

Ordinance 2018-08

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

WHEREAS, the owners of the property known as the Alice Claim Subdivision and Plat Amendment located at the intersection of King Road, Ridge Avenue, Sampson Avenue, and Woodside Gulch, have petitioned the City Council for approval of the Alice Claim Subdivision and 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 a public hearing on October 25, 2006, January 28, 2009, February 25, 2009, April 8, 2015, May 27, 2015, June 10, 2015, July 8, 2015, July 22, 2015, August 12, 2015, December 9, 2015, May 25, 2016, July 13, 2016, July 27, 2016, and April 12, 2017 to receive input on the proposed subdivision;

WHEREAS, on October 8, 2015, October 29, 2015, March 9, 2017, May 25, 2017, February 15, 2018, and March 8, 2018 the City Council held a public hearing on the proposed Alice Claim Subdivision; and

WHEREAS, on October 29, 2015, and March 9, 2017 the City Council remanded amended application on the proposed Alice Claim Subdivision back to Planning Commission; and

WHEREAS, on April 12, 2017, the Planning Commission forwarded a positive recommendation to the City Council; and

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

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 and Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The subject site is located at the intersection of King Road, Ridge Avenue, and Sampson Avenue (approximately), within the Historic Residential (HR-1), Historic Residential-Low Density (HR-L), and Estate (E) Districts.
2. The proposal includes nine (9) lots on approximately 9.034 acres which will not be allowed to be subdivided further.
3. The property is composed of "metes and bounds" parcels and contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The owner secured legal access through an easement to the property through the Woodside Gulch access, land privately owned.
7. As proposed, the access will not require retaining walls greater than six feet (6') feet; therefore, a CUP would not be required.
8. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant will need to obtain a Stream Alteration Permit from applicable state and/or federal agency. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
9. The property, which was once the site of the Alice Lode Mine, was previously the site of mining activities, which have since undergone recent remediation.
10. A Voluntary Clean Up of the property was initiated by the Applicant.
11. Most of the remainder of the site has mature stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
12. A culvert for the stream is proposed in order to meet the fifty foot (50') setback regulations from streams within the Estate District, otherwise the culvert would not be necessary.
13. This development is located upstream of the FEMA Flood Plain Studies.
14. The applicant does not request any setback reductions from the Planning Commission for the Estate District Lot.

15. Water Service is available and as proposed can meet required water pressure to all of the proposed development sites (proposed Lots) within the development.
16. A Debris Flow Study has been completed for the stream to determine if a debris basin is required.
17. Existing trails are shown on the plat and granted a public easement.
18. Proposed utility plans have been submitted and shall be reviewed / processed prior to plat recordation.
19. The access road and it's easement is proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
20. Building pads / limits of disturbance are shown on the proposed plat (Attachment 1). All other property as open space should be protected by conservation easement held by the City and the HOA to maintain the land.
21. The proposed access road with utilities is required to be a minimum of twenty feet (20') wide. The access road grades are proposed to be fourteen percent (14%).
22. Public trails are shown on Attachment 1 with a 15' public recreational trail easement.
23. The proposed lot within the Estate District is 3.009 acres.
24. The proposed eight (8) lots within the HR-1 District are 4,510 square feet each.
25. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
26. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two (2) of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
27. The existing encumbered Lots 1-7 and 36-40, Block 77 of the Millsite Reservation will be dedicated to the City upon plat recordation as they current have a road over them.
28. The proposed lots, as positioned, are to avoid ridgelines and allow for drives that contour with the topography in order to meet the required grades.
29. The existing mine shaft on the property is currently filled as stated on the site plan dated May 18, 2015.

30. The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.
31. Between 2006 and 2009, the Planning Commission conducted three (3) work sessions to discuss the project and visited the property during two site visits.
32. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.
33. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.
34. The Planning Commission reviewed the request and held public hearings on April 8, 2015, June 10, 2015, July 8, 2015, and July 22, 2015.
35. During this time consisting of October 2014 and July 2015 the applicant submitted further revisions to the plat to address City concerns as well as to address plat discrepancies.
36. On August 12, 2015 the Planning Commission forwarded a negative recommendation to the City Council.
37. On October 8, 2015 the City Council reviewed the proposal.
38. On October 29, 2015 the applicant submitted an amended site plan which moved the lots closer to the gully. The City Council reviewed that amended site plan and remanded the application back to Planning Commission for their review.
39. The Planning Commission held a work session on December 9, 2015.
40. The Planning Commission held public hearings and reviewed the updated proposal on May 25, 2016, July 13, 2016, July 27, 2016, and April 12, 2017.
41. After Applicant secured access on Woodside Gulch and proposed a modification to the Application based on the new access, the City Council remanded the updated gully site plan with modified entry back to Planning Commission on March 9, 2017.
42. The Planning Commission held a public hearing and reviewed the updated proposal with the new access through Woodside Gulch, privately owned property, on April 12, 2017.
43. The City Council held and reviewed the updated proposal with the new access through Woodside Gulch, privately owned property on May 25, 2017 and March 8, 2018.

44. In order for all site improvements to be completed, the applicant must either complete all site improvements prior to plat recordation or provide adequate financial guarantees for completion.

Conclusions of Law

1. There is good cause for this subdivision and plat amendment.
2. The subdivision and plat amendment are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
3. Neither the public nor any person will be materially injured by the subdivision or plat amendment.
4. Approval of the plat and plat amendment, 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 plat amendment 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 and plat amendment at the County within two (2) years from the date of City Council approval. If recordation has not occurred within two (2) years' 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 by the City Council. If the plat is not recorded within this time period, 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 this plat and completion and approval of final Historic District Design Review and Steep Slope Conditional Use Permit, if required, applications are required prior to building permit issuance for any construction of buildings within this subdivision. Completion and approval of final Historic District Design Review applications are required prior to building permit issuance for any construction of retaining walls.
4. Lot 1 in the Estate District shall be subject to Historic District Design Review process (prior to building permit approval).
5. Modified NFPA 13-D sprinklers shall be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation. (Added as plat note 18 on

proposed plat).

6. Snow storage of roads and private drives shall be addressed and approved by the City Engineer throughout the development **prior to plat recordation**. Snow storage sites cannot discharge immediately into the stream. (City Engineer to review updated snow storage plan prior to plat recordation in conjunction with all other applicable utilities, improvements, etc.).
7. Sewer system design and service will need to meet Snyderville Basin Water Reclamation District's (SBWRD) requirements and receive final design approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer system design requires a substantial change, as determined by SBWRD, Planning Director and City Engineer, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, Planning Commission and City Council review. **(Prior to plat recordation)**.
8. The proposed water system will need to receive written approval from the Building and Engineering Departments in order for the subdivision to meet water requirements **prior to plat recordation**. If the water system requires a substantial change to the proposed subdivision configuration, as determined by the Planning Director and City Engineer, this approval shall be null and void and an application to amend the Ordinance and plat shall be submitted, a reviewed, and go through the entire process including internal review, Planning Commission and City Council review.
9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition. (Added as plat note 9 on proposed plat).
10. All state requirements must be met, state permits including Stream Alteration Permit will be required for the culvert construction. Culvert shall be installed by the applicant **prior to plat recordation**.
11. The culvert will be owned and maintained by the City. (Dedication of drain line and easement added to proposed plat).
12. This development is located upstream of the FEMA Flood Plain Studies. A study shall be completed extending the FEMA Flood Plains through this development **prior to plat recordation**. Acceptance or denial of the study by FEMA is not required prior to plat recordation. All lots will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
13. A completed Hydrology and Hydraulics Study is required to identify the culvert's

- size, and upstream / downstream impacts **prior to plat recordation**. Any identified impacts from the Study must be addressed and approved by the City Engineer prior to culvert construction.
14. The culvert inlet shall be at least fifty feet (50') away from any structure on Lot 1. (Added as plat note 22 on proposed plat).
 15. A Debris Flow Study must be completed **prior to plat recordation** for the stream to determine if a debris basin is required. (Submitted on November 1, 2017).
 16. Limits of disturbance as shown on Attachment 1 shall be clarified on the **plat prior to plat recordation** to be able to quantify the square footage upon which shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement. (This area has been identified on the proposed plat).
 17. All engineering design for utilities must be approved prior to plat recordation. The utility plan will need to be submitted showing how each of the wet and dry utilities will be able to be placed within the development with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer **prior to plat recordation**.
 18. Any roads over 10% grades will not be eligible to be converted to public Rights-of-Way in the future. (Added as plat note 24 on proposed plat).
 19. Drives (private road / Fire Department access road) shall provide twenty feet (20') wide of clear space to meet Fire Code. If parking impacts this twenty feet (20') wide clear space, it will not be allowed and shall be signed "No Parking". Roads less than twenty-six feet (26') wide shall be marked "No Parking" on both sides of the road. Fire District access shall be noted and identified on the recorded plat. (Added as plat note 11 on proposed plat).
 20. The Applicant will need to receive City Council's approval to provide access and utility easement over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer lines, etc. This will need to occur **prior to plat recordation**.
 21. Applicant shall provide recommendations to the City Engineer for alterations to the King Road and Alice Court intersection that optimizes turning movements and minimizes conflicts for emergency vehicles, **prior to plat recordation**.
 22. 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 the Applicant's property prior to building permit approval.

23. If a Site Management Plan is required for the UDEQ Certificate of Completion, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
24. Public trails are shown with a 15' public recreational trail easement. (Added as plat note 3 on proposed plat).
25. Any structures built near the existing mine shaft shall be setback at least ten feet (10') if the shaft is filled up to the ground surface with soil and/or gravel and at least forty feet (40') setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted. (Mine shaft and setback is shown on proposed plat).
26. If the site plan is substantially altered, as determined by the SBWRD, Planning Director, and City Engineer, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
27. All Public Improvements, except the Lot 1 culvert, may be completed after plat recordation but prior to the first building permit. A financial guarantee, inspections fees, and executed agreement for all public improvements shall be submitted and approved prior to building permit.
28. City utility maintenance access is required across the drives for Lots A. (Added as plat note 2 on proposed plat).
29. Individual water booster or fire sprinkler system pumps to increase water pressure shall not be allowed, unless approved by the Fire Marshal. (Added as plat note 4 on proposed plat).
30. Individual geotechnical reports will be required for each lot prior to issuance of a building permit. (Added as plat note 12 on proposed plat).
31. Significant vegetation / mature trees that will be lost due to the development shall be approved by the Planning Department and be replaced in kind or with three (3) smaller trees as close to the original location as possible within one (1) year of tree removal.
32. No duplexes shall be allowed. (Added as plat note 13 on proposed plat).
33. Existing utility and access easements may be added, adjusted, vacated or remain in their current location. Changes to these easements and/or addition of easements shall be shown on the plat. (Added as plat note 14 on proposed plat).

34. The Alice Claim development exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. Each lot within this common development shall be required to obtain a MS4 storm water permit prior to any construction activity. (Added as plat note 15 on proposed plat).

35. Applicant shall provide to Chief Building Official a plan showing defensible space for wildland fire mitigation around each structure.

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

PASSED AND ADOPTED this 8th day of March, 2018



PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

ATTEST:



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

