



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 8, 2021**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Doug Thimm, Bill Johnson, Christin Van Dine

EXCUSED: Commissioner Laura Suesser

EX OFFICIO: Gretchen Milliken, Planning Director; Makena Hawley, City Planner; City Planner, Brown Sebright; Mark Harrington, City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m. He noted that Commissioner Laura Suesser advised that she would not be in attendance at this meeting.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from August 18, 2021.

Commissioner John Kenworthy commented on the second paragraph on page 4 that references tracking ride-on information. He recalled requesting that information if it was available and reiterated that request. In the last paragraph on page 4, he made the following corrections, noted in italics: "Commissioner Kenworthy stated that the intent is to *reduce vehicle traffic and increase the AVO (Average Vehicle Occupancy) as we count on bus ridership to do this.*"

Commissioner Kenworthy also referenced the second paragraph on page 8 which should read "Commissioner Kenworthy commented that in the morning hours 42% of those parking in Snow Park come from Wasatch Front and Salt Lake City using SR-224." He continued by referencing Paragraph 3, which starts with "Ms. Rodriguez verified that CVMA did not receive additional density..." where she thereafter stated that she "was relatively certain that they paid \$3 million for 100 spaces, but agreed to provide the exact number..." It should be reflected that Commissioner Kenworthy asked for a copy of this contract and Ms. Rodriguez agreed to provide it.

At the bottom of the third full paragraph on page 8, he noted the following changes, noted in italics: "he [Commissioner Kenworthy] believed that this is something that can be achieved for both locals and visitors, *but this plan falls way short at this current time.*"

Commissioner Kenworthy referenced the second to last paragraph on page 9 and reiterated that he requested a copy of the contract and Ms. Rodriguez agreed to provide it.

MOTION: Commissioner Bill Johnson moved to APPROVE the Meeting Minutes from August 18, 2021, as amended. Commissioner Sarah Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Doug Thimm noted his absence from that meeting, however, after reviewing the minutes and in deference to the assertions of the other Commissioners, he voted in favor of the motion.

B. Consideration to Approve the Planning Commission Meeting Minutes from August 25, 2021

MOTION: Commissioner John Kenworthy moved to APPROVE the Meeting Minutes from August 25, 2021. Commissioner Christin Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

There were further no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no disclosures.

A. Staff Communications Report Regarding Meeting Start Times.

Planning Director, Gretchen Milliken, addressed the request made at a previous meeting to move up the starting time for future meetings to as early as 4:30 p.m. Staff determined that two Commissioners would not be able to meet at the earlier time, so they would continue with the 5:30 p.m. start time.

5. CONTINUATIONS

- A. 1660 and 1700 Three Kings Drive – Payday Condominiums – Plat Amendment – The Applicant is Requesting to Amend the Existing Plat to Rectify Inconsistencies and Clarify Developable Private Residential Space for Condominium Owners.**

City Planner, Makena Hawley, stated that there is additional analysis to complete on this item, and would bring it back before the Commission when that analysis has been completed.

Chair Phillips opened the public hearing. There were public comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Doug Thimm moved to Continue 1660 and 1700 Three Kings Drive—Plat Amendment, to October 7, 2021. Commissioner John Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

6. CONSENT AGENDA

7. WORK SESSION

- A. 9300 Marsac Avenue (Sommet Blanc/B2East Parcel) – Applicant is Requesting a Work Session Before the Planning Commission Prior to Public Hearings for a Conditional Use Permit and Amendments to the Approved Master Planned Development and Flagstaff Development Agreement for Proposed Development of 43 Residential Units Above Underground Parking, 4 Townhome Villas within Duplexes on the North-Eastern Portion of the Site, a 3,600 Square-Foot Public Restaurant, and a Detached Ancillary Ski Locker Building. PL-21-04771 and PL-20-04702.**

Planner Hawley introduced herself and stated that she is glad to be back. She looked forward to working with the Planning Commission. She reported that the Commission will ultimately be presented with an action item on this application for a Conditional Use Permit (“CUP”) and Amendments to the Master Planned Development (“MPD”) in the Flagstaff Development Agreement. She explained that Lot 1 is adjacent to the Deer Valley/Empire Day Lodge. The governing documents are the 2007 Amended Flagstaff Development Agreement, the 2007 MPD, and the Land Management Code (LMC) for the residential development and MPD zone.

Planner Hawley recapped the prior presentation and noted that the Planning Commission requested information on the following:

- Residential Accessory space;
- The focus on architecture and roof pitch; and
- Approved volumetrics and building height in comparison to the Hill-Glazier Plan from 2007

She noted that the applicant’s team would present some of the changes made to the proposal. Planner Hawley explained that to establish parameters for these discussions, the Commission would, in the future, be looking at the 16 criteria for the Conditional Use Permit, the amendments

to the Flagstaff Development Agreement to reduce permitted multi-family units by five, and increase of the Planned Unit Developments ("PUD") by two. The Commission would also look at modifications to the Flagstaff Design Guidelines and modifications to the MPD, Conditions of Approval 1 and 2, which address building volumetrics and heights of 82 feet above benchmark grades.

Planner Hawley reported that staff determined that the applicant's proposal for Residential Accessory space is in substantial compliance with the LMC. She clarified that there are several definitions within the Development Agreement and the LMC, but since the Development Agreement incorporates the LMC's definitions, then the LMC would govern. The applicant's current proposal is for 29,625 square feet of Residential Accessory space. The LMC and the Development Agreement do not require the use of Unit Equivalents ("UE") for Residential Accessory space.

Planner Hawley reported that the Meeting Accessory use cannot exceed 5% of the total square footage. The applicant proposed a guest Business Center that totals approximately 565 square feet, far less than the 5% limit. Planner Hawley stated that the LMC requires that any changes in use go back through the Planning Department who could recommend a Condition of Approval for the CUP that any changes in use require approval from the Planning Commission.

Planner Hawley next addressed the architecture and reported that they have obtained Design Review Board approval. She explained that the 2003 Empire Pass Design Guidelines are included within four books. The applicant and the Design Review Board decided that rather than redlining the existing books, it would be better to add a book. Therefore, they proposed Book V for the proposed neighborhood.

She presented information on the Design Guideline review process and explained that with the inception of the MPD, design proposals were submitted through the MPD, which would then be accepted with the design proposals attached. Changes to the design were then submitted to the Empire Pass Design Review Board. Once those changes are accepted, the neighborhood would then take them to the Planning Commission for approval. Planner Hawley reported that the volumetrics were difficult to analyze, primarily because the Hill-Glazier plan does not include everything needed for an accurate comparison. The development is not yet at the stage to allow a straight "apples to apples" comparison. She explained that they could compare UEs, approximate height, approximate footprint, and approximate slope disturbance. They do not have sufficient information to compare Accessory Residential space and they do not have site disturbance from the Hill-Glazier plan.

Planner Hawley explained that pursuant to the Conditions of Approval in the MPD, there is a height exception of 82 feet above benchmark grade due to the heavy site disturbance and increase in elevation on the site. They have been given benchmarks from the USGS datum points between 8330 feet and 8380 feet. The applicant made changes to their proposal by lowering Building A and transferring that level to Building C, which would make Building C six feet above the allowed building height above the benchmark grade.

She reported that while there are some sections where they can provide some detail on grade changes, it would still be an approximation since they do not know the exact grade. She noted that the footprint submitted by the applicant as overlaid over the Hill-Glazier plan showed that it was very similar. The Hill-Glazier footprint was 57,601 square feet, as compared to 55,697 square feet for Sommet Blanc. Planner Hawley also referenced the heat maps provided by the applicant

that show the different grades as they exist and the projected site disturbance. She also presented a topography map showing the locations of the proposed retaining walls.

The applicant, Douglas Ogilvy from Sommet Blanc Residences I, LLC explained that they have been working with Deer Valley for six years to develop a project concept that is complementary to the Deer Valley guest experience. He noted that through the process they increased the setback from the Lucky Jack Ski Trail from 15 feet to 40 feet. They also carved off Parcel A to create the opportunity for a future direct ski run from the top of Ruby Chair to the bottom of Ruby Chair. Mr. Ogilvy continued by stating that the proposal provides a long-term parking solution and more recently they agreed to relocate the sewer from running adjacent to the property line to running internally through the site. He reported that Deer Valley has been happy with the project and the most recent design changes to step down the building next to the Empire Day Lodge.

Mr. Ogilvy stated that they feel strongly that the mountain contemporary architecture is appropriate. The Design Review Board approved the introduction of the mountain contemporary architecture, and former Mayor Jack Thomas has been complimentary of the approach to contemporary design on the site. He commented that virtually every Master Planned Development in Park City has acknowledged that mountain contemporary architecture has arrived and they do not feel that Empire Pass should be any different. He noted that this development is one mile from Empire Pass Village and the immediate neighbors are the Empire Pass Day Lodge and The Montage. The applicant proffered that they should not be locked into mimicking either of those structures. Mr. Ogilvy also stated that flat roofs are a better design solution in snow country than gabled roofs, which create snow management issues. He also commented that they created some interesting architecture as seen from the pedestrian level.

Mr. Ogilvy noted that their presentation will also respond to comments from the Planning Commission regarding design changes. They have reduced the number of villas from five to four. They lowered the western half of Building A to four stories adjacent to the Day Lodge and stepped the height up into the hillside. He reported that they also added a floor in Building C. They believe that this is a superior design solution over the Hill-Glazier plan.

Mr. Ogilvy introduced the design team from Olson Kundig. Todd Matthes identified himself as the Principal/Project Lead, along with Tom Kundig, who is the Principal Architect on the project. Mr. Matthes explained that contemporary architecture is more appropriate for the site since the texture of the environment would be created through the layering of different architectural styles over time. Architecture has evolved not only due to stylistic preferences but reflects advanced material technologies, construction methods, and a shift in the desire to live and interact in new ways. Mr. Matthes also stated that contemporary architecture aspires to advance the way that space is inhabited and interacts with the natural context. A desirable texture emerges as the natural evolution of the architectural style over time is embraced. He stated that the goals of Sommet Blanc are to integrate with the diverse as-built environment of the area while contributing to and supporting a new way of living for people who appreciate and respect the mountains.

Mr. Matthes reiterated that there are many diverse environments with many architectural styles that co-exist well. Architecture is changing throughout the area and this site is no different as both modern and traditional architectural diversity exists throughout Park City and Deer Valley. He showed the Commission photographs of different neighborhoods in and around Park City. Mr. Matthes presented several renderings that demonstrate how the project fits in the context. The immediate neighbor is the Empire Day Lodge and the project abuts Lucky Jack ski run. There is good separation from The Montage and significant separation from the Village.

He explained that they took much of the project density and separated it into seven different structures. They have also included complementary color palettes and the materials and textures help fold the project into the landscape. He noted that they stepped down the massing to achieve an appropriate scale and height, which nestles the project into the landscape. Mr. Matthes noted that they are also set back from the Lucky Jack ski run. He commented that this project will be less visible from roads. The tallest building, which is Building C, will be nestled into the hillside and the massing steps down from there. This respects the neighbors and the scale of the area. The villas were designed to nestle into the hillside as well. Mr. Matthes pointed out that they have reduced the number of villas from five to four, which sets them further back from Marsac Avenue and increases the buffer of Aspen trees. He described the project as a seven-acre enclave, neighbored only by Empire Lodge and the Lucky Jack ski run.

Mr. Matthew presented a rendering showing that only Building A is visible from the roundabout, with the step-down massing protects the ridgeline beyond the project. A view from Burgers and Bourbon at The Montage demonstrated that the view impact will not be significant and will not impact the ridgeline beyond. He added that it is very important for the project massing to step down with the topography.

Mr. Matthes next outlined the proposed massing changes that will address some of the prior comments and concerns expressed by the Commission. He presented diagrams showing the original massing and the proposed modifications. He reported that they took the Commission's comments regarding reducing the scale adjacent to Empire Day Lodge and dropped a full story from Building A, moving that density into Building C. In eliminating one villa, they moved that density into Building C as well. These changes add a story to Building C. He explained that they also rotated some penthouses at the rooftop to adjust to the new massing and further articulated the rooflines as seen both from Lucky Jack and Marsac Avenue.

Mr. Matthes added that as part of these changes, they increased the green roof to 33% of the total roof area. He mentioned the porosity of the design, which he described as how one notices the landscape flowing through the buildings. He reiterated that this project is its own enclave, separated significantly from the Village. They also created a generous ski beach with ski-in/ski-out amenities, with an increased setback from the ski run. They reduced the size of the patio to introduce a softer transition from the restaurants to the Deer Valley domain. The villas are nestled into the Aspen trees. Mr. Matthes commented that one of the overall goals for this project was to maximize the indoor/outdoor relationships by using large windows and generous decks that reach out to the landscape. He added that by eliminating one villa they have lowered the driveway grade to a maximum height of 40 feet above grade, which is a nine-foot decrease from the prior plan.

The proposed roofline falls in the line with his prior statements regarding the evolution of architecture and technical improvements. Low sloped and flat roofs with internal drains reflect a snow retention approach rather than a snow shedding approach. This has brought about safety improvements to protect the pedestrians below, as well as snow management improvements. Additionally, the proposed roof overhangs provide cover and covered outdoor space. He highlighted the added public benefit of adding a restaurant that faces Ruby Express and that would be accessible to anyone skiing Deer Valley. Mr. Matthes concluded that they think it appropriate to introduce a more contemporary architecture for this project. He added that this design widens the ski run as a result of the setback of 40' from Lucky Jack ski run and reiterated the benefit of the step-down massing.

Mr. Ogilvy next presented an updated site plan and noted that the footprint has not changed for Buildings A, B, and C, with the exception of the reduced patio area at the Building A restaurant. The reduction of one villa has allowed them to design wider, shallower units and reduce the height of the driveway by nine feet and pull it back further from Marsac Avenue. He added that the amenities building was also shifted further north. He explained that while there were no significant changes to the site plan, they made changes that they view as improvements. One of the impacts of this project involves the requirement to relocate the Mid Mountain Trail. He explained that the section of Mid Mountain Trail below Twisted Branch Road has already been constructed and accepted. Additionally, they proposed to relocate the Mid Mountain Trail above Guardsman Pass Road, and the engineers suggested a one-way parking lot that would have a second access opposite the project's upper driveway. He reported that this configuration would provide for better traffic flow. While they must still meet with the Utah Department of Transportation ("UDOT") on this issue, they are agreeable to the engineers' recommendations in this regard.

Mr. Ogilvy highlighted the increased setbacks from the Lucky Jack ski run. He referenced other projects in Deer Valley noting that The Montage is the largest at 13 floors plus a roof. Argent, as viewed from Marsac Avenue, has 8 floors plus a roof and most of the Empire Pass Village is seven floors plus a roof. Mr. Ogilvy commented that Sommet Blanc Buildings A and B would both be six floors with no roof. Building C will have seven floors with no roof. He suggested that the proposed heights are commensurate with what already exists in the area and much lower than The Montage.

Mr. Ogilvy stated that the proposed volumetric codification would set a height limit of 70 feet at the west end of Building A, and 82 feet for the eastern portion of Building A and all of Building B. They proposed a height limit of 92 feet for Building C and a 40-foot height limit for the villas. He explained that the building heights will be measured from benchmarks while the villas will be measured from natural grade. He commented that other than these heights, everything else on-site will be limited to a height of 28 feet. Mr. Ogilvy invited questions and comments from the Commission and recalled that the last meeting left off at the issue of whether it was appropriate to introduce the mountain contemporary architecture at this stage of development of Empire Pass. He highlighted the presentation by Mr. Matthes and the endorsement of former Mayor Jack Thomas as support for the appropriateness of this architecture and a better solution than the Hill-Glazier plan.

Chair Phillips sought clarification on the proposed height limits for the villas. Mr. Ogilvy responded that the challenge with the villas is that the driveway will be installed over a high-pressure water main that feeds the Red Cloud neighborhood. Therefore, they proposed to lower the driveway to the extent possible and expressed that the 40-foot building height would fit well and would be of a similar or slightly lower height than that proposed in the Hill-Glazier plan. He also highlighted the fact that the villas would not block any views.

Chair Phillips requested a rough cross-section of the villas to illustrate the need for the 40-foot height limit. He commented that these villas appear to be residential-scale buildings and he would be inclined to limit the height of the villas to match the other residential buildings in the area. He requested clear justification for an exception to the 33' height limit. Mr. Ogilvy clarified that the current allowable height is 28' without exception, given the proposed roof pitch.

Chair Phillips also mentioned the differing tree species in the area noting that if this area were more of an Aspen grove he would be concerned with die-off due to cutting or excavation of the

ground. He added that language might be required that the developer will replace any trees that die in the future. Mr. Ogilvy stated that the forest in the area is predominantly Aspen, with some younger growth evergreens. He assumed some plantings would be required in different areas of the site. Chair Phillips requested clarification and delineation of the public versus private access points to the buildings, particularly on the ski run side of the project.

In response to a request from Commissioner Kenworthy, Mr. Matthes verified that the rendering depicting the view from Marsac Avenue facing west is to scale, to a reasonable degree. He noted that they utilize drone photography and 3-D models approximated with the view angles to create these renderings.

Commissioner Kenworthy asked about the height of the Lodge. Mr. Ogilvy stated that The Montage is 165 feet above the Event Lawn, and from the Marsac roundabout to the ridge, this project is 89 feet on the eastern side and 75 feet on the western side. Commissioner Kenworthy found this to be a significant improvement in the massing and the comparison between the two developments and wanted assurance that what is depicted is close to scale. Mr. Ogilvy added that the height from the restaurant patio to the roof above is 69 feet.

Commissioner Johnson commented that the step down on Building A looks much better than the previous design and asked why the density was transferred to Building C. Mr. Matthes explained that to maintain target square footage, they relocated the density to Building C while being sensitive to other concerns. Hannah Tyler from Sommet Blanc I, LLC, clarified that change increases the height to six feet higher than the allowed height of 82 feet at the highest benchmark.

In response to a comment from Commissioner Johnson, Mr. Ogilvy stated that it will be difficult to fit that six feet back down into lower levels given floor height dimensions and grading. He noted that the building is built into the hillside so there will already be quite a bit of cut at the southeast corner. He recognized that ultimately, the volumetrics is at the discretion of the Planning Commission and any height above 28 feet will require Planning Commission approval. He added that most of the buildings in the Empire Pass area were approved with a 92-foot height limit, with The Montage being approved at 114 feet above a benchmark and the Hill Glazier Plan approved at 82 feet above benchmark. Mr. Ogilvy explained further that putting the extra density in a location furthest from the Marsac roundabout was the most suitable place to relocate it.

Commissioner Van Dine expressed appreciation for the changes made by the applicant and specifically mentioned the reduction in the number of villas from five to four as well as the parking lot and relocation of the Mid Mountain Trail.

Commissioner Hall asked if there would be further details presented at this meeting on the Mid Mountain Trail relocation, or if it would be addressed in the future. Planner Hawley suggested that the applicant address it now and noted the temporary re-route for a sewer. Mr. Ogilvy presented a concept sketch for the Mid Mountain parking lot noting that it is a work-in-progress that he received just prior to the meeting. He explained that they originally proposed a parking lot that followed the contour lines. When concerns were raised about problems attendant with one-way parking lots and trailers, the concept of a design with one-way traffic flow through the parking lot was recommended. K-rails would separate the Marsac Avenue roadway from the Mid Mountain Trail parking lot.

Mr. Ogilvy continued by explaining that the entrance to the lot would be adjacent to the Twisted Branch Road turnoff, with angled parking on the right and parallel parking on the left. The exit

would be adjacent to the upper driveway. He explained that the northern limit is impacted by the high-pressure water line. He reported that they have proposed to install composting toilets at the trailhead, as well as a trailhead kiosk. He noted that the applicant does not own this property, but the property owner has agreed to permit these improvements.

Mr. Ogilvy stated that they have received approval from UDOT to install the trail crossing adjacent to the Twisted Branch Road turnoff. He noted that some regrading would be necessary between the parking lot and the driveway up to the water tank in order to improve sightlines for vehicles on Guardsman Pass Road. They would field fit the trail to wrap above the parking lot and tie back into Mid Mountain Trail a little further north. He reported that this lot would abut a UDOT right-of-way, but expressed confidence that UDOT would consider this a dramatic improvement. Ms. Tyler shared an overview of the proposed trail relocation. Commissioner Van Dine commented that the parking lot would be a vast improvement from the current conditions.

Mr. Ogilvy clarified that the parking lot would be configured as a one-way downhill with a grade of approximately 10%, which admittedly allows for some exposure to door dings but would include a K-rail that would provide much safer conditions than what currently exists.

Commissioner Johnson agreed that the parking lot will be an improvement and noted that it would be used primarily during the summer months. In response to an inquiry, Mr. Ogilvy stated that plowing during the winter has not been addressed as of yet, but acknowledged it would need to be plowed in the winter.

Chair Phillips requested a schematic that shows the hairpin turn with the new proposed driveway road as he wondered whether there could be issues with sight and safety. Mr. Ogilvy noted that this concept has been reviewed and approved by UDOT and conditional access permits have been issued for the new curb cut for the lower driveway and the new trailhead crossing. They have not yet requested permission from UDOT to loop the driveway but anticipated that they would approve the one-way plan. Mr. Ogilvy noted that the driveways will align and the traffic speed out of the hairpin turn is low so they utilized sightline studies to obtain the conditional access permit for the upper driveway and the pedestrian crosswalk. These were included in the November submission.

Commissioner Kenworthy stated that he would like to see exactly where the driveway will be located.

Mr. Ogilvy explained that the change in the parking was done at the request of the Engineer who feels that the current parking lot is in a very unsafe condition. In response to Commissioner Kenworthy's request, Mr. Ogilvy shared with the Commission schematics and sightline studies of the proposed driveway into the parking lot that was approved by UDOT. He explained that with the exception of a sightline impact of the hillside between the water tank access road and the parking lot, the existing condition meets all of the criteria for the proposed improvements. He also noted that the sightline impact would be corrected by shaving a portion of that hillside. Mr. Ogilvy added that the upper driveway is serving only four units, so the vehicle counts would be negligible. As there are already 25 parking spots along the road, their proposal seeks to create improved conditions for those 25 stalls.

In response to an inquiry from Commissioner Kenworthy regarding access to the villas off of Twisted Branch Road, Mr. Ogilvy stated that they would not be using that access for anything other than the Mid Mountain Trail.

Commissioner Doug Thimm addressed the concept plan for the parking lot and commented that it appears the upper driveway into the parking lot is not aligned, which could create an issue with UDOT. Mr. Ogilvy acknowledged that they are not aligned and explained that they are juggling maintaining the current stall count with the engineering. Commissioner Thimm expressed that the proposal is likely the best solution, but stated that alignment would be important due to the number of decisions that would need to be made by drivers going in opposite directions and perpendicular to each other.

Commissioner Hall asked if there was a way to add a buffer zone at the driveway to allow drivers coming from the hairpin turn to pause. Mr. Ogilvy explained that good engineering principles provide that efforts should be made to keep curb cuts aligned because it simplifies things for drivers. He acknowledged that UDOT would have suggestions for improvement at this location. Commissioner Hall expressed that she liked the concept and appreciated the efforts to make the parking lot safer and more user-friendly.

Planning Director, Gretchen Milliken, suggested that due to the complexity of the site, it would be beneficial for the Planning Commission to do a site visit with the engineers and other experts to look at these issues in the field. Chair Phillips agreed and stated that one of his concerns remains the height and proximity to the roundabout. He suggested ballooning the proposed buildings so that they could visualize the proposed heights. The Commissioners agreed that a site visit would be helpful.

Chair Phillips opened the public hearing.

Mark Fischer expressed appreciation for all involved and the thought put into this project over many years. He stated that the Staff Report does not call out as an adjacent land use for notifications to the SR-224 Mid Mountain Trailhead public users. He stated that he only found out about this meeting just prior because there were no public notices on the site and questioned whether the meeting was properly noticed. He stated that what is missing from the discussions thus far is the effect of this project on upper SR-224, UDOT, and Twisted Branch Road. Based on his review of studies, there is currently \$1.6 billion in residential construction from the horse corral to the top of the County line, which includes The Montage. In 1998, as part of the development of this project, the public was to be directed to Twisted Branch Road because Deer Valley does not have an active UDOT permit to ski across the public highways. The Bandana ski run goes across SR-224, which, according to state statute, is not a permissible use.

Mr. Fischer noted that the solution was to put the public onto the UDOT designed road and abandon the substandard 15-foot road that goes under the Ruby Chairlift, which Deer Valley wants to make a ski run. He opined that this project should be tied to that decision given the three additional UDOT curb cuts being requested. Mr. Fischer believed that UDOT would use this opportunity to finally resolve the intended use of Twisted Branch Road, which is in reality the substitute for upper SR-248.

Mr. Fischer stated that given the amount of development in the area, he would request that Staff require a Traffic Study if it has not been completed already, up to the Wasatch County line. He would also like to see a Public Safety Analysis due to the multiple uses that occur on this road during the winter months. He noted that the lot is busier in the winter than in the summer, and cars line up down the street to the Empire roundabout.

He concluded that he could not see this project moving forward without resolving the long-term use of Twisted Branch Road, which was designed to be the replacement for the 15-foot wide road. He emphasized that this issue would not go away, and needed to be addressed. He commented that the public trailhead parking lot is a great start. He would like the Planning Commission's site visit to be publicly announced and open to the public. He added that in 2018, he requested that the Planning Commission conduct a site visit, and the Commissioners at that time all expressed their desire for a site visit. He understood that this site visit has not yet occurred.

Mr. Fischer reminded those present that the public is an important neighbor to be considered, as this project is second in size only to The Montage. He stressed his concern over the public safety issues and hoped that the developer would take his comments into consideration.

Mike Hinckley stated that he is a Park City resident and expressed concern over the safety and the impacts occurring on Marsac Avenue at this time. He has reviewed the Master Plan and the new upper driveway onto Guardsman Pass Avenue and is concerned that they are unaware of the traffic bottlenecks that exist during the winter and the summer. A site visit would be helpful and he would like to be invited as well.

He added that he believes UDOT, and possibly the developer, are not aware of these issues and would expect that they would want their guests to be able to access that road safely. On Marsac Avenue, there are large dumpster trucks and excavation vehicles which are creating safety issues. Mr. Hinckley reported that he spoke with Captain Kirk from the Police Department who commented that the Planning Commission would be the best forum for his concerns to be heard. He stated that Marsac Avenue is a death trap waiting to happen. The curb cuts on Guardsman Pass Road must also be looked at, and he referenced an incident last year when a semi-truck took out the power source on the switchback.

Mr. Hinckley also remarked that addressing responsibility for snow removal in the parking area is important. He echoed the concerns about the narrow roads, steep drop-offs, and conflicts with large vehicles. Mr. Hinckley questioned whether the parking lot was adequately addressed in terms of traffic impacts.

Director Milliken stated that a site visit with the Commission would include a notification to the public so they could attend. Chair Phillips asked about the public noticing for this meeting, and Planner Hawley expressed her belief that a work meeting was not required to be noticed, however notice of this meeting was posted in the newspaper and online. City Attorney, Mark Harrington, confirmed that the public hearing would trigger formal public notice requirements, so there was no legal deficiency in noticing for this work session. The full notice would go out once it is set for a public hearing.

It was confirmed by Director Milliken that if the Commission conducted a site visit, the public would be invited.

Chair Phillips commented that a Traffic Study and Public Safety Analysis would be pertinent to this application to address the increased intense use of the roads and access points in a tight area. It would be useful to understand the additional use being putting on Guardsman Pass Road.

In response to the public comments, Mr. Ogilvy stated that the project does not change anything with regard to the existing conditions on Guardsman Pass Road or Twisted Branch Road. Twisted Branch Road is on land owned by Redus Park City, LLC and the current applicant has no control

over that roadway. He reported that the applicant obtained permission from Redus to make improvements to the Mid Mountain Trailhead parking lot.

In terms of traffic impacts, the applicant has received UDOT approval for conditional access permits for the two curb cuts in the residential development. There is an existing curb cut on the Marsac roundabout, which they have moved approximately 20 feet. He noted that while the Hill-Glazier plan included three curb cuts, UDOT strongly preferred one curb cut. He explained that there is one curb cut on the Marsac roundabout that has been in place since approximately 2005. The second curb cut on the upper driveway, which has already been approved by UDOT, would serve four residential units. Changes to the parking lot would require UDOT approval, and he anticipated approval with some of the design changes they have discussed.

Mr. Ogilvy reiterated that Twisted Branch Road is not owned by the applicant and is not impacted by this project. The Development Agreement specifically states that Twisted Branch Road shall remain private. He recognized the concerns expressed about safety on Guardsman Pass Road but stressed that any issues on Twisted Branch Road have nothing to do with this project.

Commissioner Kenworthy referenced an issue raised by Commissioner Suesser regarding an Evacuation Plan for Snow Park, which Deer Valley was quick to address. With the recent fire scare, he wanted to know how they have addressed it for this project. Mr. Ogilvy responded that if they used snowcats, they would use the Lucky Jack ski trail. In terms of summer emergency egress from Empire Pass, there is a summer road just north of the Mid Mountain Trailhead, as required by the 1998 Flagstaff Development Agreement. He noted that there are also provisions for emergency vehicle use of Twisted Branch Road.

With regard to the addition of another lift, Mr. Ogilvy reported that Deer Valley has plans for what is currently being called Lift X, which would go from the bottom of Ruby Chair to an area above the Red Cloud water tank. He added that there have been discussions over the course of 20 years about whether Twisted Branch Road should be public or private. Deer Valley has stated their preference that Twisted Branch Road would become a public road, which would create the opportunity for Guardsman Pass Road to become a second ski-out from the top of Lift X. He clarified that none of this is on the applicant's property.

In response to an inquiry from Chair Phillips, Mr. Ogilvy stated that in order to permit duplexes on the villas site, the Development Agreement must be amended to increase the number of Planned Unit Development ("PUD") units and decrease the number of MPD units. They would also look to amend the volumetrics, which are part of the 2007 MPD. He noted that the applicant is also looking for the Planning Commission to endorse the amendment to the Design Guidelines by the creation of Book V. If all of these changes take place, then the Commission would be in a place to grant a Conditional Use Permit for the project.

Chair Phillips requested clarification on this process as compared to the process for the two other MPD amendments they are considering and questioned whether a Traffic Analysis should be required for this project. Planning Director Milliken acknowledged that there are similarities between this project and the base mountain resort project, stating that the latter would have more impacts by virtue of its' location. However, the concerns raised about this area being a pinch point could warrant further traffic studies, especially if they are trying to align ingress and egress to the parking within a short span and its proximity to the hairpin turn. She stated they could require further traffic study on this project.

Chair Phillips stated he would like to see further traffic studies, especially given the sensitivity of the road, which is likely the most hazardous road in Park City. He reiterated that he is in favor of a site visit.

Mr. Fischer disagreed with the comments made by Mr. Ogilvy and did not believe they were factual. He suggested that Mr. Ogilvy bring his lawyers to future meetings because he does not understand the depth of the issues. Mr. Fischer stated that because the applicant requires an amendment of the Flagstaff Development Agreement, Twisted Branch Road does come into the discussion.

Mr. Fischer also reported that on September 11, 2019, his lawyer was told, "Redus would not get ahead of the City and would take into account what the City says on this Twisted Branch Road item." He stated that the City could require Redus to put the public on Twisted Branch Road to get the amendment to the Flagstaff Development Agreement that this applicant needs.

Chair Phillips stated that he was coming around on the Design Guidelines and noted that the Commission appears to be leaning towards the Design Guideline changes. Mr. Ogilvy noted that the Two Hay Development was sold, so Redus holds a small number of landholdings in town, including Twisted Branch Road.

Chair Phillips liked the design but had been concerned about the design pendulum swinging too far and provided the example of contemporary architecture on 535 Woodside. He also noted that every building with modern architecture in Old Town, as shown in the applicant's presentation, would not be allowed under the current Code. The Design Guidelines for Park City proper were recently revised because they had allowed unlimited flat roofs, which they realized was a swing too far.

Chair Phillips commented that this design is drastically different from any other stand-alone building of this size. Flat roofs along Main Street do not necessarily demonstrate a shift in design because commercial buildings have historically been predominantly flat. The Kimball Building originally was presented with a more modern design, which was not allowed. He opined that what exists there now is more fitting and was a wise decision by the City, despite being widely considered an architectural blunder at the time.

Chair Phillips reiterated his view that while he likes the design, it would represent a fairly radical shift. He was not opposed to contemporary but noted that the flat roof element is the hardest part of contemporary design to accept. Referencing the applicant's presentation, Chair Phillips stated that the Stein Erickson residence would be more in line with what he was hoping to see because it includes a mix of flat and pitched roofs.

Chair Phillips also expressed concern about the size of the glass, especially on the highest levels. While he is amenable to a floor to ceiling windows, this design is drastically different than anything he has seen and he would be inclined to require the applicant to justify the height by comparison with other projects in the area. He reiterated that the buildings are beautiful and is familiar with and respects the architectural firm. He added that this project would be a good improvement on the site.

Commissioner Thimm agreed that a site visit would be helpful. He did not take exception to the Residential Accessory space and agreed that residents and guests would utilize the square footage and not add to the intensity and use in terms of traffic and utilities. As far as the

architecture, Commissioner Thimm expressed his opinion that the architecture is appropriate. Park City is very much about history and architecture. Architecture and design are a continuum; so not embracing current architecture fails to recognize the heritage and how architecture develops with time. With regard to how the masses are broken down and how the buildings are being looked at in detail, Commissioner Thimm commented that it brings forth what is needed together with timeless and sustainable materials, which would create a bridge with the past.

Commissioner Thimm stated that in terms of volumetrics, he believes they are very much in context with this district. He opined that the change to bring down the mass of Building A and creating a buffer to the Lodge and then taking that mass back up the mountain is an appropriate solution and sensitive to how this site should be developed. Chair Phillips agreed with Commissioner Thimm's comments on the volumetrics. He is generally in favor of the height exception but still needs to be convinced on the PUDs.

Commissioner Hall expressed her general agreement with Commissioner Thimm and liked the aesthetic presented. She requested clarification of the green roofs. Mr. Ogilvy confirmed that 33% of the roof area would be a flat green roof, with the remaining 67% being 1:12 low-sloped roofs. Chair Phillips assumed the flat roofs would not be white membrane roofs, as depicted in some of the photographs. Mr. Matthes agreed and confirmed there are wide selections of available colors for the flat roofs. Mr. Ogilvy added that all of the roofs would either be green or clad with paver stones. Commissioner Hall applauded the use of green roofs.

Commissioners Van Dine and Johnson agreed with the observations of Commissioner Thimm.

Chair Phillips re-opened the public hearing to allow Steven Issowits to comment.

Steven Issowits provided Deer Valley's perspective on this project. He noted that in 2007 when the Development Agreement was amended, certain densities were moved around. The applicant has worked well with Deer Valley Resort in terms of trying to find a better way to fit the density onto the site as compared to the Hill Glazier plan. They also requested that work be undertaken to address the placement of a sewer line and utilities along the Lucky Jack ski run. Redus worked with Deer Valley to create setbacks and included an internal driveway to improve the corridor for utilities. Ideally, he would not like to see something with this mass on top of Empire Lodge but acknowledged that is not for him to decide. He noted that the applicant worked with Deer Valley considerably to shift density and to step back the building. The trade-off was the inclusion of flat roofs, and it helps from both the ski run side and the street side.

Mr. Issowits stated he was never a big fan of modern architecture but has grown to like it. He noted that the palettes and materials used could help with cohesiveness with the surrounding area. He supported the location of the townhomes, noting that it saves quite a few trees. With regard to the comments about the roadway, he has stated publicly that Deer Valley would like to see the roadway change over and they would leave it to the City to determine if this project sparks any discussion on that. Deer Valley would like to see another way for skiers to move out of the Empire area and switching the roadway would allow this to occur.

Mr. Ogilvy responded to the comments regarding traffic. He noted that the Hill-Glazier plan was approved with 81 keys, so intuitively, the reduction from 81 keys to 47 keys entails a reduction in traffic on Marsac Avenue. Also, by having an amenity-rich building there would be less cause for people to be going on and off the property on a regular basis, which also leads to a reduction in traffic. He noted that the restaurant is not large and Empire Pass is well served by the Empire

Express private Uber service. He offered that most of the patronage of the restaurant would be skiing in, or arriving by Empire Express.

Mr. Ogilvy explained that the foregoing was the rationale behind not engaging in a formal Traffic Study, and UDOT never felt it necessary to approve the curb cuts. He agreed that Guardsman Pass Road is getting busy for the size of the road, but there is no nexus between this project and the current condition on Guardsman Pass Road. That should be a separate discussion between the City and Redus, the owner of Twisted Branch Road.

Chair Phillips directed staff to provide an analysis of the concerns raised during this meeting.

Mr. Ogilvy added that the 2018 site visit likely related to an application to plat the Hot Creek site and the lower portion of Twisted Branch Road, and not this application. Commissioner Thimm recalled that the 2018 site visit did not have anything to do with this application, but agreed that a site visit should be scheduled.

After a brief recess, Chair Phillips confirmed the presence of a quorum to move forward with the next item.

8. REGULAR AGENDA

A. 543 Park Avenue – Hotel, Minor Conditional Use Permit – The Applicant Requests a Minor Hotel Conditional Use Permit to Convert the Washington School Inn, a Landmark Historic Structure on the Park City Historic Sites Inventory in the Historic Residential – 1 Zoning District, from a Bed and Breakfast to a Minor Hotel with Accessory Facilities for Events. PL-20-04477.

City Planner, Browne Sebright, reported that this application is for a Conditional Use Permit for a proposed designation of a minor hotel in the Washington School House. This item was intended to be on the regular agenda but was changed to a continuation item, in part because after a meeting with the Neighborhood Traffic Management Program Committee, Staff decided to conduct a follow-up meeting with some members of the Committee to refine some of the Conditions of Approval and additional feedback. He acknowledged the presence of the applicant and applicant's representatives, Graham Gilbert and Wade Budge.

Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed the public hearing.

Wade Budge introduced himself and offered to orient the Commission on this matter. He reported that the applicant already has an existing use on the property and is trying to change the designation to reflect what they are doing in terms of operations for the best and most efficient use of the property. He stated that to address that, they have prepared a Management Plan that would be presented to the Commission.

Chair Phillips invited Mr. Harrington to weigh in on how to proceed in light of the continuation. Mr. Harrington stated that because this item was not noticed, the introduction is better suited with the full benefit of the Staff Report and public notice.

Chair Phillips expressed appreciation to the applicant for their work and requested the full presentation be made at the next meeting.

MOTION: Commissioner Doug Thimm moved to Continue 543 Park Avenue CUP to October 13, 2021. Commissioner Christin Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. 91 and 95 King Road – Plat Amendment – The Applicant Proposes Removing Internal Lot Lines and to Dedicate a Portion of the Property for the Ridge Avenue Right-of-Way to Create Two Lots of Record, Amending the Plat to Create Two Lots in the Historic Residential – Low-Density (HRL) Zoning District. PL-21-04775.

Planner Sebright reported that the applicant proposed a two-lot plat amendment to remove internal lot lines for the purpose of enabling future renovation and redevelopment. He explained that both 91 and 95 King Road are improved lots with residences dating back to the 1970s and 1990s. The lots are located in the Historic Residential Low (HRL) zoning district. The application is seeking to remove internal lot lines from three original Old Town-sized lots and to dedicate a portion of Ridge Avenue at the rear of the property to the City.

Planner Sebright stated that 91 and 95 King Road are located at the far southern end of Old Town, which is designated HRL due to the character of the roads that require a slightly larger minimum lot size and other dimensions to reduce density. The two properties are sandwiched between King Road and Ridge Avenue. He presented a photograph of the front of the properties. Staff determined that the proposed plat amendment complies with HRL zoning requirements. The HRL zone establishes larger lot sizes and both properties received variances as they are slightly below the minimum lot size of 3,750 square feet. He noted that the structures comply with rear setback requirements.

He explained that the plat amendment would accommodate the existing structures, but remove the other impediments to future development. Planner Sebright noted that 95 King Road received a variance for lot size, front setback, and side setbacks in 1995. In August 2021, the Board of Adjustment granted variances to 91 King Road for lot size, lot width, and front and side setbacks. He reported that the second analysis conducted by Staff involved looking at the general subdivision requirements of the City and the Land Management Code. Staff found the proposal complies as conditioned.

Planner Sebright noted a point of clarification in the Staff Report regarding compliance with general lot design requirement. He noted that the reference to Condition of Approval 18 for Debris and Waste Requirement should be Condition of Approval 13. He stated that as conditioned, the proposed plat amendment complies with the LMC.

For the fourth analysis, Planner Sebright reported that staff looked at how maximum building footprints would be calculated for these lots given the Ridge Avenue right-of-way. Staff recommended that the Planning Commission establish maximum building footprints for these two properties using the maximum building formula as outlined in the LMC based on the original configuration of the parcels prior to the proposed plat amendment.

He provided the revised calculations to the Commission and stated that Conditions of Approval 14 and 15 would be amended to read as follows:

“1,015.94 square feet for 91 King Road and 1,386.52 square feet for 95 King Road”

Planner Sebright stated that for the fifth analysis, staff found good cause for the 91 and 95 King Road plat amendment because it removes lot lines, dedicates portions of the property that are on Ridge Avenue to the City, and would allow four snow easements to be recorded for both King Road and Ridge Avenue.

The sixth area of analysis was presented to the Development Review Committee to identify any issues with the right-of-way. They recommended two conditions of approval, one of which is related to the potential realignment of King Road and the requirement that the applicant is responsible for removing any retaining walls or structures in the right-of-way. The Development Review Committee also recommended a condition of approval for snow storage easements on both King Road and Ridge Avenue. Planner Sebright noted that Condition of Approval 18 should also be amended as follows: “The final plat shall show the road dedication to accommodate a 20-foot pavement width for Ridge Avenue, subject to the review and approval of City Engineer for compliance with City standards not to extend beyond the dedicated right-of-way.”

Planner Sebright commented that Ridge Avenue is one of the substandard streets in this part of Old Town. At its’ narrowest, it is approximately 14 feet wide. Based on discussions with the Engineering Department and Fire District, they understood the ultimate goal was to have a minimum width of 20 feet primarily for fire access. It is anticipated that most of that expansion would occur to the east side.

Planner Sebright presented a graphic of a 10-foot snow storage easement and the proposed 20-foot right-of-way. He reported that Staff found that this proposal complies with the HRL zoning district requirements, the zoning district lot and site requirements, the general subdivision requirements, and general lot design requirements as conditioned. Staff has not received public input prior to this meeting. Staff recommended that the Commission forward a positive recommendation for City Council’s consideration on October 7, 2021, for 91 and 95 King Road plat amendment, amending Conditions of Approval 14, 15, and 18.

Commissioner Thimm asked about the jog in the new property line that touches the Parcel B building rather than being drawn to allow for a setback. Planner Sebright stated that the intent of the variance, and of this plat amendment, is to allow redevelopment of this site. Although variances were granted for side setbacks for 91 King Road, they are specific to the existing structure and it is anticipated that the structure would be replaced at some point. All future developments on site would be required to comply with all setback requirements of the zone.

Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed the public hearing.

Jeff Love, the applicant for 95 King Road, expressed his appreciation to Planner Sebright and the Commission for their time in consideration of this proposal.

MOTION: Commissioner Doug Thimm moved to forward a positive recommendation to the City Council for the 91 and 95 King Road Plat Amendment, according to the Findings of Fact and Conclusions of Law and Amended Conditions of Approval as follows:

Findings of Fact

1. Zoning History
2. The current configuration of these lots has been in place since 1992.
3. On September 19, 1995, the Board of Adjustments granted 95 King Road Variances for minimum Lot size, Front Setback, and Side Setbacks.
4. On August 24, 2021, the Board of Adjustments granted Variances to 91 King Road for minimum Lot size, Lot width, and Front and Side Setbacks.
5. The Applicant proposes the 91 & 95 King Road Plat Amendment to create a 2,298 square foot Lot and a 3,135 square foot lot in the Historic Residential - Low-Density Zoning District for Single-Family Dwellings.
6. The proposed Plat Amendment complies with the purposes of the Historic Residential - Low-Density Zoning District.
7. The proposed Subdivision complies with the Lot and Site requirements for the Historic Residential - Low-Density Zoning District.
8. The proposed Subdivision complies with Land Management Code Section 15-7.3-2, as outlined in the staff report, and conditioned below.
9. The proposed Subdivision complies with Land Management Code Section 15-7.3-3, as outlined in the staff report, and conditioned below.

Conclusions of Law

1. There is Good Cause for this Subdivision because the removal of the Lot lines resolves existing issues, portions of the property that include Ridge Avenue, a Public Street, are dedicated, and snow easements are dedicated on both King Road and Ridge Avenue.
2. The Subdivision complies with Land Management Code Chapters 15-2.1, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Subdivision, subject to the conditions stated 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 City Council approval. If recordation has not occurred within one year, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction, to be approved by the Chief Building Official. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.
4. A non-exclusive ten-foot public snow storage easement on King Road and Ridge Avenue shall be dedicated on the plat.
5. The property is not located within the Soils Ordinance and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
6. City Engineer 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.
7. All Significant Vegetation that is removed shall be replaced in kind.
8. Limits of Disturbance that protect Significant Vegetation shall be approved by the Planning Director and shown on the final plat.
9. Existing natural drainage shall be maintained.
10. Site plans and Building designs shall resolve snow release issues to the satisfaction of the Chief Building Official.
11. Lot drainage shall be laid out to provide positive drainage away from the Single-family Dwelling in accordance with the International Building Code.
12. All disturbed areas on the Lot shall be covered with topsoil and revegetated.
13. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.
14. The plat notes shall state that the Maximum Building Footprint for 91 King Road is 1,015.94 square feet.
15. The plat notes shall state that the Maximum Building Footprint for 95 King Road is 1,386.52 square feet.
16. Prior to Plat recordation, the Applicant shall either remove the existing retaining wall encroachments from the City Right-of-Way or enter into an Encroachment

Agreement with the City that includes these encroachments conditioned by the City Engineer.

17. If at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant shall be responsible for the removal of retaining walls and other structures in the Right-of-Way at their sole expense and in an expeditious manner (within 90 days of written notice). The Applicant is responsible for securing appropriate City approvals and permits before any work on the encroachments can begin.
18. The Final Plat shall show a road dedication that accommodates a twenty-foot (20') pavement width for Ridge Avenue for the road, subject to review and approval of the City Engineer for compliance with City Standards and not to extend beyond the dedicated right-of-way.

Commissioner Bill Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

9. ADJOURN

Commissioner Doug Thimm moved to adjourn.

The meeting adjourned at approximately 8:25 p.m.