

Ordinance No. 13-04

**AN ORDINANCE APPROVING AN EXTENSION OF THE PARK CITY HEIGHTS
PHASE 1 SUBDIVISION PLAT APPROVAL; LOCATED AT RICHARDSON FLAT
ROAD and US HWY 40, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Park City Heights Master Planned Development (MPD) located north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 1 subdivision; 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 according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on October 26, 2011, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on October 26, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 17, 2011, the City Council held a public hearing on the Park City Heights Phase 1 subdivision; and

WHEREAS, on November 15, 2012, the Applicant submitted a written request and application for an extension of the recording date to November 17, 2013; and

WHEREAS, on January 24, 2013, the City Council held a public hearing on the Park City Heights Phase 1 subdivision extension of approval application; and

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of approval of the Park City Heights Phase 1 subdivision.

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 Park City Heights Phase 1 subdivision, 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 on Richardson Flat Road east of SR 248 and west of US Highway 40.

2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and is zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD. The proposed plat is consistent with the preliminary subdivision plat.
5. Park City Municipal Corporation and Boyer Park City Junction are joint owners of the property. The property was not purchased with open space revenues,
6. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.
7. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. .
8. The proposed subdivision plat creates lots of record for 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes four (4) cottage home lots of record, a City Park parcel, HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.
9. The townhome lots range in area from 1,898 sf to 4,779 sf for Lot T16, a corner lot with 3 front yard setbacks. The cottage lots range in area from 4,431 sf to 6,051 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD.
10. No non-conforming conditions are created by the subdivision.
11. An existing 50' wide power line easement for PacifiCorp traverses parcels G and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
12. The property is accessed from Richardson Flat Road, a public county road.
13. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets and drives are public.
14. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
15. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
16. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
17. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of

utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates trail easements and public streets; provides for future support commercial parcels; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.

18. The findings in the Analysis section are incorporated herein.
19. The City Council conducted a public hearing and approved the PC Heights Phase One Subdivision plat on November 17, 2011. The approval included a condition #2 requiring the subdivision plat be recorded at Summit County within one year of the approval date or submittal of a letter requesting an extension. The stated reason for the request is to have additional time to address historical mining tailings that were encountered on the property and prepare necessary environmental documents required by the State and Federal governments to resolve this issue.
20. On November 15, 2012, the Applicant submitted a written request and application for an extension of the recording date to November 17, 2013.
21. The applicant has requested no changes to the plat other than a modification to Condition of Approval #2 to extend the required recording of the plat for an additional year to November 17, 2013.
22. There have been no changes to the Land Management Code that impact or change the original Council approval or conditions of approval, except as stated above.

Conclusions of Law:

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as conditioned.
4. The subdivision is consistent with the Park City Heights preliminary plat approved by the Planning Commission on June 22, 2011.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.
7. The request for an extension of the plat recordation date was submitted in a timely fashion and is consistent with the Park City Land Management Code regarding extensions of subdivision plat approvals.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to November 17, 2013. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply.
4. Conditions of approval of the Park City Heights MPD, as memorialized in the Development Agreement, continue to apply.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets and drives, but not driveways on individual lots and parcels, within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
7. The City Park parcel shall be dedicated to the City upon recordation of the plat.
8. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the MPD conditions of approval.
10. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
11. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved prior to building permit issuance.
12. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines.
13. Confirmation of street names shall be provided by the City Engineer prior to plat recordation.
14. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, as stated in the Annexation Agreement, MPD conditions of approval and as noted on the plat.
15. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance.
16. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval.
17. A financial guarantee, in a form and amount acceptable to the City and in

conformance with the conditions of approvals, amounting to 125% of the value of all required public improvements, including those public improvements identified in Condition #30 of the Master Planned Development (i.e. construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the MPD findings of fact, and other neighborhood amenities associated with the first phase), shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards prior to release of this guarantee. The twenty-five percent shall be held by the City through the warranty period and until such improvements are accepted by the City.

18. All standard project conditions shall apply.

19. Required street trees will be placed 30' on center along the main access road.

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


PASSED AND ADOPTED this 24th day of January, 2013.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

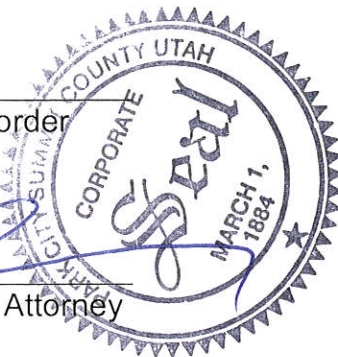


Janet M. Scott, City Recorder

Approved as to form:

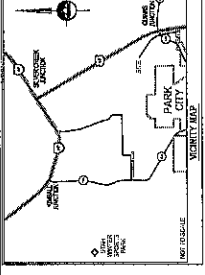


Mark D. Harrington, City Attorney

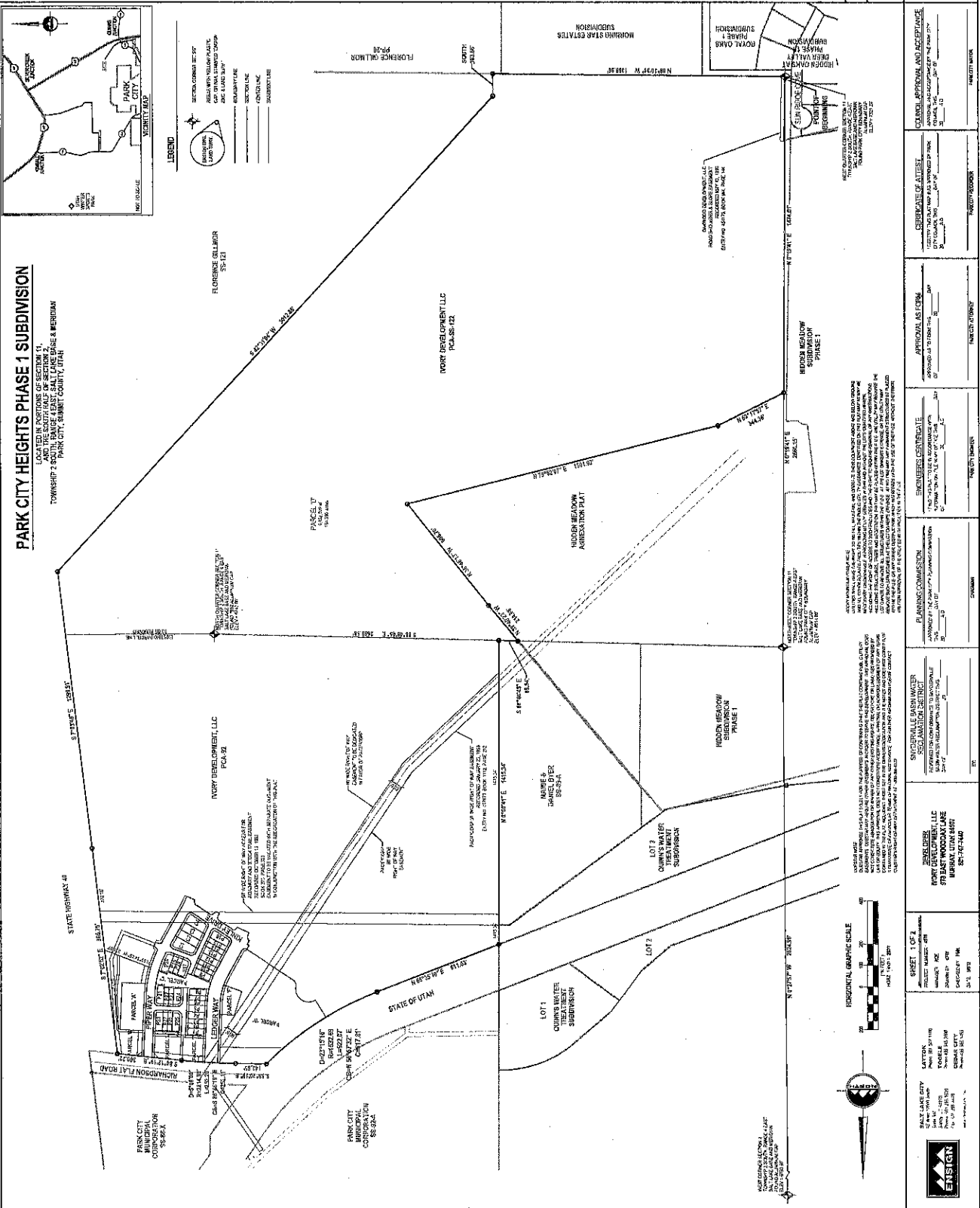


PARK CITY HEIGHTS PHASE 1 SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11
AND THE SOUTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, 34th N.E. MERIDIAN,
PARK CITY, SALT LAKE COUNTY, UTAH



GENERAL NOTES:
1. The following conditions apply to the subdivision of the land shown on this map:
2. The subdivision of the land shown on this map is subject to the provisions of the Utah Subdivision Map Act, Chapter 67B, Utah Code, and the rules and regulations of the Utah State Surveyor.
3. The subdivision of the land shown on this map is subject to the provisions of the Utah Subdivision Map Act, Chapter 67B, Utah Code, and the rules and regulations of the Utah State Surveyor.
4. The subdivision of the land shown on this map is subject to the provisions of the Utah Subdivision Map Act, Chapter 67B, Utah Code, and the rules and regulations of the Utah State Surveyor.



OWNER'S DECLARATION

As owner of the land shown on this map, I hereby certify that the same is being offered for sale in compliance with the provisions of the Utah Subdivision Map Act, Chapter 67B, Utah Code, and the rules and regulations of the Utah State Surveyor.

LIMITED LIABILITY COMPANY ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SALT LAKE

BY _____

ATTEST: _____

PARK CITY HEIGHTS PHASE 1 SUBDIVISION	
LOCATED IN PORTIONS OF SECTION 11 AND THE SOUTH HALF OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 34th N.E. MERIDIAN, PARK CITY, SALT LAKE COUNTY, UTAH	OWNER: IVORY DEVELOPMENT, LLC
DATE: _____	BY: _____
FILE: _____	STATE OF UTAH COUNTY OF SALT LAKE REC'D AT _____

APPROVAL AND ACCEPTANCE	DATE: _____
CERIFICATE OF ATTEST	DATE: _____
APPROVAL AS FORM	DATE: _____
ENGINEERS CERTIFICATE	DATE: _____
PLANNING COMMISSION	DATE: _____
SHOWN TO THE WATER	DATE: _____
REVIEWED AND APPROVED	DATE: _____
SHEET 1 OF 1	

