

**Ordinance No. 2019-12**

**AN ORDINANCE APPROVING THE PARK CITY HEIGHTS PHASE 3 SUBDIVISION  
PLAT LOCATED AT 10 AND 30 SUN RIDGE COVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Park City Heights Phase 3 located at 10 and 30 Sun Ridge Cove adjacent to the Hidden Oaks Subdivision, have petitioned the City Council for approval of the Park City Heights Phase 3 Subdivision plat; and

WHEREAS, on February 13, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on February 13, 2019, mailed notice was sent to property owners within 300' according to the Land Management Code of Park City; and

WHEREAS, on February 9, 2019, legal notice was posted in the Park Record and the Utah Public Notice website, as well as the Park City website; and

WHEREAS, the Planning Commission held a public hearing on February 27, 2019, to receive input on the subdivision plat application; and

WHEREAS, the Planning Commission, on February 27, 2019, forwarded a positive recommendation to the City Council; and

WHEREAS, on March 21 and April 4, 2019, the City Council held a public hearing on the Park City Heights Phase 3 Subdivision; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the Park City Heights Phase 3 Subdivision, as conditioned.

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 Park City Heights Phase 3 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 property is located at 10 and 30 Sun Ridge Cove adjacent to the Hidden Oaks Subdivision in the Solamere neighborhood of Deer Valley.
2. The Park City Heights Phase 3 Subdivision creates 2 lots (Lot 301 and Lot 302) of record from a 2.48 acres metes and bounds property.
3. Proposed Lot 301 consists of 1.33 acres and proposed Lot 302 consists of 1.15 acres.

4. The proposed lots are 2 of the 239 lots approved with the 2011 Park City Heights MPD and the 2013 amended MPD and preliminary subdivision plat. The property is part of contiguous land owned by the PC Heights developer.
5. The lots are consistent with the preliminary plat in terms of size, location, configuration and access.
6. The lots are intended for future development of two single family homes consistent with the Park City Heights preliminary plat and Master Planned Development.
7. The lots have frontage on an existing city street.
8. The lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as further conditioned by the Park City Heights MPD Development Agreement and Design Guidelines.
9. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT-MPD) subject to the Park City Heights MPD.
10. 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 (239 units/lots) on approximately 239 acres.
11. On June 22, 2011, the Planning Commission approved a preliminary subdivision plat as being consistent with the Park City Heights MPD.
12. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 subdivision plat.
13. 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.
14. 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 and voluntary clean-up program.
15. On December 28, 2013, the City Planning Department received an application for a revised first phase subdivision plat for the Park City Heights MPD. The application was deemed complete on January 7, 2014, with receipt of additional information.
16. On February 27, 2014, City Council approved an amended Park City Heights Phase 1 Subdivision, creating lots of record for 28 deed restricted townhouses, 35 small-lot deed restricted Park homes, 5 deed restricted cottage homes, and 35 market rate cottage homes.
17. On November 14, 2014, the Park City Heights Phase 1 Subdivision plat was recorded at Summit County.
18. On May 2, 2017, the Applicant submitted an application for the Park City Heights Phases 2 and 3. During review of the application, it was determined that the proposed lots of Phase 3 did not have direct access to Sun Ridge Cove due to a strip of County owned property between the lots and street. Staff requested that the applicant remedy access and submit a revised plat.
19. On May 3, 2018, City Council approved the Park City Heights Phase 2 Subdivision creating 39 lots of record for market rate cottage and homestead homes and platting 105.91 acres (Parcel D) as open space.
20. Recordation of the Phase 2 plat is pending completion and/or bonding of public improvements and other MPD obligations.
21. On January 17, 2019, the applicant submitted a revised plat for Phase 3, having

remedied the access issue by purchasing the strip of property and revising the plat to incorporate the strip into the two lots.

22. The revised application was complete on January 23, 2019.
23. Development of the property is subject to the Land Management Code, the amended Park City Heights Master Planned Development conditions of approval and the amended Development Agreement and Park City Heights Design Guidelines, and this Ordinance.
24. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is located within the Park City Soils Ordinance boundary.
25. The proposed subdivision plat creates two lots of record for two (2) single family "Homestead Homes" to be compatible with houses in the Oaks and the Hidden Oaks Subdivision.
26. No new public or private streets are proposed with this plat.
27. Location of houses for this phase is stipulated by adherence to minimum building setbacks, as identified on the plat, as well as a platted LOD (limit of disturbance) area that consists of a no-disturbance area within the rear 100' of the lots, consistent with the location of houses on lots within the adjacent Hidden Oaks subdivision, as stipulated by the MPD.
28. No non-conforming conditions or remnant parcels are created by the subdivision.
29. Access to all lots and parcels within the proposed subdivision is from Sun Ridge Cove, an existing city street in the Hidden Oaks neighborhood.
30. The Oaks and Hidden Oaks at Deer Valley are single family neighborhoods located adjacent and north of the Solamere neighborhood of lower Deer Valley. No through street connections to other phases of the Park City Heights Subdivision are proposed or allowed as a result of this Phase 3 plat.
31. No new private or public streets are proposed.
32. The Park City Trails Master Plan notes that trails shall provide an easily accessible outdoor resource for many forms of recreation, most notably bicycling and walking. Trails greatly increase community access to physical activity and fitness opportunities by providing more miles of safe, attractive bicycling, walking, and hiking facilities. A remnant informal trail traversing the property is not shown on the City's Trails Master Plan and there is not an existing easement for it listed in the title report.
33. The Park City Heights trails plan, submitted with the MPD, identifies the general location of single track trails within the Park City Heights open space and development areas. The Park City Heights developer is responsible for construction of these trails per City specifications.
34. The applicant/developer is also responsible for construction of a trail connecting the neighborhood to the Park City Heights trails network within open space parcels, specifically within Parcel D, which is platted with the Park City Heights Phase 2 Subdivision. Parcel D is adjacent to the north and east of these lots.
35. 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.
36. 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.

37. Sanitary sewer service and facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
38. Water service and facilities are required to be installed in a manner prescribed by the City Engineer. The applicants have provided utility plans and the plat to the City Engineer to review with the City Water Department. Final approval of a water facilities plan and compliance with the Park City Heights Agreements is required prior to final plat recordation.
39. Staff recommends a maximum house size (floor area as defined by the LMC) of 7,500 sf that shall be noted on the final plat, consistent with the average house size in Hidden Oaks Subdivision restrictions. Staff also recommends a stipulation of a maximum 10,000 sf of irrigated area per lot, consistent with the Hidden Oaks Subdivision restrictions.
40. There is good cause for this subdivision in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utility services; dedicates public snow storage easements; provides for public trail connections; and provides, as conditioned, future development parcels for market rate units consistent with the approved Park City Heights Annexation Agreement, amended Master Planned Development, and the development pattern of the surrounding neighborhood, as conditioned herein.
41. No remnant parcels are created.
42. The applicant stipulates to the conditions of approval.
43. The findings in the Analysis section are incorporated herein.

#### Conclusions of Law:

1. The subdivision complies with LMC Chapter 7 as conditioned.
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, as amended and conditioned.
4. The subdivision is consistent with the amended Park City Heights preliminary plat approved by the Planning Commission on November 6, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. 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:

1. City Attorney, City Engineer, and City Planner review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and these 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 one year's time, 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 indicate that conditions of approval of the Park City Heights MPD and preliminary plat, as amended and approved by the Planning Commission on November 6, 2013, continue to apply.
4. A plat note shall indicate that this plat is subject to Ordinance 2019-12 (the Ordinance approving this subdivision).
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. Consistent with the Trails Master Plan, a single-track trail connection between this neighborhood and the Park City Heights trail system shall be provided. The location of this connection shall be determined by City Staff and the developer. The connector trail will be about 1/2 miles in length. Construction of the connector trail will be completed as part of the public improvements for this Phase 3 subdivision.
7. A plat note shall indicate that final constructed public trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements.
8. A plat note shall indicate that all construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. 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 and approved 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.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the amended MPD conditions of approval.
10. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
11. A storm water run-off and drainage plan shall be submitted and approved by the City Engineer prior to building permit issuance.
12. A plat note shall state that house plans shall be submitted for building permit review and issuance in compliance with these conditions, as well as conditions of the Annexation Agreement dated July 2, 2010, between Park City Municipal Corporation and Boyer Park City Junction, L.C., the Park City Land Management Code (including Chapter 5 Architectural Review), and the Deer Valley Design Guidelines for The Oaks at Deer Valley as they apply to single family uses. The City shall require with complete building permit application, proof of notice to the Oaks at Deer Valley Homeowners Association (HOA), provided that the Oaks at Deer Valley HOA is registered with the City's Building Department. Notice shall be submitted consistent with LMC Section 15-1-12 Notice. These lots may, if approved by the Oaks at Deer Valley, be included in the Oaks HOA. Approval of this plat shall not preclude these

lots from joining the Oaks at Deer Valley HOA in the future. If these lots are included in the Oaks at Deer Valley HOA the HOA shall notify the City Planning and Building Departments.

13. A plat note shall state 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. LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.
14. 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.
15. 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 requirements as required by the amended Master Planned Development and Annexation Agreement.
16. 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.
17. A ten (10') wide public snow storage easement and other necessary utility and storm water easements shall be indicated on the plat prior to recordation as required by the City Engineer.
18. All public improvements shall be completed and accepted prior to signing and recording of the plat, or a financial guarantee may be provided to the City, in a form and amount acceptable to the City for the value of all public improvements, including trails. All public improvements shall be completed according to City and provider standards and accepted by the City Council prior to release of this guarantee.
19. All survey monumentation as required by the LMC is required to be completed prior to acceptance of public improvements.
20. A plat note shall state that this plat is subject to the 2014 Amended Park City Heights MPD Development Agreement (excluding the Design Guidelines) and the 2014 Water and Maintenance Agreement with Park City Municipal Corporation.
21. A plat note shall indicate that all construction shall comply with requirements of the Park City Chief Building Official and adopted building codes, including fire sprinkler systems, at the time of building permit review.
22. A plat note shall indicate that side setbacks shall meet RD District requirements of 12' minimum (24' combined) rather than the 6' minimum (18' combined) as stated in the Design Guidelines for Homestead lots. Front setback shall be 20' with 30' to street facing garage.

23. A plat note shall state that the maximum house size (floor area as defined by the LMC) on each lot shall be 7,500 sf. Minimum house (floor area) shall be 3,500 sf. One single family home is permitted on each lot and the lots cannot be further subdivided.
24. A plat note shall state that the maximum irrigated area per lot is 10,000 sf.
25. A platted limit of disturbance (LOD) area shall be noted on the plat stating that the rear 100' of each lot shall remain undisturbed, with the exception of approved utilities, trails, and required forest health management that may include removal and/or planting of native landscaping with temporary irrigation, subject to approval of a landscape plan application and permit. No structures, patios, decks, gazebos, barns, green houses, hot tubs, fire pits, fences, retaining walls or similar structures are permitted with the rear 100' area.
26. A plat note shall state that no through street connections to other phases of the Park City Heights Subdivision are permitted, consistent with the Park City Heights MPD.
27. A plat note shall state that each lot is greater than 1 acre and an MS4 storm water permit is required for all land disturbance activities, prior to building permit issuance.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of April, 2019.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, Mayor

ATTEST:

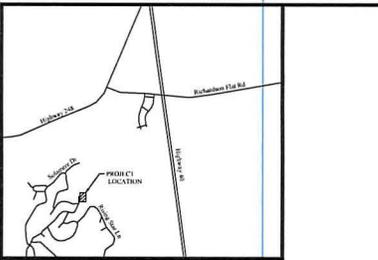
  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

  
Mark Harrington, City Attorney

PARK CITY HEIGHTS

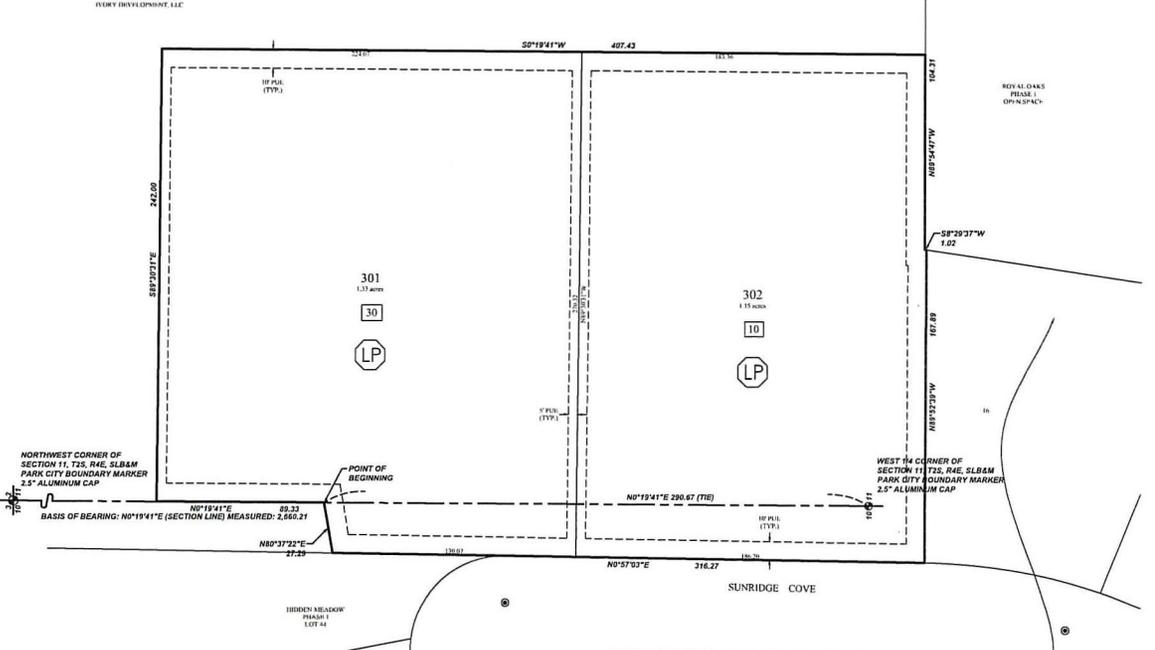
PHASE 3
A SUBDIVISION LOCATED IN THE NW1/4 & SW1/4 OF SECTION 11 AND THE NE1/4 & SE1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH



VICINITY MAP

NOTES

- 1. ALL LOTS SHALL BE CONVEYED TO NATIONAL ASSOCIATION OF HOME BUILDERS NATIONAL GREEN BUILDING STANDARDS...
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OWNER/DEVELOPER
IVORY DEVELOPMENT
2540 NORTH CENTER STREET
LEHI, UTAH 84041
(801) 487-6441
CONTACT: BRAD MACKAY

FOCUS ENGINEERING AND SURVEYING, LLC
12 WEST CENTER STREET
MIDVALE, UTAH 84047
www.focusutah.com

Table with 5 columns: PLANNING COMMISSION, ENGINEER'S CERTIFICATE, APPROVAL AS TO FORM, CERTIFICATE OF ATTEST, COUNCIL APPROVAL AND ACCEPTANCE. Includes dates and signatures for approval.

SURVEYOR'S CERTIFICATE
I, Spencer W. Linweby, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 10518509 in accordance with Title 59, Chapter 22 of Utah State Code. I further certify by authority of the surveyor that I have completed a Survey of the property described on this Plat in accordance with Sections 17-21-1 of said Code, and have subdivided said tract of land into lots, streets, and easements, and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.

Spencer W. Linweby
Professional Land Surveyor
Certificate No. 10518509
Date

BOUNDARY DESCRIPTION
A portion of the NW1/4 & SW1/4 of Section 11 and the NE1/4 & SE1/4 of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Utah, more particularly described as follows:
Beginning at a point known as 'POINT OF BEGINNING' along the Section line, 298.67 feet from the West 1/4 Corner of Section 11, T2S, R4E, SLB&M, thence S01°19'41"W 407.43 feet, thence S01°19'41"W 241.00 feet, thence S01°19'41"W 407.43 feet to the North-South line of the RENTAL DANCE SUBDIVISION, PLATS 1, according to the Official Plat thereof in the Office of the Summit County Recorder, thence along and plus the following 2 courses: 1) N89°33'17"W 102.50 feet to the Northwest corner of Lot 16, HERBIE DAVIS TRAIL VALLEY PLATS 10, according to the Official Plat thereof, in the Office of the Summit County Recorder, thence along and plus the following 2 courses: 1) N89°33'17"W 102.50 feet, 2) N89°33'17"W 102.50 feet, thence S01°19'41"W 27.20 feet to the point of Beginning.

OWNER'S DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS, AND STREETS TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS
PARK CITY HEIGHTS
PHASE 3
DO HEREBY DEDICATE TO SUMMIT COUNTY ALL THESE TRACTS OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, THE UNDERSIGNED OWNERS ALSO CONVEY TO SUMMIT COUNTY, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, AND TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY AND DRAINAGE EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

LIMITED LIABILITY ACKNOWLEDGMENT
STATE OF UTAH
S.S.
COUNTY OF \_\_\_\_\_
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, CHRISTOPHER P. GAMVORIELAS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT, LLC, A UTAH LLC, AND THAT HE SIGNED THE OWNERS DEDICATION, FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: \_\_\_\_\_
A NOTARY PUBLIC COMMISSIONED IN UTAH
RESIDING IN \_\_\_\_\_ COUNTY
MY COMMISSION No. \_\_\_\_\_
PRINTED FULL NAME OF NOTARY

PARK CITY HEIGHTS
PHASE 3
A SUBDIVISION LOCATED IN THE NW1/4 & SW1/4 OF SECTION 11 AND THE NE1/4 & SE1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

RECORDED # \_\_\_\_\_
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_
FEE \_\_\_\_\_
SUMMIT COUNTY RECORDER

