

Administrative Action Meeting
December 5, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
December 5, 2024

STAFF:

Elissa Martin, Assistant Planning Director; Jacob Klopfenstein, Planner I; E. Roman, Administrative Assistant.

PUBLIC:

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The Planning Director called the meeting to order at 12:00 P.M.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

430 Deer Valley Loop Road – Administrative Conditional Use Permit – PL-24-06321 – Proposing a 10-Foot Retaining Wall within the Side Setbacks in the Residential-Medium Density Zoning District.

Planner Jacob Klopfenstein presented the Administrative Conditional Use Permit, explained the scope of the project, a Retaining Wall 81 feet long and with a maximum height of 10 feet, and described the Conditions of Approval. Planner Klopfenstein indicated that staff recommends conducting a public hearing, and consider approval of the Conditional Use Permit.

At 12:05 P.M., the Assistant Planning Director opened a public hearing. There was no input.

At 12:06 P.M., the Assistant Planning Director closed the public hearing.

MOTION: The Assistant Planning Director APPROVED the Administrative Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 430 Deer Valley Loop Road is a Single-Family Dwelling (SFD) that was constructed in 1977.
2. The Site is not platted or subdivided as a legal Lot of record and abuts City-owned property on the west side. This City-owned property is platted but unbuilt Provo Avenue and Swift Street, according to the current recorded condominium plat for Silver Pointe Condominiums, which is directly to the southwest of 430 Deer Valley Loop Road.
3. The Applicant proposes a retaining wall that is a maximum of 10 feet tall and approximately 81 feet long in the rear of the site and within the Side Setbacks.
4. The current wood retaining wall is failing and the Applicant indicated that the failing wall is causing a wood deck on the property to push up against the foundation. The Applicant indicated that this is creating a risk of severe damage to the home at the site.
5. Existing Building Permit records do not indicate when the existing wood retaining wall on the site was constructed.
6. The proposal for a new retaining wall complies, as conditioned, with Land Management Code (LMC) Chapter 15-2.15 Residential-Medium Density (RM) District.
 - a. Fences and retaining walls greater than 6 feet in height from Final Grade require an Administrative Conditional Use Permit in the RM District, pursuant to LMC § 15-2.15-2(B).
 - b. The minimum Front Setback is 15 feet for Single Family and Duplex Dwellings, and Accessory Buildings. The proposed retaining wall is set back a minimum of 43 feet from the front property line.
 - c. The minimum Rear Setback is 10 feet for Single Family and Duplex Dwellings. The proposed retaining wall is set back a minimum of 45 feet from the rear property line.
 - d. The minimum Side Setback is 5 feet for Single Family Dwellings, Duplex Dwellings, and Accessory Buildings. The proposed retaining wall is set back approximately 6 inches from the west side property line, and approximately 3 feet, 6 inches from the east side property line.
 - i. Pursuant to LMC § 15-2.15-3(H), Fences and retaining walls within the Side Setback in the RM District may have multiple steps, but each exposed face cannot exceed 6 feet in height, and the

- horizontal distance between the walls from front face to rear face must be at least 3 feet and planted with approved vegetation.
- ii. Condition of Approval 1 prohibits exposed faces of the proposed retaining wall that encroach into the Side Setback from exceeding 6 feet and requires 3 feet of space between each face that is planted with approved vegetation.
7. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC Section 15-1-10(E).
- a. Size and location of the Site
 - i. The retaining wall is proposed in the Side Setback of the property and is approximately 81 feet long and a maximum of 10 feet tall.
 - ii. Condition of Approval 1 prohibits exposed faces of the proposed retaining wall that encroach into the Side Setback from exceeding 6 feet and requires 3 feet of space between each face that is planted with approved vegetation.
 - iii. The property abuts City-owned property on the west side. Condition of Approval 2 requires the applicant to work with the Engineering Department to negotiate a construction agreement for any work within 5 feet of the City-owned property.
 - b. Traffic considerations including capacity of the existing Streets in the Area
 - i. The proposed retaining wall will not generate any additional traffic needs beyond the Use of the property as a SFD.
 - c. Utility capacity, including Storm Water run-off
 - i. Condition of Approval 3 requires that drainage behind the new retaining wall be maintained such that water drains away from the walls in order to abate retaining wall failure.
 - d. Emergency vehicle Access
 - i. The retaining wall is proposed in the rear of the property and will not impact emergency vehicle access to the Site.
 - e. Location and amount of off-Street parking
 - i. The retaining wall is proposed in the rear of the property and will not impact off-Street parking at the Site or generate any additional off-Street parking needs.
 - f. Internal vehicular and pedestrian circulation system
 - i. The retaining wall is proposed in the rear of the SFD on the property and will not impact circulation.

- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. The property is adjacent to the Olive Branch Condos on the east side.
 - ii. Condition of Approval 4 requires additional landscaping to screen the proposed retaining wall from the adjacent residential Use on the east side.
 - iii. Condition of Approval 1 requires landscaping in the required 3-foot buffer area between any retaining wall faces that exceed 6 feet and encroach in the Side Setback.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. Condition of Approval 5 requires the Applicant to confirm property lines prior to construction to ensure the retaining wall installation does not encroach onto existing property.
 - ii. Recordation of a plat is not required prior to installing the retaining wall. Condition of Approval 6 requires the property to be platted prior to any substantive changes to the property.
- i. Usable Open Space: No unmitigated impacts
 - i. The proposed retaining wall will not impact usable Open Space at the Site.
- j. Signs and lighting: No unmitigated impacts
 - i. No signs or lighting are proposed.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing: No unmitigated impacts
 - i. The retaining wall is proposed to be constructed out of concrete.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site: No unmitigated impacts
 - i. No changes are proposed that would affect noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas: No unmitigated impacts
 - i. No changes are proposed that would affect control of delivery and service vehicles.

- n. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities
 - i. 430 Deer Valley Loop is privately owned.
 - ii. Business License records indicate that the property owner applied for a Nightly Rental Business License in 2023, but the license was cancelled and there are currently no active Nightly Rental Business Licenses for the property.
- o. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site
 - i. 430 Deer Valley Loop Road is not within the Sensitive Land Overlay and is outside the Park City Soils Ordinance boundary.
- p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding
 - i. The Park City General Plan considers the Deer Valley Loop Road area part of the Old Town Neighborhood. Old Town Goal 6.4 notes that the character of Historic Sites should be retained and preserved and notes that stone retaining walls can contribute to the character of the Old Town Historic District, though 430 Deer Valley Loop Road is neither a Historic Site nor located within the Historic District.
 - ii. Natural Setting Goal 6 of the General Plan indicates that Park City will implement strategies to enhance the City's resilience to the future impacts of climate change. Objective 6A notes that implementation of climate adaptation strategies is necessary to become more resilient to flooding. Implementation of quality retaining walls may prevent flooding damage to the property.
 - iii. Staff also recommends Conditions of Approval 7, 8, and 9, which require the Applicant to obtain a Building Permit for the retaining wall, to notify the Planning Department prior to making any changes to the approved retaining wall, and notifying the Applicant that any changes, modifications, or deviations from the approved scope of

work that have not been approved in advance by the Planning Department may result in a stop work order.

8. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 20, 2024. Staff mailed courtesy notice to property owners within 300 feet on November 20, 2024. The Park Record published courtesy notice on November 20, 2024.
9. The Development Review Committee reviewed the proposal on November 19, 2024 and did not require conditions of approval.

Conclusions of Law

1. The retaining wall over 6 feet in height and within the Side Setbacks complies, as conditioned, with the requirements of the LMC.
2. The retaining wall will be compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any difference in Use or scale for the retaining wall has been mitigated through careful planning.

Conditions of Approval

1. Any portion of the proposed retaining wall that is within the Side Setbacks may have multiple steps, but each exposed face shall not exceed six feet in height, and the horizontal distance between the walls from front face to rear face shall be at least three feet and planted with approved vegetation.
2. The Applicant shall work with the Engineering Department to negotiate an access agreement for any construction within 5 feet of City-owned property and for work proposed on a Steep Slope prior to Building Permit issuance. The Applicant shall provide engineered plans for any portions of the retaining wall that exceed 4 feet to the Engineering Department for review prior to Building Permit issuance.
3. Drainage behind the new retaining wall shall be maintained such that water drains away from the wall in order to abate retaining wall failure, and all drainage shall be captured on site. The Applicant shall verify drainage plans for the proposed wall with the Engineering Department during the Building Permit phase to ensure there is sufficient drainage for the proposed wall.
4. The Applicant shall implement additional landscaping in compliance with Land Management Code Section 15-5-5(N) to screen the proposed retaining wall from the adjacent residential Use on the east side. New landscaping shall comply with Park City Municipal Code Chapter 11-21, *Utah Wildland-Urban Interface Code* and new landscaping shall utilize the concept of Water Wise Landscaping for

selecting plants, plant location, irrigation methods, and mulching of all Landscaped Areas.

5. Prior to construction, the Applicant shall confirm property lines and ensure the retaining wall installation does not encroach onto adjacent property.
6. The applicant shall obtain a Nightly Rental business license to operate the premises as a Nightly Rental.
7. The Applicant shall obtain a Building Permit for the retaining wall and complete Engineering Department review for the retaining wall prior to construction.
8. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved retaining wall. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review in accordance with the applicable standards by the Planning Director or designee prior to construction.
9. Any changes, modifications, or deviations from the approved scope of work that have not been approved in advance by the Planning Department may result in a stop work order.

Public Hearing

The Park City Administrative ~~Action~~ meeting adjourned at 12:06^{pm}

Approved by Assistant Planning Director:

A handwritten signature in blue ink, reading "Elissa Martin". The signature is written in a cursive, flowing style.