

Ordinance 14-60

AN ORDINANCE APPROVING THE THAYNES CREEK RANCH ESTATES PHASE 2 SUBDIVISION LOCATED AT 510 PAYDAY DRIVE IN THE SOUTH HALF OF SECTION 5 AND NORTH HALF OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Richard's Parcel of the Richards/PCMC Annexation located at 510 Payday Drive, have petitioned the City Council for approval of the Thaynes Creek Ranch Estates Phase 2 subdivision plat for three (3) single family lots and one non-residential parcel for an existing riding arena; and

WHEREAS, the preliminary subdivision plat approved by City Council on January 31, 2013, at the time of approval of the Richards/PCMC Annexation, sets forth a maximum of seven single family development lots and one non-residential parcel for an existing indoor riding arena for the entire Richards Parcel. The preliminary plat for the entire Richards Parcel indicates a maximum allowable density of seven units, and provides guidelines for lot sizes, building pads for houses and barns, building massing and footprint restrictions, limits of disturbance areas, phasing, access, and other site planning requirements that have a goal of enhancing rather than detracting from the aesthetic quality of the entry corridor and ensuring that the final plat will result in a development that is compatible with the surrounding neighborhood; and

WHEREAS, an Annexation Agreement, between the City and Franklin D. Richards, Jr., Family Trust, pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and final subdivision plat, was approved by the Council on January 31, 2013; and

WHEREAS, on June 17, 2013, an application for a final subdivision plat for the first four lots was submitted to the Planning Department. The subdivision plat, known as Thayne's Creek Ranch Estates Phase One Subdivision, was approved by City Council on October 3, 2013. The subdivision plat was recorded at Summit County on December 19, 2013; and

WHEREAS, on September 6, 2014 proper legal notice was published in the Park Record, according to the Land Management Code of Park City; and

WHEREAS, on September 9, 2014, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 24, 2014, to receive input on the subdivision and continued the hearing to October 22, 2014; and

WHEREAS, the Planning Commission held a public hearing on October 22, 2014, discussed the proposed subdivision plat, and forwarded a positive recommendation to the City Council; and

WHEREAS, on December 4, 2014, the City Council held a public hearing on the Thaynes Creek Ranch Estates Phase 2 subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Thaynes Creek Ranch Estates Phase 2 Subdivision plat creating three (3) lots of record consistent with the Annexation Agreement and preliminary subdivision 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 Thayne's Creek Ranch Estates Phase 2 subdivision, as shown in Exhibit A, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224.
2. The property was annexed into Park City with the Richards/PCMC Annexation approved by the City Council on January 31, 2013 and recorded at Summit County on April 12, 2013.
3. The property is zoned Single Family (SF).
4. Access to the property is from Payday Drive at the existing driveway to the Richard's property. The driveway has been improved to a private street known as Country Lane.
5. On January 31, 2013, concurrent with the Annexation, the City Council reviewed and approved a preliminary subdivision plat for a total of seven single family lots and one common lot for the riding arena. The proposed phase two plat is consistent with the preliminary subdivision plat and consists of three (3) lots) and one parcel. The three lots are single family development lots and the parcel is a common, non-residential parcel lot for an existing riding arena.
6. The first phase subdivision plat, known as Thayne's Creek Ranch Estates Phase One Subdivision, was approved by City Council on October 3, 2013 and recorded at Summit County on December 19, 2013, and included four (4) single family lots consistent with the Annexation Agreement.
7. The property is not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of the plat is within the Park City Soils Ordinance boundary.

8. The subdivision creates non-conforming rear setbacks for an existing outbuilding and a guest house on Lot 5 due to the building being built next to the outer property line of the subdivision.
9. The subdivision complies with the Land Management Code regarding final subdivision plats, including SF zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
10. 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.; and 5) preservation of natural amenities and features, have been addressed through the Annexation and subdivision plat review process as required by the Land Management Code.
11. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
12. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation determined at the time of the annexation is 15% of 6 new units or 0.9 AUE (810 sf). The affordable housing obligation has been satisfied with payment of an in-lieu fee as approved by the Park City Housing Authority.
13. Land uses proposed in the second phase subdivision include three single family lots and one parcel for recreation facilities, such as the existing riding arena. Only one single family home and one barn are permitted to be constructed on each of Lots 6 and 7. Lot 6 contains an existing hay barn that may remain. Lot 5 contains an existing house, a guest house, a storage shed, and two barns that may remain. Lots 5 and 7 are allowed up to six (6) horses and therefore the barns are larger than on Lots 1, 2, and 6.
14. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan.
15. The PCMC Parcel that is adjoining Lots 6 and 7 allows only those uses permitted by the Deed of Conservation Easement.
16. The subdivision plat is consistent with the purpose statements of the SF zone. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding neighborhood.
17. Areas of wetlands and irrigation ditches, and any required setbacks from these areas for the private road were identified during the annexation.
18. The proposed subdivision is outside the City's Soils Ordinance District.
19. Wetlands are protected by language in the LMC and Annexation Agreement requiring building pad locations, setbacks, and requirements for protection of sensitive lands during construction. Delineated wetland buffer areas are shown on the plat.
20. There is good cause for this subdivision plat in that it creates legal lots 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 access easements for adjacent property; provides no

build areas for protection of the City's Open Space and wetland buffer areas, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.

21. The findings in the Analysis section are incorporated herein.

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 Richards/PCMC Annexation Agreement approved by the City Council on January 31, 2013.
4. The subdivision is consistent with the Richards/PCMC preliminary plat reviewed by the City Council on January 31, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat.
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.

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 the date that is one year from the final City Council approval. If recordation has not occurred within this extended timeframe, the plat amendment 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. Conditions of approval of the Richards/PCMC Annexation, as stated in the Annexation Agreement, continue to apply.
4. Final approval of the sewer facilities plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
5. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. 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.
6. 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, per the Annexation Agreement.
7. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and conditions of the Annexation Agreement prior to building permit issuance.

8. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals has been provided to the City for public improvements. A portion of the guarantee, to be determined by the City Engineer, shall be held by the City through the warranty period and until such improvements are accepted by the City.
9. All standard project conditions shall apply.
10. Recordation of a final subdivision plat is a requirement prior to issuance of building permits.
11. The final subdivision plat shall include a plat note stating that the maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision.
12. There shall be a plat note stating that Parcel 8, a common recreation parcel, as further described in the CCRs, is not a residential building lot and has no residential or commercial density associated with it.
13. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
14. Fencing shall be consistent through-out the subdivision. A fencing plan shall be submitted with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods and shall be consistent with the fencing plan approved with the preliminary plat.
15. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required to provide connectivity to Rotary Park. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house located in either the Phase One or Phase Two plats.
16. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.
17. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
18. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn, located a minimum of 75' from a neighboring dwelling unit, provided the administrative CUP application complies with the LMC requirements for raising and grazing of horses and an Animal Management Plan is submitted and approved with the administrative CUP.

19. A note shall be added to the final subdivision plat indicating that barns may not be used for human occupation.
20. A note shall be included on the final plat indicating that barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.
21. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat.
22. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.
23. Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.
24. The plat shall note that Lots 5, 6 and 7 are restricted to a maximum house building footprint of 4,900 sf, including the garage. New barn footprint is restricted to 1,800 sf. Lot 5 has an existing single family house (3,906 sf footprint), an existing guest house and garage (1,398 sf footprint), a shed with a caretakers apartment (2,349 sf footprint), and two barns (2,203 sf and 1,690 sf) that may remain. Lot 6 has an existing hay barn with a 1,585 sf footprint that may remain and be enclosed with no additional building footprint allowed. All new construction shall meet LMC lot and site requirements in effect at the time of the building permit and shall comply with these plat notes.
25. Maximum building height for barns is 18' (to peak of roof).
26. Maximum building height for houses on Lots 5 and 6 is 30' (25' plus 5' for pitched roof). Maximum building height for Lot 7 is 28' (23' plus 5' for pitched roof).
27. Maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 12,000 sf for Lots 6 and 7. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.
28. Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area. The area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation. Designated "no-building zones" and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of necessary utilities, irrigation facilities, and fence installation and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.
29. All new construction on Lot 5 shall comply with these conditions and the Land Management Code in effect at the time of building permit application for any new construction.
30. Parcel 8 shall be clearly noted on the plat as a non-residential parcel.
31. The "no-build zone" on Lot 6 shall be the eastern most eighty feet (80') of the lot and shall be identified on the final plat prior to recordation.

32. The "no-build zone" on Lot 7 shall be the northern most two hundred and seventy-five feet (275') of the lot and shall be identified on the final plat prior to recordation.

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

PASSED AND ADOPTED this 4th day of December, 2014.

PARK CITY MUNICIPAL
CORPORATION




Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney



Minutes of

CC 12.4.14

for individuals that are running for office specifically in Park City. She would like to invite current and former elected officials to participate in mentoring those individuals. The Park Record has expressed interest in partnering with the City again in February/March of 2015. Council thought this was a very good idea.

Ms. Robinson then moved on to the next recommendation, Create a new committee of Park City residents with long community tenure and deep ties to our civic history and community affairs. This program could provide community history to new residents. The City has done this in the past, bringing individuals together sharing their stories. If Council would like to have staff look into this Ms. Robinson can put together a committee. She does not feel this should be a long term ownership by the City, could possibly be an annual piece. Councilman Beerman stated that he Mayor has met with a group and taken feedback from some of town's founding mothers and fathers. He believes it might be a good idea when the City does their public outreach with the longtime community members to include a youthful counterpoint. Councilwoman Simpson would like to have a community open house that could include the Leadership Class then evaluate from there. Ms. Robinson asked for a recommendation from Council. They felt this was a great opportunity to share their stories to consider recording them.

Regular Meeting

6:00 pm

I. ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building in the Council Chambers on Thursday, December 4, 2014. Members in attendance were Jack Thomas, Liza Simpson, Cindy Matsumoto, Dick Peek, Tim Henney, Andy Beerman. Staff members present were Diane Foster, City Manager; Tom Daley, Assistant City Attorney; Jody Morrison, Acting Assistant City Recorder

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

Mayor Thomas opened the public hearing.

Alex Butwinski thanked the Blue Ribbon Commission on their dedication to the program and stated he would like City Council and Mayor to consider term limits for Mayor and Council.

Mike Sweeney gave an update on Sundance stating he had four areas of concern he wanted to bring to council's attention: Restrooms @ 1:40 are not enough facilities for the large numbers expected / liquor license date Dec 8 may not be allowing enough time / Rules off the Road a pamphlet with information on How to do Sundance (downloaded PDF version -- he tried all 23 links referenced in pamphlet only 4 of the links worked) / on pre inspections, issues are very real. Mr. Sweeney complimented Planning Dept. on their help and Jason Glidden in Sustainability for his help. Jonathan Weidenhamer stated the restroom issue is being addressed currently and will give an update to Council.

IV. CONSIDERATION OF MINUTES FROM THE November 20, 2014 COUNCIL MEETING

**Councilman Peek moved to approve the meeting minutes of November 20, 2014,
Councilman Beerman seconded.
Approved Unanimously**

V. CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

1. Consideration of the annual SummitL and Conservancy monitoring contract in the amount of \$30,391.58 in a form approved by the City Attorney.
2. Consideration of the authorization of the annual insurance premiums to fund the City's insurance placements for the 2015 calendar year.
3. Consideration of authorization for the City Manager to execute the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with URS Corporation for services related to the Natural Resource Damage aspects of the Richardson Flat Tailings Site OU4 (the Prospector Drain) Administrative Order on Consent (AOC) for an increase to the contract in an amount not to exceed \$21,450.

**Councilwoman Simpson moved to approve the Consent Agenda, Councilwoman
Matsumoto seconded
Approved Unanimously**

VI. OLD BUSINESS

1. Consideration of the subdivision Plat Thayne's Creek Ranch Estates Phase II located at 510 Payday Drive, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Senior Planner Kirsten Whetstone briefly reviewed the subdivision application with Council; she also introduced her guests Frank Richards, and Jeff Peterson, Utah Home Builders. Mayor Thomas opened the Public Hearing.

John Phillips and Melissa Band both Park City Planning Commissioners addressed Council to discuss discrepancies in the footprint of the house. Michael Jorgensen addressed Council that he thought that all the houses should have a 33' height limit because that is the case with all the surrounding houses. He felt that no houses would be built anywhere if the adjacent house's views had to be considered. Mr. Jorgensen also stated that if there is an adjacent lot next to you and they build a house then someone's view would be altered (something to that effect)

Council settled on a compromise relative to the no build zone and recommended a no build zone line at 275' from the north property line. Council did not recommend an increase in footprint or height for the building. They recommended staying with original annexation agreement numbers.

**Councilwoman Simpson moved to approve the Thayne's Creek Ranch Estates Phase II with the condition Pg. 32 amended to indicate a no build zone on Lot 7 shall be the northern most 275' of the lot (as opposed to the 300' originally indicated)
Councilman Peek seconded.**

Approved unanimously with condition

VII. NEW BUSINESS

1. Consideration of the Main Street Parking Initiative and Water Fee Schedule Resolution amendment.

Mayor Thomas opened the Public Hearing.

Business owner Craig Elliot spoke to Council to request clarification of the fee increase for the Business Permit. Blake Fannesbeck with the Public Works Department reviewed the increase. He stated the existing permit for China Bridge unlimited parking in covered areas is \$100; the proposed permit increase is \$150 for unlimited parking in covered areas Sundays-Thursdays all day, unlimited parking Fridays and Saturdays until 6pm.

Mayor Thomas closed the public hearing.

**Councilwoman Simpson moved to approve the Main Street Parking Initiative and Water Fee Schedule Resolution Amendment
Councilman Beerman seconded.**

Approved Unanimously

VIII. ADJOURNMENT

**Councilwoman Simpson moved to adjourn the meeting.
Councilman Beerman seconded.
Approved unanimously**

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.
Prepared by Jody Morrison, Acting Assistant City Recorder.