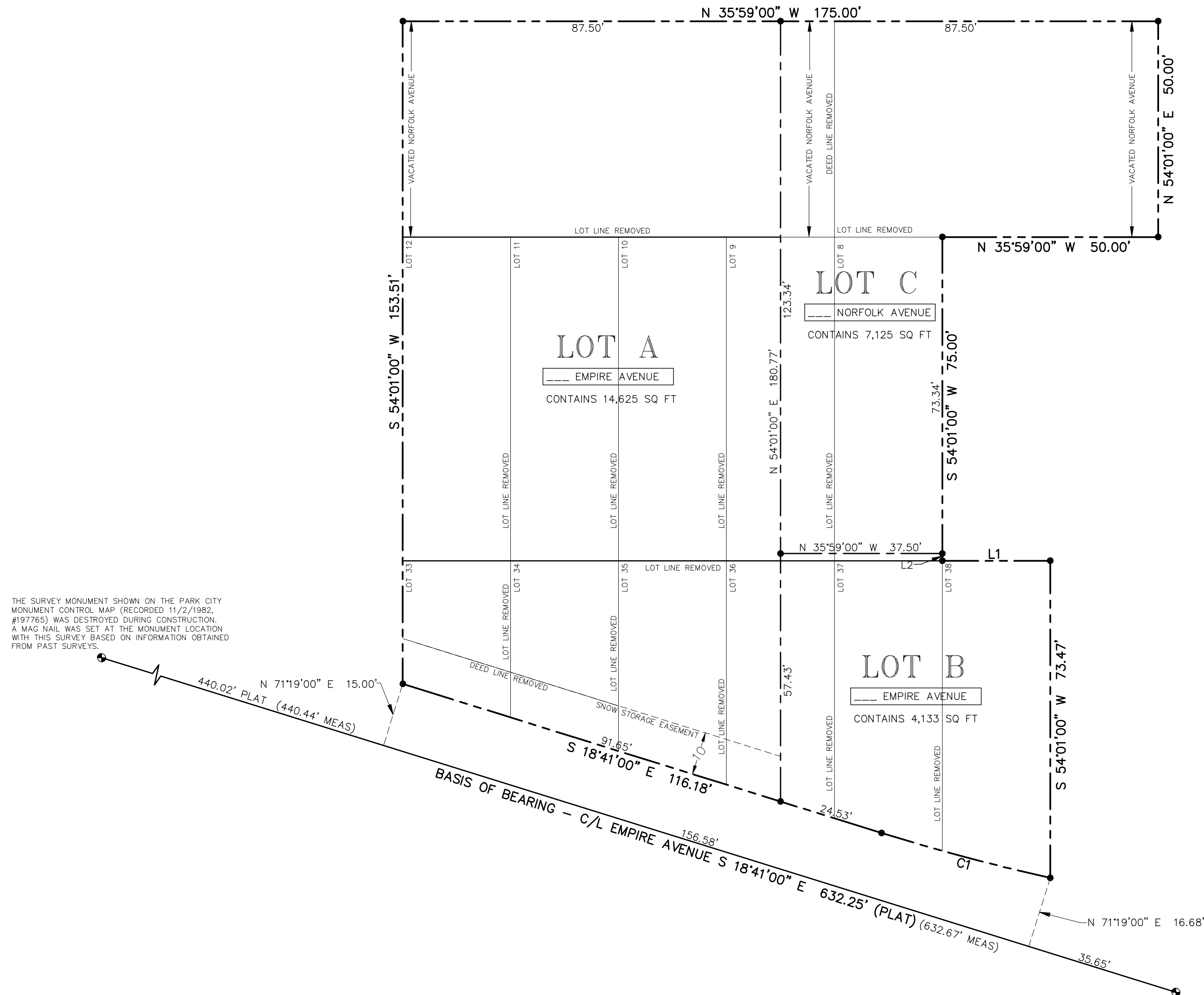
On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, Gary Knudson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gary Knudson acknowledged to me that he is the Manager of MARYA, LLC., a Utah limited liability company, organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_



- LEGEND
- 5/8" rebar w/cap to be set, ALLIANCE ENGR/LS 154491

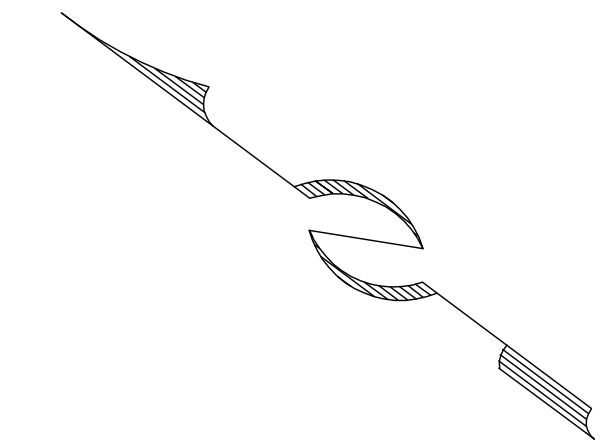
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 35°59'00" E	25.00
L2	S 54°01'00" W	1.66

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	485.00	40.45	4°46'43"

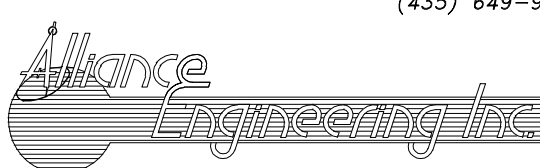
A RE-SUBDIVISION OF PLATTED LOTS AND RIGHT-OF-WAY  
BLOCK 19, SNYDER'S ADDITION TO PARK CITY SURVEY

KNUDSON SUBDIVISION

LOCATED IN THE NORTH HALF OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1



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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2014 A.D.

BY \_\_\_\_\_  
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 A.D.

BY \_\_\_\_\_  
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 A.D.

BY \_\_\_\_\_  
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 A.D.

BY \_\_\_\_\_  
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 A.D.

BY \_\_\_\_\_  
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

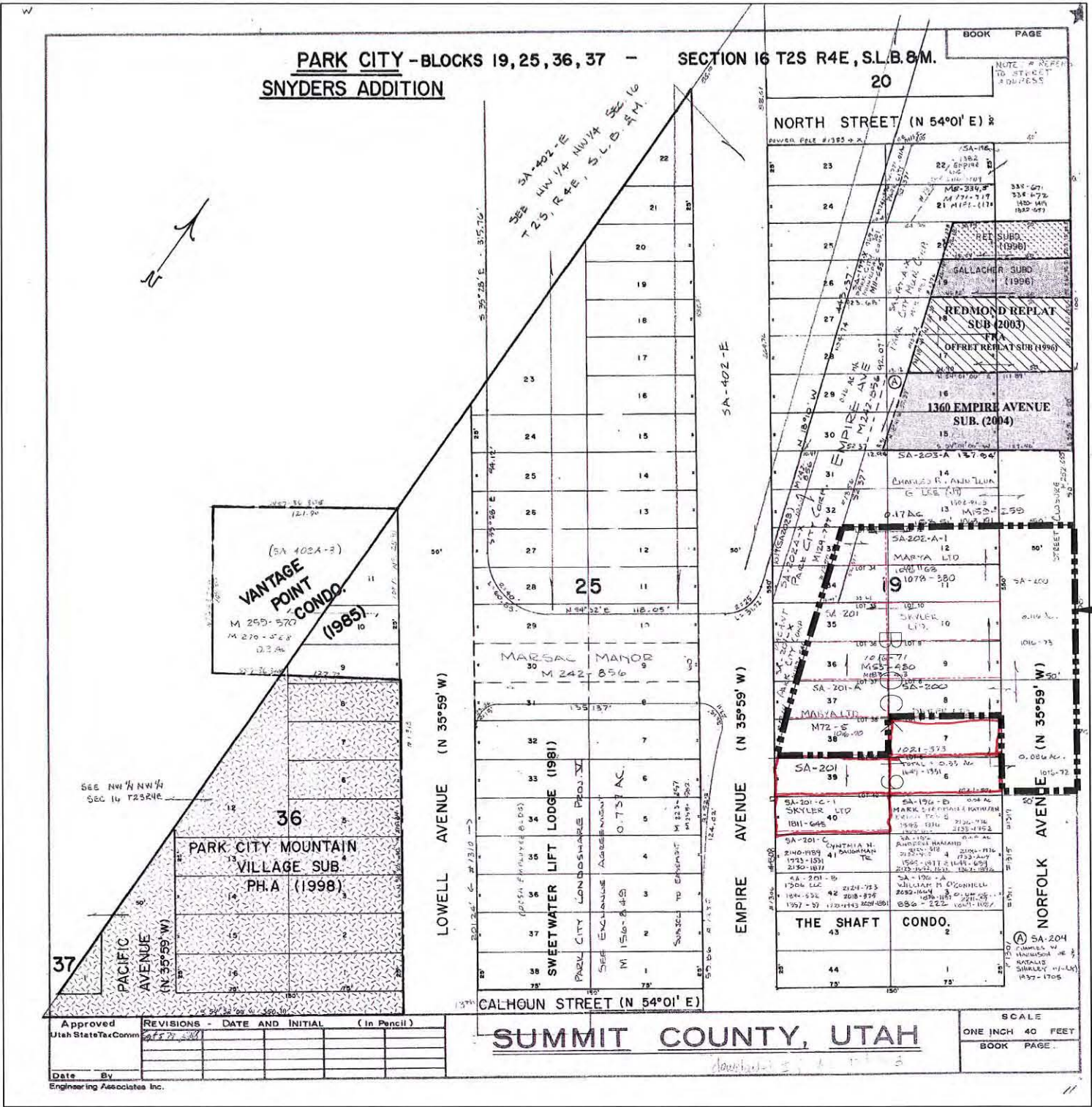
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 A.D.

BY \_\_\_\_\_  
MAYOR

RECORDED

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

1/28/14 JOB NO.: 6-12-13 FILE: X:\SnydersAddition\dwg\sr\plat2013\061213.dwg

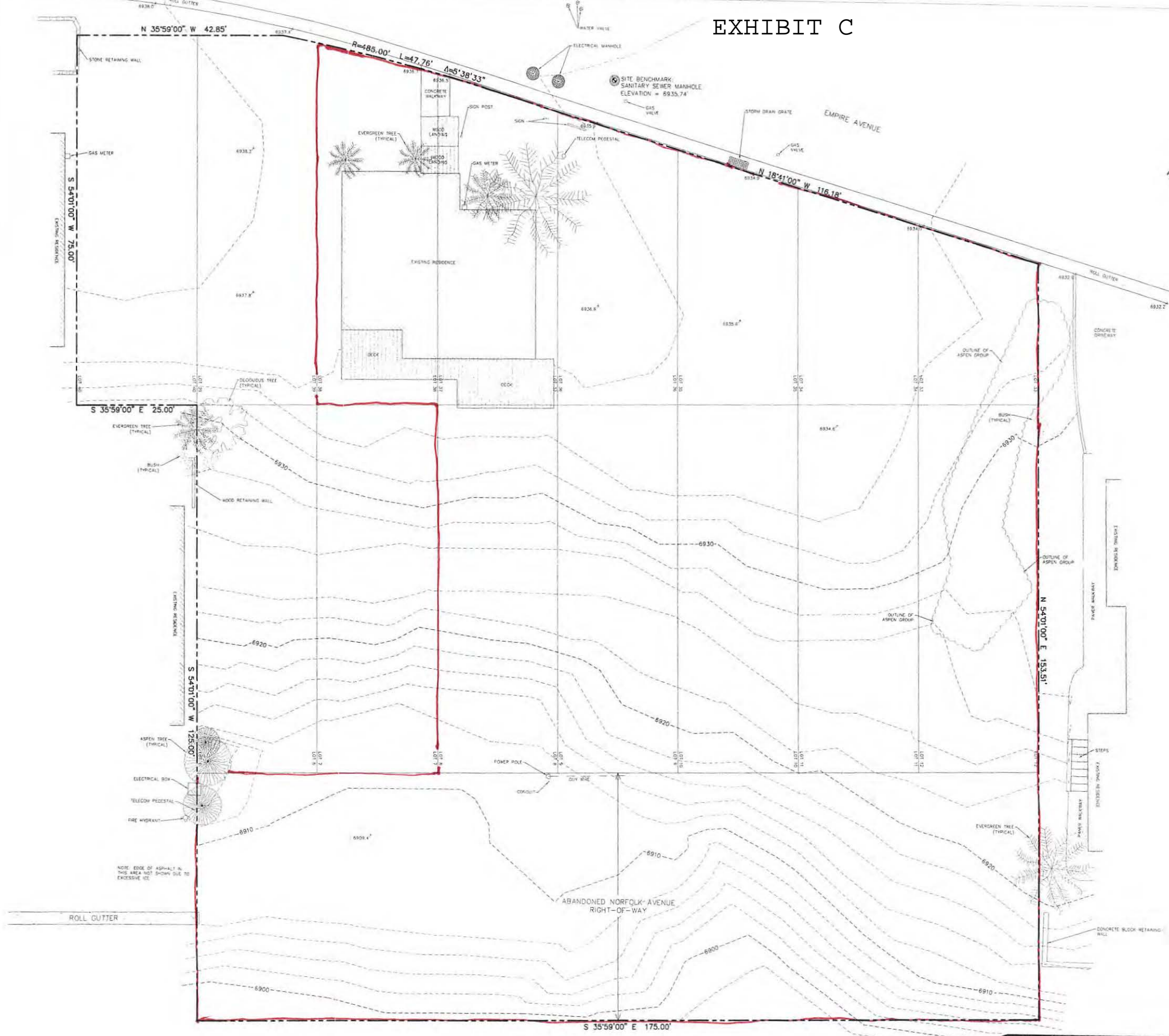


NOTE:  
1. In addition to Lots in this subdivision, Lots 6 & 7 and Lots 39 & 40, are owned by Gary Knudson, under the entity, Skyler LTD.

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: STEVE SCHUELER MARSHALL KING	OWNERSHIP PLAT KNUDSON SUBDIVISION SNYDER'S ADDITION	SHEET 1 OF 1
	DATE: 12/31/13	FOR: PCMC JOB NO.: 6-12-13 FILE: X:\Snyder's Addition\dwg\plot2013\061213-support.dwg	



EXHIBIT C

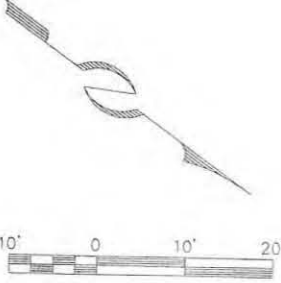



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

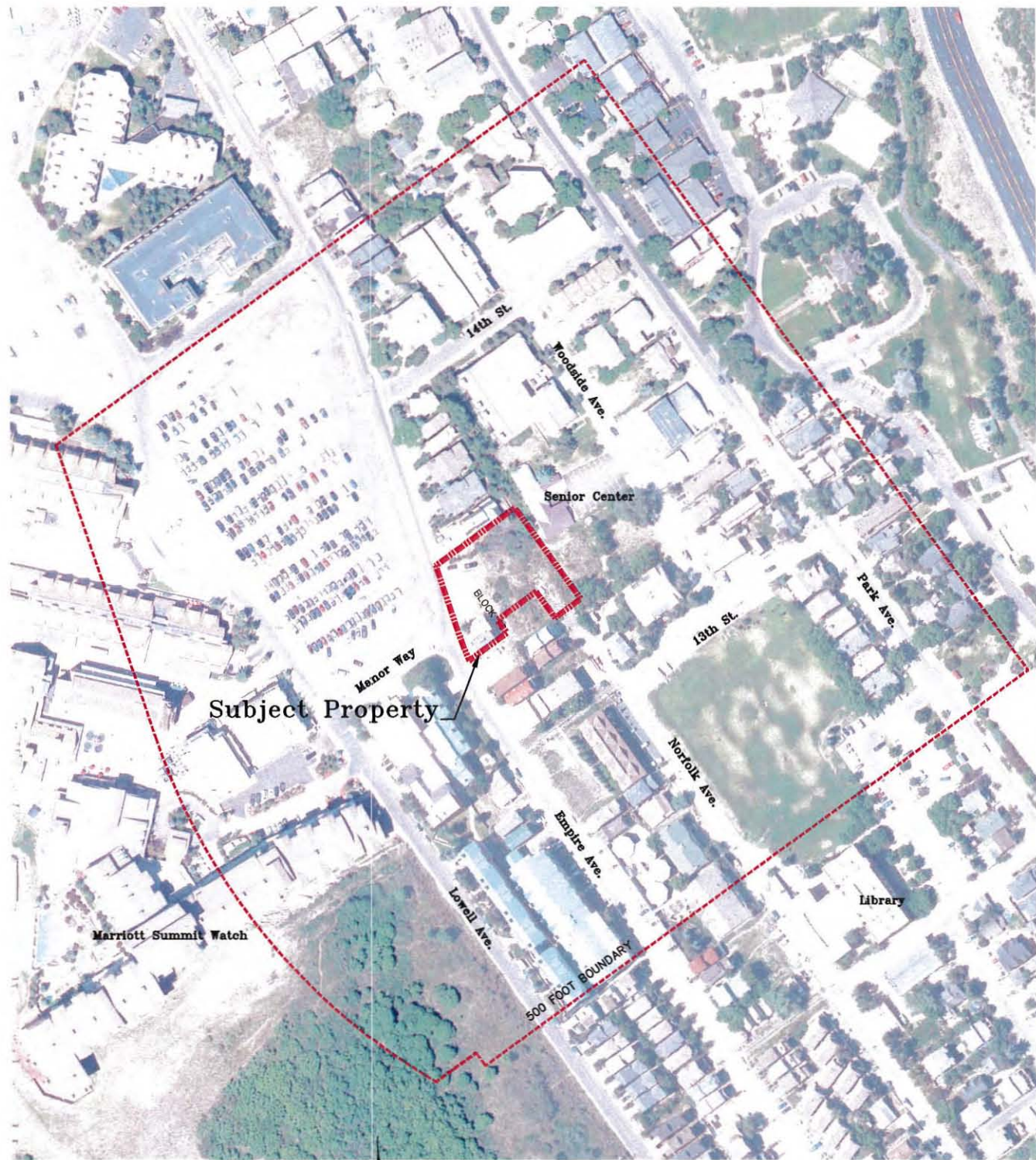
NOTES

1. Site Benchmark: Sanitary Sewer Manhole  
Elevation=6935.74'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on January 21, 2014.
4. Property corners were not set.
5. Snow coverage at the time of the survey was approximately 1'-2'.  
As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.

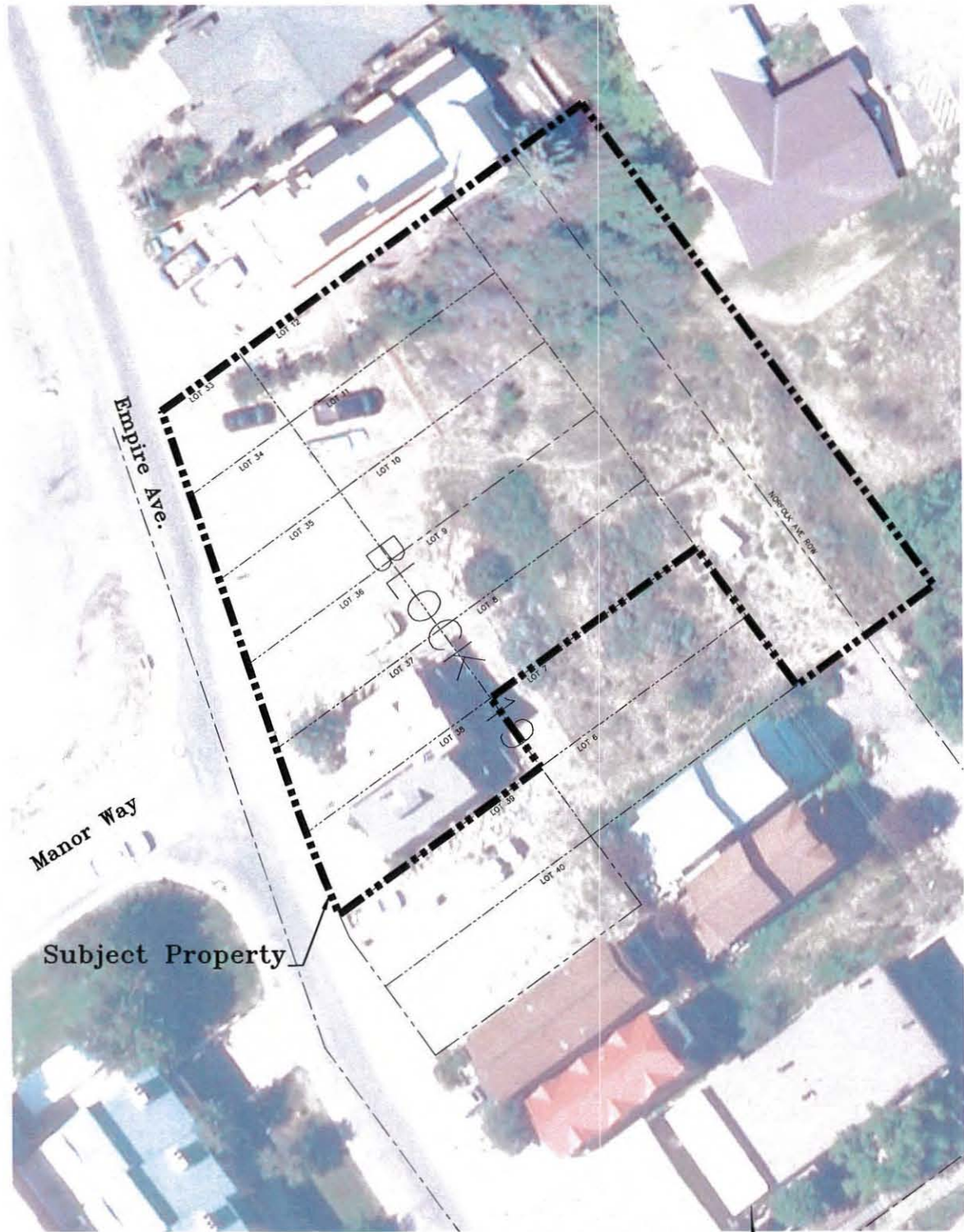


 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 223 Main Street, R.D. Box 2664, Park City, Utah 84090-2664	STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY	EXISTING CONDITIONS & TOPOGRAPHIC MAP BLOCK 19, SNYDERS ADDITION	SHEET 1 OF 1
	DATE: 1/24/14	FOR: PARK CITY MUNICIPAL CORPORATION JOB NO.: 6-12-13 FILE: X:\SnydersAddition\dwg\sn\topo2013\061213.dwg	





500 FOOT EXHIBIT



20 SCALE SITE PLAN




## KNUDSON SUBDIVISION

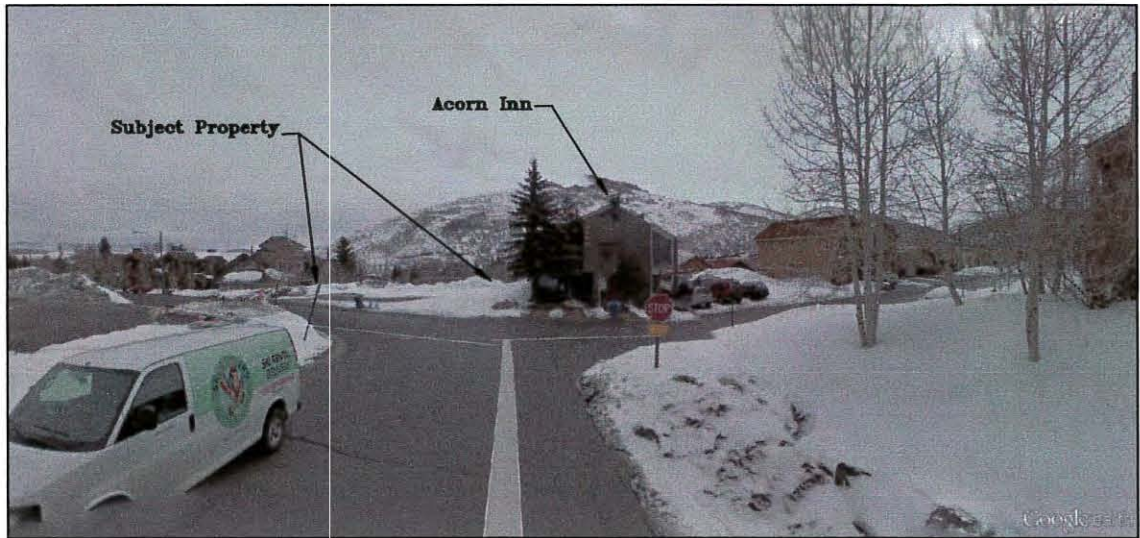
LOCATED IN SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

**NOTE:**

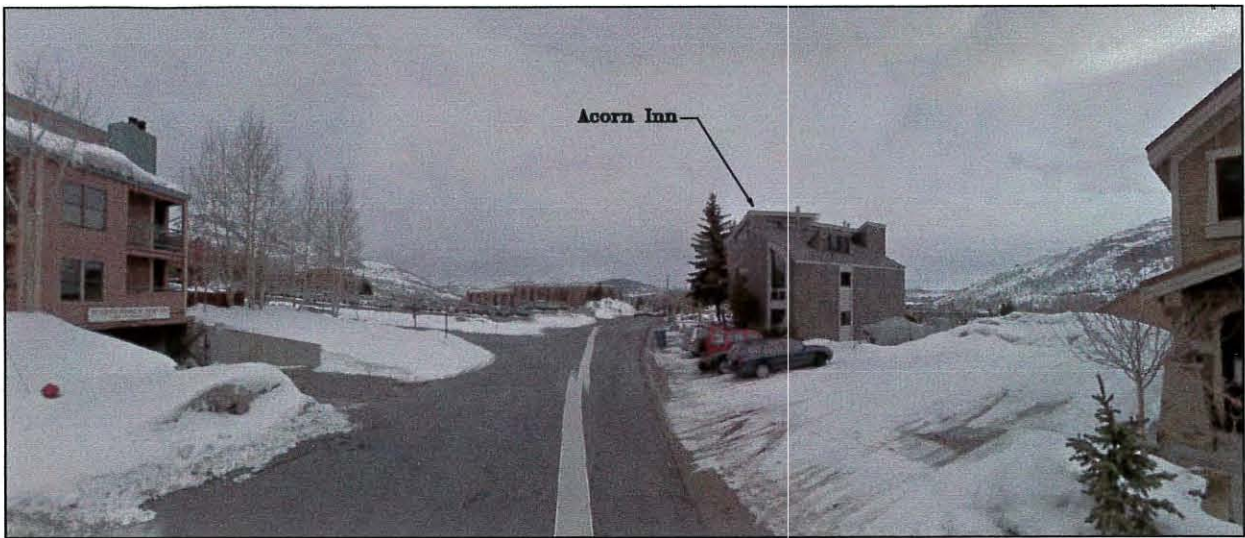
1. In addition to Lots in this subdivision, Lots 6 & 7 and Lots 39 & 40, are owned by Gary Knudson, under the entity, Skyler LTD.

 <p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p><b>STAFF:</b> STEVE SCHUELER MARSHALL KING</p> <p><b>DATE:</b> 12/31/13</p>	<p>ORTHO-PHOTOS KNUDSON SUBDIVISION SNYDER'S ADDITION</p> <p>FOR: PCMC JOB NO.: 6-12-13 FILE: X:\Snyder's Addition\dwg\plot2013\061213-support.dwg</p>	<p>SHEET 1 OF 1</p>
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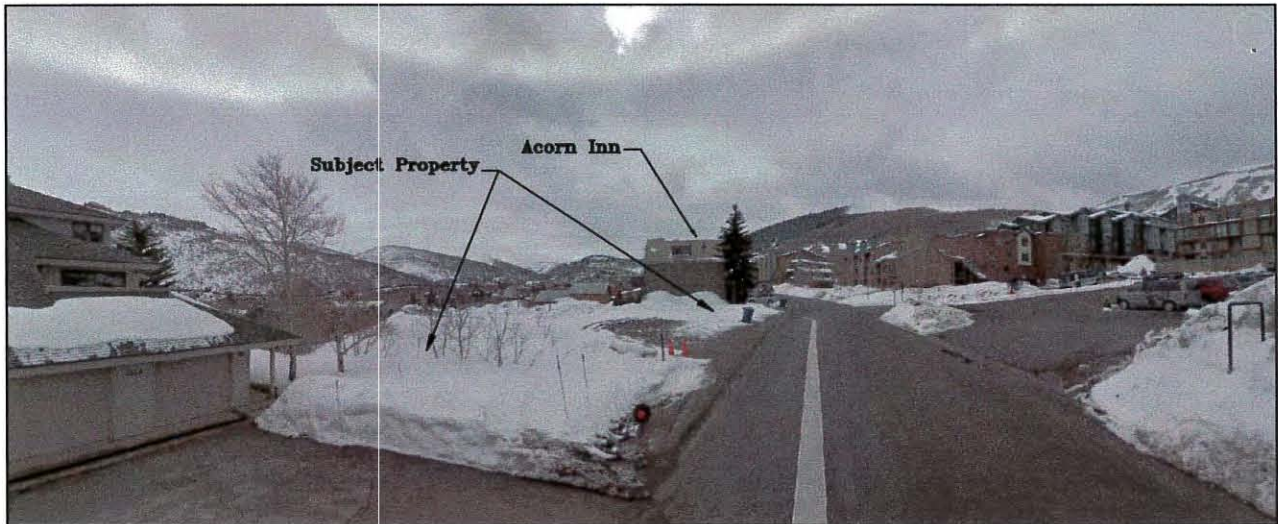




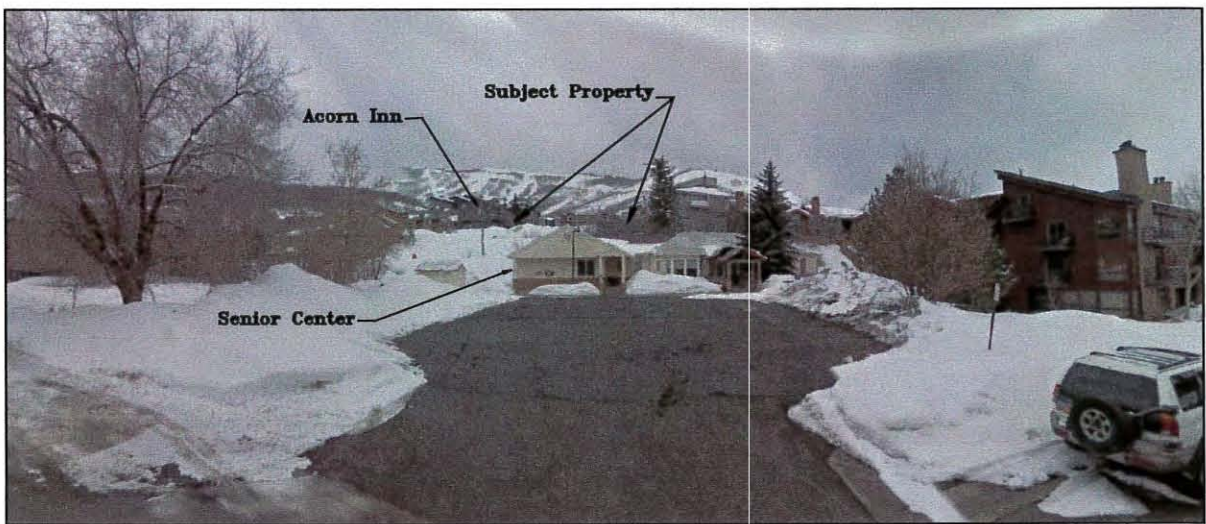
LOOKING EAST FROM MANOR WAY



LOOKING NORTH FROM EMPIRE AVE.




LOOKING SOUTH FROM EMPIRE AVE.

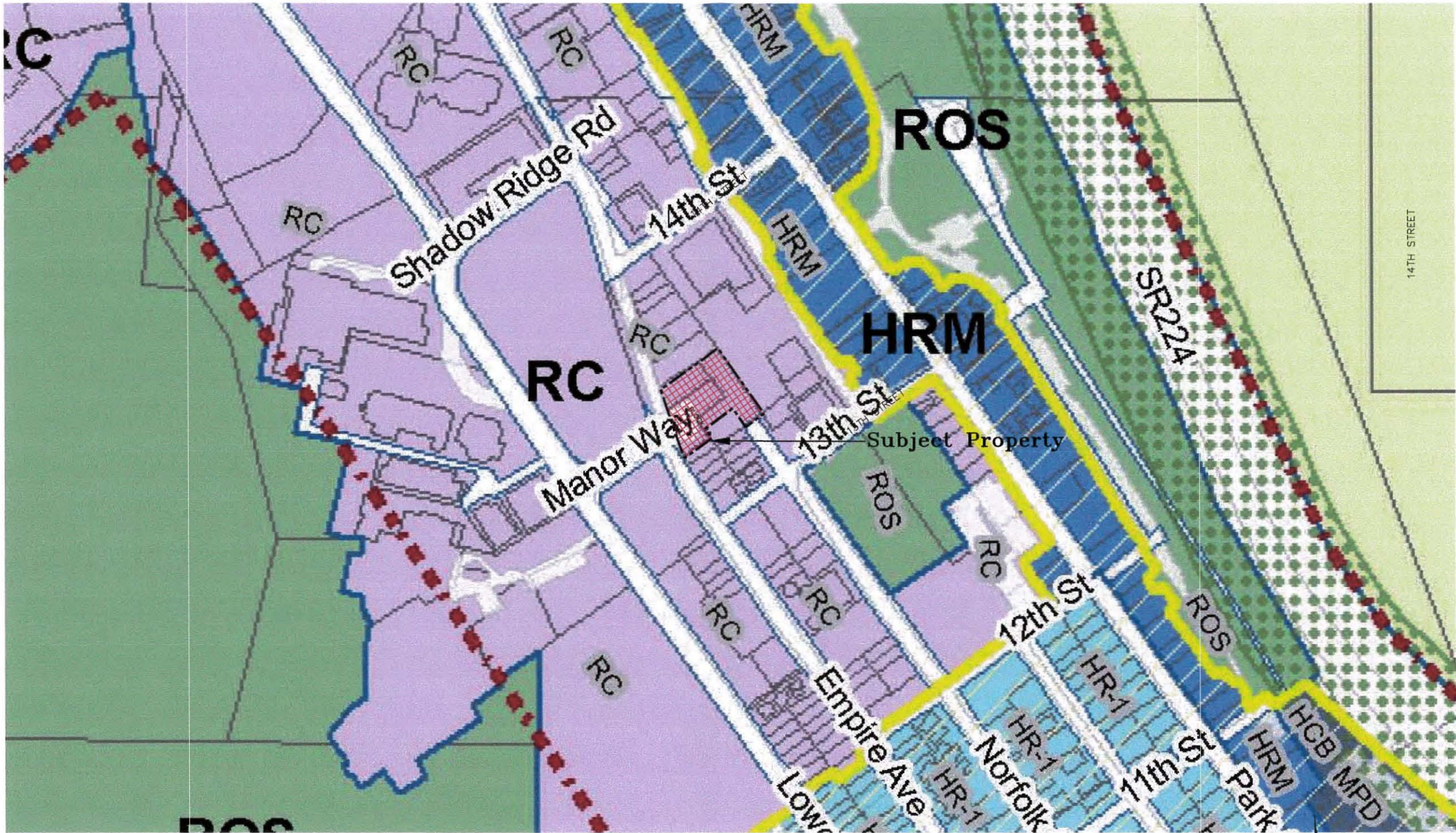


LOOKING WEST FROM NORFOLK AVE.

RECEIVED  
DEC 31 2013  
PARK CITY  
PLANNING DEPT.

 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2854 Park City, Utah 84060-2854</small>	<small>(435) 648-9467</small> <b>STAFF:</b> STEVE SCHUELER MARSHALL KING  <b>DATE:</b> 12/31/13	<b>STREETSCAPE IMAGES</b> <b>KNUDSON SUBDIVISION</b> <b>SNYDER'S ADDITION</b>  <b>FOR:</b> PCMC <b>JOB NO.:</b> 6-12-13 <b>FILE:</b> X:\Snyder's Addition\dwg\plat2013\061213-support.dwg	<b>SHEET</b> <b>1</b> <b>OF</b> <b>1</b>
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# KNUDSON SUBDIVISION

LOCATED IN SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

RED HATCHING IS FOR ILLUSTRATIVE PURPOSES ONLY

**Allange Engineering Inc.**  
(435) 649-9467  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2884 Park City, Utah 84060-2884

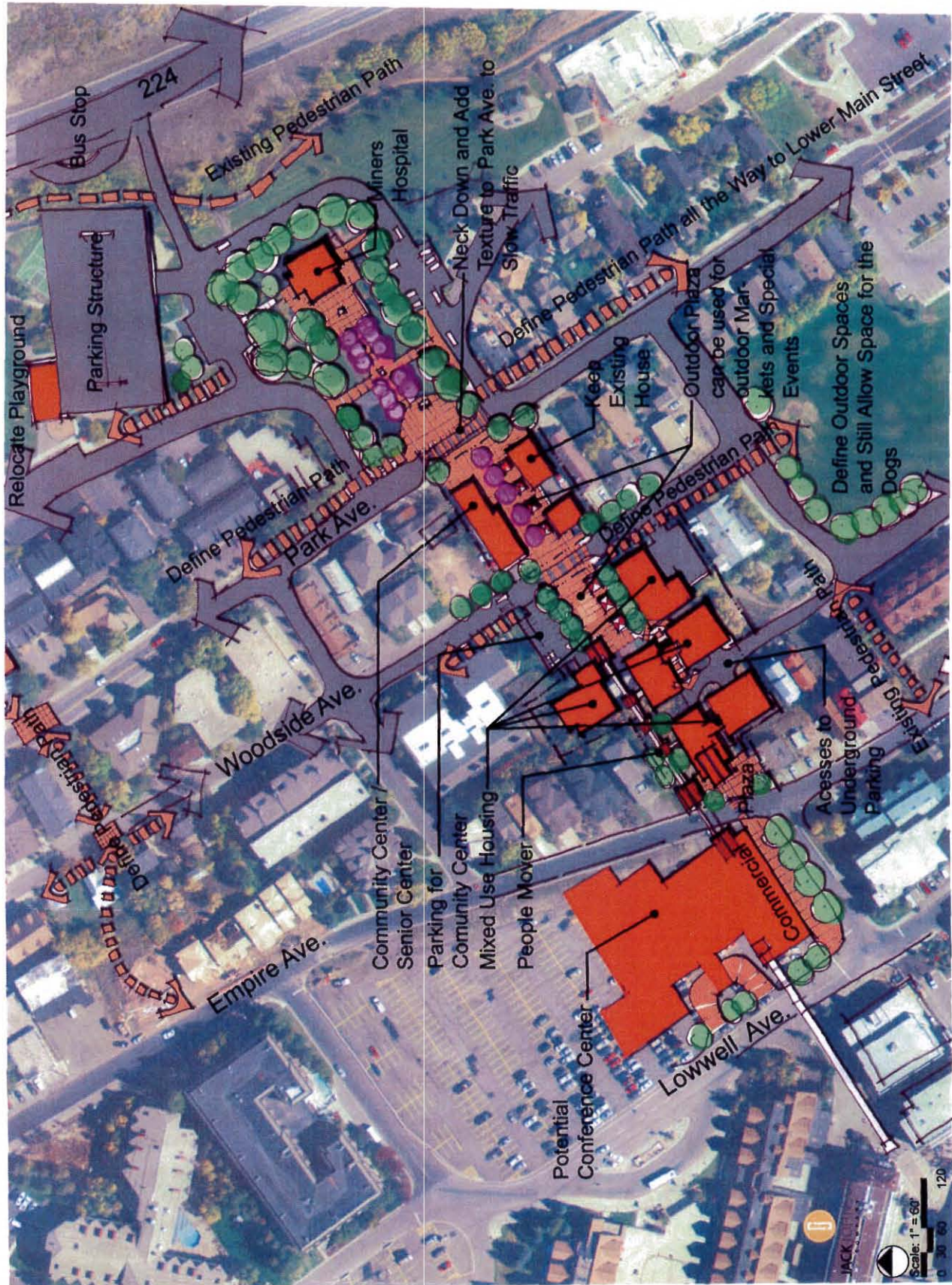
STAFF:  
STEVE SCHUELER  
MARSHALL KING  
DATE: 12/31/13

ZONING MAP  
KNUDSON SUBDIVISION  
SNYDER'S ADDITION  
FOR: PCMC  
JOB NO.: 6-12-13  
FILE: X:\Snyder's Addition\dwg\plot2013\061213-support.dwg

SHEET  
1  
OF  
1

RECEIVED  
DEC 31 2013  
PARK CITY  
PLANNING DEPT.









January 23, 2014

Gary Knudson  
PO Box 511  
Park City, UT 84060

**NOTICE OF PLANNING DIRECTOR DETERMINATION**

Project Address: 1314 & 1350 Empire Avenue  
Project Description: Plat Amendment  
Project Number: PL-14-02202  
Date of Action: January 23, 2014

**ACTION TAKEN BY PLANNING DIRECTOR:**

Per Land Management Code (LMC) 15-7.1-6(A) an Owner of the land or his representative shall file with the Planning Department an Application for the approval of a final Subdivision Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

The Planning Director finds that Gary Knudson is not required to subdivide the contiguous holdings located at and around 1314 & 1350 Empire Avenue. Rather,

the applicant may move forward with the request for a three lot plat amendment at 1314 & 1350 Empire Avenue only.

Findings of Fact:

1. The property is located at 1314 & 1350 Empire Avenue within the Recreation Commercial (RC) District.
2. The applicants are requesting to combine eleven (11) lots and the adjacent abandoned Norfolk Avenue ROW containing a total of 25,883 acres into three (3) lots of record. Currently, the property includes Lots 8-12, Lots 33-38, and the abandoned Norfolk Avenue ROW of Block 19 within the Snyder's Addition survey area of Park City.
3. The plat amendment is necessary in order for the applicants to move forward with the City's RDA redevelopment efforts and improvements, which include a possible east/west pedestrian connection from Miner's Hospital to PCMR, as well as remove lot lines under the Acorn Inn and provide access for Lot C to Norfolk Ave.
4. New additions to the Acorn Inn would require adherence to current setbacks as required in the RC District.
5. The property at 1314 Empire Avenue is contiguous with the 2 lots (Lots 39 & 40) directly south along Empire Avenue as well as the 2 lots (Lots 6 & 7) directly south of Lot C.
6. The applicant submitted an application for a plat amendment on December 31, 2013.
7. The Planning Commission will review the application for a three (3) lot subdivision on January 29, 2014.
8. Staff learned that Gary Knudson owned the contiguous property directly south and southeast of 1314 Empire Avenue (Lots 6, 7, 39, & 40) on January 14, 2013.
9. Gary Knudson has directly expressed interest in not subdividing the other 4 lots contiguous to 1314 Empire Avenue (Lots 6, 7, 39, & 40). The property contiguous to 1314 Empire Avenue is not already developed and the owner does not intend to develop this property at this time.
10. There are no existing structures on the 4 contiguous lots (Lots 6, 7, 39, & 40).

Conditions of Approval

1. All standard conditions of approval shall apply.
2. Any modifications to the property contiguous to 1314 Empire Avenue (Lots 6, 7, 39, & 40) will require the applicant to submit a plat amendment application to the Planning Department.

If you have any questions regarding this determination, please don't hesitate to

contact the Planning Department at 435-615-5060.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. E. Eddington Jr.", with a stylized flourish at the end.

Thomas E. Eddington Jr., AICP, LLA  
Planning Director

CC: Christy J. Alexander, AICP  
Planner II



KNUDSON C AND SA-200  
PROPOSED SUBDIVISION  
PARK CITY, UTAH 84060

Approved  
02/15/2022 by mowens  
Park City Fire Service District

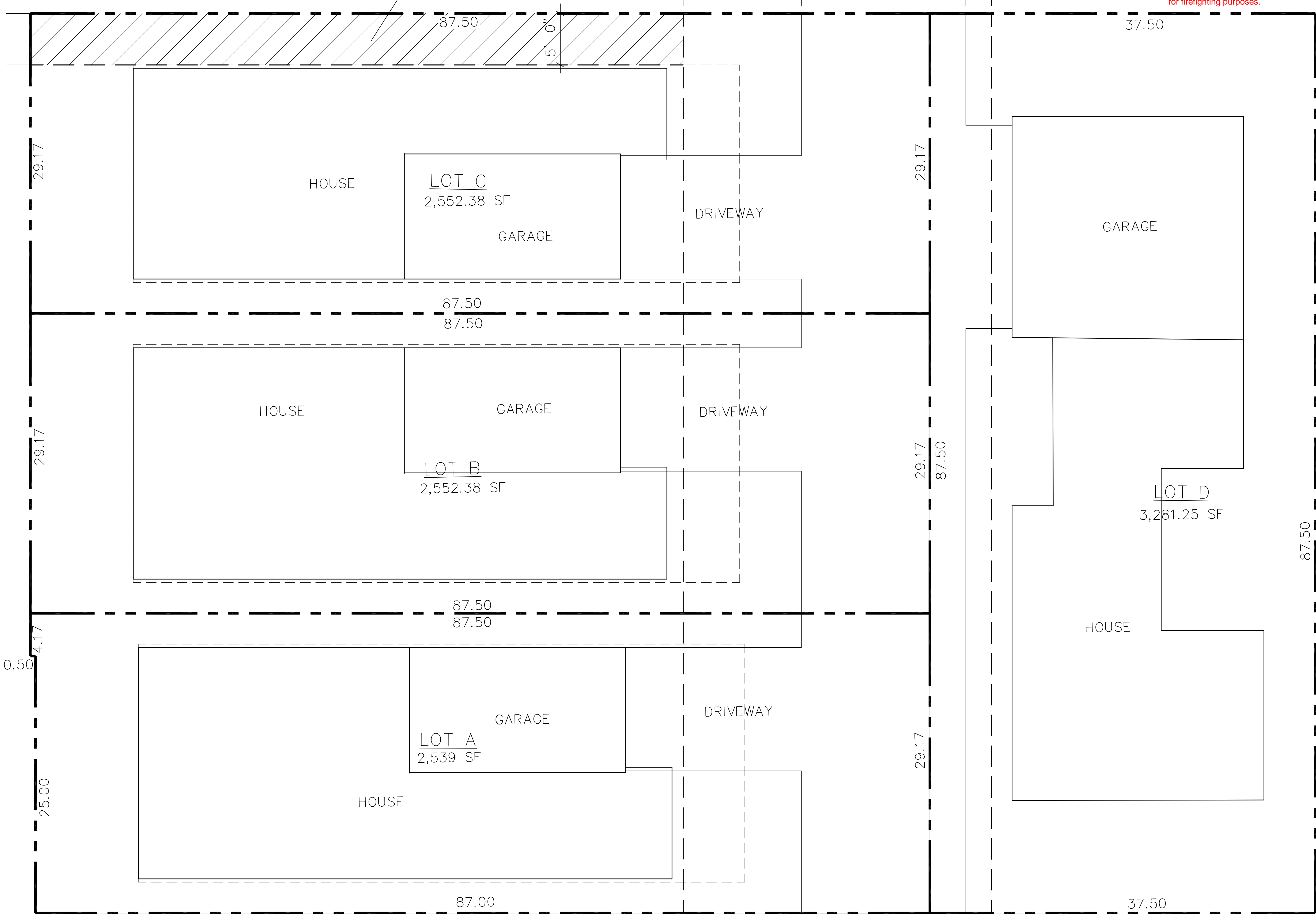
PCFD has reviewed this project for access only and finds that it meets the requirements for PCFD access. No other review has been performed and this only applies to PCFD access for firefighting purposes.

ACORN PROPERTY (KNUDSON B)  
5' NATURAL ASPHAT PATH  
FIRE DEPARTMENT EASEMENT IN  
PERPETUITY ALONG NORTH BORDER  
FROM EMPIRE AVENUE TO KNUDSON C

5' WIDE  
FIRE ACCESS EASEMENT  
WITH STAIRS

30' UTILITY EASEMENT

16' WIDE  
SHARED DRIVE



PROPOSED SUBDIVISION

16' WIDE  
SHARED DRIVE

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE IDEAL DESIGN, AND  
ARRANGEMENTS REPRESENTED THEREIN ARE AND SHALL REMAIN THE PROPERTY OF  
ST. HARRIS INC. NO PART THEREOF SHALL BE COPIED, REPRODUCED, OR  
USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY ANY OTHER  
PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY  
HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF ST.  
HARRIS INC. LEGAL COUNSEL WITH THESE DRAWINGS SHALL CONSTITUTE  
CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.  
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED  
DIMENSIONS. CONTRACTORS SHALL VERIFY, AND BE RESPONSIBLE FOR, ALL  
DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED  
IMMEDIATELY OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR CONDITIONS  
SHOWN BY THESE DRAWINGS. ALL SHOP DETAILS MUST BE SUBMITTED TO THIS  
OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH FABRICATION.  
BY BUILDING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE  
VARIATIONS CONTAINED IN THIS SET AND WILL NOT HOLD THIS OFFICE LIABLE FOR  
ANY OMISSIONS OR ERRORS AND WILL NOTIFY THE OFFICE OF ANY ERRORS THAT  
ARISE DURING CONSTRUCTION.  
BY ACCEPTING THESE PLAN DOCUMENTS AND/OR SERVICES OUTLINED IN THESE  
PLAN DOCUMENTS, THE CLIENT, THEIR CLIENT, SELLERS, SUBCONTRACTORS, USERS  
AND ALL PRESENT AND FUTURE PERSONS OR PARTIES DIRECTLY OR INDIRECTLY  
AFFECTED BY THE PLAN DOCUMENTS OR SERVICES OUTLINED IN THE PLAN  
DOCUMENTS AGREE TO A LIMIT OF LIABILITY OF ST. HARRIS INC. AND ITS  
EMPLOYEES AND PRINCIPLES TO THE EXTENT OF THE ORIGINAL VERBALLY OR  
SIGNED AGREED CONTRACT.

VAN SICKLE  
DESIGN & DRAFTING  
4333 Forestdale Road, Suite 205  
Park City, UT 84098  
(801) 694-9683  
bill.draftmaster@gmail.com  
www.vansicklearchitecture.com

KNUDSON  
C AND  
SA-200  
LOTS A-D

NEW SUBDIVISION  
1325 NORFOLK AVENUE  
PARK CITY, UTAH  
84043

SITE  
PLAN

SCALE:  
1" = 5'

DATE OF  
PLANS  
9 FEB 2022

SHEET

A1.04



Park City Fire District  
736 W Bitner Drive  
Park City UT 84098

Monday, March 6, 2023

RE: Fire Vehicle Turnaround for North Norfolk Plat

While meeting with the landowner and developer, the need for a turnaround was discussed. The owner indicated that a turnaround was not possible in the space provided.

While looking for other options, it was decided that if the road was not intended as a fire vehicle access road, there was no need for a turnaround. To achieve this, it is necessary to ensure that all portions of the structures are within 150 feet of a fire vehicle access road [IFC 503.1.1]. That 150 feet may be extended when certain conditions are met. One of those conditions is that the structure is fully sprinklered [IFC 503.1.1(1.1)].

The developer chose to provide access to the north end of the project from Empire Avenue via a staircase. With access being provided from Norfolk Avenue and the staircase, the requirements of the Fire Code are being met and the common space between the buildings on the plat is not considered a fire vehicle access road.

It should be noted that as part of this conversation, the landowner was made aware that any other development would not be under this agreement. It was specifically discussed that the plat to the north (KNUDSON-A) will not be able to be accessed from Norfolk Avenue. The landowner understood this and agreed to that as a condition of acceptance of this project in this configuration.

Battalion Chief Mike Owens  
District Fire Marshal  
(435) 940-2520  
[mowens@pcfd.org](mailto:mowens@pcfd.org)

## NON-EXCLUSIVE ENCROACHMENT PERMIT

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and Peter Papineau Builders, Inc. (Owner) whose address is 283 Norfolk Avenue, P. O. Box 267, Park City UT 84060, to set forth the terms and conditions under which the City will permit the Owner to build, maintain, and use certain improvements within the City property and right-of-way near Norfolk Avenue and 13<sup>th</sup> Street, Park City, Utah (hereinafter "platted Norfolk Avenue right of way"). Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain roadway, gutters, walls, and utilities within the parcel known as Norfolk Avenue as shown on Exhibit A.

1. This encroachment agreement, and the non-exclusive right to use the improvements constructed pursuant hereto, shall be appurtenant to the following described property:

Lots 3, 4 & 5, Block 19, Snyders Addition to Park City, and other properties abutting the platted Norfolk Avenue right of way that do not otherwise have frontage on and access from an existing street on the Park City Streets Master Plan.

This agreement is not transferable to other property, but is freely transferrable with the title to this parcel. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owner.

2. The improvements permitted within the platted Norfolk Avenue right of way shall consist of a roadway, gutters, walls, and utilities of a design approved by the City. The extent of the encroachment is shown on plans approved by the City and prepared by Evergreen Engineering as Job No. 0309.

3. Although it is not currently planned, the City may, at some future date, elect to make improvements to Norfolk Avenue at this location and install the street to the full width of the

00659656 Ex01537 Pg01258-01261  
ALAN SPRIGGS, SUMMIT CO RECORDER  
2003 MAY 27 16:54 PM FEE \$1.00 BY ENG  
REQUEST: PARK CITY MUNICIPAL CORP

right-of-way and City property. To the extent that any street improvements require the removal, relocation, replacement, and/or destruction of the improvements constructed within the platted Norfolk Avenue right of way pursuant to this Agreement, the Owner waives any right to compensation for the loss of the improvements and/or use thereof within the platted Norfolk Avenue right of way and/or any change in the grade and elevation of the street. This waiver of compensation, in the event the improvements are removed for street widening purposes, is the consideration given for the granting of this encroachment permit. The City shall bear all reasonable expenses associated with the installation of the street improvements.

4. Prior to installing the street in a manner that will require the removal or relocation of the improvements, the City will give the Owner not less than ninety (90) days notice, in which time the Owner at his expense shall make adjustments on Owner's property to remodel and/or relocate the roadway, gutters, walls, and utilities to accommodate the installation of the street. The City may only give said notice during the period of February 1 through September 1. Notice given at any other time will be treated as if given on February 1. Owner and other properties abutting the platted Norfolk Avenue right of way that do not otherwise have frontage on and access from an existing street on the Park City Streets Master Plan shall have access to his property from the newly installed street.

5. No permanent right, title, or interest of any kind shall vest in the Owner or any other person(s) and/or properties in the platted Norfolk Avenue right of way by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

BK1537 PG1259



6. The Owner or their successors shall maintain the roadway, gutters, walls, and utilities in a good state of repair at all time, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owner is responsible for snow removal and storage of removed snow. The Owner agrees to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the right-of-way for private purposes, or from the failure of the Owner's improvements.

7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City recording a notice of revocation with the Summit County Recorder and sending notice to Owner or his successors.

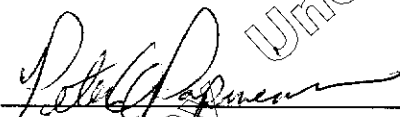
DATED this 22<sup>nd</sup> day of May, 2003.

PARK CITY MUNICIPAL CORPORATION



Eric W. DeHaan, P.E.  
City Engineer

PETER PAPINEAU BUILDERS, INC.



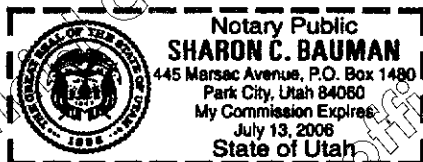
Peter G. Papineau, Owner/President

STATE OF UTAH

COUNTY OF SUMMIT

BK1537 PG1260

On the 22<sup>nd</sup> day of May, 2003, personally appeared before me Peter G. Papineau, who, being first duly sworn and upon oath, did acknowledge to me that he is the Owner/President of Peter Papineau Builders, Inc., and that said Peter Papineau Builders, Inc., duly entered into the foregoing agreement.



Notary Public

Residing at: Provo, Utah

Commission expires: 7-13-06

BK1537 PG1261



## Planning Department

April 3, 2023

Gavin Steinberg  
1325 Empire Ave Holdings, LLC  
13 Club Road  
Riverside, CT 06878

### NOTICE OF PLANNING DIRECTOR DETERMINATION

#### RE: Determination of Setbacks for an Unusual Lot Configuration for Proposed North Norfolk Plat Amendment, Lot D

The proposed North Norfolk Plat Amendment is a resubdivision of a Lot, 1325 Empire Avenue, and a Parcel, SA-200. Three of the Lots would be conventional lots with access only from a proposed shared driveway.

The site is located in the Recreation Commercial (RC) Zoning District. Lot D is unusual as it is a North-South Lot, which is not common in the neighborhood. It connects to the Shared Driveway both on its Southern and Western Sides.

**NORTH NORFOLK PLAT AMENDMENT**

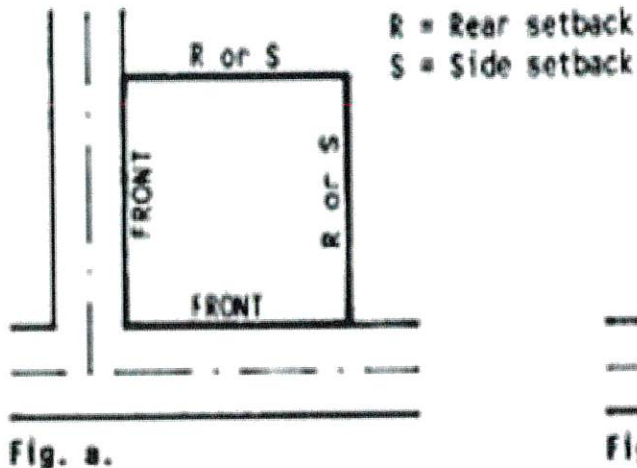
LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE AND WENDEN RANGES, PARK CITY, UTAH COUNTY, UTAH

APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF AFFIRM	PUBLIC SAFETY	RECORDS
APPROVED FOR SUBMISSION TO THE PLANNING DEPARTMENT BY THE PLANNING DEPARTMENT ON 04/03/2023	APPROVED BY THE PARK CITY COUNCIL ON 04/03/2023	APPROVED BY THE PLANNING DEPARTMENT ON 04/03/2023	APPROVED BY THE PLANNING DEPARTMENT ON 04/03/2023	APPROVED BY THE PLANNING DEPARTMENT ON 04/03/2023

Figure 1: Proposed North Norfolk Plat

Land Management Code (LMC) [§ 15-4-17](#) governs when a lot does not have a clear

Front, Two Side, and a Rear Setback. With proposed access to Lot D from the shared driveway on both the West and South ends of the Lot, it has been determined that Lot D is a corner lot. Lot D is considered a Corner Lot as the private driveway acts as an extension of Norfolk Avenue and with the pedestrian access easement on that driveway, it is considered a street.



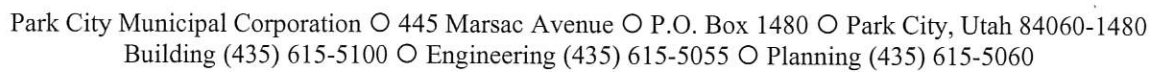
LMC § [15-4-17](#) states regarding Corner Lots that "Development on Corner Lots shall have two (2) front Setbacks, unless otherwise an exception by this Code. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary should border the Rear Yard, the Planning Director may specify which is the Rear Yard."

This provision requires that both the Western and Southern ends of Lot D shall both have Front Setbacks. As noted above, the Rear Setback would be the area which is "opposite the driveway Access from the Street" it is up to the Planning Director to determine which side is the Rear.

As the applicant has indicated that primary access will be through the South end of the proposed Structure, it has been determined that the rear is the North end of the Lot.

LMC § [15-2.16-5](#) establishes what the Setbacks are for Single Family Dwellings and Duplexes in the RC Zone based on Lot Depth. The proposed Lot D has a Lot Depth of 87.5 Feet, meaning its setback requirements are at least 12 Feet in Front and 12 Feet in the Back with a total of 25 Feet (meaning both must be at least 12.5 or one 13 Feet), and 3 Feet for the Side. In this case, the determination is that there are two Front Setbacks, with the Western Setback being 12 Feet and the Southern Setback 13 Feet, one Rear Setback of 12 Feet, and one Side Setback of 3 Feet. The illustration below, provided by the Applicant, shows the Planning Director Determination:





If you have questions or concerns regarding this Determination Letter, please do not hesitate to contact the Park City Planning Department.

Sincerely,



Gretchen Milliken  
Planning Director

(435) 615-5008

[gretchen.milliken@parkcity.org](mailto:gretchen.milliken@parkcity.org)

**21325 Norfolk, Planning Commission Notes**  
**4/27/23**

**Exhibits**

**Proposed Plat Layout:** Exhibit A - Page A1.04

**Grading and Drainage Plan:** Exhibit B - Page A1.04

**Development Layout Plan:** Exhibit C -Page A1.05

**Parking & Drive Plan:** Exhibit D - Page A1.05

**Snow Storage Plan:** Exhibit E - Page A1.06

**Emergency Access Plan:** Exhibit F - Page A1.07

The applicant has made several significant changes to the plat amendment to address concerns regarding sufficient space for snow storage, pedestrian access, vehicle circulation, and emergency access that were raised by the planning commission.

The applicant has worked closely with the Planning Department and other city departments to create a development that will make the best use of the land and provide a benefit to the community.

**Important changes include:**

- Increasing the setback on lot D to ensure there is sufficient space for snow storage.
- Increasing the setback on lot D allowing for the home to be further away from the private driveway.
- Creating additional snow storage space.
- Creating pedestrian access running from the South side to the North side of the lot, allowing for pedestrian access to a public staircase.
- Creating a shared public staircase with Park City.
- Adjusting the angle of the private driveway to better connect with the existing road on Norfolk and improve traffic circulation.

**Snow storage:**

At the recommendation of the Planning Department the applicant has adjusted the setback in Lot D. Lot D now has a front setback, two rear setbacks and one side setback.

*(Please see Development Layout Plan: Exhibit E -Page A1.06)*

This change has created 238sf of space dedicated to snow storage on the South side of Lot D and 181sf on the North side of lot D. The applicant has identified additional areas for snow storage throughout the property totaling 496sf.

A total of 915sf of snow storage area is available, or 228sf per house. This amount of snow storage meets or exceeds what homes in Old Town typically have. In addition, the applicant plans to heat all of the parking spaces, reducing the amount of snow storage needed.  
*(Please see Snow Storage Plan: Exhibit E - Page A1.06)*

#### **Pedestrian access & staircase:**

Per the recommendation of the planning commission the applicant has create a 3'x 88' pedestrian walkway, which would allow for access to a city public staircase. This would be of great benefit to the community, allowing for easy public access from Norfolk. In addition, the applicant is supportive of a shared public staircase running on the North side of the property.  
*(Please see exhibit Development Layout Plan: Exhibit C -Page A1.05)*

#### **Vehicle Circulation**

The applicant has designed the four lots so that each home has two dedicated parking spaces. This meets code requirements and meets or exceeds available parking at other homes in Old Town.

The applicant has angled the private driveway so that it better connects with the existing road on Norfolk and improves circulation.

The applicant has done a vehicle circulation study to ensure that cars will be able to get in and out of the development.  
*(Parking & Drive Plan: Exhibit D - Page A1.05)*

#### **Emergency Access**

Fire department access has been addressed directly with the Park City Fire District. The applicant has met with Battalion Chief, Fire Marshall Mike Owens and received a stamped plan of approval based on the proposed design.  
*(Emergency Access Plan: Exhibit F - Page A1.07)*

#### **Other**

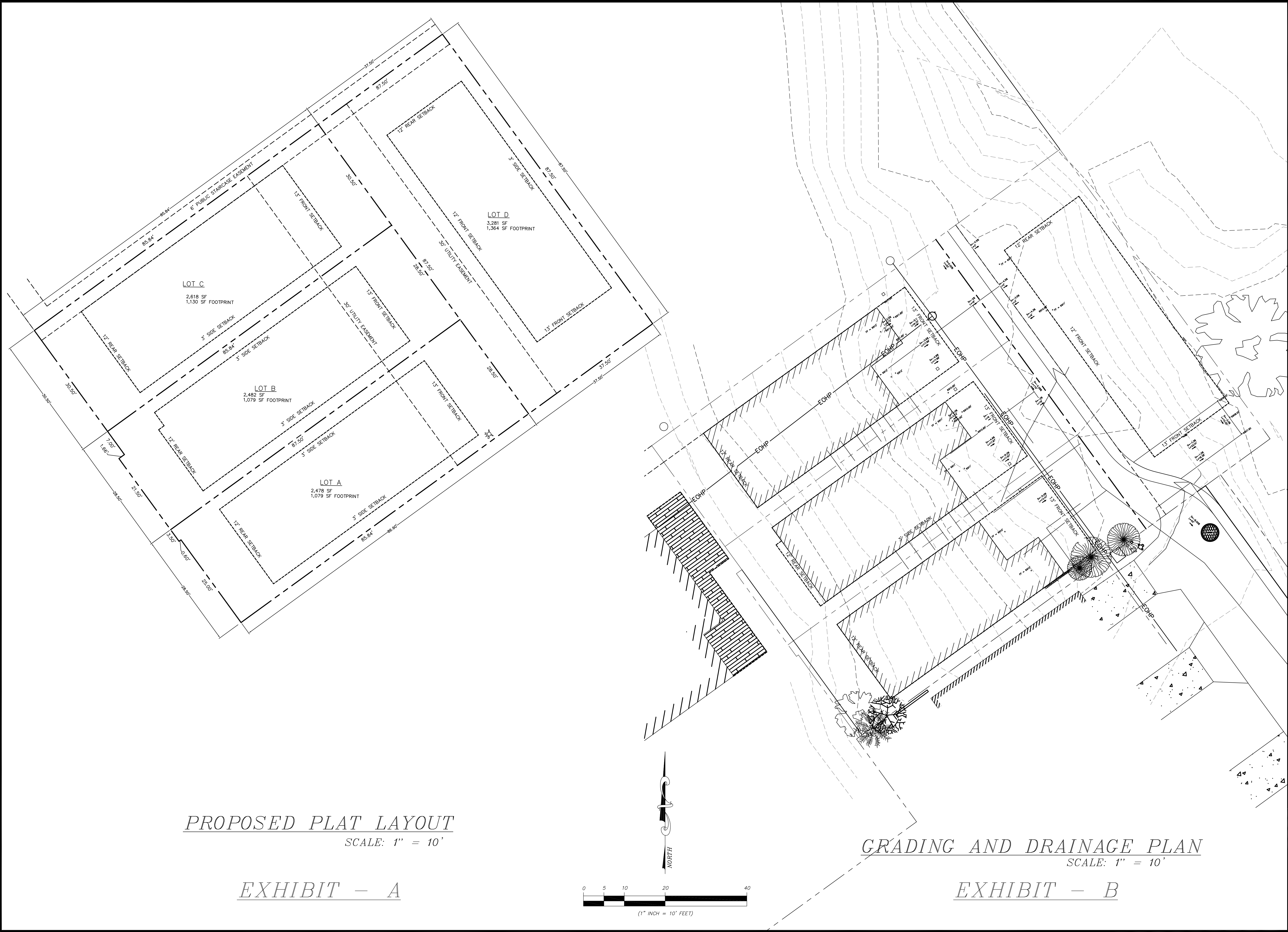
"Reduced to the size of the originally platted Old Town Lots (25'x75'). Then the space that would be opened up by the reduction in size could be used to widen the shared driveway to be closer to the size of a street, pedestrian access could be created, and there would be more room for snow storage."

We feel with the changes made above the applicant has addressed the snow storage, parking, pedestrian access, and emergency access issues raised during the last planning commission meeting. The Planning Department and the applicant do not believe that reducing the lot sizes is necessary.

"Commissioners Frontero and Kenworthy also wanted consideration made to alternative uses on Lot D, such as garages for the other 3 Lots with ADUs."



The applicant believes the proposed plan is the best use of the land, minimizing the impact and traffic, while also providing a benefit to the community.



THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE REAL ESTATE AND APPROPRIATIONS REPRESENTED THEREIN ARE AND SHALL REMAIN THE PROPERTY OF E.T. HARRIS INC. NO PART THEREOF SHALL BE COPIED, REPRODUCED, OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF E.T. HARRIS INC. LEGAL COUNSEL WITH THESE DRAWINGS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.

WRITTEN UNDERSIGNEDS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IMMEDIATELY OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR CONDITIONS SHOWN BY THESE DRAWINGS. ALL SHOP DETAILS MUST BE SUBMITTED TO THIS OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH FABRICATION.

BY BUILDING THESE PLANS THE CONTRACTOR UNDERTAKES THAT THERE MAY BE ERRORS CONTAINED IN THIS SET, AND WILL HOLD THIS OFFICE LIABLE FOR ANY OMISSIONS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ANY ERRORS THAT ARISE DURING CONSTRUCTION.

UNDERSIGNEDS OF LIABILITY

BY ACCEPTING THESE PLANS DOCUMENTS AND/OR SERVICES OUTLINED IN THESE PLANS DOCUMENTS, THE CLIENT, THEIR CLIENT, BIDDERS, SUBCONTRACTORS, USERS AND ALL PRESENT AND FUTURE PERSONS OR PARTIES DIRECTLY OR INDIRECTLY AFFECTED BY THE PLANS DOCUMENTS OR SERVICES OUTLINED IN THE PLANS DOCUMENTS AGREE TO A LIMIT OF LIABILITY OF E.T. HARRIS INC. AND ITS EMPLOYEES AND PROVIDERS TO THE AMOUNT OF THE ORIGINAL FEE/VALU OF SIGNED AGREED CONTRACT.

**VAN SICKLE**  
DESIGN & DRAFTING

4333 Forestdale Road, Suite 205  
Park City, UT 84098  
(801) 694-9683  
bill.draftmaster@gmail.com  
www.vansicklearchitecture.com

**KNUDSON  
SUBDIVISION  
REPLAT**

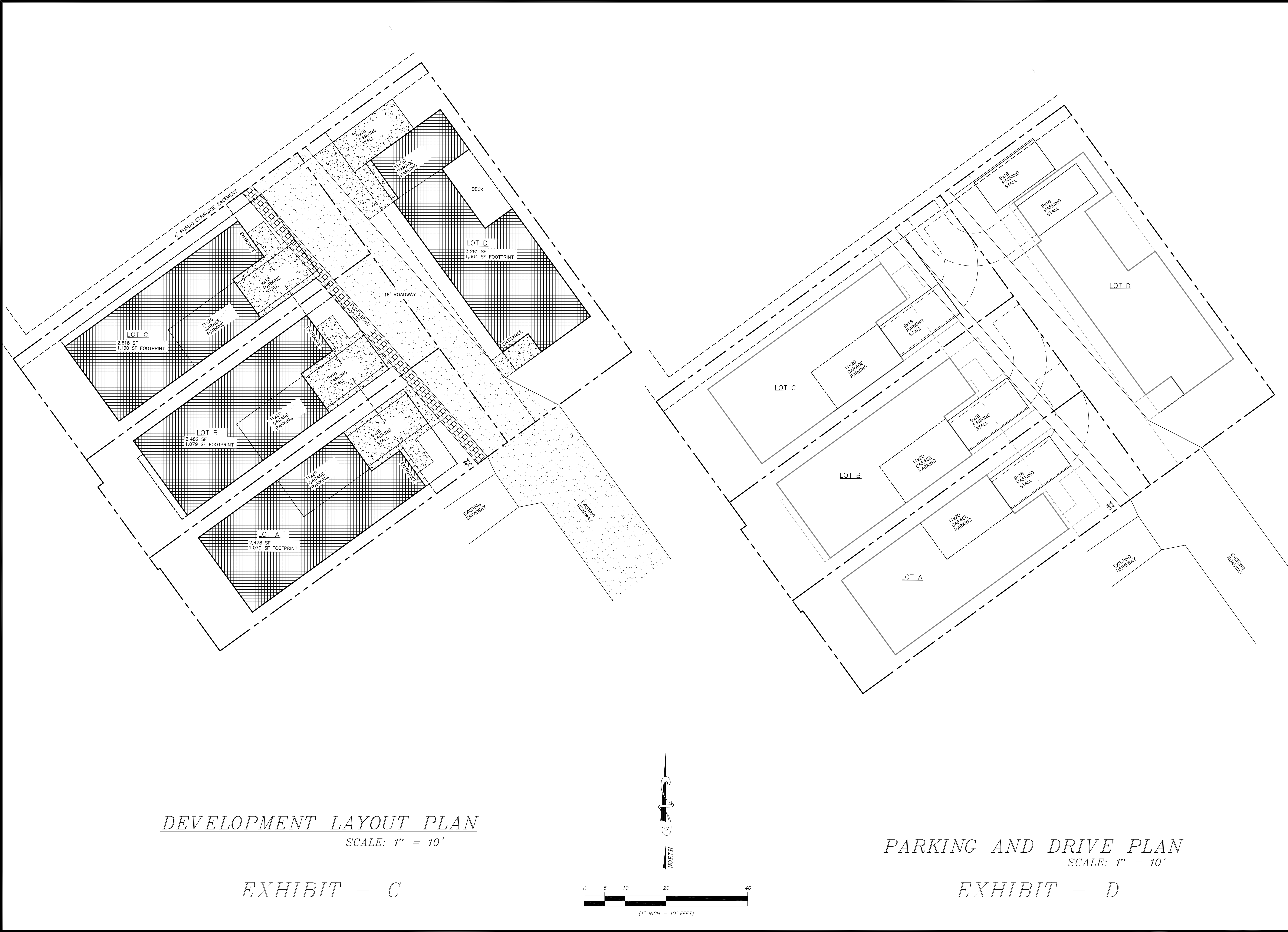
**KNUDSON PARCELS**  
  
**PARK CITY, UTAH  
84098**

**PLAT LAYOUT  
AND  
GRADING**

**DATE OF  
PLANS**  
  
**25 MAR 2023**

**SHEET**  
  
**A1.04**





*DEVELOPMENT LAYOUT PLAN*

SCALE: 1" = 10'

*EXHIBIT - C*

*PARKING AND DRIVE PLAN*

SCALE: 1" = 10'

*EXHIBIT - D*

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE SEALS, STAMPS, AND APPROVEMENTS REPRESENTED THEREON ARE AND SHALL REMAIN THE PROPERTY OF ST. HARRIS INC. NO PART THEREOF SHALL BE COPIED, REPRODUCED, OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF ST. HARRIS INC. USUAL CONTACT WITH THESE DRAWINGS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.

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UNDERSTANDING OF LIABILITY

BY ACCEPTING THESE PLAN DOCUMENTS AND/OR SERVICES OUTLINED IN THESE PLAN DOCUMENTS, THE CLIENT, THEIR CLIENT, BUILDERS, SUBCONTRACTORS, USERS AND ALL PRESENT AND FUTURE PERSONS OR PARTIES DIRECTLY OR INDIRECTLY AFFECTED BY THE PLAN DOCUMENTS OR SERVICES OUTLINED IN THE PLAN DOCUMENTS AGREE TO A LIMIT OF LIABILITY OF ST. HARRIS INC. AND ITS EMPLOYEES AND PERSONNEL TO THE AMOUNT OF THE ORIGINAL FEE/VALUATION OF SIGNED AGREED CONTRACT.

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**KNUDSON  
SUBDIVISION  
REPLAT**

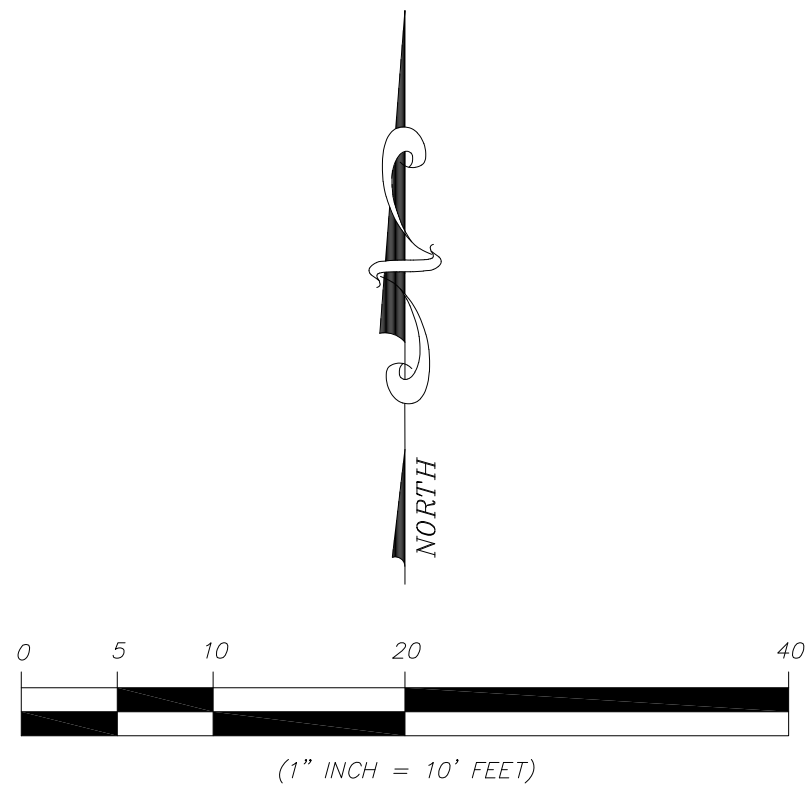
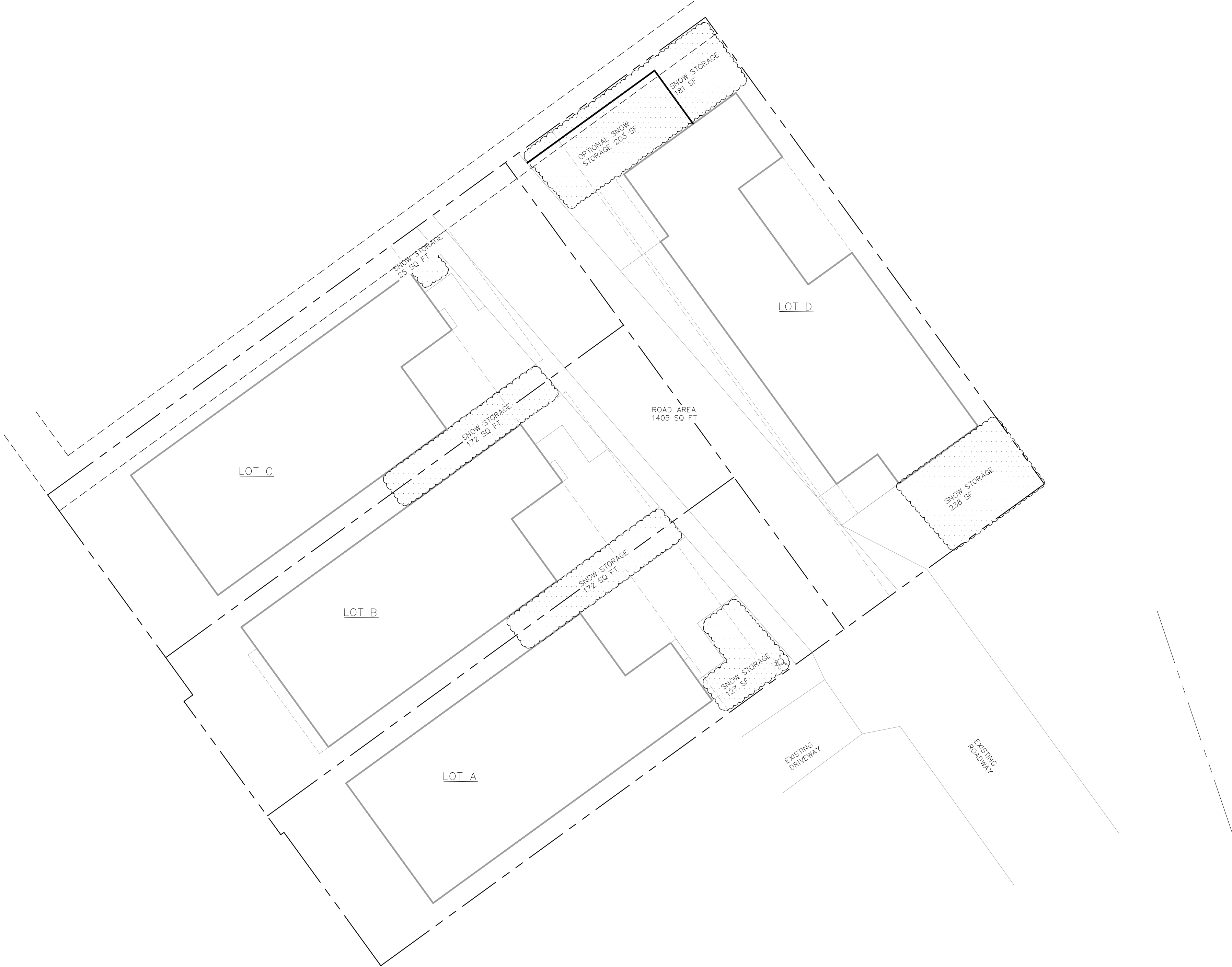
**KNUDSON PARCELS**  
  
**PARK CITY, UTAH  
84098**

**SITE LAYOUT  
& VEHICLE  
ACCESS**

**DATE OF  
PLANS  
15 MAR 2023**

**SHEET  
A1.05**





*SNOW STORAGE PLAN*  
*SCALE: 1" = 10'*

*EXHIBIT – E*

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VAN SICKLE

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www.vansicklearchitecture.com

KNUDSON  
SUBDIVISION  
REPLAT

KNUDSON PARCELS

PARK CITY, UTAH  
84098

SNOW  
STORAGE

DATE OF  
PLANS

15 MAR 2023

SHEET

A1.06



KNUDSON C AND SA-200  
PROPOSED SUBDIVISION  
PARK CITY, UTAH 84060

**Approved**  
02/15/2022 by mowens  
Park City Fire Service District

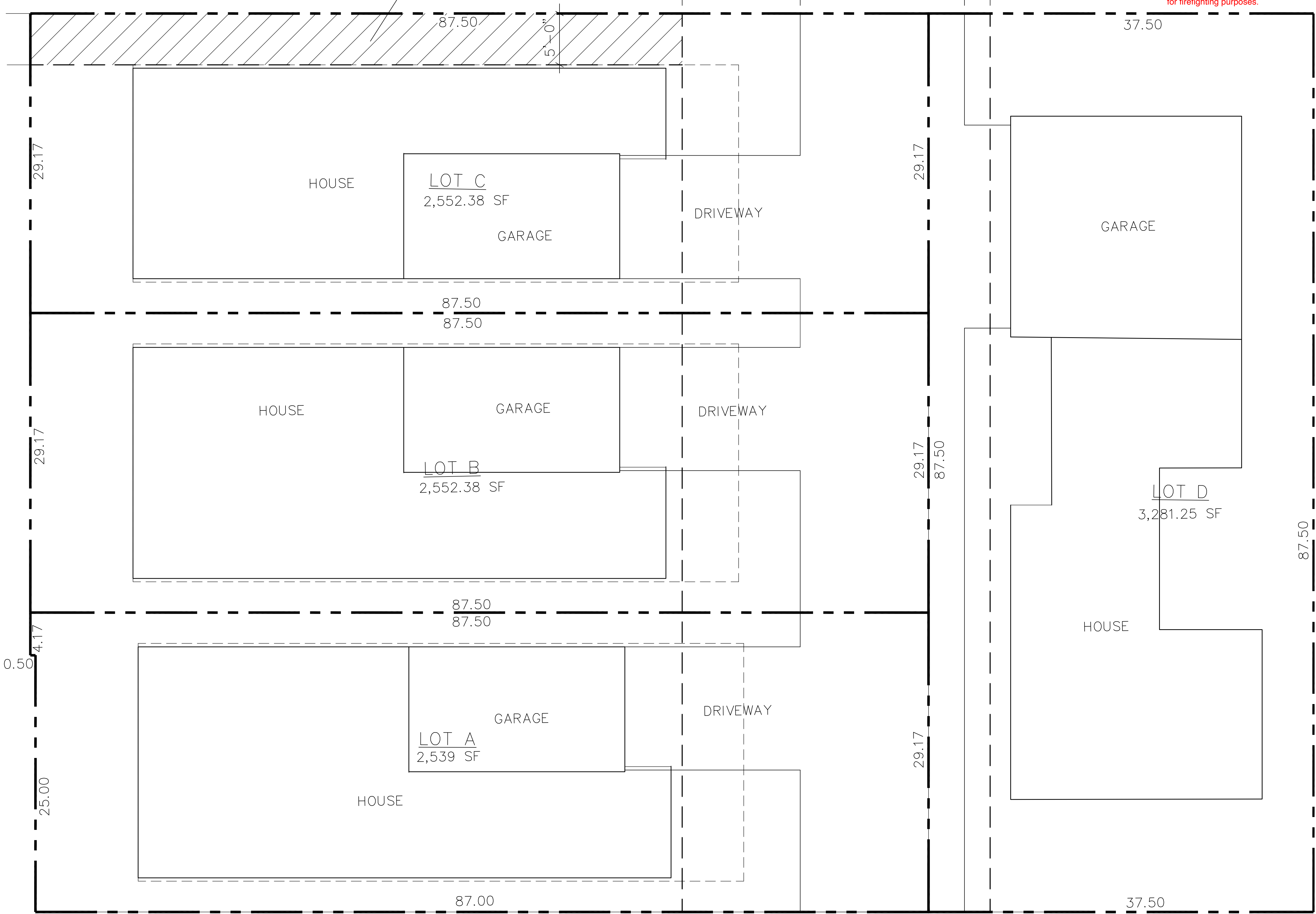
PCFD has reviewed this project for access only and finds that it meets the requirements for PCFD access. No other review has been performed and this only applies to PCFD access for firefighting purposes.

ACORN PROPERTY (KNUDSON B)  
5' NATURAL ASPHAT PATH  
FIRE DEPARTMENT EASEMENT IN  
PERPETUITY ALONG NORTH BORDER  
FROM EMPIRE AVENUE TO KNUDSON C

5' WIDE  
FIRE ACCESS EASEMENT  
WITH STAIRS

30' UTILITY EASEMENT

16' WIDE  
SHARED DRIVE



PROPOSED SUBDIVISION

16' WIDE  
SHARED DRIVE

(Emergency Access Plan:  
Exhibit F - Page A1.07)



4333 Forestdale Road, Suite 205  
Park City, UT 84098  
(801) 694-9683  
bill.draftmaster@gmail.com  
www.vansicklearchitecture.com

KNUDSON  
C AND  
SA-200  
LOTS A-D

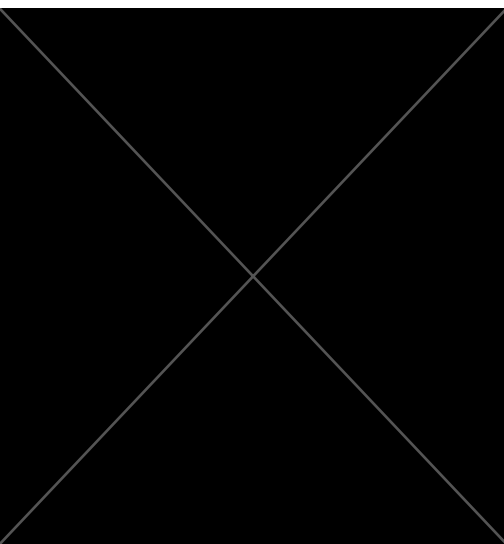
NEW SUBDIVISION  
1325 NORFOLK AVENUE  
PARK CITY, UTAH  
84043

SITE  
PLAN

SCALE:  
1" = 5'

DATE OF  
PLANS

9 FEB 2022



THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE IDEAL DESIGN, AND  
ARRANGEMENTS REPRESENTED THEREIN ARE AND SHALL REMAIN THE PROPERTY OF  
ST. HARRIS INC. NO PART THEREOF SHALL BE COPIED, REPRODUCED, OR USED  
IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY ANY OTHER  
PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY  
HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF ST.  
HARRIS INC. LEGAL COUNSEL WITH THESE DRAWINGS SHALL CONSTITUTE  
CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.  
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED  
DIMENSIONS. CONTRACTORS SHALL VERIFY, AND BE RESPONSIBLE FOR, ALL  
DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED  
IMMEDIATELY OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR CONDITIONS  
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DOCUMENTS AGREE TO A LIMIT OF LIABILITY OF ST. HARRIS INC. AND ITS  
EMPLOYEES AND PROPRIETORS TO THE EXTENT OF THE ORIGINAL VERBALLY OR  
SIGNED AGREED CONTRACT.

# Planning Commission Staff Report



**Subject:** Senate Bill 174 and House Bill 408  
Local Land Use and Development Revisions  
**Application:** PL-23-05632  
**Authors:** Jack Niedermeyer  
Rebecca Ward  
**Date:** May 10, 2023  
**Type of Item:** Legislative – Land Management Code Amendments

## Recommendation

(I) Review the proposed amendments to update Land Management Code definitions to reflect changes to state code; (II) conduct a public hearing; and (III) consider forwarding a positive recommendation for City Council's consideration on June 15, 2023, as outlined in Draft Ordinance No. 2023-XX (Exhibit A).

## Description

Applicant:	Planning Department
Location:	Citywide
Land Management Code Section Amended:	15-15-1 <i>Definitions</i>
Reason for Review:	The Planning Commission forwards a recommendation to the City Council and the City Council takes Final Action on Land Management Code Amendments <sup>1</sup>

LMC Land Management Code

*Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).*

## Analysis

**(I) The Planning team recommends the Planning Commission consider updates to the definition of Internal Accessory Dwelling Units to reflect changes to state code.**

In 2021, the Utah Legislature enacted [H.B. 82](#) *Single-Family Housing Modifications*, preempting municipal regulation of what the state calls an Internal Accessory Dwelling Unit (IADU). Utah Code [§ 10-9a-511.5](#) defines an IADU as:

- an accessory dwelling unit created
  - within a primary dwelling (a detached single-family dwelling that is owner occupied);

---

<sup>1</sup> LMC [Section 15-1-7](#)

- within the footprint of the primary dwelling
- for the purpose of offering a long-term rental of 30 consecutive days or longer

On March 2, 2023, the Utah Legislature passed [S.B. 174 Local Land Use Development Revisions](#) modifying IADU regulations to include an IADU constructed in a garage that is connected to the primary dwelling by a common wall. Staff anticipates the state will continue to amend the IADU definition and as a result, recommends amending LMC [§ 15-15-1 Definitions](#) as follows:

**INTERNAL ACCESSORY DWELLING UNIT.** ~~An accessory dwelling unit created within the Building Footprint of a Single-Family Dwelling that is occupied as the primary residence of the owner of record and for the purpose of offering a long-term rental of 30 consecutive days or longer.~~ **As defined in Utah Code Section 10-9a-511.5, as amended.**

**(II) Staff recommends the Planning Commission consider updates to the definition of Food Trucks to reflect changes to state code.**

In 2017, the Utah Legislature adopted [S.B. 250 Food Truck Licensing and Regulation](#). S.B. 250 required municipalities to grant reciprocal business licenses and permits for Food Trucks and allowed for municipal regulation of Food Trucks through land use regulations. On October 23, 2018, the City Council adopted [Ordinance No. 2018-55](#) establishing Food Truck land use regulations, allowing Food Truck locations through an Administrative Letter in the Historic Recreation Commercial, Historic Commercial Business, Recreation and Open Space, Residential Development, Residential Development Medium, Recreation Commercial, Recreation Commercial Overlay, General Commercial, Light Industrial, Public Use Transition, and Community Transition Zoning Districts on approved Food Truck Locations.

Food Truck Locations must meet the criteria outlined in the Business Licensing Code, Municipal Code of Park City [§ 4-5-6](#), including setback requirements from building entrances, doorways, and emergency egress, caps on the number of Food Trucks allowed to operate on lots of a certain size, and prohibition of Food Trucks operating in areas designated for parking.

While most Food Truck regulations are in the Business Licensing Code, the *Food Truck* definition is in LMC [§ 15-15-1](#). In 2022, the Utah legislature enacted [H.B. 146, Local Licensing Amendments](#), modifying food truck business licenses and expanding the definition of *Food Truck* to include food carts and ice cream trucks. On May 26, 2022, the City Council adopted [Ordinance No. 2022-16](#) to update the LMC to comply with changes to state code, including the new definition of Food Trucks.

Once again, the Utah Legislature changed the definition of Food Trucks this year through [H.B. 408 Mobile Business Licensing Amendments](#). H.B. 408 extends reciprocal licensing requirements beyond Food Trucks to mobile barbers, beauty and cosmetics, cycling, cell phones, computer, footwear, media archive and transfer, pet grooming, sewing and

tailoring, small engine, and tool businesses. H.B. 408 also updates the Food Truck definition to “not include an enclosed mobile business” and to exclude food carts and ice cream trucks. As a result, staff recommends amending LMC § 15-15-1 as follows:

**FOOD TRUCK. As defined in Utah Code Section 11-56-102, as amended.**

"Food Truck" means:

- ~~A. a fully encased food service establishment:~~
  - ~~1. on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and~~
  - ~~2. from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption; and~~
  - ~~3. does not include the sale of any products other than food and beverages for human consumption.~~
- ~~B. a food cart; or~~
- ~~C. an ice cream truck.~~
- ~~D. "Food cart" means a cart:~~
  - ~~1. that is not motorized; and~~
  - ~~2. that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.~~
- ~~E. "Ice cream truck" means a fully encased food service establishment:~~
  - ~~1. on a motor vehicle or on a trailer that a motor vehicle pulls to transport;~~
  - ~~2. from which a vendor, from within the frame of the vehicle, serves ice cream;~~
  - ~~3. that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and~~
  - ~~4. that may stop to serve ice cream at the signal of a patron.~~

**Department Review**

The Planning Department and City Attorney's Office reviewed this report.

**Notice**

Staff published notice on the City's website and the Utah Public Notice website on April 20, 2023. The *Park Record* published notice on April 22, 2023.<sup>2</sup>

**Public Input**

Staff did not receive any public input at the time this report was published.

**Alternatives**

- The Planning Commission may forward a positive recommendation for City Council's consideration on June 15, 2023;
- The Planning Commission may forward a negative recommendation for City Council's consideration on June 15, 2023; or

---

<sup>2</sup> LMC [§ 15-1-21](#)



- The Planning Commission may request additional information and continue the discussion to a date uncertain.

### **Exhibits**

Exhibit A: Draft Ordinance No. 2023-XX

**Ordinance No. 2023-XX**

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-15-1  
DEFINITIONS TO COMPLY WITH CHANGES TO STATE CODE**

WHEREAS, the Utah Legislature passed Senate Bill 174 *Local Land Use Development Revisions* modifying the Internal Accessory Dwelling Unit definition;

WHEREAS, the Utah Legislature passed H.B. 408 *Mobile Business Licensing Amendments* modifying the Food Truck definition;

WHEREAS, on May 10, 2023, the Planning Commission conducted a duly noticed public hearing and forwarded a \_\_\_\_\_ recommendation on the proposed Land Management Code amendments to the City Council;

WHEREAS, on June 15, 2023, the City Council conducted a duly noticed public hearing on the proposed Land Management Code amendments.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY TITLE 15 LAND MANAGEMENT CODE. The recitals are incorporated herein as Findings of Fact. Municipal Code of Park City Title 15 Land Management Code Section 15-15-1 *Definitions* is hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED THIS 15th day of June 2023.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Nann Worel, Mayor

Attest:

\_\_\_\_\_

City Recorder

Approved as to form:

---

City Attorney's Office

## Attachment 1

### 15-15-1 Definitions

.....

**FOOD TRUCK.** As defined in Utah Code Section 11-56-102, as amended.

"Food Truck" means:

~~A. a fully encased food service establishment:~~

~~1. on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and~~

~~2. from which a food truck vendor, standing within the frame of the vehicle,~~

~~prepares, cooks, sells, or serves food or beverages for immediate human~~

~~consumption; and~~

~~3. does not include the sale of any products other than food and beverages for~~

~~human consumption.~~

~~B. a food cart; or~~

~~C. an ice cream truck.~~

~~D. "Food cart" means a cart:~~

~~1. that is not motorized; and~~

~~2. that a vendor, standing outside the frame of the cart, uses to prepare, sell, or~~

~~serve food or beverages for immediate human consumption.~~

~~E. "Ice cream truck" means a fully encased food service establishment:~~

~~1. on a motor vehicle or on a trailer that a motor vehicle pulls to transport;~~

~~2. from which a vendor, from within the frame of the vehicle, serves ice cream;~~

~~3. that attracts patrons by traveling through a residential area and signaling the~~

~~truck's presence in the area, including by playing music; and~~



23                   4. ~~that may stop to serve ice cream at the signal of a patron.~~

24       . . . .

25    INTERNAL ACCESSORY DWELLING UNIT. ~~An accessory dwelling unit created~~  
26    ~~within the Building Footprint of a Single Family Dwelling that is occupied as the~~  
27    ~~primary residence of the owner of record and for the purpose of offering a long-~~  
28    ~~term rental of 30 consecutive days or longer.~~ As defined in Utah Code Section 10-  
29    9a-511.5, as amended.

30       . . . .

# Planning Commission Staff Report



**Subject:** Final Action  
**Application:** PL-23-05649  
**Author:** Rebecca Ward  
**Date:** May 10, 2023  
**Type of Item:** Work Session

## Recommendation

(I) Review Final Action for land use applications and (II) provide input on potential Land Management Code amendments to streamline reviews.

## Description

Applicant: Planning Department

Location: Citywide

Reason for Review: The Planning Commission reviews and recommends Land Management Code amendments to the City Council for Final Action

ACUP	Administrative Conditional Use Permit
AMPD	Affordable Master Planned Development
CUP	Conditional Use Permit
LMC	Land Management Code
MPD	Master Planned Development
SSCUP	Steep Slope Conditional Use Permit

*Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).*

## Summary

The Planning Commission requested that in 2023 the Commission evaluate land use application reviews to determine whether some reviewed by the Commission could be reviewed at a staff level, and whether some that are reviewed by the Commission with a recommendation to City Council could be reviewed by the Commission for Final Action.

LMC [§ 15-1-8](#) outlines land use application review procedure. The table below shows those applications reviewed by staff, the Planning Commission, and City Council:

RECOMMENDATION (y) - FINAL ACTION (x) - APPEAL (z)			
	Planning Staff	Planning Commission	City Council
Administrative Permits	x	z	
Conditional Use		x	z
Conditional Use (Administrative)	x	z	
Master Planned Development		x	z
Plat Amendments		y	x
Subdivision and Condominium Plats		y	x
Annexation and Zoning		y	x
Land Management Code Amendments		y	x

There may be opportunities to clarify criteria and streamline review processes for efficient land use application processing and public meeting agendas. This staff report evaluates impending changes to Single-Family, Duplex, and Townhome subdivision reviews due to state legislation enacted this year, as well as potential changes to Land Management Code (LMC) review for plat amendments and Conditional Use Permits.

### **Analysis**

**(I) Senate Bill 174 will require changes to Single-Family, Duplex, and Townhome subdivision reviews as of February 1, 2024.**

Currently, Land Management Code (LMC) [Section 15-7.1-2\(B\)](#) requires Planning Commission review, public hearing, and recommendation to City Council for subdivision approvals and [Section 15-7-4](#) requires City Council review and approval or denial. To expedite land use approvals for the construction of Single-Family, Duplex, and Townhome developments, the Utah Legislature enacted [S.B. 174 Local Land Use Development Revisions](#).

S.B. 174 was developed as a consensus bill through the Utah Commission on Housing Affordability in coordination with the Property Rights Coalition, the Utah League of Cities and Towns, and the Utah Association of Counties. S.B. 174 establishes uniform processes for new Single-Family, Duplex, and Townhome subdivisions, requires municipalities to clearly outline and publish subdivision applications, regulations, standards, and specifications, expedites review processes, limits public hearings for preliminary subdivisions to one, and shifts final subdivision approval from a Planning Commission or legislative body to an administrative land use authority (February 24, 2023 [House Government Operations Committee](#)).

The Planning team is working with relevant departments and districts to update the applications, standards, and checklists that must be provided to applicants on the City's website and will return to the Planning Commission with recommended amendments in the fall. In the meantime, there are potential opportunities for streamlining review of certain plat amendments, outlined below.<sup>1</sup>

**(II) Staff recommends the Planning Commission evaluate plat amendment land use review authority.<sup>2</sup>**

LMC [§ 15-7.1-3\(B\)](#) requires a plat amendment for the “combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations.” The LMC requires Planning Commission review<sup>3</sup> and recommendation to City Council for Final Action on plat amendments.<sup>4</sup>

Plat amendments require a finding of Good Cause, defined in LMC [§ 15-15-1](#) as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

Utah Code [§ 10-9a-602](#) requires the Planning Commission to review and recommend subdivision ordinances for City Council adoption. However, Utah Code does not require the Planning Commission or City Council to be the land use authority for plat amendment and there is an opportunity for Planning Commission Final Action on plat amendments, with some potentially shifted to staff-level review.

***Is the Planning Commission interested in evaluating the potential for Planning Commission Final Action on plat amendments?***

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<sup>1</sup> S.B. 174 does not take effect until February 1, 2024.

<sup>2</sup> Please see the staff communication regarding lot combination plat amendments.

<sup>3</sup> LMC [§ 15-7.1-2](#) Procedure

<sup>4</sup> LMC [§ 15-7-4](#) Authority



***Are there plat amendments the Planning Commission recommends be administrative? (For example, removing a lot line beneath a Historic Structure.)***

**(III) Staff recommends the Planning Commission evaluate Conditional Use Permit review authority.**

The Use tables within each Zoning District outline Allowed and Conditional Use review authority. Conditional Uses require Planning Commission review, a public hearing, and Final Action based on the sixteen Conditional Use criteria outlined in LMC [§ 15-1-10](#). The Planning team reviewed the Conditional Uses outlined in the LMC and do not recommend shifting any of the reviews to the administrative level at this time.

However, staff recommends amendments for Steep Slope Conditional Use Permits (SSCUPs). On January 29, 2019, the City Council adopted [Ordinance No. 2019-07](#) approving an administrative SSCUP process for lots less than 3,750 square feet and Planning Commission review for those lots 3,750 square feet or larger.

In 2021, the Utah Legislature enacted [H.B. 1003 Government Building Regulation Amendments](#) (codified in Utah Code [§ 10-6-160\(8\)](#)), which establishes what constitutes a complete building permit application for Single-Family Dwellings, Duplexes, and Townhomes and requires cities to complete the building permit review no later than 14 business days after submission of a complete building permit. If the City does not complete the building permit review within 14 business days, the applicant may request that the City complete the review within an additional 14 days from the day the applicant makes the request.<sup>5</sup> If the City does not complete the plan review within the outlined time, the applicant may move forward with plans stamped by a licensed architect or structural engineer.<sup>6</sup>

Additionally, the City may no longer require resubmittal of plans for a Single-Family, Duplex, or Townhome building permit application to address modifications for compliance.<sup>7</sup> Rather, the City may identify violations found in the plan that the City may enforce during construction.<sup>8</sup> The City may only require resubmittal of plans for Single-Family, Duplex, or Townhome plans “to address deficiencies identified by a third-party review of a geotechnical report or geological report.”<sup>9</sup>

As a result, staff recommends Planning Commission Final Action for all SSCUPs to ensure necessary time to review and address any potential deficiencies of a geotechnical or geological report at the time of SSCUP review rather than to condition approvals to meet required standards at the time of building permit submittal.

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<sup>5</sup> Utah Code [§ 10-6-160\(3\)](#)

<sup>6</sup> Utah Code [§ 10-6-160\(4\)](#)

<sup>7</sup> Utah Code [§ 10-6-160\(5\)\(b\)](#)

<sup>8</sup> Utah Code [§ 10-6-160\(a\)](#)

<sup>9</sup> Utah Code [§ 10-6-160\(5\)\(c\)](#)

***Are there changes to Conditional Use Permit Final Action the  
Planning Commission is interested in exploring?***