

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
June 20, 2024
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Planning Director; Lillian Zollinger, Planner II; Jacob Klopfenstein, Planner I; Ed Roman, Planning Department Administrative Assistant

PUBLIC:

Bryan Markkanen

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

2466 Meadows Drive – Administrative Conditional Use Permit – PL-23-05972
– The Applicant Requests Approval for a Retaining Wall Constructed Greater Than Six Feet in the Front Setback.

Planner Zollinger presented the Administrative Conditional Use Permit proposal. She noted that the wall was built to create access to the driveway of the property, which is an existing Single-Family Dwelling.

She explained that the retaining wall plans that were originally approved for the building permit were for two walls up to 6 feet in height. However, some time later, issues with the vegetated portion between the two walls were discovered, and the two walls became one conjoined wall that ranged from 2 feet to 11 feet, some of which was built within the setback.

Applicant Bryan Markkanen asked if the existing retaining wall has been addressed. Planner Zollinger clarified that the structural integrity of the wall has been confirmed.

Planning Director Ward asked Mr. Markkanen to explain the process for how the modifications to the wall got built without the proper permits and without going through

the proper review process.

Mr. Markkanen said one of the submitted exhibits details the timeline of the project, but has since been augmented by another factor where a third building permit was pulled. He added that the wall started to fail when it was initially built, so the builder pulled an additional building permit for upgrades to the wall. Mr. Markkanen said a third building permit was issued sometime after that, but the reasons for that permit are unclear.

Mr. Markkanen added that there were some communications issues with the additional permits, as well as some delays with the permitting process, and he was not sure how to make the process better. He added that notifying the property owner instead of just the applicant more quickly could help to streamline the process of responding to issues on site.

Planner Zollinger clarified that there were multiple building permits issued for the same thing, so that aspect of the project is unclear. Planning Director Ward noted that the staff report and final action letter for the project reflect that information clearly.

At 12:08 PM, the Planning Director opened a public hearing. There was no public input.

At 12:08 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Conditional Use Permit for 2466 Meadows Drive in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 2466 Meadows Drive is an existing Single-Family Dwelling (SFD) on a 0.54-acre Lot and was constructed in 1988.
2. 2466 Meadows Drive is in the Single Family (SF) Zoning District.
3. On July 28, 2020, the City issued a Building Permit 20-775 for a retaining wall to be constructed at 2466 Meadows Drive.
4. Land Management Code (LMC) § 15-2.11-3 establishes a 20-foot Front Setback, 15-foot Rear Setback, and 12-foot Side Setbacks for the SF Zoning District.
5. Land Management Code (LMC) § 15-2.11-3(C)(2)(a) establishes retaining walls as an exception to the Front Setback, if they are four feet or less in height, or as permitted in LMC § 15-4-2.
6. LMC § 15-4-2 allows for retaining walls to exceed four feet in height through Planning Director and City Engineer approval.

7. LMC § 15-4-2 allows for retaining walls to exceed six feet in height through an Administrative Conditional Use Permit.
8. Building Permit 20-775 issued on July 28, 2020, shows City Engineer and Planning Director approved retaining walls that are six feet above Final Grade in the Front Setback with a four-foot-wide terrace landscaped area to break up the height of the retaining walls to comply with the requirements of LMC § 15-4-2(A)(1) and to match the natural grade.
9. The Applicant did not construct the retaining wall in conformance with the approved Building Permit 20-775.
10. Rather, the Applicant constructed the retaining wall within the 20-foot Front Setback at a height that ranges from two feet above Final Grade to 11 feet above Final Grade.
11. According to the Applicant, this change in retaining wall height was required due to difficulty in cultivating plantings between the walls that would survive.
12. LMC § 15-4-2 establishes that retaining walls in the Front Setback “may exceed six feet (6’) in height subject to approval of an Administrative Conditional Use permit”.
13. The boulder retaining wall proposed ranges from two to ten feet in height from Final Grade in the 20-foot Front Setback. The maximum height of the wall is 11 feet, but that portion of the wall does not fall in the Front Setback. A portion of the retaining wall falls within the Side Setback, but that portion is less than four feet in height and allowed pursuant to LMC § 15-2.11-3(G)(7).
14. The Applicant provided a letter from Epic Engineering dated April 11, 2024, confirming the structural integrity of the existing retaining wall. The Engineering Department determined this was sufficient information to confirm the wall’s structural integrity.
15. The Planning Department evaluates an Administrative Conditional Use Permit based on the following 16 criteria outlined in LMC § 15-1-10(E):

CUP Review Criteria	Analysis of Constructed Wall
Size and Location of the Site	Condition of Approval 3 and 4: The retaining wall is mostly located on Site. However, A portion of the retaining wall is constructed over a five-foot Utilities and Drainage Easement

	at the front of the Property. The Engineering Department requires the retaining wall in the easement to be four feet or less in height. The retaining wall is needed to access the driveway. The Engineering Department requires an Encroachment Agreement for the portion of the wall in the Right-of-Way (ROW), or to remove it entirely from the ROW.
Traffic	No required mitigation
Utility Capacity	Condition of Approval 3: A portion of the retaining wall is constructed over a five-foot Utilities and Drainage Easement at the front of the Property. The Engineering Department requires the retaining wall in the easement to be four feet or less in height.
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: Retaining walls over four feet in the Front Setback require an Administrative Conditional Use Permit pursuant to LMC § 15-4-2 . <u>The wall is compliant under the Conditions of Approval of this permit.</u>
Building Mass, Bulk, and Orientation	No required mitigation: As built, the wall is eleven feet in height from Final Grade and visible from the Right-of-Way (ROW). The portion of the retaining wall first visible from the ROW is four feet, and less impactful than the 11-foot wall further back from the ROW.
Useable Open Space	No required mitigation

Signs and Lighting	No required mitigation
Physical Design and Compatibility with Surrounding Structures	Complies: The retaining wall is similar to adjacent structures in the Park Meadows neighborhood that require retaining walls for driveway access, as seen in the image below:  <i>Adjacent Park Meadow properties retaining walls, viewed from the ROW.</i>  <i>Existing 2466 Meadows Drive retaining wall, viewed from the ROW.</i>

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, Environmental ly Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the	Complies: The site is not located in the Sensitive Land Overlay or in the Soils Ordinance boundary. The Applicant has attempted to create shorter, stepped walls with landscaping in between to reduce the height of the wall but has been unsuccessful (see Exhibit C). The retaining wall is required to access the driveway. The stacked boulder material is similar to materials used in the Park Meadows neighborhood (see the first image above).

Proposed Structure to the Existing Topography of the Site	
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The Goal 2.4 for the Park Meadows neighborhood found in the General Plan states, “The aesthetic of the Park Meadows Neighborhood should be preserved.” The stacked boulder material is similar to materials used in the Park Meadows neighborhood and is in keeping with the aesthetics of the SFDs.

16. The Development Review Committee reviewed the proposal on December 19, 2023. The Engineering Department requires any portion of the wall in the Utilities and Drainage Easement to be four feet or less (see Condition of Approval 3). The Engineering Department requires an Encroachment Agreement for the portion of the wall in the ROW, or to remove it entirely from the ROW (see Condition of Approval 4).
17. Planning Staff published public notice to the City website. Staff posted notice to City Hall, and the property on June 10, 2024. Staff mailed courtesy notices to the adjacent property owners on June 10, 2024.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Section 15-1-10(E) *Conditional Uses*, Chapter 15-2.11 *Single Family (SF) District*, and Section 15-4-2 *Fences and Retaining Walls*.
2. The Use is 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.

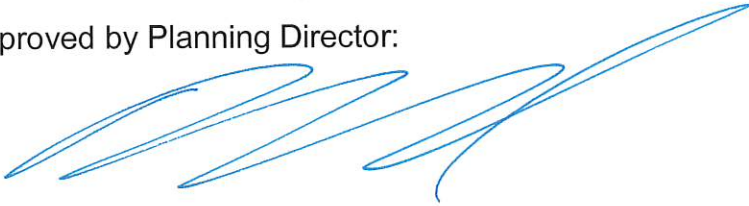
Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed June 20, 2024, by the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning, Building, and Engineering Departments may result in a stop work order.

2. The Applicant is responsible for notifying the Planning Department of any changes, modifications, or deviations from the approved scope of work. Any modifications shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior construction.
3. Per the Engineering Department, walls in the Utilities and Drainage Easement may not exceed four feet in height.
4. The Engineering Department requires an Encroachment Agreement for the portion of the wall in the Right-of-Way, or to remove the wall entirely from the ROW.

The Park City Administrative Action meeting adjourned at 12:08 PM.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several fluid, overlapping loops and strokes, positioned below the text "Approved by Planning Director:".