

Administrative Action Meeting
April 18, 2024
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
April 18, 2024
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Planning Director; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Zollinger, Planner II; Jason Berntson, Planning Technician; Jacob Klopfenstein, Planning Administrative Assistant; David Thacker, Chief Building Official; Griffin Lloyd, Water Operator.

PUBLIC:

Stacy Head (virtual), Rory Murphy, Sean Kelleher, Hans Fuegi

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

ROLL CALL

The Planning Director noted that Staff and Members of the Public are in attendance.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

1061 Lowell Avenue – Extension of Approval – PL-24-06069 – The Applicant Seeks an Extension of Approval for a Conditional Use Permit (PL-22-05491) and Historic District Design Review (PL-22-05444) to Construct a New Duplex in the Historic Residential - 1 Zoning District.

Planner Tubbs presented the Extension of Approval application. She noted that the extension request is for approvals that the Planning Department originally granted on May 4, 2023. She also noted that the applicant is not proposing any modifications to the approved Conditional Use Permit and Historic District Design Review plans.

Planning Director Ward clarified that the extension request is for Planning Commission approval of the Conditional Use Permit and Planning staff approval of the Historic District Design Review.

At 12:01 PM, the Planning Director opened a public hearing. There was no public input.

At 12:01 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Extension of Approval for 1031 Lowell Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 1061 Lowell Avenue is Lot 1B of the Northstar Subdivision Lot 1 Amended Plat and is a 9,742-square-foot Lot.
2. 1061 Lowell Avenue is within the Historic Residential – 1 (HR – 1) Zoning District.
3. On July 19, 1977, a Declaration of Protective Covenants for the Northstar Subdivision was recorded.
4. The 1980s Land Management Code permitted a Two-Unit Dwelling as an Allowed Use in the HR – 1 Zoning District.
5. In 1983 the City issued a building permit for a Duplex on Lot 1 of the Northstar Subdivision.
6. In 1985, the property owners recorded a Party Wall Agreement for the shared wall of the Duplex with the Summit County Recorder's Office.
7. At some point a deed was recorded with Summit County to bifurcate the originally platted Lot along the shared wall of the Duplex.
8. On February 2, 2010, the Northstar Homeowners Association recorded a Notice of Removal of Protective Covenants to remove Lot 1 from the Northstar Homeowners Association.
9. On August 19, 2021, the City received a complete application for the Northstar Subdivision – Lot 1 Amended Plat to create two Lots – Lots 1A and 1B.
10. The Planning Commission reviewed the Plat Amendment Application to subdivide Lot 1 into Lots 1A and 1B on September 22, 2021, and forwarded a positive recommendation to City Council.
11. The City Council reviewed the Plat Amendment on October 21, 2021, and approved the amendment (Ordinance 2021-42).
12. On March 8, 2022, the Applicant recorded the Plat Amendment with the Summit County Recorder's Office (Entry No. 1184843).

13. On December 21, 2022, the City received a Conditional Use Permit application for the construction of a new Duplex on 1061 Lowell Avenue, Lot 1B of the Northstar Subdivision Lot 1 Amended Plat.
14. A Duplex is a Conditional Use in the HR – 1 Zoning District for Lots with a minimum area of 3,750 square feet.
15. On March 22, 2023, the Planning Commission reviewed the Conditional Use Permit, held a public hearing, and approved the Conditional Use Permit for a new Duplex at 1061 Lowell Avenue.
16. Pursuant to Land Management Code Section 15-1-10(G), a Conditional Use Permit expires one year from the date of Planning Commission approval unless the Conditional Use has commenced on the project, or a Building Permit for the Use has been issued. The Planning Director may grant an extension of a Conditional Use Permit for one additional year when the Applicant demonstrates no change in circumstance results in an unmitigated impact or a finding of non-compliance with the review criteria in Section 15-1-19(E) or other provisions of the Land Management Code in effect at the time of the extension request.
17. Since the Planning Commission's March 22, 2023 approval of the Conditional Use Permit for the Duplex, on October 26, 2023, the City Council enacted Ordinance No. 2023-50 establishing a maximum lot size for Duplexes in the HR-1 Zoning District of 7,500 square feet. Lot 1B is a 9,742-square-foot Lot.
18. The City Council approved the Northstar Subdivision Lot 1 Amended Plat on October 21, 2021, prior to the establishment of a maximum lot size for Duplexes in the HR-1 Zoning District. The Applicant recorded the Northstar Subdivision Lot 1 Amended Plat on March 8, 2022, prior to the establishment of a maximum lot size for Duplexes in the HR-1 Zoning District.
19. Land Management Code Section 15-15-1 defines Non-Compliances as legally existing before current zoning designation and because of subsequent zoning changes, do not conform to the zoning regulation's setback, height restrictions, or other regulations that govern. Lot 1B is therefore a Non-Complying Lot.
20. Existing on the Lot is a fifteen-foot non-exclusive Access easement to Lot 1A, Lot 2, and parts of Lot 3 of the Northstar Subdivision.
21. The maximum building footprint allowed on the Lot is 2,818 square feet. The proposed building has a footprint of 2,815 square feet.
22. The HR-1 Zoning District requires Front and Rear Setbacks of 15 feet each, totaling a minimum of 30 feet. The proposed Front Setback is approximately 31

- feet from the property line and the proposed Rear Setback is approximately 29 feet from the rear property line.
23. The HR-1 Zoning District requires a Side Setback of 5 feet, totaling a minimum of 18 feet. The proposed northern Side Setback is 5 feet, and the proposed southern Side Setback is 13 feet.
 24. The HR-1 Zoning District maximum Building Height is 27 feet. The proposed Structure is 27 feet in height.
 25. The HR-1 Zoning District requires a maximum interior height of 35 feet from the lowest finish floor plane to the top of the highest wall plate. The proposed Structure is 35 feet from the lowest finish floor plane to the top of the highest wall plate.
 26. On May 4, 2023, the Planning Director conducted a public hearing and approved the Historic District Design Review for the proposed Duplex at 1061 Lowell Avenue.
 27. Pursuant to Condition of Approval 2 of the May 4, 2023 Final Action Letter, the Historic District Review approval expires May 4, 2024.
 28. Land Management Code Section 15-11-12(E) authorizes the Planning Director to grant an extension of Historic District Review approval 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 Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings.
 29. The Applicant filed an Extension of Approval request on March 14, 2024.
 30. This Extension of Approval request does not include any proposed changes to the approved plans.
 31. Notice for extension requests must be provided consistent with the original approvals.
 32. On April 4, 2024, City staff provided a courtesy notice to all property owners within 300 feet of the proposed property and posted public notice to the property.
 33. On April 4, 2024, City staff published a public hearing notice to the City Website and to the Utah Public Notice Website.

Conclusions of Law

1. The extension complies with Land Management Code Section 15-1-10(G).
2. The extension complies with Land Management Code Section 15-11-12(E) .

Conditions of Approval

1. Final building plans and construction details shall comply with the plans approved on March 22, 2023 (CUP) and May 4, 2023 (HDDR). Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. All Conditions of Approval required by the Planning Commission's Conditional Use Permit approval on March 22, 2023, and Historic District Review approval on May 4, 2023, remain in full effect.

402 and 410 Ontario Avenue – Extension of Approval – PL-24-06064 – The Applicant Requests an Extension to the 402 and 410 Ontario Plat Amendment Approved on March 9, 2023 (PL-22-05331).

Planner Zollinger presented the Extension of Approval application. She noted that the applicant is requesting extension of a Plat Amendment approval granted on March 9, 2023 and they are not requesting any modifications.

Planning Director Ward asked if the plat had been through the redline process. Planner Zollinger clarified that it has been printed to mylar and is ready to record.

At 12:02 PM, the Planning Director opened a public hearing. There was no public input.

At 12:02 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Extension of Approval for 402 and 410 Ontario Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The properties are located at 402 and 410 Ontario Avenue.
2. The properties are identified as Lots 1, 2, and 3 of Block 58 of the Park City Survey.
3. 402 Ontario consists of Lot 1 and the southerly half of Lot 2 of Block 58 of the Park City Survey and is vacant.
4. 410 Ontario consists of the northerly half of Lot 2 and Lot 3 of Block 58 of the Park City Survey and has a non-conforming and non-complying duplex, with one unit on the upper floor and one unit on the lower floor.

5. The 402 and 410 Ontario Avenue Plat Amendment creates two Lots, removing existing internal Lot lines. Lot A (402 Ontario Avenue) is 2,812.5 square feet. Lot B (410 Ontario Avenue) is 2,812.5 square feet.
6. The properties are within the Historic Residential – 1 Zoning District.
7. The existing non-historic structure at 410 Ontario Avenue was built in 1970.
8. On August 18, 1997, the Historic District Commission approved a Design Review of the non-historic structure at 410 Ontario Avenue to replace a failing foundation and to re-construct the rear of the structure.
9. On September 18, 1997, the City Council approved a plat amendment for 410 Ontario Avenue to combine 1.5 Old Town Lots into one 2,812.5 square foot Lot. The plat was never recorded.
10. On November 7, 1997, the City issued a Building Permit for 410 Ontario Avenue with the following relevant Condition of Approval:
 - a. This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature.
11. In 1997, the City determined that the 1970 structure is non-conforming/non-complying and allowed the property owner to maintain the structure and duplex use.
12. Two railroad tie retaining walls and concrete steps to 410 Ontario Avenue encroach into the Public Right of Way. The Applicant entered into an Encroachment Agreement with the City. The Encroachment Agreement is recorded with the Summit County Recorder's Office, Entry No. 1198229.
13. The property owner of 410 Ontario Avenue has an Encroachment Agreement with the property owner of 402 Ontario Avenue for the encroachment of the existing deck and staircase. The Encroachment Agreement is recorded with the Summit County Recorder's Office, Entry No. 1200015.
14. No easement is vacated or amended because of the Plat Amendment.
15. The LMC regulates Lot and Site Requirements for the HR – 1 Zoning District pursuant to LMC § 15-2.2-3.
16. A Single-Family Dwelling is an Allowed Use in the HR – 1 Zoning District and requires a minimum Lot size of 1,875 square feet and a maximum Lot size of 3,750 square feet. The proposed Lot size for Lot A (402 Ontario Avenue) is 2,812.5 square feet.
17. A Duplex Dwelling is a Conditional Use in the HR – 1 Zoning District and requires a minimum Lot size of 3,750 square feet. The proposed Lot size for Lot B (410 Ontario Avenue) is 2,812.5 square feet. The existing Duplex is a non-conforming Use and Structure.

18. The minimum Lot width in the HR – 1 Zoning District is 25 feet. The proposed width of both Lots is 37.5 feet.
19. The required front Setback for Lot depths of 75 feet is ten feet (10').
20. The required Side Setback is three feet (3').
21. In the HR – 1 Zoning District, the Maximum Building Footprint = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$
22. The Maximum Building Footprint for Lot A (402 Ontario Avenue) is 1,200 square feet.
23. The Maximum Building Footprint for Lot B (410 Ontario Avenue) is 1,200 square feet.
24. Building Height in the HR – 1 Zoning District is 27 feet. The existing non-complying structure is 28 feet and exceeds building height.
25. The average slope on Lot A (402 Ontario Avenue) is 36%. Future development will require a Steep Slope Conditional Use Permit prior to Building Permit submittal.
26. Duplex Dwellings require four (4) parking spaces. No parking exists for the existing non-complying/non-conforming Duplex at 410 Ontario Avenue.
27. On March 9, 2023, the City Council reviewed the Plat Amendment, conducted a public hearing, and approved the Plat Amendment (Ordinance No. 2023-11).
28. Pursuant to LMC § 15-7.1-6(C)(4) and Ordinance No. 2023-11 Condition of Approval 2, the Plat Amendment approval expired on March 9, 2024, one year later.
29. On March 6, 2024, the Applicant submitted an Extension of Approval Application to the Planning Department, prior to the March 9, 2024, the date of expiration.
30. LMC Section 15-7.1-6(C)(4) states Applicants may request time extensions of plat approvals by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director may grant an extension to the expiration date 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 Park City General Plan or the Land Management Code in effect at the time of the extension request. Changes in circumstance include physical changes to the Property or surroundings.
31. The Applicant is not proposing any modifications to the original proposal.
32. Since the March 9, 2023 approval of the plat, the City Council enacted Ordinance No. 2023-50 establishing a maximum lot size for residential uses within the Historic Districts. 402 and 410 Ontario Avenue are within the Historic Residential – 1 Zoning District. Land Management Code Section 15-2.2-3(A) now establishes a maximum lot size of 3,750 square feet for a Single-Family Dwelling. Lot A (402 Ontario Avenue) contains a maximum lot size of 2,812.5 square feet. Lot B (410 Ontario

Avenue) contains a maximum lot size of 2,812.5 square feet. As a result, the lots comply with the new maximum lot size regulations adopted since the approval of the plat.

33. Notice shall be provided consistent with the requirements for a Final Plat in Section 15-1-12.
34. Staff published a courtesy notice on the Park City website on April 4, 2024, and posted a notice to the property on April 4, 2024. Staff mailed courtesy notice to property owners within 300 feet on April 4, 2024.

Conclusions of Law

1. The Plat Amendment is consistent with the Land Management Code, including Chapter 15-2.2 *Historic Residential (HR-1) Zoning District*, and § 15-7.1-6, *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
4. The Applicant demonstrated that the proposal was the same and that there was no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code, pursuant to LMC § 15-7.1-6(C)(4).

Conditions of Approval

1. The Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of Planning Director approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. The plat shall note that fire sprinklers are required for all new construction on Lot A (402 Ontario) to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Ontario Avenue shall be dedicated on the Plat.
5. Any new development on Lot A, 402 Ontario Avenue, must comply with the Land Management Code, requires Historic District Review, and a Steep Slope Conditional Use Permit. A geotechnical report and storm drain analysis shall be submitted prior

to a building permit application. It should be noted that a water line running up 4th Street may require additional attention from the owner planning to build at 402 Ontario Avenue.

6. The Owner of 410 Ontario Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or Parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Owner may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application. Redevelopment of this lot will require a Steep Slope Conditional Use Permit.
7. If 410 Ontario Avenue remodels more than 50% of the existing structure or redevelops the site as a Single-Family Dwelling, parking requirements outlined in the LMC at the time of building permit application shall be met.
8. The City Engineer shall review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits. A geotechnical report and storm drain analysis will be required at Building Permit.
9. The Plat shall note that these Lots are subject to Ordinance No. 2023-11.

1294 Rothwell Road – Administrative Conditional Use Permit – PL-24-06071

– The Applicant Proposes to Construct a Retaining Wall Over Six Feet in the Rear and Side Setbacks in the Recreation Commercial Zoning District.

Planner Berntson noted that the property is in the Recreational Commercial Zoning District and is currently an undeveloped lot at the top of a hillside. He said the applicant is proposing a retaining wall at the top slope of the property. He noted that the retaining wall will be a minimum of 4 feet and a maximum of 15 feet. Planner Berntson added that the proposed retaining wall encroaches on Lot 22 of the development, as well as on a 20-foot waterline utility easement.

Applicant Rory Murphy said they are concerned with the area having further problems. He said the water line never got damaged, and the water for the project comes from the

main line that comes up Rothwell Road. He said the water and sewer lines have a lot of nuance to them and there will be lots of further conversations about them. He added that water line is unchanged and hasn't been charged. He asked what further information about disconnecting the water line the Public Utilities Department wanted.

Water Operator Lloyd clarified that the water line is HDPE, not ductile iron. He said the concern is that the water line has been undermined and moved, and as a result is pulling on the T at the top of Rothwell Road. He said any more disruption to the line might cause the T to come apart. He added that if the T comes apart there could be a major flooding event in the area again. Water Operator Lloyd clarified that the water line is not currently disconnected at the T.

Applicant Murphy asked if it would be sufficient to cap the storm drain in the area temporarily. Water Operator Lloyd said that would likely be sufficient but would need to see plans to confirm. He said the concern right now is drainage is flowing off the hill to the pipe.

Planning Director Ward clarified that the Conditions of Approval require the applicant to submit updated plans prior to the issuance of a building permit, so nothing is being finalized yet. Applicant Murphy said that clarifies what is needed. Planning Director Ward added that there will be an opportunity before a building permit is issued to provide updated plans and finalize the details of the water line and any other issues.

Applicant Murphy asked about easement agreements. Director Ward clarified that an easement or encroachment agreement with Lot 22, as well as permission for construction access across other properties, will be sufficient. Applicant Murphy indicated that there should be no issues with agreements regarding crossing property lines for access.

Applicant Murphy also asked about the finish of the wall and said the project is very expensive, but a faux rock finish would be much less expensive. He said having to put the finish on the wall seems to be punitive when the project is already extremely costly.

Director Ward said she understood the concern and it is not intended to be punitive. She asked what the finish is for the wall on the corner of Rothwell Road and Lowell Avenue. Applicant Murphy said the material of the finish is faux rock.

Director Ward said since the current plans show shotcrete on the wall, it will need to be reviewed and the final project will need to comply. She said the issue could be addressed through amendments to the Conditions of Approval in the Final Action Letter for the project.

Applicant Murphy said he had no other concerns with the proposed Conditions of Approval and thanked the Planning team for their efforts on the project.

At 12:20 PM, the Planning Director opened a public hearing. There was no public input.

At 12:20 PM, the Planning Director closed the public hearing.

Director Ward said she recommended several non-substantive amendments to the draft Final Action Letter. Director Ward said Conclusion of Law #1 should be amended to say that the proposal as conditioned complies with the code, and should be amended to change "and" to "which".

Director Ward said for Conclusion of Law #2 there is a question of parking in the hammerhead area. She asked if residents typically park there, and Applicant Murphy clarified that it is almost always construction crew workers who are parking there. He said construction is almost finished in the area but has been an ongoing problem, and enforcement is an issue.

Director Ward suggested installing a temporary sign while the construction is happening, and Applicant Murphy said that would be acceptable. Director Ward recommended that Condition of Approval #2 should require a temporary sign indicating that no more than four construction vehicles may park in the hammerhead area while construction on the retaining wall is ongoing.

Director Ward also recommended amending Condition of Approval #3, #4 and #5 to clarify wording. Director Ward also recommended amending Condition of Approval #6 to add that the retaining wall façade should be compliant with the Land Management Code within a year of the start of construction. She clarified that the acceptable finishes for the wall are listed in the code.

MOTION: The Planning Director **APPROVED** the Administrative Conditional Use Permit for 1294 Rothwell Road in accordance with the amended Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 1294 Rothwell Road is Lot 21 of the King's Crown Re-Subdivision. 1291 Rothwell Road is Lot 22 of the King's Crown Re-Subdivision. Both properties are in the Recreation Commercial (RC) Zoning District.
2. Lot 21 contains a 20-foot-wide waterline easement on the west side of the property, running north to south.

3. On March 15, 2024, the Planning Department received an Administrative Conditional Use Permit Application to construct retaining walls greater than six feet in height from Final Grade within the Rear and Side Setbacks.
4. Land Management Code (LMC) § 15-4-2 and § 15-16.2-3 establishes that retaining walls greater than six feet in height from Final Grade in the Rear and Side Setbacks require an Administrative Conditional Use Permit.
5. The Planning Director reviewed the proposal based on the following Conditional Use Permit criteria as outlined in LMC § 15-1-10(E):
 1. **Size and Location of Site**
 - The proposed retaining wall is located on the upper end of a slope at the end of Rothwell Road, adjacent to Recreation and Open Space property, overlooking the Mountainside Condominiums.
 2. **Traffic**
 - Condition of Approval 2 states that no more than four vehicles may be allowed to park in the turn-around area of Rothwell Road at any one-time during construction of the retaining wall.
 3. **Utility Capacity**
 - The retaining wall is located within a utility easement for a water line. The Water and Sewer Departments require the Applicant to provide updated plans for the disconnection of the water and storm drain lines at the time of building permit submittal (see Condition of Approval 3).
 4. **Emergency Vehicle Access**
 - Adequate turn-around space will be provided for emergency vehicles (see Condition of Approval 2).
 5. **Off-Street Parking**
 - Condition of Approval 2 states that no more than four vehicles may be allowed to park in the turn-around area of Rothwell Road at any one-time during construction of the retaining wall.
 6. **Internal Vehicle and Pedestrian Circulation**
 - Staging equipment will be set up on the hammerhead above the slope. As this is the natural turn-around spot for the subdivision, Condition of Approval 2 states that no more than four vehicles may be allowed to park in the turn-around area at any one time.
 7. **Fencing, Screening, and Landscaping**

- The proposed retaining wall is at the top of a steep slope. The Applicant states that the area will be seeded with natural grass. No irrigation is proposed for the landscaping.

8. Building Mass, Bulk, and Orientation

- The retaining wall will be a minimum of four feet tall and a maximum of 15 feet tall.

9. Useable Open Space

- No unmitigated impacts.

10. Signs and Lighting

- No signs or lighting are proposed or approved with this plan.

11. Physical Design and Compatibility with Surrounding Structures

- Within six months of Building Permit issuance, the Applicant shall submit plans to the Planning Department with materials for the retaining wall that comply with the Land Management Code (see Condition of Approval 6).

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

- No unmitigated impacts.

13. Expected Ownership and Management

- The applicant is responsible for the construction and maintenance of the wall. The applicant is responsible for obtaining an encroachment agreement for the retaining wall with the owner of Lots 21 and 22 of the King's Crown Subdivision (see Condition of Approval 5).

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

- The retaining wall is proposed to stabilize the slope and open space behind the King's Crown development (see Condition of Approval 5).

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

- The King's Crown Subdivision is part of the Old Town neighborhood and adjacent to the Resort Center neighborhood and is a transition between the two. The Old Town neighborhood in the General Plan notes that, "New development must fit within

the historic context while meeting the needs of the residents.” The retaining wall protects open space, allows for a Single-Family Dwelling to be built on the Lot, and stabilizes the slope behind the development.

6. Staff published notice on the City and Utah Public Notice websites and posted notice to the property on April 2, 2024. Courtesy notice was mailed to adjacent property owners on March 29, 2024.
7. On April 11, 2024, the Planning Director opened a public hearing for this item and continued it to April 18, 2024.

Conclusions of Law

1. The proposal as conditioned complies with Land Management Code § 15-1-10 *Conditional Use Review Process*, Chapter 15-2.16 *Recreation Commercial (RC) District*, and § 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. The Applicant is responsible for notifying the Planning Department in writing of any changes, modifications, or deviations from the approved scope of work which shall be reviewed and approved or denied by the Planning Director or their designee in accordance with applicable development standards.
2. No more than four vehicles may occupy the hammerhead during construction at any one time. Prior to beginning construction on the retaining wall, the Applicant shall install a temporary sign, in a visually prominent location, prohibiting more than four vehicles within the hammerhead at any one time. The sign shall remain until construction on the retaining wall is complete.
3. The Applicant shall provide an updated plan for the water and storm drain lines disconnection at the time of building permit submittal.
4. Prior to building permit issuance, the Applicant shall obtain signed agreements (temporary or otherwise) establishing permission to access and/or cross all adjacent properties to complete construction.
5. The Applicant shall obtain and record an easement or encroachment agreement with Lot 21 and 22 of the King’s Crown Subdivision for the retaining wall at the time of Building Permit issuance. The easement or encroachment agreement

language shall clearly define the structural limitations of what can be built within the easement; expected considerations include setbacks from the retaining wall, cover requirements above the tie-backs, and bearing pressure/load limitations.

6. Within six months of Building Permit issuance, the Applicant shall submit plans to the Planning Department with materials for the retaining wall that comply with the Land Management Code. The final retaining wall façade shall be constructed to comply with Land Management Code material within one year of the start of construction.
7. 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.

The Park City Administrative Action meeting adjourned at 12:25 PM.

Approved by Planning Director:

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