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July 23, 2020

Mr. Michael Radford
5200 Bear Ridge Drive Apt A
Park City, Utah 84098

RE: Radford Deck Extension; Building Permit No. 20313; #CPS-8B-A

Dear Mr. Radford:

Please accept this letter in response to your 8 June 2020 appeal regarding the proposed deck extension for your Cove at Sun Peak condominium. Your proposed building permit application indicates that portions of the deck will be constructed in Common Area, specifically Common Area 3 of the Cove at Sun Peak Subdivision Plat. It is my determination that constructing the deck in the proposed location will require changing said portion of Common Area to Private Area through a plat amendment process.

A step precedent to filing the plat amendment application to covert the Common Area Private Area is a 2/3 majority vote action of all property owners through the Homeowner's Association. I have confirmed the need for the plat amendment and the requirement for the 2/3 property owner consent with the County Attorney's Office.

Utah Code section 17-27a-606

Subsection 2

- (2) A person may not separately own, convey, or modify a parcel designated as a common area or common area and facility on a plat recorded in compliance with this part, independent of the other lots, units, or parcels created by the plat unless:
- (a) an association holds in trust the parcel designated as a common area for the owners of the other lots, units, or parcels created by the plat; or
 - (b) the conveyance or modification is approved under Subsection (5).

Subsection 5

- (5) Notwithstanding Subsection (2), a person may modify the size or location of or separately convey a common area or common area and facility if the following approve the conveyance or modification:

- (a) the local government;
- (b)
 - (i) for a common area that an association owns, 67% of the voting interests in the association; or
 - (ii) for a common area that an association does not own, or for a common area and facility, 67% of the owners of lots, units, and parcels designated on a plat that is subject to a declaration and on which the common area or common area and facility is included; and
- (c) during the period of administrative control, the declarant.

I am aware there are CC&R provisions for the Cove at Sun Peak which address the use of the Common Area; however, Summit County is not a party to, or cannot administer, these private agreements.

Please note that my determination may be appealed to the Summit County Council pursuant to the Snyderville Basin Development Code, Section 10-9-22: Appeal Procedures. I've taken the liberty to provide you with the link to this section of the Code:

https://www.sterlingcodifiers.com/codebook/getBookData.php?chapter_id=30045#s929303.

Sincerely,

Patrick Putt

Patrick J. Putt
Community Development Director