



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 25, 2023**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Spencer Cawley, City Planner; Lillian Zollinger, City Planner; Jaron Ehlers, Planning Technician; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. and confirmed that all Commissioners were present.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from December 19, 2022.

Commissioner Johnson requested a change on page 20 and noted that the referenced discussion was between himself and City Engineer, John Robertson, not between himself and Jon Nepstad.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from December 19, 2022, as amended. Commissioner Christin Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, reported that neither she nor Staff had any communications.

Chair Suesser addressed some of the comments the Commission received following last week's meeting. She stated that the meeting summary printed in *The Park Record* was prepared by

City Staff and edited by herself and Commissioner Hall, as Chair and Chair Pro Tem, respectively. While neither a formal positive nor negative vote was taken, the Commission found a consensus to forward the issue of the right-of-way vacation to the City Council with substantial qualifiers, concerns, conditions, and caveats with regard to the Circulation Plan for the Council to consider. The Commission did this so that the Council could move forward and make a legislative determination regarding whether there was sufficient good cause for a vacation of the right-of-way. Chair Suesser stated that if Council approves the vacation of the Right-of-Way ("ROW"), the Planning Commission would move forward with the Master Planned Development application, including continued review of the Circulation Plan and more public hearings in that regard.

Commissioner Sigg disclosed that with regard to the discussion on the Sensitive Lands Overlay Zone, he owns property in the current Sensitive Lands Overlay Zone.

Commissioner Frontero offered an additional comment regarding the Snow Park meeting the previous week. He would like the City Council to consider an alternative with regard to the determination of the right-of-way. He stated that Alterra Development requested that the City vacate 114,000 x 130 square feet, or roughly 2.6 acres of land to allow them to build the current application. He noted that this request did not have any alternative to completing the Master Planned Development without this Right-of-Way. He stated that the ROW lane is effectively at the base of the Deer Mountain and Deer Valley Resort and is very valuable land. Commissioner Frontero was not comfortable with the current alternatives and suggested that the City Council consider an outright sale of the 2.6 acres to Alterra Development. He calculated that the purchase price would be in the range of \$12 to \$15 million, and he would be happy to share how he arrived at this estimate at a later date.

If a sale were consummated, he would also like the City Council to consider putting those monies towards the Transportation budget to help mitigate the additional traffic calculated by the applicant to be an additional 2,276 daily trips. He stressed that these additional trips need to be further mitigated. He felt that an outright sale would give the City the funds with which to help with the mitigation of that additional traffic.

Commissioner Kenworthy asked for clarification of the number of additional trips and recalled that the Staff package included an estimate of an additional 230 daily trips. City Planner, Alexandra Ananth explained that this was likely the peak hour trips; whereas Commissioner Frontero cited the total trips. Chair Suesser asked Planner Ananth if the new development would generate over 2,000 additional daily trips. Planner Ananth offered to check the numbers but acknowledged that might be correct.

Commissioner Kenworthy asked to be informed of the dates that the application will go back to City Council. He believed that the Planning Commissioners would be allowed to go before the City Council to present these types of concerns. He wanted to be present when it goes back to the City Council for other ideas he had. He also asked when Homestake would be going back to the City Council. Director Milliken reported that there was not a definite date for Homestake at this point.

Chair Suesser felt it would be appropriate to include Commissioner Frontero's suggestion in any summary prepared by Staff for the City Council regarding the Planning Commission's remarks. Planner Ananth acknowledged this request and agreed to do so.

5. CONTINUATIONS

- A. 1305 Lowell Avenue - Conditional Use Permit - The Applicant Proposes to Install Concealed Rooftop Antennas and Associated Equipment to Increase Telecommunications Capacity Coverage in the Recreation Commercial Zoning District. PL-22-05449.**

City Planner, Spencer Cawley, reported that the applicant requested to continue the item to a date uncertain to allow the Owners' Association to give its consent to the project. He stated that the Owners' Association is Merritt Summit Lodge.

MOTION: Commissioner Johnson moved to CONTINUE 1305 Lowell Avenue – Conditional Use Permit, to a date uncertain. Commissioner Kenworthy seconded the motion.

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

6. REGULAR AGENDA

- A. 402 and 410 Ontario Avenue - Plat Amendment - Request to Create Two (2) Lots of Record, Removing the Internal Lot Lines Existing on the Lots Currently. PL-22-05331.**

Planner Ananth reported that the property owners of the two parcels, Sean Kelleher and Cameron Stacy, were present. She stated that the project consists of two lots off Ontario Avenue on the hill behind City Hall. One lot is currently vacant and the other lot is improved with a non-conforming duplex. The parcels were made up of three individual lots. 402 Ontario Avenue includes Lot 1 and the southern half of Lot 2 and is currently vacant. 410 Ontario Avenue consists of half of Lot 2 and all of Lot 3. She stated that the duplex on 410 Ontario Avenue is non-conforming as to use due to the fact that the deck and stairs cross the property lines. She added that there is an Encroachment Agreement with 402 Ontario Avenue and the City due to the fact that the retaining walls and stairs encroach into the City's ROW.

Planner Ananth reported that in 1997, 402 Ontario Avenue received approval for a Plat Amendment to combine its two lots, but the plat was not recorded and had since expired. She explained that the current proposal was to create two Lots of Record by removing the internal Lot lines, highlighted in blue on the graphic. One of the internal Lot lines ran under 410 Ontario Avenue. She advised that if approved, each Lot would be 2,800 square feet. Planner Ananth reported that the Plat Amendment will comply with the zoning district requirements for both lots, and any structure proposed for 402 Ontario will have to comply with Lot and Site requirements and would be subject to the Historic District Design Review ("HDDR") approval process. She added that the Planning Department found good cause as the Plat Amendment would remove the Lot line under 410 Ontario Avenue, and would allow for historic compatible development on 402 Ontario Avenue by creating a Lot of record.

In addition, she noted that 410 Ontario Avenue had previously received approval for the lot configuration being proposed in this application. No public input was received to date on this application. The Planning Department recommended the Commission hold a public hearing and consider forwarding a positive recommendation for City Council consideration on March 9, 2023, in accordance with the Conditions of Approval in the Draft Ordinance.

Commissioner Hall disclosed that she serves on the Board of the Community Foundation with Mr. Kelleher but noted that that will not affect her input on this application. She was unaware that Mr. Kelleher owned Green Monster, LLC.

Commissioner Kenworthy asked about the 50% clause in the Conditions of Approval. Planner Ananth explained that she drafted that condition thinking that if the owner performed a significant renovation, they would have to bring the house into conformance with current Code. Commissioner Kenworthy observed that would mean it would have to be turned into a Single-Family Residence. He also noted that the owner could clean up and remodel the structure within the shell and asked what would occur if the owner added a 100-foot addition outside of the envelope. Planner Ananth initially opined that a 100-foot addition would not trigger the value in the Conditions; however, she recalled that the Conditions of Approval read that the structure, or the non-conforming use, cannot be enlarged in any way. For example, they could re-build the non-conforming stairs but no enlargement of the current structure could occur and they would not need to get to 50% larger before requiring conformance.

Commissioner Johnson referenced a note regarding geotechnical and storm drain analysis being recommended at Building Permit and asked whether they should add that to Condition of Approval 8. Planner Ananth stated that current Condition of Approval 8 included the standard language requiring City Engineer review. She felt that the items requested by Commissioner Johnson would be typically required by the City Engineer for a new structure on that Lot. Chair Suesser requested that these items be specifically called out in the Conditions of Approval.

Commissioner Hall asked about Condition of Approval 10. Planner Ananth stated that she looked at the prior Conditions of Approval from 1997 and was thrown by the wording that any realignment of the staircase should be in accordance with the Building Code. She felt that the reason for that original Condition was that it encroaches on the abutting property not because the stairs do not meet Building Code. She and the Building Inspector went out to look at the stairs and felt that they complied. She felt it appropriate to strike Condition of Approval 10 given that the applicant has an Encroachment Agreement with the abutting property owner.

Chair Suesser asked about Condition of Approval 5 and stated she was looking for Conditional Approval for a Steep Slopes Conditional Use Permit ("CUP") prior to Building Permit submittal. Planner Ananth stated that she had not done a Steep Slopes determination; rather, that would be done at Building Permit and if a CUP is required it would be made at the time.

Chair Suesser referenced the chart in the Staff Report that Condition of Approval 5 covered development on the Steep Slopes. Commissioner Hall stated that Finding of Fact 25 referenced the Steep Slopes CUP prior to Building Permit submittal. Planner Ananth acknowledged the statement in the Staff Report that the slope is 36% and would require a CUP and stated that she would add that as a Condition of Approval.

Commissioner Hall asked if Chair Suesser would be agreeable to making Finding of Fact 25 a Condition of Approval. Chair Suesser wanted it reiterated as a Condition of Approval. Planner Ananth confirmed she would add that language to Condition of Approval 5.

Chair Suesser asked Planner Ananth how the Steep Slopes would be addressed in Condition of Approval 6. Senior City Attorney, Mark Harrington, felt it included a general reference to Land Management Code ("LMC") compliance. He observed that this was already affirmatively required and sometimes they add Conditions of Approval for purposes of notice and easier

tracking with the Plat. He saw no problem with setting out the requirement but felt that the chart was meant to reference LMC compliance being triggered by new construction as opposed to the ability to do remodels that would be inconsistent with the current Code under the non-conforming use section.

Chair Suesser observed that Steep Slopes was a sticky issue with the City, and wanted to call it out in the Conditions of Approval to ensure that it received the attention it deserves. There was discussion regarding whether there had been a Steep Slopes determination. Planner Ananth clarified that they determined that the slope was 36% and would definitely require a CUP for 402 Ontario Avenue; whereas, 410 Ontario Avenue might require a CUP if it were redeveloped. Chair Suesser clarified that 402 Ontario Avenue will definitely require a Steep Slopes CUP. A Steep Slopes CUP might be required for 410 Ontario Avenue if it was redeveloped. Planner Ananth confirmed and stated that she could tell that 410 Ontario Avenue was steep enough to require a CUP. She would add these determinations to Condition of Approval 6.

Chair Suesser opened the public hearing. There was no public comment. The public hearing was closed.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation of approval for the City Council's consideration on March 9, 2023, for 402 Ontario Avenue and 410 Ontario Avenue – Plat Amendment, based on the amended Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Draft Ordinance as follows:

Findings of Fact

1. The properties are located at 402 and 410 Ontario Avenue.
2. The property is listed with Summit County as Lots 1, 2, and 3 of Block 58 of the Park City Survey.
3. 402 Ontario consists of Lot 1 and the southerly half of Lot 2 of Block 58 of the Park City Survey and is currently vacant.
4. 410 Ontario consists of the northerly half of Lot 2 and Lot 3 of Block 58 of the Park City Survey and is occupied with a non-conforming and non-complying duplex, with one unit on the upper floor and one unit on the lower floor.
5. The property is in the Historic Residential (HR-1) Zoning District.
6. The owners would like to create two Lots of record, removing the internal Lot lines existing on the total of three (3) Lots.
7. The existing non-historic structure at 410 Ontario Avenue was built in 1970.
8. On August 18, 1997, the Historic District Commission approved a Design Review of the non-historic structure at 410 Ontario Avenue to replace the failing foundation and reconstruct the rear of the structure.

9. On September 18, 1997, the City Council approved a plat amendment for 410 Ontario Avenue to combine 1.5 Old Town Lots into one 2,805 square foot Lot. The plat was never recorded for unknown reasons.
10. On November 7, 1997, despite lack of plat recordation, a Building Permit was approved for the structure with the following relevant Condition of Approval:
 1. This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature.
11. In 1997, the City made a determination that the 1970 structure is nonconforming/non-complying and allowed the property owner to maintain the structure and duplex use over the years.
12. Two (2) railroad tie retaining walls and concrete steps to 410 Ontario Avenue encroach into the Public Right of Way (ROW) that the Applicant has recorded Encroachment Agreement #Entry No. 01198229 with Summit County.
13. The property owner of 410 Ontario Avenue has an Encroachment Agreement with the property owner of 402 Ontario Avenue for the encroachment of the existing deck and staircase.
14. The proposed Plat Amendment removes the internal Lot lines existing on the Lots currently to create two (2) Lots of record from three (3) Lots.
15. Both Lots will contain 2,815.5 square feet or 0.065 acres, respectively.
16. No easement is vacated or amended as a result of the plat amendment.
17. The LMC regulates Lot and Site Requirements for the HR – 1 Zoning District per LMC § 15-2.2-3.
18. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size for Lot A is 2,812.5 square feet.
19. A Duplex Dwelling is a Conditional Use in the HR-1 Zoning District and requires a minimum Lot size of 3,750 square feet. The proposed Lot size for Lot B is 2,812.5 square feet. The existing Duplex is a non-conforming Use and Structure.
20. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width of both Lots is 37.5 feet.
21. The required front Setback for Lot depths of 75 feet is ten feet (10').
22. The required Side Setback is three feet (3').

23. In the HR-1 Zoning District, the Maximum Building Footprint = (Lot Area/2) x 0.9Lot Area/1875. The Maximum Building Footprint for both Lots is 1,200 square feet.
24. Building Height in the HR-1 Zoning District is 27 feet. The existing non-complying structure is 28 feet.
25. The average slope on Lot A is 36% and will require a Steep Slope Conditional Use Permit prior to Building Permit submittal.
26. Duplex Dwellings require four (4) parking spaces. No parking exists for the existing non-complying/non-conforming Duplex at 410 Ontario Avenue.
27. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, Historic Residential (HR-1) Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, 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 Planning Department, 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made 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 on Lot A to be approved by the Chief Building Official.
4. A non-exclusive ten-foot (10') public snow storage easement on Ontario Avenue shall be dedicated on the Plat.
5. Any new development on Lot A must comply with the Land Management Code and requires Historic District Design Review. The average slope on Lot A is 36%

and will require a Steep Slope Conditional Use Permit prior to Building Permit submittal.

6. The Owner of 410 Ontario Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new noncompliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Owner may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application. Based on the determination that the slope on 402 Ontario Avenue is 36%, any development will require a Conditional Use Permit. In addition, 410 Ontario Avenue is steep enough to require a Conditional Use Permit if it were redeveloped.
7. If 410 Ontario remodels more than 50% of the existing structure or redevelops the site as a SFD, parking requirements in place at the time of building permit application shall be met.
8. City Engineer shall review and approve all Lot grading, utility installation, public improvement, geotechnical, storm drain, and drainage plans for compliance with City standards prior to issuance of any building permits.
9. The Plat shall note that these Lots are subject to Ordinance 2023-Xx.

It was clarified that the date for the City Council review was March 9th, not March 2, 2023, as stated in the Agenda.

Commissioner Kenworthy seconded the motion.

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

B. 7979 Roamer Court - Plat Amendment - The Applicant Proposes Amending the Platted Building Pad to Reflect Current Built Conditions and to Accommodate the Addition of A Garage and Deck Extension. PL-22-05456.

Planner Cawley reported that the applicant's representative, Marshall King with Alliance Engineering was present. He stated that 7979 Roamer Court was Unit 9 of The Bald Eagle at Deer Valley. It is located in the Residential Development ("RD") Zone and is part of the Deer Valley Master Planned Development ("MPD"). He reported that the property is surrounded by various ski runs and trails, and accessed through Bald Eagle Drive and Roamer Court, both of which are private roads.

Planner Cawley presented images of the front and rear of the property to illustrate the existing conditions. He explained that the Bald Eagle Community Condominiums Conceptual MPD was

approved in May 1989 and the final Plat was approved later that year. In 2004, a prior owner added an addition to the rear of the structure that was outside the platted building pad. Staff confirmed this through an archived Building Permit.

Planner Cawley explained that this application proposed to adjust the Building Pad to reflect existing as-built conditions and to adjust the Building Pad to allow for a potential future addition to the existing structure. He presented a graphic that illustrated the existing Building Pad in red and the proposed Building Pad in blue. The area that would remain unchanged was highlighted in purple.

Staff found that the proposed Plat Amendment complies with the RD Zoning District requirements. Single-Family Dwellings are an allowed use in the zone and the proposal met or exceeded the Setbacks. He explained that the Front and Rear Setbacks were 15 feet, and the Side Setbacks were 12 feet. The applicant proposed Front and Rear Setbacks of 15 feet and Side Setbacks of 20 feet.

Planner Cawley stated that Building Height requirements are 28 feet from Final Grade; therefore, Staff included Condition of Approval 4 stating that any addition to the existing structure shall not exceed the zone height of 28 feet from Existing Grade. He also noted that the proposal complies with the Sensitive Land Overlay ("SLO") criteria found in LMC Chapter 15-2.21. Development in the Sensitive Land Overlay looks at development as it impacts slopes, ridgeline areas, vegetative coverage, entry corridors and vantage points, wetlands, streams, canals, and other things. Because this was an existing site where the Limits of Disturbance were set, and the proposed Building Pad would not go beyond those existing Limits of Disturbance, the application complies with the SLO criteria.

Planner Cawley noted, however, that if the applicant moved forward with the proposed addition to the garage there could be impacts to the slope, which would be reviewed by the Engineering Department as part of the Building Permit application process. The Engineering Department would require geotechnical reports and look at such issues as stabilization. He commented that any addition would likely trigger the Wildland-Urban Interface ("WUI") Code for fire protection and mitigation. He reported that the proposal complied with the Bald Eagle Club at Deer Valley Plat requirements. This Plat specifically called out utility and drainage easements, platted trails, and private roads. None of these would be amended as part of this proposal.

Within the existing conditions, he stated that there was a portion of the driveway that crossed property lines into the neighboring property. The applicant stated their intent to increase the width of the driveway to aid ingress and egress. He reported that the applicant intended to remove the encroachment as part of this reconfiguration. Staff included a Condition of Approval requiring that the encroachment would be corrected upon completion of updating the driveway configuration; otherwise, the applicant would be required to enter into an encroachment agreement with the neighboring property and record that agreement prior to recordation of the Plat.

Staff found good cause for the Plat Amendment because it would reflect the as-built conditions of this Single-Family Dwelling, would not increase the density allowed on the Lot, and the Building Pad square footage would remain the same. He explained that with the areas proposed to be removed and added, the square footage would remain at 7,963 square feet. In addition, no public ROW will be vacated or amended, and he indicated that the access roads were all private. Further, no easement would be vacated or amended.

Planner Cawley reported that the Development Review Committee reviewed the application on January 3, 2023, and did not identify any issues. Staff did not receive any public input prior to this meeting. He requested the Commission review the Plat Amendment, hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on February 16, 2023.

Commissioner Hall referenced Condition of Approval 5 and the language that "the Applicant shall correct the encroachment into the abutting property upon completion of updating the driveway configuration." She asked if this was required prior to recording the Plat. Planner Cawley confirmed. Commissioner Hall requested this Condition be stated as one sentence prior to recordation of the Plat. Planner Cawley stated he would make this clarification.

Commissioner Kenworthy asked if the Homeowners Association ("HOA") weighed in on this application. Mr. King stated that the HOA is currently evaluating the proposal. He had been working with the HOA representative who handles these requests and had provided everything the HOA requested. He noted that the architectural plans were not completed but would also be presented to the HOA upon completion. Mr. King represented that thus far, the HOA had not identified any problems or concerns with this application.

Chair Suesser requested that the wording in Condition of Approval 5 be changed to reflect that the encroachment was being removed rather than corrected.

Commissioner Kenworthy asked if the application required HOA approval. Mr. Harrington stated that it may or may not be in the CC&Rs, but the Code did not require HOA approval.

Commissioner Frontero asked Planner Cawley to further explain the diagram with the red and blue highlighting.

Commissioner Johnson asked if the applicant had identified where the potential expansion would be located. Planner Cawley explained that the area outlined in red depicted the existing Building Pad that the owner was allowed to build in. He identified the location of the addition constructed in 2004. He added that the applicant sought to remove the part of the Building Pad where nothing is built, and then add it back to encompass the 2004 as-built. In addition, the applicant would be adding to the garage. There was discussion as to the location of the garage and the driveway.

In response to an inquiry, Planner Cawley stated that the driveway was not considered part of the Building Pad.

Commissioner Johnson observed that the potential expansion would be to the left of the retaining wall and go into the hillside where it could potentially impact some of the Significant Vegetation. He sought clarification that as part of the Building Permit process, this would be analyzed by the Engineering Department. Planner Cawley confirmed that the Engineering Department will analyze any slope stabilization or geotechnical issues. He stated they could add a Condition of Approval for replacement of Significant Vegetation.

Commissioner Johnson suggested doing something similar to what was done on the last application where they laid out the parameters for what would be required for issuance of the Building Permit. This would include geotechnical and slope stabilization. Chair Suesser

observed that it might require a Steep Slopes CUP as well. Planner Cawley did not believe it would require a Steep Slopes CUP.

Director Milliken stated that the Steep Slopes CUP would be analyzed at the time. She also pointed out that this property will be required to come into compliance with the WUI Code, which has limits on how close vegetation can be to the property. She noted that removing the Significant Vegetation might help bring the property into compliance with the WUI Code as well. There was discussion about the distance required under the WUI Code, and Planner Cawley recalled that at the last meeting, it was stated that the distances were 5 feet and 30 feet, depending on the area.

Chair Suesser asked about the dimensions of the potential expansion into the hillside, and she questioned why they would approve that now. Mr. King stated that it would be approximately 15 feet and explained they would be adding a one-car garage. He also stated that they would have something similar to what is there now, it would just be pushed more into the hillside. He noted it would not be obtrusive and likely not visible from the ski run. Vegetation would remain between the ski run and the proposed addition.

Mr. King added that the applicant was looking at adding a one-car garage with an office over the garage and widening the driveway. He reported that when he visited the site, a person had difficulty getting out of the driveway and kept bumping into the curb. He noted that the driveway is approximately 11 feet wide currently and it is difficult to back out and turn at the same time. This was another reason why the owner wanted to widen the driveway.

Commissioner Sigg asked if the service providers were made aware of the proposed changes. Planner Cawley stated that as part of the Development Review Committee, the Park City Fire District reviewed the application and did not have any concerns with access for emergency vehicles. The Fire Marshal would review this application at the time of Building Permit review.

In response to an inquiry from Commissioner Sigg, Mr. King confirmed that the retaining wall is an engineered wall. Mr. King believed that the intent was to continue using the wall and possibly slide it over. Commissioner Sigg asked if the retaining wall was in any way affixed to the foundation wall for the house. Mr. King did not believe it was affixed because there are stairs in between the existing garage and that wall. He noted he had not yet seen any construction plans but felt sure in his representations.

Chair Suesser opened the public hearing. There was no public comment. The public hearing was closed.

Commissioner Sigg asked how it came to be that the prior addition was constructed outside the Building Pad. Planner Cawley stated that a 2004 Building Permit stated it was approved, but did not state why it was approved and allowed outside the Building Pad.

Chair Suesser observed that this future addition would be outside the Building Pad and this application sought to expand the Building Pad into the hillside. She queried whether they could approve the change in the Building Pad to reflect the as-built condition without adding the potential expansion. Planner Cawley confirmed that was an option.

Chair Suesser added that when plans were proposed, they could look at a more complete picture prior to approving a Plat Amendment to reflect an addition to the garage.

Mr. King explained that the impetus for this application was to put in the garage and they wanted to bring the 2004 addition into compliance as well. He felt there was no reason to not accomplish these goals at the same time.

Commissioner Hall asked if Commissioner Johnson wanted to add language regarding replacement of Significant Vegetation or if he felt the Code was sufficient. Commissioner Johnson felt the Code was sufficient.

Chair Suesser stated there might not be a reason to do the Plat Amendment until they look at the plans for the expansion.

Commissioner Johnson considered it unfortunate that the 2004 addition fell outside the Building Pad and commented that it appeared that they had intentionally kept the location of the Building Pad to reduce going into the slope. He stated that it would ultimately be part of a later discussion of tightening the Sensitive Land Overlay requirements. He noted that a lot of soil would have to be removed to add another garage on this site, and it could potentially impact the vegetation next to it.

Commissioner Frontero referenced the Staff Report that stated the applicant had not compiled a Sensitive Lands analysis and asked why they had not. He asked if they could condition that to be done. Planner Cawley stated they could condition that, and explained that typically they look at Sensitive Land Overlay for impacts from development. He stated that Staff did not ask for SLO submittals because the request for this addition was outside of the application for the Plat Amendment.

Commissioner Hall asked if the triangle not being used on the site was steeper than the area proposed. Mr. King stated that anytime one sees lines closer together, it means that location is steeper. Commissioner Hall observed that the triangle at the top of the graphic is actually the steepest portion of the property and the applicant was relocating the Building Pad to be on a less steep slope. Planner Cawley confirmed that was the case.

Commissioner Sigg assumed that opposite where the driveway comes in, the Lot line in the corner of the new addition was the rear property line. Planner Cawley noted that the rear property line setback is 15 feet. Commissioner Sigg wanted to ensure that the corner fell within the allowed Setbacks. Planner Cawley explained that the proposed Building Pad would put it at 15 feet for the Rear Setback.

Commissioner Frontero requested a Condition of Approval requiring a Sensitive Lands analysis to accompany any development plans on this new Plat. Planner Cawley asked if he wanted the Sensitive Lands analysis to accompany the Building Permit, or submitted prior to recordation of the Plat. Commissioner Frontero felt that submitting the Building Permit would be more appropriate.

In response to an inquiry, it was stated that the Sensitive Lands analysis would be reviewed and analyzed by the Planning Department. Chair Suesser asked Commissioner Frontero why he would want this analysis done and felt that the Condition should be specific about the purpose for requiring a Sensitive Lands analysis.

Commissioner Frontero referenced the Staff Report wherein, “the proposed development is located within the Sensitive Land Overlay...” and then described the LMC. He stated that the provision of a Sensitive Lands analysis was written in the Code. Since the proposed development was in the SLO, and LMC Section 15-2.21-2A requires an applicant to “provide at time of application a Sensitive Lands analysis...” he proposed that this be specified as a Condition of Approval. He understood that by approving this Plat, the applicant would thereafter submit a development plan. He wanted to condition in advance that the development plan would need to be accompanied by a Sensitive Land analysis. He felt that the Code required a Sensitive Lands analysis for any development in an SLO, and prior to constructing the additional garage, he would like to see this analysis and felt it was well within the Code, without any further explanation.

Chair Suesser understood that the proposed application for the addition would not come before the Planning Commission and would go through Administration approval and the Building Department. Commissioner Frontero felt they could condition it with this application. Planner Cawley stated that if the Commission wanted to review the SLO analysis, then it would have to happen before recordation of the Plat. Alternatively, if the Commission wanted Planning Staff to review it as part of the Building Permit phase, then they could include a Condition of Approval that it shall accompany any development plans at the permit phase and shall be reviewed by the Planning Department. Commissioner Frontero was agreeable to the latter alternative.

Commissioner Hall referenced the statement in the Staff Report, on page 4 that “Any construction on the site will require Engineering Department review of slope stabilization as part of the Building Permit review process.” She noted the Staff Report stated it complied because that was the default process, and this Condition of Approval would simply reiterate the current process. Planner Cawley agreed.

Commissioner Sigg referenced the site plans and the grade walls that go off the property at the encroachment area, and also on the area where they appear to be holding some kind of grade that might be preventing drainage onto the driveway. He mentioned that at the encroachment corner, he observed a wall or some feature that encroaches onto another property. He felt that at two locations there were site features that extended beyond the property line. Mr. King stated that the first area referenced by Commissioner Sigg was a seating area in which the previous owner constructed a BBQ pit with a small seating area. The applicant planned to remove that BBQ pit area and noted that it encroached on Deer Valley property. He stated that this area’s purpose was not to retain soil because it is essentially the same as the hillside all along the south line.

With regard to the area near the driveway, Mr. King believed that it sloped down, and he felt that a retaining wall held up some of the driveway when it was originally installed. He stated that as one goes back toward the home, this wall gets steeper and taller. To remove that, there could be some compromise of the slope, as its primary purpose appeared to be to hold up the slope for the driveway.

In response to an inquiry, Mr. King stated that to his knowledge, this survey was the only one he had seen that showed these encroachments. He did not know whether any of these were recorded with the Recorder’s Office.

Commissioner Sigg asked about the legal ramifications of these encroachments and asked if they will stand even if there were no surveys on those other properties. Mr. Harrington stated

they could look into this further if requested by the Commission. He mentioned that the Condominium Plat has a common area that is broader than normal property lines. Therefore, the Building Department might have affirmatively allowed those because of the common area components. He added that in that sense, it would not be as acute of an encroachment because of the interplay of the common area. Mr. Harrington added that these were unique in that the unit sites were the lots as opposed to the structures, and then they conform the private elements to the structures as-built. He noted that the applicant did not propose to modify this Lot line, therefore, he would have to look into it further to determine if they needed an additional Condition of Approval. If the title report did not reflect this, and the HOA was not raising it in the public hearing, he was not too concerned about it.

In response to an inquiry, Mr. King advised that the next property down is Deer Valley property. The only abutting Bald Eagle Unit Lot was at the driveway, and the rest was Deer Valley ski runs.

Commissioner Hall asked if Commissioner Sigg proposed to amend Condition of Approval 5 to state that the applicant should either remove the BBQ pit or enter into an encroachment agreement with the abutting neighbors. Commissioner Sigg felt that would clean it up and put it on record. He felt if they were cleaning up one encroachment, it would be wise to clean them all up. Commissioner Hall supported this amendment.

Chair Suesser focused on the retaining wall shown on the bottom left corner of the property. Mr. King stated that the retaining wall will likely remain as the applicant does not have plans to do anything in that area. Chair Suesser observed that if they grant the Plat Amendment to allow for the garage extension that would require the removal of that rock wall and installation of an additional retaining wall. Mr. King stated that the wall next to the driveway would be pushed back and adjusted to go into the new addition. He further explained that the east end of the retaining wall that snakes through the rock wall would likely abut into the garage addition. The garage itself would help retain the soil in that area, and the current retaining wall would cut-off where the new addition came in, and would abut with the garage addition.

Chair Suesser asked if the addition built outside of the Building Pad was in an SLO as well. Planner Cawley stated the entire property fell within the SLO analysis.

Commissioner Johnson was comfortable with the additional Conditions and was prepared to move forward. Commissioner Van Dine agreed. Chair Suesser suggested this item be continued to allow the Commission to review the anticipated location of the new retaining walls and the determination of how much of the SLO would be impacted. Commissioner Van Dine reiterated her agreement with Commissioner Johnson. Commissioner Johnson agreed that it would be nice to have some architectural plans, but remained comfortable moving forward given the added Conditions of Approval.

Mr. Harrington requested clarification of the changes to the Conditions. Planner Cawley advised the following:

- Condition of Approval 5 was amended to state that the applicant shall “remove the driveway encroachment” into the abutting property, rather than “correct the encroachment”;

- Language would also be added to Condition of Approval 5 regarding the removal of the rock wall that also encroaches into the abutting property, as well as the removal of the fire pit and associated rock walls that abut into the Deer Valley property;

Commissioner Hall commented that they could include all three encroachments including the driveway, the retaining rock wall on the north side, and the BBQ retaining wall, and state that they all need to be removed or have an Encroachment Agreement in place prior to recordation of the Plat.

Director Milliken stated they would add an additional Condition of Approval to address Commissioner Frontero's request to have SLO review prior to the Building Permit. Planner Cawley added Condition of Approval 7, and read it as follows: "A Sensitive Lands analysis shall accompany any development plans at the Building Permit phase, and shall be reviewed by the Planning Department."

Chair Suesser asked if there would be a compliance component to the SLO analysis. Planner Cawley explained they would look at the criteria in the LMC and do the analysis based on those criteria for compliance. They would need to work with the Engineering Department for slopes and any stabilization. He stated that they will address vegetative coverage as well, and specifics for the Wildlife Habitat areas. He noted that this particular area does not have any wetlands, streams, or irrigation ditches, so some parts of the analysis would be inapplicable; however, those elements that are applicable will be reviewed and Staff would look for compliance.

Chair Suesser asked that the following be added to Condition of Approval 7: "...shall be reviewed for compliance by the Planning Department."

Mr. Harrington recommended the following: "...permit phase, subject to review and approval by the Planning Department."

Mr. King clarified that the retaining wall was the retaining wall adjacent to the north side of the driveway.

Chair Suesser asked Commissioner Johnson if he had any further input on Condition of Approval 7, given his work on Code revisions on this issue. She asked if he read this Condition as allowing for a rejection of the plans based on the impact on the Sensitive Land Overlay. Commissioner Johnson did not think so based on how the Code was currently written.

Mr. Harrington commented that the Code distinguishes between pre-Building Permit and Planning Commission review. He stated that if the Commission was concerned about the SLO and did not want to delegate the review, he would recommend the Commission request the information now, which could require a continuance. He stated that the Code defined development permit application to not include Building Permit unless it was otherwise conditioned, which this Condition would satisfy. He noted that this would kick the can to that point and the Commission would not review it. He reiterated that if the Commission was concerned about the analysis and wanted to review it, the Commission could request further information. They could also rely on Staff to review the analysis, and he highlighted that Staff review could result in denial of the Building Permit if the proposal implicated the standards. He added that they could include language in Condition of Approval 7 that "Building plans

inconsistent with Section 15-2 on Sensitive Lands Overlay, may be denied.” This would make it clear that the Building Permit would still be subject to that review.

Chair Suesser recommended including the additional sentence so that this Condition would have some teeth to it such that it is clear that it would not just be a review; she wanted language that the Building Permit could be denied if it ran afoul of the SLO.

Commissioner Johnson felt they were on the right track, and agreed that the current version is not clear. Chair Suesser stressed that the property was already determined to be Sensitive Land, so they would not have to go further to address a species that might be found there. She felt that if they were allowing the applicant to build into it, there should be a limitation.

Commissioner Hall felt that the Staff Report was not as thorough as it could have been with regard to the SLO; however, she felt there was already an analysis contained in the Staff Report. She was satisfied because of the Code, and the fact that the Engineering Department would have to sign off on the slope stabilization portion of the Building Permit. She felt that having Engineering, the Planning Department, and the Building Department look at the plans was sufficient and calling specifics out would be somewhat redundant. She felt comfortable with the Conditions ‘as is’ but would be agreeable to making the wording really clear for the applicant.

Chair Suesser felt that a majority of the Commission was concerned about the Sensitive Land Overlay that would be impacted by the expansion. She stressed that they would be expanding the Building Footprint into the hillside for a site that had already violated the Building Pad into a Sensitive Land Overlay. By approving this, they would potentially be recommending another jut out into the Sensitive Lands, so she felt that clarifying this in the Conditions was appropriate. Mr. Harrington suggested the following language: “The Planning Department shall deny any permit inconsistent with Chapter 15-2.21-2A.”

Chair Suesser wanted a better look at the proposal, and reiterated her preference for a continuance, even with the added language. She understood that a majority of the Commission was comfortable with the Ordinance as amended. Mr. Harrington reminded the Commission of the public hearing and suggested removing “A” from the LMC reference.

Chair Suesser opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Commissioner Johnson moved to forward a positive recommendation for City Council’s consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law, and Amended Conditions of Approval, outlined in the Draft Ordinance as follows:

Findings of Fact

Background:

1. The property is located at 7979 Roamer Court.
2. The property is listed with Summit County as Parcel number BEC-9.

3. The property is in the Residential Development Zoning District.
4. The Bald Eagle Club at Deer Valley is part of the Deer Valley Master Planned Development.
5. The Bald Eagle Community Condominiums conceptual Master Planned Development was approved by the City Council on July 20, 1989.
6. The Bald Eagle Club at Deer Valley Final Plat was recorded with Summit County on August 3, 1989.
7. An addition to the site's existing Single-Family Dwelling was completed in 2004 and built outside the platted Building Pad.
8. The Applicant proposes amending the plat and modify the Building Pad to reflect existing as-built conditions and to accommodate a future addition to the garage.
9. The existing Building Pad contains 7,936 square feet.
10. The proposed amended Building Pad contains 7,936 square feet.
11. The existing driveway crosses the property line common to Unit 9 (7979 Roamer Court) and Unit 8 (7991 Roamer Court).
12. The Land Management Code regulates Lot and Site Requirements per LMC § 15- 2.13-3.
13. A Single-Family Dwelling is an allowed Use in the Residential Development Zoning District.
14. The required Front Setback is 15 feet.
15. The required Side Setback is 12 feet.
16. The required Rear Setback is 15 feet.
17. The maximum Building Height in the Residential Development Zoning District is 28 feet from Existing Grade.
18. The proposal complies with the Sensitive Land Overlay Zone Regulations.
19. The proposal complies with the Bald Eagle Club At Deer Valley Plat requirements.
20. There is Good Cause for this Plat Amendment.
21. No Public Street or Right-of-Way is vacated or amended.

22. No easement is vacated or amended as a result of the plat amendment.
23. Staff published notice on the City's Website, the Utah Public Notice Website, and posted notice to the property on January 11, 2023.
24. Staff mailed courtesy notice to property owners within 300 feet on January 11, 2023.
25. *The Park Record* published notice on January 11, 2023.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13, Residential Development (RD) District, LMC Chapter 15-2.21, Sensitive Land Overlay Zone (SLO) Regulations, and LMC § 15- 7.1-6, Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made 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.
4. Any addition to the existing Structure shall not exceed the zone height of 28 feet from Existing Grade.
5. To address the encroachments at the driveway, the retaining rock wall on the north side, and the BBQ retaining wall, the Applicant shall either remove the encroachments into the abutting property upon completion of updating the driveway configuration, or the Applicant shall enter into encroachment agreements with the neighboring property owners and record the agreements with Summit County prior to recordation of the plat.

6. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.
7. A Sensitive Lands analysis shall accompany any development plans at the Building Permit phase, and shall be reviewed and approved by the Planning Department. The Planning Department shall deny any permit inconsistent with Chapter 15-2.21-2.

Commissioner Van Dine seconded the motion.

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

C. 103 Alice Court - Steep Slope Conditional Use Permit - The Applicant Proposes to Construct a New Single Family Home on a Steep Slope in the Historic District (HR-1) Zoning District. PL-22-05421

City Planner, Lillian Zollinger reported that the Alice Claim Subdivision took a long time to approve. The process began in 2006, and in 2018 the City Council adopted the Ordinance that approved the Alice Claim Subdivision. She stated that this was the first proposed construction of a new Single-Family Dwelling on Lot 6 in that Subdivision. The Lot is 4,510 square feet, of which approximately 1,400 square feet of the dwelling would be constructed on a Steep Slope with an average slope of 32.1%.

Planner Zollinger stated that because the Lot is over 3,750 square feet in size and more than 200 square feet of that was located on a Steep Slope, it required Planning Commission review of the Steep Slopes CUP. She reported that the proposal was found to be compliant with LMC Chapter 15-2.2-3, wherein the Lot requirements for a Single-Family Dwelling were satisfied with a 4,500-square-foot lot. She stated that this Lot required a 15-foot Front and Rear Setback, as well as five-foot Side Setbacks. She added that the Maximum, and proposed Building Footprint, was 1,750 square feet.

Planner Zollinger stated that the proposal was also found to be compliant with the height requirements pursuant to LMC Chapter 15-2.2-5. She explained that with a 10-foot step down in the front façade, the Building Height would be 27 feet or less from Existing Grade, and would be 35 feet from the interior of the base level to the top roof level. She added that the required roof pitch was 7:12 or greater, and the applicant proposed 7:12.

Additionally, the proposal was found to be compliant with LMC 15-2.2-6; however, pursuant to subsection C of that section, the Planning Commission may address Building Form and Scale, Setbacks, Dwelling Volume, Building Height, and Steep Slopes to reduce the impact of a cut into the hill. She stated that the application was reviewed by the Design Review Team several times, and found to be compliant. The second to last proposal contained a two-car garage, and the applicant chose to reduce that to a one-car garage, which will reduce the amount of paved substance required at the front and allow for more natural landscape and grade to the right side. She noted that the applicant also chose to remove some side retaining walls and install some egress windows instead; as a result, there would be one big retaining wall at the rear for outdoor living space.

Planner Zollinger stated that the location of the dwelling on this Lot would not impact any existing Significant Vegetation. She highlighted that the application was reviewed by the Development Review Committee and reported that the Building Department required fire sprinklers for new construction, as well as a Construction Mitigation Plan. The Engineering Department required information regarding soils; lot grading; utility installation; public improvements; drainage plans; a geotechnical report; and final slope stability. In addition, the Engineering Department required additional slope stabilization details and drainage, a landscaping bond, and temporary shoring, if needed, during construction.

Planner Zollinger reported that the Development Review Committee reviewed the application on December 6, 2022, and identified the previously identified Conditions. On January 11, 2023, Staff published notice on the City's website, the Utah Public Notice website, posted notice to the property, and mailed courtesy notices to property owners within 300 feet. *The Park Record* also published notice on January 11, 2023. She noted that Staff had not received any public input to date. She stated that the Planning Commission may approve the Steep Slopes CUP application, may deny the application and direct Staff to make findings for the denial, or the Planning Commission may request additional information and continue the item to a date certain.

Staff recommended the Commission review the Steep Slopes CUP, conduct a public hearing, and consider approving the proposal based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action letter.

Chair Suesser asked if the 35-foot maximum interior height was consistent with the Historic Residential District. Planner Zollinger responded that this height limit was specific to the Historic Residential – 1 (“HR-1”) Zone per the LMC. She also confirmed that the 35-foot interior height was allowed in the Historic District in Old Town.

Commissioner Johnson struggled with the Steep Slopes and asked Planner Zollinger to explain how the graphic represented the Existing Grade in relation to the height of the proposed development. Commissioner Johnson noted that it was labeled on plan sheet A3.02 as a 27-foot offset. Planner Zollinger explained that the measurement was calculated by subtracting the height of the fascia to the closest line. She further explained that the 27' offset shown on plan sheet A3.02 was the measurement from Existing Grade. Commissioner Johnson referenced plan sheets A3.03 and A3.04 and stated he was having difficulty with the relation to Existing Grade and what the lines represented.

Planner Zollinger pointed out the line that represented 27' from Existing Grade; however, she noted that it was tricky when looking at a side elevation because it is only displayed as two-dimensional. Although the grade from the front view might appear to go a certain way, it could also go a different way on different elevations. Therefore, the focus should be on the roof over topography from which the actual distance could be measured. She added that from the side view elevation, one could measure the 35 feet from the base plate to where the rafters sit.

Bill Van Sickle from AIA identified himself as the Architect who prepared the plans. He explained that the lines were representative of the height at that wall face, and the best way to represent it in 2-D is at the closest wall plane on the house. Even though one drawing might appear to be well over 27 feet that is beyond which is why they use roof-over topography as well. He added that there was no way to balance it off the depth of the structure itself because there are two slopes on this Lot.

Commissioner Johnson stated that the explanation was helpful, and he felt it would have helped to have an actual photograph with the 3-D model simulated into it for the visual analysis.

Chair Suesser asked if the applicant anticipated excavating the entire Lot and installing a retaining wall at the rear. Planner Zollinger advised that the entire Lot would not be excavated, but a significant portion of it would be and she referenced a drawing that showed the location of the planned retaining wall.

Commissioner Sigg asked if there was an exhibit that showed the 1,400 square feet that would fall within the Steep Slope. Planner Zollinger stated they did not have an exhibit showing that. Commissioner Sigg stated that before looking at something that is over 30%, he would like to see if the Lot had been utilized to its fullest potential on a land area that is not above 30%. He referenced the Site Plan and noted the parking area in front of the garage and the extension of the driveway beyond the Lot line. Planner Zollinger explained that the driveway will have to extend past to reach the Right-of-Way, and added that driveways can go through a Setback. The building itself was setback as far as it could be at this point. She noted the Setback at that location was 15 feet.

Chair Suesser opened the public hearing. There was no public comment. The public hearing was closed.

MOTION: Commissioner Kenworthy moved to APPROVE 103 Alice Court – Steep Slope Conditional Use Permit, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter 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 Application approval is subject to the approval of this SSCUP.
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 32.1%. 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 Existing grade in the HR-1 Zoning District. The proposed maximum building height is 27 feet from 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. 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 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 visual and environmental impacts of the Structure.
19. The proposal will not be viewable from Vantage Points and mostly screened from existing grade and vegetation for erosion mitigation.
20. The proposed driveway is 12' wide and access to a tandem garage minimizes the width and impact on natural topography.
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 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 notice on the City's website and posted notice to the property on January 10, 2023.
28. Staff mailed courtesy notice to property owners within 300 feet and posted notice to the property on January 10, 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 January 25, 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 a Historic District Design Review prior to submitting a Building Permit application.
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 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 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. The CMP shall include language regarding the method of protecting adjacent structures.
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 prior to submitting a building permit, subject to City Engineer approval.
15. The Applicant shall provide soil stabilization details and drainage 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 to ensure the stabilization and vegetation rehabilitation are complete prior to submission of a building permit.
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 proposed/reviewed as part of this SSCUP without modifying the SSCUP. Additionally, walls more than four feet in

height in the front setback or more than six feet in the rear or side setbacks will require an Administrative Conditional Use Permit.

Commissioner Hall seconded the motion.

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

Commissioner Hall reported that Commissioner Kenworthy left the meeting, and Commissioner Van Dine was on a phone call; however, they still had a quorum to continue the meeting. She noted that Commissioner Van Dine would rejoin the meeting.

After a brief recess, Chair Suesser called the meeting back to order.

7. WORK SESSION

- A. Land Management Code Amendments -- Sensitive Land Overlay -- The Planning Commission Will Conduct a Work Session on Expanding the Sensitive Land Overlay to include the Recently Annexed Property in the Quinn's Junction Area to Establish Designated Ridgelines and Vantage Points and to Consider Updates to the Overall Sensitive Land Overlay Regulations Outlined in Land Management Code Chapter 15-2.21, Including Criteria When Evaluating Construction of Trails in the Sensitive Land Overlay.**

Assistant Planning Director, Rebecca Ward advised that this Work Session would focus on Chapter 15-2.21, which outlines protections for Steep Slopes, Ridge Line Areas, wetlands, streams, and wildlife. She explained that this section allows for hardship relief if the regulations would deny all reasonable use of properties, therefore, there is a balance in the Code of allowing for development while protecting these Sensitive Lands. She reported that the Code was adopted in 1992. She presented an image that showed the City's boundary in 2014, and an image that showed the City's boundary in the 1990s when the SLO was adopted. She noted that in the 1990's Sensitive Lands, Ridge Lines, and Vantage Points were directed toward that boundary.

Assistant Director Ward presented the current zoning map and explained that through the annexation process, an SLO analysis was required and the lands annexed into the City were brought into the Sensitive Land Overlay. She noted, however, that the Ridge Lines and the Vantage Points had not been updated with the annexations. She referenced the current zoning map that would be seen on the City's website. The red-dashed line showed the SLO, and she acknowledged that it could be confusing to determine what is within and outside the Sensitive Land Overlay. She thanked Spencer Lace, the City's GIS Administrator, who had been working on some maps to clarify them for people who look up their property online. She noted that a majority of the acreage in the City is within the Sensitive Land Overlay.

In June 2022, the City annexed the southeast Quinn's Junction area, and the proposed amendments would expand Ridge Lines and Vantage Points to that acreage. She advised they also proposed to update the zoning map to illustrate the Ridge Lines on the zoning map, as well as Vantage Points citywide to ensure that the entire City was encompassed.

Assistant Director Ward stated that they received a request from the Trails and Open Space Manager to consider a holistic SLO analysis for a Trails Master Plan so that as the trails get built individually they would not have to go through the SLO analysis for each trail. She also reported that Staff received input from community members who have looked at their properties online and found that a portion of their property was in the Sensitive Land Overlay and a portion was not. These community members would like clarity on how the Sensitive Land Overlay would apply to their property. The proposed amendments also included some non-substantive updates to internal citations, as well as to the applications. These application updates would help Staff obtain the information needed for processing land use applications to ensure the SLO requirements were met up front.

With regard to the proposed amendments to establish new Ridge Line areas and Vantage Points for southeast Quinn's Junction, Assistant Director Ward advised that as part of the annexation petition, some of the Ridge Line areas were identified. The proposed amendments would add these to the zoning map.

Additionally, they proposed adding Vantage Points, which could include:

- The roundabout at the Park City Hospital;
- The intersection of the Rail Trail and Highway 40; and
- The intersection of Richardson Flat Road and Highway 40.

She noted that these Vantage Points give a point where the applicant could show the visual impact of the proposal. Within the current Code, the Planning Commission has discretion to move those Vantage Points. She explained that they also proposed amendments that would update the zoning map to illustrate Ridge Line areas and Vantage Points citywide. The map from the 1990s was the last map they have other than what is contained in the General Plan. She presented an image that was taken from the Park Meadows neighborhood of the General Plan.

In order to clearly communicate the locations of the Ridge Lines, she presented a screenshot from the Snyderville Basin Zoning Map that showed the Ridge Line areas included as part of that zoning map. She stated that they would propose a similar map as part of these amendments.

Commissioner Hall asked if the City's zoning map would be similar and include the same key, or whether they would try to extend the same look. Assistant Director Ward stated that it would not need to have the same key, but it would incorporate the same idea as the Snyderville zoning map. She added that it would include what was already in the General Plan with the added layer of information.

Commissioner Johnson asked if the proposed zoning map would be interactive. Assistant Director Ward advised that there was an interactive zoning map on the City website, so this proposed map would likewise be interactive. Assistant Director Ward stated that the proposed amendments would also update the Vantage Points. She highlighted the current Vantage Points listed in the Code and commented that some of the locations no longer exist or road configurations had changed. She provided the proposed updates to this list and stated that in some locations such as the Park City Ski Area Base, Snow Park Lodge, and the Park City School District Campus they recommended including coordinates. The Planning Commission

would still have discretion to move those Vantage Points or add Vantage Points for specific projects.

She reiterated that the Vantage Points were based on the 1990s boundaries, so they proposed expanding those Vantage Points to ensure that they would be encompassed citywide. Potential additions could include the following:

- The intersection of Holiday Ranch Loop Road and State Road ("SR") 224;
- The MARC;
- The intersection of Queen Esther Drive and Deer Valley Drive;
- City Hall; and
- A location in the Empire Pass area.

Chair Suesser sought clarification of the purpose for establishing Vantage Points, why they are important, and how they would be used. Assistant Director Ward explained that for properties within the Sensitive Land Overlay, a visual analysis of the project entailed superimposing an image of the project taken from those key Vantage Points within the City. For example, for a proposed development that would be visible from the McPolin Barn, they would look to see what the project would look like from that Vantage Point.

Chair Suesser was unsure if Vantage Points were more precise, or whether they were just a good point to observe what a project might look like and how it would impact a view shed. Assistant Director Ward reiterated that the Planning Commission had discretion to add Vantage Points for specific projects, and that discretion had been exercised in the past. She stated that one of the challenges of adding Vantage Points was that they could be vague. She referenced a Vantage Point being identified at the Park City Golf Course Clubhouse, or Park City Ski Area Base. As a result, they proposed that coordinates be put into place as a starting point, and if the Planning Commission recommended additional Vantage Points be added, they would include coordinates not only for Planning Commission review at that time but also so that when people look back at the approval 5 to 10 years down the line, it would be clear how the project was evaluated.

Commissioner Sigg felt that all of the Vantage Points, with the exception of Empire Pass, were looking upward and evaluating improvements encroaching over Ridge Lines. He asked if there was any consideration given to a downward perspective to the impact of development since a good part of the citizenry was in that situation. He specifically referenced Snow Park where there were plenty of locations that looked down onto what would ultimately occur in that location. He felt they were looking at Sensitive Lands, but they were only looking in one direction. He could list numerous neighborhoods that look down onto potentially very large and impactful developments. He understood this in the context of Ridge Lines, but in the context of looking at the impact of a development on members of the community, the focus was always on looking up.

Commissioner Sigg asked if they should expand the Vantage Points to include a downward-looking perspective. Commissioner Hall agreed that if they added Snow Park Lodge, they could also add Silver Lake Lodge or Guardsman's Pass as Vantage Points that would look down. She felt that one of the helpful parts of this discussion was what people wanted to see in these amendments, and she felt this was a great example.

Commissioner Sigg commented that if someone purchased all of the Park Avenue Condominiums and wanted to put a mega-development in that location, there would be many places where one would not even see them if the perspective was only looking in one direction.

Mr. Harrington commented that the focus should be on what was being protected with the Vantage Points. He acknowledged the comment that the primary function of the Vantage Points was to protect the Ridge Lines, and that was the sensitive area to be protected. If the Commission wanted to establish new Vantage Points for different reasons such as site suitability, Limits of Disturbance, or something else, they would need to define a new category for which they would be used to protect, and then define the Vantage Points that would be relevant to those protections. He noted that this might not be in the Sensitive Lands Ordinance; rather, it might be added to the MPD Section if it addressed the issue of good site planning as opposed to the protection of a particular natural resource, which was the aim of the Sensitive Lands Ordinance. He agreed that Commissioner Sigg's ideas were great; however, they might not be for this ordinance.

Commissioner Hall agreed that they should incorporate the downward-looking perspective as part of the MPD Code and noted that within MPDs, the Commission also had discretion to add various Vantage Points specific to a site.

Chair Suesser added that in the instances of the MPDs, they were protecting view sheds as part of the discussion of good Vantage Points. She asked if this review of the SLO included a review of the Steep Slopes criteria and analyses. Assistant Director Ward noted that discussion would be at the end of the presentation.

Commissioner Van Dine inquired about the approximate locations of the last two proposed Vantage Points. Commissioner Johnson requested the map that showed the Vantage Points. In response to Commissioner Van Dine's inquiry, Assistant Director Ward pointed out the approximate locations of the last two Vantage Points on the map before the Commission.

Assistant Director Ward advised that the current Sensitive Land Overlay included an exception specific to ski slopes, and the Trails and Open Space Manager queried whether the Planning Commission would consider recommending amendments to the Code that would allow for them to bring a Trails Master Plan with Sensitive Land Overlay big-picture analysis. Once adopted by City Council, as individual trails would come in that aligned with that Plan, they would not be required to provide a full Sensitive Lands analysis; however, they could still reserve the requirement for individual trails to show Significant Vegetation, updated wetlands delineations and other criteria recommended by the Planning Commission.

There was a consensus in support of this request. Commissioner Johnson agreed as long as there would be a requirement that the applicant update the wildlife assessment and wetlands delineations. He recommended a Sunset Clause on those delineations so they could be updated periodically.

Chair Suesser was unclear of the request for the Commission to consider conducting an SLO analysis for a Trails Master Plan. She asked if the Trails Master Plan would be updated with respect to Significant Vegetation, wetlands, etc., and then the Commission would conduct an SLO analysis of the entire plan.

Assistant Director Ward explained that currently, each time a trail is constructed an Administrative Conditional Use Permit is submitted; as part of that permit, the applicant is required to do a full Sensitive Land Overlay analysis. Sometimes the trails are quite small, and the requirement of a full analysis could be quite costly. She stated that the Trails Master Plan would be analyzed holistically under the Sensitive Land Overlay and then, as individual trails would come in through the Administrative process, they would evaluate wildlife habitat, wetlands, and Significant Vegetation to ensure that those materials were updated at that time. She added that as long as the trail complied with the Master Plan, they would not be required to provide a full Sensitive Land Overlay analysis for each application.

Commissioner Sigg was supportive of making it as easy as possible to put trails in, but suggested they might want to consider defining "trail." He wondered if it would include a pump track with cuts and fills and big bang turns. He referenced Flagstaff Basin and the pump track coming off the back of Bald Mountain and stated there was nothing sensitive about that trail and that land. He understood this request as it related to the trails that were not artificially contoured; however, if they are in an area where there is a Vantage Point, some trails might not be the type of trail to include in this exception. He suggested defining the type of trail that might be exempt from the Sensitive Lands review. He did not know if downhill trails should be allowed *carte blanche*.

Commissioner Hall observed that those types of trails would not be *carte blanche* because they would be part of the Master Plan. She felt this was a discussion of the Master Plan. Commissioner Van Dine agreed and felt that this would be something for the Trails Master Plan, not for the Sensitive Land Overlay. She noted that a lot needed to be accounted for as part of building trails, and mentioned width, grade, and trail materials.

Commissioner Van Dine remarked that this was not the time to try and nail the type of trail down, and it should be addressed as part of the Trails Master Plan. She commented that the Trails team takes all of this into account. She noted that the Deer Valley trails were not mountain trails. She supported giving the Trails team the ability to create a Trails Master Plan and not have to expend all of that money every time they want to build a trail. She added that this exemption made sense because they would still be subject to a standard. Commissioner Sigg agreed that this discussion was better held as part of the Trails Master Plan because there they could outline the type of trail.

Chair Suesser asked for clarification of the statement that each trail would still require updated materials regarding Significant Vegetation, wetlands, and other materials and a site-specific analysis at the time of proposed construction. She queried what the difference was between that statement and an SLO analysis. Assistant Director Ward explained that the full SLO analysis required a Steep Slope analysis, as well as Vantage Points, Ridge Lines, and wildlife habitats. If those issues were looked at holistically at the time of the Trails Master Plan, they would have a general idea of the location of the proposed trails. She believed that wetlands delineations were valid for up to five years. She added that as individual trails came forward, Significant Vegetation could change, so there could be some sort of Sunset Clause or Trails Master Plan updated every certain number of years. Within that time frame, there could be changes specifically to wetlands and Significant Vegetation. Therefore, they could still require those limited materials be submitted at the time of the Administrative permit, but they would not have to go through the full SLO analysis if the proposed trail complied with the Trails Master Plan.

Commissioner Frontero liked the proposal and suggested the Trails Master Plan categorize trails. He used the example of Class A, B, and C trails. A Class A trail could be the least intrusive to the land, and Class C could be the most intrusive. Therefore, when a new trail is proposed, they could look to the Trails Master Plan, and if a proposed trail were a Class C it would require additional SLO analysis. He also agreed with the suggestion of a Sunset Clause and queried what other Commissioners felt was a good time period. Commissioner Johnson offered that it would look at the expiration of the wetlands delineation, and they could use that as a baseline. He observed that a full, proper Sensitive Lands analysis was quite costly. He suggested a Sunset Clause in the range of 5 – 10 years.

In response to an inquiry from Chair Suesser as to the status of the Trails Master Plan, Assistant Director Ward understood that the Trails Master Plan would show what currently exists, and the future planned trails. If a proposed trail was not part of the Trails Master Plan, that trail would be required to go through the process currently defined in the Code.

Commissioner Van Dine remarked that the current Trails Master Plan dates back to 2008, so it is due for an update. She noted it did not include only mountain bike and hiking trails; rather, it includes walking paths and rail trails. She understood that the Commission would be able to see the updated Trails Master Plan. Assistant Director Ward stated that it would come before the Commission for a recommendation to City Council for adoption.

Commissioner Van Dine felt that giving them the ability to start working on it knowing that this process was in place made a lot of sense. Assistant Director Ward explained that current applications have a section for an applicant to note whether their property is either inside or outside the Sensitive Land Overlay, but it does not inform of the materials required for submittal if they are located in the Sensitive Land Overlay. Staff recommended amending the applications to make that information available to applicants up front so they know what they will be required to submit, which would hopefully expedite the review process as well. She noted the Planning Commission's request to look at the Steep Slope criteria citywide. She explained that if a property is within the Sensitive Land Overlay, Steep Slopes are evaluated as part of a Subdivision or MPD. For those properties that are not within the Sensitive Land Overlay, there are three zoning districts that include Steep Slope properties, and those zones were listed in the Staff Report.

She referenced the presentation on the Alice Claim heard earlier in the meeting and explained that it included the criteria for those properties and homes within the Historic zones. For properties in the Sensitive Land Overlay, the criteria for Steep Slope protections as outlined in Section 4 of the SLO provisions in the Code. This section outlines the parameters of Steep Slope development when the Planning Commission looks at a larger MPD or Subdivision application.

Assistant Director Ward explained that the Code prohibits development within 50 feet of Very Steep Slopes, which is defined as 40% or greater. In response to an inquiry, she confirmed that Very Steep Slopes was a defined term in the Definitions section of the Code. She noted that this section of Code gave the Commission discretion to vary Setbacks from Very Steep Slopes. She also pointed out the requirements to minimize cuts and fills, and benching or terracing to create larger building sites was prohibited. She also highlighted that cuts and fills for streets and roads must be minimized.

This section also requires that retaining walls require an Administrative permit, and there were allowances for when retaining walls might be needed for a site. In addition, she expressed that the Code requires slopes to be re-vegetated and density must be clustered to protect Steep Slope areas. She summarized that the proposed amendments would update Ridge Line areas and Vantage Points for Quinn's Junction and citywide, and ensure that those points are shown on the zoning maps. They also proposed to allow trails construction with review of a Trails Master Plan.

The amendments also presented the opportunity to clarify the SLO boundary where it cuts through the property. She also referenced the non-substantive updates to internal citations and application materials. Assistant Director Ward asked the Commission whether there were specific requests regarding Steep Slopes criteria.

Commissioner Hall asked what Staff saw as the biggest issue as they process applications for Administrative Steep Slopes. She wondered if it would be beneficial for the community if they changed the transfer of density. Assistant Director Ward stated that one issue that came up was that there is a definition for Very Steep Slopes, and when the Planning Commission evaluates an application or when Staff conducts an administrative evaluation, they were looking at the boundary of that Lot. There was a suggestion that in the case of individual properties being evaluated, the Code could be amended to take into consideration the existence of the 50-foot distance from a Very Steep Slope that might be on an adjacent property. She also noted that Subdivisions require a Sensitive Lands analysis, and they could clarify to add Plat Amendments.

Commissioner Sigg noted that with regard to the Steep Slopes criteria, an issue often arose concerning variations of slope over the same plane. He recalled there was a provision where there could be a certain amount of area that they could mask over; however when looking at Sensitive Lands and the whole field of vision, there could be 25% of the field of the slope over the Steep Slope criteria. In that example, someone could say they would take that 25% and grade it out. He stated this issue has arisen in many situations, and he would like to see it clarified. If the entire land is Steep Slopes it is easy, but if 1/3 of a 10-acre parcel had undulating areas of 100 square feet, he queried whether it was Sensitive Land at that point. A situation where there are multiple areas on a site that have Steep Slopes, it would be an easy argument that they were not contiguous so they could just knock them all down because they were of limited area.

Commissioner Hall asked for further information on why benching and terracing were prohibited. Her knee-jerk reaction was that it would be better to have a little step up rather than a solid wall. Assistant Director Ward stated there were regulations regarding benching and terracing of retaining walls, and this was specific to Building Pads. Looking at the larger MPDs and Subdivisions, the Code currently looked to consolidate density so the benching and terracing on a larger scale would not be recommended. She offered that this incentivizes the developer to look for areas to develop where they would not have to manipulate the landscape to create a Building Pad.

Chair Suesser referenced the house on Northstar and noted that it had a lot of terracing and benching. She asked how they approached those types of requests and asked if that house was a good example of something they did not want to repeat. Assistant Director Ward requested time to do some more research and provide further information on this example for the next meeting. She recalled that this home was in one of the Historic zones, so it was

evaluated under the Steep Slope Conditional Use Permit criteria, which is somewhat different than the big picture Sensitive Land Overlay.

Assistant Director Ward added that if the Commission had an interest in evaluating this section within the SLO, they could include a table outlining similarities and differences in how the sites are evaluated under the Sensitive Lands Steep Slope criteria and the Steep Slope CUP criteria in the Historic District. Chair Suesser felt that would be helpful.

Chair Suesser also wanted information regarding how retaining walls within Sensitive Land Overlay zones were analyzed. She observed that retaining walls typically were approved if the home would cover them. She was not sure that was the intent behind the prohibition against retaining walls of a certain height; rather, she felt it was more for the protection of the hillside. Assistant Director Ward offered that as part of that table, they could also include regulations that address retaining walls in Setbacks. Chair Suesser noted there were good examples of why walls were permitted along Aerie Drive.

Assistant Director Ward summarized that the Commission supported updates to the Ridge Lines and included them on the map. The Commission also supported updating the Vantage Points. She noted there was also interest in considering Vantage Points looking down as part of the MPD process, in addition to the Vantage Points that look up to the Ridge Lines. There was also interest in potentially including trails as something that would be evaluated by the Vantage Points looking up. She also recalled there was support for a Trails Master Plan as long as the Master Plan was detailed and included categories of the types of trails to be constructed, and as long as there would be re-evaluation of that Master Plan on a regular basis. There would also be the option to include time-sensitive issues such as Significant Vegetation and wetlands delineations.

In addition, she noted there was interest in evaluating the Steep Slope criteria within the SLO and comparing it with the Steep Slope criteria in the Historic Districts. As far as Steep Slopes were concerned, there was also interest in looking at the site to ensure that the large-scale impacts would be evaluated. There was also interest in looking at how benching and terracing of building pads and retaining walls were evaluated.

Commissioner Van Dine noted she did not require a full evaluation; rather, she was just interested in the reasoning behind prohibition.

Commissioner Johnson mentioned the Sensitive Lands analysis, and the slope and topographic map. He suggested requiring a four-color map or adding some technological update requirements so it would not just be a contour survey. He wanted something that help them better visualize the conditions. He wondered if they could consistently update the definitions in the Vantage Points section so that it was consistent throughout. He would also like to better define the visual analysis by requiring a real photograph from the Vantage Points and simulating the project into those photographs. He noted that if they added City Hall as a Vantage Point, they would see Alice Court, and as a Commission, they could perhaps require applicants to provide a photograph from the road or looking down-canyon. He noted that they had seen applications come through that provided a Google image; he would like to see photographs from the specific coordinates.

With regard to wetlands, Commissioner Johnson noted the 1997 manual, but they also included the 2010 supplement. He wanted to ensure they were using the updated manual for the

delineation. He referenced prohibitions for Slope Protection and would like to see the distance from Very Steep Slopes to increase as much as possible. He proposed doubling it, or increasing it to 75 feet; he stated, however, that if it had to remain at 50 feet, he would also like to see a prohibition on Steep Slopes.

Commissioner Johnson requested someone look at what the State required in terms of wildlife protection, including conservation methods that were consistent with the Utah Wildlife Action Plan. He was not sure if migratory bird habitats were relevant in Sensitive Lands, but if they were, he would like to see something on that as well. He stressed that because the Code was enacted in 1992, they needed to button it up. He felt the visual analysis was a significant issue as the Commission was constantly getting blurry images that were not relevant to the actual property.

Commissioner Frontero agreed with the comments on the visuals, and would potentially go further by making it a requirement that they could go to someone who is a specialist to present the defined standard. This could include 3-D, color images, or photographs. He stated that a 2-D black and white sketch was not enough anymore and the technology existed for the applicants to present more robust applications with regards to Sensitive Lands.

Commissioner Hall observed that given that Sensitive Lands touched half of Park City, she wondered where they could draw the line. She felt for some locations, a better visual analysis of this type would be necessary; however, there were many locations where it would seem to be another huge task for the applicant where it would not really have any impact.

Commissioner Johnson argued that having a photo simulation would only cost \$500 to \$1,000, and he felt it was warranted. He felt it went along with the additional distance for the Very Steep Slopes and Steep Slopes where they were continuing to climb up the hillsides. The visual impact was significant over the past 30 years and they needed to button it up. He also highlighted the issue of massing and understanding what the project would look like, which he felt they did not get with the previous application where it would have been helpful. He acknowledged that applicants spend a lot of money, but a photo simulation would likely be the least costly task.

Commissioner Hall queried what they would do once they have that information. She recalled some applications where it would have been nice to have a Vantage Point from City Hall but questioned whether they would deny an application simply because they could see the project from a Vantage Point. She would like clarity on what they would do with the information in the photograph because there could be a situation where they might not like something but there would be no way to tie it back to the Code for a denial.

Commissioner Johnson noted this was a good point and wondered if they could regulate it to tie it to the review. Assistant Director Ward asked if it would be helpful to outline where the Planning Commission has discretion in terms of things like Setbacks and Height and tying the visual requirements so the Commission could make those evaluations.

Chair Suesser asked to discuss the application heard tonight on the Alice Claim home and about the fact that the applicant proposed digging down to meet the zone height. Assistant Director Ward stated that in the Historic Residential zones and most of the zones, there is a 35-foot internal measurement, and her understanding was that it was put in the Code to address development on Steep Slopes because height is measured from Existing Grade. When there

are Steep Slopes, an applicant could continue to go up in height, and the Code addressed this by limiting heights by measuring the internal height of the overall structure.

Chair Suesser wondered how they were addressing the possibility of developers digging down, and felt that people were achieving the 35-foot internal height by excavating down to start the building at lower than grade.

Director Milliken stated that the 35-foot measurement is an interior measurement. Applicants are still required to meet the exterior height limitation from grade. She explained that if an applicant digs down to get the 35 feet, it would not necessarily allow additional height on the outside. There is a height restriction from the existing grade to the roofline, and in addition to that, they could not build more than 35 feet within the structure, which restricts someone from digging down 5 – 6 stories.

Chair Suesser referenced her block on Lowell Avenue where there is a downside and a high side. If someone was building on the low side of the street, the house would be built up to the street; however, for someone building on the high side of the street, the structure would go up the slope and they would excavate the slope. She felt it was the excavation limits she was getting at and how they could address that.

Assistant Director Ward noted that they would address excavation limits as part of the next item, and they could look into that as part of the Steep Slopes analysis criteria when they return.

Commissioner Johnson asked about the definition of Sensitive or Specially Valued Species and suggested they consult with someone to determine the best definition. He felt they could require that for Sensitive Lands developments.

Assistant Director Ward stated they would address that at the next meeting that would take place in March.

B. Land Management Code Amendments - The Planning Commission Will Review Potential Land Management Code Amendments to Prioritize in 2023, Including Amendments to Incentivize Affordable Housing and Sustainable Development, to Improve Active Transportation Facilities and Connectivity, and to Outline Criteria for Traffic Impact Studies and Transportation Demand Management Strategies for Master Planned Development, and Additional Potential Priorities.

Assistant Director Ward thanked the Planning Commission and the Liaisons for the input provided thus far. She advised that Staff was still scheduling meetings with the Liaisons for the Transportation amendments, but all other Codes had been reviewed with recommendations from the Liaisons. She reported that in 2022, ordinances were adopted regarding Pickleball and regulations for residential areas. They also completed the overhaul to align with the State Code, Planning Commissioner qualifications, and the Fractional Use of dwelling units. She referenced the Staff Report for the amendments in progress. She listed Water Wise Landscaping, Transient Uses, Temporary Winter Balcony Enclosure Pilot Program, Lot Combinations in Historic Districts, Accessory Uses in MPDs, and Sensitive Land Overlay updates.

She reported that also in progress were Parking and Driveway Regulations in the Historic Districts, Illustrations for Design Guidelines that regulate Historic development, and Secure Bicycle Parking requirements.

Assistant Director Ward commented that some of the Historic items had gone to the Historic Preservation Board and would come before the Planning Commission.

When they met in September and October of 2022 to outline priorities for 2023, the Commission highlighted the following:

- Affordable housing;
- Sustainability;
- Transit, trail, and active transportation connectivity;
- Transportation Demand Management, and Traffic Impact Study standardization;
- Review of excavation limits;
- Steep Slope evaluation citywide;
- Conventional Chain Business and Vibrancy Ordinance review; and
- Final Action review.

With regard to Affordable Housing amendments, Assistant Director Ward stated there were a few properties identified by City Council for potential affordable housing development that was currently zoned Recreation Open Space. The Affordable Master Plan Development (“AMPD”) was created specifically for infill development and might not provide the flexibility that would allow for the best design for areas identified such as Clark Ranch and the Mine Bench properties.

Therefore, under very limited circumstances of City-owned properties identified by the Council that are not subject to a conservation easement, and meets the Sensitive Land Overlay, they could establish a potential re-zone process and new zone that would allow for flexibility of these developments. She noted that the Planning Commission went through the Affordable Master Planned Development Code through the first Homestake process, and they could go back through that Code and re-evaluate the Height, Nightly Rental prohibition, commercial uses, and parking to update and refine that Code. She stated that currently affordable housing was incentivized for projects of more than 20,000 square feet, and there might be opportunities to incentivize smaller affordable housing projects to address missing middle housing.

Transit-Oriented Development would make that connection between transit access and affordable housing. In order to help implement and incentivize Accessory Apartment construction, she mentioned a Pilot Program that would help property owners go through that process to install an Accessory Apartment.

With respect to Sustainability, Assistant Director Ward reported that they would have a Work Session on March 8, 2023, with the Sustainability team to go over some of the incentives for net-zero development standards that would not be in the Code, but would be incentivized. Specific to the Code, she stated they could re-evaluate the EV Charging Station, Conduit, and Installation requirements to determine if they should be increased. They could also address the prohibition of wood-burning stoves, update the sustainability requirements for MPDs, evaluate Solar Roof Panel and Renewable Energy Upgrade Incentives, and initiate annual awards for

projects that achieve net-zero standards. She noted the last two items would not be Code amendments but could help to incentivize net-zero development.

As far as Transportation Demand Management, and standardizing Traffic Impact Studies, she referenced the Staff Report that outlined information requested by some Planning Commissioners from the Engineering and Transportation Departments on key intersections. She stated that those departments were compiling that information.

Assistant Director Ward stated that the Planning Commission requested background information on Conventional Chain Businesses and Vibrancy Ordinances, and that information was provided through a Staff communication in December. The Commission could determine whether amendments should be prioritized to update these Codes this year. She stated that they reached out to Historic Park City Alliance for input on whether these Code were working and she reported that there was overall consensus to keep the Code as is. However, the Alliance requested that the City consider some exceptions during Sundance.

With regard to Excavation Limits, she noted they touched on that as part of the discussion on Sensitive Land Overlay. She stated that for Final Action Review, they looked at establishing a Staff level review process for some of the applications before the Commission. An example could be Steep Slope CUPs wherein the Planning Commission recommended that lots below a certain size could be subject to Staff level approval. For larger lots, the Steep Slope CUP would still go before the Planning Commission. She added that there might be opportunities in the Code to transfer some of the Plat Amendments to Staff for an Administrative permit. She provided the example of removing a Lot line under a Historic structure. She also mentioned recommendations by the Commission to City Council that the Commission would prefer to have Final Action to establish more efficient reviews.

Assistant Director Ward reported that funding from the executive budget had been offered to hire a consultant to assist with the 2023 amendments, and they also anticipated requiring amendments that would follow the Utah Legislative Session. She referenced the upcoming schedule set forth in the Staff Report and explained that they blocked out the last Work Session of each meeting for LMC amendments. She noted that they had clarity on Affordable Housing and Sustainability amendments. She asked if the Commission wanted to prioritize the Conventional Chain Business and Vibrancy Ordinances. She felt they covered the Excavation Limits in Steep Slope CUPs. She noted another issue of potentially requiring access for re-zone applications. She noted there might be some re-zone applications coming up for affordable housing where access was not yet established. She provided the example of the Bransford re-zone application.

Assistant Director Ward listed the Code amendments where there was not yet consensus. In response to her inquiry regarding prioritizing Chain Businesses and Vibrancy Ordinances, there was consensus by the Commission. Commissioner Hall expressed that she would like to prioritize that soon because Commissioner Kenworthy's term ends this summer, he has been on the Commission a long time, and she felt that as a Main Street owner, he would have good input. She volunteered to serve as a liaison for these amendments.

Assistant Director Ward outlined in the Staff Report where there were opportunities to evaluate Excavation Limits as part of Sensitive Lands, MPDs, and Affordable MPDs. She noted it was not included in the CUP review, and they could add it to those criteria, but it could be done as part of the SLO evaluation. Commissioner Frontero liked that suggestion.

Commissioner Hall requested that they prioritize Final Action Review sooner rather than later to possibly allow for Final Action on some applications now. She also stated that it would be great if they could move some items to Administrative review as it would free up Commission time to focus on things such as affordable housing. There was consensus on prioritizing Final Action Review. Commissioner Frontero volunteered to act as a liaison for these amendments.

Chair Suesser stated she would work on Excavation Limits, and Assistant Director Ward stated they could tie that into Sensitive Land Overlay and address it through the CUP criteria.

With regard to requiring access or a Subdivision Plat as part of a re-zone application, Commissioner Frontero felt it was something they should address to avoid a repeat of the application they heard a month ago. He asked Mr. Harrington if there was any legal restriction on the Commission requiring access for a re-zone application prior to it coming before the Commission.

Mr. Harrington stated that pragmatically they could re-zone an area that did not include any specific development proposals. He mentioned a re-zone of an acquired Open Space parcel received from the County. He stated that zoning was not development planning; rather, it was a broad use determination for area plans. At zoning, they were measuring the appropriate requirements in terms of density and uses, not site suitability, which is a land planning exercise at Subdivision. Re-zones involve density and use issues, not driveway or access issues. He cautioned against unintended consequences from a very unique situation.

Commissioner Hall agreed they should table that issue. She asked if they could prioritize the AMPD component of Affordable Housing sooner rather than later. She would like to review the AMPD Code as they just looked at Homestake and Studio Crossing, and she felt a review of the issues faced in those projects would be helpful.

Chair Suesser felt that was a good idea and mentioned the example of the parking requirement for Homestake where some of the Commissioners expressed concern that although the parking requirement was consistent with the AMPD, it was perhaps not sufficient.

There was consensus to revisit the AMPD given the recent applications. Director Milliken explained that the first project under the AMPD was Homestake. Commissioner Hall noted that the Code had lay dormant for a decade with no applications, and the City paid a consultant to assist with amending the Code to incentivize a developer to do an AMPD.

Chair Suesser agreed that it would be good to revisit the Code with fresh eyes, and with the Commissioners who worked on the amendments to see if it worked well. Commissioner Johnson advised that he and Commissioner Kenworthy were the liaisons for the AMPD updates, and he believed the Housing Department was working on some things.

Assistant Director Ward referenced the bullet points in the Staff Report that listed what they would reevaluate, including Building Height, allowable roof forms, Side and Rear Stepbacks, limitations on mechanical equipment to reduce visual impacts, consideration of increasing allowable commercial square footage, and consideration of allowing market-rate nightly rentals on a sliding scale. As part of this, they looked at having the City's consultant, Cascadia, update their report and take into consideration these questions so they could provide an analysis for Planning Commission review.

There was consensus to prioritize a Work Session to identify what the Commission would like Cascadia to evaluate.

Chair Suesser mentioned offering a range of different Area Medium Incomes (“AMIs”) as suggested by Commissioner Sigg in a prior meeting. This would cover a broad range, but would keep it more affordable housing. She would like to have Cascadia analyze this for the Commission.

Assistant Director Ward confirmed that the Commission wished to prioritize Conventional Chain Business and Vibrancy Ordinance, Final Action Review, and AMPDs. She asked if there were any amendments missing from the list, however none came to mind.

Commissioner Frontero asked about the timing of funding the consultant to help with the amendments. Assistant Director Ward stated that was scheduled for Council Review on February 16, 2023. If approved, they would likely hire a consultant by early spring, and the amendments in progress would continue to move forward.

8. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 9:00 p.m.

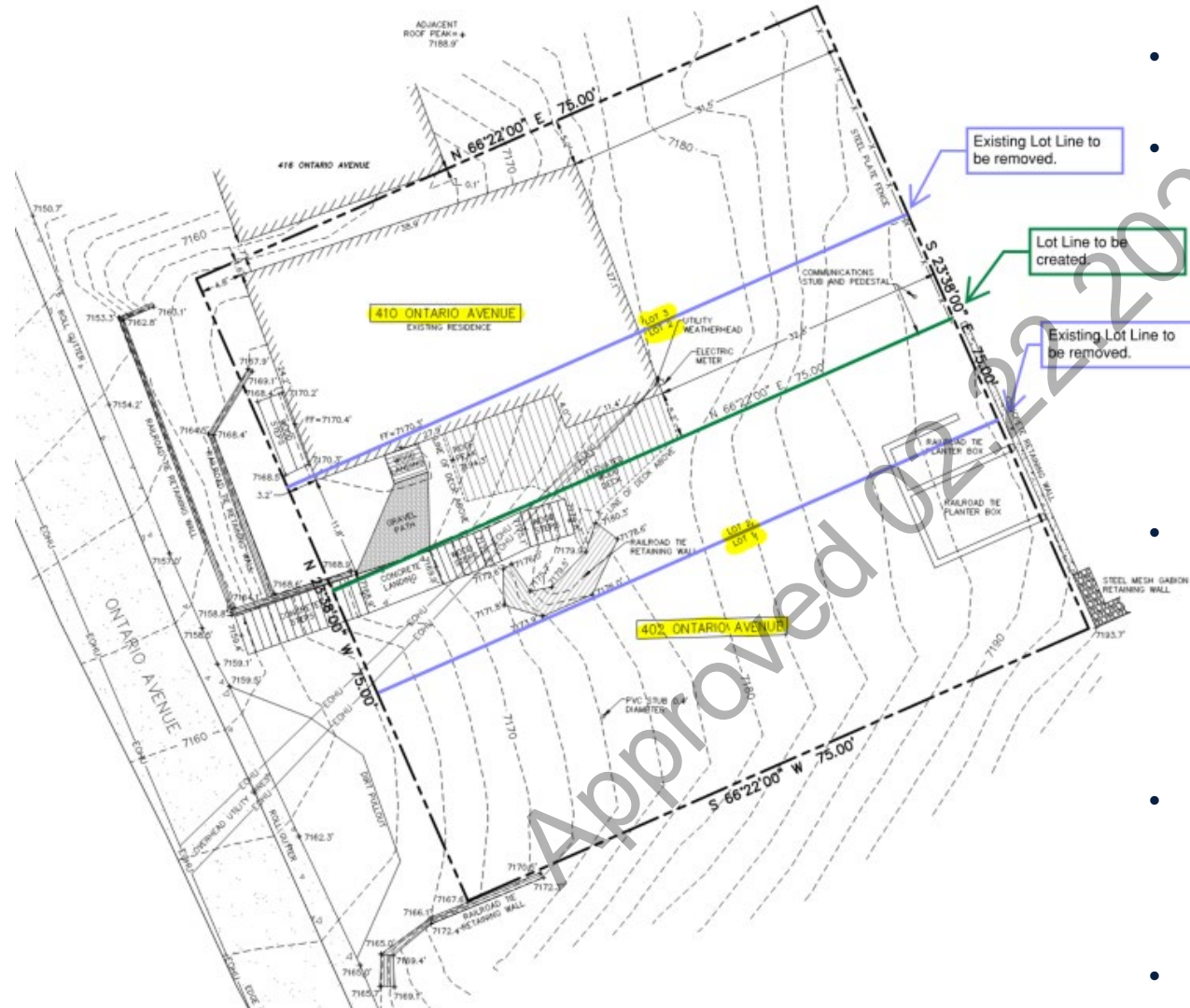
402 and 410 Ontario Avenue Plat Amendment

Planning Commission Public Hearing
January 25, 2023





402 and 410 Ontario - front - looking northeasterly



- 402 Ontario - Lot 1 and ½ Lot 2. Currently vacant.
- 410 Ontario – ½ Lot 2 and Lot 3. Improved with non-conforming duplex (NCF Use and Structure). Deck and stairs cross property lines – has encroachment with abutter. Stairs and retaining wall also encroach into City ROW – has encroachment agreement with City.
- 410 received approval for Plat Amendment to combine lots in 1997 (Ordinance 97-41) – Plat was not recorded and has since expired.
- Proposal is to create 2 Lots of Record by removing the internal lot lines. Each lot will be 2,812.5 SF.
- Located in HR-1 Zoning District

Analysis

The proposed Plat Amendment complies with the Historic Residential (HR-1) Zoning District requirements.

Any structure proposed for 402 Ontario must comply with the HR-1 Lot and Site Requirements and will be subject to the HDDR review process.

Good Cause

The Plat Amendment removes the Lot Line under the 410 Ontario Avenue structure, and allows for Historically Compatible development on 402 Ontario Avenue. Furthermore, 410 Ontario has previously received approval for the Lot configuration the applicant is currently proposing.

No public input received to date.

Recommendation

Hold a public hearing; Consider forwarding a recommendation for City Council's consideration on March 9, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance

