Ordinance No. 2019-29

AN ORDINANCE APPROVING AN EXTENSION OF APPROVAL FOR THE PARK CITY HEIGHTS PHASE 2 SUBDIVISION LOCATED OFF CALAMITY ROAD SOUTH OF RICHARDSON FLAT ROAD AND WEST OF US HIGHWAY 40, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Park City Heights Phase 2 located south of Richardson Flat Road, south and east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 2 final subdivision plat; and

WHEREAS, on February 14, 2018, the property was posted and mailed notice was sent to property owners within 300 feet, according to requirements of the Land Management Code; and

WHEREAS, on February 10, 2018, legal notice was posted in the Park Record and on the Utah Public Notice website, as well as the Park City website; and

WHEREAS, the Planning Commission held a public hearing on February 28, 2018, to receive input on the subdivision; and

WHEREAS, on March 14th and April 6th, 2018, the property was posted and on March 14th legal notice was posted in the Park Record and on the Utah Public Notice website; and

WHEREAS, the Planning Commission, held a public hearing on March 28, 2018 and forwarded a positive recommendation to City Council; and

WHEREAS, on May 3, 2018, City Council held a public hearing and approved the Park City Heights Phase 2 final subdivision plat; and

WHEREAS, on April 4, 2019, the applicant submitted a request for an extension of approval in order to have additional time to complete the public improvements associated with this subdivision plat; and

WHEREAS, on May 10, 2019, the property was posted and mailed notice was sent to property owners within 300 feet, according to requirements of the Land Management Code; and

WHEREAS, on May 15, 2019, legal notice was posted in the Park Record and on the Utah Public Notice website, as well as the Park City website; and

WHEREAS, the City Council held a public hearing on May 30, 2019, to receive public input on the extension of approval request; and

WHEREAS, it is in the best interest of Park City, Utah to approve an extension of the Park City Heights Phase 2 final subdivision plat approval to ensure completion of public improvements 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 extension of the Park City Heights Phase 2 final subdivision plat, as shown in Attachment A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

- 1. The property is located south of Richardson Flat Road, south and east of SR 248 and west of US Highway 40.
- 2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned CT-MPD (Community Transition subject to the Park City Heights Master Planned Development).
- 3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
- 4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD.
- 5. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 final subdivision plat.
- 6. On January 24, 2013 the City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.
- 7. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to mine soils mitigation.
- On February 27, 2014, the City Council approved a revised Park City Heights Phase 1 final subdivision plat that was subsequently recorded at Summit County on November 4, 2014.
- On May 2, 2017, the City Planning Department received an application for a final subdivision plat for 16 single family lots as Park City Heights Phase 2. The application was deemed complete on May 24, 2017. Additional information was requested specific to MPD compliance regarding house size restrictions.
- 10. On January 19, 2018, the City Planning Department received a revised submittal requesting 39 single family lots and extending Calamity Lane to the end of the culde-sac in order to facilitate construction of a required water tank in 2018.
- 11. On February 2, 2018, the revised submittal for 39 lots was considered complete.
- 12. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Amended Park City Heights Master Planned Development Agreement and the Park City Heights Design Guidelines.
- 13. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary.

- 14. The proposed subdivision plat creates lots of record for 39 Homestead houses and dedicates public streets, utility, snow storage, drainage, access and trail easements.
- 15. The Homestead lots of this phase range in area from 12,596 to 27,752 square feet. Parcel D is also platted as a 105.91 acre open space parcel. The lots are consistent with the Lot and Site Requirements of the Community Transition (CT) District as conditioned by the Park City Heights MPD and Design Guidelines.
- 16. The applicant requests a revised overall phasing plan to include the extension of Calamity Lane within this second phase in order to construct the required water tank this summer. Access to the water tank requires the extension of Calamity Lane.
- 17. On January 8, 2019, the Park City Housing Authority approved an amended housing mitigation plan.
- 18. On February 27, 2019, the Planning Commission approved an amended phasing plan that is consistent with the amended housing mitigation plan.
- 19. This phase 2 subdivision plat is consistent with the amended housing mitigation plan and the amended subdivision phasing plan.
- 20. No non-conforming conditions are created by the subdivision.
- 21. An existing 50' wide power line easement for PacifiCorp traverses Parcel D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
- 22. The Park City Heights development is accessed from Richardson Flat Road, a public city road, and access to lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets are public streets.
- 23. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
- 24. 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.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
- 25. Sanitary sewer facilities are required to be designed and installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
- 26. There is good cause for this subdivision plat in that it creates legal lots and an open space parcel 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 for open space areas within and around the subdivision; dedicates easements and public streets; and provides for future development parcels for market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.
- 27. As a condition of the Park City Heights MPD a total of 79 deed restricted affordable/attainable units are required. The Development Agreement states that all 28 Townhouse units and all 35 Park homes (all deed restricted affordable) are located in Phase 1, along with 5 Cottage homes and that "affordable units for subsequent phases will be identified with the final subdivision plats for those phases".

- 28. The lots within this Phase are designated as Homestead lots on the MPD. None of the Homestead lots are designated as affordable deed restricted lots.
- 29. The affordable housing mitigation plan, approved by the Park City Housing Authority, indicates that the Project may be platted in phases and that each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted.
- 30. The MPD requires completion, with certificates of occupancy, of all 79 affordable/attainable units prior to issuance of building permits for the last 10% (16 units) of the Market homes.
- 31. Sixty-eight (68) of the affordable/attainable units/lots were platted with the first phase plat.
- 32. The proposed final phase according to the revised phasing plan consists of 40 market rate lots and 8 attainable lots.
- 33. The revised phasing plan does not change requirements of the housing mitigation plan and it does not preclude delivery of units as described in the affordable housing mitigation plan or as conditioned by the MPD.
- 34. The applicant is on schedule to provide annual affordable/attainable housing units according to the housing plan by December 2018.
- 35. Currently, a total of 66 of 68 affordable/attainable units are either complete or are under construction with building permits issued.
- 36. The Park City Heights Housing Mitigation Plan is reviewed by the Park City Housing Authority annually.
- 37. A 40' access easement was required by the MPD and preliminary plat for the landlocked Byers parcel (PCA-89).
- 38. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings.

Conclusions of Law:

- 1. The subdivision complies with LMC Chapter 7 as conditioned, and the extension complies with 15-7.1-6 (C) (6).
- 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 Park City Heights Annexation and the Park City Heights MPD and preliminary plat as amended and conditioned.
- 4. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
- 5. 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 (these conditions are as stated in Ordinance 2018-19)

- 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 within one year from the date of City Council approval. If recordation has not occurred within the two year

timeframe, this approval for the plat amendment 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. A plat note shall state that the plat is subject to the conditions of the Park City Heights Annexation, approved by the City Council on May 27, 2010.
- 4. A plat note shall state that the plat is subject to conditions of approval of the Amended Park City Heights MPD approved on November 6, 2013, by the Planning Commission and memorialized in the Park City Heights Development Agreement, as amended, February 26, 2014 and March 8, 2017.
- 5. A plat note shall state that this plat is subject to this Ordinance and Ordinance 2018-19.
- 6. Final approval of the sewer facilities by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
- 7. A plat note shall state that trees, structures and retailing walls shall not be located within SBWRD easements.
- 8. The plat shall indicate that all streets and utilities, except for sewer laterals, constructed within the ROW are dedicated to the City for public use. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
- 9. Ten foot wide public snow storage easements are required along all street frontages.
- 10. All survey monumentation as required by the LMC is required to be completed prior to acceptance of public improvements.
- 11. Parcel D, a non-developable parcel, shall be dedicated to the Park City Heights HOA as restricted open space, to be owned and maintained by the Master HOA, and shall be encumbered by a blanket utility, drainage, snow storage, and public trails easement.
- 12. A plat note shall state that public trails within the open space parcels shall be constructed in type and location as approved by the City consistent with the MPD. Final constructed trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements. Trails within Phase 2 shall be constructed prior to issuance of 50% of the certificates of occupancy in this phase.
- 13. A plat note shall state that all construction, including streets, utilities and structures shall comply with recommendations of the supplemental, updated soils investigation conducted by AGEC on December 20, 2011 that updated and supplemented the June 9, 2006 Geotechnical Study provided by Gordon, Spilker, Huber Geotechnical Consultants, Inc.
- 14. A plat note shall state that additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization
- of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
- 15. A plat note shall state that a landscape and irrigation plan shall be submitted and

approved by the City for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines.

- 16. A plat note shall state that a limits of disturbance plan (LOD) and existing vegetation protection plan shall be part of the building permit submittal.
- 17. A plat note shall state that exterior lighting shall conform to requirements of the City's Lighting Ordinance and the Park City Heights Design Guidelines.
- 18. A plat note shall state that applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
- 19. A plat note shall state that grading, drainage and storm water run-off plans shall be approved by the City Engineer prior to building permit issuance.
- 20. A plat note shall state that prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines, including building setbacks, building height, maximum floor area, building articulation, architecture and materials, landscaping, lighting and other elements as stated in the Park City Heights Design Guidelines. Include a table for setbacks, building height and maximum floor area on plat prior to recordation.
- 21. Confirmation of street names shall be provided by the City Engineer prior to plat recordation.
- 22. A note shall be added to the plat stating that all units shall be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.
- 23. A plat note shall state that In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score, as further described in the Park City Heights Design Guidelines.
- 24. A plat note shall state that 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 Green Building and Water Conservation requirements. Final certification documenting compliance shall be provided to the Building Department prior to issuance of certificates of occupancy.
- 25. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance on individual lots as well as for construction of public infrastructure. The CMP shall address construction access, parking, allowed hours of work, temporary lighting, construction signs, limits of disturbance, recycling and stockpiling of materials, re-vegetation of all disturbance areas, noise, dust, and other

items listed on the standard CMP form required by the Building Department.

- 26. To mitigate impacts on existing City streets and residents, temporary construction access to Phase 2 and to subsequent phases shall be from Richardson Flat Road onto a temporary graded road, utilizing Lot C-1 and Parcel G located east of Piper Way, then connected to Piper Way just south of the Kinley Drive and Piper Way intersection. If an access easement can be acquired from the UDOT to use the US 40 frontage road that option should be pursued for temporary construction access. The disturbed area shall be re-graded and re-vegetated if not used for a period of one year or longer.
- 27.Ledger Way shall not be used for construction access to Phase 2 or any future phases.
- 28. A common construction recycling and excavation materials storage area within the development shall be utilized for this phase as required by the MPD.
- 29. A financial guarantee, in a form and amount acceptable to the City and in conformance with these conditions of approvals, for the value of all required public improvements, shall be provided to the City prior to building permit issuance for new construction. All public improvements shall be completed according to City standards prior to release of this guarantee. Ten percent of the bond shall be held by the City for the warranty period and until such improvements are accepted by the City.
- 30. A plat note shall state that maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the public rights-of-way and common areas, with the exception of public trails, shall be provided by the Master HOA, unless otherwise agreed upon by the City Council.
- 31. A plat note shall state that a fire protection and emergency access plan shall be submitted and approved by the Park City Fire District prior to the issuance of any building permits for this phase. The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the Wild land interface zones and shall ensure that Park City's ISO rating is not negatively affected by the development.
- 32. A plat note shall state that modified 13-D residential fire sprinklers are required for all occupied structures.
- 33. An existing 50' wide power line easement for PacifiCorp traverses Parcels D and an additional 10' shall be dedicated with this plat for a total width of 60', as requested by PacifiCorp to meet future anticipated utility easement needs.
- 34. Issuance of building permits for Phase 2 are subject to completion and issuance of certificates of occupancy for deed restricted affordable/attainable housing as required by the approved Housing Mitigation Plan, as amended.
- 35. A note shall be included on the final plat stating that a Conditional Use Permit is required for construction on Lots 205, 206, 214 and 215, if Building Height exceeds 28' from existing grade to the top (ridge) of the roof. Conditional Use Permit applications shall include a visual analysis of the proposed house from the intersection of State Highway 248 and Richardson Flat Road, from the intersections of Richardson Flat Road with Ledger Way and/or Piper Way, whichever location provides the best view of the lot, and from the Rail Trail crossing of Richardson Flat Road.

36. A note shall be included on the final plat stating the following maximum Residential Floor Area (aka house sizes), consistent with the LMC definitions, shall apply:

4,500 square feet for Lots 201 to 205

5,000 square feet for Lots 206 to 211 and Lots 236 to 239

- 6,000 square feet for Lots 212 to 235
- 37. A note shall state that this plat is subject to the Water and Maintenance Agreement with Park City Municipal Corporation dated October 3, 2014.
- 38. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.
- 39. A minimum 40' wide access easement shall be dedicated on the plat for the benefit of the landlocked Byers parcel (PCA-89), consistent with the preliminary plat.
- 40. All standard project conditions shall apply.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of May, 2019.

PARK CITY MUNICIPAL CORPORATION

adv Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A- Park City Heights Phase 2 Subdivision plat

Attachment A







