



AGENDA

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|---|-------------|-----|----|
| MEETING CALLED TO ORDER - 5:30 PM | | | |
| ROLL CALL | | | |
| WORK SESSION – <i>Discussion only, no actions taken</i> | | | |
| University of Utah Student Presentation of Wintzer Properties in Bonanza-Park Richards/PCMC Parcel – Annexation Petition | PL-12-01482 | 5 | |
| ADOPTION OF MINUTES OF APRIL 25, 2012 | | | 61 |
| PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i> | | | |
| STAFF AND BOARD COMMUNICATIONS/DISCLOSURES | | | |
| 124 Daly Avenue – Informational Update | | | |
| Joint Regional Collaboration meeting – update | | | |
| CONTINUATION(S) – <i>Public hearing and continuation as outlined below</i> | | | |
| Richards/PCMC Parcel – Annexation Petition <i>Public hearing and continuation to May 23, 2012</i> | PL-12-01487 | | |
| 30 Sampson Avenue – Steep Slope Conditional Use Permit <i>Public hearing and continuation to May 23, 2012</i> | PL-12-01487 | | |
| 543 Woodside Avenue – Steep Slope Conditional Use Permit <i>Public hearing and continuation to May 23, 2012</i> | PL-12-01487 | | |
| 7700 Marsac Avenue – Subdivision <i>Public hearing and continuation to a date uncertain</i> | PL-10-01070 | | |
| 7700 Marsac Avenue – Condominium Conversion <i>Public hearing and continuation to a date uncertain</i> | PL-10-01071 | | |
| REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i> | | | |
| 80 Daly Avenue – Plat Amendment <i>Public hearing and possible recommendation to City Council</i> | PL-12-01488 | 83 | |
| 255 Deer Valley Drive – Conditional Use Permit for a Bed and Breakfast <i>Public hearing and possible recommendation to City Council</i> | PL-12-01504 | 113 | |
| ADJOURN | | | |

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.

WORK SESSION

Planning Commission Staff Report



Subject: RICHARDS/PCMC ANNEXATION AND ZONING
Date: May 9, 2012
Project Number: PL-12- 01482
Type of Item: Legislative- work session/public hearing

Summary Recommendation

Staff recommends that the Planning Commission review and discuss the annexation application in work session, conduct a public hearing, and continue the public hearing to May 23, 2012 (or June 13th depending on the information requested).

Description

Project Name: Richards/PCMC Annexation
Project Planner: Kirsten A Whetstone, Senior Planner
Applicant: Frank Richards and Park City Municipal Corporation
Location: North of Payday Drive and West of Highway 224
Proposed Zoning: Single Family (SF) and Recreation Open Space (ROS)
Adjacent Land Uses: Thaynes Canyon, Iron Canyon, and Aspen Springs single family subdivisions, dedicated open space, and Highway 224.
Proposed Uses: Five (5) single family/horse lots, agriculture, and open space

Proposal

The applicants are requesting annexation into Park City for two separately owned parcels. The Frank Richards parcel is 14 acres with a requested zoning of Single Family (SF). The Park City Municipal Corporation (PCMC) owned parcel is 19.74 acres with a requested zoning of Recreation Open Space (ROS). The properties are surrounded by Park City municipal boundaries and are considered to be an island of unincorporated land within Summit County's jurisdiction. The annexation request includes a preliminary subdivision plat consisting of five (5) single family lots and one (1) open space parcel.

Background

On February 7, 2012, the applicants filed an annexation petition with the City Recorder. The petition was accepted by the City Council on February 16, 2012 and was certified by the City Recorder on March 1, 2012. Notice of certification was mailed to affected entities as required by the State Code. The protest period for acceptance of the petition ended on April 1st. No protests from affected entities were filed.

Description

Existing Uses

The PCMC parcel is dedicated open space (purchased by the City from Frank Richards in 1990). The property is subject to a conservation easement and no development or changes in land use are proposed with the annexation or plat.

The Richards parcel includes two houses, a barn, accessory buildings, horse training facilities, as well as grassy pasturelands with areas of wetlands, irrigation ditches, and ponds. The property is currently used as a family farm for agricultural purposes, including the raising and training of horses. The Richards family intends to maintain these agricultural uses on Lots 4 and 5 of the proposed preliminary subdivision plat. Lots 4 and 5 total approximately 9.57 acres. Lots 1-3 (approximately 1.33 acres each) are proposed to be developed as single family horse properties. Raising and grazing horses is a conditional use in the SF zone. About 1 acre of the 14 acres would be utilized for a private road off of Payday Drive, proposed in the location of the existing private driveway.

Zoning

The current Summit County zoning for the property is Rural Residential with density for Developable Lands (DL) at 1 unit per 20 acres-base zoning; and Sensitive Lands (SL) at 1 unit per 40 acres (for sensitive lands). Proposed zoning of Single Family (SF) and Recreation Open Space (ROS) is consistent and compatible with zoning of surrounding single family subdivisions (SF). The open space properties in the surrounding area are zoned Recreation Open Space (ROS). The proposed SF zone allows 3 dwelling units per acre. The preliminary plat proposes a density of 2.86 acres per dwelling unit or approximately 0.35 units per acre, exclusive of the City open space acreage. The proposed zoning of SF is provides compatible lot and site development parameters, such as building setbacks, as well as consistent land uses, such as no nightly rental uses.

Preliminary Plat

A preliminary plat /phasing plan for the Richards Subdivision (Exhibit C) was submitted with the petition, proposing a total of five (5) single family/horse properties ranging in size from 1.33 to 7.04 acres for the Richards' parcel. The PCMC parcel is included in the preliminary plat as an open space parcel with no associated density. Lots 1-3 are phase one with Lots 4 and 5 in phase two, in terms of development of the lots for utilities and construction of residences.

Also included in the proposed preliminary plat, but not the annexation plat, is the western most lot of the Thayne's Creek Ranch Subdivision (Lot 10). This 0.3 acre vacant lot is owned by Frank Richards. This lot is within the current City Limits and subject to certain restrictions of the Thayne's Creek Ranch 1B Subdivision plat. The preliminary plat proposes to include this existing vacant lot as part of Lot 1 of the proposed Richards Subdivision to increase the lot area in order to allow horses on the property. Thayne's Creek Ranch 1B Subdivision plat would have to be amended concurrently with the final Richards Subdivision plat to remove Lot 10 in order to combine it with Lot 1 of the Richards Subdivision. Similar plat restrictions should be included on the Richards Subdivision plat to maintain consistency with the neighborhood. Due to the existing house on proposed Lot 5 and the existing density transferred from existing Lot 10 to proposed Lot 1, the annexation and preliminary plat result in an increase of three (3) residential units.

Affordable Housing

Annexations are subject to the City's Affordable Housing resolution that requires affordable housing be provided, or fees paid in-lieu, for new residential units at a rate of 15%. This equates to 0.45 (45%) of an affordable unit equivalent (AUE) for the three new units. The applicant could agree to construct one (1) affordable unit or pay 45% of the in lieu fee for one affordable unit. Details of the affordable housing requirements will be spelled out in the Annexation Agreement.

Open Space

This annexation is associated with 19.74 acres of existing dedicated open space that would come within Park City's jurisdiction, as well as open space associated with Lots 1-5 of the subdivision plat. The final plat will identify specific building pads for construction of houses and barns and identify undevelopable open space areas for grazing horses, other agricultural uses, and sensitive lands. The 3-4 acres of undeveloped land on the north portion of Lot 4 should be identified on the plat as open space, with limited agricultural uses (allowing grazing of horses, growing hay, etc.) to mitigate negative impacts on existing houses in the Aspen Springs neighborhood.

Trails

There is an existing sidewalk along the north side of Payday Drive. As part of the public improvements, this sidewalk should be continued to Iron Mountain Drive, beyond the western edge of the property to provide a safe pedestrian trail within the neighborhood and link to Rotary Park. There is an existing trail along the west side of Hwy 224 and during the winter months a groomed Nordic ski trail is located within the PCMC parcel. The Trails Master Plan does not call for additional trails in this area.

Annexation Expansion Area

The properties are located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8), and are contiguous with the current Park City Municipal Boundary along all boundaries. The State Annexation Code and the City's Annexation Policy Plan encourage the elimination of islands of County jurisdiction.

There is a nearby one acre parcel that is itself an existing island of County jurisdiction created by the Iron Canyon, Smith Farm (Aspen Springs Ranch), and Ross Property (1993) annexations. The property is not owned by Frank Richards or PCMC and it is not contiguous to the Richards Property or the PCMC parcel. Therefore, this parcel is not included in the proposed annexation. The City will approach the owner of this property about an annexation in the near future and will work to complete the annexation of this remaining island of County jurisdiction. The property is land locked in that it has no access to a City Street and no access easement due to a protection strip around the Iron Canyon subdivision that prevents access to Iron Mountain Drive. Resolving the access issue will likely take time and would hold up timely processing of the current application.

Wildlife, Wetlands and other Sensitive Lands

The applicant provided information from the Division of Wildlife regarding species of concern located on the property (Exhibit D). Wetlands were delineated. This information should be used in determining building pad locations and non-disturbance areas. There are no steep slopes or ridgelines on the property. The PCMC property is

within the Frontage Protection Area, but no development is proposed. The proposed houses within the Richards Subdivision are located outside of the Entry Corridor Protection Overlay area.

Fiscal Impacts

Annexation of the proposed area will have positive impact on the property's assessed valuation and additional property tax revenue will be generated. The increase in the number of school children and impact on the school district is neutral to positive in that additional student enrollment brings in additional revenue from the State. The level of enrollment has been fairly flat and additional school age children will not cause negative impacts, such as requiring additional buses on routes, additional school facilities, etc.

Utilities

Utility services are available in the immediate area and Payday Drive. The annexation will not negatively impact these utilities. Sewer for Lots 4 and 5 will require a line extension agreement and coordination of utility easements, as this service will likely be from a line that runs north from Lot 4. The Deputy City Attorney is handling the water matters for this annexation. The expectation is that all development in the property will pay the city's water impact fee. The property will also be annexed into the Park City Water Service District, and details regarding that will be set out in upcoming reports. A final utility plan will be submitted with the final plat for approval by the City Engineer. Approval will be required prior to recordation of the final subdivision plat. Details regarding water and other utilities will be included in the Annexation Agreement.

Traffic

Traffic generated from 3 single family residences will not negatively impact the low traffic volume residential streets in the area. The intersection with Hwy 224 is signalized and can handle the increased traffic.

Historic and cultural resources

Additional information regarding qualifications of any existing buildings for placement on the Historic Sites Inventory will be presented at the next meeting.

Utah Code Annotated (UCA) Section 10-2-401, 10-2-402 and 10-2-403

The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.

Annexation Review Process

Municipal annexation is a legislative act governed procedurally by Utah state law. Once the annexation petition is filed with the City Recorder, the petition (not the annexation) is presented to the municipal legislative body for acceptance or rejection. Because annexation is a legislative act, the Council has broad discretion to accept or reject the petition. The City Council accepted this petition on February 16, 2012.

Following petition acceptance a 30-day certification review process commences wherein Staff determines whether the petition meets statutory requirements of Utah State Code. Once the petition is certified, notices are sent to all affected entities (special service districts, school districts, County officials, etc.) and a 30 day protest period commences.

If no protests are filed Staff then reviews the petition and provides information and discussion items to the Planning Commission for review. The Planning Commission conducts a public hearing on the matter and ultimately forwards a recommendation to the City Council. The City Council is the final decision maker regarding annexation of land into Park City.

Staff will complete an analysis of the annexation and preliminary subdivision plat per the General Plan and Annexation Policy Plan requirements, considering input from the public hearing and Commission discussion, and will provide the Planning Commission with a staff recommendation at the next meeting, provided that new information is readily obtainable.

Discussion items

1. Is there additional information the Commission would like to see regarding the PCMC parcel? The typical studies for this parcel were not conducted because no development is proposed and no changes are proposed to the current uses.
2. Is there additional information or analysis the Commission would like to see regarding the Richards parcel?
3. Does the Commission agree that the proposed zoning designations are appropriate for these parcels and consistent with the surrounding neighborhoods and consistent with the purposes of the Land Management Code?
4. Does the Commission have input, direction, comments or questions regarding the subdivision, lot configuration, density, access, agricultural uses, or any other items?
5. Are there specific items of concern that Staff should focus on in the analysis and drafting of a recommendation. Staff focus will be on:
 - location of building pads in recognition of the nature of an infill site;
 - building height and design characteristics, such as materials, fencing, landscaping, lighting, etc.;
 - mitigation of impacts on wildlife, wetlands and other sensitive lands;
 - maintaining rural/agricultural character of the entry corridor;
 - maintaining compatibility with the neighborhood;
 - provision of pedestrian amenities and increased connectivity;
 - compliance with affordable housing requirements; and
 - provision of utility services, including water.

Recommendation

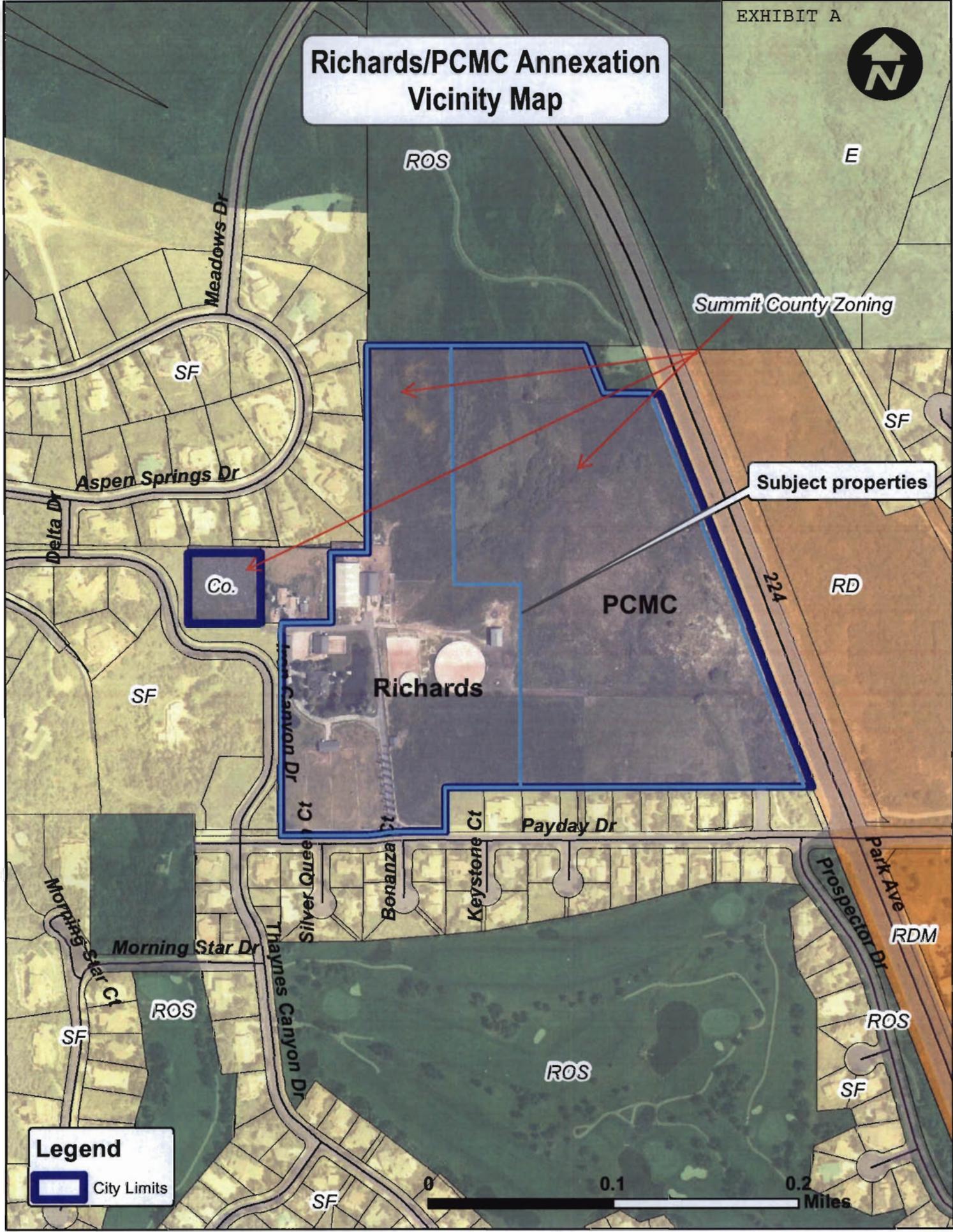
Staff recommends that the Planning Commission review and discuss the annexation application, conduct a public hearing, and continue the public hearing to May 23, 2012 (or June 13th depending on the information requested).

EXHIBITS

- Exhibit A- Vicinity Map
- Exhibit B- Annexation Plat
- Exhibit C- Preliminary plat and zoning
- Exhibit D- Annexation application information



Richards/PCMC Annexation Vicinity Map



Summit County Zoning

Subject properties

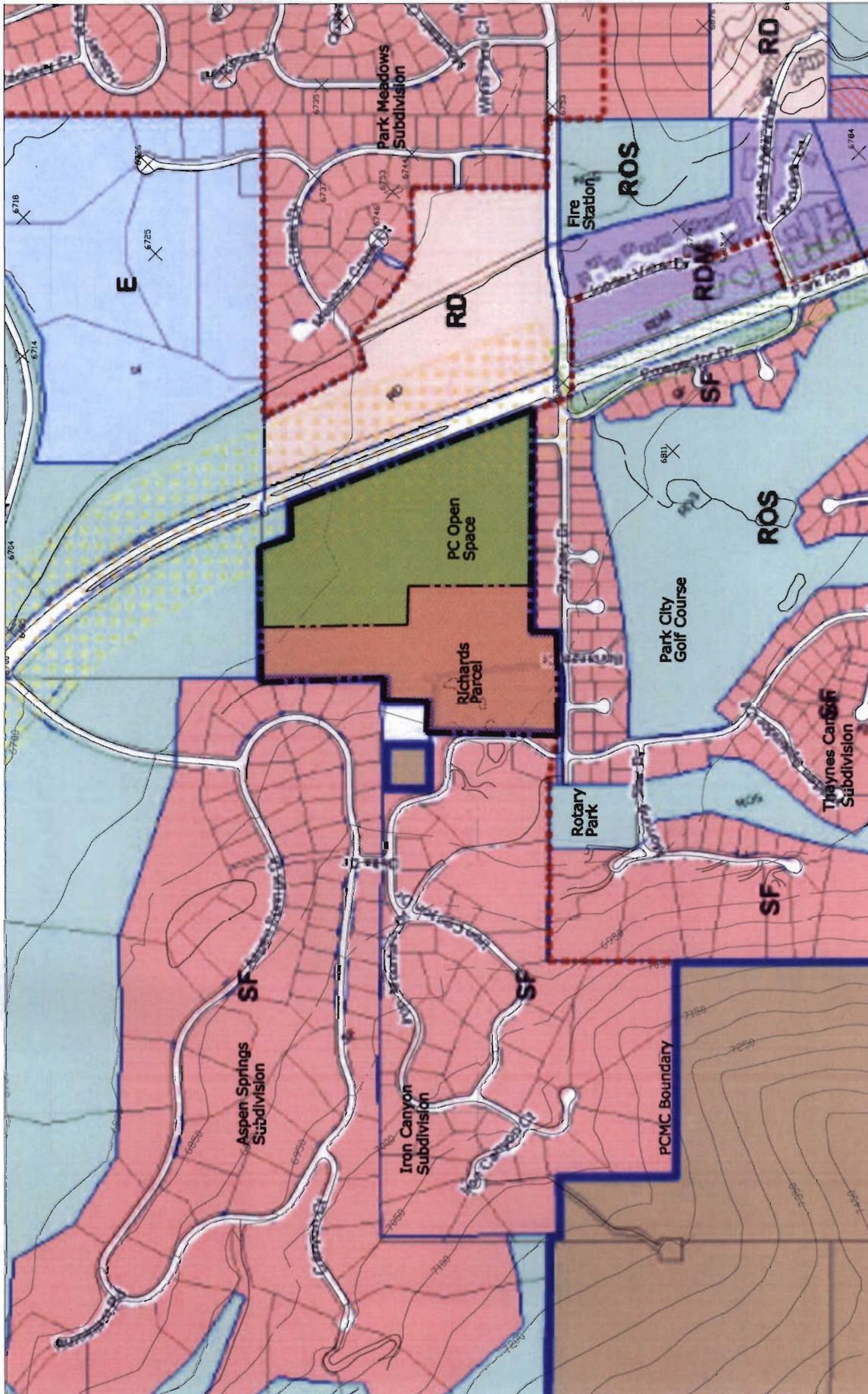
Co.

Legend

 City Limits



| | | | |
|--|--------------------------|--|-----------------------|
| | STAFF: STEVE SCHUELER | PRELIMINARY SUBDIVISION + PHASING PLAN 5.10 PAYDAY AVE RICHARDS PROPERTY | SHEET 1 OF 1 |
| | DATE: 12/26/11 | FOR: JOB NO.: 6-1-11 FILE: K:\Thomas_Campen\map\thayer\thayer.dwg | |



STAFF: STYVE SCHULDER
 DATE: 3/1/12
 JOB NO.: 6-8-11
 FILE: E:\Programs\CityPlan\Richard\ZoneMap.dwg

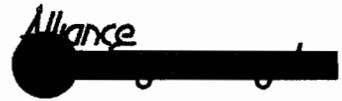
PROPOSED ZONES + SURROUNDING ZONES
 510 PAYDAY AVE.
 RICHARDS PARCEL

SHEET 1 of 1



Proposed ROS Zone

Proposed SF Zone



Richards Annexation Petition

Introduction

Frank Richards and Park City Municipal Corporation (PCMC) are petitioning to have their respective and adjoining properties annexed into Park City. The project area is located north of Payday Ave. and west of Hwy. 224 and exists as an island of unincorporated Summit County land within the boundary of Park City Municipal Corporation. The purpose of this report is to provide a review and analysis of the existing and proposed land uses associated with the annexation of the Richards property. The annexation petition is consistent with the Purpose and General Requirements of Chapter 8-Annexation of the Park City Land Management Code. See attached Annexation Plat and Boundary Survey

Property Description:

The 19.74 acres of PCMC property consists of:

- 1) Flat, open space/ pasture land intermixed with wetlands habitat.

The 14.00 acres comprising the Richards property consists of:

- 1) Generally flat, grassy pasturelands, with wetlands, including associated irrigation ditches,
- 2) Spring-fed, man-made ponds and outlet ditches (one quarter acres in size),
- 3) Existing residence, barns, accessory buildings, enclosed and open arenas, and landscape areas (see attached Existing Conditions Plan).

Existing Conditions

Existing natural conditions have been identified, in some cases mapped, and then subsequently analyzed to address the conditions of the Annexation Petition and are noted below.

1a. Slopes:

A slope analysis has been conducted with the following results:

| | |
|----------------|--------------------|
| Slopes 0 – 15% | 99.3% (13.9 acres) |
| Slopes 15-30% | 0.6% (0.1 acre) |
| Slopes 30-40% | <0.1% |
| Slopes 40%+ | <0.1% |

The property is flat, with no consistent, steep slopes (See attached slope analysis).

b. Wetlands and Hydrology:

Wetlands have been delineated on the property, by Ahorizon Resources LLC of Park City and are shown on the attached Wetlands Exhibit. A report of the wetlands and associated features including the ponds, drainages, and ditches is attached with this application. The wetlands delineation has been submitted for approval to the Army Corps of Engineers.

Richards Annexation Petition

The ponds on the property were man-made for property enhancement purposes. Historic agricultural uses over the years have impacted the courses of the spring water as they have run over the property, and, as such, two or three irrigation ditches direct this water toward the city open space and ultimately to Macleod Creek.

c. Vegetative Cover:

Virtually the entire parcel is pasture lands. The perimeter of the property was fenced in 1974. It has been grazed continuously during this time-period and, for the most part, the vegetative cover consists of pasture grasses, including bromes, timothy, foxtails, and bluegrasses, along with a variety of native forbs and perennials.

Additionally there is the landscape area surrounding the existing Richards residence. This consists of irrigated lawn areas, perennial beds, and various deciduous and evergreen tree species.

A very small portion of the property (900 SF) contains low-growing shrubs consisting of willows, associated with the wetlands found on the property. See attached vegetation exhibit.

d. View Corridors:

The Richards parcel presents as a horse farm set within the backdrop of Iron Mountain and Thaynes Canyon. Foreground open space, owned by Park City, along with the 14.00 acres of the Richards farm create a visual impression of a large undeveloped pasturelands and fields, intermixed and surrounded by the existing subdivisions of Thaynes Canyon, Iron Mountain, and Aspen Springs. See attached View Corridors Exhibit.

Changes to the visual character of the property would be most pronounced along Payday Ave. Portions of the Richards property that are currently open, pasture lands would be occupied by residences. Lot 3 would be most visually obvious and similar to the existing streetscape on Payday Ave. Lots 1 and 2 are deep lots and the residences proposed on these lots could be set back further than the existing residences found on Payday Ave.

From Hwy. 224, the existing Richard's residence and associated barns and outbuildings are visible, but not visually dominant. The existing city open space serves as a visual buffer between Hwy. 224 and the Richards parcel. The most visually obvious from Hwy. 224 would be at Lot 4. The remaining lots 1, 2 and 3 would not be visually apparent from Hwy. 224.

e. Wildlife:

The Richards property is bounded to the East and North by dedicated open space and to the West and South by single family residences in the Thaynes Canyon and Aspen Springs subdivisions. The entire Richards parcel is surrounded by a wood and/ or wire fencing which have precluded migratory mammals

Richards Annexation Petition

such as deer or elk from access to the property. It has been grazed continuously since the property was developed as a horse property in 1974.

An inquiry to the State of Utah, Division of Wildlife Resources, Department of Natural Resources (DWR) indicated that there are no species of concern found on the property including sensitive or threatened and endangered species, as noted in attached letter from the DWR

Wildlife habitat mapping for important species has been downloaded from the State of Utah GIS Portal website. These species include black bear, moose, elk, mule deer, and ruffed grouse. As shown on the wildlife mapping, black bear, mule deer, moose and elk may be found on surrounding mountains and nearby open space lands, such as the Osgethorpe Barn open space parcel and larger horse parcels in the Aspen Springs subdivision according to the UDWR (see attached letter). According to the GIS mapping data, ruffed grouse habitat is ubiquitous throughout Summit County, including the Richards parcel (See attached Wildlife Habitat exhibit).

f. Historic and Cultural Resources

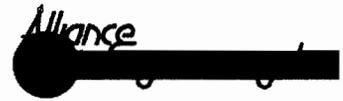
Prior to the purchase of the Richards parcel, by Frank Richards, the property was undeveloped, open space. Upon purchase, the property was perimeter fenced and converted to a single family residence, and equestrian uses. The equestrian uses of the property include a small enclosed arena, open fenced arenas, barns and horse stalls. The entire property has been modified and altered due to construction of the residence, and out-buildings, and to the equestrian uses. During this time-period no sites of historic or cultural significance were encountered by the property owners. Inquiries made to the Office of Utah State History, (Historic Preservation and Archeology) indicated no sites of historic or cultural significance on the property.

g. Geological Features

The Richards parcel contains no geological features identified in the State of Utah GIS databases. As indicated on the slope analysis the site is a flat, valley plain bounded by the foothills to the west and MacLeod Creek to the East.

Proposed Subdivision Plan

A subdivision of the 14-acre parcel is proposed with the annexation. The proposed plan proposes a five lot subdivision as shown on the attached Subdivision Concept. One of the proposed lots is the existing Richards residence as shown on the Existing Conditions map, and will remain unchanged. A second lot-of-record exists as part of the Thaynes Creek Ranch 1B subdivision and would be merged into one of the proposed lots. This lot exists within the municipal corporation boundary. See attached Annexation Plat. Cumulatively, the annexation proposes to add new three building lots.



Richards Annexation Petition

Existing and Proposed Streets and Roads

The Richards parcel is bounded to the South by Payday Ave., a 30-foot wide public collector road. 33 residences access Payday Ave., of these 23 have curb cuts on Payday Ave., while 10 lots access Payday Ave., via four separate cul-de-sacs. Iron Mountain Drive is located immediately West of the western property boundary. See Existing Conditions Map.

The subdivision plat for the Richards property proposes three lots access directly onto Payday Ave., and the existing driveway alignment be upgraded to a 400-foot long cul-de-sac for access to the two remaining lots. This cul-de-sac is proposed to be a "Low Volume Residential Road," with 20 feet of pavement section as defined in the Park City Street master Plan. The cul de sac is proposed to be a private road (see Proposed Subdivision Plan).

Data on average daily vehicle trips on Payday Ave. does not exist. Anecdotally, the street receives, very low traffic volumes, which is indicative of the Thaynes Canyon neighborhood and the net gain of three additional residences would not impact the level of service on Payday Ave. or on adjacent roads.

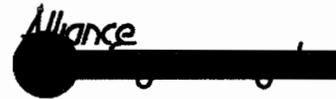
Existing and Proposed Utilities

As shown on the attached Utility Plan, all existing utility providers are located at the property boundaries of the proposed annexation.

Sanitary sewer is located within the Payday Ave. R-O-W. Additionally sewer manholes are located in the city open space parcel to the East and just North of the northernmost boundary of the property, as shown on the Utility Plan. Communications with SBWRD indicate that they have the capacity to serve the subdivision as proposed. Both sewer and water service would be brought to the first phase lots fronting Payday Ave. Because these lots are slightly lower, in elevation, the sewer line for each residence will require an ejector pump. Lots 4 and 5 would receive sewer service by tying into an existing sewer main located at the northern edge of the property as shown on the Utility Plan. Lot 3 already has an existing sewer service to the sewer main in Payday Ave. as a result of the prior approval of this lot within the previously approved Thaynes Creek Ranch 1B subdivision.

Park City water service is provided within the Payday Ave. R-O-W. Water demand has been calculated for all five lots, including the Richards residence as shown on the water demand exhibit. This table has been submitted to the Park City Water Department for consideration of Richard's water rights to be transitioned to the city. The Richards own water rights and a determination as to the amount of water rights to be transferred to the city are being determined in current discussions with the water and legal departments.

As with the existing sewer service, an existing water service lateral is located in on Lot 3 and is connected to the water main in Payday Ave.



Richards Annexation Petition

Location of Proposed Open Space

No Open Space is proposed as part of this development. The Richards sold a portion of their property to Park City as designated Open Space also included in this annexation. Open space comprises a significant portion of the surrounding land uses.

Existing and Proposed Land Uses

As noted on the attached 1-Mile Analysis and Zone exhibits for a one mile radius surrounding the Richards parcel land uses consist of open space, residential uses, resort residential and commercial. About 1/3 of all lands within 1 mile of the property are unincorporated Summit County lands, all exist as undeveloped open space. Another 1/3 of the lands are open space or recreation uses, including the Park City Golf Course. The remaining lands consist of residential-related uses (SF,E, RD, RDM) and commercial (GC) uses.

Immediately surrounding the Richards parcel is Single family (SF) and open space land uses (ROS). The zoning proposed for this annexation petition is Single Family (SF) as defined in the Land Management Code, consistent with the surrounding land uses. See attached 1-mile Analysis exhibit.

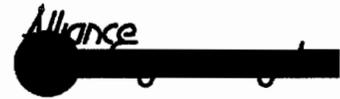
Existing and Proposed Locations of Community Facilities

No community facilities are proposed as part of this annexation petition. Existing community parks include Rotary Park, located about a block from the Richards parcel and the new BMX bike park on Holiday Ranch Loop Road.

Park City Golf Course is located across the street on the south side of Payday Ave. An existing fire station is located ½ mile away on Holiday Ranch Loop Road. The Park City Police Department is located at the corner of Snowcreek Drive and Hwy. 224, about ¾ of a mile away. The Silver Star chairlift and associated trails are located about 1 mile away. The property is located within the Parleys Park Elementary School boundary and is located about 3 miles away.

Anticipated Timetable for Development

Upon annexation and recordation of a subdivision plat it is anticipated that Lots 1, 2, and 3 will be placed on the market for sale. It is impossible to determine when any one of these lots will sell and subsequently be developed as single family residences. No infrastructure improvements beyond, utility connections to these lots, are anticipated. All three of these proposed lots would directly access Payday Ave. It is not expected that Lots 4 and 5 will be developed until a later date in the future. At a minimum the first three lots would be sold prior to development of Lots 4 and 5. At that time, a plat amendment will be submitted to the city and the proposed cul de sac and utilities, shown on the attached utility plan, will be part of that plat amendment.



Richards Annexation Petition

Affordable Housing

The proposed annexation would result in a residential development with a net gain of three lots and residences. Affordable housing guidelines and standards have established a 15% contribution of the total residential units constructed in affordable housing units (AHU). With three proposed building lots the total contribution of this project is 45% of an affordable housing unit. Construction of AHU's are not anticipated as part of the proposed development. Contributions to a city-directed fund and will be made as building permits are secured for each building lot.

Public Utilities and Essential Services Analysis

- a. School Impact Analysis-The 2010 US Census for Park City indicated an average household size of 2.8 people per household. The Census goes on to indicate that 18% of the average household population are school-aged children. The estimated number of school-aged children per household is 0.5. The subdivision proposes to add three full-time residences to the Park City School District. Assuming that one lot is sold per annum and a residence is constructed within that time-frame then 0.5 school-aged children will be added to the student population per annum. Assuming this build-out projection, 1.5 students would be added, in total, to the Park City School District as a result of this project.
- b. Capacity of sanitary sewer services-Snyderville Basin Water Reclamation District has indicated it has excess capacity to service this proposed development. They have reviewed the proposed utility plans and do not see any issues with servicing the subdivision.
- c. Other Services-The annexation area is within the boundaries of Park City Municipal Corporation boundaries. It is surrounded by medium density residential development. Service routes exist for solid waste pick up (private contractor) which is currently afforded to the annexation applicant. All existing municipal and county services are afforded to the proposed annexation property by virtue of its location within Park City Municipal Corporation boundaries and would require no change in the provision of these services as a result of this annexation.
- d. Water Rights-Frank Richards owns 102.5 ac-ft of water under Water Right 35-8458. He has used 42.0 ac-ft on his land for irrigation of approximately 14 acres, and has leased the remaining 60.5 ac-ft to Park City Municipal Corporation for a number of years. Richards proposes to dedicate to the City 1 ac-ft per developed lot for culinary use and incidental irrigation around each home. He proposes to sell to each lot purchasers some additional water for additional irrigation. The balance of the water would be available for sale to the City at fair market value; estimated to be \$14,000 per ac-ft.

Richards previously conveyed from water right 35-8458, 7.5 ac-ft of water to Park City Municipal Corporation in connection with the prior subdivision, and 10 ac-ft to the Trust for Public Lands in connection with the conservation easement on the land adjacent to Highway 224.

Additionally, Richards owns 3.021 ac-ft under water right 35-12322 (a30722a), which is a segregated interest of water right 35-8459, for domestic use in his existing two homes, stock water for 27 Equivalent Animal Units, and irrigation of 0.455 acres surrounding the homes. This water right would be sold with Lot 5 of the proposed subdivision.



Richards Annexation Petition

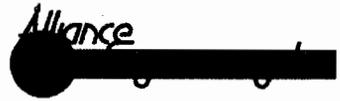
Fiscal Impact Analysis

The proposed subdivision will add a total of five residences to Park City. According to the Summit County Assessor about 50% of the homes in Summit County are primary residences and 50% are secondary residences. For taxing purposes, secondary residents pay 100% of assessed valuation and primary residences are assessed at 55% of value. As previously indicated, because these lots will be sold individually for construction of single family residences it is impossible to ascertain the timing for the development of these lots, however, it can be assumed that the construction on all of the lots would occur within a 10 year horizon.

The addition of five residences into Park City would mean additional municipal services would be required. Based upon input from the Park City Budget office, the cost to provide municipal services averages about \$2554 per residence per annum and the average residence in Park City pays approximately \$1,800 per annum to the municipality. Due to the larger lots sizes proposed in this annexation and the Thanyses Canyon Neighborhood in which it is located, the assumed valuation is \$1,500,000 per residence. Based upon the current Summit County tax rates and assuming a 50/50 resident/ non-resident split, the average per residence contribution to the municipal corporation would be about \$2,400 per annum under a full build-out scenario, for a project total of \$12,000. The existing Richards residence, which currently enjoys municipal services, would be contributing to the municipal budget if annexed (See attached spreadsheets).

Discussions with the Summit County Auditor indicate that an annexation would mean that the Richards property would no longer pay taxes to tax entities Snyderville Basin Recreation District and Summit County Municipal. The current Richards property pays about \$1085 per annum to the recreation district and about \$465 to the county municipal. Snyderville Basin Recreation District also has debt obligations in the form of improvement bonds. At this writing, the recreation district has not resolved how bond obligations would be resolved in the event of an annexation, the options being to re-distribute the obligation to the remaining tax payers in Summit County or have the annexed property pay the bond obligation in full. Park City Municipal taxes are currently being paid on the vacant lot 10.

Contribution to the Park City School currently occurs from the Richards property and the existing vacant lot. At build-out the taxes paid to the Park City School District would be average \$4,969 per full-time residence and \$8,500 for a second home for a total of\$ about 31,000 per annum. Prior to the construction on any of the proposed lots, and thus no contribution to the school-aged population, the school district would receive approximately \$12,500 per annum from the four subdivided lots and existing Residence assuming an average value of \$500,000 per lot. According the finance office of the Park City School District, the total education cost per student is about \$10,000 and the contribution to that cost provided by the average residential property taxes is \$1,200 per student. Assuming a total of 1.5 school-aged children at build-out of this project, the total cost to educate these additional children



Richards Annexation Petition

would be about \$15,000, for a net gain of about \$16,000 per annum in current dollars to the district (See attached spreadsheets).

RICHARDS
11/3/2011
WATER SYSTEM DEMANDS

| | | PEAK DAY SOURCE DEMAND | MIN. TANK STORAGE REQ'D | | |
|-------------------|--------------------|------------------------|-------------------------|-------------------|--------------|
| | | TOTAL DAILY | | TOTAL DAILY | |
| LOT | USE | UNIT DEMAND (GPD) | DEMAND (GPD) | UNIT DEMAND (GAL) | DEMAND (GAL) |
| 1 | Single Family Home | 800 | 800 | 400 | 400 |
| 2 | Single Family Home | 800 | 800 | 400 | 400 |
| 3 | Single Family Home | 800 | 800 | 400 | 400 |
| 4 | Single Family Home | 800 | 800 | 400 | 400 |
| 5 | Single Family Home | 800 | 800 | 400 | 400 |
| Subtotal = | | 4000 | 4000 | 2000 | 2000 |

| | | PEAK DAY SOURCE DEMAND | MIN. TANK STORAGE REQ'D | | |
|-------------------|---|------------------------|-------------------------|--------------|-------|
| | | (GPM / ACRE) | (GPD) | (GAL / ACRE) | (GAL) |
| LOT | USE | b) | c) | d) | e) |
| 1 | Park City is in Zone 2 of the Zones and Normal Annual Irrigated Crop Consumptive Use per State of Utah Drinking Water Division Website: www.drinkingwater.utah.gov/documents/engineering/irrigation map | 2.8 | 2016 | 1873 | 937 |
| 2 | | 2.8 | 2016 | 1873 | 937 |
| 3 | | 2.8 | 2016 | 1873 | 937 |
| 4 | | 2.8 | 2016 | 1873 | 937 |
| 5 | | 0.75 | 3024 | 1873 | 1405 |
| Subtotal = | | 11088 | 5151 | | |

| | |
|-------------------------|------------------------|
| Total= 15088 GPD | Total= 7151 GAL |
| = 10.5 GPM | |

| |
|--|
| SUMMARY: |
| TOTAL PEAK DAY DEMAND = 11 GPM |
| TOTAL STORAGE REQUIRED = 7150 GAL |

NOTES:
Refer to Utah Division of Administrative Rules (DAR) Title R309 Environmental Quality, Drinking Water.
Series 500 Drinking Water Facility Construction Design and Operation R309-510 (DAR) Minimum Sizing Requirements for Tables 510-1-5
X:\thames canyon\dwg\richards\wtr system demands.xls



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

October 25, 2011

Steve Schueler
Alliance Engineering
P.O. Box 2664
323 Main Street
Park City, Utah 84060

Subject: Species of Concern Near 510 Payday Drive, Park City, Utah 84060

Dear Steve Schueler:

I am writing in response to your email dated October 14, 2011 regarding information on species of special concern proximal to 510 Payday Drive, Park City, Utah 84060 (Section 5 of Township 2 South, Range 4 East, SBL&M).

The Utah Division of Wildlife Resources (UDWR) does not have records of occurrence for any threatened, endangered, or sensitive species within the project area noted above. However, in the vicinity there are historical records of occurrence for Columbia spotted frog and northern goshawk. All of the aforementioned species are included on the *Utah Sensitive Species List*.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the central region, Mark Farmer, at (801) 491-5653 if you have any questions.

Please contact our office at (801) 538-4759 if you require further assistance.

Sincerely,

Sarah Lindsey
Information Manager
Utah Natural Heritage Program

cc: Mark Farmer, CRO



Table 1 Estimated Unit Size and Valuation**3-4 Bedroom Single Family**

| | |
|------------------------|-------------|
| Average Unit Size (SF) | 4,000 |
| Total Unit Value/ SF | \$300 |
| Total Unit Value | \$1,500,000 |
| Total Number of Units | 5 |
| Total Project Value | \$7,500,000 |

Table 2a Park City Property Tax Rates

| Taxing Agency | Rate (2011) |
|--|--------------------|
| Summit Co. General Fund | 0.000924 |
| Park City General Fund | 0.002236 |
| Multi-County Assessment and Collection | 0.000172 |
| Local Assessment and Collection | 0.000069 |
| Weber Basin Water | 0.000217 |
| Mosquito Abatement | 0.000040 |
| Park City Fire | 0.001161 |
| Uniform School District | 0.002814 |
| Park City School District | 0.005672 |
| Total Tax Rate | 0.013305 |

Table 2b Summit County Tax Rates

| Taxing Agency | Rate (2011) |
|--|--------------------|
| Summit Co. General Fund | 0.000924 |
| County Municipal | 0.000467 |
| Multi-County Assessment and Collection | 0.000172 |
| Local Assessment and Collection | 0.000069 |
| Weber Basin Water | 0.000217 |
| Mosquito Abatement | 0.000040 |
| Park City Fire | 0.001161 |
| Uniform School District | 0.002814 |
| Park City School District | 0.005672 |
| Basin Recreation | 0.001085 |
| Total Tax Rate | 0.012621 |

Table 3a Park City Property Tax Revenues

| Year | Summit County General Fund | Park City General Fund | Multi-County Assessment | Weber Basin Water | Park City Fire | Park City Schools | Park City Schools | Uniform School | Local Assess Water | Weber Water | Mosquito Abatement | Total |
|----------|----------------------------|------------------------|-------------------------|-------------------|----------------|-------------------|-------------------|----------------|--------------------|-------------|--------------------|-------|
| Existing | \$762 | \$1,845 | \$142 | \$57 | \$33 | \$4,679 | \$2,322 | \$57 | \$179 | \$33 | \$10,109 | |
| 2012 | \$1,386 | \$3,354 | \$258 | \$104 | \$60 | \$8,508 | \$4,221 | \$104 | \$326 | \$60 | \$18,380 * | |
| 2013 | \$1,386 | \$3,354 | \$258 | \$104 | \$60 | \$8,508 | \$4,221 | \$104 | \$326 | \$60 | \$18,380 * | |
| 2014 | \$762 | \$1,845 | \$142 | \$57 | \$33 | \$4,679 | \$2,322 | \$57 | \$179 | \$33 | \$10,109 | |
| 2015 | \$762 | \$1,845 | \$142 | \$57 | \$33 | \$4,679 | \$2,322 | \$57 | \$179 | \$33 | \$10,109 | |
| | \$5,059 | \$12,242 | \$942 | \$378 | \$219 | \$31,054 | \$15,407 | \$378 | \$1,188 | \$219 | \$67,085 | |

*Assumes a second home residence

Table 3b Summit County Property Tax Revenues

| Year | Summit County General Fund | County Municipa General Fund | Multi-County Assessment | Weber Basin Water | Park City Fire | Park City Schools | Park City Schools | Uniform School | Local Assess Recreation | Basin Water | Weber Water | Mosquito Abatement | Total |
|----------|----------------------------|------------------------------|-------------------------|-------------------|----------------|-------------------|-------------------|----------------|-------------------------|-------------|-------------|--------------------|-------|
| Existing | \$762 | \$385 | \$142 | \$57 | \$33 | \$4,679 | \$2,322 | \$57 | \$895 | \$179 | \$33 | \$9,544 | |
| 2012 | \$1,386 | \$701 | \$258 | \$104 | \$60 | \$8,508 | \$4,221 | \$104 | \$1,628 | \$326 | \$60 | \$17,354 * | |
| 2013 | \$1,386 | \$701 | \$258 | \$104 | \$60 | \$8,508 | \$4,221 | \$104 | \$1,628 | \$326 | \$60 | \$17,354 * | |
| 2014 | \$762 | \$385 | \$142 | \$57 | \$33 | \$4,679 | \$2,322 | \$57 | \$895 | \$179 | \$33 | \$9,544 | |
| 2015 | \$762 | \$385 | \$142 | \$57 | \$33 | \$4,679 | \$2,322 | \$57 | \$895 | \$179 | \$33 | \$9,544 | |
| | \$5,059 | \$2,557 | \$942 | \$378 | \$219 | \$31,054 | \$15,407 | \$378 | \$5,940 | \$1,188 | \$219 | \$63,340 | |

*Assumes a second home residence

Table 4 Summary of School Costs and Revenues

| Year | Est. Total SF Residences | Est. Cumulative Full-Time Pop.* | Est. Cumulative School-Aged** | Est. Tax Revenue to School District | Total Education Cost Per Student*** | Cost to School District from Annexation | Net Difference |
|--------------|---------------------------------|--|--------------------------------------|--|--|--|-----------------------|
| Existing | 1 | 2.8 | 0.5 | \$4,679 | \$10,000 | \$5,040 | -\$361 |
| 2012 | 1 | 0 | 0.0 | \$8,508 | \$0 | \$0 | \$8,508 |
| 2013 | 1 | 0 | 0.0 | \$8,508 | \$0 | \$0 | \$8,508 |
| 2014 | 1 | 2.8 | 0.5 | \$4,679 | \$10,000 | \$5,040 | -\$361 |
| 2015 | 1 | 2.8 | 0.5 | \$4,679 | \$10,000 | \$5,040 | -\$361 |
| Total | 5 | 8.4 | 1.512 | \$31,054 | | \$15,120 | \$15,934 |

*Assume 2.8 persons per household (2010 Census)

**Assume 18% of households are school-aged (2010 Census)

*** Based upon information from Park City School District



STAFF:
 STEVE SCHUELER

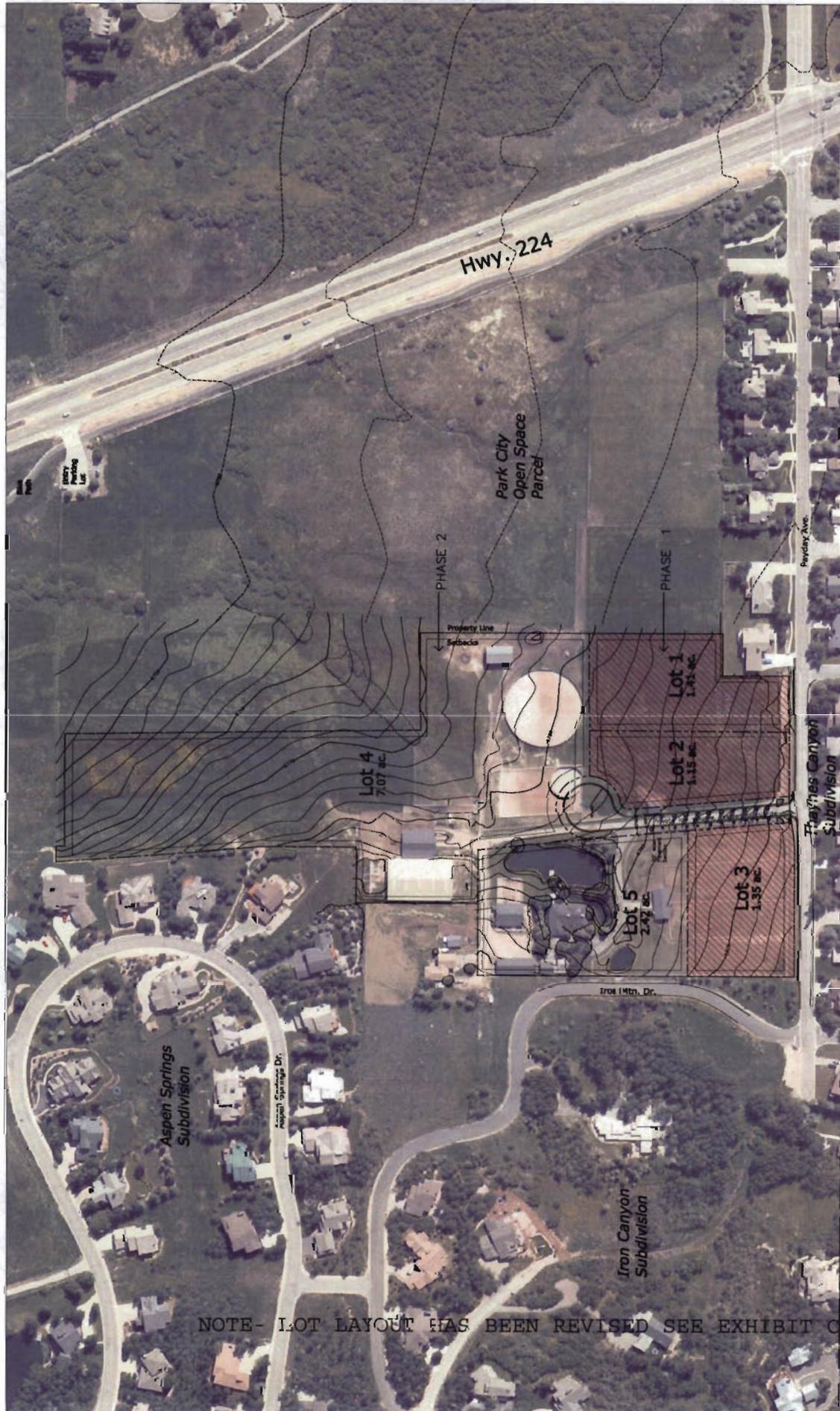
DATE: 12/20/11

FOR: JOB NO. 1 4-1-11
 FILE: S:\Thaynes_Corps\Map\Richards\Notes.dwg

EXISTING CONDITIONS
 510 PAYDAY AVE.
 RICHARDS PARCEL

SHEET
 1
 OF
 1





NOTE- LOT LAYOUT HAS BEEN REVISED SEE EXHIBIT C

SHEET
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PRELIMINARY SUBDIVISION + PHASING PLAN
 510 PAYDAY AVE.
 RICHARDS PROPERTY

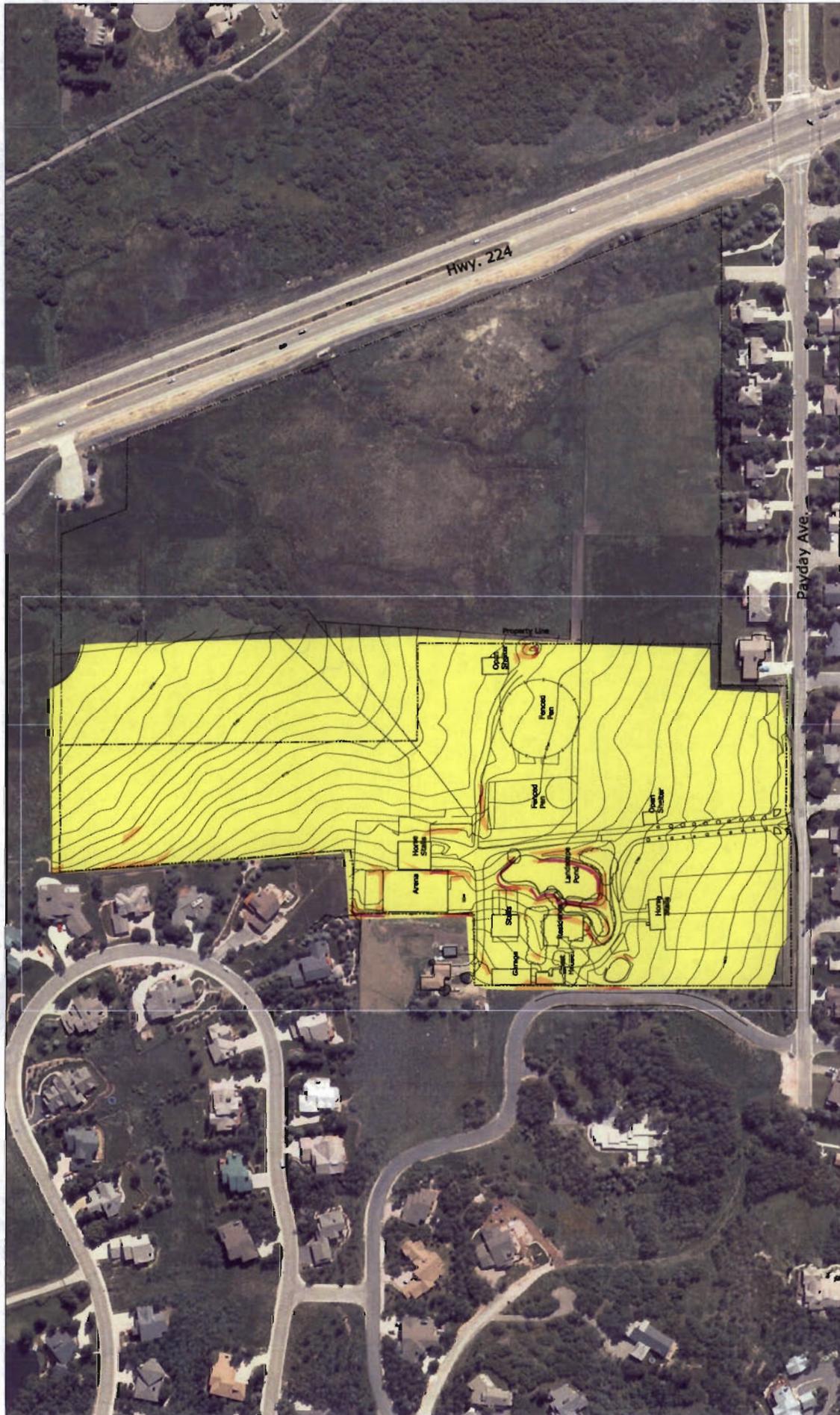
FOR:
 JOB NO. 18-4-11
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STAFF:
 STEVE SCHUELER

DATE: 12/20/11

(48) 484-444
ALTRICE
 CONSULTING ENGINEERS LAND PLANNING SURVEYORS
 200 West 10th - 10th St. - Fort Collins, CO 80501





SLOPE ANALYSIS

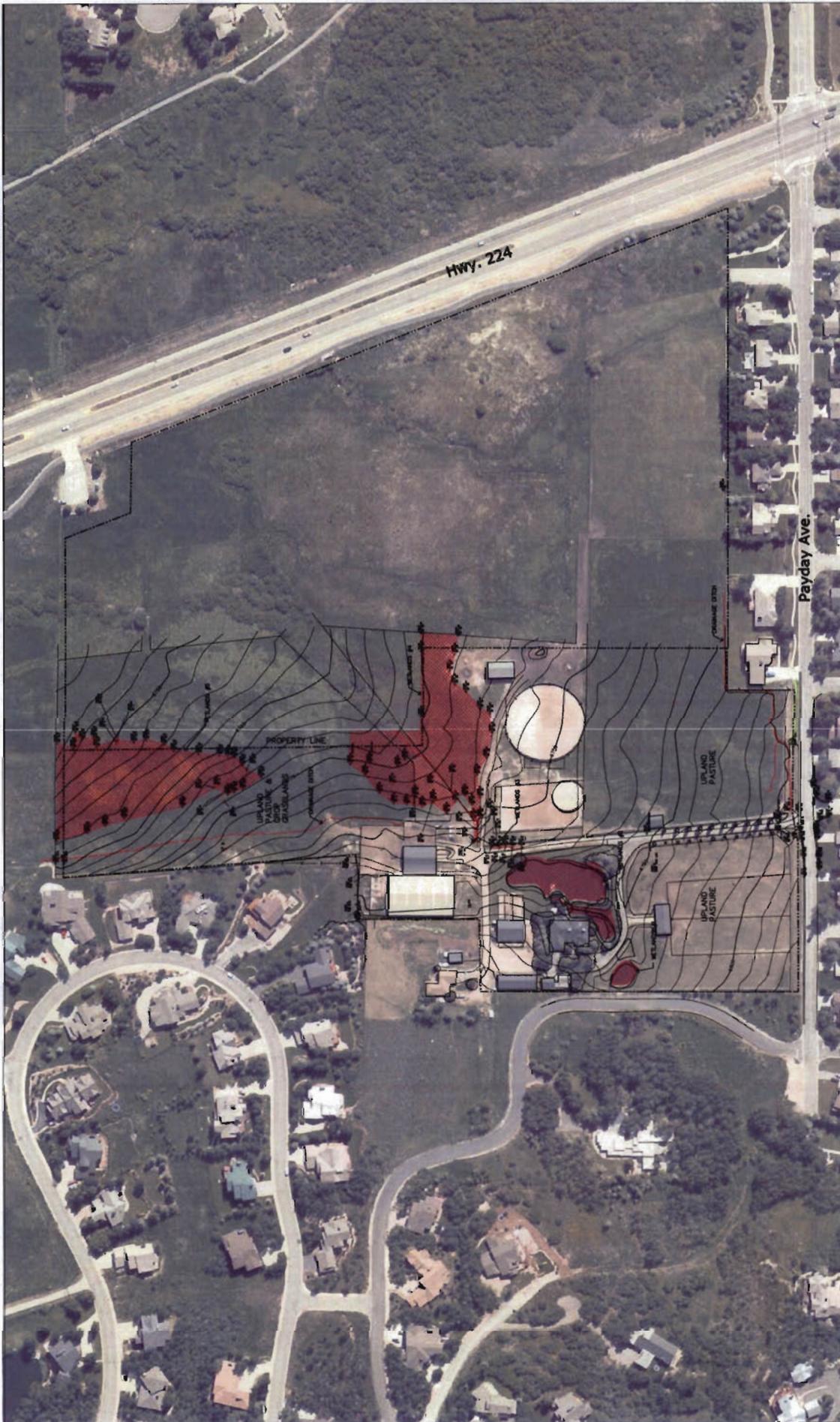
| Color | Layer |
|----------|--------|
| Yellow | 0-15% |
| Orange | 15-30% |
| Red | 30-40% |
| Dark Red | +40% |



STAFF: STYVE SCHMELER
DATE: 12/26/11

SLOPE ANALYSIS
510 PAYDAY AVE.
RICHARDS PROPERTY

SHEET
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of
1



WETLANDS DELINEATION
510. PAYDAY AVE.
RICHARDS PARCEL

FOR: **JOE MO.: 8-9-11**
 FILE: **15:\Thermal_Camp\proj\richards\wds.dwg**

STAFF: **STYVE SCHILLER**
DATE: **12/29/11**

SHEET **1** OF **1**



WETLANDS AND DRAINAGE

| WETLANDS #1 | AREA |
|--------------|-------------------------------|
| #1 | 1,657 SF |
| #2 | 12,650 SF |
| #3 | 781 SF |
| #4 | 42,281 SF |
| #5 | 40,572 SF |
| TOTAL | 97,941 SF (2.23 acres) |

Wetlands



VEGETATIVE COVER EXHIBIT

-  Residential Landscape Area
Feature: trees, grass, planter beds, and trees.
-  Fenced Pasture Landscape
Feature: ponds, grasses, corn, and pastures.
-  Native Shrubland
Feature: shrubs, grasses, and pastures.

Munge
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 222 West Street, P.O. Box 2000, Fort Collins, CO 80501-2000
 (970) 225-7447

STAFF: STEVE SCHULZ
 DATE: 12/20/11

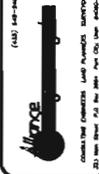
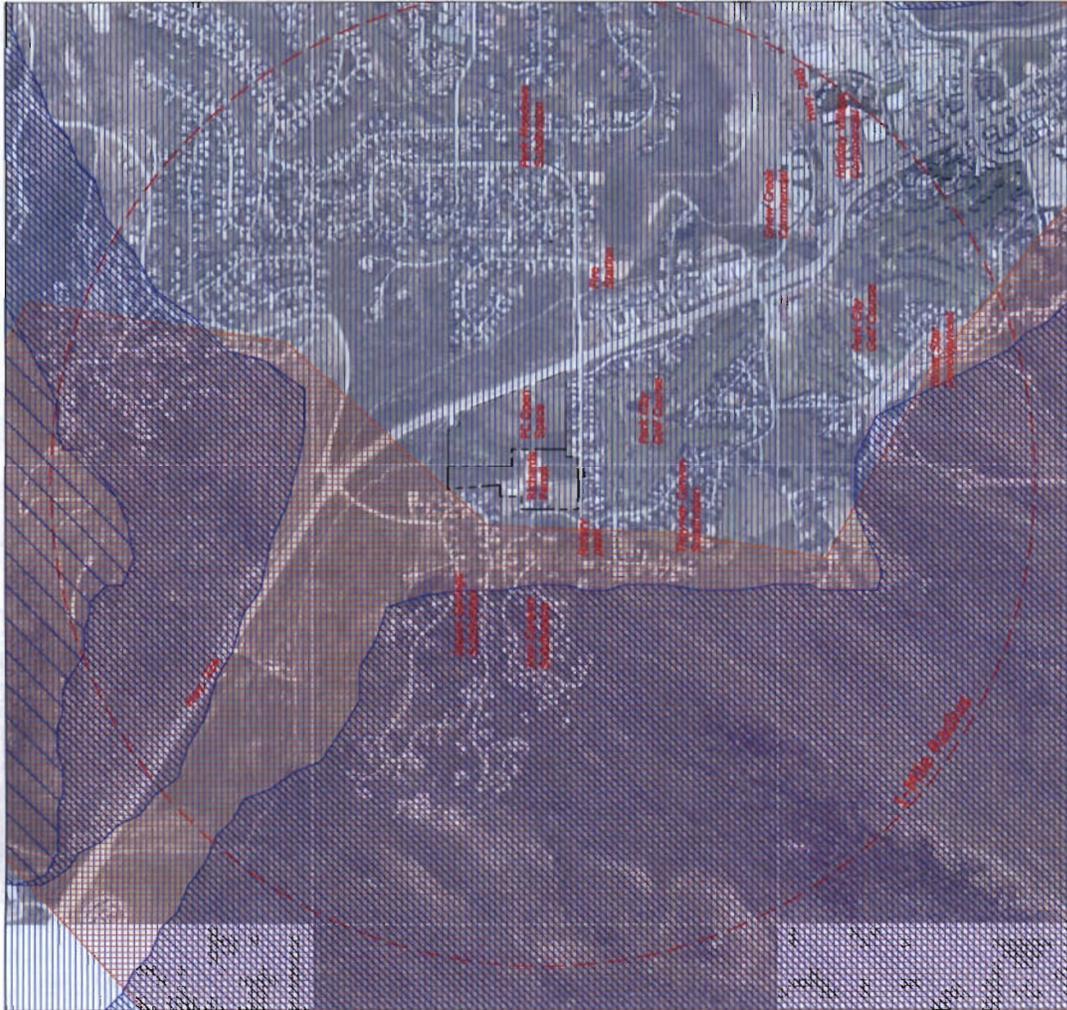
FOR: JOB NO.: 8-9-11
 FILE: E:\Theresa_Corpen\Comp\Richards\Land use\01111111.dwg

SHEET 1 of 1

Wildlife Habitat Legend*

-  Ruffed Grouse Habitat
-  Elk Habitat
-  Mule Deer Habitat
-  Moose Habitat
-  Black Bear Habitat

* Mapping data downloaded from the State of Utah GIS Portal website



STAFF: STEVE SCHILLER
DATE: 12/20/11

FOR: WILDLIFE HABITAT
510 PARDAY AVE.
RICHARDS PARCEL
JOB NO.: 0-0-00
FILE: X:\Threats_Corps\log\corps\wildlife_rhshel.dwg

SHEET 1 of 1



A View from Payday Ave. - Looking West



B View from Payday Ave. - Looking East



C View from Hwy. 224 Entry Site



D View from Hwy. 224



Viewpoint Legend (NTS)



STAFF:
STEVE SCHUBER

VIEW CORRIDORS
510 PAYDAY AVE.
RICHARDS PARCEL

FOR:
JOB NO.: 14-0-11
FILE: \\Thorburn_Corpus\eng\richards\view_corr_analysis.dwg

DATE: 12/29/11

SHEET
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NOTE- LOT LAYOUT HAS BEEN REVISED- SEE EXHIBIT C

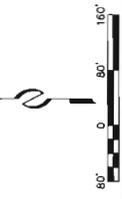
SHEET
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**610 RANDAY AVENUE
RICHARDS PROPERTY
PROPOSED UTILITY PLAN**

FOR:
JOB NO.: 6-9-11
FILE: 2:\Thomae_Corporation\spn\Richards\Utility_pln.doc

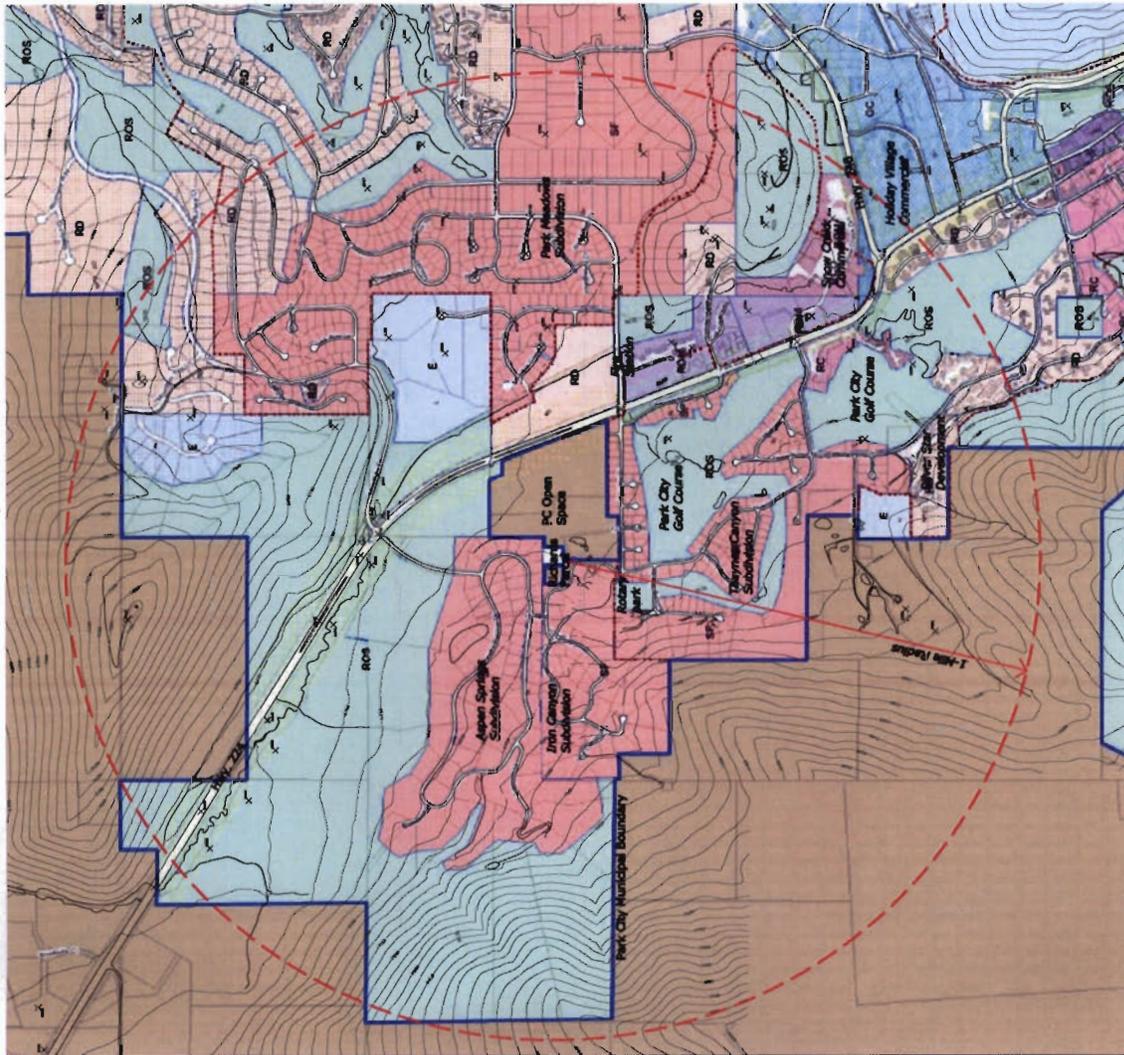
DATE: 11/29/11

STATE: MICHAEL DEMOWICZ
STEVE SCHUELER



LEGEND

| | |
|---------------------|----|
| EXISTING WATER MAIN | CS |
| EXISTING STORM MAIN | CS |
| EXISTING WATER MAIN | D |
| EXISTING STORM MAIN | D |
| EXISTING TELEPHONE | FI |
| EXISTING GAS | SI |
| PROPOSED WATER | W |
| PROPOSED SEWER | S |



SHEET
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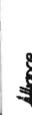
**1-MILE RADIUS ZONING + LAND USE
510 PAYDAY AVE.
RICHARDS PARCEL**

FOR:
NO. 4-6-11
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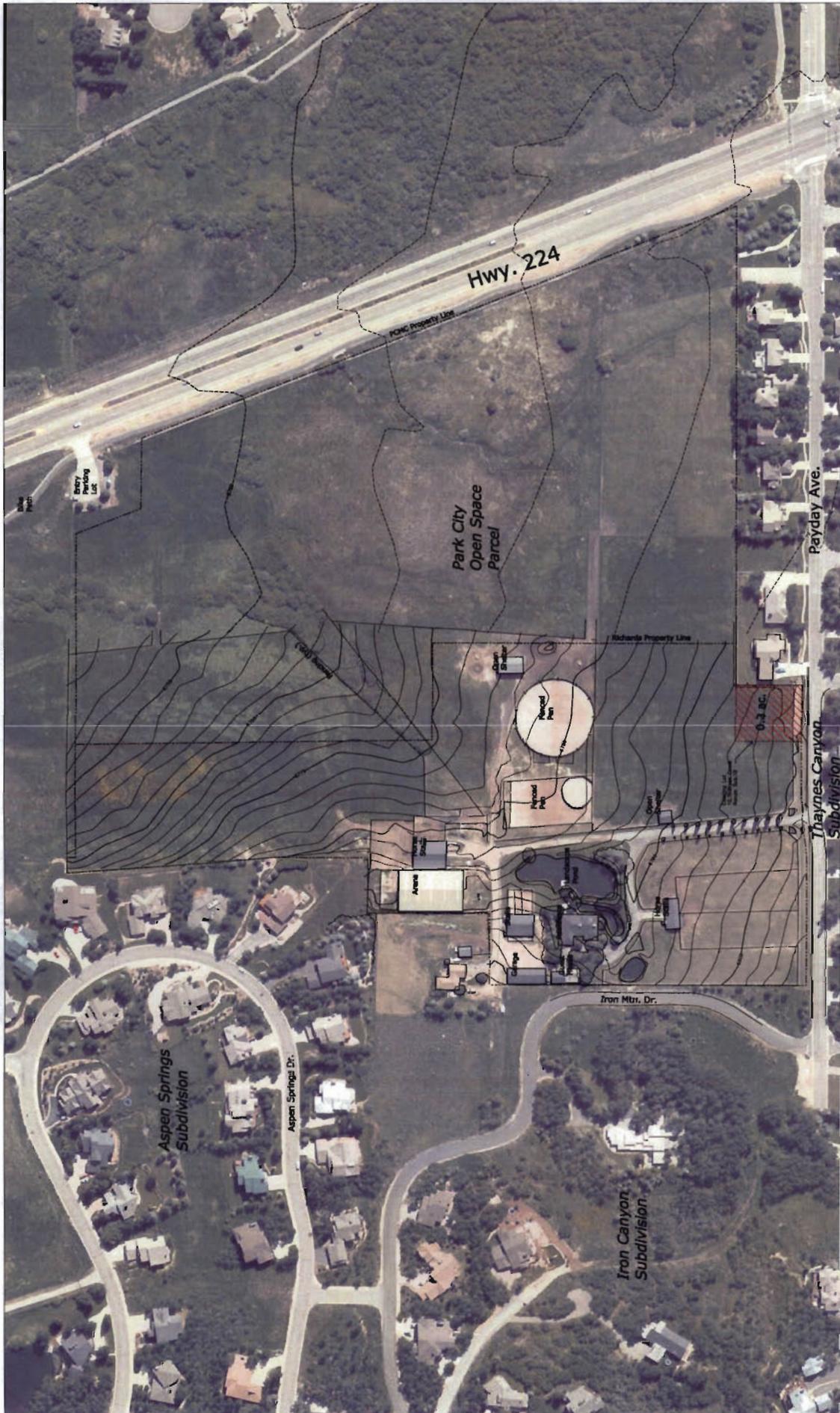
STAFF:
STYVE SCHULER

DATE: 1/3/12





Scale bar: 0 650' 1300'



STAFF:
 STEVE SCHULDER

DATE: 12/20/11
 FOR: JOB NO.: 4-11
 FILE: S:\Thaynes Canyon\Map\Richards\kase.cmg

SHEET
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 OF
 1

EXISTING CONDITIONS
 510 PAYDAY AVE.
 RICHARDS PARCEL



NOTE: LOT LAYOUT HAS BEEN REVISED
SEE EXHIBIT C

 Proposed ROS Zone
 Proposed SF Zone



(10) 68-107
Mapbox
COMPLY WITH LOCAL AND STATE REGULATIONS
© 2012 Mapbox, Inc. All rights reserved.

STAFF: STYVE SCHULER
DATE: 3/1/12

PROPOSED ZONING: 510 PAYDAY AVE. RICHARDS PARCEL
FOR: RICHARDS PARCEL
JOB NO.: 6-9-11
FILE: S:\Thaynes Canyon\Mapbox\Richards\Mapbox.dwg

SHEET 1 **OF** 1



PROFESSIONAL ENGINEER
REGISTERED PROFESSIONAL ENGINEER - CIVIL
 STATE OF TEXAS - LICENSE NO. 10488

STAFF:
 MICHAEL B. BARNETT
 SUE BARNETT

DATE: 5/18/12

PROJECT:
 510 PAYDAY AVENUE
 RICHARDS PROPERTY
 PROPOSED UTILITY PLAN OPTION 3

JOB NO.: 12-11-12-001
FILE: 12-11-12-001-001

SHEET
 1
 of
 1

LEGEND

| | |
|------------------------|------|
| EXISTING WATER SERVICE | 1/8" |
| EXISTING SEWER SERVICE | 1/8" |
| EXISTING WATER MAIN | 1/8" |
| EXISTING SEWER MAIN | 1/8" |
| EXISTING WATER SERVICE | 1/8" |
| EXISTING SEWER SERVICE | 1/8" |
| PROPOSED WATER SERVICE | 1/8" |
| PROPOSED SEWER SERVICE | 1/8" |

WETLAND DELINEATION REPORT

Prepared for: Frank Richards
510 Payday Dr., UT 84060

Parcel Location: Richards Parcel
510 Payday Dr., Park City, UT
84060

County: Summit

State: Utah

Date: 11/7/2011

Coordinates: SE ¼ of Section 5, T2S, R4E.



Prepared by: ahorizon Resources, L.L.C.
David W. Gardner
P.O. Box 307
Park City, UT 84060
435-714-1168
ahorizon@msn.com

WETLAND DELINEATION SUMMARY
Frank Richards, 510 Payday Dr., Park City, Utah 84060

Property owner – Frank Richards, 510 Payday Dr., Park City, UT 84060

Parcel size – 13.6 acres

Location – Within SE ¼ of Section 5, T2S R4E

Directions – From I-80 take the Kimball's Junction exit to Park City (SR 224). Proceed approximately 4.8 miles to the intersection of SR 224 with Payday Drive in Park City. Turn right (west) on Payday Drive and proceed .2 miles to 510 Payday Drive. Turn right onto the gravel entry road for the parcel.

Delineation method - The delineation was conducted according to the guidelines and procedures in the US Army Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1).

Existing field conditions – The site is at elevations ranging from approximately 6795 feet to 6745 feet above sea level and consists of mildly sloping pasture grasslands. A Spring originating on adjacent property to the west flows into a series of 3 ponds and supplies a portion of the irrigation water for the parcel. The topographic lows of the site are along the east boundary where drainage and irrigation channels carry perennial waters and runoff to the north and east.

Vegetation – Vegetation consists of areas of introduced & native grass pastures dominated by smooth and mountain brome, timothy, Kentucky and Nevada (Sandberg's) bluegrass and meadow foxtail. Hydrophytic grasses and herbs dominate wetland areas in the meadows and along the spring course. A small projection of a continuous copse of Booth's willow enters a corner of the property along the spring channel. Introduced and native large trees surround the Richards home and poplars line the access road. Adventive and noxious weeds dominate areas subject to heavy grazing and trampling by livestock in and around corral and supplemental feed areas.

Soils – The Summit Soil Survey maps site soils as Manila-Ant Flat Loams, Manila-Henefer complex soils, and Wanship Loam.

Near surface soils typically encountered were 10YR 2/1 to 3/2 with only one data point yielding 7.5YR 3/2, this point was the only one selected above the irrigation channel that supplies water to the northern portion of the site. Deep chroma 1 soils with a black histic indicator (3 data points) or soils with mottles in the near surface with a redox dark surface indicator (1 data point) were co-related with poorly to somewhat poorly drained soils in wetland boundary areas.

Hydrology – The three ponds at the south west side of the Richards property near the Richards home are fed by a spring located on the Mayerson property to the west and flow from the lowermost and largest of these ponds in a modified or natural channel across the mid section of the property to join with waters flowing from sources in Thaynes Canyon and from the Spiro tunnel. These waters are tributary to East Canyon creek by way of McCleod creek in the upper Weber River Basin. The site is also fed by seeps originating on the toe slopes at the northern end of the site and irrigation waters flowing from the Park City Municipal golf course to the south. The sheet flows originating from the seep at the north end are absorbed into the substrate near their sources and appear to have no perennial surface connection to the Weber drainage.

Wetland boundary justification –The boundary is based on dominance of hydrophytic plant species, presence of high late season soil moisture/saturation, topographic position, deep layers of dark value with chroma 1 to 2 soils with/or without mottles or shallower dark value and chroma 1 layers with mottles in the near surface, and poor to somewhat poorly drained soils,

Observed foreign commerce connection – none

Wetlands/waters demonstrated to be present solely due to irrigation – none

Natural wetlands/waters that appear to be isolated – none

Total jurisdictional wetlands – 2.23 acres

TABLE OF CONTENTS

| | | |
|-------------|---|------------|
| I. | Introduction | 1 |
| II. | Site Description / Existing Field Conditions | 1 |
| III. | Delineation Method | 1,2 |
| IV. | Field Survey Results | 2 |
| | 4.1 Vegetation | 2,3,4 |
| | Table 1 Dominant Vegetation | 4 |
| | 4.2 Soils | 4,5 |
| | 4.3 Hydrology | 5 |
| V. | Conclusions | 5 |

APPENDICES

Appendix 1: Maps

Figure 1: Location Map

Figure 2: Site Map/Wetland Map

Figure 3: Wetland Map Detail

Appendix 2: Data Forms

Appendix 3: Soil Map & Text

Appendix 4: Survey Data for Boundary Flags and Data Points

Appendix 5: NWI wetland map

I. INTRODUCTION

A wetland delineation was conducted for Frank Richards, 510 Payday Drive, Park City, Utah 84060- the owner of the property. The purpose of the assessment was to delineate wetlands on the property as defined by Section 404 of the Clean Water Act (CWA) to comply with local planning department requirements for a possible replat.

The US Army Corps of Engineers (Corps) and EPA define wetlands as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Saturated soil conditions are further described as saturated to the surface at some time during the normal growing season.

II. SITE DESCRIPTION / EXISTING FIELD CONDITIONS

The site is a 13.6 acre parcel located in Summit County, near Park City, Utah (SE ¼ of Section 5, T2S, R4E).

Site elevations range from approximately 6795 feet to 6745 feet above sea level and consists of mildly sloping pasture & crop grasslands. A Spring originating on adjacent property to the west flows into a series of 3 ponds and supplies a portion of the irrigation water for the parcel. The topographic lows of the site are along the east boundary where drainage and irrigation channels carry perennial waters and runoff to the north and east. The topographic lows of the site are along the east boundary where drainage channels carry perennial waters and runoff to the east.

Much of the site is grazed by horses and cattle. About 4 acres is mowed for grass hay (2 crops) and then irrigated for intermittent grazing. Irrigation has been frequent and sustained over a long period of time (40 years by present owner). Water from the ponds and creek courses is supplied for irrigation via sprinklers in the south west corner and ditches along the west, south and east boundaries.

III. DELINEATION METHOD

This delineation was conducted according to the guidelines and procedures outlined in US Army Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1).

ahorizon Resources, L.L.C. Wetland Delineation for: Frank Richards

1

The examination for wetlands was based on three parameters: vegetation, soils, and hydrologic features. Data point locations, hydrologic features and vegetation community types are presented on the Site/Wetland Maps (Figures 3 & 4, Appendix 1).

Dominant vegetation at each data point along with the estimation of cover for each species was listed on the field data forms included in Appendix 2. Each species was assigned a rating as to wetlands status based on Regional indicators (NTIS, 1988).

Due to the extensive grazing of the site, an adjacent non-grazed area across the fence to the north was examined in both wetland and upland areas for comparison of plant species present and estimated cover of dominants. Grass species in the grazed area were identified using characters of the leaves and stems including auricles, ligules, leaf venation and width and openness of the sheath, and also character of the roots.

Soils were excavated and examined for hydric characteristics. Soil moisture, texture and color were observed, and any evidence of high organic content, mottles or gleyed soils were noted. Soils were moistened and compared to Munsell Color Charts (Macbeth, 1990) for determination of value, chroma, and hue.

Depth to groundwater and to saturated soil was documented at the time of the field survey and due to recent irrigation further observed during a period of over three weeks. The effects of irrigation, seasonal influences, recent precipitation events, and historical information were also considered where readily available.

IV. FIELD SURVEY RESULTS

The field study was conducted during October of 2011, thus within the growing season. The wetland/upland boundaries were determined based on comparative field observations of vegetation, topography and surface hydrology as well as specific vegetation, soils and hydrology data from each sample location. Wetland area boundaries were flagged in the field, surveyed and plotted with data points and other pertinent information (see Site/Wetland Maps- Figure 2 & 3, Appendix 1).

.1 Vegetation

Upland vegetation consists of areas of introduced and native grass pastures dominated by Smooth Brome (*Bromus inermis*), Mountain Brome (*Bromus anomalus*), Kentucky Bluegrass (*Poa pratensis*), Sandberg's Bluegrass (*Poa secunda/nevadensis*),

Timothy (*Phleum pratense*), and Meadow Foxtail (*Alopecurus pratensis*) with a minimal component of weedy species including Bindweed (*Convolvulus arvensis*), Canada Thistle (*Cirsium arvense*) and Dandelion (*Taraxacum officinale*).

Introduced and native large trees surround the Richards home and poplars line the access road.

Adventive and noxious weeds dominate areas subject to heavy grazing and trampling by livestock, in and around corral and supplemental feed areas. Common Mallow (*Malva neglecta*) and Hoary Cress (*Cardaria draba*) are abundant in those situations.

Hydrophytic grasses and herbs dominate wetland areas in the meadows and along the spring course. Redtop Bentgrass (*Agrostis stolonifera*), Baltic Rush (*Juncus balticus*), Nevada Rush (*Juncus nevadensis*), Nebraska Sedge (*Carex nebrascensis*) and Woolly Sedge (*Carex lanuginosa*) dominate wetland areas in the pasture grasslands and along the stream course. A lesser component of herbs such as Willow herb (*Epilobium ciliatum*), Blister Buttercup (*Ranunculus acris*), Water Groundsel (*Senecio hydrophilus*), Toad Rush (*Juncus bufonius*) and Monkey flower (*Mimulus guttatus*) are found near the data points. The only dominant forbs sampled were White Clover (*Trifolium repens*) and Common Plantain (*Plantago major*).

A small projection of a continuous copse of Booth's willow enters a corner of the property along the spring channel.

As noted under methods above- an adjacent non-grazed area across the fence to the north was examined in the mosaic of wetland and upland areas for comparison of plant species present and estimated cover of dominants. A visual assessment of the area was made and low and high percentages of cover were estimated.

The upland areas yielded Smooth Brome (*Bromus inermis*)- 10 to 90%, Meadow Foxtail (*Alopecurus pratensis*)- 5 to 90% and Small wing Sedge (*Carex microptera*)- 5 to 30%. Reed Canary grass (*Phalaris arundinacea*)- was present to 100% around irrigation channels. Canada Thistle (*Cirsium arvense*) was present in both dry and wet areas to about 5%.

The wetland areas yielded Redtop Bentgrass (*Agrostis stolonifera*)- 30 to 50%, Baltic Rush (*Juncus balticus*)- 10 to 80%, Nevada Rush (*Juncus nevadensis*)- 10 to 30%, Woolly Sedge (*Carex lanuginosa*)- 5 to 30%, Meadow Foxtail (*Alopecurus pratensis*)- 10 to 30% (with its lowest cover in the wettest areas), Water Groundsel (*Senecio*

hydrophilus)- 5 to 20%, Willow herb (*Epilobium ciliatum*)- 1 to 10%, Arrowgrass (*Triglochin maritimum*)- to 5%, and interestingly only a trace of Nebraska Sedge (*Carex nebracensis*). The increase in cover recorded for Nebraska Sedge on the grazed areas could indicate its ability to increase under grazing pressure. It's presence was less apparent in the least grazed and wettest areas on the grazed side as well, where Woolly Sedge was a dominant. All data points except for DP-9 were located near the wetland boundaries and did not yield Woolly Sedge although Nebraska Sedge was often a dominant.

Table 1- Dominant Plant Species Encountered

| Scientific Name | Common Name | Indicator Status** |
|---------------------------------|-----------------------------|--------------------|
| <i>Agrostis stolonifera</i> | Redtop Bentgrass | FACW |
| <i>Alopecurus pratensis</i> | Meadow foxtail | NI |
| <i>Bromus inermis</i> | Smooth Brome | NA |
| <i>Carex nebracensis</i> | Nebraska Sedge | OBL |
| <i>Carex lanuginosa</i> | Woolly Sedge | OBL |
| <i>Cardaria draba</i> | Hoary Cress | NA |
| <i>Juncus balticus</i> | Baltic Rush | FACW |
| <i>Juncus nevadensis</i> | Nevada Rush | FACW |
| <i>Malva neglecta</i> | Common Mallow | NA |
| <i>Moss species</i> | Moss | NA |
| <i>Phleum pratense</i> | Timothy | FACU |
| <i>Plantago major</i> | Common Plantain | FAC |
| <i>Poa pratensis</i> | Kentucky Bluegrass | FACU |
| <i>Poa nevadensis (secunda)</i> | Nevada/Sandberg's Bluegrass | FACU |
| <i>Salix boothii</i> | Booth's Willow | OBL* |
| <i>Senecio hydrophilus</i> | Water Groundsel | OBL |
| <i>Trifolium repens</i> | White Clover | FACU |

** OBL - obligate wetland species, more than 99% occurrence in wetlands

FACW - facultative wetlands species, 67-99% occurrence in wetlands

FAC - facultative species, 34-66% occurrence in wetlands

FACU - facultative upland species, 1-33% occurrence in wetlands

NI - indicator status has not been determined

NA - not available in the region 8 species list

* - tentative classification

.2 Soils

The Summit Soil Survey maps site soils as Manila-Ant Flat Loams, Manila-Henefer complex soils, and Wanship Loam. Of the three only Wanship Loam was sampled due to locations of the data points. No data points were sampled within the Manila-Ant Flat

loams or Manila-Henefer complex soils surrounding the pond areas because the ponds are steep sided and the defined wetland is at the pond surface.

Near surface soils typically encountered were 10YR 2/1 to 3/2 with only one data point yielding 7.5YR 3/2, this point was the only one selected above the irrigation channel that supplies water to the northern portion of the site. Deep chroma 1 soils with a black histic indicator (3 data points) or soils with mottles in the near surface with a redox dark surface indicator (1 data point) were co-related with poorly to somewhat poorly drained soils in wetland boundary areas.

.3 Hydrology

Three ponds at the south west side of the Richards property near the Richards home are fed by a spring and creek located on the Mayerson property to the west. These waters flow from the lowermost and largest of these ponds in a modified or natural channel across the mid section of the property and exit at the east boundary. They join with waters flowing from sources in Thaynes Canyon and from the Spiro tunnel. These waters are tributary to East Canyon creek by way of McCleod creek in the upper Weber River Basin. The site is also fed by seeps originating on the toe slopes at the northern end of the site and irrigation waters flowing from the Park City Municipal golf course to the south. The sheet flows originating from the seep at the north end are absorbed into the substrate near their sources and appear to have no perennial surface connection to the Weber drainage.

V. CONCLUSIONS

Based on data collected in October 2011, the following conclusions are made concerning wetlands and water features on the site.

Wetland boundary justification – The boundaries are based on dominance of hydrophytic plant species, presence of high late season soil moisture/saturation, topographic position, deep layers of dark value with chroma 1 to 2 soils with/or without mottles or shallower dark value and chroma 1 layers with mottles in the near surface, and poor to somewhat poorly drained soils,

Observed foreign commerce connection – None/Unknown

Wetlands/waters demonstrated to be present solely due to irrigation – None.

Natural wetlands/waters that appear to be isolated – None

Total acreage of jurisdictional wetlands – 2.23 acres.

**APPENDIX 1
MAPS**

**APPENDIX 2
DATA FORMS**

**APPENDIX 3
SOILS MAP & TEXT**

**APPENDIX 4
SURVEY DATA**

**APPENDIX 5
NWI MAP**

Route: 5.0 mi, 7 min



bing
 This was a full map view in the browser window.

A: Kimball Junction, UT



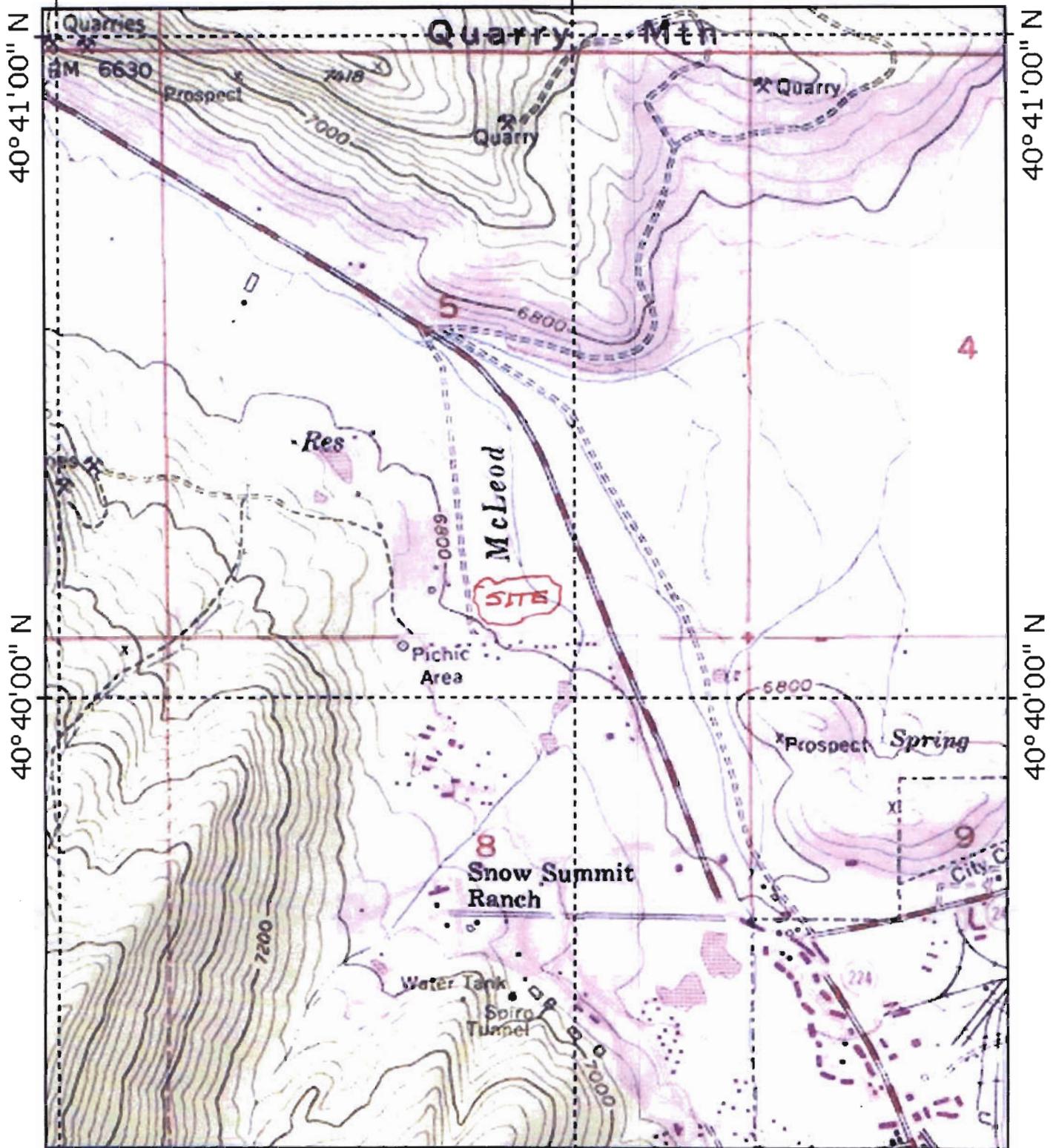
bing
 © 2010 Navteq © 2011 Microsoft

B: 510 Payday Dr, Park City, UT 84060



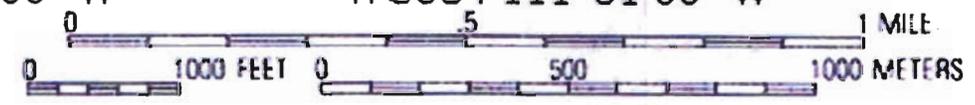
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TOPO! map printed on 09/24/11 from "Utah.tpo" and "Untitled.tpg"
111°32'00" W WGS84 111°31'00" W



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MINUTES – APRIL 25, 2012

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
APRIL 25, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Matt Evans, Mark Harrington

WORK SESSION ITEMS

200 Ridge Avenue – Plat Amendment

Planner Matt Evans reviewed the application for the 200 Ridge Overlook Subdivision. He noted that the background section of the Staff report contained a detailed summary of the minutes from the September 22, 2012 Planning Commission meeting. He also handed out summary notes from 2007 that were not included in the Staff report.

Planner Evans reported that the Planning Commission has reviewed this application at previous meetings. The Staff report contained an analysis of each lot. Planner Evans noted that the Staff report outlined issues for discussion that were concerns for the Planning Commission during the last review in September 2010.

Planner Evans stated that the applicant would like to move forward with the last proposal for six lots on Ridge Avenue. He pointed out that the issue over widening the street needs to be addressed with the City Engineer because he has concerns regarding that street. Planner Evans requested that the Planning Commission discuss how Ridge Avenue would function. He understood that past sentiment by the Planning Commission was to keep the street narrow. The City Engineer had not provided official input; however, based on his comments, Planner Evans did not believe the City Engineer shared their sentiment. It was noted that the City Engineer was not in attendance this evening.

Commissioner Strachan referred to the Analysis section of the Staff report and asked for clarification of Subparagraph F, which read, "Establish Development review criteria for new Development on Steep Slopes. He recalled that subparagraph F in the Management Code talks about mitigating the impacts on the mass and on the environment. Commissioner Strachan questioned whether it was a typo in the Staff report.

City Attorney Harrington remarked that the language in the Staff report was not a typo, but it was incomplete. An additional phrase states, "...which mitigate impacts of mass and scale and environment".

Jason Gyllenskog, representing the applicant, was available to answer questions.

Chair Wintzer stated that he had visited the site again today. Whether it is three lots or six lots, he needed to be convinced that a house could be built that meets the Code and has access on to the street, before he would be willing to create a lot that could potentially be a substandard lot that would allow someone to come back with a hardship.

Mr. Gyllenskog stated that since the last meeting, Gus Sherry with Cannon Engineering put a box of a house on each of the six lots proposed. He had submitted cross sections showing the lots and

box houses to show that it would meet the new LMC changes. Planner Evans stated that the cross sections were not included in the Staff report because he had inadvertently provided the wrong attachment. Planner Evans had seen the visual analysis Mr. Gyllenskog talked about and it was just boxes without any articulation or design.

Commissioner Hontz remarked that the purpose of the entire Land Management Code includes “to enforce and promote public health, safety and welfare”. The only reason Ridge Avenue is currently a viable street is because there are no structures and no homes use that road for primary access. Commissioner Hontz stated that Ridge Avenue cannot support the number of vehicle trips per day that six lots would generate. The point of the HRL District is to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. Commissioner Hontz remarked that regardless of the City Engineer’s comments to Staff, the current Streets Master Plan indicates that this particular street, in this section, should remain narrow. She questioned why the City would go through the process of trying to acquire a right-of-way for a development for other people to build on. That was referenced in the Streets Master Plan, which has worked since 1984. In addition, the Streets Master Plan says that Ridge Avenue can be used as an alternate route for streets such as Sampson, Upper Norfolk, King and Daly in an event of an emergency, but it is not meant to carry a significant amount of traffic.

Commissioner Hontz noted that the minutes from previous meetings indicate the number of times that the Planning Commission has said no to this proposal. She previously questioned whether the three lots that were approved were supportable by the existing width and condition of Ridge Avenue. Commissioner Hontz stated that the HRL requires the protection of significant vegetation. This particular site has amazing Cottonwood trees that in 2007 Steve Deckert identified as being important to save.

Commissioner Pettit disclosed that she lives on Daly Avenue and has very good insight as to how Ridge Avenue is utilized year-round. From her personal observation, she completely agreed with Commissioner Hontz. Adding one additional home on that road would have a major impact on traffic flow, particularly in an emergency situation. Based on the Code requirements and the role and responsibility of the Planning Commission, she could never support six homes on that road. She was part of the original approval process and she felt that approving three lots was pushing it. In spite of their past comments, they continue to see them same thing. From her perspective the answer was still no for all the reasons stated.

Mr. Gyllenskog agreed that this was the second work session, but he could not recall ever being told no. The six lot application has only been reviewed at a regular meeting twice. A positive recommendation was forwarded to the City Council for six lots once, and another time for three lots. Mr. Gyllenskog pointed out that those were the only two times this application was addressed outside of work session.

Commissioner Pettit agreed that the Planning Commission has not said no through a formal vote, but their sentiment that six lots were too many was made clear in their comments at the last meeting.

Mr. Gyllenskog stated that they heard that sentiment and based on their comments they tried to

address some of their issues and concerns. One was whether they could build on that flat area, and the answer is yes. Could they build to meet Code, the answer is yes. Mr. Gyllenskog noted that they have to live by the LMC and HRL defines the size. Per the LMC, six lots are allowed. Mr. Gyllenskog stated that currently there are 21 full and partial lots, so they are definitely reducing density.

Commissioner Pettit stated that six lots may be a reduction, but it was not enough, and that is within their purview. She clarified that the Planning Commission also has the ability under the LMC to reduce lot size and house size for compatibility with other structures in the HRL and the HR1 District. At this level the Planning Commission has the ability to match up the property owner's expectation with their responsibility under the Land Management Code. This process was an effort to find common ground.

Commissioner Thomas remarked that that three lots were better than six lots for all the reasons and impacts stated.

Commissioner Strachan could see nothing different today from what they saw in September of 2010. The concerns he had with Sections A and F as referenced in the minutes, particularly regarding mitigating impacts of size, mass, and the environment had not been mitigated. Until the applicant could show that a significant amount of dirt would not be excavated from the side of the hill and that the vegetation would not be disturbed, they were in the same place they were in 2010.

Mr. Gyllenskog thought it was unfortunate that the Planning Commission did not have the cross sections that were prepared by Cannon Engineering. As a builder he was certain that there would be significantly less excavation on these sites by building on the flat section than there would be if he built on a completely flat lot and excavated for a basement. As proposed, building would start at ground level in the flat section and go up. Commissioner Strachan recalled that at the last meeting he requested estimates of cubic yards of dirt that would be excavated, and comparing it to slopes that are different angles and not as steep. Mr. Gyllenskog stated that he could provide those numbers easily and show the comparison between building on the flat portions versus building on a flat lot and digging out a basement. Commissioner Strachan replied that until he had that information his position was the same as two years.

Commissioner Savage stated that since he was not present for the 2010 discussions he did not have the same history as his fellow Commissioners. He understood that at one point there was a 6 lot proposal that was converted to 3 lots; and the applicant was now trying to go back to six lots. Commissioner Savage felt the question was what the LMC dictates as it relates to the property rights associated with those particular parcels. He was respectful of all the comments made by the other Commissioners regarding impacts and how they can be mitigated; however, he thought the applicant's proposal falls within the purview of what should be allowed on that site based on his current understanding.

In terms of the life safety issues, Chair Wintzer thought there was a big difference between six cars backing out of a driveway onto a substandard road versus three cars backing out. He believed that was the crux of what the majority of Commissioners were saying. Six lots create greater impacts and make the road even more substandard.

Commissioner Pettit point out that it would only take one car or one delivery truck parked on the road to make Ridge Avenue impassable under its current condition. Mr. Gyllenskog agreed that Ridge Avenue is a substandard road, which is why the HRL designation is the over zone of that. However, the same situation occurs on Ontario, Prospector and other areas that are zoned HRL, and those streets have significantly more houses than Ridge Avenue. Chair Wintzer did not believe any of the streets Mr. Gyllenskog mentioned were as narrow or as dangerous as Ridge Avenue. Mr. Gyllenskog replied that the roads were compared in their first proposal and the other streets have sections that are just as narrow.

Chair Wintzer remarked that Ridge Road is two feet away from a cliff on a narrow road; and that creates a different image in your mind that a narrow road on a flat surface. For that reason alone he felt Ridge Avenue was more substandard and dangerous than any other street.

Commissioner Hontz stated that in her opinion this proposal was not a reduction in density from 21 lots. She pointed out that that many of the lots are 8' x 2' and others are 20' x 40' and those parcels are not buildable. They would have to be combined in order to create a buildable lot. Commissioner Hontz remarked that if you add up all that area, as well as vacated Anchor Avenue and the space that includes the platted right of way for Ridge, it brings it up to a certain amount of space that could be converted and made into HRL. She outlined the formula she used to come to that conclusion.

Mr. Gyllenskog asked if Commissioner Hontz was saying that those were not real lots as recorded. Commissioner Hontz replied that they were platted lots of record. Under the HRL, they were undevelopable as individual platted lots of record. Mr. Gyllenskog stated that a certain portion of those lots would be buildable with a variance. Commissioner Hontz welcomed a variance application.

Director Eddington believed the applicant had sufficient direction to move forward. Mr. Gyllenskog requested that the Planning Commission be given the information prepared by Cannon Engineering so they could see that the lots are buildable. He understood that the Planning Commission did not support six lots; however, he needed to pass on that information to his investment partner since he was the ultimate decision maker. He would either come back with a different proposal or request a vote on six lots.

Commissioner Savage asked who would be the arbiter on matters of public safety, health and welfare concerns. If it was previously decided that Ridge Avenue was safe enough for three lots, he wanted to know who determines if it becomes unsafe with four lots. City Attorney Harrington stated that the determination is made through planning decisions that the Planning Commission is charged with making, and that determination could be passed along with their recommendation. He noted that the decision has to be based on recorded evidence and not just speculation; however, evidence can also be personal observation and experience, as well as information provided by the Staff or the applicant. The Planning Commission has to weigh those various aspects to balance out their decision.

Commissioner Savage encouraged the applicant to take that into consideration as they move towards the next step.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 25, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Matthew Evans, Planner; Francisco Astorga, Planner; Mark Harrington, City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 6:15 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

March 14, 2012

Commissioner Hontz noted that a statement she had made was not reflected in the minutes and because she felt it was important, she amended page 17 of the minutes to include her statement, **Understanding that questions regarding the General Plan and annexation were outside the purview of the IBI Group, Commissioner Hontz asked if a representative for the applicant was present to address those questions. She was told that no other representative was present.**

MOTION: Commissioner Pettit moved to APPROVE the minutes of March 14, 2012 as amended. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who had attended the meeting on March 14th. Commissioner Savage abstained since he was absent from that meeting.

April 11, 2012

MOTION: Commissioner Strachan moved to APPROVE the minutes of April 11, 2012. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who had attended the meeting on April 11th. Commissioner Pettit abstained since she was absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Thomas commented on the project that was juried on Iron Horse Drive. Twelve students from the U of U graduate school of Architecture presented concepts for a hypothetical project in Park City. He has championed this for a long time and it was exciting to see it occur. Commissioner Thomas noted that three of the presenters would attend the Planning Commissioner work session on May 9th. He requested that the public be notified because it was a worthwhile effort and it was fun to see something outside of the box. Commissioner Thomas thanked Charlie and Mary Wintzer for making their property available for this project.

Director Eddington reported that the joint meeting with the Snyderville Basin Planning Commission was scheduled for Wednesday, May 30th at 6:00 p.m. The plan was to utilize someone from Envision Utah to facilitate that meeting as a general regional information provider.

Director Eddington stated that a joint meeting with the City Council was scheduled for Thursday, May 31st. Charles Buki would give his balanced growth report that evening.

Chair Wintzer stated that he would be out of town for both joint meetings.

CONTINUATION(S) – Discussion, Public Hearing and Possible Action

200 Ridge Avenue – Plat Amendment **(Application #PL-10-00977)**

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

MOTION: Commissioner Pettit moved to CONTINUE the 200 Ridge Avenue plat amendment to May 23, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 573 Main Street & 564/572 Park Avenue – Plat Amendment **(Application #PL-10-01105)**

Planner Francisco Astorga handed out copies of public input he received after the Staff report was prepared.

Planner Astorga introduced the applicant's representatives; Andrew Moran with Evergreen Engineering, Jonathan DeGray, the project architect and Joe Rona, legal counsel representing the applicant.

Planner Astorga reviewed the application for a plat amendment at 573 Main Street. He presented a copy of a survey of what used to be known as the Claim Jumper Site at 573 Main Street. The property owner also owns the three Park Avenue lots towards the rear. The plat amendment combines seven lots of record and a portion of two lots into three lots of record. Planner Astorga presented the County plat map and the zoning map, which showed the subject area.

Joe Rona, representing the applicant, stated that he learned that day that Joe Tesch was representing several neighboring lot owners who had concerns with this plat amendment. Mr. Rona remarked that in the spirit of being good neighbors, the applicant felt it was more appropriate to try and work with the Mr. Tesch and his clients to address the concerns and try to resolve them before moving forward with the Planning Commission. Mr. Rona requested that their presentation be continued to another meeting to allow the opportunity to work with the neighbors. Since this was scheduled for a public hearing, Mr. Rona suggested that the Planning Commission could hear public input this evening.

Chair Wintzer opened the public hearing.

Joe Tesch concurred with Mr. Rona. He explained that the intent was to have joint meetings with the Planning Staff in an effort to come to some agreement. Mr. Tesch clarified that as citizens, his clients were happy about the Claim Jumper and believed the applicant was doing the right thing. However, they had concerns regarding neighborhood impacts and impacts to Old Town in general.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the plat amendment for 573 Main Street and the public hearing to May 23, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer thanked Mr. Rona and Mr. Tesch for their willingness to resolve the issues outside of the public meeting.

2. **7700 Marsac Avenue - Subdivision**
3. **7700 Marsac Avenue - Condominium Conversion**

Planner Matt Evans reported that the applicant was requesting to continue these items to the May 9, 2012 meeting. Two owners are associated with this particular property and after relooking at

the plans, one of the owners wanted to tweak the proposal. The Staff was comfortable with the requested continuance.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 7700 Marsac Subdivision and Condominium conversion applications to May 9, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

4. Quinn's Junction Partnership - Annexation

Planner Whetstone reviewed the request to annex 29.55 acres of undeveloped land into Park City, located at the southwest quadrant of SR248 and US40. She presented items that the Planning Commission had requested at the last meeting, which included the Annexation Declaration Boundary Map. Planner Whetstone also provided a redlined map showing the annexation declaration boundary, and noted that everything to the west of the line was planned annexation. The map did not include the Park City Heights city limits, which was below the studio project. Planner Whetstone presented another map showing the context and a massing study, which was amended to tie in the buildings with the visual analysis showing the stepping and the building articulation and layout from several locations.

Planner Whetstone noted that this project was unique because it was tied to a settlement agreement and an annexation agreement that was entered into by the City Council and the applicant. Planner Whetstone remarked that the Planning Commission had provided good direction regarding General Plan compliance; however, due to the unique situation, the Master Planned Development was attached to the annexation, which made the decisions more difficult. She stated that in looking at the actual parcel, it was clear that the property should be in Park City and the City should have control over this project and future projects and activities. It made sense for this property to be included within the annexation expansion area.

Commissioner Savage understood that the square shown on the map was the subject property. Planner Whetstone replied that this was correct. The green line on the map was the annexation boundary, which was determined when the annexation policy plan was written and incorporated into the Land Management Code. The area shown in red was the existing boundary, with the exception of Park City Heights. Commissioner Savage asked if Park City Heights was the only significant change that was not shown on the map for that area. Planner Whetstone answered yes.

Commissioner Savage indicated an area that he assumed would be an island of unannexed property. City Attorney, Mark Harrington, explained that there is a pending application for the area

to the west, which is the Osguthorpe area and the rest of the Gillmore area. An insert triangle would remain, but it is contiguous to County land to the east. It would not create an island; however, a peninsula inward to the City would be left out.

Planner Whetstone stated that after significant consideration, the Planning Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact and conclusions of law in the attached ordinance that the Staff had used to determine their recommendation. She noted that 37 conditions of approval were drafted in the ordinance that the Staff believed were appropriate for the master planned development. Most of the conditions relate back to the future conditional use permit. Any conditional use permit submitted would be compliant with the annexation agreement, the LMC, and the master planned development. Planner Whetstone stated that the Commissioners were given a packet prepared by the applicant which was the MPD. Another packet that was not provided to the Planning Commission contained 50 pages of documents that the Commissioners had seen in previous submittals.

Planner Whetstone requested that the Planning Commission review the conditions of approval in detail and make any amendments. She noted that the conditions addressed administrative CUPs, site planning, building layout and circulation, building massing, heights, articulation, architecture, parking, traffic mitigation, support uses, landscaping, lighting, fencing details, best management practices for storm water, access, special events and outdoor activities, trails, transit turnaround and bus shelters, grading, recycling conditions, LEED conditions, rooftop mechanicals screened, permanent power for the trailers, signs and utilities.

Doug Rosecrans with IBI Group and representing the applicant, reviewed the packet they had provided this evening. Page 2 of the packet outlined a list of changes that were made since the last meeting. Pages 12 and 13 showed the updated massing study. The trees were shrunk down to reflect what the initial plantings would be in reality. Page 14 was the same condition with the size of the trees reduced to show the screening they would provide. Page 17 was a view from US40 northbound. In response to a request by Commission Hontz, the white strip was darkened to make it less visible.

Mr. Rosecrans stated that pictures were taken of Park City Heights from the frontage road, as requested by Commissioner Savage. They were unable to go onto the property because it is private. Therefore, because the pictures taken were similar to the same view previously shown, they were not created as an exhibit for the revised packet.

Mr. Rosecrans referred to page 27 and noted that square footage was added to the snow storage plan to meet the Code requirement for 88,000 square feet of snow storage area. Page 28 responded to the request to estimate the number of acres of parking. He reported that the calculation was 8.33 acres of surface parking. The hotel underground parking was not included in the calculation. Page 31 was an updated transit plan. He noted that earlier a transit stop was added to the center of the parcel, but it was not reflected on the plan until this evening. On Page 39 one of the undesirable fencing images was removed. The images shown were ones the Planning Commission was willing to consider.

Commissioner Thomas asked for clarification of the sketches on page 149 of the Staff report. Planner Whetstone stated that she had hoped to have a new replacement sheet but the applicant had not provided that until this evening. She referred to page 2 of the packet handed out by the applicant, and noted that the area identified as long vehicle parking would be for trailers and longer vehicles. Planner Whetstone stated that the intent is to have 5+ feet of additional landscaping between the trellises and the long vehicle parking, which would add to the depth and screening and add ambiance for the trailers. The area would be striped for long vehicle parking and not available for individual parking spaces as originally shown on page 149. Planner Whetstone remarked that the Staff also requested that the applicant provide shade trees in the public parking area. Another item was to look into whether the applicant could receive permission from UDOT to feather the landscaping into the UDOT right-of-way.

Planner Whetstone requested that the applicant provide the notes and information that were missing this evening for the City Council meeting. Mr. Rosecrans stated that it would be provided.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Based on comments at the last meeting from individual Commissioners, the Staff had prepared findings of fact, conclusions of law and conditions for approval, as well as findings and conclusions for denial, for whichever way the Planning Commission would vote. If the majority of Commissioners supported forwarding a negative recommendation to the City Council, the motion could request that the conditions of approval be considered if the negative recommendation was overturned. The Planning Commission reviewed and revised the conditions of approval and findings as follows:

Chair Wintzer referred to Condition #9, and asked if reference to the west secondary access was the right direction; or whether it was south. Planner Whetstone replied that the correct direction was south.

Commissioner Hontz referred to Condition #1 which talked about amending the Official Zoning Map. She stated that in order for the Zone Map to be amended to have an annexation properly listed, an updated and accurate annexation plat must be provided. The annexation plat that was submitted was not recent and it did not tie into the fact that the adjacent property has already been annexed in. It also references old ownerships. Commissioner Hontz noted that the updated map would need to be submitted in order to have a complete application.

Commissioner Hontz referred to Condition #4 the references to an Administrative Conditional Use permit. She understood that it was the process but it was not consistent. She preferred that the language consistently say Administrative Conditional Use Permit. Planner Whetstone agreed, noting that the Staff had already identified the inconsistency.

In Condition #4, Commissioner Thomas referred to the sentence addressing his participation as a liaison in the CUP process relative to design and architecture. He requested clarification on his role as liaison and who he would be interacting with. City Attorney Harrington explained that Commissioner Thomas would interact with the Staff and report back to the Planning Commission as the liaison between the two. It was suggested that the language be revised to read, "Liaison with Staff."

Commissioner Hontz referred to Condition #5 and asked if they should include timing with regards to putting in the landscaping. Director Eddington stated that at the CUP level the Staff would require a phasing and construction plan for buildings and landscaping, and everything would need to be completed prior to the certificate of occupancy.

Commissioner Hontz referred to Condition #6 and recommended strengthening the language by replacing the word to with shall, to read "...and lighting design in zones **shall** comply with best lighting practices as recommended by the Dark Skies organization". She thought the current lighting standards were insufficient to accomplish the goals they have discussed.

Commissioner Hontz asked if the lighting ordinance was updated prior to the time this project was built, whether it would have to comply with the new code. Assistant City Attorney Harrington replied that it would depend on the timing of the submittal.

Commissioner Hontz noted that security fencing was not called out in either the annexation agreement or the settlement agreement in terms of amount of fencing. Therefore, she believed the Planning Commission could have more control over fencing. She was terrified by the amount of fencing and the nebulous understanding of it. Commissioner Hontz stated that in reducing the amount of parking, the amount of fencing should also be reduced. She thought the fencing could be eliminated from below Buildings 7A, 7 and around and over.

Commissioner Hontz recommended that they strike the last sentence in Condition #7, which gave the owner latitude for having taller security walls.

Chair Wintzer asked if Commissioner Hontz was concerned with the amount of fencing or what it could look like. Commissioner Hontz replied that it was both. Chair Wintzer stated that the language could be amended to say, "Security fencing would follow the phased parking plan, if amended." Therefore, if the parking is reduced, the fencing is reduced. Commissioner Hontz agreed with that to address her first concern. She believed that striking the last sentence would help alleviate her second concern; and the details of the fencing could be negotiated under the CUP. Commissioner Thomas thought it was appropriate to strike the last sentence.

Commissioner Hontz referred to Condition #8 and preferred that the language indicate that the applicant is allowed one ingress/egress access point from the site per the agreements. As the project is being built, they can come back to the City to demonstrate why another access would make the project better. Commissioner Hontz was uncomfortable putting the decision on to UDOT because they do not have concern for the well-being of the community. The purpose of this exercise is to gain local control, and she could not understand why they would pass it off again.

City Attorney Mark Harrington noted that the condition as written incorporates the current Corridor Preservation Agreement which limits access to one point. Commissioner Hontz understood that the Corridor Preservation Agreement was through UDOT. Mr. Harrington replied that it was through the City; however, any amendment would need to be approved by the City and UDOT.

Commissioner Hontz referred to Condition #15, the 8th line, "The Planning Commission hereby approves the Staff's parking analysis including reductions for shared parking as well as support uses from the number of 957 to 668, based on the information provided with the MPD..." For better clarification, she suggested including the words, from 957 to 668 **total parking spaces**.

Commissioner Pettit stated that this condition of approval goes with the ordinance and the Planning Commission would not be approving the initial parking analysis. City Attorney Harrington agreed that there was a lack of clarity in the language because the Staff and the applicant were still proposing different numbers. The Staff provided their best analysis based on the information given to date. The condition should be clear that regardless of whether this moves forward with a positive or negative recommendation, the Planning Commission wanted a reduction in parking to at least what the Staff recommended in their analysis, and adjusting that number 20% either way based on data as the project moves forward.

Commissioner Hontz remarked that in addition to the number of parking stalls, the Planning Commission wanted a reduction in the actual impervious surface. Commissioner Thomas suggested revising the language to say, 668 or less parking stalls. Commissioner Hontz did not want the applicant to have the ability to decide up to 20% either way. If they want additional parking they should have to come back to the City with that request.

Chair Wintzer wanted the Staff to tie square footage to the number of parking stalls. He would not want the applicant to think they could leave the hard surface as long as it was not striped.

Commissioner Savage wanted to know why the Staff calculation of 668 parking spaces was so different from the 886 total stalls the applicant was proposing. He asked if the Staff calculation included the underground parking. Planner Whetstone answered yes. City Attorney Harrington explained that the Staff had done a preliminary analysis based on their assumption of the uses inside the building and the buildings that would have shared uses, and applied that under the parking ratios of the LMC. That calculation came up to 668 parking spaces. The applicant had not yet agreed with the Staff number, which is why it was addressed in a condition of approval.

Commissioner Savage asked if he was correct in assuming that there were very few significant discrepancies between the MPD application and the conditions of approval. City Attorney Harrington believed that parking was the primary discrepancy.

Commissioner Worel wanted to know how they would address the impervious area. Chair Wintzer did not think it was necessary to put the actual language in Condition #15. The Planning Commission could recommend that the Staff tie the number of parking stalls to a square footage of impervious surface, and let the Staff calculate the number.

Director Eddington stated that the Staff would tie the 668 total number of parking spaces to the phasing and assign a square footage.

Commissioner Strachan thought the language in Condition #15 was fine, but the 20% should be tied to the square footage of surface and not the number of stalls. Commissioner Pettit suggested that they strike the language, Planning Commission hereby approves, and build into the condition of approval what the applicant can and cannot do.

Commissioner Worel returned to the fencing issue in Condition #7. If they phase parking, she asked if they also needed to phase the security fencing. Chair Wintzer believed the issue had been addressed with the revised language in Condition #7 stating that the security fencing would match the phased amount of parking. The fencing would shrink or grow with the parking plan.

Commissioner Pettit referred to Condition #30, which specified the use of PV Solar panels to generate the power for heat melt and such systems. Given the variety of different technologies available, she preferred to add, "...or other renewable energy resource to generate the power for such systems". Commissioner Pettit was concerned with the wording, "technically and economically reasonable feasible".

Commissioner Thomas stated that research has shown that PV panels and ground source heat pumps may not be a great option long term because of the impacts that occur. He noted that the City could not force the applicant into technology that may not be safe or practical. He suggested that they eliminate the reference to heating surfaces completely. Mr. Rosecrans stated that there were no specific plans for heat melt at this time, but that could change. Commissioner Pettit questioned whether the Planning Commission had the purview to prohibit heated surfaces. Chair Wintzer thought they should let the City Council make the decision. Commissioner Pettit proposed to revise the language in Condition #30 to read, "Areas of plazas, pedestrian walkways, patios etc., **shall not be** heat melted."

Commissioner Pettit thought Condition #33 had a similar issue in terms of building and the use of some type of renewables. The condition specified the use of solar PVs. Commissioner Pettit recommended eliminating solar PVs and revised the condition to read, "Permanent power shall be provided for the trailer parking area and the applicant shall **use best efforts to use solar or other renewable energy resource if technically and economically feasible**".

Commissioner Worel was concerned that there was no penalty for abandoning the project for whatever reason after construction had started. City Attorney Harrington explained that bonding is required by the Building Department and the bond varies depending on the plan. Commissioner Pettit shared Commissioner Worel's concern, particularly since the project is in the entry corridor. Commissioner Thomas asked if there was a way to reinforce the bonding for the landscaping and berming along the edge.

City Attorney Harrington suggested adding Condition #38 to state that as part of the construction plan, the bonding shall sufficiently address revegetation of the site and berming along the edges if the project is not completed.

Chair Wintzer suggested that the Staff find a way in the phasing plan to make sure that as the project moves forward the berms are put in and landscaped in a timely manner. Planner Whetstone agreed and thought it should be addressed as a finding of fact.

Planner Whetstone noted that Condition #37 addressed concerns raised at the public open house regarding future uses in the neighborhood.

Commissioner Strachan referred to Condition #37 and added language to the end of the first sentence to read, "...such approval should not be considered precedent for future zoning amendments **or annexation petitions** to this or neighboring properties in the Quinn's/CT zone area." He wanted it clear that any other annexation petition should never be decided in any way other than whether it comports with the General Plan.

Condition of Approval #39 was added to prohibit woodburning devices on the property.

The Planning Commission reviewed the findings for a negative recommendation.

Commissioner Savage asked if the findings of fact for a positive recommendation that were discussed at the previous meeting were incorporated into the conditions. Mr. Harrington replied that they were included in the ordinance itself. If the majority of the Commissioners vote to forward a negative recommendation, it would be done in accordance with the findings of fact on page 121 of the Staff report. Mr. Harrington explained that if the majority of Commissioners voted to forward a positive recommendation, those who dissent could still reference the findings for a negative recommendation as the basis for their vote and ask that those be considered by the City Council.

Commissioner Savage clarified that neither the findings for a negative recommendation or the conditions for a positive recommendation were meant to imply a consensus position of the Planning Commission. He was told that this was correct.

City Attorney Harrington stated that one option would be for the Planning Commission to take a straw poll to see where the majority was leaning, and then discuss the appropriate findings based on that outcome.

Commissioner Strachan disagreed with the idea of a straw poll. He preferred to review the findings first because the discussion could influence a Commissioner's decision.

Commissioner Strachan thought Finding of Fact #2 for a negative recommendation was poorly written and it was difficult to understand. In his opinion, the finding did not make sense. He thought the finding should be stricken, unless someone could explain what it meant.

Commissioner Savage interpreted the finding to mean that the primary reasons for making a positive recommendation fall outside the purview of the Planning Commission. As a consequence, it is not their business to try and make decisions on the bigger picture. They should only focus on issues specific to the Land Management Code. Commissioner Strachan agreed with Commissioner Savage's statement, but he did not believe that was what the finding said.

Commissioner Pettit revised the finding to read, "The unique circumstances due to the County settlement agreement and some of the perceived vision of the "gets" are beyond the scope of the Planning Commission's authority in applying the Land Management Code and the City's General Plan". Commissioner Strachan thought that language was more understandable. After further discussion, Commissioner Pettit thought it would be appropriate to strike the finding completely. Commissioner Strachan stated that the Planning Commission should take the application and apply the General Plan to see if the two comport, and then make findings accordingly. He did not believe they should make findings about their perceived purview.

Commissioner Hontz stated that from the beginning, the framework that they continued to see in the Staff reports was that the Planning Commission should focus on the potential benefits of design control and that the City would be better at this than other entity. She rejected that idea primarily because how the LMC describes the role of the Planning Commission and what they are allowed to do is outside of the scope of what the City typically lets them do. The Planning Commission should not be able to ignore the Land Management Code or ignore or waiver the General Plan. The Planning Commission is supposed to operate within a small box and she was uncomfortable with the fact that this was even put on them. It was a responsible exercise for the Planning Commission to review the application since this body is where MPDs and Annexations are supposed to be reviewed. It was important to go through the process, but they were at the point where they needed to say absolutely not based on what they are and are not allowed to do. Commissioner Hontz was sorry she could not help the City Council in the possible benefit scenarios, but she felt obligated to do her job.

Commissioner Strachan stated that if the Planning Commission decided to forward a negative recommendation, he would suggest striking Finding #2 and strike the word However out of Finding #3. That would be part of the motion made to support the negative recommendation.

Commissioner Pettit withdrew the language she originally proposed for Finding #2 because after further thought she did not believe it was necessary. Everything that precedes it was the Planning Commission doing their job in terms of making findings as to whether it does or does not comply. Commissioner Pettit stated that an outside litigation settlement agreement and perceived benefits of taking ownership of the project should not matter in what the Planning Commission is assigned to do. She pointed out that the Commissioners have taken the position that it either complies with the General Plan or not. If it does not comply, other things that may be important to the City are not for the Planning Commission to decide.

Commissioner Strachan felt that Finding #3 was more of a recommendation to the City Council than an actual finding for the Planning Commission doing their job. He suggested that the Planning Commission could state on the record that they would like the City Council to consider all the conditions of approval that the Commissioners worked hard on over the past four meetings; but it was not a finding.

City Attorney Harrington stated that it would be appropriate for the Planning Commission to recommend that the conditions were necessary in order for the current proposal to be more compliant. He stated that typically they try to incorporate the integration either through a condition

or finding, but it could be incorporated into the motion. He noted that Finding #3 was a finding of the work that was done by the Planning Commission and the changes that were made, versus what was the original submittal. Mr. Harrington stated that if the intent is to acknowledge the record, a finding would carry more continuity and be incorporated into the record.

Commissioner Savage stated that regardless of the ultimate decision of the Planning Commission, he asked if it was reasonable to have a similar list of findings for a positive recommendation as part of the document. He was not convinced that the ordinance in a point by point basis conveys the same information as the negative recommendation. City Attorney Harrington replied that the Planning Commission had that ability; however the City Council has already put the annexation steps in process based on assumptions, and he did not believe they needed to be as forceful in an advocacy role for a positive recommendation.

Chair Wintzer asked if there was consensus to delete Findings #2 and #3. Commissioner Strachan thought they should delete Finding #2 and leave Finding #3 with revisions to remove the word However and the words based upon #2 above. Commissioner Strachan also recommended changing the word recommends to **notes**. If the Planning Commission chooses to forward a negative recommendation, it is important to send a clear message that the project was so far out of line with the General Plan that they could not come close to finding compliance; and that the City Council should think long and hard about whether to consider denying this annexation because it does not meet any goals of the General Plan. With the proposed revisions, Finding #3 would read, "Should the City Council determine to annex the property, the Planning Commission **notes** the conditions of Approval as included in the attached draft ordinance".

Chair Wintzer understood what Commission Strachan was trying to convey, and he agreed that it did not meet even one goal of the General Plan. However, he did not believe that meant that the City would be better off having the project occur through the County. Chair Wintzer was not ready to make that determination. Commissioner Strachan clarified that he was not going that far. He was only suggesting that they strike the word "recommend" and replace it with "notes" as a way to tell the City Council that the Planning Commission worked hard to come up with 39 conditions of approval that reflect their best efforts to polish this "turd", but they were not forwarding a positive recommendation to annex.

Commissioner Pettit agreed with Commissioner Strachan's comment about the use of the word "recommend". However, she suggested language stating that, "In order for the annexation petition and the MPD to be more compliant or closer with the LMC and General Plan, the Planning Commission notes the conditions of approval in the attached ordinance". She asked if that language was still too much endorsement. Commissioner Strachan remarked that using the words more compliant assumes that it was compliant in the first place.

Chair Wintzer stated that if the matter ends up in court, he would not be comfortable having the word "recommends" in the findings. He favored replacing it with "notes". The Commissioners concurred.

Commissioner Hontz stated that one thing she has learned while sitting on the Planning Commission is that she never says enough personally and they never say enough as a Planning

Commission. When she reads old minutes that reference either approvals or denials, they are helpful in trying to get a flavor for what people were thinking at that time and how they reached their decisions. She wanted it crystal clear that whether the project is developed in the County or the City, lawsuit or not, the proposed use does not fit the site. To take a County property that at most should have one unit of density in the entry corridor, she was devastated that it had come down to this. Commissioner Hontz stated that it never mattered to her how they were dealing with the situation, the issue was that it did not fit. There was never a grasping at straws moment when she looked at the ways it did not meet the General Plan or the things deficient in the LMC. In her opinion, nothing works and it did not make sense.

Commissioner Hontz commented on items that were required as part of the annexation, the MPD and the zoning, but were never submitted. An accurate annexation plat was never submitted. A report was provided on the assessed valuation of revenues versus costs and the tax consequences and impact of Summit County, but it was horrific and the information was never submitted to the quality and level required in the LMC. Commissioner Hontz pointed out that the wildlife study submitted did not meet the standards of the Code. In addition, wild fire or additional information required as part of the overlay was not provided.

Commissioner Hontz recalled mentioning that submittals were missing at the very first work session, and that the required information would need to be submitted in order for the application to be complete. She was told that due to the 90 day timing issue the materials did not need to be submitted. Commissioner Hontz read from page 2 of the Annexation Agreement, "Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within 90 days. If reasonable circumstances require additional time, such as QJP failure to provide legally required information, both parties shall..." She noted that the Planning Commission had the ability to lengthen out the process. Commissioner Hontz recommended a thorough review of the required information. She pointed out that some of the information may not seem important, but it is demanded by the Code and they demand it of every applicant. Commissioner Strachan noted that the Forensic County Report was included on page 146 of the packet from the first meeting on February 22, 2012.

Commissioner Hontz stated that part of the game of approval is to submit something subpar and then make the Planning Commission feel good about making the project look better. She was not fooled because this project would never look as bad as when it first came in. She was not willing to buy into the idea that they had even "polished the turd". What the applicant did was try to make the Planning Commission and the public feel that progress was made. Commissioner Hontz stated that at the end of the day she would feel good about her decision because she can tell future generations that she did her job and what she felt was right.

Commissioner Pettit stated that as a practical matter she understood why the City took the action it did. From the beginning of the process she struggled with how to get from that decision to where the Planning Commission has to apply the Code and make findings they could believe in. She recalled her initial comment at the first meeting that it would be a tough sell to get her to the point where she could embrace this project and support it. She appreciated that the applicant's representatives listened to the Planning Commission and worked with the Staff to make improvements in response to their comments and concerns. However, in spite of the changes,

she could not make findings that the project somehow complies with the General Plan and the LMC. Commissioner Pettit stated that she, too, would like to tell people 10 or 20 years from now that she did her job. It was not an easy decision and the Planning Commission tried to be sensitive to what the City Council faced and to the growing tension in that particular part of town. It is another entry corridor and she questioned whether they would be happy with some of what already occurred in that area, without adding this project. Commissioner Pettit stated that she would not be able to forward a positive recommendation for this use.

Commissioner Worel thanked the IBI Group for the work they did and for listening to the Planning Commission as the plan progressed. She thought it was unfortunate that there was not more public input in the process; and more unfortunate that the applicant chose not to attend even one meeting to provide input. Commissioner Worel felt that the Planning Commission was making important decisions without all the facts. She stated that the Planning Commission is charged with long-range planning for Park City, and in her opinion, part of that is the need to protect the entry corridors. They cannot provide that protection if they cannot control the corridors. Commissioner Worel noted that Goal 6 of the General Plan says that Park City should expand its boundaries when expansion helps to preserve gateway into the City. She remarked that this project was not what anyone would have chosen for the area, but it is what they were given. Commissioner Worel stated that part of the development area policy of the General Plan says to, "Design large scale commercial buildings and development to reflect traditional Park City patterns, as well as to support the mountain character and charm of Park City by making sure that new commercial development relates to the mining historical architecture in Park City". She recognized that this project was not there, but she felt they had made tremendous strides in the process and she had a lot of confidence in the talent of the Planning Department to continue the project in that direction.

Commissioner Worel stated that based on the conclusions of law in the ordinance, the application meets the requirements of the annexation policy plan and Quinn's Junction Study area, and the 2009 General Plan. She particularly liked Condition #37, which makes sure that approval would not be considered precedent in future zoning amendments to this or neighboring properties in the CT zone area.

Commissioner Worel had mixed feelings; however, she believed the Park City Planning Department could effectuate a far better result than the County. She would vote to forward a positive recommendation.

Commissioner Strachan stated that with General Plan projects he always asks himself if the project a) meets the requirements; and b) Knowing that everything in life is a compromise to some degree, whether you feel good about it at the end of the day. As a community representative on the Planning Commission, he needs to be able to defend his actions when he attends the next public event. He cannot defend this project. When the project is built and someone asks how it was ever allowed to happen, he would have to engage in a long explanation about a settlement agreement and an annexation petition, and why the Planning Commission forwarded a negative recommendation with conditions of approval. Commissioner Strachan believed a better answer for the person asking the question would be to say he voted against it because it did not meet the General Plan and because it was ill-conceived from day one. This project was nothing he would

want to have happen on his watch as a Planning Commissioner. Those are the reasons why you vote against projects. It has nothing to do with their hand was forced and this was the best they could come up with, or that the County would do a worse project. Commissioner Strachan stated that this project did not meet any of the goals in the General Plan or any of the visioning goals identified by the community. In his opinion, if built, it would be a disgrace to future generations. This project is not close to anything he could feel good about. He believed this was the time for the Planning Commission to draw a line in the sand and say that projects like this, in whatever form they come to them, would be denied if they do not meet the General Plan, the Land Management Code or the community desires. Commissioner Strachan stated if it ends up that the County builds this project, at least the Planning Commission did what the General Plan required them to do and they said no. He would vote to forward a negative recommendation.

Commissioner Savage stated that he spent a lot of time trying to think about the issues from both sides. It was hard to quantify but not to qualify. Going through the process he looked at it from the standpoint of a Planning Commissioner and a citizen. He was not willing to say that the County would do a worse job than the City; but if this project is going to be in Park City's front yard, he would like the opportunity to participate in the process that determines the outcome. Commissioner Savage remarked that his position was based on the assumption that this project is inevitable and it would be built in a gateway location. The City has the opportunity to condition the uses and he felt the Planning Commission has an obligation to support the City Council's ability to make things happen in a positive way. Commissioner Savage stated that his reference point was also what future generations might think. This is an opportunity to orchestrate a process through Staff to come up with a project that the City can be proud of as opposed to what might be achieved if they give the County total control. As a consequence of that analysis and looking at it from a bigger picture point of view, he would vote to forward a positive recommendation.

Commissioner Thomas remarked that he took an active role as an architect to participate with the IBI Group to improve the plans. He took issue with the concept of "polishing the turd" because the applicant came forth with a reasonable design given the massing they were trying to accomplish. He also believed the IBI Group made an honest effort to represent what was actually occurring and he did not believe there was any gaming involved. Commissioner Thomas stated that this was a difficult decision and he was certain that the project would move forward and be built. The question was whether they should positively affect it or negatively affect it. To some extent he was influenced by the fact that he shared in the design process. It bothered him to recommend changes that were adhered to and then vote against it. However, as a Planning Commissioner he has consistently adhered to the General Plan and it was clear that this project was absolutely inconsistent with the General Plan. Commissioner Thomas stated that he could not support this project based on the principles of the General Plan and he would vote to forward a negative recommendation.

Commissioner Thomas thanked his fellow Commissioners for their passion and objectivity.

Chair Wintzer appreciated the work that Commissioner Thomas and the IBI Group did to revise this project and make it better. He felt the Planning Commission was clear at every meeting that the process was backwards, since typically they talk about the General Plan before the design.

Chair Wintzer did not feel bad asking the applicant to make the change and then determine that it still did not meet the General Plan. The idea was to pass on as much information as possible to the City Council. He was not conflicted at all with the General Plan decision because the project did not meet any one of the goals. He agreed that regardless of their recommendation this project would be built, but the reasons for their decision would be on the record and possibly used in future litigations. Chair Wintzer pointed out that the City Council knew the Planning Commission's position on the matter from the beginning. If he had to break a tie vote, he would probably vote against it.

MOTION: Commissioner Pettit moved to forward a NEGATIVE recommendation for the Quinn's Junction Partnership Annexation in accordance with the proposed Findings of Fact and Conclusions of Law in the Staff report with the amendment to strike Finding #2 in its entirety, renumbering Finding #3 to Finding #2, and changing the new Finding #2 to read, "Should the City Council determine to annex the property, the Planning Commission notes the conditions of approval as amended and included in the attached draft ordinance". Commissioner Strachan seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Thomas, Hontz and Pettit voted in favor of the motion. Commissioners Savage and Worel voted against the motion.

Chair Wintzer complimented the Planning Commission and the Staff on their efforts. It was an uncomfortable project and a lot of good work was done.

Mr. Rosecrans agreed with Chair Wintzer. He was disappointed with the vote, but he completely understood the reason. Mr. Rosecrans thought the plan was much better having gone through the process.

The Park City Planning Commission meeting adjourned at 8:00 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Application #: PL-12-01488
Subject: 80 Daly Avenue Subdivision
Author: Francisco Astorga, Planner
Date: May 9, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Alex Adamson, represented by Jonathan DeGray
Location: 80 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a request to combine part of Lot 9, all of Lot 10, and part of Lot 11, block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The site is currently vacant.

Purpose

The purpose of the Historic Residential (HR-I) District is to:

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

Background

On February 28, 2012 the City received a completed application for the 80 Daly Avenue Subdivision. The property is located in Historic Residential (HR-1) District. The proposed plat amendment combines part of Lot 9, all of Lot 10, and part of Lot 11, block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The northern lot identified as Lot A will be 1,875 square feet in size. The southern lot identified as Lot B will be 3,883.84 square feet in size.

On April 11, 2012 the Planning Commission reviewed the requested plat amendment and continued the discussion to May 9, 2012. The Commission requested an analysis of the floor areas of structures in the Daly Avenue.

Analysis

The proposed plat amendment creates two (2) lots from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

| | LMC requirement | Proposed Lot A | Proposed Lot B |
|-------------------|-----------------|----------------|------------------|
| Minimum lot size | 1,875 sq. ft. | 1,875 sq. ft. | 3,893.84 sq. ft. |
| Minimum lot width | 25 ft. | 36.09 ft. | 41.52 ft. |

Staff finds good cause for this plat amendment as the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines. The proposed lots will meet the lot and site requirements of the HR-1 District. There are no known violations or non-compliances found on the site. However the site northwest of the subject property, 68 Daly Avenue, has several improvements that encroach onto this property. The applicant will be able to build on each lot according to the development standards of the HR-1 District as summarized below:

| | Permitted |
|---------------|--|
| Height | 27 feet maximum |
| Front setback | 10 feet minimum |
| Rear setback | 10 feet minimum |
| Side setbacks | 3 feet minimum |
| Footprint | Lot A: 844 square feet maximum Lot B: 1,564 square feet maximum |
| Parking | 2 for unit |
| Stories | 3 stories maximum, with a 10' horizontal step for the third story. |

Per the direction given to staff on April 11, 2012 staff compiled the following information below from Summit County public records retrieved via EagleWeb website, see Exhibit G:

- Living area
- Basement area
- Attached/built-in garage area
- Unattached improvement

According to Exhibit G, the average floor area on Daly Avenue is 2,532 square feet. This average area is based on single family dwellings (SFD), duplexes, and multi-unit buildings found on Daly Avenue. This study facilitates a comparison of all the structures on Daly Avenue. During the April 11, 2012 meeting the Planning Commission expressed concerns where they were not inclined to approve an oversized lot and structure within this neighborhood as the Commission was concerned with compatibility in term of house size. The Daly Avenue neighborhood has been recognized as one of the most historic neighborhoods within Old Town. In order to ensure compatibility in terms of house size Staff recommends limiting the gross floor area of proposed Lot B not to exceed 2,532 square feet.

The smaller lot, proposed Lot A, has a lot area of 1,875 square feet, which yields a maximum building footprint of 844, square feet. Currently the LMC limits all structures within the HR-1 District to a maximum of three (3) stories. Therefore, the future structure on proposed Lot A, will not exceed the 2,532 square feet.

Building Encroachments

The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic.

The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. Staff recommends that a condition be added to indicate that an encroachment agreement must be entered into prior to plat recordation which addresses the encroachments from 68 Daly Avenue or the encroachments shall have be removed.

Temporary Easement

Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates. King Ridge Estates is a three (3) lot subdivision located south west of the subject site, accessed of Ridge Avenue at 158, 162, and 166 Ridge Avenue.

The easement extends from front to back of the entire length of the lot. The applicant identified such easement on the proposed plat. This agreement is between the owner of the subject site and the owner(s) of King Ridge Estates. The possible approval of this plat amendment does not change or effect the temporary easement. Lot B will not be able to construct on the temporary easement until requirements identified on the agreement are met.

Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot. From the information in their files SBWRD cannot determine if the lateral is located under or adjacent to the stairs, so they decided to have an easement provided in case it is necessary and advise potential owners of 80 Daly that relocation of the lateral may be necessary. See Exhibit F.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

During the April 11, 2012 public hearing Karleen Reilly residing at 84 Daly Avenue provided comments. See Exhibit H.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 80 Daly Avenue Subdivision plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 80 Daly Avenue Subdivision plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 80 Daly Avenue Subdivision plat amendment and provide specific direction regarding additional information needed to make a recommendation.

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 and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Topographic Survey
- Exhibit C – Temporary Easement Agreement with King Ridge Estates
- Exhibit D – Aerial Photograph
- Exhibit E – County Plat Map with outlines of proposed lots
- Exhibit F – SBWRD Letter
- Exhibit G – Daly Avenue Study (May 2012)
- Exhibit H – April 11, 2012 Planning Commission meeting minutes

Ordinance No. 12-__

**AN ORDINANCE APPROVING THE 80 DALY AVENUE SUBDIVISION
LOCATED AT 80 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 80 Daly Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 11, 2012 and May 9, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 9, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on May 9, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 80 Daly Avenue Subdivision.

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

SECTION 1. APPROVAL. The 80 Daly Avenue Subdivision as shown in Attachment 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 80 Daly Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. Proposed Lot A will be 1,875 square feet in size.
4. Proposed Lot B will be 3,883.84 square feet in size.
5. The minimum lot size within the HR-1 District is 1,875 square feet.
6. Proposed Lot A will have a lot width of 36.09 feet.
7. Proposed Lot B will have a lot width of 41.21feet.
8. The minimum lot width within the HR-1 District is twenty-five feet (25').
9. Proposed Lot A will have a maximum building footprint of 844 square feet.
10. Proposed Lot B will have a maximum building footprint of 1,564 square feet.

11. The proposed plat amendment creates two (2) lots from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District.
12. The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property.
13. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet.
14. The applicant indicated they will work with the neighboring property owner to grant them encroachment easements.
15. Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates.
16. The possible approval of this plat amendment does not change or affect such easement and the City acknowledges the language and requirements found on such agreement.
17. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue.
18. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot.
19. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
20. No remnant parcels of land are created with this plat amendment.
21. On April 11, 2012 the Planning Commission reviewed the requested plat amendment and continued the discussion to May 9, 2012.
22. On April 11, 2012 the Planning Commission requested an analysis of the floor areas of structures in the Daly Avenue.
23. Per the direction given to Staff on April 11, 2012 staff compiled an analysis of the floor areas of structures using Summit County public records.
24. The average floor area on Daly Avenue is 2,532 square feet.
25. The study facilitates a comparison of all the structures on Daly Avenue.
26. The Daly Avenue neighborhood has been recognized as one of the most historic neighborhoods within Old Town.
27. Staff recommends limiting the gross floor area of proposed Lot B not to exceed 2,532 square feet
28. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined lot will remove the lot line going through the existing structure.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Daly Avenue.
4. Prior to plat recordation, an encroachment agreement must be entered into which addresses the encroachments from 68 Daly Avenue or the encroachments shall be removed.
5. Modified 13-D sprinklers shall be required for all new construction.
6. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
7. The plat shall reflect the existence of the temporary easement for the benefit for King Ridge Estates.
8. The gross floor area of Lot B as defined in the Land Management Code shall not exceed 2,532 square feet.

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

PASSED AND ADOPTED this 9th day of May, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

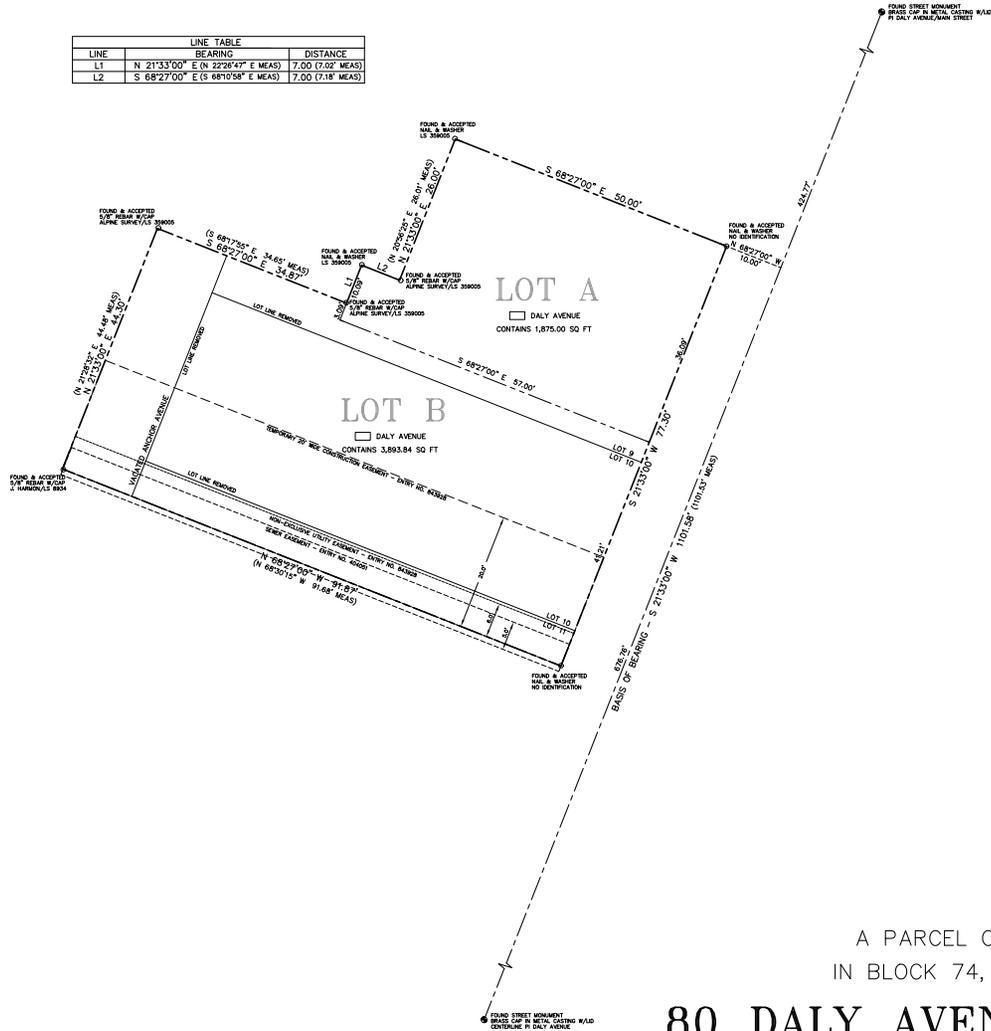
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat

Attachment A – Proposed Plat

| LINE | BEARING | DISTANCE |
|------|------------------------------------|-------------------|
| L1 | N 21°33'00" E (N 22°28'42" E MEAS) | 7.00 (7.02' MEAS) |
| L2 | S 68°27'00" E (S 68°10'58" E MEAS) | 7.00 (7.18' MEAS) |



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners this Record of Survey map of the 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Part of Lot 9, all of Lot 10 and part of Lot 11, Block 74, Millisite Reservation of the Park City Survey, together with part of vacated Anchor Avenue more particularly described as: Beginning at a point that bears South 21°33' West 7.50 feet from the northeast corner of Lot 8, Block 74, Millisite Reservation of the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County recorder, and running thence South 21°33' West along the easterly line of said Block 74, Millisite Reservation of the Park City Survey 77.30 feet; thence North 68°27' West 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East along the centerline of the vacated Anchor Avenue 44.50 feet (44.30 feet actual); thence South 68°27' East 34.87 feet; thence North 21°33' East 7.00 feet; thence South 68°27' East 7.00 feet; thence North 21°33' East 26.00 feet; thence South 68°27' East 50.00 feet to the point of beginning.

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 80 DALY AVENUE SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, Taylor Harmeling and Alexander J. Adamson, do hereby consent to the recordation of this Subdivision Plat.

In witness whereof, the undersigned set their hands this ____ day of _____, 2012.

Taylor Harmeling, Owner

Alexander J. Adamson, Owner

ACKNOWLEDGMENT

State of _____ ss: County of _____

On this ____ day of _____, 2012, Taylor J. Harmeling and Alexander J. Adamson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Taylor J. Harmeling and Alexander J. Adamson acknowledged to me that they are the owners of the herein described tract of land, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

LEGEND

Address on DALY AVENUE

A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY

80 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

| | | | | | | | |
|--|---|---|--|--|--|--|--|
| | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D. BY _____ S.B.W.R.D. | PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2012 A.D. BY _____ CHAIR | ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2012 A.D. BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____, 2012 A.D. BY _____ PARK CITY ATTORNEY | CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY _____ MAYOR | RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ ENTRY NO. _____ DATE _____ TIME _____ FEE _____ RECORDER _____ |
| | FILED: X:\ParkCitySurvey\dwg\enr\plat2011\021211.dwg JOB NO.: 2-12-11 | | | | | | |

Exhibit B – Topographic Survey



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4038739 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 herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Center of water manhole lid. Elevation=7176.17'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on field surveys performed on October 2, 2006 and December 6, 2011.
4. All property corners were found.
5. Snow coverage at the time of the survey was approximately 6" to 10". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | N 21°33'00" E | 7.00 |
| L2 | S 66°22'00" E | 7.00 |



| | | | |
|---|---|--|---|
| <p>(435) 649-6447 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS 322 Main Street, P.O. Box 2084, Park City, Utah 84060-2084</p> | <p>STAFF: MARSHALL KING MARTY MORRISON</p> | <p>EXISTING CONDITIONS & TOPOGRAPHIC SURVEY 80 DALY AVENUE PARK CITY SURVEY</p> | <p>SHEET 1 OF 1</p> |
| | <p>DATE: 12/15/11</p> | <p>FOR: ALEX ADAMSON JOB NO.: 2-12-11 FILE: X:\ParkCitySurvey\dwg\src\topo2011\021211.dwg</p> | |

00843928 B: 1928 P: 1614

Page 1 of 8

Alan Spriggs, Summit County Utah Recorder

05/08/2008 02:52:53 PM Fee \$40.00

By US TITLE UTAH

Electronically Recorded by Simplifile

AFTER RECORDING, RETURN TO:
King Ridge Resources, LLC
1550 E McKellips #121
Mesa, AZ 85203

EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is entered into as of the 25th day of April, 2008, by and among KING RIDGE RESOURCES, L.L.C., a Utah limited liability company, whose address for purposes hereof is 1550 E McKellips #121, Mesa, AZ 85203, and its successors and assigns (collectively, "Parcel 1 Owner"), and Colette Singleton, whose address for purposes hereof is 1167 E South Temple, Salt Lake City, UT 84102, and its successor and assigns (collectively, "Parcel 2 Owner").

RECITALS

A. Parcel 1 Owner is the owner of that certain property situated in Summit County, State of Utah and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Parcel 1").

B. Parcel 2 Owner is the owner of that certain property situated in Summit County, State of Utah and more particularly described on Exhibit B attached hereto and incorporated herein by this reference (the "Parcel 2").

C. To facilitate the development of Parcel 1, Parcel 1 Owner is required to manage the drainage of storm water from Parcel 1, and to provide electrical utilities to Parcel 1, and, accordingly, Parcel 1 Owner desires to (i) install a storm drain, which storm drain shall be installed and maintained at Parcel 1 Owner's expense and (ii) install electrical conduit and/or natural gas piping to serve the future homes on Parcel 1.

D. Parcel 2 Owner is willing to enter into an easement agreement to grant to Parcel 1 Owner (i) a temporary, non-exclusive, 20-foot utilities easement and right-of-way on, over, under and across a portion of Parcel 2, which is more particularly described on Exhibit D-1, attached hereto and incorporated herein by this reference for the purpose of taking actions necessary to excavate, construct and install an underground storm drain and electrical utilities conduit and/or natural gas piping to serve and benefit Parcel 1 (the "Parcel 2 Construction Easement Area"), and (ii) continuing after the completion of the work of construction and installation, a perpetual, non-exclusive, 6-foot storm drain and electrical utilities and/or natural gas piping easement and right-of-way on, over, under and across that portion of Parcel 2, which is more particularly described on Exhibit D-2, attached hereto and incorporated herein by this reference (the "Parcel 2 Permanent Easement Area"), and together with the Parcel 2 Construction Easement Area, the "Parcel 2 Easement Area").

AGREEMENT

NOW, THEREFORE, for ten dollars (\$10.00), in hand received and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged and based upon the mutual covenants, promises and agreements hereinafter set forth, the parties agree as follows:

1. Grant of Easement. Parcel 2 Owner hereby grants, conveys, transfers and assigns to Parcel 1 Owner (a) a temporary non-exclusive easement and right-of-way on, over, across and under the Parcel 2

**ACCOMMODATION
RECORDING ONLY
U.S. TITLE**

Construction Easement Area for the purpose of allowing Parcel 1 Owner to take all actions and to have such access necessary for the construction and installation of a storm drainage pipe and electrical utility conduit and/or natural gas piping under and across and within the boundaries of the Parcel 2 Permanent Easement Area, which temporary easement shall expire upon the full and final completion of all of the work necessary to complete such construction, installation, inspection and appropriate testing of the operations of such storm drainage pipe and electrical conduit and/or natural gas piping and any attendant corrective, reparative or finishing work reasonably necessary to assure the final sound and adequate functioning of the completed improvements and for the purpose of repairing and restoring the surface area of the Parcel 2 Construction Easement Area as required under this Agreement, and (b) a perpetual, non-exclusive easement and right-of-way for the subject underground storm drainage pipe and electrical conduit and/or natural gas piping under and across and within the boundaries of the Parcel 2 Permanent Easement Area, such perpetual easement shall and does include rights of ingress, egress and access for the purpose of servicing, maintaining, repairing, replacing and (within the said borders of the Parcel 2 Permanent Easement Area) expanding, modifying, altering, relocating or otherwise changing the subject improvements ("Permanent Permitted Uses"). In connection with the foresaid easement grants, Parcel 2 Owner also covenants and agrees that any incidental and less than material crossing over onto portions of the surface area of Parcel 2 outside the boundaries of the subject easements shall not give rise to claims of trespass or other violation or wrongdoing of the law or this Agreement, provided that any damage to such non-easement surface area (improvements, landscaping or otherwise) shall be repaired by the Parcel 1 Owner with reasonable promptness, restoring the same to the condition prior to any such incidental crossing over. The foregoing grants of rights and easements and the creation of the Permanent Permitted Uses are intended by the parties to touch and concern both Parcel 1 and Parcel 2, with Parcel 1 being the benefitted real property and Parcel 2 being the burdened real property and both parties covenant, promise and agree that the same are intended to and shall "run with the land" which are attendant, appurtenant and incident to the title and ownership of the subject real property parcels.

2. Construction and Maintenance of Storm Drain, Electrical Utility Conduit and/or Natural Gas Piping. Parcel 1 Owner covenants and agrees to be responsible for and to bear all costs and expenses associated with the construction, installation, use, repair and maintenance of the underground storm drainage pipe, electrical conduit and/or natural gas piping, the restoration of the entire Parcel 2 Easement Area post-construction and installation to the pre-construction and installation state and, thereafter, for the ongoing maintenance of the surface of the Parcel 2 Permanent Easement Area. The parties agree that the restoration of the Parcel 2 Easement Area immediately following the work of installation and construction shall be to restore the surface to a condition reasonably similar to the status pre-installation and construction. Nothing herein shall require the Parcel 1 Owner to engage in any upgrade to surface landscaping to match any such improvements being made by Parcel 2 Owner to other or surrounding portions of Parcel 2, provided that Parcel 1 Owner hereby consents to allow the Parcel 2 Owner to make surface landscaping upgrades to the Parcel 2 Permanent Easement Area, post-construction and installation, so long as Parcel 2 Owner agrees that any increase in the cost of replacement or restoration of such improved or upgraded landscaping that arise in connection with the exercise of the easement and the Permanent Permitted Uses shall be the responsibility of the Parcel 2 owner. In all events, Parcel 2 Owner shall not act in any manner to impair Parcel 1 Owner's ability to discharge water through the storm drainage pipes or to have the continued unimpaired use of the electrical utilities conduit and/or natural gas piping or to exercise the Permanent Permitted uses. Parcel 2 Owner covenants and agrees not to construct any permanent improvements within the boundaries of the Parcel 2 Permanent Easement Area or to plant trees or shrubs or other foliage within a proximity to the subject underground improvements where the root systems of the same could be reasonably expected to impact or affect the said underground improvements or otherwise materially impair the exercise of the Permanent Permitted Uses. Parcel 1 Owner shall perform any construction related activities within the Parcel 2 Easement Area in a manner so as to minimize any negative impact on Parcel 2.

3. Indemnification. Parcel 1 Owner shall hold harmless and indemnify Parcel 2 Owner from and against any claims against Parcel 2 Owner by third parties which arise from Parcel 1 Owner's

negligence or willful misconduct, except to the extent such claims arise from any negligent or intentional act or omission of Parcel 2 Owner. Likewise, Parcel 2 Owner hereby agrees to hold harmless and indemnify the Parcel 1 Owner from and against any claims, loss, damage, expense, suit or action by or consequent to the negligent or intentionally wrongful conduct of third parties with respect to the subject easement, the improvements therein and thereunder or the exercise of the Permanent Permitted Uses. Such indemnity shall not apply if the claims, loss, damage, expense, suit or action is the result of the negligence or intentional wrongdoing of the Parcel 1 Owner.

4. Nature of Provisions. The Permanent Permitted Uses, the easements and rights-of-way granted by Parcel 2 Owner to Parcel 1 Owner and the indemnification, maintenance, repair and other covenants of the respective parties hereunder are covenants, rights, benefits, burdens and interests that touch and concern both Parcel 1 and Parcel 2 and are intended to and shall run with the land (meaning both Parcel 1 and Parcel 2). Neither this Agreement nor the rights granted hereunder shall be transferable to any other property. This Agreement and the covenants, rights, impositions, burdens, benefits, rights and promises shall run with both Parcel 1 and Parcel 2 and shall, as the case may be, bind and benefit every person having any fee, leasehold, mortgage lien or other interest in any portion of Parcel 1 or Parcel 2. Parcel 2 Owner agrees that Parcel 1 Owner may transfer and assign its rights and obligations under this agreement to an owners association comprised of all of the owners of Parcel 1 without the consent or further action of the Parcel 2 Owner or any other person. This Agreement shall be binding upon and inure to the benefit of Parcel 1 Owner and Parcel 2 Owner and their respective successors and permitted assigns.

5. Default. If any party fails to perform its obligations hereunder after the expiration of thirty (30) days after receipt of written notice detailing the nature of such failure; provided, however, if it is not commercially reasonable to cure such breach in a 30-day period, then such 30-day period shall be extended for a period as may be reasonably required to effect a cure (after the expiration of such notice and cure period, an "Event of Default"), the other party shall be entitled to pursue its rights and remedies at law or in equity.

6. General Provisions. This Agreement shall be governed by, and construed and interpreted in accordance with, the laws (excluding the choice of laws rules) of the state of Utah. This Agreement may be executed in any number of duplicate originals or counterparts, each of which when so executed shall constitute in the aggregate but one and the same document. No party shall be deemed to be in breach of this Agreement or have any liability to the other party if it is unable to perform its obligations hereunder to the extent such failure is due to circumstances beyond the control of such party, including, but not limited to, an act of God, fire, flood, earthquake, explosion, wind, storm, tornado, strike (or other labor dispute), riot, act of terrorism, acts or failure to act by any governmental entity, vandalism, or any other cause beyond such party's control. Notwithstanding anything in this Agreement to the contrary, neither party shall be liable to the other party for any consequential damages.

The parties have executed this Agreement on the respective dates set forth below, to be effective as of the date first set forth above.

"PARCEL 1 OWNER"

KING RIDGE RESOURCES, L.L.C.

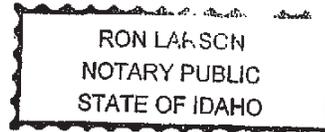
By: Wesley St.
Name: WESLEY SEITER
Title: MANAGING MEMBER.

STATE OF Idaho)
COUNTY OF Madison) :ss.

The forging instrument was acknowledged before me this 1st day of May, 2008, by Wesley Seiter, the Managing Member of KING RIDGE RESOURCES, L.L.C.

[SEAL]

Ron Larson
Notary Public



"PARCEL 2 OWNER"

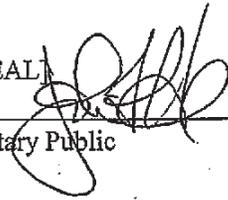

Colette Singleton

By:
Name:
Title:

STATE OF Utah)
:SS.
COUNTY OF Summit)

The forging instrument was acknowledged before me this 25th day of April, 2008, by Colette Singleton, ~~the~~ personally known ~~to~~ to me.

[SEAL]



Notary Public

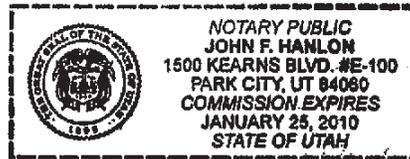


EXHIBIT A

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 1" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

All of Lots 35 through 40, inclusive; Lots 66 through 71, inclusive; and the Westerly one-half of Lots 33 and 34, all in Block 75, Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

Together with one-half of the vacated Anchor Avenue abutting said Lots 66 through 71, inclusive on the East.

LESS AND EXCEPTING THEREFROM the Westerly one-half of Lot 34 any portion lying Easterly of Ridge Avenue within the bounds of the following described parcel:

Beginning at a point on the platted center line of Anchor Avenue, said point being South 68°27'00" East 12.77 feet from the Northeast corner of Lot 72, Block 75 of the Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; thence along said platted centerline South 21°33'00" West 37.50 feet; thence leaving said centerline North 68°27'00" West 95.31 feet to the Easterly edge of asphalt of the existing paved Ridge Avenue; thence along said Easterly asphalt edge the following five calls: 1) North 11°25'02" East 0.44 feet; 2) North 08°09'06" East 5.47 feet; 3) North 05°21'47" East 19.77 feet; 4) North 09°58'22" East 7.94 feet; 5) North 02°55'45" West 5.46 feet to a point on the Northeasterly line of Lot 34 of said Millsite Reservation; thence leaving said Easterly edge of asphalt and along the Northerly line of Lot 34 and Lot 72 of said Millsite Reservation South 68°27'00" East 106.02 feet to the point of beginning.

tax FD
PC-687

EXHIBIT B

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 2" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

Beginning at a point that bears South 21°33' West, 7.50 feet from the Northeast corner of Lot 9, Block 74, Millsite Reservation of the Park City Survey, according to the Official Plat thereof, on file and of record in the office of the Summit County Recorder, and running thence South 21°33' West, along the Easterly line of said Block 74, Millsite Reservation of the Park City Survey, 77.30 feet; thence North 68°27' West, 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East, along said centerline of the vacated Anchor Avenue, 44.50 feet; thence South 68°27' East, 34.87 feet; thence North 21°33' East, 7.00 feet; thence South 68°27' East, 7.00 feet; thence North 21°33' East, 26.00 feet; thence South 68°27' East, 50.00 feet to the point of beginning.

PC-653

TAX ID

PC-653

EXHIBIT C-1

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 2 Construction Easement Area" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

Together with a temporary 20.0 foot wide construction easement over a portion of Lot 10 and Lot 11, Block 74, Millsite Reservation to Park City in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah more particularly described as follows;

Commencing at the northeasterly corner of Lot 11, Block 74, Millsite Reservation to Park City and running thence along the westerly right-of-way of Daly Avenue South 21°33'00" West a distance of 6.50 feet to the point of true beginning; thence leaving said point of beginning and said right-of-way North 68°27'00" West a distance of 91.87 feet; thence North 21°33'00" East a distance of 20.00 feet; thence South 68°27'00" East a distance of 91.87 feet to a point on said right-of-way; thence continuing along said right-of-way South 21°33'00" West a distance of 20.00 feet to said point of beginning.

EXHIBIT C-2

TO

EASEMENT AGREEMENT

Legal Description of Property

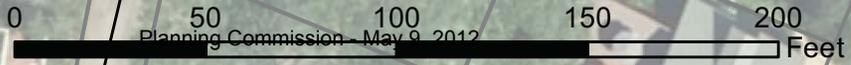
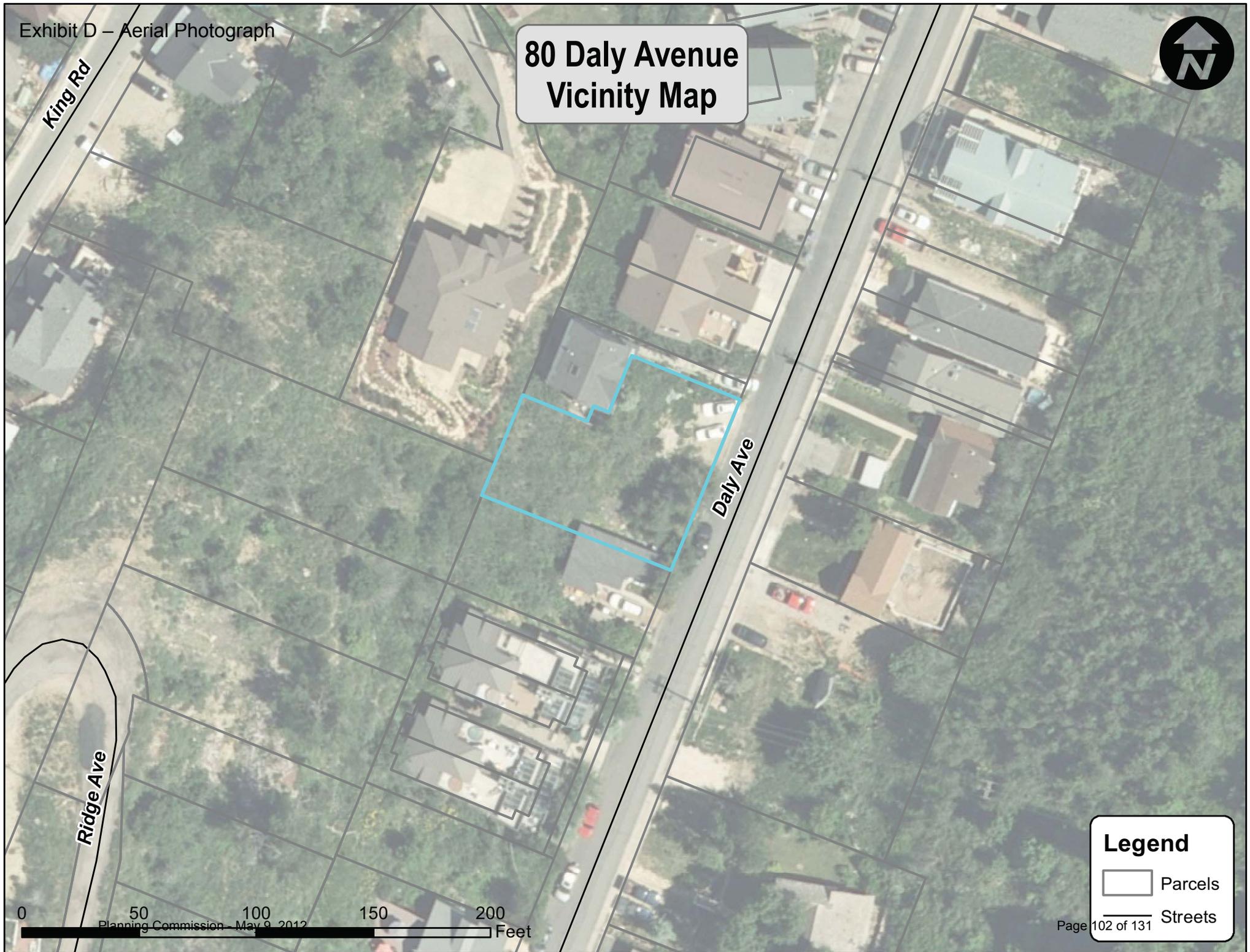
"Parcel 2 Permanent Easement Area" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

A parcel of land for a 6.0 foot wide non-exclusive utility easement lying within Lot 11, Block 74, Millsite Reservation to Park City in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah more particularly described as follows;

Commencing at the northeasterly corner of Lot 11, Block 74, Millsite Reservation to Park City and running thence along the westerly right-of-way of Daly Avenue South 21°33'00" West a distance of 0.50 feet to the point of true beginning; thence leaving said point of beginning and continuing along said right-of-way South 21°33'00" West a distance of 6.00 feet; thence leaving said right-of-way North 68°27'00" West a distance of 91.87 feet; thence North 21°33'00" East a distance of 6.00 feet; thence South 68°27'00" East a distance of 91.87 feet to said point of beginning.

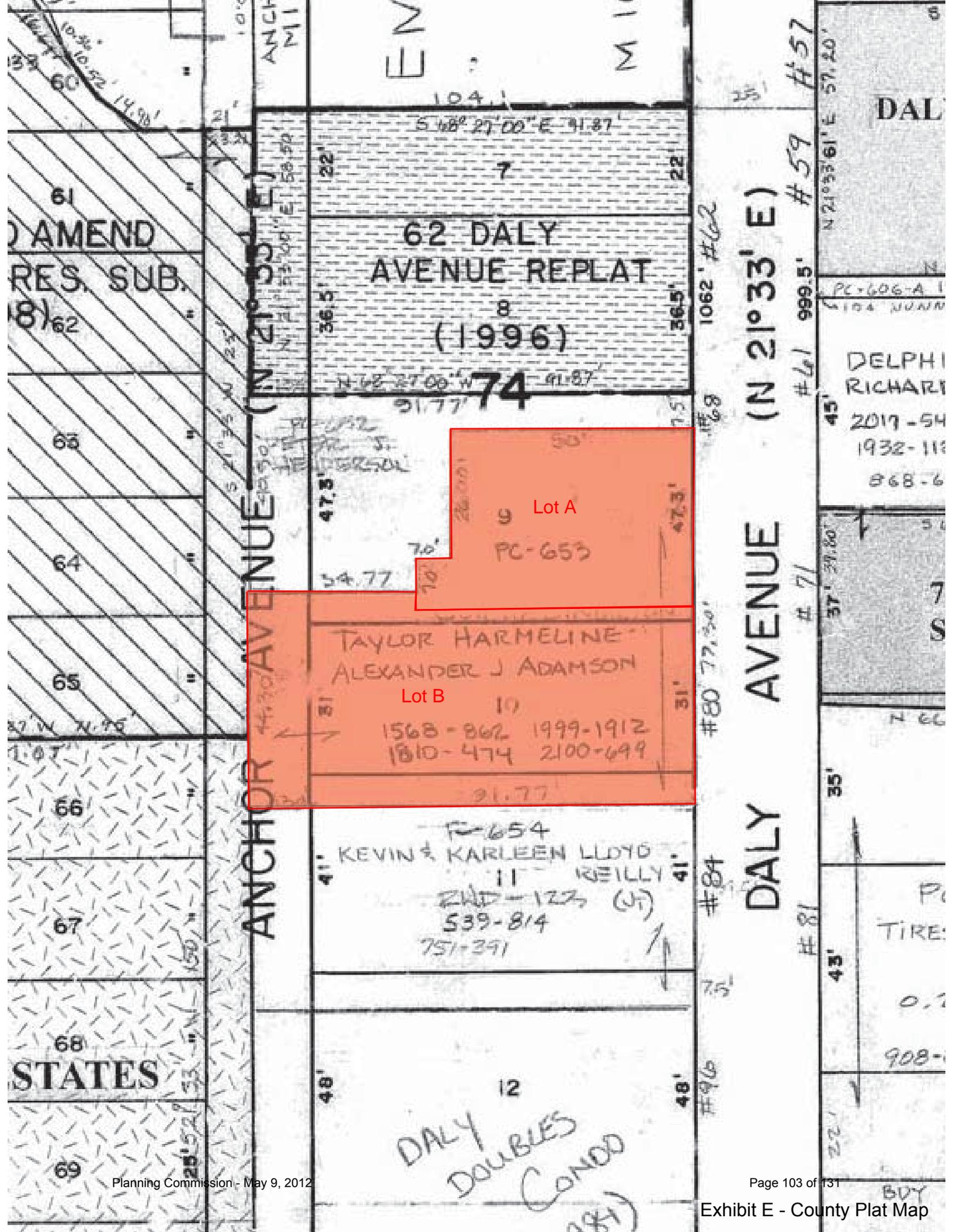


**80 Daly Avenue
Vicinity Map**



Legend

-  Parcels
-  Streets



ANCHOR AVENUE (N 21° 33' E)

DALY AVENUE (N 21° 33' E)

62 DALY AVENUE REPLAT

(1996)

Lot A

Lot B

TAYLOR HARMELINE
ALEXANDER J ADAMSON

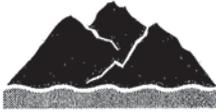
1568-862 1999-1912
1810-474 2100-699

KEVIN & KARLEEN LLOYD
REILLY
2ND-123 (4)
539-814
751-391

DALY DOUBLES CONDO (81)

AMEND RES SUB

STATES



February 29, 2012

Francisco Astorga
Park City Planning Department
445 Marsac
P.O. Box 1480
Park City, UT 84060

Subject: 80 Daly Avenue Subdivision
Plat Review

Dear Mr. Astorga,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat. We offer the following comments:

1. Based on information in our files, the private sewer lateral for the house located at 68 Daly Avenue runs from the structure to a public sewer line in Daly Ave. generally along the south side of the stairway located on the narrow portion of 68 Daly (see attached copy). Our information is not detailed enough to establish which property the lateral is actually located on. However, since the narrow portion of 68 daily is only 7.5 feet wide, there is a good possibility that a portion of the lateral crosses into the northerly portion of the new proposed lot.

This is an issue between the owners of the two properties since the sewer lateral is private property. SBWRD has no standing on the issue other than to assure that 68 Daly Ave. is not cut off from wastewater service. To address the sewer lateral issue on the plat we will require that one of the following actions be taken:

- (1) Physically locate the lateral (we recommend this option)
 - (a) If the lateral is totally located on 68 Daly, no further action would be needed.
 - (b) If any portion of the lateral is located on the proposed 80 Daly Ave. lot, provide an easement on the new lot for the lateral. The easement would be granted for the benefit of 68 Daly and would describe the rights and responsibilities associated with the easement.
 - (c) If the location of the lateral would require the lateral to be re-routed when a house is built on the new lot, have the owners of the two properties determine and agree now how that re-route would occur and at whose cost. Included in that agreement would be an easement on the new lot for the re-routed lateral.
- (2) Place the following note on the plat:

"A private sewer lateral serving the home at 68 Daly Avenue may cross the northerly portion of Lot _____. Rerouting this lateral around new construction on the lot may be required".

The intent of this note is to advise future owners of the lot that the situation with the sewer lateral exists.

The owner of 68 Daly should be advised of whatever action is taken.

2. The plat indicates a Sewer Easement across the proposed southerly subdivision boundary, referenced as Entry 404051. This is an easement for a private sewer lateral granted in 1984 to a property that has since been re-platted and connected to the public sewer system by a different route. The easement is, therefore, no longer needed. However, since the easement was granted to a private property owner, the easement would need to be abandoned by the private property owner.

Please have the applicant contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. D. Atwood', with a stylized flourish at the end.

Bryan D. Atwood, P.E.
District Engineer

Cc: Jonathan DeGray, Architect
Alliance Engineering
Polly Samuels McLean, Assistant City Attorney
Plat Review File

Exhibit G

Daly Avenue Study (May 2012)

| House No. | Living Area | Basement Area | Attached/Built-in Garage Area | Unattached Improvements | Totals (Sq Ft) | Use |
|-----------|-------------|---------------|-------------------------------|-------------------------|----------------|-----------------|
| 10 | 2218 | 597 | 406 | | 3,221 | SFD |
| 17-19 | 4,590 | | | | 4,590 | Duplex |
| 24 | 1,022 | | | | 1,022 | SFD |
| 25 | 2,110 | 824 | 461 | | 3,395 | SFD |
| 32 | 4,357 | | | | 4,357 | Multi - 4 units |
| 37 | 2,907 | | 369 | | 3,276 | SFD |
| 40 | 4,365 | | | | 4,365 | Multi - 4 units |
| 45 | | | | | | Vacant |
| 48 | 4,365 | | | | 4,365 | Multi - 4 units |
| 51 | 2,195 | | 456 | | 2,651 | SFD |
| 55 | | | | | | Vacant |
| 56 | 4,468 | | | | 4,468 | Multi - 4 units |
| 57 | 2,111 | 310 | 290 | | 2,711 | SFD |
| 59 | 2,159 | 1,023 | 286 | | 3,468 | SFD |
| 61 | 861 | | | 72 | 933 | SFD |
| 62-64 | 2,678 | 812 | | | 3,490 | SFD |
| 68 | 1,521 | | | | 1,521 | SFD |
| 71 | 816 | | | | 816 | SFD |
| 80 | | | | | | Vacant |
| 81 | | | | | | Vacant |
| 84 | 635 | | | 158 | 793 | SFD |
| 96 #1&2 | 4,018 | | | | 4,018 | Duplex |
| 96 #3&4 | 4,018 | | | | 4,018 | Duplex |
| 97 | 1,214 | | | | 1,214 | SFD |
| 100 | | | | | | Vacant |
| 102 | 2,652 | 1,111 | | | 3,763 | SFD |
| 103-105 | 3,027 | | | | 3,027 | Duplex |
| 109 | | | | | | Vacant |
| 110 | 2,101 | 567 | 420 | | 3,088 | SFD |
| 111/115 | 3,708 | | 736 | | 4,444 | Duplex |
| 118 | 2,875 | 1,070 | 492 | | 4,437 | SFD |
| 121/125 | 3,748 | | 800 | | 4,548 | Duplex |
| 124 | | | | | | Vacant |
| 130 | 1,926 | 465 | 399 | | 2,790 | SFD |
| 131 | 746 | | | | 746 | SFD |
| 135 | 1,702 | | | | 1,702 | SFD |
| 136 | 1,734 | 156 | 409 | | 2,299 | SFD |
| 139 | 4,130 | | | | 4,130 | Duplex |
| 141 | 3,821 | | | | 3,821 | Duplex |
| 142 | 1,262 | | 486 | | 1,748 | SFD |
| 145 | 2,388 | | | | 2,388 | SFD |
| 146 | 2,146 | | 713 | | 2,859 | SFD |
| 156 | 1,204 | | 416 | | 1,620 | SFD |
| 157 | 1,882 | | 252 | | 2,134 | SFD |
| 161 | 1,287 | | | | 1,287 | SFD |
| 162 | 794 | | | | 794 | SFD |
| 166 | 1,112 | | | | 1,112 | SFD |
| 167 | 3,826 | 1,749 | | | 5,575 | SFD |
| 172 | 542 | | | | 542 | SFD |
| 173 | 1,217 | | | 380 | 1,597 | SFD |
| 180 | 739 | | | | 739 | SFD |
| 187 | 2,522 | | | | 2,522 | SFD |
| 191 | 2,611 | | 338 | | 2,949 | SFD |
| 199 | 1,521 | | | | 1,521 | SFD |
| 200 | 1,895 | 210 | 483 | | 2,588 | SFD |
| 203 | 1,092 | | | | 1,092 | SFD |
| 207/209 | 2,315 | | | | 2,315 | Duplex |
| 210/212 | 3,256 | | | | 3,256 | Duplex |
| 214 | 1,750 | 598 | | | 2,348 | SFD |
| 220-222 | 3,082 | | | | 3,082 | Duplex |
| 234 | 2,030 | 430 | 473 | | 2,933 | SFD |
| 239 | 890 | | | 451 | 1,341 | SFD |
| 240 | 1,800 | | | | 1,800 | SFD |
| 243 | 609 | 759 | | | 1,368 | SFD |
| 249 | 1,808 | | 273 | | 2,081 | SFD |
| 250 | 1,922 | | | | 1,922 | SFD |
| 255 | 1,334 | | | | 1,334 | SFD |
| 257 | | | | | | Vacant |
| 260 | 1,800 | | | | 1,800 | SFD |
| 269 | 805 | | | 194 | 999 | SFD |
| 270 | 1,800 | | | | 1,800 | SFD |
| 279 | 842 | | | | 842 | SFD |

| | | | | | | |
|-----------------|-------|-------|-----|-----|--------------|----------------|
| 280 | | | | | | Vacant |
| 291 | 2,307 | | 234 | | 2,541 | SFD |
| 295 | | | | | | Vacant |
| 297 | 3,436 | | 331 | | 3,767 | SFD |
| 313 | 2,603 | | 480 | | 3,083 | SFD |
| 314 | 884 | | | | 884 | SFD |
| 319 | | | | 335 | 335 | Accessory unit |
| 325 | 2,792 | 1,838 | 378 | | 5,008 | SFD |
| 329 | 2,684 | 1,673 | 433 | | 4,790 | SFD |
| 330 | | | | | | Vacant |
| 331 | | | | | | Vacant |
| 336 | | | | | | Vacant |
| 337 | | | | | | Vacant |
| 345 | 2,289 | | 418 | | 2,707 | SFD |
| 353 | 2,362 | | 400 | | 2,762 | SFD |
| 361 | 1,486 | | 252 | | 1,738 | SFD |
| 369 | | | | | | Vacant |
| Average: | | | | | 2,532 | |

Source: Summit County, Public Records, EagleWeb (Property), Retrieved by Francisco Astorga, Park City Planning Dept. May 2012

Planning Commission Meeting
April 11, 2012
Page 3

Commissioner Strachan asked if the City Council found that parking at the Sandridge lot was a viable mitigation factor. Ms. McLean answered no. She explained that the applicant had proposed two on-site parking spaces for renters, which would be part of the rental agreement. The City Council restricted the parking to those two spaces. Director Eddington clarified that two cars could park on the site given the scale of the driveway, and the applicant agreed to limit the rental units to two spaces.

Commissioner Strachan asked if there was any discussion among the City Council regarding enforcement. Director Eddington replied that enforcement was not a primary discussion; however, the City Council recognizes that any enforcement is a challenge with regard to parking. Assistant City Attorney McLean stated that the vote was split 3-2. Council members Simpson and Peek supported the Planning Commission.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 80 Daly Avenue – Plat Amendment (Application #PL-12-01488)

Planner Francisco Astorga reviewed the application for a plat amendment at 80 Daly Avenue. The request was to combine part of Lot 9, all of Lot 10, and part of Lot 11 and the vacated right-of-way to the rear, into two lots of record in the HR-1 zone.

Planner Astorga identified several improvements on the existing structure at 68 Daly Avenue that encroaches on to the property at 80 Daly Avenue. He noted that the owner of 68 Daly Avenue could either work with the adjacent property owner to obtain an encroachment agreement, or remove the improvements from the lot.

Planner Astorga stated that a temporary construction easement exists over what was identified as Lot B for the benefit of the King Ridge Estates at 158, 162 and 166 Ridge Avenue. If approved, the drafted findings of fact acknowledge that a temporary easement exists, but that it would not be affected or changed by this plat amendment.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Chair Wintzer noted that the size of the lot would be considerably larger than other lots in the area. He asked if there were any restrictions on the house size that would be allowed on this property. Planner Astorga replied that there were no restrictions in the HR-1 District, other than the maximum footprint allowed by Code, which is based on the footprint formula. Chair Wintzer understood that the Planning Commission could restrict the size as a condition of the plat amendment. Assistant City Attorney McLean stated that they would have that ability based what they have done with previous applications and the analysis of house sizes on Daly.

Commissioner Hontz stated that one of her multiple concerns was that the square footage for the lot includes vacated Anchor Avenue. She asked what her fellow Commissioners thought about being

able to include that vacated portion to allow for a bigger footprint. She personally did not support it. Commissioner Hontz noted that in this particular situation that portion of the lot was very steep.

Commissioner Worel asked about the historic structure referenced in Conclusion of Law #1. Planner Astorga replied that it was not a historic structure and he had used the word 'historic' in error.

Commissioner Thomas thought it would be helpful to see the plat before and after side by side. He noted that the plat as revised was shown but there was no clear picture of what it looks like now. It was difficult for the Planning Commission to understand what they would be changing. Planner Astorga noted that the plat amendment shown on the screen and in the Staff report identified all the lot lines that would be removed, as well as the proposed lot lines. Commissioner Strachan suggested that the plat map on page 46 of the Staff report might help address Commissioner Thomas' concern. Planner Astorga stated that in the future the Staff could include the County plat map, like the one shown on page 46, and compare it next to the proposed plat.

Assistant City Attorney explained that the County plats are for taxation purposes and they are not always accurate. She agreed that it could be a helpful document, but they need to be aware that if there is a conflict between the plat map and the survey, the survey would control.

Commissioner Thomas clarified that he was only asking for a before and after comparison to see the difference. Chair Wintzer requested a better map that clearly defines property lines, encroachments, and other elements they need to understand.

Chair Wintzer opened the public hearing.

Carleen Riley, a resident at 84 Daly stated that she lives next door to the property line at 80 Daly Avenue. Ms. Riley wanted to know more about the plat amendment and what would be built.

Planner Astorga remarked that at this point the Planning Department had not received any plans. The area is zoned HR-1, which allows single family dwellings. The applicant was requesting a plat amendment to combine the lot into two lots of record.

Ms. Riley asked if that would allow two dwellings.

Planner Astorga replied that it could be duplexes under a conditional use permit reviewed by the Planning Commission. When the applicant is ready to move forward with a design, it would be subject to a Historic Design Review, which would trigger a notice to property owners within 100 feet.

Ms. Riley stated that her lot also encroaches on that property by approximately 60 inches. She did not build her house, but she was informed of that when it was surveyed years ago. When the owners decide to build, she would like some space between their structure and hers. She has 100 year old, 20-foot lilac bush that would be split in two. Ms. Riley was interested in knowing the details of whatever structure is built. She was opposed to steep slope construction and wanted guarantees that it would not occur.

Commissioner Thomas informed Ms. Riley that the design would not come before the Planning Commission unless a steep slope CUP is required. Otherwise, the use is reviewed administratively by Staff. Planner Astorga reiterated that a request for a duplex would require CUP approval. Director Eddington noted that an administrative review is still noticed to the public.

Director Eddington asked if there were any easements along the property adjacent to Ms. Riley. Jonathan DeGray, representing the applicant, believed it was a 6-foot utility easement. Ms. Riley stated that at one time the plan was to put all the power lines and sewer lines next to her house. However, she understood from looking at the drawings that the water and sewer lines would be on the other side. Mr. DeGray stated that there were no sewer lines. The sewer is serviced from above. A storm sewer would go through the Daly lot, but not sanitary sewer lines. He noted that Planner Astorga had that documentation from the Sewer District.

Commissioner Strachan asked if any portion of the lot could be built on that would not trigger a CUP. Mr. DeGray answered no. Commissioner Strachan clarified that regardless of what they build, the owners would have to submit their plans to the Planning Commission. At that point, Ms. Riley would be able to see the specifics details related to her questions this evening.

Chair Wintzer closed the public hearing.

Jonathan DeGray noted that the Staff report shows one large single parcel comprised of Lots 9 and 10, portions of 11 and the fragment right-of-way to the rear. He stated that currently Lots 9 and 10 are buildable without a plat amendment. The intent of the plat amendment is to clean up property lines and take care of the encroachments through easement agreements.

Commissioner Thomas remarked that there was an unusual situation of creating a flag lot out of the house behind Lot A, and nothing in the Code restricts that from occurring. Commissioner Thomas thought that should be considered in the future because it is an unusual condition. There is no way to for a vehicle to access the property, which creates a problematic situation for fire access and fire fighting. In addition, there is no parking and it lends itself to an eyesore condition. In this particular instance, if you drive in front of this property there would be three houses in a row off the street. Commissioner Thomas found it peculiar but totally within the law. Unfortunately it was a consequence of the Code. He would support the approval but he did not like it.

Chair Wintzer could not understand how that was parceled off that way in the first place. However, it was done a long time ago and it was out of the hands of this Planning Commission. Planner Astorga explained that he found a building permit issued in 1982 for the house showing that it had to be exact in configuration. He could not find the permit for the stairs. He also found record of a variance that was approved by the Board of Adjustment in 1982 to allow the owner to rebuild the house due to an incident with a water tank falling from King Road. The variance that did not necessitate parking areas on site. Carleen Riley provided the history of what happened that caused the water tank to fall.

Planner Astorga stated that planning and planning practices have changed since 1982, but he found the configuring of such lot, which was approved by the City, and then moved forward with a variance and the building permit.

Chair Wintzer was not concerned with the small lot. In terms of the big lot, he suggested doing a comparison of other structures on the street to make sure they would not be creating an oversized lot and structure for that area. Commissioner Strachan concurred. He noted that the large house above was an exception and it is not on Daly Avenue. Commissioner Strachan remarked that Daly Avenue has more historic heart than anywhere else in town and they need to make sure the compatibility requirement of the Code is met. The Commissioners concurred. Commissioner Hontz felt they had to do that to remain consistent with what they have asked of other applicants on Daly Avenue.

Commissioner Hontz remarked that in many cases when a plat amendment is requested to clean up one issue, the applicant identifies many others. It is not uncommon to have portions of roofs or landscaping or small portions of stairwells across property lines. In this case she found the significant amount of structures from 68 Daly that extends into these other properties to be concerning and problematic. If this plat amendment is approved it would further impact parking issues that are created off-site. She felt it was unfortunate that there was not better foresight in 1982 to see what problems they were creating for the neighborhood when they allowed 68 Daly to be built without parking. Chair Wintzer was unsure how that issue could be rectified, but they definitely need to look at the size of houses on the lots.

Commissioner Thomas suggested using the same study criteria that was used for 191 Woodside and 313 Daly Avenue.

MOTION: Commissioner Thomas moved to CONTINUE 80 Daly Avenue to May 9, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

**2. 12 Oak Court – Plat Amendment
(Application #PL-11-01-1491)**

Planner Matt Evans reviewed the application for a plat amendment to remove the lot line between Lots 35 and 36 of the Amended Plat of the Evergreen Subdivision to create one lot of record. The request is to combine two lots to create one new parcel. Planner Evans indicated a 30-foot wide ski easement for the benefit of Lot 36 to the Last Chance ski trail, which would be vacated as part of this subdivision.

Planner Evans reported that the applicant owns both parcels and the purpose for combining the two lots is to expand the existing home over the lot line. The existing lot line with a public utility easement would also be vacated.

Planner Evans stated that the actual square footage of the proposed addition was unknown; however the combined lots would allow the applicant to build an 11,250 square foot home. Under the existing conditions the existing house is 7,343 square feet, with a maximum of 7500 square feet. Planner Evans noted that combining the lots would reduce the density in the subdivision.

Planning Commission Staff Report



Application #: PL-12-01504
Subject: Torchlight Bed & Breakfast
Author: Francisco Astorga, Planner
Date: May 9, 2012
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for a Bed & Breakfast at 255 Deer Valley Drive and consider approving the requested use based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

Description

Applicant: Miriam Broumas, current property owner represented by Christine Munro (possible future owner)
Location: 255 Deer Valley Drive
Zoning: Residential (R-1) District
Adjacent Land Uses: Residential and public services
Reason for Review: Conditional Use Permits require review and final action by the Planning Commission

Proposal

This is a Conditional Use Permit (CUP) request for a Bed & Breakfast (B&B) at 255 Deer Valley Drive. A B&B is a conditional use in the R-1 zone with review and final action by the Planning Commission. A B&B is defined as a Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. B&B Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

Background

On March 22, 2012 the City received a completed Conditional Use Permit (CUP) application for a Bed & Breakfast (B&B) at 255 Deer Valley Drive. The property is located within the Residential (R-1) District. Christine Munro, the owner's representative has made an offer on the site subject to CUP approval for a B&B. The proposal includes six (6) bedrooms to be rented nightly or weekly. Currently the site is being used as duplex with approximately ten (10) bedrooms.

According to Summit County records the structure was originally built in 1979. The structure has a total of 5,384 square feet. The applicant proposes to build a small addition on the third (3rd) floor behind the front portion of the existing structure consisting of 448 square feet. This addition will be for the purpose of additional

hall/lounge area and additional area for the owner's unit. The applicant also requests to change the interior spaces to accommodate the B&B. The structure will consist of guest rooms, common areas, a kitchen to provide breakfast to its guest daily, utility area, and the owner's quarters.

Purpose of the R-1 District

The purpose of the Residential (R-1) District is to:

- a) allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- b) encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- c) require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- d) require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading,
- e) encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,
- f) provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and
- g) encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

Analysis

According to Land Management Code (LMC) § 15-2.12-2(B)(9) a B&B is a conditional use in the R-1 District. The Commission must make a determination that the proposed B&B meets the criteria found in LMC § 15-2.12-8:

- A. If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
Not applicable. The structure is not historic.
- B. The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
Complies. The proposed structure will have a total of six (6) rentable rooms. The definition allows up to ten (10) bedrooms. The applicant has indicated that the maximum of six (6) bedrooms can be mitigated.

C. In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

Not applicable. The structure is not historic.

D. The rooms are available for Nightly Rental only.

Complies. The rooms would be available for nightly rental only. A nightly rental is defined as *the rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.* The intent of the proprietor is to operate a B&B with the rooms to rent on a nightly rental basis.

E. An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

Complies. The property owner will be living on-site managing the B&B.

F. Food service is for the benefit of overnight guests only.

Complies. Food service will be for the benefit of overnight guests only. The intent of the proprietor is to provide breakfast service for the convenience of its guests only.

G. No Kitchen is permitted within rooms.

Complies. The rooms do not have kitchens.

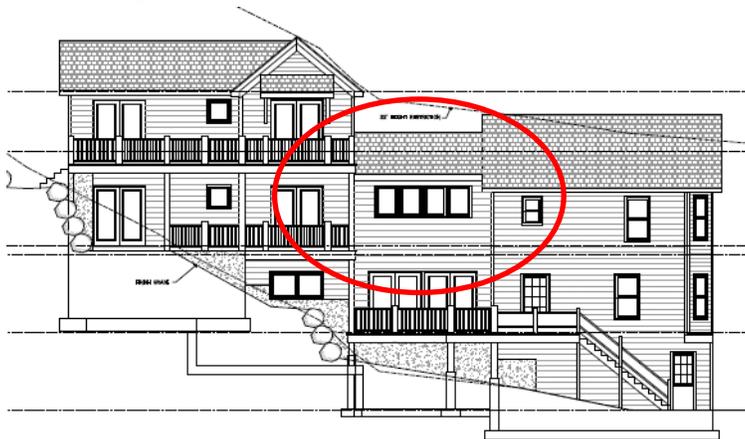
H. Parking on-Site is required at a rate of one (1) space per rentable room.

Complies. The applicant submitted a site plan which indicates a total of six (6) on-site parking spaces. The parking ration requirements found in LMC § 15-3-6(B) indicates that a B&B requires 1 parking space per bedroom.

I. The Use complies with Chapter 15-1-10, Conditional Use review:

1. Size and location of the site.

No unmitigated impacts. The applicant proposes to build a small addition on the third (3rd) floor behind the front portion of the existing structure consisting of 448 square feet identified within the red oval below:



WEST ELEVATION

This addition will be for the purpose of additional hall/lounge area and additional area for the owner's unit. The applicant also requests to change the interior spaces to accommodate the B&B.

The location of the use is close to the Old Town transit center and the China Bridge parking structure.

2. Traffic considerations.
No unmitigated impacts. There are minimal traffic impacts associated with the use. The proposed use is located on Deer Valley Drive, a major collector street and is in walking distance of the Old Town transit center.
3. Utility capacity.
No unmitigated impacts. No additional utility capacity is required for this project.
4. Emergency vehicle access.
No unmitigated impacts. Emergency vehicles can easily access the project.
5. Location and amount of off-street parking.
No unmitigated impacts. The LMC indicates that a B&B requires one (1) parking space per bedroom. The B&B criterion H above further indicates that the amount of off-street parking complies with the parking requirement. The applicant proposed the six (6) parking spaces to be on-site per the submitted site plan. Four (4) parking spaces are accommodated on the two (2) two-car garages and two (2) parking spaces are accommodated on the driveway area directly in front of the garage. The City will not allow any vehicles to be parked on the City right-of-way (ROW).
6. Internal circulation system.
No unmitigated impacts. The parking area is directly accessed off Deer Valley Drive, as vehicles back onto the street via a shared driveway with their neighbor to the east.
7. Fencing, screening and landscaping to separate uses.
No unmitigated impacts. Fencing, screening, and landscaping are not proposed at this time. No changes to the exterior landscaping are part of this application as the addition to house is located above livable space.
8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots.
No unmitigated impacts. The applicant requests a small addition to provide access between the new bedroom and the original duplex as described in criterion 1 above. The building mass, bulk, orientation and the location on the site are not affected by the use or addition to the structure.

9. Usable open space.
No unmitigated impacts. No open space will be affected with the requested use from what is currently found on site.
10. Signs and lighting.
No unmitigated impacts. No signs and or lighting are proposed at this time. Any future signs will be subject to the Park City Sign Code. All future lighting will be subject to the LMC development standards related to lighting. Any existing signs or exterior lighting will be required, as part of this application, to be brought up to current standards.
11. Physical design and compatibility with surrounding structures in mass, scale and style.
No unmitigated impacts. The applicant requests a small addition to provide access between the new bedroom and the original duplex as described in criterion 1 above. Due to the size of the addition there are no issues with the physical design and compatibility with surrounding structures in mass, scale, and style.
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site.
No unmitigated impacts. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within the R-1 District, such as nightly rentals, etc.
13. Control of delivery and service vehicles, loading and unloading zones, and screening.
No unmitigated impacts. The applicant has indicated that the proposed B&B use will have minimal delivery and service vehicles.
14. Expected ownership and management of the property.
No unmitigated impacts. The applicant's representative plans on purchasing the property to live on site and run the B&B. This would be a condition of approval.
15. Sensitive Lands Review. **No unmitigated impacts.** The proposal is not located within the Sensitive Lands Overlay zone.

Process

The applicant will have to submit a Building Permit application for the addition and interior remodel. Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input

No public input has been received by the time of this report.

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for a Bed & Breakfast at 255 Deer Valley Drive and consider approving the requested use based on the findings of fact, conclusion of law, and conditions of approval found on this staff report.

Findings of Fact

1. The site is located at 255 Deer Valley Drive.
2. The site is located within the Residential (R-1) District.
3. The applicant requests a Bed & Breakfast.
4. A Bed & Breakfast use is a Conditional Use Permit in the R-1 District.
5. The LMC defines a B&B is defined as a Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. B&B Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.
6. The proposal includes six (6) bedrooms to be rented nightly or weekly.
7. Currently the site is being used as duplex with approximately ten (10) bedrooms.
8. The structure has a total of 5,384 square feet.
9. The applicant proposes to build a small addition on the third (3rd) floor behind the front portion of the existing structure consisting of 448 square feet.
10. The addition will be for the purpose of additional hall/lounge area and additional area for the owner's unit.
11. The applicant requests to change the interior spaces to accommodate the B&B.
12. The structure will consists of guest rooms, common areas, a kitchen to provide breakfast to its guest daily, utility area, and the owner's quarters.
13. The structure is not historic.
14. The rooms would be available for nightly rental only.
15. The property owner will be living on-site managing the B&B.
16. Food service will be for the benefit of overnight guests only. The intent of the proprietor is to provide breakfast service for the convenience of its guests only.
17. The rooms do not have kitchens.
18. The applicant submitted a site plan which indicates a total of six (6) on-site parking spaces.

19. The parking ration requirements found in LMC § 15-3-6(B) indicates that a B&B requires 1 parking space per bedroom.
20. The location of the use is close to the Old Town transit center and the China Bridge parking structure.
21. There are minimal traffic impacts associated with the use.
22. The proposed use is located on Deer Valley Drive, a major collector street and is in walking distance of the Old Town transit center.
23. No additional utility capacity is required for this project.
24. Emergency vehicles can easily access the project.
25. The applicant proposed the six (6) parking spaces to be on-site per the submitted site plan. Four (4) parking spaces are accommodated on the two (2) two-car garages and two (2) parking spaces are accommodated on the driveway area directly in front of the garage.
26. The City will not allow any vehicles to be parked on the City right-of-way (ROW).
27. The parking area is directly accessed off Deer Valley Drive, as vehicles back onto the street via a shared driveway with their neighbor to the east.
28. Fencing, screening, and landscaping are not proposed at this time.
29. No changes to the exterior landscaping are part of this application as the addition to house is located above livable space.
30. The building mass, bulk, orientation and the location on the site are not affected by the use or addition to the structure.
31. No open space will be affected with the requested use from what is currently found on site.
32. Any future signs will be subject to the Park City Sign Code.
33. All future lighting will be subject to the LMC development standards related to lighting. Any existing signs or exterior lighting will be required, as part of this application, to be brought up to current standards.
34. Due to the size of the addition there are no issues with the physical design and compatibility with surrounding structures in mass, scale, and style.
35. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within the R-1 District, such as nightly rentals, etc.
36. The applicant has indicated that the proposed B&B use will have minimal delivery and service vehicles.
37. The applicant's representative plans on purchasing the property to live on site and run the B&B. This would be a condition of approval.
38. The proposal is not located within the Sensitive Lands Overlay zone.

Conclusion of Law

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval shall continue to apply.
2. The structure shall not have a maximum of six (6) rentable rooms.
3. The rentable rooms shall be available for night rental only.
4. The owner/manager shall live on-site.
5. Food service shall be for the benefit of overnight guests only.
6. The rooms shall not have kitchens.
7. The site shall provide at least six (6) on-site parking spaces.
8. The City will not allow any vehicles to be parked on the City right-of-way (ROW).
9. Any future signs will be subject to the Park City Sign Code.
10. All future lighting will be subject to the LMC development standards related to lighting.
11. Any existing signs or exterior lighting will be required, as part of this application, to be brought up to current standards.

Exhibits

Exhibit A – Vicinity map

Exhibit B – Proposed Plans, including site, floor, elevations plan

Exhibit C – Revised elevation concept

Exhibit D – Applicant's statement



255 Deer Valley Drive Vicinity Map

Exhibit A – Vicinity map

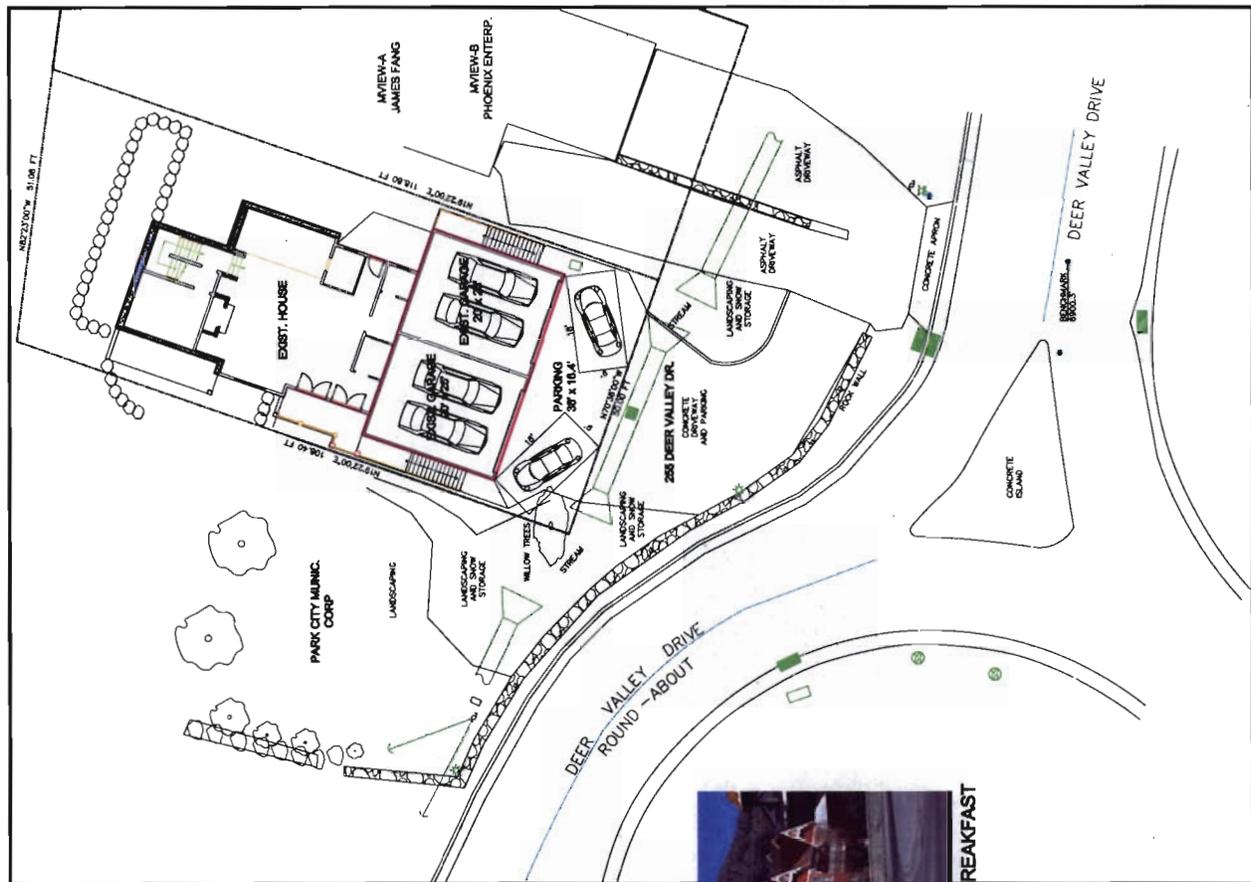
Legend

- Road Edges (represented by a grey shaded area)
- Parcels (represented by a white outline)
- Streets (represented by a black line)



Exhibit B – Proposed Site Plan

| | | | |
|--|---|---------------------------------------|--|
| <p style="font-size: 8px;">Sunmark Engineering Group Inc. Professional - Civil - Surveying</p> | All plans, drawings, and details contained herein are the property of Sunmark Engineering Group, Inc. They are not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Sunmark Engineering Group, Inc. | DATE ISSUED: APRIL 10, 2012 | SITE PLAN PARK CITY, UT 255 DEER VALLEY DR. BED & BREAKFAST |
| 55 WEST CENTER STREET PARK CITY, UTAH 84303 PHONE: 435.242.8255 FAX: 435.242.8271 | | | SHEET NO: S12-015 SITE |



PROJECT INFORMATION

PROJECT NAME: 255 Deer Valley Drive Bed and Breakfast

LOCATION: 255 Deer Valley Drive, Park City, UT (255-DV-1)

APPLICANT: Christine Munro 508-989-0459

PROPERTY SIZE: 0.13 ACRES (50' x 113' Ave.)

PROPERTY ZONING: Residential R-1

PHOTO OF PROPOSED BED & BREAKFAST

LEGEND

- 1" = 10' (PLAN)
- 1" = 10' (ELEVATION)
- PROPERTY BOUNDARY
- EXISTING DRIVE
- NEW DRIVE
- EXISTING SIDEWALK
- NEW SIDEWALK
- EXISTING WALK
- NEW WALK
- EXISTING LIGHT POLE
- NEW LIGHT POLE
- EXISTING SIGN
- NEW SIGN
- EXISTING FENCE
- NEW FENCE

AERIAL PHOTO OF SURROUNDING AREA

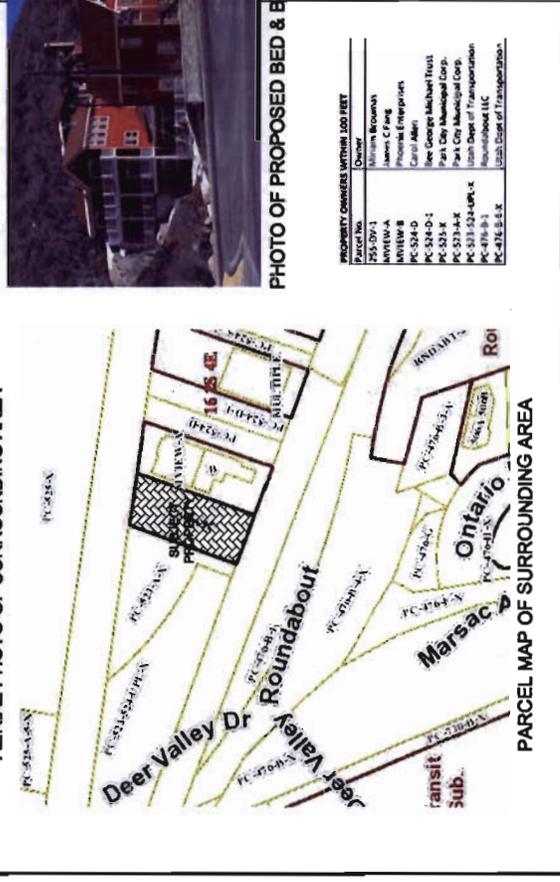


Exhibit B – Proposed Floor Plan

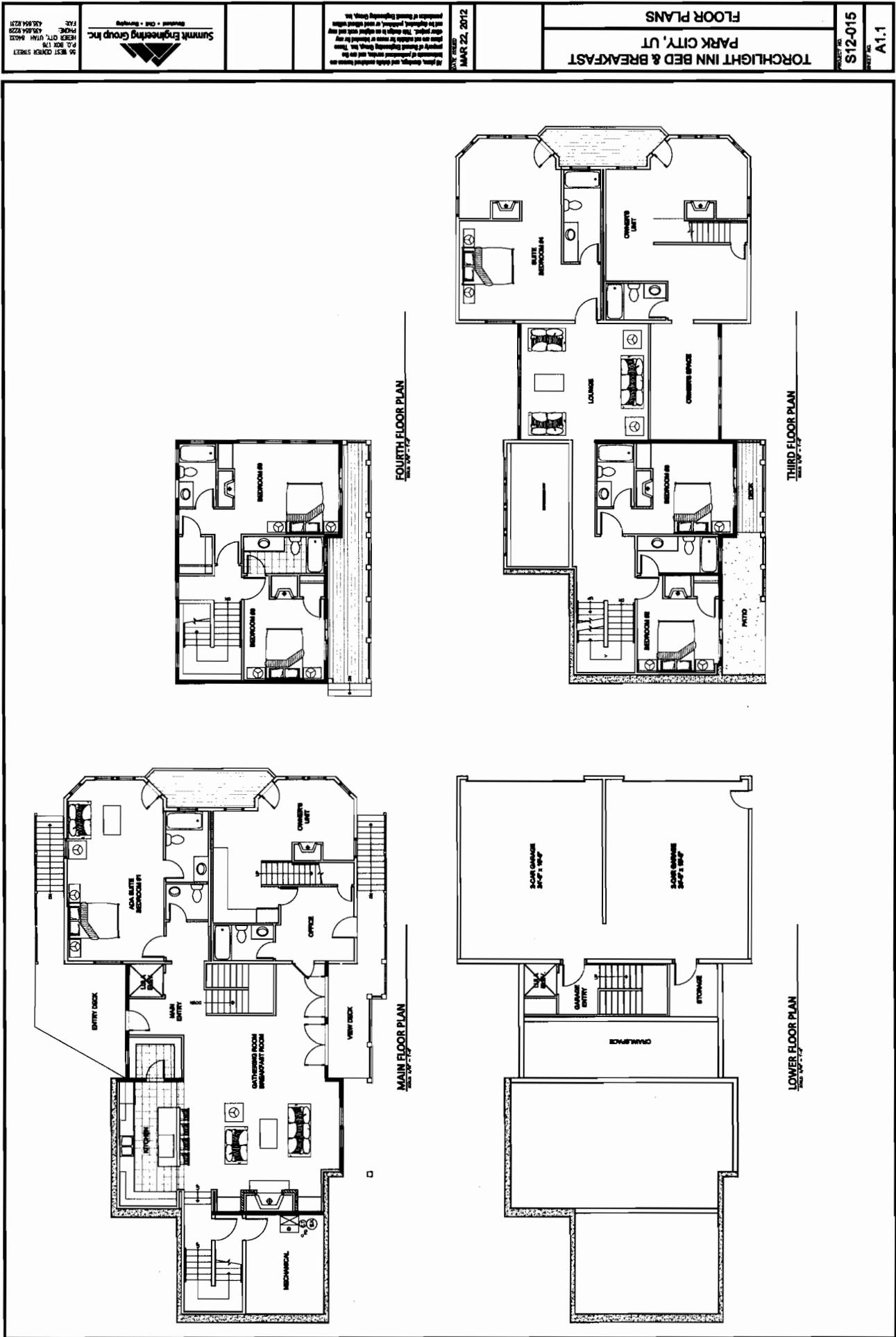


Exhibit C – Revised elevation concept



RECEIVED
 MAY 04 2012
 PARK CITY
 PLANNING DEPT.

Exhibit D – Applicant’s statement

CHRISTINE MUNRO

March 9, 2012
Park City Municipal Corporation
Planning Department
445 Marsac Avenue, PO box 1480
Park City, UT 84060

Dear Ladies and Gentlemen,

I am sending this statement along with my application for a Conditional Use Permit for the property which exists at 255 Deer Valley Drive, Park City, UT in order to provide you with further information regarding my application. I am requesting that the Park City Planning commission grant a Conditional Use Permit to allow 255 Deer Valley Drive zoning for nightly rentals, in order to be established as a Bed and Breakfast. The property is currently zoned as an R1 area and may not be used for nightly rentals in its current zoning capacity.

I am a professionally trained Chef from Massachusetts. I have resided in Massachusetts since birth and have run several successful restaurant businesses since my graduation from Culinary School. My goal is to make improvements on the current property that will provide Park City with Bed and Breakfast style lodging choice that will convey the unique style of the city. In addition, I hope to make the new Bed and Breakfast an integral part of the community.

Park City has many lodging choices available to its guests. The current bed and breakfasts offer several choices of styles and amenities to potential visitors. I believe that my business model and design will offer yet another unique option to those visiting the area who are looking for the personal guest experience that can only be offered through a Bed and Breakfast.

The physical building will require much work and updating to bring it to what I consider Park City standards. It is centrally located with good exposure, as well as its proximity to the Olympic torch, a Park City treasure. It is my goal to bring this property to the glory which the location deserves. While not expanding the footprint of the property, my plan is to enhance the current construction both cosmetically and functionally.

892 DRIFT ROAD, WESTPORT, MA 02790



FROM THE DESK OF
CHRISTINE MUNRO

In conclusion, I would like to thank you for considering this application for a conditional use permit to allow 255 Deer Valley Drive to operate as a Bed and Breakfast. I would be happy to provide you with further information as needed regarding the Bed and Breakfast plan. As I am on the East Coast, I would appreciate any advance notice you can give me regarding my presence at planning commission meetings. I look forward to hearing from you.

Sincerely;



Christine S. Munro



Project Description:

The proposed project will be located at 255 Deer Valley Drive. The project is a Bed and Breakfast. The building will consist of guest rooms, common areas, a kitchen to provide breakfast to its guests, utility areas, and owners quarters. The proposed bed and breakfast will accommodate twelve to fourteen guests, which is configured at two guests per room, or seven rooms total. It will also contain a three bedroom owners suite with separate kitchen, common area, and utilities.

The Bed and Breakfast will provide accommodations to visitors in the Park City area.

The proposed Bed and Breakfast is located at 255 Deer Valley Drive. The zone for this address is R1. This is the reason for the application of conditional use.

255 Deer Valley Drive is centrally located within two miles of Historic Old Town and two major ski/recreation areas. It is conveniently located near a public transportation route and overlooks a major Park City landmark, the 2002 Olympic Torch. It would be compatible with Park City's tourism industry and will provide a unique choice of lodging to visitors in the Park City area.

The proposed structure at 255 Deer Valley Drive will be compatible with the architecture of Park City and will not emit any additional noise, glare, dust, pollutants, or odor.

The hours of operation will be compatible with all lodging facilities in the area. The approximate employment rate will be three to five employees at full and part time rates. In addition, considerable renovations will require tradesmen as well as hourly tradesmen to maintain the property.

Please see attached statement regarding Title 15-2,12-8. (criteria for bed and breakfast Inn)



15-2.12-8. CRITERIA FOR BED AND BREAKFAST INN.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rooms.

15-2.12-8

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures only, if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant V egetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive use.

(I) The Use complies with Chapter 15- 1-10, Conditional Use review.



**255 Deer Valley Drive
Application for Conditional Use Permit**

Responses to 15-2.12-8 Criteria for Bed and Breakfast Inn

- (A) Not applicable
- (B) The structure currently has ten rooms. Seven of these rooms are rentable. The remaining three rooms will be owners quarters.
- (C) Not applicable
- (D) The intent of the proprietor is to operate a bed and breakfast with the rooms to rent on a nightly basis.
- (E) The Intent of the proprietor is to live on property and to consider 255 Deer Valley drive her residence.
- (F) The intent of the proprietor is to provide breakfast service for the convenience of its guests only.
- (G) The intent of the proprietor is to not allow preparation of food in individual rooms. The proprietor may provide coffee service and small refrigeration units en suite for the comfort and convenience of the guest. This is in accordance with national standards of Bed and Breakfast accommodations.
- (H) Parking spaces will be provided as follows:
 - (4) enclosed garage spaces
 - (5) 9'x18' uncovered driveway spaces

***note: the business model for the Bed and Breakfast encourages using the public transportation available to its guests. In addition to the bus system, free shuttle service to and from SLC airport will be provided to guests and discounted shuttle services to attractions not on the Park City bus route will be offered.**

