

Ordinance No. 2021-46

AN ORDINANCE ACCEPTING DEDICATION OF THE PARK CITY HEIGHTS PARK AND MODIFICATION OF ORDINANCE 2019-47 APPROVING THE PARK CITY HEIGHTS PHASE 4 SUBDIVISION LOCATED SOUTH OF CALAMITY LANE, 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 4 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 4 final subdivision plat; and

WHEREAS, on May 10, 2019, and July 31, 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 Planning Commission held a public hearing on June 12, 2019, to receive input on the subdivision; and

WHEREAS, the Planning Commission, held a public hearing on August 14, 2019, and forwarded a positive recommendation to the City Council; and

WHEREAS, on August 29, 2019, the City Council held a public hearing on the Park City Heights Phase 4 final subdivision plat and approved Ordinance 2019-47; and

WHEREAS, on November 4, 2021, 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 December 9, 2021, the City Council held a public hearing to modify Condition #2 of Ordinance 2019-47 in order to allow for an additional two years to record the plat; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to extend the approval the Park City Heights Phase 4 final subdivision plat.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. ACCEPTANCE OF PARK DEDICATION. The City Council hereby accepts the park dedication of Parcel A in the Phase 1 Plat pursuant to a deed in a form approved by the City Attorney.

SECTION 2. APPROVAL MODIFICATION. The above recitals are hereby incorporated as findings of fact. The Park City Heights Phase 4 final subdivision plat, as shown in

Exhibit A, approval is modified 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 MPD).
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.
8. 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.
9. On May 3, 2018, the City Council approved the Park City Heights Phase 2 final subdivision plat. This plat has not yet been recorded.
10. On April 4, 2019, the City Council approved the Park City Heights Phase 3 final subdivision plat. This plat has not yet been recorded.
11. On May 30, 2019 the City Council approved a two year extension of approval for the Phase 2 subdivision plat to allow additional time for completion of the streets and utilities.
12. On June 12, 2019 the Planning Commission reviewed the Phase 4 Subdivision Proposal and held a Public Hearing. There was no public comment and the Hearing was Continued.
13. On August 14, 2019 the Planning Commission reviewed the Phase 4 Subdivision Proposal and held a Public Hearing and forwarded a positive recommendation to the City Council.
14. 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.
15. 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.
16. The proposed subdivision plat creates 48 lots of record for 11 Homestead houses and 27 Cottage homes including 4 deed-restricted Cottage homes, dedicates public streets, utility, snow storage, drainage, and provides access and trail easements.

17. The Homestead lots (Lots 418-428) range in area from 8,293 to 10,783 square feet. Cottage Home lots (Lots 401-417 and 429-448) range in area from 4,442 sf to 9,842 square feet. Parcels A- D are platted as open space parcels with blanket easement for public utilities, access and trails.
18. 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.
19. No non-conforming conditions are created by the subdivision.
20. The Park City Heights development is accessed from Richardson Flat Road, a public 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.
21. 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.
22. 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.
23. Sanitary sewer facilities are required to be designed and installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
24. 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 consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.
25. As a condition of the Park City Heights MPD a total of 79 deed restricted affordable 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".
26. The affordable housing mitigation plan 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.
27. On February 27, 2019, the Planning Commission approved an amended subdivision phasing plan that aligns with the Housing Mitigation Plan.
28. On January 8, 2019, the Housing Authority approved an amended Park City Heights Housing Mitigation Plan.
29. The plat was not recorded with the County and the applicant submitted an application to modify Condition #2 of Ordinance 2019-47 in order to allow for an additional two years to record the plat.
30. This required a new Ordinance.
31. 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 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:

1. City Planner, 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 two years from the date of City Council approval. If recordation has not occurred within two 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. The applicant shall execute a one-year guarantee with the City Engineer for the retaining wall adjacent to the pickleball courts.
4. A plat note shall indicate that conditions of approval of the Amended Park City Heights MPD and preliminary plat, as amended and approved by the Planning Commission on November 6, 2013, and memorialized in the Park City Heights Development Agreement, as amended, February 26, 2014 and March 8, 2017, shall apply.
5. A plat note shall state that this plat is subject to this Ordinance (2021-46) (the Ordinance approving this subdivision).
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 retaining 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. Parcels B - D are non-developable open space parcels and 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 utility, drainage, snow storage, access and public trails easements as determined by the City Engineer prior to plat recordation.

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 4 shall be constructed prior to recordation of this plat, or shall be bonded for as required by the City Engineer and City Open Space and Trails Manager.
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 AGECEC 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, or bonded for as determined and approved by the Chief Building Official.
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.
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 as required by the amended Master Planned Development Agreement. 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 4 shall be from Richardson Flat Road onto a temporary graded or paved access road, utilizing Lot C-1 and Parcel G located east of Piper Way, then accessing 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 for construction access for Phase 4, that option should be pursued to mitigate impacts on existing residents. This temporary access may require paving in order to prevent tracking of mud. The disturbed areas of Lot C-1 shall be re-graded and re-vegetated once constructed is complete or, if not used for a period of one year or longer.
27. Ledger Way (the section north of Calamity Lane) shall not be used for construction access to Phase 4.
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. 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. 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. Residential fire sprinklers are required for all occupied structures as required by the Chief Building Official.
- 33. Issuance of building permits for Phase 4 are subject to completion and issuance of certificates of occupancy for deed restricted affordable housing as required by the approved Housing Mitigation Plan, as amended.
- 34. 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:
 - 3,500 square feet (Cottage homes)
 - 4,000 square feet (Homestead homes)
- 35. A note shall state that this plat is subject to the 2014 Amended Park City Heights MPD Development Agreement and the Water and Maintenance Agreement with Park City Municipal Corporation dated October 3, 2014.
- 36. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.
- 37. All standard project conditions shall apply.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of December, 2021.

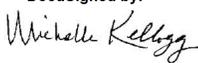
PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

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Andy Beerman, MAYOR

ATTEST:

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Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

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Mark Harrington

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City Attorney's Office

Exhibit A- Park City Heights Phase 4 Subdivision Plat

