



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 23, 2025**

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

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, Planner II; John Robertson, City Engineer; Mark Harrington, City Attorney; Jacob Klopfenstein, Planner I; Lillian Zollinger, Planner I; Elissa Martin, Planning Project Manager; Dave Thacker, Chief Building Official; Becky Gutknecht, Public Improvements Engineer; Margaret Plane, City Attorney

1. ROLL CALL

Chair Sarah Hall called the Planning Commission Meeting to order at 5:30 p.m.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from April 2, 2025.

Commissioner Bill Johnson referenced the first paragraph on Page 23. In the third sentence, there is a plus sign shown. He believes that is a typo in the Meeting Minutes.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from April 2, 2025, as amended. Commissioner Sigg seconded the motion. The motion passed with the unanimous consent of the Commission.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, shared updates with the Planning Commission. She reminded those present that the next City Council Meeting agenda will include some planning-related items. The City Council is scheduled to review the Moderate Income Housing Plan component of the General Plan, which is required to be updated every five years. The Housing Team is recommending that it be updated sooner to address some of the projects the City currently has in progress. The plan is scheduled to come to the Planning Commission on May 14, 2025, for Commissioner review and recommendation.

On May 14, 2025, the Bonanza Park District will come back to the Planning Commission. The Commission is scheduled to review the project enhancements and feasibility. Input will be provided before a formal recommendation is made on May 22, 2025. As for the Flagstaff Development Agreement Modification that is scheduled for City Council consideration tomorrow evening, it includes the Planning Commission's recommendation to further consider Twisted Branch Road as part of the proposed land transfer.

For the General Plan project, there are two final open houses scheduled for residents. The Old Town open house will take place on Monday in the Community Room at the library from 5:00 p.m. to 7:00 p.m. The Upper Deer Valley open house will take place on Tuesday in Council Chambers from 5:00 p.m. to 7:00 p.m. The final open house for community-wide recommendations for the General Plan will take place on May 13, 2025.

Director Ward reported that two requests were received to continue items on the Planning Commission Meeting agenda. There will still be public hearings held, but the applicants have requested to continue Item 6A for 7 and 11 Red Cloud Trail and Item 6C for 1127 Woodside Avenue. The recommendation is to continue those to a date uncertain. There is a provision in the Land Management Code ("LMC") Section 15-1-12.5, which states that if an applicant requests a continuation that is submitted to Staff in writing five days before the public hearing, Staff has authority to continue that item up to two times. If the applicant does not submit this request in writing at least five days before the meeting, the Commission can determine whether to continue the item or not. The Commission determines whether there is sufficient reason to continue the item. If there is not sufficient reason, the Commission can consider the item on the agenda. Staff recommends that the two items mentioned be continued to a date uncertain. There is currently a fee study being completed for applications and there could potentially be a fee created for continuation requests. Director Ward asked for Commission feedback.

Commissioner Rick Shand asked if applicants are made aware of the five-day written submission requirement. Director Ward explained that work is done with applicants to coordinate dates for Planning Commission review. During the scheduling process, there is not necessarily information shared about continuations. Commissioner Johnson asked why there are continuations proposed on the current meeting agenda. Director Ward reported that there is a family emergency associated with one of the applications. The other continuation request is so there can be evaluation for options with a third party.

Commissioner John Frontero is in favor of establishing a fine for continuations if there is no notification provided in writing five days before the scheduled Planning Commission Meeting. He feels there should be an analysis done to determine the amount of time that is spent on the application by Staff and the Commission. The fee should be paid before the item is considered by the Commission. Commissioner Frontero is prepared to discuss all of the applications on the agenda. As a result, he is not in favor of the continuation.

Director Ward asked if there is interest in a future Work Session about a fee for continuation requests. Commissioners expressed support for a discussion about the fee. Director Ward reminded those present about the guidelines for sharing public comments.

4. PUBLIC COMMUNICATIONS

Tana Toly thanked Chair Hall for her time on the Planning Commission. She has provided many hours of thoughtful service and has shown dedication to the community. Chair Hall has led with a strong and deliberate presence. She has always been calm and intentional. Her leadership has been instrumental in decisions that will leave a lasting and positive legacy for generations to come. Chair Hall has been an outstanding Chair and Commissioner. Ms. Toly noted that the Mayor is unable to be at the Planning Commission Meeting, but passed along comments thanking Chair Hall for her many years of service on the Planning Commission. Serving on the Planning Commission is a labor of love that requires dedication, long hours, and knowledge of the LMC. Chair Hall has a clear knowledge of the code and applies the code without being swayed by public clamor. She has consistently been available to Staff and Commissioners in preparation for meetings. Chair Hall has led the Planning Commission through some difficult applications.

There were no further public communications.

5. WORK SESSION

- A. 10206 Twisted Branch Road – Conditional Use Permit** – The Applicant Proposes to Construct a 2,862-square-foot Private Restaurant with a 2,807-square-foot Patio for Outdoor Dining as Contemplated in Section 2.6 of the Amended Flagstaff Development Agreement. PL-24-06370.

Planner II, Virgil Lund, presented the Staff Report and explained that this is an application for 10206 Twisted Branch Road. He noted that Rhett Riding is present to represent Talisker Club and Michael Demkowicz is present as the engineer of record for the project.

Background information was shared with the Commission. Section 2.6 of the Amended Flagstaff Development Agreement allows the developer to construct a private restaurant. In 2008, the Planning Commission approved a Conditional Use Permit (“CUP”) for a private restaurant at this site. The approval was extended once in 2009 and expired after that due to inactivity. A Building Permit was never submitted for that project. In 2018, the Planning Commission approved an amendment to Technical Report #15 - Construction Mitigation Plan, which approved 10206 Twisted Branch Road as a receiving site for clean, excavated soil. The Flagstaff Technical Report #5 also considers a private restaurant. This portion of the Open Space Management Plan requires the facility or restaurant to be located within the ski terrain of Deer Valley and near the Mountain Village.

Planner Lund presented a map that shows the location of the proposed restaurant in relation to the Open Space Management Plan. It is located in Developed Recreation Open Space ("DROS") outside of the designated development pods. Another map showed the location of the proposed restaurant in relation to the ski terrain of Deer Valley. It is located just off of the Bandana ski run and will have ski-in and ski-out access. The Development Agreement states that the restaurant can be between 7,000 and 10,000 square feet. No parking spaces are allowed near the Mountain Village or within the Deer Valley ski terrain. The applicant proposes a private restaurant that is 2,862 square feet with 2,807 square feet of space for outdoor dining and events on the patio.

The proposal complies with the CUP criteria, Outdoor Dining criteria, Sensitive Land Overlay ("SLO"), Development Agreement requirements, lot and site requirements for the Recreation Open Space ("ROS") Zoning District, and Architectural Design standards. During the Work Session, Staff requests some feedback on the building height. The proposal is within a Master Planned Development ("MPD"), so height exceptions can be granted based on the six criteria in the MPD code. Multiple Empire Pass projects exceed building height, but the Empire Pass projects that exceed building height were not locations that had a significant change to the grade. Planner Lund reminded the Commission that the amendment to the Construction Mitigation Plan designated the applicant site as a receiving site for soil. The applicant estimates that 15,000 cubic yards of soil has been deposited at the site. If measured from final grade, which the applicant is requesting, it would be 26.5 feet. If measured from existing grade, the structure would be 36.5 feet. Planner Lund noted that 36.5 feet is 8.5 feet above the zone height.

The following question was posed to the Planning Commission for consideration:

- Does the Planning Commission find the proposal complies with the building height exception criteria outlined in LMC Section 15-6-5(F)?

Mr. Riding introduced himself to the Planning Commission and offered to answer any Commissioner questions. The height exception has been requested because the fill site where the restaurant will be located is fairly level with Twisted Branch Road. It is not higher than the road. Commissioner Shand asked whether the location for the dumping site or the plans for the restaurant came first. Mr. Riding believed it was the dumping site that came first. Mr. Demkowicz clarified that the location of the restaurant was always proposed to be in that vicinity. That area was historically significantly lower than the adjacent ski run and dropped away from Twisted Branch Road. The approval that allowed the placement of material on the site brought the pad for the building up to the adjacent features. There is no public access to the restaurant and the only people who will be able to drive to the restaurant are the employees and the management team. Mr. Riding pointed out that the employees will not drive personal vehicles but will use a shuttle system. Information was shared about the ski-in and ski-out access proposed for the site.

Commissioner Shand noted that the original CUP for the restaurant was in 2008. The location for the dumping site seems to have been established after that. He wanted to understand whether this was identified as a dumping site with the intention to raise it up and then put the restaurant on the site. Mr. Demkowicz believed that was the case. There was always going to be a restaurant off of Bandana. Commissioner Shand understands the rationale for building the restaurant, but is questioning the height and whether the measurement should be from final grade or existing grade. Mr. Demkowicz noted that by placing the material there, the pad was brought up to the grade of the ski run and road.

Commissioner Laura Suesser referenced Figure 4 in the Staff Report. She asked if there was an image of the site from further away to see the restaurant in relation to the tunnel, Bandana Ski Run, and the curve on Twisted Branch Road. As for where the planned building will be located, there are large mounds of fill that are being dumped on some portions of the site. She asked if Sommet Blanc was dumping on the subject parcel. Mr. Demkowicz confirmed that Sommet Blanc had brought dirt to that site. Mr. Riding discussed the piles that have been brought in more recently. He does not know exactly where those are coming from, as Douglas Ogilvy runs the activity agreements. Commissioner Suesser asked whether the mounds of dirt are anticipated to be flattened to a final grade. Mr. Riding offered to find out. There are times when dirt is dumped and then taken back to a job site later on due to space limitations. Commissioner Suesser wanted to know whether the restaurant site is currently at final grade and cleared. Mr. Riding confirmed that it was at final grade. It will be taken back to that final grade if there is new dirt there.

Commissioner Suesser noted that based on the images provided and her visit to the site, she is not clear on the location of the restaurant. When she was there, the part of the site that is closer to the tunnel is quite flat and close to the height of the road. However, it looks like the building site is further away from that section. Without more visuals, she is not certain what is currently on the site and how much needs to be compacted. Planner Lund used the Summit County Parcel Viewer to show where the restaurant will be located. The mounds seen in the area were on a separate parcel, which is under separate ownership. Mr. Riding does not know of any new dirt dumped on the subject property. Commissioner Suesser asked if there is an image with the restaurant superimposed on top of the parcel. Commissioner Johnson pointed out that this is shown in Exhibit I. The Commission reviewed the exhibit and Mr. Riding pointed out the ski-in portion, location of the restaurant, and turnaround. The location of the tunnel was highlighted for reference.

Commissioner Suesser asked if the roundabout is exclusively for the shuttles to the restaurant, which was confirmed. She wanted to know if the roundabout is included in the patio construction measurements. This was denied. Those measurements would be separate from the patio information. The existing conditions of the site were discussed. Mr. Riding pointed out the area where parking is currently taking place and the location of the transformer. Commissioner Suesser noted that it would be useful to have current

images of the site before the next Planning Commission discussion so there is a better understanding of the existing conditions and what final grade will be in relation to the road.

Commissioner Henry Sigg noted that there is a private road. He asked if there is a distancing requirement for a curb cut beyond the tunnel. City Engineer, John Robertson, reported that Staff would need to look into how the road was built. There are requirements for spacing, so that is something that would be looked into as well. He pointed out that access will be considered. Commissioner Sigg asked for details about the distancing requirement, but Engineer Robertson was not certain. Engineer Robertson stated that Utah Department of Transportation ("UDOT") requirements would likely be followed for the speed limit. He noted that previously, UDOT was involved in reviewing the plans. Commissioner Suesser asked for more information about UDOT's involvement in the road. Engineer Robertson explained that when the road was originally done, there was the potential for it to become a public road in the future. It was not built to a private road standard but met public road standards in the event that it would one day become public.

Commissioner Sigg mentioned the aerial photograph with elevations. It shows a lot of cleared area to the north of the building. The way fill has been deposited, there is a large area of disturbed space to the north. He asked for additional information about that area. It was noted that it has been revegetated. With this project, the intention is to make sure more seed mix is added to the area where there is bare ground. Commissioner Sigg asked if Deer Valley is aware of this plan. Mr. Demkowicz is confident that Deer Valley is aware of the restaurant and the site's positioning. Mr. Riding reported that he has had several on-site meetings with Deer Valley over the last five years. There has been collaboration and consideration of all plans.

Commissioner Suesser asked about the Subdivision Plat that has been submitted in conjunction with the CUP. She asked what that would look like. Planner Lund reported that the Subdivision Plat and CUP can be handled concurrently with a Condition of Approval that the plat must be recorded prior to Building Permit issuance. The applicant is proposing a one-lot subdivision at this time. The lot lines would follow the parcel lines.

Commissioner Suesser noted that the Staff Report references the Subdivision Plat that was proposed, continued, and then expired. In 2018, when the Planning Commission was approached with the Subdivision Plat, there was a request for this parcel and three others as part of the subdivision. The contemplated Conditions of Approval included a condition for the dedication of Twisted Branch Road to the City. She asked whether the City would propose that kind of Condition of Approval with this Subdivision Plat and CUP, similar to what was done in 2018. City Attorney, Mark Harrington, explained that the previous application was different and included different parcels. Background information can be provided to the Commission when this application is formally presented.

Commissioner Suesser asked if the Subdivision Plat is being considered in conjunction with the CUP. Planner Lund reported that the Subdivision application has been submitted

and will be reviewed concurrently, but it is not part of the current Work Session discussion. Director Ward reminded Commissioners about the height question proposed.

The six criteria for height exceptions were mentioned. Director Ward asked if there is any additional information or exhibits that might be useful as part of that evaluation process. It is useful to know that ahead of time so when the full analysis is brought to the Planning Commission, all of the desired information can be presented. Commissioner Johnson asked about Exhibit F. He asked if it is the current condition slope analysis rather than the existing grade based on the code definition. This was confirmed. Commissioner Johnson thought it would be helpful to have an additional existing grade image presented.

Commissioner Suesser noted that as part of the 2008 CUP approval, the Planning Commission required a Condition of Approval that the Utility Maintenance Agreement between the Empire Pass Master Owners Association ("MOA") and the City be revised to reflect that the MOA assumes all responsibility for the snow removal and maintenance. She wanted to know if that revision and restatement of the Utility Maintenance Agreement occurred, what the current version is, and whether or not it would be part of the current CUP approval. Commissioner Suesser also asked that Staff attach the current version of the Flagstaff Development Agreement to the next Meeting Materials Packet.

Mr. Riding shared an image that shows the original grade and the current grade. The lower image is the original grade before it was a fill site and the upper image is the existing grade as the site is now. This can be included in the next Meeting Materials Packet. Commissioner Suesser asked that there be an overlay added to the image as well.

Chair Hall asked for feedback on the six criteria for height exceptions. She pointed out that the six criteria need to be met in order for the Planning Commission to consider the exception. Commissioner Johnson believed that some of the earlier suggestions, such as the photographs of the site, would be beneficial when considering the criteria. The items that have been requested during the Work Session are sufficient for that review.

6. REGULAR AGENDA

- A. 7 and 11 Red Cloud Trail – Plat Amendment** – The Applicant Proposes the Second Amended Red Cloud Subdivision Plat to Combine Lots 1 and 2 and Establish an 18,000-Square-Foot Building Envelope and a Maximum House Size of 16,000-Square-Feet for the Combined Lot in the Estate Zoning District and Sensitive Land Overlay. PL-24-06354.

Chair Hall opened the public hearing. There were no comments. The public hearing was continued to a date uncertain.

MOTION: Commissioner Van Dine moved to CONTINUE the Plat Amendment for 7 and 11 Red Cloud Trail and the public hearing to a date uncertain. Commissioner Sigg seconded the motion. The motion passed 5-to-1 with Commissioner Frontero voting Nay.

B. 747 Rossie Hill Drive – Conditional Use Permit – The Applicant Proposes a Nightly Rental Conditional Use Permit for a Single-Family Dwelling in the Historic Residential – Low-Density Zoning District. PL-25-06446.

Planner I, Jacob Klopfenstein, presented the Staff Report and explained that this is a Nightly Rental CUP application for 747 Rossie Hill Drive. This is a non-historic single-family dwelling located in the Historic Residential – Low-Density Zoning District. It is Lot 5 of the Lilac Hill East Subdivision. Nightly Rental CUPs have previously been approved for the first three lots in the Lilac Hill East Subdivision in 2023 and 2024. A Site Plan for the Lilac Hill East Subdivision was shared and 747 Rossie Hill Drive was highlighted. There is a hammerhead driveway that goes through the middle of the subdivision. It is a private driveway that provides access to the five lots in the Lilac Hill East Subdivision.

Several images of the single-family dwelling at 747 Rossie Hill Drive were shared. The requirements for the zoning district were reviewed. Planner Klopfenstein reported that nightly rentals in the Historic Residential – Low-Density Zone require a CUP. The zone also requires applicants to include language in Nightly Rental Lease Agreements that limit vehicles allowed at the site to the number of on-site parking spaces. Condition of Approval #2 in the Draft Final Action Letter mentions that. The zoning district also requires the property owner to display contact information for property management in a prominent location inside the nightly rental, which is reflected in Condition of Approval #3.

As for parking on the site, there are two on-site parking spaces required. The applicant proposes two parking spaces in two separate one-car garages. Condition of Approval #2 requires the Nightly Rental Lease Agreement to include language limiting the parking to two vehicles. The draft lease is shown as Exhibit F in the Meeting Materials Packet. Several recommended Conditions of Approval were reviewed, including a condition that requires the property owner to obtain and maintain a Nightly Rental Business License. There is also a condition that the “No Parking” signs be maintained along the private drive accessing the subdivision. There are other conditions related to lighting and signs, noise, trash receptacles, snow clearance, and the operations and management of the rental.

Staff recommends that the Planning Commission review the Nightly Rental CUP for 747 Rossie Hill Drive, conduct a public hearing, and consider approval based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter.

Commissioner Suesser asked about the length of the driveway outside of the garage. She wanted to know if there was room to park a vehicle outside the garages. The applicant representative, Cara Stuart, reported that it does not meet Code for parking outside of the garages. Given that information, Commissioner Suesser appreciates the

inclusion of Condition of Approval #2. There were no additional Commissioner comments.

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

MOTION: Commissioner Suesser moved to APPROVE the Nightly Rental Conditional Use Permit for 747 Rossie Hill Drive, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. 747 Rossie Hill Drive is Lot 5 of the Lilac Hill East Subdivision (Summit County Recorder Entry No. 1164826). The Lot is approximately 0.14 acres and 6,176 square feet.
2. The Applicant obtained Historic District Design Review (HDDR) approval to construct an SFD at the Site on December 15, 2022.
3. The Lilac Hill East Subdivision Plat established a five-lot subdivision of SFDs, including three Landmark Historic Sites (729, 741, and 755 Rossie Hill Drive). The Planning Commission previously approved Nightly Rental CUPs for three other Lots in the Lilac Hill East Subdivision:
 - a. 729 Rossie Hill Drive (Lot 2 of the Lilac Hill East Subdivision): approved July 12, 2023;
 - b. 741 Rossie Hill Drive (Lot 1 of the Lilac Hill East Subdivision): approved August 14, 2024; and
 - c. 755 Rossie Hill Drive (Lot 3 of the Lilac Hill East Subdivision): approved July 12, 2023.
4. The proposed Nightly Rental CUP complies, as conditioned, with the requirements of Land Management Code (LMC) Chapter 15-2.1, Historic Residential – Low Density (HRL) Zoning District:
 - a. Pursuant to LMC Section 15-2.1-2, Nightly Rentals are a Conditional Use in the Lower Rossie Hill sub-zone of the HRL Zoning District.
 - b. LMC Section 15-2.1-2, footnote 2 also requires that Nightly Rental applicants in the Lower Rossie Hill sub-zone must include language that limits the vehicles allowed to the number of on-site parking spaces in Nightly Rental Lease Agreements and display property management contact information in a prominent location inside the Nightly Rental. Conditions of Approval 2 and 3 require the Applicant to comply with these requirements.

- c. The December 16, 2022, HDDR Final Action Letter for the SFD at 747 Rossie Hill Drive found that the SFD at the Site complied with the Lot and Site Requirements for the HRL Zoning District pursuant to LMC Section 15-2.1-3.
- 5. The proposed Nightly Rental CUP complies, as conditioned, with the requirements of LMC Chapter 15-3, Off-Street Parking:
 - a. LMC Section 15-3-6 requires that Nightly Rentals have one parking space per Unit, and the parking for the first six bedrooms for Nightly Rentals is based on the parking requirement for the dwelling. LMC Section 15-3-6 requires two parking spaces per Dwelling Unit for SFDs.
 - b. Pursuant to LMC Section 15-3-3(F), parking spaces must be at least 9 feet wide and 18 feet long.
 - c. Since 747 Rossie Hill is a 5-bedroom SFD, two parking spaces are required. The SFD contains two separate one-car garages, one with an interior parking space measuring approximately 9 feet wide and 21 feet, 10 inches long, and another with an interior parking space measuring approximately 9 feet wide and 20 feet long. The on-site parking spaces at 747 Rossie Hill Drive comply.
- 6. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC Section 15-1-10(E):
 - a. Size and location of the Site:
 - i. The Site is located at 747 Rossie Hill Drive, Lot 5 of the Lilac Hill East Subdivision. As noted above, the December 16, 2022, HDDR Final Action Letter found that the SFD complies with the Lot and Site Requirements of the HRL Zoning District.
 - b. Traffic considerations including capacity of the existing Streets in the Area:
 - i. A shared private driveway from Rossie Hill Drive provides access for the five Lots in the Lilac Hill East Subdivision, and the Use of the Site as a Nightly Rental is not expected to generate additional traffic than an SFD Use. Condition of Approval 2 requires the Applicant to limit the vehicles allowed at the Site to the number of on-site parking spaces as part of Nightly Rental lease agreements.
 - c. Utility capacity, including Storm Water run-off:
 - i. Utility capacity for the SFD is available on-site. The Applicant does not propose any changes to utility capacity or Storm Water run-off.
 - d. Emergency Vehicle Access:

- i. The private drive that provides access for the five SFDs in the Lilac Hill East Subdivision is a hammerhead configuration. Plat Note 6 of the Lilac Hill East Subdivision Plat requires that driveways provide 20 feet wide of clear space to meet Fire Code, and prohibits parking if it would impact the 20-foot-wide clear space.
- ii. As part of the 2023 Nightly Rental CUP approvals for 729 and 755 Rossie Hill Drive, the Engineering Department and Park City Fire District required the applicant to install “No Parking” signs along the shared private driveway for the Lilac Hill East Subdivision. The Applicant complied with that requirement and installed “No Parking” signs along the shared driveway in 2024.
- iii. Condition of Approval 4 requires the maintenance of the installed “No Parking” signs on the shared driveway as part of the Nightly Rental CUP approval for 747 Rossie Hill Drive.
- e. Location and amount of off-street parking:
 - i. Pursuant to LMC Section 15-3-6, two parking spaces are required for SFDs. The Applicant proposes providing two parking spaces in two separate one-car garages in the SFD.
 - ii. As noted above, the two required, on-site parking spaces at 747 Rossie Hill Drive comply with the requirements of LMC Chapter 15- 3, Off-Street Parking.
- f. Internal vehicular and pedestrian circulation system:
 - i. The Applicant does not propose any changes to internal vehicular or pedestrian circulation systems.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses:
 - i. The Applicant does not propose any changes to fencing, screening, or landscaping.
 - ii. The five SFDs in the Lower Rossie Hill subzone of the HRL Zoning District are surrounded by residential properties within the Residential Medium (RM) Zoning District. Nightly Rentals are an allowed use in the Residential Medium Zoning District, pursuant to LMC Section 15-2.15-2.
 - iii. The Lower Rossie Hill subzone of the HRL zone includes Recreation Open Space buffers from adjacent uses to the west, north, and south.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:
 - i. The December 16, 2022, HDDR Final Action Letter found that the SFD complies with the Lot and Site Requirements of the HRL Zone.
- i. Usable Open Space:

- i. The Applicant does not propose any changes to usable Open Space at the Site.
- j. Signs and lighting:
 - i. Condition of Approval 5 requires all lighting at the Site to be fully shielded and down-directed.
 - ii. The Applicant does not propose any signs at the Site. Condition of Approval 6 prohibits exterior signs advertising the Nightly Rental.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:
 - i. The Applicant does not propose any physical design changes to the Site.
 - ii. The Applicant obtained HDDR approval for the SFD at the site on December 16, 2022. The SFD was analyzed for compliance with LMC Section 15-13-8, Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts as part of the HDDR approval.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site:
 - i. Condition of Approval 7 requires compliance with the Municipal Code of Park City (MCPC) Chapter 6-3, Noise.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas:
 - i. Condition of Approval 8 requires the Applicant to screen trash receptacles and store them on-site.
 - ii. Condition of Approval 9 prohibits leaving trash receptacles at the curb for longer than 24 hours and requires the Applicant to keep the Site free of trash and refuse.
- n. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities:
 - i. 747 Rossie Hill Drive is privately owned and is part of the Lilac Hill East Homeowner's Association. The Homeowner's Association is governed by the Declaration of Covenants, Conditions, and Restrictions for Lilac Hill East Subdivision (recorded with Summit County on July 18, 2023, as entry no. 01206959), which establishes maintenance and repair of the shared driveway.
 - ii. The Nightly Rental CUP approval for Lot 1 of the Lilac Hill East Subdivision (741 Rossie Hill Drive) required the Lilac Hill East Subdivision Homeowner Association to keep the shared driveway clear of snow. Condition of Approval 10 requires

- snow removal of the shared driveway as part of the Nightly Rental CUP approval for 747 Rossie Hill Drive.
- iii. The Applicant has not yet obtained a Nightly Rental Business License for 747 Rossie Hill Drive. Condition of Approval 1 requires the property owner to obtain a Business License for the Nightly Rental.
 - iv. Conditions of Approval 11, 12, 13, and 14 require the applicant to comply with requirements outlined in MCPC Section 4-5-3, Regulation of Nightly Rentals regarding operations and maintenance of the Nightly Rental.
 - o. 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:
 - i. The Site is not located within the Sensitive Land Overlay, within the Soils Ordinance boundary, or on Steep Slopes.
 - p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding:
 - i. Objective 7C of the Park City General Plan is to focus future Nightly Rental units near resort neighborhoods, including Park City Mountain Resort and Deer Valley. 747 Rossie Hill Drive is approximately 0.3 miles to the nearest Deer Valley Resort Facility (Deer Valley Café); and approximately 0.75 miles to Snow Park Lodge and ticket office at the Deer Valley base area.
7. The Development Review Committee reviewed the proposal on March 4, 2025, and did not require Conditions of Approval.
8. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on April 9, 2025. Staff mailed courtesy notice to property owners within 300 feet on April 9, 2025. The Park Record published courtesy notice on April 10, 2025.

Conclusions of Law:

- 1. The proposed Nightly Rental, as conditioned, complies with the requirements of the Land Management Code.
- 2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.

3. The proposed Nightly Rental use is consistent with the Park City General Plan.
4. The effects of the difference in use or scale of the Nightly Rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval:

1. The property owner shall obtain and maintain a Nightly Rental Business License for 747 Rossie Hill Drive prior to operating the Nightly Rental.
2. The property owner shall make available the two garage parking spaces to those using the Nightly Rental and the Nightly Rental Lease Agreement shall include language that limits the vehicles allowed to two, which must be parked within the garage.
3. The property owner shall display property management contact information in a prominent location inside the Nightly Rental where it is visible to those outside of the main entry.
4. The Applicant and Homeowner Association shall maintain the "No Parking" signs that are currently installed along the shared private drive within the Lilac Hill East Subdivision in a form and location approved by the Engineering Department and Park City Fire District.
5. All outdoor lighting shall be down-directed, fully shielded, with bulbs 3,000 degrees Kelvin or less. A fully shielded light is installed in such a manner that all light 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. Outdoor sign installations advertising the Nightly Rental are prohibited.
7. The property owner shall be responsible for regulating the occupancy and noise created by occupants of the Nightly Rental. Violation of Municipal Code of Park City Chapter 6-3 Noise, illegal conduct, or any other abuse which violates Nightly Rental regulations or these Conditions of Approval may be grounds for Business License revocation.
8. Trash receptacles shall be stored on-site, screened, and placed for trash pickup according to the Municipal Code of Park City Section 6-1-11, which

prohibits trash receptacles from being set out for collection prior to 6:00 PM the day before collection. All trash receptacles must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied.

9. Trash cans shall not be left at the curb for any period more than 24 hours and the property must be kept free from accumulated garbage and refuse.
10. The Lilac Hill East Subdivision Homeowner Association shall keep the shared driveway clear of snow.
11. The licensee for Nightly Rentals shall be the property owner. The local representative shall be deemed the responsible party.
12. The Nightly Rental shall be properly managed through property management services with the minimum services and management required: snow removal during winter months to a level that allows safe access to the home over the normal pedestrian access; snow removal services for the two on-site parking spaces within the two one-car garages; summer yard maintenance including landscaping maintenance; structural maintenance to preserve substantial code compliance; routine upkeep, including painting and repair; and housekeeping service.
13. The property owner must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within a one-hour drive of the property. The responsible party is personally liable for the failure to properly manage the Nightly Rental. The responsible party must be available by phone or otherwise 24 hours per day and must be able to respond to inquiries within 20 minutes. The responsible party is also designated as the agent for receiving all official communications from the City.
14. The Nightly Rental shall not be used for commercial uses and may not be used for a corporate sponsor or to distribute retail products or personal services to invitees for marketing or similar purposes.

The motion was seconded by Commissioner Johnson. The motion passed with the unanimous consent of the Commission.

- C. 1127 Woodside Avenue – Plat Amendment** – The Applicant Proposes to Amend the Recorded Plat to Remove Plat Note 3 Establishing a Total Maximum Building Footprint of 2,100-Square-Feet in Historic Residential – 1 Zoning District. PL-24-06371.

Chair Hall opened the public hearing. There were no comments. The public hearing was continued to a date uncertain.

MOTION: Commissioner Van Dine moved to CONTINUE the Plat Amendment for 1127 Woodside Avenue and the public hearing to a date uncertain. Commissioner Suesser seconded the motion. The motion passed 5-to-1 with Commissioner Frontero voting Nay.

Before the next agenda item, the Planning Commission took a short break.

D. Land Management Code Amendments:

Radon Mitigation. Requiring Construction that Accommodates Potential Future Radon Mitigation Systems in New Buildings and Additions, so Future Owners can Retrofit if High Radon Levels are Detected. (Section 15-1-10(E), Conditional Use Review Process; Section 15-6-5 Mater Planned Development Requirements; Section 15-6.1-11, Affordable Master Planned Development Site Planning; Chapter 15-13, Regulations for Historic Districts and Historic Sites). PL-24-06011.

Steep Slope Conditional Use Permits. Proposed Amendments Update Criteria for Retaining Walls, Address Pools and Hot Tubs, and Create Continuity in Standards for Development on Steep Slopes in the Historic Residential Districts (Chapters 15-2.1 Historic Residential-Low Density (HRL) District; 15-2.2 Historic Residential-1 (HR-1) District; 15-2.3 Historic Residential-2 (HR-2) District; and Section 15-15-1 Definitions). PL-23-05673.

Materials and Opacity for Residential Structures in Historic Districts. On March 5, 2025, the Historic Preservation Board Forwarded a Recommendation to the Planning Commission and City Council to Amend Regulations for Non-Historic Structures in the Historic Districts, Removing the Requirement for New Buildings to be Painted Opaque, and Establishing a Process to Consider Materials that may be Used on Non-Historic Structures in the Historic Districts (Sections 15-11-6 Additional Duties, 15-13-2 Regulations for Historic Residential Sites, 15-13-8 Regulations for New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts). PL-25-06407.

Maximum Driveway Width. Proposed Amendments Establish an Exception to the Maximum 27-foot Driveway Width for Single-Family Dwellings and Duplexes in Non-Historic Residential Zoning Districts When Needed to Provide Safe Ingress/Egress to Garages and Parking Areas (Sections 15-3-3 General Parking Area And Driveway Standards, 15-3-4 Specific Parking Area And Driveway Standards For Single Family

Residences And Duplexes, Parking Areas With 5 Or More Spaces, And Parking Structures). PL-25-06475.

Changes Required to Reflect State Code Updates. Proposed Amendments Address Mobile Business and Food Truck Land Use and Permitting (Title 4 Licensing, Chapters 4-9 Mobile Vendors, and 4-5 Regulation Of Specific Businesses, and Sections 15-2.5-2, 15-2.6-2, 15-2.13-2, 15-2.14-2, 15-2.16-2, 15-2.17-2, 15-2.18-2, 15-2.19-2, 15-2.22-2, Commercial and Residential Development Zoning District Uses, and 15-15-1 Definitions), Adds Business License Review Timelines for Uses Not Defined in the Code (Chapter 4-3 General Application Process), Updates Single-Family, Duplex, and Townhome Subdivision Reviews and Removes the Lot Line Adjustment Process and Replaces with a Boundary Adjustment and Boundary Establishment (Chapter 15-7 Subdivisions and Section 15-15-1 Definitions). PL-24-06005, PL-25-06476.

(A) Public Hearing; (B) Possible recommendation for City Council's consideration on June 5, 2025.

Planner Klopfenstein presented the Staff Report and informed those present that he is joined by Planner I, Lillian Zollinger, Planning Project Manager, Elissa Martin, and Historic Preservation Board Member, Douglas Stephens. The Planning Department has been working on a number of LMC amendments over the last year. Those items are now being brought forward to the Planning Commission. The amendments include the following:

- Radon Mitigation;
- Steep Slope Conditional Use Permit;
- Materials and Opacity for Non-Historic Residential Structures in Historic Districts;
- Maximum Driveway Width in Non-Historic Zoning Districts;
- Additional Changes Required Due to State Code Updates.

Planner Klopfenstein first discussed Radon Mitigation. He reported that the City initiated a Radon Task Force. The PCMC Radon Task Force recommended LMC changes in 2024. He pointed out that radon is known as the leading cause of lung cancer among non-smokers. The Utah Legislature adopted Residential Building Code changes in 2024 that require accommodation of radon mitigation systems in new residential construction. The Draft Ordinance before the Planning Commission requires a Condition of Approval for a CUP, MPD, and Affordable Master Planned Development ("AMPD") reviews to notify applicants of this requirement at the Building Permit stage for residential projects. Retrofits for radon mitigation will be required through the Historic District Design Review ("HDDR") process for remodels and additions to existing residential structures.

Chair Hall noted that many topics will be reviewed as part of the LMC amendments presentation. As a result, the public hearing will open after each section.

Chair Hall opened the public hearing.

Richard Jaffa stated that he lives in Park City. The Building Code does not allow inspections for radon. At some point, it will, but in the current language, it states that this is voluntary. He does not believe the Planning Commission can override the State Building Code. Mr. Jaffa shared example scenarios with the Commission, discussed materials, and reiterated his concerns about the proposed radon mitigation amendments.

There were no further comments. The public hearing remained open.

Commissioner Johnson believes things are happening at the State Legislature to educate others on being proactive about radon testing. One example is SCR 5, which relates to radon awareness and testing. He does not agree with the comment made during the public hearing and feels the proposal is a positive step forward for Park City.

Planner Zollinger shared information about Steep Slope CUPs. Approximately one year ago, a Work Session was conducted with the Planning Commission regarding some updates to the criteria. What is presented in the Meeting Materials Packet now is similar to what was discussed previously, however, there have been some changes. Since the Meeting Materials Packet was published, Staff made a few updates, which will be reviewed. Planner Zollinger explained that when a Steep Slope CUP was approved, applicants would often have to come back with some sort of modification to the plans. To prevent so many modifications, work is being done to identify and incorporate stricter retaining wall regulations. There is also a desire to add and update criteria for a more comprehensive review. This would include more up-to-date images, slope details, and renderings. In addition, Geotechnical Reports would be required. The amendments will create consistency among the Historic Residential Zoning District regulations.

Planner Zollinger explained that the updates will address additional structures on steep slopes. There are currently three items that cause an application to be reviewed by the Planning Commission for a Steep Slope CUP. A fourth item has been added to capture other structures that may not have been captured previously. Steep Slope CUP review items will also be added and those should be included by the applicant. This includes a detailed Slope and Topographic Map as well as a Geotechnical Report. There is also a desire to update some of the criteria in the existing nine criteria. Visual assessment is updated with some additional requirements as well as terracing. Planner Zollinger reported that there is also a desire to create continuity in the standards for development on steep slopes. She read the language, which references the "Lowest Floor Plane."

Planner Zollinger shared the updates that have been made since the Meeting Materials Packet was published. The redline language was reviewed. The first redline is under the Steep Slope Determination section as number four. There is also the addition of Subsection B – Steep Slope Review. The language captures the Geotechnical Report that is required to be submitted as well as a more detailed Slope and Topographic Map. As for the Visual Analysis section, further clarification was provided. The language is the

same but has been rearranged for clarity. The Terracing language is similar to what was presented to the Commission last year, but some details were tightened with the Building and Engineering Departments regarding definitions for retaining walls and combination retaining walls. The last item is related to Fences and Retaining Walls.

Commissioner Shand asked about the 1.5:1 ratio. He believed that meant if there was a 4-foot retaining wall, then the next 4-foot retaining wall would need to be 6 feet. Planner Zollinger confirmed this. If there is a smaller distance, then it would be a combination retaining wall. Commissioner Suesser noted that there was clarification added to indicate when a retaining wall would require a permit. However, the term retaining wall has not been defined in the LMC. She asked if a permit was needed for a shoring wall. Chief Building Official, Dave Thacker, clarified that a retaining wall is defined by the Building Code. Anything 4 feet or below does not require a permit. The shoring wall that is referred to is related to temporary shoring. It retains, but it is not permanent retention. Commissioner Suesser asked for additional clarity. Building Official Thacker stated that a shoring wall is typically put in after excavation for a foundation to be installed. There are no height restrictions for a shoring wall, but there are requirements for Geotechnical Reports. There is also a requirement that a Shoring Engineer provide documentation.

Additional discussions were had about shoring and retaining wall requirements. Director Ward noted that an additional regulation in the Historic Districts is that the grade outside of the structure cannot be changed more than 4 feet for the final site. Commissioner Suesser expressed concerns that certain issues are not addressed with the amendments. For instance, in Old Town, when there is a steep slope excavation and a shoring wall put in. That shoring wall is not temporary and often a foundation is built against it.

Commissioner Sigg asked about the difference between an engineered wall and a retaining wall. He believes an engineered wall can be greater than 4-feet. Building Official Thacker explained that it would not be possible to build that above 4 feet without the stamp from a Structural Engineer. Commissioner Shand wondered whether the foundation of the home is considered the engineered wall or the actual retaining wall once there is backfilling. Building Official Thacker confirmed this, but noted there are some exceptions. Commissioner Suesser wanted to know if there are restrictions on the height of that type of wall. Building Official Thacker explained that there would be a plan review.

Director Ward noted that there are two components to what is proposed: the updates to the Steep Slope CUP criteria and the clarification of the internal height. As noted by the Chief Building Official, the height of the shoring wall will be dependent on what the structure is, which is regulated by the two height components. The language will provide additional clarity on the internal height. Commissioners discussed different scenarios.

Commissioner Frontero asked if there could be a height limit placed on the shoring wall of 35 feet. Building Official Thacker does not see a reason why from a Building Code standpoint, but that is something that Director Ward could address. Public Improvements

Engineer, Becky Gutknecht, explained that one reason not to place that kind of limitation is that if 35 feet are allowed, to build that permanent foundation retaining wall, the foundation often needs to be buried significantly deeper. Sometimes the shoring wall does not equate 1:1 to the final condition of the exposed surface.

Commissioner Johnson noted that the Draft Ordinance, states that a Geotechnical Report will be prepared by a licensed Geotechnical Engineer, Engineering Geologist, or other qualified professional. He asked for examples of other qualified professionals. Building Official Thacker noted that a Structural Engineer would be an example. Commissioner Suesser asked about the following language that is proposed:

- Any disturbance that creates a change from the existing grade of elevation greater than four feet, cuts into the steep slope or requires retaining walls to construct the structure (including patio, hot tub, pool, landscaping/grading).

Director Ward reviewed some of the other language. If anything is more than 200 square feet, it will be reviewed as part of the structure. The reason this language was added is because of some steep slope sites that went through the Steep Slope CUP review. Those later came forward to construct a patio with a hot tub that would impact a steep slope or very steep slope, but it was less than 200 square feet. This is intended to capture some of the smaller projects that might be proposed on a steep slope or very steep slope.

Engineer Gutknecht explained that this is the reason for the language related to a change in elevation greater than 4 feet. If a shoring wall was installed, that would normally be to protect a slope that was cut greater than 4 feet. Usually, if it is less than 4 feet, no temporary protection is needed, because it is not considered to be a substantial disturbance. That is the reason for the language that references 4 feet. Even if it is not a big enough cut to require a shoring wall, it would still require the review process.

Commissioner Suesser shared a comment about Steep Slope CUP reviews. It seems that with technology, almost any slope can be retained so construction can take place. What she does not see in the revisions to the steep slope determination are parameters where the development of a steep slope would not be appropriate. Planner Zollinger noted that the CUP is set so the Planning Commission can review the criteria and find whether it does or does not mitigate concerns. When Staff presents the conditions and criteria, a recommendation will be made based on whether it does or does not comply. If it does not comply, it would be up to the Commission to decide whether or not the CUP could be approved. If it does comply, it is something that is allowed if the concerns are mitigated. Director Ward added that there is the SLO, which establishes a prohibition within very steep slopes. These Historic Residential zones are inside the core of the SLO.

Commissioner Suesser asked about the terracing language proposed. She is not sure that it fully captures the steep slope terracing issues that have been seen. Planner Zollinger explained that the language will prepare the applicant to look ahead. The

language was crafted to avoid issues, such as a larger retaining wall than what was planned. Commissioner Suesser wanted clarification about the sentence: "The applicant shall terrace retaining walls to return to natural grade." Planner Zollinger explained that the idea is to return the site to a more natural grade so it looks more like a slope instead of cuts in the hillside. The idea is to reincorporate the environment of what was there previously while still holding up the structure that is being built. If flat terracing was proposed, there could be a Condition of Approval that the applicant shall retain a natural grade. Director Ward believes this ties into the Geotechnical Report that is required. That report will be requested before anything comes to the Commission. The Commission would then review the information so the application is conditioned appropriately.

Chair Hall opened the public hearing. There were no comments. The public hearing remained open.

Manager Martin reported that she has been leading the amendments to the Materials and Opacity regulations. She explained that there are several reasons for flexibility in materials and opacity for new residential buildings in the Historic Districts, which include:

- Differentiation to distinguish old from new;
- Historic District Regulations effectively ensure new residential infill shares fundamental similarities with historic buildings through an emphasis on form;
- Allows for creativity and innovation, providing interest and a sense of uniqueness;
- New advances in construction materials offer options for better fire resistance and durability;
- Overly restrictive standards can result in a monotonous, unimaginative, and characterless pattern of development.

Manager Martin clarified that there are no changes proposed in the updates for the regulations related to historic structures. This is limited only to non-historic residential structures within the Historic Districts. For instance, new buildings and additions to historic structures. The proposed updates originated from Historic District property owners and design professionals who work in the Historic Districts. Currently, the code requires new residential buildings to be painted opaque. Historic structures are also painted opaque. She clarified that opaque means non-transparent and shared example images of additions in a different finish. It is clear what is the original historic structure versus the new build. Manager Martin further reviewed the different reasons for flexibility.

The proposed changes were inspired by property owners and design professionals with firsthand experience designing new homes in the Historic Districts. There were several Historic Preservation Board Work Sessions held in recent years where materials and opacity regulations were discussed. Staff conducted a focus group in January 2024 with local design professionals. Additionally, the Historic Preservation Board provided clear and unanimous direction in a Work Session held in February 2025, directing Staff to move forward with the proposed amendments. At the March 5, 2025, Historic Preservation

Board Meeting, the Board reviewed the proposed amendments and forwarded a positive recommendation to the Planning Commission and City Council.

The updates would effectively establish an Advisory Committee made up of two Historic Preservation Board Members, three local design professionals, Planning Department Staff, and a consultant. The Advisory Committee would guide the creation of a Master List of non-historic materials and finishes that could be used for new residential construction in the Historic Districts. The Historic Preservation Board emphasized the importance of several evaluation criteria when considering new materials, such as:

- Longevity;
- Energy Performance;
- Durability in the Climate;
- Fire Resistance;
- Environmental Benefit;
- Compatibility with the Historic District.

In addition to material regulations in the Historic District, the LMC Section 15-5-5 – Architectural Design Guidelines lists prohibited materials that apply City-wide. This section of the LMC is not proposed to be amended at this time, but there is a desire to hear from the Commission about whether this section should be prioritized for a future amendment. There are a few reasons for this to be considered, such as consistency with State Code, the fact that the process for allowing exceptions or alternative materials relies on Staff review, and the fact that the list of City-wide prohibited materials was generated decades ago and does not necessarily reflect modern advances in materials.

Chair Hall opened the public hearing. There were no comments. The public hearing remained open.

Board Member Stephens informed the Planning Commission that the Historic Preservation Board worked on this for quite some time. There were a lot of detailed discussions. Council Member Seuesser appreciates those efforts and the thorough presentation. Discussions were had about the potential future LMC amendment. Commissioner Frontero believes there would be a benefit to that update, but it does not necessarily need to be done immediately. In the next year or so would make sense. Commissioner Christin Van Dine asked what prompted the question from Staff about the Architectural Design Guidelines. Manager Martin explained that it came out of the review of the Historic District standards and the changes that are proposed there. Chair Hall expressed appreciation for the efforts made by the Historic Preservation Board.

The Commission next discussed Maximum Driveway Width in Non-Historic Zoning Districts. Manager Martin explained that this would provide an exception to the maximum driveway width for residences in non-historic zoning districts. This is to provide safe

ingress and egress to garages. The new language is intended to align with what is being approved. This is a simple amendment to clarify the language and streamline reviews.

Commissioner Johnson believed a maximum width of 27 feet is proposed. Manager Martin clarified that is what is in the code currently. That would be required to be maintained through the front setback unless there is an exception from the Engineer. There are circumstances where residences are proposed against the front setback line and the garage is in the front of the home. This necessitates widening the driveway in the immediate area in front of the garage to provide access. The driveways typically flare after the front setback. In some rare cases, the driveways might have to flare a little bit in the front setback to access the garages. Commissioner Suesser noted that the concern has to do with the curb cut. Manager Martin explained that the curb cut is typically going to be at the maximum of 27 feet with a rare exception from the Engineer.

Engineer Gutknecht reported that on occasion, there have been some minor deviations to the curb cut width. For instance, Prospector Avenue is approximately 10 feet wide in some locations. In order to adequately turn into a 10-foot driveway, there is a requirement to flare that out to make the turn, because the roadway itself is not wide enough to allow someone to safely turn into the driveway. Situations like that would cause the City Engineer to consider an exception to the curb cut width. On a 27-foot driveway, that would be a rare exception. Discussions were had about the current language.

Director Ward explained that the amendment was inspired by the Building Permits received to replace a driveway. There are situations where the driveway is 27 feet or less at the curb cut, but then it goes into the site and flares beyond 27 feet. The amendments will clarify that process moving forward. There will be a more streamlined review to clarify the grey area in the code. Commissioner Shand noted that it would be beneficial to have photographic examples of the driveway and curb cut scenarios that have been mentioned.

Commissioner Suesser believed there should be a finding to prove that this is necessary for safe ingress and egress to the garage. That finding can be made by the Planning Director. Manager Martin read the following language: "The expanded hard surface driveway is limited to a width and depth necessary for safe ingress and egress for backing out of a garage." Commissioner Suesser feels the Planning Director should be the one to determine that it is necessary rather than an applicant simply stating it is needed. The suggestion was made to add Planning Director approval. Director Ward pointed out that the Engineering Department would conduct the analysis rather than the Planning Director. The Garage Access section of the draft ordinance was amended to state the following:

- **Garage Access.** For Residential driveways in non-historic Districts that provide access to an approved garage, a driveway is allowed to increase in width beyond the required 27 feet within the immediate area in front of the garage. The expanded hard-surfaced driveway is limited to a width and depth necessary for

safe ingress/egress and for backing out of the garage, as determined by the Engineering Department.

Chair Hall opened the public hearing. There were no comments. The public hearing remained open.

Planner Zollinger reviewed the Additional Changes Required Due to State Code Updates section of the presentation slides. The updates required to reflect the State Code include:

- Add mobile business and update food truck use and permitting;
- Add Business License review timelines for uses not defined in the code;
- Update single-family, duplex, and townhome subdivision reviews;
- Remove the lot line adjustment process and replace it with a boundary adjustment and boundary establishment.

The State has defined an enclosed mobile business as “a business that maintains ongoing mobility and of which the receipt of goods or services offered and point of sales occurs within an enclosed vehicle, an enclosed trailer, or an enclosed mobile structure.” Currently in the code, there are food truck and food truck locations outlined as a use. The State has expanded that, where a food truck is a mobile business, but there are also enclosed mobile businesses. Some examples of enclosed mobile businesses include a dog groomer truck, beauty and cosmetics, and tailoring. Staff has worked to incorporate edits from the State Legislature. Similar to a food truck location, an enclosed mobile business is a use outlined in mostly non-residential zoning districts. A section has also been added to the LMC to outline the requirements for an enclosed mobile business or food truck. Those are to be met and reviewed by the Planning Department before operation. There are also references to the definitions included in the State Code.

As for the addition of Business License review timelines for uses not defined in the code, this is something adopted by the State Legislature this year. Currently, in all of the zoning districts, there are allowed and conditional uses listed. If someone were to propose a use that was not listed in the tables, the Planning Department would review that use and determine if it fell under a use that was already listed. If not, the Planning Department would need to bring that new use to the Planning Commission. The Commission would then determine whether that use would be allowed, conditional, or prohibited in the zoning districts. The Commission would then make a recommendation to the City Council. Commissioner Suesser asked for clarification about the timeline of that process, which was provided. Planner Zollinger explained that there can be 45 days after each item.

Commissioner Suesser read the following language: “Applicants disagreeing with the categorization may appeal to the Board of Adjustment.” She believes that is contrary to the language of the last sentence of the fourth bullet point in that section. Planner Zollinger explained that the Planning Department may review the use and determine that it is already a listed use. The applicant may disagree with that and then the decision

could go to the Board of Adjustment. Alternatively, if the Planning Department determines the use is not listed, then it would move through the process that was outlined previously.

Director Ward shared information about single-family, duplex, and townhome subdivision reviews. A few years ago, the State Legislature enacted a new process for subdivision reviews. Any new single-family, duplex, or townhome subdivision has a limited review timeline. A Preliminary Subdivision can come to the Planning Commission, but the Planning Commission is limited to one public hearing. The State now prohibits the Planning Commission or City Council from taking final action on subdivisions. There is a preliminary review with one public hearing at the Planning Commission level. The Planning Commission takes action on the Preliminary Subdivision and then it moves to a Staff level administrative review for the Final Subdivision. In Park City, there are very few of these, because most of the land is already platted. One plat came to the Commission more recently, which was 732 Crescent Tram. It came to the Commission for preliminary review, but the applicant still needs to move through an administrative process for the Final Subdivision. There must be compliance with the conditions of the Commission.

The proposed modifications outline the Preliminary Subdivision application requirements and the Final Subdivision application requirements. Director Ward noted that there are also clarifications that state if the applicant makes substantive changes to their proposal, there can be an extension in the timeline with which the City is required to review the application. The language also updates the appeal process for subdivision reviews.

Director Ward reported that in the current LMC, there is a lot line adjustment process, which is an administrative process handled by Staff. Applicants can move through that process if there is not a new lot or unit created, all contiguous property owners consent, no remnant land is created, the adjustment is compatible with the existing lot sizes in the neighborhood, no zoning violations occur, there haven't been previous lot line adjustments for the property, written notice is provided, and there is City Engineer and Planning Director review on the required deed and plat. This year, the State struck the definition of a lot line adjustment and created a new definition for a boundary adjustment. They also created two sub-definitions: full boundary adjustment and simple boundary adjustment. The code amendments replace the lot line adjustment process with the simple boundary adjustment, which does not impact a public right-of-way, municipal utility easement, or other public property, or have additional impacts. Those simple boundary adjustments can continue to move through at a Staff level as long as all of the current criteria for lot line adjustments are met. An additional modification is proposed to the plat amendment section of the code, which starts at line 3422 in the Draft Ordinance:

- PLAT AMENDMENT
 - The combining of existing subdivided lots into one or more Lots, any recombination of historically platted properties located within either the Park City/Millsite or Snyder's Addition surveys, Full Boundary Adjustments, or the amendment of plat notes or other platted elements including but not

limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final Subdivision Plat and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Director Ward called attention to some additional information in the Staff Report. Work is continuing to be done on updates related to annexations and public notice for land use regulations. Discussions were had about lot line adjustment applications. Commissioner Suesser noted that there have been instances where lots are combined and then a re-subdivision of those lots is requested at a later time. She asked if that would still be permitted under this new language. Director Ward explained that applicants would come to the Commission through a Plat Amendment process. The Commission would still review the request for Good Cause, so there would be no change to that process.

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

Engineer Robertson mentioned the previous discussion related to driveway width. He asked for an opportunity to look at this language further before the City Council Meeting takes place. Commissioners expressed support for that approach. Commissioner Suesser shared possible language: "...upon the recommendation of the City Engineer, in consultation with the Planning Director." Manager Martin agrees that there should be some more robust language in that section, but also wants to be respectful of the time commitment required. There are many Building Permits reviewed for driveways. If there needs to be a check-in with Engineering on a lot of the reviews, that could become burdensome. There could be some more specific standards created with the Engineering Department. Commissioner Suesser thought that made sense. Engineer Robertson reiterated that he would like to look at the language ahead of the next City Council Meeting. All Commissioner comments will be taken into account. Chair Hall asked if it would be possible for the Staff recommendation to be emailed to the Planning Commission ahead of Staff Report publication. Director Ward confirmed this.

MOTION: Commissioner Van Dine moved to forward a POSITIVE RECOMMENDATION to the City Council for the LMC Amendments, including Radon Mitigation, Steep Slope Conditional Use Permit, Materials and Opacity for Non-Historic Residential Structures in Historic Districts, Maximum Driveway Width in Non-Historic Zoning Districts, and Additional Changes Required Due to State Code Update, as amended, for consideration at the June 5, 2025, City Council Meeting. Commissioner Shand seconded the motion. The motion passed with the unanimous consent of the Commission.

- E. Appeal Authority Amendments –** Proposed Amendments to Update Section 15-1-18 Appeals Regarding Appeal Authority, Standard of Review, and Standing to Appeal.

City Attorney, Margaret Plane, explained that this item relates to Land Use Appeal

Authority Review. Two years ago, the Planning Commission made a recommendation to the City Council to amend the LMC. This included the creation of an Appeal Panel, which would hear certain appeals instead of the City Council. The City Council had historically heard those appeals, so the change was a shift away from how Park City had previously done business. Two years ago, the City Council adopted an ordinance moving the City Council out of that role and creating the Appeal Panel. The Appeal Panel was appointed a few months later and had a busy start. The last page of the Staff Report lists the different matters that the Appeal Panel heard. When the Council created that authority, there was a request made for a follow-up review. There is a vacancy with a member moving to Salt Lake and stepping out of that role, so this is a natural time for that review.

The report included in the Meeting Materials Packet was presented to the City Council in January. The answers to some of the City Council questions are shown in red on Pages 2 and 3. Attorney Plane and Attorney Harrington were asked to bring certain items to the Planning Commission for discussion. For example, shifting HDDR appeals back to the Historic Preservation Board. The Historic Preservation Board used to hear HDDR appeals and there was a time when the Board was also participating in the internal HDDR process. However, a concern was raised by an applicant about the overlap, so the code was changed to send those to the Board of Adjustment. One recommendation to discuss is shifting those HDDR appeals back to the Historic Preservation Board. There is also a desire to discuss replacing the Appeal Panel with a Hearing Officer. Two years ago, when the recommendation was made to create an Appeal Panel, a Hearing Officer was also discussed. The Staff Report highlights some of the reasons a Hearing Officer might be more efficient and effective. It is possible to discuss some of those reasons in more detail.

The next discussion item has to do with changing the standard of review from de novo to an on-the-record review. Attorney Plane explained that an on-the-record review is more confined and it means the Appeal Authority does not substitute their judgement. The record is reviewed to ensure the decisions are correct. Both de novo and on-the-record reviews are permissible under the Land Use, Development, and Management Act ("LUDMA"), but de novo is a little bit easier for a layperson to understand. An on-the-record review is harder for someone who has not encountered it before because it is more confined. It is possible to answer Commissioner questions about the proposed shift.

Attorney Plane noted that there was a City Council discussion about whether or not to modify the standing requirement. Under LUMDA, standing is defined and it is more traditional. This means someone has to be adversely affected in a specific way by the decision. Park City's standing requirement is much broader and it allows someone who submitted a written comment or provided a public comment to be able to appeal a decision. There can be a Commissioner discussion about modifying standing to more closely mirror the State Code. However, she noted that the recommendation in the Meeting Materials Packet does include the current Park City standing requirement.

Chair Hall is excited to have this matter back before the Planning Commission. Previous comments have expressed a desire to revisit this. Commissioner Suesser mentioned the change to an on-the-record review rather than a de novo review. She is surprised that there was a de novo review, to begin with. The Appeal Panel saw a lot more appeals than the City Council might have because of that de novo review process. She posed some questions about the language that was added at the bottom of Section G. Commissioner Suesser asked if it was consistent with the review the City Council and Appeal Panel had. Attorney Harrington explained that the Council wanted to be deferential to the Land Use Authority on discretionary matters. He shared an example scenario. It was clarified that this does narrow the scope of review that is possible by the Hearing Officer.

Commissioner Suesser asked for clarification about the term “performance zoning.” Attorney Harrington noted that the language can be refined if desired, but it is intended to capture the idea of receiving additional height or something similar in exchange for something else. Chair Hall is thrilled to see an on-the-record review because some of the appeals minimized the role of the Commission and were costly in terms of Staff time.

Chair Hall asked about the language that references a fee established by resolution when filing an appeal. She asked if that would cover the cost of a Hearing Officer. Attorney Harrington reported that it is currently \$500. There is a process to establish fees, but there is an average taken. Some appeals are complex and take a lot of Staff time while others are more straightforward. The Council can reevaluate that as needed within the parameters established by the State. Attorney Harrington pointed out that there is a fairness component to consider as well, as the fee should not be a barrier to due process.

Chair Hall had a question about standing. A long time ago, she was a minority vote for the chair lift that went in and there was an appeal. She feels community members should be entitled to appeal, whether or not they are within the 300-foot boundary. She pointed out that there are a lot of lawsuits in general that are dismissed purely based on standing because the standing requirement is so strict. Attorney Plane clarified that even if this was established in Park City, there would not be standing under LUDMA. The case could not move to the District Court, but the broadened standing would allow a city-level appeal.

Attorney Plane discussed the following language included in the Draft Ordinance:

- An Adversely Affected Party means a person other than a Land Use Applicant who: (a) owns real property within three hundred feet (300') of the property that is the subject of a Land Use Application or Land Use Decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the Land Use Decision.

Additional discussions were had about standing. Commissioner Shand asked if there is more of a balance with a three-person Appeal Panel than there is with an individual

Hearing Officer. Attorney Plane explained that for a Hearing Officer, there would be a request for qualifications. If there was more than one qualified attorney, it would be possible to contract with multiple attorneys. That way, if there were a number of appeals back to back or it was a busy time, there would still be access to a qualified attorney. As for whether a three-person Appeal Panel is more likely to be correct than one person, there could be lengthy discussions about that. In general, when there is an on-the-record review and something is being reviewed for correctness, three people are not necessarily better than one. This is because the standard is tight and there is a high bar to overturn.

Commissioner Frontero strongly prefers the Hearing Officer over the Appeal Panel, but qualifications for a Hearing Officer would need to be established. Attorney Plane reported that the qualifications would be based on what was done for the Appeal Panel, but would require a law degree and five years of experience. Commissioner Frontero likes the idea of having multiple Hearing Officers available to accommodate different schedules. Attorney Plane clarified that while this is the recommendation, it can be difficult for cities to find qualified attorneys to do the work. However, some firms specialize in representing local governments, and those firms are well-positioned for this kind of work.

Commissioner Frontero expressed support for the on-the-record review proposed. He asked if the applicant still presents during an on-the-record review. Attorney Harrington confirmed that the applicant is still able to speak, but no new evidence can be presented. It is limited to an argument of error, which is closer to a court experience of an appeal.

Commissioner Frontero discussing standing. He is in favor of standing that is broader than those within 300 feet, but he does not believe it should be completely open. It makes sense to leave it connected to the comments made on the record. For example, someone who attended the meetings shared a comment and spent time looking into the application. He is not sure he would support a physical location alone as a standard. Commissioner Sigg agreed with an on-the-record review and feels that is a better process. He also likes the idea of a Hearing Officer as opposed to an Appeal Panel. It makes sense to have a pool of Hearing Officers available. Commissioner Sigg is in favor of allowing there to be standing beyond 300 feet in certain circumstances.

Commissioner Van Dine agrees with the comments that have been shared by other Commissioners, especially as they relate to a Hearing Officer. For standing, she feels it should be open. It might make sense to limit it to residents, even if it is a secondary residence or a local business. There should be some sort of tie to the community. Commissioner Frontero likes the suggestion made by Commissioner Van Dine. While there is uncertainty about how enforceable that would be, it is something to consider.

Chair Hall noted that there is clear consensus on a lot of the elements proposed. The way that the Draft Ordinance is worded, it does not seem like there will be several Hearing Officers to choose from. It sounds like there would be one Hearing Officer appointed.

Attorney Plane noted that it does reference Hearing Officer(s) so there is flexibility. She does not want to tie the City Council to appointing a specific number of Hearing Officers.

Commissioner Suesser likes the idea of keeping the standing requirement as it is in the current code, which is a broader application of standing. She also likes the addition of a residency requirement. Commissioner Suesser expressed support for a Hearing Officer with a pool of officers to handle the appeals. If there is a pool of Hearing Officers, the selection should be on a lottery basis rather than the City Attorney's Office choosing a particular Hearing Officer from that pool. This will ensure the review is fair and neutral. Commissioner Suesser noted that the Draft Ordinance could more clearly indicate that the Hearing Officer's mandate is to look for legal errors in the application of the code. Attorney Plane shared information about an on-the-record review and what it covers.

Commissioner Suesser asked about the power of the City Council to overturn the decision of the Hearing Officer. She does not believe the City Council has the power now to reverse a decision made by the Appeal Panel. Attorney Harrington clarified that the Council does have that power currently. The State Code amendment that is referenced in the Staff Report is a clarification of process and not a clarification of authority. The City Council has always had settlement authority on litigation for the City. He shared some examples where the City Council has settled a pending lawsuit regarding land use matters. However, the current case law has established certain procedure requirements.

Commissioner Suesser believed the Hearing Officer should be required to have an active Utah law license rather than any law degree. She feels it is important that there be familiarity with the land use laws in Utah. Other Commissioners agreed with that. Commissioner Suesser asked if public input could be provided during an appeal hearing. This was denied. Attorney Plane noted that public hearings are not required. It is not an open and public meeting, so there is no public hearing associated with an appeal.

Chair Hall reported that there is unanimous consensus about on the record reviews, discretion staying with the Planning Commission, and having a pool of Hearing Officers. There seems to be a desire to have standing that is more relaxed than the LUDMA standard, but there is no clarity on what that should look like. Commissioners felt for standing, there should be a requirement that someone be a resident or business within the municipality and have previously participated with an on-the-record comment.

Attorney Harrington noted that there could be motion language asking the City Attorney's Office to explore public comment on the written record and residency, business, or property ownership. There can be an evaluation of that based on Commissioner feedback. Commissioner Shand asked if a renter would be considered under residency. Attorney Harrington explained that primary residency is a State standard. Attorney Plane informed the Commission that there might be work done to edit the Draft Ordinance for clarity. However, those changes will not impact the substance of the language.

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

Chair Hall requested that the Draft Ordinance be circulated to the Planning Commission before the Staff Report is published to solicit final input from the Commission.

MOTION: Commissioner Johnson moved to forward a POSITIVE RECOMMENDATION to the City Council for the Land Use Appeal Authority Draft Ordinance, which amends the Appeal Authority in the Land Management Code, incorporating the City Council's input on February 27, 2025, in a draft form approved by the City Attorney and reflective of the Planning Commission discussion. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

7. ADJOURNMENT

MOTION: Commissioner Van Dine moved to ADJOURN.

The meeting adjourned at approximately 9:07 p.m.

From: Nann Worel <nann.worel@parkcity.org>

Sent: Wednesday, April 23, 2025 12:49 PM

To: Tana Toly <tana.toly@parkcity.org>

Subject: Planning Commission

thanks for covering Planning Commission this afternoon. As part of your comments, I'd appreciate it if you would read the following into the record:

"My apologies for not being with you in person this evening but I had a scheduling conflict that is preventing me from being there. I want to personally thank Sarah Hall for her many years of service to Park City Municipal on the Planning Commission.

As all of you know, serving on the Planning Commission is a labor of love that requires dedication, long hours and knowledge of the Land Management Code. Sarah has stood out as a Planning Commissioner with her in-depth knowledge of the Code and ability to

Chair, she has consistently been available to staff and her fellow Commissioners in preparation for meetings. She has led the Planning Commission through some very difficult applications — the SnowPark base redevelopment, the Yarrow redevelopment application and Bonanza Park LMC amendments— and has done so with professionalism and grace.

Thank you, Chair Hall, for all you have given to the City, the sacrifices you have made personally to serve the community and the dedication with which you have done your job. I wish you nothing but good things as you find new ways to serve in Park City.

warmly,
Mayor Nann Worel

Nann Worel

she, her, hers

Mayor

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