

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 14, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, January 14, 2010.

Closed Session

5:00 p.m. Property and litigation

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

IV NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

Consideration of Ordinance approving the VMCS Plat Amendment located at
3615 Sun Ridge Drive, Park City, Utah P. 4 - 22

(a) Public hearing

(b) Action

V ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Wireless internet service available in Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 21, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, January 21, 2010.

Posted: 01/11/10

See www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

January 2010

- 21 **No meeting – Sundance opening**
- 28 Open space maintenance (work)
Ordinance – LMC amendment for MPD in HR-2 – KW
Series 2010 Water Revenue Bond Public Hearing and Final Bond Resolution

February 2010

- 4
- 11 Ironhorse Transit Facility Construction Contract (work/action) - KC
- 18 **No meeting**
- 25 Tentative - 1440 Empire Avenue appeal of CUP – KS
Tentative - 1440 Empire Avenue plat - KS

March 2010

- 4
- 11
- 18
- 25 **No meeting**

Pending Items:

U S Postal Service gang boxes in Old Town - MC
Quinn's WTP Building Construction Contract – TT
Special event prioritization – work
Performance measures (work)
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues

City Council Staff Report



Subject: VMCS Replat
Application #: PL-09-00753
Author: Jacquelyn Mauer
Department: Planning Department
Date: January 14, 2010
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the VMCS Replat and consider approving the VMCS Replat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Vincent Mascatello, Trustee for VMCS, LLC
Location: 3615 Sun Ridge Drive
Zoning: Residential Development (RD) District within the Deer Valley Master Planned Development (MPD)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On July 23, 2009 the City received a completed application for the VMCS Replat plat amendment. The property is located at 3615 Sun Ridge Drive in the Residential Development (RD) zoning district within a Master Planned Development. The applicant is proposing to separate Lot 1 Mascatello Replat into two separate lots. The proposed plat amendment brings the current lot back to the size and configuration it was as Lots 5 and 6 of the Royal Oaks Subdivision. The previous Lot 5 will be renamed Lot A of the VMCS Replat. The previous Lot 6 will be renamed Lot B of the VMCS Replat.

The Mascatello's purchased Lot 5 of the Royal Oaks subdivision in 1992 and Lot 6 of the Royal Oaks subdivision in 2001. They combined Lot 5 and 6 of the Royal Oaks subdivision in 2001 creating Lot 1 Mascatello Replat as it is today. It is 0.728 acres. The applicant has found their previous lot combination to be a financial mistake. They wish to bring the current Mascatello Replat back to its original state as it existed as two lots.

The Planning Commission heard this application at its regular meeting on December 9, 2009, and forwards a positive recommendation.

Analysis

Staff finds good cause for this plat amendment. The VMCS Replat brings the lot back to its state as it was at the time of the original Royal Oaks Subdivision approval. Therefore,

the size of the two proposed lots is consistent with the pattern of development in the neighborhood.

Lot 1 Mascatello Replat is currently vacant. There have not been any improvements on the property. Therefore, encroachment issues will not be present by separating the lot into two separate lots.

There is a twenty-eight foot (28') height restriction in the Residential Development zone. An additional five feet (5') is allowed if the roof pitch is 4:12 or greater. There are no deviations from the Residential Development zone height restriction within the Royal Oaks Subdivision, the current Mascatello Replat, or the proposed VMCS Replat.

	Residential Density (RD) Zone	Royal Oaks Subdivision	Mascatello Replat (Current)	VMCS Replat (Proposed)
Height	28' (additional 5' for roofs with at least a 4:12 pitch)	28' (additional 5' for roofs with at least a 4:12 pitch)	28' (additional 5' for roofs with at least a 4:12 pitch)	28' (additional 5' for roofs with at least a 4:12 pitch)
Front setback	20' (25' for front facing garages) unless granted exception stated in LMC 15-2.13-3	15'	15'	15'
Rear setback	15'	15'	25'	15'
Side setbacks	12'	12'	30'	12'

The Front and Rear Setbacks of the Royal Oaks Subdivision are (fifteen feet) 15'. These Setbacks are consistent with the RD zone since a Front Yard Exception was granted at the time the Royal Oaks Subdivision was approved. According to Section 15-2.13-3 of the Land Management Code, within any subdivision approval in the RD zone, the Planning Commission may designate specific Single Family Lots on which the Front Yard Setback is as little as ten feet (10') for the Main Building and fifteen feet (15') for the new Front Facing Garage or garage element. Lots to which this exception applies must be designated on the Subdivision Plat at the time the plat is approved. Note 5 of the Royal Oaks Subdivision states the building Setbacks of each lot shall be fifteen feet (15') for the front and rear of the lot and twelve feet (12') for each side of the lot.

The Land Management Code in section 15-2.13-6 limits the maximum house size and increases Setbacks on lot combinations where there was a limit on house on the original subdivision plat. The Royal Oaks subdivision restricted a house size on lot 5 to 5,000 square feet and on lot 6 to 7,500 square feet. The combined lot has a maximum house restriction of 9,375 square feet, which is 75% of the total combined square footage. In addition, rear and side setbacks were increased on the current combined lot as shown in the table above.

During the Mascatello Replat in 2001, there was public comment opposed to the lot combination. An adjacent property owner in the Hidden Oaks Subdivision was

concerned about the overall house size, view, sunlight, general neighborhood compatibility, and impacts of his property value being compromised by having Lots 5 and 6 of the Royal Oaks Subdivision being combined.

Staff has now received public comment in opposition of the proposed VMCS Replat which reverses this combination. Neighbors at four of the nearby properties are concerned their property values or views will be decreased from the Replat; some also believe the CC& R's prohibit the re-subdivision of the property; however, the City does not enforce CC& R's. There are no conditions of approval on the Mascatello Replat stating any future plat amendment would be prohibited. Staff finds the re-subdivision does not go against the General Plan or the Land Management Code. Staff does not find any conclusive evidence showing two smaller houses rather than the one house currently allowed would have a negative impact on the neighborhood. The two lots proposed as the VMCS Replat is more compatible with the neighborhood than being one larger lot as the current Mascatello Replat. The Conditions of Approval of the Replat are the same as they previously existed on the Royal Oaks Subdivision.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time which have not been addressed.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

At the time of this report, Staff has received four (4) letters in opposition of the VMCS Replat. (Exhibit D)

Alternatives

- The City Council may approve the VMCS Replat plat amendment as conditioned or amended; or
- The City Council may deny the VMCS Replat plat amendment and direct staff to make Findings for this decision; or
- The City Council Planning Commission may continue the discussion on the VMCS Replat plat amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

There are no significant fiscal or environmental impacts to the City from this application.

Consequences of not taking the Suggested Recommendation

The Mascatello Replat would remain as is.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the VMCS Replat based on the findings of fact, conclusions of law and conditions of approval as found in the following draft ordinance.

Exhibits

- Exhibit A – VMCS Replat (proposed)
- Exhibit B – Mascatello Replat (existing)
- Exhibit C – Letter of Intent from Applicant
- Exhibit D – Public Input (4 letters)
- Exhibit E – Portions of Subdivision Plats
- Exhibit F – Royal Oaks Subdivision Plat w/ Plat Notes

Ordinance No. 10-

**AN ORDINANCE APPROVING THE VMCS REPLAT PLAT AMENDMENT LOCATED
AT 3615 SUN RIDGE DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 3615 Sun Ridge Drive have petitioned the City Council for approval of the VMCS Replat 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 December 9, 2009, to receive input on the VMCS Replat plat amendment;

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

WHEREAS, on January 7, 2010, the City Council approved VMCS Replat plat amendment; and

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

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 VMCS Replat 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 at 3615 Sun Ridge Drive.
2. The zoning is Residential Development (RD) within the Deer Valley Master Planned Development (MPD).
3. The Mascatello's combined Lot 5 and 6 of the Royal Oaks subdivision in 2001 creating Lot 1 Mascatello Replat as it is today. It is 0.728 acres.
4. The proposed plat amendment brings the current lot back to its previous size and configuration of Lot 5 (15,544 square feet) and Lot 6 (16,169 square feet) of the Royal Oaks Subdivision. City Council approved the Royal Oaks Subdivision in 1991. The previous Lot 5 will be renamed Lot A of the VCMS, LLC Replat. The previous Lot 6 will be renamed Lot B of the VMCS, LLC Replat.
5. The size of the two proposed lots is consistent with the pattern of development in the neighborhood.

6. The Setbacks are fifteen feet (15') for the front and rear yards and twelve feet (12') for both of the side yards. This fits within the RD zone since an exception as stated in LMC 15-2.13-3 was granted to the Royal Oaks Subdivision at time of original subdivision approval.
7. The maximum height for future structures will be that which is allowed within the RD zone.
8. The Planning Commission heard this application at its regular meeting on December 9, 2009, and forwards a positive recommendation.

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 Royal Oaks Subdivision shall continue to apply.
4. Lot A is limited to a maximum house size of 5,000 square ft. Lot B is limited to a maximum house size of 7,500 square ft. These restrictions will be noted on the plat.

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

PASSED AND ADOPTED this ____ day of ____, 200__.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibits

Exhibit A – Record of Survey plat

MASCATELLO-REPLAT
A PLAT AMENDMENT **VMCS**
SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



GRAPHIC SCALE
(IN FEET)

LEGEND

RECEIVED
JUL 23 2009

UNIVERSITY
of Maryland

U.S. DEPARTMENT OF JUSTICE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-14-2010 BY 60322 UCBAW/SJS

THE UNIVERSITY OF CHICAGO

2013-2014

LESTER ROBERT

Methods of Under

On the _____ day of _____, 19____, personally appeared before me, the undersigned, John P. Smith, a notary in and for the County of _____, State of Ohio, _____, known to me and being duly sworn, and acknowledged to me that they are the owners of said premises of the above described tract of land.

1

Key Messages

THE UNIVERSITY OF CHICAGO

I, Christopher Poulos, certify that I am a Registered Land Surveyor and that I hold Certificate No. 1443264, as provided by the laws of the State of Utah, and this said Association was formed under my direction in accordance with the requirements of said City Municipal Corporation. I further certify that the accounts hereinafter are correct and true.

DATE: 10/10/2018
TIME: 10:10:10
PAGE: 10

RECORDED - 7-19-68

PLAY NOTES

1) All orders from the Royal Order Selection Phase 1

PAGE 1 OF 1

PARK CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY
PLANNING COMMISSION ON THIS _____ DAY OF
_____, 2008, A.D.

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS
APPROVED BY PARK CITY COUNCIL THIS _____
DAY OF _____, 2008 A.D.
BY _____
PARK CITY RECORDS

BY S.A.W.P.D.

 _____ DAY OF _____, 2008 P.V.
 I CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE
 RECORDS MAINTAINED BY THE DISTRICT OFFICE OF THE DISTRICT
 ATTORNEY, DISTRICT OF COLUMBIA.

ENGINEERS CERTIFICATE
I FROD THIS PLAY TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____ DAY
OF _____ 2008 A.D.
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM AND
DATE OF _____, 2008 A.D.
BY _____
PARK CITY ATTORNEY

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

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE
REQUEST OF _____ DATE _____
_____ TRUST _____ BOOK _____ PAGE _____

FILE _____ RECORDER _____

July 21, 2009

We purchased Lots 4 and 5 in the Royal Oaks subdivision in 1992 (approx.) and Lot 6 in 2001. It was our intention to develop and sell 2 houses and to build a home for ourselves on the third lot. It was only after selling the first house on Lot 4 that we decided to combine the 2 remaining lots into one home site for ourselves. Thus, in 2001 we were given approval to combine Lots 5 and 6 into a single home site, Lot 1 Mascatello Replat.

Park City has undergone tremendous growth and change in the past 8 years which we could never have anticipated. The price of the land and building costs have escalated to a level that a single house on the combined lot is not feasible. Rather, we would like to return the single lot- Lot 1 Mascatello Replat- to the 2 original lots- Lots 5 and 6. Thus, we are petitioning to return to the original plat.

The 2 lots would be in keeping with all of the other lots in the Royal Oaks both in size and price. The view corridor for the neighboring lots would be preserved since their home sites were developed with the restrictions of the original lots in place, as in the Master Plan for the Royal Oaks.

We regret our joining of Lots 5 and 6 into one lot and realize that today the land would lose a great deal of value if developed as one home site. A single house on a double lot would of necessity be of a size and cost out of keeping with the neighboring houses and as a result would be financially untenable.

We trust that the Park City Planning Commission will recognize that our original petition was a mistake in light of the extraordinary rise in land value and construction costs prior to this last recession. Clearly, Park City will benefit by enabling us to develop 2 lots thus increasing its tax base. A single, very large -and thus, very expensive- home is not an option for us or anyone who would purchase the lot.

Thank you for your consideration.



Vincent Mascatello, trustee
VMCS, LLC

RECEIVED
JUL 23 2009

JOHN F. BATES
ATTORNEY AT LAW
455 SOUTH 300 EAST, SUITE 200
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 539-8776
FAX (801) 539-8779

August 28, 2009

Jacquelyn Mauer, Planner
Park City Planning Department
P.O. Box 1480
Park City, UT 84060

Re: Proposal to subdivide lot located at 3615 Sun Ridge Drive, Park City, UT

Dear Ms. Mauer,

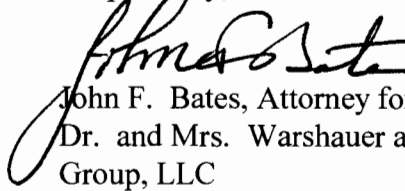
I am the attorney for Lewis and Janet Warshauer and ALW Group, LLC. Both of my clients own homes in the immediate vicinity of 3615 Sun Ridge Drive (the "Property"). The ALW Group home is located at 3608 Sun Ridge Drive, directly across the street from the Property. Dr. and Mrs. Warshauer's home is located at 3663 Oak Wood Court. The Warshauer home and the ALW Group home share a rear property line.

My clients adamantly oppose the proposed subdivision of the Property. Their lots were developed based on the assumption of certain densities, views, and building locations. The subdivision of the Property has a direct and detrimental affect on the views and property values of the ALW Group home, and on the value of the Warshauer home. The subdivision will also have a negative impact on the densities in the neighborhood, and, thus, on the values of the other properties in the vicinity of the Property.

Just as my clients' decisions on developing their lots were based on the density and location of other buildings in the area, it is fair to say that the owner of the Property purchased the lot knowing that it was zoned for one home. That owner is now attempting to improve his financial position by changing the zoning to permit two homes on the lot at the direct expense and to the direct detriment of my clients and the other lot owners in the vicinity of the Property.

We strongly urge the Planning Department and the City Counsel to deny the proposed subdivision of the Property, and to protect the values upon which the other lot owners based their decisions to develop their lots, and thereby protect the property values of the neighbors of the Property.

Respectfully,


John F. Bates, Attorney for
Dr. and Mrs. Warshauer and ALW
Group, LLC

Andrew Laszlo
1405 San Raymundo Rd.
Hillsborough, CA 94010

Via U.S. Mail
and via email: Jacquelyn.mauer@parkcity.org

September 8, 2009

Ms. Jacquelyn Mauer
Park City Planning Department
P. O. Box 1480
445 Marsac Ave
Park City, UT 84060

Re: PL-09-00753
Mascatello Lot (address 3615 Sun Ridge Drive, Park City, UT 84060)

Dear Ms. Mauer,

Thank you for taking the time to discuss with me the proposed subdivision of the Mascatello Lot.

In October, 2003, my wife and I purchased our home in The Oaks, located at 3652 Sun Ridge Drive (lot #45). Our home is directly across the street from the Mascatello Lot. As a precondition to purchasing our home, we conducted extensive due diligence to confirm that our views would not be affected by any home that might eventually be built on the Mascatello Lot. We concluded that we would not be adversely affected and, in fact, materially relied on that determination when we purchased our home. However, this was based on the Mascatello Lot being a single lot as it was platted by the Mascatellos in 2001 and as it is presently platted – not two lots as is now proposed. The Mascatellos purchased the lots that became the Mascatello Lot. In 2001 they themselves applied for and received approval of the Mascatello Lot which then became a single lot allowing only for the development of a single home. The Mascatello Lot is in the Royal Oaks Subdivision, and it is subject to the Royal Oaks Covenants, Conditions and Restrictions, which CC&R's do not allow a subdivision of the Mascatello Lot. Article III Section 6 of the Royal Oaks CCR's entitled No Subdivision states that no lot can be resubdivided and no Building can be constructed or allowed to remain on any parcel that comprises less than one full lot. To accomplish the dividing that the Mascatellos seek would require an amendment of The Royal Oaks CCR's which in Article VI Section 7 requires the affirmative vote of at least two-thirds of the owners in Royal Oaks Subdivision.

Despite the foregoing, however, the Mascatellos are seeking to subdivide their Mascatello Lot just by amending the Mascatello Plat to allow for two lots with two homes. The proposed amendment will dramatically impair my home's views in a way

that was never contemplated, nor allowed, when my wife and I decided, in good faith, to buy our home.

No doubt, increasing the density as the Mascatellos now seek would create quite a windfall for them: two lots allowing two homes would greatly increase the value of their land. But, the windfall they seek will be at the great expense of my wife and me, not to mention several of our neighbors who are similarly situated.

In fact, the Mascatellos' proposal is already impairing the marketability (and, hence, value) of our home. Due to the present economic conditions, we listed our home for sale with Prudential on June 26, 2009. Just one-month later, the Mascatellos filed for the proposed subdivision they now seek. Our real estate agent has advised us that we already have lost at least one potential buyer who expressly declined to make a written offer-to-purchase our home because of the proposed subdivision and its affect on our view.

I recognize the Mascatellos' desire to increase the value of their land and profit considerably by simply subdividing it. However, they are seeking to do so at the expense of myself and my neighbors. Should Park City allow them the windfall profit they seek, effectively that profit will come from my wife and my pockets at a time we can ill-afford the loss. There is no free lunch. The Mascatellos presently have exactly what they paid for when they combined their properties to make the Mascatello Lot – nothing more and nothing less. It would be entirely inequitable for the Mascatellos to be allowed to artificially increase the value of their property by effectively *taking for themselves* the value from my home and my neighbors' homes. That is just plain wrong.

Please include this letter in the packet that will be submitted to the Park City Planning Commission reviewing the Mascatellos' application. The Commission's consideration and your assistance are greatly appreciated. Also, kindly keep us apprised of any further developments regarding this process and the Mascatello Lot. I and many of my neighbors plan to attend any meeting regarding the subdivision of the Mascatello Lot and plan to speak in opposition to any proposed subdivision. You may reach me by email at aplaszlo@aol.com, by phone at 650-678-4575 or by mail at 1405 San Raymundo Rd., Hillsborough, CA 94010. Thanks, again, for your consideration.

Regards,



Andrew Laszlo

cc: Kirsten Whetstone via email
Jon Heaton, Esq. via email
Lillian Laszlo via email

Lillian Laszlo
1405 San Raymundo Rd.
Hillsborough, CA 94010

Via U.S. Mail
And via email: Jacquelyn.mauer@parkcity.org

September 8, 2009

Ms. Jacquelyn Mauer
Park City Planning Department
P. O. Box 1480
445 Marsac Avenue
Park City, UT84060

Re: Mascatello Lot (address 3615 Sun Ridge Drive, Park City, UT 84060)

Dear Ms. Mauer:

Thank you for talking with me on the phone in August regarding the application for a plat amendment submitted by the Mascatellos for the Mascatello Lot in The Royal Oaks subdivision of Park City. The lot in question is located at 3615 Sun Ridge Drive.

My husband and I purchased our home in The Oaks in October, 2003. Our home is located in The Oaks Subdivision in Park City at 3652 Sun Ridge Drive, (lot #45), directly across from the Mascatello Lot. We purchased the home in large part predicated on the fact that our views would never be adversely affected should the land be developed. We were informed that the Mascatello Lot had been combined to be one continuous lot with a single building plot for one single family home. Furthermore, we were told that the building envelope was located between our home and the home adjacent to the left of ours (if facing Park City views). Thus, if a home were to be built on the Mascatello Lot with the existing height restrictions, such structure would barely affect our views. We find that at this point, it would be unfair to change the plat on the existing property at all. Not only would it significantly affect our views but also our property values forever. Therefore, we strenuously object to the proposed division of the plat.

Please include this letter in the packet that will be submitted to the Park City Planning Commission reviewing this application. Their consideration and your assistance will be greatly appreciated. Also, kindly keep us posted on any further developments regarding this property. You may reach me by email at lillianlaz@mac.com, phone 650-759-2729 or by mail at 1405 San Raymundo Rd., Hillsborough, CA 94010.

SEP 10 2009

We will attend or have someone attend the meeting in order to set out in more detail our objections.

Regards,

A handwritten signature in cursive script, appearing to read "Lillian Laszlo".

Lillian Laszlo

cc: Kirsten Whetstone via email

Exhibit D

Jacquelyn Mauer**From:** Mickell Jimenez Rowe [TMJ@ClydeSnow.com]**Sent:** Tuesday, September 08, 2009 3:32 PM**To:** Jacquelyn Mauer**Cc:** svstanley@gmail.com

Dear Ms. Mauer,

On behalf of Steve and Patricia Stanley, the owners of Lot 43 at the Oaks, located at 3630 Sun Ridge Drive, Park City, Utah 84060, I am providing you this correspondence. This letter is sent regarding a lot which is a part of the Royal Oaks development located west across the street from the Stanley's property.

It is my understanding that there has been a request to subdivide the lot which was submitted on July 23rd. The Stanleys strongly object to the division of the lot in the royal oaks development into two different lots, for the reason that when the owner previously obtained approval to join the two lots together they were told they would not be able to subdivide them in the future. The Stanleys purchased their lot and home which is directly across the street to the east based in part upon the lot being a single lot with the ability to build only one home on the lot.

The Stanleys would like to be notified of any meetings or other action taken regarding the Royal Oaks lot. I understand there may be a hearing on October 14, 2009. Please contact me at your earliest convenience at 801-231-9599 so that we may discuss this matter further.

Sincerely,

T. Mickell Jimenez Rowe, Esq.
CLYDE SNOW & SESSIONS
One Utah Center, 13th Floor
201 South Main Street
Salt Lake City, Utah 84111-2216
Telephone (801) 322-2516
Facsimile (801) 521-6280

CONFIDENTIALITY NOTICE

This electronic mail transmission and any documents, files or previous e-mail messages attached to it is intended only for the use of the person or entity to whom it is addressed and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read this transmission and that any disclosure, copying, printing, distribution or use of any of the information or the taking of action in reliance on the contents of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you

SUM

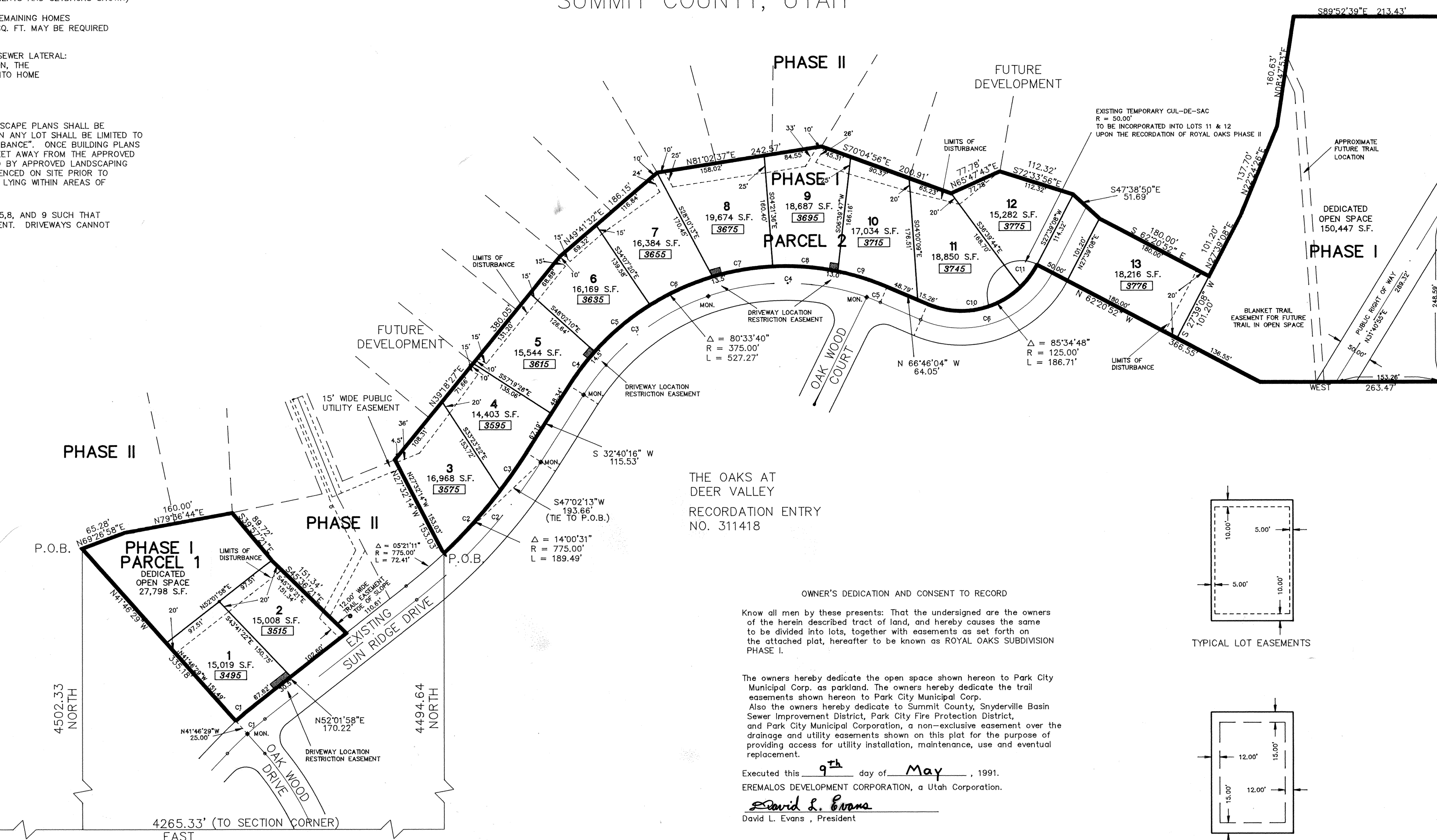
NOTES:

- PLANS, DESIGN & CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE "CONDITIONS, COVENANTS, AND RESTRICTIONS" AS ON RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.
- ALL DWELLINGS SHALL BE FIRE SPRINKLED AND THE SPRINKLING PLAN SUBMITTED WITH THE SITE PLAN AND ARCHITECTURAL DRAWINGS FOR REVIEW PRIOR TO ISSUANCE OF A BUILDING PERMIT.
- PARK CITY WILL ONLY ASSUME RESPONSIBILITY FOR SNOW PLOWING UPON COMPLETION AND LEGAL OCCUPATION OF STRUCTURES ON AT LEAST 50% OF THE LOTS.
- ALLOWABLE IRRIGATED AREA SHALL BE 10,000 SQ. FEET, MAXIMUM PER LOT.
- NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENTS ARE RESERVED ALONG THE FRONT 10.0 FEET, THE SIDE 5.0 FEET, AND THE REAR 10.0 FEET OF EACH LOT. BUILDING SETBACKS SHALL BE 15.0 FEET FRONT AND REAR OF EACH LOT, AND 12.0 FEET SIDE LOT. (SEE TYPICAL EASEMENTS AND SETBACKS SHOWN)
- HOUSES ON LOTS 1,2,4,5 AND 12 SHALL BE A MAXIMUM OF 5000 SQ. FT. ALL REMAINING HOMES SHALL BE A MAXIMUM SIZE 7,500 SQ. FT. STRUCTURES IN EXCESS OF 5,000 SQ. FT. MAY BE REQUIRED TO BE "COMPARTMENTALIZED" AS REQUIRED BY THE FIRE MARSHALL.
- THE FOLLOWING LOTS MAY REQUIRE PUMP FACILITIES TO LIFT SEWAGE INTO THE SEWER LATERAL: LOTS 2-9. DUE TO THE TERRAIN AND ARCHITECTURAL STYLES OF CONSTRUCTION, THE ELEVATION OF ALL SEWER LATERALS SHOULD BE VERIFIED AND INCORPORATED INTO HOME DESIGN. PUMP FACILITIES SHALL BE PRIVATE INDIVIDUAL EJECTOR PUMPS.
- TRAILS TO BE MAINTAINED BY HOME OWNERS ASSOCIATION.
- PARK CITY MUNICIPAL CORP. APPROVAL FOR ALL PROPOSED BUILDING AND LANDSCAPE PLANS SHALL BE OBTAINED PRIOR TO ANY SITE DISTURBANCE ON ANY LOT. SITE DISTURBANCE ON ANY LOT SHALL BE LIMITED TO THE AREA SHOWN ON THE PLAT OUTSIDE OF THE DESIGNATED "LIMITS OF DISTURBANCE". ONCE BUILDING PLANS HAVE BEEN APPROVED, SITE DISTURBANCE SHALL BE LIMITED TO AN AREA 15 FEET AWAY FROM THE APPROVED FOUNDATION WALL LOCATIONS FOR ANY STRUCTURE, EXCEPT WHERE SUPERSEDED BY APPROVED LANDSCAPING PLANS. ALL LIMITS OF DISTURBANCE INCLUDING THOSE FOR UTILITIES WILL BE FENCED ON SITE PRIOR TO COMMENCEMENT OF ANY SITE WORK. WHERE POSSIBLE, SIGNIFICANT VEGETATION LYING WITHIN AREAS OF DISTURBANCE SHOULD ALSO BE PRESERVED.
- EASEMENTS ARE SHOWN RESTRICTING THE LOCATIONS OF DRIVEWAYS ON LOTS 1,5,8, AND 9 SUCH THAT THE EXISTING WATER METER BOXES ARE NOT SURROUNDED BY DRIVEWAY PAVEMENT. DRIVEWAYS CANNOT BE LOCATED WHERE EASEMENT RESTRICTIONS ARE SHOWN.
- 3776 STREET ADDRESS. (TYPICAL)

ROYAL OAKS SUBDIVISION PHASE I

A PART OF THE SOUTHEAST QUARTER OF SECTION 10,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
SUMMIT COUNTY, UTAH

SCALE: 1" = 100'



Parcel 1
Beginning at a point located East 3738.95 feet and North 4502.33 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, (Basis of bearing being North 00° 30' 11" East from the Southeast Corner to the East Quarter Corner of the aforementioned Section 16) said point also being on the Northern boundary line of the Oaks at Deer Valley Subdivision, as recorded, and running thence North 69° 26' 58" East 65.28 feet; thence North 79° 36' 44" East 160.00 feet; thence South 39° 57' 21" East 89.72 feet; thence South 45° 36' 21" East 151.34 feet to the Northern right-of-way line of Sun Ridge Drive, as recorded, thence following said right-of-way line South 52° 01' 58" West 170.22 feet to a point of a 525.00 foot radius curve to the left, radius point bears South 37° 58' 02" East 525.00 feet; thence 34.99 feet along the arc of said curve thru a central angle of 3° 48' 27" to a point on the aforementioned boundary of the Oaks at Deer Valley Subdivision; thence leaving said right-of-way North 41° 48' 28" West along said subdivision boundary 335.18 feet to the Point of Beginning.

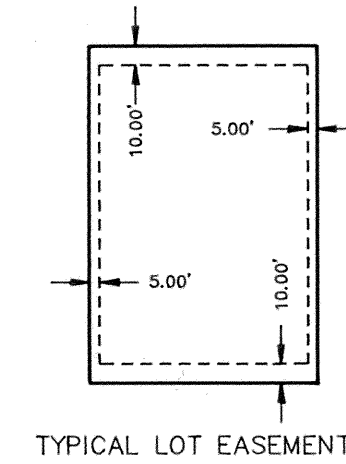
Contains 1.33 acres more or less

Parcel 2

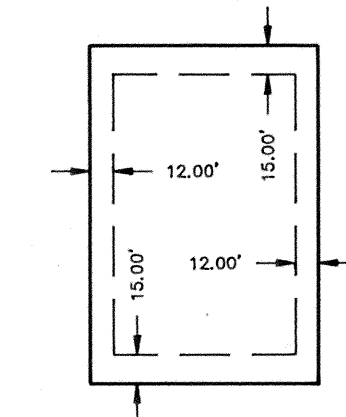
Beginning at a point located East 4265.33 feet and North 4494.64 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, (Basis of bearing being North 00° 30' 11" East from the Southeast Corner to the East Quarter Corner of the aforementioned Section 16) said point being on the Northern right-of-way line of Sun Ridge Drive, as recorded, thence North 27° 32' 14" West 153.03 feet; thence North 39° 18' 27" East 380.05 feet; thence North 48° 41' 32" East 186.15 feet; thence North 81° 02' 37" East 242.57 feet; thence South 70° 04' 56" East 200.91 feet; thence North 65° 47' 43" East 77.78 feet; thence South 72° 33' 56" East 112.32 feet; thence South 47° 38' 50" East 51.69 feet; thence South 62° 20' 52" East 180.00 feet; thence North 27° 39' 08" East 101.20 feet; thence North 22° 24' 26" East 137.70 feet; thence North 08° 47' 53" East 160.63 feet; thence South 89° 52' 39" East 213.43 feet; thence South 528.24 feet to the Northeast Corner of the Oaks at Deer Valley Subdivision, as recorded; thence following the boundary of said subdivision West 263.47 feet; thence North 62° 20' 52" West 366.55 feet to a point on the Northern right-of-way line of the aforementioned Sun Ridge Drive, the following five courses being along said right-of-way, said point also being at the point of a 125.00 foot radius curve to the right, radius point bears North 62° 20' 52" West 25.00 feet; thence 1) 186.71 feet along the arc of said curve, thru a central angle of 85° 34' 48"; thence 2) North 66° 46' 04" West 64.05 feet to a point on a 375.00 foot radius curve to the left, radius point bears South 23° 13' 56" West 375.00 feet; 3) thence 527.27 feet along the arc of said curve thru a central angle of 80° 33' 40"; 4) thence South 32° 40' 16" West 115.33 feet to a point on a 775.00 foot radius curve to the right, radius point bears North 37° 19' 44" West 775.00 feet; 5) thence 189.49 feet along the arc of said curve thru a central angle of 14° 00' 31" to the Point of Beginning.

Contains 7.87 acres more or less.

Parcels 1 & 2 contain 9.20 acres total more or less.



TYPICAL LOT EASEMENTS

TYPICAL BUILDING SETBACKS
SEE NOTES FOR ADDITIONAL SETBACK INFORMATION.

THE OAKS AT
DEER VALLEY
RECORDATION ENTRY
NO. 311418

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned are the owners of the herein described tract of land, and hereby causes the same to be divided into lots, together with easements as set forth on the attached plat, hereafter to be known as ROYAL OAKS SUBDIVISION PHASE I.

The owners hereby dedicate the open space shown hereon to Park City Municipal Corp. as parkland. The owners hereby dedicate the trail easements shown hereon to Park City Municipal Corp. Also the owners hereby dedicate to Summit County, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Park City Municipal Corporation, a non-exclusive easement over the drainage and utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

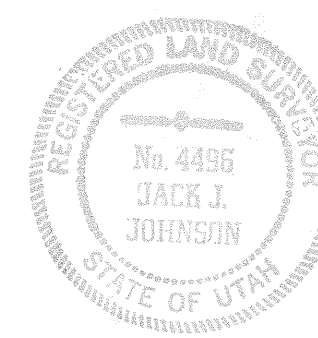
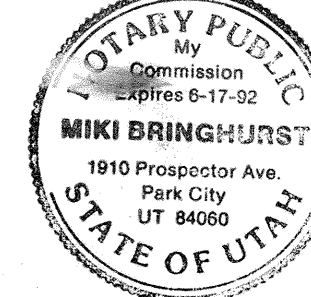
Executed this 9th day of May, 1991.
EREMALOS DEVELOPMENT CORPORATION, a Utah Corporation.

David L. Evans
David L. Evans, President

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 9th day of May, 1991 personally appeared before me David L. Evans who, being by me duly sworn, did say that he is President of the Eremalos Corporation and that the within and foregoing Owners Dedication and Consent to Record was signed on behalf of said Corporation and said President duly acknowledged to me that said corporation executed the same.

David L. Evans My commission expires: 6-17-92
Notary Public



SURVEYOR'S CERTIFICATE

I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

Jack J. Johnson
JACK J. JOHNSON

MAY 9, 1991
DATE

DRAWING: PLAT-1.DWG
PLOT DATE: 5-8-91
PLOT TIME: 11:45

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK
CITY COUNCIL THIS 11TH DAY OF
APRIL A.D. 1991 AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED.

Budley C. Gilv
MAYOR
Anita L. Sheldan
CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE
PARK CITY CITY ENGINEERING DEPART-
MENT ON THIS 31ST DAY OF DECEMBER
A.D. 1991.

Eric W. O'Hara, P.E.
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE Park City
CITY PLANNING COMMISSION ON THIS 22ND
DAY OF MAY A.D. 1991.

Don B. Burnett
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 24th
DAY OF May A.D. 19.

Jan O. Cal
CITY ATTORNEY

RECORDED

No. 352414
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
First American Title

Date: 01-03-92
Fee: \$27.50
Time: 4:40 P.M.

Alan Spriggs
COUNTY RECORDER

JACK JOHNSON COMPANY

Land Planning Architecture Civil Engineering
1910 Prospector Ave., Suite 200 Park City, Utah 84060
11 North Pearl Street, Albany, New York 12207
801-645-9000 FAX 801-649-1620

ROYAL OAKS SUBDIVISION PHASE I

Plat Notes

NOTES:

1. PLANS, DESIGN & CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE "CONDITIONS, COVENANTS, AND RESTRICTIONS" AS ON RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.
2. ALL DWELLINGS SHALL BE FIRE SPRINKLED AND THE SPRINKLING PLAN SUBMITTED WITH THE SITE PLAN AND ARCHITECTURAL DRAWINGS FOR REVIEW PRIOR TO ISSUANCE OF A BUILDING PERMIT.
3. PARK CITY WILL ONLY ASSUME RESPONSIBILITY FOR SNOW PLOWING UPON COMPLETION AND LEGAL OCCUPATION OF STRUCTURES ON AT LEAST 50% OF THE LOTS.
4. ALLOWABLE IRRIGATED AREA SHALL BE 10,000 SQ. FEET, MAXIMUM PER LOT.
5. NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENTS ARE RESERVED ALONG THE FRONT 10.0 FEET, THE SIDE 5.0 FEET, AND THE REAR 10.0 FEET OF EACH LOT. BUILDING SETBACKS SHALL BE 15.0 FEET FRONT AND REAR OF EACH LOT, AND 12.0 FEET SIDE LOT. (SEE TYPICAL EASEMENTS AND SETBACKS SHOWN)
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11. 3716 STREET ADDRESS. (TYPICAL)