

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
October 3, 2024

STAFF:

Elissa Martin, Assistant Planning Director; Jaron Ehlers, Planner I; E. Roman, Administrative Assistant.

PUBLIC:

Todd Tanner, Carol Martin.

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The Assistant Planning Director called the meeting to order at 12:02 PM.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

3335 Solamere Drive – Administrative Conditional Use Permit – PL-24-06172
– Proposing Retaining Wall Greater Than 6 Feet in Height in the Residential Development Zoning District and Sensitive Land Overlay

Planner Jaron presented the application. He explained that the existing retaining walls that support the driveway are failing and the proposed retaining walls would prevent further erosion. He also mentioned that as part of the Conditions of Approval, additional screening along the Northern end of the Lot will be required.

The applicant representative Todd Tanner asked for clarification regarding the vegetation screening requirements. Assistant Planning Director indicated that vegetation would need to be tall enough to cover the Retaining Wall.

At 12:10 PM, the Assistant Planning Director opened a public hearing. There was no public input.

At 12:10 PM, 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. 3335 Solamere Drive is a Single-Family Dwelling constructed in 2006. The site contains Very Steep Slopes with extensive boulder retaining walls.
2. 3335 Solamere Drive is Lot 28 of the Hidden Oaks at Deer Valley Phase 1A Subdivision. The Lot is in the Residential Development (RD) Zoning District and the Sensitive Land Overlay (SLO), and the Deer Valley Master Planned Development (MPD).
3. The Applicant states that the existing terraced boulder retaining walls are in poor condition and need replacement and supplemented retention.
4. Land Management Code (LMC) § 15-2.13-2(B)(40) establishes that "Fences and walls greater than six feet (6') in height from Final Grade" are Conditional Uses in the RD Zone requiring an Administrative Conditional Use Permit (ACUP).
5. The proposed retaining wall is Verti-block and approximately 10 feet in height from Final Grade and 56 feet long.
6. The Applicant submitted an ACUP application on June 24, 2024.
7. The proposal to build a retaining wall greater than six feet in height meets the standards of the RD Zoning District in LMC Chapter 15-2.13 *Residential Development*:
 - a. The Hidden Oaks at Deer Valley Subdivision establishes a 15-foot Front and Rear, and 12-foot Side, Setback.
 - b. The proposed retaining wall does not encroach into the Front, Rear, or southern Side Setback.
 - c. The proposed retaining wall encroaches into the 12-foot northern Side Setback. LMC § 15-2.13-3(G)(7) allows retaining walls over six feet in height from Final Grade within the Side Setback, subject to an ACUP.
 - d. LMC § 15-2.13-10 requires protection of Significant Vegetation but no Significant Vegetation is shown on the survey.
8. The Assistant Planning Director reviewed the proposal based on the following Conditional Use Permit criteria outlined in LMC § 15-1-10(E):
 1. **Size and Location of Site**
 - **No required mitigation:** The proposed retaining wall is located on a site already disturbed by the existing structure and the existing retaining walls. Due to the topography of the site, neither

the existing nor the proposed retaining wall are visible from Solamere Drive.

2. Traffic

- **No required mitigation:** The proposed retaining wall will not increase the traffic that comes and goes from the site.

3. Utility Capacity

- **No required mitigation:** No utilities are in locations that will be impacted by the proposed retaining wall and the retaining wall will not lead to an increase in needed capacity.

4. Emergency Vehicle Access

- **No required mitigation:** The existing driveway will be unchanged.

5. Off-Street Parking

- **No required mitigation:** The parking requirement for the property is not increased by this Use nor will existing parking be affected.

6. Internal Vehicle and Pedestrian Circulation

- **No required mitigation:** The existing Driveway will not be affected by the retaining wall and the existing grade of the location for the retaining wall is already steep enough to discourage pedestrian use.

7. Fencing, Screening, and Landscaping

- **Condition of Approval recommended:** According to the survey, no significant vegetation exists in the area to be disturbed by the retaining wall.
- The existing retaining wall and proposed retaining wall are not visible from Solamere Drive. The neighboring property has a view overlooking the property and so Condition of Approval 5 requires the applicant shall plant additional vegetative screening to screen that wall

8. Building Mass, Bulk, and Orientation

- **No mitigation required:** While the proposed retaining wall is large, stretching 56 feet in length, the disturbed area is also large. The retaining wall is in an area that is naturally screened by the existing changes in grade.

9. Usable Open Space

- **No mitigation required:** The area for the proposed retaining wall has already been extensively disturbed.

10. Signs and Lighting

- **No mitigation required:** There are no signs or lighting proposed or approved as part of this permit.

11. Physical Design and Compatibility with Surrounding Structures

- **No mitigation required:** While the proposed retaining wall is large, stretching 56 feet in length, the disturbed area is also large. The retaining wall is also located in an area that is naturally screened by the existing changes in grade. While the proposed wall is a single wall, larger than the existing walls, and from a different material, it is compatible with Surrounding Structures as the wall is naturally screened and not viewable in the larger context of the neighborhood. The proposed wall would be Verti-block, which is a precast concrete that is designed to appear to be stone, allowing it to visual match the existing retaining walls.

12. Noise, Vibration, Odors, Steam, or Other Mechanical Factors

- **No mitigation required:** The project will result in no unmitigated impacts. The existing situation will not be substantially altered, as the only change is an additional retaining wall.

13. Expected Ownership and Management

- **No mitigation required:** There is no expected change to the ownership and management of the property as a result of this permit.

14. 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

- **Condition of Approval Recommended:** The property is within the Sensitive Land Overlay. To minimize any further effect on the area, Staff recommends Condition of Approval 3 to ensure the retaining wall is not larger than necessary. Further analysis is contained in the specific Sensitive Land Overlay section of this Final Action Letter.

15. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan

- **No mitigation required:** The property is in the Lower Deer Valley General Plan Neighborhood. Neighborhood Goal 8.7 states “The aesthetic of the Lower Deer Valley neighborhood should be preserved.” The proposal allows for the creation of a retaining wall that will preserve existing site conditions.
9. The proposal to build a retaining wall greater than six feet in height meets the standards of the SLO in LMC Chapter 15-2.21. LMC § 15-2.21-24 includes specific regulations for Development among slopes in the SLO. Regulations that apply to retaining walls include:
- a. **PROHIBITIONS. No development is allowed on or within fifty feet (50’), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25’) vertically, upslope or downslope, and fifty feet (50’) horizontally in any direction to be subject to this prohibition.**
The retaining wall will be located within a Very Steep Slope, as shown on the Topographic Survey, but that Very Steep Slope was created by the creation of the existing home. The retaining wall is needed to stabilize the existing walls and provide geological stability for the Lot. Failure to install a new wall could jeopardize the existing Single-Family Dwelling. The retaining wall is located over 100 feet from the nearest naturally occurring Very Steep Slope which is on the western downhill side of the Lot.
 - e. **RETAINING WALLS. The Use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.** The submitted Topographic Survey shows that the proposed retaining wall is located within a Very Steep Slope. The Very Steep Slope was created by excavation of the site to allow for Development of the existing Single-Family Dwelling. The proposed retaining wall provides stabilization. No natural Steep or Very Steep Slopes will be disturbed by the proposed wall. The retaining wall has limited visual impacts as it cannot be seen from Solamere Drive and is naturally screened by the existing grade change.
 - f. **LANDSCAPING AND REVEGETATION. An Applicant must commit to landscaping or re-vegetating exposed Slopes. Topsoil from any**

disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.

According to the survey, no significant vegetation exists in the area to be disturbed by the retaining wall.

- g. **PRIVATE DEVELOPMENT DESIGN STANDARDS. All Development on Steep Slopes shall comply with the design standards set forth in LMC Chapter 15-5.** While the proposed wall is a single wall, larger than the existing walls, and from a different material, it is compatible with Surrounding Structures as the wall is naturally screened and not viewable in the larger context of the neighborhood. The proposed wall would be Verti-block, which is a precast concrete that is designed to appear to be stone, allowing it to visual match the existing retaining walls. Verti-block is not a material prohibited by LMC Chapter 15-5 as the prohibition against synthetic stone products applies only to siding.

10. The property is subject to the Deer Valley MPD, specifically Section E which governs the applicability of the SLO. Section E states properties within Deer Valley and the SLO are reviewed for (1) limits of disturbance, (2) vegetation protection, and (3) design standards (see analysis above).
11. The Development Review Committee reviewed the proposal on July 23, 2024, and confirmed the proposal complies with required standards.
12. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 19, 2024. Staff mailed courtesy notice to adjacent property owners on September 19, 2024.

Conclusions of Law

1. The proposal complies with LMC § 15-1-10 *Conditional Use Review Process*, Chapter 15-2.21 *Sensitive Land Overlay Zone (SLO) Regulations*, Chapter 15-2.13 *Residential Development (RD) Zoning District*.
2. The proposal complies with the requirements of the Deer Valley Master Planned Development.
3. The Use is compatible with surrounding Structures in Use, scale, mass, and circulation.
4. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant is responsible for notifying the Planning Department in writing of any changes, modifications, or deviations from the approved scope of work and shall be reviewed and approved or denied by the Planning Director or their designee in accordance with applicable development standards.
2. Final building plans and construction details shall reflect substantial compliance with the plans submitted with this application. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a Stop Work Order.
3. The retaining wall shall not exceed 10 feet in height from Final Grade nor be longer than 56 feet.
4. Any portion of the retaining wall over four feet and larger requires engineered plans at the time of building permit submittal and requires review and approval by the Engineering and Building Departments.
5. The applicant shall plant additional vegetative screening along the northern end of the Lot to screen the retaining wall from the neighboring property.

The Park City Administrative Action meeting adjourned at 12:11 PM.

Approved by Assistant Planning Director:

A handwritten signature in blue ink that reads "Jessica Martin". The signature is written in a cursive, flowing style.