

Ordinance No. 12-31

**AN ORDINANCE APPROVING THE LOT 1 AMENDED HIDDEN HOLLOW
SUBDIVISION AT DEER CREST LOCATED AT 11398 NORTH SNOWTOP ROAD,
PARK CITY, UTAH**

WHEREAS, the owners of property located at 11398 North Snowtop Road have petitioned the City Council for approval of the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest; 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 October 10, 2012, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a positive recommendation to the City Council; and

WHEREAS; the City Council, held a public hearing on October 25, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest to provide a separate Parcel A for the construction of a driveway for an existing house under construction at Lot 140 of the Snowtop Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Lot 1 Amended Hidden Hollow Subdivision at Deer Crest 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, Lot 1 of Hidden Hollow Subdivision at Deer Crest, is located at 11398 North Snowtop Road. The property is located within the Estate (E) zone designation.
2. Lot 1 of the Hidden Hollow Subdivision at Deer Crest is a 9.37 acre, vacant single family lot, located at 11398 North Snowtop Road.
3. Hidden Hollow Subdivision at Deer Crest was approved by the Park City Council on April 13, 2000. The subdivision plat was recorded on July 6, 2001 and is subject to Ordinance #00-27. The area of the Hidden Hollow Subdivision was officially annexed into Park City as the Hidden Hollow Annexation on December 17, 1998. The annexation plat was recorded at Summit County on September 9, 1999.

4. This plat amendment creates a 3,452 sf driveway access parcel, "Parcel A", from Lot 1 of the Hidden Hollow Subdivision for the purpose of providing additional area for constructing a code compliant driveway for an adjacent lot, namely, Lot 140 of the Snowtop Subdivision, located at 11380 North Snowtop Road.
5. North Snowtop Road is a private road with platted easements for joint use by residents of both the Hidden Hollow Subdivision and the Snowtop Subdivision.
6. The Snowtop Subdivision was approved by Wasatch County on December 15, 1998 and the plat was recorded on December 23, 1998. The entire subdivision was annexed into Park City with the Deer Crest Properties Annexation in 1999.
7. A single family house is currently under construction on Lot 140 (Snowtop). The current driveway exceeds the maximum grade of 14% and the City Engineer and Building Department require a code compliant driveway prior to issuance of a Certificate of Occupancy for the house. The driveway is currently being constructed with a building permit and a recorded temporary construction easement from Lot 1 to Lot 140.
8. Hidden Hollow Subdivision Lot 1 will be reduced from 9.37 acres to 9.29 acres when this plat amendment is recorded. There are no other changes proposed to Lot 140 of the Snowtop Subdivision. Lot 1 continues to meet all zone requirements as to size.
9. "Parcel A" is restricted in use to a driveway, retaining walls, and landscaping and other minor and incidental uses associated with the home.
10. The driveway parcel, "Parcel A", is not proposed to be combined with Lot 140 because Lot 140 is in Wasatch County within the Snowtop Subdivision, and "Parcel A" is located in Summit County within the Hidden Hollow Subdivision. Both subdivisions are located within the Park City Municipal Boundaries. Combining "Parcel A" with Lot 140 would create a lot that is within two different Counties.
11. This plat amendment also replats an amended building envelope for Amended Lot 1 of Hidden Hollow Subdivision to accommodate the driveway parcel. The building envelop of Lot 1 is reduced from 38,018 sf to 34,940 sf.
12. "Parcel A" is a non-buildable (for primary structures) parcel permanently associated with Lot 140 of the Snowtop Subdivision.
13. On April 26, 2012, the Planning Department approved an administrative conditional use permit for the retaining walls for the proposed driveway for Lot 140. The conditional use permit was required due to the retaining walls heights exceeding 4' in the front setback and 6' in the side setback areas.
14. There is good cause for this plat amendment. The amendment will allow the owner of Lot 140 to construct a code compliant driveway for access to the house currently under construction that is necessary prior to issuance of a Certificate of Occupancy and the plat amendment cures the issue of the overly steep driveway.
15. Both lots (Lot 1 and Lot 140) will have to abide by the setbacks required from each of the lots.
16. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.


Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Hidden Hollow Subdivision at Deer Crest, as found in Ordinance #00-27, shall continue to apply to amended Lot 1 and shall remain in full force and effect with recordation of this plat amendment. A note shall be added to the amended plat to this effect and referencing this current Ordinance and Ordinance #00-27.
4. A note shall be added to the plat stating that: "Parcel A' shall become part of the ownership of Lot 140 of the Snowtop Subdivision in perpetuity and is not separately buildable or developable for any structure or units with the exception of a driveway, retaining walls, landscaping, irrigation, and other on-site utilities typically associated with a driveway use. The parcel cannot be used as a separate developable parcel for the construct an additional home or to count towards additional density."

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

PASSED AND ADOPTED this 25th day of October, 2012.


PARK CITY MUNICIPAL CORPORATION

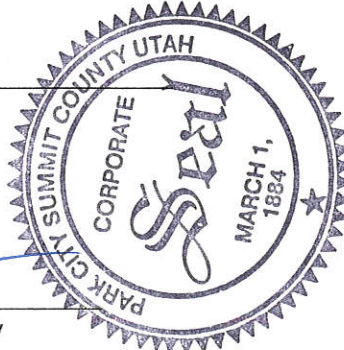

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:


Mark D. Harrington, City Attorney



LOT 1 AMENDED HIDDEN HOLLOW SUBDIVISION AT DEER CREST

LOCATED IN
THE WEST HALF OF SECTION 14,
TOWNSHIP 35N, RANGE 12E,
SANTA FE BASIN AND WESTERN
SUMMIT COUNTY, UTAH



BOUNDRY RESERVATION
HIDDEN HOLLOW SUBDIVISION AT DEER CREST, recorded
to the original plat, recorded July 1, 2008 as Entry No. 262828,
Summit County Recorder's Office.

OWNER'S PERMISSION AND CONSENT TO RECORD
I, the undersigned, being the owner of the above described land, hereby
authorize the recording of this amended plat, and I hereby consent to the
recording of this amended plat, and I hereby consent to the recording of this
amended plat, and I hereby consent to the recording of this amended plat.

Witness my hand and seal of my office this _____ day of _____, 2012.
Summit County Recorder

Record Office _____

Record Office _____

APPROVAL OF BOARD
This plat was approved by the _____ of the _____ of Summit County, Utah, on this _____ day of _____, 2012.

The foregoing plat has been reviewed and approved by the _____ of the _____ of Summit County, Utah, on this _____ day of _____, 2012.

Witness my hand and seal of my office this _____ day of _____, 2012.
Summit County Recorder

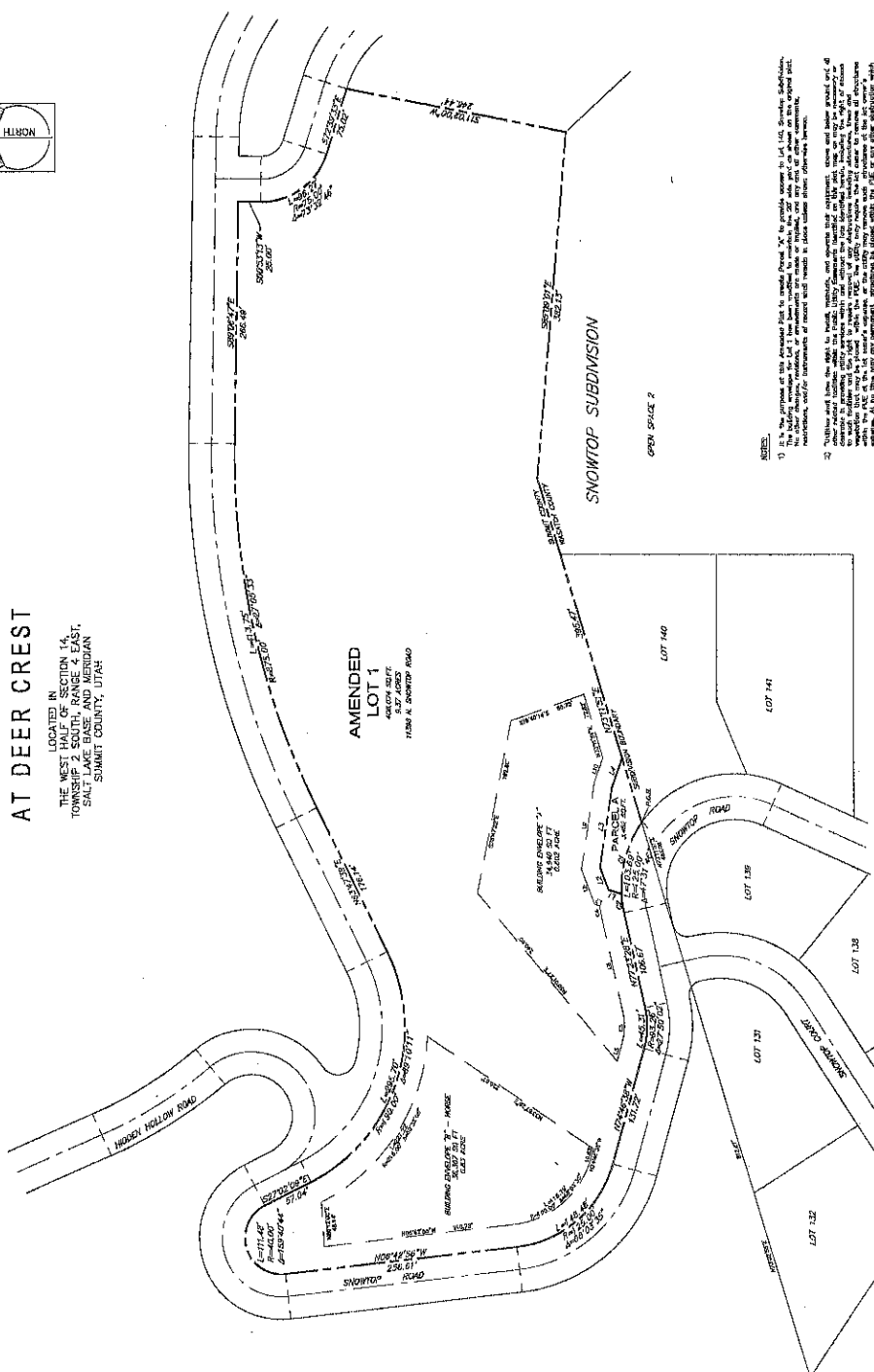
Record Office _____

Record Office _____

The undersigned plat has been reviewed and approved by the _____ of the _____ of Summit County, Utah, on this _____ day of _____, 2012.

Witness my hand and seal of my office this _____ day of _____, 2012.
Summit County Recorder

Record Office _____



LINE	LENGTH	BEARING	AREA	PERCENTAGE	DATE
1	100.00	N 00° 00' 00" W	100.00	100.00%	1/1/12
2	100.00	S 00° 00' 00" E	100.00	100.00%	1/1/12
3	100.00	E 00° 00' 00" W	100.00	100.00%	1/1/12
4	100.00	N 00° 00' 00" W	100.00	100.00%	1/1/12

LINE	LENGTH	BEARING	AREA	PERCENTAGE	DATE
1	100.00	N 00° 00' 00" W	100.00	100.00%	1/1/12
2	100.00	S 00° 00' 00" E	100.00	100.00%	1/1/12
3	100.00	E 00° 00' 00" W	100.00	100.00%	1/1/12
4	100.00	N 00° 00' 00" W	100.00	100.00%	1/1/12

- NOTES:**
- In the purpose of this amended plat to amend Parcel "A" to provide access to Lot 140, the following information is provided: The plat shows the location of the proposed easement and the location of the easement. The easement is shown as a dashed line. The easement is shown as a dashed line. The easement is shown as a dashed line.
 - The proposed easement is shown as a dashed line. The proposed easement is shown as a dashed line. The proposed easement is shown as a dashed line.
 - All other rules and regulations on the subject plat apply to this amended plat.
 - Parcel "A" was not developed for residential purposes and no security certificates apply.

EXHIBIT A



CERTIFICATE OF ATTEST I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER ON THIS _____ DAY OF _____, 2012. _____ SUMMIT COUNTY RECORDER	CITY PLANNING COMMISSION APPROVED BY THE CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2012. _____ CITY PLANNING COMMISSION CHAIRMAN	COUNCIL APPROVAL AND ACCEPTANCE APPROVED BY THE CITY COUNCIL ON THIS _____ DAY OF _____, 2012. _____ CITY COUNCIL CHAIRMAN	CITY ENGINEER I HAVE REVIEWED THIS PLAT AND APPROVE THE INFORMATION ON FILE IN MY OFFICE. _____ CITY ENGINEER	JORDANVILLE SPECIAL SERVICE DISTRICT I HAVE REVIEWED THIS PLAT AND APPROVE THE INFORMATION ON FILE IN MY OFFICE. _____ JSD DISTRICT MANAGER	APPROVAL AS TO FORM APPROVED AS TO FORM BY THE _____ OF _____ COUNTY, UTAH, ON THIS _____ DAY OF _____, 2012. _____ PLAT CITY ATTORNEY	RECORDED ENTRY NO. _____ BOOK _____ PAGE _____ STATE OF UTAH COUNTY OF SUMMIT RECORDERS OFFICE AT DEER CREST
						DATE FILED: 2/15/12 10:47 AM SUMMIT COUNTY, UTAH