

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
March 28, 2024
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Planning Director; Virgil Lund, Planner I; Jason Berntson, Planning Technician; Spencer Cawley, Planner II; Lillian Zollinger, Planner II; Caitlyn Tubbs, Senior Historic Preservation Planner; Browne Sebright, Senior Housing and

PUBLIC:

Ian Hartley, Mia Yue, Rick Fournier, Lora Smith, Brad Mackay, Ariel Vernell, Kristen Schelvan (virtual), Sash Kazeminejad (virtual), Erica Robinson (virtual), Steve Scribner (virtual), Terry Macdonald (virtual), Jonathan Short (virtual), Matthew Christensen (virtual)

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

ROLL CALL

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

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

516 Marsac Avenue – Historic District Design Review – PL-23-05724 – The Applicant Proposes to Construct a 147 Square Foot Addition to an Existing Non-Historic Structure in the Residential - 1 Zoning District.

Planner Zollinger presented the Historic District Design Review proposal for 516 Marsac Avenue. She noted that the site is located in the Residential-1 Zoning District but is subject to historic district design review due to requirements of the Plat. She also noted that the Planning Commission approved a Conditional Use Permit for a triplex on January 10, 2024.

Planning Director Ward noted that garages in new triplexes are now required to be prepared for electric vehicle charging installation, although the current proposal would not be subject to that requirement since the garage structure has already been built.

Planning Director Ward asked if that is already present in the garage or if that is part of the plans. Applicant representative Steve Scribner said that does not exist in the garage currently but plans call for installing conduit for two charging panels. Applicant representative Scribner also clarified that the driveway will be kept at the same dimensions.

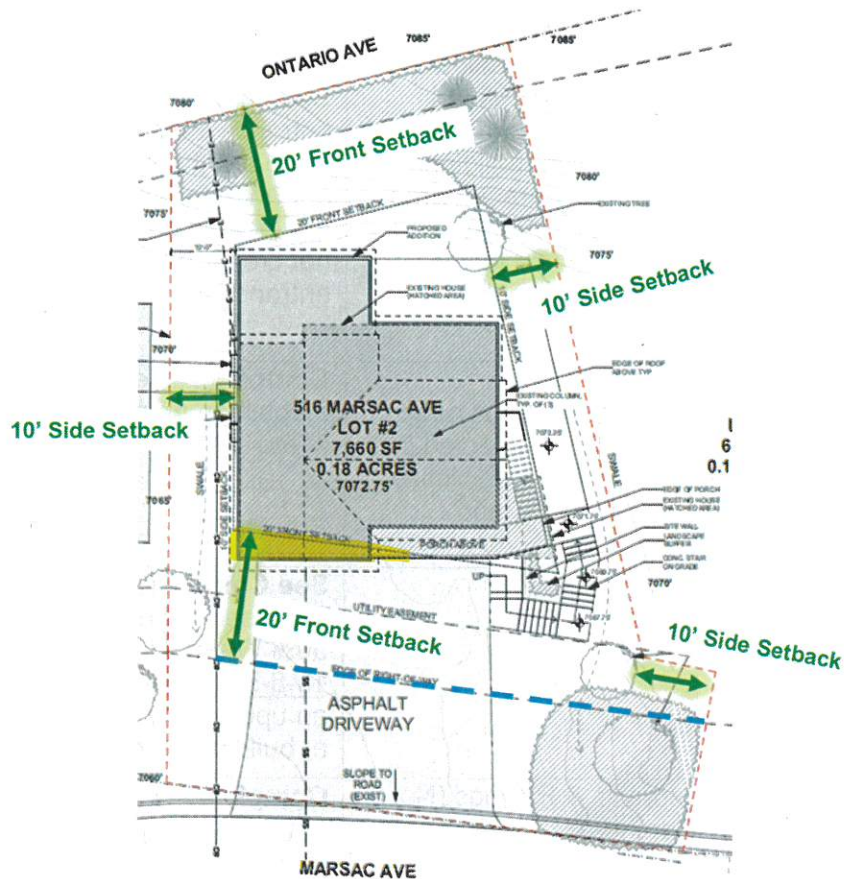
At 12:06 PM, Planning Director Ward opened a public hearing. There was no public input.

At 12:06 PM, Planning Director Ward closed the public hearing.

MOTION: Planning Director Ward **APPROVED** the Historic District Design Review for 516 Marsac Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Property is located at 516 Marsac Avenue, has an unusual Lot configuration, and fronts both Marsac Avenue and Ontario Avenue.
2. The Property is located within the Residential - 1 (R-1) Zoning District.
3. The Property is Lot 2 of the Ontario Avenue Subdivision, recorded in 1994.
4. The 1994 Subdivision Plat limits the maximum house size to 2,600 square feet and notes that all new construction requires Historic District Design Review.
5. The existing structure has a square footage of 2,362. The Applicant proposes adding 267 square feet to the main level at the rear of the structure and to remove 147 square feet from the second level, for a total of 2,432 square feet, compliant with the maximum house size of 2,600 square feet established on the Subdivision Plat.
6. A Triplex is a Conditional Use in the R-1 Zoning District. The Planning Commission approved the Triplex Use on January 10, 2024.
7. In the R-1 Zoning District, Conditional Uses are subject to a 20-foot Front Setback, 10-foot Rear Setback, and 10-foot Side Setback.
8. The existing Structure was approved in 1992, which notes the same Setback regulations as today. The structure was built on a diagonal and four feet six inches over the 20-foot Front Setback.
9. As the Lot has six sides, and fronts two public Rights-of-Way, the Planning Director determined the Setbacks for the Lot, illustrated below:



10. In the R-1 Zoning District, the maximum building height is 28 feet, with a five-foot exception for roof pitches 4:12 or greater. The existing structure has roof pitches of 9:12 and 10:12, qualifies for the exception, and is compliant at 31' in height. The proposed structure will keep the same roof pitch and height.
11. A Triplex requires six parking spaces, two per unit.
12. The existing structure has two, two-car garages, or four parking spaces on site.
13. On January 10, 2024, the Planning Commission granted a reduction in parking from six to four spaces.
14. Historic District Design Review require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-13-8:

1. Site	Analysis of Proposal
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a) Building Setback and Orientation LMC § 15-13-8(B)(2)(a) states, "New buildings shall have a clearly defined primary entrance oriented toward the street consistent with historic buildings within the Streetscape or character area. Entrances on secondary or tertiary facades of a building shall be clearly subordinate to the entrance on the primary façade."	Complies: Proposed addition will not change the location of the structure. See analysis under Section I. The front entrance is defined by a porch, as there are three entrances, one entrance for each unit. The entrances are located on the south side, so as to not create multiple competing entrances.
b) Topography and Grading: LMC § 15-13-8(B)(1)(b) states, "A new site's natural slope shall be respected in a new building design in order to minimize cuts into hillsides, minimize fill, and minimize retaining walls."	Complies: The proposed addition will be built on an already disturbed section of the site.
c) Landscaping and Vegetation	See Condition of Approval 12: The proposed vegetation shall be at least 50% Water Wise and compliant with 15-5-5(N). The Applicant shall provide an updated Water Wise irrigation plan at building permit submission.
f) Paths, Steps, Handrails, & Railings (Not associated with Porches) LMC § 15-13-8(B)(1)(f) states, "New hillside stairs and any associated railings or handrails shall be visually subordinate to the associated building(s) or structure(s) in size, scale, and proportion, and shall complement the Historic District in material, size, scale, and proportion, and massing."	Complies: The new proposed stairs follow the natural grade of the site and are within four feet of existing grade. 

h) Parking Area & Driveways Pursuant to LMC <u>15-3-6(A)</u>, a Triplex requires two parking spaces per unit. The proposed Triplex has three units. The Planning Commission reduced the required parking from six spaces to four.	Complies: The existing structure has four parking spaces in two two-car garages. LMC <u>§ 15-3-4</u> requires garage dimensions of 11 by 20 feet. All the parking spaces are 11 by 20 feet and compliant. The existing driveway is not proposed to increase in width at the curb. The Applicant proposes to add a hammerhead turnaround area at the northside of the driveway. The Applicant must record an encroachment agreement with UDOT for the hammerhead area.
2. Primary Structures	Analysis of Proposal
a) Mass, Scale, & Height	Complies: The proposed addition is shorter in height and width than the existing structure and stays in scale with the site.
b) Foundation -- LMC <u>15-13-8(B)(2)(b)</u> states, "Foundation materials shall be simple in form and minimally visible above grade when viewed from the primary public right-of-way."	Complies: The foundation is mostly covered, and where portions show, the foundation is covered in stone and compliant.
c) Doors -- LMC <u>§ 15-13-8(B)(2)(c)</u> states, "All buildings that face the street shall have a well-defined primary entrance."	Complies: The door compliments the stairs and porch, and all define the front entrance and fit in within the context of a historic neighborhood.
d) Windows -- LMC <u>§ 15-13-8(B)(2)(d)</u> states, "Ratios of solid-to-void that are compatible with surrounding historic buildings shall be used" and "Windows shall be historic size and shall relate to the human scale of the Historic District."	Complies: The proposed windows match the existing widow styles and sizes and are similar. The glazing is limited to adjust for the three units inside the structure.
e) Roofs – LMC <u>§ 15-2.2-5</u> requires a roof pitch of at least 7:12. LMC <u>§ 15-13-8(B)(2)(e)</u>, states, "Roof pitch shall be consistent with the style of architecture chosen for the structure and with adjacent buildings that contribute to the character of the Historic District."	Complies: The primary roof pitch on the existing structure is 9:12. The secondary roof pitch is 10:12 on the existing structure. The proposed roof pitch of the addition is 2:12, and on the second, rear level.

f) Dormers	Complies: The existing dormers will be removed from the front and be replaced by a 9:12 roof pitch.
i) Porches LMC § <u>15-13-8(B)(2)(i)</u> which states, "Porches typically cover the entrance, and usually extend partially or fully across the main façade." The front porch is consistent with porches found historically, as it is covered and emphasizes the front entrance.	Complies: The porch extends partially across the main façade to help create a main entrance.
3. Mechanical and Utility Systems and Service Equipment	Complies: The proposed mechanical equipment will be screened from neighboring properties with a screen.
4. Materials	See Condition of Approval 15: Pursuant to LMC § <u>15-13-8(B)(4)</u> , the proposed materials of painted wood siding, standing seam roof, formed concrete, are compliant with the Historic District.
5. Paint and Color	Complies: The proposed plans indicate painted and stained wood siding wood siding. LMC § <u>15-13-8(B)(5)(d)</u> states, "Materials, such as wood, that are traditionally painted shall have an opaque rather than transparent finish." See Condition of Approval 13.
6. Garages	Complies: The existing garages will not change dimensions.

10. Additions to Existing Non-Historic Structures LMC § 15-13-8(2)(B)(10) states, “An addition shall complement the visual and physical qualities of the existing structure. An addition shall be visually subordinate to the existing structure and shall be compatible with the scale of the historic buildings and structures in the Streetscape or character area. Windows, doors, and other features on a new addition shall be designed to be compatible with the existing structure and surrounding historic sites. Windows, doors, and other openings shall be of sizes and proportions similar to those found on the building as well as those found on historic structures in the Historic District... the solid-to-void relationships and detailing of an addition shall be compatible with the existing structure and with buildings within the Streetscape or character area.”	Complies: The proposed addition is subordinate, wherein it is only on the first story and shorter in length than the existing structure. The addition will not have any doors, and the one window matches the style of the existing windows on the existing structure, as well as the solid to void ratio.
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15. The Development Review Committee reviewed the proposal on December 5, 2023, and recommended Condition of Approval 4.
16. Staff published notice on the City’s website, the Utah Public Notice website, and posted notice to the property on March 14, 2024. Staff mailed courtesy notice to property owners within 300 feet on March 14, 2024.

Conclusions of Law

1. The application, as conditioned, complies with Land Management Code § 15-1-10(E) Conditional Use Review Process, Chapter 15-2.12 Residential (R-1) Zoning District, and Chapter 15-3 Off-Street Parking.
2. The Use is compatible with the 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 as approved through the Historic District Design Review. 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. 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 or designee prior to construction.
3. All conditions of approval and plat notes of the Ontario Avenue Subdivision shall continue to apply.
4. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
5. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state and revegetated.
6. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permit. The CMP shall include language regarding the method of protecting adjacent structures.
7. All outdoor lighting must be down-directed, fully shielded, with bulbs 3000 degree Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation.
8. Construction waste shall be diverted from landfill and recycled when possible.
9. The maximum house size shall not exceed 2,600 square feet, excluding the 1,183 square foot garage. The garage shall not increase in size.
10. The three units will be restricted so that the total number of cars is as follows:
 - a. Unit One has one parking space.
 - b. Unit Two has one parking space.
 - c. Unit Three has two parking spaces.
11. The Applicant shall submit a landscape plan at the Building Permit stage that is compliant with LMC § 15-5-5(N) and Park City Municipal Code Chapter 11-21, Utah Wildlife-Urban Interface Code.

12. The trash and recycling bins shall be screened, not impede driveway ingress and egress, including use of the hammerhead turn around area, and be compliant with the R-1 Zoning District and Historic District requirements.
13. Materials, such as wood, that are traditionally painted shall have an opaque finish.
14. Vinyl and aluminum windows are prohibited.

Parcel PCA-S-98-PCMR-1 – Administrative Conditional Use Permit – PL-24-06058 – The Applicant Proposes Two 5-Mile Trail Extensions for the Existing Trails of Silver Queen and Loose Moose in the Recreation and Open Space Zoning District and Sensitive Land Overlay.

Planner Lund presented the Administrative Conditional Use Permit application. He noted that the Forestry Board required a Condition Of Approval requiring the applicant to remove dead and dying significant vegetation wherever areas of significant vegetation is removed. He noted that the proposal complies with the requirements of the Land Management Code and presented the recommendation to Planning Director Ward.

Applicant representative Ian Hartley noted that the trail extension project leverages existing infrastructure with minimal impact and will help to alleviate trail conflicts from high-speed downhill traffic.

At 12:12 PM, Planning Director Ward opened a public hearing.

Mia Yue, Executive Director of the Wasatch Trails Foundation, said she wholeheartedly supports the project, which is an opportunity to address high demand for trails in Park City. There was no other public input.

At 12:13 PM, Planning Director Ward closed the public hearing.

MOTION: Planning Director Ward **APPROVED** the Administrative Conditional Use Permit for Parcel PCA-S-98-PCMR-1 in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The proposed trails will be built on Parcel PCA-S-98-PCMR-1.
2. The proposed trails are in the Recreation and Open Space (ROS) Zoning District and Sensitive Land Overlay (SLO).

3. The Applicant proposes to create two new trail extensions off of the existing trails of Loose Moose and Silver Queen.
4. The proposal complies with the ROS Zoning District Requirements
 - a. The ROS Zoning District requires a 25-foot setback from all property lines, and paths and trails are setback exceptions. No Structures are proposed to be constructed. The proposal is compliant with all ROS Zoning District requirements.
 - b. The Applicant will follow the IMBA (International Mountain Bike Association) and BLM (Bureau of Land Management) best practices for trail construction and removal of Significant Vegetation, which requires on-the-ground flagging for route and features, site-specific soil testing, construction-level marking, and any construction issues that hinge on environmental conditions at the micro level including individual trees, rocks, water crossings, and other terrain features.
 - c. On March 14, 2024, the Forestry Board reviewed the proposal, and approved the removal of Significant Vegetation.
5. The proposal complies with the SLO requirements
 - a. Steep Slopes
 - i. The Applicant proposes to construct a trail on steep slopes as detailed below. LMC Section 15-2.21-3(A) defines a Steep Slope as a Slope greater than fifteen percent (15%). LMC Section 15-2.21-3(A) defines a Very Steep Slope as a Slope greater than forty percent (40%). "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. 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." LMC § 15-2.21-4(B) explains further: "Except for ski Slopes and trails approved as part of the adopted Trails Master Plan, Graded or filled Slopes shall be limited to a 3 to 1 Slope or less." The maximum slope of the proposed trails is approximately 1 to 4, or 25 percent. The proposed trails are not subject to this prohibition because they do not cover an area of Very Steep Slopes greater than the requirement outlined above. The Applicant is required to avoid or minimize to the greatest extent possible proposed cuts and fills.

b. Ridge Line Area Protection

- i. The intent of the Ridge Line Area Protection is to “ensure that Development near Ridge Line Areas blends with the natural contour of these land forms. Significant Ridge Line Areas should be retained in a natural state, and Development should be sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated Vantage Points.” The end of the Silver Queen Extension and the beginning of the Loose Moose extension will be approximately 150 feet from the nearest designated Ridge Line.
- ii. The proposed trails comply with the Ridge Line Area Protection regulations because they will blend with the natural contour of the Ridge Line, they will not create a silhouette against the skyline, and they will be minimally visible from designated Vantage Points.

c. Wetlands and Stream Protection

- i. The Intent of the Wetlands and Stream Protection is to “promote, preserve, and enhance wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.” The following setbacks are required for Wetland protection: “Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark. Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.” The nearest Wetland and Stream corridor is approximately 80 feet from the proposed trails.

d. Wildland Urban Interface

- i. The Wildland Urban Interface Code applies “to all new and existing structures within the boundaries of Park City Municipal.” The Applicant is not proposing any new structures, so the Wildland Urban Interface code does not apply to this project.

e. Wildlife Habitat Area

- i. The intent of the Wildlife and Wildlife Habitat Protection is to “promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.” The LMC explains further: “If the Development Site contains or is within five hundred feet (500')

of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.”

- ii. There are no Sensitive or Specially Valued species that are occupying or using on-Site and adjacent Areas where the trails are proposed. Sensitive or Specially Valued Species includes Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.
 - iii. The proposed trails are within Recreation and Open Space Area, within the Park City Mountain Resort Ski Area, where recreational amenities are expected. The trails are within certain Habitat Areas.
 - f. Vegetative Cover
 - i. On March 14, 2024, the Forestry Board reviewed the proposal, and approved the removal of Significant Vegetation
 - g. Designated Entry Corridors and Vantage Points
 - i. There are no designated entry corridors affected by this proposal, and the proposed trails will be minimally visible from the PCMR Base Area.
- 6. The proposal complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)
 - a. Size and Location of the Site
 - i. This is an existing Site utilized for Outdoor Recreation. There are no proposed changes to the parcels, and minimal changes proposed to create the new trails.
 - b. Traffic
 - i. The proposed trails are not intended to attract additional traffic. This trail will re-route trail users off a multi-use trail (Jenni's) onto a downhill-only bike trail and route them back to the PCMR Base Area. Jenni's is currently the only intermediate/beginner trail providing access to the base area. Jenni's trail is not suited to carry

the current demands of users in a safe, sustainable, and enjoyable manner.

c. Utility Capacity

- i. The Development Review Committee reviewed this proposal on March 5, 2024, and confirmed the proposal conforms with their requirements.

d. Emergency Vehicle Access

- i. The Park City Fire District reviewed the proposal on March 5, 2024, and did not identify any concerns.
- ii. The proposed trails will not impede Emergency Vehicle Access. Emergency Vehicles currently access injured users at the PCMR Base area. Park City Mountain has their own safety patrol staff. Summer Safety Patrol provides emergency access from the trails to the PCMR Base Area.

e. Parking

- i. As the proposed trail is not increasing the size of the site, there is no needed or proposed additional parking. Existing parking lots include Park City Mountain Resort Base Area. The Applicant states that "It will improve the situation from a safety standpoint because there will be less trail conflicts between uphill and downhill mountain bike traffic and hikers."

f. Internal Vehicular and Pedestrian Circulation System

- i. The new trails will add capacity and help to decrease congestion and conflicts on current recreational trails.

g. Fencing, Screening, and Landscaping

- i. The applicant is responsible for trail and vegetation maintenance. No fences are proposed.

h. Building Mass, Bulk, and Orientation

- i. No required mitigation, no Structures are proposed.

i. Useable Open Space

- i. The new trails will increase the useability of Open Space for community recreation.

j. Signs and Lighting

- i. No outdoor lighting is proposed with this application. A carsonite trail marker is proposed to be installed with the construction of the new trails to mark the direction and location of the trail. Park City

Sign Code 12-8-1 lists Recreational Facilities as exempt 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."

- k. Physical Design and Compatibility with Surrounding Structures
 - i. The new trails will be similar in design to existing trails and have a low visual impact. The trails will not be visible from any designated Vantage Points.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. Not Applicable
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. Not Applicable
- n. Expected Ownership and Management
 - i. TCFC LEASECO LLC is the owner of parcel PCA-S-98-PCMR-1.
- o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site
 - i. The trails do not conflict with any Physical Mine Hazards. The trail is outside of the Soils Ordinance Boundary.
 - ii. The Applicant is required to avoid or minimize to the greatest extent possible proposed cuts and fills.
- p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. The proposed Use of the Site is consistent with Goal 1 in the Small-Town section of the General Plan, Goal 4 in the Natural Setting section of the General Plan, and Goal 9 in the Sense of Community section of the General Plan. Goal 1 of the General Plan states the following: "Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods." A trail will help protect undeveloped lands by protecting a space for people to recreate. Goal 4 of the General Plan states the following: "Conserve a connected, healthy network of open space for continued access to and respect for the Natural

Setting.” The proposed trail will increase access and connectivity in Open Space areas. Goal 9 of the General Plan states the following: “Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.” The proposed trail will provide residents and visitors with increased recreational opportunities.

7. Staff posted notice to the City website, City Hall, and the property on March 18, 2024.
8. Staff mailed courtesy notice to adjacent property owners on March 18, 2024.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.7 *Recreation And Open Space (ROS) District*, Chapter 15-2.23 *Sensitive Land Overlay (SLO)*, and Section 15-1-10(E) *Conditional Use Permits*.
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 construction details shall reflect substantial compliance with the plans reviewed March 28, 2024, by the Planning Department. And 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.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. 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.
4. The Applicant is required to avoid or minimize to the greatest extent possible proposed cuts and fills.
5. The Applicant is responsible for trail and vegetation maintenance.

6. The Applicant is responsible for the removal of dead and dying trees within a 15-foot buffer from the centerline of the trail (7.5 feet on either side of the trail) in areas wherever Significant Vegetation is removed.

Park City Heights Subdivision Phase 5 – Final Subdivision Plat – [PL-24-06035 – The Applicant Requests Review of the Park City Heights Subdivision Phase 5 Final Plat for 47 Lots Located at Approximately 2871 Bailey Court and Subject to the Park City Heights Master Planned Development and Preliminary Plat.

Planner Cawley presented the Final Subdivision Plat proposal. He noted that the original plans for Phase 5 included eight deed-restricted housing units, but one of those unit was shifted to Phase 4, so the current proposal includes seven deed-restricted units.

Planner Cawley noted that the Plat complies with the regulations of the Land Management Code, and that there is good cause for the final plat because it creates legal lots of record, memorializes utility easements and provides for new utility and access easements, provides parcels to be dedicated as Open Space, dedicates trail easements and public streets, provides snow storage easements and provides deed-restricted affordable and attainable lots.

Planner Cawley also noted that the City Development Review Committee reviewed the proposal and required several Conditions Of Approval, including that the applicant will work with the Affordable Housing Department to provide updates on any outstanding Affordable Housing obligations. The Affordable Housing team has also requested that the applicant increase the width of Beaux Court to 40 feet to improve access to the future Clark Ranch Development, adjacent to Park City Heights.

Applicant Representative Brad Mackay said the applicant has been working for the last several years with several City staff members to determine how to facilitate Clark Ranch and have adjusted things based on their recommendations in several different ways. He added that the way the road was presented in the current plans is the most recent width they were asked to submit and it's unclear how the preferred width changed again, but they are willing to work with staff to make sure the right road is in place to facilitate Clark Ranch.

At 12:19 PM, Planning Director Ward opened a public hearing. There was no public input.

At 12:19 PM, Planning Director Ward closed the public hearing.

Planning Director Ward asked about the timeline for the hydrant to be reburied in accordance with Condition of Approval 21. Mr. Mackay said the requirement is to rebury the hydrant line to ensure it is deep enough at the start of Phase 5. He added that the line is off by about six inches, and reburying the hydrant line is on the punch list for warranty requirements of Phase 4. He added that as soon construction begins on Phase 5, the line will be reburied.

Planning Director Ward suggested amending Condition Of Approval 21 as noted below. Mr. Mackay said the amendment to Condition of Approval 21 is reasonable.

Planning Director Ward asked if the Affordable Housing Department's request regarding the width of Beaux Court has been reviewed by the City Engineer. Planner Cawley noted that the City Engineer has not provided any input regarding the width of the street. Mr. Mackay added that the 40 foot width request for Beaux Court is a new change of which he had not previously been made aware.

Planning Director Ward requested adding Condition Of Approval as outlined below to ensure that the City Engineer, Affordable Housing Department, project planner and applicant will review and finalize the width of Beaux Court prior to recordation.

MOTION: Planning Director Ward **APPROVED** the Final Subdivision Plat for Park City Heights Subdivision Phase 5 in accordance with the Findings of Fact, Conclusions of Law, and amended Conditions of Approval.

Findings of Fact

1. Park City Heights Phase 5 is in the Community Transition (CT) Zoning District and subject to the Park City Height Master Planned Development (MPD).
2. The Park City Heights MPD created 239 residential Units on 239 acres: 160 market-rate units and 79 affordable/attainable Units.
3. Phase 5 consists of 47 Lots, seven of which are deed-restricted attainable cottage homes.
4. Bailey Court, Beaux Court, and Stella Way are extended from neighboring Phases 2 and 3, and final dedication to the City is required upon completion and acceptance of public improvements.
5. Parcels A – D include easements for public trails, access, and utilities.
6. The Park City Heights Subdivision is subject to the CT Zoning District regulations as outlined in Land Management Code (LMC) Chapter 15-2.23 and the Amended Development Agreement for the Park City Heights MPD.

7. Each residential Structure is reviewed for Compliance with the LMC, MPD, and design guidelines prior to issuance of a Building Permit.
8. The proposed Lots of Phase 5 are consistent with the Lot and Site requirements of the CT Zoning District as conditioned by the Park City Heights MPD and as stated in the approved and recorded Park City Heights Design Guidelines.
9. Access to the Development is from Richardson Flat Road, a public Right-of-Way. Access to individual Lots is from local, public streets within the Subdivision.
10. On February 27, 2019, the Planning Commission approved an Amended Subdivision Phasing Plan consistent with the Housing Mitigation Plan approved by the Housing Authority on January 8, 2019.
11. During the review of Phase 4, and due to the configuration of the lots and streets, the Applicant added one deed-restricted Cottage Unit to Phase 4 and removed one deed-restricted Cottage Unit from Phase 5.
12. The Housing Plan allows for adjustments to the phasing and sub-phasing as plats are recorded but includes a condition that prior to issuance of Building Permits for the last 10% of the market-rate Units, 100% of the affordable/attainable units shall be complete and have Certificates of Occupancy issued.
13. During the Housing Authority's annual review of the Park City Heights Housing Plan, the Applicant shall ensure that they meet their Affordable Housing obligations.
14. General Subdivision requirements:
 - a. Subdivision Name – The proposed subdivision name does not duplicate or closely approximate the name of another Subdivision in the area. The streets have unique names or are extensions of existing streets.
 - b. Monuments – All survey monuments, as required by the LMC, shall be completed prior to acceptance of public improvements.
 - c. Limits of Disturbance – A grading and Limits of Disturbance plan for construction of the streets and utilities was submitted with the plat to identify limits of disturbance for construction of streets and utilities, with conditions related to re-vegetation of disturbed areas per the Park City Heights MPD for Phase 5. Limits of Disturbance plans are required for each individual Building Permit.

- d. Ridgeline Development – These lots were not identified during the MPD and preliminary plat as requiring height restrictions or CUP review.
- e. Open Space – Open space parcels are designated consistent with the Conditions of Approval of the Park City Heights MPD.
- f. Roads and Utility Lines – All roads will be designated public streets. Easements are provided for public utilities. Final approval of the utility plans is subject to the approval of this plat and final review by the City Engineer and other utility providers. Off-site utility improvements may require additional off-site easements that shall be dedicated prior to commencing utility construction. All utilities will be designed to minimize disturbance of existing vegetation. Re-vegetation and/or remediation of disturbed areas are conditions of final utility installation acceptance.
- g. Drainage Ways – Per the Park City Heights stormwater management plan, Existing drainage areas will be incorporated into the stormwater management system and open space parcels to the greatest extent possible. The final design of the stormwater management system for this phase is subject to approval by the City Engineer.
- h. Soils Conditions – As required by the Park City Heights MPD, and due to the potential for areas of expansive soils within this subdivision, a soil conditions report shall be submitted prior to issuance of any Building Permits for structures, utilities, or roads, and shall be reviewed by the City Engineer and Chief Building Official prior to issuance of an excavation/grading permit.
- i. Mine Soils - The approved Voluntary Cleanup plan for historic mine waste soils is complete.
- j. Trails and Sidewalks- Trails and sidewalks are consistent with the Park City Heights MPD. Sidewalks are proposed within public Right-of-Way areas. Homeowners Association (HOA) open space areas shall include trail easements or state that blanket trail easements are dedicated for public trails within HOA open space parcels. Trails within dedicated open

space parcels can be constructed without specific easements. Off-site trails crossing other properties shall be placed in easements prior to construction. The exact location of trails within Parcels A - D will be approved by the city prior to construction, and once constructed, they will be considered to be within a 10' public trail easement.

- k. Limits of Disturbance/Building Pad locations- The location of houses for this phase is stipulated by adherence to minimum building setbacks and limit of disturbance conditions, as further identified in the Park City Heights Design Guidelines.
- l. Topsoil Preservation and Final Grading – Staff recommends a condition of approval that all applicable requirements of the LMC regarding topsoil preservation and final grading be completed prior to issuance of a certificate of occupancy for each unit. No portion of this phase is within the Park City Soils Ordinance boundary; however, any areas of disturbance due to off-site utility improvements that do fall within the Park City Soils Ordinance boundary are required to adhere to all requirements of the Ordinance.
- m. Architectural Standards – Architecture is reviewed at the time of Building Permit issuance to ensure compliance with the Park City Heights Design Guidelines.
- n. Water Bodies and Water Courses – No bodies of water are incorporated into the lots so as to not burden the city with the responsibility of maintaining the water body. The HOA is responsible for maintaining open space and drainage areas that are not part of individual lots, including natural drainage areas. Detention areas that are part of the stormwater management plan may sometimes have standing water. Maintenance of these areas is the responsibility of the HOA.
- o. Fire Sprinkling – The Plat shall note that all construction must comply with the International Building Code requirements for fire sprinklers.

15. General Lot Design Requirements:

- a. Lot Arrangement – There are no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on these lots in compliance with the IBC, the LMC, and in providing reasonable Driveway access.
- b. Building Sites – The proposed building sites are designed to minimize disturbance of existing vegetation in areas not already disturbed by grading required to remediate mine soils.
- c. Square footage – The maximum house sizes are recommended as a plat note per the amended Park City Heights MPD and Design Guidelines.
- d. Lot Dimensions – The proposed lot dimensions take into consideration additional width for corner lots, depth and width of lots for non-residential purposes, and parking areas.
- e. Double Frontage Lots and access to Lots – Lots fronting two streets are avoided, apart from corner lots.
- f. Lot Drainage – Lots are laid out to provide positive drainage away from all Buildings. Individual lot grading and drainage shall be included with each building permit.
- g. Landscaping – Prior to issuing a building permit for each lot, a landscape plan shall be submitted and reviewed by the Staff for compliance with the LMC and Design Guidelines. Any disturbed HOA open space areas shall be re-vegetated and/or landscaped per the MPD and Design Guidelines.
- h. Limits of Disturbance/Vegetation protection – Prior to issuance of a Building Permit for each Lot, a landscape plan showing limits of disturbance and vegetation protection is required to be submitted and reviewed by Staff for compliance with the LMC and conditions of the MPD.
- i. Re-vegetation, seed, and sod – All disturbed areas will be re-vegetated, seeded, and/or sodded prior to issuance of a certificate of occupancy per

the LMC.

- j. Debris and Waste – Per the LMC, debris and waste must be removed prior to issuance of a Certificate of Occupancy. The Park City Heights MPD requires consolidation and recycling of construction waste and debris to be identified on the Construction Mitigation Plan prior to issuance of a building permit.
- k. Fencing – The Chief Building Official may require fencing of hazardous conditions. Fences will be constructed according to the Park City Heights Design Guidelines.

16. Road Requirements and Design:

- a. Layout requirements – Street layout for this phase complies with general layout requirements, including frontage on improved streets, relation to existing topography, block design, access to arterials and collectors, and dead-end roads.
- b. Road Names – Road names shall be sufficiently different in sound and spelling from other names in Summit County with final confirmation of street names to be provided by the City Engineer prior to plat recordation.
- c. Road Regulatory Signs – The City Engineer and Public Works Department shall review all required road and street signs prior to installation.
- d. Street Lighting – Installation of street lights shall be approved by the City Engineer and Planning Department prior to installation. No street lights are proposed.
- e. Reserve or Protection Strips – No reserve or protection strips are proposed.
- f. Road Design Standards – The roads comply with the street design and layout approved by the Planning Commission during the approval of the Park City Heights MPD and are consistent with the LMC.

- g. Intersection Design Standards – The streets are laid out in compliance with intersection standards of the LMC.
 - h. Bridges – No bridges are proposed.
 - i. Road Dedications and Reservations – No new perimeter half-streets are proposed. No new frontage roads are proposed with this phase. No new dedication for widening existing roadways is required. The streets will be dedicated to Park City.
- 17. The final plat is consistent with the approved Park City Heights Annexation Agreement, amended MPD, and Preliminary Plat.
 - 18. The Development Review Committee reviewed the proposal on February 20, 2024, and requires Conditions of Approval.
 - 19. Courtesy notice was published on the City's website and posted notice to the property on March 14, 2024. Courtesy notices were mailed to property owners within 300 feet on March 14, 2024.

Conclusions of Law

- 1. There is Good Cause for this Final Subdivision Plat because it (a) creates legal lots of record from metes-and-bounds parcels; (b) memorializes and expands utility easements and provides for new utility and access easements for orderly provision of utilities and access; (c) provides parcels to be dedicated as Open Space area within and around the subdivision; (d) dedicates trail easements and public streets; (e) provides snow storage easements; and, (f) provides deed-restricted affordable/attainable Lots.
- 2. The Final Subdivision Plat is consistent with LMC Chapter 15-7 *Subdivision Procedures*, LMC Chapter 15-7.3 *Requirements for Improvements, Reservations, and Design*, and Chapter 15-2.23 *Community Transition (CT) District*.
- 3. The Final Subdivision Plat complies with the Amended Development Agreement for Park City Heights Master Planned Development.
- 4. Neither the public nor any person will be materially injured by the Final Subdivision Plat.
- 5. Approval of the Final Subdivision Plat, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, 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 year from the date of Planning Director approval. If recordation is not completed within one year, this 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 property is not located within the Park City Soil Ordinance Boundary. However, if the Applicant encounters mine waste or mine waste-impacted soils, they must handle the material in accordance with State and Federal laws.
4. The City Engineer's review and approval of all Lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A non-exclusive ten-foot-wide public snow storage easement, parallel to the Rights-of-Way, shall be dedicated on the Plat.
6. The Applicant shall ensure they meet their Affordable Housing obligations within one year of this approval.
7. Limits of Disturbance plans are required for each individual Building Permit.
8. The Applicant shall ensure re-vegetation and/or remediation of areas disturbed for utility installation.
9. The City Engineer must approve the final design of the stormwater management system for Phase 5.
10. A soil conditions report shall be submitted prior to issuance of any Building Permits for Structures, utilities, or roads. It shall be reviewed by the City Engineer and Chief Building Official prior to issuance of an excavation/grading permit.
11. All requirements regarding topsoil preservation and final grading shall be completed prior to the issuance of a Certificate of Occupancy for each Unit.
12. The Plat shall note that fire sprinklers are required for all residential units to be approved by the Chief Building Official.
13. The Plat shall note the maximum house sizes as recommended by the MPD and Design Guidelines.
14. A landscape plan, showing limits of disturbance and vegetation protection, is required to be submitted and reviewed by Staff for compliance with the LMC, MPD, and Design Guidelines.

15. Any disturbed HOA Open Space areas shall be re-vegetated and/or landscaped per the MPD and Design Guidelines.
16. All disturbed areas shall be re-vegetated, seeded, and/or sodded prior to issuance of a certificate of occupancy.
17. Construction debris and waste shall be removed prior to issuance of a Certificate of Occupancy.
18. Consolidation and recycling of construction waste and debris shall be identified in the Construction Mitigation Plan prior to issuance of a Building Permit.
19. The city Engineer and Public Works shall approve all required street signs before installation.
20. Fire hydrant spacing shall comply with the Park City Fire District requirement of 500 feet of frontage between hydrants.
21. The hydrant at the end of Phase 4 shall be reburied to the appropriate depth, reviewed, and approved by Park City Fire District prior to issuance of any Certificate of Occupancy Phase 5 Unit.
22. The final water line design shall be reviewed and approved by the Water Department.
23. The Applicant shall work with the Affordable Housing Team to update progress on their outstanding affordable housing obligations.
24. As part of the redline process, the City Engineer, Affordable Housing Team, Project Planner, and Applicant shall review and finalize the width of Beaux Court.

4807 Legacy Court - Administrative Conditional Use Permit – PL-24- 06063 -
The Applicant Proposes Constructing Retaining Walls Exceeding Six Feet in Height as Part of the Landscaping for a New Single-Family Dwelling in the Residential Development Zoning District.

Planner Berntson presented the Administrative Conditional Use Permit proposal. He noted that the proposal complies with zoning regulations outlined in the Land Management Code.

At 12:27 PM, Planning Director Ward opened a public hearing. There was no public input.

At 12:27 PM, Planning Director Ward closed the public hearing.

Planning Director Ward asked if the Final Action Letter that calls out the total height of the retaining walls that would limit if the applicant needs to go up to 11 feet. Planning Director Ward recommend adding Condition Of Approval 6 requiring that the retaining wall identified as Section E in Exhibit B of the retaining wall plans shall not exceed 11 feet in height, and all other retaining walls shall be constructed in compliance with Exhibit B of the retaining wall plans.

Planning Director Ward asked if 11 feet would be the maximum that would be needed for the retaining walls. Applicant representative Sash Kazeminejad said the applicant is still working through those final details. He also clarified that no other sections of the retaining wall are expected to change.

MOTION: Planning Director Ward **APPROVED** the Administrative Conditional Use Permit for 4807 Legacy Court as amended with Finding Of Fact 10 changed to reflect the Planning Commission's approval and Condition Of Approval 6 added as discussed in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The site is located at 4807 Legacy Court, Lot 2 of the Huntsman Estates First Amended Subdivision, in the Residential Development Zoning District and Sensitive Land Overlay.
2. On July 9, 2020, the City Council adopted Ordinance No. 2020-31, approving the Huntsman Estates Subdivision.
3. The Subdivision contains 15 Single-Family Lots, each containing construction Limits of Disturbance or Building Pads.
4. On July 13, 2023, the City Council adopted Ordinance No. 2023-34, approving the Huntsman Estates Subdivision First Amended Plat.
5. On October 4, 2023, the city approved Building Permit 23-1253 for a Single-Family Dwelling and Guest House. The landscape plans show retaining walls that exceed six feet in height from Final Grade.
6. The retaining wall screens a vaulted utility enclosure adjacent to the garage.
7. The proposed landscape plans show a series of retaining walls and landscape boulders across the site. With the exception of the retaining wall under review, the remainder are less than six feet as measured from final grade.
8. On March 8, 2024, the Planning Department received an Administrative Conditional Use Permit Application to construct retaining walls greater than six feet in height from Final Grade. The application was complete on March 13, 2024.

9. On March 19, 2024, the Development Review Committee reviewed the application and requires Conditions of Approval (see below).
10. On March 27, 2024, the Planning Commission approved a Conditional Use Permit to construct the Guest House.
11. Land Management Code (LMC) § 15-2.13-2(B)(40) establishes that retaining walls greater than six feet in height from Final Grade is a Conditional Use in the Residential Development Zoning District and requires an Administrative Conditional Use Permit.
12. The Planning Director reviewed the proposal based on the following Conditional Use Permit criteria as outlined in LMC § 15-1-10(E):
 - a. **Size and Location of Site** – 4807 Legacy Court is located on the downhill side of Royal Street. Access to the site is through a gated entryway off Royal Street, then toward the southern end of a cul-de-sac (Legacy Court). The proposed retaining wall is in front of the Single-Family Dwelling and is intended to retain the uphill slope, landscaping, and vaulted utilities.
 - b. **Traffic** – No Mitigation Required.
 - c. **Utility Capacity** – The construction of the retaining wall is not anticipated to change utility capacity. The Lot exceeds one acre, and an MS4 stormwater permit must be obtained prior to any construction activity.
 - d. **Emergency Vehicle Access** – On March 19, 2024, the Park City Fire District reviewed the proposal and confirmed the location of the retaining wall does not impede emergency vehicle access.
 - e. **Off-Street Parking** – The retaining wall creates additional Off-Street Parking on the property.
 - f. **Internal Vehicle and Pedestrian Circulation** – No Mitigation Required.
 - g. **Fencing, Screening, and Landscaping** – The proposed retaining wall will support a landscaped area above the driveway. It is not visible from the Royal Street Right-of-Way.
 - h. **Building Mass, Bulk, and Orientation** – The proposed retaining wall is outside the Lot setbacks.
 - i. **Useable Open Space** – The proposed retaining wall is in the Limits of Disturbance, and no changes to Open Space are proposed.
 - j. **Signs and Lighting** – No signs are proposed. All outdoor lighting shall comply with the Dark Sky Ordinance outlined in LMC § 15-5-5(J).

- k. **Physical Design and Compatibility with Surrounding Structures** – The proposed retaining wall will be faced with stone veneer. Other hardscape materials include stone veneer steps and linear stone pavers. Materials on the façade of the Single-Family Dwelling include wood siding and stone veneer.
 - l. **Noise, Vibration, Odors, Steam, or Other Mechanical Factors** – Not Applicable.
 - m. **Expected Ownership and Management** – No Mitigation Required.
 - n. **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 property is in the Sensitive Lands Overlay (SLO). See the SLO Analysis below.
 - o. **Reviewed for Consistency with the Goals and Objectives of the Park City General Plan** – The General Plan notes that the Upper Deer Valley Neighborhood is for resort-oriented development surrounded by Open Space. The retaining wall does not take away from the character of the neighborhood and is within the Limits of Disturbance, preserving the remainder of the site as natural Open Space.
13. When the Subdivision was reviewed in 2022, the Applicant provided a Sensitive Land Analysis. Land Management Code § 15-2.21-3 outlines the requirements for Sensitive Land Analysis. The proposal is reviewed against the following criteria:
- p. **Slope** – The Site is not considered a Very Steep Slope (greater than 40%). The buildable area of Lot 2 contains slopes between 15 and 40 percent.
 - q. **Ridge Line Area** – The Site is located north and west of Royal Street, on the downhill side of the Right-of-Way. There are no ridge lines that run through Lot 2.
 - r. **Vegetative Coverage** – The site is a combination of scrub oak, evergreen, and large deciduous trees. As part of the Building Permit submittal, the Applicant provided an arborist's assessment to identify Significant Vegetation lost due to site development, including the retaining walls. On January 4, 2024, the Forestry Board reviewed the landscape plans and approved their proposal to mitigate the loss of vegetation.

- s. **Designated Vantage Points** – The Site is not visible from any of the LMC Designated Vantage Points.
- t. **Wetlands** – The Site does not contain any Wetlands.
- u. **Streams, Canals, and Irrigation Ditches** – The 2020 analysis identifies a “perennial stream corridor on the west edge of the Estate Zone and an underground aqueduct near the border of the Huntsman Subdivision and Estate Zone Lots. The perennial stream channel has been significantly altered by the presence of Marsac Avenue infrastructure. All drainage areas will be maintained and protected with culverts and detention areas as necessary”.
- v. **Wildlife Habitat Areas** – The following species are identified as inhabiting the area:
 - Black bear
 - Blue grouse
 - Moose
 - Mule deer
 - Elk
 - Snowshoe hare

The 2020 analysis states that, due to the development of the surrounding area, “it is assumed that development within the Huntsman Estates [Subdivision] will not be [detrimental] to the wildlife.”

- 14. Staff published notice on the City and Utah Public Notice websites and posted notice to the property on March 14, 2024.
- 15. Courtesy notice was mailed to adjacent property owners on March 14, 2024.

Conclusions of Law

- 1. The proposal complies with Land Management Code § 15-1-10 *Conditional Use Review Process*, Chapter 15-2.13 *Residential Development (RD) 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. 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 the Planning Department has not approved in advance may result in a Stop Work Order.

2. The Applicant is responsible for notifying the Planning Department in writing of any changes, modifications, or deviations from the approved scope of work. The changes shall be reviewed and approved or denied by the Planning Director or their designee in accordance with applicable development standards.
3. All outdoor lighting must be down-directed, fully shielded, with bulbs 3000 degrees Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb or indirectly by reflection or refraction is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Department prior to installation.
4. Up-lighting of the retaining walls and landscaping is prohibited.
5. The Engineering Department shall review and approve engineered plans for all retaining walls prior to issuance of a Certificate of Occupancy.
6. The retaining wall identified as section E of Exhibit B, "Retaining Wall Plans," shall not exceed 11 feet in height. All other retaining walls shall be constructed in compliance with the Exhibit B plans.

327 McHenry Avenue – Modification to Historic District Design Review Approval – PL-23-05981 – The Applicant Proposes a Modification of the Historic District Design Review Approval for 327 McHenry Avenue's Landscaping plan to Include a Swimming Pool, Associated Mechanical Equipment, Retaining Walls, and Plantings.

Planning Director Ward noted that this item was continued from March 21 and will be continued further into April.

Planner Tubbs presented the Modification to Historic District Design Review. She noted that on March 21, 2024, the item was continued in order to get some additional information from the applicant. Planner Tubbs noted that a meeting is scheduled for April 2, 2024 to go over the additional information that is needed from the applicant.

Planning Director Ward requested to continue the item to April 11, 2024 and noted that

will only be for action and the public hearing has been closed for the item.

MOTION: Planning Director Ward **CONTINUED** the Modification to Historic District Design Review Approval for 327 McHenry Avenue to April 11, 2024.

626 Sunnyside Drive – Administrative Conditional Use Permit – PL-24-06053
– The Applicant Proposes to Re-Construct a Retaining Wall Six Feet in Height in the Front Setback in the Single Family Zoning District.

Planner Berntson presented the Administrative Conditional Use Permit proposal. He noted that the current retaining wall at the site is in disrepair and the applicant is proposing to replace it at the same height. Planner Berntson noted that the proposal complies with requirements of the Land Management Code.

At 12:37 PM, Planning Director Ward opened a public hearing. There was no public input.

At 12:37 PM, Planning Director Ward closed the public hearing.

Planning Director Ward recommend amending Condition Of Approval 2 requiring the property owner to record an encroachment agreement prior to construction, and amending Condition Of Approval 3 to require the property owner to obtain a Work in the Public ROW permit prior to construction.

MOTION: Planning Director Ward **APPROVED** the Administrative Conditional Use Permit for 626 Sunnyside Drive as amended in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 626 Sunnyside Drive contains an existing Single-Family Dwelling constructed in 1980.
2. 626 Sunnyside Drive is in the Single Family (SF) Zoning District.
3. The Applicant is proposing replacement of an existing retaining wall that is in poor condition.
4. The existing retaining wall reaches a height of 6 feet above Existing Grade in the front setback.
5. The existing retaining wall encroaches into the public Right-of-Way (ROW).
6. The portion of the retaining wall that encroaches into the public ROW is proposed to be removed as part of the replacement.

7. There is no indication that the existing retaining wall was approved.
8. The application complies with LMC § 15-4-2 Fences and Retaining Walls.
9. The application complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)
 - a. Size and Location of the Site
 - The retaining wall is a replacement of an existing retaining wall and helps to stabilize the Natural Grade of the slope.
 - b. Traffic
 - No Mitigation Required.
 - c. Utility Capacity
 - No Mitigation Required.
 - d. Emergency Vehicle Access
 - No Mitigation Required.
 - e. Parking
 - Not Applicable.
 - f. Internal Vehicular and Pedestrian Circulation System
 - No Mitigation Required. The proposed retaining wall is a replacement of an existing retaining wall and will not have any impact on vehicular or pedestrian circulation.
 - g. Fencing, Screening, and Landscaping
 - The proposed retaining wall is a replacement of an existing retaining wall and helps to stabilize the Natural Grade of the slope.
 - h. Building Mass, Bulk, and Orientation
 - No Mitigation Required.
 - i. Useable Open Space
 - No Mitigation Required.
 - j. Signs and Lighting
 - No Mitigation Required.
 - k. Physical Design and Compatibility with Surrounding Structures
 - The proposed retaining wall is a replacement of an existing retaining wall and helps to stabilize the Natural Grade of the slope.
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - Not Applicable.
 - m. Expected Ownership and Management
 - The property is owned by Johnathan Short.

- n. 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
 - No Mitigation Required.
- o. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - Not Applicable.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.11 *Single Family (SF) Zoning District*, Section 15-4-2 *Fences and Retaining Walls*, and Section 15-1-10 *Conditional Use Permits*.
2. The Use will be 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 landscaped area above the retaining wall is within a utility easement. The SBWRD requires that no trees be planted within this easement as it encompasses a main sewer line.
2. Prior to construction, the Property Owner of 626 Sunnyside Drive shall record an Encroachment Agreement with the Engineering Department for the portion of the retaining wall that encroaches into the Utility Easement.
3. Prior to construction, the Property Owner of 626 Sunnyside Drive shall submit a Work in the Public ROW permit to remove the portion of the retaining wall that is in the existing ROW.
4. Any changes, modifications, or deviations from the approved retaining wall that have not been approved in advance by the Planning Department may result in a stop work order.
5. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved retaining wall.
6. 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.

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The Park City Administrative Action meeting adjourned at 12:38 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:".