

**Exhibit A – Draft Ordinance with Proposed Plat**

Ordinance 15-

**AN ORDINANCE APPROVING THE ALICE CLAIM SUBDIVISION AND PLAT AMENDMENT AND RIDGE AVENUE SUBDIVISION PLAT AMENDMENT, LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH AND SAMPSON AVENUE (APPROXIMATELY), PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Alice Claim Subdivision located approximately at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue, have petitioned the City Council for approval of the Alice Claim Subdivision Plat and Plat Amendment and Ridge Avenue Subdivision Plat Amendment; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held work sessions on July 27, 2005, January 11, 2006, October 25, 2006, August 27, 2008, January 28, 2009, March 11, 2009, June 10, 2009, October 8, 2014, and December 9, 2015 and held public hearings on February 9, 2011, April 8, 2015, June 10, 2015, July 8, 2015, July 22, 2015, August 12, 2015, and May 25, 2016 to receive input on the proposed and multiple iterations and modifications of the subdivision and plat amendments;

WHEREAS, on \_\_\_\_\_, 2016 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on \_\_\_\_\_, 2016 the City Council held a public hearing on the proposed Alice Claim Subdivision Plat and Plat Amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Alice Claim Subdivision Plat and Plat Amendments.

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 Alice Claim Subdivision Plat and Plat Amendment and Ridge Avenue Subdivision Plat Amendment, as shown in Exhibit A, are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The Alice Claim property is located approximately at the intersection of King

- Road, Ridge Avenue, Woodside Gulch and Sampson Avenue, within the Historic Residential (HR-1) and (HRL) and Estate (E) Districts.
2. The Alice Claim application was deemed complete in 2005.
  3. The applicant previously undertook a voluntary remediation of contaminated soils within the Alice Claim property and the City's property. Following the cleanup, applicant revegetated the remediated areas.
  4. The applicant would never have spent upwards of \$1 million in the middle of The Great Recession to complete the voluntary cleanup if it had no assurance from Park City of developing nine homes to recover applicant's cleanup costs.
  5. As a Voluntary Cleanup Co-Applicant with King Development in cleaning up the Park City parcel in Alice Claim and applicant's property, the City manifested its approval of developing nine homes in Alice Claim.
  6. The extensive cleanup and revegetation of Alice Claim property and the City's property completely changed the site from an unsightly polluted mine dump to a beautiful vegetated site with significant improvements to water quality.
  7. The property can only be accessed through the platted King Avenue right-of-way.
  8. Water Service is available to meet required water pressure to all of 9 lots.
  9. The Alice Claim Plat and amendments to existing plats is set forth at Exhibit A.
  10. Alice Court will not exceed 14% grade and will remain a private road.
  11. Trails are shown on Exhibit A with a 15' public recreational trail easement.
  12. Lots 2-9 in HR-1 zone are each 0.10 acre in size and have a maximum building footprint of 1,750 square feet. The E district Lot 1 is 3.01 acres in size.
  13. In response to Planning Commission, Planning Department and Public comments, applicant over the past decade has submitted multiple modifications to its site plans, plats and all required submittals for the subdivision and plat amendments. The Planning Commission considered these iterations during work sessions held on July 27, 2005, January 11, 2006, October 25, 2006, August 27, 2008, January 28, 2009, March 11, 2009, June 10, 2009, October 8, 2014, and December 9, 2015 and during public hearings held on February 9, 2011, April 8, 2015, June 10, 2015, July 8, 2015, July 22, 2015, August 12, 2015, and May 25, 2016, respectively.
  14. The final proposed subdivision and plat amendments locate home sites into bottom of Alice Claim gully, preserve several existing large evergreens that will provide screening, substantially mitigate the removal of some significant vegetation, cluster home sites, minimize area of disturbance, place home sites on less steep slopes, avoid sensitive areas, and make homes sites compatible with the surrounding neighborhood and HR-1 and Estate zoning.
  15. The following facts support a finding that there is good cause for the Alice Claim subdivision and plat amendment applications:
    - a. Applicant's extensive \$1 million cleanup of the unsightly mine waste dump on City's and applicant's property and transformation of a brownfield into a 9 home neighborhood is a significant benefit to health, safety and welfare of the Park City community.
    - b. The project provides public amenities and benefits, including significant open space of 7.85 acres (86.9% of property), public trail access with formal easements, donation of 0.38 acre open space and safety improvements to King/Sampson Road intersection, closure of an open mine shaft, revegetation of remediated polluted areas where nothing

would grow, cleanup to streambed and water shed, improved access to City water tank, 84% reduction in allowed density.

- c. Project was vetted over a decade by Planning Commission , City Council and public input, a process that promoted excellent and sustainable design and applied best planning and design practices resulting in a plan that is compatible with the character of the neighborhood, zone districts, and General Plan.

### **Conclusions of Law:**

1. The Alice Claim application was deemed complete in 2005 for purposes of vested rights in 2005 and is subject to the 2004 LMC.
2. There is good cause for this subdivision and the plat amendments.
3. The subdivision and plat amendments are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
4. Neither the public nor any person will be materially injured by the subdivision or plat amendments.
5. Approval of the subdivision plat and plat amendments, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
6. The subdivision and plat amendments satisfy the requirements of LMC § 15-7.3(D).
7. Equitable considerations support approval of the Alice Claim Plat and Plat Amendment and Ridgeview Subdivision Application. Applicant's substantial change in position by incurring all of \$1 million in costs to complete the cleanup that included the City's property and the City's direct participation supports the City's approval of the Alice Claim applications.

### **Conditions of Approval:**

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat and plat amendments for compliance with State law, the LMC, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat and plat amendments at the County within two (2) years from the date of City Council approval. If recordation has not occurred within two (2) year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted based on good cause by the City Council. If the plat is not recorded within this time period or an extension is not granted, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
3. Recordation of the subdivision plat and plat amendments and completion and approval of final Historic District Design Review and Steep Slope CUP for each individual lot, if applicable, are required prior to building permit issuance for each individual lot for any construction of buildings or retaining walls within this subdivision.
4. Snow storage for roads and private drives must meet the requirements of the

LMC.

5. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the subdivision plat can be signed by SBWRD.
6. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
7. No building permits for the Estate Lot 1 shall be issued until the culvert on that lot is fully installed.
8. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation.
9. A Stream Alteration Permit from the State is required for the Estate Lot 1 culvert prior to plat recordation.
10. Prior to building permit approval, a Debris Flow Study will be completed for the ditch channel to determine if a debris basin is required.
11. The utility plan will need to be revised to show how each of the main and dry utilities will be able to be placed within Alice Court with required separations, or with special conditions approved by the City Engineer prior to plat recordation.
12. Any road over 10% grade will not be eligible to be converted to a public road in the future.
13. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
14. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.
15. The Applicant will need to receive from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program a final Certificate of Completion for remediated soils within Applicant's property prior to building permit approval. In conjunction with its approval of this Application, if required by UDEQ, the City will cooperate in allowing for the Certificate of Completion to cover remediated soils inside the City's property within the Alice Claim Subdivision.
16. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
17. The applicant will need to receive CUP approval for the proposed retaining walls prior to plat recordation, unless alternate access is obtained over the historic roadway and is approved by the Planning Director.
18. If the site plan is altered due to any utility redesign or retaining wall redesign or other unforeseen issues, any substantial change as determined by the Planning Director shall be subject to Planning Commission review and, if necessary, approval. If the applicant secures alternate access over the historic roadway, then that change may be approved solely by the Planning Director.

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