



PARK CITY PLANNING COMMISSION MEETING

SUMMIT COUNTY, UTAH

January 11, 2023

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

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MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

2.A Consideration to Approve the Planning Commission Meeting Minutes from November 30, 2022.

[11.30.2022 Minutes](#)

2.B Consideration to Approve the Planning Commission Meeting Minutes from November 30, 2022.

[12.14.2022 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. REGULAR AGENDA

5.A **1301 Park Avenue - Plat Amendment** - The Applicant Proposes Amending the 1301 Park Avenue Plat to Create Two Lots of Record and Petition to Vacate a Portion of the 13th Street Public Right-of-Way in the Historic Residential - Medium Density Zoning District. PL-22-05165 (20 min.)

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on February 16, 2023.

[1301 Park Avenue Subdivision Staff Report](#)

[Exhibit A: Draft Ordinance No. 2023-XX and Proposed Plat](#)

[Exhibit B: 2005 City Council Staff Report](#)

[Exhibit C: Existing Survey](#)

[Exhibit D: Applicant Letter of Intent](#)

5.B

Moderate Income Housing Plan – The Planning Commission Will Review Minor Modifications to the City's Moderate Income Housing Plan Element of the General Plan

that Establishes Goals and Strategies to Incentivize Development of Affordable Housing in Order to Comply with Technical Requirements of the State.

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on January 24, 2023

[Staff report to Amend the 2022 MIHP](#)

[Exhibit A: State Notice of Compliance](#)

[Exhibit B: Amended 2022 MIHP and Housing Element to the General Plan](#)

5.C

Land Management Code Amendments - The Planning Commission Will

Review Proposed Land Management Code Amendments to Clarify Landscaping and Water Wise Regulations, Define Key Terms, Update Gravel Regulations, Establish Landscaping Regulations Based on Land Use Type, Provide Flexibility to Replace Significant Vegetation with Water Wise and Firewise Landscaping, Update the Recommended Plant List to Identify Water Wise Plants, and Clarify Landscaping and Limits of Disturbance. PL-21-05064 (45 mins.)

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on February 16, 2023

[LMC Landscaping Updates Staff Report](#)

[Exhibit A: Draft Ordinance 2023-XX](#)

[Exhibit B: Survey Input](#)

[Exhibit C: Survey Results](#)

[Exhibit D: Public Comment](#)

5.D

Land Management Code Amendment - Amendment to the Land Management Code Section 15-2.13.2 to Prohibit Nightly Rentals and Fractional Use in Solamere Subdivision No. 1 & No.2 A, West Ridge Subdivision & West Ridge Subdivision Phase 2, and Prohibit Nightly Rentals, Fractional Use, and Timeshares in Chatham Crossing Subdivision. PL-22-05391; PL-22-05403; PL-22-05471 (25 mins.)

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on February 16, 2023.

[Chatham Crossing, Solamere, and West Ridge LMC Amendments Staff Report](#)

[Exhibit A: Draft Ordinance Chatham Crossing, Solamere, and West Ridge](#)

[Exhibit B: Chatham Crossing HOA Statement and Property Owner Support](#)

[Exhibit C: Statement from the President of the Solamere HOA Board of Trustees](#)

[Exhibit D: West Ridge HOA Statement and Property Owner Support](#)

5.E

3045 Ridgeview Drive – Plat Amendment – The Applicant Proposes a Plat Amendment to Convert Common Space to Private and Limited Common Space to Correct Existing Non-Conformities to Match As-Built Conditions. PL-22-05360 (15 Mins.)

(A) Public Hearing (B) Possible Recommendation for City Council Consideration on February 16, 2023

[3045 Ridgeview Drive Staff Report](#)

[Exhibit A: Draft Ordinance No. 2023-XX and Proposed Plat](#)

[Exhibit B: Survey of Existing Conditions](#)

[Exhibit C: Existing Ridgeview Townhome Condominiums Plat](#)

[Exhibit D: August 16, 2022 City Council Minutes](#)

Exhibit E: Letter of HOA Approval
Exhibit F: Applicant Statement

6. WORK SESSION

6.A

Land Management Code Amendments – The Planning Commission Will Conduct a Work Session Regarding Possible Amendments to Land Management Code Sections 15-2.13-2, 15-2.14-2, 15-2.18-2, and 15-2.19-2 for Timeshares, Private Residence Clubs, and Fractional Use of Dwellings Units in the Residential Development, Residential Development Medium, General Commercial, and Light Industrial Zoning Districts. PL-22-05439 (40 mins.)

[Transient Use Land Management Code Amendment Staff Report](#)

[Exhibit A: Ordinance No. 81-7 Enacting a Moratorium on Timeshares](#)

[Exhibit B: Ordinance No. 82-4 Regulating the Creation of Timeshare Projects](#)

[Exhibit C: Ordinance No. 04-39 Regarding Timeshares, Fractional Ownership, and Private Residence Clubs](#)

[Exhibit D: Approved Timeshares and Private Residence Clubs](#)

7. ADJOURN

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

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

Planning Commission Agenda Item Report

Meeting Date: January 11, 2023

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Minutes

Agenda Section: MINUTES APPROVAL

Subject:

Consideration to Approve the Planning Commission Meeting Minutes from November 30, 2022.

Suggested Action:

Attachments:

[11.30.2022 Minutes](#)



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 30, 2022**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Levi Jensen, City Planner; Spencer Cawley, City Planner; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, City Planner; Virgil Lund, City Planner; Brenda Turnblom, Building Department Plan Check Coordinator; Dave Thacker, Chief Building Official; Alex Roy, Senior Transportation Planner; Julia Collins, Transportation Planning Manager; John Robertson, City Engineer; Luke Cartin, Environmental Sustainability Manager; Jason Glidden, Affordable Housing Manager; Clint McAfee, Public Utilities Director; Lloyd Griffin, Public Utilities Engineer; Heinrich Dieters, Trails and Open Space Manager; Heather Wasden, Planning Technician; Mark Harrington, City Attorney

1. ROLL CALL

Planning Director, Gretchen Milliken explained some of the exercises and topics for the meeting and began with Park City trivia. She reported that following the exercise they would take roll call and begin the public meeting.

Vice Chair, Sarah Hall reported that all Commissioners were present and noted that Chair Laura Suesser and Commissioner Bill Johnson were attending virtually.

2. PUBLIC COMMUNICATIONS

Casey Cook appeared as part of a Business Law class and had no public comment.

There being no further public comment, Vice Chair Hall closed public communications.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no Staff and Board Communications and Disclosures.

4. WORK SESSION

A. Staff Lead Exercise - Question and Answer, Relating to General Park City Information.

The attendees participated in a Question & Answer exercise with the Planning Department.

B. Round Table Presentation and Discussion - The Park City Planning Department, Along with other City and Community Officials, Will Present a Planning Application Sample Accompanied by a Flow Chart of Its Review Process.

Director Milliken asked each of the Planning Commissioners to introduce themselves and provide background information.

Commissioner John Frontero introduced himself and reported that he was appointed to the Commission this year. He has a finance background and moved to Park City three years ago. It was the Vail application that made him think that the Commission could benefit from his knowledge in understanding a very complex business application.

Commissioner Christin Van Dine stated that she has lived in Park City for approximately 21 years and joined the Planning Commission three or four years ago to give back to the community. She stated that this has been an amazing experience and she has learned so much. Her background is in health care and felt that she brings the perspective of the average citizen to the Planning Commission.

Commissioner John Kenworthy stated that he has lived in Park City for 20 years. He and his wife purchased a second home in Park City and his wife raised the issue of seasonal housing. He fell in love with the City and worked on zoning changes to help with seasonal housing and employees. He wanted to join the Commission based on his track record, which included putting 300 seasonal beds into the community, and his belief that he could do more with his real estate background.

Vice Chair Sarah Hall reported that Mayor Jack Thomas appointed her to the Commission. She and her husband moved to Park City to mountain bike and ski and ended up staying in the community. She joined the Rotary Club in her 20s, and thereafter joined the Commission on the advice and encouragement of several Rotarians in town. She has a legal and real property background.

Commissioner Henry Sigg stated that he is the newest member of the Commission. He has lived in Park City since 1978 and has a background in real estate and development in Park City. He joined the Planning Commission to be a part of the important issues facing the City during this period of growth. He brought the perspective of being an applicant to the Commission.

Chair Laura Suesser has served on the Planning Commission for 7 ½ years. She purchased a home in Old Town in 2005. She is an attorney and brings legal and real estate development skills to the Planning Commission.

Commissioner Bill Johnson has lived in Park City for over 30 years. He primarily worked in permitting and telecom for 13 years and is now working in the renewable energy sector. He joined

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the Commission to help give back to the community and wanted to bring his perspective to the Commission.

Director Milliken stated that the focus of tonight's meeting would be on the process of a Building Permit application from beginning to end. She noted that a lot happens both before it gets to the Planning Commission and after it leaves and Staff wants to share what happens on a day-to-day basis. She presented a flow chart that illustrated the application process.

Director Milliken reported that the process begins when a resident submits an application. She stated that they would go through a mock application with a mock applicant, Dr. Douglas Fir, played by Communications Manager, Clayton Scrivner. Dr. Fir reported that he purchased a home in Old Town and wanted to do an expansion by constructing an addition to a Historic home that he planned to use as a lockout nightly rental.

City Planner, Levi Jensen identified himself as the Executive Office Administrator. The first step in the application process is to bring the application to his desk. He noted that Dr. Fir's home is in a Historic Zoning District, so the applicant was instructed to submit a Historic District Design Review ("HDDR") application. Planner Jensen noted that submitting an HDDR application could be done at no cost and allows for the Planning Department to review the request against Historic District Guidelines to determine if the proposal is feasible before submitting a full application.

Assistant Planning Director, Rebecca Ward, reported that every Tuesday at 2:00 p.m. the Planning Team meets with Manager Scrivner who helps Staff communicate the types of applications that have been received. A representative from the Building Department also attends the meetings to help coordinate the new applications. At the Tuesday meetings, the applications are assigned to a Planner and the process of review is initiated. Some applications involve a Master Planned Development ("MPD") or Affordable Master Planned Development ("AMPD") and require review by four Planners. Assistant Director Ward reported that last year the Planning Department processed nearly 400 applications. Many of the applications were processed administratively at the Staff level and did not require Planning Commission review.

City Planner, Spencer Cawley stated that upon receiving a proposal Staff initially looks at what is required. He explained that Dr. Fir's application would require several different applications, the first of which would be an HDDR, which would be done administratively. It could also go before the Historic Preservation Board ("HPB") for very specific approvals. Planner Cawley added that this mock application would also require a Plat Amendment because it involves a Historic Structure that is located on a Lot Line. The Plat Amendment would remove the internal Lot Line to allow the applicant to move forward with the project. He explained that Plat Amendments go before the Planning Commission for a recommendation to the City Council which takes final action on a Plat Amendment in the form of the adoption of an Ordinance. He explained that Dr. Fir's application would also involve a Steep Slope Conditional Use Permit ("CUP"), which is required for slopes greater than 30%. Whether the Steep Slope CUP would be processed administratively or reviewed by the Planning Commission would depend on the size of the Lot.

Planner Cawley stated that the applicant would also require a CUP for nightly rental, which requires Planning Commission review. As Staff processes the application, they review all prior land use approvals for the property, including Building Permits, any existing Plat requirements, or any other special land use requirements. This research allows them to thoroughly review the application in addition to providing an understanding of what analysis would be required for the project overall.

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Director Milliken clarified that although a single application would trigger multiple applications, the Department assigns one Planner to take the application through the entire process. Senior Historic Preservation Planner, Caitlyn Tubbs explained that this application would have to go through the full HDDR process because the addition would require the removal of some historic materials. She stated that as part of the HDDR, Staff reviews the Land Management Code ("LMC") Section 15-13, which includes the adopted Design Guidelines that address items such as roof pitch, materials, windows sizes, doors, porches, and other architectural features that contribute to a building's historic character. They utilize the LMC Design Guidelines to ensure that they are protecting the more than 400 structures on the City's Historic Sites Inventory, as well as the two National Historic Districts and the six Historic Zoning Districts in the City.

As part of Dr. Fir's application, they review the historic component first because of the potential to impact the overall design of the structure as well as any setback encroachments. Typically, by the time an applicant gets to the Planning Commission, they will have gone through the full HDDR process and a public hearing with the Historic Preservation Board.

City Planner, Lillian Zollinger reported that any structure or addition over 200 square feet on slopes of 30% or greater would require a Steep Slope CUP. Planning Commission review would be required on Lots greater than 3,750 feet, while applications on Lots less than that threshold would be subject to administrative review.

As part of the review for the Steep Slopes CUP, Planner Zollinger reported that the applicant will be required to submit a certified survey, a site plan, a visual impact analysis, landscaping plans, topography, Significant Vegetation, slope stabilization, Sensitive Lands, and whatever else Staff felt would be necessary. She added that several members of Planning Staff review the applicant's submittals to ensure that the proposal is compliant. Planner Zollinger stated that lots within the Historic Residential District generally fall within HR-1 or HR-2 zoning that triggers these requirements. In terms of Plat Amendments, she explained that for this application the internal Lot Line would need to be removed to allow development of the full Lot. LMC Chapter 15-7 requires that any zoning, parking, or overlays be addressed at this point. She stressed that Staff would review anything they could find related to the Lot to ensure that it was covered as part of the Plat Amendment. Planner Zollinger stated that the Planning Commission will review the Plat Amendments and thereafter provide a recommendation to City Council. City Council would then take the final action on the Plat Amendment, and then the applicant has one year to record the new Plat.

City Planner, Virgil Lund addressed the nightly rental component of the mock application. He explained that a nightly rental lockout is an area of a dwelling with separate exterior access and a bathroom but no kitchen. A lockout would technically be considered an Accessory Apartment if a kitchen was added. Staff would initially determine if the lockout unit complies with the zoning regulations of the LMC, including Setbacks, Building Heights, and parking. He explained that lockout units require one parking space per bedroom. He added that part of the CUP review process involves 16 requirements that must be met to support approval. Those requirements include but are not limited to traffic, location of parking, utility capacity, environmentally Sensitive Lands, and noise. In addition, the property owner must apply for a Business License that must be renewed each year. Planner Lund stated that lockout units are subject to inspections and any complaints will be enforced pursuant to the Conditions of Approval outlined in the Final Action Letter. Any subsequent property owners will also be required to obtain a Business License and comply with all existing regulations attached to the lockout unit.

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Director Milliken noted that at this point in the timeline, other City departments will begin their review and there will be cross-departmental communication on the application. Planner Tubbs stated that as part of the HDDR, Staff often sends an application to the Design Review Team ("DRT"), comprised of City Staff and the City's Historic Preservation consultants. They also invite members of the Building Department Staff to the DRT meetings to provide input regarding application of the adopted Building Codes to the HDDR. She explained that the DRT meeting is somewhat informal and the property owner and his or her design team are invited. This provides the opportunity to review the design and provide some preliminary feedback before the application gets too far down the road. In addition, the DRT would assist the applicant in setting a path forward through the process and up through the Building Permit.

Director Milliken added that in addition to the DRT meetings, the Development Review Committee ("DRC") also reviews the application. The DRC is comprised of representatives from many different departments, districts, and utilities. The DRC conducts bi-monthly meetings and involves a comprehensive review process that allows them to identify issues that are often included in the Conditions of Approval. The DRC also assists in ensuring compliance with the relevant codes and regulations.

Building Department Plan Check Coordinator, Brenda Turnblom reported that she is one of the two Plan Check Coordinators, along with Scott Olsen. She explained that in other cities, her position is called Plans Examiner, but in Park City, they also coordinate the process of all incoming permits in addition to conducting plan review. She stated that they take all of the documentation, including heat loss calculations, gas line schematics, and truss calculations, and also calculate the impact fees and building-related fees. In addition, they review both residential and commercial plans to ensure compliance with all aspects of local codes, including structural, plumbing, electrical, mechanical, and energy. Coordinator Turnblom noted there are tens of thousands of codes and regulations and provided the example of emergency escape and rescue openings.

She stated that as part of the plan check they also make sure that structural calculations and plans are based on the correct design criteria for the project's address. This would include snow load, wind speed, soil bearing pressure, design temperature, and frost line depths for footings. When she attends a DRT meeting, Coordinator Turnblom conducts a cursory review of the plans and primarily looks at the exterior wall elements and projections like eaves, window openings, and penetrations. She also considers the fire resistance rating to determine the minimum fire separation distance from neighboring properties. She noted that the fire ratings were especially important in the Historic District where the homes are built within close proximity to one another. Coordinator Turnblom explained that she also looks for any property line issues that could affect the HDDR process and could recommend access and snow shed agreements where needed.

Chief Building Official, Dave Thacker reported that in addition to the Plan Check team, the Building Department also has a Building Inspection team that visits the site during construction to ensure that it meets the criteria established at the outset. There is also a Code Enforcement team that addresses issues as necessary. The Building Department also works with the Fire Inspection team and a Business License Inspector. Chief Thacker reported that the Building Department appreciated being a part of the initial application process so that they could help ensure that they do not run into something down the road that could not be mitigated or solved.

Senior Transportation Planner, Alex Roy stated that the Transportation Planning Department will likely not be involved in this mock application; rather, they would get involved in larger projects

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that would potentially impact the overall transportation system network, such as a Base Redevelopment or a project like Studio Crossings. His department reviews issues such as parking reduction, impacts on transit operations, or other transportation-related projects. Planner Roy reported that his department also works with the Planning Department to review some of the Transportation Department's long-range plans to ensure that they sync with the Planning Department's plans.

Transportation Planning Manager, Julia Collins, mentioned her prior Planning Commission experience with the Snyderville Basin and appreciated the work of the Commission. She mentioned that many of their department's goals involve operations and multi-modal systems.

City Engineer, John Robertson reported that he is a Licensed Engineer in California and Utah, and has experience in both the public and private sectors. When a project comes in, the Engineering Department evaluates whether it is in a flood zone. They also determine whether the project sits in the Soils Boundary, which would make it subject to extra requirements. City Engineer Robertson explained that they also look at the project's impact on the roadway and right-of-way. If the owner is required to put in sidewalks or driveways, they ensure that these elements are constructed pursuant to the Department's technical standards so that they meet all of the requirements such as ADA compliance, slopes, drainage, and retaining walls. His department also reviews the plat maps to ensure that they comply with State and City codes and requirements. They also make sure that the plans are technically correct.

Environmental Sustainability Manager, Luke Cartin was also present representing Environmental Regulatory Manager, Ryan Blair. Manager Cartin explained that Manager Blair oversees the Soils Ordinance and compliance, and interactions with both State and Federal agencies. He added that Manager Blair works closely with the Engineering Department and State and Federal regulators to help with legacy soil issues. Manager Cartin reported that he primarily works on MPDs, Code updates, and broad community issues; however, they have also been brought in by homeowners to assist with energy-related issues. They must comply with State Energy Code. He noted that there are a lot of incentives and they look at potential changes in the Building Code to help the City lead on sustainability and align with the City Council's goals on climate and renewable energy. He remarked that they have updated codes related to rooftop solar and electric vehicle charging, and they advocated energy and sustainability-related topics on behalf of the community at the State Regulatory Public Service Commission and the State Legislature.

Affordable Housing Manager, Jason Glidden indicated that Housing Program Manager, Browne Sebright typically attends DRC meetings for the Housing Team depending on the agenda items and whether they involved the City's housing requirements. He mentioned the Housing Resolution that includes an Inclusionary Housing Policy for MPDs. Whenever they have an MPD application, the Housing Department reviews it to help the applicant calculate the housing obligation. The Housing Team also works with the applicant to create a Housing Mitigation Plan to satisfy the Housing requirements.

Manager Glidden stated that the Housing Resolution lists the six different ways that an applicant can meet the Housing requirements in order of preference. Once the Housing Mitigation Plan is completed, they bring it to the Planning Commission for review and recommendations before it goes to the City Council for final approval. He mentioned that the Housing Department would also get involved with AMPDs and work with the Planning Department on any Code changes to help promote the creation of more affordable housing in the City.

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Public Utilities Director, Clint McAfee reported that his department provides services for drinking water and mentioned that the Park City Water Service District extends these services beyond the municipal boundary to service certain properties outside City limits. He noted that there are several divisions within the Department, including water treatment, water distribution, customer service, and engineering. They operate and maintain a very complex water system that includes three water treatment plants, as well as pump stations and tanks throughout the City.

Director McAfee reported that all water services are metered and charged to users. The City's water supply comes from three wells, two springs, three mine tunnels, and a pipeline that extends to Rockport Reservoir. He noted that over half of the water supply comes from mine tunnels, and another 25% comes from wells. He explained that they have a Source Water Protection Ordinance that establishes regulations and zones for the City's water supply sources. Because the City sits on top of its water supply, they constantly look for things that might contaminate or compromise the City's water supply. Director McAfee stated that his department also maintains a Master Plan and an associated Impact Fee Facilities Plan, in which they charge impact fees for all new growth. He added that the Master Plan ensures that they have a water system that captures all planned growth.

Public Utilities Engineer, Lloyd Griffin reported that he is a Professional Engineer. When his department attends DRC meetings, they typically look at how the proposed development might affect the City's systems. He mentioned issues such as sufficient pressures based on building height and pipeline capacities. He added that large-scale developments are typically brought in before the DRC and they are aware of the project so that they can include it in the Master Plan. He noted that they have a lot of models to determine the pressures for each building and each development, and ensure compliance with the Fire Codes and other relevant Codes.

Snyderville Basin Reclamation District Development Engineer, Kevin Berkley, reported that the District is not a City Department but is a local District governed by a separate Board of Trustees. The District serves the sewer needs of the greater Snyderville Basin area, which includes Park City. The District owns and maintains all of the sewer conveyance pipelines in the District and has two wastewater treatment facilities located in Jeremy Ranch and Silver Creek. He reported that they work closely with the Park City Planning Department and attend the bi-weekly DRC meetings. The Building Department directs applicants to the District because the District must sign off on any new building or addition in the City. In addition, before a Certificate of Occupancy is issued, the District needs to sign off on the project. Engineer Berkley added that they also get involved in plats.

It was noted that with respect to an application such as the mock application, the Public Utilities Department would be notified of any projects coming up for the DRC. They look at the applications to ensure that the Department can serve the property or if the property is already served. It was noted that generally, an application like Dr. Fir's would already have a sewer connection, although many times historic properties do not have records documenting the connection. The District would identify the sewer connection and whether it would interfere with the proposed development or addition. They like to get ahead of this early on in case they have to re-route the sewer line or address issues related to the Water Source Protection Zone. Engineer Berkley added that for development in a Water Source Protection Zone, sewer lines must be installed with a fused joint connection pipe and located well away from the water source line.

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Park City Fire District Fire Marshal, Mike Owens reported that he has been with the Fire District since 2005. During the past five years as Fire Marshal, he spent two years as President of the Fire Marshal Association of Utah and is involved in numerous committees on Code development and adoption. He explained that the Park City Fire District is not a City Department. As part of the DRC process, the Fire District looks at issues such as fire vehicle access, and whether residents could get out of an area. They also look to ensure that any existing roads could support the fire vehicles, including the larger ladder trucks. They also look at water supply and not only identify hydrants, but also ensure that there will be enough water to use in firefighting efforts. He advised that they require a store of approximately 120,000 gallons of water to fight a house fire.

Fire Marshal Owens stated that additional input is done as a courtesy to the builder. He explained that some applications would require the installation of a life safety system, fire alarms, or a hood system in a kitchen, to name a few examples. He stressed that they want to give the property owner a heads-up early on in the process so that there were no surprises at the Building Permit stage. He added that at the Building Permit stage, he would provide a review that focuses on the individual portions of the project, rather than on the project as a whole. Fire Marshal Owens reported that his department also conducts inspections on the life safety systems required for the project.

Trails and Open Space Manager, Heinrich Dieters stated that with respect to the DRC, his role is to implement the Trails Master Plan. They look at aspects related to preserving and providing public recreational trail access. He added that they also look at the Old Town Stairs, which are an important part of the Trails Master Plan. Manager Dieters reported that nearly every developer that comes in understands the importance of trails in the community, and is very willing to provide them as part of their project. He noted that the City has an open space requirement and his department often provides input on managing the open space and determining whether it would be deeded to the City or made into a conservation easement.

Senior City Attorney, Mark Harrington reported that the attorney's role in the DRC is primarily to serve internal clients and respond to questions that arise. In the context of this mock application, he stated that he would likely not be involved as much in the HDDR but would get more involved in responding to questions on CUPs and plat requirements. He provided examples of the types of questions and Condition of Approval requirements. He has signatory responsibility on the back end of the plats. On the front end of the plat, he would provide input on the appropriateness of conditions on the plat.

Director Milliken reported that in addition to the various departments that look at applications, feedback from the DRC is transmitted to the applicant and sometimes they return to the DRC or DRT. She mentioned that this occurs more often with the DRT and applications in the Historic District and some applicants return to the DRT four or five times before they feel comfortable moving forward. She added that the DRC provides the opportunity to flag issues that might arise further down the road, so they might bring an application back to the DRC after the applicant has made changes.

Commissioner Van Dine asked if applications typically returned to the DRC after a Planning Commission Work Session on an application. Director Milliken explained that the DRC process occurs before the item is included in a Work Session; however, an application could go to a Work Session and then return to the DRC if the applicant makes the changes suggested by the Planning Commission.

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Commissioner Kenworthy asked Fire Chief Owens when evacuation plans for the bigger projects are reviewed. Fire Chief Owens explained that the District does not get involved in evacuation plans which is within the purview of the City's Emergency Manager. Fire Chief Owens added that when there is a new, large project there is more that occurs in the background. Commissioner Kenworthy mentioned the community interest in the evacuation following the fires at the concert in Deer Valley. City Attorney Harrington noted that the Fire Chief mentioned that the emergency planning for the community as a whole would not be site specific for a new project; he noted that there are special event applications that go through separate projects such that larger events would have their own review for that special event process in conjunction with the overall City plan. City Attorney Harrington explained that evacuation plans are part of the larger projects in the City to ensure that the safety elements of the Code were met, such as appropriate exits, emergency services, and other elements. However, events will have a separate plan for each special event.

Commissioner Kenworthy asked about the Trustees for the Sewer District. Engineer Berkley identified the Trustees, and explained that all of the Trustees were elected, except one who was appointed by the City.

Vice Chair Hall mentioned that the Commission will be updating the LMC in the coming year, and asked if there were any inefficiencies or substance updates identified by the departments that could be addressed. Director Milliken stated that the Planning Department looks at the LMC all the time, whereas some of the other departments were dependent upon other codes and regulations. As an application proceeds through the process, the Planning Department applies the LMC and the other departments apply the Codes and regulations relevant to their departments and review processes. It was noted that the Codes are living documents and should always be living documents. The departments are happy to receive suggestions for changes or additions to the Code.

Manager Glidden stated that he has always pushed for changes to incentivize more affordable housing. He mentioned that the AMPD has only seen a couple of applications but they have received feedback and want to share the feedback to see what changes could be made to help create more affordable housing. He also mentioned Accessory Dwelling Units ("ADU") and he would like to see discussion about lot combinations and the requirement for ADUs.

Commissioner Frontero noted that sustainability issues often arise with bigger projects and MPDs and inquired about the timing of the Sustainability Department's involvement. Manager Cartin explained that Assistant Director Ward typically advises the Sustainability Department of upcoming MPDs and they get time to meet with the applicant on sustainability issues and elements of the project.

Manager Cartin mentioned the Energy Use Intensity ("EUI") of a building and looked at whether the building would meet minimum Code requirements in terms of efficiency so they could let the applicant know of incentives. He noted whole building design programs where the applicant could actually get paid to go through an energy model. He reported that his department does not get into the regulatory part as much because of the State's regulations. They have a little more push with regard to MPDs to understand the overall energy use and how it could be reduced. Manager Cartin stated that his department acts more as a resource for applicants to encourage energy-efficient and sustainable construction. He mentioned recommending removal of outdoor fire pits as part of a large MPD, discussions regarding waste, building performance, and water conservation.

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Manager Cartin reiterated that the State capped what the City can do in terms of regulations. He mentioned the Codes regarding EV charging stations and the requirement for placing conduits in certain-sized lots, as well as the placement of actual charging stations in garages with more than 100 parking stalls. These requirements pushed the boundaries of the City's authority to impose energy regulations. He added that they were also looking at pushing forward new language regarding waste in the Nuisance portion of the Code. They have also provided input on the Dark Sky Ordinance and the Landscaping section of the Code.

In addition, they get the developers tied into directly every confirmed energy modeler so they can understand what the energy use would be for a given facility. He noted that they have seen developers looking to build facilities that could be more resilient and self-powered. He observed that while this would be great to see on an MPD, they were not quite there yet.

Manager Cartin stressed that there is a lot of money available that developers can use and Park City has something called Commercial Property Assesses Clean Energy or C-PACE. Developers can initiate improvements from rooftop solar to seismic improvements that would be paid back through property taxes. The payback stays with the development and would run with the property taxes associated with the land. He reiterated that his department's job is to provide resources to help developers reduce energy as much as possible, and then highlight the changes through the EUI.

Director Milliken reported that the next step after these initial review processes involves Planner review and the creation of a Staff Report. Planner Cawley explained that the intent behind the Staff Reports was to create a record so that this information could be accessed in the future.

Assistant Director Ward stated that Staff Reports are often drafted approximately one month prior to an item coming before the Planning Commission. Once Staff has gone through the processes, identified the major issues, and verified that what is being proposed complies with the Codes and regulations, Staff then issues public notice. She explained that public notice gets published on the State's public notice website, and the City website, and is emailed to those who subscribe to the City agendas for the Planning Commission, City Council, Historic Preservation Board, and Board of Adjustment. They also mail postcards to the property owners within 300 feet of the property and post public notice to the property itself. They also post the notice at City Hall, the Planning Department, and the Post Office on Main Street. She added that Manager Scrivner helps Staff get the word out, especially on larger projects or Code Amendments that have a lot of public interest.

Assistant Director Ward reported that public notice is published two weeks before the Planning Commission Meeting at which the item will be discussed. After public notice, the Staff Report goes through further review and they incorporate all of the Conditions of Approval recommended or required by the DRT and the DRC and outline all of the relevant LMC provisions.

The Staff Report is reviewed by the Planning Director, Assistant Planning Director, Senior Planner, and Engineering Department. It is then updated with any suggested revisions and routed to the Executive Team and City Attorney's office for further edits, which are included in the Final Staff Report. The Planner then uploads the Staff Report and Planner Jensen publishes the packet.

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Assistant Director Ward added that on the City's Listen Live webpage, the packet is available to community members the Friday prior to the Planning Commission meeting. State law also requires that Staff provide the Staff Report to the land use applicant three business days before the meeting. If the applicant has any clarifications or changes to the information in the Staff Report, they have some time to work with the applicant prior to the meeting. She mentioned that the Listen Live webpage also contains archives for all previous agendas.

Director Milliken presented a graphic showing the different Boards and Commissions overseen by the Planning Department, and the functions of those bodies. She noted that the main objective of the Historic Preservation Board was to preserve and encourage the design preferences contained in the Historic District Design Guidelines to help reflect Park City's mining heritage. The HPB weighs in on any changes to any historic material as part of an addition or renovation to a Historic Structure, including panelization, in which a structure gets deconstructed and then reconstructed. She explained that the Board of Adjustment was created pursuant to the Utah Code, and it hears and decides appeals and variances to the terms of the LMC. In order to be granted a variance, an applicant must meet all five criteria as set forth in the Code. She noted that the Board of Adjustment meets as needed.

Director Milliken stated that the Planning Commission acts as the non-political planning body for Park City. She advised that they were hoping to bring more long-range planning items, such as the LMC Amendments, to the Planning Commission for review. She noted that the Planning Commission's role included review of specific projects and MPDs. Director Milliken added that they could view the larger projects as involving more long-range planning because they incorporate so many issues aside from the project itself.

Commissioner Kenworthy noted that a review of a specific project is limited to the matters requiring the Commission's consideration as outlined in the LMC. However, over the last year, they have seen half a dozen applicants who come in thinking the Commission or City Council will be "in the bag" on their application. He did not feel anyone at City Hall is "in the bag," although they hear this quite often. He felt that the goals of the General Plan were pretty well understood to protect primary residents and all of the things needed to protect a small town community. The public sees the goals, yet the Commission has to work with developers, which leads the public to conclude that it is on the side of the developer. Commissioner Kenworthy wondered how they could bridge that gap.

He saw another issue in the cadence of the application and the conflicts between the General Plan and the LMC and wondered how they could fix this conflict. He understood some of the issues with the public comment but noted that the Commission often receives 1,000-page packets and the meetings go late into the evening. He felt that these were issues that the City could improve by bridging those gaps and reminding the citizens that the Commissioners are their neighbors.

Director Milliken stated that part of the intent of this meeting was on being more transparent by letting everyone know what an application goes through before it comes before the Planning Commission or another body for approval. She stressed that they do not take this lightly and that there is a thorough review process. She added that Staff is bound by the LMC, and one of the ways they could solve the disconnect would be by updating the General Plan. When they kick off the General Plan update next year, as part of the full community engagement they need to ask what kind of community they want to be to inform a full overhaul of the LMC so that the Code and the General Plan are aligned. She noted that they are still working on the LMC Amendments that

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have been in the works for some time; however, Staff would likely do a more comprehensive look at the LMC and how it relates to the General Plan.

Director Milliken added that often the Code Amendments could take months and a significant amount of Staff time because they want to get it right. She expressed that the Planning Commission's job is not easy, and consideration of these amendments was difficult and involved tough questions to consider. It was noted that the General Plan updates provided a great opportunity for the community to engage in this conversation, and the community was urged to robustly engage in the process of updating the Plans. Staff intended to also undertake a thorough evaluation of where the Plans and the LMC are not aligned so they could make those changes.

Commissioner Sigg asked if the critical path of an application was sequential, or whether there was multi-tasking on certain processes and simultaneous review that would make the critical path more efficient. Director Milliken responded that it was a little bit of both. While they outline the process in steps, they also take opportunities to address issues before bringing them before the DRC.

Director Milliken added that when plans get stuck in one department or another, it's generally during the Building Permit stage. In the review process that precedes the Planning Commission or City Council, the project is more or less within the Planning Department and they are coordinating with other departments so that Staff can prepare a full, comprehensive Staff Report for the Commission to make an informed decision. She added that Staff tries to answer as many questions as possible in the Staff Reports to inform the Commission and make the Commissioner's job easier. A significant benefit of the DRC meetings is that everyone is in the room together. It was noted that all of the plans are electronic therefore the different departments can review them simultaneously.

Chair Suesser sought clarification of the process involved in publication of the Staff Report. Assistant Director Ward explained that three business days before a meeting, State law requires Staff to send the Staff Report to the applicant. She stressed that they never send a draft report to the applicant; they send the final Staff Report that is prepared for the Planning Commission. She added that Staff would be in communication with the applicant throughout the process to advise the applicant of the input from the DRC and what would be addressed in the Staff Report. Assistant Director Ward clarified that the applicant would have the opportunity to review the Staff Report prior to the Planning Commission and then work with Staff to address any issues or needed information. Any additional information received by the applicant is not included in the Staff Report; rather, it would be included in the presentation to the Planning Commission.

The applicant is put on notice of what will be addressed in the Planning Commission meeting so that they can prepare their presentation to the Commission. Director Milliken added that there was no back and forth of the Staff Report with the applicant that result in changes. There might be feedback from the applicant once the Staff Report is published, and that feedback could be included in the Planner's presentation to the Commission, but it would not change the Staff Report.

Director Milliken next addressed the Planning Commission review process and explained that LMC Section 15-12 outlines the Planning Commission's authority. She suggested that the Commissioner's read through that section again. She listed plats, the General Plan, LMC Amendments, annexations, and re-zones as the items that go to the City Council with the

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Commission's recommendations. The Planning Commission takes final action on MPDs, AMPDs, and Conditional Use Permits.

City Attorney Harrington asked if the Commission found inefficiencies in this process and whether it wished to make some applications subject to administrative action. He noted Commissioner Kenworthy's comment that the public expects the Commission to see everything and protect everything at a high level. He added that on many items the Commission did not have a lot of discretion and noted that in many jurisdictions, plat amendments go to one person as a land use authority to sign off on plats administratively. He noted that they might see legislation this year that would encourage or require further oversight on those matters.

He pointed out that the plat amendments in Old Town are very controversial and complex. They resolve a lot of historical encroachment issues that involve the public's perception of land use as opposed to just an administrative real estate lot line determination. City Attorney Harrington added that in most of the State, platting is relatively simple; however, because it is often interwoven with the Steep Slopes issues, historic protections, and the fabric of the zones themselves, the plat amendments become very controversial. The City implemented and decided to continue this two-step process of requiring an applicant to go through a public hearing with the Planning Commission to obtain its formal recommendation, and then City Council action. He stressed that this process on a plat amendment is very unusual, and was implemented to make sure that the public has the opportunity to weigh in on these issues. This necessarily comes with a lack of efficiency and sometimes an incorrect expectation. He expressed that the Commission was bound by the Code and weighing the public hearings, and is required to approve applications that comply with the zoning requirements.

City Attorney Harrington also stated that the Commission has had an inordinate amount of extremely large and complex projects to consider. He noted that these confuse the public, and sometimes the Commissioners because the Commission has more flexibility in an MPD amendment or an annexation. He contrasted these items with a CUP where the Commission is limited by the Code criteria. He referenced the applicant's expectations of approval as contrasted by the feedback received during a public hearing, and Staff and the Commission have to deal with that disconnect. City Attorney Harrington suggested the Commission continue to press Staff on the LMC Amendments because they will define the Commission's future decisions. He noted that when LMC Amendments are on the agenda, there is very little public engagement. Specificity in the Code Amendments would lead towards predictability, and he referenced the recent AMPD and the right of the Commission to address some of the issues that have arisen in the applications presented under the AMPD.

City Attorney Harrington stated 'if you don't like the meal, then change the recipe.' The LMC is the recipe, not the General Plan. He stressed that the General Plan consisted more of guiding principles, whereas the LMC was the recipe and applicants should know in advance what they would get when they submit an application. He advised that those outside the community who participate in Park City's system are impressed with the quality and civility of the processes. He noted that in the coming year, the State would likely be looking to fast-track some procedural processes and public input, especially with affordable housing; however, the communities are trying to direct the focus on bad actors and communities that are not compliant with their affordable housing obligations.

Commissioner Kenworthy agreed that the LMC is the recipe and a real-life moving target, and it would be hard work. He agreed that they should be advancing on that faster than they have in

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the past, and acknowledged that the conflicts between the LMC and the General Plan needed to be cleaned up. He referenced all of the different components in the AMPD, and noted that they have to address what they have found is missing.

Chair Suesser requested that Steep Slopes and AMPDs be put on the list of LMC updates for Commission review and consideration.

Commissioner Frontero asked why they are wading through the new General Plan before they address the LMC Amendments as he felt that they would not need to be done sequentially. He suggested that they address the issues they currently see now as opposed to later. Director Milliken explained that they were not putting LMC Amendments on hold; rather, they were continuing to work on those amendments that were identified previously. She confirmed that there was a list of amendments to address and each Commissioner signed up for different committees to address the items on that list. She explained that while they were not putting LMC Amendments on hold, they were waiting on the amendments to evaluate the relationship between the two and the comprehensive overhaul and then look at the LMC. She agreed that the LMC was the recipe and where things happen, whereas the General Plan was the guiding document. Director Milliken observed that the General Plan was nearly 10 years old, and it decides what they want in the community. The core values from the General Plan would inform how the Commission would look at the LMC Amendments. She offered that it would make sense to update the General Plan before undertaking any comprehensive overhaul of the LMC.

City Attorney Harrington reiterated that the Planning Commission prioritized a list of issues and the Commission could shuffle that list at any time, or add to it.

Commissioner Frontero asked how they could move the LMC amendments forward and get them on the agenda. Assistant Director Ward stated that during a recent Work Session, they developed a proposed schedule for 2023. The Planning Commission identified the high-level Code amendments and designated liaisons for each amendment. She noted that they had scheduled LMC Amendments Work Sessions scheduled for the last several meetings; however, due to full agendas, they were continued. She stated that there was an LMC Amendments Work Session scheduled for December 14, 2022, and January 25, 2023. She stated that Staff carves out time to address these, and does their best to keep meetings on schedule. For the January 25, 2023 meeting, the proposed schedule would include AMPDs and Steep Slope CUPs. For the December 14, 2022 meeting, Staff proposed addressing the Vibrancy Ordinances update requested by the Commission so that the Commission would have the background information to decide on where potential Code Amendments for Main Street fit into the prioritization list.

Assistant Director Ward reiterated that discussions were scheduled for upcoming Work Sessions, but they need to make sure that the meetings stay on schedule so they get to the Work Sessions, which were shifted to the end of the meeting.

Commissioner Frontero asked for clarification as to how amendments get passed. City Attorney Harrington explained that once the Commission provides input to Staff, they can prepare an Ordinance that would be noticed for a public hearing. The Commission would then make a recommendation to City Council and the Council would take the final action. If the Ordinance were approved by the City Council, it would become a part of the LMC upon publication, which is almost immediate, although a different date could be specified. He added that Pending Ordinance Doctrine would preclude an applicant from moving forward with something that would impact their

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application if it was pending prior to the application. He mentioned that the State might address this as well in the coming Legislative Session.

Commissioner Frontero stated that there was a timing issue and as a Commission, they would like to see some of the amendments in place prior to seeing some of the bigger projects. He emphasized the need to keep the LMC Amendment discussions on track and felt they needed to be prioritized.

City Attorney Harrington commented that the Commission has the authority to dictate the prioritization and could re-arrange the list to address items they felt had become more important. He urged the Commission to come to a consensus on the priorities and direct Staff on what to bring back for discussion. Director Milliken offered to re-send the prioritization list to the Commission.

Commissioner Frontero asked who decided which items the Commission would discuss during the upcoming Work Sessions. Assistant Director Ward referenced a Staff communication in October and a Work Session where the Planning Commission identified high-level amendments. She noted that there were a couple of amendments in progress that were directed by the City Council. These include Landscaping Amendments, which were done in preparation for a program that the City Council is getting ready to initiate to encourage the replacement of lawns with water-wise landscaping. She added that City Council directed Staff to issue a Pending Ordinance. She explained that the Fractional Use Amendments came before the Planning Commission, and City Council wanted a more holistic evaluation of all transient uses, including Timeshares, Fractional Use, and Private Residence Clubs in certain zones. Staff was directed to present additional amendments, which are scheduled for Planning Commission review on January 11, 2023.

Assistant Director Ward stated that based on Planning Commission input from what has been pending, Accessory Uses, MPDs, and Sensitive Lands Overlay were prioritized. She expressed that the Sensitive Lands Overlay Amendments needed to move forward because of the recent annexation in southeast Quinn's Junction. She explained that the January 25, 2023 meeting would include a Work Session on affordable housing, traffic and required traffic studies, sustainability, and active transportation.

Commissioner Johnson echoed Commissioner Frontero's comments and stated that he had been on the Commission for 19 months and they just do not have time to do these LMC updates. He would like to find a solution that would allow them to address these. With the way the applications are coming before the Commission, he expressed that it was difficult to find the time to address the Amendments. He suggested an open dialogue on the solution because there have only been three to four amendments that had been addressed during his time on the Commission.

Director Milliken commented that everyone was frustrated that they have not been able to address the LMC Amendments, and suggested that they be clearer about the schedule on each agenda so they could keep items moving along according to the published schedule. It was noted that it was a difficult call on whether the Commission could walk away from having certain applications come before it to free up time to concentrate on other priorities. Commissioner Johnson expressed that he was not willing to explore that option and felt that the Commission should review every application in depth, based on the fact that the Commission as a non-political body was here to provide an objective view on each application. It was suggested that certain things might be changed to administrative review versus Commission review to free up Commission time on the applications where the Commission wanted to get more in-depth.

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City Attorney Harrington gave the example of certain plats that would be so simple that they could go to a different land use authority instead of requiring Commission review. He confirmed that the Commission could recommend a change in the land use authority for a particular type of application. It was noted that this would not only free up Commission time, but Staff could process an application administratively. Director Milliken emphasized that it would still go through the same process; however, it just would end with an administrative review rather than requiring Commission review.

Commissioner Kenworthy added that the latest discussion would be the maximum size they would want when combining lots and some of these issues needed to be discussed by the Commission for recommendation to the City Council. He has heard the frustration about not moving forward on these amendments but also heard that the Commissioners are ready to go to work on them.

Chair Suesser suggested that there might be a way for Staff and the Commission to work on the concepts and the language behind the scenes before they hold a public hearing. She felt that the liaisons they created for the amendments would help, but urged the Commission to provide input to Staff on the proposed amendments ahead of the meeting. She acknowledged the Open Meeting laws and the requirement that they discuss these items in public but felt that working on the language and the issues ahead of time might be helpful.

Director Milliken next addressed what happens to an application after Planning Commission review, and advised that with regards to Dr. Fir's application, it would require a financial guarantee. Planner Tubbs explained that the City recognizes that Historic Structures are unique and character-defining to Park City, and are irreplaceable. Once an applicant received all of their approvals, Staff works with the Building Official to determine a set value based on the type of construction and the extent to which it would affect the Historic Structure.

Planner Tubbs stated that once this is done, the applicant would be required to record an agreement on their property and post a financial guarantee so that if anything were to happen to the Historic Structure, the City could utilize those funds to repair the structure and restore it. Once construction is completed, the Planning Department joins the Building Department in a series of inspections to ensure that everything was built according to what was approved. Once they determined that occurred, they would then remove the financial guarantee agreement from the property and return the financial guarantee. Planner Tubbs explained that the financial guarantees could be done in the form of an escrow deposit, cash deposit, or title name on the property itself.

Planning Technician, Heather Wasden stated that there are two other Planning Technicians on staff. She stated that she does a large majority of Building Permit Plan reviews and inspections outside of the Historic District. She stated that as of October, they had processed close to 900 Building Permits, and she had processed close to 700 of these. She added that the Building Department processed many Building Permits that do not come to the Planning Department. She explained that with regard to Dr. Fir's application before he would be able to start building he must register online for a building permit. Pursuant to State law, once the plans are submitted, Staff conducts a Building Permit Submittal Pre-Check. The pre-checks are performed by both the Building and Planning Departments to ensure that the application complies with State law.

The Planning Department also ensures that the application complies with land use regulations, and plat restrictions, and that any land use approvals such as a CUP or lot line adjustment, were

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recorded and approved. She stated that once they verify that the applicant met the requirements, they would proceed to the Building Permit Plan Review phase, and similar to the DRT and DRC, the application would be reviewed by different departments. She explained that the application goes through the following departments: Building, Planning, Engineering, Code Enforcement, Fire Marshal, Environmental, and other entities such as Park City Fire District and Snyderville Basin. At a minimum, 23 documents are required to accompany the application, including everything from the architectural drawings to the land use application Final Action letters, to letters from the various reviewing bodies. She added that if the property were located within the Sensitive Lands Overlay, the applicant would also be required to provide a visual analysis.

Once all of the documentation has been submitted, each department previously listed must approve the application. At that point, the applicant could pay for the Building Permit. She added that they offer a pre-construction meeting as a way to provide better customer service for the contractors and applicants. Planner Wasden noted that pre-construction meetings are mandatory on larger projects; however, they would offer it on a project such as the one presented here today. She explained that the pre-construction meetings provide the opportunity for Dr. Fir and his contractor to meet the Planner in person, as well as the representatives from the other departments who might attend.

Planner Wasden stated that construction begins after the pre-construction meeting and would be inspected in accordance with the International Building Code Standards and must match the approved plans. If there were any deviations from the approved plans, the applicant would be required to submit any revised plans for approval. She commented that if Dr. Fir substantially changed the plans, they might have to go back into the HDDR process for review. She added that they would also assess any changes during the construction process, such as retaining walls, which could require additional land use permits.

For items such as lighting and sconces, Planner Wasden advised that those would have to be submitted for review and approval at the time deemed necessary during the Plan Review process. Typically, they flag submittal items in the permit to ensure that they are received before certain inspections. Planner Wasden stated that the regulations in the LMC are very strict, and she acts as the goalie to make sure the applications meet all of the requirements of the Code.

Once the project is complete, the applicant would request final inspections. With Dr. Fir's project, everyone in the Community Development Department would need to conduct a final inspection. If the project involved changes to the foundation, the applicant would be required to pass a final inspection and obtain a Certificate of Occupancy before being allowed to move back into the home.

If a right-of-way permit were required, the applicant would have had to pay a \$2,000 bond in the Plan Review stage. The Engineering Department holds the bond, and would then inspect the site one year after construction to ensure that everything matched the approved plans and the right-of-way was still maintained. At that point, the bond would be returned to the applicant. Once all inspections pass, they close the permit, with the exception of the right-of-way permit.

It was noted that in 2021, the State Legislature took an intensive look into the time frames of plan review as it related to Building Permits. Legislative language requires the permit to be reviewed and approved in a 14-day window based on the type of permit. There is a 21-day turnaround for multi-family buildings. This time frame highlighted the concurrent review mentioned by Commissioner Sigg. They have the teams and the people to meet these deadlines for the most

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part and devised a conditional review process that allows those who are reviewing the application to add conditions to the approvals and to redline the plans in real-time.

Engineer Robertson clarified that the right-of-way permit bonding requirements have changed such that it is dependent upon the cost of the improvements being done within the City right-of-way. For larger projects, they enter into a large bond amount for all of the work of the City in taking over the maintenance during the improvements.

Chair Suesser asked the Building Department to clarify the point in their review that they dig into the Conditions of Approval that the Planning Commission drafts to make sure the applicant complied with those Conditions. Building Official Thacker advised that the Conditions of Approval are brought in with the Permit and stay in the electronic software throughout the entirety of the permitting and inspection process. They are reviewed to ensure that all of the Conditions are met. He stated that they had heard of the Planning Commission's concerns that the Conditions were not being kept with the permits; however, they have been able to keep them with the electronic submittals and the Conditions can stay with the documentation.

Planner Wasden added that usually the Planner that processes the land use applications also processes the Building Permit, so they have knowledge of all of the Conditions of Approval. They compare the approvals with the submittals side-by-side to ensure that they are consistent with the Conditions of Approval. Any deviations would be addressed with the applicant and it more than likely would be caught during the Pre-Check phase.

Director Milliken thanked everyone for participating in the event. She stated that this meeting would count as training.

She provided the answers for the Park City trivia and announced the winners. The questions and answers were as follows:

- “What was the value of the silver ore mined out of Jupiter Peak?” The answer was \$400 million.
- “Which building was constructed by fitting recycled timbers together without the use of nails?” The answer was McPolin Barn.
- “How many acres of open space have been preserved by Park City?” The answer was 8,000 acres.
- “Park City was one of the three first cities in Utah to install which utilities?” The answer was telephone and electricity.
- “What was the first building to be built after the great fire of 1898?” The answer was George Wannings Saloon.
- “How much money did it cost to construct the Miner’s Hospital in 1904?” The answer was \$5,000, which in today’s dollars would be \$167,402.
- “Which mine claim was the first to shift forward out of the Park City area?” The answer was Flagstaff.

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- “How much did a day lift pass cost in 1963?” The answer was \$3.50.
- “What percentage of Olympic events were held in Park City during the 2002 Salt Lake City Winter Olympic games?” The answer was 40%.
- “In which year was Park City’s red light district forced to move to the other side of the railroad and into the mouth of Deer Valley?” The answer was 1907.
- “What is the name of the most notable Madame in Park City history?” The answer was Mother Rachel Urban.

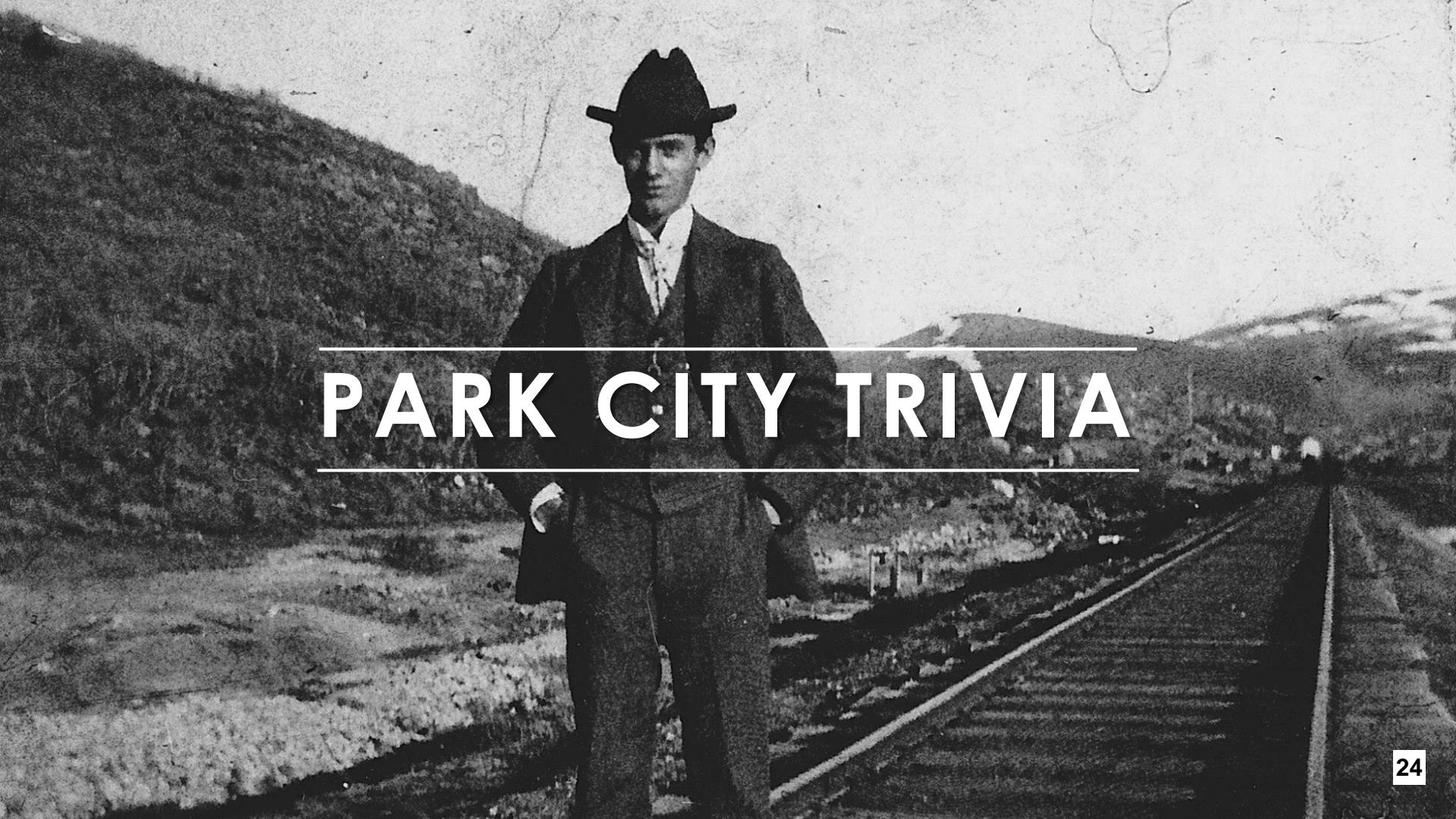
Director Milliken announced the results of the trivia contest.

C. Mix & Mingle - After the Meeting is Adjourned. All Participants and Members of the Public in Attendance are Invited to Remain in Council Chambers for an Activity and Refreshments.

5. ADJOURN

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:20 p.m.



PARK CITY TRIVIA



PLANNING COMMISSION COLLABORATIVE STUDIO

AGENDA

- Roll Call
- Public Communications
- Staff and Board Communications and Disclosures
- Round Table Work Session
 - Introductions
 - Land Use Application Flow Chart Presentation and Discussion
 - Guess Who/What Exercise
- Mix and Mingle

APPLICATION FLOW CHART





110 Silver Queen Ave

Park City, Utah



- Community member contacts the Planning Department
- Construct an addition to a historic home, with a lockout nightly rental
- The property is a Historic Site in a Historic District

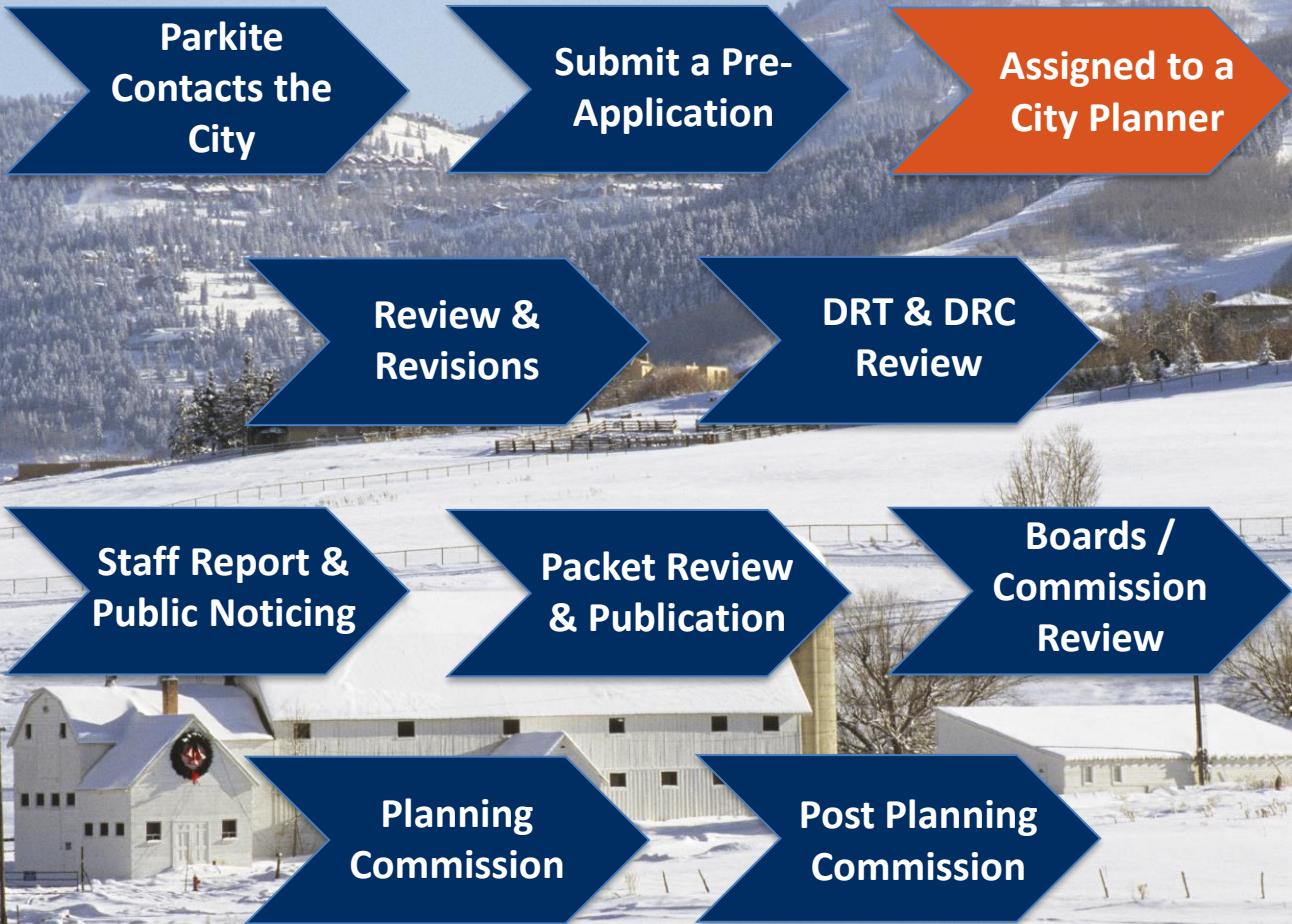


HISTORIC DISTRICT DESIGN REVIEW

PRE-APPLICATION

- No cost
- Review for compliance with the Historic District Design Guidelines
- Next steps identified





PLANNER ASSIGNMENT

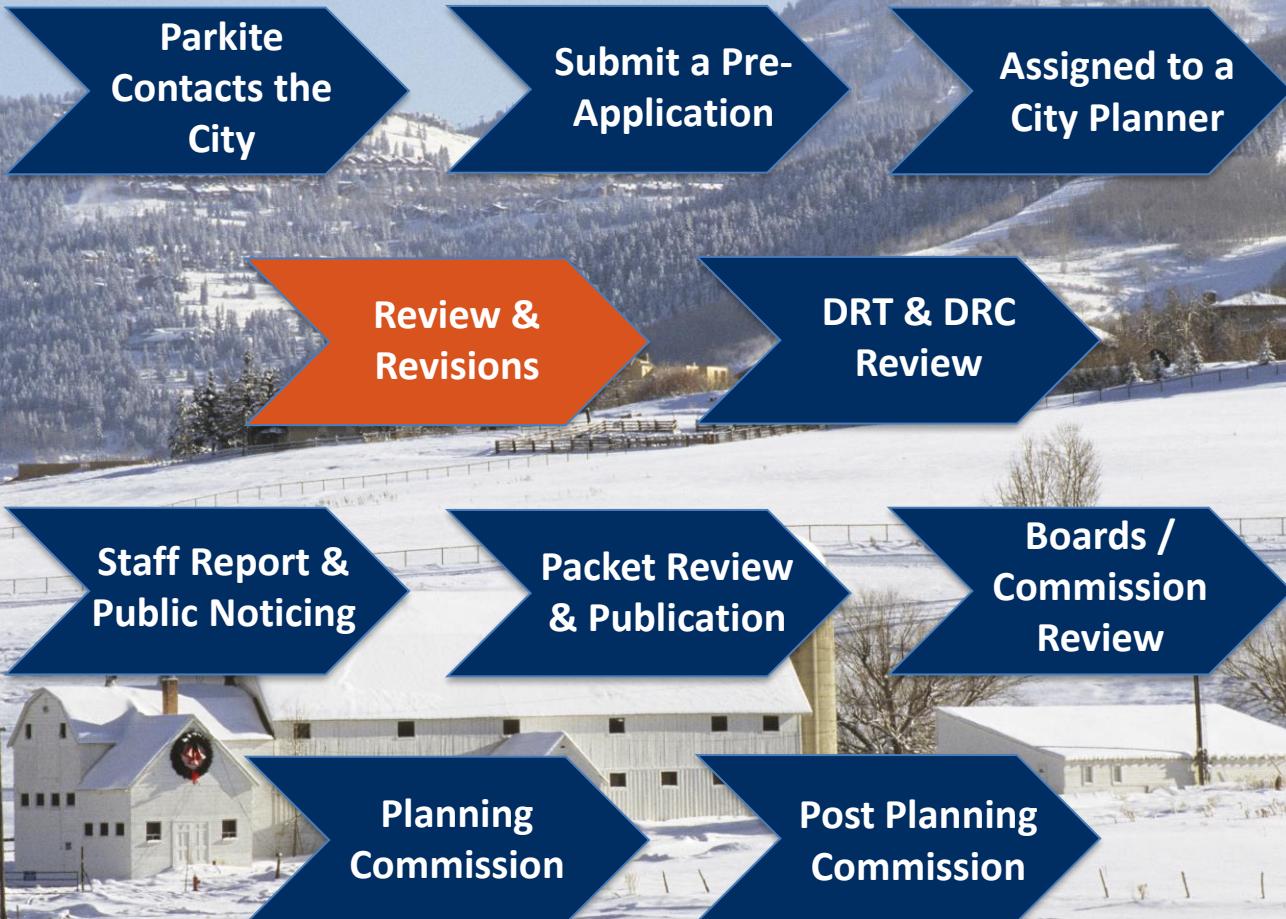
- Assigned to planners every Tuesday at staff meeting
- Each project may have multiple applications
- Planning Director may ask that multiple planners review large projects
- Planning Department processed over 390 applications in 2021



REQUIRED APPLICATIONS

HISTORIC DISTRICT/SITE DESIGN REVIEW	
PLANNER: _____	For Official Use Only APPLICATION #: _____ DATE RECEIVED: _____ EXPIRATION: _____
HIST. PRES. BOARD: _____	
SUBDIVISION PLAT / CONDOMINIUM PLAT	
PLANNING COMMISSION HEARING DATE(S)	For Office Use Only CITY COUNCIL HEARING DATE(S)
APPROVED DENIED	APPROVED DENIED
PROJECT PLANNER	APPLICATION # DATE RECEIVED EXPIRATION
CONDITIONAL USE PERMIT FOR CONSTRUCTION ON A STEEP SLOPE	
PLANNING COMMISSION APPROVED DENIED	PROJECT PLANNER APPLICATION # DATE RECEIVED EXPIRATION
CONDITIONAL USE PERMIT	
PLANNING COMMISSION APPROVED DENIED	PROJECT PLANNER APPLICATION # DATE RECEIVED EXPIRATION
PROJECT INFORMATION	
NAME: _____	
ADDRESS: _____	
TAX ID: _____	OR
SUBDIVISION: _____	OR
SURVEY: _____	OR
LOT #: _____	BLOCK #: _____
APPLICANT INFORMATION	

- **HDDR** – Historic Site in Historic District
 - Administrative and/or Historic Preservation Board
- **Plat Amendment** – Removal of Internal Lot Line
 - Planning Commission and City Council
- **Steep Slope CUP** – Slope $> 30\%$
- **CUP for a Nightly Rental Lockout Unit**
 - Planning Commission



HISTORIC DISTRICT DESIGN REVIEW (HDDR)

- Staff Review of LMC Chapter 15-13
Design Guidelines for Historic Districts and Historic Sites for compliance
- 400+ Structures on Historic Sites Inventory
- Two National Historic Districts
- Six Historic Zoning Districts
- Historic Preservation Board reviews changes to historic material

SAMPLE PHYSICAL CONDITIONS REPORT

This sample is based on the residence located at 664 Woodside Ave.

Sample Detailed Description of Existing Conditions:

7. Porches

Use this section to describe the porches. Address decorative features including porch posts, brackets, railing, and floor and ceiling materials. Supplemental pages should be used to describe additional elements and features.

Element/Feature: Front Porch (East Facade)

This involves: An original part of the building A later addition Estimated date of construction: 1930s

Describe existing feature:

Based on evidence from Sanborn Maps and historic tax photographs, the L-shaped front porch is an extension of the original 1905 porch and was constructed sometime in the 1930s. The square railings and square balustrades, square porch posts, porch ceiling, roof structure, and square horizontal members are all original. The porch is supported by square porch posts. The roof of the porch is a shed roof and the roof material is standing seam metal. The porch is located on the east facade, wraps along the south facade, and continues to the west facade. The railing and balustrades break at the front entrance door, at the south end of the east facade, and at the side entrance which is centered on the south facade. The porch is flush with the existing grade on the east facade. The porch is very un-ornamental with no brackets or other decorative features.

Describe any deficiencies: Existing Condition: Excellent Good Fair Poor

Several of the wood porch posts and horizontal members have been replaced. The new wood porch posts and horizontal members are unpainted. The remaining historic wood railings and balustrades, porch posts, porch ceiling, roof structure, and horizontal members are missing paint. The fascia board at the connection between the east facade gable and porch roof is rotted and damaged. Wires are hanging/detached near the east facade gable and porch roof connection on the east facade. The flashing between the main roof and the porch roof is showing signs of rust.

Photo Numbers: 1, 2, 3, 4, 5, 6, 7, 9, 12, 13 Illustration Numbers: 7a

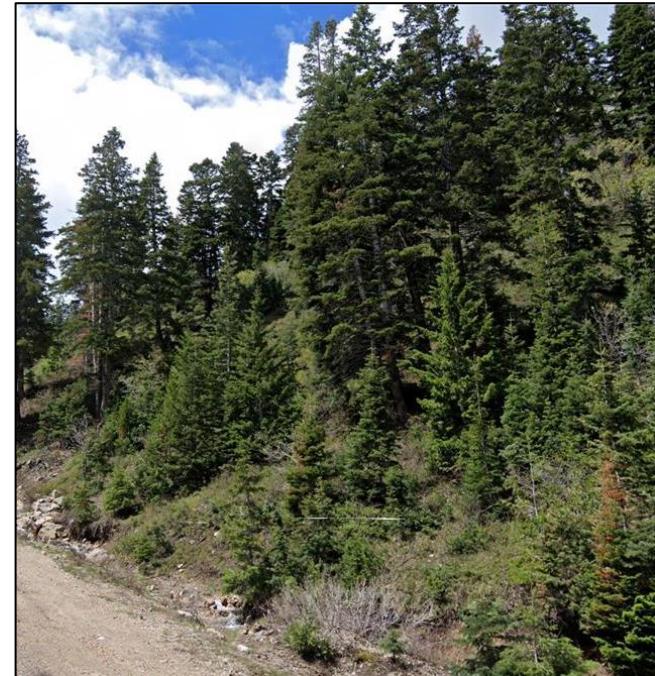
Multiple photos provide detailed documentation of existing features and any deficiencies.

Number corresponding to the illustration on the following page.

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5080 or visit us online at www.parkcity.org. Updated 10/2014.

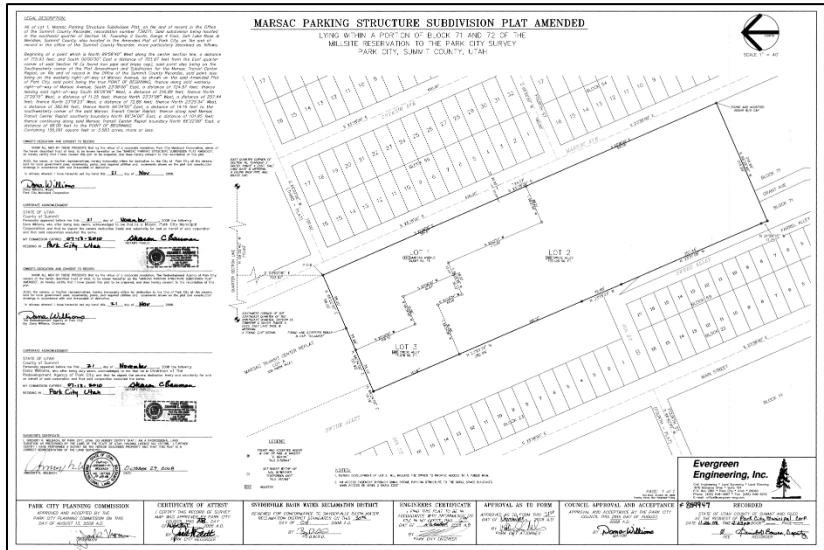
STEEP SLOPE CONDITIONAL USE PERMIT

- Slopes **30% or greater**
- Lots **greater than 3,750** square feet
 - Planning Commission
- Lots **less than 3,750** square feet
 - Administrative Review
- Requires: Certified Survey • Site Plan • Visual Impact Analysis • Landscaping Plans
- Evaluation based on:
topography • significant vegetation • slope stabilization, erosion mitigation • building form and scale • sensitive lands • etc.

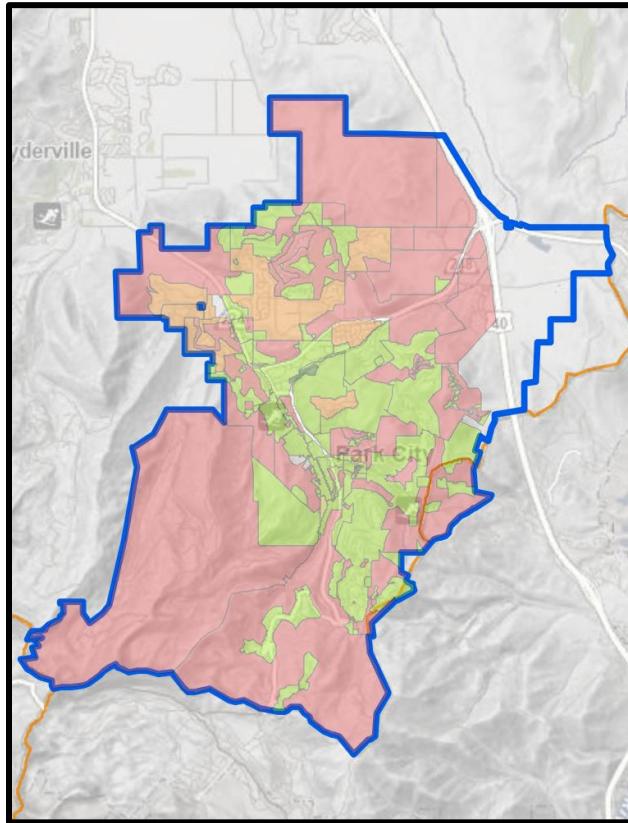


SUBDIVISIONS & PLAT AMENDMENTS

- **LMC Chapter 15-7**, zoning, parking, overlays
- Creates a **developable lot**
- **Review** existing plat notes, prior approvals, title report, easements, rights-of-way, encroachments
- **Planning Commission review** and recommendation to **City Council** for final action
- Applicant has **one year** to record the plat



— NIGHTLY RENTAL LOCKOUT —



- An area of a dwelling with a separate exterior access and bathroom, but no kitchen
- Must comply with zoning regulations, and provide additional parking
- Must meet 16 CUP Criteria
- Condition of Approval will require a Business License



DESIGN REVIEW TEAM

What is DRT?

- Applicants receive feedback on preliminary designs
- Designs must comply with the *Historic District Design Guidelines*
- Applicants often come before DRT several times before submitting a Full HDDR

Who Participates?

- Planners
- Owners/Applicants/Designers
- Historic Preservation Consultants (SWCA)
- Planning Director
- Building Staff
- Other Departments as needed

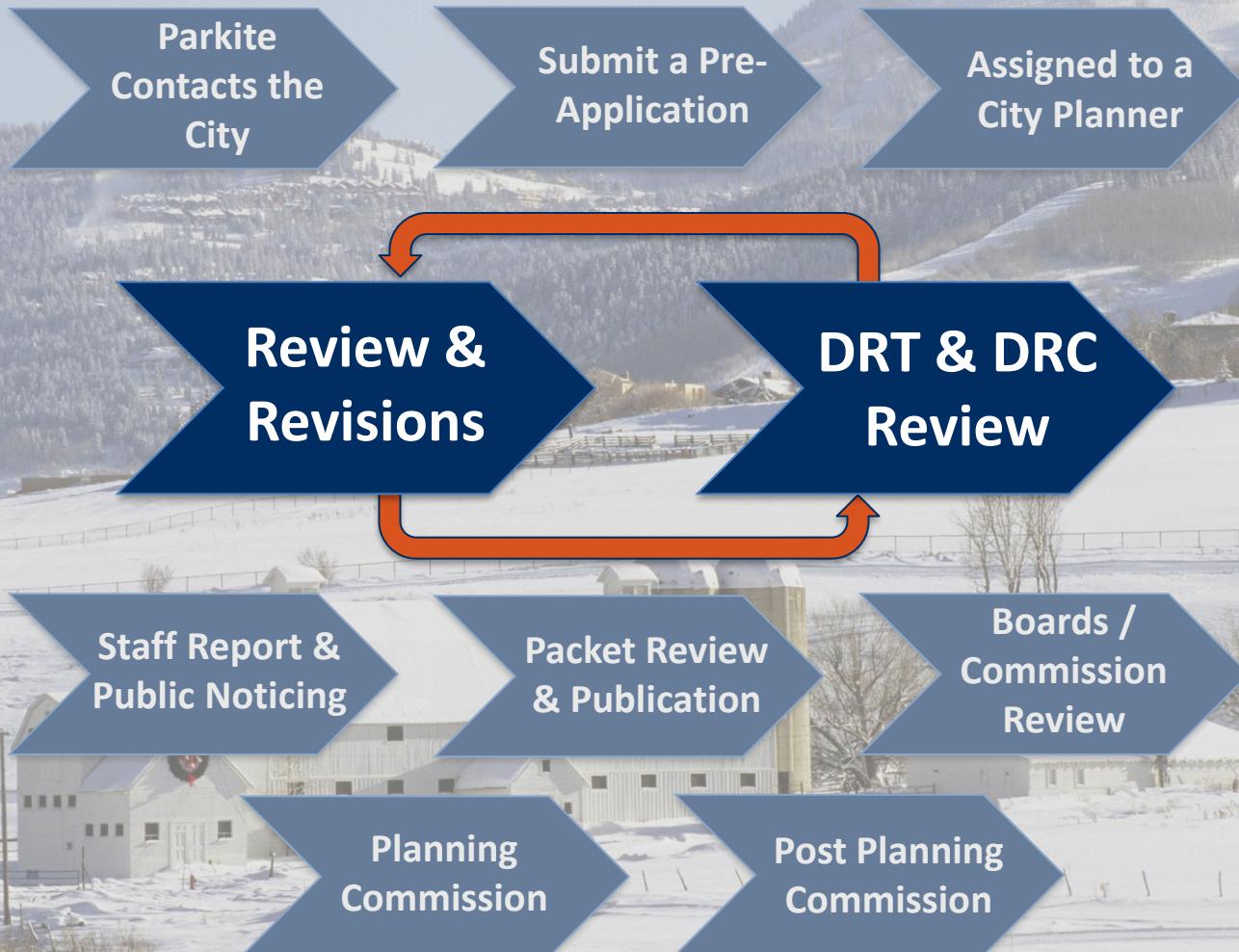
— DEVELOPMENT REVIEW COMMITTEE —

What is DRC?

- Bi-monthly Meeting with Municipal Departments, Districts and Utilities
- Comprehensive Review of Proposed Developments
- Identifies required Conditions of Approval
- Ensures compliance with required Codes and Regulations

Who Participates?

- Planning
- Building – Dave Thacker, Brenda Turnblom
- Transportation – Matt Neeley, Alex Roy
- Engineering – John Robertson
- Sustainability – Luke Cartin, Ryan Blair
- Affordable Housing – Jason Glidden
- Public Utilities – Clint McAfee, Griffin Lloyd
- Snyderville Basin Water Reclamation District – Kevin Berkley, Corey Shorkey
- Park City Fire – Mike Owens
- Trails and Open Space – Heinrich Deters
- City Attorney's Office – Mark Harrington





STAFF REPORT

Planning Commission Staff Report

Subject: 161 Park Avenue
Application: PL-22-05346
Author: Spencer Cawley, Planner II
Date: November 9, 2022
Type of Item: Administrative – Plat Amendment



Recommendation

Staff recommends the Planning Commission (I) review the 161 Park Avenue Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on December 8, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance No. 2022-XX (Exhibit A).

Description

Applicant: Andrew & Donna Cross
Mike Stoker, Applicant Representative
Location: 161 Park Avenue
Zoning District: Historic Residential – 1
Adjacent Land Uses: Single-Family Dwellings, St. Mary's Chapel, Public Stairs
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

HDDR Historic District Design Review
HR-1 Historic Residential – 1
LMC Land Management Code
ROW Right-of-Way

PUBLIC NOTICING

Notice is Published 14 Days Prior to Meeting
All Land Use Applications require Public Notice

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION – LEGAL NOTICE
445 Marsac Avenue, Park City, Utah
Wednesday, November 30, 2022, 5:30PM



NOTICE OF HYBRID IN PERSON AND ELECTRONIC MEETING:
The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, November 30, 2022.
Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

REGULAR SESSION 5:30PM
Items Listed Below May Include Discussion, Public Hearing and Action

110 Silver Queen Avenue – Steep Slope Conditional Use Permit – The Applicant Proposes to not sure what to put here, but you can only read this if you zoom in far enough. (A) Public Hearing, (B) Action	PL-22-xxxxxx
110 Silver Queen Avenue – Conditional Use Permit – The Applicant Proposes to not sure what to put here, but you can only read this if you zoom in far enough. (A) Public Hearing, (B) Action	PL-22-xxxxxx
110 Silver Queen Avenue – Plat Amendment – The Applicant Proposes to not sure what to put here, but you can only read this if you zoom in far enough. (A) Public Hearing, (B) Possible Recommendation for City Council's Consideration on January xx, 2023	PL-22-xxxxxx

Notice Posted: 16 Days Before Meeting Date
Notice Published: 14 Days Before Meeting Date

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5090 at least 24 hours prior to the meeting. Public comments can be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org.

PUBLIC HEARING

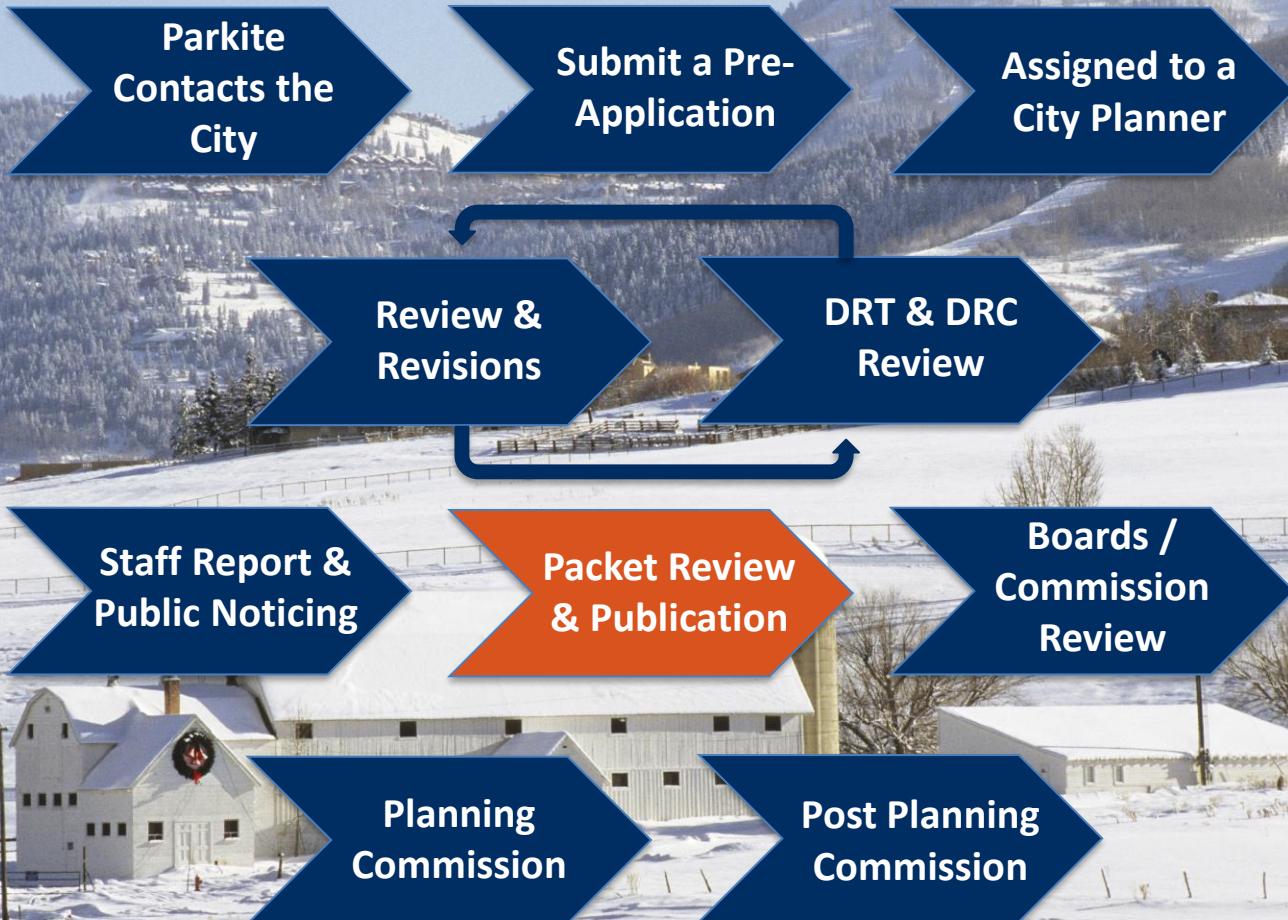
PROPERTY ADDRESS:	110 SILVER QUEEN AVENUE
PERMIT #:	PL-22-xxxxxx
APPLICATION:	HDDR, SSCUP, CUP, Plat Amendment
REVIEW AUTHORITY:	Planning Commission
HEARING DATE:	November 30, 2022
LOCATION:	HYBRID: 445 MARSAC Ave & WWW.PARKCITY.ORG/PUBLIC-MEETINGS
PROJECT DESCRIPTION:	
PROJECT PLANNER:	

For further information, please contact the Project Planner or visit the Planning Department at 445 Marsac Avenue, Park City, UT.



Meeting Legal Notices are Posted To:

Park City Municipal Website • Utah Public Notice Website • The Park Record • Planning Department
City Hall • Main Street Post Office • Property Owners Within 300ft. of the Property • Property Posting



PACKET REVIEW



Planning Director,
Assistant Planning
Director, Senior
Planner & Engineering
Review



City Attorney's
Office
& Executive
Review



Planner Review



Administrative
Review & Publication



PACKET PUBLICATION

Upcoming Events

Name	Date	Agenda	Events	eComments	Agenda Packet
Planning Commission	November 30, 2022 - 05:30 PM	Agenda	eComment	Agenda Packet	
Planning Department Administrative Public Hearing	December 1, 2022 - 12:00 PM	Agenda			Agenda Packet
Historic Preservation Board	December 7, 2022 - 05:00 PM				
City Council	December 8, 2022 - 02:00 PM				
Board of Adjustment	December 13, 2022 - 05:00 PM				
Planning Commission	December 14, 2022 - 05:30 PM				
City Council	December 15, 2022 - 02:00 PM				
Planning Commission - Special Meeting	December 19, 2022 - 05:30 PM				

Search Archives:

RSS feeds

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Available Archives

[+ Board of Adjustment](#)[+ City Council](#)[+ Historic Preservation Board](#)[+ Joint Transportation Advisory Board](#)[+ Planning Commission](#)[+ Planning Department Administrative Hearings](#)



BOARDS AND COMMISSION

CITY COUNCIL

HISTORIC PRESERVATION BOARD

Created Pursuant to the
UTAH CODE
to **PRESERVE** and **ENCOURAGE**
DESIGN PREFERENCES
that reflect Park City's
MINING HERITAGE
according to the
Land Management Code and the
Historic District Design Guidelines

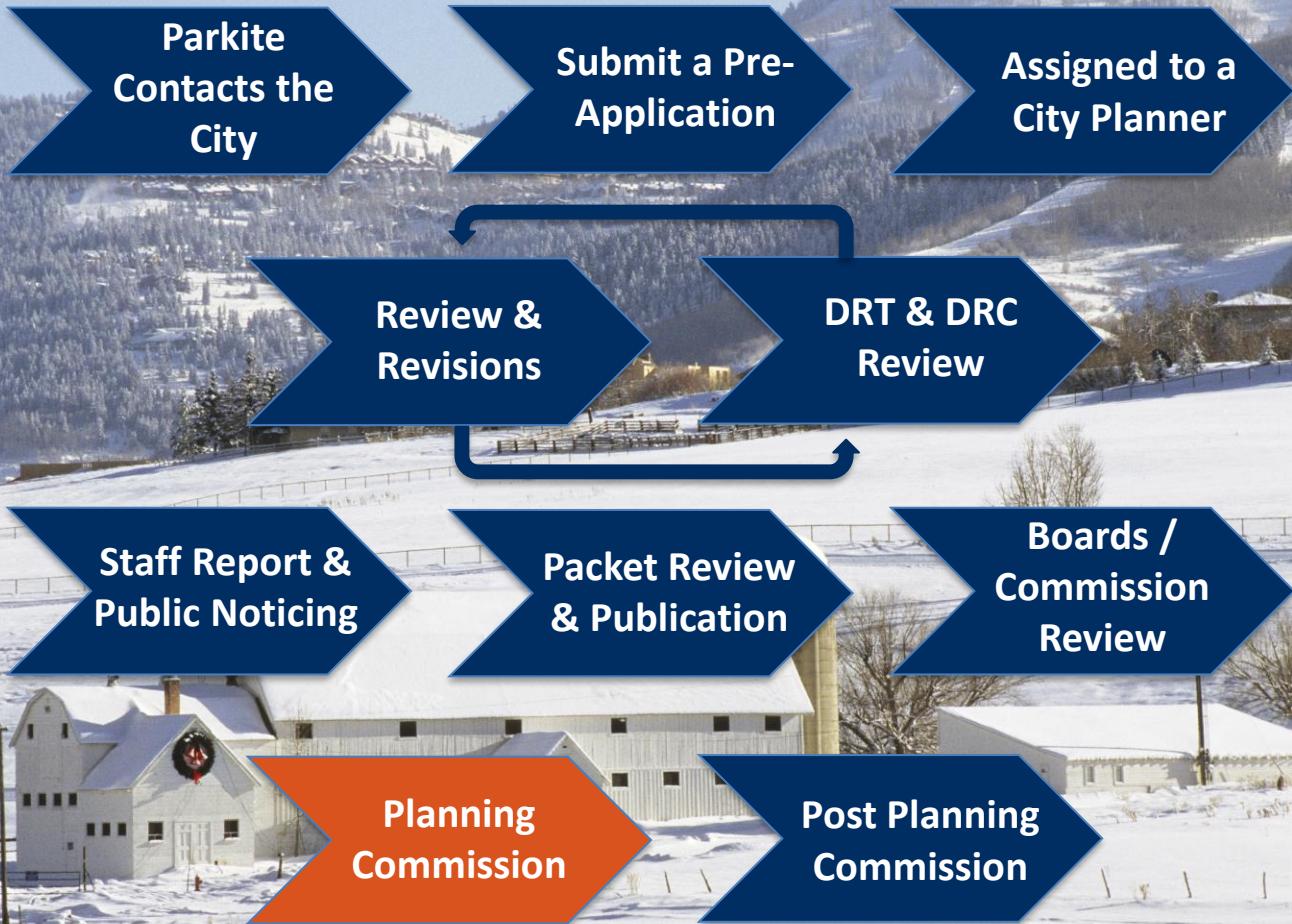
PLANNING COMMISSION

Acts as a
NON-POLITICAL
LONG-RANGE PLANNING BODY
for Park City

Review of specific projects is limited
to matters requiring their
consideration as outlined in the LMC

BOARD OF ADJUSTMENT

Created Pursuant to the
UTAH CODE
to hear and decide on
APPEALS
and **VARIANCES**
to the terms of the
Land Management Code



— PLANNING COMMISSION REVIEW —

- **LMC Chapter 15-12** outlines Planning Commission authority
- **Forward recommendations to City Council** for plats, the General Plan, Land Management Code amendments, annexations, and rezones
- **Takes final action on:**
 - Affordable Master Planned Developments (AMPD)
 - Master Planned Developments (MPD)
 - Conditional Use Permits (CUP)





FINANCIAL GUARANTEES

HISTORIC SITES FINANCIAL GUARANTEE

Planning Project #

Address:

Landmark Structure Significant Structure

Preservation Plan includes:

Full Reconstruction

Full Panelization

Partial Panelization: How many facades

Addition to historic structure with minimum impacts to historic cross-wing house form.

Square footage of Historic Structure 744.727 SF x \$200 /s.f. = \$148,945.33

Square footage of Historic Structure porch x \$ /s.f. = \$

Square footage of Historic Accessory Structure x \$ /s.f. = \$

Salvaged Material \$

TOTAL GUARANTEE AMOUNT \$148,945.33

Method of Guarantee:

Cash

Letter of Credit

Escrow

Other (Lien)

Planner: Date

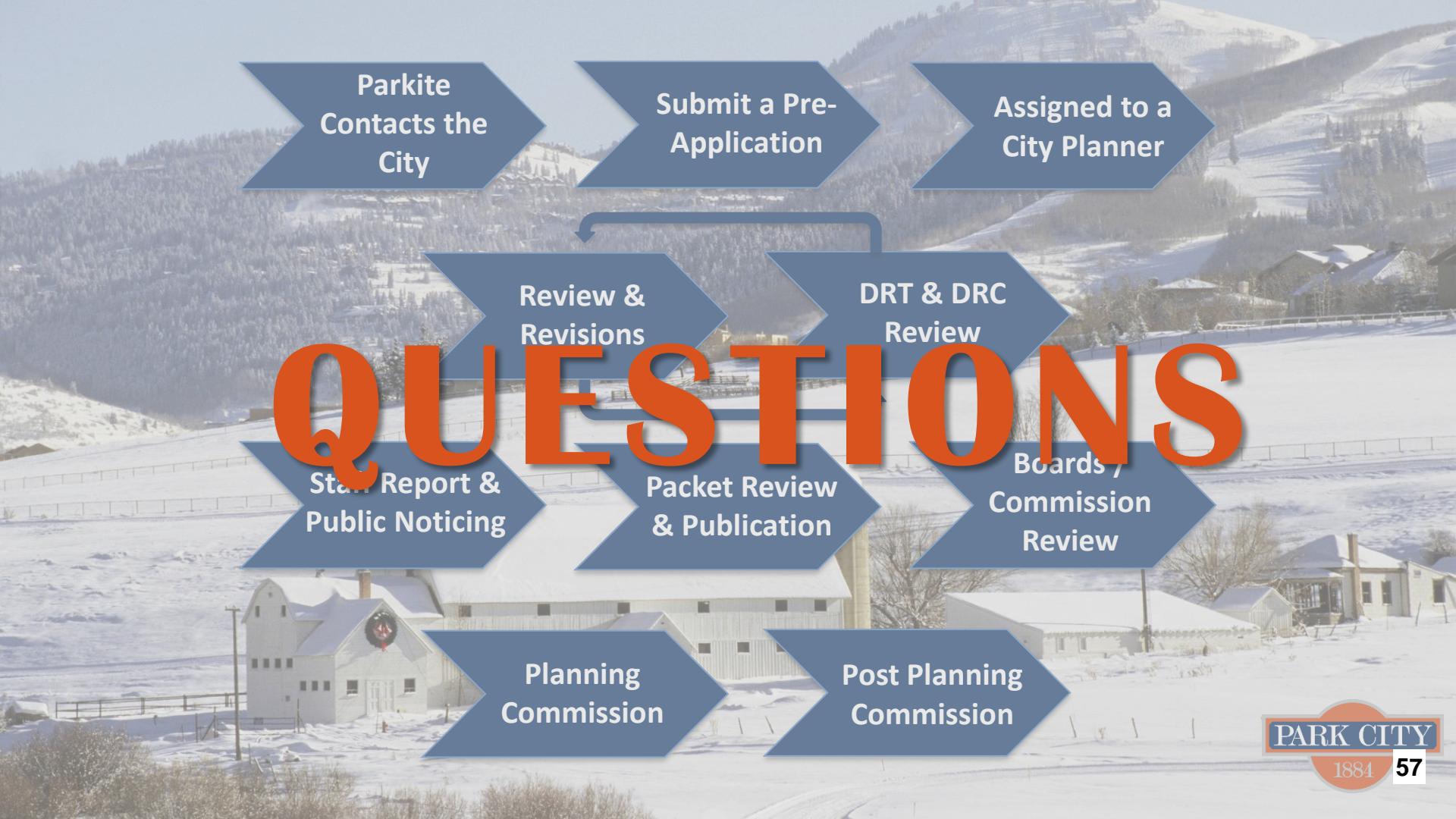
Planning Director (or designee) Date

Chief Building Official (or designee) Date

- Applies to **HDDR applications**
- **Protects Historic Structures** during Construction
- **Ensures Compliance** with Historic Preservation Plan
- Guarantees can be satisfied by the following:
 - *Escrow Deposit
 - *Cash Deposit
 - *Letter of Credit
 - *Lien

BUILDING PERMIT





QUESTIONS

Staff Report &
Public Noticing

Parkite
Contacts the
City

Planning
Commission

Review &
Revisions

Packet Review
& Publication

Submit a Pre-
Application

Post Planning
Commission

Assigned to a
City Planner

DRT & DRC
Review

Boards /
Commission
Review

Planning Commission Agenda Item Report

Meeting Date: January 11, 2023

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Minutes

Agenda Section: MINUTES APPROVAL

Subject:

Consideration to Approve the Planning Commission Meeting Minutes from November 30, 2022.

Suggested Action:

Attachments:

[12.14.2022 Minutes](#)



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 14, 2022**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Jaron Ehlers, City Planner; Davis Petersen, Planning Department Intern; Spencer Cawley, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She reported that all Commissioners were present. She noted that she was attending the meeting remotely.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from October 26, 2022.

MOTION: Commissioner Kenworthy moved to APPROVE the Minutes from the Planning Commission Meeting from October 26, 2022. Commissioner Van Dine seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from November 9, 2022.

Commissioner Johnson noted that the reference to "John Phillips from Alliance Engineering..." on page 56, should read "John Phillips, for the applicant..."

MOTION: Commissioner Hall moved to APPROVE the Minutes from the Planning Commission Meeting from November 9, 2022, as amended. Commissioner Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, reported that the special meeting on December 19, 2022 at 5:30 p.m. would be held at the Prospector Theatre, located at 2175 Sidewinder Drive. She explained that this venue would be able to accommodate more people than Council Chambers in the event there is a large public turnout for that meeting. She noted that parking in the area is somewhat limited and they informed the Parking Department that there would likely be a lot of street parking at that time. She encouraged transit use, walking, or carpooling to the meeting.

Director Milliken also stated that the Historic Park City Alliance ("HPCA") will be attending the January 25, 2023 meeting to provide input on the Vibrancy Ordinances. The January 25 meeting would address the Land Management Code ("LMC") priorities.

City Planner, Jaron Ehlers reported that Regular Agenda Item 7.C. was withdrawn and there would be no public hearing tonight.

Director Milliken noted that the microphones in Council Chambers were not working and asked everyone to speak up so that their comments could be heard.

Chair Suesser sought clarification regarding the withdrawal of Item 7.C., 2647 Meadow Creek Drive. Director Milliken stated that the application was withdrawn so there would be no public comment.

Commissioner Hall reported that she attended the Open House at Deer Valley earlier in the day and spoke to people socially but did not discuss the Master Planned Development ("MPD").

Commissioner Kenworthy requested a summary of ratings on the intersections, as mentioned in the October 26, 2022 Meeting Minutes. He noted some confusion with the ratings of intersections and felt they could do a better job if they had something like the Transit Report that just came out. He mentioned that the Transit Report provided information to assist with travel planning, such as impact days and peak days. He felt that it would be helpful if everyone had something that summarized Park Avenue, and Bonanza and Kearns Avenue so that they would not have to go through every single report for the information on these intersections. He added that he discussed this with Assistant Planning Director, Rebecca Ward. He felt this type of report would help the Commission address mitigation efforts.

Chair Suesser wondered about the value of having the past ratings or a blend of the past ratings of these intersections. She felt they would want information on the current ratings that could be contemplated in any plans coming before the Commission. She asked Commissioner Kenworthy if his request was to have the City establish current ratings for these intersections. Commissioner Kenworthy felt that a blended rate would be useful because if the Commissioners had before them a Traffic Report from an applicant, they could quickly compare them intersections to the historic numbers.

Director Milliken acknowledged that Commissioner Kenworthy had asked for this type of report previously and indicated that Staff spoke to the City Engineer who was working on correcting this. She hoped to be able to bring this back to the Commission in early 2023. Commissioner Kenworthy commented that the Report could be included in the Packets for applicants who present a Traffic Report.

Park City Municipal Corporation
Planning Commission Meeting
December 14, 2022

Commissioner Sigg felt it would be important to also look at traffic counts on certain roadways, because the traffic on the roadways impacts these interchanges. He noted the gridlock existing on secondary and tertiary roads. Director Milliken stated she would ask the City Engineer if they had the data requested by Commissioner Sigg for inclusion in this Transit Report. Commissioner Sigg clarified that he was looking for data on certain feeder roads. He was aware that there was some level of mitigation as it related to parking and resort traffic in the Thanes area. He felt that there were streets that needed to be looked at, especially through the Prospector area and Park Meadows. Director Milliken commented that this was something the Engineering and Transportation Departments look at as part of their function. She surmised that the traffic counts that impact the Deer Valley, Snow Park or other applications would be most relevant but would obtain input from the Engineering Department.

Commissioner Sigg remarked that this data would provide a sense of whether the road could handle the capacity at certain peak hours and days of the year. He mentioned the pedestrian interface with everyone trying to leave town and commented that it seemed like an unsafe situation. As they look at the intersections, he suggested also looking at the roadways because it could help with circulation planning. Chair Suesser agreed with Commissioners Sigg and Kenworthy and acknowledged that having some sort of baseline would be helpful when the Commission analyzes the Traffic Studies submitted by applicants.

A. Open and Public Meetings Act Training.

City Attorney, Mark Harrington reported that the above agenda item was a Staff communication and not a presentation item. Despite the popularity of last years' presentation, due to timing they presented the training in written format for at-home self-study. He requested that the Commissioners review the information and direct any questions to him or Assistant City Attorney, Luke Henry.

B. Conventional Chain Businesses and Vibrancy Ordinance Summary.

Assistant Director Ward stated that the Staff Report was informational and intended to provide a historical background so the Commission could review the Vibrancy Ordinance to see if there should be certain amendments prioritized in 2023. She reiterated the statements of Director Milliken that the HPCA was reviewing the Ordinances and Conventional Chain Business Regulations and would provide input for the Planning Commission.

5. CONTINUATIONS

A. 8680 Empire Club Drive - Conditional Use Permit - The Applicant Proposes to Install a 20-Foot by 300-Foot Seasonal Tent for Private Club Outdoor Dining. PL-22-05422.

City Planner, Virgil Lund indicated that the applicant requested a continuance to a date uncertain to potentially modify their application.

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

MOTION: Commissioner Hall moved to CONTINUE 8680 Empire Club Drive—Conditional Use Permit, to a date uncertain. Commissioner Johnson seconded the motion.

Park City Municipal Corporation
Planning Commission Meeting
December 14, 2022

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

6. CONSENT AGENDA

A. Consideration to Adopt Resolution 01-2022, a Resolution Authorizing Participation in Meeting by Electronic Communication.

Mr. Harrington reported that the above Resolution will supplement the existing Resolution to incorporate the new changes in State law. All of the Boards and Commissions and the Council will be adopting the identical Resolution that clarifies the minimum requirements to be counted for purposes of a quorum. He stated that Park City already follows this protocol, but they were required to adopt it as a Resolution.

MOTION: Commissioner Van Dine moved to ADOPT Resolution 01-2022, Authorizing Participation in Meeting by Electronic Communication. Commissioner Hall seconded the motion.

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

B. Consideration to Adopt Planning Commission Regular Meeting Dates for 2023.

Director Milliken presented the Regular Planning Commission meeting dates for 2023. She reported that there would be two meetings per month with the exception of December, which only had a meeting scheduled for December 13, 2023. She noted that this schedule did not include the special meetings for January, February, and March, as discussed.

MOTION: Commissioner Hall moved to ADOPT the Planning Commission Regular Meeting Dates for 2023. Commissioner Van Dine seconded the motion.

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

7. REGULAR AGENDA

A. Parcels: PCA-S-79-B and PCA-S-79 C (Bransford Parcels) - Zoning Map Amendment - The Applicant is Proposing a Zone Change for Two (2) Pods of Three (3) Acres Each, From Recreation and Open Space (ROS) to Estate (E) Zoning, for the Construction of Two Single-Family Homes. PL-21-05042.

Senior City Planner, Alexandra Ananth reported that the above item involved a zoning change for a large parcel in Empire Pass. The applicant owns two lots that total approximately 40 acres. They were requesting a pod of density and a zone change on six of the acres from Recreation and Open Space ("ROS") to Estate that would allow them to eventually build two Single-Family Dwelling Units. She referenced the Flagstaff Development Agreement that created pods of development referred to as Pods A through E that allocated density to those pods. Eventually, the pods had to come in for a MPD and a Conditional Use Permit ("CUP") to construct the units.

Park City Municipal Corporation
Planning Commission Meeting
December 14, 2022

Planner Ananth reported that the applicant's proposal was, in effect, similar to that outlined in the Development Agreement in that they requested an allocation of density to these parcels. If the zone change is approved, they would come in with a Subdivision Plat at a later date. She noted that this method would hedge their risk related to the expense of creating the Subdivision Plat. She noted that the applicant was still working on access.

Planner Ananth stressed that at this point, this application would just create density and would not be approving any future development because the applicant does not yet have the Subdivision Plat. The Subdivision Plat would come back before the Planning Commission. Mr. Harrington added that the other pods were zoned concurrently with the annexation. In response to an inquiry, Planner Ananth advised that the current density was zero.

Chair Suesser appreciated that the density considered for the Bransford Parcels prior to the Flagstaff Development Agreement was greater than what the applicant was requesting. She noted, however, that the applicant passed on being included in the Flagstaff Development Agreement. That Agreement made determinations for the whole area, including road access, utility access and density. When they considered this application a few months ago, she took the position that the access for utilities and roads needed to be worked out before they should consider a rezone of this parcel. She observed that the access had not been worked out.

Commissioner Sigg concurred with Chair Suesser and felt that this put the cart before the horse, and there were a lot of unanswered questions regarding access even before consideration of the zone change to provide density. He felt this would set a dangerous precedent because there is a lot of land out there.

Commissioner Frontero agreed with Commissioner Sigg. He spent a lot of time on this application and understood what the applicant would like to do as well as the sequencing of the process; however, shifting the burden to the Commission was not the correct approach. He felt that the current approach was placing a lot of the burden on the Commission to make decisions without having a Subdivision Plat. He was unlikely to approve the zone change as currently presented. He would like to see and would certainly consider a more detailed application that included both the Subdivision Plat and the zone change so they could understand what this would look like in its final form.

Commissioner Kenworthy asked about the concern with the access and compared it to the National Ability Center ("NAC") approval that included a Condition of Approval directly on the access issue. Planner Ananth recalled that there would not be a significant difference and noted that the NAC parcel was required to record an access agreement prior to recording a plat. She observed that this application was at an earlier stage in that the applicant was currently only seeking an approval of density, not necessarily development. The applicant would have to come before the Commission for the Subdivision, which would require access or an access agreement prior to recording the plat. Commissioner Kenworthy observed that the Commission's decision on the NAC was similar to the access issue on this application, which is what made it difficult for him to agree with the concerns stated by the other Commissioners.

Commissioner Johnson was aligning with the other Commissioners and requested to hear from the applicant on some of the concerns raised by the Commission.

Commissioner Van Dine noted that approving the zoning would not mean much in terms of what the Commission might give the applicant going forward. Although she was not in favor of the

Park City Municipal Corporation
Planning Commission Meeting
December 14, 2022

sequencing, she was open to seeing what plan they could present to see if it was feasible. She felt that the rezone could be reasonable considering the rest of the area. She reiterated that even if they approved the rezone, the Commission would still have leeway to not let anything else go forward. She felt it would be fair to the applicant to know that it would not be in vain to at least look at it. She acknowledged that going forward, she could not envision thinking that this project looked great and was still on the fence.

On behalf of the applicant, Jeffrey Kuhn from the Kuhn Company stated that the annexation occurred in 1998 and prior to that annexation all the land on Flagstaff Mountain, including the Bransford Parcels, was part of the County. After the annexation, all of this land became part of Park City. He agreed that for various reasons, the Bransford's did not sign on to the Annexation Agreement at that time; however, it was always expected that they were free to come back to close this at some point in the future.

Mr. Kuhn reported that the Bransford Parcels were rezoned to ROS just after the 2007 version of the Flagstaff Annexation Agreement, nearly a decade after the parcels were initially annexed into the City. He submitted that the Code did not require an off-property easement before a zone change, and in fact it was quite common that land gets its zoning before coming back for easements, plats, and everything else that would be required. He felt that that rezones were not so unusual before density has been granted.

Mr. Kuhn acknowledged there was a lot of work to be done and the applicant really wants to work with the Planning Commission. They also would like input from the Commission on its thoughts on the feasibility of building two homes and protecting the rest of the land before they commit to everything. He referenced the litigation and gag orders related to that litigation.

John Phillips, on behalf of the applicant, noted that this property was unique in that it is listed in the Development Agreement. All of the different properties on the land itself are unique and it would not open the floodgates for anyone who owns ROS-zoned property. He added that the precedent had been set by what was developed around these parcels and in Flagstaff. The Bransford's just happened to be the last owners coming in to exercise their rights. He referenced the Red Cloud development, which is less acreage than the Bransford Parcels. Mr. Phillips reiterated that the Bransford's were in a position where they are ready to go through the process, and he offered that they were proceeding responsibly by only proposing two units on a very large piece of land and have agreed to put the remainder in a conservation easement for all of Park City to enjoy.

Chair Suesser asked Mr. Harrington about Mr. Kuhn's comment regarding the gag order related to the litigation as contrasted with a letter received from Parsons Behle that claimed there was no gag order. Mr. Harrington could not clarify whether there was a gag order and added his belief that it was irrelevant in any event. He stressed that the reality is that access is unresolved regardless of the parties' posture in the litigation, and it would be awkward to comment at all in public with regards to the litigation.

Mr. Harrington added that the Planning Commission has no jurisdiction to determine who is right or wrong in the litigation, or the likelihood of the outcome of the litigation. He noted further that with regard to the Bransford's opportunity to join the Development Agreement, they only know that the parties did not come to an agreement. It is not a situation where the City offered the Bransford's something that they passed on; rather, it was an opportunity to join with the other owners who were being annexed without their consent to see if they could work out a deal with

Park City Municipal Corporation
Planning Commission Meeting
December 14, 2022

the City. Mr. Harrington took some umbrage with the notion that the Bransford's "passed" on the opportunity to join the Development Agreement; rather, they did not join the Development Agreement and therefore retained their property rights independent of the Mine Company. He acknowledged it was a slight difference, but an important one.

Chair Suesser commented that the negotiated deal was that the Flagstaff Development Agreement rezoned certain areas to Estate and left many parcels as ROS, and the Bransford Parcels were left out of the zoning that occurred as a result of the Development Agreement. She felt that the Bransford's had the opportunity to have their parcels zoned Estate at that time.

Mr. Harrington acknowledged the complexity of a public negotiation that was very acute and involved back and forth with the Mine Company and Council rejection of a Resolution. Other property owners were watching what was occurring until it became evident that there would actually be an annexation proceeding and then they were in a time crunch in terms of whether they had an opportunity to negotiate separately with the Mine Company in the confines to respond to the Council's Annexation Resolution. He stated that it is not a situation where the Bransford's were at the table. Instead, the negotiations with the Mine Company were very fluid and controversial. Mr. Harrington felt it was fair to say that the Bransford's and other owners argued that the density was still on the table, and the City has agreed with the characterization that once Red Cloud was developed the bonus density went away; however, the Bransford's did not lose all rights to pursue their own application.

Commissioner Sigg asked if the density for the entire annexed area was assigned. Mr. Harrington stated that density was assigned for the property owned by the Mine Company; however, there might be a couple of units within Pod A where density was unassigned. He mentioned the separate application for the Marsac claim, in which the City was negotiating with those owners. He noted that Red Cloud was at full build out. In response to a further inquiry by Commissioner Sigg, Mr. Harrington stated there was no provision in the Development Agreement that would allow for transfer of density.

Commissioner Hall remarked that the applicable Code at the annexation was the Snyderville Basin Development Code. She was ready to process the application based on the application before them. Commissioner Frontero asked her to clarify what she meant by "process." Commissioner Hall responded that she meant she would like to talk about the ordinance. Commissioner Hall felt this was a challenging application and agreed with the other Commissioners who would rather have the Subdivision Plat concurrent with this application. She did not favor converting ROS to Estate, but also understood the applicant's unique position. She expressed that it would come down to having a heavily conditioned rezone since they do not have a Plat in conjunction with this request. Referencing the Snyderville Basin Development Code, she stated that the applicable density for a Rural zone was one dwelling per 40 acres. Her first inquiry was whether this would be zoned for two units or one unit.

Mr. Kuhn stated that this was one of the possible zones; however, Planning Staff had not been able to advise whether this parcel would have been one unit per 40 acres or one for each 20 acre "lot of record," one unit for 10 acres or one unit per five acres. Mr. Kuhn believed that the applicant could have easily had one unit per five acres, especially given what happened with the Flagstaff Annexation the following year.

Mr. Phillips added that the one unit per 40 acres came up and was based on an exhibit that City Planner Makena Hawley presented. The applicant later realized that the exhibit was for The

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Canyons Village and was not applicable to the Deer Valley area, and he believed that Planner Hawley was in agreement with applicant on this issue.

Commissioner Hall noted the Commission's preference for lower density for areas previously zoned ROS. She offered some thoughts on the Conditions of Approval and noted that they did not know where the six acres would be located. She understood that the draft map would not be attached to the Ordinance. Mr. Kuhn believed that a version of the draft map would be attached to the Ordinance.

Planner Ananth added that they would attach the draft map as a conceptual plan and when and if the applicant comes in for a Subdivision, the plat will effectively allocate where the six acres of Estate zone land would be located. Mr. Phillips added that the applicant was willing to abide by what is defined by the draft map; however, they also believed it would better served for the Commission to have more input in the next phase and noted that it might be the Commission that could shuffle the six acres around.

Commissioner Hall preferred to not specify the location of the six acres because this is a preliminary application. She asked if the Conservation Easement would include the driveway, or if it would be included in the developable six acres. Planner Ananth stated that the Conservation Easement would allow for access and there would not be development allowed over the conservation easement with the exception of access.

Mr. Kuhn reported that when the applicant came up with the percentage of preserved land, it included the length of the driveway as though it was not protected, although they expect that it would be protected. The percentage was intended to be a "worst case" number and included the length of the driveway. Mr. Kuhn added that the applicant has had three meetings with Utah Open Lands with regard to the Conservation Easement. If the applicant gets approval of the zone change, they could also negotiate with the City for potential easements related to the bicycle trails. He stated that all of this information would be brought back as part of the proposal for the Plat.

Commissioner Hall stated that assuming there would be a Subdivision Plat application, they should incorporate any conservation easements at that time, and that it be part of the Plat. She also strongly preferred that any disturbed land be included within the total six acres. Commissioner Hall also questioned whether they wanted to further define the Condition of Approval that "development on Steep Slopes is prohibited." Mr. Phillips offered that this was well defined in the Sensitive Lands Overlay, so the applicant would follow the existing Code. Mr. Kuhn confirmed that the applicant would comply with the Code as specified in the Sensitive Lands Overlay zone.

Chair Suesser concurred with Commissioner Hall's comments that if they were going to approve a rezone that the Commission would potentially add a Condition of Approval further limiting Steep Slope development on this parcel beyond that specified in the Code.

Chair Suesser also referenced the Ontario Ski Run and questioned whether there should be a Condition of Approval to protect that as a ski run and not allow the applicant to use it as an access way. She also requested input on where the Commissioner's stood with respect to the sunset clause. She referenced discussions about having this Commission review the Subdivision Plat rather than another seated Commission. Ideally, this Commission would see the Subdivision application.

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Commissioner Hall agreed with Chair Suesser to have Condition of Approval 13 that there would be a sunset clause for two years with a possible one-year extension. She felt that the Conditions of Approval should be detailed because there would be new people looking at them in the future. Commissioner Van Dine agreed.

Commissioner Frontero disagreed and felt the sunset clause should be shorter. He felt that the two-year clause in Condition of Approval 13 was not a magic number; rather, he felt it should be one-year, and if that one-year expires, the applicant could always seek an extension. He stressed that the Commission had already seen the application a few times and giving it another four years would mean that it would come before a new Commission. He reminded of his earlier point about burdening the Commission by continually bringing this application back before the Commission. He stated he did not want to kick the can down the road four years. Commissioner Frontero also referenced Condition of Approval 3 that would require the conservation easement be tied to the recording of the Subdivision Plat. He would like the applicant consider executing the conservation easement at the time of the rezone approval.

Mr. Kuhn observed that the rezone application had taken approximately 18 months and the idea of having a sunset clause of one year was unrealistic given that the plat would be considerably more detailed and complex and likely not completed in one year. He questioned whether it could be done in two years. With regard to the litigation, Mr. Kuhn stated that the neighbors were not known for expediting any kind of work and were known for making things take as long as they could to improve their bargaining position. As a result, he felt it was not remotely possible that they could get the easement tied up and plat process completed within one year. He agreed that the idea of the sunset clause was very appropriate, as was the idea of ensuring that they would come back before this Planning Commission. The applicant was supportive of that and recalled that this was actually suggested by the applicant.

With respect to the idea of putting all of the land into a conservation easement before they had the time to design the plat, Mr. Kuhn had no authority to agree to that; however, he did not feel that was an equitable proposal because if the rezone and the plat were denied, the owners would still have other rights with regards to the property. There could be other options regarding their use of the property that they have not yet researched. Granting a conservation easement would preclude them from pursuing any other options.

Mr. Kuhn stressed that the Code allows for a zone change before a plat process. He submitted that the applicant was not arbitrarily seeking the zone change first. He stated that the applicant was doing the best they could with the cards they were dealt. They haven't shied away from any of the additional work to identify the two three-acre parcels and they did not expect to push a Steep Slope boundary on any road or burdened structure. He felt that they have undertaken responsible planning and they want to build a tight project. In response to an inquiry regarding the Steep Slopes analysis, Mr. Kuhn referenced the applicant's narrative. He advised that they prepared an analysis and then had Alliance Engineering double-check their analysis. The current analysis has four different color codes.

Chair Suesser asked again about the Ontario Ski Run and whether the Commission wanted to discuss protecting it for recreational purposes only by prohibiting any access over or on that ski run. She asked the applicant to address the potential use of the Ontario Ski Run as access to the parcels. Mr. Kuhn responded that the applicant never anticipated particular access on the Ontario Ski Run but they did anticipate skiing in and out if they are able to build homes on those

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parcels. He added that the ski run is a lease and the owners do not have a right under that lease. He stressed that using the ski run as access for the parcels was not viewed as remotely feasible and would have no issue accepting such a Condition.

There was discussion regarding adding the following language to Condition of Approval 7 to clarify this issue: the ski trails shall not be relocated and if a bike trail needs to be relocated, it shall be at the expense of the applicant. Commissioner Hall also felt that any relocation should be presented at the Subdivision Plat and be a Condition for the Subdivision Plat.

With regard to Steep Slopes and Condition of Approval 5, Chair Suesser did not feel that she had a good enough understanding of the analysis of the Steep Slopes to offer language further limiting the Steep Slopes. Commissioner Hall noted that she did not have any suggestions. Mr. Kuhn stated that the applicant was prepared to talk about Steep Slopes in two different ways: as it related to vertical development, and as it related to horizontal development. Very Steep Slopes are those 40% and over, and he noted that nothing would be built, or accepted by the City to be built, on any slopes over 30%. He stressed that the applicant's Site Plans do not push these boundaries. He added that there are many requirements to have development below Very Steep Slopes, and further Setbacks are also required to mitigate against falling rocks or snow. He reiterated that the applicant had no plans to push any of these requirements, and want to have the safest, flattest lot for anyone who ends up residing in that location.

Commissioner Johnson asked if future amendments to the Sensitive Lands Overlay provisions in the Code would apply to the Subdivision Plat application if they kept Condition of Approval 5 as worded. Mr. Harrington confirmed that if the Code were amended prior to submittal of a Subdivision Plat application, the amended Code would apply. Mr. Kuhn added that the applicant understood that they would be required to meet whatever Code is in effect when they file their application.

Commissioner Johnson asked if a Condition should be added regarding Significant Vegetation. He referenced Condition of Approval 3 and wondered if they could add language requiring a conservation easement prior to Subdivision Plat recordation.

With regard to Condition of Approval 4, Commissioner Johnson requested requiring a report from a licensed Arborist. He wondered if Condition of Approval 6 had enough teeth with respect to the last sentence. He requested additional language that would still give the applicant leeway.

With regard to Condition of Approval 13, he felt that Commissioner Frontero made a good point regarding the sunset clause. He suggested a two-year sunset clause with no opportunity for extension.

Commissioner Frontero asked about the preferred wording if the Commission agreed to a two-year sunset clause and wondered if it should provide for a one-year sunset clause, with a one-year extension, or simply two years with no extension.

Mr. Harrington opined that under the Code, the Commission could certainly implement the one-year option but was unsure whether the Commission could take away the applicant's right to apply for an extension. Understanding the rationale for trying to keep the review with the current Commission, Mr. Harrington was not sure whether there would be a Code basis to restrict the clause to preclude an extension.

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Mr. Harrington added that the Commission has a right to establish a phasing plan to address the deadlines on non-legislative applications, which are typically two years. He felt the Commission could specify two years without the option for an extension but doubted whether the Commission could affirmatively prohibit a Code-allowed extension.

Commissioner Hall interpreted Condition of Approval 13 as the plat would be approved within two years, and based on her personal experience, it would take at least a year from date of application to date of recording to do something extremely simple such as moving an internal lot line. She was okay with the Condition as is and felt it would incentivize the applicant to move this along, while recognizing how long it takes to process applications. She added that this was a fairly complex application that the Commission would highly scrutinize.

Commissioner Kenworthy agreed with Commissioner Hall and was sensitive to the fact that there was pending litigation that would complicate the issue. Commissioner Van Dine was also agreeable to the language as proposed.

There was discussion about who proposed the two-year clause with a one-year extension. Mr. Harrington noted that Commissioner Frontero suggested removing the reference to the extension and stated the Commission could make a reference to the existing opportunity to apply for an extension that would require the applicant to affirmatively request an extension and show good cause for the extension.

In response to an inquiry, Commissioner Kenworthy agreed that a two-year sunset with a one-year extension would be enough time.

Chair Suesser agreed with Commissioner Frontero and would agree to language limiting the sunset clause to two years and requiring the applicant to request an extension as opposed to granting them the one-year extension outright.

Commissioner Hall offered that as written currently, Condition of Approval 13 would require that any extension would be approved by City Council, and the applicant would still be required to go before a body to explain why they needed an extension.

Mr. Harrington clarified that the Commission could reference the extension section of the LMC. Chair Suesser confirmed that the applicant would have the right to seek an extension under the Code even if not specified in Condition of Approval 13 and would support just referencing the two-year clause. Planner Ananth added that extensions are typically for one year. There was a consensus to remove the language referencing the two-year extension and keep the two-year sunset clause.

Commissioner Hall asked if they could require, in conjunction with this rezone, that the conservation easement be written to provide that no more than six acres could be developed, including access roads. Mr. Kuhn observed that Staff previously informed that because of the ROS and Estate Zone, there was a requirement that each of the lots be three acres in size. The applicant sized the lots under the belief that this was required to obtain the rezone.

Commissioner Hall offered that there was an exception for the Estate Zone that in a Subdivision Plat the lots could be less than a ratio of 3:1.

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Mr. Harrington stated he would have to further review this to determine if the applicant qualified for the exception but felt the intent was clear and the Commission could direct Staff to resolve that prior to final action by the City Council. He acknowledged that it was a Limits of Disturbance issue and the Commission wanted to minimize the Limits of Disturbance to six acres, inclusive of the driveway.

Commissioner Johnson asked if they could add language regarding Significant Vegetation to the last sentence of Condition of Approval 5 to read: "Development on Steep Slopes and removal of Significant Vegetation is prohibited." It was suggested that this addition would present a challenge given the nature of the parcel. Commissioner Hall noted that the LMC required that Significant Vegetation be replanted, so they could reference that in Condition of Approval 5.

Chair Suesser suggested opening this item up for public input before addressing further Commission comments to the Conditions of Approval.

Chair Suesser opened the public hearing.

Tom Barton identified himself as a lawyer with the law firm of Parsons Behle & Latimer, who represents Extell Development. He recalled that Extell's letter to the Commission was the fifth written submission outlining its position on this application, and mirrors some of the concerns he heard expressed by some of the Commissioners. He stated that Extell Development is fundamentally opposed to the rezone and believe this application was premature. He argued that this land was not currently suited for development because there is no adequate access. The applicant should reapply once they can demonstrate adequate developability, with a concrete Subdivision and Development Plat.

In addition to the fact that the land was not developable, Mr. Barton pointed out that the Estate Zone was for development. He stated that Extell Development initiated litigation as a result of a Notice of Interest filed by the Bransford's on Extell's property. He noted that Extell's property surrounds the Bransford Parcel, and the Notice of Interest burdened and still burdens Extell's land. He commented that there is no gag order with respect to the litigation; rather, it is a matter of public record, as is the Notice of Interest that described the 60-foot roadway.

Mr. Barton stressed that the roadway access in the Notice of Interest followed the Ontario Ski Run and then veers off to the right to get to the Bransford Parcel. He referenced the submitted map that showed a different route of access from that in the Notice of Interest. He explained that the access route in the map did not track the Ontario Ski Run; instead, it runs across Extell's property and through a forest. He noted that this access route was not at issue in the litigation. He pointed out that access was disputed and there was uncertainty of the location and width of the proposed access. The Notice of Interest identified a 60-foot-wide roadway, while the map presented to the Commission described it as a 100-foot-wide roadway.

Mr. Barton also submitted that this process was inappropriate, as it was putting the cart before the horse. It was burdening the Commission and there were too many unknowns. Before a rezone like this occurs, he urged that there should be a concrete Subdivision Plat and Subdivision plans, which are not possible at this point. He added that Extell Development felt that the rezone was inconsistent with the Master Plan or the City's General Plan. He understood that the General Plan preferred development within the existing boundaries, whereas this would be development outside of that and on the other side of the Trump Ski Run.

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He reiterated that the access claimed in the litigation interfered with the existing recreational opportunities that include the ski run. Mr. Barton noted that it would be incompatible to put a driveway where a ski run exists.

Mr. Barton also noted concern with the core values of the General Plan and the fact that the driveway as depicted on the map would go through a forest and require a significant amount of vegetation relocation. He pointed out the lack of support from the neighboring stakeholders, Extell Development and Red Cloud. He felt this should weigh significantly against approval.

Mr. Barton referenced the discussions regarding Condition of Approval 7 and the existing recreational uses and felt that the proposed rezone would not be compatible with the ski run. Extell's position was that if this rezone were granted, the sunset provision should be limited to two years given the possible Planning Commission turnover in two years. He observed that the Planning Commission's position on this issue was in line with Extell's position.

There was no further public input. Chair Suesser closed the public hearing.

Chair Suesser suggested that the application be continued to allow for revisions to the Conditions of Approval in line with tonight's discussions, rather than drafting revisions on the fly.

Commissioner Sigg would be ready to forward a positive [sic] recommendation because of the path that this has taken and there was no evidentiary support that a development would even be approved on this site. He felt that the Commission was spinning its wheels on the Conditions of Approval. He clarified that he was ready to forward a negative recommendation on this application.

Commissioner Hall was willing to continue discussing the Conditions of Approval but was also agreeable to having Staff prepare revisions to present to the Commission for consideration.

Commissioner Kenworthy suggested the Commission try to get through the Conditions of Approval at this meeting and was ready to move forward with the application. He felt the intent was clear.

Chair Suesser felt there was still a question of fact regarding the issue of access and what was being proposed. She asked Planner Ananth to speak on this issue and whether they needed a Condition of Approval that would protect the Ontario Ski Run. Commissioner Kenworthy observed that the applicant agreed to the Conditions of Approval and all of those ski runs were protected.

Planner Ananth stated that the issue of access is completely conceptual and would come back before the Commission at Subdivision, and the Commission could approve or deny it at that time.

Commissioner Hall noted that Condition of Approval 2 states that no Building Permits will be issued until access is secured. She assumed that the issue of access would be a significant issue and have a Condition of Approval in the Plat Amendment. She felt that Condition of Approval 2 was acceptable, as is, but was willing to discuss additional language. She agreed that there was an access issue, but that it would be dealt with at the Subdivision Plat stage, as clearly stated in Condition of Approval 2.

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Commission Johnson was aligned with Commissioner Hall and wanted to work through the Conditions of Approval.

Commissioner Hall summarized the discussions on the Conditions of Approval. For Conditions of Approval 1 and 2, there were no changes.

With regard to Condition of Approval 3, they would like to add language to clarify that the six acres included all services, including the driveway. There was discussion regarding the timing of recordation of a conservation easement. Mr. Harrington stated they had previously implemented a two-step process for Flagstaff when the pods were established by the individual approvals. He stated they could either require them to do it as part of the zoning, and then have it conformed to the final Plat Amendment, or draft documents that by operation of law that would identify the area excluded from the six acres.

Commissioner Hall supported the two-step process that would require a lite easement recorded now and amended in conjunction with the final Subdivision Plat that would be much more detailed. Mr. Harrington stated they could forward it with that recommendation and then Staff could refine what that would look like for the Council.

Mr. Kuhn understood that they could create a draft conservation easement and submit that to Staff to determine if it was satisfactory, and then record it at a later time. Mr. Harrington clarified that Commissioner Hall suggested that something be recorded that initially established the boundaries and have an amendment clause that would incorporate the Subdivision.

Commissioner Hall added that if the Subdivision were not approved, then the easement would stand, subject to another rezone and Subdivision. She reiterated the requested language to the effect that the preliminary conservation easement would preserve some portion of the acreage that would be subject to amendment by the Subdivision Plat. She continued with Condition of Approval 4 and noted the suggested addition of the language requiring a licensed arborist. There was discussion regarding including language requiring revegetation of the Significant Vegetation. Mr. Kuhn felt it was already included in Sensitive Lands, but they would not object to including it in this Condition.

With respect to Condition of Approval 5, Chair Suesser did not have language to add and noted that she did not feel this application would not go this route, so she did not prepare language to supplement this Condition. She asked Planner Ananth to include more restrictive Steep Slope language consistent with their discussions at prior meetings. There were no suggested changes to Condition of Approval 6. Commissioner Hall stated that Condition of Approval 7 would include language that ski trails could not be relocated, but bike trail relocation would require approval by the Trails and Open Space Manager and the Planning Commission at the Subdivision Plat and would be at the owner's expense.

Mr. Harrington questioned whether the Commission wanted language that would prohibit use of the ski easement for access. Commissioner Hall agreed. It was noted that Condition of Approval 8 was standard and Conditions of Approval 9 and 10 would remain unchanged. Commissioner Johnson felt that Condition of Approval 10 was an important one based on the information in the Staff Report regarding the ability to get any sort of utilities to the site.

Commissioner Hall supported Condition of Approval 12 and felt it was more specific than the current Code. She noted she would like to see similar language in other applications. With

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respect to the Condition of Approval 13, there was consensus to eliminate the extension language.

After a short recess, Chair Suesser called the meeting back to order.

Planner Ananth reported the changes to the Conditions of Approval ("COA") as follows:

- COA 3 added, "Limits of Disturbance are limited to the six acres and shall include the driveway area."
- COA 4 was amended to read as follows: "The applicant shall submit a Tree Preservation and Replacement Plan by a licensed arborist to the Planning Director with the Subdivision Plat application that identifies Significant Vegetation in the Estate zoned portion of the lot, and any Significant Vegetation to be removed for development, including for access in the driveway areas."
- COA 5 added to the last sentence as follows: "New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10, and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes and Very Steep Slopes is prohibited. Access shall be prohibited from Steep and Very Steep Slopes."
- COA 6 added, "The driveway width shall be the minimum required by the Park City Fire District."
- COA 7 was amended to read as follows: "The applicant shall maintain and grant easements for existing bike and ski trails located on the property at the time of plat recording, and ski trails shall not be impacted by development or access. If any bike trails require relocation, the applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager in conjunction with the Subdivision Plat."
- COA 11" Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on any future subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan."
- COA 13 amended the first sentence to read, "The approval of this Zone Change is subject to a two-year Sunset Clause. If the applicant has not received an approval for a Subdivision Plat within the allotted amount of time from the date of City Council action, the Zone will revert back to Recreation and Open Space (ROS).

Commissioner Hall requested that the Commission revisit Condition of Approval 3 to address the discussions requiring a two-pronged approach for a conservation easement. She recalled that they agreed to require a conservation easement in conjunction with the rezone. Planner Ananth recalled that the applicant did not want to prohibit their options until they presented the Subdivision Plat.

Commissioner Hall observed that the applicant would not be limited any further than what is already in the Conditions of Approval. Mr. Harrington suggested the following language: "Consistent with the permitted uses of the ROS zone and this approval..." and then change the last sentence to read, "...at the time of the rezone recordation." Commissioner Hall clarified that by the time the applicant goes before City Council for final approval, there should be a draft conservation easement.

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Mr. Harrington suggested adding, "Minor adjustments shall conform to the final Subdivision approval." He stated that based on the discussions, the Commission should clarify under "Section 1. Approval" in the Draft Ordinance that the elimination of the actual lot lines proposed on the attached map would not be defining the lots as part of the rezone. He added that the question was whether the Commission wanted to preliminarily approve it as shown, and then finalize it with the Subdivision Plat.

Mr. Kuhn liked the term "Draft Conservation Easement," because they do not know what else might be changed in a more detailed plat.

Commissioner Hall did not feel that they wanted to be bound by the existing map and noted that it was helpful in understanding how it might work. Mr. Harrington explained that typically a rezone would adopt the map, and he wanted to get to the logistics of the floating boundary concept or publishing a preliminary boundary now that could be amended with the Subdivision Ordinance, if necessary. He recommended eliminating the references to the lots but keeping the preliminary area of six acres undefined that would be amended with the Subdivision Ordinance if those boundaries moved. He would keep the reference to Attachment 1, as modified, but exclude the references to the lots. In addition, for Condition of Approval 3, he suggested adding "minor adjustments to the Conservation Easement and Zoning Map."

Commissioner Hall commented that they addressed the changes that would lead her to a positive recommendation and added she would like to see an LMC Amendment to require a Plat Amendment with a rezone in the future, because she felt this process was tedious, despite by allowed by the current Code. She felt that with this application complied and they have narrowly tailored Conditions of Approval to address their issues.

MOTION: Commissioner Hall moved to forward a **POSITIVE RECOMMENDATION** for City Council consideration, based on the Draft Ordinance, and the Findings of Fact, Conclusions of Law and Conditions of Approval as modified:

Findings of Fact:

1. Parcel PCA-S-79-C (the Bransford Parcel, also known as the Logan Parcel) contains 19.8 acres and is currently zoned Recreation Open Space.
2. The Applicant proposes to rezone six acres within Parcel PCA-S-79-C from Recreation Open Space to Estate to create two three-acre pods to accommodate the development of two Single-Family Dwellings, one for each three-acre pod.
3. Parcel PCA-S-79-C is in the Sensitive Land Overlay Zone and development must comply with the regulations of Land Management Code Chapter 15-2.21.
4. Prior to the annexation into Park City in 1998, the Snyderville Basin Development Code located the existing parcels in the West Mountain neighborhood within the Mountain/Remote Area.
5. The Bransford Parcels were included in the 1,750 acres of property in unincorporated Summit County that was annexed into Park City Municipal under the 1999 Flagstaff Development Agreement.

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6. After the annexation of the parcels into Park City, the area was zoned Recreation and Open Space (ROS) Master Planned Development (MPD) in which a Single-Family Dwelling (SFD) is a prohibited Use.
7. The Applicant's proposed Zone Change to Estate (E) will allow the development of two Single Family Dwellings.

Conclusions of Law:

1. The Zoning Map Amendment request is consistent with the Park City General Plan and the Land Management Code, including Section 15-1-7(B)(2).
2. The Zoning Map Amendment is consistent with applicable state law.
3. The Zoning Map Amendment furthers the purposes of Utah Code Section 10-9a-102.

Conditions of Approval:

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. Maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been recorded.
3. Limits of Disturbance are limited to the six acres and shall include the driveway area. Consistent with the permitted uses of the ROS zone and this approval, the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six allocated Estate acres, at the time of the rezone recordation.
4. The applicant shall submit a Tree Preservation and Replacement Plan by a licensed arborist to the Planning Director with the Subdivision Plat application that identifies Significant Vegetation in the Estate zoned portion of the lot, and any Significant Vegetation to be removed for development, including for access in the driveway areas.
5. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10, and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes and Very Steep Slopes is prohibited. Access shall be prohibited from Steep Slopes."
6. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to

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prevent Significant Vegetation disruption and steep slope disturbance. The driveway width shall be the minimum required by the Park City Fire District.

7. The Applicant shall maintain and grant easements for existing bike and ski trails located on the property at the time of plat recording. If the trails require relocation the Applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager.
8. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD).
9. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet Gross Floor Area.
10. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.
11. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on the subdivision plat, or on any future subdivision plat, with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.
12. Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.
13. The approval of this Zone Change is subject to a two-year Sunset Clause. If the applicant has not received an approval for a Subdivision Plat within the allotted amount of time from the date of City Council action, the Zone will revert back to Recreation and Open Space (ROS).

Commissioner Van Dine seconded the motion.

VOTE: Commissioner Hall-Aye; Commissioner Van Dine-Aye; Commissioner Kenworthy-Aye; Commissioner Johnson-Aye; Commissioner Frontero-Nay; Commissioner Sigg-Nay. The motion passed 4-to-2.

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B. 2545 Lucky John Drive - Plat Amendment - The Applicant Proposes to Remove a Shared Driveway Easement in the Single-Family (SF) Zoning District. PL-22-05390.

Planner Ananth introduced Planning Department Intern, Davis Petersen who would present the above item. Mr. Petersen explained that this was a Plat Amendment for Lots 30 and 31 of the Holiday Ranchettes Subdivision, located at 2519 and 2545 Lucky John Drive. He reported that in 1974, the Holiday Ranchettes Subdivision Plat was approved by City Council with 102 lots. In 1999, Lots 30 and 31 were combined into one two-acre lot through an administrative lot line adjustment approved by the Planning Director. In 2014, the then-owners applied to re-establish Lots 30 and 31 as separate one-acre lots, with the addition of a shared driveway easement. This was approved by City Council.

Mr. Petersen indicated that the applicant and current owner of Lots 30 and 31 proposed to remove the shared driveway easement that is recorded on the plat for both lots. The shared driveway was a Condition of Approval when the lots were re-established as separate lots by Ordinance No. 14-18. He presented a graphic showing the existing shared driveway easement and clarified that the shared driveway was located between a Single-Family residential structure on Lot 30, and a detached garage structure on Lot 31.

Staff found good cause for removal of the shared driveway easement because it would not cause any hardship to other properties in the subdivision, was consistent with the requirements for the Single-Family Zone, and the proposed plat would not cause any non-conformities with respect to Setbacks, Lot Size, Density, or otherwise. He noted that no other lots in this subdivision have a shared driveway easement. Mr. Petersen advised that Staff recommended the Planning Commission review the requested Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on January 24, 2023, based on the Findings of Fact, Conclusions of Law and Conditions of Approval, as found in the Draft Ordinance.

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

Commissioner Frontero asked if there was a Homeowners' Association ("HOA") in this subdivision and if they provided input. Mr. Petersen responded that the HOA approved of this application and referenced the letter of approval attached to the Staff Report.

Commissioner Sigg asked if there was a minimum lot size in this development to accommodate horses. It was noted by the applicant, Eric Morgan, that the intent of the development was to have that opportunity and was outlined in the CC&R's.

MOTION: Commissioner Hall moved to forward a **POSITIVE RECOMMENDATION** for City Council's consideration on January 24, 2023 for 2545 Lucky John Drive, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact:

1. The property is located at 2519 and 2545 Lucky John Drive.
2. The property is in the Single Family (SF) zoning district.

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3. The property consists of two 1-acre lots, known as Lot 30 and 31 Holiday Ranchettes and includes a recorded driveway easement shared by both Lots.
4. The owner wishes to remove the shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision.
5. No other properties will be affected by this proposal.
6. Each lot will be 1-acre in area, consistent with the 1974 Holiday Ranchettes Subdivision platted configuration. There is no change to Density.
7. The minimum setback requirements are 20 feet for the front yard and 12 feet for the side yards. Front facing garages require a 25-foot front setback. The rear setback requirement of 15 feet is not applicable due to the double frontage nature of both lots.
8. There is an existing Single-Family Dwelling on Lot 30 that complies with all required Setbacks.
9. There is an existing garage/storage structure on Lot 31 that will be demolished.
10. The shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision will no longer be necessary, following the demolition of the garage/storage structure on Lot 31.
11. Both Lots 30 and 31 have double frontage onto Lucky John Drive and Holiday Ranch Loop Road. The 1974 Holiday Ranchettes Subdivision includes notes restricting access from Lucky John Drive that have been carried forward with this Plat Amendment.
12. The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building Setback areas along Lucky John Drive and Holiday Ranch Loop Road.
13. The Plat provides for a restriction of access to Lucky John Drive and protects the safe routes to school pedestrian and bike path from additional primary access across it.
14. Drainage and utilities have already been relocated in order to accommodate both Lots 30 and 31 separately.
15. There is good cause for the removal of the existing shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision as the removal of the shared driveway allows for redevelopment of Lot 31 consistent with the existing residential neighborhood and originally approved Holiday Ranchettes Subdivision, will have no negative impacts to the public, and does not create any

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nonconformities. No other Lots in the Subdivision appear to have shared driveways.

16. The Holiday Ranchettes HOA Architectural Committee submitted a letter of support for the removal of the shared driveway easement.

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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) 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 and an extension is granted by the City Council.
3. A Plat Note shall indicate no access to Lots 30 and 31 is permitted from Holiday Ranch Loop Road.
4. A Plat Note shall indicate any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that was existing prior to any construction on the Lots) in the calculation of Building Height.
5. A Plat Note shall indicate this Plat is subject to Ordinance 2023-Xx.

Commissioner Kenworthy seconded the motion.

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

C. 2647 Meadow Creek Drive - Plat Amendment - The Applicant Proposes to Amend Parcel A and Parcel B of the Smith Subdivision in the Single-Family (SF) and Estate Zoning Districts.

The above item was withdrawn as previously stated.

8. WORK SESSION

A. 1301 Park Avenue Plat Amendment - The Planning Commission Will Conduct a Work Session on the Proposed 1301 Park Avenue Plat Amendment and the Applicant's Petition to Vacate a Portion of the 13th Avenue Public Right-of-Way. PL-22-05195.

City Planner, Spencer Cawley reported that the above presentation would give the Commissioners an idea of the full scope of the proposal. Staff wished to discuss good cause and Commission input on moving forward. He presented a vicinity map showing the location of 1301 Park Avenue across from the Library Field on 13th Street. He advised that the existing lot was .15 acres and contained two structures. One of the structures is a Landmark Historic Structure, highlighted in blue on the graphic. The other is a non-historic A-frame Single-Family Dwelling, highlighted in green.

Planner Cawley presented images of the two structures on the subject property. He noted that the Landmark Historic Structure, built circa 1904, was at some point turned into a duplex. He explained that the applicant was proposing to amend the plat to create two lots. Lot 1 would include the non-historic A-frame Single-Family Dwelling and would contain approximately 2,557 square feet. Lot 2 would include the Historic Structure and would contain 3,249 square feet.

Planner Cawley reported that Historic Residential-Medium ("HR-M") Density Zone allowed for both the Single-Family Dwelling and the duplex. Under the Code, a Single-Family Dwelling requires 1,875 square feet, and a duplex requires 3,750 square feet. He noted that the duplex on this site would not comply with the required Lot Size for this zone. He stated that the required Minimum Lot Width is 37.5 feet, and both of these lots would meet that requirement. Additionally, both lots have a Front Setback of 15 feet, a Rear Setback of 10 feet, and a Side Setback of 5 feet. The Historic Structure was exempt from Setback requirements. The Building Height requirement for this zone is 27 feet from existing grade.

Planner Cawley stated that the second part of this application included a request to vacate a portion of the 13th Street right-of-way. This request, if approved, would add square footage to both lots, allowing for Lot 2 to be brought into compliance with the zoning regulations. In addition, the applicant proposed an easement along Park Avenue that would not reduce the size of Lot 2.

He referenced Resolution No. 8-98, which states that the City Council must find good cause to vacate a public right-of-way, based on the following requirements:

- No increase in density;
- Neighborhood compatibility;
- Consideration to the City for the loss of the right-of-way; and
- Consideration of the utility of the existing right-of-way.

Planner Cawley reported that the City Engineer reviewed this application and noted that the portion of the public right-of-way that is the subject of this request would not be used in the future for utility development or road widening; however, the City Engineer requested that a ten-foot access easement for snow storage and potential future improvements be included on any

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proposed plat. He stated that if this Plat Amendment was approved, the Development Review Committee required Conditions of Approval at the Building Permit phase.

In addition, the Snyderville Basin Water Reclamation District advised that the sewer connection from the A-frame to the main sewer lateral could not cross property lines. This request would create that issue and would need to be corrected. Planner Cawley added that if there were any future proposals for basement bathrooms, a water ejector pump might be required. The City Engineer also stated that high water tables were an issue in this area, and further study was required to identify additional depth if basements were proposed for future development. Staff requested the Planning Commission discuss whether there was good cause for this Plat Amendment. Good cause is defined as providing positive benefit 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
- Further the health, safety and welfare of the community.

He added that good cause might include such things as the retention of the uses and character of the HR-M Zoning District, that no public street or right-of-way would be amended pending City Council approval of the vacation of the right-of-way, and no easement would be vacated or amended.

Planner Cawley introduced the applicant, Gary Knudson, who stated that he moved to Park City in 1961 and acquired the property. He also had property on the resort and sold lots to the Park City Ski Resort for \$2.2 million. It was clarified that this property was sold to the City, who advised him that they would help him acquire the subject property. The applicant stated that in the meantime, the City installed a bike path in front of this property that prevented him from parking. He also referenced property sold for affordable housing. He was trying to incorporate this right-of-way into the property, and the City insinuated to him that they did not need that wedge of property.

The co-applicant, Susan Knudson added that the City installed a bike path in front of 1301 Park Avenue that extends up at least one full city block on each side of the home and prevents them from parking in front of their home. In addition, she identified area that was a sidewalk that the City took from her father's property, which totals 266 square feet. They hoped to exchange the vacated area with the sidewalk area.

The applicant's daughter, Amy Knudson, emphasized that when her father moved here in 1961, he was the football coach at Park City High School, and her mother was the Summit County school nurse. She stressed that her family were long-time residents of Park City and wanted the City to keep their word to her father.

Chair Suesser requested clarification as to how this proposal would help to solve the parking problem for the applicant. Planner Cawley explained that the Historic Structure was exempt from parking requirements; however, this additional square footage would allow for an on-site parking space.

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In response to an inquiry, Planner Cawley stated that the parking requirement for the A-frame was two parking spaces.

Chair Suesser expressed support for the application with the caveat that she agreed with the City Engineer that if they vacate the right-of-way, the City will get a 10-foot access easement for snow storage and a sidewalk to be installed along 13th street in front of the applicant's property. She felt this would provide a public amenity that was very needed, and it would work for both the City and the applicant.

Commissioner Johnson agreed and noted that 13th Street is quite narrow and sought clarification that the easement would be for snow storage and a sidewalk. Planner Cawley stated that Staff could clarify with the City Engineer before this item is brought back before the Commission. Commissioner Johnson noted that they will likely have to do the same with the neighboring property to allow the sidewalk and the snow storage to continue to Woodside Drive.

Chair Suesser observed that this was currently a City right-of-way and the City had the right to install a sidewalk. Those properties currently park where a sidewalk would be installed.

Mr. Harrington reported that the applicant requested this section and suggested the Commission should not worry as much about the function on the other lots where the City might have either an existing right-of-way, or an acquired right-of-way.

Commissioner Sigg expressed confusion between the Snyder's edition map and the more modern version with the proposed public access dedication and the proposed vacated area on 13th Street. Mr. Knudson clarified that Bill Hart owned the property on Woodside Drive, located behind the dog park. Mr. Knudson added that the City Engineer informed him that the City did not need the strip they were trying to incorporate, but Mr. Knudson felt they could work it out. Chair Suesser clarified that the City Engineer stated that the strip was not needed for utility lines; however, the City would want to use some of that strip for snow storage and a sidewalk.

Commissioner Sigg asked if this would create a non-conforming use on the property. Planner Cawley explained that the Historic Structure is exempt from Setbacks and from parking requirements.

Commissioner Hall did not object to the non-complying Setbacks for both structures but suggested a Condition of Approval that there would be no additional reduction in Setbacks with any additional structures. She also wanted to see how the applicant would achieve compliance with the parking requirement for the non-historic site, as she would like to see more compliance with the Code. She reiterated her concurrence with Commissioner Johnson and Chair Suesser regarding the sidewalk and snow storage.

Commissioner Kenworthy agreed with the other Commissioners and would like to hear from the City Engineer. He found good cause and equity for this Plat Amendment.

Commissioner Van Dine also found good cause and did not need any further information. Commissioner Frontero felt the application was reasonable and that the Commissioners all wanted to see a more detailed plan from the City Engineer to ensure that he was comfortable with this application. He felt that this was a workable solution. Mr. Knudson stated that he would be glad to work with the City. Commissioner Hall requested that when this comes back before the Commission for action that it be placed first on the Regular Agenda

Planner Cawley felt he had enough feedback from the Commission to move forward with the application.

B. Land Management Code Amendments - Support Commercial, Residential Accessory Uses, and Resort Accessory Uses - The Planning Commission Will Conduct a Work Session on Proposed Amendments to Section 15-6-8 Unit Equivalents to Clarify Uses Exempt from Master Planned Development Density and to Section 15-15-1 Definitions to Update and Align Accessory Use Definitions.

Assistant Planning Director, Rebecca Ward, explained that this presentation would address Accessory Uses that were exempt from density for MPDs. The Code currently provides that the density for MPDs was the density allowed in the zone. In addition, there were exemptions for what the Code defines as Support Commercial, which includes commercial uses intended to serve the patrons or residents of the site and could potentially include additional square footage for meeting rooms for a nightly rental residential development. She added that there were also exemptions for Residential Accessory Uses and Resort Accessory Uses.

Assistant Director Ward stated that these exemptions presented some challenges as MPDs come before the Commission for review, especially given that MPD bulk can be larger than what would otherwise be allowed in the zone. Additionally, there was the potential for uses originally intended for people on site, to be open to the public without mitigating traffic and parking, and without being counted in the affordable housing obligations required in an MPD. She commented that the Planning Commission's initial input on Accessory Uses was outlined in the Staff Report. The Commission stated that it did not want to be so restrictive that projects could not be successful and allow for development in a way that was manageable.

Additionally, she noted that when Accessory Uses were first established in the Code in the 1980s, there were caps on maximum square footages that would be allowed. The Commission expressed support for reinstating those caps, especially the cap that each individual Accessory Use be 2,000 square feet or less.

Assistant Director Ward commented that there is currently no limit on Residential Accessory Uses, and the Planning Commission expressed support for creating a cap. The Commission was also supportive of removing the redundancy from some of the Accessory Use lists. She indicated that there was support for Residential Accessory Uses as specified in the Code; however, the Commission wanted to capture any additional impacts for staffing that might contribute to affordable housing demands, and parking and traffic. She also noted that the Commission wanted to use caution when creating caps, because uses might change over time, and it wanted to work to balance caps with project success. She reported that since receiving this input, Staff worked with the Planning Commission liaisons on these issues, and the feedback was to create something more restrictive in these amendments.

With regard to the Support Commercial Accessory Uses, Assistant Director Ward explained that these Uses were oriented toward the development serving the needs of the people who are part of the development. Currently, these Uses are allowed in a hotel or nightly rental condominium project and could make up to 5% of the total square footage of that project as well as an additional 5% for Meeting Space. She explained that the definition of Support Commercial had

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not significantly changed since the 1980s, but some of the original parameters and uses were removed from the Code over the years.

Assistant Director Ward requested input regarding where the Commission stood on recommending these amendments, and presented the following questions for consideration:

- Whether the 1980s cap that limited Support Commercial Uses should be reinstated, and limiting each individual Support Commercial Use to no more than 2,000 gross square feet of floor area while still allowing up to 5% of the total MPD and up to 5% for meeting spaces;
- Whether the requirement that signage be viewable only within the development be reinstated, and potentially include advertising to those limitations;
- Whether the Support Commercial Use exemption should be reduced or removed, including the Meeting Space square footage; and
- Any other considerations.

Chair Suesser asked Assistant Director Ward to define what would be included in Support Commercial Accessory Uses. Assistant Director Ward explained that the Code defined these uses as "a commercial use oriented toward the internal circulation of the development for the purpose of serving the needs of the residents or users of that development, and not persons drawn from offsite."

In response to further inquiry from Chair Suesser, Assistant Director Ward stated that lockers would be part of Residential Use. Some examples of Support Commercial would include a restaurant, a delicatessen, coffee shop, and a gift shop. Commissioner Kenworthy asked if a Support Commercial Accessory Use would include a ski rental shop. Assistant Director Ward felt that would likely fall under Resort Accessory Use.

In response to an inquiry from Commissioner Sigg, Director Milliken stated that Support Commercial was commercial space that could offer goods and services for commercial sale, although the Code did not state that specifically. She added that the signage requirements prohibited advertising outside of the development and mentioned the ski shop at The Montage.

Chair Suesser asked about a spa or a workout room. Assistant Director Ward stated that these uses had come up in a few recent reviews and are allowed under Residential Accessory Uses. She added that currently, Residential Accessory Uses specifically allowed saunas, common pools, and exercise areas not open to the public.

Commissioner Hall asked if there was a way to count every square foot built in an MPD to go towards Unit Equivalents ("UEs") for affordable housing. She also did not feel that it needed to be 2% or 5% of the UEs for the Residential, but the net needed to be specified because a developer was essentially unrestricted. She wondered if it needed to be tied to the UEs. She added that if someone wanted to build 10% commercial in an MPD, there would just be less UEs for the residential. She noted that while they might want to limit Resort Commercial, they also wanted to make these developments as self-sufficient as possible. She did not want to give the developer carte blanche to do what they want with the space they have and felt that it should be counted towards affordable housing square footage.

Commissioner Hall asked if there was a way to limit it without assigning a percentage of floor area or UEs. Assistant Director Ward stated that there were limitations on Light Support

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Commercial and those limitations could be added for Residential and Resort Accessory Uses. Commissioner Hall asked if more density or more gross square footage would be allowed if a building wanted to have 10% Support Commercial Accessory Use. She was agreeable to the net allowed density but did not want the projects to get bigger. Assistant Director Ward explained that rather than Support Commercial serving as a density bonus, they could have an allowance, with interim review, up to a certain percentage within that density.

Commissioner Sigg asked if this related to the Development Agreements and situations where a developer proposed increased heights, as an example. He felt that the restrictions should be in the Code, unless there was a compelling reason, such as an affordable housing giveback or something that would serve as an incentive to the City.

Commissioner Van Dine suggested that they should reinstate the requirement that the signage be visible only within the development. Commissioner Frontero agreed.

Assistant Director Ward explained that the current Code had no limitations or parameters for Residential Accessory Uses. They are allowed as a density bonus, and include such uses as ski equipment lockers, concierge, laundry facilities, employee facilities, pools, saunas, hot tubs, exercise areas, telephone areas, public restrooms, administrative offices, hallways and circulation, and elevators and stairs. She recalled the Commission feedback that Staff reach out to other communities to see how they regulate these Accessory Uses. She referenced the information outlined in the Staff Report and reported that they found that many communities limit Residential Accessory Uses to functional spaces, which would include mechanical rooms and shafts, hallways and circulation, and elevators and stairs. She noted that there was some Commission discussion on establishing a cap of 25% on the square footage of Residential Accessory Uses. Staff recommended amending the Code to clarify that a sauna or something that might require additional staffing would trigger consideration of affordable housing obligations, and traffic and parking. Assistant Director Ward also requested feedback on whether the Commission would be interested in amending the Code to limit Residential Accessory Uses to functional spaces.

With regard to Resort Accessory Uses, Assistant Director Ward noted that the Code did not impose any limitations. She referenced the list of Resort Accessory Uses contained in the Staff Report. She indicated that during prior discussions, there was Commission support for how the Accessory Uses were currently drafted; however, any additional impacts to affordable housing should be considered. She added that the Commission could consider establishing parameters and refine the list of Uses.

She reported that Staff made a technical recommendation that in the zoning districts that allow for Support Uses, most of them include a footnote that states specifically that these Uses would be allowed in the zone if they are part of an MPD. Staff recommended an amendment to that footnote that would tie that to all of the zones where Accessory Uses are allowed specific to Resort, Residential and Support Commercial so that those would only be allowed in zones where approved by the Planning Commission as part of the MPD.

Assistant Director Ward observed that the initial input was to evaluate how the UEs were calculated to ensure that these Uses were captured in the UEs, thereby capturing the affordable housing obligations. In addition, if there were allowances for these commercial uses, the Commission felt that there should be a limitation based on what would be allowed in the zone under the base density, and there could not be any additional exemptions beyond that. She

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also understood that the Commission wanted a requirement that signage and marketing be limited to the interior of the development.

Commissioner Kenworthy liked the idea of a formula based on the minimum that should be allowed, and then other uses would eat into the density. He sought information on the problems caused by the Treasure development, as he recalled that the Accessory Uses created quite a stir. He observed that the applications presently before the Commission are what they are, and nothing the Commission does with these amendments would affect those applications.

Mr. Harrington explained that the Treasure development was a perfect storm of a biometric design that lent itself to compartmentalization on staff development. He recalled that these Use provisions were expanded mostly to enable the Mountainside Marriott development during Phase 1 of Park City Mountain Resort. There were discussions as to whether the City cared if the subterranean areas were used and mentioned Snowbird or any hotel in Hawaii that have a store or coffee shops that produce trips. He noted that the intent of the planners at the time was to focus on the uses.

Mr. Harrington advised that Treasure had some more restrictive language in the original MPD, but the rules of land use are that while rights could not be taken away, if the Code is amended to be more liberal, a landowner could take advantage of those changes. That is what occurred with Treasure because their original proposal morphed into a different concept with a different layout. He added that the situation at Treasure amplified the public perception on how 400 square feet of UEs were approved relative to 800,000 to 1.2 million gross project. They got into an apples versus oranges comparison with other MPDs and what the normal ratio of net UEs were to gross. He acknowledged the ability to control this long-term erodes with the increased success of the project and referenced Deer Valley. Stand-alone condominium resort projects were no longer the thing; rather, mixed-use, vibrant developments with pubs and restaurants were the new norm. As a result, Support Commercial Uses that were supposed to be internal start creeping outside the development.

Mr. Harrington acknowledged that any amendments would likely not impact the pending large applications before the Commission but felt that Commissioner Sigg's comments about a multiplier effect was real and that is what they saw at Silver Lake and other projects that do not have narrow confines of volumetrics. He felt that the lessons learned were to create a balance; however, there was a policy argument to remove them altogether, but he felt that keeping them with some flexibility made sense in the long-term. The question was whether the Commission wanted to go with hard caps, or different types of structural or percentage caps, and whether they should be uniform between all three classes of Uses.

Commissioner Sigg understood that the zoning dictated the uses and the occupancy but observed that it seemed that these incentives were more for institutional operators like hotels. Mr. Harrington reiterated the statements that Staff research demonstrated that most jurisdictions had clearer uses, while Park City is more unique. Assistant Director Ward cautioned that it was challenging to compare jurisdictions, because even within the City they determine that differently for different zones; however, in general other communities were more restrictive on the square footage allotted for all three Uses and the allowed Uses.

With regard to Commissioner Sigg's suggestion to limit this to hotels, Assistant Director Ward noted that the definition was expanded to nightly rental condominiums. She also asked if there was interest in reducing the percentage of allowable Meeting Space or restricting how Meeting

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Space could be used. It was confirmed that Meeting Spaces were just for Support Commercial, and that hotels or nightly rental condominiums could have 5% Support Commercial Accessory Uses and 5% for Meeting Space. Both of these allowances were considered a density bonus.

Chair Suesser did not support allowing Meeting Space as a density bonus; rather, it should be included in the overall density of the project. Commissioners Johnson, Sigg, and Frontero agreed. She also inquired whether limiting the regulations to hotels would capture projects like Sommet Blanc. Assistant Director Ward expressed that Sommet Blanc would fall under the nightly rental condominium category, because it was platted as a condominium and those units could be individually sold. She understood that the limitations suggested by Commissioner Sigg would apply to a hotel that had single ownership. She noted that clarification of the definition would prohibit Support Commercial for the nightly rental condominiums; however, with regards to Sommet Blanc, the additional Uses were under the Residential Accessory Uses that go beyond functional space.

Assistant Director Ward asked if there was interest by the Commission in amending the Residential Accessory Uses to limit them to functional spaces such as hallways, circulation, elevator shafts and mechanical rooms.

Commissioner Hall revisited the Meeting Space allowance of 5% and asked if it was based on the premise that it was all density bonus so that a developer could have 6% Meeting Space but that additional percentage would eat into the UEs for the residential. This would thereby decrease the volumetrics, and the 1% would be triggered into affordable housing.

Assistant Director Ward explained that currently, the discussion was on the density bonus and felt that the extent of Meeting Space that would be allowed could be reviewed; however, the 5% was specific to the square footage density that could be increased.

In response to an inquiry regarding the density bonus for Sommet Blanc, Assistant Director Ward stated that she did not have the specific numbers.

Chair Suesser liked the idea of limiting Residential Accessory Uses to functional space, which needed to be defined. Commissioner Van Dine agreed that cutting back on the Residential Accessory Uses to only include functional, necessary uses was more appropriate. It was clarified that functional uses were related to the function of the building, such as elevator shafts and mechanical rooms.

There was discussion regarding use of the term “required functional space,” that would include “hallways and circulation, elevators and stairs, mechanical rooms and shafts.” There was consensus that this description was sufficient.

Commissioner Kenworthy asked if public restrooms should be included. It was noted that public restrooms were on the current list of Uses. Commissioners Van Dine and Frontero felt that public restrooms were functional to the building and would support its inclusion in the list of “functional uses.”

Referencing Sommet Blanc, Assistant Director Ward reported that the developer could ask for up to 5% Support Commercial. She felt that some parameters were set through volumetrics with the previous MPD approval that was amended. She noted that the question that arose

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during that project involved the saunas and exercise room, and under the Code at the time, there were no limitations on the square footage allowed.

Assistant Director Ward stated that if the Code was amended to reduce Residential Accessory Uses to functional uses to allow for improved design, applications moving forward would still be able to propose uses like that through density bonuses.

Chair Suesser felt that they needed to be clear about what was included and what was excluded in the definition of functional space. Assistant Director Ward stated that they saw some good examples of functional space definitions and limitations that they could bring to the next meeting.

There was discussion regarding how these changes would impact a hotel versus a condominium building in terms of uses such as a public restroom because conceptually they were different. Commissioner Sigg felt that the large developers wanted to squeeze as much extra profit space as they can out of their buildings, so to just give these developers a carte blanche bonus did not seem right. He felt that the fundamental aspects of the mechanics of the building and flow of the building was one thing; however, to give these developers additional space as a profit center in a condominium building did not make sense. He added that there was a degree of sensibility in allowing these uses in a hotel; but a private nightly rental did not lend itself to a shop or ski rental. Commissioner Van Dine countered that this was part of what they were trying to promote and a building with a ski rental facility could keep people there rather than requiring them to drive around. She reiterated that they would want to incentivize some of the Support Commercial Uses and did not want to eliminate them completely, even in the smaller condominium buildings. She mentioned the ski shop at Silver Star that keeps people in the area.

Commissioner Johnson added that they could get there by supporting walkability and bikeability around town and focus on that as a planning tool.

Chair Suesser clarified that they would not prohibit or limit the use; rather, these uses would count towards density.

Commissioner Kenworthy felt that they wanted to address the cap in the definition. Assistant Director Ward recalled that the initial input was to cap Residential Accessory Uses at 25%. She stated that Staff could research this further and come back with recommendations but observed that if they were going to reduce the Uses to functional uses, 25% might be high.

In response to an inquiry regarding childcare, Assistant Director Ward referenced the Resort Accessory Uses that include daycare facilities but noted that it was not included as a Residential Accessory Use. Commissioner Hall was in favor in including childcare as a Use in any of these categories. Commissioner Kenworthy noted that they should define the Uses.

Assistant Director Ward pointed out that the Commission's initial input on Resort Accessory Uses was to support no cap, and to refine the list. She noted the discussions that these Uses should be captured at least as far as an affordable housing obligation, and traffic and parking. Commissioner Van Dine expressed that these Uses would generate a decent amount of traffic and parking. In terms of having a cap on the Resort Accessory Uses, Commissioner Sigg expressed his desire for a cap based on underlying Code volumetrics. He saw it as a slippery slope if people started incentivizing to obtain an increased density bonus and part of the

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increased density bonus was an increase in the profit center volumetrics. He noted the timing of these amendments and commented that the large New York developers were already coming in with applications. Commissioner Johnson asked how many applications they would affect by amending these provisions and stressed that they had an opportunity here and should jump on it.

Commissioner Hall stated did not want to incentivize a developer to include all of these Uses, and conceptually wanted to pull in affordable housing and decrease the volumetrics, but at the same time she would like to see these Uses.

Commissioner Van Dine was supportive of the Resort Accessory Uses because they were Uses that she would like to see incentivized to make a Resort functional. Commissioner Johnson felt there were Uses on the list that were useful, but also felt there were existing facilities already.

Commissioner Kenworthy observed that based on Commissioner Sigg's recommendation, they would be working within the volumetrics.

Assistant Director Ward asked if the Commission was still interested in capturing affordable housing obligations, and traffic and parking as far as Resort Accessory Uses. The Commission expressed support for this.

In terms of Support Commercial Accessory Uses, she understood that the Commission was interested in looking at reducing the allowed bonus density, and to refine the definition to include hotels rather than nightly rental condominiums. In addition, the Commission was in agreement that signage should be restricted to being visible only within the development. She recognized that there was interest in either lowering the 5% Meeting Space, or potentially requiring that the Meeting Space be counted in the density.

Commissioner Sigg was concerned that allowing 5% for Meeting Space was granting a volumetric exception, given the potential situation of the Meeting Space no longer being used or needed. He felt that Meeting Space had became part of a business model and felt that it should be part of the project's density.

Assistant Director Ward also understood that the Commission supported restricting Residential Accessory Units to functional spaces, with a specific definition, and adding childcare. She clarified that the Uses listed in the current Code would be removed, and while they would still be allowed, they would not be part of a density bonus. She commented that functional uses would include mechanical rooms and shafts, hallways and circulation, and elevators and stairways. Based on the research from other communities, placing a cap of these Accessory Uses would be desirable. She requested clarification of including public restrooms as a functional use.

There was discussion regarding whether the Code required public restrooms in a public establishment.

In terms of Resort Accessory Uses, Assistant Director Ward recalled that the Commission wanted to ensure that impact to traffic and parking would be captured. In terms of volumetrics, she asked whether they wanted any percentage or cap.

Commissioner Van Dine was generally agreeable with the list and noted that it did not include the moneymaking options, but instead were uses that they would want on site.

Park City Municipal Corporation
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Chair Suesser recommended removing Administration, and Maintenance and storage facilities as a listed Use, and felt that should count toward the overall density. She stressed that those uses geared toward the public should be encouraged and exempt. She asked the Commission to consider how much this would increase the development as an Accessory Use, which was the issue at Treasure where the project kept exploding with extra add-ons that did not count toward the density. She agreed that all of these uses were desirable for the public and felt they could distinguish those from Administrative and Maintenance facilities.

Commissioner Sigg felt that the definitions could be tightened up, and stated he was not sure what Instruction facilities meant.

Chair Suesser would also remove Circulation and hallways, and Instruction facilities from the list.

Commissioner Hall was conflicted about removing Maintenance and storage facilities and referenced the desirability of having laundry facilities. Commissioner Frontero stated that the developer could still house those facilities; it would just not be in the form of bonus density.

Commissioner Sigg provided the example of building a home where the CC&Rs limited the square footage to 3,000 square feet. The builder would be confined to 3,000 square feet, and everything for that home would be within that permitted limit.

Assistant Director Ward stated that the current LMC referenced Resort Support Commercial that is undefined and not associated with MPDs; however, zoning district uses state that Resort Support Commercial are allowed in ROS, Residential development, Residential development-Medium, Regional Commercial, General Commercial and Light Industrial. Some of these zones include a footnote stating that Resort Support Commercial is a conditional use subject to MPD approval. She noted that this language was not consistent across the zones; therefore, Staff recommended making sure that the footnote was tied into all zones.

As a result, Resort Support Commercial could be approved as part of an MPD. She explained that Resort Support Commercial is a use that is clearly incidental to and customarily found in connection with the principal building user, to operate and maintain for the benefit and convenience of owners, occupants, employees, customers or visitors to the principal user building.

Commissioner Kenworthy commented that they should tighten up this definition. Assistant Director Ward advised that if they make it consistent and link it to an MPD that would be accomplished.

Commissioner Frontero asked if they even needed a category for Resort Support Commercial. Assistant Director Ward stated they would look into that for the next discussion. She asked if the Commission felt they would be ready for a public hearing when Staff returned with these amendments, or whether the Commission preferred another Work Session. There was consensus to have another Work Session.

9. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 9:35 p.m.

PENDING APPROVAL

2519 & 2545 Lucky John Drive Plat Amendment

Planning Commission
December 14, 2022

— Background —

1974 - Holiday Ranchettes Subdivision Plat was approved by City Council with 102 lots.

1999 - The then owners of the 2 lots combined Lots 30 and 31 into one parcel containing approximately 2 acres through an Administrative Lot Line Adjustment approved by the Planning Director.

2014 - The then owners applied to re-establish Lots 30 and 31 as separate 1-acre lots. City Council conducted a public hearing and voted to approve the plat amendment including a Condition that a shared driveway agreement and easement be recorded. The current plat amendment wishes to remove this easement.

— Proposal —

The Applicant and current owner of Lots 30 and 31 of the Holiday Ranchettes Subdivision, proposes to remove the shared driveway easement recorded on the Plat for both Lots. The shared driveway was a Condition of Approval when the lots were re-established as separate lots by Plat Amendment Ordinance No. 14-18, after having been previously combined in 1999.

— Good Cause —

- The removal of the shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision will not cause any hardship to other properties in this subdivision.
- Consistent with requirements of Single Family (SF) zones in the Land Management Code.
- No other properties will be affected by this proposal.
- The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise.
- No other Lots in the Subdivision have a shared driveway requirement.

—Recommendation—

- Review the requested Plat Amendment to remove a shared driveway easement.
- Hold a public hearing.
- Consider forwarding a positive recommendation for City Council's consideration on January 24, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft Ordinance.

Bransford Parcels

Zone Change Request

Planning Commission | PL-21-05042
December 14, 2022

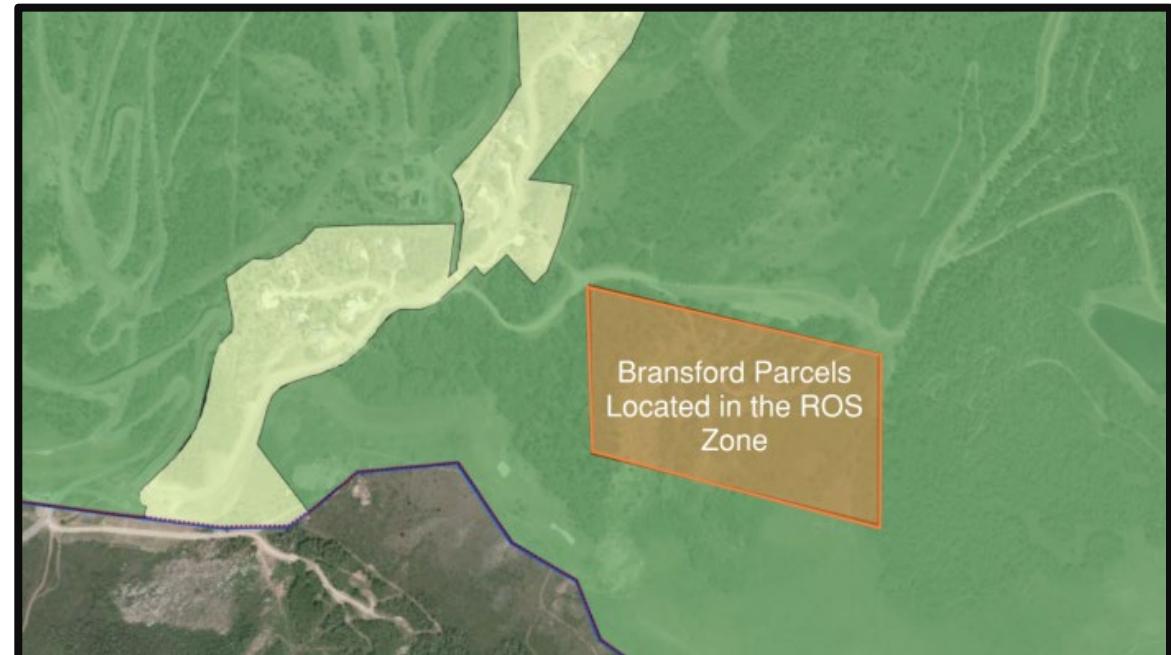
— Bransford Zone Change —

Proposal

The Applicant is requesting a Zone Change from Recreation Open Space (ROS) to Estate (E) for two (2) three-acre pods from two parcels totaling 39.62 acres.

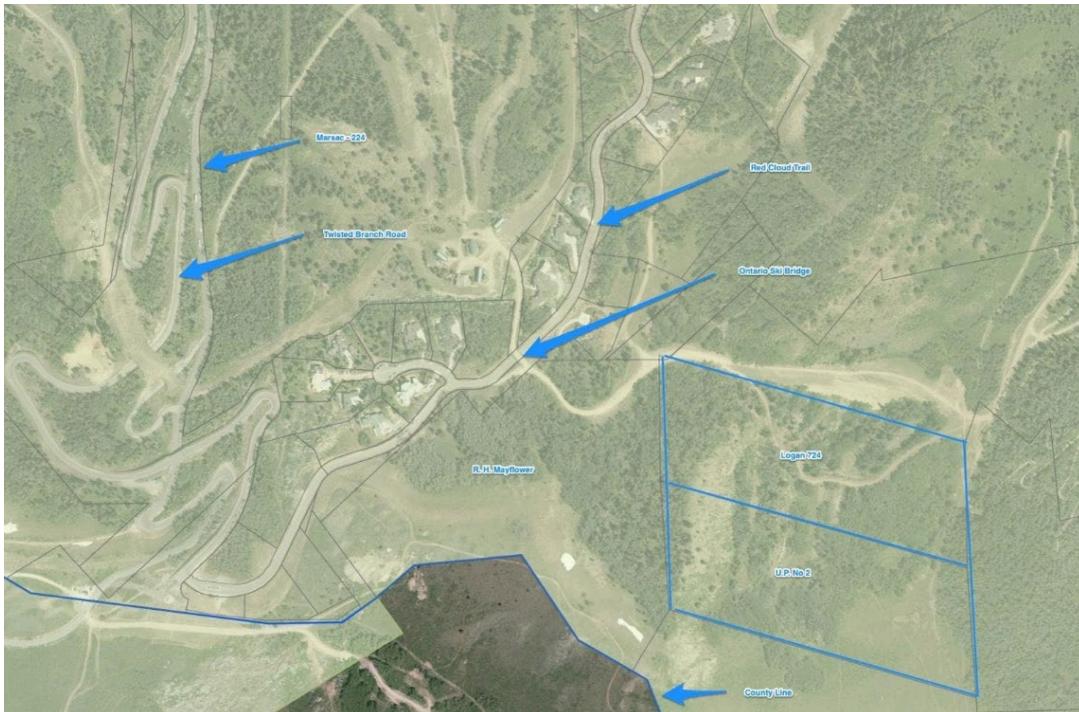
The remaining 33.62 acres would remain ROS Zoning (>80%).

The proposed Zone Change would allow for two Single-Family Dwellings, one on each Estate zoned pod.



— Bransford Zone Change —

Previous Meetings



- April 13, 2022 - Planning Commission Work Session
- June 15, 2022 – Planning Commission Public Hearing
- August 10, 2022 – Planning Commission Work Session
- November 9, 2022 – Planning Commission Public Hearing

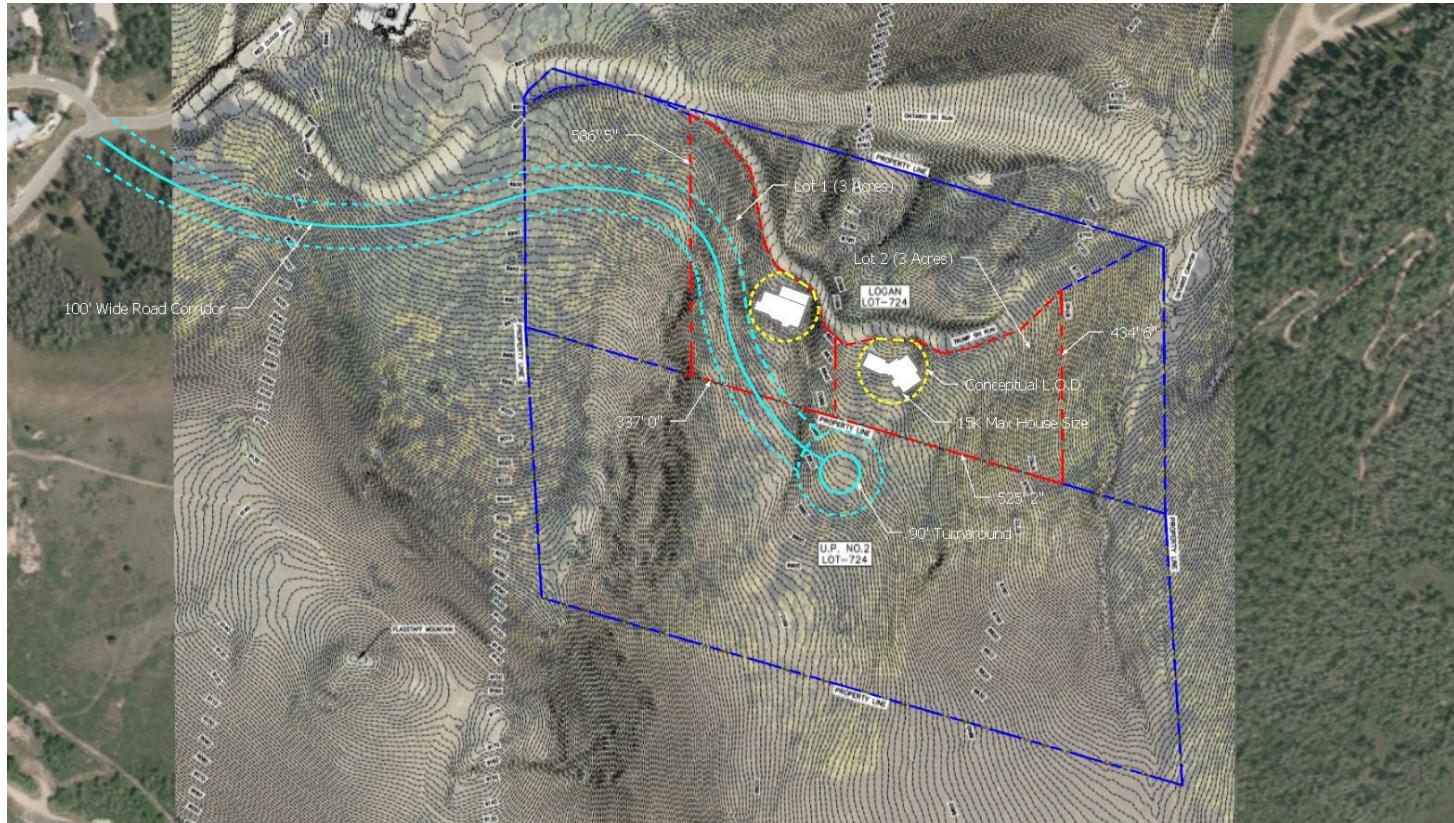
— Bransford Zone Change —

Existing Conditions



- 2 Parcels
- 39.62 Acres Total
- Steep Slopes
- Significant Amounts of Vegetation
- Recreation Trails and Ski Trail Easement
- Sensitive Lands Overlay
- ROS Zone
- General Plan Upper Deer Valley Neighborhood

— Bransford Zone Change —



— Bransford Zone Change —

Compliance with the ROS Zone

Complies:

Applicant proposes a conservation easement on approx. 82% of the 40 acres, maintaining ski and bike trails, and are required to comply with SLO.

Lack of compliance:

“Encourage sustainability, conservation, and renewable energy.

Compliance with Estate Zone

Complies:

SLO requires preservation of ridge tops, steep slopes, Open Space and pedestrian trail links, while encouraging compatible development.

Compliance with General Plan Upper DV Neighborhood

Complies:

Neighborhood is attributed with second homes and a comfortable visitor experience and preservation of the natural setting

Lack of compliance:

“Park City shall grow inward”: “Future Improvements toward increased energy efficiency in 2nd homes and nightly rentals should be sought”

— Bransford Zone Change —

Application will require approval of a Subdivision Plat that complies with both the Estate and Recreation and Open Space Zoning Districts, as well as a Sensitive Lands Review for the proposed Estate Development Pods.

— Bransford Zone Change —

Staff recommends the Planning Commission:

1. Consider the requested zone change from ROS to Estate for two three-acre pods from a parcel totaling 39.62 acres;
2. Conduct a public hearing; and
3. Consider forwarding a recommendation for City Council's consideration on December 15, 2022.

— Recommended COAs —

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. Maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been approved and recorded.
3. Consistent with the General Plan and Flagstaff annexation approvals, the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six allocated Estate acres, at the time of Subdivision Plat recordation.

— Recommended COAs —

4. The Applicant shall submit an arborist report to the Planning Director with the subdivision plat application that identifies Significant Vegetation.
5. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10 and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes is prohibited.
6. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to prevent Significant Vegetation disruption and steep slope disturbance.
7. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD).

— Recommended COAs —

8. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet.
9. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.
10. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on the subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.

— Recommended COAs —

11. Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.

— Recommended COAs —

12. The approval of this Zone Change is subject to a three-year Sunset Clause, with the opportunity for one two-year extension approved by the Planning Commission. If the Applicant has not received an approval for a Subdivision Plat within the allotted amount of time from the date of City Council action, the Zone will revert back to Recreation Open Space (ROS).

Planning Commission Staff Report



Subject: 1301 Park Avenue Subdivision
Application: PL-22-05195
Author: Spencer Cawley, Planner II
Date: January 11, 2023
Type of Item: Administrative – Subdivision

Recommendation

Staff recommends the Planning Commission (I) review the 1301 Park Avenue Subdivision, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance (Exhibit A).

Description

Applicant: Sue Knudson
Location: 1301 Park Avenue
Zoning District: Historic Residential – Medium Density (HRM)
Adjacent Land Uses: Single-Family Residential, Multi-Unit Dwellings, Library Field
Reason for Review: Subdivisions require Planning Commission recommendation and City Council final action¹

HRM Historic Residential Medium
LMC Land Management Code
ROW Right-of-Way
SFD Single-Family Dwelling

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

Overview

1301 Park Avenue is a metes-and-bounds parcel in Block 24 of the Snyder's Addition to the Park City Survey and contains 6,072 square feet. Two structures occupy the site, (1) a Landmark Historic Structure built circa 1904 that was eventually turned into a Duplex, and (2) a non-historic A-Frame Single-Family Dwelling built in 1964.

The Applicant proposes to create two Lots, one for each structure. The non-historic A-Frame Single-Family Dwelling will occupy Lot 1 (2,539 square feet). The Landmark Historic Structure/Duplex will occupy Lot 2 (3,533 square feet).

¹ LMC § [15-12-15\(B\)\(9\)](#)

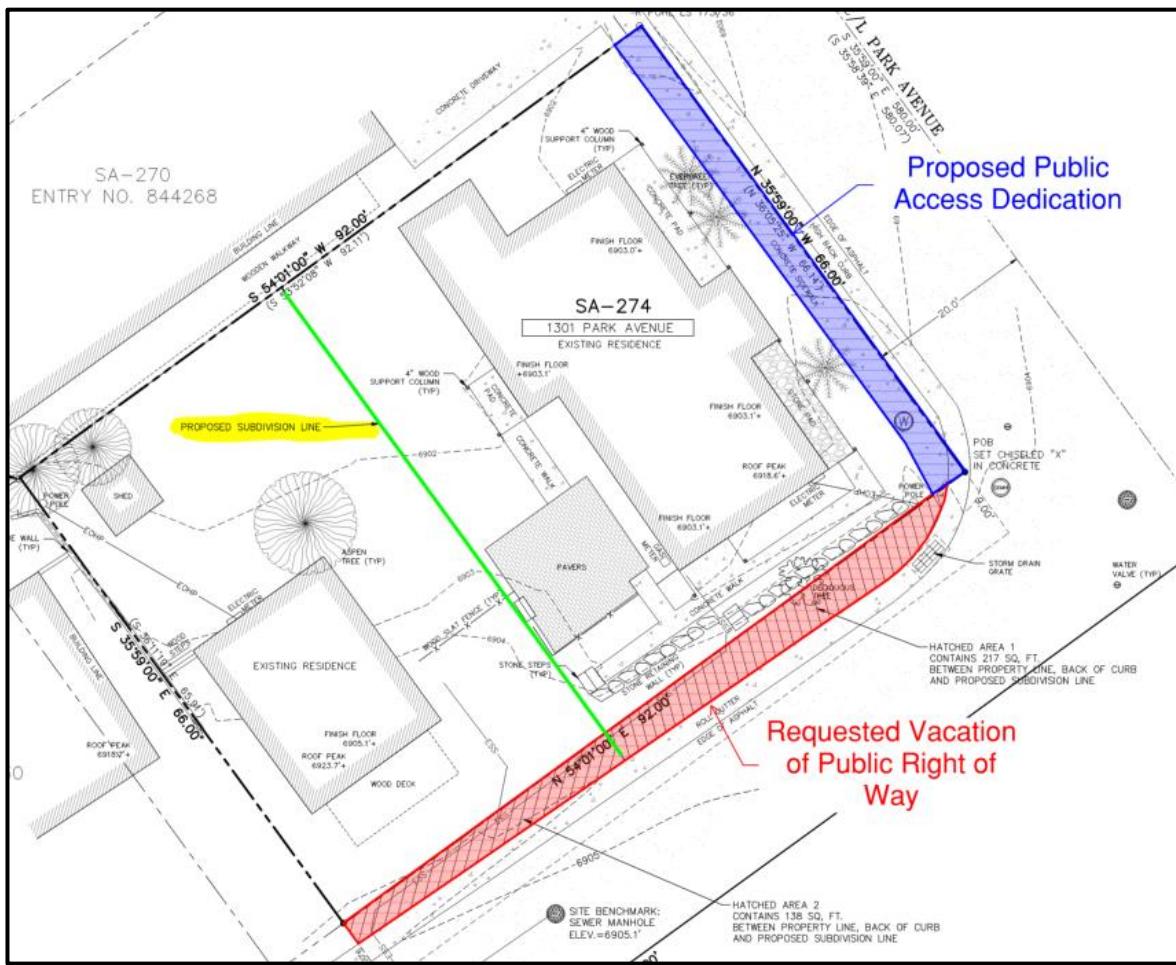


A-Frame Structure Built in 1964



Landmark Historic Structure built c. 1904

Additionally, the Applicant is proposing to grant a public access easement along Park Avenue where the existing sidewalk and bike lane cross the property (total of 266 square feet) and petitions the City to vacate a portion of the 13th Street Public Right-of-Way (ROW) —355 square feet total: 138 square feet for Lot 1 and 217 square feet for Lot 2. The Applicant indicates that the vacated ROW will allow the Duplex to comply with the HRM Zoning District's minimum Lot size requirement and provide off-street parking (See Analysis Section 1.)



Annotated Plat Proposal

On December 14, 2022, the Planning commission held a Work Session to receive a high-level review of the Applicant's proposal. In that meeting, several Commissioners stated there is Good Cause for this application. They also agreed with the City Engineer's request for a 10-foot public snow storage easement along 13th Street. The Planning Commission requested additional information from the City Engineer regarding potential pedestrian infrastructure improvements on 13th Street.

Background

On March 14, 2022, the Applicant submitted a Subdivision application to the Planning Department to create two Lots. Staff reviewed the submittal and determined the application complete on March 16, 2022.

The Subdivision of 1301 Park requires the proposed Lots meet the requirements of LMC Chapter 15-2.4 for the Historic Residential Medium – Density (HRM) Zoning District. The Historic Structure is a duplex. A City Council Staff Report from 2005 states "*the Historic Structure consists of two dwelling units and is technically a duplex, even though one of the units is only 410 square feet*" (Exhibit B).

Today's LMC requires a minimum Lot size of 3,750 square feet for a Duplex in the HRM Zoning District. The proposed Lot 2 is only 3,533 square feet and does not meet this requirement.

The Applicant's father, Gary Knudson, purchased 1301 Park Avenue in 1961 and confirms it was a Duplex at the time of purchase. The Land Management Code of 1968 zoned 1301 Park Avenue as "Residential Zone R-1". At that time, a "two-family dwelling" was a Permitted Use in that zone and the minimum Lot Area was 3,000 square feet.

CHAPTER 10. RESIDENTIAL ZONE R-1

67-10-1. PERMITTED USES.

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

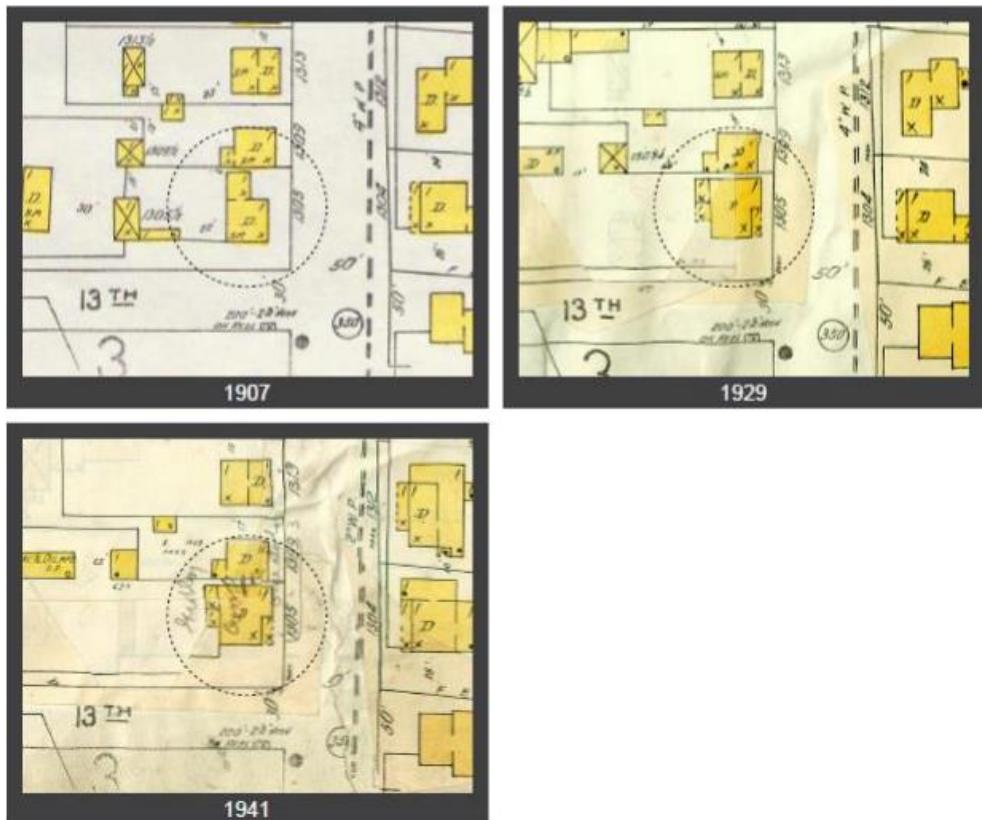
67-10-3. AREA REGULATIONS.

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

Sanborn Fire Insurance maps show 1301 Park Avenue having changed form between 1907 and 1929. The City's Historic Sites Inventory states "[t]he Structure shown on the map is also different enough from what is shown on later maps that it is unclear if it was heavily modified or new construction altogether."² The Sanborn Maps show the

² Historic Site Form, [1301 Park Avenue](#)

Structure maintained consistency in form between 1929 and 1941:



LMC [Section 15-15-1](#) defines a Non-Complying Structure as follows:

NON-COMPLYING STRUCTURE. A Structure that:

1. legally existed before its current zoning designation; and
2. because of subsequent zoning changes, does not conform to the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

Because the Duplex was an Allowed Use when constructed under the R-1 Zoning District regulations in effect at the time the structure was converted, and the minimum Lot Size was 3,000 square feet, the Duplex is a Non-Complying Structure. The proposed Subdivision and Right-of-Way vacation creates a Lot for the Duplex that meets the minimum lot size for a Duplex.

Staff identified the following land use applications for 1301 Park Avenue:

Permit Number	Description
PL-04-00564 – a Plat	In 2004, the LMC required that a Lot contain 3,750

<p>Amendment to create two Lots from one 6,072 square foot metes-and-bounds parcel</p>	<p>square feet for a Duplex and 2,812 square feet for a Single-Family Dwelling.</p> <p>Planning Staff determined the application did not have sufficient square footage to create two lots, one for a Single-Family Dwelling and one for a Duplex. A Condition of Approval stated the Plat could not be recorded unless the Applicant either (1) obtains approval of a special exception or variance, allowing the Duplex to remain on Lot 1 despite not meeting LMC criteria, or (2) obtains written confirmation from the Chief Building Official that each structure is a Single-Family Dwelling, requiring conversion of the Duplex to a Single-Family Dwelling.</p> <p>The proposed Plat included a 3.5-foot dedication to Park City in reasonable satisfaction of the road dedication because the Applicant's property encroached onto the existing public sidewalk.</p> <p>The Applicant never recorded the Plat and the approval expired.</p>
<p>PL-05-00013 – an Administrative Conditional Use Permit for an Accessory Apartment</p>	<p>The Planning file does not indicate approval.</p>

Analysis

(I) The proposed Subdivision, as conditioned, complies with the Historic Residential – Medium Density (HRM) Zoning District Requirements.

The purpose of the HRM Zoning District is to:

1. allow continuation of permanent residential and transient housing in original residential Areas of Park City;
2. encourage new Development along an important corridor that is Compatible with Historic Buildings and/or Structures in the surrounding Area;
3. encourage the rehabilitation of existing Historic Buildings and/or Structures;
4. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments;
5. encourage Affordable Housing;
6. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas; and

7. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Buildings and/or Structures along Park Avenue.³

The table below outlines the HRM Zoning District Lot and Site Requirements⁴:

HRM Requirements	Proposed Lot 1	Proposed Lot 2
Allowed Uses: <ul style="list-style-type: none"> Single Family Dwelling Duplex⁵ 	Existing Single-Family Dwelling	Existing Landmark Historic Structure converted into a Duplex
Minimum Lot Size: <p>1,875 square feet for a Single-Family Dwelling</p> <p>3,750 square feet for a Duplex</p>	<p>Complies</p> <p>Proposed Lot will contain 2,539 square feet.</p> <p>The Applicant petitions the City to vacate 355 square feet of the 13th Street ROW. This will increase the Lot Size to 2,695 square feet.</p>	<p>Condition of Approval 4</p> <p>Proposed Lot will contain 3,533 square feet and does not meet the minimum lot size requirements of the HRM Zoning District for a Duplex, falling short by 217 square feet.⁶</p> <p>The Applicant petitions the City to vacate 355 square feet of the 13th Street ROW. 217 square feet of the ROW will increase the Lot Size to 3,750 square feet.</p> <p>The Applicant shall receive approval from the City Council to vacate the ROW. If approved, the plat shall show the vacation on the final plat.</p>
Minimum Lot Width: <p>37.50 feet measured 15 feet back from the</p>	<p>Complies</p> <p>Lot 1, as proposed, is 38.47 feet wide.</p>	<p>Complies</p> <p>Lot 2 will have two Front Yards.⁷ The width along 13th</p>

³ LMC [§ 15-2.4-1](#)

⁴ LMC [§ 15-2.4-3](#)

⁵ LMC [§ 15-2.4-2\(A\)\(1-2\)](#)

⁶ Staff suggested to the Applicant that subdividing the Lots so that Lot 2 meets the Minimum Lot Size is an appropriate alternative.

⁷ Pursuant to LMC [§ 15-4-17](#), Development on Corner Lots shall have two front Setbacks, unless otherwise an exception by this Code. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary should border the Rear Yard, the Planning Director may specify which is the Rear Yard.

front Lot Line		Street measures 53.53 feet and the width along Park Avenue measures 66 feet.																
Setbacks: Front: 15 feet Rear: 10 feet Side: 5 feet	Condition of Approval 6 <table border="1"> <tr> <td>Required:</td> <td>Existing:</td> </tr> <tr> <td>Front: 15'</td> <td>12'</td> </tr> <tr> <td>Rear: 10'</td> <td>29'</td> </tr> <tr> <td>Side: 5'</td> <td>4.7' and 11'</td> </tr> </table> See Condition of Approval 6 below.	Required:	Existing:	Front: 15'	12'	Rear: 10'	29'	Side: 5'	4.7' and 11'	Complies <table border="1"> <tr> <td>Required:</td> <td>Existing:</td> </tr> <tr> <td>Front: 15'</td> <td>8' and 10'</td> </tr> <tr> <td>Rear: 10'</td> <td>15'</td> </tr> <tr> <td>Side: 5'</td> <td>2' 7"</td> </tr> </table> Historic Structures are exempt from Setback requirements. ⁸	Required:	Existing:	Front: 15'	8' and 10'	Rear: 10'	15'	Side: 5'	2' 7"
Required:	Existing:																	
Front: 15'	12'																	
Rear: 10'	29'																	
Side: 5'	4.7' and 11'																	
Required:	Existing:																	
Front: 15'	8' and 10'																	
Rear: 10'	15'																	
Side: 5'	2' 7"																	
Building Height: 27 feet from existing grade	Complies Existing: 20 feet, 6 inches	Complies Existing: 16 feet, 6 inches																
Parking	Condition of Approval 5 Any additions or new construction on Lot 1 requires the Applicant to provide two off-street parking spaces pursuant to LMC § 15-3-6(A) . If new construction is introduced to Lot 1, then the Applicant shall adhere to the Parking Area and Driveway standards in LMC § 15-13-8(B)(1)(h) , <i>Design Guidelines for New Residential Infill Construction in Historic Districts</i> and LMC Chapter 15-3 Off-Street Parking.	Complies Historic Structures are exempt from Parking Requirements. ⁹																

Pursuant to LMC [§ 15-2.4-4](#), Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Comply Structures. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does

⁸ LMC [§ 15-2.4-4](#)

⁹ LMC [§ 15-2.4-4](#)

not create a Lockout Unit or an Accessory Apartment. Staff recommends **Condition of Approval 6**: Any additions or new construction on either Lot must comply with current Building Setbacks, Building Footprint, driveway location standards, and Building Height.

Architectural Review LMC [§ 15-2.4-12](#)

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with LMC Chapter 15-5, *Architectural Review*, LMC Chapter 15-11, *Historic Preservation*, and LMC Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites*.

(II) The City must find Good Cause to vacate a Public Right-of-Way. Evaluation criteria includes (A) no increase in density, (B) neighborhood compatibility, (C) consideration, and (D) no significant utility of the existing Right-of-Way.

Park City [Resolution No. 8-98](#) establishes the policy for vacation of public Rights-of-Way. The City may generally find Good Cause when a proposal demonstrates a “net tangible benefit” to the immediate neighborhood and to the City as a whole. The City will evaluate the proposal pursuant to the criteria outlined below to determine whether a “net tangible benefit” has been demonstrated by the petitioner.

(a) No Increase in Density.

LMC [§ 15-15-1](#) defines *Density* as:

The intensity or number of non-residential and Residential Units expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

In terms of visual compatibility, Density refers to the pattern of clustering residential or commercial structures within the neighborhood and/or District. The pattern is established by the overall mass (length, height, and width) of the structure visible from the Right-of-Way, size of the lot(s), width between structures, and orientation of structures on the site.

The proposed vacation of the 13th Street Right-of-Way will add square footage to both Lots. While the Applicant proposes an easement along Park Avenue for the existing public sidewalk, this easement will not reduce the size of the Lots. The HRM Zoning District establishes volume-based density of structures, based on setbacks and height.¹⁰ Adding square footage to each Lot increases the potential structures that can be built on the lots, because it will decrease the required setbacks.

¹⁰ LMC [§ 15-2.4-3](#)

Resolution No. 8-98 Requirement	Analysis of Proposal
Existing density shall be determined by counting the Lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed.	<p>Complies</p> <p>The existing density will remain at one Single-Family Dwelling on Lot 1 and one Duplex on Lot 2. Single-Family Dwellings and Duplexes are allowed uses in the HRM Zoning District.</p>
The existing density must have existing access and must not require a plat amendment in order to obtain a building permit.	<p>Complies</p> <p>Access to proposed Lot 1 is from 13th Street and proposed Lot 2 is from both 13th Street and Park Avenue. A plat amendment is proposed simultaneously with the vacation of the ROW.</p>
Street rights-of-way will generally not be vacated to facilitate greater density, floor area or area of disturbance.	<p>Complies</p> <p>266 square feet of proposed Lot 2 contains a sidewalk and bike lane. The 13th Street vacation grants the petitioner a net increase of 49 square feet for Lot 2.</p> <p>The petition grants 138 additional square feet to proposed Lot 1.</p> <p>However, the Setbacks do not decrease for either Lot as a result of the vacation of ROW. Lot 1 can only accommodate a Single-Family Dwelling and Lot 2 can accommodate either a Single-Family Dwelling or a Duplex, as is present today.</p>
New applications which proposed the subdivision of rights-of-way shall be reviewed under Land Management Code ("LMC") Chapter 15, Subdivisions, and must result in a lower density than that permitted by the underlying zoning (Chapter 7), without the vacated right-of-way.	<p>Not Applicable</p> <p>The petitioner does not propose a subdivision of the ROW.</p>

(b) Neighborhood Compatibility.

Resolution No. 8-98 Requirement	Analysis of Proposal
Size and location of the site	Complies The 13 th Street ROW vacation is parallel to the existing Lot and 355 square feet total: 138 square feet for Lot 1 and 217 square feet for Lot 2.
Traffic impacts including capacity of the existing streets in the area	Complies Traffic capacity will not increase on Park Avenue or 13 th Street.
Utility capacity	Complies The petitioned area of the ROW vacation is currently unimproved. The City Engineer reviewed this petition and notes that the vacated area will not be used for utilities nor road widening.
Emergency vehicle access	Complies Emergency vehicle access will remain consistent with the existing ROW.
Location and amount of off-street parking	Complies Because 1301 Park Avenue is a Landmark Historic Structure, Lot 2 is exempt from off-street parking requirements pursuant to LMC <u>§ 15-2.1-4</u> . The vacation of ROW gives Lot 1 extra depth to increase the area for tandem parking and possibly a future driveway to a parking area at the rear of the Lot.
Internal circulation	Not Applicable
Fencing, screening, and landscaping to separate the Use from adjoining Uses	Not Applicable

Building mass, bulk, and site plan	Complies The Applicant indicates they intend to rehabilitate the historic Structure on Lot 2. The A-Frame Structure may remain as is, be demolished, or remodeled. Any development on either Lot shall comply with the LMC.
Useable open space	Not Applicable
Signs and lighting	Not Applicable
Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing	Complies Currently, the Historic Structure and the A-Frame Structure are compatible with surrounding structures and contributes to the Historic character of Old Town. Development on either Lot is governed by the LMC and the Historic District Design Guidelines ensuring compatibility in mass, scale, style, design, and architectural detailing of the surrounding area.
Provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site	Condition of Approval 7 The proposed Subdivision Plat shall indicate a ten-foot-wide public snow storage easement along 13 th Street. The vacation of ROW will not have detrimental effects to surrounding property and property owners and will support snow storage.
Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas	Not Applicable
Expected ownership and management of the project as primary residences, condominiums, time interval ownership, Nightly Rental, or commercial tenancies	Not Applicable
Proposed uses in an historic district	Condition of Approval 8

must comply with the Historic District Architectural Guidelines provided in a supplement to the LMC	The Applicant shall obtain HDDR approval prior to construction on either Lot.
All proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9	Not Applicable
The Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right-of-way, regardless of the underlying zoning/platting of the development.	Not Applicable

(c) Consideration

Resolution 8-98 states the following:

Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.

The Applicant proposes dedicating an easement along Park Avenue to the City for the sidewalk. The Planning Commission requests the Applicant also dedicate an easement for a sidewalk along 13th Street.

(d) Utility of Existing Right of Way

Resolution 8-98 states the following:

The City shall typically dispose of public Right-of-Way only when the Right-of-Way is no longer of significant utility to the City. The City shall consider the Right-of-Way's status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the Right-of-Way, and the Capital Improvement Plan.

Replacement of the prior Right-of-Way alignment or dedication of new Right-of-Way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer.

The City Engineer has noted that this portion of Public Right-of-Way will not be used in the future for utility development or road widening. However, the City Engineer has requested that if the Right-of-Way is vacated that a 10-foot access easement be placed on the property from the new property line inward to be used for snow storage and potential future improvements that could include a sidewalk along 13th Street.

(III) Staff finds Good Cause for this Plat amendment because (A) present land Uses and the character of the HRM Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

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

LMC [§ 15-15-1](#) defines Good Cause as “[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 further the health safety and welfare of the Park City Community.”

A. The Historic Residential – Medium Density Zoning District Uses and Character of the residential Area is retained.

This proposal is consistent with the zoning district by preserving the character of the Historic residential development, encouraging the preservation/rehabilitation of the site's Historic Structure, and encourages Development that provides a transition in Use and scale between the Historic District and resort Development. The proposed public access easement along Park Avenue preserves a public benefit for pedestrians and cyclists.

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

The Applicant petitions the City to vacate a portion of the 13th Street ROW pursuant to the requirements of Resolution No. 8-98.

C. No easement is vacated or amended.

The Subdivision will not vacate or amend any easement.

(IV) If the Right-of-Way Vacation and Plat Amendment is approved, the

Development Review Committee¹¹ requires Conditions of Approval at the Building Permit phase.

The Development Review Committee met on May 17, 2022, and requires the following:

- Snyderville Basin Water Reclamation District noted the sewer connection from the A-Frame to the main sewer lateral would effectively cross property lines, which is not permitted. Additionally, a water ejector pump may be required for any basement bathrooms (Condition of Approval 9).
- The Engineering Department noted high water tables are an issue in this area and further study may be required to identify the permissible depth if basements are proposed (Condition of Approval 10).
- The Engineering Department does not have immediate plans to construct a sidewalk along 13th Street. However, the City Engineer requires a Condition of Approval that the Applicant shall include an irrevocable offer or dedication in a form approved by the City Attorney on the final plat granting a public access easement adjacent to the 13th Street Right-of-Way. The City may accept the dedication if future active transportation improvements are made to the vacated portion of the 13th Street Right-of-Way. (Condition of Approval 11).

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on December 24, 2022. Staff posted notice to each Subdivision and mailed courtesy notice to all property owners within each Subdivision on December 28, 2022. The *Park Record* published notice on December 24, 2022.¹²

Public Input

Staff did not receive any public input related to this application, and no public comments were made at the Planning Commission's public hearing.

Alternatives

- The Planning Commission may forward a positive recommendation for Ordinance No. 2023-XX, approving the 1301 Park Avenue Subdivision; or

¹¹ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

¹² LMC [§ 15-1-21](#).

- The Planning Commission may forward a negative recommendation for Ordinance No. 2023-XX, denying the 1301 Park Avenue Subdivision, and direct staff to make findings for this denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance and Proposed Subdivision
Exhibit B: 2005 City Council Staff Report
Exhibit C: Existing Survey
Exhibit D: Applicant's Letter of Intent

Ordinance No. 2023-XX

**AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE PLATTED
13TH STREET RIGHT-OF-WAY AND THE 1301 PARK AVENUE SUBDIVISION,
LOCATED AT 1301 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1301 Park Avenue petitioned the City Council for approval of the 1301 Park Avenue Subdivision; and

WHEREAS, the owner of the property located at 1301 Park Avenue petitioned the City Council for a vacation of 355 square feet of the platted 13th Avenue; and

WHEREAS, on December 24, 2022, notice was published in the *Park Record* and, on the City, and Utah Public Notice websites; and

WHEREAS, on December 28, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on December 28, 2022, courtesy notice was mailed to property owners within 300 feet of 1301 Park Avenue; and

WHEREAS, the requirements of State Code 10-9a-609.5 Vacating a Street, Right-of-Way, or Easement were followed; and

WHEREAS, the guidelines provided in Resolution 08-98 were followed in analyzing the request for vacation; and

WHEREAS, on December 14, 2022, the Planning Commission held a Work Session and requested additional information from the City Engineer; and

WHEREAS, on January 11, 2023, the Planning Commission reviewed the proposal and held a public hearing; and

WHEREAS, on January 11, 2023, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on February 16, 2023; and

WHEREAS, on February 16, 2023, the City Council reviewed the proposal and held a public hearing; and

WHEREAS, the Subdivision is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.1 and 15-7.

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

SECTION 1. APPROVAL. The 1301 Park Avenue Subdivision, as shown in

Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 1301 Park Avenue.
2. The property is listed with Summit County as Parcel number SA-274.
3. The existing historic Structure at 1301 Park Avenue is listed as "Landmark" on the Historic Sites Inventory.
4. On March 14, 2022, the Applicant petitioned Park City to vacate a portion of the 13th Street Right-of-Way.
5. On March 16, 2022, staff determined the application was complete.
6. The proposed Subdivision memorializes the petition to vacate a 355 square feet portion of the 13th Street Right-of-Way and the dedication of 266 square feet public access easement for the existing sidewalk and bike lane along Park Avenue.
7. No easement is vacated or amended as a result of the plat amendment.
8. The property is in the Historic Residential – Medium Density (HRM) Zoning District.
9. LMC § 15-2.4-3 regulates HRM Lot and Site Requirements.
10. The Subdivision creates two Lots: Lot 1 contains a non-Historic A-Frame Single-Family Dwelling; Lot 2 contains a Historic Landmark Structure currently designated as a Duplex.
11. A Single-Family Dwelling is an allowed Use in the HRM Zoning District and requires a Minimum Lot Size of 1,875 square feet. Lot 1 contains 2,539 square feet.
12. A Duplex is an allowed Use in the HRM Zoning District and requires a Minimum Lot Size of 3,750 square feet. Lot 2 contains 3,533 square feet.
13. The Applicant petitions the City to vacate 355 square feet of the 13th Street Right-of-Way. The Lot Area of Lot 1 will increase to 2,695 square feet and the Lot Area of Lot 2 will increase to 3,750 square feet.
14. Lot 1 and Lot 2 comply with the Minimum Lot Width.
15. The required Front Setback for Lot 1 and Lot 2 is 15 feet. Lot 1 is legal non-complying with a 12-foot setback. Lot 2 is exempt as a Historic Landmark Structure and contains two Front Setbacks, eight feet and ten feet.
16. The required Rear Setback is ten feet. Lot 1 and Lot 2 comply with this requirement.
17. The required Side Setback is five feet. Lot 1 is legal non-complying with a Side Setbacks of 4.7 feet and 11 feet. Lot 2 is exempt as a Historic Landmark Structure with a Side Setback of 2.7 feet.
18. The analysis section of the staff report is included herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4 Historic Residential-Medium Density (HRM) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Subdivision.
3. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
4. The Vacation of Right-of-Way is consistent with Resolution 8-98, Resolution

Adopting a Policy Statement Regarding the Vacation of Public Right-of-Ways within Park City, Utah and Utah State Code 10-9a-609, Petition to vacate a public street.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on Lot 1 and Lot 2, to be approved by the Chief Building Official.
4. The final plat shall show the approved vacation of Right-of-Way.
5. Any addition or new construction on Lot 1 requires the property owner to provide two off-street parking spaces pursuant to LMC [§ 15-3-6\(A\)](#) and shall adhere to the Parking Area and Driveway standards in LMC [§ 15-13-8\(B\)\(1\)\(h\)](#) and LMC [Chapter 15-3](#).
6. Any additions or new construction on either Lot must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height.
7. A non-exclusive ten-foot (10') public snow storage easement on 13th Street and Park Avenue shall be dedicated on the plat.
8. The Applicant shall obtain HDDR approval prior to construction on either Lot.
9. A separate sewer connection from the A-Frame Structure to the main sewer lateral is required by Snyderville Basin Water Reclamation District.
10. High water tables are an issue in this area and the City Engineering Department requires further study to identify permissible depth if basement additions are proposed.
11. The Applicant shall include an irrevocable offer of dedication in a form approved by the City Attorney on the final plat granting a public access easement adjacent to the 13th Street Right-of-Way. The City may accept the dedication if future active transportation improvements are made to the vacated portion of the 13th Street Right-of-Way.
12. 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.

SECTION 2. VACATION APPROVAL. The vacation is approved as shown on Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th Day of February 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

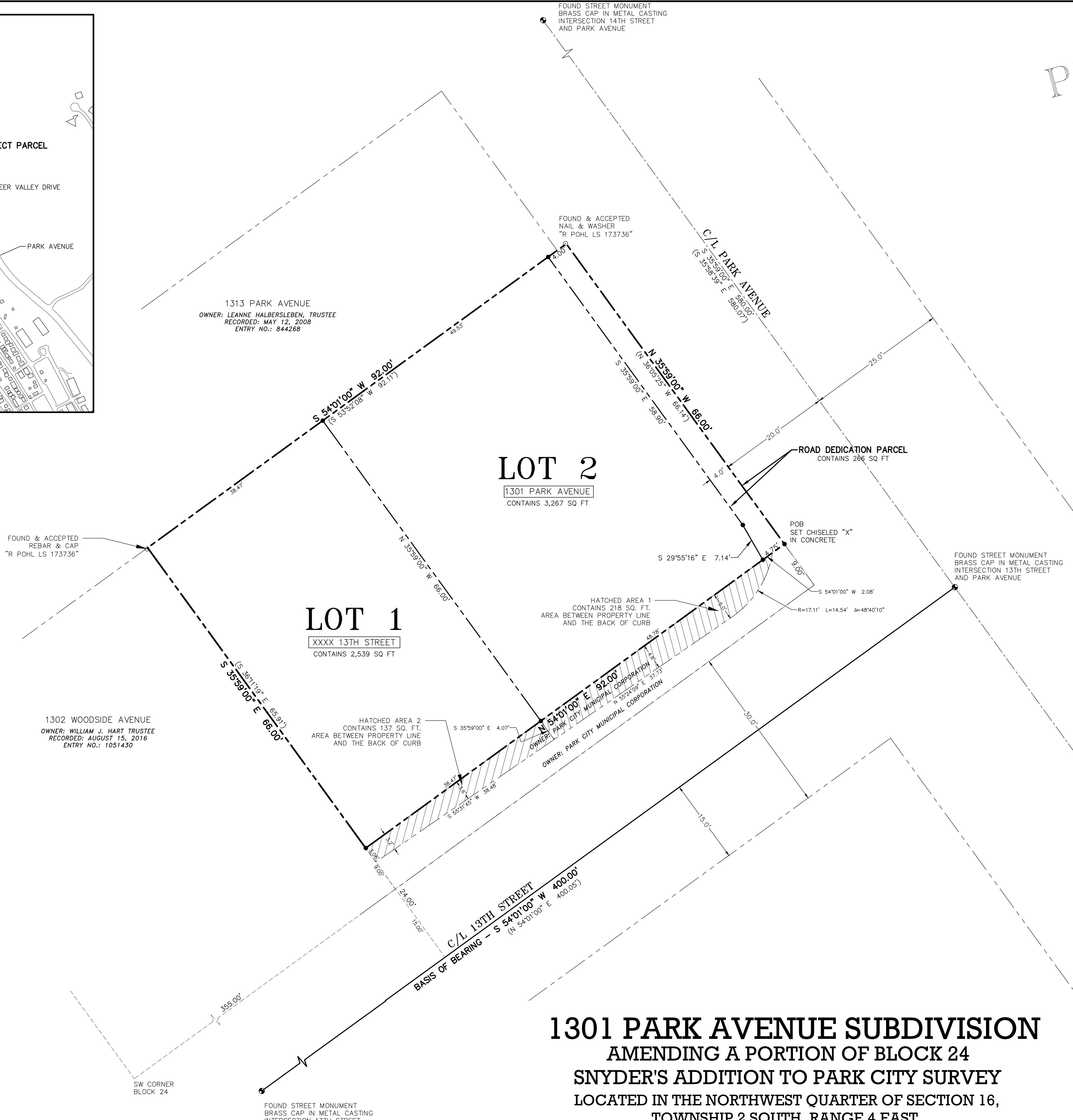
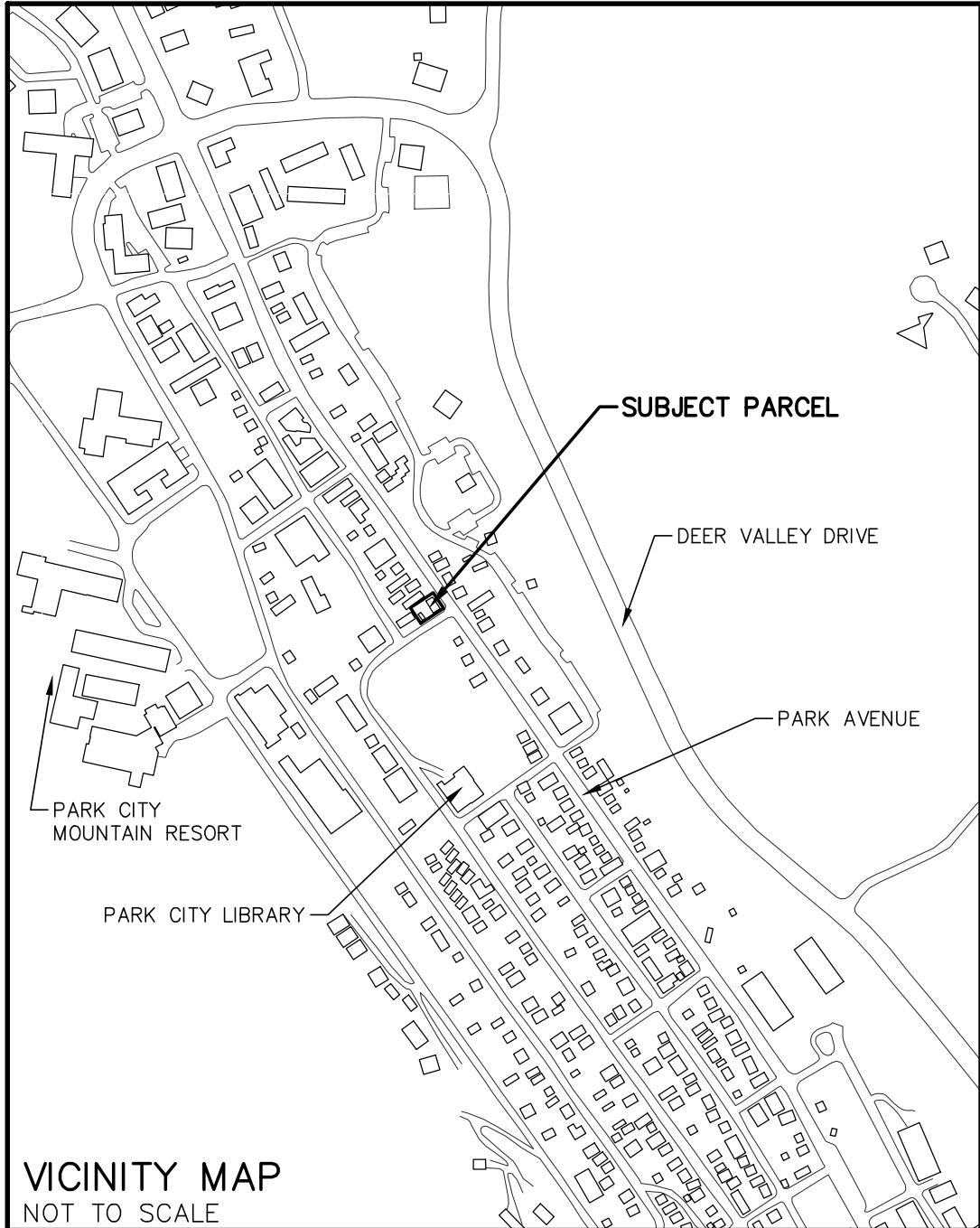
City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Attachment 1 – Proposed Plat and Survey of Right-of-Way Vacation

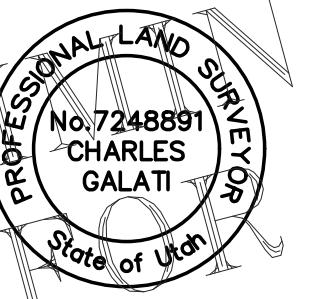
DRAFT



PRELIMINARY
REVIEW

SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyor Act; I further certify that by authority of the owner, I have completed a survey of the property described herein in accordance with Utah Code Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as 1301 PARK AVENUE SUBDIVISION, and that the same has been correctly surveyed and monumented on the ground as shown on this plat.



LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH BEARS NORTH 54°01' EAST 355 FEET AND NORTH 35°59' WEST 9 FEET FROM THE SOUTHWEST CORNER OF BLOCK 24, SNYDER'S ADDITION TO PARK CITY; AND RUNNING THENCE NORTH 35°59' WEST 66 FEET; THENCE SOUTH 54°01' WEST 92 FEET; THENCE SOUTH 35°59' EAST 66 FEET; THENCE NORTH 54°01' EAST 92 FEET TO THE POINT OF BEGINNING.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be subdivided into two (2) lots of record, together with easements and right-of-ways as set forth to be hereafter known as 1301 PARK AVENUE SUBDIVISION and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements and rights-of-ways shown on this plat, the same to be used for installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements and rights-of-way as shown on this plat to the parties indicated and for the purposes hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

By:
Marya LTD, authorized signer

ACKNOWLEDGEMENT

STATE OF UTAH _____)
COUNTY OF SUMMIT _____)
ss,

On this _____ day of _____, 2022, personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he/she is the authorized signer for Marya LTD, and her successors, as _____.

Notary Public _____
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
2. See Record of Survey performed by Alterra Utah and dated January 13, 2022.
3. Measured bearings and distances, when different from record, are shown in parenthesis. ()

LEGEND
 Set 5/8" rebar w/cap "ALLTERRA UTAH"
 Found Monument (As-Noted)
 Found Street Monument (As-Noted)

10' 0' 10' 20'

1/5/23

SHEET 1 OF 1

PROFESSIONAL LAND SURVEYING
AND CONSULTING
ALLTERRA
UTAH, LLC
435-640-4200
463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84066

PUBLIC SAFETY ANSWERING
POINT APPROVAL
APPROVED ON THIS ____ DAY
OF _____, 2022
BY
SUMMIT COUNTY GIS COORDINATOR

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS ____ DAY OF _____, 2022
BY
ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY
PLANNING COMMISSION
THIS ____ DAY OF _____, 2022
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE
WITH INFORMATION ON FILE IN MY OFFICE
THIS ____ DAY OF _____, 2022
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS
____ DAY OF _____, 2022
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS ____ DAY OF _____, 2022
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED
BY THE PARK CITY COUNCIL THIS
____ DAY OF _____, 2022
BY _____ PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF _____
FEE _____ SUMMIT COUNTY RECORDER BOOK _____
TIME _____ DATE _____ ENTRY NO. _____



City Council Staff Report

PLANNING DEPARTMENT

Author: Kirsten Whetstone
Subject: 1301 Park Avenue subdivision plat
Date: March 24, 2005
Type of Item: Administrative

SUMMARY RECOMMENDATIONS: Staff recommends the City Council conduct a public hearing, discuss the proposed two lot subdivision plat, consider any input, and approve the subdivision plat according to the findings of fact, conclusions of law and conditions of approval outlined in the Ordinance.

DESCRIPTION

Project Name: Knudson Subdivision Plat
 Applicant: Gary Knudson, representative of owner Marya, Ltd.
 Location: 1301 Park Avenue
 Zone: Historic Residential Medium Density (HRM)

BACKGROUND

The applicant is requesting a subdivision plat to create two platted lots from one 6,072 sf metes and bounds parcel located at 1301 Park Avenue in Block 24 of the Snyder's Addition to the Park City Survey. One lot (Lot 1) is intended to accommodate the existing historic structure located at 1301 Park Avenue. The other (Lot 2) is intended to accommodate an existing non-historic A-frame structure which may be removed or remodeled in the future. Lot 1 would be 3,003 sf in area and Lot 2 would be 2,838 sf in area. On March 9, 2005, the Planning Commission voted to forward a positive recommendation on this subdivision.

ANALYSIS

The property is located in the HRM zone. Future construction on either lot must meet the criteria outlined in LMC Chapter 15-2.4, and the Historic District Design Guidelines. Because the existing home at 1301 Park Avenue is historic, the LMC Section 15-2.4-6 exempts it from various requirements, such as off-street parking requirements, setbacks, footprint, etc. New construction and additions would however be required to meet all required lot and site requirements as stated in Section 15-2.4. A certified survey was submitted showing existing structures and setbacks.

The HRM District requires a minimum of 3,750 sf for a duplex and 2,812 sf for a single family dwelling. Lot 2 meets the lot size requirements for the existing (or future) single family dwelling. Lot 1 is 747 sf less than the lot area required for a duplex. There is sufficient total lot area, if the property is not divided, for a tri-plex, which requires 4,687

sf of lot area, or even a four-plex, which requires 5,625 sf of lot area. Tri-plexes and four-plexes require a conditional use permit in the HRM district.

The historic structure currently consists of 2 dwelling units and is technically a duplex, even though one of the units is only 410 sf. The other structure is a single family dwelling that faces 13th Street. Accordingly, the property can not be subdivided without creating a non-conforming lot for either the duplex at 1301 Park or the A-frame that faces 13th Street. There is only enough total area, if subdivided into two lots, for 2 single family units. One of those units could contain an accessory apartment if the lot owner resides in the apartment or main dwelling and files an application for an accessory apartment. The applicant does not reside on the subject property.

Staff has included a conditional of approval on this plat that it cannot be recorded unless/until the applicant either (a) obtains approval of a special exception or variance application allowing the duplex to exist on Lot 1 despite not meeting the LMC required lot area; or (b) obtains written confirmation from the Chief Building Official that each structure is considered a single family dwelling.

Any trees currently located on site that meet the LMC definition of "Significant Vegetation" are required to remain unless mitigation for any loss of this vegetation is submitted during the design review process, and meets standard practices for mitigation to be determined by the City's Landscape Arborist. There is a large evergreen tree on the north side of 1301 Park Avenue. The owner is interested in replacing this tree with additional trees elsewhere on the property, in order to provide additional off-street parking for 1301 Park Avenue. Staff recommends a tree replacement mitigation plan be submitted for review and approval by the City's Landscape Arborist prior to removing any Significant Vegetation.

The Master Streets Plan requires a 50' right-of-way for Park Avenue. Park Avenue is not a platted street in Block 24 of the Snyder's Addition. The applicant's survey indicates a 3.5 foot encroachment of the existing public sidewalk onto the property. This 3.5 foot strip of right-of-way should be dedicated to Park City in reasonable satisfaction of the road dedication requirement of the Subdivision Ordinance.

NOTICE

Notice of this hearing was sent to property owners within 300'. The property was posted and legal notice was published and posted as required by the Land Management Code.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat as to form and for compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on December 14, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends the City Council conduct a public hearing, discuss the proposed subdivision plat, consider and input, and approve the Knudson subdivision plat according to the findings of fact, conclusions of law, and conditions of approval as outlined in the Ordinance.

EXHIBITS

Exhibit A – proposed Knudson Subdivision plat – 1301 Park Avenue

Exhibit B – existing conditions survey

AN ORDINANCE APPROVING THE KNUDSON SUBDIVISION CREATING TWO PLATTED LOTS FROM ONE 6,072 SQUARE FOOT METES AND BOUNDS PARCEL IN BLOCK 24 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1301 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of 1301 Park Avenue petitioned the City Council for approval of a subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 9, 2005, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on March 9, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 24, 2005, the City Council held a public hearing and approved the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

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

SECTION 1. APPROVAL. The 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 in the Historic Residential Medium Density (HRM) zone.
2. The HRM zone is a residential zone characterized by a mix of smaller historic homes and larger condominium developments. This subdivision plat will subdivide one 6,072 sf metes and bounds parcel into two platted lots for two existing structures. Lot 1 will be 3,003 sf in area and Lot 2 will be 2,838 sf in area. An additional 231 sf is for dedication of right-of-way for an encroaching sidewalk.
3. Lot one would contain the existing historic duplex located at 1301 Park Avenue. Lot two would contain an existing, non-historic A-frame house, which may be removed or remodeled in the future.
4. The proposed Lot 1 will be 3,003 sf and is 747 sf less in area than that required for a duplex structure and proposed Lot 2, is 2,838 sf and is 26 sf larger in area than that required for a single family structure. There is an existing duplex on Lot

1. There is an existing single family A-frame house on Lot 2.
5. The existing home at 1301 Park Avenue is historic. LMC Section 15-2.4-6 exempts it from off-street parking requirements, building setbacks and driveway location standards (not including any new construction).
6. No remnant lots will be created as a result of this application. As conditioned, no non-conforming lots will be created.
7. There is a large existing evergreen tree to the north of 1301 Park Avenue.
8. Each house is required to have individual water and sewer services.
9. Maintenance of a functional street network is fundamental to the public health, safety, and welfare.
10. On March 9, 2005, the Planning Commission conducted a public hearing and voted to forward to the City Council a positive recommendation to approve the Knudson subdivision plat.

Conclusions of Law:

5. There is good cause for this subdivision plat as it will allow the property owner to sell the houses separately.
6. The subdivision plat as conditioned is consistent with the Park City Land Management Code and applicable State law.
7. Neither the public nor any person will be materially injured by the proposed plat amendment.
8. As conditioned the subdivision plat is consistent with the Park City General Plan.

Conditions of Approval:

The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.

Prior to the receipt of a building permit for any new construction on the lots, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines and the LMC.

The applicant will record the plat at the County within one year of the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

Recordation of this subdivision plat shall not occur unless and until the applicant is able to provide proof of compliance with lot area requirements set forth in LMC Section 15-2.4-4. The applicant's options for such compliance include (a) obtaining approval of a special exception or variance permit allowing the duplex to exist on Lot 2 despite not meeting applicable lot area requirements; or (b) obtaining written confirmation from the Chief Building Official that each structure is considered a single family dwelling.

A tree replacement mitigation plan shall be submitted for review and approval by the City's Landscape Arborist prior to removing any Significant Vegetation on the property, including the large evergreen tree located to the north of 1301 Park Avenue.

Prior to plat recordation a financial security, adequate as to amount in the opinion of the City Engineer and satisfactory as to form in the opinion of the City Attorney,

shall be provided to the City to guarantee that each house shall have individual water and sewer services meeting all requirements of the City and the Snyderville Basin Water Reclamation District.

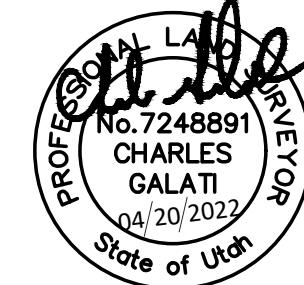
The 3.5' sidewalk encroachment along Park Avenue (66' by 3.5') shall be dedicated as right-of-way to Park City in reasonable satisfaction of the road dedication requirement of the Subdivision Ordinance.

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

PASSED AND ADOPTED this 24th day of March, 2005.

1301 PARK AVENUE

A PORTION OF BLOCK 24
SNYDER'S ADDITION TO PARK CITY SURVEY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

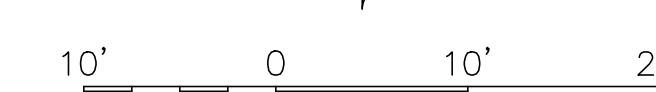
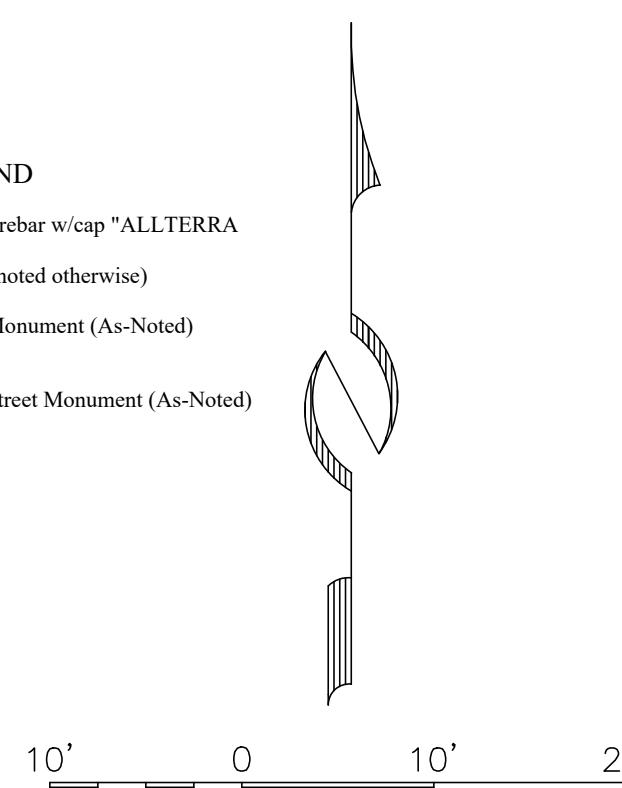
Beginning at a point which bears N. 54°01'E. 355 feet and N. 35°59'W. 9 feet from the Southwest corner of Block 24, SNYDER'S ADDITION to Park City; and running thence N. 35°59'W. 66 feet; thence S. 54°01'W. 92 feet; thence S. 35°59'E. 66 feet; thence N. 54°01'E. 92 feet to the point of beginning, known as 1305 and 1309 Park Avenue, Park City, Utah.

NARRATIVE/NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was performed December 22, 2021 and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform a Boundary, Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements and setbacks were located as part of this survey. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. County tax maps, Monument Control Map for Park City Entry No. 197765, Snyder's Addition to Park City survey map, Records of Survey, Nos s-2672, s-3984, s-4995, and s-5733 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
6. Site Benchmark: Sewer Manhole, Elevation=6905.1' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found or set as shown.
9. Existing sewer lines as as shown hereon (ESS) were located utilizing construction notes and related documents from the installation in 2010 provided to the surveyor by the client. Cleanouts were not found in the course of the survey either due to snow coverage at the time or cleanouts being buried.
10. Snow accumulation at the time of this survey was approximately 1 foot. Utilities, monuments and other improvements may exist on the subject property which were not observed during field work and therefore not shown on this survey.
11. Measured bearings and distances, when different than record, are shown in parenthesis. ()

REVISIONS

4/20/2022 - Provide certified exhibit of square footage along 13th Street between existing property boundary and back of curb as it existed at the time of the survey. December 22, 2021



- Set 5/8" rebar w/cap "ALLTERRA UTAH"
(Unless noted otherwise)
- Found Monument (As-Noted)
- Found Street Monument (As-Noted)

PROFESSIONAL LAND SURVEYING
AND CONSULTING

ALLTERRA UTAH, LLC

STAFF:
CHARLES GALATI
JASON WYNNE

EXISTING CONDITIONS & TOPOGRAPHIC MAP
1301 PARK AVENUE

SHEET
1
OF
1
wg

Park City Municipal Corporation
Planning Department
445 Marsac Ave.
PO Box 1480
Park City, Utah 84060

To whom it may concern,

I am writing in regards for a subdivision of property located at 1301 Park Ave. Park City, Utah 84060. Which is in the (HRM) zone.

The property, 1301 Park Ave. has an existing single dwelling and a duplex. Our goal of project is to subdivide granting 2557 SQ FT to build or remodel the single dwelling and parking, on west side of property and grant 3249 SQ FT to maintain and remodel the existing duplex on east side of property.

The duplex is historical and does not have a foundation. The single dwelling is not historical and sits on pillars for foundation. We do have a letter from the city, that states we have been given permission to demolish the single dwelling.

We are hoping that once we do a GRAMA and variance report that the duplex will be able to remain a duplex and hopefully we will be able to use the 266 SQ FT the City took for the sidewalk on the East side or Park Ave side, to incorporate that into the SQ FT to build a new duplex with more square footage, of course, we need to maintain the façade of the structure of the duplex, being that it is historical.

If you have any question, please reach out to me via, text, phone, or e-mail.

Thank you,

Susan Knudson
PO Box 3133
Park City, Utah 84060
435-640-5766
sueknu@hotmail.com

Planning Commission Staff Report



Subject: Recommendation on the Moderate-Income Housing Element of the General Plan
Authors: Rhoda Stauffer
Date: January 11, 2023
Type of Item: Legislative – General Plan Amendment

Recommendation

(I) Review the Amended 2022 Moderate-Income Housing Plan (MIHP) that serves as the Housing Element of the General Plan, (II) conduct a public hearing, and (III) consider forwarding a positive recommendation for the City Council's consideration on January 24, 2023.

Description

Applicant: Housing Team
Reason for Review: The State requires annual updates to the Housing Element of the General Plan.

Abbreviations

AMI Area Median Income
DWS Department of Workforce Services
MIHP Moderate-Income Housing Plan

Background

The Housing Team is returning to the Planning Commission to request approval to amend the 2022 Moderate-Income Housing Plan (MIHP) which serves as the Housing Element of the General Plan. On August 24, 2022, the Planning Commission forwarded a recommendation for approval to the City Council of the 2022 MIHP. The City Council approved it at their meeting on September 1, 2022. As required by State statute the Housing Team submitted the plan to the State before October 1, 2022.

Once reviewed by the State, the City received notice (attached as Exhibit A) that the 2022 MIHP and Moderate Income Housing Report were approved as compliant. However, two strategies in the Plan were not compliant which left us one short of the required number to achieve Priority Consideration for State transportation funds.

Analysis

The Housing Team discussed the letter and described deficiencies with Alyssa Gamble, State Program Manager of the Moderate-Income Housing Database. She provided guidance for correcting the deficiencies to reach the level of Priority Consideration. She also reiterated that the City has 90 days (February 27, 2023) to make the changes.

To that end, the Housing Team is returning to the Planning Commission with an Amended 2022 MIHP for review, public input, and a positive recommendation for approval to the City Council.

The State's requested adjustments include a typo in Strategy U and the need for more interim steps in Strategy N.

1. Under Goal I, Strategy U was listed as: *State Strategy U: Develop a moderate-income housing project for residents who are disabled or 55 years or older.*

To meet the State's requirements, the Strategy must be stated verbatim what is in the code. It is amended to: *State Strategy U: Develop a moderate-income housing project for residents who are disabled or 55 years old or older.*

2. Under Goal III, Strategy N was listed as follows: *State Strategy N: Implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality or any other public employer that operates within the municipality.*

- Evaluate the existing policy and propose changes to increase assistance and utilization.
- **PROJECTED COMPLETION:** March 2023.

To meet the State's requirements, the Housing Team added interim steps and deadlines as follows: *State Strategy N: Implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality or any other public employer that operates within the municipality.*

- **Evaluate the existing mortgage assistance policy to understand why employees aren't utilizing it. – Complete by December 31, 2022.**
- **Complete review and analysis of employee housing survey to understand employee affordable housing needs and wants. – Complete by January 2023.**
- **Conduct a work session with Council to discuss updated Employee Housing Policies including an updated Mortgage Assistance program. – Complete by February 2023.**
- **If City Council doesn't approve an amended Mortgage Assistance program, focus on other housing assistance programs such as long-term affordable rentals or amending the monthly housing allowance to meet current housing costs. – Complete by May 2023**
- **PROJECTED COMPLETION: June 2023.**

Amended 2022 Moderate-Income Housing Plan

No other changes were made to the approved 2022 MIHP. The amendments are included in the Amended 2022 MIHP attached as Exhibit B.

Exhibits

EXHIBIT A: Notification Letter from the State Department of Workforce Services, Program Manager – Moderate-Income Housing Database

EXHIBIT B: Amended 2022 Moderate-Income Housing Plan and Housing Element to the General Plan



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Workforce Services

CASEY R. CAMERON
Executive Director

GREG PARAS
Deputy Director

NATE MCDONALD
Deputy Director

KEVIN BURT
Deputy Director

November 22, 2022

To: Mayor and City Council
Park City

From: Department of Workforce Services
Housing and Community Development Division

Re: Moderate Income Housing Report – 2022 Notice of Compliance

Dear Park City Mayor and City Council,

Thank you for submitting your City's Moderate Income Housing report for this year in fulfillment of requirements set forth in State Code section 10-9a-408(2)(b). The Housing and Community Development Division has reviewed the plan and report and finds that they comply with the requirements set forth in section 10-9a-403(2)(b).

Park City has not met the requirements of 10-9a-408(5)(a)(ii)(A) and is not eligible for Priority Consideration in the 2024 fiscal year for Transportation Commission funding for transportation projects within the boundaries of the municipality and Governor's Office of Planning and Budget Covid-19 Local Assistance Matching Grant Program. The community included six strategies and implementation plans, but only four were found to be compliant.

The Housing and Community Development Division do recommend two changes to correct deficiencies in future years reporting:

1. Update strategy U to match the language included in 10-9a-403(2)(b) and,
2. Provide more detail in the Strategy N implementation plan, detailing the benchmarks and next steps to implement the strategy.

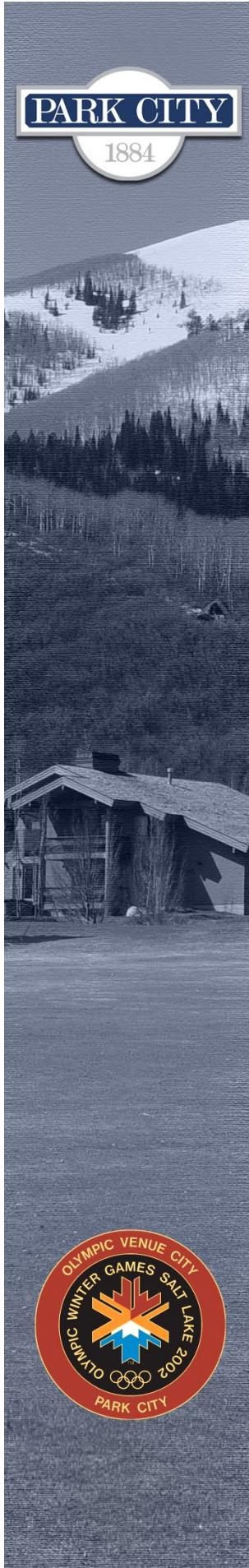
Section 10-9a-408(2)(c) requires each municipality's report starting in 2023 to describe action taken by the municipality towards implementation of the selected strategies, including how each land use decision or regulation supports the implementation of the moderate income housing strategies, barriers encountered, accessory dwelling unit information, the market's response to the strategies and implementation plans, and recommendations to the State regarding how the State can support the municipality in implementing strategies. As you prepare for next year's reporting, please keep those key points in mind and start collecting any necessary information

now. The Division is working on a database of information to help you complete those reports and should have that available soon.

If you have any questions or concerns, please contact Alyssa Gamble at angamble@utah.gov or 385-249-4808. I am available to discuss any questions, comments, or concerns. You may add a time to my calendar using this link: <https://calendar.app.google/GWQagr3YuLmKxkaJ7>.

Sincerely,

Alyssa Gamble
Program Manager – Moderate Income Housing Database
Housing and Community Development
Department of Workforce Services



2022



Amended Five-Year Moderate Income Housing Plan



Housing Element To the General Plan

Park City Municipal Corporation
Adopted January 24, 2023

**Amended
2022 Five-Year Moderate Income Housing Plan
Housing Element of the General Plan**

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2022 Five-Year Moderate Income Housing Plan

Housing Element of the General Plan

INTRODUCTION

This plan is prepared consistent with Section 10-9a-403 of the Utah Code, which requires municipalities to complete a Moderate-Income Housing Plan (MIHP) as the Housing Element of the General Plan. Per state code, the plan contains an estimate of the need in Park City for additional moderate-income housing. It also outlines the strategies the City will use to facilitate a reasonable opportunity for a variety of units to be built "to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life."¹ The State's definition of moderate income is equal to 80 percent of Area Median Income (AMI)² and in 2022, AMI for a family of three is \$96,984 in Summit County.

A universally accepted formula defines housing affordability: households should spend no more than 30 percent on housing costs.³

BACKGROUND

Park City Municipal Corporation has a long history of ensuring that there are affordable housing options for Park City community members. One of the City Council's primary goals is to develop and maintain a range of affordable, quality housing opportunities that meet the life cycle needs of households at all economic levels. Since the early 90s, the City Council has been forward-thinking about building and preserving affordable housing. In 1993, Park City issued the first of many housing resolutions that grew more aggressive with each update as the affordable housing crisis worsened. The most recent update – [Housing Resolution 05-2021](#) – was adopted in April 2021.

General Plan

Housing affordability for a diverse range of income levels is critical to maintaining a complete and vibrant community. To that end, the [Housing Element of the 2014 General Plan](#) established Goals 7 & 8 to preserve and develop Lifecycle and Workforce Housing. This Plan replaces these goals and utilizes a number of the elements of the Housing Tool Box found beginning on page 88 at this [LINK](#). The City has and continues to utilize a number of the tools in the Housing Tool Box such as:

- Use of city-owned property for affordable housing development.
- Use of funding from Redevelopment Authorities to finance the construction of units.

¹ Utah Municipal Code: Municipal Land Use, Development, and Management Act, Plan Preparation (10-9a-403).

² AMI is a formula utilized by the Department of Housing and Urban Development as a benchmark for housing affordability.

³ AFFORDABLE HOUSING: In general, housing for which the occupant(s) is/are paying no more than 30 percent of income for gross housing costs, including utilities. Some jurisdictions may define affordable housing based on other locally determined criteria. This definition is intended solely as an approximate guideline or general rule of thumb – from the HUD User website at http://www.huduser.org/portal/glossary/glossary_a.html.

- Use of Inclusionary Zoning to mitigate the impact of large developments on the need for affordable housing.
- Amend the Land Management Code to incentivize the private development of affordable housing.
- Maintain City employee housing programs.
- Continue to update deed restrictions on affordable units to protect the integrity of the program and preserve affordability.

Past updated Housing Elements to the General Plan were approved in 2020 and 2021 and are [LINKED here](#). In addition, as a result of ongoing planning that included measurable outcomes and timelines, the City has accomplished the following:

- Completion of 112 additional affordable and attainable units through public/private partnerships, direct city-sponsored development, and housing obligations resulting from development agreements.
- Amendments to the Land Management Code (LMC) to establish an Affordable Master Plan Development, incentivizing private developers to build affordable housing.
- Amendments to the LMC to reduce barriers to the development of accessory dwelling units (ADUs).
- Use of Redevelopment Authority Bonds for the development of low- and moderate-income rentals on several city-owned properties.
- Collaboration with the Transportation Planning Team to explore opportunities to locate affordable housing density near transit.
- Development of a new electronic platform for tracking affordable and attainable housing inventory, managing the waitlist for future sales, conducting annual compliance reviews, and housing obligations resulting from applicable development agreements.

Existing Inventory of Moderate-Income Housing

In 2016, City Council allocated approximately \$19 million in Lower Park Ave RDA bond funds and \$5 million in Additional Resort Communities Sales Tax revenue to fund housing projects. The goal was to use various tools, including direct development, participation in public/private partnerships, and purchase/preservation of existing units. In addition to the funding allocation, the City Council established a community goal of 800 new affordable units by 2026. The 800 figure is a recommendation from a [Housing Policy Study](#) completed in 2016, which recommended 80 new units added annually to maintain 15 percent of the workforce living in town.

Since 2000, housing plans have focused primarily on increasing the number of for-sale units to fill a void of for-sale options for lower-income households. As young workforce households matured, there were few options for moving from affordable rentals to affordable sales. In 2000, seven percent of affordable units were owner-occupied, and ninety-three percent were rentals. By 2010, the ratio of for-sale to rental units was 21 percent to 79, and today they are 33 percent to 67. The last five-year plan, completed in 2017, acknowledged the need for more long-term rentals but suggested the City maintain a focus on for-sale units.

The City has played a leadership role in bringing for-sale units to market to help keep the growing workforce households in town. Infill and municipally funded affordable housing projects included Central Park City Condominiums, The Retreat at the Park, and Woodside Park Phase I. These projects added 27 affordable and attainable⁴ ownership units. The City's partnership with Ivory Homes also added another 68 homes in Park City Heights, a subdivision that, will have 79 deed-restricted homes and 160 market homes when completed.

Based on the most recent Park City Housing Market Assessment 2021 completed by James Wood of the University of Utah, the 800-unit goal is no longer sufficient, and the need for affordable rental units has increased significantly.

Today, rental unit availability is nearly nonexistent due to several factors:

1. Rather than traditional apartment buildings, the market development in Park City has been condominium buildings that are priced out of range for the primary workforce earning 63 percent of AMI or \$76,416 annually.
2. Many long-term rentals have been converted to short-term vacation use in recent years.
3. New affordable rental buildings haven't been built for more than 25 years.

Based upon the above factors and James Wood's recommendation, the city will need to re-evaluate its housing goals from 2016. The goals should consider the need for the production of 800 to 1,000 new units in the next five years, adding both rental units and for-sale units to the inventory. In addition, based on needs identified in the 2021 Housing Market Assessment, new development should maintain an 80/20 ratio between rental and for-sale units,⁵ with rental units be targeted to household incomes at 63 or below percent of AMI.

Today, there are 651 moderate-income homes in Park City, a community of 3,193⁶ year-round households. The current inventory represents 439 rental units and 212 owner-

Table 1 Status of Current Inventory

Total # of Housing Units	Renter-Occupied	Owner-Occupied	# of Bedrooms	# of AGE	#	# of LIHTC	# of Vouchers
651	439	212	SRO: 52 Studio: 34 1 bd: 62 2 bd: 188 3 bd: 301 4 bd: 14	>2020 2010-2019 2000-2009 1990-1999 1980-1989 1970-1979	0 186 96 247 0 122	324	2

⁴ Attainable units are defined as those affordable to households earning 80 to 150% of Area Median Income (AMI).

⁵ Park City's Housing Needs Assessment 2021, Wood, James, page 25 ("Wood Study").

⁶ Total primary residences (owner-occupied and long-term rentals), according to the Summit County Assessor's office. This number differs slightly from the Census data included in the James Wood study.

occupied. A variety of resources were utilized to build these units. These include: inclusionary housing obligations, Federal Low-Income Housing Tax Credits (LIHTC), USDA Rural Development funds, and local nonprofits such as [Mountainlands Community Housing Trust](#) (MCHT) and [Habitat for Humanity](#). The City has also stepped into the role of developer, developing several infill projects. In the past, the City also assisted private developers to ensure the success of several projects by providing gap loans, land donations, fee waivers, and paying for flood map changes. Recently, the City has shifted strategies and is working in partnership with private developers to develop city-owned properties.

Existing affordable units have been put into service as follows:

Table 2 History of Affordable Unit Construction in Park City

Timing	Source	Number of Units	
		Owner	Rental
1970-1979	Federal United States Department of Agriculture (USDA) Rural Development funding		122
1980-1989	No new units		
1990-1999	Low Income Housing Tax Credits (LIHTC) and in-lieu fee cash from housing obligations	2	202
	Inclusionary Zoning	21	22
2000-2009	Inclusionary Zoning	41	20
	City Development	13	
	Mountainlands Community Housing Trust with City Assistance	22	
	Renovation of 122 aging rental units using LIHTC and USDA Rural Development funding and City Assistance – counted in 1971-1980 above		
2010-2019	Inclusionary Zoning	54	51
	City Public Private Partnerships	42	
	City Development	15	22
	Habitat for Humanity	2	
2020-2022			0
Totals		212	439
Overall Total			651

Based on annual compliance reports and the most recent needs assessment, the affordable units in Park City are serving the following populations:

- Rental units built or preserved with LIHTC and or USDA Rural Development subsidy programs (324) serve low-income households with annual incomes of 35 to 60 percent of AMI (\$42,431 to \$72,738 for a family of three in 2022).⁷
- Rental units built or purchased by the city to serve the needs of transit employees (41) serve very low-income households with annual incomes at 30 percent of AMI (\$36,369 for a family of three).

⁷ Area Median Income (AMI) is calculated by the Department of Housing and Urban Development as a benchmark for housing affordability.

- Rental units built by private developers in fulfillment of housing obligations (76) serve moderate-income households with annual incomes between 60 and 80 percent of AMI (\$72,738 to \$96,984 for a family of three in 2022).
- Owner-occupied units in the Affordable Category (167) also serve moderate-income households with annual incomes between 60 and 80 percent of AMI (\$72,738 to \$96,984 for a family of three in 2022).
- Owner-occupied units in the Attainable Category (43) serve middle-income households with annual incomes between 80 and 150 percent of AMI (\$96,984 to \$181,845).

Park City Municipal also provides employer-assisted housing to help city employees live where they work. Assistance takes the following forms:

- Down-payment and closing cost assistance to help employees to buy homes within the Park City School District boundaries.
- Low-cost rental properties to assist in employee recruitment and retention purposes, helping to provide a temporary location while searching for a permanent home.
- A housing allowance for those living within School District boundaries, and
- Low-cost studio rental units for seasonal transit employees.

ECONOMIC AND DEMOGRAPHIC CONDITIONS

The 2020 Census Bureau states that the population of permanent residents in Park City was 8,564 (see Table 3). The growth rate of Park City's population has varied quite a bit since 2000; however, in the past ten years, it has averaged 1.2 percent annually.⁸ Therefore, using the average of 1.2 percent, the projected total population in five years is 9,308 and 9,886 by 2032.

Table 3 Population Changes in Park City

Year	Park City Population	Absolute Change	Percent Change
1970	1,193	-173	-13%
1980	2,823	1,630	137%
1990	4,468	1,645	58%
2000	7,371	2,903	65%
2010	7,558	187	3%
2020	8,562	1,004	12%

Due to extremely high housing costs, population trends indicate that Park City is becoming less diverse, older, and wealthier. The Census Bureau American Community Survey (ACS) (2020 five-year average) estimates that persons aged 55 and older make

⁸ Wood Study, page 17.

Table 4 Park City Households with incomes below 120% of AMI

AMI Levels	Renters	Owner	Total
≤30% AMI	295	294	589
30% to 50% AMI	175	145	320
50% to 80% AMI	380	116	496
80% to 100% AMI	200	58	258
100% to 120% AMI	41	95	136
Total	1,091	708	1,799

Source: James Wood derived from building permit data, HUD CHAS, and Census Bureau data.

up 30 percent of Park City's population,⁹ an increase from 13 percent in 2000. Park City's median age is 40, nine years older than the statewide median age of 31.¹⁰

The number of households with incomes at 80, 50 & 30 percent of AMI has stayed constant in the past ten years at around 40 percent of total households. Based on this,

there will be over 200 additional households in need of subsidized housing in each of the next five years: 216 units by 2027 and 444 by 2032.

The rise in Area Median Income (AMI) indicates how wealthy the community is becoming. In 2022, the AMI for a family of three¹¹ is \$121,230, the highest in Utah. AMI is based on who lives in the community, not who works there. According to the Utah Department of Workforce Services (DWS), the most recent calculation of the median wage earned by a household of three employed in Summit County is \$76,416, which equals 63 percent of AMI.¹² This calculation has remained consistent for several years, as noted in Table 5. Since the average workforce wage is considerably lower than AMI, most of the workforce cannot afford to live in Park City.

The top three workforce sectors in Park City are 1) Accommodation and Food Services, 2) Arts, Entertainment, and Recreation, and 3) Retail Trade. The number of jobs in these sectors makes up close to half of all employment. However, on average, these jobs pay substantially lower wages. The economy depends on tourism, and visitors to Park City demand a high level of service, which requires a large workforce. Household wages in the leisure and hospitality categories earned a household median wage of \$59,914 in 2021, 22 percent less than Summit County's median household wage.

Meanwhile, according to the 2022 first-quarter sales report provided by the Park

Table 5 Comparison of Summit County AMI vs WFW

	100% AMI	100% WFW	WFW as % of AMI
2022	121,230	76,416	63%
2017	93,060	57,173	61%
2012	90,270	55,714	62%
2010	83,970	51,764	62%
2005	75,060	46,746	62%
2000	61,470	42,434	69%

⁹Wood Study, page 15.

¹⁰Woods Study, Page 14.

¹¹ The average household size in Park City is 2.78, according to the 2020 Census American Community Survey (ACS) five-year estimates. Therefore, a more realistic formula is to calculate affordable housing-related data on a three-person family rather than the four-person demographic that HUD uses.

¹² Utah Department of Workforce Services, <https://jobs.utah.gov/wi/data/library/wages/annualprofilewages.html>

City Board of Realtors, housing sales prices in the Park City region remain significantly high. For example, the median price of a single-family home in the first quarter of 2022 was \$3.5 million, and \$890,000 for a condo.¹³ By contrast, without significant gifts or savings, an annual income of \$76,416 can comfortably handle the mortgage of a home or condo at a sale price of approximately \$307,000. Moreover, in the past year, the average price per square foot to build in Park City was between \$400 and \$650, which equals \$360,000 to \$585,000 for a 900 SF unit at cost, which includes no profit for a builder.

Rents have also increased considerably recently. Today, the average rent on a two-bedroom condominium is approximately \$3,000, compared to \$2,200 in 2017. In addition, the long-term rental market is being squeezed by short-term rentals. Many owners converted long-term rental properties to short-term, meaning that full-time community and workforce members are being pushed out in favor of visitors and tourism. Another factor is the lack of new development of rental apartments. According to the Wood Study, new multi-unit apartment properties (traditional apartments, different from condominium projects) haven't been built for more than 25 years.

Table 6 Housing Affordability in Summit County

2022 Housing Affordability

% of AMI	% of WFW	Annual Income	Affordable Rent/Mortgage	Affordable Purchase Price
30%	48%	\$ 36,369	\$ 909	\$ 128,361
50%	79%	\$ 60,615	\$ 1,515	\$ 213,936
60%	95%	\$ 72,738	\$ 1,818	\$ 256,723
80%	127%	\$ 96,984	\$ 2,425	\$ 342,297
100%	161%	\$ 123,230	\$ 3,031	\$ 427,871
120%	190%	\$ 145,476	\$ 3,637	\$ 513,446

Based on the Wood Study, no viable for-sale or rental units in the Park City market are affordable to households with annual incomes at 80 percent or less of AMI.¹⁴ With limited inventory and high housing costs, most of Park City's workforce must commute to work from outside the area. Over 12,700, or 86 percent, of Park City's workforce commute to their jobs, and 8,800 drive from outside Summit County. Commuters add congestion to the roadways and are not environmentally sustainable. Limited inventory also increases the difficulty of recruiting and retaining employees for local businesses.

Special Needs Populations

Generally, special needs housing is developed in counties or areas with populations much greater than Summit County or Park City. Most smaller communities do not provide special needs housing. However, Mountainlands Community Housing Trust does have a

¹³ *2022 1st Quarter Statistics*, Park City Board of Realtors,
<https://www.parkcityrealtors.com/www.parkcityrealtors.com/newsroom>.

¹⁴ Wood Study, page 22.

small number of units for transitional housing.¹⁵ In addition, the Peace House, a program serving victims of domestic violence, provides 12 transitional housing units and eight emergency shelter units.

Affordable Housing Mitigation

The City has actively worked to improve affordable housing options in Park City. The City has utilized Public/private partnerships to complete 79 units, and 99 additional units are planned. The City has also built 16 infill homes. In addition, the City's Community Development Team introduced LMC changes to reduce parking and setback requirements and increase height and density allowances for affordable housing projects. Additional LMC changes reduced barriers to developing accessory dwelling units (ADUs). The City's Housing Team is working with a public/private partnership to develop low- and moderate-income rentals. The first project, totaling 123 units (99 affordable and 24 market), is in entitlement.

The Housing Team is also working with private developers to complete 15 affordable units to fulfill housing obligations. There are also new development agreements under consideration with housing obligations that may produce as many as 250 new affordable units.

FIVE YEAR PLAN

Based on the Wood Study and needs analysis, the need for moderate-income units will likely increase by 800 to 1,000 units in five years. The projected units are made up of cost-burdened households, projections of demographic growth, and those units needed to ensure that 15 percent of the workforce can live near their jobs.

The following five-year plan focuses first and foremost on the development of additional moderate-income housing. It is laid out first with overarching goals, followed by objectives and the final section establishes the implementation strategies for year one, July 2022-June 2023. Implementation is laid out to align with State codified strategies included in HR 462, a law that took effect on June 1, 2022.

GOAL I: Facilitate the production of a mix of new housing units to meet the needs of the local workforce, maintain vibrancy, and increase the diversity of the community.

Objective A: Work with public/private partnerships to build new units.

Objective B: Ensure that new units resulting from development agreements are a mix of rental, for sale units.

Objective C: Increase the diversity of housing stock to include various unit sizes and types.

¹⁵ Park City Housing Needs Assessment 2016, Wood, James, page 16.

Objective D: Reduce and/or eliminate municipal fees for affordable housing development.

Objective E: Create housing opportunities for both the aging and neuro-diverse populations.

Objective F: Preserve existing moderate-income units.

Objective G: Find ways to build units at various levels of affordability.

GOAL II: Enact zoning changes and amend the Land Management Code to incentivize the development of affordable housing.

Objective A: Change zoning classifications to allow for the development of affordable housing.

Objective B: Provide parking reductions to projects that use alternative transportation options to reduce the need for vehicle travel.

Objective C: Look for opportunities to increase height and density allowances for affordable housing development where appropriate.

Objective D: Change Land Management Code to incentivize development of affordable ADUs.

GOAL III: Enhance housing assistance programs for City Employees.

Objective A: Expand the employee rental program to include both short and long-term rental options.

Objective B: Continue to evaluate employee housing allowance programs and make changes as necessary.

Objective C: Look for innovative ways to create housing opportunities for City employees.

GOAL IV: Explore new tools to retain permanent residents and preserve community vibrancy.

Objective A: Reduce the impacts that short-term rentals have on our resort community.

Objective B: Pursue programs that will preserve existing housing stock for permanent residential use.

Objective C: Pursue ways to incentivize the development of affordable accessory dwelling units (ADUs).

AMENDED IMPLEMENTATION STRATEGIES FOR YEAR ONE, JULY 2022 – JUNE 2023

GOAL I: Facilitate the production of a mix of new housing units to meet the needs of the local workforce, maintain vibrancy, and increase the diversity of the community.

State Strategy C: Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate-income housing.

- Adopt a plan to rehabilitate municipal property at 516 Marsac Avenue to preserve moderate-income housing in Park City.
- PROJECTED COMPLETION: July 2023.

State Strategy L: Reduce, waive, or eliminate impact fees related to moderate-income housing.

- Work with a private developer to waive building and construction fees for the Homestake affordable housing project, proposed to create 123 units.
- PROJECTED COMPLETION: December 2022.

State Strategy P: Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.

- Use funds from the Lower Park RDA and affordable housing bond financing to begin the development of the Homestake multi-unit, mixed-income project with 123 proposed units.
- PROJECTED COMPLETION: April 2023

State Strategy U: Develop a moderate-income housing project for residents who are disabled or 55 years old or older.

- Evaluate feasibility and develop a plan to incorporate senior housing and services into the development of a multi-use and multi-generational project located at 1361 Woodside Avenue
- PROJECTED COMPLETION: July 2023

GOAL II: Enact zoning changes and amend the Land Management Code to incentivize the development of affordable housing.

State Strategy A: Rezone for densities necessary to facilitate production of moderate-income housing.

- Issue an RFP to identify a public/private partnership to rezone a portion of the City-owned Mine Bench parcel at 7700 Marsac Avenue to provide higher density for the development of affordable/employee housing.
- PROJECTED COMPLETION: August 2023.

GOAL III: Enhance housing assistance programs for City Employees.

State Strategy N: Implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality or any other public employer that operates within the municipality.

- Evaluate the existing mortgage assistance policy to understand why employees aren't utilizing it. – Complete by December 31, 2022.
- Complete review and analysis of employee housing survey to understand employee affordable housing needs and wants. – Complete by January 2023.
- Conduct a work session with Council to discuss updated Employee Housing Policies including an updated Mortgage Assistance program. – Complete by February 2023.
- If City Council doesn't approve an amended Mortgage Assistance program, focus on other housing assistance programs such as long-term affordable rentals or amending the monthly housing allowance to meet current housing costs.– Complete by May 2023
- PROJECTED COMPLETION: June 2023.

Planning Commission Staff Report



Subject: Water Wise Landscaping
Application: PL-21-05064
Authors: Spencer Cawley
Lillian Zollinger
Date: January 11, 2023
Type of Item: Land Management Code Amendments

Recommendation

Staff recommends the Planning Commission review the proposed Land Management Code amendments to improve Water Wise Landscaping and clarify landscaping regulations, hold a public hearing, and consider forwarding a positive recommendation to City Council for review on February 16, 2023, as outlined in Draft Ordinance 2023-XX (Exhibit A).

Description

Applicant:	Planning Department
Zoning District:	All Zoning Districts
Land Management Code Sections Amended:	§ 15-5-5(N) <i>Landscaping</i> § 15-15-1 <i>Definitions</i>
Municipal Code of Park City Section Amended:	§ 14-1-5 <i>Regulations for Planting Trees and Landscaping in the City's Right-of-Way</i>
Reason for Review:	The Planning Commission reviews Land Management Code amendments and forwards a recommendation for City Council's consideration. The City Council conducts a public hearing and takes Final Action. ¹

Background

On May 30, 2019, the City Council adopted Ordinance No. 2019-30, amending the Land Management Code to implement Water Wise Landscaping to reduce the need for supplemental irrigation. The Water Department is preparing to implement a landscape rebate pilot program (Landscaping Incentive Program) in 2023 to incentivize residents to replace lawn with Water Wise Landscaping. On September 23, 2021, City Council directed the Planning team to evaluate the landscaping regulations to identify opportunities to improve water conservation in preparation for the landscape rebate pilot program and to

¹ LMC [§ 15-1-7](#)

further conserve water use for new construction landscaping moving forward ([Staff Report](#); [Land Management Code Exhibit](#); [Minutes](#), p. 4).

On April 27, 2022 ([Staff Report](#); [Minutes](#), p. 2) and October 12, 2022 ([Staff Report](#); [Minutes](#), p. 12), the Planning Commission conducted work sessions and directed the Planning team to implement changes regarding Water Wise definitions, investigate graywater use/regulations, and create a user-friendly website for residents to find information regarding water conservation.

The Planning Department reviewed the Planning Commission's input and developed proposed amendments to the Land Management Code, Sections 15-5-5(N) *Landscaping* and 15-15-1 *Definitions*. On October 26, 2022, due to a full agenda, the Planning Commission continued the item to January 11, 2023.

Additionally, Municipal Code of Park City [Section 14-1-5](#) includes a plant species list that identifies vegetation allowed in the City's Rights-of-Way. Residents are recommended to plant, but are not limited to, the plants listed. The current list identifies Fire Wise Plants. The Planning Team proposes to update the list to also identify Water Wise Plants.

Analysis

Natural Setting is one of the core values in the Park City General Plan and Goal 5 is to implement mitigation for environmental impacts. Objective 5.3 is to adopt new landscaping requirements to decrease water utilization and preserve native landscape.

The Land Management Code (LMC) implements the goals and policies of the General Plan in part to promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City, and to protect and enhance the overall quality of life.²

The following changes primarily reorganize the LMC Landscaping Section to make it simpler to understand for both staff and residents. Additionally, the Planning team incorporated changes that clarify and promote Water Wise Landscaping practices. The section has been reorganized and the proposed amendments are found in red as follows:

N. LANDSCAPING.

- 1. PURPOSE.** Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months, **creating a significant risk of wildland fire**. The largest single water demand is for irrigation of landscaping. Water Wise Landscaping incorporates native drought-tolerant plants that require little or no supplemental irrigation, includes water conserving irrigation, and requires Hydrozoning in which

² LMC [§ 15-1-2](#)

plants, trees, and shrubs with similar water needs are planted in the same area with mulches that prevent water evaporation. Water Wise Landscaping protects the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought.

2. **WATER WISE LANDSCAPING.** At least fifty percent (50%) of the landscaped area shall be Water Wise Landscaping containing approved native drought tolerant plants, trees, and shrubs. Water Wise Landscaping may be constituted through approved vegetation, location of planting methods such as Xeriscaping or Hydrozoning, or approved based on a site-specific review.
3. **HOMEOWNER ASSOCIATION LANDSCAPING REGULATIONS.** Homeowner Associations may not restrict a property owner from installing Water Wise Landscaping.
4. **LANDSCAPE PLAN.** A complete landscape plan must be prepared for the limits of disturbance area for all Development activity. **Landscaping plans shall incorporate best practices for water conservation.**
 - a. The landscape plan shall:
 - i. Identify plant materials indicating the botanical name, the common name, planting depth, quantity, **mature height and width (both untrimmed)**, and container or caliper size and/or height for:
 - (A) Plants, trees, shrubs,
 - (B) Grasses,
 - (C) Mulches (natural organic plant-based or recycled materials),
 - (D) Rocks (**greater than 3"**) and Gravel (**less than 3"**)
 - a. Gravel is only allowed in the following applications:
 - i. as an approved walkway;
 - ii. patio;
 - iii. drainage plan; and/or
 - iv. defensible space
 - b. **Gravel is prohibited in areas adjacent to the Right-of-Way.**
 - c. Any Gravel, rocks, or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of the Design Guidelines for Historic District and Historic Sites in Chapter 15-13.
 - d. Gravel and rocks are not an allowed surface for parking, ground cover on berms, or finished grade with a ratio greater than 3:1, within platted or zoned open space. **Rock-cover should be no more than 20% of the new ground cover. Wood chip mulch is encouraged for water retention on the landscape.**

Refer to Section 14-1-5 for a City-approved Plant List. A diverse selection of plantings, **and the use of clumping and clustering**, is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety, and to prevent **the spread of wildfire, and** the spread of disease between the same species.

- ii. Utilize the concept of Water Wise Landscaping for plant selection, location, irrigation, and mulching of all landscaped areas.
- iii. Include foundation plantings and ground cover **in the Wildland Urban Interface Immediate Ignition Zone, 0-5 feet and the Wildland Urban Interface Intermediate Ignition Zone 5-30 feet (Park City Municipal Code § 11-21-1(I), The 2006 Utah Wildland-Urban Interface Code).**
- iv. Indicate the percentage of the lot that is landscaped.
- v. Indicate the percentage of the lot **containing Impervious Surfaces**, including driveways, parking areas, patios, and decks.
- vi. Indicate the percentage of the landscaping that is irrigated.
- vii. Identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate approved native drought-tolerant plants, trees, and shrubs.
- viii. **Identify Hydrozoning (grouping of plants based on irrigation needs) or Xeriscaping (sustainable, low-water landscaping) locations.**
- ix. Identify all existing Significant Vegetation, which shall remain and be maintained on Site and protected during construction.
 - (A) If the Significant Vegetation is determined to be unhealthy or unsafe, under a Site-Specific review conducted by the Forestry Manager and Planning Director in conjunction with a Conditional Use, Master Planned Development, or Historic District Design Review approval, it may be replaced with equivalent landscaping in type and size.
 - (B) The Forestry Manager and Planning Director may grant exceptions if upon their review it is found that equivalent replacement is impossible, would be detrimental to the site's existing and/or proposed vegetation, or violates Chapter 11-21 *Utah Wildland-Urban Interface Code*.
 - (C) Multiple trees **from the approved WUI Planting List**, clumped and grouped together with canopies of the clusters being no closer than 18 feet to the next closest cluster within the Intermediate Zone, no cluster exceeding (5) five trees or cover more than 15% of the Intermediate Ignition Zone, whichever is lesser, and with vegetation not closer than 10 feet to any portion of a structure with vegetation at full grown height and size, equivalent in caliper to the size of the removed Significant Vegetation **in the Intermediate Ignition Zone** may be considered instead of replacement in kind and size.
 - (D) Significant Vegetation preservation and/or replacement shall be prioritized, but where applicable, Significant Vegetation may be removed or replaced to comply with Firewise Landscaping and/or Defensible Space regulations in Chapter 11-21 *Utah Wildland-Urban Interface Code* and/or to allow for replacement of Significant Vegetation with Water Wise

Plants, as approved by the Planning Director or Forestry Board.

(E) Identify Artificial turf, which is recommended to be made of recycled materials with reduced petroleum-based polymers. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Installation of artificial turf shall not pool water and be installed to allow for drainage.

- x. Comply with Park City Municipal Code Chapter 11-21, Utah Wildland-Urban Interface Code.
- b. The Planning Director or designee may determine if proposed defensible space areas outlined in Chapter 11-21 *Utah Wildland-Urban Interface Code* may be exempt from 50% Water Wise landscaping requirements.
- c. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County prior to issuance of Certificates of Occupancy.

5. **IRRIGATION PLAN.** A detailed irrigation plan shall be drawn at the same scale as the landscape plan and shall include:

- a. The layout of the heads, lines, valves, controller, backflow preventer, and drip irrigation;
- b. A WaterSense labeled irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities;
 - i. Overhead Spray Irrigation shall be no greater than 12" above ground. Overhead irrigation is not permitted within 18" of any non-permeable surface. Overhead Spray Irrigation may be used for Lawn/Turf, but does not constitute a Water Wise landscaping method when used with other vegetation.
- c. Greywater System locations.

6. **LAWN/TURF.** Lawn/Turf is prohibited on slopes with a ratio greater than 3:1. Irrigated Lawn/Turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or Impervious Surfaces, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or Impervious Surfaces
Greater than one (1) acre	25% <u>20%</u>
0.50 acres to one (1) acre	35% <u>30%</u>

0.10 acres to 0.49 acres	45% <u>40%</u>
Less than 0.10 acres	No limitation

Lawn/Turf area limitations for Recreation, School, Public, and Quasi-Public Institution Uses shall follow similar percentage limitations, with the exception of athletic fields, public or recreational open space, as determined by the Planning Director.

Encouraged Lawn/Turf practices include:

1. Only using Lawn/Turf in areas where it is functional, such as play areas, and areas needing temperature, noise, or dust mitigation;
2. Choosing non-irrigated Lawn/Turf or Lawn/Turf species with lower water requirements;
3. Not planting Lawn/Turf in narrow, small, or oddly shaped areas that are difficult to efficiently irrigate;
4. Mowing Lawn/Turf at a height of two to three inches;
5. Planting Lawn/Turf in shaded areas on the lot;
6. Planting deep-rooted turfgrass on slopes.

LMC Section 15-15-1

DEFINITIONS

ARTIFICIAL TURF. Simulated or artificially created life-like individual blades of Lawn/Turf that emulate natural Lawn/Turf in look and color.

GRAVEL. Round rock or crushed stone less than three inches (3") in diameter.

GRAYWATER. Wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, or laundry tubs used for landscaping as approved by the Summit County Health Department.

IMPERVIOUS SURFACES. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

LAWN/TURF. Nonagricultural land planted in closely mowed, managed grasses.

MULCH. Organic and inorganic material such as rock, bark, wood chips, or other materials left loose and spread over an area of landscape.

Organic mulches. Wood, bark chips, pole peelings, wood grindings, shredded bark, nut shells, pine needles, discarded plant parts.

Rock mulches. Crushed rock, stone, lava, pea gravel or other small stones or inorganic material.

OVERHEAD SPRAY IRRIGATION. Above ground irrigation heads that spray water through a nozzle.

ROCKS. Stones greater than three inches (3").

SIGNIFICANT VEGETATION. Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

- 1. HISTORIC SIGNIFICANT VEGETATION.** Includes vegetation deemed historic pursuant to Chapter 15-13.

VEGETATIVE COVER. Ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity, excluding trees.

WATER WISE LANDSCAPING. A landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques such as the use of native drought-tolerant plants, mulch, and efficient irrigation that reduces the need for supplemental irrigation. ~~Xeriscape~~ is a form of Water Wise Landscaping. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off. Installation of plant materials suited to the microclimate and soil conditions that can remain healthy with minimal drip irrigation once established, be maintained without the use of overhead spray irrigation, use water for outdoor irrigation through proper and efficient irrigation design and water application such as Hydrozoning, use of other landscape design features that minimize the need of the landscape for supplemental water from irrigation, or reduce the landscape area dedicated to Lawn/Turf.

~~Water Wise Landscaping is a mix of plantings, rocks, and other landscaping materials with at least fifty percent (50%) of the landscaped area containing plants, trees, and shrubs. The use of mulch coverings, organic or stone-based, without fifty percent (50%) plantings does not constitute Water Wise Landscaping.~~

Hydrozones/Hydrozoning. Plant grouping according to water needs, allowing for more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off.

Xeriscaping. Sustainable landscape that conserves water and is based on sound horticultural practice designs that incorporate low-water-use plants planted in Hydrozones.

Several of the proposed definitions incorporate changes from Utah House Bill 282 Water Wise Landscaping Amendments.

To update the Plant List under LMC § 14-1-5, Staff Recommends the following plants be highlighted, or denoted, to better inform residents of options for Water Wise vegetation.

<u>Coniferous Trees</u>	<u>Deciduous Trees</u>
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Austrian Pine	Amur Maple*◊
Blue Spruce	Autumn Blaze Maple
Bosnian Red Cone Pine	Bigtooth Maple*◊
Bristlecone Pine	Bolleana Poplar
Douglas Fir	Burr Oak*◊
Engelmann Spruce	Canada Red Chokecherry*◊
Limber Pine	Columnar Swedish Aspen*
Norway Spruce	Common Hackberry*
Pinyon Pine	Common Pear Tree
Ponderosa Pine	Crabapple*
Rocky Mountain Juniper Scotch Pine	Downy Serviceberry*◊
Single-needed Pine	Emerald Queen Norway Maple
Sub Alpine Fir	Gambel Oak; Scrub Oak
Utah Juniper	Japanese Tree Lilac
Vanderwolf Pine	Kentucky Coffeetree*◊
Western White Pine	Lindon Trees*
White Fir	Manchurian Ash
	Marshall Seedless Ash
	May Day Tree*
	Narrowleaf Cottonwood*
	Patmore Green Ash
	Quaking Aspen*
	Rocky Mountain Maple*◊
	Saskatoon Serviceberry or Juneberry*◊
	Sensation Boxelder*
	Sycamore Maple*◊
	Tatarian Maple*◊
	Thornless Hawthorn*◊
	Turkish Filbert*
	Western Catalpa*◊
Shrubs	
Adam's Needle*◊	Leatherleaf Viburnum*◊
Alpine Current*	Lewis' Mockorange*◊
Antelope Bitterbrush*◊	Littleleaf Mockorange*◊
Apache Plume	Meideland Rose
Ash Leaf False Spirea*	Mentor Barberry, Red Leaf Barberry, Rose*◊
Austrian Copper Rose	Glow Barberry*◊
Beauty Bush*◊	Mountain Lover*◊
Big Basin Sage	Mountain Mahogany*◊
Bigelow's Sage	Mountain Snowberry*◊
Black Chokeberry*◊	New Mexico Locust*◊
Black Sage	Ninebark*◊
Blue Mist Spirea*◊	Oakbrush Sumac, Skunkbrush
Boulder Thimbleberry*◊	Oregon Grape*◊
Bridal Wreath Spirea*◊	Peking Cotoneaster*◊
Bumald Spirea*◊	

Butterfly Bush	Purple Sand Cherry*◊
Chenault Coralberry*◊	Pygmy Pea Shrub
Chokecherry*	Red Chokeberry*
Cliff Jamesia*◊	Redleaf Rose
Cliff Rose*◊	Rock Spray Spiraea*◊
Clove Currant*◊	Rose Daphne
Common Lilac (many cultivars)*◊	Rubber Rabbitbrush
Common Snowberry*◊	Rugosa Rose
Compact Oregon Grape*◊	Sand Sage
Cranberry Cotoneaster*	Saskatoon Serviceberry*◊
Crimson Pygmy Barberry*◊	Sea Buckthorn*◊
Curl-leaf Mountain Mahogany*◊	Shrubby Cinquefoil*◊
Yew*◊	Siberian Pea Shrub*◊
Diabolo Ninebark*◊	Silver Buffaloberry*◊
Dwarf Korean Lilac*◊	Silver Sage*◊
Dwarf Mountain Mahogany*◊	Smoke Tree
Dwarf Mugo Pine	Smooth Sumac
Dwarf Smooth Sumac	Spreading Cotoneaster*◊
Dwarf Winged Euonymous*◊	Squaw Currant
Elderberry*◊	Staghorn Sumac
Fernbush	Tallhedge Buckthorn*◊
Flowering Almond*◊	Thinleaf Alder*◊
Forsythia*◊	Utah Serviceberry*◊
Fringed Sage	Wayfaring Tree*◊
Golden Currant	Western Sand Cherry*◊
Greenleaf Manzanita*◊	Winged Euonymous*◊
Harison's Yellow Rose	Winterfat
Harriman's Yucca*	Wolfberry
Honeysuckle Species*	Woods Rose*◊
Indian Currant Coralberry*◊	

Perennials

Barrenwort	Orange Coneflower*
Bearded Iris; German Iris*	Oriental Poppy
Bergenia, Saxifrage*◊	Ozark Coneflower*
Black Eyed Susan*	Pale Evening Primrose*◊
Blanket Flower*	Palmer Penstemon*
Bloody Cranesbill*◊	Partridge Feather
Blue Flax; Lewis' Flax*	Pasque Flower*
Blue Mint Bush	Pearly Everlasting
Bluebells-of-Scotland	Persian Rockcress
Bronze Evening Primrose*	Pine-leaf Penstemon*
Butterfly Milkweed*	Pine-leaved Garden Pink
Candytuft*◊	Plume-flowered Salvia*
Catmint Chocolate flower*	Poppy Mallow; Prairie Winecup*◊
Common Thrift	Prairie Coneflower, Mexican Hat*
Coral Bells*	Prairie Purple Coneflower*

Creeping Germander Creeping Phlox* Dalmatian Bellflower Daylily* Desert Four O'Clock Desert Penstemon* Dotted Gayfeather Eaton's Beardtongue Endress Cranesbill* English Lavender (many cultivars available including Munstead, Hidcote, Nana, and Jean Davis) False Indigo Fernleaf Yarrow French Lavender Garden Pinks Garden Salvia Gaura, Whirling Butterflies Gayfeather Germaner Sage Globemallow* Golden Columbine* ^φ Greek Yarrow Green Santolina* Hens And Chicks* ^φ Hollyhocks Hummingbird Flower Hummingbird Trumpet Keys Of Heaven, Jupiter's Beard, Red* ^φ Kitchen Sage ^φ Lady's Mantle* ^φ Lavender Cotton Leadplant* Leather Leaf Powder Puff Licorice Hyssop* Lilyleaf Ladybells Mat Penstemon* Missouri Evening Primrose* ^φ Mount Atlas Daisy* Mountain Gold Alyssum	Prairie Skullcap Pussytoes Pink Pussytoes; Rosy Red Hot Poker* Rock Soapwort Rockrose Rocky Mountain Columbine* ^φ Rocky Mountain Penstemon* Rose Campion Russian Sage Sand Penstemon* Scarlet Bugler Serbian Yarrow Showy Goldeneye Showy Milkweed Showy Stonecrop* Shrubby Sandwort Siberian Iris* Siskiyou Pink Mexican Primrose* ^Z Sticky Geranium* Sulfur Flower Sweet Iris* Texas Mist Flower Threadleaf Coreopsis Tufted Beardtongue Tufted Evening Primrose Utah Lady finger; Utah Milkvetch Valerian* Wall Germander Wasatch Beardtongue Western Columbine* ^φ Western Coneflower* Whipple's Penstemon* Wild Hyssop Wormwood Yarrow Yellow Corydalis Yellow Stork's bill
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Annuals

Ageratum; Flossflower Annual Chrysanthemums; Marguerites Annual Coreopsis* Bachelor's Buttons* Bells-of-Ireland	Garden Zinnia Geranium Globe Amaranth Gloriosa Daisy* Icelandic Poppy* Klondike Cosmos
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Blue Marguerite	Larkspur; Annual Delphinium
Calendula; Pot Marigold	Lobelia* Love-in-a-mist
California Poppy* Canterbury Bells	Love-lies-bleeding
Carnation; China Pinks	Marigolds*
China Aster	Nasturtium*
Cleome; Spiderflower	Painted Tongue; Velvet flower
Coleus*	Pansy; Viola*
Cosmos*	Salvia; Flowering Sage* [◊]
Creeping Zinnia*	Snapdragon*
Dusty Miller*	Statice
Flanders Poppy*	Strawflower
Flowering Kale and Cabbage*	Sunflower
Flowering Tobacco	Sweet Alyssum*
Forget-me-not*	Sweet Pea*
Garden Petunia*	Sweet William*
Garden Verbena*	

Turfgrasses and Ornamental Grasses

Alkali Sacaton	Maidenhair Grass
Arizona Fescue	Mountain Muhly
Blue Avena Grass; Blue Oat Grass	Muhly Grass
Blue Fescue	Mutongrass
Blue Grama*	Needlegrass
Deergrass	Overdam Reedgrass
Feather Reed Grass	Pine Dropseed; Hairy Dropseed
Foerster Reedgrass	Prairie Junegrass
Fountain Grass	Sideoats Grama* [◊]
Galleta Grass; Curly Grass; James' Grass	Spike Dropseed
Great Basin Rye* [◊]	Spike Muhly
Indian Rice Grass* [◊]	Switch Grass
Indiangrass	Tall Wheatgrass
Little Bluestem* [◊]	

Groundcovers

Ajuga, Bugleweed	Lily-Of-The-Valley* [◊]
Autumn Amber Sumac	Mount Atlas Daisy
Blue Woolly Speedwell	Mountain Gold
Chenault Coralberry	Alyssum
Clematis* [◊]	Purple-leaf Winter Creeper
Common Juniper	Pussy Toes; Pink Pussy Toes
Creeping Juniper	Rockspray Cotoneaster* [◊]
Creeping Oregon Grape* [◊]	Snow In Summer* [◊]
Creeping Thyme	Stonecrop* [◊]
Dead Nettle	Sweet Woodruff* [◊]
Gray Creeping Germander	Thyme-leaf Speedwell
Gro-low Sumac	Trumpet Vine
Halls Honeysuckle	Turkish Speedwell
Japanese Honeysuckle* [◊]	Virginia Creeper, Boston Ivy
	Wild Strawberry

Kinnikinnick Lamb's Ear	Woolly Thyme
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*Classified as Firewise plants. All plant locations, quantities, and maintenance must abide with Chapter 11-21, Utah Wildland-Urban Interface Code.

♦Identified as Water Wise plants.

Exhibits

- Exhibit A: Draft Ordinance 2023-XX
- Exhibit B: Survey Input
- Exhibit C: Survey Results
- Exhibit D: Public Comment

Ordinance No. 2023-XX

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 14-1-5
REGULATIONS FOR PLANTING TREES AND LANDSCAPING IN THE CITY'S
RIGHT-OF-WAY, 15-5-5 ARCHITECTURAL DESIGN GUIDELINES, AND 15-15-1
DEFINITIONS TO REDEFINE "WATER WISE LANDSCAPE/LANDSCAPING", AND
TO DEFINE, "LAWN/TURF", MULCH", "HARDSCAPE", "IRRIGATION PLAN", AND
"ROCKS"**

WHEREAS, Water Wise is a landscape planning technique to reduce water usage;

WHEREAS, *Natural Setting* is one of the core values in the Park City General Plan, Goal 5 of the General Plan is to implement mitigation for environmental impacts and Goal 6 is to adapt for climate change;

WHEREAS, Objective 5.3 of the General Plan is to "adopt new landscaping requirements to decrease water utilization and preserve the native landscape. Encourage the use and protection of landscaping requirements to enable the continued utilization of renewable energy sources";

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health of both the residents and the City and to encourage responsible environmental stewardship;

WHEREAS, to protect, preserve, and conserve water, and to educate residents on Water Wise landscaping techniques;

WHEREAS, the Planning Commission conducted duly noticed work sessions on April 27, 2022 and October 12, 2022, and a duly noticed public hearing on October 26, 2022 and January 11, 2023 and forwarded a _____ recommendation, to the City Council;

WHEREAS, the City Council conducted a duly noticed public hearing on February 16, 2023.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT
CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 14 Trees/Landscaping; Streets, Sidewalks And Stairs; Streetcuts; Snow Removal; Street Address System; News Racks § 14-1-5 *Regulations For Planting Trees And Landscaping In The City's Right-Of-Way* and Title 15 Land

Management Code § 15-5-5 *Architectural Design Guidelines* and § 15-15-1 *Definitions*, are hereby amended as outlined in Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 16th DAY OF FEBRUARY 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

1 **Attachment 1**

2 **14-1-5 Regulations For Planting Trees And Landscaping In The City's Right-Of-Way**

Coniferous Trees	Deciduous Trees
Austrian Pine	Amur Maple*◊
Blue Spruce	Autumn Blaze Maple
Bosnian Red Cone Pine	Bigtooth Maple*◊
Bristlecone Pine	Bolleana Poplar
Douglas Fir	Burr Oak*◊
Engelmann Spruce	Canada Red Chokecherry*◊
Limber Pine	Columnar Swedish Aspen*
Norway Spruce	Common Hackberry*
Pinyon Pine	Common Pear Tree
Ponderosa Pine	Crabapple*
Rocky Mountain Juniper Scotch Pine	Downy Serviceberry*◊
Single-needed Pine	Emerald Queen Norway Maple
Sub Alpine Fir	Gambel Oak; Scrub Oak
Utah Juniper	Japanese Tree Lilac
Vanderwolf Pine	Kentucky Coffeetree*◊
Western White Pine	Lindon Trees*
White Fir	Manchurian Ash
	Marshall Seedless Ash
	May Day Tree*
	Narrowleaf Cottonwood*
	Patmore Green Ash
	Quaking Aspen*
	Rocky Mountain Maple*◊
	Saskatoon Serviceberry or Juneberry*◊
	Sensation Boxelder*
	Sycamore Maple*◊
	Tatarian Maple*◊
	Thornless Hawthorn*◊
	Turkish Filbert*
	Western Catalpa*◊
Shrubs	
Adam's Needle*◊	Leatherleaf Viburnum*◊
Alpine Current*	Lewis' Mockorange*◊
Antelope Bitterbrush*◊	Littleleaf Mockorange*◊
Apache Plume	Meideland Rose
Ash Leaf False Spirea*	Mentor Barberry, Red Leaf Barberry, Rose*◊
Austrian Copper Rose	Glow Barberry*◊
Beauty Bush*◊	Mountain Lover*◊
Big Basin Sage	

Bigelow's Sage Black Chokeberry* Black Sage Blue Mist Spirea* Boulder Thimbleberry* Bridal Wreath Spirea* Bumald Spirea* Butterfly Bush Chenault Coralberry* Chokecherry* Cliff Jamesia* Cliff Rose* Clove Currant* Common Lilac (many cultivars)* Common Snowberry* Compact Oregon Grape* Cranberry Cotoneaster* Crimson Pygmy Barberry* Curl-leaf Mountain Mahogany* Yew* Diabolo Ninebark* Dwarf Korean Lilac* Dwarf Mountain Mahogany* Dwarf Mugo Pine Dwarf Smooth Sumac Dwarf Winged Euonymous* Elderberry* Fernbush Flowering Almond* Forsythia* Fringed Sage Golden Currant Greenleaf Manzanita* Harison's Yellow Rose Harriman's Yucca* Honeysuckle Species* Indian Currant Coralberry*	Mountain Mahogany* Mountain Snowberry* New Mexico Locust* Ninebark* Oakbrush Sumac, Skunkbrush Oregon Grape* Peking Cotoneaster* Purple Sand Cherry* Pygmy Pea Shrub Red Chokeberry* Redleaf Rose Rock Spray Spiraea* Rose Daphne Rubber Rabbitbrush Rugosa Rose Sand Sage Saskatoon Serviceberry* Sea Buckthorn* Shrubby Cinquefoil* Siberian Pea Shrub* Silver Buffaloberry* Silver Sage* Smoke Tree Smooth Sumac Spreading Cotoneaster* Squaw Currant Staghorn Sumac Tallhedge Buckthorn* Thinleaf Alder* Utah Serviceberry* Wayfaring Tree* Western Sand Cherry* Winged Euonymous* Winterfat Wolfberry Woods Rose*
Perennials	
Barrenwort Bearded Iris; German Iris* Bergenia, Saxifrage* Black Eyed Susan* Blanket Flower* Bloody Cranesbill* Blue Flax; Lewis' Flax* Blue Mint Bush	Orange Coneflower* Oriental Poppy Ozark Coneflower* Pale Evening Primrose* Palmer Penstemon* Partridge Feather Pasque Flower* Pearly Everlasting

Bluebells-of-Scotland	Persian Rockcress
Bronze Evening Primrose*	Pine-leaf Penstemon*
Butterfly Milkweed*	Pine-leaved Garden Pink
Candytuft*◊	Plume-flowered Salvia*
Catmint Chocolate flower*	Poppy Mallow; Prairie Winecup*◊
Common Thrift	Prairie Coneflower, Mexican Hat*
Coral Bells*	Prairie Purple Coneflower*
Creeping Germander	Prairie Skullcap
Creeping Phlox*	Pussytoes
Dalmatian Bellflower	Pink Pussytoes; Rosy Red Hot Poker*
Daylily*	Rock Soapwort
Desert Four O'Clock	Rockrose
Desert Penstemon*	Rocky Mountain Columbine*◊
Dotted Gayfeather	Rocky Mountain Penstemon*
Eaton's Beardtongue	Rose Campion
Endress Cranesbill*	Russian Sage
English Lavender (many cultivars available including Munstead, Hidcote, Nana, and Jean Davis)	Sand Penstemon*
False Indigo	Scarlet Bugler
Fernleaf Yarrow	Serbian Yarrow
French Lavender	Showy Goldeneye
Garden Pinks	Showy Milkweed
Garden Salvia	Showy Stonecrop*
Gaura, Whirling Butterflies	Shrubby Sandwort Siberian Iris*
Gayfeather	Siskiyou Pink Mexican Primrose*Z
Germander Sage	Sticky Geranium*
Globemallow*	Sulfur Flower
Golden Columbine*◊	Sweet Iris*
Greek Yarrow	Texas Mist Flower
Green Santolina*	Threadleaf Coreopsis
Hens And Chicks*◊	Tufted Beardtongue
Hollyhocks	Tufted Evening Primrose
Hummingbird Flower	Utah Lady finger; Utah Milkvetch
Hummingbird Trumpet	Valerian*
Keys Of Heaven, Jupiter's Beard, Red*◊	Wall Germander
Kitchen Sage◊	Wasatch Beardtongue
Lady's Mantle*◊	Western Columbine*◊
Lavender Cotton Leadplant*	Western Coneflower*
Leather Leaf Powder Puff	Whipple's Penstemon*
Licorice Hyssop*	Wild Hyssop
Lilyleaf Ladybells	Wormwood
Mat Penstemon*	Yarrow
Missouri Evening Primrose*◊	Yellow Corydalis
Mount Atlas Daisy*	Yellow Stork's bill
Mountain Gold Alyssum	

Annuals	
Ageratum; Flossflower Annual Chrysanthemums; Marguerites Annual Coreopsis* Bachelor's Buttons* Bells-of-Ireland Blue Marguerite Calendula; Pot Marigold California Poppy* Canterbury Bells Carnation; China Pinks China Aster Cleome; Spiderflower Coleus* Cosmos* Creeping Zinnia* Dusty Miller* Flanders Poppy* Flowering Kale and Cabbage* Flowering Tobacco Forget-me-not* Garden Petunia* Garden Verbena*	Garden Zinnia Geranium Globe Amaranth Gloriosa Daisy* Icelandic Poppy* Klondike Cosmos Larkspur; Annual Delphinium Lobelia* Love-in-a-mist Love-lies-bleeding Marigolds* Nasturtium* Painted Tongue; Velvet flower Pansy; Viola* Salvia; Flowering Sage* Snapdragon* Statice Strawflower Sunflower Sweet Alyssum* Sweet Pea* Sweet William*
Turfgrasses and Ornamental Grasses	
Alkali Sacaton Arizona Fescue Blue Avena Grass; Blue Oat Grass Blue Fescue Blue Grama* Deergrass Feather Reed Grass Foerster Reedgrass Fountain Grass Galleta Grass; Curly Grass; James' Grass Great Basin Rye* Indian Rice Grass* Indiangrass Little Bluestem*	Maidenhair Grass Mountain Muhly Muhly Grass Muttongrass Needlegrass Overdam Reedgrass Pine Dropseed; Hairy Dropseed Prairie Junegrass Sideoats Grama* Spike Dropseed Spike Muhly Switch Grass Tall Wheatgrass
Groundcovers	
Ajuga, Bugleweed Autumn Amber Sumac Blue Woolly Speedwell Chenault Coralberry Clematis* Common Juniper Creeping Juniper	Lily-Of-The-Valley* Mount Atlas Daisy Mountain Gold Alyssum Purple-leaf Winter Creeper Pussy Toes; Pink Pussy Toes Rockspray Cotoneaster* Snow In Summer*

Creeping Oregon Grape*◊ Creeping Thyme Dead Nettle Gray Creeping Germander Gro-low Sumac Halls Honeysuckle Japanese Honeysuckle*◊ Kinnikinnick Lamb's Ear	Stonecrop*◊ Sweet Woodruff*◊ Thyme-leaf Speedwell Trumpet Vine Turkish Speedwell Virginia Creeper, Boston Ivy Wild Strawberry Woolly Thyme
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4 *Classified as Firewise plants. All plant locations, quantities, and maintenance must
 5 abide with Chapter 11-21, Utah Wildland-Urban Interface Code.

6 ◊Identified as Water Wise plants.

7

8 **15-5-5 Architectural Design Guidelines**

9 ~~LANDSCAPING. A complete landscape plan must be prepared for the limits of~~
 10 ~~disturbance area for all Development activity. The landscape plan shall utilize the~~
 11 ~~concept of Water Wise Landscaping for plant selection and location, irrigation, and~~
 12 ~~mulching of all landscaped areas. The plan shall include foundation plantings and~~
 13 ~~ground cover, in addition to landscaping for the remainder of the lot. The plan shall~~
 14 ~~indicate the percentage of the lot that is landscaped, the percentage of the landscaping~~
 15 ~~that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify~~
 16 ~~all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of~~
 17 ~~any Water Wise Landscaped area comprised of appropriate plants, trees, and shrubs.~~
 18 ~~Any proposed boulders or rocks greater than two inches (2") in diameter and Gravel~~
 19 ~~must be identified. Materials proposed for driveways, parking areas, patios, decks, and~~
 20 ~~other hard-scaped areas shall be identified on the plan. A list of plant materials~~
 21 ~~indicating the botanical name, the common name, quantity, and container or caliper size~~
 22 ~~and/or height shall be provided on the plan. Refer to the Municipal Code of Park City~~
 23 ~~Title 14-1-5 for a City approved Plant List. A diverse selection of plantings is suggested~~

24 ~~to provide plantings appropriate to the Park City climate and growing season, to provide~~
25 ~~aesthetic variety and to prevent the spread of disease between the same species.~~
26 ~~Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation~~
27 ~~and play areas, or as a limited landscaping material on areas in which vegetation may~~
28 ~~be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow~~
29 ~~for drainage. Areas of mulch shall be identified on the plan. Approved mulches include~~
30 ~~natural organic plant based or recycled materials. Gravel is only allowed in the following~~
31 ~~applications: as an approved walkway, patio, drainage plan, and/or defensible space.~~
32 ~~The Planning Director or his/her designee may determine if proposed defensible space~~
33 ~~areas are not required to include plantings. Any Gravel or stone within the HRL, HR-1,~~
34 ~~HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of Park City's~~
35 ~~Design Guidelines for Historic District and Historic Sites. Gravel is not an allowed~~
36 ~~surface for parking, ground cover on berms or finished grade with a ratio greater than~~
37 ~~3:1, within platted or zoned open space, or as a material in parking strips or City rights-~~
38 ~~of way. To the extent possible, existing Significant Vegetation shall be maintained on~~
39 ~~Site and protected during construction. When approved to be removed, based on a Site~~
40 ~~Specific plan, Conditional Use, Master Planned Development, or Historic District Design~~
41 ~~Review approval, the Significant Vegetation shall be replaced with equivalent~~
42 ~~landscaping in type and size. The Forestry Manager or Planning Director may grant~~
43 ~~exceptions to this if upon their review it is found that equivalent replacement is~~
44 ~~impossible or would be detrimental to the site's existing and/or proposed vegetation.~~
45 ~~Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may~~
46 ~~be considered instead of replacement in kind and size. Where landscaping does occur,~~

47 ~~it should consist primarily of native and drought tolerant species, drip irrigation, and all~~
48 ~~plantings shall be adequately mulched. Significant Vegetation preservation and/or~~
49 ~~replacement shall be prioritized, but where applicable, Firewise Landscaping and/or~~
50 ~~Defensible Space landscaping plans for Property within the Wildland Urban Interface~~
51 ~~area that include Significant Vegetation removal shall be in accordance with Municipal~~
52 ~~Code Chapter 11-21. A detailed irrigation plan shall be drawn at the same scale as the~~
53 ~~landscape plan including, but not limited to: a layout of the heads, lines, valves,~~
54 ~~controller, backflow preventer, and a corresponding legend and key. Landscaped areas~~
55 ~~shall be provided with a WaterSense labeled smart irrigation controller which~~
56 ~~automatically adjusts the frequency and/or duration of irrigation events in response to~~
57 ~~changing weather conditions. All controllers shall be equipped with automatic rain delay~~
58 ~~or rain shut-off capabilities. Irrigated lawn and turf areas are limited to a maximum~~
59 ~~percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not~~
60 ~~covered by Buildings, Structures, or other Impervious paving, based on the size of the~~
61 ~~Lot or Property according to the following table:~~

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

62 ~~Where rock and boulders are allowed and identified on the Landscape Plan, these shall~~
63 ~~be from local sources. All noxious weeds, as identified by Summit County, shall be~~

64 ~~removed from the Property in a manner acceptable to the City and Summit County, prior~~
65 ~~to issuance of Certificates of Occupancy.~~

66 N. **LANDSCAPING**.

67 1. **PURPOSE.** Park City is in a mountainous, semi-desert environment where
68 much of the precipitation occurs as snow during the winter months and the
69 highest demand for water occurs during the summer months, ~~creating a~~
70 ~~significant risk of wildland fire.~~ The largest single water demand is for
71 irrigation of landscaping. Water Wise Landscaping incorporates native
72 drought-tolerant plants that require little or no supplemental irrigation,
73 includes water conserving irrigation, and requires Hydrozoning in which
74 plants, trees, and shrubs with similar water needs are planted in the same
75 area with mulches that prevent water evaporation. Water Wise
76 Landscaping protects the health, safety, and welfare of the community
77 from impacts of water shortages likely to occur during cycles of drought.

78 2. **WATER WISE LANDSCAPING.** At least fifty percent (50%) of the landscaped
79 area shall be Water Wise Landscaping containing approved native drought
80 tolerant plants, trees, and shrubs. Water Wise Landscaping may be constituted
81 through approved vegetation, location of planting methods such as Xeriscaping
82 or Hydrozoning, or approved based on a site-specific review.

83 3. **HOMEOWNER ASSOCIATION LANDSCAPING REGULATIONS.** Homeowner
84 Associations may not restrict a property owner from installing Water Wise
85 Landscaping.

86 4. **LANDSCAPE PLAN.** A complete landscape plan must be prepared for the limits
87 of disturbance area for all Development activity. **Landscaping plans shall**
88 **incorporate best practices for water conservation.**

89 a. The landscape plan shall:

90 i. Identify plant materials indicating the botanical name, the common
91 name, planting depth, quantity, **mature height and width (both**
92 **untrimmed)**, and container or caliper size and/or height for:
93 (A) Plants, trees, shrubs,
94 (B) Grasses,
95 (C) Mulches (natural organic plant-based or recycled materials),
96 (D) Rocks (**greater than 3"**) and Gravel (**less than 3"**)

97 a. Gravel is only allowed in the following applications:

98 i. as an approved walkway;
99 ii. patio;
100 iii. drainage plan; and/or
101 iv. defensible space

102 b. Gravel is prohibited in areas adjacent to the Right-of-
103 Way.

104 c. Any Gravel, rocks, or stone within the HRL, HR-1,
105 HR-2, HRM, HRC, or HCB Zoning Districts must meet
106 the requirements of the Design Guidelines for Historic
107 District and Historic Sites in Chapter 15-13.

- d. Gravel and rocks are not an allowed surface for parking, ground cover on berms, or finished grade with a ratio greater than 3:1, within platted or zoned open space. Rock-cover should be no more than 20% of the new ground cover. Wood chip mulch is encouraged for water retention on the landscape.

Refer to Section 14-1-5 for a City-approved Plant List. A diverse selection of plantings, **and the use of clumping and clustering**, is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety, and to prevent **the spread of wildfire, and** the spread of disease between the same species.

- ii. Utilize the concept of Water Wise Landscaping for plant selection, location, irrigation, and mulching of all landscaped areas.
- iii. Include foundation plantings and ground cover **in the Wildland Urban Interface Immediate Ignition Zone, 0-5 feet and the Wildland Urban Interface Intermediate Ignition Zone 5-30 feet (Park City Municipal Code § 11-21-1(l), *The 2006 Utah Wildland-Urban Interface Code*).**
- iv. Indicate the percentage of the lot that is landscaped.
- v. Indicate the percentage of the lot **containing Impervious Surfaces**, including driveways, parking areas, patios, and decks.
- vi. Indicate the percentage of the landscaping that is irrigated.

- vii. Identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate approved native drought-tolerant plants, trees, and shrubs.
- viii. Identify Hydrozoning (grouping of plants based on irrigation needs) or Xeriscaping (sustainable, low-water landscaping) locations.
- ix. Identify all existing Significant Vegetation, which shall remain and be maintained on Site and protected during construction.
 - (A) If the Significant Vegetation is determined to be unhealthy or unsafe, under a Site-Specific review conducted by the Forestry Manager and Planning Director in conjunction with a Conditional Use, Master Planned Development, or Historic District Design Review approval, it may be replaced with equivalent landscaping in type and size.
 - (B) The Forestry Manager and Planning Director may grant exceptions if upon their review it is found that equivalent replacement is impossible, would be detrimental to the site's existing and/or proposed vegetation, or violates Chapter 11-21 *Utah Wildland-Urban Interface Code*.
 - (C) Multiple trees from the approved WUI Planting List, clumped and grouped together with canopies of the clusters being no closer than 18 feet to the next closest cluster within the Intermediate Zone, no cluster exceeding (5) five trees or cover more than 15% of the Intermediate Ignition Zone,

whichever is lesser, and with vegetation not closer than 10 feet to any portion of a structure with vegetation at full grown height and size, equivalent in caliper to the size of the removed Significant Vegetation in the Intermediate Ignition Zone may be considered instead of replacement in kind and size.

(D) Significant Vegetation preservation and/or replacement shall be prioritized, but where applicable, Significant Vegetation may be removed or replaced to comply with Firewise Landscaping and/or Defensible Space regulations in Chapter 11-21 *Utah Wildland-Urban Interface Code* and/or to allow for replacement of Significant Vegetation with Water Wise Plants.

x. Identify Artificial turf, which is recommended to be made of recycled materials with reduced petroleum-based polymers. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Installation of artificial turf shall not pool water and be installed to allow for drainage.

xi. Comply with Park City Municipal Code Chapter 11-21, *Utah Wildland-Urban Interface Code*.

175 b. The Planning Director or designee may determine if proposed defensible
176 space areas outlined in Chapter 11-21 *Utah Wildland-Urban Interface*
177 Code may be exempt from 50% Water Wise landscaping requirements.
178 c. All noxious weeds, as identified by Summit County, shall be removed from
179 the Property in a manner acceptable to the City and Summit County prior
180 to issuance of Certificates of Occupancy.

181 5. **IRRIGATION PLAN**. A detailed irrigation plan shall be drawn at the same scale
182 as the landscape plan and shall include:

183 a. The layout of the heads, lines, valves, controller, backflow preventer, and
184 drip irrigation;

185 b. A WaterSense labeled irrigation controller which automatically adjusts the
186 frequency and/or duration of irrigation events in response to changing
187 weather conditions. All controllers shall be equipped with automatic rain
188 delay or rain shut-off capabilities;

189 i. Overhead Spray Irrigation shall be no greater than 12" above ground.
190 Overhead irrigation is not permitted within 18" of any non-permeable
191 surface. Overhead Spray Irrigation may be used for Lawn/Turf, but
192 does not constitute a Water Wise landscaping method when used
193 with other vegetation.

194 c. Greywater System locations.

195 6. **LAWN/TURF**. Lawn/Turf is prohibited on slopes with a ratio greater than 3:1.
196 Irrigated Lawn/Turf areas are limited to a maximum percentage of the allowed
197 Limits of Disturbance Area of a Lot or Property that is not covered by Buildings,

198 Structures, or Impervious Surfaces, based on the size of the Lot or Property
199 according to the following table:

200

Lot Size	Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or Impervious Surfaces
Greater than one (1) acre	<u>20%</u>
0.50 acres to one (1) acre	<u>30%</u>
0.10 acres to 0.49 acres	<u>40%</u>
Less than 0.10 acres	No limitation

201

202 **Lawn/Turf area limitations for Recreation, School, Public, and Quasi-Public Institution**
203 **Uses shall follow similar percentage limitations, with the exception of athletic fields,**
204 **public or recreational open space, as determined by the Planning Director.**

205

206 **Encouraged Lawn/Turf practices include:**

207 1. Only using Lawn/Turf in areas where it is functional, such as play areas, and
208 areas needing temperature, noise, or dust mitigation;
209 2. Choosing non-irrigated Lawn/Turf or Lawn/Turf species with lower water
210 requirements;

3. Not planting Lawn/Turf in narrow, small, or oddly shaped areas that are difficult to efficiently irrigate;
4. Mowing Lawn/Turf at a height of two to three inches;
5. Planting Lawn/Turf in shaded areas on the lot;
6. Planting deep-rooted turfgrass on slopes.

216 HISTORY

217 Adopted by Ord. 02-07 on 5/23/2002

218 Amended by Ord. 06-56 on 7/27/2006

219 Amended by Ord. 11-05 on 1/27/2011

220 Amended by Ord. 12-37 on 12/20/2012

221 Amended by Ord. 2018-27 on 5/31/2018

222 Amended by Ord. 2019-30 on 5/30/2019

223 Amended by Ord. 2020-19 on 4/16/2020

224 Amended by Ord. 2020-35 on 7/9/2020

225 Amended by Ord. 2020-42 on 9/17/2020

226 Amended by Ord. 2021-05 on 1/21/2021

228 **Section 15-15-1 Definitions**

229 . . .

230 **ARTIFICIAL TURF.** Simulated or artificially created life-like individual blades of
231 Lawn/Turf that emulate natural Lawn/Turf in look and color.

232

233 **GRAVEL.** Round rock or crushed stone less than **three inches (3")** in diameter.

234

235 **GRAYWATER.** Wastewater from bathtubs, showers, bathroom washbasins, clothes
236 washing machines, or laundry tubs used for landscaping as approved by the Summit
237 County Health Department.

238

239 **LAWN/TURF.** Nonagricultural land planted in closely mowed, managed grasses.

240

241 **MULCH.** Organic and inorganic material such as rock, bark, wood chips, or other
242 materials left loose and spread over an area of landscape.

243 **Organic mulches.** Wood, bark chips, pole peelings, wood grindings, shredded bark,
244 nut shells, pine needles, discarded plant parts.

245

246 **Rock mulches.** Crushed rock, stone, lava, pea gravel or other small stones or
247 inorganic material.

248

249 **OVERHEAD SPRAY IRRIGATION.** Above ground irrigation heads that spray water
250 through a nozzle.

251

252 **ROCKS.** Stones greater than three inches (3").

253

254 **SIGNIFICANT VEGETATION.** Includes all large trees six inches (6") in diameter or
255 greater measured four and one-half feet (4.5') above the ground, all groves of small
256 trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or

257 more measured at the drip line.

258 1. **HISTORIC SIGNIFICANT VEGETATION.** Includes vegetation deemed historic
259 pursuant to Chapter 15-13.

260

261 **VEGETATIVE COVER.** Ground level surface area covered by the exposed leaf area of
262 a plant or group of plants at full maturity, excluding trees.

263

264 **WATER WISE LANDSCAPING.** A landscaping method developed especially for arid
265 and semiarid climates utilizing water-conserving techniques such as the use of native
266 drought-tolerant plants, mulch, and efficient irrigation that reduces the need for
267 supplemental irrigation. Installation of plant materials suited to the microclimate and soil
268 conditions that can remain healthy with minimal drip irrigation once established, be
269 maintained without the use of overhead spray irrigation, use water for outdoor irrigation
270 through proper and efficient irrigation design and water application such as
271 Hydrozoning, use of other landscape design features that minimize the need of the
272 landscape for supplemental water from irrigation, or reduce the landscape area
273 dedicated to Lawn/Turf.

274 **Hydrozones/Hydrozoning.** Plant grouping according to water needs, allowing for
275 more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local
276 climate are used, and care is taken to avoid losing water to evaporation and run-off.

277

278 **Xeriscaping.** Sustainable landscape that conserves water and is based on sound
279 horticultural practice designs that incorporate low-water-use plants planted in

280 Hydrozones.

281

282 **WILDLAND URBAN INTERFACE IMMEDIATE IGNITION ZONE.** The area extending
283 from zero (0) to five (5) feet from any Structure, any overhang, or deck attached to a
284 Structure.

285

286 **WILDLAND URBAN INTERFACE INTERMEDIATE IGNITION ZONE.** The area
287 extending from the edge of the Immediate Ignition Zone to a distance not to exceed 30
288 feet.

Survey Input

As of October 20, 2022

No new sod. Many new homes and remodels near me are putting down sod.

Focus first on properties that will save water. Don't waste effort on "1-size fits all" solutions that don't have a proportionate yield for the effort. Don't make me subsidize others aesthetics

water wise first

Allowing a property to keep its existing grass without allowing watering unless a drought condition no longer exists.

Less water on the municipal golf course !

Have to give people plans (native plants) so they do not have to spend time on research
Make it simple Show cost savings of no water landscape with no grass Significant
Additional saving ... don't need to cut grass!

As a city resident for the last 25 years, I am aware that the cost of water for PC city residents is significantly over and above any other locations in Utah. Whether you compare Park City to Jeremy Ranch or Park City to Salt Lake City or any other location, PC residents are paying an extremely high price. It would be wise for the City's decision makers to make themselves aware of just how bad this disparity is.

We live in a desert in Utah and we should stop wasting water

Imposing grossly different restrictions on new builds from existing homes is unfair and leads to un-cohesive neighborhoods - and resentment

I definitely believe that the City should give monetary incentives for creating water wise landscaping instead of whacking us with enormous impact fees.

Stop it with all the regulations! Everywhere I go now, there are more signs, more gates, more liberal Bull shit. Put a bounty \$\$ out for us to turn in the businesses that water during daylight hours. Set an example and stop watering the goat trail muni golf course. My Yard is my business and not Park City

Restrict water use on golf courses and residential landscaping

Realize that this is an issue that needs to be urgently addressed. The Water shortage is only going

severely fining non compliance. There needs to be consequence.

Defense strategies against wildfire.

Notify the residents that water their massive lawns excessively EVERY afternoon! (Our sprinkler system was unavailable

until early August and the lawn recovered nicely in 6 weeks with a short once a morning watering on even days.)

Provide some financial incentive for landscapers to do Xeriscapes, maybe some sort of tax break that will make it more profitable for them to do them?

Instead of charging fees for folks to change out their landscaping you should be providing fee waivers and paying people as incentives to reduce landscaped areas and you should on new construction really limit areas of disturbance to keep native plants and weeds/grasses in place.

Increase water usage rates. The only way to change the majority of peoples behaviors is by impacting them financially. Might not be as effective in this town full of people that are richer than god, but worth a shot

Green grass lawns should not exist in Park city. There are many wonderful alternatives that are far more water wise and conducive to the area.

STOP issuing building permits. Park city is built out y'all. WAKE UP

No lawns, just keep trees alive....and no Christmas lights after 10: wildlife and birds and humans need darkness. Make us a dark skies community like Heber.

The City should consider subsidizing projects completed over the past 5-10 years where they REQUIRED lawn to be installed (historic district).

Commercial landscaping should be limited to water wise plants. Planting aspen in areas where sage brush is growing is too common. This type of bad landscape management should be stopped.

The City's bureaucrats should avoid regulation whenever possible. Let citizens decide for themselves what is best for them and their community.

The City needs a policy which is not punitive to current homeowners. The cost the City currently charges is ridiculously high and a rebate might spur a change in behavior. New construction might have water wise regulations. I have lived in Park City 25 years and feel older residents and retirees didn't create the problem. The City approved all those building permits

Providing contact information for landscaping companies Cost incentives

How can we prioritise water use for important trees (eg spruce etc) and divert water from non native plants and lawns. Trees remain important.

The PC Golf Course wastes more water than the whole surrounding Thaynes neighborhood combined. They are still watering every day, and it is Oct 13 as I type this. If the City can't set the example, no one should be encouraged to follow.

All irrigation systems should have a water sensor that turns off irrigation if it is raining or has rained within a certain timeframe

City property, including golf course must reduce water usage also

Impact of new building on water use.

Careful on mandates. People will find ways to work around them. Focus on communication and education. How about having someone go to HOA's to work with them to understand the challenges and provide recommendations? The cost to change landscaping can be large. Need to think about time to transition.

Working with local landscape designers, native plants that benefit our environment. Educating HOA's to not require sod. We live in a high alpine desert, keep it native and add things that help our soil and help our wildlife.

No new lawns over 20% of lot size

I did look into xeriscaping a few years ago. It was very expensive - more than 10 years of my water bill. I would be happy to see water-wise landscaping being adopted, but the City needs to lead the way, adopting better practices itself and helping with the costs.

rules should be consistent - suggestions on how to maintain the natural landscape - and make it more a common practice to keep in place.

Irrigation installers should have to have take educational classes to receive certifications in order to install. There are so many new landscapes put in with horrible irrigation designs. There really is no code. And point source drip irrigation should be mandated where possible instead of all this drip tubing being placed everywhere that actually wastes water.

Get rid of the ridiculous bonding requirements and provide incentives for those who do change over from irrigated lawns to water wise landscaping.

Go slow. It will take time to convert people's perception of what is beautiful and attractive. I can be done if care is taken and people aren't "forced" to do something due to government mandate.

Replace ALL curb-side and public facility (including schools) grass areas that are not specifically athletic-activity-related with true native and xeriscape plantings. Allow specific fields such as library field to remain as grass but ... convert ALL citybased grounds maintenance equipment with NON-GAS-POWERED equipment, prohibit use of leaf blowers by city and landscaping companies (yes, good gold-fashioned raking should be used!), prohibit ALL landscaping companies within city limits from using GAS-POWERED equipment. The amount of noise and air pollution generated by landscaping contractors for maintaining private properties is insane. Provide incentives for households to reduce/replace lawn areas with native plants (limit hardscapes, too), impose PENALTIES for households that have more than some determined square footage of lawn, require HOA's to install water meters on irrigation pumps from creeks and other HOA-maintained water sources and determine an equitable use-based sliding scale for individual properties' use of such water sources.

Stop building to decrease water need. Charge Vail, Alterra, and other businesses such as hotels, vrbos, and airb&bs a surcharge for their water usage for guests and snow making.

Encourage non water use landscaping such as wood chips, rock, etc.

Regulate Catholic church water usage on their land where horses graze in Summer (across from Asep Springs). They run water 24/7 for Summer mos. Total waste! They also overgraze the land. Also, do NOT allow Bill White to graze his cows on open space at McPolin Farm. The cows are major consumers of water and trash the land plus they STINK. I much prefer seeing the open space with occasional Elk, Great Blue Herring, and other wild life than a bunch of obese, stinky cows adding methane gas to the environment further adding to Global Warming

Reduce the permit cost for water usage

Clear and consistent communication with residents and visitors about the need to reduce water usage, including reminders that we live in what is effectively a high desert environment.

I live in aspen springs across from catholic church property. There is an excess of horses living there all summer overgrazing. Their water is on almost 24h 7 days a week which is such a waste. Notice the difference on the two sides of the street w natural landscape which is not watered and has sand hill cranes and beautiful grasses vs churches property... I also notice that the lower meadows below the barn on 224 and above contender bike shop have water running non stop. The presence of cows in Mcpolin barn open space disgusts and disappoints me. They are frequently in the creek which is unbelievable and they are disturbing local wildlife. If we are a town trying to encourage steps to curb global warming and conserving water the cows must go.

Giving residents the option to make their own choices

Tightening regulations to force HOAs to adopt water wise landscaping.

I think full time residents should receive a discount on City water rates. Let the visitors (including commercial owners) and part-timers (short term rental owners) incur the current City water rates. We have some of the original signage ('We water every 3 days') as we have been residents for 20+ years. We have not increased our watering, but the City rates have made it nearly prohibitively expensive, despite our goal of keeping our trees from dying. Park City would lose a lot of appeal, without its trees in our neighborhoods..

the HOA's are an issue for changing any landscaping.

Feasibility - especially for those with lower income levels and inability to hire out.

There are a number of things: 1.) Before beginning to update landscaping regulations, the city would benefit by knowing who the largest water users are. Landscaping may in itself not be the culprit. What percentage of water usage is now being attributed to landscaping? We need to be looking ahead at water requirements for all new housing

and business developments. Some of this may be happening now, but most likely not enough information is available. The city could benefit by knowing who the largest water users are and making an effort to prioritize their usage habits. 2.) All new developments should be asked to adopt some sort of water wise landscaping. 3.) Older properties need help in transitioning to water wise landscaping - with incentives to both reduce water use and in the transition to water wise landscaping. 4.) This is a longterm problem for our community as well as all western states that can be solved or least mitigated with thoughtful and careful input from all water users - let's think about it thoroughly before jumping into more regulations. More rules and regulations don't always solve the problems we face, sometimes we need to look at the problems with a new and different prospective.

Educate landscape companies from outside Summit County as to what type of plant material is needed / accepted in Park City. Create ordinance to match expectations. Planting lawns or importing sod can only be on 10% of your total property. (That's when you have kids or dogs!)

Allow for retroactive rebate for removing grass. We re-landscaped our property this summer and removed all grass in our front and back yards. We are also in the process of removing sprinklers/rain birds and installing a drip system. It was expensive and currently there is no incentive of any kind to become more water conservative. We felt it was something we needed to be proactive about and just do it. It is difficult to watch all the new hotels and residential construction being built (with landscaping and many toilets, tubs, and pools) and we as long time residents are being asked to cut back and conserve.

Future building and growth that is not tied to water use is not wise. Even with water wise landscaping there are more and more bathrooms, showers, tubs and toilets, kitchens, etc. I have lived here for 48 years and when we landscaped water was not an issue. I realize that things have changed, climate, snow pack, etc., but the City keeps allowing more and more building of residential and commercial without having the builders and developers show where they will get the water from. I am fortunate to have use of irrigation ditch water for several summer months, but not everyone does. More and more development means less water for everyone. We have discussed removing some of our lawn and upgrading our landscape but the cost is very expensive and with the new property tax rates, we personally will not be able to afford it. Thank you for your time and consideration.

Golf course chemicals and water use

city needs to make it easier for people to make changes, and less costly. And they should not allow anyone to just put grass in for landscaping anywhere and they should

follow what Nevada did and get rid of all the grass between the sidewalks and the curbs...Embrace the use of rock instead of mulch

Educate as much as you can. When we have new residents from other parts of the country that have no water issues sometimes they just don't understand why we have such a need to conserve water.

Show public that beautiful landscaping is possible with native plants and a minimum of water usage

The expense to homeowners to make the switch

Insist the farm on 224 curtail their watering which is more than excessive and incredibly frequent. It is absurd and embarrassing when you're asking homeowners to curtail their usage. Similarly, the golf courses need to curtail their watering.

Allow grey water systems and other water or snow-melt capture for use in landscaping or other uses. Like using gray water to flush toilets, etc.

Fire risk, such as trees and other tall vegetation too close to structures.

COST! You come up with all these ideas but few of you actually live here. Where are we going to get the money to do your latest project?

Enforce compliance.

I don't think money is really the object to getting owners to update as there are enough wealthy homeowners who want to have the yard they want and don't care about paying for it so I think it's updating our code and then if someone doesn't follow it and goes way over on water, cut them off..

The state needs to regulate also. Salt Lake City also.

Landscaping and Water Conservation Survey

SURVEY RESPONSE REPORT

21 September 2022 - 20 October 2022

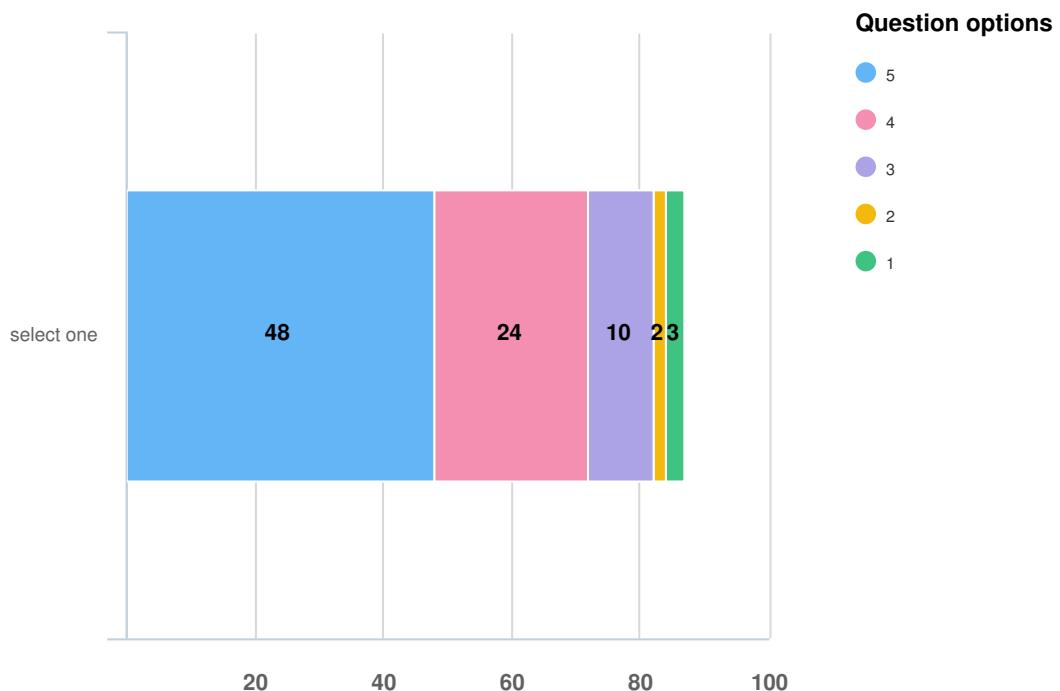
PROJECT NAME:

Landscaping and Water Conservation



SURVEY QUESTIONS

Q1 | On a scale of one to five, one being the lowest, how concerned are you about the future of water availability in Park City?



Optional question (87 response(s), 0 skipped)

Question type: Likert Question

Q1 On a scale of one to five, one being the lowest, how concerned are you about the future of water availability in Park City?

select one

5 : 48

4 : 24

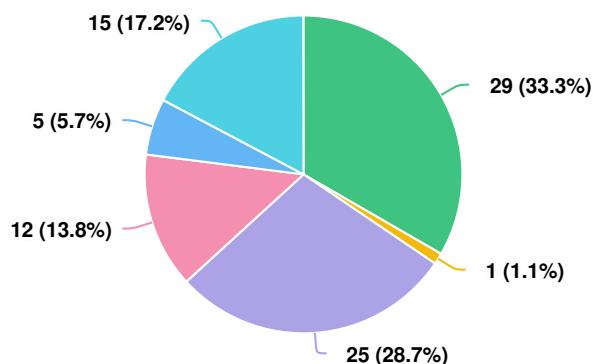
3 : 10

2 : 2

1 : 3

5 10 15 20 25 30 35 40 45 50 55

Q2 What do you consider to be the biggest obstacle to improve water conservation for landscaping?



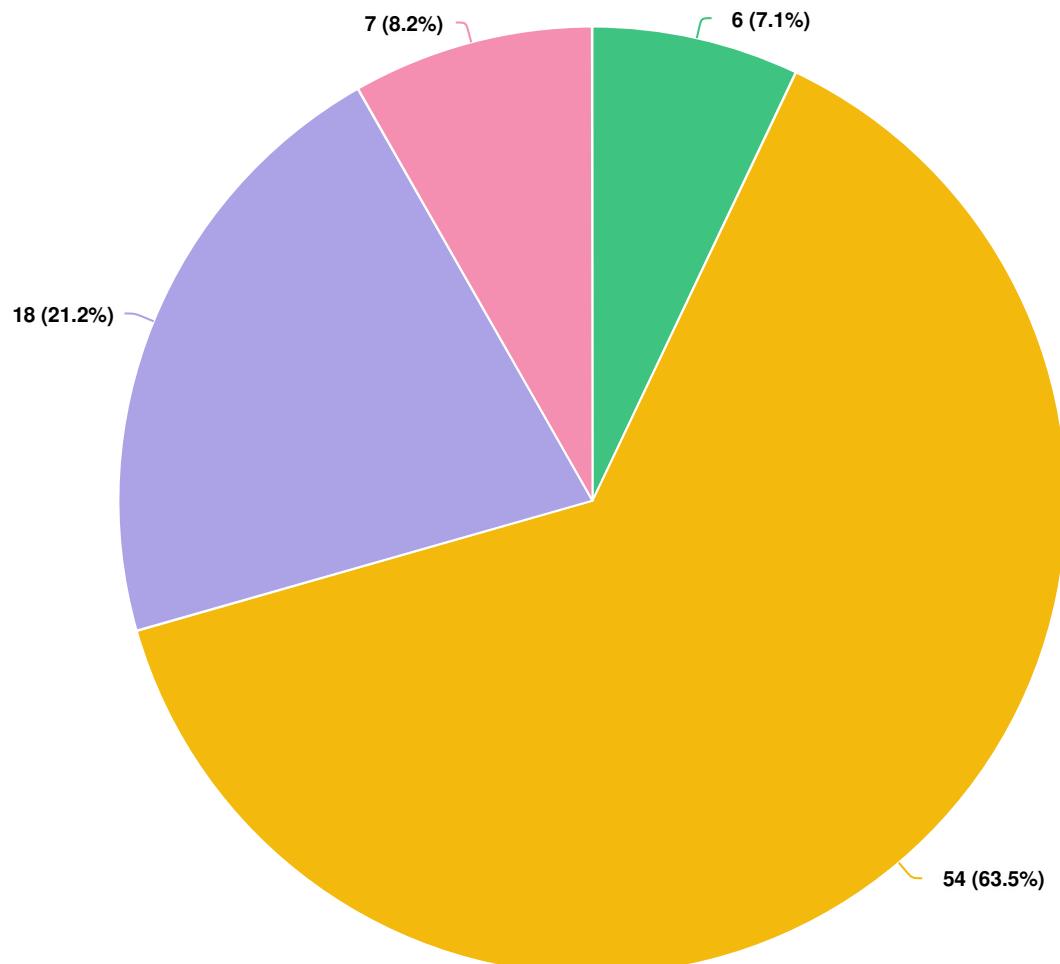
Question options

- Other (please specify)
- Local Regulations
- Homeowner Association Regulations
- Aesthetics
- Cost
- Time

Optional question (87 response(s), 0 skipped)

Question type: Dropdown Question

Q3 | What should be prioritized when considering landscaping and water conservation?



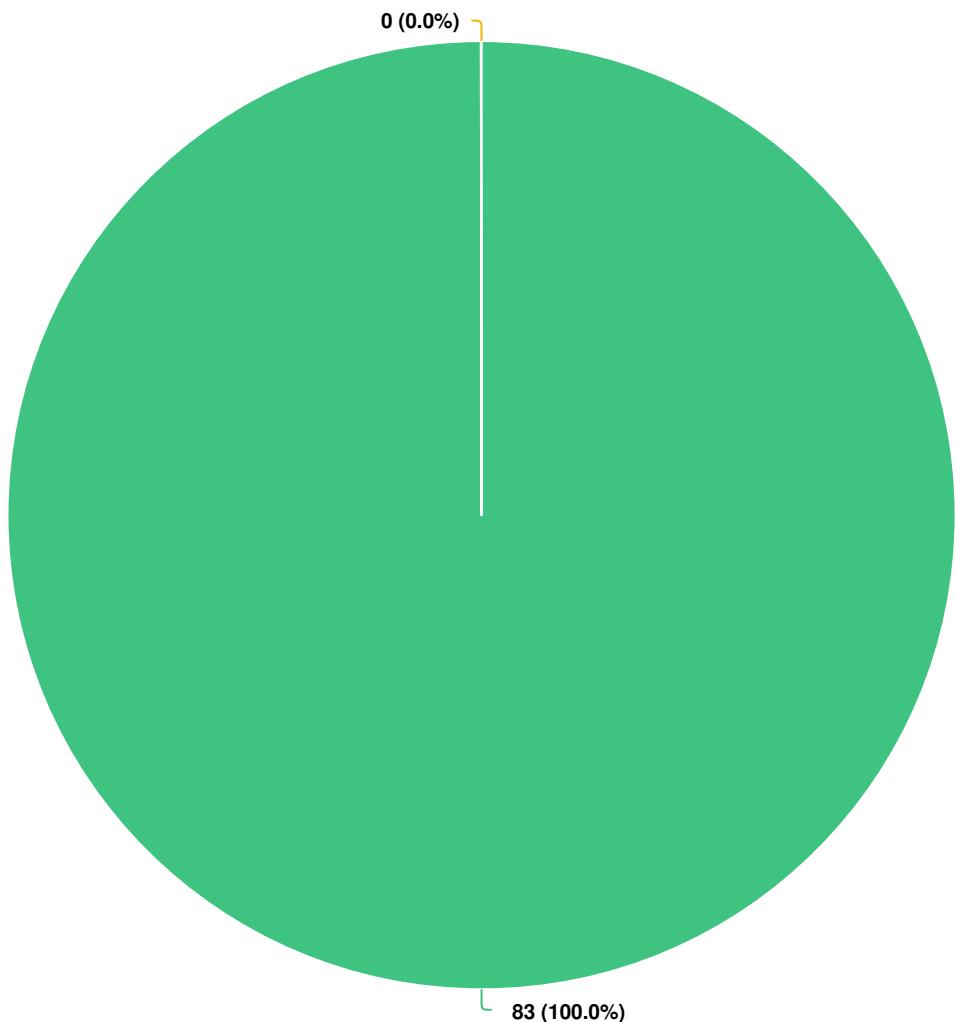
Question options

- Other (please specify)
- Improving ecological health and diversity
- Reducing water use
- Saving Park City water customers money

Optional question (85 response(s), 2 skipped)

Question type: Dropdown Question

Q4 | Do you rent or own your property?



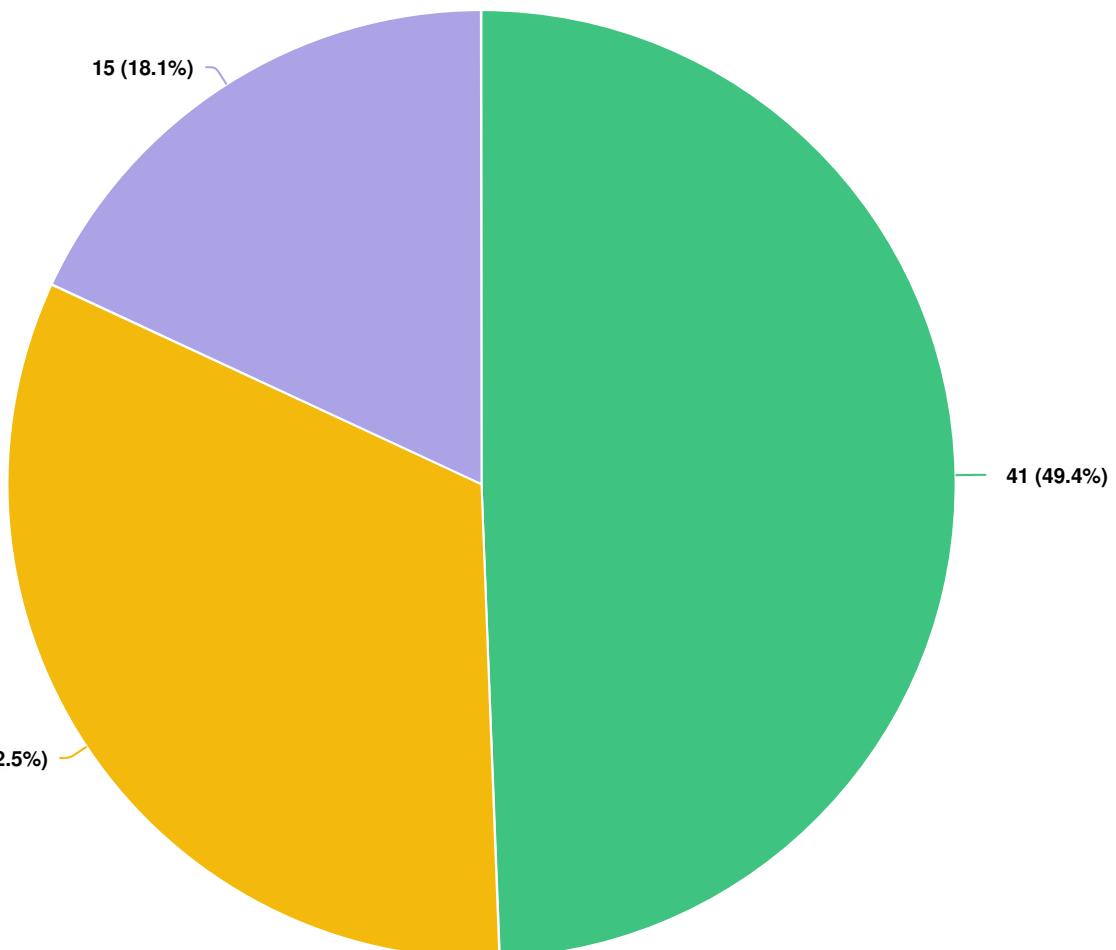
Question options

Yellow circle: Rent Green circle: Own

Optional question (83 response(s), 4 skipped)

Question type: Dropdown Question

Q6 | Do you maintain your landscaping or hire someone?



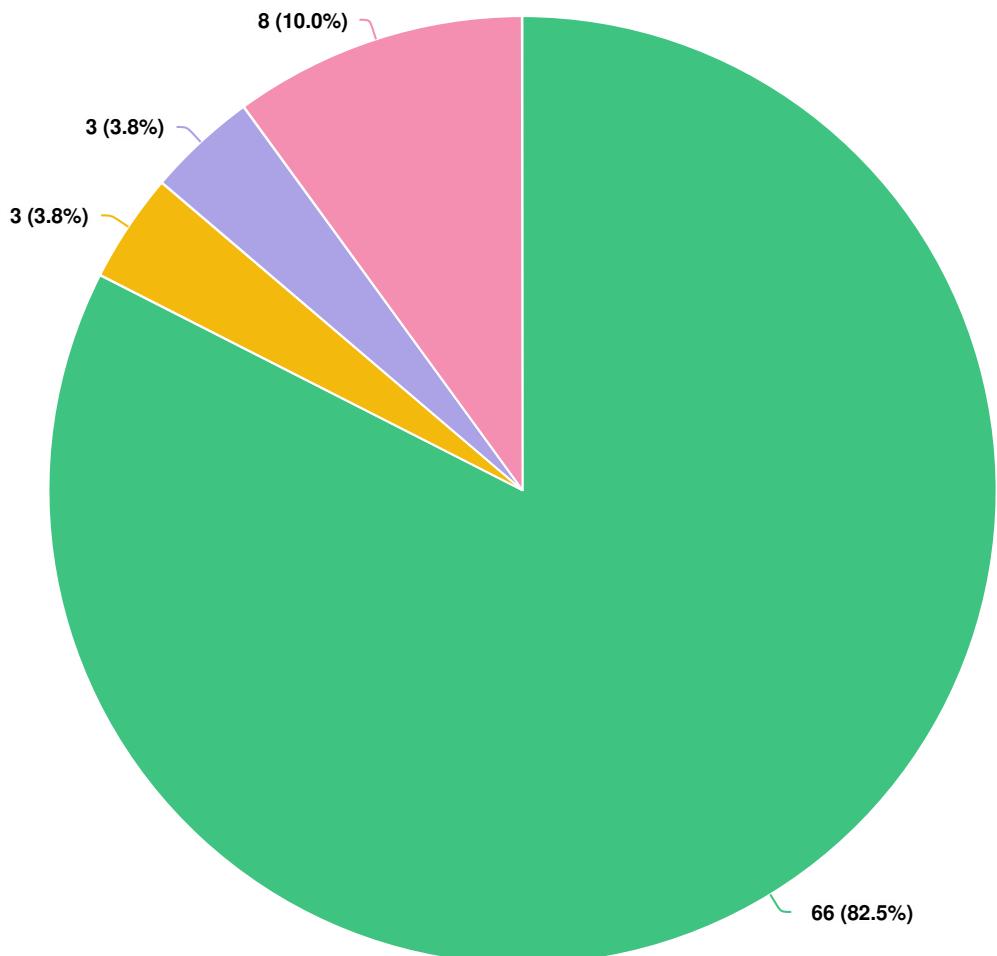
Question options

● Other (please specify) ● Hire someone ● Maintain landscaping

Optional question (83 response(s), 4 skipped)

Question type: Dropdown Question

Q7 | Do you change your outdoor irrigation habits during times of drought?



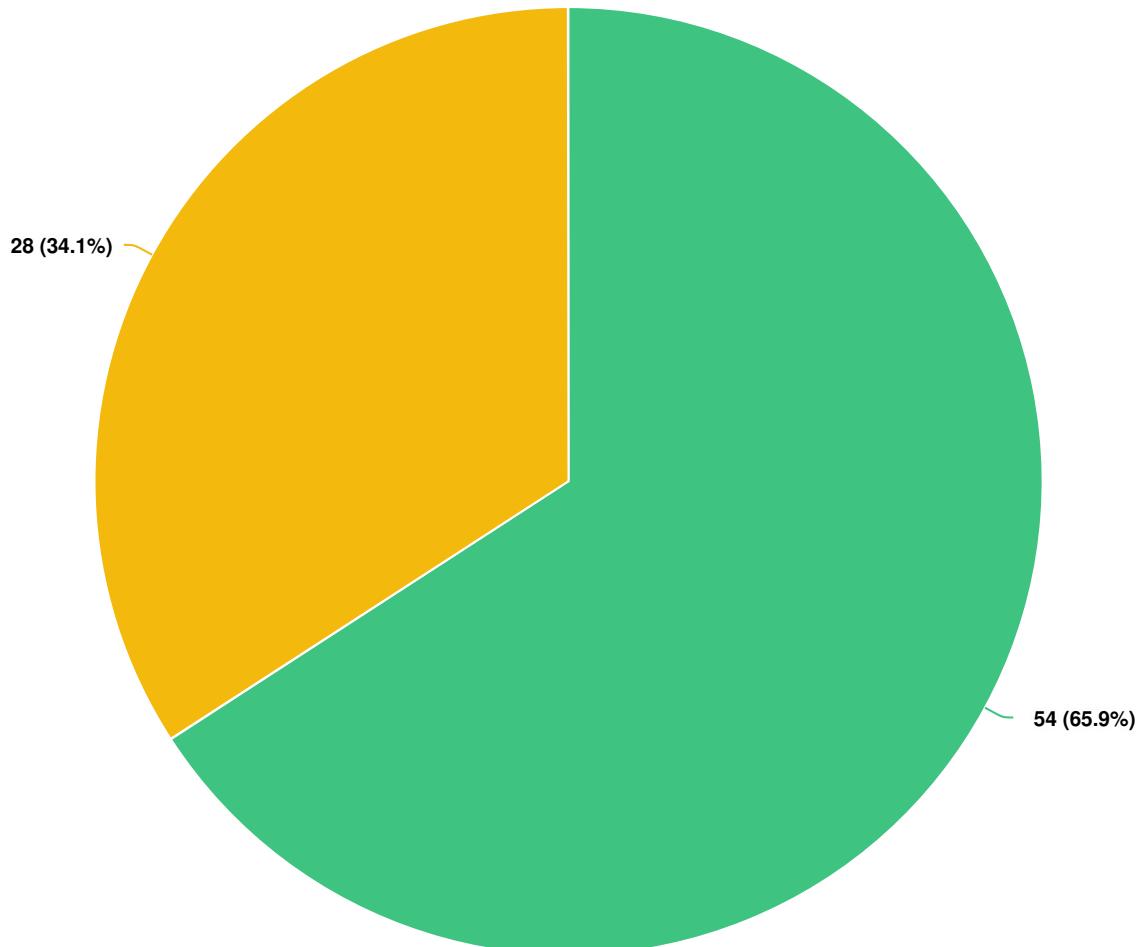
Question options

● Other (please specify) ● I would, but am unsure of what to do ● No ● Yes

Optional question (80 response(s), 7 skipped)

Question type: Dropdown Question

Q8 | Is your property part of a homeowner association?



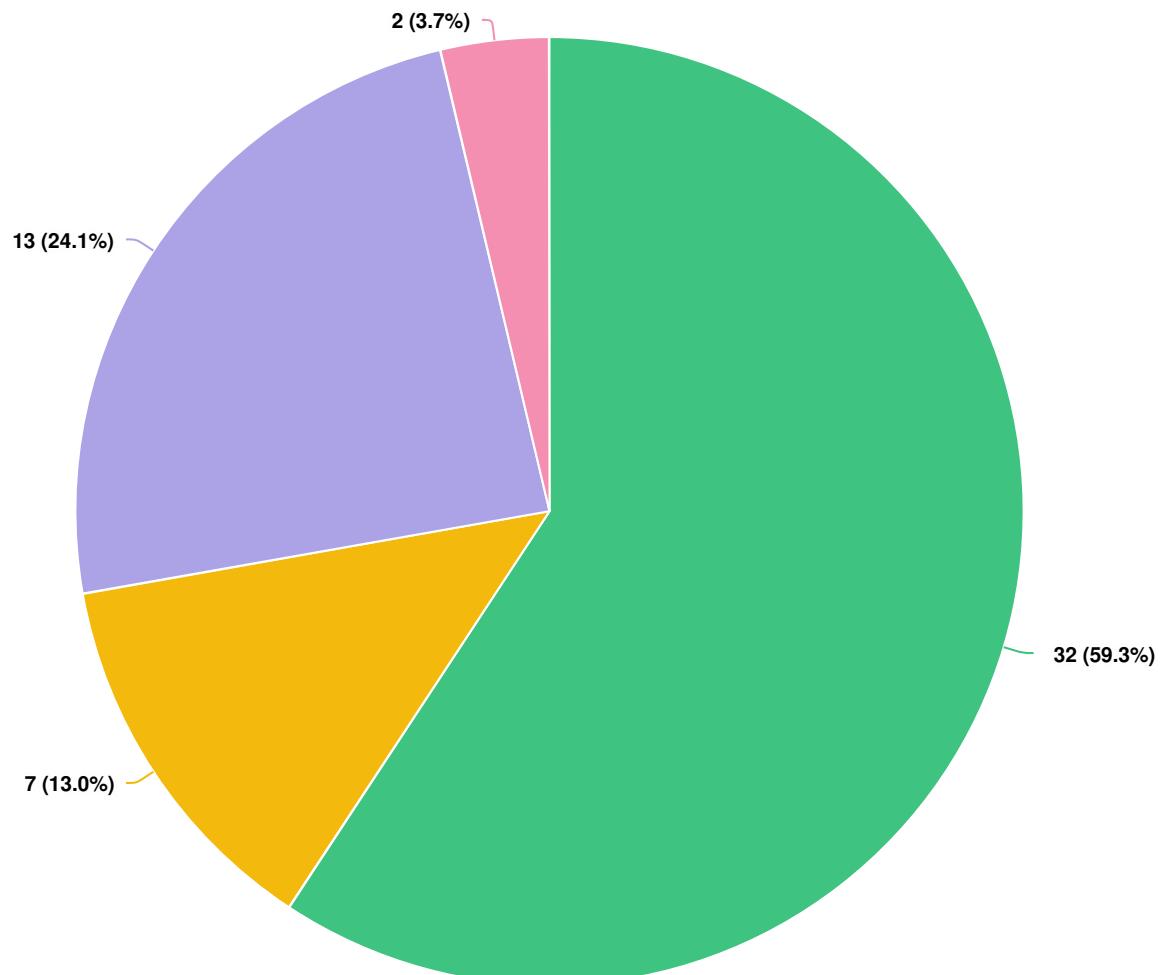
Question options

Yellow circle: No Green circle: Yes

Optional question (82 response(s), 5 skipped)

Question type: Dropdown Question

Q9 | Do your CCandRs regulate landscaping?



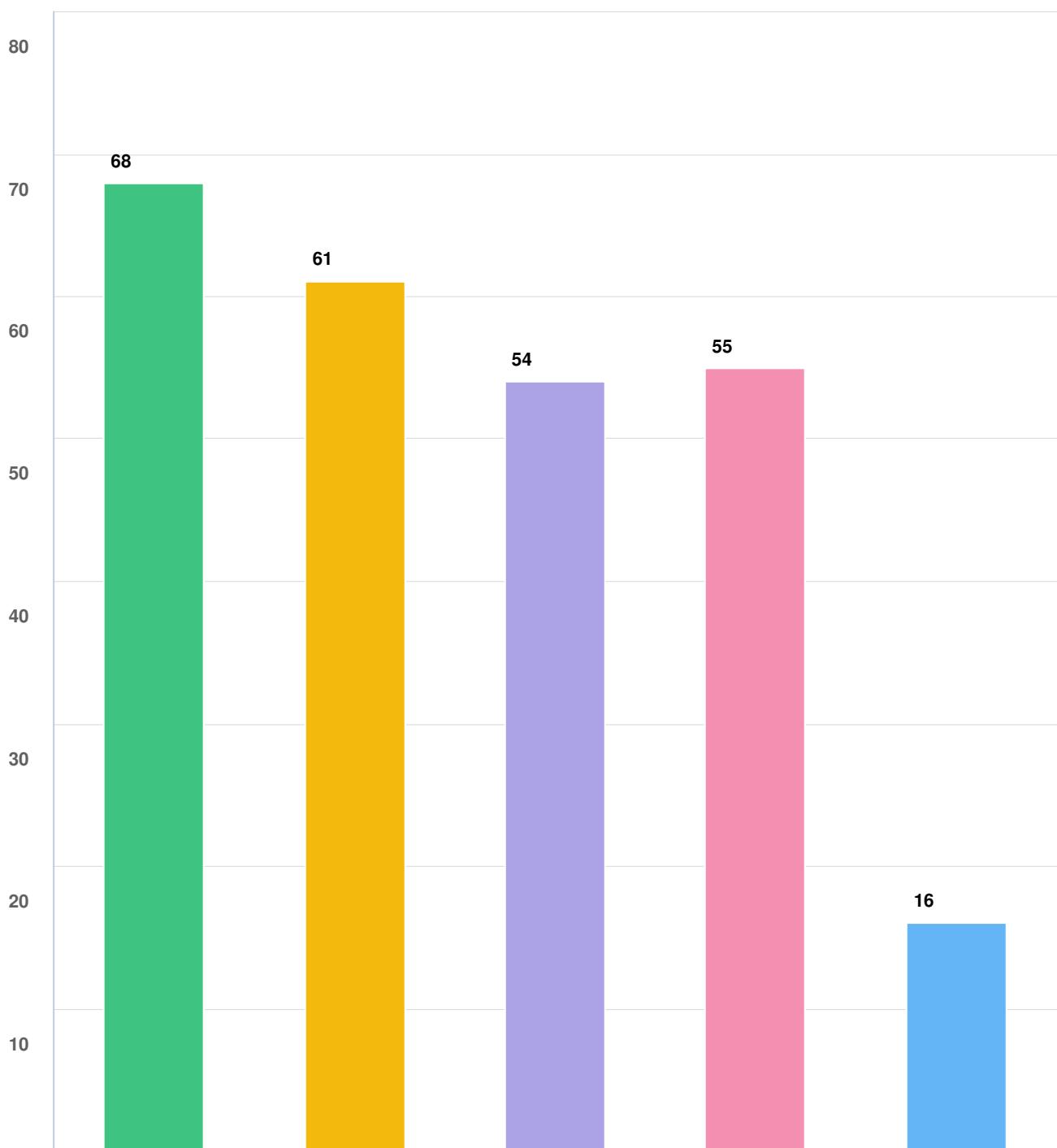
Question options

● Other (please specify) ● Unsure ● No ● Yes

Optional question (54 response(s), 33 skipped)

Question type: Dropdown Question

Q10 | Would you be willing to make any of the following changes to your landscaping? (select all that apply)



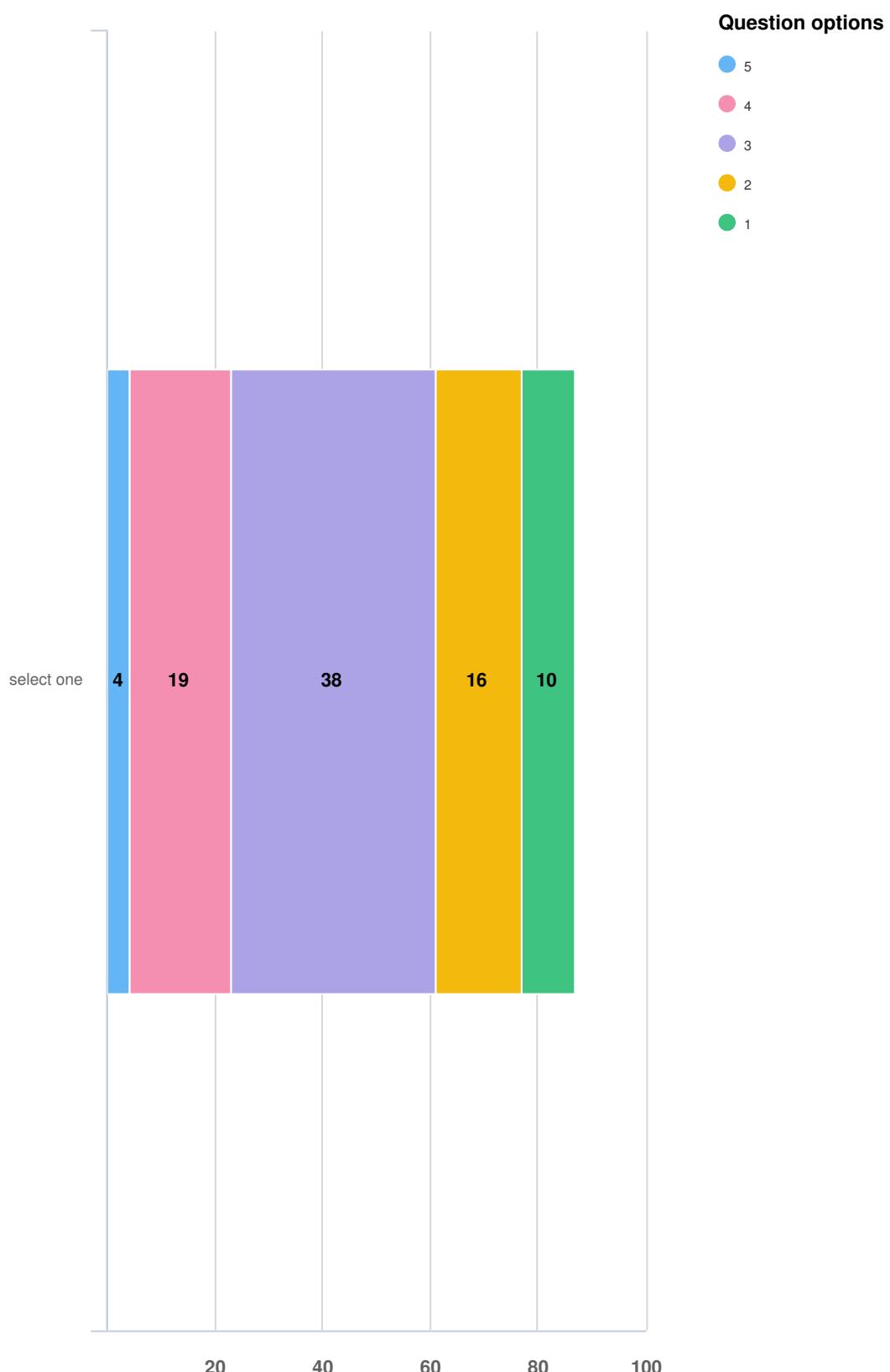
Question options

- Other (please specify)
- Replace lawn with water wise landscaping
- Install water wise irrigation
- Replace non-native vegetation with native water wise vegetation
- Reduce outdoor water usage

Optional question (83 response(s), 4 skipped)

Question type: Checkbox Question

Q13 | Which of the following landscapes do you most prefer:



Optional question (87 response(s), 0 skipped)

Question type: Likert Question

Q13 Which of the following landscapes do you most prefer:

select one

5 : 4



4 : 19



3 : 38



2 : 16



1 : 10



5

10

15

20

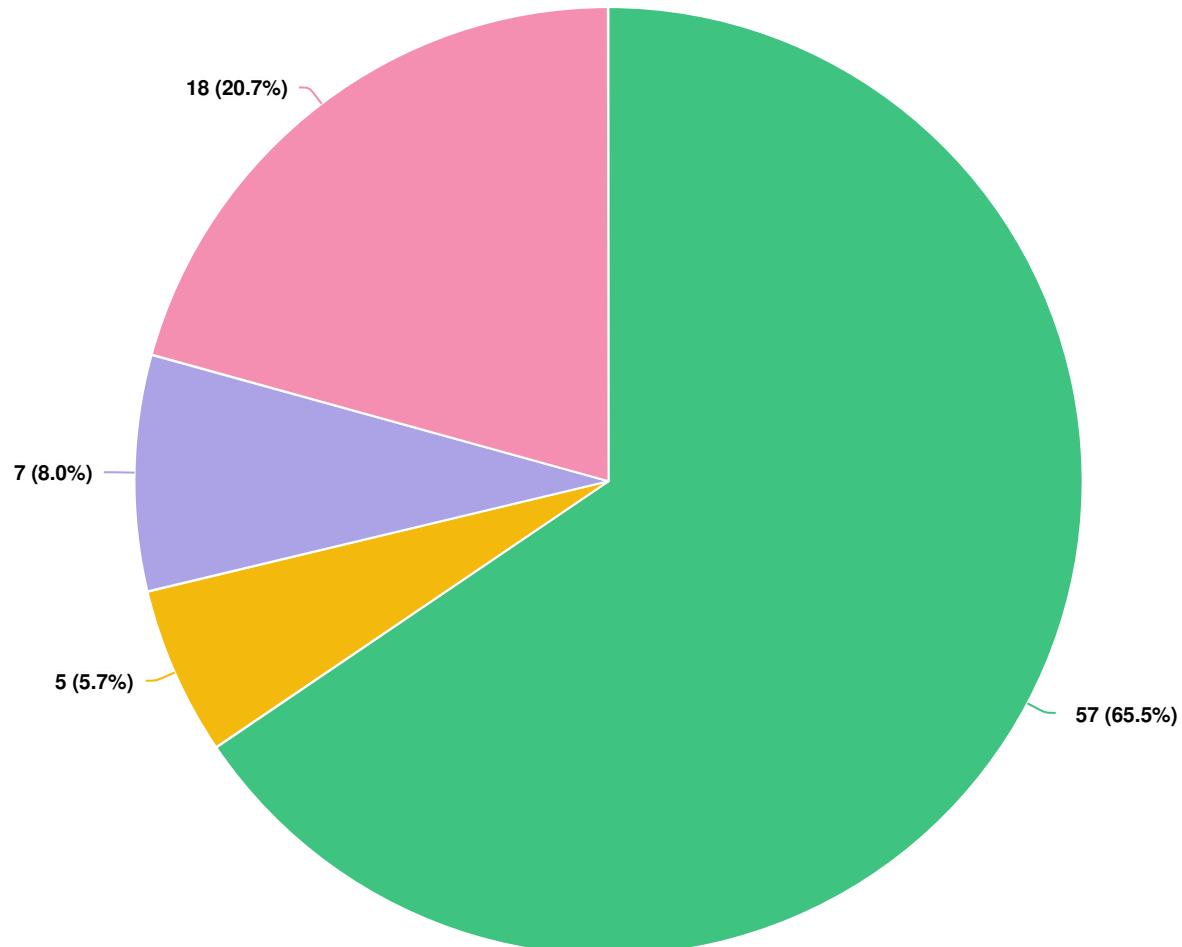
25

30

35

40

Q14 | Are you willing to replace lawn with water wise landscaping?



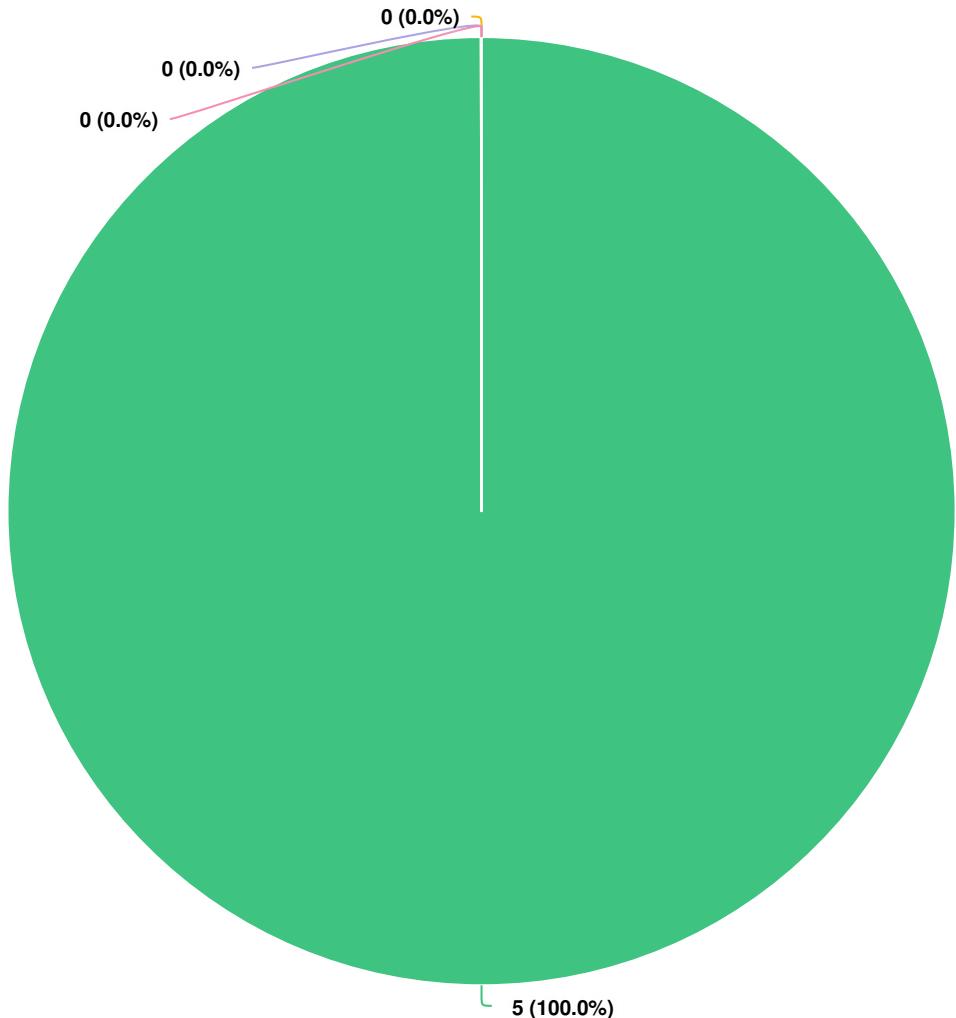
Question options

● Other (please specify) ● Unsure ● No ● Yes

Optional question (87 response(s), 0 skipped)

Question type: Dropdown Question

Q15 | Are you willing to replace lawn with water wise landscaping for a rebate?



Question options

● Other (please specify) ● Unsure ● Yes ● No

Optional question (5 response(s), 82 skipped)

Question type: Dropdown Question

EXHIBIT D: Public Comment

October 15, 2022 – 8:00 PM

Hi. Just wanted to suggest that in addition to encouraging water wise plants the information include asking homeowners/businesses plant native species (which will also be water wise) that benefit various wildlife - especially pollinators! Utah is home to about 1100 native bee species!

Also, I don't think the information should be too preachy. It does not take too many Google searches to conclude that residential water use in Utah pales in comparison percentage wise to the amount used to grow alfalfa - a huge water hog.

Thanks!

Sybil Burrus
Park Meadows

October 20, 2022 – 10:54 AM

It would be important for the City to demand the farm on 224 curtail their watering, which is excessive and way too frequent. You can't ask homeowners to cut back when we see the farm watering so much. Similarly, you need to insist the golf courses cut back. I'm willing to do my part, but unless these major players change, you'll get limited buy in from individuals.

Thanks for listening

Mark Goldfarb
full time Park Meadows

Planning Commission Staff Report



Subject: Nightly Rentals and Fractional Ownership in Chatham Crossing Subdivision, Solamere Subdivision No. 1 & No. 2A, West Ridge Subdivision, and West Ridge Subdivision Phase 2

Application: PL-22-05391; PL-22-05403; PL-22-05471

Author: Spencer Cawley, Planner II

Date: January 11, 2023

Type of Item: Legislative – Land Management Code Amendment

Recommendation

(I) Review the proposed Land Management Code amendment to prohibit Fractional Use in Solamere Subdivision No. 1 & No. 2A, prohibit Nightly Rentals and Fractional Use in West Ridge Subdivision & West Ridge Subdivision Phase 2, and Prohibit Nightly Rentals, Fractional Use, and Timeshares¹ in Chatham Crossing Subdivision, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on February 16, 2023.

Description

Applicant: Carol Dalton, representing the Chatham Hills Homeowner's Association; Charles Haggerty, representing the Solamere Homeowner's Association; and John Feasler, representing the West Ridge Homeowner's Association

Amended LMC Section § 15-2.13-2 *Residential Development – Uses*

Zoning District: Residential Development

Reason for Review: Land Management Code amendments require Planning Commission review and recommendation to the City Council for Final Action²

CC&Rs Covenants, Conditions, & Restrictions
HOA Homeowner's Association
LMC Land Management Code
RD Residential Development

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

Background

Chatham Crossing Subdivision (Chatham Crossing), the Solamere Subdivision No. 1 & No. 2A (Solamere), the West Ridge Subdivision, and the West Ridge Subdivision Phase 2 (West Ridge) are in the Residential Development (RD) Zoning District. Pursuant to

¹ Timeshares are prohibited in the Residential Development Zoning District.

² LMC [§ 15-1-7\(B\)\(1\)](#)

LMC [§ 15-2.13-2](#), Nightly Rentals are an Allowed Use, Fractional Ownership is a Conditional Use, and Timeshares are prohibited in the RD Zoning District.

Chatham Crossing Subdivision – Prospector Neighborhood

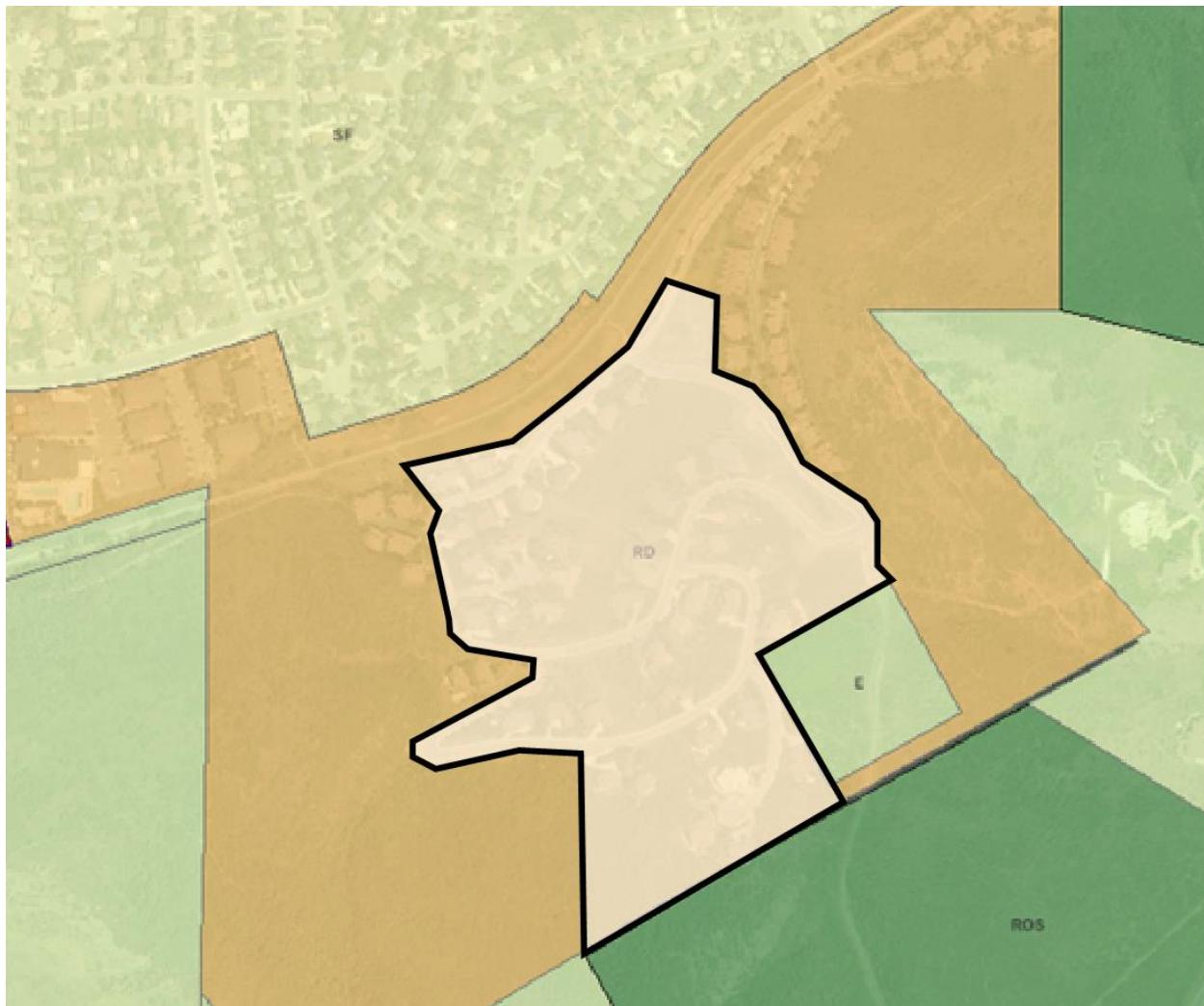
On September 21, 2022, Chatham Crossing (also known as Chatham Hills HOA) applied to amend Land Management Code (LMC) [§ 15-5.13-2](#) to prohibit Nightly Rentals, Fractional Use, and Timeshares³ in their subdivision. In total, 81% of property owners in the subdivision support this amendment. See Exhibit B to review Chatham Crossing's statement to review property owner support.

Chatham Crossing contains 53 Lots. Nine Lots within the Subdivision are undeveloped. In total, 44 of the 53 Lots are developed (83%). The map below is from the Summit County Parcel viewer and shows the general location of Chatham Crossing in the Prospector Neighborhood:



³ Timeshares are a Prohibited Use in the Residential Development Zoning District.

The following map shows the location of Chatham Crossing within the RD Zoning District. The subdivision abuts the Recreation And Open Space and Estate Zoning Districts:



Of the 53 property owners in Chatham Crossing, 43 expressed support to amend the LMC to prohibit Nightly Rentals, Fractional Use, and Timeshares. There are no active Nightly Rental Business Licenses within the subdivision. This pending LMC amendment prohibits any property owner in Chatham Crossing from obtaining a Business License for Nightly Rentals.

Solamere Subdivision No. 1 & No. 2A – Lower Deer Valley Neighborhood

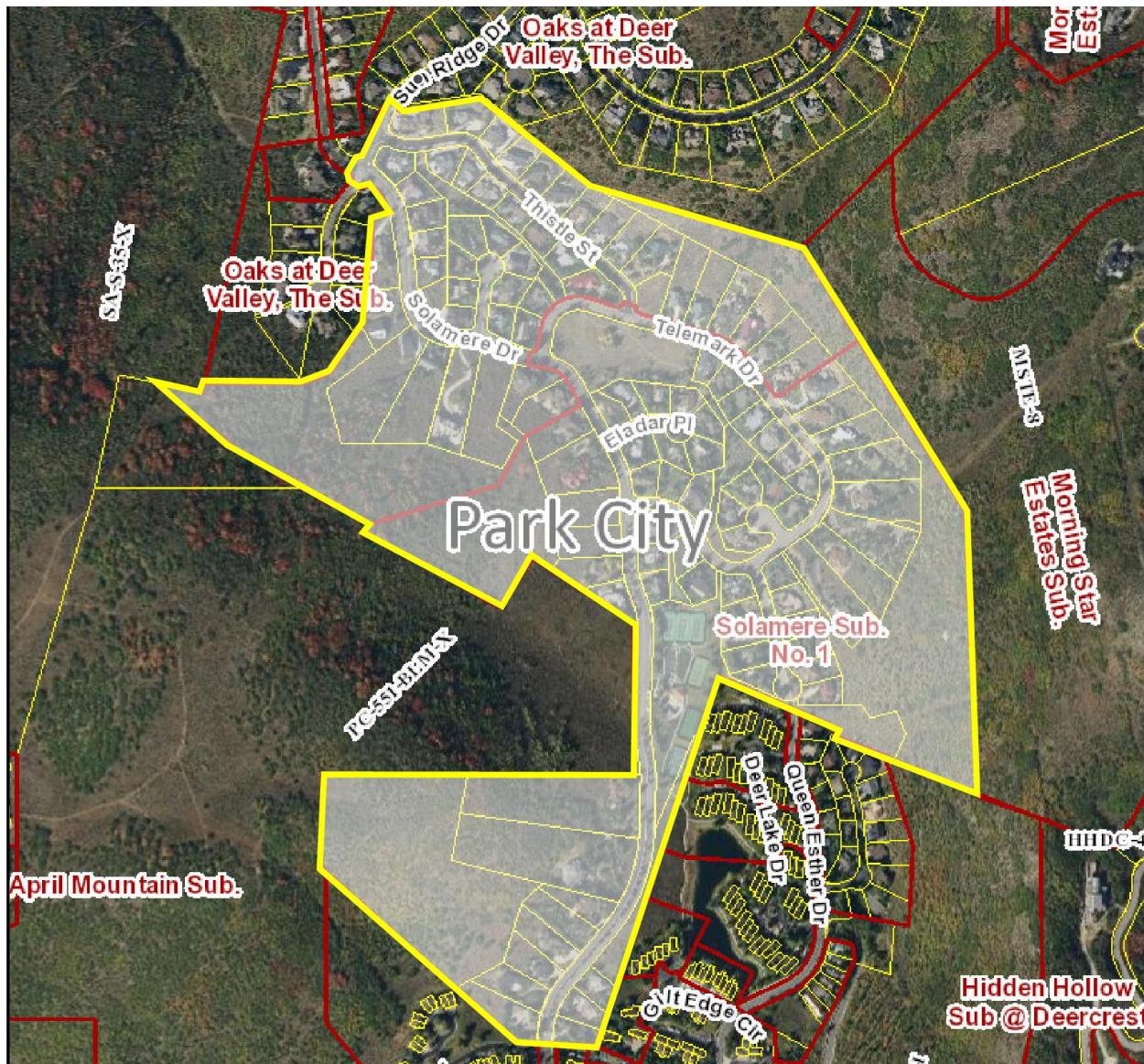
On September 30, 2022, Solamere applied to amend LMC [§ 15-5-13.2](#) to prohibit Nightly Rentals and Fractional Use in their Subdivisions. However, on January 5, 2023, Solamere's Representative withdrew the request to restrict Nightly Rentals but continue with the amendment to the LMC to prohibit Fractional Use. Solamere did not include a survey of property owners that support applying for this LMC amendment. However, the president of Solamere's Board of Trustees included a letter with their application stating

the following:

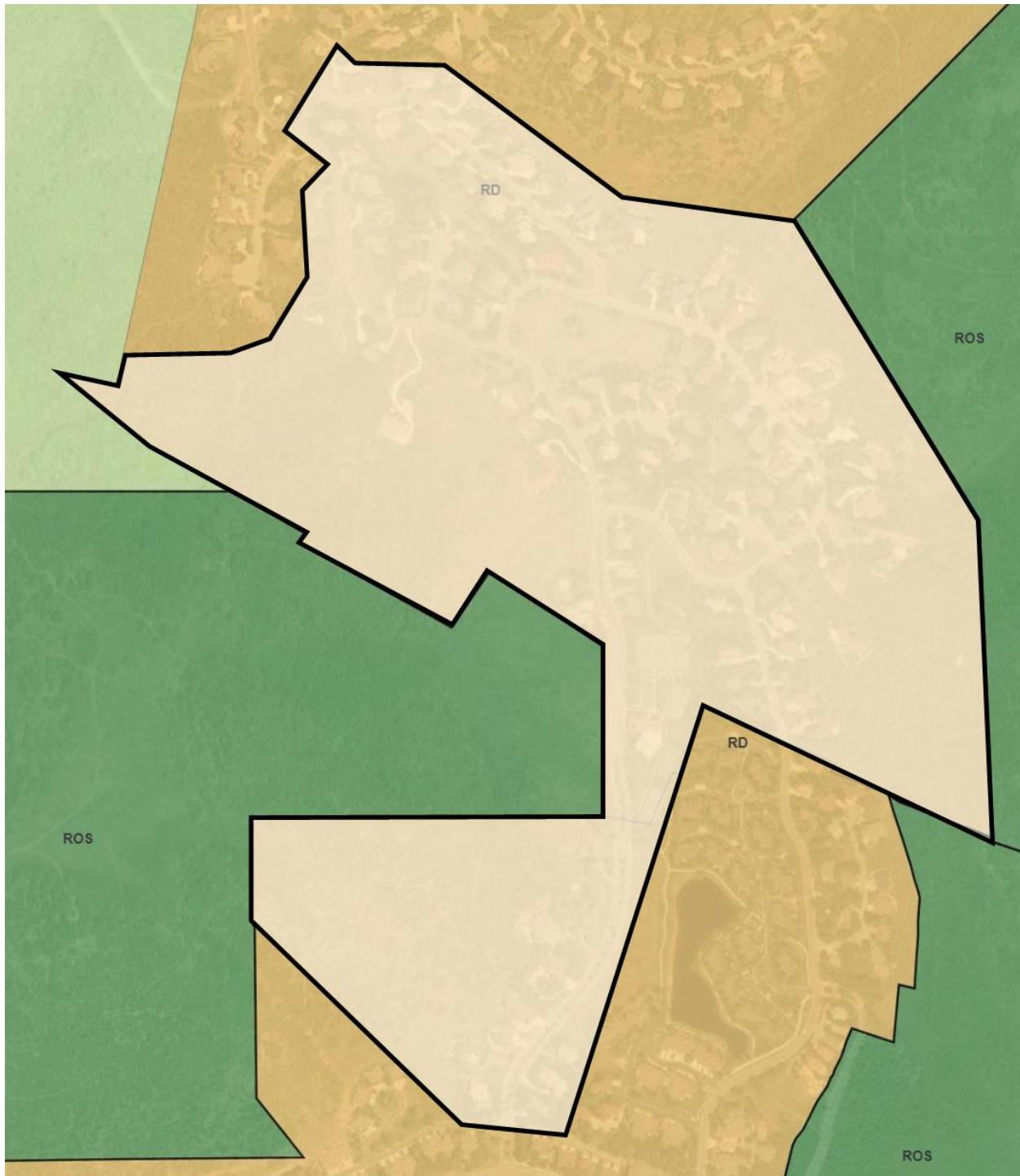
"The Solamere Homeowners Association Board believes that Fractional Ownership as it is defined [...] is inconsistent with the residential character of our neighborhood. Therefore, we request that [the City Council and Planning Commission] put our community in a zone which does not allow it, or otherwise make our community an exception to allowing Fractional Ownership" (Exhibit C).

The Applicant also states there are 111 property owners and 50% are primary residents.

The map below is from the Summit County Parcel viewer and shows the general location of Solamere Subdivision No. 1 & No. 2A in the Lower Deer Valley Neighborhood:



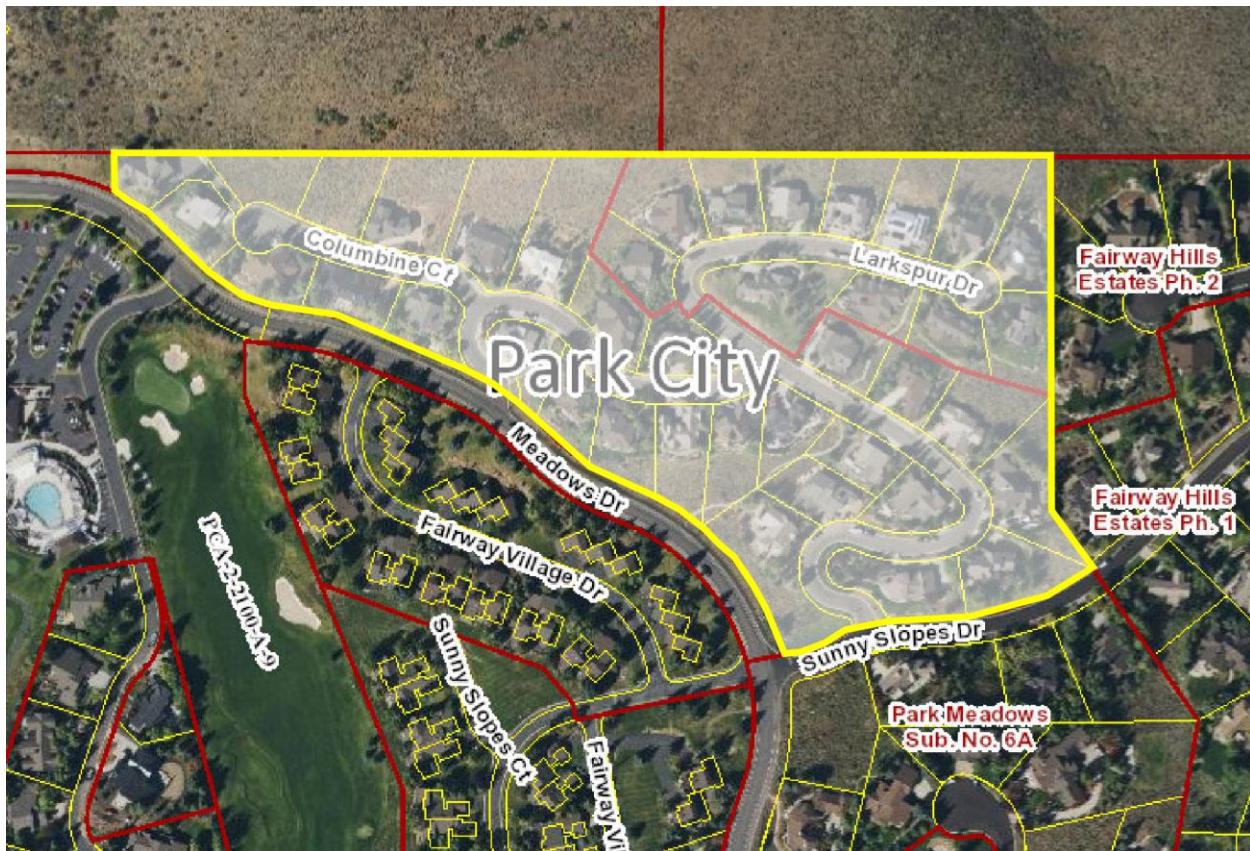
The following map shows the location of Solamere Subdivision No. 1 & No. 2A within the RD Zoning District. The subdivision abuts the Recreation And Open Space and Estate Zoning Districts:



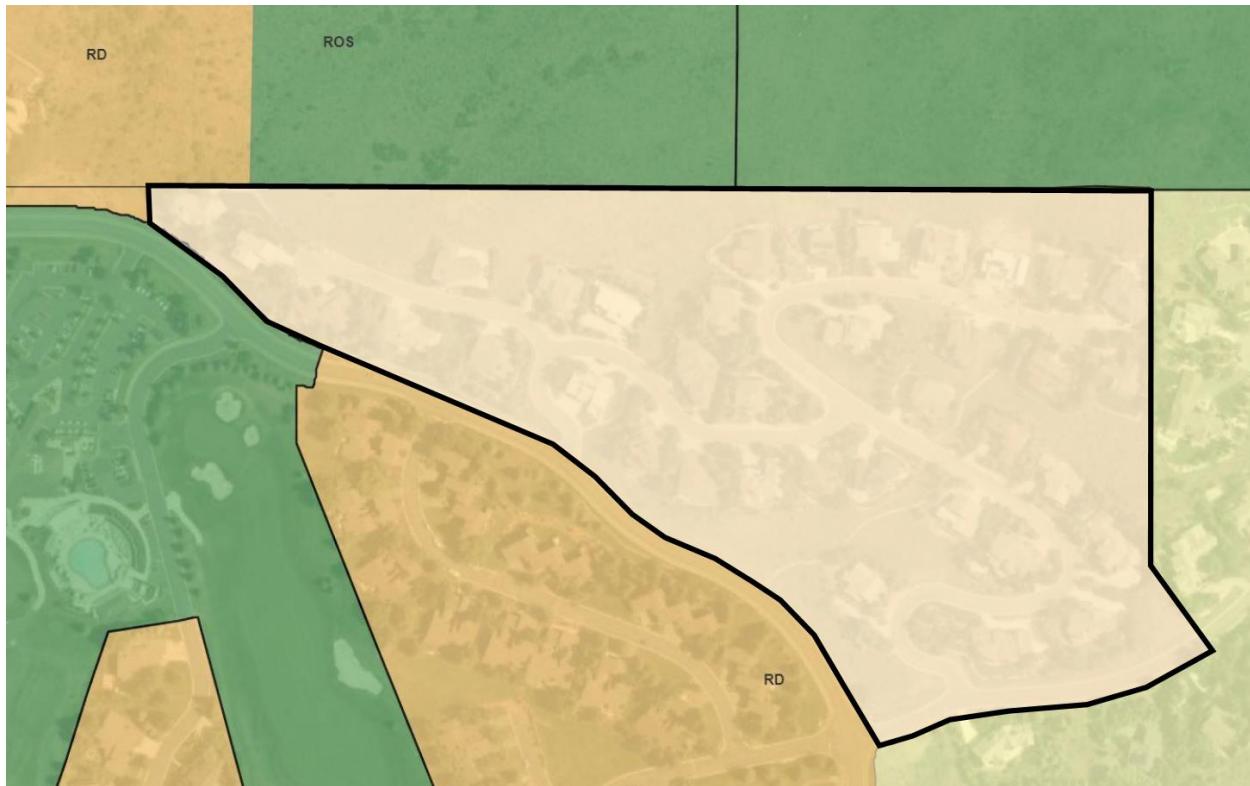
West Ridge Subdivision and West Ridge Subdivision Phase 2 – Park Meadows Neighborhood

On December 6, 2022, West Ridge applied to amend LMC [§ 15-5-13.2](#) to prohibit Nightly Rentals and Fractional Use in their subdivisions. In total, 88% of property owners in the subdivision support this amendment. See Exhibit D to review West Ridge HOA's and property owner support.

West Ridge contains 41 Lots. Two Lots within the Subdivisions are undeveloped. In total, 39 of the 41 Lots are developed (95%). The map below is from the Summit County Parcel viewer and shows the general location of West Ridge Subdivision and West Ridge Subdivision Phase 2 in the Park Meadows Neighborhood:



The following map shows the location of West Ridge within the RD Zoning District. The subdivision abuts the Recreation And Open Space and Single-Family Zoning Districts:



Of the 40 property owners in West Ridge, 35 expressed support to amend the LMC to prohibit Nightly Rentals and Fractional Use. There are no active Nightly Rental Business Licenses within the subdivisions. This pending LMC amendment prohibits any property owner in West Ridge from obtaining a Business License for Nightly Rentals.

Analysis

(I) The proposed Land Management Code Amendment to prohibit Nightly Rentals and Fractional Use in the Chatham Crossing, Solamere, and West Ridge Subdivisions complies with the Park City General Plan and Land Management Code.

The LMC implements the goals and policies of the Park City General Plan.⁴ The General Plan identifies *Sense of Community* as one of the core values and a key method to preserving areas within Park City for primary residents. Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents. Objective 7B is to focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods.⁵

⁴ LMC [§ 15-1-2](#)

⁵ Park City General Plan Volume I, [Sense of Community](#), p. 5

Goal 8 of the General Plan is to increase affordable housing opportunities. Objective 8C of the General Plan is to increase housing ownership opportunities for workforce within primary residential neighborhoods.⁶

RESIDENTIAL DEVELOPMENT LMC ANALYSIS

Chatham Crossing, Solamere, and West Ridge Subdivisions are within the Prospector, Lower Deer Valley, and Park Meadows neighborhoods, respectively. These neighborhoods encompass the following Zoning Districts. The table below shows the corresponding regulations of Nightly Rentals, Fractional Use, and Timeshares within each zone that regulates these neighborhoods.

Zoning District	Nightly Rental	Fractional Use	Timeshares
Community Transition	Prohibited	Prohibited	Prohibited
Estate	Allowed	Prohibited	Prohibited
General Commercial	Allowed	Conditional	Conditional
Recreation Commercial	Allowed	Conditional	Conditional
Recreation And Open Space	Prohibited	Prohibited	Prohibited
Residential Development	Allowed in most subdivisions ⁷	Conditional	Prohibited
Residential Development - Medium	Allowed	Conditional	Prohibited
Single-Family	Allowed	Prohibited	Prohibited

The purposes of the RD Zoning District are to:

1. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
2. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
3. allow commercial and recreational activities that are in harmony with residential neighborhoods,
4. minimize impacts of the automobile on architectural design,
5. promote pedestrian connections within Developments and between adjacent Areas; and
6. provide opportunities for variation in architectural design and housing types.⁸

Per LMC [§ 15-2.13-2](#), the RD Zoning District allows Nightly Rentals and Fractional Use (as a Conditional Use) in the Chatham Crossing, Solamere, and West Ridge

⁶ Park City General Plan Volume I, [Sense of Community](#), p. 8

⁷ Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3.

⁸ LMC [§ 15-2.13-1](#)

Subdivisions. However, Footnote three addresses the prohibition of Nightly Rentals and Fractional Use in other Subdivisions:

Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals and Dwelling Unit, Fractional Use are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivisions Phases #1A and #1B, Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3.

Prohibiting Nightly Rentals and Fractional Use in Chatham Crossing and West Ridge, and prohibiting Fractional Use in Solamere, is consistent with the General Plan as well as within some of the neighboring Zoning Districts of the Prospector, Lower Deer Valley, and Park Meadows Neighborhoods, outlined in Footnote three above.

There is precedent for the proposed LMC amendment within the RD Zoning District in Prospector, Lower Deer Valley, and Park Meadows because other Subdivisions have restricted Nightly Rentals through an LMC amendment. Furthermore, these same Subdivisions were included as prohibiting Fractional Use pursuant to [Ordinance No. 2022-21.](#)

Since 2014, the City Council has approved Land Management Code amendments prohibiting Nightly Rentals in several other instances within the Residential Development Zoning District, described below.

On June 26, 2014, the City Council approved [Ordinance No. 14-35](#), amending LMC § [15-2.13-2](#) to prohibit Nightly Rentals in the April Mountain and Mellow Mountain Estates Subdivisions. According to the June 26, 2014, City Council Staff Report ([page 184](#)), the LMC Amendment was suggested by the Planning Department Staff:

At the time of approval and recordation of the April Mountain and Mellow Mountain Estates Subdivisions, Nightly Rental Uses were prohibited from these subdivisions. There are notes on the Plats stating that Nightly Rental is prohibited within these subdivisions. Nightly Rentals are an Allowed Use in the Residential Development (RD) Zoning District where these subdivisions are located. To reduce confusion, Staff recommends that a footnote be added to the “Nightly Rental” listing under Allowed Uses to codify the prohibition of Nightly Rentals within these two subdivisions. This is an administrative amendment . . .

In 2020, the Meadows Estate Homeowners Association petitioned the City to amend the Land Management Code to prohibit Nightly Rentals in Phases #1A and #1B of their subdivision. On July 8, 2020, the Planning Commission unanimously forwarded a positive recommendation to City Council for consideration ([Staff Report](#); [Minutes](#), p. 43). On July 30, 2020, the City Council passed [Ordinance No. 2020-38](#), *An Ordinance Amending the Land Management Code of Park City § 15-2.13-2 to Prohibit Nightly Rentals in the Meadows Estates Subdivision Phases #1A and #1B* ([Staff Report](#);

[Minutes](#), p. 16).

In 2021, the Fairway Meadows Homeowner Association petitioned the City to amend the Land Management Code to prohibit Nightly Rentals in their subdivision. On March 24, 2021, the Planning Commission unanimously forwarded a positive recommendation to City Council for consideration ([Staff Report](#); [Minutes](#), p. 31). On April 15, 2021, the City Council passed [Ordinance No. 2021-16](#), *An Ordinance Amending the Land Management Code Section 15-2.14-2 to Prohibit Nightly Rentals in the Fairway Meadows Subdivision* ([Staff Report](#); [Minutes](#), p. 6).

In 2021, the Hidden Oaks at Deer Valley Subdivision, Phases 2 and 3 petitioned the City to amend the Land Management Code to prohibit Nightly Rentals in their subdivision. On November 10, 2021, the Planning Commission unanimously forwarded a positive recommendation to City Council for consideration ([Staff Report](#); [Minutes](#), p. 8). On December 16, 2022, the City Council passed [Ordinance No. 2021-52](#), *An Ordinance Amending Land Management Code Section 15-2.13-2 to Prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3* ([Staff Report](#); [Minutes](#), p. 14).

On October 27, 2022, the City Council directed Planning Staff to evaluate Timeshares, Private Residence Clubs, and Fractional Use in three Zoning Districts. One of those zones is the Residential Development Zoning District. On October 28, 2022, staff issued a pending ordinance temporarily prohibiting these uses in the RD Zoning District as part of the evaluation ([Minutes](#), p. 10-13).

The residents in the Chatham Crossing, Solamere, and West Ridge Subdivisions request an amendment to the LMC as indicated in the Summary of this report. Staff recommends amending LMC [§ 15-2.13-2](#) as follows:

Existing Footnote #3:

Nightly Rentals do not include the Use of dwellings for Commercial Uses. Nightly Rentals and Dwelling Unit, Fractional Use are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3.

Proposed Footnote #3:

Nightly Rentals do not include the Use of dwellings for Commercial Uses. Nightly Rentals ~~and Dwelling Unit, Fractional Use~~ are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, ~~and~~ Hidden Oaks at Deer Valley Phases 2 and 3, Chatham Crossing Subdivision, and West Ridge Subdivision and West Ridge Subdivision Phase 2.

Existing Footnote #19:

Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional

Use.

Proposed Footnote #19:

Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use. Dwelling Unit, Fractional Use is not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, Hidden Oaks at Deer Valley Phases 2 and 3, Chatham Crossing Subdivision, West Ridge Subdivision and West Ridge Subdivision Phase 2, and Solamere Subdivision No. 1 and No 2A.

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website on December 24, 2022. Staff posted notice to each Subdivision and mailed courtesy notice to all property owners within each Subdivision on December 28, 2022. The *Park Record* published notice on December 24, 2022.⁹

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation for the City Council's consideration on February 16, 2023;
- The Planning Commission may forward a negative recommendation for the City Council's consideration on February 16, 2023; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance and Proposed Amendment to LMC § 15-2.13-2
Exhibit B: Chatham Crossing HOA Statement and Property Owner Support
Exhibit C: Statement from the President of the Solamere HOA Board of Trustees
Exhibit D: West Ridge HOA Statement and Property Owner Support

⁹ LMC [§ 15-1-21](#).

Ordinance No. 2023-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-2.13-2 TO PROHIBIT NIGHTLY RENTALS AND FRACTIONAL USE IN THE CHATHAM CROSSING SUBDIVISION, THE WEST RIDGE SUBDIVISION, AND THE WEST RIDGE SUBDIVISION PHASE 2, AND PROHIBIT FRACTIONAL USE IN THE SOLAMERE SUBDIVISIONS NO. 1 & NO. 2A

WHEREAS, property owners within the Chatham Crossing Subdivision, the Solamere Subdivision No. 1 & No. 2A, the West Ridge Subdivision, and the West Ridge Subdivision Phase 2 petitioned the City Council to amend the Land Management Code to prohibit Nightly Rentals and Fractional Use in the Chatham Crossing Subdivision, the Solamere Subdivision No. 1 & No. 2A, the West Ridge Subdivision, and the West Ridge Subdivision Phase 2; and

WHEREAS, on December 28, 2022, staff posted notice according to the requirements of the Land Management Code; and

WHEREAS, on December 28, 2022, staff mailed courtesy notice to all affected property owners and legal notice was published in the Park Record and the City and Utah Public Notice Websites; and

WHEREAS, on January 11, 2023, the Planning Commission held a public hearing to receive input on the proposed Land Management Code amendments;

WHEREAS, on January 11, 2023, the Planning Commission forwarded a positive/negative recommendation to the City Council;

WHEREAS, on February 16, 2023, the City Council held a public hearing;

WHEREAS, it is in the best interest of Park City, Utah, to amend the Land Management Code to prohibit Nightly Rentals and Fractional Use in the Chatham Crossing Subdivision, the West Ridge Subdivision, and the West Ridge Subdivision Phase 2, and prohibit Fractional Use in the Solamere Subdivisions No. 1 & No. 2A; and,

WHEREAS, the proposed Land Management Code amendment is consistent with the following purposes of the Utah Municipal Land Use, Development, and Management Act (LUDMA) Section 10-9a-102, Purposes – General land use authority.

- 1) The purposes of this chapter are to:
 - a. provide for the health, safety, and welfare;
 - b. promote the prosperity;
 - c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
 - d. protect the tax base;
 - e. secure economy in government expenditures;

- f. foster the state's agricultural and other industries;
- g. protect both urban and nonurban development;
- h. protect and ensure access to sunlight for solar energy devices;
- i. provide fundamental fairness in land use regulation;
- j. facilitate orderly growth and allow growth in a variety of housing types; and
- k. protect property values.

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

SECTION 1. FINDINGS. The analysis section of the staff reports of January 11, 2023, and February 16, 2023, are incorporated herein. The recitals above are incorporated herein as findings of fact.

SECTION 2. AMEND MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE 15. Municipal Code of Park City Title 15 Land Management Code § 15-2.13-2, *Residential Development*, is hereby amended as outlined in Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of February 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Attachment 1

1 **15-2.13-2 Uses**

2 Uses in the RD District are limited to the following:

3 A. **ALLOWED USES.**

- 4 1. Single-Family Dwelling
- 5 2. Duplex Dwelling
- 6 3. Secondary Living Quarters
- 7 4. Lockout Unit¹
- 8 5. Accessory Apartment²
- 9 6. Nightly Rental³
- 10 7. Home Occupation
- 11 8. Child Care, In-Home Babysitting⁴
- 12 9. Child Care, Family⁴
- 13 10. Child Care, Family Group⁴
- 14 11. Accessory Building and Use
- 15 12. Conservation Activity Agriculture
- 16 13. Parking Area or Structure with four (4) or fewer spaces
- 17 14. Recreation Facility, Private

18 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

19 16. Food Truck Location¹⁶

20 17. Internal Accessory Dwelling Unit¹⁷

21 B. **CONDITIONAL USES.**

- 22 1. Triplex Dwelling⁶

- 23 2. Multi-Unit Dwelling⁶
- 24 3. Guest House
- 25 4. Group Care Facility
- 26 5. Child Care Center⁴
- 27 6. Public and Quasi-Public Institution, Church, and School
- 28 7. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 29 8. Telecommunication Antenna⁷
- 30 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
- 31 10. Raising, grazing of horses
- 32 11. Cemetery
- 33 12. Bed and Breakfast Inn
- 34 13. Hotel, Minor⁶
- 35 14. Hotel, Major⁶
- 36 15. Private Residence Club Project and Conversion¹⁰
- 37 16. Office, General^{6,9}
- 38 17. Office, Moderate Intensive^{6,9}
- 39 18. Office, Medical^{6,9}
- 40 19. Financial Institution without drive-up window^{6,9}
- 41 20. Commercial Retail and Service, Minor^{6,9}
- 42 21. Commercial Retail and Service, personal improvement^{6,9}
- 43 22. Commercial, Resort Support^{6,9}
- 44 23. Café or Deli^{6,9}
- 45 24. Restaurant, Standard^{6,9}

46 25. Restaurant, Outdoor Dining¹⁰

47 26. Outdoor Event¹⁰

48 27. Bar^{6,9}

49 28. Hospital, Limited Care Facility^{6,9}

50 29. Parking Area or Structure with five (5) or more spaces

51 30. Temporary Improvement¹⁰

52 31. Passenger Tramway Station and Ski Base Facility¹¹

53 32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹

54 33. Recreation Facility, Public

55 34. Recreation Facility, Commercial⁶

56 35. Recreation Facility, Private¹⁸

57 36. Entertainment Facility, Indoor^{6,9}

58 37. Commercial Stables, Riding Academy¹²

59 38. Heliport¹²

60 39. Vehicle Control Gate¹³

61 40. Fences and walls greater than six feet (6') in height from Final Grade¹⁰

62 41. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴

63 42. Amenities Club

64 43. Club, Private Residence Off-Site¹⁵

65 44. Dwelling Unit, Fractional Use^{3, 19}

66 C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use

67 is a prohibited Use.

68 ¹Nightly rental of Lockout Units requires a Conditional Use permit

69 ²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

70 ³Nightly Rentals do not include the Use of dwellings for Commercial Uses. Nightly Rentals ~~and Dwelling~~
71 ~~Unit, Fractional Use~~ are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions,
72 Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, ~~and~~ Hidden Oaks at
73 Deer Valley Phases 2 and 3, Chatham Crossing Subdivision, West Ridge Subdivision and West Ridge
74 Subdivision Phase 2.

75 ⁴See LMC Chapter 15-4-9 for Child Care Regulations

76 ⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
77 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
78 on the original Property set forth in the services agreement and/or Master Festival License

79 ⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

80 ⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

81 ⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

82 ⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a
83 convenience for residents or occupants of adjacent or adjoining residential Developments.

84 ¹⁰Requires an Administrative Conditional Use permit.

85 ¹¹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

86 ¹²Omitted.

87 ¹³See Section 15-4-19, Review Criteria For Control Vehicle Gates.

88 ¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City
89 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed
90 in an Area other than the original location set forth in the services agreement and/or Master Festival
91 License.

92 ¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit.
93 Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more
94 units with approved Support Commercial space. A Parking Plan shall be submitted to determine site
95 specific parking requirements.

96 ¹⁶The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with
97 Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

98 ¹⁷See Section 15-4-7.1, Internal Accessory Dwelling Units.

99 ¹⁸See Section 15-4-22, Outdoor Pickleball Courts in Residential Areas.

100 ¹⁹Requires an Administrative Letter. See Section 15-4-23, Dwelling Unit, Fractional Use. Dwelling Unit,
101 Fractional Use is not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows
102 Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, Hidden Oaks at Deer Valley
103 Phases 2 and 3, Chatham Crossing Subdivision, West Ridge Subdivision and West Ridge Subdivision
104 Phase 2, and Solamere Subdivision No.1 and No 2A.

RECEIVED

SEP 21 2022

20 September 2022

PARK CITY
PLANNING DEPT.

RE: Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills, a subdivision of Chatham Crossing.

Dear Park City Municipal Planning Department,

The Chatham Hills HOA has authorized me to petition the city to make a change to the Land Management Code.

We have collected signatures from 81%, or 43 of the 53 homeowners in support of an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills, a subdivision of Chatham Crossing.

Attached are the signed forms showing this support from our lot and home owners.

On behalf of the Chatham Hills Board and land owners,

I thank you for your review.

Sincerely,

Carol Dalton



Chatham Hills HOA Board President

9 Waterloo Cir. Park City, UT 84060

435.640.4004 DaltonPC@comcast.net

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Kirsten Henderson,

I am a homeowner at 2041 Paddington Dr. (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Kirsten Henderson

Signature

9-9-22

Date

The Kirsten Henderson Trust

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Frank T. Augheis, Trustee Frank T. Augheis and Peggy A. Augheis
Family Revocable Trust.

I am a homeowner at 2034 High Street (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature Frank T. Augheis, Trustee

8/30/2022
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Howard & Jacqueline Feinstein.

I am a homeowner at 12 Waterloo Ct. (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Signature

9/13/22
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department
From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).
Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Barbara Love, Officer of HighStreet Holdings
I am a homeowner at 2024 High Street (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Barbara Love 9/14/2022
Signature Date
Officer of HighStreet Holdings, LLC

Please sign and return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Martita Doss,

I am a homeowner at 2014 Paddington Dr (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

MD

Signature

9/12/22

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Kristie Buehner,

I am a homeowner at 1 waterloo crt (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Kristie Buehner
Signature

9-14-22
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060
Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.
aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is _____ Shannon Nellis, Trustee of the Nellis Family Trust_____.

I am a homeowner at _____ 2025 Paddington Dr_____ (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.



Signature

9/6/22
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Craig Coblell, Trustee.

I am a homeowner at 2048 High Street (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Craig Coblell

9/17/22

Signature

Craig Coblell

Date

Retained Residence Trustee

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060
435-640-4004
Daltonpc@comcast.net

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.
aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Carol MacFarlane.

I am a homeowner at 6 WATERLOO CIRCLE (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Signature

Carol MacFarlane 9/10/22

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is _____ Lisa Nemeroff _____.

I am a homeowner at _____ 2060 High Street _____
(Street address or Lot #),

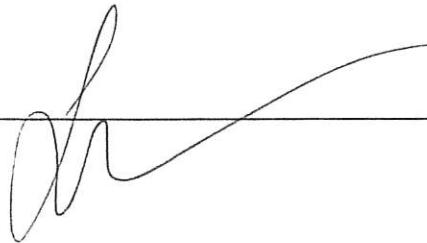
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Signature



8/30/2022

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Kevin Oliver

I am a homeowner at 6 Victoria Circle (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Kevin Oliver
Signature

8/30/22
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Carol Dalton,

I am a homeowner at 9 Waterloo Circle (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Carol Dalton Trustee 30 Aug 2022
Signature Date
for the Dalton family Trust

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Rodney Van Ausdal,

I am a homeowner at 2048 Paddington Dr (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature

8/30/22
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Octavia Sadr,

I am a homeowner at 2011 High St. Park City, Utah (Street address or Lot #),
Park City, Utah 84060. 81060

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Octavia Sadr
Signature

9/16/22
Date

Please sign and return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Paul Robinson and Rachel Robinson.

I am a homeowner at 1990 Paddington Dr. (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

PL RL + Rachel Robinson
Signature

8-31-2022
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

Lisa Lee

My name is _____,

2001 Paddington Dr. Park City, UT 84060

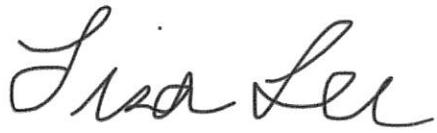
I am a homeowner at _____ (Street address or Lot #),

Park City, Utah 84060.

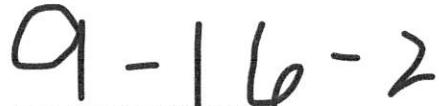
I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.



Signature



Date

Please sign and return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060
435-640-4004
Daltonpc@comcast.net

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City,

To: Park City Municipal Corporation, Planning Department
From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).
Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Kraig Moyes,

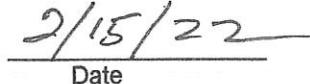
I am a homeowner at 2043 High Street (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature


Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing)

Re: Support of an Amendment to the Land Management Code 15-2 13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills

My name is Irene Dunn Trustee of the Irene Dunn Trust

I am a homeowner at 2 Victoria Circle (Street address or Lot #).

Park City, Utah 84060

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use



Signature

8/30/2022

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Niels Andersen.

I am a homeowner at Lot 36, 1984 Paddington Drive (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.



Signature

09/13/2022

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

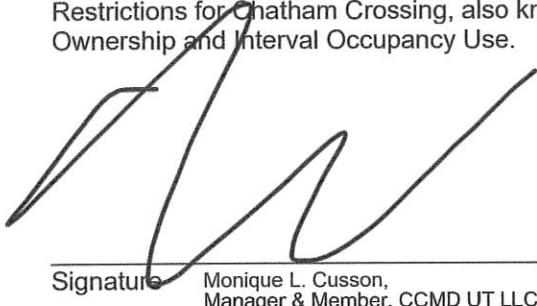
My name is CCMD UT LLC,

I am a homeowner at 2029 Paddington Drive (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.



Signature Monique L. Cusson,
Manager & Member, CCMD UT LLC

September 14 , 2022
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838



Done Amendment Support to Prohib...

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is

P Kiefer

I am a homeowner at

1979 (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Signature

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltoncarol@comcast.net 425 640 4004

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is GRAHAM & JANET BAKER, TRUSTEES OF THE BAKER LEGACY, TRUST

I am a homeowner at LOT 52 , 5 VICTORIA CIRCLE (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Graham Baker Janet Baker 9/13/2022
Signature Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is GRAHAM & JANET BAKER, TRUSTEES OF THE BAKER LEGACY TRUST

I am a homeowner at Lot #53, 3 VICTORIA CIRCLE (Street address or Lot #), Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Graham Baker Janet Baker

Signature

9/13/2022

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is David C. Weinstein and Pamela Ross Weinstein,

I am a homeowner at 2025 High St. (Lot 37) (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

David Weinstein

Signature

9/12/22

Date

Pamela Ross Weinstein

9-12-22

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

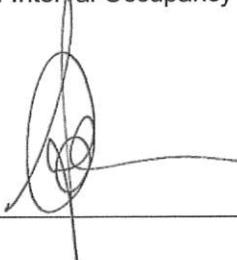
My name is
StephenColeman_____,

I am a homeowner at: 10 Victoria Circle (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.



Signature

9/7/2022

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

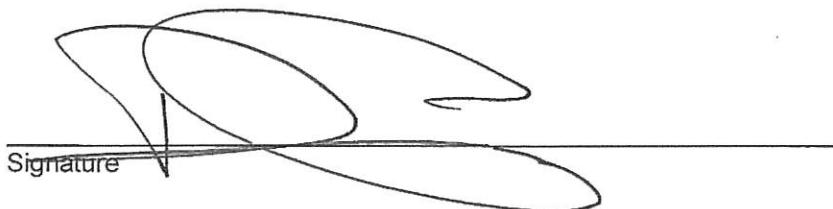
My name is Bo Pitkin

I am a homeowner at 15 VICTORIA CIRCLE (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature

9/12/22
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is RINO J SCANZONI,

I am a homeowner at 2005 High Street PC VT (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Rino J Scanzoni
Signature

8-30-22
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

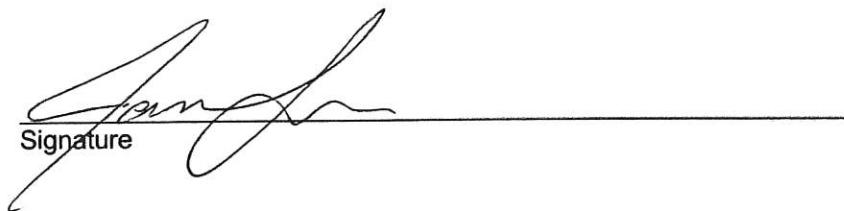
My name is Jason Linder,

I am a homeowner at 1995 Paddington Drive (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature

8/31/22
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is William Conwell,

I am a homeowner at 2036 Paddington Dr. (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

W. Conwell
Signature

9-02-2022
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060
Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City,

From: Ralph Lobdell rlobdell@yahoo.com
Subject: CCR 26. (2054 High St)
Date: Sep 8, 2022 at 2:20:38 PM
To: aesadr@yahoo.com
Cc: DALTON daltonpc@comcast.net

Per your request.

To: Park City Municipal Corporation, Planning Department
From: Chatham Hills Homeowner (Subdivision of Chatham Crossing)
Re: Support of an Amendment to the Land Management Code 15-2.13-2
Timeshares and Fractional Ownership in Chatham Hills.

My name is Ralph S Lobdell, Jr. & Diana B L
Ralph S Lobdell Living Trust

I am a homeowner at 2054 High St (Parc # CCR-26)

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporate
Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to
Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of
Restrictions for Chatham Crossing, also known as Chatham Hills, to
Ownership and Interval Occupancy Use.

Owes 3 properties in
CH.

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Henry Sigg,

I am a homeowner at: 14 /18 Victoria Circle, 2017 Paddington Drive; Lots
20,48,49 (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature

8/31/2022

Date

Henry Sigg
Manager
HAS Holdings, LLC

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

DAN MILLER TRUSTEE OF THE DAN MCKINNEY MILLER REVOCABLE TRUST

My name is VICTORIA MILLER TRUSTEE OF THE VICTORIA L. MILLER REVOCABLE TRUST

I am a homeowner at #4 (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature

9.12.2022
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Joey Mason, Trustee of "The Joey Mason Revocable Trust"

I am a homeowner at 2042 Paddington Dr (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Signature



9/11/22

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is David Luchheim,

I am a homeowner at 2008 Paddington Drive (Street address or Lot #),

Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

David Luchheim
Signature

9/12/2022
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060
Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.
aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Alan + Donna Stackman,
I am a homeowner at 2021 Paddington Drive, Park City, Utah 84060 (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Al Sadr 9/1/22
Signature Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060
Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.
aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is HARRIS RASK,

I am a homeowner at 2011 Paddington (Street address or Lot #),

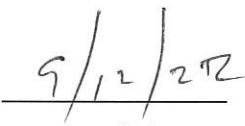
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature


Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

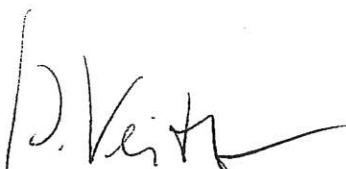
My name is BLAHS VEITINGER,

I am a homeowner at 2015 PADDINGTON DRIVE (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature

08/20/2022
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is RICHARD NEFF

I am a homeowner at 9 VICTORIA (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.



Signature

9-3-22

Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

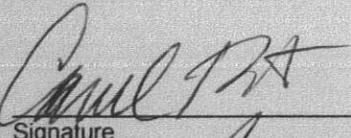
My name is Carol + Dave Porter.

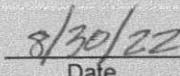
I am a homeowner at 1796 Paddington Dr. (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.


Signature


Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is Ann & Farrokh Sadr,

I am a homeowner at 2024 Paddington Drive (Street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Ann Sadr / F. S. Sadr MD 8/30/2022
Signature Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

To: Park City Municipal Corporation, Planning Department

From: Chatham Hills Homeowner (Subdivision of Chatham Crossing).

Re: Support of an Amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Timeshares and Fractional Ownership in Chatham Hills.

My name is EARL H. GUNNERSON.

I am a homeowner at LOT #43 (2030 HIGH STREET) (street address or Lot #),
Park City, Utah 84060.

I am a member of the Chatham Hills HOA, a Utah nonprofit corporation and part of the Chatham Crossing Subdivision.

I support an amendment to the Land Management Code 15-2.13-2 to prohibit Nightly Rentals, Fractional Ownership and Time Shares in Chatham Hills.

I also vote in favor of the proposed Amendment to the Declaration of Covenants, Conditions, and Restrictions for Chatham Crossing, also known as Chatham Hills, to prohibit Timeshares, Fractional Ownership and Interval Occupancy Use.

Earl H. Gunnerson
Signature

30 AUG 2022
Date

Please return by email, local delivery or mail to one of the two board members below:

Carol Dalton President CH HOA. 9 Waterloo Cir. Park City, UT 84060

Daltonpc@comcast.net 435-640-4004

Ann Sadr, Secretary CH HOA. 2024 Paddington Dr. Park City, UT 84060.

aesadr@yahoo.com 610-360-9838

RECEIVED

SEP 30 2022

PARK CITY
PLANNING DEPT.

Dear Mayor, City Council and Planning Commission,

I represent the Trustees of the Solamere Homeowner's Association. Solamere is a Master Planned Development from the late 1980s, with 111 owners, where nearly 50% are primary residents, 25% secondary owners who do not rent their homes and 25% are secondary owners who rent their homes.

The Solamere Homeowners Association Board believes that Fractional Ownership as it is defined in the proposed amendments to LMC §15-15-1 is inconsistent with the residential character of our neighborhood. Therefore, we request that you put our community in a zone which does not allow it, or otherwise make our community an exception to allowing Fractional Ownership.

Our community is governed by its lawful CC&Rs. Each owner bought into the community knowing and approving of its CC&Rs, By-Laws, and its Rules and Regulations. They do not expect those governing documents to be changed to permit Fractional Ownership without their consent to amendments thereto.

Our Governing Documents have always restricted structures to single-family homes, no duplexes, no subdivisions, and we have always had restrictions on nightly rentals. Since our HOA's inception, our Governing Documents allow only one rental every seven days and no commercial use (i.e. no business events of any kind). This has proven to be a good policy and it reasonably addresses the bed base objectives of the City but calls for a reasonable limitation on revolving neighbors for our primary owner occupants and does not cause increased use of our common area facilities. This has been our limitation for over 40 years and it has proven effective and remains desirable.

In addition, Solamere has various rules intended to preserve the beauty and quiet of the neighborhood, including rules about placement of garbage bins, on-street parking, tidiness of landscaping, and many other matters. Our experience has been that obtaining compliance with these rules tends to be more difficult when a "third-party", rather than the homeowner, manages the property. Third-party management is characteristic of Fractional Ownership and we think it would increase the burdens on our Homeowners Association.

We suggest that a new Ordinance allow Fractional Ownership, but it allows any subdivision to opt out if they find its not in the best interest of the residents.

We request the City Council/Planning Commission not, without the Owner's (HOA) consent, impose a Fractional Ownership Ordinance governing the Solamere Board of Trustee's. Instead, it should give us and each subdivision a free choice option of allowing Fractional Ownership or not.

Again, please do not enact any ordinance or amend any ordinance which would, without Solamere's consent, allow Fractional Ownership. Doing so would change the ownership experience which every current owner agreed to when their unit was purchased.

Sincerely,



Chuck Haggerty

President, Solamere HOA Board of Trustees

To: Park City Planning Department
Attn Spencer Cawley
From: West Ridge HOA
West Ridge Subdivision and West Ridge Subdivision Phase 2

Date: December 3, 2022

Subject: Land Management Code Amendment Application
Ref 15-2.13 Residential Development (RD) District / 15-2.13-2 USES

The West Ridge BOD has sent out information and vote request to our Lot Owners for approval to submit the above referenced application which would redistrict our HOA into the “Red Zone” for **No Fractional Ownership and No Nightly Rentals** allowed. The Owners have overwhelmingly voted to approve submitting the above referenced Application as follows:

Approve 35
Disapprove 3
Non-Voting 2 (no response)

**Total Owners/Lots voting equal 40 (note that lot 41 and 29 are combined as one voting owner)

The West Ridge Subdivision is of similar makeup in terms of residents as adjacent Associations such as Fairway Hills and Fairway Meadows which have previously been granted “Red” status.

On that basis, West Ridge respectfully requests being granted like status.

We are submitting the appropriate documents for consideration as noted in the Application.

Thank you for your consideration

West Ridge Board of Directors
John Feasler
Janet Smith
Jeff Ackerman

**Land Management Code Amendment to LMC § 15-2.13-2(A),
Residential Development District Allowed Uses**

**West Ridge Homeowners Association-West Ridge Subdivision
and West Ridge Subdivision Phase 2
Park Meadows**

15.2-13 RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Ref Section 15-2.13-2(A)(6)

CURRENT

A. Allowed Uses

6. Nightly Rental

Footnote 3: Nightly Rentals do not include the Use of dwellings for Commercial Uses. Nightly Rentals and Dwelling Unit, Fractional Use are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3.

PROPOSED UPDATE

A. Allowed Uses

6. Nightly Rental

Footnote 3: Nightly Rentals do not include the Use of dwellings for Commercial Uses. Nightly Rentals and Dwelling Unit, Fractional Use are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, Fairway Meadows Subdivision, Hidden Oaks at Deer Valley Phases 2 and 3, West Ridge Subdivision and West Ridge Subdivision Phase 2.

West Ridge HOA (Subdivision and Subdivision Phase 2) requests that we are designated a Red Zone which prohibits Nightly Rentals and Fractional Ownership.

West Ridge is similar in terms of Resident makeup of Fairway Hills and Fairway Meadows, both of which have been designated in the Red Zone.

LMC vote

Plat #	West Ridge Address	Owner Name	Vote yes	Vote no
WR-1	2516 Larkspur Dr	Jeff Ackerman and Maureen Patin	1	
WR-2	2522 Larkspur Dr	Lonnie and Lenora Wulfe	1	
WR-3	2526 Larkspur Dr	Bob and Vicki Schaefer	1	
WR-4	2530 Larkspur Dr	Wanda Bamberger	1	
WR-5	2534 Larkspur Dr	William and Ellen Oppenheim		1
WR-6	2531 Larkspur Dr	Glenn and Christine Lesko		1
WR-7	2525 Larkspur Dr	Steve and Joan Clark	1	
WR-8	2511 Larkspur Dr	Larry and Amy Gates	1	
WR-9	2507 Larkspur Dr	John and Liz Feasler	1	
WR-10	2541 Larkspur Dr	Robyn Griffin		
WR-11	2543 Lupine Lane	Katherine Kendall and John Raskind	1	
WR-12	2545 Lupine Lane	Michael Bigham and Mary Roth	1	
WR-13	2547 Lupine Lane	John and Cheryl Gorman	1	
WR-14	2549 Lupine Lane	David and Linda Jenkins		1
WR-15	2559 Lupine Lane	Debra and Blake Jorgensen	1	
WR-16	2561 Columbine Ct	Terry and Ann Marie Horner	1	
WR-17	2567 Columbine Ct	Tom and Martha Omberg	1	
WR-18	2573 Columbine Ct	Hildegard Rayner	1	
WR-19	2579 Columbine Ct	Laird C. Cleaver	1	
WR-20	2580 Columbine Ct	Marie and Thierry Amat	1	
WR-21	2574 Columbine Ct	Leslie and James Meek	1	
WR-22	2570 Columbine Ct	Chuck and Jean Murphy	1	
WR-23	2566 Columbine Ct	Chuck and Jean Murphy	1	
WR-24	2560 Columbine Ct	Jeff and Diane Osborn	1	
WR-25	2556 Lupine Lane	CJ Johnson and Randy "Alf" Casper	1	
WR-26	2550 Lupine Lane	Diane and Bill Spurgeon	1	
WR-27	2546 Lupine Lane	Mary Kleven	1	
WR-28	2540 Larkspur Dr	Rod Kleinhammer and Stacey Stephenson	1	
WR-30	2574 Larkspur Dr	Jeff and Tracy Rhodes		
		Bev and Ted Brown	1	
WR-31	2580 Larkspur Dr.	Grant and Shawna Sisler		
WR-32	2584 Larkspur Dr.	Jim and Patty Moran	1	
WR-33	2585 Larkspur Dr.	Ari Chaney and Holly Davidson	1	
WR-34	2581 Larkspur Dr.	Allyson and Michael Sanderson	1	
WR-35	2575 Larkspur Dr.	Rob and Sue Webb	1	
WR-36	2571 Larkspur Dr.	Janet and Rick Smith	1	
WR-37	2567 Larkspur Dr.	Bryan and Connie Boone	1	
WR-38	2563 Larkspur Dr.	Ken Dorman and Jennifer Gardner	1	
WR-39	2559 Larkspur Dr.	Duncan and Irene Lee	1	
WR-40	2555 Larkspur Dr.	Phil Goldsmith and Brenda Blackburn	1	
WR-41	2562 Larkspur Dr.	Barbara Lundy	1	
Total			35	3
	2 non vote responses			

Planning Commission Staff Report



Subject: 3045 Ridgeview Drive
Application: PL-22-05360
Author: Jaron Ehlers, Planning Technician
Date: January 11, 2023
Type of Item: Plat Amendment

Recommendation

(I) Review the proposed Ridgeview Townhouse Condominiums First Amendment – Amending Unit 3-B, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in Draft Ordinance No. 2023-XX (Exhibit A).

Description

Applicant: Andrew Widin
Location: 3045 Ridgeview Drive
Zoning District: Residential Development
Adjacent Land Uses: Townhouse Condominiums and Single-Family Dwellings
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council final action¹

LMC Land Management Code

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

Summary

The Applicant is proposing to amend to the Ridgeview Townhouse Condominiums for Unit 3-B to convert common area to private and limited common area to reflect the as-built conditions, correcting existing nonconformities (Exhibit F). There is a patio constructed on the main level that is not on the 1982 plat (Exhibit C), which is proposed to be added as limited common area. The rear deck was enclosed and the main level below it was extended further than outlined on the 1982 Ridgeview Townhouse Condominium Plat. The applicant's proposed plat amendment would record these existing conditions.

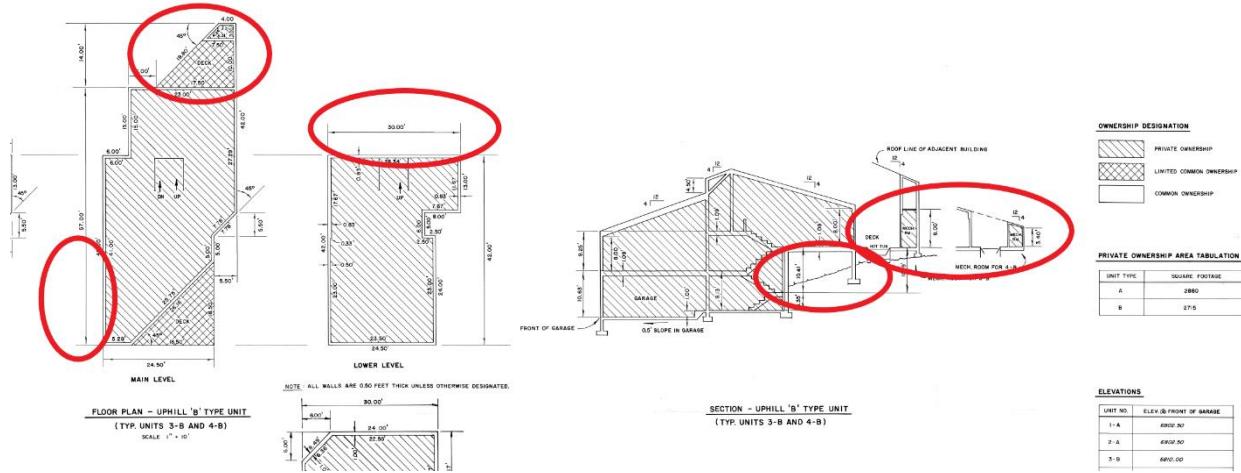
The Ridgeview Townhouse Condominium Homeowners Association submitted approval of the proposed plat amendment (Exhibit E).

¹ LMC [§ 15-12-15\(B\)\(9\)](#)

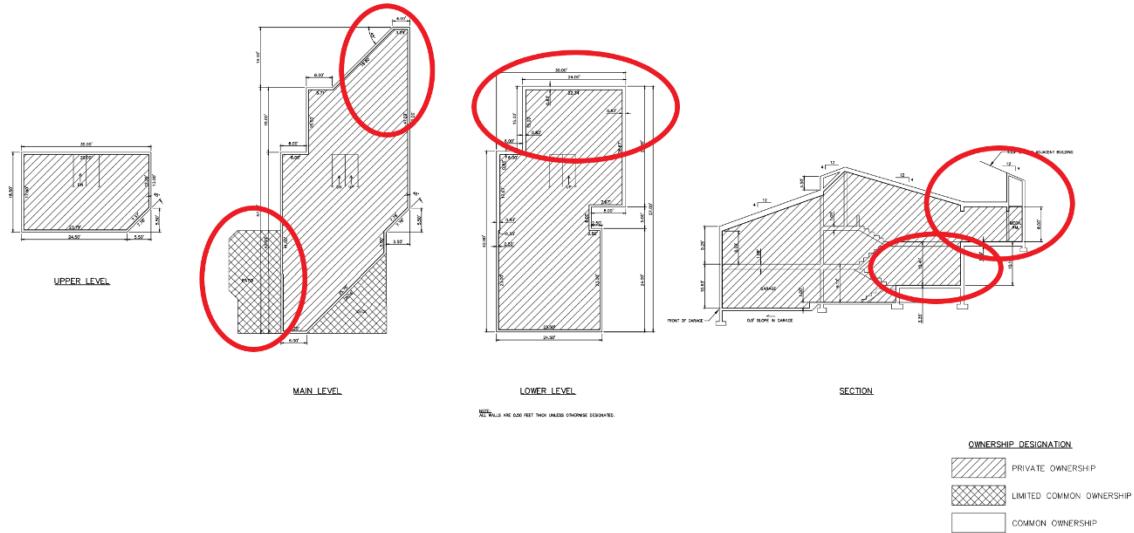
Background

On August 26, 1982, the City Council approved the Ridgeview Townhouse Condominium Plat, creating four townhouses along Ridgeview Drive in the Residential Development Zoning District. The 1982 plat also included a note which dedicated all common space to the City as a public utility easement. Unit 3-B was not built as specified by the plat, with its expansions into common area as well as the creation of an unrecorded patio. Staff could not find any record of when this construction took place. Staff was unable to find any Planning Commission minutes discussing this project. City Council minutes were found (Exhibit D) but do not contain any significant details. In 2018 a landscaping permit was applied for which showed that the non-complying deck was already constructed at that time.

In August 2022, the Applicant requested a building permit for an interior remodel but when it was discovered that their work would include the noncompliant areas of Unit 3-B, they were required to apply for a plat amendment. After the plat amendment was submitted on August 24, 2022, a conditional building permit was issued, limiting the work they could do in the noncompliant areas.



This image shows the original 1982 plat with the red ovals highlighting where the noncompliance would come to exist and what is proposed to be changed in the Plat Amendment.



This image shows the proposed Plat Amendment. The effected areas have been outlined with red ovals to show where the noncompliance exists and how it would be corrected by the Plat Amendment.

Analysis

(I) The proposal to amend the plat to convert common area to private and limited common complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.

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

(a) There is Good Cause for this plat amendment because it resolves existing non-conformities and brings the property into compliance.

LMC [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, 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.”

Staff finds good cause for this Plat Amendment as it brings the property into compliance with as-built conditions, correcting existing non-conformities.

(b) No Public Street or Right-of-Way is vacated

The Ridgeview Townhouse Condominiums front Ridgeview Drive. No changes to the public street or right-of-way are proposed.

(c) A Public Utility Easement will be vacated

When the Plat was recorded in 1982, it included a note that dedicated all common area as a public utility easement.

NOTE

COMMON AREAS ARE TO BE DEDICATED TO THE RIDGEVIEW TOWNHOUSES CONDOMINIUM HOMEOWNERS ASSOCIATION AND ITS MEMBERS. ALL COMMON AREA IS HEREBY DEDICATED AS A PUBLIC UTILITY EASEMENT.

Unit 3-B, as built, encroaches into this easement. In order to bring the Townhouse into compliance, portions of this easement must be vacated. No objections have been raised by the Public Utilities and the Plat Amendment would modify this easement.

(II) The proposal to amend the plat to convert common area to private and limited common area complies with the Residential Development (RD) Zoning District requirements outlined in LMC Chapter 15-2.13.

LMC [Chapter 15-2.13-2](#) defines the uses allowed within the RD Zoning District. Multi-Unit Dwellings are a conditional use within the Zoning District. On August 26, 1982, City Council approved this development.

PUBLIC COMMUNICATIONS AND PETITIONS

1. Parkwood Condominium Plat Approval - The Community Development Director explained that this project is located on Park Avenue. There are two tri-plexes. The tri-plex before Council is on Woodside Avenue. Planning Commission approval was obtained on August 11. There is approximately \$6,000 in landscaping bonding in place, and the city has asked and received a cash amount of money for the curb, gutter, and sidewalk. Mr. Vance recommended that the Parkwood tri-plex on Woodside be approved. The parking is underground. Bill Coleman, "I move we approve the Parkwood Condominium plat". Tom Shellenberger seconded. Motion carried.

2. Ridgeview Townhouse Condominium Approval - Mike Vance explained that these four units of the first phase, are located in Ridgeview. \$65,000 has been obtained, including letter of credit, landscaping, and revegetation. The Ridgeview Townhouse Condominium has received Planning Commission approval. Tom Shellenberger, I move we approve the Ridgeview Townhouse Concominium". Bob Wells seconded. Motion carried.

(III) The proposal, as conditioned, complies with LMC § 15-3-6, *Parking Ratio Requirements*.

The following table outlines the current parking required for the Multi-Unit Dwelling by LMC [§ 15-3-6](#):

Use	Required Off-Street Parking
Multi-Unit Dwelling for 2,000 sq feet area or greater	2 per Dwelling Unit

Unit 3-B is 3,119 square feet. It has a garage that is 23 feet x 23.5 feet. A two car garage is defined by code as 20 feet wide by 20 feet deep (LMC [§ 15-3-4](#)). As the existing garage is larger than what is required by code, this unit complies with parking requirements.

(IV) The Development Review Committee reviews the application on January 3, 2023 and did not identify any issues.²

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on December 22, 2022. Staff mailed courtesy notice to property owners within 300 feet on December 22, 2022. The *Park Record* published notice on December 24, 2022.³

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for Ordinance No. 2023-XX, Approving the Ridgeview Townhouse Condominiums First Amendment; or
- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2023-XX, Denying the Ridgeview Townhouse

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#).

Condominiums First Amendment and direct staff to make findings for this negative recommendation; or

- The Planning Commission may request additional information for Ordinance No. 2023-XX for the Ridgeview Townhouse Condominiums First Amendment and continue the discussion to a date certain.

Exhibits

- Exhibit A: Proposed Ordinance 2023-XX and Proposed Plat
- Exhibit B: Survey of Existing Conditions
- Exhibit C: Existing Ridgeview Townhomes Condominium Plat
- Exhibit D: August 26, 1982, City Council Minutes
- Exhibit E: Letter of HOA Approval
- Exhibit F: Applicant Statement

Ordinance No. 2023-XX

**AN ORDINANCE APPROVING THE RIDGEVIEW TOWNHOUSE CONDOMINIUMS
FIRST AMENDMENT – AMENDING UNIT 3-B, LOCATED AT 3045 RIDGEVIEW
DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 3045 Ridgeview Drive, Unit 3-B of the Ridgeview Townhouse Condominiums has petitioned the City Council to amend the Unit 3-B of the Ridgeview Townhouse Condominiums Plat within the Residential Development Zoning District; and

WHEREAS, on December 22, 2022, staff posted notice to the property and according to the requirements of the Land Management Code; and

WHEREAS, staff mailed courtesy notice to all affected property owners on December 22, 2022, and legal notice was published in the Park Record and on the Park City and Utah Public Notice websites; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2023;

WHEREAS, on January 11, 2023, the Planning Commission forwarded a _____ recommendation to the City Council; and

WHEREAS, on February 16, 2023, the City Council held a public hearing; and

WHEREAS, it is in the best interest of Park City, Utah, to approve the Ridgeview Townhouse Condominiums First Amendment – Amending Unit 3-B; and

WHEREAS, the Ridgeview Townhouse Condominiums First Amendment – Amending Unit 3-B will not cause undue harm to adjacent property owners.

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 Ridgeview Townhouse Condominiums First Amendment – Amending Unit 3-B, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. On August 26, 1982, the City Council approved the Ridgeview Townhouse Condominiums, creating four townhouses along Ridgeview Drive. The Ridgeview Townhouse Condominiums are in the Residential Development Zoning District.
2. The 1982 Ridgeview Townhouse Condominium Plat has a note which dedicated all common space to the City as a public utility easement.

3. Unit 3-B was not built as specified by the Ridgeview Townhouse Condominium Plat, expands into common area, and includes a patio constructed in common area.
4. In 2018, a landscaping permit was applied for which showed that the non-complying patio was already constructed at that time.
5. In August 2022, the Applicant requested a building permit for an interior remodel but when it was discovered that their work would include the noncompliant areas of the house, they were required to apply for a plat amendment.
6. After the plat amendment was submitted on August 24, 2022, a conditional building permit was issued, limiting the work they could do in the noncompliant areas.
7. The proposal to amend the plat to convert common area to private and limited common complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.
8. There is Good Cause for this plat amendment because it resolves existing non-conformities and brings the property into compliance.
9. No Public Street or Right-of-Way is vacated.
10. A Public Utility Easement will be vacated.
11. The proposal to amend the plat to convert common area to private and limited common area complies with the Residential Development (RD) Zoning District requirements outlined in LMC Chapter 15-2.13.
12. The proposal, as conditioned, complies with LMC § 15-3-6, Parking Ratio Requirements.

Conclusions of Law:

1. There is Good Cause for the Ridgeview Townhouse Condominiums First Amendment – Amending Unit 3-B.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. There will be no external changes or expansion of the existing building footprint.
4. The Applicant shall receive approval of the vacation of the easement with the public utilities before the amended plat may be recorded

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

PASSED AND ADOPTED this 16th day of February 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described herein, hereafter to be known as RIDGEVIEW TOWNSHOUSE CONDOMINIUMS FIRST AMENDMENT - AMENDING UNIT 3-B and that the same has been correctly surveyed and monumented on the ground as shown on this plat.



HOMEOWNER'S ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the President of the Ridgeview Townhouse Condominium's Association of the above described tract of land, and hereby causes the same to be amended as set forth to be hereafter known as RIDGEVIEW TOWNSHOUSE CONDOMINIUMS - FIRST AMENDMENT - AMENDING UNIT 3B.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.
Ridgeview Townhouse Condominium Association.

By: _____, its President

ACKNOWLEDGEMENT

STATE OF UTAH)
ss.

COUNTY OF SUMMIT)

On this _____ day of _____, 2022, _____ personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is signing as President of the Ridgeview Townhouse Condominium Association.

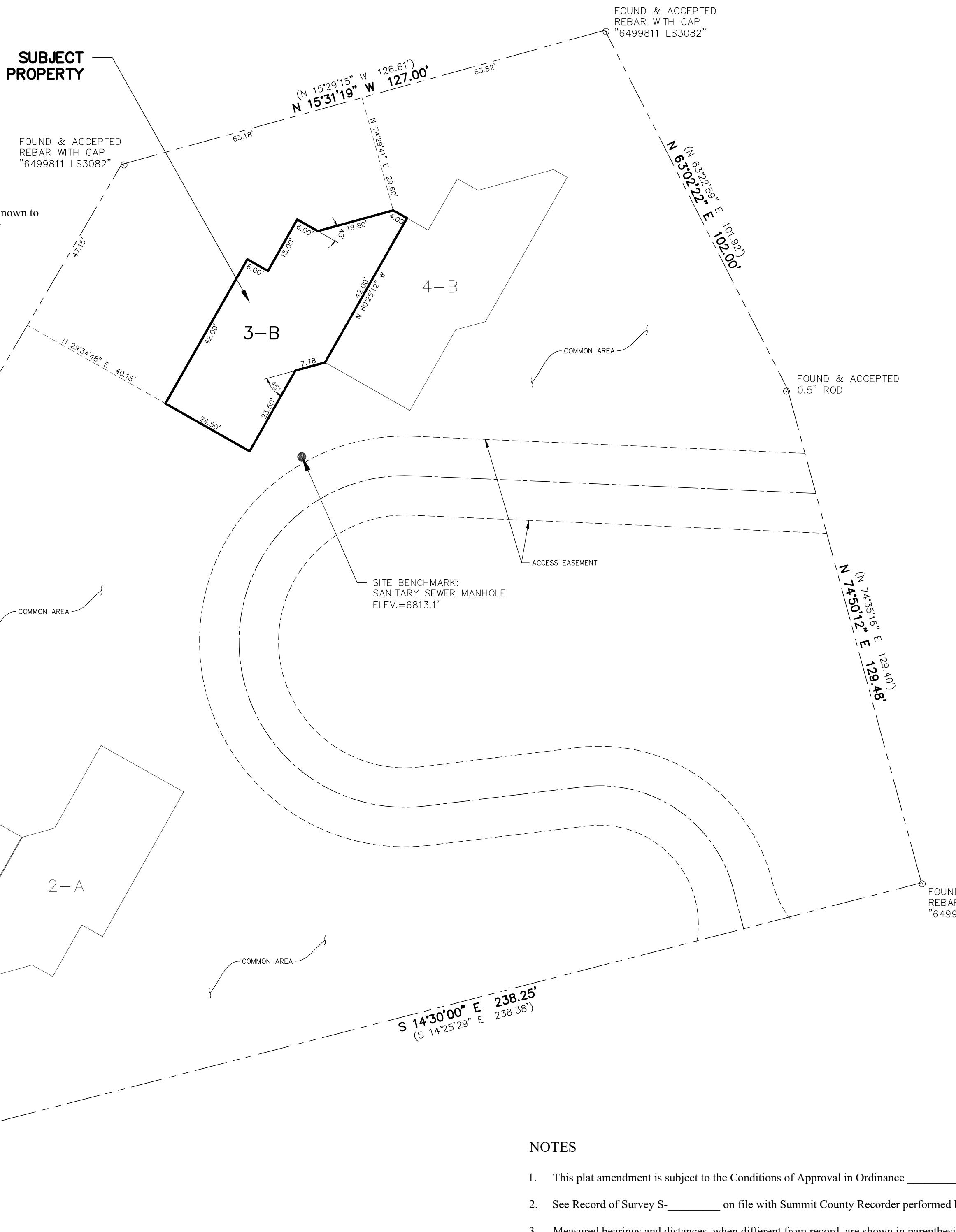
Notary Public

Printed Name

Residing in: _____

My commission expires: _____

Commission No. _____



NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance _____.
2. See Record of Survey S-_____ on file with Summit County Recorder performed by Allterra Utah and dated 10/5/22.
3. Measured bearings and distances, when different from record, are shown in parenthesis ().
4. Site Benchmark: sanitary sewer manhole, Elevation=6813.1' as shown.
5. Common areas are to be dedicated to the Ridgeview Townhouses Condominium Homeowners Association and its Members. All common areas are hereby dedicated as a public utility easement.

RIDGEVIEW TOWNSHOUSE CONDOMINIUMS FIRST AMENDMENT - AMENDING UNIT 3-B

LOCATED IN THE NORTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH

PROFESSIONAL LAND SURVEYING
AND CONSULTING
ALLTERRA
UTAH, LLC
435-640-200
463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84066

PUBLIC SAFETY ANSWERING
POINT APPROVAL
APPROVED ON THIS ____ DAY
OF _____, 2022
BY
SUMMIT COUNTY GIS COORDINATOR

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS ____ DAY OF _____, 2022
BY
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY
PLANNING COMMISSION
THIS ____ DAY OF _____, 2022
BY
CHAIR

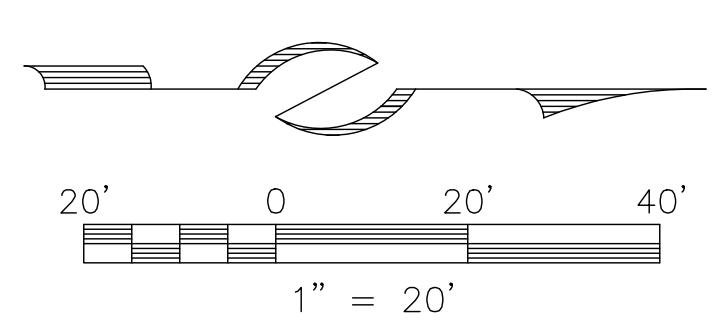
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE
WITH INFORMATION ON FILE IN MY OFFICE
THIS ____ DAY OF _____, 2022
BY
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS
____ DAY OF _____, 2022
BY
PARK CITY ATTORNEY

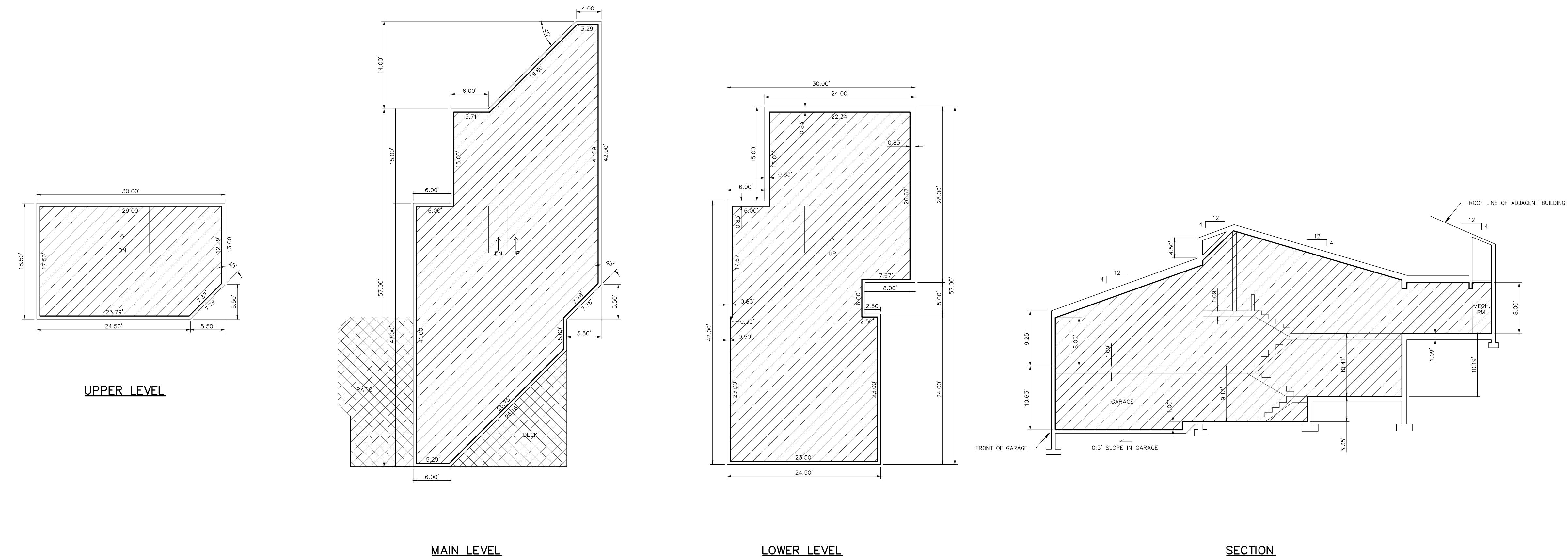
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS ____ DAY OF _____, 2022
BY
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED
BY THE PARK CITY COUNCIL THIS
____ DAY OF _____, 2022
BY
PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____



10/5/22 SHEET 1 OF 2



NOTE:
ALL WALLS ARE 0.50 FEET THICK UNLESS OTHERWISE DESIGNATED.

OWNERSHIP DESIGNATION

	PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP
	COMMON OWNERSHIP

PRIVATE OWNERSHIP AREA TABULATION

UNIT NO.	SQUARE FOOTAGE
3-B	3195

ELEVATIONS

UNIT NO.	ELEV. @ FRONT OF GARAGE
3-B	6814.9'

20' 0 20' 40'
1" = 20'

10/5/22 SHEET 2 OF 2

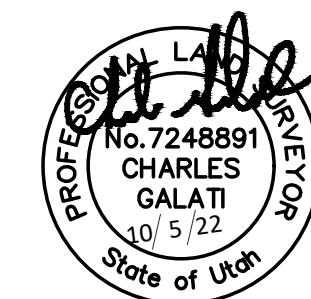
**RIDGEVIEW TOWNHOUSE CONDOMINIUMS
FIRST AMENDMENT - AMENDING UNIT 3-B**

LOCATED IN THE NORTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH

PROFESSIONAL LAND SURVEYING
AND CONSULTING
ALLTERRA
UTAH, LLC
435-640-4200
463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____

UNIT 3-B
RIDGEVIEW TOWNHOUSE CONDOMINIUMS
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 5,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN
 RECORD OF SURVEY
 SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

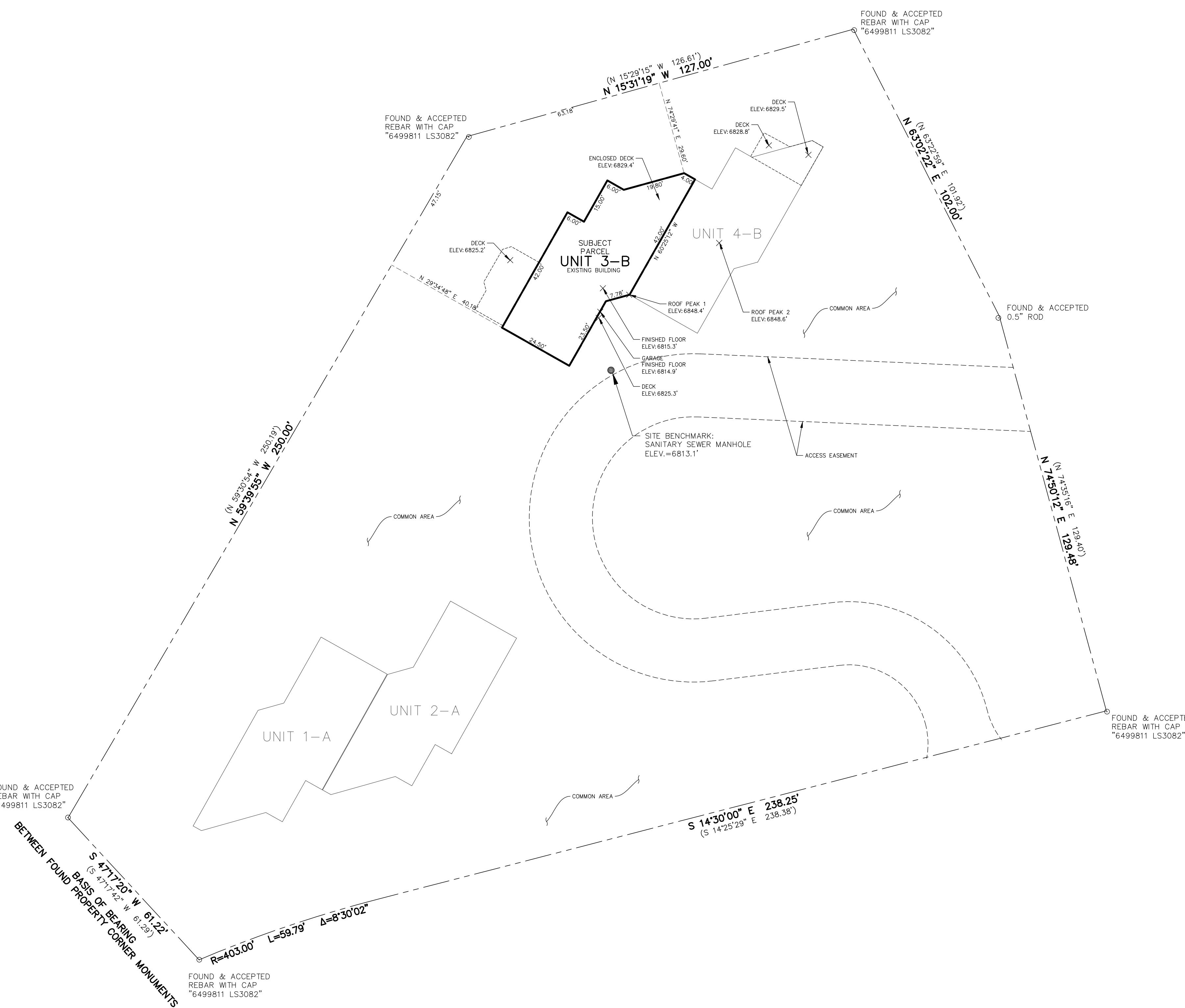
I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the herein described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

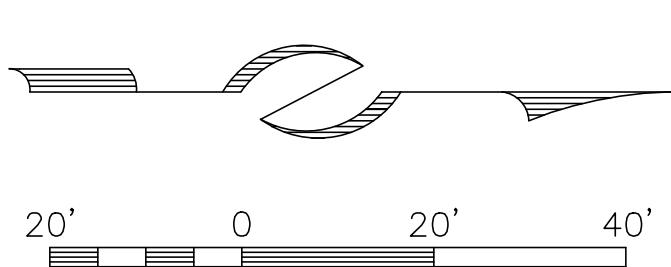
Unit No. 3-B, contained within the Ridgeview Townhouse Condominiums, recorded in Summit County, Utah, on September 13, 1982, as Entry No. 195854, in Book M232, at Page 577, of the official Records, and all amendments thereto.

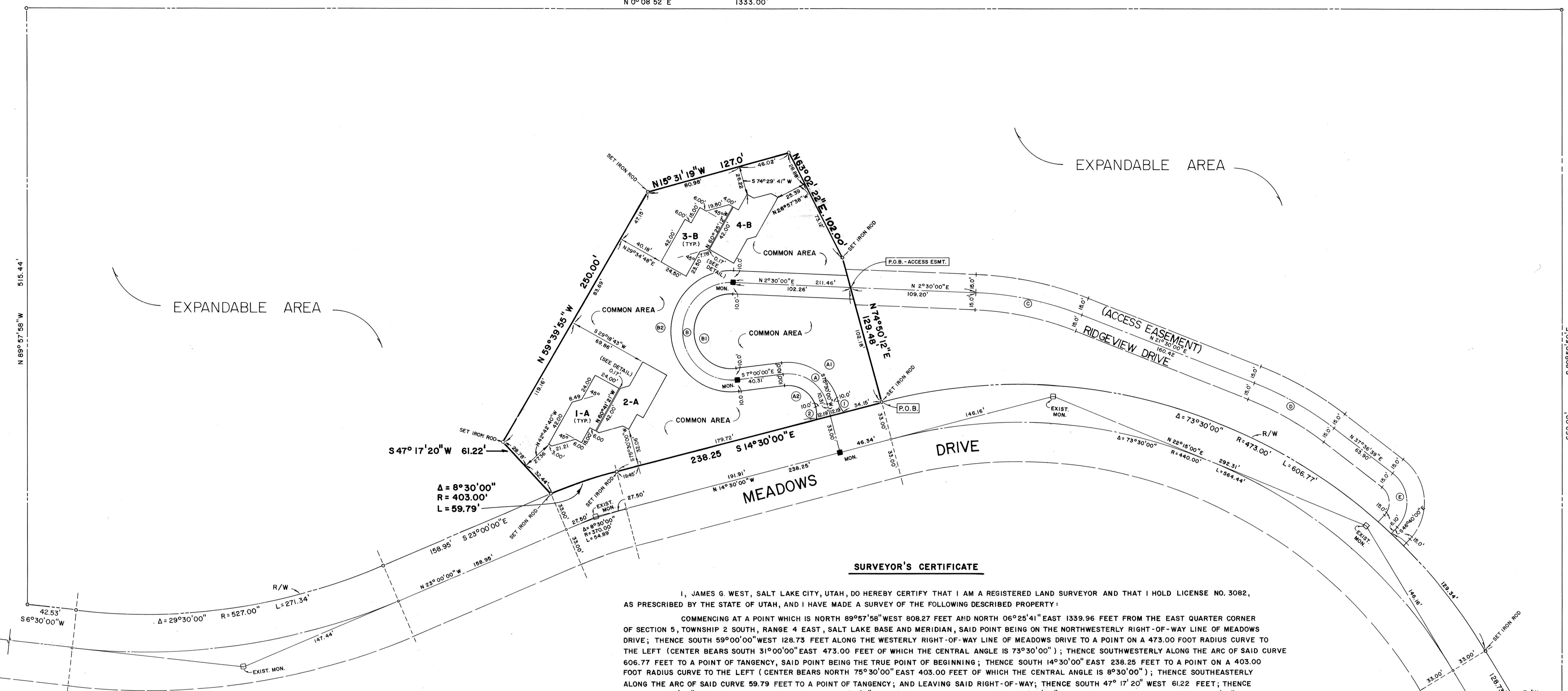
NARRATIVE/NOTES

1. Basis of Bearing for this survey is between the found property corner monuments as shown on this plat.
2. Field work for this survey was performed September 30, 2022 and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform a Boundary and Existing Conditions and Elevation survey for a plat amendment submittal.
4. A Title Report was not provided to the surveyor and no easements were located as part of this survey. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown herein.
5. County tax maps, recorded deeds, Ridgeview Townhouse Condominiums, Entry No. 195854 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
6. Site Benchmark: sanitary sewer manhole, Elevation=6813.1' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Subdivision boundary corner monuments were found as shown.
9. Measured bearings and distances, when different from record, are shown in parenthesis. ()



LEGEND
 ○ Found Monument (As-Noted)





SURVEYOR'S CERTIFICATE

I, JAMES G. WEST, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 3082, AS PRESCRIBED BY THE STATE OF UTAH, AND I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT A POINT WHICH IS NORTH 89°57'58" WEST 808.27 FEET AND NORTH 06°25'41" EAST 1339.96 FEET FROM THE EAST QUARTER CORNER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MEADOWS DRIVE; THENCE SOUTH 59°00'00" WEST 128.73 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF MEADOWS DRIVE TO A POINT ON A 473.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 31°00'00" EAST 473.00 FEET OF WHICH THE CENTRAL ANGLE IS 73°30'00"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 606.77 FEET TO A POINT OF TANGENCY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 14°30'00" EAST 238.25 FEET TO A POINT ON A 403.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 76°30'00" EAST 403.00 FEET OF WHICH THE CENTRAL ANGLE IS 8°30'00"); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 59.79 FEET TO A POINT OF TANGENCY; AND LEAVING SAID RIGHT-OF-WAY; THENCE SOUTH 47°17'20" WEST 61.22 FEET; THENCE NORTH 59°39'55" WEST 250.00 FEET; THENCE NORTH 15°31'19" WEST 27.00 FEET; THENCE NORTH 63°02'22" EAST 102.26 FEET; THENCE NORTH 74°50'12" EAST 129.48 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.3034 ACRES MORE OR LESS.

ALSO, A 30.00 FOOT WIDE ACCESS EASEMENT CENTERED 15.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A POINT WHICH IS NORTH 89°57'58" WEST 808.27 FEET AND NORTH 06°25'41" EAST 1339.96 FEET FROM THE EAST QUARTER CORNER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MEADOWS DRIVE; THENCE SOUTH 59°00'00" WEST 128.73 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF MEADOWS DRIVE TO A POINT ON A 473.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 31°00'00" EAST 473.00 FEET OF WHICH THE CENTRAL ANGLE IS 73°30'00"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 606.77 FEET TO A POINT OF TANGENCY; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 74°50'12" WEST 102.18 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 2°30'00" EAST 109.20 FEET TO A POINT ON A 286.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 87°30'00" EAST 286.00 FEET OF WHICH THE CENTRAL ANGLE IS 19°00'00"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 94.84 FEET TO A POINT OF TANGENCY; THENCE NORTH 21°30'00" EAST 160.42 FEET TO A POINT ON A 282.60 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 68°30'00" EAST 282.60 FEET OF WHICH THE CENTRAL ANGLE IS 16°06'39"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 79.47 FEET TO A POINT OF TANGENCY; THENCE NORTH 37°36'39" EAST 63.90 FEET TO A POINT ON A 31.67 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 52°23'21" EAST 31.67 FEET OF WHICH THE CENTRAL ANGLE IS 95°43'21"); THENCE ALONG THE ARC OF SAID CURVE 52.91 FEET TO A POINT OF TANGENCY; THENCE SOUTH 46°40'00" EAST 6.10 FEET TO THE TERMINUS POINT OF THE LINE, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID MEADOWS DRIVE.

I FURTHER CERTIFY THAT THE VISIBLE IMPROVEMENTS AFFECTING THE BOUNDARIES OF THE ABOVE DESCRIBED PROPERTY ARE AS SHOWN ON THIS PLAT AND THE INFORMATION SHOWN HEREON IS SUFFICIENT TO RETRACE OR RE-ESTABLISH THIS SURVEY.

James G. West
JAMES G. WEST, UTAH REGISTERED LAND SURVEYOR No. 3082

OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT RIDGEVIEW CONDOMINIUM PROPERTIES, LIMITED, A UTAH GENERAL PARTNERSHIP BY AND THROUGH ITS GENERAL PARTNER, GREGORY P. NELSON, THE OWNER OF THE TRACTS OF LAND DESCRIBED HEREIN AS RIDGEVIEW TOWNHOUSE CONDOMINIUMS, A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED ON SAID TRACTS OF LAND, DOES HEREBY MAKE THIS CERTIFICATE THAT THE PARTNERSHIP HAS CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP CONSISTING OF 2 SHEETS TO BE PREPARED. THE PARTNERSHIP HAS CONSENTED AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT SUBMITTING THE DESCRIBED PROPERTY TO THE UTAH CONDOMINIUM ACT.

IN WITNESS WHEREOF, THEY HAVE SET THEIR HAND THIS 10 DAY OF August 1982, BY RIDGEVIEW CONDOMINIUM PROPERTIES, LIMITED, A UTAH GENERAL PARTNERSHIP AND GREGORY P. NELSON, GENERAL PARTNER.

BY *Gregory P. Nelson*
GREGORY P. NELSON, GENERAL PARTNER

ACKNOWLEDGMENT

BE IT REMEMBERED ON THIS 10 DAY OF August 1982, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, GREGORY P. NELSON, GENERAL PARTNER OF RIDGEVIEW CONDOMINIUM PROPERTIES, LIMITED, A UTAH GENERAL PARTNERSHIP, WHO BEING DULY SWORN, DID SAY THAT THE WITHIN AND FOREGOING OWNER'S CERTIFICATE AND CONSENT TO RECORD WAS DULY EXECUTED AND SIGNED FOR AND IN BEHALF OF SAID PARTNERSHIP BY AUTHORITY OF RIDGEVIEW CONDOMINIUM PROPERTIES, LIMITED, IN AGREEMENT OF THE PARTNERSHIP AND ITS BYLAWS.

MY COMMISSION EXPIRES: 1/28/86

NOTARY PUBLIC *Linda R. McReynolds*
RESIDING IN Park City, Utah

RECORD OF SURVEY MAP OF

RIDGEVIEW TOWNHOUSE CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 2

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF CITY COUNCIL THIS 26th DAY OF August A.D. 1982 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED

M. McLean
CITY CLERK
MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS 15th DAY OF August A.D. 1982.

Eric W. DeHaan, P.E.
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY CITY PLANNING COMMISSION ON THIS 24th DAY OF August A.D. 1982.

H. Gregory Lauer
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 26 DAY OF August A.D. 1982

Thomas E. Clegg
CITY ATTORNEY

RECORDED

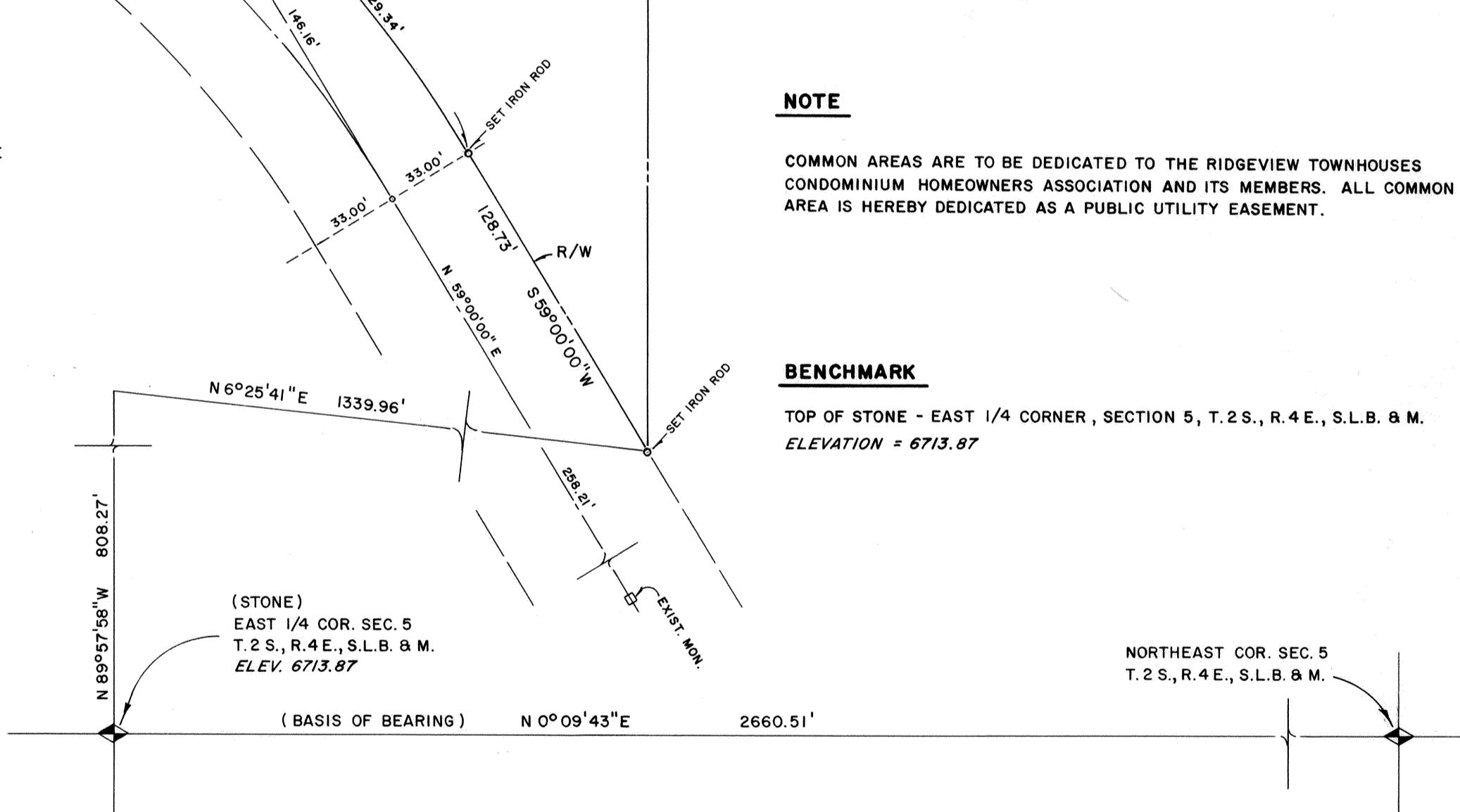
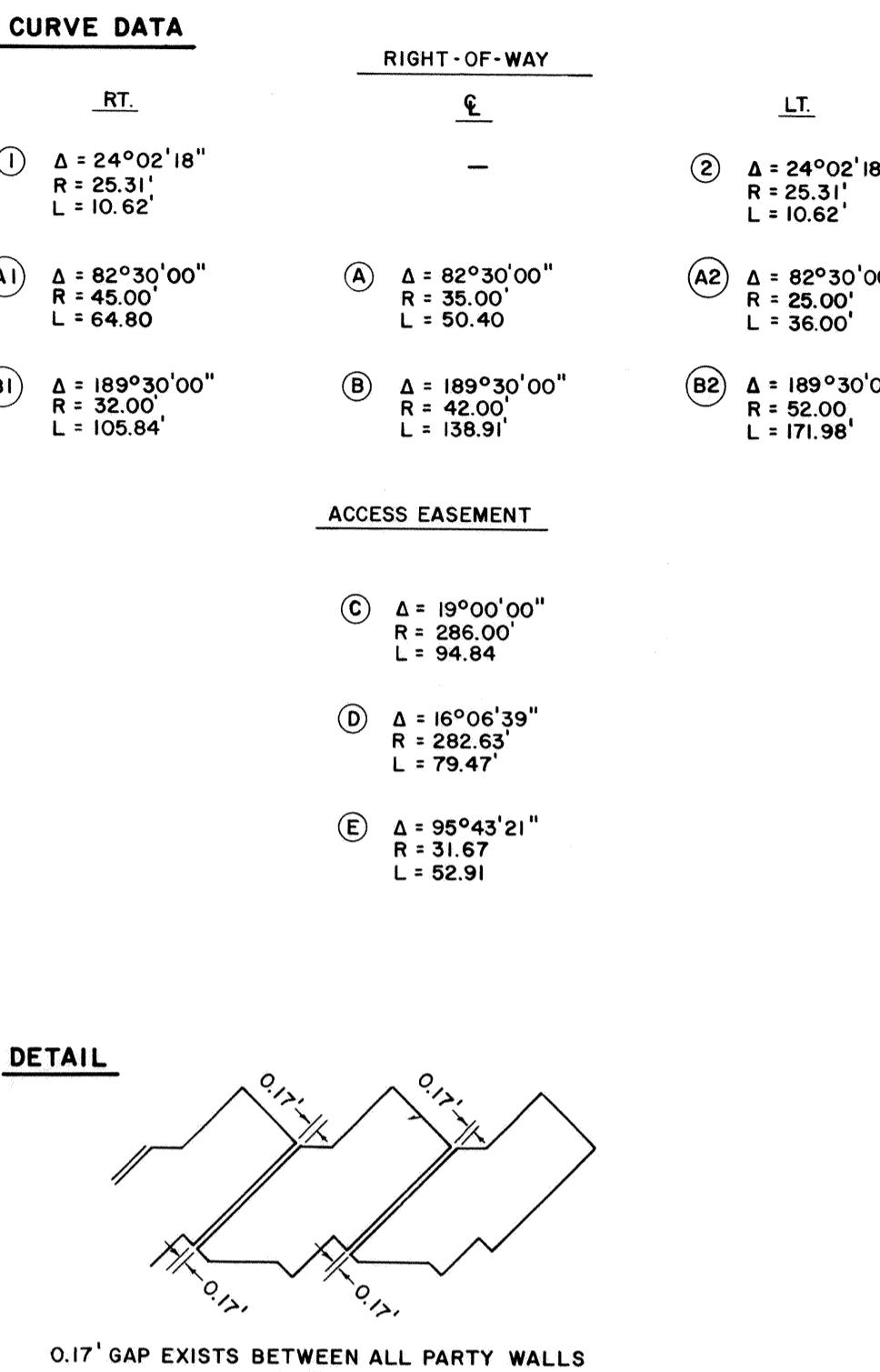
NO 195854
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF Alta Title Company
date: 9-13-82 at: 1:00
1-22-2000 Wanda M. Springer
FEES
COUNTY RECORDER

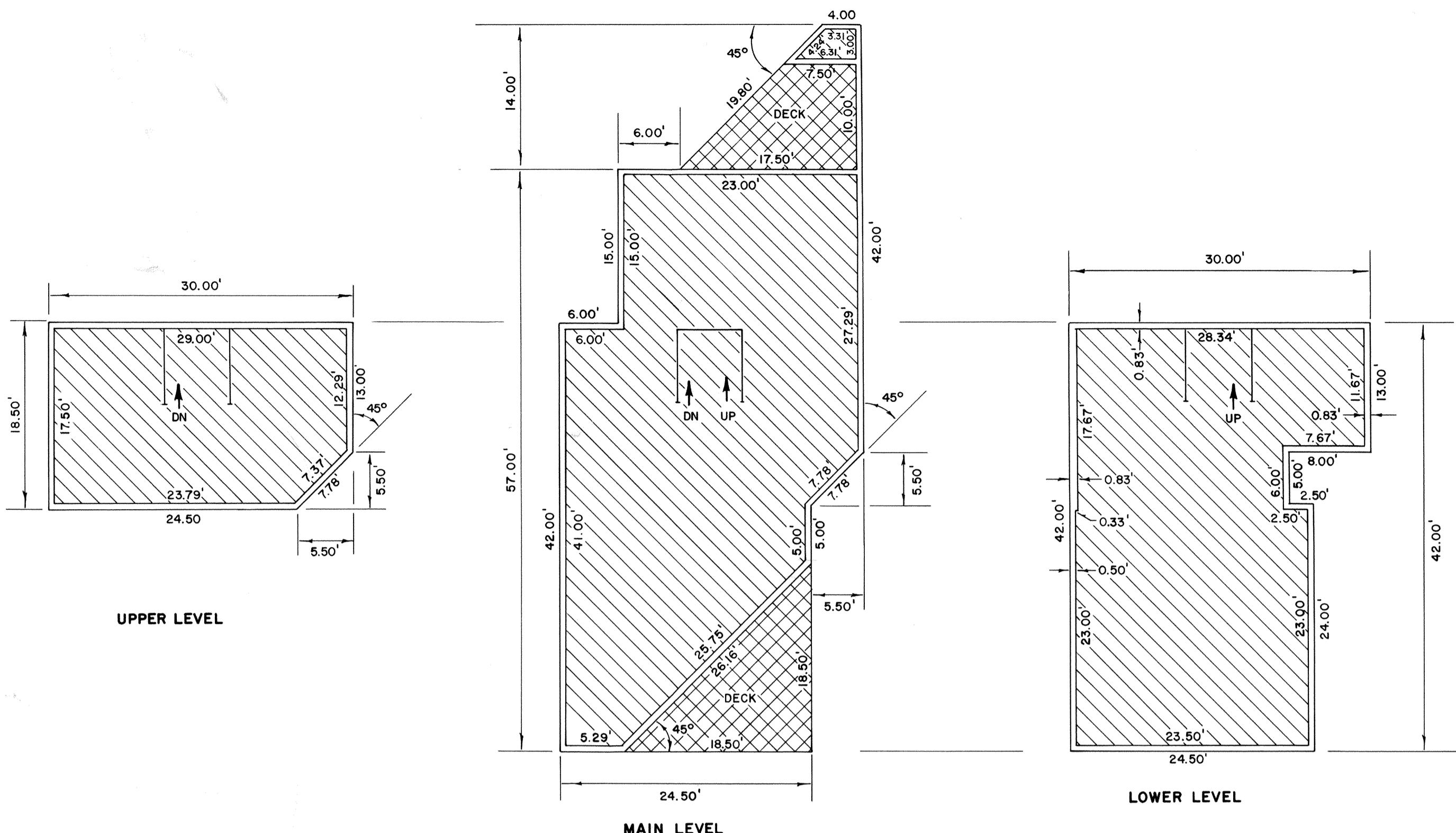
J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060

(801) 649-9811

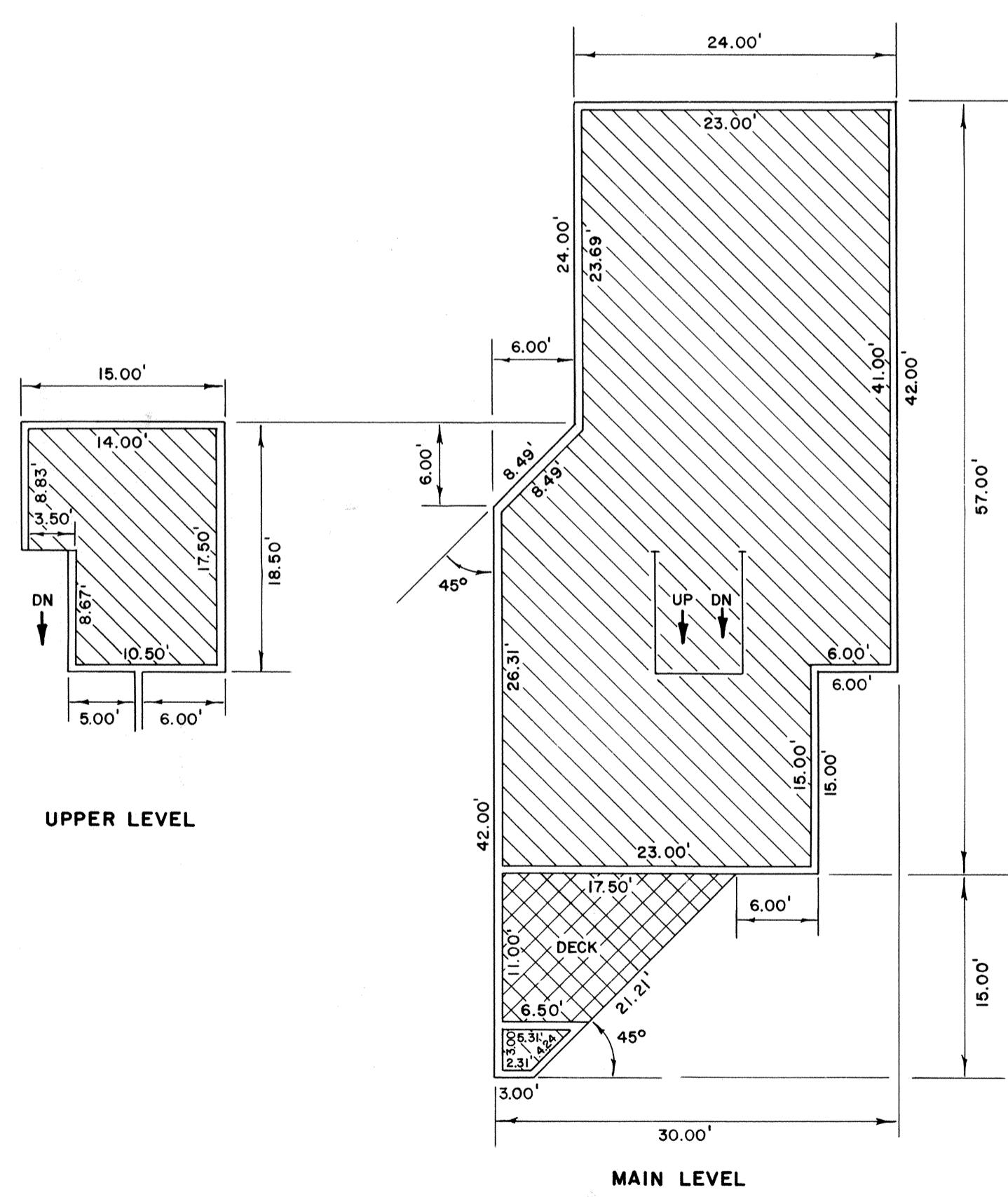
JJ





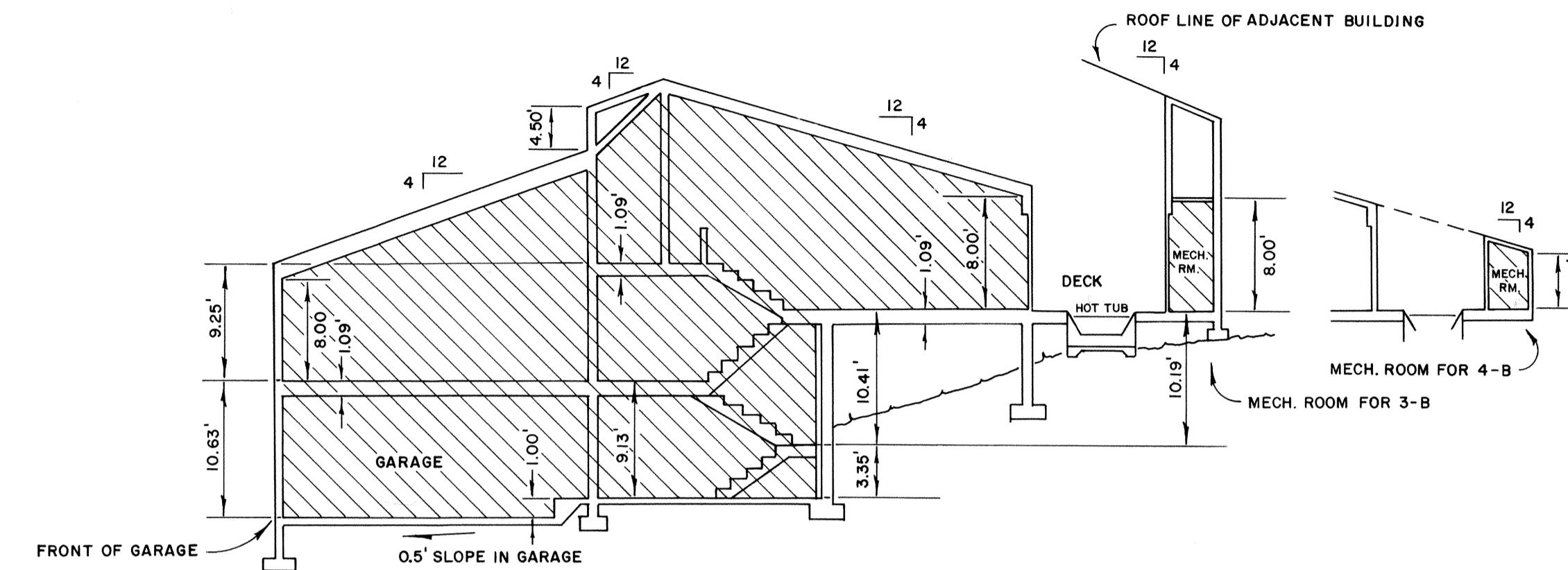
NOTE: ALL WALLS ARE 0.50 FEET THICK UNLESS OTHERWISE DESIGNATED.

FLOOR PLAN - UPHILL 'B' TYPE UNIT
(TYP. UNITS 3-B AND 4-B)
SCALE 1" = 10'



NOTE: ALL WALLS ARE 0.50 FEET THICK UNLESS OTHERWISE DESIGNATED

FLOOR PLAN - DOWNHILL 'A' TYPE UNIT
(TYP. UNITS 1-A AND 2-A)
SCALE 1" = 10'

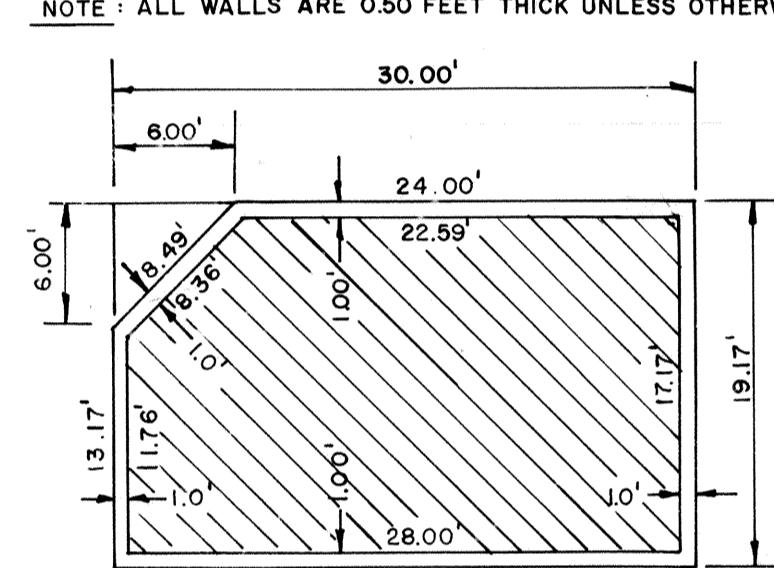


OWNERSHIP DESIGNATION

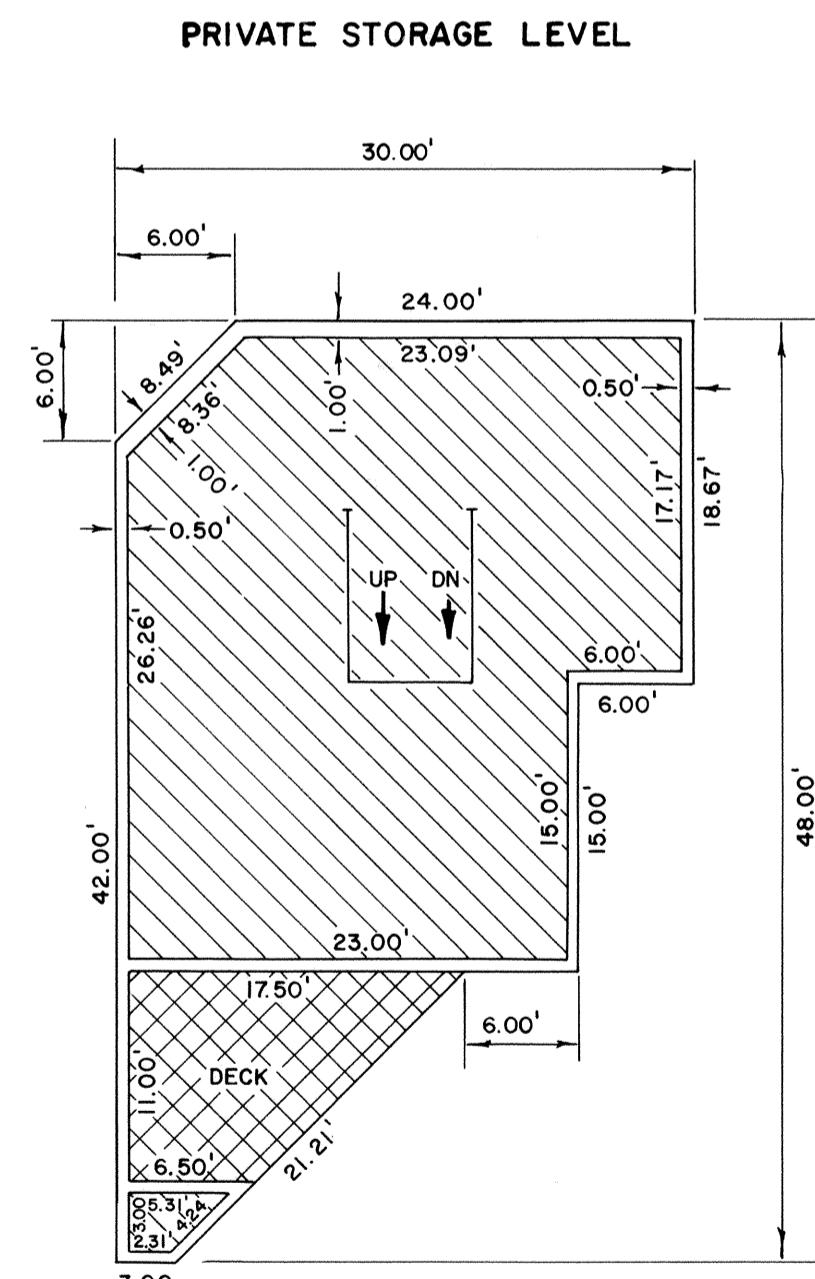
	PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP
	COMMON OWNERSHIP

PRIVATE OWNERSHIP AREA TABULATION

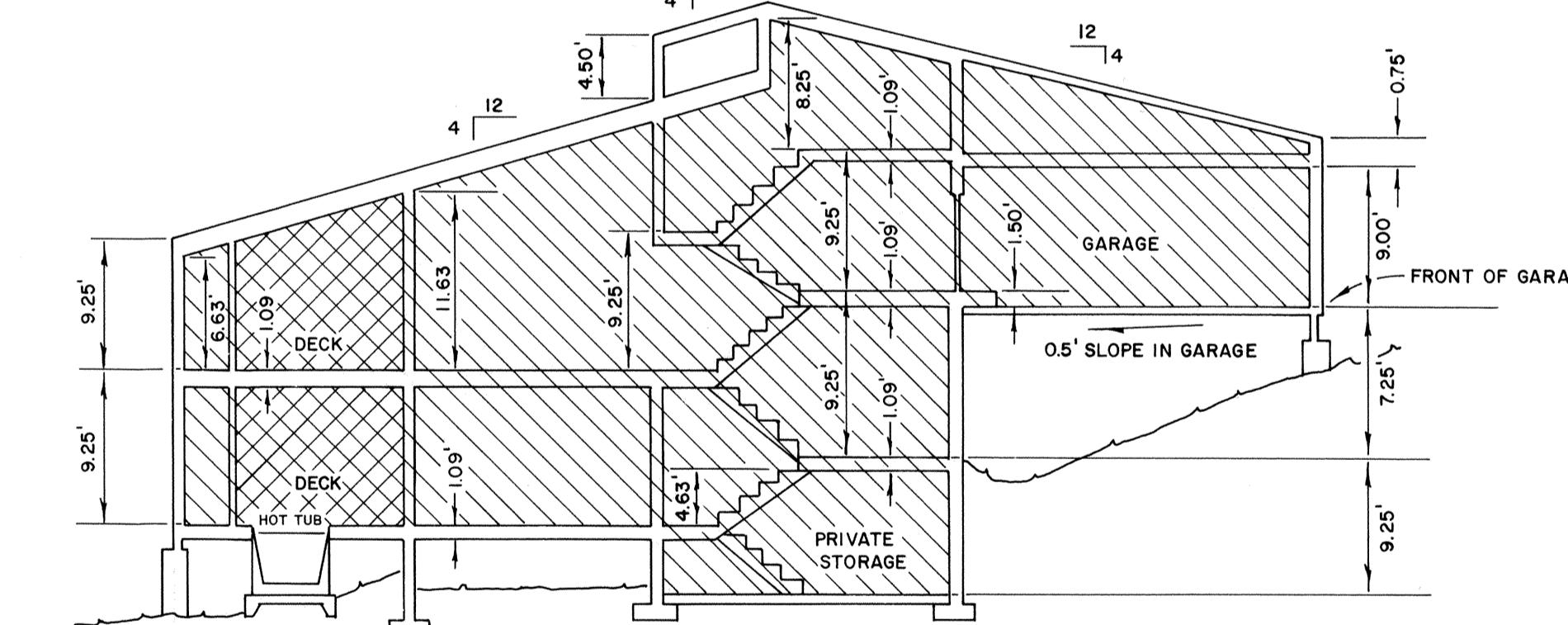
UNIT TYPE	SQUARE FOOTAGE
A	2880
B	2715



SECTION - UPHILL 'B' TYPE UNIT
(TYP. UNITS 3-B AND 4-B)



SECTION - DOWNHILL 'A' TYPE UNIT
(TYP. UNITS 1-A AND 2-A)



ELEVATIONS

UNIT NO.	ELEV. @ FRONT OF GARAGE
1-A	6802.50
2-A	6802.50
3-B	6810.00
4-B	6810.00

BENCHMARK

TOP OF STONE - EAST 1/4 CORNER, SECTION 5, T.2 S., R.4 E., S.L.B. & M.
ELEVATION = 6713.87

I, JAMES G. WEST, DO HEREBY CERTIFY THAT THE BUILDING SPECIFICATIONS OF RIDGEVIEW TOWNHUSES CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT, ARE OR WILL BE AS SHOWN ON THIS PLAT.

DATE Aug 24, 1982

James G. West, UTAH REGISTERED LAND SURVEYOR No. 3082

RIDGEVIEW TOWNHUSES CONDOMINIUMS
SHEET 2 OF 2

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF
CITY COUNCIL THIS ____ DAY OF
A.D. 19____, AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED

CITY CLERK

MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE
CITY ENGINEERING DEPART-
MENT ON THIS ____ DAY OF
A.D. 19____.

CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
CITY PLANNING COMMISSION ON THIS
DAY OF ____ A.D. 19____.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS
DAY OF ____ A.D. 19____.

CITY ATTORNEY

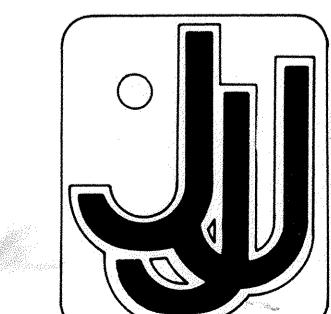
RECORDED

NO. 135854
STATE OF Utah
COUNTY OF Sumas
RECORDED AND FILED AT THE REQUEST OF:
Alta Little Company
date: 9-13-82 at: 1:00
\$22.00
FEES
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060

(801) 649-9811



CITY COUNCIL MEETING
PARK CITY, UTAH

AUGUST 26, 1982

Mayor Green called the meeting of the City Council to order at 5:00 p.m. at the Memorial Building, in Park City, on August 26, 1982. Members present were Alvarez, Coleman, Wells, and Shellenberger. Tina Lewis was absent. Also present were Mayor Green; Arlene Loble, City Manager; Mike Vance, Community Development Director; Tom Clyde, City Attorney; and Bill Ligety, Planning Director.

PUBLIC HEARING

Revised 1982-83 Implementation Program to the Redevelopment Plan of Park City, Utah, Dated December 3, 1981 - The City Manager explained that the Council, acting as the Redevelopment Agency considered the revised implementation plan at the last Redevelopment Agency meeting, but the implementation program needs to be adopted by Council action as well as by the Redevelopment Agency. The revision involves an increase in the expenditures for this fiscal year to add the purchase price of the Gaddis/McKnight parcel. It will have no impact on the tax increment this year.

Mayor Green invited public input on this matter. Hearing nothing, the public hearing was closed.

PUBLIC INPUT

Mayor Green invited the public to comment on any agenda item, or any matter regarding city business. Hearing nothing, the Mayor closed the public input session.

MINUTES OF MEETING OF AUGUST 19, 1982

Bob Wells corrected Page 2, under Item 2, to clarify his suggestion to the resolution by adding that the property be deed restricted to be used as landscape open space only. The Mayor requested a motion to approve the minutes. Bob Wells, "I so move". Helen Alvarez seconded. Motion carried.

PUBLIC COMMUNICATIONS AND PETITIONS

1. Parkwood Condominium Plat Approval - The Community Development Director explained that this project is located on Park Avenue. There are two tri-plexes. The tri-plex before Council is on Woodside Avenue. Planning Commission approval was obtained on August 11. There is approximately \$6,000 in landscaping bonding in place, and the city has asked and received a cash amount of money for the curb, gutter, and sidewalk. Mr. Vance recommended that the Parkwood tri-plex on Woodside be approved. The parking is underground. Bill Coleman, "I move we approve the Parkwood Condominium plat". Tom Shellenberger seconded. Motion carried.

2. Ridgeview Townhouse Condominium Approval - Mike Vance explained that these four units of the first phase, are located in Ridgeview. \$65,000 has been obtained, including letter of credit, landscaping, and revegetation. The Ridgeview Townhouse Condominium has received Planning Commission approval. Tom Shellenberger, I move we approve the Ridgeview Townhouse Condominium". Bob Wells seconded. Motion carried.

3. Cache at Silver Lake Condominium Approval - The Community Development Director recommended that approval of this project be postponed. Bill Coleman, "I move we postpone condominium approval of Cache at Silver Lake". Bob Wells seconded. Motion carried.

4. Request for Waiver of Building Related Fees for Sewer District, Demolition of Shed Rebuilding on Upper Main Street and Daly Avenue - Mike Vance discussed the Sewer District installation of a sewer line. It is the District's feeling that installation would be better accomplished through the demolition of two sheds. Mr. Vance recommended waiving the demolition fee and the building permit fee, amounting to approximately \$115. Helen Alvarez, "I move that we approve the request to waive building related fees for the Sewer District, demolition of shed rebuilding on upper Main Street". Bob Wells seconded. Motion carried.

5. Petition for Annexation of Area Known as Iron Canyon Subdivision, Northwest of Thaynes Canyon - The Community Development Director described the location being on the north side of Thaynes Canyon Subdivision and invited the Planning Director to further clarify by illustration of a map. Mr. Ligety stated that the area involved approximately 56 acres. There are presented two homes on the area and speculated that there will be 41 additional homes. The petition has been reviewed by the staff, and through the Planning Commission. There was a preliminary plan approval given, subject to annexation, by the Planning Commission. The staff recommends petition acceptance. Access, water, and fire protection were discussed. Bob Wells, "I move that we receive the Iron Canyon Annexation Petition, subject to verification of signatures". Tom Shellenberger seconded. Motion carried.

6. Request to Sell Beer at City Park on August 28 and 29, and September 3, 4, and - Tom Shellenberger, "I move we approve the request for sale of beer at City Park August 28, 29, and September 3, 4 and". Bob Wells seconded. Motion carried. Bill Coleman suggested that the Chief of Police monitor this activity and report back to Council.

7. Aerie II Subdivision Plat Approval - The City Attorney explained that this is the eleven lot addition to the Aerie Subdivision on Masonic Hill. The plat has been approved by the City Engineer, and the bonding is in place as a part of the bonding of the initial 88 lots of the Subdivision. The city is holding a bond that is approximately \$3.2 million to cover tanks, roads, curb, gutter, sidewalks, etc. The staff recommends plat approval. Helen Alvarez, "I move that we approve the subdivision plat for Aerie Phase II". Tom Shellenberger seconded. Motion carried.

COMMUNICATIONS AND REPORTS FROM COUNCIL

Helen Alvarez reported that through a bill passed last Thursday that ski areas are considered sport facilities and applicable for IRB's.

Ms. Loble pointed out that there will be no regularly scheduled meetings September 2, September 9, and September 16 (League of Cities and Towns convention). If some urgent business arises, it may be dealt with in work session, or possibly a regular session on September 9.

RESIGNATIONS AND APPOINTMENTS

None before Council

ORDINANCES

1. An Ordinance Adopting the 1982 Building and Building - This ordinance has been reviewed by Council and the staff, and a public hearing has been held. Bob Wells, "I move adoption of this ordinance". Helen Alvarez seconded. Motion carried. Bob Wells stated that the ordinance will be effective upon publication, and further disclosed that he is involved in a project that under the present ordinance would not require sprinkling, but as of next Thursday would require sprinkling. He further stated that it is his intent to obtain a building permit prior to next Thursday.

2. An Ordinance Establishing a 5% Franchise Tax on Telephone, Electrical, and Natural Gas Utilities - The City Manager explained that this is a part of the Council's budgetary intent to raise the franchise tax from 2.5% to 5% (6% maximum). The current ordinance needs to be amended to enact the increased franchise tax. Besides the obvious revenue raising reasoning in increasing this tax, it is also demonstrates to the legislature that Park City has utilized every possible revenue taxing alternative.

Ms. Loble discussed the two committees that she and the Mayor have been serving together, and from which they will make recommendations to the League of Cities and Towns. One committee is involved with the redistribution of liquor enforcement revenue so that the monies are distributed on sales rather than population. Their recommendation is that half be distributed based on population, and the other half would be compromise that would help high sale communities. With regard to resort communities, the City Manager discussed the real estate transfer tax, and the differential sales tax, available on a location option basis to assist resorts. These resolutions will be presented tomorrow at the Revenue and Taxation Committee, then to the Board, then to the Resolution Committee, and then to the convention of the League of Cities and Towns.

Helen Alvarez, "I move that we adopt an ordinance establishing a 5% franchise tax". Bob Wells seconded. Motion carried.

3. An Ordinance Amending Ordinance 82-17, Setting Fees for Development Related to City Services - The need for this ordinance was prompted by an existing structure, requesting conversion to condominiums. The plat and use have not altered, and it was recommended by the Community Development Director to change the fee, in instances like this, from \$200 per unit/1,000 sq. ft. to \$25 per unit/1,000 sq. ft. The Planning Director suggested the following change in Subsection (c), adding "and the building was completed in accordance with the conditions of its original building permit and planning approval". Discussion ensued regarding the five year review stipulation. Helen Alvarez, "I move that we approve an Ordinance amending Ordinance 82-17, setting fees for development related to city services". Tom Shellenberger seconded. Motion carried.

UNFINISHED BUSINESS

None before Council.

NEW BUSINESS

1. Resolution Adopting the 1982-83 Redevelopment Agency Implementation Program

2. Resolution Rescinding R-21-82 Condemning
Right-of-Way Across Mellow Mountain Road Connection

Bob Wells, "I move that we adopt Items 1 and 2 under New Business". Tom Shellenberger seconded. Motion carried.

3. Approval of the Issuance of Tax Anticipation Notes
- The City Manager explained that taxes levied by Park City for the Redevelopment Agency and the General Fund will be paid largely in December, with the remaining portion through January and June of next year. In anticipation in receiving those funds, however, the city has a number of outstanding obligations, particularly for Redevelopment, but also for the on-going operating budget. For that reason, the city is requesting a loan, anticipating repayment from taxes due later in the year. The city has received three bids; the low bid from First Security Bank at 8.25% for \$1,725,000 in tax anticipation funds. The 8.25% is under the bids received from Silver King of 8.75% and 9.75%, and Zion's of 10.5% and 10.6%. These are substantially less than the recent tax anticipation notes that have been sold for other communities. The city plans reinvestment in a TCD at 9.5%. The City Manager recommends approval of the issuance of tax anticipation notes to First Security Bank. Helen Alvarez, "I so move". Bob Wells seconded. Motion carried.

Mayor Green adjourned the meeting.

* * * * *

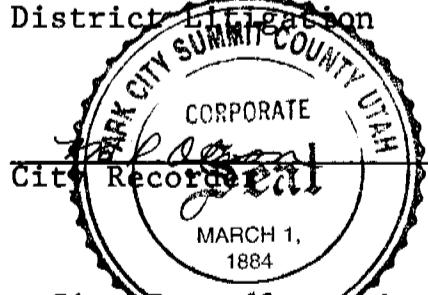
MEMORANDUM OF CONVENING EXECUTIVE SESSION
PARK CITY, UTAH
MINER'S HOSPITAL/LIBRARY
1:00 P.M.

Members Present: Mayor Green
(Motion to Close) Tina Lewis
Tom Shellenberger
Bill Coleman
Bob Wells
Helen Alvarez

Also Present: Arlene Loble, City Manager
Tom Clyde, City Attorney
Mike Vance, Community Dev. Dir.

Subjects Discussed:

Fire District Litigation



Prepared by Janet M. Scott

NOTE: There will be no regular City Council meeting held September 2, 1982. Work session only at Marsac School at 2 p.m.

There will be no regular City Council meeting held on September 9, 1982.

There will be no regular City Council meeting held on September 16, 1982.

September 28, 2022

Ridgeview Townhouse Condominium Homeowners Association
3030, 3040, 3045, 3055 Ridgeview Dr., Park City, UT 84060
Attn: Homeowners Association

Re: Townhouse #3B: Existing interior "as-built" family room below master bedroom
Owners: Andrew & Patricia Widin

This letter is written for clarification of a modification that appears to have been made by prior owner and/or developer prior to the purchase of said property by Andrew & Patricia Widin in March 2022. Their exists a built-out/finished family room (approx.. 14' x 21') that occurs directly under the master bedroom and within the footprint of the existing structure/within the perimeter footings (3045 Ridgeview Drive) is indicated as "limited common space". Said new owners would like to include this with a condominium plat amendment to incorporate this added area, and commence remodeling of said room upon receipt of a building permit by Park City Municipal.

See attached recorded map for location.

The current owners would like clarification that these items may remain.
Current owners would also like to clarify via this document that:

- HOA responsibilities would include exterior siding, and painting
- Owner responsibility would include windows, and all interior of this enclosed area

Homeowner President: Jack Watson, owner of 3055 Ridgeview Drive, Park City, UT 84060

Homeowner Treasurer: Laura Callahan, owner of 3040 Ridgeview Drive, Park City, UT 84060

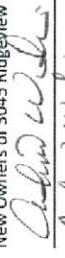
Homeowner Secretary: Joan Fillipini, owner of 3030 Ridgeview Drive, Park City, UT 84060

Date: _____

Date: _____

Note: These three above parties also represent all the other owners associated with this HOA.

New Owners of 3045 Ridgeview Drive, Park City, UT 84060: Andrew & Patricia Widin


Andrew Widin

Date: 9.28.2022

Date: _____

September 28, 2022

Ridgeview Townhouse Condominium Homeowners Association
3020, 3030, 3045, 3055 Ridgeview Dr., Park City, UT 84060
Attn: Homeowners Association

Re: Townhouse #3B Northwest Balcony Limited Common Area
Owners: Andrew & Patricia Widin

This letter is written for clarification of a modification that appears to have been made by prior owner and/or developer prior to the purchase of said property by Andrew & Patricia Widin in March 2022. The balcony that occurs at northwest side of said unit #3B (3045 Ridgeview Drive) is indicated as "limited common space". As defined in the CC&R's, this limited common space is for the exclusive use of said owners of unit #3B (3045 Ridgeview) only. It appears that an exterior wall may have been added, including siding, sliding door, and window, along with a sloped roof (by prior owner and/or developer). Said new owners would like to include this with a condominium plat amendment to incorporate this added area, and commence remodeling of said room upon receipt of a building permit by Park City Municipal.

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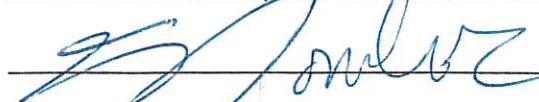
Current owners would also like to clarify via this document that:

- HOA responsibilities would include the roof and painting
- Owner responsibility would include sliding door/window, and interior of this enclosed area
- This limited common space area is for the exclusive use of owners of unit #3B (3045 Ridgeview) and may be utilized for as private interior space for quiet use, including furnishings and surface treatments, in accordance with maintaining the exterior appearance.

Homeowner President: Jack Watson, owner of 3055 Ridgeview Drive, Park City, UT 84060

Homeowner Treasurer: Laura Callahan, owner of 3030 Ridgeview Drive, Park City, UT 84060

Homeowner Secretary: Ed Towle or Joan Fillipini, owners of 3020 Ridgeview Drive, Park City, UT 84060



Date: 9/30/22

Note: These three above parties also represent all the other owners associated with this HOA.

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Date: _____

Date: _____

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Homeowner Treasurer: Laura Callahan, owner of 3030 Ridgeview Drive, Park City, UT 84060
Laura Callahan _____ Date: _____

Homeowner Secretary: Ed Towle or Joan Fillipini, owners of 3020 Ridgeview Drive, Park City, UT 84060

Date: _____

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September 28, 2022

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Jane Cull _____ Date: _____

Homeowner Secretary: Ed Towle or Joan Fillipini, owners of 3020 Ridgeview Drive, Park City, UT 84060

Date: *9/28/22*

Date: _____

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New Owners of 3045 Ridgeview Drive, Park City, UT 84060: Andrew & Patricia Widin

Date: _____

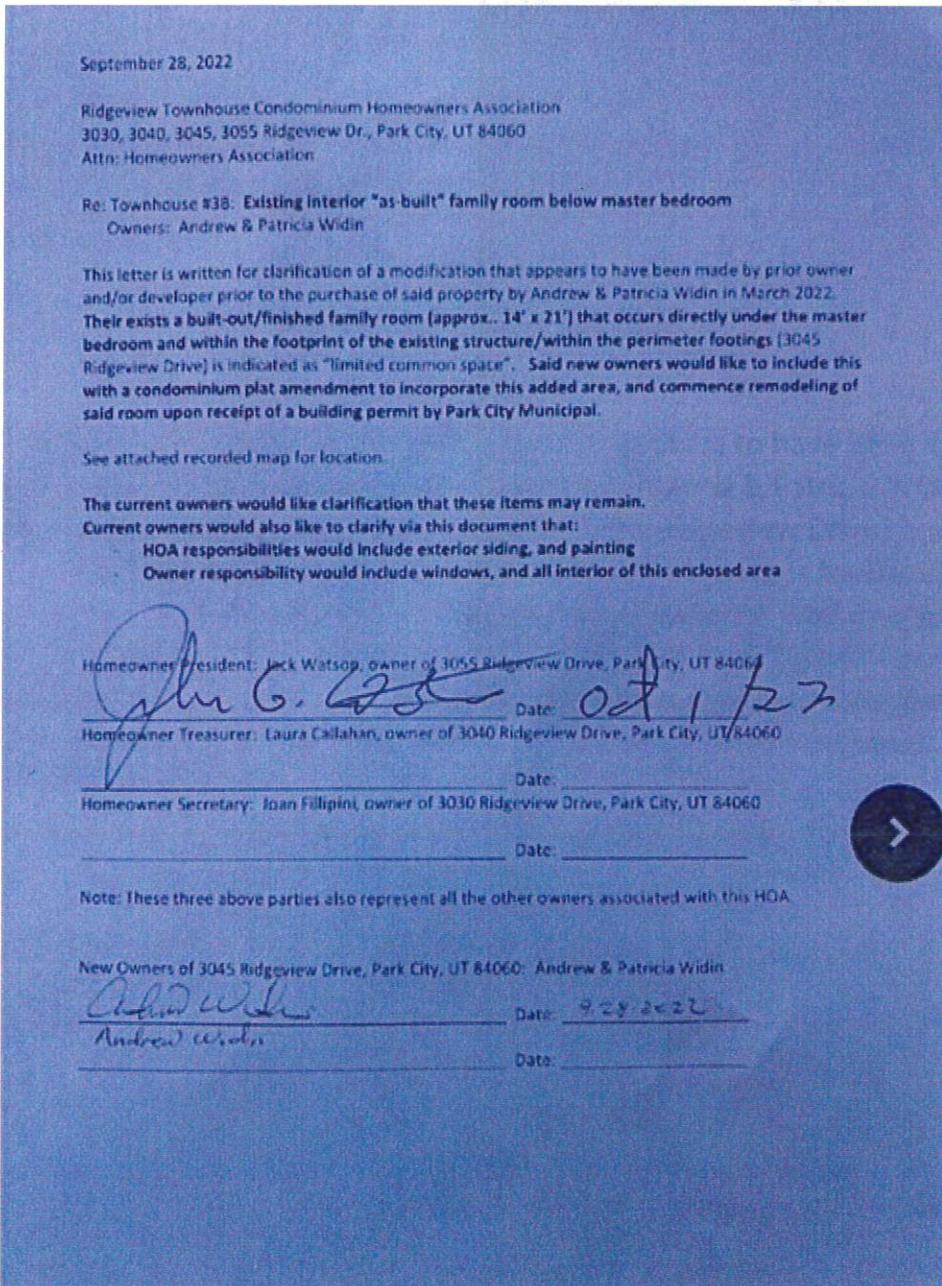
Date: _____

Makena Hawley

From: Park Station <parkstationutah@gmail.com>
Sent: Sunday, October 2, 2022 4:49 PM
To: Makena Hawley
Cc: Jaron Ehlers; Andrew Widin
Subject: [External] 4th of 4 HOA letters approving plan (100%), 3045 Ridgeview

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This is an external email.



September 28, 2022

Ridgeview Townhouse Condominium Homeowners Association
3020, 3030, 3045, 3055 Ridgeview Dr., Park City, UT 84060
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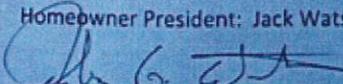
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Homeowner President: Jack Watson, owner of 3055 Ridgeview Drive, Park City, UT 84060

 Date: Oct 1/22

Homeowner Treasurer: Laura Callahan, owner of 3030 Ridgeview Drive, Park City, UT

Date: _____

Homeowner Secretary: Ed Towle or Joan Fillipini, owners of 3020 Ridgeview Drive, Park City, UT

Page

1

/

2

-



Date: _____

8/24/22

Condominium Plat Map Amendment
3045 Ridgeview Dr., Park City, UT

RECEIVED
AUG 24 2022
PARK CITY
PLANNING DEPT.

Written description statement of condominium plat amendment:

Property was purchased in 2022 by Andrew & Patricia Widin. No disclosures were given that any modifications had occurred to subject property. Upon submittal of a building permit to commence remodeling of said 1982 townhouse, it was brought to our attention by Park City Municipal that there was non-conformance with the existing recorded plat map #195854.

It is believed by discussions with long-term neighbors of the H.O.A. and by the construction of these improvements, that they were likely performed by the existing builder at time of original construction, but were not in conformance with recorded plat.

This condominium plat map amendment is merely being submitted to show existing as-built conditions for this condominium unit. (referred to on plat map as unit #3-B).

Existing as-built conditions being reflected on revised condominium plat map amendment:

1. Within the perimeter footings of the existing townhouse, and directly below the Main level, located in the Lower level, was constructed a family room, with approximate dimensions of 15' x 24' (360 s.f. total), which was framed with drywall walls/ceiling, carpeted flooring over concrete slab, windows. This is constructed at the southeast portion of lower level and is accessed from the common stairway.
2. The limited common space patio located on plat map Main Level was built with extended roofing and exterior wall, and was framed with installed window and sliding door to exterior, as an extension of the master bedroom. This deviates from original plat map which does not show this with roof, exterior wall or as part of interior of structure. This plat amendment is to indicate this as interior space and not a limited common ownership space. A legal document is being executed by the H.O.A. which will indicate acceptance of this revision, with all costs of maintenance and repair by said unit owner and not the H.O.A.

Planning Commission Staff Report



Subject: Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units
Application: PL-22-05447
Author: Rebecca Ward, Assistant Planning Director
Date: January 11, 2023
Type of Item: Work Session – Land Management Code Amendments

Recommendation

Review and provide input on potential Land Management Code amendments regarding Timeshares, Private Residence Clubs, and Fractional Use in Dwelling Units. Determine whether additional information is needed in preparation for a public hearing.

Next Steps

- Stakeholder outreach
- Community open houses
- A public hearing on February 22, 2023, with a potential recommendation for City Council's consideration in March of 2023

Summary

The Land Management Code (LMC) includes three types of transient uses:

- Timeshares
- Private Residence Clubs, and
- Fractional Use of Dwelling Units

On October 27, 2022, the City Council directed staff to evaluate transient uses (excluding Nightly Rentals), including Timeshares, Private Residence Clubs, and Fractional Use in Dwelling Units, in the Residential Development, Residential Development Medium, and General Commercial Zoning Districts and to issue a pending ordinance prohibiting these uses in these Zoning Districts for up to six months until updated regulations are adopted ([Minutes](#), p. 10). Staff issued the pending ordinance on October 28, 2022, and the pending ordinance will terminate on April 25, 2023.

Background

The City has enacted several LMC amendments since the early 1980s to address the impacts of transient uses as they evolved over time to achieve balance between the resort economy and commercial Zoning Districts and primary resident neighborhoods.

Timeshares

By the early 1980s, Timeshares—which allow for a fractional fee interest in property with a right to use the unit as established through contract, declaration, or other

instrument¹—were introduced to Park City. In 1981, the City Council adopted Ordinance No. 81-7, enacting a moratorium on Timeshares finding “the ‘time-share’ concept is a transient type of activity and has no apparent local control under the City’s current ordinances” and “the potential impact of time-share projects on the City of Park City indicates a clear and convincing need for restrictions and regulatory measures” (Exhibit A). On January 29, 1982, the City Council enacted Ordinance No. 82-4 *Regulating the Creation of Timeshare Projects in Park City* (Exhibit B).

The 1982 regulations allowed Timeshares in the Historic Commercial Business, General Commercial, Recreation Commercial, Residential-Medium Density, and Residential Development-Medium Density Zoning Districts, and required that Timeshare projects provide the same amount of off-street parking required for hotels, motels, and lodges (Exhibit B).

As the LMC was amended over the years, Timeshares were established as a Conditional Use in four commercial Zoning Districts within the Resort Center, Old Town (excluding Old Town residential Zoning Districts), and Bonanza Park neighborhoods outlined below:

- General Commercial
- Historic Recreation Commercial
- Historic Commercial Business
- Recreation Commercial

Examples of Timeshares include the Marriott Mountain Resort on Lowell Avenue in the Recreation Commercial Zoning District and Marriott Summit Watch Resort on Main Street in the Historic Recreation Commercial Zoning District.

While Timeshares allow for designated use of a unit, a new type of transient use was becoming common in the early 2000s, especially in resort communities, that allowed for ownership of a condominium unit with use of the unit and associated common areas during limited periods. This type of unit is defined in LMC [Section 15-15-1](#) as a Private Residence Club.

Timeshares are allowed in the Resort Center neighborhood at the base of Park City Mountain Resort in the Recreation Commercial Zoning District. However, Timeshares are prohibited in the Deer Valley Resort area in the Residential Development Zoning District, including developments under the Deer Valley Master Planned Development in the Lower Deer Valley neighborhood, as well as properties that are part of the Flagstaff/Empire Pass Master Planned Developments in the Upper Deer Valley neighborhood. To establish Private Residence Clubs in Zoning Districts proximate to the Deer Valley Resort as well as within commercial areas, including the Recreation Commercial Zoning District in the Resort Center neighborhood at the base of Park City Mountain Resort, the City enacted regulations for them in 2004.

¹ Utah Code [Section 57-19-2\(26\)](#)

Private Residence Clubs

A Private Residence Club is shared by not less than four or more than 12 owners or members with use established by a reservation system and managed with 24-hour reservation and property management seven days a week.² On September 23, 2004, the City Council adopted Ordinance No. 04-39 amending the LMC to define and establish regulations for Private Residence Clubs as a Conditional Use in the following Zoning Districts:

- General Commercial
- Historic Commercial Business
- Historic Recreation Commercial
- Light Industrial
- Regional Commercial Overlay
- Residential Development
- Residential Development Medium
- Resort Commercial (Exhibit C)

No changes have been made since 2004 and these regulations remain in effect.

While Timeshares and Private Residence Clubs are vacation models for units within Multi-Unit Dwellings, over the past few years, a new model has developed that provides opportunities to purchase a fraction of Single-Family Dwellings and other Dwelling Units, some of which are within primary resident neighborhoods. This type of transient use is defined in LMC [Section 15-15-1](#) as Fractional Use of a Dwelling Unit (Fractional Use).³

Fractional Use of Dwelling Units

Fractional Use is when a company like [Pacaso](#), [Sharetini](#), [Ember](#), and others offer

² LMC [Section 15-15-1](#), *Club, Private Residence*

³ Defined in LMC [Section 15-15-1](#) as “[a]ny Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting interest holders’ or their designees’ right or functional ability to occupy or use the property to their respective interests or any other agreement which limits interest holders’ or their designees’ use of the property to fractional reservations through stay limitations of any duration. Fractional Use is established by any of the following elements : co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times; centralized or professional management; reservation systems; maximum or minimum day limits on each interest holder’s occupancy or use of the property; or management fees reflective of interval use or ownership, irrespective of whether the agreement may be canceled individually or by any party. This definition shall not include non-commercial groups such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association, or trust as opposed to sold on the free market for commercial purposes.”

fractional or co-ownership—where multiple investors each own a portion of a home that is typically but not always managed by a third party—directed at selling fractions of Single-Family Dwellings and other Dwelling Units as vacation properties, including some within Park City’s primary resident areas. To regulate this new use to protect primary resident neighborhoods and allow for Fractional Use near the resort bases and in those Zoning Districts where Timeshares and Private Residence Clubs are allowed, on October 27, 2022, the City Council adopted [Ordinance No. 2022-21](#).

It was also on this date that the City Council requested staff study and recommend potential updates to the City’s Timeshare, Private Residence Club, and Fractional Use regulations in the Residential Development, Residential Development Medium, and General Commercial Zoning Districts. In addition to modifications to transient uses in the Zoning Districts requested by the City Council, staff recommends reevaluating transient uses in the Light Industrial Zoning District as well due to the pending Bonanza Park & Snow Creek Small Area Plan and the significant number of residential units within the area.

The table below compares the transient uses in those Zoning Districts requested to be evaluated by the City Council (note these are all currently prohibited during the pending ordinance period):

	GC	RD	RDM
Timeshares	Conditional Use	Prohibited	Prohibited
Private Residence Clubs	Conditional Use	Conditional Use	Conditional Use
Fractional Use	Conditional Use	Conditional Use	Conditional Use

For a list of approved Timeshares and Private Residence Clubs, please see Exhibit D. Please note that projects approved as a hotel may include ownership units by condominium or timeshare instrument without a Conditional Use Permit or Planning Commission review and approval. LMC [Section 15-15-1](#) includes fractional ownership and use as part of the definition of a hotel. The City has not yet received an application for Fractional Use of a Dwelling Unit.

Analysis

The LMC implements the goals and policies of the General Plan.⁴ Preserving areas within Park City for primary residents is identified in the General Plan. *Sense of Community* is one of the core values in the General Plan and Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents. Objective 7B is to focus efforts for diversity of primary housing stock

⁴ LMC [§ 15-1-2](#)

within primary residential neighborhoods to maintain majority occupancy by fulltime residents within these neighborhoods.⁵

According to the General Plan, in 2000, 41% of all housing units were occupied by primary residents; in 2010 this number decreased to 30%. The number of second homes increased by 66% during this time while primary homes grew by only 7%.⁶

The Budget Department evaluated primary and secondary residents based on the Summit County Assessor's Office data and the numbers indicate a rise in primary residences in 2019, a decline in 2020, an increase in 2021, and a decrease in 2022. Overall, the primary residences have hovered around 3,000 for the past seven years, which is approximately 32% of residential units:

Year	Primary Residence	Secondary Residence
2015	3,075	6,211
2016	3,078	6,211
2017	3,091	6,299
2018	3,173	6,231
2019	3,269	6,231
2020	2,980	6,870
2021	3,193	6,590
2022	3,090	6,711

Vision 2020, the City's Strategic Action Plan to shape a preferred future for 2030, notes the City is now "facing issues including . . . a delicate balance between visitors and residents . . ."⁷ Vision 2020 calls for a harmonious balance between resident and visitor quality of experience. Key action areas include "[developing] more community 'protected spaces' that provide locals with respite and enhance locals sense of contentment."⁸ Ideas from the community include balancing the quality of life with the resort economy and carving out parts of town which are more 'local.'

To further support full-time primary residents in an ever-increasing housing market, on May 5, 2022, the City Council adopted the Lite Deed Restriction Pilot Program ([Staff Report](#); [Meeting Minutes](#), p. 9). This pilot program is designed to provide more housing supply for year-round Park City residents with cash payments to qualified property owners in exchange for a deed restriction recorded against their property that requires year-round occupancy. Reevaluation of transient uses provides additional opportunities to protect primary resident neighborhoods.

⁵ General Plan Volume I, [Sense of Community](#), p. 5

⁶ General Plan, Volume [Sense of Community](#), p. 2

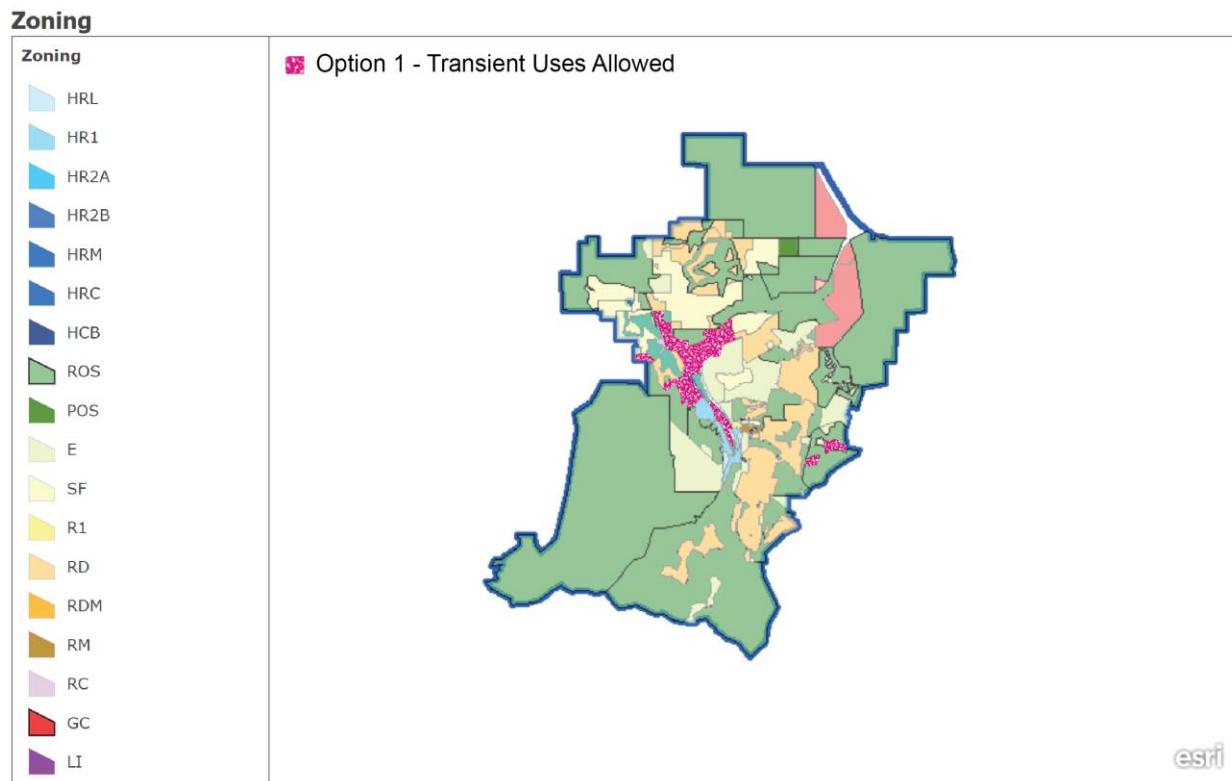
⁷ [Vision 2020](#), p. 4

⁸ [Vision 2020](#), p. 22

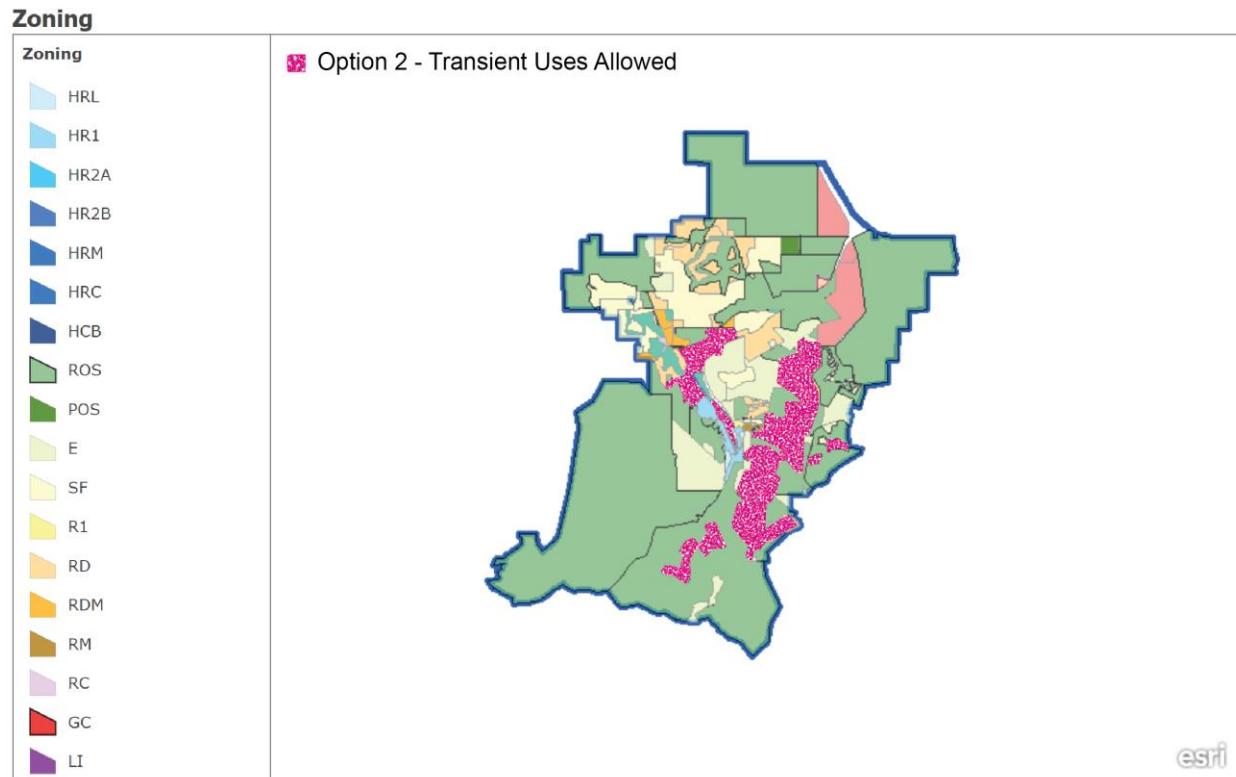
Staff requests input on three potential LMC amendments

The three options below take into consideration *Vision 2020* – the City's Strategic Action Plan, the current General Plan, the General Plan update and pending Bonanza Park & Snow Creek Small Area Plan, and the purposes of relevant Zoning Districts to preserve existing and future local areas for primary residents and to direct transient uses to commercial and resort areas.

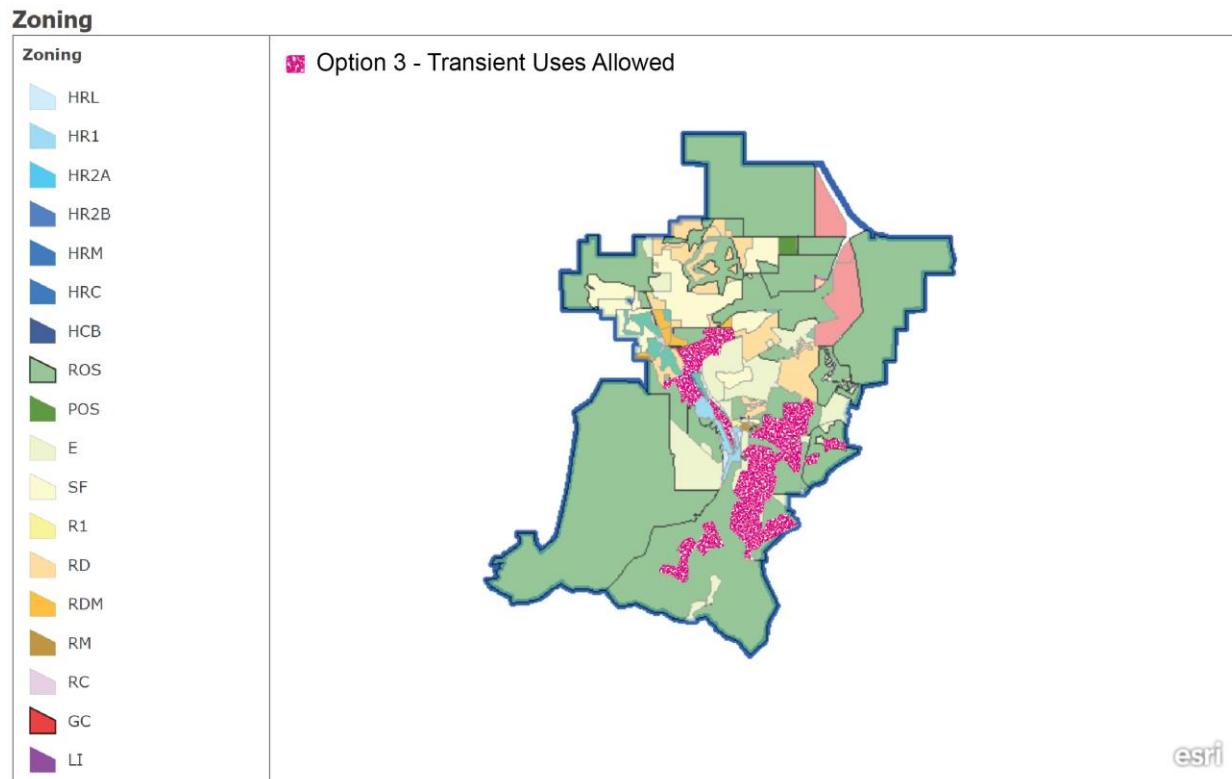
Option 1 (Limited based on Pending General Plan Update) – Allow transient uses in commercial and Residential Development Medium Zoning Districts only, with the possibility of expanding transient uses when the General Plan update is completed. Precludes future transient uses in the Lower and Upper Deer Valley neighborhoods. Prohibit transient uses in all other Zoning Districts.



Option 2 (Existing General Plan Neighborhood Recommendations) – Allow transient uses in commercial and the Residential Development Zoning Districts in the Resort Center, Old Town (excluding residential Zoning Districts), Lower Deer Valley, and Upper Deer Valley neighborhoods. Prohibit in those subdivisions that have requested or having a pending request to prohibit Nightly Rentals and/or transient uses, including Hidden Oaks at Deer Valley, and Solamere Subdivision 1. Prohibit transient uses in all other Zoning Districts.



Option 3 (Existing General Plan Neighborhood Recommendations with Limitations in the Lower Deer Valley Neighborhood) – Allow transient uses in commercial Zoning Districts and the Resort Center and Old Town (excluding residential Zoning Districts) neighborhoods while limiting Lower Deer Valley to those neighborhoods proximate to the Deer Valley Resort, prohibiting in those Zoning Districts north of Deer Lake Village 1 and allowing in those Zoning Districts south of the Solamere Subdivision. Prohibit in those Zoning Districts that have requested or having a pending request to prohibit Nightly Rentals and/or transient uses, including Solamere Subdivision 1. Prohibit in all other Zoning Districts.



The maps below outline the ten General Plan neighborhoods and what each option means for the neighborhood:

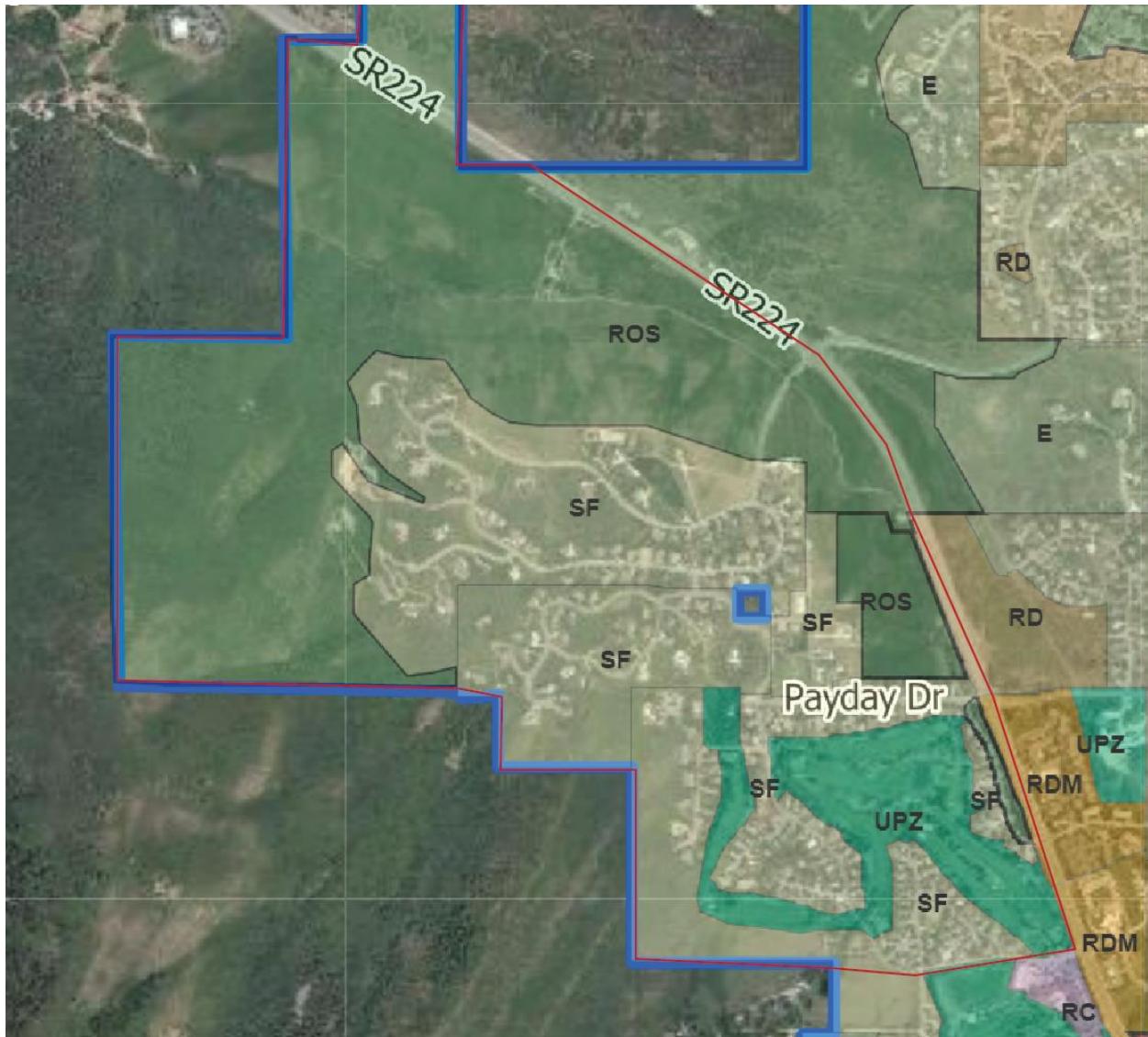
THAYNES

Neighborhood Map



Zoning

- Single Family (light yellow)



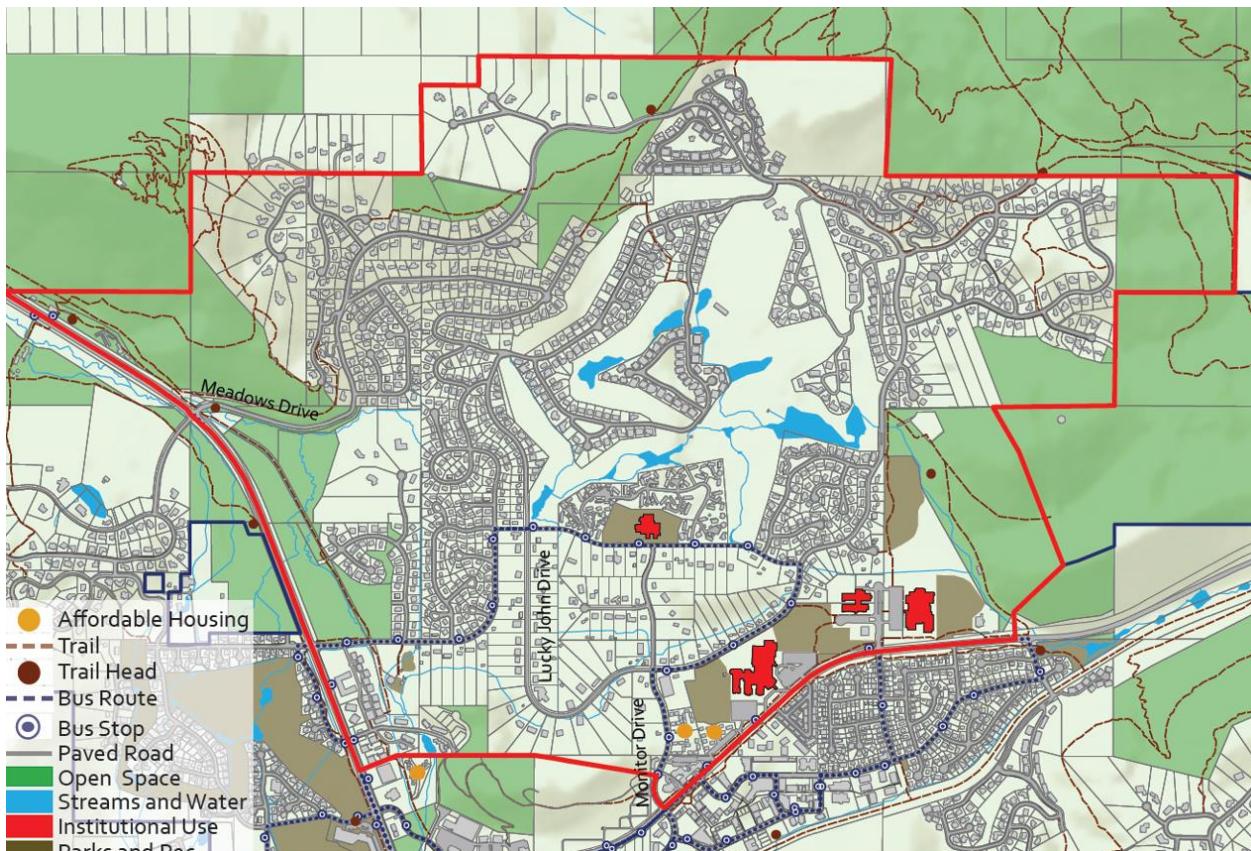
Options

The General Plan identifies Thaynes as “a local neighborhood in which primary residents choose to live” and advises that “Thaynes should remain a quiet residential neighborhood dominated by single family homes.”⁹ As a result, all three options prohibit transient uses in this neighborhood.

⁹ General Plan [Neighborhoods I](#), p. 12

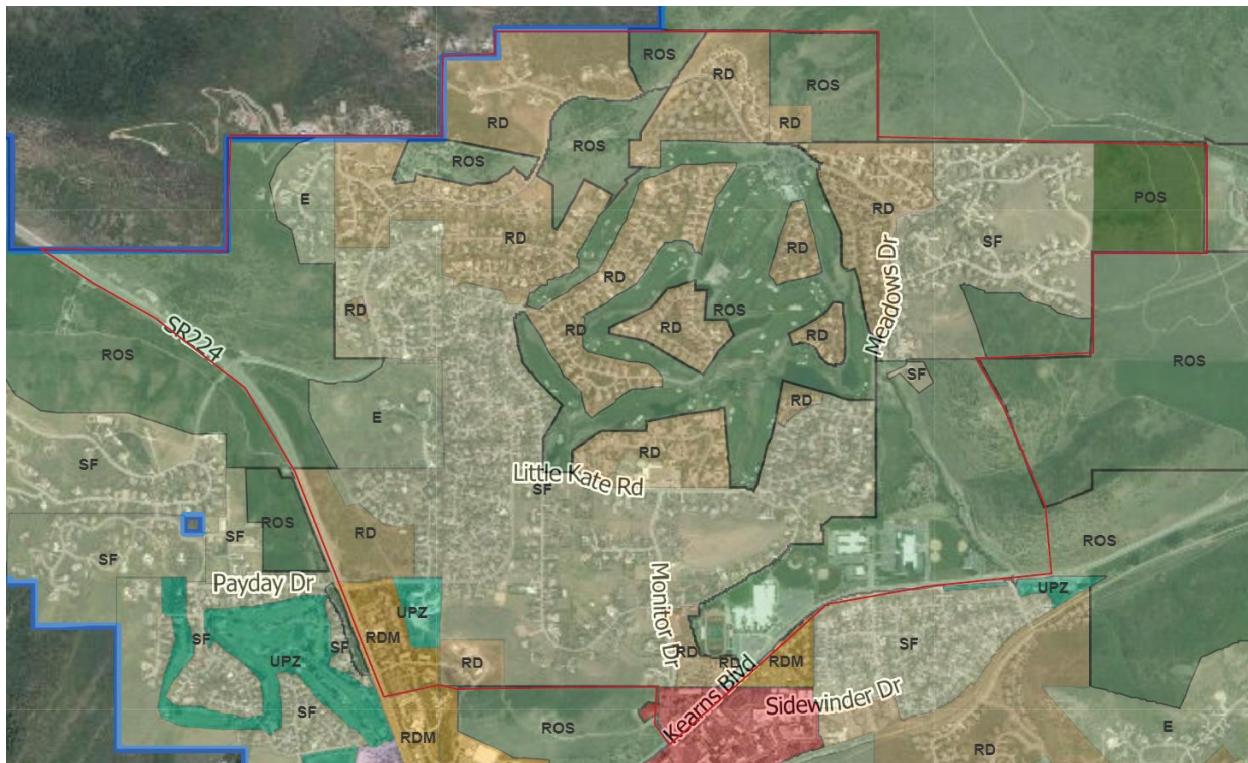
PARK MEADOWS

Neighborhood Map



Zoning

- Estate (light green)
- Residential Development (tan)
- Residential Development Medium (orange)
- Single Family (light yellow)



Options

The General Plan identifies Park Meadows as the neighborhood with the highest population of full-time residents¹⁰ and states that future land use “should be geared toward the intent of sustaining Park Meadows as a primary resident neighborhood” in part because of its proximity to public schools, recreation amenities, the Eccles Center for the Performing Arts, and access to Round Valley Open Space.¹¹

Transient uses are prohibited in those areas within Park Meadows zoned Estate and Single Family. The purposes of the Residential Development Zoning District include allowing a variety of residential uses compatible with the City’s development objectives, design standards, and growth capability, allowing commercial and recreational activities that are in harmony with residential neighborhoods, and allowing continuation of

¹⁰ General Plan, [Neighborhoods I](#), p. 20

¹¹ General Plan, [Neighborhoods I](#), p. 21

medium density residential resort-related housing.¹² The purposes of the Residential Development Medium Zoning District include allowing continuation of medium density residential resort related housing in the newer residential areas of the City.

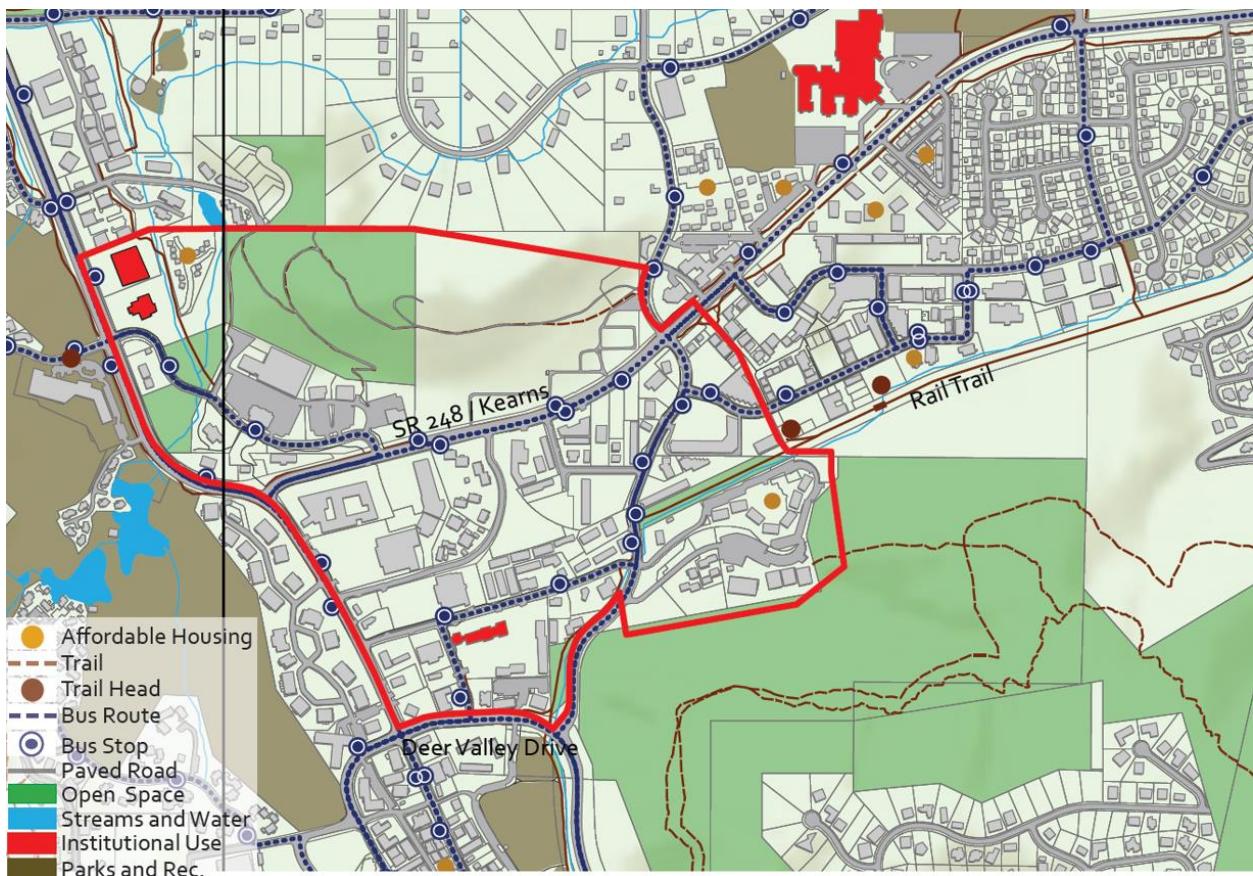
While the General Plan encourages protection of the neighborhood for primary residents, the purposes of the Residential Development and Residential Development Medium Zoning Districts open the possibility for transient uses. Due to the Residential Development distance from commercial and resort areas in this neighborhood, staff recommends prohibiting transient uses in this Zoning District, with potential consideration of allowing them in the Residential Development Medium Zoning District in the northeast quadrant of the S.R. 224 and S.R. 248 intersection.

- Option 1 – transient uses continue to be prohibited in the Estate and Single-Family Zoning Districts, transient uses are prohibited in the Residential Development Zoning District, transient uses become a Conditional Use in the Residential Development Medium Zoning District
- Options 2 and 3 – transient uses would be prohibited in all Zoning Districts

¹² LMC [Section 15-2.13-1](#)

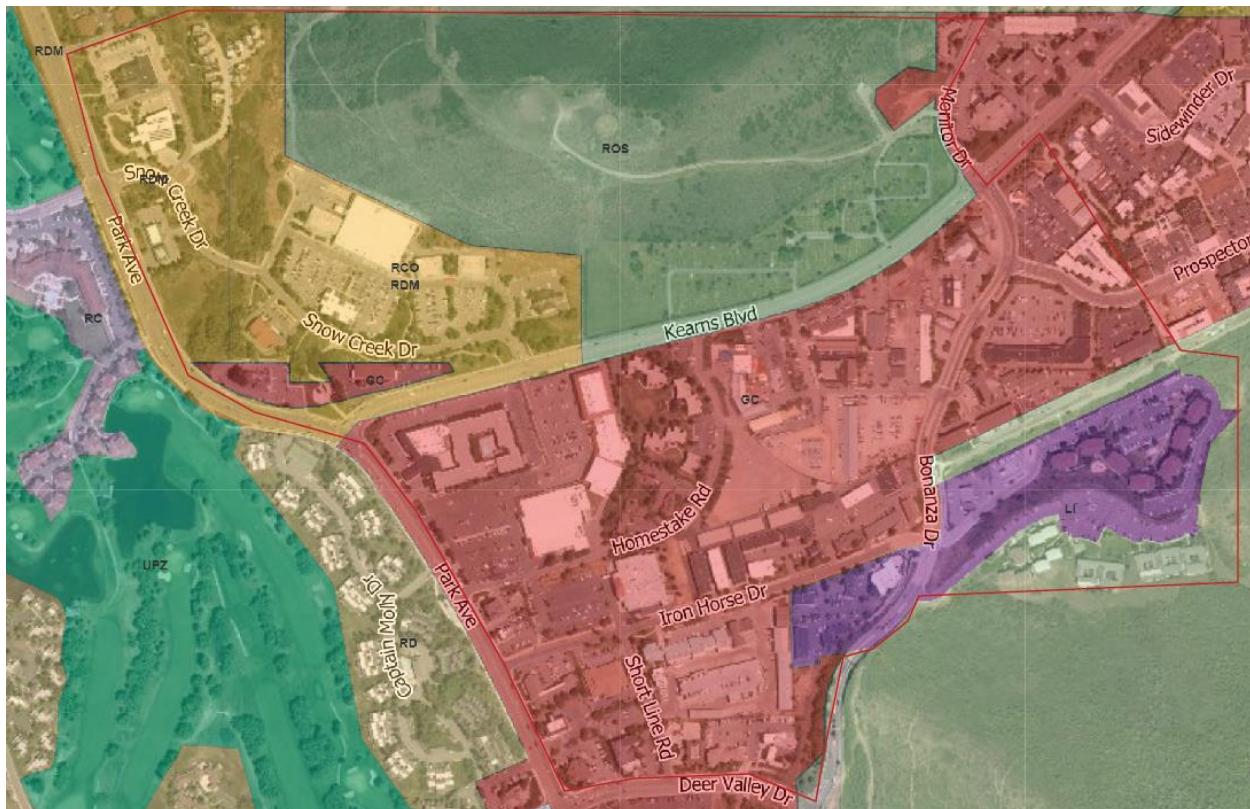
BONANZA PARK

Neighborhood Map



Zoning

- General Commercial (red)
- Light Industrial (purple)
- Residential Development Medium (orange)

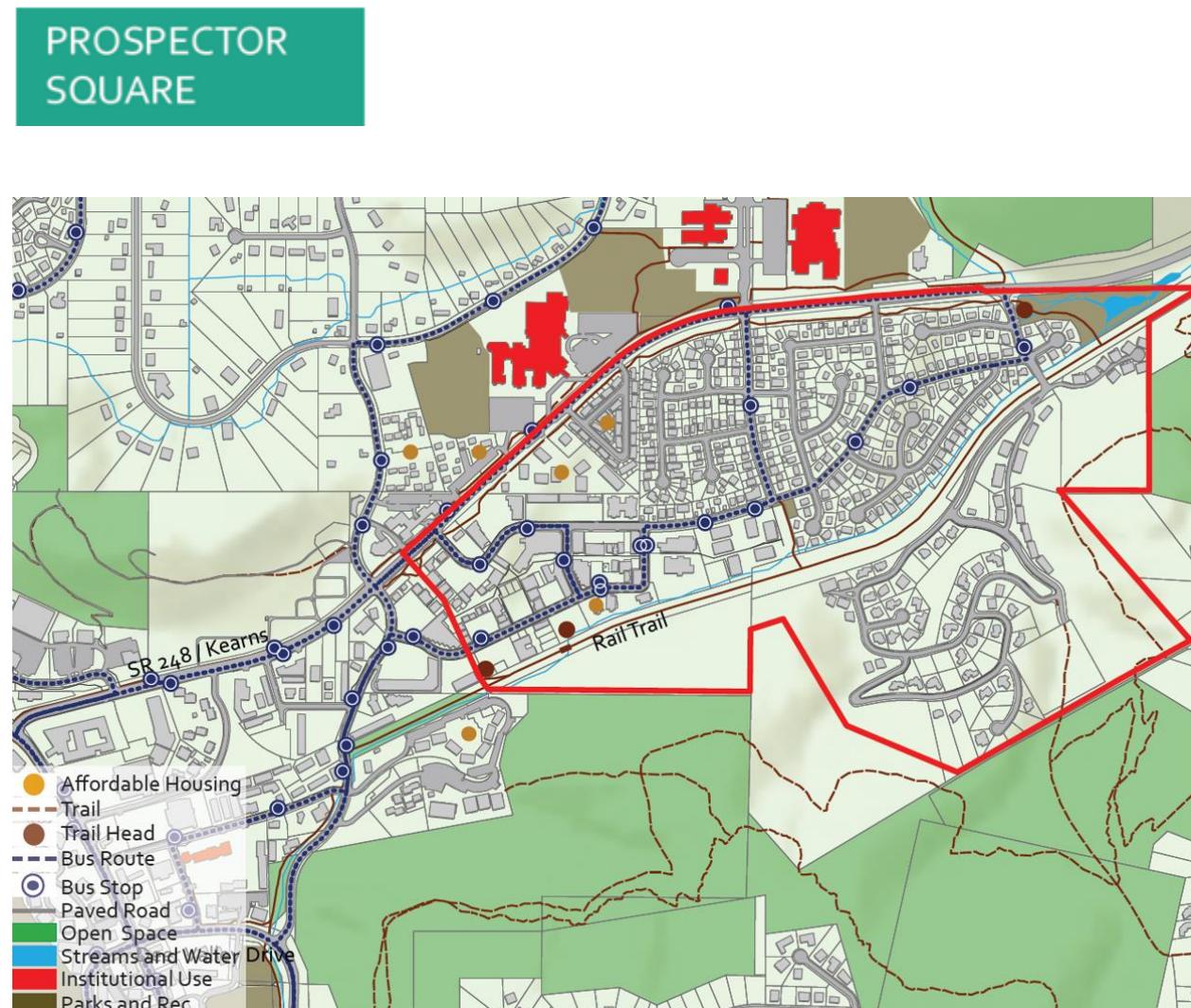


Options

The City initiated the Bonanza Park & Snow Creek Small Area Plan RFP in the fall of last year and will be moving forward with this planning process throughout 2023. The current General Plan identifies the Bonanza Park & Snow Creek area as a mixed-use neighborhood in which locals live and work.¹³ Due to the pending Small Area Plan and the current General Plan's recommendation that this neighborhood be a place where locals live and work, staff recommends a restrictive approach for transient uses until the Small Area Plan is completed. In addition to consideration of transient uses in the General Commercial and Residential Development Medium Zoning Districts in this neighborhood, staff recommends prohibiting transient uses in the Light Industrial Zoning District due to the substantial number of residential units, to be reconsidered once the Small Area Plan is completed.

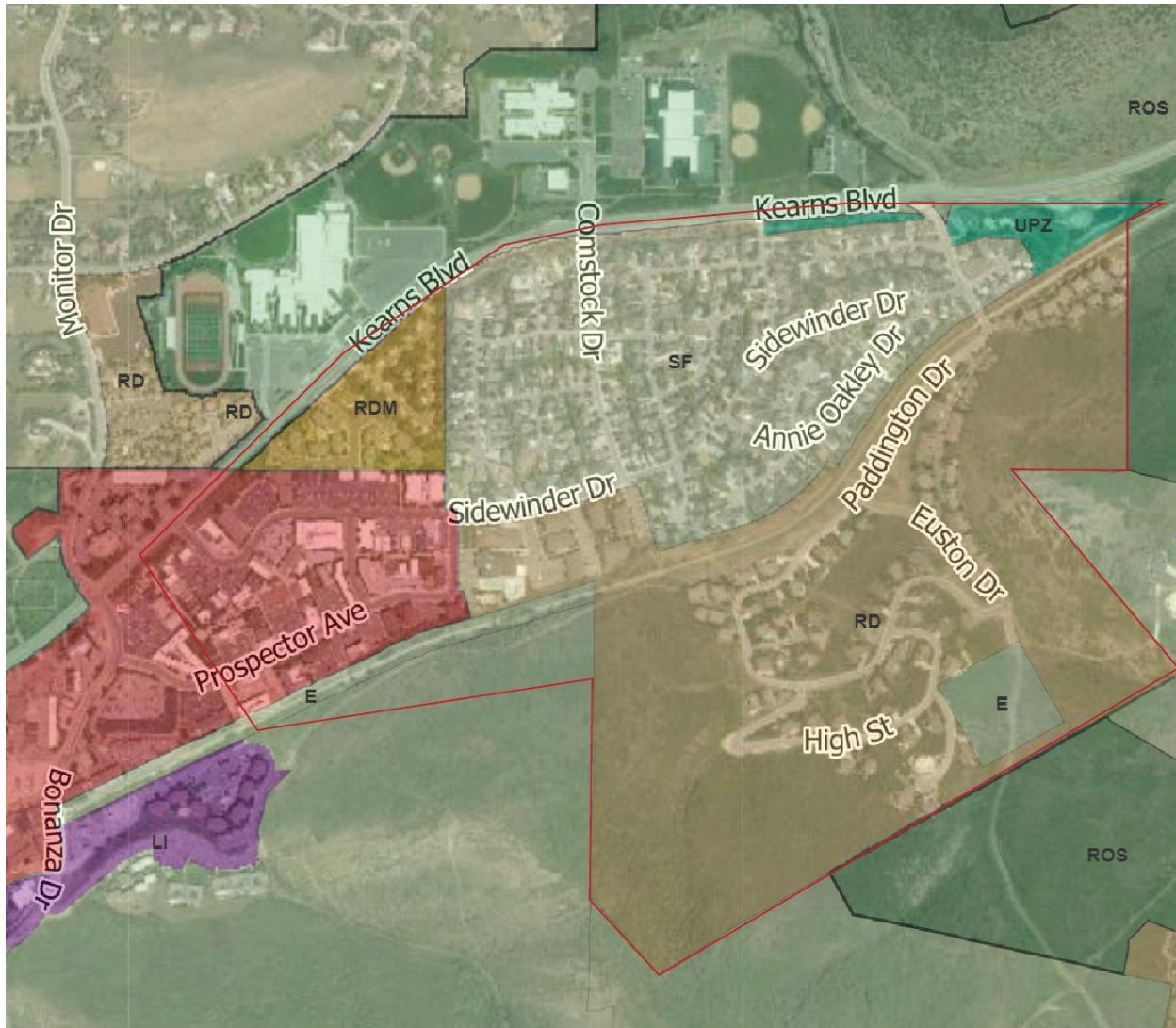
¹³ General Plan, [Neighborhoods I](#), p. 30

While Option 1 would allow transient uses in the Residential Development Medium Zoning District, those residential units within this neighborhood are the Snow Creek affordable housing units and the deed restrictions require primary resident occupancy and prohibit transient uses. As a result, Options 1, 2, and 3 – prohibit transient uses in the General Commercial and Light Industrial, unless part of a hotel, until the Bonanza Park Area Plan is completed.



Zoning

- Estate (light green)
- General Commercial (red)
- Residential Development (tan)
- Residential Development Medium (orange)
- Single Family (yellow)



Options

The General Plan identifies Prospector Square as the City's first mixed-use and mixed-housing neighborhood, "[a] local commercial district within a residential neighborhood" and recommends protecting this area "as a locals neighborhood."¹⁴ While Prospector Square does include a section zoned Residential Development Medium, this consists of the Silver Meadows Estate and Aspen Villas, which are units restricted for affordable housing and require long-term occupancy; transient uses are prohibited.

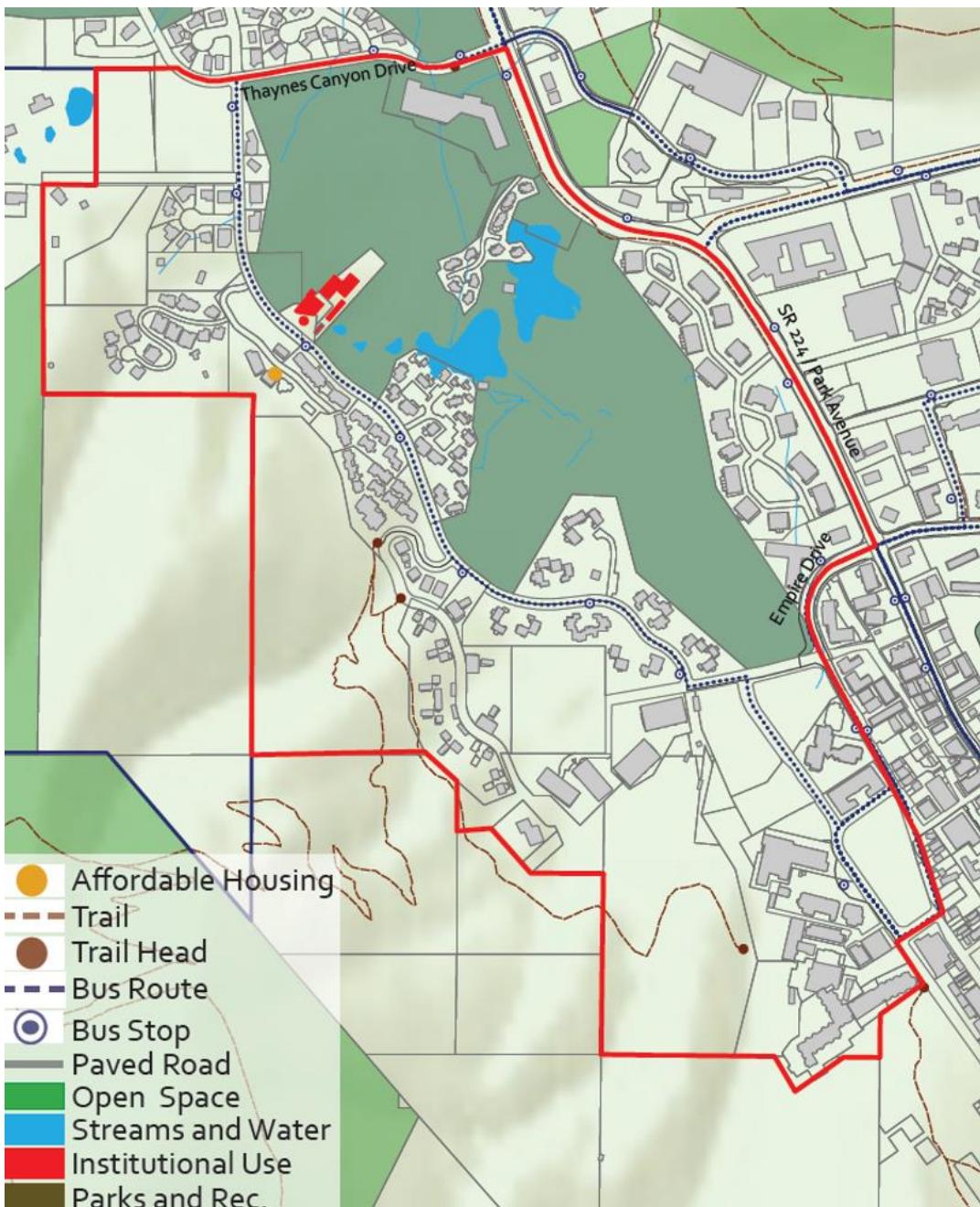
Therefore, under the three options, transient uses would be prohibited in this neighborhood, unless the transient use is proposed as part of a hotel in the General Commercial Zoning District.¹⁵

¹⁴ General Plan, [Neighborhoods I](#), p. 42

¹⁵ The Chatham Crossing Subdivision in the Residential Development Zoning District has a pending application to prohibit transient uses and Nightly Rentals in their subdivision.

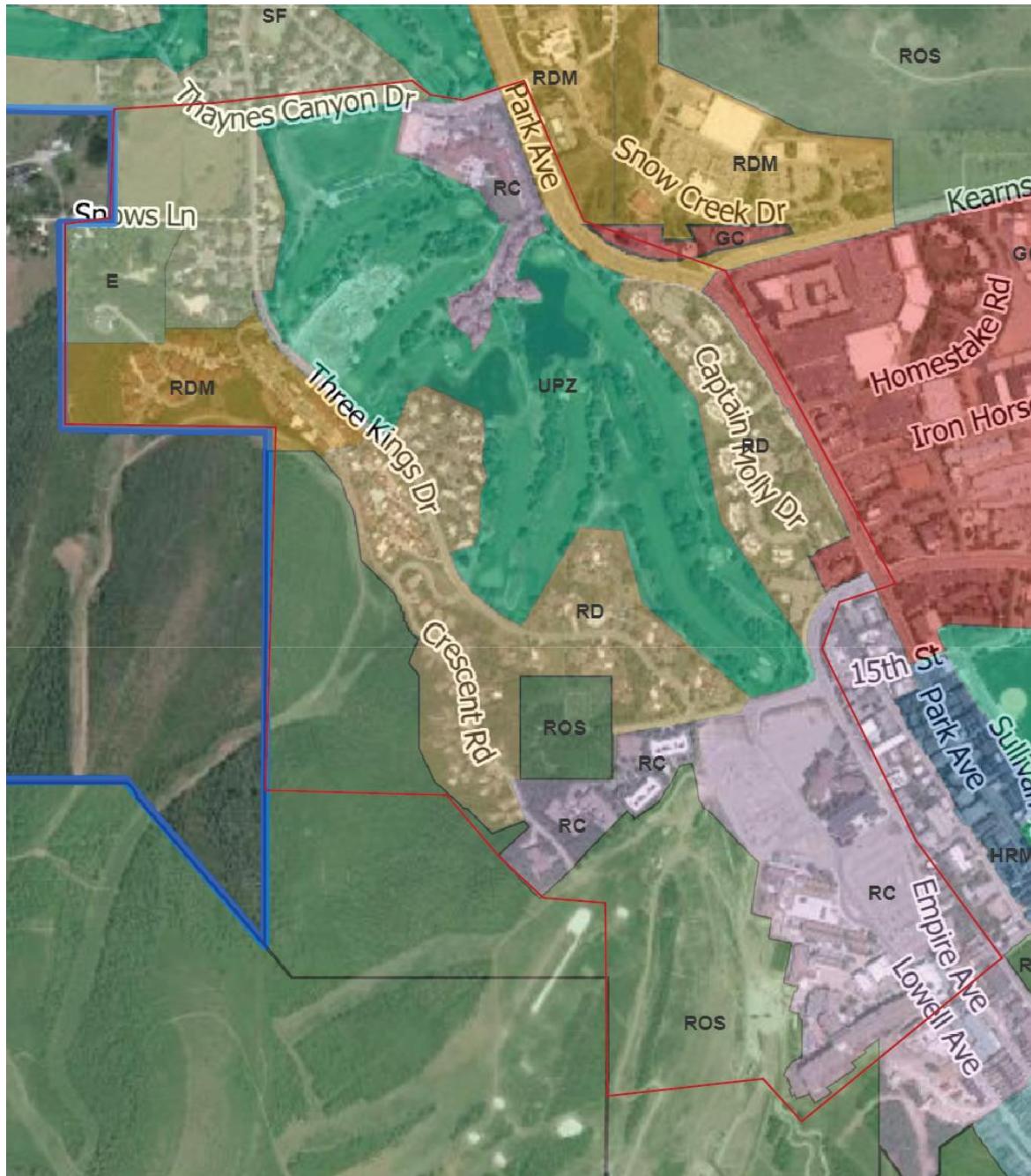
RESORT CENTER

Neighborhood Map



Zoning

- Estate (green)
- Recreation Commercial (light purple)
- Residential Development (tan)
- Residential Development Medium (orange)
- Single Family (yellow)



Options

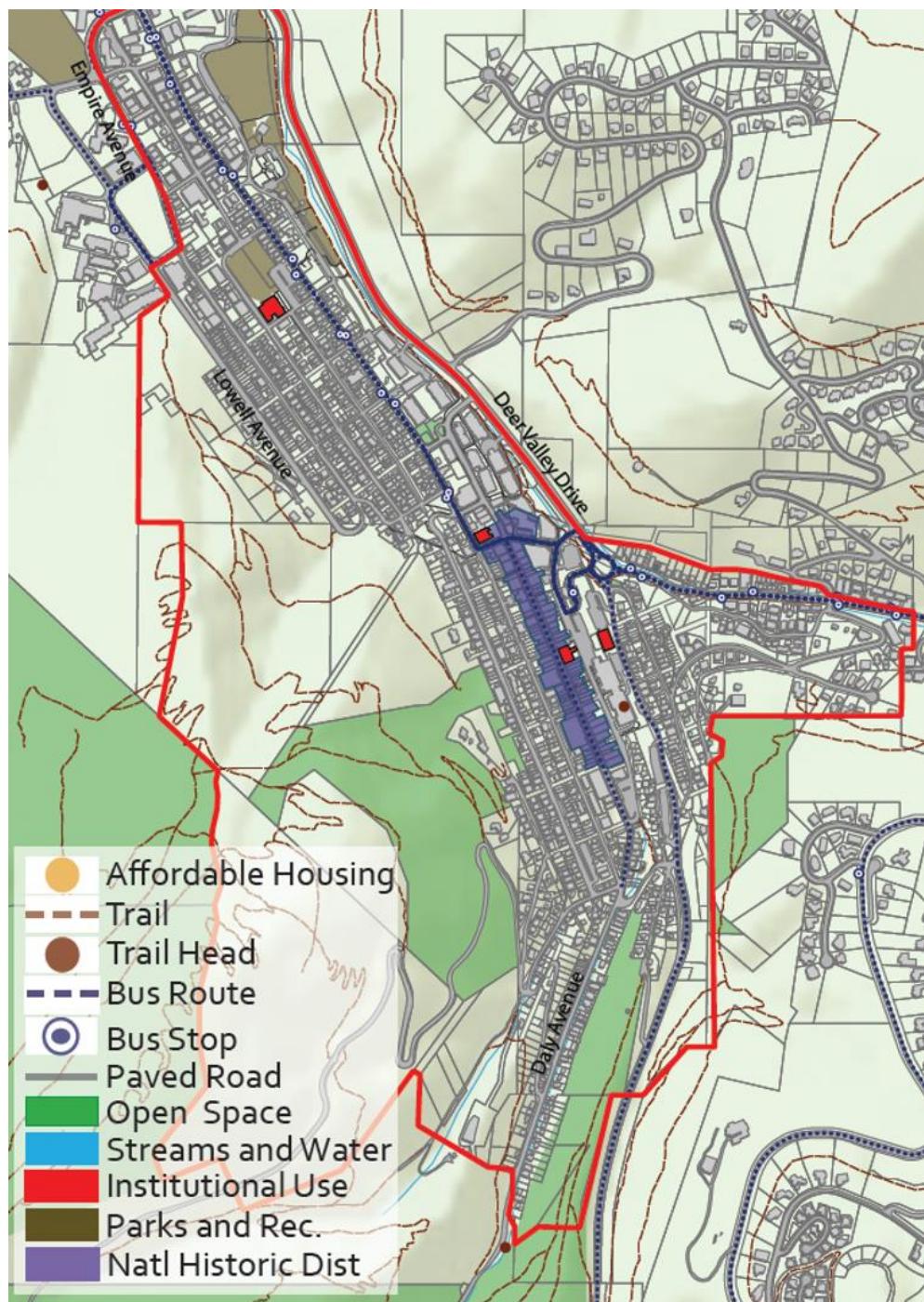
The General Plan identifies the Resort Center as a place where redevelopment integrates a world-class resort with a strong sense of community and recommends buffers that transition from the resort base to surrounding residential areas. The primary Zoning District for this neighborhood is Recreation Commercial, which includes the purpose of allowing resort-related transient housing.¹⁶

- Option 1 – transient uses would be allowed in the Recreation Commercial and Residential Development Medium Zoning Districts and prohibited in all other Zoning Districts
- Options 2 and 3 – transient uses would be allowed in the Recreation Commercial, Residential Development, and Residential Development Medium Zoning Districts, and prohibited in all other Zoning Districts

¹⁶ LMC [Section 15-2.16-1](#)

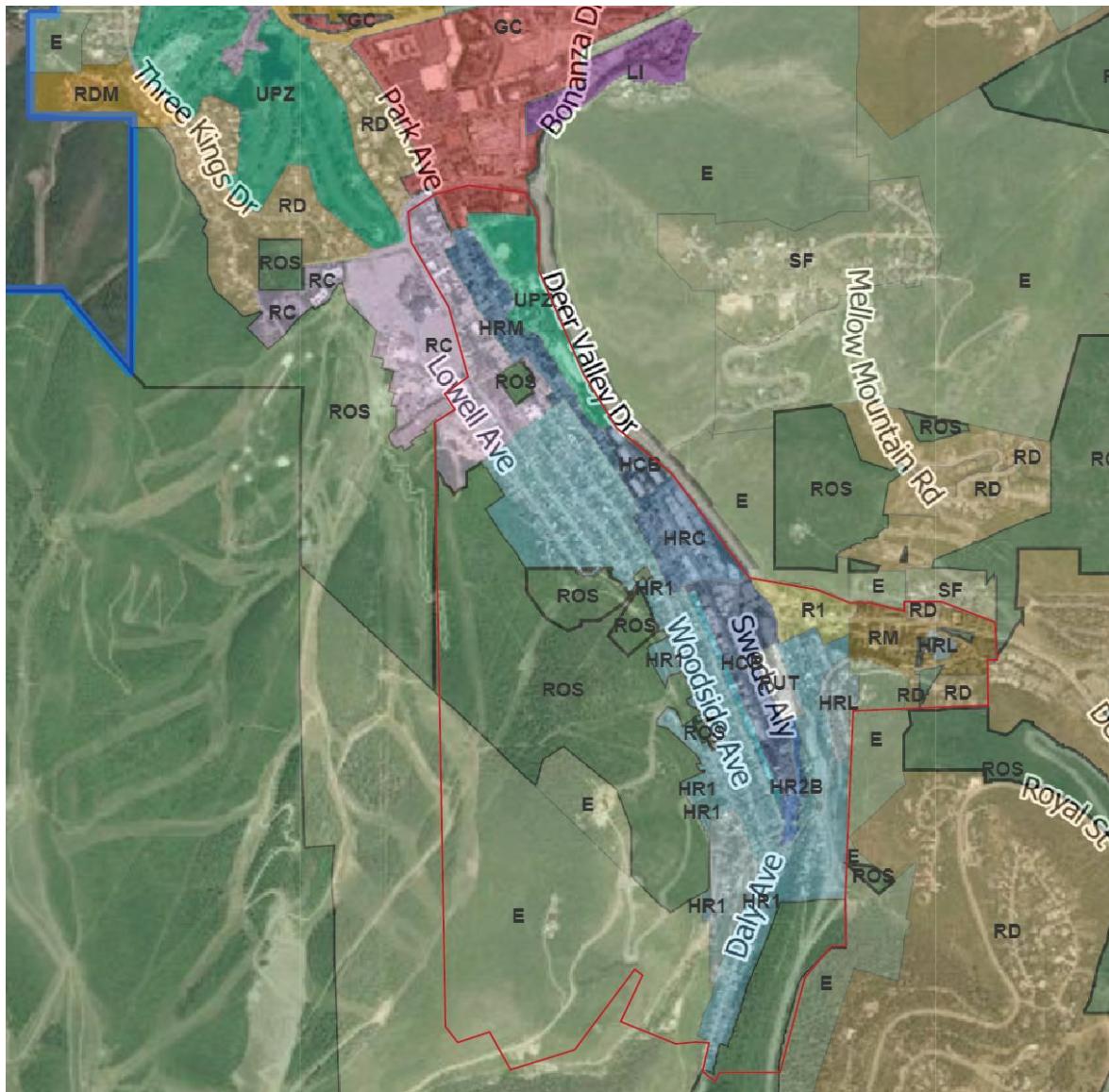
OLD TOWN

Neighborhood Map



Zoning

- Estate
- Historic Commercial Business (blue)
- Historic Recreation Commercial
- Historic Residential – 1
- Historic Residential – 2
- Historic Residential Low – Density
- Historic Residential Medium
- Recreation Commercial (light purple)
- Residential – 1
- Residential Development (tan)
- Residential Development Medium (orange)



Options

The General Plan identifies the need to protect and incentivize primary homeownership in Old Town. “Planning efforts to maintain primary homeownership in the Old Town neighborhood [are] motivated by the community’s Vision. In order to Keep Park City Park City, it is essential that Parkites be located in the heart of the City. While there is certainly a need to allow nightly rental in the district to provide visitors with the authentic Park City experience, it is recommended that the City consider investigating incentives to keep primary residents located within Old Town.”¹⁷ The General Plan also establishes a policy to protect a Sense of Community: “[t]he City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood.”¹⁸

While the purposes of the Historic Residential Medium Zoning District include allowing continuation of permanent residential and transient housing in original residential areas of Park City¹⁹ and the purposes of the Residential Development Medium Zoning District include continuation of medium density residential resort related housing in the newer residential areas of the City,²⁰ under the lens of the General Plan that recommends future land use regulations to achieve a balance of primary and transient uses, the following is proposed:

- Option 1 – allow transient uses in the Historic Commercial Business, Historic Recreation Commercial and Residential Development Medium Zoning Districts and prohibit in all other Zoning Districts
- Options 2 and 3 – allow transient uses in the Historic Commercial Business, Historic Recreation Commercial, and Residential Development Zoning Districts and prohibit in all other Zoning Districts

¹⁷ General Plan, Volume II, [Neighborhoods 2](#), p. 34

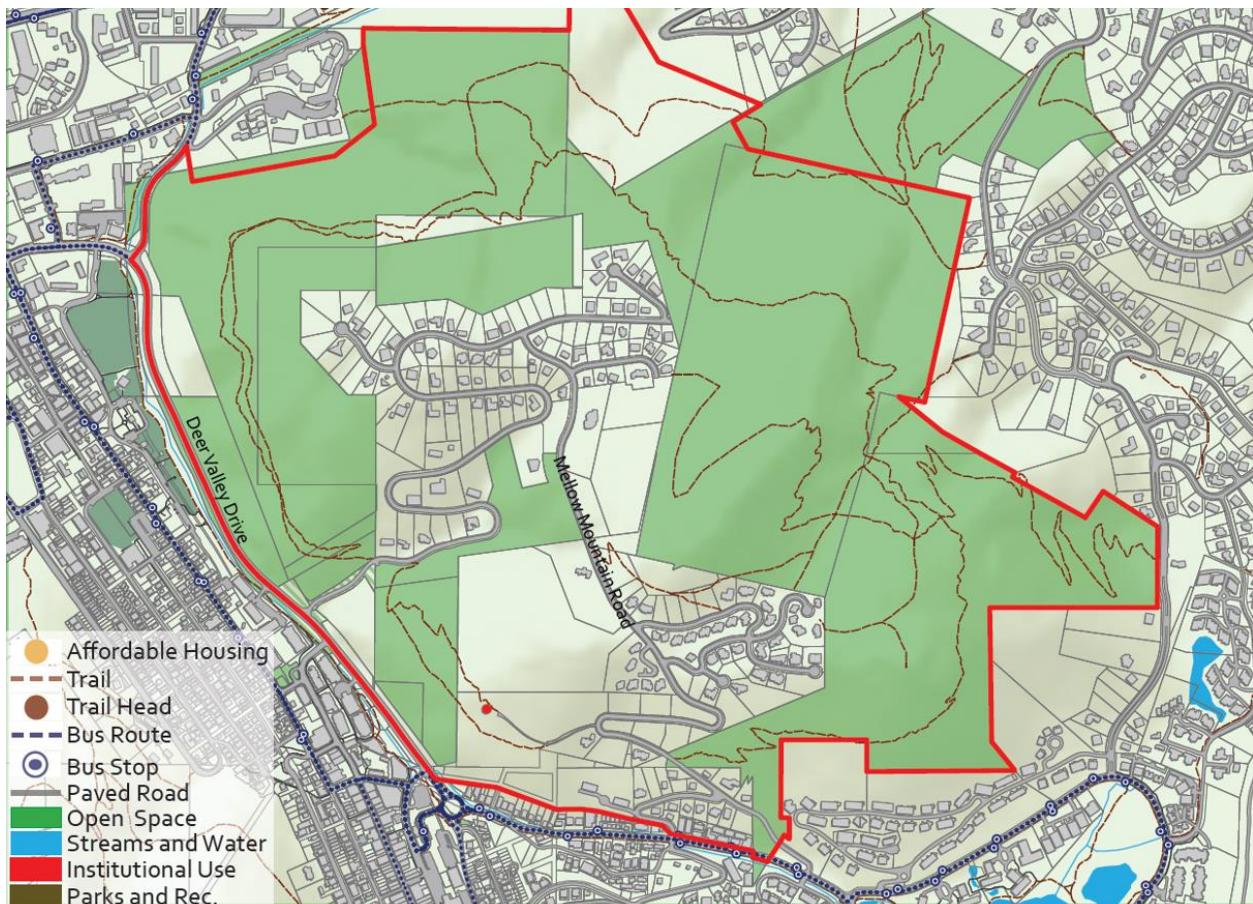
¹⁸ *Id.*

¹⁹ LMC [Section 15-2.4-1](#)

²⁰ LMC [Section 15-2.14-1](#)

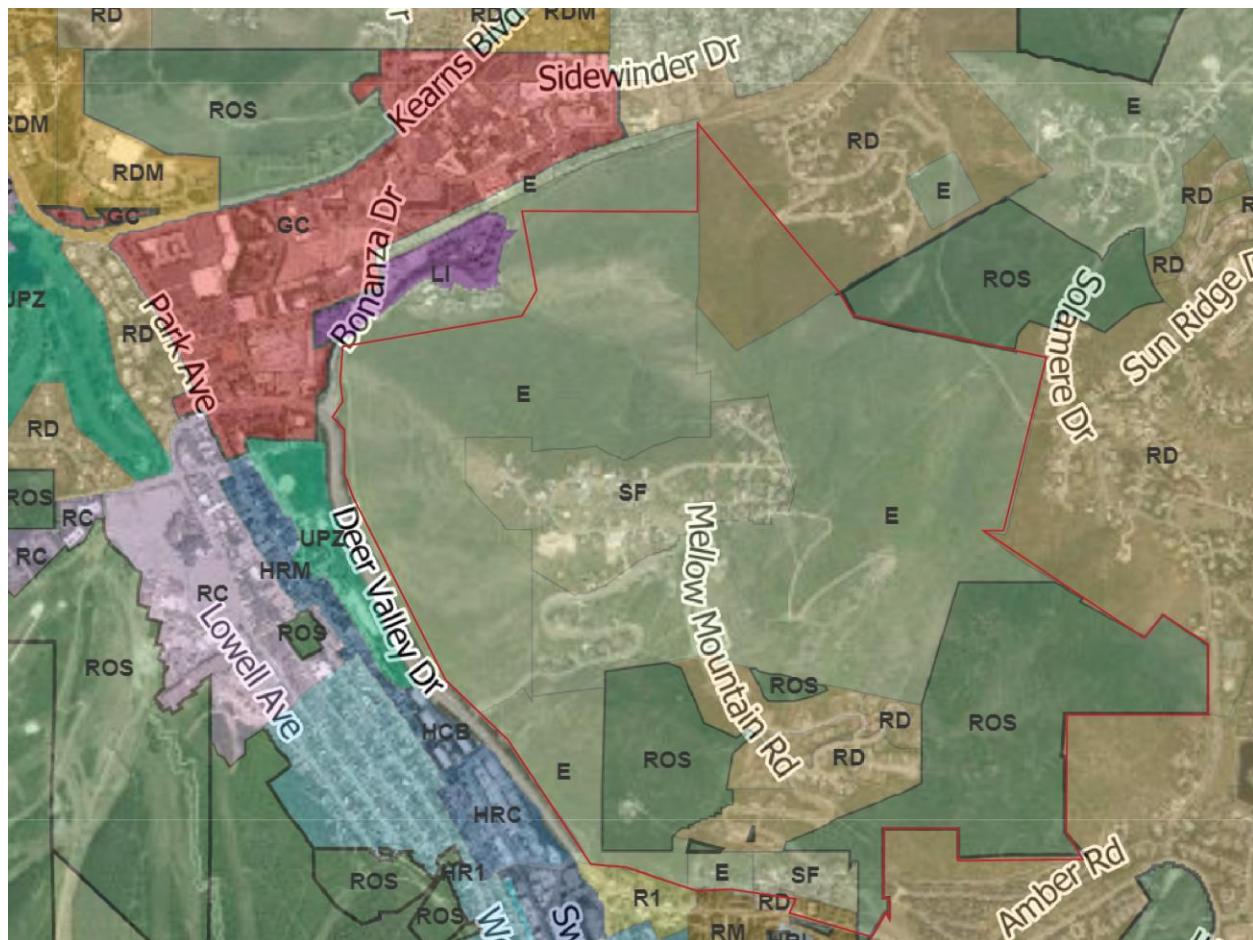
MASONIC HILL

Neighborhood Plan



Zoning

- Estate (light green)
- Residential Development (tan)
- Single Family (light yellow)



Options

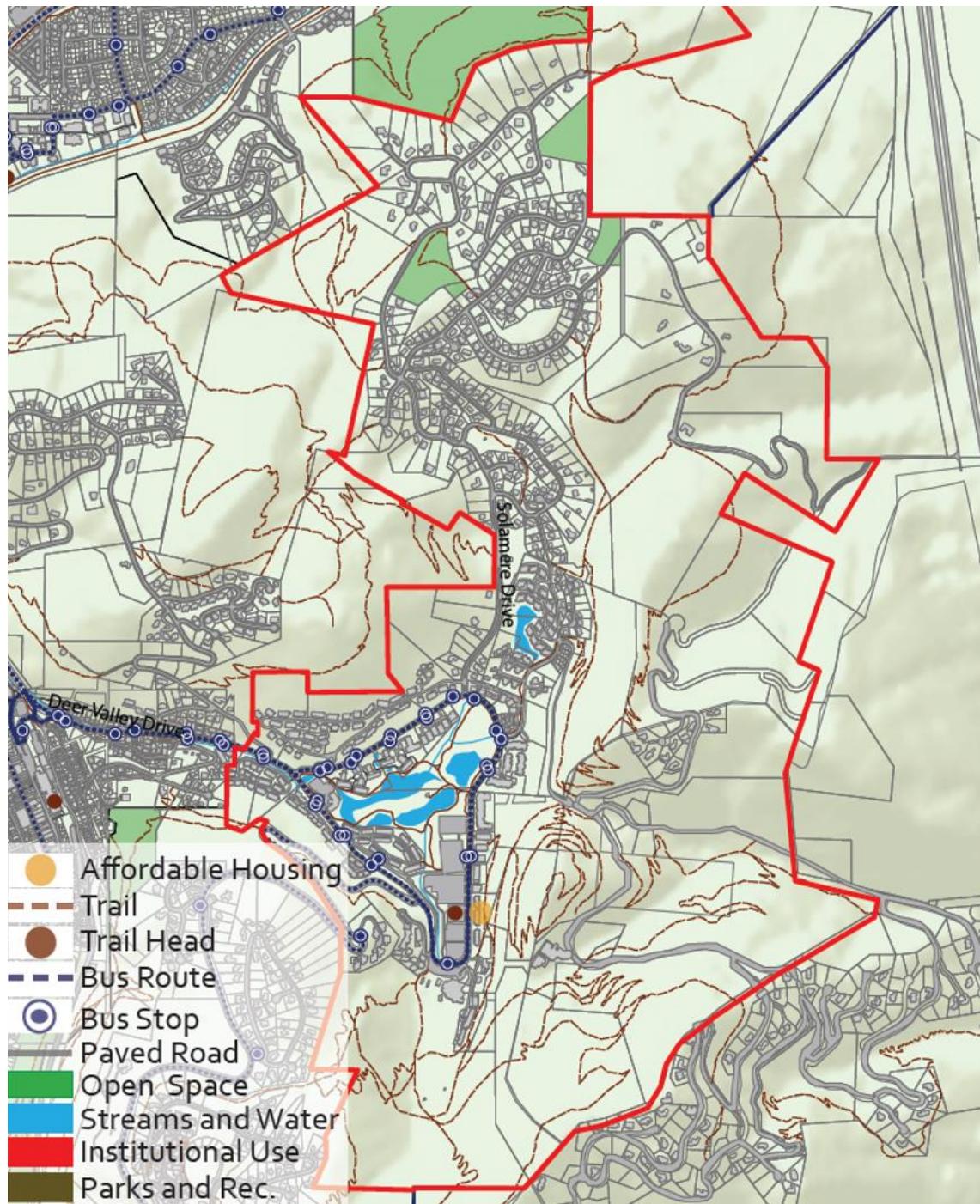
The General Plan identifies the Masonic Hill neighborhood as a “neighborhood balanced by second homes and primary residents” and development requires protection of sensitive lands and preservation of surrounding open space.²¹ To preserve the balance of primary residents and second homes in this neighborhood, the following is recommended:

- Options 1, 2 and 3 – prohibit transient uses in all Zoning Districts within this neighborhood

²¹ General Plan [Neighborhoods 2](#), p. 46

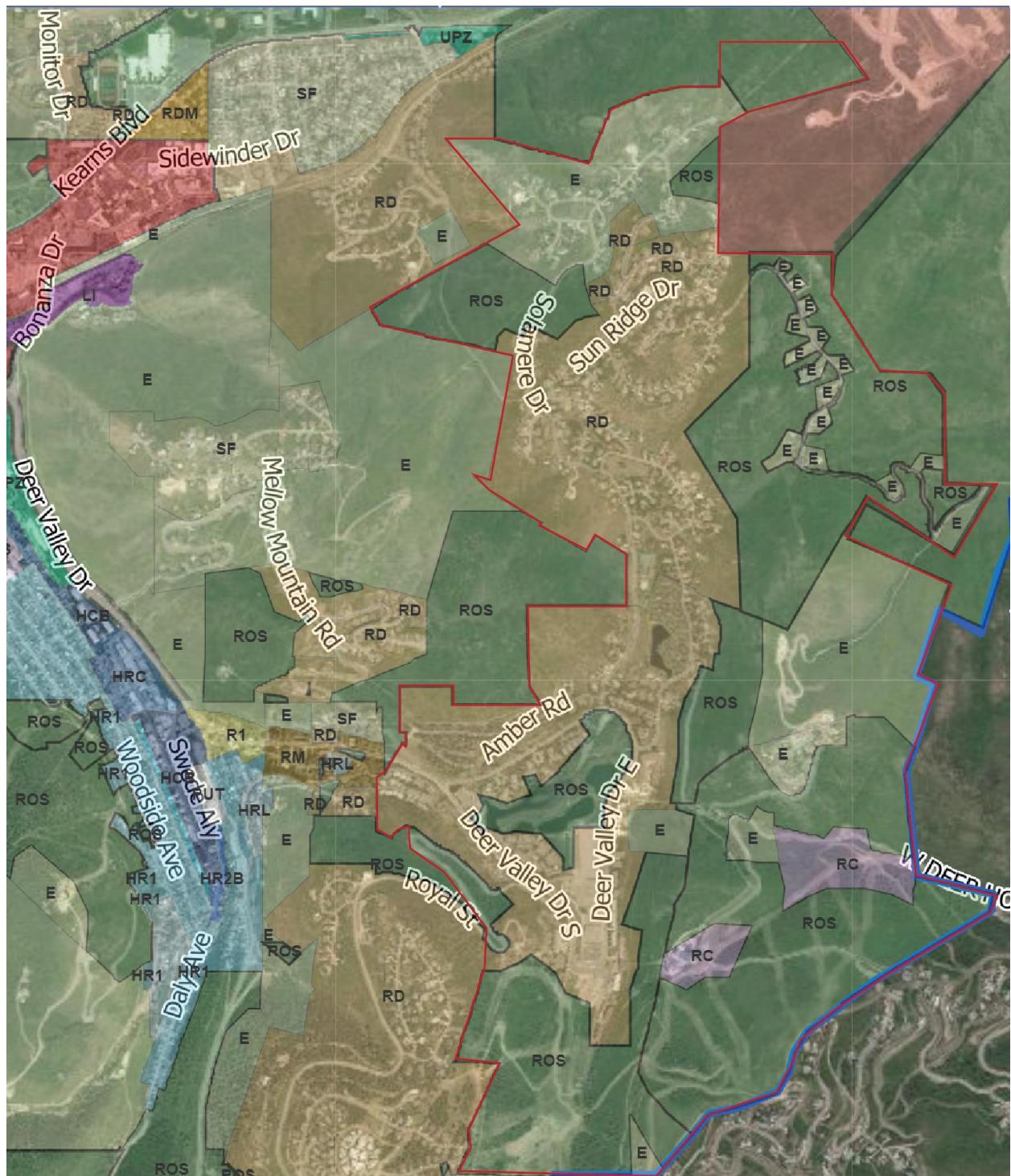
LOWER DEER VALLEY

Neighborhood Map



Zoning

- Estate (light green)
- Recreation Commercial
- Residential Development (tan)



Options

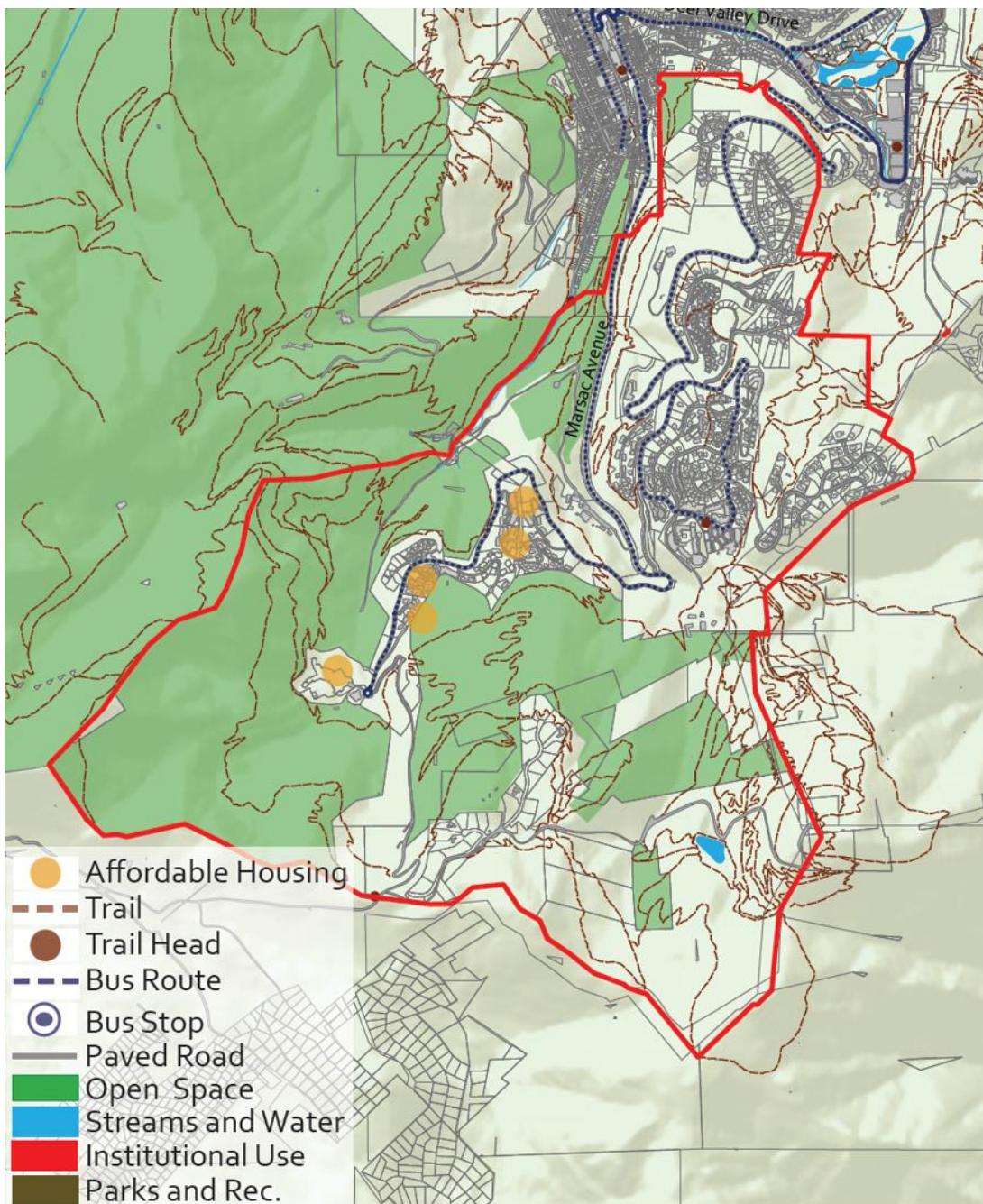
The General Plan identifies the Lower Deer Valley as “[a] resort neighborhood catering to second homes and nightly rentals.”²²

- Option 1 – prohibit transient uses in all Zoning Districts
- Option 2 – allow transient uses in the Recreation Commercial and Residential Development Zoning Districts
- Option 3 – allow transient uses in the Recreation Commercial and Residential Development Zoning Districts but exclude in the subdivisions within the Residential Development Zoning District that have requested or have a pending request to prohibit Nightly Rentals and/or transient uses, including Hidden Oaks at Deer Valley and Solamere Subdivision 1

²² General Plan, [Neighborhoods 3](#), p. 7

UPPER DEER VALLEY

Neighborhood Map



Zoning

- Estate (light green – Red Cloud Subdivision)
- Residential Development (tan)



Options

The General Plan identifies the Upper Deer Valley neighborhood that is connected to the heart of Park City, Park City's most remote neighborhood with limited access, that is home to resort-oriented development, including housing "mainly utilized as second homes and nightly rentals" and "[h]ousing in this neighborhood will remain oriented toward second-homes and/or nightly rental use" and "[e]fforts to increase the year-round

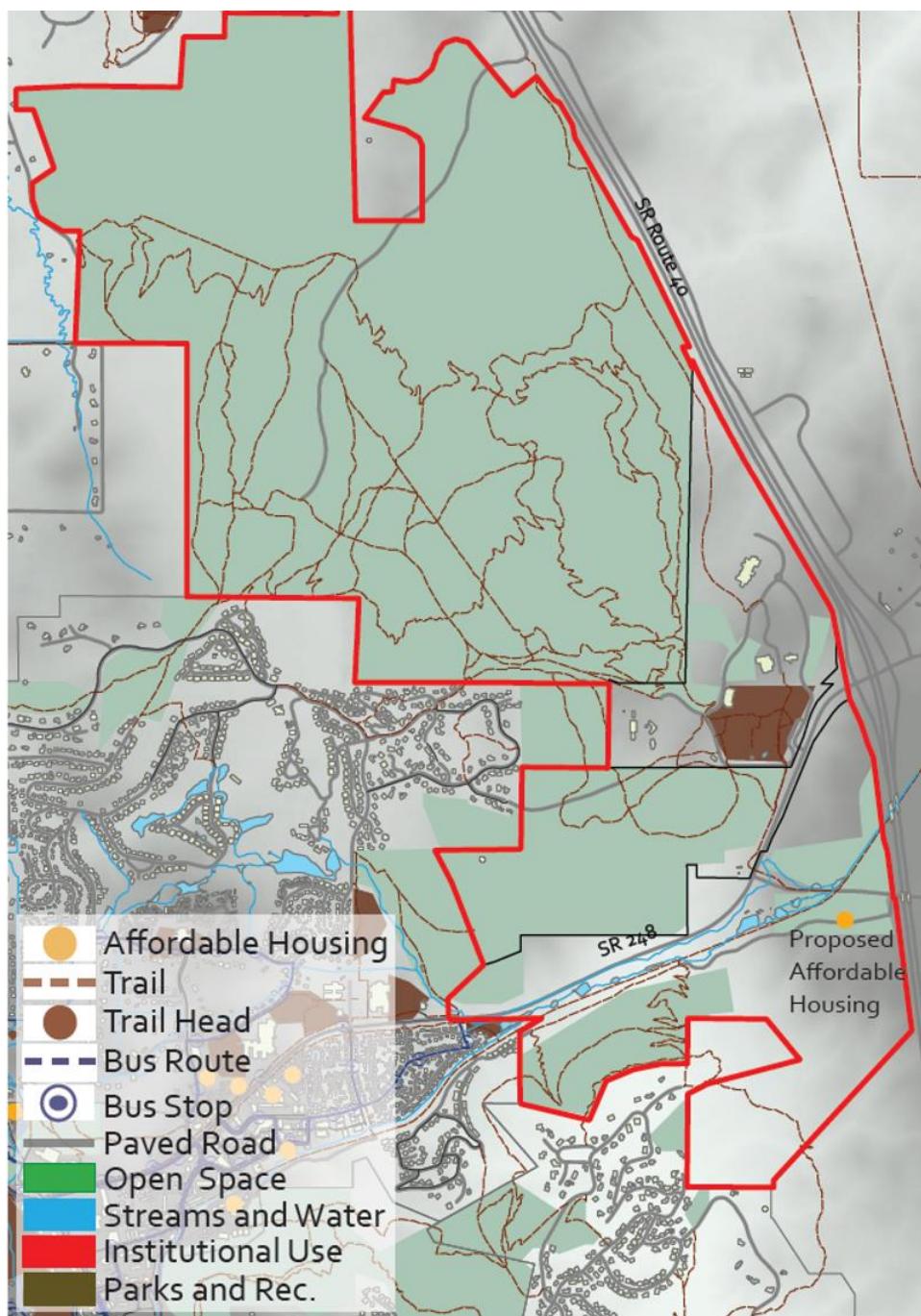
demand on the available bed base in the Upper Deer Valley should continue.²³

- Option 1 – prohibit transient uses in the Upper Deer Valley neighborhood
- Options 2 and 3 – allow transient uses in the Residential Development Zoning District south of Deer Lake Village 1, and prohibit in those north of Deer Lake Village 1 (including prohibiting transient uses in Solamere Subdivision 1)

²³ General Plan, [Neighborhoods 3](#), p. 20

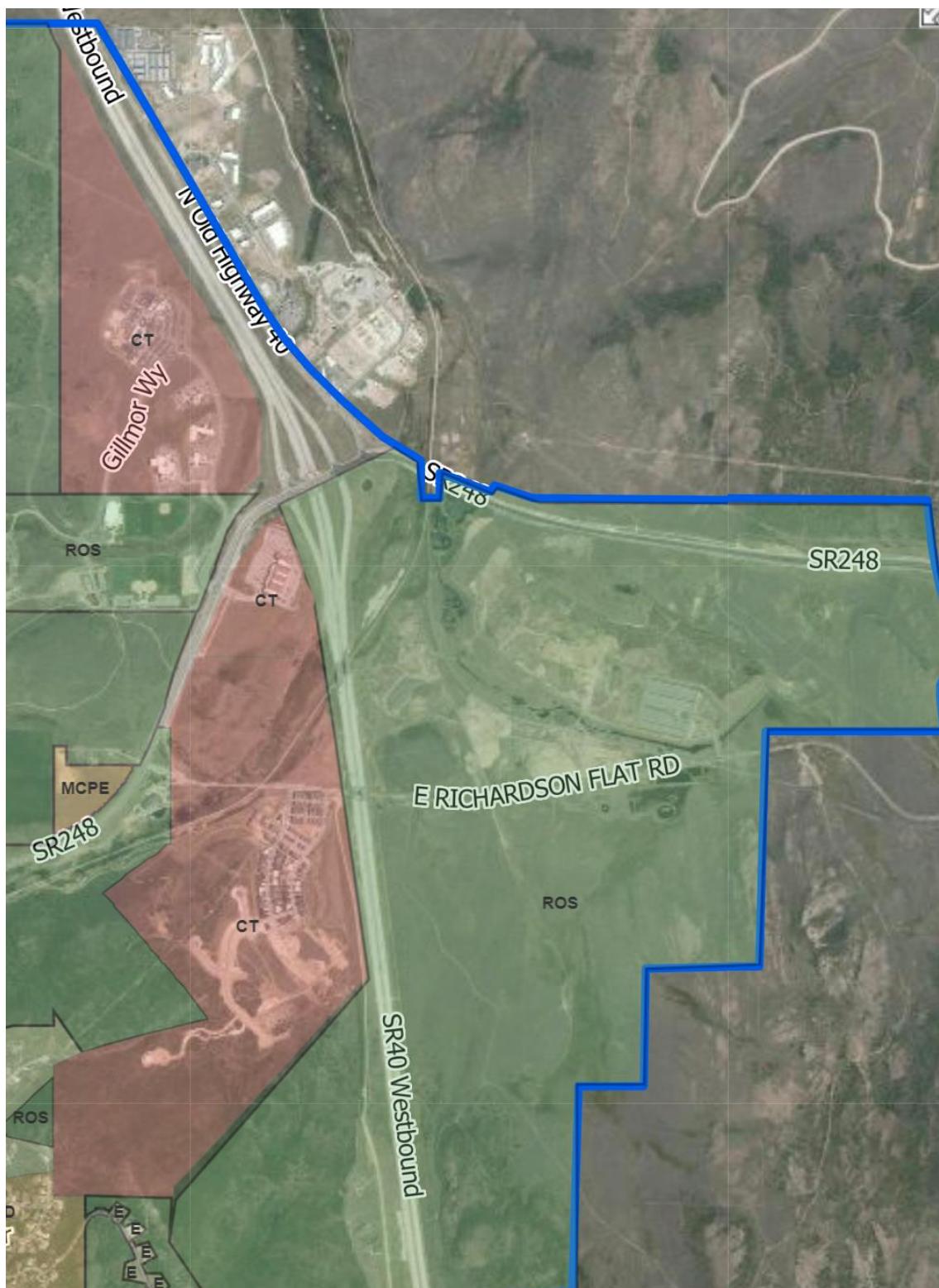
QUINN'S JUNCTION

Neighborhood Map



Zoning

- Community Transition (light red)



Options

Quinn's Junction includes open space, the Park City Medical Campus, the National Ability Center, the US Ski Association Training Center, and City recreation facilities. Residential uses are limited to those in the Park City Heights Subdivision. Included in Park City Heights at full build-out will be 28 affordable and 51 attainable units with deed restrictions that require primary resident occupancy and prohibit transient uses. Also, there may be future affordable housing development on the City-owned Clark Ranch property within the area.

The General Plan outlines the Quinn's Junction Joint Planning Commission Principles to guide future development and uses in the area and states that clustered residential development may be considered but preservation of the area as an open space corridor is the recommended development pattern. The Quinn's Junction area is zoned primarily Recreation Open Space and Community Transition. Timeshares, Private Residence Clubs, and Fractional Use are prohibited in this Zoning District and staff recommends that they continue to be prohibited.

- Options 1, 2, and 3 – due to distance from the City's commercial Zoning Districts and resort areas, and the affordable units within the residential development that require primary resident ownership or occupancy, staff recommends no changes – continue to prohibit transient uses in this neighborhood

Department Review

The Executive and Planning Departments and City Attorney's Office reviewed this report.

Exhibits

- A: Ordinance No. 81-7 Enacting a Moratorium on Timeshares
- B: Ordinance No. 82-4 Regulating the Creation of Timeshare Projects in Park City
- C: Ordinance No. 04-39 Regarding Timeshares, Fractional Ownership, and Private Residence Clubs
- D: Approved Timeshares and Private Residence Clubs

ORDINANCE

Ordinance No. 81-7

AN ORDINANCE DECLARING A MORATORIUM TO BE PLACED ON
THE CONVERSION TO OR THE DEVELOPMENT OF TIME-SHARE
PROJECTS IN ANY ZONE WITHIN THE CITY OF PARK CITY,
UTAH

WHEREAS, the "time-share" concept is a transient type of activity and has no apparent local control under the City's current ordinances, and

WHEREAS, a study is needed to determine the compatibility of this concept with the City's existing residential zoning classifications to insure protection of the public health, safety and welfare, and

WHEREAS, the potential impact of time-share projects on the City of Park City indicates a clear and convincing need for restrictions and regulatory measures,

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

Section 1: Moratorium. A six month moratorium is hereby established to allow the City time to develop ordinances to regulate time-share activities in Park City.

Section 2: Zones Prohibiting Time-Share Projects. During the six month moratorium, time-share projects shall not be a permitted use in any zone within Park City.

Section 3: Conversions and New Construction. During the six month moratorium, neither applications for conversions, except as provided in Section 5 hereof, existing projects, nor the construction of new time-share projects shall be considered by the City.

Section 4: Definition. Time-share projects shall include those projects containing time period units, as defined in Section 57-8-3(20), Utah Code Annotated, encompassing annually recurring parts of a year as a period for which a physical unit is separately owned.

This definition is to include any project organized as undivided ownerships, limited partnerships or other forms of ownership that is created to achieve ownership of a time period use of a physical unit directly or indirectly, whether or not such ownership is within the scope of Section 57-8-3(20), Utah Code Annotated.

This definition is to include time-share estates, interval ownership, vacation license and vacation lease, club memberships, time-share use, and all other such terminology, typically applied to time-sharing in the State of Utah and elsewhere in the United States.

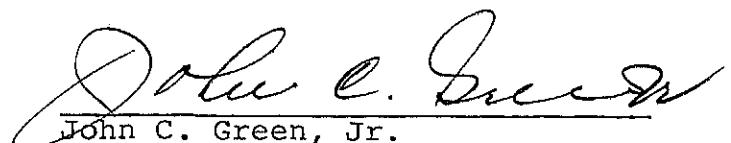
Section 5: Exception. This ordinance shall not affect time-share projects for which units have been lawfully sold or offered for sale to the public, at the date of adoption of this ordinance.

Section 6: Effective Period. This ordinance shall remain in effect for a period of six months from the date of adoption, unless sooner repealed or otherwise modified and subject to any extension of the time period as approved by the City Council.

Section 7: Effective Date. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of July, 1981.

PARK CITY MUNICIPAL CORPORATION


John C. Green, Jr.
Mayor

Attest:

m kolson

Ordinance No. 82-4

AN ORDINANCE REGULATING
THE CREATION OF TIME-
SHARE PROJECTS IN THE
CITY OF PARK CITY

Be it ordained by the Park City Council:

SECTION 1. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new sections 1.5.83 through 1.5.96 to read as follows:

Section 1.5.83 "Off-Premises Timeshare Contacting Activity" means activity occurring outside of a timeshare project that is engaged in by off-premises timeshare contacting personnel in an effort to induce persons willing to attend a timeshare sales presentation.

Section 1.5.84 "Off-Premises Timeshare Sales Activity" means original timeshare sales and resales activity occurring outside of a timeshare project.

Section 1.5.85 "Off-Premises Timeshare Contacting Location" means a location within the City, but outside of a timeshare project, at which off-premises timeshare contacting personnel attempt to induce persons to attend a timeshare sales presentation.

Section 1.5.86 "Off-Premises Timeshare Sales Office" means an office located within the City, but outside of a timeshare project, wherein timeshare sales presentations are made and

other marketing related activities are conducted in an effort to generate original timeshare interval sales or resales.

Section 1.5.87 "On-Site Timeshare Sales Activity" means original timeshare sales activity occurring within a timeshare project.

Section 1.5.88 "On-Site Timeshare Sales Office" means an office located within a timeshare project within the City wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate original timeshare interval sales.

Section 1.5.89 "Timeshare Conversion" means the conversion into a timeshare project of any real property and the existing structure(s) attached thereto, which were not subject to a timeshare instrument prior to the date of such conversion, including, without limitation, the conversion into a timeshare project of (a) any existing motel, hotel, or apartment building, (b) any existing unit or units within an existing condominium project, or (c) any dwelling unit or dwelling units within an existing planned unit development.

In the event the developer of a condominium project reserves in the declaration of condominium establishing such condominium project the right to create timeshare intervals within (a) all or any portion of any additional land that may thereafter be added to the project, (b) any convertible land within the project, or (c) any convertible space within the project, then the subsequent creation of timeshare intervals within any portion of such additional land, convertible land, or

convertible space shall not be deemed to be a timeshare conversion as defined in this Section 1.5.89, so long as (a) such right to create timeshare intervals is specifically reserved by the developer in accordance with the requirements of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1, et seq., (b) the reservation of such right to create timeshare intervals is fully disclosed in writing to the City at the time the City's approval to develop the condominium project is sought by the developer, and (c) such right to create timeshare intervals expires no later than seven (7) years from the date the declaration of condominium establishing such condominium project is recorded in the office of the County Recorder of Summit County, Utah.

Section 1.5.90 "Timeshare estate" means an ownership or leasehold estate in property devoted to a timeshare fee (including, without limitation, tenants in common, time span ownership, interval ownership, and cooperative time share ownership) created by a timeshare instrument and the documents by which it is granted.

Section 1.5.91 "Timeshare instrument" means any instrument whereby the use, occupancy or possession of real property has been made subject to either a timeshare estate or timeshare use, and whereby such use, occupancy or possession circulates among (a) nine (9) or more purchasers of the timeshare intervals in the event the timeshare project is located in any of the following districts: Commercial

Business District (HCB), General Commercial District (GC), Recreation Commercial District (RC), Residential-Medium Density District (RM) or Residential Development-Medium Density District (RDM); or (b) three (3) or more purchasers of the timeshare intervals in the event the timeshare project is located in any of the following districts: Historic Residential District (HR-1), Estate District (E), Residential Development District (RD) or Residential-Low Density District (R-1), according to a fixed or floating time schedule on a periodic basis occurring annually over any period of time in excess of three (3) years in duration.

Section 1.5.92 "Timeshare interval" means a timeshare estate or a timeshare use.

Section 1.5.93 "Timeshare project" means any real property that is subject to a timeshare instrument, including a timeshare conversion.

Section 1.5.94 "Timeshare sales presentation" means: (1) an offer to sell or reserve a timeshare interval; (2) an offer to sell an option to purchase a timeshare interval; (3) the sale of a timeshare interval, or an option to purchase a timeshare interval; or (4) the reservation of a timeshare interval, whether the timeshare interval is located within or without the State of Utah, where such offer, sale or reservation is made within the City.

Section 1.5.95 "Timeshare unit" means that unit of real property and time where possession and use are allowed under a contract from seller to purchaser.

Section 1.5.96 "Timeshare use" means any contractual right of exclusive occupancy created by a timeshare instrument which does not fall within the definition of a "timeshare estate" (including, without limitation, a vacation license, club membership, general partnership interest, limited partnership interest, vacation bond or beneficial interest in a trust) and the documents by which it is transferred.

SECTION 2. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new sections 2.12 through 2.13 to read as follows:

Section 2.12 TIMESHARE CONVERSIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

Section 2.12.1 Information to be Filed with Conversion Application. Developers of timeshare conversions shall file with the Planning Commission the following information as part of a conditional use permit application:

Section 2.12.1.1 The proposed duration of timeshare intervals.

Section 2.12.1.2 Identification of the timeshare interval as a timeshare estate or timeshare use.

Section 2.12.1.3 Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.

Section 2.12.1.4 A copy of the proposed timeshare instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation, Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the timeshare project and/or timeshare units.

Section 2.12.1.5 The name, address and phone number of the managing agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 2.12.1.6 The name, address and phone number of the central contact person for the Developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 2.12.1.7 A list of all owners of the property being converted, or if the property has previously been divided into separately owned units, dwelling units or lots, a list of all owners of such units, dwelling units or lots.

Section 2.12.1.8 A plan showing in reasonable detail the means by which the timeshare conversion will comply with the Park City parking requirements for timeshare projects, including the purchase of any necessary additional property.

Section 2.12.1.9 Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water use resulting from the change in use.

Section 2.12.1.10 For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than sixty-five percent of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than ninety days prior to the date of the application for a conditional use permit.

Section 2.12.1.11 Any other information that the Developer or Planning Commission deems reasonably necessary to the consideration of the project.

Section 2.12.2 Conditions. In determining whether, and under what conditions to issue a conditional use permit for timeshare conversions, the Planning Commission may consider the following conditions:

Section 2.12.2.1 The impact the timeshare conversion will have on present and future city services.

Section 2.12.2.2 The impact the timeshare conversion will have on traffic circulation and parking.

Section 2.12.2.3 The applicant's description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare conversion.

Section 2.12.2.4 Whether an office of the managing agent or agency is located locally or within the timeshare conversion.

Section 2.12.2.5 The impact the timeshare conversion may have on meeting space, convention business and nightly rentals within the City.

Section 2.12.2.6 Compliance with the Park City Land Management Code, Park City Planning Commission policies, the City's Comprehensive Plan and other applicable city ordinances and guidelines in force at the time of application.

Section 2.12.2.7 Compliance with the Park City Uniform Building Code and other Park City Building Department regulations in force at the time of application.

Section 2.12.2.8 Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the timeshare conversion.

Section 2.12.2.9 For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than sixty-five percent of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than ninety days prior to the date of the application for a conditional use permit.

Section 2.12.2.10 The existence, with respect to a property which is to be converted, of minor variations from the requirements of the current Park City Land Management Code, Park City Planning Commission Policies, Park City Uniform Building Code, and other Park City Building Department regulations in

effect at the time the application for a conditional use permit is made which are not otherwise dangerous conditions or in violation of applicable building codes in effect on the date the construction of the property was originally completed, which would render full compliance with the other requirements of this Section 2.12.2 impractical because of unique conditions of the property or which would result in extreme hardship. In the event the Planning Commission discovers such minor variations to exist in a timeshare conversion, the Planning Commission may, upon the written recommendation of the Building Official or upon the decision of the Board of Appeals, waive with respect to such minor variations literal compliance with the Park City Land Management Code, Park City Planning Commission policies, Park City Uniform Building Code requirements and other Park City Building Department regulations and may approve the timeshare conversion upon a finding by the Building Official or Board of Appeals that the conversion generally conforms with the spirit and purpose of the provisions of this Section 2.12.2 and other applicable City ordinances and guidelines in force at the time of application for a conditional use permit.

Section 2.13 OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.

Section 2.13.1 Conditions. In determining whether, and under what conditions to issue a conditional use permit for an off-premises timeshare contacting location the Planning Commission may consider:

Section 2.13.1.1 The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the area.

Section 2.13.1.2 The proximity of the off-premises contacting location to other off-premises contacting locations servicing the same timeshare project.

Section 2.13.1.3 Whether the off-premises contacting location will be located in a completely enclosed building.

Section 2.13.1.4 Compliance with the Park City Land Management Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of application.

Section 2.13.1.5 Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location.

SECTION 3. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Sections 3.1.6 and 3.1.7 to read as follows:

Section 3.1.6 TIMESHARE CONVERSIONS. Existing projects, properties or units, including, without limitation, those presently owned and operated as condominiums, planned unit developments, hotels and motels, shall not be converted to timeshare projects as defined by Section 1.5.89 without first obtaining from the Planning Commission a conditional use permit as required by Section 2 hereof. A conditional use permit must be obtained for the conversion of each separate project or property being converted.

Section 3.1.7 TIMESHARE PROJECTS.

Section 3.1.7.1 Information to be Filed with Timeshare Project Application. The Developer of any Timeshare Project other than a timeshare conversion shall file with the Planning Commission the following information as part of a building permit application:

Section 3.1.7.1.1 The proposed duration of timeshare intervals.

Section 3.1.7.1.2 Identification of the timeshare interval as a timeshare estate or timeshare use.

Section 3.1.7.1.3 Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.

Section 3.1.7.1.4 A copy of the proposed timeshare

instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation, Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the timeshare project and/or units.

Section 3.1.7.1.5 The name, address and phone number of the managing agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 3.1.7.1.6 The name, address and phone number of the central contact person for the Developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the Developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Park City Planning Commission and the Park City Business Licensing Division.

Section 3.1.7.1.7 Whether the Developer plans to offer

resale assistance and/or exchange program affiliation to timeshare interval purchasers.

Section 3.1.7.1.8 A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare project.

Section 3.1.7.1.9 Any other information that the Developer or Planning Commission deems reasonably necessary to the consideration of the project.

SECTION 4. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by amending Sections 4.3.2.4, 4.3.2.7, 4.9.2.4, 4.9.2.7, 4.10.2.1, 4.10.2.2.4 and 4.10.3.1, and creating new Sections 4.3.3.3., 4.9.3.6 and 4.10.3.2.7 to read as follows:

HISTORICAL COMMERCIAL BUSINESS (HCB) DISTRICT

Section 4.3.2 PERMITTED USES

Section 4.3.2.4. Service commercial establishments limited to the following and similar uses: Business office, catering service, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, custom sewing, dry cleaning pickup station, laundromat, tailoring and shoe repair shop, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.3.2.7 Dwelling units shall be limited to single family, duplex, multi-unit dwelling, hotels, accessory building uses, home occupations, nightly rentals, lockout rooms and timeshare projects other than timeshare conversions.

Section 4.3.3 CONDITIONAL USES

Section 4.3.3.3 Off-premises timeshare contacting locations and timeshare conversions.

GENERAL COMMERCIAL (GC) DISTRICT

Section 4.9.2 PERMITTED USES

Section 4.9.2.4. Service commercial establishments limited to the following and similar uses: Business office, catering service, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, custom sewing, dry cleaning pickup station, handicraft production, laundromat, mortuary, tailoring and shoe repair shop, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.9.2.7. Dwelling units limited to the following and similar uses: Single family, duplex, multi-unit dwellings, hotels, accessory buildings uses, homw occupations, nightly rentals, lockout rooms and timeshare projects other than timeshare conversions.

Section 4.9.3 CONDITIONAL USES

Section 4.9.3.6. Off-premises timeshare contacting locations and timeshare conversions.

RECREATION COMMERCIAL (RC) DISTRICT

Section 4.10.2 PERMITTED USES

Section 4.10.2.1 Residential Uses. Dwelling units limited to the following and similar uses: Single family, duplexes, and multi-unit dwellings not exceeding eight development credits, accessory buildings and uses, home occupations,

lockout rooms and timeshare projects other than timeshare conversions.

Section 4.10.2.2.4. Service commercial establishments limited to the following and similar uses: Business office, child nursery, financial institution, on-site timeshare sales office, off-premises timeshare sales office, personal service including barber and beauty shop, dry cleaning pickup station, laundromat, travel agency, parking lot or parking garage, studio for instruction in the arts, radio or television broadcasting facility.

Section 4.10.3 CONDITIONAL USES

Section 4.10.3.1 Residential Uses. Multi-unit dwellings requiring greater than eight development credits as defined in Section 4.10.22 and timeshare conversions.

Section 4.10.3.2.7 Off-premises timeshare contacting locations.

SECTION 5. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Section 5.18 to read as follows:

Section 5.18 Presale of Timeshare Intervals. Prior to the time that: (1) a building permit has been obtained for a timeshare project other than a timeshare conversion or (2) a conditional use permit has been obtained for a timeshare conversion, a timeshare developer may offer reservations to purchase timeshare intervals subject to the following requirements:

Section 5.18.1 A reservation to purchase a timeshare interval shall be binding upon the timeshare developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that (1) a building permit has been obtained for the timeshare project if the project of which the timeshare interval is a part is a timeshare project other than a timeshare conversion, or (2) a conditional use permit has been obtained for the timeshare project if the project of which the timeshare interval is a part is a timeshare conversion.

Section 5.18.2 The form of reservation agreement used by the timeshare developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the timeshare interval, and execution of such final contract of purchase may not take place prior to the date that (a) a building permit has been obtained for the timeshare project if the project is a timeshare project other than a

timeshare conversion, or (b) a conditional use permit has been obtained for the timeshare project if the project is a timeshare conversion.

Section 5.18.3 Any presale activity by a timeshare developer, its agents, employees or subcontractors must meet all requirements governing the offering or sale of timeshare intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.

Section 5.18.4 Any timeshare developer who violates the requirements of this Section 5.18 in the reservation of timeshare intervals shall be guilty of a Class B misdemeanor and upon conviction thereof may be punished by imprisonment in the county jail for a term of six (6) months, or by fine or not more than \$299 or by both such fine and imprisonment.

SECTION 6. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by amending Section 6.4 to read as follows:

Section 6.4 PLANNED UNIT DEVELOPMENT LAND USE
REGULATIONS

- a. If nightly rentals are desired in a Development, this desire must be declared at the time of consideration by the Planning Commission.
- b. If timesharing, as defined in the Code, is desired in the Development, such desire must be declared at the time of consideration by the Planning Commission.

SECTION 7. Ordinance No. 8-80A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended by creating new Sections 8.3.17 and 8.3.18 to read as follows:

OFF-STREET PARKING REQUIREMENTS

Section 8.3.17 On-site timeshare sales office, off-premises timeshare sales office - Two spaces for every 100 square feet in the sales office.

Section 8.3.18 Timeshare Projects -- The off-street parking requirements for hotels, motels and lodges set forth in Section 8.3 shall be used in determining the off-street parking requirements for timeshare projects.

SECTION 8. Ordinance No. 12-79 of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended to read as follows:

Section 8. Existing Projects -- Effect of Timeshare

Amendments to Ordinances. Any timeshare project established by a timeshare instrument wherein timeshare intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing timeshare project shall, to the extent that the timeshare instrument concerning such existing timeshare project is inconsistent with the provisions of the amendments to Ordinance No. 12-79 of the Park City Municipal Code relating to timeshare projects, be governed and controlled by the ordinances of the City as they existed prior to these amendments and by the terms of such existing timeshare project's timeshare instrument to the extent that the terms of such timeshare instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing timeshare project or the creation of any additional timeshare intervals therein must fully comply with these amendments.

Ordinance No. 8-80 A of the Park City Municipal Code entitled "Park City Land Management Code" is hereby amended to read as follows:

Section 13. Existing Projects -- Effect of Timeshare

Amendments to Ordinances. Any timeshare project established by a timeshare instrument wherein timeshare intervals were sold or

offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing timeshare project shall, to the extent that the timeshare instrument concerning such existing timeshare project is inconsistent with the provisions of the amendments to Ordinance No. 8-80A of the Park City Municipal Code relating to timeshare projects, be governed and controlled by the ordinances of the City as they existed prior to these amendments and by the terms of such existing timeshare project's timeshare instrument to the extent that the terms of such timeshare instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing timeshare project or the creation of any additional timeshare intervals therein must fully comply with these amendments.

Section 9. Effective Date. This ordinance shall become effective upon publication hereof.

DATED this 21st day of January, 1982.

John C. Deane Jr.
Mayor

ATTEST:

M. R. Olson,
Recorder

**AMENDMENTS TO THE LAND MANAGEMENT CODE
REGARDING DEFINITIONS AND ZONING DISTRICTS FOR
TIMESHARE, FRACTIONAL OWNERSHIP, AND PRIVATE RESIDENCE CLUB
OWNERSHIP UNITS AND PROJECTS**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to clarify definitions regarding various forms of fractional ownership, including Timeshare and Private Residence Club ownership of condominium units and to enhance the resort nature of Park City; to facilitate economically viable developments; and to enable development of private residence club ownership properties in zoning districts where traditional timeshare ownership is not allowed; and

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort and amend the Land Management Code to encourage a variety of housing types and ownership including private homes, condominiums, timeshare properties, and private residence club properties in appropriate zoning districts; and

WHEREAS, the proposed amendments are consistent with the Park City General Plan and the goals and objectives of the City Council; are not harmful to the health, safety and welfare of the residents of Park City; and are consistent with the purpose statements of the zoning districts and overall purposes of the Land Management Code.

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

SECTION 1. AMENDMENT TO TITLE 15- Land Management Code, Chapter 15- Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.13-2, RD, Residential Development, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.13-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.14-2, RDM, Residential Development Medium Density, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.14-2 of the Land Management Code of

Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.16-2, RC, Recreation Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.16-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.18-2, GC, General Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.18-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.19-2, LI, Limited Industrial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.19-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 7. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.17-2, RCO, Regional Commercial Overlay, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.17-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit G).

SECTION 8. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.6-2, HCB, Historic Commercial Business, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.6-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

SECTION 9. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2.5-2, HRC, Historic Recreation Commercial, Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 2.5-2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit I).

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of September 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:

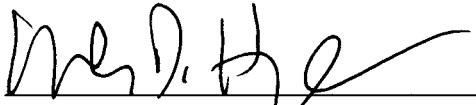

Mark D. Harrington, City Attorney

EXHIBIT A

5-15-1.220. **Temporary Improvement**. A Structure built and maintained during construction of a Development, activity or special event and then removed prior to release of the performance Guarantee.

15-15-1.221. **Timeshare Conversion**. The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

15-15-1.222. **Timeshare Estate**. ~~An ownership or leasehold estate in Property devoted to a timeshare fee, including without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership, created by a Timeshare Instrument and the documents by which it is granted. A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.~~

15-15-1.223. **Timeshare Instrument**. Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

15-15-1.224. **Timeshare Interval**. A Timeshare Estate or a Timeshare Use.

15-15-1.225. **Timeshare Off-Premises Contacting Activity**. Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

15-15-1.226. **Timeshare Off-Premises Sales Activity**. Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

15-15-1.227. **Timeshare Off-Premises Sales Office**. An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

15-15-1.228. **Timeshare On-Site Sales Activity**. Timeshare sales activity occurring within a Timeshare Project.

15-15-1.229. **Timeshare On-Site Sales Office**. An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

15-15-1.230. **Timeshare Project.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

15-15-1.231. **Timeshare Sales Presentation.**

- (A) An offer to sell or reserve a Timeshare Interval;
- (B) An offer to sell an option to purchase a Timeshare Interval;
- (C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or
- (D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

15-15-1.232. **Timeshare Unit.** That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, ~~excluding Private Residence Club units.~~

15-15-1.233. **Timeshare Use.** Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, ~~club membership~~, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, ~~excluding Private Residence Club use.~~

15-15-1.234. **Transferred Development Right (TDR) Open Space.** See Section 15-15-1.235. 15-1.151(C) Open Space, TDR.

15-15-1.164. **Porous Paving.** A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving.

15-15-1.165. **Preliminary Plat.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

15-15-1.166. **Preservation Easement.** An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for Rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

15-15-1.167. **Private Club.** See 15-15-1.44. **Club, Private.**

15-15-1.168. **Private Residence Club.** Residential use real estate, within a single Condominium project, in which ownership or use of a Condominium Dwelling Unit or group of Condominium Dwelling Units is shared by not less than four (4) or more than twelve (12) owners or members per Condominium Dwelling Unit and whose use is established by a reservation system and is managed with 24 hour reservation and property management, seven days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by: (i) a deeded interest in real property; (ii) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation or other business entity; (iii) a non-equity membership in a non-profit corporation, non-incorporated association or other entity; (iv) beneficial interest in a trust; or (iv) other arrangement providing for such use and occupancy rights.

15-15-1.169. **Private Residence Club Conversion.** The conversion of Condominium Units and associated Common areas within an existing Condominium project to the exclusive use as a Private Residence Club.

15-15-1.170. **Private Residence Club Project.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for use and ownership as a Private Residence Club and contains at least 4 units.

15-15-1.168. **Property.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

15-15-1.169. **Property Line.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

EXHIBIT B

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

(A) allow a variety of residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

(B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,

(C) allow commercial and recreational activities that are in harmony with residential neighborhoods,

- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1
- (5) Accessory Apartment 2
- (6) Nightly Rental 3
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 4
- (11) Accessory Building and Use
- (12) Conservation Activity

Agriculture

Parking Area or Structure with four (4) or fewer spaces

Recreation Facility, Private

Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays 5

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴ See LMC Chapter 15-4-9 for Child Care Regulations

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling 6
- (2) Multi-Unit Dwelling⁶
- (3) Guest House
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna 7
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 8
- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹⁰**
- (156) Office, General^{6, 9}
- (167) Office, Moderate Intensive^{6,8}
- (178) Office, Medical^{6,8}
- (18) Financial Institution without drive-up window^{6,8}
- (19) Commercial Retail and Service, Minor^{6,8}
- (20) Commercial Retail and Service, personal improvement^{6,8}
- (21) Commercial, Resort Support^{6,8}
- (22) Café or Deli^{6,8}
- (23) Restaurant, Standard^{6,8}
- (24) Restaurant, Outdoor Dining 10

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential developments.

¹⁰ Requires an Administrative Conditional Use permit.

- (25) Outdoor Event⁹
- (26) Bar^{6,8}
- (27) Hospital, Limited Care Facility^{6,8}
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁹
- (30) Passenger Tramway Station and Ski Base Facility 11
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,8}
- (35) Commercial Stables, Riding Academy 12
- (36) Master Planned Development with moderate income housing density bonus¹²
- (37) Master Planned Development with residential and transient lodging Uses only 12
- (38) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
 - (39) Heliport¹²
- (40) Vehicle Control Gate¹³
 - (41) Fences greater than six feet (6') in height from Final Grade

Salt Lake City 2002 Winter
 Olympic Games Olympic
 Legacy Displays 14

¹¹As part of an approved Ski Area Master Plan

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³ See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License

EXHIBIT C

15-2.14-1. PURPOSE.

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium Density residential and resort related

housing in the newer residential Areas of Park City;

- (B) encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) allow Development in accordance with the Sensitive Lands Ordinance;
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and between adjacent Areas; and
- (G) minimize impacts of the automobile on architectural design.

(Amended by Ordinance No. 02-24)

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Duplex Dwelling
 - (3) Triplex Dwelling
 - (4) Secondary Living Quarters
 - (5) Lockout Unit 1
 - (6) Accessory Apartment 2
 - (7) Nightly Rental 3
 - (8) Home Occupation
 - (9) Child Care, In-Home Babysitting
 - (10) Child Care, Family

- (11) Child Care, Family Group 4
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Parking Area or Structure with four (4) or fewer spaces
- (16) Recreation Facility, Private
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(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling 6
- (2) Guest House
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna 7
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter 8
- (9) Raising grazing of horses
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Boarding House, Hotel
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹¹**
- (156) Office, General^{6, 9}**

- (16) Office, Moderate Intensive^{6, 10}**
- (17) Office and Clinic, Medical^{6,10}**
- (18) Financial Institution, without drive-up window^{6,10}**
- (19) Commercial Retail and Service, Minor^{6,10}**
- (20) Commercial Retail and Service, personal improvement^{6,10}**
- (21) Commercial, Resort Support^{6,10}**
- (22) Cafe or Deli^{6,10}**
- (23) Restaurant, Standard^{6,10}**
- (24) Restaurant, Outdoor Dining 11**
- (25) Outdoor Event**
- (26) Bar^{6,10}**
- (27) Hospital, Limited Care Facility^{6,9}**
- (28) Parking Area or Structure with five (5) or fewer spaces**
- (29) Temporary Improvement¹¹**

- (30) Passenger Tramway Station and Ski Base Facility 12
- (31) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial⁶
- (34) Entertainment Facility, Indoor^{6,9}
- (35) Commercial Stables, Riding Academy^{6,9}
- (36) Master Planned Development with moderate income housing Density bonus⁶
- (37) Master Planned Development with residential and transient lodging Uses only⁶
- (38) Master Planned Development with Support Retail and Minor Service Commercial⁶
- (39) Fences greater than six feet (6') in height from Final Grade
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(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-24; 02-38)

EXHIBIT D

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

- (A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) limit new Development on visible hillsides and sensitive view Areas,
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and to adjacent Areas,
- (G) minimize architectural impacts of the automobile,

- (H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- (I) promote Park City=s mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- (J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit 1

- (6) Accessory Apartment 2
- (7) Nightly Rental 3
- (8) Home Occupation
- (9) Child Care, In-Home
Babysitting
- (10) Child Care, Family
- (11) Child Care, Family Group 4
- (12) Child Care Center
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces

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(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Public and Quasi-Public Institution, Church, and School

- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna 6
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 7
- (7) Raising, grazing of horses
- (8) Cemetery
- (9) Hotel, Major
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office
- (12) Private Residence Club Project and Conversion⁹**
- (123) Office, General 8
- (134) Office, Moderate⁸
- (145) Office and Clinic, Medical⁸
- (156) Financial Institution without drive-up window⁸
- (167) Minor Retail and Service Commercial⁸
- (17) Retail and Service Commercial, personal improvement⁸
- (18) Transportation Service⁸

- (19) Neighborhood Market, without gasoline sales⁸
- (20) Café or Deli⁸
- (21) Restaurant, General⁸
- (22) Restaurant, Outdoor Dining^{8, 9}
- (23) Bar⁸
- (24) Hospital, Limited Care Facility⁸
- (25) Parking Area or Structure with five (5) or more spaces
- (26) Temporary Improvement 10
- (27) Passenger Tramway Station and Ski Base Facility 11
- (28) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹¹
- (29) Outdoor Event¹⁰
- (30) Recreation Facility, Public and Private 12
- (31) Recreation Facility, Commercial¹²
- (32) Entertainment Facility, Indoor¹²
- (33) Commercial Stables, Riding Academy¹²
- (34) Master Planned Developments
- (35) Heliport¹²

Fences greater than six feet (6') in height from Final Grade

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(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT E

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City=s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
Lockout Unit 1
Accessory Apartment 2
- (4) Nightly Rental
- (5) Home Occupation

- (6) Child Care, In-Home Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group 3
- (9) Child Care Center
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical
- (22) Financial Institution without a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service Commercial, Minor
- Retail and Service Commercial, Personal Improvement
- (26) Retail and Service Commercial, Major
- (27) Cafe or Deli
- (28) Restaurant, General
- (29) Hospital, Limited Care Facility
- (30) Parking Area or Structure with four (4) or fewer spaces
- (31) Parking Area or Structure with five (5) or more spaces
- (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna 4
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 5
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion⁸**
- (123) Financial Institution with a Drive-up Window 6
- (13) Retail and Service Commercial with Outdoor Storage
- (14) Retail and Service Commercial, Auto Related
- (15) Transportation Service

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-08)

EXHIBIT F

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

- (A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,
- (B) allow Conditional Uses to mitigate potential impacts,

- (16) Retail Drive-Up Window 7
- (17) Gasoline Service Station
- (18) Restaurant and Cafe, Outdoor Dining 8
- (19) Restaurant, Drive-up Window⁷
- (20) Outdoor Event⁸
- (21) Bar
- (22) Sexually Oriented Businesses 9
- (23) Hospital, General
- (24) Light Industrial Manufacturing and Assembly
- (25) Temporary Improvement⁸
- (26) Passenger Tramway and Ski Base Facility
Ski tow rope, ski lift, ski run, and ski bridge
Commercial Parking Lot or Structure
- (29) Recreation Facility, Public
- (30) Recreation Facility, Commercial
Indoor Entertainment Facility
- (32) Master Planned Development with moderate housing density bonus 10
- (33) Master Planned Developments¹⁰
- (34) Heliport
- (35) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
- (36) Fences greater than six feet (6') in Height from Final Grade

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and

(D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Accessory Apartment 1
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting
- (6) Child Care, Family
- (7) Child Care, Family Group 2
- Child Care Center
- Agriculture
- Plant and Nursery Stock
- Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling

¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 for Child Care Regulations

- (2) Group Care Facility
- (3) Child Care Center
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna 3
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 4
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Private Residence Club Project and Conversion⁶**
- (134) Office and Clinic, Medical
- (145) Financial Institutions with Drive-Up Window 5
- (156) Retail and Service Commercial with Outdoor Storage
- (16) Retail and Service Commercial, Auto-Related
- (17) Transportation Services
- (18) Retail Drive-Up Window⁵
- (19) Gasoline Service Station
- (20) Café or Deli
- (21) Restaurant, General
- (22) Restaurant, Outdoor Dining
- (23) Restaurant, Drive-Up Window
- (24) Outdoor Event 6
- (25) Bar
- (26) Hospital, General
- (27) Light Industrial Manufacturing and Assembly Facility
- (28) Parking Area or Structure with five (5) or more spaces
- (29) Temporary Improvement⁶
- (30) Passenger Tramway Station and Ski Base Facility
- (31) Ski tow rope, ski lift, ski run, and ski bridge
- (32) Recreation Facility, Public
- (33) Recreation Facility, Commercial
- (34) Entertainment Facility, Indoor
- (35) Commercial Stables, Riding Academy

3 See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

4See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

5See Section 2.19-8 for Drive-Up Window review criteria

6Subject to Administrative Conditional Use permit.

- (36) Master Planned Developments 7
- (37) Heliports
- (38) Commercial Parking Lot or Structure
- (39) Temporary Sales Office, in conjunction with an active Building permit.
- (40) Fences greater than six feet (6') in height from Final Grade.

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

EXHIBIT G

Chapter adopted by Ordinance No. 00-51

15-2.17-1. PURPOSE.

To allow for regional Commercial Uses on Properties not otherwise zoned for Commercial Uses. This overlay zone affords the Owner the option to apply for commercial Development and Use on lands affected by the overlay zone. In the event the Application for Commercial Use is denied, the underlying zoning governs permissible Development of the Property.

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Lockout Unit 1
- (3) Accessory Apartment 2
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting
- (7) Child Care, Family
- (8) Child Care, Family Group 3
- (9) Accessory Building and Use

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

- (10) Conservation Activity
- (11) Agriculture
- (12) Parking Area or Structure with four (4) or fewer spaces
- (13) Recreation Facility, Private
- (14) Allowed Uses in the Underlying Zoning District

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⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling 5
- (2) Group Care Facility⁵
- (3) Child Care Center⁵
- (4) Public and Quasi-Public Institution, Church and School⁵
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure⁵
- (6) Telecommunication Antenna 6
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter 7
- (8) Plant and Nursery stock products and sales⁵
- (9) Bed and Breakfast Inn⁵
- (10) Boarding House, Hostel⁵
- (11) Hotel, Minor⁵
- (12) Hotel, Major⁵
- (13) Private Residence Club Project and Conversion⁹**
- (134) Timeshare Sales Office, off-site⁵
- (145) Office, General⁵
- (156) Office, Moderate Intensive⁵
- (16) Office, Intensive⁵
- (17) Office and Clinic, Medical⁵
- (18) Financial Institution, with and without drive-up window^{5, 8}
- (19) Retail and Service Commercial, Minor⁵
- (20) Retail and Service Commercial, personal improvement⁵
- (21) Retail and Service Commercial, Major⁵
- (22) Transportation Service⁵
- (23) Retail Drive-Up Window⁸
- (24) Neighborhood Convenience Commercial⁵
- (25) Commercial, Resort Support⁵
- (26) Gasoline Service Station⁵
- (27) Cafe, Deli⁵

⁵Subject to provisions of Chapter 15-6, Master Planned Developments

⁶ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸See Section 15-2.18-5 criteria for drive-up windows

- (28) Restaurant, General⁵
- (29) Restaurant, Outdoor Dining 9
- (30) Outdoor Event⁹
- (31) Restaurant, Drive-up window⁸
- (32) Bar⁵
- (33) Hospital, Limited Care Facility⁵
- (34) Hospital, General⁵
- (35) Parking Area or Garage with five (5) or more spaces⁸
- (36) Temporary Improvement⁹
- (37) Passenger Tramway Station and Ski Base Facility⁵
- (38) Ski tow rope, ski lift, ski run, and ski bridge⁵
- (39) Recreation Facility, Public⁵
- (40) Recreation Facility, Commercial⁵

- (41) Entertainment, Indoor⁵
- (42) Master Planned Developments⁵
- (43) Heliport⁵

⁹ Requires an Administrative Conditional Use permit

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(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT H

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City=s original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

15-2.6-2. USES.

10Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Multi-Unit Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1

¹Nightly Rental of Lock Units requires a Conditional Use permit

- (5) Accessory Apartment 2
- (6) Nightly Rental 3
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 4
- (11) Child Care Center
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn 5
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office and Clinic, Medical
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays 6

(B) **CONDITIONAL USES.**

- (1) Group Care Facility

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁴ See LMC Chapter 15-4-9 for Child Care Regulations

⁵ Requires an Administrative Conditional Use permit

⁶Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna ⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter ⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major

- (8) Timeshare Projects and Conversions
- (9) Timeshare Sales Office, Off-Site within an enclosed Building
- (10) **Private Residence Club Project and Conversion⁵**
- (1011) Commercial Retail and Service, Major
- (1112) Office, Intensive
- (12) Restaurant, Outdoor Dining⁵
- (13) Outdoor Events
- (14) Hospital, Limited Care Facility
 - (15) Parking Area or Structure for five (5) or more cars
- (16) Temporary Improvement
- (17) Passenger Tramway Station and Ski Base Facility
- (18) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (19) Recreation Facility, Public or Private
- (20) Recreation Facility, Commercial
- (21) Fences greater than six feet (6') in height from Final Grade

7 See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

8 See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

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(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38)

EXHIBIT I

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize the visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) ALLOWED USES.

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit 1
- (5) Accessory Apartment 2
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family
- (10) Child Care, Family Group 3
- (11) Child Care Center

Accessory Building and Use

Conservation Activity

- (14) Agriculture
- (15) Bed and Breakfast Inn 4
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna 5
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter 6

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative Conditional Use permit

⁵See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions
- (12) Private Residence Club Project and Conversion⁴**
- (123) Office, Intensive
- (134) Office and Clinic, Medical
- (14) Financial Institution, without drive-up window 7
- (15) Commercial Retail and Service, Minor⁷
- (16) Commercial Retail and Service, personal improvement⁷
- (17) Neighborhood Convenience Commercial, without gasoline sales
- (18) Café or Deli⁷
- (19) Restaurant, General⁷
- (20) Restaurant and café, Outdoor Dining⁴
- (21) Outdoor Events⁴
- (22) Bar
- (23) Parking Area or Structure, with five (5) or more spaces
- (24) Temporary Improvement
- (25) Passenger Tramway Station and Ski Base Facility
- (26) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (27) Recreation Facility, Commercial, Public, and Private
- (28) Entertainment Facility, Indoor
- (29) Fences greater than six feet (6') in height from Final Grade

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

⁷If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

Ordinance No. 04-38

AN ORDINANCE TO COMBINE ALL OF LOT 28 AND PORTIONS OF LOTS 29, 30 AND 31 OF BLOCK 32 OF THE PARK CITY SURVEY INTO ONE LOT OF RECORD, LOCATED AT 52 KING ROAD PARK CITY, UTAH

WHEREAS, the owner of the property known as 52 King Road, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove the lot lines between five lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will combine all of Lot 28 and portions of Lots 29, 30 and 31 of Block 32 of the Park City Survey into one lot of record.
4. On August 17, 1998, the Historic District Commission found that the existing single-family home on the property is not historically significant.
5. Access to the property is available from either Upper Norfolk Avenue or King Road.
6. The proposed lot size is 5,760 square feet.
7. There is an existing non-historically significant home on the property.
8. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following 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.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan

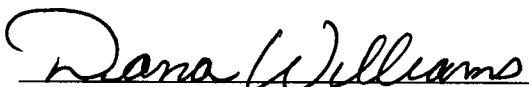
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a Steep Slope CUP application for review by the Planning Commission.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

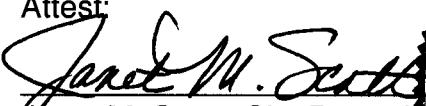
PASSED AND ADOPTED this 9th day of September 2004.

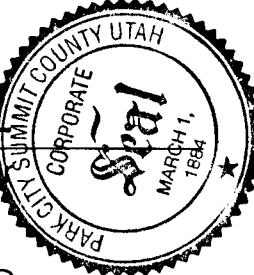
PARK CITY MUNICIPAL CORPORATION


Dana Williams

Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



Approved as to form:

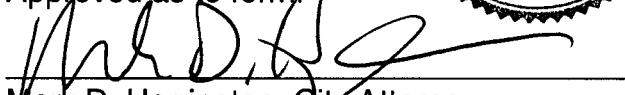

Mark D. Harrington, City Attorney

Exhibit D – Approved Timeshares and Private Residence Clubs

December 1, 1982 – the Planning Commission approved a Conditional Use Permit for a Timeshare at the Silver Cliff Village Condominiums at 1375 Woodside Avenue

December 15, 1982 – the Planning Commission approved a Timeshare for Snowcrest (now known as Powder Pointe) at 1500 Empire Avenue.

October 22, 1986 – the Planning Commission approved a Conditional Use Permit for a Timeshare at 1710 Prospector Avenue

December 17, 1986 – the Planning Commission approved Conditional Use Permit for a Timeshare conversion for the New Claim Condominiums at 2000 Prospector Avenue

July 11, 2001 – the Planning Commission approved a Conditional Use Permit for a Timeshare at 1765 Sidewinder Drive, Club Lespri

November 4, 2004 – Planning staff approved a Private Residence Club for the Chateaux at Silverlake Building A at 7815 Royal Street East

January 12, 2005 – the Planning Commission reviewed an appeal of the 2004 approval and affirmed Planning staff's approval

March 9, 2005 – the Planning Commission approved a Conditional Use Permit for a Private Residence Club Unit for 1321 Pinnacle Court Unit 7, The Pinnacle at Deer Valley

On September 22, 2009 – Planning staff approved an Administrative Conditional Use Permit for a Private Residence Club for Unit 104 of the Poison Creek Mercantile Condominiums at 255 Heber Avenue

November 26, 2006 – Planning staff approved an Administrative Conditional Use Permit for a Private Residence Club for the Red Stag Lodge, 2550 Deer Valley Drive East