



**PARK CITY MUNICIPAL CORPORATION
PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING MINUTES
PLANNING DEPARTMENT CONFERENCE ROOM
MARSAC MUNICIPAL BUILDING
OCTOBER 2, 2025**

STAFF PRESENT: Rebecca Ward, Planning Director; Elissa Martin, Planning Project Manager, Ed Roman, Planning Administrative Assistant

PUBLIC PRESENT: Jason Keys, Jason Boal, Wade Budge (attending virtually), Charles Pearlman (attending virtually), Eric Hermann (attending virtually)

Planning Director, Rebecca Ward, called the meeting to order at 12:01 p.m.

1. REGULAR AGENDA

- 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

Planning Project Manager, Elissa Martin, presented the three Conditional Use Permit ("CUP") extension requests for 220 King Road. 220 King Road is within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision in the Sweeney Properties Master Planned Development ("MPD"), which was approved on December 18, 1985, and amended on October 20, 1987. The property is zoned Historic Residential - 1 - Master Planned Development ("HR-1-MPD"). The Sweeney MPD requires a CUP for development of a single-family dwelling at 220 King Road. The subject property contains slopes greater than 30%. Land Management Code ("LMC") 15-2.2-6 requires Planning Commission review of a Steep Slope Conditional Use Permit ("SSCUP") for development of any structure on a steep slope with a building footprint in excess of 200 square feet.

A CUP is required for an outdoor pool, pursuant to LMC 15-2.2-2 - Uses. A Private Recreation Facility is a conditional use in the HR-1 Zoning District. On July 8, 2022, the applicant submitted a CUP application for a single-family dwelling. On January 18, 2023, the applicant submitted a CUP application for the outdoor pool. On February 21, 2023, the applicant submitted the SSCUP application. Manager Martin noted that the dates of the application submittals are inaccurate in the Staff Report and Final Action Letters. Staff

recommended that those dates be amended to reflect the correct application submittal dates.

All three CUP applications were approved by the Planning Commission on February 14, 2024. The Final Action Letter for the approval was ratified on February 21, 2024. Subsequently, there was an appeal of the Planning Commission approvals. On July 22, 2024, the Appeal Panel ratified a Final Action Letter that upheld the Planning Commission approval. There was a Historic District Design Review ("HDDR") application submitted and approved by the Planning Director on August 15, 2024. That decision was also appealed, as well as the Conditions of Approval in the Final Action Letter. The Board of Adjustment granted the appeal of the HDDR approval in part. Due to ongoing appeals and litigation regarding the project and the property, the applicant has been prevented from completing Building Permits. The CUP extension request information was shared.

Pursuant to LMC 15-1-10(G), the Planning Director may grant a one-year extension of a CUP if no change in circumstance 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 LMC provisions. 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. Therefore, the one-year time period to submit a CUP extension request in writing began to run from July 22, 2024, the date of the Appeal Panel Final Action Letter rejecting the appeal. The applicant submitted a written request for two CUPs and one SSCUP within one year of July 22, 2024. The applicant proposes no changes to the original approvals and requests additional time to complete Building Permits. 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 finding of non-compliance.

Manager Martin reported that the Conclusion of Law in the Final Action Letter states that the SSCUP extension request complies with LMC 15-1-10(G) – Conditional Use Permit Review, Expiration. There are two Conditions of Approval listed in the Final Action Letter:

1. Development of a single-family dwelling 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.

Manager Martin reported that there are three separate recommendations for the three public hearings. Director Ward asked if the applicant's team had anything additional to add. Jason Boal stated that he does not have anything additional to share at this time.

Director Ward opened the public hearing at 12:10 p.m.

Justin Keys was present on behalf of the Hermann family, who own 200 King Road. He stated that they object to the extension and the Staff analysis related to the timeliness of the application. It was stated that the one-year time period runs from the date of the Appeal Panel decision, but he believes the plain language in LMC 15-1-10(G) states it should run from the Planning Commission Approval date. Since the CUPs were approved on that date, the last day to apply to continue or extend the CUP approvals was February 21. He believes the extension requests were untimely.

Mr. Keys indicated that there are material changes in circumstances that require a new review. He brought a letter and exhibits, which have also been provided to the applicant. Since the approval took place, based on the updated plans and construction drawing sets, it has been determined that the building itself encroaches on the ski easements on the property. This was not shown originally when the CUPs were reviewed by the Planning Commission. Mr. Keys reported that there are several exhibits inserted into the letter that show where there is encroachment over the ski easements. In addition, he has included the full exhibits for Staff review. He believes this is a material change. When looking at the construction plans, it is clear that the proposal will eliminate the platted access for his client. This is inconsistent with the intention of the Sweeney MPD and Treasure Hill Subdivision Plat. This should require the applicant to reapply with this new information.

Mr. Keys mentioned Section 15-1-10(G) and noted that it clearly states that a CUP may only be extended if it remains compliant with the code in effect at the time of the extension request. Since the original approval of this project, the City has modified the code in ways that impact this property. An example is the measurement of interior height regulations.

The approval from the Planning Commission indicated that it only complied with height restrictions because the interior height was measured to the lowest finished floor plane. The applicant decided to leave the bottom two floors of the property unfinished in order to bring it into compliance with the internal height requirements. After that approval, the City went back and modified the language of the code to add clarity and close that loophole. It now states that internal building height is to be measured from the lowest floor plane. When that version of the code is applied to the CUP, the application is no longer compliant with the applicable internal height requirements. Mr. Keys stated that the reasons outlined during the public hearing and in the submitted letter merit denial.

There were no further comments. Director Ward closed the public hearing at 12:15 p.m.

The applicant's representative, Wade Budge, responded to the comments provided during the public hearing. He stated that the opponents of the project continue to conflate the standards and set aside a long-standing rule relative to vested rights. The request before the Planning Director is much more limited than what was indicated by Mr. Keys.

The request is simply for an extension of time because of the litigation. This is a process provided for by the code. The intention is to extend the time for the approvals to remain in place. The applications were submitted as a result of what is allowed in code.

Mr. Budge reported that the current approval is pending with the court and is not pending with this body. As a result, no changes could be made. In addition, the project cannot be made to apply to subsequently enacted laws, as that would run contrary to the long-standing principles enshrined in the case of Western Land Equities. Mr. Budge stated that their view is that an extension is allowed and was made in a timely manner, as it was submitted within a year of the CUP approvals that were granted and confirmed in the Final Action Letter. He noted that this was accurately stated in the Staff Report.

Director Ward reported that action will be taken on the three extensions individually. The first is the CUP for the single-family dwelling, which was approved by the Planning Commission on February 14, 2024, and ratified on February 21, 2024. This was upheld by the Appeal Panel on July 22, 2024. Manager Martin reviewed proposed amendments to the motion language. Finding of Fact #4 currently states: "The applicant submitted a CUP application for an SFD on July 18, 2022." The language was amended to correct the date. In addition, there was another Finding of Fact drafted to state the following:

- On August 23, 1990, the City Council adopted Ordinance No. 90-24, zoning the property Historic Residential – 1 – Master Planned Development ("HR-1-MPD").

There was also language added to reference LMC 15-15-1. Finding of Fact #19 stated:

- LMC § 15-15-1 defines "Final Action" as "[t]he later of the final vote or written decision on a matter."

MOTION: Director Ward APPROVED the CUP Approval Extension in accordance with the amended 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").
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. On August 23, 1990, the City Council adopted Ordinance No. 90-24, zoning the property Historic Residential-1-Master Planned Development (HR-1-MPD).
5. The applicant submitted a CUP application for an SFD on July 8, 2022.
6. On February 14, 2024, the Planning Commission conducted a public hearing and approved the CUP for an 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.
7. On March 1, 2024, an appeal of the Planning Commission's approval was filed.
8. 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).
9. 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.
10. 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.
11. On August 15, 2024, the Planning Director approved the HDDR application for development of an SFD at 220 King Road.
12. On August 26, 2024, the Applicant appealed the Planning Director's Conditions of Approval 12 and 18 for the approval of the HDDR.
13. On August 29, 2024, an appeal of the Planning Director's Final Action to approve the HDDR application was submitted.
14. On November 12, 2024, the Board of Adjustment granted the appeal of the HDDR approval in part.
15. There are ongoing appeals regarding all prior Final Actions regarding the project, and additional litigation between the same parties regarding the Property.
16. 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.

17. 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.
18. 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.
19. LMC § 15-15-1 defines "Final Action" as "[t]he later of the final vote or written decision on a matter."
20. 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.
21. 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.

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

Director Ward reported that the above item is a one-year extension with the same information previously provided by Manager Martin related to 220 King Road.

Director Ward opened the public hearing at 12:25 p.m.

Justin Keys reiterated that the items that were mentioned during the previous public hearing and specifically mentioned the steep slope. He believes it is relevant to note that the construction impairs the ski easement and includes a 10-foot retaining wall within that steep slope, which was concerning to the Planning Commission during their discussion.

There were no further comments. Director Ward closed the public hearing at 12:26 p.m.

Director Ward asked if there was additional input from the applicant representative. The applicant representative, Wade Budge, stated that the project does not impair any portion of the easement. It can continue to operate when there is snow. The area shown on the drawings has to do with making sure the grading complies with SWIPP. There will be no prevention of the use of the ski easement. Mr. Budge added that those are details not related to the extension request. He reminded those present that the application is for an extension while the disputes raised by the Hermann family are resolved in court.

Director Ward asked if there were any proposed amendments to the Final Action Letter. Manager Martin reported that there will be an addition of Finding of Fact #4 to state:

- On August 23, 1990, the City Council adopted Ordinance No. 90-24, zoning the property Historic Residential – 1 – Master Planned Development (“HR-1-MPD”).

The date for Finding of Fact #5 will be amended to state the correct date. In addition, there will be Finding of Fact #19 added. The following language was proposed:

- LMC § 15-15-1 defines “Final Action” as “[t]he later of the final vote or written decision on a matter.”

MOTION: Director Ward APPROVED the SSCUP Approval Extension in accordance with the amended 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 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. On August 23, 1990, the City Council adopted Ordinance No. 90-24, zoning the property Historic Residential-1-Master Planned Development (HR-1-MPD).
5. The Applicant submitted an SSCUP application for Development on a Steep Slope on February 21, 2023.
6. 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.
7. On March 1, 2024, an appeal of the Planning Commission's approval was filed.
8. 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).
9. 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.
10. 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.

11. On August 15, 2024, the Planning Director approved the HDDR application for development of an SFD at 220 King Road.
12. On August 26, 2024, the Applicant Appealed the Planning Director's Conditions of Approval 12 and 18 for the approval of the HDDR.
13. On August 29, 2024, an appeal of the Planning Director's Final Action to approve the HDDR was submitted.
14. On November 12, 2024, the Board of Adjustment granted the appeal of the HDDR approval in part.
15. There are ongoing appeals regarding all prior Final Actions regarding the project, and additional litigation between the same parties regarding the Property.
16. 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.
17. 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.
18. 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.
19. LMC § 15-15-1 defines "Final Action" as "[t]he later of the final vote or written decision on a matter."
20. 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.

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

Director Ward reported that the third item on the agenda is a one-year extension with the same information previously provided by Manager Martin related to 220 King Road. She explained that this relates to a Private Recreation Facility, which is an outdoor pool.

Director Ward opened the public hearing at 12:31 p.m.

Justin Keys stood by his previous statements.

There were no further comments. Director Ward closed the public hearing at 12:31 p.m.

Manager Martin clarified that the Findings of Fact will be amended to correct the date for Finding of Fact #5 to January 18, 2023. In addition, there will be Finding of Fact #4 added and Finding of Fact #19 added, as previously discussed for the other two applications.

MOTION: Director Ward APPROVED the CUP Approval Extension for a Private Recreation Facility (Pool), in accordance with the amended Findings of Fact, Conclusions of Law, and Conditions of Approval:

12. On August 26, 2024, the Applicant Appealed the Planning Director's Conditions of Approval 12 and 18 for the approval of the HDDR.
13. On August 29, 2024, an appeal of the Planning Director's Final Action to approve the HDDR application was submitted.
14. On November 12, 2024, the Board of Adjustment granted the appeal of the HDDR approval in part.
15. There are ongoing appeals regarding all prior Final Actions regarding the project, and additional litigation between the same parties regarding the Property.
16. 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.
17. 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.
18. 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.
19. LMC § 15-15-1 defines "Final Action" as "[t]he later of the final vote or written decision on a matter."
20. 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.

2. CONTINUATION

- 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-25-0666.

Director Ward reported that the item related to 7600 Royal Street will be continued.

Director Ward opened the public hearing at 12:32 p.m. There was no public input. Director Ward closed the public hearing at 12:33 p.m.

MOTION: Director Ward CONTINUED the Administrative CUP to a date uncertain.

Director Ward reported that an email from an adjacent property owner was received regarding this application. This will be included in the next Meeting Materials Packet.

3. ADJOURNMENT

The Park City Administrative Public Hearing adjourned at approximately 12:33 p.m.



PUBLIC INPUT



Justin Keys
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Direct: 435.731.9195

October 2, 2025

VIA EMAIL

Park City Municipal Corporation
Park City Planning Staff
Attn: Rebecca Ward
rebecca.ward@parkcity.org
PO Box 1480
Park City, Utah 84060

Re: 220 King Road October 2, 2025 Administrative Public Hearing

Dear Staff and Planning Director Ward

This firm represents Eric Hermann and Susan Fredston-Hermann, adjoining owners at 200 King Road and 205 Norfolk Avenue (collectively, the “Hermanns”). We submit this letter in opposition to the Applicant’s requests for extensions (applications PL-25-06627, PL-25-06645, and PL-25-06646) of the Conditional Use Permits (“CUPs”) issued for 220 King Road.

Under Park City Land Management Code (“LMC”) § 15-1-10(G), a CUP may be extended only if the Applicant demonstrates no change in circumstance that would create unmitigated impacts or render the project noncompliant with the LMC provisions in effect at the time of the extension request. Here, that standard is not met. Additionally, the CUPs have already expired by operation of law, as more than one year has passed since Planning Commission approval and no building permit has been issued. Even if tolling during appeal were assumed, the tolled expiration date has also lapsed.

Beyond expiration, multiple changes in circumstance—including evolving driveway designs, an undisclosed easement conflict, and intervening amendments to the City’s building-height regulations—make clear that the project cannot simply be carried forward on stale approvals. Allowing the Planning Commission to re-examine the CUPs now would ensure a full and fair review on a complete record, under today’s law, and without the compressed timetable that undermined the original decision.

1. The CUPs expired

The CUPs for 220 King Road expired and cannot lawfully be extended. LMC § 15-1-10(G) provides that a conditional use permit expires one year from Planning Commission approval unless the conditional use has commenced or a building permit has been issued. While the Planning Director may grant a one-year extension of an active CUP upon a showing of no change in circumstances, nothing in the Code authorizes the revival of a permit that has already lapsed. The extension provision is thus limited to permits that remain in force at the time an extension is sought.

Here, the CUPs were approved on February 21, 2024. Because the Applicant has not begun construction and has not obtained a building permit, they expired one year later, on February 21, 2025. Once expired, a CUP ceases to be legally valid, and the Planning Director has no authority under the LMC to bring it back to life.

2. Material changes in circumstance require a new review.

The Applicant's evolving plans establish that material changes in circumstance have occurred, requiring a new review under LMC § 15-1-10(G) rather than extension. That provision allows an extension only if the Applicant demonstrates "no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance" with the Code. Here, the record shows the opposite. Since approval, the Applicant has submitted multiple revised plans—in February 2024, September 2024, March 2025, and May 2025—each altering driveway slopes, retaining wall configurations, and grading. One set of drawings was even stamped "NOT FOR CONSTRUCTION," confirming the design remains unsettled.

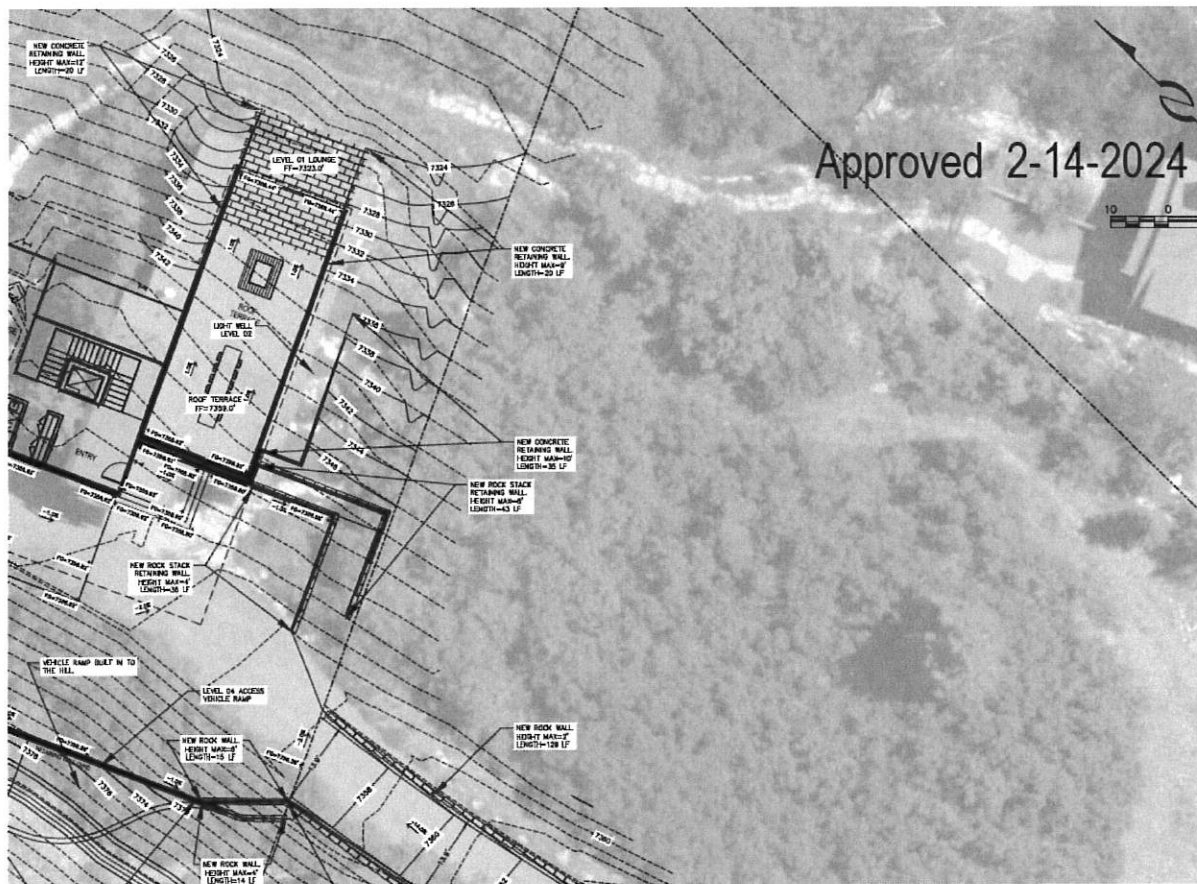
Because the project has been repeatedly re-drawn, with significant shifts in driveway layout and grading, the Applicant cannot carry its burden to show "no change in circumstance." Under § 15-1-10(G), the CUPs cannot be extended; the Applicant must submit new applications for review under the current LMC.

3. The CUPs were approved under a flawed process.

The extension should also be denied because the CUPs were approved through a rushed process that prevented proper review. The Applicant used Utah Code § 10-9a-509.5(2) to force a decision on its CUPs within 45 days. That statute requires municipalities to act on certain land-use applications within 45 days, and it was adopted to address Utah's housing shortage by making it easier for homes to be built that average people can afford. Here, however, it was misused by a billionaire applicant to push through approvals for a modern mansion towering above Old Town.

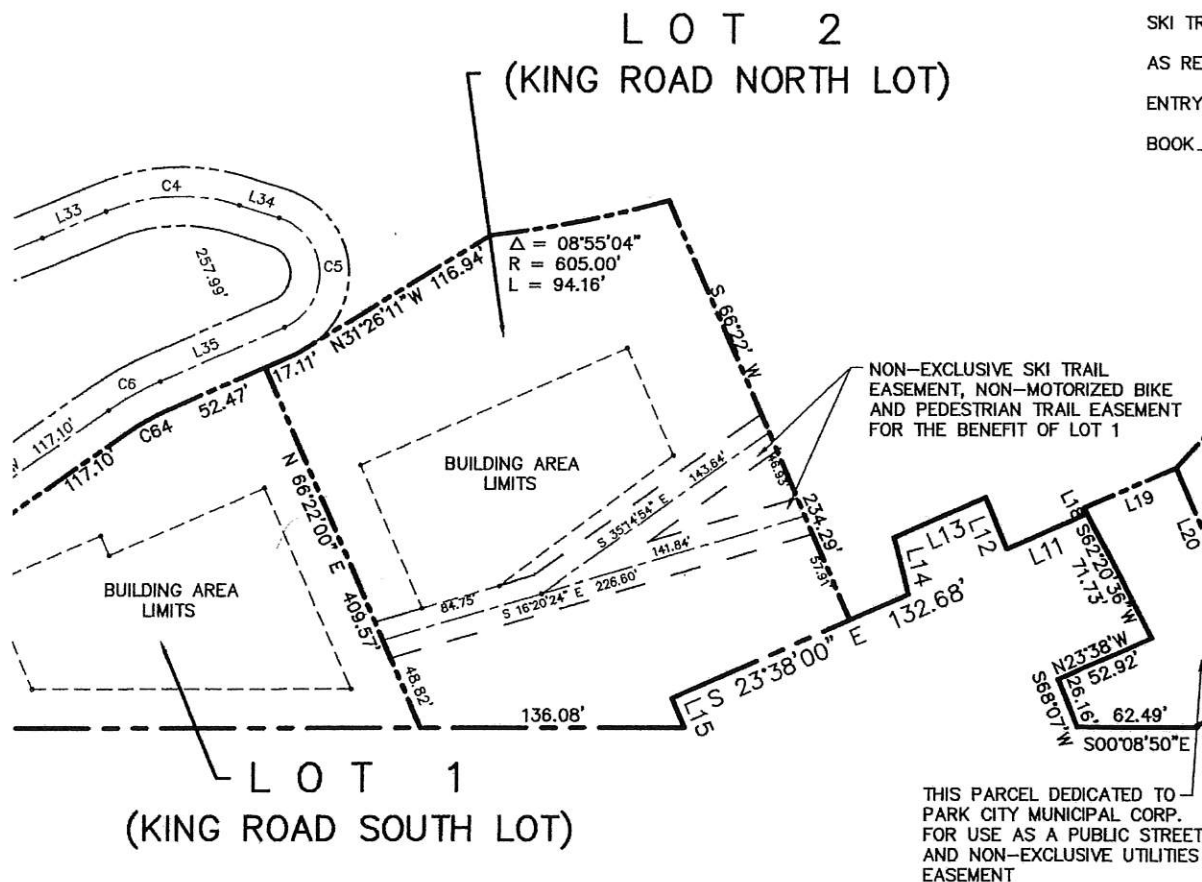
The record reflects that Commissioners themselves felt “undue pressure” under this artificial deadline, and the Planning Commission was deprived of the time necessary to review the project for compliance with the LMC and the Sweeney MPD. The predictable result was that multiple violations went undetected. Through the Hermanns’ subsequent litigation, additional flaws have since come to light, including that portions of the proposed house were to be built over the Hermanns’ ski access easement—a fact that was not disclosed during CUP review.

Following is the relevant portion of the site grading plan that was included in the Planning Commission's Findings of Fact, Conditions of Approval, and Conclusions of Law:

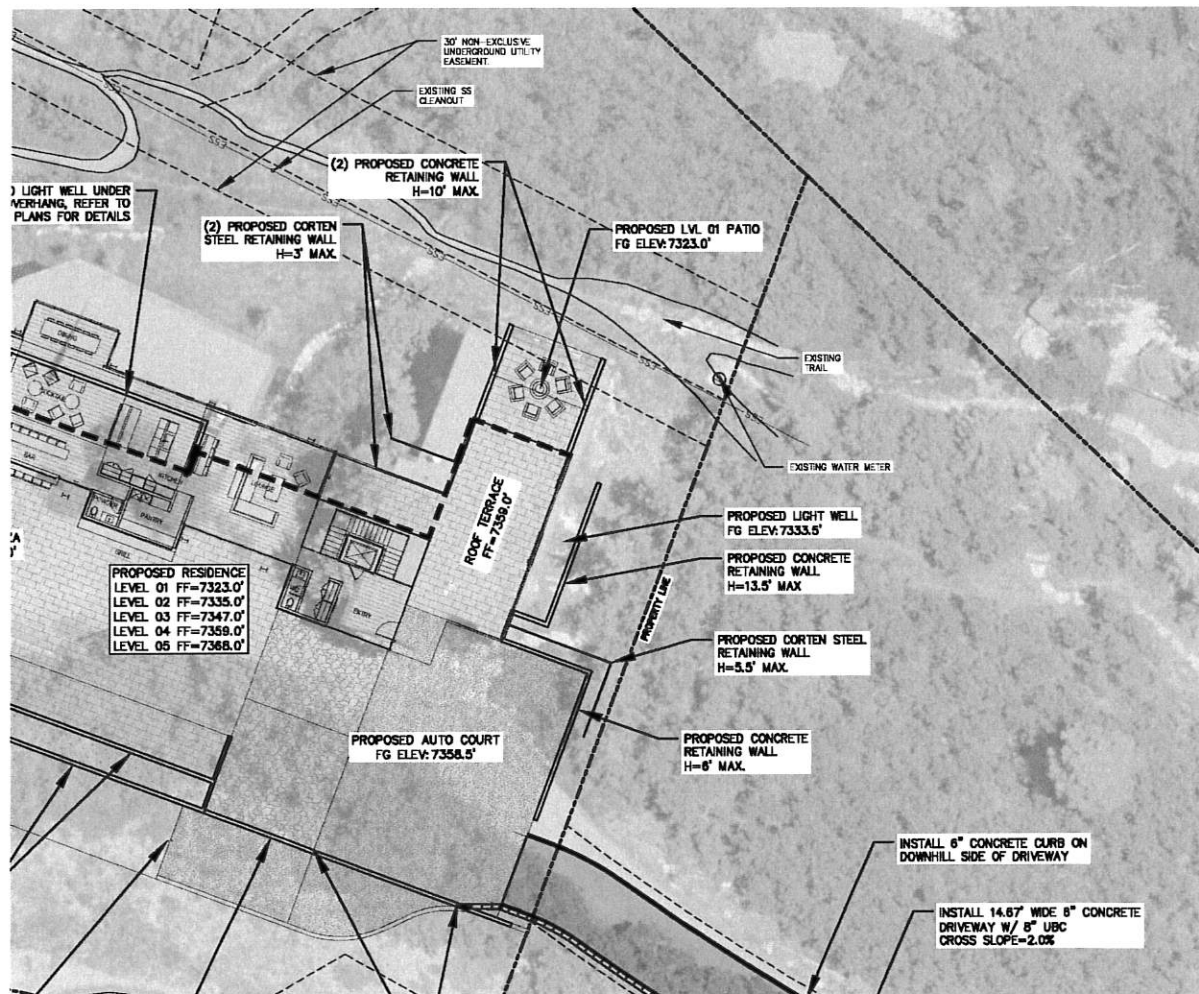


What the Applicant's site plan fails to include is an overlay of the location of the Hermanns' ski access easements over their lot. Following is the relevant portion of the Treasure Hill Subdivision plat, which clearly shows the 30' wide non-exclusive ski trail and pedestrian trail easement burdening the Applicant's property (Lot 2) for the benefit of the Hermanns' property (Lot 1).

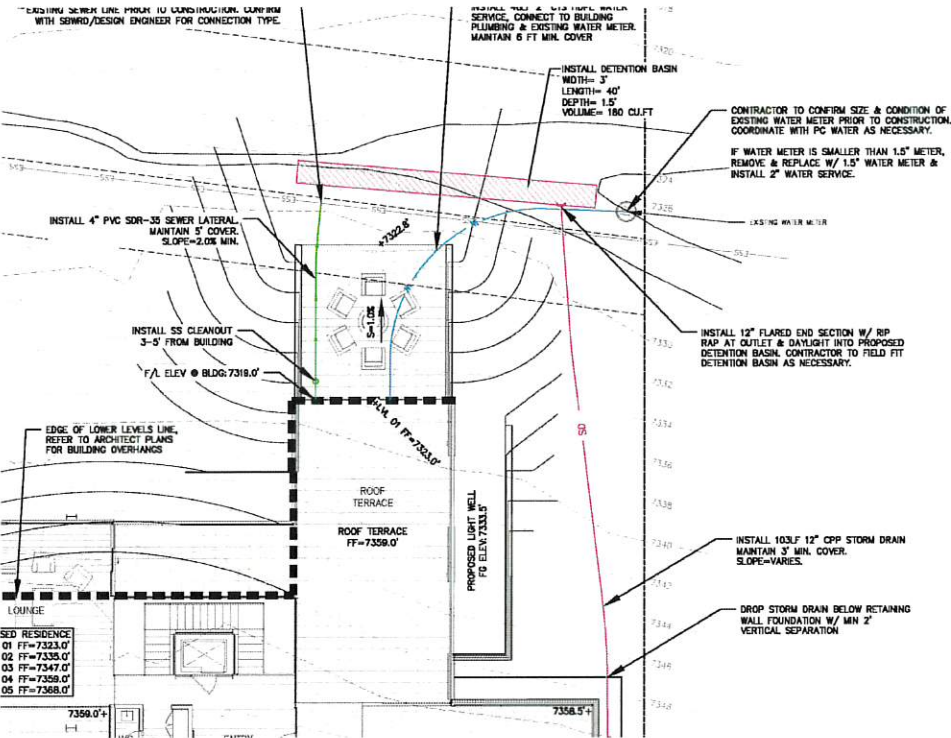
UPPER NUR

SKI TR/AS REC
ENTRY
BOOK_

It is clear from the Applicant's construction-related submittals that it is proposing to construct its structure directly over the Hermanns' ski access easement. Following is a relevant portion of those drawing showing the lower deck constructed partially over that easement:



Not only will the structure be within the ski easement, but the Applicant failed to disclose other site work and detention that it planned to install within the ski easement. Indeed, the Applicant is proposing to construct a detention basin where the current ski access trail is currently located.



These are precisely the kinds of issues that emerge when a project is forced forward without adequate scrutiny. Because the original CUPs were issued under a distorted process, the appropriate remedy is to deny the extension so the Planning Commission can conduct a complete review on a full and accurate record.

4. Current code provisions bar granting the extension request.

The extension must also be denied because the project does not comply with today's Land Management Code. Section 15-1-10(G) is clear that a CUP may be extended only if it remains compliant with the Code "in effect at the time of the extension request." The relevant law, therefore, is not the standard applied in 2024 but the ordinance in force now.

Since the CUPs were issued, the City Council corrected an error in the height regulations. The Code now requires internal building height to be measured from the "lowest floor plane," rather than the "lowest finish floor." This amendment closed a loophole the Applicant previously relied upon to treat two full below-grade levels as "unfinished" and therefore outside the 35-foot height limit. The Council's revision restored its original intent: to prevent limitless excavation and oversized basements that destabilize Old Town's steep hillsides.

The scale of excavation here illustrates why that correction matters. The CUP approvals contemplated individual cuts of up to 45 feet, aggregate cuts exceeding 80 feet, and removal of approximately 11,786 cubic yards of earth. For context, the entire King's Crown development moved a similar volume of earth but still triggered a landslide with much shallower cuts. These risks are not theoretical: the Utah Department of Natural Resources has already identified this portion of Old Town as prone to erosion and slope instability when vegetation is removed. By eliminating the two "unfinished" basement levels, the corrected "lowest floor plane" standard would meaningfully reduce excavation, shrink the building's mass, and mitigate slope-stability hazards.

Because § 15-1-10(G) requires compliance with the current Code, and the project plainly violates the corrected height standard while also generating extraordinary excavation impacts, the CUPs cannot lawfully be extended. This is in addition to the many other violations of the LMC and Sweeney MPD already identified in the record. The Applicant must reapply and demonstrate compliance under today's law before any new approval can be considered.

CONCLUSION

The CUPs at 220 King Road have expired by operation of law. Even if they had not, they cannot be extended under § 15-1-10(G) because the Applicant has repeatedly altered its plans,

Park City Municipal Corporation
Park City Planning Staff
Attn: Rebecca Ward
Page 8 of 8

withheld material information, and now faces a corrected Code that directly forecloses the project's most dangerous features. The CUPs were issued under a rushed and flawed process, and the record now reflects numerous violations and unmitigated impacts.

The only lawful and fair outcome is for the extension request to be denied. If the Applicant wishes to pursue development at this site, it must reapply and demonstrate compliance under today's Land Management Code, subject to full review by the Planning Commission.

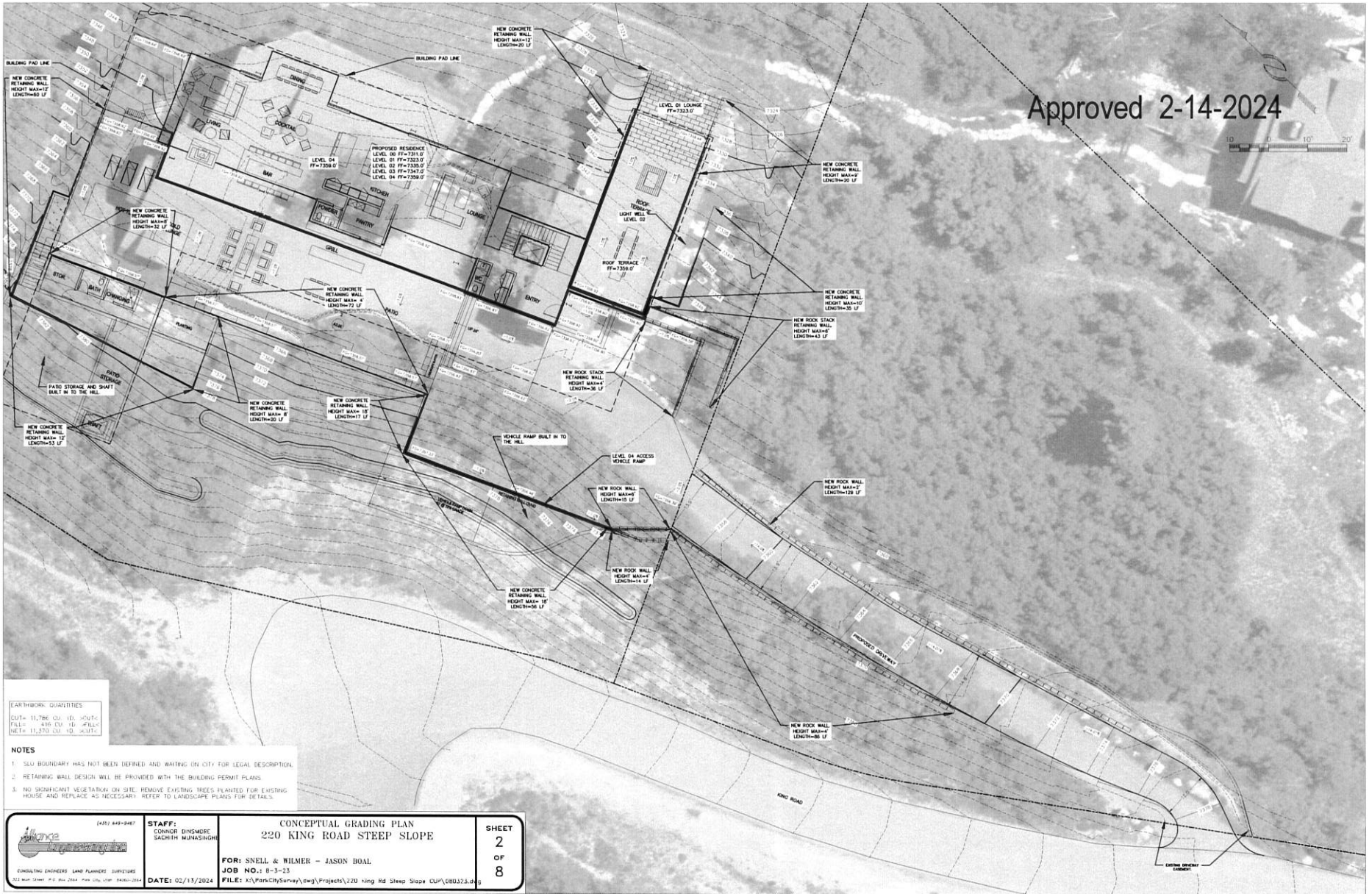
Very Truly Yours,
HOGGAN LEE HUTCHINSON

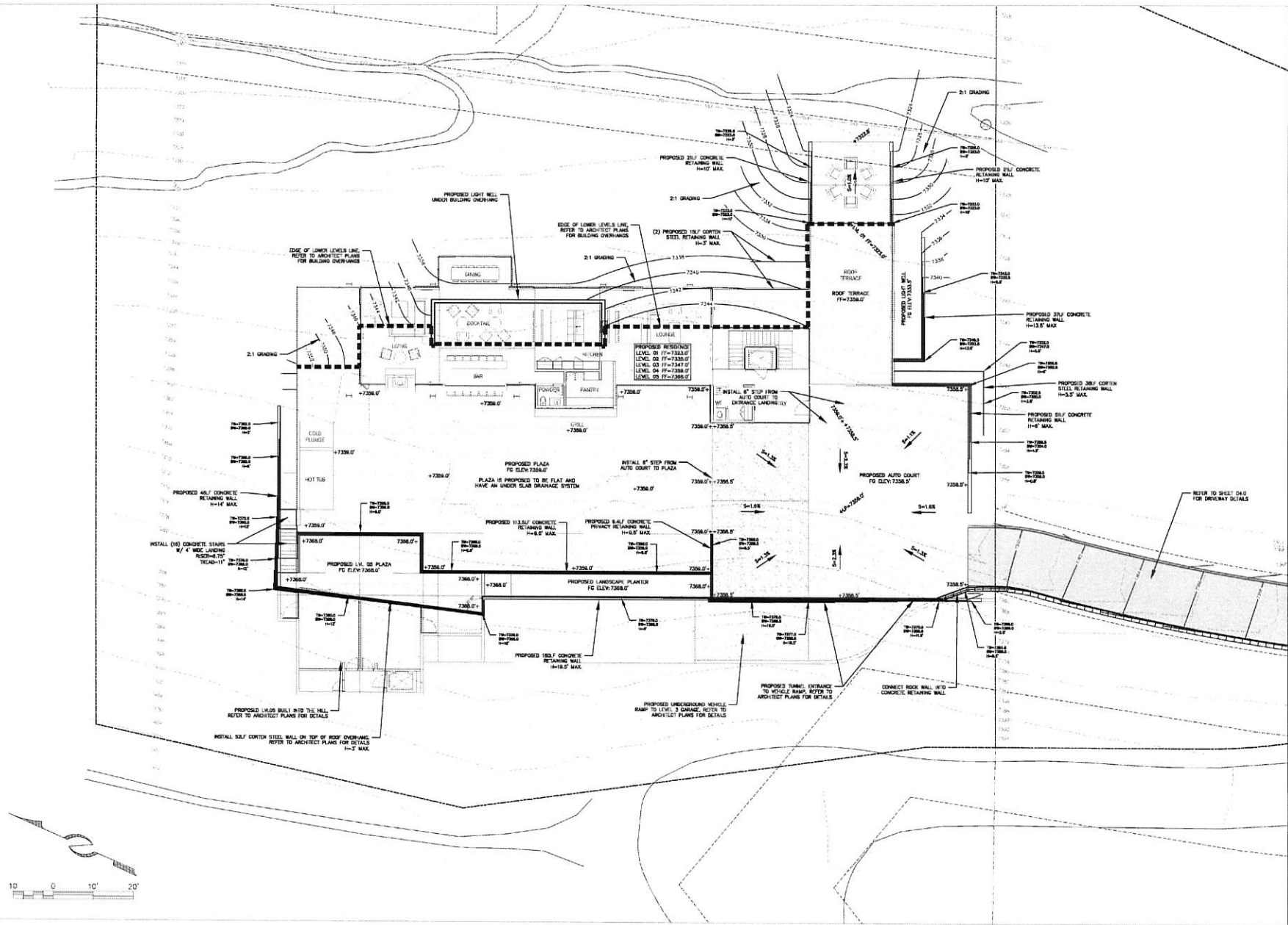


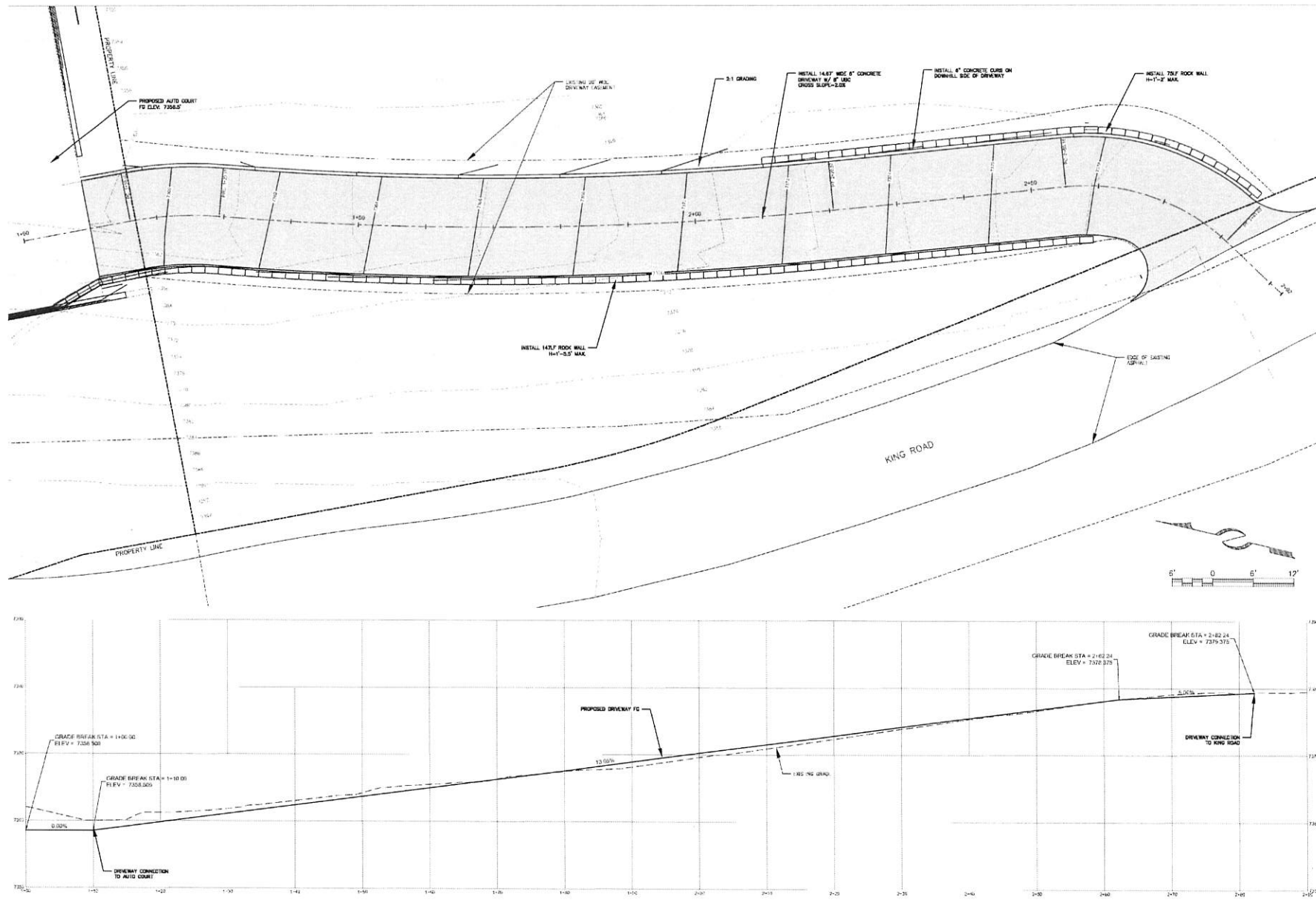
Justin J. Keys

Approved 2-14-2024

10 0 10' 20'







Drawn and for record plans



Olson Kundig

 ARCHT.

 PARK CITY RESIDENCE

 200 N. 500 E. ROAD

 PARK CITY, UT

 NAME:



ALLIANCE

 ENGINEERING

 1000 W. 1000 S.

 SALT LAKE CITY, UT 84119

 801.464.1111

 www.allianceeng.com

PROJECT NUMBER: _____

 PROJECT LOCATION: _____

 DRAWN BY: _____

 CHECKED BY: _____

 DATE: _____

 SCALE: _____

 SHEET: _____

NOT FOR CONSTRUCTION

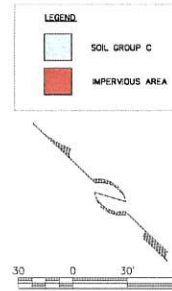
PERMIT DRAWINGS

06/06/2024

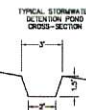
DRIVEWAY PLAN & PROFILE

C4.0

PRE-DEVELOPMENT



POST-DEVELOPMENT



STORMWATER DETENTION REQUIRED = 318 CU. FT.
STORMWATER DETENTION PROVIDED = 360 CU. FT.

NOTES:

1. PEAK RUNOFF VOLUME OF 318 CU. FT. S TO B. 100% DRAINAGE IN PROPOSED POND. THE DIMENSIONS OF THE DETENTION BASIN IS NOTED ON THE ABOVE PLAN. CUMULATIVE DETENTION VOLUME = 360 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 DRAIN 100% OF 1-H WATER QUALITY VOLUME (PER SUMMIT COUNTY ORDINANCE NO. 381-A, APPENDIX F) MEETING THE COUNTY REQUIREMENTS FOR SS REMOVAL AND GROUNDWATER RECHARGE.

WATER QUALITY VOLUME CALCULATIONS			
ASSUMPTIONS METHOD OF ANALYSIS: RQ2 - HGT DESIGN STORM: 100% PERCENTILE EVENT SOIL: VARIETY - 10.00 HGT PER CENTILE EVENT		PRE-DEVELOPMENT WATER QUALITY VOLUME AREAS FOR WEIGHT AVERAGE "C": SLOPE FLAT (0-2%) AVERAGE (2-6%) STEEP (6-10%) SURFACING PERVIOUS IMPERVIOUS HARDSCAPE	
VARIABLES Q = RUNOFF FLOWRATE (CUBIC FEET/SEC) C = RUNOFF COEFFICIENT (WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE) RUNOFF COEFFICIENTS "C": SLOPE FLAT (0-2%) AVERAGE (2-6%) STEEP (6-10%) SURFACING PERVIOUS IMPERVIOUS HARDSCAPE		A = 54,807 FT ² C = 0.37 H = 0.05 FT/HR RQ2 = 1.00 HR Q = 1.00 HR A = 54,807 FT ² C = 0.37 H = 0.05 FT/HR RQ2 = 1.00 HR Q = 1.00 HR	
POST-DEVELOPMENT WATER QUALITY VOLUME AREAS FOR WEIGHT AVERAGE "C": SLOPE FLAT (0-2%) AVERAGE (2-6%) STEEP (6-10%) SURFACING PERVIOUS IMPERVIOUS HARDSCAPE		A = 54,807 FT ² C = 0.37 H = 0.05 FT/HR RQ2 = 1.00 HR Q = 1.00 HR A = 54,807 FT ² C = 0.37 H = 0.05 FT/HR RQ2 = 1.00 HR Q = 1.00 HR	

PEAK RUNOFF CALCULATIONS			
ASSUMPTIONS METHOD OF ANALYSIS: NATIONAL METHOD Q10A STORM RETURN PERIOD: 100 YEARS DRAIN FOR THE 100-YEAR RETURN PERIOD. THE COMPOSITE "C" VALUE IS ADJUSTED BY A FACTOR OF 1.5 FOR ADJUSTED COMPUTATION. STORM DURATION: 30 MIN SOURCE: NOAA ATLAS 14 - PARK CITY RADIO STATION 42-646R		PRE-DEVELOPMENT PEAK DISCHARGE AREAS FOR WEIGHT AVERAGE "C": SLOPE FLAT (0-2%) AVERAGE (2-6%) STEEP (6-10%) SURFACING PERVIOUS IMPERVIOUS HARDSCAPE	
VARIABLES Q = RUNOFF FLOWRATE (CUBIC FEET/SEC) C = RUNOFF COEFFICIENT (WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE) RUNOFF COEFFICIENTS "C": SLOPE FLAT (0-2%) AVERAGE (2-6%) STEEP (6-10%) SURFACING PERVIOUS IMPERVIOUS HARDSCAPE		A = 54,807 FT ² C = 0.37 H = 0.05 FT/HR RQ2 = 1.00 HR Q = 1.00 HR A = 54,807 FT ² C = 0.37 H = 0.05 FT/HR RQ2 = 1.00 HR Q = 1.00 HR	
POST-DEVELOPMENT PEAK DISCHARGE AREAS FOR WEIGHT AVERAGE "C": SLOPE FLAT (0-2%) AVERAGE (2-6%) STEEP (6-10%) SURFACING PERVIOUS IMPERVIOUS HARDSCAPE		A = 54,807 FT ² C = 0.37 H = 0.05 FT/HR RQ2 = 1.00 HR Q = 1.00 HR A = 54,807 FT ² C = 0.37 H = 0.05 FT/HR RQ2 = 1.00 HR Q = 1.00 HR	

Olson Kundig

PARK CITY RESIDENCE

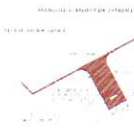
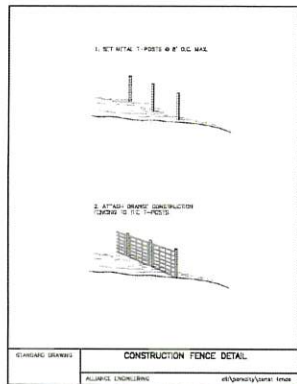
PARK CITY, UT 84300

PROJECT NO. 220

DATE: 08/06/2024

STORMWATER MANAGEMENT PLAN

C6.0

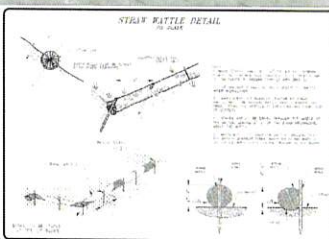
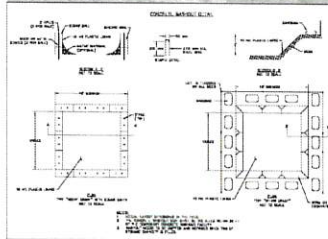
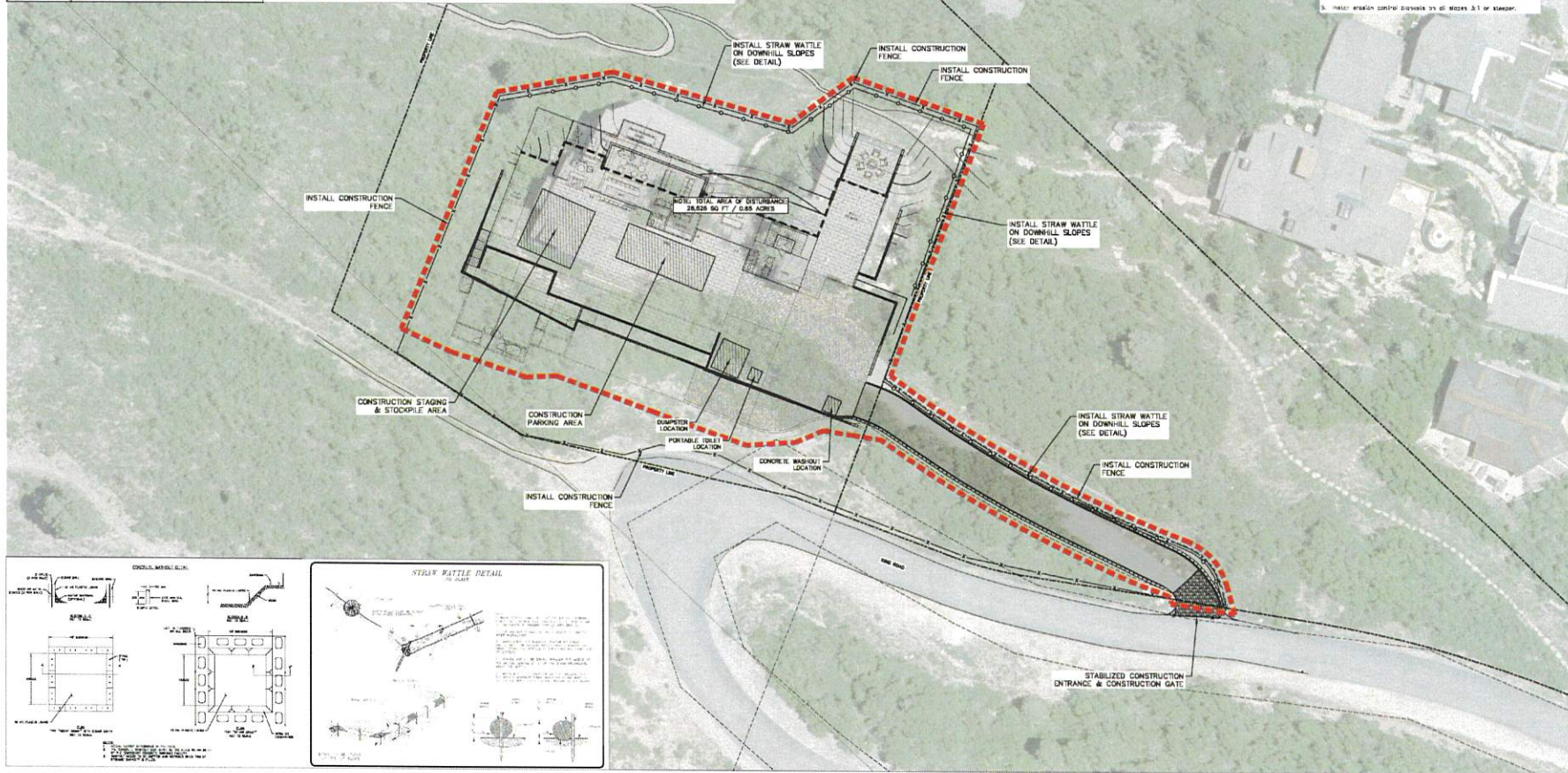
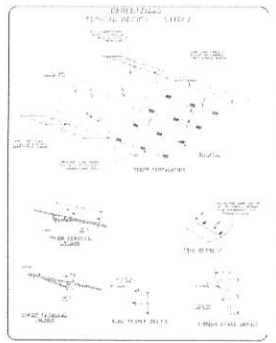


INSTALLATION

1. Install at any point of ingress or egress at a construction site where all-terrain vehicles may be parked.
2. Clear and grade area and grade to provide slope shown for driveway or access to excavation. If adjacent to waterway, use a minimum slope of 2%.
3. Compact subgrade and place filter fabric if required.
4. Place straw aggregate, 10 to 15 inches deep, to a minimum depth of 6 inches for commercial projects, and 4 inches for residential projects.

MAINTENANCE

1. Inspect daily for loss of gravel or sediment buildup.
2. Impact adjacent roadway for sediment deposit and clean by sweeping or shoveling.
3. Repair entrance and replace gravel as required to maintain control in good working condition.
4. Typical stabilized area as required to accommodate traffic, and off-site street parking and prevent erosion at driveway.



CMP NOTES

1. Construction parking/trailer may not block the street without a permit (application from the Engineering Division).
2. Mud tracked out onto the street must be cleaned prior to the end of the work day.
3. The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the dumpster.
4. Houseside parking is not allowed from November 1st to April 1st.
5. House side erosion control devices on all slopes 3:1 or steeper.

Reviewed for permit check

Olson Kundig

PROJECT: **PARK CITY RESIDENCE**
2205 N. 1000 ROAD
PARK CITY, UT 84302

DATE: 08/06/2024

NOT FOR CONSTRUCTION
PERMIT DRAWINGS
08/06/2024

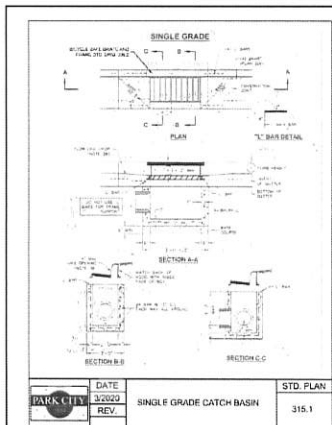
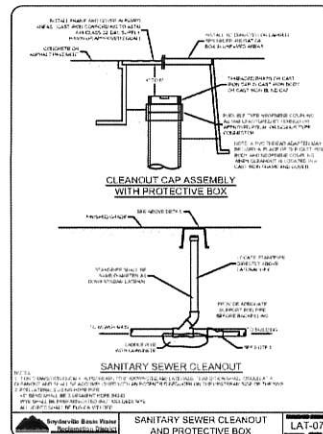
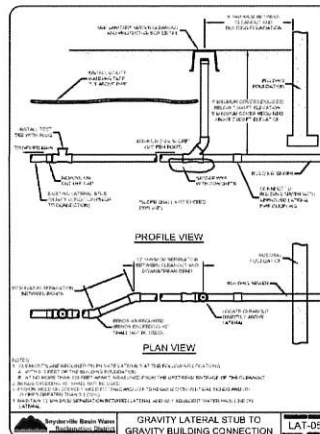
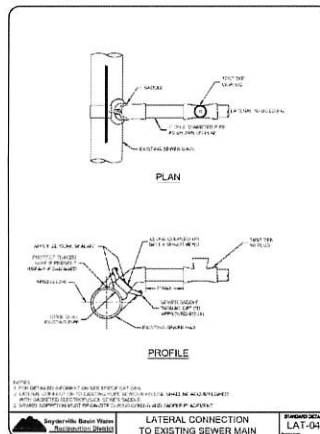
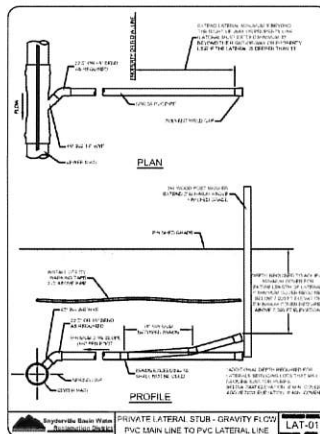
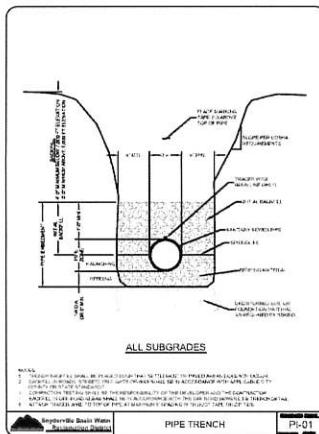
CONSTRUCTION
MITIGATION PLAN /
SWPPP
C7.0

PROJECT: 2205 N. 1000 ROAD
PARK CITY, UT 84302

DATE: 08/06/2024

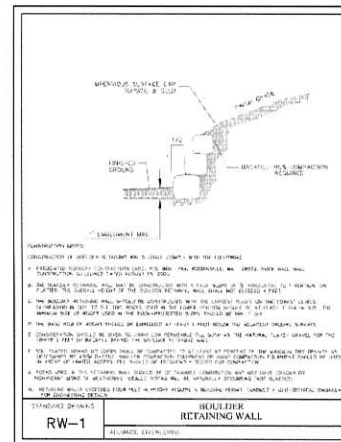
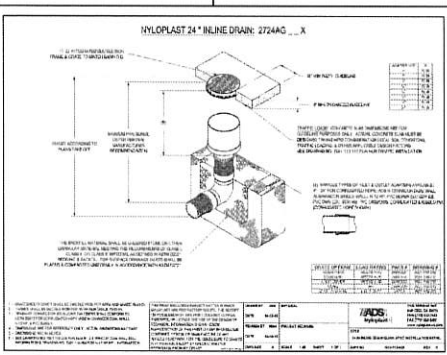
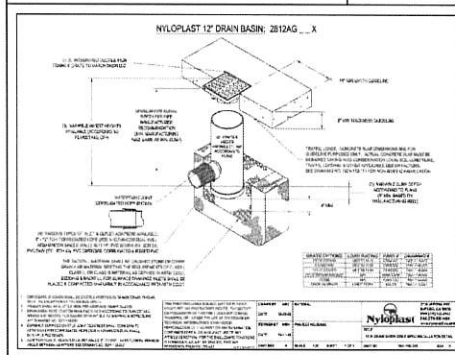
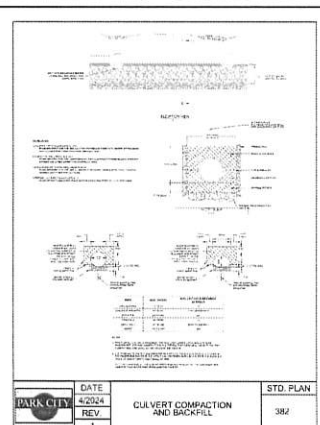
NOT FOR CONSTRUCTION
PERMIT DRAWINGS
08/06/2024

CONSTRUCTION
MITIGATION PLAN /
SWPPP
C7.0



- Pipe joint details**
- GENERAL
 - INSTALL THE JOINT IN THE CENTER OF THE BASIN OR AS CLOSE AS POSSIBLE TO THE WALL OF THE BASIN TO THE WALL OF THE BASIN.
 - PRODUCTS
 - Base Course - Minimum base course APWA Section 32.11.23. Do not use gravel as a base course without the manufacturer's permission.
 - Bedding - Common to APWA Section 31.10.13. Minimum particle size 2-inches.
 - Concrete - APWA Section 32.12.04.
 - Flotation Fill - Target is 80 psi in 28 days with 60 psi maximum in 28 days. APWA Section 32.10.15. If using flow mass requiring no vibration for compaction.
 - Displacement Concrete - Minimum of 80 psi or CONTRACTOR'S choice. APWA Section 31.12.16.
 - EXECUTION
 - Excavation - For Zone - Work is to be done in the pipe trench and not in the trench.
 - Foundation Stabilization - Get ENGINEER'S permission before installing concrete in trench.
 - Foundation - Foundation of catch basins with concrete walls will be required to insure a sound foundation and reduce settlement. Minimum 6 inches of concrete in trench.
 - Reinforcing - Reinforce APWA Section 32.12.22 requirements and the following provisions:
 - 1) Further enhance the concrete wall with vertical reinforcement by pipe manufacturer.
 - 2) Maximum reinforcement to 8 inches.
 - 3) Building immediately under the pipe should not be compacted, but sandy gravel.
 - 4) Connection is 10 percent or greater relative to a modified section. APWA Section 32.12.16.
 - 5) For Zone - 100% concrete wall, use one piece, or exceed 100% aggregate in the pipe zone. Water adding a 10% allowed.
 - 6) Maximum reinforcement to 8 inches relative to a modified section. APWA Section 32.12.26.
 - 7) Reinforce concrete wall with one piece, or exceed 100% aggregate in the pipe zone. Water adding a 10% allowed.
 - 8) Reinforce concrete wall with one piece, or exceed 100% aggregate in the pipe zone. Water adding a 10% allowed.
 - Flotation Fill - Minimum of 80 psi or CONTRACTOR'S choice. APWA Section 32.10.15. If using flow mass requiring no vibration for compaction.
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382



Olson Kundig

PARK CITY RESIDENCE

2004 N. MAIN ST.

PARK CITY, UT 84302

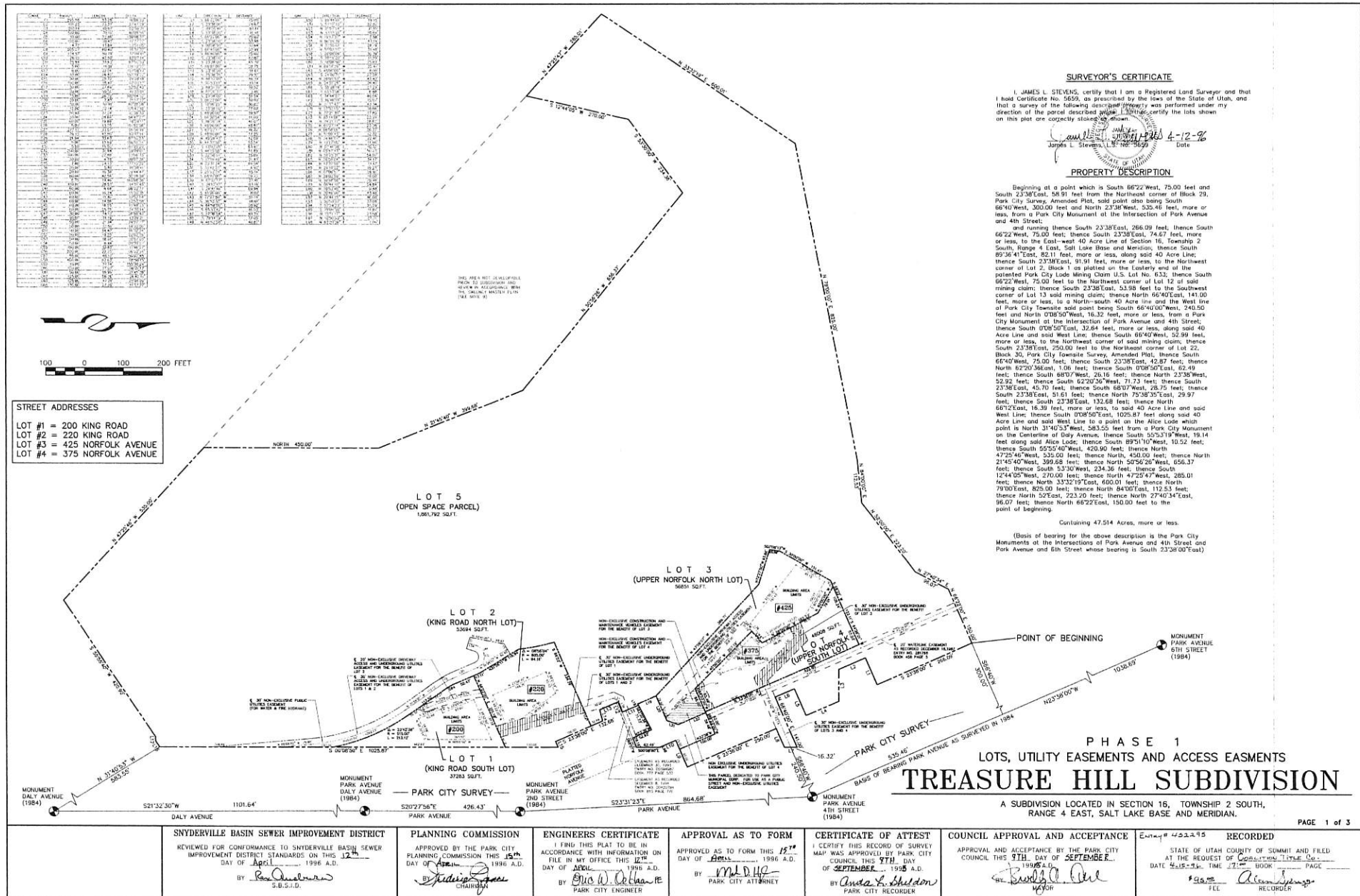
DATE: 06/06/2024

PERMIT DRAWING NO.

06/06/2024

DETAILS 1/2

C8.0



100 0 100 200 FEET



LOT 5
(OPEN SPACE PARCEL)

LOT 2
G ROAD NORTH LOT)

LOT 1
(KING ROAD SOUTH LOT)

LOT 3
(UPPER NORFOLK NORTH LOT

LOT 4
(UPPER NORFOLK
SOUTH LOT)

OWNER'S DEDICATION AND CONSENT TO RECORD

The owners or their representatives, hereby irrevocably offer for dedication to the City of Park City all the streets, trails right-of-way, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication subject to easements, deeds of record and agreements of record.

IN WITNESS WHEREOF, the undersigned sets their hands this 4th day of April, 1996.

SWEENEY LAND COMPANY, a
Utah general partnership

By Patrick J. Sweeney
Patrick J. Sweeney
Managing Partner

ACKNOWLEDGEMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 4th day of April, 1996, personally appeared before me
EDMUND J. BEAULIEU, the signer of the foregoing instrument, who duly
acknowledged to me that he executed the same.

Robert C. Rob

NOTARY PUBLIC
ROBERT C. ROOMAN
1700 PARKWAY, P.O. BOX 2032
PAINE & TY, VT 5600
My Commission Expires 12 31 2007
5600.041000

My Commission Expires _____

Nov 27, 1997

ACKNOWLEDGEMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 4th day of June, 1996, personally appeared before me CLYDE CARLIG, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC
Residing at: Sumner Co. W.

NOTARY PUBLIC
ROBERT C. RUDMAN
1750 PARK AVE., P.O. BOX 2022
PARK CITY, UT 84060
My Commission Expires 12/27/1995

My Commission Expires: _____

Nov 27 1947

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On the 4th day of June, 1996, personally appeared before me PATRICK J. SWEENEY, who being by me duly sworn, did say that he is the Managing General Partner of Sweeney Land Company, a Utah general partnership, and that the foregoing instrument was signed on behalf of said partnership, and said PATRICK J. SWEENEY acknowledged to me that said partnership executed the same.

NOTARY PUBLIC
Residing at: Sumner, Ca. U.S.A.

NOTARY PUBLIC
ROBERT C. RUDMAN
1741 PARK AVE., #201 BOX 202
FAIRBANKS, AK 99701
My Comm. Expires 06/30/97

My Companion Exits

ok: an other

PHASE 1
SKI TRAIL EASEMENTS
TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PAGE 2 OF 3

ENTN.Y # 452295 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF COALITION TITLE CO.

DATE 4-15-96 TIME 17:00 HOUR 5:00 PAGE 1
#95.00 Alan Jones

THE ABOVE WILL DO 245

