



**PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
June 20, 2024**

The Planning Department of Park City, Utah, will hold a Public Hearing in person at the Marsac Municipal Building, Planning Department Conference Room, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

1. REGULAR AGENDA - 12:00PM

- 1.A. **2466 Meadows Drive - Administrative Conditional Use Permit** - The Applicant Requests Approval for a Retaining Wall Constructed Greater Than Six Feet in the Front Setback. PL-23-05972
(A) Public Hearing; (B) Action

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report



Subject: 2466 Meadows Drive
Application: PL-23-05972
Author: Lillian Zollinger, Planner II
Date: June 20, 2024
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the request for retaining walls greater than four feet in height in the Front Setback, (2) conduct a public hearing, and (3) consider approving an Administrative Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action letter (Exhibit A).

Description

Applicant: Bryan Markkanen, representing Mario Janssen
Location: 2466 Meadows Drive
Zoning District: Single Family
Adjacent Land Uses: Single-Family Dwellings
Reason for Review: The Planning Director reviews and takes Final Action on Administrative Conditional Use Permits¹

ACUP Administrative Conditional Use Permit
LMC Land Management Code
SF Single Family

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

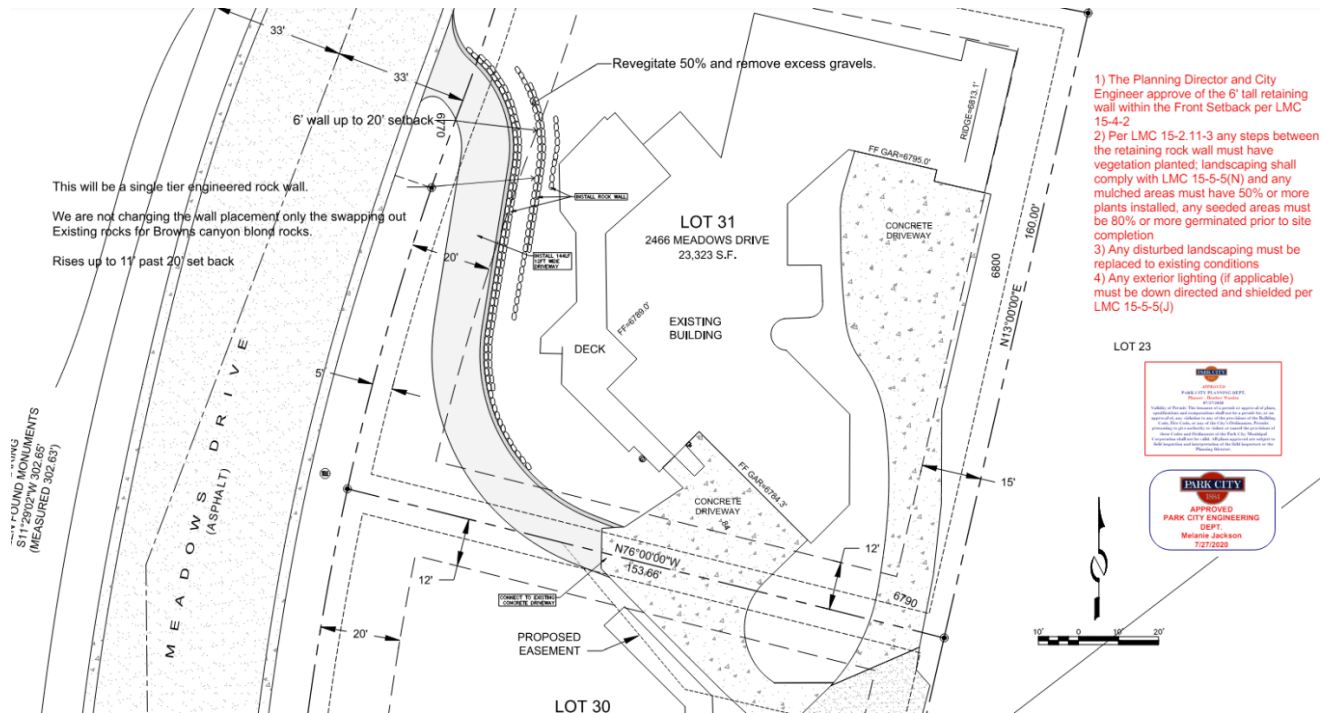
Background

2466 Meadows Drive is a 0.54-acre Lot with a Single-Family Dwelling (SFD) constructed in 1988 and is in the Single Family (SF) Zoning District. Originally, boulders and vegetation allowed for a driveway to cut through the slope of the site to the SFD.

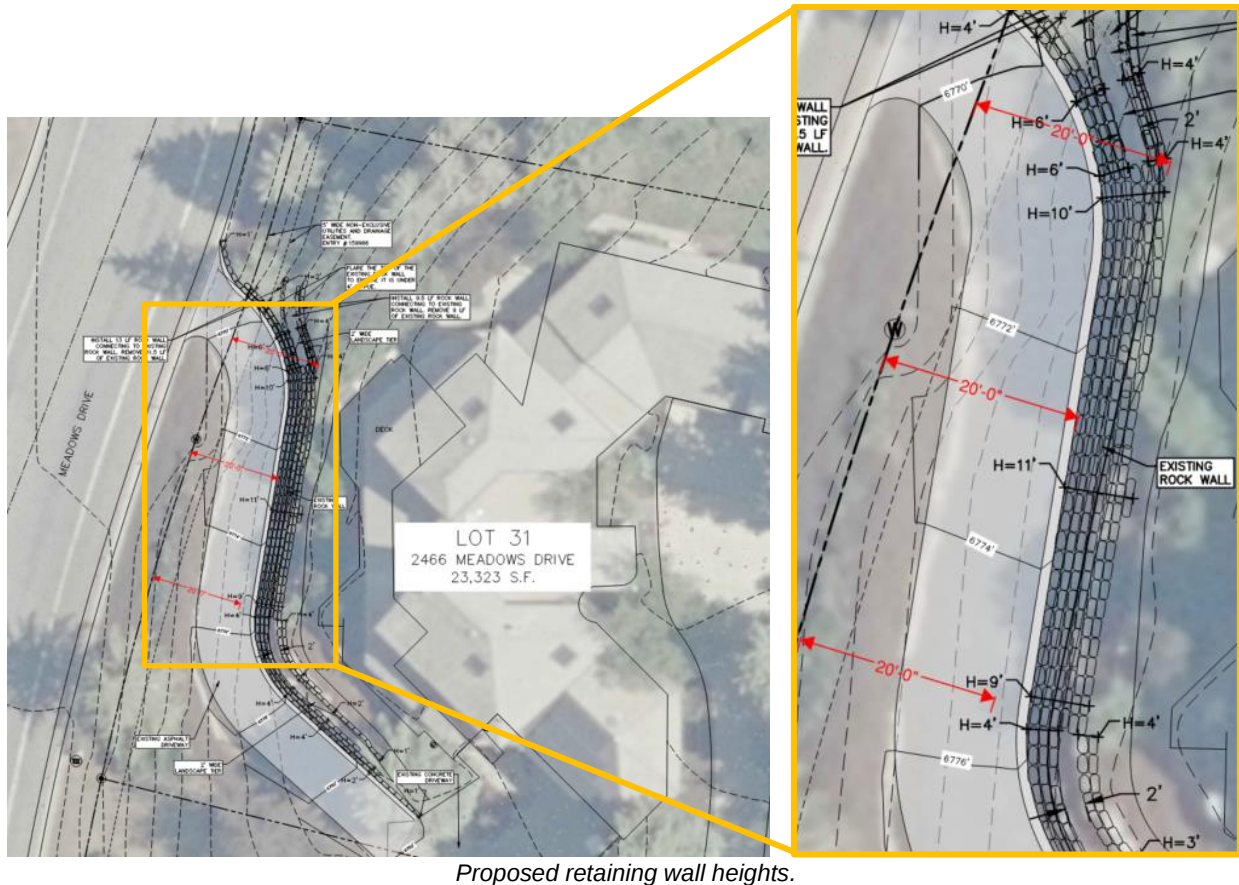
On July 28, 2020, the City issued Building Permit 20-775 with retaining walls in the Front Setback six feet or less in height from Final Grade with a landscaped area between the walls, approved by the Planning Director and City Engineer and pursuant to LMC § 15-4-2(A)(1). However, the Applicant did not construct the retaining wall in accordance with Building Permit 20-775. Rather, the Applicant constructed one continuous wall of retaining boulders with no landscaped area. The Applicant states that the approved terraced wall “creates a condition that makes growing plants difficult. It is very difficult to retain sufficient soil and moisture conditions in this environment.”

¹ LMC [§ 15-1-8\(E\)](#).

The retaining wall constructed in violation of Building Permit 20-775 exceeds the approved six feet height exception, in the Front Setback, ranging from two feet to 11 feet in height from Final Grade. LMC [§ 15-4-2\(A\)\(1\)](#) requires an Administrative Conditional Use Permit for retaining walls that exceed six feet in height from Final Grade in the Front Setback.



Building Permit 20-775, Approved retaining wall heights (above).



See the Draft Final Action Letter (Exhibit A) for the full analysis.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Plans

Exhibit C: Applicant's Narrative

Exhibit D: Epic Engineering's April 11, 2024 Letter



Planning Department

June 20, 2024

Bryan Markkanen
2214 Little Bessie Ave
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address: 2466 Meadows Drive

Zoning District: Single Family

Application: Administrative Conditional Use Permit

Project Number: PL-23-05972

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: June 20, 2024

Project Summary: The Applicant Requests Approval for a Retaining Wall Greater than Four Feet in Height in the Front Setback.

Action Taken

On June 20, 2024, the Planning Director conducted a public hearing and approved one retaining wall greater than four feet in height in the Front Setback, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. 2466 Meadows Drive is an existing Single-Family Dwelling (SFD) on a 0.54-acre Lot and was constructed in 1988.
2. 2466 Meadows Drive is in the Single Family (SF) Zoning District.
3. On July 28, 2020, the City issued a Building Permit 20-775 for a retaining wall to be constructed at 2466 Meadows Drive.
4. Land Management Code (LMC) § 15-2.11-3 establishes a 20-foot Front Setback, 15-foot Rear Setback, and 12-foot Side Setbacks for the SF Zoning District.
5. Land Management Code (LMC) § 15-2.11-3(C)(2)(a) establishes retaining walls as an exception to the Front Setback, if they are four feet or less in height, or as permitted in LMC § 15-4-2.
6. LMC § 15-4-2 allows for retaining walls to exceed four feet in height through

Planning Director and City Engineer approval.

7. LMC § 15-4-2 allows for retaining walls to exceed six feet in height through an Administrative Conditional Use Permit.
8. Building Permit 20-775 issued on July 28, 2020, shows City Engineer and Planning Director approved retaining walls that are six feet above Final Grade in the Front Setback with a four-foot-wide terrace landscaped area to break up the height of the retaining walls to comply with the requirements of LMC § 15-4-2(A)(1) and to match the natural grade.
9. The Applicant did not construct the retaining wall in conformance with the approved Building Permit 20-775.
10. Rather, the Applicant constructed the retaining wall within the 20-foot Front Setback at a height that ranges from two feet above Final Grade to 11 feet above Final Grade.
11. According to the Applicant, this change in retaining wall height was required due to difficulty in cultivating plantings between the walls that would survive.
12. LMC § 15-4-2 establishes that retaining walls in the Front Setback “may exceed six feet (6’) in height subject to approval of an Administrative Conditional Use permit”.
13. The boulder retaining wall proposed ranges from two to ten feet in height from Final Grade in the 20-foot Front Setback. The maximum height of the wall is 11 feet, but that portion of the wall does not fall in the Front Setback. A portion of the retaining wall falls within the Side Setback, but that portion is less than four feet in height and allowed pursuant to LMC § 15-2.11-3(G)(7).
14. The Applicant provided a letter from Epic Engineering dated April 11, 2024, confirming the structural integrity of the existing retaining wall. The Engineering Department determined this was sufficient information to confirm the wall’s structural integrity.
15. The Planning Department evaluates an Administrative Conditional Use Permit based on the following 16 criteria outlined in LMC § 15-1-10(E):

CUP Review Criteria	Analysis of Constructed Wall
Size and Location of the Site	Condition of Approval 3 and 4: The retaining wall is mostly located on Site. However, A portion of the retaining wall is constructed over a five-foot Utilities and Drainage Easement at the front of the Property. The Engineering Department requires the retaining wall in the easement to be four feet or less in height. The retaining wall is needed to access the driveway. The Engineering Department requires an

	Encroachment Agreement for the portion of the wall in the Right-of-Way (ROW), or to remove it entirely from the ROW.
Traffic	No required mitigation
Utility Capacity	Condition of Approval 3: A portion of the retaining wall is constructed over a five-foot Utilities and Drainage Easement at the front of the Property. The Engineering Department requires the retaining wall in the easement to be four feet or less in height.
Emergency Vehicle Access	No required mitigation
Parking	No required mitigation
Internal Vehicular and Pedestrian Circulation System	No required mitigation
Fencing, Screening, and Landscaping	No required mitigation: Retaining walls over four feet in the Front Setback require an Administrative Conditional Use Permit pursuant to LMC § 15-4-2 . The wall is compliant under the Conditions of Approval of this permit.
Building Mass, Bulk, and Orientation	No required mitigation: As built, the wall is eleven feet in height from Final Grade and visible from the Right-of-Way (ROW). The portion of the retaining wall first visible from the ROW is four feet, and less impactful than the 11-foot wall further back from the ROW.
Useable Open Space	No required mitigation
Signs and Lighting	No required mitigation
Physical Design and Compatibility with Surrounding Structures	Complies: The retaining wall is similar to adjacent structures in the Park Meadows neighborhood that require retaining walls for driveway access, as seen in the image below:  <i>Adjacent Park Meadow properties retaining walls, viewed from the ROW.</i>

	 <i>Existing 2466 Meadows Drive retaining wall, viewed from the ROW.</i>
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	No required mitigation
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	No required mitigation
Expected Ownership and Management	No required mitigation
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: The site is not located in the Sensitive Land Overlay or in the Soils Ordinance boundary. The Applicant has attempted to create shorter, stepped walls with landscaping in between to reduce the height of the wall but has been unsuccessful (see Exhibit C). The retaining wall is required to access the driveway. The stacked boulder material is similar to materials used in the Park Meadows neighborhood (see the first image above).

Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The Goal 2.4 for the Park Meadows neighborhood found in the General Plan states, “The aesthetic of the Park Meadows Neighborhood should be preserved.” The stacked boulder material is similar to materials used in the Park Meadows neighborhood and is in keeping with the aesthetics of the SFDs.
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16. The Development Review Committee reviewed the proposal on December 19, 2023. The Engineering Department requires any portion of the wall in the Utilities and Drainage Easement to be four feet or less (see Condition of Approval 3). The Engineering Department requires an Encroachment Agreement for the portion of the wall in the ROW, or to remove it entirely from the ROW (see Condition of Approval 4).
17. Planning Staff published public notice to the City website. Staff posted notice to City Hall, and the property on June 10, 2024. Staff mailed courtesy notices to the adjacent property owners on June 10, 2024.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Section 15-1-10(E) *Conditional Uses*, Chapter 15-2.11 *Single Family (SF) District*, and Section 15-4-2 *Fences and Retaining Walls*.
2. The Use is compatible with 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. Final building plans and construction details shall reflect substantial compliance with the plans reviewed June 20, 2024, by the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning, Building, and Engineering Departments may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department of any changes, modifications, or deviations from the approved scope of work. Any modifications shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior construction.
3. Per the Engineering Department, walls in the Utilities and Drainage Easement may not exceed four feet in height.

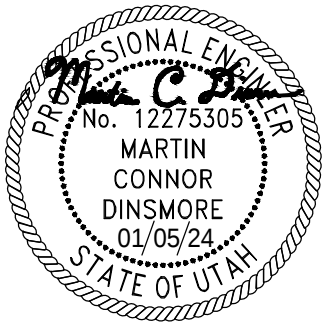
4. The Engineering Department requires an Encroachment Agreement for the portion of the wall in the Right-of-Way, or to remove the wall entirely from the ROW.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5068 or email lillian.zollinger@parkcity.org.

Sincerely,

Rebecca Ward,
Planning Director

CC: Lillian Zollinger, Project Planner



Alliance Engineering Inc.
(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MICHAEL DEMKOWICZ
CONNOR DINSMORE
SACHITH MUNASINGHE
DATE: 01/5/2024

DRIVEWAY DESIGN
2466 MEADOWS DRIVE, PARK CITY, UT
ROCK WALL AS-BUILT
FOR: WRIGHT
JOB NO.: 12-2-18
FILE: X:\ParkMeadows\dwg\projects\2466 Meadows\PKM-6A-31-AE_Civil.dwg

SHEET
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To whom it may concern:

The lot referenced above is in procedural limbo. We wish to rectify the situation with an Administrative Conditional Use Permit. With this application we are requesting consideration for the wall to remain in place in its current condition. Several events have kept this situation from being resolved including unique structural conditions requiring an update to the wall design, attempted but unsuccessful efforts to remedy the planting problem and miscommunication about the permit status.

The latest inspection report notes:

There is still no vegetation planted between the two tiers of rock wall. Per LMC 15-2.11-3, any steps between the retaining rock wall must have vegetation planted. With no vegetation to differentiate the steps in retaining wall, it gives the appearance of one retaining wall that likely exceeds the 6' max height for retaining walls within the front setback.

Unfortunately, the existing conditions are not satisfactory for plants to survive, leaving the retaining wall to appear taller than it is.

The following simple timeline is provided for reference and can be expanded upon request:

- April 2018 – Permit applied for (by Bryan Markkanen as former employee of Elliott Workgroup - permit # BD-18-25831), approved and construction commenced.
- May-June 2018 – Wall constructed. However, the wall constructed diverged from the approved plan to satisfy in-field conditions that found foundations and supports for the deck and house were in jeopardy of being compromised.
 - Geotechnical report required by City and provided as condition of approval.
- Spring 2019 -Winter conditions deteriorated the rock type selected and decision was made to re-build wall with local sandstone.
- April 2019 – Swingfield Design attempted to simplify the permit process by applying for a new permit (#BD-19-26767 & # PL-20-775) instead of modifying the previous permit. (As an effect, Elliott Workgroup was removed from the permit and notification process. Additionally, permit notifications have been sent through the sub-contractor, leaving both the Contractor and Architect out of communication with the City. As a result, permit notifications have not been passed to responsive parties).
 - Updated wall plan submitted to and soon approved by City (see PKM-6A-31-AE_Civil 4-30-19.pdf).
- May-June 2019 – The wall is re-built with local sandstone with same structural conditions.
- May 2019 - Bryan Markkanen followed up on permit status at Planning Department and found that the construction of the wall met conditions for height, tiering and general LMC requirements (provided planting was ultimately grown).
- September 2019 – Updated As-Built Civil drawings supplied to support permit approval (see PKM-6A-31-AE_Rock Wall As-Built.pdf).
- July 2019 to Current - Tier supplied for planting and visual separation of wall height proved to be a poor spot for plantings.
- July 2019 to Current - Continual inspections find same conditions regardless of efforts to encourage plantings to grow and have failed due to these conditions.

We are asking for a conditional use as a retaining wall in its current condition due to the difficulty in providing plantings:

- While the front to back of the wall is roughly 3' deep, the depth of the rocks in the rock wall creates a condition that makes growing plants difficult. It is very difficult to retain sufficient soil and moisture conditions in this environment.
- Wall re-construction would be exceedingly expensive and onerous to provide a small amount of planting. The depth of the wall may still yield limited growth even after extensive intervention.
- Orientation of the wall to the West increases the harsh growing conditions that exacerbate current and future conditions for growing plants in the tiered area. Re-orienting the wall is not possible given lot constraints.

Regards,

Bryan Markkanen

Ripple Architecture

April 11, 2024

Park City Building Department
Marsac Avenue
Park City, UT

RE: RETAINING WALL CONSTRUCTION AT 2466 MEADOWS DRIVE, PARK CITY

Building Official,

I was asked to provide a written letter providing my observation and any concerns regarding the retaining wall construction at 2466 Meadows Drive in Park City. During the construction of the wall, a geo-technical engineer from Epic Engineering was on site to observe the construction of the wall. The work proceeded with several site observations during construction to ensure the wall was built properly.

The following items were observed during my site visit that occurred on Friday April 5, 2024.

1. The wall is finished and has been through 2 winters. No signs of movement have been observed.
2. The proper sizes of boulders were used at the base and along the height of the wall. Boulders had 3 points of contact and were interlocked well. The bottom boulders were buried atleast a foot.
3. Drain rock was used behind the wall, with a filter fabric, and french drain at the base of the wall.
4. There are some locations where there is irrigated landscaping. However, the small plants and drip system will not negatively impact the wall.
5. Overall construction meets the design requirements of the wall.

It is my understanding that a portion of the wall extends into the road right of way. This can be corrected and retained. It is my understanding that the contractor is planning on fixing this. The height of the wall to at the property line should be less than 4 feet tall based on my site observation to pull the wall back to be on the owner's property.

Based upon my site observations I would recommend approval of the wall the way it was constructed.

I can be reached at 435-654-6600 extension 123 with any questions or concerns you may have.

Sincerely,

EPIC ENGINEERING, PC

Adam Huff, S.E.





Figure 1 - Rock Wall at Entry