



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 14, 2024**

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

EX OFFICIO: Rebecca Ward, Planning Director; Spencer Cawley, City Planner; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, City Planner; Jason Glidden, Affordable Housing Manager; John Robertson, Public Improvements Engineer; Rebecca Gutknecht, Jaron Ehlers, Planning Technician; Jason Berntson, Planning Technician; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. and announced that all Commissioners were present in chambers, with the exception of Commissioner Henry Sigg who appeared via Zoom.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from January 10, 2024.

MOTION: Commissioner John Frontero moved to APPROVE the Planning Commission Meeting Minutes from January 10, 2024. Commissioner Christin Van Dine seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from January 24, 2024

MOTION: Commissioner Bill Johnson moved to APPROVE the Planning Commission Meeting Minutes from January 24, 2024. Commissioner Frontero 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

Chair Hall invited Planning Director, Rebecca Ward to state any Staff Communications prior to the Public Communications section of the meeting. Director Ward reported that on Tuesday, February 27, 2024, a Community Open House would be held on the Land Management Code Amendments to incentivize affordable housing and reduce the impacts of vehicles. She also noted that on February 28, 2024, a Work Session would be held with the consultants working on those amendments.

In terms of tonight's public comment, Director Ward reminded those planning to provide public input to state their full name and sign in. Comments should be limited to three minutes or less and directed to the Planning Commission and not to the applicant or the audience. She also reminded that comments should remain civil and be directed to the matters before the Planning Commission for review. She also announced that a Work Session was scheduled at the end of tonight's agenda for the Park Meadows Golf Course. She reported that this Work Session would not include a public hearing. She reported that when it comes before the Planning Commission for a public hearing, it would be publicly noticed. In the meantime, any input regarding that item could be sent via email to planning@parkcity.org.

Commissioner Frontero disclosed that with regard to the Work Session item on tonight's agenda, he is a member of the Park Meadows Golf Club. He expressed confidence that he could handle the application without any undue influence.

Commissioner Shand disclosed that he is also a member of Park Meadows Country Club, and felt he could weigh in and participate in the discussion, particularly the Work Session, without any bias.

Commissioner Johnson reiterated his disclosure that he works for SWCA Environmental Consultants, which provided the Technical Memorandum for the Historic District Design Review for the 220 King Road application. He stated he works in a separate department and was not a part of that process in any way. He did not believe it would affect any determination on that application.

Chair Hall disclosed that her husband has periodically used attorneys from Snell & Wilmer for business-related purposes and he retains different attorneys from different offices. She stated that this would not affect her decisions.

5. CONTINUATIONS

- A. 10206 Twisted Branch Road – Subdivision** – The Applicant Proposes to Create One (1) Lot with Access Off of Gated Twisted Branch Road in the Recreation and Open Space Zoning District and in the Sensitive Land Overlay. PL-23-05973.

Chair Hall reported that there would be a public hearing on this item and Agenda Item 5.B, although the public hearing would be continued along with this item to March 13, 2024.

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

MOTION: Commissioner Van Dine moved to CONTINUE 10206 Twisted Branch Road – Subdivision, and public hearing thereon to March 13, 2024. Commissioner Shand seconded the motion.

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

- B. 10206 Twisted Branch Road – Conditional Use Permit** – The Applicant Proposes to Construct a Private Restaurant Use with Ski-in/Ski-out Access in the Recreation and OpenSpace Zoning District and the Sensitive Land Overlay. PL-23-05823.

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

MOTION: Commissioner Johnson moved to CONTINUE 10206 Twisted Branch Road – Condition Use Permit, and public hearing thereon, to March 13, 2024. Commissioner Van Dine seconded the motion.

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

6. REGULAR AGENDA

Chair Hall reported that Staff would present one presentation for Agenda Items 6.A, 6.B, and 6.C regarding 220 King Road.

Director Ward reported that Senior Historic Preservation Planner, Caitlyn Tubbs, would present these items. She also reported that City Engineer, John Robertson and Public Improvements Engineer, Rebecca Gutknecht were present. The item included several applications: a Plat Amendment, a Conditional Use Permit (“CUP”), and a Steep Slopes Conditional Use Permit (“SSCUP”). They would address all items in one presentation before turning it over to the Applicant. She reported that much of the background of this property was previously discussed with the Planning Commission during the October 2023 Work Session, as well as the January 2024 Work Session. She stated Staff would highlight some of the updates since the last meeting.

The proposal was to demolish a 4,235 square foot Single-Family Dwelling and a 4,189 square foot guesthouse to construct a Single-Family Dwelling with approximately 7,500 square feet of finished space, 5,900 square feet of unfinished space, a terrace/patio area, a 1,000 square foot Accessory Building, a pool, and a 4,794 square underground parking area.

Director Ward reported that the Applicants updated their request to amend Plat Notes 1, 4, and 5, and to add Plat Notes 10, 11 and 12. She presented one of the Applicants’ renderings of the proposed structure.

Director Ward reported that this property was identified as Lot 2 of the Treasure Hill Subdivision and part of the Sweeney Master Planned Development (“MPD”). There are Plat Notes that restrict the future development of the Lots within this Subdivision. She presented a map where she highlighted the single-family properties that are part of the Sweeney MPD. Lot 1 is known as 200 King Road, and is currently vacant. Lot 2 is known as 220 King Road and is the Applicants’ property. Lots 3 and 4 are located along Norfolk Avenue, and Lots 6 and 7 are located along Woodside Avenue. She noted that Lot 5 was Open Space and Lot 8 was the one property within

the Sweeney MPD that was under Estate zoning. The remainder were under the Historic Residential – 1 (“HR-1”) zoning regulations. Director Ward explained that the red dashed line shown on the map illustrated the Sensitive Land Overlay (“SLO”).

Planner Tubbs explained that one of the Applicant’s requests was to amend the Plat Note that governs the footprint of the structure. She presented the language of Plat Note 1, which provides for a Maximum Building Footprint of 3,500 square feet. Applicants proposed amending this Plat Note to separate the calculation of the square footage area of the garage from the Maximum Building Footprint and exclude the underground improvements from the Footprint calculation. She reported that the Applicant proposed to calculate the Building Footprint separately at each level. To address the Footprint, Applicant proposed that a portion of the structure would be cantilevered over some grade or would be offset from lower levels.

Planner Tubbs presented screen shots from the animation video provided by Applicants during the last meeting. She pointed out the Footprint of one of the levels highlighted in red, and a portion of the area to be excluded from the Footprint calculation. She explained that the area shown in red would count towards the Footprint, while the area shown in light gray would be the underground improvements that would not be calculated as part of the Footprint. She presented another image showing areas that would and would not be part of the Footprint calculation.

Commissioner Suesser asked if there were any previous instances of the Commission calculating the Footprint as proposed by Applicants. Planner Tubbs explained that for other structures in the HR-1 zone, Footprint had been calculated according to Title 15, Chapter 2.2, Section 6. Director Ward added that in the Definition Section, the Footprint is what is constructed over the existing grade and measured from the furthest wall area of the structure. Commissioner Suesser commented that this proposal was a departure from the traditional calculation. Director Ward reported that the proposed Plat Note would determine that the Building Footprint would be based on any single level, and would exclude what is below grade. She highlighted Plat Note 11 and explained that the Applicants proposed that the Accessory Buildings would also be excluded from the Footprint.

She also reported that the Applicant updated the roof form following the Planning Commission’s discussions at the last meeting. The Plat Notes for this Subdivision established a maximum height for flat roofs, and the Applicants proposed a pitched roof at 30 feet. She also noted another Plat Note dealing with easterly facing façade height that requires a step back of at least five feet for maximum façade height and is within 25 feet of that step back.

Under the current Land Management Code (“LMC”) for the HR-1 Zoning District, Director Ward reported that there were four elements regarding height:

- The final grade must be within four vertical feet of the Existing Grade. This is to preserve the natural grade and to minimize disturbances to that natural grade. This applies to retaining walls and other structures beyond the main structure.
- Maximum interior height is 35 feet, which is measured from the lowest finish floor plane to the point of the highest wall top plate.
- A ten-foot minimal horizontal step in the downhill façade is required at a maximum height of 23 feet from where the footprint meets the lowest point of the downhill portion of the property.
- Roof pitch is between 7:12 and 12:12.

Director Ward stated that the Single-Family homes within the Sweeney MPD were constructed prior to 2009, as outlined in the Staff Report. Prior to this time, the LMC stated that no structure could be higher than 27 feet from the Existing Grade. In 2009, the City Council adopted Ordinance 09-14, which established a maximum of 3 stories, each 10 vertical feet counting the basement as the first. She explained that the 2009 amendments were the first to require a 10-foot minimum horizontal step in the downhill façade, and this set the roof pitch. She reported that in 2013, this section was further amended to proscribe a maximum internal height of 35 feet from the lowest finish floor plane to the top wall plate. The specification in 2013 was that the horizontal step occurs at 23 feet from the downhill façade.

Director Ward presented images from the Applicants' submittal that showed the proposal would be within the 30-foot height requirement. She added there had been some roof modifications that exceeded that, however, Applicants proposed an inverted step where the structure steps out instead of back. She stated that Staff added the green line shown on the Applicants' image to highlight the proposed cantilever. If the structure were required to have the step back, Staff highlighted that in pink.

In response to the Commission's input in January, Director Ward reported that Applicants made some modifications to the roof form. She noted the discussion regarding the expanse of the roof form, and Staff highlighted in green the proposed modifications to the roof form. She stated that it would exceed the 30-foot height. Director Ward explained that the Plat Notes proposed by the Applicants would amend the Building Height regulations and establish the Sweeney MPD and the height regulations in effect at the time the MPD was approved. It would also allow for the step-out proposed by Applicants.

For the Accessory Buildings, Director Ward stated that Applicants submitted their Steep Slope analysis for the site. A current Plat Note regulates the Building Area Limits and defines where the structures may be constructed. She presented a graphic showing the existing Plat for Lot 2 and the green area highlighted by Staff showed the existing Building Area Limit. She reported that the Applicants proposed to re-adjust the Building Area Limits and shift the area to the west, which would bring it partially into the Sensitive Land Overlay. The Applicants also proposed to reduce the overall Building Area Limits by shifting some of the limits from the east façade to the west façade. As a result, the underground parking area would be excluded from the Building Area Limits. She presented an image that illustrated the proposed shift to the top of the Building Area Limit to accommodate the Accessory Buildings. She reminded the Commission that everything left of the red-dashed line on the graphic was within the current Sensitive Land Overlay. The red-dashed line was superimposed over the proposed Building Area Limit and showed the overlap.

Director Ward reported that the Sweeney MPD was approved prior to the adoption of the SLO in 1991, but the Treasure Hill Subdivision was approved after the adoption of the SLO and it established the Building Area Limits for this property. Currently, the property is platted such that it does not encroach into the Sensitive Land Overlay. Applicants proposed to amend the Building Area Limit to extend that western portion into that Overlay.

With regard to the Steep Slopes criteria and analysis in the January 24th Staff Report, Director Ward explained that the considerations that the Planning Commission was to evaluate include the location of the development, the visual analysis, access, terracing, building location, building form and scale, Setbacks, the overall volume of the dwelling and Building Height. She noted the Applicants' Excavation section view provided the total excavation proposed to accommodate the proposed construction. The Grading Plan also illustrated retaining walls for the driveway

easement, the vehicle ramp, the planting area, and the Accessory Buildings that are proposed to be built into the hillside. It also showed the retaining walls for the parking area entrance into the hillside.

Director Ward presented additional screenshots from the video shared by Applicants during the last meeting that showed the parking area entrance and Accessory Building façade highlighted in green. With regard to the discussions regarding other underground tunnels or entryways within the Sweeney MPD, Director Ward reported there is a shared tunnel for Lots 3 and 4, referred to as the Norfolk properties. She presented a graphic that illustrated the location of those properties, and a screenshot that showed what was built. She added that an Accessory Structure for the Woodside properties was part of the Subdivision Review for a common underground driveway within the Fifth Street Right-of-Way. She stated that was a platted element, and she showed images of those properties to the Commission.

Director Ward stated that the Applicants proposed changes to the Plat Notes as they outlined. Additionally, the Applicants proposed Plat Notes for exterior lighting, limiting glazing along the façade to 60% on the eastern portion, and exceptions for the Accessory Buildings. As indicated by the Applicants during the last Work Session, she added that they proposed a Plat Note that the structure would be used as a Single-Family residence, and there would be no condominium, time interval ownership, fractional ownership, or Nightly Rentals on the property. She explained that the items before the Planning Commission included a review of the Conditional Use Permits. The standard is whether reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects.

For the Plat Amendment, she reported that the standard was whether there was Good Cause. Good Cause is defined in the LMC and is established on a case-by-case basis. It may include things such as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues relating to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and Park City, and furthering the health, safety, and welfare of the Park City community.

Director Ward stated that the recommendation to the Planning Commission was to open and close a public hearing on all of the applications in Agenda Items 6.A, 6.B, and 6.C, discuss whether there is Good Cause to amend the Plat Notes and to shift the Building Area Limits, and to determine whether reasonable conditions are or could be proposed to mitigate reasonably anticipated detrimental effects. Finally, she requested the Planning Commission direct Staff to draft a Final Action Letter outlining the Findings of Fact, Conclusions of Law, and Conditions of Approval for ratification on February 21, 2024.

The Applicant, Tatiana Prince introduced herself and acknowledged that while her husband Matthew Prince is a Park City native, she is a newer resident. They purchased a home on Norfolk Avenue in Park City shortly after they were married. Following the purchase of their home, they gradually spent more and more of their free time in Park City, and in late 2019/early 2020 they decided they wanted to make Park City their permanent home. She expressed that as they were contemplating their forever home, they spoke with their neighbors, and it was their neighbors who introduced them to the people from whom they ultimately purchased 220 King Road. They were pleased that so many of their neighbors had taken the time to write in and express their support of this project. She added that many of the neighbors provided inspiration and input into this project.

Applicant T. Prince identified some of her neighbors in attendance who support the project. She also mentioned Pat Sweeney and thanked him for voicing his early concerns regarding the project, and who over the progress of this project had become a staunch supporter. She stated that all but one of the immediate neighbors had expressed support for this project. She reiterated how proud they were of the relationships they were able to build, and were excited to make this part of Old Town their long-term home. She thanked the Planning Commission and Staff for their work on this project.

On behalf of the Applicant, Wade Budge introduced himself, Applicant Planner Jason Boal, attorney Bruce Baird, and the Applicant Matthew Prince. He referenced the discussions during the last meeting regarding the roof and options to break up the 117-foot length. He presented the image previously submitted to the Commission during the last meeting, followed by a slide that illustrated two options to address those concerns. Mr. Budge reported that the Applicants were agreeable to either of the two proposed options and were willing to go in whichever direction the Planning Commission would be willing to pursue. He noted that if they proceeded with Roof Option B, which would break up the roof with a 20-foot shed area, they would have to reflect that height allowance within the Plat Note that allowed for a 30-foot height. He stated there was an allowance for more height if there was an access or similar type item, and they would want to make it explicit that it would accommodate this design item.

Mr. Budge reported that if the Planning Commission decided that this was not something that would work, then proceeding with the original plan that has a 30-foot line all the way across would be another way to address this issue. Commissioner Van Dine asked about the height increase with this option. Mr. Budge reported that it would be three feet.

Mr. Budge next addressed the discussions and information in the Staff Report regarding the influences for this site. He felt it was important to reiterate that this design was reflective and respectful of the historic themes that already exist in this community. He presented a slide that identified the areas of influence that were already described in other City planning documents. He mentioned the Commercial Zone along Main Street, the Residential Zone, and an expanded Residential Zone. He emphasized that this particular property as well as the other Sweeney properties were above that. He added that Lot 2 is close to what would be considered the industrial area, so the design drew influence from the Ontario Mine and some of the other mine structures that were once more prominent in the community. The themes incorporated in this home would reflect that history.

Mr. Budge felt it was the design that got it to the point where the Historic Society endorsed this proposal. He emphasized that there was a very deliberate and conscious effort to make sure that the design paid homage to the historic structures of the community. Mr. Budge next addressed the Accessory Building and Commissioner Johnson's request about how they would address the Sensitive Land Overlay. He explained that they took what they understood to be the estimated SLO line, assumed that it would apply to this Accessory Structure, and made sure that the Findings of Fact and Conditions of Approval would meet the requirements of the Sensitive Land Overlay. He presented a slide that depicted how the SLO would be impacted, and how they intended to meet those criteria from the Code. There were two elements, and one was to show the terrace while the other showed the Accessory Building. They showed how there would be no ridgeline impact associated with the Accessory Use.

Mr. Budge also highlighted how they would minimize the Limits of Disturbance and not create any additional hazards. He commented that they proposed a Condition of Approval with respect to

vegetation and ensuring that the landscaping would be respectful of those themes identified in the Sensitive Land Overlay.

Commissioner Johnson asked about the height of the retaining walls. Mr. Budge explained that some of the retaining walls were four feet, some were six feet, some were eight feet, and some went up to twelve feet. He added that they carefully analyzed the LMC with respect to retaining walls, and noted the requirement that retaining walls within the Setbacks cannot be any taller than four feet. He explained that they made sure that they would meet the LMC standard. Mr. Budge noted the Planning Commission could provide an exception for retaining walls within the Setbacks. While the prior plans showed some retaining walls at eight feet within the Setback, they re-evaluated this with Alliance Engineering, and it was determined they could achieve a four-foot terrace and a four-foot landing followed by another four-foot terrace for those retaining walls within the Setback.

With regard to the other retaining walls, Mr. Budge stated they would be the height needed to accommodate the grade and the structure, which is consistent with what is allowed by the Code.

Chair Hall suggested that when they discuss the Steep Slopes Conditional Use Permit ("CUP") they could review the depictions of the retaining walls.

Mr. Budge next addressed the Landscaping Plan. He stated that currently there was not much native vegetation on the site; however, Applicants were very conscious of ensuring they have a Landscaping Plan that would beautify the area and affect some of the screening discussed during the last meeting. When the Applicants first engaged Olson Kundig, they provided "musts" to be included in the design and accommodated by the site. Landscaping was a primary item for Applicants. He assured that this was an area of emphasis that would be done well to achieve screening and to ensure the area would be beautified.

Commissioner Suesser observed that when the Applicants purchased the site, they understood the Building Area Limits as platted and that the Building Area Limits did not encroach on the SLO or into the Very Steep Slopes. She felt that the Applicants were requesting the ability to encroach into the SLO and go beyond the Building Area Limits that were clearly identified on the plat. Mr. Budge noted that the Applicants were aware that the Building Area Limits had been moved once before, but did not know that the adjustment proposed in terms of moving the Building Area Limits uphill and reducing the Building Area Limits would impact the Sensitive Land Overlay. The map they had from 1994 showed that Lot 1 and Lot 2 were outside the Sensitive Land Overlay. They had since come to the understanding that further updates to the SLO map had either shifted or adjusted the location of the SLO, and the location was now such that it clipped the Accessory Building.

Mr. Budge stated that because they were going through the Steep Slope process, they could mitigate the detrimental impacts associated with the adjustment. They also requested the Planning Commission take into account the fact that by reducing the Building Area Limits, they were achieving the goal of making sure that the Area of Disturbance on site would be reduced by 500 feet.

Commissioner Frontero referenced the Landscaping Plan and asked if there was a view from the east looking west. He also asked if the trees shown on the right of the image would act as a buffer from the valley looking up towards the house. Mr. Budge confirmed that would be the case. He stated they would provide that detail for the Commission.

The Applicant, Matthew Prince added that the intent was to provide screening and privacy for themselves. One of the first things they inquired about was how they could ensure that the building would be as private as possible, and would like to plant tall trees. He added that as the trees grow, they would both break up the mass of the building and obscure the building as much as possible. He felt this would serve both their interests and the interests of the public.

Commissioner Shand asked if the photograph on page 3 of the Staff Report was representative of the proposed Landscaping Plan. Mr. Budge stated the Landscape Plan inspired that image, but the Landscape Plan has been more carefully refined since then.

Commissioner Sigg felt it would be helpful to see an elevation showing the as-built Landscape Plan. He added that it would be helpful to see a perspective from Marsac Avenue and a more direct westerly direction across the valley as if it was a full, front-on view. He referenced a presented image and asked if that was a good representation of the Landscape Plan, and felt there were a lot of deciduous and not a lot of conifers. Mr. Budge stated the Landscape Plan included more conifer that would provide the screening mentioned by Applicant M. Prince. He commented that this image showed the deciduous so that the Commission could see the structure for evaluation.

Commissioner Sigg felt that for the analysis of screening, it might be helpful to see it in the context of the actual conifers similar to what is shown on the slope side. He felt that would go a long way in terms of the visual analysis.

Mr. Budge stated they were presently reaching out to the architect with this request. He stated that Staff did a good job of explaining some of the changes to the proposal. He highlighted the proposed Plat Notes and noted that they have something unique because the MPD contemplated that the proposed homes would be processed as a Conditional Use Permit. As a result of coupling the CUP with the Plat Amendment, they could achieve the set of restrictions determined by the Planning Commission at its discretion to meet the values intended for this area.

Mr. Budge presented the proposed Plat Notes and explained that the proposed language was highlighted in red. He pointed out that "outside facing walls on any single level" was intended to remove any question on the Footprint. He believed they honored it because they did not have a single level greater than 3,500 square feet, which was the Footprint restriction put into the Plat.

With regard to Plat Note 1(e), Mr. Budge stated this language was taken from a Plat Note for another property within the same MPD, 445 King Road. This language was added to clarify that the parking area, which is not a garage because it is not enclosed, would be located underground, and not count as part of the Footprint calculation.

Commissioner Johnson asked if there was living space included in the other Plat Note as well. Mr. Budge reiterated that they pulled this language from the Plat Note for 445 King Road.

With regard to height, Mr. Budge highlighted the language that the Maximum Height was 28 feet for flat, and 33 feet for pitch. He highlighted the changes in red, and stated "in accordance with the Sweeney MPD" along with the dates of approval, "Building Height shall be measured as outlined in the Note, and there are no interior height restrictions." He explained that the intent behind this language was that they would not create a precedent where someone else in the HR-1 zone might try to argue that they did not apply the interior height, as well as the debate as to

whether interior height was measured from lowest floor or, as they contended, from the lowest finished floor. This Plat Note would solve that issue.

Commissioner Frontero asked if this Plat Note would solve the issue regarding unfinished versus finished. Mr. Budge answered in the affirmative and added that the submitted plans show it as being unfinished, but this Plat Note would provide that there would not be a limit on the interior height. He added that they did not propose a Plat Note that the bottom levels could never be finished, but on the plans before the Planning Commission, they are unfinished.

Commissioner Frontero stated that he initially looked at the application during the last meeting which showed 7,400 square feet finished and nearly 6,000 square feet unfinished, and asked if that was still the plan. Mr. Budge confirmed and stated that was what the Applicants were requesting the Planning Commission approve.

Commissioner Suesser asked for clarification on the proposed interior height. Mr. Budge stated they had not measured from the lowest floor, but he did not have reason to dispute the Staff's determination. He stated that from the finished floor the interior height would be less than 35 feet. Staff confirmed that they included the unfinished floor in the measurement of 53 feet.

Commissioner Shand inquired about the intent of the maximum interior height requirement. Director Ward explained that in 2009, the City adopted a limitation on the stories in the Historic Residential zones. As the Commission is well aware, there are many properties on Steep Slopes, and height was originally written at 27 feet from the existing grade. She explained that going up a slope, that height could continue up the slope. To help mitigate that, they created an internal measurement so the homes in the Historic Residential zones could have a stepping-up effect to a certain limit. She also mentioned the horizontal step back to help homes at the base of a Steep Slope to have a compatible height reflective of the historic heights.

Mr. Budge added that from an owner's perspective, he had seen interior height correctly applied in a Subdivision with 25-foot lots where they do not want a home climbing too far up the lot. In this case, because of the MPD and its' history, specificity, and uniqueness with respect to height, they felt their proposal would be suitable for this site.

Mr. Budge next stated that Applicants were cognizant of the Dark Sky requirement, and they wanted to make it explicit on the Plat. He highlighted the language that all exterior lighting shall be fully shielded. Relative to the glazing, they wanted to make sure that parameters were set forth in the Plat and added a requirement regarding interior lighting in Plat Note 11. He noted that the slide contained two Plat Note 11s, and stated it should read 10, 11, 12, and 13.

In the second Plat Note 11 on the slide, Mr. Budge stated that the intent was to confirm that the detached below-grade Accessory Buildings would not count towards the Footprint. This Plat Note was proposed to ensure that there would be no confusion as to the Accessory Structure. He emphasized the Plat Note that reflected the owner's commitment that this would be not a Nightly Rental property, a Fractional Use, or some other type of use. He stressed that this would be a home for a single family. Mr. Budge stated that completed the Applicants' presentation, and invited questions or comments that might arise after public comment.

Chair Hall noted the number of public attendees. She opened the public hearing with Agenda Items 6.A., 6.B. and 6.C.

She reminded those wishing to speak to sign in, state their name for the record, and keep comments to three minutes or less.

Sue Barsamian reported that she resides in Park City and drives by Treasure Hill every day. She expressed her support for this project, as she found this to be a refreshing design that has a nice combination of modern with a real homage to Park City's mining history. Ms. Barsamian felt the design was nicely done and would like to see more people in Park City adopt this approach. She also appreciated the care given to tucking the home into the hillside and the ridgeline. She stated she had learned more in this meeting about the extensive expansion to the natural landscaping, which would provide a nice buffer zone and be an attribute to the hillside.

Pat Sweeney resides at 445 King Road and appreciates the Commission's time on this matter. He was present representing himself and his brothers Ed and Mike and the various Sweeney entities. Mr. Sweeney reported that they fully support this application. The architecture is stunning, the function is impressive, and it meets the requirement of appropriate infill in the Historic District, in particular, the tenet that it reflects, but does not replicate, and is contemporary. He made it clear that the proposed Plat Notes were fine, and cleared up the way that properties had been historically handled. There was no difference in the way the houses on Lots 3, 4, 6 and 7 were treated. He highlighted there was space that would not count that is not above grade, and has landscaping or a deck on top. Mr. Sweeney stated that if there were some limit on interior height, then he would personally be in gross violation of the current Code, adding that he does not have a final Certificate of Occupancy on his current house. He felt he might outdo Applicants in the amount of space he built underground. Some of the space does not count because it has landscaping on it. With respect to the neighbors behind his property, Mr. Sweeney appreciated the public comment and agreed with them. However, if there was a concern about what the Applicants wanted to build, he felt people should focus on what is around those homes.

Eric Hermann resides in zip code 84060 and he and his wife are the immediate neighbors of 220 King Road. He and his wife have owned their home since 2006. He stated that he and his wife treasure the unique character of the community and would never initiate conflict with a neighbor. They support the Applicants' right to build a home and look forward to the completion of the home and meeting the Building Codes. Mr. Hermann stated that unfortunately, the current Staff Report and Findings of Fact were so unprecedented that he felt compelled to express his concerns. He and his wife built a home in Old Town that was approved subject to meeting LMC and HR-1 rules and guidelines. They wanted more east-facing windows, a larger Footprint, and a more contemporary look, but that would have violated the Code. He reported that they obtained approval and built their home according to the strict requirements of the HR-1 Code. Mr. Hermann expressed shock at Staff's Findings of Fact that recommended approval of a structure not required to conform to Old Town rules and guidelines, and instead recommended that these rules and guidelines be changed or removed to allow for approval of the Applicants' design. As citizens, everyone agrees to restrict themselves for the common good and abide by laws and regulations. The Old Town Building Code maintains the Old Town's unique character.

Mr. Hermann reported that Staff determined that the proposed structure does not comply with rules and regulations regarding height, roof pitch, massing, window style, percentage of glazing, Steep Slopes, SLO, and Footprint. If these rules are discarded as they are in this application, he wondered how the City would enforce the HR-1 zone requirements in the future. Every project will have Good Cause to demand whatever exceptions it seeks to the rules. He asked if he and his wife chose to remodel their property by expanding the Footprint and installing floor-to-ceiling

glazing that purportedly echoes industrial mining buildings, whether could they count on the Planning Commission to approve it, or would they require a change in design and build elsewhere.

Mr. Hermann stressed that they depend upon the Commission to apply the rules equally to all residents of Old Town. While Old Town is not always the easiest place to live in Park City, he stated they embrace its' unique historic character and sense of community. The residents count on the Planning Commission to ensure that it is preserved today and in the future.

Ben Dahl reported that he is one of the neighbors on Sampson Avenue in zip code 84060. He fully supported this application for a Plat Amendment and the design. He felt it was an inspired design, and the Applicants have been extremely collaborative with their neighbors regarding the impact of the design. Mr. Dahl stated his property abuts Lot 1, and stated he has concerns about wildfire risk and the ability to have fire access and turnarounds. He felt that the Applicants' proposal in this regard was an extreme upgrade for the neighborhood, in general, and his home specifically. The design inspired by old Park City mining history was an upgrade from the current homes on the site and was a nice "hat tip" to the history of this town. Mr. Dahl stated he did not have concerns about the application. While he would be impacted by the construction process, the positive impacts on the neighborhood and the way Applicants approached this is something he wished every neighbor would emulate. He encouraged the Commission to support this application.

Tina Lewis resides in zip code 84060 and has lived in Park City for 50 years. In the early 1980s, she served on the City Council, and was a member of the team that wrote Park City's modern LMC, established the Historic District, wrote the Historic District Guidelines, established the Historic District Commission (now called the Historic Preservation Board), restored the Miner's Hospital and established the first professional library, restored City Hall, and founded the Park City Museum. Ms. Lewis stated she served for nine years on the Board of Trustees of the National Trust for Historic Preservation in Washington, D.C., and was Chair of the Trust's National Advisory Board. She reported she also served for decades on the Board of the Utah Heritage Foundation, now called Preservation Utah, and she and her husband restored a wonderful 1884 miner's cottage on Woodside Avenue.

Ms. Lewis stated the current members of the Planning Commission, Planning Department, City Council, City Manager, the City Attorney, and the Mayor were the stewards of Park City's fragile Historic District, and the visionaries for Park City's future. These current officials were also the protectors of Park City's international brand that attracts visitors, businesses, and organizations from around the globe. She stressed that the successful transformation from a mining town to a documented ghost town, to a world-renowned destination came about because of the magnetic allure of the spectacular mountain peaks surrounding a tiny historic town, and the strong, passionate citizens who value the city's preservation and were determined that it develop with quality and integrity.

Ms. Lewis commented that the Planning Commission's responsibility was to ensure that anyone who wants to add or change something to the town would respect the Codes, rules, and vision. The Commission is the gatekeeper, and Park City lives with the consequences of the Commission's actions.

Justin Keyes appeared on behalf of the owners of Lot 1. He explained that when he speaks with clients, the first thing he tells them is that the project must comply with the Code on its face. If it does not comply with the Code on its' face, then it must identify one of the exceptions found in

the Code and see if the project could qualify under one of those exceptions. If an owner or developer cannot fit into one of those two boxes, they have to show why the vision is so great that they need to modify the Code to allow what is proposed. Mr. Keyes stated that the Staff Report was a bit unusual for him and it surprised him. Typically, the Staff Report has a helpful chart and the January 24th Staff Report included that chart but it was not in the Staff Report for this meeting. He generated his own compliance chart and forwarded it to the Commission today. Mr. Keyes noted that there were a lot of elements for which this project does not comply, and he heard the Applicants concede that today. He also stressed that this project did not comply with the Sweeney MPD.

Mr. Keyes offered that the redlines on the Plat Notes reflected the Applicants' intent to rewrite the rules of the game and build what they want to build. He urged the Commission to be careful about precedent. He wondered what could happen if an owner/developer could use a Plat Note to upend the HR-1 zone and commented that the definition of how to measure a Building Footprint was in the Code. According to the January 24th Staff Report, using the Code definition of Building Footprint would result in a Building Footprint of 11,300 square feet in an area where the allowance was 3,500 to 4,500 square feet. With respect to Building Height, Mr. Keyes proffered that the Applicants admitted today that the proposal did not comply. In response to Commissioner Frontero's request to break up the massing, Applicants came back with an even taller roof. He stressed that the HR-1 Code provides that the roof *shall* be 7:12 to 12:12, whereas the proposed roof is 3:12. Mr. Keyes appreciated the prior comment that the Commission serves as the gatekeepers to what is allowed, and he felt the Applicants needed to comply with the Code. He mentioned that he loves the home, but it would be better suited in other neighborhoods and not the Historic District.

Mike Sweeney yielded his time to his brother, Pat Sweeney.

Pat Sweeney felt there was an erroneous statement in the Staff Report that this Lot is subject to HR-1. He stated it was subject to HR-1/MPD requirements, which was a zone unanimously passed by the City Council in 1990 to memorialize the understanding with the Sweeneys. He reported that when they were first asked to engage with a clustering Master Plan with Staff, Tom Clyde wrote a letter to his brother saying they would be vested under the existing zoning. Mr. Sweeney proffered that the discussions about subsequent codes applying to the MPD were nonsense, other than for fire and safety.

Michael Anderson reported that he resides in zip code 84060, Park Meadows. Before tonight, he never heard the word "plat note." He supported the Applicants and the home they proposed to build. He felt the home was beautiful, and he understood the Commission's job was to look at the specifics. He moved to Park City from California 3 ½ years ago and lived about six feet from the Applicants in Old Town. He described them as wonderful neighbors and extremely considerate. He commented that M. Prince encouraged him to visit more Park City historical museums. He felt that M. Prince had a lot of history with this town and very much respects it. Mr. Anderson opined that the proposed house was in keeping with Park City, and they should encourage this type of investment in the neighborhood. By discouraging it, he felt would be going in the opposite direction, which would be a big mistake.

Carole Fontana reported that she resides in 84060 and lives on the Margarita side of the canyon. She felt the architectural design of the proposed home was really good, and agreed with everything said. Ms. Fontana felt the scale was too much, and felt that it would look more like a small resort than a family dwelling, and she would like it scaled down a bit.

Kristin Parker reported she lives in 84098 with her husband and three young children. Prior to their current home, her family lived directly across the valley in Aerie. She spent time looking at the Landscape Plans and architecture plan and feels this would be a beautiful home. She felt the details and thought put into the design paid a beautiful homage to the mining history. Mr. Parker stated she is a beekeeper and a farmer, and cares a lot about the impact on the land, and she felt the proposal did a good job with regard to the native species selection and trying to keep the Lot fitting in with the natural surroundings. She had no concerns with the project and expressed her support.

Erin Kryzak reported that she owns a home on Prospector Avenue and has lived in Park City on and off since the 1980s. She felt that the landscaping stood out to her with regards to shielding the mass and glazing. Ms. Kryzak commented that this is a mountain environment with limited resources, and she thinks about water. If they are going to use landscaping as a way to shield the hugeness of this house, she wanted to mention that the landscaping would take water.

Ginger Tolman reported that she resides in 84060 on upper Norfolk, directly below this site. She felt this was a beautiful design, but the size and height would not fit in this neighborhood. She also understood that the proposal would not fit with the Codes.

Pamela Prince reported that she is Matthew Prince's mother. They have lived in Park City since the late 1960s. She was happy that her son has re-established himself in Park City. She resides in a house on King Road. She believed that the proposed home will be far superior to what is currently on the site. They did a great job of putting the plans together and she was pleased that her son and his family would be living in Park City. Ms. Prince felt her son and his family would do a lot for the community. She presented a picture of her son when they built the Alpine slide years ago.

Emma Sopko reported that she owns a home in the Old Town Historic District directly across from the Applicants' property. She commented that an 11,000-square-foot home would be well-suited to Deer Valley, The Colony, Park Meadows, Thanes Canyon, Aerie, or any of the other large development communities around the Old Town Historic District. Ms. Sopko felt this was a critical moment for the Planning Commission because what is decided in the coming days would open the floodgates to large-scale buildings that would forever change the face of the town and everything that makes it unique and special. She added that they would have future resort-scaled properties built that would be better suited for the other neighborhoods referenced previously. She encouraged the Planning Commission to take into consideration why they have the codes and the zoning that are in place, and how current residents have been required to take steps to make sure they fit into keeping the historic treasured town the way that it is. Ms. Sopko urged the Planning Commission to consider the future implications and the precedent this could set.

Anne Bransford owns property in 84060 and echoed the comments of Speaker Lewis. She was not invested in the project but felt that the Commission should decide with the understanding that it will set a precedent in the community. For 99 years, her family has owned property here, and as a landowner who respects the work of the Commission, she urged the Planning Commissioners to make a decision based on what their hearts tell them to do for the community.

Nicholas Shaffer reported he used to live in the 84060 zip code, but now lives in 84098. He echoed the comments regarding precedent and stated that this application must be decided under either the existing Code or the Sweeney MPD. The requirements under those two regulations

should not be mixed and matched, because any future applications would leverage that. Mr. Shaffer asked the Planning Commission, as guardians of Old Town, to remember that every time it makes a decision the door is opened a little wider for something new. He acknowledged that the proposal was an amazing project, but it would be appropriate in other locations. If the Commission was inclined to approve the application, he urged them to approve it under either the MPD or the Code.

There was no further public comment. Chair Hall closed the public hearing and invited questions or comments from the Commission to the Applicant and/or Staff. She mentioned that there was a significant overlap between the Plat Amendment and both CUP applications and noted that Staff had a slide that could help guide the discussions. She suggested focusing on the Plat Amendment first and then move to the CUP applications.

Senior City Attorney, Mark Harrington suggested it would be fair to allow both Applicant and Staff to address any points raised in the public comment or the presentations.

Mr. Budge was heartened to see so many positive comments. In response to those comments related to the size and comparison to other HR-1 Lots, he proffered that those people were likely not at last month's meeting. During that meeting, they presented a study of the other five homes in the MPD and compared and contrasted this design to those homes. He offered to show those slides to any member of the public who would like to see them. He added that they were very cognizant of precedent, and wanted to ensure that they were acting within the rules of what was intended. When compared with what was constructed on Lots 3, 4, 6, 7, and 8, this home would be comparable and favorable.

With regard to the comments regarding the Code, Mr. Budge stressed that Applicants were not looking to amend the Code. He specifically referenced the comments of Speaker Keyes and stated they were working within the framework that was intended when the MPD was adopted. He stated that this intent was reflected in Plat Note 9, which talks about how the Planning Commission was to be the body to review the house design and request for the home. He stressed that was the process they undertook.

Mr. Budge stated that one of the opponents to this application who spoke twice on this matter had the only un-built home in this MPD. Therefore, the precedent that would be set by approval would only be set for that one other home on Lot 1. He argued that Lot 1 would be the only lot that could come forward and talk about precedent. Elements that would be allowed under this application would not apply to other lots within the HR-1 zone because those lots are not within the Sweeney MPD. He stressed that the Applicants were very aware of the importance to the community that this application be processed according to what was intended by the MPD and the Plat Notes.

Applicant M. Prince expressed gratitude for Staff, with whom they had worked on this for nearly four years. During that process, they made a lot of changes, and he specifically mentioned glazing, the type of glass, and pushing the home away to make it more hidden from the hillside. He described the process with Staff as very collaborative. He also thanked the neighbors and noted that with the exception of one, all neighbors supported this project. He was honored that many took the time on Valentine's Day to speak on behalf of this project.

With respect to the Hermanns, Applicant M. Prince stated they met with them and talked about their specific concerns. He stated the Hermanns wanted to ensure that the trail would not be impacted, so they moved the home back and further away from the trail than the existing home.

He emphasized that this home would be smaller, lower, and have a lesser footprint than what exists on the Lot currently. They are not looking for special treatment, but are looking for the same treatment the Sweeney's originally negotiated.

Applicant M. Prince reiterated that he grew up in Park City and appreciated precedent and wanted Old Town to stay the way Old Town is; however, another important precedent is what the City negotiated with the Sweeney's. He stated that no family had done more to preserve open space, maintain the trails, and build the town lift infrastructure and runs. Park City would not have those things without the Sweeneys. He stated the Sweeneys had the right to build 250 homes up the side of Treasure Hill, and they negotiated that with the City. One of the points of those negotiations was there would be these seven Lots that were special and different and would have different rules applied to them.

Applicant M. Prince stated that each one of these Lots had a larger home than somewhere else in the area, and they were just asking for the same treatment that the other Sweeney lots received. He cautioned that if the Sweeney's deal was renegotiated today, then another dangerous precedent would be set, which is that the deal reached and the rules intended for these properties could be changed, making it difficult for anyone else to trust the City in its' word. Applicant M. Prince stressed that they want to build something respectful, appreciated the comments, and were happy this was coming close. He appreciated their neighbors and all the time that Staff has put into this application.

Director Ward clarified an important point indicated in the Staff Report and stated that Staff did not draft Findings of Fact. They were submitted by the Applicants. In additionally, the January 24 Staff Report was incorporated into the current Staff Report, and there were no changes to Staff findings. The Report for tonight's meeting provided updated information on the background of the Sweeney MPD and the Code regulations discussed during the last meeting. With regard to the analysis of the five homes that were presented by Applicants in the January 24 Work Session, Director Ward stated the Staff Report provided the documentation on record for the Building Permits, CUPs, the Historic District Design Reviews, and all the approval processes for those homes. Director Ward understood there was an updated landscape rendering, and the Applicants would forward that to Staff who would share it with the Planning Commission.

On behalf of the Applicants, Attorney Bruce Baird reported that the updated landscape rendering was just forwarded to Director Ward, and was shown on Zoom. Attorney Baird described the rendering and reported it could be provided quickly.

Commissioner Suesser sought clarification on some of the comments that this property was not in HR-1. She understood that it was in HR-1 and wondered if there was some unique zone for this property. Director Ward explained that the Condition of Approval 3 for the Sweeney MPD stated, "The Planning Commission and Staff shall review these proposals as Conditional Uses. This shall include a review of the design of the structures to ensure that they are designed to minimize the visual impact. The design shall be consistent with the Historic District Guidelines."

Condition of Approval 1 provided, "At the time of that Conditional Use or Subdivision review, the Staff and Planning Commission shall review projects for compliance with the adopted Codes and Ordinances in effect at the time in addition to ensuring conformance with the approved Master Plan." The Applicants indicated Plat Note 9, which references precedent and states that the "above special restrictions are consistent with the Sweeney Master Plan...final house design shall be reviewed under the Small Scale Master Plan Process [the current CUP process] in accordance

with the Sweeney Master Plan.” Commissioner Suesser noted the language from Condition of Approval 1 that projects shall be reviewed for compliance with the Codes and asked whether that referred to the current LMC. Director Ward answered in the affirmative, noting the language “in addition to ensuring conformance with the approved Master Plan.”

Commissioner Sigg sought clarification of the wording “at the time.” He felt the language was vague as to whether it applied to “at the time of the Sweeney MPD,” or “at the time of the current application.” Director Ward explained the background for the changes that occurred since the Single-Family Lots were constructed, and there were changes to the way that Height was regulated within the HR-1 Zoning District. Applicants were requesting the Planning Commission consider reviewing this application with the Codes in effect at the time of the Sweeney MPD. She added that the information provided by Staff in the Staff Report was the analysis under today’s HR-1 Zoning District Code.

Commissioner Sigg asked if the other homes in the Sweeney MPD were reviewed in the context of the Code at the time they were reviewed, or whether they were reviewed under the Code at the time that the Sweeney MPD was established. Director Ward stated those applications were reviewed under the Code at that time, which had not changed since the time of the Sweeney MPD.

Mr. Budge commented that Mr. Sweeney’s written comments detailed that from his experience and opinion. Mr. Budge opined that “at the time” applied unless it was a topic addressed in the MPD, in which case the MPD would govern. He explained they wanted to remove any ambiguity or question by proposing Plat Notes that would clarify why they are where they are relative to these elements. He noted that Plat Note 9, as written, reflected the fact that there were multiple updates. The Plat itself was also updated. He argued that when talking about the Sweeney MPD, there is a set of values and principles, and the land use authority that decides whether an application fits within those values described in the MPD is the Planning Commission. Mr. Budge emphasized that Applicants were not looking for anything other than what was contemplated when the MPD was approved.

Chair Hall reiterated her suggestion to focus on the Plat Amendment before moving on to the CUPs, especially given that the Steep Slope CUP had some very specific requirements that do not overlap as much with the Plat Amendment. She acknowledged that this is a complicated application, and the Commission was statutorily required to vote at this meeting. She requested the Plat Notes be presented for discussion.

Commissioner Johnson asked for a comparison of the existing Building Area Limits versus the proposed Building Area Limits. Mr. Budge pulled up the requested slide and explained that the top crosshatched area was the extension and the bottom gray area was where the Building Area Limits were being removed. He noted that the Building Area Limits were being adjusted to mirror the black-dashed line. He stated the net effect was a reduction of 500 feet.

Chair Hall observed that Lot 2 in the white area included the Accessory Structure. Mr. Budge stated the crosshatched area labeled “two buildable areas contain 1,434 square feet” is where the Accessory Use would be located.

In response to Commissioner Suesser’s comments regarding overlap with the SLO, Mr. Budge stated that prior Staff representatives told them last year that they were not in the SLO. He felt it was a moot point, as they would comply with the SLO.

Commissioner Johnson referenced LMC Section 15-2-2.1-4(A) which provides that no development is allowed on or within 50 feet map distance of a Very Steep Slope. He noted that anything new in that area would be subject to that provision. Mr. Budge stated the Planning Commission would be allowed to approve that development, which is why they were before the Planning Commission. If some mitigations or elements would need to be added to address any impact, they tried to anticipate that with the Plat Note redlines. Commissioner Johnson expressed his understanding.

In furtherance of Commissioner Johnson's remarks, Commissioner Suesser wondered why Staff had not provided a Site Suitability Determination or Sensitive Land Determination with respect to building within the SLO. She felt that information was necessary before reaching a determination. Director Ward stated that as noted by Commissioner Johnson, the analysis provided was that the Building Area Limits do not encroach into the SLO. The question was whether there was Good Cause to realign the Building Area Limits to allow for the Applicants' proposal.

As indicated by the Staff Report, Director Ward stated the Accessory Building was included in the proposed expanded Building Area Limits. There are exceptions with not only the underground parking area but also what would appear in the slope to access that underground parking area, which would not be included in the Building Area Limits. She confirmed that this was based on the proposal, and what would comply with the SLO was what was currently the Building Area Limits.

Commissioner Sigg observed that the Building Area Limits were proposed to be amended, which Director Ward confirmed. She explained that under the current SLO, it would not be allowed unless the Planning Commission determined there was Good Cause and it would improve the disturbance for the site.

Commissioner Suesser felt that Staff should have provided that analysis rather than the Commission making that determination. Director Ward stated that the Building Area Limits as currently platted conform with the SLO because that was established at the time of the Subdivision. Mr. Budge added that the Applicants submitted five bases for Good Cause. Based on that, the Applicants submit that the Planning Commission was within its authority to reflect the adjustment and move the buildable area that would lessen the impact of the structure, which further affects a reduction of the buildable area. He emphasized that the proposal would reduce the non-conformity of having two residential structures, preserve the character of the neighborhood to be more consistent with the Sweeney MPD, reduce the buildable area, facilitate the construction of a single residence, and remove two residences with its associated impacts. The proposal would also further health, welfare, and safety.

Commissioner Johnson revisited LMC Section 15-2-2.1-4, and stated it provided a list of seven items that must be reviewed in order to find suitability for anything on a Very Steep Slope. He asked to see the slide regarding the retaining wall so they could address number 2, which provides that building areas and setbacks do not create excessive cuts or fills, slopes, and minimal retaining walls to limit disturbance and meet the grade. Mr. Budge referred to the various plans submitted and included in the Staff Report. He presented a plan prepared by Alliance Engineering that showed where they would have the walls and how they related to the site. He stated that in the areas of the Setbacks, the walls would be no taller than four feet. There would also be walls holding back excavation in the area of the Accessory Structure, depicted at the bottom left of the slide before the Commission.

Mr. Budge confirmed that would be in Section C of the Excavation Plan. Commissioner Johnson observed that Section C stated that the deepest shoring would be 45.9 feet. Mr. Budge stated that the detail would be underground and did not refer to a wall. He confirmed that there would not be retaining walls in the SLO; the only elements within the SLO would be the underground portion of the Accessory Structure. He clarified that a portion of the Accessory Structure would be within the SLO, but there would be no retaining walls within the SLO.

Chair Hall requested that the proposed Plat Notes be presented for discussion. With respect to Plat Note 1, entitled "Footprint," Chair Hall invited comments or questions.

Commissioner Van Dine sought clarification that in the rest of the HR-1 zone, there was a 400-square-foot allowance for garages. Director Ward explained there is an exception from Gross Floor Area that is specific to the Historic District and not related to the Building Footprint. She explained that under the current Code, the Building Footprint is the total area of the foundation of the structure or the further exterior wall of the structure projected to natural grade. She noted there were some exceptions, including exterior stairs, patios, decks, and Accessory Buildings designated Historic.

Chair Hall asked about the 445 King Road Plat map. Director Ward clarified that 445 King Road was the only Single-Family Dwelling in the Sweeney MPD within the Estate Zoning District. She sought confirmation that the proposed wording was the same as that in the 445 King Road plat.

Commissioner Suesser expressed concern regarding the proposed language for Plat Note 1 because the original language stated that the 3,500 square-foot Footprint included garages. The exception added by Applicants would exclude parking areas located below grade. She found that troublesome and contradictory. Chair Hall agreed. Commissioner Suesser would edit the exception and not the original language. Commissioner Shand agreed if the garage was in an enclosed space with a door, then it should not be included in subsection (e). He pointed to "parking area" versus "garage" and offered that a garage would have a door whereas a parking area would not.

Commissioner Shand felt the internal conflict in this language was using the word "garage" in subsection (e) as opposed to the main body of the Plat Note. Commissioner Suesser agreed.

Commissioner Johnson struggled with the term "living space" in subsection (e) and wondered why it was included.

Director Ward reported the proposed language was identical to that found for 445 King Road, except for the parking area. Planner Tubbs reported that the language on the recorded Plat for 445 King Road was as follows:

"That portion of any garage, carport, mechanical space, or living space that is located below existing natural grade and which has landscaping or deck as provided in 1(a) located above it."

Commissioner Suesser questioned the importance of comparing the proposed language to that for 445 King Road, given that the latter site was located in a different zone. Chair Hall replied that she felt it was important as this Commission recently considered it and it is located in the Sweeney MPD. For consistency of the MPD, she felt that they were looking at this under the lens of

consistency with the MPD since it is a unique MPD. Commissioner Suesser wanted to make it very clear that for any determination they make it would be through the lens of the Sweeney MPD, and not setting any precedent for the HR-1 zone.

Commissioner Sigg suggested adding “unfinished space” because this house would have a large amount of unfinished space below the existing grade. Commissioner Shand asked whether the phrase in subsection (e) that refers to “living space that is located below existing grade” would satisfy Commissioner Sigg’s question regarding “unfinished space.” Commissioner Sigg reiterated that this proposal had a large amount of unfinished lower-level below-grade space. He wanted clarification on whether that was or was not included within the Footprint. Chair Hall felt this was an important distinction. Commissioner Sigg noted they talked about it in terms of mechanical space and observed it could be a great place for an accessory office. He wanted to see some reference to that as part of the Footprint.

In addition, as it relates to parking, Commissioner Sigg asked if it included elements such as a porte-cochere or a circulation turnaround. Chair Hall assumed the answer was “yes,” but invited the Applicants to clarify. Mr. Budge stated that the intent was to apply those items underground. He noted that he had never seen an underground porte-cochere. He confirmed the underground area would include a turnaround, as requested by the Fire Department.

Commissioner Suesser expressed an issue with approaching the applications this way because talking about the CUP was appropriate rather than wordsmithing the Plat Notes. She felt it did not seem to be the best approach. She also mentioned that there had not been a determination of Good Cause.

Commissioner Frontero stated that the Applicants should provide the Good Cause, and the Commission should not have to draw it out. He asked the Applicants’ team to go through the items and identify the Good Cause for each of the Plat Note amendments. Mr. Budge explained that they looked at the definition of Good Cause found in the LMC. He handed out a document and referenced EI, II, III IV, and V that outlined the Good Cause that they believe support the Plat. He felt it was for the Commission to judge these. He argued that the evidence submitted today and in the prior meetings all support Good Cause, and the Planning Commission would be acting within its’ authority to find Good Cause here.

Commissioner Suesser noted the definition of Good Cause as providing positive benefits and mitigating negative impacts. She felt there was an emphasis in the Sweeney MPD and the LMC regarding the visual impact of this proposed structure. There were City consultants who weighed in on that impact from various established vantage points in town and concluded that the mass and scale were out of proportion to what is appropriate in the Historic District. She asked how the Applicants would mitigate that negative impact.

Mr. Budge commented that they mitigated that negative impact, and stated that the last time an outside consultant provided comments was in April, and significant changes had been made since that time. He mentioned the more recently proposed roof change. The changes addressed and mitigated those impacts. When looking at mitigation, it should be looked at in the context of whether the applicant is complying with the requirements relative to the dimensions and the like, which they are. He stated they were meeting the requirements regarding Height and massing. In response to the consultant’s ideas, they reduced the glazing, added additional material, and adjusted the roof on a couple of occasions. He referenced a previous version that had a larger roof section referenced in that April report. He argued that they had mitigated those impacts, and

recalled the presentation during the prior meeting that showed how the proposed structure compared to the two existing structures on the site. The new structure would be lower than what exists on the site now and would occupy roughly the same space.

Commissioner Suesser noted that the Staff Report referenced the existing buildings as being 60 feet wide and 30 feet wide, whereas the proposed structure was 133 feet wide. She asked how the proposed structure was less than the dimensions of the existing structures. Mr. Budge responded that when the MPD was approved, it was contemplated there could be a Footprint of 3,500 square feet, and that is what Applicants are building. He noted that technically the new structure would be below 3,500 square feet. He explained that they mitigated the impacts by responding to comments as they came in. The proposal would not replace the two existing structures on the site; rather, they would replace the two structures with one structure, plus the Accessory Building that will be concealed into the hillside. He emphasized that the design is within what was contemplated when the MPD was approved.

Commissioner Sigg referenced some of the consultant's comments and observed that they were inconclusive about how this project fits into the unity and context of the mining era. While he appreciated the changes that had been made, and that some elements could be construed to look like a mine, he noted they had not seen a full-fledged report from the consultants just as they had not seen a full-fledged SLO analysis. He stated that the statutory requirement to vote puts pressure on everyone, and the more complete the information the better.

Commissioner Sigg also mentioned that the notice for this meeting went out on the 31st for a public hearing two weeks later, and that seemed like a short trigger. He wanted to ensure that this application was getting the review it deserved in terms of being forced into a vote that could go in the opposite direction from what the applicant wanted.

Mr. Budge stated that they were not looking for a Historic District Design Review ("HDDR") approval tonight. He explained that they got to a point in the process where they needed clarity on the actual structure before they completed the HDDR process, which would involve future discussion and another consultant report. He stressed that this would not be the end of the road with respect to items related to design.

Commissioner Sigg appreciated these comments and acknowledged they were not the body to address those issues, but stated that for the Commission to make such an important decision and not have that information was like the cart leading the horse.

Commissioner Suesser asked for clarification on whether typically the HDDR would be completed before the Planning Commission review. Director Ward stated that for the Sweeney MPD and in general, the first review in an HDDR is what are the underlying zoning regulations and the plat regulations that govern the site. When there is compliance with those regulations, then they look at the design elements. As indicated in the Staff Report, she explained that the process for all Single-Family homes in the Sweeney MPD was to first go through Planning Commission review for a CUP, and then the design elements would be refined through the HDDR. In the CUP criteria, the Planning Commission has the discretion to review building mass, bulk, and orientation, and the location of buildings on the site, including buildings on adjoining lots.

Another criterion is physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing. She stated that through the CUP process, the Planning Commission establishes the mass and the type of structure allowed on this site. The HDDR then

ensures that the design complies with the materials, glazing, and other details. With respect to the element of whether the proposal preserves the character of the neighborhood, Commissioner Suesser felt the consultants did not find that compatibility. She expressed concern that there were problems with finding Good Cause based on the framework set up by the City.

Commissioner Frontero referenced Plat Note 4, as amended. He noted the proposal was to remove the interior height restriction and asked why that would be Good Cause. Mr. Budge stated that Good Cause was a separate item, but explained that the request to remove the interior height restriction was that they do not believe that ordinance was ever intended to apply to the Sweeney MPD. He heard that from people involved with the Sweeney MPD from the beginning. Rather than leave it for potential future questions, they felt it was prudent to address it here. He added that the Commission only needs to find one item of Good Cause, and the list is long. They provided five bases for Good Cause and one of the biggest was removing the Nightly Rental and removing two homes. He averred that the Commission does not have to agree with each of the bases listed.

Commissioner Frontero recalled his comments from the last meeting that the roof straight line is not compatible, and the Applicants came back with a Plan B. He expressed disappointment that Plan B included an element higher than what is allowed. He felt they would have come back with something more compatible to break up the mass without adding height. He did not like Plan A or B.

Mr. Budge stated that Plat Note 4 already included the concept that 28 feet for flat roofs and 33 feet for pitched roofs shall be permitted for the express purposes of accommodating access. He noted the proposal was within the 33 feet, and noted that this was not for access but rather for purposes of providing a differentiation in design. They could say for purposes of accommodating access or a light feature, which is what this does, that is no longer than $\frac{1}{5}$ the length of that particular roof edge, then it could be accommodated. He was sorry that Commissioner Frontero did not like the design or the look of it, and they endeavored to find something that would break up that line.

Commissioner Frontero felt that Plan B accomplished one item, but it created another, which would cause a challenge with respect to height.

There was discussion regarding how to proceed in terms of the discussions.

Commissioner Suesser stated the one positive benefit of this proposal was the fire turnaround and possible fire mitigation ability. She did not feel, however, that the project mitigated the negative visual impacts of the size and scale. No public amenities were being proposed, except for the fire turnaround. She did not feel that replacing the two homes with a larger home resolved an existing non-conformity. The design consultants did not agree that this home would preserve the character of the neighborhood. Other than the fire turnaround, she did not feel this project would do anything to further the health, safety, and welfare of the Park City community. She did not feel the application met the suggested criteria for Good Cause.

Commissioner Van Dine recognized that they do not need to find that all of the criteria are met to find Good Cause. She felt it would be hard to find that any private residence would provide a public benefit. Commissioner Van Dine acknowledged that the houses in the MPD were not compatible with Old Town, nor would this one be compatible. Due to its' location, she viewed compatibility as between the other houses within the MPD and this house was compatible

compared with the other homes. She struggled with how they could give this many exceptions to a Code that they have stuck to everywhere else.

Commissioner Van Dine felt the Code was meant for Old Town lots of 25' x 75' or the two-lot combinations. The lots in the MPD are very different.

With regards to the roof, Commissioner Van Dine appreciated the proposed roof over the other houses in the MPD. She felt the other rooflines stood out more on the hill and were more obtrusive than the 3:1 proposed here. Commissioner Van Dine struggled with Good Cause but understood how some of these elements fit in terms of Good Cause.

Commissioner Shand found there was Good Cause. He felt the proposed house was architecturally significant. As one of the public comments stated, this location is caught between HR-1 and the Sweeney MPD. They try to apply the Sweeney MPD in some instances, while also trying to apply the HR-1 Code in other instances. He struggled with the fact that this property is within the HR-1 Code; however, as pointed out by Commissioner Van Dine, the HR-1 Code is geared predominantly towards 25' x 75' lots.

Commissioner Shand referenced a public comment regarding the roof pitch, and he felt any steeper roof pitch would create more of an impact from the cross-valley view. He acknowledged the concerns expressed, but he felt there was Good Cause for this project. In addition to architectural significance, he mentioned it would be a Single-Family home versus a rental. He felt it would create some architectural interest in town.

Commissioner Shand acknowledged Commissioner Frontero's request for an alteration to the roof to eliminate the linear portion of the roof and his comments that he did not like either Plan A or Plan B. Commissioner Shand felt that Plan B improved the linear visual.

Commissioner Frontero liked the breakup of the linear visual, but he did not like that the Applicants increased the height to accomplish it.

Commissioner Shand asked if it would be possible to take that portion of the shed roof and tilt it down to bring it into compliance with the Building Height.

Applicant M. Prince stated they looked at a number of different options and the challenge with it going down is it creates a very unstable structure in terms of how the roof is held up. He added that it also created further possibilities for leaks and other problems. They tried a number of ways to overcome this issue, and there was already a concept in the existing Plat Note that there can be exceptions to get up to 33 feet. If the Commission would be more comfortable, Applicants would be happy to take it down to 2 feet instead of 3 feet. He also highlighted the changes made to the materials wherein they varied the materiality of the roof to camouflage and break it up more. It is difficult to show in the renderings, but they wanted it to be like the front of the Ontario Mine, where different materials would provide an additional way to break it up.

Applicant M. Prince stated they listened to the feedback about breaking it up and they tried a number of ways to achieve that while keeping the architectural and structural integrity. This was the best option they came up with, but they could make it lower if requested. Given the concept that they could go up to 33 feet, they wanted to stay within that window and break up the roofline. No matter what, they would vary the materials to break up the solid line, and the addition of trees in the landscape would also help to break up that roofline.

Commissioner Van Dine felt the 3-foot additional height was fine when looking at what was asked of Applicants. It accomplished the desire to break up that line without changing it on a huge scale. She understood that the current structures were 60 feet wide and 30 feet wide, with 40 feet in between. Director Ward stated they could verify the distance between the two homes. Commissioner Van Dine observed that the proposed home would approximate the width of the two existing homes with the space in between.

Applicant M. Prince added that Staff calculated the Footprint of the buildings based off the LMC definition of Building Footprint, and this proposal essentially connects the two existing buildings. He noted that was also contemplated by the original Plat Note.

Commissioner Suesser commented that did not take into account the Accessory Building. She did not feel the redlines to Plat Note 4 would bring the proposal into compliance, because of the 33-foot high roof and the language that only allows that to accommodate access. Mr. Budge stated that in the language "accommodating access, i.e. stairwells..." they would state "accommodating access or a light feature" or "a window feature no longer than 1/5 of the linear length of the roof."

Commissioner Suesser stressed that it is a very specific Plat Note that clearly restricts the height, and Applicants are just asking to change the language. Mr. Budge stated it had been done before, which is why he felt he was not being cavalier. This was not the original set of Plat Notes; rather this is the third set of Plat Notes.

With regard to removing the interior height restrictions, Commissioner Suesser stated that given the way the Applicants proposed to measure the interior height of the structure, she questioned the necessity of the language. Mr. Budge felt the language was consistent, but agreed that they measured the height from the finished floor and were compliant. They felt this language would simply provide clarity.

Commissioner Suesser commented that when the Applicants finish the unfinished floor, they would not violate the interior height restriction. Mr. Budge reiterated that this would definitively resolve the issue.

Commissioner Sigg asked if there was an objection to a Plat Note that the unfinished area would remain unfinished. Commissioner Suesser stated there was, and added that was the reason for the language in Plat Note 4. She then stated Applicants were not committing to not finishing the floor and stated they wanted to add the language to Plat Note 4 that there would be no interior height restrictions, so when it is finished, they would not be in violation of the interior height restrictions.

Commissioner Sigg reiterated his question as to whether there would be an objection to a Plat Note that would establish that the unfinished area could not be finished space. Commissioner Frontero suggested removing the last phrase of the proposed language. Mr. Budge stated that the Applicants would be agreeable to removing the last phrase of the proposed language in Plat Note 4. Commissioner Suesser agreed that made sense, but commented that Applicants clearly indicated that they intend to finish that floor. Commissioner Johnson suggested adding another Plat Note that would require Applicants to return for a plat amendment. Mr. Budge stated they were okay with striking the last phrase and felt it was a good middle ground.

With regard to Plat Note 5, Director Ward confirmed that this was intended to address the cantilever. City Attorney Harrington opined that this Plat Note would be one where the prior comments about being very clear that the Commission was not creating precedent were important, as this is unique to this MPD in terms of the façade variation and allowing the step out. He felt that could be sufficiently addressed should they determine it would be appropriate; however, the Commission might want to augment the Applicants' proposed Findings to direct Staff to add language so that it does not create a precedent.

Chair Hall asked if they could add an entire Plat Note making clear that this would not set precedent for the HR-1 zone. She was reviewing this application as applying to the Sweeney MPD, and it would not be applicable to HR-1. Commissioner Frontero agreed and felt the Commission was in agreement on that. Chair Hall clarified that a Plat Note regarding precedent would apply to all Plat Notes. Director Ward confirmed that Staff would add language and referenced Plat Note 9, which they would modify to state that this would be specific to the Treasure Hill Subdivision properties only within the Sweeney MPD.

Mr. Budge requested the Plat Note discussed be moved to the bottom, because in precedence, it references the "above special restrictions," so they might as well capture all of the Plat Notes. There was Commission agreement.

Commissioner Suesser cautioned about including the reference to the Sweeney MPD in individual Plat Notes and not all of them. She suggested that a general statement be included at the end, rather than indicated in each one of the Plat Notes.

City Attorney Harrington stated that the specific Findings in the Final Action Letter could distinguish the changes being made for this application, and this amendment would only apply to this Plat. He added that the precedence talks about precedence within the MPD, so they would address a different situation for HR-1 to be clear and they would change the context of that Plat Note altogether.

Director Ward suggested adding that as the first Plat Note, and referencing all of the Plat Notes below. Commissioner Frontero agreed and felt it would make it clear from the outset. Director Ward clarified that Staff recommended that Plat Note 10 [Exterior Lighting] be modified to reflect the Dark Sky Code, which would also include additional shielding of exterior lights on a Steep Slope. Commissioner Van Dine agreed.

With respect to Glazing in Plat Note 11, Commissioner Van Dine asked where else in town they see this type of glazing. Director Ward stated many of the new residences in Aerie Mountain and Upper Deer Valley have more glazing for the façade. For the Historic District, specifically, the Historic District Design Guidelines recommend that the solid-to-void ratio, meaning windows to façade, be similar to the scale of Historic residences. Therefore, floor-to-ceiling glazing is not something that would be compatible with the Historic District, as outlined in the SWCA Report. A ratio of 60% would still allow for extensive glazing. She added that one of the additional Conditions of Approval Staff recommended addressed the lower level that is proposed to have floor-to-ceiling glazing. Through the landscaping and berms, there are ways to mitigate that, and with the types of plantings, there are additional ways they could further reduce those impacts.

Staff recommended in the Staff Report to include the vegetation requirements for mitigating the glazing. Chair Hall asked if they should include that between Plat Note 11 and Plat Note 11 [sic].

She felt they would also get into more detail with the vegetation plan when they address the Steep Slope CUP, but she felt it should be inserted here.

Commissioner Suesser agreed and expressed concern that they would have a Plat Note and a Condition of Approval, and they would not know which one would apply. She requested the Condition of Approval referenced by Director Ward with respect to the glazing be included in the Plat Notes. There was consensus.

Commissioner Johnson addressed the renumbered Plat Note 12 and stated he was still stuck on the section of the SLO that is relevant to the application. He could not find that this application met findings 2, 4, or 5 based on the initial review. He asked the Applicants if they would be willing to take the Accessory Structure out of the buildable area. He reasoned that it is proposed to be located on a Very Steep Slope, and there is the risk of landslide and potential erosion and land subsidence.

Applicant M. Prince stated he would refer back to the letters submitted by Sweeney where the City Attorney specifically stated that when a question arose about whether the SLO applied to the Sweeney Lots, the explicit answer was that it did not. He confirmed that the letter was written in 2016.

Commissioner Suesser observed that the buildable lots were not in the SLO, but the Applicants wanted to amend the buildable lot area into the SLO. Applicant M. Prince referred to the history of the SLO and submitted that the SLO had crept down and there was ambiguity about where the SLO was located. At the time the plats were created in 1994, he stated the SLO was not in Lot 2 at all. Commissioner Johnson stated that per the Code, the proposal was within 50 feet of a Very Steep Slope that is in the SLO.

Applicant M. Prince felt that was consistent with what was found by the Planning Commission in 2016, and the Steep Slope conditions did not apply to these particular Lots.

Mr. Budge highlighted the trade-off of putting a structure into the hillside where it would be shielded from view, particularly because the Applicants committed to comply with the requirements relative to disturbing that area and then rehabilitating it and having it covered with soils and vegetation.

Commissioner Johnson understood but stated that there was a recent landslide and while it was arguable as to what caused that landslide, there was an argument that it was caused by snow storage. This landslide caused major damage to adjacent properties and was a health risk to the public. He explained he was coming at this issue from this perspective, and in looking at the Code he was trying to get there. Applicant M. Prince expressed that what differentiates this property from others is the scale and size. If there is a landslide, it would slide into their home, so they have worked very carefully to ensure they could do this in a way that meets all the requirements. He felt the good cause in doing this could be found in the proposal to move this structure out of Hermann's view and move it further away from the trails.

Applicant M. Prince understood Commissioner Johnson's concerns but expressed frustration over the fact that the SLO boundaries are extremely fluid. What is strange about this site with the SLO is there is no difference from one inch forward to one inch back and King Road sits right above. He looked to the precedent articulated in 2016 and felt and stated they retained the best engineers in town who concluded they could do this and do it responsibly.

Commissioner Johnson was fully receptive to the Applicants' position but noted the Commission just worked on an amendment to the SLO, which had not been updated since 1992/1993, and they were still working on further amendments to it. He was focused on the Code and was not only concerned about the health and welfare standpoint of a slide into Applicant's road but also about impacts on King Road or the public trail adjacent to it. The size of the structure itself also caused him to question if they needed the Accessory Structure as part of the Building Area Limits because, without the Accessory Structure, the SLO would be irrelevant to this application. Commissioner Johnson emphasized that the rest of the structures were within the existing Building Area Limits, and he had no concerns.

Applicant M. Prince reiterated that the Sweeney's were the real experts on the history and he felt the challenge was that the SLO line could have been arbitrarily placed anywhere and there was nothing they could point to that states this particular area is sensitive in any way. That line has moved over time, so he looked to the fact that this area had already been disturbed when the original buildings were constructed, and they would be removing a retaining wall to allow them to build the Accessory Structure into the hillside. He stressed that if they arbitrarily allow a line to be drawn without any basis, it becomes very difficult to comply with it. Originally, they were outside of this area and further down, and Staff requested them to push the home lower and further back into the hillside. He felt as though they were pushed into this direction and were trying to be responsive to it.

Commissioner Johnson appreciated how the design had transformed over the course of this process; however that hillside is very steep.

Applicant M. Prince stated they could move it, but then it would have more of a visual impact on the rest of the hillside. He would be happy to move it to get it out of the SLO and would prefer that because the view would be better for them, but then there would be more cross-valley impacts. He stressed they were trying to balance all of the different issues.

Commissioner Johnson noted the entire site was very steep and specifically pointed out that the King Road side of the driveway was extremely steep with old vegetation so they could not move the Accessory Structure into that location.

Applicant M. Prince stated they could move the structure further north, but then there would be a much higher visual impact. Balancing the equities, when they look at the history of how arbitrary the SLO line has been, they believe they should be compliant with what the engineers concluded could be done responsibly and reasonably with the precedent set in 2016 and minimizing any cross valley views of this structure.

Commissioner Suesser commented that they were not just talking about an arbitrary SLO line, they were also talking about Very Steep Slopes, and those haven't moved. She understood that the Building Area is limited to portions of the site that had previously been disturbed, which does not include the area of the proposed Accessory Structure.

Applicant M. Prince expressed understanding with the concerns, but the specific language from 2016 was that the Very Steep Slopes and the SLO requirements did not apply to these eight Lots.

City Attorney Harrington clarified that some over-simplifications were occurring, but felt the last public speaker captured it best in terms of the MPD versus the existing Code. He recalled that

during the prior meeting, the Commission was focused on the house analysis and not the Accessory Structure. He stated the Commission was appropriately going through the exercise. He did not believe there was arbitrary or capricious action by the City, so he took the line on the Zoning Map for what it was. He clarified that the issue was not that the SLO does not apply to pre-existing MPDs; rather, it does not apply to change existing rights under existing MPDs unless there is an affirmative application to substantively modify the MPD.

City Attorney Harrington felt the legal opinion of Jim Carter from 1992, attached as Exhibit AA, more directly captured the accurate focus. The question is “do the proposed changes rise to the level of a change in units.” There are three or four different clarifications in there in terms of what would trigger an SLO review within the Sweeney MPD specifically.

If Sweeney proposed an amendment to shift the seven Lots to a new location prior to any of the Lots being developed, because of the Steep Slopes on this entire Lot the SLO would likely prohibit a new application for a Single-Family home on this site at that time.

City Attorney Harrington continued by stating that was not the situation here. The Lots were platted and there is a unit on this Lot. The Commission was looking at whether the proposed changes rose to the level of incompatible expectation that was originally approved. He stated that during the last meeting, with regard to the changes to the home, most of the Commission was close to saying as long as these other issues were addressed the home might be okay. Based on the additional information provided, now the Commission was shifting its focus to whether the same was true for the Accessory Structure and the parking area since they involve excavations. Staff gave the Commission a middle path by stating if they find it under the MPD, they still have Section 15-2.2-6 [Steep Slope criteria] to get at 90% of the same analysis. In other words, whether the placement meets the Steep Slope best practices criteria in the Steep Slope CUP for the siting of that structure.

He stressed it would not be prohibited by the 50-foot rule, because they are not changing the entire MPD, the unit density, or configuration. The issue is whether the siting of the new disturbance meets the Steep Slope CUP and whether it could be mitigated. He noted the proposal to take the soils uphill instead of downhill and retaining walls, and the issue is whether those are enough, or whether the site disturbance, public safety concerns, and design and visual impacts from the east outweigh that mitigation so that it becomes non-compliant with the standards in Section 15-2.2-6. If the Commission agrees that there is no fundamental shift in the MPD, they do not need additional site suitability information; rather, they should look at the site-specific information through the lens of whether it meets the Steep Slope CUP.

City Attorney Harrington added that if the Commission finds that the proposed change to the Building Area Limits and the other notes do implicate the MPD as a significant change, then they are back to a broader Steep Slope analysis. This is why the threshold determination of consistency with the MPD, where the Commission was appropriately focused in the first meeting, is critical to the application of the SLO.

Chair Hall asked if the Commission was comfortable stating that Plat Note 12 would be contingent on a Steep Slope CUP, and they would get into that discussion at a later point in the meeting. She felt there was a lot within the Steep Slope, but was unsure how to separate them so they could work through this complicated application.

Commissioner Suesser asked the Applicants to address how the application for the Accessory Structure complies with the MPD.

City Attorney Harrington sought clarification as to whether the Commission wanted to add language at the beginning of Plat Note 12 that "Subject to a Steep Slope CUP, as applicable, below grade..."

Mr. Budge reported that Applicants prepared a set of Findings for the Steep Slope CUP, and they called out each of the nine criteria and tied it to evidence. He handed out blue sheets with this information. Chair Hall suggested they be separated because there is so much within the Steep Slope CUP.

The Commission next addressed Plat Note 13, and there were no issues expressed. They revisited Plat Note 1, and Mr. Budge stated they were agreeable to striking the word "garage" in subsection (e).

Commissioner Suesser sought confirmation that the below-grade parking area would not have a door. Mr. Budge confirmed there would be no door, and added that is standard within the Sweeney MPD.

Commissioner Suesser also raised the additional language regarding the light feature.

Commissioner Frontero asked if there was consensus for Plan B for the roof, noting they would need to create a 33-foot height allowance. Commissioner Shand liked the break even though it increased the height by three feet because he felt the height increase was not significant. Commissioner Sigg agreed.

Commissioner Frontero liked the break better than a straight line. Commissioner Van Dine suggested adding "for architectural variation, not to exceed 15 feet in width...." Commissioner Suesser liked the Applicants' use of the "light feature." Mr. Budge proposed a "light feature no greater than 20 feet in length" after "accommodating access" in Plat Note 4. Commissioner Van Dine noted the addition of compliance with Dark Sky in Plat Note 10. Further changes were made to the Plat Notes pursuant to the prior discussions.

Commissioner Suesser asked about the rationale for not including the Accessory Structure Footprint for the overall Footprint. Commissioner Van Dine understood that the original Sweeney MPD did not require Accessory Buildings to be included.

Chair Hall asked for a motion on Agenda Item 6.A. Commissioner Suesser suggested further discussion on Good Cause, to which Chair Hall responded that she understood there was consensus.

Commissioner Van Dine noted the Commission only needed to find one element supporting Good Cause. City Attorney Harrington stated they could incorporate either Staff's suggestions or the suggestions from the Applicants' draft Findings, or the Commission could issue its' own findings. Staff would then return with a proposed Final Action Letter that would capture the basis of the majority finding. He explained that the Commission did not necessarily have to agree on each element of Good Cause but they must come to a collective conclusion. Chair Hall had heard public benefits such as preserving trails and fire turnarounds, compatibility with the MPD, Single-Family Dwellings without rentals, architectural variations, a decrease in density and a decrease

in the Building Area. She also heard Commissioner Suesser's comments against Good Cause based on the lack of preserving the character of the neighborhood. City Attorney Harrington recalled that Commissioner Suesser's point had to do more with HDDR review, consistency, and the lack of structural separation as echoed in the consultant's report.

Director Ward stated that the Applicants just indicated that for Plat Note 4, the area of the raised shed roof was 24 feet in length. Therefore, they proposed to amend that language from 20 feet in length to 24 feet in length.

Commissioner Shand found sufficient Good Cause. Commissioner Van Dine also found sufficient Good Cause. Commissioner Suesser did not find Good Cause. Commissioner Sigg had compatibility issues and did not find Good Cause. Commissioner Frontero found Good Cause. Commissioner Johnson stated that he had compatibility issues as well, but he could also find Good Cause for the Plat Amendment.

City Attorney Harrington reported that the motion could be to direct Staff to prepare the Final Action letter approving the Plat Amendment with modifications as discussed at this meeting. The Commission would have the opportunity to review the final Findings of Fact that Staff would modify pursuant to the discussion. The Commission preferred to take the vote at the end of this Agenda Item.

After a brief recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners. She announced that the meeting was running behind schedule and apologized to all present. She felt there would not be sufficient time to properly consider the Work Session. She suggested that Director Ward work with that applicant to re-schedule the Work Session. The applicant for the Work Session reported they would prefer to hold the Work Session as scheduled. Chair Hall also indicated that the other Regular Agenda items could also be rescheduled if desired by those applicants.

- A. 220 King Road – Plat Amendment** – The Applicant Proposes Amending Plat Notes of the Lot 2 Phase 1 Treasure Hill Subdivision Plat Regarding Building Footprint to Demolish Two Existing Dwellings and Construct a New Single-Family Dwelling and Accessory Buildings within the Sweeney Master Planned Development, Historic Residential – 1 Zoning District, and Partially within the Sensitive Land Overlay. PL-22-05318.

MOTION: Commissioner Frontero moved to direct Staff to PREPARE a Final Action for Approval of 220 King Road – Plat Amendment, for final review on February 21, 2024. Commissioner Van Dine seconded the motion.

VOTE: Commissioner Shand – Yes; Commissioner Johnson – Yes; Commissioner Van Dine – Yes; Commissioner Frontero – Yes; Commissioner Suesser – No; Commissioner Sigg – No. The motion passed 4-to-2.

- B. 220 King Road – Conditional Use Permit** -- The Applicant Proposes Demolishing Two Existing Dwellings to Construct a New Single-Family Dwelling and Accessory Buildings within the Sweeney Master Planned Development. Historic Residential – 1 Zoning District and Partially within the Sensitive Land Overlay. PL-22-05319.

The Commission resumed discussion on the CUPs for 220 King Road and reported that the Commission received new information from the Applicants. Mr. Budge explained the only new information that was not in the Staff Report was the Conditions that started on Page 6. They added Conditions in the Staff Report that Applicants had not addressed. He proffered that the Conditions that start on Page 6, including those additions, were the most important. The yellow sheet was for the house and the blue sheet was for the Steep Slope.

Chair Hall opened the public hearing and incorporated all public comments made earlier in the meeting into the record. Director Ward recommended the Conditions of Approval outlined in the Staff Report be addressed.

Commissioner Suesser referenced the January 24 Staff Report that included a chart showing compliance or non-compliance. She asked if the findings made in the January 24 Staff Report were still applicable. Director Ward explained that if the findings were under the Sweeney MPD as discussed with the Plat Notes, Staff's recommended findings would be based on review under the Sweeney MPD. She confirmed that, as conditioned, Staff found compliance with the Sweeney MPD when contrasted with the criteria for the CUP.

Commissioner Suesser stated that it would have been helpful to see that breakdown in the Staff Report, and understood the Commission could request additional information before taking a vote on the application. She felt that analysis would have been helpful for the Commission to consider.

Chair Hall asked if the information requested by Commissioner Suesser would be in addition to what was included in the Staff Report. She noted the Applicants presented a chart. City Attorney Harrington stated that another way to approach this would be to ask which issues remained, assuming the Plat Notes clarified prior compliance issues. He mentioned whether the glazing language was sufficiently addressed. He added that there still seemed to be an issue regarding which retaining walls needed to be modified further. On this point, he heard the Applicants say just the ones within the Setback, whereas the Staff proposed a Condition of Approval that referenced all east, west, and north retaining walls. Director Ward clarified that Staff's proposed Condition of Approval referenced all retaining walls not affiliated with the Accessory Buildings. City Attorney Harrington suggested that getting into the weeds on this CUP was worth the time unless the Commission wanted to address the Steep Slope CUP first as that might dictate some of the analysis as it relates to the parking area and Accessory Structure.

Chair Hall invited comments on whether the Commission wanted to address the Steep Slope CUP first. The Commission expressed no preference, so Chair Hall invited Commission comments on the CUP for the Single-Family Dwelling.

Commissioner Van Dine referenced Page 4, Additional Findings, 10(3) stating that the residence met the 30-foot height limitation stated on the Treasure Hill Subdivision Plat. She noted this house is at 33 feet. Chair Hall asked if they could just incorporate and reference the Plat rather than the specifics so there would be no discrepancies or inconsistencies.

In terms of Lighting, Chair Hall assumed the proposed language in subsection (w) was from the Dark Sky Ordinance. Director Ward confirmed. Commissioner Van Dine asked if they could make the fully shielded ground-level fixtures required rather than encouraged.

Commissioner Suesser asked if anyone had an issue with Finding of Fact 9 that the SLO does not apply to the residence. Mr. Budge reminded those present that they would strike all of Page 4

based on the prior discussions. He confirmed that Finding of Fact 9 on Page 1 should be stricken as well. City Attorney Harrington clarified that Staff would adjust the Findings as the Commission was not adopting these tonight. The final revision would come before the Commission on the 21st. He felt the focus should be on the Conditions of Approval if the Commission was inclined to move toward an affirmative approval.

Commissioner Frontero asked if the Conditional Use under consideration included the pool. Mr. Budge highlighted the language stating that the “proposed mechanical equipment or hot tub shall be screened.” He agreed they should add the word “pool.” City Attorney Harrington suggested adding a reference to the plans in number 7.

Chair Hall suggested summarizing what would be stricken or modified in the Findings of Fact or Conditions of Approval. She found them to be generally consistent with the MPD, the LMC, and the proposed Plat Amendment. They proposed to strike Finding of Fact 9, modify (h)(3) to state “plat note” rather than the specific height, strike (q), and modify that any ground-level fixtures shall be fully shielded. For (x), they would add “/pool.”

With respect to Finding of Fact 7, Director Ward asked if they could have the Applicants submit and date the most updated plans that include the Landscaping Plans submitted to the Commission during this meeting. In doing this, they would have one exhibit that contained everything that could be attached and the date it was reviewed by the Commission.

Commissioner Shand asked for clarification on the modification regarding the exterior lighting. Chair Hall reported that they add “shall be fully shielded” rather than “encouraged to be fully shielded.”

Commissioner Van Dine referenced subsection (u). She understood that was a typical Condition, but in this case, Applicants would be removing 11,000 cubic feet of soil from the site. She did not want the landscape restored to the original; rather she wanted it improved as contemplated by the proposed Landscaping Plan.

Commissioner Johnson stated they could similarly modify (m) by adding a Code reference. He asked how the process identified in subsection (o) would work, given tonight’s discussions. Director Ward explained that once the Planning Commission takes final action on the CUP, Staff would then schedule the HDDR for a public hearing. Staff would work through the details of materials. She referenced one of the Conditions of Approval that did not carry over but that they would evaluate was that the Applicant shall demonstrate that the proposed metal siding and roofing materials have solar reflectivity index (“SRI”) of 35 or less prior to issuance of a Building Permit. Commissioner Johnson understood that due to all the changes, Staff would have to go back through the plans, including the Accessory Use. He understood that the design of the structure was still subject to HDDR approval. He asked if the Conditions would have enough strength, as written.

City Attorney Harrington reported that the Conditions would not have to reference Design Guidelines since the HDDR analysis was already subject to what is codified. He wanted to ensure that the Commission either consciously incorporated all of Staff’s recommended Conditions of Approval, or agreed to strike some of the recommended Conditions.

Commissioner Johnson wanted to make sure that they have the guidelines in place and respect them and have the review based on this design. City Attorney Harrington suggested that both

parties desired a degree of clarity that the Guidelines alone would reflect that final review and the outstanding issues such as the glazing and the roof would not be revisited during the HDDR. The Commission's design review on the CUP would accept the main massing, whereas HDDR refines the design. He did not believe that additional language would be needed on this point.

Director Ward asked the Applicants if there were any Conditions of Approval in the Staff Report that they would not agree to incorporate. Mr. Budge stated they agreed with them but wanted to clarify the Condition related to the retaining walls within the driveway easement. He stated they would ensure that all of the retaining walls would be within the driveway easement. With regards to the language about getting property owner approval, he stated they already have that, so they proposed, "all improvements associated with the driveway must be contained within the driveway easement."

Mr. Budge stated that one of their proposed Conditions provided that Applicants must make sure that the site work and restoration must comply with LMC Section 15-2.2-5 regarding the difference between existing and finished grade. He recalled the Staff Report statement that visible retaining walls to the northeast south of the structure shall be terraced so that no more than 4 feet of Existing Grade is manipulated. He stated that on the backside, which is not visible, there would be more than 4 feet of retaining wall. He recalled his earlier statements that there would be retaining walls greater than 4 feet, except those within the Setbacks. He felt they could iron this language out as part of the fine-tuning of the Conditions, but to the extent anyone felt there should not be a retaining wall taller than 4 feet, they should discuss that now. He noted that there were existing retaining walls on site that were greater than 4 feet.

Mr. Budge also referenced the Condition stating that the windows shall be aluminum-clad wood. Applicants have not yet selected the windows and noted they would certainly not be vinyl, which was added in the Plat Note. Instead, Applicants would like to work through the HDDR, because although they might be aluminum-clad wood, they might be a different material such as steel.

Applicant M. Prince added they would try to select a material that would provide a much higher environmental sensitivity as they were trying to make this a LEED building. He assured the Commission that they would not skimp on the windows, and they would be triple-paned, high-quality windows. There was confirmation that they would leave it up to HDDR.

Commissioner Johnson understood that the tallest proposed retaining walls would be at the entrance to the parking area.

Chair Hall noted that this issue was included in the blue packet and assumed there would be many questions on the Steep Slopes.

MOTION: Commissioner Frontero moved to direct Staff to PREPARE a Final Action for Approval of 220 King Road – Conditional Use Permit, for final review on February 21, 2024. Commissioner Shand seconded the motion.

VOTE: Commissioner Shand – Yes; Commissioner Johnson – No; Commissioner Van Dine – Yes; Commissioner Frontero – Yes; Commissioner Suesser – No; Commissioner Sigg – No. Due to a tie, Chair Hall registered her vote as Yes. The motion passed 4-to-3.

- C. 220 King Road – Steep Slope Conditional Use Permit** – The Applicant Proposes Demolishing Two Existing Dwellings to Construct a New Single-Family Dwelling

and Accessory Buildings within the Sweeney Master Planned Development, Historic Residential - 1 Zoning District, and Partially within the Sensitive Land Overlay. PL-23-05571.

Chair Hall invited comments on the SSCUP and mentioned issues such as stormwater. Commissioner Johnson felt that storm water would be part of the CUP 2 criteria. Mr. Budge reported that Page 2 of the blue packet contained each of the nine criteria for building in a Steep Slope and they tied each criterion to the plans listed on the first page. The Applicants also added a new Condition of Approval, listed as (g), which came straight out of the Staff Report. He acknowledged that the retaining wall by the Accessory Structure would be taller than four feet as would the retaining wall by the parking area. There was discussion off microphone. Mr. Budge reported that the taller retaining wall would be on the back side and not visible. The visible retaining walls would be four feet tall and would be located by the Setbacks.

Commissioner Johnson noted that the 12-foot retaining walls by the Accessory Structure would be on the side, and noted that the area into the hillside would have a footing with steel or metal studs. He questioned whether that would be strong enough. Mr. Budge offered that because that would not be near the Setback, they would likely have soil nails or something similar. Commissioner Johnson stated these retaining walls would be exceptions to the Code and asked the other Commissioners how they felt about that. Chair Hall observed they were needed for the fire turnaround. Commissioner Johnson agreed but stated it always came back to the Accessory Building for which there were continual requests for exceptions. Director Ward clarified that the four-foot regulation comes into the height amendments in the HR-1 Zoning District. If those height regulations do not apply, then it would be governed by the height in effect at the time of the MPD approval and would change the four-foot requirement. Mr. Budge explained that they could seek an exception as to the retaining walls in the Setback, but they were not.

Commissioner Shand asked if the Accessory Building retaining wall was exposed just on the interior side. Mr. Budge confirmed and added that the outside of the wall would be retaining.

Commissioner Johnson understood City Attorney Harrington as stating that because this was part of the MPD and did not represent a substantial change, the SLO Ordinance in Section 15.2.21.5(3) would only apply if it were a brand new development or the Applicants were shifting to a separate parcel within the existing MPD. City Attorney Harrington confirmed that the standalone SLO ordinance was not applicable, however, the SLO site-specific criteria in the HR-1 Steep Slope CUP section would apply. That section includes the mitigation review criteria.

If the Commission wanted to close the gap between the general language for some of the retaining walls and the original Staff Condition of Approval, they could fashion a Condition of Approval regarding any retaining wall in excess of 4 feet not screened by the home shall have additional mitigation such as additional landscaping that shall be reviewed under the HDDR.

Chair Hall suggested that any new retaining wall that is east-facing and not concealed by the home shall have vegetation or other screening. City Attorney Harrington opined that the Commission should focus on the same purpose of the 4-foot terracing, and whether it could be achieved through a different mechanism that would allow the physically required retaining wall height.

City Attorney Harrington suggested that the retaining walls at the parking area entrances might not be screened as much from the east and might be more relevant than the walls on the north for the Accessory Structure.

Chair Hall liked having the vegetation plan more specifically conceal the parking area.

Mr. Budge suggested that Condition of Approval (e) was the one that should be beefed up to reflect these discussions. That Condition addressed screening of the walls.

City Attorney Harrington understood that Staff originally had a Condition of Approval regarding a construction mitigation plan. Director Ward indicated that was in the CUP for the home, but would recommend that also be included in the Steep Slope CUP Conditions of Approval as follows:

“The Applicant shall include in its’ construction mitigation plan a proposal to direct excavated clean soils for use on Park City Mountain Resort.”

She recommended that they confirm with the Chief Building Official before coming back with the final proposed Condition of Approval.

City Attorney Harrington suggested that Staff modify the language for the Final Action Letter, and for clarity, this would be Condition (d) on page 6 of the yellow packet and transferred to a new Condition of Approval on page 4 in the blue packet.

Chair Hall officially opened the public hearing on this item and incorporated all public comments made during the initial portion of the Regular Agenda. She then closed the public hearing for Agenda Item 6.C. There being no further comments or questions from the Commission, Chair Hall reported that statutorily the Commission was required to take a vote on all three of these Agenda Items.

Commissioner Suesser referenced the Additional Findings for the residence CUP and stated they all referenced compliance with the LMC rather than the Sweeney MPD. She asked how that was consistent given that this proposal was not consistent with the LMC and that perhaps the Commission would be allowing an exception because the proposal complied with the Sweeney MPD. Chair Hall agreed and stated that while in some areas the proposal complied with the LMC, she felt they could clarify the ones that were specific to the Sweeney MPD.

City Attorney Harrington stated that they would add references for the precedent. He stated the Commission was still making findings with the existing CUP criteria as conformed by the clearly established MPD regulations. He added that was consistent with the first five homes in HR-1 where certain regulations would not have allowed those homes to be what they were originally. The Commission would be making sure the design was not incompatible as opposed to purely compatible with a 25' x 75' lot design. They could add the precedent language requested by Chair Hall to all three approvals to make it clear that there is a distinction between what flowed from the MPD vesting versus the LMC. Chair Hall commented that they would want to keep the LMC reference in some of these findings, and mentioned signs, noise, and lights.

Commissioner Suesser stated that they likely could not find LMC compliance of issues such as appropriate size, appropriate mass, bulk, and orientation, physically designed to be compatible with surrounding structures, appropriately situated on existing topography, and consistency with the goals and objectives of Park City General Plan. She acknowledged that the Commission

might find these items acceptable under the Sweeney MPD analysis. She was having trouble finding compliance with the LMC on a number of those items.

City Attorney Harrington stated there were two separate issues. One was whether there was a consensus decision on whether there is compliance versus clarification on the record that the references should reflect the proper compliance. He mentioned the issue of height and stated that the Plat Note provided that the Code-based height restrictions were not applicable, therefore there should not be a Finding that the height complied with the current Code. The merits of each of these items would be a separate discussion.

Chair Hall commented that from a high-level perspective, the LMC allows for an MPD, which in turn allows for general exceptions to specific requirements.

Commissioner Suesser remarked that the process in analyzing whether an application complies with the CUP is whether it complies with the specific requirements laid out in the LMC.

City Attorney Harrington suggested that another option would be to include a header similar to what they included in the Plat Note. It could read, "subject to the Conditions of Approval and the Plat Amendment Notes consistent with the original MPD approval, the Commission adopts the following...". He stated that most of the references to the LMC refer to the CUP section of the LMC, not the regulations in the zoning compliance section. He agreed it was convoluted, but wanted to clarify the bifurcation for the references versus substantive discussion on certain issues.

There was agreement to incorporate the language at the beginning, as suggested by City Attorney Harrington.

Chair Hall asked if there was further discussion on any of the three items. She clarified that the Commission was voting to approve and make recommendations to Staff to draft a Final Action Letter and make findings consistent with the discussion. The final review of those items would occur at the February 21 meeting. City Attorney Harrington noted that they would not continue the public hearing, but the Commission could make changes to the redlines. Chair Hall added that the draft Final Action Letters would be emailed by Friday as a regular Staff Packet, and then there would be a hybrid meeting on the 21st where people could attend virtually or in-person to review everything discussed.

Commissioner Sigg asked if this would be a collective vote or individual votes. City Attorney Harrington recommended that a vote be taken on application items individually.

Commissioner Suesser recorded some of her objections to the Findings for the Residence CUP [Item 6.B.] and stated she did not find compliance with the LMC for the following Additional Findings of Fact: 10(a), 10(g), 10(h), 10(k), 10(o), and 10(p). She recalled that 10(q) was removed.

Chair Hall invited discussion on any of Commissioner Suesser's objections. Chair Hall asked if the objection to Finding 10(k) was as to both portions: incompatible with surrounding structures per LMC and also inconsistent with the other single-family residences within the MPD. Commissioner Suesser objected to the entire Finding.

Chair Hall understood that Commissioner Suesser found that the application did not comply with the LMC because it was inconsistent with the single-family residences within the Sweeney MPD.

With regard to the Plat Amendment, Chair Hall reminded that there was a poll but no formal motion.

Commissioner Frontero understood that the motion would be to direct Staff to draft a Final Action Letter for review on February 21, 2024. City Attorney Harrington added that the motion must also specify approval or denial of the Plat Amendment.

MOTION: Commissioner Frontero moved to direct Staff to PREPARE a Final Action for Approval of 220 King Road – Steep Slope Conditional Use Permit, for final review on February 21, 2024. Commissioner Van Dine seconded the motion.

VOTE: Commissioner Shand – Yes; Commissioner Johnson – No; Commissioner Van Dine – Yes; Commissioner Frontero – Yes; Commissioner Suesser – No; Commissioner Sigg – No. Due to a tie, Chair Hall registered her vote as Yes. The motion passed 4-to-3.

- D. 7932 Red Tail Court – Conditional Use Permit** – The Applicant Proposes to Construct a Private Recreation Facility (Swimming Pool) in the Residential Development (RD) Zoning District and Sensitive Land Overlay. PL-23-05961.

City Planner, Spencer Cawley introduced New City Planning Technician, Jason Berntson who would present the application. He also reported that the applicant's representative was present to answer any questions. Planner Berntson presented a graphic that showed the location of the site in the Residential Development ("RD") Zoning District and within the Bald Eagle at Deer Valley Condominium Subdivision. He reported that the applicant proposed to build a swimming pool on the same site as a Single-Family Dwelling that is currently under construction. The pool is proposed to be 40' x 8' or 320 square feet. He added that the pool would be used as a lap pool and a spa for the owner and guests.

Planner Berntson reported that Staff found this application met the lot and site requirements for the RD zone and was well within the required Setbacks. The pool would be located mostly within an interior courtyard and would not be very visible from the surrounding properties. He added it would be screened by vegetation and landscaping, as well as partially by the roof overhang. The application was found to comply with the Bald Eagle at Deer Valley Subdivision Plat, and there were no Plat Notes applicable to this particular development. The Building Pad was approximately 10,000 square feet, and this pool would be entirely within the Building Pad and the Limits of Disturbance.

Planner Berntson reported that the proposal, as conditioned, complied with the LMC. He highlighted Condition of Approval 2 which was requested by the Snyderville Basin Water Reclamation District and reads, "The applicant shall not hard tap into the sewer system." He also noted a Condition of Approval that all parking must be satisfied on-site. This site has a parking requirement of five spaces, and there are five available spaces in the garage and existing driveway.

Planner Berntson highlighted Condition of Approval 5 that all lighting must be compliant with the Dark Sky Code. There is also a Condition of Approval regarding compliance with the Noise Ordinance, Chapter 6-3. After publication of the Draft Final Action Letter, they noticed a missing

clarification in Condition of Approval 2, and he requested it be amended to state, "The swimming pool and associated mechanical equipment shall not hard tap into the sewer system."

Commissioner Suesser asked where the pool would be emptied if not into the sewer system. She asked if there was a flooding concern if it would not go into the sewer. Applicant-representative John Shirley, AIA reported that the pool would drain into the storm water drain system versus the sewer system. He confirmed that complied with Snyderville Basin's requirements and they approved it to drain into the storm drain system. Planner Cawley added that the sewer system was not designed to take that capacity or volume of water. Planner Berntson noted that this site was also within the SLO, and Staff found the application complied with the SLO criteria. The site was also on a Steep Slope, and the average slope on the site was 16.5%. There were no Very Steep Slopes within 50 feet, so the proposal complied with the Steep Slope Setback requirements.

Additionally, Significant Vegetation on site would be replaced as indicated in the Landscape Plan. Eight evergreen trees would be replaced with 45 trees. He added that the proposal also complies with Wildland Urban Interface. The project would be subject to a final inspection by the Fire Marshall before issuance of a Certificate of Occupancy. Staff recommended the Commission review the CUP for the construction of the swimming pool, hold a public hearing, and consider approving the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended.

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

Commissioner Johnson liked how the pool was integrated into the design of the home to limit the visual impact.

MOTION: Commissioner Johnson moved to APPROVE the Conditional Use Permit for 7932 Red Tail Court, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended as follows:

Findings of Fact

1. The Site is located at 7932 Red Tail Court.
2. The Site is within the Residential Development (RD) Zoning District.
3. On October 3, 2023, the city issued a Building Permit for a new Single-Family Dwelling at 7932 Red Tail Court.
4. The Property is Lot 21 of the Bald Eagle Condominium Project.
5. The Lot contains 0.57 acres (24,755 square feet).
6. Private Recreation Facilities (swimming pool) are a Conditional Use in the RD Zoning District and require Planning Commission review and approval.
7. On November 21, 2023, the Planning Department received a Conditional Use Permit Application to construct a swimming pool.

8. On December 1, 2023, the Planning Department determined the Conditional Use Permit Application was complete.
9. The proposed swimming pool is for the benefit of the Property Owner and will not be accessible to the general public.
10. The Front Setback in the RD Zoning District is 20 feet for main Structures and 25 feet for Garages. The proposed swimming pool is 164 feet 10 inches from the front property line.
11. The Rear Setback in the RD Zoning District is 15 feet. The proposed swimming pool is 87 feet from the rear property line.
12. The Side Setback in the RD Zoning District is 12 feet. The proposed swimming pool is 36 feet 8 inches from the side setback.
13. The proposed swimming pool is located within the interior courtyard of the house.
14. The proposed swimming pool is within the platted Building Pad.
15. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-1-10(E).
 - a. Size and Location of Site – 7932 Red Tail Court is Lot 21 of the Bald Eagle Condominium project. The Lot contains 0.57 acres (24,755 square feet). The Building Pad is 10,420 square feet, and the Limits of Disturbance (LOD) encompasses an additional 7,315 square feet. The swimming pool is within the existing Building Pad and the LOD.
 - b. Traffic Capacity – The swimming pool will not generate traffic beyond the property's primary Use as a Single-Family Dwelling.
 - c. Utility Capacity – On January 16, 2024, the Water Department and Snyderville Basin Water Reclamation District (SBWRD) reviewed this proposal. They request a condition of approval stating the Applicant cannot hard-pipe into the existing sewer system.
 - d. Emergency Vehicle Access – The proposal will not change emergency access to the Property. On January 16, 2024, Park City Fire District reviewed the application and confirmed the proposal conforms with their requirements.
 - e. Off-Street Parking – LMC § 15-3-6(A) requires two off-street parking spaces per Dwelling Unit for a Single-Family Dwelling. LMC § 15-3-6(B) requires one off-street parking space per four persons maximum rated capacity for a Private Recreation Facility. The Applicant has stated that the pool has a maximum capacity of 12 people, which requires three off-street

parking spaces. The Applicant can park approximately five vehicles off-street in the Single-Family Dwelling's attached Garages and driveway.

- f. Internal Vehicle and Pedestrian Circulation –The swimming pool will be used primarily by the property owner and their guests which will not change the Lot's vehicle and pedestrian circulation.
- g. Fencing, Screening, and Landscaping – The swimming pool will be screened by the structure and landscaping on site. The pool's location within a partially enclosed courtyard limits visibility from surrounding houses, and the pool will be concealed by a safety cover when not in use. The swimming pool will be partially located underneath the roofline of the Single-Family Dwelling.
- h. Structure Mass, Bulk, and Orientation – The property gradually slopes from Red Tail Court toward the rear of the property. The proposed swimming pool will be in a courtyard near the center of the house, surrounded by a deck. The pool will be partially enclosed by the house structure. The deck that the swimming pool is located on has an approved 4' retaining wall elevating it above the terrain. There are no additional structural elements proposed for the pool.
- i. Useable Open Space –There are no open space requirements for a Single-Family Dwelling.
- j. Signs and Lighting – No Signs or additional lighting are proposed or approved with this application.
- k. Physical Design and Compatibility with Surrounding Structures – The Planning, Engineering, and Building Departments will review the final design prior to the issuance of a building permit. The Planning Department will review the Swimming Pool materials and design for compliance with LMC Chapter 15-5 Architectural Review and the Conditions of Approval of this Conditional Use Permit.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures – The Swimming Pool equipment will be in a below-grade structure with no visibility or noise impact on the residence or surrounding properties. Planning Department.
- m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas – Vehicles for service and maintenance of the Swimming Pool will access the Property from Red Tail Court.
- n. Expected Ownership – The Applicant is the owner of record, and the property will be maintained as a Single-Family Dwelling.

- o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slope – The swimming pool as proposed is not within the Park City Soil Ordinance boundary, does not feature historic mining waste, does not contain other physical hazards, and is not on a steep slope.
 - p. General Plan Consistency – Goal 7 of the General Plan states that the City strives to create a diversity of primary housing opportunities, allowing full-time residents to have local options for work and play.
- 16. The proposal complies with the Sensitive Land Overlay Criteria outlined in LMC Chapter 15-2.21
 - a. Steep Slopes - The swimming pool at 7932 Red Tail Court meets the setback requirement for Steep Slopes. 7932 Red Tail Court is located on a Steep Slope. The LMC defines a Steep Slope as a slope that is greater than 15%. A Very Steep Slope is any Slope greater than 40%. The average slope for the lot at 7932 Red Tail Court is 16.53%. The average Slope within 50 feet of 7932 Red Tail Court is approximately 20%.
 - b. Vegetative Cover - All Significant Vegetation will be replaced on-site as designated on the approved Landscape Plan (Exhibit E). The existing conditions survey shows eight evergreen trees that were removed to construct the Single-Family Dwelling. The Landscape Plan identifies the replacement of the eight evergreens with 36 quaking aspens, three saskatoon serviceberries, and six subalpine furs.
 - c. Designated Entry Corridors and Vantage Points - The proposed swimming pool is not visible from any designated vantage points.
 - d. Wetlands and Stream Corridors - 7932 Red Tail Court is not located near any designated Wetlands or Streams.
 - e. Wildlife Habitat Areas - The intent of the Wildlife and Wildlife Habitat Protection is to “promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.” The LMC explains further: “If Planning Department the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.” The Utah Division of Wildlife Resources has compiled a list of all Sensitive and Specially Valued Species in the State of Utah. This list was used to ensure that there are no Sensitive or Specially Valued species that are occupying or using on-Site and adjacent Areas. Sensitive or Specially Valued Species includes Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern

and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

- f. Wildland Urban Interface - The Applicant has submitted a landscape plan with vegetation that complies with all WUI code requirements. The Fire Marshall will inspect compliance with the WUI code after installation and prior to Certificate of Occupancy.

17. On January 16, 2024, the Development Review Committee reviewed the proposal.

Conclusions of Law

1. The Application complies with the requirements of the LMC.
2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The swimming pool shall be within the Building Pad as indicated on the plans.
2. The swimming pool and associated mechanical shall not hard tap into the sewer system.
3. On-street parking is prohibited, and all parking must be satisfied on-site.
4. No Sign installations are allowed.
5. All outdoor lighting must be down-directed, fully shielded, with bulbs 3000-degree Kelvin or less. A fully shielded light is installed in such a manner that all light Planning Department emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation.
6. The Applicant shall adhere to Park City's Noise Ordinance.

Commissioner Shand seconded the motion.

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

- E. 243 Woodside Avenue – Steep Slope Conditional Use Permit** – The Applicant Proposes to Construct a New Single-Family Dwelling in the Historic Residential -1 Zoning District. PL-23-05842.

City Planner, Lillian Zollinger invited the Commission to ask questions about the application.

Commissioner Suesser inquired about the height of each of the floors. Planner Zollinger reported that the applicant could speak to that, and mentioned that the interior height per Code was measured at 35 feet from the lowest point of the finished level to the top plate. Therefore, she estimated each floor was approximately eight feet high. Commissioner Suesser asked why the heights were not indicated on the submitted plans. Director Ward stated the heights were stated, but noted the small print on the plans. Staff or the applicant highlighted the measurement in the middle of the second floor. Planner Zollinger noted that the individual floors were not called out, but the measurement was highlighted.

Director Ward reported that the Applicant's Representative, Jeff Schindewolf was unable to speak via Zoom due to technical issues but he stated in the chat that the floors were labeled with heights as having an eight-foot ceiling. Planner Zollinger pulled up the plans from the Packet and stated that they call out the elevations for each floor to be identified.

Commissioner Suesser expressed concern that the proposal was to dig down from the original grade to accommodate four stories of the home. She found that to be inconsistent with the LMC. She asked if Staff confirmed the proposal included 8-foot floors. Planner Zollinger answered in the affirmative and reported that two floors are 9 feet but includes one foot for the floors, and the total interior height is 35 feet from the bottom level finished floor to the top plate. Commissioner Shand explained that when you reach the top sill plate, the attic floor is not counted in the measurement. He explained three of the floors were 9 feet and then 8 feet, totaling 35 feet.

Mr. Schindewolf announced was able to unmute and was available to speak.

Commissioner Suesser requested the slide that showed the Existing Grade and what was being excavated to confirm that it would not be more than four feet. Planner Zollinger presented the plan that responded to Commissioner Suesser's request. Mr. Schindewolf added that this site had been modified, but they could not find anything from the previous owners who had used it for some landscaping. The front of the Lot was dug lower than it was at some point.

Commissioner Suesser noted they measured from the ground level up to the top plate, yet the slide appeared to show they were not excavating out of the hillside. Planner Zollinger mentioned the applicant would excavate and refill. Final finished grade on the outside of the house would be within four feet of natural grade. Commissioner Suesser commented that she has always questioned whether that was really the intent of the provision because she felt it was actually supposed to be built into the hillside and not excavated out and filled in to appear that it was not excavated. She felt that the provision that the existing house was only four feet above the Existing Grade was really a misnomer.

Mr. Schindewolf reported that they were trying to conform to the character and aesthetic of the street, and he felt that they did a good job of doing that. This home would sit lower than the house uphill from this one. He also felt this home stepped down from the hillside, and the homes next door did exactly the same thing.

Commissioner Frontero asked if the house to the left was three stories. Mr. Schindewolf believed it was a four-story home. Planner Zollinger offered that the greenhouse two doors down was four stories. Mr. Schindewolf stated all three homes to the left are four stories. He added that the

homes help to retain the hillside, and he did not feel as though this proposal was anything unusual and he reiterated they were trying to keep that aesthetic.

In response to an inquiry, he stated that the slope of the driveway was fairly shallow. Planner Zollinger noted the plans stated it was 7%, and the maximum was 14 percent. Mr. Schindewolf stated the maximum grade was only a small portion, and where the arrow stops they slope 1% to the drain to allow for drainage away from the house. He added that this driveway would be easily navigable with all required drainage. It would also be heated as well.

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

Commissioner Shand observed the ground floor was below street level and asked if there was a sewer evacuation system. Mr. Schindewolf reported they did not know that yet, but they provided a sewer ejector pump if it is required. He doubted it would be required and believed they could get to the sewer, which is typically 8 to 10 feet under grade. He added that the City Engineer reviewed this and did not have any questions or comments regarding that issue.

MOTION: Commissioner Van Dine moved to APPROVE the Steep Slope CUP for 243 Woodside Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter as follows:

Findings of Fact

1. The Site is located at 243 Woodside Avenue, part of the 239 Woodside Replat Lot Line Adjustment, 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-23-05841). The HDDR Application approval is subject to the approval of this SSCUP.
6. 243 Woodside Avenue 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%.
8. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. 243 Woodside Avenue is 1,875 square feet.
9. The minimum Lot width in the HR-1 Zoning District is 25 feet. 243 Woodside Avenue is 25 feet in width.

10. The maximum building footprint in the HR-1 Zoning District for a Lot that is 1,875 square feet is 844 square feet. The proposed building footprint is 844 square feet.
11. Minimum Front and Rear setbacks for Lots 75' in depth in the HR-1 Zoning District is 10' each. The proposed SFD meets a 10-foot Setback for both the Front and Rear setbacks.
12. Minimum Side Setbacks for Lots 25' in width are three feet each in the HR-1 Zoning District. The proposed SFD meets a three-foot side setback for each side.
13. The maximum building height is 27 feet from Existing grade in the HR-1 Zoning District. The proposed maximum building height is 26' 11.5" from Existing grade.
14. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade. The proposed SFD steps back at 10 feet at 23 feet from the lowest point of existing grade.
15. 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.
16. Structures cannot exceed 35 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.
17. 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.
18. Per Land Management Code (LMC) § 15-2.2-6, SSCUP applications are subject to the following criteria:

Criteria	Analysis of Proposal
LOCATION OF DEVELOPMENT – Development is located and designed to reduce visual and environmental impacts of the Structure.	Complies: The SFD is at the allowed 844 sf building footprint, and set back 13 feet, exceeding the 10-foot Front Setback requirement, and allowing for the structure to be pulled back from the ROW with room for landscaping. The slope of the site is steepest at the rear, and the SFD has been designed to step up the hillside, in a similar pattern to the rest of the street.
VISUAL ANALYSIS – The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points: To determine potential impacts of the proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion	Complies: The Applicant provided the following photos: The proposed design remains consistent with the height of the existing dwellings on the street. The proposed terracing keeps the final grade within four feet of existing grade.

mitigation, vegetation protection, and other design opportunities. ACCESS – Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.	
TERRACING – The project may include terraced retaining Structures if necessary to regain Natural Grade.	Complies: The proposed Site is located off Woodside Avenue, with the Front Property Line approximately 15 feet from the road. The Applicant shall record an encroachment agreement with the City for driveway access to the site (see Condition of Approval 18). The proposed driveway is 10 feet.
BUILDING LOCATION – Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.	Complies: The proposed SFD includes terracing within four feet of existing grade.
BUILDING FORM AND SCALE – Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.	Complies: The proposed SFD is located approximately 28 feet from the ROW, placing the majority of the massing at the Rear of the property. The buffer from the ROW to the structure, and a 10-foot driveway width, allows for landscaping and open space at the Front of the site.
SETBACKS – The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.	Complies: The structure is set back three feet, further than the 10-foot Front Setback requirement and creates space in front of the SFD to reduce a wall effect.

DWELLING VOLUME – The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.	Complies: The proposed SFD volume is compliant with the HR-1 Zoning District Lot and Site requirements as analyzed above. The location of the SFD is three feet more than the required 10-foot Setback. The proposed structure is compliant with the massing requirements found in LMC § 15-13-8(A), wherein larger masses shall be placed in the rear.
BUILDING HEIGHT STEEP SLOPE – The Zone Height in HR-1 is 27' for Structures and is restricted as stated above in Section 15-2.2-5. The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures.	Complies: The proposed SFD is compliant with the HR-1 Zoning District Height requirements as analyzed above. The adjacent structures have a similar height and step back as the slope increases.

Commissioner Frontero seconded the motion.

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

7. WORK SESSION

- A. 2000 Meadows Drive (Park Meadows Golf Course) – Conditional Use Permit and Modification to the Master Planned Development** – The Applicant Proposes to Construct a 6,386-square-foot Maintenance Building, a 2,018-square-foot Lean-to Shed, and a 10,744-square-foot Paved Parking Area for 20 Off-Street Parking Spaces within the Park Meadows Master Planned Development and Recreation and Open Space Zoning District. PL-23-05986, PL-23-05893.

Chair Hall reported that the Commissioners read the Packet, and asked if the applicant had specific questions so the Commission could provide its feedback without a full presentation.

The Applicant's Representative, Jonathan DeGray reported that they plan to supplement Staff's presentation, address the need for the building, and clarify that for the Commission.

Planning Technician, Jaron Ehlers reported that Engineer Gutknecht was available to answer questions, and Affordable Housing Manager Jason Glidden was online.

The first question for the Commission was whether they found the proposed application aligned with the goals of the General Plan for the Park Meadows neighborhood.

Commissioner Frontero found the sequencing of this question to be unusual. He suggested that an abbreviated presentation would be more helpful.

Planner Ehlers presented the location of the site and described the various buildings on the property. On the specific site, he pointed out the maintenance buildings and the paved parking area. Applicants proposed to install a lean-to shed for parking maintenance vehicles and add parking for a total of 20 spaces. He also pointed to the proposed location for the new maintenance building. He presented a slide showing the history of the project and a slide showing specific details of this project.

Commissioner Suesser asked if the applicant was adding additional employees and about the reasoning behind the 20 additional spaces. Applicant Mike Councilman, General Manager for Park Meadows Country Club, responded that currently, the employees park in the open space shown on the graphic for the maintenance yard. He noted it was disruptive for deliveries and day-to-day operations, which is why they proposed the additional parking spaces.

There was no intention to add employees; rather it reflected a reallocation of resources in which the existing building would become cold storage for equipment that currently sits outside. The new building would be the new employee-used space as well as the mechanical bays and chemical storage. The prior parking area would then be freed up for day-to-day operations and would make deliveries of materials easier. Additionally, they included soil storage so that trucks could pull straight ahead and back in.

Commissioner Frontero observed that this would be a much-improved circulation plan with an additional storage building and the lean-to building would be for equipment. He asked if there was any office space included.

Applicant Councilman stated that the new building would house employee spaces. The current building had a few offices and lockers, whereas the new building would allocate employee offices, lockers, break room, and showers to create a better workplace for the employees.

Planner Ehlers presented the General Plan Goals for the Park Meadows neighborhood, and the purpose of the zone as outlined in the LMC. He presented some of the key MPD points and noted this request proposed additional density. The trips generated were below what would be needed for a Traffic Study, and the parking was intended for existing employees. Additionally, all structures would be below the required building height. A determination from the Army Corps of Engineers would be required prior to issuance of a Building Permit.

Planner Ehlers also reported this proposal complied with Setbacks and zoning height. Vehicle maintenance would shift indoors, and there would be no change to existing hours of operation. He stated the applicant was coordinating with the Affordable Housing team to determine whether additional affordable housing obligations would be required.

Commissioner Frontero asked Manager Glidden about the potential affordable housing obligation. He understood that if the applicant added new employees, then that would come into play. Manager Glidden confirmed and reported that the applicants submitted some information to the team regarding the current employee base and what they had done over the past three years. The team was evaluating that information to make a determination whether there would be any increase in the number of employees, which would then trigger a housing requirement. If there was a determination that housing was required, Commissioner Frontero asked if they would need to wait on it, or whether it would just be more information for the next meeting.

Manager Glidden noted that the applicant submitted information and it would have to go to the Housing Authority for approval to grant the housing waiver pursuant to the Housing Resolution. They would like feedback regarding the applicant's proposal.

Commissioner Suesser questioned the proximity of the new parking area to the pond and whether the Army Corps of Engineers would approve the paving. She noted a similar issue on Meadows Drive. She wondered why the courtyard could not just be striped for parking.

Applicant Councilman reported that they engaged the Army Corps of Engineers and were awaiting their response. With regard to the parking lot, he mentioned the day-to-day operations and ease of circulation as well as safety. If they were to strip the courtyard, they would have to be cognizant of how they stripe it in terms of the circulation of the delivery vehicles. He felt that having the cars parked off to the side would solve all of their issues.

Commissioner Johnson recalled that there might be something in the Code that restricted paving within a certain distance of wetlands. He then mused that it might be irrelevant as all of Park Meadows was within wetlands. Engineer Gutknecht explained that the regulations regarding distance related specifically to areas within the SLO. This area is not within the SLO, which is why they are having the Army Corps of Engineers review the proposal, as their determination is different than that of the City. Planner Ehlers confirmed a proposed Condition of Approval would require a wetlands delineation.

With regard to the question regarding alignment with the General Plan, Commissioner Johnson felt the proposal aligned with the Park Meadows neighborhood General Plan statement. They would probably want to look at mitigating any traffic concerns on Estates Drive.

Applicant Councilman made it clear that they were not increasing the footprint of the golf course or recreational space, so there is no intention to increase the number of employees or deliveries.

Commissioner Suesser asked if the proposal would remove any Significant Vegetation. Architect DeGray reported that the new building would occupy the fairway rough, and a few trees and the fencing would be replaced. He mentioned they would install approximately 40 new trees. He noted the neighbors reviewed the proposed plan.

There was consensus that this proposal was in line with the General Plan. With regard to the question regarding alignment with the zone, there was consensus. In terms of the Findings of Fact, Chair Hall mentioned the affordable housing component and noted that would be incorporated into the Regular Agenda item.

Commissioner Shand asked if they would have information back from the Housing Authority in time for the next meeting. Architect DeGray stated they would have to have that, along with the delineation by the Army Corps of Engineers. It was noted that the original building on site was 40+ years old and was original to the golf course.

In terms of whether the Commission needed more information on mitigation for the CUP, Chair Hall reported that all buildings were proposed to be below the zone height. She asked the applicant if they would opt into restricting the buildings to that height. Architect DeGray did not believe there was any reason to restrict it further as long as they were under the zone height limit.

The Applicant confirmed that the existing building would remain. The building would be 22 feet high, and the garage doors would be 10 feet. There were no issues reported regarding the hours of operation starting at 4:30 a.m. Chair Hall observed that because operations were being moved indoors there would be less of an issue with the neighbors. In response to an inquiry, a fence is proposed to be installed around the entire facility, and with proposed berming the fence would be higher than it is now.

8. ADJOURNMENT

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 10:50 p.m.

Approved 03.13.2024

Conditional Use
File No. PL-22-05319
[220 King Residence]

Findings of Fact

1. On July 18, 2022 the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).

2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder’s Office (“Treasure Hill Subdivision Plat”).

3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City’s staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.

4. The Property is currently being used for two single-family residences, that the Applicant intends to demolish to construct the new Residence. The existing single-family residences have been used for short-term rentals.

5. The application is for the construction of the Residence (“Residence CUP”) as required by Condition No. 3 of the Amended Sweeney Properties MPD.

6. The Planning Commission has authority to act as the land use authority for the Residence CUP. *See* Condition No. 3 of the Amended Sweeney Properties MPD; LMC § 15-1-10.D.

7. The Applicant submitted all the materials required by the LMC for the Residence CUP and presented in a public hearing regarding the proposals set forth in Residence CUP application.

8. The Planning Commission, after carefully considering the site plan attached hereto as Exhibit A and other design materials, the Applicant’s submittals, and the Applicant’s presentation at the public hearing, has determined that the Residence was designed to minimize visual impact on adjacent property owners.

9. The City’s staff have questioned whether the Sensitive Land Overlay Zone (“SLO”) applies to the Property and whether the Applicant must comply with the SLO requirements found in LMC § 15-2.21-4. After carefully considering the staff’s concerns and supporting documentation submitted by the Applicant, the Planning Commission has determined that the SLO does not apply to the Property.

Additional Findings

10. The Planning Commission, as the land use authority, finds that the proposed Residence CUP is in compliance with the standards in LMC § 15-1-10.E. Specifically, the Residence:

a. Is an appropriate size and location for the Property. *See* LMC § 15-1-10.E.1
This finding is supported further as follows:

i. The Property is notably larger than most of the other buildable lots in the Amended Sweeney Properties MPD. The ratio of lot size to the Residence is significantly smaller than neighboring residences.

ii. The Property's buildable area is being reduced by approximately 490 square feet concurrently with this approval. The Residence will be located within the reduced buildable area.

iii. The Residence will be adequately setback and buffered from the surrounding properties. The nearest adjacent residence is approximately 120 feet away.

b. Addresses traffic considerations including the capacity of the existing streets in the area. *See* LMC § 15-1-10.E.3. This finding is supported as follows:

i. The new residence will utilize the same access point as the existing homes. No additional traffic or traffic impacts will result from the new residence. In fact, traffic impacts will be decreased as two homes have more traffic than the single Residence.

ii. The capacity of the existing streets is sufficient to accommodate the new residence and no traffic impact study was necessary.

c. Has sufficient utility capacity, including storm water run-off. *See* LMC § 15-1-10.E.3. This finding is supported as follow:

i. All utilities on the Property were installed with the existing houses and are adequate to service the existing houses.

ii. The Residence will decrease utility usage by utilizing more efficient construction materials and by replacing two existing homes used as short-term rentals.

iii. All storm water run-off from new impervious surfaces will be retained onsite.

d. Provides adequate emergency vehicle access. *See* LMC § 15-1-10.E.4. Specifically, the Residence has been designed to meet all emergency vehicle access and

driveway slope requirements as set forth in the LMC, including by providing a fire turnaround in the underground parking area.

e. Provides adequate off-street parking. *See* LMC § 15-1-10.E.5. Specifically, the Residence provides at least two off-street parking stalls as required by LMC § 15-3-6(A).

f. Provides sufficient internal vehicular and pedestrian circulation system. *See* LMC § 15-1-10.E.6. This finding is supported as follow:

i. Vehicles accessing the Property will continue to use existing access points from King Road. The Residence is designed such that vehicles can turnaround and park via the private driveway and the underground parking area.

ii. There is minimum pedestrian traffic in the area as the public roadways do not have sidewalks. There is a 10' public non-motorized bike, pedestrian trail, and ski easement on the Property for the benefit of a neighboring property. No change is being proposed to those easements.

g. Provides fencing, screening, and landscaping to separate the use from adjoining uses. *See* LMC § 15-1-10.E.7. This finding is supported as follow:

i. The existing fencing, screening, and landscaping for the existing houses is adequate to separate the use from adjoining uses. No additional fencing is being proposed by the Applicant.

ii. New landscaping will consist of native grasses and trees and existing vegetation will be maintained and managed.

iii. Perimeter vegetation will continue to provide a visual barrier to the Property and mitigate visual impact.

h. Is appropriately massed, bulked, and oriented, on the site. *See* LMC § 15-1-10.E.8. This finding is supported as follow:

i. The Residence has been intentionally designed to break up the perceived mass and follows the plat notes relative to massing. Specifically, the plans show the Residence: (i) broken up into at least four (4) massing elements that are each less than 1,500 square feet; (ii) have an overall footprint of less than 3,500 square feet, as measured by the definition on the subdivision plat; and (iii) is 30' or less in height.

ii. The site is designed to respect the existing topography and site features such as existing trees and vegetation. Cut, fill, and retaining wall areas will be located behind the Residence to minimize any visible impact on neighboring uses.

iii. The Residence meets the 30' height limitation stated on the Treasure Hill Subdivision Plat.

i. Contains usable open space. *See* LMC § 15-1-10.E.9. Specifically, the new residence does not substantially change the existing site's open space. All existing landscape easements will be maintained.

j. Contains no signs but will provide appropriate lighting. *See* LMC § 15-1-10.E.10. The Property will comply with the city's outdoor lighting requirements found at LMC § 15-5-5(J).

k. Is physically designed to be compatible with surrounding structures. *See* LMC § 15-1-10.E.11. Specifically, the Residence is consistent with other single-family residences within the Amended Sweeney Properties MPD.

l. Does not produce noise, vibration, odors, steam, or other mechanical factors that would affect people or off-site property. *See* LMC § 15-1-10.E.12.

m. Properly controls delivery and service vehicles, loading and unloading zones, and screens trash and recycling pickup areas. *See* LMC § 15-1-10.E.13. Specifically, a vehicle control gate will control access to delivery and service vehicles, and the Property is adequately sized to park delivery and service vehicles without impacting adjoining uses.

n. Will not be used as a condominium, time interval ownership, fractional ownership, nightly rental, or for a commercial use. *See* LMC § 15-1-10.E.14. Indeed, the Property will be used only as a single-family residence and the short-term rental uses on the two existing homes will be terminated.

o. Is appropriately situated on the existing topography of the Property. *See* LMC § 15-1-10.E.15. This finding is supported as follow:

i. The site is already adequately graded to support the existing houses and minimal additional grading will be required for the Residence.

ii. For the reasons discussed below, a steep slope conditional use permit will be issued for the very steep slope disturbance.

p. Is consistent with the goals and objectives of the Park City General Plan. *See* LMC § 15-1-10.E.16. This finding is supported as follow:

i. The existing houses to be demolished are not historically significant.

ii. The proposed design of the Residence is consistent with the design criteria contemplated by the Amended Sweeney Properties MPD approval.

q. The Planning Commission finds that the SLO does not apply to the Property based on the following:

- i. The Amended Sweeney Properties MPD predates the City's adoption of the SLO ordinance and the Amended Sweeney Property MPD established site suitability. The Amended Sweeney Property MPD's approval cannot be undone by applying the SLO ordinance.
- ii. The SLO ordinance has never been applied within the Amended Sweeney Properties MPD, even when certain properties clearly fall within the SLO.
- iii. City staff have previously represented to the public that the SLO does not apply within the Amended Sweeney Properties MPD. For example, according to the minutes of the Planning Commission meeting on August 11, 2004, page 25, former Director Putt stated that the SLO does not apply to applications within the Amended Sweeney Properties MPD. Likewise in a staff report, dated June 8, 2016, page 52, Senior Planner, Francisco Astorga stated that projects within the Amended Sweeney Properties MPD predate the SLO and therefore the "SLO does not specifically apply in terms of a density determination and site suitability analysis."
- iv. In exchange for the Property's development, the Amended Sweeney Properties MPD protected sensitive land by dedicating significant open space areas within the development.
- v. Pursuant to LMC § 15-1-6.A "zoning boundary lines are intended to conform to existing Property boundary lines . . . unless the lines are located by specific dimensions . . ." Also, "[w]here the Zoning District lines appear to have *intentionally* divided a Lot or Parcel between two (2) or more districts" the zoning will apply to each portion of the Lot or Parcel. *See* LMC § 15-1-6.B. The most recent map of the SLO depicts the SLO bisecting the Property. There is no evidence that the SLO was intentionally drawn to bisect the Property nor is there evidence that the boundary lines intentionally followed specific dimensions. Accordingly, the SLO boundary was intended to follow the property's boundary and exclude the Property. Even if the SLO intentionally bisected the Property, the Residence is excluded from the SLO and thus the SLO does not apply to this approval.

11. The Planning Commission finds that for the reasons above, the Residence will not have a detrimental impact on surrounding uses. The Planning Commission further finds that by terminating the existing short-term rental uses of the two homes currently existing on the Property, the Residence will have a reduced overall impact on surrounding uses.

12. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result from the proposed use. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the Residence.

Conclusion

Based on the foregoing, and subject to the conditions listed below, the Residence CUP application meets the standards and requirements of the LMC, including the criteria for approving a conditional use per LMC § 15-1-10.E and 10-9A-507, Utah Code Ann.. The Planning Commission concludes it is appropriate to issue Residence CUP subject to the below conditions, each of which will mitigate any reasonably anticipated detrimental effects associated with the Residence.

Conditions

The use approved by the Residence CUP is conditioned upon the following:

A. Final building plans shall reflect substantial compliance with the plans approved February 14, 2024, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by Park City's Planning and Building Departments may result in a stop work order.

B. The Applicant is responsible for notifying the Planning and Building Departments prior to proposing any changes to this approval. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for planning review and approval/denial in accordance with the applicable standards prior to construction.

C. The current access point of King Road must be maintained, and no new access points are allowed.

D. Applicant shall include in its construction mitigation plan as required by LMC § 11-14-14, a proposal to direct excavated clean soils for use on the Park City Mountain Resort so as to minimize any impact on public City streets. If Park City Mountain Resort will not accept the excavated clean soils, Applicant will submit to the Community Development Department a proposed amendment to the construction mitigation plan for transportation of the excavated clean soils.

E. All storm water run-off from new impervious surfaces must be contained on the Property.

F. Applicant shall submit a storm drainage analysis to the Park City Engineering Department. The analysis must show that the required storm drainage storage volume matches the pre-development and post-development conditions for a 100-year 24-hour event.

G. Applicant shall submit a soil investigation report, geotechnical report, and slope stability report to the city concurrent with or prior to submitting a building permit application.

H. Prior to obtaining a building permit, the Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized.

I. The proposed development must include a vehicular turnaround that meets applicable fire code standards.

J. The Residence's occupants must use as on-site parking the sub-grade parking area shown on the proposed plans.

K. The proposed development must include a vehicle control gate that allows vehicles to queue in the Property's driveway and not on King Road.

L. No additional fencing is permitted without further approval by the Park City Building Department.

M. After construction of the Residence is completed, Applicant shall revegetate the site consistent with the submitted landscape plan.

N. The Residence must be constructed according to the approved plans.

O. The Applicant shall receive approval through the Historic District Design Review process prior to receiving a building permit.

P. The proposed residence's roof shall be consistent with the approved plans.

Q. The existing access and landscaping easement shall remain in place.

R. Except for a typical "for sale" sign no signs will be permitted on the Property.

S. All outdoor lighting on the Property shall comply with LMC § 15-5-5(J).

T. The primary use of the Property shall be limited to a single-family residential use. The proposed residence shall not be used for a short-term rental or have fractional ownership.

U. Any areas disturbed during construction shall be restored to the original state after the proposed residence is completed.

V. The railing of the roof terrace shall minimize the visibility when viewed cross-canyon.

W. All exterior lighting shall be down directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property and shall comply with the City's outdoor lighting code per LMC § 15-5-5(J). Flood lights are prohibited. Fully Shielded outdoor lights shall not exceed 12 feet above Existing Grade. Outdoor lights installed higher than 12 feet above Existing Grade require additional shielding, as approved by the Planning Department.

Fully-Shielded ground-level fixtures are encouraged. Final lighting details must be reviewed by Planning Staff prior to installation.

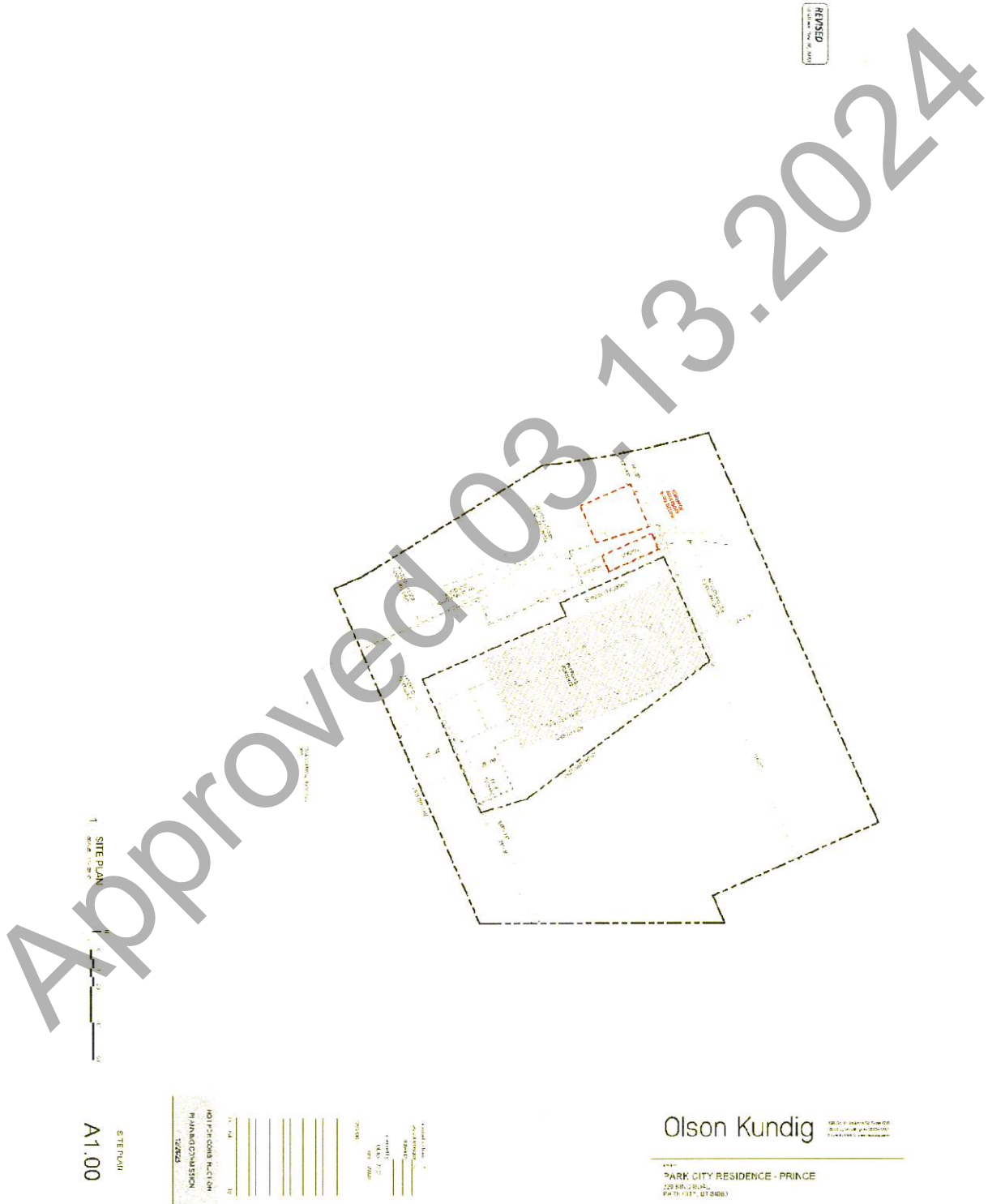
X. All proposed mechanical equipment and/or hot tubs shall be screened. Hot tubs on east façade decks or terraces.

Y. No more than eight inches of the new foundation shall be visible above Final grade on the primary façade and no more than two feet of the foundation shall be visible above Final Grade on secondary and tertiary facades.

Z. Lower-level glazing on the north, east, and south facades shall be screened with berms and/or vegetation as approved by the Planning Department.¹⁶

AA. Vinyl or aluminum doors and windows are prohibited.

Exhibit A
Site Plan



Conditional Use
File No. PL-23-05571
[Steep Slope –220 King]

Findings of Fact

1. On February 21, 2023, the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).

2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”).

3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City’s staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.

4. The Property is currently being used for two single-family residences, that the Applicant intends to demolish to construct the new Residence. The existing single-family residences have been used for short-term rentals.

5. The second conditional use permit application is for construction on a steep slope (“Steep Slope CUP”) as required by Section 15-2.2-6 of Park City’s Land Management Code (“LMC”).

6. In connection with the Steep Slope CUP application, the Applicant submitted the following documents prepared by Alliance Engineering Inc. for the Planning Commission’s consideration:

- a. Existing Conditions Map (Job No. 8-3-23);
- b. Conceptual Grading Plan (Job No. 8-3-23);
- c. Drainage Plan (Job No. 8-3-23);
- d. Steep Slope Map (Job No. 8-3-23);
- e. Stormwater Management Plan (Job No. 8-3-23); and
- f. Excavation Section View (Job No. 8-3-23).

7. The Planning Commission has authority to act as the land use authority for the Steep Slope CUP. *See* LMC § 15-1-10.D.

8. The Applicant submitted all the materials required by the LMC for the Steep Slope CUP and presented in a public hearing regarding the proposals set forth in Steep Slope CUP application.

9. With respect to the Steep Slope CUP, the Planning Commission, after carefully considering the Applicant's submittals referenced above and the Applicant's presentation at the public hearing, has determined that any detrimental effects caused by proposed development on steep slopes can be reasonably mitigated and comply with the LMC's requirements.

Additional Findings

10. The Planning Commission, as the land use authority, finds that the proposed Steep Slope CUP complies with the standards in LMC § 15-2.2-6.B. Specifically, the proposed steep slope disturbance and Residence:

a. Are located and designed to reduce the visual and environmental impacts. *See* LMC § 15-2.2-6.B.1. Specifically, the hillside cuts and impact to the very steep slope will be located behind the Residence and will generally not be visible to the town core of Park City.

b. Will be consistent with the visual analysis and landscaping plan submitted by the Applicant. *See* LMC § 15-2.2-6.B.2. Specifically, the Applicant submitted to the Planning Commission a visual analysis and landscaping plan that showed that the proposed steep slope disturbance. The Planning Commission has determined that the steep slope disturbance will generally not be visible from the town core of Park City as it is screened from view by the proposed residence.

c. Are consistent with the applicable access and driveway screening requirements. *See* LMC § 15-2.2-6.B.3. Specifically, access to the Property is not changing as the existing driveway will be used and improved. The driveway improvements will comply with the LMC's requirements.

d. Will be appropriately terraced to regain natural grade. *See* LMC § 15-2.2-6.B.4. Terraced structures will be screened from view of the town core of Park City by the proposed residence.

e. Are designed to preserve the perceived natural topography of the Property. *See* LMC § 15-2.2-6.B.5. Specifically, all cuts to the hillside will be screened from view of the town core of Park City by the Residence.

f. Are consistent with the building form and scale requirements of LMC § 15-2.2-6.B.6. Specifically, the Residence is divided into several massing elements to reduce massing and to orient against the Property's existing contours. Portions of the Residence have been located below grade to reduce visibility and perceived bulk.

g. Are consistent with the applicable setback requirements. *See* LMC § 15-2.2-6.B.7.

h. Are consistent with the applicable volume limitations. *See* LMC § 15-2.2-6.B.8. Specifically, the Residence's volume is less than what is permitted in the HR-1 District.

i. Are consistent with the applicable building height requirements. *See* LMC § 15-2.2-6.B.8. Specifically, the Residence meets the height requirements identified in the Amended Sweeney Properties MPD.

11. The Planning Commission finds that for the reasons above, the steep slope disturbance will not have a detrimental impact on surrounding uses.

12. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result from the proposed steep slope disturbance. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the steep slope disturbance or the Residence.

Conclusion

Based on the foregoing, and subject to the conditions listed below, the Steep Slope CUP meet the standards and requirements of the LMC, including the criteria for approving a conditional use per LMC § 15-2.2-6.B and 10-9A-507, Utah Code Ann.. The Planning Commission concludes it is appropriate to issue the Steep Slope CUP subject to the below conditions, each of which will mitigate any reasonably anticipated detrimental effects associated with the uses described in the Steep Slope CUP application.

Conditions

The use approved by the Steep Slope CUP is conditioned upon the following:

A. All retaining walls shall be generally placed behind the proposed residence to reduce visibility from the town core of Park City.

B. The driveway to the proposed residence shall not exceed a 14% grade and must comply with LMC § 15-3-3(A)(4).

C. Access to the parking area located on the Property shall not face King Road.

D. If the proposed development contains any retaining walls that are taller than four feet in height, then the Applicant shall provide engineered plans for the retaining walls at the time the Applicant makes application for a building permit.

E. Applicant shall maintain vegetative screening in accordance with the submitted vegetation plan to reduce the visibility of retaining walls.

F. The limits of disturbance around the proposed residence shall be limited to the minimal area necessary to excavate and backfill the foundation.

G. Structures on the Property shall conform to the HR-1 setbacks set forth in LMC § 15-2.2-3. The property is located outside of 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.

Approved 03.13.2024

Plat Amendment
File No. PL-22-05318
[Plat Amendment]

Findings of Fact

1. The Applicant has proposed a new plat entitled the Second Amendment for Lot 2, Phase 1, Treasure Hill Subdivision (“Amended Plat”), a copy of which is attached hereto as Exhibit A, which will amend the existing Treasure Hill Subdivision Plat, including the Amended Plat’s notes which are attached hereto as Exhibit B.

2. On July 18, 2022, the applicant Pesky Porcupine LLC (“Applicant”) submitted an application for a proposed subdivision plat amendment in connection with a proposed single-family residence to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).

3. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder’s Office (“Treasure Hill Subdivision Plat”).

4. The Property is currently being used for two single-family residences that the Applicant intends to demolish to construct a new single residence.

5. The Amended Plat differs from the Treasure Hill Subdivision Plat in two ways. First, the Amended Plat modifies plat note 1 on the Treasure Hill Subdivision Plat to align with the Amended Sweeney Properties MPD approval conditions and other phases within the Amended Sweeney Properties MPD. Second, the Amended Plat modifies the buildable area by reducing the overall buildable area and relocating a portion thereof to the west side of the Property, as depicted on the attached Amended Plat.

6. The Applicant submitted all materials required by the Park City Land Management Code (“LMC”) for the proposed plat amendment.

7. The planning commission has authority to act as the land use authority to approve the Amended Plat pursuant to LMC § 15-7-7.

8. After carefully reviewing the Amended Plat, the Amended Sweeney Properties MPD approval documents, other materials presented by the Applicant, and input received by the Applicant, City staff, and the public in a public hearing, the Planning Commission has determined that good cause exists for amending the Treasure Hill Subdivision Plat via the Amended Plat as more fully specified below. *See Utah Code § 10-9a-609(1)(a).*

9. The Planning Commission further concludes that no public street or municipal utility easement is being vacated or amended by the Amended Plat. *See Utah Code § 10-9a-609(1)(b).*

Additional Findings

10. The Planning Commission, as the land use authority, finds that there is good cause to approve the Amended Plat based on the following:

a. Note 1 of the Treasure Hill Subdivision Plat contains a development limitation that buildings must have a building footprint of 3,500 square feet or less. That allowable building footprint includes garages but does not include:

- i. Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
- ii. Exterior walkways;
- iii. Exterior stairs; and
- iv. Driveways.

Note 1 was included on the Treasure Hill Subdivision Plat but was not imposed upon the Property via the Amended Sweeney Properties MPD. Other subdivisions within the Amended Sweeney Properties MPD define "building footprint" more broadly and nothing within the Amended Sweeney Properties MPD requires the Treasure Hill Subdivision Plat's more restrictive definition.

b. The Amended Plat also contains a building footprint limitation of 3,500 square feet or less. The allowable building footprint includes garages but does not include:

- i. Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
- ii. Exterior walkways;
- iii. Exterior stairs;
- iv. Driveways; and
- v. That portion of any garage, carport, mechanical space, or living space that is located below existing grade and which has landscaping or deck (as provided in (1(A)) located above the garage, carport, mechanical space, or living space.

c. The Amended Plat's development limitation is more consistent with the Amended Sweeney Properties MPD approval as the building footprint limitation was intended to limit the visual impact of development and subgrade improvements, excluded under the Amended Plat, have a de minimis visual impact on adjacent uses.

d. The overall buildable area of the Treasure Hill Subdivision Plat is 490 square feet larger than the buildable area of Amended Plat. The Amended Plat removes buildable area from portions of the Property that are visible to downtown Park City and

relocates such buildable area to the west side of the Property to reduce the visual impact of the buildable area.

e. The Planning Commission finds that good cause exists, *see* LMC §§ 15-15-1 & 15-7.1-3.B, for amending the Treasure Hill Subdivision Plat based on the following:

- i. The Amended Plat resolves an existing non-conformity as the two residential units constructed on a single lot will be demolished in favor of a single residential unit on a single lot.
- ii. The Amended Plat preserves the character of the neighborhood and Park City as the Amended Plat is more consistent with the Amended Sweeney Properties MPD approval.
- iii. Reducing the buildable area and relocating a portion of the buildable area will reduce the visual impact of the Property's development. This is consistent with best planning and design practices.
- iv. The Amended Plat facilitates the construction of a single residence in place of two residence that are presently used as short-term rentals. Demolishing the two existing short-term rentals reduces the overall density of the area, alleviates traffic, decreases utility usage, minimizes noise and light pollution, and is more consistent with neighboring uses.
- v. The Amended Plat facilitates the termination of the existing short-term rentals. This furthers the health, safety, and welfare of the Park City community as it will decrease the number of unknown persons in the community and increase the overall sense of community by housing long-term residents.

f. The Amended Plat includes all existing public streets and municipal utility easements and does not propose to vacate or amend the same.

Conclusion

Based on the foregoing, good cause exists to approve the Amended Plat as it satisfies the requirements of Utah Code § 10-9a-609(1) and LMC § 15-7-7. The Planning Commission concludes it is appropriate to approve the Amended Plat.

Exhibit A
Amended Plat

[illegible]

Exhibit B
Amended Plat Notes

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED AS SHOWN HEREON:

1. FOOTPRINT. THE RESIDENTIAL FOOTPRINT OF THE DWELLING ("MAIN HOUSE"), TO BE LOCATED ON LOT 2, PHASE I, TREASURE HILL SUBDIVISION (THE "LOT"), SHALL BE CALCULATED FROM THE OUTSIDE FACE **ANY SINGLE LEVEL**, AND A MAXIMUM OF THREE THOUSAND FIFTY (3,500) SQUARE FEET FOOTPRINT INCLUDING GARAGES. THE FOLLOWING SHALL NOT COUNT TOWARD THE FOOTPRINT CALCULATIONS:

- a) DECK WHICH IS OPEN ON AT LEAST TWO SIDES, BUT WHICH MAY HAVE RAILINGS AS REQUIRED, COVERED OR UNCOVERED, AND THAT DOES NOT HAVE ABOVE-EXISTING NATURAL GRADE OR LIVING SPACE LOCATED BELOW OR ABOVE IT;
- b) EXTERIOR WALKWAYS;
- c) EXTERIOR STAIRS;
- d) DRIVEWAY; AND
- e) **THAT PORTION OF ANY GARAGE, CARPORT, MECHANICAL SPACE, PARKING AREA, OR LIVING SPACE THAT IS LOCATED BELOW EXISTING GRADE AND WHICH HAS LANDSCAPING OR DECK (AS PROVIDED IN 1(A)) LOCATED ABOVE IT.**

2. BUILDING AREA LIMITS. IMPROVEMENTS, INCLUDING FENCES AND FORMAL LANDSCAPING (UNLESS OTHERWISE PERMITTED UNDER EASEMENTS OR AGREEMENTS OF RECORD OR AS SHOWN ON THE PLAT OR AS CONSISTENT WITH THE APPROVED CONSTRUCTION DRAWINGS OF THE DRIVEWAYS, UPPER NORFOLK TURNAROUND, KING ROAD TURNAROUND, SKI BRIDGE AND UTILITY PLANS) SHALL BE LIMITED TO THE BUILDING AREA LIMITS NOTED ON THE PLAT.

3. CONSTRUCTION DISTURBANCE. UNLESS OTHERWISE PROVIDED IN AGREEMENTS WITH PARK CITY MUNICIPAL CORPORATION WHICH ARE OF RECORD, TEMPORARY CONSTRUCTION DISTURBANCE SHALL BE LIMITED TO TWENTY (20) FEET BEYOND THE BUILDING AREA LIMITS OR TO ADJOINING LOT PROPERTY LINES WHICH EVER IS CLOSER. SUCH DISTURBED AREA SHALL BE REVEGETATED WITH NATIVE LANDSCAPING.

4. HEIGHT. THE BUILDING HEIGHT SHALL BE MEASURED FROM EXISTING GRADE TO THE TOP OF THE FLAT ROOFS AND TO THE RIDGE OF PITCHED ROOFS. THE MAXIMUM HEIGHT, IN GENERAL, SHALL BE TWENTY-FIVE (25) FEET FOR FLAT ROOFS AND THIRTY (30) FEET FOR PITCHED ROOFS. A MAXIMUM HEIGHT OF TWENTY EIGHT (28) FEET FOR FLAT ROOFS AND THIRTY-THREE (33) FEET FOR PITCHED ROOFS SHALL BE PERMITTED FOR THE EXPRESSED PURPOSE OF

ACCOMMODATING ACCESS, I.E. STAIRWELLS AND/OR ELEVATORS, BETWEEN FLOOR LEVELS. IN ACCORDANCE WITH THE SWEENEY MPD, WHICH WAS APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986, AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992, BUILDING HEIGHT SHALL ONLY BE MEASURED AS OUTLINED IN THIS PLAT NOTE #4 AND THERE ARE NO INTERIOR HEIGHT RESTRICTIONS.

5. FACADE HEIGHT, EASTERLY FACING. THE MAXIMUM FACADE HEIGHT FOR THE EASTERLY FACING FACADES WITHOUT A STEP BACK OR STEP OUT OF AT LEAST FIVE (5) FEET SHALL BE TWENTY FIVE (25) FEET FROM EXISTING OR REESTABLISHED GRADE WHICHEVER IS GREATER.

6. MASSING. HOUSE DESIGNS MAY BE COMPRISED OF ONE OR MORE CONNECTED OR UNCONNECTED BUILDING MASSES. NO ONE BUILDING MASS WITHIN THE 3,500 SQUARE FOOT FOOTPRINT REFERENCED IN NOTE 1 ABOVE, SHALL HAVE A FOOTPRINT THAT EXCEEDS 1,500 SQUARE FEET. MASSING ELEMENTS SHALL BE SEPARATED BY HORIZONTAL AND/OR VERTICAL FACADE BREAKS.

7. SEWER LATERALS. MAINTENANCE AND REPLACEMENT OF SEWER LATERALS SHALL BE THE RESPONSIBILITY OF THE OWNER(S) AND NOT THAT OF SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT.

8. FIRE SPRINKLING. INTERNAL AND EXTERNAL MODIFIED 13d FIRE SPRINKLERS SHALL BE PROVIDED FOR THE HOME. WOOD ROOFING MATERIAL SHALL BE PROHIBITED.

9. PRECEDENCE. THE ABOVE SPECIAL RESTRICTIONS ARE CONSISTENT WITH THE SWEENEY MASTER PLAN APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986 AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992. FINAL HOUSE DESIGN SHALL BE REVIEWED UNDER THE SMALL SCALE MASTER PLAN PROCESS IN ACCORDANCE WITH THE SWEENEY MASTER PLAN.

10. EXTERIOR LIGHTING. ALL EXTERIOR LIGHTING SHALL BE FULLY SHIELDED TO PROTECT THE NIGHT SKY.

11. GLAZING. SIXTY PERCENT (60%) OF THE EASTERN FACING FAÇADE IS PERMITTED TO BE GLAZING AND LIGHTING IMPACTS FROM THE EASTERN FACING FAÇADE SHALL BE MITIGATED BY INTERIOR FIXTURES DESIGNED TO MINIMIZE DIRECT VISIBILITY OF THE LIGHTING ELEMENT FROM RESIDENCES WITHIN 1/3 MILE OF THE RESIDENCE.

11. DETACHED BELOW GRADE ACCESSORY BUILDINGS. BELOW GRADE ACCESSORY BUILDINGS ARE PERMITTED WITHIN THE BUILDABLE AREA. THE FOOTPRINT OF A DETACHED BELOW GRADE ACCESSESORY BUILDING DOES NOT

COUNT TOWARDS THE FOOTPRINT AREA OF THE DWELLING AS ALLOWED IN NOTE #1.

12. . USE OF RESIDENTIAL STRUCTURE. ANY RESIDENCE CONSTRUCTED AFTER THE DATE OF THIS AMENDMENT SHALL ONLY BE USED AS A SINGLE-FAMILY RESIDENCE. THE NEW RESIDENCE SHALL NOT BE USED AS A CONDOMINIUM, TIME INTERVAL OWNERSHIP, FRACTIONAL OWNERSHIP, OR NIGHTLY RENTALS. HOME OCCUPATIONS SHALL BE PERMITTED IN ACCORDANCE WITH LMC §15-4-3.

Approved 03.13.2024