

Ordinance No. 14-15

**AN ORDINANCE APPROVING THE SECOND AMENDED RISNER RIDGE NO. 2
SUBDIVISION PLAT, PARK CITY, UTAH**

WHEREAS, the Homeowners Association of the Risner Ridge No. 2 Subdivision has petitioned the City Council for approval of the Second Amended Risner Ridge No. 2 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 12, 2014, to receive input on the Second Amended Risner Ridge No. 2 Subdivision Plat;

WHEREAS, the Planning Commission, on March 12, 2014, forwarded a positive recommendation to the City Council;

WHEREAS, the City Council held a public hearing on April 17, 2014, to receive input on the Risner Ridge No. 2 Subdivision Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Risner Ridge No. 2 Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Risner Ridge No. 2 Subdivision 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 known as the Risner Ridge No. 2 Subdivision.
2. The property is located in the Residential Development (RD) District.
3. Risner Ridge Subdivision plat was approved by City Council on May 26, 1988, and recorded at Summit County on June 1, 1988.
4. Risner Ridge No. 2 Subdivision plat was approved by City Council on March 16, 1989, and recorded at Summit County on March 21, 1989.
5. On October 11, 1990 the City Council approved an Ordinance adding previously approved language to the Risner Ridge Subdivision plat limiting square footage of houses. This Ordinance, known as Ordinance 90-28, was recorded at Summit County on October 16, 1990. There was not a plat recorded with this Ordinance.
6. On March 4, 2004, the City Council approved an amendment to Ordinance 90-28

clarifying that the language limiting square footage of houses and describing how square footage is to be calculated was to apply to both Risner Ridge Subdivision and Risner Ridge No. 2 Subdivision.

7. The Ordinance approved on March 4, 2004, known as Ordinance 04-09, was recorded at Summit County on April 16, 2004. There were no plats recorded with this Ordinance.
8. On September 11, 2008, the City Council amended both plats in a similar manner to address similar issues of inconsistency with setback requirements. The September 11, 2008, approval expired before the plats were recorded and the applicant was required to re-submit an application for the previous plat amendments.
9. On August 26, 2010 the Risner Ridge Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge Subdivision plat was recorded at Summit County on February 7, 2011.
10. On August 26, 2010 the Risner Ridge No. 2 Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge No. 2 Subdivision plat was recorded at Summit County on February 7, 2011.
11. The recorded Risner Ridge and Risner Ridge No. 2 Subdivision plats on record at Summit County do not include notes regarding house sizes because only Ordinance were recorded, not actually plat notes to physical plats, and when County recorder plats are searched the Ordinances do not come up.
12. The applicant proposes to add a plat note, consistent with Ordinances 90-28 and Ordinance 04-09, to both Risner Ridge and Risner Ridge No. 2 plats and record these amended plats at Summit County, memorializing the house size restrictions that were originally approved with the Risner Ridge and Risner Ridge No. 2 Subdivisions as approved by the City Council as stated in the Ordinances.
13. The note being added states the following: Pursuant to Park City Ordinance No. 90-28, dated October 11, 1990, as amended on March 18, 2004, the maximum floor area of any structure in the subdivision shall be 5,500 square feet. The floor area is defined as the area of a building that is enclosed by surrounding walls, excluding a 600 square foot allowance for garages. Floor area includes basements, whether finished or unfinished, and excludes porches, patios, and decks.
14. The plat note will provide consistency between the plat notes and the Risner Ridge Subdivision approval as well as the CC&Rs and house sizes will be calculated stricter than with the Land Management Code. The CCRs include the entire basement area in the total floor area as was approved with the original subdivision approvals.
15. This note will not create any known non-complying structures. If there are situations that surface in the future where a house was constructed in compliance with the Land Management Code in effect at the time of building permit issuance, then such structures shall be considered legal non-complying structures by the City.
16. The City does not enforce Covenants, Conditions, and Restrictions (CC&Rs), but does enforce notes and instructions on a recorded subdivision plat.

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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will submit the amended plat to the City for recordation at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval will expire, unless a written request for an extension is submitted prior to the expiration and the extension request is granted by the City Council.
3. The plat note language shall match verbatim the language in Section 1 of recorded Ordinance 90-28.

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

PASSED AND ADOPTED this 17th day of April, 2014.

PARK CITY MUNICIPAL CORPORATION




Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney



