

## Ordinance No. 2023-55

### **AN ORDINANCE APPROVING THE BALD EAGLE AT DEER VALLEY UNIT 55 THIRD AMENDED, LOCATED AT 7875 BALD EAGLE DRIVE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 7875 Bald Eagle Drive petitioned the City Council for approval of the Bald Eagle At Deer Valley Unit 55 Third Amended plat amendment; and

WHEREAS, on September 13, 2023, notice published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on September 13, 2023, courtesy notice was mailed to property owners within 300 feet of 7875 Bald Eagle Drive; and

WHEREAS, on September 27, 2023, the Planning Commission continued the public hearing to October 11, 2023; and

WHEREAS, on October 11, 2023, the Planning Commission continued the public hearing to October 25, 2023; and

WHEREAS, on October 25, 2023, the Planning Commission unanimously forwarded a positive recommendation for City Council's consideration on November 30, 2023; and

WHEREAS, on November 30, 2023, the City Council reviewed the application 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), Chapter 15-2.13, and Chapter 15-2.21.

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

**SECTION 1. APPROVAL.** The Bald Eagle At Deer Valley Unit 55 Third Amended, located at 7875 Bald Eagle 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 7875 Bald Eagle Drive, Unit 55 of the Bald Eagle Court at Deer Valley.
2. The property is listed with Summit County as Parcel number BEC-55-2AM.
3. The property is in the Residential Development (RD) Zoning District.
4. Bald Eagle was developed as a condominium project and each Unit owner owns the ground upon which a house can be built.

5. The Second Amendment to Record of Survey Map for an Expandable Condominium Called Bald Eagle at Deer Valley Drive established five Units withing platted Expandable Area A and established the Limits of Disturbance (LOD) for each Unit.
6. The LOD represents the boundary in which all building and associated construction disturbance may occur.
7. The Building Footprint can shift within the LOD, but construction disturbance may not occur within 15 feet from the established Building Footprint.
8. The property owner proposes to modify the platted LOD because the existing Single-Family Structure, constructed in 1994, was built outside the platted LOD.
9. The proposed LOD will encompass the existing Structure, maintain the original platted LOD Area of 21,285 square feet, and will not increase the buildable area for Unit 55.
10. Single-Family Structures are an Allowed use in the RD Zoning District.
11. The required Front Setback is 15 feet; the existing Structure is set back 100 feet from the Front Unit Line.
12. The required Side Setback is 12 feet; the existing Structure is set back 15 feet, six inches on the east Side Unit Line and 25 feet, nine inches on the west Side Unit Line.
13. The required Rear Setback is 15 feet; the existing Structure is 54 feet from the Rear Unit Line.
14. The Site is located within the Sensitive Land Overlay (SLO).
15. The proposal complies with the SLO Criteria pursuant to LMC § 15-2.21-2(A)
  - a. Slope/Topography – No Development is allowed on or within 50 feet of Very Steep Slopes (greater than 40%). However, an Area of Very Steep Slopes must cover a topographic Area at least 25 feet vertically, upslope or downslope, and 50 feet horizontally in any direction to be subject to this prohibition. There are no slopes greater than 40% within the LOD cover an area of at least 25 feet vertically, upslope or downslope, nor 50 feet horizontally. Within the existing and proposed LOD, most slopes are less than 30%. There are some areas outside the LOD that range from 30-40% and greater. However, because these areas are outside the existing and proposed LOD, the Applicant cannot construct or develop on these steep slopes.
  - b. Ridge Line Areas – The site exists between the elevations of 8360 feet and 8380 feet and is not on any ridge lines.
  - c. Vegetative Coverage – Low Stump Tree Service provided an Arborist Consultation report identifying the site's vegetative coverage.
    - i. Deciduous trees: Quaking Aspen.
    - ii. Conifer: White Fir, Douglas Fir, and Colorado Spruce.
    - iii. Gable oak or high shrub: Not present.
    - iv. Sage, grassland, and agricultural crops: Not present.The Arborist report indicates good health of the site's vegetation. There are signs of a fungal disease present among the aspens but is below average. This Plat Amendment will shift the LOD away from a heavily vegetated Area to an Area previously disturbed.
  - d. Designated Entry Corridors and Vantage Points – The property is not visible from the designated entry corridors and vantage points outlined in LMC § 15-

- 2.21-3(6).
- e. Wetlands – The Property is not affected by any designated wetlands as determined by UGS data updated July 19, 2022, and approved from the National Wetland Inventory.
  - f. Stream Corridors, Canals, and Irrigation Ditches – The property is not affected by any designated streams, canals, or irrigation ditches as determined by UGS data updated July 19, 2022, and approved from the National Wetland Inventory.
  - g. Wildlife Habitat Areas – The Site is not in or nearby any migration corridors. This Plat Amendment will not result in the disturbance of Sensitive or Specifically Valued Species occupying or using on-Site and adjacent natural Areas.
16. There is Good Cause for this Plat Amendment because it resolves a non-conformity and brings the property into compliance.
- a. Conforms to the site's as-built conditions;
  - b. Complies with the RD Zoning District Requirements;
  - c. Does not increase density;
  - d. Will not disturb Significant Vegetation; and,
  - e. Maintains the platted LOD square footage as established in 1992.
17. No Public Street or Right-of-Way is vacated or amended.
- a. All roads in the Bald Eagle Club at Deer Valley are private, and
  - b. This amendment does not alter access to the property or assume the existing roads are now public Rights-of-Way.
18. No easement is vacated or amended.
19. The Development Review Committee met on April 18, 2023, reviewed the proposal, and finds it complies with required standards and practices.

### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13 *Residential Development (RD) District*, LMC Chapter 15-2.21 *Sensitive Land Overlay Zone Regulations*, 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 City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this 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 identify all existing non-exclusive utilities and drainage easements along the front, rear, and side Unit lines.
4. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected from future development. Any removed Significant Vegetation shall be replaced pursuant to the regulations outlined in LMC § 15-5-5(N).  
Landscaping. Multiple trees equivalent in caliper and size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
5. The plat shall note that all Conditions of Approval and Plat Notes from the Bald Eagle Club at Deer Valley Second Amendment plat continue to apply.

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

PASSED AND ADOPTED this 30<sup>th</sup> day of November, 2023.


PARK CITY MUNICIPAL CORPORATION

DocuSigned by:  
  
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Nann Worel, MAYOR

ATTEST:



DocuSigned by:  
  
 E5F905BB533F431...

City Recorder

APPROVED AS TO FORM:

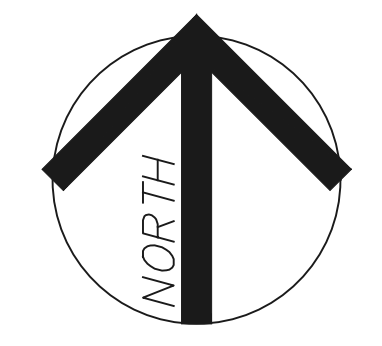
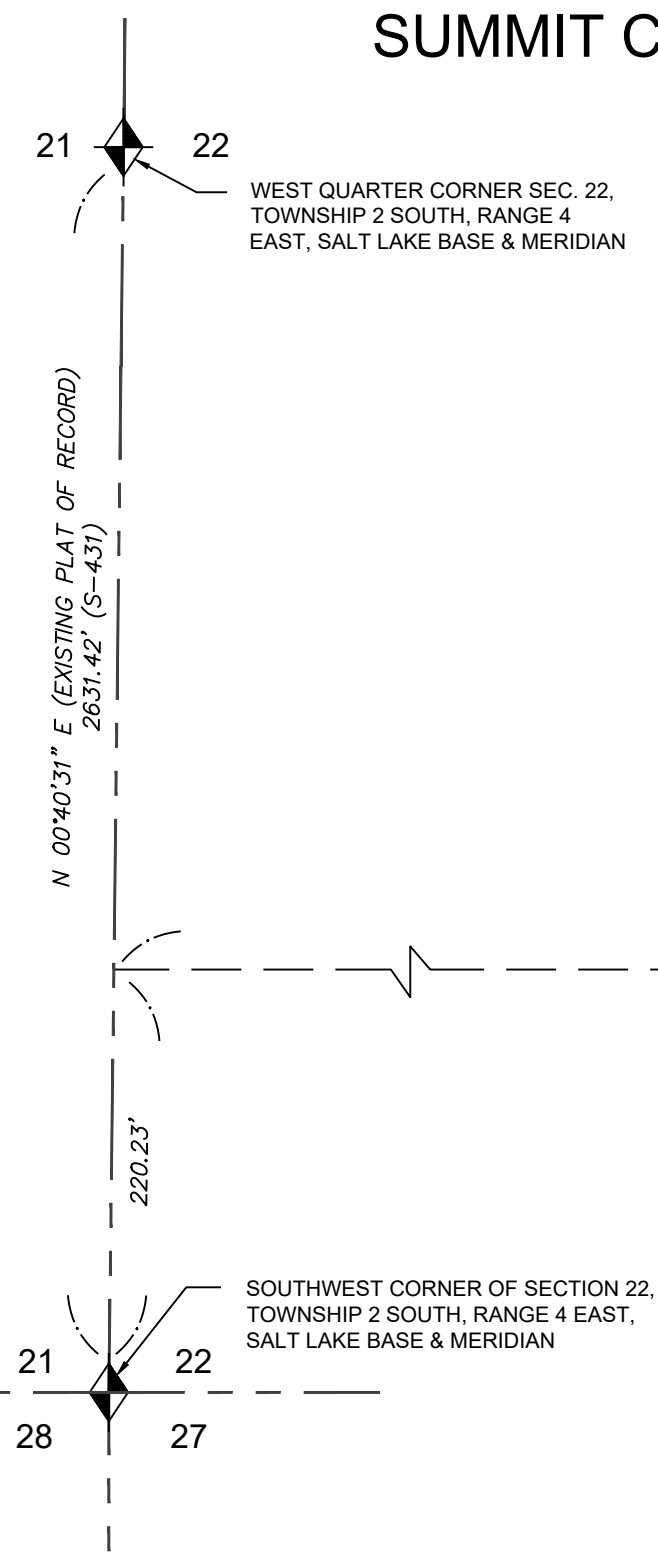
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City Attorney's Office

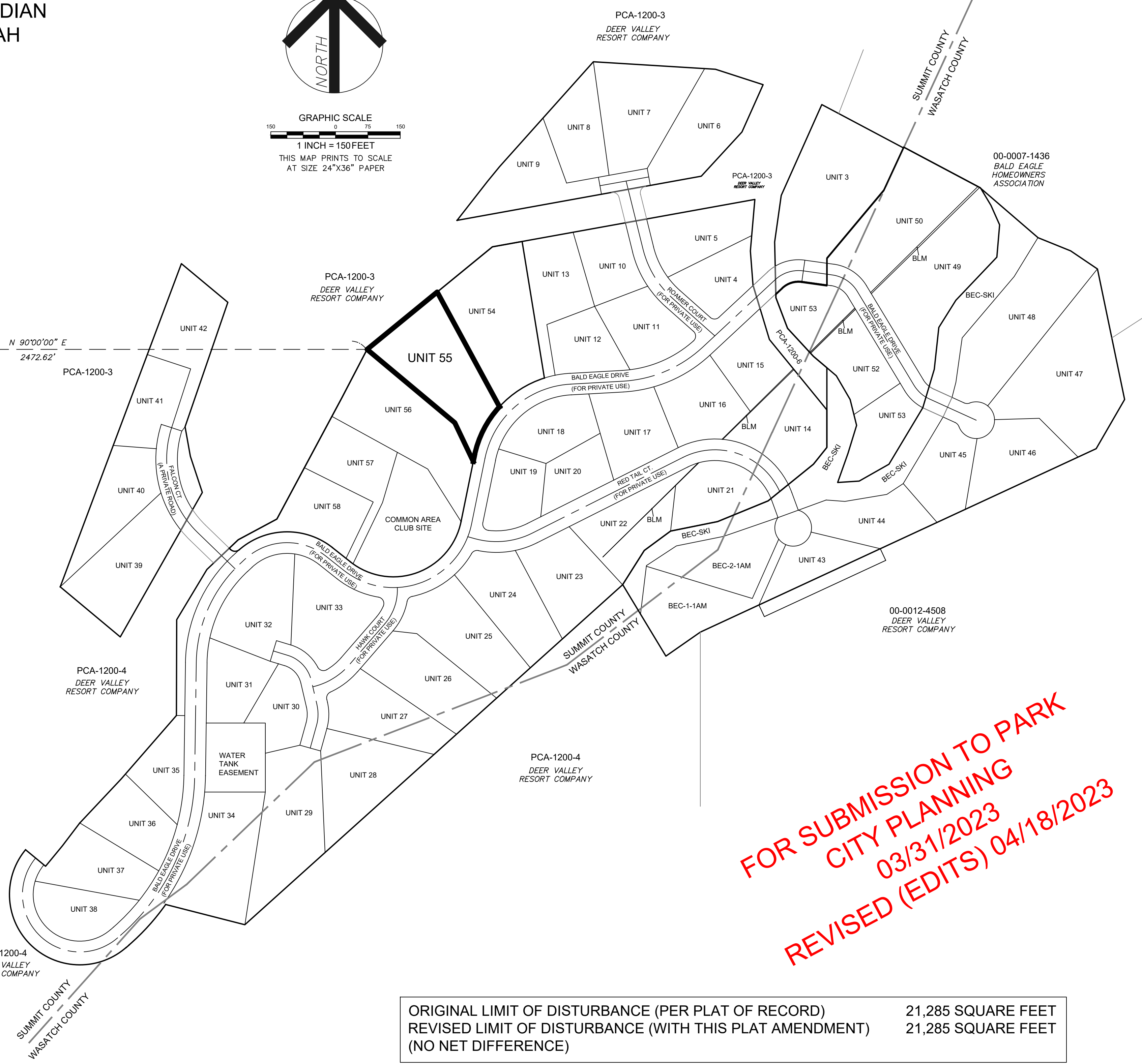
**Attachment 1 – Proposed Plat**

# BALD EAGLE CLUB AT DEER VALLEY UNIT 55 THIRD AMENDED

UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF SURVEY  
MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD  
EAGLE CLUB AT DEER VALLEY" SUBDIVISION  
LYING WITHIN THE SOUTHWEST QUARTER OF  
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASE & MERIDIAN  
SUMMIT COUNTY, UTAH



GRAPHIC SCALE  
1 INCH = 150 FEET  
THIS MAP PRINTS TO SCALE  
AT SIZE 24"x36" PAPER



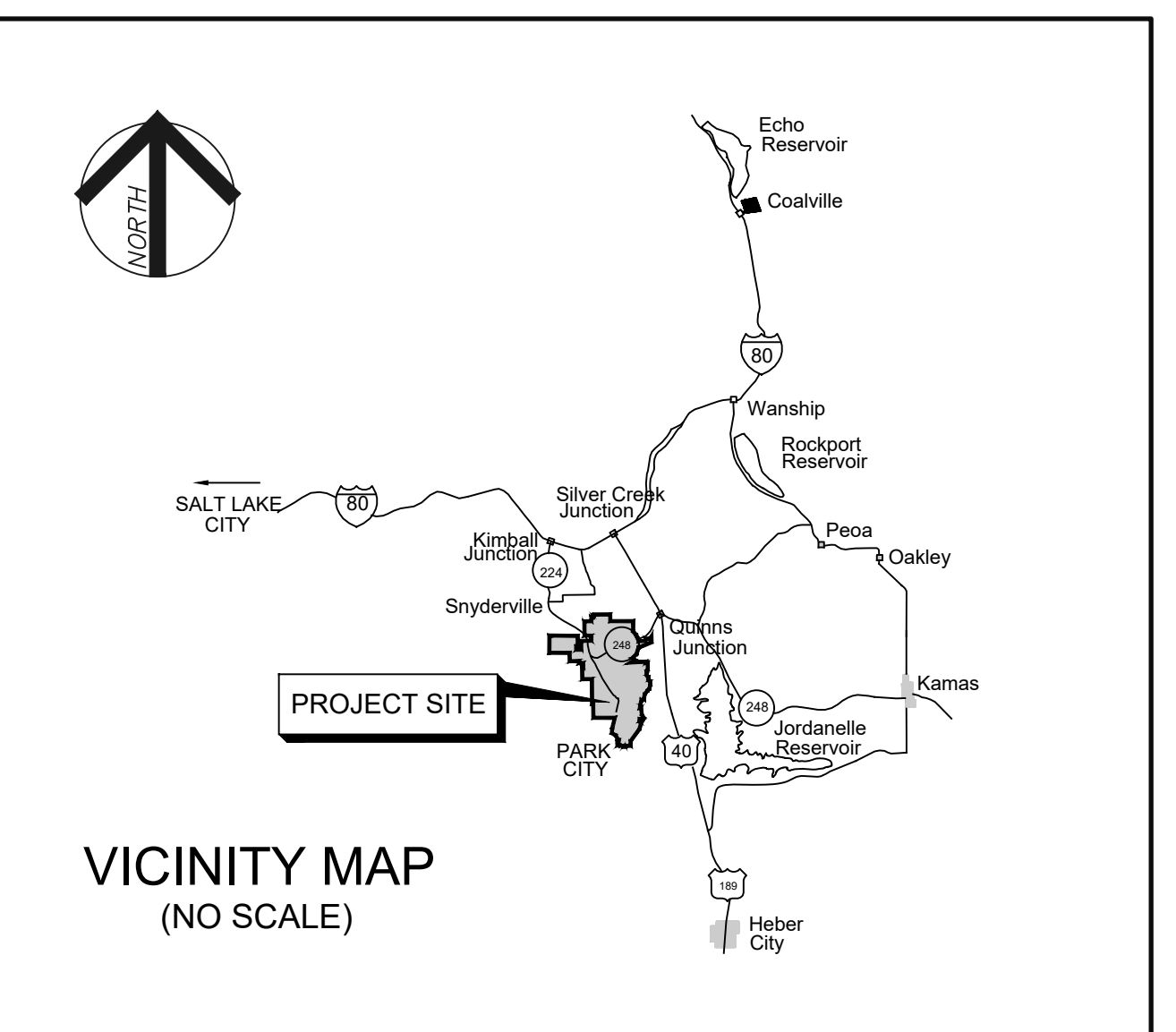
- PLAT NOTES**
1. THE PURPOSE OF THIS PLAT IS TO MODIFY THE LIMITS OF DISTURBANCE (LOD) TO BETTER FIT THE AS-BUILT HOME ON UNIT 55.
  2. THE "2ND AMENDED BALD EAGLE PLAT OF RECORD SECOND AMENDMENT TO RECORD OF SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD EAGLE CLUB AT DEER VALLEY", ENTRY 358861, WAS RECORDED 05/12/1992. LIMITS OF DISTURBANCE (LOD) ARE SHOWN ON THAT PLAT OF RECORD.
  3. THE EXISTING HOME WAS BUILT PER APPROVED BUILDING PLANS. PARK CITY MUNICIPAL APPROVED THE BUILDING PLANS 08/19/1994 AS BUILDING PERMIT B94-00250. ON THOSE APPROVED PLANS, THE PROPOSED HOME WAS SHOWN OUTSIDE OF THE LIMIT OF DISTURBANCE (LOD). SINCE THE LIMITS OF DISTURBANCE ARE SHOWN ON THE PLAT OF RECORD ENTRY 358861, RECORDED 05/12/1992, THIS PLAT AMENDMENT WILL REVISE THE LOD SHOWN THEREON, MAKING THIS PROPERTY COMPLIANT WITH PARK CITY MUNICIPAL'S LAND MANAGEMENT CODE.
  4. SEE RECORD OF SURVEY S-1330, RECORDED 08/05/1993. SEE ALSO RECORD OF SURVEY S-2735, RECORDED 08/28/1997. SEE ALSO RECORD OF SURVEY DATED 03/28/2023.
  5. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE 2023-\_\_\_\_
  6. THIS PARCEL LIES WITHIN FEMA ZONE "X", PER FEMA FLOOD PANEL MAP 49043C09380, EFFECTIVE 03/23/2021

**LEGAL DESCRIPTION**  
UNIT 55, CONTAINED WITHIN THE BALD EAGLE CLUB AT DEER VALLEY SECOND AMENDMENT, A UTAH CONDOMINIUM PROJECT, TOGETHER WITH AN UNDIVIDED 1/58TH OWNERSHIP INTEREST IN AND TO THE COMMON AREAS AND FACILITIES OF THE PROJECT AS THE SAME ARE DEFINED AND ESTABLISHED IN THE RECORD OF SURVEY MAP RECORDED ON AUGUST 03, 1989, AS ENTRY NO. 311265 (AS SAID RECORD OF SURVEY MAP MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED) AND IN THE DECLARATION RECORDED ON AUGUST 03, 1989, AS ENTRY NO. 311266, RN BOOK 530, AT PAGE 295 (AS SAID DECLARATION MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED).

TOGETHER WITH THE APPURTENANT UNDIVIDED INTEREST IN SAID PROJECT'S COMMON AREAS AS ESTABLISHED IN SAID DECLARATION AND ALLOWING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES.

ORIGINAL LIMIT OF DISTURBANCE (PER PLAT OF RECORD)	21,285 SQUARE FEET
REVISED LIMIT OF DISTURBANCE (WITH THIS PLAT AMENDMENT)	21,285 SQUARE FEET
(NO NET DIFFERENCE)	

**FOR SUBMISSION TO PARK  
CITY PLANNING  
03/31/2023  
REVISED (EDITS) 04/18/2023**



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

KNOW ALL MEN BY THESE PRESENTS THAT, SALAS DYNASTY TRUST, DATED JANUARY 6, 2023, RICARDO A. SALAS, TRUSTEE, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE "BALD EAGLE CLUB AT DEER VALLEY UNIT 55 THIRD AMENDED", DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET OUR HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

RICARDO A. SALAS, TRUSTEE

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, SALAS DYNASTY TRUST, DATED JANUARY 6, 2023, RICARDO A. SALAS, TRUSTEE, 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 THEY ARE THE LANDOWNERS, AND THAT SAID DOCUMENT WAS SIGNED BY THEM, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THIS "BALD EAGLE CLUB AT DEER VALLEY UNIT 55 THIRD AMENDED" PLAT AMENDMENT.

SIGNATURE \_\_\_\_\_  
A NOTARY PUBLIC COMMISSIONED IN \_\_\_\_\_  
PRINTED NAME \_\_\_\_\_  
RESIDING IN \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_  
COMMISSION NUMBER \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NUMBER 8910903 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY AND HAVE REFERENCED A RECORD OF SURVEY MAP OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

I DO FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE PREPARED THIS PLAT AMENDMENT, HEREAFTER TO BE KNOWN AS "BALD EAGLE CLUB AT DEER VALLEY UNIT 55 THIRD AMENDED".



SHEET 1 OF 3  
04/18/2023

**Park City  
Surveying**  
PO Box 682993  
Park City, UT 84068  
435-649-2918  
WWW.PARKCITYSURVEY.COM

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

S.B.W.R.D. REPRESENTATIVE

**ENGINEER'S CERTIFICATE**

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PARK CITY ENGINEER

**COUNCIL APPROVAL & ACCEPTANCE**

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PARK CITY MAYOR

**PARK CITY PLANNING COMMISSION**

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PLANNING COMMISSION CHAIRMAN

**CERTIFICATE OF ATTEST**

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PARK CITY RECORDER

**APPROVAL AS TO FORM**

APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PARK CITY ATTORNEY

**PUBLIC SAFETY ANSWERING POINT APPROVAL**

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: JEFF WARD, GIS DIRECTOR  
SUMMIT COUNTY GIS COORDINATOR

**RECORDED**

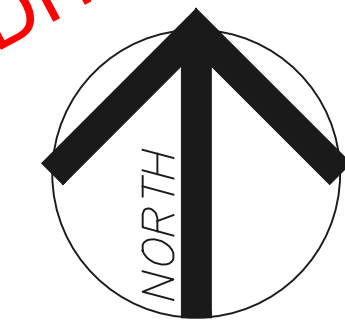
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BOOK \_\_\_\_\_ PAGE: \_\_\_\_\_  
STATE OF UTAH, COUNTY \_\_\_\_\_  
DATE: \_\_\_\_\_  
FEE PAID: \_\_\_\_\_  
RECORDED AND FILED IN THE REQUEST OF: \_\_\_\_\_  
COUNTY RECORDER: \_\_\_\_\_

**NOT FOR RECORDATION:  
FOR REVIEW ONLY**

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REVISED (EDITS) 04/18/2023**



GRAPHIC SCALE  
1 INCH = 20 FEET  
THIS MAP PRINTS TO SCALE  
AT SIZE 24"x36" PAPER

### LEGEND



LIMITS OF DISTURBANCE - ORIGINAL (PLAT OF RECORD)



LIMITS OF DISTURBANCE - REVISED

BUILDING LIMITS OF DISTURBANCE (LOD) CALCULATIONS	
ORIGINAL LIMIT OF DISTURBANCE (PER PLAT OF RECORD)	21,285 SQUARE FEET
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(NO NET DIFFERENCE)	



SHEET 2 OF 3  
04/18/2023

**Park City Surveying**  
PO Box 682993  
Park City, UT 84068  
435-649-2918  
WWW.PARKCITYSURVEY.COM

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PCA-1200-3

**UNIT 54**  
7885 BALD EAGLE DRIVE  
MONTIBUS LLC

UNIT 13

UNIT 12

**UNIT 55**  
7875 BALD EAGLE DRIVE  
1.11 ACRES  
48,259 SQUARE FEET

**UNIT 56**  
7865 BALD EAGLE DRIVE  
MARILYN BELL DUNN TRUSTEE

**BALD EAGLE DRIVE  
(FOR PRIVATE USE)**

**UNIT 18**  
7900 BALD EAGLE DRIVE  
ROBERT S. GORDON

UNIT 57

COMMON AREA  
CLUB SITE

**UNIT 19**  
7871 BALD EAGLE DRIVE  
MICHAEL J. ALKIRE

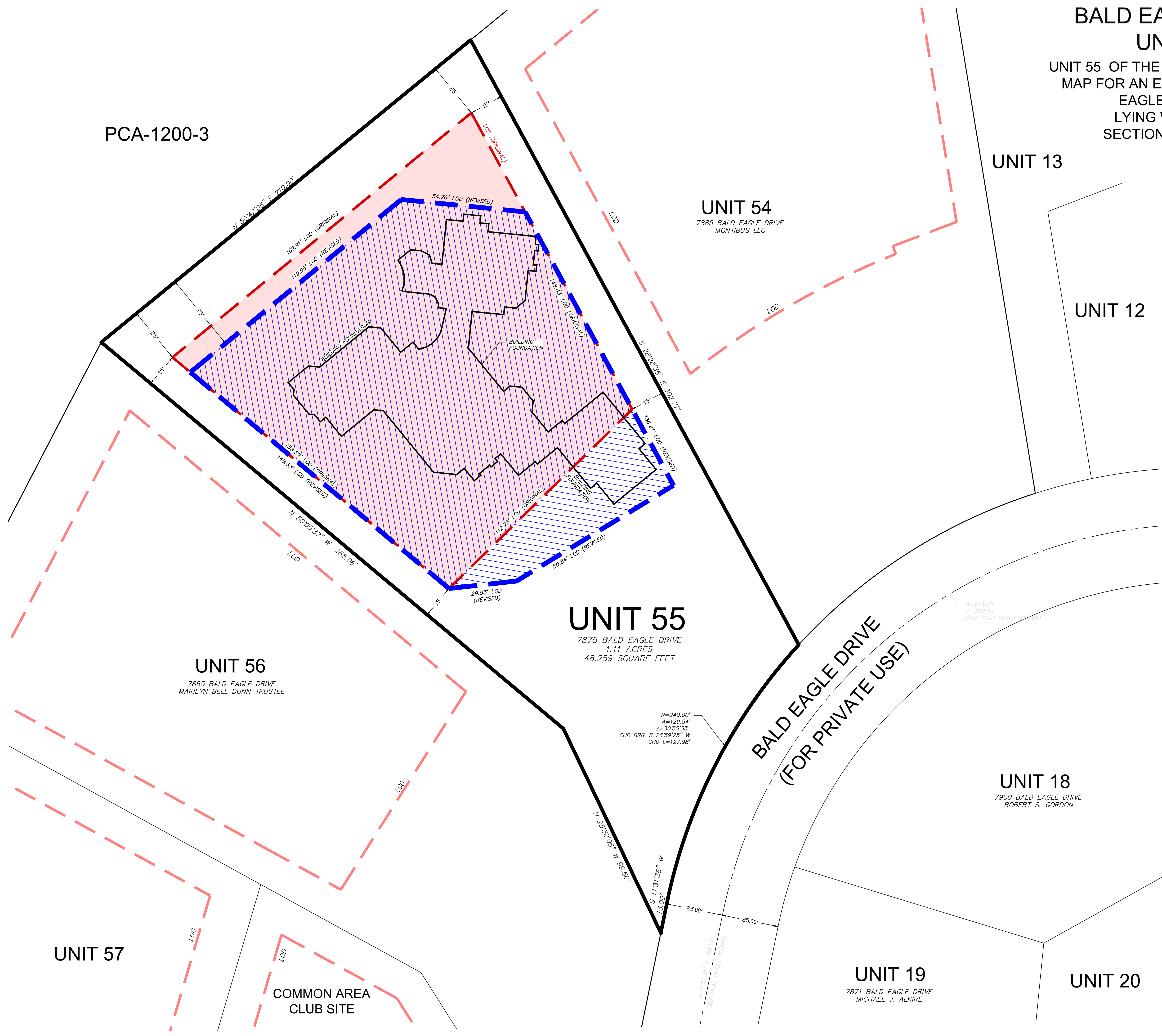
UNIT 20

R=240.00'  
A=129.54'  
Δ=30°55'33"  
CHD BRG=S 26°59'25" W  
CHD L=127.98'

R=215.00'  
A=282.54'  
(SEE PLAT ENTRY 11/15/20)

N 25°30'06" W 99.55'  
S 11°31'38" W 73.00'  
25.00'

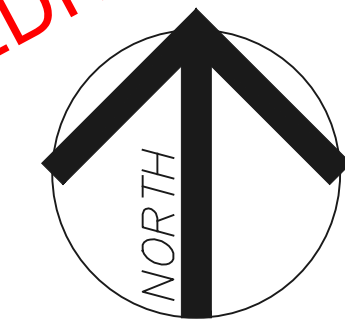
A=105.00'  
R=105.00'  
(SEE PLAT ENTRY 3/11/20)



# BALD EAGLE CLUB AT DEER VALLEY UNIT 55 THIRD AMENDED

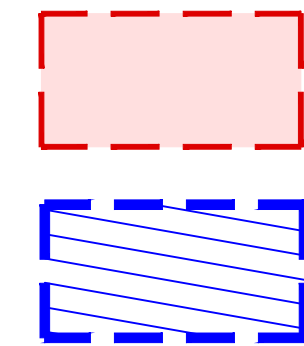
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LIMITS OF DISTURBANCE - REVISED

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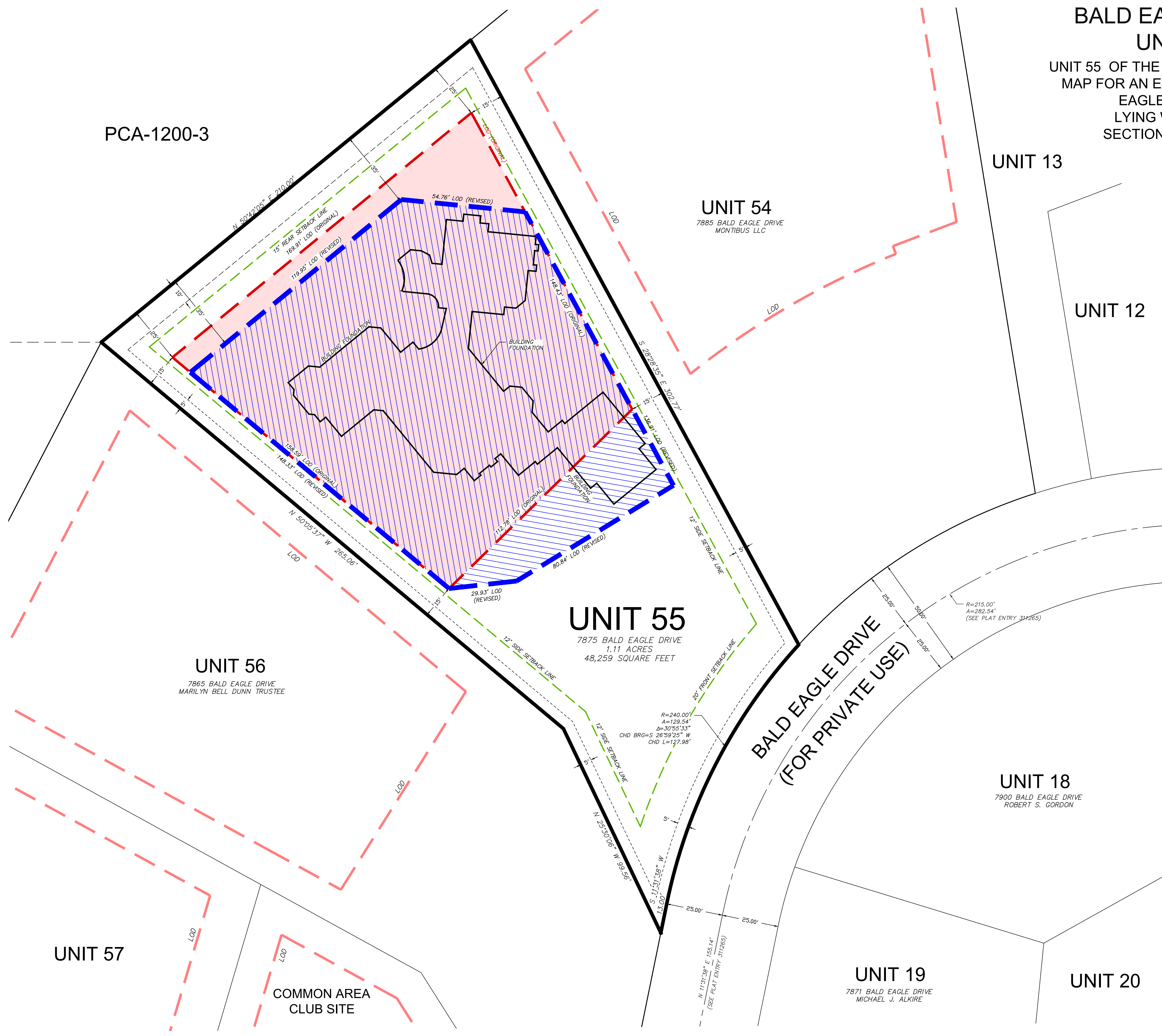
ZONING: THIS PARCEL LIES WITHIN THE PARK CITY MUNICIPAL "RESIDENTIAL DEVELOPMENT" ZONE.  
SOURCE: [HTTPS://PARKCITY.MUNICIPALCODEONLINE.COM/BOOK?TYPE=ORDINANCES#NAME=15-2.13\\_RESIDENTIAL\\_DEVELOPMENT\\_\(RD\)\\_DISTRICT](https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-2.13_RESIDENTIAL_DEVELOPMENT_(RD)_DISTRICT)



SHEET 3 OF 3  
04/18/2023

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