

**PARK CITY MUNICIPAL CORPORATION  
 PLANNING COMMISSION  
 CITY COUNCIL CHAMBERS  
 July 23, 2014**



**AGENDA**

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

**ROLL CALL**

**ADOPTION OF MINUTES OF July 9, 2014**

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

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATIONS**

|   |  |    |
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| PCMR Base Area MPD & Woodward Park City and<br>Conditional Use Permit<br><i>Public hearing and continuation to date uncertain</i> | PL-13-02135 &<br>PL-13-02136<br><i>Planner Astorga</i> | 15 |
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| 7379 Silver Bird Drive, Silver Bird Condominiums at Deer Valley First<br>Amendment – Condominium Plat Amendment<br><i>Public hearing and continuation to August 13<sup>th</sup>, 2014</i> | PL-14-02322<br><i>Planner Alexander</i> | 16 |
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| 692 Main Street, 692 Main Street Condominiums – Condominium Plat<br><i>Public hearing and continuation to August 13<sup>th</sup>, 2014</i> | PL-14-02320<br><i>Planner Alexander</i> | 17 |
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**WORK SESSION – *Discussion items only, no action taken***

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

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| 1102 Norfolk Avenue Subdivision – Plat Amendment<br><i>Public hearing and possible recommendation to City Council on August 7<sup>th</sup>, 2014</i> | PL-14-02367<br><i>Planner Wassum</i> | 19 |
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| 166 Ridge Avenue – Conditional Use Permit, Construction in City Right of Way<br>King Ridge Estates/Ridge Avenue<br><i>Public hearing and possible action</i> | PL-14-02288<br><i>Planner Alexander</i> | 33 |
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| 166 Ridge Avenue – Steep Slope Conditional Use Permit<br>King Ridge Estates/Ridge Avenue<br><i>Public hearing and possible action</i> | PL-14-02268<br><i>Planner Alexander</i> | 101 |
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| 8200 Royal Street Unit #35, The Stag Lodge<br><i>Public hearing and possible recommendation to City Council on August 21<sup>st</sup>, 2014</i> | PL-14-02394<br><i>Planner Alexander</i> | 187 |
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| 1851 Little Kate Road, Dority Springs Subdivision – Plat Amendment<br><i>Public hearing and possible recommendation to City Council on August 21<sup>st</sup>, 2014</i> | PL-12-01733<br><i>Planner Astorga</i> | 212 |
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| 632 Main Street, Silver Queen Condominiums – First Amended Record of Survey<br>Plat<br><i>Public hearing and possible recommendation to City Council on August 21<sup>st</sup>, 2014</i> | PL-14-02301<br><i>Planner Whetstone</i> | 260 |
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**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.

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



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 9, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Pro-Tem Gross, Preston Campbell, Steve Joyce, John Phillips, Clay Stuard

EX OFFICIO:

Planning Director Tom Eddington; Christy Alexander, Planner; John Boehm, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Pro-Tem Gross called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except for Commissioners Strachan and Worel who were excused.

**ADOPTION OF MINUTES**

June 25, 2014

Commissioner Joyce referred to page 19 of the Staff report, page 17 of the Minutes, second paragraph, and changed "Parking lot F would be completely regarded, to correctly read, "Parking lot F would be completely **regraded**."

MOTION: Commissioner Stuard moved to APPROVE the minutes of June 25, 2014 as corrected. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington commented on discussion at the last meeting regarding the PCMR Woodward proposal and noted that the item was formally continued to July 23<sup>rd</sup> rather than July 9<sup>th</sup>. He reported that PCMR has since requested a continuance to a date uncertain to allow time to work through some of the design and MPD issues.

Commissioner Stuard stated that he had sent an email to Director Eddington and Shauna Stokes in the Planning Department regarding a concern about the lack of architectural standards for older, single family neighbors that experience a lot of tear-down and rebuilds, as well as substantial remodeling. His concern related to a particular project in the Park Meadow One neighborhood which he did not believe was compatible with the rest of the neighborhood. Commissioner Stuard had asked Director Eddington to add this issue to the list of items for the LMC discussion. In addition to the current setbacks and height limitations, he would like to include lot coverage, massing and scale, appropriate articulation of the upper stories to the lower stories, and architectural styling. Commissioner Stuard thought the issue was more likely to occur as the neighborhoods get older. Commissioner Stuard stated that as a result of his conversation with Director Eddington and Ms. Stokes, he was invited to attend the Staff meeting next week.

Director Eddington stated that at the last meeting the Planning Commission had the discussion relative to vinyl siding and the fact that there are only design guidelines for the Historic Districts. Based on old Park City planning codes and old Park City guidelines from the 1970's and early 1980's, the Architectural Guidelines chapter in the LMC was created to consolidate all of the guidelines and make them Code. Unfortunately, it is more generic and less qualitative than they would like for guidelines. Director Eddington noted that Flagstaff was the only area outside of Old Town where guidelines were established. The Planning Department has always wanted to establish a set of Park City guidelines that would be flexible to address the characteristics of individual neighborhoods.

Commissioner Stuard clarified that he had not communicated his concerns and conversations with the rest of the Planning Commission due to the requirements of the Open Public Meetings Act. He asked whether it would be appropriate to have other Commissioners attend the Staff meeting because he would like to see it opened up to a broader discussion.

Director Eddington thought it might be more beneficial to bring it back to the Planning Commission as a work session item so everyone could be involved in brainstorming ideas.

Commissioner Joyce stated that aside from reading all the minutes from the City Council meeting, the Planning Commission has no way of knowing whether or not a recommendation they forward to the City Council was accepted, rejected, or modified. He requested that the Staff provide an update to the Planning Commission if the City Council rejected or modified their recommendation on a specific item. He emphasized that an update would only be necessary if there was an exception to the recommendation.

Director Eddington stated that the Planning Department could have the Project Planner convey any exceptions to the Planning Department during the Staff Communications portion of the meeting. He noted that in the past few months the City Council has favorably accepted their recommendations without exception.

Commissioner Joyce commented on the number of continuations on the agenda this evening, as well as two potentially straightforward plat amendments. He asked if the Planning Department had ever considered using a Consent Agenda for these types of items. Director Eddington replied that the Planning Commission had Consent Agendas in the past but it was discontinued three or four years ago because the Commissioners were consistently removing items from the Consent Agenda to discuss a particular issue. It became very difficult for the Staff to determine which items could be Consent and the Legal Department recommended that they notice all items for public hearing.

Assistant City Attorney McLean clarified that the LMC states that conditional use permits and steep slope conditional use permits may be Consent items. However, a public hearing is required for plat amendments. Ms. McLean noted that the problem with approving several items together is that sometimes people will sit through an entire meeting waiting to speak on an item not realizing that it had already been approved.

Commissioner Stuard understood Commissioner Joyce's concern, but he thought it was better to err on the side of public input. Commissioner Joyce clarified that he was not suggesting that they bypass public input. Using the Continuations as an example, he noted they would call for public input on each item to be continued this evening even though there was no one in the audience. He was only suggesting a way to streamline the process.

Commissioner Stuard commented on the spread sheet the Planning Commission was given earlier in the year with projects that would be discussed throughout the summer; and he felt that much of it had not materialized. He thought their time was being underutilized and that the agendas could be heavier. Director Eddington noted that the Bonanza Park discussions were started with the joint meeting and it was scheduled to come back to the Planning Commission at a special meeting on August 6<sup>th</sup>. The Planning Commission was ahead of schedule on the LMC Amendments because they were started in June rather than October as previously scheduled. Director Eddington stated that part of the timeline included Staff time to prepare the documents. He pointed out that the Planning Commission had three work sessions on PCMR, but the formal public hearing would be continued to a date uncertain at the applicant's request. The Staff was trying to schedule Treasure Hill as soon as possible. Director Eddington stated that overall the schedule was moving forward quite well. Commissioner Stuard reiterated that the Planning Commission has had a number of light meetings that he believed their time could be better utilized.

Chair Pro Tem Gross ask if it was possible to open the public hearing on all the items being continued rather than each one individually. Assistant City Attorney McLean replied that it would be appropriate as long as the public had the opportunity to speak on individual items.

**CONTINUATIONS – Public Hearing and Continuation to date specified.**

Director Eddington requested that 333 Main Street and 200 Ridge Avenue be continued to August 13th rather than July 23rd as stated on the agenda.

Chair Po Tem Gross opened the public hearing on the following items:

1. 317 Ontario Avenue – Steep Slope Conditional Use Permit  
(Application PL-13-02136) (Continue to August 13, 2014)
2. 1851 Little Kate Road, Dority Springs Subdivision – Plat Amendment  
(Application PL-12-01733) (Continue to July 23, 2014)
3. 333 Main Street – The Parkite Condominiums Record of Survey Plat for Commercial Units (Application PL-14-02302) (Continue to August 13, 2014)
4. 200 Ridge Avenue, Ridge Overlook – Plat Amendment  
(Application PL-10-00977) (Continue to August 13, 2014)

A member of the public asked how the City intended to access that portion of the road.

Director Eddington stated that the Staff had not conducted a formal review and they had not received the final submission from the applicant. The item was continued to August 13<sup>th</sup> to allow the applicant time to submit all the materials and for the Staff to conduct a proper review.

5. Land Management Code Amendments related to: (Application PL-14-92348)
  1. Definitions (LMC Chapter 15) (Continue to date uncertain)
  2. GC and LI regarding animal services
6. 7379 Silver Bird Drive, Silver Bird Condominiums at Deer Valley First Amendment – Condominium Plat Amendment  
(Application PL-14-02322) (Continue to July 23, 2014)

7. 692 Main Street, 692 Main Street Condominiums – Condominium Plat  
(Application PL-14-02344) (Continue to July 23, 2014)

Chair Pro Tem Gross closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the above items to the dates specified. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

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

1. 1604 & 1608 Deer Valley Drive, Fawngrove Condominiums – Condominium Plat Amendment (Application #PL-14-02290)

Planner John Boehm reviewed the application for the First Amendment to Fawngrove Condominiums First Supplemental Record of Survey. The project is located at 1604 & 1608 Deer Valley Drive North. The applicant was requesting an approval of an amendment for the record of survey to combine Fawngrove Condominium units 42 and 43 into one unit to be designated as Unit 42. No exterior changes were proposed with this project. The only change would be the removal of an interior wall to create one single unit.

The Staff had reviewed the proposal and found that the proposed amendment is consistent with the purpose statements of the residential development district, and the use as residential condominiums was unchanged. The additional floor space proposed would have minimal impact as it minimizes the site disturbance, preserves existing natural open space and limits the impacts on the development.

The Staff recommended that the Planning Commission conduct a public hearing for the First Amendment to the Fawngrove Condominiums First Supplemental Record of Survey and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Pro Tem Gross opened the public hearing.

There were no comments.

Chair Pro Tem Gross closed the public hearing.

Commissioner Joyce understood from the Staff report that combining the units would create one less unit and that the requested combination would not increase the number of units allowed by the MPD. Commissioner Joyce asked if they would be allowed to build another unit to replace the unit that was lost through the combination.

Director Eddington stated that part of the Deer Valley MPD uses Unit Equivalents; therefore, it is a square footage calculation. It would not add additional square feet or units to the development. The only change is that one unit ends up being larger than the others. Director Eddington noted that a unit equivalent is 2,000 square feet according to the LMC.

Commissioner Joyce read Finding of Fact #12, "The combination does not increase the number of units allowed by the MPD." If the number of units were literally reduced, he believed that another unit could be built. Commissioner Joyce was certain that was not the intent, but he felt it should be explicitly addressed.

Assistant City Attorney McLean thought Commissioner Joyce had raised a good point. She recommended adding a condition of approval stating that combining the two units would not decrease the number of units in accordance with the Deer Valley MPD. Overall the Fawngrove Condominium project should be deemed to have 61 units in total, regardless of the combination. Director Eddington believed the square footage and unit equivalents would restrict the ability to build another unit.

Commissioner Joyce read Finding of Fact #7, "The MPD did not approve the project under the unit equivalent formula." Based on Finding #7, Director Eddington agreed with adding a condition of approval.

Planner Boehm added Condition of Approval #5, "The combination of these two units shall not constitute a reduction in the number of units, and that number shall remain at 61 units per the Deer Valley MPD."

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the First Amendment to Fawngrove Condominiums First Supplemental Record of Survey, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance as amended. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1604 & 1608 Deer Valley Drive

1. Fawngrove Condominiums are located at 1600 Deer Valley Drive North within the Deer Valley Resort Large Scale MPD.
2. The site is within the RD District.
3. The owner of Units 42 and 43 requests to combine these units into one single unit. These units are located at 1604 and 1608 Deer Valley Drive North.
4. Fawngrove Condominium Declaration, Article XXXIV allows for combination of units.
5. Fawngrove Condominiums consists of sixty-one (61) residential condominium built over two phases consistent with requirements of the Deer Valley MPD.
6. The sixty-one (61) units have been previously constructed.
7. The MPD did not approve the project under the unit equivalent formula.
8. The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged.
9. The proposed amendment is consistent in that the additional floor area that results from removal of the common wall is minimal as it minimizes site disturbance.
10. The proposed amendment preserves the existing natural open space, and limits impacts of development.
11. The combination would yield a single unit that would be 2,390 square feet in size.
12. The combination does not increase the number of units allowed by the MPD.
13. All construction is proposed within the existing building envelope.
14. The plat identifies that a parking space has been assigned for the use of Unit 42. Unit 43 also has a designated parking space. LMC § 15-3-6-(A) indicates that a multi-unit dwelling is to have two (2) parking spaces for an apartment/condominium greater than 1,000 square feet and less than 2,500 square feet. The proposed combined unit meets this requirement and no additional parking is required as a result of the amendment.

### Conclusions of Law – 1604 & 1608 Deer Valley Drive

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 11th amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

### Conditions of Approval – 1604 & 1608 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this 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. Construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the combined Unit 42 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the Fawngrove Condominiums shall continue to apply.
5. The combination of these two units shall not constitute a reduction in the number of units; and that number shall remain at 61 units per the Deer Valley MPD.

**2. 341 Ontario Avenue, 341 Ontario Avenue Subdivision – Plat Amendment (Application PL-14-02335)**

Planner Christy Alexander reviewed the application to combine two full single lots of record along 341 Ontario Avenue into one lot of record. An existing historic home on the lower portion of the property currently sits over the lot line. The requested combination would remedy that situation. Because the home is historic it would be legal non-complying with the setbacks. The applicant intends to build a garage on Ontario as an addition to the existing home.

Commissioner Joyce referred to Condition of Approval #6 stating that if the boardwalk is crossing on this property, a public access easement will be required along the west edge of the properties and shall be recorded with the plat. Planner Alexander identified the location of the boardwalk and noted that the Staff did not believe the boardwalk was on the property. However, the City Engineer wanted to make sure that if it did touch at all, the applicant would need an agreement with the City. Planner Alexander stated that the owner was amenable to an agreement if necessary.

The Staff requested that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 341 Ontario Subdivision plat based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Pro Tem Gross understood that the intention was to combine the lots and build an addition to the historic home. However, he understood that if the lot combination was approved the owner would be allowed to build a duplex. Planner Alexander replied that the Planning Commission could add a condition of approval requiring that the structure remain a single family home. Assistant City Attorney McLean stated that if the Planning Commission intended to add that condition of approval, they should also add a finding as to why they were making that recommendation.

Commissioner Campbell noted that a duplex is a conditional use in the zone and the owner would have to come back to the Planning Commission for a CUP if he wanted to build a duplex. Chair Pro Tem Gross remarked that a duplex would still be allowed and the CUP would only be the process. Commissioner Campbell was unsure whether the Planning Commission had the right to restrict it to single family.

Assistant City Attorney McLean stated that the historic home would be a challenge in following the guidelines to create a separate entrance for a duplex. Commissioner Phillips believed the Planning Commission could address that issue if it came back for a CUP.

Commissioner Joyce did not believe the Planning Commission had enough information to impose the restriction as a condition of approval of the plat amendment. The Commissioners concurred.

Chair Pro Tem Gross opened the public hearing.

There were no comments.

Chair Pro Tem Gross closed the public hearing.

MOTION: Commissioner Stuard moved to forward a POSITIVE recommendation to the City Council for 341 Ontario Avenue Subdivision plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the draft ordinance of the Staff report dated July 9, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 341 Ontario Avenue

1. The property is located at 341 Ontario Avenue within the Historic Residential (HR-1) District.
2. On April 29, 2014, the applicants submitted an application for a plat amendment to combine two (2) lots containing a total of 3,750 square feet into one (1) lot of record.
3. The application was deemed complete on May 8, 2014.
4. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling and 3,750 square feet for a duplex.
5. The maximum footprint allowed in the HR-1 zone is 1,519 square feet for the proposed lot based on the lot area.
6. The property has frontage on and access from Ontario Avenue.
7. The existing house does not meet the current side yard setbacks as it crosses the common lot line and is within 1.4' of the south property line. The house is listed as a significant historic house on the Historic Sites Inventory. The existing non-complying setback on the south property line will remain. As conditioned, the proposed plat amendment does not create any new non-conforming situations.

8. The plat amendment secures a 10 foot public snow storage easement across the frontage of the lot.

9. Ontario Avenue is a narrow, steep street. Combining the lots to provide an addition to a single family house will reduce parking requirements from four spaces to two spaces.

#### Conclusions of Law - 341 Ontario Avenue

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

#### Conditions of Approval – 341 Ontario Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

5. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Ontario Avenue and shall be shown on the plat.

6. If the boardwalk is crossing on this property, a public access easement will be required along the west edge of the properties and shall be recorded with the plat.

Commissioner Stuard noted that members of the public had arrived late and he requested that they be given time to speak if they came for a particular project.

The gentlemen indicated that they were interested in 200 Ridge Avenue. Director Eddington informed them that the item had been continued to August 13<sup>th</sup>, at which time there would be a public hearing. Chair Pro Tem Gross re-opened the public hearing for 200 Ridge Avenue to allow the gentlemen the opportunity to comment this evening. Their comments can be found under the Continuation section of the Minutes.

The Planning Commission adjourned the regular meeting and moved into Work Session for training by Scott Robertson with the IT Department regarding the City Policy for the stipend and use of their iPads.

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

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

## **Planning Commission Supplemental Staff Report**



**Application #:** PL-13-02135 & PL-13-02136  
**Subject:** PCMR Base Area MPD & Woodward  
Park City Conditional Use Permit  
**Author:** Francisco Astorga, Planner  
**Date:** July 23, 2014  
**Type of Item:** Administrative – MPD Amendment & Conditional Use Permit  
Continuation

The applicant and Staff are jointly requesting that these items be continued to a date uncertain in order to refine items outlined in the MPD, etc. as well as mitigation of the standard Conditional Use Permit requirements.

## **Planning Commission Supplemental Staff Report**



**Subject:** Silver Bird Condominiums at Deer Valley First Amendment - Condominium Plat

**Author:** Christy J. Alexander, AICP, Planner II

**Project Number:** PL-14-02322

**Date:** July 23, 2014

**Type of Item:** Administrative – Condominium Plat Amendment Continuation

Applicant requests that this item be continued to August 13, 2014 meeting due to wanting to include more units than originally contemplated.

## **Planning Commission Supplemental Staff Report**



**Subject:** 692 Main Street Condominiums Plat  
**Author:** Christy J. Alexander, AICP, Planner II  
**Project Number:** PL-14-02320  
**Date:** July 23, 2014  
**Type of Item:** Administrative – Condominium Plat Continuation

Staff requests that this item be continued to August 13, 2014 meeting due to additional research and clarification required.



# Planning Commission Staff Report



**Subject:** 1102 Norfolk Avenue - Plat Amendment  
**Author:** Ryan Wassum, Planner  
**Date:** July 23, 2014  
**Type of Item:** Administrative – Plat Amendment  
**Project Number:** PL-14-02367

## **Summary Staff Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the 1102 Norfolk Avenue Subdivision Plat Amendment 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.

*Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

## **Description**

**Applicant:** Casey Crawford, owner  
**Location:** 1102 Norfolk Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential single family and vacant lots  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

## **Proposal**

The applicant is requesting a plat amendment (Exhibit A) for the purpose of removing the lot line between Lot 31 and Lot 32, to create one legal lot of record called the 1102 Norfolk Avenue Subdivision of Block 8, Snyder's Addition to Park City Survey. The existing historic structure, located across the lot line separating Lots 31 and 32 at 1102 Norfolk Avenue would be brought into compliance. The applicant is proposing to preserve the historic structure and add an addition.

## **Background**

On June 3, 2014 the owner submitted a complete application for a plat amendment. The subject property is located at 1102 Norfolk Avenue, and the existing historic structure sits on Lots 31 and 32 of Block 8, Snyder's Addition to Park City Survey.

The applicant wishes to remove the lot line located between Lots 31 and 32 at 1102 Norfolk Avenue to create one legal lot of record, further bringing the existing historic structure that straddles the lot line into legal compliance. The applicant proposes to preserve and renovate the home and add an addition. A Historic District Design Review (HDDR) and Steep Slope Conditional Use Permit application were also submitted by the applicant on May 21, 2014.

**Analysis**

The current application is a request to create a 3,750 square feet of lot by removing the lot line located between Lots 31 and 32 at 1102 Norfolk Avenue. Lots 31 and 32 are both seventy-five (75) feet deep by twenty-five (25) feet, and each has a square footage of 1,875 sf. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family house and 3,750 square feet for a duplex. The existing home is 1,024 square feet in size, which is under the allotted maximum building footprint of 1,480 square feet. The back of the home currently sits 2 feet away from the front setback and is nonconforming since it does not meet the required 10 foot front yard setback. The historic structure is also noncomplying in that it does not meet the south side yard setback at 3.42 feet (10 feet required), as well as the front yard setback at 2 feet (5 feet required). Currently, the south side yard retaining wall, concrete walkway, and wood deck encroach into the 11<sup>th</sup> Street public right-of-way. The proposed plat amendment meets the required lot sizes for a new legal lot of record.

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.

**1102 Norfolk Avenue Subdivision**

|                      | HR-1 Zone Designation                            | Existing Conditions   | Proposed Lot (Exhibit A)                 |
|----------------------|--|---|--|
| Min Lot Size:        | 1,875 square feet                                | 3,750 square feet   | 3,750 square feet                        |
| Max Footprint:       | 1518.75 square feet                              | 1,024 square feet; <i>complies</i>  | 1,480 square feet                        |
| Front/Rear Setbacks: | 10' min (20' total)                              | Front: 2'; <i>noncomplying</i><br>Rear: 35'; <i>complies</i>                  | Front: 10'<br>Rear: 10'                  |
| Side setbacks:       | 5' min (10' total)                               | South side: 3.42'; <i>noncomplying</i><br>North side: 14.43'; <i>complies</i> | South side: 5'<br>North side: 5'         |
| Max. Height:         | 27'  | 15.75'  | 27' (proposing 23'in HDDR)               |
| Parking:             | Per LMC 15-3-8., historic structures are exempt. | None  | Proposing 2 tandem spots, however exempt |

The proposed plat amendment does not create any new non-complying situations with respect to setbacks. The plat amendment would remove existing encroachments over the interior lot lines (side yard setbacks); however, any existing encroachments into the 11<sup>th</sup> Street right-of-way will either be removed or an encroachment agreement will be entered into with the City Engineer. The additions to the significant structure would be required to meet the current setback requirements.

### **Good Cause**

Planning Staff finds that there is good cause for this plat amendment as it meets the Land Management Code and creates a legal conforming structure that is compatible within the HR-1 District. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along Norfolk Avenue as well as resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with their proposed preservation and addition to the home until the plat amendment has been recorded.

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures in LMC 1-18. A Historic District Design Review application or pre-application is required prior to issuance of any building permits for new construction on the property. Any area proposed for future construction that meets requirements for applicability of a Steep Slope Conditional Use permit shall be reviewed for compliance with the Steep Slope Conditional Use permit review criteria, prior to issuance of any building permits.

### **Department Review**

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

### **Notice**

Legal Notice of this public hearing was posted on July 9, 2014 and published in the Park Record on July 12, 2014.

### **Public Input**

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting noticed for August 21, 2014.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council on the 1102 Norfolk Avenue Subdivision Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council on the 1102 Norfolk Avenue Subdivision Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the public hearing and discussion on the 1102 Norfolk Avenue Subdivision Plat Amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a recommendation.
- The “take no action” alternative is not an option for administrative plat amendments.

### **Significant Impacts**

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

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

The historic structure located at 1102 Norfolk Avenue would remain legally non-complying since it runs over a lot line, further preventing the dilapidated structure from being restored or adding additional living space.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the 1102 Norfolk Avenue Subdivision Plat Amendment 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**

Ordinance Exhibit A- Proposed Subdivision Plat Amendment  
Exhibit B- Aerial photo/ vicinity map  
Exhibit C- Survey  
Exhibit D- Photos

Draft Ordinance

Ordinance No. 14-

**AN ORDINANCE APPROVING THE 1102 NORFOLK AVENUE SUBDIVISION BY REMOVING THE LOT LINE BETWEEN LOTS 31 AND 32 OF BLOCK 8, SNYDERS ADDITION TO THE PARK CITY SURVEY, LOCATED IN PARK CITY, UTAH**

WHEREAS, the owner of property located at 1102 Norfolk Avenue petitioned the City Council for approval of the 1102 Norfolk Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 23, 2014, to receive input on the 1102 Norfolk Avenue Subdivision;

WHEREAS, the Planning Commission, on July 23, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on August 21, 2014; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1102 Norfolk Subdivision removing the Lot Line between Lots 31 and 32. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 1102 Norfolk Avenue Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 1102 Norfolk Avenue and consists of two (2) "Old Town" lots, namely Lots 31 and 32 of Block 8 Snyders addition to the Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The property has frontage on Norfolk Avenue and the lot contains 3,750 square feet of area.

4. There is an existing noncomplying historic structure located on the property that straddles the Lot Line between Lots 31 and 32.
5. The existing historic structure does not meet the front yard setback at 2' (west elevation) and the side yard setback at 3.42' (south elevation) but is a valid Complying structure pursuant to LMC 15-2.2-4.
6. The side yard (south elevation) retaining wall, concrete walkway, and wood deck encroach into the 11<sup>th</sup> Street public right-of-way.
7. The maximum building footprint allowed for 1102 Norfolk Avenue on Lot 31 and 32 is 1,518.75 square feet per the HR-1 LMC requirements and based on the lot size. The proposed maximum building footprint is 1,480 square feet.
8. The existing home has a building footprint of approximately 1,024 square feet.
9. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
10. The maximum height for a home in the HR-1 zone is 27 feet; the existing home is 15.75 feet.
11. Single family homes are an allowed use in the HR-1 zone.
12. On May 21, 2014, the owner submitted an application for a plat amendment to remove the lot line between Lot 31 and Lot 32, to create one legal lot of record and further making the historic structure legally complying. The application was deemed complete on June 3, 2014.
13. The applicant proposes to renovate the home and add an addition.
14. The home is currently on the Historic Sites Inventory (HSI) listed as a significant structure.
15. The Lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
16. The proposed subdivision plat amendment does not create any new non-complying or nonconforming situations; removing the lot line makes the historic structure legally complying.
17. The plat amendment secures public snow storage easements across the frontage of the lots.
18. There is good cause to remove the lot line to create one lot and make the historic structure legally complying; the lot size is compatible with lots in the surrounding neighborhood within the HR-1 District.

### **Conclusions of Law:**

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

### **Conditions of Approval:**

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time,

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

3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots. Also recordation of the plat is a condition of building permit issuance.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
5. Modified 13-D sprinklers will be required for new construction/substantial renovation as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lots with Norfolk Avenue and shall be shown on the plat.
7. Any encroachments on the 11<sup>th</sup> Street right-of-way will either need an encroachment agreement with the City Engineer or be removed.
8. All prior snow storage and snow shedding easements associated with this property shall be reflected on this plat.

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

PASSED AND ADOPTED this 21st day of August, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney



**SURVEYOR'S CERTIFICATE**

I, 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 owner, I have prepared this Record of Survey map of the 1102 NORFOLK AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

**BOUNDARY DESCRIPTION**

LOTS 31 & 32, Block 8, SNYDER'S ADDITION TO PARK CITY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

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

KNOW ALL MEN BY THESE PRESENTS that Casey S. Sutherland, the undersigned owner of the herein described tract of land, to be known hereafter as 1102 NORFOLK AVENUE SUBDIVISION, does hereby certify that she has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Casey S. Sutherland, Owner

**ACKNOWLEDGMENT**

State of Utah: ss: County of Summit: On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, Casey S. Sutherland personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Casey S. Sutherland acknowledged to me that she is the owner of the herein described tract of land, and that she 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: \_\_\_\_\_

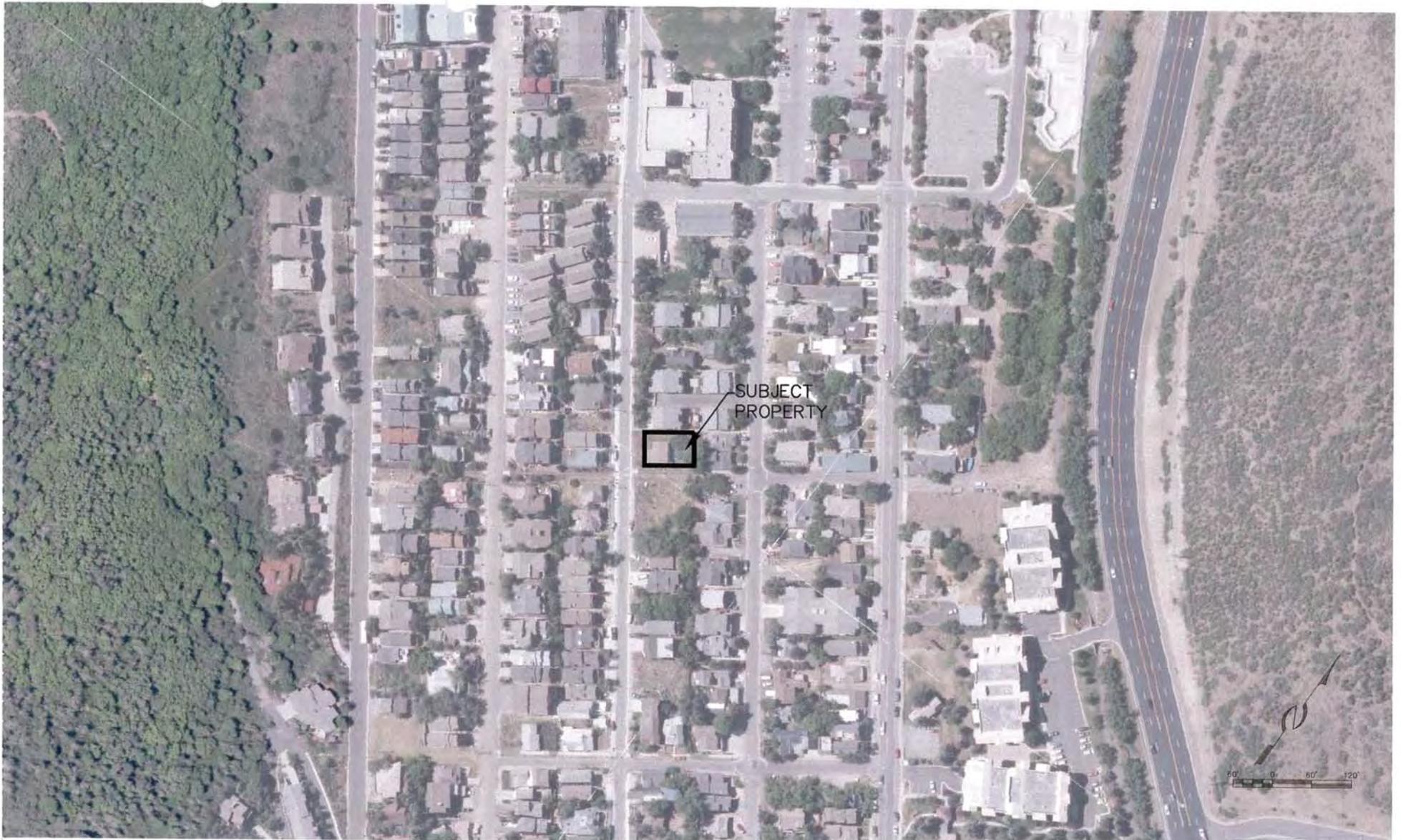


BLOCK 8, SNYDER'S ADDITION TO PARK CITY SURVEY  
**1102 NORFOLK AVENUE SUBDIVISION**

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

|  |  |   |   |   |   |   |  |
|--|--|---|---|---|---|---|--|
| <br>(435) 649-9487<br>Consulting Engineers Land Planners Surveyors<br>323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014<br>BY _____ S.B.W.R.D. | PLANNING COMMISSION<br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014<br>BY _____ CHAIRMAN | ENGINEER'S CERTIFICATE<br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014<br>BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM<br>APPROVED AS TO FORM THIS _____ DAY OF _____, 2014<br>BY _____ PARK CITY ATTORNEY | CERTIFICATE OF ATTEST<br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014<br>BY _____ PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE<br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014<br>BY _____ MAYOR | RECORDED<br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____<br>ENTRY NO. _____ FEE _____ RECORDER _____ |
|  | JOB NO.: 3-4-14 FILE: X:\SnydersAddition\dwg\sr\plat2014\030414.dwg<br>Page 26 of 272  |   |   |   |   |   |  |

Exhibit B



MAY 21 2014

|   |                               |   |   |   |                                     |
|---|-------------------------------|---|---|---|-------------------------------------|
| <br><small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br/>612 West Street P.O. Box 2024 Park City, Utah 84060-2024</small> | <small>(435) 648-8487</small> | <b>STAFF:</b><br>MARSHALL KING  | <b>AERIAL PHOTOGRAPH</b><br>1102 NORFOLK AVENUE<br>BLOCK 8, SNYDER'S ADDITION | <b>MAY 21 2014</b><br><small>PARK CITY PLANNING DEPT.</small> | <b>SHEET</b><br>1<br><b>OF</b><br>1 |
|   | <small>DATE: 4/3/14</small>   | <b>FOR: COREY CRAWFORD</b><br>JOB NO.: 3-4-14<br>FILE: X:\SnydersAddition\dwg\Exhibits\1102 norfolk-photo.dwg |   |   |                                     |

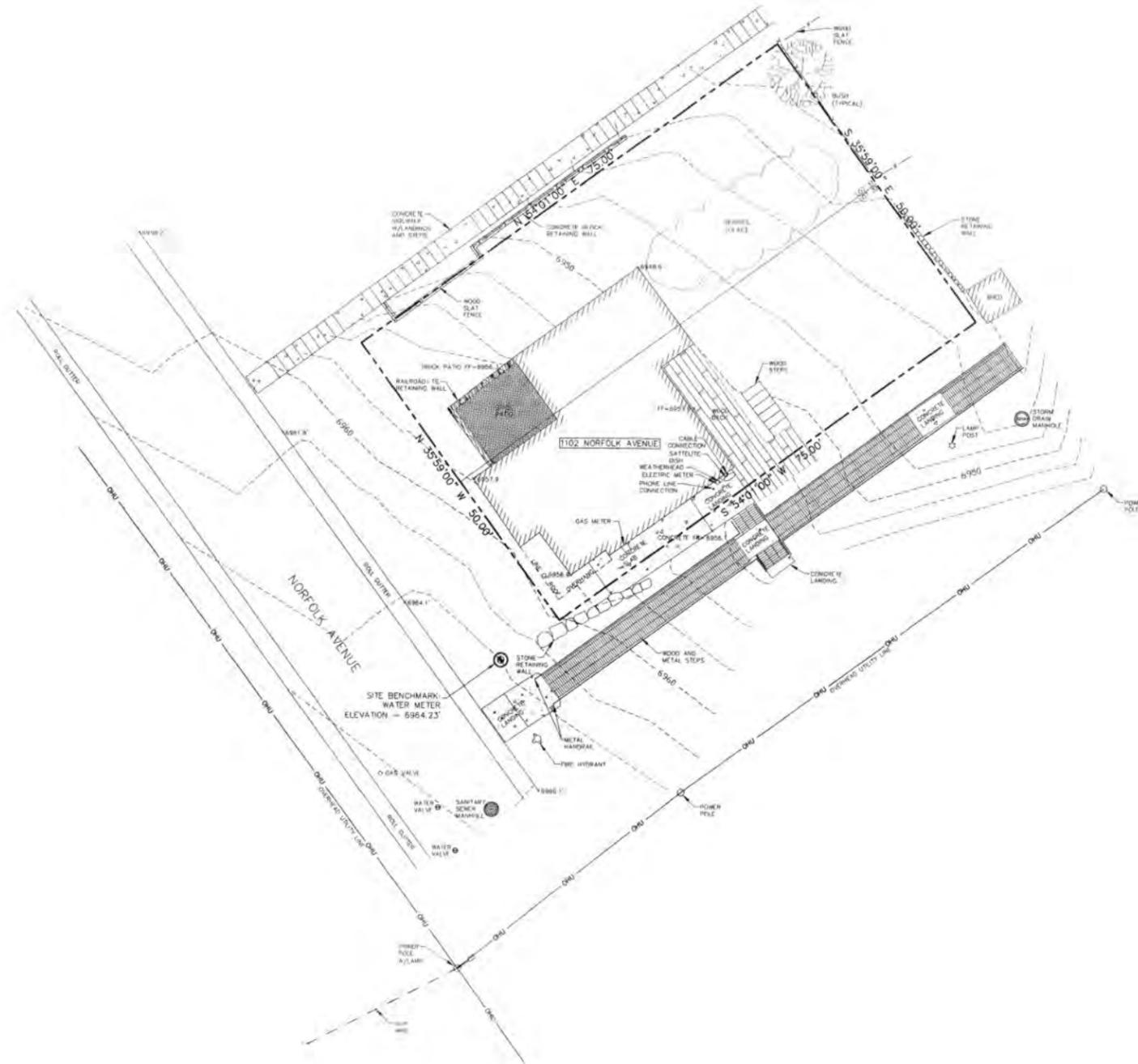
SURVEYOR'S CERTIFICATE



I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark Water Meter. Elevation = 6964.23'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 19, 2007 with additional mapping on March 4, 2014.
4. Property corners were found or set.

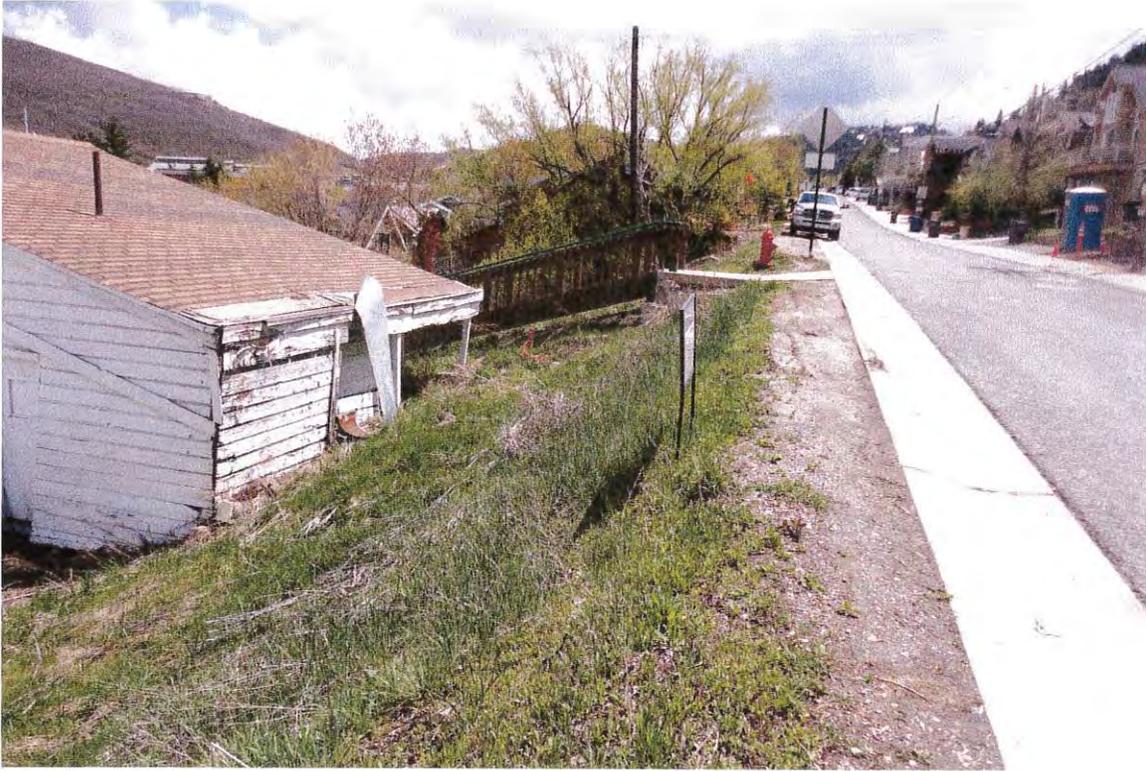


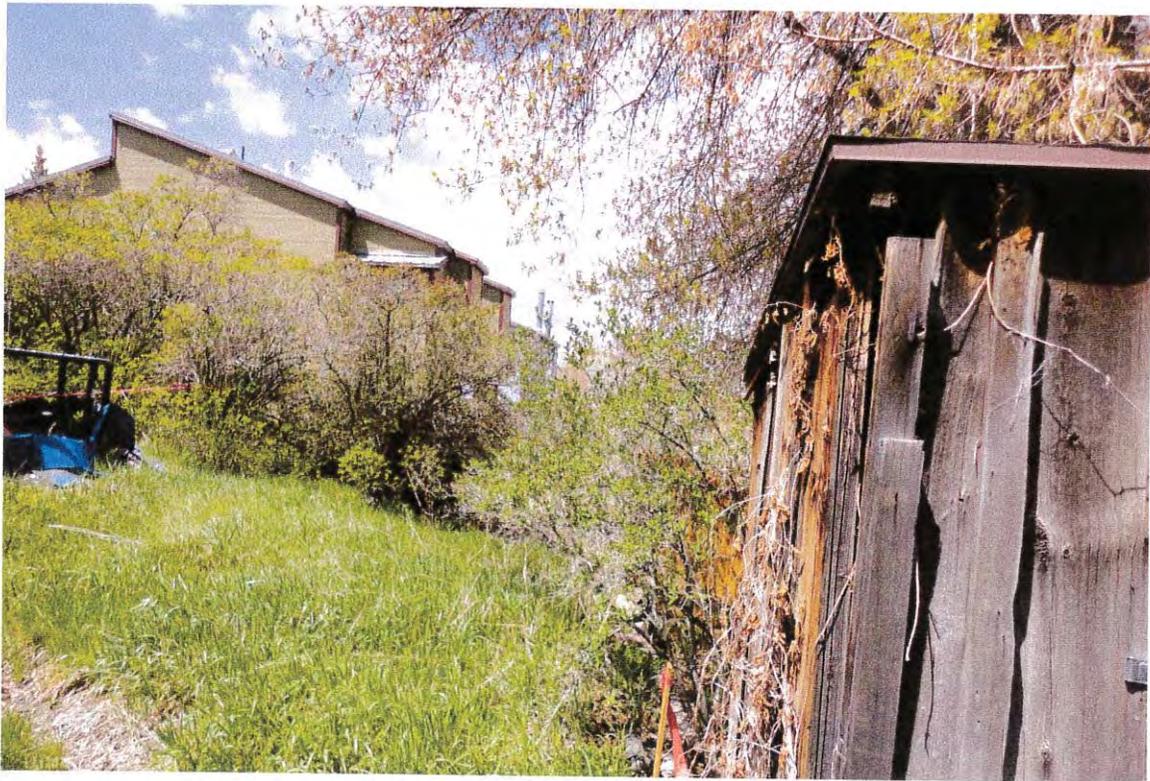
MAY 21 2014

|   |  |   |                                 |
|---|--|---|---------------------------------|
| <p>(435) 549-9467<br/>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br/>721 Main Street P.O. Box 2664 Provo, Utah 84602-2664</p> | <p>STAFF:<br/>MARSHALL KING<br/>MARTY MORRISON<br/>HARRISON HOLLEY</p> | <p>TOPOGRAPHIC SURVEY<br/>1102 NORFOLK AVENUE<br/>LOTS 31 &amp; 32, BLK 8, SNYDER'S ADDITION</p>                  | <p>SHEET<br/>1<br/>OF<br/>1</p> |
|   | <p>DATE: 4/15/14</p>   | <p>FOR: STUDIO 255 ARCHITECTURE<br/>JOB NO.: 3-4-14<br/>FILE: X:\SnydersAddition\dwg\srvt\topo2014\030414.dwg</p> | <p>Page 28 of 272</p>           |











## Planning Commission Staff Report

**Subject:** King Ridge Estates/Ridge Avenue- Conditional Use Permit for Construction in Platted, un-built City Right-of-Way  
**Author:** Christy Alexander, AICP, Planner II & Ryan Wassum, Planner  
**Project Number:** PL-14-02288  
**Date:** July 23, 2014  
**Type of Item:** Administrative – Conditional Use Permit

### Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for a construction in platted, un-built City ROW (Ridge Avenue), and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

*Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

### Description

**Applicant:** Thaynes Capital Park City, LLC, Owner, represented by Jonathan DeGray, architect  
**Location:** 158, 162, and 166 Ridge Avenue  
**Zoning:** Historic Residential-Low Density (HRL) District  
**Adjacent Land Uses:** Vacant lots, Historic and non-historic residential single family homes  
**Reason for Review:** Conditional Use Permits require Planning Commission review and approval

### Proposal

The owner of the vacant lots at 158, 162, and 166 Ridge Avenue is requesting approval of a Conditional Use Permit (CUP) for construction of a platted, un-built City ROW (Ridge Avenue) to access the driveways and lots located at 158, 162, and 166 Ridge Avenue.

### Background

On March 18, 2014, the City received an application for a Conditional Use Permit (CUP) for "Construction in a platted, un-built City ROW" at 158, 162, & 166 Ridge Avenue. The application was deemed complete on May 30, 2014. The property is located in the Historic Residential (HR-L) District.

### *Plat Amendment*

On October 3, 2006, the City received a completed application for Subdivision No. 1 Millsite Reservation plat amendment. The Planning Commission held numerous public

hearings from February to September 2007 on the proposed plat. Concern was expressed regarding the use of platted, unbuilt Ridge Avenue right of way for a private driveway and the height of retaining walls that would be built for this driveway.

On September 12, 2007, the Planning Commission forwarded a negative recommendation on the plat amendment, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval approved the plat on October 25, 2007. The plat (Exhibit A) was recorded on 6/13/08, Ordinance No. 07-74 (Exhibit B). The City Council included Condition of Approval #16 which states:

16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

#### *Special Exception*

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 14% (matching the private driveway standard) would reduce the height of the associated retaining wall another 4 feet over the 100 foot length. (Exhibit C) The final materials and design of the roadway and/or needed retaining walls must be brought back to the Planning Department and City Engineer for final review prior to sign-off by the City.

#### *Conditional Use Permit (driveway to be put into a platted unbuilt City right-of-way)*

At the April 25, 2007, meeting the Planning Commission directed the applicant to submit a Conditional Use Permit for construction of a driveway within unbuilt City ROW to address the standards of Land Management Code Section 15-3-5. The City received a completed application for the Conditional Use Permit for construction of a private driveway within a platted, un-built City street, on May 14, 2007. The application was heard on July 11 and July 25, 2007, and continued to a date uncertain.

On February 13, 2008, the Planning Commission approved the Conditional Use Permit for construction within a platted, unbuilt right of way (Ridge Ave) with an expiration date of one year from the date of approval. On February 12, 2009, the City received a request for a one year extension of the approval for the driveway which was approved. (Exhibit D)

#### *Steep Slope Conditional Use Permit*

On June 11, 2008, the Planning Commission opened a public hearing for a Steep Slope Conditional Use Permit at 158, 162, and 166 Ridge Avenue to construct single-family homes on a slope greater than 30%. The Planning Commission denied the proposed Conditional Use Permit because it did not mitigate several of the criteria as outlined in Land Management Code 15-2.1-6(B).

The applicant appealed the Planning Commission's decision, and on September 18,

2008, the City Council overturned the Planning Commission and approved the Steep Slope Conditional Use Permit (CUP) based on modifying the findings to mitigate the criteria for a Steep Slope CUP.

No building permit was received and no construction occurred as required by the conditions of approval of the CUPs and the Conditional Use Permit for the Steep Slope and Conditional Use Permit for construction within a platted, unbuilt right of way both have expired. For this reason, the applicant is requesting the CUPs once again as his intentions are to build on Lot 1 as soon as possible. The Steep Slope CUP application that is being reviewed concurrently with this application is for Lot 1 only (166 Ridge Avenue).

Summary of Prior Applications regarding this property:

| Applications                              | Decision  | Additional Information  |
|---|---|---|
| Plat Amendment                            | Planning Commission: Negative Recommendation (9/12/07)<br>City Council: Approved (10/25/07) |   |
| Special Exception (driveway slope of 14%) | Board of Adjustment: Approved (12/18/07)  | 10% is the permitted maximum without a variance or special exception.   |
| CUP (Driveway)                            | Planning Commission: Approved (2/13/08)   | One year extension was granted in 2009; permit has expired and a new application will be reviewed by Planning Commission. |
| Steep Slope CUP                           | Planning Commission: Denied (6/11/08)<br>City Council: Approved (9/18/08)                   | Appealed by applicant to City Council and overturned; permit is currently expired.  |

**Analysis**

The Land Management Code (15-3-5) sets the following standards of review for the construction of private driveways within platted, un-built City streets.

*(A) The driveway shall not exceed ten percent (10%) Slope.*

**Complies.** A Special Exception was granted by the Board of Adjustment to increase the slope to a maximum of 14%. The driveways to the garages may not exceed the minimum slope necessary for the drainage away from the garages.

*(B) Adequate snow storage area along the downhill side and/or end of the driveway shall be provided.*

**Complies.** The driveway is 19 feet wide with a two foot shoulder on the west side. As per the LMC the maximum width of a residential driveway may be 27 feet wide. The unbuilt right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended). There is adequate snow storage between the driveways

(downhill side) on the individual lots as well as at the north end of the driveway.

*(C) The driveway must be paved with asphalt or concrete.*

**Complies.** The driveway will be concrete.

*(D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.*

**Complies.** There is no formal parking spaces along Ridge Avenue in this location nor any formal parking proposed. However, as Ridge Avenue makes the switchback, the City has used the wide area for snow storage and informal parking may occur. As the ROW is constructed, any informal parking may need to relocate until the ROW is fully constructed and then residents may parallel park along the improved Ridge Avenue in front of the three lots. The driveway does not pre-empt any existing improved public parking and will need to replace or ensure same amount of parking if applicable.

*(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.*

**Complies.** There are no stairs currently or proposed in this location. Further north, platted Ridge Avenue has been vacated. No existing utilities will be affected by the proposed driveway; future utilities may be affected and need to be properly addressed with utility companies. These issues will be addressed by the City Engineer during final review of the construction documents. The water department has stated that the water line may need to be looped to Sampson Ave. All utilities were reviewed with our Development Review Committee.

*(F) The driveway construction requires a Conditional Use Permit, Section 15-1-10.*

This application is for the Conditional Use Permit. The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use, as conditioned, mitigates impacts of and addresses the following items:

*(1) size and location of the Site;*

**No unmitigated impacts.**

The Conditional Use Permit is for construction of a private driveway within a portion of platted, unbuilt Ridge Avenue. The driveway is approximately 100 feet in length and 19 feet in width.

*(2) traffic considerations including capacity of the existing Streets in the Area;*

**No unmitigated impacts.**

Ridge Avenue is a very low volume street with only two existing houses accessing directly onto Ridge. It connects upper Daly Avenue to King Road. The driveway will minimally affect the existing capacity of Ridge Avenue as it provides access to Ridge Avenue for three single-family houses only.

*(3) utility capacity;*

**No unmitigated impacts.**

The applicant has worked with the City Engineer to provide adequate utility service. Water, gas and electric service will be provided in the unbuilt right-of way. A final utility plan and guarantee is a condition of approval of building permit issuance.

*(4) emergency vehicle Access;*

**No unmitigated impacts.**

The driveway is accessed from Ridge Avenue from either the west (King Road) or east (Daly Avenue) and adequate emergency access exists from King Road. Fire District has indicated that Ridge Avenue below this development needs to be widened to meet Fire District standards for access. The City Engineer will require the Ridge Avenue frontage for this subdivision to meet minimum fire district standards.

*(5) location and amount of off-Street parking;*

**No unmitigated impacts.**

The narrow driveway does not require additional parking. The three houses proposed with the plat amendment will be required to provide on-site Code required parking.

*(6) internal vehicular and pedestrian circulation system;*

**No unmitigated impacts.**

The proposed driveway will be 100 feet long and serve three houses with individual driveways serving each house.

*(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;*

**No unmitigated impacts.**

The proposed driveway will be retained by a retaining wall with a maximum height of eight feet total above existing grade; however anything above four feet will need to be approved by the Planning Director and City Engineer (Condition of Approval #5). A landscape plan that includes the driveway area and walls was submitted with the Steep Slope CUPs to help screen and mitigate the visual impact of the walls.

*(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;*

**No unmitigated impacts.**

The retaining walls for the proposed driveway will be within the existing right of way by approximately 10 feet. The driveway runs parallel to the edge of the right of way for a length of 100 feet. The Special Exception granted by the Board of Adjustment will reduce the visible mass of the retaining walls by lowering the road elevation another four feet over the 100 foot length.

*(9) usable Open Space;*

**No unmitigated impacts.**

The driveway is 19 feet wide within the 30 foot right of way allowing for open space and snow storage on either side and at the north end. The remainder of the ROW shall be landscaped with drought tolerant plants/trees.

*(10) signs and lighting;*

**No unmitigated impacts.**

No signs are proposed. A stone column and tube steel guardrail system is proposed. Any lighting must be in compliance with the City's lighting requirements. Proposed guardrails and lighting will be reviewed by the Planning Department.

*(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;*

**No unmitigated impacts.**

The driveway and two-tiered retaining wall are smaller than any surrounding building. A landscape plan to mitigate the visual impact will be submitted with the Historic District Design Review for the three houses.

*(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*

**No unmitigated impacts.**

This criterion does not apply.

*(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*

**No unmitigated impacts.**

Delivery and service vehicles will be able to use the driveway and the three driveways to the proposed houses without blocking Ridge Avenue.

*(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and*

**No unmitigated impacts.**

This criterion does not apply. However, the City will still maintain ownership of the right of way with an Encroachment Permit designating maintenance as the responsibility of the adjoining property owners.

*(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.*

**No unmitigated impacts.**

The site is not within the Sensitive Lands Overlay zone. The retaining walls steps down with the grade and will be screened by vegetation. Construction on the three lots require a Steep Slope Conditional Use Permit with mitigation of any

impacts of construction on a steep slope.

*(G) An Encroachment Permit for the driveway is required.*

**Complies.** The City Engineer has the authority to grant the Encroachment Permit and has indicated that it has already been recorded as Entry # 00847042. Execution and recordation of the Encroachment Permit was a previous condition of approval prior to issuance of a permit for driveway construction for the expired Access CUP that has already been met.

*(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.*

**Complies.** Any private utilities and snowmelt devices are subject to the Encroachment Permit.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time. A final utility plan, including storm water plan, will be required to be reviewed with the building permit and which shall have been approved by the City Engineer prior to issuance of a building permit. An Encroachment Agreement and Snow Shed Easement with the City Engineer are required to be executed and recorded prior to issuance of a building permit—these have already been completed.

A final Historic District Design review and approval and Steep Slope CUPs are required for each lot prior to issuance of a building permit. The landscape plan shall be reviewed with the HDDR. During the Development Review Committee meeting, the Water Department stated that the water line will need to be looped to Samson Avenue and may need to go up to King Road. SBWRD and the City Engineer were concerned how to address utilities in a private drive within the public ROW, perhaps requiring an easement to provide access. This should be resolved with the City Engineer and the SBWRD prior to the City sign-off on plans. No further issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on July 9, 2014. Legal notice was also put in the Park Record on July 5, 2014.

### **Public Input**

Staff has not received any public input on the proposed CUP at this time.

### **Alternatives**

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permit.

### **Significant Impacts**

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

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

The driveway could not be built and the property owner at 158, 162, and 166 Ridge Avenue would not be able to access the lots by a built City ROW without going through the CUP process again.

### **Future Process**

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed to the City Council according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP must be met.

### **Recommendation**

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for a construction in platted, un-built City ROW (Ridge Avenue), and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

### **Findings of Fact**

1. The property is located at 158, 162, and 166 Ridge Avenue.
2. The zoning is Historic Residential Low Density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. A two-tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). The Special Exception granted on December 18, 2007 lowered the wall another 4 feet over the 100 foot length to a maximum height of 4 feet. Retaining walls exceeding 4 feet will need to be approved by the Planning Director and City Engineer.
7. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
8. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway. A snow shed easement was recorded at Summit County as Entry # 906401 on September 9, 2010.

9. The driveway will be paved in concrete.
10. The staff findings in the Analysis section are incorporated herein.

### **Conclusions of Law**

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

### **Conditions of Approval**

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.
4. The City Engineer will review the transition slopes to the 15% grade.
5. Planning Director and City Engineer will review the final design and materials for the proposed road and any necessary retaining walls. No retaining wall shall exceed four (4) feet unless approved by the Planning Director and City Engineer. Per the June 9, 2009 CUP extension request before the Planning Commission, the maximum height of the retaining was not to exceed 6.87 feet above existing grade.
6. Snyderville Basin Water Reclamation District review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
7. A final utility plan is required to be approved by the City Engineer prior to issuance of a building permit.
8. A Historic District Design application shall be submitted prior to submittal of a building permit application for Lots 1, 2, & 3.
9. A building permit will be required to build the road and retaining walls.
10. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted and anticipated utilities will be located in accordance with the plans as submitted.
11. A final landscape plan shall be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the lots and driveway. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots. The landscape plan shall provide mitigation of the visual impacts of the driveway and any retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding

any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation.

12. Parking is restricted to on the driveway.
13. All conditions of approval of the Subdivision No. 1 Millsite Reservation Plat (Ordinance No. 07-74) and the findings of the December 18, 2007 Special Exception approval must be adhered to.
14. The Conditional Use Permit will expire on July 23, 2015, if a building permit has not been granted.
15. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.

### **Exhibits**

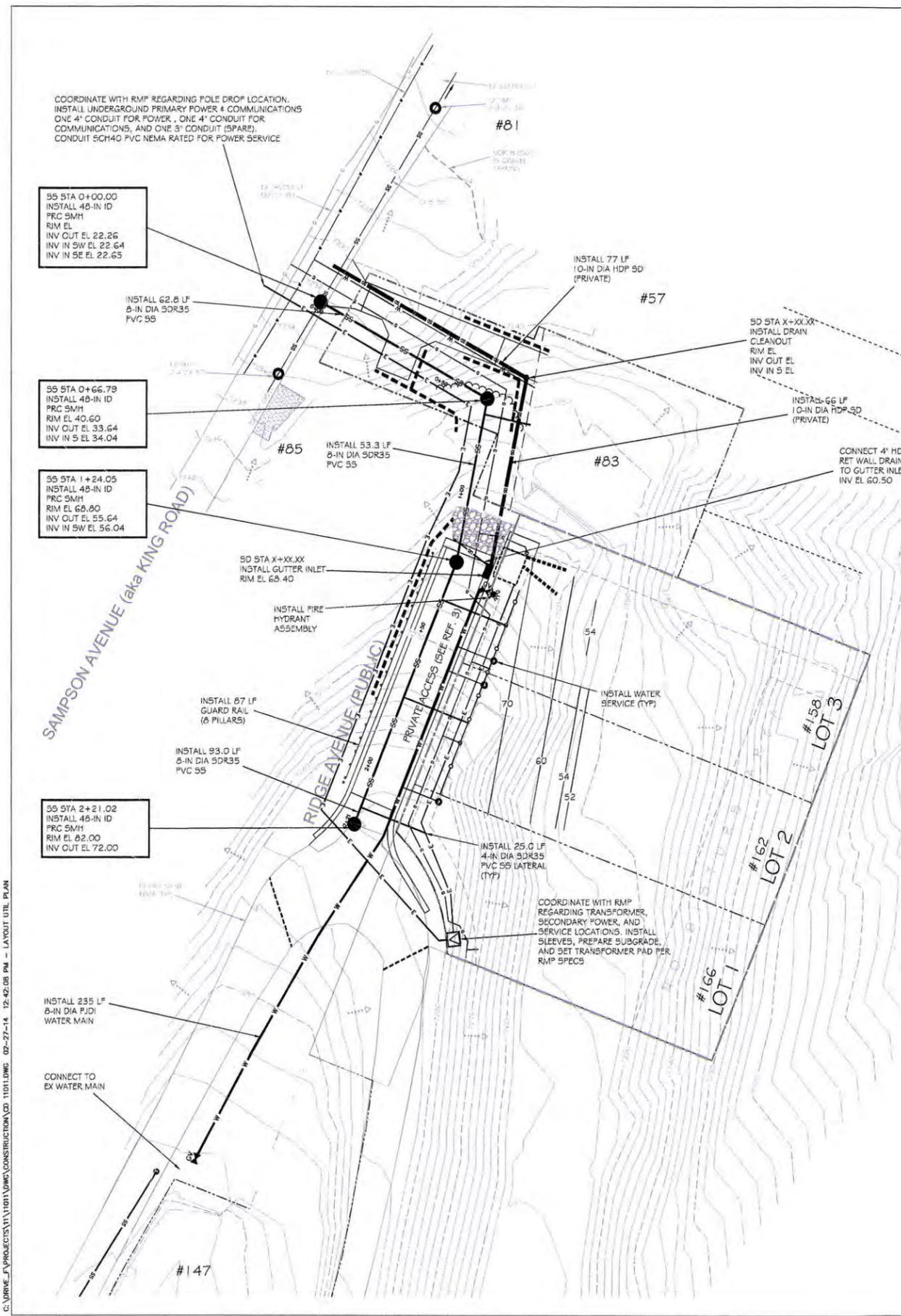
Exhibit A- Site plan, Survey, preliminary elevations

Exhibit B – Ordinance 07-74

Exhibit C- Action letter for BOA approval of special exception

Exhibit D – Prior CUP action letters, staff reports and minutes.





COORDINATE WITH RMP REGARDING POLE DROP LOCATION. INSTALL UNDERGROUND PRIMARY POWER & COMMUNICATIONS ONE 4" CONDUIT FOR POWER, ONE 4" CONDUIT FOR COMMUNICATIONS, AND ONE 3" CONDUIT (SPARE). CONDUIT SCH40 PVC NEMA RATED FOR POWER SERVICE

SS STA 0+00.00  
INSTALL 48-IN ID  
PRC SMH  
RIM EL  
INV OUT EL 22.26  
INV IN SW EL 22.64  
INV IN SE EL 22.65

SS STA 0+66.79  
INSTALL 48-IN ID  
PRC SMH  
RIM EL 40.60  
INV OUT EL 33.64  
INV IN S EL 34.04

SS STA 1+24.05  
INSTALL 48-IN ID  
PRC SMH  
RIM EL 68.80  
INV OUT EL 55.64  
INV IN SW EL 56.04

SS STA 2+21.02  
INSTALL 48-IN ID  
PRC SMH  
RIM EL 82.00  
INV OUT EL 72.00

INSTALL 235 LF  
8-IN DIA FJD  
WATER MAIN  
CONNECT TO  
EX WATER MAIN

INSTALL 77 LF  
10-IN DIA HDP 9D  
(PRIVATE)

SD STA X+XX.XX  
INSTALL DRAIN  
CLEANOUT  
RIM EL  
INV OUT EL  
INV IN S EL

INSTALL 66 LF  
10-IN DIA HDP 9D  
(PRIVATE)

CONNECT 4" HDP  
RET WALL DRAIN  
TO GUTTER INLET  
INV EL 60.50

SD STA X+XX.XX  
INSTALL GUTTER INLET  
RIM EL 65.40

INSTALL FIRE  
HYDRANT  
ASSEMBLY

INSTALL 87 LF  
GUARD RAIL  
(8 PILLARS)

INSTALL 93.0 LF  
8-IN DIA SDR35  
PVC 55

INSTALL 25.0 LF  
4-IN DIA SDR35  
PVC 55 LATERAL  
(TYP)

COORDINATE WITH RMP  
REGARDING TRANSFORMER,  
SECONDARY POWER, AND  
SERVICE LOCATIONS. INSTALL  
SLEEVES, PREPARE SUBGRADE,  
AND SET TRANSFORMER PAD PER  
RMP SPECS

INSTALL WATER  
SERVICE (TYP)

C:\WORK\PROJECTS\11\1081\DWG\CONSTRUCTION\CD 11011.DWG 02-27-14 12:42:08 PM - LAYOUT UTIL PLAN

**DESIGN NOTES**

- AS COMPARED TO PRIOR APPLICATION, UTILITY TIE-IN LOCATIONS HAVE BEEN REVISED TO TIGHTEN CONSTRUCTION FOOTPRINT AND LESSEN CONSTRUCTION IMPACT. SPECIFICALLY, POWER, GAS, AND SANITARY SEWER WILL BE TIED TO KING ROAD, AS OPPOSED TO RUNNING SOUTH (UPHILL) UNDER RECENTLY PAVED RIDGE AVENUE. ALSO, THE PREVIOUSLY PROPOSED STORM DRAIN TIE-IN TO DAILY AVENUE HAS BEEN RELOCATED TO KING ROAD, REDUCING REQUIRED INFRASTRUCTURE WHILE OCCUPYING A MORE ACCESSIBLE ALIGNMENT.
- PROPOSED UTILITY LOCATIONS SHOWN ARE PRELIMINARY.
- BUILDING DESIGN, LOCATION, AND ELEVATION ON LOT AS PROVIDED BY JONATHAN DEGRAY ARCHITECT, PARK CITY, UTAH.
- SANITARY SEWAGE FROM PROPOSED RESIDENCE TO BE PUMPED TO GRAVITY DISCHARGE AT HEAD OF PROPOSED SEWER LATERAL. PUMP TO BE LOCATED ON PRIVATE PROPERTY AND PRIVATELY MAINTAINED.

**ELEVATION DATUM**

APPROXIMATE USGS (MEAN SEA LEVEL)

**DRY UTILITIES NOTES**

- POWER INFRASTRUCTURE ON SITE MUST BE UNDERGROUND.
- COORDINATE WITH ROCKY MOUNTAIN POWER FOR UTILITY-GENERATED SCHEMATIC LAYOUT OF POWER INFRASTRUCTURE / EQUIPMENT. SUBMIT SCHEMATIC TO ENGINEER FOR REVIEW PRIOR TO CONSTRUCTION.
- COORDINATE WITH QUESTAR GAS COMPANY FOR UTILITY-GENERATED SCHEMATIC LAYOUT OF NATURAL GAS INFRASTRUCTURE / EQUIPMENT. SUBMIT SCHEMATIC TO ENGINEER FOR REVIEW PRIOR TO CONSTRUCTION.
- WIRED COMMUNICATIONS INFRASTRUCTURE ON SITE MUST BE UNDERGROUND. COORDINATE WITH COMMUNICATIONS PROVIDERS PRIOR TO CONSTRUCTION.

**ABBREVIATIONS**

|          |  |
|----------|--|
| ABS      | ASBESTOS CEMENT TRANSITE                       |
| ACH      | ASPHALT CONCRETE PAVEMENT                      |
| BLDG     | BUILDING                                       |
| BO       | BOTTOM OF CURB FEET PER SECOND                 |
| CP       | CAST-IN-PLACE                                  |
| CMH      | COMMUNICATIONS MANHOLE                         |
| CMP      | CORRUGATED METAL PIPE                          |
| CMU      | CONCRETE MASONRY UNIT                          |
| CO       | CLEANOUT                                       |
| CR       | CONSTRUCTION RECORD                            |
| DIA      | DIAMETER                                       |
| DMH      | DRAIN MANHOLE                                  |
| EG       | EXISTING GRADE                                 |
| EL       | ELEVATION                                      |
| EMH      | ESTRUS MANHOLE                                 |
| ESGW     | ESTIMATED SEASONAL HIGH GROUNDWATER            |
| EX       | EXISTING                                       |
| FDN      | FOUNDATION                                     |
| FAED     | FINISHED                                       |
| FF       | FINISH FLOOR                                   |
| FG       | FINISH GRADE                                   |
| GPM      | GALLONS PER MINUTE                             |
| GW       | GROUNDWATER                                    |
| HDC      | HEAVY DUTY CAST IRON                           |
| HDP      | HIGH DENSITY POLYETHYLENE                      |
| HP       | HIGH POINT                                     |
| ID       | INSIDE DIAMETER                                |
| IN       | INLET  |
| LD       | LONGEST DIMENSION                              |
| LF       | LINEAR FEET                                    |
| LDD      | LIMIT OF DISTURBANCE                           |
| LP       | LOW POINT                                      |
| MDD      | MAXIMUM DRY DENSITY                            |
| ME       | MATCH EXISTING GRADE                           |
| MJD      | MECHANICAL JOINT DUCTILE IRON                  |
| MUTCD    | MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES      |
| OD       | OUTSIDE DIAMETER                               |
| PC       | POINT OF CURVATURE                             |
| PCC      | PORTLAND CEMENT CONCRETE                       |
| PLAN END | PLAN END                                       |
| PJDI     | PUSH-ON JOINT DUCTILE IRON                     |
| PRC      | PREGAST REINFORCED CONCRETE                    |
| PVC      | POLYVINYL CHLORIDE POINT OF VERTICAL CURVATURE |
| PVI      | POINT OF VERTICAL INTERSECTION                 |
| PVT      | POINT OF VERTICAL TANGENCY                     |
| RCP      | REINFORCED CONCRETE PIPE                       |
| RW       | RETAINING WALL                                 |
| S        | SLOPE  |
| SD       | STORM DRAIN                                    |
| SS       | SUBGRADE                                       |
| SMH      | SEWER MANHOLE                                  |
| SS       | SANITARY SEWER                                 |
| TBA      | TO BE ABANDONED                                |
| TBC      | TOP BACK OF CURB                               |
| TKR      | TO BE REMOVED                                  |
| TC       | TOP OF CONCRETE                                |
| TO       | TOP OF   |
| TP       | TOP OF PAVEMENT                                |
| TS       | TOP OF SLOPE                                   |
| TW       | TOP OF WALL                                    |
| TF       | TYPICAL  |
| WMH      | WATER MANHOLE                                  |
| WS       | WATER SURFACE                                  |

**ABBREVIATIONS - AGENCY**

|       |  |
|-------|--|
| COE   | US ARMY CORPS OF ENGINEERS                   |
| FEMA  | FEDERAL EMERGENCY MANAGEMENT AGENCY          |
| PCMC  | PARK CITY MUNICIPAL CORPORATION              |
| RMP   | ROCKY MOUNTAIN POWER                         |
| SBWRD | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT |
| UDOT  | UTAH DEPARTMENT OF TRANSPORTATION            |

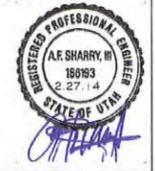
**REFERENCES**

- SEE PLAN ENTITLED "RECORD OF SURVEY & TOPOGRAPHIC MAP, A PORTION OF BLOCK 78, MULTIPLE RESERVATION TO PARK CITY BY PARK CITY SURVEYS, DATED JULY, 2006.
- SEE PLAN ENTITLED "KING RIDGE ESTATE" RECORDED G. 13, 2008, INSTRUMENT NO. 847041.
- SEE ENCROACHMENT AGREEMENT RECORDED G. 13, 2008, INSTRUMENT NO. 847042.

**DRAWING ISSUED FOR**

- PLANNING     CONSTRUCTION  
 PERMIT     CONSTRUCTION RECORD

SEE DESIGN NOTES FOR INTENT. THIS DRAWING MAY NOT SHOW CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL PROPOSED WORK. ITEMS AND AREAS OF CONTRACTOR RESPONSIBILITY.



| NO. | DATE | BY | CHK | REVISION DESCRIPTION |
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**CANYON ENGINEERING SOLUTIONS FOR LAND**

CIVIL ENGINEERING  
LAND PLANNING  
PERMITTING

REGISTERED PROFESSIONAL ENGINEER  
A.F. SHARRY, M.  
18983  
STATE OF UTAH

PO BOX 92131  
PARK CITY, UTAH 84098  
VOICE: 435.640.7373 EMAIL: GUS@CANYONENG.COM  
WWW.CANYONENG.COM

**INFRASTRUCTURE IMPROVEMENTS**

**UTILITIES PLAN**

KING RIDGE ESTATES  
RIDGE AVENUE  
PARK CITY, UTAH

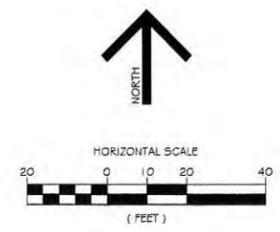
PREPARED FOR: THOMAS CAPITAL, PARK CITY LLC  
 PLS GRID LOCATION: 521 725 848  
 5LSM

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| DES. BY: AFS | DATE: FEBRUARY 2014 | JOB: 11011 |
| CHK. BY: AFS |                     |            |



**LEGEND**

- EXISTING SURFACE RUNOFF DIRECTION:
- PROPOSED SURFACE RUNOFF DIRECTION:
- EXISTING SPOT GRADE & SURFACE CONTOUR:
- PROPOSED SPOT GRADE & SURFACE CONTOUR:



# EROSION & SEDIMENT CONTROL REQUIREMENTS

## PART 1 - GENERAL

### 1.01 SUMMARY

- FURNISH, INSTALL, AND MAINTAIN TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL MEASURES, SUCH AS, BUT NOT NECESSARILY LIMITED TO, SILT FENCE BARRIERS, RIPRAP, DIVERSION CHANNELS AND BERM, CHECK DAMS, STRATEGICALLY LOCATED STOCKPILES, SEDIMENT BASINS, MULCH, AND SEED MIX ADEQUATE TO PREVENT THE CONVEYANCE OF EROSION PRODUCTS (E.G. SOIL, MULCH, SEED) OFF SITE, OR INTO ENVIRONMENTALLY SENSITIVE AREAS, OR INTO AREAS WHERE WORK WILL BE ADVERSELY IMPACTED. HEREINAFTER, SUCH MEASURES ARE REFERRED TO AS "CONTROL MEASURES", AND ARE ALSO KNOWN AS "BEST MANAGEMENT PRACTICES" (BMP). ENVIRONMENTALLY SENSITIVE AREAS INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO, WETLANDS, "RIBBONS TO WETLANDS" WETLAND BUFFER ZONES, INTERMITTENT AND PERMANENT STRAINS / RIVERS, AND THEIR ATTENDANT BUFFER ZONES, CLOSED DRAINAGE SYSTEMS, ADJUTING PRIVATE "ROADS", AND PUBLIC AND PRIVATE WAYS.
- REFER TO DRAWINGS FOR LOCATION AND DETAILS OF CONTROL MEASURES REQUIRED TO COMMENCE WORK. THESE CONTROL MEASURES WILL BE ADEQUATE ONLY FOR VEGETATION CLEARING. THE DRAWINGS ARE NOT INTENDED TO DRAINICALLY CONTROL ALL CONTROL MEASURES THAT WILL BE REQUIRED TO MEET THE REQUIREMENTS DESCRIBED IN SECTION 1.01.A.
- DESIGN AND EMPLOY CONTROL MEASURES THROUGHOUT THE DURATION OF PROJECT, COVER ALL AREAS DISTURBED OR UNDISTURBED BY CONSTRUCTION, AS NECESSARY TO MEET THE REQUIREMENTS DESCRIBED IN SECTION 1.01.A.
- DESIGN AND EMPLOY TEMPORARY CONTROL MEASURES AS NECESSARY TO MEET THE REQUIREMENTS DESCRIBED IN SECTION 1.01.A, WHILE ALLOWING WORK TO PROCEED IN AN EFFICIENT, COST-EFFECTIVE MANNER.
- DESIGN, EMPLOY AND MAINTAIN CONTROL MEASURES UNTIL SUCH TIME AS THE ENTIRE SITE IS "FINISH LANDSCAPED" BY FINISH GRADING, FINISH LANDSCAPE MATERIALS, PAVED SURFACES, AND/OR ROOF AREA.
- ONCE THE SITE IS PERMANENTLY STABILIZED AND CERTIFIED AS SUCH BY AN ENGINEER, REMOVE TEMPORARY CONTROL MEASURES WHILE PROTECTING STABILIZED SURFACES.

### 1.02 SUBMITTALS

- SUBMIT PRODUCT DATA, WARRANTY, AND TEST REPORTS AS INDICATED ON THE DRAWINGS.

### 1.03 QUALITY ASSURANCE

- COMPLY WITH GOVERNING CODES AND REGULATIONS. PROVIDE PRODUCTS FROM ACCEPTABLE MANUFACTURERS. USE EXPERIENCED INSTALLERS, DELIVER, HANDLE, AND STORE MATERIALS IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
- CONFORM TO CONDITIONS OF APPROVAL ISSUED BY REGULATORY AGENCIES INCLUDING, BUT NOT NECESSARILY LIMITED TO, LOCAL PLANNING COMMISSION, BOARD OF HEALTH, PUBLIC WORKS DEPARTMENT, STATE ENVIRONMENTAL PROTECTION, AND U.S. GOVERNMENT, ENVIRONMENTAL PROTECTION AGENCY WHERE CONDITIONS OF REGULATORY APPROVAL DIFFER FROM REQUIREMENTS CONTAINED HEREIN OR ON THE DRAWINGS. COMPLY WITH THE MORE STRINGENT REQUIREMENT.

## PART 2 - PRODUCTS

### 2.01 MATERIALS

- HAY BALES, DRY GRASS OR STRAW, MACHINE BOUND WITH JUTE OR WIRE, APPROXIMATE SIZE EACH BALE 42" X 16" X 16".
- STRAW WATTLE: 20% CHUNKER OF RECYCLED 100% AGRICULTURAL STRAW, BOUND TO 3/4" DIA. WATTLE, USE NO. W5-9 BY NORTH AMERICAN GREEN, OR APPROVED EQUAL.
- SILT FENCE: NON-WOVEN, UV-RESISTANT, POLYPROPYLENE FABRIC, FLOW RATED AT 10 GPM/FT MINIMUM, GRAD TENSILE RATED AT 124 POUNDS MINIMUM, WITH INTEGRAL STAKE LOOPS, AND HARDWOOD STAKES, USE NO. 7130 BY AMCO FABRICS #1 BERS, OR APPROVED EQUAL.
- MULCH FOR AREAS TO BE GRASS: ORGANICS INCLUDING STRAW FREE OF SEEDS, WOOLY FIBER CELLULOSE FREE OF GROWTH INHIBITORS.
- MULCH FOR AREAS TO BE NATURALLY VEGETATED: ORGANICS INCLUDING STRAW, CHIPPED BRUCE / PINE / FIR / ASPEN BARK, BRANCHED, AND NEEDLES, CHIPPED SAGEBRUSH.
- SEED MIXES: SEE 3.07 BELOW.
- EROSION CONTROL BLANKET: 100% AGRICULTURAL STRAW, BITUMED WITH DEGRADABLE THREAD, ON DEGRADABLE POLYPROPYLENE NETTING, CONTAINING NO CHEMICAL ADDITIVES. USE NORTH AMERICAN GREEN 5150, OR APPROVED EQUAL.
- ROCK RIPRAP: ANGULAR, DURABLE ROCK, SOURCE EITHER PROCESSED, BLAST ROCK, TALLINGS, OR ON-SITE EXCAVATED. SIZE AS INDICATED ON PLAN.
- CRUSHED STONE: SOUND, ANGULAR, DURABLE PROCESSED CRUSHED STONE, SIZE AS INDICATED ON PLAN.
- TOPSOIL: THAT PORTION OF ON-SITE EXCAVATED SOIL CONTAINING THE HIGHEST QUANTITY OF ORGANICS, TYPICALLY FOUND WITHIN 1 TO 2 FEET OF THE GROUND SURFACE; OCCASIONALLY FOUND IN REMNANT LAYERS BURIED WELL BELOW THE GROUND SURFACE.

## PART 3 - EXECUTION

### 3.01 THROUGHOUT CONSTRUCTION

- DESIGN WORK SEQUENCE SO AS TO LIMIT DRAINAGE AREA THAT IS TRIBUTARY TO DISTURBED AREAS. DESIGN, EMPLOY, AND MAINTAIN CONTROL MEASURES SUCH AS DIVERSION CHANNELS AND BERMS, STRATEGICALLY LOCATED STOCKPILES, AND SEDIMENT BASINS TO DIVERT VEGETATION AREAS INTO SMALL, MANAGEABLE SUBAREAS, THEREBY MINIMIZING RUNOFF AND THE POTENTIAL FOR EROSION.
- MAINTAIN BARRIER AT LIMIT OF WORK AND PROTECT EXISTING VEGETATION / FACILITIES OUTSIDE OF LIMIT OF WORK.
- MAINTAIN SPARE MATERIAL STOCKPILES FOR IMMEDIATE EMPLOYMENT / REPAIR / EXPANSION OF CONTROL MEASURES. AT A MINIMUM, SUCH MATERIALS SHALL INCLUDE HAY BALES, SILT FENCE AND STAKES, AND CRUSHED STONE.
- INSPECT AND MAINTAIN EFFECTIVENESS OF CONTROL MEASURES BY REPAIRING AS NECESSARY TO ENSURE INTENDED FUNCTIONING; BY SUPPLEMENTING AS NECESSARY FOR ADEQUATE EXTENT; BY REMOVING TRAPPED PRODUCTS OF EROSION AS NECESSARY TO MAINTAIN EFFECTIVE TRAP VOLUME.
- LIMIT EXTENT OF WORK AREA SO THAT ALL DISTURBED AREAS CAPABLE OF PRODUCING EROSION RUNOFF CAN BE STABILIZED WITH CONTROL MEASURES WITHIN A 24-HOUR PERIOD.
- INSTALL CONTROL MEASURES AS SOON AS PRACTICABLE AFTER EACH MANAGEABLE PORTION OF WORKING IS COMPLETED. EMPLOY TEMPORARY MEASURES AS NECESSARY TO STABILIZE DISTURBED AREAS, EVEN WHERE SUBSEQUENT CONSTRUCTION OPERATIONS MAY REQUIRE RE-DISTURBANCE.
- WHEN INTENSE RAINFALL IS EXPECTED, CONSIDER, DESIGN, AND EMPLOY REINFORCING CONTROL MEASURES PRIOR TO THE RAINFALL EVENT TO MEET THE REQUIREMENTS DESCRIBED IN SECTION 1.01.A. IF NECESSARY, EMPLOY TEMPORARY CONTROL MEASURES OR MATERIAL STOCKPILES TO COUNTERACT POTENTIAL SEDIMENT TRANSPORT DURING INTENSE RAINFALL.
- WHEN VEHICLE REFUELING IS REQUIRED ON SITE, CONDUCT REFUELING OPERATIONS OUTSIDE OF ENVIRONMENTALLY SENSITIVE AREAS.
- PROPERLY DISPOSE OF DEBRIS, SOLID WASTE, TRASH, AND CONSTRUCTION WASTE / BYPRODUCTS OFF SITE.
- SWEEP OFF-SITE STREETS AS NECESSARY TO MAINTAIN TRAVELED WAYS FREE OF SAND, GRAVEL, ORGANICS, AND DEBRIS ORIGINATING FROM ON-SITE. SWEEP ON-SITE PAVED AREAS AS NECESSARY TO PREVENT SILT AND DEBRIS FROM ENTERING CLOSED DRAINAGE SYSTEMS AND / OR ENVIRONMENTALLY SENSITIVE AREAS.

### 3.02 SITE PREPARATION AND ACCESS

- WALK SITE AND IDENTIFY LOCATIONS OF LIMIT OF WORK AND ENVIRONMENTALLY SENSITIVE AREAS FOR EROSION CONSTRUCTION STAGING AREA, LOCATED BEYOND ENVIRONMENTALLY SENSITIVE AREAS.
- INSTALL CONTROL MEASURES AS SHOWN ON THE DRAWINGS, INCLUDING THOSE DEFINING THE LIMIT OF WORK.
- LIMIT VEHICULAR TRAFFIC TO AND FROM SITE TO MINIMIZE TRANSPORT OF SEDIMENT.

### 3.03 CLEARING, GRUBBING, AND STRIPPING

- SCHEDULE GRUBBING AND STRIPPING TO OCCUR IMMEDIATELY PRIOR TO EARTH DISTURBANCE. DEPENDING ON SITE AREA, CONSIDER MULTIPLE GRUBBING PHASES, SEQUENCED TO TAKE ADVANTAGE OF THE EROSION PREVENTION POTENTIAL OF EXISTING VEGETATIVE COVER.
- MINIMIZE THE AREA OF EXISTING VEGETATION REMOVED WHEREVER POSSIBLE.
- LOCATE AND SIZE STOCKPILES TO MINIMIZE EROSION POTENTIAL, TAKING ADVANTAGE OF TERRAIN SLOPE AND ASPECT, WHERE APPROPRIATE.
- PROTECT VEGETATION, INCLUDING ROOT SYSTEMS, BEYOND LIMIT OF CLEARING.
- PROCESS TIMBER, STUMPS, SLASH, AND BRUSH SO AS TO PROTECT ENVIRONMENTALLY SENSITIVE AREAS AND INSTALLED CONTROL MEASURES. PROPERLY DISPOSE OF EXCESS OFF-SITE. PRIOR TO ANY WORK, OBTAIN SPECIFIC APPROVAL FROM PROPERTY OWNER FOR BURIAL OF STUMPS ON-SITE.
- ON-SITE SOIL IS PROPERTY OF OWNER. COORDINATE WITH OWNER REGARDING COMPENSATION TO OWNER PRIOR TO EXPORT OF ANY SOIL OFF-SITE.

### 3.04 EXCAVATION FOR BUILDING FOUNDATIONS AND UTILITIES

- DESIGN AND INSTALL CONTROL MEASURES ADEQUATE TO HANDLE DISCHARGES AND TRAP SEDIMENT FROM FOOTING PUMP AND WELL POINT PUMPS PRIOR TO EXCAVATION.
- ARMOR SLUMP PUMP DISCHARGE LOCATIONS TO PREVENT EROSION AT POINT OF DISCHARGE AND AREAS DOWNSTREAM.
- IF UTILIZATION EXCAVATIONS GRADE TO DRAINAGE ON THE LOW SIDE, DESIGN AND INSTALL CONTROL MEASURES TO HANDLE SURFACE AND GROUNDWATER FLOW FROM EXCAVATION LOW POINT.
- BACKFILL UTILILITY TRENCHES AS SOON AS PRACTICABLE TO PREVENT FLOODING, SLOUGHING, POTENTIAL OVERFLOW, AND REPTITIVE EARTH DISTURBANCE.

### 3.05 SITE GRADING

- STOCKPILE EXCAVATED MATERIALS TO BAFFLE OVERLAND RUNOFF, AVOIDING THE CREATION OF LENGTHY PATHS OF CONCENTRATED RUNOFF.

### 3.06 STORMWATER MANAGEMENT SYSTEM

- THE STORMWATER MANAGEMENT SYSTEM INCLUDES, BUT IS NOT NECESSARILY LIMITED TO, ALL PERMANENT DETENTION / RETENTION BASINS, DISCHARGE STRUCTURES / WEIRS, CULVERTS, OPEN CHANNELS, CURBS, PAVED SWALES, CATCH BASINS, DRAIN MANHOLES, DRAINAGE PIPES, ROOF DRAIN MANIFOLDS, WATER QUALITY SWALES, SEPARATORS, AND SIMILAR STORMWATER RUNOFF CONVEYANCE, TREATMENT, AND STORAGE FACILITIES.
- INSTALL STORMWATER MANAGEMENT SYSTEM COMPONENTS STARTING AT THE DOWNSTREAM END AND PROCEED UPSTREAM, WHERE POSSIBLE, COMPLETE INSTALLATION OF PERMANENT DETENTION / RETENTION BASINS PRIOR TO BEGINNING WORK ON UPSTREAM SYSTEM COMPONENTS.
- INSTALL CONTROL MEASURES AT FINISHED UPSTREAM AND DOWNSTREAM PIPE ENDS AS SOON AS POSSIBLE AFTER COMPLETION OF PIPE RUN. SUCH MEASURES INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO, RIPRAP, CHECK DAMS, HAY BALE / SILT FENCE BARRIERS, AND VELOCITY DISSEPARATORS.
- AT THE END OF EACH DAY OR WHEN RAINFALL IS EXPECTED, PLUG UPSTREAM END OF PIPES / DAM OPEN CHANNELS OR OTHERWISE REDIRECT POTENTIAL RUNOFF AND PREVENT FLOW FROM ENTERING PARTIALLY COMPLETED SYSTEM / SYSTEM COMPONENTS.
- WHERE PORTIONS OF A NEW SYSTEM ARE TO BE ACTIVATED PRIOR TO COMPLETION OF THE ENTIRE SYSTEM, EMPLOY CONTROL MEASURES TO PREVENT SILT AND DEBRIS FROM ENTERING THE SYSTEM. EMPLOY SILT BARRIERS OR FABRIC ON CATCH BASIN INLETS, AND PIPE AND CULVERT OPENINGS. EMPLOY CHECK DAMS AND TEMPORARY SEDIMENT BASINS UPSTREAM OF AND ALONG OPEN CHANNELS, SWALES, AND DITCHES TO TRAP SEDIMENT / UPGRADE OF ENVIRONMENTALLY SENSITIVE AREAS.
- REMOVE TRAPPED SEDIMENT AND DEBRIS FROM ALL SYSTEM COMPONENTS AFTER COMPLETION OF INSTALLATION, AND AGAIN AFTER THE ENTIRE SITE IS PERMANENTLY STABILIZED BY ESTABLISHED VEGETATION, FINISH LANDSCAPE MATERIALS, PAVED SURFACES, AND/OR ROOF AREA. REMOVE TRAPPED SEDIMENT AND DEBRIS FROM DETENTION / RETENTION BASIN BOTTOMS SO THAT FINISH BOTTOM MATERIALS / INFILTRATION FUNCTION CONFORM TO DESIGN.

### 3.07 PERMANENT SEEDING

- AFTER COMPLETION OF FINAL GRADING, RE-DRESS ALL DISTURBED AREAS THAT ARE NOT DESIGNATED FOR FORMAL LANDSCAPING.
- COMPLETE PERMANENT STABILIZATION OF DISTURBED SURFACES AS SOON AS POSSIBLE AFTER COMPLETION OF FINAL SUBGRADE. IMMEDIATELY AFTER PLACEMENT OF TOPSOIL, STABILIZE WITH CONTROL MEASURES INCLUDING, BUT NOT NECESSARILY LIMITED TO, SEED MIX, MULCH, AND OR BLANKET.
- AFTER SEEDING, INSTALL EROSION CONTROL BLANKET ON ALL DISTURBED SURFACES THAT ARE STEEPER THAN 3H:1V.
- PERMANENT SEEDING OF NON-IRRIGATED AREAS SHOULD OCCUR ON OR AFTER SEPTEMBER 1, AND BEFORE SNOW ACCUMULATES, WHERE EROSION CONTROL BLANKET IS NOT USED. MULCH ALL SEEDED AREAS TO A MINIMUM THICKNESS OF 2 INCHES. SEE SECTION 2.01.C AND D ABOVE FOR MULCH WATERBARS.
- WHERE LOW GROWING GRASS IS SPECIFICALLY REQUIRED AS A CONDITION OF PERMIT ISSUANCE, USE A LOW GROWING GRASS SEED MIX SIMILAR TO:

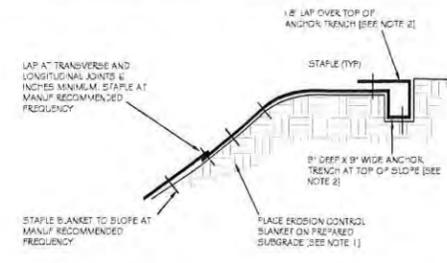
### LOW-GROWING SEED MIX (WHEN REQ'D BY PERMIT)

| Species               | % of Mix |
|-----------------------|----------|
| Streambank Wheatgrass | 66.67    |
| Sheep Fescue          | 13.33    |
| Sandberg Bluegrass    | 10.00    |
| Blue Grama            | 10.00    |

Application Rate: 20 LBS / AC

WHERE LOW GROWING GRASS IS NOT A CONDITION OF PERMIT ISSUANCE, USE A COMMERCIALLY AVAILABLE SEED MIX SUITED FOR NATIVE SOILS AND CLIMATE AND CONTAINING NO MORE THAN 5% WHEED SEED.

**FERTILIZER**  
APPLY FERTILIZER PER SEED GROWER RECOMMENDATIONS.

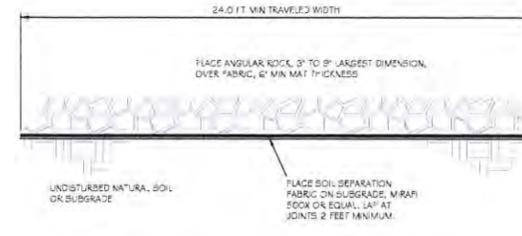


### NOTES:

- PREPARE SUBGRADE INCLUDING SOAM PLACEMENT, FINE GRADING, SEED AND FERTILIZER PRIOR TO BLANKET PLACEMENT.
- PLACE TOP END OF BLANKET IN EXCAVATED ANCHOR TRENCH AS SHOWN. STAPLE TO BOTTOM OF ANCHOR TRENCH AT MANUF. RECOMMENDED FREQUENCY. BACKFILL TRENCH WITH ON-SITE SOIL AND COMPACT, THEN FILL 1/8" LAP OVER TOP OF TRENCH AND STAPLE LAP AT 36" CG. UNLAP ANCHORED BLANKET DOWN SLOPE.

### EROSION CONTROL BLANKET

TYPICAL CROSS SECTION NOT TO SCALE

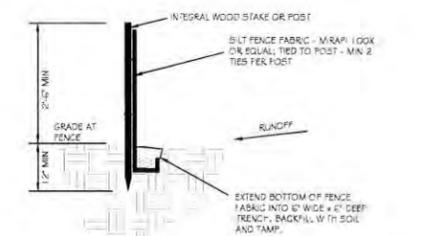


### NOTES:

- EXTEND CONSTRUCTION ENTRANCE A MINIMUM OF 50 FEET BACK FROM EDGE OF PAVED TRAVELED WAY TO BE PROTECTED.
- INSPECT DAILY FOR LOSS OF ROCK AND FOR SEDIMENT BUILDUP. RAISE AND/OR REPLACE ROCK SURFACE WHEN VOID IN ROCK BECOME FILLED WITH SEDIMENT.
- AS NECESSARY TO PREVENT EXCESSIVE TRANSPORT OF MUD ONTO PAVED SURFACES, EXPAND STABILIZED AREA TO ACCOMMODATE TRUCK TURNING MOVEMENTS AND D/T-STREET PARKING.

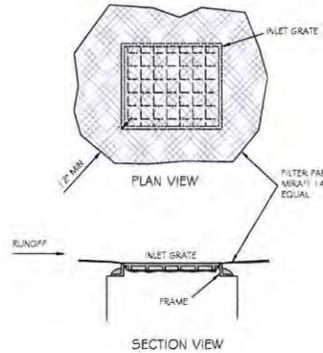
### STABILIZED CONSTRUCTION ENTRANCE

TYPICAL CROSS SECTION NOT TO SCALE



### SILT FENCE BARRIER

TYPICAL CROSS SECTION NOT TO SCALE



**NOTES:**  
 (1) REMOVE GRATE AND PLACE FABRIC OVER FRAME. RESET GRATE TO HOLD FABRIC IN PLACE.  
 (2) COMPLY WITH EROSION AND SEDIMENT CONTROL REQUIREMENTS.

### INLET GRATE SEDIMENT TRAP

TYPICAL CROSS SECTION NOT TO SCALE

### DRAWING ISSUED FOR

- PLANNING     CONSTRUCTION  
 PERMIT     CONSTRUCTION RECORD

SEE SPECIFICATIONS FOR ALTERNATE. THIS DRAWING MAY NOT SHOW CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL REQUIRED IMPROVEMENTS, AND MAY NOT IDENTIFY ALL CONSTRUCTION WORK ITEMS AND AREAS OF CONTRACTOR RESPONSIBILITY.



### NO. DATE BY CHK. REVISION DESCRIPTION

| NO. | DATE | BY | CHK. | REVISION DESCRIPTION |
|-----|------|----|------|----------------------|
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**CANYON ENGINEERING SOLUTIONS FOR LAND**  
 CIVIL ENGINEERING LAND PLANNING PERMITTING  
 CO. BOX 982131 PARK CITY, UTAH 84098  
 VOICE: 435.640.7973 EMAIL: GUS@CANYONENGINEERING.COM WWW.CANYONENGINEERING.COM

### INFRASTRUCTURE IMPROVEMENTS

### SWPP PLAN ACCESS & UTILITIES

KING RIDGE ESTATES  
 RIDGE AVENUE  
 PARK CITY, UTAH

PREPARED FOR: TRAYNES CAPITAL, PARK CITY, LLC  
 FILE GRID LOCATION: SEE 1725 WARE 5155M

DES. BY: AFS DATE: FEBRUARY 2014 JOB: 11011  
 CHK. BY: AFS





**SITE DATA**

ZONING DISTRICT: HRL  
 USE: SINGLE FAMILY RESIDENTIAL  
 ACCESS CLASS: PRIVATE DRIVE (WITHIN PUBLIC ROW)  
 WATER SUPPLY: PUBLIC MAIN (PCMC)  
 SEWAGE DISPOSAL: PUBLIC MAIN (SBWRD)

**DESIGN NOTES**

1. AS COMPARED TO PRIOR APPLICATION, UTILITY TIE-IN LOCATIONS HAVE BEEN REVISED TO TIGHTEN CONSTRUCTION FOOTPRINT AND LESSEN CONSTRUCTION IMPACT. SPECIFICALLY, POWER, GAS, AND SANITARY SEWER WILL BE TIED TO KING ROAD, AS OPPOSED TO RUNNING SOUTH (UPHILL) UNDER RECENTLY PAVED RIDGE AVENUE. ALSO, THE PREVIOUSLY PROPOSED STORM DRAIN TIE-IN TO DALY AVENUE HAS BEEN RELOCATED TO KING ROAD, REDUCING REQUIRED INFRASTRUCTURE WHILE OCCUPYING A MORE ACCESSIBLE ALIGNMENT.

2. THIS EXHIBIT SHOWS BOUNDARY OF TAX ID NO. ANCH-LOTS-AM ABUTTING SITE TO NORTH. THIS LOT IS OWNED BY THE APPLICANT, AND IS SHOWN TO LEND CONTEXT TO PROPOSED UTILITY TIE-IN LOCATIONS IN KING ROAD. SEE EASEMENTS OVER THIS LOT ON UTILITIES PLAN.

**ABBREVIATIONS**

- ABS ASBESTOS CEMENT (FRANGITE)
- ACP ASPHALT CONCRETE PAVEMENT
- BLDG BUILDING
- BO BOTTOM OF
- CFB CUBIC FEET PER SECOND
- CIP CAST-IN-PLACE
- CMH COMMUNICATIONS MANHOLE
- CMP CORRUGATED METAL PIPE
- CMU CONCRETE MASONRY UNIT
- CO CLEANOUT
- CR CONSTRUCTION RECORD
- DIA DIAMETER
- DIAH DRAIN MANHOLE
- EG EXISTING GRADE
- E ELEVATION
- EMH ELECTRICAL MANHOLE
- ESHW ESTIMATED SEASONAL HIGH GROUNDWATER
- EX EXISTING
- FDN FOUNDATION
- FG FINISHED GRADE
- FF FINISH FLOOR
- FG FINISH GRADE
- GPM GALONS PER MINUTE
- GW GROUNDWATER
- HCCI HEAVY DUTY CAST IRON
- HDP HIGH DENSITY POLYETHYLENE
- HP HIGH POINT
- ID INSIDE DIAMETER
- INCH INCHES
- LD LONGEST DIMENSION
- LF LINEAR FEET
- LDD UNIT OF DISTURBANCE
- LP LOW POINT
- MDD MAXIMUM DRY DENSITY
- MES MATCH EXISTING GRADE
- MJD MECHANICAL JOINT DUCTILE IRON
- MUTCD MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
- OD OUTSIDE DIAMETER
- PC POINT OF CURVATURE
- PCC PORTLAND CEMENT CONCRETE
- PE PLAN END
- FJDI FISH-ON JOINT DUCTILE IRON
- PRC REBAR REINFORCED CONCRETE
- PVC POLYVINYL CHLORIDE POINT OF VERTICAL CURVATURE
- PVI POINT OF VERTICAL INTERSECTION
- PVT POINT OF VERTICAL TANGENCY
- RCP REINFORCED CONCRETE PIPE
- RW RETAINING WALL
- S SLOPE
- SD STORM DRAIN
- SS SURFACE
- SMH SEWER MANHOLE
- SS SANITARY SEWER
- TBA TO BE ABANDONED
- TBC TOP BACK OF CURB
- TBR TO BE REMOVED
- TC TOP OF CONCRETE
- TO TOP OF
- TP TOP OF PAVEMENT
- TS TOP OF SLOPE
- TW TOP OF WALL
- TP TYPICAL
- WMH WATER MANHOLE
- WS WATER SURFACE

**ABBREVIATIONS - AGENCY**

- COE US ARMY CORPS OF ENGINEERS
- FEMA FEDERAL EMERGENCY MANAGEMENT AGENCY
- PCMC PARK CITY MUNICIPAL CORPORATION
- RFV ROCKY MOUNTAIN FOWER
- SBWRD SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
- UDOT UTAH DEPARTMENT OF TRANSPORTATION

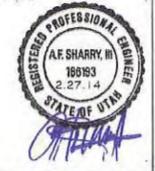
**REFERENCES**

1. SEE PLAN ENTITLED "RECORD OF SURVEY 4 TOPOGRAPHIC MAP, A PORTION OF BLOCK 78, MALDEN RESERVATION TO PARK CITY BY PARK CITY SURVEYING, DATED JULY, 2008.
2. SEE PLAN ENTITLED "KING RIDGE ESTATES" RECORDED 6.13.2008, INSTRUMENT NO. 847041.
3. SEE ENCROACHMENT AGREEMENT RECORDED 6.13.2008, INSTRUMENT NO. 847042.

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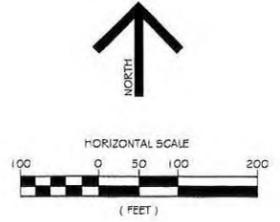
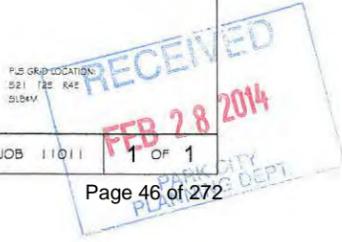
**INFRASTRUCTURE IMPROVEMENTS**

**AERIAL PHOTO OVERLAY**

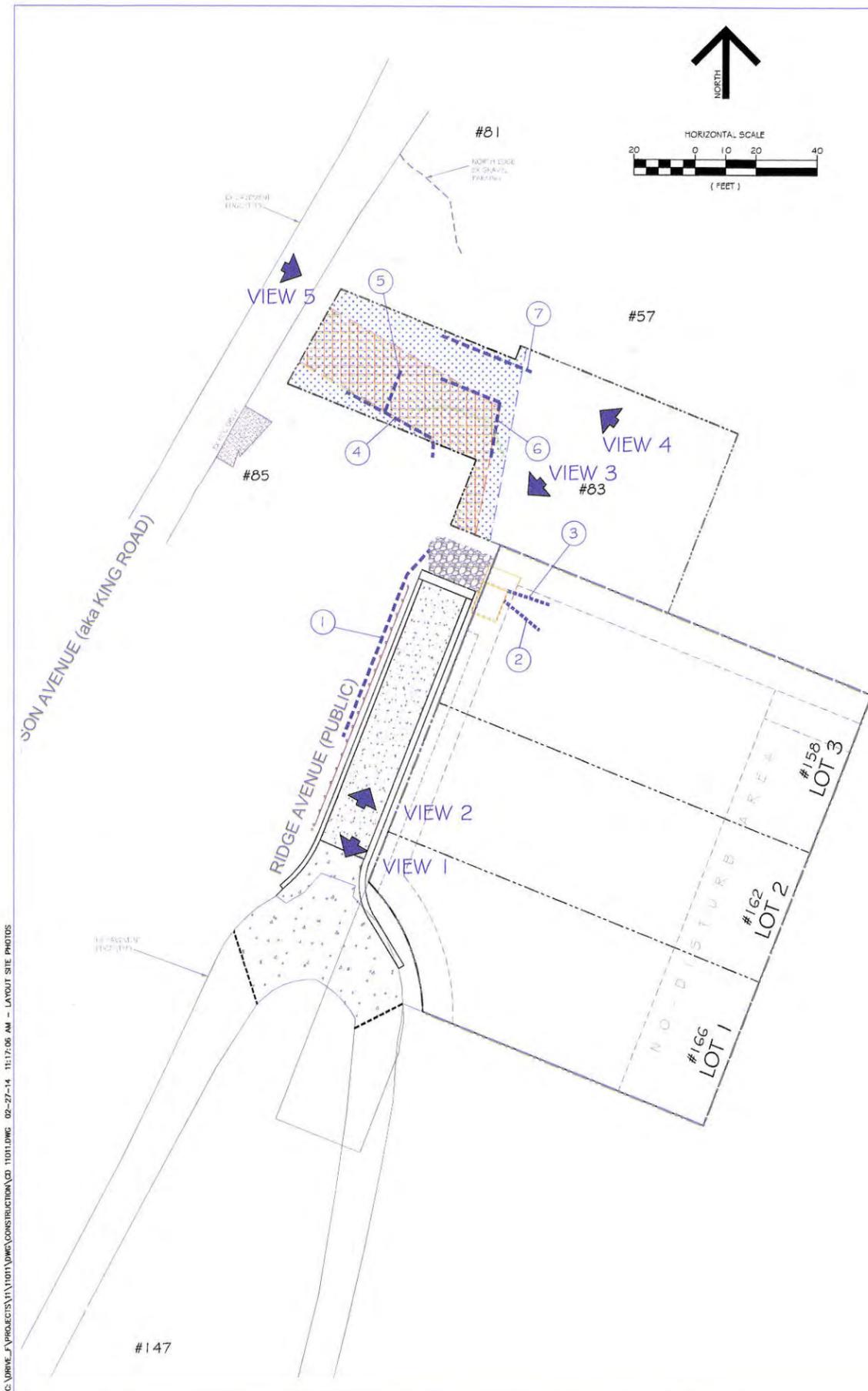
KING RIDGE ESTATES  
 RIDGE AVENUE  
 PARK CITY, UTAH

PREPARED FOR: THAYNES CAPITAL PARK CITY LLC  
 PLS GRID LOCATION: S21 T2S R4E S15W

DES. BY: AFS  
 CHK. BY: AFS  
 DATE: FEBRUARY 2014  
 JOB: 11011



G:\WORK\PROJECTS\111\11011\DWG\CONSTRUCTION\CD 11011.DWG 02-27-14 11:29:29 AM - LAYOUT AERIAL OVERLAY



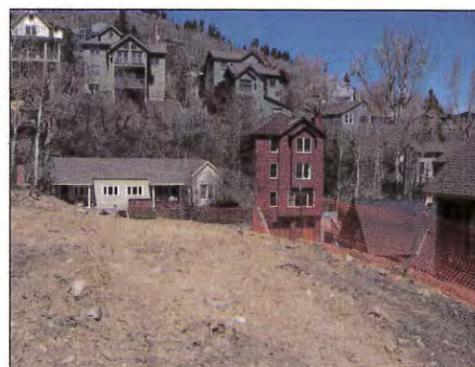
VIEW 1  
LOOKING SOUTHWEST  
4.12.13



VIEW 3  
LOOKING SOUTHWEST  
5.4.13



VIEW 2  
LOOKING NORTHEAST  
4.12.13



VIEW 4  
LOOKING NORTHWEST  
5.4.13



VIEW 5  
LOOKING SOUTHEAST  
7.29.13

**RETAINING & LANDSCAPE WALLS**

| KEY NO. | MAX GRADE STEP (FT) |
|---------|---------------------|
| 1       | 6.0                 |
| 2       | 4.0                 |
| 3       | 5.5                 |
| 4       | 5.9                 |
| 5       | 4.8                 |
| 6       | 5.7                 |
| 7       | 5.9                 |

**LEGEND**

- EX SBWRD 55 EASEMENT
- EX NON-EXCL UTILITIES EASEMENT
- PROPOSED AC PAVEMENT
- PROPOSED PCC PAVEMENT
- PROPOSED GRADE STEP
- #57 HOUSE NUMBER
- TAX ID NUMBER
- 3 GRADE STEP KEY NO.

**ABBREVIATIONS**

- ABS ASBESTOS CEMENT TRANSITE
- ACP ASPHALT CONCRETE PAVEMENT
- BLDG BUILDING
- BO BOTTOM OF
- CB CUBIC FEET PER SECOND
- CIP CAST-IN-PLACE
- CMH COMMUNICATIONS MANHOLE
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- DIA DIAMETER
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- EG EXISTING GRADE
- E ELEVATION
- EMH FLECTIC MANHOLE
- ESG ESTIMATED SEASONAL HIGH GROUNDWATER
- EX EXISTING
- FDN FOUNDATION
- F ARED FND
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- GW GROUNDWATER
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- HP HIGH POINT
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- INVERT
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- FEMA FEDERAL EMERGENCY MANAGEMENT AGENCY
- PCMC PARK CITY MUNICIPAL CORPORATION
- SMF SMOKEY MOUNTAIN FOREVER
- SBWRD SNYDERVILLE BASIN WATER RECREATION DISTRICT
- UDOT UTAH DEPARTMENT OF TRANSPORTATION

**REFERENCES**

- SEE PLAN ENTITLED "RECORD OF SURVEY & TOPOGRAPHIC MAP, A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY BY PARK CITY SURVEYING, DATED JULY, 2006.
- SEE PLAN ENTITLED KING RIDGE ESTATES BY PARK CITY SURVEYING, RECORDED 6.13.2008, INSTRUMENT NO. 847041.

**DRAWING ISSUED FOR**

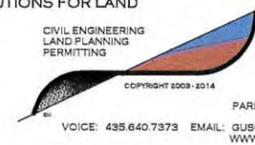
- PLANNING
- CONSTRUCTION
- PERMIT
- CONSTRUCTION RECORD

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**CANYON ENGINEERING SOLUTIONS FOR LAND**



**INFRASTRUCTURE IMPROVEMENTS**

**SITE PHOTOS**

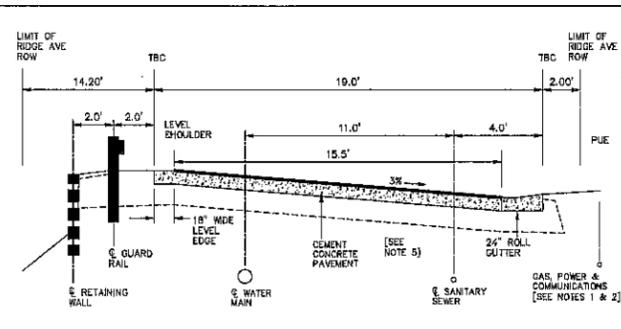
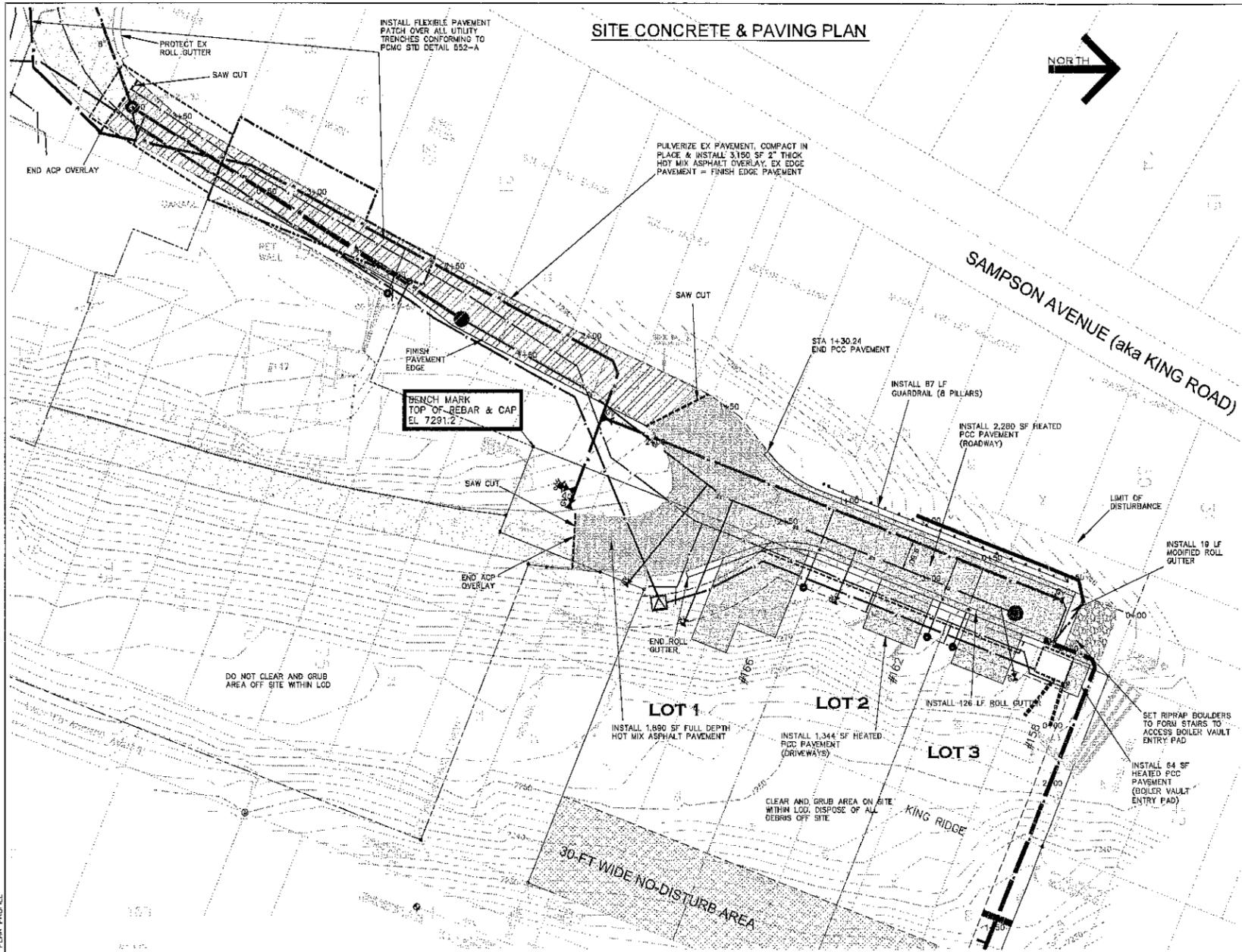
KING RIDGE ESTATES  
RIDGE AVENUE  
PARK CITY, UTAH

PREPARED FOR:  
THAYNES CAPITAL PARK CITY LLC

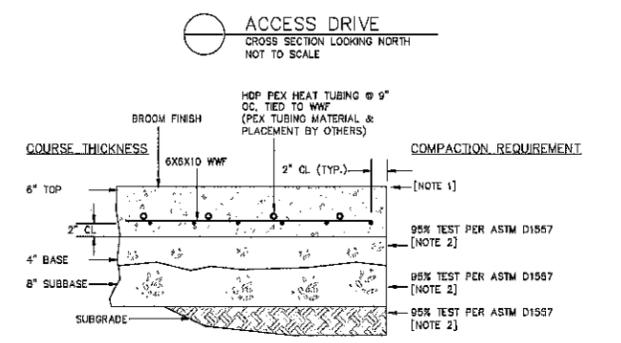
PLS GRID LOCATION:  
521 725 842  
918M

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| DES. BY: AFS | DATE: FEBRUARY 2014 | JOB: 11011 |
| CHK. BY: AFS |                     |            |



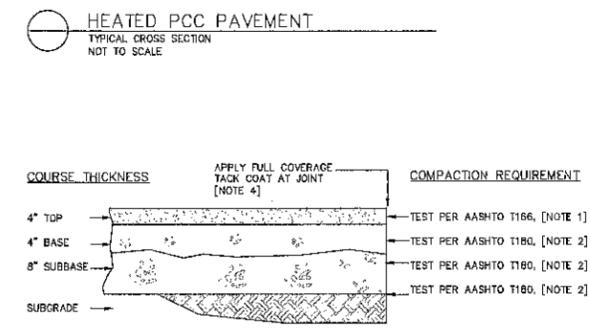


- NOTES:**
- TELEPHONE, CABLE, POWER, OR OTHER UTILITIES - CONFIRM LOCATION WITHIN PUE PRIOR TO INSTALLATION. MINIMUM COVER OVER PRIMARY POWER = 42", OVER SECONDARY POWER = 36". COORDINATE WITH POWER AND COMMUNICATIONS UTILITIES REGARDING CONDUIT AND MINIMUM COVER REQUIREMENTS.
  - COORDINATE WITH GAS CO REGARDING LOADS, MAIN AND SERVICES SIZES, AND MINIMUM COVER.
  - LOCATE WATER DISTRIBUTION MAIN ISOLATION VALVES AS APPROVED BY PUBLIC WORKS DIRECTOR.
  - DELETED.
  - UNDISTURBED MINERAL SOIL OR SUBGRADE COMPACTED TO BULK OF MAX DRY DENSITY, AASHTO A-1-6. BASES MAY BE REQUIRED WHEN EXISTING SUBGRADE IS DETERMINED BY CITY ENGINEER TO BE UNSUITABLE.



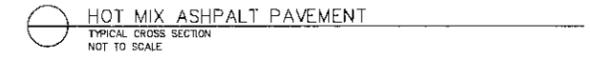
| COURSE              | MATERIAL              | SPECIFICATION       | MAX AGG. SIZE (IN.) |
|---------------------|-----------------------|---------------------|---------------------|
| TOP                 | CEMENT CONCRETE       | UDOT 03055, CL. AA  | 0.375               |
| BASE                | UNTREATED BASE COURSE | UDOT 02721 [NOTE 3] | 0.75                |
| SUBBASE             | UNTREATED BASE COURSE | UDOT 02721 [NOTE 3] | 1.5                 |
| UNSUITABLE SUBGRADE | GRANULAR BORROW       | UDOT 02056          | 6                   |

- NOTES:**
- CONTROL JOINT EVERY 15 FEET; EXPANSION JOINT EVERY 75 FEET.
  - COMPACT TO TEST AVERAGE OF 95%, NO TEST LOWER THAN 93%.
  - EXCEPT THAT MAXIMUM PASSING NO. 200 SIEVE SHALL BE 5%.
  - PREPARE AND INSTALL PER UDOT SPEC 02752, EXCEPT AS SHOWN OTHERWISE HEREON.



| COURSE              | MATERIAL              | SPECIFICATION | MAX AGG. SIZE (IN.) |
|---------------------|-----------------------|---------------|---------------------|
| TOP                 | HOT MIX ASPHALT       | UDOT 02741    | 0.5 [NOTE 3]        |
| BASE                | UNTREATED BASE COURSE | UDOT 02721    | 0.75                |
| SUBBASE             | UNTREATED BASE COURSE | UDOT 02721    | 1.5                 |
| UNSUITABLE SUBGRADE | GRANULAR BORROW       | UDOT 02056    | 6                   |

- NOTES:**
- TARGET DENSITY 95%, NO TEST LESS THAN 93.5%.
  - BASE AND SUBBASE: TARGET DENSITY 97%, NO TEST LESS THAN 93%; SUBGRADE: TARGET DENSITY 95%, NO TEST LESS THAN 92%.
  - GREATER THAN OR EQUAL TO 60% PASSING THIS PARTICLE SIZE, 100% PASSING THIS PARTICLE SIZE PLUS 0.25 INCH.
  - SAW CUT EXISTING PAVEMENT VERTICALLY AT FINAL JOINT LOCATIONS.



- ABBREVIATIONS**
- ABS ASBESTOS CEMENT (TRANSITE)
  - ACP ASPHALT CONCRETE PAVEMENT
  - BLDG BUILDING
  - BW BOTTOM OF WALL
  - CFS CUBIC FEET PER SECOND
  - CI CAST-IN-PLACE
  - CMH COMMUNICATIONS MANHOLE
  - CMP CORRUGATED METAL PIPE
  - CMU CONCRETE MASONRY UNIT
  - CO CLEANOUT
  - CONC CONCRETE
  - CR CONSTRUCTION RECORD
  - DA DIAMETER
  - DMH DRAIN MANHOLE
  - EG EXISTING GRADE
  - EL ELEVATION
  - EMH ELECTRIC MANHOLE
  - ERU EQUIVALENT RESIDENTIAL UNIT
  - ESHOW ESTIMATED SEASONAL HIGH GROUNDWATER
  - EX EXISTING
  - FDN FOUNDATION
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  - OD ON SLOPE
  - OS POINT OF CURVATURE
  - PC PORTLAND CEMENT CONCRETE
  - PCMC PARK CITY MUNICIPAL CORP
  - PE PLAIN END
  - PJON PUSH-ON JOINT DUCTILE IRON
  - PRC PRECAST REINFORCED CONCRETE
  - PVC POLYVINYL CHLORIDE, POINT OF VERTICAL CURVATURE
  - PVT POINT OF VERTICAL TANGENCY
  - PWW PAVED WATERWAY
  - RCP REINFORCED CONCRETE PIPE
  - RMP ROCKY MOUNTAIN POWER
  - RW RETAINING WALL
  - S SLOPE
  - SBWRD SANDERVILLE BASIN WATER RECLAMATION DISTRICT
  - SD STORM DRAIN
  - SG SUBGRADE
  - SMH SEWER MANHOLE
  - SS SANITARY SEWER
  - TBA TO BE ABANDONED
  - TBC TOP BACK OF CURB
  - TC TOP OF CONCRETE
  - TP TOP OF PAVEMENT
  - TS TOP OF SLOPE
  - TW TOP OF WALL
  - TYP TYPICAL
  - UDOT UTAH DEPT OF TRANSPORTATION
  - WMH WATER MANHOLE
  - WS WATER SURFACE

- PLAN REFERENCES**
- SEE PLAN ENTITLED "RECORD OF SURVEY & TOPOGRAPHIC MAP, A PORTION OF BLOCK 75, MILLSTE RESERVATION TO PARK CITY" BY PARK CITY SURVEYING, DATED JULY, 2006.

- DRAWING ISSUED FOR**
- PERMIT
  - CONSTRUCTION
  - BID
  - CONSTRUCTION REC



| NO. | DATE    | BY  | APP. | REVISION DESCRIPTION                     |
|-----|---------|-----|------|--|
| 3   | 5.23.08 | AFS | AFS  | BID DETAIL & PER CITY ENG REVIEW 5.22.08 |
| 2   | 4.24.08 | AFS | AFS  | PER SBWRD REVIEW 4.23.08                 |
| 1   | 4.7.08  | AFS | AFS  | PER SBWRD REVIEW 3.27.08                 |

**CANYON ENGINEERING SOLUTIONS FOR LAND**

CIVIL ENGINEERING  
LAND PLANNING  
PERMITTING

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PO BOX 982131  
PARK CITY, UTAH 84008  
PHONE: 435.640.7575 EMAIL: GSHARRY@CANYONENG.COM

**INFRASTRUCTURE IMPROVEMENTS**

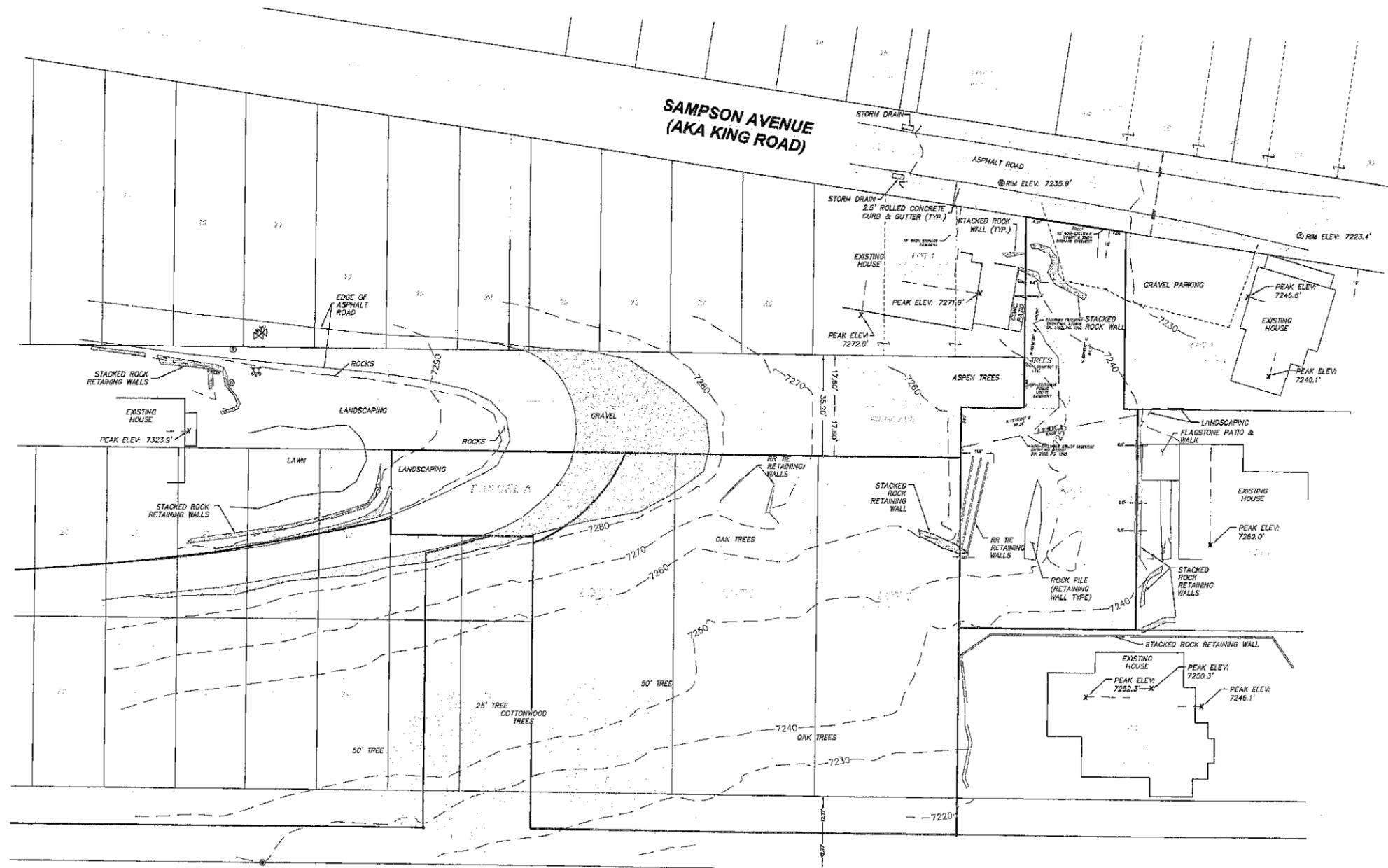
**RIDGE AVE & ACCESS DRIVE PLAN & PROFILE**

KING RIDGE ESTATES  
RIDGE AVENUE, PARK CITY, UTAH

OWNER: KING RIDGE RESOURCES, LLC PLS GRID LOCATION: S21, T2S, R4E, SLB&M

C:\SURVEY\_PROJECTS\11\101\LAND\CONSTRUCTION\CONSTR\_CD\_1101.DWG 03-28-13 10:15:39 AM - LAYOUT PLAN PROFILE

**TOPOGRAPHIC SURVEY**  
**A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY,**  
**AND A PORTION OF ANCHOR DEVELOPMENT SECOND AMENDED PLAT**  
**MILLSITE RESERVATION SUBDIVISION No. 1**  
**LYING WITHIN THE NORTHEAST QUARTER OF**  
**SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST**  
**SALT LAKE BASE & MERIDIAN**  
**SUMMIT COUNTY, UTAH**



**NARRATIVE:**

THE PURPOSE OF THIS SURVEY IS TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP.

SURVEY COMPLETED: 09/26/2013

SEE SAID OFFICIAL PLATS FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.  
 NOTE: OTHERS MAY APPLY.

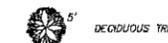
THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.



**LEGEND**

- FIRE HYDRANT
- WATER VALVE
- SANITARY SEWER MANHOLE
- WATER METER
- UTILITY POLE

TREE DIAMETER ANNOTATED TO EDGE OF DRIFLINE



**SURVEYOR'S CERTIFICATE**

I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

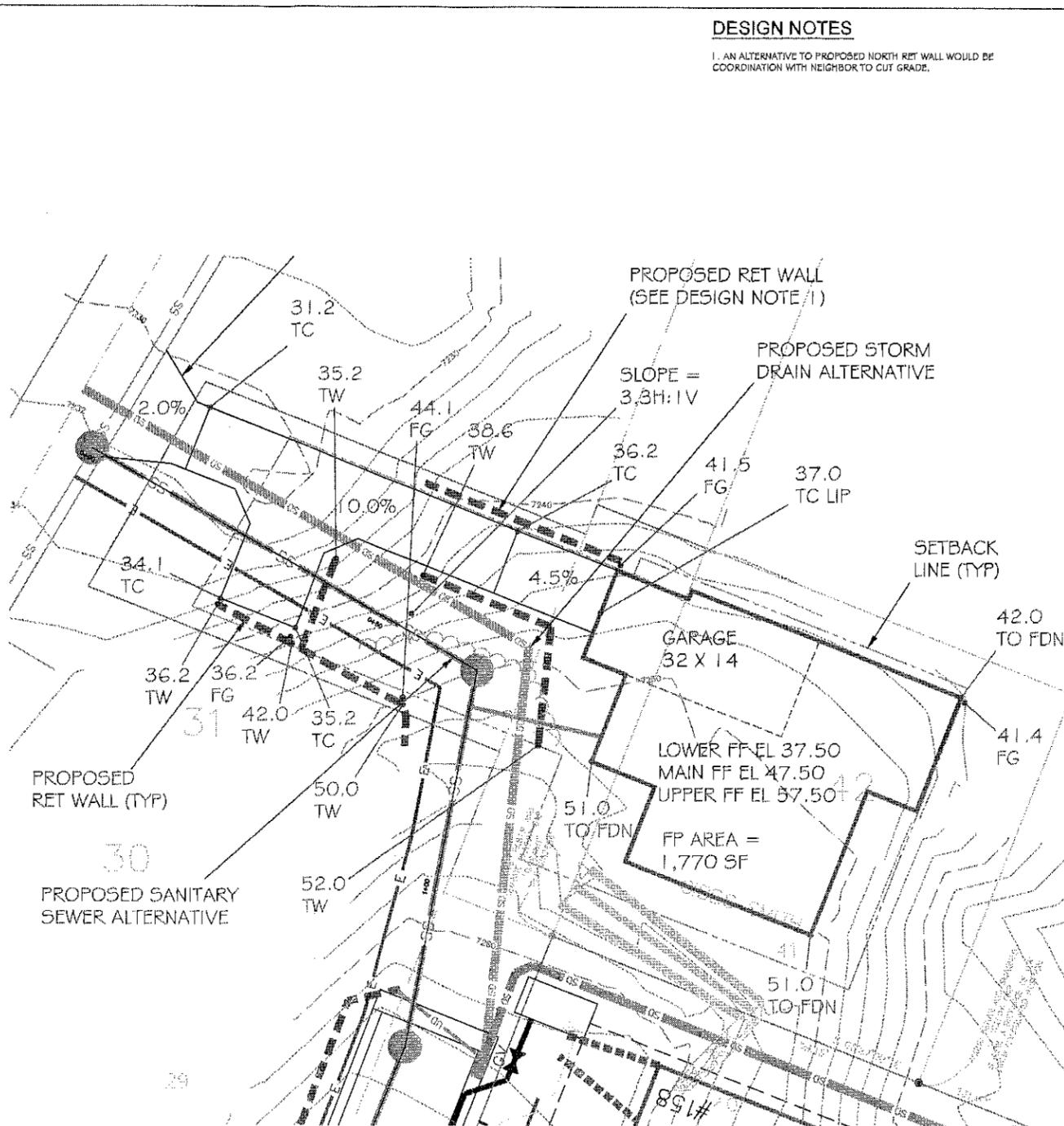
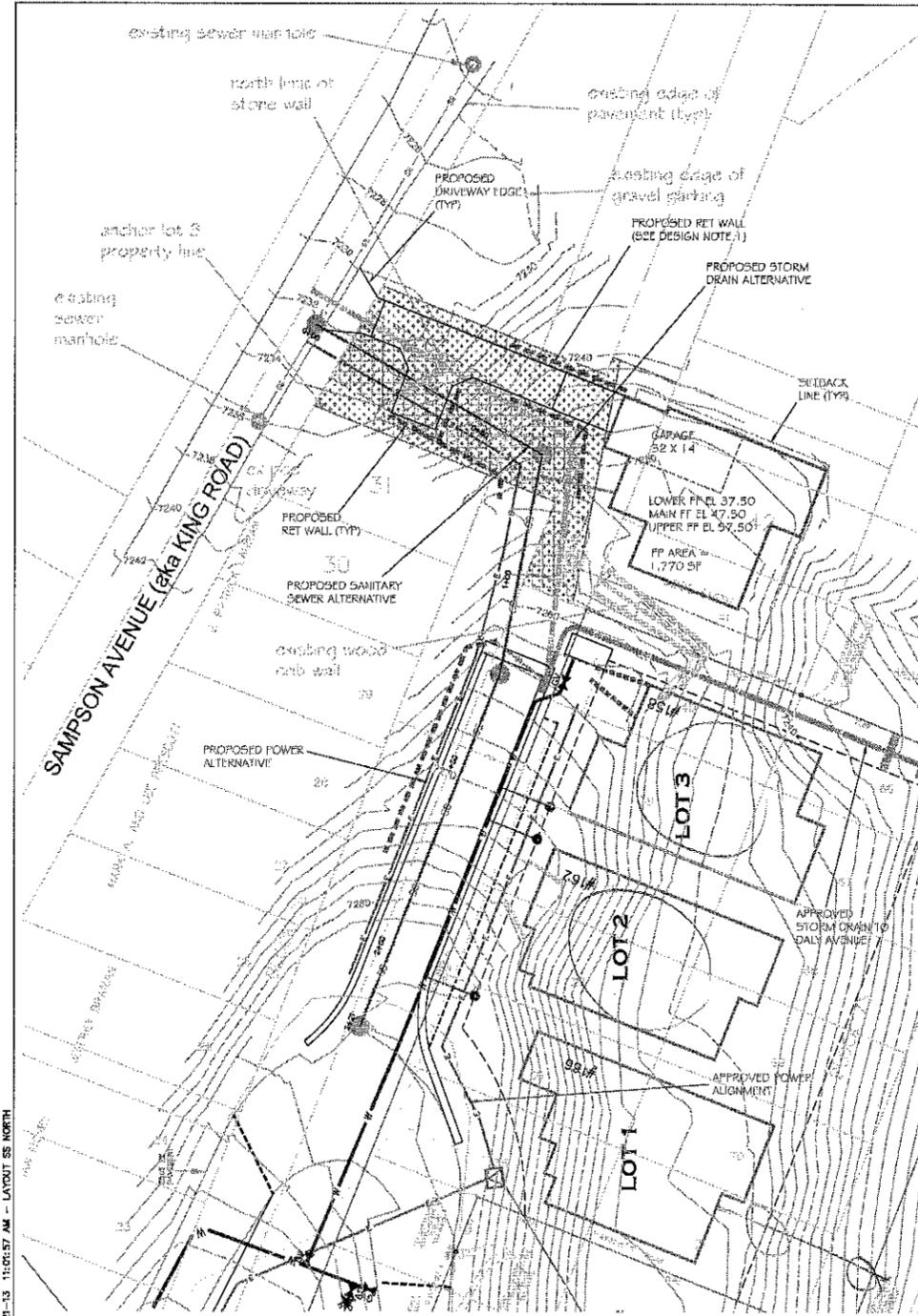
*Christopher R. Braun*  
 CHRISTOPHER R. BRAUN

11/18/13  
 DATE:

| DATE | BY | REVISIONS |
|------|----|-----------|
|      |    |           |
|      |    |           |
|      |    |           |
|      |    |           |

SURVEYED BY:  
 MN  
 DRAWN BY:  
 MN  
 DATE:  
 OCTOBER 2013

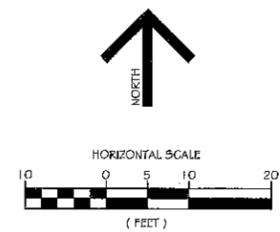
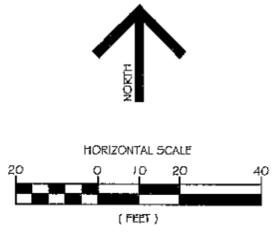
FOR: THAYNES CAPITAL  
 DWG: ANCHORMILLSITE TOPO  
**TOPOGRAPHIC SURVEY**  
 A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY,  
 AND A PORTION OF ANCHOR DEVELOPMENT SECOND AMENDED PLAT  
 MILLSITE RESERVATION SUBDIVISION No. 1



C:\DRIVE\F\PROJECTS\1101\DWG\CONSTRUCTION\CONSTR11011.DWG 08-21-13 11:05:57 AM - LAYOUT SS NORTH

**LEGEND**

- EXISTING SURFACE RUNOFF DIRECTION
- PROPOSED SURFACE RUNOFF DIRECTION
- EXISTING SPOT GRADE & SURFACE CONTOUR
- PROPOSED SPOT GRADE & SURFACE CONTOUR
- EX SBWRD 35 EASEMENT
- EX NON-EXCL UTILITIES EASEMENT



**DESIGN NOTES**

1. AN ALTERNATIVE TO PROPOSED NORTH RET WALL WOULD BE COORDINATION WITH NEIGHBOR TO CUT GRADE.

**ABBREVIATIONS**

- ABC AMBROSIO CEMENT (TRANSIT)
- ACF ASPHALT CONCRETE PAVEMENT
- BLDG BUILDING
- BO BOTTOM OF
- CPN CLINIC FEET PER SECOND
- CFI CAST-IN-PLACE
- CMH COMMUNICATIONS MANHOLE
- CMF CORRUGATED METAL PIPE
- CMU CONCRETE MASONRY UNIT
- CO CLEANOUT
- CR CONSTRUCTION RECORD
- DIA DIAMETER
- DMH DRAIN MANHOLE
- ES EXISTING GRADE
- EL ELEVATION
- EMH ELECTRIC MANHOLE
- ESHGW ESTIMATED SEASONAL HIGH GROUNDWATER
- EX EXISTING
- FDN FOUNDATION
- FE FINISH END
- FF FINISH FLOOR
- FG FINISH GRADE
- GPM GALLONS PER MINUTE
- GW GROUNDWATER
- HDDI HEAVY DUTY CAST IRON
- HDP HIGH DENSITY POLYETHYLENE
- HP HIGH POINT
- ID INSIDE DIAMETER
- INV INVERT
- LD LONGEST DIMENSION
- LF LINEAR FEET
- LOD LIMIT OF DISTURBANCE
- LP LOW POINT
- MDD MAXIMUM DRY DENSITY
- MEG MATCH EXISTING GRADE
- MJD MECHANICAL JOINT DUCTILE IRON
- MUTCD MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
- OD OUTSIDE DIAMETER
- PC POINT OF CURVATURE
- PCC PORTLAND CEMENT CONCRETE
- PE PLAN END
- PDI FIBER-ON JOINT DUCTILE IRON
- PRC PRECAST REINFORCED CONCRETE
- PVC POLYVINYL CHLORIDE; POINT OF VERTICAL CURVATURE
- PVI POINT OF VERTICAL INTERSECTION
- PVT POINT OF VERTICAL TANGENCY
- RCP REINFORCED CONCRETE PIPE
- RW RETAINING WALL
- S SLOPE
- SD STORM DRAIN
- SS SUBGRADE
- SMH SEWER MANHOLE
- SS SANITARY SEWER
- TBA TO BE ABANDONED
- TBC TOP BACK OF CURB
- TBR TO BE REMOVED
- TC TOP OF CONCRETE
- TD TOP OF DRAIN
- TP TOP OF PAVEMENT
- TS TOP OF SLOPE
- TW TOP OF WALL
- TYP TYPICAL
- WM-1 WATER MANHOLE
- WS WATER SURFACE

**ABBREVIATIONS - AGENCY**

- COE US ARMY CORPS OF ENGINEERS
- FEMA FEDERAL EMERGENCY MANAGEMENT AGENCY
- PMCC PARK CITY MUNICIPAL CORPORATION
- RMP ROCKY MOUNTAIN POWER
- SBWRD SALT LAKE COUNTY WATER RECLAMATION DISTRICT
- UDOT UTAH DEPARTMENT OF TRANSPORTATION

**REFERENCES**

1. SEE PLAN ENTITLED "RECORD OF SURVEY & TOPOGRAPHIC MAP, A PORTION OF EDC&A 75, NE SITE REDEVELOPMENT TO PARK CITY BY PARK CITY SURVEYING, DATED JULY, 2006."

**DRAWING ISSUED FOR**

- PLANNING
- CONSTRUCTION
- PERMIT
- CONSTRUCTION RECORD

SEE DESIGN NOTES FOR NOTES, EXISTING CONDITIONS AND PROPOSED CONDITIONS SHOWN ON THIS DRAWING. MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION. THIS DRAWING IS NOT VALID FOR CONSTRUCTION.

| NO. | DATE     | BY  | CHK | REVISION DESCRIPTION |
|-----|----------|-----|-----|----------------------|
| 1   | 06.20.13 | AFS | AFS | ADD DWELLING CONCEPT |

**CANYON ENGINEERING SOLUTIONS FOR LAND**



CIVIL ENGINEERING  
LAND PLANNING  
PERMITTING

PO BOX 932131  
PARK CITY, UTAH 84098  
VOICE 435.610.7373 EMAIL: GSHARRY@CANYONENG.COM  
WWW.CANYONENG.COM

**INFRASTRUCTURE IMPROVEMENTS**

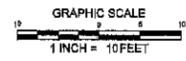
**SANITARY SEWER - NORTH OPTION**

KING RIDGE ESTATES  
RIDGE AVENUE  
PARK CITY, UTAH

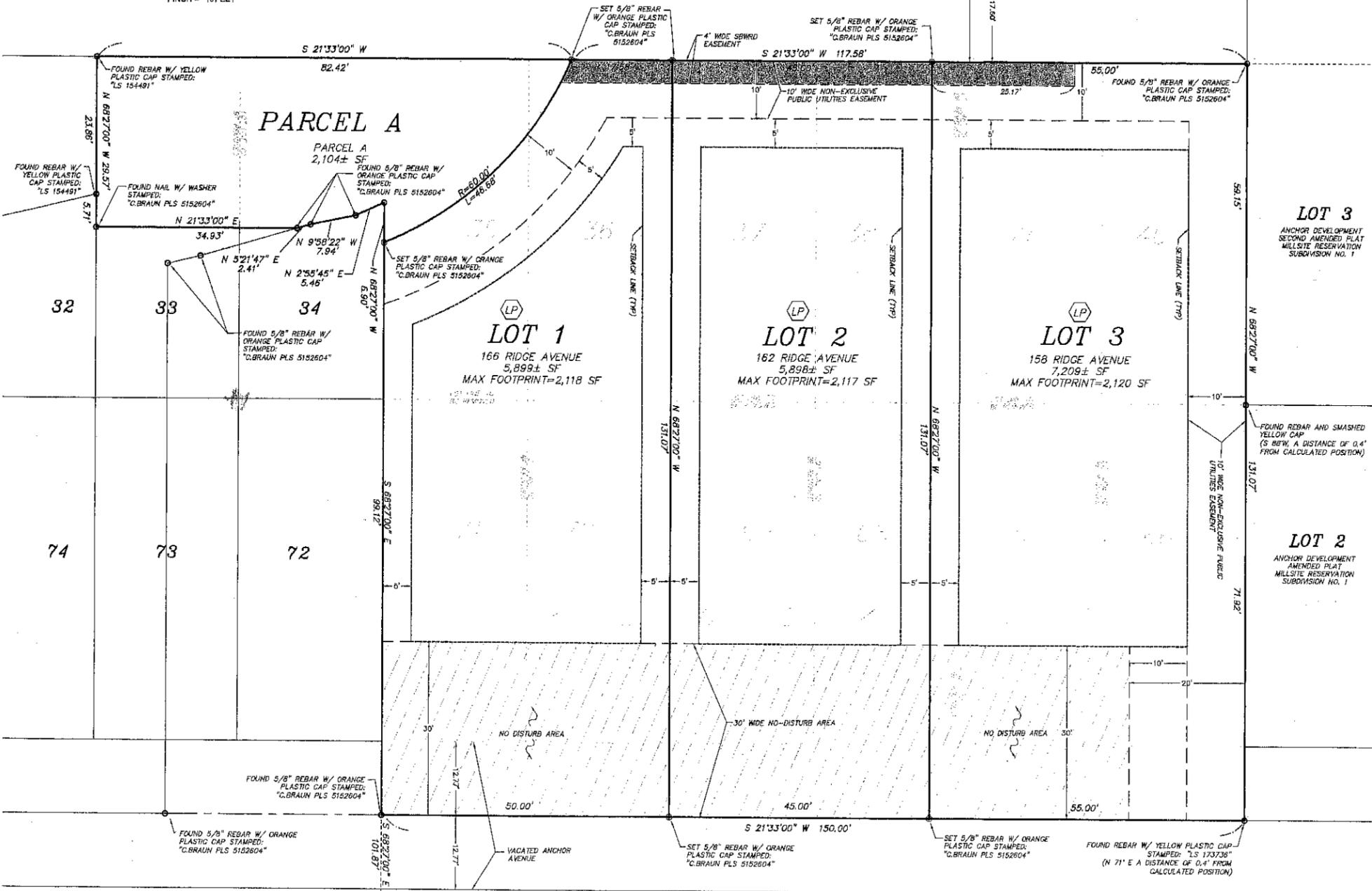
PREPARED FOR: THOMPSON CAPITAL PARK CITY LLC  
PLN GRID LOCATION: S21 T25 R4E S28M

**KING RIDGE ESTATES**

A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY,  
LYING WITHIN THE NORTHEAST QUARTER OF  
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASE & MERIDIAN  
SUMMIT COUNTY, UTAH



**RIDGE AVENUE**



**PLAT NOTES:**

1. ALL LOTS WITHIN THIS SUBDIVISION ARE BUILDABLE. ANY FURTHER SUBDIVISION OF SUCH LOTS, WHETHER BY DEED BEQUEST, DIVORCE DECREE, OR OTHER RECORDED INSTRUMENT SHALL NOT RESULT IN A BUILDABLE LOT UNTIL THE SAME HAS BEEN APPROVED IN ACCORDANCE WITH THE PARK CITY LAND USE ORDINANCE.
2. UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREON. SAID RIGHTS INCLUDES THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REMOVE OR ALTER ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES, AND VEGETATION THAT MAY HAVE BEEN PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE BE PLACED WITHIN THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF ALL THE UTILITIES WITH FACILITIES WITHIN THE AFFECTED PUE.
3. DESIGN OF ACCESS TO AND FIRE PROTECTION FOR ALL PROPOSED BUILDINGS MUST MEET THE REQUIREMENTS OF THE PARK CITY FIRE SERVICE DISTRICT. MODIFIED 13-0 SPRINKLERS ARE REQUIRED IN EACH HOUSE.
4. LOTS ARE NUMBERED 1-3.
5. PARCEL A IS HEREBY DEDICATED TO PARK CITY AS A PUBLIC STREET AND RIGHT-OF-WAY.
6. NO REMNANT PARCEL CREATED HEREBY IS SEPARATELY DEVELOPABLE.
7. THE 30-FOOT WIDE NO-DISTURB AREA ALONG THE REAR OF LOTS 1-3 IS INTENDED TO PRESERVE EXISTING VEGETATION BOTH DURING AND AFTER CONSTRUCTION. DISTURBANCE WITHIN 30 FEET OF THE REAR LINE WILL BE REQUIRED ONLY IN THE VICINITY OF POWER AND STORM DRAIN CONSTRUCTION.
8. THE MAXIMUM FLOOR AREA, AS DEFINED BY THE PARK CITY LAND MANAGEMENT CODE, CANNOT EXCEED 3,030 SQUARE FEET FOR ANY STRUCTURE ON LOT 1, 2, OR 3.
9. CONSTRUCTION ON LOTS 1, 2, AND 3 IS RESTRICTED BY SPECIFIC CONDITIONS OF THE SUBDIVISION APPROVAL, ORDINANCE 07-74.
10. LOTS DESIGNATED AS LOW PRESSURE SEWER SYSTEM LOTS SHALL BE REQUIRED TO INSTALL A LOW PRESSURE GRINDER PUMP STATION AND APPURTENANCES CONSISTENT WITH THE SEWER PUBLIC LOW PRESSURE SEWER SYSTEM INSTALLED FOR THE DEVELOPMENT. THE KING RIDGE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR OPERATION, MAINTENANCE AND REPAIR OF THE LOW PRESSURE GRINDER PUMP STATION AND APPURTENANCES.

**LEGAL DESCRIPTION:**

ALL OF LOTS 35 TO 40, INCLUSIVE; LOTS 66 TO 71, INCLUSIVE, AND THE WESTERLY ONE-HALF OF LOTS 33 AND 34, BLOCK 75, MILLSITE RESERVATION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN 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 CENTERLINE 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 90.31 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 17°29'00" EAST 0.44 FEET; 2) NORTH 08°09'00" EAST 5.47 FEET; 3) NORTH 05°21'47" EAST 19.77 FEET; 4) NORTH 09°28'22" EAST 7.94 FEET; 5) NORTH 02°50'49" WEST 5.48 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 72 OF SAID MILLSITE RESERVATION SOUTH 68°27'00" EAST 106.02 FEET TO THE POINT OF BEGINNING.

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

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE KING RIDGE ESTATES, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND I, Wesley Lee Sabo, OWNER OF KING RIDGE RESOURCES, LLC, HEREBY CONSENT(S) TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNER(S), OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12<sup>th</sup> DAY OF May, 2008.

*[Signature]*  
KING RIDGE RESOURCES, LLC

**ACKNOWLEDGEMENT**

STATE OF UTAH:  
COUNTY OF SUMMIT:  
ON THIS 12<sup>th</sup> DAY OF May, 2008, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT, IN SAID STATE OF UTAH, KING RIDGE RESOURCES, LLC, THE PERSON THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PERSON, BEING DULY SWORN ACKNOWLEDGED TO ME THAT THEY ARE THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

*[Signature]*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 11/11

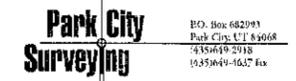


**SURVEYOR'S CERTIFICATE**

I, CHRISTOPHER R. BRAUM, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152604, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THIS PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THE PROPERTY BOUNDARIES AS SHOWN ARE CORRECT.

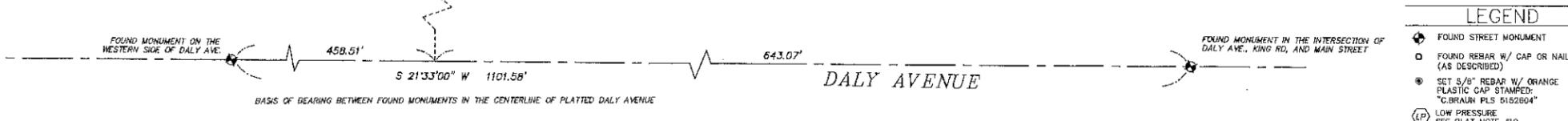
*[Signature]*  
CHRISTOPHER R. BRAUM  
PLS 5152604

DATE 5/9/08



**LEGEND**

- ◆ FOUND STREET MONUMENT
- FOUND REBAR W/ CAP OR NAIL (AS DESCRIBED)
- SET 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152604"
- ⊕ LOW PRESSURE SEE PLAT NOTE #10



|   |  |  |  |   |   |  |
|---|--|--|--|---|---|--|
| <p>PARK CITY PLANNING COMMISSION<br/>REVIEWED BY THE PARK CITY PLANNING COMMISSION ON THIS 12th DAY OF SEPTEMBER, 2007 A.D.<br/><i>[Signature]</i><br/>CHAIRMAN</p> | <p>CERTIFICATE OF ATTEST<br/>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 25th DAY OF OCTOBER, 2007 A.D.<br/><i>[Signature]</i><br/>PARK CITY RECORDER</p> | <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br/>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>12<sup>th</sup></u> DAY OF <u>May</u>, 2008 A.D.<br/><i>[Signature]</i><br/>S.B.W.R.D.</p> | <p>ENGINEERS CERTIFICATE<br/>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>21<sup>st</sup></u> DAY OF <u>May</u>, 2008 A.D.<br/><i>[Signature]</i><br/>PARK CITY ENGINEER</p> | <p>APPROVAL AS TO FORM<br/>APPROVED AS TO FORM THIS <u>5<sup>th</sup></u> DAY OF <u>JUNE</u>, 2008 A.D.<br/><i>[Signature]</i><br/>PARK CITY ATTORNEY</p> | <p>COUNCIL APPROVAL AND ACCEPTANCE<br/>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF ___, 2007 A.D.<br/><i>[Signature]</i><br/>MAYOR</p> | <p>RECORDED # <u>847041</u><br/>STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Wesley Lee Sabo</u><br/>DATE <u>6-13-08</u> TIME <u>2:20 PM</u><br/>BOOK ___ PAGE ___<br/>FEE <u>\$24.00</u><br/><i>[Signature]</i><br/>RECORDER</p> |
|---|--|--|--|---|---|--|

# EXHIBIT B

## Ordinance No. 07-74

### **AN ORDINANCE APPROVING THE SUBDIVISION NO. 1 MILLSITE RESERVATION PLAT AMENDMENT LOCATED AT 255 RIDGE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 255 Ridge Avenue have petitioned the City Council for approval of the Subdivision No. 1 Millsite Reservation 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 public hearings on February 14, March 14, April 25, July 11 and July 25, 2007, and conducted a site visit on February 28, 2007, to receive input on the Subdivision No. 1 Millsite Reservation plat amendment;

WHEREAS, on September 12, 2007, the Planning Commission forwarded a negative recommendation for Subdivision No. 1 Millsite Reservation plat amendment; and

WHEREAS, on September 20, October 11 and October 25, 2007, the City Council held public hearings, scheduled a site visit for October 4, and directed staff to return with additional information; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Subdivision No. 1 Millsite Reservation plat amendment.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Subdivision No. 1 Millsite Reservation plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### Findings of Fact:

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The proposed plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The three lots will be 5,902 square feet, 5,898 square feet, and 7,208 square feet in area. The parcel will be 2,110 sf in area.

5. The lot sizes are consistent with lot sizes in the neighboring HRL zone.
6. Code maximum footprints for the proposed lots are 2,118 square feet, 2,117 square feet and 2,404 square feet.
7. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet.
8. The lot 3 footprint at 2,404 square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area.
9. Built houses sizes in the HRL district around the subject property have an average square footage of 143% of the footprint.
10. Existing Ridge Avenue crosses the property and will be dedicated to the City in the parcel as Parcel A. Ridge Avenue is a substandard street that generally does not exist within its platted right of way.
11. The lots have slopes greater than 30% and a Steep Slope Conditional Use Permit will be required for each of the proposed homes.
12. All homes within the HRL zoning district require Historic District Design Review.
13. A 30-foot no-disturb area is proposed on the eastern property line of the three lots.
14. The applicant proposes houses set 37, 55, and 58 feet from the eastern property line.
15. The maximum grade of the driveway in platted Ridge Avenue is 10%. Due to the unique nature and the fact that the City has vacated Anchor to the north of the subject property, the City supports a variance or special exception to a maximum driveway grade of 14%.
16. Adequate snow storage is provided along the east, west and north sides of the driveway.
17. A two tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). A Variance or Special Exception to a maximum of 14% would lower the wall another 4 feet over the 100 foot length.
18. The closest house to the west, 85 King Road, has a setback of ten feet to its rear property line. This house has a +/- 8 foot rock retaining wall being constructed at the rear property line. The proposed wall for the 255 Ridge driveway would step from this wall with a horizontal distance of 4 feet before the first 3 to 4 foot high poured concrete wall. Another four foot horizontal landscaping area separates the two walls within the right of way.
19. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way, adjacent to 85 King Road.
20. Utilities will be in the Ridge Avenue right of way.
21. The Ridge Avenue right of way has been vacated both to the immediate north and south of the site, but the right of way is the legal access for 255 Ridge. This configuration is unique in the Park City Survey and the Snyder's Addition to the Park City Survey.
22. Walls, driveways, stairs, a tunnel and other structures are found in existing rights of way in the Historic District.

Conclusions of Law:

1. There is good cause for this plat amendment because, as conditioned, twelve lots will be combined to create three lots of record and a parcel consisting of a portion of Ridge Avenue will be dedicated to the public.
2. The plat amendment, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public interest nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

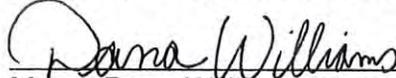
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A final utility plan is required to be approved by the City Engineer prior to plat recordation.
4. A financial security for public improvements, in an amount approved by the City Engineer and in a form approved by the City Attorney, is required prior to plat recordation.
5. An Encroachment Agreement with the City, for the private driveway within the platted Ridge Avenue, is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
6. The driveway construction requires a Conditional Use Permit that may be reviewed concurrent with a Steep Slope Conditional Use Permit. The current application shall be amended to incorporate the grade change to existing Ridge Avenue to be approved by the City Engineer, in such case the retaining wall will not exceed eight feet (8') in total height at the northwest corner.
7. A snow shed easement or roof design acceptable to the Chief Building Official will be required at the time of a Steep Slope CUP.
8. A note will be added to the plat that requires the installation of Modified 13-D sprinklers in each house.
9. A note will be added requiring 30 feet non-disturbance zone in the rear (east) of the three lots. In addition, the east side of any future houses must substantially conform to the exhibit shown to the City that placed the houses 37, 55, and 58 feet from the eastern property line.
10. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.
11. A plat note will be added to restrict Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are to be noted as 2,117 and 2,118 square feet.

12. A plat note will limit the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria.
14. No other portion of the house is eligible for a height exception.
15. Except for Condition of Approval #14, nothing herein limits the scope of review by the Planning Commission during their review of a Steep Slope Conditional Use Permit and the Driveway Conditional Use Permit.
16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.
17. Driveways into the garages cannot exceed the minimum slope necessary for drainage away from the garages.

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

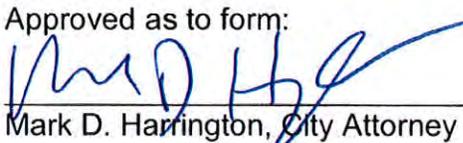
PASSED AND ADOPTED this 25th day of October, 2007.

PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:  
  
 \_\_\_\_\_  
 Mark D. Harrington, City Attorney





## EXHIBIT C

FILE COPY

December 19, 2007

Mr. Dwayne Seiter  
Via email: dwayneseiter@yahoo.com

### NOTICE OF BOARD OF ADJUSTMENT ACTION

|                            |   |
|----------------------------|---|
| <u>Project Name</u>        | King Ridge Estates  |
| <u>Project Description</u> | Special Exception for Driveway Grade in a platted, unbuilt City right of way. |

|                        |                   |
|------------------------|-------------------|
| <u>Date of Meeting</u> | December 18, 2007 |
|------------------------|-------------------|

Action Taken By Board of Adjustment: The Board of Adjustment APPROVED the proposed Special Exception based on the following:

#### Findings of Fact

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The maximum slope of the driveway in platted Ridge Avenue is 10%. There is a unique nature and the City has vacated Ridge Avenue to the north of the subject property. The City Council added a Condition of Approval to the plat directing the applicant to seek a variance or special exception to a maximum driveway slope of 14%.
5. Adequate snow storage is provided along the east, west and north sides of the driveway.
6. A two tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). A Variance or Special Exception to a maximum of 14% would lower the wall another 4 feet over the 100 foot length to a maximum height of 4 feet.

#### Conclusions of Law

1. The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

2. The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.
3. The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.
4. The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.
5. The proposed Use and Development will not result in the destruction, loss or damage of natural, scenic or Historic features of Significance.

Order

1. The request for a Special Exception to Land Management Code 15-3-5 (A) is approved to allow a driveway slope of no more than 14%.

Sincerely,

Brooks T. Robinson  
Principal Planner

## EXHIBIT D

June 11, 2009

Mr. Dwayne Seiter  
Via email: dwayneseiter@yahoo.com

### NOTICE OF PLANNING COMMISSION ACTION

|                            |  |
|----------------------------|--|
| <u>Project Name</u>        | King Ridge Estates                               |
| <u>Project Description</u> | Extension of Approval for Conditional Use Permit |

|                        |               |
|------------------------|---------------|
| <u>Date of Meeting</u> | June 10, 2009 |
|------------------------|---------------|

Action Taken By Planning Commission: The Planning Commission APPROVED the proposed Conditional Use Permit Extension based on the following:

#### Findings of Fact:

1. The property is located at 158, 162, and 166 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
7. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.
8. The driveway will be paved in concrete.
9. A snow melt system, if desired, requires an Encroachment Agreement to be approved by the City Engineer.

10. The staff findings in the Analysis section of the June 10, 2009, staff report are incorporated herein.
11. On February 13, 2008, the Planning Commission approved the Conditional Use Permit for a driveway in a platted, un-built City right-of-way (Ridge Avenue) with an expiration date of one year from the date of approval to receive a building permit.
12. On February 12, 2009, the City received a request for a one year extension of the approval for the restaurant.

Conclusions of Law:

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

Conditions of Approval:

1. A final utility plan is required to be approved by the City Engineer prior to plat recordation and implementation of the Conditional Use Permit.
2. An Encroachment Agreement for the private driveway within the platted Ridge Avenue is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
3. A landscape plan to mitigate the visual effects of the retaining walls is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
4. A snow removal plan is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
5. The retaining wall will be veneered with natural stone.
6. The City Engineer will review the transition slopes to the 15% grade.
7. Parking is restricted on the driveway.
8. The maximum height of the retaining wall can not exceed 6.87 feet above existing grade.
9. The Planning Commission will review the guardrail and lighting considerations at final design.
10. The Conditional Use Permit expires on February 13, 2010, unless a building permit has been granted.

Sincerely,

Brooks T. Robinson  
Principal Planner

5. Wetlands and other environmentally sensitive lands on the property shall be maintained, enhanced and remediated as necessary per best management practices identified in the March 2009 Environmental Report.
3. 158-166 King Road, King Ridge Estates driveway access - Extensions of CUP

Planner Robinson reported that nothing had changed in the request since the last meeting. The matter had been continued because Commissioners Strachan and Pettit had requested to review the minutes from the original CUP approval of 2008. As requested, those minutes were included in the Staff report.

Planner Robinson stated that there has been no change to the Code relative to a driveway in a platted, unbuilt street. The conditions of approval had not changed relative to the walls, wall height and other elements in the original conditions of approval.

Commissioner Pettit pointed out that language in LMC 15-1-10(G) states that, "The Planning Commission may grant an extension of the conditional use permit for up to one additional year when the applicant is able to demonstrate no change in circumstances". She emphasized that the language said "may" and not "shall".

Commissioner Strachan asked Assistant City Attorney McLean what standard is typically followed on extensions. Ms. McLean noted that the section cited in the Staff report and read by Commissioner Pettit has a second sentence that addresses change in conditions. She stated that an extension is not intended to have a substantive review. Commissioner Strachan asked if Section 15-1-10(G) is the only section that addresses the standard for extensions. Ms. McLean replied that it was the only section to her knowledge.

Chair Thomas opened the public hearing.  
There was no comment.

Chair Thomas closed the public hearing.

Commissioner Pettit thanked Planner Robinson for providing the requested minutes because it helped refresh her memory regarding the discussion. Commissioner Pettit stated that in terms of the comments she made during the 2008 meeting, her view has not changed with respect to whether or not the impacts have been mitigated. For that reason, she would not vote in favor of extending the CUP.

Commissioner Strachan stated that as the newest member on the Planning Commission, had no way of knowing if there were changes in circumstance that would result in an unmitigated impact. He opened the floor to the applicant to meet their burden and demonstrate that there were none.

Spencer Yearness, counsel for the applicant, stated that the applicant was relying on the Staff report as evidence to identify that there were no changes in circumstance. If the Planning

Commission was looking for additional evidence or commentary to support the Staff report, they were not prepared with anything this evening.

Chair Thomas clarified that the drawings and submittals that were originally presented during the conditional use permit process were exactly the same today. Mr. Yearness replied that this was correct.

MOTION: Commissioner Strachan made a motion to GRANT the one year extension for the approved conditional use permit for 255 Ridge Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed 4-2. Commissioners Pettit and Murphy voted against the motion.

#### Findings of Fact - King Ridge Estates

1. The property is located at 158, 162 and 166 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines Lots 35-40 and 66-71, portions of Lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. The driveway is 19 feet wide with a two-foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended.)
7. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.
8. The driveway will be paved in concrete.
9. A snow melt system, if desired, requires an Encroachment Agreement to be approved by the City Engineer.
10. The staff findings in the Analysis section are incorporated herein.

11. On February 13, 2008, the Planning Commission approved the Conditional Use Permit for a driveway in a platted, un-built City right-of-way (Ridge Avenue) with an expiration date of one year from the date of approval to receive a building permit.

Conclusions of Law - King Ridge Estates

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

Conditions of Approval - King Ridge Estates

1. A final utility plan is required to be approved by the City Engineer prior to plat recordation and implementation of the Conditional Use Permit.
2. An Encroachment Agreement for the private driveway within the platted Ridge Avenue is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
3. A landscape plan to mitigate the visual effects of the retaining walls is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
4. A snow removal plan is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
5. The retaining wall will be veneered with natural stone.
6. The City Engineer will review the transition slopes to the 15% grade.
7. Parking is restricted on the driveway.
8. The maximum height of the retaining wall cannot exceed 6.87 feet above existing grade.
9. The Planning Commission will review the guardrail and lighting considerations at final design.
10. The Conditional Use Permit expires on February 13, 2010, unless a building permit has been granted.

# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** King Ridge Estates- Construction in  
Platted, un-built City Right-of-Way  
**Author:** Brooks T. Robinson  
**Date:** June 10, 2009  
**Type of Item:** Administrative – Conditional Use Permit  
Extension of Approval

## Summary Recommendations

Staff recommends the Planning Commission re-open a public hearing and discuss the request for a one year extension of the approval of a Conditional Use Permit for a driveway in a platted, un-built City right-of-way. Staff has provided findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## Topic

**Applicant:** Silver King Resources, LLC  
**Location:** 255 Ridge Avenue  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Conditional Use Permits, and extensions, require Planning Commission review and approval

## Background

On October 3, 2006, the City received a completed application for Subdivision No. 1 Millsite Reservation plat amendment. The property is located at 255 Ridge Avenue (north of the switchback) in the Historic Residential Low Density (HRL) zoning district. The Planning Commission held numerous public hearings from February to September on the proposed plat. Concern was expressed on the use of platted, unbuilt Ridge Avenue right of way for a private driveway and the height of retaining walls that would be built for this driveway. At the April 25, 2007, meeting the Planning Commission directed the applicant to submit a Conditional Use Permit for construction of a driveway within unbuilt City ROW to address the standards of Land Management Code Section 15-3-5. The City received a completed application for the Conditional Use Permit for construction of a private driveway within a platted, un-built City street, on May 14, 2007. The application was heard on July 11 and July 25, 2007, and continued to a date uncertain.

Although on September 12, 2007, the Planning Commission forwarded a negative recommendation on the plat amendment, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval, approved the plat on October 25, 2007. The City Council included Condition of Approval #16 which states:

16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 14% (matching the private driveway standard) would reduce the height of the associated retaining wall another 4 feet over the 100 foot length.

On January 23, 2008, the Planning Commission opened the public hearing and requested larger copies of the exhibits. Due to publication and distribution problems, most of the Commission did not have adequate time to review the staff reports in detail for the 23<sup>rd</sup>'s meeting so the Commission continued the item to February 13.

On February 13, 2008, the Planning Commission approved the Conditional Use Permit for construction within a platted, unbuilt right of way (Ridge Ave) with an expiration date of one year from the date of approval (minutes attached). On February 12, 2009, the City received a request for a one year extension of the approval for the driveway. No building permit has been received and no construction has taken place.

On May 27, 2009, the Planning Commission held a public hearing on the application for an extension of the approval of the CUP. The Commission continued the hearing to June 10<sup>th</sup> so that the minutes of the 2008 hearing and approval could be reviewed.

### **Analysis**

The following analysis was included with the original approval. No change in the LMC or circumstances requiring mitigation has occurred, pursuant to LMC 15-1-10(G) which states in part:

"Unless otherwise indicated, Conditional Use permits expire one year from the date of Planning Commission approval, unless the Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact."

Thus, the standard of review of an extension is if the "applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact."

The Land Management Code (15-3-5) sets the following standards of review for the construction of private driveways within platted, unbuilt City streets.

*(A) The driveway shall not exceed ten percent (10%) Slope.*

**Complies.** A Special Exception was granted by the Board of Adjustment to increase the slope to a maximum of 14%.

*(B) Adequate snow storage area along the downhill side and/or end of the driveway shall be provided.*

**Complies.** The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended). There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.

*(C) The driveway must be paved with asphalt or concrete.*

**Complies.** The driveway will be concrete.

*(D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.*

**Complies.** There is no formal parking along Ridge Avenue in this location. However, as Ridge Avenue makes the switchback, the City has used the wide area for snow storage and informal parking may occur. The driveway does not pre-empt any existing improved public parking.

*(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.*

**Complies.** There are no stairs currently or proposed in this location. Further north, platted Ridge Avenue has been vacated. No present or future utilities will be affected by the driveway.

*(F) The driveway construction requires a Conditional Use Permit, Section 15-1-10.*

**Complies.** This application is for the Conditional Use Permit. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use, as conditioned, mitigates impacts of and addresses the following items:

*(1) size and location of the Site;*

**No unmitigated impacts.**

The Conditional Use Permit is for construction of a private driveway within a portion of platted, unbuilt Ridge Avenue. The driveway is approximately 100 feet in length and 19 feet in width.

*(2) traffic considerations including capacity of the existing Streets in the Area;*

**No unmitigated impacts.**

Ridge Avenue is a very low volume street with only two existing houses accessing directly onto Ridge. It connects upper Daly Avenue to King Road. The driveway will not affect the capacity of Ridge Avenue.

*(3) utility capacity;*

**No unmitigated impacts.**

The applicant has worked with the City Engineer to provide adequate utility service. Water, gas and electric service will be provided in the right-of way. A final utility plan is a condition of approval.

*(4) emergency vehicle Access;*

**No unmitigated impacts.**

The driveway is accessed from Ridge Avenue from either the west (King Road) or east (Daly Avenue) and adequate emergency access exists.

*(5) location and amount of off-Street parking;*

**No unmitigated impacts.**

The driveway does not require additional parking. The three houses proposed with the plat amendment will be required to provide on-site Code required parking.

*(6) internal vehicular and pedestrian circulation system;*

**No unmitigated impacts.**

The proposed driveway will be 100 feet long and serve three houses with individual driveways serving each house.

*(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;*

**No unmitigated impacts.**

The proposed driveway will be retained by a retaining wall with a maximum height of seven feet total above existing grade. A landscape plan that includes the driveway area and walls was submitted with the Steep Slope CUPs to help screen and mitigate the visual impact of the walls.

*(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;*

**No unmitigated impacts.**

The retaining walls for the proposed driveway will be within the existing right of way by approximately 10 feet. The driveway runs parallel to the edge of the right of way for a length of 100 feet. The Special Exception granted by the Board of Adjustment will reduce the visible mass of the retaining walls by lowering the road elevation another four feet over the 100 foot length.

*(9) usable Open Space;*

**No unmitigated impacts.**

The driveway is 19 feet wide within the 30 foot right of way allowing for open space and snow storage on either side and at the north end.

*(10) signs and lighting;*

**No unmitigated impacts.**

No signs are proposed. A stone column and tube steel guardrail system is proposed. Any lighting must be in compliance with the City's lighting requirements.

*(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;*

**No unmitigated impacts.**

The driveway and retaining wall are smaller than any surrounding building. A landscape plan to mitigate the visual impact was submitted with the Design Review for the three houses.

*(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*

**No unmitigated impacts.**

This criterion does not apply.

*(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*

**No unmitigated impacts.**

Delivery and service vehicles will be able to use the driveway and the three driveways to the proposed houses without blocking Ridge Avenue.

*(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and*

**No unmitigated impacts.**

This criterion does not apply. However, the City will still maintain ownership of the right of way with an Encroachment Permit designating maintenance as the responsibility of the adjoining property owners.

*(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.*

**No unmitigated impacts.**

The site is not within the Sensitive Lands Overlay zone. The retaining walls steps down with the grade and will be screened by vegetation.

*(G) An Encroachment Permit for the driveway is required.*

**Complies.** The City Engineer has the authority to grant the Encroachment Permit and has indicated that he will do so.

*(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.*

**Complies.** Any private utilities and snowmelt devices are subject to the Encroachment Permit.

### **Department Review**

This project has gone through an interdepartmental review. Issues that were brought up at that time have been addressed with revised plans or conditions of approval.

### **Notice**

The property was posted and notice was mailed to the one property owner within 300 feet. Legal notice was also put in the Park Record.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may approve the extension to the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the extension to the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the extension to the Conditional Use Permit and provide specific direction to the applicant and staff.

### **Significant Impacts**

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

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

The Conditional Use Permit would expire and the driveway could not be built without going through the CUP process again.

### **Recommendation**

Staff recommends the Planning Commission re-open a public hearing and discuss the request for a one year extension of the approval of a Conditional Use Permit for a driveway in a platted, un-built City right-of-way. Staff has provided findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

### **Findings of Fact:**

1. The property is located at 158, 162, and 166 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.

5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
7. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.
8. The driveway will be paved in concrete.
9. A snow melt system, if desired, requires an Encroachment Agreement to be approved by the City Engineer.
10. The staff findings in the Analysis section are incorporated herein.
11. On February 13, 2008, the Planning Commission approved the Conditional Use Permit for a driveway in a platted, un-built City right-of-way (Ridge Avenue) with an expiration date of one year from the date of approval to receive a building permit.
12. On February 12, 2009, the City received a request for a one year extension of the approval for the restaurant.

Conclusions of Law:

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

Conditions of Approval:

1. A final utility plan is required to be approved by the City Engineer prior to plat recordation and implementation of the Conditional Use Permit.
2. An Encroachment Agreement for the private driveway within the platted Ridge Avenue is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
3. A landscape plan to mitigate the visual effects of the retaining walls is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
4. A snow removal plan is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
5. The retaining wall will be veneered with natural stone.
6. The City Engineer will review the transition slopes to the 15% grade.
7. Parking is restricted on the driveway.
8. The maximum height of the retaining wall can not exceed 6.87 feet above existing grade.
9. The Planning Commission will review the guardrail and lighting considerations at final design.

10. The Conditional Use Permit expires on February 13, 2010, unless a building permit has been granted.

**Exhibits**

Exhibit A – 11 x 17 Proposed site plan and elevations were distributed for the May 27<sup>th</sup> public hearing

Exhibit B – Minutes from February 13, 2008, Planning Commission hearing

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# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** King Ridge Estates- Construction in  
Platted, un-built City Right-of-Way  
**Author:** Brooks T. Robinson  
**Date:** May 27, 2009  
**Type of Item:** Administrative – Conditional Use Permit  
Extension of Approval

## Summary Recommendations

Staff recommends the Planning Commission open a public hearing and discuss the request for a one year extension of the approval of a Conditional Use Permit for a driveway in a platted, un-built City right-of-way. Staff has provided findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## Topic

**Applicant:** Silver King Resources, LLC  
**Location:** 255 Ridge Avenue  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Conditional Use Permits, and extensions, require Planning Commission review and approval

## Background

On October 3, 2006, the City received a completed application for Subdivision No. 1 Millsite Reservation plat amendment. The property is located at 255 Ridge Avenue (north of the switchback) in the Historic Residential Low Density (HRL) zoning district. The Planning Commission held numerous public hearings from February to September on the proposed plat. Concern was expressed on the use of platted, unbuilt Ridge Avenue right of way for a private driveway and the height of retaining walls that would be built for this driveway. At the April 25, 2007, meeting the Planning Commission directed the applicant to submit a Conditional Use Permit for construction of a driveway within unbuilt City ROW to address the standards of Land Management Code Section 15-3-5. The City received a completed application for the Conditional Use Permit for construction of a private driveway within a platted, un-built City street, on May 14, 2007. The application was heard on July 11 and July 25, 2007, and continued to a date uncertain.

Although on September 12, 2007, the Planning Commission forwarded a negative recommendation on the plat amendment, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval, approved the plat on October 25, 2007. The City Council included Condition of Approval #16 which states:

1. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 14% (matching the private driveway standard) would reduce the height of the associated retaining wall another 4 feet over the 100 foot length.

On January 23, 2008, the Planning Commission opened the public hearing and requested larger copies of the exhibits. Due to publication and distribution problems, most of the Commission did not have adequate time to review the staff reports in detail for the 23<sup>rd</sup>'s meeting so the Commission continued the item to February 13.

On February 13, 2008, the Planning Commission approved the Conditional Use Permit for construction within a platted, unbuilt right of way (Ridge Ave) with an expiration date of one year from the date of approval. On February 12, 2009, the City received a request for a one year extension of the approval for the driveway. No building permit has been received and no construction has taken place.

### **Analysis**

The following analysis was included with the original approval. No change in the LMC or circumstances requiring mitigation has occurred, pursuant to LMC 15-1-10(G) which states in part:

"Unless otherwise indicated, Conditional Use permits expire one year from the date of Planning Commission approval, unless the Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact."

The Land Management Code (15-3-5) sets the following standards of review for the construction of private driveways within platted, unbuilt City streets.

*(A) The driveway shall not exceed ten percent (10%) Slope.*

**Complies.** A Special Exception was granted by the Board of Adjustment to increase the slope to a maximum of 14%.

*(B) Adequate snow storage area along the downhill side and/or end of the driveway shall be provided.*

**Complies.** The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The

boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended). There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.

*(C) The driveway must be paved with asphalt or concrete.*

**Complies.** The driveway will be concrete.

*(D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.*

**Complies.** There is no formal parking along Ridge Avenue in this location. However, as Ridge Avenue makes the switchback, the City has used the wide area for snow storage and informal parking may occur. The driveway does not pre-empt any existing improved public parking.

*(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.*

**Complies.** There are no stairs currently or proposed in this location. Further north, platted Ridge Avenue has been vacated. No present or future utilities will be affected by the driveway.

*(F) The driveway construction requires a Conditional Use Permit, Section 15-1-10.*

**Complies.** This application is for the Conditional Use Permit. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use, as conditioned, mitigates impacts of and addresses the following items:

*(1) size and location of the Site;*

**No unmitigated impacts.**

The Conditional Use Permit is for construction of a private driveway within a portion of platted, unbuilt Ridge Avenue. The driveway is approximately 100 feet in length and 19 feet in width.

*(2) traffic considerations including capacity of the existing Streets in the Area;*

**No unmitigated impacts.**

Ridge Avenue is a very low volume street with only two existing houses accessing directly onto Ridge. It connects upper Daly Avenue to King Road. The driveway will not affect the capacity of Ridge Avenue.

*(3) utility capacity;*

**No unmitigated impacts.**

The applicant has worked with the City Engineer to provide adequate utility service. Water, gas and electric service will be provided in the right-of way. A final utility plan is a condition of approval.

*(4) emergency vehicle Access;*

**No unmitigated impacts.**

The driveway is accessed from Ridge Avenue from either the west (King Road) or east (Daly Avenue) and adequate emergency access exists.

*(5) location and amount of off-Street parking;*

**No unmitigated impacts.**

The driveway does not require additional parking. The three houses proposed with the plat amendment will be required to provide on-site Code required parking.

*(6) internal vehicular and pedestrian circulation system;*

**No unmitigated impacts.**

The proposed driveway will be 100 feet long and serve three houses with individual driveways serving each house.

*(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;*

**No unmitigated impacts.**

The proposed driveway will be retained by a retaining wall with a maximum height of seven feet total above existing grade. A landscape plan that includes the driveway area and walls was submitted with the Steep Slope CUPs to help screen and mitigate the visual impact of the walls.

*(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;*

**No unmitigated impacts.**

The retaining walls for the proposed driveway will be within the existing right of way by approximately 10 feet. The driveway runs parallel to the edge of the right of way for a length of 100 feet. The Special Exception granted by the Board of Adjustment will reduce the visible mass of the retaining walls by lowering the road elevation another four feet over the 100 foot length.

*(9) usable Open Space;*

**No unmitigated impacts.**

The driveway is 19 feet wide within the 30 foot right of way allowing for open space and snow storage on either side and at the north end.

*(10) signs and lighting;*

**No unmitigated impacts.**

No signs are proposed. A stone column and tube steel guardrail system is proposed. Any lighting must be in compliance with the City's lighting requirements.

*(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;*

**No unmitigated impacts.**

The driveway and retaining wall are smaller than any surrounding building. A landscape plan to mitigate the visual impact was submitted with the Design Review for the three houses.

*(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*

**No unmitigated impacts.**

This criterion does not apply.

*(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*

**No unmitigated impacts.**

Delivery and service vehicles will be able to use the driveway and the three driveways to the proposed houses without blocking Ridge Avenue.

*(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and*

**No unmitigated impacts.**

This criterion does not apply. However, the City will still maintain ownership of the right of way with an Encroachment Permit designating maintenance as the responsibility of the adjoining property owners.

*(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.*

**No unmitigated impacts.**

The site is not within the Sensitive Lands Overlay zone. The retaining walls steps down with the grade and will be screened by vegetation.

*(G) An Encroachment Permit for the driveway is required.*

**Complies.** The City Engineer has the authority to grant the Encroachment Permit and has indicated that he will do so.

*(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.*

**Complies.** Any private utilities and snowmelt devices are subject to the Encroachment Permit.

**Department Review**

This project has gone through an interdepartmental review. Issues that were brought up at that time have been addressed with revised plans or conditions of approval.

### **Notice**

The property was posted and notice was mailed to the one property owner within 300 feet. Legal notice was also put in the Park Record.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may approve the extension to the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the extension to the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the extension to the Conditional Use Permit and provide specific direction to the applicant and staff.

### **Significant Impacts**

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

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

The Conditional Use Permit would expire and the driveway could not be built without going through the CUP process again.

### **Recommendation**

Staff recommends the Planning Commission open a public hearing and discuss the request for a one year extension (to February 13, 2010) to the Conditional Use Permit for the Talisker Club Mountain Restaurant. Staff has provided findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

### **Findings of Fact:**

1. The property is located at 158, 162, and 166 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
7. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.

8. The driveway will be paved in concrete.
9. A snow melt system, if desired, requires an Encroachment Agreement to be approved by the City Engineer.
10. The staff findings in the Analysis section are incorporated herein.
11. On February 13, 2008, the Planning Commission approved the Conditional Use Permit for a driveway in a platted, un-built City right-of-way (Ridge Avenue) with an expiration date of one year from the date of approval to receive a building permit.
12. On February 12, 2009, the City received a request for a one year extension of the approval for the restaurant.

#### Conclusions of Law:

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

#### Conditions of Approval:

1. A final utility plan is required to be approved by the City Engineer prior to plat recordation and implementation of the Conditional Use Permit.
2. An Encroachment Agreement for the private driveway within the platted Ridge Avenue is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
3. A landscape plan to mitigate the visual effects of the retaining walls is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
4. A snow removal plan is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
5. The retaining wall will be veneered with natural stone.
6. The City Engineer will review the transition slopes to the 15% grade.
7. Parking is restricted on the driveway.
8. The maximum height of the retaining wall can not exceed 6.87 feet above existing grade.
9. The Planning Commission will review the guardrail and lighting considerations at final design.
10. The Conditional Use Permit expires on February 13, 2010, unless a building permit has been granted.

#### **Exhibits**

Exhibit A – Proposed site plan and elevations

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# Planning Commission Staff Report



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Platted, un-built City Right-of-Way  
**Author:** Brooks T. Robinson  
**Date:** May 13, 2009  
**Type of Item:** Administrative – Conditional Use Permit  
Extension of Approval

## Summary Recommendations

Staff recommends the Planning Commission open a public hearing and discuss the request for a one year extension of the approval (to February 13, 2010) of a Conditional Use Permit for a driveway in a platted, un-built City right-of-way (Ridge Avenue). Staff has provided findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## Topic

**Applicant:** Silver King Resources, LLC  
**Location:** 255 Ridge Avenue  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Conditional Use Permits, and extensions, require Planning Commission review and approval

## Background

On October 3, 2006, the City received a completed application for Subdivision No. 1 Millsite Reservation plat amendment. The property is located at 255 Ridge Avenue (north of the switchback) in the Historic Residential Low Density (HRL) zoning district. The Planning Commission held numerous public hearings from February to September on the proposed plat. Concern was expressed on the use of platted, unbuilt Ridge Avenue right of way for a private driveway and the height of retaining walls that would be built for this driveway. At the April 25, 2007, meeting the Planning Commission directed the applicant to submit a Conditional Use Permit for construction of a driveway within unbuilt City ROW to address the standards of Land Management Code Section 15-3-5. The City received a completed application for the Conditional Use Permit for construction of a private driveway within a platted, un-built City street, on May 14, 2007. The application was heard on July 11 and July 25, 2007, and continued to a date uncertain.

Although the Planning Commission forwarded a negative recommendation on the plat, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval, approved the plat on October 25, 2007. The City Council included Condition of Approval #16 which states:

1. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 14% (matching the private driveway standard) would reduce the height of the associated retaining wall another 4 feet over the 100 foot length.

On January 23, 2008, the Planning Commission opened the public hearing and requested larger copies of the exhibits. Due to publication and distribution problems, most of the Commission did not have adequate time to review the staff reports in detail for the 23<sup>rd</sup>'s meeting so the Commission continued the item to February 13.

On February 13, 2008, the Planning Commission approved the Conditional Use Permit for construction within a platted, unbuilt right of way (Ridge Ave) with an expiration date of one year from the date of approval. On February 12, 2009, the City received a request for a one year extension of the approval for the driveway. No building permit has been received and no construction has taken place.

### **Analysis**

The following analysis was included with the original approval. No change in the LMC or circumstances requiring mitigation has occurred, pursuant to LMC 15-1-10(G) which states in part:

"Unless otherwise indicated, Conditional Use permits expire one year from the date of Planning Commission approval, unless the Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact."

The Land Management Code (15-3-5) sets the following standards of review for the construction of private driveways within platted, unbuilt City streets.

*(A) The driveway shall not exceed ten percent (10%) Slope.*

**Complies.** A Special Exception was granted by the Board of Adjustment to increase the slope to a maximum of 14%.

*(B) Adequate snow storage area along the downhill side and/or end of the driveway shall be provided.*

**Complies.** The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is

unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended). There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.

*(C) The driveway must be paved with asphalt or concrete.*

**Complies.** The driveway will be concrete.

*(D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.*

**Complies.** There is no formal parking along Ridge Avenue in this location. However, as Ridge Avenue makes the switchback, the City has used the wide area for snow storage and informal parking may occur. The driveway does not pre-empt any existing improved public parking.

*(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.*

**Complies.** There are no stairs currently or proposed in this location. Further north, platted Ridge Avenue has been vacated. No present or future utilities will be affected by the driveway.

*(F) The driveway construction requires a Conditional Use Permit, Section 15-1-10.*

**Complies.** This application is for the Conditional Use Permit. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use, as conditioned, mitigates impacts of and addresses the following items:

*(1) size and location of the Site;*

**No unmitigated impacts.**

The Conditional Use Permit is for construction of a private driveway within a portion of platted, unbuilt Ridge Avenue. The driveway is approximately 100 feet in length and 19 feet in width.

*(2) traffic considerations including capacity of the existing Streets in the Area;*

**No unmitigated impacts.**

Ridge Avenue is a very low volume street with only two existing houses accessing directly onto Ridge. It connects upper Daly Avenue to King Road. The driveway will not affect the capacity of Ridge Avenue.

*(3) utility capacity;*

**No unmitigated impacts.**

The applicant has worked with the City Engineer to provide adequate utility service. Water, gas and electric service will be provided in the right-of way. A final utility plan is a condition of approval.

*(4) emergency vehicle Access;*

**No unmitigated impacts.**

The driveway is accessed from Ridge Avenue from either the west (King Road) or east (Daly Avenue) and adequate emergency access exists.

*(5) location and amount of off-Street parking;*

**No unmitigated impacts.**

The driveway does not require additional parking. The three houses proposed with the plat amendment will be required to provide on-site Code required parking.

*(6) internal vehicular and pedestrian circulation system;*

**No unmitigated impacts.**

The proposed driveway will be 100 feet long and serve three houses with individual driveways serving each house.

*(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;*

**No unmitigated impacts.**

The proposed driveway will be retained by a retaining wall with a maximum height of seven feet total above existing grade. A landscape plan that includes the driveway area and walls was submitted with the Steep Slope CUPs to help screen and mitigate the visual impact of the walls.

*(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;*

**No unmitigated impacts.**

The retaining walls for the proposed driveway will be within the existing right of way by approximately 10 feet. The driveway runs parallel to the edge of the right of way for a length of 100 feet. The Special Exception granted by the Board of Adjustment will reduce the visible mass of the retaining walls by lowering the road elevation another four feet over the 100 foot length.

*(9) usable Open Space;*

**No unmitigated impacts.**

The driveway is 19 feet wide within the 30 foot right of way allowing for open space and snow storage on either side and at the north end.

*(10) signs and lighting;*

**No unmitigated impacts.**

No signs are proposed. A stone column and tube steel guardrail system is proposed. Any lighting must be in compliance with the City's lighting requirements.

*(11) physical design and Compatibility with surrounding Structures in mass,*

*scale, style, design, and architectural detailing;*

**No unmitigated impacts.**

The driveway and retaining wall are smaller than any surrounding building. A landscape plan to mitigate the visual impact was submitted with the Design Review for the three houses.

*(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*

**No unmitigated impacts.**

This criterion does not apply.

*(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*

**No unmitigated impacts.**

Delivery and service vehicles will be able to use the driveway and the three driveways to the proposed houses without blocking Ridge Avenue.

*(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and*

**No unmitigated impacts.**

This criterion does not apply. However, the City will still maintain ownership of the right of way with an Encroachment Permit designating maintenance as the responsibility of the adjoining property owners.

*(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.*

**No unmitigated impacts.**

The site is not within the Sensitive Lands Overlay zone. The retaining walls steps down with the grade and will be screened by vegetation.

*(G) An Encroachment Permit for the driveway is required.*

**Complies.** The City Engineer has the authority to grant the Encroachment Permit and has indicated that he will do so.

*(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.*

**Complies.** Any private utilities and snowmelt devices are subject to the Encroachment Permit.

**Department Review**

This project has gone through an interdepartmental review. Issues that were brought up at that time have been addressed with revised plans or conditions of approval.

### **Notice**

The property was posted and notice was mailed to the one property owner within 300 feet. Legal notice was also put in the Park Record.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may approve the extension to the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the extension to the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the extension to the Conditional Use Permit and provide specific direction to the applicant and staff.

### **Significant Impacts**

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

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

The Conditional Use Permit would expire and the driveway could not be built without going through the CUP process again.

### **Recommendation**

Staff recommends the Planning Commission open a public hearing and discuss the request for a one year extension (to February 13, 2010) to the Conditional Use Permit for the Talisker Club Mountain Restaurant. Staff has provided findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

### **Findings of Fact:**

1. The property is located at 158, 162, and 166 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
7. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.

8. The driveway will be paved in concrete.
9. A snow melt system, if desired, requires an Encroachment Agreement to be approved by the City Engineer.
10. The staff findings in the Analysis section are incorporated herein.
11. On February 13, 2008, the Planning Commission approved the Conditional Use Permit for a driveway in a platted, un-built City right-of-way (Ridge Avenue) with an expiration date of one year from the date of approval to receive a building permit.
12. On February 12, 2009, the City received a request for a one year extension of the approval for the restaurant.

**Conclusions of Law:**

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

**Conditions of Approval:**

1. A final utility plan is required to be approved by the City Engineer prior to plat recordation and implementation of the Conditional Use Permit.
2. An Encroachment Agreement for the private driveway within the platted Ridge Avenue is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
3. A landscape plan to mitigate the visual effects of the retaining walls is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
4. A snow removal plan is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
5. The Conditional Use Permit expires on February 13, 2010, unless a building permit has been granted.

**Exhibits**

Exhibit A – Proposed site plan and elevations

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Feb 14, 2008

Mr. Dwayne Seiter  
Via email: dwayneseiter@yahoo.com

NOTICE OF PLANNING COMMISSION ACTION

|                            |                                     |
|----------------------------|-------------------------------------|
| <u>Project Name</u>        | King Ridge Estates                  |
| <u>Project Description</u> | Approval for Conditional Use Permit |
| <u>Date of Meeting</u>     | Feb 13, 2008                        |

Action Taken By Planning Commission: The Planning Commission APPROVED the proposed Conditional Use Permit based on the following:

Findings of Fact:

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
7. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.
8. The driveway will be paved in concrete or asphalt.
9. A snow melt system, if desired, requires an Encroachment Agreement to be approved by the City Engineer.

10. The staff findings in the Analysis section of the Feb 13, 2008, staff report are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. A final utility plan is required to be approved by the City Engineer prior to plat recordation and implementation of the Conditional Use Permit.
2. An Encroachment Agreement for the private driveway within the platted Ridge Avenue is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
3. A landscape plan to mitigate the visual effects of the retaining walls is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
4. A snow removal plan is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.

Sincerely,

Brooks T. Robinson  
Principal Planner

# Planning Commission Staff Report



**Subject:** Subdivision No. 1 Millsite  
Reservation- Construction in  
Platted, un-built City Right-of-Way

**Author:** Brooks T. Robinson

**Date:** February 13, 2008

**Type of Item:** Administrative – Conditional Use Permit

## Summary Recommendations

Staff recommends the Planning Commission re-open a public hearing, review the proposed CUP, and consider approving the CUP for a driveway in a platted, un-built City right-of-way (Ridge Avenue), according to the attached findings of fact, conclusions of law, and conditions of approval.

## Topic

**Applicant:** Silver King Resources, LLC

**Location:** 255 Ridge Avenue

**Zoning:** Historic Residential Low Density (HRL)

**Adjacent Land Uses:** Residential

**Reason for Review:** Conditional Use Permits require Planning Commission review and approval

## Background

On October 3, 2006, the City received a completed application for Subdivision No. 1 Millsite Reservation plat amendment. The property is located at 255 Ridge Avenue (north of the switchback) in the Historic Residential Low Density (HRL) zoning district. The Planning Commission held numerous public hearings from February to September on the proposed plat. Concern was expressed on the use of platted, un-built Ridge Avenue right of way for a private driveway and the height of retaining walls that would be built for this driveway. At the April 25, 2007, meeting the Planning Commission directed the applicant to submit a Conditional Use Permit for construction of a driveway within un-built City ROW to address the standards of Land Management Code Section 15-3-5. The City received a completed application for the Conditional Use Permit for construction of a private driveway within a platted, un-built City street, on May 14, 2007. The application was heard on July 11 and July 25, 2007, and continued to a date uncertain.

Although the Planning Commission forwarded a negative recommendation on the plat, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval, approved the plat on October 25, 2007. The City Council included Condition of Approval #16 which states:

1. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 14% (matching the private driveway standard) would reduce the eight foot height of the associated retaining walls another 4 feet over the 100 foot length.

On January 23, 2008, the Planning Commission opened the public hearing and requested larger copies of the exhibits. Due to publication and distribution problems, most of the Commission did not have adequate time to review the staff reports in detail for the 23<sup>rd</sup>'s meeting so the Commission continued the item to February 13. A separate packet of photos and details of the retaining walls is attached.

### **Analysis**

The Land Management Code (15-3-5) sets the following standards of review for the construction of private driveways within platted, unbuilt City streets.

*(A) The driveway shall not exceed ten percent (10%) Slope.*

**Complies.** A Special Exception was granted by the Board of Adjustment to increase the slope to a maximum of 14%.

*(B) Adequate snow storage area along the downhill side and/or end of the driveway shall be provided.*

**Complies.** The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended). There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.

*(C) The driveway must be paved with asphalt or concrete.*

**Complies.** The driveway will be asphalt.

*(D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.*

**Complies.** There is no formal parking along Ridge Avenue in this location. However, as Ridge Avenue makes the switchback, the City has used the wide area for snow storage and informal parking may occur. The driveway does not pre-empt any existing improved

public parking.

*(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.*

**Complies.** There are no stairs currently or proposed in this location. Further north, platted Ridge Avenue has been vacated. No present or future utilities will be affected by the driveway.

*(F) The driveway construction requires a Conditional Use Permit, Section 15-1-10.*

**Complies.** This application is for the Conditional Use Permit. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use, as conditioned, mitigates impacts of and addresses the following items:

*(1) size and location of the Site;*

**No unmitigated impacts.**

The Conditional Use Permit is for construction of a private driveway within a portion of platted, unbuilt Ridge Avenue. The driveway is approximately 100 feet in length and 19 feet in width.

*(2) traffic considerations including capacity of the existing Streets in the Area;*

**No unmitigated impacts.**

Ridge Avenue is a very low volume street with only two existing houses accessing directly onto Ridge. It connects upper Daly Avenue to King Road. The driveway will not affect the capacity of Ridge Avenue.

*(3) utility capacity;*

**No unmitigated impacts.**

The applicant has worked with the City Engineer to provide adequate utility service. Water, gas and electric service will be provided in the right-of way. A final utility plan is a condition of approval.

*(4) emergency vehicle Access;*

**No unmitigated impacts.**

The driveway is accessed from Ridge Avenue from either the west (King Road) or east (Daly Avenue) and adequate emergency access exists.

*(5) location and amount of off-Street parking;*

**No unmitigated impacts.**

The driveway does not require additional parking. The three houses proposed with the plat amendment will be required to provide on-site Code required parking.

*(6) internal vehicular and pedestrian circulation system;*

**No unmitigated impacts.**

The proposed driveway will be 100 feet long and serve three houses with

individual driveways serving each house.

*(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;*

**No unmitigated impacts.**

The proposed driveway will be retained by a retaining wall with a maximum height of four feet total above existing grade. A landscape plan that includes the driveway area and walls will be required with the Steep Slope CUPs to help screen and mitigate the visual impact of the walls.

*(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;*

**No unmitigated impacts.**

The retaining walls for the proposed driveway will be within the existing right of way by 5 feet or more. The driveway runs parallel to the edge of the right of way for a length of 100 feet. The Special Exception granted by the Board of Adjustment will reduce the visible mass of the retaining walls by lowering the road elevation another four feet over the 100 foot length.

*(9) usable Open Space;*

**No unmitigated impacts.**

The driveway is 19 feet wide within the 30 foot right of way allowing for open space and snow storage on either side and at the north end.

*(10) signs and lighting;*

**No unmitigated impacts.**

No signs are proposed. A stone column and wood guardrail system is proposed. The applicant is proposing to install louvered, down-directed lights in the columns to help identify the road edge. This type of light would be in compliance with the City's lighting requirements.

*(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;*

**No unmitigated impacts.**

The driveway and retaining wall are smaller than any surrounding building. The wall will require a landscape plan to mitigate the visual impact.

*(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*

**No unmitigated impacts.**

This criterion does not apply.

*(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*

**No unmitigated impacts.**

Delivery and service vehicles will be able to use the driveway and the three

driveways to the proposed houses without blocking Ridge Avenue.

*(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and*

**No unmitigated impacts.**

This criterion does not apply. However, the City will still maintain ownership of the right of way with an Encroachment Permit designating maintenance as the responsibility of the adjoining property owners.

*(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.*

**No unmitigated impacts.**

The site is not within the Sensitive Lands Overlay zone. The retaining walls steps down with the grade and will be screened by vegetation.

*(G) An Encroachment Permit for the driveway is required.*

**Complies.** The City Engineer has the authority to grant the Encroachment Permit.

*(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.*

**Complies.** Any private utilities and snowmelt devices are subject to the Encroachment Permit.

**Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time. A final utility plan will be required to be reviewed with the plat amendment and which shall have been approved by the City Engineer prior to plat recordation. An Encroachment Agreement with the City Engineer is required.

**Notice**

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

**Public Input**

No public input on the driveway has been received related to this CUP.

**Alternatives**

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or

- The Planning Commission may continue the discussion on the Conditional Use Permit.

### **Significant Impacts**

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

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

Access to the proposed lots would need to be on the lots themselves.

### **Recommendation**

Staff recommends the Planning Commission re-open the public hearing and discuss the Conditional Use Permit for a driveway in a platted, unbuilt City right-of-way (Ridge Avenue). Staff has provided the following findings of fact, conclusions of law and conditions of approval for the Commission's consideration.

### **Findings of Fact:**

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.
6. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
7. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.
8. The driveway will be paved in concrete or asphalt.
9. A snow melt system, if desired, requires an Encroachment Agreement to be approved by the City Engineer.
10. The staff findings in the Analysis section are incorporated herein.

### **Conclusions of Law:**

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

**Conditions of Approval:**

1. A final utility plan is required to be approved by the City Engineer prior to plat recordation and implementation of the Conditional Use Permit.
2. An Encroachment Agreement for the private driveway within the platted Ridge Avenue is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
3. A landscape plan to mitigate the visual effects of the retaining walls is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
4. A snow removal plan is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.

**Exhibits**

Exhibit A – 11 x 17 color copies of details are separately distributed to Commissioners

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respond to emergencies within the subdivision, in a manner acceptable to the Chief Building Official.

8. A fire protection plan shall be provided with any building permit applications and a modified 13-D fire sprinkler system shall be required. A note to this effect shall be added to the plat prior to recordation.
9. Access to Lots 17 and 18 shall not be allowed from Royal Street, unless all conflicts can be mitigated to the satisfaction of the City Engineer.
3. **255 Ridge Avenue - King Ridge Estates**

Planner Robinson reported that this item was a continued discussion of a conditional use permit for construction in a platted, unbuilt City right-of-way. On January 23<sup>rd</sup> the Staff report was prepared; however, due to distribution and publications problems this item was briefly discussed and continued. At that time the Planning Commission requested larger detailed drawings.

Planner Robinson noted that the CUP is for a private driveway on Ridge Avenue in the Ridge Avenue right-of-way, which has been vacated to the north of this project. Therefore, the road could not continue through as a City street.

When looking at the plat amendment to combine a number of lots into three lots of record, the primary concern was the retaining wall proposed on the west side. The proposal has been modified a number of times, including going to the City Council with a suggestion to reduce the height of the wall by increasing the slope of the road going back into existing Ridge to the yellow house at 147 Ridge Avenue. The applicant has suggested dropping that road to a 14% grade through the private driveway area. Planner Robinson noted that this would drop the retaining walls from approximately 11-12 feet down to 7 feet. The proposed height has now been reduced to 4 feet because the applicant and engineers worked through different design proposals.

Planner Robinson presented a slide showing the retaining wall at its maximum height of 6.87 feet. He noted that the north end of the wall does not have to be boulders stacked at the end rather than an actual wall. Planner Robinson stated that there is adequate access for snow storage to the west side and to the north end. The Staff and applicant would like input from the Planning Commission regarding their preference for the type of wall material. The Staff recommended approval of this conditional use permit following a public hearing and direction from the Planning Commission.

Sean Marquardt distributed pictures to the Planning Commission showing that the most visible point of the wall would be between 85 King and 87 King. He noted that Gus Sherry, the project engineer, has recommended a ready rock wall. There are multiple color choices including sandstone colors. Mr. Marquardt also proposed a concrete wall with a sandstone rock veneer, which is a more expensive option than ready rock. Mr. Marquardt outlined the advantages of each option.

Commissioner Wintzer asked about the next step in the process if the Planning Commission approved this CUP. Planner Robinson stated that the Planning Commission could see this again. The conditions require a landscape plan and a steep slope conditional use permit. The Historic District Design review will be done by Staff. He noted that the Planning Commission has always been careful in their steep slope review and include comments that relate to the design elements.

Commissioner Peek asked if a Building Code guard rail is required for a four foot high wall. If not, he assumed a fence would be required. Planner Robinson replied that the Building Department would probably require some element based on the height. Commissioner Peek thought it would be helpful to hear Ron Ivie's opinion before moving too far forward with the design. Planner Robinson offered to include a guard rail discussion with the Chief Building Official and City Engineer during the steep slope CUP.

Commissioner Russack asked if the wall material would be determined at that same time. Planner Robinson stated that it would be an appropriate time to have that discussion. Commissioner Russack was comfortable agreeing with the specifics in that there is a guardrail and the retaining will be of some material strong enough to hold the height. He felt the design elements would be better served if they were addressed as a whole. Planner Robinson suggested adding a condition of approval stating that final design details will be required to be submitted with the steep slope conditional use permit.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Commissioner Thomas understood that the applicant was granted an exception to the maximum slope from the Board of Adjustment. He wanted to know if that takes into consideration the transition slope at the top of the driveway. Mr. Marquardt answered no. He explained that the transition slope Commissioner Thomas referred was more of an embankment and then goes down hill. He believed the slope further above that is over the 10% in current Ridge and then it goes down to a 7% and then back to a 14% slope.

Commissioner Thomas stated his strong preference for natural stone veneers. In looking at the images provided by the applicant of walls around town, every wall is a stone veneer wall. He believes stone veneer fits into the fabric of the Historic District and suggested that it be stipulated in the conditions. Commissioner Thomas referred to the profiles and noted that he could see a maximum height based on the distance above grade. Commissioner Thomas felt the applicant worked hard and held on through the process and he was ready to move forward.

Commissioner Pettit referred to the analysis and the criteria for Number B, adequate snow storage, and asked for additional information as to how the Staff came to the conclusion that it is adequate based on the dimensions of the driveway and the 22 foot area at the toe of the driveway. She

understood that consideration was for using a heated driveway, but she was not comfortable making that finding without having more information on how they came to that conclusions.

Planner Robinson stated typically they look at being able to push the snow off to the side without cascading into someone else's property. He used a slide showing the driveways to the individual houses to demonstrate that there is quite a bit of separation between those driveways, as well as on the west side and past the wall and down towards the property lines of the houses on King Road. Planner Robinson felt the separation was more than what is typically seen in Old Town. In looking at the length and width of the driveway in platted Ridge and the amount of area around it to push snow, the Staff found that to be adequate.

Commissioner Pettit noted that the guard rails are proposed to be to the west and she wondered how they could push snow off the driveway. Planner Robinson replied that it would depend on the type of guardrail and what it looks like. Commissioner Pettit thought that pushing snow to the best would impact people on King Road in terms of it coming over and down into their property. Planner Robinson stated that the current design has 14 feet from the edge of the curb to the edge of the right-of-way and then the properties to the west. He noted that typically when you remove snow from a driveway some is pushed to the side but most of it gets pushed to the end, where they have greater area to store snow.

Commissioner Pettit recalled from prior discussions that a snow easement would be granted to the City for purposes of this general area. She asked if this was still the case. Mr. Marquardt replied that there are snow storage easements in that area and along the curb down to the Ridge Overlook. He noted that the developer for Ridge Overlook dedicate a lot of property to accommodate snow storage. Mr. Marquardt stated that snow storage easements have been allocated and as part of the encroachment agreement they are required to take care of their own snow storage removal on this extension of Ridge.

Commissioner Pettit asked if a heated driveway was still being contemplated. Mr. Marquardt replied that they are looking at a heated driveways. They are also looking at contacting property management companies and landscapers to have someone on retainer to shovel walks, even if the snow melt system is working. Mr. Marquardt believed the snow pack this year has opened everyone's eyes.

Commissioner Pettit referred to Criteria F, subparagraph 4, regarding emergency vehicle access. The language implies that by virtue of the fact that you can access the driveway up Ridge, that somehow satisfies the adequate emergency access. She commented on a number of days this winter where Ridge would not have been accessible to an emergency vehicle based on the way the snow fell and how it was plowed. Commissioner Pettit did not feel comfortable that there would be emergency access at all times.

Planner Robinson stated that the criteria does not speak to an unusual condition based on snow, but rather vehicular access for either a heart attack, fire, ambulance service, etc., to make sure emergency vehicles can get through public roads to reach the site.

Commissioner Pettit asked about the current parking regulations for Ridge Avenue. No one thought the parking was regulated and no signs are posted.

Commissioner Pettit recalled a previous discussion about restricting parking in the driveway; however, she did not see that addressed in a condition of approval. She wanted to make sure the driveway remains open for people to get in and out. Mr. Marquardt felt this was reasonable.

Commissioner Wintzer asked for the height of the wall at its highest point. Mr. Marquardt replied that the highest point is 6.87 feet on the very northwest corner. Commissioner Wintzer requested a condition of approval that references the height of the wall. Commissioner Wintzer noted that he had not seen a design of a storm drain. Mr. Marquardt identified the inlet for a storm drain on one of the drawings. The storm drain is culverted down to Daly Avenue. Commissioner Wintzer wanted a condition of approval that allows the Planning Commission to approve the design of the wall and the guardrail during the steep slope CUP. He agreed with Commissioner Thomas regarding the wall. He is not fond of stacked concrete blocks and he preferred to see a more traditional stone stacking.

MOTION: Commissioner Thomas moved to APPROVE the conditional use permit for a platted driveway on the unbuilt City right-of-way at Ridge Avenue for 255 Ridge Avenue, with the additional conditions of approval as follows:

- Condition #5 - That the retaining wall be veneered with natural stone.
- Condition #6 - That the City Engineer review the transition slopes to the 14% grade.
- Condition #7 - That parking is restricted on the driveway.
- Condition #8 - That the maximum height of the retaining wall not exceed 6.87 feet.
- Condition #9 - That the Planning Commission review the guardrail and lighting considerations at final design.

Commissioner Murphy seconded the motion.

VOTE: The motion passed 5-1. Commissioner Pettit voted against the motion.

Findings of Fact 255 Ridge Avenue

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential low density (HRL).
3. The approved plat combines lots 35-40 and 66-71 portions of Lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A Special Exception was granted by the Board of Adjustment to permit a driveway slope up to 14%.

6. The driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. With a 14% road slope, a structural retaining wall at the north end is unnecessary. Grade is met with a sloped boulder wall less than four feet in height. The boulder wall at the north end leaves 22 feet from the edge of asphalt to the north end of the property (extended).
7. There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the north end of the driveway.
8. The driveway will be paved in concrete or asphalt.
9. A snow melt system, if desired, requires an Encroachment Agreement to be approved by the City Engineer.
10. The Staff findings in the Analysis section are incorporated herein.

Conclusions of Law - 255 Ridge Avenue

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

Conditions of Approval - 255 Ridge Avenue

1. A final utility plan is required to be approved by the City Engineer prior to plat recordation and implementation of the Conditional Use Permit.
2. An Encroachment Agreement for the private driveway within the platted Ridge Avenue is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
3. A landscape plan to mitigate the visual effects of the retaining walls is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.
4. A snow removal plan is required to be submitted with a Steep Slope Conditional Use Permit or Historic District Design Review, whichever is first.

5. That the retaining wall be veneered with natural stone.
6. That the City Engineer review the transition slopes to the 14% grade.
7. That parking is restricted on the driveway.
8. That the maximum height of the retaining wall not exceed 6.87 feet.
9. That the Planning Commission review the guardrail and lighting considerations at final design.
4. Affordable Employee Housing - Amendment to technical report for Empire Pass

Due to a conflict of interest, Commissioner Thomas recused himself from this item.

Planner Robinson reviewed the amendment request to the employee/affordable housing technical report. This report was originally adopted in December 2001 as one of the fourteen technical reports required with the master planned development of the Flagstaff annexation.

Planner Robinson stated that as they moved through the construction of what is now known as Empire Pass, the number of market units has exceeded the number of affordable housing units that were required to be constructed and fees paid. Planner Robinson reported that currently 96 unit equivalents have certificates of occupancy and another 102.3 in four projects which are Arrow Leaf A, Arrow Leaf B, Grand Lodge and the West Side Larkspur units. These units are occupiable but the landscape and grading has not been finalized because of the lateness of the installation due to weather. Once they hit 150, the Staff believes that before the next density increment is permitted, they would not allow further building permits of any kind.

Planner Robinson stated that the applicant Talisker/Park City Mines Company had requested an amendment initially to meet that commitment with units constructed, units under construction or units subject to a formal and complete application. The Staff disagreed, particularly with the last one, because no one knows what will finally get approved when an application is submitted. The Staff was not comfortable tying the density increment to an unknown.

Planner Robinson stated that in further discussions with the applicant, they talked about some type of financial guarantee. The Staff and applicant had worked out 11 point terms for an amendment to the technical report, which essentially requires a financial guarantee to be posted in the amount of \$2,160,000, which equates to \$140,000 per affordable unit equivalent.

Planner Robinson remarked that following the public hearing, they should consider amending the condition of approval by adding, "to include the following 11 items." Those items would be included into the filed conditions of approval.

Chair O'Hara wanted to know what would happen if the applicant would post a financial guarantee of \$2,160,000 and then decide it is easier to walk away from the guarantee and walk away from the

# Planning Commission Staff Report



**Subject:** 166 Ridge Avenue  
**Project #:** PL-14-02268  
**Authors:** Ryan Wassum, Planner & Christy Alexander, AICP, Planner II  
**Date:** July 23, 2014  
**Type of Item:** Administrative – Steep Slope Conditional Use Permit

## **Summary Recommendations**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit for 166 Ridge Avenue, Lot 1, open a public hearing, and consider approving the CUP application as well as approving the garage height exception in accordance with the findings of fact, conclusions of law, and conditions of approval.

*Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

## **Description**

**Owner/ Applicant:** Thaynes Capital Park City LLC – Damon Navarro  
**Architect:** Jonathan DeGray  
**Location:** 166 Ridge Avenue  
**Zoning:** Historic Residential (HRL)  
**Adjacent Land Uses:** Vacant lots and residential  
**Reason for Review:** Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

## **Proposal**

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single family home with a proposed square footage of 2,823 square feet (sf) on a vacant 5,899 sf lot located at 166 Ridge Avenue. The total floor area exceeds 1,000 sf and the construction is proposed on a slope of 30% or greater.

## **Background**

On February 28, 2014, the City received an application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 166 Ridge Avenue. The application was deemed complete on May 30, 2014. The property is located in the Historic Residential (HR-L) District.

### *Plat Amendment*

On October 3, 2006, the City received a completed application for Subdivision No. 1 Millsite Reservation plat amendment. The Planning Commission held numerous public hearings from February to September 2007 on the proposed plat. Concern was expressed regarding the use of platted, un-built Ridge Avenue right of way for a private driveway and the height of retaining walls that would be built for this driveway.

On September 12, 2007, the Planning Commission forwarded a negative recommendation on the plat amendment, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval approved the plat on October 25, 2007. The plat (Exhibit A) was recorded on 6/13/08, Ordinance No. 07-74 (Exhibit B). The City Council included Condition of Approval #16 which states:

16. Applicant will seek a Variance or Special Exception for driveway grade in a platted un-built City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

### *Special Exception*

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 14% (matching the private driveway standard) would reduce the height of the associated retaining wall another 4 feet over the 100 foot length. (Exhibit C) The final materials and design of the roadway and/or needed retaining walls must be brought back to the Planning Department and City Engineer for final review prior to sign-off by the City.

### *Conditional Use Permit (driveway to be put into a platted un-built City right-of-way)*

At the April 25, 2007, meeting the Planning Commission directed the applicant to submit a Conditional Use Permit for construction of a driveway within un-built City ROW to address the standards of Land Management Code Section 15-3-5. The City received a completed application for the Conditional Use Permit for construction of a private driveway within a platted, un-built City street, on May 14, 2007. The application was heard on July 11 and July 25, 2007, and continued to a date uncertain.

On February 13, 2008, the Planning Commission approved the Conditional Use Permit for construction within a platted, un-built right of way (Ridge Ave) with an expiration date of one year from the date of approval. On February 12, 2009, the City received a request for a one year extension of the approval for the driveway which was approved.

### *Steep Slope Conditional Use Permit*

On June 11, 2008, the Planning Commission opened a public hearing for a Steep Slope

Conditional Use Permit at 158, 162, and 166 Ridge Avenue to construct single-family homes on a slope greater than 30%. The Planning Commission denied the proposed Conditional Use Permit because it did not mitigate several of the criteria as outlined in Land Management Code 15-2.1-6(B).

The applicant appealed the Planning Commission’s decision, and on September 18, 2008, the City Council overturned the Planning Commission and approved the Steep Slope Conditional Use Permit (CUP) based on modifying the findings to mitigate the criteria for a Steep Slope CUP.

No building permit was received and no construction occurred as required by the conditions of approval of the CUPs and the Conditional Use Permit for the Steep Slope and Conditional Use Permit for construction within a platted, un-built right of way both have expired. For this reason, the applicant is requesting the CUPs once again as his intentions are to build on Lot 1 as soon as possible. The CUP Driveway Access application that is being reviewed concurrently with this application is for Lots 1, 2, and 3 (158, 162, and 166 Ridge Avenue).

Summary of Prior Applications regarding this property:

| Applications                              | Decision  | Additional Information  |
|---|---|---|
| Plat Amendment                            | Planning Commission: Negative Recommendation (9/12/07)<br><br>City Council: Approved (10/25/07) |   |
| Special Exception (driveway slope of 14%) | Board of Adjustment: Approved (12/18/07)  | 10% is the permitted maximum without a variance or special exception.   |
| CUP (Driveway)                            | Planning Commission: Approved (2/13/08)   | One year extension was granted in 2009; permit has expired and a new application will be reviewed by Planning Commission. |
| Steep Slope CUP                           | Planning Commission: Denied (6/11/08)<br><br>City Council: Approved (9/18/08)                   | Appealed by applicant to City Council and overturned; permit is currently expired.  |

Because the total proposed structure is greater than 1,000 sf, and construction is proposed on an area of the lot that has a thirty percent (30%) or greater slope, the applicant is required to file a Conditional Use Permit (CUP) application. The CUP is required to be reviewed by the Planning Commission, pursuant to LMC § 15-2.3-7, prior to issuance of a building permit.

The lot is a vacant, platted lot with existing grasses and little other vegetation. The lot is located between a vacant lot and the curve of Ridge Avenue, with access off of an unconstructed public right-of-way (Ridge Avenue) that is under concurrent CUP review by the Planning Commission to construct the ROW and provide access to Lots 1, 2, & 3. There are no existing structures or foundations on the lot.

A Historic District Design Review (HDDR) application was reviewed concurrently with this application and found to be in compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. Staff reviewed the final design, included as Exhibit A.

**Purpose**

The purpose of the Historic Residential (HR-2, Subzone A) District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

**Analysis**

According to the Plat, the maximum floor area for the entire structure cannot exceed 3,030 square feet; the proposed house contains a total of 2,881 sf of floor area. The proposed building footprint is 1,624 sf and the 5,899 sf lot size allows a building footprint of 2,117.3 sf per the LMC building footprint calculator and as required on the Plat. The house complies with all setbacks, building footprint, and building height requirements of the HRL zone as well as all Plat Notes. Staff reviewed the plans and made the following LMC related findings:

| Requirement         | LMC Requirement and Plat Requirement  | Proposed  |
|---------------------|---|---|
| Lot Size            | LMC: Minimum of 3,750 sf  | 5,899 sf, <u>complies.</u>                              |
| Building Footprint  | LMC: 2,117.3 square feet (based on lot area) <u>maximum</u><br>Plat: <u>2,117 square feet</u> | 1,624 square feet, <u>complies.</u>                     |
| Maximum Floor Area  | LMC: N/A<br>Plat: 3,030 sf  | 2,881 square feet, <u>complies.</u>                     |
| Front and Rear Yard | LMC: 15 feet minimum (30 feet total)<br>Plat: 15 feet   | 15 feet (front) to entry and 27 feet (front) to garage, |

|                       |  |  |
|-----------------------|--|--|
|                       |  | <u>complies.</u><br>30 feet (rear), <u>complies.</u>   |
| Side Yard             | LMC: 5 feet minimum<br>Plat: 5 feet  | 5' on each side, <u>complies.</u>  |
| Height                | LMC: 27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval.<br>Plat: cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). Height exception for the garage may be granted if it meets the preceding criteria. | 25-27 feet, <u>complies.</u><br>34.5 feet for the single car garage area (approved by Planning Director), <u>complies.</u><br><br>Does not exceed 18 feet in height above the garage floor, <u>complies.</u> |
| Height (continued)    | LMC: A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.<br>Plat: N/A   | 32 feet, <u>complies.</u>  |
| Final grade           | LMC: Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.<br>Plat: N/A   | Maximum difference is 48" (4 feet) with most of the difference much less than 48", <u>complies.</u>  |
| Vertical articulation | LMC: A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.<br>Plat: N/A                               | Horizontal step occurs at 22 feet, <u>complies.</u>  |
| Roof Pitch            | LMC: Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.<br>Plat: N/A  | The main roofs have 8:12 pitches with secondary roof pitches at 4:12, <u>complies.</u>   |
| Parking               | LMC: Two (2) off-street parking spaces required.<br>Plat: driveways into the garages cannot exceed the minimum slope necessary for drainage away from  | One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with  |

|  |              |   |
|--|--------------|---|
|  | the garages. | required dimensions, <u>complies</u> .<br><br>Driveway slopes and drainage away from garage has been addressed, <u>complies</u> . |
|--|--------------|---|

LMC § 15-2.1-7(B) requires a Conditional Use permit for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sf) of floor area, including the garage, and stipulates that the Conditional Use permit can be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.

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

The proposed single family house is located in an existing platted residential subdivision, and can be characterized as Old Town infill development in a residentially zoned district. The development does not contain or abut any dedicated open space, forest, conservation easement, water body, wetland, floodplain, recreation area, or commercial establishment. The foundation is stepped with the grade and the amount of excavation is reduced. The single car garage will provide elevation proportions more in keeping with existing homes on that side of the street. The proposed footprint is less than that allowed for the lot area, setbacks are complied with, and overall height is less than allowable.

Criteria 2: Visual Analysis.

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

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation.

(a) A 3D visual analysis is included with the application. The analysis includes the proposed dwelling on lot 1, as well as conceptual dwellings on lots 2 and 3 for added context. The visual analysis shows that the proposed infill development will blend with the already developed lots that exist in the area. See (6) below for more detail.

(b) As the proposed home is in keeping with the neighborhood, screening will not be necessary. That said, existing vegetation will be preserved throughout the platted 30-foot-deep No-Disturb Area stretching across 86% of the rear boundary of the subdivision. Vegetation here is well developed, providing an appreciable natural buffer.

Temporary and permanent erosion mitigation and slope stabilization will be accomplished through best management practices as follows:

*Temporary measures:* fabric fence sediment barriers at down gradient limits of disturbance; strategically located soil and materials stockpiles; limit work area to that which can be temporarily stabilized / controlled at the end of each work day; utilize terracing during excavation to limit stockpile height / slope length; erosion control blankets over disturbed areas where slopes are steeper than 3H:1V. East side of access at lots 2 and 3 - grade break will be supported with a temporary soil slope at 1.5H:1V, and stabilized with seed and erosion control blanket. This slope will remain in place until work begins on lots 2 and or 3;

*Permanent measures:* West side of access - grade break will be permanently stabilized via construction of a concrete retaining wall having an exposed-face height of 2 to 7 feet. Disturbed area west of the wall will be contained within the Ridge Avenue right-of-way, and will be revegetated with dense plantings, mulch, and riprap; East side of access at lot 1- grade break will be permanently stabilized via construction of the home itself. The building floor grades have been selected to create a code-compliant driveway while meshing with existing ground in the rear yard; North side of site (utilities to King Road) - grade break will be permanently stabilized via construction of terraced retaining structures having exposed-face heights ranging from 2 to 6 feet. Intervening terraces and transition areas will be revegetated with dense plantings, mulch, and riprap.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, smaller in scale and mass than surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated with minimized excavation and the lower profile of the roof height. Additionally, the garage door is located approximately 18 feet back from the edge of the property.

### Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged; however a side access garage is not possible on this site. **No unmitigated impacts.**

All three subdivision lots front on a dedicated but unconstructed ROW, Ridge Avenue. To serve these lots, the developer will construct a private access driveway within the Ridge Avenue public right-of-way in keeping with the existing Encroachment Agreement recorded 6.13.2008, instrument no. 847042.

The proposed design incorporates a relatively average driveway with a 10% slope from Ridge Avenue to the single car garage. Grading is minimized for both the driveway and the stepped foundation. Due to the greater than 30% slope and lot width a side access garage would not minimize grading and would require a massive retaining wall. The driveway is designed to minimize Grading of the natural topography and to reduce overall Building scale.

#### Criteria 4: Terracing.

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

The project includes terraced retaining structures to regain natural grade. The lot has a steeper grade towards the front of the property with a slope of 61.9%. The average slope is 30% across the entire length of the developable lot. The foundation is terraced to regain Natural Grade without exceeding the allowed four (4') foot of difference between final and existing grade. Stepped low retaining walls are proposed on the sides at the front portion of the lot to regain Natural Grade and to create the driveway. New retaining walls will not exceed six feet (6') in height, with the majority of the walls less than four feet (4').

#### Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. Both project access and the proposed home have been designed to follow the lay of the land, and the location of the ridgeline within the context of the neighborhood will not change. The more mature, dense vegetation within the dedicated no-disturb area along the rear boundary is to be preserved. Proposed driveway length from back of gutter to the face of lot 1 garage is just under 28 feet.

#### Criteria 6: Building Form and Scale.

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

The proposed residence exhibits a low-profile design with only a single level presented to the access drive. The building will orient / step with the contour of the land, dropping to a private rear yard. The garage as designed is subordinate to the main building. Horizontal stepping, as required by the LMC, also decreases the perceived bulk as viewed from the street.

Staff finds that the structure complies with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture should be selected and all elevations of the

building are designed in a manner consistent with a contemporary interpretation of the chosen style. Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood.

#### Criteria 7: Setbacks.

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

The proposed building will meet required setbacks. The building facade is stepped, while the access to lots 1-3 is quite short, thereby rendering any potential "wall effect" imperceptible.

#### Criteria 8: Dwelling Volume.

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

The proposed massing and architectural design components are compatible with both the volume and massing of existing structures. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and existing historic structures. The building volume is not maxed out in terms of footprint and most of the heights of the structure are lower than the maximum height of 27', with some portions exactly at a height of 27'. The majority of the mass and volume of the proposed house is located behind the front façade and below Ridge Avenue. The rear of the house backs to a non-disturbed area and vacant lots.

#### Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-L District is twenty-seven feet (27') (and up to a maximum of thirty-five feet for a single car garage on a downhill lot per Planning Director approval). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure complies with the 27 feet maximum building height requirement measured from existing grade. Overall the proposed height is less than the allowed height. A 35 foot height is allowed for a garage on a downhill lot per Planning Director approval and this design proposes a maximum of 34.5 feet for the garage area. To minimize the amount of roof that is over the 27' height limit, a single car garage is proposed rather than a tandem car garage allowed by code. A ten foot (10') minimum horizontal step in the downhill façade is required below 23 feet and the proposed

horizontal step takes place at 22 feet. The proposed height measurement from the lowest finish floor plane to the point of the highest wall top plate is 32 feet in height, slightly lower than the allowable maximum of 35 feet.

### **Process**

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application was noticed separately.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time. A final utility plan, including storm water plan, will be required to be reviewed with the building permit and which shall have been approved by the City Engineer prior to issuance of a building permit. An Encroachment Agreement and Snow Shed Easement with the City Engineer are required to be executed and recorded prior to issuance of a building permit—these have already been completed.

A final Historic District Design review and approval and Steep Slope CUPs are required for each lot prior to issuance of a building permit. The landscape plan shall be reviewed with the HDDR. During the Development Review Committee meeting, the Water Department stated that the water line will need to be looped to Samson Avenue and may need to go up to King Road. SBWRD and the City Engineer were concerned how to address utilities in a private drive within the public ROW, perhaps requiring an easement to provide access. This should be resolved with the City Engineer and the SBWRD prior to the City sign-off on plans. No further issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

### **Notice**

On July 9, 2014, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on July 5, 2014.

### **Public Input**

No input has been received regarding the Steep Slope CUP.

### **Alternatives**

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 166 Ridge Avenue and garage height exception as conditioned or amended, or
- The Planning Commission may deny the Steep Slope Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

### **Significant Impacts**

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot that contains native grasses and

shrubs. A storm water management plan will be required to handle storm water run-off at historic release rates.

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

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

### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 166 Ridge Avenue, Lot 1, open a public hearing, and consider approving the CUP application as well as approving the garage height exception in accordance with the findings of fact, conclusions of law, and conditions of approval.

### **Findings of Fact**

1. The property is located at 166 Ridge Avenue.
2. The property is described as a Lot 1, King Ridge Estates, a portion of Block 75, Millsite Reservation to Park City.
3. The lot is 131.07' in length on the north side, by 99.12' in length on the south side, with a width of 50'; the lot contains 5,899 sf of area. The allowable building footprint is 2,117.3 sf for a lot of this size and the proposed building footprint is 1,624 sf.
4. The Plat states the maximum floor area cannot exceed 3,030 sf; the proposed home has a floor area of 2,881 sf (excluding a 267 sf garage as the Plat Notes state garages up to 600 sf are not included in the overall floor area).
5. The vacant site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
6. The property is located in the HRL zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. Access to the property is from Ridge Avenue, an unbuilt right-of-way to be built by the applicant. The lot is a downhill lot. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
8. The neighborhood is characterized by primarily historic and non-historic single family houses and vacant lots.
9. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.
10. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
11. The driveway is proposed to be a maximum of 13 feet in width and 27 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').
12. The garage does not exceed 18 feet in height above the garage floor.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with allowable height limits and height envelopes for the HR-L zoning district as the house measures less than 27 feet in height from

existing grade, the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, and the design includes a 10 foot step back at a height slightly below 23 feet.

15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.
16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Park Avenue.
17. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines.
18. No lighting has been proposed at this time. Lighting will be reviewed by the Planning Department at the time of the building permit for compliance with the Land Management Code lighting standards.
19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.
20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% or greater slope areas.
22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.
23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.
24. The garage height is 34.5 feet on a downhill lot; garage height may exceed up to 35' on a downhill lot subject to Planning Director approval.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

### Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

### Conditions of Approval

1. All Standard Project Conditions shall apply.
2. No Building permit shall be issued until the Plat has been recorded.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
4. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation, and shall mitigate the visual effects of the retaining walls. Lawn area shall be limited in area.
7. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
8. This approval will expire on July 23, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
11. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
12. The garage door shall be a "carriage" style door made of wood.
13. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
14. Construction waste should be diverted from the landfill and recycled when possible.
15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.
16. Parking is only allowed on the private driveway in front of the garage for 166 Ridge Avenue; parking is prohibited on the private drive (extending from Ridge Avenue).

# NAVARRO RESIDENCE

## 166 RIDGE AVENUE PARK CITY, UT 84060

### HISTORIC DISTRICT DESIGN REVIEW APPLICATION SET

#### CONSULTANTS

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#### LEGEND

|  |                              |  |                  |  |                     |
|--|------------------------------|--|------------------|--|---------------------|
|  | BRICK & STONE                |  | OFFICE           |  | ROOM NAME           |
|  | EARTH                        |  | ROOM NUMBER      |  | FLOOR POINT ELEV.   |
|  | CONCRETE                     |  | CENTER LINE      |  | ROUND, DIA.         |
|  | CONCRETE MASONRY UNIT        |  | CHANNEL          |  | ANGLE               |
|  | STEEL (LARGE SCALE)          |  | DETAIL           |  | SECTION CUT, DETAIL |
|  | RIGID INSULATION             |  | BUILDING SECTION |  | KEYED NOTES         |
|  | ROUGH WOOD                   |  | WINDOW TYPE      |  | DOOR NUMBER         |
|  | BLOCKING                     |  | REVISION         |  | INTERIOR WALL ELEV. |
|  | ALUMINUM (LARGE SCALE)       |  | WALL TYPE        |  |                     |
|  | GRAVEL                       |  |                  |  |                     |
|  | FINISHED WOOD                |  |                  |  |                     |
|  | BATT OR BLOWN INSULATION     |  |                  |  |                     |
|  | PLASTER, SAND, GROUT, MORTAR |  |                  |  |                     |
|  | STEEL (SMALL SCALE)          |  |                  |  |                     |
|  | BITUMINOUS PAVING            |  |                  |  |                     |
|  | PLYWOOD                      |  |                  |  |                     |
|  | GYPSUM BOARD                 |  |                  |  |                     |

#### CODE ANALYSIS

APPLICABLE CODES  
2012 IRC 2012 IBC  
2012 IPC 2012 IMC  
2011 NEC 2012 IFGC  
2009 IECC 2012 IFC

OCCUPANCY: R3

CONSTRUCTION TYPE: VB

| AREA SQUARE FOOT CALCULATIONS |          |      |       |         |
|-------------------------------|----------|------|-------|---------|
|                               | EXISTING | NEW  | TOTAL | REMODEL |
| LOWER LEVEL                   | -        | 1394 | 1394  | -       |
| MAIN LEVEL                    | -        | 1244 | 1244  | -       |
| ENTRY LEVEL                   | -        | 243  | 243   | -       |
| TOTAL LIVING SPACE            | -        | 2881 | 2881  | -       |
| ALLOWABLE LIVING SPACE        | -        | 3030 | 3030  | -       |
| GARAGE                        | -        | 267  | 267   | -       |
| FOOTPRINT                     | -        | 1624 | 1624  | -       |
| ALLOWABLE FOOTPRINT           | -        | -    | 2117  | -       |
| LOT AREA                      | 5893     |      |       |         |
| LOD FENCE                     |          |      |       |         |
| DISTURBED AREA                |          |      |       |         |

#### INDEX TO DRAWINGS

| #             | SHEET # | SHEET DESCRIPTION                              |
|---------------|---------|--|
| 1             | Aa      | COVER SHEET                                    |
| SURVEY        |         |  |
| 2             | 1 OF 1  | RECORD OF SURVEY AND TOPOGRAPHIC MAP           |
| ARCHITECTURAL |         |  |
| 3             | A0.1    | EXISTING & PROPOSED SITE PLANS                 |
| 4             | A0.2    | LANDSCAPE PLAN                                 |
| 5             | A1.1    | LOWER LEVEL FLOOR PLAN & MAIN LEVEL FLOOR PLAN |
| 6             | A1.2    | ENTRY LEVEL FLOOR PLAN & ROOF LEVEL PLAN       |
| 7             | A2.0    | EXTERIOR ELEVATION - NORTH & EAST              |
| 8             | A2.1    | EXTERIOR ELEVATION - SOUTH & WEST              |
| 9             | A3.0    | BUILDING SECTIONS                              |
| 10            | A3.1    | BUILDING SECTIONS                              |
| 11            | A3.2    | BUILDING SECTIONS                              |
| 12            | A6.1    | DOOR, WINDOW AND ROOM SCHEDULES                |

#### ABBREVIATIONS

|           |                               |        |                    |        |                        |
|-----------|-------------------------------|--------|--------------------|--------|------------------------|
| AC        | AIR CONDITIONING              | F.D.   | FLOOR DRAIN        | FR     | PAIR                   |
| ACQST.    | ACQUISITABLE                  | FND    | FOUNDATION         | R.D.   | ROOF DRAIN             |
| ADD.      | ADDENDUM                      | FIN.   | FINISH             | REG.   | REGULAR                |
| ADJ.      | ADJUSTABLE                    | FIR.   | FLOOR              | R.S.   | ROCK/SAW               |
| ALLOW.    | ALLOWANCE                     | F.R.   | FIRE RATED         | RAD.   | RADIUS                 |
| ALUM.     | ALUMINUM                      | FTG.   | FOOTING            | REIN.  | REINFORCING            |
| APPROX.   | APPROXIMATE                   | G.     | GAS                | REQD.  | REQUIRED               |
| B.D.      | BOARD                         | G.I.   | GALVANIZED IRON    | REV.   | REVISED                |
| B.U.      | BUILDUP                       | GA.    | GALV.              | R.     | ROOM                   |
| B.W.      | BOTH WAYS                     | GALV.  | GALVANIZED         | R.O.   | ROUGH OPENING          |
| BLDG.     | BUILDING                      | GRD.   | GRADE              | S & R  | SHIEL AND ROD          |
| BLK.      | BLOCK                         | G.W.B. | GYPSUM WALL BOARD  | S.C.   | SOLID CORE             |
| BRK.      | BRICK                         | GL.B.  | GLASS LAM BEAM     | SCHED. | SCHEDULE               |
| C.I.      | CAST IRON                     | H.B.   | HIRE BIRD          | SHT.   | SHEET                  |
| C.J.      | CONTROL JOINT                 | HD.    | HEAD               | SIM.   | SIMILAR                |
| C.M.U.    | CONCRETE MASONRY UNIT         | H.M.   | HOLLOW METAL       | SPCC   | SPECIFICATION          |
| CLG.      | CILING                        | HOR.   | HORIZONTAL         | STD.   | STANDARD               |
| COL.      | COLUMN                        | INT.   | INSIDE DIAMETER    | STL.   | STEEL                  |
| COMP.     | COMPOSITE                     | INT.   | INTERIOR           | STRUC. | STRUCTURAL             |
| CONC.     | CONCRETE                      | IRRG.  | IRRIGATION         | SYS.   | SYSTEM                 |
| CONSTR.   | CONSTRUCTION                  | INSUL. | INSULATION         | T & B  | TOP AND BOTTOM         |
| CONTR.    | CONTRACTOR                    | J.     | JAMB               | T & G  | TONGUE AND GROOVE      |
| CONT.     | CONTINUOUS                    | JNT.   | JOINT              | T.O.   | TOP OF                 |
| D.F.      | DRINKING FOUNTAIN DOUGLAS FIR | M.R.   | MOISTURE RESISTANT | T.O.F. | TOP OF FOOTING         |
| DA.       | DIAMETER                      | MANFR. | MANUFACTURER       | T.O.W. | TOP OF WALL            |
| DM.       | DIMENSION                     | MAX.   | MAXIMUM            | TY.    | TYPICAL                |
| DN.       | DRAIN                         | M.C.   | MECHANICAL         | T.S.   | STEEL TUBE COLUMN      |
| DRG.      | DRAWING                       | MN.    | MINIMUM            | UNO.   | UNLESS NOTED OTHERWISE |
| DTL.      | DETAIL                        | NW     | NEW                | ON     | ON                     |
| EA.       | EACH                          | N.C.   | NOT IN CONTRACT    | V.T.R. | VENT THRU ROOF         |
| E.F.      | EXHAUST FAN                   | N.T.S. | NOT TO SCALE       | W.     | WATER                  |
| E.I.F.S.  | EXT. INSUL. FINISH SYSTEM     | N.     | NUMBER             | WOOD   | WOOD                   |
| E.J.      | EXPANSION JOINT               | O.C.   | ON CENTER          | W.     | WITH                   |
| ELEC.     | ELECTRICAL                    | O.D.   | OUTSIDE DIAMETER   | WP.    | WATERPROOF             |
| ELEV.     | ELEVATION                     | O.F.D. | OVERFLOW DRAIN     | WR.    | WATER RESISTANT        |
| EQ.       | EQUIPMENT                     | OPNG.  | OPENING            | W.H.   | WATER HEATER           |
| E.S.      | EXPANSION TANK                | P.     | PLYWOOD            | W.S.   | WATER SOFTENER         |
| EXIST (2) | EXISTING                      | PNT.   | PAINT              | W.W.F. | WELDED WIRE FABRIC     |
| EXT.      | EXTERIOR                      | PNTD.  | PAINTED            | W.W.M. | WOVEN WIRE MESH        |

#### GENERAL NOTES

- THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
- THESE SHEETS - LISTED BY DRAWING INDEX - ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
- ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
- ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
- BUILDING DESIGN IS GENERALLY PRUDICATED UPON PROVISIONS OF THE 2012 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
- ALL 2 1/2" GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
- ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11

Jonathan DeGray  
Architect

NAVARRO RESIDENCE  
166 RIDGE AVENUE  
PARK CITY, UT 84060

COVER SHEET

DATE: 05/12/14

DATE: 05/12/14

PROJECT NUMBER:

WELL NUMBER:

Aa

**KING RIDGE ESTATES**

A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY,  
LYING WITHIN THE NORTHEAST QUARTER OF  
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASE & MERIDIAN  
SUMMIT COUNTY, UTAH



RIDGE AVENUE

PARCEL A

PARCEL A  
2,104± SF

LOT 1  
166 RIDGE AVENUE  
5,899± SF  
MAX FOOTPRINT=2,118 SF

LOT 2  
162 RIDGE AVENUE  
5,898± SF  
MAX FOOTPRINT=2,117 SF

LOT 3  
158 RIDGE AVENUE  
7,209± SF  
MAX FOOTPRINT=2,120 SF

LOT 3  
ANCHOR DEVELOPMENT  
SECOND AMENDED PLAT  
MILLSITE RESERVATION  
SUBDIVISION NO. 1

LOT 2  
ANCHOR DEVELOPMENT  
AMENDED PLAT  
MILLSITE RESERVATION  
SUBDIVISION NO. 1

**PLAT NOTES:**

1. ALL LOTS WITHIN THIS SUBDIVISION ARE BUILDABLE. ANY FURTHER SUBDIVISION OF SUCH LOTS, WHETHER BY DEED REQUEST, DIVORCE DECREE, OR OTHER RECORDED INSTRUMENT SHALL NOT RESULT IN A BUILDABLE LOT UNTIL THE SAME HAS BEEN APPROVED IN ACCORDANCE WITH THE PARK CITY LAND USE ORDINANCE.
2. UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREON. SAID RIGHTS INCLUDES THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES, AND VEGETATION THAT MAY HAVE BEEN PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE, AT NO TIME MAY ANY PERMANENT STRUCTURES OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE BE PLACED WITHIN THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF ALL THE UTILITIES WITH FACILITIES WITHIN THE AFFECTED PUE.
3. DESIGN OF ACCESS TO AND FIRE PROTECTION FOR ALL PROPOSED BUILDINGS MUST MEET THE REQUIREMENTS OF THE PARK CITY FIRE SERVICE DISTRICT, MODIFIED 13-D SPRINKLERS ARE REQUIRED IN EACH HOUSE.
4. LOTS ARE NUMBERED 1-3.
5. PARCEL A IS HEREBY DEDICATED TO PARK CITY AS A PUBLIC STREET AND RIGHT-OF-WAY.
6. NO REMNANT PARCELS CREATED HEREBY IS SEPARATELY DEVELOPABLE.
7. THE 30-FOOT WIDE NO-DISTURB AREA ALONG THE REAR OF LOTS 1-3 IS INTENDED TO PRESERVE EXISTING VEGETATION BOTH DURING AND AFTER CONSTRUCTION. DISTURBANCE WITHIN 30 FEET OF THE REAR LINE WILL BE REQUIRED ONLY IN THE NORTHY OF POWER AND STORM DRAIN CONSTRUCTION.
8. THE MAXIMUM FLOOR AREA, AS DEFINED BY THE PARK CITY LAND MANAGEMENT CODE, CANNOT EXCEED 3,030 SQUARE FEET FOR ANY STRUCTURE ON LOT 1, 2, OR 3.
9. CONSTRUCTION ON LOTS 1, 2, AND 3 IS RESTRICTED BY SPECIFIC CONDITIONS OF THE SUBDIVISION APPROVAL, ORDINANCE 07-74.
10. LOTS DESIGNATED AS LOW PRESSURE SEWER SYSTEM LOTS SHALL BE REQUIRED TO INSTALL A LOW PRESSURE GROUND PUMP STATION AND APPURTENANCES CONSISTENT WITH THE SIBMO PUBLIC LOW PRESSURE SEWER SYSTEM INSTALLED FOR THE DEVELOPMENT; THE PARK CITY HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR OPERATION, MAINTENANCE AND REPAIR OF THE LOW PRESSURE GROUND PUMP STATION AND APPURTENANCES.

**LEGAL DESCRIPTION:**

ALL OF LOTS 35 TO 45, INCLUSIVE, LOTS 66 TO 71, INCLUSIVE, AND THE WESTERLY ONE-HALF OF LOTS 33 AND 34, BLOCK 75, MILLSITE RESERVATION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN 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 EXCEPT 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 CENTERLINE 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 32.50 FEET; THENCE LEAVING SAID CENTERLINE NORTH 68°27'00" WEST 66.31 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°29'00" EAST 0.44 FEET; 2) NORTH 08°07'47" EAST 19.77 FEET; 3) NORTH 08°07'47" EAST 7.84 FEET; 4) NORTH 02°53'45" WEST 5.48 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 72 OF SAID MILLSITE RESERVATION SOUTH 68°27'00" EAST 105.02 FEET TO THE POINT OF BEGINNING.

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

I, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE KING RIDGE ESTATES, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND I AM, *Wesley Lee Sorensen*, THE UNDERSIGNED OWNER(S) OF KING RIDGE RESOURCES, LLC, HEREBY CONSENT(S) TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNER(S), OR HIS/HER REPRESENTATIVE(S), HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THIS PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12<sup>th</sup> DAY OF May, 2008.

*Wesley Lee Sorensen*  
KING RIDGE RESOURCES, LLC

**ACKNOWLEDGEMENT**

STATE OF UTAH  
COUNTY OF SUMMIT

ON THIS 12<sup>th</sup> DAY OF May, 2008, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT, IN SAID STATE OF UTAH, KING RIDGE RESOURCES, LLC, THE PERSON THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE (OR PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PERSON, BEING FULLY KNOWN AND ACKNOWLEDGED TO ME THAT THEY ARE THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

*Christopher R. Braun*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 11/11



**SURVEYOR'S CERTIFICATE**

I, CHRISTOPHER R. BRAUN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152604, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THIS PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THE PROPERTY BOUNDARIES AS SHOWN ARE CORRECT.

*Christopher R. Braun*  
CHRISTOPHER R. BRAUN  
PLS 5152604

**LEGEND**

- FOUND STREET MONUMENT
- FOUND REBAR W/ CAP OR NAIL (AS DESCRIBED)
- SET 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED "C.BRAUN PLS 5152604"
- LOW PRESSURE SEE PLAT NOTE #10

*5/10/08*  
DATE



MAY 20 2008

RECORDED # 847041

PAGE 1 of 1

PARK CITY PLANNING COMMISSION  
REVIEWED BY THE PARK CITY PLANNING COMMISSION ON THIS 12th DAY OF SEPTEMBER, 2007 A.D.

CERTIFICATE OF ATTEST  
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 25th DAY OF OCTOBER, 2007 A.D.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 14th DAY OF May, 2008 A.D.

ENGINEERS CERTIFICATE  
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 25th DAY OF May, 2008 A.D.

APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS 12th DAY OF May, 2008

COUNCIL APPROVAL AND ACCEPTANCE  
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 12th DAY OF May, 2007 A.D.

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF PLS 5152604  
DATE 6-13-08 TIME 2:00pm  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_



| SYMBOL LEGEND |                            |
|---------------|----------------------------|
|               | INDICATES SURFACE DRAINAGE |
|               | EXISTING GRADE             |
|               | PROPOSED GRADE             |



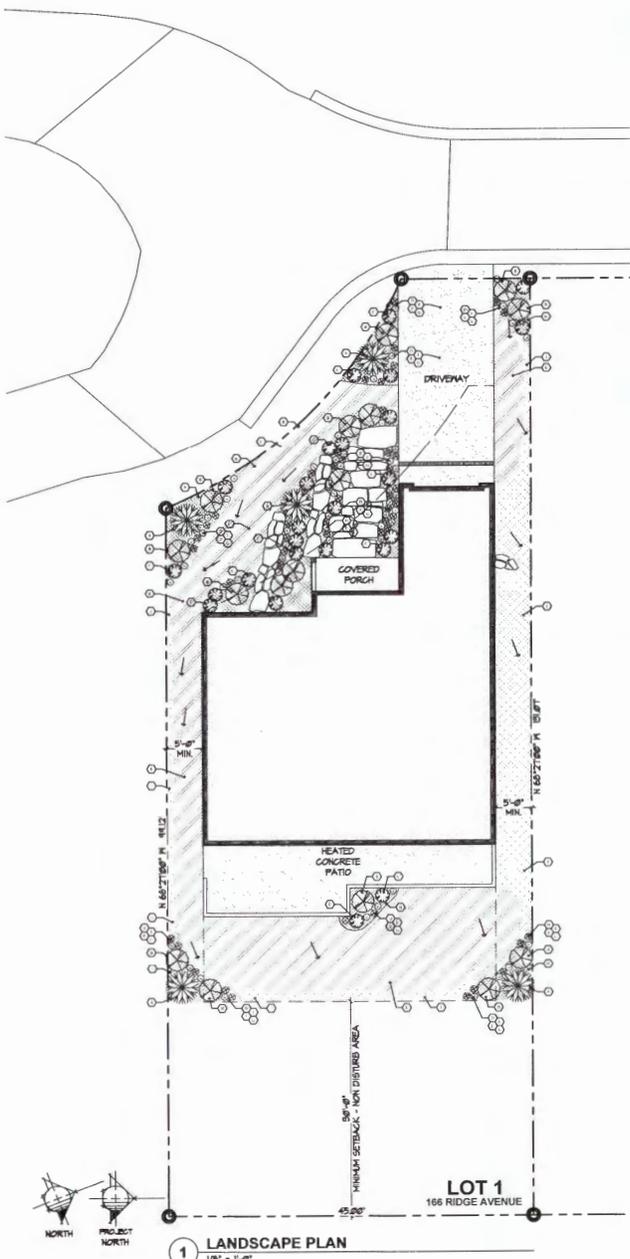
**1 AREAL VIEW**  
1" = 50'

**Jonathan DeGray**  
Architect  
P.O. Box 8774, 851 Main Street, Suite 302, Park City, Utah 84060  
Tel: 435-646-1202, Email: jay@jondgray.com

**NAVARRO RESIDENCE**  
166 RIDGE AVENUE  
PARK CITY, UT 84060

**EXISTING & PROPOSED SITE PLANS**

DATE: 04/25/14  
PROJECT NUMBER:  
SHEET NUMBER: **A0.1**



| PLANT SCHEDULE   |       |          |                         |                                |           |             |                          |
|------------------|-------|----------|-------------------------|--------------------------------|-----------|-------------|--------------------------|
| SYMBOL           | KEY   | QUANTITY | COMMON NAME             | SCIENTIFIC NAME                | SIZE      | SPACING     | COMMENTS                 |
| DECIDUOUS TREES  |       |          |                         |                                |           |             |                          |
| (Symbol)         | (Key) | 5        | Colorado Blue Spruce    | <i>Picea pungens</i>           | 3" Dia.   | 6'-10"      | 6' - 8' tall             |
| (Symbol)         | (Key) | 16       | Aspen                   | <i>Populus tremuloides</i>     | 3" Dia.   | 6'-10"      |                          |
| SHRUBS           |       |          |                         |                                |           |             |                          |
| (Symbol)         | (Key) | 25       | Red twig dogwood        | <i>Cornus sericea "bailey"</i> | 5 Gal.    |             | Spacing as noted on plan |
| PERENNIAL PLANTS |       |          |                         |                                |           |             |                          |
| (Symbol)         | (Key) | 25       | Bluebell                | <i>Campanula</i>               | 1 Gal.    | 12"-18"     | Distribute Equally       |
| (Symbol)         | (Key) | 25       | Columbine               | <i>Aquilegia Canadica</i>      | 1 Gal.    | 12"-18"     | Distribute Equally       |
| (Symbol)         | (Key) | 25       | Trailing Daisy          | <i>Ergemomnophyllum</i>        | 1 Gal.    | 12"-18"     | Distribute Equally       |
| (Symbol)         | (Key) | 25       | Blanket Flower          | <i>Gaillardia Aristata</i>     | 1 Gal.    | 12"-18"     | Distribute Equally       |
| (Symbol)         | (Key) | 558 SF   | Wood Chips              |                                | Small     |             | 3" Thick Layer           |
| (Symbol)         | (Key) | 406 SF   | Native Grass Seed Mix   |                                | 1 Bu/1500 | Hydroseeded | See seed mix below       |
| (Symbol)         | (Key) | 1004 LF  | Drought Tolerant Fescue | Sheep Fescue                   |           |             |                          |

**NATIVE GRASS SEED MIX:**  
 The seed mix shall be seeded in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs./acre on the following percentages:  
 20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Pubescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.  
 \* In addition, add 10 lbs./acre each of Linum lewisii and Penstemon. Eastern with native grass seed mixture.

- PLANTING NOTES**
- CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
  - AUTOMATIC IRRIGATION IS REQUIRED, PROVIDE SHOP DRAWINGS FOR APPROVAL.
  - ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMANS STANDARD SPECIFICATIONS.
  - ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
  - CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL PREVAIL.
  - CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
  - IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
  - NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
  - SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
  - ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.
  - SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING. IT SHALL SEPARATE ALL SHRUB BEDS/NATIVE GRASS LOCATIONS.
  - ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.
  - ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY DISCARDED.
  - NO BARE ROOT STOCK SHALL BE USED.
  - FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.

**Jonathan DeGray**  
 Architect

P.O. Box 8574, 614 Main Street, Suite 202, Park City, Utah 84060  
 Tel: 435-646-1202, Email: jonathandegrayarchitect.com

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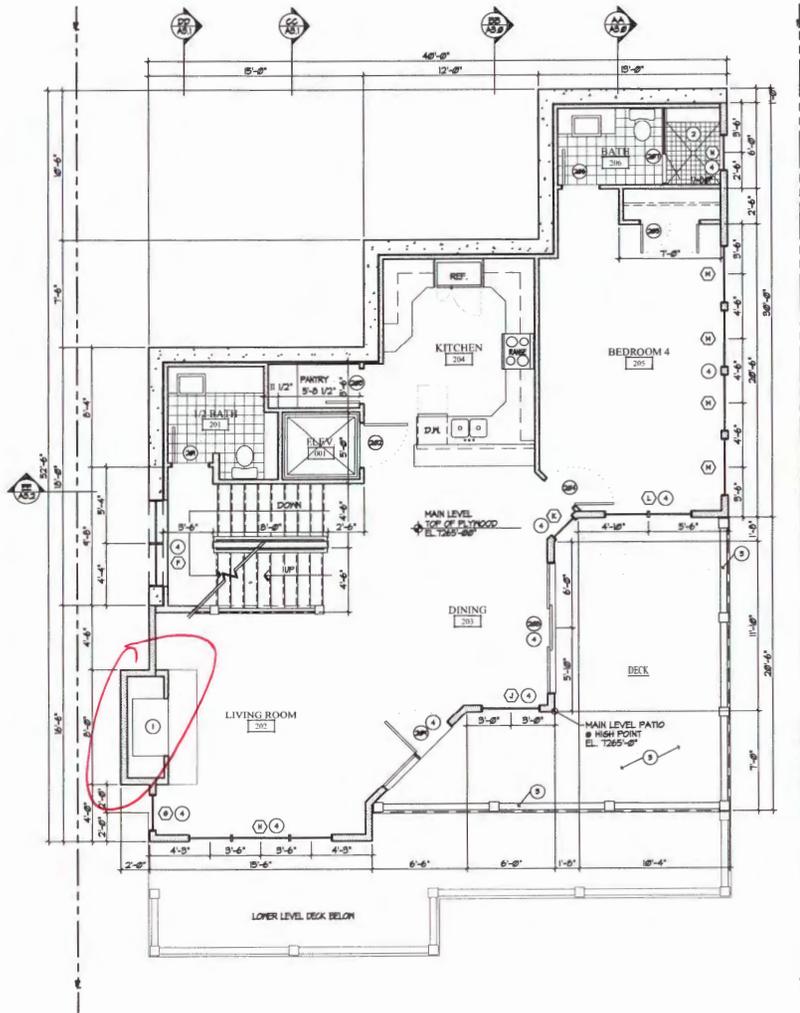
NAVARRO RESIDENCE  
 166 RIDGE AVENUE  
 PARK CITY, UT 84060

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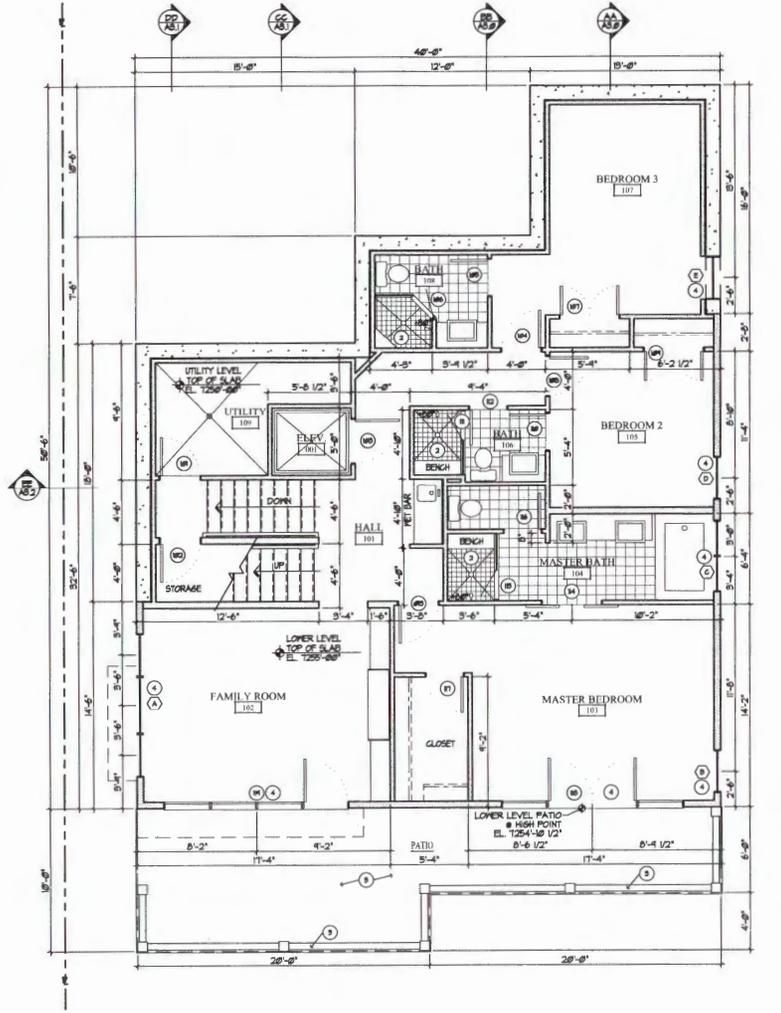
LANDSCAPE PLAN

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DATE: 04/25/14  
 PROJECT NUMBER:  
 SHEET NUMBER: A0.2



**2 MAIN LEVEL FLOOR PLAN**  
 1/4" = 1'-0"  
 1244 SQ. FT.



**1 LOWER LEVEL FLOOR PLAN**  
 1/4" = 1'-0"  
 1944 SQ. FT.

- GENERAL NOTES**
- 1- EXTERIOR WALLS TO BE 2X6 FRAMING W/ R-21 INSULATION - TYP. ALL INTERIOR WALLS TO BE 2X4 FRAMING, UNLD. W/ R-13 INSULATION - TYP. ALL FLOOR JOIST TO BE 11 1/8" T.J. FRAMING UNLD. W/ R-42 INSULATION - TYP. ALL ROOF JOIST TO BE 11 1/8" T.J. FRAMING UNLD. W/ R-42 INSULATION TYP.
- KEYED NOTES**
- 1 40" ENCLOSED GAS FIREPLACE OPENING FRAMED ON 18" PLATFORM.
  - 2 TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
  - 3 36" HIGH RAILINGS: 6x6 SHAPED TOP RAIL, 3x6 SHAPED BOTTOM RAIL, 4 2X2 PICKETS W/ 6X8 CEDAR POSTS - STAINED.
  - 4 ALUMINUM GLAZED WOOD KNOCKS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
  - 5 CONCRETE PORCH/PATIO/DRIVEWAY, BROOM FINISHED NATURAL COLOR, REINFORCED PER ENGINEER.

**Jonathan DeGray Architect**  
 P.O. Box 879, 814 Main Street, Suite 202, Park City, Utah 84090  
 Tel: 435.646.1921, Email: jgray@jonathandegray.com

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PROJECT LOCATION: **NAVARRO RESIDENCE**  
 166 RIDGE AVENUE  
 PARK CITY, UT 84090

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PROJECT PHASE: **LOWER LEVEL FLOOR PLAN**  
**MAIN LEVEL FLOOR PLAN**

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REVISED: **05/12/14**

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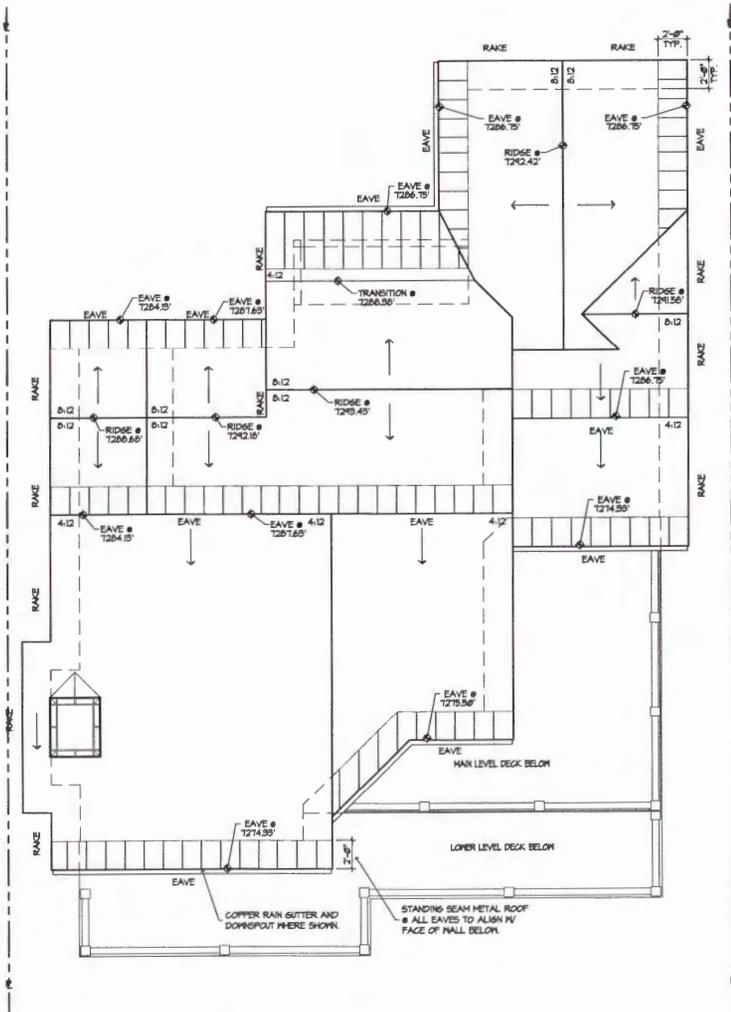
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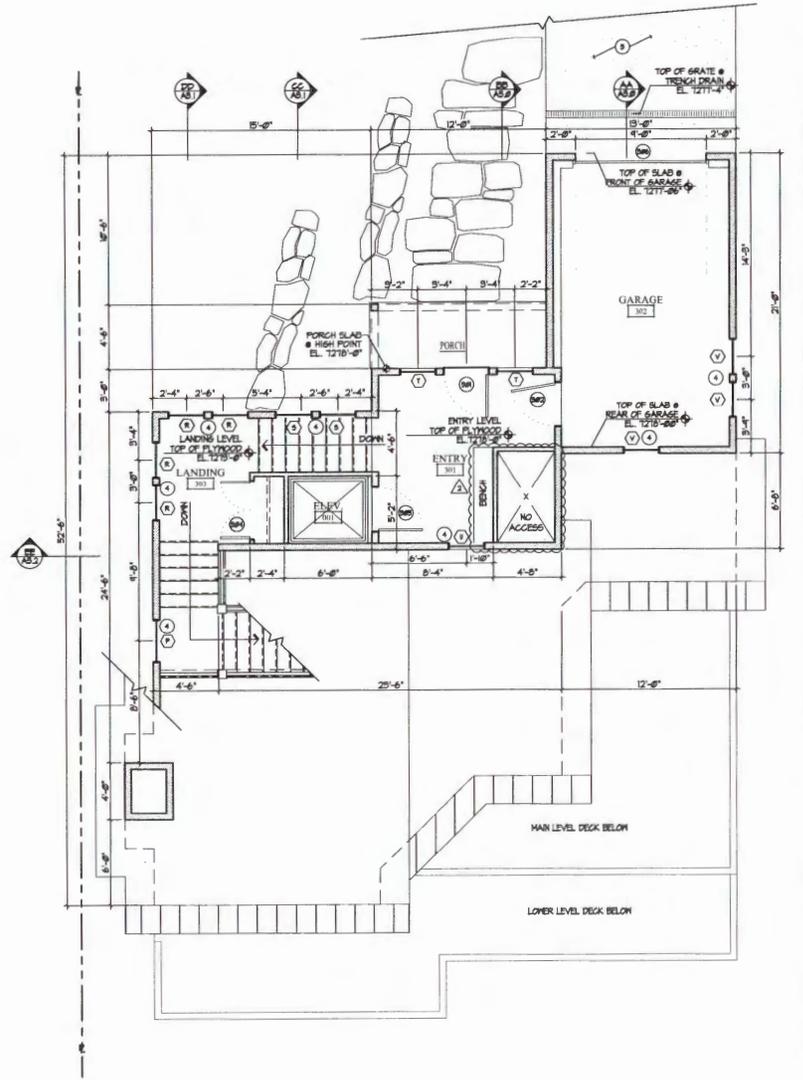
PROJECT NUMBER:

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SHEET NUMBER: **A1.1**



**2 ROOF LEVEL PLAN**  
 1/4" = 1'-0"  
 PROJECT NORTH



**1 ENTRY LEVEL FLOOR PLAN**  
 1/4" = 1'-0"  
 248 SQ. FT. LIVING AREA  
 567 SQ. FT. GARAGE  
 PROJECT NORTH

- GENERAL NOTES**
- 1- EXTERIOR WALLS TO BE 2X6 FRAMING IV R-21 INSULATION - TYP. ALL INTERIOR WALLS TO BE 2X4 FRAMING UNL. IV R-13 INSULATION - TYP. ALL FLOOR JOIST TO BE 11"10" T.J. FRAMING UNL. IV R-13 INSULATION - TYP. ALL ROOF JOIST TO BE 11"10" T.J. FRAMING UNL. IV R-13 INSULATION TYP.
- KEYED NOTES**
- 1 40" ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 18" PLATFORM.
  - 2 TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
  - 3 36" HIGH RAILING, 6x6 SHAPED TOP RAIL, 3x6 SHAPED BOTTOM RAIL & 2X2 PICKETS IV 8x8 CEDAR POSTS - STAINED.
  - 4 ALUMINUM GLAZED WOOD WINDOWS AND DOORS IV 1" INSULATED GLASS - SEE SCHEDULE.
  - 5 CONCRETE PORCH/PATIO/DRIVEWAY - BROOM FINISHED NATURAL COLOR, REINFORCED PER ENGINEER.

**Jonathan DeGray**  
 Architect

P.O. Box 107110, Salt Lake City, Utah 84107  
 TEL: 801-464-2424, FAX: 801-464-2424

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PROJECT LOCATION: **NAVARRO RESIDENCE**  
 166 RIDGE AVENUE  
 PARK CITY, UT 84090

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PROJECT DESCRIPTION: **ENTRY LEVEL FLOOR PLAN**  
**ROOF LEVEL PLAN**

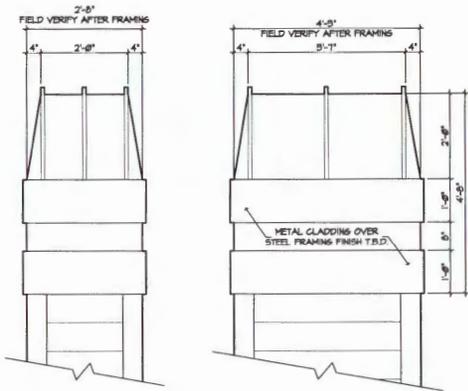
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DATE: 05/12/14

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SHEET NUMBER: **A1.2**

MAY 15 2014



**A CHIMNEY CAP DETAILS**  
3/4" = 1'-0"

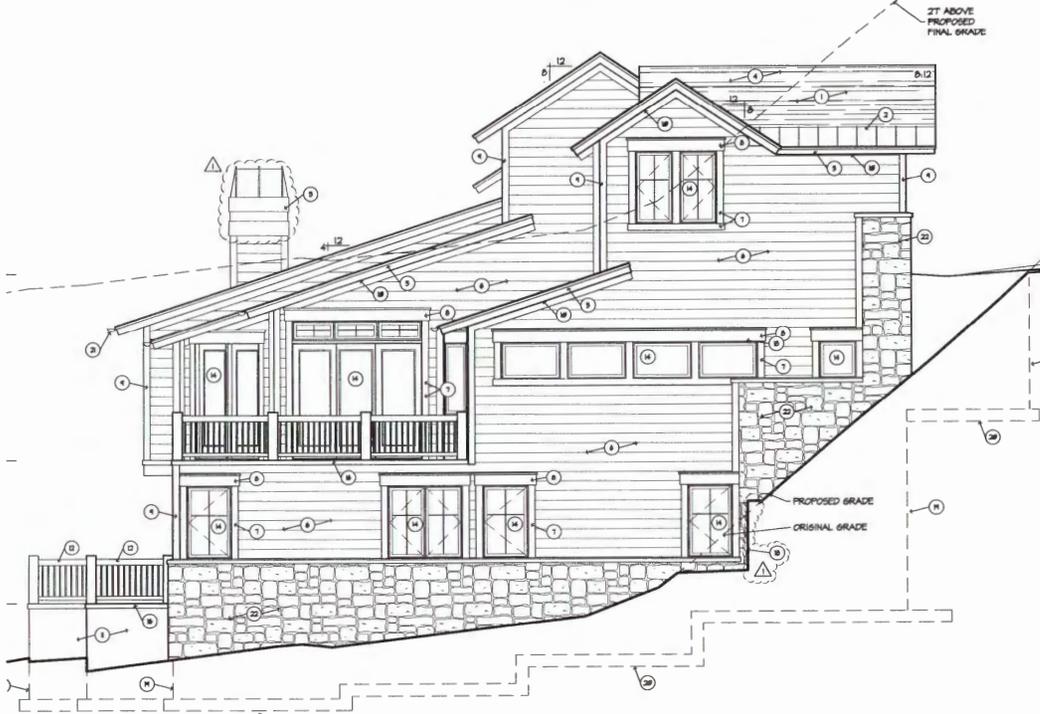


**Squared Rubble**  
A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.

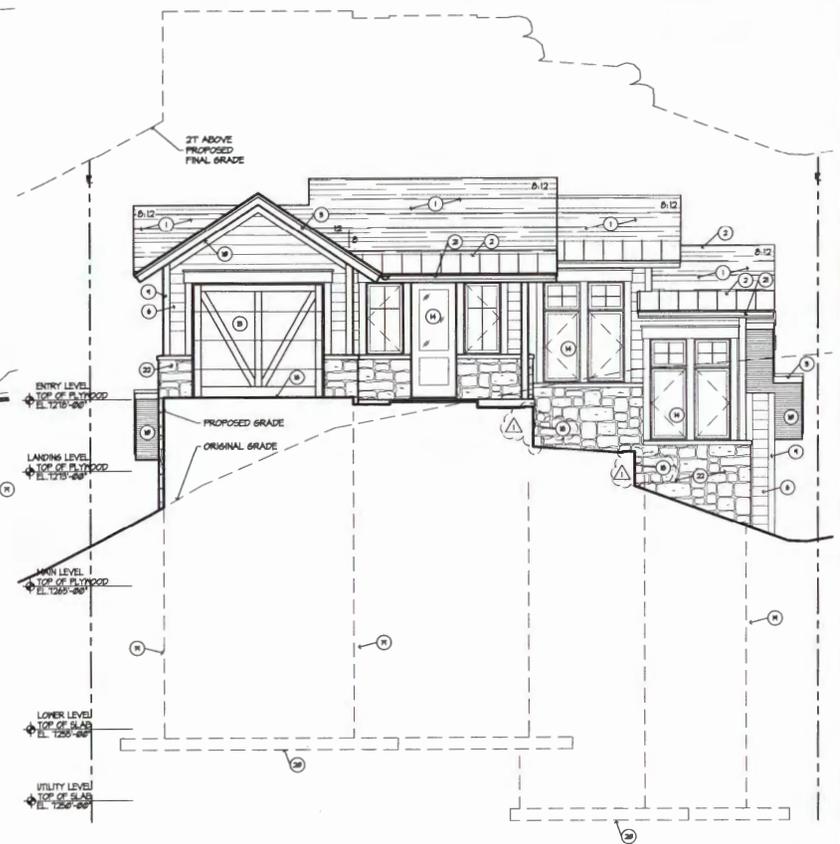
**B STACKED STONE RETAINING WALL**  
NO SCALE

**KEYED NOTES**

- 1 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (BSPP) PER SQUARE, MIN ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE.
- 2 STANDING SEAM METAL ROOF & GAVES ALIGN TOP W/ OUTSIDE OF WALL FRAMING BELOW FINISH T.B.D.
- 3 NEW CHIMNEY CAP STRUCTURE - SEE A/A-1.
- 4 TURTLE VENTS AS PER CODE ON REAR SLOPE OF ROOF.
- 5 5/4" X 2" ON 5/4" X 1 1/4" BUILT UP CEDAR FASCIA - STAINED
- 6 8" HORIZONTAL CEDAR LAP SIDING ON TYPICAL HIKERBOARD ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
- 7 5 1/2" X 1 1/2" CEDAR TRIM - STAINED
- 8 4 1/4" X 1 1/2" CEDAR HEADER TRIM WITH 1 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED
- 9 5 1/2" X 1 1/2" CEDAR OUTSIDE CORNER BOARD, 1 1/2" X 1 1/2" CEDAR INSIDE CORNER BOARD - STAINED
- 10 1/4" CEDAR SOFFIT W/ CONTINUOUS SOFFIT VENT - STAINED.
- 11 RAS RUBBED CONCRETE FINISH
- 12 30" HIGH RAILING, 6x6 SHAPED TOP RAIL, 2x6 SHAPED BOTTOM RAIL, 1 2X2 PICKETS W/ 6X8 CEDAR POSTS - STAINED
- 13 ROOF OVERHANG @ FRONT PORCH TO BE SUPPORTED BY ROUGH SAWN BEAM AND COLUMN PER ENGINEER - STAINED
- 14 ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
- 15 CARRIAGE STYLE OVERHEAD GARAGE DOORS
- 16 CONCRETE PORCH/ATIO/DRIVEWAY, BRUSH FINISHED NATURAL COLOR, REINFORCED PER ENGINEER.
- 17 NOT USED.
- 18 STACKED STONE RETAINING WALL - SEE DETAIL B/B-2
- 19 FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 20 FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING
- 21 METAL GUTTER @ DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
- 22 4" THICK NATURAL STONE VENEER ON STEEL LITEL, 48" TALL HANSGOT W/ SLOPED NATURAL STONE CAP.



**2 NORTH ELEVATION**  
1/4" = 1'-0"



**1 WEST ELEVATION**  
1/4" = 1'-0"

**Jonathan DeGray**  
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NAVARRO RESIDENCE  
166 RIDGE AVENUE  
PARK CITY, UT 84060

EXTERIOR ELEVATIONS  
NORTH & EAST

REVISION: 05/12/14  
DATE: 05/12/14  
PROJECT NUMBER:  
SHEET NUMBER:

A2.0

- KEYED NOTES**
- ① ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 8559 PER SQUARE MIN ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE.
  - ② STANDING SEAM METAL ROOF 8 PAVES. ALIGN TOP IN OUTSIDE OF WALL FRAMING BELOW. FINISH T.B.D.
  - ③ NEW CHIMNEY CAP STRUCTURE - SEE PLAN.
  - ④ TURTLE VENTS AS PER CODE ON REAR SLOPE OF ROOF.
  - ⑤ 5/4" X 2" ON 5/4" X 1 1/4" BUILT UP CEDAR FASCIA - STAINED
  - ⑥ 5" HORIZONTAL CEDAR LAP SIDING ON TYPIC HOMEDECK OR 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - ⑦ 5 1/2" X 1 1/2" CEDAR TRIM - STAINED
  - ⑧ 4 1/4" X 1 1/2" CEDAR HEADER TRIM WITH 1 1/2" X 2 1/2" CEDAR CAP TRIM - STAINED
  - ⑨ 5 1/2" X 1 1/2" CEDAR OUTSIDE CORNER BOARD, 1 1/2" X 1 1/2" CEDAR INSIDE CORNER BOARD - STAINED
  - ⑩ 1/4" CEDAR SOFFIT PL CONTINUOUS SOFFIT VENT - STAINED.
  - ⑪ RAG RUBBED CONCRETE FINISH
  - ⑫ 36" HIGH RAILING: 6x6 SHAPED TOP RAIL, 3x6 SHAPED BOTTOM RAIL & 2x2 PICKETS IN 8x8 CEDAR POSTS - STAINED
  - ⑬ ROOF OVERHANGS @ FRONT PORCH TO BE SUPPORTED BY ROUGH SAWN BEAM AND COLUMN PER ENGINEER - STAINED
  - ⑭ ALUMINUM CLAD FROD WINDOWS AND DOORS IN 7" INSULATED GLASS - SEE SCHEDULE
  - ⑮ CARRIAGE STYLE OVERHEAD GARAGE DOORS
  - ⑯ CONCRETE PORCH/PATIO/DRIVEWAY, BROOK FINISHED NATURAL COLOR, REINFORCED PER ENGINEER.
  - ⑰ NOT USED.
  - ⑱ STACKED STONE RETAINING WALL. SEE DETAIL B/A2/B
  - ⑲ FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
  - ⑳ FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING
  - ㉑ METAL BUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
  - ㉒ 2" THICK NATURAL STONE VENEER ON STEEL LINTEL, 40" TALL MANGOCOT IV SLOPED NATURAL STONE CAP.



**4 SOUTH ELEVATION**  
1/4" = 1'-0"



**3 EAST ELEVATION**  
1/4" = 1'-0"

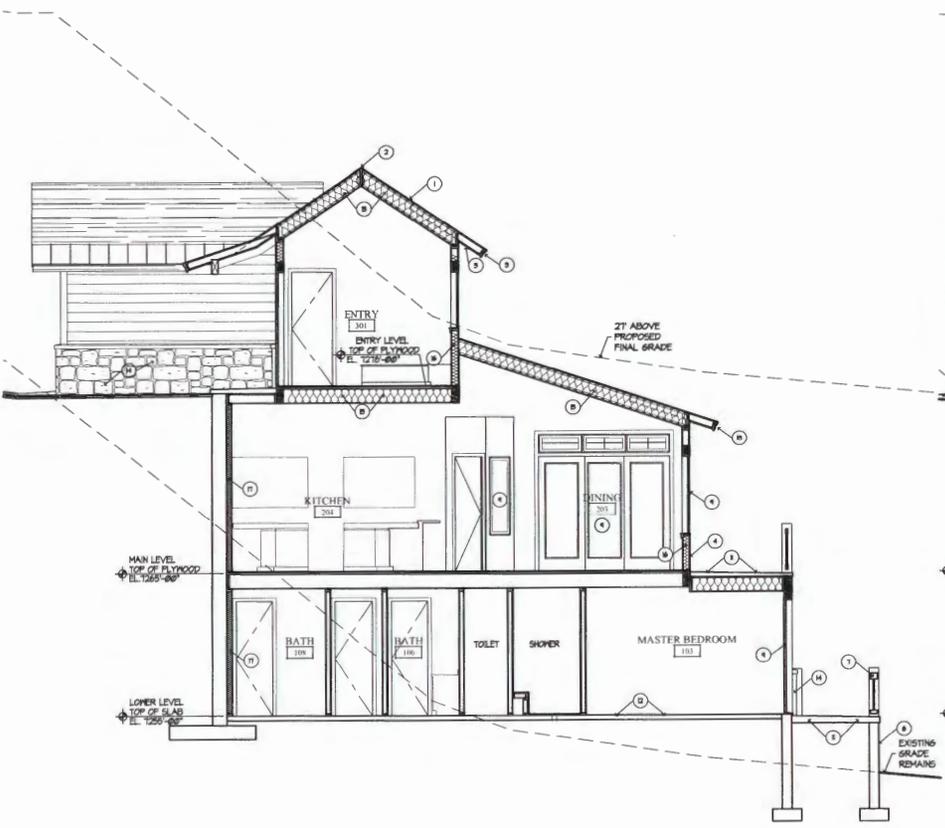
**Jonathan DeGray**  
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Tel. (435) 640-7300, E-mail: jgray@jonathandegray.com

PROJECT LOCATION  
**NAVARRO RESIDENCE**  
166 RIDGE AVENUE  
PARK CITY, UT 84060

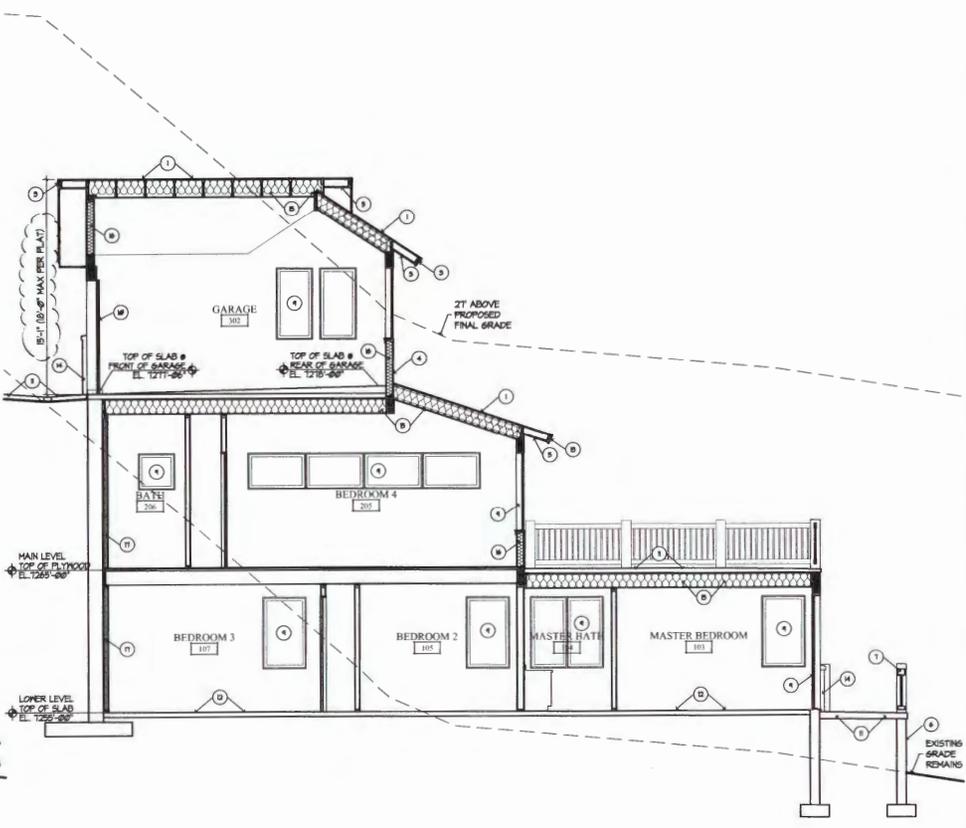
PROJECT DESCRIPTION  
**EXTERIOR ELEVATIONS**  
SOUTH & WEST

DATE: 05/12/14  
PROJECT NUMBER:  
SHEET NUMBER:  
**A2.1**

- KEYED NOTES**
- ① ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 09504 PER SQUARE, MIN ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE
  - ② CONTINUOUS RIDGE VENT, TYP
  - ③ 5/4" X 2" ON 5/4" X 1 1/4" BUILT UP CEDAR FASCIA - STAINED
  - ④ 8" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - ⑤ 1x6 CEDAR SOFFIT PL CONTINUOUS SOFFIT VENT - STAINED
  - ⑥ RAS RUBBED CONCRETE FINISH
  - ⑦ 36" HIGH RAILING: 3x6 SHAPED TOP RAIL, 3x6 SHAPED BOTTOM RAIL, 4 2X2 PICKETS IV 8X8 CEDAR POSTS - STAINED
  - ⑧ ROOF OVERHANGS & FRONT PORCH TO BE SUPPORTED BY ROUGH SAWN BEAM AND COLUMN PER ENGINEER - STAINED
  - ⑨ ALUMINUM GLAD WOOD WINDOWS AND DOORS IV 1" INSULATED GLASS - SEE SCHEDULE
  - ⑩ CARRIAGE STYLE OVERHEAD GARAGE DOORS
  - ⑪ CONCRETE PORCH/PATIO/DRIVEWAY, BRUSH FINISHED NATURAL COLOR, REINFORCED PER ENGINEER
  - ⑫ 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER
  - ⑬ METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN
  - ⑭ 4" THICK NATURAL STONE VENEER ON STEEL LINTEL, 40" TALL WAINSCOT IV SLOPED NATURAL STONE CAP
  - ⑮ R-42 FIBERGLASS BIB INSULATION
  - ⑯ R-21 FIBERGLASS BIB INSULATION
  - ⑰ R-8 FIBERGLASS BIB INSULATION



**BB BUILDING SECTION**  
1/4" = 1'-0"



**AA BUILDING SECTION**  
1/4" = 1'-0"

**Jonathan DeGray**  
Architect

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Tel. 410-460-7700, E-mail: jongray@jongrayarchitect.com

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**NAVARRO RESIDENCE**  
166 RIDGE AVENUE  
PARK CITY, UT 84060

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**BUILDING SECTIONS**

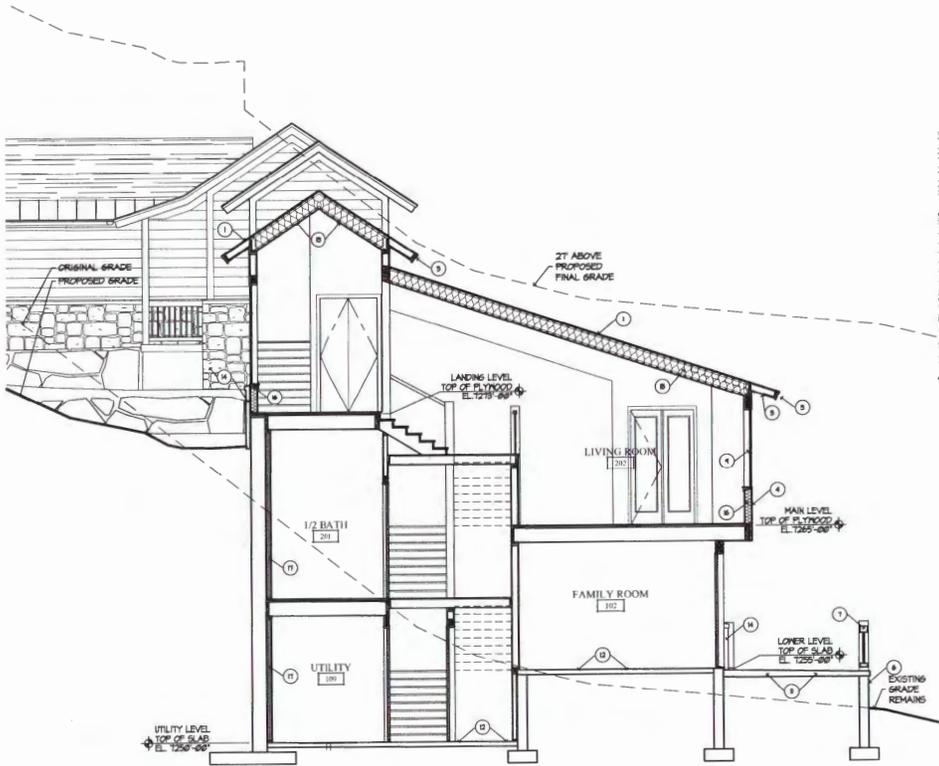
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REVISIONS: R01214

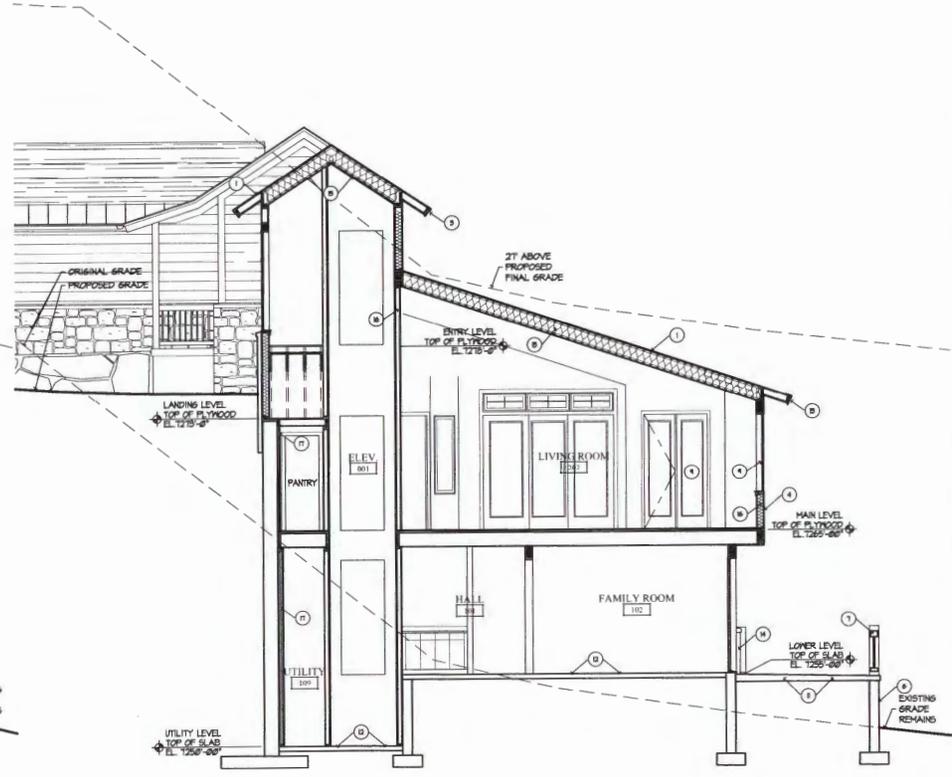
DATE: 05/12/14

PROJECT NUMBER: A3.0

- KEYED NOTES**
- ① ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 0259 PER SQUARE MIN ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE.
  - ② CONTINUOUS RIDGE VENT. TYP
  - ③ 2" X 2" ON 24" X 1 1/4" BUILT UP CEDAR FASCIA - STAINED
  - ④ 8" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - ⑤ 1x6 CEDAR SOFFIT PL CONTINUOUS SOFFIT VENT - STAINED.
  - ⑥ RAS RUBBED CONCRETE FINISH
  - ⑦ 36" HIGH RAILINGS, 6x6 SHAPED TOP RAIL, 2x6 SHAPED BOTTOM RAIL, 4 2x2 PICKETS IV AND CEDAR POSTS - STAINED
  - ⑧ ROOF OVERHANG @ FRONT PORCH TO BE SUPPORTED BY ROUGH SAWN BEAM AND COLUMN PER ENGINEER - STAINED
  - ⑨ ALUMINUM GLAD WOOD WINDOWS AND DOORS IV 1" INSULATED GLASS - SEE SCHEDULE
  - ⑩ CARRIAGE STYLE OVERHEAD GARAGE DOORS
  - ⑪ CONCRETE PORCH/PATIO/DRIVEWAY, BRUSH FINISHED NATURAL COLOR, REINFORCED PER ENGINEER
  - ⑫ 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER
  - ⑬ METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
  - ⑭ 4" THICK NATURAL STONE VENEER ON STEEL LINTEL, 48" TALL MAINGOAT IV SLOPED NATURAL STONE CAP.
  - ⑮ R-42 FIBERGLASS BID INSULATION
  - ⑯ R-21 FIBERGLASS BID INSULATION
  - ⑰ R-19 FIBERGLASS BID INSULATION



**DD BUILDING SECTION**  
1/4" = 1'-0"



**CC BUILDING SECTION**  
1/4" = 1'-0"

**Jonathan DeGray**  
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PROJECT LOCATION  
**NAVARRO RESIDENCE**  
166 RIDGE AVENUE  
PARK CITY, UT 84060

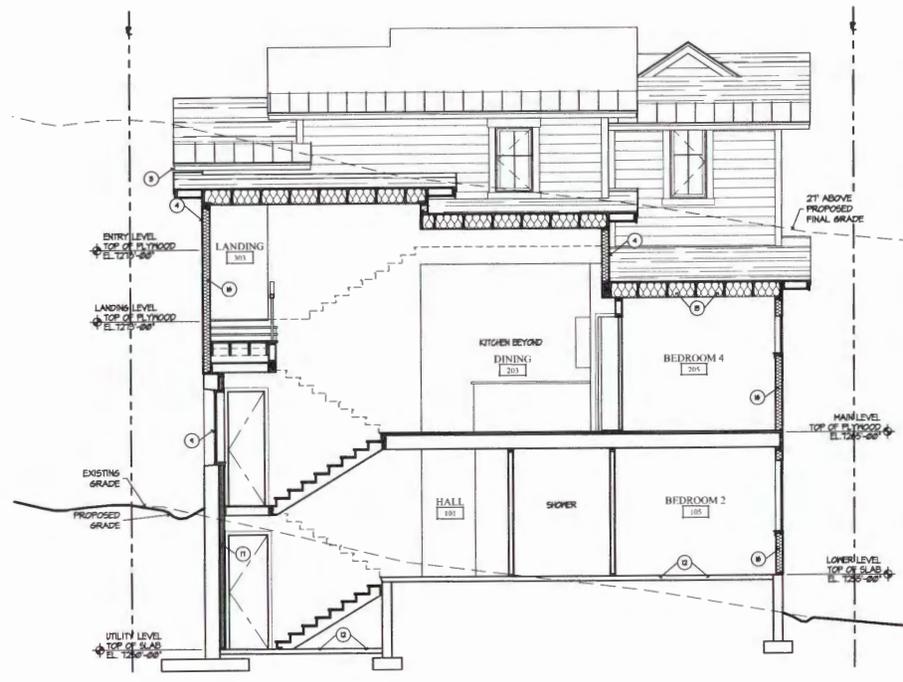
BUILDING SECTIONS

DATE: 05/12/14

PROJECT NUMBER

SHEET NUMBER  
**A3.1**

- KEYED NOTES**
- ① ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 0359# PER SQUARE MINUS ON ICE AND WATER MEMBRANE OVER ENTIRE ROOF SURFACE
  - ② CONTINUOUS RIDGE VENT. TYP
  - ③ 5/4" X 3" ON 5/4" X 1 1/4" BUILT UP CEDAR FASCIA - STAINED
  - ④ 8" HORIZONTAL CEDAR LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - ⑤ 1x6 CEDAR SOFFIT PL CONTINUOUS SOFFIT VENT - STAINED
  - ⑥ RAS RUBBED CONCRETE FINISH
  - ⑦ 36" HIGH RAILINGS: 6x6 SHAPED TOP RAIL, 2x6 SHAPED BOTTOM RAIL & 2x2 PICKETS W/ 2x8 CEDAR POSTS - STAINED
  - ⑧ ROOF OVERHANG @ FRONT PORCH TO BE SUPPORTED BY ROUGH SAWN BEAM AND COLUMN PER ENGINEER - STAINED
  - ⑨ ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE
  - ⑩ CARRIAGE STYLE OVERHEAD GARAGE DOORS
  - ⑪ CONCRETE PORCH/PATIO/DRIVEWAY. BROOM FINISHED NATURAL COLOR. REINFORCED PER ENGINEER.
  - ⑫ 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER.
  - ⑬ METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
  - ⑭ 4" THICK NATURAL STONE VENEER ON STEEL LINTEL. 48" TALL FRANGICOT W/ SLOPED NATURAL STONE CAP.
  - ⑮ R-42 FIBERGLASS BIB INSULATION
  - ⑯ R-19 FIBERGLASS BIB INSULATION



**EE BUILDING SECTION**  
1/4" = 1'-0"

**Jonathan DeGray**  
Architect

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Tel: 435-644-7201, Fax: 435-644-7202, Email: jon@jonathandegray.com

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PROJECT LOCATION  
**NAVARRO RESIDENCE**  
166 RIDGE AVENUE  
PARK CITY, UT 84060

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SHEET INFORMATION  
**BUILDING SECTIONS**

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REVISED  
DATE: 05/12/14

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DATE: 05/12/14

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PROJECT NUMBER

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SHEET NUMBER  
**A3.2**











05/13/2013



05/13/2013



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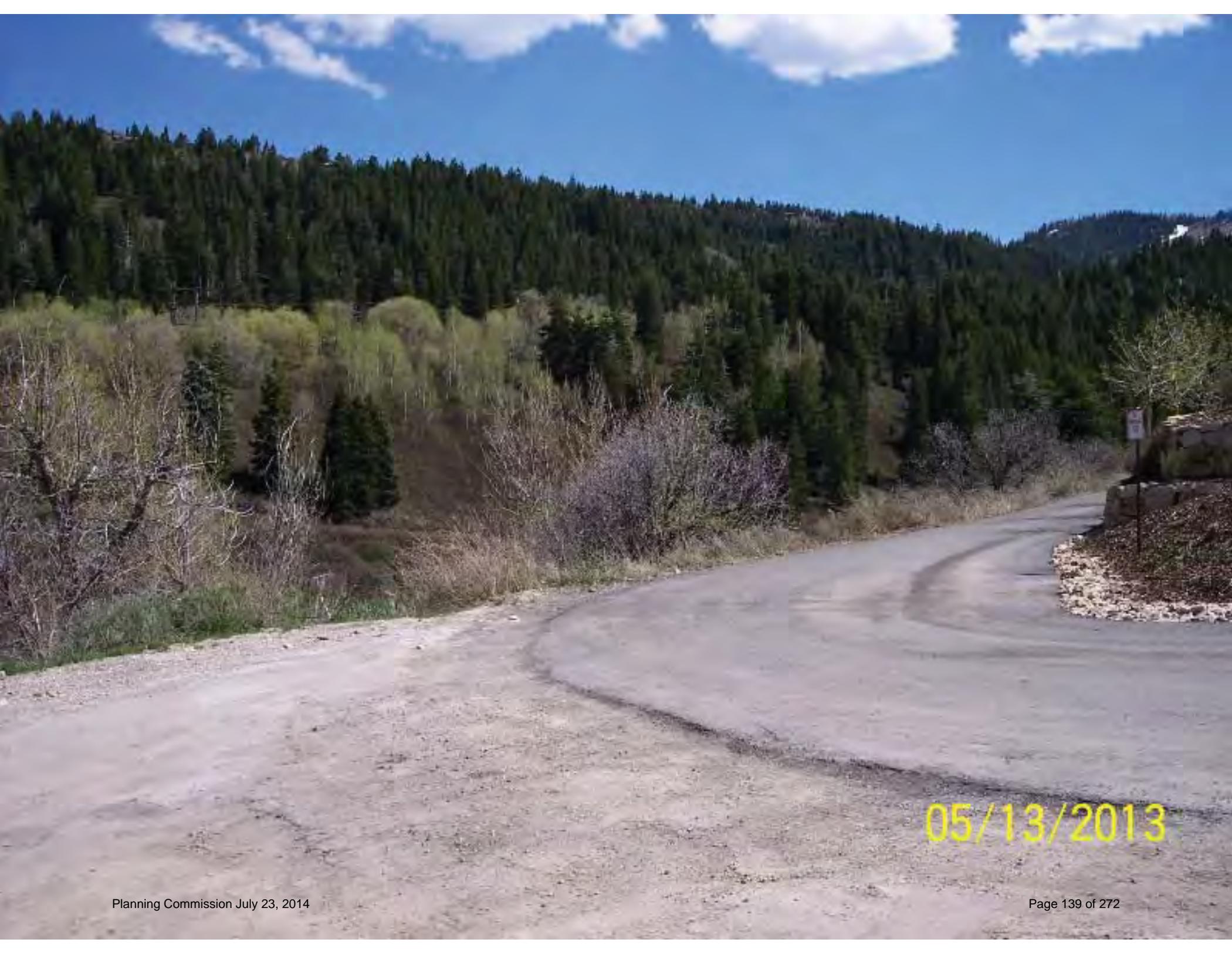
05/13/2013



05/13/2013



05/13/2013



05/13/2013

September 18, 2008

Mr. Dwayne Seiter  
Via email

**NOTICE OF CITY COUNCIL ACTION**

**Project Name** King Ridge Estates  
**Project Description** Appeal of Planning Commission denial of three Conditional Use Permits for Construction on Steep Slopes, located at 158, 162 and 166 Ridge Avenue.

**Date of Meeting** September 18, 2008

**Action Taken By City Council:** The City Council OVERTURNED the Planning Commission action and APPROVED the three Steep Slope Conditional Use Permits based on the following:

**Lot 3, 158 Ridge**

**Findings of Fact:**

1. The property is located at 158 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 53.8 feet. The plat approval required substantial compliance to conceptual plans showing a 58 foot rear setback.

9. ~~The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and ten feet on the north side.~~
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,030 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
15. The proposed footprint is 2,120 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

#### Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.

8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on September 18, 2009, if a building permit has not been issued.
11. Lot 3 must have an eastern setback of 58 feet from the eastern property line to be in strict compliance with the condition of approval for the plat amendment.

### **Lot 2, 162 Ridge**

#### **Findings of Fact:**

1. The property is located at 162 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 53 feet. The plat approval required substantial compliance to conceptual plans showing a 53 foot rear setback.
9. The minimum side yard setback is five feet. The applicant proposes five feet on the south side and five feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,030 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
15. The proposed footprint is 2,120 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and

~~that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.~~

17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. The garage depth on Lot 2 is corrected to measure 20 feet interior depth, 21 feet exterior depth.
11. This approval will expire on September 18, 2009, if a building permit has not been issued.

**Lot 1, 166 Ridge**

Findings of Fact:

1. The property is located at 166 Ridge Avenue (formerly 255 Ridge).

- ~~2. The zoning is Historic Residential Low-density (HRL).~~
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 37.7 feet. The plat approval required substantial compliance to conceptual plans showing a 37 foot rear setback.
9. The minimum side yard setback is five feet. The applicant proposes five feet on the south side and five feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,016 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,117 square feet.
15. The proposed footprint is 2,117 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

#### Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that is prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on September 18, 2009, if a building permit has not been issued.

Sincerely,

Brooks T. Robinson  
Principal Planner

## City Council Staff Report



**Subject:** 158, 162, and 166 Ridge Avenue  
**Author:** Brooks T. Robinson  
**Date:** September 18, 2008  
**Type of Item:** Quasi Judicial – Appeal of Planning  
Commission denial of Steep Slope Conditional Use Permits

### Summary Recommendations

Staff recommends that the City Council review the record and the requested information and hear the appeal of the Planning Commission's denial of the proposed steep slope Conditional Use Permits. Staff has provided findings of fact and conclusions of law to support the denial of the application; however, if the Council wishes to grant the appeal, staff has provided two suggested conditions of approval and can return with additional findings if so directed.

For the purpose of paper conservation and brevity, the appeal of each of the three properties has been consolidated into one report. However, Council must take a separate action on each of the properties.

On August 21, the Council requested two items of information:

- The concept cross-sections from the plat amendment, and
- A survey of the neighborhood of other buildings and the number of stories in each.

The applicant has prepared a presentation incorporating the requested information.

### Topic

**Applicant:** Silver King Resources, LLC  
**Location:** 158, 162, 166 Ridge Avenue, Lots 1-3 King Ridge Estates  
Subdivision  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Appeal of Planning Commission actions are heard by the  
City Council pursuant to Section 15-1-18 (C)

### Background

On August 21st, the City Council heard an appeal of the Planning Commission's denial of three Steep Slope Conditional Use Permits (please refer to Staff Report for Aug 21<sup>st</sup> Council meeting for substantial background information). At that time, the Council continued the items and requested additional information. The Council, in reviewing neighborhood compatibility, requested that the appellant provide analysis on the number of stories of houses in the area. In addition, the Council requested copies of the

concept cross sections that were presented during the plat amendment. The appellant has prepared a presentation incorporating both requests (attached as Exhibit B).

Several of the Council members commented on the Land Management Code definitions that are being referenced. The plat amendment intentionally conditioned the maximum house size based on Gross Floor Area. Gross Floor Area is defined as:

15-15-1.94. Floor Area.

(A) Floor Area, Gross. The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet, 400 sq. ft. in Historic District, are not considered Floor Area. **Basement Areas below Final Grade are not considered Floor Area** (emphasis added).

During the plat amendment process, the City Council directed staff and the applicant to research the surrounding HRL zoning district. The analysis presented then found that the lot sizes are consistent with lot sizes in the neighboring HRL zone. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet or 143% of the footprint. The Code maximum footprints for the proposed lots are 2,118 square feet, 2,117 square feet and 2,404 square feet. The Council found that the lot 3 footprint at 2,404 square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area. Therefore, the Council required a plat note that restricted Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are to be noted as 2,117 and 2,118 square feet. In addition, the Council limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.

The Council also placed several other restrictions on the lots, each of which were agreed to by the applicant. A plat note was added requiring 30 feet non-disturbance zone in the rear (east) of the three lots. In addition, the east side of any future houses must substantially conform to the exhibit shown to the City that placed the houses 37, 55, and 58 feet from the eastern property line. Also, the garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria. No other portion of the house is eligible for a height exception.

Staff found that the proposed houses met the restrictions placed on the plat with two exceptions. These two items were also discussed by the Planning Commission. The first was the depth of the garage on lot 2 which was shown as 23 feet on the exterior, 22 feet on the interior. The Historic District Design Review plans show this dimension being corrected to the 20 foot minimum depth on the interior, 21 feet on the exterior. The

second issue was the substantial conformance with the exhibit showing the east side of the buildings at 37, 55, and 58 feet from the eastern property line. Lot 3 was shown at 53+ feet and the Planning Commission found that that was not substantial conformance. The applicant is willing to reduce the lot 3 building to comply with the specific 58 foot setback.

At the August 21 Council meeting, the City Attorney suggested that the cross section exhibit from the plat amendment discussion be compared with the actual plans. The cross section of Lot 2 is attached as Exhibit A. The cross section shows three stories with the lowest story approximately eight feet in the air at its furthest extent. This is roughly equivalent to another story (a basement) to tie the building to the ground. The last graphic in the PowerPoint presentation prepared by the appellant shows the comparison.

In evaluating neighborhood compatibility, staff and the Planning Commission review the Steep Slope CUP criteria and the definition of compatibility. The LMC defines compatibility as:

15-15-1.52. Compatible or Compatibility. Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Buildings, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

Scale, mass and bulk are the crux of the issue. The third issue of non-compliance found by the Planning Commission was mostly related to the four story façade and basement retaining walls, and their relation to visual impacts from below and to the east. The plat restrictions limit the height, footprint, above ground floor area and setbacks. It is the visible portion of the building that is important in evaluating scale, mass and bulk. Staff differed from the Planning Commission by finding that the lowest level buried below final grade, while perceived from the east with the basement wall as the only portion that is exposed, does not add to the scale, mass and bulk of the buildings. The questions to ask are: Does Council find that the basement wall integrates with the neighborhood and maintains the context of the surrounding area, or is it incompatible? Otherwise, do the buildings step back in relation to the grade? Is there sufficient articulation in the horizontal and vertical forms in the buildings? Are the buildings broken into smaller components that are in scale with the Historic District? Specifically, does the Council agree with Findings No. 7-14?

#### Alternatives

- The City Council may deny the appeal and uphold the Planning Commission decision in whole or in part; or
- The City Council may grant the appeal and overturn the Planning Commission decision in whole or in part; or
- The City Council may remand the matter back to the Planning Commission with specific direction to evaluate additional information; or

- The City Council may continue the item, requesting additional information for review.

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### Recommendation

Staff has included the previous findings of fact and conclusions of law from the denial of the Steep Slope CUPs from the Planning Commission. If the direction of the Council is to grant the appeal in part, staff suggests the two following conditions of approval relative to two of the Planning Commission's concerns. Staff would also recommend that a full set of findings be returned to the Council for ratification.

### Conditions of Approval

1. The garage depth on Lot 2 is corrected to measure 20 feet interior depth, 21 feet exterior depth.
2. Lot 3 must have a eastern setback of 58 feet from the eastern property line to be in strict compliance with the condition of approval for the plat amendment.

### 158 Ridge Ave

#### Findings of Fact:

1. The property is located at 158 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is

very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.

11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not in keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 53.8 feet. The plat approval required substantial compliance to conceptual plans showing a 58 foot rear setback. The Planning Commission found non-compliance with this plat requirement.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and ten feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.
20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,030 square feet.
22. The proposed total Floor Area, including basement, is 5,148 square feet.
23. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
24. The proposed footprint is 2,120 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the two garages are 12 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

#### Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

#### Order

1. The Planning Commission decision to deny the Steep Slope CUP for 158 Ridge Avenue is upheld and the appeal for the 158 Ridge Avenue Steep Slope Conditional Use Permit is denied.

#### 162 Ridge Ave

#### Findings of Fact:

1. The property is located at 162 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.

11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not in keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 53 feet. The plat approval required substantial compliance to conceptual plans showing a 53 foot rear setback.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and 5 feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.
20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,030 square feet.
22. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
23. The proposed footprint is 2,120 square feet.
24. The proposed total Floor Area, including basement, is 5,148 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the garage is the Code minimum 20 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically

2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

#### Order

1. The Planning Commission decision to deny the Steep Slope Cup for 162 Ridge Avenue is upheld and the appeal for the 162 Ridge Avenue Steep Slope Conditional Use Permit is denied.

#### 166 Ridge Ave

##### Findings of Fact:

1. The property is located at 166 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.
11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.

12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 37 feet. The plat approval required substantial compliance to conceptual plans showing a 37 foot rear setback.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and 5 feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.
20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,016 square feet.
22. The maximum footprint for this lot based on the plat approval is 2,117 square feet.
23. The proposed footprint is 2,117 square feet.
24. The proposed total Floor Area, including basement, is 5,133 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the two garages is the Code minimum 20 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

Order

1. The Planning Commission decision to deny the Steep Slope CUP for 166 Ridge Avenue is upheld and the appeal for the 166 Ridge Avenue Steep Slope Conditional Use Permit is denied.

Exhibits

- A – Cross section of concept plan from plat amendment
- B – Appellants presentation

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**Lot 3, 158 Ridge**

**Findings of Fact:**

1. The property is located at 158 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 53.8 feet. The plat approval required substantial compliance to conceptual plans showing a 58 foot rear setback.
9. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and ten feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,030 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
15. The proposed footprint is 2,120 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

**Conclusions of Law:**

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.

- ~~3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.~~
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on September 18, 2009, if a building permit has not been issued.
11. Lot 3 must have an eastern setback of 58 feet from the eastern property line to be in strict compliance with the condition of approval for the plat amendment.

**Lot 2, 162 Ridge**

Findings of Fact:

1. The property is located at 162 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.

8. ~~The minimum rear yard setback is 15 feet. The applicant proposes 53 feet. The plat approval required substantial compliance to conceptual plans showing a 53 foot rear setback.~~
9. The minimum side yard setback is five feet. The applicant proposes five feet on the south side and five feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,030 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
15. The proposed footprint is 2,120 square feet.
16. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. The garage depth on Lot 2 is corrected to measure 20 feet interior depth, 21 feet exterior depth.
11. This approval will expire on September 18, 2009, if a building permit has not been issued.

### **Lot 1, 166 Ridge**

#### **Findings of Fact:**

1. The property is located at 166 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
8. The minimum rear yard setback is 15 feet. The applicant proposes 37.7 feet. The plat approval required substantial compliance to conceptual plans showing a 37 foot rear setback.
9. The minimum side yard setback is five feet. The applicant proposes five feet on the south side and five feet on the north side.
10. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
11. The applicant is proposing two on-site parking spaces within a minimum sized garage.
12. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The proposed above-grade Floor Area is 3,016 square feet.
14. The maximum footprint for this lot based on the plat approval is 2,117 square feet.
15. The proposed footprint is 2,117 square feet.

16. ~~The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor.~~
17. A height exception is requested.
18. Four stories are not prohibited by the Land Management Code.
19. A snowmelt system requiring an Encroachment Agreement is proposed within the Ridge Avenue right of way.
20. The staff findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. An Encroachment Agreement for the snowmelt system is required.
5. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. The garage door shall be a "carriage" style door made of wood.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that is prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on September 18, 2009, if a building permit has not been issued.

# City Council Staff Report



**Subject:** 158, 162, and 166 Ridge Avenue  
**Author:** Brooks T. Robinson  
**Date:** August 21, 2008  
**Type of Item:** Quasi Judicial – Appeal of Planning Commission denial of Steep Slope Conditional Use Permits

PLANNING DEPARTMENT

## Summary Recommendations

Staff recommends that the City Council review the record and hear the appeal of the Planning Commission's denial of the proposed steep slope Conditional Use Permits. Staff recommends that the City Council uphold the Planning Commission's denial of the proposed steep slope Conditional Use Permits and has provided findings of fact and conclusions of law to support this recommendation.

For the purpose of paper conservation and brevity, the appeal of each of the three properties has been consolidated into one report. However, Council must take a separate action on each of the properties.

## Topic

**Applicant:** Silver King Resources, LLC  
**Location:** 158, 162, 166 Ridge Avenue, Lots 1-3 King Ridge Estates Subdivision  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Appeal of Planning Commission actions are heard by the City Council pursuant to Section 15-1-18 (C)

## Background

On December 12, 2007, the City received an application for a steep slope Conditional Use Permit (CUP). After further revisions, up to and including May 5, 2008, the application was deemed complete. Each application is a request for approval of a single-family home. On lot 1 (166 Ridge) the house proposed is approximately 5,133 square feet on a 5,902 square foot lot. On lot 2 (162 Ridge) the house proposed is approximately 5,148 square feet on a 5,898 square foot lot. On lot 3 (158 Ridge) the house proposed is approximately 5,148 square feet on a 6,550 square foot lot. Because each of the proposed dwellings have square footage greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant was required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC.

## Plat

The property is located on Ridge Avenue north of the switchback, in the Historic Residential Low Density (HRL) zoning district. The Planning Commission held

numerous public hearings from February to September 2007 on the proposed plat.

Although the Planning Commission forwarded a negative recommendation on the plat, the City Council, after further staff analysis and amendments to the findings of fact and conditions of approval, approved the plat on October 25, 2007. The proposed plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City. The three lots are 5,902 square feet, 5,898 square feet, and 7,208 square feet in area. The parcel is 2,110 square feet in area.

The Council found that the lot sizes were consistent with the surrounding HRL zone lots in that the average lot size in the HRL zone in the area is 5,677 square feet. The Code maximum footprints for the lots based lot size would be 2,118 square feet, 2,117 square feet and 2,404 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet. The Council found that the lot 3 footprint at 2,404 at square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area. The Council also found that built houses sizes in the HRL district around the subject property have an average square footage of 143% of the footprint.

With these findings, the Council placed the following restrictions on the plat. The applicant consented to these restrictions.. A plat note was added to restrict Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are 2,117 and 2,118 square feet. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria. No other portion of the house is eligible for a height exception. Finally, in addition to the 30-foot no-build area on the eastern portion of each of the lots, the buildings were required to be in substantial compliance with the conceptual footprints shown which are up to 58 feet from the eastern property line.

#### Driveway grade, use of platted unbuilt Ridge Avenue Right of Way

The City Council, in approving the plat amendment included Condition of Approval #16 which states:

16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.

The Board of Adjustment, at a public hearing on December 18, 2007, granted a Special

Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way, in this case, the platted Ridge Avenue ROW north of the paved Ridge Avenue. Increasing the driveway slope to 14% (the maximum private driveway slope allowable per City standards) would reduce the eight foot height of the associated retaining walls another 4 feet over the 100 foot length.

On February 13, 2008, the Planning Commission re-opened the public hearing on the Conditional Use Permit for construction of a private driveway in the platted, unbuilt Ridge Avenue right of way. The Planning Commission approved the CUP with conditions that a landscape plan to mitigate the retaining walls and a snow removal plan be submitted with the Steep Slope Conditional Use Permit. A landscape plan was attached to the Steep Slope CUP and met the required conditions and an Encroachment Agreement for a snowmelt system is was reviewed and approved by the City Engineer.

#### Steep Slope CUPs

On June 11, 2008, Planning Commission considered three Conditional Use Permits for Development on Steep Slopes for the properties located at 158, 162, and 166 Ridge Avenue. In reviewing the project against the CUP criteria, the Staff found no unmitigated impacts and recommended approval of each of the CUPs (See Exhibits B-1, B-2, and B-3).

At the June 11<sup>th</sup> meeting, the Planning Commission by unanimous vote removed this item from the Consent Agenda and held a public hearing. Development on Steep Slope Conditional Use Permits are reviewed by the Planning. Also by unanimous decision, the Planning Commission, after discussion, voted to direct staff to prepare findings for denial. On June 25<sup>th</sup>, the Planning Commission ratified the Findings of Fact and Conclusions of Law (See Exhibits A - 1, A - 2, and A - 3).

#### Appeal

The Planning Commission found that the three proposed houses did not comply with the Steep Slope CUP criteria numbers 1, 2, 4, 5, 6, 7, 8, and 10 (See Minutes, Exhibit C). The Commission also found that 158 Ridge (lot 3) did not meet the "substantial compliance" requirement of the plat by having the eastern edge of the building 53 feet and not 58 feet from the eastern property line. In summary, the Commission found that the houses were not compatible with the neighboring houses in the Historic District in size and scale. The buildings present a four story element when viewed from the east and the visual impact of the lowest story, although technically meeting the LMC definitions and not counting towards Gross Floor Area, was found to be contributory to the finding of incompatibility. The lowest story on each building is approximately 1850 square feet, or roughly 36% of the total area of each house. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house. The retaining structures on the side of the home are present not to retain existing grade, but exist to manipulate grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area. Finally, although the proposed houses do meet the restrictions on height, footprint, and Gross Floor Area as set forth in

the subdivision approval, the Planning Commission found that the proposed houses maximize each condition without enough articulation or increased setbacks to mitigate the visual impacts.

On July 7, 2008, the City received a written appeal of the Planning Commission's actions and three supplemental letters, one for each house (Exhibit D). Appeals of Planning Commission actions are heard by the City Council and follow the procedure detailed in Land Management Code section 15-1-18. The appeal was timely received and contained the necessary information and fees. Under 15-1-18(G), the burden of proof is on the appellant to prove the Planning Commission erred in making its findings. The City Council reviews factual matters *de novo* and shall determine the correctness of the decision in interpretation and application of the Land Management Code.

The appellant disagrees with the Planning Commission findings as unsupported by the facts and that the conclusions are arbitrary and capricious. On the major points, visual analysis, mass and scale, and incompatibility with the Historic District, the appellant argues that there are few objective criteria with which to measure. The buildings are not visible from the LMC defined Vantage Points. The Commission's findings of visual incompatibility are solely based on the eastern elevation which is only visible from the higher vantage point of Prospect Avenue. The buildings are not visible from Daly Avenue. The appellant argues that the plat requirement for the 30-foot no build zone and substantial compliance with the conceptual footprint placing the buildings up to 58 feet from the eastern property line provide adequate mitigation to any visual impact. Further, the appellant argues that each story of the buildings steps back from nine to nineteen feet from the lower story and that the roof elements step similarly. Finally, the appellant argues that the plat requirements limiting footprint, Gross Floor Area, and height were based on objective data relative to the surrounding area and that the Commission's findings are not.

#### **Recommendation on 158 Ridge Ave**

Staff requests the City Council review the following findings of fact and conclusions of law, amend as deemed necessary, and uphold the Planning Commission decision:

#### **Findings of Fact:**

1. The property is located at 158 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.

7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.
11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not is keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 53.8 feet. The plat approval required substantial compliance to conceptual plans showing a 58 foot rear setback. The Planning Commission found non-compliance with this plat requirement.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and ten feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.

20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,030 square feet.
22. The proposed total Floor Area, including basement, is 5,148 square feet.
23. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
24. The proposed footprint is 2,120 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the two garages are 12 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

Order

1. The Planning Commission decision to deny the Steep Slope CUP for 158 Ridge Avenue is upheld and the appeal for the 158 Ridge Avenue Steep Slope Conditional Use Permit is denied.

**Recommendation on 162 Ridge Ave**

Staff requests the City Council review the following findings of fact and conclusions of law, amend as deemed necessary, and uphold the Planning Commission decision:

Findings of Fact:

1. The property is located at 162 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.

7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.
11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not in keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
16. The minimum rear yard setback is 15 feet. The applicant proposes 53 feet. The plat approval required substantial compliance to conceptual plans showing a 53 foot rear setback.
17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and 5 feet on the north side.
18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
19. The applicant is proposing two on-site parking spaces within a minimum sized garage.

20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
21. The proposed above final grade Floor Area is 3,030 square feet.
22. The maximum footprint for this lot based on the plat approval is 2,120 square feet.
23. The proposed footprint is 2,120 square feet.
24. The proposed total Floor Area, including basement, is 5,148 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the garage is the Code minimum 20 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

#### Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

#### Order

1. The Planning Commission decision to deny the Steep Slope Cup for 162 Ridge Avenue is upheld and the appeal for the 162 Ridge Avenue Steep Slope Conditional Use Permit is denied.

#### Recommendation on 166 Ridge Ave

Staff requests the City Council review the following findings of fact and conclusions of law, amend as deemed necessary, and uphold the Planning Commission decision:

#### Findings of Fact:

1. The property is located at 166 Ridge Avenue (formerly 255 Ridge).
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combined lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. Access to the lots is via a private driveway in platted, but unbuilt Ridge Avenue north of the switchback.
5. A variance was granted by the Board of Adjustment for a 14% driveway slope within the unbuilt Ridge Avenue right of way.
6. The Planning Commission previously approved a CUP for a driveway in a platted, unbuilt City right of way.
7. The Planning Commission found that visual and environmental impact of the home is not mitigated in compliance with Criteria 1: Location of Development. The house is

- not compatible with the Historic District in size and scale. The scale of the building is of a four story building when viewed from the east. Grade is manipulated with extraneous retaining walls that do not mitigate the volume of the house.
8. The Planning Commission found that visual impact of the home is not mitigated in compliance with Criteria 2: Visual Analysis. The visual impact from the east is of a four story building.
  9. The Planning Commission found that the impacts of the retaining structures are not mitigated in compliance with Criteria 4: Terrace. The retaining structures on the side of the home are not to retain existing grade, but are a manipulation of grade in order to bury the north and south walls of the lowest story so that the lowest story would not count as Gross Floor Area.
  10. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 5: Building Location. The natural topography of the site is very steep on the western third and flatter in the middle. The building does not correspond to this topography and manipulates grade for a bigger house.
  11. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 6: Building Form and Scale. The scale of the building is not is keeping with the Historic District. Four stories are achieved only with a manipulation of exterior grade with extraneous retaining walls.
  12. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 7: Setbacks. Although there is an increased setback on the east based on the subdivision plat approval, no further reductions in side or rear setbacks was designed. The scale of the building is such that increased setbacks would help mitigate the impacts.
  13. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 8: Dwelling Volume. The visual mass when viewed from the east is of a four story building which is not in keeping with the character of the historic district.
  14. The Planning Commission found that the impact of the home is not mitigated in compliance with Criteria 10: Height Exceptions. More specifically, the design and articulation of the building mass does not mitigate the visual impacts and differences in scale between the proposed building and nearby residential structures.
  15. The minimum front yard setback for a lot of this size is 15 feet. The applicant proposes a 15 foot front yard setback.
  16. The minimum rear yard setback is 15 feet. The applicant proposes 37 feet. The plat approval required substantial compliance to conceptual plans showing a 37 foot rear setback.
  17. The minimum side yard setback is 5 feet. The applicant proposes 5 feet on the south side and 5 feet on the north side.
  18. The minimum number of on-site parking spaces required for a single-family home in the HRL zone is two.
  19. The applicant is proposing two on-site parking spaces within a minimum sized garage.
  20. A plat note limited the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.

21. The proposed above final grade Floor Area is 3,016 square feet.
22. The maximum footprint for this lot based on the plat approval is 2,117 square feet.
23. The proposed footprint is 2,117 square feet.
24. The proposed total Floor Area, including basement, is 5,133 square feet.
25. The Maximum height for a single-family home in the HR-1 zone is 27 feet above existing grade, unless the Planning Commission grants an exception. The plat approval stipulated that only the garage/entry could be granted an exception and that is for a minimum depth garage and a compatible roof pitch with a ridge elevation no greater than 18 feet above the garage floor. The interior dimensions for the two garages is the Code minimum 20 feet wide by 20 feet deep. The roof element is 18 feet above the garage floor and has an 8:12 pitch.

Conclusions of Law:

1. The CUP is not consistent with the Park City Land Management Code, specifically
2. The proposed use will not be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have not been mitigated through careful planning.
4. The Planning Commission did not err its application of the Land Management Code.

Order

1. The Planning Commission decision to deny the Steep Slope CUP for 166 Ridge Avenue is upheld and the appeal for the 166 Ridge Avenue Steep Slope Conditional Use Permit is denied.

Exhibits

- A – Staff Reports (A -1, 2, and 3) for Planning Commission Findings for denial (June 25, 2008)
- B – Staff Reports and one set of Floor Plans and Elevations (B – 1, 2, 3, and 4) for 158, 162 and 166 Steep Slope CUP (June 11, 008)
- C – Minutes from June 11, 2008 Planning Commission hearing.
- D – Appeal for each of the three houses

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## Exhibit E

Page 3  
City Council Meeting  
September 18, 2008

Consideration of a Resolution declaring September 21-28, 2008 as “Bag the Bag” Week in Park City, Utah and promoting the use of reusable shopping bags – Diane Foster introduced David Gerber and Megan Fernandez from the Leadership Class. Ms. Fernandez on behalf of the Leadership Class, thanked Recycle Utah, Park City High School Environmental Club, Sustainability Team and all of the residents who have supported the Resolution. The goal of the Class project is to promote the use of reusable shopping bags which could have a huge positive impact on the landfill. She introduced the Bag Monster, wearing close to 500 bags, which is the number used by the average American citizen every year and ends up in the landfill polluting the environment. She discussed Leadership researching sustainable practices in other communities and concluding that the best strategy for Park City is a voluntary approach to change and they would like to revisit it in a year to evaluate its success.

David Gerber discussed Bag to Bag Week where the Bag Monster will make special appearances. A local business donated 4,700 reusable bags that will be distributed throughout the week. He discussed programs targeted for elementary school kids and a media push. The group will have a table at the Park City Film Festival over the weekend with informational pieces and the High School Environmental Club will be passing out reusable bags on Saturday, September 27. Mr. Gerber asked that the Council waive the fee for temporary special use signs; all members agreed.

Liza Simpson, “I move we adopt a Resolution declaring September 21-28, 2008 as “Bag the Bag” Week and promoting the use of reusable shopping bags within Park City”. The Mayor expressed his appreciation of the Leadership’s Class efforts. Jim Hier seconded. Motion unanimously carried.

### **VI OLD BUSINESS (Continued public hearings)**

1. Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn’s Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – The City Attorney stated that the petitioners requested a motion to continue to October 2, 2008. The Mayor opened the public hearing and with no comments from the audience requested a motion to continue to October 2, 2008. Candace Erickson, “I so move”. Roger Harlan seconded. Motion carried unanimously.

2. Consideration of an appeal of the Planning Commission’s denial on June 25, 2008 of a Steep Slope Conditional Use Permit for 158 Ridge Avenue, 162 Ridge Avenue and 166 Ridge Avenue – Brooks Robinson explained that a hearing on these properties was conducted on August 21, 2008. The appellant must prove the Planning

Commission erred in its decision. At the meeting, Council requested information regarding the visuals presented at the plat amendment stage last October and a survey of heights of the surrounding buildings because it was critical in the Planning Commission's decision and relevant to some discussions on compatibility in the Historic District. He referred to the PowerPoint presentation in the meeting packet prepared by the appellants and the plat amendment meeting information prepared in October.

Mr. Robison referred to a concern expressed by Commissioner Peek at the last meeting regarding one of the garages measuring 23 feet, but it actually met the plat requirement at 21 feet. The Planning Commission found non-compliance with the setback shown at the plat stage and the applicant has expressed willingness to correct that to 58 feet consistent with the plat. If the Council decides to overturn the Planning Commission's decision, staff asks that the findings be prepared and ratified by the City Council. Final findings to deny for all three properties have been prepared and are available.

Spencer Viernes, Ray Quinney & Nebeker attorney for Silver King Resources LLC, referred to their presentation made on August 21 and asked for an opportunity to rebuke any comments or analysis tonight with respect to the Code, if needed.

Jonathan DeGray, architect, presented information through a PowerPoint presentation about building types in the neighborhood which was requested from Council last meeting. A variety of vantage points were photographed from Ridge Avenue, King Road, Sampson Avenue, Woodside Avenue, Prospect Avenue, and Ontario Avenue and Mr. DeGray pointed out a number of three and four storied buildings which were identified on the graphic by a marker. He also displayed newer three and four level construction at the end of Ridge Avenue as it meets Daly Avenue.

Mr. DeGray illustrated a slide of the building section presented during the plat process for this project. He stated that he did not produce the drawing; it was prepared by Gus Sherry. The rendering shows the building hanging out above the grade line about eight feet and four levels although the bottom level is elevated about a half flight and the building does not meet the ground. In comparison to the actual architectural section, the building falls within the height limit and the multi-storied section is further up the hill. Another difference is his building is two feet lower in grade than the plat section shows. He explained that a number of levels result in the significant vertical change. The CUP for the driveway, serving all three structures, was approved in February 2008. Additional building sections were provided to the Planning Commission at that time showing four stories on all of the plans which were displayed. The overall site plan also shows four stories for the three properties.

Mr. DeGray emphasized that he relayed to the Planning Commission that if the additional setback of five feet on Lot #3 is an issue, they are willing to increase it from

53 feet to 58 feet. The dimension of the garage on Lot #2 was an oversight on the steep slope CUP information as 23 feet but will be 21 feet and has been corrected. The incorrect drawing seems to continue to be circulated.

Joe Kernan pointed out references to four story buildings throughout the findings and the retaining structures on the side of the buildings which are not at natural grade but are a manipulation of grade in order to bury the lowest story which is not counted toward gross floor area. He asked if the use of retaining walls is typical and acceptable. Mr. DeGray responded that the Code defines stories and basements and what is allowed for the manipulation of grade. The project has taken advantage of the allowance in the LMC to bring the grade up and around those lower levels to pull them out from the building. The retaining walls allow the buildings to step back rather than result in a vertical façade and he relayed that the Code requires stepping to tie into the natural topography. The plat was approved with constraints on square footage and footprint which resulted in this design with the basement. Brooks Robinson interjected that over the past 15 years, maximum house sizes have been noted on plats and it has been more common to see the retaining wall to accommodate the basement design to acquire the maximum square footage, since the basement is not counted. He suggested that this be addressed in future amendments to the Code, if desired by Council. Roger Harlan expressed concern if this practice encourages large four story construction accomplished with changing grade with an artificial retaining wall. Jim Hier acknowledged that the basement square footage is not counted but there could still be a four story building on the site with less square footage, but it would still look like a four story building. The fact that some of the square footage is buried underground wouldn't change the above-ground impact. He did not believe that any of the arguments in the findings for denial indicate that the square footage is too high; the focus is that the buildings are four stories. Mayor Williams asked if the intent was to include the basement square footage in the maximum 3,030 square foot maximum and Brooks Robinson responded, no and added that it was never pertinent to the Planning Commission. The staff tried to be very clear, especially in compiling neighborhood house size information, that basement square footage was excluded so that comparisons were effective and compatibility was based on the same criteria.

Jim Hier believed that at the meetings of September 27 and October 26, 2007, Lot #2 was presented as three floors with a step-down area; the floors changed from a four foot separation to a ten foot separation. Jonathan DeGray explained that the graphic of the building above-grade shows that it's hanging out in space. It needs to touch ground or the grade needs to be artificially built up. He reminded members that Mr. Sherry developed the sections based on the footprint requirements and the elevation changes between his road work and the existing grade on the lower part of the site. He couldn't explain the graphic but pointed out that even if it was a three story structure, it would have the same volume above ground. Jim Hier recalled that the other two buildings

were always shown as four stories. Liza Simpson agreed that following the changing plans was confusing and pointed out that the engineer's drawing showed the buildings exceeding height limitations. Mr. DeGray interjected that this occurred prior to the restriction on the plat. Ms. Simpson continued that she contemplated the design dropping down so the height was compliant.

Sean Marquardt, agent for appellant, explained that he worked with the engineer, Gus Sherry, and discussed the definition of floor area which became a focus at the time. Because the building was hanging out, they assumed there would be a basement. He stated that they looked at Anchor Development which has a maximum above-ground square footage of about 3,025. The lot allows for a 2,200 square footprint and access off of Kind Road. Mr. Marquardt pointed out that the formula will yield over 5,000 square feet and other undeveloped properties around them will likely be in excess of 5,000 square feet as well because of the plat notes.

Jim Hier stated that Findings Nos. 7, 8, 11, and 13 all address an issue four stories, but there isn't a finding that explains the problems and why they should be prohibited which should have been the basis for other findings regarding four stories. He finds it difficult to support those findings for denial. Finding No. 9 deals with the terrace, Finding No. 10 with building location, Finding No. 12 with setbacks, and Finding No. 14 is not specific. He understood that Finding No. 16 relating to the garage dimension issue has been remedied.

With regard to Finding No. 9, Mr. Viernes explained that the Planning Commission argued that the retaining structures were a manipulation of grade. His analysis of the LMC is that the finding is not relevant to the criteria in the LMC. Section 15-2.1-6(b) (4) provides that terrace retaining structures are allowed to retain natural grade. The June 11, 2006 staff report indicates that the retaining structures maintain natural grade. The Planning Commission finding is not supported by any factual evidence provided to them. Finding No. 10 regarding the natural topography of the site where the criteria in the Code indicates that the buildings act as infrastructure must be located to minimize cut and fill that would alter the perceived topography. There is no language in the finding of fact that indicates the natural topography has been altered, in fact the previous Finding No. 9 from the original June 11, 2006 staff report indicates that natural grade is maintained similar to the topography. Criteria No. 5 goes on to indicate that the site design and the building footprint have to coordinate with adjacent properties to maximum opportunities for open areas, preservation of natural vegetation, and minimize driveway and parking areas. Extensive discussions with the planning staff in preparing the design of the site planning for the original plat approval were lengthy and focused on site design, lot size, building footprint size, maximum square footage, inclusion of a non-disturbance area to preserve natural vegetation and the design of the driveway CUP in order to minimize the driveway and parking areas. Spencer Viernes explained that the

discussions with the planning staff in preparing the designs and site planning for the original plat approval were lengthy, including the design of the driveway CUP. The Planning Commission's finding that the natural topography is very steep and the building does not correspond to the natural topography is not tied to the LMC.

Sean Marquardt commented that the Planning Commission's Finding No. 11 again states that the scale of the building is not in keeping with the Historic District, indicating that four stories are achieved only through the manipulation of exterior grade. There's no mention whether four stories is appropriate or inappropriate in the LMC nor is there any mention of number of stories in the Historic District Guidelines and is therefore irrelevant. Jonathan DeGray also pointed out that the presentation documents a multitude of existing four storied buildings within the neighborhood.

With regard to setbacks, Mr. Viernes expressed that the applicant has demonstrated a willingness to comply. The setbacks are intended to minimize a wall effect along the street and the rear property line and the size and architecture of the structure is largely a function of the restrictions placed from the plat approval process. Jonathan DeGray added that with the setbacks of 37 feet on Lot 1, 55 feet on Lot 2 and 58 feet on Lot 3 significantly exceed the normal setbacks for the zone.

Liza Simpson expressed that she is not in agreement with the appellant's argument about findings relating to four stories. She believes that the Planning Commission found that the project does not fit within the neighborhood and the findings are still valid when omitting the words "four story". Although she appreciates the visuals, examples exist that support incompatibility and she agrees with the findings.

Mr. Viernes pointed out that under the LMC, the factual findings are actually for de novo review so there's no reason to rely solely on findings. In response to a comment from Joe Kernan, Mr. Viernes felt there needs to be an objective standard that can be applied uniformly to each new development because without uniformity, actions lead toward ad hoc legislation and the general public doesn't know what to expect. He felt that compatibility should be measurable criteria so proposals can be evaluated. Jonathan DeGray added that they moved forward with discussions with staff based on the criteria of the LMC.

Mayor Dana Williams expressed that his concern dealt with compatibility acknowledging that this finding is difficult to defend through the LMC. He recognized the Council's philosophical beliefs about compatibility in the Historic District but felt that this is another discussion for another night. Candace Erickson agreed stating that she does not like the project and felt there is a *loophole* in the Code that needs to be changed. Discussion continued regarding the belief that the design of the structure without manipulation of grade would look similar above-ground because there is no height limit.

Mr. Hier also noted that the Planning Commission did not seem concerned about square footage but compatibility in the neighborhood. Brooks Robinson agreed with Mr. Hier's comments about above-ground square footage. He explained that philosophically, the square footage that is buried is not an issue because it doesn't affect the visual mass and scale of the above-ground building.

Mark Harrington explained that in consideration of the previous comments and if the manipulation of grade doesn't violate the standard to minimize cut and fill that would alter the perception of natural grade it is not material to Council and therefore, the Planning Commission finding can not be supported for denial. He emphasized that this is not a *loophole* in the LMC, but a deliberate amendment to the Code.

Liza Simpson stated that she does not accept the statement that compatibility has to be completely quantifiable because it is visual. Mark Harrington agreed that it does not have to be as quantifiable as expressed by legal counsel, because the result is *cookie-cutter* designs. However, at the same time, the Code must articulate incompatibility or describe the adverse impact that can not be mitigated. The finding must be objective and if it is visual, members need to distinguish between the appellant's presentation on existing three and four storied buildings from the facts of this case. Through use of a project model, Jonathan DeGray explained the look of the structure if it were pushed back into the hillside with no terrace or retaining wall and he described a building with less square footage but a more vertical look because of no stepping. There could still be a basement.

Brooks Robinson noted that if the far north end was kept close to existing grade, then some square footage would have been counted on the lowest level (200 to 300 square feet). The Mayor invited public input.

Carlene Riley, 84 Daly, stated that this development is too big and allowing three and four storied structures on Ridge Avenue will set a precedent for the Historic District. Steep slopes should be analyzed and she wished that a smaller scale would have been determined early in the process.

With no further comments, the Mayor closed public input.

Roger Harlan brought up measuring compatibility objectively and Mark Harrington added that the compatibility analysis was submitted at the subdivision level which focused on above-ground mass. He felt providing this study is fairly objective and part of the staff's practice when faced with these questions. The problem in this instance is that the basement exception allows approximately 1,200 to 800 additional square feet depending on the application, of buried area. In terms of the finding of compatibility and how it compares to the presentation is the crux of the issue. Finding No. 1 was clarified

as being the criteria in the Code for a steep slope CUP and there was discussion about the intent of terracing to avoid steep flat building facades. Brooks Robinson pointed out that steep slope criteria encourage that the building be broken up into smaller components. Jim Hier stated that in his opinion, four stories are allowed by the footprints dictated on the plat with no restriction on total height. If it is not compatible with the neighborhood it can't be because of total square footage and it's not because of manipulation of natural grade because the resulting structure would be similar. Liza Simpson did not believe that the project follows the natural topography. The presentation photos show houses on hillsides while the Ridge Avenue structures are on a bench area. The Mayor emphasized that if the design followed natural topography, the look and visual impact of the resulting buildings would not be very different.

Jim Hier, "I move that we direct staff to prepare findings for approval of the CUP for 158, 162, and 166 Ridge Avenue based on modifying the findings based on the initial findings prepared for approval in a prior packet". Joe Kernan seconded. Roger Harlan believed that the project will be most visible from Prospect Avenue but not other viewpoints. Motion carried.

|                  |     |
|------------------|-----|
| Candace Erickson | Nay |
| Roger Harlan     | Aye |
| Jim Hier         | Aye |
| Joe Kernan       | Aye |
| Liza Simpson     | Nay |

## VII ADDITIONAL DISCUSSION – AGENDA ITEMS

## VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

## MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Jerry Gibbs, Public Works Director; Kathy Lundborg, Water Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property, litigation and personnel". Jim Hier seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Jim Hier, "I move to open the meeting". Candace Erickson seconded. Motion unanimously carried.

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City Council Meeting  
September 18, 2008

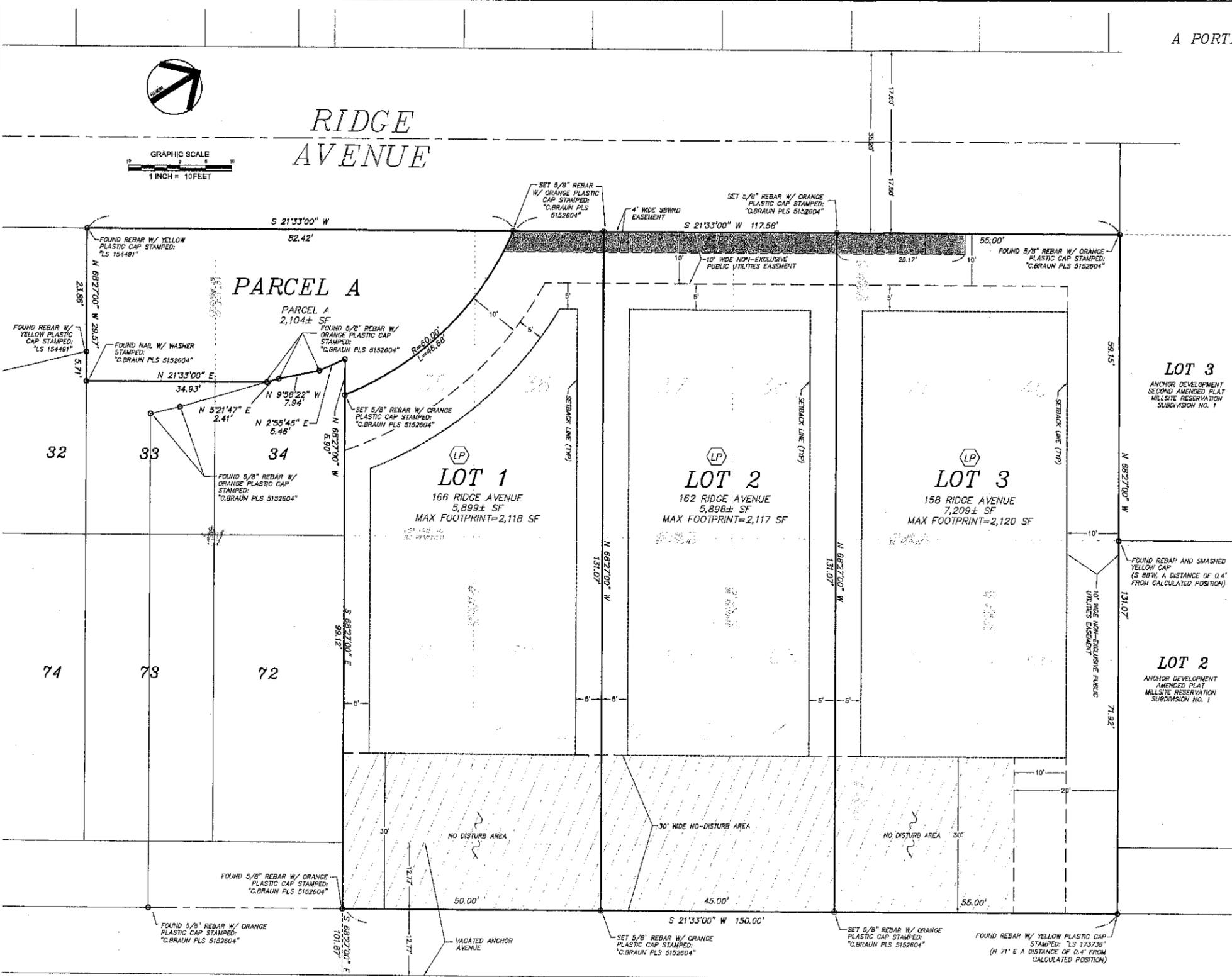
The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

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Janet M. Scott, City Recorder

**KING RIDGE ESTATES**  
 A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY,  
 LYING WITHIN THE NORTHEAST QUARTER OF  
 SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
 SALT LAKE BASE & MERIDIAN  
 SUMMIT COUNTY, UTAH



**PLAT NOTES:**

- ALL LOTS WITHIN THIS SUBDIVISION ARE BUILDBLE. ANY FURTHER SUBDIVISION OF SUCH LOTS, WHETHER BY DEED BEQUEST, DIVORCE DECREE, OR OTHER RECORDED INSTRUMENT SHALL NOT RESULT IN A BUILDBLE LOT UNTIL THE SAME HAS BEEN APPROVED IN ACCORDANCE WITH THE PARK CITY LAND USE ORDINANCE.
- UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREON. SAID RIGHTS INCLUDES THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REMOVE OR ALTER SUCH FACILITIES, TREES, AND VEGETATION THAT MAY HAVE BEEN PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE BE PLACED WITHIN THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF ALL THE UTILITIES WITH FACILITIES WITHIN THE AFFECTED PUE.
- DESIGN OF ACCESS TO AND FIRE PROTECTION FOR ALL PROPOSED BUILDINGS MUST MEET THE REQUIREMENTS OF THE PARK CITY FIRE SERVICE DISTRICT. MODIFIED 13-0 SPRINKLERS ARE REQUIRED IN EACH HOUSE.
- LOTS ARE NUMBERED 1-3.
- PARCEL A IS HEREBY DEDICATED TO PARK CITY AS A PUBLIC STREET AND RIGHT-OF-WAY.
- NO REMNANT PARCEL CREATED HEREBY IS SEPARATELY DEVELOPABLE.
- THE 30-FOOT WIDE NO-DISTURB AREA ALONG THE REAR OF LOTS 1-3 IS INTENDED TO PRESERVE EXISTING VEGETATION BOTH DURING AND AFTER CONSTRUCTION. DISTURBANCE WITHIN 30 FEET OF THE REAR LINE WILL BE REQUIRED ONLY IN THE VICINITY OF POWER AND STORM DRAIN CONSTRUCTION.
- THE MAXIMUM FLOOR AREA, AS DEFINED BY THE PARK CITY LAND MANAGEMENT CODE, CANNOT EXCEED 3,030 SQUARE FEET FOR ANY STRUCTURE ON LOT 1, 2, OR 3.
- CONSTRUCTION ON LOTS 1, 2, AND 3 IS RESTRICTED BY SPECIFIC CONDITIONS OF THE SUBDIVISION APPROVAL, ORDINANCE 07-74.
- LOTS DESIGNATED AS LOW PRESSURE SEWER SYSTEM LOTS SHALL BE REQUIRED TO INSTALL A LOW PRESSURE GRINDER PUMP STATION AND APPURTENANCES CONSISTENT WITH THE SEWER PUBLIC LOW PRESSURE SEWER SYSTEM INSTALLED FOR THE DEVELOPMENT. THE KING RIDGE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR OPERATION, MAINTENANCE AND REPAIR OF THE LOW PRESSURE GRINDER PUMP STATION AND APPURTENANCES.

**LEGAL DESCRIPTION:**

ALL OF LOTS 35 TO 40, INCLUSIVE; LOTS 66 TO 71, INCLUSIVE, AND THE WESTERLY ONE-HALF OF LOTS 33 AND 34, BLOCK 75, MILLSITE RESERVATION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN 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 CENTERLINE 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 90.31 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 17°29'00" EAST 0.44 FEET; 2) NORTH 08°09'00" EAST 5.47 FEET; 3) NORTH 05°21'47" EAST 19.77 FEET; 4) NORTH 09°28'22" EAST 7.94 FEET; 5) NORTH 02°50'49" WEST 5.48 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 72 OF SAID MILLSITE RESERVATION SOUTH 68°27'00" EAST 106.02 FEET TO THE POINT OF BEGINNING.

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

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE KING RIDGE ESTATES, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND I, Wesley Lee Sabo, OWNER OF KING RIDGE RESOURCES, LLC, HEREBY CONSENT(S) TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNER(S), OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

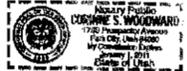
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12<sup>th</sup> DAY OF May, 2008.

*[Signature]*  
 KING RIDGE RESOURCES, LLC

**ACKNOWLEDGEMENT**

STATE OF UTAH:  
 COUNTY OF SUMMIT:  
 ON THIS 12<sup>th</sup> DAY OF May, 2008, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT, IN SAID STATE OF UTAH, KING RIDGE RESOURCES, LLC, THE PERSON THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PERSON, BEING DULY SWORN ACKNOWLEDGED TO ME THAT THEY ARE THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

*[Signature]*  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES 11/11



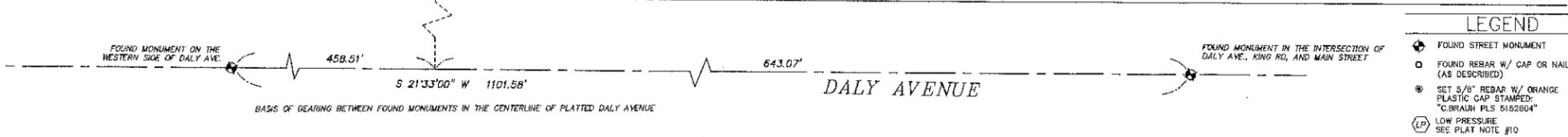
**SURVEYOR'S CERTIFICATE**

I, CHRISTOPHER R. BRAUM, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152604, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THIS PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THE PROPERTY BOUNDARIES AS SHOWN ARE CORRECT.

*[Signature]*  
 CHRISTOPHER R. BRAUM  
 PLS 5152604  
 DATE 5/9/08

**LEGEND**

- FOUND STREET MONUMENT
- FOUND REBAR W/ CAP OR NAIL (AS DESCRIBED)
- SET 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152604"
- LOW PRESSURE SEE PLAT NOTE #10



|   |  |  |  |   |   |  |
|---|--|--|--|---|---|--|
| <p>PARK CITY PLANNING COMMISSION<br/>                 REVIEWED BY THE PARK CITY PLANNING COMMISSION ON THIS 12th DAY OF SEPTEMBER, 2007 A.D.<br/>                 Planning Commission July 23, 2014<br/>                 CHAIRMAN</p> | <p>CERTIFICATE OF ATTEST<br/>                 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 25th DAY OF OCTOBER, 2007 A.D.<br/>                 BY <i>[Signature]</i><br/>                 PARK CITY RECORDER</p> | <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br/>                 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>12<sup>th</sup></u> DAY OF <u>May</u>, 2008 A.D.<br/>                 BY <i>[Signature]</i><br/>                 S.B.W.R.D.</p> | <p>ENGINEERS CERTIFICATE<br/>                 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>21<sup>st</sup></u> DAY OF <u>May</u>, 2008 A.D.<br/>                 BY <i>[Signature]</i><br/>                 PARK CITY ENGINEER</p> | <p>APPROVAL AS TO FORM<br/>                 APPROVED AS TO FORM THIS <u>5<sup>th</sup></u> DAY OF <u>JUNE</u>, 2008 A.D.<br/>                 BY <i>[Signature]</i><br/>                 PARK CITY ATTORNEY</p> | <p>COUNCIL APPROVAL AND ACCEPTANCE<br/>                 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>    </u> DAY OF <u>    </u>, 2007 A.D.<br/>                 BY <i>[Signature]</i><br/>                 MAYOR</p> | <p>RECORDED # <u>847041</u><br/>                 STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Wesley Lee Sabo</u><br/>                 DATE <u>6-13-08</u> TIME <u>2:20pm</u><br/>                 BOOK <u>    </u> PAGE <u>    </u><br/>                 FEE <u>\$24.00</u><br/>                 BY <i>[Signature]</i><br/>                 RECORDER</p> |
|---|--|--|--|---|---|--|

**Ordinance No. 07-74**

**AN ORDINANCE APPROVING THE SUBDIVISION NO. 1 MILLSITE RESERVATION PLAT AMENDMENT LOCATED AT 255 RIDGE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 255 Ridge Avenue have petitioned the City Council for approval of the Subdivision No. 1 Millsite Reservation 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 public hearings on February 14, March 14, April 25, July 11 and July 25, 2007, and conducted a site visit on February 28, 2007, to receive input on the Subdivision No. 1 Millsite Reservation plat amendment;

WHEREAS, on September 12, 2007, the Planning Commission forwarded a negative recommendation for Subdivision No. 1 Millsite Reservation plat amendment; and

WHEREAS, on September 20, October 11 and October 25, 2007, the City Council held public hearings, scheduled a site visit for October 4, and directed staff to return with additional information; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Subdivision No. 1 Millsite Reservation plat amendment.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Subdivision No. 1 Millsite Reservation plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The proposed plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The three lots will be 5,902 square feet, 5,898 square feet, and 7,208 square feet in area. The parcel will be 2,110 sf in area.

5. The lot sizes are consistent with lot sizes in the neighboring HRL zone.
6. Code maximum footprints for the proposed lots are 2,118 square feet, 2,117 square feet and 2,404 square feet.
7. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet.
8. The lot 3 footprint at 2,404 at square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area.
9. Built houses sizes in the HRL district around the subject property have an average square footage of 143% of the footprint.
10. Existing Ridge Avenue crosses the property and will be dedicated to the City in the parcel as Parcel A. Ridge Avenue is a substandard street that generally does not exist within its platted right of way.
11. The lots have slopes greater than 30% and a Steep Slope Conditional Use Permit will be required for each of the proposed homes.
12. All homes within the HRL zoning district require Historic District Design Review.
13. A 30-foot no-disturb area is proposed on the eastern property line of the three lots.
14. The applicant proposes houses set 37, 55, and 58 feet from the eastern property line.
15. The maximum grade of the driveway in platted Ridge Avenue is 10%. Due to the unique nature and the fact that the City has vacated Anchor to the north of the subject property, the City supports a variance or special exception to a maximum driveway grade of 14%.
16. Adequate snow storage is provided along the east, west and north sides of the driveway.
17. A two tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). A Variance or Special Exception to a maximum of 14% would lower the wall another 4 feet over the 100 foot length.
18. The closest house to the west, 85 King Road, has a setback of ten feet to its rear property line. This house has a +/- 8 foot rock retaining wall being constructed at the rear property line. The proposed wall for the 255 Ridge driveway would step from this wall with a horizontal distance of 4 feet before the first 3 to 4 foot high poured concrete wall. Another four foot horizontal landscaping area separates the two walls within the right of way.
19. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way, adjacent to 85 King Road.
20. Utilities will be in the Ridge Avenue right of way.
21. The Ridge Avenue right of way has been vacated both to the immediate north and south of the site, but the right of way is the legal access for 255 Ridge. This configuration is unique in the Park City Survey and the Snyder's Addition to the Park City Survey.
22. Walls, driveways, stairs, a tunnel and other structures are found in existing rights of way in the Historic District.

Conclusions of Law:

1. There is good cause for this plat amendment because, as conditioned, twelve lots will be combined to create three lots of record and a parcel consisting of a portion of Ridge Avenue will be dedicated to the public.
2. The plat amendment, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public interest nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

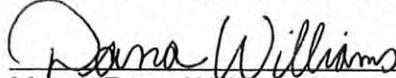
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A final utility plan is required to be approved by the City Engineer prior to plat recordation.
4. A financial security for public improvements, in an amount approved by the City Engineer and in a form approved by the City Attorney, is required prior to plat recordation.
5. An Encroachment Agreement with the City, for the private driveway within the platted Ridge Avenue, is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
6. The driveway construction requires a Conditional Use Permit that may be reviewed concurrent with a Steep Slope Conditional Use Permit. The current application shall be amended to incorporate the grade change to existing Ridge Avenue to be approved by the City Engineer, in such case the retaining wall will not exceed eight feet (8') in total height at the northwest corner.
7. A snow shed easement or roof design acceptable to the Chief Building Official will be required at the time of a Steep Slope CUP.
8. A note will be added to the plat that requires the installation of Modified 13-D sprinklers in each house.
9. A note will be added requiring 30 feet non-disturbance zone in the rear (east) of the three lots. In addition, the east side of any future houses must substantially conform to the exhibit shown to the City that placed the houses 37, 55, and 58 feet from the eastern property line.
10. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.
11. A plat note will be added to restrict Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are to be noted as 2,117 and 2,118 square feet.

12. A plat note will limit the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.
13. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria.
14. No other portion of the house is eligible for a height exception.
15. Except for Condition of Approval #14, nothing herein limits the scope of review by the Planning Commission during their review of a Steep Slope Conditional Use Permit and the Driveway Conditional Use Permit.
16. Applicant will seek a Variance or Special Exception for driveway grade in a platted unbuilt City Right of Way prior to proceeding with the Conditional Use Permit for driveway use of the right of way.
17. Driveways into the garages cannot exceed the minimum slope necessary for drainage away from the garages.

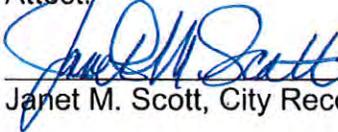
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 25th day of October, 2007.

PARK CITY MUNICIPAL CORPORATION

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

Attest:

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

Approved as to form:

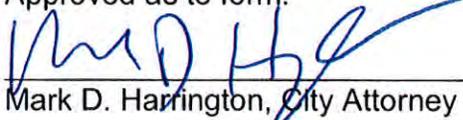
  
 \_\_\_\_\_  
 Mark D. Harrington, City Attorney



Exhibit G

December 19, 2007

Mr. Dwayne Seiter  
Via email: dwayneseiter@yahoo.com

NOTICE OF BOARD OF ADJUSTMENT ACTION

Project Name King Ridge Estates  
Project Description Special Exception for Driveway Grade in a platted, unbuilt City right of way.

Date of Meeting December 18, 2007

Action Taken By Board of Adjustment: The Board of Adjustment APPROVED the proposed Special Exception based on the following:

Findings of Fact

1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The approved plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The maximum slope of the driveway in platted Ridge Avenue is 10%. There is a unique nature and the City has vacated Ridge Avenue to the north of the subject property. The City Council added a Condition of Approval to the plat directing the applicant to seek a variance or special exception to a maximum driveway slope of 14%.
5. Adequate snow storage is provided along the east, west and north sides of the driveway.
6. A two tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). A Variance or Special Exception to a maximum of 14% would lower the wall another 4 feet over the 100 foot length to a maximum height of 4 feet.

Conclusions of Law

1. The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

2. The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.
3. The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.
4. The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.
5. The proposed Use and Development will not result in the destruction, loss or damage of natural, scenic or Historic features of Significance.

Order

1. The request for a Special Exception to Land Management Code 15-3-5 (A) is approved to allow a driveway slope of no more than 14%.

Sincerely,

Brooks T. Robinson  
Principal Planner

17. This approval will expire on July 23, 2015, if a building permit has not been issued.

**Exhibits**

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

Exhibit B- Visual Analysis/ Streetscape

Exhibit C- Existing Photographs

Exhibit D- Notice of City Council Action and Staff Report (September 18, 2008)

Exhibit E- City Council Minutes (September 19, 2008)

Exhibit F- Plat Amendment and Plat Ordinance

Exhibit G- Special Exception (December 19, 2007)



## Planning Commission Staff Report

**Subject:** Third Amended Stag Lodge Phase II  
condominium plat for Unit 35 located at 8200 Royal Street East  
**Author:** Christy J. Alexander, AICP, Planner II  
**Date:** July 23, 2014  
**Type of Item:** Administrative – Condominium Record of Survey Amendment  
**Project Number:** PL-14-02394

### **Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the Third Amended Stag Lodge Phase II condominium plat for Unit 35 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

***Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.***

### **Description**

**Applicant:** Marshall King, representative of the owner (WCSCM Utah LLC) and the HOA  
**Location:** 8200 Royal Street East, Unit #35  
**Zoning:** Residential Development (RD) as part of the Deer Valley MPD and is within the Sensitive Lands Overlay  
**Adjacent Land Uses:** Stag Lodge Condominium units, ski terrain of Deer Valley Resort, single family homes.  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval.

### **Proposal**

The applicant is requesting to amend the existing Stag Lodge Phase II record of survey plat for Unit 35 (Exhibit A). This unit is a detached, single family unit. The amendment is a request to enlarge Unit 35 by expanding the Garage Level to encompass the entire existing building footprint. A portion of the area that includes the proposed expansion is currently designated as Common Area. This proposal would convert the Common Area to Private Ownership Area A. All of the changes taking place on this proposed plat are internal and will not alter the exterior appearance of Unit 35. The footprint of the Unit will not change and no additional parking is required.

### **Background**

On June 6, 2014, the owner submitted an application for an amended record of survey for the Stag Lodge Phase II condominiums. Stag Lodge Phase II is a 12 unit Phase of the 52 unit condominium project located in the Silver Lake area of Deer Valley. The Stag Lodge Condominium project consists of a total of 52 units ranging in size from 2,213 sf to 6,806.8 sf. The applicant wishes to amend the plat to enlarge Unit 35 by

expanding the Garage Level to encompass the entire existing building footprint. A portion of the area that includes the proposed expansion is currently designated as Common Area. This proposal would convert the Common Area to Private Ownership Area A.

During the time after the recording of the Second Amended Stag Lodge Phase II and this current proposal to Unit 35 of Stag Lodge Phase II, expansion into Private Ownership Area B took place by the previous owner. This proposed plat will reflect those changes. During this same time frame, the area designated as Unexcavated on the Entry Level of the Second Amended Stag Lodge Phase II was also expanded by the previous owner, to be included as part of Unit 35. This area will now be shown as Private Ownership Area A on the proposed plat. Alliance Engineering discovered these changes when they were surveying the property for the new owner. The amended plat will reflect the changes the previous owner had made without seeking permits and approval from the Planning and Building Departments. There are two designations for private areas (Private Area A and B), which have been found on previous plats. Private Area B typically is area that has not had any changes made to the area and Private Area A typically is private area that has been amended.

All of the changes that have taken place and will now take place on this proposed plat are internal and will not alter the exterior appearance of Unit 35. Sheet 1 of 5 of Stag Lodge Phase II, recorded January 17, 1989, as Entry No. 303348 will not be affected, as it is not being proposed to alter the footprint of the building in any way and does not change the number of units. The parking requirement for this unit is 2 spaces. The unit has an attached two car garage. No additional parking is required.

Stag Lodge Phase II plat was approved by City Council on January 11, 1989 and recorded at Summit County on January 17, 1989. The First Amended Stag Lodge Phase II plat was approved by City Council on June 6, 2002 and recorded at Summit County on January 17, 2003 and basically created two types of ownership for the Units. The Second Amended Stag Lodge Phase II plat was approved by City Council on July 1, 2004 and recorded at Summit County on May 25, 2005 and created additional private area for the Units.

Stag Lodge is subject to the 11<sup>th</sup> Amended Deer Valley Master Plan Development (DVMPD) that allows 52 units for Stag Lodge. There are 52 existing Stag Lodge units and the proposed amendments do not create additional units. The DVMPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the DVMPD. A total of 52 units are allowed per the Eleventh Amended DVMPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge units are all included in the 11<sup>th</sup> Amended Deer Valley Master plan and the developer, with the approval of Planning Commission, could elect whether to utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per or develop the allowed number of units without a stipulated unit size and are not developed using the LMC unit equivalent formula

In the case of Stag Lodge, the developer utilized the number of units with no size restriction. The Stag Lodge Condominium project consists of 52 units ranging in size from 2,213 sf to 6,806.8 sf. Unit 35 is currently platted as 5,017 sf. If approved, Unit 35 increases by 1,789.8 sf. Approval of the Garage/Lower Level as private area and

reflecting changes to the Main Level and Entry Level would increase Unit 35 to 6,806.8 sf.

**Analysis**

The zoning for Unit 35 is within the DVMPD and is Residential Development (RD). The area was part of the original DVMPD that was zoned RD-MPD during the approval of that Master Planned Development and is within the Sensitive Lands Overlay. The unit was built in 1989 and is accessed via private road. The development is required to have 60% open space, but because the footprint of the unit is not changing there is no change to the open space. The property is subject to the following criteria:

|                | <b>Permitted through 11<sup>th</sup> Amended DVMPD</b> | <b>Proposed</b>   |
|----------------|--|---|
| Height         | 28'-35'  | No changes are proposed.                                  |
| Setbacks       | Per the record of survey plat                          | No changes are proposed.                                  |
| Units/ UE      | 52 units   | No change proposed to the allowed number of units         |
| Parking        | 2 spaces for Unit 35                                   | 2 spaces for Unit 35. No changes are proposed             |
| Square Footage | 5,017 square feet private area existing                | 6,806.8 square feet private area proposed (see Exhibit A) |

**Good Cause**

Planning Staff finds that there is good cause for this record of survey amendment to reflect the as-built conditions and allow the owner to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

**Department Review**

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

**Notice**

The property was posted and notice was mailed on July 9, 2014 to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

**Public Input**

Staff has not received public input on this application at the time of this report.

**Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Third Amended Stag Lodge Phase II record of survey plat for Unit 35 as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Third Amended Stag Lodge Phase II record of survey plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Third Amended Stag Lodge Phase II record of survey plat to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

### **Significant Impacts**

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

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

The additional basement areas will not be identified as private areas and will remain as common area. This area will not be considered to be part of Unit 35 for the exclusive use of Unit 35.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing, consider input and consider forwarding a positive recommendation to the City Council for the Third Amended Stag Lodge Phase II condominium plat for Unit 35 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

### **Exhibits**

- Exhibit A – Draft Ordinance and Amended Plat
- Exhibit B – Vicinity Map/Aerial Photographs
- Exhibit C – Streetscape Images
- Exhibit D – Existing plats for Unit 35

**Ordinance No. 14-**

**AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE STAG LODGE PHASE II CONDOMINIUMS FOR UNIT 35, LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.**

WHEREAS, the owner of the property known as the Stag Lodge Phase II condominium Unit 35, has petitioned the City Council for approval of a request for an amendment to the record of survey plat to designate additional Garage/Lower Level area as private area; 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 on July 9, 2014; and

WHEREAS, the Planning Commission held a public hearing on July 23, 2014, to receive input on the amended record of survey plat;

WHEREAS, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on August 14, 2014, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Third Amended Stag Lodge Phase II record of survey plat for Unit 35 to reflect as-built conditions and allow the owner to utilize Garage/Lower Level area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11<sup>th</sup> Amended DVMPD).

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Third Amended Stag Lodge Phase II condominium record of survey plat for Unit 35, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8200 Royal Street East, Unit 35.
2. The property is located within the Residential Development (RD) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

3. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel.
4. The Stag Lodge parcels are all included in the 11<sup>th</sup> Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.
5. Stag Lodge Phase II plat was approved by City Council on January 11, 1989 and recorded at Summit County on January 17, 1989. The First Amended Stag Lodge Phase II plat was approved by City Council on June 6, 2002 and recorded at Summit County on January 17, 2003. The Second Amended Stag Lodge Phase II plat was approved by City Council on July 1, 2004 and recorded at Summit County on May 25, 2005.
6. On June 6, 2014, an application was submitted to the Planning Department for The Third Amended Stag Lodge Phase II record of survey plat for Unit 35. The application was deemed complete on June 16, 2014.
7. The plat amendment identifies additional Garage/Lower Level area for Unit 35 as private area for this unit. The area is currently considered common area.
8. The additional Garage/Lower Level area is located within the existing building footprint and there is no increase in the footprint for this building.
9. Unit 35 is currently platted as 5,017 sf. If approved, Unit 35 increases by 1,789.8 sf. Approval of the Garage/Lower Level as private area and reflecting changes to the Main Level and Entry Level would increase Unit 35 to 6,806.8 sf.
10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.
11. The findings in the analysis section are incorporated herein.

#### Conclusions of Law:

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11<sup>th</sup> Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will 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 amended record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the record of survey.
2. The applicant will record the amended record of survey 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 record of survey will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All other conditions of approval of the Stag Lodge Condominium record of survey

- plats as amended and the Deer Valley MPD shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of certificates of occupancy for the interior basement finish work.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

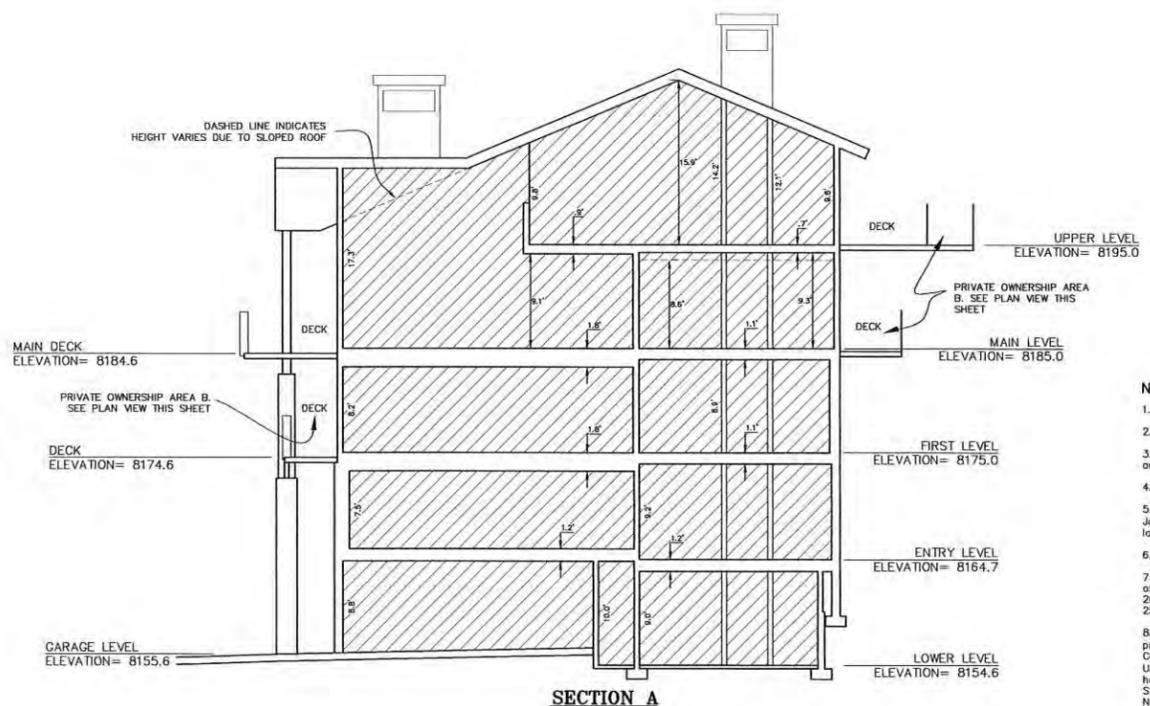
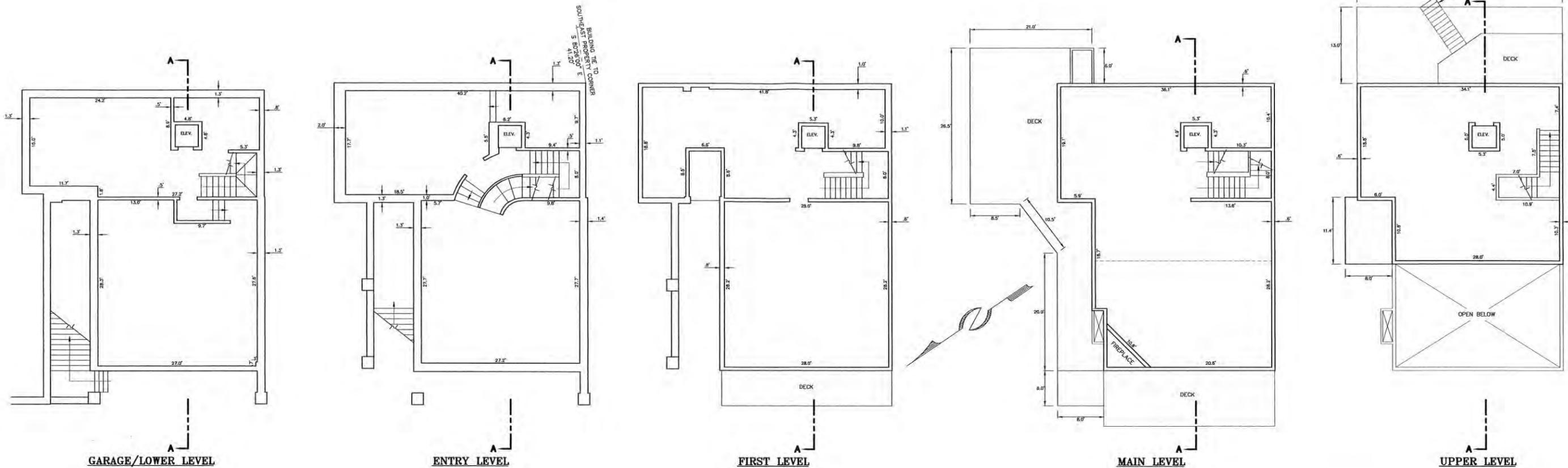
ATTEST:

\_\_\_\_\_  
City Recorder's Office

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

# EXHIBIT A



**OWNERSHIP DESIGNATIONS**

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

| UNIT 35            | SQUARE FOOTAGE |
|--------------------|----------------|
| GARAGE/LOWER LEVEL | 1388.4         |
| ENTRY LEVEL        | 1450.2         |
| FIRST LEVEL        | 1509.0         |
| MAIN LEVEL         | 1512.6         |
| UPPER LEVEL        | 946.6          |
| <b>TOTAL</b>       | <b>6806.8</b>  |

- NOTES**
- Interior dimensions shown are to finish surfaces.
  - All structural elements are designated as common areas.
  - All physical features and improvements not shown are designated as common area.
  - Refer to Declaration of Condominium for complete description of ownership.
  - Benchmark: See Sheet 1 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry No. 303348 in the Summit County Recorder's Office for location and elevation.
  - This plot is subject to the conditions of approval in Ordinance \_\_\_\_\_.
  - All conditions of approval of the Stag Lodge Phase II, recorded January 17, 1989, as Entry No. 303348; Stag Lodge Phase II, First Amended, recorded January 17, 2003, as Entry No. 645060 and Stag Lodge Phase II, Second Amended, recorded May 25, 2005, as Entry No. 737280 shall continue to apply.
  - The two primary changes reflected on this plot that are different from the previous plat are: 1) The Garage/Lower Level will include what was the unexcavated Common Area on the Garage Level on Stag Lodge Phase II, Second Amended for Unit 35 and has been expanded to Private Ownership. 2) To reflect changes that have taken place on what is designated as the Main Level and Entry Level on the Stag Lodge Phase II, Second Amended for Unit 35, recorded May 25, 2005, as Entry No. 737280 in the office of the Summit County Recorder.

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

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described Stag Lodge Phase II, Unit 35, hereby certifies that he has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

Warren Gorrell, Manager, WSCM Utah LLC

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
 County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, Warren Gorrell personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Warren Gorrell acknowledged to me that he is the manager of WSCM Utah LLC, a Virginia limited liability company, the owner of Unit 35, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Warren Gorrell, Manager of WSCM Utah LLC, a Virginia limited liability company

A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

**ASSOCIATION DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the undersigned, on behalf of Stag Lodge Owners Association, having complied with the requirements of both Statutes and the Recorded Declaration hereby consents to the recording of this amended record of survey map.

Warren Gorrell, President  
 Stag Lodge Owners Association

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
 County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me, the undersigned Notary Public, in and for said County and State, Warren Gorrell, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Condominium Project acting as a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1983) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Condominium.

A Notary Public Commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

**LEGAL DESCRIPTION**

Unit 35, contained within the STAG LODGE CONDOMINIUM, PHASE II, AMENDED, a Utah expandable condominium project as the same is identified in the record of survey map recorded on March 4, 1985 in Summit County, as Entry No. 231328. (as said record of survey map may have heretofore been amended or supplemented) and in the declaration recorded in Summit County, as Entry No. 231329 in Book 333 at Page 435 (as said declaration may have heretofore been amended or supplemented.) Together with the exclusive rights to the limited common areas associated with Unit 35 and the appurtenant undivided interest in said project's common areas as established in said declaration and allowing for periodic alteration both in the magnitude of said undivided interest and in the composition of the common areas and facilities to which said interest relates.

Together with a 25 foot wide private roadway and non-exclusive public utility easement as set forth on said record of survey map for STAG LODGE PHASE II recorded January 17, 1989 as Entry No. 303348 and the record of survey map for STAG LODGE PHASE III recorded March 1, 1990 as Entry No. 321286

RECEIVED  
 JUN 06 2014  
 PARK CITY PLANNING DEPT

THIRD AMENDED  
 RECORD OF SURVEY MAP  
**STAG LODGE PHASE II  
 UNIT 35**

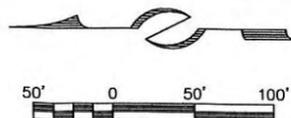
A UTAH CONDOMINIUM PROJECT  
 LOCATED IN SECTION 22  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST  
 SALT LAKE BASE & MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

8 0 8 16

EXHIBIT B



UNIT 35



**Allance Engineering Inc.**  
(435) 649-3467  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

**STAFF:**  
MARSHALL KING  
HARRISON HOLLEY  
**DATE:** 5/15/14

**AERIAL PHOTOGRAPH**  
**STAG LODGE PHASE II**  
**UNIT 35**  
**FOR:** WARREN GORRELL  
**JOB NO.:** 4-4-14  
**FILE:** X:\SilverLakeVillage\dwg\Exhibits\Stag 35-ortho.dwg

**SHEET**  
**1**  
**OF**  
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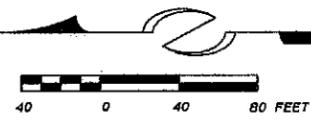
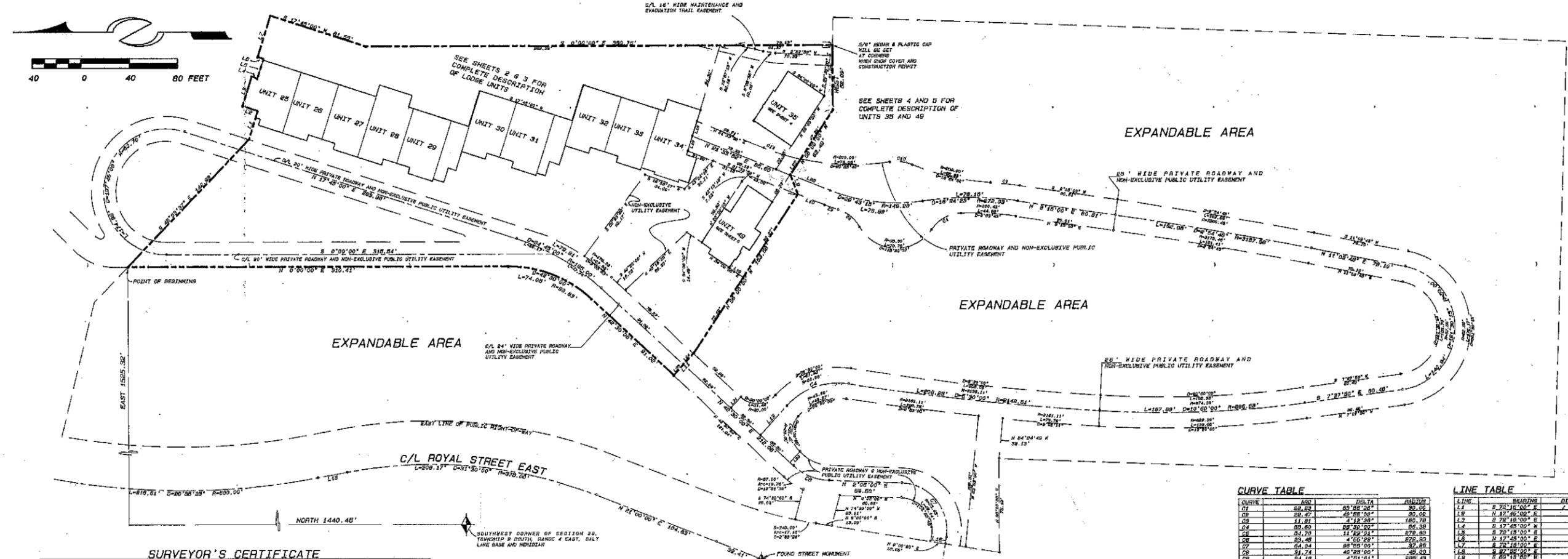
RECEIVED  
JUN 06 2014  
PLANNING DEPT  
PARK CITY











**SURVEYOR'S CERTIFICATE**  
 I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5164 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by authority of the owner(s), this Record of Survey Map of the STAG II, a Utah expandable condominium project, in accordance with the provisions of Section 67-6-13(1) of the Utah Condominium Ownership Act.

John Demkowicz L.S. No. 5164  
 DATE: 12-19-88

**NOTE**  
 THE STREET ADDRESS FOR THE STAG LODGE IS 8200 ROYAL STREET EAST

**LEGAL DESCRIPTION**  
 Beginning at a point that is North 1440.48 feet and East 1825.32 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point being on the South boundary line of STAG LODGE PHASE I, a Utah expandable condominium project, according to the official plat thereof, as recorded in Summit County, Utah; and running thence along said South boundary line thru the following 8 courses (1) S 46°03'57" E 142.88 feet; thence (2) S 72°15'00" E 23.83 feet; thence (3) N 17°45'00" E 43.00 feet; thence (4) S 72°15'00" E 24.03 feet; thence (5) S 17°45'00" W 5.00 feet; thence (6) S 72°15'00" S 15.80 feet; thence (7) N 17°45'00" E 8.00 feet; thence (8) S 72°15'00" E 34.83 feet; thence leaving said South boundary line along the East line of an expandable area to said STAG LODGE PHASE I thru the following 2 courses (1) S 17°45'00" W 81.55 feet; thence (2) South 390.76 feet to the Southeast corner of said expandable area; thence leaving said East line West 62.02 feet; thence N 55°00'00" W 82.45 feet to a point on the centerline of a private road and non-exclusive public utility easement; thence S 69°19'52" N 16.89 feet to a point on the West line of said private road and utility easement; thence leaving said West easement line N 56°00'00" W 103.98 feet to a point on the East line of a 24' wide private roadway and non-exclusive public utility easement; thence N 47°30'00" W 24.09 feet to a point on the West line of said easement; thence along said West easement line thru the following 3 courses (1) N 42°30'00" E 91.02 feet to a point on a 99.89 foot radius curve to the left, the radius point of which bears N 47°30'00" W; thence (2) northeasterly along the arc of said curve 74.05 feet thru a central angle of 42°30'00" to a point of tangency; thence (3) North 310.41 feet to the point of beginning. CONTAINS 2.145 ACRES

Subject to a private roadway and non-exclusive public utility easement as recorded in Summit County, Utah, Entry No. 229400, January 11, 1985, Book 327, Pages 903-905

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
 Know all men by these presents, that Success at Stag, A Utah Limited Partnership, being the owner of the tract of land in Park City, Summit County Utah, described on this sheet, do hereby consent to the recording of the Record of Survey Map in the Office of the County Recorder of Summit County Utah, in accordance with the Utah Condominium Ownership Act.  
 Executed this 19th day of December, 1988.

Success at Stag  
 A Utah Limited Partnership  
 By: Harry F. Read, General Partner  
 By: Stephen M. Schirf, General Partner

**ACKNOWLEDGEMENT**  
 State of UTAH )  
 County of Summit )

On the 19 day of December, 1988, personally appeared before me Harry F. Read, who, being by me duly sworn, did say that he is a General Partner of Success at Stag, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Limited Partnership as such general partner, and said Harry F. Read duly acknowledged to me that said partnership executed the same.

Chris Johnson  
 Notary Public  
 My Commission Expires: 4-1-90  
 Residing at: PARK CITY, UT

**ACKNOWLEDGEMENT**  
 State of UTAH )  
 County of Summit )

On the 19 day of December, 1988, personally appeared before me Stephen M. Schirf who, being by me duly sworn, did say that he is a General Partner of Success at Stag, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Limited Partnership as such general partner, and said Stephen M. Schirf duly acknowledged to me that said partnership executed the same.

Chris Johnson  
 Notary Public  
 My Commission Expires: 4-1-90  
 Residing at: PARK CITY, UT

**CURVE TABLE**

| CURVE | ANGLE | DELTA  | CHORD  |
|-------|-------|--------|--------|
| C1    | 82.82 | 63.781 | 32.00  |
| C2    | 88.47 | 66.787 | 32.00  |
| C3    | 11.81 | 4.112  | 180.76 |
| C4    | 89.60 | 68.950 | 35.88  |
| C5    | 84.70 | 11.421 | 278.83 |
| C6    | 23.48 | 4.652  | 222.53 |
| C7    | 84.08 | 68.000 | 37.88  |
| C8    | 31.74 | 40.288 | 48.00  |
| C9    | 84.18 | 67.911 | 388.43 |
| C10   | 18.52 | 30.944 | 36.00  |
| C11   | 31.24 | 7.882  | 300.00 |

**LINE TABLE**

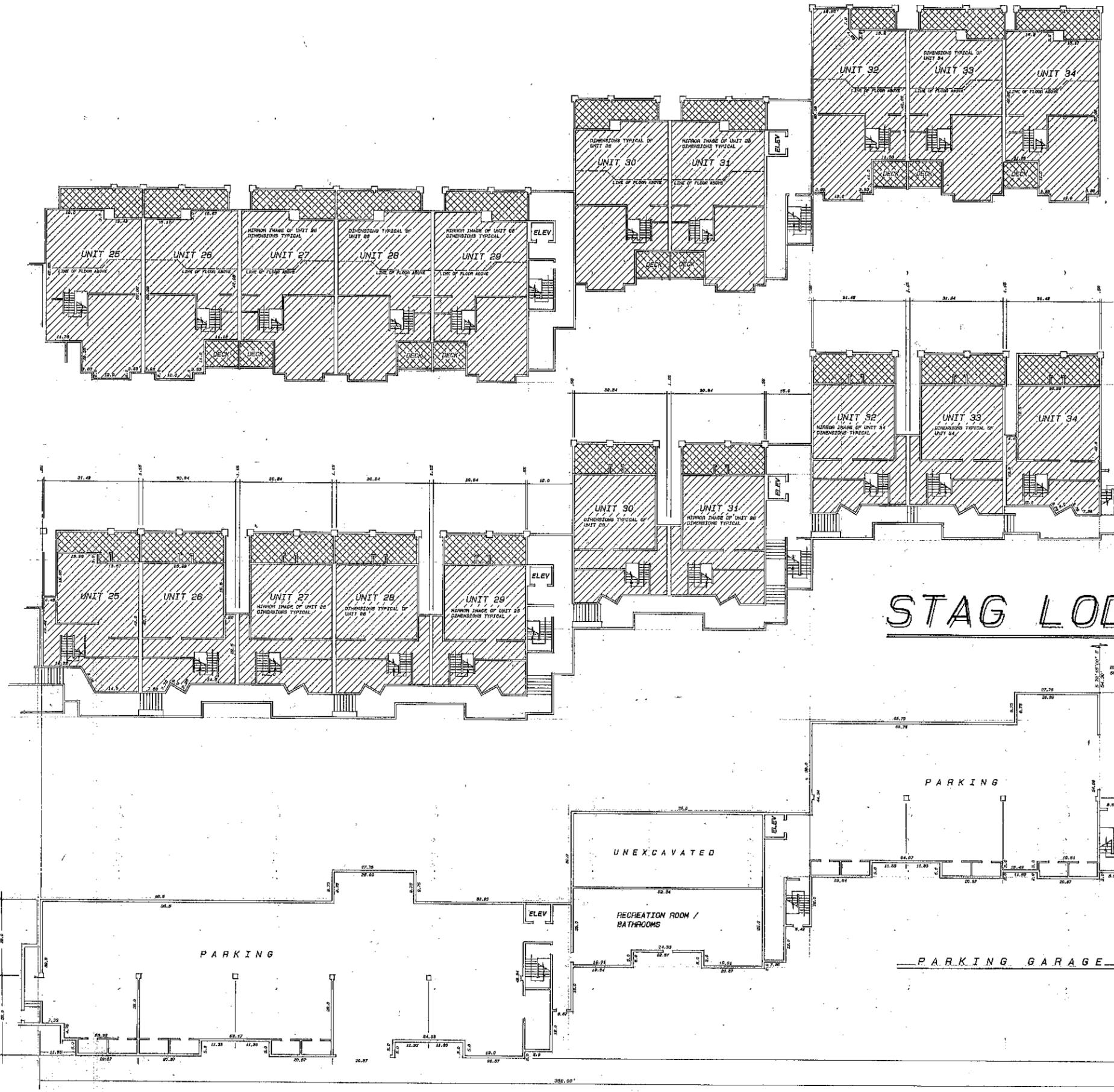
| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 72°15'00" E | 7.39.82  |
| L2   | N 17°45'00" E | 12.00    |
| L3   | S 72°15'00" E | 24.83    |
| L4   | S 17°45'00" W | 5.00     |
| L5   | S 72°15'00" E | 18.80    |
| L6   | N 17°45'00" E | 5.00     |
| L7   | S 72°15'00" E | 24.83    |
| L8   | S 69°19'52" E | 16.89    |
| L9   | N 56°00'00" W | 103.98   |
| L10  | N 47°30'00" W | 24.09    |
| L11  | S 42°30'00" E | 91.02    |
| L12  | S 84°00'00" W | 19.78    |
| L13  | S 81°00'00" E | 6.36     |
| L14  | S 84°00'00" W | 19.78    |
| L15  | N 72°15'00" W | 18.83    |
| L16  | N 72°15'00" W | 12.88    |
| L17  | N 47°30'00" W | 12.00    |
| L18  | S 47°30'00" E | 12.00    |
| L19  | S 47°30'00" E | 12.00    |
| L20  | S 47°30'00" E | 12.00    |
| L21  | N 27°30'00" E | 34.81    |

**NOTE:**  
 THE STAG LODGE HOMEOWNERS ASSOCIATION IS RESPONSIBLE FOR THE MAINTENANCE OF ALL 4" AND 6" SANITARY SEWER LATERALS.

RECORD OF SURVEY MAP OF:  
**STAG LODGE PHASE II**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH



|  |   |  |  |  |  |  |
|--|---|--|--|--|--|--|
| <p><b>ALLIANCE ENGINEERING INC.</b><br/>                 P.O. BOX 8684<br/>                 383 MAIN STREET<br/>                 PARK CITY, UTAH 84060<br/>                 (801) 648-9467</p> | <p><b>PLANNING COMMISSION</b><br/>                 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 9 DAY OF JANUARY 1989 A.D.<br/>                 BY: [Signature]<br/>                 CHAIRMAN</p> | <p><b>ENGINEERS CERTIFICATE</b><br/>                 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12th DAY OF JANUARY 1989 A.D.<br/>                 BY: [Signature] P.E.<br/>                 PARK CITY ENGINEER</p> | <p><b>APPROVAL AS TO FORM</b><br/>                 APPROVED AS TO FORM THIS 11th DAY OF JANUARY 1989 A.D.<br/>                 BY: [Signature]<br/>                 PARK CITY ATTORNEY</p> | <p><b>CERTIFICATE OF ATTEST</b><br/>                 APPROVED AS TO FORM THIS 11th DAY OF JANUARY 1989 A.D.<br/>                 BY: [Signature]<br/>                 PARK CITY RECORDER</p> | <p><b>COUNCIL APPROVAL AND ACCEPTANCE</b><br/>                 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11th DAY OF JANUARY 1989 A.D.<br/>                 BY: [Signature]<br/>                 MAYOR</p> | <p>RECORDED #303348<br/>                 STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF [Signature]<br/>                 DATE 1-17-89 TIME 11:20 AM BOOK PAGE<br/>                 FEE \$106.00<br/>                 RECORDER [Signature]</p> |
|--|---|--|--|--|--|--|



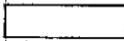
MAIN LEVEL /  
MASTER BEDROOM LEVEL

- NOTES:
1. Plans and dimensions shown on this plat were compiled from Architectural Drawings prepared by Richard Otto and field measurements made on site.
  2. Interior dimensions shown are to finished surfaces.
  3. All structural elements are designated as common areas.
  4. All physical features and improvements not shown are designated as common areas.
  5. Refer to Declaration of Condominium for complete description of ownership.
  6. BENCHMARK: See Sheet 1 of 5 for location and elevation.

LOWER LEVEL /  
ENTRY LEVEL

**STAG LODGE PHASE II**

**OWNERSHIP LEGEND**

|   |                          |
|---|--------------------------|
|  | COMMON OWNERSHIP         |
|  | PRIVATE OWNERSHIP        |
|  | LIMITED COMMON OWNERSHIP |

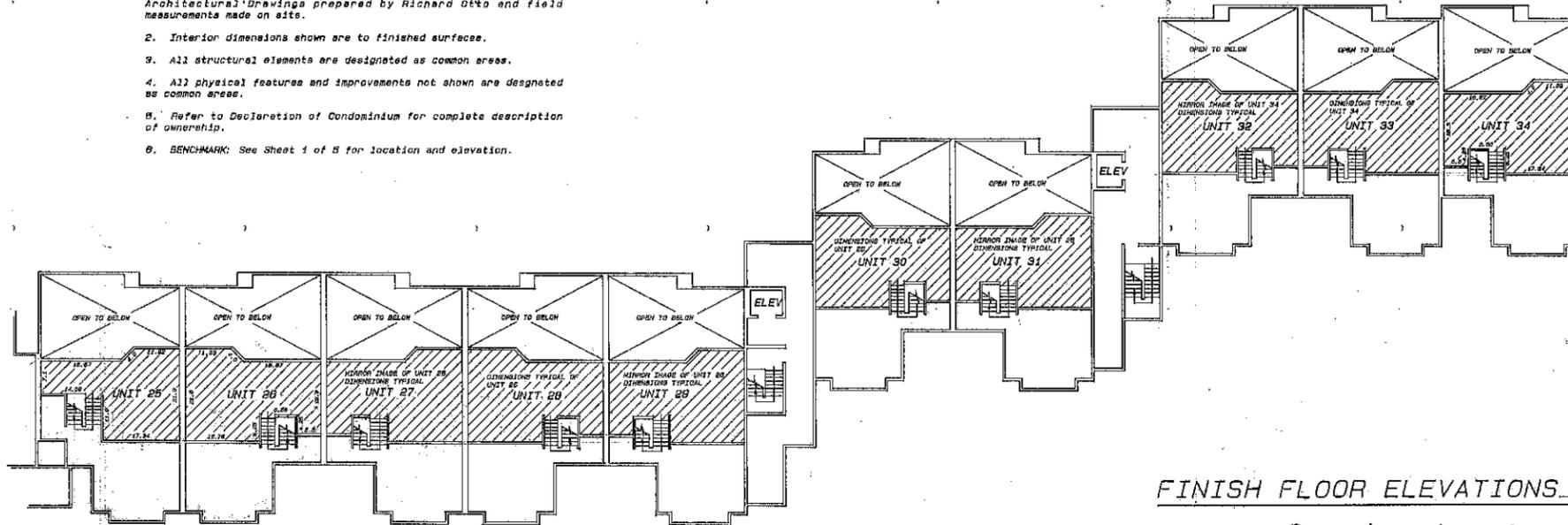
\* OWNERSHIP LEGEND TYPICAL ALL SHEETS



**STAG LODGE PHASE II**  
 A UTAH EXPANSHABLE COOPERATIVE PROJECT LOCATED IN SECTION 30, T2N, 74E, R6E, BEHCO, SUNDAY COUNTY, UTAH  
 SHEET 2 OF 5  
 RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE  
 REQUEST OF *High County Title*  
 DATE *11/28/13* TIME *11:22* BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 BY *Alan Sprague*  
 FEE \_\_\_\_\_ RECORDER

**NOTES:**

1. Plans and dimensions shown on this plat were compiled from Architectural Drawings prepared by Richard Otto and field measurements made on site.
2. Interior dimensions shown are to finished surfaces.
3. All structural elements are designated as common areas.
4. All physical features and improvements not shown are designated as common areas.
5. Refer to Declaration of Condominium for complete description of ownership.
6. BENCHMARK: See Sheet 1 of 5 for location and elevation.



UPPER LEVEL / LOFT



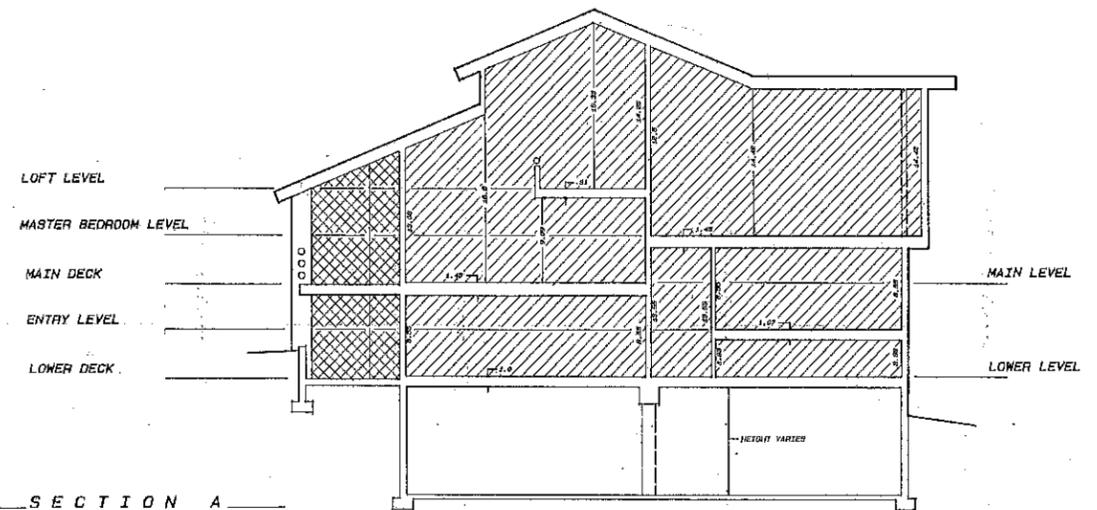
**FINISH FLOOR ELEVATIONS**

|                | UNIT 25 | UNIT 26 | UNIT 27 | UNIT 28 | UNIT 29 | UNIT 30 | UNIT 31 | UNIT 32 | UNIT 33 | UNIT 34 |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| LOFT LEVEL     | 8144.4  | 8149.0  | 8149.0  | 8153.6  | 8163.6  | 8164.4  | 8164.4  | 8178.0  | 8179.7  | 8181.5  |
| MASTER BEDROOM | 8139.4  | 8144.0  | 8144.0  | 8148.8  | 8149.6  | 8159.4  | 8159.4  | 8173.3  | 8175.0  | 8178.8  |
| MAIN LEVEL     | 8134.4  | 8139.0  | 8139.0  | 8143.6  | 8143.6  | 8154.4  | 8154.4  | 8168.8  | 8170.3  | 8172.1  |
| ENTRY LEVEL    | 8129.4  | 8134.0  | 8134.0  | 8138.8  | 8138.8  | 8149.4  | 8149.4  | 8163.9  | 8165.8  | 8167.4  |
| LOWER LEVEL    | 8124.4  | 8129.0  | 8129.0  | 8133.6  | 8133.6  | 8145.4  | 8145.4  | 8159.2  | 8160.9  | 8162.7  |

**UNIT SQUARE FOOTAGE**

|                | UNIT 25 | UNIT 26 | UNIT 27 | UNIT 28 | UNIT 29 | UNIT 30 | UNIT 31 | UNIT 32 | UNIT 33 | UNIT 34 |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| LOFT LEVEL     | 509.5   | 541.1   | 541.1   | 541.1   | 541.1   | 541.1   | 541.1   | 553.1   | 553.1   | 553.1   |
| MASTER BEDROOM | 707.2   | 829.7   | 829.7   | 829.7   | 829.7   | 829.7   | 829.7   | 831.0   | 831.0   | 831.0   |
| MAIN LEVEL     | 826.8   | 868.8   | 868.8   | 868.8   | 868.8   | 868.8   | 868.8   | 1009.6  | 882.8   | 882.8   |
| ENTRY LEVEL    | 210.5   | 238.8   | 238.8   | 238.8   | 238.8   | 238.8   | 238.8   | 238.8   | 238.8   | 238.8   |
| LOWER LEVEL    | 871.3   | 938.7   | 938.7   | 938.7   | 938.7   | 938.7   | 938.7   | 950.0   | 950.0   | 950.0   |
| TOTAL          | 3224.3  | 3206.8  | 3206.8  | 3206.8  | 3206.8  | 3206.8  | 3206.8  | 3380.9  | 3253.3  | 3253.3  |

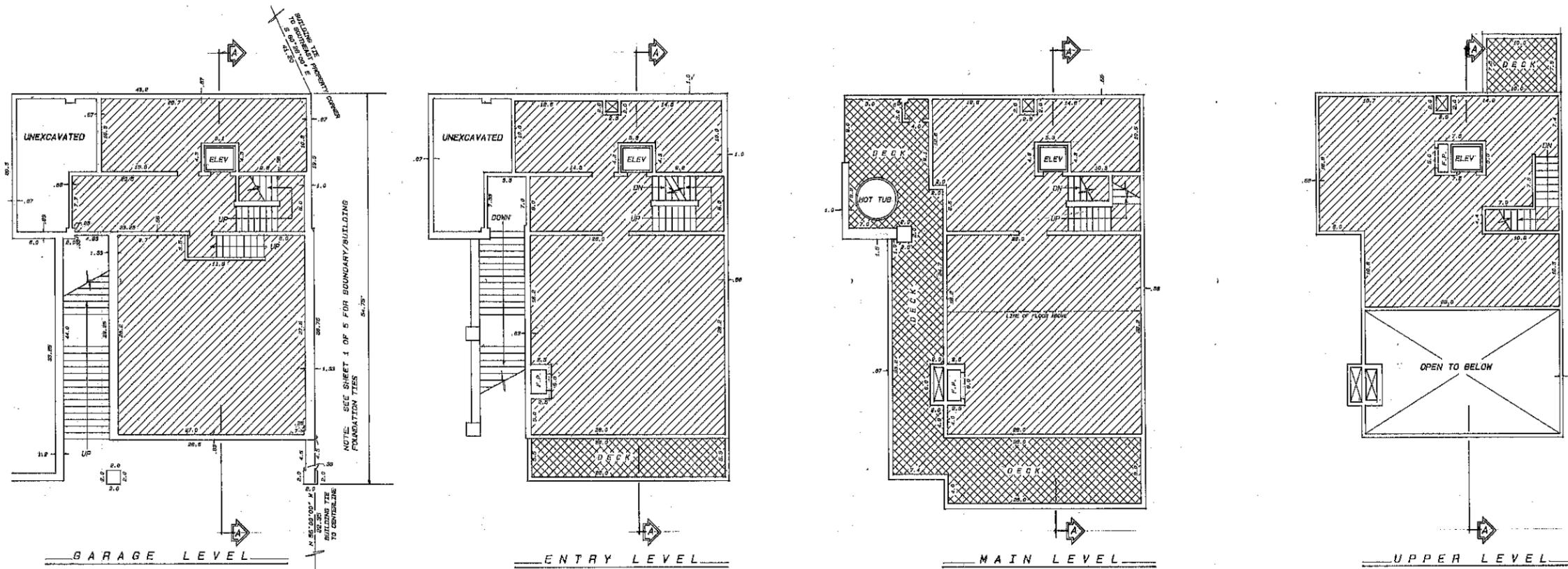
**STAG LODGE PHASE II**



SECTION A

**STAG LODGE PHASE II**

A UTAH EXEMPTABLE CONDOMINIUM PROJECT LOCATED IN SECTION 02, T8S, R4E, S8W, BLK 04, SUMMIT COUNTY, UTAH  
 SHEET 3 OF 5  
 # 303248 RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE  
 REQUEST OF High Country Title  
 DATE 4-17-89 TIME 11:22 AM BOOK PAGE  
 # 106 RECORDED  
 FEE RECORDER

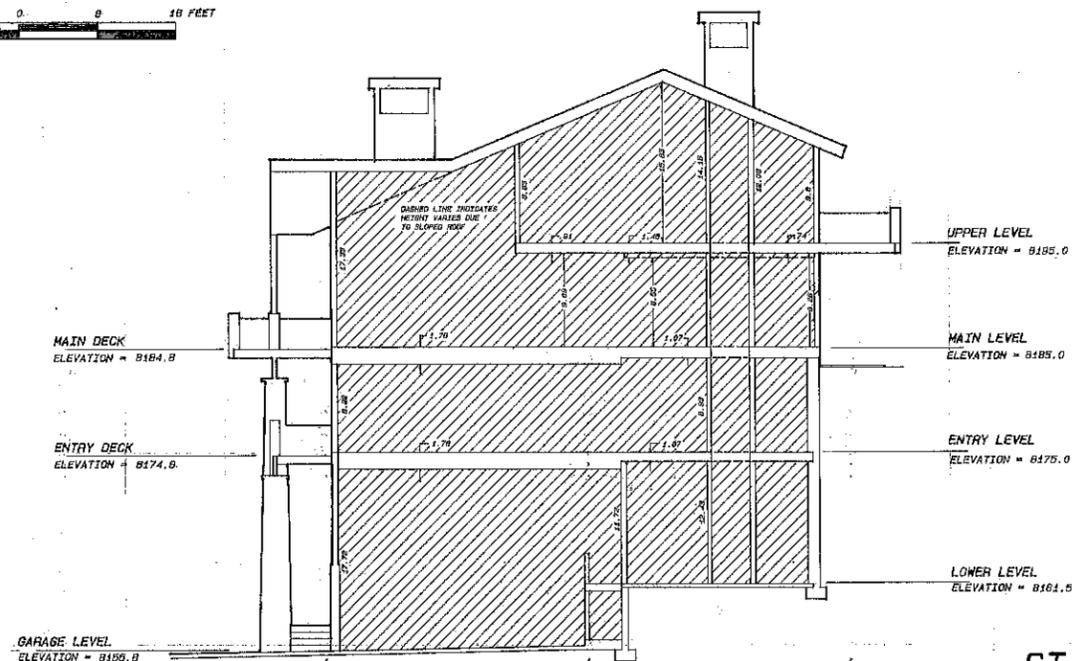


| UNIT 35      | SQUARE FOOTAGE |
|--------------|----------------|
| GARAGE LEVEL | 1388.30        |
| ENTRY LEVEL  | 1341.00        |
| MAIN LEVEL   | 1365.10        |
| UPPER LEVEL  | 941.60         |
| TOTAL        | 5017.00        |

**NOTES:**

1. Plans and dimensions shown on this plat were compiled from Architectural Drawings prepared by Richard Otto and field measurements made on site.
2. Interior dimensions shown are to finished surfaces.
3. All structural elements are designated as common areas.
4. All physical features and improvements not shown are designated as common areas.
5. Refer to Declaration of Condominium for complete description of ownership.
6. BENCHMARK: See Sheet 1 of 5 for location and elevation.

**UNIT 35**



SECTION A

**STAG LODGE PHASE II**

3 UNIT EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 29, T6S, R4E, S16AK, SUMMIT CO., UTAH

SHEET 4 OF 5

#302349 RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE  
 REQUEST OF *High Country Title*  
 DATE *1-17-99* TIME *11:22* BOOK PAGE  
*Alanna J. Jagg*  
 FEE RECORDER



**NOTE:**

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



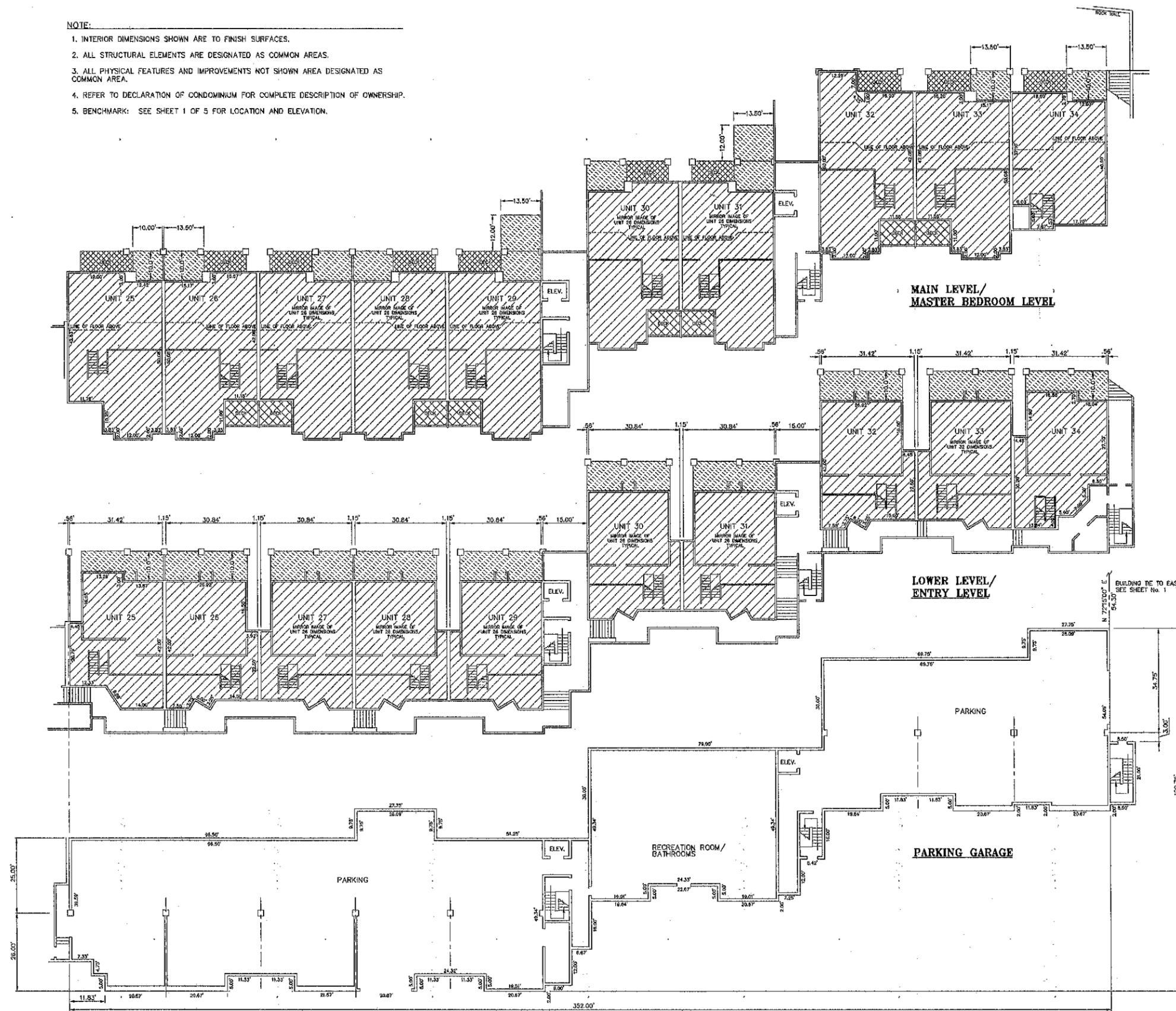
**SURVEYOR'S CERTIFICATE**  
 I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the unit owners at the STAG LODGE PHASE II CONDOMINIUM PROJECT acting as a group in accordance with the Declaration of Covenants, Conditions, and Restrictions for STAG LODGE PHASE II, a Utah Condominium project, this Amended Record of Survey Map of STAG LODGE PHASE II, which consists of sheets 2, 3, 4, and 5 in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify the information shown hereon is accurate.  
 John Demkowicz, LS #154491  
 Date: 11/13/02

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
 KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and this Amended Record of Survey Map to be prepared and hereby consent to the recordation of this Amended Record of Survey Map.  
 Brad Scott, President  
 Stog Lodge Condominium Homeowners Association, Inc.  
 Date: 12-10-02

**ACKNOWLEDGMENT**  
 State of Utah ss:  
 County of Summit  
 On this 10<sup>th</sup> day of Dec, 2002, personally appeared before me, the undersigned Notary Public, in and for said County and State, Brad Scott, being duly sworn, acknowledged to me that he is the president of the Stog Lodge Homeowners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stog Lodge Phase II Condominium Project acting as a group (under the name of the Stog Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stog Lodge Phase II Condominium.  
 Mary J. Carvey  
 Notary Public  
 Residing in: Park City  
 My commission expires: 10-1-2004

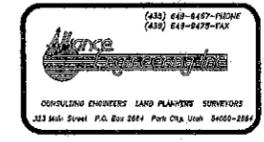
- NOTES:**
1. This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stog Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Recorders Office. Sheet 1 of the Stog Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
  2. All other conditions of approval of the Stog Lodge Condominium project continue to apply.
  3. Recorded concurrently herewith an Amendment to the Condominium Declaration for Stog Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:  
 "Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.  
 "Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit of additional bedrooms.
  4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stog Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

**FIRST AMENDED RECORD OF SURVEY MAP**  
**STAG LODGE PHASE II**  
 A UTAH CONDOMINIUM PROJECT  
 LOCATED IN SECTION 22  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST  
 S.L.B. & M.  
 PARK CITY, SUMMIT COUNTY, UTAH



**OWNERSHIP DESIGNATIONS**

- PRIVATE OWNERSHIP AREA A
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- PRIVATE OWNERSHIP AREA B



**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF JANUARY, 2002 A.D.  
 BY [Signature]  
 S.B.W.R.D.

**PLANNING COMMISSION**  
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF JANUARY, 2002 A.D.  
 BY [Signature]  
 CHAIRMAN

**ENGINEER'S CERTIFICATE**  
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF JANUARY, 2002 A.D.  
 BY [Signature]  
 PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM THIS DAY OF JANUARY, 2002 A.D.  
 BY [Signature]  
 PARK CITY ATTORNEY

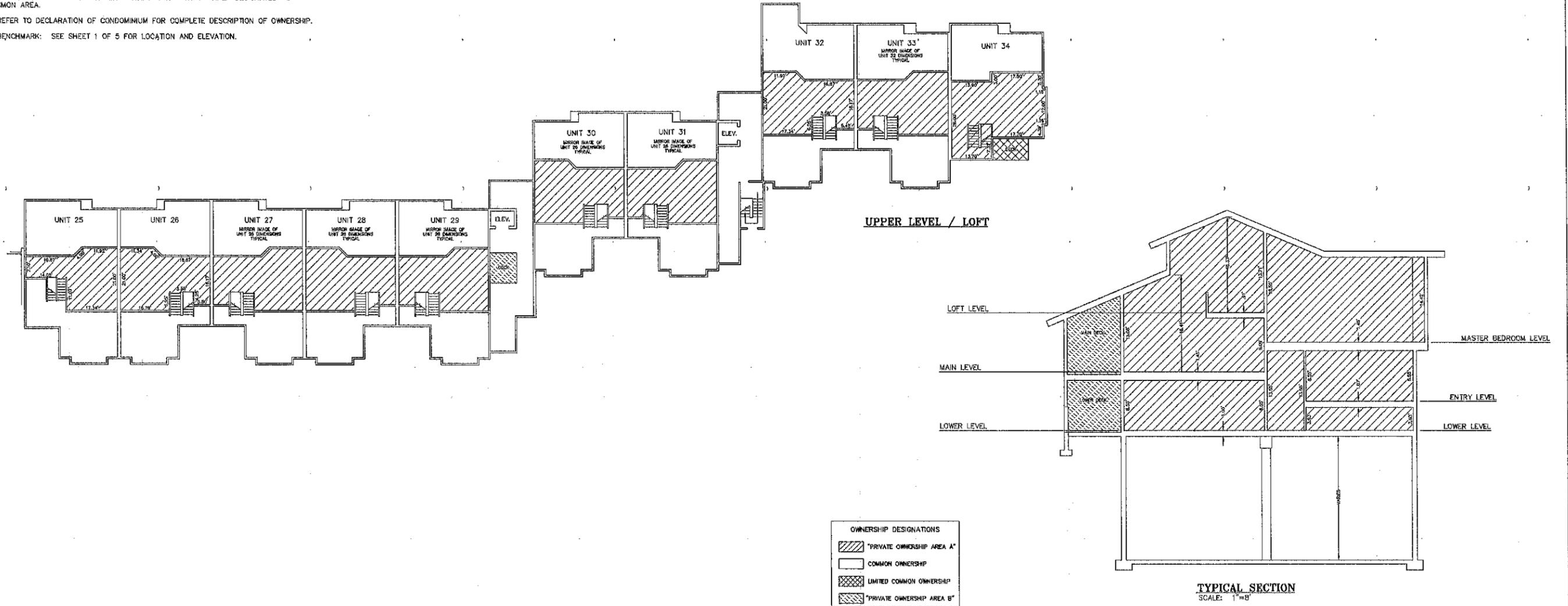
**CERTIFICATE OF ATTEST**  
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF JUNE, 2002 A.D.  
 BY [Signature]  
 PARK CITY RECORDER

**COUNCIL APPROVAL AND ACCEPTANCE**  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF JUNE, 2002 A.D.  
 BY [Signature]  
 MAYOR

**RECORDED**  
 JOB NO.: 5-7-01 FILE: Z:\s\dwg\Phase2-Am\ph2-sht2  
 #645060  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF [Signature] DATE 12-23-02 TIME 10:23 AM BOOK 132 PAGE 2  
 FEE [Signature]  
 RECORDER

**NOTES:**

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



**UNIT SQUARE FOOTAGE**

|                | UNIT 25 | UNIT 26 | UNIT 27 | UNIT 28 | UNIT 29 | UNIT 30 | UNIT 31 | UNIT 32 | UNIT 33 | UNIT 34 |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| LOFT LEVEL     | 508.5   | 541.1   | 541.1   | 541.1   | 541.1   | 541.1   | 541.1   | 553.1   | 553.1   | 553.1   |
| MASTER BEDROOM | 707.2   | 823.7   | 823.7   | 823.7   | 823.7   | 823.7   | 823.7   | 831.0   | 831.0   | 831.0   |
| MAIN LEVEL     | 826.8   | 868.8   | 868.8   | 868.8   | 868.8   | 868.8   | 868.8   | 1009.6  | 882.6   | 882.6   |
| ENTRY LEVEL    | 210.5   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   |
| LOWER LEVEL    | 971.3   | 938.7   | 938.7   | 938.7   | 938.7   | 938.7   | 938.7   | 950.0   | 950.0   | 950.0   |
| TOTAL          | 3224.3  | 3208.9  | 3208.9  | 3208.9  | 3208.9  | 3208.9  | 3208.9  | 3380.3  | 3253.3  | 3253.3  |

**FINISH FLOOR ELEVATIONS**

|                | UNIT 25 | UNIT 26 | UNIT 27 | UNIT 28 | UNIT 29 | UNIT 30 | UNIT 31 | UNIT 32 | UNIT 33 | UNIT 34 |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| LOFT LEVEL     | 8144.4  | 8149.0  | 8149.0  | 8153.6  | 8153.6  | 8164.4  | 8164.4  | 8178.0  | 8179.7  | 8181.5  |
| MASTER BEDROOM | 8139.4  | 8144.0  | 8144.0  | 8148.6  | 8148.6  | 8159.4  | 8159.4  | 8173.3  | 8175.0  | 8176.8  |
| MAIN LEVEL     | 8134.4  | 8139.0  | 8139.0  | 8143.6  | 8143.6  | 8154.4  | 8154.4  | 8168.6  | 8170.3  | 8172.1  |
| ENTRY LEVEL    | 8129.4  | 8134.0  | 8134.0  | 8138.6  | 8138.6  | 8149.4  | 8149.4  | 8163.9  | 8165.6  | 8167.4  |
| LOWER LEVEL    | 8124.4  | 8129.0  | 8129.0  | 8133.6  | 8133.6  | 8145.4  | 8145.4  | 8159.2  | 8160.9  | 8162.7  |

**NOTES:**

1. This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Recorders Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
3. Recorded concurrently herewith an Amendment to the Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:
  - "Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.
  - "Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.
4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur, it is the intent that the private ownership area of the units will be as constructed.

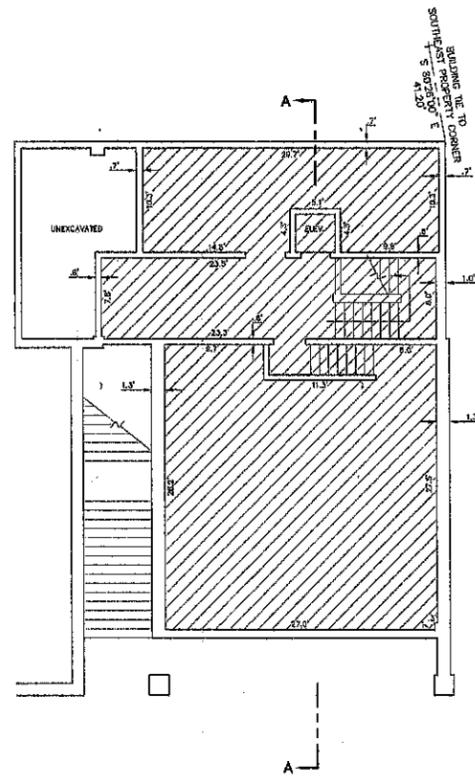
FIRST AMENDED  
RECORD OF SURVEY MAP

**STAG LODGE PHASE II**

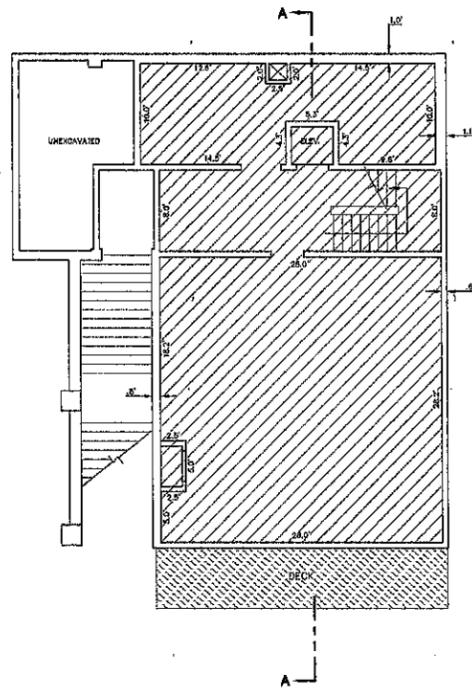
A UTAH CONDOMINIUM PROJECT  
LOCATED IN SECTION 22  
TOWNSHIP 2 SOUTH, RANGE 4 EAST  
S.L.B. & M.  
PARK CITY, SUMMIT COUNTY, UTAH



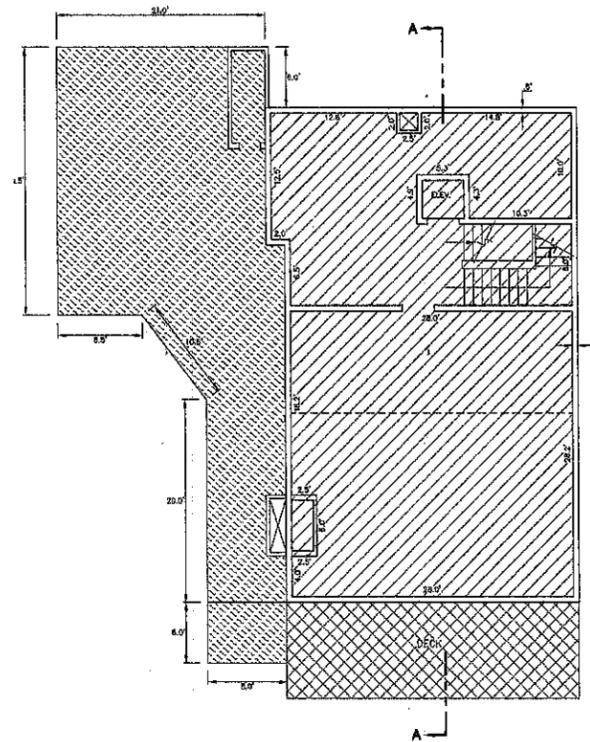
RECORDED  
STATE OF UTAH COUNTY OF SUMMIT AND FILED  
AT THE REQUEST OF High Country Title  
DATE 1-27-2013 TIME 9:23 AM BOOK 132 PAGE 3  
FEE 132.00  
Oliver Davis  
RECORDER



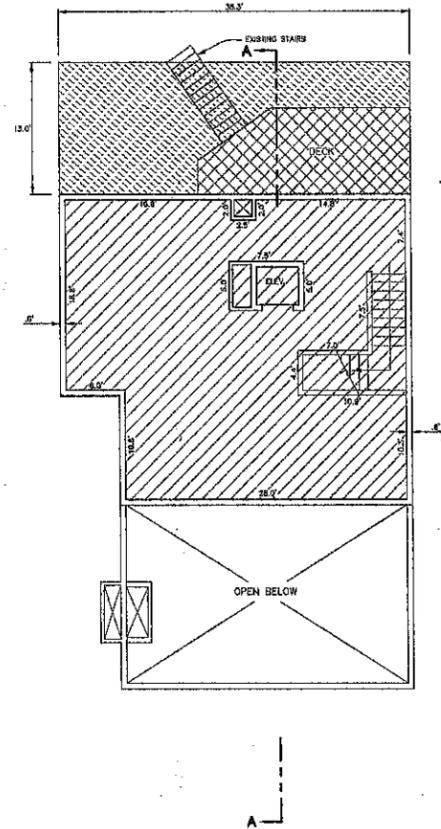
**GARAGE LEVEL**



**ENTRY LEVEL**



**MAIN LEVEL**



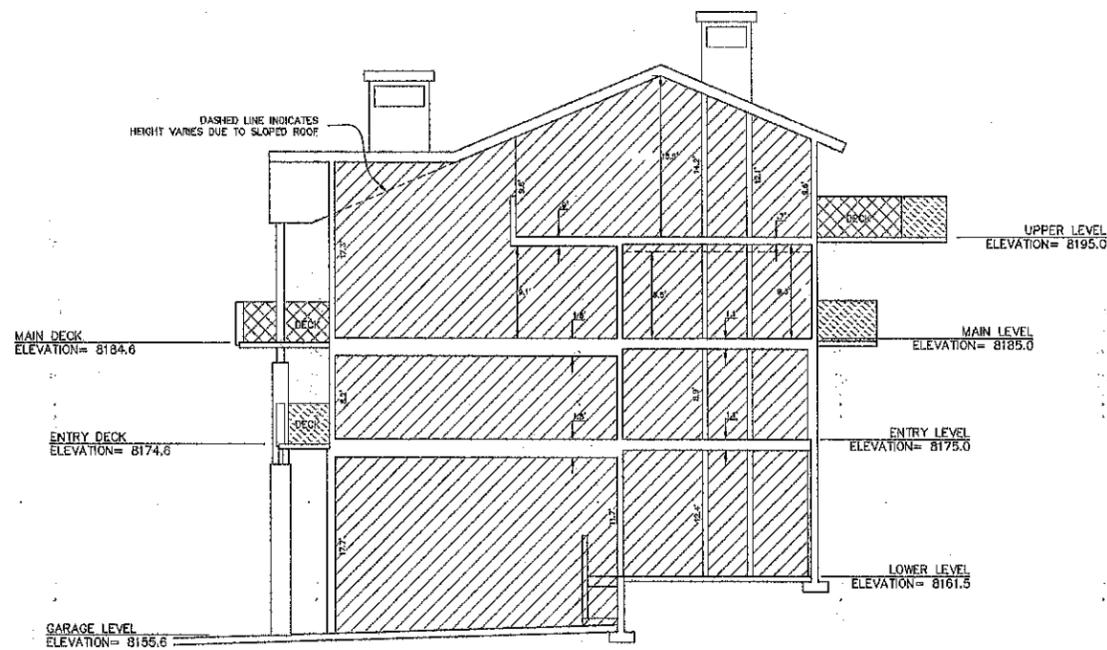
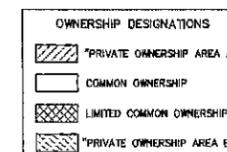
**UPPER LEVEL**

**UNIT 35**

| UNIT 35      | SQUARE FOOTAGE |
|--------------|----------------|
| GARAGE LEVEL | 1369.30        |
| ENTRY LEVEL  | 1341.00        |
| MAIN LEVEL   | 1365.10        |
| UPPER LEVEL  | 941.60         |
| TOTAL        | 5017.00        |

**NOTES:**

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



**SECTION A**

**NOTES:**

1. This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303346 in the Summit County Recorders Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
3. Recorded concurrently herewith an Amendment to the Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:  
 "Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.  
 "Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.
4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

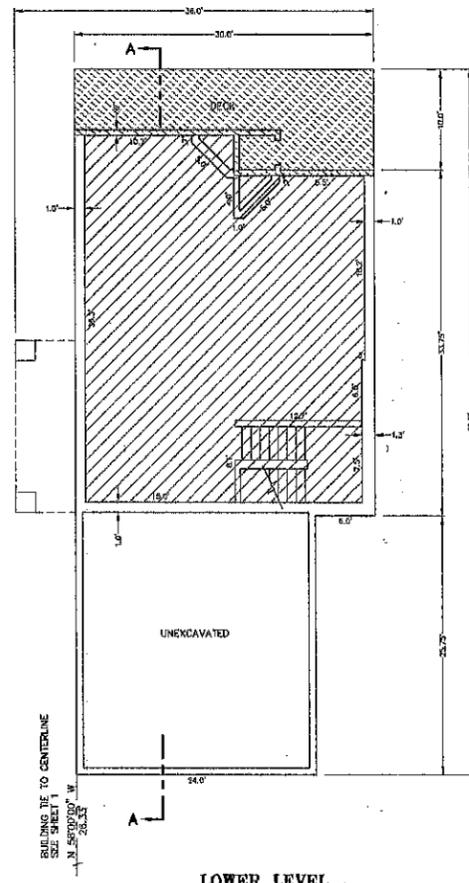
FIRST AMENDED  
RECORD OF SURVEY MAP

**STAG LODGE PHASE II**

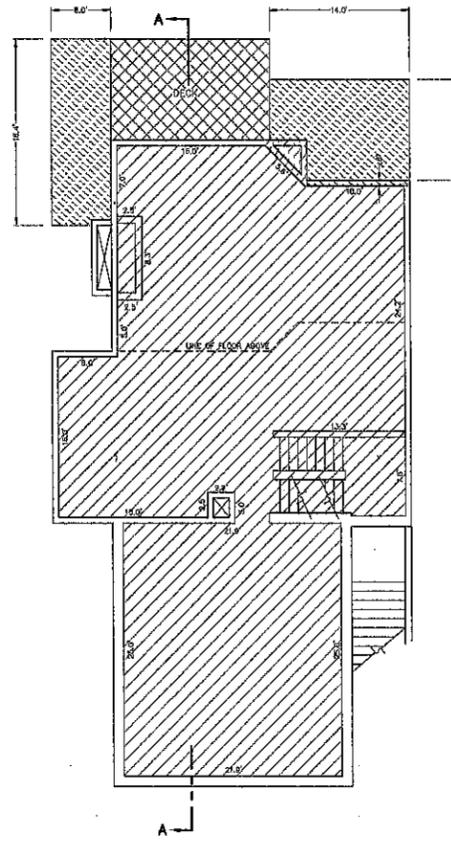
A UTAH CONDOMINIUM PROJECT  
LOCATED IN SECTION 22  
TOWNSHIP 2 SOUTH, RANGE 4 EAST  
S.L.B. & M.  
PARK CITY, SUMMIT COUNTY, UTAH



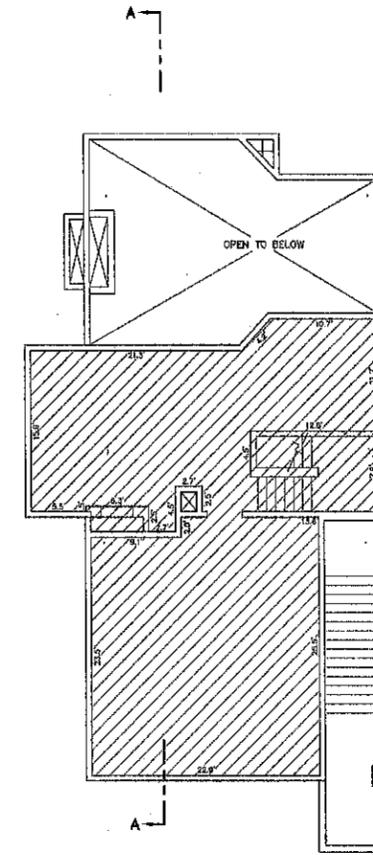
**RECORDED**  
STATE OF UTAH COUNTY OF SUMMIT AND FILED  
AT THE REQUEST OF *High Country Title*  
DATE *1-17-2013* TIME *9:23:14* BOOK *131* PAGE *5*  
FEE *131.00* RECORDER *Alan Spang*



LOWER LEVEL



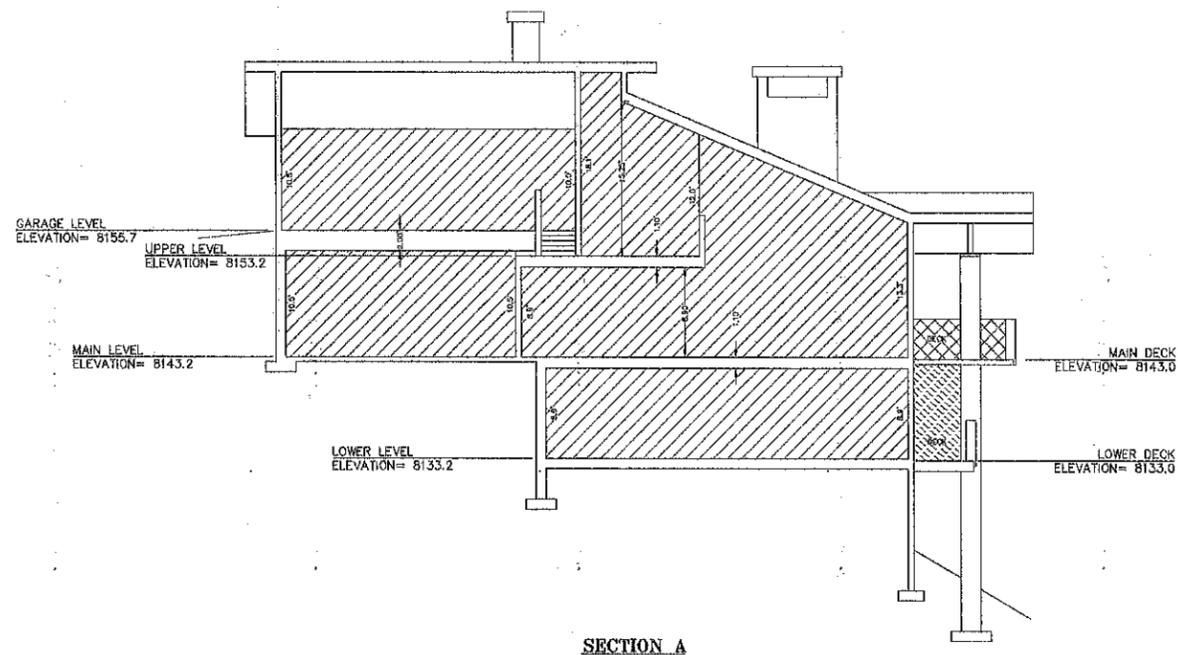
MAIN LEVEL



UPPER LEVEL

## UNIT 49

| OWNERSHIP DESIGNATIONS |                            |
|------------------------|----------------------------|
|                        | "PRIVATE OWNERSHIP AREA A" |
|                        | COMMON OWNERSHIP           |
|                        | LIMITED COMMON OWNERSHIP   |
|                        | "PRIVATE OWNERSHIP AREA B" |



SECTION A

| UNIT 49     | SQUARE FOOTAGE |
|-------------|----------------|
| LOWER LEVEL | 964.40         |
| MAIN LEVEL  | 1775.89        |
| UPPER LEVEL | 1194.60        |
| TOTAL       | 3934.89        |

NOTES:

- This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Recorders Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
- All other conditions of approval of the Stag Lodge Condominium project continue to apply.
- Recorded concurrently herewith an Amendment to the Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:
 

"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, properly privately owned prior to the Private Ownership Area B Effective Date.

"Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.

- The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

NOTES:

- INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
- ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
- ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREA.
- REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
- BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.

FIRST AMENDED  
RECORD OF SURVEY MAP

## STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT  
LOCATED IN SECTION 22  
TOWNSHIP 2 SOUTH, RANGE 4 EAST  
S.L.B. & M.  
PARK CITY, SUMMIT COUNTY, UTAH



PAGE 5 of 5

|  |                        |
|--|------------------------|
| II 645060                                | RECORDED               |
| STATE OF UTAH COUNTY OF SUMMIT AND FILED |                        |
| AT THE REQUEST OF High Country Title     |                        |
| DATE 1-17-2013                           | TIME 9:23 AM BOOK PAGE |
| 132                                      | Alan Danzig            |
| FEE                                      | RECORDER               |

5-7-01 Z:\s\dwg\Phase2-Am\ph2-sht5

**SURVEYOR'S CERTIFICATE**

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the unit owners at the STAG LODGE PHASE II CONDOMINIUM PROJECT acting as a group in accordance with the Declaration of Covenants, Conditions, and Restrictions for STAG LODGE PHASE II, a Utah Condominium project, this Second Amended Record of Survey Map of STAG LODGE PHASE II, which consists of pages 2, 3, and 4 in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify the information shown hereon is accurate.



*John Demkowicz*  
John Demkowicz, LS #154491  
5/6/05  
Date

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

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and this Second Amended Record of Survey Map to be prepared and hereby consent to the recordation of this Second Amended Record of Survey Map.

*Robert S. Carpenter*  
Robert S. Carpenter, President  
5.2.05  
Date  
Stag Lodge Condominium Homeowners Association, Inc.

**ACKNOWLEDGMENT**

State of Utah  
County of SUMMIT  
On this 24th day of MAY, 2005, personally appeared before me, the undersigned Notary Public, in and for said County and State, Robert S. Carpenter, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Phase II Condominium Project acting as a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1 et seq. (1985) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Phase II Condominium.

*Tommy Ferguson*  
A NOTARY PUBLIC COMMISSIONED IN, UTAH  
Tommy Ferguson  
FULL NAME (printed)  
Residing in: SUMMIT CITY  
My commission expires: NOV. 1, 2008

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

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and this Second Amended Record of Survey Map to be prepared and hereby consent to the recordation of this Second Amended Record of Survey Map.

Anita Hirsch, owner of Units 25 & 26 by Attorney-in-Fact  
Drent Glasmeier  
for Jeffrey P. Sudhoff pursuant to the Limited Power of Attorney, document no. 20722731, Bk 01892, Pg. 007741-007742 as recorded on April 13, 2005 in the office of the Summit County Recorder.

**ACKNOWLEDGMENT**

State of Utah  
County of SUMMIT  
On this 6th day of MAY, 2005, personally appeared before me, the undersigned Notary Public, in and for said County and State, Drent Glasmeier who duly acknowledged the foregoing instrument.  
*Mary J. Carney*  
A NOTARY PUBLIC COMMISSIONED IN, UTAH  
Mary J. Carney  
Residing in: Park City  
My commission expires: 6-13-2008

- NOTES:
- This Second Amended Record of Survey Map is an Amendment of pages 2, 3, and 4 of the First Amended Stag Lodge Phase II Condominium, recorded January 17, 2003, Entry #845050, in the Summit County Recorder's Office. Page 1 of the Stag Lodge Condominium Phase II as recorded January 17, 1989, Entry #303345 and page 5 as recorded January 17, 2003, shall remain intact.
  - All other conditions of approval of the Stag Lodge Condominium project continue to apply.
  - See Amendment to Declaration of Condominium for Stag Lodge, Document #00845052, Bk 01504, Pg 01845-01852, filed January 17, 2003. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:  
"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.  
"Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or conditional bedrooms.
  - The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Phase II Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.
  - Units 25 & 26 are a combined unit of single ownership. Pursuant to a provision contained in the Declaration of Condominium, Entry no. 231235, recorded March 4 1985, paragraph 3.05, Right to Combine Units, the wall separation between Units 25 & 26 may for as long as the two Units are utilized as one Unit, be utilized as a Limited Common Area as shown hereon.

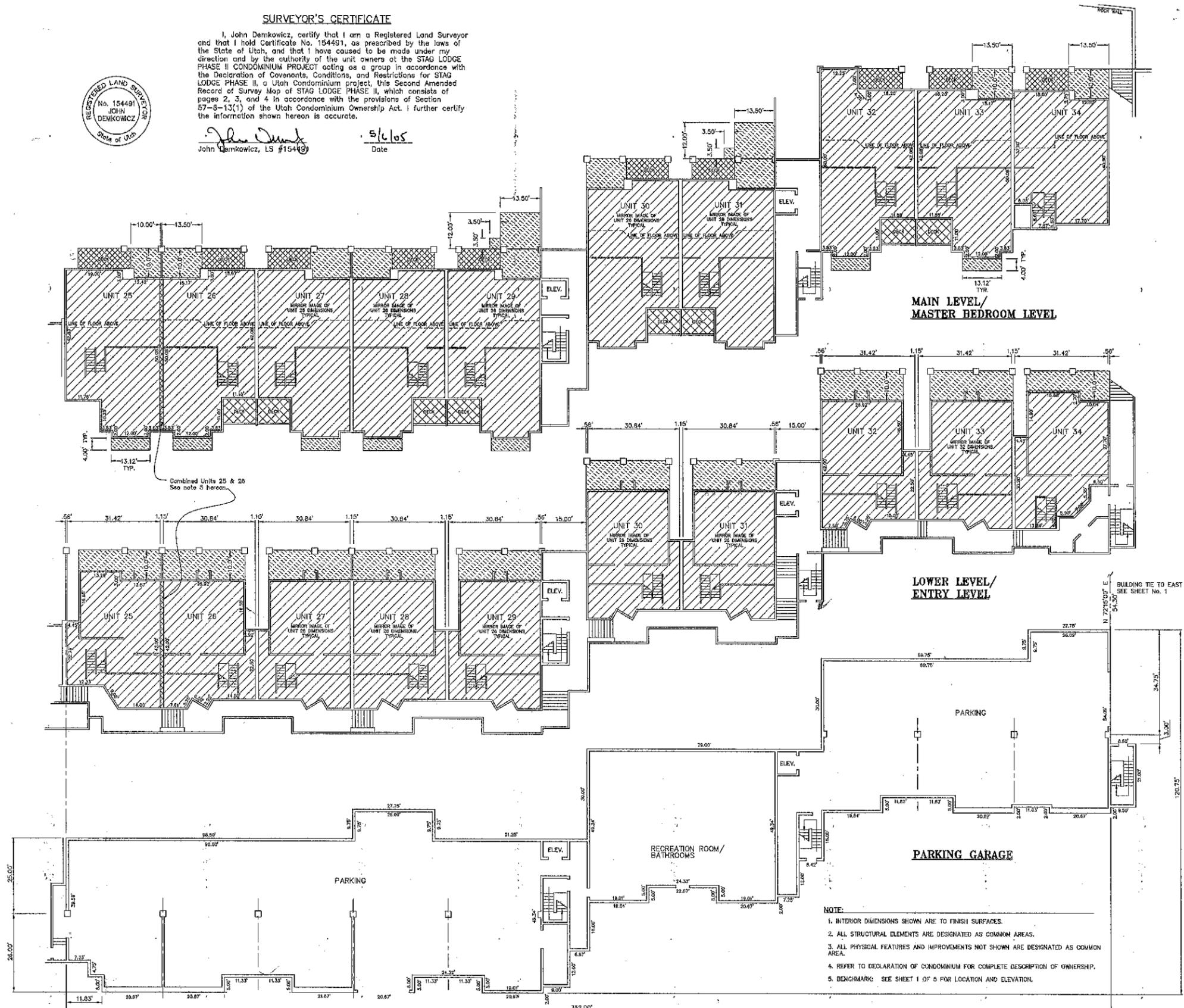
**SECOND AMENDED RECORD OF SURVEY MAP**

**STAG LODGE PHASE II**

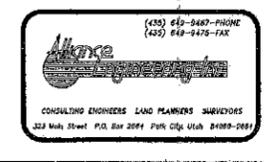
A UTAH CONDOMINIUM PROJECT  
LOCATED IN SECTION 22  
TOWNSHIP 2 SOUTH, RANGE 4 EAST  
S.L.B. & M.  
PARK CITY, SUMMIT COUNTY, UTAH

**OWNERSHIP DESIGNATIONS**

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"



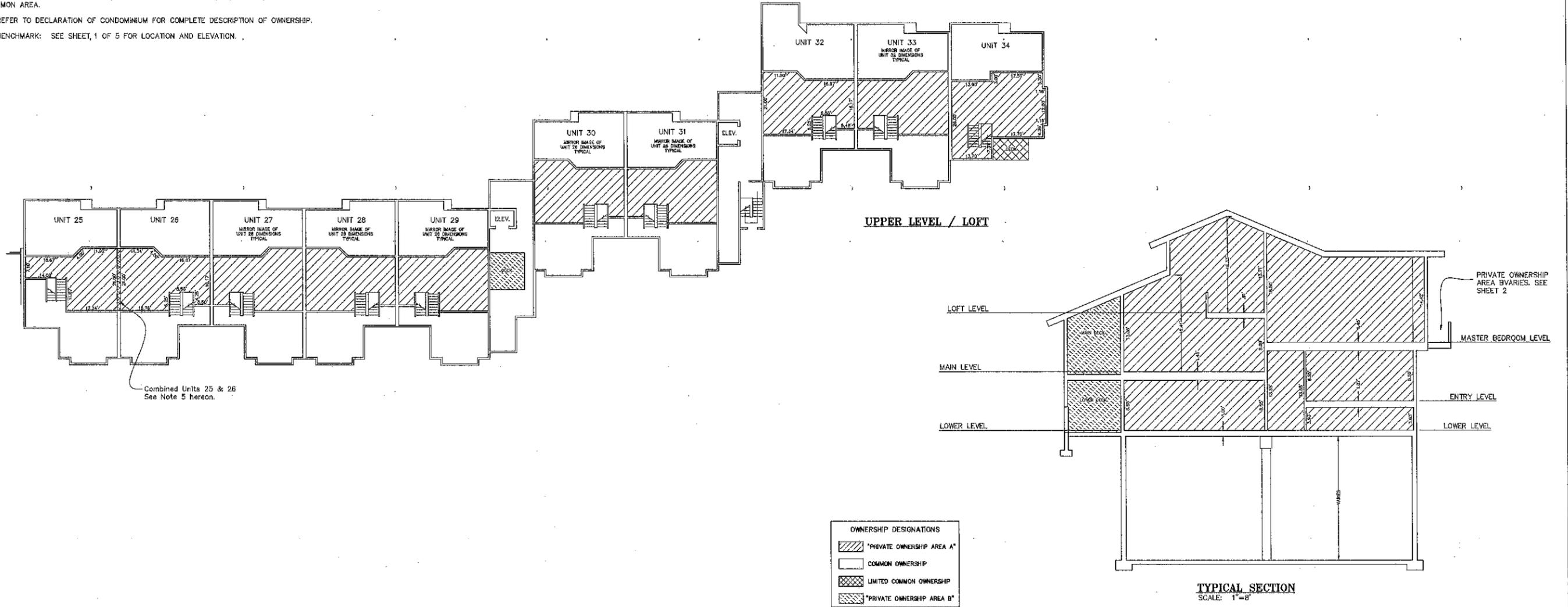
- NOTE:**
- INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
  - ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
  - ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREA.
  - REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
  - BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



|  |  |   |   |   |   |  |
|--|--|---|---|---|---|--|
| <p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF <u>May</u>, 2005 A.D.</p> <p>BY <u>B. D. O.</u><br/>S.B.W.R.D.</p> | <p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF <u>May</u>, 2005 A.D.</p> <p>BY <u>J. B. Smith</u><br/>CHAIRMAN</p> | <p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF <u>MAY</u>, 2005 A.D.</p> <p>BY <u>David L. Adams, PE</u><br/>PARK CITY ENGINEER</p> | <p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS DAY OF <u>MAY</u>, 2005 A.D.</p> <p>BY <u>James M. Smith</u><br/>PARK CITY ATTORNEY</p> | <p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF <u>MAY</u>, 2005 A.D.</p> <p>BY <u>James M. Smith</u><br/>PARK CITY RECORDER</p> | <p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF <u>MAY</u>, 2005 A.D.</p> <p>BY <u>Donna Williams</u><br/>MAYOR</p> | <p>JOB NO.: 4-2-04 FILE: X:\SL\DWG\040204 AMENDED\PH2-SHT2</p> <p><b>RECORDED</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>High Country Title</u></p> <p>DATE <u>5.23.05</u> TIME <u>1:01</u> BOOK <u>741/c</u></p> <p>FEE <u>\$101.00</u></p> <p><u>Denise L. Bowers, Deputy</u><br/>RECORDER</p> |
|--|--|---|---|---|---|--|

**NOTES:**

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET, 1 OF 5 FOR LOCATION AND ELEVATION.



**UNIT SQUARE FOOTAGE**

|                | UNIT 25 | UNIT 26 | UNIT 27 | UNIT 28 | UNIT 29 | UNIT 30 | UNIT 31 | UNIT 32 | UNIT 33 | UNIT 34 |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| LOFT LEVEL     | 508.5   | 541.1   | 541.1   | 541.1   | 541.1   | 541.1   | 541.1   | 553.1   | 553.1   | 553.1   |
| MASTER BEDROOM | 707.2   | 623.7   | 623.7   | 623.7   | 623.7   | 623.7   | 623.7   | 631.0   | 631.0   | 631.0   |
| MAIN LEVEL     | 826.8   | 868.8   | 868.8   | 868.8   | 868.8   | 868.8   | 868.8   | 1009.6  | 882.6   | 882.6   |
| ENTRY LEVEL    | 210.5   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   | 236.6   |
| LOWER LEVEL    | 971.3   | 936.7   | 938.7   | 938.7   | 938.7   | 938.7   | 938.7   | 950.0   | 950.0   | 950.0   |
| TOTAL          | 3224.3  | 3208.9  | 3208.9  | 3208.9  | 3208.9  | 3208.9  | 3208.9  | 3380.3  | 3253.3  | 3253.3  |

**FINISH FLOOR ELEVATIONS**

|                | UNIT 25 | UNIT 26 | UNIT 27 | UNIT 28 | UNIT 29 | UNIT 30 | UNIT 31 | UNIT 32 | UNIT 33 | UNIT 34 |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| LOFT LEVEL     | 8144.4  | 8149.0  | 8149.0  | 8153.6  | 8153.6  | 8164.4  | 8164.4  | 8178.0  | 8179.7  | 8181.5  |
| MASTER BEDROOM | 8139.4  | 8144.0  | 8144.0  | 8148.0  | 8148.0  | 8159.4  | 8159.4  | 8173.3  | 8175.0  | 8176.8  |
| MAIN LEVEL     | 8134.4  | 8139.0  | 8139.0  | 8143.6  | 8143.6  | 8154.4  | 8154.4  | 8168.6  | 8170.3  | 8172.1  |
| ENTRY LEVEL    | 8129.4  | 8134.0  | 8134.0  | 8138.6  | 8138.6  | 8149.4  | 8149.4  | 8163.9  | 8165.6  | 8167.4  |
| LOWER LEVEL    | 8124.4  | 8129.0  | 8129.0  | 8133.6  | 8133.6  | 8145.4  | 8145.4  | 8159.2  | 8160.9  | 8162.7  |

**NOTES:**

1. This Second Amended Record of Survey Map is an Amendment of pages 2, 3, and 4 of the First Amended Stag Lodge Phase II Condominium, recorded January 17, 2003, Entry #645060, in the Summit County Records Office. Page 1 of the Stag Lodge Condominium Phase II as recorded January 17, 1989, Entry #303348 and page 5 as recorded January 17, 2003, shall remain intact.
2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
3. See Amendment to Declaration of Condominium for Stag Lodge, Document #00645062, Bk 01504, Pg 01845-01852, filed January 17, 2003. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:
 

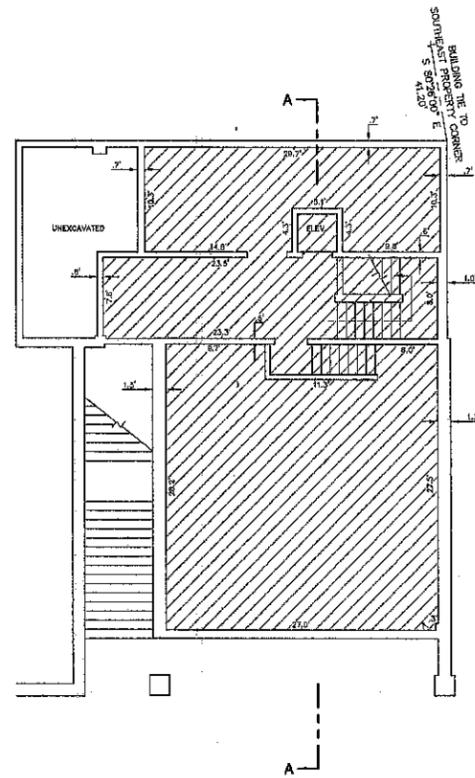
"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.

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4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Phase II Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.
5. Units 25 & 26 are a combined unit of single ownership. Pursuant to a provision contained in the Declaration of Condominium, Entry no. 231239, recorded March 4 1985, paragraph 3.03, Right to Combine Units, the wall separation between Units 25 & 26 may for as long as the two Units are utilized as one Unit, be utilized as a limited Common Area as shown hereon.

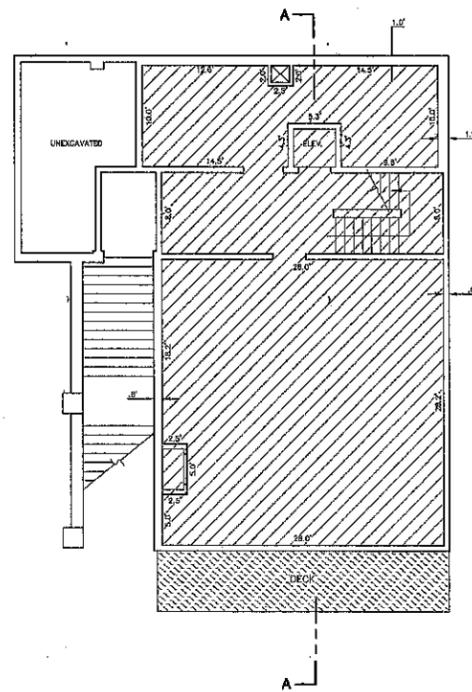
SECOND AMENDED  
RECORD OF SURVEY MAP  
**STAG LODGE PHASE II**  
A UTAH CONDOMINIUM PROJECT  
LOCATED IN SECTION 22  
TOWNSHIP 2 SOUTH, RANGE 4 EAST  
S.L.B. & 'M.  
PARK CITY, SUMMIT COUNTY, UTAH



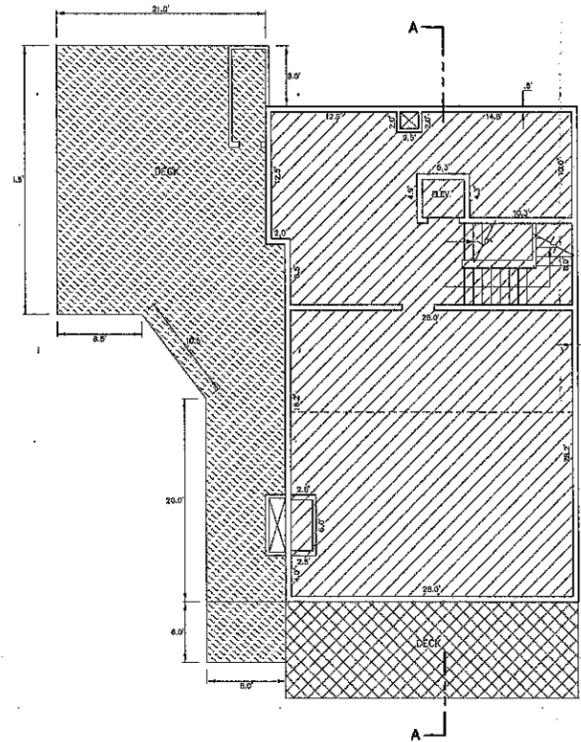
737280 RECORDED  
STATE OF UTAH COUNTY OF SUMMIT AND FILED  
AT THE REQUEST OF High Country  
DATE 5-25-08 TIME 12:41 BOOK PAGE  
FEE RECORDER



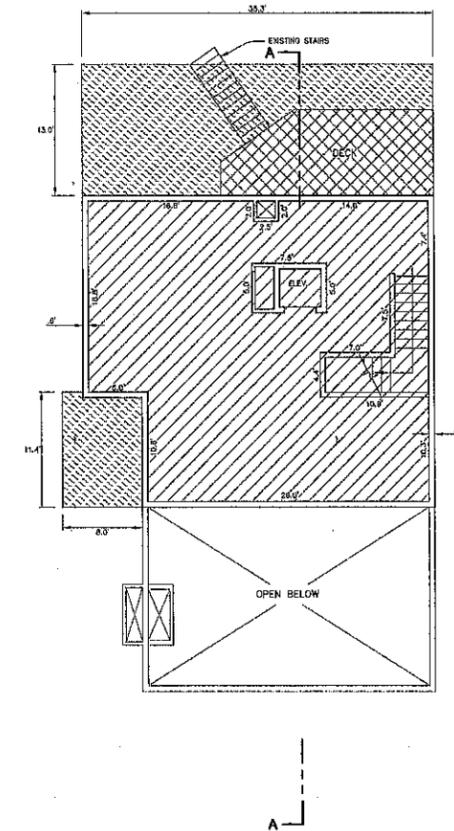
**GARAGE LEVEL**



**ENTRY LEVEL**



**MAIN LEVEL**



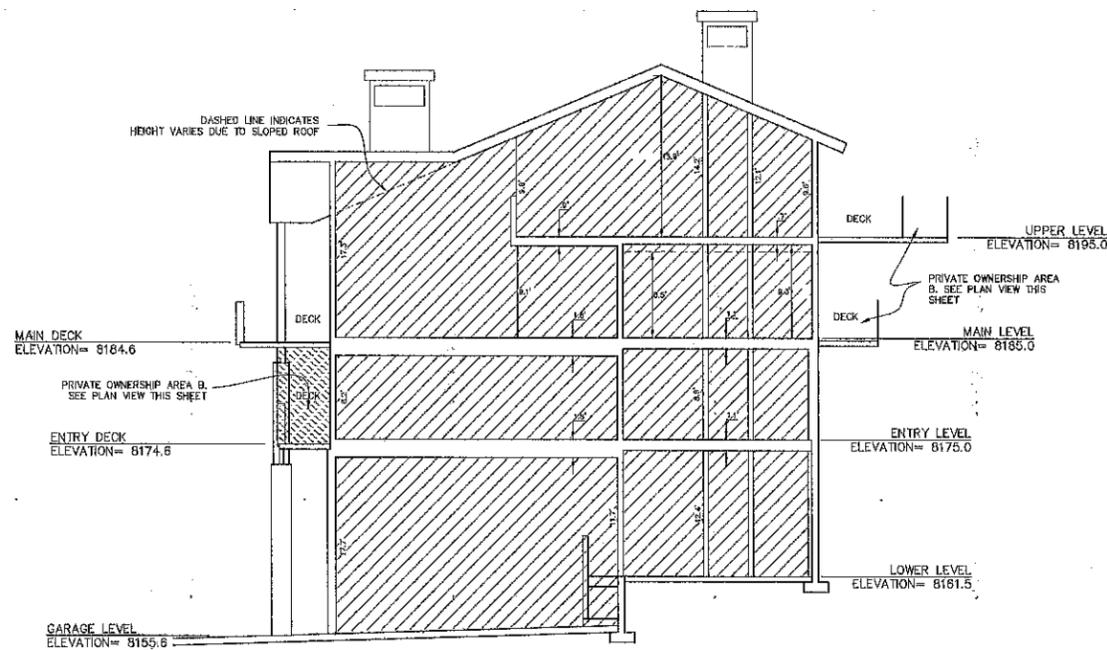
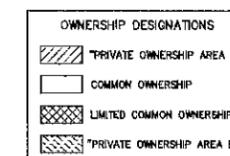
**UPPER LEVEL**

**UNIT 35**

| UNIT 35      | SQUARE FOOTAGE |
|--------------|----------------|
| GARAGE LEVEL | 1369.30        |
| ENTRY LEVEL  | 1341.00        |
| MAIN LEVEL   | 1365.10        |
| UPPER LEVEL  | 941.60         |
| TOTAL        | 5017.00        |

**NOTES:**

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



**SECTION A**

**NOTES:**

1. This Second Amended Record of Survey Map is an Amendment of pages 2, 3, and 4 of the First Amended Stag Lodge Phase II Condominium, recorded January 17, 2003, Entry #645080, in the Summit County Recorders Office, Page 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, Entry #303348, and page 5 as recorded January 17, 2003, Entry #645080, shall remain intact.
2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
3. See Amendment to Declaration of Condominium for Stag Lodge, Document #00645082, Bk 01504, Pg 01845-01852, filed January 17, 2003. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:  
 "Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.  
 "Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.
4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium Phase II (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

SECOND AMENDED  
RECORD OF SURVEY MAP

**STAG LODGE PHASE II**

A UTAH CONDOMINIUM PROJECT  
LOCATED IN SECTION 22  
TOWNSHIP 2 SOUTH, RANGE 4 EAST  
S.L.B. & M.  
PARK CITY, SUMMIT COUNTY, UTAH



737280 RECORDED  
STATE OF UTAH COUNTY OF SUMMIT AND FILED  
AT THE REQUEST OF *High Country Title*  
DATE *6-25-14* TIME *12:41* BOOK *1116* PAGE *4*  
\$100 FEE *Denise B. Bowen, Deputy* RECORDER



## Planning Commission Staff Report

**Subject:** Dority Springs Subdivision  
**Author:** Francisco J. Astorga, Planner  
**Project Number:** PL-12-01733  
**Date:** July 23, 2014  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staffs recommends the Planning Commission hold a public hearing for the Dority Springs Subdivision Plat Amendment located at 1851 Little Kate Road and consider forwarding a negative recommendation to the City Council based on the Findings of Fact and Conclusion of Law found in the staff report.

### Description

**Applicant:** Michael E. Baker and Kathleen M. Papi-Baker represented by Alliance Engineering, Inc.  
**Location:** 1851 Little Kate Road  
Lot 83, Holiday Ranchettes Subdivision  
**Zoning:** Single Family (SF) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council review and action

### Proposal

The property owner requests to subdivide the existing lot into two (2) lots of record. Dority Springs bifurcates the existing platted lot. The applicant has obtained a Wetland Delineation Report from the US Army Corps of Engineers outlining the location of the spring.

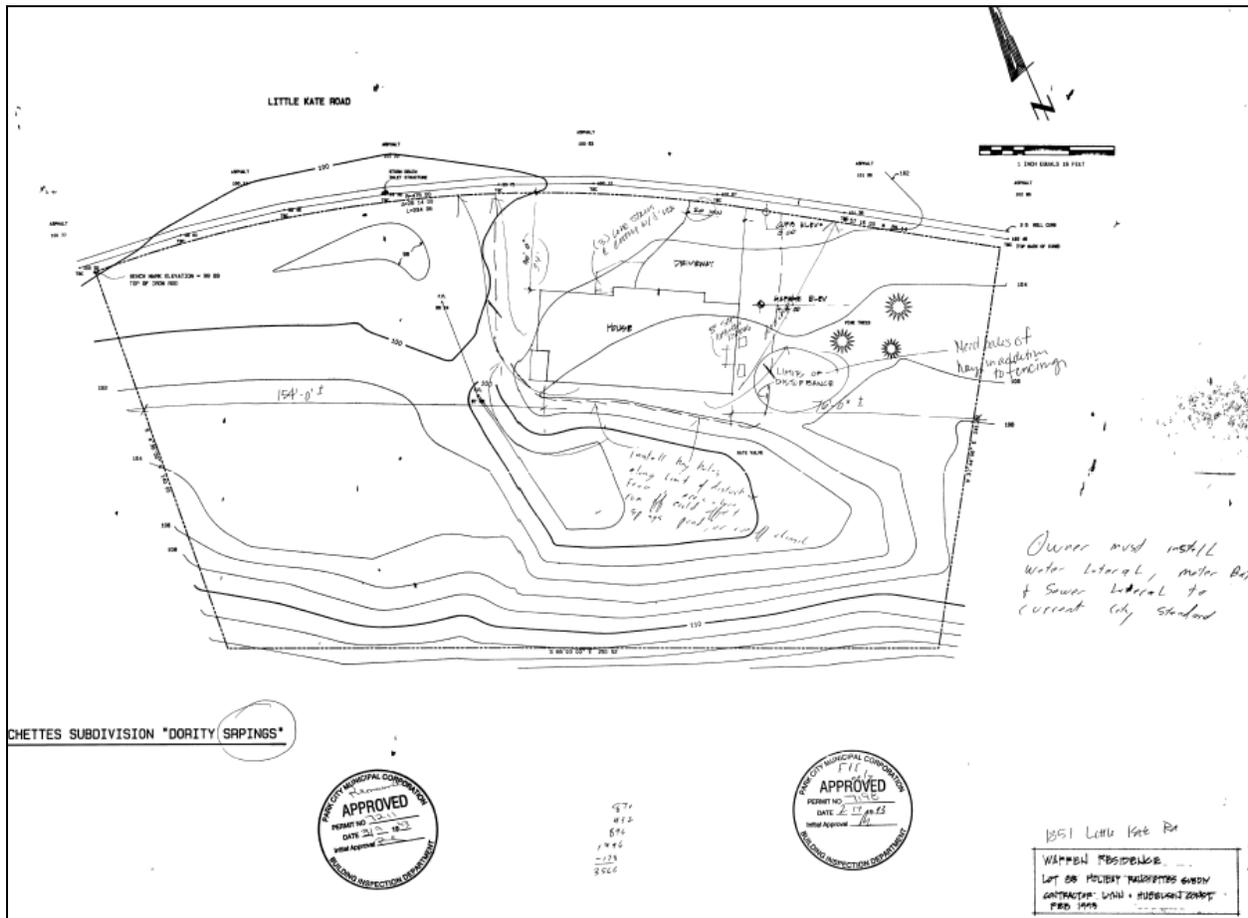
### Background

In February 2014 the City received a completed application for the Dority Springs Subdivision plat amendment. The property is located at 1851 Little Kate Road within the SF District. The subject property consists of lot 83 of the Holiday Ranchettes Subdivision. The CCRs state this lot is not subject to the Subdivision Declaration. According to the plat the lot is 0.999 acres or approx. 43,516.44 square feet. The site also contains Dority Springs. In 1991 the property owner built a single family dwelling (SFD). The proposed plat amendment creates two (2) lots of record from one platted lot.

According to the applicant the reason that their Lot 83 is exempted from the Holiday Ranchettes (which is confirmed within the CC&Rs) is due to the Dority Springs (and pond) that existed on the property at the time that Holiday Ranchettes Subdivision was recorded in 1974. According to the applicant, at that time, fire hydrants did not exist in

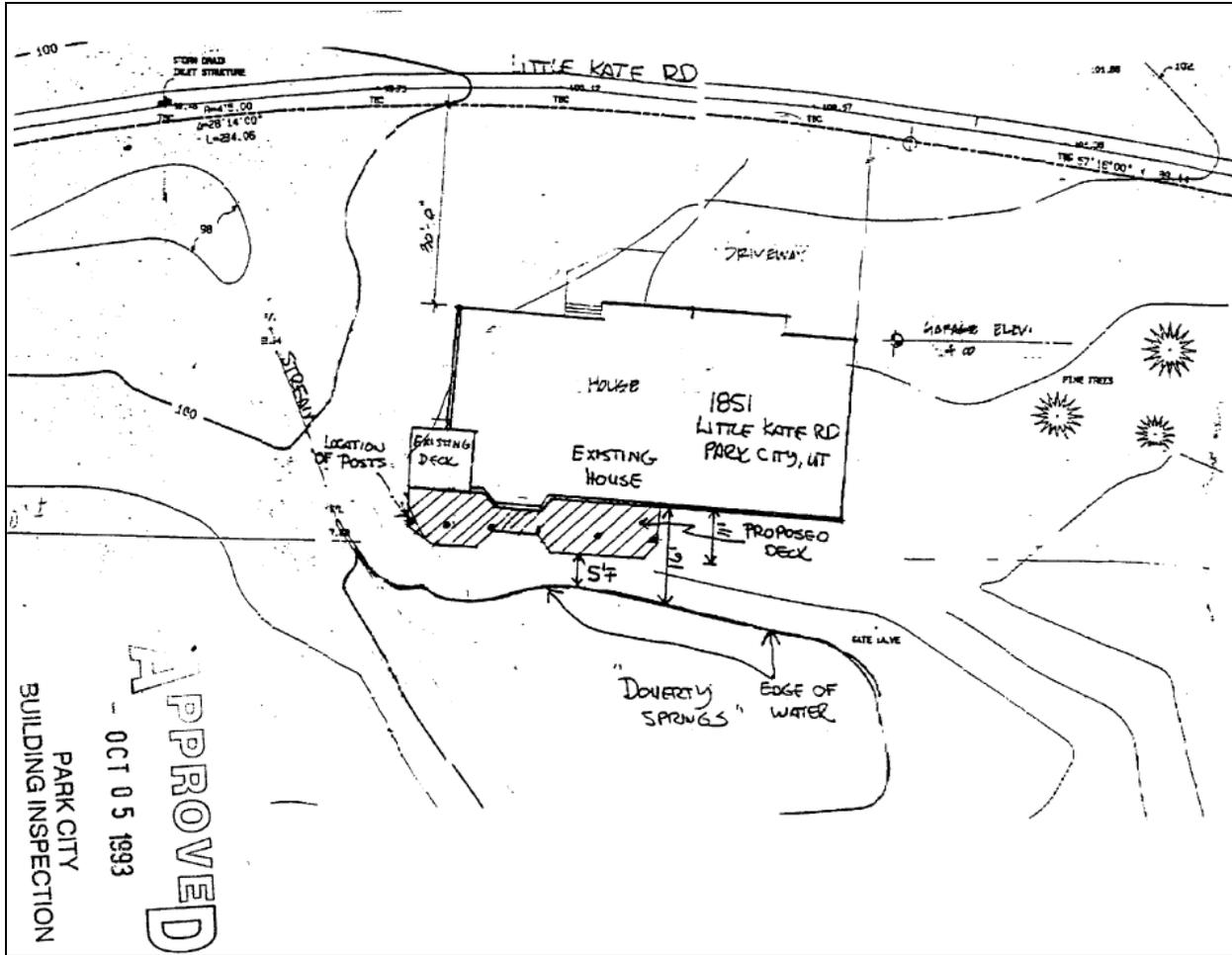
Park Meadows and the PC Fire Dept. needed access to the pond with their pumper truck in order to fight fires. Fire hydrants were eventually developed and the fire dept. no longer needed access to the pond.

In 1992/1993 Larry Warren applied for appropriate Building Department permits to grade the site and remove part of the pond and building a Single Family Dwelling (SFD) in front of the pond. See approved site plans below:



Above, site plan, Permit No. 7211.

In 1993 the property owner obtained a building permit to add a deck to the house built in 1992/1994. See approved site plan below which shows the approved deck five feet (5') from the "pond" Dority Springs.



Above, site plan, Permit No. 7802.

The Planning Commission reviewed this Plat Amendment request during their May 14, 2014 Planning Commission meeting. A public hearing was held, no comments were received during the public hearing. The Planning Commission provided input and direction to the property owner and staff. The item was continued to June 25<sup>th</sup> and then to July 23, 2014. During the May 14, 2014 meeting the Planning Commission provided the following direction and input:

- Not appropriate to include the multi-family dwellings in the compatibility analysis. The compatibility should be with single family structures in close proximity to the property.
- It would be appropriate to look at the physical distances between the adjacent homes in vicinity including across the street. Also the lot size and depth to each house (front yard setback).
- Opportunity to look at a massing model to get an idea of the site and what a house would look like on the site.
- Not in favor of the 300-600-900 foot radius analysis because it goes beyond the “neighborhood”. Compatibility should be based on the based on “what a normal person on the street would describe the neighborhood.

- Good Cause clause: “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”
- Should a subdivision (plat amendment), lot split happen within an established subdivision?
- General plan opinions regarding density in Park Meadows.

See May 14, 2014 Planning Commission minutes, Exhibit H.

### **District Purpose**

The purpose of the SF District is to:

- A. maintain existing predominately Single Family detached residential neighborhoods,
- B. allow for Single Family Development Compatible with existing Developments,
- C. maintain the character of mountain resort neighborhoods with Compatible residential design; and
- D. require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

### **Analysis**

A SFD is an allowed use in this District. A duplex dwelling is permitted only on lots designated for duplexes on the official subdivision plat. This lot has not been designated as a duplex lot. The maximum density for Subdivisions in the SF District is three (3) units per acre. Therefore, in terms of density alone within this District, the minimum lot area is 14,520 square feet or 1/3 acre.

The minimum front yard setback is twenty feet (20'). New front facing garages for SFD must be at least twenty-five feet (25'). The minimum rear yard setback is fifteen feet (15'). The minimum side yard setback is twelve feet (12'). No structure shall be erected to a height greater than twenty-eight feet (28') from existing grade. A gable, hip, or similar pitched roof may extend up to five feet (5') above the zone height, if the roof pitch is 4:12 or greater. A SFD requires a minimum of two (2) parking spaces.

Proposed lot 83a would be 0.605 acres or approx. 26,353.8 square feet. Proposed lot 83b would be 0.395 acres or approx. 17,206.2 square feet. Both lots have the ability to meet code requirements under Land Management Code (LMC) Chapter 2.11 SF District for use, density, setbacks, height, and parking. Lot 83a would still have the existing family dwelling.

### **CC&Rs**

The City does not enforce any Subdivision Covenants, Conditions, & Restrictions

(CC&Rs). Furthermore, per section 2.4 of the Holiday Ranchettes Declarations, Lot 83, the subject site, is not subject to the Subdivision Declaration: See text below copied directly from the Subdivision Declarations:

2.3 Building: "Building" means any building constructed on the Property.

2.4 Lot: "Lot" shall mean any parcel of property shown as a separate numbered lot on the recorded Plat of the Subdivision except Lots 53 and 83, which are not subject to this Declaration.

2.5 Subdivision: "Subdivision" shall mean Holiday Ranchettes according to the Plat thereof recorded in the records of Summit County.

2.6 Plat: "Plat" shall mean the Plat of the Subdivision as recorded in the office of the County Recorder of Summit County, Utah.

Furthermore, section 6.7 indicates that the prior owners, Lot 53 and 83, are not subject to the declaration, restrictions, or limitations:

6.6 Waterways: The flow of any natural stream or spring shall not be obstructed, relocated or modified in any manner without written permission of the Architectural Committee.

6.7 Prior Owners: Lots fifty-three (53) and eighty-three (83), as shown on the Plat, are not subject to this Declaration or the restrictions or limitations contained therein, nor are said lots or the owners thereof entitled to the benefits hereof.

VII. ENFORCEMENT

7.1 Enforcement and Remedies: The obligations, provisions, covenants, restrictions and conditions contained in this Declaration or any Supplemental or Amended Declaration with respect to the Association or Lots shall be enforceable by Declarant or by any owner of a Lot subject to this Declaration by a proceeding for a prohibitive or mandatory injunction. The obli-

Other than these two statements in the Holiday Ranchettes Subdivision Restrictions Staff is unable to understand other reasons that may allowed the exception to the restrictions. The subject site is labeled on the Subdivision Plat as Lot 83 Dority Springs and as indicated by the applicant the Fire Department used to pump water from the pond. The intent may have been to not allow any structure and keep the site as open space for the pond.

#### Character & Compatibility

Holiday Ranchettes (HR) was platted in 1974. It contains a total of 102 lots and is 107.98 acres. Most of this subdivision was platted as one (1) acre lots. This subdivision contains seven (7) lots just under one (1) acre including the subject site, seventy-five (75) lots ranging from one to two (1-2) acres, seventeen (17) lots from two to three (2-3) acres, and three (3) lots over three (3) acres. The density of the Holiday Ranchettes Subdivision is 0.597 units per acre (102 units divided by 170.98 acres), which equates to an average lot size of 1.676 acres per unit.

Should another unit be added to the Holiday Ranchettes Subdivision, it would increase density to 0.602 units per acre (103 units divided by 170.98 acres) and the average lot size would be 1.661 acres per unit.

The subject site is located on the outskirts of the subdivision, adjacent to the T-intersection of Little Kate Road and Evening Star Drive. The SFD lots across the street belong to the Park Meadows Subdivision No. 5. This subdivision which is located directly northeast of the subject site contains lots much smaller than Holiday Ranchettes as they range in size from 0.249 to 0.801 acres.

Given purpose statement B: **allow for Single Family Development Compatible with existing Developments**, Staff finds that the compatibility should not be limited to its own subdivision but to single family dwellings with a specific proximity. Given the direction that the Planning Commission provided on May 14, 2014 Staff has concluded the following maps which include all of the SFDs on Little Kate Road from Monitor Drive to Lucky John Drive. Staff has excluded the multi-unit dwellings, the PC MARC, and the golf course. See Exhibit J-L.

Exhibit K1 – Lot Size. There are four (4) lots across the street consisting of a much smaller lot areas as they are approximately 1/3 of an acre. The average size of these four (4) lots is 0.33 acres. The Holiday Ranchettes Lots, on the same side of the street of the subject site, consist of nine (9) lots, and the average lot size is 1.47 acres. The Holiday Ranchettes lots are much bigger, almost 3-4 times bigger than the lots in the proposed plat amendment.

The applicant proposes Lot 83a to be 0.605 acres and lot 83b to be 0.395 acres. In terms of lot size alone the proposed lots are not compatible with the neighboring platted areas. Staff finds that in terms of compatibility the lots on the same side of the street from Monitor Drive to Lucky John Drive be included in the compatibility comparison as

Little Kate Road separates the character of each subdivision ranging from Racquet Club Condos to Park Meadows V to Holiday Ranchettes subdivisions.

Exhibit K2 – Structure Separation. Across the street the separation ranges between 40 and 28 feet. On the same side of the street, the south side, the separation ranges between 184 and 25 feet. The average separation is 73 feet. The applicant proposes to add a new structure to be separated by approximately 123 feet to the structure on the west and 57 feet from the structure to the east (existing Baker residence). The LMC indicates that the minimum side yard setback is 12 feet. In terms of structure separation there is a wide range in the neighborhood. Staff does not find the proposed separation incompatible.

Exhibit K3 – Lot Width. The average lot width on the same side of the street is 143 feet. The average lot width of the lots across the street is 118 feet. The average lot width in both areas is 131 feet. As viewed on this map the distance of the subject lot is much more than the ones in the neighborhood as the subject site (proposed subdivision) is approximately 233 feet, which is the widest lot. The applicant requests lot 83a to be 133 feet and lot 83b to be 101 feet. In terms of lot width alone staff does not find the width parameter inconsistent with the neighborhood.

Exhibit K4 – Front Yard Setback. The average front yard area, distance from the front property line to the main structure, on the same side of the street is 118 feet. The average front yard area of the four houses across the street is 25 feet. The combined average of these two area is 77 feet. The results are obvious due to the character of the platted lots of Park Meadows V (across the street) since these lots are platted at approximately 1/3 of an acre. This is much different than the Holiday Ranchettes lots which are platted are a much bigger scale. The applicant proposed the front yard area to be at approximately 59 feet.

The difficulty with this measurement is the inconsistency already found in the neighborhood. The existing neighboring site to the west is the second longest one at 186 feet while the existing Baker residence is the shortest one on the same street at approximately 33 feet. The standards front yard setback is 25 feet in this District, which a front facing garage at 25 feet. It is also worth noting that the CC&Rs which regulate development around the subject site, on the south side of Little Kate Road have a restrictions of a minimum front yard distance of 30 feet. This means that potentially all of these structures can remodeled or demolished to this 30 front yard setback standard. Staff does not find that this parameter needs to be utilized in determining a plat amendment due to the flexibility that each property owner has to determine the placement of each home which could range from 30 to 190 feet.

Exhibit K5 – Lot Depth. The average lot depth on the same side of the street is 414 feet. The average lot width of the four (4) lots across the street is 131.75. The existing lot's depth is 141 feet. The average lot depth on both sides of the street is 327 feet. This is the main issue with compatibility as the existing lot is not compatible with the surrounding lots on the same side of the street, or even on its own subdivision. The

proposed plat amendment splits the existing lots into two (2), it does not increase the lot depth.

### Dority Spring Examination

The property owner hired a wetland consultant to work with the U.S. Army Corps of Engineers as they submitted a preliminary jurisdictional wetland delineation. The prepared delineation was accepted by the Corps. See Exhibit F – Jurisdictional Delineation Letter and Exhibit G – Jurisdictional Delineation Map.

According to the Park City Engineer if the proposed plat amendment gets approved the applicant needs to submit for a jurisdictional determination. If the wetlands are determined to be jurisdictional, the applicant will have a specific setback requirement and will not be allowed to disturb the wetlands. If it is determined that the wetlands are not jurisdictional, they applicant can, in effect, eliminate them or build right up to the edge of the wetlands.

The applicant does not request to disturb any of the identified wetland as they request to subdivide the property to build a new SFD. The wetland would not be disturbed by the applicant. Should the owner request to disturb the wetland they would have to file a permit with the U.S. Army Corps of Engineers as well as the state. The applicant would also have to file appropriate permit with the City.

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

*Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.*

The applicant does not request to alter the delineated wetland and does not plan of contesting any water rights associated with Dority Springs as they plan to not disturb any of the delineated wetland.

The LMC does not indicate a specific standard of setback protection for wetlands outside the Sensitive Lands Overlay (SLO). The site is not within the SLO.

## **Process**

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 Water Department brought issues regarding the Dority Spring that have been addressed in the Staff Report. The Water Department also indicated that should the City approve the plat amendment the property owner would be responsible of paying Impact Fees.

No additional 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 according to requirements of the Land Management Code.

## **Public Input**

Public input has been received by the time of this report. See Exhibit M – Public Comments.

## **Significant Impacts**

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

## **Consequences of not taking the Planning Commission's Recommendation**

The lot would remain as is and no construction could take place.

## **Summary Recommendation**

Staffs recommends the Planning Commission hold a public hearing for the Dority Springs Subdivision Plat Amendment located at 1851 Little Kate Road and consider forwarding a negative recommendation to the City Council based on the Findings of Fact and Conclusion of Law found in the staff report.

## **Findings of Fact**

1. The property is located at 1851 Little Kate Road within the SF District.
2. The subject property consists of lot 83 of the Holiday Ranchettes Subdivision.
3. According to the plat the lot is 0.999 acres or approx. 43,516.44 square feet.
4. The site contains Dority Springs.
5. The proposed plat amendment creates two (2) lots of record from one platted lot.
6. A SFD is an allowed use.
7. A duplex dwelling is permitted only on lots designated for duplexes on the official subdivision plat. This lot has not been designated as a duplex lot.
8. The maximum density for Subdivisions in the SF District is three (3) units per acre. In terms of density alone, the minimum lot area is 14,520 square feet or 1/3 acre.
9. The minimum front yard setback is twenty feet (20').

10. New front facing garages for SFD must be at least twenty-five feet (25').
11. The minimum rear yard setback is fifteen feet (15').
12. The minimum side yard setback is twelve feet (12').
13. No structure shall be erected to a height greater than twenty-eight feet (28') from existing grade. A gable, hip, or similar pitched roof may extend up to five feet (5') above the zone height, if the roof pitch is 4:12 or greater.
14. A SFD requires a minimum of two (2) parking spaces.
15. Lot 83a would still have the existing family dwelling.
16. Proposed lot 83a would be 0.605 acres or approx. 26,353.8 square feet.
17. Proposed lot 83b would be 0.395 acres or approx. 17,206.2 square feet.
18. Both proposed lots have the ability to meet code requirements under Land Management Code.
19. The City does not enforce any Subdivision Covenants, Conditions, & Restrictions (CC&Rs).
20. Section 2.4 of the Holiday Ranchettes Declarations indicates that the subject site, is not subject to the Subdivision Declaration.
21. Section 6.7 of the Holiday Ranchettes Declarations indicates that the prior owners, Lot 53 and 83, are not subject to the declaration, restrictions, or limitations.
22. The subject site is labeled on the Subdivision Plat as Lot 83 Dority Springs and as indicated by the applicant the Fire Department used to pump water from the pond.
23. Holiday Ranchettes (HR) was platted in 1974.
24. Holiday Ranchettes contains a total of 102 lots and is 107.98 acres.
25. Holiday Ranchettes is 0.597 units per acre (102 units divided by 170.98 acres), which equates to an average lot size of 1.676 acres per unit.
26. The subject site is located on the outer rim of the subdivision, adjacent to the T-intersection of Little Kate Road and Evening Star Drive.
27. The SFD lots across the street belong to the Park Meadows Subdivision No. 5.
28. The Park Meadows Subdivision No. 5 which is located directly northeast of the subject site contains lots much smaller than Holiday Ranchettes as they range in size from 0.249 to 0.801 acres.
29. Purpose statement B: indicates that the a purpose of the SF District is to allow for Single Family Development Compatible with existing Developments.
30. Compatibility should not be limited to its own subdivision but to single family dwellings with a specific proximity.
31. Given the direction that the Planning Commission provided on May 14, 2014 Staff concluded several maps/studies which included all of the SFDs on Little Kate Road from Monitor Drive to Lucky John Drive. Staff excluded the multi-unit dwellings, the PC MARC, and the golf course. See Exhibit J-L.
32. The four (4) lots across the street consist of a much smaller lot areas as they are approximately 1/3 of an acre. The average size of these four (4) lots is 0.33 acres.
33. The Holiday Ranchettes Lots, on the same side of the street of the subject site, consist of nine (9) lots, and the average lot size is 1.47 acres.
34. The applicant proposes Lot 83a to be 0.605 acres and lot 83b to be 0.395 acres

35. The Holiday Ranchettes lots are much bigger, almost 3-4 times bigger than the lots in the proposed plat amendment.
36. In terms of compatibility the lots on the same side of the street from Monitor Drive to Lucky John Drive be included in the compatibility comparison as Little Kate Road separates the character of each subdivision ranging from Racquet Club Condos to Park Meadows V to Holiday Ranchettes subdivisions.
37. Across the street the separation from each house ranges between 40 and 28 feet.
38. On the same side of the street, the south side, the separation from each house ranges between 184 and 25 feet.
39. The average separation is 73 feet.
40. The applicant proposes to add a new structure to be separated by approximately 123 feet to the structure on the west and 57 feet from the structure to the east (existing Baker residence).
41. In terms of structure separation there is a wide range in the neighborhood. Staff does not find the proposed separation incompatible.
42. The average lot width on the same side of the street is 143 feet.
43. The average lot width of the lots across the street is 118 feet.
44. The average lot width in both areas is 131 feet.
45. The width of the subject lot is much more than the ones in the neighborhood as the subject site is approximately 233 feet, which is the widest lot.
46. The applicant requests lot 83a to be 133 feet and lot 83b to be 101 feet.
47. In terms of lot width alone staff does not find the width parameter inconsistent with the neighborhood.
48. Staff does not find that this parameter needs to be utilized in determining a plat amendment due to the flexibility that each property owner has to determine the placement of each home which could range from 30 to 190 feet.
49. The average lot depth on the same side of the street is 414 feet.
50. The average lot width of the four (4) lots across the street is 131.75.
51. The existing lot's depth is 141 feet.
52. The average lot depth on both sides of the street is 327 feet.
53. The existing lot is not compatible with the surrounding lots on the same side of the street, or even on its own subdivision in terms of lot depth. The proposed plat amendment splits the existing lots into two (2), it does not increase the lot depth.
54. The property owner hired a wetland consultant to work with the U.S. Army Corps of Engineers as they submitted preliminary jurisdictional wetland delineation.
55. The prepared delineation was accepted by the Corps.
56. The applicant does not request to disturb any of the identified wetland as they request to subdivide the property to build a new SFD. The wetland would not be disturbed by the applicant.
57. Should the owner request to disturb the wetland they would have to file a permit with the U.S. Army Corps of Engineers as well as the state. The applicant would also have to file appropriate permit with the City.

58. The applicant does not request to alter the delineated wetland and does not plan of contesting any water rights associated with Dority Springs as they plan to not disturb any of the delineated wetland.
59. The LMC does not indicate a specific standard of setback protection for wetlands outside the Sensitive Lands Overlay (SLO). The site is not within the SLO.
60. The Water Department brought issues regarding the Dority Spring that have been addressed in the Staff Report. The Water Department also indicated that should the City approve the plat amendment the property owner would be responsible of paying Impact Fees.
61. There are no significant fiscal or environmental impacts from this application.

### **Conclusions of Law**

1. The proposed plat amendment is not consistent with the Park City Land Management Code and applicable State Law regarding lot combinations.
2. The public will be materially injured by the proposed plat amendment as the proposed plat amendment is not compatible with the direct neighborhood in terms of lot size and depth.
3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal is not compatible with existing Single Family development (lots) in the near proximity.

### **Exhibits**

- Exhibit A – Proposed Plat
- Exhibit B – Survey
- Exhibit C – Aerial Photograph
- Exhibit D – Site Photographs
- Exhibit E1 – Project Description
- Exhibit E2 – Brenda Lake Letter
- Exhibit F – Jurisdictional Delineation Letter
- Exhibit G – Jurisdictional Delineation Map
- Exhibit H – May 14, 2014 Planning Commission minutes
- Exhibit I – Proposed Site Plan
- Exhibit J – Applicant’s Analysis: Distance Between residential entries
- Exhibit K1 – Staff’s Analysis: Lot Size
- Exhibit K2 – Staff’s Analysis: Structure Separation
- Exhibit K3 – Staff’s Analysis: Lot Width
- Exhibit K4 – Staff’s Analysis: Front Yard Setback Area
- Exhibit K5 – Staff’s Analysis: Lot Depth
- Exhibit L – CC&Rs Standards
- Exhibit M – Public Comments

# Exhibit A – Proposed Plat



**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, I have prepared this Record of Survey map of the DORITY SPRINGS SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

**BOUNDARY DESCRIPTION**  
 LOT 83, HOLIDAY RANCHETTES SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
 KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as DORITY SPRINGS SUBDIVISION, does hereby certify that he has caused this subdivision plat to be prepared, and I, MICHAEL E. BAKER, Trustee of the MICHAEL AND KATHLEEN BAKER FAMILY LIVING TRUST, dated March 25, 2005, hereby consent to the recordation of this Plat.  
 In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

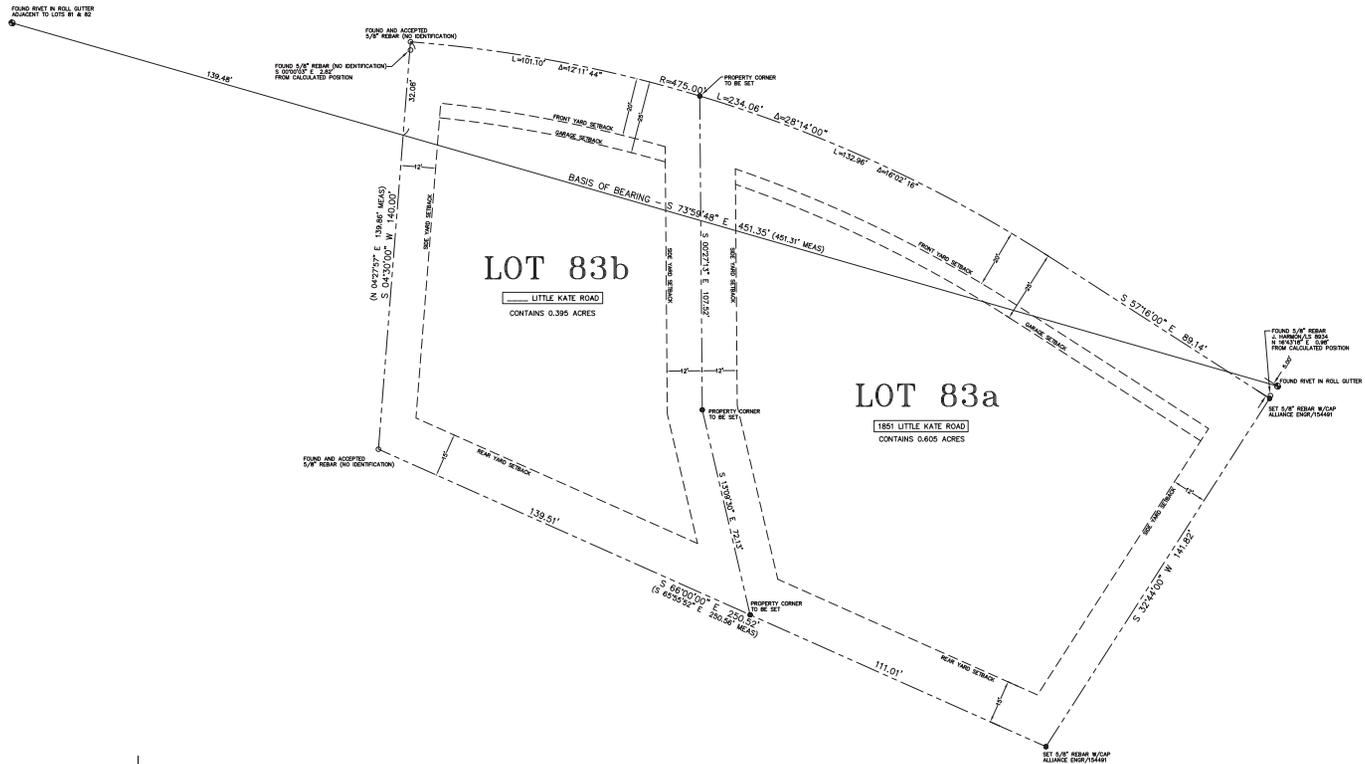
**ACKNOWLEDGEMENT**  
 State of \_\_\_\_\_ ss: \_\_\_\_\_  
 County of \_\_\_\_\_ ss: \_\_\_\_\_  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, Michael E. Baker personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Michael E. Baker acknowledged to me that he is a trustee of the MICHAEL AND KATHLEEN BAKER FAMILY LIVING TRUST, dated March 25, 2005, and that he signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Trust and that he has been duly appointed as a TRUSTEE by the Declaration of the Trust and that he has executed this document in his capacity as trustee as the act of said Trust for the purpose set forth herein.

A Notary Public commissioned in Utah  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
 KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as DORITY SPRINGS SUBDIVISION, does hereby certify that she has caused this subdivision plat to be prepared, and I, KATHLEEN M. PAPI-BAKER, Trustee of the MICHAEL AND KATHLEEN BAKER FAMILY LIVING TRUST, dated March 25, 2005, hereby consent to the recordation of this Plat.  
 In witness whereof, the undersigned set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

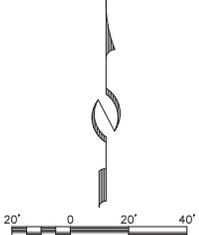
**ACKNOWLEDGEMENT**  
 State of \_\_\_\_\_ ss: \_\_\_\_\_  
 County of \_\_\_\_\_ ss: \_\_\_\_\_  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, Kathleen M. Papi-Baker personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Kathleen M. Papi-Baker acknowledged to me that she is a trustee of the MICHAEL AND KATHLEEN BAKER FAMILY LIVING TRUST, dated March 25, 2005, and that she signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Trust and that she has been duly appointed as a TRUSTEE by the Declaration of the Trust and that she has executed this document in her capacity as trustee as the act of said Trust for the purpose set forth herein.

A Notary Public commissioned in Utah  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_



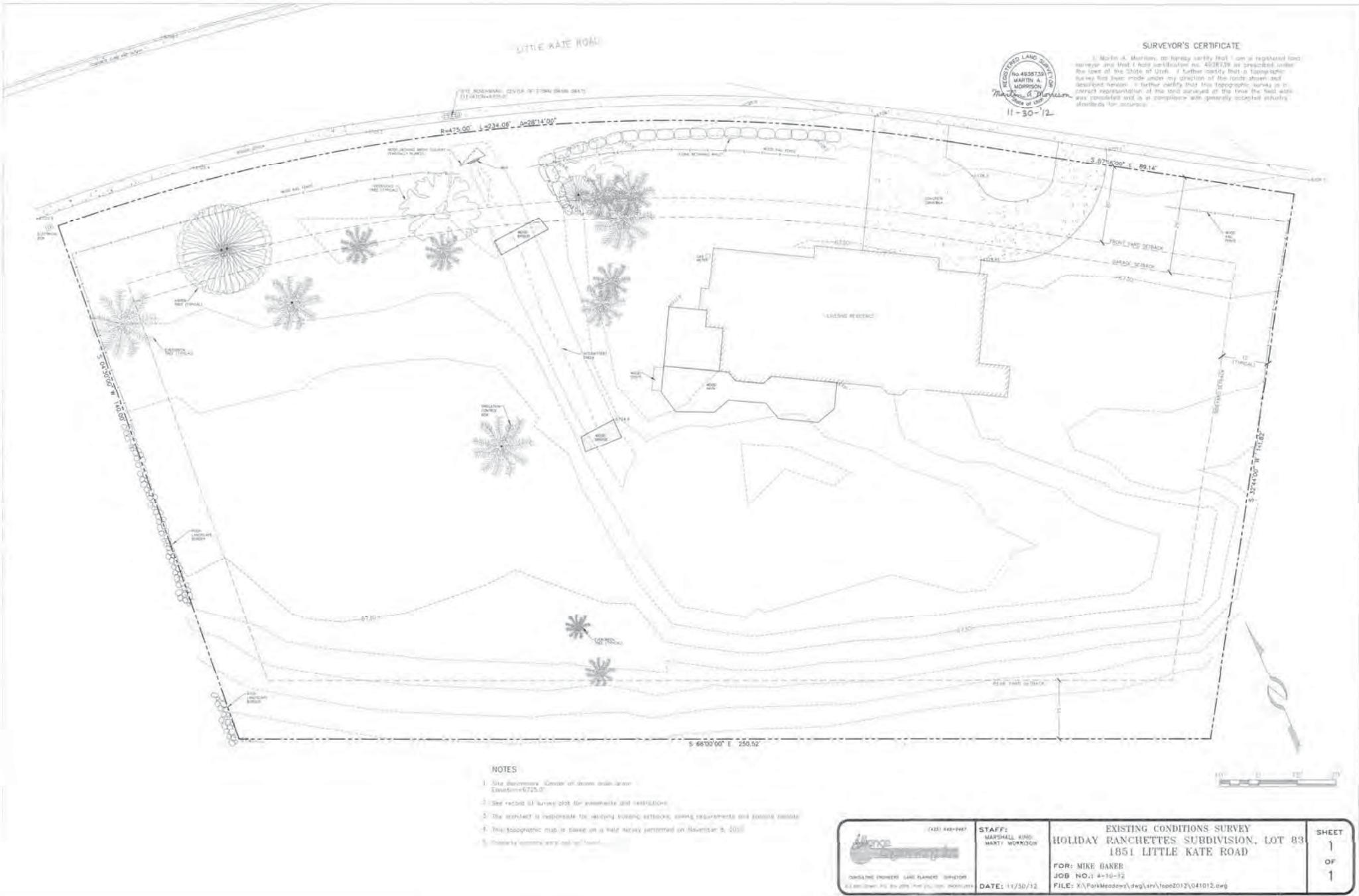
## A SUBDIVISION OF LOT 83, HOLIDAY RANCHETTES SUBDIVISION DORITY SPRINGS SUBDIVISION

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



SHEET 1 OF 1

|  |   |  |  |  |  |   |
|--|---|--|--|--|--|---|
| <p>(435) 649-9467<br/>                 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br/>                 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D.<br/>                 BY _____ S.B.W.R.D.</p> | PLANNING COMMISSION<br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2013 A.D.<br>BY _____ CHAIR | ENGINEER'S CERTIFICATE<br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D.<br>BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM<br>APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 A.D.<br>BY _____ PARK CITY ATTORNEY | CERTIFICATE OF ATTEST<br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D.<br>BY _____ PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE<br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D.<br>BY _____ MAYOR | RECORDED<br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____<br>DATE _____ TIME _____ BOOK _____ PAGE _____<br>ENTRY NO. _____ FEE _____ RECORDER _____ |
|  | 11/28/13 JOB NO.: 4-10-12 FILE: K:\Park Meadows\dwg\enr\plat2012\041012.dwg   |  |  |  |  |   |



**SURVEYOR'S CERTIFICATE**

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I have calculated the bearings and distances shown on this map of the State of Utah. I further certify that a topographic survey has been made under my direction of the lots 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.

RECORDED LAND SURVEY NO. 4238729 MARTIN A. MORRISON State of Utah 11-30-12

- NOTES**
1. Site Reference: Center of stone circle (elevation=6725.0)
  2. See record of survey plat for setbacks and restrictions.
  3. The applicant is responsible for meeting zoning setbacks, zoning requirements and zoning codes.
  4. This topographic map is based on a field survey performed on November 5, 2012.
  5. Property corners are not shown.

|  |   |   |   |
|--|---|---|---|
| <p>(435) 448-4447</p> <p>PARK MEADOWS LAND SURVEYORS, INC.</p> <p>423 West 200th St. Ste. 200, Park City, Utah 84302</p> | <p><b>STAFF:</b><br/>MARSHALL KING<br/>MARTY MORRISON</p> | <p><b>EXISTING CONDITIONS SURVEY</b><br/>HOLIDAY RANCHETTES SUBDIVISION, LOT 83<br/>1851 LITTLE KATE ROAD</p>         | <p><b>SHEET</b><br/>1<br/><b>OF</b><br/>1</p> |
|  | <p><b>DATE:</b> 11/30/12</p>                              | <p><b>FOR:</b> MIKE BAKER<br/><b>JOB NO.:</b> 4-10-12<br/><b>FILE:</b> K:\ParkMeadows\dwg\serv\1002012\041012.dwg</p> |   |

Exhibit C – Aerial Photograph



SUBJECT  
PROPERTY



|  |  |  |                       |
|--|--|--|-----------------------|
| <br><small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</small><br><small>323 Main Street P.O. Box 2864 Fort Collins, CO 80502-2864</small> | <small>(970) 649-9467</small><br>STAFF:<br>MARSHALL KING<br>MARTY MORRISON | AERIAL ORTHO-PHOTO<br>HOLIDAY RANCHETTES, LOT 83<br>1851 LITTLE KATE ROAD              | SHEET<br>1<br>OF<br>1 |
|  | DATE: 11/20/12   | FOR: MIKE BAKER<br>JOB NO.: 4-10-12<br>FILE: X:\PorkMeadows\dwg\sr\topo2012\041012.dwg |                       |



Looking Southeast on Little Kate Road



Looking East from west property line



Looking North from west property line



Looking West from east property line

|  |   |   |                       |
|--|---|---|-----------------------|
| <br>(435) 649-9457<br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br><small>323 Main Street P.O. Box 2654 Park City, Utah 84099-2654</small> | STAFF:<br>MARSHALL KING<br>MARTY MORRISON | Panorama Images<br>HOLIDAY RANCHETTES, LOT 83<br>1851 LITTLE KATE ROAD                  | SHEET<br>1<br>OF<br>1 |
|  |   | FOR: MIKE BAKER<br>JOB NO.: 4-10-12<br>FILE: X:\ParkMeadows\dwg\env\tops2012\041012.dwg |                       |
| DATE: 11/29/12   |   |   |                       |

BAKER PRESENTATION TO PLANNING COMMISSION

1 Intro: As you may recall from our first meeting, I am a dentist, and I'd like to make a simple analogy between restoring a patient's mouth, and our plat amendment. For instance, if someone loses several teeth, and I have to fabricate a partial denture to restore their dentition, what I evaluate is the shape, size and color of the remaining teeth abiding by the existing aesthetic of their remaining teeth, and finally the fit with the opposing teeth. No measurements are taken.

In comparison to our plat amendment, we have provided you with many measurements, as requested. But in addition to quantification, I think it would be of value to also evaluate the overall aesthetic of a potential home on this potential lot. Per your site visit to our property, I hope you came away with the impression that a new home on that lot would flow with the neighborhood, and not have a negative visual impact.

- 2 I think we had a very good discussion at the first meeting. Due to all the questions that were brought up about how to define a neighborhood, and how to determine compatibility. In addition to Francisco providing you with the numbers you requested, we have consulted with the University of Utah Urban Planning faculty and staff. Some of the information Francisco has presented to you was generated by this department, ie the measurement from front door to front door in our neighborhood.
- 3 We asked these professionals how to define our neighborhood. Per their evaluation of plat maps and Google maps, they defined our neighborhood Boundaries as the following:
  - a. To the west, the 3 way stop in front of the MARC, which is the corner of Monitor and Little Kate.
  - b. To the east, the 3 way stop at Lucky John and Little Kate.
  - c. To the north, to the intersection of Evening Star and Venus Court.
  - d. To the South, the steep hill behind the property.

Due to these parameters, the large industrial building of the MARC, and the Racquet Club Condominiums are considered components of our neighborhood.

- 4 Per the Department of Urban Planning review of our plat amendment application, their conclusion statement was "our request is consistent with current planning practices of taking advantage of existing infrastructure and amenities."
- 5 Finally, I wish to address a concern that was expressed by one of the commissioners at our last meeting. His concern was that if our application is approved it could open the floodgates for every homeowner in the Park City limits with a one acre lot or larger to apply for a plat amendment. So the planning commission could end up evaluating many plat amendment applications since the city is not in the business of enforcing CC&R's. I want to mention when I first came to the planning department 10 years ago, and explained to the staff person at the window what I wanted to do, (I didn't know if I needed a subdivision application or plat amendment application), I

was informed by that staff person that the CC&R's of the HOA in Holiday Ranchettes do not allow for a plat amendment. I showed the staff person the CC&R's and where it is stated that our lot is exempted from the CC&R's twice, I was then given a plat amendment application.

This demonstrates that even though the city does not usually enforce CC&R's, although the city did in the Risner Ridge development in the 1990's to limit the total square footage of new homes, the city will at the least, inform potential applicants that their HOA will aggressively enforce their CC&R's and that they shouldn't waste their money on an application. This is still the case in the Park City Planning Department.

We also asked Brenda Lake, President/owner of Sun Peak Management Consulting, LC., which is a Park City company that provides professional management of HOA's in Park City, to provide us with her knowledge of the enforcement of CC&R's by HOA's, relative to a property owner that is governed by CC&Rs, that would attempt to try to subdivide their property. A letter from Brenda is included.

**Sun Peak Management Consulting, LC**  
**2076 Mahre Drive**  
**Park City, UT 84098**  
**[Sunpeakmanagement@gmail.com](mailto:Sunpeakmanagement@gmail.com)**  
**435-640-1150**

July 8, 2014

To Whom It May Concern:

My name is Brenda Lake, and I am the owner of Sun Peak Management Consulting, LC, and have managed HOA's in Park City for 18 years. As far as I am aware, most all of Park City's HOA CC&R's state that lots cannot be subdivided. None of the HOA's that I manage that would allow a lot to be subdivided. Recorded plats, in some cases, may also state this on the plat.

For example, the Eagle Pointe HOA CC&R's state in Section 6. No Resubdivision, "No Lot shall be resubdivided and no Building shall be constructed or allowed to remain on any tract that comprises less than one full Lot."

None of the 10 HOA's that I manage would allow a lot to be subdivided because it would be a violation of the CC&R's. If an owner did try to subdivide a lot, the HOA would make every effort to take action to ensure that a lot would not be subdivided and that the CC&R's were upheld.

Sincerely,



Brenda Lake



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

REPLY TO  
ATTENTION OF

January 21, 2014

Regulatory Division (SPK-2013-00796-UO)

Mr. Mike Baker  
1851 Little Kate Road  
Park City, Utah 84060

Dear Mr. Baker:

We are responding to your August 14, 2013 request for a preliminary jurisdictional determination (JD), in accordance with our Regulatory Guidance Letter (RGL) 08-02, for the Dority Springs Lot 83b site. The approximately 1-acre site is located in Section 4, Township 2 South, Range 4 East, Salt Lake Meridian, Latitude 40.6708°, Longitude - 111.4973°, Park City, Summit County, Utah (enclosure 1).

Based on available information, **we concur with the amount and location of wetlands as depicted on the enclosed July 15, 2013 Wetland Delineation drawing prepared by AHorizon Resources LLC (enclosure 2).** The approximately 0.14-acre of wetlands within the survey area are potential waters of the United States regulated under Section 404 of the Clean Water Act.

We have enclosed a copy of the *Preliminary Jurisdictional Determination Form* for this site (enclosure 3). Please sign and return a copy of the completed form to this office. Once we receive a copy of the form with your signature we can accept and process a Pre-Construction Notification or permit application for your proposed project.

You should not start any work in potentially jurisdictional waters of the United States unless you have Department of the Army permit authorization for the activity. You may request an approved JD for this site at any time prior to starting work within waters. In certain circumstances, as described in RGL 08-02, an approved JD may later be necessary.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

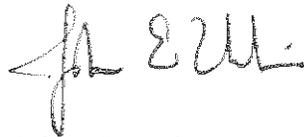
This preliminary determination has been conducted to identify the potential limits of wetlands and other water bodies which may be subject to Corps of Engineers' jurisdiction for the particular site identified in this request. A combined Notification of Appeal Process fact sheet and Request for Appeal form is enclosed to notify you of your

options with this determination (enclosure 4). This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey from the link on our District program website at <http://www.spk.usace.army.mil/Missions/Regulatory.aspx>.

Please refer to identification number SPK-2013-00796-UO in any correspondence concerning this project. If you have any questions, please contact John Urbanic at the Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at [John.E.Urbanic@usace.army.mil](mailto:John.E.Urbanic@usace.army.mil), or telephone at 801-295-8380 extension 11.

Sincerely,

A handwritten signature in black ink, appearing to read "John Urbanic".

John Urbanic  
Senior Project Manager  
Utah Regulatory Office

Enclosures

cc: (w/o encls)

Mr. David Gardner, ahorizon Resources LLC, Post Office Box 307, Park City, Utah  
84060



Planning Commission Meeting  
May 14, 2014  
Page 35

condominium record of survey.

3. Approval of the condominium record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 500 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one 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 foot (10') wide public snow storage easement shall be provided along Deer Valley Drive.
4. A tie breaker mechanism shall be included in the CC&Rs.

**5. 1851 Little Kate Road, Dority Springs Subdivision – Plat Amendment  
(Application PL-12-01733)**

Planner Astorga handed out copies of an email he received today from the Holiday Ranch HOA.

Planner Astorga reported that in 2012 the Planning Department received the plat amendment application for 1851 Little Kate Road. The application was delayed because the Staff was working on the General Plan, which took longer than expected. The applicant was also advised by the Staff to work with the Army Corp of Engineers for a determination of the wetlands, and that took some time as well. Planner Astorga stated that throughout the delay the applicant, Michael Baker, kept in contact and provided status updates. For that reason, the application was kept active.

Planner Astorga reviewed the requested plat amendment to split Lot 83 in the Holiday Ranchette Subdivision. He presented a survey of the site by Alliance Engineering with the existing improvements. He also presented a photograph of the site. Planner Astorga stated that Lot 83 is on the outer perimeter of the Holiday Ranchette

Subdivision. Surrounding properties include the Racquet Club condos and Park Meadows Phase 5.

Planner Astorga commented on two citations in the CC&Rs. One was the definition of a lot and the other was a section called Private Owners, which specifically indicates that Lots 83 and 53 are exempt from any of the CC&Rs. Planner Astorga clarified that the City does not get involved with CC&Rs; but the applicant felt it was important for the Planning Commission to have that information. The reason for exempting the two lots was unknown; however, historically the fire department used to pump water out of the spring. They stopped using the pond when the City started installing the proper infrastructure for fire hydrants. Planner Astorga thought that might be one reason why the lots were exempt. He welcomed any information anyone has for why the lots were exempt.

The Staff was looking for input and direction from the Planning Commission on the LMC standards. The item was scheduled for public hearing and no action was being requested.

Planner Astorga stated that the maximum density in the Single Family (SF) District is three units per acre. The minimum lot size in terms of density alone would be 1/3 of an acre, which equates to approximately 14,000 square feet. Purpose Statement (B) of the SF District states that the purpose of the SF District is to allow for single family development compatible with existing development. The Staff analyzed the parameters of the Holiday Ranchette Subdivision and found that most are one-acre lots. However, in looking at the existing development the Staff thought it was better to do an analysis of the neighborhood rather than all of the Holiday Ranchette Subdivision.

Planner Astorga presented the vicinity map on page 157 of the Staff report. The redlines represented a 300 foot buffer, a 600 foot buffer and a 900 foot buffer. The Staff calculated the average lot size of all the lots found within the vicinity map, and the results were shown in the table on page 158 of the Staff report. The breakdown showed the number of lots in each neighborhood radius and the average lot size.

Planner Astorga noted that Mr. Baker had questioned why the Racquet Club condos were not included and he told him that it was not a single family dwelling. Mr. Baker pointed out that the purpose statement says, "allow for single-family development compatible with existing developments." Mr. Baker believed everything in the vicinity should be included and not just single-family dwellings. Based on Mr. Baker's request, Planner Astorga calculated the numbers for the Racquet Club condominiums.

Planner Astorga asked the Planning Commission to provide input on: 1) whether this

type of analysis was appropriate in terms of the radius; 2) should it only include single family dwellings or should it include everything in the District. Planner Astorga pointed out that if they look at development within the 900 foot radius, which includes 66 lots, the average size is .7. The applicant was asking for one lot to be .6. That would be appropriate; however, the remaining lot area would be reduced to .4 of an acre. Under that scenario, the Staff would have a difficult time finding compatibility with existing developments. If they include the Racquet Club condos in the calculation, the results would be completely different. The lot sizes would be significantly smaller in terms of the average within the same radius.

Planner Astorga presented the wetlands delineation of Dority Spring that was submitted to the Army Corp of Engineers and accepted as the proper delineation. If the delineation would be disturbed the applicant would have to file a proper permit through the Army Corp of Engineers.

Steve Schueler with Alliance Engineering, emphasized that the applicant's position would be to include all the uses in the neighborhood in the compatibility analysis and not just single family. He noted that there were single-family development in other subdivisions within the 300, 600, 900-foot radius. For example, Park Meadows 5 has  $\frac{1}{4}$  acre lots. Some of the lots that surround the property in question are larger and others are smaller. Mr. Schueler thought it was appropriate to consider everything as part of the analysis.

Mr. Schueler believed this was a good project because it creates additional density within an existing streetscape with existing utilities and roads. It is a walkable community and this project would add to the walkable element. Mr. Schueler referred to the streetscape and stated that even though some of the lots in the Holiday Ranchette Subdivision are larger than what the applicant was proposing, the distances between the buildings at the streetscape were roughly the same, and this project would support the same distances between houses because the lots are long and skinny.

Kathleen Baker introduced herself and stated that they have lived in their home 18 years and raised their family there. They were pursuing the plat amendment because they do not believe it would be detrimental to the neighborhood.

Michael Baker stated that he is a dentist. He provided a brief history of his work providing dental care to mentally and physically handicapped individuals. He now works with two other doctors and 55 nursing homes throughout the Salt Lake Valley providing dental services to seniors who are Medicaid only recipients. Dr. Baker stated that he has always had concern for all aspects of the community and he would never do anything detrimental to the community he lives in.

Dr. Baker commented on the history of the lot and why it was exempted from the subdivision. He stated that the pond has always been there as evidenced by 50-year-old photos. Dr. Baker stated that when the City was looking for new water sources due to the growth of the City, they put in a Rockport pipeline and a new water treatment facility. Still needing additional water sources the City put in a new well, which is the well down by the Fire Hall on Little Kate Road. Dr. Baker remarked that the City was aware that when the well was put in it would eliminate the Dority Springs pond. People had water rights to Dority Spring for years. The City maintains the pond but it is only full two weeks out of the year. Dr. Baker stated that in conversations with City Attorney Mark Harrington, he was told that the City has transferred the water rights from the pond to another water source. He pointed out that his family has been harmed by the process because the pond is a dirt hole in their backyard 50 weeks out of the year. They are not allowed to landscape it because of the two weeks that it does have water.

Dr. Baker remarked that the Code allows for a subdivision of up to three lots per acre, and he was only asking for one additional lot. He noted that his lot and Lot 53 were the only lots in Park Meadows that could do this plat amendment. They have the legal right to do it and it meets all the guidelines. Dr. Baker clarified that their plan is to build a one-level energy efficient home approximately 2700 square feet on the newly created lot. Their current home is 2700 square feet but it has a lot of interior stairs. He believed the proposed home would be compatible with the other homes in the area.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Planner Astorga reported that in addition to the letter he received from the HOA today and handed out to the Planning Commission, he had received three other letters that were included as Exhibit L in the Staff report.

Commissioner Stuard did not think it was appropriate to include multi-family dwellings in the analysis. The compatibility should be with single-family structures in close proximity to the Baker's property. Commissioner Stuard stated that the radius distance shown on the vicinity map meant less to him than the actual physical distance between the adjacent structures and other similar single-family structures within the 300-600 foot radius. Commissioner Phillips concurred.

Commissioner Campbell stated that he would be uncomfortable if every lot had the right

to request this plat amendment. If he understood it correctly, this lot had an unusual set of circumstances because of the pond and it was exempt per a provision in the CC&Rs. He asked if denying the application would be a defensible position for the City.

Assistant City Attorney McLean felt it would be based on the compatibility issue. She clarified that the objective of this meeting was to present the issues to the Planning Commission for discussion and direction. They would not be voting on the plat amendment this evening.

Commissioner Campbell noted that larger homes were built on the street in the last few years and there are older existing houses. Because there were already a variety of structures along the street, he was more comfortable considering their request.

Planner Astorga noted that the CC&Rs would prohibit the lot from being further subdivided. Commissioner Campbell clarified that the CC&Rs do not apply to Lot 83 in this case. Planner Astorga answered yes. Per the CC&Rs the lot was exempt from the requirement for no subdividing.

Assistant City Attorney emphasized that the City does not enforce CC&Rs, and it is a civil matter between the HOA and the lot owner.

Mr. Baker felt strongly that the condos should be included in the calculation because the Code specifically says "the neighborhood". It does not specify compatibility with single-family homes. He noted that there are 35 small condos across the street within the 300 foot radius. The golf course is also across the street and it has a quarter to one-third acre lots. Mr. Baker believed his proposal was very compatible with what exists on the street.

Commissioner Stuard clarified that while he did not agree with including multi-family structures, he thought it was appropriate to look at the physical distances between the adjacent homes in Holiday Ranchette, as well as the other single family homes on the other side of Little Kate Road.

Commissioner Joyce stated that he was not concerned with the CC&Rs and the exemption because the City does not enforce CC&Rs. He did not believe the history and background on the wetlands were pertinent to what they were being asked to consider this evening. Commissioner Joyce thought the discussion should focus on the radius the Staff used and what it means for compatibility. He personally believes the intent of compatibility is truly about a neighborhood. It is compatibility with the houses next door and directly across the street. Commissioner Joyce felt that not including the condos was an obvious exclusion. He was not in favor of the 300-600-900 foot radius

because it goes beyond the “neighborhood” and it was the wrong approach. He thought a better question was what a normal person on the street would describe as the neighborhood. That should be the benchmark for compatibility. Commissioner Joyce stated that if the majority of lots on the street are 1 or 2 acres, and Mr. Baker plans to build on .4 of an acre, he would struggle finding compatibility.

Commissioner Phillips asked Commissioner Joyce how he felt about the ¼ acres lots across the street. Commissioner Joyce referred back to his benchmark of perception of the neighborhood from the street. He felt the condos were a very different neighborhood than the houses on the right. If he were being asked to make a de novo decision, he would have driven the street to see what feels like the neighborhood. Commissioner Joyce thought compatibility was a difficult issue.

Commissioner Strachan noted that compatibility analyses are different depending on the zone, and the compatibility analysis for this plat amendment would be different if it were Old Town. Commissioner Strachan was unsure how they could choose between 300, 600 and 900 feet without being arbitrary. He could not see a rational basis for the numbers. He pointed out that the noticing requirement is 300 feet. Commissioner Strachan thought there was a rational basis for the impacts of a plat amendment on the surrounding lots and the ramifications of increasing the density in that area, and how it impacts the neighbors. Commissioner Strachan was not prepared to find the answers without seeing the proposed construction. His first inclination was that it could not be done because these are planned developments where the size and location of the lots were platted in a way that made sense and still does. That was the reason why the CC&Rs prohibit subdivision on all lots except for two.

Commissioner Strachan did not believe that the 300, 600 and 900-foot approach was the right way to analyze the application because the numbers are arbitrary and could not be supported. He thought a better analysis would be to simply compare it to the structures that are most similar. He recognized that it was a judgment call by the Staff, but the Staff has the experience and expertise to do it. Commissioner Strachan suggested that the Staff should start over and re-do the analysis.

Commissioner Campbell believed they were getting an unnatural metric by measuring by lot size. From the standpoint of walking or driving by, he thought that looking at the length of the lot and frontage along the road was a more meaningful metric. He would be curious to know the road frontage of the two new lots, compared to the other lots inside the radius circle. He believed they would still have as much road frontage as most of their neighbors. Commissioner Campbell pointed to other long, skinny lots that are unusable, and noted that people driving by have no idea that the lot extends for 600 or 700 feet beyond. A 2 acre lot could look like a ¼ acre lot from the street.

Mr. Schueler agreed. That was his reason for doing the analysis of measuring the distance between the facades. Mr. Schueler stated that Dority Springs currently has 325 feet of frontage; whereas, some of the larger lots have 120 feet of frontage. Commissioner Campbell reiterated that he personally felt that the frontage was much more meaningful than the average lot size.

In terms of compatibility, Mr. Schueler noted that the lots in Park Meadows range from ¼ acre to 3 acres and the building square footages range from 1500 square feet to 10,000 square feet. He wanted to know at what point they would draw the line.

Commissioner Strachan remarked that good cause is the standard for plat amendments. He questioned whether the desire to build another house and increase the density was a good cause. He asked Mr. Schuler what other good causes he would propose for the plat amendment. Mr. Schuler replied that it was making good use of infill potential. Commissioner Strachan pointed out that infill was increased density. Mr. Schueler stated that if the Planning Commission had concerns with building a large home on a small lot, they could restrict the building envelope to limit the square footage.

Planner Astorga read the definition of good cause in the LMC, "Providing positive benefits and mitigating negative impacts. Determined on a case by case basis to include such things as providing public amenities and benefit, resolving existing issues and non-conformities, addressing issues related to density, promoting an excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City, and furthering the health, safety and welfare of the Park City Community."

Commissioner Strachan felt the key wording for this particular application was "addressing issues related to density". He asked if they could argue that the neighborhood was not dense enough and the density needed to be increased; or if they could argue that it is too dense and this plat amendment helps defray the density.

Commissioner Phillips asked if Commissioner Strachan was implying that density was a bad thing. Commissioner Strachan replied that density is bad. Commissioner Phillips stated that density is not necessarily bad if the City is looking for infill projects that use existing infrastructure. Commissioner Strachan replied that it would only apply if there was a density issue. He stated that Bonanza Park is obviously the place for an infill discussion; not Park Meadows or other neighborhoods. It is a density issue because there is community-wide consensus for putting density in Bonanza Park. Commissioner Strachan felt there was the opposite consensus in Park Meadows in that the majority

does not want more density in the existing neighborhoods.

Commissioner Strachan stated that someone needed to identify the density issue that needed to be solved so they could find good cause for this plat amendment. In his opinion, wanting to build another structure and increase the density was not good cause. He suggested that there may be an opportunity to satisfy good cause with some of the other criteria in the good cause definition and brush aside the density issue.

Planner Astorga asked if it would make a difference if they added the wording affordable housing. Commissioner Strachan was unsure whether that would make a difference one way or the other in terms of satisfying the good cause definition.

Commissioner Phillips stated that in his opinion, conforming is what you see walking down the street. He thought there was a uniquely large distance between the Baker's existing house and the next house. Commissioner Phillips could see space for a house and the frontage distance between houses. The other houses are all set back on the lots, but the Baker house is closer to the road. It also appeared to fit it in what is across the street. Commissioner Phillips could see why they would use the ¼ acres lots in the calculation, because the Baker lot is tied into them as much as they are the larger lots because it is all on the same street. Commissioner Phillips remarked that distance between houses was more important than the actual lot size. He could potentially see it working with additional analysis.

Chair Worel asked if it would be helpful to see a house drawn on the site. Commissioner Phillips thought it would be very helpful. He would also like to see it relative distance between the other homes because they appear to be close together. Commissioner Phillips requested that they look at space between, size and depth to look at the scale in three different directions.

Planner Astorga stated that it works in terms of spacing, but a potential drawback is that the setbacks on the other lots are significantly greater than the existing home, as well as the proposed home.

Commissioner Campbell recalled that Commissioner Joyce had said the condos across the street were clearly another neighborhood. Driving down the street someone could look out the driver side window and see one neighborhood and then look out the passenger window and see another neighborhood. Commissioner Campbell stated that if someone was only looking out the passenger window they would assume there was an empty lot. He used to drive that street several times a day and he always thought it was an empty lot because there is so much space between the houses. He always

assumed it was one of the last infill lots waiting to be developed. Finding out that it is legally attached to another house does not stop the perception that there is space for another house.

Commissioner Joyce remarked that in general the City does not allow someone to subdivide a plat in a well-structure neighborhood where the lots were platted and people purchased their property for specific reasons. As soon as a lot is subdivided and another house is built, it takes away from someone who built their house based on how the neighborhood was platted. Commissioner Joyce thought it was imperative to find good cause and a good reason to justify the plat amendment before it could be approved.

Dr. Baker reiterated his previous comment that he would never do anything that would harm his neighbors. He noted that his lot is on a curve and the house next door faces directly to Hole 6 on the golf course. The house he intends to build would not even be visible from the house next because it is around the curve and blocked by trees. Dr. Baker stated that over the years Santa Barbara started allowing long lots within the City to be divided, and nearly every house in town has another house right behind it. Dr. Baker cited all the reasons why it benefits the community.

Commissioner Joyce noted that the previous Planning Commission and City Council discussed that possibility during the General Plan re-write for the reasons Dr. Baker outlined, and it was adamantly opposed by the public. The Planning Commission made a conscious decision at that time not to encourage density in already platted single-family neighborhoods.

Commissioner Phillips remarked that the key word was “not to encourage”. He agreed that during the General Plan process they all agreed not to encourage density in those areas; but if they had made the decision to discourage it they would have put it in the General Plan. Commissioner Phillips believed the City had remained neutral on that issue. He thought density could still be added if it made sense. Commissioner Phillips clarified that he was not taking a position on the plat amendment, but he did not want to rule it out.

Chair Worel understood that there was consensus that the Planning Commission did not like the 300-600-900 foot radius analysis. The Commissioners concurred. She asked what other direction the Staff needed from the Planning Commission. Planner Astorga requested consensus on what would constitute compatibility with existing development.

Director Eddington offered different ideas for doing the analysis, and he felt there was

also an opportunity to look at a massing model to get an idea of the site and what a house would look like on the site. Director Eddington believed the analysis needed to be a combination of radius and distance to get what they wanted from the analysis.

Commissioner Stuard had heard two other important criteria mentioned. One was the frontages and the other was setbacks. Commissioner Campbell clarified that his comments were not intended to imply that everyone should be allowed to subdivide their lot and sell off the back half. In this case there was an exception. He encouraged the other Planning Commissioners to drive by and see for themselves that it looks like an empty lot.

Chair Worel asked if the Commissioners were comfortable with Director Eddington's suggestions for the analysis. The Commissioners answered yes.

Based on the direction this evening to redo the analysis, as well as the time needed to prepare a Staff report, Planner Astorga requested that this item be continued to June 11<sup>th</sup>.

MOTION: Commissioner Strachan moved to CONTINUE the 1851 Little Kate Road, Dority Springs Subdivision plat amendment to June 11, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

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

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



# Distance between residential entries

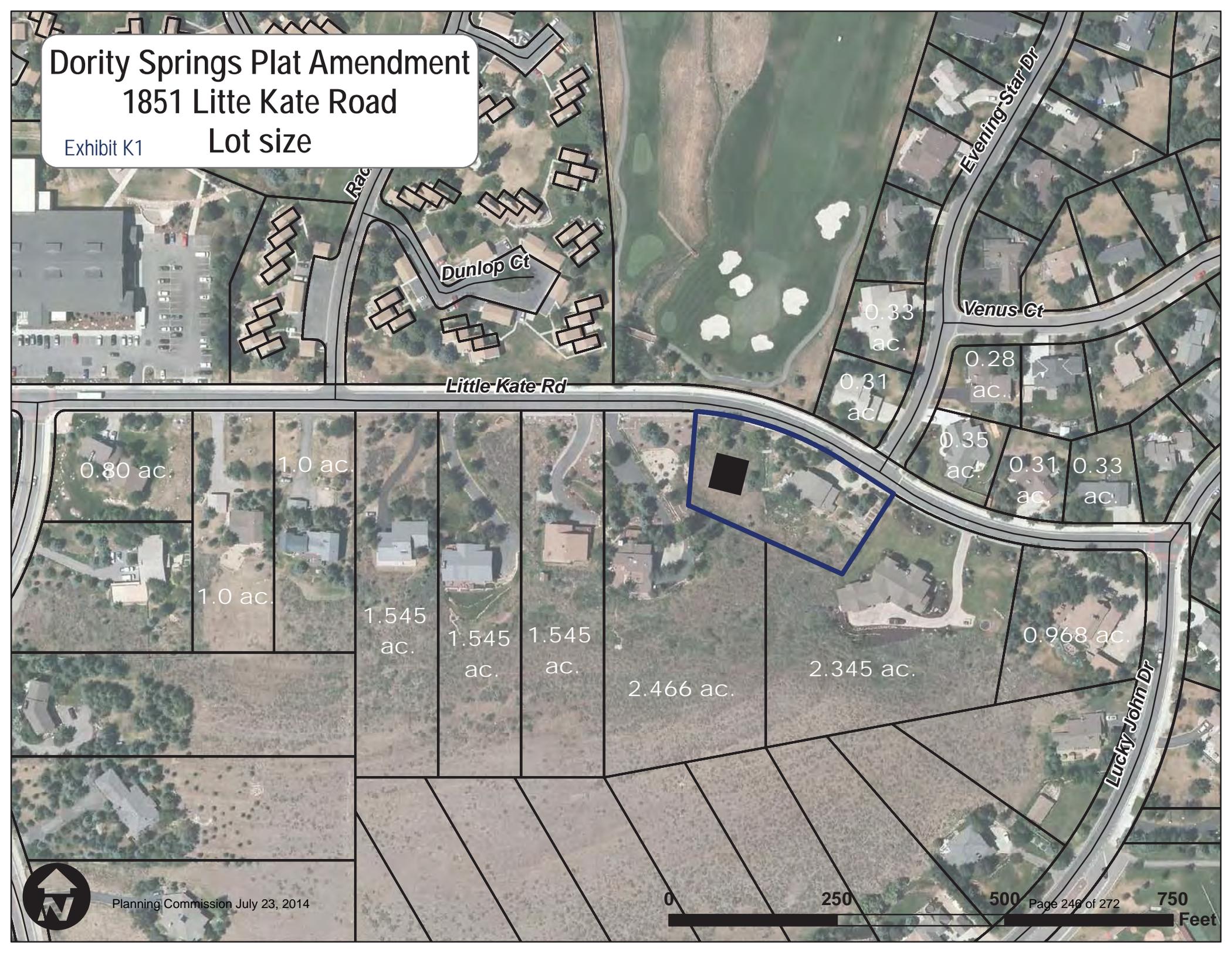


Note: orange distances added by staff.

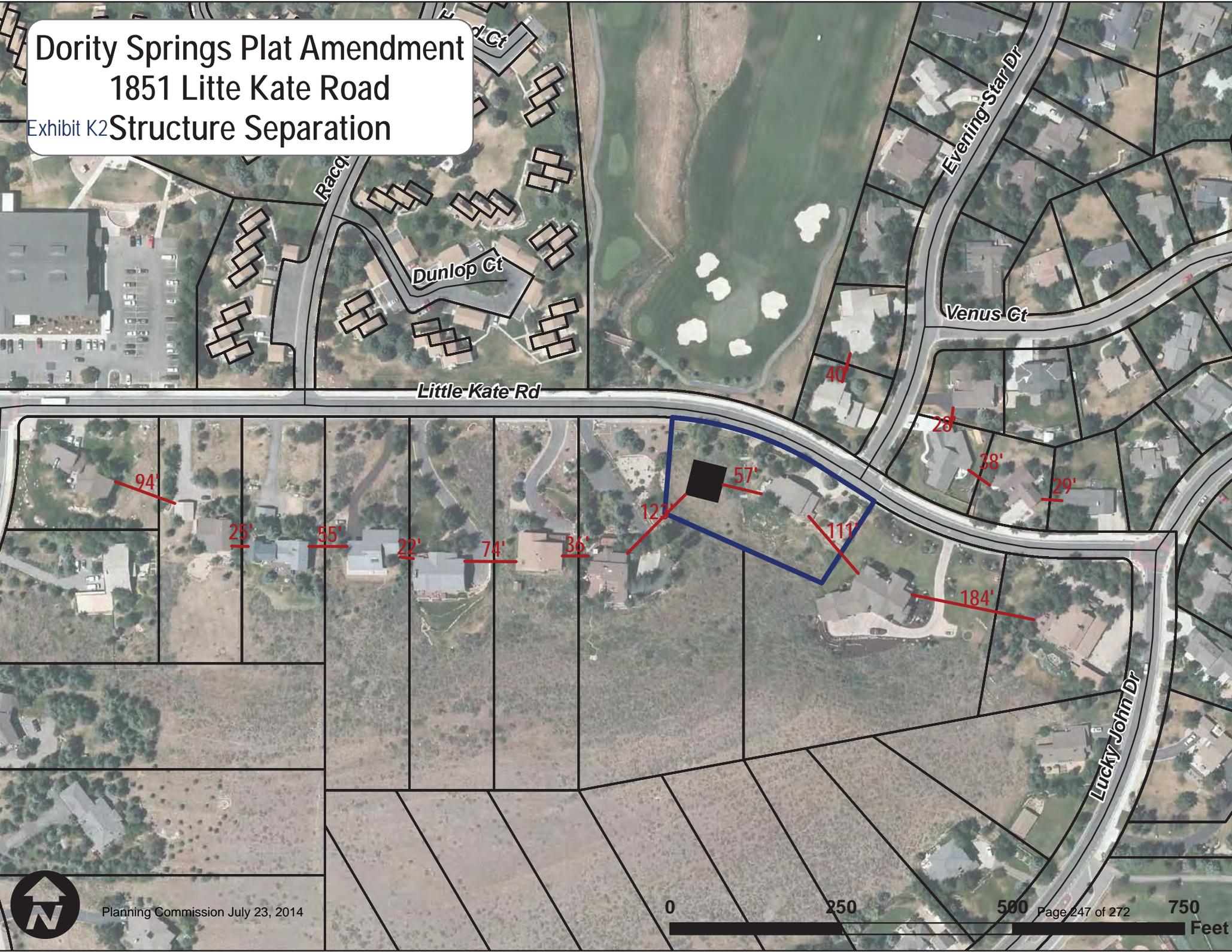
# Dority Springs Plat Amendment 1851 Litte Kate Road

Exhibit K1

Lot size



# Dority Springs Plat Amendment 1851 Litte Kate Road Exhibit K2 Structure Separation

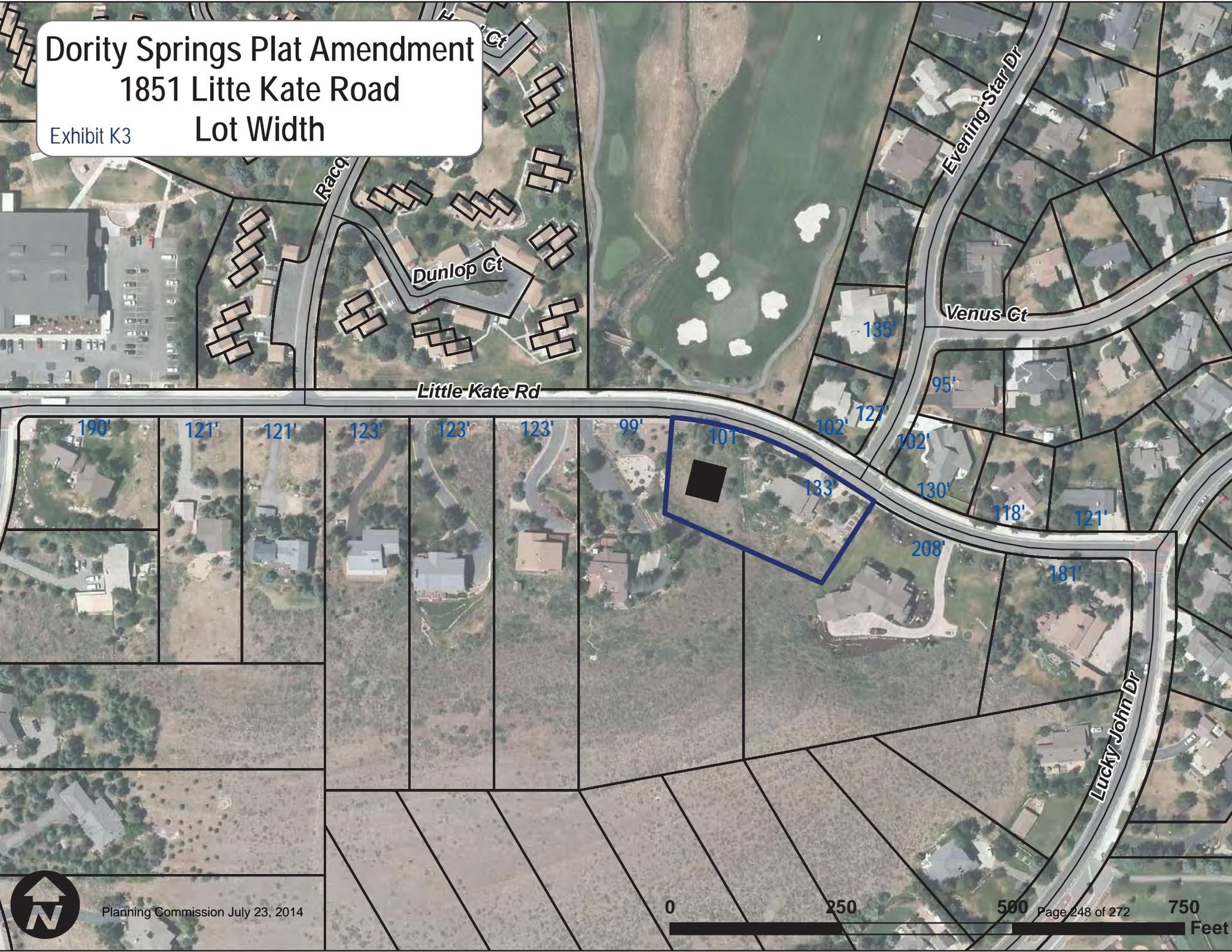


# Dority Springs Plat Amendment

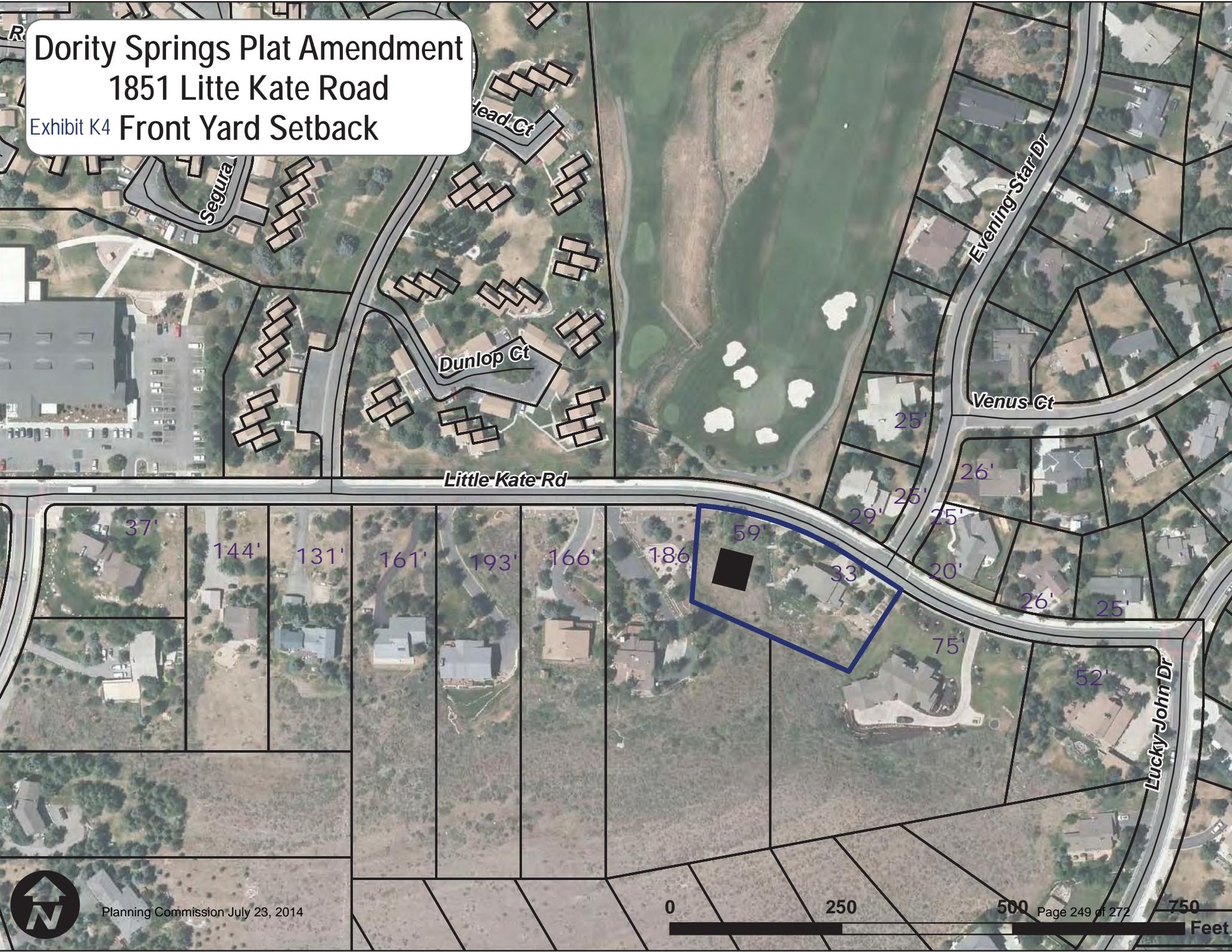
## 1851 Litte Kate Road

### Lot Width

Exhibit K3



**Dority Springs Plat Amendment**  
**1851 Litte Kate Road**  
Exhibit K4 **Front Yard Setback**

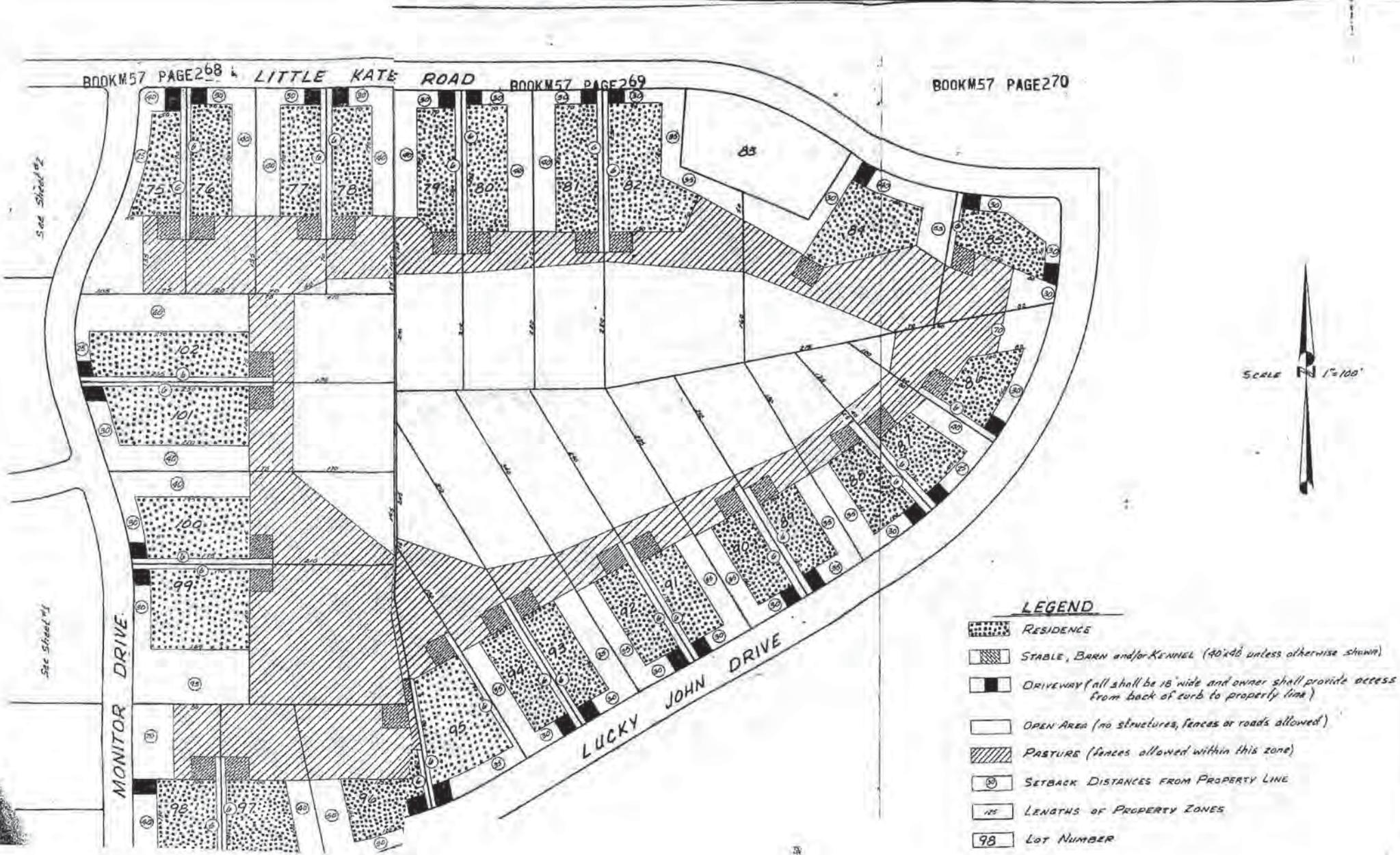


# Dority Springs Plat Amendment

## 1851 Litte Kate Road

Exhibit K5 Lot Depth





**Francisco Astorga**

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**From:** Jennifer Seabury <jenandpaul55@gmail.com>  
**Sent:** Sunday, May 04, 2014 2:03 PM  
**To:** Francisco Astorga  
**Subject:** PL-12-01733

Dear Planning Commission:

I am opposed to their subdivision request and it's not the Baker's fault But the mile-long monstrosity built to the east of them disallowed animals to come down from the hill at night to feed on the plants and water in the Park Meadows low lands. Now if they add asphalt, lawns, roofs, light, noise, and structures the moose, elk, and other precious wildlife will have no place to travel.

Please consider the wild animals we are so rapidly killing with cars and habitat destruction.

Utah is paving over fields and wetlands the second fastest of any place in the world and maybe we don't need to constantly consider profit and maybe can consider the planet?

Thank you very much,

Jen Seabury

7 May 2014

Francisco Astorga  
City Planner  
Park City Municipal Corporation

Dear Mr. Astorga:

My name is Brian Schiller and I reside at 1919 Evening Star Drive, Park City. I just received notice of the effort by a nearby neighbor to subdivide his lot to create another building parcel to be sold. The parcel in question is at 1851 Little Kate Road and the owners who wish to divide land are Michael and Kathleen Baker. Due to employment commitments, I am unable to attend the Planning Commission meeting, where this issue will be addressed, set for Wednesday, May 14. I am writing this letter concerning this issue in lieu of attendance at that meeting.

For several reasons, my wife Danielle Bean and I **oppose the request** to subdivide this current property into two lots.

1. It is my understanding that their current property and home should not have been developed, sold and built upon in the first place. I am not clear on the history concerning that question. To further divide a parcel of land already in question does not make sense to me.
2. The proposed split of the current property would make the lot sizes for the existing house and a new one, to be constructed by the new owners, inconsistent with the other large lot properties on the south side of Little Kate Road and may tempt other owners to propose similar less than aesthetic property splits.
3. The land in question is a wildlife corridor for various animals moving to and from the flat lands of the Park Meadows Country Club golf course and the surrounding private land parcels. It is not uncommon to have deer, even moose on occasion, in our yard. We believe that splitting the parcel in question will further negatively impact this natural corridor.
4. Dority Springs is located on the hillside above the parcel in question. This water source, along with several others, feeds the old high altitude wetlands that used to be Park Meadows before human interlopers arrived. Nothing should be allowed to further disrupt, nor denigrate this natural feature.
5. Just because we can accomplish property divisions, such as the one proposed, does not mean that we should. Park City is about progress while sustaining quality of life and quality environmental conditions for its citizens. To subdivide the property in question may prove financially advantageous for the current owners but would adversely impact immediate neighbors and neighborhoods and further erode environmental quality.

Thank you for consideration of our view on the proposed question in application PL-12-01733. Please know that we oppose the requested change.

We wish the Park City Planning Commission well as you consider this request and in your decision making.

Sincerely,

Brian T. Schiller  
1919 Evening Star Drive  
P.O. Box 2035  
Park City, Utah 84060  
cell: (801) 209-6845  
beandfit@aol.com

5/7/14

RE Application #: PL-12-01733

Project Location: 1851 Little Kate Rd, ParkCity  
Michael & Kathleen Baker/Alliance Engineering, Inc.

My wife and I are owners of 1870 Evening Star, Park City which is across the street from the proposed project location. Thank you for notifying us of the proposed zoning change with the intent to subdivide a lot. We are currently part time residents of Park City but will be full time residents next year. We will not be in town for the first public meeting 5/14/14.

We did an extensive search regarding the risk of further construction in the Park Meadows and Holiday Ranchette neighborhoods when we purchased our home 2 years ago. Holiday Ranchettes is zoned as a neighborhood with only single unit dwellings with lots that are 1 acre or above. Since all the lots are an acre or above almost any one of the plots could theoretically fit another house on it. However the neighborhood's intent is not to have denser housing since plots have a covenant that prohibits second inhabited guest houses on each plot. The houses were all purchased knowing the lot size and with full knowledge that these were zoned as single unit plots.

The area in question is easily viewed from our deck, upstairs balcony and rear windows placing it directly in our view scape. We purchased our house because of the zoning in the area made the risk of further building with denser housing low. Permitting a sub division of the lot for construction would by definition increase the housing density and increase the building pad to lot size ratio, a contradiction from the goals of the zoning board in this neighborhood.

The lot itself has a few special features that would make subdivision problematic. It is bisected by Dorite Spring with feeder springs that is a major source of the water for the Park Meadows ponds. Further disruption could interfere with the water supply for wildlife and water flow through the system. The spring with the surrounding lot is used as a wild life corridor for deer and moose. Building would cause further displacement of our pressured wildlife.

The only situation in which I could support a division of the lot would be if the intent was to cede the land to the Land Conservancy to protect against further construction in this area.

I there are any questions or further input is needed from Jeannine and myself we are readily available through phone or email.

Thank you.

Sincerely,

|                  |  |              |
|------------------|--|--------------|
| Donald Seibert   | <a href="mailto:seibert.donald@gmail.com">seibert.donald@gmail.com</a> | 540-915-1441 |
| Jeannine Seibert | <a href="mailto:jestrobl@gmail.com">jestrobl@gmail.com</a>             | 540-915-1551 |

## Francisco Astorga

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**From:** Nancy Rosecrans <NRosecrans@joneswaldo.com>  
**Sent:** Wednesday, May 14, 2014 11:13 AM  
**To:** Francisco Astorga  
**Cc:** ERIC LEE  
**Subject:** Michael and Kathleen Baker, 1851 Little Kate Road, Lot 83, Dority Springs, Holiday Ranchettes Subdivison - Plat Amendment - Project No. PL-12-01733

Dear Planning Commission,

Please utilize this communication, from the Holiday Ranch Owner's Association, to document our objection to the application for subdivision, Lot 83, filed by Michael and Kathleen Baker, 1851 Little Kate Road.

We have reviewed the Staff Planning Report and commend its detailed and thorough presentation of the facts. It clearly demonstrates a fair and properly-scaled assessment of the conditions and community impact of this proposed subdivision.

That stated, we believe that any consideration of the application for subdivision of lot 83 must address the immediate surrounding residences as its most-weighted influence. It is, in fact, Lot 83 of the Holiday Ranch Subdivision and, by its very description, a part of Holiday Ranch. The proposed lot size of this application further reduces the size of lot 83 and reconfigures an additional lot which is, compared to any surrounding lot, less than a fractional percentage of each contiguous Holiday Ranch parcel.

In addition, we believe that this lot was never intended to be a developed parcel by the very nature of its segregation from the Holiday Ranch CC&R's. There is no position, other than the lot's critical placement to the water shed and proximity to the Dority Springs, that would have precluded its inclusion in Holiday Ranch's original development.

We hold, and offer the opinion of in excess of one hundred property owners, that the City's initial approval of construction on Lot 83 was ill-advised and riddled with consequences which continue to adversely affect our subdivision..

Please consider our objection to this application inasmuch as we represent the immediate community most impacted by this application.

Respectfully,

Holiday Ranch Homeowner's Association  
Holiday Ranch, Park City, Utah 84060

Forwarded by Eric Lee, Attorney for the Holiday Ranch Homeowner's Association

|  |  |  |
|--|--|--|
| <br>Attorneys Est. 1875                                      | <b>PASSION.<br/>PERSPECTIVE.<br/>PEOPLE.</b> | <b>Nancy<br/>Rosecrans</b><br><i>Paralegal</i> |
| 1441 West Ute Blvd. Suite 330<br>Park City, UT 84098<br><b>Fax:</b> 435.200.0084<br><a href="http://www.joneswaldo.com">www.joneswaldo.com</a> |  | <b>Direct:</b> 801.534.7486                    |

CONFIDENTIALITY NOTICE: The content of this e-mail is confidential and proprietary and may be attorney-client privileged. If you are not the intended recipient, please destroy it and notify [NRosecrans@joneswaldo.com](mailto:NRosecrans@joneswaldo.com).

Any tax advice contained in this e-mail is not intended and may not be used to avoid penalties under U.S.

federal tax laws, or to promote, market or recommend to another party any transaction or matter addressed herein.

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Attorneys Est. 1875

TEL: 801-521-3200  
FAX: 801-328-0537

170 SOUTH MAIN ST, SUITE 1500  
SALT LAKE CITY, UTAH 84101

WWW.JONESWALDO.COM

AFFILIATED FIRM  
LEAR & LEAR LLP

7/17/2014

Dear Planner Astorga:

Please utilize this communication, from the Holiday Ranch Owners Association, to document our objection to the application for subdivision, Lot 83, filed by Michael and Kathleen Baker, 1851 Little Kate Road.

The proposed subdivision is simply not "Compatible with existing Developments." See LMC 15-2.11-1(B). We believe that any consideration of the application for subdivision of lot 83 must address the immediate surrounding residences as its most-weighted influence. It is, in fact, Lot 83 of the Holiday Ranch Subdivision and, by its very description, a part of Holiday Ranch. The proposed lot size of this application further reduces the size of lot 83 and reconfigures an additional lot, which is, compared to any surrounding lot, less than a fractional percentage of each contiguous Holiday Ranch parcel.<sup>1</sup>

Finally, when considering the impact on the neighborhood of other single-family lots - there does not appear to be "good cause" for subdividing this lot. Lot 83, and the surround neighborhood, is part of planned developments where the size and location of the lots were platted in a way that makes sense. Moreover, we believe that this lot was never intended to be a developed parcel by the very nature of its segregation from the Holiday Ranch CC&Rs. While not directly subject to the CC&Rs, Lot 83 is clearly marked as "open space" on the plat of the subdivision. Any consideration of the lot being a buildable lot would have designated the lot with a "footprint" pursuant to the Land Management, including with appropriate setbacks (City provisions, etc.). There is no position, other than the lot's critical placement to the water shed and proximity to the Dority Springs that would have precluded its inclusion in Holiday Ranch's original development. Therefore, we hold, and offer the opinion of in excess of one hundred property owners, that any subdivision is not only contrary to the rationale basis on which this neighborhood was originally developed, but is also riddled with consequences which would adversely affect this neighborhood, including compromising the property values of the neighbors immediately adjacent.

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<sup>1</sup> Moreover, the surrounding subdivisions with smaller lot sizes were developed prior to Holiday Ranch.

7/16/2014

Page 2

Please consider our objection to this application inasmuch as we represent the immediate community most impacted by this application.

Respectfully,

Brady L. Rasmussen,  
Attorney for the Holiday Ranch Homeowner's  
Association

cc: Holiday Ranch HOA

# Planning Commission Staff Report



**Subject:** First Amended Silver Queen  
Condominiums Record of Survey  
**Author:** Kirsten A Whetstone, MS, AICP  
**Date:** July 23, 2014  
**Type of Item:** Administrative – Amended Condominium Plat  
**Project Number:** PL-14-02301

## Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the First Amended Silver Queen Condominiums record of survey plat for seven residential condominium units and one commercial condominium unit located at 632 Main Street 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.

*Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

## Topic

**Applicant:** Silver Queen Resort Group, LLC  
**Location:** 632 Main Street  
**Zoning:** Historic Commercial Business (HCB)  
**Adjacent Land Uses:** Main Street retail, offices and residential; Heber Avenue residential, Kimball Art Center, Zoom restaurant, Gateway mixed use building, and Sky Lodge- condominiums, retail, and restaurants.  
**Reason for Review:** Condominium plat amendments require Planning Commission review and recommendation to City Council with final action by the City Council.

## Proposal

The applicant requests an amended condominium record of survey plat for the purpose of creating an amended commercial condominium unit on the Main Street level and seven amended residential condominium units on the upper floors of the existing Silver Queen Condominium building located at 632 Main Street (Exhibit A). The plat is consistent with the approved Historic District Design Review and active building permit for the renovation of this non-historic building. The property is located within the Historic Commercial Business (HCB) zoning district.

## Background

The property is located at the intersection of Heber Avenue and Main Street and consists of a single four story mixed use building constructed in 1982. On May 12, 1994,

the City Council approved the Silver Queen Condominium record of survey plat creating twelve residential condominium units and one commercial condominium unit. The existing condo plat was recorded at Summit County on May 5, 1995 (Exhibit B). The building, with the exception of existing residential Unit # 9 (new 4B), is owned by a single entity, and is currently being remodeled with an active building permit, subject to an approved Historic District Design Review (HDDR). The HDDR was approved on September 29, 2011.

Residential and commercial uses are allowed uses in the HCB zoning district. There is no increase in existing building footprint and no non-complying situations are created. The HDDR permitted the removal of the columns and balcony that previously encroached into the Main Street and Heber Avenue rights-of way.

On April 21, 2014, an application was submitted for an amended condominium record of survey plat for one commercial unit on the Main Street level and seven residential units on the upper floors, including conversion of common penthouse area into residential floor area for the second floor of Unit 4A. Additional common area is platted for circulation and common deck areas. The application was deemed complete on July 2, 2014, upon receipt of a proof of vote for the amended condo plat. A vote of the Silver Queen Condominium HOA indicated that 92.83% of the ownership voted in favor (Exhibit C).

**Analysis**

|                   | CODE REQUIREMENT   | EXISTING   |
|-------------------|--|--|
| FRONT SETBACKS    | 0' in HCB  | 0'   |
| SIDE SETBACKS     | 0' in HCB  | 0'   |
| REAR SETBACKS     | 0' in HCB  | 0'   |
| HEIGHT            | maximum height of 45' per HCB  | Constructed in compliance with the maximum height requirements and allowed volumetric of the HCB zone.               |
| MINIMUM LOT SIZE  | 1,250 sf in HCB  | 5,045 sf   |
| MINIMUM LOT WIDTH | 25'  | 88.78'   |
| FLOOR AREA RATIO  | 4.0 (20,180 sf) based on the total lot area of 5,045 sf. zone.   | 14,047 sf (final gross floor area, including penthouse)<br>FAR is less than 4.0                                      |
| PARKING           | Total 30 spaces required for proposed uses (12 residential, 18 commercial)<br>Fully assessed and paid into | Total 35 spaces required for existing uses based on code at the time of initial plat (17 residential, 18 commercial) |

|  |  |  |
|--|--|--|
|  | Special Improvement District<br>Parking requirement is<br>reduced for this platted<br>configuration. |  |
|--|--|--|

Seven residential units are platted with this record of survey. Units range in size from 1,006 sf to 2,178 sf. Average unit size is 1,582 sf. Residential units are located on the second, third, and fourth floors. Unit 4A is a two story unit with a 963 sf penthouse. One 2,973 sf commercial unit is platted on the main floor.

The property was assessed and paid into the Main Street Parking Improvement District for the twelve units and lower level commercial. Parking requirements for the existing configuration (original plat) are 16.5 (17) for the twelve residential units -- 6 units less than 650 sf (6 spaces), 3 units at 1,035 sf (6 spaces), and 3 units at 876 sf (4.5 (5) spaces) and 18 for the commercial space for a total of 35 spaces. The proposed unit configuration requires 12 spaces for the seven residential (3 units greater than 2,000 sf (6 spaces), 4 units greater than 1,000 sf (6 spaces) and 18 spaces for the commercial for a total of 30 spaces. Therefore the proposed plat requires fewer spaces than were assessed and paid and no additional parking is required. No parking is provided on site.

Common area for the lobby, halls, stairs, elevators, outdoor patios and decks are being platted with this record of survey. The condominium plat is required in order for the units to be sold individually.

Commercial space is located at the street along the Main Street frontage with residential space located above. All of the storefront space is subject to requirements of the vertical zoning ordinance.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code, is consistent with the approved HDDR, and active construction has been reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits.

**Good Cause**

Staff finds good cause for this condominium plat as it plats residential and commercial condominium units consistent with the HCB zoning district and allows for individual ownership of the revised units. The condominium plat is consistent with the State condominium act, complies with the Land Management Code and is consistent with the approved Historic District Design Review that provided for improved architectural design, building energy efficiency, and upgrades to current building codes that have a positive visual impact on Main Street. The encroaching, heavy stone balconies have been removed.

### **Department Review**

This project has gone through an interdepartmental review on May 13, 2014, and issues raised regarding common water and sewer lines have been addressed with conditions of approval.

### **Notice**

On July 9, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on July 5, 2014.

### **Public Input**

A public hearing is scheduled for both Planning Commission and City Council meetings. Staff has not received any public input at the time of this report.

### **Future Process**

Approval of this amended condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to City Council to approve the amended condominium plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the amended condominium plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue discussion on the plat and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.

### **Significant Impacts**

There are no negative fiscal or significant environmental impacts to the city from this record of survey plat application.

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

The entire building would continue to be owned by one entity and the residential units could not be sold separately.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the First Amended Silver Queen Condominiums record of survey plat for seven residential condominium units and one commercial condominium unit located at 632 Main Street 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- Proposed amended condominium plat  
Exhibit B- Recorded Silver Queen condominium plat  
Exhibit C- Letter from the HOA

**Ordinance No. 14-**

**AN ORDINANCE APPROVING THE FIRST AMENDED SILVER QUEEN  
CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 632 MAIN STREET,  
PARK CITY, UTAH.**

WHEREAS, owners of the property known as 632 Main Street (aka the Silver Queen Condominiums), have petitioned the City Council for approval of an amended condominium plat for one commercial condominium unit and seven residential condominium units, and associated common area (Exhibit A).

WHEREAS, the property was properly noticed and posted on July 9, 2014, according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on July 9, 2014; and

WHEREAS, the Planning Commission held a public hearing on July 23, 2014, to receive input on the amended condominium plat; and

WHEREAS, the Planning Commission, on July 23, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on August 21, 2014, the City Council held a public hearing on the amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Silver Queen Condominiums record of survey plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 632 Main Street at the intersection of Main Street and Heber Avenue. There is an existing four story mixed use building on the property.
2. The existing building, known as the known as the Silver Queen Condominiums, was constructed in 1982.
3. On May 12, 1994, the City Council approved the Silver Queen Condominiums record of survey plat for twelve residential units and one commercial unit. On May 5, 1995, the condominium plat was recorded at Summit County.
4. Seven residential units are platted with this record of survey plat for a total of 11,074 sf of floor area. Units range in size from 1,006 sf to 2,178 sf. Average unit size is 1,582 sf. Unit 4A is a two story unit with a roof top penthouse. Residential

units are located on the second, third, and fourth floors. See Exhibit A, proposed plat for all unit numbers and square footages.

5. One 2,973 sf commercial unit is platted on the main floor.
6. Common area for halls, stairs, elevators, outdoor patios and decks are being platted with this record of survey.
7. The building currently is currently being remodeled with an active building permit.
8. The condominium plat is required in order for the units to be sold individually.
9. The building is located in the Historic Commercial Business District (HCB) with access to Main Street and Heber Avenue.
10. Residential and commercial uses are allowed uses within the HCB zoning district.
11. With the exception of one residential unit, existing unit #9, the building is currently owned by one entity.
12. On April 21, 2014, the City received an application for an amended condominium plat. The application was deemed complete on July 2, 2014 when proof of a vote of the HOA was provided indicating that 92.83% of the Silver Queen Condominium HOA ownership approved of the amended plat. The application includes signatures from all owners.
13. The condominium plat is consistent with the Historic District Design Review plans approved by the Planning Staff on September 29, 2011.
14. The property was assessed and paid into the Main Street Parking Improvement District for the twelve units and ground level commercial. Parking requirements for the existing configuration (original plat) are 16.5 (17) for the twelve residential units 6 units less than 650 sf (6 spaces), 3 units at 1,035 sf (6 spaces), and 3 units at 876 sf (4.5 (5) spaces) and 18 for the commercial space for a total of 35 spaces. The proposed unit configuration requires 12 spaces for the seven residential (3 units greater than 2,000 sf (6 spaces), 4 units greater than 1,000 sf (6 spaces) and 18 spaces for the commercial for a total of 30 spaces. Therefore the proposed plat requires fewer spaces than were assessed and paid and no additional parking is required. No parking is provided on site.
15. Commercial space is located at the street along the Main Street frontage and residential units are located on the upper floors. All of the storefront properties are subject to the vertical zoning ordinance.

#### Conclusions of Law:

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

#### Conditions of Approval:

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

2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 632 Main Street Historic District Design Review shall continue to apply.
4. A note shall be added to the plat prior to recordation stating that the units of the Silver Queen Condominiums are served by Common Private Lateral Wastewater lines. The Silver Queen Condominium Association shall be responsible for the ownership, operation and maintenance of all Common Private Lateral Wastewater lines.
5. All required ADA access, required restaurant grease traps, and other specific Building and Fire Code requirements for the units shall be addressed with tenant improvement building permits as the spaces are finished.

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

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE



I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of the SILVER QUEEN CONDOMINIUMS FIRST AMENDED and that the same has been or will be monumented on the ground as shown on this plat.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned owner of Unit 1, hereby certifies that he has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

Manager, Real Jack Property, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of \_\_\_\_\_;  
 ss:  
 County of \_\_\_\_\_:  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, \_\_\_\_\_ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, \_\_\_\_\_ acknowledged to me that he is the manager of Real Jack Property, LLC, a Utah limited liability company, the owner of Unit 1, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.  
 Signature \_\_\_\_\_  
 A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

BOUNDARY DESCRIPTION

All Units 1 through 12 and Convertible Space, contained within the SILVER QUEEN CONDOMINIUMS, a Condominium Project, as the same is identified in the Record of Survey Map recorded on May 5, 1995, in Summit County as Entry No. 429304 in Book 95 at Page 17 (as said Record of Survey Map may have heretofore been amended or supplemented) and in the Condominium Declaration recorded in Summit County as Entry No. 429305 in Book 881 at Page 674 (as said Declaration may have heretofore been amended or supplemented). Together with the appurtenant undivided interest in said Project's Common areas as established in said Declaration and allowing for periodic alteration both in the magnitude of said undivided interest and in the composition of the Common Area and Facilities to which said interest relates.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the owners of Unit 9, hereby certify that they have caused this condominium plat to be prepared, and we, Richard Joseph Blomquist and Kathryn Strobel Blomquist, husband and wife as joint tenants, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Richard Joseph Blomquist

Kathryn Strobel Blomquist

ACKNOWLEDGMENT

State of \_\_\_\_\_;  
 ss:  
 County of \_\_\_\_\_:  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, Richard Joseph Blomquist and Kathryn Strobel Blomquist, personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he has signed the above and foregoing Owner's Dedication and Consent to Record freely and voluntarily.  
 Signature \_\_\_\_\_  
 A Notary Public Commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

NOTES

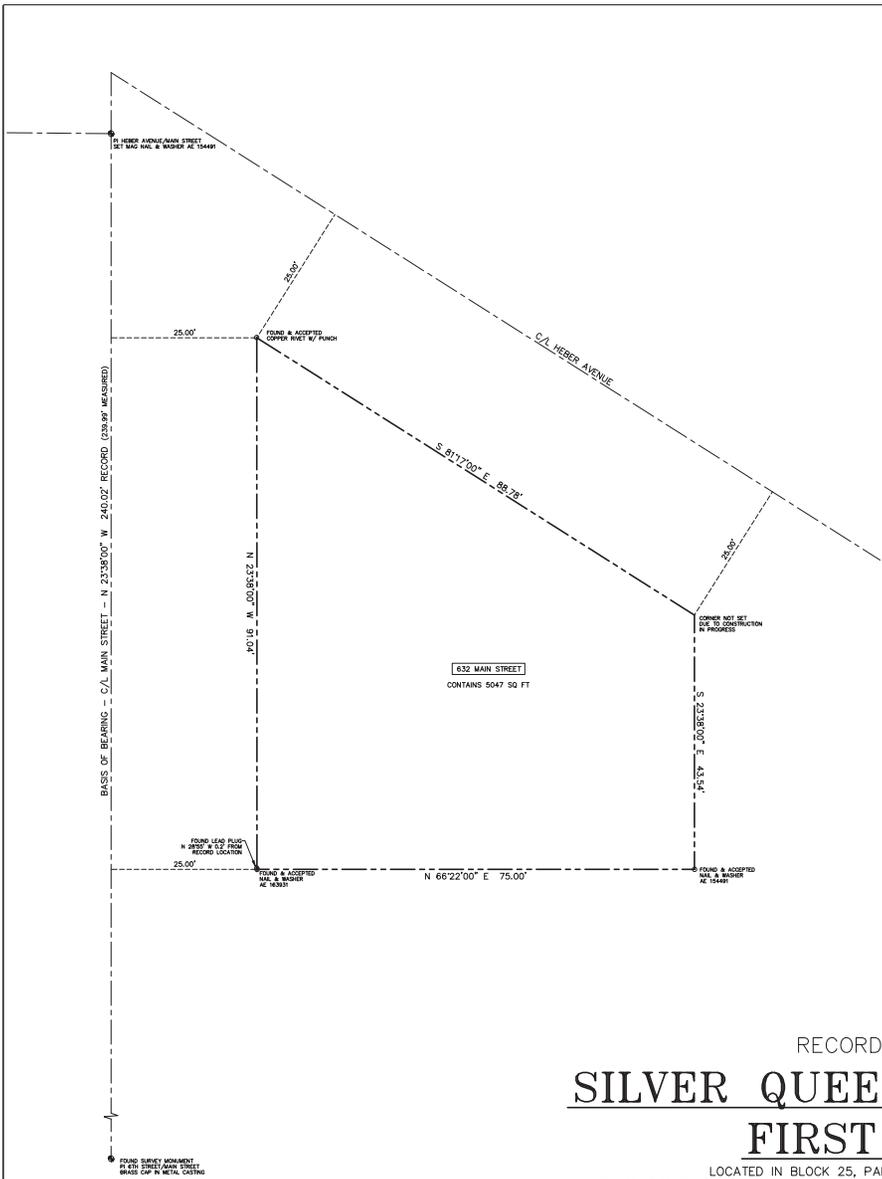
- The dimensions of the interior spaces were taken from drawings supplied by the architect.
- The units of Silver Queen Condominiums are served by Common Private Lateral Wastewater Lines. The Silver Queen Condominium Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.



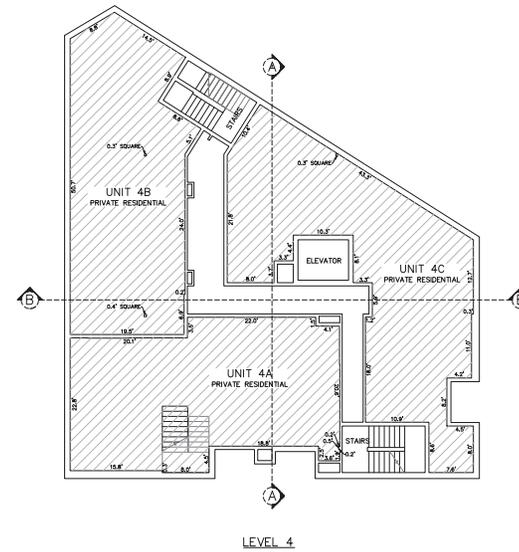
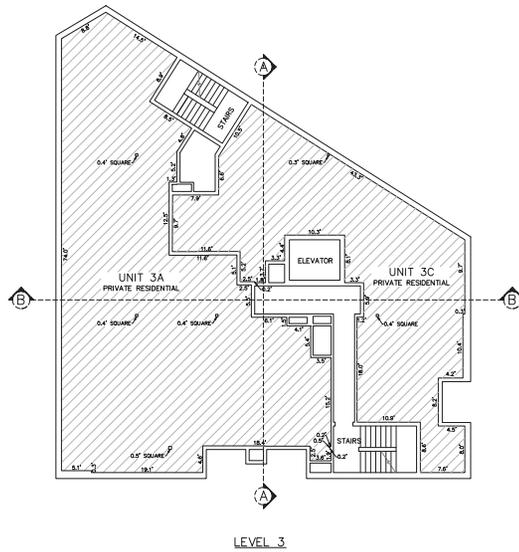
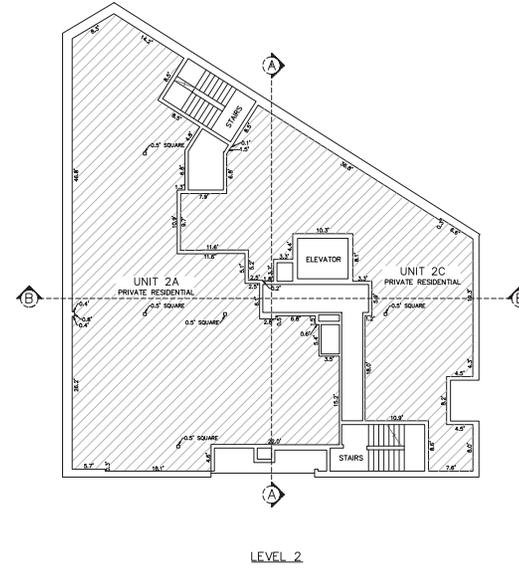
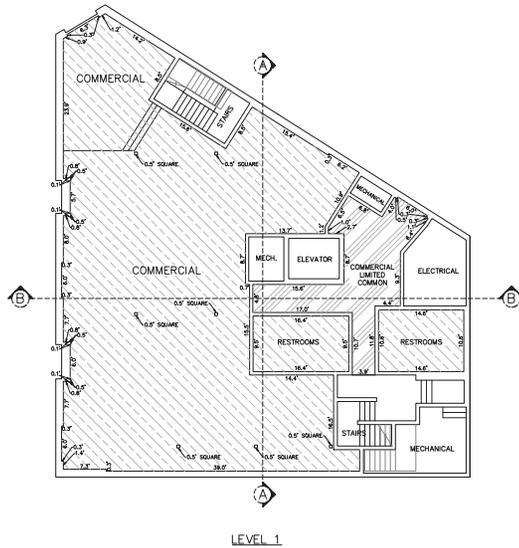
SHEET 1 OF 3

RECORD OF SURVEY OF  
**SILVER QUEEN CONDOMINIUMS**  
**FIRST AMENDED**

LOCATED IN BLOCK 25, PARK CITY SURVEY, WHICH IS IN SECTION 16  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



|  |   |   |  |  |  |  |   |
|--|---|---|--|--|--|--|---|
| <br>(435) 649-0467<br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>333 Main Street, P.O. Box 2664, Park City, Utah 84002-2664 | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ S.B.W.R.D. | PLANNING COMMISSION<br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2014 A.D.<br>BY _____ CHAIR | ENGINEER'S CERTIFICATE<br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM<br>APPROVED AS TO FORM THIS DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY ATTORNEY | CERTIFICATE OF ATTEST<br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE<br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ MAYOR | RECORDED<br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____ |
|  | JOB NO.: 2-2-14 FILE: X:\ParkCitySurvey\dwg\ar\plat2014\020214.dwg  |   |  |  |  |  |   |



UNIT AREA TABLE

| UNIT                | PRIVATE OWNERSHIP AREA |
|---------------------|------------------------|
| COMMERCIAL          | 2973 SQ FT             |
| UNIT 2A             | 2178 SQ FT             |
| UNIT 2C             | 1247 SQ FT             |
| UNIT 3A             | 2163 SQ FT             |
| UNIT 3C             | 1259 SQ FT             |
| UNIT 4A             | 1054 SQ FT             |
| UNIT 4B             | 1006 SQ FT             |
| UNIT 4C             | 1294 SQ FT             |
| UPPER LEVEL UNIT 4A | 963 SQ FT              |

OWNERSHIP DESIGNATIONS

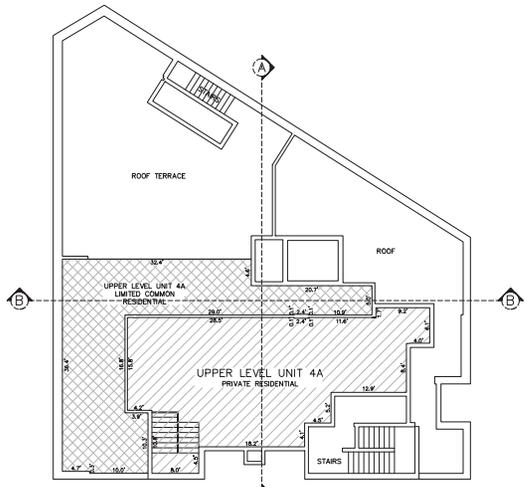
|  |                            |
|--|----------------------------|
|  | COMMON AREA                |
|  | PRIVATE RESIDENTIAL        |
|  | LIMITED COMMON RESIDENTIAL |
|  | PRIVATE COMMERCIAL         |
|  | LIMITED COMMON COMMERCIAL  |



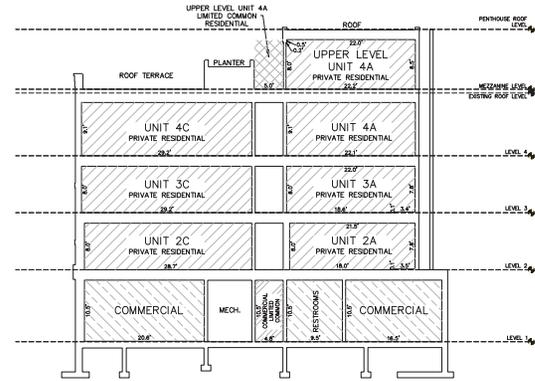
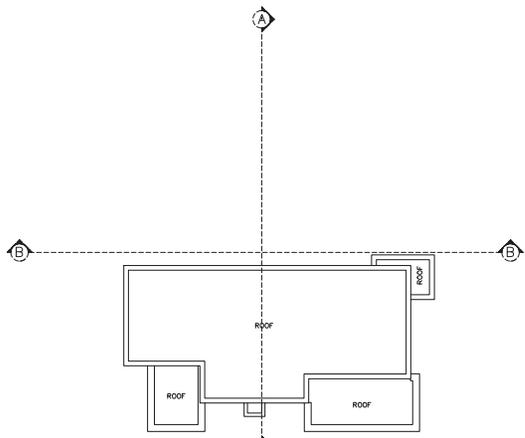
LEVEL 3  
**SILVER QUEEN CONDOMINIUMS**  
**FIRST AMENDED**  
 LEVEL 4

(435) 649-9467  
  
 ALLIANCE  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 333 Main Street, P.O. Box 2664 Park City, Utah 84060-2664

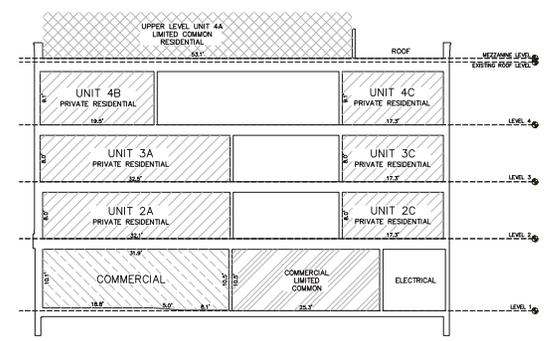
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 SHEET 2 OF 3  
 7/21/14  
**RECORDED**  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_  
 ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_ RECORDER \_\_\_\_\_



MEZZANINE LEVEL



SECTION (A)



SECTION (B)

UNIT AREA TABLE

| UNIT                | PRIVATE OWNERSHIP AREA |
|---------------------|------------------------|
| COMMERCIAL          | 2973 SQ FT             |
| UNIT 2A             | 2178 SQ FT             |
| UNIT 2C             | 1247 SQ FT             |
| UNIT 3A             | 2163 SQ FT             |
| UNIT 3C             | 1259 SQ FT             |
| UNIT 4A             | 1054 SQ FT             |
| UNIT 4B             | 1006 SQ FT             |
| UNIT 4C             | 1204 SQ FT             |
| UPPER LEVEL UNIT 4A | 963 SQ FT              |

OWNERSHIP DESIGNATIONS

|  |                            |
|--|----------------------------|
|  | COMMON AREA                |
|  | PRIVATE RESIDENTIAL        |
|  | LIMITED COMMON RESIDENTIAL |
|  | PRIVATE COMMERCIAL         |
|  | LIMITED COMMON COMMERCIAL  |



# SILVER QUEEN CONDOMINIUMS FIRST AMENDED

SHEET 3 OF 3

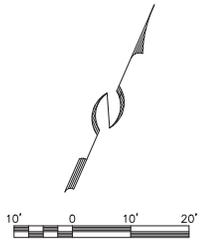
JOB NO.: 2-2-14 FILE: X:\ParkCitySurvey\dwg\ar\plat2014\020214.dwg  
DATE RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_  
ENTRY NO. FEE RECORDER

(435) 649-9467

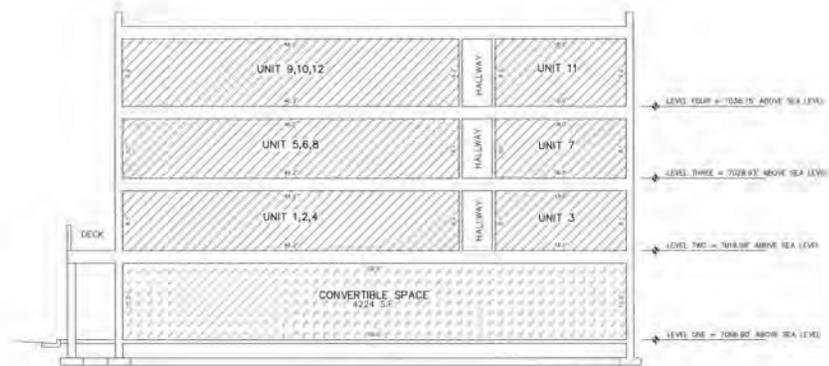
ALLIANCE  
Engineering & Surveying

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

333 Main Street, P.O. Box 2664 Park City, Utah 84002-2664

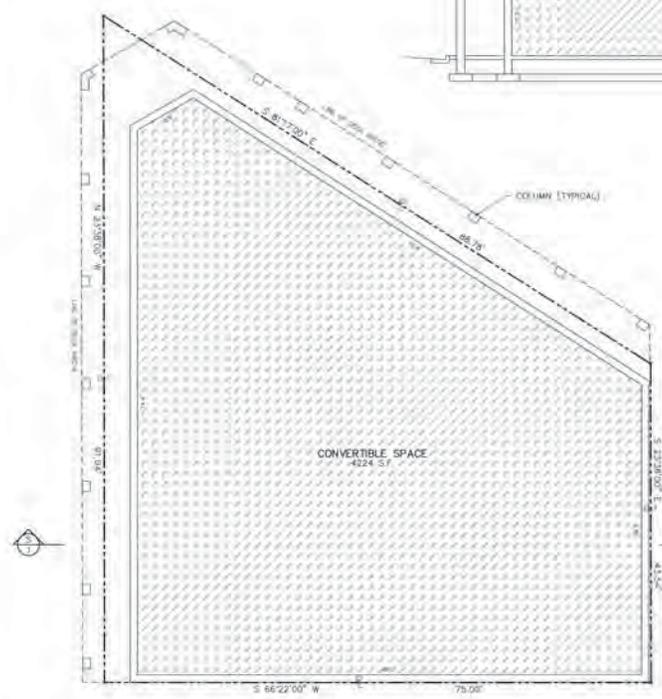






NOTE: THAT PORTION OF THE LIMITED COMMON AREA OUTSIDE THE PROPERTY BOUNDARY EXISTS AS A REVOCABLE LICENSE WHICH MAY BE REVOKED BY PARK CITY AT ANY TIME.

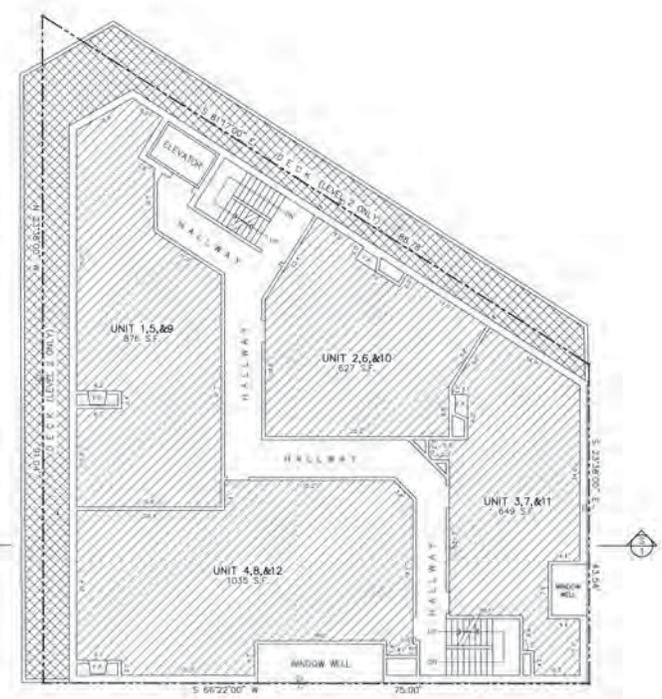
SECTION "S-1" NOTE: SEE PAGE 1 OF 2 FOR BENCHMARK LOCATION.



LEVEL 1 COMMERCIAL

LEGEND  
 C.L. = CENTERLINE  
 P.L. = PROPERTY LINE  
 F.P. = FIREPLACE  
 S.F. = SQUARE FEET

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE



LEVEL 2, 3, & 4 RESIDENTIAL

# SILVER QUEEN CONDOMINIUMS

A 12-UNIT UTAH CONDOMINIUM PROJECT  
 LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH

# 429304 RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT AND FILED  
 AT THE REQUEST OF *Carlson Title*  
 DATE *02-08-15* TIME *1:04 PM* ROOM *1* PAGE *1*  
*Alan Sprague*  
 FEE RECORDER

JOB NO. 18-B-93 PCS/D/SQCP2

Silver Queen Condominiums  
632 Main Street  
P.O. Box 683300  
Park City, UT 84068

June 30, 2014

Kirsten Whetstone  
Park City Municipal Corporation  
1354 Park Avenue  
P.O. Box 1480  
Park City, UT 84060

Dear Kirsten:

Pursuant to the requirements of Park City Municipal Corporation, the Silver Queen Condominiums Homeowners' Association ("HOA") has provided notice to the Owners of the proposed application. Additionally, a vote of the Owners indicated that 92.83% of the approved the application as follows:

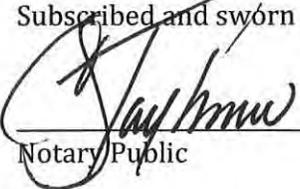
| OWNER                          | UNIT | % OF OWNERSHIP | VOTING % IN FAVOR |
|--------------------------------|------|----------------|-------------------|
| Silver Queen Resort Group, LLC | 2A   | 15.52%         | 15.52%            |
| Jack Real Property, LLC        | 2C   | 8.89%          | 8.89%             |
| Silver Queen Resort Group, LLC | 3A   | 15.41%         | 15.41%            |
| Silver Queen Resort Group, LLC | 3C   | 8.97%          | 8.97%             |
| Silver Queen Resort Group, LLC | 4A   | 14.37%         | 14.37%            |
| Rick & Kathy Blomquist         | 4B   | 7.17%          | 0.00%             |
| Silver Queen Resort Group, LLC | 4C   | 8.58%          | 8.58%             |
| Commercial Space               | ---  | 21.08%         | 21.08%            |
| <b>TOTAL</b>                   |      | <b>100.00%</b> | <b>92.83%</b>     |

If you have any questions, please contact me directly at (435) 658-9403.

Regards,

  
Brenda Nagle  
President  
Silver Queen Condominiums

State of UTAH County of SUMMIT  
Subscribed and sworn before me this 30<sup>th</sup> day of June, 2014.

  
Notary Public Seal

