

Ordinance No. 2022-25

**AN ORDINANCE APPROVING THE FOX TAIL SUBDIVISION, LOCATED AT
3805 FOX TAIL TRAIL, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 3805 Fox Tail Trail petitioned the City Council for approval of the Fox Tail Trail Subdivision to create a 3.04-acre Lot for a Single-Family Dwelling, and a 29.7-acre Parcel to be dedicated to Park City subject to a Deed Restriction; and

WHEREAS, on July 14, 2021, the *Park Record* published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on July 14, 2021, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on October 13, 2021, February 9, 2022, and May 11, 2022, the Planning Commission reviewed the proposed Fox Tail Subdivision and held public hearings; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the proposed Fox Tail Subdivision and held a public hearing and forwarded a positive recommendation for City Council's consideration on July 21, 2022; and

WHEREAS, on July 21, 2022, and September 1, 2022, the City Council reviewed the Fox Tail Subdivision and held public hearings; and

WHEREAS, the Fox Tail Subdivision is consistent with the Park City Land Management Code, including Chapters 15-2.7, 15-2.10, and 15-2.21, and Sections 15-7.3-2 and 15-7.3-3.

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

SECTION 1. APPROVAL. The Fox Tail Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. In 1995, the City Council adopted Resolution No. 2-94, annexing 227.99 acres of Hidden Meadow.
2. Parcel No. PCA-S-98-SEC-11 was included on the annexation plat.
3. In 1995, the City Council approved the Hidden Meadow Subdivision. Parcel No. PCA-S-98-SEC-11 was not included in the Subdivision.
4. The Hidden Meadow CC&Rs outlined a timeline to include Parcel No. PCA-S-98-SEC-11 in the Hidden Meadow Subdivision and Homeowner Association. However, the option expired.
5. Hidden Meadow Phase I was approved with 45 lots, leaving one unit of Density allocated to the subject property.
6. The Annexation Agreement also establishes the obligation for the owner/developer to dedicate trails to Park City on the final Plat for Open Space, areas to be designated as Recreation Open Space, and for the Open Space areas to be dedicated to the City.
7. The Applicant proposes the Fox Tail Subdivision to create a 3.04-acre Lot in the Estate Zoning District for a Single-Family Dwelling, and to create a 29.7-acre Parcel, to be dedicated to Park City Municipal Corporation to retain as Recreation Open Space pursuant to a Deed Restriction.
8. Maximum Floor Area and Limits of Disturbance are consistent with what is allowed in the surrounding neighborhood and what was originally envisioned for Hidden Meadows Phase 2 Lot 26.
9. The proposed Subdivision complies with the purposes of the Estate Zoning District, and Sensitive Land Overlay.
10. The proposed Subdivision complies with the Lot and Site requirements for the Estate Zoning Districts.
11. The minimum lot size for the Estate Zoning Districts is 130,680 square feet. The proposed Lot contains 132,299 square feet.
12. The proposed Subdivision complies with Land Management Code Section 15-7.3-2, as outlined in the staff report, and conditioned below.
13. The proposed Subdivision complies with Land Management Code Section 15-7.3-3, as outlined in the staff report, and conditioned below.

Conclusions of Law

1. There is Good Cause for this Subdivision because it protects the Ridge Line Area, encourages orderly and beneficial Development, complies with the Sensitive Land Overlay, and dedicates 29.7-acre Parcel A to the City as Recreation Open Space, consistent with the Annexation Agreement.
2. The Subdivision complies with Land Management Code Chapters 15-2.7, 15-2.10, and 15-2.21, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, 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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction, to be approved by the Chief Building Official.
4. A non-exclusive ten-foot public snow storage easement on Fox Tail Trail shall be dedicated on the plat.
5. The property is not located within the Soils Ordinance and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. All Significant Vegetation that is removed shall be replaced in kind.
8. A Ridge Line Area and 150-foot buffer prohibiting development shall be included on the final plat. The Lot shall comply with Estate Zoning District requirements for Maximum Building Height of 28 feet plus exceptions for roof pitch of 4:12 or greater. In addition, to further mitigate visual impact from Fox Tail Court, no point of the building shall exceed an elevation of 7,135 feet.
9. The driveway and utility lines should be designed to work with Existing Grade and cut and fill Slopes should be minimized. The driveway shall be placed so that disturbance of Significant Vegetation is minimized.
10. Existing natural drainage shall be maintained.
11. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.
12. No existing trails will be relocated. The Applicant shall dedicate a ten-foot-wide trail easements on Lot 1 for the existing Fox Tail Trail and for the recently constructed trail connecting the cul-de-sac to Park City Heights. Fox Tail Short Cut, which is not a recognized trail, will be closed.
13. Lot drainage shall be laid out to provide positive drainage away from the Single-Family Dwelling in accordance with the International Building Code.
14. The Applicant shall submit a vegetation protection plan prior to applying for a building permit outlining vegetation protection during construction and revegetation after construction and a designated driveway location shall be shown on the final plat subject to Planning Director, Chief Building Official, and City Engineer review and approval.

15. All disturbed areas on the Lot shall be covered with topsoil and revegetated.
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 or deposited on the Lot at the time of a Certificate of Occupancy.
17. The plat notes shall state that the Maximum Floor Area for Fox Tail Subdivision Lot 1 is 10,000 square feet.
18. Limits of Disturbance shall not exceed 16,000 square feet, and are shown on the Plat in order to protect Significant Vegetation and the Ridge Line Area.
19. The Applicant shall dedicate 29.7-acres of ROS zoned land to Park City Municipal Corporation, to be recorded on the same day as the final plat.
20. No Certificates of Occupancy shall be issued until the recordation of the easements are completed to City trail standards and approved by the Open Space and Trails Manager.
21. Nightly rentals, short-term rentals less than a 12-month term, commercial uses, and fractional ownership of the single-family dwelling are prohibited and a Restrictive Covenant in favor of the Hidden Meadows HOA shall further enforce this Condition.
22. The Plat shall include a note stating that the Lot is subject to the Architectural Guidelines within the Park City LMC satisfying the requirement for a development agreement for Architectural Review of the single-family dwelling.
23. Any fencing on Lot 1 shall be wildlife friendly.
24. A Plat Note shall indicate that the Subdivision is subject to Conditions of Approval in Ordinance 2022-25.

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

PASSED AND ADOPTED this 1st day of September, 2022.

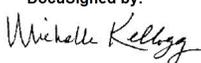
PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

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Nann Worel, MAYOR

ATTEST:

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City Recorder

APPROVED AS TO FORM:

DocuSigned by:

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City Attorney's Office

Attachment A: Fox Tail Trail Subdivision

