

**Ordinance No. 2016-28**

**AN ORDINANCE APPROVING A THIRD EXTENSION OF THE AUGUST 9, 2012 APPROVAL OF THE ONTARIO MINE BENCH CONDOMINIUM PLAT 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 Condominiums 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 three-unit condominium plat located at the aforementioned address; and

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat; and

WHEREAS; the City Council, held a public hearing on August 9, 2012, and approved the Ontario Mine Bench Condominium plat; and

WHEREAS; on August 1, 2013 the applicant submitted a written request for a one year extension and on October 17, 2013 the City Council, held a public hearing and approved the extension of the condominium plat approval to August 9, 2014; and

WHEREAS; on August 8, 2014, the applicant submitted a written request for a second extension and the City Council held a public hearing on October 30, 2014 and approved the second extension to October 30, 2015; and,

WHEREAS; on October 30, 2015, the applicant submitted a written request for a third extension and the City Council held a public hearing on June 9, 2016; and,

WHEREAS, it is in the best interest of Park City, Utah to approve an extension of the Ontario Mine Bench Condominium plat approval to allow time to resolve issues of interest to the City that are also required to be completed prior to plat recordation.

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 Condominium 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) 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 and the Flagstaff Development Agreement, as amended.
3. The approved plat created a three-unit condominium that separates ownership of the existing Mine Bench (Number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed that was recorded to split the ownership of the building.
5. The condominium plat consists of one 2.01 acre parcel (Lot 1 of the Ontario Mine Bench Subdivision plat) which includes one building connected by common walls and infrastructure and surrounding open space to be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed 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 in effect at the time of permit application.
9. The condominium plat did not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit 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.
11. There is good-cause for the approval of this condominium plat extension in that the approved condominium plat meets the requirements of the ROS Zone designation and memorializes a previous deed transfer that was not recognized by the City.
12. The plat did 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 within the building, and thus there is no additional mitigation measures necessary at this time.
13. The Ontario Mine Bench Condominium plat was approved by the City Council on August 9, 2012 and a one year time frame was given, until August 9, 2013, to record the plat at Summit County.
14. On August 1, 2013, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation. The first extension was granted by the City Council until August 9, 2014.
15. On August 8, 2014, the applicant submitted a written request for a second extension of the approval to August 9, 2015. On October 30, 2014, the City Council granted a second extension to October 30, 2015.

16. 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.
17. The Land Management Code allows for the City Council to approve extensions of plat approvals.
18. The previous non-conforming bakery has not been in use for over two years and is now considered an abandoned use.

Conclusions of Law:

1. There is good cause for the extension of the condominium plat approval.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed extension of the condominium plat approval.
4. Extension of the condominium 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 condominium 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 condominium 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 condominium plat.
3. A note shall be included on the plat stating that Modified 13-D sprinklers are required for any future renovation or new construction on the property.
4. Prior to plat recordation the applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building as required to separate ownership of each unit.
5. The building permit cannot be issued until the associated subdivision plat is recorded.
6. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

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

PASSED AND ADOPTED this 9<sup>th</sup> day of June, 2016.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas  
Jack Thomas, Mayor

ATTEST:

Michelle Kellogg  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington  
Mark Harrington, City Attorney







SHEET  
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OF  
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AERIAL PHOTOGRAPH  
ONTARIO MINE BENCH CONDOMINIUMS  
FROM: TALISER  
JOB NO. 1 1-3-10  
FILES: A:\Empire\Map\Talisar\ontario\_mine\_bench-offhs.dwg

STAFF:  
MISHELL KING  
DATE: 9/15/10

(C) 2010  
**Alvex Engineering Inc.**  
CONSULTING ENGINEER LAND PLANNING ARCHITECT  
200 Main Street 7th Floor 2004 Park City, Utah 84060-2004

REC'D  
**SEP 24 2010**  
PARK CITY  
PLANNING DEPT

