

Ordinance No. 2016-27

AN ORDINANCE APPROVING A THIRD 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 subdivision plat; and,

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

WHEREAS; on August 1, 2013 the applicant submitted a written request for a one year extension to August 9, 2014; and,

WHEREAS; the City Council, held a public hearing on October 17, 2013 and approved an extension of the subdivision approval to August 9, 2014; and,

WHEREAS; on August 8, 2014, the applicant submitted a written request for a one year extension to August 9, 2015; and,

WHEREAS; the City Council held a public hearing on October 30, 2014 and approved a second extension of the subdivision plat approval to October 30, 2015, as reflected in the meeting minutes; and,

WHEREAS, on October 30, 2015, the applicant submitted a written request for a one year extension in order to resolve the water impact fee issue and address other items required prior to plat recordation; and,

WHEREAS; on June 9, 2016, the City Council conducted a public hearing on the extension request; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 3rd

extension of the Ontario Mine Bench Subdivision plat approval to allow time to resolve issues of interest to the City that are also required to be completed prior to plat recordation at Summit County.

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 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) 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 and the Flagstaff Development Agreement, as amended.
3. The approved plat created two lots of record to memorialize a prior conveyance to the JSSD which previously split through the recording of a deed. The subdivision allows the applicant to proceed with a condominium plat that memorializes the transfer/conveyance of property to the Jordanelle Special Services District of a portion of an existing building on Lot 1.
4. The subdivision plat is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision plat splits the existing 30.56 acre metes and bounds parcel into two-lots of record, namely, Lot 1 consisting of 2.01 acres, and Lot 2 consisting of 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), maintenance and storage building, and a general office building. The JSSD portion of the hoist and mine-shaft building is located on Lot 1, while the other buildings are located on Lot 2.
7. Both lots have frontage onto Marsac Avenue, but share a common driveway for access. Said driveway is also the location of several existing utility and access and access easements.
8. The approved plat grants 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. No development proposals are under review at this time. Any future development is subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC in effect at the time of permit application.
10. The applicants also proposed a Condominium Plat to reflect the split of the ownership of the existing mine bench building on Lot 1, which is subject to a separate application. The Condominium Plat was also approved on August

- 9, 2012 and was granted two previous extensions, the last one to October 30, 2015. An extension request was submitted for the Condominium plat as well.
11. The approved subdivision plat did 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 was currently used for as a resort support function. The bakery has not been in operation for over two years.
 13. Good cause was established for approval of this subdivision plat and extension of approval in that the proposed Subdivision meets the lot requirements as outlined in the ROS Zone designation, memorializes a previous deed transfer through the subdivision process, creates no situation of nonconformity with respect to existing setbacks, and resolves issues of interest to the City.
 14. The approved subdivision plat did not result in new development and thus required 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 proper planning applications, building permits, payment of all applicable fees, as well as compliance with the ROS District requirements.
 15. A public trail was constructed on the property from the parking lot trailhead to the main Deer Valley/Flagstaff trail system in compliance with the Development Agreement.
 16. Property tax assessment for this property was reviewed by Summit County and determined to be correct.
 17. The Ontario Mine Bench Subdivision plat was approved by the City Council on August 9, 2012. The applicant was given a one year time frame, until August 9, 2013, to record the plat at Summit County. A one year extension to August 9, 2014, was granted by the City Council on October 17, 2013. A second one year extension, to October 30, 2015, was granted by the City Council on October 30, 2014. This third extension request would allow an additional year, until October 30, 2016, for the plat to be recorded at Summit County.
 18. During review of the subdivision plat application it was determined by the Water Department that water impact fees paid in 2003, for the water line that services the property, may not be reflective of the actual uses and that resolution of the impact fee was required prior to plat recordation. During the analysis of actual use on the property, a major leak was discovered and further complications delayed resolution of the impact fee issue.
 19. On October 30, 2015, the applicant submitted a written request for a third extension to allow time to resolve the water impact fee issue and provide additional time to work with JSSD on obtaining necessary approvals and signatures on the plats and the Condominium declaration documents.
 20. A letter regarding revised impact fees was sent to the applicant on May 6, 2016.
 21. 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 application or plat prior to action on the extension request.

22. The Land Management Code allows for the City Council to approve extensions of plat approvals provided the request is made in writing prior to the expiration.
23. 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.

Conclusions of Law

1. There is good cause for the extension of the subdivision plat approval.
2. The plat is consistent with the Park City Land Management Code and applicable State laws regarding subdivisions and extensions of subdivision plat approvals.
3. Neither the public nor any person will be materially injured by the proposed extension of the subdivision plat approval.
4. Extension of the subdivision plat approval, 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 conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County by October 30, 2016. If recordation has not occurred by this date, the plat approval will expire and a new application will be required before any further action is taken on this subdivision plat.
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 Water Reclamation District (SBWRD) requirements is required prior to the recordation of the plat and 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.
5. Resolution of applicable water impact fees for the property is required to the satisfaction of the Water Department, prior to plat recordation.
6. 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 plat.
7. 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 9th day of June, 2016.

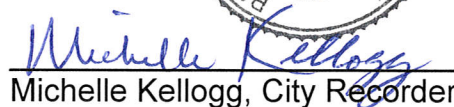
PARK CITY MUNICIPAL CORPORATION

ATTEST:





Jack Thomas, MAYOR



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney



AERIAL PHOTOGRAPH
 ONTARIO MINE BENCH CONDOMINIUMS
 FOR: TALLEYER
 DATE: 1-14-10
 FILE: 25 (Ontario) 2004 (Ontario) 2004
 MAPLE, MARSHALL KING
 DATE: 9/15/10

SEP 24 2010
 PARK CITY
 PLANNING DEPT.

