

Ordinance No. 2022-03

AN ORDINANCE APPROVING THE FOUNDERS PLACE SUBDIVISION LOCATED AT 3267 WEST DEER HOLLOW ROAD, PARCEL 00-0021-01977 IN PARK CITY, WASATCH COUNTY, UTAH

WHEREAS, the owners of 3267 West Deer Hollow Road, Parcel 00-0021-01977 in the Deer Crest Master Planned Development area of Park City, Wasatch County, Utah petitioned the City Council for approval of the Founders Place Subdivision;

WHEREAS, on October 27, 2021, the Planning Commission conducted a work session on the Founders Place project;

WHEREAS, on November 10, 2021, the Planning Commission visited the Founders Place site;

WHEREAS, on December 8, 2021, the Planning Commission reviewed the Founders Place Subdivision, conducted a duly noticed public hearing, and continued the discussion to January 12, 2022;

WHEREAS, on January 12, 2022, the Planning Commission conducted a duly noticed public hearing and approved modifications to the Deer Crest Master Planned Development and the Founders Place Conditional Use Permit for construction of Multi-Unit Dwellings;

WHEREAS, on January 12, 2022, the Planning Commission conducted a duly noticed public hearing and unanimously forwarded a positive recommendation for City Council's consideration of the Founders Place Subdivision on January 27, 2022;

WHEREAS, on January 27, 2022, the City Council reviewed the Founders Place Subdivision and conducted a duly noticed public hearing; and

WHEREAS, the Founders Place Subdivision is consistent with the 1995 Telemark Settlement Agreement and Wasatch County Density Determinations governing the property;

WHEREAS, the Founders Place Subdivision is consistent with the Land Management Code, including Chapter 15-2.16 *Recreation Commercial Zoning District*, Chapter 15-6 *Master Planned Developments*, and Chapters 15-7 *Subdivisions*; and

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

SECTION 1. APPROVAL. The Founders Place Subdivision (Attachment 1) is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. Founders Place (formerly known as Deer Hollow and Slalom Village) is in the Deer Crest area east of Deer Valley Resort and west of HYW 40 along Deer Hollow Road, a private road accessed from Park City through the Queen Esther Gatehouse to the west or from HWY 40 through the Jordanelle Gatehouse to the east.
2. The Applicant proposes constructing 199,200 square feet for 78 residential units in four buildings, 5,400 square feet for six affordable employee units, 3,299 square feet of support commercial, 100,857 square feet of residential accessory uses, and 45,578 square feet for 123 underground parking spaces, five uncovered parking spaces, and parking circulation.
3. The area was originally within unincorporated Wasatch County and the proposed project started the land use review process with Wasatch County in the late 1980s.
4. In 1989, the property owner applied for a Density Determination from Wasatch County to develop what was then called the Telemark Park Resort.
5. In 1991, the Wasatch County Commissioners approved the Density Determination.
6. However, due to the project's location in several jurisdictions, a lawsuit ensued regarding development and services.
7. In 1995, Park City Consolidated Mines Company, Trans-Wasatch Company, and Park City Municipal Corporation entered into the Telemark Settlement Agreement.
8. The 1995 Settlement Agreement ¶ 2.2 describes the location of the Deer Crest property, which straddles several jurisdictions: *A portion of the Property lies within Park City city limits, and another portion of the Property lies within the annexation boundary of Park City. Of the approximately 678 acres, 524 acres lie within unincorporated Wasatch County, approximately 84 acres lie within unincorporated Summit County and approximately 70 acres lie within the Park City Municipal Corporation city limits.*
9. The 1995 Settlement Agreement outlined the process and conditions for annexing portions of the Deer Crest property into Park City, as well as development parameters. The 1995 Settlement Agreement established the following regarding Founders Place within what was then identified as the Slalom Village development envelope:
 - a. No more than 83 Multi-Unit Dwellings at 2,400 square feet per unit (totaling 199,200 square feet)

- b. 60% of the Multi-Unit Dwellings concentrated in a primary village structure
 - c. Four Single-Family Dwellings
 - d. A 20,000-square-foot ski academy
 - e. A ski chairlift located within a 1,100-foot radius of the primary village structure
 - f. Support commercial up to 5% of the gross square footage and appropriate amenities
10. The 1995 Settlement Agreement required the property owners to amend the 1991 Wasatch County Density Determination. In 1996, the First Amended Density Determination was recorded with Wasatch County. The First Amended Density Determination increased the single-family dwellings from four to five and included 83 townhouse/cottages (units not to exceed 2,400 square feet, totaling 199,200 square feet).
11. In 1997, the parties amended the 1995 Settlement Agreement, transferring the 20,000-square-foot ski academy to Telemark Park (also known as the Jordanelle Village Resort).
12. On December 17, 1998, the City Council approved Ordinance No. 98-53, annexing 253 acres of the Deer Crest property into Park City.
13. Also on December 17, 1998, the City Council approved Ordinance No. 98-51, amending the Zoning Map to include the Deer Crest annexation area.
14. Founders Place is in the Recreation Commercial within a Master Planned Development Zoning District.
15. On December 23, 1998, Deer Crest Associates I, LC recorded the Deer Hollow Village Subdivision at Deer Crest, creating five single-family lots pursuant to the Founders Place density allocation.
16. In 2021, the Applicant submitted Conditional Use Permit, Modification to a Master Planned Development, Subdivision, and Phase I Condominium Plat applications to construct the remaining Multi-Unit Dwelling density.
17. The Founders Place Subdivision creates a 6.93-acre Lot 1, a 2.50-acre Lot 2, a 2.93-acre Lot 3, and an 18.88-acre Open Space Parcel.
18. The Applicant proposes developing the project in three phases:
- a. Phase I: Buildings 1 and 2, amenity space, and the pool/ski deck.
 - i. Housing unit count: 32
 - ii. Gross square footage: 158,813
 - iii. Construction start date: spring 2022
 - b. Phase II: Building 3
 - i. Housing unit count: 19
 - ii. Gross square footage: 89,422
 - iii. Construction start date: spring 2023
 - c. Phase III: Building 4 and associated pedestrian bridge
 - i. Housing unit count: 27

- ii. Gross square footage: 114,222
 - iii. Construction Start Date: spring 2024
19. On October 19, 2021, the Park City Development Review Committee evaluated the project and did not identify issues or concerns.
 20. On October 27, 2021, the Planning Commission conducted a work session on the project.
 21. On November 4, 2021, the Wasatch County Development Review Committee evaluated the project and provided input and recommended Conditions of Approval.
 22. On November 10, 2021, the Planning Commission visited the site.

Conclusions of Law

1. There is Good Cause for the Founders Place Subdivision because the Founders Place proposal improves the development for the site compared to the 1995 Site plan and reduces the overall Site disturbance by decreasing the Limit of Disturbance by 40%, the driveway square footage by 53%, the gross building footprint square footage by 8%, the linear retaining wall square footage by 4%, and the exposed retaining wall face square footage by 34%. Additionally, the Applicant will provide affordable employee housing for 10% of the project.
2. The Founders Place Subdivision is consistent with the Land Management Code Chapter 15-2.16 *Recreation Commercial Zoning District*, Chapter 15-6 *Master Planned Developments*, and Chapters 15-7 *Subdivisions*.
3. Neither the public nor any person will be materially injured by the Founders Place Subdivision.
4. Approval of the Founders Place Subdivision, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. Approval of the Founders Place Subdivision is contingent upon Planning Commission approval of the Founders Place modifications to the Deer Crest Master Planned Development and the Founders Place Conditional Use Permit for Multi-Unit Dwellings.
2. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Founders Place Subdivision Plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
3. The Applicant shall record the plat with Wasatch County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the Subdivision will be void, unless a request for an extension is made in writing prior to the expiration date and extension is granted by the City Council.

4. The property is not located within the Park City Soil Ordinance Boundary and therefore is not regulated by the City for mine related impacts. However, if the property owner encounters mine waste or mine waste impacted soils the property owner must handle the material in accordance with state and federal law.
5. The City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans is required for compliance with City standards and is a condition precedent to building permit issuance.
6. The Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.
7. The Applicant shall coordinate with Park City and Wasatch County entities regarding public improvements as outlined in the Deer Crest Interlocal Agreement.
8. Within six months of the modification to the Master Planned Development approval, the Applicant shall submit a phasing plan as part of the Development Agreement in a form approved by the City Attorney's Office and Mayor.
9. The City Engineer shall review and approve the final Subdivision mylar prior to recordation with Wasatch County for compliance with Park City Design Standards, Construction Specifications, and Standard Drawings.
10. The Applicant shall work with the Engineering Department to address subsurface drainage and storm water drainage, prior to submitting a building permit.
11. Slope stability analysis completed by a geotechnical engineer prior to submitting a building permit, to be reviewed and approved by the Engineering Department.
12. The Applicant shall dedicate the four-foot soft-surfaced Pipeline and Village Trails for public use on the subdivision plat, as approved by the Trails & Open Space Manager and City Attorney's Office.
13. No Certificate of Occupancy shall be issued until Final Grading is completed and Lots are recovered with topsoil an average depth of at least six inches, which shall contain no particles over two inches in diameter over the entire area of the Lot, except that portion covered by buildings or included in Streets, or where the Grade has not been changed or natural vegetation damaged.
14. All disturbed areas on Lots shall be covered with topsoil and re-vegetated at a minimum with seed sown at not less than four pounds to each one thousand square feet. In the spring, seed shall be sown between March 15 and May 15; in the fall, seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City and shall have been tested for germination within one year of the date of seeding.
15. Interior and exterior fire sprinkler systems may be required of all projects based upon an analysis of the size of the Structures, vegetation surrounding the Structures, and location of the project as it relates to Fire District response time, to be determined with the Wasatch County Fire District.

- 16. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left deposited on any Lot or road at the time of issuance of a Certificate of Occupancy and removal shall be required prior to issuance of any Certificate of Occupancy.
- 17. The Applicant shall submit a draft Founders Place Homeowner Association Declaration that includes the affordable housing obligations outlined in the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a subdivision mylar. The Declaration shall be approved, executed, and recorded simultaneously with the condominium plat.
- 18. The Applicant shall change the name of the Subdivision Plat during the redline process from Deer Hollow to Founders Place to reflect the renaming of the project prior to printing to final mylar.
- 19. If the City, Deer Crest, Wasatch County, and other parties later agree to allow expanded public use of Deer Hollow Road, Founders Place developers and Founders Place Homeowner Association shall not object to or veto expanded public use.
- 20. Satellite parking is prohibited.

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

PASSED AND ADOPTED this 27th day of January, 2022.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

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 Nann Worel, MAYOR

ATTEST:



DocuSigned by:

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 City Recorder

APPROVED AS TO FORM:

DocuSigned by:

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 City Attorney's Office

