

Ordinance No. 09-44

**AN ORDINANCE APPROVING THE RACQUET CLUB SUBDIVISION LOCATED AT
1200 LITTLE KATE ROAD, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Racquet Club subdivision, have petitioned the City Council for approval of the Racquet Club subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 25, 2009, to receive input on the Racquet Club subdivision; and

WHEREAS, the Planning Commission, on February 25, 2009, forwarded a positive recommendation to the City Council; and

WHEREAS, on March 26, 2009, the City Council held a public hearing on the Racquet Club subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Racquet Club 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 Racquet Club subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1200 Little Kate Road.
2. The property is located in the Residential Development (RD) zoning district.
3. A legal lot of record was never created and the seven and one half (7.50) acres remained a metes and bounds parcel.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. 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.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision 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 subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. Modified 13-D sprinklers will be required for new or modified structures.

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

PASSED AND ADOPTED this 26th day of March, 2009.

PARK CITY MUNICIPAL CORPORATION



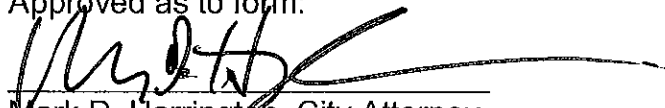
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 09-43

**AN ORDINANCE APPROVING THE 515 MAIN STREET AVENUE PLAT AMENDMENT
LOCATED AT 515 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 515 Main Street has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 28, 2009, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on October 28, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 12, 2009, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 515 Main Street Plat Amendment.

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

SECTION 1. APPROVAL. The 515 Main Street Plat Amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 515 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 3,757 square feet in size.
4. The current minimum lot size within the HCB District is 1,250 sq. ft.
5. The lot width of the proposed lot is 47.81 feet.
6. The current minimum lot width within the HCB District is 25 feet.
7. The lot depth of the proposed lot is 78.71 feet.
8. The current minimum lot depth within the HCB District is 50 feet,
9. The site contains a historic building.
10. The site has been identified as a Significant Site by the Historic Site Inventory.
11. The plat amendment will clean up the various lot lines through the site, including under the historic building.
12. There is a building encroachment of six inches (6") by the building located on adjacent property to the north (523 Main Street).
13. The applicant is willing to grant the owner of the building to the north consent to encroach.
14. The existing building located at 515 Main Street encroaches over the rear property line on to Lot 42 and 43 for a distance of approximately three and half feet (3.5") for the entire width of the building of approximately 32 feet.

15. To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
16. The Park City Building Dept. gave a conditional permit for the work on the patio with a condition that the plat amendment be approved which removes the under lying lot lines.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer must 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 shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. To serve as a notice and to protect future ownership the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
4. The applicant will issue encroachment agreements to the corresponding owners that will indicate the encroachment of the building to the north and the affixed flashing of the storage shed to the west.

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

PARK CITY MUNICIPAL CORPORATION



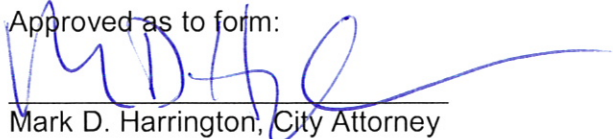
 Mayor Dana Williams

Attest:



 Janet M. Scott, City Recorder

Approved as to form:



 Mark D. Harrington, City Attorney



Ordinance No. 09-42

**AN ORDINANCE APPROVING THE MATTHES CONDOMINIUM PLAT LOCATED AT
1110 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1110 Empire Avenue has petitioned the City Council for approval of the Matthes Condominium 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 October 28, 2009, to receive input on Matthes Condominium Plat; and

WHEREAS, the Planning Commission, on October 28, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 12, 2009, the City Council held a public hearing to receive input on the condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Matthes Condominium Plat.

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

SECTION 1. APPROVAL. The Matthes Condominium Plat as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1110 Empire Avenue.
2. The property is located in the HR-1 District.
3. The duplex dwelling is a conditional use with the HR-1 District.
4. The applicant has received a conditional use permit by the Park City Planning Commission to build a duplex.
5. The minimum lot size for a duplex is 3,750 square feet.
6. The applicant was granted a variance by the Park City Board of Adjustment to build a duplex within a lot of 3,712.5 square feet.
7. The duplex complies with the setback requirements of the HR-1 District.
8. The LMC requires two parking spaces per unit for a duplex.
9. Each unit has two dedicated parking spaces within the site.
10. Unit A is 2,282 square feet in size; Unit B is 2,243 square feet in size.

11. The findings within the Analysis section and recitals above are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer must review and approve the final form and content of the Record of Survey 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 record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. Each unit shall have owner water meter.
4. The CC&Rs shall include a tie breaker mechanism.
5. A 10 foot wide snow storage easement shall be dedicated to the City along the properties frontage.
6. Modified 13-D sprinklers shall be installed in all new construction

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

PASSED AND ADOPTED this 12th day of November, 2009.

PARK CITY MUNICIPAL CORPORATION



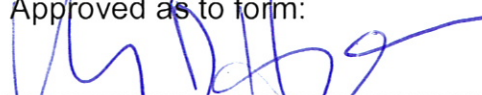
Mayor Dana Williams

Attest:



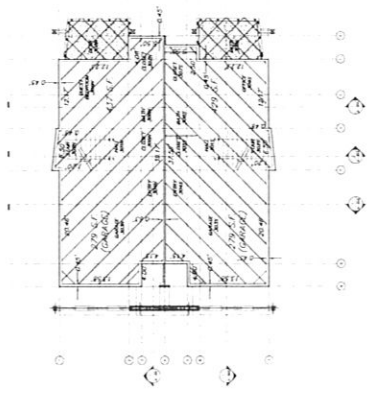
Janet M. Scott, City Recorder

Approved as to form:

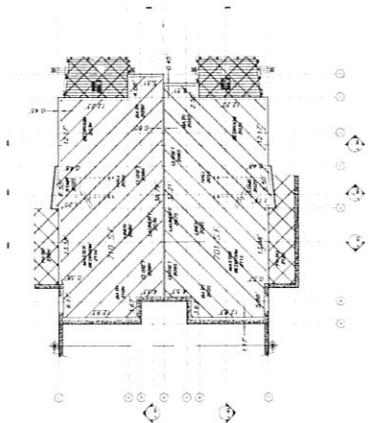


Mark D. Harrington, City Attorney

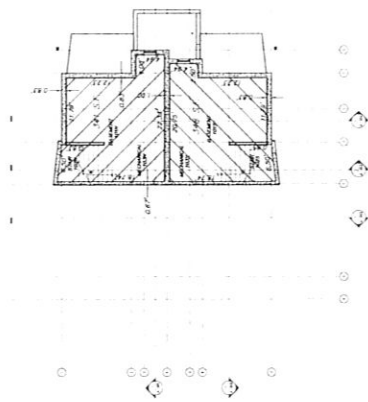




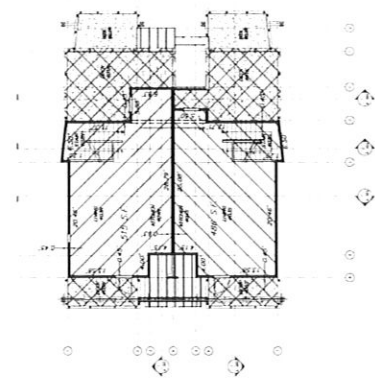
A 10.5



A 10.7



A 10.6



A 10.4

MATTHES CONDOMINIUM

A UTAH CONDOMINIUM PROJECT

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

SHEET
2 OF 3

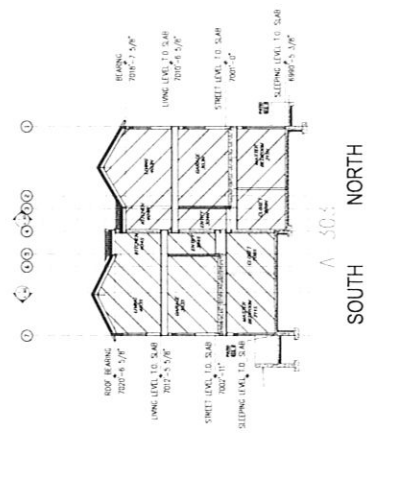
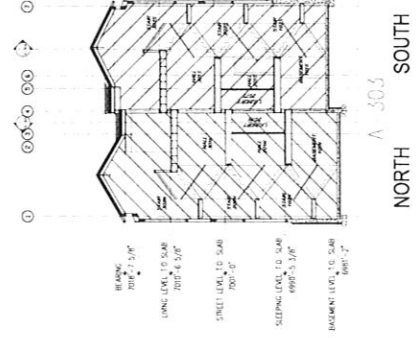
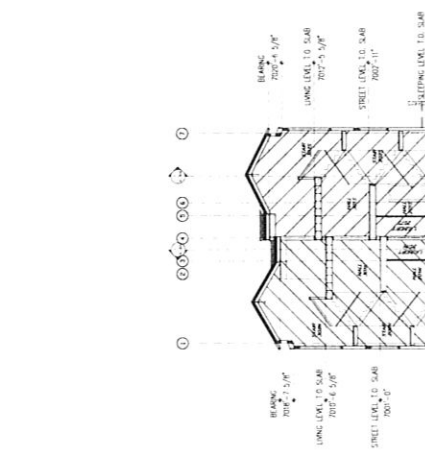
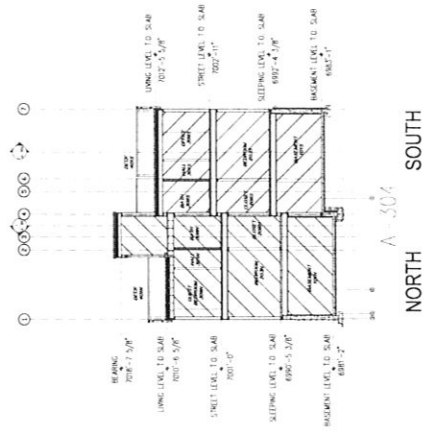
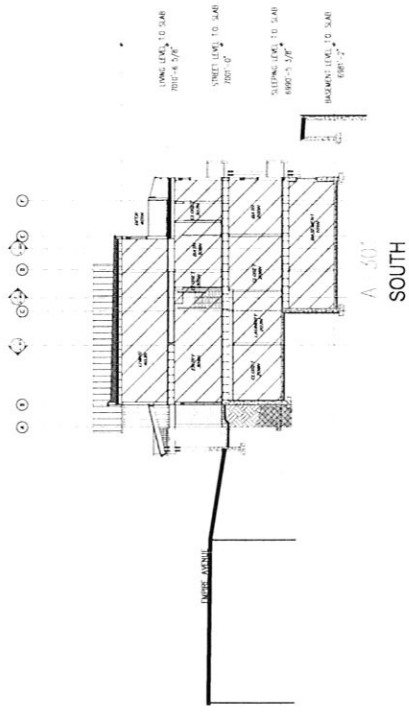
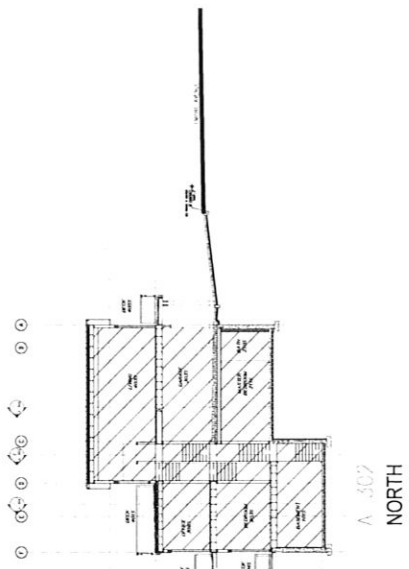
BASELINE SURVEYING, Inc

1058 East 2100 South
Salt Lake City, UT 84106
(801) 209-2122

RECORDED



SCALE: 1"=10'



MATTHES CONDOMINIUM

A UTAH CONDOMINIUM PROJECT

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

SHEET
3 OF 3

BASELINE SURVEYING, Inc

980 East Main Avenue
Salt Lake City, UT 84106 (801) 209-2102

RECORDED



Ordinance No. 09-41

AN ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, and

WHEREAS, Park City wishes to protect the right of businesses to operate in Park City, and

WHEREAS, proper inspection and licensing of businesses promotes the public health, safety, and welfare as well as better business practices, and

WHEREAS, City Council has determined that amending the Municipal Code is necessary to ensure proper inspection and licensing, and

WHEREAS, Utah Code Annotated ("U.C.A.") Section 10-1-203 gives the City power to collect a license fee on businesses within the city limits and may regulate the businesses by ordinance, and

WHEREAS, it is the intent of City Council to provide for fair and equitable collection of business license fees,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 4, Licensing, Chapter 2, Business Licensing in General, of the Municipal Code of Park City is hereby amended as follows:

4- 2-13. License Period.

Renewed license certificates shall be valid through December 31, of the year of renewal unless revoked pursuant to this Title. New license certificates issued between January 1 and September 30 shall be valid through December 31 of the year of issuance unless revoked. New license certificates issued between October 1 and December 31 may be valid through December 31 of the year following the year of issuance, unless revoked. An applicant applying for a license between October 1 and December 31st may, at the option of the applicant pay one hundred and twenty-five percent (125%) of the amount otherwise imposed for new licenses issued and the license shall be valid through December 31 of the year following the year of issuance, unless revoked. However, an applicant may elect to pay the prorated fee of one hundred (100%) pursuant to this Title on new applications between October 1 and December 31 if the applicant does not intend to do business in Park City the following year.

4- 2-17. REGULATORY AND SERVICE ENHANCEMENT FEES IMPOSED.

There is hereby imposed and levied an annual business license fee on the types of businesses and in the amounts described below in the Business License Fee Schedule:

PARK CITY BUSINESS LICENSE FEE SCHEDULE

	Transit Service Enhancement Fee		Festival Facilitation Service Enhancement Fee		Enhanced Enforcement Fee		Administrative Fee		
	Rate	Unit of Measure	Rate	Unit of Measure	Rate	Unit of Measure	Rate Business Renewals	Rate New Bus./ Inspections	Unit of Measure
Ski Resort	\$0.263	Skier Day	\$0.013	Skier Day	-	-	\$22.00	\$95.00	License
Lodging	\$19.250	Per Bedroom	\$9.488	Per Bedroom	-	-	\$17.00	\$87.00	License
Restaurant	\$0.231	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Outdoor Dining	\$0.063	Per Sq. Ft.	\$0.029	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Retail	\$0.231	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Large Retail (> 12,000 sq. ft.)	\$0.161	Per Sq. Ft.	\$0.072	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Office, Service, Other	\$0.206	Per Sq. Ft.	\$0.103	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Warehouse	\$0.059	Per Sq. Ft.	\$0.002	Per Sq. Ft.	-	-	\$22.00	\$95.00	License
Resort and Amusement	\$1.035	Per User	\$0.048	Per User	-	-	\$22.00	\$95.00	License
For-Hire Vehicles	\$37.500	Per Vehicle	\$1.751	Per Vehicle	\$45.58	Per Vehicle	\$71.83	\$71.83	License
Other Commercial Vehicles and Trailers	\$7.500	Per Vehicle	\$0.292	Per Vehicle	-	-	\$22.00	\$95.00	License
Employee Based	\$3.750	Per Employee	\$0.146	Per Employee	-	-	\$22.00	\$95.00	License
Commercial Vending, Game and Laundry Machines	\$18.750	Per Machine	\$0.730	Per Machine	-	-	\$22.00	\$95.00	License
Escort Services	\$3.750	Per Employee	\$0.150	Per Employee	\$46.19	Per Employee	\$22.00	\$95.00	License

Transit Service Enhancement Fees and Festival Facilitation Service Enhancement Fees shall be subject to proration for businesses applying for a new business license after March 31. Proration will be according to the following schedule:

After March 31 – 75% of the Transit and Festival Facilitation Service Enhancement Fee, 100% of the Administrative and Enhanced Enforcement Fee

After June 30 – 50% of the Transit and Festival Facilitation Service Enhancement Fee, 100% of the Administrative and Enhanced Enforcement Fee

After September 30 – 25% of the Transit and Festival Facilitation Service Enhancement Fee, 100% of the Administrative and Enhanced Enforcement Fee

4- 2-23. FEE AND TAX PAYMENTS, RENEWALS AND PENALTY.

The annual business license fee provided in this Title shall be due and payable to the City on or before the first day of January of each year for renewals of licenses for businesses, which were licensed the previous year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the calendar year in which issued unless issued between October 1 and December

31, in which case the license shall be valid until December 31 of the year following the issuance of the license, upon payment of 125% of the annual license fee, as set forth in Section 4-2-13 above.

If the renewal license fee is not paid on or before January 15 of the year in which the renewal license is due, there shall be a business license enforcement fee imposed of twenty-five percent (25%) of the license fee imposed by this Chapter or twenty-five dollars (\$25.00) whichever is greater.

If the renewal license fee is not paid in full on or before February 15th of the year in which the renewal fee is due, the business license enforcement fee shall be increased to fifty percent (50%) of the license fee imposed by this Chapter or twenty-five dollars (\$25) whichever is greater. If the renewal license fee is not paid on or before March 1st of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one-hundred percent (100%) of the license fee imposed by this Chapter.

Upon a proper showing that the business is of such a seasonal nature that business has not been conducted to date, the Director or his or her designee may waive the business license enforcement fee of said renewals.

Upon a showing of hardship acceptable to the Director or his or her designee, the licensed business may be allowed to pay the business license fees due over a period of time not to exceed three (3) months from the due date, with interest on the unpaid balance at the rate of eighteen percent (18%) per annum.

Any previously licensed business cited for engaging in business in violation of this Title shall have five (5) days from the date of citation to come into compliance with this Title. Failure of the licensee to reach compliance within five (5) days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

If a licensed business enlarges its place of business or increases its capacity for conducting business, i.e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity, an additional license fee shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual fee on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional license fee for adding square footage shall be due and payable on the date the City issues the occupancy permit.

For the 2009 billing period, due 1/1/09, each local representative will be charged one \$46 administrative fee for a lodging license. If multiple \$46 administrative fees have been paid by a local representative prior to 1/8/09, a refund will be issued for the amount of the administrative fee greater than \$46. This Section shall supercede Section 4-2-6 Refund of Fee limited to refunds allowable by this

~~Section. All other license fees are required to be paid in full according to the requirements of this Section for issuance of a business license.~~

Section II. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 5th day of November, 2009.

PARK CITY MUNICIPAL CORPORATION



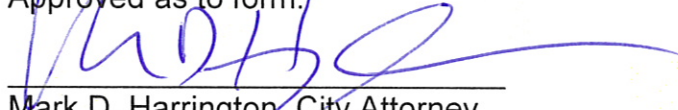
Mayor Dana Williams

Attest:

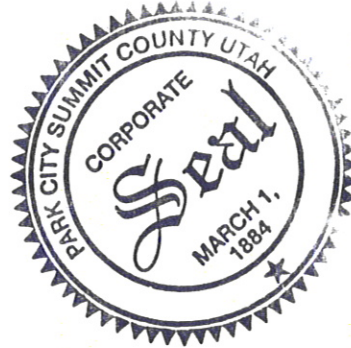


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 09-40

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, INCLUDING AMENDING
SECTIONS 15-2.1-5, 15-2.2-5, 15-2.3-5 CLARIFYING ATTIC SPACE AND SECTION 15-15
DEFINITIONS**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City reviews the General Plan and Land Management Code on an annual basis and identifies necessary amendments to the Land Management Code to address administrative and substantive revisions;

WHEREAS, Chapter 2.1, 2.2, and 2.3 identify that structures are allowed to have three stories and the City desires to amend the allowance to exclude uninhabitable attic space consistent with the International Building Code;

WHEREAS, Chapter 15- Definitions provide clarity of meaning for words used in the Land Management Code and amendments to existing definitions are necessary to clarify terms that appear within sections of the Land Management Code. The City desires to clarify terms by amending the definitions within the code;

WHEREAS, these amendments are changes identified during the 2009 annual review of the Land Management Code;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on August 26, 2009, September 9, 2009, and October 14, 2009, and forwarded a positive recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 5, 2009; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 2.1 OF THE LAND MANAGEMENT CODE. Chapter 2.1 is hereby amended as attached hereto as Attachment 1. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 2.2 OF THE LAND MANAGEMENT CODE. Chapter 2.2 is hereby amended as attached hereto as Attachment 2. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.2 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 2.3 OF THE LAND MANAGEMENT CODE. Chapter 2.3 is hereby amended as attached hereto as Attachment 3. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.2 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 15-15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Attachment 4. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Planning Director.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 5th day of November, 2009

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark Harrington, City Attorney



- (4) When the addition complies with the Uniform Building and Fire Codes.

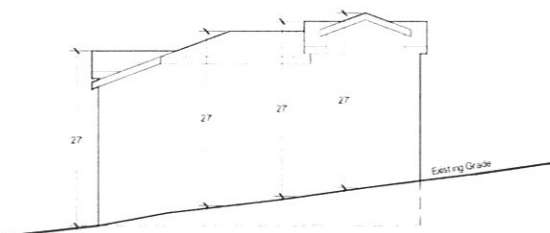
15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of three (3) stories. A basement counts as a Story within this zone. Attics that are not Habitable Space do not count as a story.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

(C) **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.



(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

- (a) The proposed height exception is only for the Area

Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION.** In order to achieve

new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

- (A) A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. Attics that are not Habitable Space do not count as a story.
- (B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the

Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and

Building Height.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway location is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the Uniform Building and Fire Codes.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A Structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. Attics that are not Habitable Space do not count as a story.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a

support Structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole, or other vertical support.

(D) **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

(F) **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

1.15. **APARTMENT.** A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.

1.16. **APPLICANT.** The Owner of the Property that is the subject of the Application, or the Owner's Agent.

1.17. **APPLICATION.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning requests, Subdivision and record of survey plats, plat amendments, Code amendments, design review, and Administrative Permits.

(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

1.18. **ARCHITECTURAL DETAIL.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

1.19. **AREA OR SITE.** A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

XXXX. **ATTIC.** The space between the ceiling joists and roof rafters

1.20. **BAKERY.** A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

1.21. **BALCONY.** A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. See following illustration:

and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

1.30. **BOARDING HOUSE**. A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household. Boarding Houses do not include the Use of Nightly Rental.

1.31. **BUILDING**. Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached**. A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached**. Any Building separated from another Building on the same Lot or Parcel.

(C) **Building, Main**. The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

(D) **Building, Public**. A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

1.32. **BUILDING ENVELOPE**. The

Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

1.33. **BUILDING FOOTPRINT**. The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks, and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

1.34. **BUILDING PAD**. The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also see Limits of Disturbance.

either Natural or Landscaped Open Space.

1.270. **TRANSPORTATION SERVICES.**

A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

1.271. **UDOT.** Utah State Department of Transportation, an agency that maintains and regulates State Highways.

1.272. **UNIFORMITY RATIO.** The ratio between the average and minimum light distribution or luminance across a given Area.

1.273. **UNIT EQUIVALENT.** The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

1.274. **USE.** The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

(A) **Use, Intensity of.** The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

1.275. **VANTAGE POINTS.** A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

1. Osguthorpe Barn;
2. Treasure Mountain Middle School;
3. Intersection of Main Street and Heber Avenue;
4. Park City Ski Area Base;

5. Snow Park Lodge;
6. Park City Golf Course Clubhouse;
7. Park Meadows Golf Course Clubhouse;
8. State Road 248 at the turn-out one quarter mile west from U.S. Highway 40; and
9. State Road 224, one-half mile south of the intersection with Kilby Road.
10. Intersection of Thaynes Canyon Drive and State Road 224.
11. Across valley view

1.276. **VEHICLE CONTROL GATE.** Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.277. **WETLAND, SIGNIFICANT.** All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

1.278. **WILDFIRE/WILDLAND INTERFACE ZONE.** All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

1.279. **WIND ENERGY SYSTEM, SMALL.** All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a

Ordinance No. 09-39

**AN ORDINANCE APPROVING THE EAGLE POINT SUBDIVISION PHASE III
LOTS 47 AND 48 AMENDED PLAT
LOCATED AT 7 EAGLE LANDING COURT, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 7 Eagle Landing Court have petitioned the City Council for approval of the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended 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 _____, 2009, to receive input on the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat plat amendment;

WHEREAS, the Planning Commission, on October 14, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended 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 Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat 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 7 Eagle Landing Court and 2357 Mountain Top Lane.
2. The zoning is Residential Development (RD) in a Master Planned Development (MPD) with the Sensitive Lands Overlay (SLO).
3. The proposed property area to be conveyed from lot 47 to lot 48 is 3,630 square feet (0.083 acres) in size.
4. Required setbacks of the RD zone are met with this plat amendment.
5. Buildings pads remain as originally approved.
6. Landscaping encroachments currently exist.

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.
3. All conditions of approval of the Eagle Pointe Subdivision Master Planned Development shall continue to apply.
4. All landscaping encroachments will cease to exist.

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

PASSED AND ADOPTED this 29th day of October, 2009.

PARK CITY MUNICIPAL CORPORATION



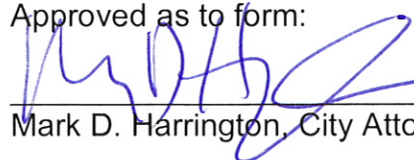
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

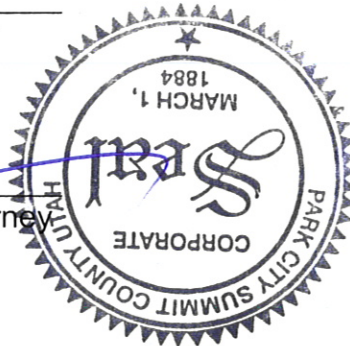
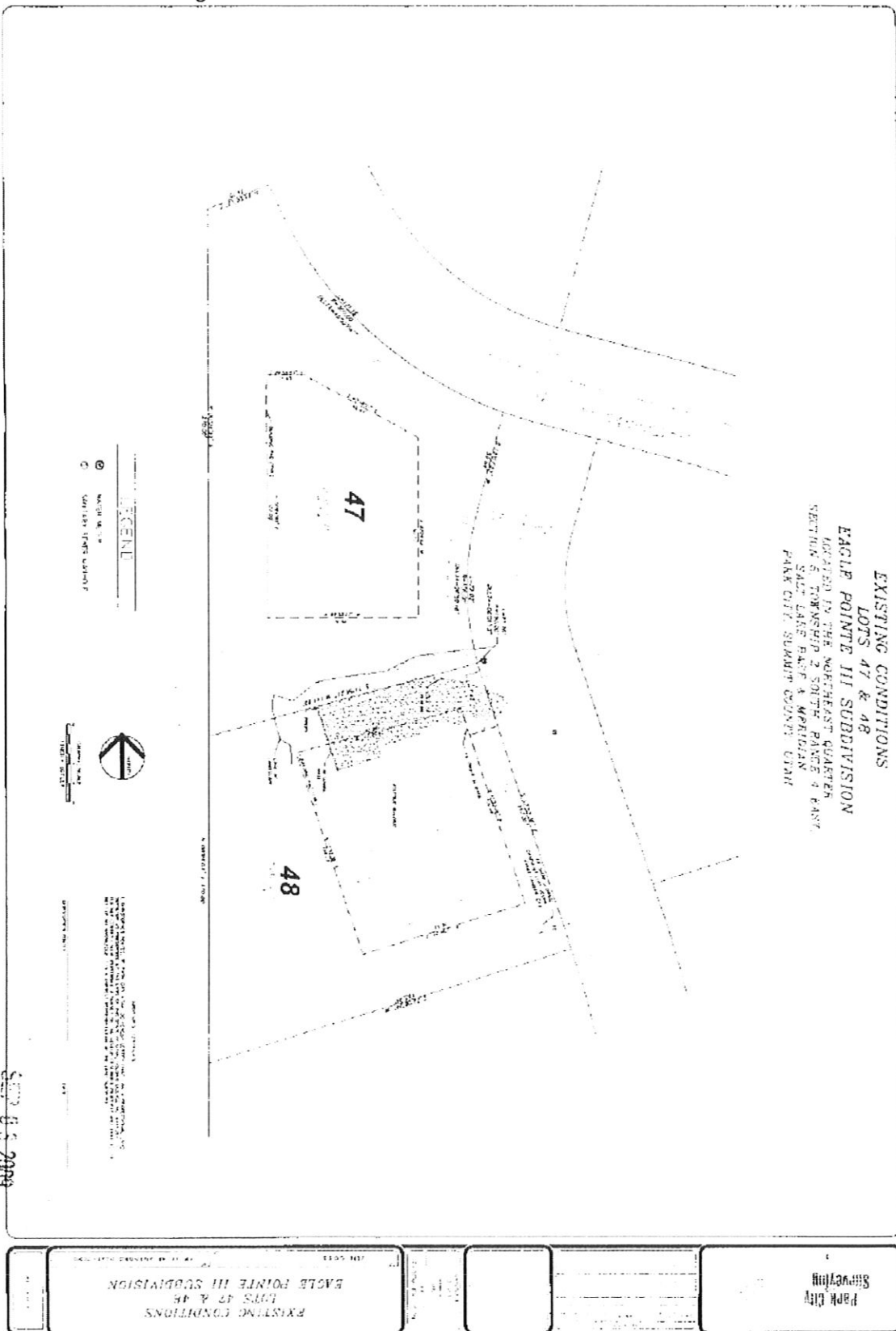


Exhibit B: Existing Conditions



Ordinance No. 09-38

AN ORDINANCE APPROVING THE 146 DALY AVENUE PLAT AMENDMENT LOCATED AT 146 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 146 Daly Avenue have petitioned the City Council for approval of the 146 Daly Avenue plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 14, 2009, to receive input on the 146 Daly Avenue plat amendment;

WHEREAS, the Planning Commission, on October 14, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council, on October 29, 2009, held a public hearing to receive input on the 146 Daly Avenue plat amendment;

WHEREAS, it is in the best interest of Park City, Utah to approve the 146 Daly Avenue plat amendment.

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

SECTION 1. APPROVAL. The 146 Daly Avenue plat amendment 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 146 Daly Avenue in the Historic Residential (HR-1) zoning district.
2. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
3. There is an existing non-historic structure on the property.
4. The subject property encompasses Lot 22 and portions of Lot 21 and 23, Block 74 Millsite Reservation and ½ of vacated Anchor Avenue of the Park City Survey.
5. A recorded Boundary Agreement & Encroachment Easement exists with the owner of Lot 21, 142 Daly Avenue.
6. The proposed amended plat would result in one lot of record of 4,606 square feet.
7. The maximum footprint for a lot of this size is 1,777 square feet. The existing non-conforming footprint is 1,584 square feet.
8. The proposed plat amendment will not create substandard lots on the neighboring lots.
9. The applicant is proposing the combination of the lots to clean up property lines discovered to be at issue during Historic District Design Review and Building permit review.
10. A Historic District Design Review was approved by staff as part of landscaping upgrades and exterior building repairs for this property.

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 must 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 must record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A 10 foot wide snow storage easement shall be dedicated to the City along Daly Avenue.

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

PASSED AND ADOPTED this 29th day of October, 2009.

PARK CITY MUNICIPAL CORPORATION



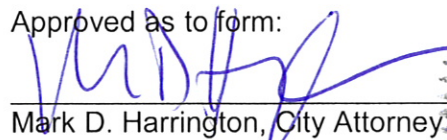
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



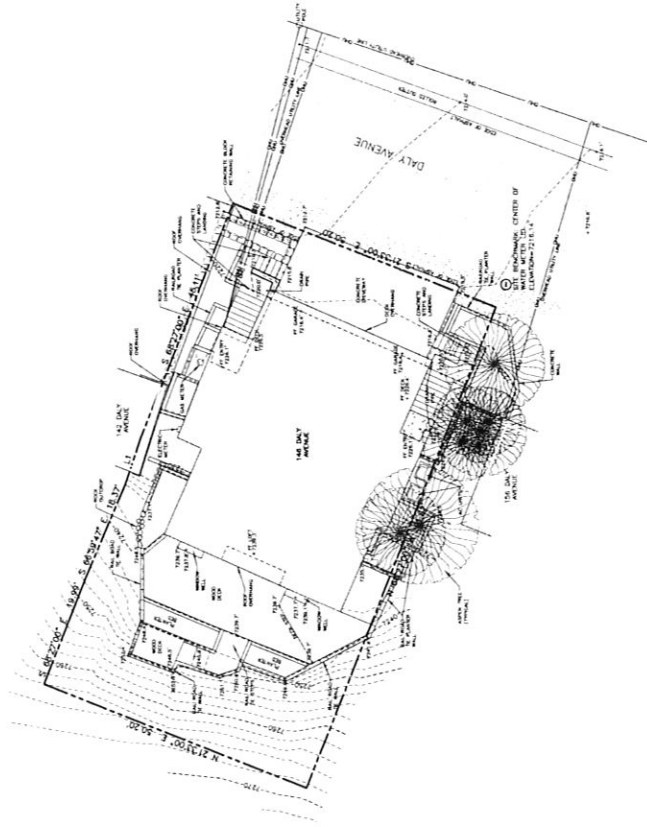
SURVEYOR'S CERTIFICATE

I, Martin Morrison, do hereby certify that I am a registered land surveyor and that I hold certificate no. 4538723 as prescribed under the Land Survey Act, 1984. The survey shown on this plan and survey has been made under my direction of the land shown and I am satisfied that the same is a true and correct representation of the land surveyed at the time the said work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmarks: Wise Meter Ltd. Elevation = 72.16 m
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on October 9, 2007.



LINE	LENGTH	BEARING
L1	0.42	S 71°37'19" E



STAFF:
 ING. MARTIN MORRISON
 BRYAN SCHMIDT

DATE: 11/29/07

TOPOGRAPHIC SURVEY
 146 DAILY AVENUE

SHEET 1 OF 1

FOR: Ready Walker
 JOB NO.: 9-6-07
 FILE: X:\ParkCitySurvey\Map\Topo2007\090607.dwg

Ordinance No. 09-37

**AN ORDINANCE APPROVING THE 593 PARK AVENUE PLAT AMENDMENT
LOCATED AT 593 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 593 Park Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 9, 2009, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on September 9, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 1, 2009, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 593 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The 593 Park Avenue Plat Amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 593 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed lot is 3,747.75 square feet in size.
4. The current minimum lot size within the HR-1 District is 1,875 sq. ft.
5. The lot width of the proposed lot is 49.97 feet.
6. The current minimum lot width within the HR-1 District is 25.0 feet.
7. The current use of the property is vacant land.
8. No remnant parcels of land are created with this plat amendment.
9. The proposed lot size is compatible with adjacent and street development.
10. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

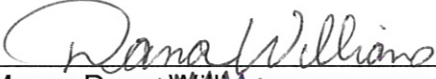
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment,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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the properties frontage.
4. Modified 13-D sprinklers shall be required.

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

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



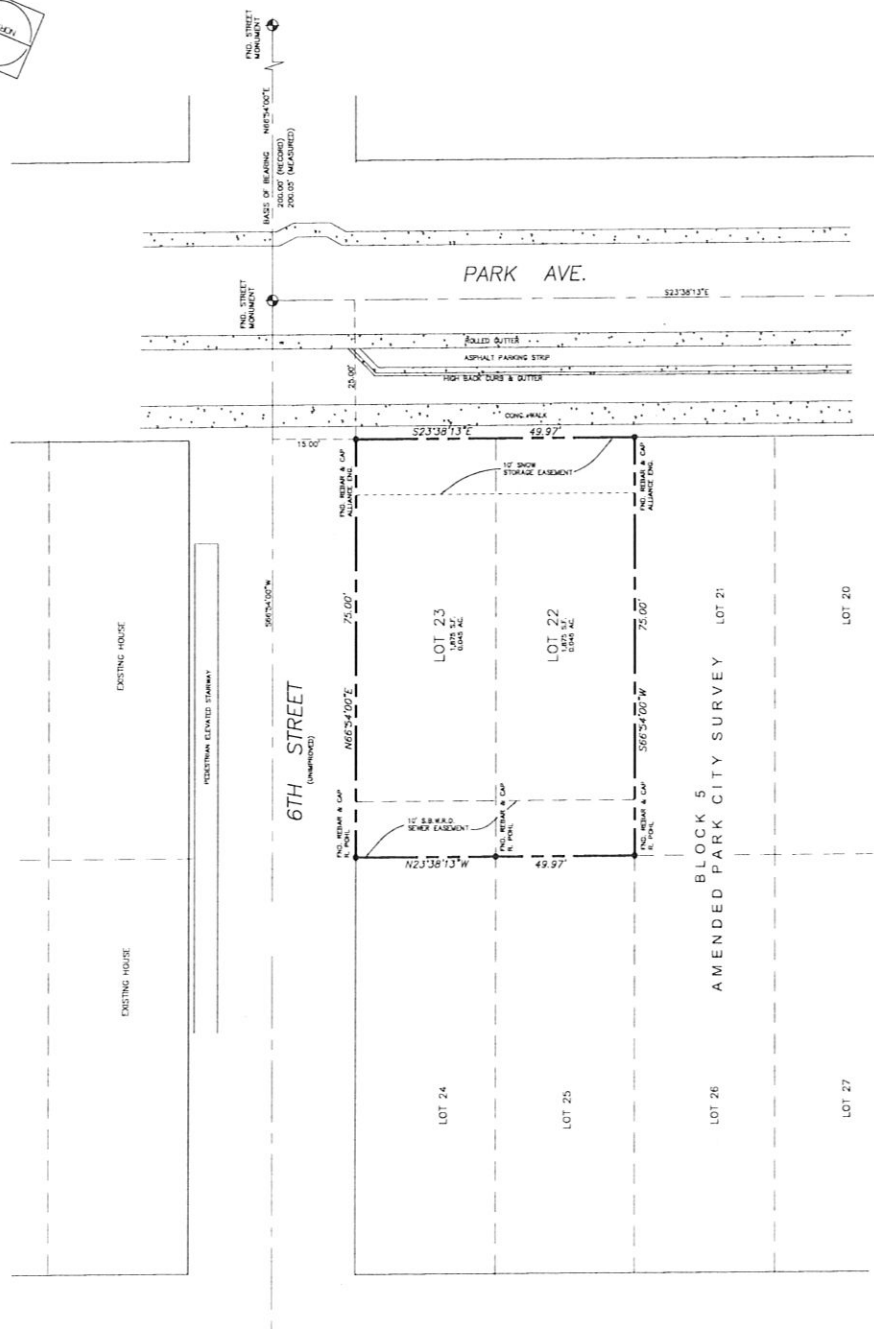
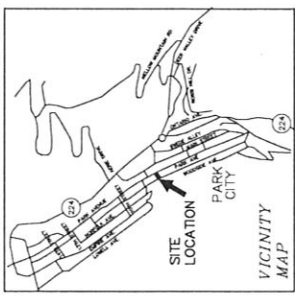
Janet M. Scott, City Recorder

Approved as to form:

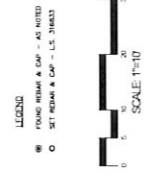


Mark D. Harrington, City Attorney





- NOTES:**
- In the presence of the approved plat to be recorded, the surveyor, in Lots 22 and 23, has observed and measured the boundaries of the lots and found them to conform with the recorded plat and the original plat.
 - The surveyor has observed and measured the boundaries of the lots and found them to conform with the recorded plat and the original plat.
 - In the presence of the approved plat to be recorded, the surveyor, in Lots 22 and 23, has observed and measured the boundaries of the lots and found them to conform with the recorded plat and the original plat.



DIRECTIONS, DISTANCES AND CORRECTIONS TO RECORD
 These directions, distances and corrections to record were prepared by the surveyor in the presence of the approved plat to be recorded, and are hereby certified to be correct and true.

ACKNOWLEDGMENT
 I, the undersigned, being duly qualified as a Surveyor under the laws of the State of Utah, do hereby certify that I have observed and measured the boundaries of the lots and found them to conform with the recorded plat and the original plat.

Executed this _____ day of _____, 2008.
 (NAME)
 Surveyor

ACKNOWLEDGMENT
 I, the undersigned, being duly qualified as a Surveyor under the laws of the State of Utah, do hereby certify that I have observed and measured the boundaries of the lots and found them to conform with the recorded plat and the original plat.

Executed this _____ day of _____, 2008.
 (NAME)
 Surveyor

LEGAL DESCRIPTION
 All of Lot 22, a 4.22 acre parcel, of the Block 5, Amended Park City Survey, Summit County, Utah, is hereby surveyed and divided into two (2) lots, to-wit: Lot 22 and Lot 23, as shown on the attached plat, and the boundaries of the lots are hereby established as follows:

SURVEYOR'S CERTIFICATE
 I, the undersigned, being duly qualified as a Surveyor under the laws of the State of Utah, do hereby certify that I have observed and measured the boundaries of the lots and found them to conform with the recorded plat and the original plat.

Executed this _____ day of _____, 2008.
 (NAME)
 Surveyor

**LOT 22 AMENDED
 BLOCK 5, AMENDED PARK CITY SURVEY
 SUMMIT COUNTY, UTAH**

LOCATED IN
 BLOCK 5, AMENDED PARK CITY SURVEY
 SUMMIT COUNTY, UTAH

Prepared by: _____
 Date: _____

BASELINE SURVEYING, Inc 10248 North 2100 South, Salt Lake City, UT 84116 (801) 209-2152	CERTIFICATE OF ATTEST I, the undersigned, being duly qualified as a Surveyor under the laws of the State of Utah, do hereby certify that I have observed and measured the boundaries of the lots and found them to conform with the recorded plat and the original plat.	PLANNING COMMISSION APPROVED AND ACCEPTANCE BY THE PLANNING COMMISSION THIS _____ DAY OF _____, 2008.	CITY ENGINEER I, the undersigned, being duly qualified as a Surveyor under the laws of the State of Utah, do hereby certify that I have observed and measured the boundaries of the lots and found them to conform with the recorded plat and the original plat.	SHYDERVILLE BASIN WATER RECLAMATION DISTRICT RECORDED FOR PERFORMANCE TO SHYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS _____ DAY OF _____, 2008.	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2008.	RECORDED ENTRY NO. _____ BOOK _____ PAGE _____ STATE OF _____ COUNTY OF _____ RECORDED AND FILED AT THE OFFICE OF _____ COUNTY RECORDS
	PLANNING COMMISSION CHAIRMAN _____ DATE _____	PLANNING COMMISSION CHAIRMAN _____ DATE _____	CITY ENGINEER _____ DATE _____	SHYDERVILLE BASIN WATER RECLAMATION DISTRICT _____ DATE _____	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2008.	RECORDED ENTRY NO. _____ BOOK _____ PAGE _____ STATE OF _____ COUNTY OF _____ RECORDED AND FILED AT THE OFFICE OF _____ COUNTY RECORDS

Ordinance No. 09-36

**AN ORDINANCE EXTENDING THE APPROVAL OF THE KENTAY SUBDIVISION,
A REPLAT OF A PORTION OF LOTS 7 AND 8, BLOCK 23 OF THE
PARK CITY SURVEY AND INCLUDING AN ADJACENT PARCEL,
LOCATED AT 430 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 430 Main Street, have petitioned the City Council for approval of a subdivision to create a lot of record from the replat of the northerly 10.17 feet of Lot 7 and the southerly 10 feet of Lot 8, Block 23 of the Park City Survey, and the inclusion of an adjacent 20.5' wide by 45.5' deep unplatted parcel, as shown on Exhibit A; and

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

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

WHEREAS, on May 28, 2008, the Planning Commission held a public hearing to receive input on the proposed subdivision; and

WHEREAS, on May 28, 2008, the Planning Commission forwarded a recommendation to the City Council; and

WHEREAS, on June 16, 2008, the City Council conducted a public hearing on the proposed subdivision; and

WHEREAS, on March 18, 2008, the Board of Adjustment granted approval of a variance to the minimum lot width of 25' in the Historic Business District to allow a 20.17' width for 430 Main Street; and

WHEREAS, on October 1, 2009, the City Council conducted a public hearing and approved a one year extension of the Kentay Subdivision approval; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision to reconfigure the portions of lots and adjacent parcel at 430 Main Street to create a 2,545.5 square foot lot of record for an historic building and possible future addition to the rear. An easement is provided for the encroachment of 434 Main Street onto this property.

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

SECTION 1. APPROVAL. The Kentay Subdivision, located at 430 Main Street, as shown in Exhibit A is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval. The above recitals are hereby incorporated as findings of fact.

Findings of Fact

1. The property, known as 430 Main Street is located in the Historic Commercial Business (HCB) zoning district.
2. The HCB zone is a commercial zone characterized by a mix of historic and contemporary buildings for commercial, office, and upper story residential uses.
3. The subdivision will combine the northerly 10.17 feet of Lot 7 and the southerly 10 feet of Lot 8, Block 23 of the Park City Survey with an adjacent 20.5' by 45.5' un-platted parcel to create a 2,545.5 square foot lot of record for an existing historic building.
4. The lots and parcel are under common ownership.
5. The property is improved with a 987 sf historic retail/commercial building known as the Park City Jewelry Building. The building has a one story façade on Main Street and a 2 story façade on Swede Alley.
6. Access to the property is from Main Street and Swede Alley.
7. The minimum lot size in the HCB zoning district is 1,250 square feet.
8. The minimum lot width in the HCB zoning district is 25'. The lot of record would be 20.17' in width.
9. On March 18, 2008, the Board of Adjustment granted a variance to the minimum lot width for the property at 430 Main Street allowing a minimum lot width of 20.17'.
10. There is an existing non-exclusive utility easement located on the adjacent parcel. The easement was retained by the City in 1989 when the parcel was quit claimed to the property owner. There are existing utilities crossing the parcel that serve the property and adjacent properties. These utilities include overhead power and storm drain pipes. There are phone and cable pedestals located in the easement that serve 430 Main.
11. The owner has researched the location of existing utilities and has developed a plan to relocate these utilities at his expense. The owner is securing consent to vacate letters from utility providers and intends to request of the City Council a vacation of a portion of the utility easement.
12. The adjacent structure at 434 Main Street encroaches onto the property by 0.35 feet. The applicant proposes to include an encroachment easement on the plat in order to resolve this encroachment.
13. The Swede Alley parcel did not pay into the parking improvement district and is therefore not exempt from the parking requirements in the HCB district.

Conclusions of Law

1. There is good cause for this plat amendment, being a re-plat of portions of two existing lots and an adjacent parcel, as it creates one lot of record for an historic structure and possible future addition and provides an easement for an encroaching historic structure.
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, approval of the subdivision does not adversely affect the health, safety, and welfare of the citizens of Park City.

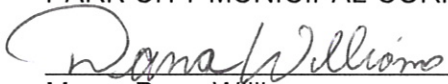
Conditions of Approval

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 record the plat at the County Recorder's Office by June 19, 2010. If recordation has not occurred within one year's time, this approval for the Kentay Subdivision plat will be void.
3. Recordation of this plat and vacation of the existing non-exclusive utility easement is a condition precedent to issuance of a building permit.
4. A sidewalk easement, to accommodate a 9' sidewalk measured from front face of curb to front of the Building shall be included on the plat.
5. The applicant shall obtain written approval from all franchised utility providers agreeing to the extinguishment of the utility easement prior to vacation of the easement.
6. All standard project conditions apply.
7. An encroachment easement for the benefit of 436 Main Street shall be included on the plat prior to recordation.
8. The applicant shall provide prior notice to adjacent property owners affected by relocation of any existing utilities.
9. An encroachment easement for 434 Main Street shall be included on the plat prior to recordation.
10. The applicant shall obtain written approval from adjacent property owners affected by relocation of existing utilities impacted by the easement vacation.

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

PASSED AND ADOPTED this 1st day of October, 2009.

PARK CITY MUNICIPAL CORPORATION



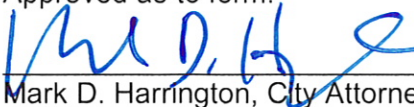
Mayor Dana Williams

Attest:

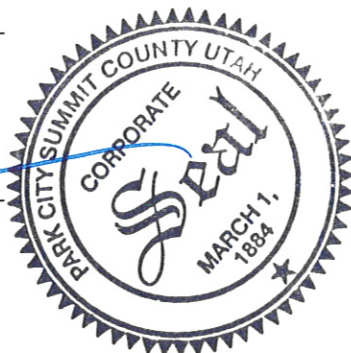


Janet M. Scott, City Recorder

Approved as to form:

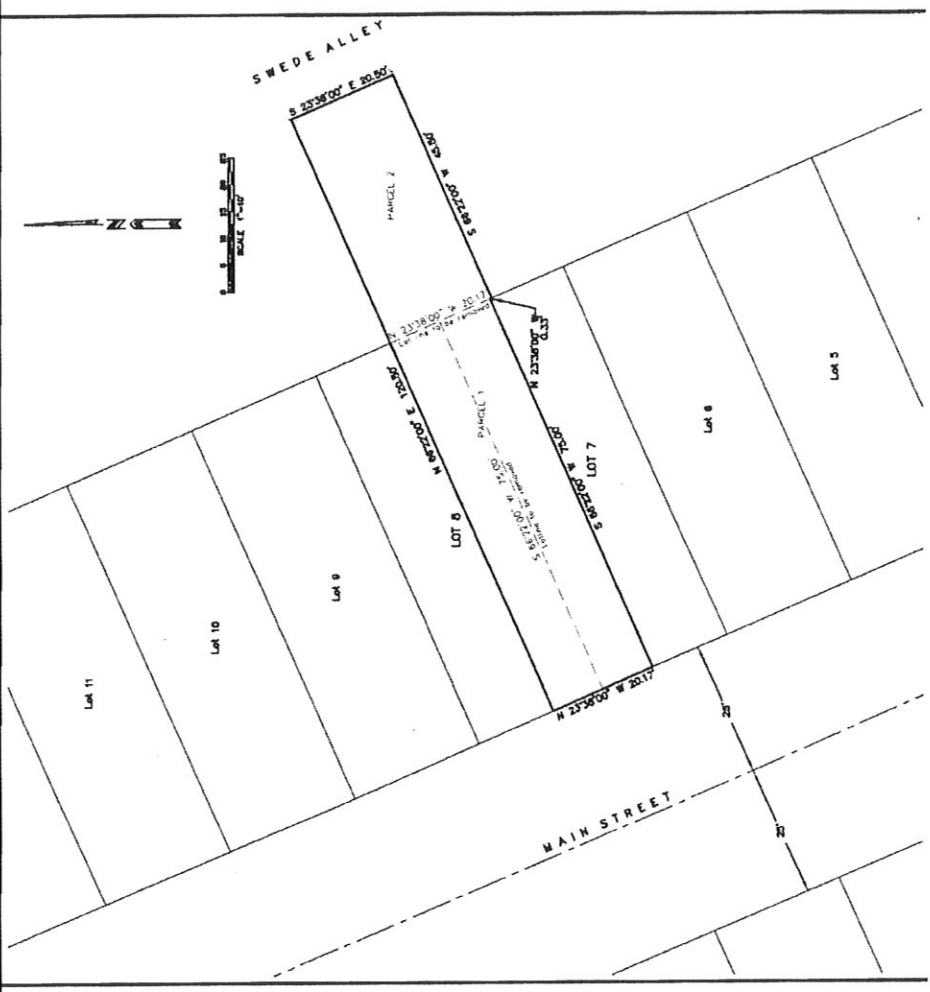


Mark D. Harrington, City Attorney



SEP 20 2007
 PARK CITY
 PLANNING DEPT.

*Kentay Subdivision
 2 Parcels In & Adjacent to
 Block 23, Park City Survey*



NARRATIVE

1. Plat requested by William Taylor Brann and Kenneth Lee Whipple, owners of the property, for the subdivision of the property into 11 lots as shown on the attached plat. The property is located in Section 16, Township 4 South, Range 4 East, Salt Lake Basin Meridian.

2. Lot bearings and distances are according to the survey of record and the Official Plat of the Park City Survey, on the west end of record in the office of the Summit County Recorder.

3. The plat is in accordance with Utah State Law.

4. The plat is in accordance with the provisions of the Utah Insurance Code, affecting the property that may appear in a title insurance report.

LEGAL DESCRIPTION

CL: PARCEL 1: The North 10 feet 2 inches of Lot 7 and the South 10 feet of Lot 8, Block 23, Amended Plat of the Park City Survey, according to the County Recorder, on the east or record in the office of the Summit County Recorder.

PARCEL 2: Beginning at the Southeast corner of Lot 8, Block 23, Amended Plat of the Park City Survey, according to the official plat thereof, on the east or record in the office of the Summit County Recorder, and running North 23°36'00" West, 43.00 feet to the point of beginning; thence North 68°22'00" West, 43.00 feet to the Eastery line of Block 23; thence North 23°36'00" West, 10.50 feet to the point of beginning.

NOTE: Beginning of a point which is North 23°36' West along the Westery line of Block 23, Park City Survey, according to the official plat thereof, on the East end of record in the office of the Summit County Recorder, is at the Southeast corner of Lot 7 of said Block 23, and running North 23°36'00" West, 43.00 feet to the point of beginning; thence North 68°22'00" West, 43.00 feet to the Eastery line of Block 23; thence North 23°36'00" West, 10.50 feet to the point of beginning; containing 0.036 acres, more or less.

RECORDS GENERAL

L.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding license No. 258000, do hereby certify that I have, by the authority of the owners, made the follow amendment plat for the purpose described herein.

OWNER'S DECLARATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned are the representatives of the Kentay Property, a Utah General Partnership, owner of the herein Block 23, Amended Plat of the Park City Survey, and hereby consent that the Kentay Property be subdivided into 11 lots as shown on the attached plat, on behalf of Utah in accordance with Utah State Law.

Also, the undersigned hereby certify that the subdivision is for the proposed use of the property as shown on the attached plat, and that the same is for public use, and does hereby dedicate the same to the public use.

In witness whereof, the undersigned have set their hand this _____ day of _____, 2007.

By: William Taylor Brann, President OF: Kentay Property
Kenneth Lee Whipple, Vice President
Kentay Property

AGREEMENT

On this _____ day of _____, 2007, William Taylor Brann and Kenneth Lee Whipple personally appeared before me, the undersigned Notary Public in and for the County of Summit, State of Utah, and acknowledged to me that they are the representatives of the Kentay Property, the owner of Parcels 1 and 2, in and adjacent to Block 23, Amended Plat of the Park City Survey, and that they have authorized the said Notary Public to execute and to acknowledge this document for the purpose set forth herein.

My commission expires _____ NOTARY PUBLIC
 _____ County, Utah

EXHIBIT A.

<p>ALPINE SURVEY, INC. 19 PROSPECTOR DRIVE PARK CITY, UTAH 84302 (435) 253-0000</p>	<p>ENTERTAINMENT DISTRICT YATKE RECREATION DISTRICT ENTERTAINMENT DISTRICT on this _____ day of _____, 2007.</p> <p>BY: <u>INTERVILLE DANA WATERS RECREATION SERVICE</u></p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 20th DAY OF SEPTEMBER, 2007.</p> <p>BY: <u>CHAIRMAN</u></p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 20th DAY OF SEPTEMBER, 2007.</p> <p>BY: <u>Mayor</u></p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE RULES OF MY OFFICE THIS DAY OF _____, 2007.</p> <p>BY: <u>PARK CITY ENGINEER</u></p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____, 2007.</p> <p>APPROVED BY: <u>PARK CITY ATTORNEY</u></p>	<p>CERTIFICATE OF ATTEST I CERTIFY THE RECORD OF SUMMARY MAP WAS FILED IN THE CITY COUNCIL THIS 20th DAY OF SEPTEMBER, 2007.</p> <p>BY: <u>PARK CITY RECORDER</u></p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF THE COUNTY CLERK DATE _____ FILE _____ BOOK _____ PAGE _____</p>
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Ordinance No. 09-35

**AN ORDINANCE APPROVING THE SANDSTONE COVE PLAT AMENDMENT
LOCATED AT THE SANDSTONE COVE SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owners of the property located at Sandstone Cove Subdivision have petitioned the City Council for approval of the Sandstone Cove Subdivision plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 9, 2009, to receive input on the Sandstone Cove plat amendment;

WHEREAS, the Planning Commission, on September 9, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 1, 2009, the City Council held a public hearing on the Sandstone Cove Subdivision plat amendment; and

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

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

SECTION 1. APPROVAL. Sandstone Cove plat amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at Sandstone Cove Subdivision.
2. The zoning is Estate (E) within the Sensitive Lands Overlay (SLO).
3. The Plat Amendment will allow sensible adjustments to the landscaping regulations of the Sandstone Cove Subdivision to better reflect the as-built conditions.
4. The intention of Floor Area restrictions and Stories is better defined by the plat note amendments.
5. The original Sandstone Cove Subdivision was approved in 1997 with existing plat notes.
6. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment.
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.
3. The Sandstone HOA will conduct a field survey of all properties within six months of this approval showing irrigated landscaped areas, buildings, driveways, patios and other hardscapes. This survey will be provided to the Building Department and additional water fees may be assessed based on the survey.
4. All outdoor lighting in the Sandstone Cove Subdivision must be brought into compliance with the Land Management Code Section 15-5(I).

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

PASSED AND ADOPTED this first day of October, 2009.

PARK CITY MUNICIPAL CORPORATION



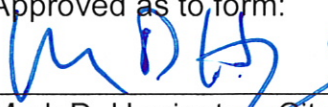
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Attachment A

SANDSTONE COVE PLAT NOTE AMENDMENTS

6. The maximum area on each Lot which can be irrigated is 10,000 sq. ft., of which a maximum of 7,000 sq. ft. of sod will be allowed. Exception: other areas may be irrigated using drought tolerant landscaping and water efficient irrigation. All Landscape Construction shall be shown on a landscape plan which shall be submitted for approval by the Homeowners Association, acting through its Board of Directors, and for administrative approval by the Park City Planning Department.
7. Limits of Disturbance (Zone of NO Construction, Excavation or Vegetation removal other than Landscape Construction approved by the Homeowners Association acting through its Board of Directors and administratively approved by the Park City Planning Department) will be required on all site plans with areas of disturbance restricted to the area around the footprint of the structure which is inside a boundary of 15 feet on side yards, 20 feet on rear yards and 25 feet on front yards. Limits of disturbance may be directly on the property lines if the structure footprint is within 15 feet of the property lines. Vegetation management of defensible space, per plat note 8, is permitted and must be described on the landscape plans.

Some exceptions to this standard may be given administratively by the Park City Planning Department if necessary due to unique characteristics of the site and if the exception does not result in more disturbed area than would otherwise be allowed.

Driveways and limited grading associated with driveways are not included in the disturbance calculations.

9. Fencing within the ROS Zone is discouraged but is subject to approval by the Homeowners Association, acting through its Board of Directors, and to administrative approval by the Park City Planning Department. Fencing of the perimeter of any lot, or of the entire Limits of Disturbance within a lot, is prohibited. Certain limited fencing to prevent trespass, protect children, control animals, and/or enhance the landscape plan may be permitted subject to approval by the Homeowners Association acting through its Board of Directors.
10. Limits on Other Floor Areas. The Floor Area (as defined in the Park City Land Management Code) of the story directly above the First Story (as defined in the Park City Land Management Code) shall not exceed 85% of

the Floor Area of the First Story. The Floor Area of any higher story shall not exceed 85% of the Floor Area directly beneath it.

- 11(c). Maximum Upper Floor Area Notwithstanding Note 10 above, as to Lots 2, 3, 4, 12, 13 & 14, the Floor Area of the story directly above the First Story shall not exceed 50% of the Floor Area of the First Story. The Floor Area of any higher story shall not exceed 50% of the Floor Area of the story directly beneath it.

Ordinance 09-34

ORDINANCE AMENDING ORDINANCE NO. 07-57, INCREASING THE BUSINESS PROMOTION TAX ON ALL BUSINESSES WITHIN THE BOUNDARIES OF THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Main Street Business Improvement District was created by resolution on August 30, 2007, with the primary purpose of providing solid waste management and business promotion; and

WHEREAS, the boundary of the Main Street Business Improvement District is defined as all businesses located in the following area:

The BID boundary shall follow the centerline of the following streets: Beginning at the intersection of Main Street and Deer Valley Drive, then proceeding westerly on Main Street to the intersection of Main Street and 9th Street, then west on 9th Street to the intersection of 9th Street and Park Avenue, then proceeding southerly on Park Avenue to the intersection of King Road, then easterly on King Road to Main Street, then southerly on Main Street to Hillside Avenue, then proceeding easterly along Hillside to Marsac Avenue, then proceeding northward on Marsac Avenue to the intersection of Deer Valley Drive and the point of beginning.

WHEREAS, a business promotion tax of \$156 per business within the District was approved by Ordinance 07-57 on September 13, 2007; and

WHEREAS, the City Council hereby declares that the public health, convenience, and necessity requires an increase of the tax for business promotion;

WHEREAS, the tax increase will fund an increased scope of services including increased staff hours, computer and software purchases, additional branding and industry trend monitoring;

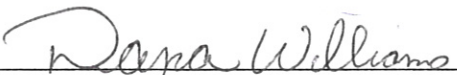
NOW THEREFORE, be it ordained by the City Council of Park City that:

Ordinance 07-57 is amended as follows:

- 1) In addition to any other tax authorized by the laws of the State of Utah and/or of this municipality, there hereby is established, approved, and levied a tax upon all businesses within the boundary of the Main Street Business Improvement District equal to ~~one hundred fifty-six dollars (\$156)~~ two hundred forty-three dollars (\$243) annually.
- 2) This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 1st day of October, 2009.

PARK CITY MUNICIPAL CORPORATION

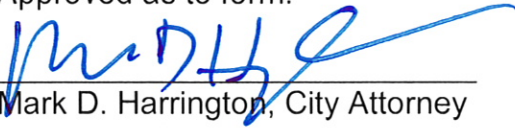


Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 09-33

**AN ORDINANCE APPROVING THE QUINN'S WATER TREATMENT SUBDIVISION
LOCATED AT 3800 RICHARDSON FLAT ROAD, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as parcel PCA-9-95-N-X, located at 3800 Richardson Flat Road, have petitioned the City Council for approval of the Quinn's Water Treatment subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on August 26, 2009, to receive input on the Quinn's Water Treatment subdivision; and

WHEREAS, the Planning Commission, on August 26, 2009, forwarded a positive recommendation to the City Council; and

WHEREAS, on September 17, 2009, the City Council held a public hearing on the Quinn's Water Treatment subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Quinn's Water Treatment 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 Quinn's Water Treatment subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 3800 Richardson Flat Road.
2. The property was annexed into Park City with the Wortley Annexation on June 18, 1984 and was zoned into the Recreation Open Space (ROS) district. Park City Municipal Corporation is the fee title owner of the property. The property was not purchased with open space revenues and is not further restricted, except as restricted by the Land Management Code and other associated codes.
3. A portion of Lots 1 and 2 are located within the Entry Corridor Protection Overlay zone (ECPO).
4. The proposed subdivision application creates three lots of record. Lot 1, consists of 4.168 acres and is currently used by the Public Works department for snow storage. Lot 2 consists of 4.437 acres and is a long, relatively narrow vacant lot located between State Road (SR) 248 and the Rail Trail. Lot 3 consists of 8.777 acres and is located south of the Rail Trail property and used for open space and trails.
5. Lots 1 and 2 have frontage on SR 248 however no access directly to SR 248 is proposed. Access to Lot 1 is from Richardson Flat Road via an encroachment permit across UDOT property. Access to Lot 2 is by a cross access easement from Lot 1. Lot 3 has existing

access to adjacent property to the east via an existing dirt road. This dirt road is part of the City's trail system.

6. A 20' wide sanitary sewer easement containing an existing SBWRD sewer main, traverses the entire length of Lots 1 and 2.
7. A legal lot of record is required for construction of a water treatment plant facility on a portion of the existing 17.382 acre metes and bounds parcel.
8. Lot 3 is designated on the plat as an open space lot with uses as allowed per the ROS zoning district, provided these uses don't require utilities, such as sewer and water.
9. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision 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 subdivision plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A note shall be added to the plat requiring compliance with fire sprinkler requirements of the International Building Code applicable at the time of building permit submission, for all new construction.
4. A soils conditions report shall be submitted prior to issuance of any building permits and shall be reviewed by the City Engineer.
5. All applicable requirements of the LMC and Prospector Soils Ordinance for top soil preservation and final grading shall be completed prior to issuance of a certificate of occupancy for all new construction on these lots.
6. Monumentation shall be placed on the property corners prior as required by the Land Management Code or as otherwise approved by the City Engineer.

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

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Thomas A. Daley, Deputy City Attorney



Ordinance No. 09-32

AN ORDINANCE APPROVING AN AMENDED AND RESTATED CONDOMINIUM RECORD OF SURVEY PLAT FOR DEER CREST ROOSEVELT GAP RESORT LOCATED AT 2300 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the St. Regis Resort at Deer Crest (aka Deer Crest Hotel), located at 2300 Deer Valley Drive have petitioned the City Council for approval of an amended and restated condominium record of survey 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 August 26, 2009, to receive input on the First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences and Deer Crest Roosevelt Gap Condo Suites Condominium Project record of survey plat;

WHEREAS, the Planning Commission, on August 26, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences and Deer Crest Roosevelt Gap Condo Suites Condominium Project record of survey plat

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended and Restated Deer Crest Roosevelt Gap Resort, Deer Crest Roosevelt Gap Residences and Deer Crest Roosevelt Gap Condo Suites Condominium Project record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2300 Deer Valley Drive East within the RC and RD-MPD zoning districts.
2. The property is subject to the 1995 Deer Crest Settlement Agreement and the Deer Crest Hotel conditional use permit approved on February 28, 2001 and amended on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009.

3. The Settlement Agreement and CUP set forth a maximum density of 130 Unit Equivalents (UE) for the Deer Crest Hotel, that includes the Roosevelt Gap and Snow Park parcels of the Deer Crest Settlement Agreement.
4. The amended record of survey plat identifies 92 units, with 96.44 UE at Roosevelt Gap and 0.94 UE at Snow Park. The 2005 plat identified 94 units with 105 UE at Roosevelt Gap and 1 unit (1 UE) at Snow Park. The remaining UEs are subject to future condominium conversion (expandable area) within the Deer Crest Hotel CUP.
5. The 2005 record of survey plat identified 67 condominium units ranging in size from 990 to 2,646 square feet, with an additional 1,463 sf unit at Snow Park. The amended plat identifies 67 condominium units ranging in size from 955 to 2,604 square feet in area, with an additional 1,879 sf unit at Snow Park.
6. The 2005 plat identified 26 residence units ranging in size from 1,295 to 6,395 square feet. The amended plat identifies 24 residence units ranging in size from 1,291 to 6,468 square feet.
7. The remaining floor area is platted as common area, limited common area (exclusive use of a particular unit), and non-condominium property for the 2 affordable units, support commercial, and for restricted areas within the building, consistent with the conditional use permit. The general public's access to portions of the site and building is restricted and platted accordingly; this has not changed between the 2005 and 2009 plats.
8. Total parking area for Roosevelt Gap is decreased from 59,000 sf as identified in the 2005 record of survey to 50,467 sf as currently constructed. The total number of parking spaces located within the Roosevelt Gap structure is 141 spaces, of which 5 are tandem spaces and 136 are code compliant. The remainder of the code required parking is located at Snow Park. Parking is consistent with the CUP approval.
9. Support commercial space decreased from 19,694 sf to 19,481 sf consistent with the 5% allowable (20,829 sf). Meeting space decreased from 6,090 sf to 6,062 sf consistent with the 5% allowable (20,829 sf).
10. The proposed amended record of survey is consistent with the approved and amended Conditional Use Permit for the St. Regis Resort at Deer Crest (aka the Deer Crest Hotel CUP).

Conclusions of Law:

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The amended record of survey plat is consistent with the approved Deer Crest Settlement Agreement and amended Deer Crest Hotel CUP.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey 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 amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
 3. All applicable conditions of approval of the amended Roosevelt Gap Subdivision plat, recorded on May 21, 2005 continue to apply.

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

PASSED AND ADOPTED this 17th day of September, 2009.

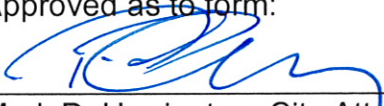
PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

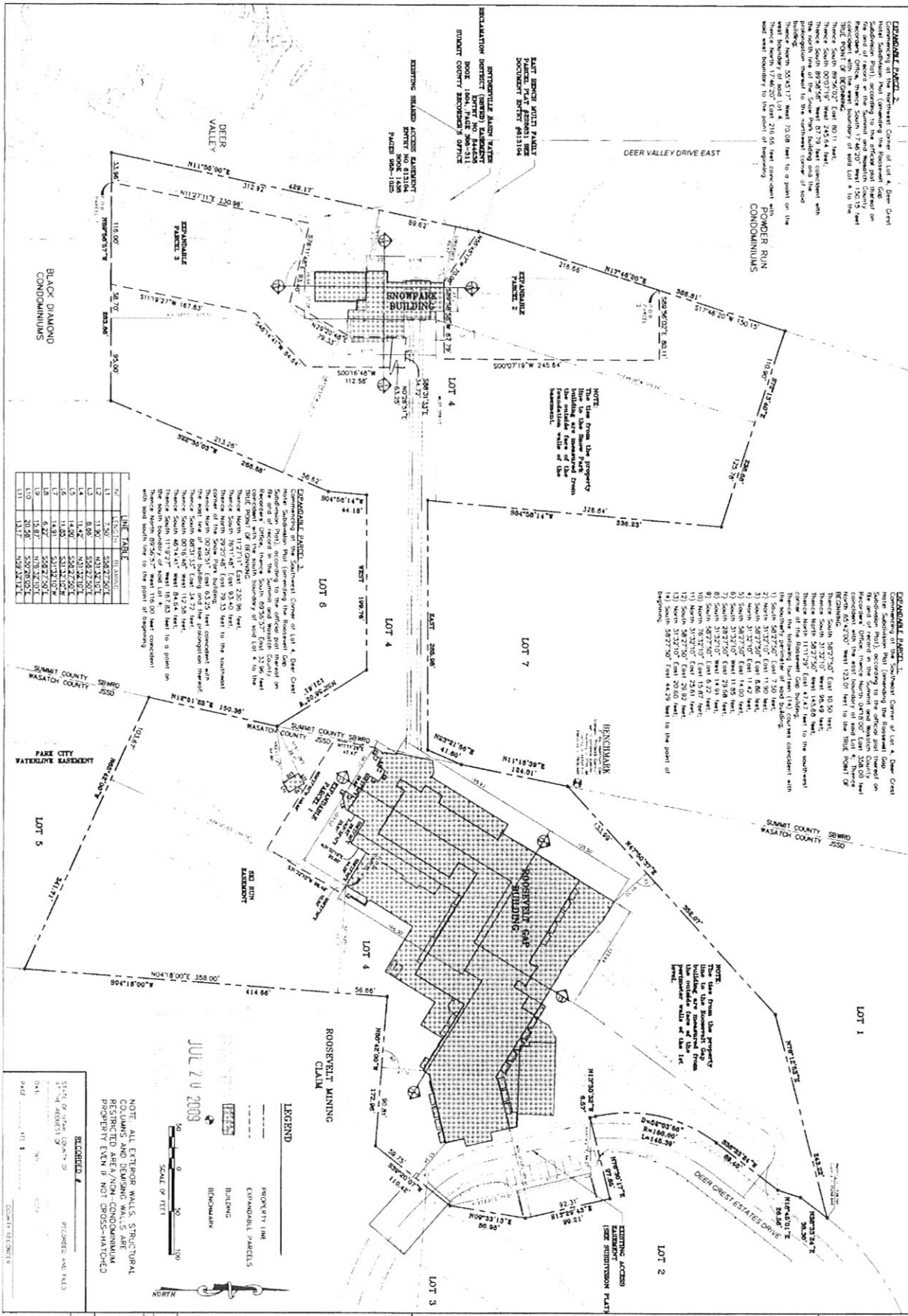
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Tom Tracy for



EXPANDABLE PANEL 1
 Connecting the Northwest Corner of Lot 4, Deer Crest
 Subdivision Plat, according to the official plat thereof on
 file and of record in the Summit and Wasatch County Clerk
 Offices, to the Southeast Corner of said Lot 4 to the
 center of the road, bearing S 89°55'37" E, 112.50 feet,
 thence South 89°55'37" West 245.64 feet,
 thence South 89°55'37" West 10.00 feet, to a point on the
 west boundary of said Lot 4 216.88 feet and perpendicular with
 the west boundary of said Lot 4 to the point of beginning.

EXPANDABLE PANEL 2
 Connecting the Northwest Corner of Lot 4, Deer Crest
 Subdivision Plat, according to the official plat thereof on
 file and of record in the Summit and Wasatch County Clerk
 Offices, to the Southeast Corner of said Lot 4 to the
 center of the road, bearing S 89°55'37" E, 112.50 feet,
 thence South 89°55'37" West 245.64 feet,
 thence South 89°55'37" West 10.00 feet, to a point on the
 west boundary of said Lot 4 216.88 feet and perpendicular with
 the west boundary of said Lot 4 to the point of beginning.

EXPANDABLE PANEL 3
 Connecting the Northwest Corner of Lot 4, Deer Crest
 Subdivision Plat, according to the official plat thereof on
 file and of record in the Summit and Wasatch County Clerk
 Offices, to the Southeast Corner of said Lot 4 to the
 center of the road, bearing S 89°55'37" E, 112.50 feet,
 thence South 89°55'37" West 245.64 feet,
 thence South 89°55'37" West 10.00 feet, to a point on the
 west boundary of said Lot 4 216.88 feet and perpendicular with
 the west boundary of said Lot 4 to the point of beginning.

EXPANDABLE PANEL 4
 Connecting the Northwest Corner of Lot 4, Deer Crest
 Subdivision Plat, according to the official plat thereof on
 file and of record in the Summit and Wasatch County Clerk
 Offices, to the Southeast Corner of said Lot 4 to the
 center of the road, bearing S 89°55'37" E, 112.50 feet,
 thence South 89°55'37" West 245.64 feet,
 thence South 89°55'37" West 10.00 feet, to a point on the
 west boundary of said Lot 4 216.88 feet and perpendicular with
 the west boundary of said Lot 4 to the point of beginning.

EXPANDABLE PANEL 5
 Connecting the Northwest Corner of Lot 4, Deer Crest
 Subdivision Plat, according to the official plat thereof on
 file and of record in the Summit and Wasatch County Clerk
 Offices, to the Southeast Corner of said Lot 4 to the
 center of the road, bearing S 89°55'37" E, 112.50 feet,
 thence South 89°55'37" West 245.64 feet,
 thence South 89°55'37" West 10.00 feet, to a point on the
 west boundary of said Lot 4 216.88 feet and perpendicular with
 the west boundary of said Lot 4 to the point of beginning.

EXPANDABLE PANEL 6
 Connecting the Northwest Corner of Lot 4, Deer Crest
 Subdivision Plat, according to the official plat thereof on
 file and of record in the Summit and Wasatch County Clerk
 Offices, to the Southeast Corner of said Lot 4 to the
 center of the road, bearing S 89°55'37" E, 112.50 feet,
 thence South 89°55'37" West 245.64 feet,
 thence South 89°55'37" West 10.00 feet, to a point on the
 west boundary of said Lot 4 216.88 feet and perpendicular with
 the west boundary of said Lot 4 to the point of beginning.

LOT	AREA (SQ. FT.)
LOT 1	5,827.29
LOT 2	5,827.29
LOT 3	5,827.29
LOT 4	5,827.29
LOT 5	5,827.29
LOT 6	5,827.29
LOT 7	5,827.29
LOT 8	5,827.29

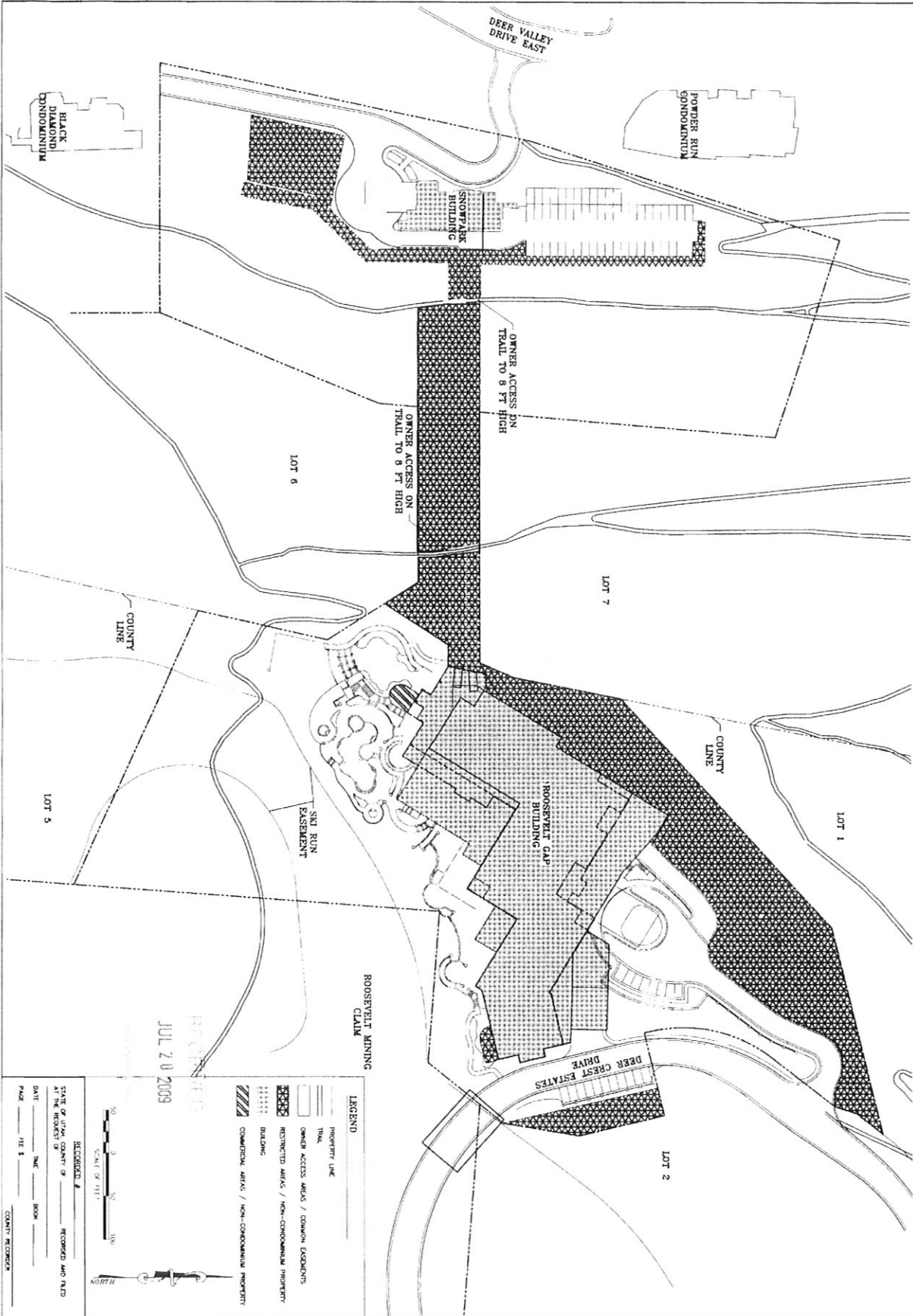
LEGEND

- PROPERTY LINE
- EXPANDABLE PANELS
- BUILDING
- EASEMENT
- ROOSEVELT GAP

NOTE: ALL EXTERIOR WALLS, STRUCTURAL
 RESISTED AS BEARING CONSTRUCTION
 PROPERTY EVEN IF NOT CROSS-HATCHED

TWIN PEAKS
 Engineering & Land Surveying
 1880 NORTH 800 EAST, LEVY, UTAH 84043
 (801) 450-3511, (801) 439-0700 FAX

FIRST AMENDED AND RESTATED
DEER CREST ROOSEVELT GAP RESORT
 DEER CREST ROOSEVELT GAP RESIDENCES CONDOMINIUM PROJECT
 DEER CREST ROOSEVELT GAP CONDO SUITES CONDOMINIUM PROJECT
 CONDOMINIUM PLAT
 OVERALL SITE PLAN



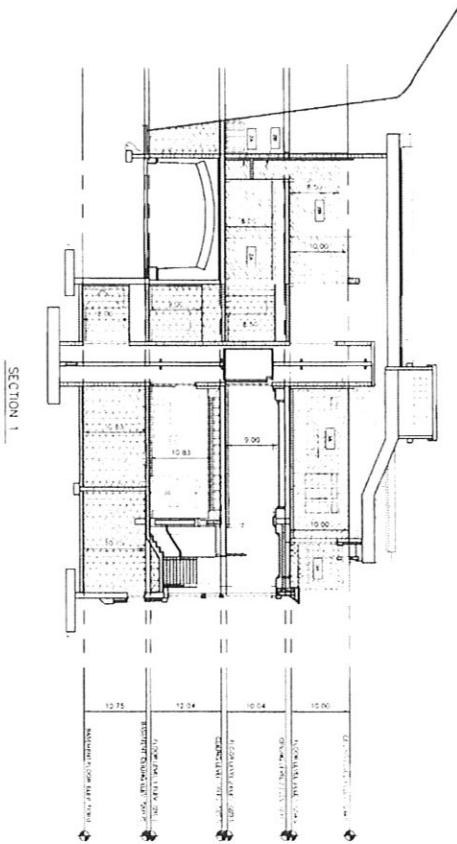
FIRST AMENDED AND RESTATED
DEER CREST ROOSEVELT GAP RESORT
 DEER CREST ROOSEVELT GAP RESIDENCES CONDOMINIUM PROJECT
 DEER CREST ROOSEVELT GAP CONDO SUITES CONDOMINIUM PROJECT
 CONDOMINIUM PLAT
 OUTSIDE LAND USES

TWIN PEAKS
 Engineering & Land Surveying
 1880 NORTH 800 EAST, LERU, UTAH 84043
 (801) 450-3511 (801) 439-0100 FAX

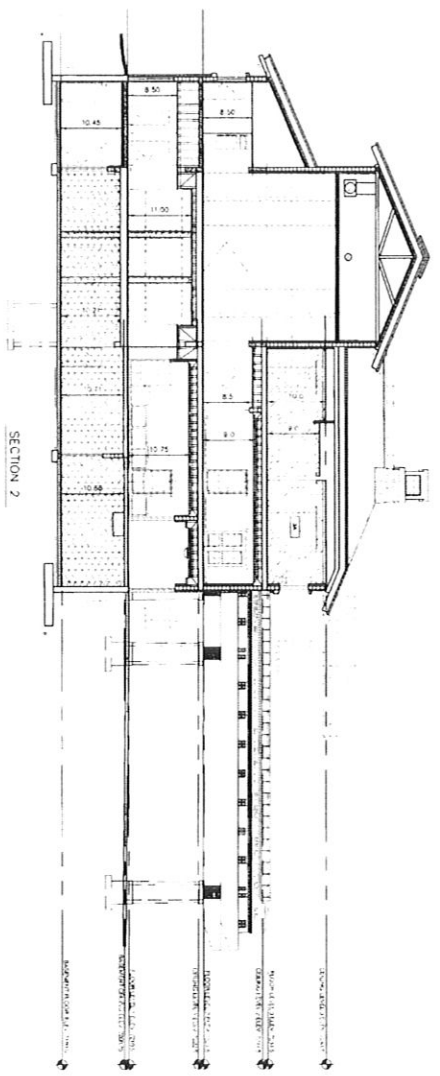
DATE: MAY 2009

SCALE: 1" = 40'

PLAT NO: 15



- Owner Access Areas / Common Elements
- Restricted Areas / Non- Condominium Property
- Commercial Areas / Non- Condominium Property
- Brewery Areas / Limited Common Elements
- Residence Unit / Private Condominium Unit



NOTE: ALL EXTERIOR WALLS, STRUCTURAL COLUMNS, BUILDING PLUMBING AND MECHANICAL SYSTEMS AND UNIT DEMISING WALLS ARE RESTRICTED AREAS. NON-CONDOMINIUM PROPERTY EVEN IF NOT CROSS-HATCHED

RECORDED & INDEXED
 DATE OF REVISION: _____
 FILE # OF REVISION: _____
 DATE: _____ TIME: _____ ROOM: _____
 PAGE: _____ OF _____ COUNT REVISIONS: _____

JUL 20 2009

15
 15

TWIN PEAKS
 Engineering & Land Surveying
 1880 NORTH 800 EAST LEHI, UTAH 84043
 (801) 450-3511 (801) 439-0700 FAX

FIRST AMENDED AND RESTATED
DEER CREST ROOSEVELT GAP RESORT
 DEER CREST ROOSEVELT GAP RESIDENCES CONDOMINIUM PROJECT
 DEER CREST ROOSEVELT GAP CONDO SUITES CONDOMINIUM PROJECT
 CONDOMINIUM PLAT
 SNOW PARK SECTIONS

Ordinance No. 09-31

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE ROYAL PLAZA CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 7620 ROYAL STREET EAST, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Royal Plaza condominiums record of survey plat, Lot A of the Silver Lake Subdivision, have petitioned the City Council for approval of amendments to reconfigure limited common, common, and private space for Units 301, 309, and 402; 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 June 24, 2009 and August 12, 2009, to receive input on the proposed amendments to the record of survey plat;

WHEREAS, the Planning Commission, on August 12, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 3, 2009, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed amendments to the Royal Plaza condominium record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Royal Plaza condominium record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7620 Royal Street East.
2. The Royal Plaza condominium building is located on Lot A of the Silver Lake # 1 Subdivision. The subdivision plat was recorded on November 8, 1989.
3. On April 4, 1991, a record of survey plat was recorded creating 13 residential condominiums (7.269 UE) and 13 commercial/office condominiums identifying private, common, and limited common areas with underground shared parking to be known as the Royal Plaza Condominium plat.

4. The property is located within the Residential Development (RD-MPD) zoning district and is subject to the Deer Valley Master Planned Development, that sets forth maximum densities, location of densities, allowed uses, developer-offered amenities, and other conditions for the entire Master Plan. The property is located within the Silver Lake Community of the MPD.
5. The Deer Valley MPD, 9th Amended, assigned 7 units or 7 UE (14,000 sf) of residential density to this property. The 1991 approved and recorded record of survey plat identifies 13 existing condominium units consisting of a total of 14,538 sf of residential floor area (7.269 UE). The existing unit configuration exceeds the allocated residential density by 0.269 UE. The Planning Commission and City Council approved the plat and the Deer Valley MPD was not amended at that time to reflect the change in density.
6. The Deer Valley MPD 9th Amended identifies 6,211 square feet of unallocated and undeveloped commercial space at the Silver Lake Community, in addition to the 7,000 sf of undeveloped commercial space allocated to Lot C.
7. On April 13, 2009, the City received a completed application for a condominium record of survey plat amendment to reconfigure Units 301, 309 and 402. On July 7, 2009, the applicant modified the application to reduce the converted area of Unit 402 to 555 sf. The application was also modified to delete a west side deck enclosure of 216 sf as originally proposed and eliminated the conversion of the 151 sf of private area to deck space. The proposed remodeled space is contained within the existing building and located under the existing roof structure. The proposed plat amendment includes the 150 sf increase in floor area for unit 309 and a 555 sf increase in floor area for Unit 402 for a total increase of 705 sf (0.352 UE).
8. No new units or are created; only the legal ownership of existing space is modified. The proposed modifications are not substantive and will not have a negative impact on the surrounding area, the Deer Valley project, or the greater Park City community. Visual impacts on the building are de minimus.
9. If the plat amendment is approved and the units are re-configured, Royal Plaza Condominiums will have a total residential density of 7.621 UE that is a combination of the existing 0.269 UE excess and the 0.352 UE specific to this plat amendment.
10. On May 22, 2009, an application to amend the Deer Valley MPD, 9th Amended, was submitted to the City. This application was modified on July 7th to reflect the modified plat amendment referred to above. The revised MPD amendment is a request to transfer to the Royal Plaza condominiums 1,243 square feet of commercial density (1.243 commercial UE) from the undeveloped and unallocated Silver Lake Community commercial density allowances. This commercial density would be transferred as 0.621 UE of residential density.
11. On August 12, 2009, the Planning Commission approved the 10th Amended and Restated Deer Valley MPD allowing a transfer of 1,243 sf of commercial density (1.243 commercial UE) from Silver Lake Community commercial allowance to Royal Plaza as 0.621 UE of residential density.
12. The State Condominium Act requires a vote of the condominium owners and approval of the amendment by 2/3 of the condominium owners.
13. On April 2, 2009, a special meeting of the Royal Plaza condominium owners was held to consider the conversion of common and limited common area to private

area. Minutes of the meeting indicate that 100% of the Units and voting power of the Association approved the proposal. Additionally, the owners voted to authorize and direct Mr. Wells to execute an amendment to the Declaration of Condominium and to make submittal to the City for a record of survey plat amendment.

14. The existing parking garage contains 168 parking spaces apportioned by easements to Royal Plaza (58 spaces), Mt. Cervin (35 spaces), and Deer Valley Resort (75 spaces). The Royal Plaza residential parking space allocation of 15 is based on a rate of 1 space for each of the 9 one bedroom units, 1.5 spaces for each of the 4 two and three bedroom units.
15. The number of bedrooms does not increase with the expansion. There is sufficient parking to accommodate the proposed expansions and no additional parking demand is created.
16. The proposal is unique in that there is no increase in building footprint or units and no impacts of use or developed space at Royal Plaza. Only legal ownership of existing space is modified. The proposal is not precedent setting.
17. Findings in the staff analysis section are included herein.

Conclusions of Law:

1. There is good cause for this record of survey plat amendment.
2. The record of survey plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat amendment is consistent with the proposed Tenth Amended and Restated Deer Valley MPD.
4. The proposed record of survey plat amendment will materially injure neither the public nor any person.
5. Approval of the record of survey 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 record of survey 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 record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. As a condition precedent to recordation of this plat, the Tenth Amended and Restated Deer Valley MPD transferring 1,243 square feet of the Silver Lake community undeveloped and unallocated commercial density (1.243 commercial UE) to the existing Royal Plaza condominium building and converted to 0.621 residential UE, shall have been approved.
4. All conditions of approval of the Deer Valley MPD, Silver Lake Village No. 1 Subdivision Parcel A, and Royal Plaza condominium record of survey plat, as amended shall continue to apply.
5. All construction subject to this plat amendment requires a Building Permit and approvals from the Building and Planning Departments.

6. A plat note shall be added requiring maintenance of all required elements of the fire protection plan, including residential fire sprinkler systems.

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

PASSED AND ADOPTED this 3rd day of September 2009.

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest:

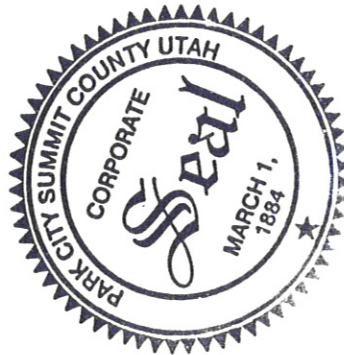


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 09-30

**AN ORDINANCE APPROVING STEIN ERIKSEN LODGE COMMON AREA
AMENDMENT TO THE CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT
7700 STEIN WAY, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Stein Eriksen Lodge, located at 7700 Stein Way have petitioned the City Council for approval of the Stein Eriksen Lodge Common Area amendment to the condominium record of survey 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 August 12, 2009, to receive input on the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat;

WHEREAS, the Planning Commission, on August 12, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Stein Way.
2. The Stein Eriksen Lodge is located in the RD-MPD zoning district.
3. On May 27, 2009, the Planning Commission approved an amendment to the Conditional Use Permit for the Stein Eriksen Lodge for the expansion of the support commercial spa. The spa is platted Common area.
4. A condition of approval for the CUP amendment is to record an amendment to the condominium record of survey to reflect the spa expansion.
5. The proposed amended record of survey is consistent with the approved Conditional Use Permit for the Stein Eriksen Lodge and the Deer Valley Master Planned Development.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey 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 amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Deer Valley Master Planned Development and the Stein Eriksen Lodge Conditional Use Permit, as amended, shall continue to apply.
4. As common area, the spa is not a separate commercial unit and as such may not be separately sold or deeded.

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

PASSED AND ADOPTED this 3rd day of September, 2009.

PARK CITY MUNICIPAL CORPORATION



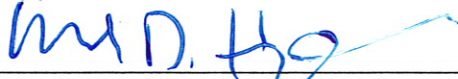
Mayor Dana Williams

Attest:

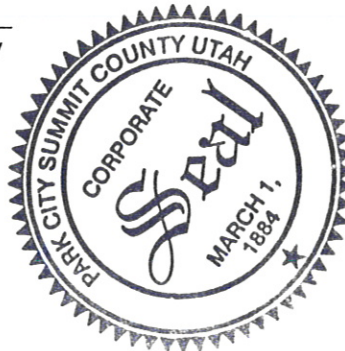


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 09-29

**AN ORDINANCE APPROVING THE FIRST AMENDED SILVER STRIKE LODGE
CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT
8902 EMPIRE CLUB DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Silver Strike Lodge, located at 8902 Empire Club Drive, Lot 14 of the Village at Empire Pass West Side Subdivision, have petitioned the City Council for approval of the First Amended Silver Strike Lodge record of survey; 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 August 12, 2009, to receive input on the First Amended Silver Strike Lodge record of survey;

WHEREAS, the Planning Commission, on August 12, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Silver Strike Lodge record of survey.

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 First Amended Silver Strike Lodge record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8902 Empire Club Drive.
2. The Silver Strike Lodge is located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. Silver Strike Lodge is Building 6.

5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The City Council approved the Village West Side plat on May 26, 2005. The Silver Strike project is located on Lot 14.
6. On January 25, 2006, the Planning Commission approved a Conditional Use Permit for the Silver Strike Lodge. The Conditional Use Permit approved 34 units totaling approximately 71,200 square feet for approximately 35.6 Unit Equivalents. In addition, 2 ADA units, one Employee Housing Unit, and 1,106 square feet of retail commercial space were proposed within the building.
7. On August 24, 2006, the City Council approved the Silver Strike Lodge condominium record of survey for 34 residential units ranging in size from 1,647 square feet to 3,386 square feet. The previously proposed retail space was eliminated.
8. An Employee Housing Unit (EHU) of 1,364 square feet (Unit #203) is provided. In the submitted documents reviewed by the City Council in 2006, the EHU unit is platted as private space.
9. The recorded page 3 of 11 shows Employee Housing Unit 203 as Common, contrary to what was reviewed and approved by the City or intended by the applicant.
10. A deed restriction for the Employee Housing Unit has already been recorded.
11. No change in the total residential square footage is 69,941 square feet or 35 Unit Equivalents occurs with this amendment.
12. The Silver Strike Lodge meets the minimum setback requirements.
13. A height exception has been granted for this building for a total height of 92 feet above existing grade.
14. Parking is provided at 75% of the Code requirement consistent with the Development Agreement.
15. The proposed amended record of survey is consistent with the approved Master Planned Development for the Village at Empire Pass.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey 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 amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass West Side subdivision plat, and the Silver Strike Conditional Use Permit shall continue to apply.

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

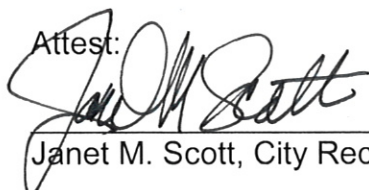
PASSED AND ADOPTED this 3rd day of September, 2009.

PARK CITY MUNICIPAL CORPORATION



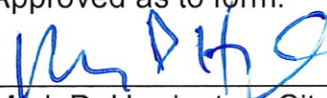
Mayor Dana Williams

Attest:



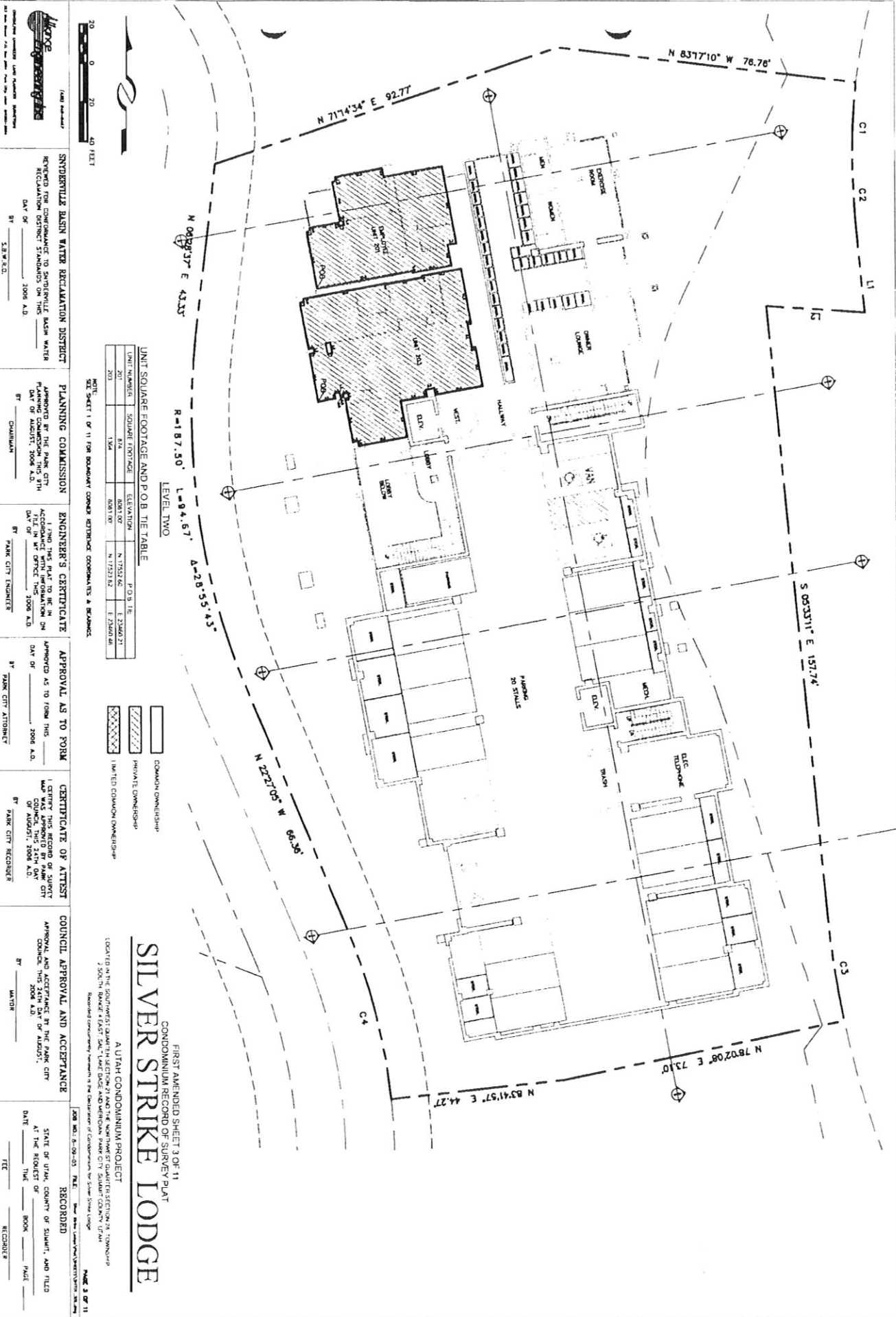
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REQUESTED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
 RECLAMATION DISTRICT STANDARDS ON THIS
 DAY OF _____ 2008 A.D.
 BY _____ S.A.W. R.O.

PLANNING COMMISSION
 APPROVED BY THE PARK CITY
 PLANNING COMMISSION THIS 3TH
 DAY OF AUGUST, 2008 A.D.
 BY _____ CHAIRMAN

ENGINEER'S CERTIFICATE
 I FIND THIS PLAN TO BE IN
 ACCORDANCE WITH THE
 CITY OF PARK CITY ORDINANCES
 ON THIS 3TH DAY OF
 AUGUST, 2008 A.D.
 BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS
 3TH DAY OF AUGUST, 2008 A.D.
 BY _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF A SURVEY
 WAS FILED IN MY OFFICE THIS 3TH DAY
 OF AUGUST, 2008 A.D.
 BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY
 COUNCIL THIS 24TH DAY OF
 AUGUST, 2008 A.D.
 BY _____ MAYOR

RECORDED
 STATE OF UTAH, COUNTY OF SALT LAKE, AND FILED
 AT THE OFFICE OF _____ BOOK _____ PAGE _____
 DATE _____ TIME _____ RECORDERS

UNIT SQUARE FOOTAGE AND P.O.B. TIE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE
201	1,744	N. 1733.32	E. 2340.21
202	1,744	N. 1733.32	E. 2340.21

NOTE: SHEET 1 OF 11 FOR BOUNDARY CORNER REFERENCE CORNERS A & B.

COMMON OWNERSHIP
 PRIVATE OWNERSHIP
 UNFILED COMMON OWNERSHIP

FIRST AMENDED SHEET 3 OF 11
 CONDOMINIUM RECORD OF SURVEY PLAN
SILVER STRIKE LODGE
 A UTAH CONDOMINIUM PROJECT
 LOCATION: THE FOURTH AND FIFTH QUARTERS SECTION 13, TOWNSHIP 33
 NORTH, RANGE 1 EAST, SALT LAKE COUNTY, UTAH
 RECORDED AND ACCEPTANCE BY THE PARK CITY
 COUNCIL THIS 24TH DAY OF AUGUST, 2008 A.D.
 BY _____ MAYOR

2008 JUL 29 9:04:03 FILED
 RECORDED
 STATE OF UTAH, COUNTY OF SALT LAKE, AND FILED
 AT THE OFFICE OF _____ BOOK _____ PAGE _____
 DATE _____ TIME _____ RECORDERS

Ordinance No. 09-28

**AN ORDINANCE APPROVING THE KNOLL ESTATES
(FNA DEER VALLEY CLUB ESTATES) LOTS 17 AND 18
AMENDED SUBDIVISION PLAT, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 7888 Aster Lane petitioned the City Council for approval of a subdivision to recreate and reconfigure Lots 17 and 18 of the amended Deer Valley Club Estates Subdivision; and

WHEREAS, the owner of the property located at 7888 Aster Lane requests that the 3,281 sf strip of land, platted originally as part of the Aster Lane private road and non-exclusive utility easement, and on October 19, 1998 quit claimed to the owner of Lot 17A from the Knoll Estates HOA, be included in this subdivision to recreate and reconfigure Lots 17 and 18.

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

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

WHEREAS, the Planning Commission held a public hearing on January 23, 2008, to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission, on February 13, 2008, forwarded a recommendation to the City Council; and,

WHEREAS, on June 26, 2008, the City Council continued the proposed subdivision plat request to a date uncertain; and

WHEREAS, on May 28, 2009, a court settlement agreement was reached between the Knoll Estates HOA and the owner; and

WHEREAS, the property was re-posted, new notices were sent to affected property owners, and a legal was published in the Park Record giving notice of the July 16, 2009, hearing; and

WHEREAS, on July 16, 2009, the City Council conducted a public hearing on the requested plat amendment and continued the item to July 30, 2009. On July 30, 2009, the public hearing was opened and continued to August 6, 2009; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision to recreate and reconfigure Lots 17 and 18, similar to the original Deer Valley Club Estates Subdivision and consistent with the Deer Valley Master Planned Development and the current Land Management Code, and to resolve a deck encroachment into the west setback area of Lot 17.

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 Knoll Estates (FNA Deer Valley Club Estates) Lots 17 and 18 amended subdivision plat, as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property, currently known as Lot 17A of the Deer Valley Club Estates record of survey and plat amendment, and previously known as Lots 17 and 18 of the amended Deer Valley Club Estates Subdivision, is located at 7888 Aster Lane. Aster Lane is a private street located in the Silver Lake area of the Deer Valley Master Planned Development area.
2. The property is located in the Residential Development (RD) zoning district and is subject to the requirements and conditions of the Deer Valley MPD, 9th Amended and Restated.
3. The Deer Valley Club Estates Subdivision was approved by City Council in June of 1992 and recorded at Summit County on December 10, 1992. The subdivision was approved according to the Land Management Code in effect at the time.
4. On June 1, 1998, an administrative lot line adjustment was approved by the Community Development Director to remove the lot line between Lots 17 and 18 of the Deer Valley Club Estates Subdivision and create Lot 17A. The plat amendment was recorded on July 2, 1998.
5. On October 19, 1998, a 0.075-acre (3,281 sf) strip of land, located between the curb of Aster Lane and front property line, was quit claimed to the property owner by the Knoll Estates HOA. A note was added, by the County Assessor's office, to the working copy of the lot line adjustment plat, stating that this parcel was to be assessed with Lot 17A. The addition of this lot area is considered a subdivision of land that was not formally approved by the City, per the LMC Section 7. 1-Subdivision procedures.
6. The 0.075 acre quit claim parcel was previously part of the Aster Lane private road and non-exclusive utility easement as indicated on the Deer Valley Club Estates Subdivision. Staff has not found any indication that this private road and utility easement, as shown on the original subdivision, has been vacated or abandoned by the quitclaim language or landscape maintenance agreement.
7. Lot 17A consists of 37,006 square feet of lot area.
8. On October 18, 2007, the City received a completed application for a subdivision to Lot 17A, to recreate Lots 17 and 18, to put the lot line approximately 12' to the west of the original location, and to formally incorporate the previously combined 3,281 sf parcel into the two lots.
9. The applicant has no vested right to subdivide the property and the subdivision request is subject to the current Land Management Code Section 15-7-Subdivision.
10. This subdivision plat creates two lots of record. Lot 17 is proposed to contain

- 22,908 square feet and Lot 18 is proposed to contain 14,088 square feet.
11. The average lot size in the Knoll Estates, including proposed Lots 17 and 18, is 16,296 square feet.
 12. Lot 17 is currently improved with one existing single-family house and mature landscaping. Lot 18 includes mature landscaping associated with Lot 17 but does not have a house on it.
 13. There is an existing 20' wide non-exclusive storm drain easement along the western property line of proposed Lot 18. This easement makes a right angle turn and heads east along the south edge of the proposed building pad, crosses onto Lot 17, and continues east to the east property line of Lot 17 along the south edge of the building pad. This non-exclusive easement will remain in place with the plat amendment and does not preclude construction of a driveway in this location to provide access to the lot, provided that any existing utilities or pipes are relocated, as necessary.
 14. The plat will not create a non-conforming situation for the existing house on Lot 17 and all existing utility easements, including storm drainage easements, and access easements remain, including a pedestrian access easement across Lot 17 for the benefit of Lot 18.
 15. The plat memorializes a recorded easement across the fronts of Lots 17 and 18 that grants the Knoll Estates Association access to a 0.075 acre strip of land for the purpose of maintaining the landscaping and decorative lighting, etc. as described in Summit County Recorder Book 1192 on Page 395. The purpose stated in the quitclaim deed was to maintain and perpetuate the attractive landscaping appearance of the entrance area of Aster Lane from Royal Street.
 16. This landscape maintenance easement does not preclude access to Aster Lane from Lots 17 and 18.
 17. A decorative stone wall is located within Aster Lane, a private road and non-exclusive utility easement, and runs along the edge of curb of Aster Lane adjacent to the above described 0.075 acre strip parcel. The wall was constructed by the HOA and owner of Lot 17A. According to the survey submitted with the application, the wall is not located on proposed Lots 17 and 18.
 18. Lots 17 and 18 have frontage on Aster Lane, a private drive owned and maintained by the Knoll Estates Association, for the purpose of providing access to the lots. The existing driveway for Lot 17 crosses the 0.075-acre landscape and maintenance easement. A driveway for Lot 18 was proposed opposite Aster Court, a private cul-de-sac within Knoll Estates, also crossing this landscape and maintenance easement. A driveway in this location would necessitate creating an opening in the existing rock wall. Modification of the wall is a private matter between the owner and the HOA. The driveway is currently proposed at the western edge of the property in a location that does not disturb the wall.
 19. Access to Lot 18 could be provided from Lot 17 via a shared driveway, however this is not the preferred location due to the extent of mature vegetation that would have to be removed or relocated to accommodate a shared driveway.
 20. There is sufficient width at the far western portion of Lot 18 to access the lot beyond the west end of the wall. This location was proposed by the applicant at

the February 13, 2008, Planning Commission meeting.

21. A private gate was installed at the entrance to the Knoll Estates Subdivision. There are instances when the gate is closed that emergency and property management personnel are not able to enter the subdivision, creating a potential health, safety and public welfare situation.
22. Royal Street provides frontage for Lots 17 and 18. Royal Street is considered a major collector street in the Silver Lake area and access to Royal Street would cross a primary pedestrian walkway and may create conflicts with sight distances and turning movements from other driveways and streets.

Conclusions of Law

1. There is good cause for this subdivision in that two lots of record, in a configuration, and with conditions, similar to the original subdivision plat, would be recreated. Additionally, no non-conforming situations are created, the lots would be similar in size to the average lot size in the subdivision, the lots are consistent with the pattern of development in the neighborhood, and the quit claimed parcel would be formally included in the subdivision per the LMC requirements and process for subdivisions.
2. The subdivision and density are consistent with the approved Deer Valley MPD-9th Amended and Restated.
3. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
4. As conditioned, neither the public nor any person will be materially injured by the proposed subdivision.
5. As conditioned, approval of the subdivision does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

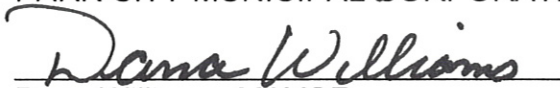
1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will provide a recordable mylar to the City for recordation at the County within one year of the date of City Council approval. If the signed mylar has not been received within one year's time, this approval for the plat will be null and void. A one year extension may be granted by the City Council.
3. All conditions of approval of the Deer Valley Club Estates Subdivision shall continue to apply in full force and effect and all applicable plat notes shall be included on the plat prior to recordation as follows: 1) Maximum Floor Area of 11,000 sf, (exclusive of garages, balconies, porches, patios, and basements); 2) Maximum irrigated area of 10,000 sf; 3) modified 13-D residential fire sprinklers and non-flammable roofs are required; 4) LOD limitations not to exceed 15' outside of the building pads with exception that Front Yards maybe disturbed to provide driveways, landscaping, and utilities; and 5) ejector pumps may be required to provide adequate sewer service for Lots 17 and 18.
4. Platted building envelopes are required as shown on the proposed plat amendment, consistent in size and approximate location to those building pads

- identified on the original Deer Valley Club Estates subdivision plat and to accommodate the existing house.
5. A note shall be included on the subdivision plat prior to recordation requiring a landscape plan to be submitted with any building permit application. The landscape plan shall identify all existing vegetation, landscaping to be removed or relocated, and shall include a re-vegetation plan for all disturbed areas. The landscape plan shall be in conformance with the LOD limitations identified in condition #3 above.
 6. Prior to issuance of a building permit, location of the driveway shall be identified and all issues regarding easements, utilities, landscaping, and the rock wall shall be resolved to the satisfaction of the City Planning, Engineering, Building and Legal Departments. All utility easements of record are still in full force and effect and shall be shown on the plat.
 7. The Knoll Estates Subdivision and Knoll Estates Condominium private gate code shall be made available to all utility providers and property management personnel who may need to respond to emergencies within the subdivision, in a manner acceptable to the Chief Building Official.
 8. A fire protection plan shall be provided with any building permit applications and a modified 13-D fire sprinkler system shall be required. A note to this effect shall be added to the plat prior to recordation.
 9. Access to Lots 17 and 18 shall not be allowed from Royal Street.
 10. At the request of the Snyderville Basin Water Reclamation District, a note shall be added to the plat prior to recordation stating that a sewer ejector pump may be required on Lot 18 and that wastewater service to Lot 18 shall be by a connection to the public wastewater line in Aster Lane. No private lateral stub exists at this location; therefore, connection to the public system will require extending the private lateral into the street to connect to the public system.

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

PASSED AND ADOPTED this 6th day of August, 2009.

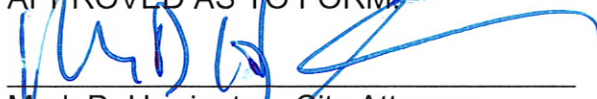
PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

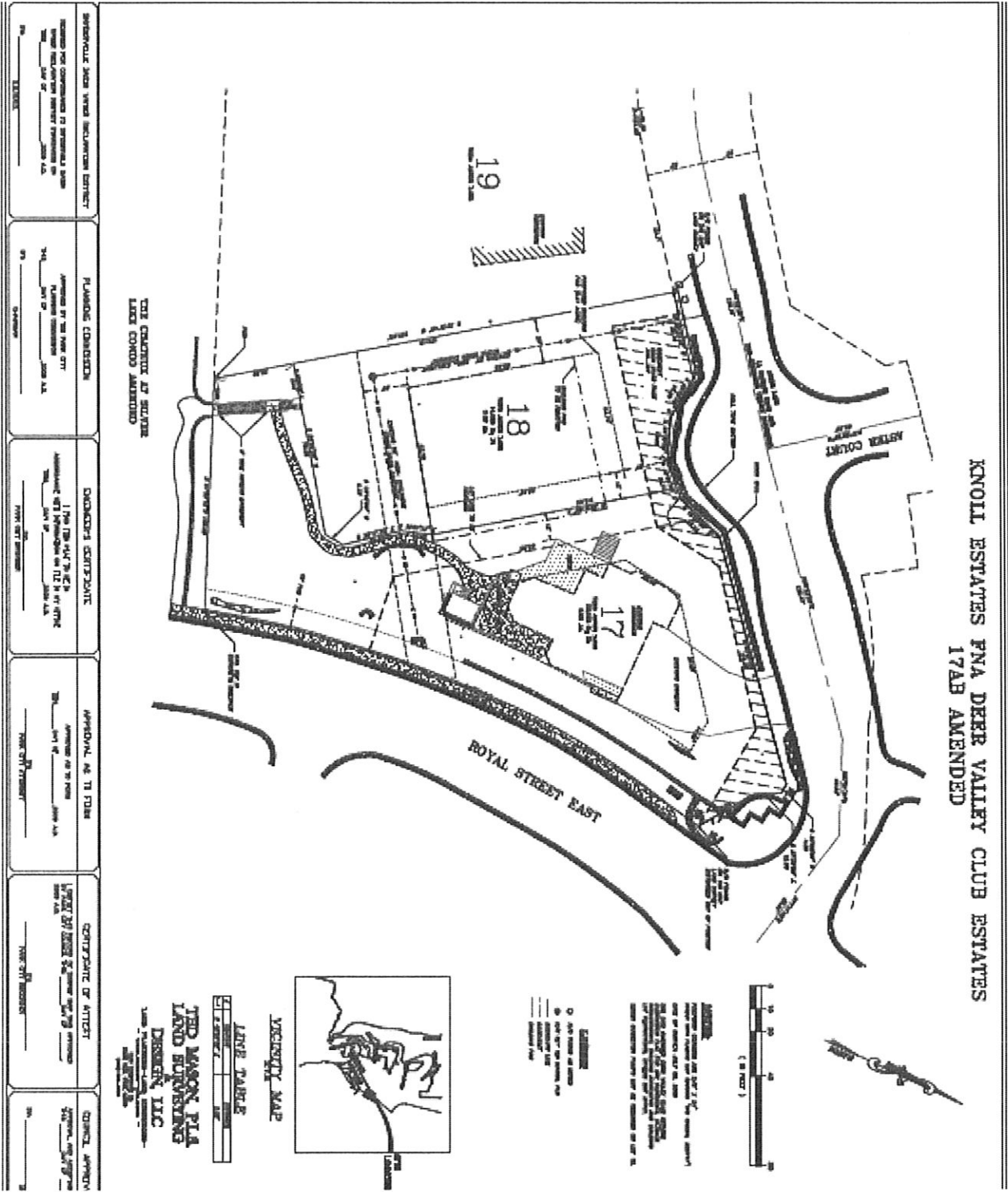
ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:


Mark D. Harrington, City Attorney





benefit of viewing the property in company with counsel. Following trial and argument, I took the matter under advisement.

INTRODUCTION

A couple of preliminary observations are in order:

First, plaintiffs' claims have narrowed since filing of the original Complaint. The only claim now being pursued by plaintiffs is their request for equitable relief in the form of an injunction and declaration declaring that the "No Resubdivision" provision of the Covenants, Conditions and Restrictions governing the subdivision prohibits defendant from unbundling, or dividing Lot 17A into two Lots, with approximately the same boundaries as the original Lots 17 and 18.

Second, the trial was limited, by the Court's Order, to consideration of the issue whether the doctrines of waiver and/or estoppel barred plaintiffs from seeking the injunction they seek. At the commencement of the trial, defendant's counsel made clear that defendant was not waiving any counterclaims that go beyond the waiver and estoppel issues and that those issues are reserved. That is the understanding of the Court and all parties.

Third, in its Trial Brief, and at trial, defendant invoked the equitable doctrine of "balancing of injuries," also referred to as "balance of equities." There is some dispute between counsel, in part evidenced by a letter submitted by plaintiffs' counsel the day following trial, whether the balancing of injuries test was properly before the Court, but because the Court's determination herein does not rely on this

doctrine, I do not need to address that issue further.

Based on the evidence at trial, I now enter the following Findings of Fact, but I note that some of the background facts are derived from both evidence at trial, and from undisputed facts that were determined in conjunction with motion practice at earlier stages of this case. In addition, my determinations are generally informed by my view of the property.

FINDINGS OF FACT

Background Facts

1. Deer Valley Club Estates, now known as The Knoll Estates, was originally platted as a subdivision including 21 building Lots.
2. On December 10, 1992, the Amended and Restated Declaration of Protective Covenants for Deer Valley Club Estates Subdivision, was filed with the Summit County Recorder. On the same date, the Amended Deer Valley Club Estates Subdivision Plat, dated June 18, 1992, was recorded.
3. The Amended Plat included 21 building Lots, as stated.
4. Lots 17 and 18 were adjoining Lots.
5. Sometime prior to 1997, Joseph and Sue Ellen Canizaro purchased both Lots 17 and the adjacent Lot 18. Lot 17 included a completed house, and Lot 18 was, and to this date still is, undeveloped, in the sense that no residence has been constructed. The area is fully landscaped.
6. Canizaros also purchased Lot 19 a couple of years after they purchased Lots 17 and 18.
7. On or about 1997 the Canizaros requested and received permission

from the HOA to combine Lots 17 and 18 (to be known by the new designation Lot 17A) in order that they could expand the deck on the (approximately) southwest side, without violating the required building fifteen foot building setback on Lot 17.

9. Plaintiff Alan Herzig was present at the HOA meeting when the Canizaro request to combine the Lots was made and approved. That meeting occurred in 1998.

10. The combination of Lots 17 and 18 was shown on an Amended Plat, approved by the Knoll HOA, and recorded on July 2, 1998.

11. Subsequent to the combination of Lots 17 and 18 into Lot 17A, and following discussions between Canizaro and the HOA regarding, among other things, access to the former Lot 18, the HOA agreed to, and subsequently did, deed 3,281 square feet along the front of Lot 17A, which strip of land was combined with the new Lot 17A. The HOA knew that Canizaro (or his successors) would likely create an access across the strip to the former Lot 18, at some time.

12. Although there were previous allegations that this strip of land was deeded to Canizaro in return for HOA use of the former Lot 18 as a "park," that claim has been withdrawn and the Court determines that no such agreement existed. However, the Court finds that Mr. Canizaro did offer that the strip could be used for snow storage, at least as long as he owned a third lot, Lot 19. Canizaros also granted to the HOA the right to do what they wished regarding maintenance of trees and the wall on the strip, and the right to decorate the strip with Christmas lights.

13. An Amended Plat including the 3,281 square foot addition was ultimately recorded. The combination of Lots 17 and 18, and the addition of the strip in front of the two Lots, constitute the present Lot 17A.

14. Sections 5.6 is at the core of this dispute. It provides as follows:

No Resubdivision: No Lot shall be resubdivided and no Building shall be constructed or allowed to remain on any tract that comprises less than one full Lot. No Lot or residence shall be owned by more than four persons or entities. No Lot or residence shall be divided into time intervals or leased or rented for periods less than one month. Nightly rentals are prohibited.

15. The Court has also considered Section 6.4, which provides:

Combining Lots: In the event an owner of two or more Lots desires to construct one (1) dwelling house on the combined Lots, the dwelling house need not be built in the available building area shown on the subdivision plat, but shall be built within such building area as the Architectural Committee shall approve upon written application and with Park City Planning staff approval.

16. Finally, the Court has considered the definition of "Lot," as set forth in Section 2.4:

A "Lot" shall mean any parcel of property shown and numbered as one of the first 21 Lots on the recorded Amended Subdivision Plat.

Facts Related to Waiver and/or Estoppel

17. The original subdivision had 21 Lots.

18. Lots 17 and 18 were two of the original Lots.

19. Lots 17 and 18 were combined with the approval of the HOA.

20. When Lots 17 and 18 were combined, a house was already built

on Lot 17. The residence on Lot 17 did not infringe in any way on the neighboring Lot 18.

21. Subsequent to combination of Lots 17 and 18, an addition was built on the west side of the house on the former Lot 17, which addition would encroach on the required setback provision of the subdivision if Lot 17A was divided according to the original plat; that is, if the two Lots were restored to their original boundaries. The fact that the added strip would necessarily change the Lot boundaries and area is not germane to the setback issue.

22. Because of the action of both the prior owner the Canizaros, and the HOA, the present Lot 17A contains a greater area than, and is configured differently from, the original 17 and 18, whether combined or restored to their original boundaries.

22. There is no evidence to support any claim that either the combination of Lots 17 and 18, or the grant of the 3,000-plus square foot strip along the front of Lot 17A, was conditioned on any agreement to not separate the Lots at any future time.

23. There is no evidence that any member of the HOA, particularly including plaintiff Alan Herzig, or the HOA as an entity, had any reasonable expectation of a right to maintain the former Lot 18 as open space, or as park property or even as a more informal common area.

24. With respect to Mr. Herzig, he would like the former Lot 18 space to remain open for ascetic reasons, but he acknowledges he has no

ownership interest in that Lot. Moreover, Mr. Herzig does not have a view corridor across Lot 18.

25. The original subdivision comprised only 21 Lots, all intended for residential building purposes. There was no expectation of any purchaser individually or of the HOA as an entity that one or more Lots would be kept open for the benefit of the HOA.

26. In fact, the grant of more than 3,000 square feet along the front of Lot 17A was in some senses a diminishment of the common area available to the HOA members. On the other hand, the grant was made to allow for the maintenance of an area with a very substantial and attractive wall and for the placement of Christmas decorations and landscaping, and to provide for some snow storage, all for the benefit of the entire subdivision.

27. All of the foregoing benefits resulting from the grant could only be realized by the HOA's action in deeding a portion of land, and by that means changing an existing lot line-in fact two separate Lot lines were impacted. The Court notes that the foregoing change of lot line itself constituted a realignment of the boundaries of the former Lots 17 and 18, or alternatively stated, the addition of the strip created a new boundary for Lot 17A.

28. The Court previously determined a definition of subdivision, as follows: "A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations

controlling Subdivisions."

29. Having considered the foregoing definition, which is the law of the case, in the much more complete light of the testimony and exhibits received at the evidentiary hearing, I find that my determination of whether a Resubdivision has, in fact, occurred, must be revisited.¹

30. I now find that under the facts of this case, a "Lot" is a term with a precise meaning; namely, one of the 21 original "parcel[s] of property shown and numbered as one of the first 21 Lots on the recorded Amended Subdivision Plat." Amended and Restated Declaration of Restrictive Covenants, Sec. 2.4.

31. The evidence shows that, looking at the issue as strictly as possible, the only sense in which defendant seeks to "resubdivide" the parcel comprising Lot 17A is to the extent that its proposal separates Lot 17A in such a way that the Lot lines of the original Lots 17 and 18 will be altered.

32. To the extent either the existing Lot 17A, or the resulting Lots 17 and 18 are changed from the original Lots because of the addition of the strip, it is indisputable that the HOA fully concurred in changes

¹ The Utah Supreme Court recently clarified the doctrine of law of the case, and distinguished it from the doctrine of res judicata. A ruling is law of the case, and should be followed throughout the case in most instances, but unless final judgment has entered in the matter, the trial court retains the discretion to alter, amend, or vacate any ruling. IHC v. D & K, Inc., 2008 UT 73 at ¶¶ 26 & 27. In the circumstances of this case there is no need for the court to alter its ruling as to definition, and until now the court has not made any determinations applying the facts of the case to its definition. Accordingly the findings and conclusions set forth herein are faithful to the law of the case.

related to the addition of the strip, and the HOA cannot now complain of any Lot line change that results from that action.

Based on the foregoing Findings of Fact, the Court now enters its following:

CONCLUSIONS OF LAW

1. Division of Lot 17A into two Lots comprising the original Lots 17 and 18 cannot, by definition, constitute a "resubdivision," and any such division is not prohibited by the CC & Rs.

2. Based on doctrines of both waiver and estoppel any alteration of the original boundaries of Lots 17A, or its subparts Lots 17 and 18, that is a consequence of the HOA grant of the 3,281 square foot strip, may not be enjoined by the HOA. That is, the HOA knew of its ownership of the strip, it deeded that land knowingly and voluntarily, and it did so with the expectation of receiving certain benefits, which benefits have been received, and which are protected in the future by an easement. The prior owners, and the defendant, have done nothing to interfere with the HOA's rights since the property was deeded over ten years ago.

3. The remaining question is whether defendant's plan to divide Lot 17A into Lots that are not precisely the same in lines and area as the original Lots (excepting the impact of the 3,281 square foot strip) is a violation of the CC & Rs that justifies an injunction.

4. I turn to consideration of the purpose of restrictive covenants for the answer. Such agreements, enforceable by the HOA or an individual member, are intended to preserve the character of the

subdivision. The character of Knoll Estates is a beautifully laid out and maintained subdivision of 21 Lots in Deer Valley, each of substantial size, and each intended to accommodate a single family residential dwelling. There may be one or two Lots without residences at this time, but it was never intended that any one or more Lots be maintained as open space, and no evidence suggests otherwise.


5. This is certainly not a case where numerous violations of the CC & Rs have been permitted, with a resulting change in the character of the subdivision that renders the restrictions of no value. Rather, this is a circumstance where every expected benefit has been received by the HOA and all Lot owners. Reconfiguration of Lot 17A to create, once again, 21 Lots in Knoll Estates, potentially with a home on each, does nothing to deprive the HOA or individual owners of the essential character, beauty, and benefits of this subdivision. To the extent any future Lots 17 and 18 are not precisely the same as the original Lots 17 and 18, the HOA bears substantial responsibility for this outcome.

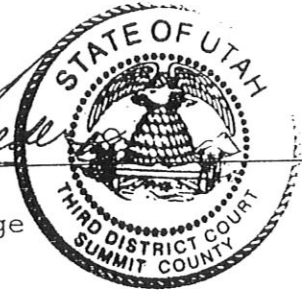
6. For all of the foregoing reasons, the Court concludes that division of Lot 17A into two Lots does not violate the Restrictive Covenants, and plaintiffs' requests for injunctive relief must be denied. There remains a questions regarding the configuration of the new Lots 17 and 18, but the Court concludes that while the boundaries will differ from the original boundaries, the overall integrity of the Knoll Estates subdivision can be entrusted to the zoning and planning process administered by Park City, which must approve any final plans.

Counsel for defendant is requested to prepare an Order denying plaintiffs' request for injunctive relief, consistent with these Findings of Fact and Conclusions of Law.

DATED this 28th day of May, 2009.

By the Court:


Robert K. Hilder
District Court Judge




MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing Findings of Fact and Conclusions of Law, to the following, this 1st day of ~~April~~^{June}, 2009:

Joseph E. Tesch
Stephanie Matsumura
Bradley J. Neese
Attorneys for Plaintiff
314 Main Street, Suite 201
P.O. Box 3390
Park City, Utah 84060-3390

David M. Bennion
Attorney for Defendant
201 S. Main Street, Suite 1800
P.O. Box 45898
Salt Lake City, Utah 84145-0898

Thomas L. Howard
Attorney for Defendant
165 Park Avenue, Suite 203
P.O. Box 681750
Park City, Utah 84068



Ordinance No. 09-27

**AN ORDINANCE APPROVING THE 331 MCHENRY AVENUE SUBDIVISION
LOCATED AT 331 MCHENRY AVENUE, PARK CITY, UTAH.**

WHEREAS, the prospective owner of the property located at 331 McHenry Avenue have petitioned the City Council for approval of the 331 McHenry Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 24, 2009, to receive input on the 331 McHenry Avenue Subdivision;

WHEREAS, the Planning Commission, on June 24, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 331 McHenry Avenue 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 331 McHenry Subdivision plat amendment 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 331 McHenry Avenue in the HRL zoning district.
2. The existing structure located at 331 McHenry Avenue is not considered historic and is not listed on the City's Inventory of Historic Buildings.
3. The exiting structure complies with setbacks on the newly created Lot A of the proposed subdivision.
4. The lot and site requirements are outlined within LMC Section 15-2.1-3. The minimum lot area is 3,750 square feet. The minimum width of a lot is 35'. All lots must have frontage off of a city street or a connection to a city street shown on the streets master plan. Each of the proposed lots complies with these minimums.
5. The South – East corner of the subdivision will be dedicated to the City as McHenry Right-of-Way.
6. Any new construction within the Historic Residential Low-density District (HRL) requires a Historic District Design Review.
7. A building permit cannot be issued for construction across a lot line.
8. All other facts within the Analysis section of this report are incorporated within.

Conclusions of Law:

1. There is good cause for this subdivision.

2. The subdivision 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 subdivision.
4. 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.


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 subdivision 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 subdivision will be void.
3. Modified 13-D sprinklers shall be required for new construction on lots B and C.
4. A ten feet snow storage area is required on all three lots along property lines adjacent to existing streets.
5. A certified survey showing compliance with the setback requirements of the LMC must be provided to the City prior to recordation of the plat.

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

PASSED AND ADOPTED this 9th day of July, 2009.

PARK CITY MUNICIPAL CORPORATION



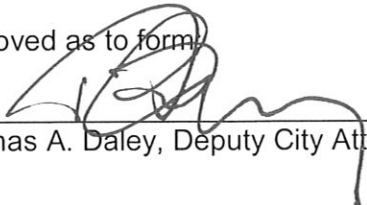
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Thomas A. Daley, Deputy City Attorney



Ordinance No. 09-26

**AN ORDINANCE APPROVING THE FRANDSEN SUBDIVISION AMENDED
LOCATED AT 1439 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1439 Woodside Avenue have petitioned the City Council for approval of the Frandsen Subdivision Amended plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 8, 2009, to receive input on the Frandsen Subdivision Amended;

WHEREAS, the Planning Commission, on July 8, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Frandsen Subdivision Amended.

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 Frandsen Subdivision Amended plat amendment 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 1439 and 1445 Woodside Avenue in the RC zoning district.
2. There is one existing historic structure on lot A (1445 Woodside Avenue) and lot C (1439 Woodside Avenue). Each historic structure is listed on the City's Inventory of Historic Structures.
3. The homes at 1439 and 1445 Woodside Avenue do not comply with the setbacks in the RC zone. Section 15-2.2-4 of the LMC states that "Historic structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures". The non-complying setbacks are not increased within the proposed plat amendment.
4. LMC Section 15-2.16-5(A) requires that the minimum width of a lot is twenty five feet (25'), measured fifteen feet (15') back from the front lot line. The current lot width of Lot B along the frontage of Woodside Avenue is 34.91 feet. The proposed frontage within the proposed plat is 25 feet and complies with the LMC.
5. All three lots within the subdivision comply with the minimum lot size requirement of 1,875 square feet for a single family dwelling.
6. Within the RC zoning district, a duplex and triplex are allowed uses.
7. All other facts within the Analysis section of this report are incorporated within.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision 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 subdivision.
4. 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.

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 subdivision 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 subdivision will be void.
3. All existing plat notes on the Frandsen Subdivision (Ordinance 95-48) must remain on the newly recorded plat amendment.

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

PASSED AND ADOPTED this 16th day of July, 2009.

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

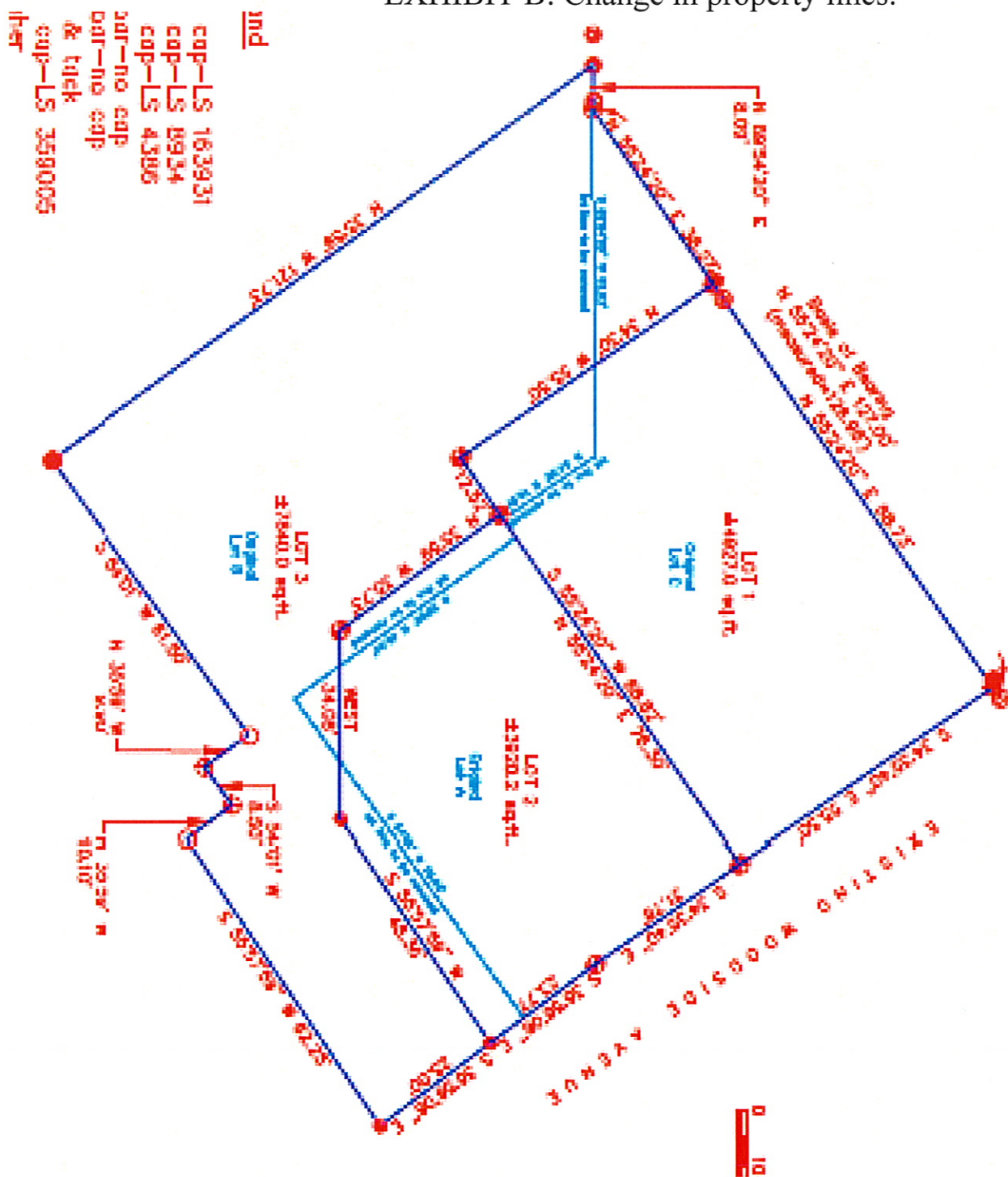
Approved as to form:



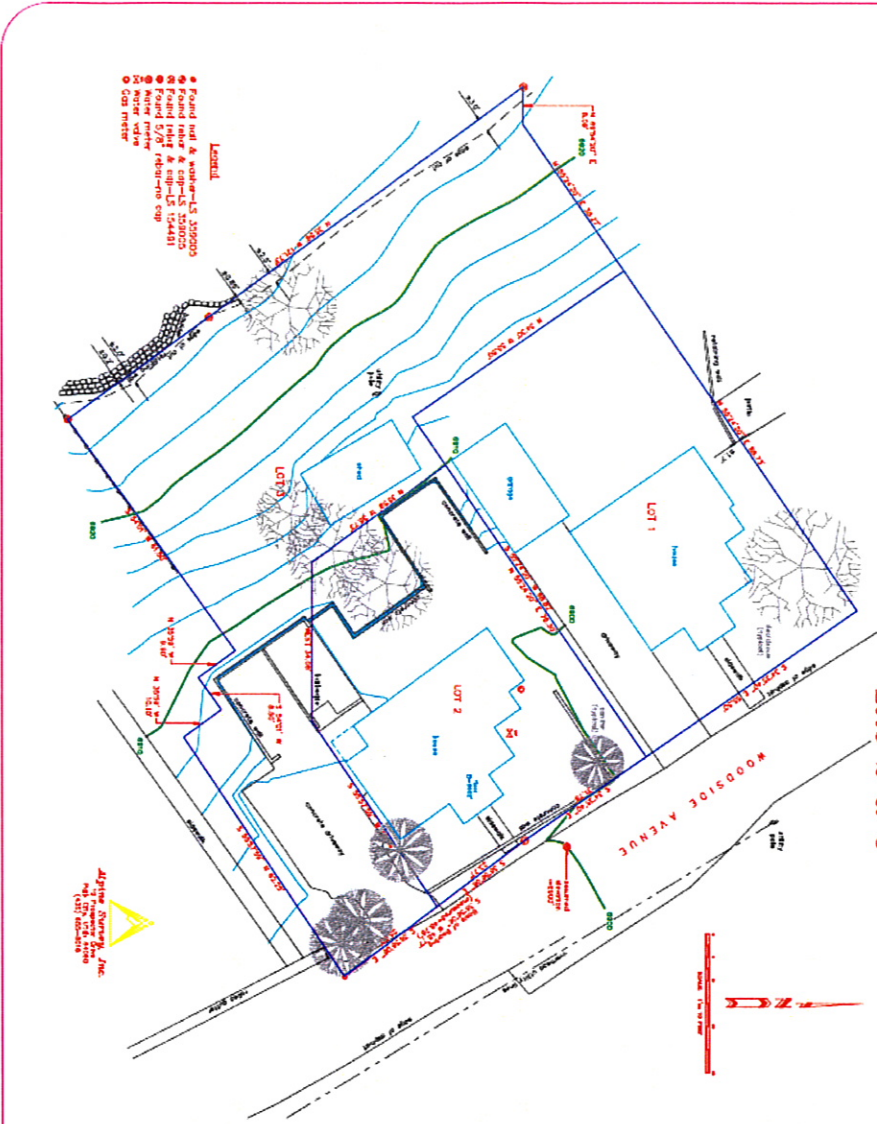
Thomas A. Daley, Deputy City Attorney



EXHIBIT B: Change in property lines.



*Frandsen Subdivision
Amended
Lots 2 & 3*



- MARKS:**
1. Survey requested by: Jim Shea.
 2. Purpose of survey: locate the requirements and the topography of the subdivision.
 3. Date of survey: May 1, 2020; see and dated May 31, 2020.
 4. Date of survey: May 1, 2020; see and dated May 31, 2020.
 5. Property monuments found on site: Section 16, & 19, Township 2 North, Range 4 East, Salt Lake River & Wellbore.
 6. Property monuments found on site: Section 16, & 19, Township 2 North, Range 4 East, Salt Lake River & Wellbore.
 7. Other possible monuments and restrictions.
 8. The owner of the property should be aware of any liens or other possible encumbrances and restrictions.
 9. The owner of the property should be aware of any liens or other possible encumbrances and restrictions.

LEGAL DESCRIPTION

LEGAL LOT 2

Beginning at a point on the Northeastly line of the Frandsen Subdivision, said point being 527.21' along S 45°21'00" E 100.00' feet from the Southeast Corner of Section 9, Township 2 North, Range 4 East, Salt Lake River & Wellbore and carrying thence N 89°24'22" E, along said Section line 8.09 feet to the center of the curve of 120.00' radius; thence along the property line between Lots 1 and 2 of said Frandsen Subdivision, 202.00' feet; thence continuing along said property line between Lots 1 and 2 of said Frandsen Subdivision, 202.00' feet; thence continuing along said property line between Lots 2 and 3 of said Frandsen Subdivision, 202.00' feet; thence continuing along said property line between Lots 2 and 3 of said Frandsen Subdivision, 202.00' feet; thence along the boundary of said Frandsen Subdivision, the following course: S 38°26'00" E, 28.00' (10.00' feet); thence S 54°01' W, 6.50' feet; thence N 33°29' W, 8.90' feet; thence S 54°01' W, 6.50' feet; thence N 33°29' W, 121.13' feet to the point of beginning; containing 783,817.3 square feet, more or less.

LEGAL LOT 3

Beginning at a point which is N 89°24'22" E, 138.09' feet from the Southeast Corner of Section 9, Township 2 North, Range 4 East, Salt Lake River & Wellbore and carrying thence N 89°24'22" E, along said Section line 8.09 feet to the center of the curve of 120.00' radius; thence along the property line between Lots 1 and 2 of said Frandsen Subdivision, 202.00' feet; thence continuing along said property line between Lots 1 and 2 of said Frandsen Subdivision, 202.00' feet; thence continuing along said property line between Lots 2 and 3 of said Frandsen Subdivision, 202.00' feet; thence along the boundary of said Frandsen Subdivision, the following course: S 38°26'00" E, 28.00' (10.00' feet); thence S 54°01' W, 6.50' feet; thence N 33°29' W, 8.90' feet; thence S 54°01' W, 6.50' feet; thence N 33°29' W, 121.13' feet to the point of beginning; containing 783,817.3 square feet, more or less.

SUBDIVIDER'S CERTIFICATE

I, J.D. Collier, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 202005, do hereby certify that I have approved of survey of the various lots of said survey.

Date _____ J.D. Collier RLS202005

Ordinance No. 09-25

**ORDINANCE ESTABLISHING COMPENSATION FOR THE MAYOR, CITY COUNCIL,
AND STATUTORY OFFICERS FOR FISCAL YEAR 2009 – 2010
IN PARK CITY, UTAH**

WHEREAS, the City Council has the power to establish compensation schedules pursuant to UCA Section 10-3-818; and

WHEREAS, the number of duties for the Mayor and City Council is significant and each elected officer is required to devote considerable time and expense to public service and community affairs; and

WHEREAS, a public hearing was duly advertised and held on July 9, 2009;

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

SECTION 1. REPEALER: All previous compensation ordinances regarding elected and statutory officers hereby are repealed.

SECTION 2. COMPENSATION FOR MAYOR, CITY COUNCIL, AND STATUTORY OFFICERS ADOPTED: The following salary levels are hereby adopted:

	<u>FY 2009-2010</u>
Mayor	\$1,917.26 per month
City Council	\$ 969.42 per month
City Manager	\$114,444 - \$135,980 per year
City Attorney	\$109,315 - \$132,131 per year
City Treasurer	\$83,905 - \$106,121 per year
City Engineer	\$74,285 - \$98,692 per year
City Recorder	\$26,488 - \$40,641 per year

SECTION 3. BENEFITS: The Mayor and each member of the City Council shall receive family medical insurance. This benefit may be received as cash in lieu of the insurance coverage. The Mayor shall also receive \$250 per month in car allowance. In addition, the Mayor and Mayor Pro-Term shall receive \$100 per wedding performed. Statutory officers are eligible for all benefits available to regular FTE, unless otherwise determined by the Mayor and City Council.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective on publication and shall apply retroactively to July 1, 2009.

PASSED AND ADOPTED this 9th day of July, 2009

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington
Mark Harrington, City Attorney

