



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 11, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Vice Chair Christin Van Dine, Laura Suesser, Bill Johnson, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, City Planner; Celia Peterson, Environmental Sustainability Project Manager; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She reported that all Commissioners were present either in person or via Zoom.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from September 13, 2023.

Commissioner Shand noted that the minutes state that he was not present on the Zoom call but joined at approximately the same time as Commissioner Sigg. His comments were recorded on page 10. Chair Hall noted that the minutes would be amended on page 1 to reflect that Commissioner Shand joined at the same time as Commissioner Sigg.

MOTION: Commissioner Frontero moved to APPROVE the Planning Commission Meeting Minutes from September 13, 2023, as amended. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director, Rebecca Ward announced that on October 18, 2023, they will hold the second Community Meeting for the Bonanza Park Small Area Plan and the Five Acre Feasibility Study. She noted that a neighborhood tour was scheduled for 1:30 p.m. at the Five Acre Site. There would be temporary parking available. The meeting will start at 5:30 p.m. at the Library, and the Consultants will present at 6:00 p.m.

Assistant Director Ward reported that there would be no public input for tonight's two Work Session Agenda Items, however, written input may be submitted to planning@parkcity.org.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATIONS

- A. **Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) - Plat Amendment** - The Applicant Proposes to Modify the Plat for Unit 55 to Reflect the As-Built Single-Family Dwelling in the Residential Development Zoning District. PL-23-05609.

Chair Hall opened the public hearing and noted that this item would be continued to October 25, 2023.

MOTION: Commissioner Johnson moved to CONTINUE Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) – Plat Amendment, and the public hearing thereon, to October 25, 2023. Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

6. WORK SESSION

Chair Hall reiterated Staff's report that there would not be public comment on these two items at this meeting since no decision would be made. If either moves to a Regular Agenda, they would be publicly noticed with public comment taken at that time.

- A. **220 King Road – Plat Amendment and Conditional Use Permit** – The Applicant Proposes to Combine Two Parcels into One Lot and Construct a New Single-Family Dwelling located off King Road, which will Replace the Two Existing Dwellings at 220 King Road. PL-22-05318, PLC-22-05319.

Senior Historic Preservation Planner, Caitlyn Tubbs, reported that the Applicant's team requested this Work Session for a pending Plat Amendment and Conditional Use Permit ("CUP") application. The property is located at 220 King Road and is a 1.23-acre site located in the Historic Residential – 1 ("HR-1") Zoning District. The site is also within the Sweeney Master Planned Development ("MPD") and there are currently two existing structures on the site.

Wade Budge, Esq. identified himself on behalf of the property owners Matthew and Tatiana Prince. Steve Grim from the architectural firm Olson Kundig, was also present. He stated that the main issue here was the design and how they would locate a home on this site. Mr. Budge introduced other members of the team, including Jason Boal and Bruce Baird, Esq.. Mr. Budge reported that they want to engage with the Planning Commission regarding some of the concepts they encountered as they interpreted and applied the MPD for this property. The property owners planned to be present but had issues with travel. They would be present when this matter moves to a public hearing.

Mr. Budge presented a slide show to the Commission that began with a view that showed the context of the location of the property as it related to Old Town. He stressed that it was important to understand that this property presented a situation where the owners had one lot that was

made up of two tax parcels. There was a lot of history behind this in terms of the prior owners who tried to divide and perhaps sell or partition the property without subdividing the property. He confirmed that through this process, this would remain one lot.

Mr. Budge reported that there are two homes on the lot and the aggregate square footage of those two homes is more than 4,000 square feet. He presented a visual of the location of the two homes on the lot. He also felt it was helpful to show the cross-valley view, and noted that the two homes are the two highest structures seen in the photograph presented. The homes were built in the late-1990s, and are not particularly of the same look as some of the finer products in town. Additional photographs were presented. Mr. Budge commented that the existing homes have no historical significance and the design did not comply with any of the parameters or guidelines that applied to this neighborhood.

In response to Commissioner Frontero's question, Mr. Budge advised that the back home was the primary residence. Mr. Budge explained that the property is part of the Sweeney MPD, and he presented an aerial view that showed the seven home sites that were part of that MPD. The red outline reflected the investment and acquisition by the City of all of the development rights related to things unrelated to these home sites. He also pointed out that it is important to understand how this lot related to the other six lots approved as part of the MPD, which were identified as Lots 1, 2, 3, 4, 6, 7, and 8. He explained that Lot 5 ended up being an open-space parcel.

As they have gone through the process of coming up with design concepts and obtaining an understanding of how to best apply this MPD, they studied the other homes. He presented a chart based on that analysis that he felt was helpful in terms of understanding the context. The Applicant's Lot is not the largest, but it is one of the three larger Lots in the MPD. He also mentioned that while Applicant's Lot was one of the larger building areas, it was not the largest within the MPD.

With regard to the other six lots within the MPD, five homes provided a sense of how the MPD was applied. He presented images of the homes on Lot 3 and Lot 4, located on Norfolk Avenue. He also presented images of the homes on Lot 6 and Lot 7, located on Woodside Avenue. He noted that these homes have some elements that informed how they approached design for the subject home. Mr. Budge identified the Applicant's Lot 2. He noted that Lot 8 also has a home on it. No home had yet been constructed on Lot 1. He mentioned that they were going through a Historic District Design Review ("HDDR") process, and would comply with those requirements. He felt it was important for the Commission to understand some of the historical concepts that informed what they ended up designing for this home.

Mr. Budge explained that they looked at some of the structures and use areas that surrounded the area outside of Old Town, and identified several well-known mining elements. They also analyzed the stratification of uses and noted the presence of a well-known commercial center, a residential center, and an area historically associated with mining. He mentioned that as part of the MPD, the area associated with mining allowed for those seven home sites, six of which had been developed. The Applicants were looking to redevelop their site through this process.

Mr. Budge reported that the Applicants purchased the home in July 2020, and started informal discussions with Staff before first approaching with a formal application in July 2022. They began engagement with the neighbors and stakeholders at that same time and felt proud of the support they were able to obtain from significant stakeholders in the community and the neighbors. He

stated they would review some of the letters with the Commission at the end of the presentation. He explained that they began the CUP and Plat Amendment application process and previously scheduled a Work Session that was continued so they could do more work on this project. They stated they received a Grade Determination approval. He advised that the design included a pool, so they would request a Private Recreation CUP, which might just get folded into the broader CUP.

Because of the proposal to build on slopes, Mr. Budge stated that a Steep Slopes CUP would be brought before the Planning Commission. He also mentioned the currently pending HDDR application that they were working through with Staff. They had been iterating throughout this process, and deferred to Mr. Grim regarding the iteration. One of the goals of this Work Session was to obtain feedback from the Planning Commission as they work toward a resubmission. He noted that under this MPD, a home is required to be processed as a CUP, which is atypical, and the Planning Commission would be the body to review the CUP.

Staff spent a lot of time on this application, and thanked Staff for their dedication. He noted that the elevation was reduced and they adjusted some parking elements to accommodate fire turnarounds. They also worked on the roof mass and dealt with breaking up the overall mass to be consistent with what was contemplated in the MPD. Mr. Budge noted they also worked on the windows and glazing to address the historic element. They also adjusted the footprint, which was still in flux and would be addressed during this meeting. He explained that one of the requests that would come before the Planning Commission would be to adjust the buildable area on the Plat. He reminded those present that the lot has an 11,000 square foot buildable area, and the Applicant was looking to shrink it by approximately 490 square feet, move it uphill, and pull back some of the buildable area away from the nearest residence that is downhill. He presented an image that represented this concept that would come before the Planning Commission as part of the resubmission.

They also had been working on how to locate and apply the City's footprint standards. He stated that the submission that received comments as outlined in the Staff Report, was a version of the current configuration. Mr. Budge explained that they are operating under two different systems. On the one hand, they were trying to give meaning to the Plat Note, which was found to be consistent with the MPD when the Plat was approved. He referenced the Plat Note that addressed how to measure from the outside face of walls and stated that the design team gave effect to that interpretation with this design. Mr. Budge presented the footprint location of 3,500 square feet, which was the maximum allowed under the Plat. Architect Grim explained that this version of the footprint was the outside face of the foundation that touches the ground. He stated that they pushed and pulled the massing to meet the requirement that no single mass be over 1,500 square feet. By their understanding of how the rule should be applied, they felt that this complied.

Architect Grim mentioned that it was suggested that there was a different rule for calculating mass, which was based on the cantilevers and projections that project to the ground. He stated the original version of the footprint plan did not meet these requirements, but they had since revised it to bring it into compliance. They had two versions that both met the maximum or less than 3,500 square feet. Mr. Budge presented the second version of the footprint referenced by Architect Grim and explained that this considered the standard in the Code as opposed to the standard in the Plat Note. He explained that the standard in the Code referenced applying measurements based on the projections.

Architect Grim explained that they revised the mass numerous times to break it up into a variety of sizes. He noted there was some square footage in the underground parking area that put them over, and they have since removed that. Most of what was shown on the right side of the page before the Commission was cantilevering, which they counted as footprint as set forth in the Code.

Commissioner Frontero sought clarification from the Applicant as to whether they felt they complied with Plat Note 6 as currently written. Mr. Budge stated they viewed it from either Plat Note 6 or the Code standard. He explained that Plat Note 6 used the exterior walls and did not address projection downward from the cantilevered sections. He noted that the Applicant had not yet formally resubmitted the drawing included in this presentation.

Mr. Budge stated they were still working through whether they would be required to comply with the Plat Note and the later adopted Code. The issue was that this could mean ignoring the Plat Note on the one hand, but trying to give meaning to the later-adopted Code that required taking into account cantilevered elements and projecting them down. The Applicant had not yet turned this into Staff to see if they agreed but noted that if the Planning Commission's view was they want consistent enforcement and cantilevers accounted for in determining footprints, then this would be how the Applicant would propose to modify their plan to make it consistent with Code. He noted that if the Code was the standard they must meet in addition to the Plat Note, then the drawing presented would meet both the Plat Note and the Code. Mr. Budge stated they could revisit this topic once he presented the renderings, which would show more context.

Commissioner Suesser expressed her desire to revisit this issue because she would like to hear from Staff on this second drawing since Staff had not yet received it. Mr. Budge stated that this drawing was in reaction to the Staff Report and they were trying to be proactive. Commissioner Van Dine echoed Commissioner Suesser's comments and stated she would like to know the Planning Department's opinion on this new concept. Mr. Budge offered to return to this topic and try to provide a clear understanding of the proposal. He also referenced the issue of interior heights referenced in the Staff Report. When the MPD was approved, it was not an element. In 2013, however, the Code was amended to impose a new requirement so that homes would not climb up a hillside. This Code required that the measurement from the first floor to the top plate of the highest floor must not exceed 35 feet.

Mr. Budge advised that they were proposing four levels in the structure, and two of the levels were below ground and would qualify as a basement because more than 50% of the structure would be underground. The proposal complies with this requirement, but they need to start socializing this issue so the Commission can understand how the proposal complies with this requirement. The Applicant team was still working with Staff on this issue and stated his belief that Staff was not quite there yet. Mr. Budge emphasized that they wanted to highlight this issue because they were conscious of this requirement even though it was not part of the MPD. He represented that they understood that the Code reflected a policy that above-ground floors could not exceed 35 feet of interior height.

Mr. Budge noted that the Plat Note also had a specific requirement that the façade cannot exceed 25 feet. He stated this requirement applied in areas without a step back. They believe they have a step back in the sense that the home is stepped back and out from its foundation. This also showed some of the cantilever elements discussed earlier. He explained that they measured to make sure that the top of the east façade, which is the façade facing cross-valley, would not exceed 25 feet, even though they have a step back which would make the requirement inapplicable. In other words, the Applicant took the position that the MPD and Plat Notes reflected

an effort to make sure that no single façade was too tall even though it was written such that it could be interpreted that if there were a step back, this limitation would not apply. They were still trying to give meaning to this language because someone took the effort to create this a requirement and include it in the Plat.

Architect Grim added that what they tried to do with the design was to make this look like a two-story house. If they were to include a step back on the upper side and add another story, they would be presenting the mass of a three-story house. One of the things they had worked on throughout the process with Staff was to reduce and try and make this home look less imposing by pushing it as close to the ground as possible. Mr. Budge reported that the PowerPoint would be put into the record so the Commission could study it and understand their thinking. He stressed that they were trying to be as transparent as possible.

Architect Grim mentioned that the dark blue line shown on the top of the image was the profile of one of the existing houses on the site, which was currently over the height limit. He reiterated that this design would bring the house completely under the height limit and would be shorter than the existing house. Mr. Budge emphasized this point because the owners had emphasized that this site has two homes that were not consistent with what would be the Best Practices for this area, and the homes were taller than what should be there. Mr. Budge stressed that they were trying to remove a Nightly Rental on this site and consolidate the structures into one home that would be lower and would meet all the requirements contemplated in the MPD and the Plat.

Commissioner Sigg asked for clarification of the “proposed beyond” on the drawing labeled “Façade Height.” Architect Grim referenced the L-shaped section in the foreground that stated, “Proposed Mass” and explained that the “proposed beyond” was the short leg of the L-shape. He added that it would project downhill more, which is why it was lower. What is beyond is the uppermost floor, and being higher up the hill would only present as a two-story mass. Architect Grim also stated they would be consistent through the same plane.

Mr. Budge next presented a graphic to explain how they measured the height. He represented that everyone was comfortable that they hit the height relative to what is required under the Code. He noted this graphic showed how the height would improve from the existing structure. They still had to work through the slope, but when they looked at the MPD and its requirements, the MPD talked in terms of flat roof height and pitched roof height. He advised that their design would meet the lower of those two requirements with respect to the pitched roof.

Architect Grim next addressed an image of the proposed Use – Footprint and explained that they were including the area that goes downhill in the same place as the Nightly Rental structure. The applicant's design would make it smaller and shorter. With regard to the other house, they proposed a simple L-shape that would meet the requirement of 3,500 square feet or less.

Mr. Budge stated that the footprints of the existing homes were shown in red, and the blue highlights illustrated the Applicant's proposed footprint. He added that the design would also bring it down so they would have a single structure with a 3,500 square foot or less footprint as opposed to the existing footprints. He stressed it was important to consider aggregate footprint impact when analyzing the two.

Architect Grim referenced a sequence of slides to help the Commission understand the existing mass versus the proposed mass. The two existing houses have parts of their roofs over the height limit. He presented an image that showed the mass of the proposed design overlaid onto

the existing structures and highlighted the area further downhill noting how drastically less it was as compared with the existing. He also pointed out that the larger existing home popped up over the proposed roof height and its primary mass was much more forward on the lot and presented as taller than the proposed design.

Architect Grim added that the small, inverted step back they included on the underside of the plan would present this as a two-story house. He added that they would significantly landscape the hillside in front of the house to further obscure and mask the house itself and make it less viewable from cross-valley and below. Additional slides were presented that showed existing use and proposed use.

Architect Grim mentioned that the larger sloped roof used to extend all the way across, but they had since scaled it back to make it less imposing and replaced it with a flat roof beyond. He added they also worked to reduce windows. He stated that one of the reasons the owners came to them was the kind of work his firm does that is inspired by the mining industry and ski town aesthetic. He added that his firm does a lot of work in ski towns all over the country. He and Tom Kundig both personally worked on the Goldener Hirsch Hotel, and have many other ongoing projects in Park City.

Architect Grim reported that last summer, the Friends of Park City Mines gave him and the owner a very extensive tour of the Silver King Mine and others, and they took very strong inspiration from those projects. He noted those projects used galvanized siding, some of which had rusted; therefore, this design included a palate of zinc to mimic the galvanized metal and rusty steel. They measured the grid dimensions at the Silver King Mine and would replicate that with the gridded window system. They also proposed board-formed concrete for this project which would match the board-formed concrete pattern present at the Silver King Mine. Architect Grim explained that this project was developed in response to comments from Staff and inspiration from local mining architecture.

Commissioner Sigg asked about the length of the wall underneath the largest plane of the roof or the long arm of the L-shape. Architect Grim responded that there would be breaks in the wall at the further downhill portion on the left and the larger mass would have a shadow line. He stated that was right at the bend of the L, and the façade would be pushed back. He added that at the main façade, there would be a projection approximately 2/3 of the way over and would be forward of the primary length. The total length of that wall plane would be approximately 100 feet.

Commissioner Suesser echoed Commissioner Sigg's questions and felt it would be helpful to have a visual that zoomed in on the building so they could see the proposed materials and the length of the plane of the larger structure. She also requested a visual that was zoomed out so they could see how this project would fit on the hillside as one looks at all of Old Town, including to the north of the presented perspective. She thought it would be helpful to see the proposed home in relation to the entire hillside.

A zoomed-in view was presented, and Architect Grim advised that a zoomed-out view would be created and presented to the Commission. Commissioner Sigg added that it would also be helpful to see how this house would look relative to the other homes in the MPD. Architect Grim stated they did not have that today but could provide that for the Commission.

Commissioner Johnson asked if they looked at an alternative material for the chimney. Architect Grim stated the chimney would also be the board-formed concrete. A zoomed-in view of the

proposed home was presented to the Commission. Architect Grim explained that just to the left of the chimney was the forward volume he described earlier. Additionally, the façade was pushed back where the taller roof stops.

Mr. Budge stated they would also present a context view with the development to the north in view in the background. They could also do the same with respect to the MPD structures.

Commissioner Suesser stated that the zoomed-in rendering was helpful and provided a good sense of the bottom of the L projecting out of the hillside and the rest of the building set back from that. However, she still did not have a good sense of the variation of the building along the long side of the L. Architect Grim stated they would provide additional views to illustrate that for the Commission.

Commissioner Shand noted that the close-up rendering showed the chimney, and asked if the other light gray areas on the front façade board would also be formed concrete. Architect Grim responded that it would be a mixture of board-formed concrete and zinc. Everything seen on the forward face would be zinc paneling. At the bend of the L, and underneath the bottom side of the long two-story mass would be board-formed concrete. Architect Grim added that the lower mass to the right would also have board-formed concrete. Commissioner Sigg understood that the small squares underneath the two floors of the long side of the L would be concrete.

Commissioner Suesser noted the representation that the building will appear as a two-story structure and inquired about the lower living level. Architect Grim explained that below the projecting mass just to the left of the chimney there would be a light well. The light well would be 10 feet back from the forward façade and would provide light to the basement area. He noted it would only go a partial distance and the rest of it would be only a few feet above grade.

Commissioner Suesser asked if there would be living space behind the light well. Architect Grim stated there would be living space, but it would be mostly mechanical space and storage. The area below the bottom of the L would be a covered patio and would be 10 feet back from the forward façade. He noted that the existing grade cut across the bottom of the forward façade, so they created a cutout for direct access to the ski trails.

In response to Commissioner Frontero's inquiry regarding façade height, Architect Grim advised that, as presented, it was 25 feet above the existing grade. He stated that 25 feet was the highest allowed façade before requiring a step back, and explained that they designed the step back on the bottom side instead of the more conventional above side.

Commissioner Sigg commented that the 25 feet was measured from the copper collar to the eave of the roof, and did not include the squares that make up the "foundation" because the building would be cantilevered forward from the squares. Architect Grim confirmed Commissioner Sigg's comment and also confirmed Commissioner Suesser's understanding that the step back was below grade. Commissioner Suesser commented that was a controversial way to measure. Architect Grim explained that it was more conventional to have a step back on the upper side; however, that would present a very different aesthetic and he opined it also would make the mass look bigger because one would visualize three stories. He stated they wanted to invert that step back by putting it on the bottom side and push the house down to make it look smaller overall.

Commissioner Sigg asked if the step back occurred in a Steep Slope area. Mr. Budge stated it was in a Steep Slope, and added that they had prepared an application and retained Alliance

Engineering to conduct an analysis. He stated that would be part of the package they would bring back before the Planning Commission.

Commissioner Van Dine requested that when the Steep Slope application is presented, the Applicant presents what the excavation would look like. She noted the renderings showed all the excavations filled back in, and whether that actually would occur was a different story. She mentioned that all around town they end up with big walls, and she would like to see exactly where all the excavation would occur and what it would look like. Mr. Budge stated that they would have Alliance Engineering come before the Commission to explain all of that, including where all the shoring would be installed.

Commissioner Sigg asked if this site was in the Sensitive Land Overlay ("SLO") zone. Mr. Budge advised that they felt that the SLO applied to the areas outside of the proposed work and the location of the excavation would be outside the SLO.

Commissioner Johnson asked about the accessory building shown in the packet, which he understood was uphill. He felt that area was questionably in the SLO. Architect Grim explained that the owners originally wanted to have a garage/office building that would be accessed from King Road. However, there was no reading of the Code that would allow for that use. He stated that through conversations with Pat Sweeney and looking at what others had done in that MPD was that fully underground structures such as parking areas would not count toward the total square footage. Therefore, on the backside, they completely buried the small office. He stated a single-story façade would be visible that would be pushed back underground, but from either side, there would be no mass.

Mr. Budge added that they could provide further information when they return with the excavation details. He highlighted some of the engagements and explained that one of the first things they did was to engage Pat Sweeney because of his involvement with the MPD and the Plats. They put Mr. Sweeney's comments into the record. He commented that they were proud to present the comments from the Museum about the plans, and appreciated the Museum's support and comments. He stated they would continually consult with the Museum as they prepare for the next hearing. They also approached other well-known members of the community who are involved in mining history, which was important because it was one of the factors that influenced the design.

Mr. Budge expressed that they were very proud of the fact that they had spoken with the neighbors and received letters of support from those neighbors who adjoin this property. The Applicant appreciated these comments of support. He thanked the Commissioners for their comments and stated they would return with some additional views and architectural plans that would help the Commission to better understand how the long L related to the various planes. He stated they would also provide the excavation details and provide the alternative views requested. They would also provide additional details on the accessory structure.

Commissioner Sigg referenced the image showing an aerial graphic of the site and asked for an explanation of the existing survey conditions, specifically whether other lots extended into the Applicant's Lot. Mr. Budge explained that this image depicted various easements. Commissioner Sigg saw the easements but directed his question to the lots outside of the bold-hatched line. Mr. Budge directed Commissioner Sigg to look at the "point of beginning" and explained those were not part of the lots. He stated he would find out if it represented a landscape easement appurtenant to the lot outside the hatched line.

Commissioner Sigg asked if there were any encroachments along the landscaping easements that were appurtenant to the lots to the east of Applicant's Lot, and wondered if there was an aerial photograph of this area. Mr. Budge stated he would provide that information.

Commissioner Suesser mentioned it would be helpful to see a comparison of the proposed square footage of the home versus the other five homes in this MPD as well as neighboring homes. She felt this would help determine neighborhood compatibility. Mr. Budge stated they had looked at that by primarily using Assessor records, but would look for a source that would provide a more accurate picture.

Commissioner Frontero referenced the statement on page 5 of the Staff Report that the Applicant was looking to increase the building area limits. Currently, that was 11,190 square feet, and the proposal was to add 3,526 square feet for a new total of over 14,000 square feet. He noted that this was not addressed in the presentation. Mr. Budge explained that the building area was 11,250 square feet in size according to the Plat. The Applicant's request was to take the hashed area below the L, reduce it, and move the buildable area up on the hill. The net effect of that adjustment was a reduction of 490 square feet. He stated it was a matter of providing these drawings along with their interpretation to Staff for analysis. He reiterated that they viewed this as reducing the overall building area, although they would be shifting the location.

Commissioner Frontero requested a response from Planner Tubbs because to him the Staff Report plainly stated that the Applicant was looking to add 3,500 square feet. Planner Tubbs noted that it appeared there was a revision to the proposed design of the house, and those revisions were not analyzed as part of this Staff Report. Staff would return with a future analysis for the Commission.

Mr. Budge thanked the Commissioners for their input and stated they would come back with additional details.

Following a short recess, Chair Hall called the meeting back to order and confirmed that all Commissioners were present.

B. Land Management Code Amendments – The Planning Commission will Discuss Potential Land Management Code Amendments to Update the Electric Vehicle Charging Station Regulations, Woodburning Stove Regulations to Align with Summit County and Voluntary Net-Zero Incentives. PL-23-05672.

Assistant Director Ward reported that Celia Peterson, Environmental Sustainability Project Manager would also join in this presentation. Assistant Director Ward stated that in January 2023 when the Planning Commission prioritized sustainability amendments, there were questions about what incentives were in place for solar rooftop panels and renewable energy upgrades. Staff provided information in the Staff Report about some of those incentives, fee waivers, and recent Code amendments to reduce regulations for rooftop solar. She noted that the Planning Commission also prioritized the re-evaluation of the requirements for new development to anticipate and prepare for increases in Electric Vehicle ("EV") charging station conduits, as well as minor amendments to align the Code to reflect the requirements of the Summit County Health Department with respect to wood burning stoves. Manager Peterson would update the Commission on where the Sustainability Department was with regard to net-zero development incentives.

Assistant Director Ward stated that currently, the Code requires garages in Single-Family, Duplexes, and Triplexes to include an outlet to accommodate a Level 2 charging station. For multi-unit and non-residential development, conduit is required for 20% of the parking spaces for the first 100, and 5% after that. Actual installation of the charging stations is required for 5% of the total parking spaces. When the Code was adopted in 2020, these requirements reflected what most communities were doing at that time. Since the adoption of the regulations, they have seen increased sales of electric vehicles, as well as a prediction that by 2030, half of car sales would be electric vehicles. With the infrastructure and plans in place to improve the network, there was an opportunity to re-evaluate the requirements.

Assistant Director Ward reported that Staff had looked at comparable communities, and it appeared that the requirement for conduit for 20% for non-residential uses remained the standard. However, because primary charging was for residential uses, Staff observed that some communities required conduit for 20%, while some had gone up to 80%. The most comparable communities were somewhere between 40 – 60 percent. She stressed that this related to the conduit installed at the time of development, which would save money that would be incurred for a retrofit.

Assistant Director Ward stated that communities have approached this issue in different ways. She asked if the Planning Commission was supportive of maintaining the 20% conduit requirement for commercial and non-residential development. She reported that 20% appeared consistent with Best Practices.

Commissioner Van Dine remarked that most of the projects that had come before the Commission had volunteered to do more. She felt that setting the standard at 50% for conduit was reasonable, given that Park City was such an aggressive community and leader in terms of emission goals. She noted that installing the conduit was not that expensive, and it would set a precedent wherein developers might still offer to install more. She wanted to see the 50% standard across the board for residential and commercial and reiterated that conduit was not expensive to install. She acknowledged it might be helpful to know from a contracting standpoint the difference in cost.

Commissioner Johnson agreed and expressed that he liked the step-up example where the percentage increased over time. He leaned towards that as he read the Packet, but liked being more aggressive in line with Commissioner Van Dine's suggestion. He suggested that by 2030 the standard be 70%. He expressed his support for proactively requiring developers to at least install the infrastructure. He stated that in the applications they had seen, it had not been a significant issue for applicants.

Commissioner Shand also agreed with these comments. He cautioned that they did not want to not be prepared with an adequate amount of conduit because the reality was that the projects approved now would come to fruition in 2 – 3 years, and by then electric vehicle use would be higher. He agreed with increasing the requirement to 50% conduit for future charging stations.

With respect to the scaling of the conduit requirement, Commissioner Frontero felt there was no reason they should not require more conduit for EVs. He asked if the suggestion was to start at 50% and then increase from there. He liked the idea of scaling because more cars would be sold and they might as well get prepared for more EVs.

Commissioner Sigg was in favor of being proactive as opposed to reactive, and he would concur with Commissioner Frontero that if the trend was increasing, he would err on the side of more is better. He was in favor of not looking at this issue every six months but felt it was something that should be continually evaluated. He would support 50% at a minimum.

Commissioner Sigg felt it should also be looked at in terms of the scale of the amount of parking. Large developments and MPDs might present an opportunity to look to the upside because there might be a higher percentage of EVs simply because there are more stalls available for that. He reiterated that more was better, and would agree to a minimum of 50 percent.

Commissioner Suesser also agreed with these comments. She felt it would be difficult to micro-manage this, and suspected that demand would drive this requirement more than the Commission's attempts to regulate it.

Chair Hall expressed her support as well. She recalled that a local developer, Rory Murphy, advised that it was essentially pennies to install the conduit before the concrete, but prohibitively expensive to have to tear out the concrete after the fact.

When this item came as a Regular Agenda item, Chair Hall requested information on what the added cost would be at 50 percent and higher. She felt there was a clear consensus to increase the requirement to at least 50 percent.

Assistant Director Ward next addressed fast chargers, where EVs could get 100 - 200 miles of range with only 30 minutes of charging. She stated these charging stations were generally located along key traffic corridors. The City received requests to install fast chargers in parking lots and noted that these would take up Code-required parking spaces wherein people would use the parking lot to charge rather than patronize the use of what is on site. Communities have regulated them in different ways. Some communities had created standalone locations for fast chargers, while others allowed for the conversion of parking spaces with fast charges as an accessory use. Other communities implemented a hybrid approach.

Assistant Director Ward stated that they could approach this through the LMC and noted that currently gas stations were allowed in zones along the primary corridors. They could also designate fast chargers as an accessory use for the primary use of the site, but they would need to take into consideration whether additional parking would be required.

Chair Hall noted that the slow chargers are fairly worthless for short visits, so she was very supportive of fast chargers. She generally favored having it as an allowed use everywhere and leaving it to the owners to manage their own parking. She noted that many places had parking poachers and would leave it to the owner of the parking lot to install and regulate their own fast chargers.

Commissioner Suesser sought clarification on whether the presentation was for City-owned fast charging stations. Assistant Director Ward explained that in 2019, the City installed 100 EV charging stations, but they were Level 2 stations that required a longer charge time. She added that the City presently did not have any fast chargers installed on City property, but the County had two installed at the Library. Assistant Director Ward also stated they were receiving requests to install fast chargers within existing parking lots. She explained that some of the charging stations were specific to vehicle types, so that would be another consideration to ensure that fast chargers could be used by a variety of vehicles.

Commissioner Frontero asked who was requesting fast chargers. Assistant Director Ward clarified that they had received requests to transition Code-required parking to allow for the installation of fast chargers. Commissioner Frontero noted the fast chargers were a potential revenue-producing use, and noted that City-owned parking lots could be transformed into revenue-producing for a private entity. Assistant Director Ward stated that to this point, the requests were related to private parking lots. Commissioner Frontero felt there was a revenue element that should be considered.

Commissioner Shand wondered why the City would be involved if the requests were being made by private landowners. Assistant Director Ward explained that the requests would transition some Code-required spaces away from the use of general visitors to be used for EVs only. They would need to ensure there is a balance.

Chair Hall questioned whether it could be mutually exclusive in that someone visiting a grocery store would use the fast charger. She noted they would not be giving up a parking spot; rather, it would be left to the owner of the parking lot to limit the use of the chargers to patrons of the use.

Assistant Director Ward noted that with fast chargers it might become a destination to park solely to charge. She explained that was why some communities had taken an approach to look at that issue in comparison with the parking demand to satisfy the parking for that site. They would want to address that through the Code.

Commissioner Shand understood that if some parking spots in a private lot were transitioned into EV charging stations, that might upset the balance of parking spaces required for that particular landowner for that particular use. He understood that the issue was that once a parking space was changed into an EV charging station, it would no longer qualify as a parking space as part of the owners' requirements.

Assistant Director Ward stated that the current Code addressed Level 2 chargers only, and with the Level 2 chargers, there had been no change in the parking requirements for the project. She stressed that the fast charger installations would change that, and they would want to look at how to balance fast chargers in the context of the overall parking evaluation for the site.

Commissioner Sigg asked if there was data related to the industry as a whole that would indicate that fast chargers would become more prevalent. Manager Peterson explained that the industry is quickly changing and it is heading towards fast chargers. They recommend that fast chargers be considered an allowable use, but acknowledged the City did not want to get in the business of fast charging. She noted it is expensive, and any fast-charging stations would be paid stations as opposed to free. Rocky Mountain Power is also involved in setting up a charging network. She stated the market forces were taking care of things, and they just wanted to ensure it was an allowable use and they could properly permit it.

Commissioner Sigg asked about the delta between a conventional charger and a fast charger in terms of cost. Manager Peterson stated that it was significant, although she did not have specific numbers. She offered that if they looked at the City's Level 2 chargers, the City was charged a couple of thousand dollars per six months for the electricity use. The fast charger at the Library is in the tens of thousands per month, so the delta was significant. In terms of installation costs, Level 2 chargers cost next to nothing with incentives. Fast chargers were more expensive to install, although she did not know the delta off the top of her head.

Commissioner Sigg asked about data on the capacity of the grid. Manager Peterson stated it depended on whom you asked, and noted that was one of her concerns. If more vehicles were charging on the grid, especially during daytime hours, there could be some vulnerability. At this point, she had not heard any red alarms on this issue.

Chair Hall noted it would be a permitting process that the City would still oversee; it would just not become a Conditional Use. She understood that it could become an allowed use within the LMC, and the City would regulate it through Staff. She stressed there would still be regulations in place. Commissioner Frontero stated that the question centered on whether they needed to look at the parking regulations and whether the fast chargers might crowd out the parking for the business.

Assistant Director Ward asked if the Commission would like further consideration of the parking evaluation if the direction was that fast chargers would be an allowed accessory use, or whether the property owner should be allowed to determine the ratio of fast chargers versus Level 2 chargers versus general parking. Commissioner Frontero was supportive of the latter and would prefer to leave it up to the owners to make those decisions. Commissioner Van Dine agreed, as did Commissioner Sigg.

Commissioner Suesser referenced the parking lot near Dan's Market and asked who regulated the parking in that lot, and who would make the decision as to how many stalls would be designated for charging. Assistant Director Ward explained that under the current Code, the number of parking spaces is what has been regulated. The parking lot at Dan's Market was constructed prior to EV conduit requirements being put into place. If the owner of the lot were to come back and modify or change the parking area, then they would be required to install the conduit and the EV charging stations in compliance with the Code. She added that that particular development was within one subdivision, so how they allocated the parking within the uses would be up to the private property owner; however, under the current Code, the Planning Commission regulates the number of parking spaces required for the development.

With fast chargers coming in, she queried whether they should look at the Code-required parking. She understood from the comments that the Commissioners would support leaving the number of required parking spaces as-is, and let each property owner determine the number of fast chargers versus Level 2 chargers.

Commissioner Johnson noted his understanding that this would apply to the Recreation Commercial, General Commercial, and Light Industrial zones. Assistant Director Ward stated that they could apply this to all zones. If there was a property owner in one of the three zones mentioned who just wanted to install fast chargers as a stand-alone use, they could amend the Code to allow that, which would be akin to how a gas station is allowed in those zones. She reiterated they could do a hybrid approach where a property owner could have a standalone use for fast chargers, and that would be the use of that property. They could also add it as an accessory use to all other uses.

Commissioner Van Dine supported it as an allowed use in the zones listed. Commissioner Johnson agreed. He added that thinking about the parking concerns, he felt that Commissioner Suesser brought up a good example of the expanded uses within that subdivision and whether the property owner was regulating parking in that subdivision. He explained that he supported fast chargers being deemed an allowed use in these particular zones because he could park, go into the business, and charge his EV for 30 minutes. That spot would then be opened up for

another person. He felt it would offset the concern as far as parking management. These zones in particular were created to support that type of use.

Chair Hall added her opinion that the slower chargers were more detrimental to parking because people tended to leave their EVs for eight hours. She commented that she did not know why the owners in the subdivision mentioned by Commissioner Suesser were not regulating their parking, but they were within their property rights to regulate or not.

Commissioner Suesser expressed concern that these shop owners would lease to a third party to collect the revenue from the charging stations and circumvent their parking requirements. She noted that could be detrimental to the business, so perhaps they would not want to do that. These property owners could make money by leasing the stalls to a third party for the revenue from the charging station.

Chair Hall mentioned her experience was that they were still fairly inexpensive to use, and with the high value of parking in town, it did not make sense unless no one was truly using those parking spots.

Commissioner Van Dine noted that the return on investment was in the area of \$0.25 to \$0.50, and did not think it would be something that a lot of businesses would line up to do because the installation is so expensive. She felt it would be fairly self-regulating, and suggested they revisit this in 2 – 3 years to see how it changes.

Commissioner Shand expressed support for what was presented.

Assistant Director Ward asked if there was a consensus to include this in the Code along with a Sunset Clause that would require re-evaluation in another 3 – 5 years. Chair Hall did not think a Sunset Clause would be necessary and felt it would be something they would continue to review given the fast-changing technology.

Manager Peterson next reported that they just completed the community-wide carbon footprint update, and while there were still some numbers they needed to tweak, she presented the numbers to the Commission. She explained that the electricity emissions factors and commercial usage were looking good. The data showed that they were starting to see energy efficiency taking on in terms of commercial use. Manager Peterson stated that with natural gas use and heating fuels, the emissions were what the Sustainability team had to work on to decarbonize heating in Park City to achieve the net-zero goal. She reported that natural gas usage for both residential and commercial was concerning. She advised that the team had lined up several programs for launch. They had been discussing the Net-Zero Stretch Code for quite a while, and that was ready to launch. The Department was waiting to get on the City Council's agenda to get the go-ahead for that program.

Manager Peterson also noted the incentive package that goes along with the Stretch Code. She explained that the State of Utah is a non-home rule state, meaning municipalities are not allowed to set energy codes more stringent than what is set at the State level. She noted that the State is quite far behind as far as the International Energy Conservation Code, especially with regard to residential construction. They have tried several times to bring it up with the State Legislature and they keep getting shut down. She noted that the Commercial Energy Code was now up to 2021 standards, but to get to net zero, and given the natural gas numbers, they would need to

start being as aggressive as possible in the State of Utah. One of the best levers in terms of decarbonizing would be the energy code, which they are not allowed to change.

Therefore, they put together a suite of incentives for projects to go net zero. She stated they defined what they would like to see as far as what net-zero energy performance looks like. Manager Peterson stated that in the past, a project developer would propose sustainability requirements to the City; whereas, she felt it would be more strategic for the City to propose sustainability measures to developers so they truly achieve a net-zero project.

Manager Peterson stated there were several ways to play the game with LEED certifications, but they did not end up with net-zero energy performance. She noted the example of the Library. When the Library was renovated in 2015, it was renovated to LEED Silver standard, which sounded great, but the building actually used more energy than it did previously. She stated the Sustainability team was looking at driving the energy performance down. She noted the Energy Conservation Code has a net-zero appendix, and the New Buildings Institute, which is the thought leader around net-zero buildings, created an overlay that set forth the directions for a project to achieve net-zero.

Additionally, several third-party certifications get projects to net-zero performance, and that puts the onus on the developer and the third party. Manager Peterson noted that no project is the same, but they tried to lay out the definition and instructions on how they could achieve net-zero developments. She suggested it would make sense that once an MPD is triggered and any exclusion requested, they could set out the net-zero code requirements. She stated that the suite of proposed incentives included direct grants to projects to help them get to net zero. They have heard that such grants would be most helpful for developers. Another incentive was to create a building energy management professional on board to help with the energy modeling. She explained that the Energy Use Intensity ("EUI") was a number set for different building types that describes the energy performance that must be met to reach net zero. She reported that on many City projects, the energy modeler did not have the proper training and would try to do a "good enough" energy model. Having a professional on retainer who has been trained and properly certified would be beneficial. These professionals tend to serve as a green building advisor and have special expertise in HVAC systems and air sealing tactics that could help buildings reach net zero.

Manager Peterson noted that retaining this kind of professional would cost money, but noted there could be money available through the Inflation Reduction Act ("IRA"). On November 14th, they would hear whether the City would receive funding to implement the full decarbonizing buildings project, which would include funding for incentives and funding to retain a professional. The Energy Efficiency Conservation Block Grants ("EECBG") funding includes millions of dollars available from the Department of Energy. She noted that Summit County received direct allocations of EECBG funds for listed projects that would promote energy efficiency. She reported that Park City was too small to request a direct allocation, but they were able to apply for competitive funding to implement these programs. They would find out shortly whether they would receive this funding.

Manager Peterson advised that they were invited to submit for funding for two projects. One was a planning project that would look at the most equitable ways to set up a deep energy retrofit program in Park City. This program would train home energy auditors and energy managers to help Park City homeowners assess their homes and determine the best deep energy upgrades. She provided the example of lighting upgrades that could achieve a 10-15% reduction in electricity

use, but would not result in a net-zero building. Deep energy retrofits would look at all the different things a property owner could do, including air sealing, HVAC upgrades, lighting upgrades, and other upgrades to increase energy performance all at once. She noted a concept in Europe called “energiesprong,” and they submitted an application that replicated that concept.

The other program for which they sought funding was the Decarbonizing Buildings Program, which includes a suite of strategies. She reported that for new buildings they had the Net-Zero Stretch Code and incentives. For existing buildings, they looked at a commercial energy disclosure program, which would oblige commercial buildings to measure and report their energy use on an annual basis. She noted that Salt Lake City had a similar program in which all commercial buildings over a certain size were required to look at their energy performance. If they hit below a certain Energy Star score, they would be required to devise a plan to improve energy performance. She stated this would be a direct solution to address the natural gas numbers.

Manager Peterson stated she had worked closely on a Green Business Program with several businesses in Park City to start looking at energy performance. She explained that C-Pace is commercial property assessed as clean energy, and there had been a few properties in Park City that had come close to utilizing this financial strategy. She advised that it provides low-rate financing for commercial projects that hit 40% above code energy performance. Seismic upgrades can also be financed through C-Pace. She noted that this program was better for projects over \$2 million in builds or retrofits.

Manager Peterson mentioned that one of the other financial strategies was the Utah Green Bank. There is a team in town working to get Environmental Protection Agency (“EPA”) funding and mentioned the Greenhouse Gas Reduction Bill. The Sustainability Department was working with them to use this financing for the deep energy retrofits. This would provide a backup plan if they did not receive direct Federal funding. She and Emily Quinton from the County Sustainability team put together a website on how to use the IRA rebates and utility incentives. On November 2, 2023, they will hold a Ward Away Energy Vampires event, which will be a family-friendly event at the Richins Building. Representatives from Rocky Mountain Power, the Watt Smart Program, and Dominion’s Thermwise Program would talk about the host of utility incentives available. Experts on IRA funding would also be at this event, as well as people who have completed home energy retrofits to help demystify home energy upgrades.

Manager Peterson mentioned the Community Solar Program in which they engaged the community in undertaking a bulk buy of rooftop solar to make it cheaper for owners. She stated they were looking at something similar for heat pump installation and air sealing, which are two of the cheapest and most impactful things an owner could do to reduce energy use and associated carbon emissions. They engaged the Community Foundation to help with outreach for the Heat Pump and Air Sealing Program, which they hope to launch by Valentine’s Day in 2024. They added some new elements to the Green Business Program, including a certification regime to make sure that builders were really doing the most impactful actions. The Chamber of Commerce hosted several lunch-and-learns to help businesses become more sustainable and reduce their energy use.

Manager Peterson also mentioned that they had begun discussing a Green Building Awards Program. The criteria for these awards would focus on energy performance and embodied carbon, which looks at all the materials in a net-zero building. She noted that some of the third-party certifications incorporate embodied carbon. With regard to ways to reduce overall energy

use, specifically heating, Manager Peterson commented that Park City had a lot of leaky homes, which was something they wanted to get away from because of the impact the net-zero goals.

As far as electricity, she reported they had a good plan for the Scope 2 emissions and everything was as on track as it could be. She noted that many wild things had occurred with regard to the supply chains for the electron solar projects. She was told that China was manufacturing human rights violations so they would not have to export solar panels to the United States and keep them for themselves. She noted that they are on track for the 2030 goals in terms of electricity.

Assistant Director Ward understood there was consensus for the EV charging station updates, and Staff was scheduled to come back for a public hearing on December 13 for a recommendation to the City Council on January 4, 2024. As part of that, the Planning Commission could also forward a recommendation regarding the Net-Zero Resolution for the Council's review. There was consensus in support.

Commissioner Frontero asked if the feedback received from developers was that it was too expensive and they needed an incentive in the form of cash to become a net-zero building. Manager Peterson confirmed that was correct in some cases. She noted that several studies that she included in a prior presentation showed that properties that went all electric were less costly to build because the builder would not have to install the natural gas lines. However, they hear that heat pumps are too expensive.

Chair Hall recalled they heard that in the Founders application where they were opting for aggressive sustainability goals, and it seemed it was because it would be beneficial to their bottom line. Assistant Director Ward noted that the Founders developer agreed to install no gas in the residential units, so they reduced their footprint there as well.

Commissioner Frontero noted that Park City was pretty built out, and inquired whether they would need to retrofit and find greater incentives to retrofit buildings to reach these goals. Manager Peterson stated the cheapest energy is the energy they do not have to produce, so they were trying to focus on electricity and pointed out that the trends in electricity prices were quite stable as compared with natural gas. She recognized that energy retrofits were quite scary, as no one knows exactly what they were supposed to do, so they were focusing on demystifying the process.

Manager Peterson quoted former City Manager Diane Foster who said, "Energy efficiency is like eating your vegetables, and solar and renewables are dessert." She stated it was difficult for people to understand how to retrofit and the City had not been successful in moving the needle in reducing residential energy use, specifically heating. She noted they were looking at producing renewable natural gas through food waste and organic waste in general. Long term, however, they were looking to push electrification and energy efficiency.

Commissioner Shand commented that all of the electricity used in the City was produced by coal in central Utah. He was in favor of solar and reducing the carbon footprint, but the reason electricity costs had remained somewhat stable was coal. He did not know if pure electrification was the only answer, but wholly commended the research and involvement in the City in pushing to reach their goals.

Manager Peterson acknowledged that the grid was supplied by coal; however, also noted that was changing. Since 2016 the amount of coal and natural gas powering the grid had shrunk. Coal was getting more expensive and renewables were simply cheaper now and that was the

direction being taken by Rocky Mountain Power. With the Utah 100 communities, they were taking coal-powered plants off the grid because it was so much cheaper to produce renewables at this point. Coal was not as profitable or sustainable as in the past. She recognized they would always need energy and Utah was positioned well with many seeing the opportunities in renewables.

Commissioner Shand referenced the consumption numbers for natural gas and asked if those were gross numbers or per capita. He also asked if Manager Peterson had alluded to the fact that homes in Park City and the State were less efficient today than a year ago. Manager Peterson explained that they were using more gas as a community as compared with 2016, but noted that these numbers were not normalized for weather. She highlighted that the units for natural gas were therms, which is the amount of natural gas they were burning in Park City. She explained that the number of associated emissions for electricity was going down because there were more renewables on the grid. Natural gas creates cleaner electricity than coal, however, renewables were driving the lower emissions factor.

Commissioner Shand noted that in those five years, they have had a lot more visitors in town and more people moving into town, so it would be natural that the gross numbers would increase. He stated they still needed to keep pressing toward 2030 and lower the City's carbon footprint.

Manager Peterson stated these were gross numbers, not per capita. She added that the Economic Development Director would provide sales tax numbers to see if there was a correlation in the increased usage.

Commissioner Shand applauded the work that helped them understand where they stood because if it cannot be measured, it cannot be improved.

Manager Peterson mentioned that the Vehicle Miles Traveled ("VMT") number and on-road transportation emissions were not increasing as much as she had expected, which was good news. However, emissions were going up overall when they should be going down.

Commissioner Sigg liked that there would be someone at the City level who could help change the pattern and provide access and suggestions for financial solutions.

Chair Hall asked about wood-burning fuels and fireplaces. Assistant Director Ward stated those were already in effect through the Summit County Health Code. They would pull the County Code into the Park City Code and use the proposed Summary Definition, which mirrored the Snyderville Basin Code.

Chair Hall noted if some of the exceptions would be included in Park City's Code. Assistant Director Ward stated the one exception was for a wood-fired pizza oven. Chair Hall noted upgrades to existing devices and the ban on other items such as burning trash, plastic, and rubber, and wondered if those would be included in the Park City Code. Assistant Director Ward stated that was already in the Health Code and these amendments would be brought into the architectural regulations.

Chair Hall asked if these regulations were for burning fuel inside homes and asked if a pellet BBQ would be exempt. Assistant Director Ward explained that these regulations would just address what was within a structure.

7. REGULAR AGENDA

- A. 103 Alice Court – Modification to a Steep Slope Conditional Use Permit - The Applicant Proposes to Reduce a Tandem Garage to a Single-Car Garage and Add an Adjacent Second Garage Entrance. PL-23-05804.**

City Planner, Lillian Zollinger reported that the above application is for a modification to a Steep Slope Conditional Use Permit ("SSCUP"), Permit No. PL-23-05804. On January 25, 2023, the Planning Commission approved the SSCUP for a Single-Family Dwelling on this site. The Applicant now proposed to convert the tandem garage that was approved to a single-car garage and add a second garage adjacent to the first. The proposal was found to be compliant with the LMC and the HR-1 zoning regulations. There were no proposed changes to the footprint, height, setbacks, volume, or cut into the landscape.

Planner Zollinger explained that the rear portion of the tandem garage would be converted to livable space, and what was previously livable space adjacent to it would now be a garage. In terms of the proposal's design, the HDDR Guidelines state that side-by-side parking configurations were strongly discouraged; however, if they were used they should be minimized when viewed from the primary public Right-of-Way. Garages featuring a side-by-side parking configuration should maintain a two-foot horizontal offset in the front wall plane.

Planner Zollinger stated that the Applicant satisfied these requirements and the proposal was compliant with the Code. She noted the information in the Staff Report that the Applicant requested some modifications to the Findings of Fact and Conditions of Approval. Condition of Approval 19 provided that the Applicant shall record an encroachment agreement with the Engineering Department for the stairs and retaining wall in the Public Utility Easement. She also highlighted Condition of Approval 20 that the Applicant shall provide screening for one of the garages, as determined in the Historic District Design Review Modification. Planner Zollinger reported that that application would be reviewed tomorrow.

Condition of Approval 21 provided that the Applicant shall maintain two 12-foot driveways separated by landscaping or turfgrass pavers to comply with the 12-foot driveway width maximum in the HR – 1 Zoning District.

On behalf of the Applicant, Justin Keyes stated that he and Architect Bill Van Sickle were present. Mr. Keyes advised that the primary motivation behind this application was to make it more accessible for the user. There were no Nightly Rentals approved for this property, and it was meant to be a primary residence or Single-Family Residence for a family, and given the size it was likely to have two vehicles. He commented that it is much easier to move the vehicles in and out with garage doors next to each other as opposed to shuffling vehicles around. He added this configuration would be much more palatable to someone looking to acquire a home of this size in this location.

Mr. Keyes stated the Applicant was willing to do everything to meet the Code and to screen it. The plans showed the screening. He also noted that Alice Court is a private drive, so the nearest public Right-of-Way was technically King Road. The way the home is oriented, it would be highly unlikely that anyone could see either of these garages. He felt this was exactly the type of circumstance that met the elements of the Code.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

Commissioner Frontero asked for a rendering of the proposed two driveways and asked how much space would be between the two driveways. Mr. Keyes did not believe there was a rendering in the Packet but believed it would be two driveways that connected into one so it would separate at the top near the home. There would be a landscaping strip between the separated portions. Architect Van Sickle confirmed that there would be a single driveway where it accesses Alice Court.

Mr. Keyes added that it was a fairly long driveway and in advance of the road it would connect into one driveway, but where it accessed the two garages it would split with a landscaping buffer in between the two doors.

Commissioner Frontero noted that additional paving would be required, but understood it would not run the length of the driveway into Alice Court. Mr. Keyes noted with interest that there would be the same amount of disturbance under this plan, but instead of having a retaining wall stepped down in that location, there would be a second driveway. He referenced the plans attached as Exhibit C to the Staff Report. He noted that those plan drawings did not include the landscape buffer. Architect Van Sickle explained that the shadow line between the two driveways was a planter area and was designed to break up the driveway so it did not look like one big wide driveway.

In response to Commissioner Frontero's inquiry, Architect Van Sickle confirmed that if the Commission did not approve this SSCUP, the driveway width would remain the same.

Commissioner Suesser sought clarification on the width of the turf grass pavers that would separate the two driveways. Planner Zollinger responded that the only specific dimension regulation in the Historic District Design Guidelines is that driveways cannot be larger than 12 feet in width. She explained that at the curb, the driveway would be 12 feet, and would remain that width up to the split to allow for access to both garages. There is no specific required dimension for the pavers in between, but the specifics would be addressed in the HDDR. She stated that typically that measurement would be 1 – 2 feet, depending on the size of the site.

Commissioner Suesser observed that Condition of Approval 21 described two 12-foot driveways separated by turf grass pavers. She was unclear on the proposal and asked for clarification.

Planner Zollinger stated that the rendering provided after publication of the Staff Report most closely resembled the Applicant's request. She noted they could clarify Condition of Approval 21. She presented the rendering to the Commission and explained that at the curb the driveway would still be 12 feet.

Chair Hall felt the confusion was that the start of the driveway was a singular 12-foot driveway that then separated into two driveways. She suggested clarifying the Condition of Approval.

Architect Van Sickle explained that this was designed to be compliant with the Code, which requires a 12-foot curb cut. As they go in 10 feet, it is widened to provide access to both garage doors and in that split, they included a landscape buffer of two feet. The design was intended to minimize the impact of that.

Commissioner Johnson suggested simplifying Condition of Approval 21 so that the driveway would comply with the Driveway Requirements in the HR-1 Zoning District. Commissioner Suesser was still unclear on what was being proposed.

Commissioner Suesser understood that driveways in the Historic District were required to be separated by landscaping, and queried whether turf grass pavers satisfied that landscaping requirement.

Planner Zollinger noted the landscaping requirements that typically applied to either side of the driveway and typically between properties. She advised that typically in Historic Districts they ask applicants to install landscaping pavers to break up the driveway while also allowing owners to access their garages. She stated that Staff had been doing this for a while to help bridge landscaping and access to garages.

Chair Hall asked Commissioner Suesser if she was comfortable with the amended Condition of Approval 21 as suggested by Commissioner Johnson. Chair Hall agreed that the original Condition was confusing.

Commissioner Suesser was okay with the language but questioned whether "driveway" should be plural.

Commissioner Shand was under the impression the Applicant requested two driveways and referenced Finding of Fact 20. He stated that it should be changed to read "The proposed driveway..." He understood the Applicant's request but felt it was confusing in some of the wording. Planner Zollinger explained that Finding of Fact 20 was written prior to receiving the rendering. She noted this would also be adjusted.

Assistant Director Ward suggested changing the language in Condition of Approval 21 to replace the HR-1 zoning district with the "requirements of Chapter 15-13 as illustrated in the revised renderings dated October 11, 2023." There was consensus for the revised language.

Commissioner Suesser requested additional revisions to the Conditions of Approval that were not necessarily substantive but were important. She suggested that she could distribute them to Staff and the Commission rather than going through them now if agreeable with Chair Hall.

Chair Hall noted that this is a Final Action item. Planner Zollinger noted that the Draft Final Action Letter was identical to the one previously approved by the Planning Commission, other than what was redlined. Commissioner Suesser understood, but did not think she would add any additional requirements; rather she was cleaning the language up a bit.

With regard to Condition of Approval 9, Commissioner Suesser asked why Limits of Disturbance was not referenced. Planner Zollinger stated the Applicant would have a Limit of Disturbance, but that was usually handled at the Building Permit stage. This Condition of Approval was included to remind the Applicant that anything within the Limits of Disturbance that was not impacted by final construction needed to be restored to what was there previously.

Commissioner Sigg asked if there was a Building Envelope on the lot. Planner Zollinger did not believe there was a Building Envelope but there might be a footprint; if not, they had the Setbacks.

Commissioner Suesser felt that Condition of Approval 9 was vague and understood the Commission usually referenced Limits of Disturbance, and felt that as written, it allowed disturbance outside the construction area as long as it would be restored to its original state. She felt this seemed permissive to disturbing the surrounding area.

Assistant Director Ward advised that the Plat referenced No Disturbance Areas, so that could be updated to say that the work needed to take place within the areas indicated as No Disturbance on the Plat. When this goes to the Building Permit stage, there would be a Building Permit Limit of Disturbance specific to the construction. Therefore, this Condition of Approval was specific to the foundation of the structure and anything beyond that needs to be restored to natural grade. Commissioner Suesser deferred to Assistant Director Ward's analysis on this point.

With regard to Condition of Approval 10, Commissioner Suesser asked who in the City would approve the Construction Management Plan ("CMP"). Planner Zollinger advised that typically the CMP was approved by the Building Department.

Commissioner Suesser suggested that Condition of Approval 10 reference the Building Department.

In terms of the language regarding protecting adjacent structures, Planner Zollinger stated there were not any adjacent structures on this site. She stated they could delete that language.

Commissioner Suesser directed attention to Condition of Approval 13 and asked if they could specify where the construction waste should go rather than just "diverted from the landfill." Planner Zollinger stated this language was how she typically referenced construction waste, but they could include a specific site if requested by the Commission.

Commissioner Suesser suggested the Planning Department think about whether they could specify where construction waste should be sent. Commissioner Suesser commented that Condition of Approval 14 should read "final slope stability plan prior to submitting a Building Permit." With regard to Condition of Approval 15, Commissioner Suesser requested that it read "stabilization and drainage details documenting..."

Commissioner Suesser did not think Condition of Approval 16 made sense. She suggested that the landscape bond should be submitted "prior to submission of a Building Permit to ensure stabilization and vegetation rehabilitation." Mr. Keyes suggested changing "submission" to "issuance." Commissioner Suesser agreed and requested the inclusion of "are completed" at the end of that sentence. Mr. Keyes felt that "stabilization" referred specifically to retaining walls.

With regard to Conditions of Approval 17 and 11, Commissioner Suesser felt they needed to be consistent because one references City Engineer approval, and the other mentioned City standards. She decided to skip that one.

With regard to Condition of Approval 19, she stated that retaining walls could not exceed the height "approved" as part of the SSCUP, not proposed or reviewed. She asked if the Planning Director was still reviewing SSCUPs. Assistant Director Ward stated that was scheduled for City Council review on October 26th and had not gone into effect. She recommended striking the second sentence of Condition of Approval 18 because the retaining walls were shown on the current plans and would not exceed the height allowed in the Setbacks.

Commissioner Sigg understood this would be a modification to the SSCUP.

MOTION: Commissioner Sigg moved to APPROVE 103 Alice Court – Modification to a Steep Slope Conditional Use Permit – pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter, as amended, as follows:

Findings of Fact

1. The Site is located at 103 Alice Court, Lot 6 of the Alice Claim Subdivision, and is a vacant lot.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes construction of a new Single-Family Dwelling (SFD) on the vacant lot.
4. The new SFD proposes an excess of 200 square feet located on an existing Slope of thirty percent (30%) or greater, therefore, a SSCUP application is required.
5. In conjunction with the SSCUP, the Applicant submitted a Historic District Design Review (HDDR) Application (PL-22-05260). The HDDR was approved on February 15, 2023.
6. 103 Alice Court is located on an uphill lot with an average slope of 31%.
7. 1,452 square feet of the SFD will be constructed on a steep slope with an average slope of 2.1%. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. Lot 6 of the Alice Claim Subdivision contains 4,510 square feet.
8. The minimum Lot width in the HR-1 Zoning District is 25 feet. Lot 6 of the Alice Claim Subdivision is 41.91 feet wide at the front and 44.7 feet wide at the rear.
9. The maximum building footprint in the HR-1 Zoning District for a Lot that is 4,510 square feet is 1,750 square feet. The proposed building footprint is 1,750 square feet.
10. Minimum front and rear setbacks for Lots over 100 feet long are 15 feet in the HR-1 Zoning District. The proposed SFD meets a 15-foot setback for both the front and rear setbacks.
11. Minimum side setbacks for Lots up to 50 feet in width are five feet in the HR-1 Zoning District. The proposed SFD meets a five-foot side setback for each side.
12. The maximum building height is 27 feet from the Existing grade in the HR-1 Zoning District. The proposed maximum building height is 27 feet from the existing grade.
13. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade. The proposed SFD steps back at least ten feet at 24 feet and two inches from the lowest point of existing grade.

14. The final Grade must be within four feet of existing grade in the HR-1 Zoning District. The proposed final grade is within four feet of existing grade.
15. Structures cannot exceed 25 feet from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters in the HR-1 Zoning District. The proposal has an interior height of 35 feet, as defined.
16. The roof pitch for the Contributing Roof Form must be between 7:12 and 12:12 in the HR-1 Zoning District. The proposed Contributing Roof Form is 7:12.
17. The Planning Commission reviews SSCUPs for a Lot that is greater than 3,750 square feet.
18. The proposal is located and designed to reduce the visual and environmental impacts of the Structure.
19. The proposal will not be viewable from Vantage Points and mostly be screened from existing grade and vegetation for erosion mitigation.
20. The proposed driveway is 12' wide at the curb.
21. The proposed terracing is required to construct the structure but minimized to maintain Natural Grade where possible.
22. The proposed cut location requires minimal egress windows and retaining walls that reduce the impact on the site.
23. The building scale is compliant with the grade of the site, and the design is compliant with Historic District Design Guidelines.
24. The proposal is compliant with setbacks and does not require significant exceptions to be granted to construct.
25. The volume of the dwelling is compliant with the size and height of the lot.
26. The proposal does not exceed the allowable building height.
27. Staff published a notice on the City's website and posted notice to the property on September 27, 2023.
28. Staff mailed a courtesy notice to property owners within 300 feet and posted notice to the property on September 27, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.

2. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2-6, Development on Steep Slopes in the HR-1 District.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans approved on October 11, 2023, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a Stop Work Order.
2. The Applicant shall receive approval of the Modification to the Historic District Design Review prior to submitting a modification to the Building Permit.
3. All conditions of approval and plat notes of the Alice Court Subdivision shall continue to apply.
4. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this Modification SSCUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.
5. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
6. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
7. Residential fire sprinklers are required for all new or renovation construction on this lot, per the requirements of the Chief Building Official.
8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.
9. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
10. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits.
11. 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.

12. All exterior lighting shall be down-directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Exterior lighting shall not exceed 3,000 degrees Kelvin and outdoor lighting fixtures shall be Fully Shielded. Final lighting details shall be reviewed by the Planning Staff prior to installation.
13. Construction waste should be diverted from landfill and recycled when possible.
14. The Applicant shall submit a Geotechnical Report and Final Slope Stability Plan prior to submitting a building permit, subject to City Engineer approval.
15. The Applicant shall provide soil stabilization and drainage details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.
16. The Applicant shall submit a landscape bond prior to issuance of a building permit to ensure the stabilization and vegetation rehabilitation is completed.
17. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
18. Retaining walls cannot exceed the height approved as part of this SSCUP without modifying the SSCUP.
19. The Applicant shall record an encroachment agreement with the Engineering Department for the stairs and retaining walls in the Public Utility Easement.
20. The Applicant shall provide screening of one of the garages, as determined in the Historic District Design Review Modification.
21. The width of the driveways shall comply with the requirements of LMC 15-13 as illustrated in the revised renderings dated October 11, 2023.

Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

Chair Hall noted that a majority of the Commissioners would be meeting at Spur Bar & Grill with the supervision of Staff. She stated they would not discuss anything on the agenda.

8. ADJOURNMENT

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:15 p.m.

An aerial photograph of a mountain town covered in snow, with buildings and roads visible. The image is used as a background for the title slide.

103 ALICE COURT

MODIFICATION TO A STEEP SLOPE CONDITIONAL USE PERMIT

Planning Commission

PL-23-05804 | October 11, 2023



On January 25, 2023, the Planning Commission approved a Steep Slope Conditional Use Permit (SSCUP) for a Single-Family Dwelling.

The Applicant proposes to convert the tandem garage to a single car garage, and to add a second garage adjacent to the first.



Approved Plans



Proposed Garage Modification

Analysis (I)

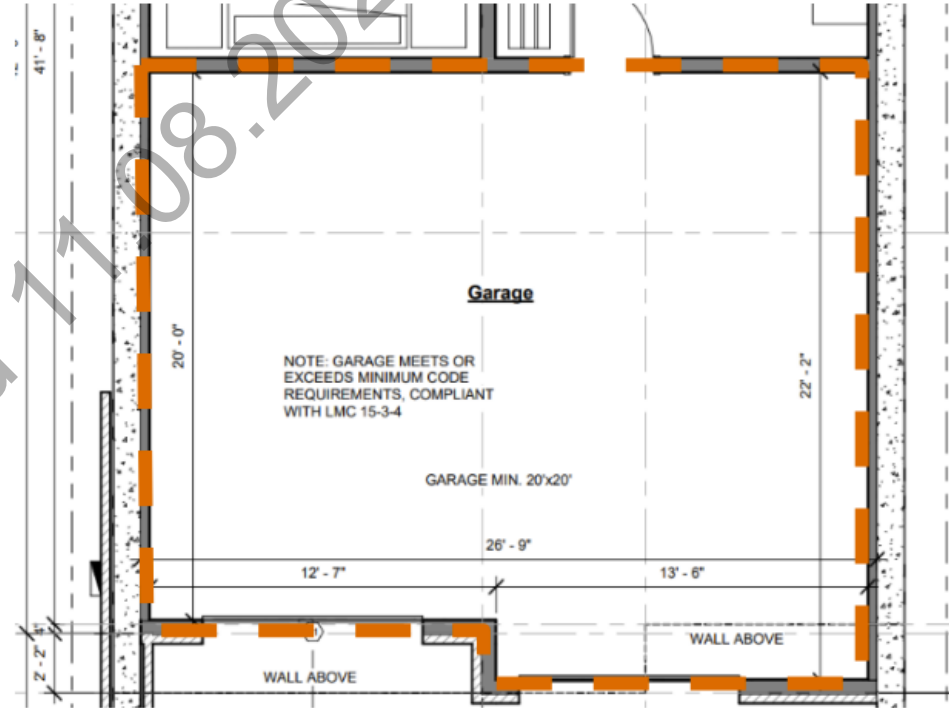
No proposed changes to footprint, height, or setbacks.



103 ALICE COURT

The Design Guidelines state:

- “Side-by-side parking configurations are strongly discouraged; if used, they shall be visually minimized when viewed from the primary public right-of-way.
- Garages featuring a side-by-side parking configuration [to] maintain a 2 foot horizontal offset in the front wall plane.”



Conditions of Approval

19. The Applicant shall record an encroachment agreement with the Engineering Department for the stairs and retaining walls in the Public Utility Easement.
20. The Applicant shall provide screening to one of the garages, as determined in the Historic District Design Review Modification.
21. The Applicant shall maintain two 12-foot driveways separated by landscaping or turfgrass pavers to comply with the 12-foot driveway width maximum in the HR – 1 Zoning District.