



**PARK CITY PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING MEETING
SUMMIT COUNTY, UTAH
September 21, 2023**

REGULAR AGENDA - 12:00 PM

4849 Legacy Way - Administrative Permit - The Applicant Proposes an Internal Accessory Dwelling Unit Within a New Single Family Dwelling in the Residential Development Zoning District. PL-23-05772 (10 mins.)

(A) Public Hearing; (B) Action

[4849 Legacy Way IADU Staff Report](#)

[Exhibit A: 4849 Legacy Way IADU Final Action Letter](#)

[Exhibit B: HOA Notification Letter](#)

[Exhibit C: Applicant's Plans](#)

2236 Morning Star Drive - Administrative Conditional Use Permit - The Applicant Proposes a Retaining Wall Greater than 6' feet in the Front Setback in the Single Family Zoning District. PL-23-05826 (10 mins.)

(A) Public Hearing; (B) Action

[Staff Report 2236 Morning Star Drive](#)

[Exhibit B: Approved Landscape Plan](#)

[Exhibit A: Draft Final Action Letter](#)

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Planning Department Staff Report



Subject: 4849 Legacy Way
Application: PL-23-05772
Author: Alexandra Ananth, Senior Planner
Date: September 21, 2023
Type of Item: Administrative Permit

Recommendation

(1) Review the requested Administrative Permit application for an Internal Accessory Dwelling Unit (IADU); (2) hold an Administrative Public Hearing; and (3) consider approving the IADU according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Action Letter (Exhibit A).

Description

Applicant: Josh Arrington, Architect and Applicant Representative
Location: 4849 Legacy Way
Zoning District: Residential Development (RD)
Adjacent Land Uses: Single Family Dwellings, Resort
Reason for Review: Internal Accessory Dwelling Units require an Administrative Permit¹

COA Condition of Approval
IADU Internal Accessory Dwelling Unit
LOD Limits of Disturbance
RD Residential Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

4849 Legacy Way is a 0.67 acre lot (~29,185 square feet) located in the Residential Development (RD) Zoning District. The Lot is Lot 7 of the Huntsman Estates Subdivision, Summit County Recorder Entry No. [1150632](#), recorded on December 17, 2020, and approved by Ordinance No. [2020-31](#). The Applicant is proposing an Internal Accessory Dwelling Unit within a new Single Family Dwelling.

An Internal Accessory Dwelling Unit is defined in Utah State Code Section [10-9a-511.5](#) as an accessory dwelling unit located within a primary dwelling and within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created. Primary dwelling is a single family dwelling that is occupied as the primary residence of the owner of record.²

¹ LMC [§ 15-2.13-2](#)

² Utah Code [§ 10-9a-530](#) and [17-27a-526](#)

The Single Family Dwelling is 9,077 square feet and the IADU is 3,415 square feet. The structure is intended for a large multi-generational family and is designed with two main gathering spaces so the families can be separated if they would like, but there is connection between the two portions. The IADU includes three bedrooms, a kitchen, and a living room. The Applicant has stated that the IADU is not intended as a lockout or nightly rental, and that both portions will be occupied by full-time residents including the property owner.

Background

The Huntsman Estates Subdivision, Summit County Recorder Entry 1150632, was recorded on December 17, 2020, and approved by Ordinance No. 2020-31.

On July 13, 2023, a Plat Amendment was approved by City Council by Ordinance No. [2023-35](#), and has not been recorded. The Applicant must wait until the Plat Amendment has been recorded to apply for a Building Permit.

Relevant Conditions of Approval of the Plat include that the Single Family Dwelling must be located within the Limits of Disturbance (LOD) shown on the Plat, and that prior to the issuance of a Building Permit, the Applicant or owner of the Lot shall submit a certified arborist's assessment of the Lot that analyzes the health and viability of all Significant Vegetation on the property within 100 feet of the principal dwelling and any accessory buildings/uses, including a tree preservation plan that indicates trees proposed for removal, how trees will be protected during construction, and a tree replacement plan. The plan shall indicate that trees shall be limited within a 15-foot radius of any structure, and that diseased or dead trees within 100 feet of any structure will be removed, consistent with the Forest Assessment dated March 28, 2020. This includes vegetation that is no longer standing. A 30-foot vegetation protection area will be required around dwellings with limited existing or new tree landscaping as approved by Park City Municipal Corporation and the Park City Fire District.

Analysis

Internal Accessory Dwelling Units require an Administrative Permit in the Residential Development zone.³ The Planning Department reviews and takes Final Action on Administrative Permits.⁴

(I) The proposal for an Internal Accessory Dwelling Unit complies with LMC [§ 15-2.13](#), *Residential Development*, and LMC [§ 15-4-7.1](#), *Internal Accessory Dwelling Units*.

The project must comply with the RD required Setbacks and Building Height, as well as the IADU Criteria.

³ LMC [§ 15-2.13-2](#)

⁴ LMC [§ 15-1-11\(E\)](#)

Requirement	Analysis of Proposal
Density – 3 Units per acre	Complies – The Lot is 0.67 acres.
Front Setback - 20 ft., 25 ft. to front facing garages	Complies – 20 ft.
Rear Setback - 15 ft.	Complies - >100+ ft.
Side Setback - 12 ft.	Complies – 20 ft. for both side Setbacks
Building Height – 28 ft.	Complies – 28 ft.
IADU Lot Size – 6,000 sq. ft.	Complies - The Lot is ~29,185 sq. ft.
Parking - One (1) Parking Space per Internal Accessory Dwelling Unit must be provided in addition to the existing requirement for the Single-Family Dwelling	Complies – The Single Family Dwelling has three (3) garage stalls.
Ownership	Must Comply – The Applicant has stated that both portions of the house will be occupied by full-time residents, including the property owner. See COA 1.
Deed Restriction	Must Comply - See COA 2.
Nightly Rentals	Must Comply – Neither the Single Family Dwelling or IADU may be rented for periods of time less than 30 days. See COA 3.
HOA Notification	Complies – See Exhibit B

The proposed Single Family Dwelling complies with the RD Setbacks and Building Height.

The IADU Criteria includes a minimum lot size which the Applicant meets and requires one parking stall in addition to the requirement for the Single-Family Dwelling, which is 2 parking stalls. The Applicant is proposing three (3) covered parking stalls meeting the parking requirements. The Applicant has stated that both the house and the IADU will be occupied by full-time residents.

The Applicant will be required to file a Deed Restriction with the County Recorded prior to occupancy of the Single Family Dwelling or IADU and that neither may be rented for periods of time less than 30 days. See COA 2 & 3 of the attached Final Action Letter. The Applicant has provided evidence of HOA notification (Exhibit B).

(II) The proposal complies with all Plat Notes and Conditions of Approval (COA) of Ordinance No. 2023-35.

Requirement	Analysis of Proposal
Plat must be recorded prior to issuance of a building permit	Must Comply - See COA 2.
Compliance with LOD	Must Comply –See COA 5.
Arborist Assessment	Must Comply - See COA 6.

Conditions of Approval are proposed to ensure compliance with the Huntsman Estates First Amended Plat and Ordinance No. 2023-35. The applicant must obtain a LOD modification approval prior to submitting a building permit. An Arborist assessment must be submitted for review and approval prior to the issuance of a building permit.

(III) The Development Review Committee requires Conditions of Approval.⁵

The Development Review Committee reviewed the proposal on September 5, 2023, and did not identify any issues.

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and mailed courtesy notice to adjacent property owners on September 7, 2023.⁶

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Director may approve the IADU with Conditions; or
- The Planning Director may deny the IADU and direct staff to make Findings for the denial; or
- The Planning Director may request additional information and continue the discussion to September 28, 2023.

Exhibits

Exhibit A: Draft Action Letter

⁵ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁶ LMC [§ 15-1-21](#).

Exhibit B: HOA Notification Letter
Exhibit C: Proposed Plans



Planning Department

September 21, 2023

Josh Arrington
1930 S 1100 E
Salt Lake City, UT 84106
Josh@upwalldesign.com
801-485-0708

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address:	4849 Legacy Way
Zoning District:	Residential District (RD)
Application:	Internal Accessory Dwelling Unit
Project Number:	PL-23-05772
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	September 21, 2023
Project Summary:	Administrative Permit Application for an Internal Dwelling Unit

Action Taken

On September 21, 2023, Planning Department staff conducted a public hearing and approved the Internal Accessory Dwelling Unit (IADU) according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. 4849 Legacy Way is a 0.67 acre lot located in the Residential Development zone.
2. The Lot is Lot 7 of the Huntsman Estates Subdivision, Summit County Recorded Entry 1150632, recorded on 12/17/2020, and approved by Ordinance 2020-31.
3. LODs are shown on the Plat and the Single Family Residence must be located within the LOD.
4. The Applicant is proposing an Internal Accessory Dwelling Unit within the Single Family Dwelling.



Planning Department

5. An Internal Accessory Dwelling Unit is defined in Utah Code Section 10-9a-511.5 as an accessory dwelling unit located within a primary dwelling and within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created.
6. Primary dwelling is a single family dwelling that is occupied as the primary residence of the owner of record.
7. Accessory Apartments require an Administrative Permit in the Residential Development zone.
8. The Lot complies with the 6,000 square foot minimum lot size requirement of LMC § 15-4-7.1(A)(1).
9. The Lot complies with the Parking Requirements of one stall for the IADU.
10. The proposal for an Internal Accessory Dwelling Unit complies with LMC § 15-2.13, Residential Development, and LMC § 15-4-7.1, Internal Accessory Dwelling Units.
11. The proposal complies with all Plat Notes and Conditions of Approval (COA) of Ordinance No. 2023-35.
12. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law

1. The Application complies with LMC § 15-2.13, Residential Development and LMC § 15-4.7, Internal Accessory Dwelling Units.

Conditions of Approval

1. The Single Family Dwelling shall be occupied by the owner and the IADU shall not be sold separately.
2. A Deed Restriction must be filed with the County Recorded, see LMC 15-4-7.1(A)(6) prior to occupancy of the Single Family Dwelling or IADU.
3. Neither the Single Family Dwelling nor the IADU may be rented for periods of time less than 30 days.
4. The Huntsman Estates First Amended Plat shall be recorded prior to the issuance of any building permits.
5. Any deviations from the LOD shown on the plat must be approved by the Planning Director prior to the issuance of a building permit.
6. A certified arborist assessment must be submitted for review and approval prior to the issuance of a building permit.



Planning Department

If you have questions or concerns regarding this Final Action Letter, please call Alexandra Ananth at 435-615-5066 or email Alexandra.ananth@parkcity.org.

Sincerely,

Rebecca Ward
Interim Planning Director

CC: Project file



Condominium/ P.U.D Permission to Build

This document shall serve as verification that the 5000 Royal Street H.O.A.
(Condominium/ P.U.D.) d.b.a. Stein-Erikson Estates
Homeowner's Association has given permission to Tom Cibotti
(Owner)

To build at Lot 7 -
(Address)

Description of work: "IADU" as part of Plans - Approved

☐ Please check if a Porta-Potty is not required by the HOA. Restroom facilities will be provided .

The HOA acknowledges any potential legal and financial responsibility for improvements in the common/ limited common area.


HOA Representative

9/12/23
Date

Name:

Title:

Phone (day):

Phone (evening)

Cellphone:

E-mail:

Fax:

Greg Gendron

V.P. Residential Operations

435-658-9511

ggendron@steinlodge.com

A NEW DESIGN FOR

CAPC PARTNERS

LOT 7 HUNTSMAN ESTATES
(STEIN ERIKSEN ESTATES)

4849 LEGACY WAY
PARK CITY, UT 84060

Outside of Wall SQFT	
LOCATION	SQUARE FOOTAGE
LOWER LEVEL	2,502 SF
GUEST LOWER LEVEL	1,031 SF
GUEST MAIN LEVEL	1,755 SF
	5,288 SF
MAIN LEVEL	1,642 SF
UPPER LEVEL	1,858 SF
GUEST UPPER LEVEL	964 SF
TOTAL FINISHED	4,464 SF
MECHANICAL	164 SF
MECHANICAL	363 SF
GARAGE	873 SF
TOTAL UNFINISHED	1,400 SF
TOTAL OUTSIDE OF WALL	11,152 SF

ADDITIONAL PERMITS
RETAINING WALLS (¾" OR SUPPORTING A SURCHARGE), SWIMMING POOLS, SOLAR AND GEO-THERMAL HEATING SYSTEMS, AND PHOTO-VOLTAIC AND WIND GENERATED ELECTRICAL SYSTEMS REQUIRE SEPARATE PERMITS. SEPARATE PLANS, SPECIFICATIONS, AND APPLICATIONS ARE TO BE SUBMITTED AND REVIEWED PRIOR TO ISSUANCE OF THESE PERMITS.

Deck/Patio SQFT	
LOCATION	SQUARE FOOTAGE
BEN DECK	72 SF
GUEST DECK	253 SF
GUEST ENTRY	123 SF
MAIN DECK	585 SF
MAIN ENRTY	136 SF
MASTER DECK	121 SF
POOL PATIO	645 SF
TOTAL DECK/PATIO	1,934 SF

DEFERRED SUBMITTAL
ALL DEFERRED SUBMITTALS AND CHANGES TO PLANS MUST BE: -FIRST APPROVED BY THE ARCHITECT OF RECORD PRIOR TO SUBMITTING TO THE BUILDING OFFICIAL. -STRUCTURAL ENGINEER TO APPROVE ALL STRUCTURAL PLANS.
1. FIRE SPRINKLER PLANS (Modified NFPA 13D) 2. GAS PIPING SCHEMATIC TO BE PROVIDED BY CONTRACTOR 3. TRUSS PLANS (IF APPLICABLE) 4. STUCCO SYSTEM (IF APPLICABLE) 5. LANDSCAPE SPRINKLER PLAN 6. CONSTRUCTION MITIGATION PLAN 7. GEOTECHNICAL SURVEY (IF APPLICABLE AS DETERMINED BY BUILDING OFFICIAL) 8. SPECIAL INSPECTION CERTIFICATE FROM OUTSIDE INSPECTIONS FOR ALL WELDING ON THIS PROJECT 9. CONTRACTOR TO PROVIDE EXTERIOR LIGHTING SPECS PRIOR TO FOUR-WAY INSPECTION 10. (3) BACKFLOW PREVENTORS TO BE INSTALLED 11. POOL DESIGN BY OTHERS (IF APPLICABLE)

Code Analysis	
- UTAH STATE ADOPTED CODES AS OF JULY 1, 2021	
- 2015 IRC - 2018 IBC - 2018 IPC - 2018 IMC - 2018 IFGC - 2020 NEC	BUILDING OCCUPANCY R-3 TYPE 5B CONTRUCTION TWO STORIES

ARCHITECT UPWALL DESIGN JOSH ARRINGTON 1930 SOUTH 1100 EAST SALT LAKE CITY, UTAH 84106 (801) 485-0708 EMAIL:josh@upwalldesign.com	OWNER TOM GIBOTTI 300 PIER 4 BLVD UNIT 6G BOSTON, MA 02210 617-970-7172 tom@gavilc.com	STRUCTURAL ENGINEER IRIDIUM STRUCTURAL ENGINEERING GARRETT JENKINS 635 WEST 5300 SOUTH, STE. 203 MURRAY, UTAH 84123 (801) 974-5101 FAX:(801) 974-5102 EMAIL:garrett@iridiumae.com	GENERAL CONTRACTOR - MIKE McNULTY 1366 EAST LOWER RIVER ROAD WOODLAND, UTAH 84036 (435) 659-9765 EMAIL:mcnulty.mike@gmail.com
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VICINITY MAPS	

Project Revisions			Index of Drawings	
#	DATE	DESCRIPTION	Sheet Number	Sheet Name
			Architectural	
			TOPO	SURVEY
			A1.1	OVERALL SITE PLAN
			A1.3	HEIGHT CALCULATION PLAN
			A2.0	1/8" LOWER LEVEL PLAN
			A2.1	1/8" MAIN LEVEL PLAN
			A2.2	1/8" UPPER LEVEL PLAN
			A2.6	GROSS AREA PLANS
			A2.7	NET AREA PLANS
			A3.1	1/8" ELEVATIONS
			A4.1	ROOF PLAN

Inside of Wall SQFT	
LOCATION	SQUARE FOOTAGE
GUEST LOWER LEVEL	902 SF
GUEST MAIN LEVEL	1,617 SF
GUEST UPPER LEVEL	896 SF
LOWER LEVEL	2,376 SF
MAIN LEVEL	1,549 SF
UPPER LEVEL	1,736 SF
TOTAL FINISHED	9,077 SF
GARAGE	763 SF
MECH.	283 SF
MECHANICAL	128 SF
TOTAL UNFINISHED	1,174 SF
TOTAL INSIDE OF WALL	10,251 SF

STATE OF UTAH

JOSHUA DEAN

ARRINGTON

9130937030

8 AUGUST 2023

REVISIONS

THE ARCHITECT, ENGINEER AND ARCHITECTURAL FIRM HAS REVIEWED THE DESIGN AND CONSTRUCTION DOCUMENTS FOR THIS PROJECT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE UTAH ARCHITECTURAL ACT AND THE UTAH ARCHITECTURAL BOARD RULES. THE ARCHITECT, ENGINEER AND ARCHITECTURAL FIRM HAS REVIEWED THE DESIGN AND CONSTRUCTION DOCUMENTS FOR THIS PROJECT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE UTAH ARCHITECTURAL ACT AND THE UTAH ARCHITECTURAL BOARD RULES. THE ARCHITECT, ENGINEER AND ARCHITECTURAL FIRM HAS REVIEWED THE DESIGN AND CONSTRUCTION DOCUMENTS FOR THIS PROJECT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE UTAH ARCHITECTURAL ACT AND THE UTAH ARCHITECTURAL BOARD RULES.

A NEW DESIGN FOR

CAPC PARTNERS

4849 LEGACY WAY
PARK CITY, UT 84060

LOT 7 HUNTSMAN ESTATES
(STEIN ERIKSEN ESTATES)

UP WALL DESIGN

1930 S. 1100 E. S.L.C. UT 84106

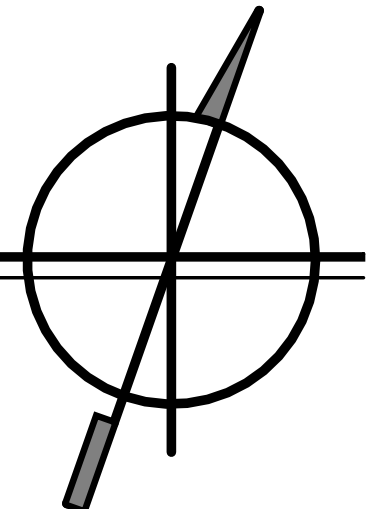
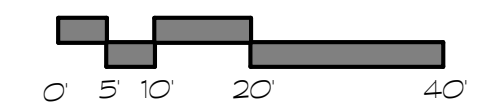
(801)485-0708

OT-1



SITE
PLAN

SCALE: 1" = 20'-0"



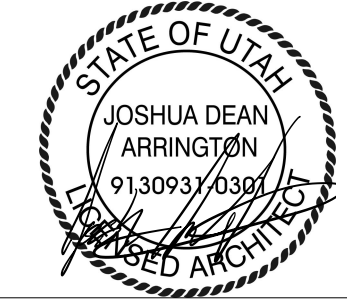
APPROVALS

SITE GENERAL NOTES

- 1 CONTRACTOR TO FIELD VERIFY LOCATION OF UTILITY LINES AS REQUIRED.
- 2 CONTRACTOR TO FIELD VERIFY MIN. 3'-0" SEPARATION BETWEEN GAS AND ELECTRICAL LINES.
- 3 REESTABLISH NATURAL GRADE AND NATURAL VEGETATION. PROVIDE TEMP. IRRIGATION TO ASSURE ESTABLISHED VEGETATION.
- 4 SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN APPROVED DRAINAGE COURSE, BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FT. (RC R401.3).
- 5 RETAINING WALLS (>4' OR SUPPORTING A SURCHARGE), SWIMMING POOLS, SOLAR AND/OR GEO-THERMAL HEATING SYSTEMS, AND PHOTO-VOLTAIC- AND/OR WIND-GENERATED ELECTRICAL SYSTEMS REQUIRE SEPARATE PERMITS. SEPARATE PLANS, SPECIFICATIONS AND APPLICATIONS ARE TO BE SUBMITTED AND REVIEWED PRIOR TO ISSUANCE OF THESE PERMITS.

KEYNOTES

NUMBER	DESCRIPTION
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8 AUGUST 2023

REVISIONS

THE ARCHITECT, ENGINEER AND PROFESSIONAL DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT, ENGINEER AND PROFESSIONAL DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT, ENGINEER AND PROFESSIONAL DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT, ENGINEER AND PROFESSIONAL DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.

A NEW DESIGN FOR THE:

CAPC PARTNERS

4849 LEGACY WAY
PARK CITY, UT 84060

UP WALL
DESIGN

1930 S. 1100 E. S.L.C. UT 84106

(801)485-0708

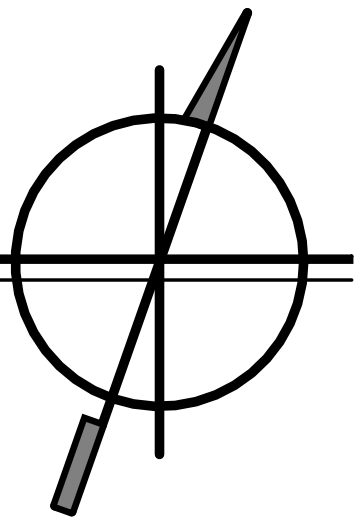
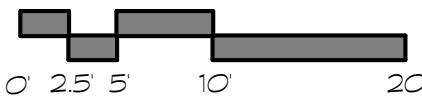
A1.1

OVERALL SITE PLAN



HEIGHT CALCULATION
PLAN

SCALE: 1" = 10'-0"



APPROVALS

THE ABOVE DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF CAPC PARTNERS. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CAPC PARTNERS. THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE. CAPC PARTNERS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. CAPC PARTNERS SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THE PROJECT AFTER THE DATE OF THE LAST REVISION.

A NEW DESIGN FOR THE:
CAPC PARTNERS
LOT 7 HUNTSMAN ESTATES
(STEN BRENSEN ESTATES)
4849 LEGACY WAY
PARK CITY, UT 84060

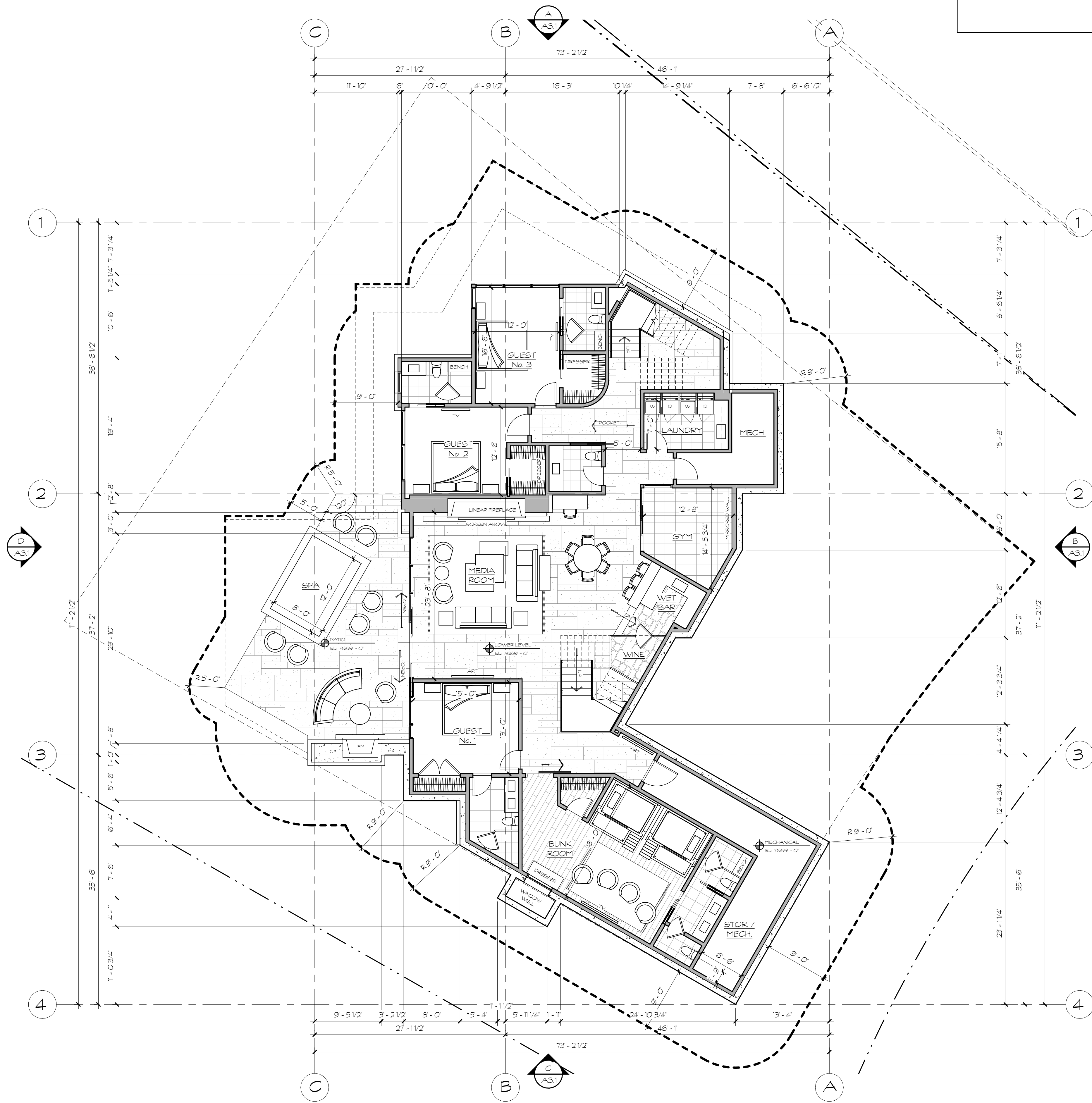
UP WALL
DESIGN
1930 S. 1100 E. S.L.C. UT 84106 (801)485-0708

A1.3
HEIGHT CALCULATION
PLAN

STATE OF UTAH
JOSHUA DEAN
ARRINGTON
9130931030
SEED ARCHITECTS

8 AUGUST 2023

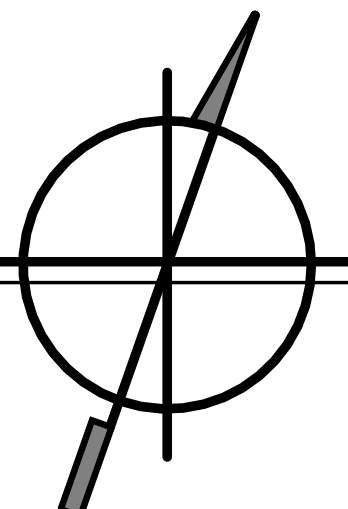
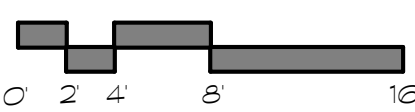
REVISIONS



GUEST LOWER 902 SF
LEVEL
LOWER LEVEL 2,376 SF
MECH. 283 SF
MECHANICAL 128 SF

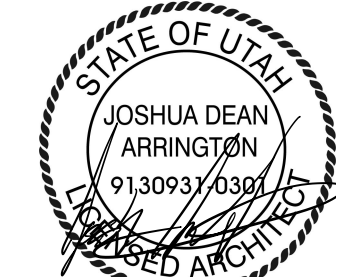
LOWER LEVEL PLAN

SCALE: 1/8" = 1'-0"



Inside of Wall SQFT	
LOCATION	SQUARE FOOTAGE
GUEST LOWER LEVEL	902 SF
GUEST MAIN LEVEL	1,617 SF
GUEST UPPER LEVEL	896 SF
LOWER LEVEL	2,376 SF
MAIN LEVEL	1,549 SF
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APPROVALS



8 AUGUST 2023

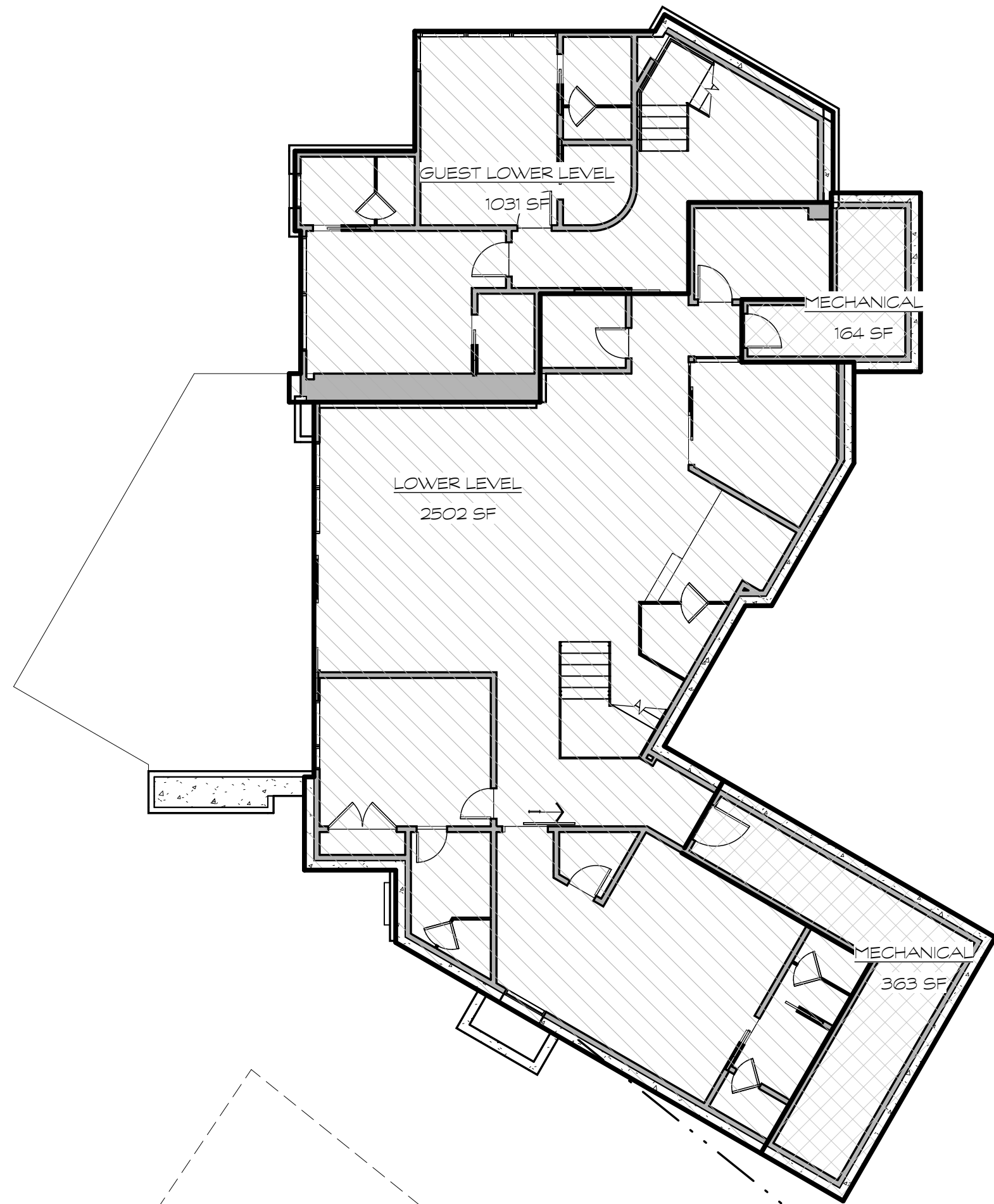
REVISIONS

THE ARCHITECT, ENGINEER, AND ARCHITECTURAL FIRM HAS REVIEWED THE DESIGN AND CONSTRUCTION DOCUMENTS FOR THE PROJECT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ARCHITECTURAL ACT AND THE UTAH ENGINEERING ACT. THE ARCHITECT, ENGINEER, AND ARCHITECTURAL FIRM HAS REVIEWED THE DESIGN AND CONSTRUCTION DOCUMENTS FOR THE PROJECT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ARCHITECTURAL ACT AND THE UTAH ENGINEERING ACT. THE ARCHITECT, ENGINEER, AND ARCHITECTURAL FIRM HAS REVIEWED THE DESIGN AND CONSTRUCTION DOCUMENTS FOR THE PROJECT AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ARCHITECTURAL ACT AND THE UTAH ENGINEERING ACT.

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LOT 7 HUNTSMAN ESTATES
(STEN BRINSEN ESTATES)

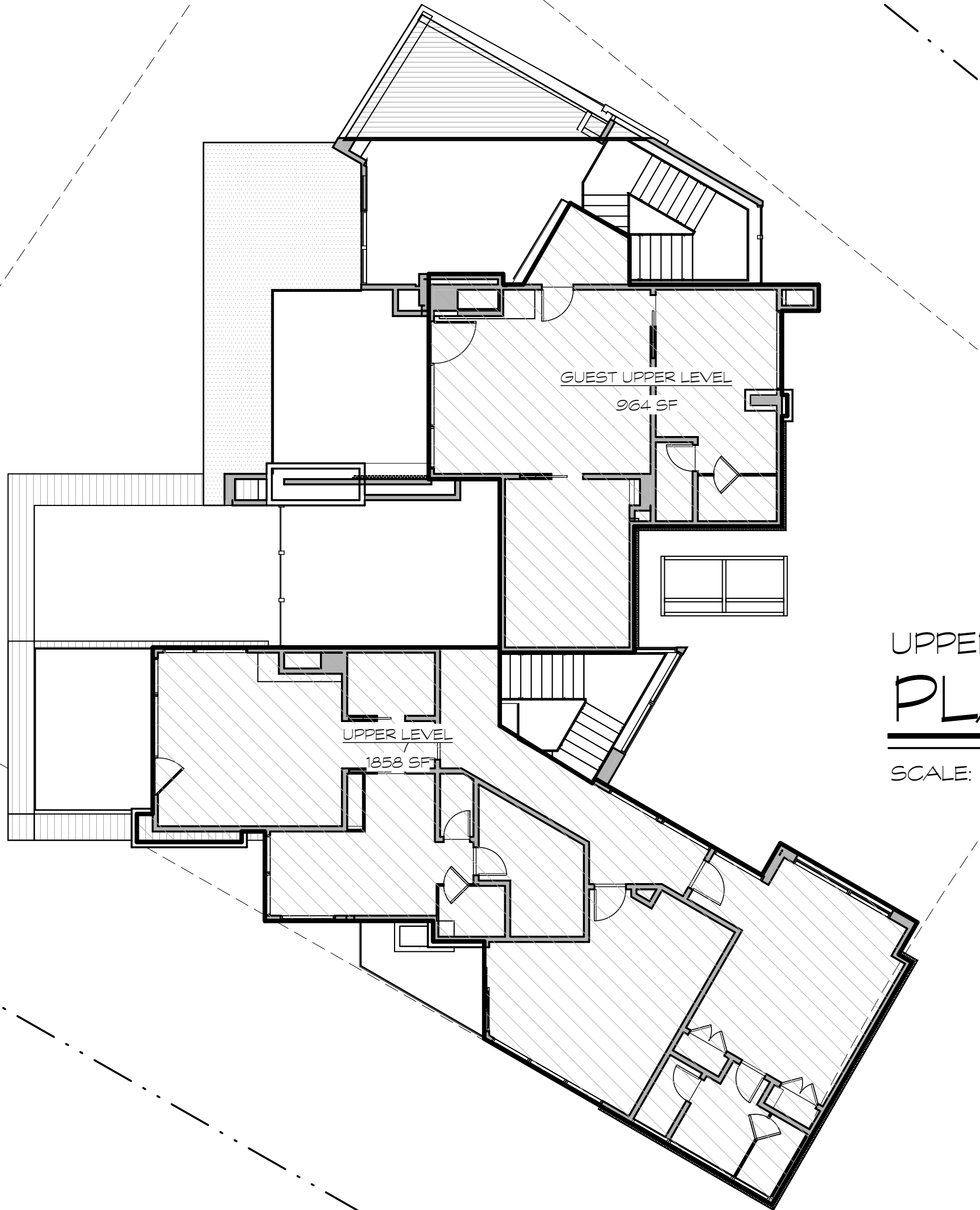
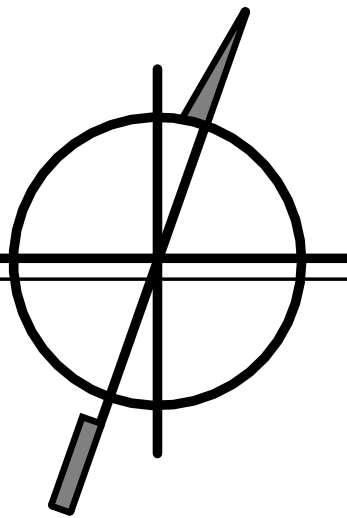
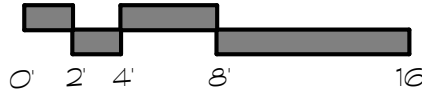
UP WALLS
DESIGN
1930 S. 1100 E. S.L.C. UT 84106
(801)485-0708

A2.0
1/8" LOWER LEVEL
PLAN



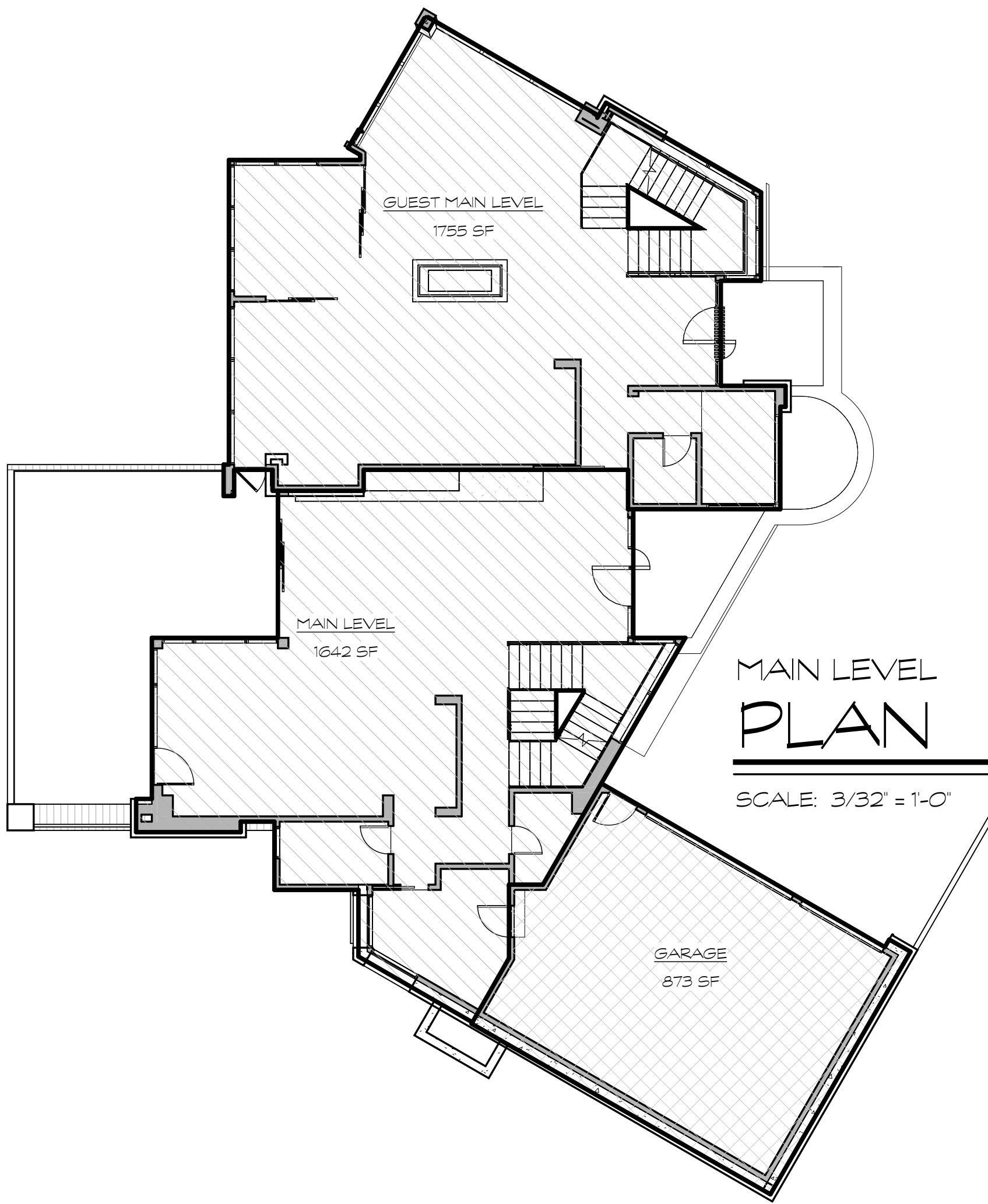
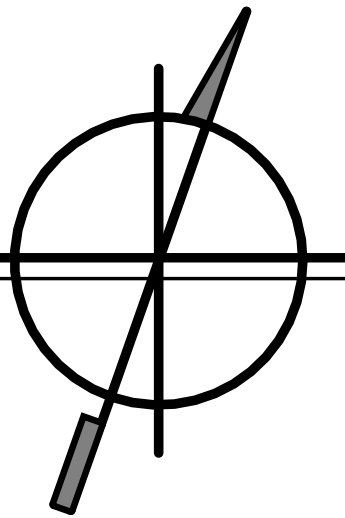
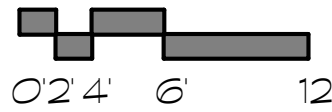
LOWER LEVEL
PLAN

SCALE: 3/32" = 1'-0"



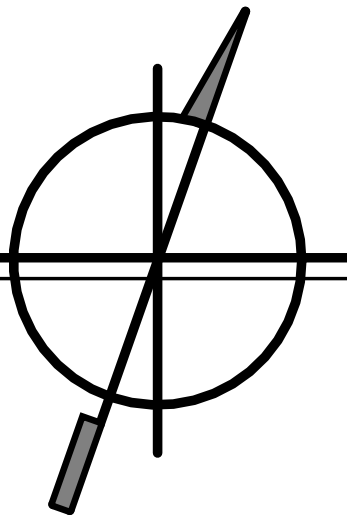
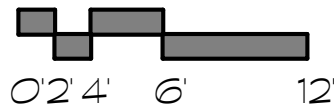
UPPER LEVEL
PLAN

SCALE: 3/32" = 1'-0"



MAIN LEVEL
PLAN

SCALE: 3/32" = 1'-0"



Outside of Wall SQFT	
LOCATION	SQUARE FOOTAGE
LOWER LEVEL	2,502 SF
GUEST LOWER LEVEL	1,031 SF
GUEST MAIN LEVEL	1,755 SF
5,288 SF	
MAIN LEVEL	1,642 SF
UPPER LEVEL	1,858 SF
GUEST UPPER LEVEL	964 SF
TOTAL FINISHED	4,464 SF
MECHANICAL	164 SF
MECHANICAL	363 SF
GARAGE	873 SF
TOTAL UNFINISHED	1,400 SF
TOTAL OUTSIDE OF WALL	11,152 SF

APPROVALS

THE ARCHITECT'S DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF CAPC PARTNERS. NO PART OF THESE DRAWINGS OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CAPC PARTNERS. THE ARCHITECT'S DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF CAPC PARTNERS. NO PART OF THESE DRAWINGS OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CAPC PARTNERS. THE ARCHITECT'S DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF CAPC PARTNERS. NO PART OF THESE DRAWINGS OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CAPC PARTNERS.

A NEW DESIGN FOR THE:
CAPC PARTNERS
LOT 7 HUNTSMAN ESTATES
(STEN BRINSEN ESTATES)
4849 LEGACY WAY
PARK CITY, UT 84060

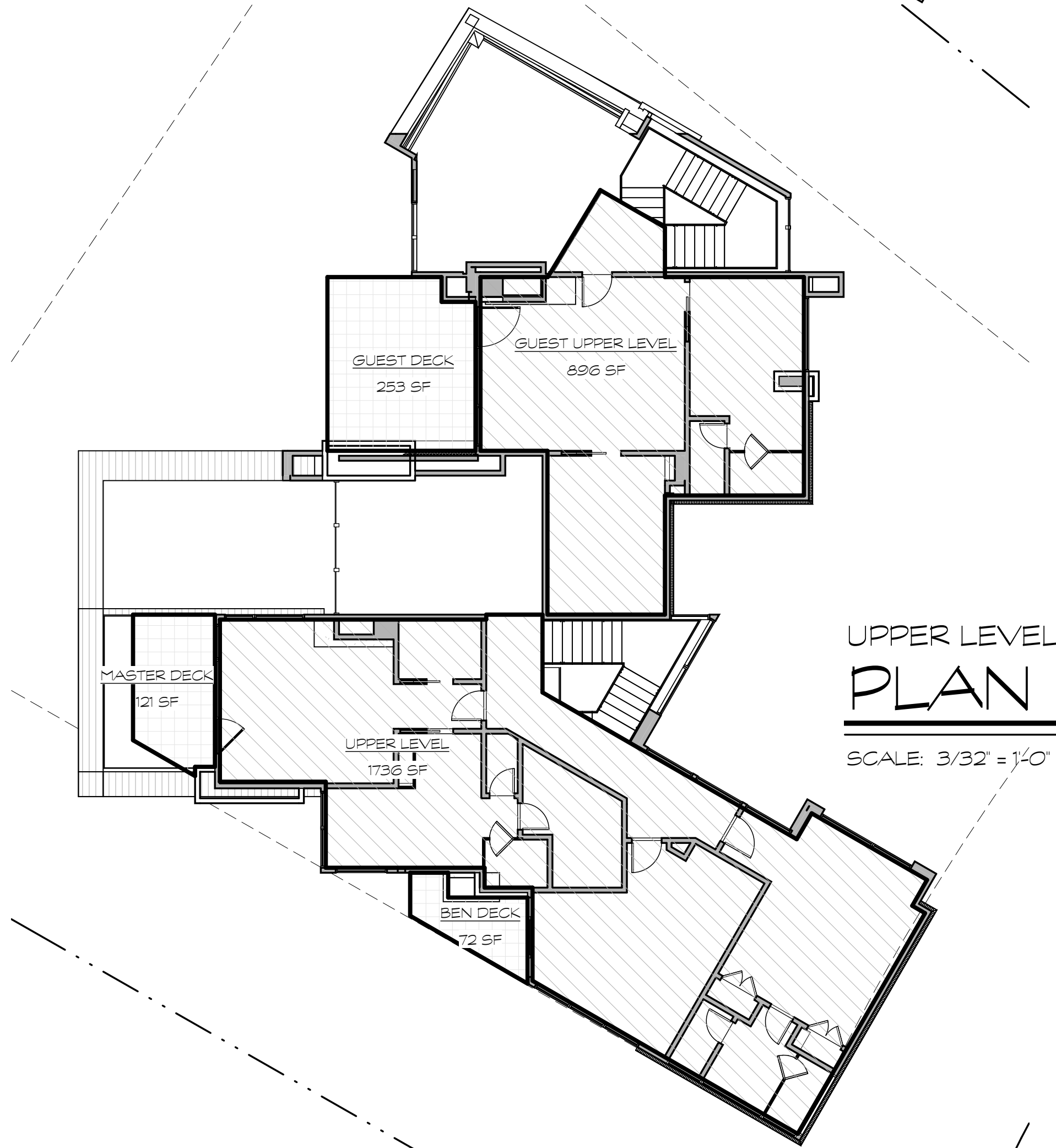
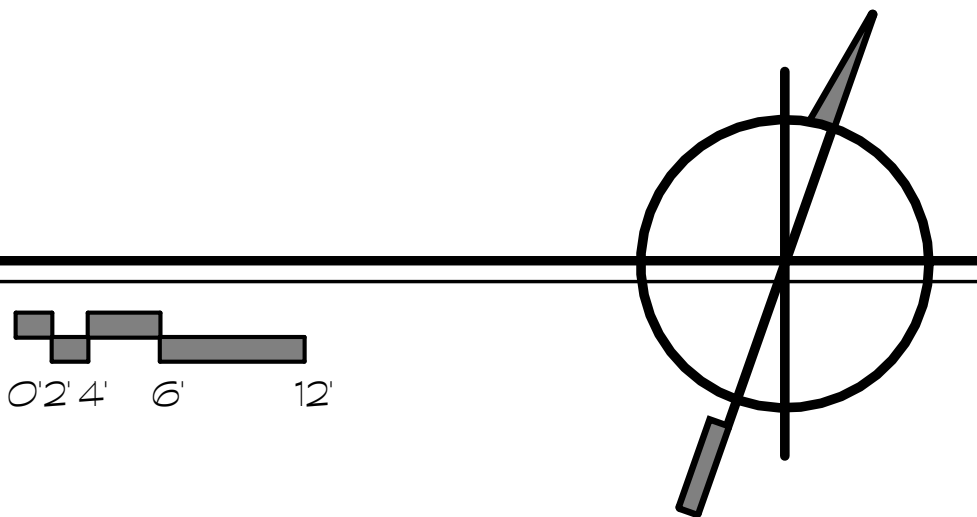
**UP WALL
DESIGN**
1930 S. 1100 E. S.L.C. UT 84106
(801)485-0708

A2.6
GROSS AREA PLANS



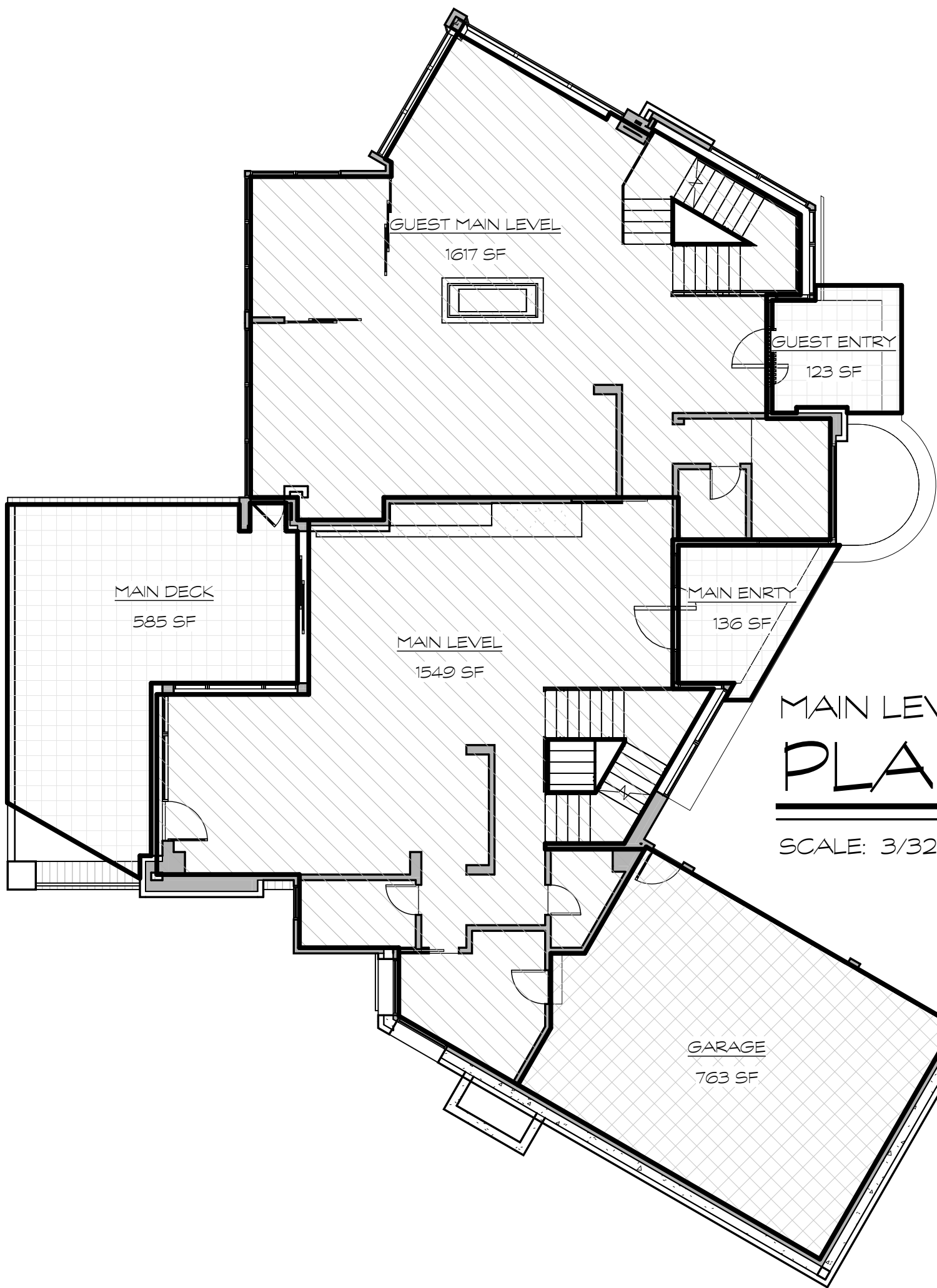
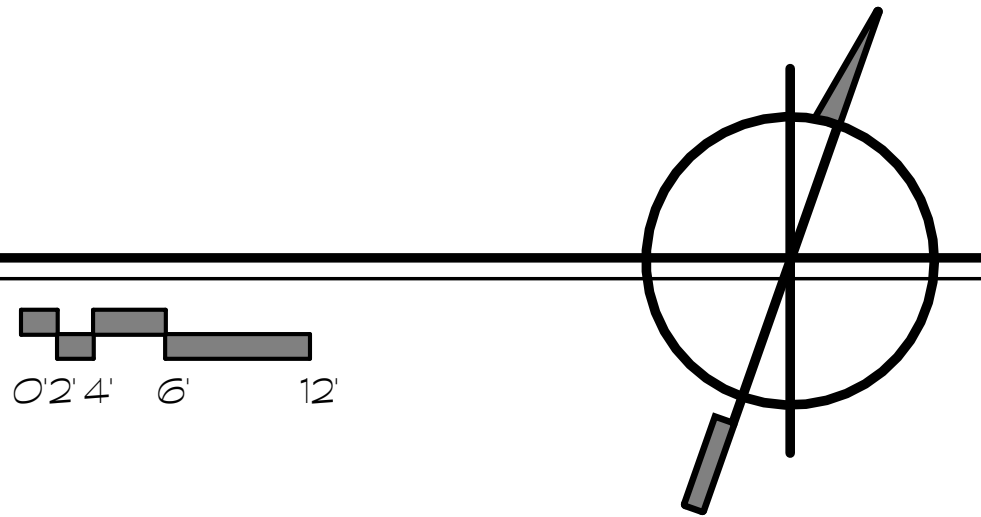
LOWER LEVEL
PLAN

SCALE: 3/32" = 1'-0"



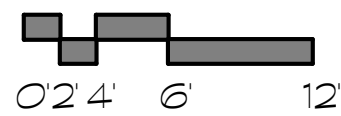
UPPER LEVEL
PLAN

SCALE: 3/32" = 1'-0"



MAIN LEVEL
PLAN

SCALE: 3/32" = 1'-0"



APPROVALS

Inside of Wall SQFT	
LOCATION	SQUARE FOOTAGE
GUEST LOWER LEVEL	902 SF
GUEST MAIN LEVEL	1,617 SF
GUEST UPPER LEVEL	896 SF
LOWER LEVEL	2,376 SF
MAIN LEVEL	1,549 SF
UPPER LEVEL	1,736 SF
TOTAL FINISHED	9,077 SF
GARAGE	763 SF
MECH.	283 SF
MECHANICAL	128 SF
TOTAL UNFINISHED	1,174 SF
TOTAL INSIDE OF WALL	10,251 SF

Deck/Patio SQFT	
LOCATION	SQUARE FOOTAGE
BEN DECK	72 SF
GUEST DECK	253 SF
GUEST ENTRY	123 SF
MAIN DECK	585 SF
MAIN ENRTY	136 SF
MASTER DECK	121 SF
POOL PATIO	645 SF
TOTAL DECK/PATIO	1,934 SF

STATE OF UTAH

JOSHUA DEAN

ARRINGTON

9130931030

SEAL

8 AUGUST 2023

REVISIONS

THE ARCHITECT'S DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF CAPC PARTNERS. NO PART OF THESE DRAWINGS OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CAPC PARTNERS. THE ARCHITECT'S DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF CAPC PARTNERS. NO PART OF THESE DRAWINGS OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CAPC PARTNERS. THE ARCHITECT'S DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF CAPC PARTNERS. NO PART OF THESE DRAWINGS OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CAPC PARTNERS.

A NEW DESIGN FOR THE:

CAPC PARTNERS

4849 LEGACY WAY
PARK CITY, UT 84060

UP WALL
DE S I G N

1930 S. 1100 E. S.L.C. UT 84106 (801)485-0708

A2.7

NET AREA PLANS

Planning Department Staff Report



Subject: 2236 Morning Star Drive
Application: PL-23-05826
Author: Virgil Lund, Planner I
Date: September 21, 2023
Type of Item: Administrative Conditional Use Permit

Recommendation

(I) Review the Administrative Conditional Use Permit for the Retaining Wall greater than 6' feet within the Front Setback at 2236 Morning Star Drive, (II) conduct a public hearing, and (III) consider approving the Administrative Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Kirk Baker, Applicant Representative: Ty Collins

Location: 2236 Morning Star Drive

Zoning District: Single Family (SF)

Adjacent Land Uses: Residential, Open Space

Reason for Review: The Planning Department reviews and takes Final Action on Retaining Walls greater than 6' feet in the Single Family Zoning District¹

ACUP Administrative Conditional Use Permit
LMC Land Management Code
ROW Right of Way
SF Single Family

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

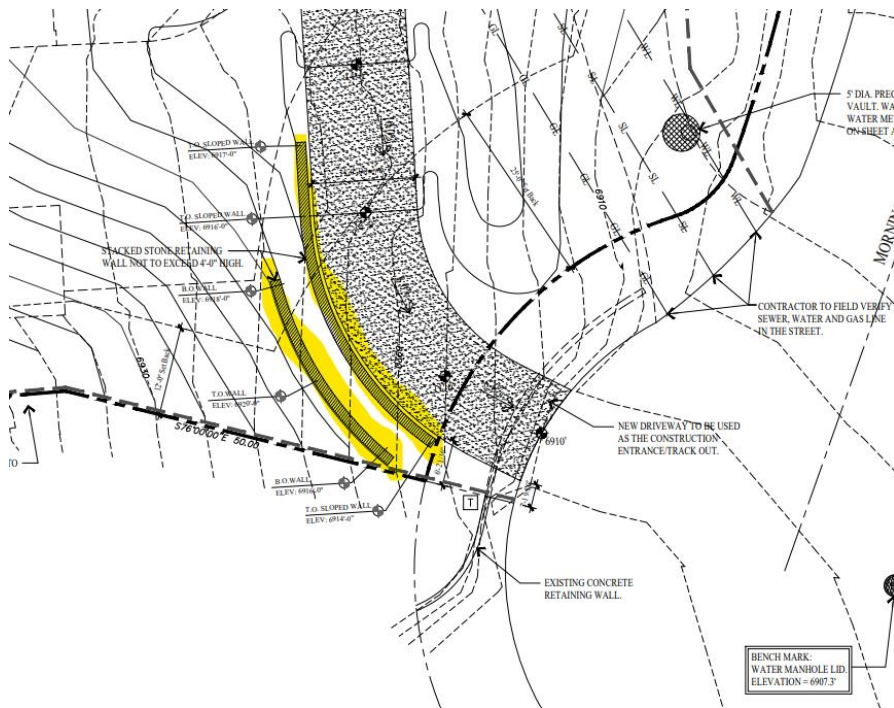
Summary

The Applicant proposes an Administrative Conditional Use Permit for a Retaining Wall greater than 6' feet in the Front Setback.

Background

On July 27, 2020, the City issued a Building Permit for a new Single Family Dwelling at 2236 Morning Star Drive. The initial Site Plan submitted for the Building Permit showed two Retaining Walls in the Front Setback, each less than 4' feet tall. See image below.

¹ LMC [§ 15-4-2](#), [15-2.11-2](#)



After multiple revisions, the City approved a final landscape plan on June 28, 2023, that included a Retaining Wall in the Front Setback. This approval included the following Condition: “Retaining Walls in the Front Setback may only be up to 4’ feet in height.”

Analysis

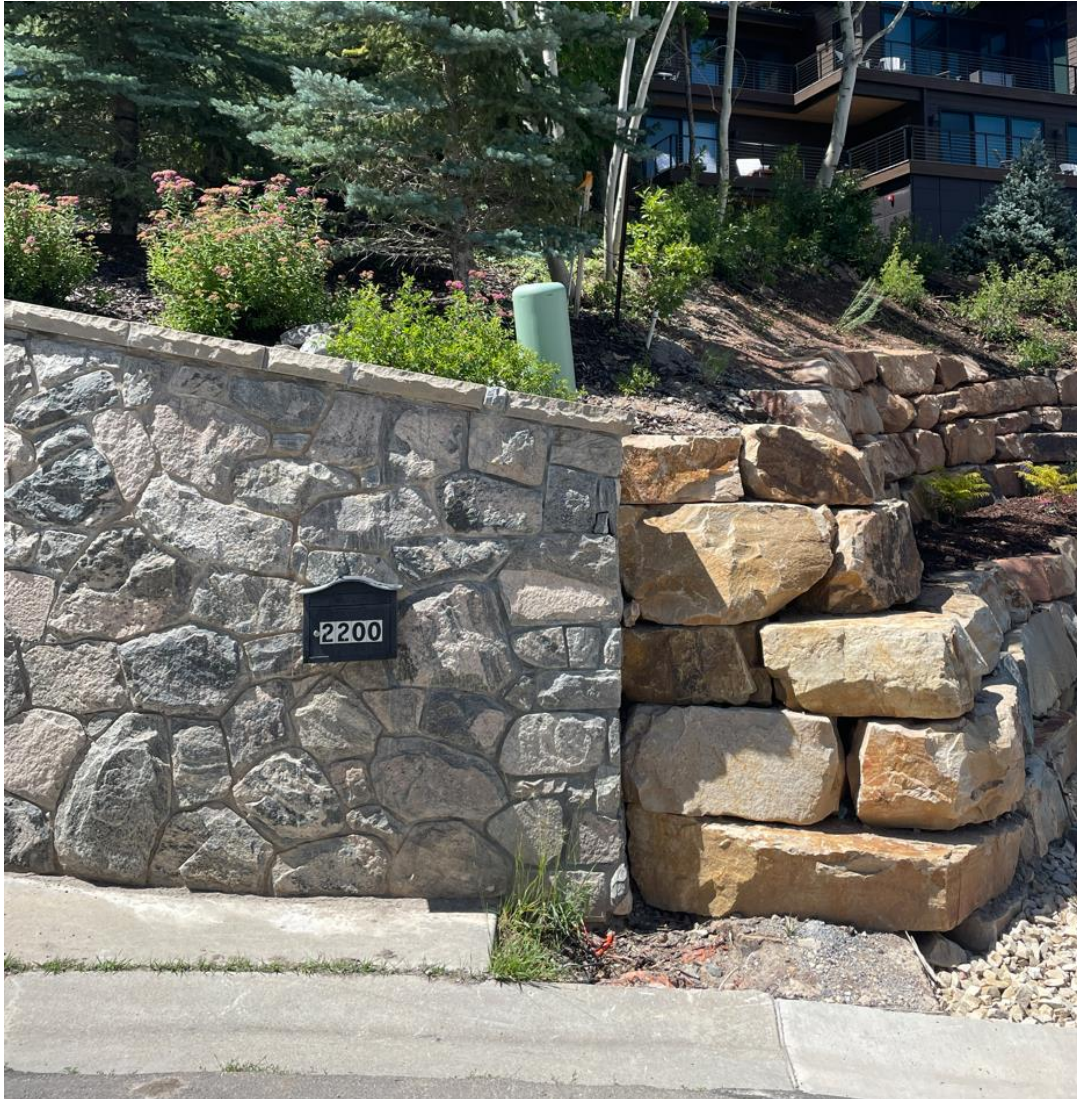
(I) The proposal for an ACUP for a Retaining Wall greater than 4’ feet in the front setback and 6’ in the side setback complies with the SF Zoning District Requirements

Fences and Retaining Walls greater than 4’ feet in the front setback and 6’ in the side setback require an ACUP in the SF Zoning District.²

LMC [Section 15-2.11-3\(G\)\(7\)](#) states that retaining walls may have multiple steps, however, each exposed face cannot exceed six feet in height and the horizontal distance between the walls, front face to rear face, must be at least three feet and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on site-specific review.

During construction, the Retaining Wall was tied into the existing neighbor’s Retaining Wall, to maintain the difference in Grade, and provide stabilization to the slope. The Retaining Wall constructed exceeds 4’ feet in height to maintain Grade with the neighbor’s property. See image below.

² LMC [§ 15-2.11-2\(B\)](#)



The Retaining Wall is then terraced with landscaping to create two four-foot tall Retaining Walls.

(II) The proposal for an ACUP for a Retaining Wall greater than 6' feet complies with LMC § 15-4-2 Fences and Retaining Walls

The height of retaining walls in the side or rear setback may exceed six feet in height from final grade subject to approval of an ACUP (LMC [Section 15-4-2\(A\)\(1\)](#)).

(III) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC [§ 15-1-10\(E\)](#).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Staff shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Staff may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site to stabilize the slope.
Traffic	No Mitigation Required
Utility Capacity	No Mitigation Required
Emergency Vehicle Access	No Mitigation Required
Parking	No Mitigation Required
Internal Vehicular and Pedestrian Circulation System	No Mitigation Required
Fencing, Screening, and Landscaping	Complies: The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site to stabilize the slope.
Building Mass, Bulk, and Orientation	No Mitigation Required
Useable Open Space	No Mitigation Required
Signs and Lighting	No Mitigation Required
Physical Design and Compatibility with Surrounding Structures	Complies: The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site to stabilize the slope. The Retaining Wall continues northward down the property and separates into two terraced walls. The exposed walls are separated by approved landscaping and vegetation.

	
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	No Mitigation Required
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	No Mitigation Required
Expected Ownership and Management	The property is owned by 2236 Morning Star LLC. The Engineering Department requires Condition of Approval 4: The property owner of 2236 Morning Star Drive shall record an Encroachment Agreement with the Engineering Department for the portion of the Retaining Wall that encroaches into City Owned Right-of-Way.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site to stabilize the slope. The property is not within the Sensitive Lands Overlay or the Soils Ordinance Boundary.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Not Applicable.

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and posted notice to the property on September 11, 2023. Staff mailed courtesy notice to adjacent property owners on September 11, 2023.³

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

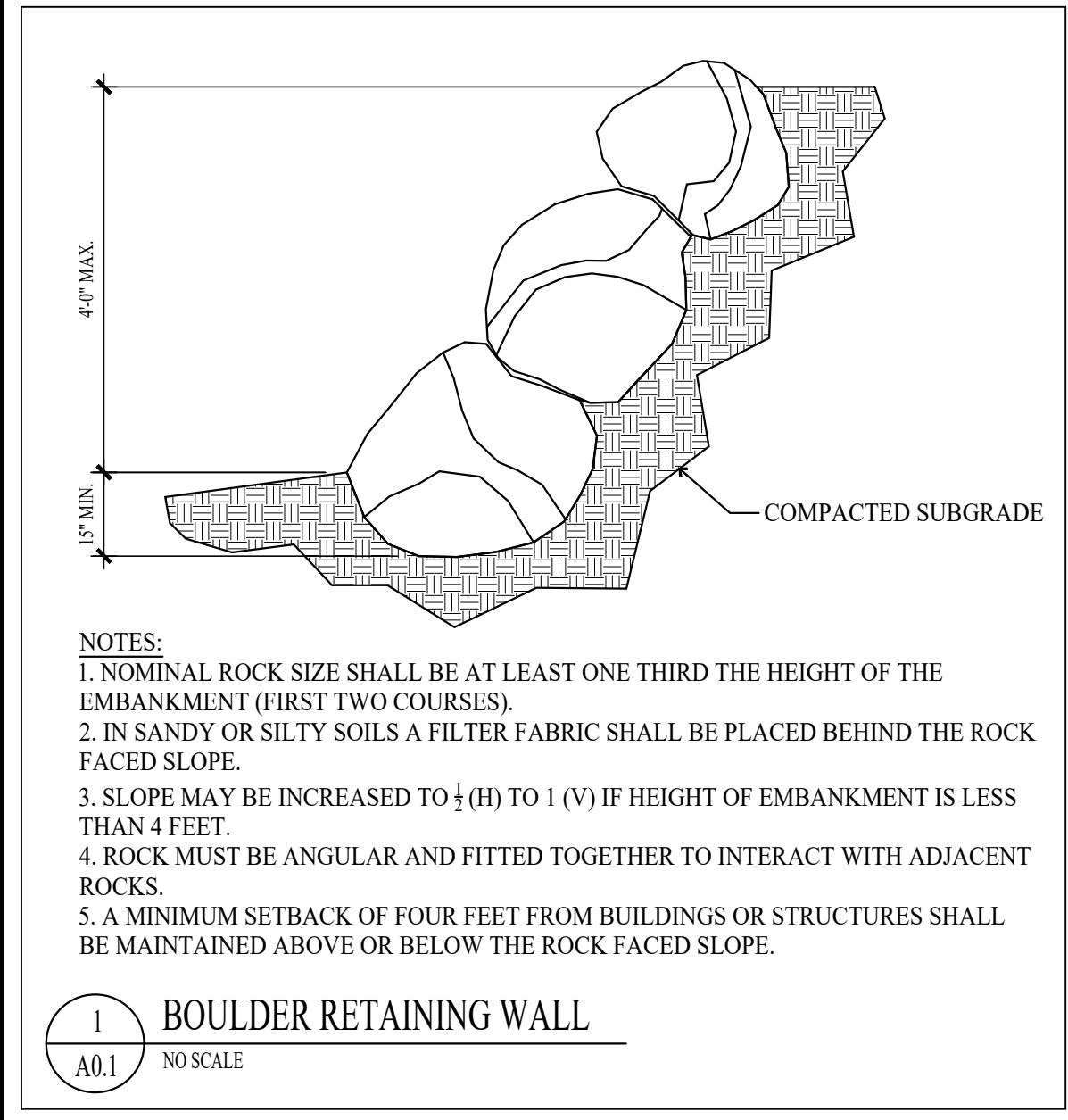
- The Planning Director Designee may approve the ACUP Application;
- The Planning Director Designee may deny the ACUP Application and direct staff to make Findings for the denial; or
- The Planning Director Designee may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

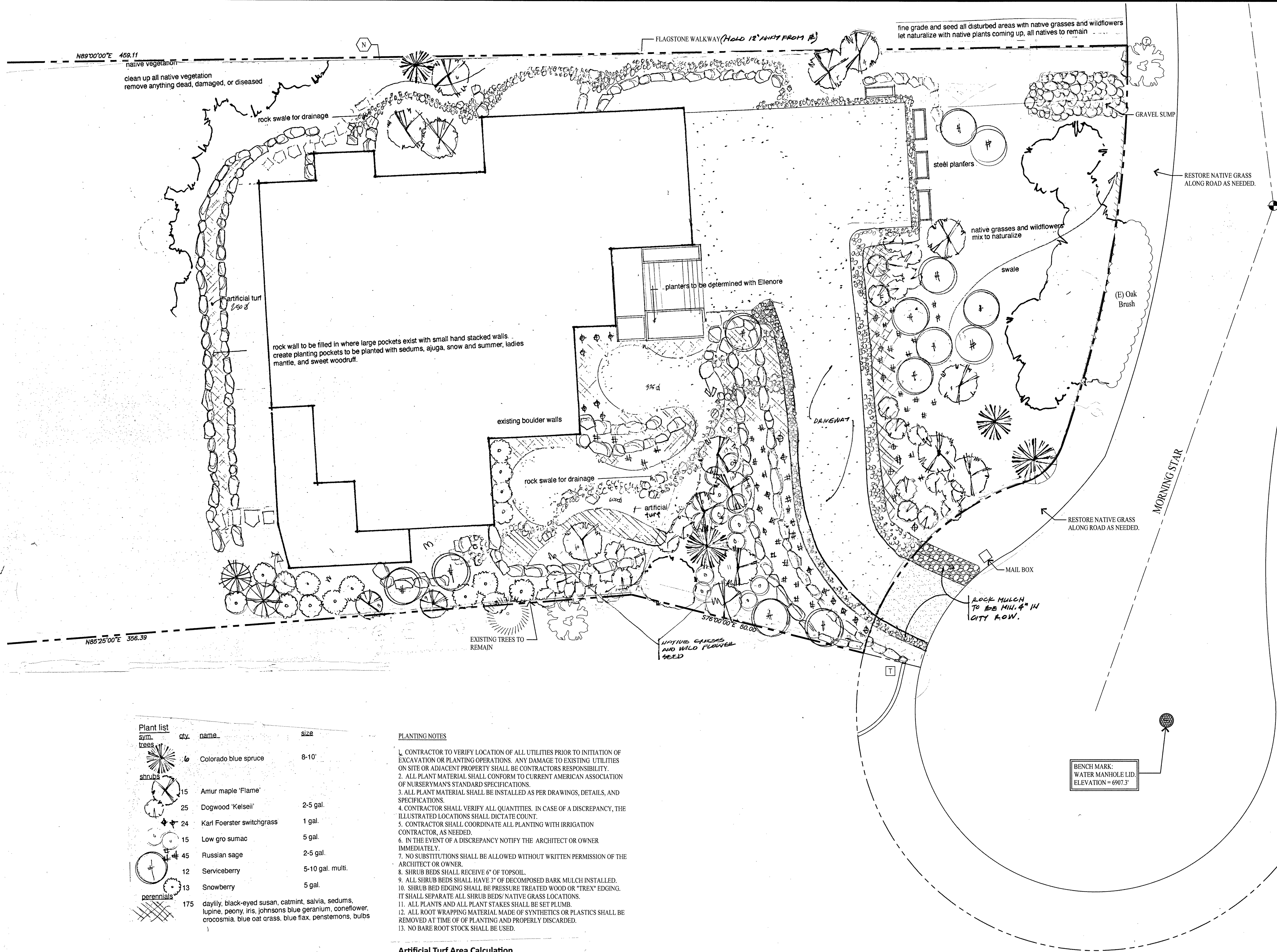
Exhibit B: Approved Landscape Plan

³ LMC [§ 15-1-21](#)



- 
APPROVED
PARK CITY PLANNING DEPT.
Planner - Heather Wasden
- 06/26/2023**
- Validity of Permit: The issuance of a permit or approval of plans, specifications and computations shall not be a permit for, or an approval of, any violation to any of the provisions of the Building Code, Fire Code, or any of the City's Ordinances. Permits presuming to give authority to construct or cancel the provisions of these Codes and Ordinances of the Park City Municipal Corporation shall not be valid. All plans approved are subject to field inspection and interpretation of the field inspectors or the Planning Director.

NOTE:
1. SWPPP SIGN AND SWPPP DOCUMENT MUST BE ON SITE DURING CONSTRUCTION.
2. DOWNSTREAM SEDIMENT TRAPS NEED TO EXTEND UP BOTH SIDES FAR ENOUGH TO PREVENT OFFSITE DESPOSITION. FIELD VERIFY.



Plant list	qty.	name	size
trees			
shrubs			
perennials			

PLANTING NOTES

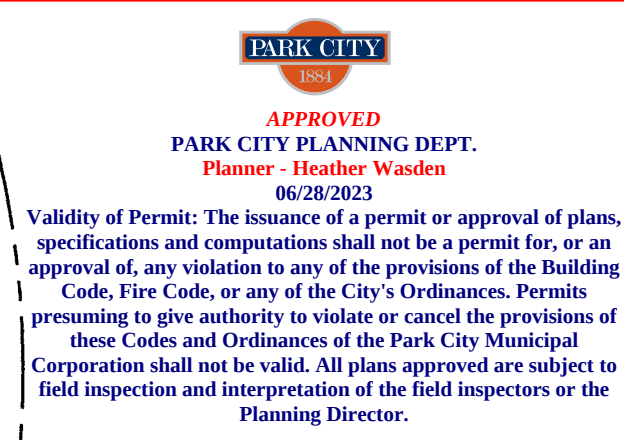
1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
2. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMANS STANDARD SPECIFICATIONS.
3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
4. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
5. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
6. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
7. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
8. SHRUB BEDS SHALL RECEIVE 6\"/>

Artificial Turf Area Calculation

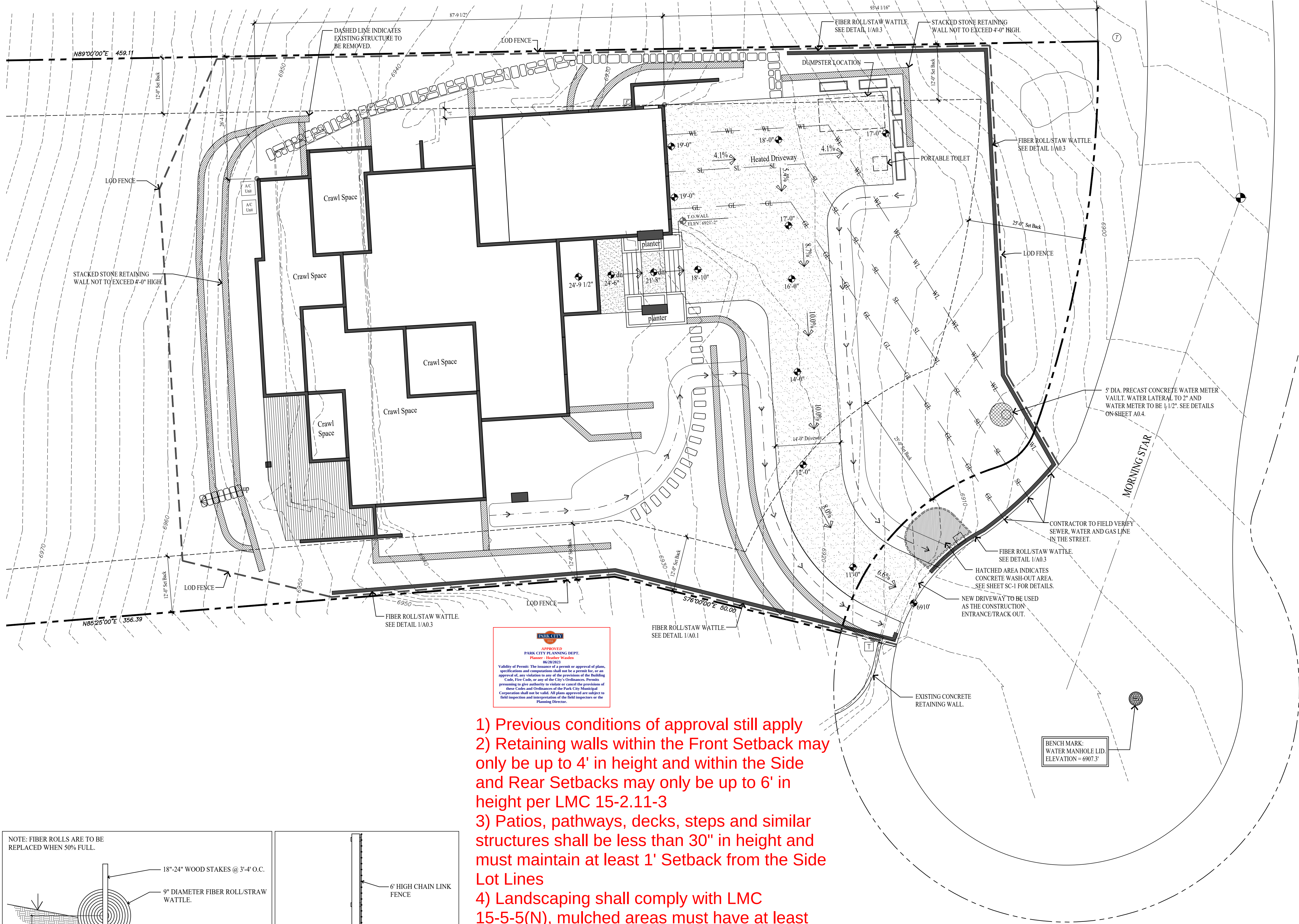
Disturbed area of site = 11,480 SF.
35% (LMC Max. Coverage Allowed) of 11,480 SF = 4,018 SF.
Proposed Artificial Turf Total Area = **1,225 SF.**

NATIVE GRASS SEED MIX

The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs./ acre on the following percentages:
20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Pubescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.
* In addition, add 10 lbs./ acre each of Linum lewisii and Penstemon Eatonii with native grass seed mixture.



- 1) Previous conditions of approval still apply
- 2) Retaining walls within the Front Setback may only be up to 4' in height and within the Side and Rear Setbacks may only be up to 6' in height per LMC 15-2.11-3
- 3) Patios, pathways, decks, steps and similar structures shall be less than 30" in height and must maintain at least 1' Setback from the Side Lot Lines
- 4) Landscaping shall comply with LMC 15-5-5(N), mulched areas must have at least 50% or more plants installed, artificial turf may only be used in limited quantities and for not more than 35% of the landscaped area, seeded areas need at least 80% or more germination prior to site completion
- 5) Exterior lighting shall comply with LMC 15-5-5(J) and shall be down directed and fully shielded



GENERAL NOTES

SITE PLAN NOTES:

1. ALL SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR AN APPROVED DRAINAGE COURSE BUT NOT ONTO THE NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10 FEET.
2. ALL EXCAVATION CUTS TO BE LAID BACK A MINIMUM OF 2:1 SLOPE.

STABILIZATION CONSTRUCTION ENTRANCE

FOR A MINIMUM OF 50' FROM ROADWAY, A FILTER FABRIC SHALL BE INSTALLED OVER A COMPACTED SUBGRADE. A 6" LAYER OF 1"-2" AGGREGATE SHALL BE PLACED OVER THIS MEMBRANE. DAILY INSPECTION FOR SEDIMENT BUILD UP AND/OR LOSS OF GRAVEL WILL BE ENFORCED, AND REMEDIED AT ONCE.

GRADING NOTES

1. DRAINAGE TO COMPLY WITH IRC CHAPTER 4
2. MAXIMUM ALTERED SLOPES AT 2:1
3. MINIMUM SLOPE FOR DRAINAGE = 2%.
4. DRAIN AWAY FROM BUILDING.
5. CONTAIN DRAINAGE ON PROPERTY.
6. BOULDER RETAINING WALLS NOT TO EXCEED 4'-0" EXPOSED HEIGHT.
7. EXCAVATION NOT TO EXCEED 2:1 SLOPE WITH OUT A SOILS REPORT.

UTILITY NOTES

1. ALL NEW UTILITIES TO BE CONNECTED THROUGH THE EXISTING HOUSE TO THE EXISTING UTILITIES.

SNOW REMOVAL

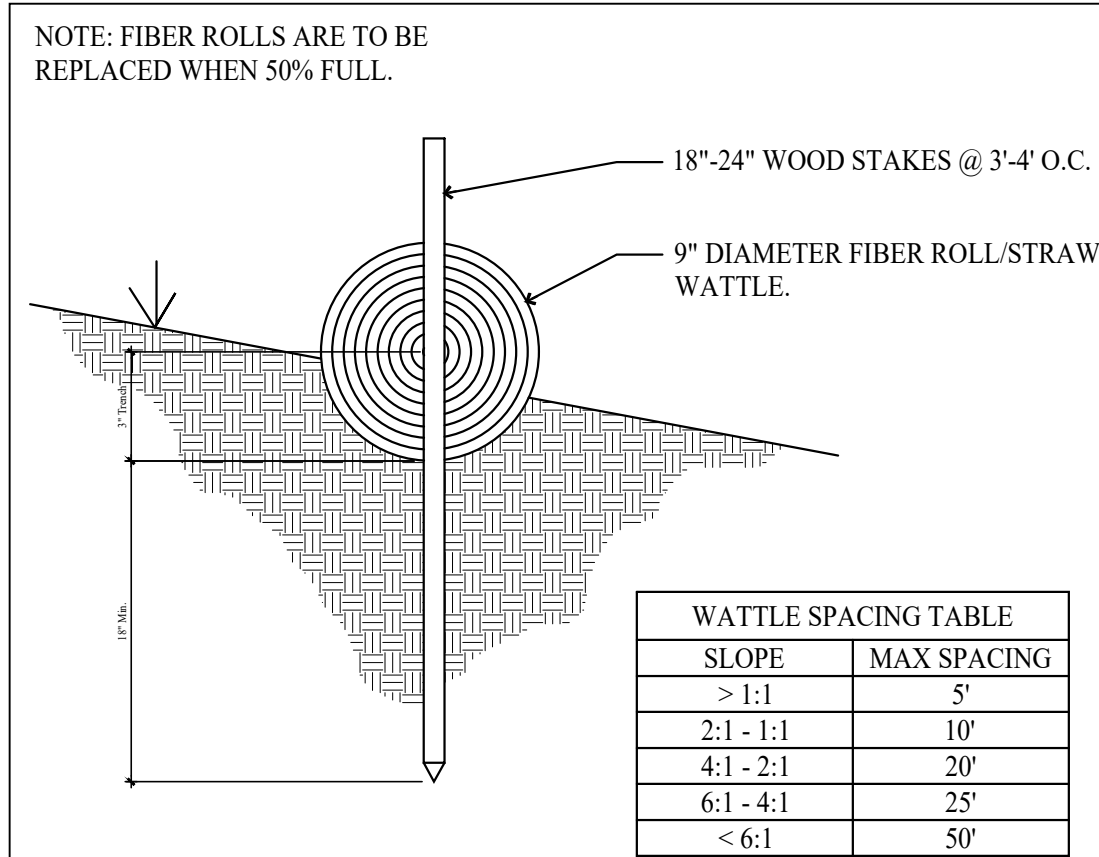
SNOW PLOWED FROM DRIVE SHALL NOT BE PUSHED ONTO THE STREET.

LEGEND

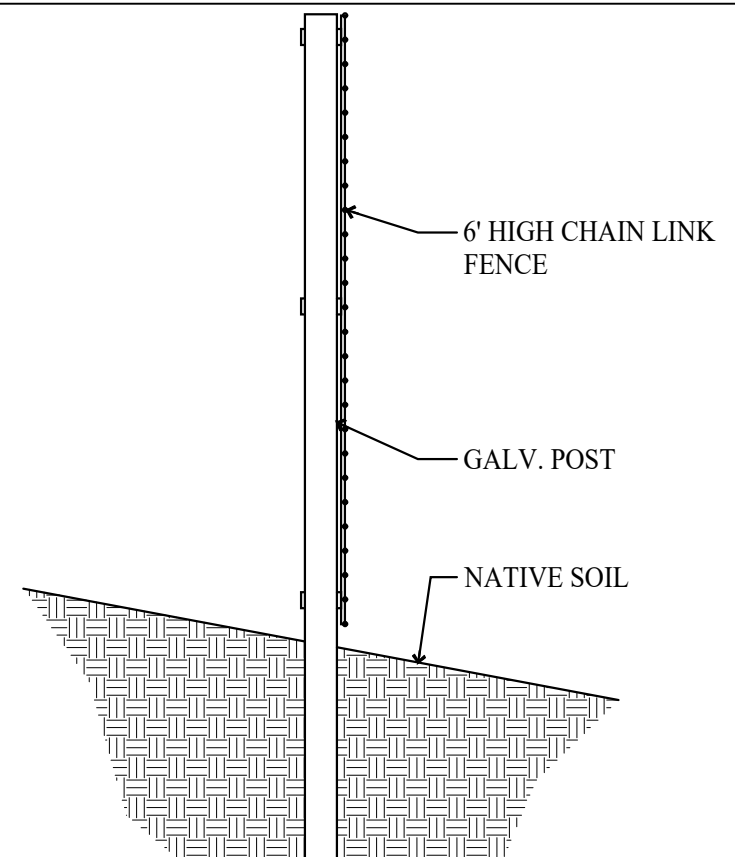
- SEWER MANHOLE LID
- ELECTRIC METER BOX
- GAS METER
- WATER METER
- STORM DRAIN MANHOLE
- POWER POLE
- FOUND REBAR & CAP
- DATUM ELEVATION
- FIRE HYDRANT
- TELECOM BOX
- ELECTRICAL BOX
- PROPERTY CORNER
- LOD FENCE
- SURFACE DRAINAGE FLOW
- EXISTING CONTOUR LINE
- NEW CONTOUR LINE
- PROPERTY LINE
- ORIGINAL CONTOUR LINE PRIOR TO EXISTING HOUSE
- WL - WATER LINE
- SL - SEWER LINE
- GL - GAS LINE
- EL - ELECTRICAL LINE



NOTE:
1. SWPPP SIGN AND SWPPP DOCUMENT MUST BE ON SITE DURING CONSTRUCTION.
2. DOWNSTREAM SEDIMENT TRAPS NEED TO EXTEND UP BOTH SIDES FAR ENOUGH TO PREVENT OFFSITE DEPOSITION. FIELD VERIFY.

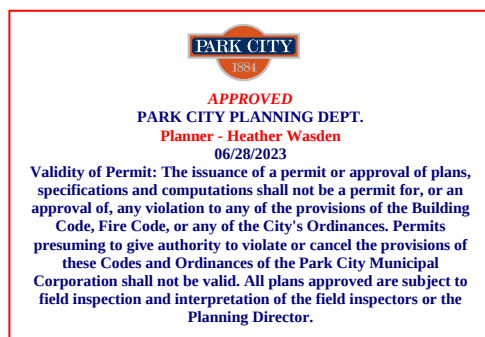


1 FIBER ROLL/STRAW WATTLE DETAIL
A0.3 NO SCALE

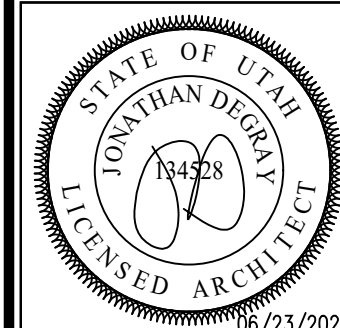


2 6' HIGH LOD FENCE
A0.3 NO SCALE

- 1) Previous conditions of approval still apply
- 2) Retaining walls within the Front Setback may only be up to 4' in height and within the Side and Rear Setbacks may only be up to 6' in height per LMC 15-2.11-3
- 3) Patios, pathways, decks, steps and similar structures shall be less than 30" in height and must maintain at least 1' Setback from the Side Lot Lines
- 4) Landscaping shall comply with LMC 15-5-5(N), mulched areas must have at least 50% or more plants installed, artificial turf may only be used in limited quantities and for not more than 35% of the landscaped area, seeded areas need at least 80% or more germination prior to site completion
- 5) Exterior lighting shall comply with LMC 15-5-5(J) and shall be down directed and fully shielded



STORM WATER POLLUTION PREVENTION PLAN
SCALE: 1" = 10'



Jonathan DeGray
Architect

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degrayarch@westoffice.net

BAKER RESIDENCE

2236 MORNING STAR
PARK CITY, UTAH 84

STORM WATER POLLUTION
PREVENTION PLAN

REVISIONS:
1. JUNE 15, 2023

DATE:
JUNE 23, 2020

PROJECT NUMBER:
2004-01

SHEET NUMBER:

A0.3



Planning Department

September 21, 2023

Ty Collins
2236 Morning Stare Drive
435-513-3377

CC: Kirk Baker

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 2236 Morning Star Drive

Zoning District: Single Family (SF)

Application: Administrative Conditional Use Permit

Project Number: PL-23-05826

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: September 21, 2023

Project Summary: The Applicant Proposes an Administrative Conditional Use Permit for a Retaining Wall Greater Than 6' Feet in the Front Setback

Action Taken

On September 21, 2023, the Planning Director Designee conducted a public hearing and approved the Administrative Conditional Use Permit for a Retaining Wall greater than 6' feet in the Front Setback according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Retaining Wall is located in the Front Setback at 2236 Morning Star Drive.
2. The City issued a Building Permit for a new Single Family Dwelling at 2236 Morning Star Drive.
3. The City approved a final landscape plan on June 28, 2023, that included a Retaining Wall in the Front Setback. This approval included the following



Planning Department

Condition: "Retaining Walls in the Front Setback may only be up to 4' feet in height."

4. The application complies with the Single Family Zoning District Requirements.
 - a. During construction, the Retaining Wall was tied into the existing neighbor's Retaining Wall, to maintain the difference in Grade, and provide stabilization to the slope. The Retaining Wall constructed exceeds 4' feet in height to maintain Grade with the neighbor's property
 - b. The Retaining Wall is then terraced with landscaping to create two four-foot tall Retaining Walls.
5. The application complies with LMC § 15-4-2 Fences and Retaining Walls.
6. The application complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)
 - a. Size and Location of the Site
 - i. The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site and helps to stabilize the slope.
 - b. Traffic
 - i. No Mitigation Required.
 - c. Utility Capacity
 - i. No Mitigation Required.
 - d. Emergency Vehicle Access
 - i. No Mitigation Required.
 - e. Parking
 - i. No Mitigation Required.
 - f. Internal Vehicular and Pedestrian Circulation System
 - i. No Mitigation Required.
 - g. Fencing, Screening, and Landscaping
 - i. The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site and helps to stabilize the slope.
 - h. Building Mass, Bulk, and Orientation
 - i. No Mitigation Required.
 - i. Useable Open Space
 - i. No Mitigation Required.
 - j. Signs and Lighting
 - i. No Mitigation Required.



Planning Department

- k. Physical Design and Compatibility with Surrounding Structures
 - i. The Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site and helps to stabilize the slope. The Retaining Wall continues northward down the property and separates into two terraced walls. The exposed walls are separated by approved landscaping and vegetation.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. No Mitigation Required.
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. No Mitigation Required.
- n. Expected Ownership and Management
 - i. The property is owned by 2236 Morning Star LLC.
- 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 Retaining Wall ties into the existing neighboring Retaining Wall and helps to maintain the Natural Grade of the site and helps to stabilize the slope. The property is not within the Sensitive Lands Overlay or the soils Ordinance Boundary.
- p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. No Mitigation Required.

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



Planning Department

1. 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.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved Retaining Wall.
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 or designee prior to construction.
4. The property owner of 2236 Morning Star Drive shall record an Encroachment Agreement with the Engineering Department for the portion of the Retaining Wall that encroaches into City Owned Right-of-Way.

If you have questions or concerns regarding this Final Action Letter, please call 453-615-5067 or email virgil.lund@parkcity.org.

Sincerely,

Rebecca Ward
Planning Director Designee

CC: Virgil Lund