

**Ordinance No. 13-43**

**AN ORDINANCE APPROVING AN EXTENSION OF THE AUGUST 9, 2012  
APPROVAL OF THE ONTARIO MINE BENCH SUBDIVISION LOCATED AT 7700  
MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Subdivision approval; 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 June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the same based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated herein; and,

WHEREAS, the City Council, held a public hearing on August 9, 2012; and approved the subdivision plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Subdivision plat approval.

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 Ontario Mine Bench Subdivision plat (Exhibit A) extension 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 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots to memorialize a prior conveyance to the JSSD which previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will also

memorialize the transfer/conveyance of property to the Jordanelle Special Services District.

4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building (a portion of which is now the Jordanelle Special Services District Hoist and Office Building), a maintenance building, and additional offices. The JSSD portion of the hoist building will be located on Lot 1, the other buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
10. The applicants are also proposing a Condominium Plat to reflect the split of the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, will properly memorialize a previous deed transfer through the subdivision process, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS Zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other facilities owned by the applicant that are served by the same water line.

17. Property tax assessment for this property may be incorrect based on state assessment as mining claims, and not based on current use. This issue must be resolved prior to the recording of the plat.
18. The Ontario Mine Bench Subdivision plat was approved by the City Council on August 9, 2012 and given a one year time frame, until August 9, 2013, to record the plat at Summit County. This extension would allow an additional year, until August 9, 2014, for the plat to be recorded at Summit County.
19. On August 1, 2013, the applicant submitted a written request for an extension to the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
20. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
21. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

1. There is good cause for this subdivision plat application and for the extension of the plat approval.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions and extension of the plat approval.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the subdivision plat, 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 subdivision plat 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 subdivision plat at the County by August 9, 2014. If recordation has not occurred by this time, the plat approval will be void, unless a complete application requesting 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 that Modified 13-D sprinklers are required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2.
5. A note shall be added to the plat stating that at the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.

6. Resolution of water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless all applicable impact fees imposed by the Building and Water Departments have been met.
7. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses on the property.
8. The plat shall dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation as contained in the "Owners Dedication" language on the draft plats.
9. Improvements as required consistent with the Flagstaff Master Trail Plan shall be completed prior to plat recordation.

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

PASSED AND ADOPTED this 17<sup>th</sup> day of October, 2013.

PARK CITY MUNICIPAL CORPORATION

  
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Dana Williams, MAYOR

ATTEST:

  
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Marci S. Heil, City Recorder



APPROVED AS TO FORM:

  
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Mark Harrington, City Attorney

