



## AGENDA

**MEETING CALLED TO ORDER AT 6:00 PM**

**WORK SESSION – Discussion items only. No action taken**

Rocky Mountain Power – Planning for electric services in Wasatch/Summit Counties  
Training overview with Legal

Pg  
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**ROLL CALL**

**ADOPTION OF MINUTES OF AUGUST 11, 2010**

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

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATION(S) – Public hearing and continue as outlined**

50 Shadow Ridge – Amendment to Record of Survey PL-10-00938

*Public hearing and continue to a date uncertain*

811 Norfolk Avenue – Plat Amendment PL-10-00988

*Public hearing and continue to a date uncertain*

SA-139-A – Plat Amendment PL-10-00989

*Public hearing and continue to a date uncertain*

29 & 39 Silver Strike Trail – Amendment to Record of Survey PL-10-01023

*Public hearing and continue to a date uncertain*

200 Ridge Avenue – Plat Amendment PL-10-00977

*Public hearing and continue to September 22, 2010*

**REGULAR AGENDA – Discussion, public hearing, and possible action as outlined below**

310-350 McHenry Avenue – Zone Change PL-10-01040

*Public hearing and possible recommendation to City Council*

310-350 McHenry Avenue – Plat Amendment PL-10-00983

*Public hearing and possible recommendation to City Council*

**ADJOURN**

Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.  
Planning Commission - August 25, 2010



## **WORK SESSION**



# Planning Commission Staff Report



**Subject:** Summit Wasatch Electrical Plan Update  
**Author:** Thomas E. Eddington Jr. AICP  
**Date:** 2) August 2010  
**Type of Item:** Work Session – Informational Update

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## **Background and Process**

A task force of community leaders and key stakeholders has been working with Rocky Mountain Power to create a plan that prepares the region for the long-term growth of Summit and Wasatch Counties. The purpose of involving various stakeholders is to create a product that integrates local development plans with electrical network plans. As a task force team, siting criteria was prioritized to determine where future electrical infrastructure may be most appropriate.

## **Where We Are**

The siting criteria and map placing potential locations of electrical infrastructure based on the siting criteria has been drafted. The benefit of predictability and inter-city cooperation can be gained from the siting criteria. Feedback of the proposed siting criteria and map is beneficial to the task force team. The goal of the task force team is to create a product that the region implements as a useful tool for future decision-making.

**Attachment A:** Summit Wasatch Electrical Plan Progress Report

To: City Council, Planning Commission, Staff  
From: Ted Knowlton, The Planning Center  
Date: May 24, 2010  
Re: Summit Wasatch Electrical Plan Update

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This memo provides background on the Summit Wasatch Electrical Plan, including its purpose and goals, the planning process itself and the value of the expected products and outcome.

## **INTRODUCTION**

Electrical power lines and substations are needed as a simple function of where growth occurs and how much power people use. Rocky Mountain Power is legally obligated to serve the electrical needs of residents and businesses in Summit and Wasatch counties. In the past, Rocky Mountain Power has planned new facilities based on growth patterns. There was often a “disconnect” between local government growth plans and electrical infrastructure plans which could often lead to surprised landowners and other key stakeholders. Sometimes local government’s plans for new subdivisions, parks, or commercial development wouldn’t fit well with the location of planned power lines and substations. Perhaps a transmission line would impact an important view shed or it was built close to single-unit homes; or it might affect the development potential of a key commercial site. This disconnect can be improved by having local government planners, community stakeholders and Rocky Mountain Power work together to ensure that plans for future development and power infrastructure interact well together.

## **GOALS OF THE SUMMIT WASATCH ELECTRICAL PLAN**

The Summit Wasatch Electrical Plan is a new approach that coordinates efforts between key stakeholders, concerned citizens, local government planners and Rocky Mountain Power. This effort aims to identify community issues and concerns before new lines and substations are planned, permitted or constructed. Its scope is regional due to the fact that as power lines cross one jurisdictional boundary, they enter an adjacent jurisdiction. Joint planning is the most effective way to plan inter-jurisdictional infrastructure.

The task force leading this effort is made up of a broad range of stakeholders including city and county leaders, concerned citizens, planners, regional transportation and growth planners. An appendix is attached listing task force members.

The goal of this process is to develop a clear and documented plan for electrical infrastructure to serve the power needs of Summit and Wasatch counties through 2030. The plan will integrate local long-term development plans (beyond what has already been scoped by Rocky Mountain Power)

with electrical network planning and provide a mutually agreed upon blueprint to guide local government and Rocky Mountain Power as new infrastructure is built.

## **PROCESS OVERVIEW**

The task force met together with Rocky Mountain Power and an independent facilitator, Ted Knowlton of the Planning Center, for eight months. The meetings progressed from gaining an understanding about Rocky Mountain Power's engineering, legal and regulatory requirements, local issues and concerns, establishing the task force's goals, to developing siting criteria, mapping preferred locations for future electrical infrastructure and discussing implementation options. The task force has controlled all recommendations and outcomes of this process and will determine the final outcomes.

The task force began with training in basic electrical concepts and industry requirements to become better prepared to make educated electrical infrastructure siting decisions. Members discussed clearance requirements and electrical capacity. They explored alternate generation options, energy efficiency and conservation programs. They discussed concerns and issues affecting their local jurisdictions. The task force also developed criteria that they consider essential considerations to locating new infrastructure.

Armed with this information, task force members brainstormed preferred locations for future infrastructure. In small groups they considered potential impacts as they mapped locations for new transmission lines and substations. The mapping process covered several phases, starting from brainstorming, through refinement, resulting in an agreed upon map of future infrastructure.

Their choice of preferred infrastructure locations reflects the rationale of the siting criteria, which can serve as guidelines for future infrastructure decisions. The task force recognizes that documented siting criteria will have greater value for future decision-making than a map that could become outdated.

The siting criteria and map will be included in a comprehensive document that they all agree can be used as a guide in coordinating future infrastructure within local planning efforts.

## **WHERE WE GO FROM HERE**

The plan has the potential to improve predictability for landowners, residents, city leaders and staff and Rocky Mountain Power. Further, the plan may help ensure that infrastructure planning works between cities and valley wide, and not just within individual cities and townships.. Each jurisdiction must be able to rely on its neighbors to follow the plan to ensure reciprocal commitment among all the others. As the plan is finalized, the taskforce is exploring ways to improve the likelihood that these two benefits, predictability and inter-city coordination, are ongoing results. The taskforce is thus exploring mechanisms to ensure implementing parties pro-actively communicate with each other and that they keep the plan updated to ensure it continues to meet their local and regional planning needs.



It is important to the task force that elected officials are aware of the purpose of this process, how it is being conducted and introduce the recommendations and their usefulness. Task force members working with Rocky Mountain Power are prepared to provide information to both residents and public officials through documents and presentations in order to better provide for their local infrastructure needs.

The Taskforce-led process involves one or two more meetings in September and October to review the plan and discuss options for ongoing implementation.

## FINAL PRODUCTS

The task force members will bring the shared plan to their individual jurisdictions, along with implementation tools for consideration. Final products may include:

1. Valley wide plan to meet future electrical infrastructure needs
2. Recommendations for preferred locations and alternatives for lines and substations
3. Template language for use in local General Plans
4. A menu of Implementation methods
5. A Toolbox of local planning best practices for electrical infrastructure planning

## APPENDIX A

### Task Force Members

- Allison Weyher – Francis Planning
- Bob Richins -- Henefer Planning
- Bob Dougherty – Park City Resident
- Bob Wells -- Deer Valley
- Brent Giles -- Park City Mountain Resort
- Chris Robinson -- Summit County Council
- Cindy Gooch – Coalville Planning
- Clifford Blonquist -- Summit County
- Diane Foster -- Summit County Commissioner
- Insa Riepen -- Recycle Utah
- Jacquelyn Mauer -- Park City Planning
- John Thomas – UDOT
- Liza Simpson -- Park City Council
- Matt Cassel -- Park City Engineer
- Paul Kennard -- Wasatch County
- Rich Sonntag -- Promontory Development
- Rich Sprung -- Hideout Mayor
- Robert Whiteley – Coalville Engineer
- Roger Strand – Park City Resident
- Sayre Brennan -- Park City Planning
- Scott Kettle -- Kamas & Francis Engineer
- Sean Lewis -- Summit County
- Tami Stevenson -- Oakley Planning



- Tom Eddington -- Park City Planning
- Chad Ambrose -- Rocky Mountain Power
- Greg Hansen – Rocky Mountain Power
- Jani Gamble – Rocky Mountain Power
- Ken Shortt – Rocky Mountain Power
- Mickey Beaver – Rocky Mountain Power
- Ted Knowlton – The Planning Center
- Demi Corbett - The Planning Center





## **WORK SESSION NOTES – AUGUST 11, 2010**



**PARK CITY PLANNING COMMISSION  
WORK SESSION NOTES  
AUGUST 11, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit Mick Savage, Adam Strachan, Thomas Eddington, Polly Samuels McLean, Matt Cassel

**Site Visit to Park City Heights**

The Planning Commission had a site visit to Park City Heights prior to the work session. All Commissioners attended except Commissioner Pettit.

**WORK SESSION ITEMS**

Public Involvement plan for transportation - Informational Update

Planning Director, Thomas Eddington, reported that the City had hired InterPlan Company, a Salt Lake City Transportation planning firm, to develop a traffic and transportation master plan for Park City that addresses transportation needs for the City to the year 2040.

Commissioner Strachan is the Planning Commission liaison participating in the transportation study.

Andrea Olsen, representing InterPlan, stated that in May InterPlan began working on developing a transportation plan. They have been working closely with a technical committee formed from various departments within Park City Municipal Corp, including Engineering, Planning and Transportation, who provide guidance on specific and technical aspects of the process. In addition, a stakeholder group was formed consisting of Park City residents representing various groups and organizations in the community. The stakeholders will be used as a sounding board to test ideas and achieve a better understanding of the values and priorities of the community.

Ms. Olsen noted that two public open houses would be scheduled where the public would be able to provide input. She also intended to meet with the Planning Commission and the City Council periodically to provide an update on the status and findings of the process.

Ms. Olsen stated that the transportation plan was a two-step process. The first part is collecting data. InterPlan has gathered land use and transportation data from Park City Staff. The second part is to build a traffic simulation from the results of that data. VISSIM is the modeling software. Ms. Olsen stated that InterPlan will be looking and analyzing a mix and match setup of different transportation network alternatives on various, future land use scenarios. They will continue to analyze the outcomes and continue to refine them.

In terms of public involvement, InterPlan has been working closely with City Staff and meeting on a monthly basis. The City Engineer, Matt Cassel, has been leading that effort and Director Eddington has also been very involved. Ms. Olsen remarked that they have already met with the stakeholder committee once and anticipate meeting a few more times throughout this process. Ms. Olsen explained that they did a key pad polling with the stakeholders that asked different questions in an effort to know the goals of the City in terms of transportation. She provided a slide showing some of the questions and the results. As well the desire to minimize vehicle delay and to mitigate traffic congestion in Park City, transit was a high priority. Park City has a successful transit system and there is a strong will to keep that system intact and to improve it.

Ms. Olsen believed the first question indicated that there were many facets to the answer. They also asked questions about sidewalks and trails and the answers reflected both sides of the perspective. Some thought there were already too many roads and others felt there were not enough. Ms. Olsen hoped to put together a future transportation network that addresses concerns across the spectrum. She believed the questions presented would give the Planning Commission an overview of what people are looking for. It was not a scientific study and the stakeholder group is small and not statistically represented. Ms. Olsen acknowledged that there were no easy answers because a number of perspectives need to be represented. She remarked that InterPlan has a lot of work to do in terms of figuring out how to best accommodate walkers, bikers, and vehicles in the City.

Ms. Olsen noted that the survey and more detailed responses were posted on her company's website. The address is [www.interplanco.com/current-projects/parkcity](http://www.interplanco.com/current-projects/parkcity). Chair Wintzer requested that Director Eddington email that website to the Commissioners.

Ms. Olsen stated that InterPlan is in the process of finalizing the models and calibrating them to make sure they will have good, accurate data. They are developing standard cross sections to determine where sidewalks and bike lanes should be located, the type of park strips, etc. Ms. Olsen stated that they were also working on refining goals and objectives for the process. Director Eddington pointed out that those goals were included in the General Plan open houses.

Ms. Olsen reported that a stakeholder committee meeting was scheduled for September 14<sup>th</sup>, which is the next public event. They also plan on holding a public open house in early October where they hope to present a draft model for comment. A second public open house would be held later in the process to present a more substantive plan.

Commissioner Luskin asked if the transportation planning and the model include sections on how to deal with the tremendous influx of vehicles and people during special events such as Sundance. Ms. Olsen stated that the technical committee that consists of City Staff and the Consulting Team decided that the model results should be for p.m. peak hours on an average day. It would also look at a peak day, such as Presidents Day weekend. It would not address the level of Sundance, but it will recognize that Park City has peak days where traffic is heavier.

Commissioner Savage asked if there was a mechanism to stress test the model with higher volumes from different sources. He used the Art Festival weekend as an example. Ms. Olsen replied that the travel demand model would not accommodate a stress test because traffic is actually an output. When they go to the visual simulation software, they can put in travel and the amount of traffic on a given road segment. The simulation would show how well the road could accommodate that traffic.

Commissioner Luskin asked if the transportation plan addressed parking issues. Ms. Olsen replied that it does not deal with parking issues per se. It addresses parking from the standpoint of parking lots being trip generators and cars getting to and from a parking space. However, it will not say whether or not the road can accommodate those vehicles.

Commissioner Peek stated that one example would be Park Avenue during a peak event. Cars are parked on both sides and buses are going both ways, which affects all forms of transportation. The street is choked down during the event, but during non-peak times, there is less street parking and better flow.

Commissioner Hontz pointed out that snow is the biggest factor in reducing the lanes of travel.

Chair Wintzer stated that it has been proven many times and very well that any traffic can fit a traffic model in Park City. He emphasized the need to consider that the road conditions in Park City are completely different in winter than in summer and that tourists do not understand the City or move about easily. Chair Wintzer pointed out that most traffic studies do not reflect the conditions and limitations of Park City roads.

Commissioner Savage asked if those parameters could be played with in the model. Ms. Olsen replied that it would be accounted for in the traffic simulation model. However, it is not as explicit as parked cars or snow on the shoulders. The model has friction factors which make cars run closer together and typically slows them down. She noted that they could accommodate the perception that cars are not able to move as quickly.

Commissioner Peek asked if the transportation report would reveal all the parameters like the friction factors. Ms. Olsen stated that InterPlan could figure out a way to provide that type of information. She did not think it would be in the body of the transportation plan and suggested that it could be identified in the appendixes or technical documentation. Ms. Olsen clarified that even though the study is being done at this time of year, all the results are geared toward winter conditions.

Commissioner Savage asked Ms. Olsen to talk about what their deliverable would be when they are finished with the project. Ms. Olsen stated that it would be a transportation plan and the goals and objectives outlined would be incorporated directly into the General Plan. Ms. Olsen remarked that the intent is to make it as user friendly as possible.

Commissioner Luskin stated his preference to see an alternative model where Main Street would be a walking street that is closed to traffic. Ms. Olsen stated that once the plan is ready to deliver, they will have looked at a number of different alternatives. The plan document would outline the alternatives considered and the positives and negatives of each one. She anticipated that at the end of the process the recommended transportation network will be a hybrid of all the different alternatives. Ms. Olsen encouraged the Planning Commission to view the survey that was done with the stakeholder committee, because some of the questions asked were out of the box ideas.

Chair Wintzer stated that in all the projects that had a traffic study, the City never picked a level of service that they feel is acceptable. From this process, he would like guidance as a Planning Commissioner in terms of an acceptable level of service specific to Park City.

City Engineer, Matt Cassel, stated that the intent of the master plan is to recognize the current level of service, an acceptable level of service, and a benchmark for the future. Mr. Cassel remarked that the previous traffic studies are being looked at by InterPlan. Something they recognized was that the plans were so localized that they did not provide a sense of how the transportation network

of the City as a whole is affected by individual projects. The InterPlan study will address that issue to see how the City is affected.

Commissioner Savage asked if the modeling software allows for a progressive study. Ms. Olsen replied that in addition to a transportation plan, there is a tool that becomes the property of the City where they can plug in traffic generation by a new development to see the impacts. Mr. Cassel stated that one goal is that every developer would be using the same model so they can see how the development affects the City as a whole.

Director Eddington stated that they are currently working on future land use scenarios and a build out analysis. They are looking at additional UEs and square footage in different parts of the City to anticipate what development could occur in 2020 or beyond.

Commissioner Savage understood that the main intent for this process is to end up with a modeling simulation that is dynamic enough to accommodate the inevitable changes that would occur over time. Ms. Olsen replied that this was correct.

Commissioner Pettit referred to the product InterPlan had delivered to Summit County with a one page map. She commented on previous discussion about identifying transportation corridors as they look at a transportation plan from a holistic perspective, particularly, as it relates to key areas in town ripe for development. Commissioner Pettit was unsure if InterPlan was thinking of incorporating that product into the City plan, but in her opinion, it is something they need to think about as they look at some of these pockets of town. If there is a potential for road realignment in order to take advantage of better traffic flow, they need to have those tools available.

Director Eddington stated that another aspect of this plan is looking at various street classifications and function. Part of the plan is to look at the old 1984 plan to see where it is accurate or may not be accurate in today's market, because that will identify where the corridors are located.

Chair Wintzer asked if the September 14<sup>th</sup> meeting was open to the public. Ms. Olsen replied that it is a stakeholder committee. It would not be advertised to the public, but the Planning Commission was welcome to attend. Chair Wintzer requested a reminder email with the time and place so the Commissioners could attend.

Commissioner Peek asked if the survey asked whether a user was retired, commuted, etc. Ms. Olsen explained that the survey was only of the stakeholder group of 15 or 16 people. The general public has not been surveyed. Commissioner Peek assumed that everyone who took the survey works locally. Ms. Olsen answered yes. The survey did not include commuters, tourists or second home owners.

Commissioner Strachan encouraged the Commissioners to check the survey results online. He thought they would be surprised at the answers. Commissioner Pettit had a difficult time believing that a 15 person survey was a statistically significant result to measure the full community sentiment. Mr. Cassel stated that the goal was not to measure the entire community. The purpose was to get a feel for what the stakeholder committee sees as important issues. For instance, if the push is not for green, they would expect to see more of a push towards more and wider roads.

Commissioner Strachan questioned whether this stakeholder group was the right group, particularly if they are the ones driving the parameters. Commissioner Strachan was comfortable that the stakeholder group was appropriate because it represents a cross section.

Commissioner Savage stated that he was less concerned with what the 15 member panel had said, and more interested in how managers and bosses in Park City feel about the level of utilization of transit, whether it was pushing the limits, if it was too much, not enough. He was interested in knowing how well it was embraced by the community. Director Eddington would ask Kent Cashell from Public Works to attend a Planning Commission meeting to address that question. Director Eddington agreed with Commissioner Strachan that the answers and priorities resulting from the stakeholder survey were quite surprising and very interesting.

The work session was adjourned.

DRAFT



## **MINUTES – AUGUST 11, 2010**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
August 11, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:00 p.m.

**I. ROLL CALL**

Chair Wintzer called the meeting to order at 6:10 p.m. and noted that all Commissioners were present.

**II. APPROVAL OF MINUTES - July 14, 2010**

MOTION: Commissioner Strachan moved to APPROVE the minutes of July 14, 2010. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

**II. PUBLIC COMMUNICATIONS**

There was no comment.

**III. STAFF & COMMISSIONER COMMUNICATIONS/DISCLOSURES**

Planning Director Thomas Eddington reported that the General Plan public process was successful and the Staff was in the process of inputting the data. He would update the Planning Commission on the results at the next meeting.

Commissioner Pettit suggested that they schedule another General Plan public outreach in the Fall so people who were on vacation or involved in other summer activities would have the opportunity to participate. Director Eddington offered to find a date to schedule another outreach.

Assistant City Attorney, Polly Samuels McLean, stated that it was time for the Planning Commission to elect a Chair and Vice-Chair. However, because two terms were expiring, she suggested that the Planning Commission wait until those appointments were made before holding the election. Commissioner Hontz expressed her desire to have the same Commissioners fill those spots if possible. Ms. McLean replied that both Commissioners had

expressed an interest to be re-appointed. The positions were formally advertised and applications were being accepted until the end of the month.

Chair Wintzer noted that at that last meeting he and other Commissioners had inquired about unfinished projects. Director Eddington stated that he had met with Roger Evans regarding their concerns and Mr. Evans would research the projects and provide an update. Director Eddington noted that the City was also looking at future opportunities for bonding as a way to encourage the completion of projects.

Commissioner Luskin asked about the status of City email addresses for the Commissioners. Director Eddington replied that the addresses have been established and Patricia would be sending them passwords and logins next week.

Chair Wintzer disclosed that he was the applicant for the 310-350 McHenry zone change and plat amendment and he would be recusing himself on those items.

#### **CONTINUATIONS AND PUBLIC HEARING**

1. 50 Shadow Ridge - Amendment to Record of Survey  
(Application PL-10-00938)

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

MOTION: Commissioner Savage made a motion to CONTINUE 50 Shadow Ridge - Amendment to Record of Survey to August 25, 2010. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

2. 29 & 39 Silver Strike Trail - Amendment to Record of Survey  
(Application PL-10-01023)

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

MOTION: Commissioner Pettit moved to CONTINUE 29 & 29 Silver Strike Trail - Amendment to Record of Survey to August 25, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. 310-350 McHenry Avenue - Zone Change  
(PL-10-01040)

Chair Wintzer recused himself from this item and the next item. Vice-Chair Peek assumed the chair.

Vice-Chair Peek opened the public hearing. There was no comment. Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 310-350 McHenry Avenue Zone Change to August 25, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. 310-350 McHenry Avenue - Plat Amendment  
(Application #PL-10-01040)

Vice-Chair Peek opened the public hearing. There was no comment. Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 310-350 McHenry Avenue Plat Amendment to August 25, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer resumed the Chair.

**CONSENT AGENDA**

1. Risner Ridge & Risner Ridge #2 - Plat Amendment  
(Application #PL-10-00940)

Planner Francisco Astorga reviewed the application for the Risner Ridge Subdivision and the Risner Ridge #2 subdivision. The applicant, which is the HOA, was requesting to add a plat note that would mimic the more restrictive setbacks indicated in their CC&Rs. The discrepancy has caused confusion in the past and the HOA would like to add a plat note on both plats to reflect consistency between the Risner Ridge CC&Rs and the recorded plat.

Planner Astorga noted that both plat amendment were consolidated under one Staff report, however the Planning Commission should take two separate actions.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Chair Wintzer asked if all the homeowners were in favor of this plat amendment. Planner Astorga stated that he had not received any public comment.

Commissioner Pettit noted that the City does not enforce CC&Rs and typically disfavors these types of plat notes. She understood that the intent was to sync the plat with the CC&Rs.

Assistant City Attorney, Polly Samuels McLean clarified that the City does not enforce CC&Rs and they typically try not to put CC&R matters on the plat.

MOTION: Commissioner Pettit made a motion to forward a POSITIVE recommendation to the City Council for the Risner Ridge Subdivision plat amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Pettit moved to forward a POSITIVE to the City Council for the ordinance approving the Risner Ridge #2 subdivision plat amendment in accordance with Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - Risner Ridge Subdivision Plat

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

#### Conclusions of Law - Risner Ridge Subdivision Plat

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 subdivision.
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 - Risner Ridge Subdivision Plat

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 submit the amended plat to the City for recordation 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.

Findings of Fact - Risner Ridge #2 Subdivision Plat.

1. The property is the Risner Ridge No. 2 Subdivision.
2. The property is within the Residential Development (RD) District.
3. The applicant proposes to add the following note to the plat:  
*"All buildings and structures on all lots shall be set back at least 15 feet from the side lot lines. Other than lots 10 through 13, setback for the rear lot line shall be 15 feet. Setback for the front lot line shall be as required by the Park City Land Management Code, but in any case not less than 15 feet."*
4. Due to the proximity to the golf course, the rear setbacks for lots 10 through 13 in Risner Ridge N. 2 Subdivision are more restrictive than the LMC requirements and vary from fifteen (15) to twenty feet (20'). Those additional setback restrictions are already noted on the plat.
5. The plat note will increase the setbacks to or beyond what is required in the Land Management Code.
6. All existing buildings and structures meet the requirements of the proposed note. This note will not create any non-complying structures.
7. The City does not enforce Covenants, Conditions and Restrictions (CC&Rs), does not enforce notes and instructions on a plat.

Conclusions of Law - Risner Ridge #2 Subdivision Plat

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 subdivision.

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 - Risner Ridge #2 Subdivision Plat

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 submit the amended plat to the City for recordation 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.

**REGULAR AGENDA - Discussion, Public Hearing and Possible Action**

1. Park City Heights - Pre-Master Planned Development  
**(Application #PL-10-01014)**

The Planning Commission held a site visit prior to the meeting. All Commissioners were present with the exception of Commissioner Pettit.

Planner Kirsten Whetstone reported that this item was a continuation of the discussion from the July 14<sup>th</sup> meeting regarding the Park City Heights Pre-Master Planned Development application. On July 14<sup>th</sup>, the Planning Commission requested additional time to review the Staff report and to better understand the proposal. The Planning Commission also requested a site visit, which was held at 5:00 p.m. today. In response to a request for the traffic summary, Planner Whetstone had emailed the traffic study summary to each Commissioner.

Since there was some confusion at the last meeting regarding the pre-MPD process and what the Planning Commission would actually be approving, Planner Whetstone had outlined the process in the Staff report and included a flow chart. She clarified that a property that has gone through an extensive annexation process is different from a property that has not had that level of review. Planner Whetstone explained that due to the size of development being proposed, a master planned development is required, which triggers a pre-MPD application process and public hearing for early feedback and direction to the applicant.

Planner Whetstone noted that on July 14<sup>th</sup> the Planning Commission had expressed concerns with the concept plan, which was an exhibit to the annexation agreement. The concept plan was fairly detailed and after the last meeting the Staff realized that it was important to step back and focus on initial compliance and not the design details. The applicant had submitted a bubble diagram concept land plan which identified the site, the uses, access and the parameters of development. Planner Whetstone remarked that the bubble diagram was more appropriate for the pre-MPD review and requested that the Planning Commission focus their

discussion on the bubble diagram as opposed to a specific site plan. She clarified that the Planning Commission should still provide direction on specific issues within the General Plan, since that would be important information for the applicant to consider when preparing the actual MPD.

Planner Whetstone stated that the master planned development must be found in compliance with the General Plan, but at that point the process requires a more detailed level of review of the General Plan.

Planner Whetstone stated that the action being requested this evening was determination of initial compliance with the General Plan. However, because there is an annexation agreement, the review of the General Plan must be in context with that annexation agreement.

Planner Whetstone presented slides showing the general orientation of the site and surrounding areas.

Planner Whetstone recalled comments from the last meeting regarding density, and had provided additional information for this meeting. She had used developments at Fairways Hills Village, West Ridge, Sunny Slope and others as density comparisons. She also looked at the residential portion of Prospector, including the condominiums.

Planner Whetstone presented the entire annexation area. She identified the MPD parcels, as well as an open space parcel with a conservation easement that is owned by the City. Other parcels included in the annexation are owned by private individuals. All the parcels identified, as well as State Parks land and UDOT property, comprise the 286 acres. Planner Whetstone noted that the master plan is proposed on 239 acres.

Planner Whetstone stated that the concept plan proposed 160 market rate units with approximately 79 deed restricted work force units. She pointed out that 28 of the 79 work force units were coming to Park City Heights from the IHC obligation. Rather than isolate the IHC units, the City believed it was better to incorporate those units into Park City Heights. Planner Whetstone remarked that 16 affordable housing units come from the market rate units and an additional 35 units are tied to past developments. Planner Whetstone stated that as a condition of the annexation, the City Council wanted the affordable units to be integrated in the development.

Commissioner Savage asked Planner Whetstone to explain the relationship between the 28 affordable units and the 48 unit equivalents. Planner Whetstone remarked that an affordable unit equivalent is approximately 800 square feet. Based on a set formula, if a 1600 square foot single family deed restricted home is built, it would be equivalent to two affordable housing units. She explained that 239 units is the maximum allowed in terms of individual units, and that number could be reduced if the units exceed 800 square feet.

Planner Whetstone noted IHC had an affordable housing obligation of 44.7 unit equivalents and that number was based on the square footage of the hospital. Commissioner Savage understood that the hospital was able to convert their obligation to 28 larger units and still meet the requirement. Planner Whetstone replied that this was correct. Commissioner Savage asked if the decision for 28 units was made by Phyllis Robinson replied that it was included in

the IHC annexation agreement.

Chair Wintzer clarified that IHC originally planned to build those units on their campus and the City encouraged them to move those units through the Park City Heights process. Planner Whetstone explained that there was still a pending pre-MPD from IHC for the affordable units on the IHC site.

Commissioner Peek asked if the square footage of those units would be monitored to make sure it does not exceed the unit equivalents. Planner Whetstone answered yes and stated that it would be similar to the process with Talisker where the units are documented and recorded.

Chair Wintzer requested that the Staff conduct an affordable housing seminar with the Planning Commission in the near future so they could better understand the process for other projects. Commissioners Savage concurred that a seminar would be very helpful. Planner Whetstone stated that the units would be clustered to keep them off the ridgeline. She noted that the density ratio for Park City Heights is one unit per acre, including the affordable units. However, if the required affordable housing units are excluded from the density calculation, which is allowed by the LMC in the master plan, the net density ratio is 0.81 units per acre. Planner Whetstone remarked that the required open space in the CT zone is 70%. Of the 239 acres, approximately 175 acres would be open space.

Planner Whetstone clarified that the applicant understands that approval of the pre-MPD would not guarantee approval of the MPD. In the pre-MPD process, the Planning Commission only finds initial compliance with the General Plan and there is no approval of a specific site plan. If the pre-MPD application is approved, the applicant would submit an MPD application and that would require a separate process which includes review of the MPD criteria and public hearings. If the MPD proposal does not comply with the criteria, the MPD can be denied.

Planner Whetstone recalled comments at the last meeting regarding trail connections. She noted that the project proposes future trail connections to the Rail Trail and the Quinn's Trail. A future bus route is currently addressed in the transportation plan when the park and ride is completed and to service future development units.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the bubble concept plan in terms of the annexation agreement, and consider finding that the pre-MPD complies with the General Plan per the stipulations of the annexation agreement.

Planner Whetstone reported on a phone call she received from Greg Erickson, the owner of the County parcel. Mr. Erickson was unable to attend the meeting this evening and requested that the MPD application address the uses that could occur on the dedicated open space parcel adjacent to his property. Mr. Erickson also expressed concern with how the development relates to the Rail Trail. He wanted to make sure that the plans for extension to the Rail Trail and any improvements would consider the safety of bikes and how people would get over to the Quinn's Trail. Mr. Erickson also wanted to know the breakdown of workforce housing in terms of size and the number of different sizes.

Patrick Moffatt, representing the Boyer Company, believed Mr. Erickson's concerns referred to the MPD stage of the process. Planner Whetstone agreed and noted that Mr. Erickson had specifically mentioned the MPD stage.

Chair Wintzer stated that as a Planning Commissioner he had volunteered for the task force, which met for a year and a half on the Park City Heights project. He had concerns that were highlighted by the bubble diagram, but in general, he believed the current proposal was a better plan than what the previous Planning Commission had voted on. Chair Wintzer felt the City Council had addressed some of their concerns and came back with better solutions.

Chair Wintzer stated that when the project was originally presented it was considered a second home community. The current proposal is for primary residents in a community. He was concerned with how they could make this community a neighborhood and still fit within the General Plan. Chair Wintzer wanted the bubbles to overlap so the houses blend with each other and there would not be a distinguishing feature from one economic status to another. He noted that the original plan had duplexes where one side was a market rate unit and the other side was an affordable rate. This helped create a seamless community. Chair Wintzer felt it was important to keep with that direction.

Chair Wintzer stated that the Rail Trail is a great community amenity but it is a riding trail and not a destination trail. He suggested some type of commercial entity that ties into the Rail Trail to create a destination stop on the trail where people could buy a drink or sandwich. He encouraged a stronger connection with the Rail Trail as a main amenity for the community. Chair Wintzer noted that this development is away from town and he felt it was important to keep people out of their cars by providing a recreation facility that children can access by bike or walking. He suggested that a field for a pick-up soccer game or baseball could be counted as open space if it is open to the public.

Chair Wintzer supported commercial space to service that community. He also suggested adding more affordable rental units on top of the commercial, and stated that he would be willing to add additional density of one or two units for that to occur.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Pettit echoed Chair Wintzer's comment in terms of evolving into a better project with less density. She also concurred with his statement about integrating the market rate units with the affordable units to create less separation between the two. Commissioner Pettit commented on how the community in this development would be isolated from the rest of the build out in Park City. In her opinion, connectivity is critical. Commissioner Pettit felt this proposal was inconsistent with neighborhood development best practices typically seen in that area. This project borders on sprawl to a certain extent because it is not contiguous with other developed parts of town. She struggled with how to make that work. Commissioner Pettit

stated that if they could weave more recreational elements into this project as amenities that are shared with the public, it would encourage people to ride their bike out there on the Rail Trail and help bridge that separation from Town. That stretch of the Rail Trail is relatively flat and it would be easy for children to ride their bikes.

Commissioner Pettit wanted it clear that the annexation agreement is the framework by which they could move forward with the MPD, but it does not give the applicant a vested right. The Planning Commission can deny the MPD if they cannot find compliance with all the criteria. She noted that the elements within the annexation agreement related to traffic mitigation and sustainable development are starting points at a minimum. She expected that the Planning Commission would go well beyond the annexation agreement in terms of meeting traffic mitigation requirements and sustainable development. Commissioner Pettit noted that the annexation agreement focuses primarily on individual homes meeting certain criteria, but it does not speak to the community as a whole and the elements that are important in neighborhood development best practices.

Commissioner Pettit stated that in looking at the General Plan elements she echoed Chair Wintzer regarding the need to incorporate commercial that not only supports the community but also serves as a destination for people on the Rail Trail. She was also open to considering some form of office space because people are moving away from long distance commutes to offices. There is a need to create more nodes within a neighborhood similar to a home office, but where people are part of a social setting and less isolated. Commissioner Pettit recognized that this alternative may not work for this particular community, but she encouraged them to think about.

Commissioner Pettit stated that during the MPD review she would be focusing on specific criteria, which included preserving the mountain resort and historic character of Park City; future development should compliment the existing historic and resort qualities of the mountain community; new development should be modest in scale and utilize historic building and natural building materials. She would also focus on preserving environmental qualities and thinking about the wildlife habitat in that area to make sure they are sensitive to areas that need to be protected, and mitigate the impacts from this project. Commissioner Pettit stated that she would also be looking at matters such as the right mix for the affording housing component of this project. She noted that Park City is experiencing a huge change in its inventory and pricing and they may to rethink the mix based on who lives in the community. Commissioner Pettit requested an updated analysis to help the Planning Commission understand the changes in the economy, the need, and the appropriate mix.

Commissioner Pettit stated that added density should come with a significant public benefit, such a creating amenities that benefit both the residents of that community, as well as other residents in Park City.

Commissioner Hontz felt the site visit was very helpful. She concurred with the comments from Commissioners Wintzer and Pettit. Commissioner Hontz was concerned about the connectivity with all of Park City, but specifically access to the IHC Clinic across the street. The pedestrian perspective is important, but she was also concerned about creating opportunities for vehicular

connections that do not involve Highway 248. If IHC is successful, vehicle circulation and connection will be a key factor and she would need to know that this plan would not increase traffic problems on Highway 248. Commissioner Hontz used other projects as examples of inadequate vehicular circulation and why those projects are not walkable.

Commissioner Hontz commented on the tiers of affordability and stated that she would like to better understand the income levels and the current and future housing needs in Park City. She had conducted her own research and found a large number of rentals and for-sale units at different price ranges. Commissioner Hontz requested a market study/needs analysis to help determine the appropriate housing product for this project. Commissioner Hontz felt it was also important to know if there were other housing units besides the 35 Talisker units that need places to be built. If there is an affordable housing report, she would like to see that. If not, she would like to have one done.

Commissioner Hontz appreciated clarification on the pre-MPD application process so the Planning Commission could feel comfortable that finding initial compliance with the General Plan would not approve a specific density or location of uses. She stated that during the actual MPD review, she would be focusing her direction on the community character elements of the General Plan. She would be looking for an authentic feeling of place rather than a sprawl subdivision. Commissioner Hontz stated that she would be more specific with her concerns regarding community character if they reach the MPD stage.

Commissioner Luskin thanked the Staff and applicant for the site visit. Commissioner Luskin concurred with his fellow Commissioners who had outlined the majority of his concerns. He stated that the Planning Commission are the protectors and caretakers of the character of Park City. When he looks at a place like Quinn's Junction he likens it to driving through the Yosemite tunnel and suddenly coming upon the Yosemite Valley. That is your first impression and that impression is lasting. When his friends come to Park City, their first impression is lacking if they come through Kimball Junction. Commissioner Luskin stated that Quinn's Junction is the back door to Park City, but in some cases, it could be the front door. When thinking about preserving the historic character, they should be mindful that this will be the first view coming in from Quinn's Junction. Commissioner Luskin remarked that the People's Health Building and the IHC hospital are nice buildings, but it is much riskier to have subdivision sprawl because that makes it harder to preserve the historic character. Commissioner Luskin encouraged the applicant to be conscious of this when they reach the design phase of the project and to consider the importance of this whole area.

Commissioner Luskin disagreed with Chair Wintzer regarding commercial development on the bike trail. In his opinion, the bike trail is a journey and not a destination. He finds it satisfying that there is no commercial development in the area and he would like to preserve that rural quality. Commissioner Luskin commented on the recreation element and suggested winter ski tracks, similar to what occurs on the golf course, to keep the resort nature.

Commissioner Luskin stated that he is always conscious of dead animals on the road, particularly in the winter, and he felt it was important to look at the wildlife corridors. He suggested that the applicant contact the Wildlife Protection Society for their input on this matter.

Commissioner Luskin stated that he loves to mountain bike and he would like to see a mountain bike trail from Quinn's Junction to Redstone to eliminate the use of cars. Planner Whetstone pointed out that the trail is extending and it is currently within a mile from Redstone. He agreed with Commissioner Hontz that connectivity is a key element. He assumed the development would be mostly residential, which would add to the transportation limits. Commissioner Luskin stated that the Planning Commission has a major responsibility in reviewing the MPD for all the reasons outlined.

Commissioner Peek concurred with most of the comments from his fellow Commissioners. He believed the Rail Trail is an important connection, as well as the tunnel that crosses Highway 248. He felt it was important to work with the City across that parcel to get the trail connection from the Rail Trail to the tunnel off the dump road. Commissioner Peek stated that connectivity to the regional commuter trail system is also important and needs to be done well.

Commissioner Peek favored a commercial element to the project. He referenced his comments from the last meeting regarding suburban elements, and read from the General Plan. Page 13, "Steps should be taken to prevent the area from developing with traditional suburban features". Page 17, "Limit size of homes in relation to the lots". "Vary building setbacks to avoid giving neighborhoods a suburban feeling". Page 18, "For developments near City entries, add special controls regarding setbacks, landscaping, building mass and character". With regard to the concept plan, Commissioner Peek favored blurring the lines with a shadow drawing showing the uses within the entire bubble. He used Silver Star as an example of how the uses are well integrated into the overall use and feel of the project. Separating the Estate lot area from the affordable units is not appropriate because it creates greater impacts on the affordable use.

Commissioner Savage asked if the entire development was contemplated as condominium style home ownership regardless of where the units are located, or if it would be single family homes. He asked if the applicant would actually build the homes or if the lots would be sold. Mr. Moffatt replied that it would be a mix of both. Some areas will be a condominium-type product; however, the majority is contemplated as lots to be sold for individuals to build. Commissioner Savage assumed that the homes would be custom designed on those individual lots. Mr. Moffatt replied that this was correct. Commissioner Savage could not envision a situation where the affordable homes would be scattered among the Estate lots. As a practical matter, he felt they should be cognizant of the fact that the affordable housing sector would be populated by families with two full-time workers. In an effort to maintain a neighborhood feel at the major entrance, Commissioner Savage strongly recommended a form of condominium/HOA ownership where the economics of that HOA is sufficient to maintain a quality entrance that is not dependent on the individual willingness of those occupants. Commissioner Savage believed the idea to have individual home ownership was contrary to the idea of blending the units. He supported finding a way to emphasize a high quality, integrity feel of the entrance for the affordable housing area through that type of mechanism. Commissioner Savage felt that a duplex with one side being affordable and the other side being market rate would create a negative marketing and sales issue. He was open to more dialogue on that issue.

Mr. Moffatt stated that integration has been contemplated and some of the detached product would be affordable. In those instances the developer would hire the builder for the affordable homes to meet their obligation. Mr. Moffatt stated that the HOA would be responsible for maintaining the entrance to the affordable housing units. Commissioner Savage reiterated his preference that all the affordable housing units be part of an HOA that is structured to have enough associated resources to make sure they do not end up with dilapidated areas.

Mr. Moffatt wanted the Planning Commission to be aware that they were listening to their concerns and were prepared to address the issues if they move forward to the MPD.

Commissioner Savage stated that because Park City has ownership in the area, he wanted to know whether there were potential conflicts of interest between their role as a Planning Commission and the ownership of the City as a co-applicant.

Assistant City Attorney McLean stated that in this situation the Planning Commission is the regulator and they should treat this the same as any other application that comes before them. She explained that the Planning Department and the City, as the applicant, maintain a separation. Phyllis Robinson is the Staff person representing the City and Kirsten Whetstone is the Staff Planner for the project. If either has questions regarding Park City Heights, they are required to follow the same process as any other application.

**NOTE: Due to recording problems portions of the discussion was not recorded and some of the text was taken from handwritten notes.**

Commissioner Strachan echoed the comments of his fellow Commissioners and he thanked Planner Whetstone for the comparisons she had provided from other developments. Commissioner Strachan stated that he still struggled with how the plan proposed meets the intent of the General Plan. He could find no compliance with the goal that future development should compliment the existing historic and resort qualities of the mountain community, or the goal that new development must be modest in scale. This proposed development is too large in size and scope and it is not anywhere close to matching the historic qualities of the community. In terms of creating a buffer, he agreed with Commissioner Luskin's example of the tunnel to Yosemite Valley. Commissioner Strachan found it difficult to think about driving in on Highway 248 and not having that open space buffer. He also could not find compliance with the goals to preserve the environmental qualities and the natural views.

Commissioner Strachan stated that in his opinion, the proposed plan and the General Plan do not compute and for that reason he could not find initial compliance.

Chair Wintzer agreed with Commissioner Strachan's concerns, however those issues could be addressed in the MPD process. He emphasized that they first needed to move from this step to the second step, which is the MPD, before they could discuss specific details with the applicant.

Assistant City Attorney McLean pointed out that the LMC was recently amended to allow the

Planning Commission to find initial compliance with the General Plan. The Code is clear that the pre-MPD stage is only a concept level and that approval at this stage would not mean automatic approval of the MPD.

Chair Wintzer asked if finding initial compliance means that the Planning Commission is satisfied that the number of units meets the MPD. Chair Wintzer requested clarification on what the Planning Commission would actually be voting on this evening.

Assistant City Attorney McLean recalled that at the last meeting she had read from the section of the Code that talks about giving the applicant direction and finding initial compliance with the General Plan. The language also talks about public notification and public input on the preliminary concepts. Ms. McLean clarified that density per se is not approved in a concept plan. However, density and other considerations need to be viewed with the focus on annexation and the zoning that was approved by the City Council. She pointed out that the City Council felt the proposed density was appropriate for that zone. Ms. McLean remarked that based on specific criteria of the MPD, the density may need to be decreased, but the Planning Commission would need specific facts and evidence to allow them to reduce the density.

Commissioner Savage understood that the conceptual plan fits within the LMC and touches on some of the General Plan elements. However, Commissioner Strachan had pointed to areas where they could push back because the plan does not feel right relative to the intent of the General Plan. Commissioner Savage was uncomfortable with the ambiguity in terms of the direction to the applicant relative to trying to address those concerns. He pointed out that even if some of the Commissioners like the meadow, in reality that meadow can no longer exist with respect to the proposed plan, assuming that the plan moves forward. Commissioner Savage thought it was important for the Planning Commission to provide specific suggestions to the applicant, so if this pre-MPD is approved they would have enough explicit guidelines to consider and incorporate into the MPD.

Commissioner Savage believed that the Planning Commission wanted to approve the pre-MPD, but with the understanding that their concerns would be addressed in the MPD. He was unsure if the Commissioners had been explicit enough in their direction.

Chair Wintzer stated that the Planning Commission had the ability to condition the approval with added conditions. He reiterated that in order to begin talking about the major issues, they must first determine whether or not the concept plan complies with the General Plan. Commissioner Pettit pointed out that this stage in the process was only a checklist against the General Plan for compliance. The Land Management Code criteria for an MPD has not been considered at this point and a Land Management Code analysis has not been done.

Commissioner Savage understood that the Staff had done a preliminary study for the zone that City Council approved for this annexation and found that the pre-MPD was consistent with the Code.

Planner Whetstone explained that the proposed density, the size, the use, and the sensitive lands analysis was not contrary to the Land Management Code CT zone. Based on the City

Council action, Commissioner Savage believed there was a higher degree of explicit compliance with the LMC than with the General Plan.

Commissioner Pettit explained that compliance with the LMC has not been determined, as it relates to the MPD criteria. She stated that basic concepts are compliant, but in terms of extensive review and applying the criteria to the details of the MPD application, that process has not been started. Commissioner Pettit noted that the LMC contains a lot of guidance and the applicant is aware of their burden to demonstrate that they have satisfied the criteria in the LMC.

Commissioner Savage asked if the LMC criteria needed to be on the table before the Planning Commission could approve the pre-MPD application. Assistant Attorney McLean explained that the pre-MPD is an initial look at the proposal because a formal application had not yet been submitted. The purpose of the MPD under State law is for the Planning Commission to give the applicant direction on what they want to see in the MPD.

Commissioner Luskin pointed out that the main question this evening was whether or not this proposal complies with the General Plan. Assistant City Attorney McLean clarified that the question is initial compliance.

Mr. Moffatt stated that if the Planning Commission votes to move forward with the MPD this evening, he had a list of issues to work with. He believed the next step would be work sessions with the Planning Commission where the applicant could explicitly talk about one issue at a time, such as traffic, wildlife, etc. This would allow them to work on specific issues piece by piece in conjunction with the Planning Commission to resolve their concerns. These work sessions would occur prior to public hearings and a final vote on the MPD.

Planner Whetstone noted that the Staff report includes findings and suggested conditions of approval that address the issues the Staff would like to see in the MPD application. She stated that the Planning Commission could add findings that address their own concerns related to connectivity, trails, uses, and the desire to create a neighborhood community that integrates with other neighborhoods in Park City. Planner Whetstone suggested a destination public park that would draw the communities together.

Director Eddington asked the Assistant City Attorney if the issues raised by the Planning Commission could be addressed in their action if they choose to vote for initial compliance this evening. Ms. McLean did not think the items needed to be included in the motion because they were already stated in the direction to the applicant. If the Planning Commission chooses to vote in favor of the pre-MPD and find initial compliance with the General Plan and the applicant comes back with a plan contrary to the direction given, that would be reason to deny the MPD.

Chair Wintzer clarified that the direction given would not need to be a condition of the approval. Ms. McLean replied that this was correct. Commissioner Pettit asked if it could be a condition. Given the fact that the record is the written minutes rather than the recording, she was more comfortable moving the pre-MPD forward with findings of fact and conclusions of law and conditions of approval that reflect their discussion this evening.

Assistant Attorney McLean suggested reflecting their discussion in the findings of fact rather than conditions of approval. Commissioner Pettit referred to Finding of Fact 21, which talks about the fact finding the Planning Commission would make if they move forward. She did not think the finding went far enough in terms of meeting some of the other Quinn's Junction Joint Planning Principles. She felt the finding needed to include more details since this was the first stepping stone towards the MPD application process.

Assistant City Attorney McLean understood the concern that the minutes are only a summary of the discussion, however, she believed there was ample opportunity under the MPD process to work out the details in work session meetings. She reiterated that in the pre-MPD process the Planning Commission should only be looking at the general concept. If they get too mired in the details at this point it does not allow the applicant to move forward with the MPD, nor would they be complying with the intent of the pre-MPD process under State law. Ms. McLean wanted the Planning Commission to be aware that as part of the annexation, the City Council made a finding that the type of zone for that area was CT zoning. In Utah, once a property is zoned, you can expect some form of development associated with that zone. Ms. McLean recognized that there was obvious tension with the General Plan, which is why the General Plan is being revised. She noted that the area was not drawn as open space and that needs to be considered.

Commissioner Peek pointed out that the area could be open space if the City exercised its buyout rights and decided that it should remain open space. Ms. McLean remarked that the applicant has rights and this property was annexed in with a the CT zone. At this point the lots have not been subdivided and recorded, but there is a certain amount of density associated with the land. The MPD process is the nuts and bolts process of how this development would look.

Commissioner Savage understood that if a plan is not approved by a certain date, the developer has the right to put his 50% to the City. Ms. McLean stated that the Planning Commission should not be concerned with that factor because it is not relevant to their decision. The Planning Commission has the responsibility to treat this the same as any other application. All applicants have a due process right and those deadlines should not be a part of the decision making process, particularly since the City is involved with those deadlines. The Planning Commission should give this applicant the required due process because every developer has the right to resolution. Commissioner Savage asked if he was correct in assuming that there would be ample time to resolve the issues prior to any deadlines. Ms. McLean replied that this was correct.

Commissioner Strachan acknowledged that the zoning is CT and whether or not it is this project, something would be built. He believed that whatever is built would destroy the meadow and the hillside and would be in conflict with the objectives of the General Plan.

Commission Strachan felt the question comes down to the definition of initial compliance and whether that is different from full compliance with the General Plan. He thought the Planning Commission should think about questions they would ask during a full compliance analysis at the MPD stage that they were not asking now. In his opinion, there was nothing. If he asks himself all the questions the General Plan requires him to ask regarding this development and it

can meet the General Plan, he is duty bound under the statute to make the determination of initial compliance. If it cannot meet the General Plan, despite what the zone may allow, he still needs to make that finding.

Ms. McLean agreed with Commissioner Strachan that he needs to find for initial compliance, however, it is not enough to say that any development on that land would be in conflict with the General Plan based on how the General Plan is written. If it is not in compliance, there needs to be specific reasoning for why it does not comply and what the developer could do differently to bring it into compliance. She stated that the General Plan needs to be clearer because if the General Plan calls for open space, that conflicts with property rights and the right to develop. Ms. McLean offered hypothetical examples to explain situations where the concept plan may not comply with the General Plan. In those instances, the Planning Commission would have specific reasons that the developer could address.

Commissioner Savage asked if the City Council made the determination that the zone was in compliance with the General Plan when they established the zone for that property subsequent to the annexation. Ms. McLean answered yes and believed that it was a finding in the annexation. Planner Whetstone reported that there was discussion during the annexation that the General Plan was very broad and had competing objectives.

Commissioner Savage pointed out that a higher authority had already determined that this annexation and the zoning is compliant with the General Plan. Director Eddington replied that this was correct. The City Council made that determination based on the recommendation from the Planning Commission during the previous pre-MPD approval. Chair Wintzer stated that the Planning Commission had recommended density similar to the current proposal and asked the City Council to look at three or four items. According to the minutes he felt those items were discussed and addressed. Chair Wintzer agreed that the City Council made that determination after the Planning Commission forwarded their recommendation.

Based on Chair Wintzer's explanation and the City Council's process, Commissioner Savage thought if it was apparent that initial compliance had already been determined for this level of the pre-MPD. Planner Whetstone clarified that the Planning Commission had not made that determination. Ms. McLean explained that the City Council determination was part of the annexation. The City Council made a finding that the density is appropriate for that area. However, the Planning Commission is looking at the actual concept plan and what could occur with that density. As an example, if the density is proposed on the ridge rather than in the meadow, it would not comply.

Commissioner Strachan clarified that the Planning Commission was not bound by the City Council's decision on the annexation. An annexation is one standard under the Code and the MPD is another standard. Ms. McLean stated that the Planning Commission needed to balance the fact that the City Council make a finding that the density of the CT zone is an appropriate density.

Commissioner Peek noted that the annexation agreement specifically says, "This agreement

does not represent approval of vesting with this MPD or any subsequent MPD.” Director Eddington felt it was important to recognize that the Planning Commission was not looking at a lot by lot approval. This is a pre-MPD, which is where they determine initial compliance. If it moves forward to the MPD stage, there would be the requirement to determine full compliance with the General Plan. He referred to Finding of Fact #22 on page 98 of the Staff report, and noted that the Planning Commission would need to make that determination as well.

Planner Whetstone stated that the purpose of the pre-MPD is to hear feedback and direction from the Planning Commission so the applicant can work with that information and incorporate it into the MPD before they come back for the full MPD review.

Planner Whetstone referred to the findings she had prepared in the Staff report and suggested that Finding of Fact #21 was not factual and thought it could be deleted. She noted that the remaining findings were facts for the Planning Commission to consider, but not something the applicant is held to.

Commissioner Strachan stated that as they get further into the process as identified in the Staff report, it becomes harder and harder and the standards become more and more burdensome. If the Planning Commission is having difficulty with this first step, it will only get more difficult and it will be harder for the developer to meet the requirements of the LMC and mitigate the impacts. Commissioner Strachan remarked that if the Planning Commission finds initial compliance in hopes of resolving the issues at the next step, he was unsure if that would happen.

Chair Wintzer agreed with Commissioner Strachan’s comment, but if they do not move to the next stage, there is no way to judge whether or not it could be done. He concurred that if the applicant comes back with something similar to the concept plan, it would be difficult to go further. Planner Whetstone felt it would be easier because at that point the Planning Commission would see more details that would address their concerns. She believed the applicant should have the opportunity to submit the MPD application to see if they can address those concerns. Without moving past the pre-MPD stage, they cannot submit an application.

Commissioner Strachan stated that because the area was zoned CT, anything that could be built in that zone would not be compliant with the General Plan. However, because the zoning is in place, they need to live with that fact and have no choice but to find initial compliance. He believed the General Plan had been trumped by the zone. Commissioner Strachan remarked that even if they are forced to find initial compliance, he was unsure if compliance with the General Plan would be on the table at the MPD stage because the City obviated the General Plan with the CT zone.

Commissioner Savage felt the Planning Commission had the choice to deny the pre-MPD if they feel it is not compliant. Commissioner Strachan reiterated that the applicant has a vested right to at least the minimum allowed under the CT zone and nothing built in that zone would be compliant with the General Plan.

Commissioner Luskin stated that the CT zone is a density issue, but there is still historic

character, the resort concept, and other features that do not comply with the General Plan. If the Commissioners believes those issues are insurmountable, they logically cannot approve it.

Commissioner Strachan stated that if the zone has approval for CT development, the Planning Commission needs to view the General Plan within the context of the CT zone. Director Eddington stated that at this stage the Planning Commission should only look at initial compliance with the General Plan. However, if it moves to the next step, the Planning Commission would take a harder look at design, layout, and typical MPD requirements. The applicant would be required to meet the intent of the zone, as well as the requirements for the MPD. At that point the MPD must be consistent with the Land Management Code. Director Eddington noted that the applicant has expressed an interest in working pro-actively with the Planning Commission during work sessions. That opportunity would benefit the Commissioners and the applicant in terms of what is vested in the CT zone and what the Planning Commission feels is appropriate development based on the General Plan.

Director Eddington stated that the Staff would prepare a bullet-point list compiled from the direction given this evening, and the Planning Commission could refer to that list during the MPD process.

Chair Wintzer pointed out that the Planning Commission has the ability to correct the minutes before they are approved if they feel the discussion was inaccurately reflected.

Assistant City Attorney McLean stated that the goals of the General Plan outlined on Page 94 of the Staff report were open to individual interpretation, however, the Planning Commission would be voting as a whole. The City Council made a finding that a certain amount of density is allowed. In reading the General Plan there are broad strokes, but there is also discussion that new structures should blend in with the landscape. Therefore, a 20-story building to use up all the density would not comply with the General Plan and would not meet the LMC criteria. The input in terms of compliance should focus on whether the scheme initially complies with the broad strokes of the General Plan.

Chair Wintzer stated that some of these same issues were raised in the previous pre-MPD approval. He noted that the concept does not comply with every aspect of the General Plan, and they need to look at whether there is compliance with the general concept of the General Plan. Having gone through this process initially, he recognized that it is difficult to make that finding based on how the General Plan is written. Chair Wintzer also thought the definition of initial compliance was vague.

Commissioner Strachan hoped that the applicant would take the direction given this evening and come back with an MPD that comes close to compliance with the General Plan. He suggested that connectivity would be a good start. Commissioner Strachan stated that it would be difficult for him to find compliance with the General Plan because he sees many conflicts. He felt the Commissioners should follow the procedure and vote they way they needed to.

Commissioner Pettit favored striking Finding #21 as suggested by Planner Whetstone, primarily because there needs to be additional public benefit in addition to just meeting the affordable housing requirement. Commissioner Pettit suggested revising Finding of Fact #22 to read, "A

finding of **initial** compliance with the General Plan is required prior to submittal of applications...". She revised Findings of Fact #24 to read, "Planning Commission action for General Plan **initial** compliance does not constitute approval of a Conditional Use permit or Master planned Development."

Commissioner Pettit referred to the fifth bullet point under Condition of Approval #1, and added, "including but without limitations, public recreation areas." Commissioner Pettit referred to page 99, the tenth bullet point under Condition of Approval #1, and added "A housing needs assessment that directly addresses affordability."

Commissioner Hontz added an additional bullet point to Condition #1 to require a traffic study. As suggested by Planner Whetstone, Finding of Fact #26 was added to read, "Discussion from the Planning Commission meetings of August 11, 2010 shall be incorporated herein."

It was noted that Findings #10 and #11 were duplicates and that Finding #11 should be deleted. Deleting Findings 11 and 21, would change the number of Findings to 24.

Assistant City Attorney McLean requested that the Planning Commission better articulate how the MPD would comply in order to provide better direction to the applicant. Commissioner Luskin noted that based on the guidelines of initial compliance, the Planning Commission should articulate a big picture of their concerns and the applicant should come back with their interpretation of those concerns and how they were reconciled. He was not convinced that they could be reconciled.

MOTION: Commissioner Savaged made a motion to APPROVE the Park City Heights Pre-MPD application based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report and as amended. Commissioner Pettit seconded the motion.

VOTE: The motion passed 4-2. Commissioners Luskin and Strachan voted against the motion.

#### Findings of Fact - Park City Heights pre-MPD

1. The 239 acre Park City Heights Master Planned Development property is located within the Community Transition (CT) zoning district.
2. This property is subject to the Park City Heights Annexation plat and Annexation Agreement, including the Water Agreement, as approved by the Park City Council on May 27, 2010.
3. On April 9, 2008, the Planning Commission voted to forward a positive recommendation to the City Council on the 286.64 Park City Heights Annexation that included the 239 acre MPD property. A pre-MPD application was submitted with the revised annexation application on July 5, 2007 and reviewed by the Planning Commission and City Council as part of the annexation review.

4. The Planning Commission found the proposed annexation in compliance with the General Plan, with the caveat that the final MPD application addresses several areas of concern. Those areas of concern include 1) overall density (reduction of market units and limit on total units, including affordable units); 2) location of units on the site in consideration of sensitive lands; 3) better integration of the affordable units within the overall project; 4) enhanced entry area to better identify a neighborhood gathering area and sense of arrival; 5) sustainability and water conservation requirements; and 6) a greater overall design/appearance as a residential community that relates to park City's resort identity rather than as a "cookie cutter" suburban subdivision.
5. On November 12, 2009, Council approved a land purchase agreement to acquire a 50% interest in approximately 200 acres of the 239 acre annexation property.
6. On May 27, 2010, City Council voted to adopt an ordinance approved the Park City Heights Annexation approving an annexation agreement and water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres.
7. On June 17, 2010, the applicant provided an updated pre-MPD submittal, revising the July 5, 2007 application submitted with the revised annexation application. The revised application included a revised conceptual site plan, for a mixed residential development consisting of 239 dwelling units on 239 acres.
8. The pre-MPD application consists of 1) 160 market rate units in a mix of cottage units on smaller (6,000 to 8,00 sf lots) and single family detached units on 9,000 to 10,000 sf lots; 2) 44.78 Affordable Unit Equivalents configured in approximately 28 units to satisfy the IHC MPD affordable housing requirement; 3) 32 Affordable Unit Equivalents configured as approximately 16 units to meet the CT zone affordable housing requirement for Park City Heights; and 4) approximately 35 affordable units the City proposes to construct consistent with the stated public purposes in the acquisition of an ownership interest in the land.
9. Affordable housing units are proposed as a mix of stacked condominiums, townhouses, and cottage style units. The final configuration and mix will be determined prior to submittal of the MPD application.
10. The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including the extension to the Rail Trail.
11. Setbacks within the CT zone are twenty five feet (25') from the perimeter of the MPD property. The conceptual plan complies with these setback requirements.
12. The Planning Commission may approve decreased setbacks for individual lots within the MPD at the time of MPD and subdivision plat approval.

13. Approval of a final subdivision plat is a condition precedent to issuance of building permits.
14. A phasing plan and overall construction mitigation plan will be reviewed as part of the final MPD review.
15. Trails and linkages to trails shown on the City's Master Trail Plan will be reviewed as part of the final MPD review.
16. Residential development requires a Conditional Use Permit in the CT zone to be reviewed concurrently with the final MPD review.
17. Intermountain Health Care's affordable housing units were transferred to the Park City Heights property per the Park City Heights Annexation Agreement and the Intermountain Health Care/USSA/Burbridge Annexation Agreement.
18. Utilities, such as water, sewer, electricity, phone and cable will need to be extended to the site and a utility phasing plan will be reviewed as part of the final MPD review.
19. Access to the property is from Richardson's Flat Road, a public road, and the two upper estate lots have access from Sunridge Cove within the Hidden Oaks at Deer Valley Subdivision.
20. A finding of initial compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use permit.
21. Compliance with applicable criteria outlined in the Land Management Code, including the CT zone (Section 15-2.23) and MPD (Section 15-6) is required as part of the final MPD review.
22. Planning Commission action for General Plan initial compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.
23. The discussion in the Analysis section is incorporated herein.
24. The discussion from the Planning Commission meeting of August 11, 2010 shall be incorporated herein.

#### Conclusions of Law - Park City Heights pre-MPD

1. The pre-MPD application complies with the Land Management Code, Section 15-6-4(B) pre-application Public Meeting and Determination of Compliance.
2. The proposed pre-MPD application initially complies with the Park City General Plan, as

conditioned.

Conditions of Approval - Park City Heights pre-MPD

1. The following items shall be submitted with the MPD/DUP application, in addition to all required MPD submittal information:
  - A detailed site plan (lot layouts for development areas and phases, setbacks for individual lots and multi-family buildings, demonstration of the integration of affordable and market units) consistent with the General Plan elements;
  - preliminary Subdivision plat;
  - statement of architectural objectives and character, including architectural elevations, exterior materials/colors/details, and building height;
  - statement of green building objectives and compliance with annexation agreement requirements, including landscaping and water conservation objectives; consideration of additional land uses, such as allowed uses and amenities; including without limitation, public recreation areas.
  - parking and circulation objectives and plans (vehicular-street widths, pedestrian, trails, emergency vehicles, public transit, bike lockers, bus stops, etc.);
  - visual analysis from identified vantage points (revised to reflect proposed site plan);
  - phasing plan for development and extension of utilities and trails;
  - existing and final grading plan identifying cut and fill areas, grade retaining structures, storm water detention areas, etc.;
  - an affordable housing plan consistent with the Annexation Agreement describing unit sizes, configurations, rental and sale restrictions, occupancy requirements, etc, as well as a housing needs assessment that addresses affordability.
  - wildlife corridors and proposed mitigation for impacts to these corridors and additional information regarding mitigation for sage grouse habitat losses.
  - A traffic study is required.
2. All conditions of the Park City Heights Annexation Agreement, including the Water Agreement shall be complied with.

The Park City Planning Commission meeting adjourned at 9:10 p.m.

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



## **REGULAR AGENDA**



# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** McHenry Avenue  
**Author:** Katie Cattan  
**Application #:** PL-10- 01040  
**Date:** August 25, 2010  
**Type of Item:** Administrative – Zone Change

## Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the zone change for the east boundary of the HRL zone and SLO boundary between 310 to 350 McHenry Avenue based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

## Topic

**Applicant:** Planning Department  
**Location:** 310-350 McHenry Avenue  
**Zoning:** Historic Residential Low Density (HRL), Estate (E), and Sensitive Lands Overlay Zone (SLO)  
**Adjacent Land Use:** Residential  
**Reason for Review:** A zone change requires Planning Commission review and City Council approval

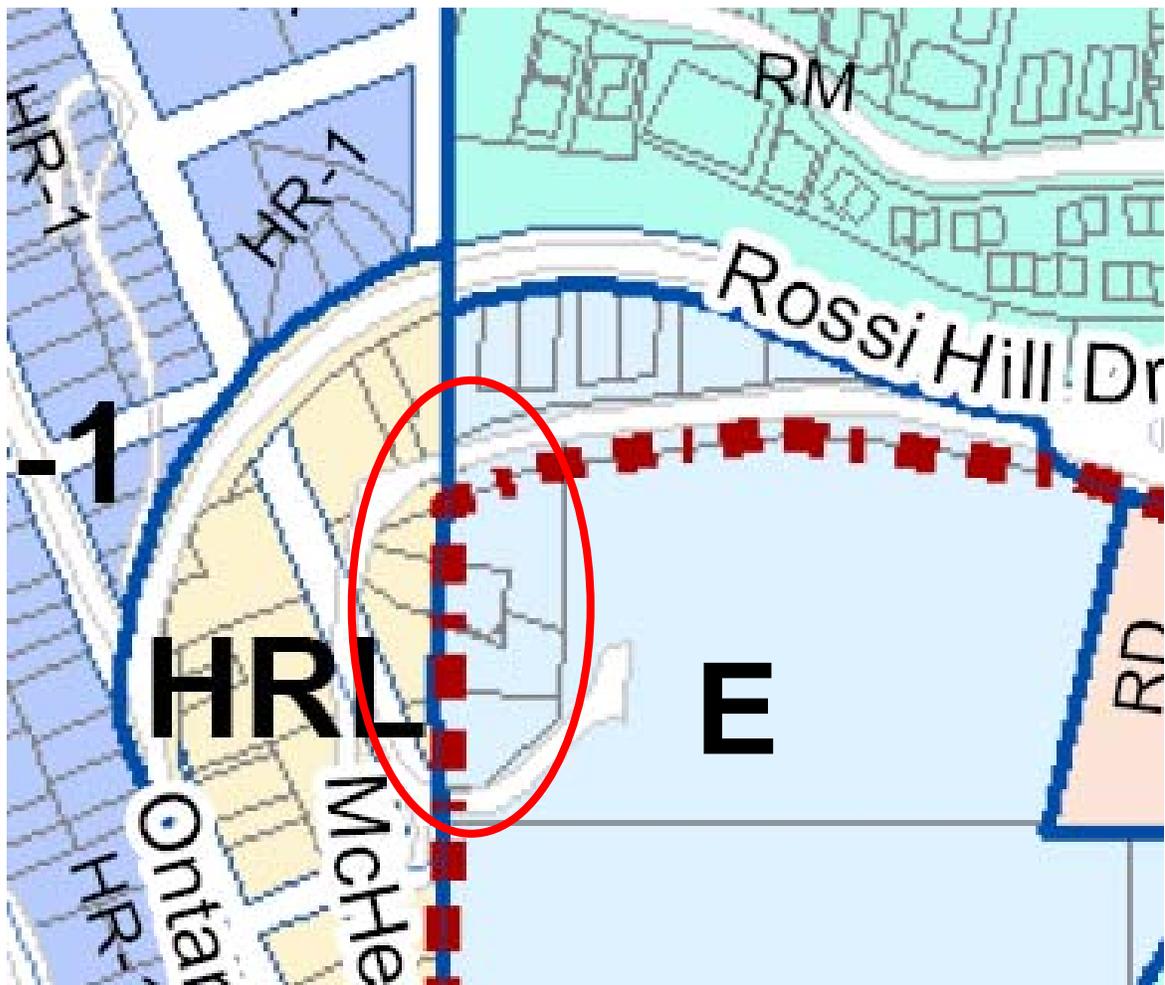
## Background

The Planning Department is requesting a zone change to reconcile the East boundary of the HRL zone along McHenry Avenue and remove the Sensitive Lands Overlay (SLO) designation from the HRL rezoned portion. The primary reason for the request is to change the zone boundary line to match the ownership property lines. Currently, there are four homes located at 310, 320, 330, and 350 McHenry Avenue that are split between the HRL zone and Estate zone.

The HRL zone was created in 1993 by the residents of McHenry Avenue in part to reduce the density allowed in the area under the previous HR1 zone. According to the Ordinance passed and adopted on August 26, 1983, the purpose of the HRL zone is “to provide an area of newer residential housing that is limited in density and land use to single-family structures, and which reduces the density of development in an area that is accessible only by substandard streets in terms of grade, width, or single access, so that these street are not further impacted by high density development beyond the reasonable carrying capacity. The district also serves to provide an area of lower density residential use within the old portion of Park City.”

When the zone was adopted, the description of the zone line followed the East property line of Block 61 of the Park City Survey. It did not follow the ownership boundary that exists within NW ¼ SW ¼ Section 15 of the Park City Survey. The property owners owned the parcels of land East of Block 61 in 1983. During the zone change, it was unknown to the owners that the boundary had been set

bisecting their property. The following map shows the existing zoning. The red dashed line is the existing Sensitive Lands Overlay boundary.



### **Analysis**

Currently, the owners of the properties at 310 – 350 McHenry Avenue have submitted a completed application for a subdivision to create four (4) lots of record which will clean up the lot lines. In reviewing the subdivision application, the Planning Staff found that the current zone line created confusion in application of the Land Management Code for these properties due to the zone line crossing through the existing homes. LMC Section 15-1-6(B) states “where the zoning district lines appear to have intentionally divided a lot or parcel between two (2) or more districts, the applicable zoning for each portion of the lot or parcel must be determined by using the scale shown on the map.”

Without this zone change any future improvements to these properties would have to follow the HRL zone lot and site requirements in the front yard and the Estate zone lot and site requirements in the back yard. With existing homes, the current zoning creates many instances of non-conformity. The Estate zone allows one unit per 3 acres and the HRL requires a minimum lot size of 3,750 sf.

None of the existing lots or proposed lots complies with the Estate zone. The Planning Department is processing an application for a subdivision plat that creates four (4) lots of record from the various platted lots and parcels for the 4 existing houses at 310- to 350 McHenry. The subdivision plat is being heard contemporaneously with this application. The zone change, if approved, will designate the four lots within the HRL zoning district in their entirety and remove the SLO overlay from the rezoned Estate portions.

The zone change would allow increased density on Lots 1, 3, and 4 due to the minimum lot size in the HRL zone. Staff recommends a condition of approval that a note shall be added to the plat as a condition precedent to recordation of the plat stating that there shall be only one house per Lot and the Lots shall not be re-subdivided. The applicants agree to this condition.

When the SLO zone was created it did not apply to Historic Zones, such as the HRL zone. There are no HRL zoned properties within the Sensitive Lands Overlay zone.

#### General Plan

The proposed rezone is consistent with the General Plan Historic Preservation Element in that Estate zoned property adjacent to the Historic District is being rezoned to HRL and will be subject to the Historic Design Guidelines and the Steep Slope criteria to ensure greater compatibility with the Historic District in terms of design, mass, and scale.

#### Minimum Lot Area and Maximum Building Footprint

The minimum lot area for a lot within the HRL zone is 3,750 square feet. The minimum lot area for a lot within the Estate zone is three (3) acres. All of properties comply with the minimum lot area for the HRL zone. None of the properties comply with the minimum lot area of the Estate zone.

Within the HRL zone, maximum building footprint is calculated based on the total area of the lot. There is no maximum building footprint regulation within the Estate zone. The Estate zone requires a 30 foot setback from all sides to regulate the building pad area.

Currently, all development on the lots has to comply with the regulations of each of the zones for the portions of the buildings within the subsequent zone. The square footage of the area of the lot in the HRL zone would be calculated to identify the maximum building footprint for that portion of the lot. Within the estate zone, development must comply with the setback requirements of 30 feet.

The existing homes do not comply with minimum lot area and setback requirements of the zones. The existing homes are Existing Non-Complying Structures. An existing non-complying structure is defined by the LMC (15-15-1.144) as:

A structure that:

- (A) legally existed before its current zoning designation; and

(B) because of the subsequent zoning changes, does not conform to the zoning regulation's setback, height restrictions, or other regulations that govern the structure.

No non-complying structure may be moved, enlarged, or altered, except in the manner provided in Section 15-9-6 of the LMC or unless required by law. By moving the HRL zone boundary lines to the East ownership boundary, the majority of the non-conformities will not exist.

The applicants agree to condition both the rezone and the subdivision plat with a no-build area for the 20' strip along the eastern property lines. They have also agreed that the no-build area shall not be included in the lot area for determination of footprint. The following charts explain the difference in footprint using the entire lot area and the lot area minus the no-build area.

<b>LOT 1 – 350 McHenry</b>		
	Lot Area	Footprint
Lot Area	15,324 sf	3,238 sf
Lot Area minus no build area	12,087 sf	3,118 sf

<b>LOT 2 – 330 McHenry</b>		
	Lot Area	Footprint
Lot Area	5908 sf	2119 sf
No no-build area on Lot 2)	5908 sf	2119 sf

<b>LOT 3 – 320 McHenry</b>		
	Lot Area	Footprint
Lot Area	9606 sf	2799 sf
Lot Area minus no build area	8445 sf	2627 sf

<b>LOT 4 – 310 McHenry</b>		
	Lot Area	Footprint
Lot Area	7684 sf	2494 sf
Lot Area minus no build area	7108 sf	2383 sf

Setbacks

The following charts explain the zoning requirements for the setbacks in the applicable zone and the existing conditions for each property.

<b>LOT 1 – 350 McHenry</b>
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	HRL	ESTATE	EXISTING
Front Yard	15'	N/A	38' (complies)
Side Yard	10' minimum 24' combined		30' each side (complies)
Side Yard		30' minimum for each side	30' North Side (complies) 23' South Side (existing non-complying)
Rear Yard	N/A	30' minimum	56' complies

<b>LOT 2 – 340 McHenry</b>			
	HRL	ESTATE	EXISTING
Front Yard	15'	N/A	65' (complies)
Side Yard	5' minimum 14' combined		8' North Side (complies) 22' South Side (complies)
Side Yard		30' minimum for each side	8' North Side (existing non-complying) 20' South Side (existing non-complying)
Rear Yard	N/A	30' minimum	32' (complies)

<b>LOT 3 – 330 McHenry</b>			
	HRL	ESTATE	EXISTING
Front Yard	15'	N/A	23' (complies)
Side Yard	5' minimum 18' combined		3' North Side (existing non-complying) 11' South Side (existing non-complying)
Side Yard		30' minimum for each side	3' North Side (existing non-complying) 6' South Side (existing non-complying)
Rear Yard	N/A	30' minimum	80' complies

<b>LOT 4 – 320 McHenry</b>			
	HRL	ESTATE	EXISTING
Front Yard	N/A	30'	16' (complies)
Side Yard		30' minimum for each side	6' North Side (existing non-complying) 12' South Side (existing non-complying)
Rear Yard	N/A	30' minimum	19' (existing non-complying)

**Department Review**

The Planning Department has reviewed this request. The request was discussed at a Development Review Meeting where representatives from local utilities and City Staff were in attendance. No further issues were brought up at that time.

### **Notice**

Notice of this hearing was sent to property owners within 300' on July 28, 2010. Legal notice was also put in the Park Record and the property was posted.

### **Public Input**

At the time of writing this report, staff has not received any public input.

### **Alternatives**

1. The Planning Commission may forward a positive recommendation to the City Council for the zone change for the east boundary of the HRL zone and SLO boundary between 310 to 350 McHenry Avenue as conditioned or amended; or
2. The Planning Commission may forward a negative recommendation to the City Council for the zone change for the east boundary of the HRL zone and SLO boundary between 310 to 350 McHenry Avenue and direct staff to make Findings for this decision; or
3. The Planning Commission may continue the discussion for the zone change for the east boundary of the HRL zone and SLO boundary between 310 to 350 McHenry Avenue.

### **Significant Impacts**

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

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

The zone would remain Estate with the Sensitive Lands Overlay (SLO) designation.

### **Recommendation**

Staff recommends that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the zone change for the east boundary of the HRL zone and the change to the SLO boundary between 310 to 350 McHenry Avenue based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

### **Exhibits**

Ordinance

Exhibit A – Legal description of the zone change area and outline

**Ordinance No. 10-**

**AN ORDINANCE APPROVING THE CHANGE OF THE EAST BOUNDARY OF THE HISTORIC RESIDENTIAL LOW-DENSITY (HRL) ZONE AND THE SENSITIVE LANDS OVERLAY (SLO) ZONE FROM 310 - 350 MCHENRY AVENUE OF PARK CITY, UTAH**

**WHEREAS**, the Planning Staff has petitioned the City Council for approval of a Zone boundary change for the HRL zoning district along the east property boundary of the properties of 310 – 350 McHenry Avenue changing the Estate (E) zoned portions to Historic Residential Low Density (HRL) and removing the Sensitive Lands Overlay (SLO) designation from HRL zoned portions; and

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

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

**WHEREAS**, the Planning Commission held a public hearing on August 25, 2010 to receive input on zone boundary change; and

**WHEREAS**, the Planning Commission, on August 25, 2010, forwarded a positive recommendation to the City Council; and

**WHEREAS**, on September 16, 2010 the City Council conducted a public hearing regarding the Zone boundary change for the HRL and SLO zoning districts along the east property boundary of the properties of 310 – 350 McHenry Avenue; and

**WHEREAS**, it is in the best interest of Park City Utah to approve a Zone boundary change for the HRL and SLO zoning districts along the east property boundary of the properties of 310 – 350 McHenry Avenue.

**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 zone boundary change for the HRL and SLO zoning districts along the east property boundary of the properties of 310 – 350 McHenry Avenue, as described in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Condition of Approval:

**Findings of Fact:**

1. Currently, there are four homes located at 310, 320, 330, and 350 McHenry Avenue that are located within three zoning districts, namely the Historic Residential Low-Density (HRL) zone, the Estate (E) zone and the Sensitive

- Lands Overlay Zone (SLO) that currently exists as an overlay on the Estate (E) zoned portion.
2. The Planning Department is requesting a zone change to move the HRL and SLO boundary line to the East boundary of the above properties replacing the Estate zoned portion with HRL. The primary reason for the request is change the zone boundary line to match the ownership property lines.
  3. There are no existing HRL properties with the sensitive lands overlay (SLO) designation.
  4. The HRL zone was in part created by the residents of McHenry Avenue to specifically reduce the density allowed in the area under the previous HR1 zone.
  5. When the HRL zone was adopted, the description of the zone line followed the East property line of Block 61 of the Park City Survey. It did not follow the ownership boundary that exists within NW ¼ SW ¼ Section 15 of the Park City Survey. The property owners of 310, 320, 330, and 350 McHenry Avenue owned the parcels of land East of Block 61 in 1983. These parcels were zoned Estate.
  6. LMC Section 15-1-6(B) states “where the zoning district lines appear to have intentionally divided a lot or parcel between two (2) or more districts, the applicable zoning for each portion of the lot or parcel must be determined by using the scale shown on the map.”
  7. If the rezone is not approved, any future improvements to these properties would have to follow the HRL zone lot and site requirements in the front yard and the Estate zone lot and site requirements in the back yard. With existing homes, the current zoning creates many instances of non-conformity.
  8. No non-complying structure may be moved, enlarged, or altered, except in the manner provided in Section 15-9-6 of the LMC or unless required by law. By moving the HRL and SLO zone boundary lines to the East ownership boundary, the majority of the non-conformities will not exist, due to the decreased setback requirements in the HRL. The structures will be more compliant with the zone.
  9. The zone change would allow increased density on Lots 1, 3, and 4 due to the minimum lot size in the HRL zone. Staff recommends a condition of approval that a note shall be added to the subdivision plat being reviewed concurrently with this zone change that that there shall be only one house per Lot and the Lots shall not be re-subdivided. The applicants agree to this condition.
  10. Notice for this application was sent to all property owners within 300' of the affected properties and was noticed in the Park Record.
  11. The Park City Zoning Map shall be amended at the time of Council Action.
  12. The Findings in the Analysis section are incorporated herein

Conclusions of Law:

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

4. The rezone is consistent with the Park City General Plan.

Condition of Approval:

1. The eastern most 20' of the properties subject to this rezone shall be designated as a no-build area and this area shall not be included in the Lot Area used to calculate maximum Building Footprint for these properties.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of September, 2010.

PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

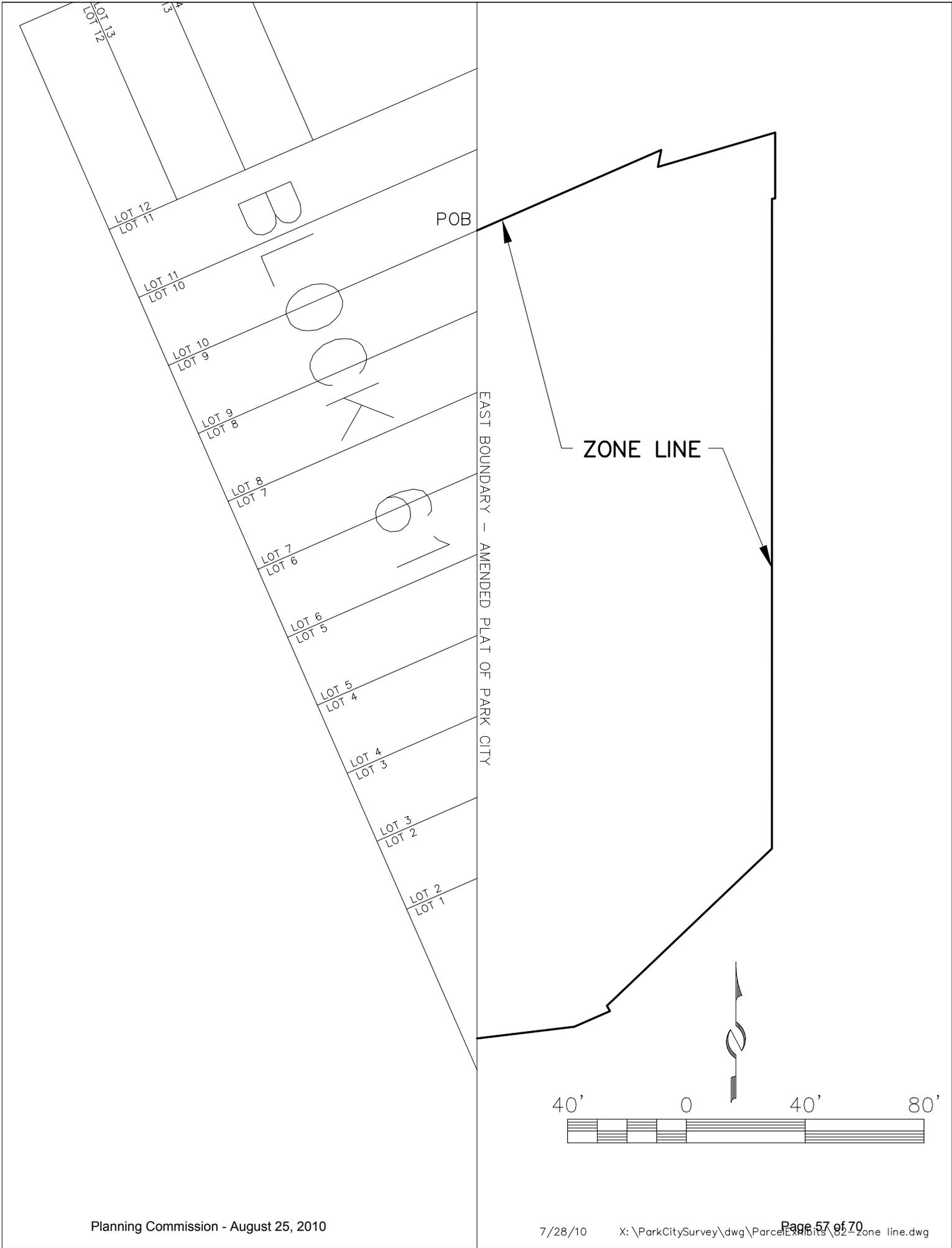
\_\_\_\_\_  
Mark D. Harrington, City Attorney

ZONE LINE  
July 28, 2010

Located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

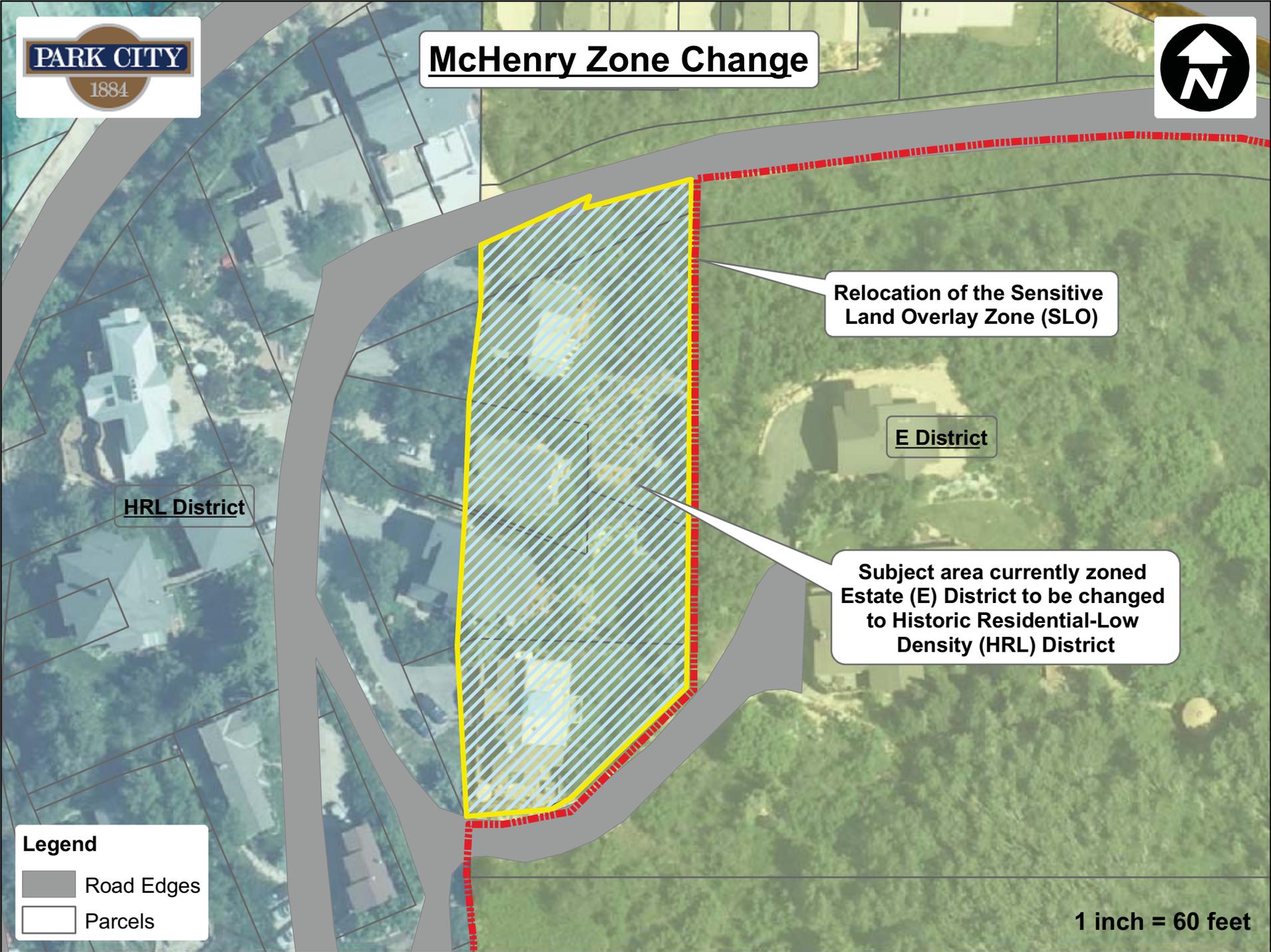
Beginning at the northeast corner of Lot 9, Block 61, Amended Plat of Park City, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence North  $66^{\circ}22'00''$  East 67.71 feet; thence South  $11^{\circ}13'46''$  West 5.85 feet; thence North  $73^{\circ}38'49''$  East 41.16 feet; thence South 22.18 feet; thence South  $82^{\circ}39'46''$  West 1.08 feet; thence South  $00^{\circ}00'21''$  West 218.95 feet; thence South  $46^{\circ}21'52''$  West 76.77 feet; thence South  $29^{\circ}53'59''$  East 2.08 feet; thence South  $66^{\circ}22'00''$  West 13.13 feet; thence South  $83^{\circ}08'23''$  West 32.98 feet to the easterly boundary of the Amended Plat of Park City and terminating.

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# McHenry Zone Change



Relocation of the Sensitive Land Overlay Zone (SLO)

E District

Subject area currently zoned Estate (E) District to be changed to Historic Residential-Low Density (HRL) District

HRL District

**Legend**

- Road Edges
- Parcels

1 inch = 60 feet

## Planning Commission Staff Report



**Subject:** Rossi Hill Subdivision  
**Author:** Katie Cattan  
**Application:** PL-10-00983  
**Date:** August 25, 2010  
**Type of Item:** Administrative – Subdivision

### **Summary Recommendations**

Staff recommends that the Planning Commission review the Rossi Hill Subdivision application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for the subdivision according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached draft ordinance.

### **Topic**

**Applicant:** Mary Wintzer, Alvarez ,etc represented by Mary Wintzer  
**Location:** 310, 320, 330, and 350 McHenry Avenue  
**Zoning:** Historic Residential Low-density (HRL) and Estate (E) with Sensitive Lands Overlay (SLO) on the Estate portion.  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Subdivisions require Planning Commission review and City Council approval

### **Background**

On June 3, 2010, the City received a completed application for a Subdivision for the existing properties at 310, 320, 330, and 350 McHenry Avenue. The proposed subdivision creates four (4) lots of record from combining Lots 1-9 of Block 61, Amended Plat of the Park City Survey and four (4) adjacent metes and bounds parcels (Exhibits A and B).

The proposed plat amendment creates four (4) lots of record within the HRL and Estate zoning districts. The Sensitive Lands Overlay (SLO) exists on the Estate portions. The properties are bifurcated by two zoning districts. The Historic Residential Low-Density (HRL) zone is toward the front of each property and the Estate Zone with the SLO overlay exists in the rear of each property. LMC Section 15-1-6(B) states “where the zoning district lines appear to have intentionally divided a lot or parcel between two (2) or more districts, the applicable zoning for each portion of the lot or parcel must be determined by using the scale shown on the map.” (Exhibit C)

None of the existing or proposed lots comply with the Estate zone. The Planning Department is processing an application for a zone change at this location which is being heard contemporaneously with this application. The zone change, if

approved, will designate the four lots entirely within the HRL zoning district and will remove the SLO overlay from the previously zoned Estate portions. When the SLO zone was created it did not apply to the Historic Zones, such as the HRL zone. There are no other HRL properties with the SLO designation. The HRL properties are subject to the Steep Slope CUP criteria per the Land Management Code.

Analysis of this subdivision application is based on approval of the zone change. During the Planning Commission and City Council review of these items, the zone change application will be heard prior to the subdivision application on the agenda. If either board does not favor the zone change, the subdivision application will need to be continued in order for the staff analysis to be modified to the review authorities' direction.

The zone change would allow increased density on Lots 1, 3, and 4 due to the minimum lot size in the HRL zone. Staff recommends a condition of approval that a note shall be added to the plat as a condition precedent to recordation of the plat stating that there shall be only one house per Lot and the Lots shall not be re-subdivided. The applicants agree to this condition.

There is an existing home on each of the proposed lots. The four existing homes are not historic. The proposal is to remove the platted lot lines and create new lot lines to reflect the current property ownership and location of existing McHenry Avenue. The new subdivision will clean up the property lines, create four lots of record, and dedicate ROW for McHenry Avenue. The subdivision plat will remove lot lines that currently exist under these houses and will memorialize deed lines from various quit claim deeds and transfers that have occurred between property owners.

No building plans have been proposed by the applicant. All future applications must comply with the Land Management Code and the Historic District Design Guidelines.

**Analysis**

Staff has reviewed each of the proposed lots and existing structures for compliance with the HRL zoning district. The minimum lot size requirement for the HRL zoning district is 3,750 sf. The minimum lot width in the HRL zone is thirty-five feet (35') measured fifteen feet (15') back from the front property line. All of the proposed lots comply with the minimum lot size and minimum lot width of the HRL zone.

The following charts explain the zoning requirements for the setbacks in the applicable zone and the existing conditions for each property.

<b>LOT 1 – 350 McHenry</b>		
	<b>HRL</b>	<b>EXISTING</b>
<b>Lot Area</b>	3750 sf minimum	15,324 sf (complies)

Front Yard	15 ‘	38’ (complies)
Side Yards	10’ minimum 24’ combined	30’ each side (complies), 60’ combined (complies)
Rear Yard	15’	56’ (complies)

<b>LOT 2 – 330 McHenry</b>		
	HRL	EXISTING
Lot Area	3750 sf minimum	5,908 sf (complies)
Front Yard	15 ‘	65’ (complies)
Side Yards	5’ minimum 14’ combined	8’ North Side (complies) 22’ South Side (complies) 30’ combined (complies)
Rear Yard	15’	32’ (complies)

<b>LOT 3 – 320 McHenry</b>		
	HRL	EXISTING
Lot Area	3750 sf minimum	9606 sf (complies)
Front Yard	15 ‘	23’ (complies)
Side Yards	5’ minimum 18’ combined	3’ North Side (existing non-complying) 11’ South Side (complies) 14’ combined (existing non-complying)
Rear Yard	15’	80’ complies

<b>LOT 4 – 310 McHenry</b>		
	HRL	EXISTING
Lot Area	3750 sf minimum	7684 sf
Front Yard	12 ft	16’ (complies)
Side Yard	10’ minimum 24’ combined	6’ North Side (existing non-complying) 12’ South Side (complies) 18’ combined (existing non-complying)
Rear Yard	13 ft	19’ (complies)

Two of the existing homes (320 McHenry and 310 McHenry) do not comply with the side setback requirements of the zone. They are existing non-complying structures constructed prior to the current setback requirements. The plat does not change the degree of non-compliance however the rezone does make the lots more compliant because the setback requirements are decreased.

An existing non-complying structure is defined by the LMC (15-15-1.144) as:  
 A structure that:

- (A) Legally existed before its current zoning designation; and
- (B) Because of the subsequent zoning changes, does not conform to the zoning regulation’s setback, height restrictions, or other regulations that govern the structure.

No non-complying structure may be moved, enlarged, or altered, except in the manner provided in Section 15-9-6 of the LMC or unless required by law. Based on the foregoing, the existing homes are Existing Non-Complying Structures.

The applicants have proposed a cross-hatched area along the east side of the subdivision. This area is twenty (20) feet in depth from the west property line on Lots 1, 3 and 4. The applicant is proposing that this area be a no-build area in which no structures may be erected. The applicant has also suggested that this area should not be included in the maximum footprint calculation. Within the HRL zone, maximum building footprint is calculated based on the total area of the lot. The applicant has created plat note #2 which states “The cross-hatched area along the east side of the property is designated as a no-build in which no structures may be erected. This area shall not be included in the maximum footprint calculation.” The following charts show the difference in maximum building footprints when this area is not included in the calculation.

<b>LOT 1 – 350 McHenry</b>		
	Lot Area	Footprint
Existing	15,324 sf	3,238 sf
Existing minus No build area	12,087 sf	3,118 sf

<b>LOT 2 – 330 McHenry</b>		
	Lot Area	Footprint
Existing	5908 sf	2119 sf
Existing minus No build area	5908 sf	2119 sf

<b>LOT 3 – 320 McHenry</b>		
	Lot Area	Footprint
Existing	9606 sf	2799 sf
Existing minus No build area	8445 sf	2627 sf

<b>LOT 4 – 310 McHenry</b>		
	Lot Area	Footprint
Existing	7684 sf	2494 sf
Existing minus No build area	7108 sf	2383 sf

The owners of Lot 1 at 350 McHenry would like to obtain the City owned parcel of land (shown as the “quit claim” parcel in the northeast corner of the plat) that exists between their property and McHenry Avenue. Final determination of the quit claim parcel shall be made by the City Council. The 816.12 square foot parcel is located upon a steep slope and is not anticipated to be utilized for future City projects. If approved by the Council the quit claim shall be executed prior to recordation of this plat. If the quit claim parcel is included in Lot 1, it is recommended that the plat be conditioned as follows:

- The quit claimed parcel shall not be utilized for access;
- The quit claimed parcel shall not have any structure(s) built upon it;
- The quit claimed parcel shall not be included in any calculation for building footprint now or in the future; and

A portion of the owner’s property is within the existing McHenry Avenue. The subdivision application dedicates all of the existing McHenry Avenue portions of the lots as street right-of-way to the City. The ROW dedication from Lot 1 totals 976.52 square feet.

There is a small 372 square foot parcel of land that is located on the opposite side of McHenry Avenue. This is a meditation garden. The land is owned by the owners of Lot 1. This is a non-developable parcel that does not count into the maximum building footprint for any of the Lots. Staff recommends that the plat identify this parcel as a non-developable parcel that does not count in the Lot Area of any of the Lots and provide a legal description of it on the plat.

Staff finds good cause for this subdivision as the lot lines will reflect the property boundaries and ownership between the existing homes, remove lot lines that exist beneath existing houses, and memorialize various deed transfers that have occurred in the past. Also, the property within existing McHenry Avenue will become official City street right-of-way.

#### **Department Review**

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a development review meetings where representatives from local utilities and City Staff were in attendance.

#### **Notice**

Notice of this hearing was sent to property owners within 300 feet and the property was posted 14 days prior to the Planning Commission meeting. Legal notice was also placed in the Park Record.

#### **Public Input**

No comments have been received by staff at the date of this writing.

### **Alternatives**

1. The Planning Commission may forward a positive recommendation to the City Council for Rossi Hill Subdivision as conditioned or amended; or
2. The Planning Commission may forward a negative recommendation to the City Council for the Rossi Hill Subdivision and direct staff to make Findings for this decision; or
3. The Planning Commission may continue the Rossi Hill Subdivision.

### **Significant Impacts**

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

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

The lots would remain as is, the houses would non-compliant with respect to lot lines, and future building permits for additions could not be obtained by the owners.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing the Rossi Hill Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

### **Exhibits**

Ordinance

Exhibit A- Proposed Subdivision plat

Exhibit B- Survey

Exhibit C- Zoning Map

**Ordinance No. 10-**

**AN ORDINANCE APPROVING THE ROSSI HILL SUBDIVISION LOCATED WITHIN LOTS 1-9 OF BLOCK 61 OF THE PARK CITY SURVEY AND NINE PARCELS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN IN PARK CITY, SUMMIT COUNTY, UTAH**

**WHEREAS**, the owners of the properties known as 310, 320, 330, and 350 McHenry Avenue, have petitioned the City Council for approval of a Plat Amendment for the existing lots 1-9 of Block 61 of the Park City Survey and nine parcels of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian in Park City, Summit County, Utah; and

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

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

**WHEREAS**, the Planning Commission held a public hearing on August 25, 2010, to receive input on the Rossi Hill Subdivision; and

**WHEREAS**, the Planning Commission, on August 25, 2010, forwarded a positive recommendation to the City Council; and

**WHEREAS**, on \_\_\_\_\_, 2010, the City Council conducted a public hearing on the Rossi Hill Subdivision; and

**WHEREAS**, it is in the best interest of Park City, Utah to approve the Rossi Hill 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 Rossi Hill 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 310, 320, 330, and 350 McHenry Avenue within the HRL zoning district.
2. The Plat Amendment is for the existing lots 1-9 of Block 61 of the Park City Survey and nine parcels of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian in Park City, Summit County, Utah.

3. The proposed Plat Amendment will create four (4) platted lots of record. The minimum lot area in the HRL zoning district is 3750 square feet. The minimum lot width in the HRL zone is 35 feet. Each of the four (4) lots complies with the minimum lot area and the minimum lot width of the HRL zone.
4. There is an existing non-historic home located on each of the proposed lots and the density is not increased with this subdivision. One home is allowed per lot.
5. The neighborhood is characterized by single family and multi-family homes.
6. A right of way dedication of 976.52 square feet will be dedicated to the City upon recordation.
7. The Planning Department is processing an application for a zone change at this location. The existing lots are split within two zones, Estate and HRL. The zone change, if approved, will designate the four lots within the HRL zoning district in their entirety.
8. The applicant has proposed a cross-hatched area along the east side of the subdivision. This area is twenty (20) feet in depth from the property line. The applicant is proposing that this area be a no-build area in which no structures may be erected. This area may not be included in the maximum footprint calculation.
9. All findings within the Analysis section are incorporated herein.

#### Conclusions of Law:

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

#### Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A ten foot wide public snow storage easement may be required along the front of the property. The City Engineer will make a final determination during his review and approval of the plat prior to recordation.
4. No remnant parcels are separately developable and a note shall be included on the plat indicating this.
5. The mediation parcel shall be legally described on the plat and a note shall indicate that it is not a developable parcel and that the area of the parcel shall not be used in the calculation of maximum building footprint for any of the lots.
6. As a condition precedent to recordation plat notes shall be added to the plat stating the following:

- The cross-hatched area along the east side of the property is designated as a no-build in which no structures may be erected. This area shall not be included in the maximum building footprint calculations.
  - The quit claimed parcel shall not be utilized for access;
  - The quit claimed parcel shall not have any structure(s) built upon it;
  - The quit claimed parcel shall not be included in any calculation for building footprint now or in the future.
  - The meditation parcel is not a developable parcel and the area of the parcel shall not be included in calculations for building footprint for any of the lots.
7. If the sale of the quit claim parcel is not executed and sold to the owner of Lot 1 prior to plat recordation, then the quit claim parcel will be removed from the plat.
8. A note shall be added to the plat as a condition precedent to recordation of the plat stating that there shall be only one house per Lot and the Lots shall not be re-subdivided.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of September 2010.

PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

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

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as ROSS HILL SUBDIVISION, do hereby certify that they have caused this Plat to be prepared, and Matt Alvarez, Jr. and Helen Alvarez, husband and wife as joint tenants, as to Parcels 1A, 1B, 1C, 1D, 1E, 1F, and 1G, do hereby consent to the recording of this Plat.

Also, the owners, or their representative, hereby irrevocably offer for dedication to the City of Park City the area shown on the plat in accordance with the parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Matt Alvarez, Jr., Owner  
Helen Alvarez, Owner

**ACKNOWLEDGMENT**

A Notary Public commissioned in Utah

Printed Name \_\_\_\_\_  
Residing in \_\_\_\_\_, State of \_\_\_\_\_, County of \_\_\_\_\_, ss:  
My commission expires \_\_\_\_\_.

**DEED DESCRIPTIONS**

PARCEL 1A  
Lot 9, Block 61, Amended Plat of Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 1B  
All of Lots 3, 4, 5, and that part of 6, 7 and 8 situated easterly of the existing roadway, all located in Block 61 of the Park City Survey.

Also beginning at a point on the west boundary of Lot 2208 Mayflower Millsite, that is North 106.6 feet from the southwest corner of Mayflower Millsite, Lot 2208, and also being the southeast corner of Lot 3, Block 61 of Park City Survey, and running thence North 66°22' East 50.0 feet; thence North 163.7 feet; thence South 66°22' West 50.0 feet to a point on the west boundary of Mayflower Millsite Lot 220 8, which is 90.0 feet from the northeast corner of Lot 8, Block 61, Park City Survey; thence South 163.7 feet to the place of beginning.

Less and excepting the following three descriptions: (Exception 1)

Lot 1, 330 Mayberry Subdivision, according to the official plat thereof, recorded March 15, 2000 as Entry No. 561293 of the Official Records in the Office of the Summit County Recorder.

(Exception 2)

Beginning of a point which is North 23°38' West 5.0 feet from the southwest corner of Lot 3, Block 61, Amended Plat of Park City Survey, located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 23°38' West 101.58 feet to the point on a curve to the right on the east line of an existing road, the center of said curve being South 83°07' East 125.0 feet; thence northeasterly along the arc of said curve and east line 13.78 feet; thence South 49°07' East 40.85 feet; thence South 70°42' East 99.07 feet; thence North 30.85 feet; thence South 78°40' East 50.99 feet; thence South 55.8 feet; thence North 97.46 feet; thence South 72°74' West 40.46 feet to the true point of beginning.



LINE	BEARING	DISTANCE
L1	S 11°13'46" W	5.85
L2	SOUTH	22.16
L3	S 82°39'46" W	1.08
L4	S 29°53'59" E	2.08
L5	N 66°22'00" E	13.13
L6	N 23°38'00" W	25.00
L7	N 33°22'42" E	8.26
L8	S 54°23'24" E	10.85
L9	N 45°04'00" E	9.27
L10	N 51°53'46" E	4.47
L11	S 73°31'01" E	6.28
L12	N 69°29'52" E	2.85
L13	N 70°43'00" E	16.91

CURVE	RADIUS	LENGTH	DELTA
C1	125.00	61.39	28°08'16"
C2	125.00	13.75	08°10'00"
C3	125.00	27.08	12°24'45"
C4	125.00	20.56	09°25'22"
C5	70.19	40.45	33°01'01"

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as ROSS HILL SUBDIVISION, do hereby certify that they have caused this Plat to be prepared, and Mary Wintzer and Charles Wintzer, Trustees of the Wintzer Clippin Organ Construction, Inc. Profit Sharing Plan under Trust Agreement dated January 1, 2006. Trust Identification Number 48-1286070, as to Parcel 2, do hereby consent to the recording of this Plat.

Also, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Mary Wintzer, Trustee  
Charles Wintzer, Trustee

**ACKNOWLEDGMENT**

A Notary Public commissioned in Utah

Printed Name \_\_\_\_\_  
Residing in \_\_\_\_\_, State of \_\_\_\_\_, County of \_\_\_\_\_, ss:  
My commission expires \_\_\_\_\_.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as ROSS HILL SUBDIVISION, does hereby certify that she has caused this Plat to be prepared, and L. Mary Margaret Erdos, as to Parcel 3, do hereby consent to the recording of this Plat.

Also, the owner or her representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Mary Margaret Erdos, Owner

**ACKNOWLEDGMENT**

A Notary Public commissioned in Utah

Printed Name \_\_\_\_\_  
Residing in \_\_\_\_\_, State of \_\_\_\_\_, County of \_\_\_\_\_, ss:  
My commission expires \_\_\_\_\_.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as ROSS HILL SUBDIVISION, does hereby certify that she has caused this Plat to be prepared, and Mary C. Wintzer, Trustee, as to Parcel 3A, do hereby consent to the recording of this Plat.

Also, the owner or her representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Mary C. Wintzer, Trustee

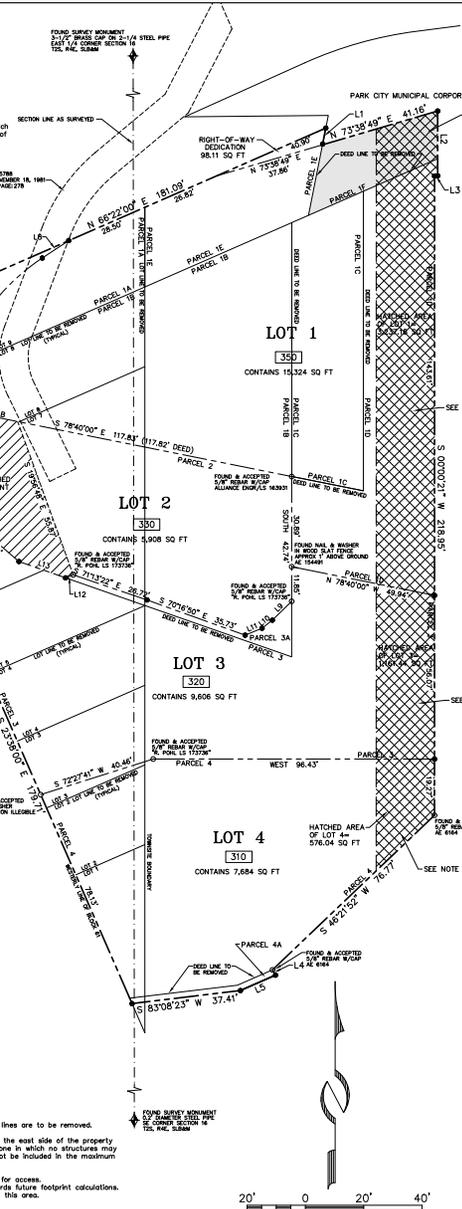
**ACKNOWLEDGMENT**

A Notary Public commissioned in Utah

Printed Name \_\_\_\_\_  
Residing in \_\_\_\_\_, State of \_\_\_\_\_, County of \_\_\_\_\_, ss:  
My commission expires \_\_\_\_\_.

**LEGEND**

- Found survey monument
  - Property corner to be set
  - Found rebar & cap, unless otherwise noted
  - Street address on Mayberry Avenue
- NOTE
- All internal lot lines and deed lines are to be removed.
  - The cross-hatched area along the east side of the property is designated as a non-build zone in which no structures may be erected. This area shall not be included in the maximum footprint calculation.
  - This area may not be utilized for access. This area may not count towards future footprint calculations. No structures may be built on this area.



**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 as the undersigned, I have prepared this Record of Survey map of ROSS HILL SUBDIVISION and that the same has been and 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 \_\_\_\_\_

**DEED DESCRIPTIONS (CONTINUED)**

PARCEL 1B (CONTINUED)

(Exception 3)

Beginning at the most southerly corner of Lot 1, Block 61, Amended Plat of Park City Survey and running thence North 23°38' West 88.83 feet; thence North 72°27'41" East 40.46 feet; thence East 97.46 feet; thence South 49.72 feet; thence South 66°27' West 109.28 feet to the point of beginning.

PARCEL 1C

Beginning at a point North 66°22' East 50.00 feet and North 76.79 feet from the southeast corner of Lot 3, Block 61, Amended Plat of Park City Survey, Utah and running thence North 86.85 feet; thence North 66°22' East 26.76 feet; thence South 102.59 feet; thence North 78°40' West 25.00 feet to the point of beginning.

PARCEL 1D

Beginning at a point North 66°22' East 50.00 feet and North 46.795 feet from the southeast corner of Lot 3, Block 61, Amended Plat of Park City Survey, located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 30.85 feet; thence North 78°40' East 25.48 feet; thence North 102.59 feet; thence North 66°22' East 27.82 feet; thence North 149.795 feet; thence North 78°40' West 50.99 feet to the point of beginning.

PARCEL 1E

A parcel of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point South 23°38'00" East 63.73 feet and East 22.74 feet from the northeast corner of Lot 12, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being the northeasterly corner of 300 Mayberry Avenue (Recorded and running thence North 66°22'00" East 25.00 feet; thence along the northerly boundary of said 300 Mayberry Avenue the following two (2) courses: (1) easterly along the arc of said curve retaining said angle of 0°00'46"; thence North 83°14'00" East (record) 35.73 feet to a point on the westerly boundary of said parcel South 23°38'00" East 2.85 feet; thence South 71°32'00" East 28.72 feet; thence South 143.97 feet; thence North 78°40'00" West 1.11 feet to the westerly boundary of said parcel South 23°38'00" East 1.47 feet; thence along said westerly boundary North 02°00'21" East (North 02°34'35" East record) 143.81 feet to the point of beginning.

PARCEL 1F

A parcel of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the northeasterly corner of Lot 9, Block 61, 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 North 66°22'00" East 47.71 feet to the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 30.47 feet; thence South 66°22'00" East 12.24 feet to the southeasterly corner of Lot 9, Block 61; thence along the easterly boundary of said Lot 9, Block 61 North 27.59 feet to the point of beginning.

PARCEL 2

A parcel of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 3

At lot 1, 330 Mayberry Subdivision, according to the Official Plat thereof, recorded March 15, 2000 as Entry No. 561293 of the Official Records in the Office of the Summit County Recorder.

Excepting therefrom the following:

A portion of Lot 1, 330 Mayberry Subdivision, according to the Official Plat thereof, recorded March 15, 2000 as Entry No. 561293 of the Official Records in the Office of the Summit County Recorder, more particularly described as follows:

Beginning at the southeast corner of Lot 6, Block 61 of the Amended Plat of Park City Survey, located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 83°07' East 37.44 feet along the back of an existing retaining wall; thence North 66°22'00" West 35.84 feet; thence North 23°38'00" West 10.80 feet to the point of beginning.

PARCEL 4

Beginning at the most southerly corner of Lot 1, Block 61, Amended Plat of Park City Survey and running thence North 23°38' West 88.83 feet; thence North 72°27'41" East 40.46 feet; thence East 97.46 feet; thence South 49.72 feet; thence South 66°27' West 109.28 feet to the point of beginning.

Excepting therefrom the following parcels:

(Exception 4)

Beginning at a point which is North 23°38'00" East (South 23°38'00" East actual) 73.15 feet from the southwest corner of Lot 3, Block 61 of the Amended Plat of Park City Survey, located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 83°07' East 37.44 feet along the back of an existing retaining wall; thence North 66°22'00" West 35.84 feet; thence North 23°38'00" West 10.80 feet to the point of beginning.

PARCEL 4A

A parcel of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point South 23°38'00" East 36.04 feet and East 53.18 feet from the northeast corner of Lot 12, Block 61, Park City Survey, according to the Official Plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of said 300 Mayberry Avenue (Recorded and running thence North 66°22'00" East 25.00 feet; thence along the northerly boundary of said 300 Mayberry Avenue the following two (2) courses: (1) North 45°21'52" East (North 46°56'06" East record) 76.77 feet; thence North 29°53'59" West 2.08 feet to the point of beginning.

PARCEL 4B

A parcel of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point South 23°38'00" East 36.04 feet and East 53.18 feet from the northeast corner of Lot 12, Block 61, Park City Survey, according to the Official Plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of said 300 Mayberry Avenue (Recorded and running thence North 66°22'00" East 25.00 feet; thence along the northerly boundary of said 300 Mayberry Avenue the following two (2) courses: (1) North 45°21'52" East (North 46°56'06" East record) 76.77 feet; thence North 29°53'59" West 2.08 feet to the point of beginning.

PARCEL 4C

Beginning at a point which is North 23°38'00" East 63.73 feet and East 22.74 feet from the northeast corner of Lot 12, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being the northeasterly corner of 300 Mayberry Avenue (Recorded and running thence North 66°22'00" East 25.00 feet; thence along the northerly boundary of said 300 Mayberry Avenue the following two (2) courses: (1) easterly along the arc of said curve retaining said angle of 0°00'46"; thence North 83°14'00" East (record) 35.73 feet to a point on the westerly boundary of said parcel South 23°38'00" East 2.85 feet; thence South 71°32'00" East 28.72 feet; thence South 143.97 feet; thence North 78°40'00" West 1.11 feet to the westerly boundary of said parcel South 23°38'00" East 1.47 feet; thence along said westerly boundary North 02°00'21" East (North 02°34'35" East record) 143.81 feet to the point of beginning.

PARCEL 4D

A parcel of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4E

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4F

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4G

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4H

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4I

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4J

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4K

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4L

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4M

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4N

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4O

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4P

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PARCEL 4Q

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4R

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4S

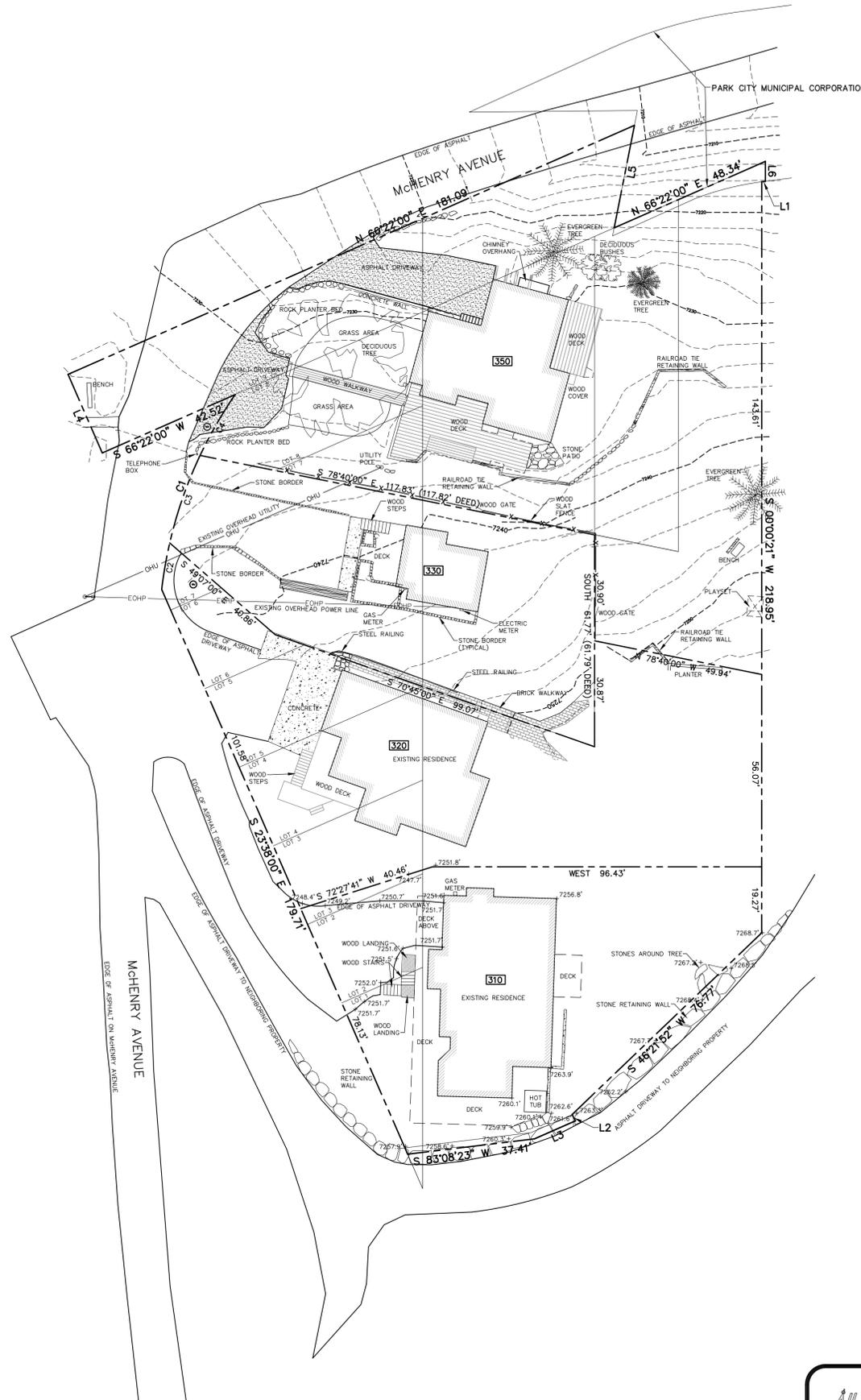
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PARCEL 4T

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning.

PARCEL 4U

Beginning at a point that is North 66°22'00" East 61.24 feet from the northeasterly corner of Lot 6, Block 61, Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the westerly boundary of a parcel described in that certain quit-claim deed recorded December 29, 1982, as Entry No. 189788; thence along the westerly boundary of said parcel South 11°34'46" West (dead South 11°48'00" West) 24.62 feet; thence North 73°28'42" East 41.16 feet; thence South 16.36 feet; thence South 66°22'00" West 48.34 feet to the point of beginning



**SURVEYOR'S CERTIFICATE**

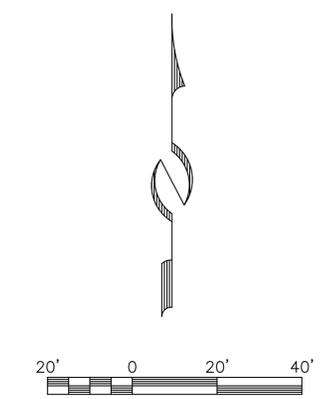
I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold certification no. 154491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify 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.

**NOTE**

- 1. The architect is responsible for verifying building setbacks, zoning requirements and building heights.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 82°39'46" E	1.08
L2	S 29°53'59" E	2.08
L3	N 66°22'00" E	13.13
L4	S 23°38'00" E	25.00
L5	S 11°13'46" W	30.47
L6	SOUTH	5.82

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	125.00	61.39	28°08'16"
C2	125.00	13.75	06°18'09"
C3	125.00	27.08	12°24'45"
C4	125.00	20.56	09°25'22"



<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> MARSHALL KING MARTY MORRISON</p>	<p><b>EXISTING CONDITIONS</b> ROSSI HILL 310, 320, 330 &amp; 350 McHENRY AVENUE</p>	<p><b>SHEET</b> 1 <b>OF</b> 1</p>
	<p><b>DATE:</b> 5/24/10</p>	<p><b>FOR:</b> ALVAREZ, ERDOS &amp; WINTZER <b>JOB NO.:</b> 2-1-09 <b>FILE:</b> X:\ParkCitySurvey\dwg\sr\topo2009\020109.dwg</p>	

EXHIBIT C- Existing Zoning- 310, 320, 330, and 350 McHenry Avenue

