



**PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
October 2, 2025**

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

Zoom Link: <https://us02web.zoom.us/j/88167820277>

1. REGULAR AGENDA - 12:00PM

- 1.A. **220 King Road – Conditional Use Permit Approval Extension** – The Applicant Requests a One-Year Extension of the 220 King Road Conditional Use Permit for a Single-Family Dwelling in the Sweeney Master Planned Development, Approved by the Planning Commission on February 21, 2024, a Decision Upheld by the Appeal Panel Final Action Letter Dated July 22, 2024. PL-25-06627
(A) Public Hearing; (B) Action
- 1.B. **220 King Road – Steep Slope Conditional Use Permit Approval Extension** – The Applicant Requests a One-Year Extension of the 220 King Road Steep Slope Conditional Use Permit Approved by the Planning Commission on February 21, 2024, a Decision Upheld by the Appeal Panel Final Action Letter Dated July 22, 2024. PL-25-06645
(A) Public Hearing; (B) Action
- 1.C. **220 King Road – Conditional Use Permit Approval Extension** – The Applicant Requests a One-Year Extension of the 220 King Road Conditional Use Permit for a Private Recreation Facility (Pool), Approved by the Planning Commission on February 21, 2024, a Decision Upheld by the Appeal Panel Final Action Letter Dated July 22, 2024. PL-2506646
(A) Public Hearing; (B) Action

2. CONTINUATION

- 2.A. **7600 Royal Street – Administrative Conditional Use Permit** – The Applicant Proposes the One-Time Installation of a 1,500-Square-Foot Temporary Structure for up to 108 People with a Height of Eight Feet from Final Grade on the Existing Area Adjacent to the Silver Lake Lodge to be Installed November 15, 2025 and Removed by April 15, 2026. PL-25-06666
(A) Public Hearing; (B) Continued to Date Uncertain

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

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

Planning Department Staff Report



Subject: 220 King Road
Application: PL-25-06627 (original CUP PL-22-05318)
Author: Elissa Martin, Planning Project Manager
Date: October 2, 2025
Type of Item: Extension of Conditional Use Permit

Recommendation

(I) Review the proposed Conditional Use Permit (CUP) Extension for a Single-Family Dwelling (SFD) at 220 King Road, Lot 2 of the Treasure Hill Subdivision, (II) conduct a public hearing, and (III) consider approving the CUP Extension for one year based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Pesky Porcupine, LLC
Represented by Wade Budge with the Law Offices of Snell & Wilmer

Location: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential-1-Master Planned Development
(HR-1-MPD)

Adjacent Land Uses: Residential, Open Space

Reason for Review: The Planning Director reviews and takes final action on Extensions of Conditional Use Permits. ¹

CUP Conditional Use Permit
HDDR Historic District Design Review
HR-1-MPD Historic Residential-1-Master Planned Development
LMC Land Management Code

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

Background

220 King Road is in the Sweeney Properties Master Planned Development (Sweeney Properties MPD), approved December 18, 1985, and amended on October 20, 1987, and the First Amended Lot 2, Phase 1, Treasure Hill Subdivision. On August 23, 1990,

¹ LMC [§ 15-1-10](#)

the City Council adopted Ordinance No. 90-24, zoning the property Historic Residential-1-Master Planned Development (HR-1-MPD).

Condition of Approval 3 of the Sweeney Properties MPD requires that the Planning Commission review a CUP for proposed development on the Lot. On July 18, 2022, the applicant submitted a CUP for the proposed SFD and outdoor pool to be constructed at 220 King Road.

On February 14, 2024, the Planning Commission conducted a public hearing and approved CUPs to construct an SFD and outdoor pool ([Planning Commission Packet](#), Item 6.A; [Minutes](#), p. 3). On February 21, 2024, the Planning Commission ratified the Final Action Letter ([Planning Commission Packet](#), Item 4.B; [Minutes](#), p. 2; Exhibit B). On March 1, 2024, an appeal of the Planning Commission's approval was submitted.

On April 30, 2024, the Appeal Panel denied the appeal of the CUPs and remanded questions to the Planning Commission regarding the Sensitive Land Overlay (SLO) ([Appeal Panel Packet](#), Item 6.A; [Minutes](#), p. 2). On June 26, 2024, the Planning Commission considered the questions remanded to them regarding the SLO ([Planning Commission Packet](#), Item 6.D; [Minutes](#), p. 19). On July 15, 2024, the Appeal Panel considered the Final Action Letter regarding the Appeal of 220 King Road ([Appeal Panel Packet](#), Item 6.A; [Minutes](#), p.1). On July 22, 2024 the Appeal Panel ratified the Final Action Letter denying the appeal (Exhibit C).

In addition to the CUPs and Plat Amendment, the proposed development, located in the HR-1-MPD Zoning District requires a Historic District Design Review (HDDR) application. The Applicant submitted an HDDR application on April 27, 2023; the Planning Department reviewed the application concurrently with the Plat, CUPs and SSCUP applications. At the August 15, 2024 Administrative Public Hearing, the Planning Director approved the HDDR for the proposed SFD at 220 King Road ([Agenda Packet](#); Item 1.C; [Minutes](#), p. 4). On August 26, 2024, the Applicant Appealed the Planning Director's Conditions of Approval 12 and 18 in the Final Action Letter approving the HDDR. On August 29, 2024, the Planning Director's Final Action to approve the HDDR application was also appealed. On November 12, 2024 the Board of Adjustment (BOA) granted the appeal in part ([BOA Agenda Packet](#), Item 6.A and 6.B; [Minutes](#), p. 2).

There is ongoing litigation regarding the project.

Analysis

Pursuant to LMC [§ 15-1-10\(G\)](#), CUPs expire one year from the date of Planning Commission approval unless the Conditional Use has commenced on the project or a Building Permit for the Use has been issued. The Planning Director may grant an extension of a CUP for one additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in LMC [§ 15-1-10\(E\)](#) or other provisions of the LMC in effect at the time of the extension request.

The Applicant proposes no changes to the original approval and there have been no changes in circumstance, nor have there been any changes to the property or surroundings that would result in an unmitigated impact or a finding of noncompliance.

Extension requests must be submitted in writing prior to the expiration of the CUP.² Pursuant to LMC [§ 15-1-18\(M\)](#), upon the filing of an appeal, an approval granted under the LMC is suspended until the appeal body has acted on the appeal. LMC [§ 15-15-1](#) defines “Final Action” as “[t]he later of the final vote or written decision on a matter.” The Appeal Panel Chair issued the Final Action Letter on July 22, 2024. Therefore, the one-year time began to run from this date. The Applicant submitted the CUP extension request in writing on July 21, 2025 (Exhibit D).

Department Review

The Planning and Executive Departments reviewed this report.

Notice

For the September 4, 2025 Administrative Public Hearing, staff posted notice and published notice on the City’s website on August 21, 2025, and mailed a public notice postcard and posted notice to the property on August 20, 2025. On September 4, 2025 the Planning Director opened a public hearing and continued the item to the October 2, 2025 Administrative Public Hearing. For the October 2, 2025 Administrative Public Hearing, staff posted notice and published notice on the City’s website on September 17, 2025. Staff mailed a public notice postcard and posted notice to the property on September 17, 2025.³

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

The Planning Director may:

- Approve the CUP Extension.
- Deny the CUP Extension and direct staff to make Findings for the denial.
- Request additional information and continue the discussion to a date certain.

Exhibits

A: Draft Final Action Letter

B: February 21, 2024 Planning Commission Final Action Letter

C: July 22, 2024 Appeal Panel Final Action Letter

D: Applicant’s Extension Request

² LMC [§ 15-1-10\(G\)](#)

³ LMC [§ 15-1-10](#)



Planning Department

October 2, 2025

Pesky Porcupine, LLC

CC: Wade Budge with the Law Offices of Snell & Wilmer

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential-1-Master Planned Development (HR-1-MPD)

Application: Extension of Conditional Use Permit

Project Number: PL-25-06627 (Original CUP: PL-22-05318)

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: October 2, 2025

Project Summary: The Applicant seeks a one-year extension of the Conditional Use Permit approved on February 21, 2024, and upheld by the Appeal Panel on July 22, 2024, to construct a Single-Family Dwelling in the Sweeney Master Planned Development in the HR-1-MPD Zoning District.

Action Taken

On October 2, 2025, the Planning Director conducted a public hearing and approved a one-year extension for the 220 King Road Conditional Use Permit (CUP) for a Single-Family Dwelling (SFD) in the Sweeney Master Planned Development, according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

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



Planning Department

2. The Property is a 1.23-acre Lot platted as the First Amended Lot 2, Phase 1, Treasure Hill Subdivision.
3. Condition of Approval of the Sweeney Properties MPD requires that the Planning Commission review a Conditional Use Permit (CUP) for proposed development at 220 King Road.
4. The applicant submitted a CUP application for a SFD on July 18, 2022.
5. On February 14, 2024, the Planning Commission conducted a public hearing and approved the CUP for a SFD in the Sweeny MPD and HR-1-MPD Zoning District; the Planning Commission ratified the Final Action Letter approving the CUP on February 21, 2024.
6. On March 1, 2024, an appeal of the Planning Commission's approval was filed.
7. On April 30, 2024, the Appeal Panel denied the appeal of the CUP and remanded questions to the Planning Commission regarding the Sensitive Land Overlay (SLO).
8. On July 15, 2024, following the remand, the Appeal Panel considered the Final Action Letter Regarding the Appeal of 220 King Road and on July 22, 2024 the Appeal Panel ratified the Final Action Letter denying the appeal.
9. A Historic District Design Review (HDDR) application is also required for development in the HR-1-MPD Zoning District; the Applicant submitted an HDDR application on April 27, 2023.
10. On August 15, 2024, the Planning Director approved the HDDR application for development of an SFD at 220 King Road.
11. On August 26, 2024, the Applicant Appealed the Planning Director's Conditions of Approval 12 and 18 for the approval of the HDDR.
12. On August 29, 2024, an appeal of the Planning Director's Final Action to approve the HDDR application was submitted.
13. On November 12, 2024, the Board of Adjustment granted the appeal of the HDDR approval in part.
14. There are ongoing appeals regarding all prior Final Actions regarding the project, and additional litigation between the same parties regarding the Property.
15. Pursuant to LMC § 15-1-10(G) the Planning Director may grant an extension of a CUP for one additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in Section 15-1-10(E) or other provisions of the LMC in effect at the time of the extension request. The HDDR appeal prevents the applicant from proceeding to full building permit.



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16. Pursuant to LMC § 15-1-18(M), upon the filing of an appeal, an approval granted under the LMC is suspended until the appeal body has acted on the appeal.
17. The Appeal Panel Chair issued the Final Action Letter on July 22, 2024; therefore, the one-year time to submit a CUP extension request in writing began to run from this date.
18. In accordance with LMC § 15-1-10(G), the Applicant submitted the written request for the CUP extension within one year of the Appeal Panel's rejection of the appeal, the Applicant proposes no changes to the original approval and requests additional time to complete the building permit. There have been no changes in circumstance, nor have there been any changes to the property or surroundings that would result in an unmitigated impact or a finding of noncompliance.
19. An at-risk excavation permit was issued for the Property on August 15, 2025, as authorized by the Stipulated Order dated June 30, 2025 in Third District Court Case No. 240500559.

Conclusions of Law

1. The Conditional Use Permit Extension request complies with LMC § 15-1-10(G), *Conditional Use Permit Review, Expiration*.

Conditions of Approval

1. Development of an SFD at 220 King Road is subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Planning Commission Final Action letter, dated February 21, 2024, upheld by the Appeal Panel decision in the July 22, 2024 Final Action Letter.
2. If a building permit is not issued by July 22, 2026, and the Planning Commission has not approved another one-year extension this approval shall expire, and a new CUP application must be submitted and reviewed by the Planning Commission.

If you have questions or concerns regarding this Final Action Letter, please call (435)-699-7741 or email elissa.martin@parkcity.gov.

Sincerely,

Rebecca Ward, Planning Director



Planning Department

CC: Elissa Martin



February 21, 2024

Pesky Porcupine, LLC

CC: Wade Budge with the Law Offices of Snell & Wilmer

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential – 1
Sensitive Land Overlay

Applications: PL-22-05318 – Conditional Use Permit, Single-Family Dwelling
PL-22-05319 – Plat Amendment
PL-23-05523 – Outdoor Pool
PL-23-05571 – Steep Slope Conditional Use Permit

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: February 21, 2024

Project Summary: The Applicant proposes to demolish a 4,235-square-foot Single-Family Dwelling and 4,189-square-foot Guest House, to construct a:

- A Single-Family Dwelling with:
 - Approximately 7,461 square feet of finished space.
 - Approximately 5,898 square feet of unfinished space.
 - Approximately 1,690 square feet of terrace/patio area.
- A 1,103-square-foot Accessory Building.
- A 243-square-foot Swim Spa.
- A 4,794-square-foot Underground Parking Area.

The Applicant proposes to amend Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, and shift Plat Note 9 (Precedence) to Plat Note 1 and add Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision, and to shift the Building Area Limits to accommodate the proposed project.

Action Taken

On February 14, 2024, the Planning Commission conducted a public hearing and approved the Second Amendment for Lot 2, Phase 1, Treasure Hill Subdivision, amending Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, shifting Plat Note 9 (Precedence) to Plat Note 1 and adding Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision, and shifting the Building Area Limits to accommodate the proposed project. The Planning Commission conducted a public hearing and approved the Conditional Use Permit for a Single-Family Dwelling and Outdoor Pool and the Steep Slope Conditional Use Permit for the project according to the following findings of fact, conclusions of law, and conditions of approval:

The January 24, 2024 and February 14, 2024 staff reports and meeting minutes are incorporated herein.

Plat Amendment **File No. PL-22-05318**

Findings of Fact

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

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

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

4. The Property is currently being used for one single-family residence and one guest house that the Applicant intends to demolish to construct a new single residence.

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

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

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

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

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

10. The Planning Commission expressly finds this approval is limited to the Amended Plat of the Amended Sweeney Properties Master Planned Development, and as such shall not create any precedent nor interpretation of general applicability in the Historic Residential-1 Zoning District, for current Land Management Code regulations, or other plat amendments.

Additional Findings

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

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

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

- ii. Exterior walkways;
- iii. Exterior stairs; and
- iv. Driveways.

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

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

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

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

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

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

- i. The Amended Plat resolves an existing non-conformity as the two residential units constructed on a single lot will be demolished in favor of a single residential unit on a single lot.

- ii. The Amended Plat preserves the character of the neighborhood and Park City as the Amended Plat is more consistent with the Amended Sweeney Properties MPD approval.
 - iii. Reducing the buildable area and relocating a portion of the buildable area will reduce the visual impact of the Property's development. This is consistent with best planning and design practices.
 - iv. The Amended Plat facilitates the construction of a single residence in place of one residence and one guest house that are presently used as short-term rentals. Demolishing the two existing short-term rentals reduces the overall density of the area, alleviates traffic, decreases utility usage, minimizes noise and light pollution, and is more consistent with neighboring uses.
 - v. The Amended Plat facilitates the termination of the existing short-term rentals. This furthers the health, safety, and welfare of the Park City community as it will decrease the number of unknown persons in the community and increase the overall sense of community by housing long-term residents.
- f. The Amended Plat includes all existing public streets and municipal utility easements and does not propose to vacate or amend the same.

Conclusion

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

Conditions of Approval

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

**Exhibit B
Amended Plat Notes**

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

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

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

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

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

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

SUCH DISTURBED AREA SHALL BE REVEGETATED WITH NATIVE LANDSCAPING.

5. HEIGHT. THE BUILDING HEIGHT SHALL BE MEASURED FROM EXISTING GRADE TO THE TOP OF THE FLAT ROOFS AND TO THE RIDGE OF PITCHED ROOFS. THE MAXIMUM HEIGHT, IN GENERAL, SHALL BE TWENTY -FIVE (25) FEET FOR FLAT ROOFS AND THIRTY (30) FEET FOR PITCHED ROOFS. A MAXIMUM HEIGHT OF TWENTY EIGHT (28) FEET FOR FLAT ROOFS AND THIRTY-THREE (33) FEET FOR PITCHED ROOFS SHALL BE PERMITTED FOR THE EXPRESSED PURPOSE OF ACCOMMODATING ACCESS AND LIGHT FEATURES NO GREATER THAN 24 FEET IN LENGTH, I.E. STAIRWELLS AND/OR ELEVATORS, BETWEEN FLOOR LEVELS. IN ACCORDANCE WITH THE SWEENEY MPD, WHICH WAS APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986, AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992, BUILDING HEIGHT SHALL ONLY BE MEASURED AS OUTLINED IN THIS PLAT NOTE #4.

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

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

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

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

10. EXTERIOR LIGHTING. ALL EXTERIOR LIGHTING SHALL BE DOWN DIRECTED AND FULLY SHIELDED WITH BULBS 3,000 DEGREES KELVIN OR LESS. FLOOD LIGHTS ARE PROHIBITED. OUTDOOR LIGHTS SHALL NOT BE INSTALLED MORE THAN 12 FEET ABOVE EXISTING GRADE. GROUND-LEVEL FIXTURES SHALL BE FULLY SHIELDED.

11. GLAZING. SIXTY PERCENT (60%) OF THE EASTERN FACING FAÇADE IS PERMITTED TO BE GLAZING AND LIGHTING IMPACTS FROM THE EASTERN

FACING FAÇADE SHALL BE MITIGATED BY INTERIOR FIXTURES DESIGNED TO MINIMIZE DIRECT VISIBILITY OF THE LIGHTING ELEMENT FROM RESIDENCES WITHIN 1/3 MILE OF THE RESIDENCE.

12. CONTINGENT UPON A STEEP SLOPE CONDITIONAL USE PERMIT APPROVAL BY THE PLANNING COMMISSION, DETACHED BELOW GRADE ACCESSORY BUILDINGS. BELOW GRADE ACCESSORY BUILDINGS ARE PERMITTED WITHIN THE BUILDABLE AREA. THE FOOTPRINT OF A DETACHED BELOW GRADE ACCESSORY BUILDING DOES NOT COUNT TOWARDS THE FOOTPRINT AREA OF THE DWELLING AS ALLOWED IN NOTE #1.

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

Conditional Use
File No. PL-22-05319
File No. PL-23-05523
[220 King Residence and Outdoor Pool]

Findings of Fact

1. On July 18, 2022 the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).
2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder’s Office (“Treasure Hill Subdivision Plat”), as amended.
3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City’s staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.
4. The Property is currently being used for one single-family residence and one guest house, that the Applicant intends to demolish to construct the new Residence.

The existing single-family residence and guest home have been used for short-term rentals.

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

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

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

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

Additional Findings

9. The Planning Commission, as the land use authority, finds that the proposed Residence CUP is in compliance with the standards in LMC § 15-1-10.E, as applied pursuant to the Amended Sweeney Properties MPD. Specifically, the Residence:

a. As applied pursuant to the Amended Sweeney Properties MPD, is an appropriate size and location for the Property. See LMC § 15-1-10.E.1 This finding is supported further as follows:

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

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

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

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

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

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

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

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

ii. The Residence will decrease utility usage by utilizing more efficient construction materials and by replacing one existing home and one existing guest house used as short-term rentals.

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

d. Provides adequate emergency vehicle access. See LMC § 15-1-10.E.4. Specifically, the Residence has been designed to meet all emergency vehicle access and driveway slope requirements as set forth in the LMC, including by providing a fire turnaround in the underground parking area.

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

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

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

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

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

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

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

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

h. As applied pursuant to the Amended Sweeney Properties MPD, is appropriately massed, bulked, and oriented, on the site. See LMC § 15-1-10.E.8. This finding is supported as follow:

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

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

iii. The Residence meets the height limitation stated on the second amended subdivision plat.

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

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

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

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

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

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

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

- i. The site is already adequately graded to support the existing houses and minimal additional grading will be required for the Residence.
- ii. For the reasons discussed below, a steep slope conditional use permit will be issued for the very steep slope disturbance.

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

- i. The existing houses to be demolished are not historically significant.
- ii. The proposed design of the Residence is consistent with the design criteria contemplated by the Amended Sweeney Properties MPD approval.

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

11. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result

from the proposed use. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the Residence.

Conclusion

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

Conditions

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

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

B. The Applicant is responsible for notifying the Planning and Building Departments prior to proposing any changes to this approval. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for planning review and approval/denial in accordance with the applicable standards prior to construction. Unfinished space indicated on plan sheets A2.10 and A2.20 of the approved plan set is limited to concrete floors, utilities, mechanical equipment, and storage. Future modifications to this unfinished space shall be reviewed by the Planning Commission in accordance with the Conditional Use Permit process.

C. The current access point of King Road must be maintained, and no new access points are allowed. The driveway width within the platted easement on 200 King Road and within the setbacks required for 220 King Road shall not exceed 12 feet in width, unless required by the Park City Fire District to accommodate turning radius and emergency vehicles.

D. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning

Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

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

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

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

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

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

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

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

L. No additional fencing is permitted without further approval by the Park City Planning and Building Departments.

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

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

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

P. The proposed residence's roof shall be consistent with the plans approved by the Planning Commission on February 14, 2024, and attached as Exhibit D.

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

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

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

T. Any areas disturbed during construction shall be restored to the original state after the proposed residence, accessory building and structures, and retaining walls are completed.

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

V. All exterior lighting shall be down directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property and shall comply with the City’s outdoor lighting code per LMC § 15-5-5(J). Flood lights are prohibited. Fully Shielded outdoor lights shall not exceed 12 feet above Existing Grade. Ground-level fixtures shall be Fully Shielded. Final lighting details must be reviewed by Planning Staff prior to installation.

W. All proposed mechanical equipment, the pool, and/or a hot tub shall be screened. Any hot tub installation is prohibited on east façade decks or terraces.

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

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

Z. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.

AA. The Applicant shall demonstrate the proposed metal siding and roofing materials have a Solar Reflectivity Index (SRI) of 35 or less prior to the submittal of a building permit.

BB. Prior to submittal of a Building Permit, the Applicant shall submit for

review the excavation and grading plans for Engineering Department review and approval to ensure no additional erosion, land subsidence, or avalanche hazard is created.

CC. Cuts, fills, and retaining walls shall be minimized.

DD. The Applicant shall demonstrate compliance with Municipal Code of Park City Chapter 11-21 Utah Wildland-Urban Interface Code at the time of Building Permit submittal.

EE. The Applicant shall demonstrate adequate turnaround to allow a fire apparatus to maneuver to and from the site as approved by the Park City Fire District prior to submitting a Building Permit. The Applicant shall provide a fire hydrant within 600 feet of the proposed development.

FF. The Applicant should upsize the existing service line to provide adequate pressure to the additional living area and fire sprinkler system. Please note the City operates substantial water lines to the west of the proposed dwelling.

GG. To conduct construction across the neighboring 200 King Road property, including any additional width required to accommodate the installed improvements, all work shall be limited to the limits of the platted easement. The applicant shall submit required approvals for any work or structures proposed outside of the easement at 200 King Road.

HH. Glazing on the east façade shall comply with the Second Amendment for the Lot 2 Phase 1 Treasure Hill Subdivision plat notes. Vinyl and aluminum doors and windows are prohibited. Window and door details shall be reviewed and approved through the Historic District Design Review process.

II. The Applicant's stormwater mitigation plan shall be reviewed and approved by the Engineering Department prior to building permit submittal.

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

Findings of Fact

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

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

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

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

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

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

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

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

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

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

Additional Findings

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

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

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

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

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

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

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

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

h. Are consistent with the applicable volume limitations. See LMC § 15-2.2-6.B.8.

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

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

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

Conclusion

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

Conditions

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

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

KK. The driveway to the proposed residence shall not exceed 12 feet in width unless required by Park City Fire District for emergency vehicle turning radius and access, shall not exceed a 14% grade, and must comply with LMC § 15-3-3(A)(4).

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

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

NN. Applicant shall maintain vegetative screening in accordance with

the submitted vegetation plan to reduce the visibility of retaining walls and landscaping and berming shall reduce the visibility of the east façade glazing.

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

PP. Structures on the Property shall conform to the HR-1 setbacks set forth in LMC § 15-2.2-3. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

QQ. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

RR. The Applicant shall provide elevation drawings of all segments of the Accessory Buildings that have an exposed face to Planning staff for review as part of the Historic District Design Review process.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5060 or email planning@parkcity.org.

Sincerely,

DocuSigned by:

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2/24/2024

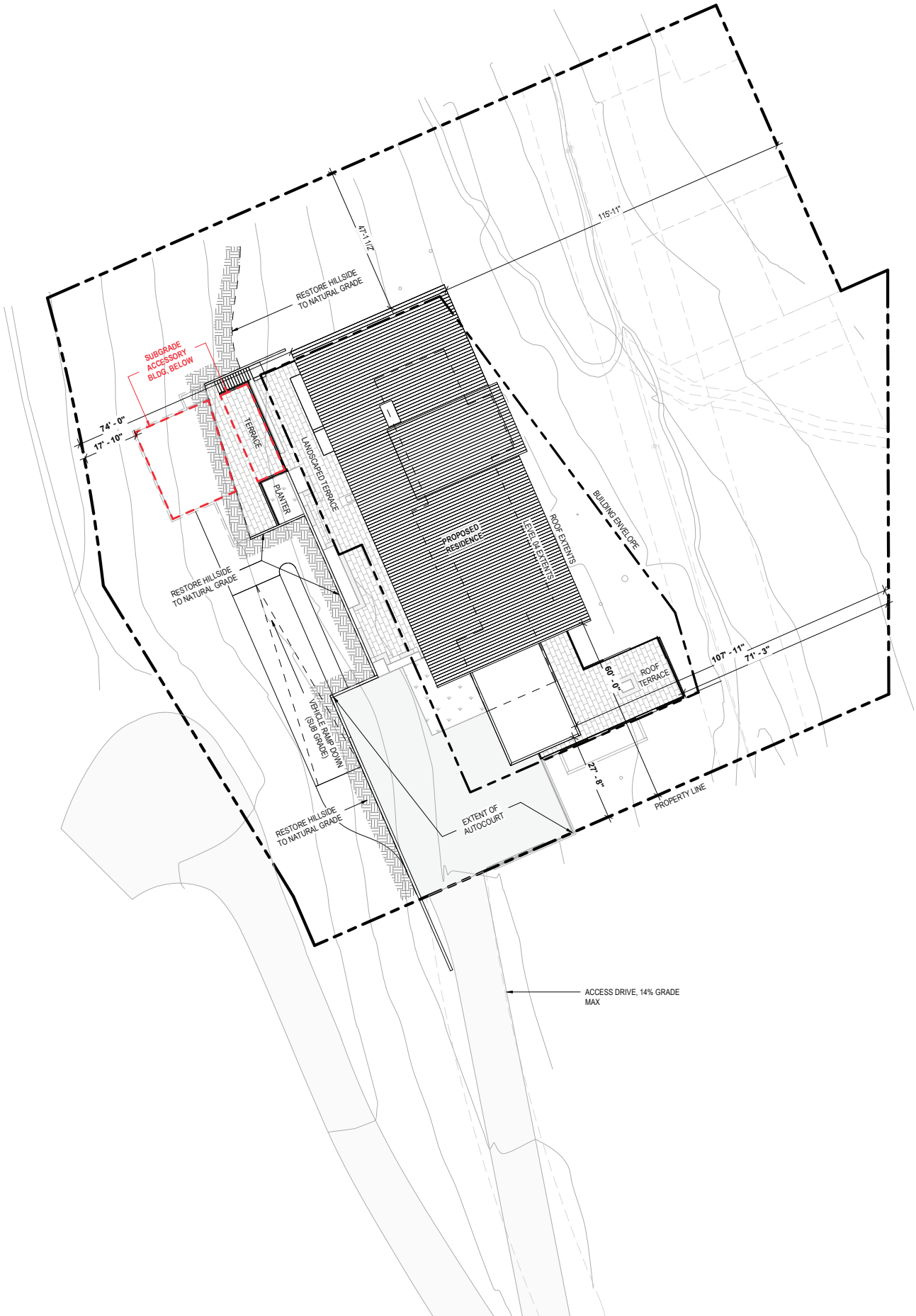
Sarah Hall, Planning Commission Chair

CC: Rebecca Ward, Planning Director
Caitlyn Tubbs, Senior Historic Preservation Planner

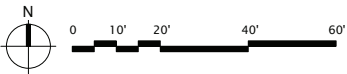
Exhibit D – Approved Plans

Building Diagrams

Approved 2-14-2024



1 SITE PLAN
SCALE: 1" = 20'-0"



159 South Jackson St, Suite 600
Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

project:
PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by _____
checked by _____
job no. 20102
date 12/28/23

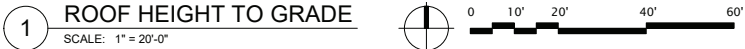
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NOT FOR CONSTRUCTION
PLANNING COMMISSION
12/28/23

SITE PLAN

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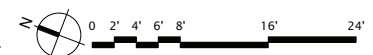


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no. date by

12/28/23

Page 34 of 191



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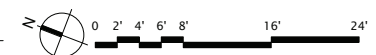
PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

Revisions:

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12/28/23

PLAN - LEVEL 01

A2.10



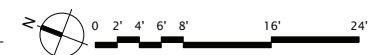
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Revisions:

2/28/23

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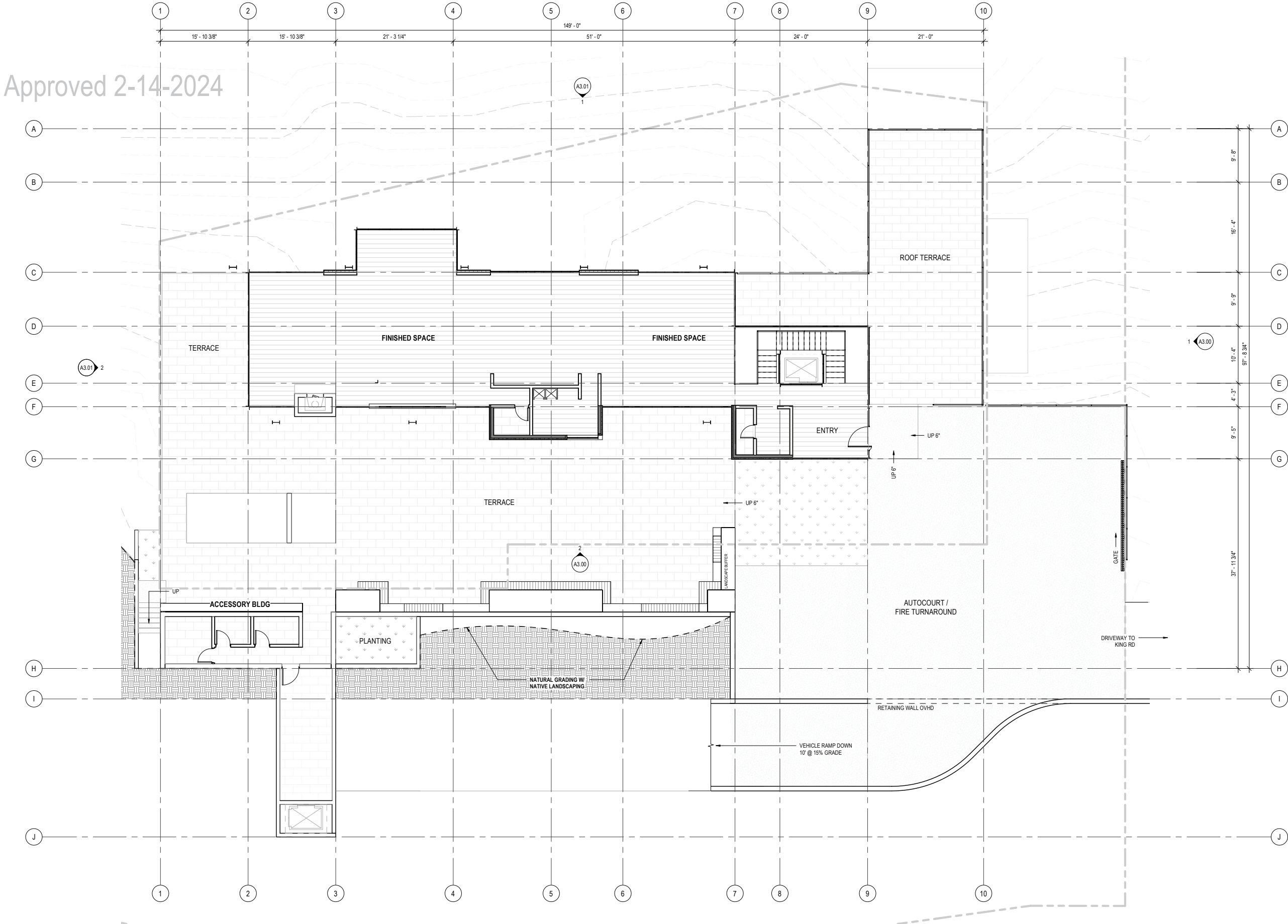
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PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

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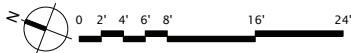
12/28/23

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Approved 2-14-2024

1 LEVEL 04 PLAN
SCALE: 1/8" = 1'-0"



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Olson Kundig

project:
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220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by Author
checked by
job no. 20102
date 12/28/23

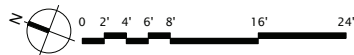
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12/28/23

PLAN - LEVEL 04

A2.40



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220 KING ROAD
PARK CITY, UT 84060

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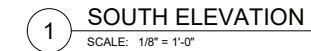
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PLANNING COMMISSION

12/28/23

PLAN - LEVEL 05

A2.50



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project: **PARK CITY RESIDENCE - PRINCE**
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by
checked by
job no. 20102
date 12/28/23
revisions:

no.	date	by
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NOT FOR CONSTRUCTION

PLANNING COMMISSION

12/28/23

EXTERIOR ELEVATIONS

A3.00

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Olson Kundig

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect: TK
project manager: SG
drawn by: _____
checked by: _____
job no. 20102
date 12/28/23

revisions:

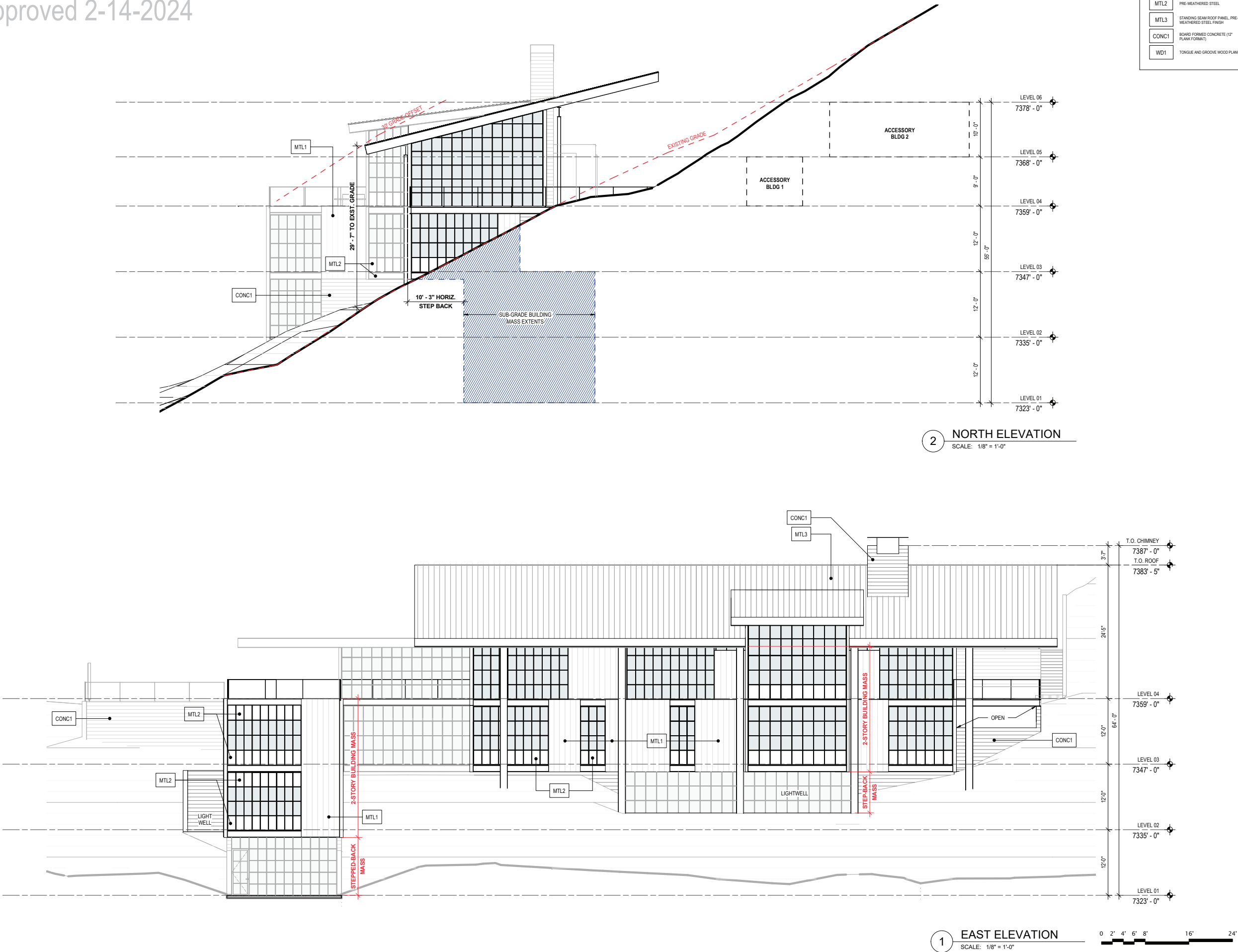
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PLANNING COMMISSION
12/28/23

EXTERIOR ELEVATIONS

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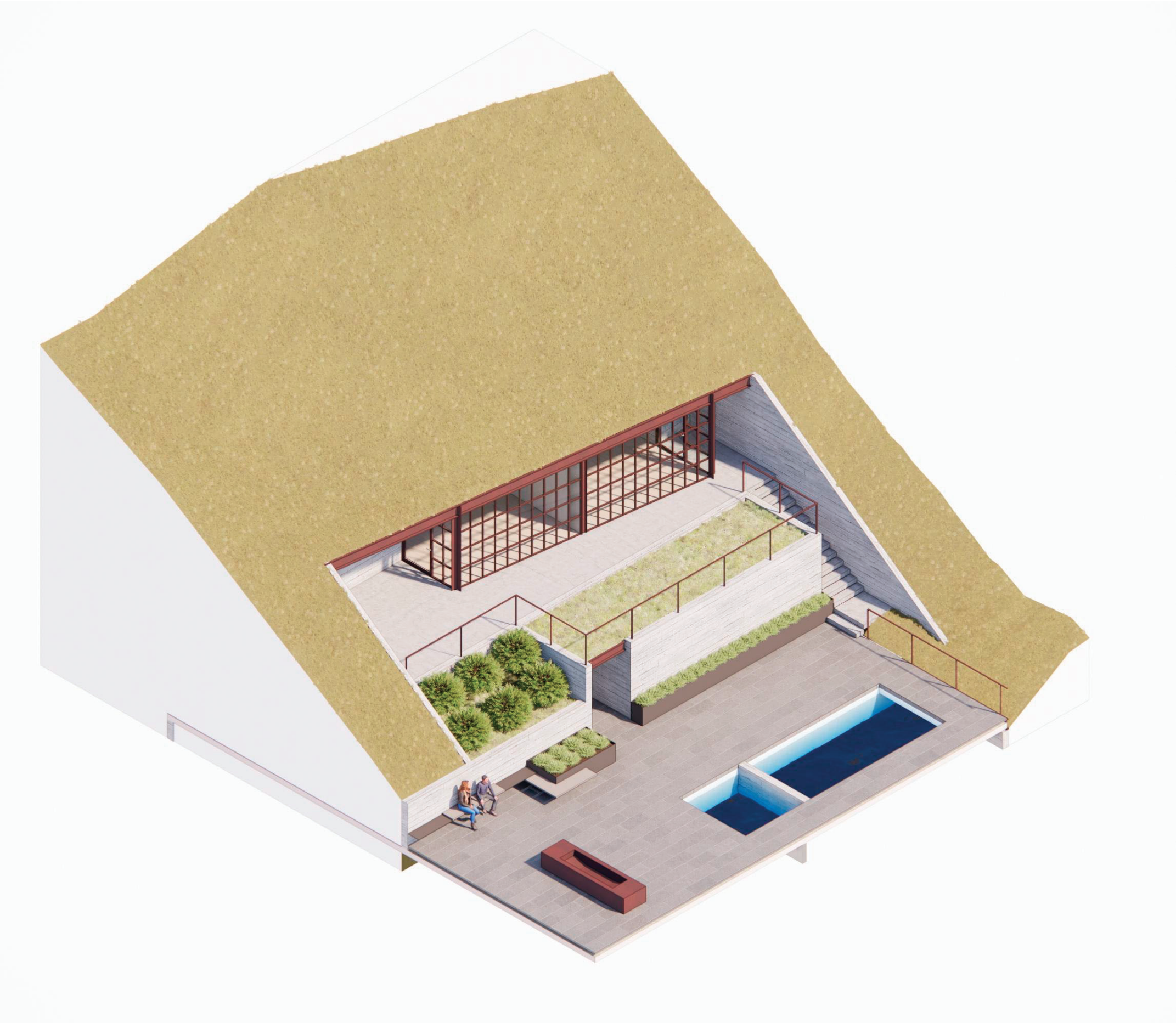
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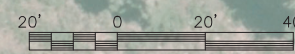


Approved 2-14-2024



Grading Plan

Approved 2-14-2024



(435) 649-9467

STAFF:
CONNOR DINSMORE
SACHITH MUNASINGHE

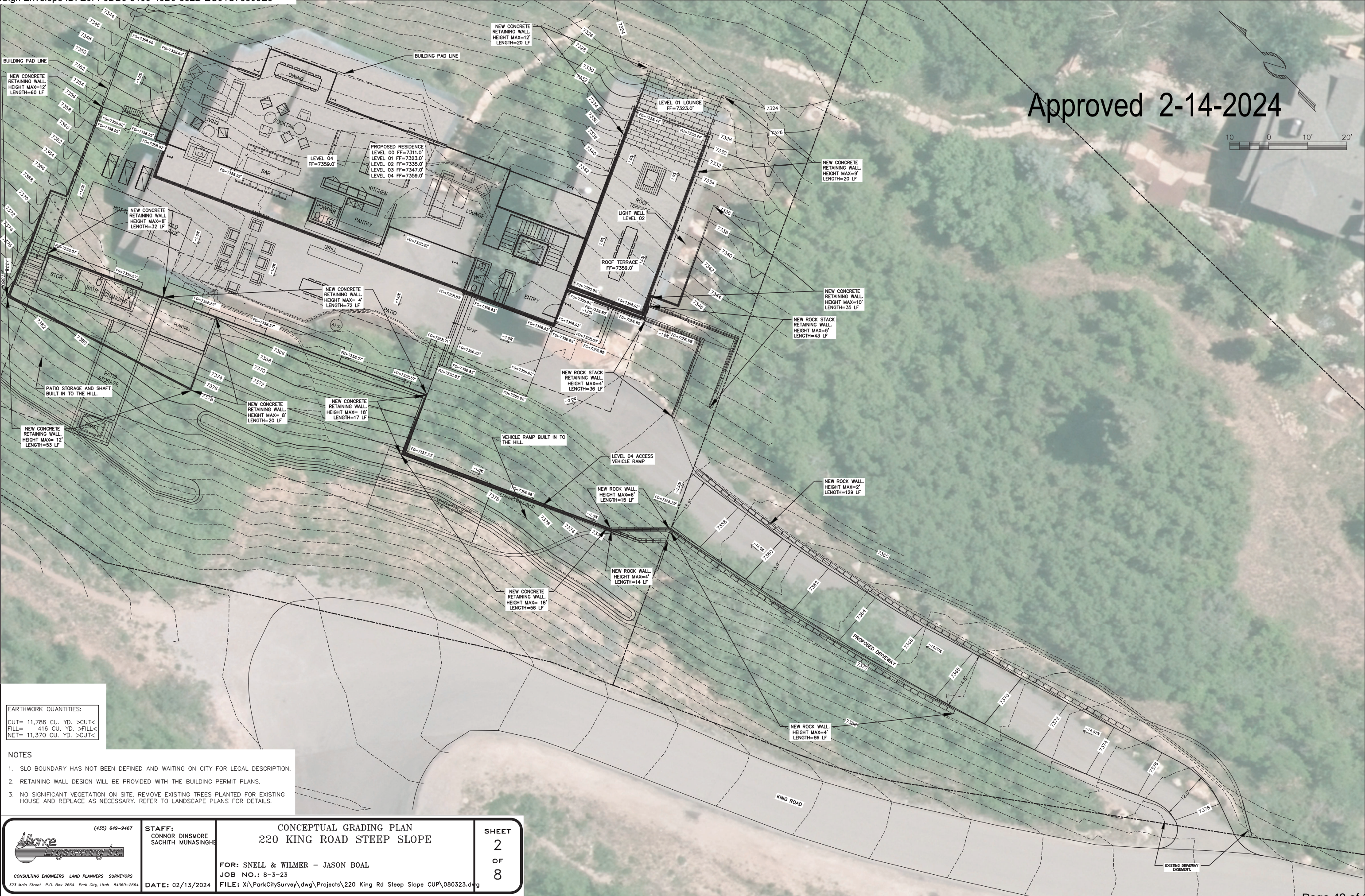
EXISTING CONDITIONS
220 KING ROAD STEEP SLOPE

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OF
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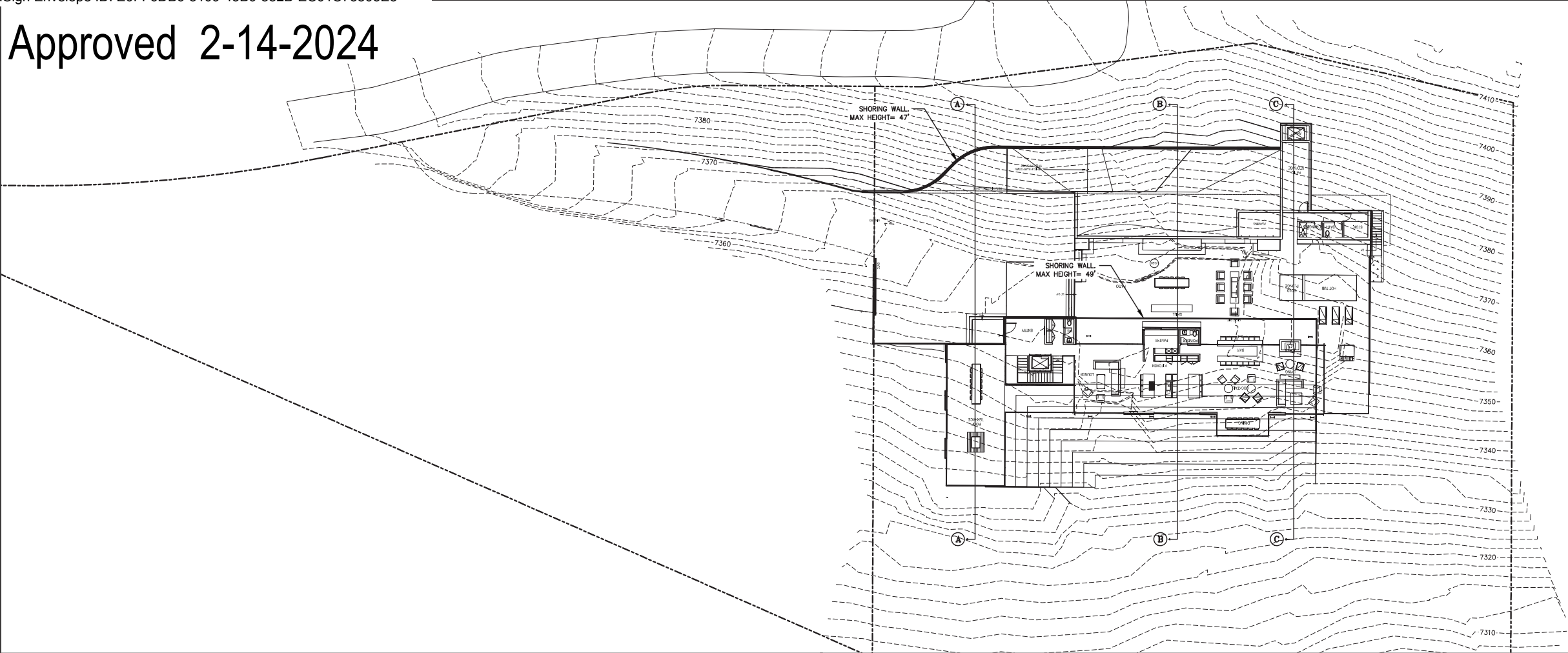
FOR: SNELL & WILMER - JASON BOAL
JOB NO.: 8-3-23
FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg

DATE: 02/13/2024

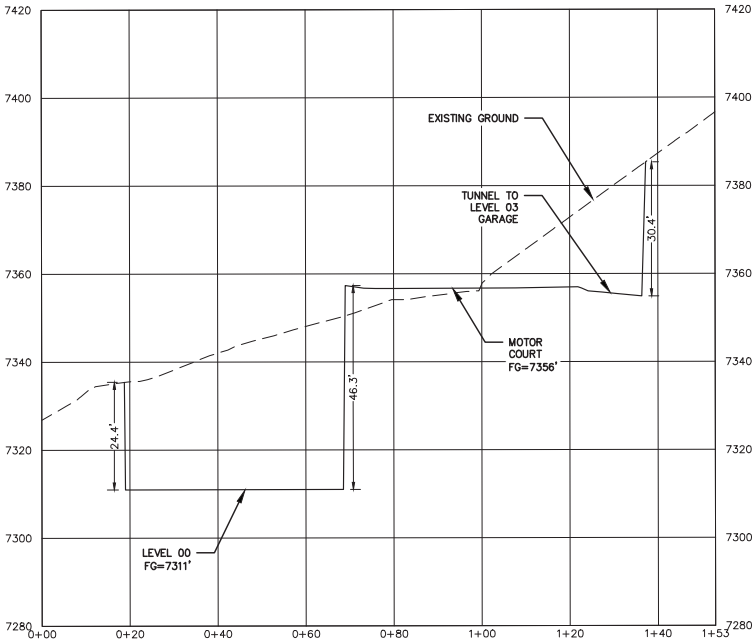
NOTES:
1. EXISTING CONDITION SURVEY IS DONE BY UTAH LAND SURVEYING, LLC.



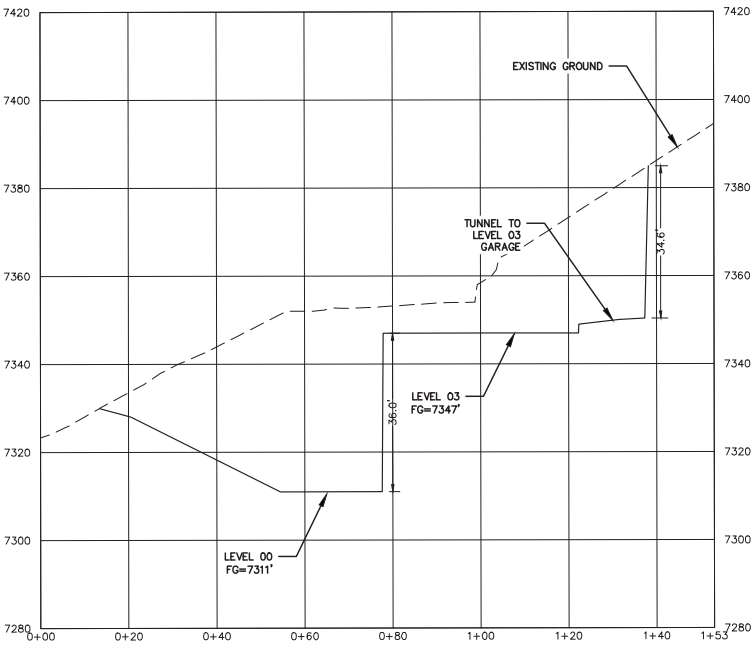
Approved 2-14-2024



SECTION "A-A"

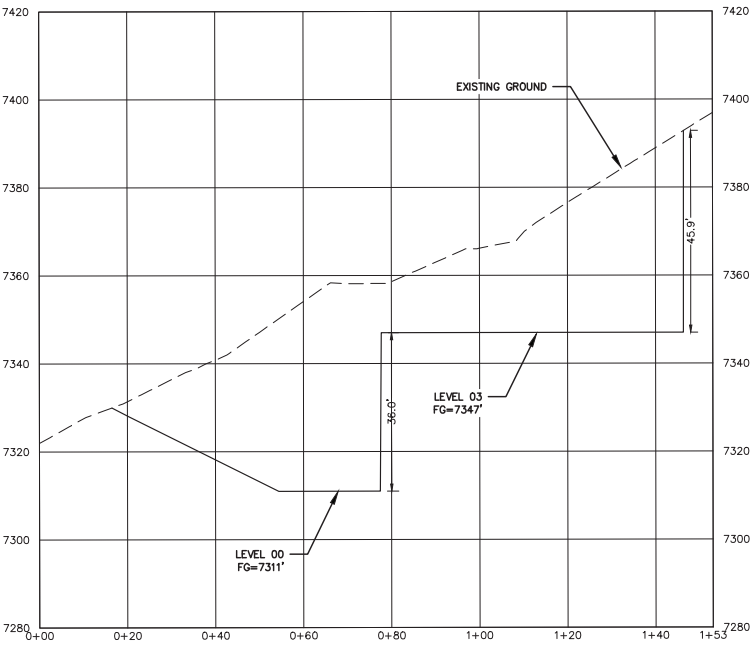


SECTION "B-B"



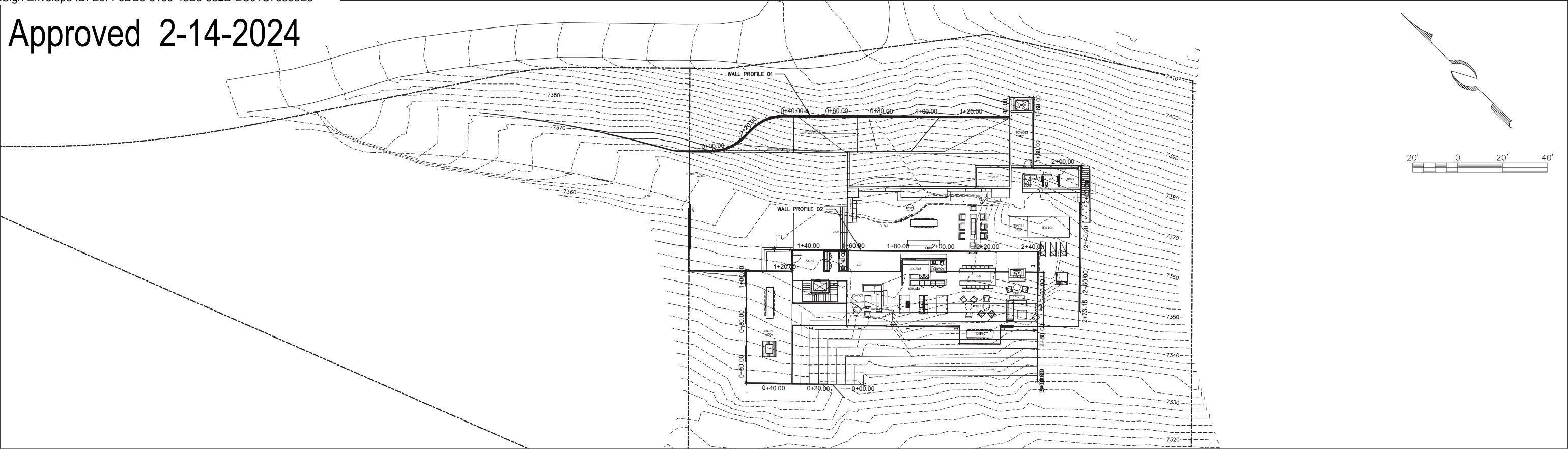
EARTHWORK QUANTITIES:
CUT= 11,786 CU. YD. >CUT<
FILL= 416 CU. YD. >FILL<
NET= 11,370 CU. YD. >CUT<

SECTION "C-C"

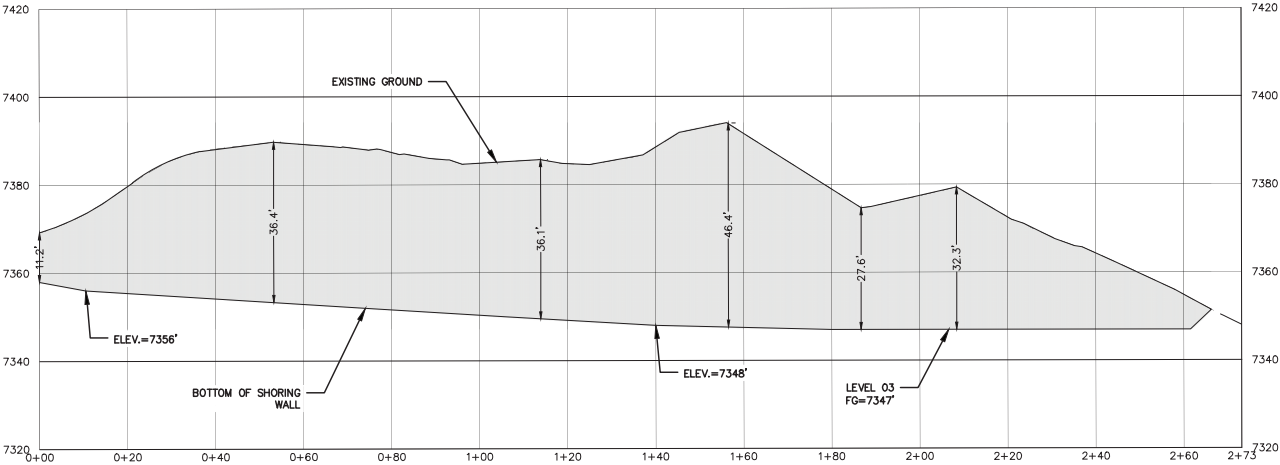


 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	EXCAVATION SECTION VIEW 220 KING ROAD STEEP SLOPE	SHEET 7 OF 8
	DATE: 02/13/2024	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg		

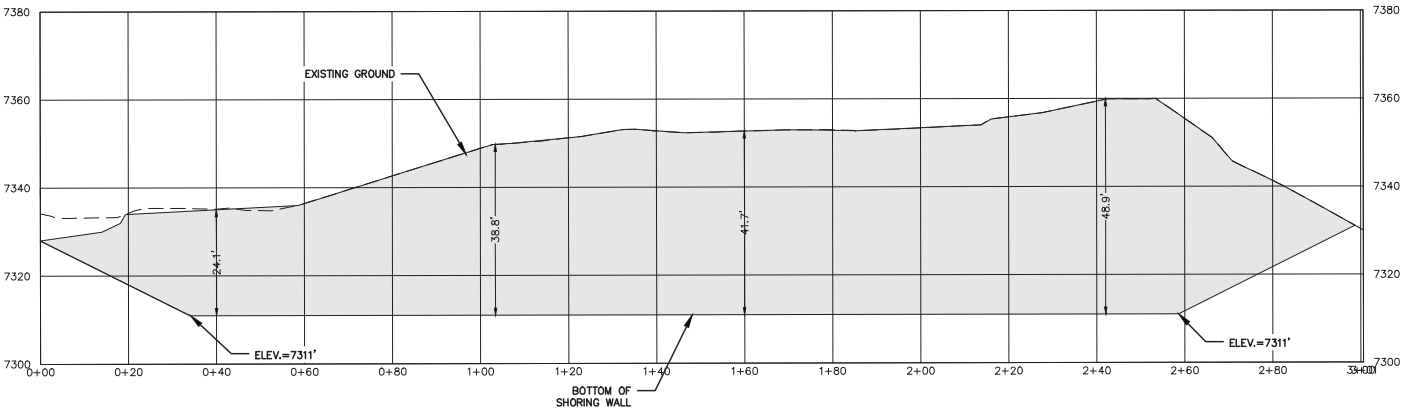
Approved 2-14-2024



WALL PROFILE 01



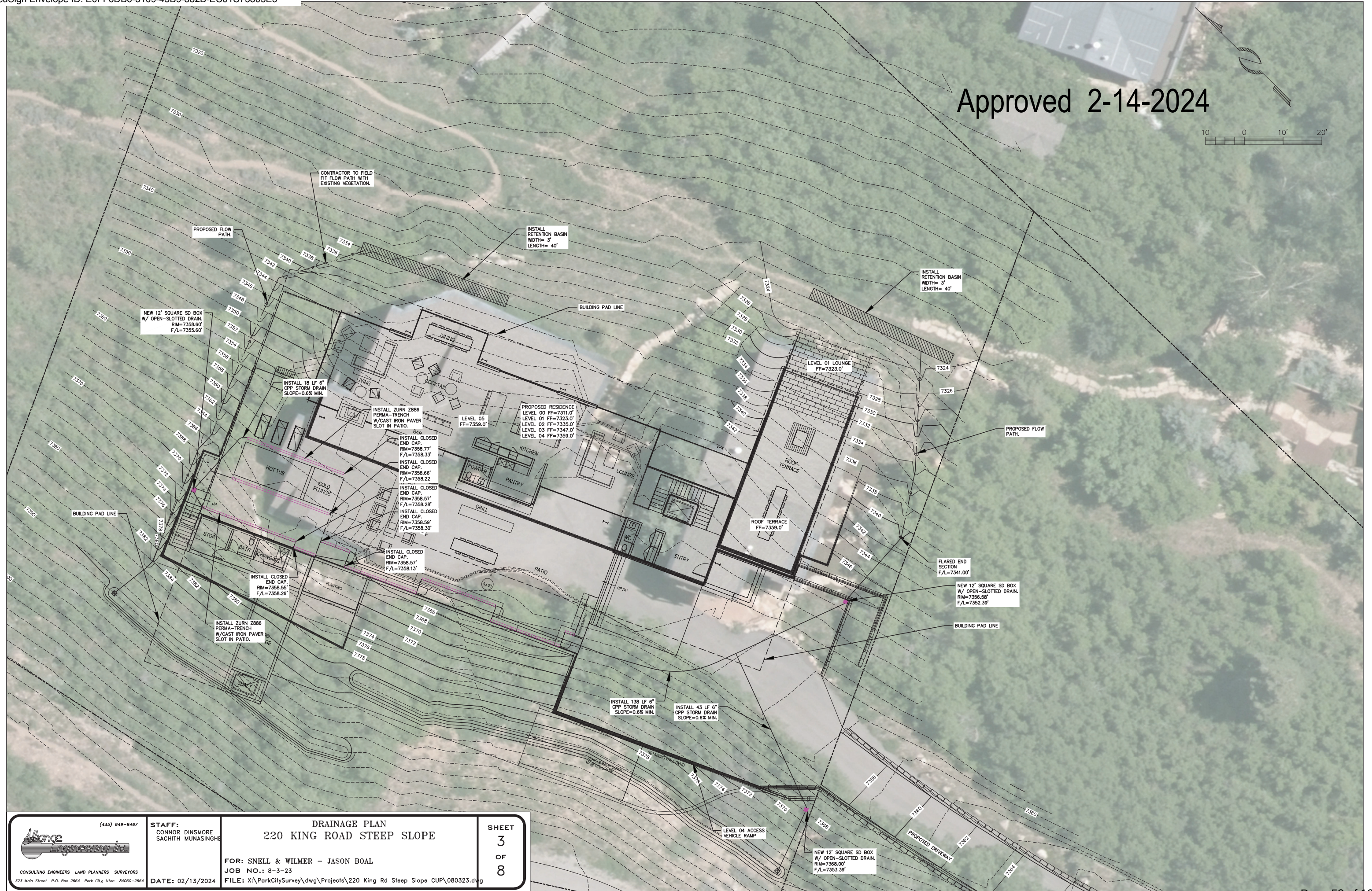
WALL PROFILE 02



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	PLAN AND PROFILE OF THE SHORING WALL 220 KING ROAD STEEP SLOPE FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg	SHEET 8 OF 8
	DATE: 02/13/2024			

Drainage Plan

Approved 2-14-2024



(435) 649-9467

STAFF:
CONNOR DINSMORE
SACHITH MUNASINGHE

DRAINAGE PLAN
220 KING ROAD STEEP SLOPE

SHEET
3
OF
8

FOR: SNELL & WILMER - JASON BOAL

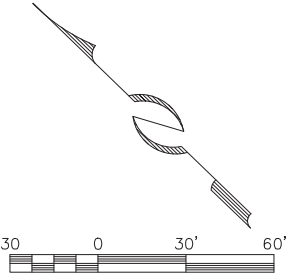
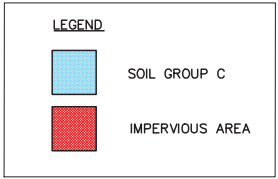
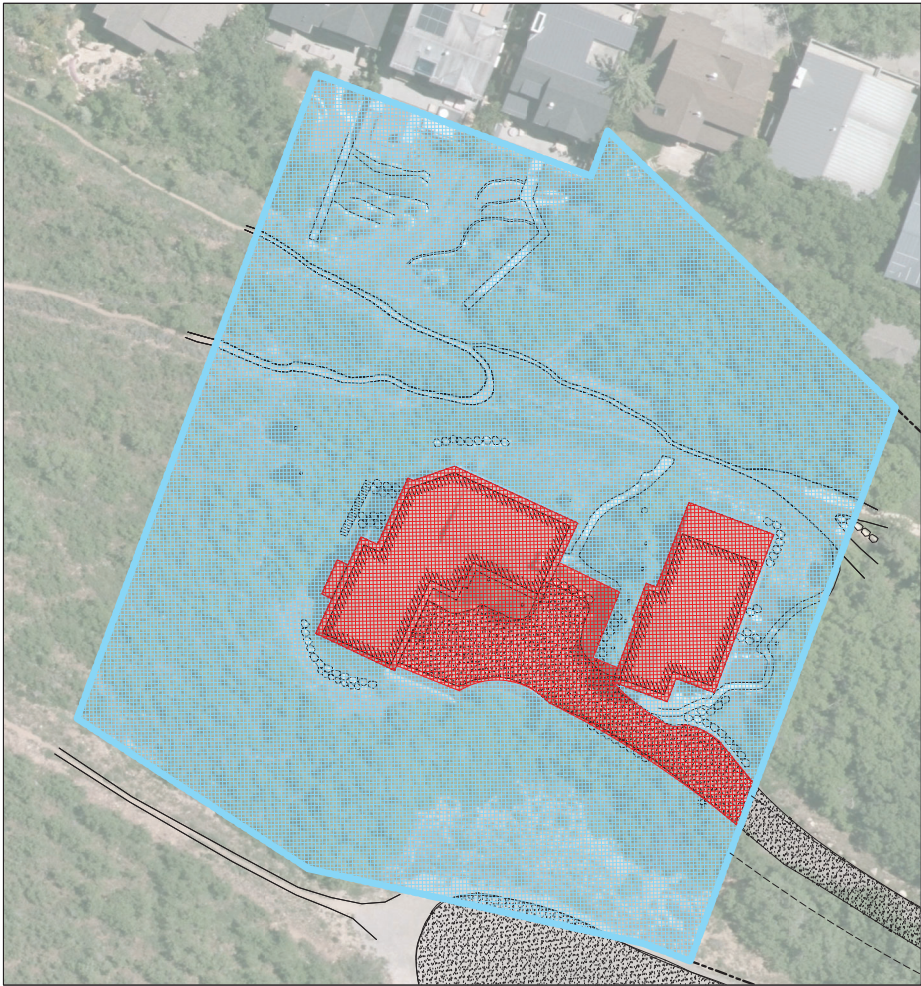
JOB NO.: 8-3-23

DATE: 02/13/2024

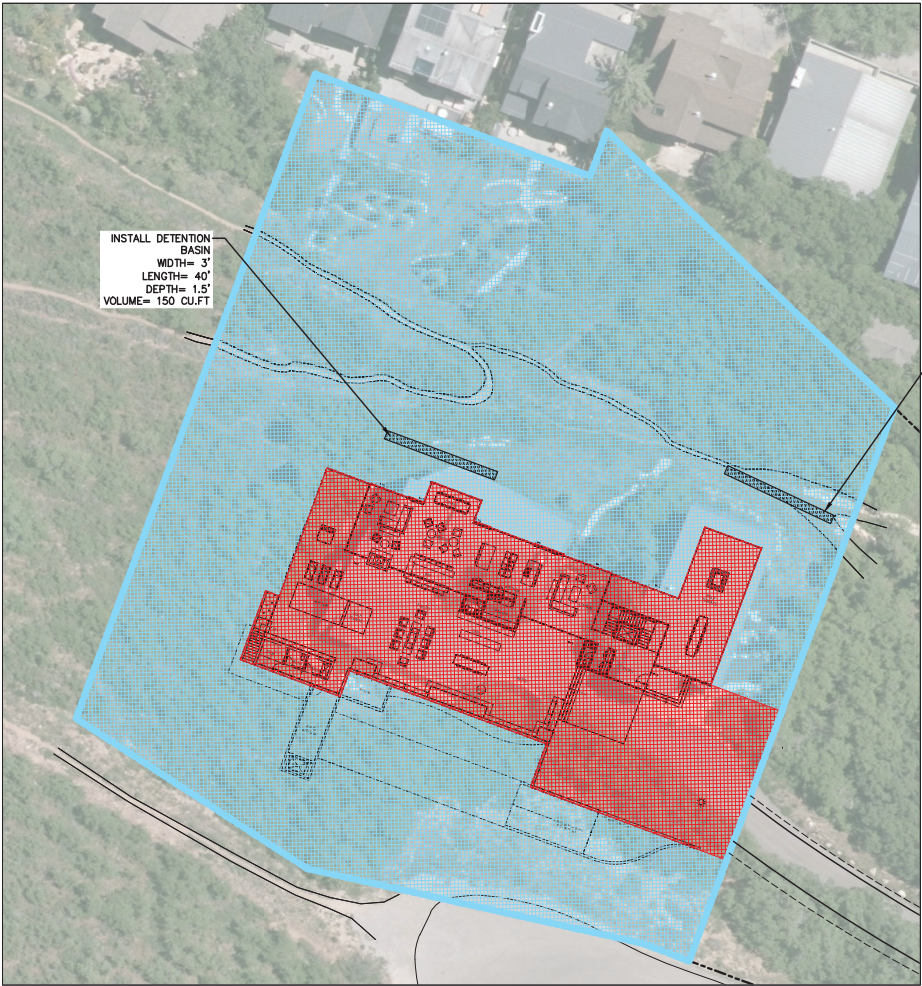
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CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

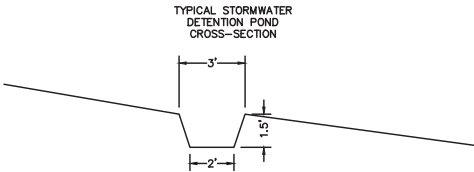
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



Approved 2-14-2024



INSTALL DETENTION BASIN
WIDTH= 3'
LENGTH= 40'
DEPTH= 1.5'
VOLUME= 150 CU.FT



STORMWATER DETENTION REQUIRED = 232 CU. FT.
STORMWATER DETENTION PROVIDED = 300 CU. FT.

NOTES:

1. PEAK RUNOFF VOLUME OF 232 CU. FT. IS TO BE 100% DETAINED IN PROPOSED POND. THE DIMENSIONS OF THE DETENTION BASIN IS NOTED ON THE ABOVE PLAN. CUMULATIVE DETENTION VOLUME = 300 CU. FT.
2. OUTLET ROOF DRAINS SO THAT THE STORM WATER FLOWS FROM HOUSE DOWN GRADING AND INTO DETENTION BASIN.
3. STORMWATER DETENTION POND ALIGNMENT MAY VARY, FOLLOW EXISTING CONTOUR.
4. THE DETENTION POND HAVE BEEN SIZED TO DETAIN 100% OF THE WATER QUALITY VOLUME (PER SUMMIT COUNTY ORDINANCE NO. 381-A, APPENDIX F) MEETING THE COUNTY REQUIREMENTS FOR TSS REMOVAL AND GROUNDWATER RECHARGE.

WATER QUALITY VOLUME CALCULATIONS							
ASSUMPTIONS		PRE-DEVELOPMENT WATER QUALITY VOLUME				GROUNDWATER RECHARGE VOLUME	
METHOD OF ANALYSIS: $WQ_v = CITA$ DESIGN STORM: 90TH PERCENTILE EVENT NOTE: INTENSITY = 0.60 IN/HR PER SUMMIT COUNTY MS4.		AREAS FOR WEIGHT AVERAGE "C":				$\Delta WQ_v = 130 \text{ CU FT}$	
VARIABLES		SLOPE		HYDROLOGIC SOIL GROUP			
				A	B	C	D
$Q = \text{RUNOFF FLOWRATE [CUBIC FEET/SEC]}$		FLAT (0-2%)					
$C = \text{RUNOFF COEFFICIENT}$		AVERAGE (2-6%)					
(WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE)		STEEP (>6%)				45,298	
RUNOFF COEFFICIENTS "C":		SURFACING		PERVIOUS		IMPERVIOUS	
		HARDSCAPE				8,509	
				$A = 53,807 \text{ FT}^2$			
				$C = 0,37$			
				$i = 0,05 \text{ FT/HR}$		$\Delta WQ_v = 1,005 \text{ CU FT}$	
				$t = 1,00 \text{ HR}$			
		POST-DEVELOPMENT WATER QUALITY VOLUME					
		AREAS FOR WEIGHT AVERAGE "C":					
		SLOPE		HYDROLOGIC SOIL GROUP			
				A	B	C	D
		FLAT (0-2%)					
		AVERAGE (2-6%)					
		STEEP (>6%)				41,322	
		SURFACING		PERVIOUS		IMPERVIOUS	
		HARDSCAPE				12,485	
				$A = 53,807 \text{ FT}^2$			
				$C = 0,42$			
				$i = 0,05 \text{ FT/HR}$		$\Delta WQ_v = 1,135 \text{ CU FT}$	
				$t = 1,00 \text{ HR}$			

PEAK RUNOFF CALCULATIONS																																																																		
ASSUMPTIONS		PRE-DEVELOPMENT PEAK DISCHARGE			EXCESS RUNOFF STORAGE VOLUME																																																													
METHOD OF ANALYSIS: RATIONAL METHOD $Q=CIA$		AREAS FOR WEIGHT AVERAGE "C": <table><tr><th rowspan="2">SLOPE</th><th colspan="4">HYDROLOGIC SOIL GROUP</th></tr><tr><th>A</th><th>B</th><th>C</th><th>D</th></tr><tr><td>FLAT (0-2%)</td><td>-</td><td>-</td><td>-</td><td>-</td></tr><tr><td>AVERAGE (2-6%)</td><td>-</td><td>-</td><td>-</td><td>-</td></tr><tr><td>STEEP (>6%)</td><td>-</td><td>-</td><td>1,04</td><td>-</td></tr><tr><td colspan="2">SURFACING</td><td colspan="2">PERVIOUS</td><td colspan="2">IMPERVIOUS</td></tr><tr><td colspan="2">HARDSCAPE</td><td colspan="2">-</td><td colspan="2">0,20</td></tr><tr><td colspan="2">A=</td><td colspan="2">1,24 ACRES</td><td colspan="2"></td></tr><tr><td colspan="2">C=</td><td colspan="2">0,37</td><td colspan="2"></td></tr><tr><td colspan="2">C_{ADJ}=</td><td colspan="2">0,47</td><td colspan="2">Q= 2,88 CFS</td></tr><tr><td colspan="2">i=</td><td colspan="2">5,00 IN/HR</td><td colspan="2"></td></tr></table>			SLOPE	HYDROLOGIC SOIL GROUP				A	B	C	D	FLAT (0-2%)	-	-	-	-	AVERAGE (2-6%)	-	-	-	-	STEEP (>6%)	-	-	1,04	-	SURFACING		PERVIOUS		IMPERVIOUS		HARDSCAPE		-		0,20		A=		1,24 ACRES				C=		0,37				C _{ADJ} =		0,47		Q= 2,88 CFS		i=		5,00 IN/HR				$\Delta Q=$ 0,39 CFS	
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AVERAGE (2-6%)	-				-	-	-																																																											
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C _{ADJ} =		0,47		Q= 2,88 CFS																																																														
i=		5,00 IN/HR																																																																
STORM RETURN PERIOD: 100 YEARS		t= 600 SEC.																																																																
NOTE: FOR THE 100 YR RECURRENTIAL INTERVAL, THE COMPOSITE "C" VALUE IS ADJUSTED BY A FACTOR OF 1.25 BEFORE COMPUTING Q.		V= 232 CU FT																																																																
STORM DURATION: 10 MIN.																																																																		
SOURCE: NOAA ATLAS 14 - PARK CITY RADIO STATION 42-6648																																																																		
VARIABLES																																																																		
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t = TIME OF CONCENTRATION (SEC.)																																																																		
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Landscape/Vegetation Plan



principal architect TK
project manager SG
drawn by
Author
checked by Checker
job no. 20102
date 12/28/23

revisions:

revisions:

[illegible]

no.	date	by
-----	------	----

NOT FOR CONSTRUCTION

PLANNING COMMISSION

12/28/23

SITE PLAN - LANDSCAPE

A1.03

Page 56 of 191

159 South Jackson St, Suite 600
Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect: TK
project manager: SG
drawn by: _____
checked by: _____
job no. 20102
date 12/28/23

revisions:

[illegible]

no. date by

NOT FOR CONSTRUCTION

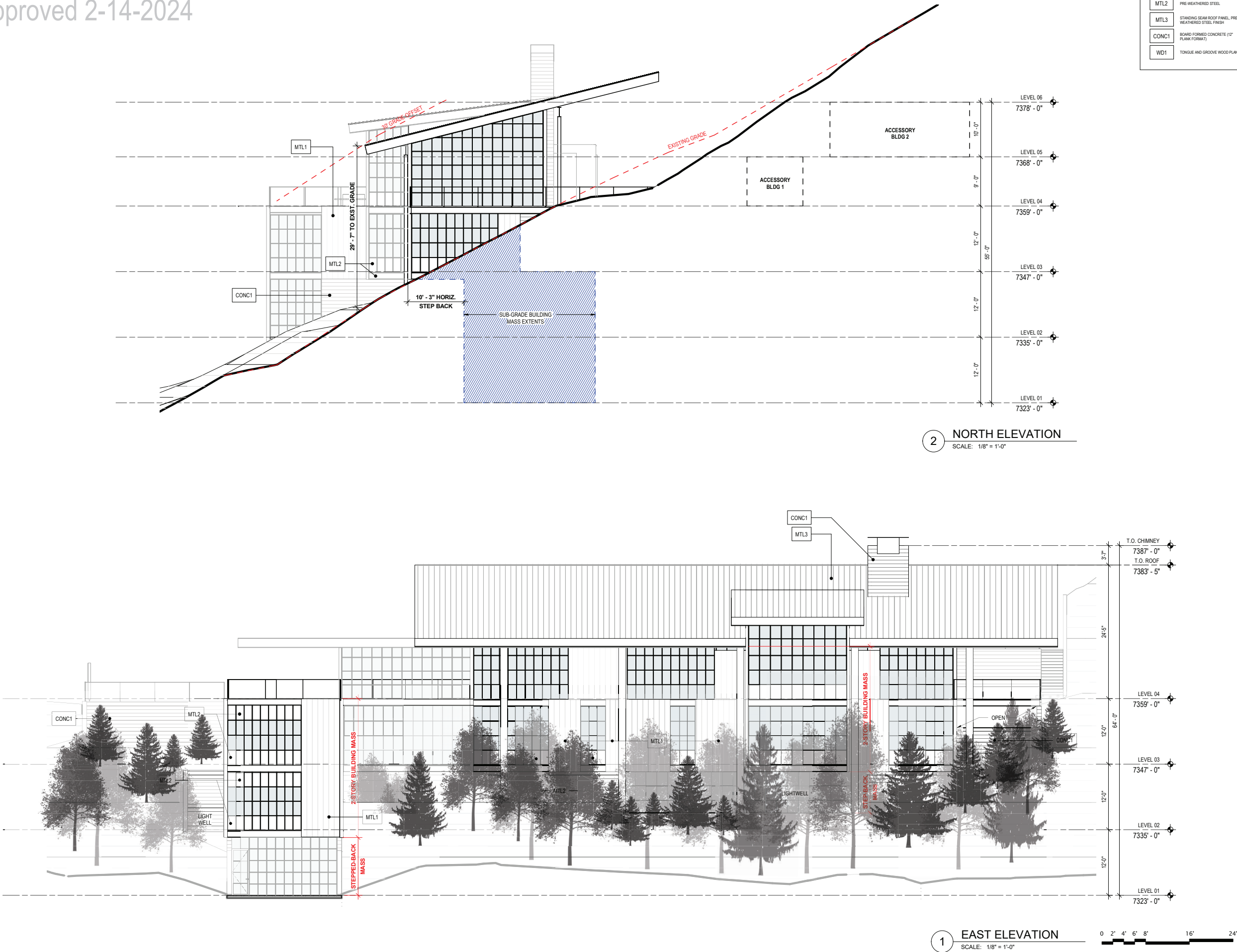
PLANNING COMMISSION

2/28/23

EXTERIOR ELEVATIONS

A3.01

Page 57 of 191





Planning Department

July 15, 2024

Justin Keys
Hogan Lee Hutchinson

CC: Eric Hermann and Susan Fredston-Hermann
David Bennett
David Constable
Ed DeSisto
James Doilney
Martiena Lewis
Nicholas Schapper
Ginger Tolman
John Vrabel

NOTICE OF APPEAL PANEL ACTION

Description

Address:	220 King Road
Zoning District:	Historic Residential – 1 – Master Planned Development (HR-1-MPD)
Application:	Appeal
Project Number:	PL-24-06057
Action:	DENIED
Date of Final Action:	July 15, 2024
Project Summary:	Appeal of the Planning Commission's February 21, 2024 approval of a Conditional Use Permit and Steep Slope Conditional Use Permit to demolish an existing Single-Family Dwelling and Guest House to construct a new Single-Family Dwelling, Accessory Building, outdoor pool, and underground parking area, and to amend the Treasure Hill Subdivision Lot 2 Phase 1 First Amended Plat to remove a portion of the eastern Building Area Limits facing Old Town to shift the Building Area Limits to the west behind the Single-Family Dwelling with a 490-square-foot total increase.



Planning Department

Action Taken

On April 30, 2024, the Appeal Panel conducted a public hearing and voted to: a) deny the appeal of the Planning Commission's approval of the Conditional Use Permits and Steep Slope Conditional Use Permit; and b) remanded three questions to the Planning Commission regarding the Sensitive Land Overlay and the Plat Amendment. On June 26, 2024, the Planning Commission conducted a public hearing and issued their determination to the Appeal Panel regarding the Sensitive Land Overlay. The parties stipulated to a single Final Action Letter, from which any additional appeal to District Court would run. On July 15, 2024, the Appeal Panel ratified this Final Action Letter denying the appeal of the Planning Commission's approval of the 220 King Road Conditional Use Permits, Steep Slope Conditional Use Permit, and Plat Amendment according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. 220 King Road is a 1.23-acre lot with a Single-Family Dwelling built in 1998 and a Guest House built in 2000.
2. 220 King Road is Lot 2 of the Treasure Hill Subdivision Phase 1 First Amended Plat.
3. The Treasure Hill Subdivision is part of the Sweeney Master Planned Development.
4. On December 18, 1985, the Planning Commission approved the Sweeney Land Company Large Scale Master Planned Development, allocating 277 units of density through several locations in the Historic Districts and the Treasure Mountain area.
5. On October 14, 1987, the Planning Commission approved an amendment to the Sweeney Master Planned Development and reallocated 12 Unit Equivalents to accommodate extended ski trails.
6. The amended Sweeney Master Planned Development relocated two Unit Equivalents along King Road – 200 and 220 King Road. These two properties and five others became part of the eight-Lot Treasure Hill Subdivision, approved in three phases. 220 King Road is included in Phase I.
7. On August 23, 1990, the City Council adopted Ordinance No. 90-24, rezoning six of the Treasure Hill Lots, including 220 King Road, from Historic Residential – 1 to Historic Residential 1 – Master Planned Development (HR1-MPD).
8. The Applicant applied for a Conditional Use Permit to demolish the existing Single-Family Dwelling and Guest House at 220 King Road to construct a new



Planning Department

- Single-Family Dwelling (PL-22-05318), a Conditional Use Permit for an Outdoor Pool (PL-23-05523), and a Steep Slope Conditional Use Permit (PL-23-05571).
9. The Applicant applied for a Plat Amendment (PL-22-05318) to remove a portion of the eastern Building Area Limits facing Old Town to shift the Building Area Limits to the west behind the Single-Family Dwelling with a 490-square-foot total increase.
 10. On February 14, 2024, the Planning Commission conducted a public hearing and voted 4-2 to approve the Plat Amendment, and 3-3 to approve the Conditional Use Permits, with the Planning Commission Chair voting to approve, breaking the tie.
 11. On March 1, 2024, the Appellants appealed the Planning Commission's approval.
 12. On April 30, 2024, the Appeal Panel conducted a public hearing and determined:
 - a. the Appellants have standing and both letters were considered.
 - b. The Appellants failed to meet their burden of proving where the Planning Commission erred in applying the Land Management Code to the applications.
 - c. The Planning Commission decision does not alter the existing easement of record regarding the driveway access.
 - d. The Planning Commission properly determined the vesting of the Sweeney Master Plan regarding the calculation of height.
 - e. The Planning Commission properly determined reasonable Conditions of Approval to mitigate adverse impacts of the applications.
 13. The Appeal Panel remanded the following questions to the Planning Commission:
 - a. Whether the Sensitive Land Overlay applies due to Sweeney Master Planned Development vesting.
 - b. If the Sensitive Land Overlay Applies, whether it can bisect a Lot.
 - c. If the Sensitive Land Overlay applies, what is staff's Sensitive Land determination, recommendation, and mitigations.
 14. On September 24, 1992, the City Council enacted Ordinance No. 92-17 *Adopting the Sensitive Area Overlay Zone Regulations and Amending the Official Zoning Map of Park City, Utah to Include the Sensitive Area Overlay Zone and Amending the Land Management Code of Park City, Utah to Better Regulate Development of Sensitive Lands.*
 15. The 1992 Sensitive Land Overlay regulations state:
 - a. *There are a number of existing, valid Master Plans which have been approved. Requests for site specific approval for parcels within Large*



Planning Department

Scale Master Plans which are located within the Sensitive Area Overlay Zone shall be required to go through the Sensitive Lands Analysis and the development will be required to be placed on the least sensitive portion of the parcels. In general, the site design criteria shall apply to these proposals.

If there is a request to change the form of density for a part or all of a Master Plan or a request to substantially modify the plan, the total permitted density will be reevaluated based upon the criteria in these provisions.

16. A determination regarding the applicability of this provision to the Sweeney MPD was issued by the City Attorney in 1992. The February 14, 2024 Planning Commission packet included a September 22, 1992 letter to Michael Sweeney from City Attorney James Carter, providing the following:

1. Will the Sensitive Lands Overlay Zone apply to the Sweeney property's master plan hillside portion (Treasure Hill)? Yes. However, Land Management Code § 3.14(c)(2) Length of Approval, provides, in pertinent part, "Zone changes occurring while the approval is in effect shall not effect the approval. Changes in the master plan requested by the developer will be reviewed and approved as a revision to the master plan by the Planning Commission. A change will be defined as any change in concept, unit type, configuration or number. At that time, the Planning Commission shall review the entire MPD, even if only one parcel or phase is involved in the modification, under the regulations in effect at the time of review. Modifications shall act as an extension of the approval." The Sensitive Lands Ordinance is being adopted in the form of an overlay zone, and so would not, by itself, affect the approved Sweeney Master Plan. If, however, a change in the master plan is requested, as defined in the LMC, the provisions of the Sensitive Lands Ordinance would be applied.

17. The Sweeney MPD was approved, and 220 King Road (and other Treasure Hill Properties) were zoned HR1-MPD by the City Council, prior to enactment of the Sensitive Land Overlay in 1992.
18. The Treasure Hill properties within the Sweeney MPD were platted and the plats amended after enactment of the Sensitive Land Overlay. However, as indicated in City Attorney James Carter's 1992 letter, the Sensitive Land Overlay was not applied to the properties because a comprehensive amendment to the Sweeney MPD was not proposed.
19. On September 7, 1995, the City Council adopted Ordinance No. 95-50 approving the Treasure Hill Phase I Subdivision. This established Lot 1 (200 King Road), Lot 2 (220 King Road), Lot 3 (425 Norfolk Avenue), and Lot 4 (375 Norfolk Avenue) within the HR1-MPD Zoning District and dedicated Lot 5, over 40 acres of Open Space, to Park City Municipal.
20. The City Council has not amended the Sensitive Land Overlay adjacent to the 220 King Road property on the Zoning Map by an approved land use ordinance. The 1992 Sensitive Land Overlay map is the regulatory map, which did not



Planning Department

intentionally bisect 220 King Road. Any inconsistent digitized map is a clerical error.

21. On June 26, 2024, the Planning Commission conducted a public hearing and determined:
- The Sweeney Master Planned Development is vested prior to the adoption of the Sensitive Land Overlay.
 - Although the Sensitive Land Overlay would apply to a substantive change, the Sensitive Land Overlay does not apply to the 220 King Property because a land use ordinance has not amended the original Sensitive Land Boundary, which does not include 200 King Road.
 - No determination regarding the Staff Sensitive Land Overlay is necessary because the regulations are not applicable per sections (a) and (b) above.

Conclusions of Law

- The appellants did not meet their burden to demonstrate the Planning Commission erred in applying the Land Management Code to the three applications.
- The Planning Commission correctly applied Land Management Code Chapter 15-7 and Sections 15-7.1-3(B), 15-1-10, 15-2.2-6, and 15-15-1.
- The Planning Commission correctly adopted reasonable conditions of approval to mitigate any adverse impacts of the approvals.

Conditions of Approval

- All Conditions of Approval from the Planning Commission Action Letters dated February 21, 2024 apply (attached as Exhibit A).

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,

DocuSigned by:

Adam Strachan

05AF9877B95E400...

7/22/2024

Adam Strachan, Appeal Panel Chair

A blue ink signature of Sarah Hall, consisting of a stylized 'S' followed by a series of loops.

Sarah Hall, Planning Commission Chair

July 21, 2025

BY EMAIL: REBECCA.WARD@PARKCITY.ORG

Rebecca Ward
Planning Director
Park City
4445 Marsac Avenue, PO BOX 1480
Park City, UT 84060

Re: Time Extension for Conditional Use Permits - PL-22-05318, PL-23-05523, and PL-2305571

Dear Ms. Ward,

This firm represents Pesky Porcupine, LLC ("PP"), the owner of the real property located at 220 King Road, Park City, Utah. PP previously obtained approval for Conditional Use Permits ("CUP Approvals") for: a) a single-family home (PL-22-05318), b) an outdoor pool (PL-23-05523), and c:) steep slopes (PL-23-05571). In addition, PP obtained approval for a plat amendment (PL-22- 05319), Second Amendment for the Lot 2, Phase 1 Treasure Hill Subdivision. The Final Action Letter for the plat and the CUP Approvals was issued on February 21, 2024. As you are aware, the CUP Approvals were appealed, and the action by the appeal authority has been subsequently appealed.

Pursuant to Park City Land Management Code §15-1-18.M the Hermann appeal to the appeal authority effected a suspension of the running of time periods. The Hermann appeal was formally rejected on July 22, 2024, as confirmed in the enclosed copy of the final action later dated 7 /22/24. As a result, pursuant to the aforementioned code provision, the one-year time period began to run from July 22, 2024. At this time, PP seeks an extension while the CUPs are under appeal before the district court in Summit County.

Pursuant to Park City Land Management Code §15-1-10.G the Planning Director may grant an extension of a Conditional Use Permit for one (1) year. There has been no change in circumstances that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in Section 15-1-10 (E), or other provisions of the Land Management Code. See LMC §15-1-10.G. PP has been active in seeking to move forward with the project by seeking HDDR approval, Final Plat approval, a demolition permit, building permits, and grading permit. However, these efforts have been affected by the district court appeal.

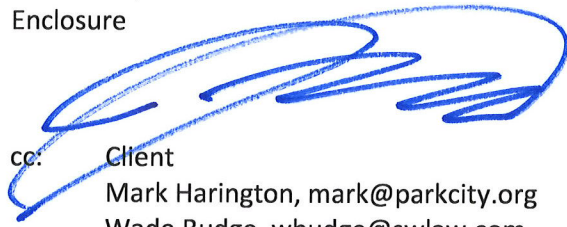
We thank you for time and attention to this matter. If you have any questions, please feel free to reach out to me or Wade Budge.

Very truly yours,

Snell & Wilmer

Jason Boal, AICP

Enclosure

A large, stylized handwritten signature in blue ink, likely belonging to Jason Boal, is written over the text.

cc:

Client

Mark Harington, mark@parkcity.org

Wade Budge, wbudge@swlaw.com

Planning Department Staff Report



Subject: 220 King Road
Application: PL-25-06645 (Original SSCUP PL-23-15571)
Author: Elissa Martin, Planning Project Manager
Date: October 2, 2025
Type of Item: Steep Slope Conditional Use Permit Extension

Recommendation

(I) Review the proposed Steep Slope Conditional Use Permit (SSCUP) Extension for construction of a Single-Family Dwelling on a Steep Slope at 220 King Road, (II) conduct a public hearing, and (III) consider approving the SSCUP Extension for one year based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Pesky Porcupine, LLC
Represented by Wade Budge with the Law Offices of Snell & Wilmer

Location: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential-1-Master Planned Development (HR-1-MPD)

Adjacent Land Uses: Residential, Open Space

Reason for Review: The Planning Director reviews and takes final action on Extensions of Conditional Use Permits.

SSCUP Steep Slope Conditional Use Permit
HDDR Historic District Design Review
HR-1-MPD Historic Residential-1-Master Planned Development
LMC Land Management Code

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

Background

220 King Road is in the Sweeney Properties Master Planned Development (Sweeney Properties MPD), approved December 18, 1985, and amended on October 20, 1987, and the First Amended Lot 2, Phase 1, Treasure Hill Subdivision. On August 23, 1990, the City Council adopted Ordinance No. 90-24, zoning the property Historic Residential-1-Master Planned Development (HR-1-MPD).

Pursuant to Land Management Code (LMC) [§ 15-2.2-6 Development on Steep Slopes](#), a SSCUP is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located on or projecting over an existing Slope of thirty percent (30%) or greater in the HR-1 Zoning District. The subject property contains slopes that are 30% or greater.

On July 18, 2022, the applicant submitted a SSCUP application in connection with a proposed Single-Family residence to be constructed at 220 King Road. On February 14, 2024, the Planning Commission conducted a public hearing and approved the SSCUP, along with CUPs for an SFD and outdoor pool ([Planning Commission Packet](#), Item 6.A; [Minutes](#), p. 3). On February 21, 2024, the Planning Commission ratified the Final Action Letter ([Planning Commission Packet](#), Item 4.B; [Minutes](#), p. 2; Exhibit B). On March 1, 2024, an appeal of the Planning Commission's approval was submitted.

On April 30, 2024, the Appeal Panel denied the appeal of the SSCUP and remanded questions to the Planning Commission regarding the Sensitive Land Overlay (SLO). ([Appeal Panel Packet](#), Item 6.A; [Minutes](#), p. 2). On June 26, 2024, the Planning Commission considered the questions remanded to them regarding the SLO ([Planning Commission Packet](#), Item 6.D; [Minutes](#), p. 19). On July 15, 2024, the Appeal Panel considered the Final Action Letter regarding the Appeal of 220 King Road ([Appeal Panel Packet](#), Item 6.A; [Minutes](#), p.1). On July 22, 2024 the Appeal Panel ratified the Final Action Letter denying the appeal (Exhibit C).

Additionally, the proposed development, located in the HR-1-MPD Zoning District, requires a Historic District Design Review (HDDR) application. The Applicant submitted an HDDR application on April 27, 2023. At the August 15, 2024 Administrative Public Hearing, the Planning Director approved the HDDR for the proposed SFD at 220 King Road ([Agenda Packet](#); Item 1.C; [Minutes](#), p. 4). On August 26, 2024 the Applicant Appealed the Planning Director's Conditions of Approval 12 and 18. On August 29, 2024, the Planning Director's Final Action to approve the HDDR was also appealed. On November 12, 2024 the Board of Adjustment granted the appeal in part ([BOA Agenda Packet](#), Item 6.A and 6.B; [Minutes](#), p. 2). There is ongoing litigation regarding the project.

Pursuant to LMC [§ 15-1-10\(G\)](#), CUPs expire one year from the date of Planning Commission Approval unless the Conditional Use has commenced on the project or a Building Permit for the Use has been issued. The Planning Director may grant an extension of a CUP for one additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in LMC [§ 15-1-10\(E\)](#) or other provisions of the LMC in effect at the time of the extension request.

The Applicant proposes no changes to the original approval and there have been no changes in circumstance, nor have there been any changes to the property or surroundings that would result in an unmitigated impact or a finding of noncompliance.

Extension requests must be submitted in writing prior to the expiration of the CUP.¹ Pursuant to LMC [§ 15-1-18\(M\)](#), upon the filing of an appeal, an approval granted under the LMC is suspended until the appeal body has acted on the appeal. LMC [§ 15-15-1](#) defines “Final Action” as “[t]he later of the final vote or written decision on a matter.” The Appeal Panel Chair issued the Final Action Letter on July 22, 2024. Therefore, the one-year time began to run from this date. The Applicant submitted the CUP extension request in writing on July 21, 2025 (Exhibit D).

Department Review

The Planning and Executive Departments reviewed this report.

Notice

For the September 4, 2025 Administrative Public Hearing, staff posted notice and published notice on the City’s website on August 21, 2025, and mailed public notice postcards and posted notice to the property on August 20, 2025. On September 4, 2025 the Planning Director opened a public hearing and continued the item to the October 2, 2025 Administrative Public Hearing. For the October 2, 2025 Administrative Public Hearing, staff posted notice and published notice on the City’s website on September 17, 2025. Staff mailed public notice postcards and posted notice to the property on September 17, 2025.²

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

The Planning Director may:

- Approve the SSCUP Extension.
- Deny the SSCUP Extension and direct staff to make Findings for the denial.
- Request additional information and continue the discussion to a date certain.

Exhibits

A: Draft Final Action Letter

B: February 21, 2024 Planning Commission Final Action Letter

¹ LMC [§ 15-1-10\(G\)](#)

² LMC [§ 15-1-10](#)



Planning Department

October 2, 2025

Pesky Porcupine, LLC

CC: Wade Budge with the Law Offices of Snell & Wilmer

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential-1-Master Planned Development (HR-1-MPD)

Application: Steep Slope Conditional Use Permit Extension

Project Number: PL-25-06645 (PL-23-15571)

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: October 2, 2025

Project Summary: The Applicant seeks a one-year extension of the Steep Slope Conditional Use Permit approved on February 21, 2024, and upheld by the Appeal Panel on July 22, 2024, to construct a Single-Family Dwelling on a Steep Slope in the Sweeney Master Planned Development and the HR-1-MPD Zoning District.

Action Taken

On October 2, 2025, the Planning Director conducted a public hearing and approved a one-year extension for the 220 King Road Steep Slope Conditional Use Permit (SSCUP) according to the following findings of fact, conclusions of law, and conditions of approval:



Planning Department

Findings of Fact

1. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the "Amended Sweeney MPD").
2. The Property is a 1.23-acre Lot platted as the First Amended Lot 2, Phase 1, Treasure Hill Subdivision.
3. The subject property contains slopes that are 30% or greater; pursuant to Land Management Code (LMC) [§ 15-2.2-6 Development on Steep Slopes](#), a Steep Slope Conditional Use Permit (SSCUP) is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located on or projecting over an existing Slope of thirty percent (30%) or greater in the HR-1 Zoning District.
4. The Applicant submitted an SSCUP application for Development on a Steep Slope on July 18, 2022.
5. On February 14, 2024, the Planning Commission conducted a public hearing and approved the SSCUP for a Single-Family Dwelling on a Steep Slope, in the Sweeney MPD and HR-1-MPD Zoning District; the Planning Commission ratified the Final Action Letter approving the SSCUP on February 21, 2024.
6. On March 1, 2024, an appeal of the Planning Commission's approval was filed.
7. On April 30, 2024, the Appeal Panel denied the appeal of the SSCUP and remanded questions to the Planning Commission regarding the Sensitive Land Overlay (SLO).
8. On July 15, 2024, following the remand, the Appeal Panel considered the Final Action Letter Regarding the Appeal of 220 King Road and on July 22, 2024 the Appeal Panel ratified the Final Action Letter denying the appeal.
9. A Historic District Design Review (HDDR) application is also required for development in the HR-1-MPD Zoning District; the Applicant submitted an HDDR application on April 27, 2023.
10. On August 15, 2024, the Planning Director approved the HDDR application for development of an SFD at 220 King Road.
11. On August 26, 2024, the Applicant Appealed the Planning Director's Conditions of Approval 12 and 18 for the approval of the HDDR.
12. On August 29, 2024, an appeal of the Planning Director's Final Action to approve the HDDR was submitted.
13. On November 12, 2024 the Board of Adjustment granted the appeal of the HDDR approval in part.



Planning Department

14. There are ongoing appeals regarding all prior Final Actions regarding the project, and additional litigation between the same parties regarding the Property..
15. Pursuant to LMC § 15-1-10(G), the Planning Director may grant an extension of a CUP for one additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in Section 15-1-10(E) or other provisions of the LMC in effect at the time of the extension request. The HDDR appeal prevents the applicant from proceeding to full building permit.
16. Pursuant to LMC § 15-1-18(M), upon the filing of an appeal, an approval granted under the LMC is suspended until the appeal body has acted on the appeal.
17. The Appeal Panel Chair issued the Final Action Letter on July 22, 2024; therefore, the one-year time to submit a CUP extension request in writing began to run from this date.
18. In accordance with LMC § 15-1-10(G), the Applicant submitted the written request for the CUP extension within one year of the Appeal Panel's rejection of the appeal, the Applicant proposes no changes to the original approval and requests additional time to complete the building permit. There have been no changes in circumstance, nor have there been any changes to the property or surroundings that would result in an unmitigated impact or a finding of noncompliance.
19. An at-risk excavation permit was issued for the Property on August 15, 2025, as authorized by the Stipulated Order dated June 30, 2025 in Third District Court Case No. 240500559.

Conclusions of Law

1. The Steep Slope Conditional Use Permit Extension request complies with LMC § 15-1-10(G), *Conditional Use Permit Review, Expiration*.

Conditions of Approval

1. Development of an SFD at 220 King Road is subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Planning Commission Final Action letter, dated February 21, 2024, upheld by the Appeal Panel decision in the July 22, 2024 Final Action Letter.
2. If a building permit is not issued by July 22, 2026, and the Planning Commission has not approved another one-year extension, this approval shall expire and a



Planning Department

new SSCUP application must be submitted and reviewed by the Planning Commission.

If you have questions or concerns regarding this Final Action Letter, please call (435)-699-7741 or email elissa.martin@parkcity.gov.

Sincerely,

Rebecca Ward, Planning Director

CC: Elissa Martin



February 21, 2024

Pesky Porcupine, LLC

CC: Wade Budge with the Law Offices of Snell & Wilmer

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential – 1
Sensitive Land Overlay

Applications: PL-22-05318 – Conditional Use Permit, Single-Family Dwelling
PL-22-05319 – Plat Amendment
PL-23-05523 – Outdoor Pool
PL-23-05571 – Steep Slope Conditional Use Permit

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: February 21, 2024

Project Summary: The Applicant proposes to demolish a 4,235-square-foot Single-Family Dwelling and 4,189-square-foot Guest House, to construct a:

- A Single-Family Dwelling with:
 - Approximately 7,461 square feet of finished space.
 - Approximately 5,898 square feet of unfinished space.
 - Approximately 1,690 square feet of terrace/patio area.
- A 1,103-square-foot Accessory Building.
- A 243-square-foot Swim Spa.
- A 4,794-square-foot Underground Parking Area.

The Applicant proposes to amend Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, and shift Plat Note 9 (Precedence) to Plat Note 1 and add Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision, and to shift the Building Area Limits to accommodate the proposed project.

Action Taken

On February 14, 2024, the Planning Commission conducted a public hearing and approved the Second Amendment for Lot 2, Phase 1, Treasure Hill Subdivision, amending Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, shifting Plat Note 9 (Precedence) to Plat Note 1 and adding Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision, and shifting the Building Area Limits to accommodate the proposed project. The Planning Commission conducted a public hearing and approved the Conditional Use Permit for a Single-Family Dwelling and Outdoor Pool and the Steep Slope Conditional Use Permit for the project according to the following findings of fact, conclusions of law, and conditions of approval:

The January 24, 2024 and February 14, 2024 staff reports and meeting minutes are incorporated herein.

Plat Amendment **File No. PL-22-05318**

Findings of Fact

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

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

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

4. The Property is currently being used for one single-family residence and one guest house that the Applicant intends to demolish to construct a new single residence.

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

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

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

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

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

10. The Planning Commission expressly finds this approval is limited to the Amended Plat of the Amended Sweeney Properties Master Planned Development, and as such shall not create any precedent nor interpretation of general applicability in the Historic Residential-1 Zoning District, for current Land Management Code regulations, or other plat amendments.

Additional Findings

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

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

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

- ii. Exterior walkways;
- iii. Exterior stairs; and
- iv. Driveways.

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

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

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

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

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

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

- i. The Amended Plat resolves an existing non-conformity as the two residential units constructed on a single lot will be demolished in favor of a single residential unit on a single lot.

- ii. The Amended Plat preserves the character of the neighborhood and Park City as the Amended Plat is more consistent with the Amended Sweeney Properties MPD approval.
 - iii. Reducing the buildable area and relocating a portion of the buildable area will reduce the visual impact of the Property's development. This is consistent with best planning and design practices.
 - iv. The Amended Plat facilitates the construction of a single residence in place of one residence and one guest house that are presently used as short-term rentals. Demolishing the two existing short-term rentals reduces the overall density of the area, alleviates traffic, decreases utility usage, minimizes noise and light pollution, and is more consistent with neighboring uses.
 - v. The Amended Plat facilitates the termination of the existing short-term rentals. This furthers the health, safety, and welfare of the Park City community as it will decrease the number of unknown persons in the community and increase the overall sense of community by housing long-term residents.
- f. The Amended Plat includes all existing public streets and municipal utility easements and does not propose to vacate or amend the same.

Conclusion

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

Conditions of Approval

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

**Exhibit B
Amended Plat Notes**

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

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

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

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

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

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

SUCH DISTURBED AREA SHALL BE REVEGETATED WITH NATIVE LANDSCAPING.

5. HEIGHT. THE BUILDING HEIGHT SHALL BE MEASURED FROM EXISTING GRADE TO THE TOP OF THE FLAT ROOFS AND TO THE RIDGE OF PITCHED ROOFS. THE MAXIMUM HEIGHT, IN GENERAL, SHALL BE TWENTY -FIVE (25) FEET FOR FLAT ROOFS AND THIRTY (30) FEET FOR PITCHED ROOFS. A MAXIMUM HEIGHT OF TWENTY EIGHT (28) FEET FOR FLAT ROOFS AND THIRTY-THREE (33) FEET FOR PITCHED ROOFS SHALL BE PERMITTED FOR THE EXPRESSED PURPOSE OF ACCOMMODATING ACCESS AND LIGHT FEATURES NO GREATER THAN 24 FEET IN LENGTH, I.E. STAIRWELLS AND/OR ELEVATORS, BETWEEN FLOOR LEVELS. IN ACCORDANCE WITH THE SWEENEY MPD, WHICH WAS APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986, AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992, BUILDING HEIGHT SHALL ONLY BE MEASURED AS OUTLINED IN THIS PLAT NOTE #4.

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

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

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

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

10. EXTERIOR LIGHTING. ALL EXTERIOR LIGHTING SHALL BE DOWN DIRECTED AND FULLY SHIELDED WITH BULBS 3,000 DEGREES KELVIN OR LESS. FLOOD LIGHTS ARE PROHIBITED. OUTDOOR LIGHTS SHALL NOT BE INSTALLED MORE THAN 12 FEET ABOVE EXISTING GRADE. GROUND-LEVEL FIXTURES SHALL BE FULLY SHIELDED.

11. GLAZING. SIXTY PERCENT (60%) OF THE EASTERN FACING FAÇADE IS PERMITTED TO BE GLAZING AND LIGHTING IMPACTS FROM THE EASTERN

FACING FAÇADE SHALL BE MITIGATED BY INTERIOR FIXTURES DESIGNED TO MINIMIZE DIRECT VISIBILITY OF THE LIGHTING ELEMENT FROM RESIDENCES WITHIN 1/3 MILE OF THE RESIDENCE.

12. CONTINGENT UPON A STEEP SLOPE CONDITIONAL USE PERMIT APPROVAL BY THE PLANNING COMMISSION, DETACHED BELOW GRADE ACCESSORY BUILDINGS. BELOW GRADE ACCESSORY BUILDINGS ARE PERMITTED WITHIN THE BUILDABLE AREA. THE FOOTPRINT OF A DETACHED BELOW GRADE ACCESSORY BUILDING DOES NOT COUNT TOWARDS THE FOOTPRINT AREA OF THE DWELLING AS ALLOWED IN NOTE #1.

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

Conditional Use
File No. PL-22-05319
File No. PL-23-05523
[220 King Residence and Outdoor Pool]

Findings of Fact

1. On July 18, 2022 the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).
2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder’s Office (“Treasure Hill Subdivision Plat”), as amended.
3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City’s staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.
4. The Property is currently being used for one single-family residence and one guest house, that the Applicant intends to demolish to construct the new Residence.

The existing single-family residence and guest home have been used for short-term rentals.

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

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

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

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

Additional Findings

9. The Planning Commission, as the land use authority, finds that the proposed Residence CUP is in compliance with the standards in LMC § 15-1-10.E, as applied pursuant to the Amended Sweeney Properties MPD. Specifically, the Residence:

a. As applied pursuant to the Amended Sweeney Properties MPD, is an appropriate size and location for the Property. See LMC § 15-1-10.E.1 This finding is supported further as follows:

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

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

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

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

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

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

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

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

ii. The Residence will decrease utility usage by utilizing more efficient construction materials and by replacing one existing home and one existing guest house used as short-term rentals.

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

d. Provides adequate emergency vehicle access. See LMC § 15-1-10.E.4. Specifically, the Residence has been designed to meet all emergency vehicle access and driveway slope requirements as set forth in the LMC, including by providing a fire turnaround in the underground parking area.

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

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

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

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

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

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

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

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

h. As applied pursuant to the Amended Sweeney Properties MPD, is appropriately massed, bulked, and oriented, on the site. See LMC § 15-1-10.E.8. This finding is supported as follow:

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

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

iii. The Residence meets the height limitation stated on the second amended subdivision plat.

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

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

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

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

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

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

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

- i. The site is already adequately graded to support the existing houses and minimal additional grading will be required for the Residence.
- ii. For the reasons discussed below, a steep slope conditional use permit will be issued for the very steep slope disturbance.

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

- i. The existing houses to be demolished are not historically significant.
- ii. The proposed design of the Residence is consistent with the design criteria contemplated by the Amended Sweeney Properties MPD approval.

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

11. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result

from the proposed use. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the Residence.

Conclusion

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

Conditions

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

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

B. The Applicant is responsible for notifying the Planning and Building Departments prior to proposing any changes to this approval. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for planning review and approval/denial in accordance with the applicable standards prior to construction. Unfinished space indicated on plan sheets A2.10 and A2.20 of the approved plan set is limited to concrete floors, utilities, mechanical equipment, and storage. Future modifications to this unfinished space shall be reviewed by the Planning Commission in accordance with the Conditional Use Permit process.

C. The current access point of King Road must be maintained, and no new access points are allowed. The driveway width within the platted easement on 200 King Road and within the setbacks required for 220 King Road shall not exceed 12 feet in width, unless required by the Park City Fire District to accommodate turning radius and emergency vehicles.

D. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning

Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

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

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

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

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

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

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

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

L. No additional fencing is permitted without further approval by the Park City Planning and Building Departments.

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

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

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

P. The proposed residence's roof shall be consistent with the plans approved by the Planning Commission on February 14, 2024, and attached as Exhibit D.

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

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

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

T. Any areas disturbed during construction shall be restored to the original state after the proposed residence, accessory building and structures, and retaining walls are completed.

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

V. All exterior lighting shall be down directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property and shall comply with the City’s outdoor lighting code per LMC § 15-5-5(J). Flood lights are prohibited. Fully Shielded outdoor lights shall not exceed 12 feet above Existing Grade. Ground-level fixtures shall be Fully Shielded. Final lighting details must be reviewed by Planning Staff prior to installation.

W. All proposed mechanical equipment, the pool, and/or a hot tub shall be screened. Any hot tub installation is prohibited on east façade decks or terraces.

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

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

Z. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.

AA. The Applicant shall demonstrate the proposed metal siding and roofing materials have a Solar Reflectivity Index (SRI) of 35 or less prior to the submittal of a building permit.

BB. Prior to submittal of a Building Permit, the Applicant shall submit for

review the excavation and grading plans for Engineering Department review and approval to ensure no additional erosion, land subsidence, or avalanche hazard is created.

CC. Cuts, fills, and retaining walls shall be minimized.

DD. The Applicant shall demonstrate compliance with Municipal Code of Park City Chapter 11-21 Utah Wildland-Urban Interface Code at the time of Building Permit submittal.

EE. The Applicant shall demonstrate adequate turnaround to allow a fire apparatus to maneuver to and from the site as approved by the Park City Fire District prior to submitting a Building Permit. The Applicant shall provide a fire hydrant within 600 feet of the proposed development.

FF. The Applicant should upsize the existing service line to provide adequate pressure to the additional living area and fire sprinkler system. Please note the City operates substantial water lines to the west of the proposed dwelling.

GG. To conduct construction across the neighboring 200 King Road property, including any additional width required to accommodate the installed improvements, all work shall be limited to the limits of the platted easement. The applicant shall submit required approvals for any work or structures proposed outside of the easement at 200 King Road.

HH. Glazing on the east façade shall comply with the Second Amendment for the Lot 2 Phase 1 Treasure Hill Subdivision plat notes. Vinyl and aluminum doors and windows are prohibited. Window and door details shall be reviewed and approved through the Historic District Design Review process.

II. The Applicant's stormwater mitigation plan shall be reviewed and approved by the Engineering Department prior to building permit submittal.

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

Findings of Fact

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

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

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

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

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

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

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

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

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

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

Additional Findings

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

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

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

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

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

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

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

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

h. Are consistent with the applicable volume limitations. See LMC § 15-2.2-6.B.8.

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

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

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

Conclusion

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

Conditions

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

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

KK. The driveway to the proposed residence shall not exceed 12 feet in width unless required by Park City Fire District for emergency vehicle turning radius and access, shall not exceed a 14% grade, and must comply with LMC § 15-3-3(A)(4).

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

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

NN. Applicant shall maintain vegetative screening in accordance with

the submitted vegetation plan to reduce the visibility of retaining walls and landscaping and berming shall reduce the visibility of the east façade glazing.

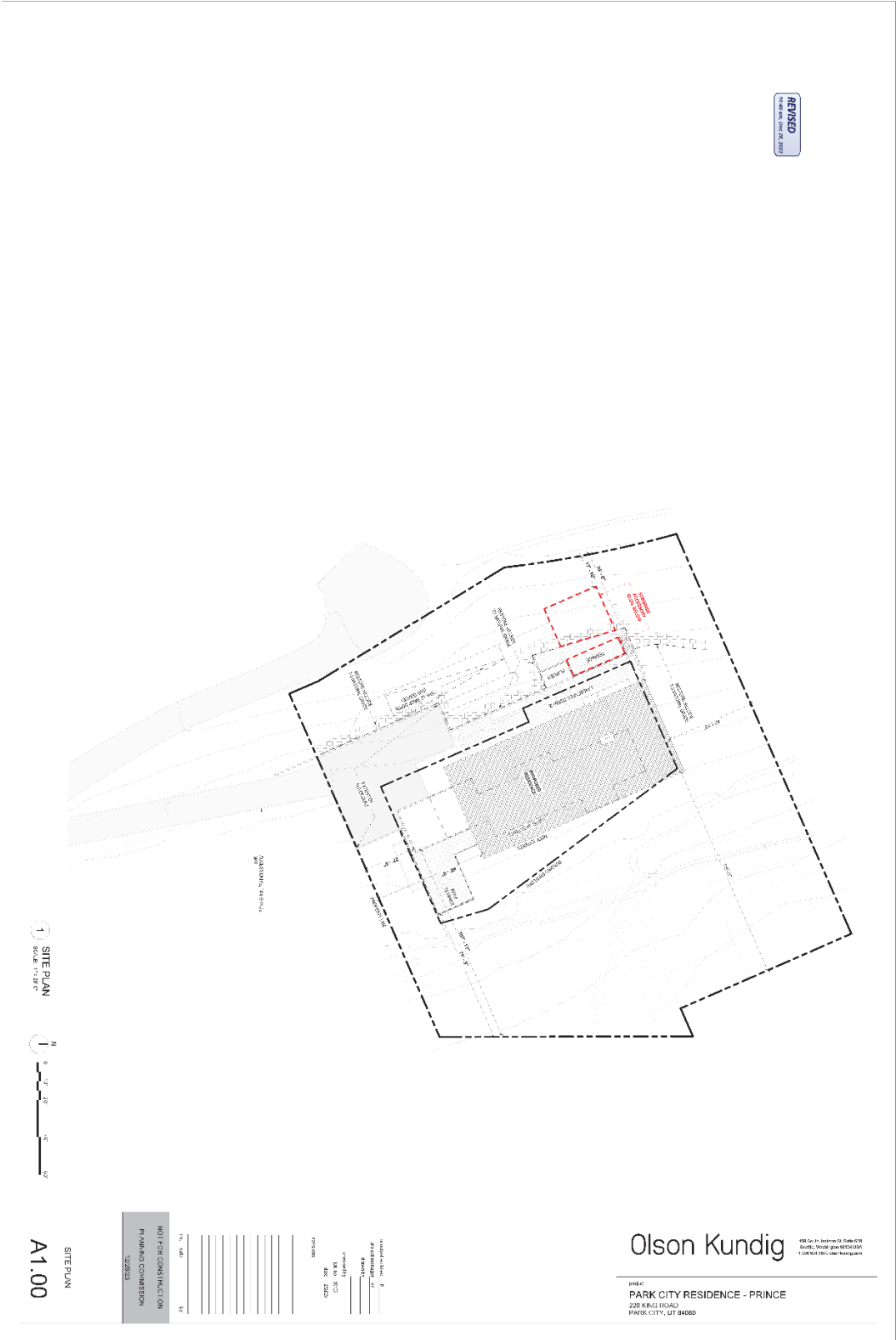
OO. The limits of disturbance around the proposed residence shall be limited to the minimal area necessary to excavate and backfill the foundation.

PP. Structures on the Property shall conform to the HR-1 setbacks set forth in LMC § 15-2.2-3. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

QQ. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

RR. The Applicant shall provide elevation drawings of all segments of the Accessory Buildings that have an exposed face to Planning staff for review as part of the Historic District Design Review process.

Exhibit C
Site Plan



If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5060 or email planning@parkcity.org.

Sincerely,

DocuSigned by:

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2/24/2024

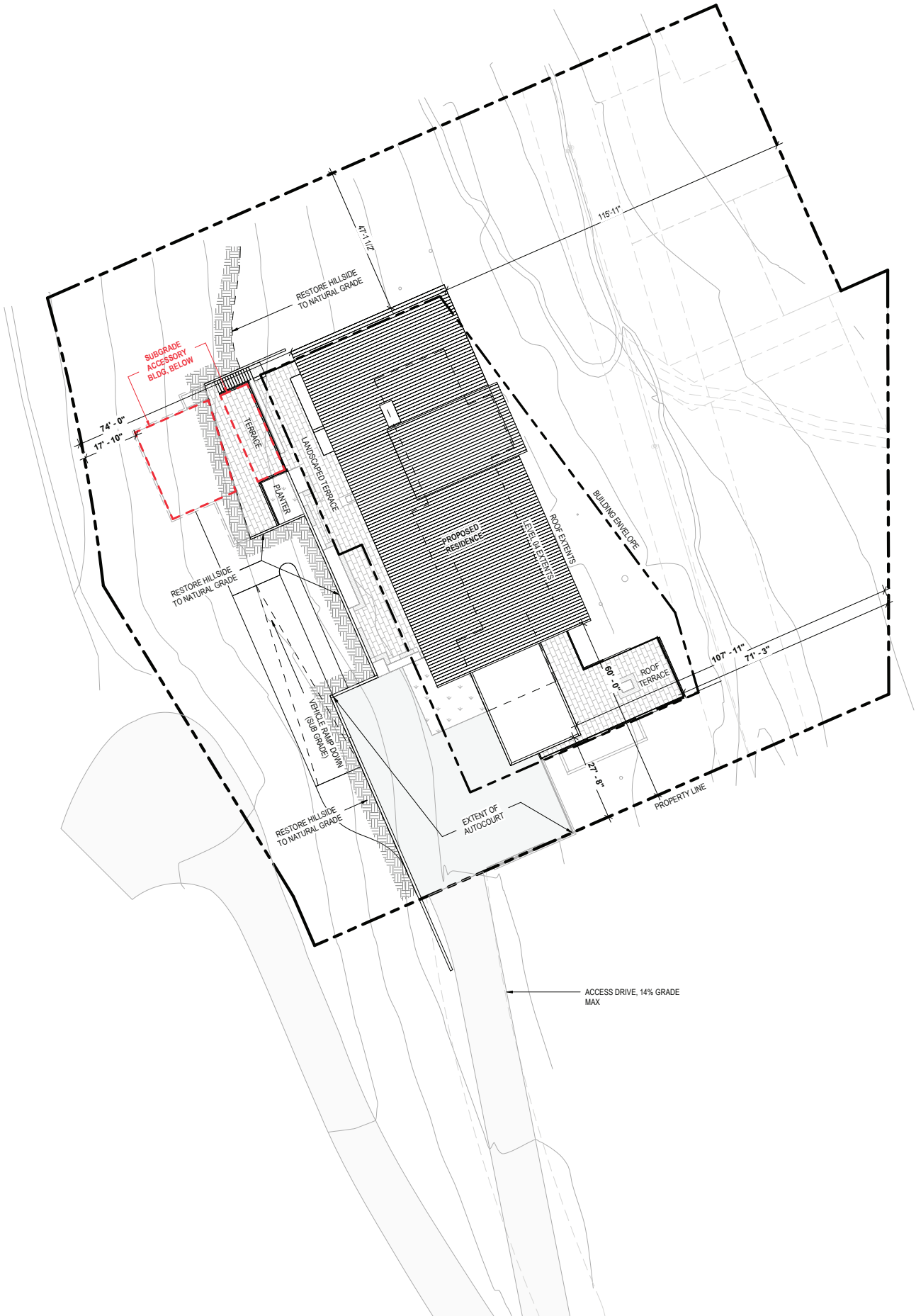
Sarah Hall, Planning Commission Chair

CC: Rebecca Ward, Planning Director
Caitlyn Tubbs, Senior Historic Preservation Planner

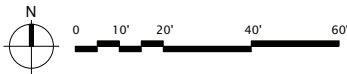
Exhibit D – Approved Plans

Building Diagrams

Approved 2-14-2024



1 SITE PLAN
SCALE: 1" = 20'-0"



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Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

project:
PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by
checked by
job no. 20102
date 12/28/23

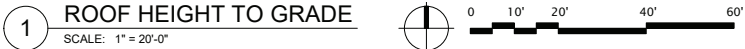
revisions:

no. date by

NOT FOR CONSTRUCTION
PLANNING COMMISSION
12/28/23

SITE PLAN

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revisions

no. date by

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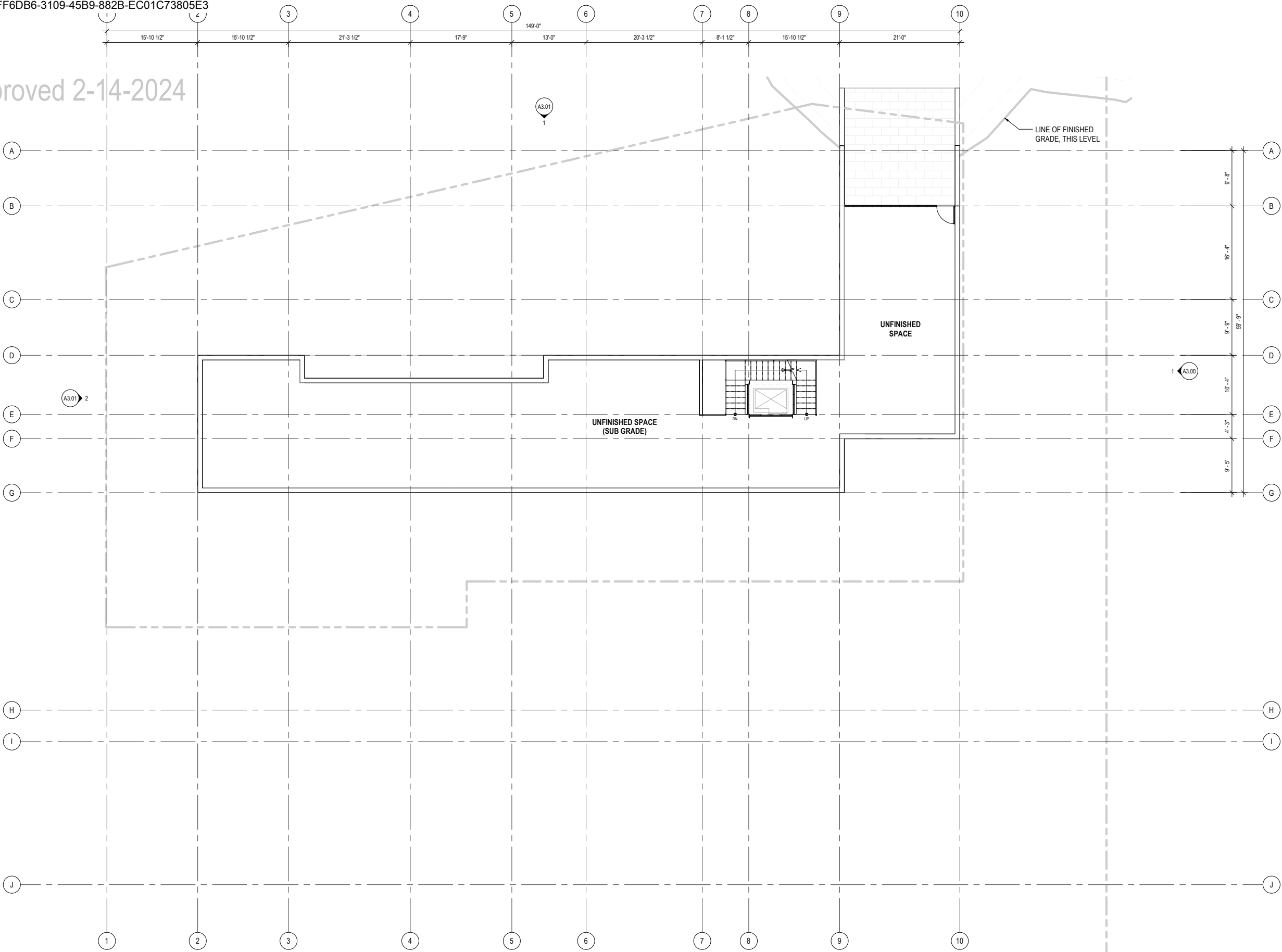
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12/28/23

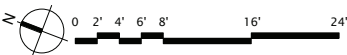
ROOF HEIGHT TO
GRADE

A1.04

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1 LEVEL 01 PLAN
SCALE: 1/8" = 1'-0"



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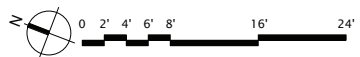
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principal architect TK
project manager SG
drawn by
checked by
job no. 20102
date 12/28/23
revisions:
no. date by

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12/28/23

PLAN - LEVEL 01

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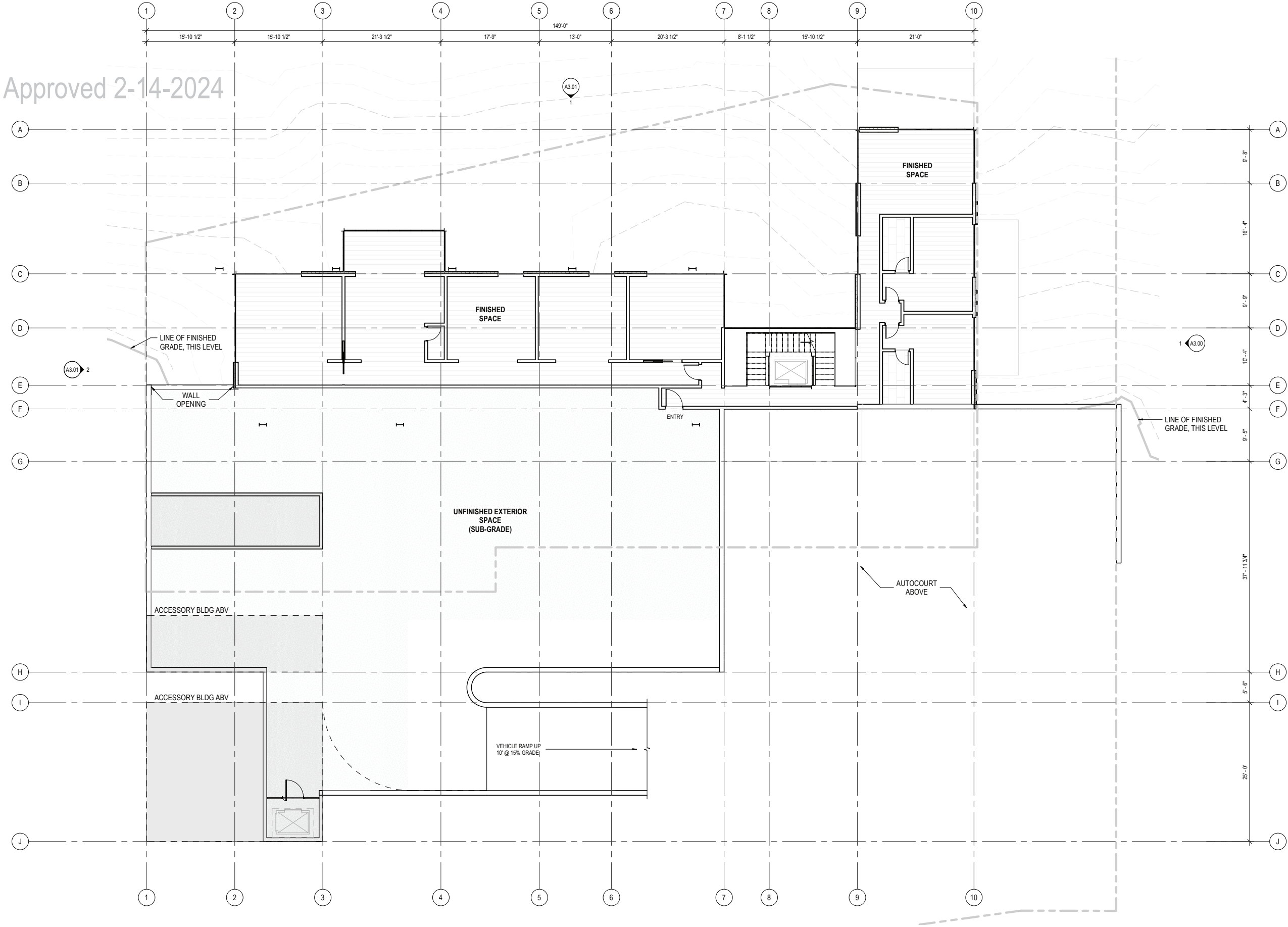
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PARK CITY, UT 84060

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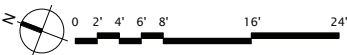
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PLAN - LEVEL 02

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1 LEVEL 03 PLAN
SCALE: 1/8" = 1'-0"



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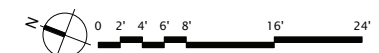
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PLAN - LEVEL 03

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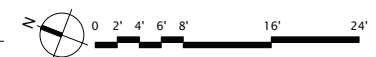
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220 KING ROAD
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220 KING ROAD
PARK CITY, UT 84060

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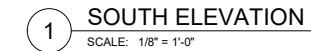
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PLANNING COMMISSION

12/28/23

PLAN - LEVEL 05

A2.50



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Olson Kundig

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220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by _____
checked by _____
job no. 20102
date 12/28/23
revisions:

no.	date	by
-----	------	----

NOT FOR CONSTRUCTION
PLANNING COMMISSION
12/28/23

EXTERIOR ELEVATIONS

A3.00



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Olson Kundig

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date 12/28/23

revisions:

no.	date	by
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NOT FOR CONSTRUCTION

PLANNING COMMISSION

12/28/23

EXTERIOR ELEVATIONS

A3.01

Approved 2-14-2024



Approved 2-14-2024



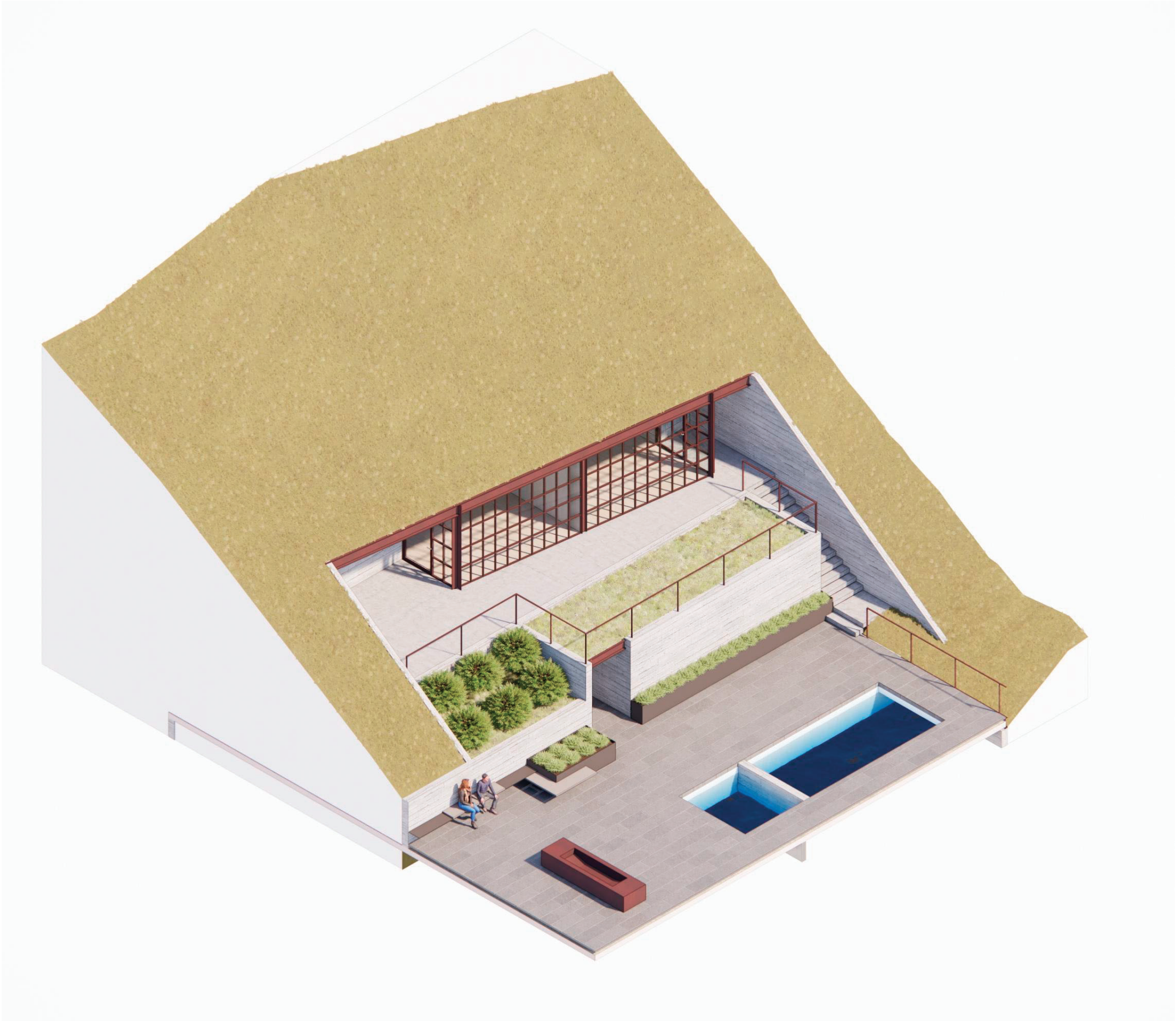
Approved 2-14-2024



Approved 2-14-2024

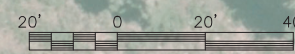


Approved 2-14-2024



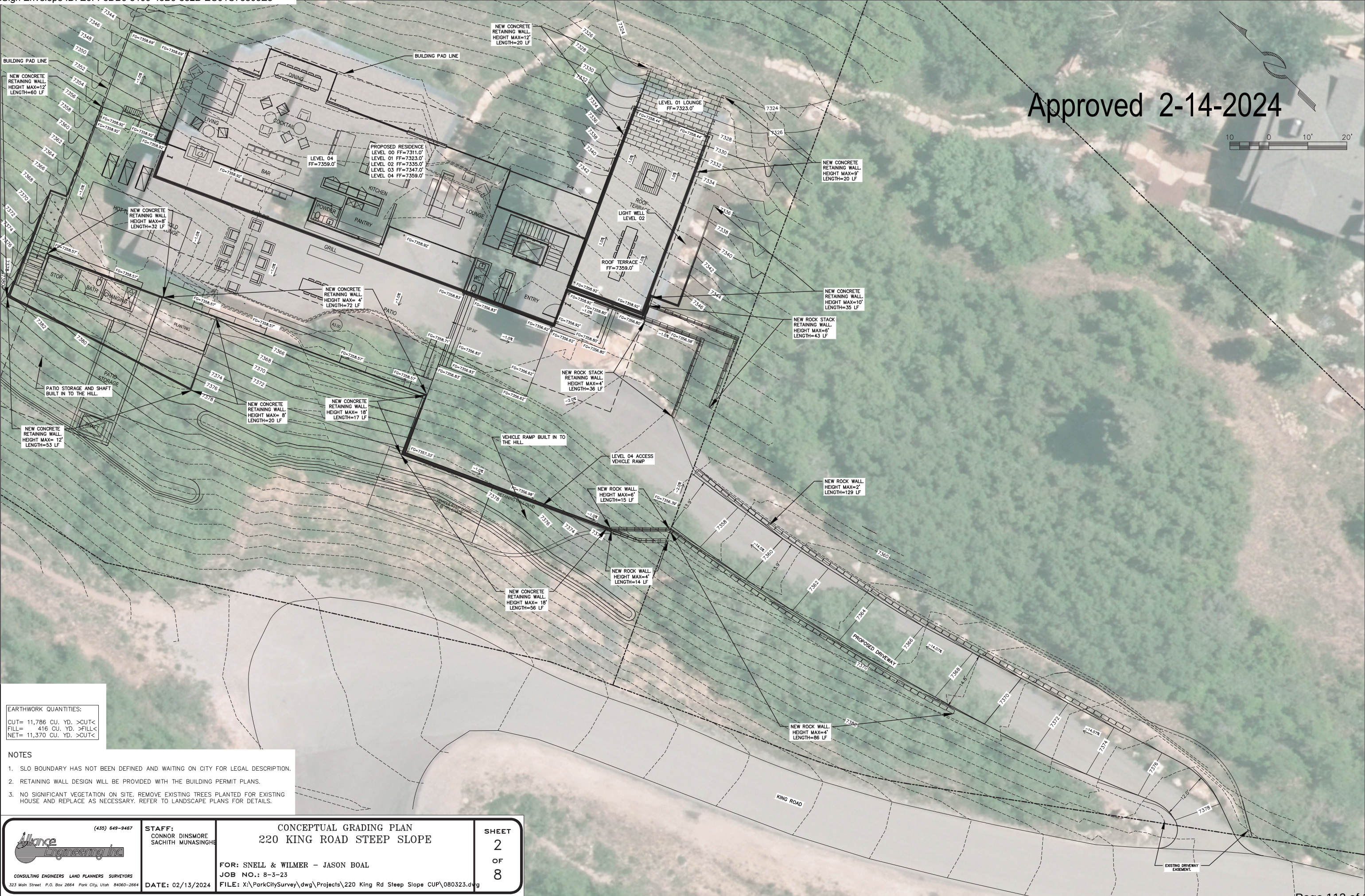
Grading Plan

Approved 2-14-2024



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	EXISTING CONDITIONS 220 KING ROAD STEEP SLOPE FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg	SHEET 1 OF 8
	DATE: 02/13/2024			

NOTES:
1. EXISTING CONDITION SURVEY IS DONE BY UTAH LAND SURVEYING, LLC.

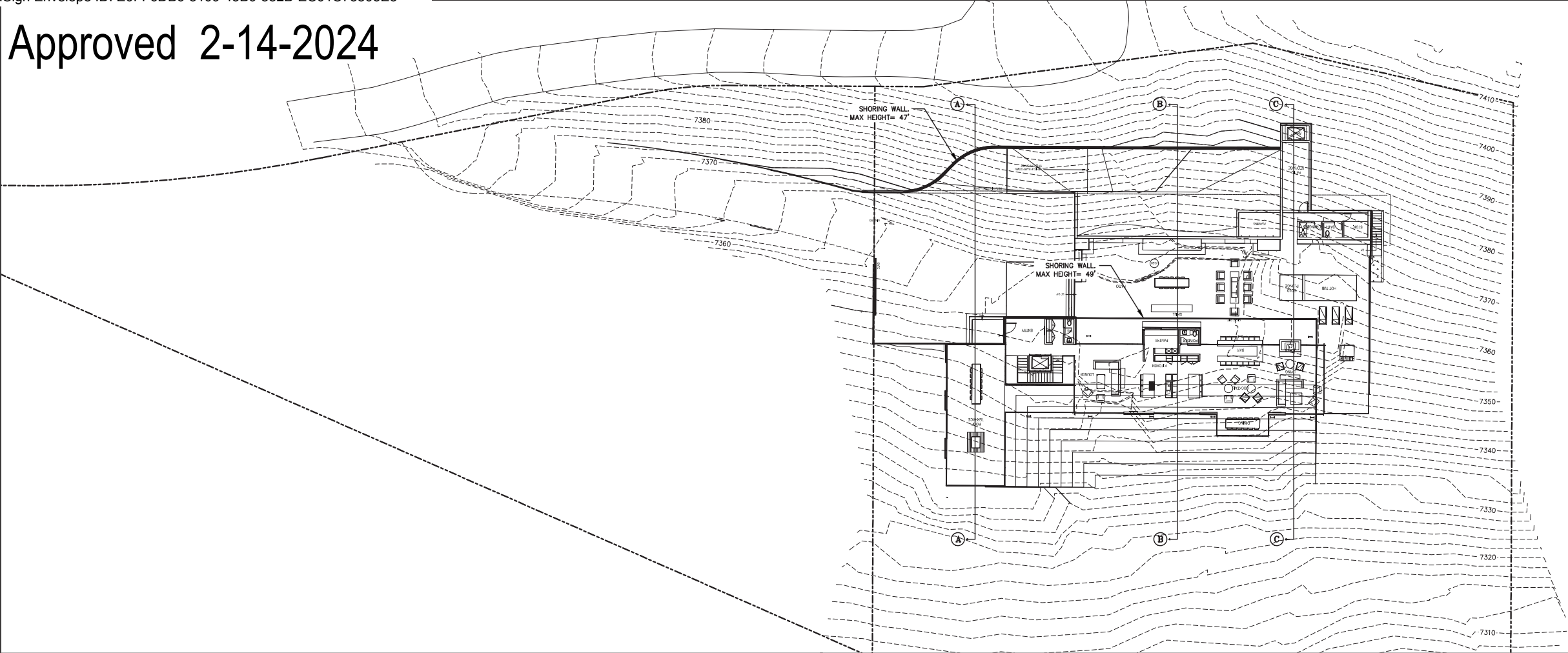


EARTHWORK QUANTITIES:
CUT= 11,786 CU. YD. >CUT<
FILL= 416 CU. YD. >FILL<
NET= 11,370 CU. YD. >CUT<

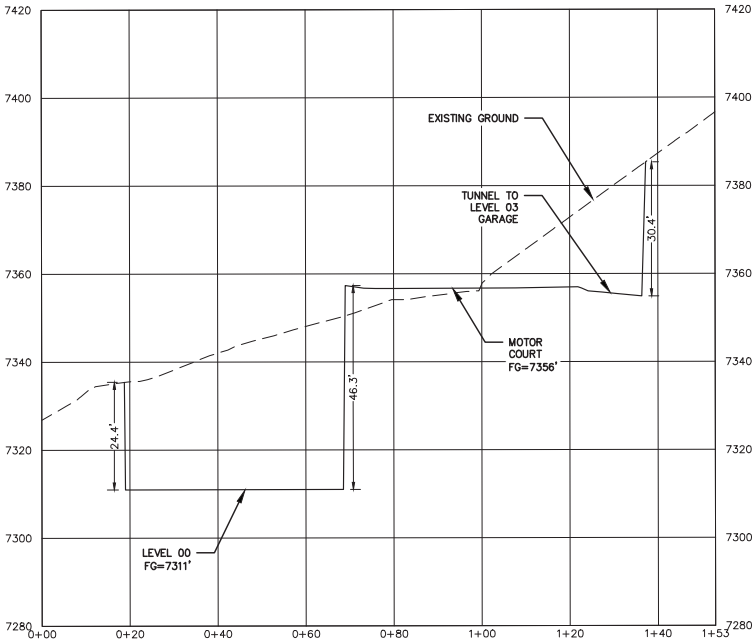
- NOTES
1. SLO BOUNDARY HAS NOT BEEN DEFINED AND WAITING ON CITY FOR LEGAL DESCRIPTION.
 2. RETAINING WALL DESIGN WILL BE PROVIDED WITH THE BUILDING PERMIT PLANS.
 3. NO SIGNIFICANT VEGETATION ON SITE. REMOVE EXISTING TREES PLANTED FOR EXISTING HOUSE AND REPLACE AS NECESSARY. REFER TO LANDSCAPE PLANS FOR DETAILS.

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	CONCEPTUAL GRADING PLAN 220 KING ROAD STEEP SLOPE	SHEET 2 OF 8
	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE		
	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23		
	DATE: 02/13/2024 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg		

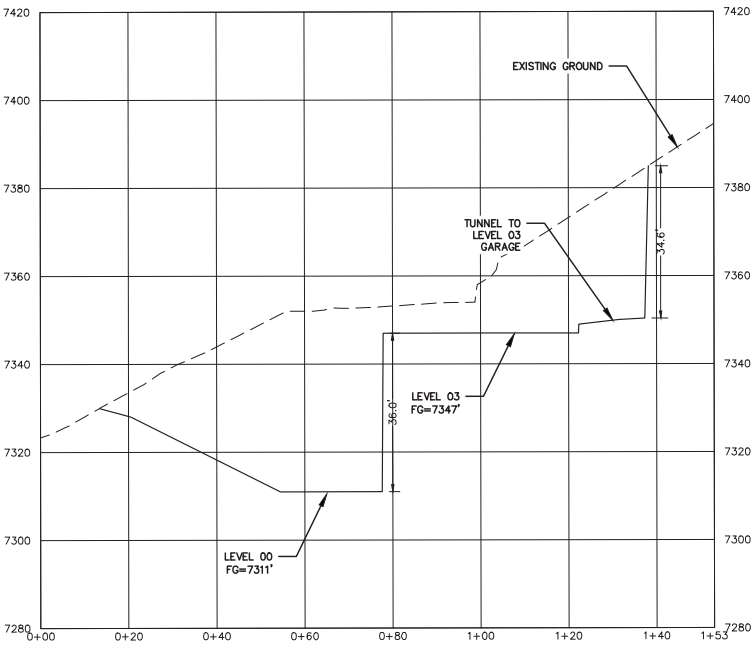
Approved 2-14-2024



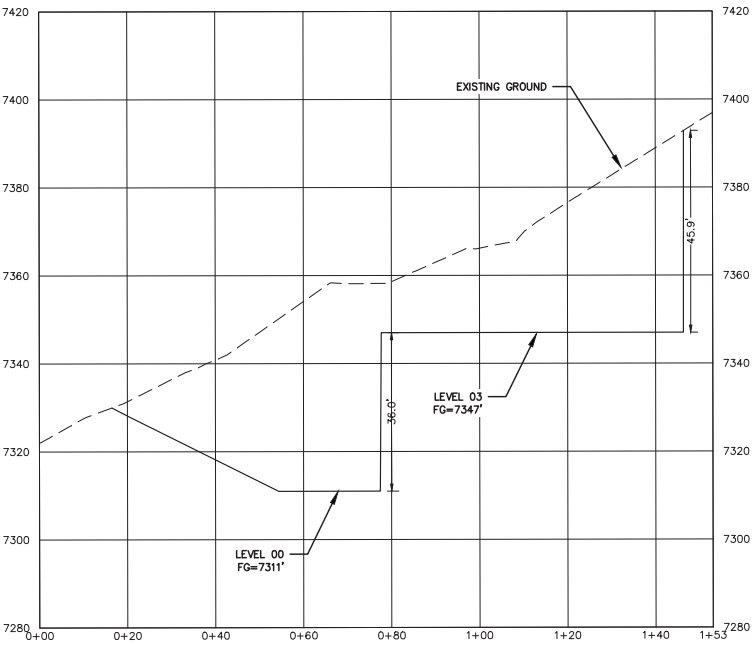
SECTION "A-A"



SECTION "B-B"



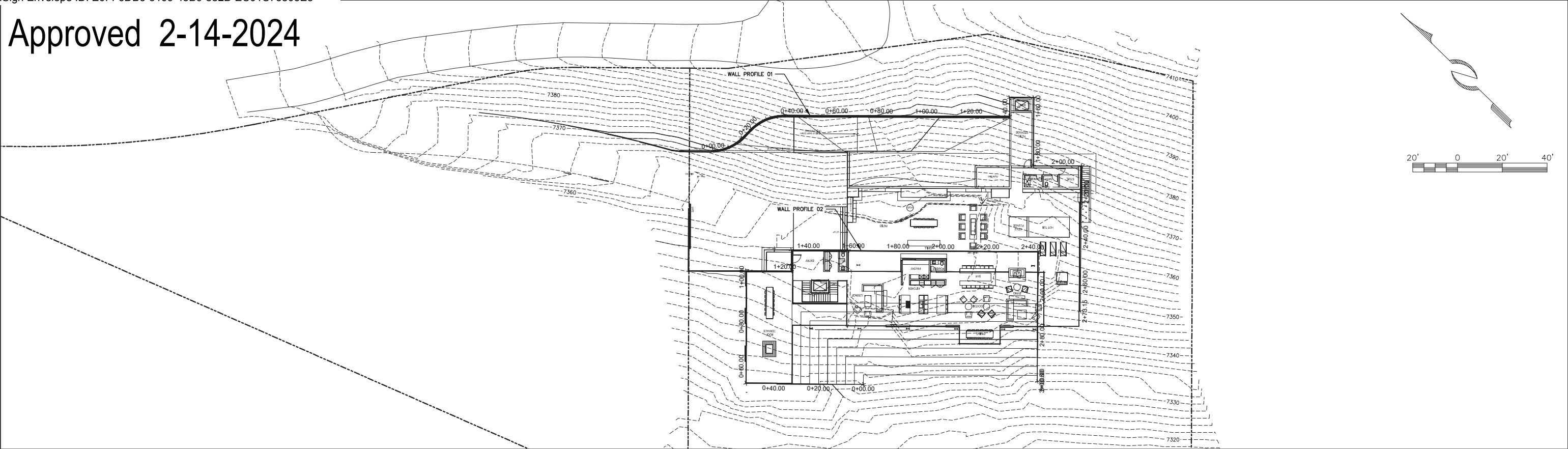
SECTION "C-C"



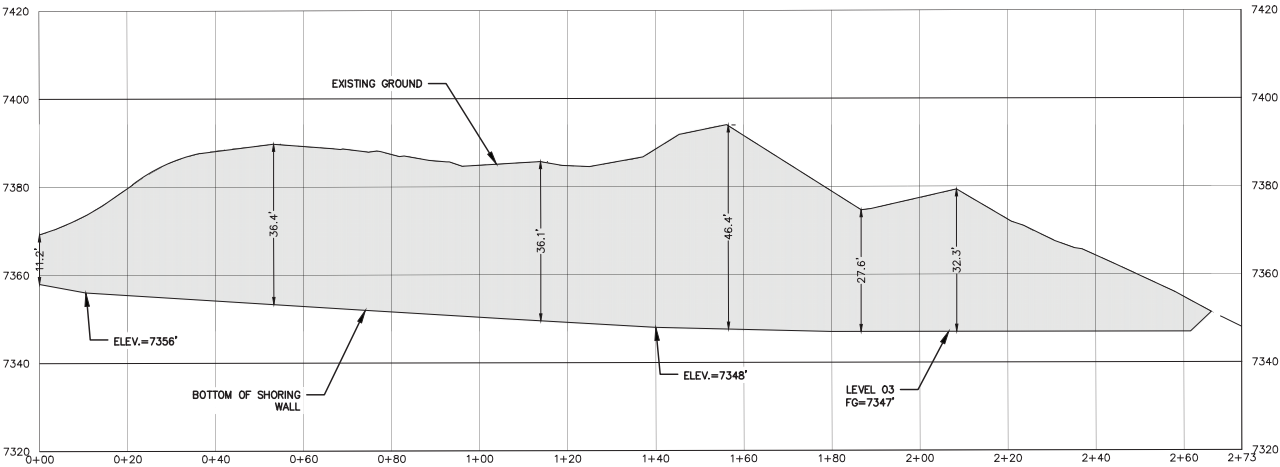
EARTHWORK QUANTITIES:
CUT= 11,786 CU. YD. >CUT<
FILL= 416 CU. YD. >FILL<
NET= 11,370 CU. YD. >CUT<

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	EXCAVATION SECTION VIEW 220 KING ROAD STEEP SLOPE	SHEET 7 OF 8
	DATE: 02/13/2024	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg		

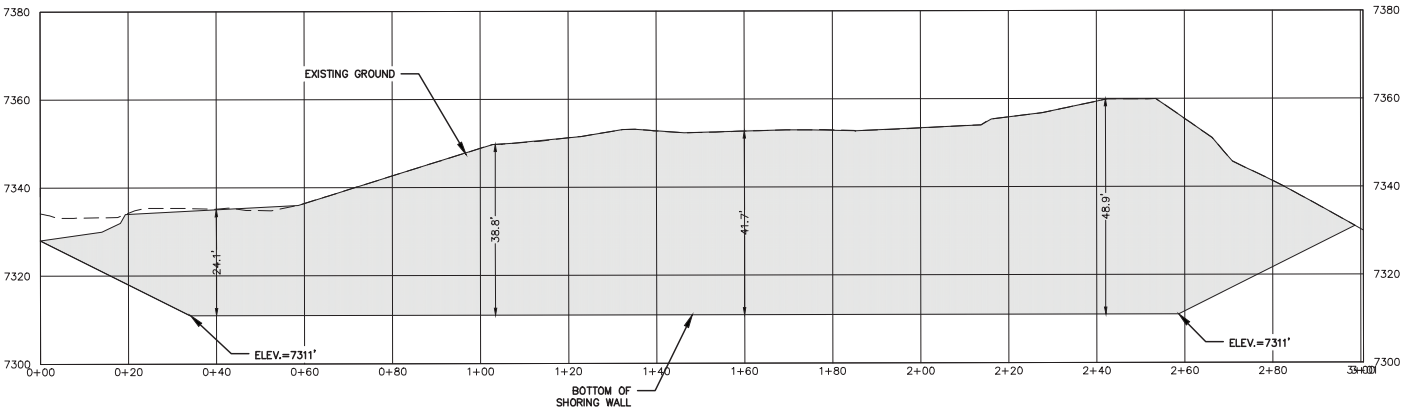
Approved 2-14-2024



WALL PROFILE 01



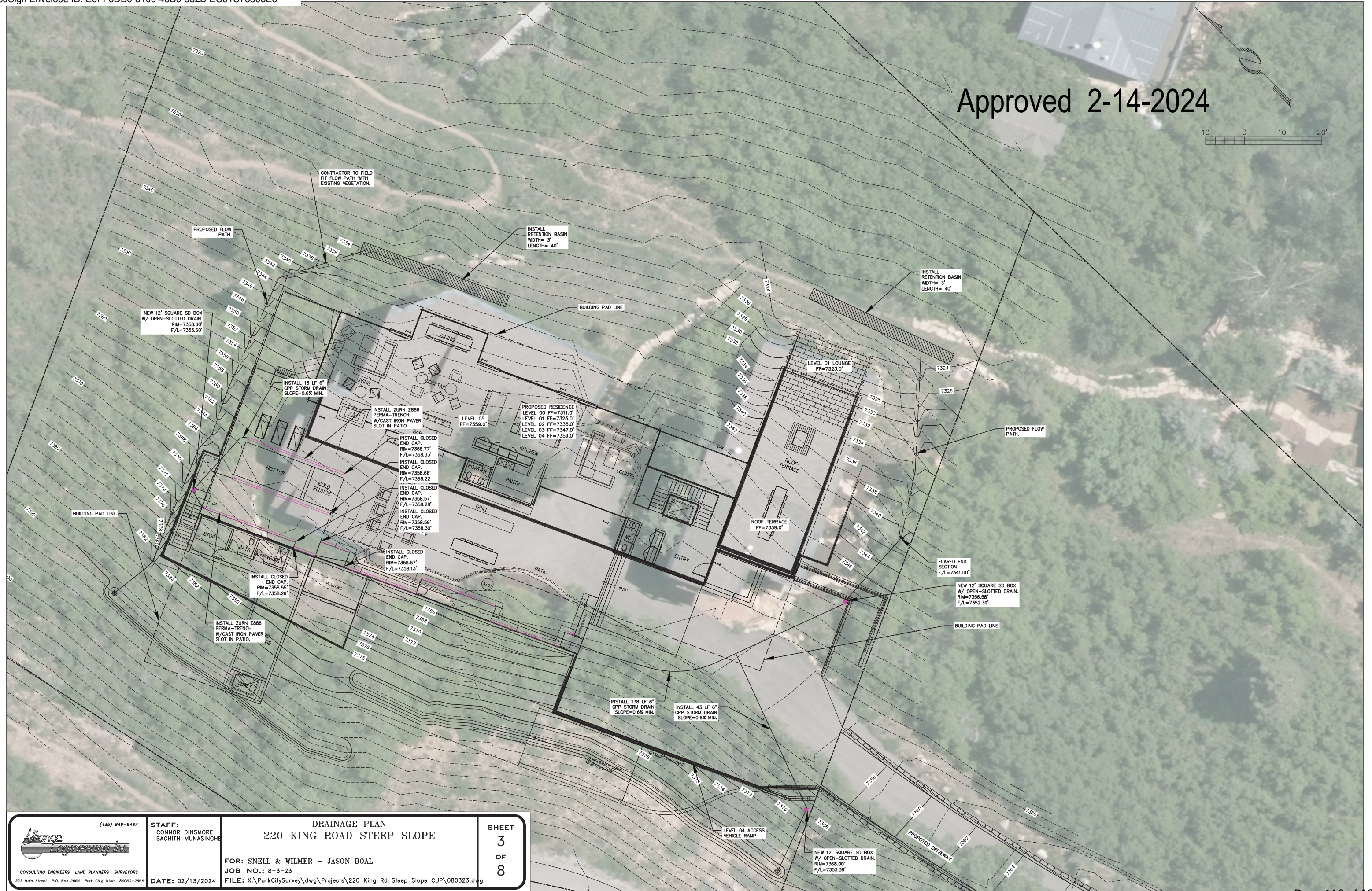
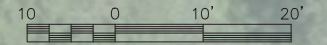
WALL PROFILE 02



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	PLAN AND PROFILE OF THE SHORING WALL 220 KING ROAD STEEP SLOPE	SHEET 8 OF 8
	DATE: 02/13/2024	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23		
	FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg			

Drainage Plan

Approved 2-14-2024



(435) 649-9467

STAFF:
CONNOR DINSMORE
SACHITH MUNASINGHE

DRAINAGE PLAN
220 KING ROAD STEEP SLOPE

SHEET
3
OF
8

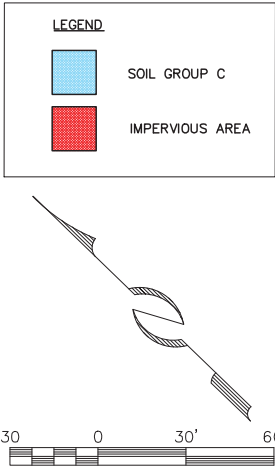
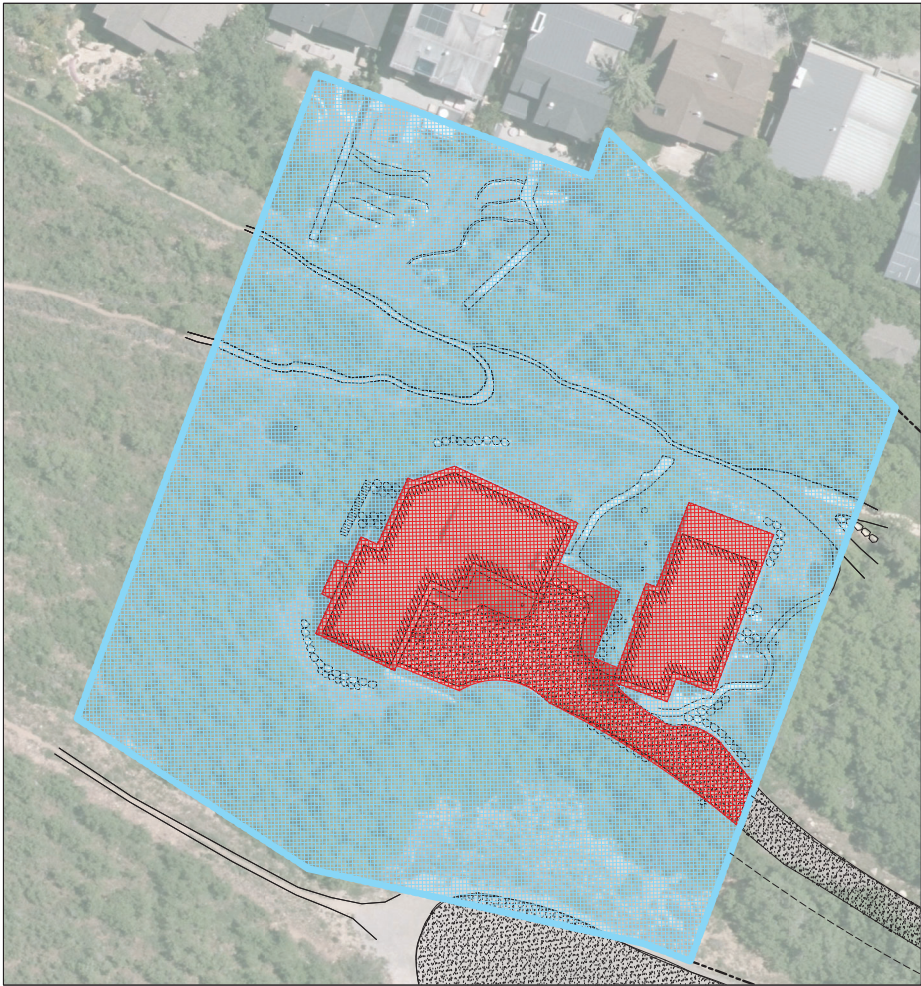
FOR: SNELL & WILMER - JASON BOAL
JOB NO.: 8-3-23

DATE: 02/13/2024

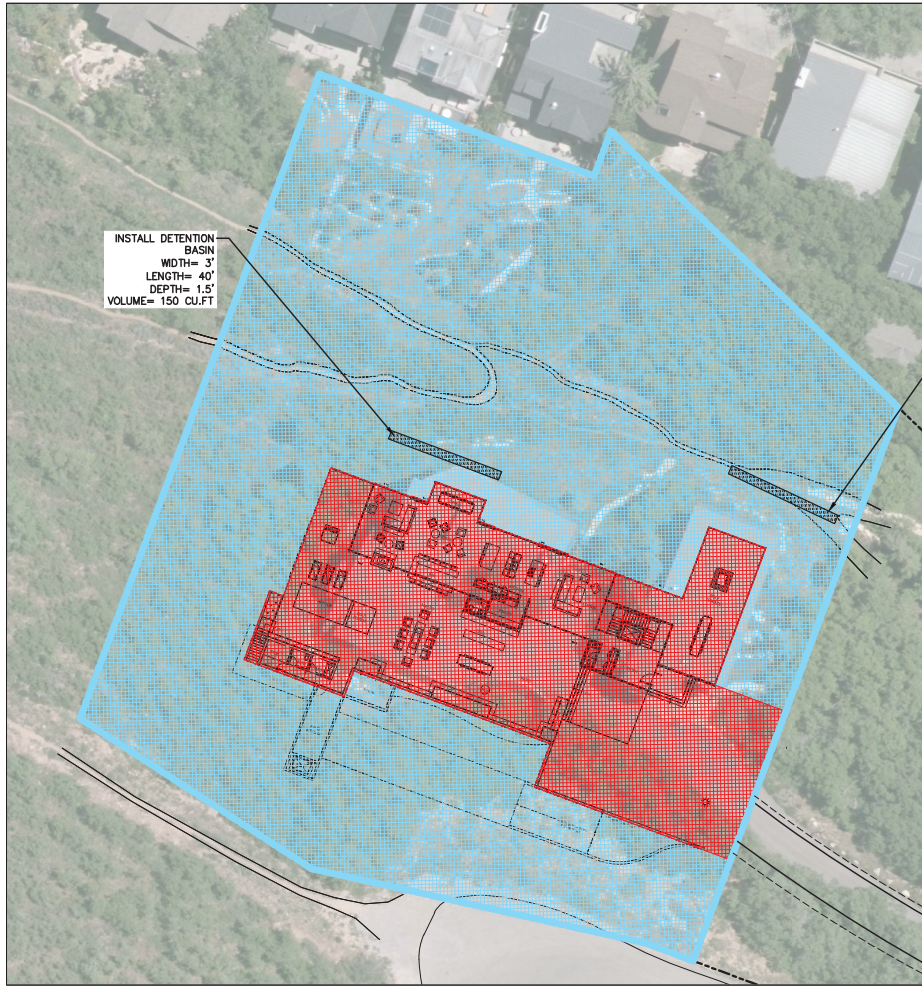
FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



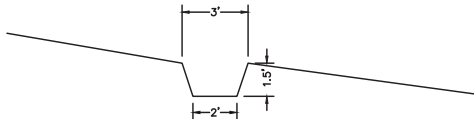
Approved 2-14-2024



INSTALL DETENTION BASIN
WIDTH= 3'
LENGTH= 40'
DEPTH= 1.5'
VOLUME= 150 CU.FT

INSTALL DETENTION BASIN
WIDTH= 3'
LENGTH= 40'
DEPTH= 1.5'
VOLUME= 150 CU.FT

TYPICAL STORMWATER
DETENTION POND
CROSS-SECTION



STORMWATER DETENTION REQUIRED = 232 CU. FT.
STORMWATER DETENTION PROVIDED = 300 CU. FT.

NOTES:

1. PEAK RUNOFF VOLUME OF 232 CU. FT. IS TO BE 100% DETAINED IN PROPOSED POND. THE DIMENSIONS OF THE DETENTION BASIN IS NOTED ON THE ABOVE PLAN. CUMULATIVE DETENTION VOLUME = 300 CU. FT.
2. OUTLET ROOF DRAINS SO THAT THE STORM WATER FLOWS FROM HOUSE DOWN GRADING AND INTO DETENTION BASIN.
3. STORMWATER DETENTION POND ALIGNMENT MAY VARY, FOLLOW EXISTING CONTOUR.
4. THE DETENTION POND HAVE BEEN SIZED TO DETAIN 100% OF THE WATER QUALITY VOLUME (PER SUMMIT COUNTY ORDINANCE NO. 381-A, APPENDIX F) MEETING THE COUNTY REQUIREMENTS FOR TSS REMOVAL AND GROUNDWATER RECHARGE.

WATER QUALITY VOLUME CALCULATIONS			
ASSUMPTIONS METHOD OF ANALYSIS: WQ _v =CITA DESIGN STORM: 90TH PERCENTILE EVENT NOTE: INTENSITY = 0.60 IN/HR PER SUMMIT COUNTY MS4.	PRE-DEVELOPMENT WATER QUALITY VOLUME		
	AREAS FOR WEIGHT AVERAGE "C":		
	SLOPE		
	HYDROLOGIC SOIL GROUP		
VARIABLES Q = RUNOFF FLOWRATE [CUBIC FEET/SEC] C = RUNOFF COEFFICIENT (WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE) RUNOFF COEFFICIENTS "C":	A		
	B		
	C		
	D		
SLOPE	A		
	B		
	C		
	D		
FLAT (0-2%)	0,07		
	0,10		
	0,14		
	0,18		
AVERAGE (2-6%)	0,12		
	0,15		
	0,19		
	0,23		
STEEP (>6%)	0,16		
	0,21		
	0,27		
	0,33		
SURFACING	PERVIOUS		
	IMPERVIOUS		
	HARDSCAPE		
	0,78		
HARDSCAPE	0,93		
	0,93		
	0,93		
	0,93		
POST-DEVELOPMENT WATER QUALITY VOLUME	AREAS FOR WEIGHT AVERAGE "C":		
	SLOPE		
	HYDROLOGIC SOIL GROUP		
	A		
FLAT (0-2%)	0,07		
	0,10		
	0,14		
	0,18		
AVERAGE (2-6%)	0,12		
	0,15		
	0,19		
	0,23		
STEEP (>6%)	0,16		
	0,21		
	0,27		
	0,33		
SURFACING	PERVIOUS		
	IMPERVIOUS		
	HARDSCAPE		
	0,78		
HARDSCAPE	0,93		
	0,93		
	0,93		
	0,93		
GROUNDWATER RECHARGE VOLUME	ΔWQ _v =		
	130 CU FT		
	130 CU FT		
	130 CU FT		

PEAK RUNOFF CALCULATIONS			
ASSUMPTIONS METHOD OF ANALYSIS: RATIONAL METHOD Q=CIA STORM RETURN PERIOD: 100 YEARS NOTE: FOR THE 100 YR RECURRENTIAL INTERVAL, THE COMPOSITE "C" VALUE IS ADJUSTED BY A FACTOR OF 1.25 BEFORE COMPUTING Q. STORM DURATION: 10 MN. SOURCE: NOAA ATLAS 14 - PARK CITY RADIO STATION 42-6648	PRE-DEVELOPMENT PEAK DISCHARGE		
	AREAS FOR WEIGHT AVERAGE "C":		
	SLOPE		
	HYDROLOGIC SOIL GROUP		
VARIABLES Q = RUNOFF FLOWRATE [CUBIC FEET/SEC] C = RUNOFF COEFFICIENT (WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE) RUNOFF COEFFICIENTS "C":	A		
	B		
	C		
	D		
FLAT (0-2%)	0,07		
	0,10		
	0,14		
	0,18		
AVERAGE (2-6%)	0,12		
	0,15		
	0,19		
	0,23		
STEEP (>6%)	0,16		
	0,21		
	0,27		
	0,33		
SURFACING	PERVIOUS		
	IMPERVIOUS		
	HARDSCAPE		
	0,78		
HARDSCAPE	0,93		
	0,93		
	0,93		
	0,93		
POST-DEVELOPMENT PEAK DISCHARGE	AREAS FOR WEIGHT AVERAGE "C":		
	SLOPE		
	HYDROLOGIC SOIL GROUP		
	A		
FLAT (0-2%)	0,07		
	0,10		
	0,14		
	0,18		
AVERAGE (2-6%)	0,12		
	0,15		
	0,19		
	0,23		
STEEP (>6%)	0,16		
	0,21		
	0,27		
	0,33		
SURFACING	PERVIOUS		
	IMPERVIOUS		
	HARDSCAPE		
	0,78		
HARDSCAPE	0,93		
	0,93		
	0,93		
	0,93		
EXCESS RUNOFF STORAGE VOLUME	ΔQ =		
	0,39 CFS		
	t =		
	600 SEC.		
V =	232 CU FT		
	232 CU FT		
	232 CU FT		
	232 CU FT		

Landscape/Vegetation Plan

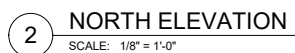


NOTE:

1. SEE SURVEY FOR MORE INFORMATION ON EXISTING VEGETATION AND TREES.
2. CONTRACTOR TO CONFIRM EXISTING TREES AND NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES BETWEEN THE PLAN AND THE EXISTING CONDITIONS BEFORE STARTING WORK.
3. CONTACT LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE PRIOR TO REMOVAL.
4. HARVEST AND PRESERVE TOPSOIL FROM DISTURBED AREAS FOR RE-VEGETATION. ANY EXPOSED OR DISTURBED SLOPE SHALL BE RE-VEGETATED.
5. IMPORTED SOIL MUST BE OF A QUALITY TO SUPPORT PLANT GROWTH.
6. FOLLOW HR-1 CODE FOR DEFINITION OF SIGNIFICANT VEGETATION.
7. PROTECT SIGNIFICANT VEGETATION BY TREE PROTECTION FENCING PROTECTION FENCE, 6'-0" SEMI-PERMANENT CHAINLINK, DRIVEN 2'-0" INTO THE GROUND. PLACE AT LIMITS OF TREE PROTECTION ZONES AND REMOVE AT THE END OF CONSTRUCTION.
8. PROTECTION FENCING SHALL NOT BE MOVED, REMOVED, OR ENTERED BY EQUIPMENT AND MAINTAINED IN GOOD REPAIR THROUGHOUT CONSTRUCTION.
9. APPLY BIODEGRADABLE NETTING AND EROSION CONTROL FOR SLOPES GREATER THAN 3:1
10. ANY APPLICATION OF HERBICIDE TREATMENT SHALL BE PER THE REGULATIONS OF LOCAL JURISDICTIONS, AND ENVIRONMENTAL REGULATORS.

project: **PARK CITY RESIDENCE - PRINCE**
220 KING ROAD
PARK CITY, UT 84060

A1.03



159 South Jackson St, Suite 600
Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

Project: **PARK CITY RESIDENCE - PRINCE**
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by _____
checked by _____
job no. 20102
date 12/28/23
revisions:

NOT FOR CONSTRUCTION

PLANNING COMMISSION

12/28/23

EXTERIOR ELEVATIONS

A3.01



Planning Department

July 15, 2024

Justin Keys
Hogan Lee Hutchinson

CC: Eric Hermann and Susan Fredston-Hermann
David Bennett
David Constable
Ed DeSisto
James Doilney
Martiena Lewis
Nicholas Schapper
Ginger Tolman
John Vrabel

NOTICE OF APPEAL PANEL ACTION

Description

Address:	220 King Road
Zoning District:	Historic Residential – 1 – Master Planned Development (HR-1-MPD)
Application:	Appeal
Project Number:	PL-24-06057
Action:	DENIED
Date of Final Action:	July 15, 2024
Project Summary:	Appeal of the Planning Commission’s February 21, 2024 approval of a Conditional Use Permit and Steep Slope Conditional Use Permit to demolish an existing Single-Family Dwelling and Guest House to construct a new Single-Family Dwelling, Accessory Building, outdoor pool, and underground parking area, and to amend the Treasure Hill Subdivision Lot 2 Phase 1 First Amended Plat to remove a portion of the eastern Building Area Limits facing Old Town to shift the Building Area Limits to the west behind the Single-Family Dwelling with a 490-square-foot total increase.



Planning Department

Action Taken

On April 30, 2024, the Appeal Panel conducted a public hearing and voted to: a) deny the appeal of the Planning Commission's approval of the Conditional Use Permits and Steep Slope Conditional Use Permit; and b) remanded three questions to the Planning Commission regarding the Sensitive Land Overlay and the Plat Amendment. On June 26, 2024, the Planning Commission conducted a public hearing and issued their determination to the Appeal Panel regarding the Sensitive Land Overlay. The parties stipulated to a single Final Action Letter, from which any additional appeal to District Court would run. On July 15, 2024, the Appeal Panel ratified this Final Action Letter denying the appeal of the Planning Commission's approval of the 220 King Road Conditional Use Permits, Steep Slope Conditional Use Permit, and Plat Amendment according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. 220 King Road is a 1.23-acre lot with a Single-Family Dwelling built in 1998 and a Guest House built in 2000.
2. 220 King Road is Lot 2 of the Treasure Hill Subdivision Phase 1 First Amended Plat.
3. The Treasure Hill Subdivision is part of the Sweeney Master Planned Development.
4. On December 18, 1985, the Planning Commission approved the Sweeney Land Company Large Scale Master Planned Development, allocating 277 units of density through several locations in the Historic Districts and the Treasure Mountain area.
5. On October 14, 1987, the Planning Commission approved an amendment to the Sweeney Master Planned Development and reallocated 12 Unit Equivalents to accommodate extended ski trails.
6. The amended Sweeney Master Planned Development relocated two Unit Equivalents along King Road – 200 and 220 King Road. These two properties and five others became part of the eight-Lot Treasure Hill Subdivision, approved in three phases. 220 King Road is included in Phase I.
7. On August 23, 1990, the City Council adopted Ordinance No. 90-24, rezoning six of the Treasure Hill Lots, including 220 King Road, from Historic Residential – 1 to Historic Residential 1 – Master Planned Development (HR1-MPD).
8. The Applicant applied for a Conditional Use Permit to demolish the existing Single-Family Dwelling and Guest House at 220 King Road to construct a new



Planning Department

- Single-Family Dwelling (PL-22-05318), a Conditional Use Permit for an Outdoor Pool (PL-23-05523), and a Steep Slope Conditional Use Permit (PL-23-05571).
9. The Applicant applied for a Plat Amendment (PL-22-05318) to remove a portion of the eastern Building Area Limits facing Old Town to shift the Building Area Limits to the west behind the Single-Family Dwelling with a 490-square-foot total increase.
 10. On February 14, 2024, the Planning Commission conducted a public hearing and voted 4-2 to approve the Plat Amendment, and 3-3 to approve the Conditional Use Permits, with the Planning Commission Chair voting to approve, breaking the tie.
 11. On March 1, 2024, the Appellants appealed the Planning Commission's approval.
 12. On April 30, 2024, the Appeal Panel conducted a public hearing and determined:
 - a. the Appellants have standing and both letters were considered.
 - b. The Appellants failed to meet their burden of proving where the Planning Commission erred in applying the Land Management Code to the applications.
 - c. The Planning Commission decision does not alter the existing easement of record regarding the driveway access.
 - d. The Planning Commission properly determined the vesting of the Sweeney Master Plan regarding the calculation of height.
 - e. The Planning Commission properly determined reasonable Conditions of Approval to mitigate adverse impacts of the applications.
 13. The Appeal Panel remanded the following questions to the Planning Commission:
 - a. Whether the Sensitive Land Overlay applies due to Sweeney Master Planned Development vesting.
 - b. If the Sensitive Land Overlay Applies, whether it can bisect a Lot.
 - c. If the Sensitive Land Overlay applies, what is staff's Sensitive Land determination, recommendation, and mitigations.
 14. On September 24, 1992, the City Council enacted Ordinance No. 92-17 *Adopting the Sensitive Area Overlay Zone Regulations and Amending the Official Zoning Map of Park City, Utah to Include the Sensitive Area Overlay Zone and Amending the Land Management Code of Park City, Utah to Better Regulate Development of Sensitive Lands.*
 15. The 1992 Sensitive Land Overlay regulations state:
 - a. *There are a number of existing, valid Master Plans which have been approved. Requests for site specific approval for parcels within Large*



Planning Department

Scale Master Plans which are located within the Sensitive Area Overlay Zone shall be required to go through the Sensitive Lands Analysis and the development will be required to be placed on the least sensitive portion of the parcels. In general, the site design criteria shall apply to these proposals.

If there is a request to change the form of density for a part or all of a Master Plan or a request to substantially modify the plan, the total permitted density will be reevaluated based upon the criteria in these provisions.

16. A determination regarding the applicability of this provision to the Sweeney MPD was issued by the City Attorney in 1992. The February 14, 2024 Planning Commission packet included a September 22, 1992 letter to Michael Sweeney from City Attorney James Carter, providing the following:

1. Will the Sensitive Lands Overlay Zone apply to the Sweeney property's master plan hillside portion (Treasure Hill)? Yes. However, Land Management Code § 3.14(c)(2) Length of Approval, provides, in pertinent part, "Zone changes occurring while the approval is in effect shall not effect the approval. Changes in the master plan requested by the developer will be reviewed and approved as a revision to the master plan by the Planning Commission. A change will be defined as any change in concept, unit type, configuration or number. At that time, the Planning Commission shall review the entire MPD, even if only one parcel or phase is involved in the modification, under the regulations in effect at the time of review. Modifications shall act as an extension of the approval." The Sensitive Lands Ordinance is being adopted in the form of an overlay zone, and so would not, by itself, affect the approved Sweeney Master Plan. If, however, a change in the master plan is requested, as defined in the LMC, the provisions of the Sensitive Lands Ordinance would be applied.

17. The Sweeney MPD was approved, and 220 King Road (and other Treasure Hill Properties) were zoned HR1-MPD by the City Council, prior to enactment of the Sensitive Land Overlay in 1992.
18. The Treasure Hill properties within the Sweeney MPD were platted and the plats amended after enactment of the Sensitive Land Overlay. However, as indicated in City Attorney James Carter's 1992 letter, the Sensitive Land Overlay was not applied to the properties because a comprehensive amendment to the Sweeney MPD was not proposed.
19. On September 7, 1995, the City Council adopted Ordinance No. 95-50 approving the Treasure Hill Phase I Subdivision. This established Lot 1 (200 King Road), Lot 2 (220 King Road), Lot 3 (425 Norfolk Avenue), and Lot 4 (375 Norfolk Avenue) within the HR1-MPD Zoning District and dedicated Lot 5, over 40 acres of Open Space, to Park City Municipal.
20. The City Council has not amended the Sensitive Land Overlay adjacent to the 220 King Road property on the Zoning Map by an approved land use ordinance. The 1992 Sensitive Land Overlay map is the regulatory map, which did not



Planning Department

intentionally bisect 220 King Road. Any inconsistent digitized map is a clerical error.

21. On June 26, 2024, the Planning Commission conducted a public hearing and determined:
- The Sweeney Master Planned Development is vested prior to the adoption of the Sensitive Land Overlay.
 - Although the Sensitive Land Overlay would apply to a substantive change, the Sensitive Land Overlay does not apply to the 220 King Property because a land use ordinance has not amended the original Sensitive Land Boundary, which does not include 200 King Road.
 - No determination regarding the Staff Sensitive Land Overlay is necessary because the regulations are not applicable per sections (a) and (b) above.

Conclusions of Law

- The appellants did not meet their burden to demonstrate the Planning Commission erred in applying the Land Management Code to the three applications.
- The Planning Commission correctly applied Land Management Code Chapter 15-7 and Sections 15-7.1-3(B), 15-1-10, 15-2.2-6, and 15-15-1.
- The Planning Commission correctly adopted reasonable conditions of approval to mitigate any adverse impacts of the approvals.

Conditions of Approval

- All Conditions of Approval from the Planning Commission Action Letters dated February 21, 2024 apply (attached as Exhibit A).

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,

DocuSigned by:

Adam Strachan

05AF9877B95E400...

7/22/2024

Adam Strachan, Appeal Panel Chair

A blue ink signature of Sarah Hall, consisting of a stylized 'S' followed by a series of loops and a final horizontal stroke.

Sarah Hall, Planning Commission Chair

July 21, 2025

BY EMAIL: REBECCA.WARD@PARKCITY.ORG

Rebecca Ward
Planning Director
Park City
4445 Marsac Avenue, PO BOX 1480
Park City, UT 84060

Re: Time Extension for Conditional Use Permits - PL-22-05318, PL-23-05523, and PL-2305571

Dear Ms. Ward,

This firm represents Pesky Porcupine, LLC ("PP"), the owner of the real property located at 220 King Road, Park City, Utah. PP previously obtained approval for Conditional Use Permits ("CUP Approvals") for: a) a single-family home (PL-22-05318), b) an outdoor pool (PL-23-05523), and c:) steep slopes (PL-23-05571). In addition, PP obtained approval for a plat amendment (PL-22- 05319), Second Amendment for the Lot 2, Phase 1 Treasure Hill Subdivision. The Final Action Letter for the plat and the CUP Approvals was issued on February 21, 2024. As you are aware, the CUP Approvals were appealed, and the action by the appeal authority has been subsequently appealed.

Pursuant to Park City Land Management Code §15-1-18.M the Hermann appeal to the appeal authority effected a suspension of the running of time periods. The Hermann appeal was formally rejected on July 22, 2024, as confirmed in the enclosed copy of the final action later dated 7 /22/24. As a result, pursuant to the aforementioned code provision, the one-year time period began to run from July 22, 2024. At this time, PP seeks an extension while the CUPs are under appeal before the district court in Summit County.

Pursuant to Park City Land Management Code §15-1-10.G the Planning Director may grant an extension of a Conditional Use Permit for one (1) year. There has been no change in circumstances that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in Section 15-1-10 (E), or other provisions of the Land Management Code. See LMC §15-1-10.G. PP has been active in seeking to move forward with the project by seeking HDDR approval, Final Plat approval, a demolition permit, building permits, and grading permit. However, these efforts have been affected by the district court appeal.

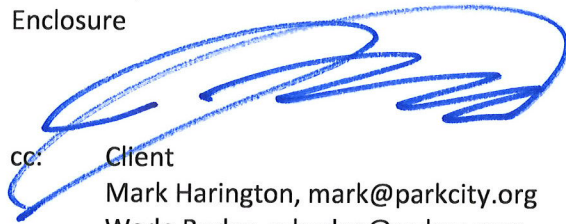
We thank you for time and attention to this matter. If you have any questions, please feel free to reach out to me or Wade Budge.

Very truly yours,

Snell & Wilmer

Jason Boal, AICP

Enclosure

A large, stylized handwritten signature in blue ink, likely belonging to Jason Boal, is written over the text.

cc:

Client

Mark Harington, mark@parkcity.org

Wade Budge, wbudge@swlaw.com

Planning Department Staff Report



Subject: 220 King Road
Application: PL-25-06646 (original CUP PL-22-05523)
Author: Elissa Martin, Planning Project Manager
Date: October 2, 2025
Type of Item: Extension of Conditional Use Permit

Recommendation

(I) Review the proposed Conditional Use Permit (CUP) Extension for a Private Recreation Facility (outdoor pool) at 220 King Road, Lot 2 of the Treasure Hill Subdivision, (II) conduct a public hearing, and (III) consider approving the CUP Extension for one year based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Pesky Porcupine, LLC
Represented by Wade Budge with the Law Offices of Snell & Wilmer

Location: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential-1-Master Planned Development (HR-1-MPD)

Adjacent Land Uses: Residential, Open Space

Reason for Review: The Planning Director reviews and takes final action on Extensions of Conditional Use Permits.¹

CUP Conditional Use Permit
HDDR Historic District Design Review
HR-1-MPD Historic Residential-1-Master Planned Development
LMC Land Management Code

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

Background

220 King Road is in the Sweeney Properties Master Planned Development (Sweeney Properties MPD), approved December 18, 1985, and amended on October 20, 1987, and the First Amended Lot 2, Phase 1, Treasure Hill Subdivision. On August 23, 1990,

¹ LMC [§ 15-1-10](#)

the City Council adopted Ordinance No. 90-24, zoning the property Historic Residential-1-Master Planned Development (HR-1-MPD).

Pursuant to Land Management Code (LMC) [§ 15-15-1 Definitions](#), an outdoor swimming pool is a Private Recreation Facility and pursuant to LMC [§ 15-2.2-2 Uses](#), a Private Recreation Facility is a conditional use in the HR-1 Zoning District.

On July 18, 2022, the applicant submitted a Conditional Use Permit (CUP) for an outdoor pool to be constructed at 220 King Road.

The 220 King Road SFD CUP Staff Report, Item 1.A in the October 2, 2025 Administrative Hearing packet is incorporated herein.

Please see Exhibit A, Final Action Letter, for Findings of Fact, Conclusions of Law, and Conditions of Approval.

Department Review

The Planning and Executive Departments reviewed this report.

Notice

For the September 4, 2025 Administrative Public Hearing, staff posted notice and published notice on the City's website on August 21, 2025, and mailed public notice postcards and posted notice to the property on August 20, 2025. On September 4, 2025 the Planning Director opened a public hearing and continued the item to the October 2, 2025 Administrative Public Hearing. For the October 2, 2025 Administrative Public Hearing, staff posted notice and published notice on the City's website on September 17, 2025. Staff mailed public notice postcards and posted notice to the property on September 17, 2025.²

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

The Planning Director may:

- Approve the CUP Extension.
- Deny the CUP Extension and direct staff to make Findings for the denial.
- Request additional information and continue the discussion to a date certain.

Exhibits

A: Draft Final Action Letter

B: February 21, 2024 Planning Commission Final Action Letter

C: July 22, 2024 Appeal Panel Final Action Letter

D: Applicant's Extension Request

² LMC [§ 15-1-10](#)



Planning Department

October 2, 2025

Pesky Porcupine, LLC

CC: Wade Budge with the Law Offices of Snell & Wilmer

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential-1-Master Planned Development (HR-1-MPD)

Application: Extension of Conditional Use Permit

Project Number: PL-25-06646 (Original CUP: PL-22-05523)

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: October 2, 2025

Project Summary: The Applicant seeks a one-year extension of the Conditional Use Permit approved on February 21, 2024, and upheld by the Appeal Panel on July 22, 2024, to construct a Private Recreation Facility (outdoor pool) in the HR-1-MPD Zoning District.

Action Taken

On October 2, 2025, the Planning Director conducted a public hearing and approved a one-year extension for the 220 King Road Conditional Use Permit (CUP) for a Private Recreation Facility (outdoor pool) in the Historic Residential-1-Master Planned Development (HR-1-MPD), according to the following findings of fact, conclusions of law, and conditions of approval:



Planning Department

Findings of Fact

1. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the "Amended Sweeney Properties MPD").
2. The Property is a 1.23-acre Lot platted as the First Amended Lot 2, Phase 1, Treasure Hill Subdivision.
3. Pursuant to Land Management Code (LMC) § 15-15-1 Definitions, an outdoor swimming pool is a Private Recreation Facility and pursuant to LMC § 15-2.2-2 Uses, a Private Recreation Facility is a conditional use in the HR-1 Zoning District.
4. The Applicant submitted a CUP application for a Private Recreation Facility (outdoor pool) on July 18, 2022.
5. On February 14, 2024, the Planning Commission conducted a public hearing and approved the CUP for a Private Recreation Facility (outdoor pool) in the HR-1-MPD Zoning District; the Planning Commission ratified the Final Action Letter approving the CUP on February 21, 2024.
6. On March 1, 2024, an appeal of the Planning Commission's approval was filed.
7. On April 30, 2024, the Appeal Panel denied the appeal of the CUP and remanded questions to the Planning Commission regarding the Sensitive Land Overlay (SLO).
8. On July 15, 2024, following the remand, the Appeal Panel considered the Final Action Letter Regarding the Appeal of 220 King Road and on July 22, 2024 the Appeal Panel ratified the Final Action Letter denying the appeal.
9. A Historic District Design Review (HDDR) application is also required for development in the HR-1-MPD Zoning District; the Applicant submitted an HDDR application on April 27, 2023.
10. On August 15, 2024, the Planning Director approved the HDDR application for development of an SFD at 220 King Road.
11. On August 26, 2024, the Applicant Appealed the Planning Director's Conditions of Approval 12 and 18 for the approval of the HDDR.
12. On August 29, 2024, an appeal of the Planning Director's Final Action to approve the HDDR application was submitted.
13. On November 12, 2024 the Board of Adjustment granted the appeal of the HDDR approval in part.
14. There are ongoing appeals regarding all prior Final Actions regarding the project, and additional litigation between the same parties regarding the Property.



Planning Department

15. Pursuant to LMC § 15-1-10(G) the Planning Director may grant an extension of a CUP for one additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in Section 15-1-10(E) or other provisions of the LMC in effect at the time of the extension request.
16. Pursuant to LMC § 15-1-18(M), upon the filing of an appeal, an approval granted under the LMC is suspended until the appeal body has acted on the appeal.
17. The Appeal Panel Chair issued the Final Action Letter on July 22, 2024; therefore, the one-year time to submit a CUP extension request in writing began to run from this date.
18. In accordance with LMC § 15-1-10(G), the Applicant submitted the written request for the CUP extension within one year of the Appeal Panel's rejection of the appeal, the Applicant proposes no changes to the original approval and requests additional time to complete the building permit. There have been no changes in circumstance, nor have there been any changes to the property or surroundings that would result in an unmitigated impact or a finding of noncompliance.

Conclusions of Law

1. The Conditional Use Permit Extension request complies with LMC § 15-1-10(G), *Conditional Use Permit Review, Expiration*.

Conditions of Approval

1. Development of an SFD at 220 King Road is subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Planning Commission Final Action letter, dated February 21, 2024, upheld by the Appeal Panel decision in the July 22, 2024 Final Action Letter.
2. If a building permit is not issued by July 22, 2026, and the Planning Commission has not approved another one-year extension, this approval shall expire and a new CUP application must be submitted and reviewed by the Planning Commission.

If you have questions or concerns regarding this Final Action Letter, please call (435)-699-7741 or email elissa.martin@parkcity.gov.

Sincerely,



Planning Department

Rebecca Ward, Planning Director

CC: Elissa Martin



February 21, 2024

Pesky Porcupine, LLC

CC: Wade Budge with the Law Offices of Snell & Wilmer

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential – 1
Sensitive Land Overlay

Applications: PL-22-05318 – Conditional Use Permit, Single-Family Dwelling
PL-22-05319 – Plat Amendment
PL-23-05523 – Outdoor Pool
PL-23-05571 – Steep Slope Conditional Use Permit

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: February 21, 2024

Project Summary: The Applicant proposes to demolish a 4,235-square-foot Single-Family Dwelling and 4,189-square-foot Guest House, to construct a:

- A Single-Family Dwelling with:
 - Approximately 7,461 square feet of finished space.
 - Approximately 5,898 square feet of unfinished space.
 - Approximately 1,690 square feet of terrace/patio area.
- A 1,103-square-foot Accessory Building.
- A 243-square-foot Swim Spa.
- A 4,794-square-foot Underground Parking Area.

The Applicant proposes to amend Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, and shift Plat Note 9 (Precedence) to Plat Note 1 and add Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision, and to shift the Building Area Limits to accommodate the proposed project.

Action Taken

On February 14, 2024, the Planning Commission conducted a public hearing and approved the Second Amendment for Lot 2, Phase 1, Treasure Hill Subdivision, amending Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, shifting Plat Note 9 (Precedence) to Plat Note 1 and adding Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision, and shifting the Building Area Limits to accommodate the proposed project. The Planning Commission conducted a public hearing and approved the Conditional Use Permit for a Single-Family Dwelling and Outdoor Pool and the Steep Slope Conditional Use Permit for the project according to the following findings of fact, conclusions of law, and conditions of approval:

The January 24, 2024 and February 14, 2024 staff reports and meeting minutes are incorporated herein.

Plat Amendment **File No. PL-22-05318**

Findings of Fact

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

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

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

4. The Property is currently being used for one single-family residence and one guest house that the Applicant intends to demolish to construct a new single residence.

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

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

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

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

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

10. The Planning Commission expressly finds this approval is limited to the Amended Plat of the Amended Sweeney Properties Master Planned Development, and as such shall not create any precedent nor interpretation of general applicability in the Historic Residential-1 Zoning District, for current Land Management Code regulations, or other plat amendments.

Additional Findings

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

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

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

- ii. Exterior walkways;
- iii. Exterior stairs; and
- iv. Driveways.

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

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

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

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

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

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

- i. The Amended Plat resolves an existing non-conformity as the two residential units constructed on a single lot will be demolished in favor of a single residential unit on a single lot.

- ii. The Amended Plat preserves the character of the neighborhood and Park City as the Amended Plat is more consistent with the Amended Sweeney Properties MPD approval.
 - iii. Reducing the buildable area and relocating a portion of the buildable area will reduce the visual impact of the Property's development. This is consistent with best planning and design practices.
 - iv. The Amended Plat facilitates the construction of a single residence in place of one residence and one guest house that are presently used as short-term rentals. Demolishing the two existing short-term rentals reduces the overall density of the area, alleviates traffic, decreases utility usage, minimizes noise and light pollution, and is more consistent with neighboring uses.
 - v. The Amended Plat facilitates the termination of the existing short-term rentals. This furthers the health, safety, and welfare of the Park City community as it will decrease the number of unknown persons in the community and increase the overall sense of community by housing long-term residents.
- f. The Amended Plat includes all existing public streets and municipal utility easements and does not propose to vacate or amend the same.

Conclusion

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

Conditions of Approval

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

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**Exhibit B
Amended Plat Notes**

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

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

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

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

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

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

SUCH DISTURBED AREA SHALL BE REVEGETATED WITH NATIVE LANDSCAPING.

5. HEIGHT. THE BUILDING HEIGHT SHALL BE MEASURED FROM EXISTING GRADE TO THE TOP OF THE FLAT ROOFS AND TO THE RIDGE OF PITCHED ROOFS. THE MAXIMUM HEIGHT, IN GENERAL, SHALL BE TWENTY -FIVE (25) FEET FOR FLAT ROOFS AND THIRTY (30) FEET FOR PITCHED ROOFS. A MAXIMUM HEIGHT OF TWENTY EIGHT (28) FEET FOR FLAT ROOFS AND THIRTY-THREE (33) FEET FOR PITCHED ROOFS SHALL BE PERMITTED FOR THE EXPRESSED PURPOSE OF ACCOMMODATING ACCESS AND LIGHT FEATURES NO GREATER THAN 24 FEET IN LENGTH, I.E. STAIRWELLS AND/OR ELEVATORS, BETWEEN FLOOR LEVELS. IN ACCORDANCE WITH THE SWEENEY MPD, WHICH WAS APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986, AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992, BUILDING HEIGHT SHALL ONLY BE MEASURED AS OUTLINED IN THIS PLAT NOTE #4.

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

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

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

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

10. EXTERIOR LIGHTING. ALL EXTERIOR LIGHTING SHALL BE DOWN DIRECTED AND FULLY SHIELDED WITH BULBS 3,000 DEGREES KELVIN OR LESS. FLOOD LIGHTS ARE PROHIBITED. OUTDOOR LIGHTS SHALL NOT BE INSTALLED MORE THAN 12 FEET ABOVE EXISTING GRADE. GROUND-LEVEL FIXTURES SHALL BE FULLY SHIELDED.

11. GLAZING. SIXTY PERCENT (60%) OF THE EASTERN FACING FAÇADE IS PERMITTED TO BE GLAZING AND LIGHTING IMPACTS FROM THE EASTERN

FACING FAÇADE SHALL BE MITIGATED BY INTERIOR FIXTURES DESIGNED TO MINIMIZE DIRECT VISIBILITY OF THE LIGHTING ELEMENT FROM RESIDENCES WITHIN 1/3 MILE OF THE RESIDENCE.

12. CONTINGENT UPON A STEEP SLOPE CONDITIONAL USE PERMIT APPROVAL BY THE PLANNING COMMISSION, DETACHED BELOW GRADE ACCESSORY BUILDINGS. BELOW GRADE ACCESSORY BUILDINGS ARE PERMITTED WITHIN THE BUILDABLE AREA. THE FOOTPRINT OF A DETACHED BELOW GRADE ACCESSORY BUILDING DOES NOT COUNT TOWARDS THE FOOTPRINT AREA OF THE DWELLING AS ALLOWED IN NOTE #1.

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

Conditional Use
File No. PL-22-05319
File No. PL-23-05523
[220 King Residence and Outdoor Pool]

Findings of Fact

1. On July 18, 2022 the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).
2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder’s Office (“Treasure Hill Subdivision Plat”), as amended.
3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City’s staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.
4. The Property is currently being used for one single-family residence and one guest house, that the Applicant intends to demolish to construct the new Residence.

The existing single-family residence and guest home have been used for short-term rentals.

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

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

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

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

Additional Findings

9. The Planning Commission, as the land use authority, finds that the proposed Residence CUP is in compliance with the standards in LMC § 15-1-10.E, as applied pursuant to the Amended Sweeney Properties MPD. Specifically, the Residence:

a. As applied pursuant to the Amended Sweeney Properties MPD, is an appropriate size and location for the Property. See LMC § 15-1-10.E.1 This finding is supported further as follows:

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

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

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

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

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

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

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

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

ii. The Residence will decrease utility usage by utilizing more efficient construction materials and by replacing one existing home and one existing guest house used as short-term rentals.

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

d. Provides adequate emergency vehicle access. See LMC § 15-1-10.E.4. Specifically, the Residence has been designed to meet all emergency vehicle access and driveway slope requirements as set forth in the LMC, including by providing a fire turnaround in the underground parking area.

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

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

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

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

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

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

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

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

h. As applied pursuant to the Amended Sweeney Properties MPD, is appropriately massed, bulked, and oriented, on the site. See LMC § 15-1-10.E.8. This finding is supported as follow:

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

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

iii. The Residence meets the height limitation stated on the second amended subdivision plat.

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

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

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

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

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

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

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

- i. The site is already adequately graded to support the existing houses and minimal additional grading will be required for the Residence.
- ii. For the reasons discussed below, a steep slope conditional use permit will be issued for the very steep slope disturbance.

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

- i. The existing houses to be demolished are not historically significant.
- ii. The proposed design of the Residence is consistent with the design criteria contemplated by the Amended Sweeney Properties MPD approval.

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

11. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result

from the proposed use. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the Residence.

Conclusion

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

Conditions

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

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

B. The Applicant is responsible for notifying the Planning and Building Departments prior to proposing any changes to this approval. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for planning review and approval/denial in accordance with the applicable standards prior to construction. Unfinished space indicated on plan sheets A2.10 and A2.20 of the approved plan set is limited to concrete floors, utilities, mechanical equipment, and storage. Future modifications to this unfinished space shall be reviewed by the Planning Commission in accordance with the Conditional Use Permit process.

C. The current access point of King Road must be maintained, and no new access points are allowed. The driveway width within the platted easement on 200 King Road and within the setbacks required for 220 King Road shall not exceed 12 feet in width, unless required by the Park City Fire District to accommodate turning radius and emergency vehicles.

D. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning

Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

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

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

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

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

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

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

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

L. No additional fencing is permitted without further approval by the Park City Planning and Building Departments.

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

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

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

P. The proposed residence's roof shall be consistent with the plans approved by the Planning Commission on February 14, 2024, and attached as Exhibit D.

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

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

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

T. Any areas disturbed during construction shall be restored to the original state after the proposed residence, accessory building and structures, and retaining walls are completed.

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

V. All exterior lighting shall be down directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property and shall comply with the City’s outdoor lighting code per LMC § 15-5-5(J). Flood lights are prohibited. Fully Shielded outdoor lights shall not exceed 12 feet above Existing Grade. Ground-level fixtures shall be Fully Shielded. Final lighting details must be reviewed by Planning Staff prior to installation.

W. All proposed mechanical equipment, the pool, and/or a hot tub shall be screened. Any hot tub installation is prohibited on east façade decks or terraces.

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

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

Z. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.

AA. The Applicant shall demonstrate the proposed metal siding and roofing materials have a Solar Reflectivity Index (SRI) of 35 or less prior to the submittal of a building permit.

BB. Prior to submittal of a Building Permit, the Applicant shall submit for

review the excavation and grading plans for Engineering Department review and approval to ensure no additional erosion, land subsidence, or avalanche hazard is created.

CC. Cuts, fills, and retaining walls shall be minimized.

DD. The Applicant shall demonstrate compliance with Municipal Code of Park City Chapter 11-21 Utah Wildland-Urban Interface Code at the time of Building Permit submittal.

EE. The Applicant shall demonstrate adequate turnaround to allow a fire apparatus to maneuver to and from the site as approved by the Park City Fire District prior to submitting a Building Permit. The Applicant shall provide a fire hydrant within 600 feet of the proposed development.

FF. The Applicant should upsize the existing service line to provide adequate pressure to the additional living area and fire sprinkler system. Please note the City operates substantial water lines to the west of the proposed dwelling.

GG. To conduct construction across the neighboring 200 King Road property, including any additional width required to accommodate the installed improvements, all work shall be limited to the limits of the platted easement. The applicant shall submit required approvals for any work or structures proposed outside of the easement at 200 King Road.

HH. Glazing on the east façade shall comply with the Second Amendment for the Lot 2 Phase 1 Treasure Hill Subdivision plat notes. Vinyl and aluminum doors and windows are prohibited. Window and door details shall be reviewed and approved through the Historic District Design Review process.

II. The Applicant's stormwater mitigation plan shall be reviewed and approved by the Engineering Department prior to building permit submittal.

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

Findings of Fact

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

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

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

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

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

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

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

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

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

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

Additional Findings

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

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

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

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

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

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

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

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

h. Are consistent with the applicable volume limitations. See LMC § 15-2.2-6.B.8.

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

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

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

Conclusion

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

Conditions

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

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

KK. The driveway to the proposed residence shall not exceed 12 feet in width unless required by Park City Fire District for emergency vehicle turning radius and access, shall not exceed a 14% grade, and must comply with LMC § 15-3-3(A)(4).

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

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

NN. Applicant shall maintain vegetative screening in accordance with

the submitted vegetation plan to reduce the visibility of retaining walls and landscaping and berming shall reduce the visibility of the east façade glazing.

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

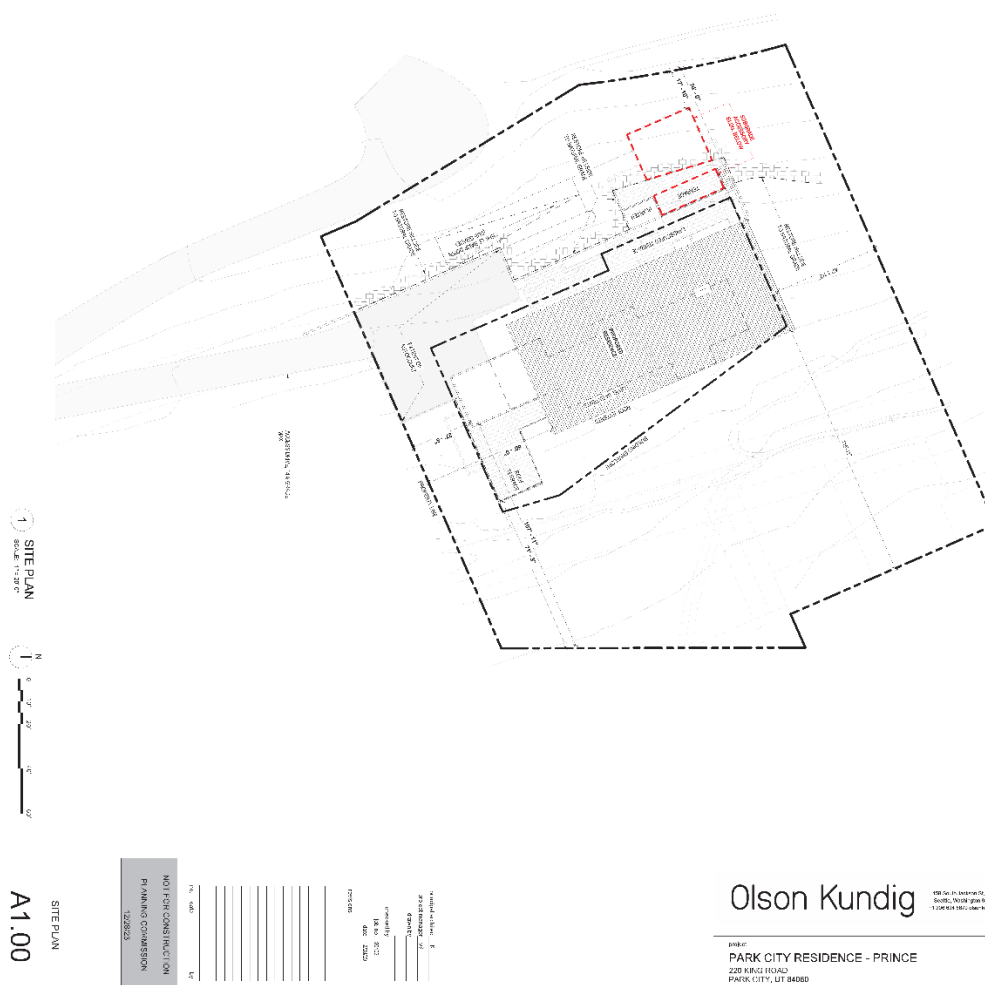
PP. Structures on the Property shall conform to the HR-1 setbacks set forth in LMC § 15-2.2-3. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

QQ. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

RR. The Applicant shall provide elevation drawings of all segments of the Accessory Buildings that have an exposed face to Planning staff for review as part of the Historic District Design Review process.

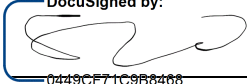
Exhibit C

Site Plan



If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5060 or email planning@parkcity.org.

Sincerely,

DocuSigned by:

0449CF71C9B8408...

2/24/2024

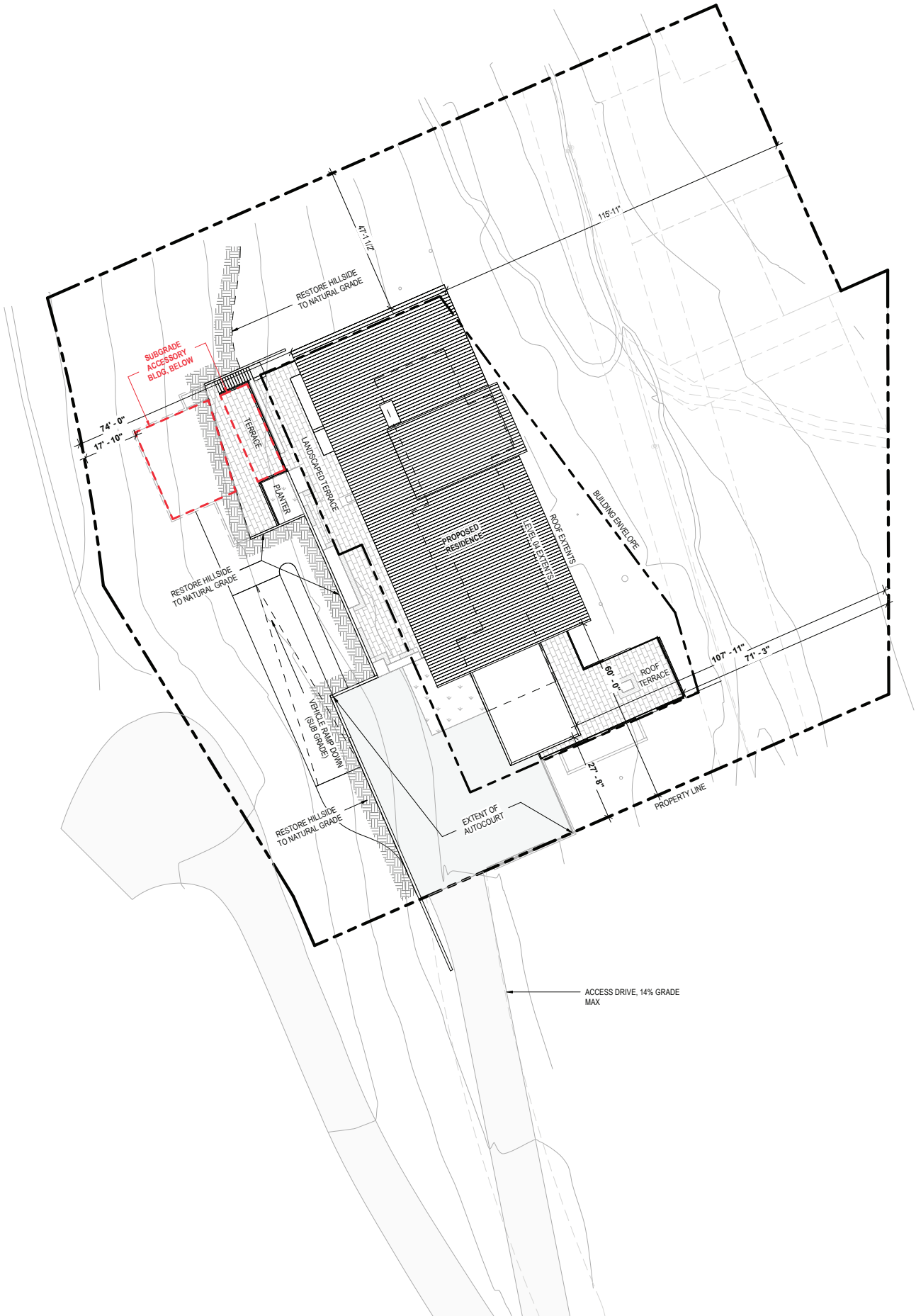
Sarah Hall, Planning Commission Chair

CC: Rebecca Ward, Planning Director
Caitlyn Tubbs, Senior Historic Preservation Planner

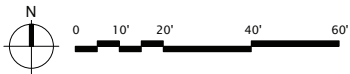
Exhibit D – Approved Plans

Building Diagrams

Approved 2-14-2024



1 SITE PLAN
SCALE: 1" = 20'-0"



159 South Jackson St, Suite 600
Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

project:
PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by _____
checked by _____
job no. 20102
date 12/28/23

revisions:

no. date by

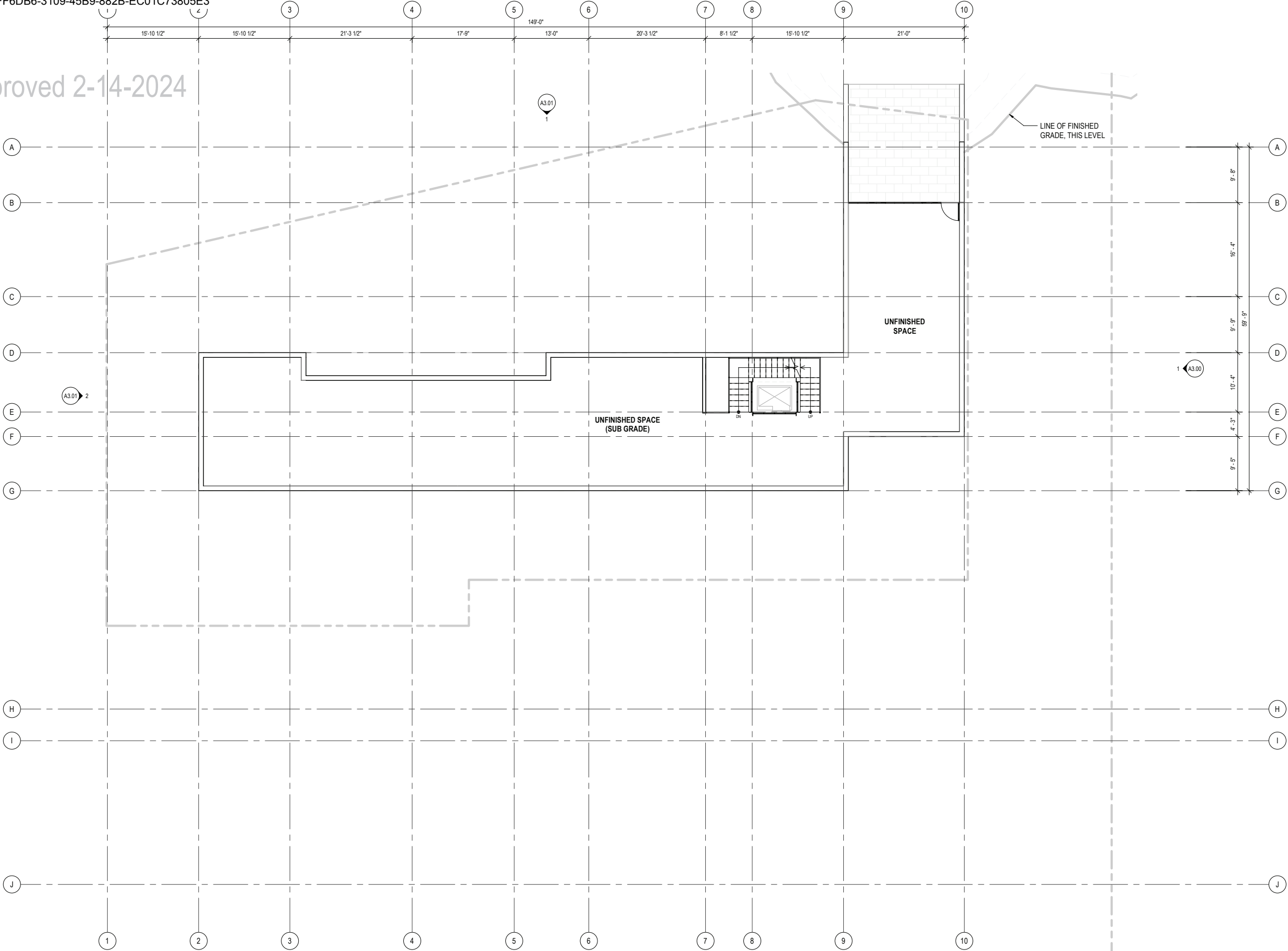
NOT FOR CONSTRUCTION
PLANNING COMMISSION
12/28/23

SITE PLAN

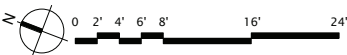
A1.00



Approved 2-14-2024



1 LEVEL 01 PLAN
SCALE: 1/8" = 1'-0"



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Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

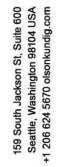
project:
PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by
checked by
job no. 20102
date 12/28/23
revisions:
no. date by

NOT FOR CONSTRUCTION
PLANNING COMMISSION
12/28/23

PLAN - LEVEL 01

A2.10



Olson Kundig

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by _____
checked by _____
job no. 20102
date 12/28/23

Revisions:

no.	date	by
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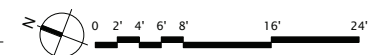
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PLANNING COMMISSION

2/28/23

PLAN - LEVEL 02

A2.20



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220 KING ROAD
PARK CITY, UT 84060

Revisions:

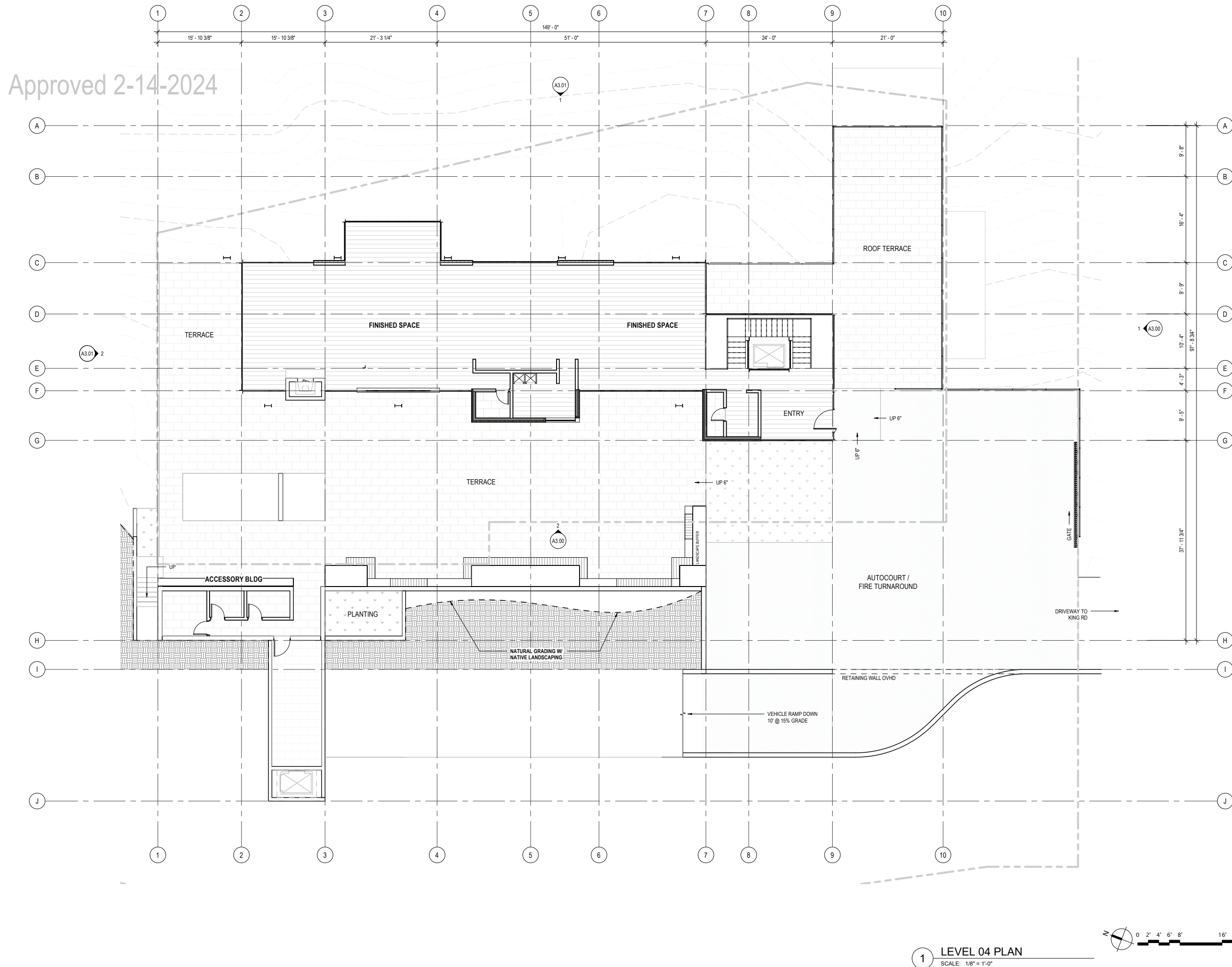
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2/28/23

PLAN - LEVEL 03

A2.30



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+1 206 624 5670 olsonkundlig.com

Olson Kundig

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by Author
checked by _____
job no. 20102
date 12/28/23

Revisions:

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no. date by

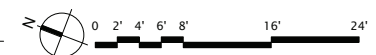
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PLANNING COMMISSION

2/28/23

PLAN - LEVEL 04

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PARK CITY RESIDENCE - PRINCE
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PARK CITY, UT 84060

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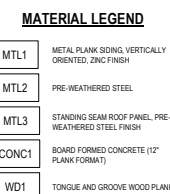
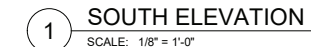
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PLANNING COMMISSION

2/28/23

PLAN - LEVEL 05

A2.50



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project: **PARK CITY RESIDENCE - PRINCE**
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by
checked by
job no. 20102
date 12/28/23
revisions:

no. date by

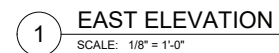
NOT FOR CONSTRUCTION

PLANNING COMMISSION

12/28/23

EXTERIOR ELEVATIONS

A3.00



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Olson Kundig

project: **PARK CITY RESIDENCE - PRINCE**
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by _____
checked by _____
job no. 20102
date 12/28/23
revisions:

NOT FOR CONSTRUCTION
PLANNING COMMISSION
12/28/23

EXTERIOR ELEVATIONS

A3.01

Approved 2-14-2024



Approved 2-14-2024



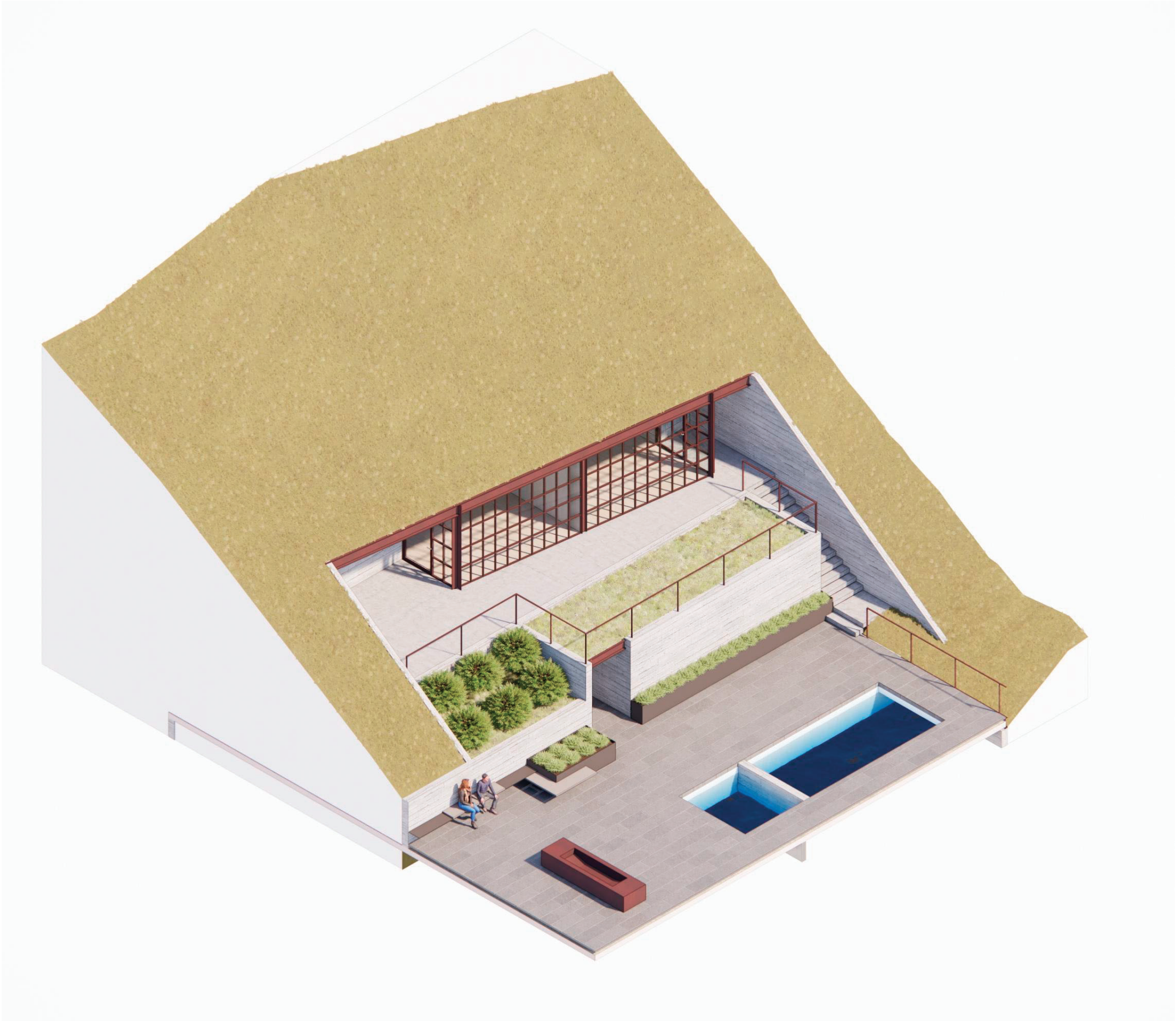
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Approved 2-14-2024

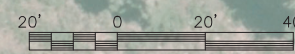


Approved 2-14-2024



Grading Plan

Approved 2-14-2024



(435) 649-9467

STAFF:
CONNOR DINSMORE
SACHITH MUNASINGHE

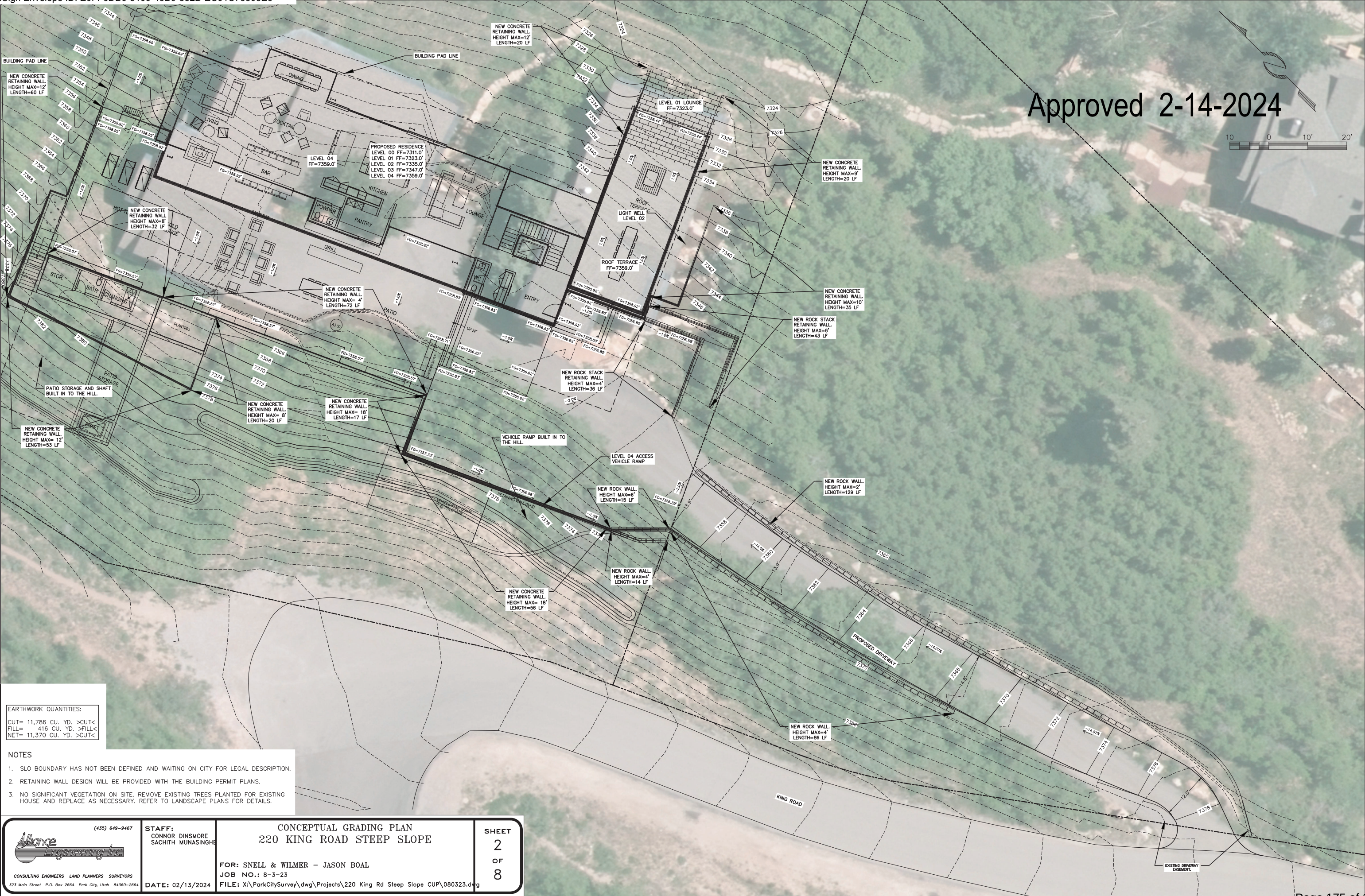
EXISTING CONDITIONS
220 KING ROAD STEEP SLOPE

SHEET
1
OF
8

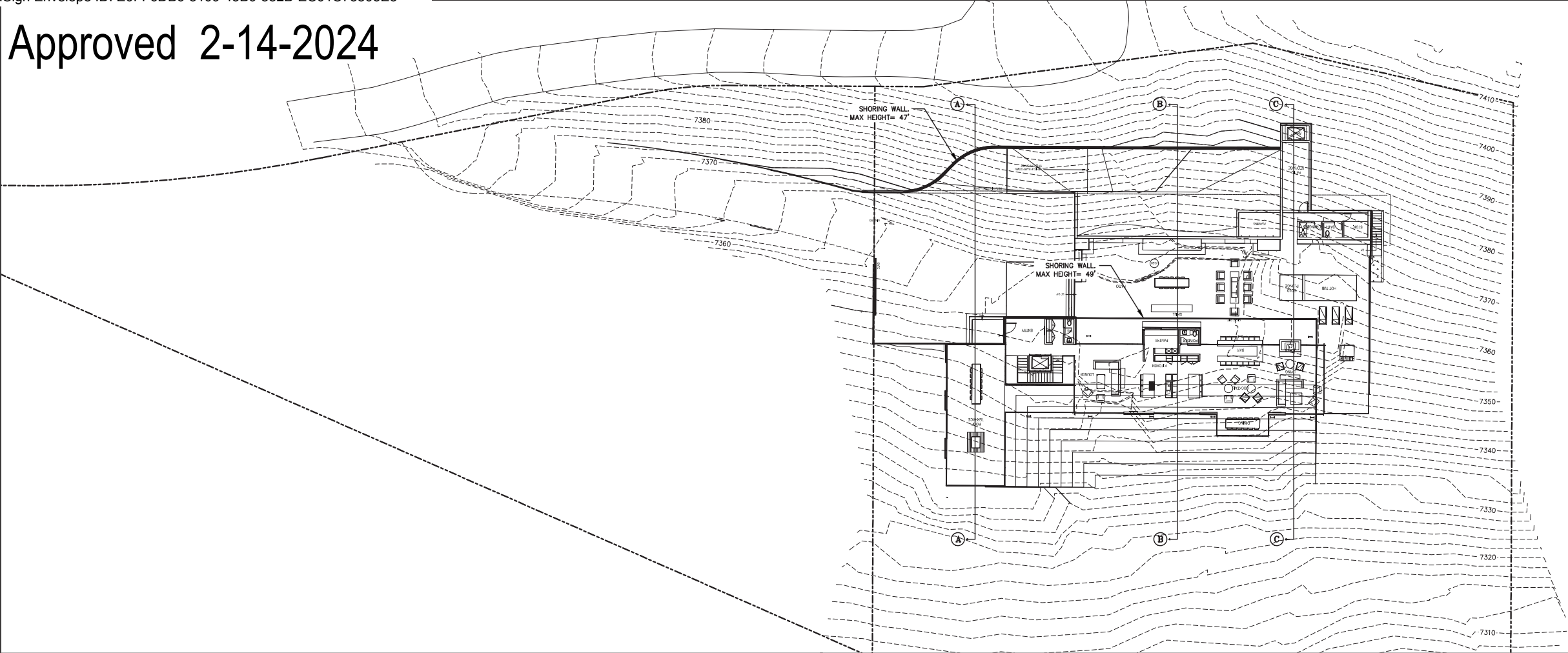
FOR: SNELL & WILMER - JASON BOAL
JOB NO.: 8-3-23
FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg

DATE: 02/13/2024

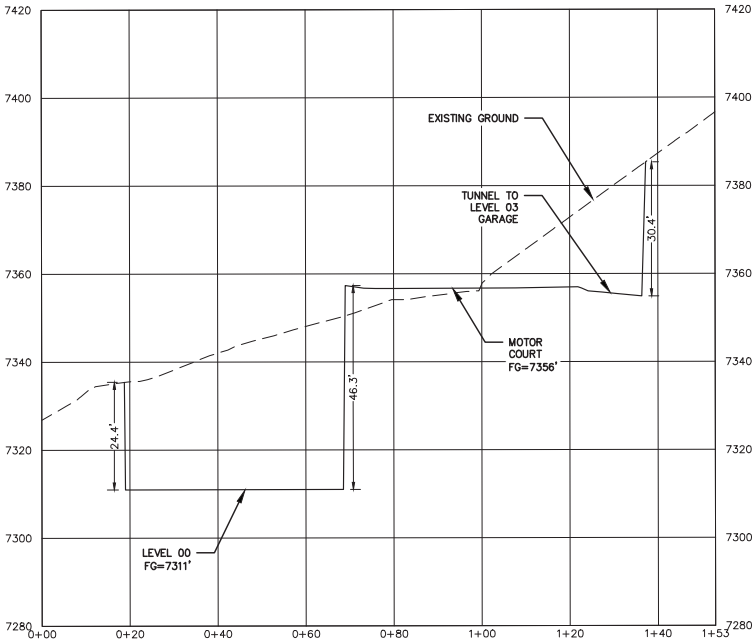
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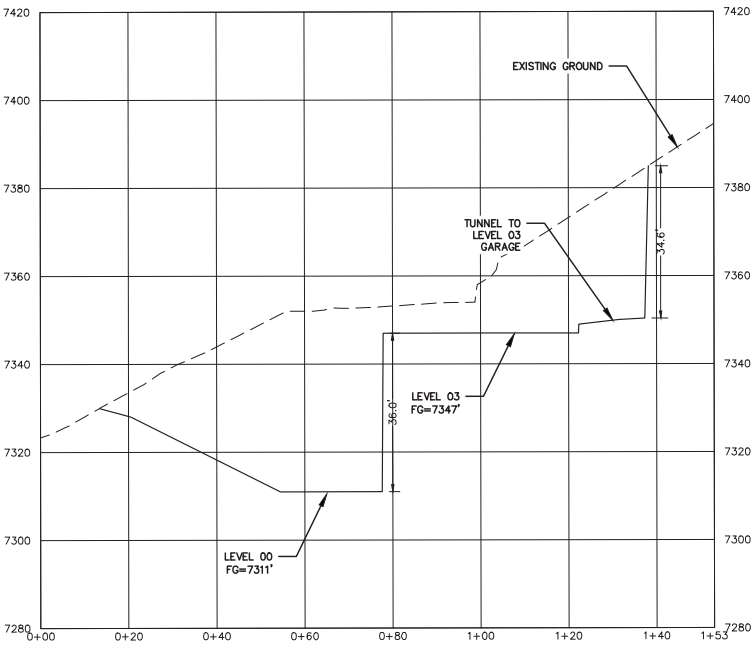
Approved 2-14-2024



SECTION "A-A"

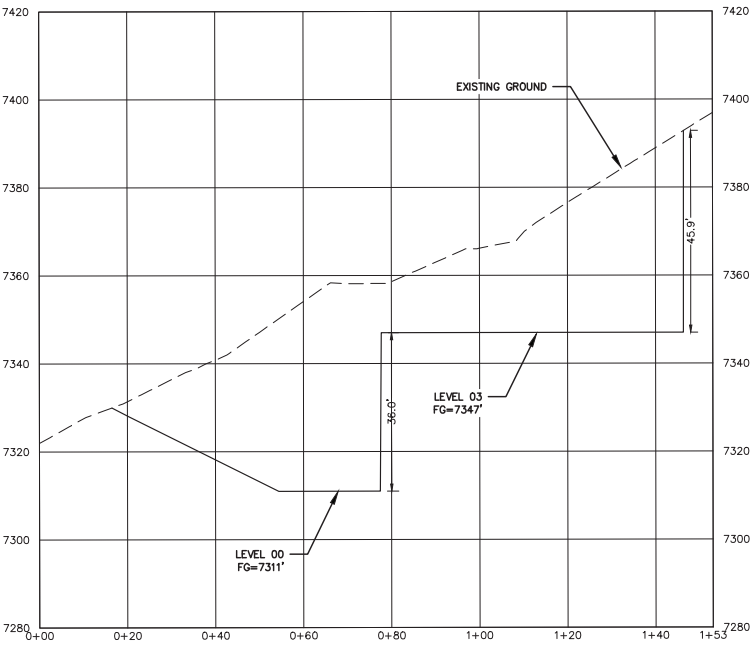


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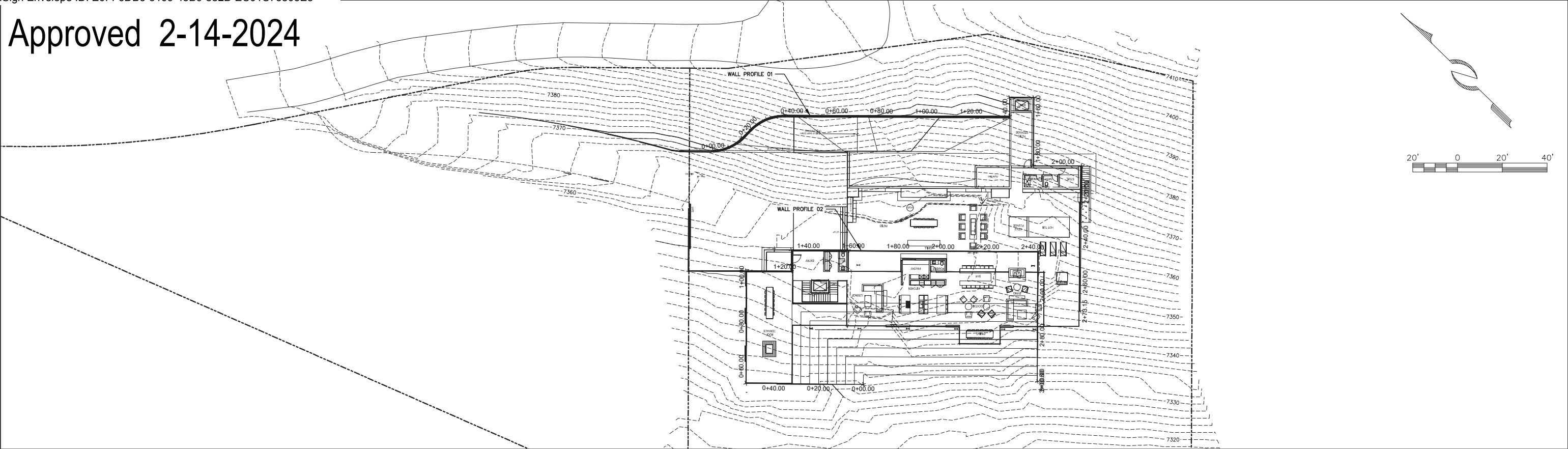
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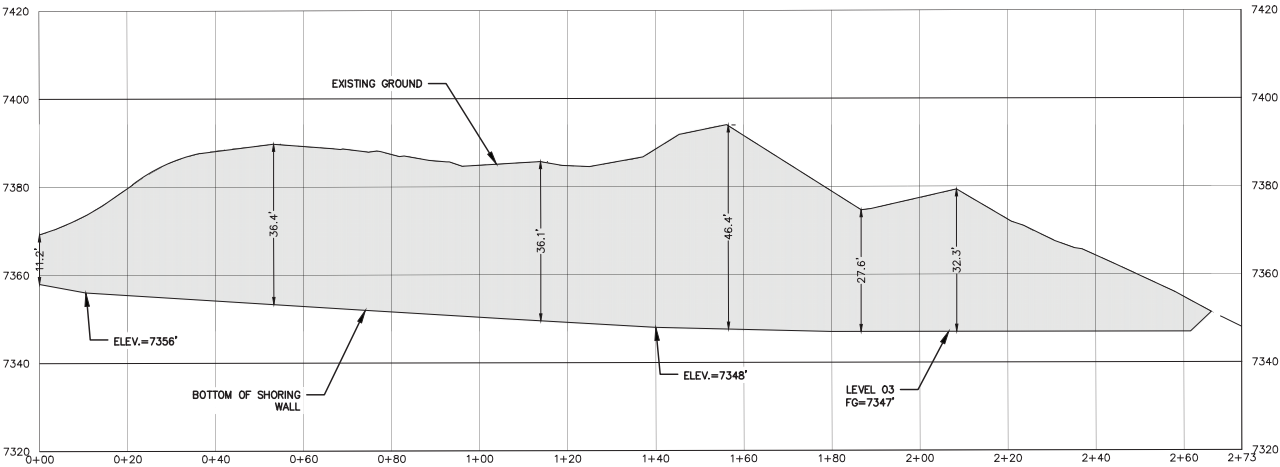


 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	EXCAVATION SECTION VIEW 220 KING ROAD STEEP SLOPE	SHEET 7 OF 8
	DATE: 02/13/2024	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg		

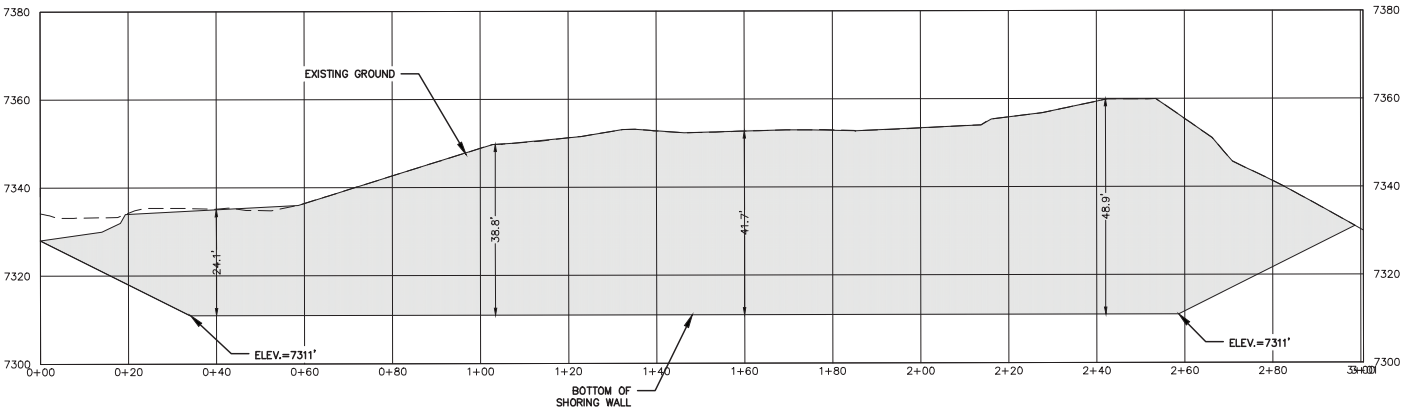
Approved 2-14-2024



WALL PROFILE 01



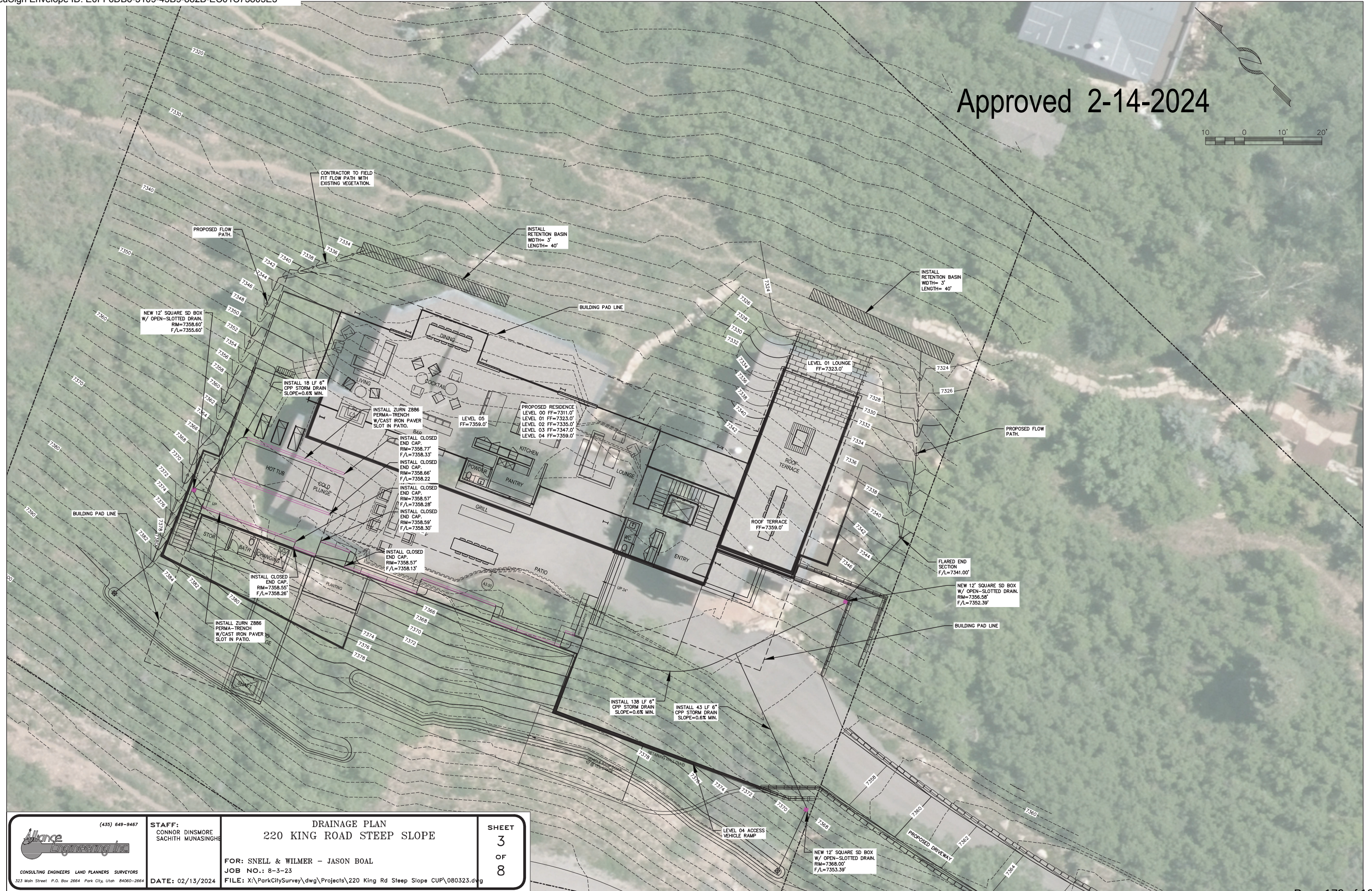
WALL PROFILE 02



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	PLAN AND PROFILE OF THE SHORING WALL 220 KING ROAD STEEP SLOPE	SHEET 8 OF 8
	DATE: 02/13/2024	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg		

Drainage Plan

Approved 2-14-2024



(435) 649-9467

STAFF:
CONNOR DINSMORE
SACHITH MUNASINGHE

DRAINAGE PLAN
220 KING ROAD STEEP SLOPE

SHEET
3
OF
8

FOR: SNELL & WILMER - JASON BOAL

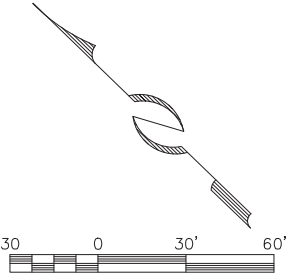
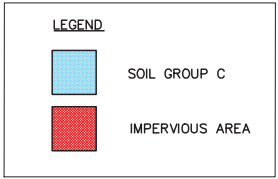
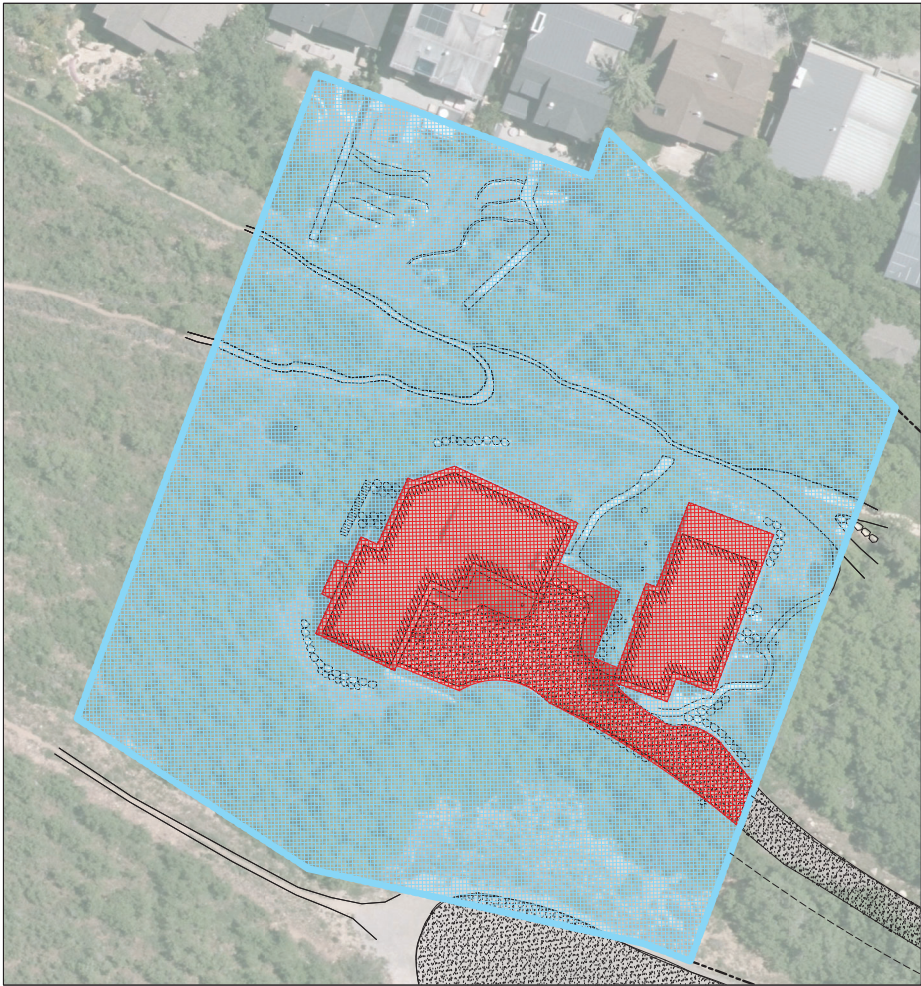
JOB NO.: 8-3-23

DATE: 02/13/2024

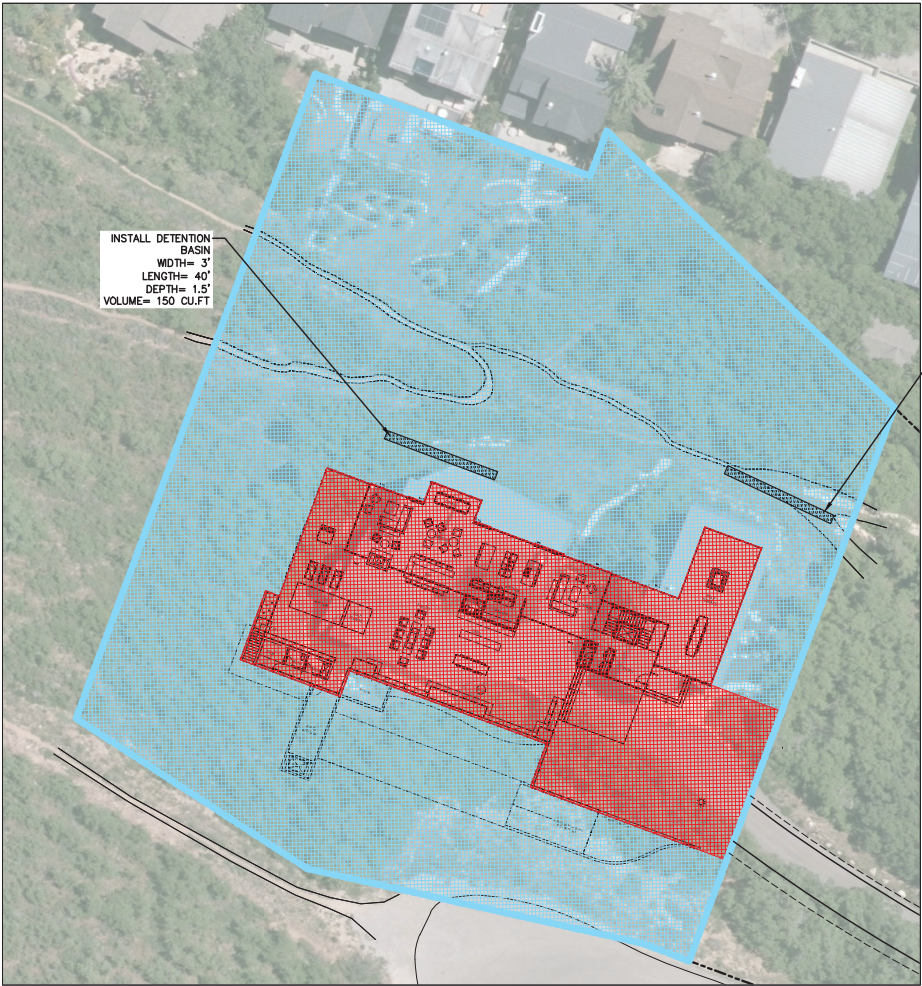
FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



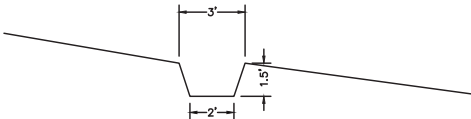
Approved 2-14-2024



INSTALL DETENTION BASIN
WIDTH= 3'
LENGTH= 40'
DEPTH= 1.5'
VOLUME= 150 CU.FT

INSTALL DETENTION BASIN
WIDTH= 3'
LENGTH= 40'
DEPTH= 1.5'
VOLUME= 150 CU.FT

TYPICAL STORMWATER
DETENTION POND
CROSS-SECTION



STORMWATER DETENTION REQUIRED = 232 CU. FT.
STORMWATER DETENTION PROVIDED = 300 CU. FT.

NOTES:

1. PEAK RUNOFF VOLUME OF 232 CU. FT. IS TO BE 100% DETAINED IN PROPOSED POND. THE DIMENSIONS OF THE DETENTION BASIN IS NOTED ON THE ABOVE PLAN. CUMULATIVE DETENTION VOLUME = 300 CU. FT.
2. OUTLET ROOF DRAINS SO THAT THE STORM WATER FLOWS FROM HOUSE DOWN GRADING AND INTO DETENTION BASIN.
3. STORMWATER DETENTION POND ALIGNMENT MAY VARY, FOLLOW EXISTING CONTOUR.
4. THE DETENTION POND HAVE BEEN SIZED TO DETAIN 100% OF THE WATER QUALITY VOLUME (PER SUMMIT COUNTY ORDINANCE NO. 381-A, APPENDIX F) MEETING THE COUNTY REQUIREMENTS FOR TSS REMOVAL AND GROUNDWATER RECHARGE.

WATER QUALITY VOLUME CALCULATIONS							
ASSUMPTIONS		PRE-DEVELOPMENT WATER QUALITY VOLUME				GROUNDWATER RECHARGE VOLUME	
METHOD OF ANALYSIS: $WQ_v = CITA$ DESIGN STORM: 90TH PERCENTILE EVENT NOTE: INTENSITY = 0.60 IN/HR PER SUMMIT COUNTY MS4.		AREAS FOR WEIGHT AVERAGE "C":				$\Delta WQ_v =$ 130 CU FT	
VARIABLES		SLOPE		HYDROLOGIC SOIL GROUP			
				A	B	C	D
$Q =$ RUNOFF FLOWRATE [CUBIC FEET/SEC]		FLAT (0-2%)					
$C =$ RUNOFF COEFFICIENT		AVERAGE (2-6%)					
(WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE)		STEEP (>6%)				45,298	
RUNOFF COEFFICIENTS "C":		SURFACING		PERVIOUS		IMPERVIOUS	
		HARDSCAPE				8,509	
				$A =$ 53,807 FT ²			
				$C =$ 0,37			
				$i =$ 0,05 FT/HR		$\Delta WQ_v =$ 1,005 CU FT	
				$t =$ 1,00 HR			
		POST-DEVELOPMENT WATER QUALITY VOLUME					
		AREAS FOR WEIGHT AVERAGE "C":					
		SLOPE		HYDROLOGIC SOIL GROUP			
				A	B	C	D
		FLAT (0-2%)					
		AVERAGE (2-6%)					
		STEEP (>6%)				41,322	
		SURFACING		PERVIOUS		IMPERVIOUS	
		HARDSCAPE				12,485	
				$A =$ 53,807 FT ²			
				$C =$ 0,42			
				$i =$ 0,05 FT/HR		$\Delta WQ_v =$ 1,135 CU FT	
				$t =$ 1,00 HR			

PEAK RUNOFF CALCULATIONS						
ASSUMPTIONS		PRE-DEVELOPMENT PEAK DISCHARGE			EXCESS RUNOFF STORAGE VOLUME	
METHOD OF ANALYSIS: RATIONAL METHOD $Q=CIA$		AREAS FOR WEIGHT AVERAGE "C":			$\Delta Q=$	0,39 CFS
STORM RETURN PERIOD: 100 YEARS					$t=$	600 SEC.
NOTE: FOR THE 100 YR RECURRENT INTERVAL, THE COMPOSITE "C" VALUE IS ADJUSTED BY A FACTOR OF 1.25 BEFORE COMPUTING Q.					$V=$	232 CU FT
STORM DURATION: 10 MIN.						
SOURCE: NOAA ATLAS 14 - PARK CITY RADIO STATION 42-6648						
VARIABLES						
Q = RUNOFF FLOWRATE [CUBIC FEET/SEC]						
C = RUNOFF COEFFICIENT						
(WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE)						
RUNOFF COEFFICIENTS "C":						

Landscape/Vegetation Plan



principal architect TK
project manager SG
drawn by
Author
checked by Checker
job no. 20102
date 12/28/23

revisions:

revisions:

[illegible]

no.	date	by
-----	------	----

NOT FOR CONSTRUCTION

PLANNING COMMISSION

12/28/23

SITE PLAN - LANDSCAPE

A1.03

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TREES					
ABBR.	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	
 --- PT-1	<i>Populus tremuloides</i>	Quaking Aspen	1 1/2" CAL	32	
 --- PT-2	<i>Populus tremuloides</i>	Quaking Aspen	4" CAL	9	
 --- AC	<i>Abies concolor</i>	White Fir	#65 (7FT TALL)	55	
 --- PM	<i>Pseudotsuga menziesii</i>	Douglas Fir	4" CAL, #95/100	16	
 --- SA	(mixed native species)	Sapling	#5	TBD	

SHRUBS				
ABBR.	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
⊕ - QB	<i>Quercus gambelii</i>	Colorado Scrub Oak	#10	30

GRASS AND PERENNIAL				
TYPE	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
	NATIVE GRASS MIX		1 GAL	7,591 S
	<i>Festuca ovina</i>	Sheep Fescue		
	<i>Bouteloua gracilis</i>	Blue Grama Grass		
	<i>Bouteloua curtipendula</i>	Sideoats Grama		
	<i>Artemisia tridentata</i> var. <i>vaseyana</i>	Vasey's Sagebrush		
	<i>Penstemon strictus</i>	Rocky Mountain Penstemon		
	<i>Achillea millefolium</i>	Common Yarrow		

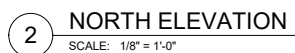
	NATIVE PARTIAL SHADE MIX	1 GAL	7,637 S
	<i>Festuca ovina</i>	Sheep Fescue	
	<i>Stipa hymenoides</i>	Indian Rice Grass	
	<i>Leymus cinereus</i>	Great Basin Rye	
	<i>Machaeranthera tanacetifolia</i>	Tahoka Daisy	
	<i>Geranium viscosissimum</i>	Wild Geranium	
	<i>Sphaeralcea grossularifolia</i>	Globeamallow	

 NATIVE RE-VEGETATION SEEDING MIX HYDROSEEDING 1,647 S

	BUILDING FOOTPRINT
	CONCRETE PAD ON GRADE
	STONE PAVER
	CONCRETE RETAINING WALL
	SNOW STORAGE
	PROPERTY LINE
	SUBGRADE STRUCTURE
	OVERHANG
	EXISTING CONTOURS
	PROPOSED 2FT CONTOURS
	PROPOSED 10FT CONTOURS

NOTE:

1. SEE SURVEY FOR MORE INFORMATION ON EXISTING VEGETATION AND TREES.
2. CONTRACTOR TO CONFIRM EXISTING TREES AND NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES BETWEEN THE PLAN AND THE EXISTING CONDITIONS BEFORE STARTING WORK.
3. CONTACT LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE PRIOR TO REMOVAL.
4. HARVEST AND PRESERVE TOPSOIL FROM DISTURBED AREAS FOR RE-VEGETATION. ANY EXPOSED OR DISTURBED SLOPE SHALL BE RE-VEGETATED.
5. IMPORTED SOIL MUST BE OF A QUALITY TO SUPPORT PLANT GROWTH.
6. FOLLOW HR-1 CODE FOR DEFINITION OF SIGNIFICANT VEGETATION.
7. PROTECT SIGNIFICANT VEGETATION BY TREE PROTECTION FENCING PROTECTION FENCE, 6'-0" SEMI-PERMANENT CHAINLINK, DRIVEN 2'-0" INTO THE GROUND. PLACE AT LIMITS OF TREE PROTECTION ZONES AND REMOVE AT THE END OF CONSTRUCTION.
8. PROTECTION FENCING SHALL NOT BE MOVED, REMOVED, OR ENTERED BY EQUIPMENT AND MAINTAINED IN GOOD REPAIR THROUGHOUT CONSTRUCTION.
9. APPLY BIODEGRADABLE NETTING AND EROSION CONTROL FOR SLOPES GREATER THAN 3:1
10. ANY APPLICATION OF HERBICIDE TREATMENT SHALL BE PER THE REGULATIONS OF LOCAL JURISDICTIONS, AND ENVIRONMENTAL REGULATORS.



159 South Jackson St, Suite 600
Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

project: **PARK CITY RESIDENCE - PRINCE**
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by _____
checked by _____
job no. 20102
date 12/28/23
revisions:

NOT FOR CONSTRUCTION

PLANNING COMMISSION

12/28/23

EXTERIOR ELEVATIONS

A3.01



Planning Department

July 15, 2024

Justin Keys
Hogan Lee Hutchinson

CC: Eric Hermann and Susan Fredston-Hermann
David Bennett
David Constable
Ed DeSisto
James Doilney
Martiena Lewis
Nicholas Schapper
Ginger Tolman
John Vrabel

NOTICE OF APPEAL PANEL ACTION

Description

Address:	220 King Road
Zoning District:	Historic Residential – 1 – Master Planned Development (HR-1-MPD)
Application:	Appeal
Project Number:	PL-24-06057
Action:	DENIED
Date of Final Action:	July 15, 2024
Project Summary:	Appeal of the Planning Commission's February 21, 2024 approval of a Conditional Use Permit and Steep Slope Conditional Use Permit to demolish an existing Single-Family Dwelling and Guest House to construct a new Single-Family Dwelling, Accessory Building, outdoor pool, and underground parking area, and to amend the Treasure Hill Subdivision Lot 2 Phase 1 First Amended Plat to remove a portion of the eastern Building Area Limits facing Old Town to shift the Building Area Limits to the west behind the Single-Family Dwelling with a 490-square-foot total increase.



Planning Department

Action Taken

On April 30, 2024, the Appeal Panel conducted a public hearing and voted to: a) deny the appeal of the Planning Commission's approval of the Conditional Use Permits and Steep Slope Conditional Use Permit; and b) remanded three questions to the Planning Commission regarding the Sensitive Land Overlay and the Plat Amendment. On June 26, 2024, the Planning Commission conducted a public hearing and issued their determination to the Appeal Panel regarding the Sensitive Land Overlay. The parties stipulated to a single Final Action Letter, from which any additional appeal to District Court would run. On July 15, 2024, the Appeal Panel ratified this Final Action Letter denying the appeal of the Planning Commission's approval of the 220 King Road Conditional Use Permits, Steep Slope Conditional Use Permit, and Plat Amendment according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. 220 King Road is a 1.23-acre lot with a Single-Family Dwelling built in 1998 and a Guest House built in 2000.
2. 220 King Road is Lot 2 of the Treasure Hill Subdivision Phase 1 First Amended Plat.
3. The Treasure Hill Subdivision is part of the Sweeney Master Planned Development.
4. On December 18, 1985, the Planning Commission approved the Sweeney Land Company Large Scale Master Planned Development, allocating 277 units of density through several locations in the Historic Districts and the Treasure Mountain area.
5. On October 14, 1987, the Planning Commission approved an amendment to the Sweeney Master Planned Development and reallocated 12 Unit Equivalents to accommodate extended ski trails.
6. The amended Sweeney Master Planned Development relocated two Unit Equivalents along King Road – 200 and 220 King Road. These two properties and five others became part of the eight-Lot Treasure Hill Subdivision, approved in three phases. 220 King Road is included in Phase I.
7. On August 23, 1990, the City Council adopted Ordinance No. 90-24, rezoning six of the Treasure Hill Lots, including 220 King Road, from Historic Residential – 1 to Historic Residential 1 – Master Planned Development (HR1-MPD).
8. The Applicant applied for a Conditional Use Permit to demolish the existing Single-Family Dwelling and Guest House at 220 King Road to construct a new



Planning Department

- Single-Family Dwelling (PL-22-05318), a Conditional Use Permit for an Outdoor Pool (PL-23-05523), and a Steep Slope Conditional Use Permit (PL-23-05571).
9. The Applicant applied for a Plat Amendment (PL-22-05318) to remove a portion of the eastern Building Area Limits facing Old Town to shift the Building Area Limits to the west behind the Single-Family Dwelling with a 490-square-foot total increase.
 10. On February 14, 2024, the Planning Commission conducted a public hearing and voted 4-2 to approve the Plat Amendment, and 3-3 to approve the Conditional Use Permits, with the Planning Commission Chair voting to approve, breaking the tie.
 11. On March 1, 2024, the Appellants appealed the Planning Commission's approval.
 12. On April 30, 2024, the Appeal Panel conducted a public hearing and determined:
 - a. the Appellants have standing and both letters were considered.
 - b. The Appellants failed to meet their burden of proving where the Planning Commission erred in applying the Land Management Code to the applications.
 - c. The Planning Commission decision does not alter the existing easement of record regarding the driveway access.
 - d. The Planning Commission properly determined the vesting of the Sweeney Master Plan regarding the calculation of height.
 - e. The Planning Commission properly determined reasonable Conditions of Approval to mitigate adverse impacts of the applications.
 13. The Appeal Panel remanded the following questions to the Planning Commission:
 - a. Whether the Sensitive Land Overlay applies due to Sweeney Master Planned Development vesting.
 - b. If the Sensitive Land Overlay Applies, whether it can bisect a Lot.
 - c. If the Sensitive Land Overlay applies, what is staff's Sensitive Land determination, recommendation, and mitigations.
 14. On September 24, 1992, the City Council enacted Ordinance No. 92-17 *Adopting the Sensitive Area Overlay Zone Regulations and Amending the Official Zoning Map of Park City, Utah to Include the Sensitive Area Overlay Zone and Amending the Land Management Code of Park City, Utah to Better Regulate Development of Sensitive Lands.*
 15. The 1992 Sensitive Land Overlay regulations state:
 - a. *There are a number of existing, valid Master Plans which have been approved. Requests for site specific approval for parcels within Large*



Planning Department

Scale Master Plans which are located within the Sensitive Area Overlay Zone shall be required to go through the Sensitive Lands Analysis and the development will be required to be placed on the least sensitive portion of the parcels. In general, the site design criteria shall apply to these proposals.

If there is a request to change the form of density for a part or all of a Master Plan or a request to substantially modify the plan, the total permitted density will be reevaluated based upon the criteria in these provisions.

16. A determination regarding the applicability of this provision to the Sweeney MPD was issued by the City Attorney in 1992. The February 14, 2024 Planning Commission packet included a September 22, 1992 letter to Michael Sweeney from City Attorney James Carter, providing the following:

1. Will the Sensitive Lands Overlay Zone apply to the Sweeney property's master plan hillside portion (Treasure Hill)? Yes. However, Land Management Code § 3.14(c)(2) Length of Approval, provides, in pertinent part, "Zone changes occurring while the approval is in effect shall not effect the approval. Changes in the master plan requested by the developer will be reviewed and approved as a revision to the master plan by the Planning Commission. A change will be defined as any change in concept, unit type, configuration or number. At that time, the Planning Commission shall review the entire MPD, even if only one parcel or phase is involved in the modification, under the regulations in effect at the time of review. Modifications shall act as an extension of the approval." The Sensitive Lands Ordinance is being adopted in the form of an overlay zone, and so would not, by itself, affect the approved Sweeney Master Plan. If, however, a change in the master plan is requested, as defined in the LMC, the provisions of the Sensitive Lands Ordinance would be applied.

17. The Sweeney MPD was approved, and 220 King Road (and other Treasure Hill Properties) were zoned HR1-MPD by the City Council, prior to enactment of the Sensitive Land Overlay in 1992.
18. The Treasure Hill properties within the Sweeney MPD were platted and the plats amended after enactment of the Sensitive Land Overlay. However, as indicated in City Attorney James Carter's 1992 letter, the Sensitive Land Overlay was not applied to the properties because a comprehensive amendment to the Sweeney MPD was not proposed.
19. On September 7, 1995, the City Council adopted Ordinance No. 95-50 approving the Treasure Hill Phase I Subdivision. This established Lot 1 (200 King Road), Lot 2 (220 King Road), Lot 3 (425 Norfolk Avenue), and Lot 4 (375 Norfolk Avenue) within the HR1-MPD Zoning District and dedicated Lot 5, over 40 acres of Open Space, to Park City Municipal.
20. The City Council has not amended the Sensitive Land Overlay adjacent to the 220 King Road property on the Zoning Map by an approved land use ordinance. The 1992 Sensitive Land Overlay map is the regulatory map, which did not



Planning Department

intentionally bisect 220 King Road. Any inconsistent digitized map is a clerical error.

21. On June 26, 2024, the Planning Commission conducted a public hearing and determined:
- The Sweeney Master Planned Development is vested prior to the adoption of the Sensitive Land Overlay.
 - Although the Sensitive Land Overlay would apply to a substantive change, the Sensitive Land Overlay does not apply to the 220 King Property because a land use ordinance has not amended the original Sensitive Land Boundary, which does not include 200 King Road.
 - No determination regarding the Staff Sensitive Land Overlay is necessary because the regulations are not applicable per sections (a) and (b) above.

Conclusions of Law

- The appellants did not meet their burden to demonstrate the Planning Commission erred in applying the Land Management Code to the three applications.
- The Planning Commission correctly applied Land Management Code Chapter 15-7 and Sections 15-7.1-3(B), 15-1-10, 15-2.2-6, and 15-15-1.
- The Planning Commission correctly adopted reasonable conditions of approval to mitigate any adverse impacts of the approvals.

Conditions of Approval

- All Conditions of Approval from the Planning Commission Action Letters dated February 21, 2024 apply (attached as Exhibit A).

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,

DocuSigned by:

Adam Strachan

05AF9877B95E400...

7/22/2024

Adam Strachan, Appeal Panel Chair

A blue ink signature of Sarah Hall, consisting of a stylized 'S' followed by a series of loops and a final horizontal stroke.

Sarah Hall, Planning Commission Chair

July 21, 2025

BY EMAIL: REBECCA.WARD@PARKCITY.ORG

Rebecca Ward
Planning Director
Park City
4445 Marsac Avenue, PO BOX 1480
Park City, UT 84060

Re: Time Extension for Conditional Use Permits - PL-22-05318, PL-23-05523, and PL-2305571

Dear Ms. Ward,

This firm represents Pesky Porcupine, LLC ("PP"), the owner of the real property located at 220 King Road, Park City, Utah. PP previously obtained approval for Conditional Use Permits ("CUP Approvals") for: a) a single-family home (PL-22-05318), b) an outdoor pool (PL-23-05523), and c:) steep slopes (PL-23-05571). In addition, PP obtained approval for a plat amendment (PL-22- 05319), Second Amendment for the Lot 2, Phase 1 Treasure Hill Subdivision. The Final Action Letter for the plat and the CUP Approvals was issued on February 21, 2024. As you are aware, the CUP Approvals were appealed, and the action by the appeal authority has been subsequently appealed.

Pursuant to Park City Land Management Code §15-1-18.M the Hermann appeal to the appeal authority effected a suspension of the running of time periods. The Hermann appeal was formally rejected on July 22, 2024, as confirmed in the enclosed copy of the final action later dated 7 /22/24. As a result, pursuant to the aforementioned code provision, the one-year time period began to run from July 22, 2024. At this time, PP seeks an extension while the CUPs are under appeal before the district court in Summit County.

Pursuant to Park City Land Management Code §15-1-10.G the Planning Director may grant an extension of a Conditional Use Permit for one (1) year. There has been no change in circumstances that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in Section 15-1-10 (E), or other provisions of the Land Management Code. See LMC §15-1-10.G. PP has been active in seeking to move forward with the project by seeking HDDR approval, Final Plat approval, a demolition permit, building permits, and grading permit. However, these efforts have been affected by the district court appeal.

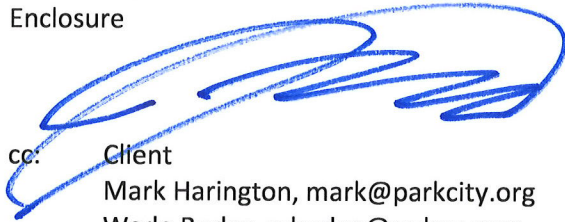
We thank you for time and attention to this matter. If you have any questions, please feel free to reach out to me or Wade Budge.

Very truly yours,

Snell & Wilmer

Jason Boal, AICP

Enclosure

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

cc:

Client

Mark Harington, mark@parkcity.org

Wade Budge, wbudge@swlaw.com

Planning Department Staff Report



Subject: 7600 Royal Street
Silver Lake Lodge
Application: PL-25-06666
Author: Heather Wasden, Planning Technician
Date: October 2, 2025
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Open a public hearing and (II) continue the public hearing and the 7600 Royal Street Administrative Conditional Use Permit for expansion of an Outdoor Dining area to a date uncertain.

Description

Applicant: Deer Valley Resort Company
Applicant Representative: Hannah Tyler

Location: 7600 Royal Street
Silver Lake Lodge

Zoning District: Residential Development, Sensitive Land Overlay

Adjacent Land Uses: Multi-Unit Dwellings, Commercial, Resort

Reason for Review: Temporary Structures and Outdoor Dining requires an ACUP in the Residential Development Zoning District.¹

¹ LMC [§ 15-2.13-2\(B\)](#)