



**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION SPECIAL MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
FEBRUARY 21, 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; Caitlyn Tubbs, Senior Historic Planner, Margaret Plane, Special Counsel

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**1. ROLL CALL**

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She noted that all Commissioners were present either in chambers or on Zoom, with the exception of Commissioner Henry Sigg, who was having difficulty connecting but planned to attend the meeting electronically.

**2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

Commissioner Johnson provided a disclosure for Agenda Item 4.A and stated that he works for SWCA Environmental Consultants, which provided a Technical Memorandum for the 220 King Road application regarding the Historic District Review Guidelines. He was not part of that project and it will not impact any decision made on the application before the Planning Commission.

It was noted that Commissioner Sigg joined the meeting via Zoom.

Chair Hall disclosed that her husband has used Snell & Wilmer for unrelated business matters.

There were no further Staff or Board communications and disclosures.

**3. PUBLIC COMMUNICATIONS**

Commissioner Van Dine reported that at the last Planning Commission Meeting, there was a public comment period held for 220 King Road. Further comments can be submitted to Staff.

There were no public communications.

#### 4. REGULAR AGENDA

- A. **220 King Road – Plat Amendment** – On February 14, 2024, the Planning Commission Conducted a Public Hearing and Directed Planning Staff to Draft a Final Action Letter Approving the Proposed Amendment of Lot 2 Phase 1 Treasure Hill Subdivision Plat Notes to Demolish 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 Lands Overlay. PL-22-05319.

Planning Director, Rebecca Ward, presented the Staff Report and stated that there are three applications on the Planning Commission Meeting agenda related to 220 King Road including a Plat Amendment, a Conditional Use Permit for a single-family dwelling and pool, and a Steep Slope Conditional Use Permit for the proposed project. The applications were first submitted in July 2022. There was an October 2022 and October 2023 Work Session with the Planning Commission. The 2022 Work Session was withdrawn. On January 2, the applicant filed a request for Final Action within 45 days. On January 24, the Planning Commission conducted a Work Session on the project to provide the applicant with input. Staff noticed a public hearing, according to the requirements of the Land Management Code (“LMC”), and on February 14, a public hearing was opened and closed for the three applications related to 220 King Road.

Director Ward reported that there has been a great deal of community input throughout the process. All of the public input received before February 16, when the Meeting Materials Packet was published, is included in the Meeting Materials Packet and is part of the record. Any public input submitted after February 16 has been forwarded to the Planning Commission for review.

The Planning Commission vote is on whether the amendments to the Final Action Letters address the direction the majority of the Planning Commission gave Staff at the February 14 meeting. If the Planning Commission finds the Final Action Letters accurately reflect the discussion and the majority vote last week, then the letters should be ratified. There is a Draft Final Action Letter with the proposed plans attached. There are also three exhibits that track the red lines. During the February 14 meeting and as part of the Meeting Materials Packet from that meeting, the applicant submitted draft Findings of Fact, Conclusions of Law, and Conditions of Approval. Based on input from the majority of the Commission, some changes have been incorporated and are reflected in the Final Action Letter. If there are concerns, she asked that those be shared.

Commissioner Frontero discussed the Conditional Use Permit for the home. The exhibit that was presented indicated that the applicant is proposing a certain amount of unfinished space. He previously asked for a definition of unfinished space and has yet to see that in the materials presented. Commissioner Frontero asked once again for the definition of unfinished space. Commissioner Suesser added that in the Staff Report from January 24, Staff determined that the unfinished space was included and the footprint of the application was actually 11,300 square feet rather than the number provided by the applicant. She expressed concerns about the way the footprint and height are being measured. Commissioner Sigg noted that he previously asked about unfinished space. At that time, he was led to believe the space was intended to be only for mechanical use. Part of the reason for the unfinished area had to do with over-excavation for building footings. He wanted to understand why the space wouldn't be backfilled instead.

Applicant Representative, Wade Budge, offered to answer the questions posed by the Commission. Relative to the use, it will be concrete floors and the area will be used for utilities

and storage. Commissioner Frontero wondered if that was true for both floors shown in the exhibit. This was confirmed. Commissioner Suesser noted that Staff included that in their measurement of the space, which is consistent with how projects are measured in the LMC. She agreed with the way Staff had analyzed and measured the space. It was her belief that the Commission should review the application with the understanding that the space is included in the footprint of the building. Director Ward referenced the proposed plat note from the applicant regarding the building footprint. The proposed measurement would be calculated from the outside face of the walls on any single level. It is her understanding that the footprint for the unfinished grade is 3,500 square feet. The underground parking area was included in the 11,300 square feet as well as the footprint of the accessory buildings. The previous direction from the Commission was to measure the individual levels and exclude the underground parking area.

Commissioner Suesser pointed out that according to the Staff Report from January 24, the 3,500 square foot footprint was taken from the lowest level of the proposed structure, which is a half floor. Senior Historic Planner, Caitlyn Tubbs, clarified that for the Staff Report from January 24, the 11,300 square feet referred to the total area of disturbance or the total area of excavation. It includes the parking area and the excavation for the accessory buildings, measured from the furthest foundation wall. With the proposed plat notes, which the Planning Commission discussed with the applicant at the last meeting, portions of that area would be excluded from the footprint calculation. Footprint calculations would be taken level by level. Commissioner Suesser asked to share the Staff Report from January 24 with those present so there was clarity about what was shown. It was her understanding that the calculation did not include accessory buildings.

Commissioner Shand asked if everyone was on the same page with respect to footprint, disturbed area, and the total square footage of the home. He did not want terms to be used interchangeably. Director Ward clarified that the direction from the Planning Commission for the plat notes, as outlined in Exhibit B, is that the footprint includes the main house and that the footprint be measured at each level. That excludes the portion that was included in the Staff Report from January 24. Commissioner Suesser questioned the total square footage of the footprint according to Staff analysis. Director Ward reported that in the Staff Report from January 24, the analysis included the underground parking area. What is drafted in the Final Action Letter is that the building footprint excludes the underground parking area, but includes the footprint of the home at each level. This was based on direction received from the Commission.

Commissioner Suesser was not suggesting that the parking area be included but asked for additional clarification about the 3,500 square foot footprint that the applicant is suggesting as opposed to what is listed in the Staff Report. Director Ward reiterated that the parking area was included in the Staff Report for January 24. The direction for the amended plat notes is to measure the building footprint of the dwelling and to exclude the underground parking area. That changes the total square footage of the building footprint. Commissioner Suesser wanted to know the square footage of the footprint, excluding the parking area and the accessory building square footage. Director Ward reported that the square footage is 3,500 feet, measured at each level.

Commissioner Suesser asked if the 11,300 square foot footprint is consistent with how the area would be measured under the LMC. Director Ward explained that the analysis in the Staff Report from January 24 includes a definition to state that it is from the furthest exterior wall. What the proposed application does is update the plat notes for the Treasure Hill Subdivision. It looks at what counts toward the footprint and what is excluded. Commissioner Van Dine believed some of the other properties in the Master Plan Development ("MPD") have the same type of underground parking areas and those were not included in the square footage. Only garages and

enclosed areas were included, which was the rationale for the direction that was given to Staff. Commissioner Johnson asked if those are legal and complying lots. Commissioner Van Dine believed those were in compliance with the MPDs at the time. Commissioner Suesser asked to read a section from the Staff Report from January 24, and read the following language:

- The applicant calculates the building footprint at the lowest level, which has the smallest footprint, at 3,475 square feet. However, the structure cantilevers beyond this footprint, greatly increasing the mass of the structure and the amount of excavation required, and thus, should be considered by the Planning Commission.

Commissioner Suesser's concern was that the measurements were being done from the small half-floor. It was pointed out that the measurements would be taken at every level of the actual dwelling, per the current Staff Report and plans. The applicant is at 3,500 square feet at every level. Commissioner Suesser stated that the methodology in the LMC would calculate the square footage footprint of the applicant proposal at 11,300 square feet and not 3,500 square feet. Commissioner Van Dine clarified that a determination has been made by the Commission.

Commissioner Frontero asked for clarification about the unfinished floor. He wondered what would happen in the future if the applicant wanted to finish the space. Director Ward explained that under the drafted Conditions of Approval, 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. Director Ward noted that if the Commission wants to clarify that further, there can be a reference to changes to the unfinished space, which is defined as concrete floors for utilities and storage. She pointed out that the current Condition of Approval covers that because if the applicant proposes changes from what is attached as the approved plans, the applicant needs to submit those changes in writing and go through the review process. If the applicant wanted to finish the space, that would trigger a review from the Commission. Commissioner Frontero suggested removing the ambiguity by stating modification must come back to the Commission.

Commissioner Suesser wanted to understand how the applicant will be in compliance with the height requirements. Director Ward reported that the Planning Commission directed Staff to draft an amendment to the plat notes. The plat notes apply the building height to the lot, as it was applied to the other single-family dwellings within the Sweeney Properties MPD, with the height regulations that were in effect at that time. Commissioner Suesser asked what the maximum height of the building will be. Director Ward explained that prior to 2009, the building height regulations in the HR-1 Zoning District stated that no structure shall be erected to a height greater than 27 feet from existing grade. It was in 2009 that the code was amended. There was another amendment in 2013. The original height limitation was 27 feet from the existing grade. In 2009, there was a maximum of three stories established, with a maximum of 10 vertical feet, counting the basement as a first story. That was when the minimum horizontal step was enacted. Director Ward explained that in 2013, that was amended to establish an internal height of 35 feet.

Commissioner Suesser asked about the interior of the project proposal. She believed it was determined that the interior height was 53 feet. Director Ward clarified that this included an unfinished grade. Commissioner Suesser reiterated some comments she shared at the January 24 meeting. She felt Staff measured the height of the project correctly and according to the proper

methodology. As a result, she believed the application should be contemplated as if it included the unfinished floor in the height. Director Ward noted that the existing code measures from the lowest finished grade. Commissioner Shand asked if the 53-foot internal height is part of the HR-1 LMC as opposed to the Sweeney Properties MPD. Planner Tubbs reported that the HR-1 Zoning District lays out the maximum internal height from the lowest finished floor plain to the topmost wall plate at 35 feet. That measurement does not exist in the MPD. Discussions were had about the red line document that was currently before the Planning Commission.

Commissioner Frontero stated that he would feel more comfortable if there was a Condition of Approval that clearly stated finishing the floors will require the applicant to come back to the Planning Commission. Director Ward noted that the existing condition can be clarified to include the definition of unfinished space and require Planning Commission review in order for that space to be changed. There was support from most Commissioners to amend the condition. Commissioner Suesser objected to not including the unfinished space in the interior height and in the footprint. An amendment was made to Condition of Approval B for the Conditional Use Permit:

- Unfinished space indicated on plan sheets A2.10 and A2.20 of the approved plan set is limited to concrete floors, utilities, mechanical equipment, and storage. Future modifications to this unfinished space shall be reviewed by the Planning Commission in accordance with the Conditional Use Permit process.

Commissioner Frontero asked to review the updated Landscaping Plan. There appears to be a plan to plant approximately 112 trees on the property when completed. Director Ward reported that the applicant has indicated the quantity and type. Commissioner Frontero thanked Staff for the clarification. Discussions were had about Condition of Approval M in the Conditional Use Permit language. Commissioner Frontero suggested adding a reference to that exhibit:

- After construction of the Residence is completed, Applicant shall revegetate the site consistent with the approved landscape plan, seen on sheet A1.03 of the approved plans.

Chair Hall asked if there were any additional comments about the Plat Amendment, Conditional Use Permits, or Steep Slope Conditional Use Permits. Commissioner Johnson stated that he has mitigation suggestions for the Steep Slope Conditional Use Permit. It was noted that the task before the Commission is to consider ratifying the three Final Action Letters if those align with the direction that the majority of the Planning Commission gave at the February 14 meeting.

Commissioner Suesser noted that the red line document, made a reference to the outdoor pool. She did not believe there was any discussion about the outdoor pool at the last Planning Commission Meeting. Director Ward noted that it is indicated on the Site Plan for the landscaping. With respect to the Conditional Use Permit for the project, Commissioner Suesser reiterated her position that the Staff analysis in the Staff Report from January 24 was accurate. The concerns raised in that analysis are the concerns that she continues to have for this project.

**MOTION:** Commissioner Frontero moved to RATIFY the Plat Amendment Final Action Letter, as approved by the majority of the Planning Commission by a 4 to 2 vote on February 14, 2024.

**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 Lot 2, Phase I 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 on 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 one single-family residence and one guest house 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).
10. The Planning Commission expressly finds this approval is limited to the Amended Plat of the Amended Sweeney Properties Master Planned Development, and as

such shall not create any precedent nor interpretation of general applicability in the Historic Residential-1 Zoning District, for current Land Management Code regulations, or other plat amendments.

### Additional Findings:

11. 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 carport, mechanical space, parking areas or living space that is located below existing grade and which has landscaping or deck (as provided in (1(A)) located above it.
- 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 one residence and one guest house that have been 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.
  - vi. The Amended Plat includes all existing public streets and municipal utility easements and does not propose to vacate or amend the same

**Conditions of Approval:**

- 1. The Conditional Use Permit and Steep Slope Conditional Use Permit Conditions of Approval below are incorporated herein.



Commissioner Van Dine seconded the motion.

**VOTE:** The motion passed 4-to-2, with Commissioners Suesser and Sigg voting No and Commissioners Frontero, Shand, Johnson, and Van Dine voting Yes.

Chair Hall reported that the motions for the agenda items confirm what was discussed during the prior Planning Commission Meeting. Special Counsel, Margaret Plane, reported that voting “Nay” indicates that there is disagreement that Staff correctly and thoroughly drafted the documents to align with what the majority directed. If the two Commissioners who voted against the motion were willing to share suggestions, Staff can look into those, but if the votes were in opposition because there is disagreement with the project, that was a different matter. Commissioner Suesser did not believe there was an appropriate analysis and process for the application. She did not feel the discussion that took place last week thoroughly analyzed the application. As a result, it was not her belief that the Final Action Letters accurately reflect a well-reasoned decision by the Planning Commission. Commissioner Sigg agreed with that statement. He did not feel there was enough empirical data and there were conflicting statements presented.

- B. 220 King Road – Conditional Use Permits** – On February 14, 2024, the Planning Commission Conducted a Public Hearing and Directed Planning Staff to Draft a Final Action Letter Approving the Proposed Plans to Demolish to Two Existing Dwellings to Construct a New Single-Family Dwelling and Accessory Buildings and Outdoor Pool within the Sweeney Master Planned Development, Historic Residential – 1 Zoning District, and Partially Within the Sensitive Lands Overlay. PL-22-05318, PL-23-05523.

**MOTION:** Commissioner Shand moved to RATIFY the Conditional Use Permit Final Action Letter, as approved by a majority of the Planning Commission by a 4 to 3 vote on February 14, 2024, and as amended on February 21, 2024.

**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”), as amended.
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 one single-family residence and one guest house, that the Applicant intends to demolish to construct the new Residence. The existing single-family residence and guest home 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 and outdoor pool 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 C 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.

**Additional Findings:**

9. 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, as applied pursuant to the Amended Sweeney Properties MPD. Specifically, the Residence:
  - a. As applied pursuant to the Amended Sweeney Properties MPD, 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 stormwater run-off. See LMC§ 15-1-10. E.3. This finding is supported as follows:
  - 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 one existing home and one existing guest house used as short-term rentals.
  - iii. All stormwater 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 follows:
  - i. Vehicles accessing the Property will continue to use existing access points from King Road. The Residence is designed such that vehicles can turn around 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 follows:

- i. The existing fencing, screening, and landscaping for the existing houses are 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. As applied pursuant to the Amended Sweeney Properties MPD, is appropriately massed, bulked, and oriented, on the site. See LMC § 15-1-10. E.8. This finding is supported as follows:
- 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 second amended subdivision plat; and (iii) complies with the second amended subdivision plat.
  - 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 height limitation stated on the second amended 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. As applied pursuant to the Amended Sweeney Properties MPD, 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 existing home and guest house 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 follows:
    - 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 follows:
    - 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.
10. 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 home and guest house currently existing on the Property, the Residence will have a reduced overall impact on surrounding uses.
11. 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.

**Conditions of Approval:**

The use approved by the Residence and outdoor pool 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, and attached as Exhibit D. 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. Unfinished space indicated on plan sheets A2.10 and A2.20 of the approved plan set is limited to concrete floors, utilities, mechanical equipment, and storage. Future modifications to this unfinished space shall be reviewed by the Planning Commission.
- C. The current access point of King Road must be maintained, and no new access points are allowed. The driveway width within the platted easement on 200 King Road and within the setbacks required for 220 King Road shall not exceed 12 feet in width unless required by the Park City Fire District to accommodate turning radius and emergency vehicles.
- D. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.
- E. All stormwater 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 Park City emergency vehicle access and for 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 Planning and Building Departments.
- M. After construction of the Residence is completed, Applicant shall revegetate the site consistent with the approved landscape plan, seen on sheet A1.03 of the approved plans.
- 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 submitting a building permit.
- P. The proposed residence's roof shall be consistent with the plans approved by the Planning Commission on February 14, 2024, and attached as Exhibit D.
- 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. 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.
- T. Any areas disturbed during construction shall be restored to the original state after the proposed residence, accessory building and structures, and retaining walls are completed.
- U. The railing of the roof terrace shall minimize the visibility when viewed cross-canyon.
- V. 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. Ground-level fixtures shall be Fully Shielded. Final lighting details must be reviewed by Planning Staff prior to installation.
- W. All proposed mechanical equipment, the pool, and/or a hot tub shall be screened. Any hot tub installation is prohibited on east façade decks or terraces.
- X. 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.

- Y. Lower-level glazing on the north, east, and south facades shall be screened with berms and/or vegetation as approved by the Planning Department.
- Z. 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.
- AA. The Applicant shall demonstrate the proposed metal siding and roofing materials have a Solar Reflectivity Index (SRI) of 35 or less prior to the submittal of a building permit.
- BB. Prior to submittal of a Building Permit, the Applicant shall submit for review the excavation and grading plans for Engineering Department review and approval to ensure no additional erosion, land subsidence, or avalanche hazard is created.
- CC. Cuts, fills, and retaining walls shall be minimized.
- DD. The Applicant shall demonstrate compliance with Municipal Code of Park City Chapter 11-21 Utah Wildland-Urban Interface Code at the time of Building Permit submittal.
- EE. The Applicant shall demonstrate adequate turnaround to allow a fire apparatus to maneuver to and from the site as approved by the Park City Fire District prior to submitting a Building Permit. The Applicant shall provide a fire hydrant within 600 feet of the proposed development.
- FF. The Applicant should upsize the existing service line to provide adequate pressure to the additional living area and fire sprinkler system. Please note the City operates substantial water lines to the west of the proposed dwelling.
- GG. To conduct construction across the neighboring 200 King Road property, including any additional width required to accommodate the installed improvements, all work shall be limited to the limits of the platted easement. The applicant shall submit required approvals for any work or structures proposed outside of the easement at 200 King Road.
- HH. Glazing on the east façade shall comply with the Second Amendment for the Lot 2 Phase 1 Treasure Hill Subdivision plat notes. Vinyl and aluminum doors and windows are prohibited. Window and door details shall be reviewed and approved through the Historic District Design Review process.

Commissioner Frontero seconded the motion.

**VOTE:** There was a vote of 3-to-3, with Commissioners Suesser, Sigg, and Johnson voting No and Commissioners Frontero, Shand, and Van Dine voting Yes.” Chair Hall voted Yes to break the tie. The motion carried 4-to-3.



- C. 220 King Road – Steep Slope Conditional Use Permit** – On February 14, 2024, the Planning Commission Conducted a Public Hearing and Directed Planning Staff to Draft a Final Action Letter Approving the Proposed Plans to Demolish 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 Lands Overlay. PL-23-05571.

**MOTION:** Commissioner Van Dine moved to RATIFY the Steep Slope Conditional Use Permit Final Action Letter, as approved by a majority of the Planning Commission by a 4-to-3 vote on February 14, 2024.

**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 one single-family residence and one guest house, that the Applicant intends to demolish to construct the new Residence. The existing single-family residence and guest house have been used for short-term rentals.
5. The 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. As applied pursuant to the Amended Sweeney Properties MPD, 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 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. As applied pursuant to the Amended Sweeney Properties MPD, 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.
  - 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.

**Conditions of Approval:**

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

- JJ. All retaining walls shall be generally placed behind the proposed residence to reduce visibility from the town core of Park City.
- KK. The driveway to the proposed residence shall not exceed 12 feet in width unless required by Park City Fire District for emergency vehicle turning radius and access, shall not exceed a 14% grade, and must comply with LMC § 15-3-3(A)(4).
- LL. Access to the parking area located on the Property shall not face King Road.
- MM. 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.

- NN. Applicant shall maintain vegetative screening in accordance with the submitted vegetation plan to reduce the visibility of retaining walls and landscaping and berming shall reduce the visibility of the east façade glazing.
- OO. The limits of disturbance around the proposed residence shall be limited to the minimal area necessary to excavate and backfill the foundation.
- PP. Structures on the Property shall conform to the HR-1 setbacks set forth in LMC § 15-2.3. 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.
- QQ. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.
- RR. The Applicant shall provide elevation drawings of all segments of the Accessory Buildings that have an exposed face to Planning staff for review as part of the Historic District Design Review process

Commissioner Shand seconded the motion.

**VOTE:** There was a vote of 3-to-3 with Commissioners Suesser, Sigg, and Johnson voting No and Commissioners Frontero, Shand, and Van Dine voting Yes. Chair Hall voted Yes to break the tie. The motion carried 4-to-3.

## 5. ADJOURNMENT

**MOTION:** Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 7:44 p.m.