

EXHIBIT L

Ordinance No. 08-46

**AN ORDINANCE APPROVING THE MARSAC AVENUE AFFORDABLE HOUSING  
SUBDIVISION LOCATED AT 100 MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Marsac Avenue Affordable Housing Subdivision, have petitioned the City Council for approval of the Marsac Avenue Affordable Housing 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; and

WHEREAS, on January 9 and February 27, 2008, the Planning Commission held public hearings on the MPD pre-application. The Commission directed staff to return with findings for compliance with the General Plan. On March 12, 2008, the Commission ratified the findings for compliance with the General Plan and directed the applicant to work with the neighborhood to provide a more compatible design in keeping with the historic development pattern. The Commission was also not in favor of the intensity of the use and directed the applicant to reduce the density from what was originally proposed.

WHEREAS, on May 28, 2008, the Planning Commission held a work session discussion on the Master Planned Development application and a public hearing was held on June 11th. An additional public hearing only was held on June 25<sup>th</sup>. On July 9<sup>th</sup>, the Planning Commission approved a Master Planned Development for ten single family homes located on a private street.

WHEREAS, the Planning Commission held a public hearing on September 10, 2008, to receive input on the Marsac Avenue Affordable Housing Subdivision;

WHEREAS, the Planning Commission, on September 10, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 2, 2008, the City Council held a public hearing on the Marsac Avenue Affordable Housing Subdivision and remanded the subdivision back to the Planning Commission for review concurrently with the Steep Slope Conditional Use Permits; and

WHEREAS, the Planning Commission, on October 22, 2008, forwarded a positive recommendation to the City Council on an amended subdivision application; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Marsac Avenue Affordable Housing 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 Marsac Avenue Affordable Housing 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 proposed Marsac Avenue Affordable Housing Subdivision is located at 100 Marsac Avenue and encompasses 2.7 acres, including the platted Seventh (First) street right of way and two metes and bounds parcels.
2. The zoning for this property is Historic Residential (HR-1).
3. Ten single family lots are proposed. Fifty-one affordable housing units could potentially be built on the property based on lot area.
4. Four deed-restricted Open Space Parcels encompassing a total of 1.63 acres are proposed. These parcels will be owned and maintained by the Homeowners Association.
5. A 10-foot trail easement is dedicated to public use.
6. Silver Hills Court is a 25-foot wide private road with public pedestrian, public utility and emergency access easement located in the right of way.
7. A gate or other device approved by the Chief Building Official will restrict access to Ontario Court to emergency vehicles only. The emergency access easement through this subdivision must be kept clear of snow at the responsibility of the Marsac Avenue Affordable Housing Subdivision Homeowners Association
8. The maximum building height in the HR-1 zone is 27 feet. The Planning Commission, in reviewing a Steep Slope Conditional Use Permit may grant a height exception.
9. No additional roof height was proposed or approved with the MPD.
10. Parking in an Affordable Housing MPD is required at a rate of one space per bedroom. Ten two-bedroom houses are proposed requiring 20 parking spaces.
11. Open Space in the amount of 60% exceeds the 50% requirement.
12. Approximately 80% of the historic stone walls are preserved and a preservation easement is provided on the plat.
13. The applicant proposes pedestrian access to Old Town in a safe and efficient manner.
14. There is good cause for the street vacation based on the decrease in density, neighborhood compatibility, consideration, utility of existing right of way, and no material injury.
15. The site is near the location of the Judge Aerial Tram, Loading Station, and Ontario Mill.
16. The **Analysis** section of this staff report is incorporated herein.

#### Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval:

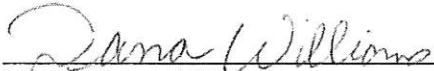
1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Marsac Avenue Affordable Housing Master Planned Development shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers is required for review by the Building Department prior to any building permit.
5. A Preservation Easement for the historic walls must be recorded concurrently with the plat. A financial guarantee for the protection of the historic walls during construction will be

- determined by the Chief Building Official with the Construction Mitigation Plan.
6. A gate or other device approved by the Chief Building Official will restrict access to Ontario Court to emergency vehicles only. The emergency access easement through this subdivision must be kept clear of snow at the responsibility of the Marsac Avenue Affordable Housing Subdivision Homeowners Association.
  7. Open space deed restrictions must be recorded prior to or concurrently with the plat.
  8. The soil will be tested for compliance with the Park City Soils Ordinance and clean-up, if necessary, to meet the regulatory standards applicable to Empire Pass.
  9. The applicant will work with the City and UDOT to provide safe pedestrian sidewalk, crosswalk, and warning signs along SR 224.

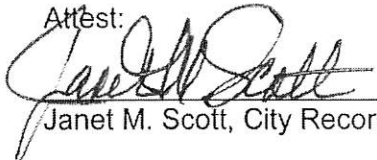
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 6th day of November, 2008.


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney



**PARCEL 1**

**SURVEY DESCRIPTIONS**

1. The parcel described in the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, is a parcel of land containing approximately 100,000 square feet, more or less, and is bounded on the north by the centerline of the 100-foot wide alleyway, on the east by the centerline of the 100-foot wide alleyway, on the south by the centerline of the 100-foot wide alleyway, and on the west by the centerline of the 100-foot wide alleyway. The parcel is more or less as shown on the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, and is more or less as shown on the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian.



**SURVEYOR'S CERTIFICATE**

I, James R. Taylor, do hereby certify that I am a Registered Land Surveyor and that I have examined the plat of the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, and find that the same is correct and conforms to the laws of the State of Utah. I have also examined the original survey data and find that the same is correct and conforms to the laws of the State of Utah. I have also examined the original survey data and find that the same is correct and conforms to the laws of the State of Utah.

**OWNER'S DECLARATION**

I, the undersigned, do hereby declare that I am the owner of the parcel described in the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, and that I have read and understand the contents of the same. I have also read and understand the contents of the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, and I have agreed to the terms and conditions of the same. I have also read and understand the contents of the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, and I have agreed to the terms and conditions of the same.

**ACKNOWLEDGEMENT**

STATE OF UTAH  
COUNTY OF SUMMIT

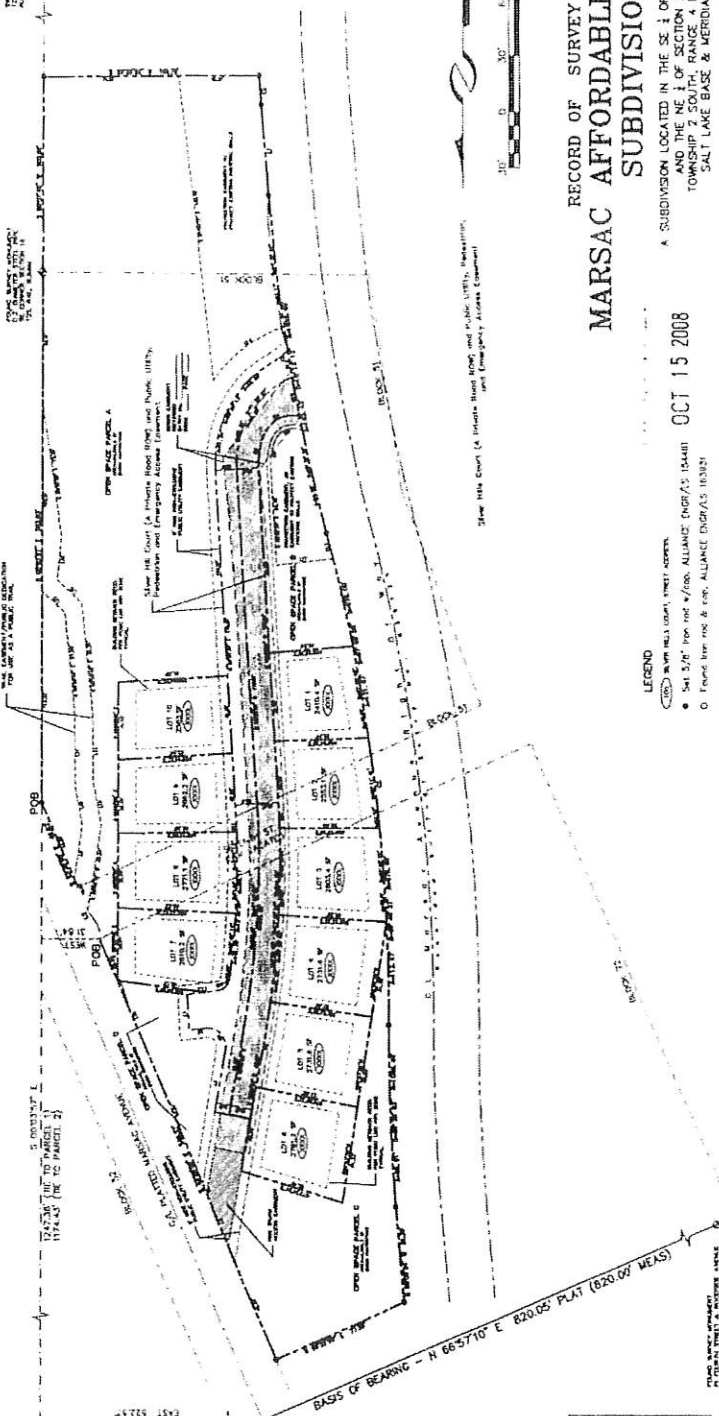
On this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, a Notary Public in and for the State of Utah, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

**PARCEL 2**

1. The parcel described in the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, is a parcel of land containing approximately 100,000 square feet, more or less, and is bounded on the north by the centerline of the 100-foot wide alleyway, on the east by the centerline of the 100-foot wide alleyway, on the south by the centerline of the 100-foot wide alleyway, and on the west by the centerline of the 100-foot wide alleyway. The parcel is more or less as shown on the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, and is more or less as shown on the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian.

**VACATED SEVENTH STREET RIGHT OF WAY PARCEL**

1. The parcel described in the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, is a parcel of land containing approximately 100,000 square feet, more or less, and is bounded on the north by the centerline of the 100-foot wide alleyway, on the east by the centerline of the 100-foot wide alleyway, on the south by the centerline of the 100-foot wide alleyway, and on the west by the centerline of the 100-foot wide alleyway. The parcel is more or less as shown on the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian, and is more or less as shown on the subdivision map of Section 16, Township 7 South, Range 4 East, Salt Lake Base and Meridian.



**Line Table**

LINE NO.	BEARING	DISTANCE	AREA
1	N 66°57'0" E	820.05	...
2	S 23°03'0" W	...	...
3	N 66°57'0" E	...	...
4	S 23°03'0" W	...	...
5	N 66°57'0" E	...	...
6	S 23°03'0" W	...	...
7	N 66°57'0" E	...	...
8	S 23°03'0" W	...	...
9	N 66°57'0" E	...	...
10	S 23°03'0" W	...	...
11	N 66°57'0" E	...	...
12	S 23°03'0" W	...	...
13	N 66°57'0" E	...	...
14	S 23°03'0" W	...	...
15	N 66°57'0" E	...	...
16	S 23°03'0" W	...	...
17	N 66°57'0" E	...	...
18	S 23°03'0" W	...	...
19	N 66°57'0" E	...	...
20	S 23°03'0" W	...	...
21	N 66°57'0" E	...	...
22	S 23°03'0" W	...	...
23	N 66°57'0" E	...	...
24	S 23°03'0" W	...	...
25	N 66°57'0" E	...	...
26	S 23°03'0" W	...	...
27	N 66°57'0" E	...	...
28	S 23°03'0" W	...	...
29	N 66°57'0" E	...	...
30	S 23°03'0" W	...	...
31	N 66°57'0" E	...	...
32	S 23°03'0" W	...	...
33	N 66°57'0" E	...	...
34	S 23°03'0" W	...	...
35	N 66°57'0" E	...	...
36	S 23°03'0" W	...	...
37	N 66°57'0" E	...	...
38	S 23°03'0" W	...	...
39	N 66°57'0" E	...	...
40	S 23°03'0" W	...	...
41	N 66°57'0" E	...	...
42	S 23°03'0" W	...	...
43	N 66°57'0" E	...	...
44	S 23°03'0" W	...	...
45	N 66°57'0" E	...	...
46	S 23°03'0" W	...	...
47	N 66°57'0" E	...	...
48	S 23°03'0" W	...	...
49	N 66°57'0" E	...	...
50	S 23°03'0" W	...	...

**Curve Table**

LINE NO.	BEARING	DISTANCE	AREA
1	N 66°57'0" E	820.05	...
2	S 23°03'0" W	...	...
3	N 66°57'0" E	...	...
4	S 23°03'0" W	...	...
5	N 66°57'0" E	...	...
6	S 23°03'0" W	...	...
7	N 66°57'0" E	...	...
8	S 23°03'0" W	...	...
9	N 66°57'0" E	...	...
10	S 23°03'0" W	...	...
11	N 66°57'0" E	...	...
12	S 23°03'0" W	...	...
13	N 66°57'0" E	...	...
14	S 23°03'0" W	...	...
15	N 66°57'0" E	...	...
16	S 23°03'0" W	...	...
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20	S 23°03'0" W	...	...
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22	S 23°03'0" W	...	...
23	N 66°57'0" E	...	...
24	S 23°03'0" W	...	...
25	N 66°57'0" E	...	...
26	S 23°03'0" W	...	...
27	N 66°57'0" E	...	...
28	S 23°03'0" W	...	...
29	N 66°57'0" E	...	...
30	S 23°03'0" W	...	...
31	N 66°57'0" E	...	...
32	S 23°03'0" W	...	...
33	N 66°57'0" E	...	...
34	S 23°03'0" W	...	...
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47	N 66°57'0" E	...	...
48	S 23°03'0" W	...	...
49	N 66°57'0" E	...	...
50	S 23°03'0" W	...	...

**RECORD OF SURVEY MAP**  
**MARSAC AFFORDABLE HOUSING**  
**SUBDIVISION**

A SUBDIVISION LOCATED IN THE SE 1/4 OF SECTION 16,  
AND THE NE 1/4 OF SECTION 21  
TOWNSHIP 7 SOUTH, RANGE 4 EAST  
SALT LAKE BASE & MERIDIAN

OCT 15 2008

**10-15-08** 2008 REC. B-7-08 0811 ANNOVA/LELAND/ANNOVA/ANNOVA

**RECORDED**

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE OFFICE OF THE CLERK OF THE COUNTY OF SUMMIT, UTAH  
DATE: OCT 15 2008 TIME: 1:00 PM ROOM: 1000 REC'D: 1000

**COUNCIL APPROVAL AND ACCEPTANCE**

APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008 A.D.  
BY: \_\_\_\_\_ MAYOR

**CERTIFICATE OF ATTEST**

I, \_\_\_\_\_, CLERK OF THE COUNTY OF SUMMIT, UTAH, DO HEREBY CERTIFY THAT THE FOREGOING MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008 A.D.  
BY: \_\_\_\_\_ PARK CITY RECORDER

**APPROVAL AS TO FORM**

I, \_\_\_\_\_, CLERK OF THE COUNTY OF SUMMIT, UTAH, DO HEREBY CERTIFY THAT THE FOREGOING MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008 A.D.  
BY: \_\_\_\_\_ PARK CITY ATTORNEY

**ENGINEER'S CERTIFICATE**

I, \_\_\_\_\_, ENGINEER, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE FOREGOING MAP AND FIND THAT THE SAME IS CORRECT AND CONFORMS TO THE LAWS OF THE STATE OF UTAH.  
DATE: OCT 15 2008  
BY: \_\_\_\_\_ ENGINEER

**PLANNING COMMISSION**

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008 A.D.  
BY: \_\_\_\_\_ CHAIRMAN

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**

REVIEWED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REGULATIONS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008 A.D.  
BY: \_\_\_\_\_ S.B.W.R.D.

