

**Ordinance No. 2023-38**

**AN ORDINANCE APPROVING THE 395 DEER VALLEY DRIVE PLAT AMENDMENT,  
LOCATED AT 395 DEER VALEY DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 395 Deer Valley Drive petitioned the City Council for approval of the 395 Deer Valley Drive Plat Amendment; and

WHEREAS, on July 12, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on July 23, 2023, courtesy notice was mailed to property owners within 300 feet of 395 Deer Valley Drive; and

WHEREAS, on July 26, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on July 26, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration on August 22, 2023; and

WHEREAS, on August 22, 2023, the City Council reviewed the proposed Plat Amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.12 and 15-7.

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

**SECTION 1. APPROVAL** The 395 Deer Valley Drive Plat Amendment, located at 395 Deer Valley Drive, as shown in Attachment 1, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

1. The property is located at 395 Deer Valley Drive in the Residential – 1 Zoning District.
2. The property is in Block 65, Amended Plat of Park City Survey and consist of all of Lots 9 & 26, the westerly 18.75 feet of Lots 8 & 27, and the easterly one-half of Lots 10 & 25.
3. The Summit County parcel tax ID is PC-518-A-3.
4. The existing Single-Family Dwelling was built in 1978.
5. The Applicant proposes to remove all internal Lot lines to allow for a remodel of a non-historic, Single-Family Dwelling, including relocating the driveway for compliance with grade, and a new garage addition.

6. The current driveway has a slope of approximately 19%, which exceeds the maximum of 14% required by LMC § 15-3-3-(A)(4).
7. The proposed driveway will have a slope of 9% will move 40 feet east along Deer Valley Drive.
8. The existing Single-Family Dwelling is 18.6 feet from the property line and 51.6 feet from the platted Deer Valley Right-of-Way.
9. Parcel PC-519-R-X, owned by Summit County, fronts the property and is a portion of the historic Heber Avenue Right-of-Way.
10. On June 20, 2023, the Board of Adjustment granted a Variance reducing the Zone's required 20-foot Front Setback for a Front Facing Garage to four-feet.
11. A Single-Family Dwelling is an Allowed Use in the R-1 Zoning District.
12. A Single-Family Dwelling must provide two Off-Street parking spaces. The Applicant's proposal will provide four Off-Street parking spaces, two in the garage, and two in the driveway.
13. The property contains 0.194 acres or 8,437 square feet.
14. The Front Setback requirement is 15 feet/20 feet for Front Facing Garages. The Variance reduces the setback for the proposed garage to four feet.
15. The Rear Setback requirement is 10 feet. The existing Single-Family Dwelling is 93 feet from the rear Lot line. A standalone composite deck with a metal railing is seven feet from the rear Lot line.
16. The Side Setback requirement is five feet each side. The existing Structure is 7.9 feet from the west Lot line and 10.9 feet from the east Lot line.
17. Building Height cannot exceed 28 feet in the R-1 Zoning District.
18. The existing driveway is 1,265 square feet and the proposed driveway is 1,145 square feet. The Applicant's proposed driveway will decrease the site's impervious surface by 120 square feet.
19. The proposed driveway is 15 feet at Deer Valley Drive and increases to a width of 27 feet at the proposed garage addition.
20. There is Good Cause for this Plat Amendment because it resolves a non-conformity, is consistent with previous Plat Amendments, and improves traffic safety along Deer Valley Drive.
21. No Public Street or Right-of-Way is vacated or amended.
22. No easement is vacated or amended.
23. The Development Review Committee met on January 3, 2023, reviewed the proposal, and did not identify any issues.
24. The Forestry Board met on July 6, 2023, reviewed the proposal, and has Conditions of Approval.

### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.12, *Residential (R-1) Zoning District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. In order to use the property as a Nightly Rental, the Applicant must obtain a business license from the City for the Nightly Rental Use and shall renew the license annually or else the Use is terminated.
5. On June 20, 2023, the Board of Adjustment granted a Variance reducing the Front Setback for the Garage to four feet. Any other addition to the Structure is required to comply with the Front Setback of 15 feet.
6. The Applicant shall obtain an Administrative Conditional Use Permit for retaining walls that exceed four feet in height in the Front Setback prior to applying for a Building Permit.
7. The new garage shall not exceed 18 feet in height from Existing Grade.
8. If at some point in the future, Deer Valley Drive is widened, or re-aligned, the Applicant is responsible for the removal of retaining walls, stairs, and/or the driveway at the property owner's expense and in an expeditious manner (within 90 days of written notice).
9. The Applicant shall obtain permits for construction in the Right-of-Way from the City Engineer prior to issuance of a Building Permit.
10. Encroachment permits are required for retaining walls, stairways, or driveways built in the platted Rights-of-Way and Summit County Parcel PC-519-R-X.
11. City Engineer review and approval of all appropriate grading, utility installation, and public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
12. Upon application of a Building Permit, the Applicant shall provide a landscape plan consistent with LMC § 15-5-5(N), showing replacement of all removed Significant Vegetation. If the Applicant cannot replace the same number of plants removed from their property or the Right-of-Way, then the Applicant shall return to the Forestry Board for further review. The Applicant shall receive permission from the City Engineer and Summit County prior to installing any new vegetation in the unbuilt, platted Right-of-Way or the Summit County owned parcel.
13. Remodels and Additions shall comply with the Land Management Code and International Building Code in effect at the time of Building Permit application.
14. Prior to the issuance of a building permit, a Construction Mitigation Plan must be submitted to the Building Department for review by the Building, Engineering, and Planning Departments for final approval.

15. The plat shall note that due to the presence of steep slopes at the rear of the property, a no-build area shall restrict the owner from constructing buildings, fences, or similar structures, except for maintaining the existing standalone deck, 40 feet from the rear property line.

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

PASSED AND ADOPTED this 22<sup>nd</sup> day of August, 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

*Nann Worel*

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Nann Worel, MAYOR



ATTEST:

DocuSigned by:

*Michelle Kellogg*

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City Recorder

APPROVED AS TO FORM:

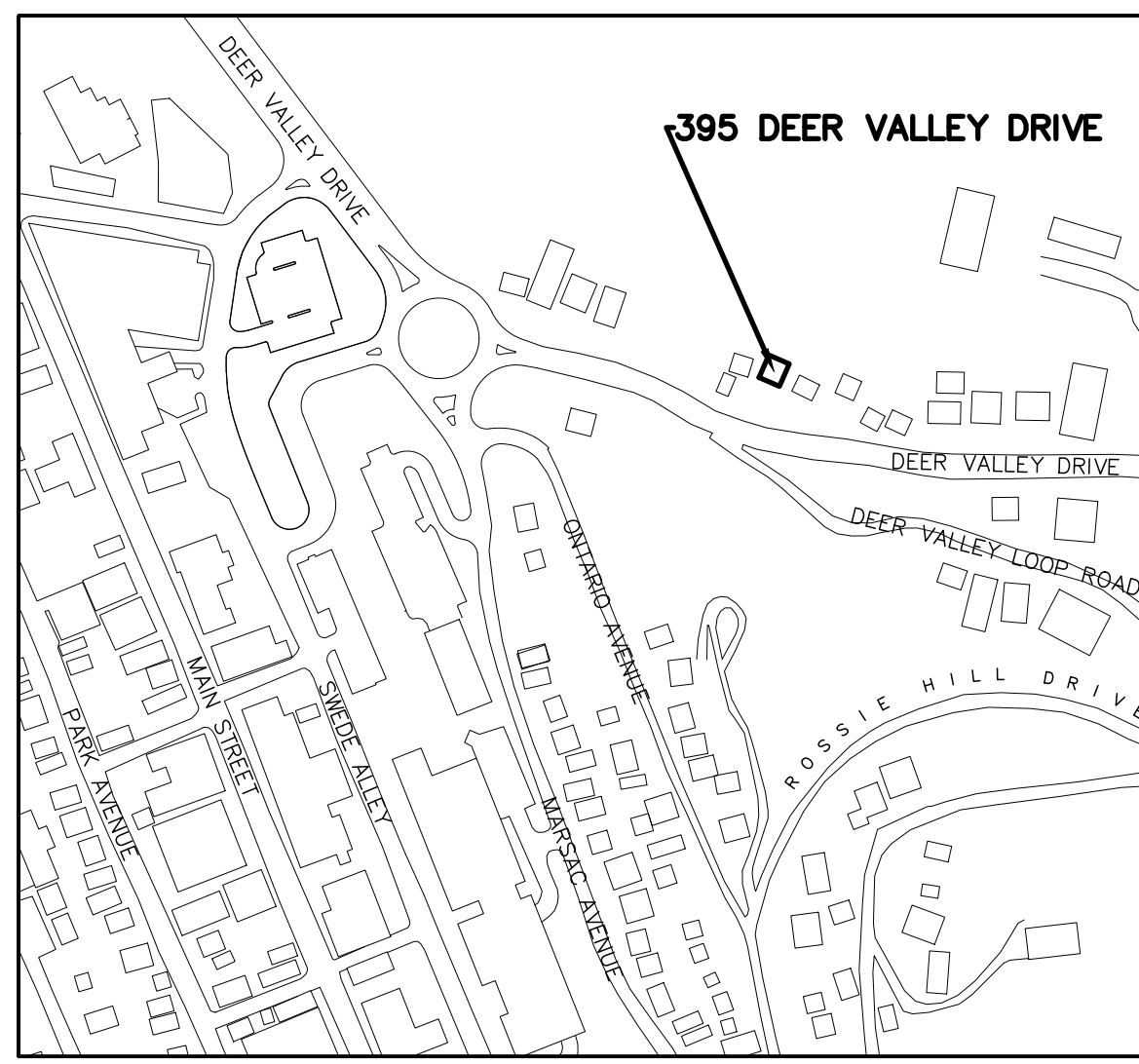
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*Mark Harrington*

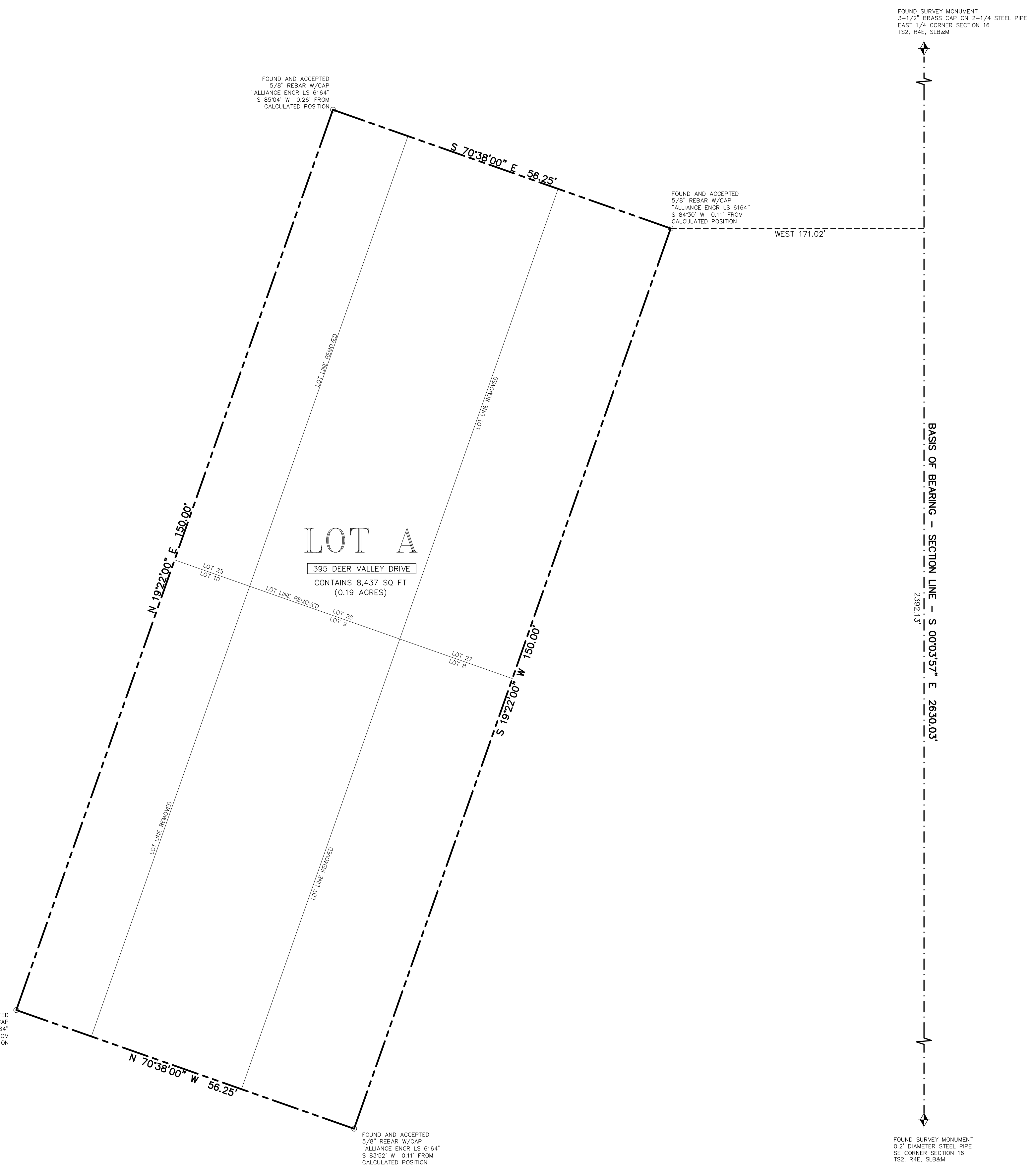
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City Attorney's Office

**Attachment 1 – Proposed Plat**



VICINITY MAP



**SURVEYOR'S CERTIFICATE**

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into one (1) lot, hereafter to be known as 395 DEER VALLEY DRIVE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

**LEGAL DESCRIPTION**

The westerly 18.75 feet of Lots 8 and 27, all of Lots 9 and 26, and the easterly one-half of Lots 10 and 25, Block 65, Amended Plat of Park City Survey; according to the official plat thereof on file and of record, in the Office of the Summit County Recorder.

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

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 395 DEER VALLEY DRIVE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

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

Work Smart Properties LLC, a North Carolina limited liability company

By: \_\_\_\_\_  
Ronald Unger, Manager

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
: ss.  
COUNTY OF \_\_\_\_\_ )

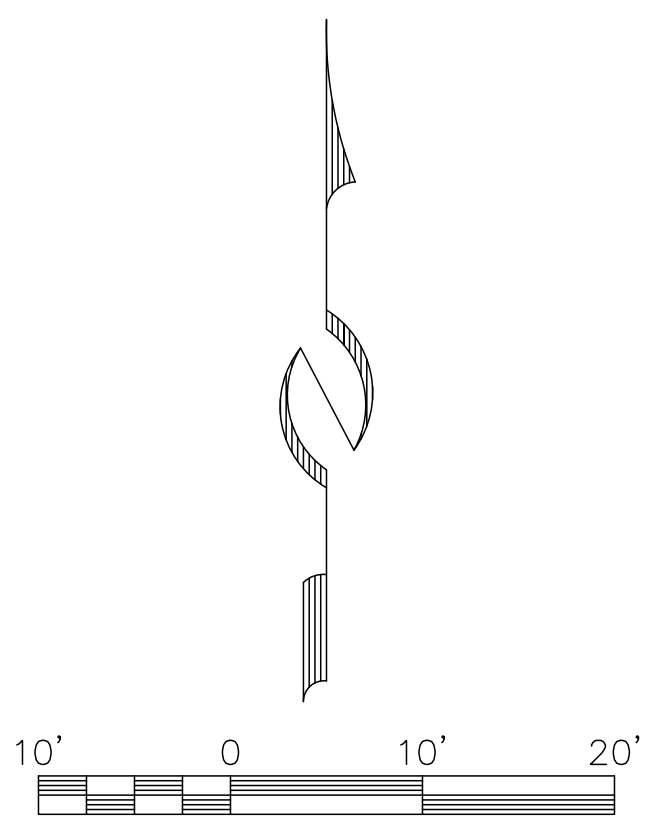
On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, Ronald Unger personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Work Smart Properties, LLC, a North Carolina limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the 395 DEER VALLEY DRIVE PLAT AMENDMENT.

By: \_\_\_\_\_  
Notary Public

Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

**NOTES**

- 1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-\_\_\_\_\_.



# 395 DEER VALLEY DRIVE PLAT AMENDMENT

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

(435) 649-9467  
**Alliance Engineering Inc.**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

<b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2022 BY _____ ENGINEERING DEPARTMENT	<b>PLANNING COMMISSION</b> RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022 BY _____ CHAIR	<b>ENGINEER'S CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ENGINEER	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ATTORNEY	<b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ MAYOR	<b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ PARK CITY RECORDER	<b>PUBLIC SAFETY ANSWERING POINT APPROVAL</b> APPROVED THIS _____ DAY OF _____, 2022 BY _____ SUMMIT COUNTY GIS COORDINATOR	<b>RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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