

Administrative Action Meeting
June 27, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
June 27, 2024
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Planning Director (virtual); Meredith Covey, Planner I; Virgil Lund, Planner II; Jaron Ehlers, Planning Technician; Ed Roman, Planning Department Administrative Assistant; Jacob Klopfenstein, Planner I.

PUBLIC:

Beau McDonald, Michael Wong, Connor Dinsmore (virtual).

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The Planning Director Rebecca Ward called the meeting to order at 12:00 PM.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

2960 Arabian Drive – Administrative Permit – PL-24-04182 – The Applicant Proposes Construction of a Detached Accessory Apartment in the Single-Family Zoning District.

Planner Meredith Covey presented the Administrative Permit proposal and indicated that the proposal will comply with Single-Family Zoning District requirements.

Planning Director Ward asked if the applicant had any questions.

Applicant Michael Wong inquired about how the square footage is determined.

Planning Director Ward explained that the limitations are for a total of the structure according to the Land Management Code Chapter 15-4-7, the maximum floor area can be 1,000 square feet and no less than 280 square feet, defined as all enclosed areas located under the ceiling, which is measured from the finished surface of the interior, of the exterior boundary walls.

Applicant Wong asked if he was ok to have his architect draw up plans given that the total square footage would be less than 1,000 square feet.

Director Ward clarified that those measurements would need to be verified prior to the issuance of a building permit to make sure the plans are in compliance with Land Management Code.

Applicant Wong asked about the scope of the waterwise requirements.

Director Ward indicated that the waterwise requirements were applicable to areas of site disturbance during the project that need to be restored.

Applicant Wong inquired about adding an unfinished basement for storage under the proposed Accessory Apartment.

Director Ward noted that this approval was limited to what was proposed in the permit application. She also informed the applicant that he could pause this application process, and then resubmit an application for a basement construction if he desired, so that a new assessment could take place.

At 12:07 PM, the Planning Director Ward opened a public hearing. There was public input from J.F Lanvers and Evelyne Lanvers.

Planning Director Rebecca Ward noted that she received a written letter as input regarding this application from adjacent property owners Evelyne Lanvers, and proceeded to read the comments submitted:

- I. On the floor plan, the total area is 1,008 square feet, exceeding the 1,000 square feet limit for such a dwelling.
- II. On the survey, the footprint is not to scale and appears to encroach on both setbacks (less than 15 feet from the rear property line and less than the 12 feet from the side property line). The drawing should be corrected and re-submitted to the adjacent property owners for further comments if necessary.
I have attempted to reset it to scale, reducing the entrance area by 8 square feet (now 8 feet by 5 feet) and observed the required setbacks.
What is visible is that the front of the dwelling is brought very close to the existing deck attached to the house. Also, the rear of the dwelling is a bit too close to the existing pine trees (fire safety).
- III. An alternative would be to place the Accessory Dwelling so the main facade faces south and fully benefits from the sun. If placed on the 15' rear setback, the

rear of the proposed dwelling would also butt against the clump of pine trees planted in the alignment of the rear line of setback, which wouldn't be desirable from a fire danger standpoint.

- IV. This brings us to the potential issue of fire danger in our our particular area. The small residential block comprised between Arabian Drive, American Saddler, Lucky John Drive and Holiday Ranch Loop Road, but most particularly around our property and the dwelling location, is filled with a tight density of trees, including many conifers (with a few that are standing dead). Some are dangerously hugging dried out, wood shingles on one house, and we are not reassured by that.
- Since there is little we can do to convince our other homeowners to clear some of their trees off their properties (pine trees in particular) we do not wish to see more conifers hugging buildings in the vicinity, and logic would suggest that they should be cut.

At 12:10 PM, the Planning Director Rebecca Ward closed the public hearing.

Planning Director Ward explained that this application was limited for the use only, went over the Conditions of Approval and mentioned that lateral requirements will be coordinated with the water department prior to construction.

MOTION: The Planning Director Ward **APPROVED** the Administrative Permit for 2960 Arabian Drive in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 2960 Arabian Drive in the Park Meadows neighborhood and is Lot 22 of the Park Meadows Subdivision No. 3, recorded with Summit County in 1977 (Parcel No. PKM-3-22).
2. According to the Summit County Assessor webpage, the Single-Family Dwelling at 2960 Arabian Drive was constructed in 1979.
3. The Applicant proposes constructing a detached Accessory Apartment in the rear yard.
4. LMC Section 15-15-1 defines an Accessory Apartment as a self-contained apartment with cooking, sleeping, and sanitary facilities, created by adding onto or within a detached Single-Family Dwelling or detached garage.

5. Accessory Apartments do not increase the residential Unit Equivalent of the property and are an Accessory Use to the primary dwelling.
6. LMC Section 15-2.11-2(A)(4) *Single-Family Zoning District Uses* establishes Accessory Apartments as an allowed use, subject to Administrative Permit approval and compliance with LMC Section 15-4-7 *Accessory Apartments*.
7. LMC Section 15-2.11-3 *Single-Family Zoning District Lot and Site Requirements* establishes the following:

Requirement	Analysis of Proposal
Front Setback - 20 feet	The proposed Accessory Apartment is set behind the existing Single-Family Dwelling and complies with the minimum 20-foot Front Setback.
Rear Setback – 15 feet	Condition of Approval 1 requires the Applicant to submit an updated survey confirming the Accessory Apartment will be set back at least 15 feet from the rear property line.
Side Setback – 12 feet	The Accessory Apartment is proposed to be set back 13 feet from the side property line. Condition of Approval 2 requires the Applicant to submit an updated survey confirming the Accessory Apartment will be set back at least 13 feet from the side property line.

8. LMC Section 15-2.11-4 *Single-Family Zoning District Building Height* establishes the following:

Requirement	Analysis of Proposal
18 feet from Existing Grade	Condition of Approval 3 requires the Applicant to submit a roof over topography showing existing

	grade and compliance with height prior to Building Permit submittal.
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9. LMC Section 15-2.11-5 *Single-Family Zoning District Architectural Review* requires projects to comply with LMC Chapter 15-5 *Architectural Review*:

Requirement	Analysis of Proposal
Outdoor Lighting	The Dark Sky Code requires outdoor lighting to be Fully Shielded, down directed, with bulbs 3,000 degrees Kelvin or less. Condition of Approval 4 requires outdoor lighting for the property to be brought into compliance with the Dark Sky Code (LMC Section 15-5-5(J)).
Water Wise Landscaping	Condition of Approval 5 requires modifications to landscaping to comply with the water wise requirements outlined in LMC Section 15-5-5(N)).

10. LMC Section 15-4-7 establishes the following requirements for Accessory Apartments:

Requirement	Analysis of Proposal
Accessory Apartments shall be no more than 1/3 of the Single-Family Dwelling and are limited to a maximum floor area of 1,000 square feet.	The Single-Family Dwelling is 3,900 square feet. The proposed Accessory Apartment floor area is 1,008 square feet. Condition of Approval 9 requires the Applicant reduce the proposed floor area to less than 1,000 square feet prior to building permit submittal.

Accessory Apartments shall have no more than two bedrooms.	The Accessory Apartment has two bedrooms.
Parking – one space per bedroom must be provided in addition to the existing requirement for the primary residence.	LMC Section 15-3-6(A) requires two parking spaces for a Single-Family Dwelling and two additional parking spaces for the Accessory Apartment. The Single-Family Dwelling at 2960 Arabian Drive has a three-car garage, satisfying three required parking spaces. For the required fourth parking space, LMC Section 15-4-7(A)(2) allows for one parking space for an Accessory Apartment to be provided in tandem if the existing driveway length equals or exceeds 25 feet as measured from the property line. The Applicant shall confirm the driveway meets this requirement through the updated survey. If the driveway does not meet this requirement, the Applicant shall install a code-compliant parking pad for one parking space in a location to be approved by the Planning Department (Condition of Approval 6).
Deed Restriction	Condition of Approval 7 requires Deed Restriction outlining the limitations of the Accessory Apartment to be recorded with the Summit County Recorder prior to issuance of a building permit.
Nightly Rentals – Prohibited.	The Deed Restriction shall prohibit Nightly Rentals of the Accessory Apartment. The minimum rental term for the Accessory Apartment is 90 days (Condition of Approval 8).
Homeowner Association Notification	LMC Section 15-4-7(A)(7) requires notification of the proposed Accessory Apartment to homeowner associations registered with the Park City Building

	Department pursuant to LMC Section 15-1-12(F). 2960 Arabian Drive is not part of a homeowner association.
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11. The Development Review Committee evaluated the proposed Accessory Apartment on June 18, 2024.

Conclusions of Law

1. The Accessory Apartment, as conditioned, complies with LMC Chapter 15-11 Single-Family Zoning District.
2. The Accessory Apartment, as conditioned, complies with LMC Section 15-4-7 Accessory Apartments.

Conditions of Approval

1. The Applicant shall submit an updated survey confirming the Accessory Apartment will be set back at least 15 feet from the rear property line prior to building permit submittal.
2. The Applicant shall submit an updated survey confirming the Accessory Apartment is set back at least 13 feet from the side property line prior to building permit submittal.
3. The Applicant shall submit a roof over topography showing existing grade and compliance with height requirements prior to building permit submittal.
4. All outdoor lighting for the property shall be brought into compliance with the dark sky code outlined in LMC Section 15-5-5(J). All outdoor lighting must be fully shielded, down-directed, with bulbs 3,000 degrees Kelvin or less.
5. Modifications to landscaping shall comply with the water wise requirements outlined in LMC Section 15-5-5(N).
6. The Applicant shall confirm the driveway to the property line is at least 25 feet in length. If the driveway is not, the Applicant shall install a code-compliant parking pad for one parking space in a location to be approved by the Planning Department.
7. Prior to building permit issuance, the Applicant shall record with Summit County a Deed Restriction that meets the requirements of LMC Section 15-4-7 in a form approved by the City Attorney's Office.
8. Nightly Rental of the Accessory Apartment is prohibited. The Accessory

Apartment shall be rented for no term less than 90 days.

9. The Applicant shall reduce the proposed floor area of the Accessory Apartment to less than 1,000 square feet in compliance with LMC Section 15-4-7 prior to building permit submittal
10. The Accessory Apartment shall be set back at least 10 feet from the rear property line to reflect the Public Utility Easement along the rear property line.
11. The Applicant shall coordinate with the Water Department regarding the water lateral requirements prior to construction.

Parcel: PCA-S-98-SD-1A – Administrative Conditional Use Permit – PL-24-06144 – The Applicant Proposes Retaining Walls Greater than Six Feet In The Residential Development Zoning District.

Planner Virgil Lund presented the Administrative Conditional Use Permit proposal for multiple Retaining Walls. He noted that on June 26, 2024 the Planning Commission approved a Conditional Use Permit for the parking area improvements. Planner Lund stated that the proposal complies with the RD Zoning District Requirements and other LMC requirements.

At 12:16 PM, the Planning Director Rebecca Ward opened a public hearing. There was no public input.

At 12:17 PM, the Planning Director Ward closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Conditional Use Permit for Mid Mountain Trailhead on Parcel PCA-S-98-SD-1A in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Applicant proposes a retaining wall greater than six feet at the Mid Mountain Trailhead.
2. The Mid-Mountain Trailhead and Parking Area has been an unofficial Parking Area for many years and is popular for recreational users in the Summer and Winter months.
3. The proposal complies with the RD Zoning District requirements found in LMC Chapter 15-2.13
 - a. Front Setback

- i. The proposed retaining wall is less than four feet in the Front Setback.
 - b. Side Setback
 - i. The proposed retaining wall is greater than 12 feet from any side property line.
 - c. Rear Setback
 - i. The proposed retaining wall is greater than 15 feet from the rear property line.
 - d. Vegetation Protection
 - i. The Applicant proposes to remove seven trees with a diameter of 6" inches or greater.
 - ii. LMC § 15-5-5(N)(4)(i)(2) establishes exceptions where the Forestry Board and Planning Director may approve the removal of Significant Vegetation "if upon their review it is found that equivalent replacement is impossible, would be detrimental to the site's existing and/or proposed vegetation, or violates Chapter 11-21 Utah Wildland-Urban Interface Code."
 - iii. On June 6, 2024, the Forestry Board reviewed the proposal and determined the replacement of Significant Vegetation would be detrimental to the site's existing vegetation and approved the removal of seven trees with a diameter of 6" inches or greater.
- 4. The proposal, as conditioned, complies with LMC § 15-4-2 Fences and Retaining Walls
 - i. Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Setback or Side Setback. Within any required Front Setback or Street Side Setback, Fences and retaining walls shall not exceed four feet (4') in height, measured from Final Grade.
 - ii. The proposed retaining wall will not exceed four feet in height within any Front Setback and is not located within any Side or Rear Setback.
- 5. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
 - a. Size and Location of Site
 - i. The proposed retaining wall will help stabilize the existing Parking Area and slope and is located within property lines.

- b. Traffic Capacity
 - i. No mitigation required.
- c. Utility Capacity
 - i. The Development Review Committee reviewed the proposal on June 4, 2024, and confirmed the proposal conforms with their requirements.
- d. Emergency Vehicle Access
 - i. The Park City Fire District reviewed the proposal on June 4, 2024, and confirmed the proposal conforms with their requirements.
- e. Off-Street Parking
 - i. The proposed Parking Area improvements will increase the amount of Off-street parking for recreation uses from 15 Parking Spaces to 29.
- f. Internal Vehicular and Pedestrian Circulation System
 - i. The proposed Parking Area improvements will help increase pedestrian and vehicle safety at the Mid Mountain Trailhead.
- g. Fencing, Screening, and Landscaping
 - i. The Applicant proposes retaining walls greater than six feet along the hillside to stabilize the slope surrounding the Parking Area. The maximum height that the retaining walls will reach is 12 feet from Final Grade and will span the length of the Parking Area, approximately 288 feet across. The proposed retaining wall will be constructed of rocks.
- h. Structure Mass, Bulk, and Orientation
 - i. The total square footage for the proposed Parking Area improvements will be approximately 18,000 square feet. Vegetation must be protected during development activity, and disturbed areas must be replaced to existing or improved conditions.
- i. Useable Open Space
 - i. The proposed Parking Area improvements will increase the accessibility to Open Space for the community.
- j. Signs and Lighting
 - i. Municipal Code of Park City § 12-8-1 lists exceptions from the Sign Code requirements: "Signs located inside open-air recreational facilities that are not oriented to public streets, such as signs in ski

resorts, skateboard parks, and golf courses, are exempt from the requirements of this Title.”

- ii. The Applicant proposes a trailhead kiosk sign that is four feet wide by four feet tall and approximately eight feet tall and is not oriented to Marsac Avenue, similar to other kiosk signs at Park City trailheads.
 - iii. There will be six signs, approximately seven square feet each, oriented towards Marsac Avenue.
 - iv. The Sign Code states the following in § 12-8-1(A): “CITY SIGNS. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title.”
 - v. The Trails and Open Space and Engineering Department requires the Applicant to install entrance and exit signs, trail crossing warning signs, a stop sign at the Parking Area exit, and trail stop signs for trail users.
- k. Physical Design and Compatibility with Surrounding Structures
- i. The Applicant proposes retaining walls greater than six feet along the hillside to stabilize the slope surrounding the Parking Area. The maximum height that the retaining walls will reach is 12 feet from Final Grade and will span the length of the Parking Area, approximately 288 feet across. The proposed retaining wall will be constructed of rocks.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures
- i. The applicant proposes installing a 110-square-foot singular pit toilet on the east side of the Parking Area, to be maintained by the Trails and Open Space Department.
- m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas
- i. A trash can is proposed to be installed on the east side of the Trailhead, and will be screened with existing vegetation.
- n. Expected Ownership
- i. Parcel PCA-S-98-SD-1A is owned by REDUS LLC and has signed off on this application. The Applicant has obtained approval by UDOT for the proposed work adjacent to the Marsac Avenue Right of Way.

- o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slopes
 - i. The proposed Parking Area improvement plans were evaluated and presented as part of the Sommet Blanc MPD/CUP Approval. The Planning Commission reviewed the proposed location and plans for the Mid-Mountain Trailhead improvements attached as Exhibit X to the March 9, 2022, Planning Commission packet.
 - ii. Staff determined at that time "The MPD Conclusion of Law #10 notes that the Flagstaff Annexation was not included in the Sensitive Lands Overlay. The MPD does not assert why this is, but it may be because at the time of annexation, the City and Applicant strategically chose specific development pods and donated the other acreage to preservation. Fourteen (14) technical reports were required and submitted with the annexation agreement that covered detailed reports of the area including a mine soil mitigation plan, open space management plan, a trails master plan, historic preservation, and wildlife management plan (amongst others). Again, these plans were utilized to suggest the least sensitive areas for development while preserving 826 acres as Open Space. The 2004 Village at Empire Pass MPD Conclusion of Law #10 noted "The Sensitive Lands (overlay) Zone did not specifically apply to the Empire Pass Large-Scale MPD annexation; however, the locations of the development pods are based on Sensitive Lands principles." See March 9, 2022 Planning Commission Staff Report, Minutes.
 - iii. The Applicant proposes retaining walls to stabilize the slope surrounding the Parking Area. The proposed retaining walls are appropriate for the site and necessary to stabilize the surrounding hillside for the Parking Area improvements. Condition of Approval 3 requires the Applicant to provide engineered plans and a geotechnical report to be reviewed by the Engineering Department prior to Building Permit issuance.
 - iv. The proposed Parking Area improvements do not conflict with any Physical Mine Hazards, and it is outside the Soils Ordinance Boundary. No wetlands, ridgelines, stream corridors, or wildlife habitat will be impacted.

- v. The Flagstaff technical report number 13 “Wildlife Management Plan” does not mention the Mid-Mountain Trailhead as a Sensitive Wildlife Area. The Open Space Management plan does not specifically mention the Mid-Mountain Trailhead, but it could be inferred that the “trailhead” mentioned is referring to the Mid-Mountain Trailhead. “Deer Valley and UPK have historically cooperated with the Utah Department of Transportation (UDOT) in providing a base parking area and snowmobile route through the Deer Valley ski area for use by property owners in Wasatch County in accessing cabins and/or lots outside the boundaries of Deer Valley ski resort. This route is the same as that referred to under the commercial snowmobile operations section, above. While the parking area and trailhead will ultimately be relocated, Deer Valley and UPK will continue to work with UDOT in providing winter access to Wasatch County landowners.”
 - vi. The proposal includes parallel parking stalls for vehicles with trailers. There are no additional technical reports that mention the Mid-Mountain Trailhead
- p. General Plan
- i. Goal 4 of the General Plan states: “Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting.” The proposed Parking Area improvements will increase access and connectivity in Open Space areas.
 - ii. Goal 9 of the General Plan states: “Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.” The proposed Parking Area improvements will provide residents and visitors with improved access to recreational opportunities.
- 6. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on June 12, 2024.
 - 7. Staff mailed courtesy notice to property owners within 300 feet on June 12, 2024. The Park Record published courtesy notice on June 12, 2024.

Conclusions of Law

- 1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.13 *Residential Development Zoning District*, Chapter 15-4-2

Fences and Retaining Walls, and Section 15-1-10, Conditional Use Review Process.

2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the final plans dated June 13, 2024, submitted to the Planning Department and reviewed June 27, 2024, by the Planning Director.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes from the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director prior to construction.
3. The Applicant shall provide detailed engineered plans and a geotechnical report for the proposed retaining walls and Parking Area improvements at building permit submittal.
4. The Applicant shall obtain a license agreement, subject to City Attorney's Office approval, which ensures the City's ability to operate, manage and maintain the Mid-Mountain parking lot (snow removal to remain within the EPMOA) prior to Building Permit Issuance.
5. The Mid-Mountain Trailhead parking lot shall be constructed by 10/15/24.
6. All disturbed vegetation must be replaced to existing or improved conditions and shall comply with LMC § 15-5-5(N). Seeded areas shall have at least 80% or more germination prior to site completion.
7. The Applicant shall submit a landscape plan at Building Permit submittal.

30 Nakoma Terrace – Administrative Conditional Use Permit – PL-24-06145 –
The Applicant Proposes to Construct Retaining Walls in Two Locations Greater than Six Feet in the Residential Development District and Sensitive Land Overlay.

Planner Jaron Ehlers presented the Administrative Conditional Use Permit proposal to construct Retaining Walls greater than 6 feet in two locations. Planner Ehlers read the Conditions of Approval.

At 12:23 PM, the Planning Director Ward opened a public hearing. There was no public input.

At 12:23 PM, the Planning Director Ward closed the public hearing.

MOTION: The Planning Director Rebecca Ward **APPROVED** the Administrative Conditional Use Permit for 30 Nakoma Terrace in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 30 Nakoma Terrace is Lot 3 of the Nakoma Condominiums First Amended and Restated Condominium Plat.
2. The property is in the Residential Development (RD) Zoning District and the Sensitive Land Overlay (SLO), and was developed as part of the Flagstaff Development Agreement and Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1), as amended.
3. The City approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999.
4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1).
5. On October 27, 2004, the Planning Commission approved an MPD Amendment to Lot B.
6. On April 23, 2008, the Planning Commission approved a second MPD Amendment.
7. On May 29, 2008, the City Council passed Ordinance 08-16, approving the Nakoma Condominiums First Amended and Restated Condominium Plat, which was recorded with Summit County on December 31, 2008.
8. On April 25, 2023, the Applicant applied for Building Permit 23-728 for a new Single-Family Dwelling at 30 Nakoma Terrace.
9. On June 7, 2023, the City issued the Building Permit, conditioning it to require to the Applicant to apply for an Administrative Conditional Use Permit for any retaining walls greater than six feet in height from Final Grade, which requires an Administrative Conditional Use Permit (ACUP) in the Residential Development Zoning District pursuant to LMC § 15-2.13-2(B)(40).

10. Nakoma Condominiums First Amended and Restated Condominium Plat establishes Setbacks around the entire Condominium Development, with none of those Setbacks located on Unit 3.
11. The Single-Family Dwelling is currently under construction.
12. On May 28, 2024, the Applicant applied for an ACUP to construct retaining walls that exceed six feet in height from Final Grade within two locations on the site.
13. On June 18, 2024, the Development Review Committee reviewed the proposal and confirmed it meets the required standards.
14. The areas where the proposed retaining walls are approved are shown in blue on the Proposed Plans (Attachment 1).
15. All retaining walls are proposed to be constructed from boulders.
16. The retaining walls in the eastern area are intended to continue the existing retaining walls at 24 Nakoma Terrace.
17. The forward retaining wall on 24 Nakoma Terrace, which encroaches onto 30 Nakoma Terrace, exceeds 11 feet in height.
18. In the western area, the Applicant is requesting permission to construct retaining walls but has not yet determined if they are necessary.
19. Walls greater than six feet in height from Final Grade in the RD Zoning District require an ACUP pursuant to LMC § 15-2.13-2(B)(40).
20. The Planning Director reviewed the proposal based on the following Conditional Use Permit criteria outlined in LMC § 15-1-10(E):

CUP Review Criteria	Analysis of Constructed Wall
Size and Location of the Site	No required mitigation: The retaining walls are located on Site on the eastern and western sides of the new Single-Family Dwelling. The Single-Family Dwelling is located at the north end of the Lot and the proposed retaining walls are within the Private Area shown on the Plat. The retaining walls are of a comparable material and Height with 24 Nakoma Court, which has a forward retaining wall that exceeds 11 feet in height.
Traffic	No required mitigation

Utility Capacity	No required mitigation The retaining walls are not proposed to be installed on or near any platted utility easements.
Emergency Vehicle Access	No required mitigation
Parking	No required mitigation
Internal Vehicular and Pedestrian Circulation System	No required mitigation
Fencing, Screening, and Landscaping	No required mitigation: The retaining walls are consistent with Upper Deer Valley Objective 9.5: Aesthetic of the Upper Deer Vally: A Grand Scale Within the Forest. That objective specifically calls out “large retaining walls” as a “repeated design characteristics” of the neighborhood.
Building Mass, Bulk, and Orientation	Condition of Approval 3: Staff recommends all retaining walls must be no more than 12 feet in height.
Useable Open Space	No required mitigation
Signs and Lighting	No required mitigation
Physical Design and Compatibility with Surrounding Structures	Condition of Approval 6: The retaining walls are consistent with Upper Deer Valley Objective 9.5: Aesthetic of the Upper Deer Vally: A Grand Scale Within the Forest. That objective specifically calls out “large retaining walls” as a “repeated design characteristics” of the neighborhood. The proposed boulder material is compliant with LMC § 15-5-5. 24 Nakoma Terrace has an existing retaining wall which all retaining walls will continue in material.

Noise, Vibration, Odors, Stream, or Other Mechanical Factors	No required mitigation
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	No required mitigation
Expected Ownership and Management	No required mitigation
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	Complies: The site is in the Sensitive Land Overlay but is not in the Soils Ordinance boundary. The density of this use was allocated by the Flagstaff Mountain Resort Phase II (Pod B-1) and determinations for Sensitive Land compliance being made at that stage. The retaining walls are required to support the Single-Family Dwelling. While Steep Slopes may be impacted, the site has already been significantly disturbed both by the ongoing construction on 30 Nakoma Terrace as well as by the other buildings in the Condominium.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The Retaining Walls are consistent with Upper Deer Valley Objective 9.5: Aesthetic of the Upper Deer Valley: A Grand Scale Within the Forest. That objective specifically calls out "large retaining walls" as a "repeated design characteristics" of the neighborhood.

21. LMC § 15-2.21-4(E) requires all retaining walls within the SLO to receive approval "based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety."

- a. While there will be visual impact, it is consistent with the Upper Deer Valley neighborhood. The retaining walls will be able to be seen from the Nakoma Terrace Road, a private road, but the proposed retaining walls will be consistent with existing retaining walls in the neighborhood,

including on neighboring 24 Nakoma Terrace, which exceeds 11 feet in height.

- b. The retaining walls are compatible with the surrounding terrain and vegetation.
- c. Both the Engineering and Building Departments have identified no issues with the proposed Retaining Wall.

Conclusions of Law

- 1. The proposal complies with Land Management Code § 15-1-10 *Conditional Use Review Process*, Chapter 15-2.21 *Sensitive Land Overlay Zone (SLO) Regulations*, and Chapter 15-2.13 *Residential Development (RD) Zoning District*.
- 2. The Use is compatible with surrounding Structures in Use, scale, mass, and circulation.
- 3. 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 reviewed by the Planning Department 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. All retaining walls onsite shall not exceed 12 feet in height.
- 4. Retaining walls four feet and larger require engineered plans at the time of building permit submittal and require review and approval by the Engineering and Building Departments.
- 5. If retaining walls are not constructed within the western area, approval for any retaining walls there shall expire upon the issuance of the Certificate of Occupancy for 30 Nakoma Terrace, and if the Applicant, or any future owner, wishes to construct retaining walls on that part of the property, they shall seek a new approval.
- 6. All retaining walls shall be built with boulder materials similar to the existing retaining walls on 24 Nakoma Terrace.

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The Park City Administrative Action meeting adjourned at 12:24 PM.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several loops and a long, sweeping tail that extends to the right.

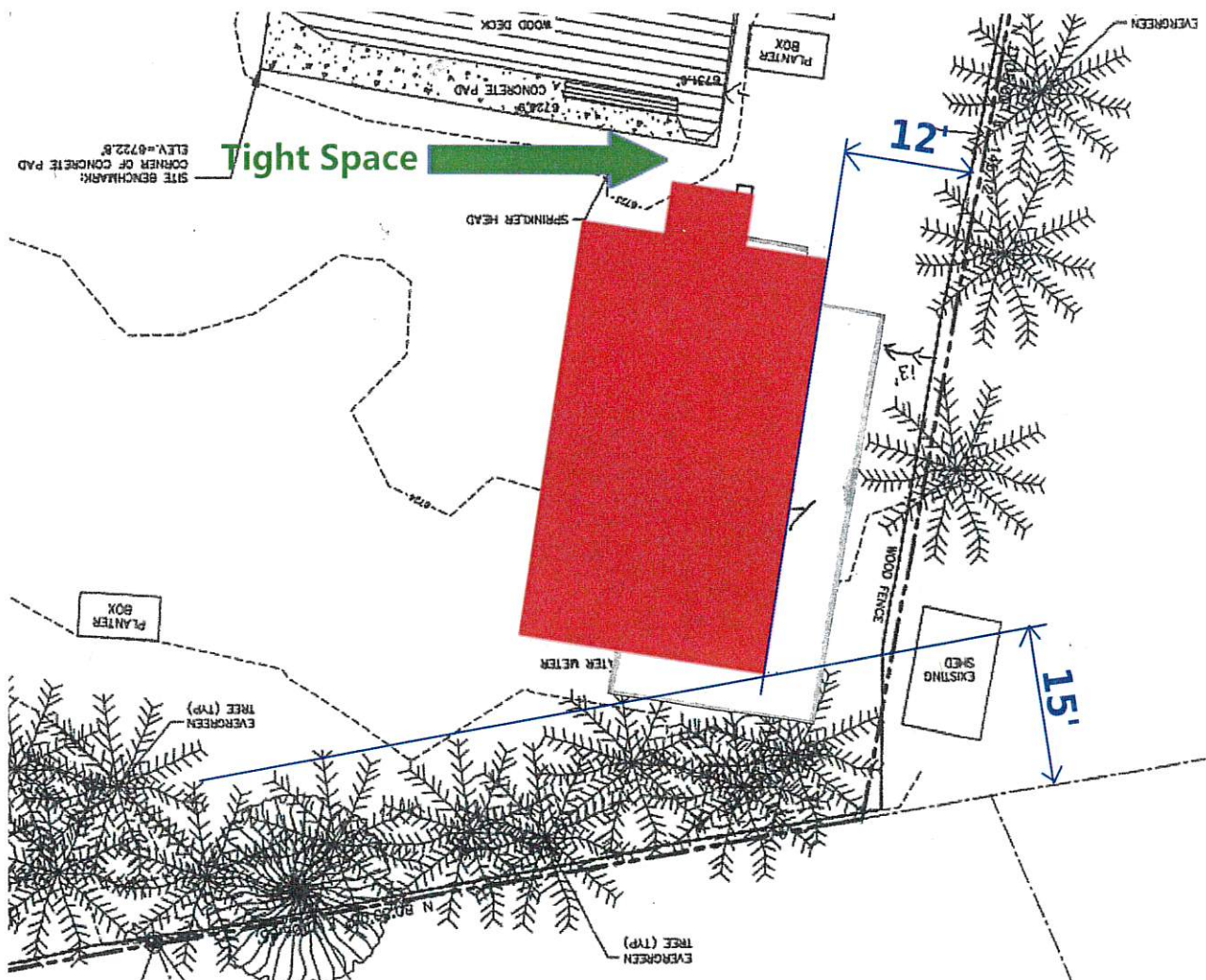
Neighbor's Comments to Application: PL-24-04182 at 2960 Arabian Drive

Administrative Application for Accessory Apartment on June 27, 2024

Here are our comments based on the plans provided by the applicant.

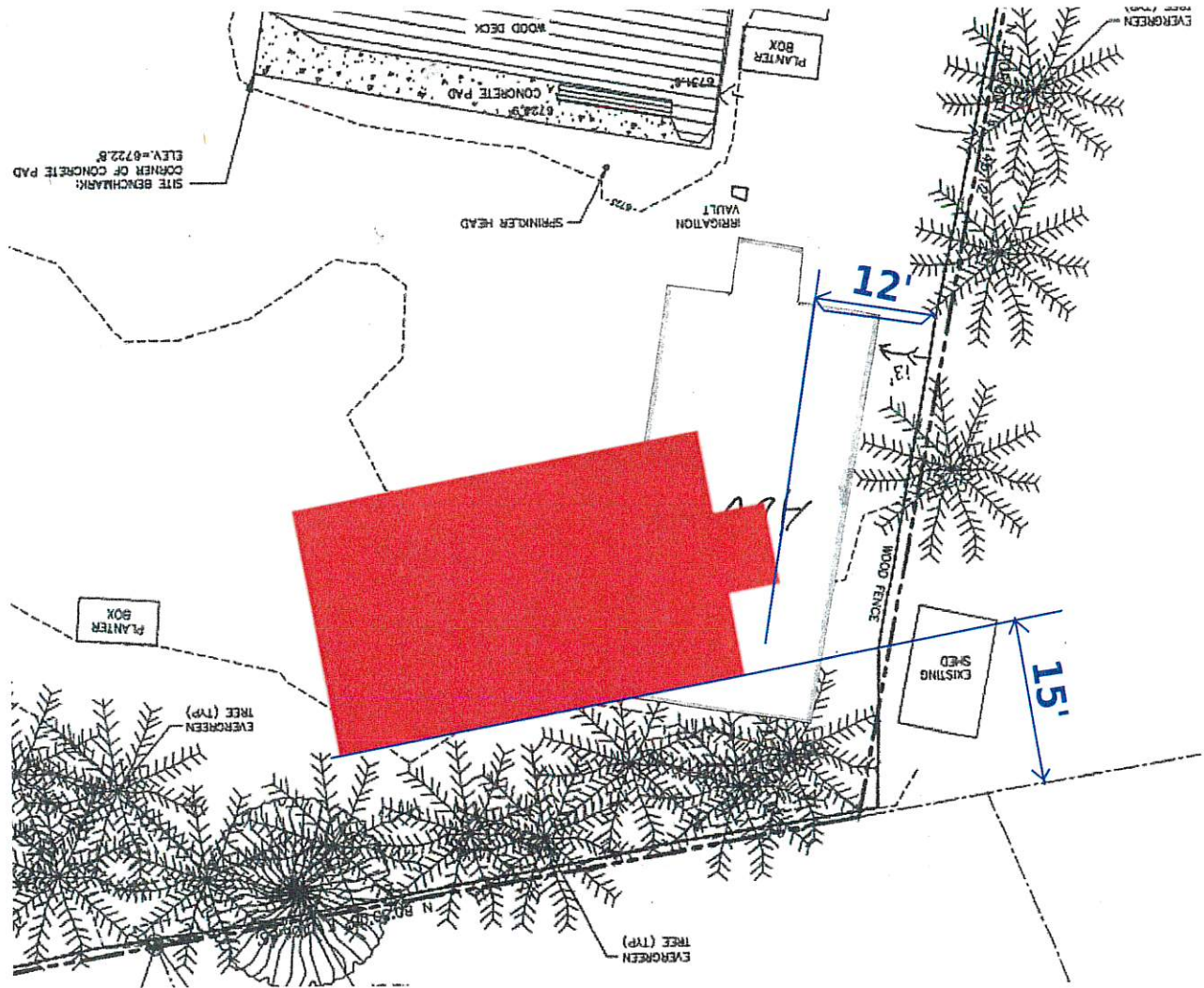
1. On the floor plan, the total area is 1,008 square feet, exceeding the 1,000 square feet limit for such a dwelling.
2. On the survey, the footprint is not to scale and appears to encroach on both setbacks (less than 15 feet from the rear property line and less than the 12 feet from the side property line). The drawing should be corrected and re-submitted to the adjacent property owners for further comments if necessary.

I have attempted to reset it to scale, reducing the entrance area by 8 square feet (now 8 feet by 5 feet) and observed the required setbacks:



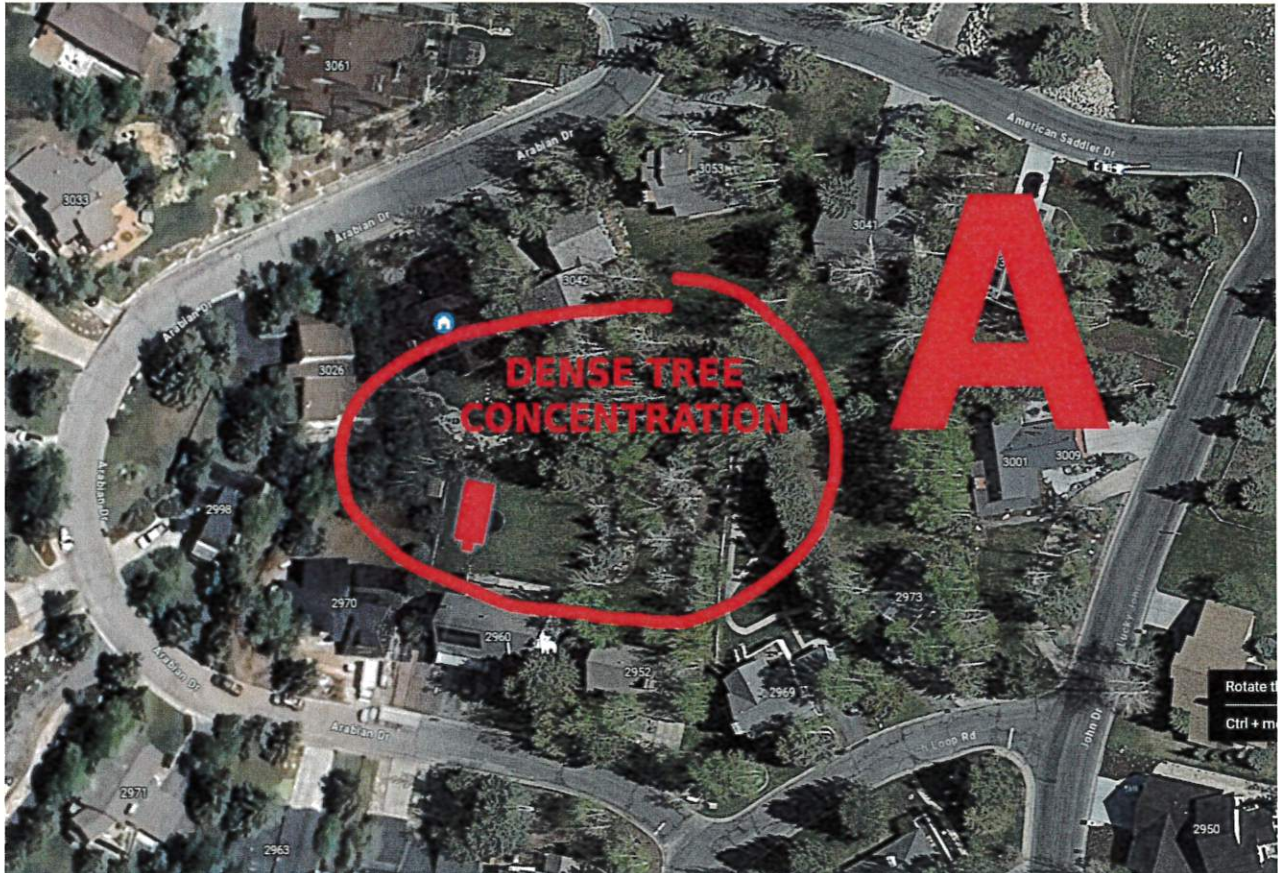
What is visible is that the front of the dwelling is brought very close to the existing deck attached to the house. Also, the rear of the dwelling is a bit too close to the existing pine trees (fire safety).

3. An alternative would be to place the Accessory Dwelling so the main facade faces south and fully benefits from the sun. If placed on the 15' rear setback, the rear of the proposed dwelling would also butt against the clump of pine trees planted in the alignment of the rear line of setback, which wouldn't be desirable from a fire danger standpoint.



4. This brings us to the potential issue of fire danger in our our particular area.

The small residential block comprised between Arabian Drive, American Saddler, Lucky John Drive and Holiday Ranch Loop Road, but most particularly around our property and the dwelling location, is filled with a tight density of trees, including many conifers (with a few that are standing dead). Some are dangerously hugging dried out, wood shingles on one house, and we are not reassured by that.



Since there is little we can do to convince our other homeowners to clear some of their trees off their properties (pine trees in particular) we do not wish to see more conifers hugging buildings in the vicinity, and logic would suggest that they should be cut.

Thank for considering our comments,

J.F. and Evelyne Lanvers, adjacent property owners (PKM-3-31)

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