

**Ordinance No. 2023-40**

**AN ORDINANCE APPROVING THAYNES CREEK RANCH ESTATES SUBDIVISION  
– PHASE 1 – LOT 3 AND 4 PLAT AMENDMENT, LOCATED AT 2411 COUNTRY  
LANE AND 28 PAYDAY DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the properties located at 2411 Country Lane and 28 Payday Drive petitioned the City Council for approval of the Thaynes Creek Ranch Estates Subdivision – Phase 1 - Lot 3 and 4 Plat Amendment; and

WHEREAS, on June 28, 2023, the Park Record published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on June 28, 2023, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 28, 2023, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on July 12, 2023, the Planning Commission reviewed the proposed Plat Amendment, held a public hearing, and forwarded a positive recommendation for City Council's consideration on August 22, 2023; and

WHEREAS, on August 22, 2023, the City Council reviewed the 2411 Country Lane and 28 Payday Drive Plat Amendment and held a public hearing: and

WHEREAS the 2411 Country Lane and 28 Payday Drive Plat Amendment is consistent with the Park City Land Management Code Chapter 15-2.11, Chapter 15-2.21, and Section 15-7.1-6.

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

**SECTION 1. APPROVAL.** The Thaynes Creek Ranch Estates Subdivision – Phase 1 - Lot 3 and 4 Plat Amendment located at 2411 Country Lane and 28 Payday Drive, 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 properties are located at 2411 Country Lane and 28 Payday Drive.
2. The Lots are within the Single-Family Zoning District.
3. The subject properties are Lots 3 and 4 of the Thaynes Creek Ranch Estates Subdivision – Phase 1, approved by the City Council in 2013.
4. The property recorded as Thaynes Creek Ranch Estates Subdivision – Phase 1 was

annexed into Park City as part of the Richards/PCMC Annexation.

5. On October 3, 2013, the City Council approved the Thaynes Creek Ranch Estates Subdivision – Phase 1 plat.
6. The Thaynes Creek Ranch Estates Subdivision - Phase 1 plat, provides final approval for four of the seven single-family lots which received preliminary approval as part of the Richards/PCMC Annexation.
7. Lot 3 is 0.62 acres and Lot 4 is 0.51 acres.
8. The Plat Amendment proposes to move the common Lot Line shared by Lots 3 and 4 twenty-three feet (23') westward.
9. The Plat Amendment will increase the size of Lot 3 to 0.71 acres and decrease the size of Lot 4 to 0.42 acres.
10. Per the Applicant, the purpose of this Plat Amendment, is to provide additional room for a future garden and walkway in the rear of the existing SFD located on Lot 3.
11. The proposal complies with the Single-Family (SF) Zoning District requirements outlined in LMC Chapter 15-2.11.
12. The proposal complies with the Sensitive Land Overlay Requirements outlined in LMC Chapter 15-2.21.
13. The proposal demonstrates compliance with Ordinance No. 13-38, an Ordinance approving the Thaynes Creek Ranch Estates Subdivision – Phase 1 Plat.
14. The findings in the Analysis section of the Staff Report dated 7/12/23 are incorporated herein by reference.

### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.11 and § 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 year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Any new construction shall comply with Land Management Code Section 15-2.11 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.
4. All other Conditions of Approval and platted requirements for the Thaynes Creek Ranch Estates Subdivision – Phase 1 continue to apply and shall be noted on the plat by reference.
5. No further expansion of the existing non-conforming garage measured at 24'-6" from the property line abutting Payday Drive, is permitted.
6. The final Plat Amendment shall include the plat notes for the Thaynes Creek Ranch

Estates Subdivision – Phase 1 Plat.

- 7. No further expansion of the existing non-conforming Building Footprint, measured at 3,990 square-feet is permitted.
- 8. No further expansion of the existing non-conforming driveway measured at 21.8' abutting Country Lane is permitted.

**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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\_\_\_\_\_  
Mayor Nann Worel



ATTEST:

DocuSigned by:

*Michelle Kellogg*

E5F905BB533F431...

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

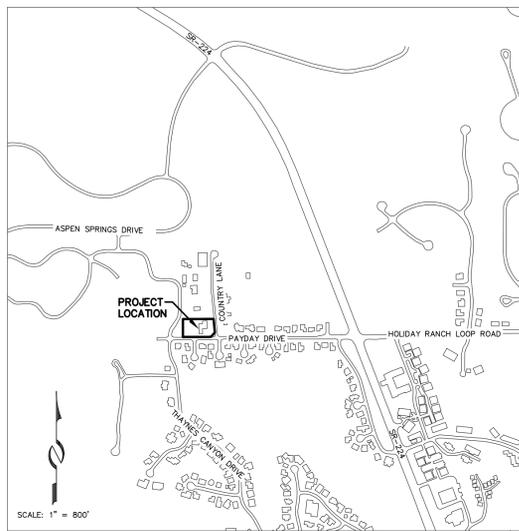
DocuSigned by:

*Mark Harrington*

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\_\_\_\_\_  
City Attorney

**Attachment 1 – Plat**



VICINITY MAP

NOTES

- The maximum density of the first phase subdivision is four (4) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision.
- All residences in the development are to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
- The subdivision is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement.
- The Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.
- All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plat prior to recordation.
- Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.
- A lot line adjustment application will be allowed to combine Lots 3 and 4 into one lot of record if desired by the lot owner(s). The lot combination will be subject to the LMC Section 15-2.11-6 Maximum House Size and Setbacks on Combined Lots.
- Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.
- Lots 3A and 4A are restricted to a maximum building footprint of 3,900 sf for the house and garage, the floor area of all second stories shall be restricted to 60% of the first story footprint. No barns are allowed on Lots 3A and 4A.
- The maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 10,000 sf for Lots 3A and 4A. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.

- The maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots A and B is restricted to a maximum of 75% of the Lot Area. Area necessary for utility installation is excluded from the maximum LOD area calculation and if within the pasture areas shall be re-vegetated with like pasture vegetation.
- Each lot of record is allowed a maximum driveway width of fifteen feet, measured at the property line with Payday Drive or Country Lane. Each driveway may widen as it approaches the garage. Driveway lengths shall be consistent with driveway lengths of lots in the surrounding neighborhood.
- At the time of any resurfacing of Country Lane, the Homeowner's Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District (SBWRD) standards. Prior notification of the adjustments and inspection by SBWRD is required.
- The Access Road Agreement which exists to the benefit of the "Gaebe Trust" extends outside of Thaynes Creek Ranch Estates - Phase 1 as detailed in Entry # 00984920, Book: 2218, Page: 1305, as recorded with the Summit County Recorder's Office, November 27, 2013.
- A Future Sewer Easement at Thaynes Creek Ranch Estates exists to the benefit of the Snyderville basin Reclamation District, Entry # 00984552, Book: 2218, Page: 0012, as recorded with the Summit County Recorder's Office, November 25, 2013.
- A grading plan and landscape plan shall be submitted with each building permit application. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.
- A 10 foot Rocky Mountain Power easement is dedicated on all property lines.
- The roof height of any building on Lot 4A within 75 feet of the south property line is limited to an imaginary line that is a height of 12 feet from existing ground at the east side setback and sloping up to a height of 28 feet from existing ground at the west side setback. Standard city building height restrictions apply north of this 75-foot height-restricted area.

ROCKY MOUNTAIN POWER NOTES

Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the public utility easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the PUE or any other obstruction which interferes with the use of the PUE, without the prior written approval of the utilities with facilities in the PUE.

Rocky Mountain Power approves this plat solely for the purpose of confirming that the plat contains public utility easements. Rocky Mountain Power may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights obligations or liabilities provided by Law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the owner's dedication and the notes and does not constitute a guarantee of particular terms of electric utility service.



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that I have completed or directly supervised a survey of the hereon described property 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 the following amended plat, containing two single family, residential lots, hereafter to be known as THAYNES CREEK RANCH ESTATES - PHASE 1 LOTS 3 & 4 AMENDED.

LEGAL DESCRIPTION

Lots 3 and 4, Thaynes Creek Ranch Estates Subdivision, Phase 1, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, Tyler W. Walton and Kristen B. Walton, husband and wife as joint tenants, hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this plat amendment.

In witness whereof, the undersigned set his hand  
 this \_\_\_\_ day of \_\_\_\_\_, 2023.  
 By: \_\_\_\_\_  
 Tyler W. Walton

In witness whereof, the undersigned set her hand  
 this \_\_\_\_ day of \_\_\_\_\_, 2023.  
 By: \_\_\_\_\_  
 Kristen B. Walton

ACKNOWLEDGMENT

State of \_\_\_\_\_ : ss.  
 County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2023, Tyler W. Walton 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, that he acknowledged to me that he executed the THAYNES CREEK RANCH ESTATES - PHASE 1 LOTS 3 & 4 AMENDED.

A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_  
 Commission No: \_\_\_\_\_

ACKNOWLEDGMENT

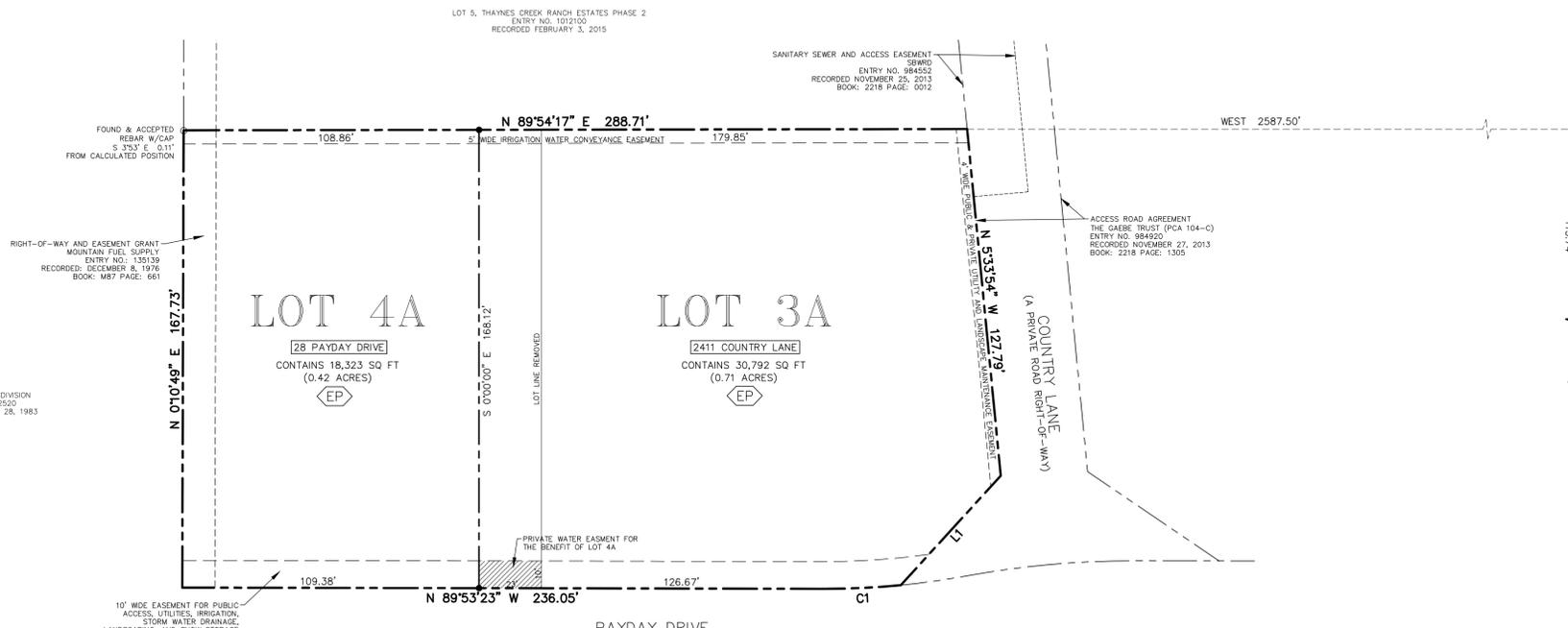
State of \_\_\_\_\_ : ss.  
 County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2023, Kristen B. Walton 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, that she acknowledged to me that she executed the THAYNES CREEK RANCH ESTATES - PHASE 1 LOTS 3 & 4 AMENDED.

A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_  
 Commission No: \_\_\_\_\_

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2023-\_\_\_\_\_.
- All Conditions of Approval in Ordinance 13-38 continue to apply and remain in full force and effect.
- The purpose of this plat is to revise the lot line between Lots 3 & 4, Thaynes Creek Ranch Estates - Phase 1, recorded as Entry No. 986234 in the Summit County Recorders Office, including the 10' wide irrigation water conveyance easement.
- See Record of Survey S-\_\_\_\_\_, recorded May \_\_\_\_, 2023 in the Summit County Recorders Office.



LINE TABLE

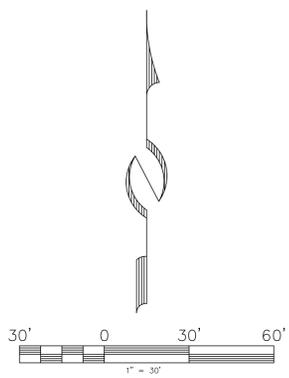
| LINE | DIRECTION    | LENGTH   |
|------|--------------|----------|
| L1   | S 42°33'32\" | W 54.46' |

CURVE TABLE

| CURVE | RADIUS  | LENGTH | DELTA     |
|-------|---------|--------|-----------|
| C1    | 292.50' | 28.79' | 5°38'20\" |

- LEGEND
- Set 5/8" rebar w/cap, "ALLIANCE ENGINEERING"
  - ⊙ Found monument as noted
  - ⊠ EP: Wastewater ejector pumps may be required for the indicated lots.



# THAYNES CREEK RANCH ESTATES - PHASE 1

## LOTS 3 & 4 AMENDED

LOCATED IN THE SOUTH HALF OF SECTION 5 AND THE NORTH HALF OF SECTION 8  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

|   |   |   |   |   |   |  |  |
|---|---|---|---|---|---|--|--|
| <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2023</p> <p>BY _____</p> | <p>PLANNING COMMISSION</p> <p>RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2023</p> <p>BY _____ CHAIR</p> | <p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY ENGINEER</p> | <p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS ____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY ATTORNEY</p> | <p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2023</p> <p>BY _____ MAYOR</p> | <p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY RECORDER</p> | <p>PUBLIC SAFETY ANSWERING POINT APPROVAL</p> <p>APPROVED THIS ____ DAY OF _____, 2023</p> <p>BY _____ SUMMIT COUNTY GIS COORDINATOR</p> | <p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>FEE _____ RECORDER _____</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p> |
|---|---|---|---|---|---|--|--|