

Ordinance No. 12-09

ORDINANCE APPROVING THE 12 OAK COURT PLAT AMENDMENT COMBINING LOTS 35 AND 36 OF THE AMENDED EVERGREEN SUBDIVISION PLAT, PARK CITY, UTAH

WHEREAS, the owners of the property located at 12 Oak Court have petitioned the City Council for approval of the 12 Oak Court Plat Amendment combining Lots 35 and 36, Amended Plat of Evergreen into one lot of record; 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 April 11, 2012, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on April 11, 2012, forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council on April 26, 2012, held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment as conditioned, thereby creating one lot of record from two lots for an existing house and future addition. Utility easements and snow storage easements will be dedicated with the recording of the 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 12 Oak Court Plat Amendment, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located in the Residential Development (RD) zone and is subject to Section 15-2.13 of the Land Management Code, the amended Evergreen subdivision plat, and the Deer Valley Master Planned Development.
2. The RD zone is characterized by mainly single family homes and resort development condominiums and hotels.
3. The property is located at 12 Oak Court in the North Silver Lake neighborhood of the Deer Valley MPD. The property is located next to the "Last Chance" ski run of the Deer Valley Resort.
4. There is an existing ski easement across Lot 35 to provide ski access for Lot 36 to Last Chance ski run. The ski easement does not connect any other lot or common area to this ski run. The applicant is pursuing a vacation of this easement as it would no longer necessary if the lots are combined. If vacated, the recording information regarding the vacation should be noted on this amended plat.
5. The property consists of Lots 35 and 36 of the Amended Plat of Evergreen Subdivision. The amended plat was recorded at Summit County on May 17, 1988. A plat amendment to combine the two (2) lots into one (1) lot of record is required before final building

- permits for any new construction can be issued if that construction increases the size of the house on Lot 35 beyond the 7,500 square foot maximum, crossing onto Lot 36, or is not in compliance with required setbacks to the common lot line.
6. Building footprint and limits of disturbance areas are indicated on the Amended Plat of Evergreen Subdivision. The proposed plat amendment identifies a revised building footprint and limits of disturbance area for the combined lot.
 7. Maximum house size is 11,250 sf for the combination of these 2 lots, per LMC Section 15-2.13-6 (B). The existing house contains 7,343 sf of floor area, excluding 600 sf for the garage. A revised building pad is identified on the amended plat.
 8. There is no minimum or maximum lot size associated with the Amended Plat of Evergreen subdivision. The combined lot resulting from this plat amendment is 40,248.39 square feet in area.
 9. Lots in the Amended Plat of Evergreen range in area from 10,124 sf to 54,394 sf.
 10. The proposed plat amendment does not increase the density allowed by the Deer Valley Master Planned Development.
 11. The applicant stipulates to the conditions of approval.
 12. The discussion in the Analysis section is incorporated herein.

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 plat amendments.
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; requirements for utility, snow storage, ski easement vacation, and any encroachment agreements; as well as any conditions of approval that apply to this property, 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, 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. A note shall be included on the plat prior to plat recordation stating that the maximum house size and building setbacks for new construction on a combined lot shall be determined by the LMC Section 15-2.13-6 (B).
4. A note shall be included on the plat prior to recordation stating that the conditions of approval and plat notes of the Deer Valley MPD and Amended Plat of Evergreen subdivision continue to apply to this lot.
5. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Oak Court.
6. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
7. Modified 13-D residential fire sprinklers are required in all modifications or new construction.

8. If the applicant pursues a vacation of the ski easement, the recording information of the easement vacation shall be noted on the amended plat prior to recordation. Otherwise the dedicated ski easement shall be shown on the amended plat.
9. This lot combination utilizes the original two lot (two unit) density and no additional unit is created by virtue of the new single lot.

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

PASSED AND ADOPTED this 26th day of April, 2012.

PARK CITY MUNICIPAL CORPORATION

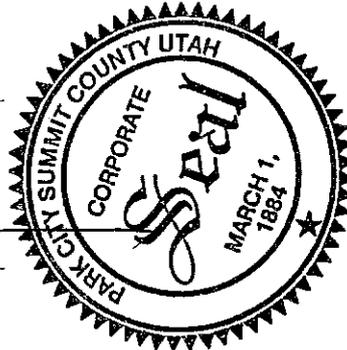
Cindy Matsumoto
Mayor Pro Tem Cindy Matsumoto

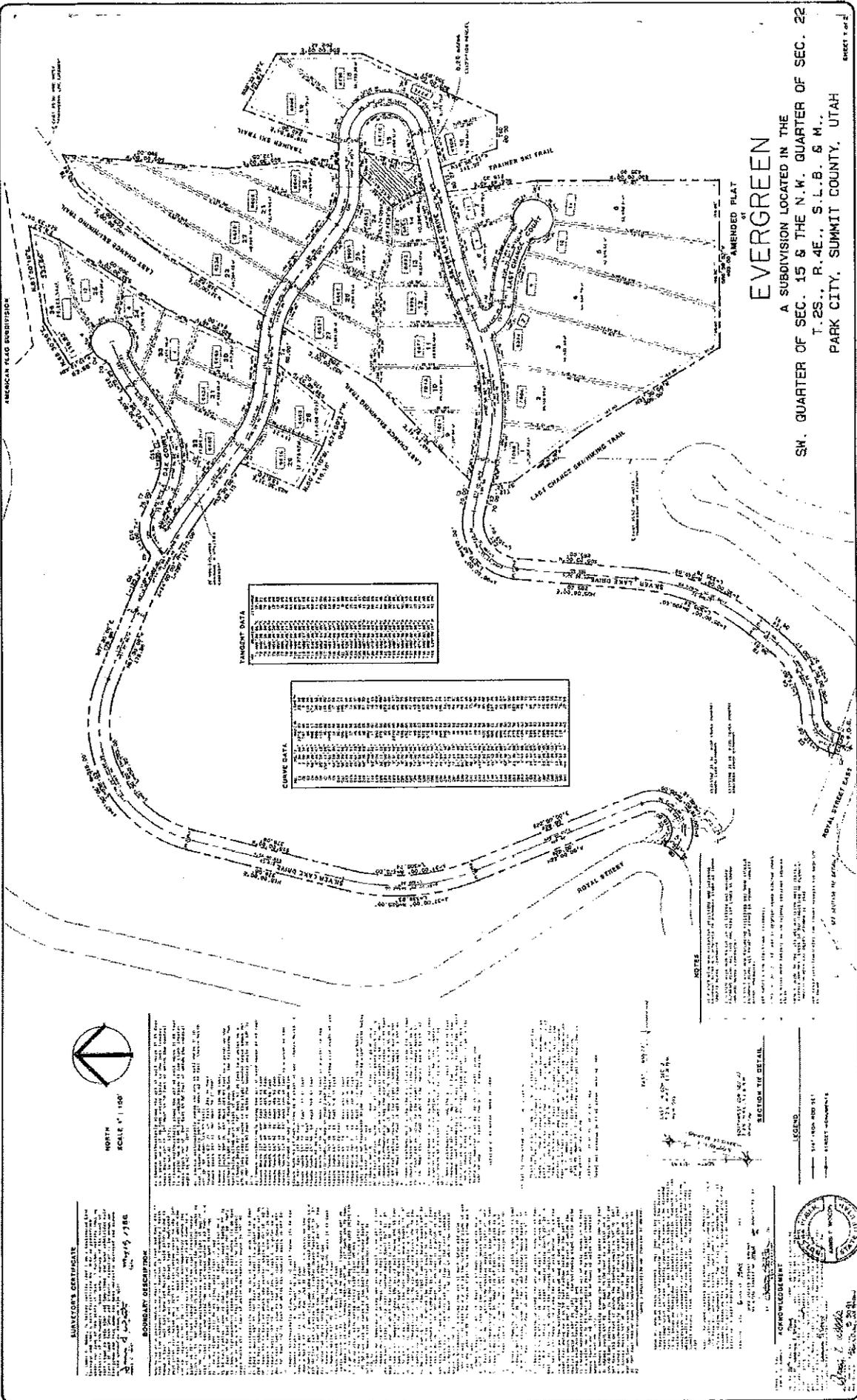
Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney





EVERGREEN
 AMENDED PLAT
 A SUBDIVISION LOCATED IN THE
 S.W. QUARTER OF SEC. 15 & THE N.W. QUARTER OF SEC. 22
 T.2S., R.4E., S.1.B. & M.,
 PARK CITY, SUMMIT COUNTY, UTAH

J.J. Johnson & Associates
 1601 649-9811

RECORDED
 BY STATE OF UTAH
 COUNTY OF SUMMIT
 BOOK 111, PAGE 00286

APPROVAL AS TO FORM
 APPROVED AS TO FORM 7th
 MAY 19 1988

CITY PLANNING COMMISSION
 APPROVED FOR THE PLAN
 MAY 19 1988

CITY ENGINEER
 APPROVED FOR THE PLAN
 MAY 19 1988

CITY COUNCIL APPROVAL
 APPROVED FOR THE PLAN
 MAY 19 1988



NORTH
 SCALE 1" = 100'

OWNER'S CERTIFICATE
 I, the undersigned, being the owner of the above described land, do hereby certify that the same is being offered for sale and that the same is being offered for sale in accordance with the provisions of the Utah Subdivided Lands Act, Chapter 10, Utah Code, 1953, and that the same is being offered for sale in accordance with the provisions of the Utah Subdivided Lands Act, Chapter 10, Utah Code, 1953, and that the same is being offered for sale in accordance with the provisions of the Utah Subdivided Lands Act, Chapter 10, Utah Code, 1953.

BONDMAN'S DESCRIPTION
 The above described land is situated in the S.W. Quarter of Section 15 and the N.W. Quarter of Section 22, Township 2 South, Range 4 East, South 1 Base and Meridian, Summit County, Utah. The land is being offered for sale in accordance with the provisions of the Utah Subdivided Lands Act, Chapter 10, Utah Code, 1953.

NOTES
 1. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 2. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 3. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 4. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 5. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 6. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 7. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 8. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 9. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.
 10. THE PLAT IS SUBJECT TO ALL EASEMENTS AND INTERESTS OF RECORD.



APPROVED FOR THE PLAN
 MAY 19 1988

