



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 13, 2025**

COMMISSIONERS IN ATTENDANCE: Chair Christin Van Dine, John Frontero, Henry Sigg, Grant Tilson, Seth Beal, Rick Shand

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, Planner II; Alec Barton, Senior Planner; Plan Check Coordinator, Scott Olsen; Senior City Attorney, Mark Harrington; Elissa Martin, Planning Project Manager; Meredith Covey, Planner I

1. ROLL CALL

Chair Christin Van Dine called the Planning Commission Meeting to order at 6:00 p.m. All Commissioners are present with the exception of Commissioner Bill Johnson. Chair Van Dine took a moment to review the public comment guidelines with those present.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from July 9, 2025.

MOTION: Commissioner Frontero moved to APPROVE the Meeting Minutes from July 9, 2025. The motion was seconded by Commissioner Sigg. The motion passed with the unanimous consent of the Commission.

B. Consideration to Approve the Planning Commission Meeting Minutes from July 23, 2025.

MOTION: Commissioner Frontero moved to APPROVE the Meeting Minutes from July 23, 2025. The motion was seconded by Commissioner Sigg. 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 and mentioned the EngineHouse Affordable Master Planned Development ("AMPD"). As part of that project, there was a Condition of Approval related to the wall that separates the

eastern side of the property. Director Ward stated that the artist has been hired. Example images were shared to illustrate what the mural will look like. The project continues into the fall and art will be seen on the site as that project continues to move forward.

Director Ward shared information about the General Plan process. There is a Joint Work Session with the City Council scheduled for Monday at 9:00 a.m. in the Council Chambers. The plan will return to the Planning Commission on September 10, 2025.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. WORK SESSION

- A. General Plan –** The Planning Commission will Review and Provide Input on the Neighborhood Plans for the Draft 225 General Plan. (PL-24-06358).

Director Ward reported that the consultant team is participating in the Planning Commission Meeting remotely and will review the Neighborhood Plans component of the General Plan. It is interesting to see where these neighborhoods were in 2014 and where the neighborhoods are now, as there were some notable shifts. Some of the neighborhoods that were the primary resident neighborhoods in 2014, such as Thaynes and Park Meadows, saw a slight decline in the full-time population. On the other hand, in the Resort Center, Lower Deer Valley, and Upper Deer Valley neighborhoods, there has been an increase in full-time residents. There were also some shifts seen in the number of owner-occupied units in neighborhoods, most notably within Quinn's Junction.

Marianne Stuck and Jessica Garrow from Design Workshop introduced themselves to the Commission. Ms. Stuck reported that the recommendations for the specific neighborhoods will be shared. Ms. Garrow reviewed the Neighborhood Plans:

- Quinn's Junction;
- Park Meadows;
- Thaynes;
- Prospector;
- Bonanza Park;
- Resort Center;
- Lower Deer Valley;
- Masonic Hill;
- Old Town;
- Upper Deer Valley.

The format of this section is different from the previous plan, as there is one page dedicated to each neighborhood. Ms. Garrow reminded the Planning Commission that

there will be a Joint Work Session between the City Council and Planning Commission on Monday to review the updated plan before moving into the adoption process. The Plan Framework and Structure information was shared. Ms. Garrow clarified that Neighborhood Plans is its own chapter and each of the plans will be reviewed individually.

Ms. Garrow pointed out the formatting for this section of the General Plan. There is a Neighborhood Snapshot, which identifies the total acres, population, average density, occupancy, and daytime population. There is also a map and key statistics for each neighborhood. In addition, there are recommendations. She explained that there are two to four recommendations for each. The recommendations were created based on conversations with the different neighborhoods and the Neighborhood Advisory Committee. Community members applied to be part of those Neighborhood Advisory Committees. The Committees met a number of times throughout the General Plan process and provided direction. She discussed the items included in the Appendix.

The Quinn's Junction information was reviewed. Ms. Garrow reported that this is the newest neighborhood to the General Plan. The first recommendation is to create a sense of place, which includes nightly rental restriction enforcement, strengthening bicycle and pedestrian connections, and thinking about ways to encourage community gathering spaces. The second recommendation is to propose context-appropriate infill, which is something that links back to the Future Land Use Node Type Map. There are items related to the Quinns Mixed-Use Node, Quinns Mobility Hub, and the Institutional Node. The third recommendation is to improve the transportation network and options, which focuses on transportation improvements such as park and ride and transit connections, mitigating some of the impacts of traffic from the school campus, and trail connections.

Commissioner Rick Shand asked how the new movie studio project will impact the population and the recommendations made. Director Ward reported that there were two rounds of open houses for residents, and in the second round, all of the development in process was considered. That project was taken into consideration and is considered part of the mixed-use concept within this neighborhood. Commissioner John Frontero noted that Park City Heights is a fairly new project and asked where that falls. Director Ward confirmed that Park City Heights is part of the Quinn's Junction neighborhood. That density and population are included in the numbers shown in the General Plan draft. Commissioner Frontero next asked about Clark Ranch and whether it would fall within Quinn's Junction. Director Ward stated that it will also be in the Quinn's Junction neighborhood as a sub-neighborhood and would fit within the Quinns Mixed-Use Node.

Commissioner Henry Sigg asked how the population numbers have been determined for permanent residents. Director Ward believed the population of the full-time residents was determined with census data. Ms. Garrow reported that there was also sourcing from the Esri Business Analyst on some of these pieces to make sure there is the right granularity.

The Park Meadows information was reviewed. Ms. Garrow pointed out the Neighborhood Snapshot information and mentioned the list of key historic sites and parks that are included. There is also nightly rental information in this section. In terms of the recommendations, these fell into two main categories: connectivity and preserving the neighborhood character. Connectivity has to do with transportation as well as opportunities for outdoor gathering spaces, so people can be connected to one another. For preserving neighborhood character, there are items related to the way home occupations impact the quality of the neighborhood, partnership with the school district to address traffic flow, trailhead parking, wildlife corridors, and open space preservation.

Chair Van Dine asked about the connectivity recommendations. She referenced the item that states: "Improve sidewalk connections and snow clearing in winter." It might be preferable for this to include multi-modal connections rather than just sidewalk connections. Chair Van Dine lives in this neighborhood, and while sidewalk connections are important, she would like to see more of the bicycle lane striping as well. Ms. Garrow confirmed that this can be added. Chair Van Dine appreciates the mention of transit frequency and expressed support for the items listed under neighborhood character.

The Thaynes information was reviewed. Ms. Garrow referenced the Neighborhood Snapshot section and explained that this is a neighborhood that has no existing affordable housing, which is mentioned. The historic sites and park information is also included. As for the recommendations, the first is to preserve the McPolin Barn entry corridor. This is something that was heard a lot throughout the General Plan process. The intention is to think about the view coming into Park City to make sure there is open space preserved. The second recommendation is to increase connections, which includes items related to mitigating and improving the conflicts that exist between vehicles, wildlife, and pedestrians. The third recommendation is to retain the primary resident neighborhood character, which includes items related to traffic calming measures, enforcing trailhead parking limitations within residential areas, and maintaining the limit on nightly rentals.

Chair Van Dine asked about ways to uphold nightly rental prohibitions. Ms. Garrow clarified that the General Plan does not identify specific tools to do this, but the document highlights the importance of this for the neighborhood. It is one of the priorities of the City, both from an education perspective but also from an enforcement perspective.

The Prospector information was reviewed. Ms. Garrow pointed out the number of existing affordable housing units, key historic sites, and parks. There are two recommendations: support a vibrant commercial district and preserve residential neighborhood character. The first item is related to connectivity, business growth, and neighborhood preservation. She referenced the connectivity between Prospector, Bonanza Park, and Old Town, particularly for bicyclists and pedestrians. There is also an item about considering residential infill in key areas and looking at potential updates to the boundary as it relates to Bonanza. As for preserving the residential neighborhood character, the items listed

have to do with traffic during peak times, traffic calming measures, enforcement for trailhead parking, preservation of open space, and nightly rental regulation enforcement.

Commissioner Shand asked about the occupancy information. The slide lists the population for Prospector at 1590 and the daytime population as 2297. Of that daytime population, 1914 are workers and visitors, with 383 residents. He wanted to better understand how many people are there full-time and how many come in during the day. Ms. Garrow explained that there is an increase shown in people who commute to work. There is a bit of a shift happening in terms of work and visitation. There are a number of businesses in this neighborhood, which influences the daytime population. Chair Van Dine wondered whether there should be a reference made to underground parking in the recommendation language. It is something that could be encouraged with infill or redevelopment. Director Ward noted that this was not mentioned during the neighborhood discussions, but there was feedback related to parking management.

Commissioner Sigg shared comments about parking and noted that there are fleet vehicles taking up parking spaces in a way that might not be appropriate. Commissioner Frontero thought that was something to take into account. It might be possible to assign the maximum parking allowed. Director Ward confirmed that this was mentioned during the neighborhood conversations. There is a recommendation to optimize the shared parking to make sure it is sufficiently supporting the active businesses and residents. Ms. Garrow reported that additional consideration of fleet parking can be added to the plan.

Director Ward highlighted one change within this section of the General Plan. The way the Prospector neighborhood is in the current General Plan, some of the properties in the Prospector Square Property Owners Association were excluded. Some of the properties east of Bonanza were in the Bonanza Park neighborhood, which was something heard throughout the General Plan process. The properties that are east that are in the Prospector Square Property Owners Association are proposed to be shifted from Bonanza Park to the Prospector neighborhood. Commissioners expressed support.

The Bonanza Park information was reviewed. There are a number of neighborhood statistics related to the historic features, parks, and affordable housing. The additional housing that is under construction at EngineHouse is referenced. The first recommendation states: In 2024, the City adopted the Bonanza Park Small Area Plan, establishing six goals for the neighborhood. The six goals are listed. The second recommendation states: A new Bonanza Park Mixed-Use District is under review for potential adoption. Some of the items mentioned have to do with street connections from a sidewalk and trail perspective, improved connectivity within the neighborhood as part of any redevelopment, encouraging streetscapes that allow for vibrancy on a street level, requiring a pedestrian-oriented design, and supporting multi-modal transportation.

Commissioner Shand referenced the map shown and the Fireside project that is listed. He asked if that is included in the Bonanza Park area instead of the Prospector area.

Director Ward confirmed this. She explained that this was something discussed during the General Plan process. This area is in Estate and Light Industrial Zoning, which matches what is on the other side, as well as the adjacent properties. There are no properties within the Prospector Square Property Owners Association in this area.

The Resort Center information was reviewed. Ms. Garrow pointed out the historic sites listed in the Neighborhood Snapshot section and the affordable housing units. There is some additional detail under the population section to cover the peak and off-peak seasons. The first recommendation is to promote redevelopment that integrates a world-class resort with a strong sense of community, which links to the Future Land Use Node Type Map with the Resort Center Mobility Hub. It specifically calls out opportunities to look at the Land Management Code ("LMC") and consider seasonal workforce housing typologies. In addition, there is a desire to maintain the rural character in the transition between Resort Center and the surrounding neighborhoods. The second recommendation is to improve connectivity. There are items such as coordination with the resort on paid parking and parking reservations, additional traffic calming measures, bicycle and pedestrian connections and crosswalks, and improving transit frequency. She noted that there is also an item related to a Resort Center and Old Town Overlay.

Ms. Garrow reported that there are additional notes for this section based on comments received from residents in the neighborhood. The other items include considering directional signage for the area, open space for landscaping and bicycle racks, improving delivery zones, and thinking about employee parking options. It is anticipated that the feedback will be incorporated into this section of the General Plan. Commissioner Frontero asked if there was coordination with Park City Mountain Resort during the development of the General Plan. Director Ward confirmed that there are representatives on the General Plan Advisory Committee and that there has been participation throughout.

The Lower Deer Valley information was reviewed. Ms. Garrow pointed out the Neighborhood Snapshot information, which shows that the daytime population increases in this area. There are a few affordable housing units at the St. Regis and a number of unbuilt units. The plan recognizes what is anticipated in Lower Deer Valley. As for the recommendations, the first is to balance the resident and visitor experience. Some of the items listed have to do with traffic, transportation, resident access, wayfinding, and spaces that create gathering opportunities for local residents. There is a suggestion to improve the overall management of nightly rentals in this neighborhood. The second recommendation is to protect open space and natural resources. This is from an ecological and wildlife perspective as well as from a visual and aesthetic perspective. There is also an item that has to do with balancing e-bike use and the impacts on trails.

The Masonic Hill information was reviewed. Ms. Garrow reported that there are three recommendations for this neighborhood. The first is to protect the balance between open space and residential clusters. The listed items relate to wildfire mitigation strategies and

the management of noxious weeds. The second recommendation is to improve connections and the third recommendation is to protect the quality of life of residents. The intention is to create a balance between primary and nightly rentals and to enforce the existing regulations. There were comments received about construction impacts.

Director Ward shared some feedback from the residents in this neighborhood. There is access to transit, but getting there is difficult, as there are narrow and steep roads. The residents found that micro-transit was helpful to them, but that pilot program has ended. As a result, there is a recommendation to evaluate opportunities where the residents could drive to a parking area near transit at the base of the neighborhood. Commissioner Frontero wondered whether a park and ride is envisioned. Director Ward clarified that a very small parking lot or even on-street parking could meet this need. Commissioner Shand asked about possible suggestions for the location. Director Ward stated that the location mentioned most often was Deer Valley Drive near the Rossi Hill area.

The Old Town information was reviewed. Ms. Garrow explained that this references the idea of a Resort Center and Old Town Overlay to assist with the neighborhood transition. There are many jobs in this area, as indicated by the significant increase in the daytime population. A lot is happening in Old Town as far as historic properties and affordable housing opportunities. There are three recommendations included. The first is to preserve the historic neighborhood character. There is a focus on incentivizing building improvements through Historic District grants and evaluating the opportunity to underground powerlines. The second recommendation is to protect the quality of life of residents, which includes items such as management of nightly rentals, looking at opportunities for compatible infill, and enforcing trash and recycling regulations due to the narrow streets. The last recommendation is to have better connectivity, with items related to transit and capture lots, as well as opportunities for bicycle and pedestrian connectivity.

The Upper Deer Valley information was reviewed. This neighborhood has an allowance for nightly rentals unless it is an affordable deed-restricted unit. There are a number of deed-restricted units located throughout the neighborhood. Ms. Garrow reported that there are two historic sites listed, and there are three recommendations. The first is to protect open space, which has to do with visuals, but also comes from a wildfire and wildlife perspective. It is important to think about evacuation routes for this neighborhood. The second recommendation is to balance resort and resident areas. There are items related to improved enforcement for existing nightly rental requirements and exploring a limitation on nightly rentals for some of the sub-neighborhoods. The third recommendation is to improve connectivity, which has items about addressing peak traffic, considering stronger enforcement of traction laws and requirements during winter conditions, as well as improving pedestrian and bicyclist connections.

Ms. Garrow reported that there is an additional comment anticipated to be added to the Neighborhood Plan for Upper Deer Valley. It is related to traffic. The comment received

acknowledges that there are other traffic issues outside of the peak traffic issue. There is a desire to address speed, safety, traffic noise, and emissions, which can be added.

Ms. Garrow reviewed some of the next steps. All of the comments received to date from the Planning Commission and community members will be integrated into the General Plan document. She expressed appreciation for the time that has been dedicated to this. The updated document will be reviewed during the Joint Work Session on Monday with the City Council and Planning Commission. Adoption hearings will then move forward.

Chair Van Dine opened the public hearing. There were no comments. The public hearing was closed. It was noted that comments can be submitted to planning@parkcity.gov.

6. REGULAR AGENDA

- A. 1485 Empire Avenue – Condominium Plat Amendment** – The Applicant Proposes a 259-Square-Foot Addition of Private Area to Unit 512 of the Silver King Condominiums to Reflect Existing As-Built Conditions. PL-25-06579.

Planner II, Virgil Lund, presented the Staff Report and explained that this is a Condominium Plat Amendment application for 1485 Empire Avenue. He shared some background information and reported that there was a Conditional Use Permit (“CUP”) approved for the Silver King Condominiums in 1981. The first Condominium Plat was recorded in 1983. In 1988, an Expandable Condominium Plat was approved and recorded, but has not been built. He shared an image that highlights that area.

The applicant proposes a 259 square foot addition of private area that is existing. This area was built as part of the original condominiums, but has not been recorded on the plat. The proposal complies with the Zoning District requirements and requirements for off-street parking. There is Good Cause for the plat, because it corrects an existing non-conformity with the recorded plat. Staff recommends the Commission review the proposed Plat Amendment and consider approval based on the Draft Final Action Letter.

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

Commissioner Seth Beal was looking over the Homeowners Association (“HOA”) vote and voting percentages, but found the exhibit to be confusing. The HOA requires a two-thirds vote, but the vote was described as 43 units out of 66, which is 65%. He asked for some clarification about the two-thirds vote. Planner Lund shared information about the voting percentages for the condominiums. The Covenants, Conditions, and Restrictions (“CC&R”) are set up so each condominium has a voting percentage based on the size of the unit. As a result, each unit has a different percentage of the vote based on the size.

Commissioner Beal pointed out that the information provided to the Commission references a percentage of members, but that is not the case based on the calculation.

MOTION: Commissioner Sigg moved to APPROVE the Silver King Unit 512 Condominium Plat Amendment, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Silver King Condominiums is a 66-unit condominium project in the Recreation Commercial (RC) Zoning District.
2. The Units range in size from 608 to 2,443 square feet. Unit 512 is a one-level Unit with a 259-square-foot loft.
3. The loft is part of the original construction of Unit 512 but was never included on the recorded plat. The Applicant proposes the Plat Amendment to reflect the existing conditions of Unit 512. The loft level will add 259 square feet of private area to Unit 512 for a total of 867 square feet of private area.
4. On September 23, 1981, the Planning Commission approved a Conditional Use Permit for the Silver King Condominiums.
5. The Silver King Condominium Plat was recorded with Summit County on April 15, 1983 (Recorder Entry No. 204662). The First Supplemental Condominium Plat was recorded April 15, 1988, and added 16 units to the expandable area to the north of the condominium building (Recorder Entry No. 289073). This expandable condominium area was recorded but has not been constructed. The expanded area exists as a parking lot.
6. The First Amended Silver King Condominium Plat was recorded January 16, 2001, and added one residential Unit to the Silver King Condominiums (Recorder Entry No. 580451).
7. Utah State Code Chapter 57-8 requires a 2/3rd Homeowners Association (HOA) vote to amend a condominium plat. On June 13, 2025, 66.72% of the Silver King HOA voted to approve the proposed Plat Amendment.
8. The proposed Plat Amendment complies with the Recreation Commercial Zoning District requirements.
 - a. Development in the RC Zoning District must meet the Lot and Site requirements in LMC § 15-2.16-3.

- b. The LMC in effect at the time of approval (1983) required a Side and Rear Setback of 10 feet and a Front Setback of 20 feet.
 - c. The existing Structure is 10.2 feet and 23.2 feet from the east and west Side Lot Lines. The Structure is 15.8 feet from the Rear Lot Line and 26.4 feet from the Front Lot Line.
 - d. The proposed private area addition is within the existing loft area of Unit 512 and is within the existing Building Footprint.
 - e. No Structure shall be erected to a height greater than 35 feet from Existing Grade.
 - i. The proposed private area addition is within Unit 512 and does not increase the Building Height of the Structure. The height of the Structure is approximately 35 feet.
- 9. The proposal complies with LMC Chapter 15-3, Off-Street Parking Requirements.
 - a. LMC § 15-3-6(A) states Condominiums less than 1,000 square feet require one Parking Space. Unit 512 is proposed to expand from 608 square feet to 867 square feet. One Parking Space is required for Unit 512. The Applicant has one assigned Parking Space for Unit 512 in the underground parking garage.
- 10. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.
 - a. Changes to platted elements including private area additions within a condominium require a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC § 15-7-1.6 and approval shall require a finding of Good Cause.
 - b. LMC § 15-15-1 defines Good Cause as “providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”
 - i. There is Good Cause for this Plat Amendment because the amendment does not require any exterior expansion or external changes to the existing Unit. The proposed addition of private area does not increase the parking requirements, and the proposed Plat Amendment corrects existing non-conformities with the plat and reflects as-built conditions. No Public Street, Right-of-Way, or easement will be vacated or amended.

11. The Development Review Committee reviewed the proposal on July 16, 2025, and confirmed the proposal conforms to their requirements.
12. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on July 30, 2025.
13. Staff mailed courtesy notice to property owners within 300 feet on July 30, 2025. The Park Record published courtesy notice on July 30, 2025.

Conclusions of Law:

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, Chapter 15-3 Off-Street Parking, and Chapter 15-2.16 Recreation Commercial District.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended Declaration of Condominium of The Silver King Condominiums prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.

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

B. 25 Canyon Court – Conditional Use Permit – The Applicant Proposes to Construct a 180-Square-Foot Outdoor Pool in the Single-Family Zoning District and Sensitive Land Overlay. PL-25-06607.

Planner Lund presented the Staff Report and explained that this is a CUP for 25 Canyon Court. He reported that there is a proposal for a 180-square-foot outdoor pool for private use by the property owner. 25 Canyon Court is Lot 71 of the Aspen Springs Ranch Subdivision Phase II. The Subdivision was recorded in 1992 and the single-family dwelling was constructed in 2009. The proposed pool is within the platted limits of disturbance and no additional site disturbance will occur. The proposed pool will be located in the existing patio area. The proposal complies with the Single-Family Zoning District requirements, all subdivision Plat Notes regarding the limits of disturbance areas, off-street parking requirements, Sensitive Land Overlay, and the CUP criteria. Staff recommends that the Planning Commission open a public hearing, review the proposed CUP for an outdoor pool, and consider approval based on the Draft Final Action Letter.

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

MOTION: Commissioner Sigg moved to APPROVE the Conditional Use Permit for an Outdoor Pool at 25 Canyon Court, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Applicant proposes constructing a 180-square-foot outdoor pool at 25 Canyon Court for private use by the property owner. The proposed pool is a Private Recreation Facility requiring a CUP in the Single Family (SF) Zoning District.
2. 25 Canyon Court is Lot 71 of the Aspen Springs Ranch Subdivision Phase II. The Subdivision Plat was recorded June 26, 1992 (Summit County Recorder Entry No. 361321).
3. On May 21, 2009, the Building Department issued permit number BD-08-14157 for the construction of a Single-Family Dwelling (SFD) on Lot 71. On September 10, 2024, the Building Department issued permit number 24-2156 for the construction of patios and additional landscaping for the property. The Applicant proposes to construct the 180-square-foot pool on the existing patio.
4. The proposed 180-square-foot outdoor pool complies with the Single Family (SF) Zoning District requirements outlined in LMC Chapter 15-2.11.

- a. Front Setback: 20 Feet
 - i. The proposed outdoor pool is greater than 100 feet from the Front Lot Line.
 - b. Rear Setback: 15 Feet
 - i. The proposed outdoor pool is greater than 100 feet from the Rear Lot Line.
 - c. Side Setback: 12 Feet
 - i. The proposed outdoor pool is 82 feet from the east Side Lot Line and more than 100 feet from the west Side Lot Line.
 - d. LMC § 15-2.11-10 states: "The Property Owner must protect Significant Vegetation during any Development activity." The Applicant's proposal does not impact any Significant Vegetation.
5. The proposed outdoor pool complies with the Aspen Springs Ranch Phase II Subdivision Plat requirements.
 - a. Plat note two states that Lot 71 is limited to a 10,000-square-foot Limits of Disturbance (LOD). The LOD includes the total footprint of the SFD, with any patios, decks, or pathways. Driveways and landscaped areas are exempt from the LOD calculations. The LOD for Lot 71 is 6,408 square feet.
6. The proposed outdoor pool complies with the Sensitive Land Overlay (SLO) requirements found in LMC Chapter 15-2.21.
 - a. The outdoor pool is on an existing concrete patio on Lot 71 of the Aspen Springs Ranch Subdivision Phase II. The Subdivision approval and platting of the Lots considered SLO principles, such as Steep Slopes, proximity to Open Space and wetlands, ridgelines, and visual analysis from Highway 224.
 - b. The proposed outdoor pool is not near wetlands or Ridge Lines and is not visible from Highway 224. The proposed outdoor pool is on a 13 percent slope and is not within 50 feet of a Very Steep Slope.
7. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).
 - a. There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
 - b. The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate

the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

- i. Size and location of the Site
 1. 25 Canyon Court is Lot 71 of the Aspen Springs Phase II Subdivision. The Lot is 10.16 acres and the LOD is 6,408 square feet. The proposed outdoor pool is within the LOD for Lot 71.
- ii. Traffic considerations including capacity of the existing Streets in the Area
 1. The Transportation Impact Study guidelines state that a transportation impact study is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City Staff.
 2. The proposed outdoor pool will not generate any additional traffic beyond the property's primary Use as an SFD. The outdoor pool will be used by the property owner and their guests.
- iii. Utility capacity, including Storm Water run-off
 1. The Development Review Committee (DRC) reviewed the proposal on July 15, 2025, and confirmed the proposal conforms with their requirements.
- iv. Emergency vehicle Access
 1. The DRC reviewed the proposal on July 15, 2025, and confirmed the proposal conforms with their requirements.
- v. Location and amount of off-Street parking
 1. LMC § 15-3-6(A) requires two off-street parking spaces per Dwelling Unit for an SFD.
 2. LMC § 15-3-6(B) requires one off-street parking space per four persons maximum rated capacity for a Private Recreation Facility.
 3. LMC § 15-3-4(A)(1) requires double car garages to be at least 20 feet wide by 20 feet deep.
 4. The Applicant states that the outdoor pool will be used by the property owner for hydrotherapy, with a maximum capacity of two people at any one time.

5. The Applicant can park four vehicles in the SFD's attached garage, which measures 47 feet wide by 20 feet deep.
- vi. Internal vehicular and pedestrian circulation system
 1. The proposed outdoor pool does not change the Lot's vehicle or pedestrian circulation.
- vii. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 1. The proposed outdoor pool is screened by the existing Structures, retaining walls, and existing aspen and pine trees.
- viii. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.
 1. The proposed outdoor pool is in the backyard of the SFD and is not visible from neighboring properties.
- ix. Useable Open Space
 1. The proposed outdoor pool does not decrease the amount of Open Space for the Aspen Springs Ranch Phase II Subdivision. The pool is within the platted LOD.
- x. Signs and Lighting
 1. No signs or exterior lighting are proposed with this application. If Outdoor Lighting is proposed to be installed, it requires compliance with the dark sky code (LMC § 15-5- 5(J)) and Planning Department review and approval.
- xi. Physical Design and Compatibility with Surrounding Structures
 1. The proposed pool is in-ground, within the platted LOD, and is not visible from neighboring properties.
- xii. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 1. Condition of Approval 3 requires adherence to Municipal Code of Park City Chapter 6-3 Noise.
- xiii. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 1. Vehicles for service and outdoor pool maintenance will access the property from the private driveway and Canyon Court. No additional trash or recycling areas are proposed. All trash and recycling are located inside the SFD.
- xiv. Expected Ownership and Management

1. 25 Canyon Court is under private ownership and the proposed outdoor pool is for the use of the owner and guests.
- xv. 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
 1. See Finding of Fact 6.
- xvi. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 1. Goal 7 of the General Plan states that the City strives to create a diversity of primary housing opportunities, allowing full-time residents to have local options for work and recreation.
8. The Development Review Committee reviewed the proposal on July 15, 2025 and confirmed the proposal conforms to their requirements.
9. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on July 30, 2025.
10. Staff mailed courtesy notice to property owners within 300 feet on July 30, 2025. *The Park Record* published courtesy notice on July 30, 2025.

Conclusions Law:

1. The proposed outdoor pool complies with the LMC requirements pursuant to Chapter 15-2.11 Single Family Zoning District, Chapter 15-2.21 Sensitive Land Overlay, and Section 15-1-10 Conditional Use Review Process.
2. The use will be 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 final plans dated July 7, 2025, submitted to the Planning Department and reviewed August 13, 2025, by the Planning Commission.

2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director prior to construction.
3. The Applicant shall adhere to Municipal Code of Park City Chapter 6-3, Noise.
4. If Outdoor Lighting is proposed to be installed, it requires compliance with the dark sky code (LMC Section 15-5-5(J)) and Planning Department review and approval

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

- C. 8946 Marsac Avenue – Master Planned Development Modification –**
The Applicant Proposes to Modify the Village at Empire Pass Master Planned Development Volumetrics for Pod A of the Flagstaff/Empire Pass Annexation Area for the Construction of a Four-Unit Multi-Unit Dwelling. PL-25-06522.

Senior Planner, Alec Barton, presented the Staff Report and explained that this is a Master Planned Development (“MPD”) Modification request for 8946 Marsac Avenue. He reported that this is the first of a few items on the agenda that are related to the Argus (R-5) development site at 8946 Marsac Avenue. On March 26, 2025, the Planning Commission reviewed requested amendments to the Amended and Restated Development Agreement for Flagstaff Mountain/Empire Pass. On April 25, 2025, the City Council adopted Ordinance 2025-05, which approved this amendment.

For the requested increase in density, approximately 310 acres of land will be transferred to the City, most of which is zoned Recreation Open Space. The transfer also involves the transfer of trailheads for Empire Pass, Mid-Mountain, and Daly. In addition, this includes water interests and rights that Redus owns or could acquire. Planner Barton noted that Conditions of Approval attached to the Ordinance included the payment of an in-lieu affordable housing fee based on the Affordable Housing Guidelines in place at that time, the payment of an open space maintenance transfer fee, and the transfer of ownership or an access easement for historic mining structures within that acreage.

Another Condition of Approval requires the applicant to receive required land use approvals, including Subdivisions and a CUP for the R-5 site, prior to any application for a Building Permit. At the time that Flagstaff Mountain was annexed into the City, the majority of land was zoned Recreation Open Space, which was shown on a map in green. The recently Amended and Restated Development Agreement transfers some of this land

to the City so it becomes public open space. For the R-5 site, the applicant is also proposing that approximately 63% of the site be open space. Ordinance 2025-05, which was adopted by the City Council earlier this year, approves the amendment to the Development Agreement and establishes density for both the R-5 site and the Guardsman site. The R-5 site is permitted a four-unit multi-unit dwelling and the Guardsman site, also known as the Water Tank Parcel, has vested density for three single-family dwellings.

In order to develop the R-5 site, the applicant is proposing modifications to the Small Scale Master Planned Development ("MPD") for the Village at Empire Pass. Planner Barton reported that the Large Scale MPD for Flagstaff clustered development into four development pods to preserve open space in the other portions of the MPD. Developments within these pods have developed above the Residential Development Zone height of 28 feet, because the Planning Commission at the time found that the increased building height was appropriate through a site-specific analysis. The applicant is proposing to modify the volumetrics for Pod A, which is where the R-5 site is located. The proposed modifications would establish volumetrics for the R-5 site, which have been included as an Exhibit in the Meeting Materials Packet.

The development standards in the Residential Development Zoning District and the Amended Development Agreement establish the setbacks and density for the site. Planner Barton reported that the proposal complies with the density established in the Amended Development Agreement. It also complies with the setbacks for the Residential Development Zone, which are 20 feet in the front, 15 feet in the rear, and 12 feet on the sides. The zone height in the Residential Development Zoning District is 28 feet, and the applicant proposes a building that reaches a height of up to 53 feet above existing grade. To permit the increased building height, the Planning Commission must find that the six criteria for additional building height have been met. Planner Barton reviewed the criteria.

The density for this site was established in the Amended Development Agreement and the proposed increase in building height does not result in increased square footage. Planner Barton noted that the applicant is proposing architectural variation through recessed building elements, articulated roof forms with varied roofing materials and height, and cantilevered decks. As for the second criterion, the proposed structure is downslope from One Empire Pass, the nearest residential building. The height of the roofline is approximately 10 feet lower than the lowest residential floor at One Empire Pass.

Planner Barton discussed the third criterion and explained that the conceptual renderings from the applicant indicate that the front setback adjacent to Marsac Avenue will be landscaped with trees, shrubs, and grasses. The Planning Commission will review detailed Landscaping Plans with the CUP application for the multi-unit dwelling. Planner Barton explained that the proposal meets the required setbacks and includes buffering due to the adjacent open space. The fifth criterion is that there be more than the minimum

open space required. Planner Barton reminded the Planning Commission that the applicant is proposing that approximately 63% of the site be open space.

Proposed Conditions of Approval for the MPD Modification were shared. Planner Barton reported that there are conditions that the roof forms for the building be articulated with the use of varied roofing materials, that the building would be stepped back 15 feet or more on the third floor on the south and west elevations, and that it would comply with the Solar Reflectance Index of 35 or less. Green roofs are encouraged and there is a condition that any solar energy systems included in the building are mounted flush to the roof plane. There are also Conditions of Approval related to landscaping and buffering. Some of the conditions include revegetating disturbed areas, protecting significant vegetation during construction, and using landscaping for screening purposes.

The applicant is also requesting to develop within 50 feet of Very Steep Slopes. There are seven findings that the Commission must make, which are outlined in the Meeting Materials Packet. Planner Barton reported that the nearest ridgelines are approximately 600 feet to the northwest and 500 feet to the northeast. The applicant provided a Sensitive Lands Analysis indicating that the proposed lot is not visible from any designated vantage points. The application also includes a Geotechnical Report that will be reviewed in greater detail with the CUP application. The project includes recommended Conditions of Approval related to Very Steep Slopes. The proposal includes cantilevered decks that would extend over the Very Steep Slopes. The recommended conditions state that no footprint, foundation, or footing can be placed within those Very Steep Slopes and that there cannot be shoring or other disturbances within those areas.

Staff recommends that the Planning Commission review the MPD Modification for the Village at Empire Pass, conduct a public hearing, and consider approving the proposal based on the Findings of Fact, Conclusions of Law, and Conditions of Approval. Doug Ogilvy is attending the meeting representing Redus and can answer any questions.

Mr. Ogilvy reported that all of the feedback from the Planning Commission at the last meeting was taken into account. The west side will now be stepped down, which he believes results in a better building. As previously stated, the highest part of the roof is 10 feet below the lowest floor at One Empire Pass. The intention is to mitigate impacts.

Chair Van Dine asked about the encouragement of green roofs rather than there being a requirement. She wanted to understand the options. It might be best to put a percentage on it or something that is more definitive, rather than encouragement. Commissioner Frontero agreed. Director Ward clarified that this is just the volumetrics and is setting the parameters that the building will need to be designed within. That building will come back to the Planning Commission. Rather than setting a percentage right now, it is possible to draft condition language to state that the green roof and roof articulation would be reviewed as part of the CUP. At that time, the Commission can evaluate the specifics.

Commissioner Shand noted that Condition of Approval #9 mentions screening, but he gets the impression that it does not relate to screening for Marsac Avenue. There is another subdivision on the right-hand side, and there is a rock wall there. He asked if something similar is envisioned for screening on Marsac Avenue. Mr. Ogilvy believed the Condition of Approval was proposed by Staff. From the perspective of the applicant, there is a strong desire to have screening to limit traffic noise and headlights impacting the property. Commissioner Shand stated that he likes the stepping down from Marsac.

Commissioner Grant Tilson commented that the renderings for the building show pathways leading from each unit to Marsac Avenue. Mr. Ogilvy explained that there are Fire Department requirements. The renderings in the civil plan don't show that sidewalk tying back to the south end of the site, which would be seen in the CUP. There should be an extension of the sidewalk to the south end of the site as well. The requirement is to have sidewalks there, so if the Fire Department needs to get into the building, they can park on Marsac Avenue and have immediate access to all four of the units.

Chair Van Dine opened the public hearing.

Steve Marsh gave his zip code as 84060. He stated that land owners have the right to develop their land, but he is concerned that the required legal findings under the LMC are not being met. In addition, he has some environmental concerns with this application. The LMC demands compatibility with adjacent properties in use, scale, and mass. Staff has only compared one property, One Empire Pass, rather than all adjacent properties. There are the new Moonshadow homes, which are less than 500 feet away and are on the same side of Marsac. Moonshadow is 28 feet high, which is the height approved for these lots. R-5 is 121% taller. The largest Moonshadow home is approximately 8,000 square feet, but for R-5, the proposal is to have something 300% larger. He asked about the properties that were used to assess the compatibility for use, scale, and mass.

Mr. Marsh commented that approving a project that is more than twice as tall as the LMC allows and the neighboring property, as well as three times larger, will set a precedent. Future developers will cite this decision for their variance requests in height, scale, setback, and mass. This is not just about one project, but about the precedent that will be set. Mr. Marsh shared comments about contamination. The City Council has a Letter of Intent with Redus on the over 300-acre land swap, 90% of which is already in a conservation easement. The swap does not happen unless the modifications are approved. The City Council ordered a Phase I Environmental Site Assessment, but he feels the Council must require a Phase II study with actual sampling paid for by Redus.

There are two areas of the land swap map, totaling 12 acres, which are excluded because they are contaminated. Once the land swap occurs, these contaminated areas will remain with Redus and contaminants will most likely migrate into adjacent conservation areas. If there is no clean-up required now, there will be no incentive for Redus to remediate.

There is an opportunity to make clean-up a Condition of Approval. Mr. Marsh suggested adding another Condition of Approval: "Working with City Council, Redus must fund a Phase II Environmental Site Assessment and clean any contaminated parcels." He explained that this is about more than one project, but it is about legal integrity, public health, and the future of Park City. Mr. Marsh asked that the LMC be upheld, that there be fair comparisons with adjacent properties, and that clean-up of contaminated areas be mandated. He shared a handout with Commissioners to summarize the points made.

John Wolgen explained that he is a permanent resident and his zip code is 84060. His education has been in engineering and health science. He is present to oppose the proposal. According to language in the International Building Code, on a greater than 30% slope, the maximum height is limited to one story or approximately 18 feet above the existing uphill grade. All heavy buildings on steep ground require massive cuts and fills as well as a deep foundation. Deep foundation would increase landslide and settlement risks. There are technical details that need to be considered with a variance request. Examples from California were shared to highlight what can happen when the code is not followed. The greater the variance, the greater the chance there is for a catastrophic failure to occur. Mr. Wolgen agrees with Park City taking control of the land in question, but he believes that Redus should donate the land, because the City would be the best steward.

Daniel Friedman owns an apartment at 8910 Empire Club Drive and is a neighbor of both the residents who shared comments during the public hearing. All of the neighbors are deeply concerned with what Redus has proposed. There are three major exceptions proposed to the rules that have been established. There is a request to have an increase in height, a 67% reduction in the setback, and to build on the steep slope. All three of these exceptions pose environmental and safety risks and also set a precedent for future construction in the area. He is deeply concerned about this proposal, as are many of his neighbors. He and does not see a benefit to the nearby residents or the community.

Holly James gave her zip code as 84060 and explained that she is a full-time resident. She has observed the traffic in every season and in every weather condition and stated that she wants to share some of her observations and concerns about the impact of the proposed R-5 development for motorists. Marsac Avenue is a steep, winding, mountain road with little to no shoulder. The density of rental properties and the access to Guardsman Pass in the summer means there are always motorists unfamiliar with the roads in the area. Every year, there are road closures as drivers struggle with the steep grade and tight turns. There have been rollovers and vehicles dangling over embankments as well as property damage. That is the context of the road where the R-5 development is proposed. Ms. James expressed concerns about the location. In the winter, the snow plow clears the road by shooting the snow up and over into the downhill side of the canyon because there is not sufficient shoulder space for the amount of snow that Empire Pass receives. There needs to be room for snow so the road remains safe.

Ms. James finds the idea of a 125-foot-long building only 20 feet from the road to be concerning. This is concerning for drivers, pedestrians, and future homeowners. An important distinction to make between One Empire Pass is that it is uphill of Marsac Avenue. A more comparable development is the downhill Moonshadow project. As mentioned previously, the Moonshadow height is only 28 feet and it is set far back from the road. There was a berm built with a stone wall, which is much more effective for minimizing visual impacts than landscaping alone. She asked that the information shared be considered by the Planning Commission during the deliberations on this application.

Craig Curtis lives at One Empire Pass. He expressed support for the comments made so far in opposition of the project. However, if the project moves forward, he likes the idea of changing the language to require green roofs rather than encourage them. Mr. Curtis commented that a 20-foot setback seems too close to the road. He is also concerned about where snow will be moved during the winter season. It appears there will not be a berm due to fire truck access, which is concerning for drivers and residents.

Will James stated that he is a full-time resident of Empire Pass. He echoed the concerns shared by his wife, Holly James, related to the safety of Marsac Avenue. Mr. James added that Marsac Avenue is the primary and only paved evacuation route serving Empire Pass, which is in a designated wildfire zone. As such, even a partial road closure poses potentially life-threatening consequences. All of the accidents referenced earlier resulted in significant road closures, which underscores the importance of factoring safety into the current and future development proposals in the Empire Pass area. Mr. James shared information about traffic backups and delays. While these delays might be inconvenient under normal circumstances, during a wildfire evacuation, they can be dangerous. The original Master Plan for Empire Pass was thoughtfully developed to maintain residential and visitor density at a responsible and safe level. His concern is that the various amendments to the Master Plan have undermined this original goal. Mr. James asked that the Commission consider the evacuation risks during this process.

Bill Fiveash gave his zip code as 84060 and explained that he is a local resident who has lived here for the last 15 years. He has received a lot of calls from the homeowners in Empire Pass concerned about this project. Most people support the land swap, but the concerns have to do with the precedent that is being set by the variances, such as height and setback. He added that most people are concerned about Parcel PCA-S-384, which has a dispute with the City on the exact zoning based on how the maps were drawn. In the planning for the area, there was an assumption about what would be on that parcel. The concern is that if these small mining parcels do have something to offer the City, the City will do whatever is desired on those lands. Mr. Fiveash expressed concerns about the precedent that could be set and asked the Planning Commission to consider this.

There were no further comments. The public hearing was closed.

Commissioner Sigg asked about the comment made during the public hearing related to the International Building Code and the LMC. Director Ward reported that Building Permits are issued based on compliance with the Building Code. Plan Check Coordinator, Scott Olsen, believed the question was whether the LMC or the International Building Code takes precedence. He reported that the Building Code is the standard set for any construction that happens within the City. It would be in conjunction with anything required in the LMC, but the Building Code would take precedence. Mr. Olsen explained that a building that is engineered to exceed certain limitations is possible and still in compliance with the code. That is something that can be further clarified, if needed.

Commissioner Shand wanted additional information about the Very Steep Slope condition. He stated that Steep Slope is 30% or less and Very Steep Slope is over 30%. A request was made for Staff to comment on any concerns the Building Department might have with what has been proposed. Mr. Olsen clarified that there is no concern, but there are specific requirements for this kind of construction. When there is building happening on a steep slope, there will be a requirement for geotechnical engineering. He added that when someone submits for a Building Permit, that documentation would need to be provided to the City. That documentation would be reviewed and then the applicant would need to follow certain guidelines. In most cases, it involves specific conditions for shoring and ensuring the stability of the site as well as the stability of any structures in the surrounding areas, depending on proximity, the depth of the cut, and placement of footings. Typically, there will be a Shoring Report and a plan ahead of permit issuance.

Commissioner Shand stated that on Page 19 of the Staff Report, there is an image of the elevation of the building. One of the common concerns heard during the public hearing had to do with the overall height of the building. Planner Barton explained that because this site was disturbed, the applicant submitted a survey to interpolate grade. The Planning Department retained Horrocks Engineers to review that survey and made a determination of natural grade based on the conditions on the site. The section seen on Page 19 of the Staff Report reflects what the height would be from that determined natural grade. That would function as the existing grade for the site. The applicant is proposing a building that would reach up to 53 feet above grade, but not at all portions of the roofline.

There was additional discussion about Figure 4 in the Staff Report. Director Ward asked the applicant representative to review the diagram in more detail. Mr. Ogilvy shared the Conceptual Roof Heights image with the Commission. He has done a rough calculation of the roof over existing grade for the conceptual plan. On the east side of the building, closest to the neighbors, the roof is 8 to 19 feet over existing grade. Mr. Ogilvy pointed out Unit 3 on the image and explained that it is the highest point above grade on the conceptual plan, which is 53 feet above. Commissioner Shand asked the applicant representative to clarify Figure 4. Mr. Ogilvy provided clarification on the floor heights.

Senior City Attorney, Mark Harrington, asked that the Planning Commission further discuss an amended Condition of Approval related to green roofs. Director Ward reported

that a Condition of Approval can be drafted. The proposed language is: "Green roofs shall be used as a substantive mitigation tool and proposed as part of the CUP design review."

Mr. Ogilvy asked for Commissioner feedback on rock walls. Commissioner Tilson noted that on Figure 4, it looks like there is a berm or some kind of elevated surface along Marsac Avenue. He wondered if that is intended to stop at the sidewalks or continue. Mr. Ogilvy reported that the sidewalks would extend to Marsac. The areas between the 20-foot setback and the property line would be landscaped. There would be berms to the extent reasonable. In the Staff Report, there is a proposal that rock walls not be a permitted landscape element, but some neighbors believe it would be beneficial.

Commissioner Frontero reported that there are options: vegetation, rock walls, or berming. He does not have a strong negative opinion on rock walls. Director Ward explained that what is outlined in Condition of Approval #9 is landscaping and screening rather than being specific at this point. That could be modified to state that landscaping and screening shall be reviewed as part of the CUP. However, she thinks it is key to keep the mitigation of retaining wall height and length so the site disturbance is minimized. Chair Van Dine does not believe the Commission needs to define it at this point. It is more appropriate to be handled at the CUP level. She likes the idea of maintaining the language for screening, but states that it will be reviewed as part of the CUP process.

Commissioner Beal agreed that it makes sense to state the desired outcome, but leave the details to the future CUP process. Commissioner Tilson asked if the sidewalks extending to Marsac Avenue would also be reviewed during the CUP stage. Mr. Ogilvy reported that it is a requirement of the Park City Fire Department. Director Ward confirmed that it would be reviewed during the CUP phase as well. It sounds like there is consensus to amend Condition of Approval #9 based on the comments made.

Commissioner Sigg asked if there should be motion language that mentions snow removal. Chair Van Dine stated that this needs to be addressed during the CUP process. There will need to be a snow storage easement somewhere. She asked if it is helpful to outline that in the current motion language. Condition of Approval #9 was amended:

- Landscaping, screening, mitigation of retaining wall height and length, berming, and snow storage along Marsac Avenue shall be addressed at the CUP review.

Director Ward noted that there was discussion about the elevation and what that means for the height. In Condition of Approval #2, it mentions the maximum roof elevation. She explained that it is possible to indicate the elevation and state that the height is not to exceed 53 feet. That language could be amended so there is additional clarity.

Attorney Harrington reported that in the Draft Final Action Letter, the Findings of Fact incorporate the analysis section of the Staff Report by reference. As for the members of

the public who raised transactional and environmental concerns, those matters are not before the Commission at this time, but comments will be forwarded to the City Council.

MOTION: Commissioner Shand moved to APPROVE the Modification to the Village at Empire Pass Master Planned Development, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. The Applicant proposes to modify the Village at Empire Pass Master Planned Development (MPD) to establish Volumetrics Guidelines for the Argus (R-5) Site at 8946 Marsac Avenue within the Flagstaff/Empire Pass Development Pod A.
2. On June 24, 1999, the City Council adopted Resolution No. 20-99 authorizing the Flagstaff Mountain Development Agreement and Ordinance No. 99-30 annexing the 1,750-acre Flagstaff Mountain into Park City. The Flagstaff area is now known as Empire Pass.
3. The Development Agreement was entered into by United Park City Mines ("UPCM"), Deer Valley Resort Company ("Deer Valley"), and Park City Municipal Corporation ("the City") and was recorded with Summit County on July 26, 1999 (Recorder Entry No. 544835). Redus is successor-in-title to property previously owned by UPCM.
4. On July 28, 2004, the Planning Commission approved the Village at Empire Pass MPD. Finding of Fact 7 included the density for Pod A, the primary development pod.
5. On February 1, 2007, the City Council adopted Ordinance No. 07-10 approving amendments to the Development Agreement.
6. On March 26, 2025, the Planning Commission reviewed requested amendments to the Flagstaff Mountain/Empire Pass Development Agreement for the construction of seven residential units in exchange for open space and parcels zoned for density and forwarded a positive recommendation for the City Council's consideration.
7. On April 24, 2025, the City Council adopted Ordinance No. 2025-05 approving the First Amendment to the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain ("First Amendment") for the construction of seven residential units. Ordinance No. 2025-05 Condition of Approval 5 requires the Applicant to

receive required land use approvals, including subdivisions for residential Lots and a Conditional Use Permit for the proposed multi-unit dwellings, prior to application for or receipt of any Building Permit.

8. The August 13, 2025, Planning Commission Staff Report is incorporated herein.

Conclusions of Law:

1. The modification to the Village at Empire Pass MPD to establish Volumetrics for the R-5 site, as conditioned, complies with the LMC.
2. The modification to the Village at Empire Pass MPD to establish Volumetrics for the R-5 site, as conditioned:
 - a. Complies with all requirements of the Land Management Code;
 - b. Meets the minimum requirements of Land Management Code Section 15- 6-5;
 - c. Provides the highest value of Open Space, as determined by the Planning Commission;
 - d. Strengthens and enhances the resort character of Park City;
 - e. Compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
 - f. Is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
 - g. Provides amenities to the community so that there is no net loss of community amenities;
 - h. Is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete;
 - i. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
 - j. Promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;
 - k. Was noticed and the Planning Commission held a public hearing in accordance with Land Management Code Chapter 15-6;
 - l. Incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;

- m. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
- n. Addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
- o. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
- p. Addresses and mitigates traffic; and
- q. Addresses the long-term operation of the project.

Conditions of Approval:

1. The Multi-Unit Dwelling is subject to Conditional Use Permit approval by the Planning Commission.
2. Maximum roof elevation is 8062', not to exceed 53 feet in height from natural grade shown in Attachment 2, subject to the following requirements:
 - a. Roof forms shall be well articulated with varied roofing materials to soften the view from Marsac Avenue and properties to the east.
 - b. Building massing shall step back to the west and south on the third floor. Stepbacks shall be 15 feet deep or more and shall apply to two-thirds or more of the western façade and all of the southern façade.
 - c. Green roofs are encouraged.
 - d. Roof materials shall have a Solar Reflectance Index of 35 or less.
3. Building footprint, foundations, and footings shall not extend into Very Steep Slopes. Footings shall be constructed to minimize construction disturbance within Very Steep Slopes. Cantilevered decks shall not extend more than 10 feet over Very Steep Slopes and shall not extend into the Rear Setback. Construction of cantilevered decks shall not include shoring or other disturbances within Very Steep Slopes.
4. The Applicant shall revegetate disturbed areas with plantings that comply with the City's Water Wise Landscaping requirements and Wildland-Urban Interface code.
5. To the extent possible, the Applicant shall protect Significant Vegetation during construction. Landscape plans for the Conditional Use Permit for the Multi-Unit Dwelling shall show all Significant Vegetation as defined in LMC Section 15-2.13- 10. Significant Vegetation that is removed during construction must be replaced in-kind or with vegetation compliant with the Wildland-Urban Interface code.

6. The Applicant shall promptly treat and control for noxious weeds during and after construction activities.
7. The Applicant shall conduct vegetation clearing activities outside of the nesting season. If this is not possible, the Applicant shall have a qualified biologist conduct nest-clearance surveys during the nesting season.
8. The Applicant shall submit a landscape plan reviewed and recommended by a wildlife specialist showing the use of wildlife-friendly plantings for native large mammals with any future development application for the site.
9. Landscaping, screening, mitigation of retaining wall height and length, berming, and snow storage along Marsac Avenue shall be addressed at the CUP review.
10. Prior to Conditional Use Permit submittal, the Applicant shall obtain approval of the proposed design from the Empire Pass Design Review Board.
11. The Applicant shall comply with the recommended mitigation measures in the Tree Health Report for The Empire/Marsac Tree Parcel dated January 16, 2025.
 - a. Manage Cytospora canker and root rot in the aspen population by removing infected trees and monitoring healthy trees for signs of stress.
 - b. Monitor baby fir saplings for signs of pest infestation.
 - c. Monitor mountain maples for signs of stress and, if possible, develop strategies to improve water retention in the soil.
 - d. Implement a comprehensive fire mitigation plan to address the heavy surface fuel load.
 - e. Monitor new saplings to track their growth and health.
12. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the First Amendment to the Amended and Restated Flagstaff Mountain Development Agreement.
13. The Applicant shall meet the requirements of the Affordable Housing obligations as outlined in Ordinance No. 2025-05.
14. The Volumetric Study, Attachment 1, is indicative of general intent of the Conditions of Approval. Any future building is subject to Conditional Use Permit approval by the Planning Commission.

15. Any Solar Energy Systems to be incorporated into the roof plan or architectural features of the Structure and to be mounted flush to the roof plane, where possible. Solar Energy Systems and mounting equipment shall use non-reflective finishes, as required by the LMC.
16. Green roofs shall be used as a substantive mitigation tool and proposed as part of the CUP design review.

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

D. 8946 Marsac Avenue – Subdivision – The Applicant Proposes the Argus (R-5) Subdivision to Create a 1.58-Acre Lot for Four Dwelling Units in a Multi-Unit Dwelling. PL-25-06523.

Planner Barton presented the Staff Report and explained that this is a Subdivision application for 8946 Marsac Avenue. The applicant is proposing to subdivide a 1.58-acre lot for a four-unit multi-unit dwelling. The property is part of the Amended Flagstaff Mountain Development Agreement and is located in the Residential Development Zoning District. He shared an image of the property and proposed Subdivision Plat. The proposed plat complies with the setbacks for the Residential Development Zoning District. The applicant is proposing a maximum building footprint that would contain the proposed building, to be reviewed at the CUP phase. The maximum size of the building established in the Development Agreement is 24,000 square feet of saleable square footage. The proposal is compliant, as it is for four units that total 23,990 saleable square feet.

The Subdivision Plat includes recommended Conditions of Approval. Planner Barton reported that there is currently a trail with public access running through the center of the site. Recommended Conditions of Approval include providing a connection from Marsac Avenue to the Empire Link Trail, reconstructing a section of the Empire Link Trail that will be impacted by the proposed development, and providing documentation of recorded public easements. Staff recommends that the Planning Commission review the proposed Subdivision, 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.

Chair Van Dine opened the public hearing.

Steve Marsh gave his zip code as 84060. He was not sure whether his earlier comment should have been read as part of this agenda item and asked that it be considered. Chair Van Dine confirmed that the Commission will consider his previous comment.

There were no further comments. The public hearing was closed.

Mr. Ogilvy reported that the Conditions of Approval require the applicant to record trail easements on Deer Valley property prior to Plat Recordation. Deer Valley currently has hundreds of miles of bicycle trails, none of which are subject to trail easements. As a large-scale mountain operator, they require flexibility, so there are no trail easements. Mr. Ogilvy explained that there is no issue with recording public trail easements within the plat. He shared proposed language for Condition of Approval #8, which is as follows:

- Prior to issuance of grading or Building Permit, the Applicant shall reconstruct Empire Link Trail on adjacent property subject to property owner and Trails and Open Space Manager confirming alignment prior to construction. Trail sections on Argus property to be shown as public trail easements on Argus (R-5) Subdivision recorded plat. Trail section from Marsac Avenue down to Empire Link Trail to be completed after project driveway construction.

The objective is to maintain trail connectivity. Mr. Ogilvy believes that with the revised Condition of Approval, it is possible to achieve that. Commissioner Frontero believes that, based on the proposed Condition of Approval #8 language, there would need to be coordination. Mr. Ogilvy confirmed this and explained that there have been discussions with Deer Valley. There is support to relocate the trail further away from the building and into the trees, where there will be a better experience for bicyclists and the homeowners. The connection to Marsac Avenue will require placement of fill below an existing retaining wall so there can be a trail down there. There has been outreach to the Summit Land Conservancy and there is support due to the conservation objective and connectivity.

Commissioner Shand stated that he is looking at the GIS map on the County website. He noted that it looks like the Empire Link Trail goes into the Moonshadow Subdivision. He wondered whether an easement was recorded. Director Ward offered to look into that.

There was discussion about the proposed language for Condition of Approval #8. Mr. Ogilvy asked whether the following language was preferable: "...confirming alignment and public access prior to construction." Attorney Harrington shared comments about the language proposed. Mr. Ogilvy stated that "prior to construction" provides adequate time to work with Deer Valley and obtain appropriate documentation from them. It would likely be possible to receive a letter from Deer Valley prior to Plat Recordation, which Chair Van Dine preferred. She would like to see it at Plat Recordation rather than construction.

Director Ward reported that for Moonshadow, there is a 15-foot easement. She explained that Staff is working on amended language for Condition of Approval #8. Commissioner Beal mentioned Condition of Approval #5, which talks about the roof elevation. He wondered if there should be a maximum listed there as well, similar to the last item. There was additional discussion about amendments to the Draft Final Action Letter. Commissioner Frontero asked how the applicant is planning to meet Condition of Approval #16, which mentions affordable housing obligations. Mr. Ogilvy stated that there is a requirement for in-lieu fees prior to the Building Permit, which will be paid to the City.

MOTION: Commissioner Sigg moved to APPROVE the Argus (R-5) Subdivision at 8946 Marsac Avenue, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. The Argus (R-5) Subdivision combines portions of two metes-and-bounds parcels to create a 1.58-acre Lot for a four-unit Multi-Unit Dwelling at 8946 Marsac Avenue.
2. The Argus (R-5) Subdivision is bounded to the north by the Marsac Claim, to the east and south by Marsac Avenue/State Route 224, and to the west by Deer Valley Resort's West Conservation Parcel. One Empire Pass is east of the proposed subdivision, and Moonshadow Condominiums is to the northeast.
3. The Argus (R-5) Subdivision is within the Flagstaff/Empire Pass annexation area.
4. On June 24, 1999, the City Council adopted Resolution No. 20-99 authorizing the Flagstaff Mountain Development Agreement and Ordinance No. 99-30 annexing the 1,750-acre Flagstaff Mountain into Park City. The Flagstaff area is now known as Empire Pass.
5. The Development Agreement was entered into by United Park City Mines ("UPCM"), Deer Valley Resort Company ("Deer Valley"), and Park City Municipal Corporation ("the City") and was recorded with Summit County on July 26, 1999 (Recorder Entry No. 544835). Redus is successor-in-title to property previously owned by UPCM.
6. On February 1, 2007, the City Council adopted Ordinance No. 07-10 approving amendments to the Development Agreement.
7. On March 26, 2025, the Planning Commission reviewed requested amendments to the Flagstaff Mountain/Empire Pass Development Agreement for the construction of seven residential units and forwarded a positive recommendation for the City Council's consideration.
8. On April 24, 2025, the City Council approved Ordinance No. 2025-05 modifying the Flagstaff Mountain/Empire Pass Development Agreement for the construction of seven residential units. Ordinance No. 2025-05 Condition of Approval 5 requires the Applicant to receive required land use approvals, including subdivisions for residential Lots and a Conditional Use

Permit for the proposed multi-unit dwelling, prior to application for or receipt of any Building Permit.

9. The Argus (R-5) Subdivision is within the Flagstaff/Empire Pass Development Pod A zoned Residential Development – Master Planned Development (MPD).
10. The Planning Commission August 13, 2025, Staff Report is incorporated herein.

Conclusions of Law:

1. The proposed 1.58-acre Lot complies with the requirements of the Land Management Code, including Chapter 15-2.13 *Residential Development*, Chapter 15-2.21 *Sensitive Land Overlay*, and Chapter 15-7 *Subdivision* as conditioned.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the LMC, and Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. Building footprint, foundations, and footings shall not extend into Very Steep Slopes. Footings shall be constructed to minimize construction disturbance within Very Steep Slopes. Cantilevered decks shall not extend more than 10 feet over Very Steep Slopes and shall not extend into the Rear Setback. Construction of cantilevered decks shall not include shoring or other disturbances within Very Steep Slopes.
4. The Multi-Unit Dwelling is subject to Conditional Use Permit approval by the Planning Commission.
5. A plat note shall indicate the maximum roof elevation is 8062 feet subject to the following:

- a. Roof forms shall be well articulated with varied roofing materials to soften the view from Marsac Avenue and properties to the east.
 - b. Building massing shall step back to the west and south on the third floor. Stepbacks shall be 15 feet deep or more and shall apply to two-thirds or more of the western façade and all of the southern façade.
 - c. Green roofs are encouraged.
 - d. Roof materials shall have a Solar Reflectance Index of 35 or less.
6. The Applicant shall provide a trail connection from Marsac Avenue to the Empire Link Trail. The trail connection shall be scheduled for review by the Trails & Open Space Department within 30 days of Subdivision approval. The Argus (R-5) Subdivision Plat may not be recorded until the Trails & Open Space Department has approved the proposed trail connection and an easement is recorded for future public trail access. The recorded public trail easement shall be indicated with a plat note on the Argus (R-5) Subdivision Plat.
7. The Applicant shall reconstruct an approximately 800-foot section of Empire Link Trail impacted by the proposed development along an alignment approved by the Trails and Open Space Department. The condominium plat for the Argus (R-5) Subdivision shall show a 10-foot public trail easement for those portions of Empire Link Trail on the R-5 site.
8. Prior to Subdivision plat recordation, the Applicant shall provide documentation of public access for those portions of the Empire Link Trail proposed for realignment on adjacent properties. Recorded public trail easements shall be indicated with a plat note on the Argus (R-5) Subdivision Plat. Public access may be confirmed by license, Deer Valley Master Trails Plan, conservation easement, or Flagstaff Open Space Management Plan, as applicable. Any subsequent change must be approved by the Planning Commission prior to any trail modification.
9. Prior to submitting a plat for final redline review, the Applicant shall include a plat note stating that each unit shall have its own sewer lateral and ejector pump.
10. Prior to submitting a plat for final redline review, the Applicant shall include a plat note stating that the project shall require heated sidewalks with direct access to Marsac Avenue from each unit, as approved through the CUP.
11. The Applicant shall revegetate disturbed areas with plantings that comply with the City's Water Wise Landscaping requirements and Wildland-Urban Interface code.

12. The Applicant shall promptly treat and control for noxious weeds during and after construction activities.
13. The Applicant shall conduct vegetation clearing activities outside of the nesting season. If this is not possible, the Applicant shall have a qualified biologist conduct nest-clearance surveys during the nesting season.
14. The Applicant shall submit a landscape plan reviewed and recommended by a wildlife specialist showing the use of wildlife-friendly plantings for native large mammals with any future development application for the site design landscaping to accommodate native large mammals that live in the area. To the extent possible, the Applicant should use wildlife-friendly plantings that allow wildlife to cross the landscape.
15. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the First Amendment to the Amended and Restated Flagstaff Mountain Development Agreement.
16. The Applicant shall meet the requirements of the Affordable Housing obligations as outlined in Ordinance No. 2025-05

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

The Planning Commission took a five-minute break before hearing the next item.

- E. 9401 Marsac Avenue – Subdivision** – The Applicant Proposes the Guardsman Subdivision to Create Three Lots for Three Single-Family Dwellings, One Lot for the Park City Municipal Water Tank Site, and Open Space Parcels for Common Area and the Mid-Mountain Trailhead. PL-25-06547.

Planner Barton presented the Staff Report and explained that this is a Subdivision for 9401 Marsac Avenue. This is the proposed Guardsman Subdivision. After publication of the Staff Report, information was received from the Summit County GIS Coordinator requesting updates to the addresses for the proposed lots in this subdivision. He has made note of that in the Staff Report. Staff will confirm addresses during the plat redline process with Summit County. The proposed Subdivision is for three single-family dwellings on three separate lots. It also includes an open space parcel for the Mid Mountain Trailhead, an open space parcel including the driveway accessing the residential lots, and a fourth lot for the existing Park City Municipal water tank. The proposed Subdivision location was shared. The area in orange is the Sommet Blanc Condominiums.

The proposed plat was shared with Lot 1, Lot 2, and Lot 3 at the upper end of the plat. Those are the residential lots. Planner Barton explained that Lot 4 is the proposed lot for the Park City Municipal water tank. The applicant is proposing two lots that are approximately half an acre for single-family dwellings. The third lot is approximately three-quarters of an acre. There is also a 1.55-acre lot for the water tank area. A map of the area was shared. He noted that the highlights indicate that all of the lots comply with the required setbacks for the Residential Development Zoning District.

At the last meeting, there was a discussion about the proposed alternate access to the water tank lot, also known as Lot 4. This will involve a separate access point off of Marsac Avenue. The applicant is working with the Utah Department of Transportation ("UDOT") to obtain a Conditional Access Permit. One of the Conditions of Approval is to provide that prior to plat recordation. There is also a recommended Condition of Approval that there be a gate across this access point to restrict access to the water tank lot. The applicant is also proposing modifications to the parking area for the Mid Mountain Trailhead. There is a recommended Condition of Approval that the applicant complete these modifications to the parking area prior to recordation of the plat. Some other conditions were reviewed.

Staff recommends that the Planning Commission review the Subdivision, conduct a public hearing, and consider approving the proposal based on the Findings of Fact, Conclusions of Law, and Conditions of Approval that are included in the Draft Final Action Letter.

Mr. Ogilvy shared some of the plans with the Commission and pointed out the water tank access with the gate. The driveway into Lot 3 has been shortened, which eliminated the need for a fire truck turnaround. The lower driveway was pulled up a little further away from the Mid Mountain Trailhead parking lot. The parking lot improvements are a cost and obligation at Sommet Blanc. The Sommet Blanc contractor has been directed to put the retaining walls in the right places to accommodate a bus turnaround. Chair Van Dine expressed support for a bus drop-off in that location. She thinks it is a great place for it.

Commissioner Sigg wanted to better understand the bus loop. Chair Van Dine explained that a bus loop results in a safer exit for bicyclists. A pull-in is much safer and is a smarter design there. She pointed out that right now, the only buses going to Bonanza Flat are the shuttles. There is some uncertainty about what the City plan is for this area. Director Ward referenced Condition of Approval #18, where the applicant is required to complete modifications to the approved CUP for the Mid Mountain Trailhead parking area prior to recordation of the Guardsman Subdivision Plat. The applicant will need to come back to the Commission through the Sommet Blanc CUP for the Mid Mountain Trailhead.

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

Mr. Ogilvy shared some proposed amendments to the Conditions of Approval:

- Condition of Approval #11: Reconstruction of the Mid Mountain Trail is the responsibility of the Sommet Blanc developer, subject to alignment approval by the Trails and Open Space Manager prior to construction. Guardsman Subdivision Plat to show public trail easement for realigned Mid Mountain Trail.
- Condition of Approval #12: Prior to issuance of Grading Permit for project driveways, the Applicant shall re-construct Tour des Suds Trail on adjacent property, subject to the property owner and Trails and Open Space Manager confirming alignment prior to construction.

There was discussion about the condition language. Commissioner Frontero asked who requested the gate. Mr. Ogilvy clarified that the gate was requested to prevent people from accessing the water tank without authorization. Director Ward clarified that the proposed gate is related to security on the private driveway for the water tank. If a gate were proposed for the three single-family dwellings, that would require a CUP.

MOTION: Commissioner Shand moved to APPROVE the Guardsman Subdivision at 9401 Marsac Avenue, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. The Guardsman Subdivision creates three Lots for Single-Family Dwellings, one Lot for the existing Park City Municipal Water Tank, one Open Space parcel including the parking area for the Mid Mountain Trailhead, and one common area parcel including the driveway accessing the residential Lots. Under the terms of an approved exchange agreement between the City and Redus, the City will own the water tank Lot and the Mid Mountain Trailhead parking area parcel, while Redus will own the three Single-Family Lots.
2. The Summit County GIS Coordinator requested changes to the addresses included on the proposed Subdivision plat. The table below summarizes the requested changes:

Lot Proposed Address (Shown on Plat)	Corrected Address (Used in Staff Report)
Lot 1 - 9403 Marsac Avenue	9401 Marsac Avenue
Lot 2 - 9401 Marsac Avenue	9403 Marsac Avenue
Lot 3 - 9405 Marsac Avenue	No Change
Lot 4 - 9409 Marsac Avenue	9575 Marsac Avenue

3. The Guardsman Subdivision is bounded on the north by a vacant 3.8-acre parcel bordering the Northside Village Subdivision, on the east by Deer

Valley Resort's East Conservation Parcel, and on the south and west by Marsac Avenue/State Route 224 and Twisted Branch Road. Further west are the Sommet Blanc Condominiums.

4. The Guardsman Subdivision is within the Flagstaff/Empire Pass annexation area.
5. On June 24, 1999, the City Council adopted Resolution No. 20-99 authorizing the Flagstaff Mountain Development Agreement and Ordinance No. 99-30 annexing the 1,750-acre Flagstaff Mountain into Park City. The Flagstaff area is now known as Empire Pass.
6. The Development Agreement was entered into by United Park City Mines ("UPCM"), Deer Valley Resort Company ("Deer Valley"), and Park City Municipal Corporation ("the City") and was recorded with Summit County on July 26, 1999 (Recorder Entry No. 544835). Redus is successor-in-title to property previously owned by UPCM.
7. On February 1, 2007, the City Council adopted Ordinance No. 07-10 approving amendments to the Development Agreement.
8. On March 26, 2025, the Planning Commission reviewed requested amendments to the Flagstaff Mountain/Empire Pass Development Agreement for the construction of seven residential units and forwarded a positive recommendation for the City Council's consideration.
9. On April 24, 2025, the City Council approved Ordinance No. 2025-05 modifying the Flagstaff Mountain/Empire Pass Development Agreement for the construction of seven residential units. Ordinance No. 2025-05 Condition of Approval 5 requires the Applicant to receive required land use approvals, including subdivisions for residential Lots, prior to application for or receipt of any Building Permit.
10. The Guardsman is within the Flagstaff Empire Pass Development Pod B-2 zoned Residential Development – Master Planned Development (MPD).
11. The August 13, 2025 Planning Commission staff report is incorporated herein.
12. The Development Review Committee reviewed the proposed Subdivision on July 1 and August 5, 2025.

13. The Planning Commission waived the preliminary Subdivision review pursuant to Land Management Code Sections 15-7.1-3(A) and 15-7.1-4(A) to combine the review of the Preliminary and Final Subdivision.

Conclusions of Law:

1. The proposed Subdivision complies with the requirements of the Land Management Code, including Chapter 15-2.13 *Residential Development*, Chapter 15-2.21 *Sensitive Land Overlay*, and 15-7 *Subdivision*, as conditioned.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the LMC, and Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. Prior to submitting a plat for final redline review, the Applicant shall include an easement to protect an existing fiber line on the property. Whereas the underground power easement shown on the plat is for Rocky Mountain Power, the City requires an identical easement for fiber infrastructure. The easement shall be recorded to the satisfaction of the Public Utilities Department.
4. Prior to submitting a plat for final redline review, the Applicant shall include an easement for electrical and fiber connections to the proposed bathroom facility at Mid Mountain Trailhead. The easement shall be recorded to the satisfaction of the Public Utilities Department.
5. Prior to submitting a plat for final redline review, the Applicant shall include a plat note indicating the location of any sewer laterals under retaining walls.
6. Prior to submitting a plat for final redline review, the Applicant shall include a plat note stating that each Lot shall have its own sewer lateral and ejector pump.

7. Prior to Subdivision plat recordation, the Applicant shall provide the Planning Department with documentation of Conditional Access Permits issued by the Utah Department of Transportation for the driveway to the municipal water tank and the modifications to the Mid Mountain Trailhead parking area.
8. The Applicant shall install a gate on the driveway providing access to the municipal water tank before any Building Permits for SFDs on Lots 1-3 may be issued. The gate shall be reviewed and approved by the Public Utilities Department prior to installation.
9. The Applicant shall install a single-stall, ADA-compliant plumbed bathroom facility at Mid Mountain Trailhead in a location approved by the City. The bathroom facility shall receive all required Building Permits before construction may begin. The bathroom shall be installed before any Building Permits for SFDs on Lots 1-3 may be issued. If the plumbed bathroom facility is not installed by August 13, 2026, the Applicant shall install and shall be responsible for maintaining a portable restroom facility until such time as the plumbed facility is installed.
10. If it is determined necessary for the safety of trail users, the Applicant shall install a protective fence between the retaining wall east of the Mid Mountain Trailhead parking area and the proposed alignment of the Mid Mountain Trail. The fence shall be composed of durable materials requiring minimal maintenance and shall be reviewed and approved by the Engineering, Planning, and Trails and Open Space Departments prior to installation.
11. The proposed trail realignments for the Mid Mountain and Tour De Suds trails shall be staked by the Applicant and scheduled for review by the Trails & Open Space Department within 30 days of Subdivision approval. The Guardsman Subdivision Plat may not be recorded until the Trails & Open Space Department has approved the proposed trail realignments.
12. Prior to Subdivision plat recordation, the Applicant shall provide documentation of recorded 10-foot public easements for those portions of the Mid Mountain and Tour De Suds trails proposed for realignment on adjacent properties. Recorded public trail easements shall be indicated with a plat note on the Guardsman Subdivision Plat.
13. The Applicant shall revegetate disturbed areas with plantings that comply with the City's Water Wise Landscaping requirements and Wildland-Urban Interface code.

14. The Applicant shall promptly treat and control for noxious weeds during and after construction activities.
15. The Applicant shall conduct vegetation clearing activities outside of the nesting season. If this is not possible, the Applicant shall have a qualified biologist conduct nest-clearance surveys during the nesting season.
16. The Applicant shall submit a landscape plan reviewed and recommended by a wildlife specialist showing the use of wildlife-friendly plantings for native large mammals with any future development application for the site.
17. Prior to submitting a plat for final redline review, the Applicant shall update the addresses for Lots 1-4 to align with changes requested by the Summit County GIS Coordinator.
18. The Applicant must complete modifications to the approved Conditional Use Permit for the Mid Mountain Trailhead Parking Area prior to recordation of the Guardsman Subdivision Plat.
19. To the extent possible, the Applicant shall protect Significant Vegetation during construction. Landscape plans for the Conditional Use Permit for the proposed Single-Family Dwellings shall show all Significant Vegetation as defined in LMC Section 15-2.13-10. Significant Vegetation that is removed during construction must be replaced in-kind or with vegetation compliant with the Wildland-Urban Interface code.

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

- F. 301 Marsac Avenue – Plat Amendment –** The Applicant Proposes Creating a 3,750-Square-Foot Lot to Construct a New Single-Family Dwelling on a Very Steep Slope in the Historic Residential - 1 Zoning District. PL-23-05947.

Planning Project Manager, Elissa Martin, presented the Staff Report and explained that this is a Plat Amendment application for 301 Marsac Avenue. There is also a Steep Slope Conditional Use Permit (“SSCUP”) application associated with the property. The two applications, Item 6F and Item 6G, were discussed at the last two meetings. Manager Martin reported that the Plat Amendment is to create one 3,750 square foot lot, and the SSCUP is for a 4,103 square foot single-family dwelling in the Historic Residential – 1 Zoning District on Very Steep Slopes, which range between 90% and 100%. There are encroachments from 301 and 303 Ontario Avenue, consisting of a foundation and decks that cross over the shared property boundary at the east of 301 Marsac Avenue.

For the Plat Amendment application, the applicant revised the plat to address the County Surveyor's comments. The plat meets the Historic Residential - 1 lot and site requirements and Subdivision General Provisions, including the requirement for Good Cause by creating a compliant single-family dwelling lot. In the Historic Residential – 1 Zone, a compliant single-family dwelling lot is a maximum of 3,750 square feet. The plat dedicates a portion of Marsac Avenue that overlaps with the property to UDOT as public right-of-way. The plat also creates a no-build parcel at the rear that contains the encroachments of 301 and 303 Ontario Avenue. The plat is required to have a Plat Note that limits the construction activity to repair and maintenance of the non-complying structure on the neighboring property and prohibits future development of Parcel A, the no-build parcel. There is an added Condition of Approval that requires a Plat Note to demarcate the rear setback line to be the rear lot line of Lot 1, which was highlighted on an image of the area.

Manager Martin discussed the SSCUP application. The SSCUP requires compliance with the Historic Residential – 1 Zoning District lot and site requirements. The proposed single-family dwelling meets the Historic Residential – 1 lot and site requirements, including maximum building footprint, minimum lot width, and required setbacks. However, the plans include decks on either side of the dwelling that encroach into the side setback. Decks encroaching into the side setback must not exceed 30 inches in height above final grade. There is a Condition of Approval to remove the decks if they cannot be designed to meet all three required standards in the code, including the Historic Residential – 1 Zoning setback exception. As for building height requirements, the proposed single-family dwelling meets building height requirements for the zone, including the maximum 27-foot external height standard and 35-foot internal height standard. A slight change in the most recent iteration of the design may have caused a final grade that exceeds 4 vertical feet from existing grade. There is a condition to require that requires this standard to be met. Final grade must be within four vertical feet of existing grade.

For the parking and driveway standards, the driveway design has gone through a few different iterations over the last several months. The current iteration meets the minimum required width for a curb cut onto SR-224 per UDOT standards, which is 16 feet. Manager Martin shared an example image and explained that the driveway is 16 feet wide and then widens to 22 feet. She explained that this is allowed in the Historic District Design standards, but it is only allowed outside of the front setback. This would require the approval of the City Engineer for an exception. There is a Condition of Approval that the City Engineer review the proposed driveway width that exceeds the front setback requirement. There is also language about review by UDOT and the City Engineer to ensure that the driveway is designed for safe ingress and egress to Marsac Avenue.

Manager Martin shared information about the SSCUP criteria. That section of code requires that the design is compliant with the Historic District Design Review (“HDDR”) pursuant to Chapter 15-13. The plans submitted on June 2, 2025, required major

revisions to address compliance issues with the HDDR and SSCUP criteria. Manager Martin reported that in the previous design, there were large wraparound decks on the front façade, large expanses of window glazing, and the rooftop deck was expansive on the steepest portion of the hillside. Those were the main issues brought up at the first Work Session. The subsequent iteration of plans submitted on July 10, 2025, addressed many of the non-compliant elements of the design, but there were still changes that needed to be made in order to meet the standards of the HDDR and SSCUP.

The plans submitted on July 30, 2025, were shared with the Commission. Manager Martin reported that the third-level front façade glazing has been reduced, the front façade decks have been minimized by adding a gabled roof and a shed roof, and the depth of the rooftop deck has also been reduced. One of the Conditions of Approval would require the glass and metal railing to be replaced with a railing that is compatible with historic buildings to better screen the front façade deck from the public right-of-way. Another Condition of Approval requires the rooftop deck to be further reduced in width so the railing does not extend beyond the roof form of the dwelling, to minimize the visibility from the public right-of-way. The SSCUP criteria were shared with the Commission.

For Location of Development, the standard requires that development is located and designed to reduce the visual and environmental impacts of the structure on the Very Steep Slope. The proposed development maximizes the allowed footprint on the lot, and the structure is designed to be built out to the setbacks. The red shaded areas shown on the image are the second façade decks that further contribute to the maximization of development on the lot. Manager Martin noted that there is a Condition of Approval that those decks be removed if the visual and environmental impacts cannot be mitigated.

In terms of Terracing and Screening, both the SSCUP and HDDR standards require the visual impact of retaining walls to be minimized by creating gradual steps or tiers and by using perennial plant materials for screening. The updated plans show terraced retaining walls. A condition requires that all retaining walls will be screened with vegetation.

For Building Form and Scale, structures must be stepped with the grade and broken into a series of individual, smaller components that are compatible with the district. Since the June iteration, the plans have been revised substantially to comply with this standard by breaking the massing into smaller components that are compatible with the Historic District. That was achieved by adding the gabled roof and shed roof shown.

The last criterion discussed related to Dwelling Volume. In the last two Planning Commission Meetings, the rooftop deck was highlighted as contributing to the overall dwelling volume and the Very Steep Slope. The applicant was given feedback from the Commission to either remove the rooftop deck or reduce it substantially, being that it is proposed at the steepest portion of the lot. In the updated plans, the depth of the rooftop deck was reduced significantly by creating a landscaped terrace that steps up the slope and provides vegetative screening for the retaining wall at the rear of the structure.

However, the plans still show that the rooftop deck railing extends beyond the roof form of the dwelling and is visible from the public right-of-way. There is a Condition of Approval to further reduce the rooftop deck railing so it does not extend beyond the roof form.

The Plat Amendment and SSCUP are two separate items on the Planning Commission Meeting agenda. Manager Martin explained that there will need to be two separate votes. The Staff recommendation for the Plat Amendment is to review the application, conduct a public hearing, and consider approving the application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter. The Staff recommendation for the SSCUP is to review the application, conduct a public hearing, and consider approving the application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

It was noted that the applicant team is participating in the Planning Commission Meeting virtually. Manager Martin is also available to answer Commissioner questions. Andrea Taylor introduced herself to the Planning Commission and explained that she is the Design Architect for the project. The roof railing was reduced to the amount that Manager Martin outlined. During a call, she asked if it should be reduced to the center line of the pitch of the roof. Manager Martin stated that it did not have to be, so some of the comments made during the presentation had not been communicated to the applicant team previously. Chair Van Dine pointed out that in past meetings, there have been extensive discussions about the railing and the width of the deck. She feels it was clearly communicated that it needed to be within the roof form during those other meetings.

Manager Martin apologized if that was not communicated clearly enough to the team. In the comments provided in writing, it was stated that the railing needs to be reduced so it does not extend over the roof form. Chair Van Dine reiterated that it was communicated. Ms. Taylor explained that she wants to make it clear that there was an intention to comply with the comments received. There may have been a miscommunication, but there was no intention for the design to be out of compliance. She asked to discuss the side decks.

Manager Martin confirmed that the Historic Residential – 1 Zone setback exceptions require that any decks that encroach into side setbacks not exceed 30 inches above final grade. She realizes that with the northern side deck, the retaining wall terrace was moved out so that deck was sitting flush with the grade, but on the other side, that still appears to be over 30 inches. Two other standards impact those decks, including the SSCUP criteria related to Location of Development. The proposed secondary façade decks contribute to the overall visual and environmental impact on a Very Steep Slope, maximizing the buildout. There is also a requirement that states decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary façade. When built on a secondary façade of a new structure, a deck should be screened from the primary public right-of-way.

Ms. Taylor reported that information was submitted that shows all of the decks are within the 30-inch requirement and four-foot requirement. These are more like patios that sit on the ground and are not elevated. It can be screened in many different ways. There was a railing shown, but it could be screened with landscaping instead. What is proposed complies. Manager Martin explained that the Condition of Approval would be to address what was described. During the next stage, the architectural plans can show that they have been met. Director Ward noted that the condition asks that compliance be demonstrated.

Commissioner Frontero felt that the Conditions of Approval laid out by Manager Martin are consistent with the code and would like to see that they are met. Ms. Taylor reiterated that the conditions are being met. It is possible to reissue the drawings at the next stage.

Commissioner Sigg asked for clarification about the drawings shown. He wanted to know if the uppermost deck is attached to the building. Ms. Taylor clarified that it is partially attached, as most of it is on grade. Commissioner Sigg wanted to hear more about the gabled roof that runs north to south between the two perpendicular gables and the drainage towards the deck. Ms. Taylor explained that the roof form was prescribed by the Planning Commission. There is an early-stage rendering that has been prepared.

Commissioner Sigg asked about the shed roof that was created above the front door. He wanted to know what the setback to Marsac Avenue is from the front door. Ms. Taylor referenced Sheet A1.0, which shows all of the building setbacks. Commissioner Sigg explained that he is curious about snow mitigation. Ms. Taylor clarified that the shed roof was not part of the original design. The front entry door was set back as much as possible to mitigate, but she would not necessarily choose to design something with a shed roof over a front door. Commissioner Sigg expressed concerns about the snow mitigation. Director Ward reported that the snowshed review happens at the Building Permit phase. It is possible to add a Condition of Approval that captures that, if that is desired.

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

Commissioner Tilson noted that it appears the railing on the roof deck also extends above the center line of the two pitched roofs vertically. He asked if that would need to be reduced, in addition to reducing the overall width of the deck. Manager Martin shared an image and asked if he was referring to the section of the railing above the roofline, which was confirmed. Manager Martin believes it will be minimal from the view of the street, but the Planning Commission can let Staff know whether there are additional concerns.

MOTION: Commissioner Shand moved to APPROVE the 301 Marsac Avenue Plat Amendment, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. 301 Marsac Avenue is Lots 1 and 2 of Block 54 of the Amended Plat of the Park City Survey.
2. The vacant property contains Very Steep Slopes over 40% with majority of slopes ranging between 90% - 100%.
3. The foundation and decks of the Duplex at 301 and 303 Ontario Avenue encroach onto 301 Marsac Avenue over the shared common rear Lot line to the east of 301 Marsac Avenue.
4. An encroachment agreement was recorded on June 3, 2022 for the encroachments of the Duplex at 301 and 303 Ontario Avenue.
5. The Applicant submitted Plat Amendment, Steep Slope Conditional Use Permit (SSCUP), and Historic District Design Review (HDDR) applications to create a Lot and construct an SFD.
6. The 4,875-square-foot property at 301 Marsac Avenue exceeds the HR-1 Zoning District maximum Single-Family Dwelling (SFD) Lot size of 3,750 square feet.
7. The Applicant proposes a Plat Amendment to dedicate 694 square feet as Marsac Avenue (SR 224) public Right-of-Way, to create one 3,750-square-foot SFD Lot, and to designate the 431-square-foot Parcel A that contains encroachments from 301 and 303 Ontario Avenue a no-build parcel.
8. On June 25, 2025, the Planning Commission conducted a work session on the proposed Plat Amendment and SSCUP applications. The Commission explained to the Applicant they may find Good Cause to approve the Plat Amendment if the 431-square-foot area is established as a no-build area and a plat note is added that prohibits future development of the no-build area.
9. On July 7, 2025, the Applicant submitted a revised Plat that establishes the 431- square-foot area with the encroachments of 301 and 303 Ontario Avenue as a no-build area and added the plat note prohibiting future development of that area.
10. A public hearing for the Plat Amendment was scheduled for the July 23, 2025 Planning Commission meeting; the Commission opened the hearing and continued the item to the August 13, 2025 Planning Commission

meeting to allow additional time for revisions requested by the County Surveyor to be incorporated into the Plat.

11. The proposed Plat Amendment creates a SFD Lot that meets the HR-1 Zoning District Lot and Site Requirements, pursuant to LMC § 15-2.2-3.
12. The proposed Plat Amendment complies with LMC Chapter 15-7, *Subdivision General Provisions* because there is Good Cause.

Conclusions of Law:

1. There is Good Cause for the 301 Marsac Ave Plat Amendment because it creates a compliant SFD Lot, establishes 431 square feet at the rear of the property as a no-build Parcel A, and dedicates 694 square feet that overlaps with Marsac Avenue (SR 224) to UDOT as public Right-of-Way.
2. The proposed Plat Amendment meets the HR-1 Zoning District Lot and Site Requirements outlined in LMC § 15-2.2-3.
3. No Public Street, Right-of-Way, or easement is vacated or amended.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The Applicant shall record the Plat Amendment within one year from the date of Planning Commission approval. If recordation of the Plat has not occurred within one years' time, this approval for the Plat Amendment will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. The Applicant shall obtain UDOT approval for the driveway access on Marsac Avenue/SR 224 and coordinate with UDOT on a snow storage easement prior to recording the Plat Amendment.
4. The Plat shall dedicate the 694 square feet of land that overlaps with Marsac Avenue (SR 224) to UDOT as public ROW, as indicated on the Plat Amendment (Attachment 1).

5. The Plat shall establish 431 square feet at the rear of the property as no-build Parcel A. The Plat shall include a plat note that states the existing Duplex encroachments at 301 and 303 Ontario Avenue may be maintained and repaired pursuant to the limitations and restrictions outlined in Land Management Code Chapter 15-9. If the 301 and 303 Ontario Avenue encroachments are removed, the property owner of 301 Marsac Avenue is responsible for stabilizing and revegetating the Parcel A no-build area and shall submit a landscape plan to the Planning, Building, and Engineering Departments for review and approval.
6. The Final Plat shall demarcate the 10-foot rear Setback, which shall be established from the rear Lot line of the 3,750-square-foot Lot and not from the rear boundary of the no-build Parcel A.
7. Prior to Plat recordation, the Applicant shall ensure adequate public utilities are provided to service new SFD at the site and shall dedicate utility easements on the Plat as required by the Public Utilities Department requirements (for water) and Snyderville Basin Reclamation District (for sewer) specifications.
8. The Applicant shall coordinate with the Park City Water Department prior to Plat recordation to meet the requirements that a waterline be extended off Ontario Avenue, or as otherwise approved by the Water Department.

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

- G. 301 Marsac Avenue - Steep Slope Conditional Use Permit –** The Applicant Proposes to Construct a 4,103-square-foot Single-Family Dwelling on Very Steep Slopes in the Historic Residential-1 Zoning District. PL-23-05946.

It was noted that this item was presented at the same time as Item 6F on the agenda.

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

Chair Van Dine asked whether the proposed Conditions of Approval cover what was discussed previously. She also wants to make sure the applicant is clear on the expectations. Manager Martin explained that the condition states that prior to HDDR approval, the plans would be modified to reduce the railing so it does not extend over the roof on either side. The areas shaded in red on the image in the Meeting Materials Packet are what were proposed to be reduced or removed. Chair Van Dine believed that was

what the Commission had been supportive of during previous Planning Commission Meetings. Director Ward suggested an amendment to Condition of Approval #9:

- The Applicant shall modify the plans prior to HDDR Final Action to reduce the volume of the roof deck such that the deck railing does not extend beyond the peak of the north and south gable roofs on either side and is not visible from the primary public ROW.

Chair Van Dine stated that the decks in the setbacks have been addressed appropriately through the conditions. Commissioner Shand believed that the side decks do not apply to the setbacks because they are on grade. Manager Martin reported that the deck on the north side appears to meet that standard, but it would still need to be screened and minimally visible from the primary public right-of-way. As for the deck on the south side, it was hard to obtain clarity from the plans submitted. Director Ward explained that there will be confirmation during the HDDR review. There is still some verification to be done. Commissioner Beal commented that it is hard to perceive whether there is a deck or patio proposed based on the plans. There is some confusion, especially on the south side.

Chair Van Dine stated that the drafted Conditions of Approval will address the issues raised by Staff and the Planning Commission. Manager Martin provided clarification that the requirement is inclusive of patios, decks, pathways, steps, or similar structures, as those shall not be more than 30 inches in height above final grade. If it is flush with final grade, then it is more like a patio, but whether it is a patio or a deck, the standard applies. She believes this is covered with the Conditions of Approval that have been written.

MOTION: Commissioner Frontero moved to APPROVE the 301 Marsac Avenue Steep Slope Conditional Use Permit ("SSCUP"), according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. 301 Marsac Avenue is Lot 1 and 2 of Block 54 of the Amended Plat of the Park City Survey and is within the Historic Residential-1 Zoning District.
2. The vacant property has never been developed and contains Very Steep Slopes over 40% with most slopes ranging between 90% - 100%.
3. Land Management Code (LMC) § 15-2.2-6 requires Planning Commission review of a SSCUP for construction of "any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.), if the Building Footprint of the addition is located on or projecting over an existing Slope of thirty percent (30%) or greater" within the HR-1 Zoning District.

4. A Plat Amendment is being processed concurrently with this SSCUP to create one 3,750-square-foot Lot for development of a Single-Family Dwelling (SFD); the approval of the SSCUP is contingent on Planning Commission approval of the Plat Amendment.
5. A Historic District Design Review (HDDR) application is also being processed by Planning Staff and is pending approval of the Plat Amendment and SSCUP.
6. An encroachment agreement was recorded on June 3, 2022 for the encroachments of the Duplex at 301 and 303 Ontario Avenue (Recorder Entry No. 1190328), which shares a common rear Lot line to the east of 301 Marsac Avenue.
7. As conditioned, the proposed SFD meets the HR-1 Zoning District Lot and Site Requirements, pursuant to LMC § 15-2.2-3.
 - a. The building footprint of the proposed SFD is 1,518 square feet, which meets the maximum building footprint for a 3,750-square-foot Lot, per HR-1 Zoning District standards.
 - b. The depth of the Lot is 62 feet, which requires 10-foot Front and Rear Setbacks, for a total of 20 feet combined. The width of the Lot is 65 feet, which requires minimum 5-foot Side Setbacks and a combined Side Setback of 18 feet.
 - c. The proposed plans indicate the SFD is ten feet from the Front and Rear Lot lines, six feet from the southern Side Lot line and 12 feet from the northern Side Lot line, for a total of 18 feet combined Side Setback.
 - d. The Rear Setback is measured from the edge of the easterly Lot line of the 3,750-square-foot Lot and excludes the 431-square-foot area proposed to be established as a no build area, with the Plat Amendment.
 - e. Pursuant to LMC § 15-2.2-3(J) Lot and Site Requirements, Side Setback Exceptions include patios, decks, pathways, steps, or similar Structures not more than 30 inches in height above Final Grade, not including any required handrails.
 - f. The schematic plans show a balcony on the southern secondary façade that appears to be flush with Final Grade; the balcony on the northern secondary façade appears to be over 30 inches in height above Final Grade.
8. As conditioned, the proposed SFD meets the HR-1 Zoning District Building Height requirements pursuant to LMC § 15-2.2-5.

- a. Pursuant to LMC § 15-2.2-5, Final Grade must be within four vertical feet of Existing Grade, except for window wells, emergency egress, and a garage entrance.
 - b. The plans submitted on July 30, 2025 include retaining walls on the northern side of the Structure on the upper slope that create a rise in elevation from Existing Grade to Final Grade over four vertical feet. Condition of Approval 10 requires the plans be modified prior to HDDR approval to show that Final Grade is within four vertical feet of Existing Grade, except for window wells, emergency egress and a garage entrance.
 - c. The elevation of the roof ridges, as measured from Existing Grade, ranges from nine feet to 27 feet, meeting the maximum 27-foot Zone Height.
 - d. The interior height of the Structure is 33 feet measured from the ground level floor plane to the highest wall top plate.
 - e. The front façade of the proposed SFD rises 21 feet 6 inches from the lowest point of Existing Grade at which point there is a 10-foot step back provided by the second level deck and roof forms. Additionally, the roof overhang encroaches no more than four feet into the 10-foot step back and is no more than 25% the width of the front façade of the building.
 - f. The roof pitch of the Contributing Roof Form has a compliant 7:12 roof pitch and occupies a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building.
9. The proposed retaining walls encroach into the Side Setback. Pursuant to LMC §15-4-2(A), retaining walls shall not exceed six feet in height measured from Final Grade within the Side Setback and no more than four feet if within the Front Setback (see Condition of Approval 10).
10. As conditioned, the proposal complies with the parking and driveway requirements, pursuant to LMC § 15-13-8(B)(1)(h).
 - a. New driveways in the Historic Districts that provide access to a two-car garage may have a maximum 12-foot-wide curb cut and are allowed to widen to 22 feet once outside the Front Setback, unless otherwise approved by the City Engineer.
 - b. The width of the driveway is 16 feet where it intersects with SR 224, a UDOT ROW (Marsac Avenue), which meets the minimum width required by UDOT; the driveway widens to 22 feet within the Front Setback, to provide access to the two-car garage. The additional driveway width within the Front Setback requires approval by the City Engineer as a minor variation, pursuant to LMC § 15-3-3(H)(1) Driveway Widths.

- c. LMC § 15-13-8 requires Garages featuring a side-by-side parking configuration to maintain a two-foot horizontal offset in the front wall plane. Additionally, garage doors shall be nine feet wide by nine feet high.
 - d. The Applicant's plans show the required two-foot horizontal offset in the front wall plane between the two garage doors and the garage doors are 9 feet wide by 9 feet high.
- 11. The proposal complies with LMC Chapter 15-3 Off Street Parking Requirements.
 - a. LMC § 15-3-6 requires two parking spaces for an SFD. The Applicant provides these in the two-car garage, which is 20 feet in width and 24 feet in depth.
- 12. LMC § 15-2.2-6 Development on Steep Slopes states, "Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13.
- 13. As conditioned, the proposed SFD is consistent with the with *Design Guidelines for Historic Districts and Historic Sites*, Chapter 15-13.
 - a. Pursuant to LMC § 15-13-8(B)(2)(d), windows must have a solid-to-void ratio that is compatible with surrounding Historic Buildings. Large glass surfaces shall be divided into smaller windows that are in scale with those seen historically. The window glazing on the proposed SFD may require further modifications for compliance with the HDDR standards.
 - b. The width of the proposed roof deck is inconsistent with LMC § 15-13-8(B)(8) because the deck is not visually minimized from the primary public ROW. Condition of Approval 9 below requires the roof deck railing be reduced in width such that it does not extend beyond the dwelling's roof form.
 - c. Pursuant to LMC § 15-13-8(B)(7), decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary façade. When built on a secondary façade of a new structure, a deck should be screened from the primary public right-of-way with fencing and/or appropriate native landscaping. The visual impact of a deck should be minimized by limiting its size and scale.
 - d. The front façade decks do not meet LMC § 15-13-8(B)(7) because they are not visually minimized from the public ROW. Condition of

- Approval 8 requires the deck railings to be similar to railings found on Historic Buildings in the character area or streetscape, to minimize the visual impact of decks on the front façade.
- e. The proposed secondary façade decks do not meet LMC § 15-13-8(B)(7) because they are not screened from the primary public ROW and the visual impact has not been minimized. Condition of Approval 7(c) requires decks on the secondary façade to be removed that do not meet the standards for screening, pursuant to LMC § 15-13-8(B)(7).
14. As conditioned, the proposed SFD meets the SSCUP criteria outlined in LMC § 15-2.2-6 *Development on Steep Slopes*.
- a. Criteria 1: Location of Development. *Development is located and designed to reduce visual and environmental impacts of the Structure.*
 - i. The location of the proposed SFD is constrained due to the limited depth and width of the Lot. The visual and environmental impacts of the main Structure have been mitigated by requiring modifications to the scale and massing of the SFD (see Conditions of Approval in the Dwelling Volume section below). However, the secondary façade decks contribute to the overall maximization of development on the Lot and have visual and environmental impacts on the Very Steep Slope. Condition of Approval 7(a) requires the decks on the secondary façade be removed if the visual and environmental impacts cannot be mitigated.
 - b. Criteria 2: Visual Analysis: *The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities:*
 - i. The Applicant's Visual Analysis indicates the site is visible from Designated Vantage Points established in LMC § 15-15-1, such as 445 Marsac Avenue as well as cross canyon Vantage Points within Old Town. As conditioned, there are no unmitigated impacts.
 - ii. Screening: The proposed retaining walls surrounding the SFD are visible from cross-canyon Vantage Points (see Condition of Approval 13).
 - iii. Soil Stabilization: See Condition of Approval 15.

- iv. Vegetation Protection: The Very Steep Slope contains dense vegetation. The proposed SFD will remove or impact most of the existing vegetation (see Condition of Approval 12).
- c. Criteria 3: Access. *Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.*
 - i. Access to the Lot is limited to Marsac Avenue. The proposed SFD design does not accommodate side Access to the garage.
- d. Criteria 4: Terracing. *The project may include terraced retaining Structures if necessary to retain Natural Grade.*
 - i. Pursuant to LMC § 15-13-8(B)(1)(d), when retaining walls are necessary, the visual impact shall be minimized by creating gradual steps or tiers and by using perennial plant material.
 - ii. The SFD will require significant cuts to the 90% - 100% grade and retaining walls on either side and to the rear of the Structure.
 - iii. The Structure is designed with terraced retaining walls and a break in the front façade, which steps with the slope to preserve the perceived Natural Grade (see Condition of Approval 13 for required vegetative screening of retaining walls).
 - iv. The retaining wall at the rear of the property has been reduced in scale and will be screened with a landscaped terrace that steps up the slope from the roof deck.
- e. Criteria 5: Building Location. *Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.*
 - i. The land directly adjacent to 301 Marsac Avenue, to the north and south, is the rear yard of residences located on Ontario Avenue; the proposed development divides the existing open Area and natural vegetation corridor on the hillside east of Marsac Avenue.
- f. Criteria 6: Building Form and Scale. *Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In*

order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage.

- i. The house plans dated July 30, 2025 define individual modules that are compatible with the Historic District, with the addition of a gabled roof and a shed roof on the second level. The proposed SFD is oriented against the Lot's contours and steps with the Grade.
- g. Criteria 7: Setbacks. *The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.*
 - i. The proposed SFD is between two Lots that have SFDs fronting Ontario Avenue, the two rear yards contain natural vegetation and Very Steep Slopes that flank 301 Marsac Avenue; there is no present concern for creation of a "wall effect" along Marsac or Ontario Avenues, as a result of the SFD.
- h. Criteria 8: Dwelling Volume. *The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.*
 - i. The proposed roof deck contributes to the visual mass of the SFD on the Very Steep Slope, as the roof deck railing extends beyond the dwelling's roof form and is visible from the primary public ROW.
 - ii. Condition of Approval 9 requires the plans be modified to reduce the roof deck railing such that it does not extend beyond the dwelling's roof form on either side and is not visible from the primary public ROW.
- i. Criteria 9 Building Height.
 - i. To mitigate the impact of development on the Very Steep Slope, the proposed SFD is broken into a series of smaller volumes that step with the Grade. During the June work session and July public hearing, the Planning Commission did not require a Condition of Approval to further reduce the height of the building to achieve compatibility with the surrounding neighborhood.

- 15. The Development Review Committee reviewed the proposal on December 17, 2024.

16. For the July 23, 2025 Planning Commission meeting, on July 8, 2025, Staff mailed courtesy notice to property owners within 300 feet and on July 9, 2025, posted public notice to the property and published notice on the City's website and the Utah Public Notice website. *The Park Record* published notice on July 9, 2026. The Planning Commission held a public hearing and continued the hearing to August 13, 2025. For the August 13, 2025 Planning Commission meeting, on July 28, 2025, Staff published notice on the City's website and the Utah Public Notice website. *The Park Record* published notice on July 30, 2025.

Conclusions of Law:

1. As conditioned, the proposal complies with the LMC requirements in Chapter 15- 2.2, *Historic Residential - 1 (HR-1) Zoning District*.
2. As conditioned, the proposal complies with the Steep Slope Conditional Use Permit criteria outlined in LMC § 15-2.2-6, *Development on Steep Slopes*.
3. As conditioned, the proposal complies with the LMC requirements in Chapter 15-3, *Off-Street Parking*.

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed August 13, 2025, by the Planning Commission, except modifications required in the Conditions of Approval of this Final Action Letter and pending design modifications required as part of the Historic District Design Review.
2. The proposed SFD shall meet all applicable standards outlined in LMC § 15-13-8. Prior to application for a Building Permit the Applicant shall obtain approval of the Historic District Design Review application, which may require additional modifications to the design of the SFD and the driveway to comply with LMC Chapter 15-13, *Regulations For New Residential Infill Construction (and Non- Historic Residential Sites) In Historic Districts*.
3. If the Applicant does not obtain a Building Permit within one year of the date of this approval, this SSCUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.

4. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans; any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
5. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
6. Residential fire sprinklers are required for all new construction on this Lot, per requirements of the Chief Building Official.
7. Prior to HDDR Final Action, the SFD plans shall be modified to remove all decks from the secondary facade that do not:
 - a. Mitigate the visual and environment impacts on the Very Steep Slope (LMC § 15-2.2-6(C)(1),
 - b. Meet the Side Setback Exceptions in the HR-1 Zoning District (LMC § 15-2.2-3(J)), and
 - c. Meet the standards for screening decks located on a secondary façade in the Historic Districts (LMC § 15-13-8(B)(7)).
8. To minimize the visual impact of decks on the front façade, the deck railings shall be similar to railings found on Historic Buildings in the character area or streetscape.
9. The Applicant shall modify the plans prior to HDDR Final Action to reduce the volume of the roof deck such that the deck railing does not extend beyond the peak of the north and south gable roofs on either side and is not visible from the primary public ROW.
10. Prior to HDDR approval, the plans shall be modified to show that Final Grade is within four vertical feet of Existing Grade, except for window wells, emergency egress and a garage entrance; and retaining walls within the Side Setback shall not exceed six feet in height or if in the Front Setback, shall not exceed four feet in height.
11. The driveway access is subject to UDOT standards and City Engineering Department Approval to allow an exception to the Front Setback maximum width requirement of 12 feet, pursuant to LMC § 15-13-8(B)(h) and to ensure safe egress to Marsac Avenue.

12. Impacts to existing vegetation shall be minimized. Prior to HDDR approval, a Landscape Plan shall be submitted that shows all Significant Vegetation within twenty feet (20') of proposed Development, pursuant to LMC § 15-2.2-10 *Vegetation* Protection; any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
13. The landscape plan, submitted prior to HDDR Final Action, shall include vegetative screening to be installed in the terraced areas of all retaining walls.
14. Prior to Plat Amendment recordation, the Applicant shall ensure adequate public utilities are provided to service new development at the site and dedicate utility easements on the Final Plat per Public Utilities Department requirements (for water) and Snyderville Basin Reclamation District (for sewer) specifications.
15. Additional design modifications may be required based on Engineering review and approval of the Geotechnical and Soils Investigation Report, prior to applying for a Building Permit.
16. The existing Duplex encroachments at 301 and 303 Ontario Avenue may be maintained and repaired pursuant to the limitations and restrictions outlined in LMC Chapter 15-9. If the 301 and 303 Ontario Avenue encroachments are removed, the property owner of 301 Marsac Avenue is responsible for stabilizing and revegetating the Parcel A no-build area and shall submit a landscape plan to the Planning, Building, and Engineering Departments for review and approval.
17. The Applicant will be required to provide intermediary shoring plans at the Building Permit phase.
18. Prior to plat recordation, the Applicant must meet with water to discuss the requirements for extending a waterline, possibly off Ontario Avenue, at a minimum.
19. Prior to Building Permit submittal, the applicant shall obtain an access permit from UDOT for the driveway access on SR 224, and coordinate with UDOT to dedicate a snow storage easement.

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

- H. 1127 Woodside Avenue – Plat Amendment** – The Applicant Proposes to Amend Plat Note 3 of the 1127 Woodside Avenue Subdivision that Establishes a Total Maximum Building Footprint of 2,100 Square Feet to Increase Square Footage to 2,461. PL-24-06317.

Planner I, Meredith Covey, presented the Staff Report and explained that this is a Plat Amendment application for 1127 Woodside Avenue. She reported that 1127 Woodside Avenue is a Landmark Historic Site in the Historic Residential – 1 Zoning District and the lot fronts both Norfolk and Woodside Avenue, with the Landmark Historic Structure facing Woodside Avenue. An image of the existing site was shared, as well as an image of the existing vegetation on the rear of the lot when viewed from Norfolk Avenue.

Planner Cover explained that the applicant is proposing to amend Plat Note 3 to read:

- The maximum total footprint allowed on the lot is 2,461 square feet. The maximum footprint allowed for the house is 1,200 square feet, which may include up to 50 square feet for a connector. The connector shall not affect the distinct footprint calculations for the house and garage.

The purpose of this Plat Amendment and the proposed amendment of Plat Note 3 is to construct an Accessory Apartment on the rear of the lot. Planner Covey shared a Site Plan that shows the Landmark Historic Structure in blue, a non-historic addition in orange, and an existing garage in pink. The proposed Accessory Apartment is shown in green. In the middle of the site are the two connectors, both existing and proposed. Planner Covey clarified that the images in the Staff Report are the updated versions of the Site Plan, but there is a different version included in one of the Exhibits. What is currently before the Commission is the most correct and updated version of the Site Plan. A rendering of the proposed Accessory Apartment was shared with the Commission.

Based on the Staff analysis, the proposed Plat Amendment is contrary to the Planning Commission recommendation for the 1127 Woodside Avenue plat that was approved by the City Council in 2013. In 2013, the Planning Commission was very clear about the rationale for the building footprint limitation on the site. In the Meeting Minutes, it was stated that the purpose was to avoid the Landmark Historic Structure from becoming engulfed by a large addition on the site. Additionally, in 2023, upon recommendation from the Historic Preservation Board and Planning Commission, the City Council established a maximum lot size for the Historic Residential Districts. This proposed Plat Amendment would allow for a building footprint of 2,461 square feet, which is 943 square feet larger than what would be allowed based on the current maximum lot size in the Zoning District.

For a Plat Amendment, the Planning Commission must find Good Cause. Through the Staff analysis, it was determined that Good Cause does not exist, because there has been no change in circumstances since the Planning Commission and City Council's finding of Good Cause in the 2013 Plat Amendment. In addition, the proposed Accessory

Apartment engulfs the historic home as viewed from the rights-of-way and impacts Very Steep Slopes, requiring a SSCUP. The proposal also impacts significant vegetation on the rear of the lot. The LMC already prohibits nightly rentals of Accessory Apartments.

The Slope Analysis was shared. Planner Covey explained that the driveway would access over the Very Steep Slope shown in red. An image of the proposed Accessory Apartment was shared, which shows that it is visually prominent. She shared an image of the rear of the lot in order to highlight the significant vegetation that would be disturbed.

Staff recommends that the Planning Commission review the proposed Plat Amendment, conduct a public hearing, and consider denying the proposal, based on the Findings of Fact and Conclusions of Law that are outlined in the Draft Final Action Letter.

The applicant representative, Justin Keys, introduced himself to the Planning Commission. He appreciates the work done by Staff and their perspective, but explained that the request is to amend a Plat Note that seeks to place a cap on the footprint. There are public benefits that mitigate the harm of adding the requested square footage to the lot, which he feels should be considered by the Commission. Mr. Keys reported that Woodside Avenue is the primary right-of-way for this property. This is a large lot at 7,500 square feet. Since this lot is deep, it fronts on both Norfolk and Woodside Avenue.

Mr. Keys shared an image of the front elevation at 24 feet above Woodside Avenue as well as an image of the front perspective at 6 feet above. A pedestrian walking down Woodside Avenue would not be able to see the Accessory Apartment. Mr. Keys shared a video for additional context. He reiterated that it is not visible due to the foliage in the front. Mr. Keys presented a rendering comparing what exists to what is proposed. He reported that the garage has been grandfathered in and is a non-historic structure. Additional videos and photographs were shared with the Commission for context. This included the current conditions from Norfolk Avenue viewed in the winter and summer.

Mr. Keys shared an image to illustrate the elevation change. There is a section with steep slopes and it is acknowledged that there would need to be an SSCUP in order to construct there. A pedestrian walking along Woodside Avenue would not be able to see this structure. Mr. Keys reported that the goal in 2013 was to restrict the footprint in order to keep the property in harmony with the area. However, he believes there is Good Cause for what has been proposed. The proposal is to construct a small structure that accesses off of Norfolk Avenue that is similar in harmony and scale to what would have been allowed in Old Town. This lot could have been broken up into multiple lots with several different homes, but that is not what was done. It is important to keep in mind that constructing this small structure will not take away from the character and style of Old Town. He reiterated that what is proposed is in character with the area.

Mr. Keys mentioned a prior conversation that happened before his involvement. Director Ward clarified that there is no documentation that a previous planner directed the

construction of a parking pad in Old Town. There has been a request for clarification on that, but she asked that the discussion remain focused on what is currently being proposed. Mr. Keys reported that there is an openness to explore options to improve the area in a way that would be a public benefit. He pointed out that there is a need for Accessory Dwelling Units ("ADUs"). While it was mentioned by Staff that an ADU under the code is not allowed to have nightly rentals, there is a cap at 90 days. A 90-day rental is very different than a six-month or one-year term. There is an openness to a Deed Restriction, and several options have been laid out. If there is an interest in seeing an ADU with certain restrictions in place, as well as potential public parking or a pocket park, that could be pursued. Those elements could provide the Good Cause that is needed for approval.

There were some questions during the last discussion about the reason for expansion in the connector. Mr. Keys explained that the current design leads to a lot of ice damming in this location, which makes it impractical to use. He shared an example of the current condition and the proposed elevation connecting the living space to the garage. The intention is to address the ice damming that is happening here. This is a safety concern that the owner has, which is separate from the proposed Accessory Apartment.

Commissioner Sigg asked if there is a living space above the garage. Mr. Keys reported that there is a bedroom upstairs. The Commission discussed the existing garage. Commissioner Sigg wants to understand the size. It was pointed out that the garage exists and has been grandfathered in. The proposal does not relate to the garage.

Commissioner Frontero referenced a previous discussion with the applicant, when she stated that a family member would live there and it would not be rented out to a local. Based on this, the applicant wants to add square footage to accommodate a family member, which is not a benefit to the community. The intended use is not to rent it out to someone in the community, but to allow a family member to live there. The applicant is adding more square footage for their family, which is fine, but there is no community benefit associated with that. Mr. Keys noted that there could be a Deed Restriction.

Commissioner Tilson agreed with the comments shared by Commissioner Frontero. In addition, he finds the proposal for the parking is not a community benefit. Three spots in that location are not appropriate for public parking in a residential neighborhood. He is not sure that a pocket park would provide a benefit, either due to the steep slope.

Commissioner Shand asked for additional information about the steep slope area. Mr. Keys explained that there would need to be fill in the location of the proposed driveway. Commissioner Frontero supports the Staff Report, which shows there is a lack of Good Cause for approval. Commissioner Beal agreed. Commissioner Shand appreciates the comments shared by Commissioner Frontero. If there was a Condition of Approval that this be used solely as an ADU, he asked if that would result in Good Cause. Commissioner Frontero stated that it would result in one piece of Good Cause.

In that case, he would need to consider the request further. That being said, the applicant did not describe it as an ADU previously. He mentioned Plat Note 3 and the restriction in place. At this time, he is in agreement with the Staff analysis and finds a lack of Good Cause. If an ADU was conditioned to the point that he felt comfortable, then he would be willing to consider the proposal further, but he is uncertain that he would vote to approve.

Chair Van Dine opened the public hearing.

Brian O'Connor stated that he lives at 1133 Woodside Avenue. He shared comments about the need for parking in the area. Mr. O'Connor does not have a problem with an ADU, but has an issue with nightly rentals. He wants more people living on his street, so having someone else live on the property is something that he would support. If there is an ADU built as well as additional parking spaces added, then that would be beneficial.

There were no further comments. The public hearing was closed.

There was discussion about parking and the needs in the area. There are a lot of parking issues, so the addition of public parking could be beneficial. Part of that density could be removed from the street. Mr. Keys reported that there is a map that shows the outreach conducted by the applicant. It shows who expressed support for the proposal, who was contacted without a response, and so on. Chair Van Dine explained that the options currently before the Planning Commission are a motion for denial or a continuance.

MOTION: Commissioner Frontero moved to DENY the 1127 Woodside Avenue Plat Amendment, according to the following Findings of Fact and Conclusions of Law:

Findings of Fact:

1. 1127 Woodside Avenue is a Landmark Historic Site on Park City's Historic Sites Inventory.
2. It is an unusually large Lot for a residential Historic Site in Old Town because in 2013, the property owner at the time requested a Plat Amendment to combine nearly four Old Town 25-foot by 75-foot Lots to create a 7,501-square-foot Lot for the Landmark Historic Site.
3. The Lot fronts both Woodside and Norfolk Avenue.
4. The Landmark Historic Structure is located along Woodside Avenue and was constructed circa 1895. There is an existing garage and addition constructed behind the Landmark Historic Structure.
5. On September 18, 2006, the Historic Preservation Board issued a Determination of Significance (PL-06-00156) determining that the garage

on site behind the Historic Structure was not Historic and did not contribute to the Historic Integrity of the site.

6. On October 13, 2013, the Property Owner received Final Action for a Historic District Design Review (PL-13-01821) to construct an addition behind the Landmark Historic Structure and to construct a connector between the new addition and the existing garage.
7. On May 5, 2005, the City Council adopted Ordinance No. 05-2025 for the Silver Deer Chateaux at Olde Hawke Pointe on Legacy Mountain Subdivision to combine Lots, 7, 8, 25, and 26 to create one Lot of record, 1127 Woodside Avenue. The plat was never recorded and expired on May 6, 2006.
8. In February of 2013, the Applicant applied for a Plat Amendment at 1127 Woodside Avenue.
9. When reviewing a Plat Amendment request in 2013 for 1127 Woodside Avenue to combine the four Old Town lots, the Planning Commission recommended adding Condition of Approval 7, limiting the total maximum Building Footprint for the Lot to 2,100 total square feet and the maximum Building Footprint of the Landmark Historic Structure to 1,200 square feet. The Planning Commission added this Condition of Approval to prevent future property owners from building out to the maximum footprint of 2,460 square feet to avoid engulfing the Landmark Historic Structure with a large addition.
10. On September 5, 2013, the City Council adopted Ordinance No. 2013-31 approving the 1127 Woodside Avenue Subdivision Plat with Condition of Approval 7 recommended by the Planning Commission, amending it to read: "The maximum total footprint allowed on the lot is 2,100 square feet. The maximum footprint for the house is 1,200 square feet, which may include up to 30 square feet for a connector. The connector shall not affect the distinct footprint calculations for the house and garage."
11. As a result, the recorded plat for 1127 Woodside Avenue includes Note 3 limiting the total maximum Building Footprint for the Lot to 2,100 square feet, with the maximum Building Footprint of the house 1,200 square feet, and the connector 30 square feet. The approved 1127 Woodside Avenue Plat was recorded with Summit County on January 27, 2014.
12. The Applicant proposes to amend Note 3 of the recorded 1127 Woodside Avenue Plat to increase the allowed maximum Building Footprint for the Lot by 361 square feet. The Applicant's proposed Amended Plat Note states:

“The maximum total footprint allowed on the lot is 2,461 square feet. The maximum footprint allowed for the house is 1,200 square feet, which may include up to 50 square feet for a connector. The connector shall not affect the distinct footprint calculations for the house and garage.”

13. The proposed Plat Amendment is contrary to the Planning Commission recommendation for the 1127 Woodside Avenue Plat approved by the City Council in 2013.
14. In 2013, the Applicant proposed to combine Lots 7, 8, 25, and 26 of the Snyders Addition to Park City to create a 7,501-square-foot Lot to make improvements to the site. The Applicant was given the option to demolish the non-historic garage on the site and re-subdivide the Lot to create one or two Lots along Norfolk Avenue in addition to the Woodside Avenue Lot. It was noted that this would limit the Lot size of 1127 Woodside to that of two Old Town Lots measuring roughly 50 feet by 75 feet. The Staff Report expressed that “this would alleviate potential density on the site and distribute the density over multiple lots.”
15. To accommodate the Applicant’s Plat Amendment request at that time, the Planning Commission added Condition of Approval 7, limiting the total maximum Building Footprint on the lot to 2,100 square feet and the maximum Building Footprint of the Historic Structure to 1,200 square feet. The Condition of Approval was added to prevent any future property owners from building out to the maximum footprint of 2,460 square feet to avoid engulfing the Landmark Historic Structure with a large addition.
16. On September 5, 2013, the City Council adopted Ordinance No. 2013-31 approving the proposed plat with the amended Condition of Approval recommended by the Planning Commission.
17. There have been no changes in the properties referenced in the 2013 plat amendment Staff Report that resulted in a Lot Size or Building Footprint comparable to the proposal by the Applicant.
18. The requested Plat Amendment would allow for the proposed Accessory Structure to be constructed at the rear of the property. The proposed Accessory Structure would alter the relationship of the Historic Structure to the site as well as the proportion of open space.
19. The proposed Accessory Structure would be visible from the Primary Public Right of Way (Norfolk Avenue) and impact the Historic Character of the streetscape. The Accessory Structure will not be visually subordinate to the Landmark Historic Structure as required by LMC § 15-13-2(B)(9)(g). The

proposed Accessory Structure is contradictory to the 2013 Planning Commission decision that specifically detailed concerns that the Historic Structure would be engulfed by a non-historic addition as a reason for the restrictive Building Footprint plat note.

20. The proposed 1127 Woodside Avenue Plat Amendment does not comply with the recent maximum Lot Area updates to LMC Chapter 15-2.2 Historic Residential – 1 Zoning District.
21. Goal 15 of the General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. The General Plan states “[w]hile the uses within [the Historic Districts] may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929).” Community Planning Strategy 15.12 recommends examination of lot sizes in Old Town to determine if a maximum lot size would provide more compatible mass and scale for new structures as well as additions to existing structures.
22. Upon recommendation from the Historic Preservation Board and Planning Commission, on October 26, 2023, the City Council adopted Ordinance No. 2023-50 to establish a maximum lot size for the Historic Residential Districts, now codified in LMC § 15-2.2-3.
23. The current Lot size of 7,501 square feet is 3,751 square feet larger than the maximum Lot Area for the Zoning District. Pursuant to LMC § 15-2.2-4 Significant and Landmark Historic Sites that exceed maximum Lot Area are valid Non- Complying Structures. 1127 Woodside Avenue is a Landmark Historic Structure pursuant to LMC § 15-11-10 and is a valid Non-Complying Structure.
24. The maximum Lot Area of 3,750 square feet as required by LMC § 15-2.2-3 sets forth a maximum Building Footprint of 1,518 square feet.
25. The proposed Plat Amendment would allow for a Building Footprint of 2,461 square feet which is 943 square feet larger than the HR-1 Zoning District maximum Lot size Building Footprint.
26. The proposed amendment to the Footprint limitation is inconsistent with LMC § 15-9-6(a).
27. There is not Good Cause for the Plat Amendment because:

- a. There has not been a change in circumstances to alter the Planning Commission and City Council's finding of Good Cause from the 2013 Plat Amendment.
 - b. The proposed Accessory Apartment engulfs the historic home as viewed from the rights of ways and impacts Very Steep Slopes and would require a Steep Slope Conditional Use Permit.
 - i. Consistent with applicable LMC and General Plan provisions, existing construction was approved in accordance with the historic residential pattern of Woodside and on the least sensitive parts of the Landmark Historic Site. The proposed amendment would unnecessarily roll back those successful planning outcomes by allowing driveway and structural improvements on Steep Slopes. This is exactly the scenario the 2013 Ordinance was mutually agreed to in order to avoid such a result.
 - c. The proposal impacts Significant Vegetation.
 - d. The LMC already prohibits Nightly Rental of Accessory Apartments.
28. The item was scheduled for review by Planning Commission on April 2, 2025, and Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 19, 2025. Staff mailed courtesy notice to property owners within 300 feet on March 19, 2025. The Park Record published notice on March 19, 2025.
29. On April 2, 2025, at the request of the Applicant, the Planning Commission continued this application to April 23, 2025.
30. On April 23, 2025, the Applicant requested that the item be continued. The Planning Commission continued the item to a date uncertain.
31. On June 11, 2025, the Planning Commission conducted a Work Session on the item with the Applicant.
32. Staff again published notice for the August 13, 2025 Planning Commission meeting on the City's website and the Utah Public Notice website and posted notice to the property on July 30, 2025. Staff mailed courtesy notice to property owners within 300 feet on July 30, 2025. The Park Record published notice on July 30, 2025.

Conclusions of Law:

1. There is not Good Cause for this Plat Amendment because the proposed plat amendment is contrary to the Planning Commission recommendation

for the 1127 Woodside Avenue Plat approved by the City Council in 2013 and recorded with Summit County.

2. There has not been a change in circumstances to alter the Planning Commission and City Council's finding of Good Cause from the 2013 Plat Amendment.
3. The proposed 1127 Woodside Avenue Plat Amendment exceeds the maximum Lot Area updates to LMC Section 15-2.2-3 *Historic Residential – 1 Zoning District Lot and Site Requirements*.
4. The Plat Amendment is not consistent with the LMC, including Chapter 15-2.2 *Historic Residential - 1 (HR-1) Zoning District* and § 15-7.1-3(B) *Classification Of Subdivision – Plat Amendment*.

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

7. ADJOURNMENT

MOTION: Commissioner Frontero moved to ADJOURN. The motion passed with the unanimous consent of the Commission.

The meeting adjourned at approximately 10:00 PM.

Steve Barsh's - Aug 13, 2025

Public comments to the Park City Planning Commission

1. Legal Integrity & LMC Compliance

- Landowners have the right to develop, but required legal findings under the Land Management Code (LMC) are not being met.
- LMC 15-6-6(6) requires compatibility with all adjacent properties (plural) in use, scale, and mass.
- Staff only compared to One Empire Pass, excluding other adjacent properties — skewing the analysis.
- Moonshadow homes (<500 ft away, same side of Marsac, same ridgeline) are the best comparators:
- Height: Moonshadow = 28 ft (LMC limit) vs. R-5 = 121% taller.
- Size: Largest Moonshadow = ~8,000 sq. ft. vs. R-5 = 300% larger.
- Request: Identify all properties used for “compatibility” finding and explain why closest adjacent properties were excluded.

2. Dangerous Precedent

- Approving a building 2x taller and 3x larger than code and neighbors sets a precedent for equitable treatment.
- Future developers (e.g., Singerman Real Estate, Yarrow Hotel) will cite this for variances in height, scale, setback, and mass.
- This decision is not just about one project — it will influence all future approvals.

3. Environmental & Contamination Concerns

- City Council's LOI with REDUS: 300+ acres — 90% already in a conservation easement.
- Land swap only happens if R-5 modifications are approved.
- Phase I ESA (record review only) is insufficient — must require Phase II ESA (soil/water sampling) paid by REDUS.
- Two contaminated areas (total ~12 acres) are excluded from the swap and will remain with REDUS:
- Contaminants will likely migrate into adjacent conservation land.
- Without a cleanup condition now, REDUS will have no incentive to remediate.
- Once-in-a-generation leverage — must act now.

4. Specific Condition Requested

- Add 17th Condition of Approval: “Working with City Council, REDUS must fund a Phase II ESA and remediate any contaminated parcels.”

5. Closing Principles

- Uphold the LMC as written.
- Require fair comparisons to actual neighbors.
- Mandate cleanup before leverage is gone.
- This is about legal integrity, public health, and Park City's future.

