



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 23, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Vice Chair Christin Van Dine, Laura Suesser, Bill Johnson, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Spencer Cawley, City Planner; Lillian Zollinger, City Planner; Jaron Ehlers, City Planning Technician; Heinrich Dieters, Trails and Open Space Manager; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She reported that all Commissioners, with the exception of Commissioner Laura Suesser, were present either in person or via Zoom. Commissioner Suesser was expected to join the meeting via Zoom.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from July 26, 2023.

Commissioner Johnson referenced the second sentence on page 17 and recalled that he intended to say, "The Planning Department did not request an updated parking..." instead of "Planning Commission."

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from July 26, 2023, as amended. Commissioner John Frontero seconded the motion.

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

Commissioner Suesser joined the meeting.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director, Rebecca Ward reported that the Consultant for the Bonanza Park Small Area Plan and Feasibility Study, MKSK Consultants, were scheduled to present the Phase 1 community engagement results to the City Council on August 29, 2023, during a two-hour Work

Session from 3:15 p.m. to 5:15 p.m. She encouraged people to watch the results to see how the planning process was going for those projects. Assistant Director Ward reminded the Commission Members of the public comment guidelines located on the dais and at the door. She noted that when giving public comment, speakers were to provide their full name and sign in and limit comments to three minutes or less. A timer and bell were provided to give a warning when that time is up. She also noted that speakers were to direct their comments to the Commission, and not to the applicant or audience. Comments should be civil, with no clapping or whistling, and address the matters of the pending application or ordinance before the Planning Commission.

5. REGULAR AGENDA

A. 401 Silver King Drive, Unit 70 (Snow Flower Condominiums) – Plat Amendment – The Applicant Proposes to Convert Common Area Attic Space Into Private Area Living and Storage Space for the Benefit of Unit 70. PL-23- 05560.

City Planner, Spencer Cawley explained that the above application is for a 5th Amended Plat for Unit 70 in the Snow Flower Condominiums. The project was located in the Recreation Commercial (“RC”) Zone just off Silver King Drive and near Park City Mountain Resort (“PCMR”). He reported that there are two phases to the project. Unit 70 is in Phase 1, which has a total of 82 units within two buildings. The project was approved in 1978, and the Applicant was the original owner of the unit. Planner Cawley reported that in January 2022, the Applicant asked the Homeowners’ Association (“HOA”) to vote on allowing a Plat Amendment that would allow the owner to enclose some attic space that is considered a common area. The Applicant received a two-thirds vote from the HOA. An image of the existing Plat was displayed. Planner Cawley pointed out the location of the attic space proposed to be enclosed. He presented the proposed Plat and noted that it would result in a total of 995 square feet at the loft level.

Planner Cawley mentioned the prior approvals within the condominium project that date back to 2004. Various units had gone through the same process of enclosing attic common space and converting it to private living space. The most recent was in 2022 for Unit 75. He reported that the Land Management Code (“LMC”) included a requirement for multi-unit dwellings that units with floor area greater than 2,000 square feet required two off-street parking spaces. Planner Cawley stated that this Plat Amendment would put the unit above the 2,000-square-foot threshold. The HOA reported that within the condominium project, there was one parking space per unit. This was also restricted in the Covenants, Conditions & Restrictions (“CC&Rs”).

Planner Cawley reported that this was the Applicant’s second home, so there was a chance that they would not have an extra car stored at the project. However, that was not confirmed by the Applicant or the Applicant’s representative. He stated that Staff proposed Condition of Approval 3 that reflected the CC&Rs that the “unit owner shall not use or cause to be used at any time more than one parking stall on site.” He requested the Planning Commission consider reducing the parking for Unit 70 from two parking spaces to one parking space.

Planner Cawley stated there was good cause for this Plat Amendment. It would expand the private area but would not change the footprint or mass of the existing structure. Staff recommended the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the City Council’s consideration on September 14, 2023.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

Commissioner Shand referenced the property footprint as shown in the Staff Report and asked for clarification on the image. Planner Cawley reported that on the existing Plat, there were units that had the same layout, so instead of putting every single one on the Plat, they outlined which units had the same footprint. Planner Cawley stated that these units were not stacked and added that they were along the perimeter of the building. Commissioner Shand expressed his understanding.

Commissioner Johnson felt the application met the requirements of the LMC.

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for the City Council's consideration on September 14, 2023, for 401 Silver King Drive, Unit 70 – Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Ordinance as follows:

Findings of Fact

1. The Snow Flower Condominiums Plat was approved in 1978.
2. The property is located at 401 Silver King, Unit 70.
3. The property is listed with Summit County as Parcel number SFL-70.
4. The property is in the Recreation Commercial (RC) Zoning District.
5. The intent of this Plat Amendment is to convert Common Area attic space into Private Area living and storage space for the benefit of Unit 70.
6. In January 2022, the Snow Flower Homeowners Association (HOA) voted to approve the proposed changes to Unit 70 and received two-thirds approval (67.92% in favor).
7. This conversion will increase the internal living space of Unit 70 from 1,824 square feet to 2,289 square feet.
8. Other units in the Snow Flower Condominiums have amended the plat to convert Common Area attic space to Private Area: Unit 80 (July 2004), Unit 72 (November 2006), Unit 76 (September 2007), and Unit 75 (June 2023).
9. The proposal complies with the RC Zoning District Requirements.
10. All proposed changes are restricted to the interior of the Structure and will not alter the exterior.
11. In 1978, parking requirements for Planned Unit Developments (PUDs) were guided by the LMC but Planning Commission approval was not limited to these requirements.

12. At the time of development, the parking requirement for the Snow Flower Condominiums was 115 parking spaces – a minimum of eight spaces, with 1.5 spaces for each additional unit over five for a Multi-Unit Dwelling.
13. The current LMC requires two parking spaces per Dwelling Unit with a Floor Area greater than 2,000 square feet in a Multi-Unit Dwelling.
14. The proposal complies with LMC § 15-7.1-3(B) Plat Amendment.
15. The Development Review Committee met on March 7, 2023, and found that the proposal meets development requirements.

Conclusion of Law

1. There is Good Cause for this Plat Amendment because it does not change the footprint or mass of the existing structure, will have no negative impacts on the public, and does not create any non-conformities.
2. The Plat Amendment is consistent with LMC § 15-7.1-3(B), § 15-7.1-6, and Chapter 15-2.16 Recreation Commercial District.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of City Council approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The Plat shall note that the owner of unit 70 shall not use or cause to be used at any time more than one parking stall on site.

Commissioner Frontero seconded the motion.

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

B. 2002 Eagle Way – Conditional Use Permit – The Public Utilities Department Proposes To Replace the Existing Communications Tower and Equipment Shed in the Estate Zoning District and Sensitive Land Overlay. PL-23-05762.

Senior City Planner, Alexandra Ananth announced that Public Utilities Engineer, Harrison Holley, was present via Zoom. He wanted to be present, however, today was his daughter's first birthday.

Planner Ananth reported that this Conditional Use Permit ("CUP") would replace an existing municipal communications tower and equipment shed. The equipment captures the water meter readings and monitors the water infrastructure for Park City. The shed will be located on an approximately 110-acre site that has existing access and power. The existing equipment was allowed per a CUP issued in 2009.

Planner Ananth presented a graphic that illustrated the site, with access from Eagle Road. She highlighted that the new equipment would be placed towards the center of the site. A photograph of the existing tower and shed was shown, as was a graphic of what the new tower would look like. She explained that it would be metal and would not have all of the antennas. She added that the equipment shed would be prefabricated and climate-controlled, which was important for the readings.

Planner Ananth reported that the application complies with the Estate Zoning District and the Sensitive Land Overlay ("SLO") regulations. She noted that a visual analysis was completed with the 2009 CUP, and an additional visual analysis was submitted with this application showing that the equipment would be no more visible than the existing equipment. She reported that the application complied with the CUP review criteria and the Telecom Facility Review criteria.

Staff recommended the Commission conduct a public hearing and consider approving the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Commissioner Johnson understood that the tower would be 28 feet tall. He inquired about the height of the whip antenna. Commissioner Johnson also asked about the comment that there would be no antennas on the new tower. Planner Ananth clarified that in the comparison photograph there were a lot of additional antennas. Engineer Holley explained that the existing equipment had a shorter tower with an antenna on top that extended to 28 feet. The proposed metal lattice-styled tower would be 28 feet high but have no antenna above the height of the tower. He clarified that the example photograph shown to the Commission had some boxes at the bottom of the tower.

Planner Ananth mentioned that there was a Condition of Approval that any request for co-location would come before the Planning Commission as a CUP. There was discussion about the fact that the new tower would not include a whip antenna or the boxes at the bottom of the tower. He stated the new tower would have radios similar to the ones in the presented image. He explained that they use primarily radios to transmit the data.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

Commissioner Johnson praised the Staff Report and the Conditions of Approval. Chair Hall added that she liked the fact that the new tower would be at just the zone height.

MOTION: Commissioner Johnson moved to APPROVE 2002 Eagle Way – Conditional Use Permit, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Draft Final Action Letter, as follows:

Findings of Fact

1. The site is located at 2002 Eagle Way, Parcel Number SA-S-35-X.
2. The project is considered essential for the City's Water Division to capture water meter readings.
3. The project site is approximately 110 acres, owned by PCMC, and is located at the top of Aerie Drive and Mellow Mountain Road, in the Estate Zoning District.
4. The site has vehicular access and power.
5. The current wooden communications tower will be replaced with a galvanized metal tower of the same height that has been designed to meet wind and snow loads.
6. The equipment shed will be replaced with a pre-manufactured climate-controlled shed that will better protect the equipment housed inside, which is temperature sensitive.
7. The existing tower and shed will be removed once the replacement structures have been installed and are up and running.
8. The existing communications tower and equipment shed were constructed in 2010 as part of a larger water meter reading project throughout the City. A CUP from the Planning Commission approved the project on September 23, 2009.
9. Essential Municipal Public Utility Use, Facilities, Services, and Structures require a Conditional Use Permit in the Estate Zoning District.
10. The minimum Front, Side, and Rear Setback for all Structures is thirty feet (30') in the Estate Zone.
11. The Zone Height is 28 feet.
12. The proposal to replace the existing communications tower and shed comply with the requirements outlined in LMC § 15-2.10, Estate (E) District.
13. The Applicant provided a Visual Analysis showing there will be minimal visual impact from the new equipment.
14. The proposal complies with LMC § 15-2.21, Sensitive Land Overlay Zone Regulations.

15. The project site is located just below the ridgeline at an elevation of 7660 ft.
16. Although the project site is located at a Ridge Line Area, due to the size of the parcel, and its location hundreds of feet from the closest abutter, there is minimal expected visual impact.
17. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: The proposed communications tower and equipment shed are replacing existing equipment on site. The parcel is approximately 110 acres, and the equipment is not located in any Setbacks. A photo simulation shows that the proposed equipment will be no more visible than existing equipment.
Traffic	Complies: The Use is not expected to generate any traffic apart from an occasional service vehicle if there is an equipment issue.
Utility Capacity	Complies: No changes to utility needs are expected.
Emergency Vehicle Access	Complies: No changes are proposed to vehicular access.
Parking	Complies: There is sufficient parking for the occasional service vehicle adjacent to the proposed new equipment site.
Internal Vehicular and Pedestrian Circulation System	Complies: NA.
Fencing, Screening, and Landscaping	Complies: The project site is located a sufficient distance from abutters and does not warrant additional landscape screening or fencing.
Building Mass, Bulk, and Orientation	Complies: The proposed shed is 10' x 12' and will sit on a concrete foundation with minimal visibility from adjoining Lots.
Useable Open Space	Complies: The site will be minimally impacted by the replacement equipment and the remainder of the site is Open Space.
Signs and Lighting	Complies: No signage or exterior lighting is proposed.
Physical Design and Compatibility with Surrounding Structures	Complies: The pre-manufactured shed will be painted to blend into the foliage. The communications tower will not exceed the Zone Height of 28 ft.

Noise, Vibration, Odors, Stream, or Other Mechanical Factors	Complies: The replacement equipment is not expected to create any noise, vibration, or odors.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: No changes proposed.
Expected Ownership and Management	Complies: The parcel is owned by PCMC.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: No unmitigated impacts.

18. The project complies with LMC § 15-4-14, Telecommunications Facilities.
19. The Development Review Committee reviewed the proposal on August 1, 2023, and did not identify any required Conditions of Approval.
20. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 9, 2023. Staff mailed courtesy notices to property owners within 300 feet on August 9, 2023. The Park Record published notice on August 9, 2023.

Conclusions of Law

1. The application was reviewed for compliance with LMC § 15-1-10(E), Conditional Use Review Process, LMC Chapter 15-2.10, Estate (E) Zoning District, LMC § 15-2.21, Sensitive Land Overlay Zone Regulations, and LMC § 15-4-14, Telecommunication Facilities.
2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant shall apply for a building permit prior to the installation of equipment on site.
2. Evidence of substantial compliance with applicable Federal Aviation Administration and Federal Communications Commission regulations shall be submitted to the City prior to the issuance of a building permit.

3. The project shall be substantially consistent with the plans attached as Exhibit A.
4. The roof shall have a matte finish to minimize glare.
5. All associated equipment shall be located within the equipment shed.
6. No additional poles, towers, or antennas, unrelated to the water meter reading or SCADA systems, are permitted in the vicinity of this water meter tower and Planning Department equipment shed. Any requests for co-location on the proposed pole shall require a CUP and public notice. The installation is for the municipal water meter reading and SCADA systems and is not to be considered a telecommunication facility installation.
7. The communications tower and shed shall not exceed 28 feet from the existing grade (the Zone Height) and shall not be located in any Setback.
8. A 50-foot Setback from 40% or greater slopes is required.
9. The existing tower and shed shall be removed within 12 months of the replacement structures being installed and in use.

Commissioner Henry Sigg seconded the motion.

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

C. 2525 North Fairway Village - Plat Amendment - The Applicant Requests an Amendment to the Fairway Village No. 1 Plat Amending Lot 40 to Record and Reflect Existing Conditions. PL-23-05784.

City Planner, Lillian Zollinger reported that Unit 40 was part of Fairway Village #1 Plat, recorded in 1971. This unit was not built according to the dimensions in the recorded plat. The Applicant was seeking to amend the Plat to record the as-built structure. Several lots within the Subdivision have had similar issues with the Building Footprint, and a Plat Amendment for this unit was approved in 2016 but not recorded to address this issue. Planner Zollinger reported that the unit was compliant with the Front Setback, Rear Setback and exceptions, and the Side Setbacks. It also has the two required parking spaces. The application was reviewed by the Development Review Committee, which had no concerns.

Planner Zollinger stated that good cause was found for this proposal, as it would not impact other existing units, would update the Plat to correctly record the construction of the unit, and would allow the owner to make interior modifications to enjoy their property. She highlighted certain Conditions of Approval, including that any new construction shall comply with the LMC regarding Setbacks, Building Height, Building Envelope, Building Pad, etc. Additionally, Condition of Approval 4 provided that "All other conditions of approval and platted requirements for the Fairway Village No. 1 continue to apply and shall be noted on the plat."

Staff recommended the Planning Commission review the proposal, open a public hearing, and consider recommending approval of this item by the City Council on September 28, 2023.

Commissioner Sigg referenced the statement that this and other units were built outside of the original Plat and asked if this was the only remaining unit to become compliant. Planner Zollinger could not provide an answer and noted that there were likely other units that were out of compliance. Planner Zollinger confirmed that this is a condominium and that there was an HOA that approved this request.

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

Commissioner Frontero noted that in 2016, the City Council approved the request of all 28 units to have their plats corrected, with a one-year sunset clause on that approval. He understood that no plats were recorded so the approval expired. He asked why that corrected plat was not recorded. Senior City Attorney, Mark Harrington explained that this is not uncommon in large amendments after the fact. Many times an HOA would process a large amendment with hopes of getting everyone to sign, however when it affects every unit owner they need to get the signatures routed and all the owners to sign unless the HOA has power of attorney. One year is a standard Condition of Approval on all plats to avoid vesting owners under old codes. City Attorney Harrington commented that this was why they see a number of extensions on ones that have Conditions of Approval. In some of the older condominiums, the developer did not return and confirm the as-built conditions when the condominium plat was approved prior to final construction. He noted that the Park Meadows Racquet Club Condominiums also had a fair number of units that had to come in piecemeal to correct the plat. The corrected plat is required even for refinancing.

Commissioner Suesser asked if anyone reached out to the HOA to find out if they were ready to record the plat so they would not have each landowner coming in to amend the plat for their unit. City Attorney Harrington reported that Staff did that, however, it would have caused this applicant further delay, so they had no choice but to move forward on their own.

Commissioner Suesser asked why the HOA was not ready to move forward with recording the plat, and inquired whether there were issues with the other units. City Attorney Harrington stated that oftentimes people do not understand what they are being asked to sign and do not want to sign. All it would take is one or two other owners who want to leverage the situation to try and get permission to expand their unit. He noted they have seen a number of reasons. City Attorney Harrington stated that the City initiated conversations in the 1990s with the Park City Board of Realtors who then petitioned the State government to reduce the signature and vote requirement for the authorization. He noted it used to require a 100% vote to modify a condominium plat, and now it requires a two-thirds vote.

MOTION: Commissioner Sigg moved to forward a POSITIVE recommendation for 2525 North Fairway Village – Plat Amendment, for City Council’s consideration on September 28, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Draft Ordinance as follows:

Findings of Fact

1. The property is located at 2525 Fairway Village Drive, within the Residential Development Zoning District.
2. The subject property consists of Unit 40 of the Fairway Village No. 1 Planned Unit Development, which was approved in 1971.
3. 2525 Fairway Village Drive is in the Residential Development (RD) Zoning District.
4. The existing unit was not built to the dimensions recorded in 1971.
5. The Plat Amendment proposes to record and reflect the existing conditions of the unit.
6. 2525 Fairway Village is compliant with the RD Zoning District
7. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations.
8. Fairway Village Drive is private and is not maintained by the City.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it corrects the recorded Unit's size and location and improves the record of the site.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13 and § 15-7.1-6 Final Subdivision Plat.
3. The Plat Amendment is consistent with the Land Management Code.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

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's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Any new construction shall comply with Land Management Code Chapter 15-2.13 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.
4. All other conditions of approval and platted requirements for Fairway Village No. 1 continue to apply and shall be noted on the plat.

Commissioner Johnson seconded the motion.

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

D. 2310 Deer Valley Drive East – Condominium Plat – The Applicant Proposes To Plat the Phase 3 Snow Park Residences, Which Is the Final Phase of the St. Regis Hotel Conditional Use Permit in the Residential Development Zoning District and Deer Crest Master Planned Development. PL-23-05743.

Planner Ananth reported that Steven Mayer, attorney for the St. Regis, and Michael Zaccaro, representative for the St. Regis were present on behalf of Applicant. Planner Ananth stated that this was Phase 3 of the CUP approved in 2001. In addition to the CUP for the hotel use, the application was subject to the Deer Crest Settlement Agreement. The hotel also had a CUP for an Amenity Club at the site. She explained that this was the final phase of the hotel's build-out. It involves a five-story condominium building with a garage. The building included 12 units totaling 16.8 Unit Equivalents ("UEs"). There was also one affordable unit on the first floor totaling 801 square feet in compliance with the Applicant's approved Housing Mitigation Plan.

Planner Ananth reported that the condominium complies with the Residential Zoning District requirements, the Settlement Agreement, the hotel's CUP, the parking requirements, and the SLO analysis completed in 2001 and again in 2004 when construction began on the lower Snow Park site. The application has a lot of history, and she offered to go into more background if there were questions regarding the Roosevelt Gap parcel versus the Snow Park parcel.

Planner Ananth stated that the hotel was completed and the Applicant was in compliance with the Housing Mitigation Plan and had submitted a final Parking Plan. The Trails Manager would ensure that the Applicant's trails obligations were finalized, so Staff included a Condition of Approval that it is done prior to Certificates of Occupancy. She mentioned that Staff felt the Applicant was generally set, but some things might have changed when the funicular building went in. Staff found good cause for this Condominium Plat, as it would facilitate the sale of the remaining density. It also complied with the Housing Mitigation Plan and the hotel would complete all CUP obligations prior to occupancy.

Planner Ananth reported that Staff recommended the Commission conduct a public hearing and consider forwarding a positive recommendation for the City Council's consideration on September 28, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

Commissioner Frontero asked Planner Ananth to address the parking. He understood that there are 244 parking spaces in Park City, with an additional 179 parking spaces in the Jordanelle Lot. Planner Ananth confirmed that was correct, and reported that the hotel had a parking obligation of 244 stalls in Park City. However, as a portion of the property was in Wasatch County, they also had a parking lot in Wasatch County with an additional 179 parking stalls that were used mostly with valets to shuttle guests. Planner Ananth confirmed that the Applicant is in compliance with both of its' parking obligations. She confirmed that people who parked at the Jordanelle Lot would be shuttled by the hotel to the hotel property.

Commissioner Sigg asked if the St. Regis is part of the overall plat at Deer Crest. He noted the discussion about the shuttle and recalled that there had always been discussion about that road and the ability for it to have utility beyond Deer Crest. He asked for information on why the St. Regis was allowed to use that road and how it was negotiated. Applicant Zaccaro reported that he is the Chief Operating Officer for Falcon Investors, the managing partner for the St. Regis Deer Valley. He has overseen the project since its inception in 2005. He reported that the St. Regis Hotel is part of the Deer Crest Master Association and represents nearly 20% of the Association's interest. All of the condominium resident owners within the hotel were also part of the Deer Crest Master Association.

Applicant Zaccaro stated that when guests arrive, they generally go to the Snow Park lower resort location, where they would then be required to take the funicular up to the hotel. Valets either park guests' vehicles at Snow Park or the main hotel. He added that the valets were permitted to drive through the gates up to the main hotel. Valets are also permitted to drive through Deer Crest to take vehicles to the parking lot just outside the lower gate. Applicant Zaccaro explained that this parking lot was used primarily for hotel staff, and a shuttle runs almost continuously from that lot to the hotel. They try to avoid having hotel guests park in that lot and wait for a shuttle, and it only happens occasionally when there are large events around the hotel. They make sure that the shuttles are available in the event that guests need to park in that lot.

Applicant Zaccaro explained that in addition to the hotel being part of the Master Association, the Snow Park area of the St. Regis was also part of the Master Association. However, unit owners at Snow Park were not permitted to drive through the gates. He confirmed that the right to drive through the gates was the result of being property owners in Deer Crest, and the condominium owners at Deer Crest also had the right to drive through the gates and/or utilize the shuttles that are permitted through the gates pursuant to the original CUP approval.

Chair Hall referenced Condition of Approval 8 and asked if the Trails and Open Space Manager would authorize the approval. Planner Ananth reported that the Trails and Open Space Manager sign off on the trail obligations prior to the issuance of Building Permits. With regard to Condition of Approval 7, Chair Hall asked if someone within the City would oversee the reasonableness of the HOA fees, or whether it was included in the Affordable Housing Mitigation Plan.

Planner Ananth believed that when the City reviewed the deed, they would also review the fees. City Attorney Harrington reported that Staff also conduct an annual compliance check on deed-restricted units.

Commissioner Suesser noted that the last SLO analysis was done in 2004, and asked whether it was appropriate to proceed without requiring another SLO analysis. Planner Ananth explained that the 2004 analysis specifically looked at the site for the Phase 3 building. She felt it was still valid

since nothing had changed in terms of Building Height or location. She noted there was an extensive analysis done, balloons were flown, and the Planning Commission visited the site when the hotel looked to develop the bottom portion at Snow Park in 2004.

MOTION: Commissioner Frontero moved to forward a POSITIVE recommendation on 2310 Deer Valley Drive East – Condominium Plat, for City Council's consideration on September 28, 2023, based on the Findings of Fact, Conclusions of Law and Conditions of Approval set forth in the Draft Ordinance as follows:

Findings of Fact:

1. The St. Regis Deer Valley Supplemental Snow Park Residences Condominium Plat is located at 2310 Deer Valley Drive East.
2. This site is part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended by the City Council.
3. The site is located in the RD (Residential Development) Zoning District and is subject to the Deer Crest Settlement Agreement and MPD.
4. On February 28, 2001, the Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood or Hotel CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, April 23, 2014, April 13, 2016, and March 11, 2020. The City Council denied an appeal of the April 22nd approval on June 18, 2009.
5. Consistent with the Settlement Agreement, the 2001 Hotel CUP allows a total density of 130 residential Unit Equivalents (UEs) with 99.5 UEs at the upper Roosevelt Gap Hotel parcel and 30.5 UEs at the lower funicular and Residences parcel. All of the UEs at the upper Roosevelt Gap Hotel parcel have been constructed and 12.2 UEs have been constructed at the lower funicular and Residences parcel as part of Phase 2. The funicular building includes one (1) UE.
6. The Hotel CUP allows for the Applicant to build the project in phases. The Supplemental Snow Park Residences is considered Phase 3 and includes a five-story condominium building with one level of garage parking and twelve condominium units totaling 16.8 UEs. This is the third and final phase of the Hotel CUP.
7. Phase 3 includes 16.8 UEs, for a total of 30 UEs at the lower funicular and Residences parcel, less than the allowed 30.5 UEs.
8. Building Height is allowed up to 45 feet in accordance with the Settlement Agreement.
9. The Applicant's plans show that one 801-square-foot affordable housing unit will be located on the first floor of the Phase 3 building, completing the St. Regis' housing obligation in accordance with the St. Regis First Amended Housing Mitigation Plan.

10. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.
11. The Hotel CUP requires a final parking plan to be submitted to the Planning Department for review and approval. According to the applicant, who submitted an updated parking exhibit as part of this application (Exhibit H), a total of 374 parking spaces are required for the Hotel upon completion of all phases. The applicant expects to have 431 stalls available upon completion of Phase 3 between the three lots, exceeding their parking requirement. The updated parking exhibit confirms there will be 252 stalls between the Roosevelt Gap and Snow Park locations, meeting the 244-stall CUP requirement. The additional stalls at the Jordanelle Gondola lot give the Hotel 431 stalls in total.
12. The Hotel uses valets to assist in parking management.
13. The Snow Park Residences Phase 3 Condominium Plat complies with the Parking Requirements outlined in LMC Chapter 15-3, Off Street Parking.
14. The Snow Park Residences Phase 3 Condominium Plat complies with LMC Chapter 15-2.13, the Residential Development (RD) District, the Settlement Agreement, and the Hotel CUP.
15. The Snow Park Residences Phase 3 Condominium Plat complies with the Sensitive Land Overlay LMC Chapter 15-2.21, and a visual analysis was performed with the original CUP in 2001 and again with the CUP in 2004.
16. Staff finds Good Cause for this Condominium Plat, as it is consistent with the Density, allowed Building Height, location, and Uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley Master Planned Development, and the Hotel CUP and allows for the sale of the Condominium Units.
17. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law:

1. There is good cause for this Condominium Plat, as it will allow for the sale of 12 condominium units and the creation of one (1) affordable unit.
2. The Condominium Plat is consistent with the Park City Land Management Code including Sections 15-7.1-6 regarding Condominium Plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.

4. Approval of the Condominium Plat, 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 Condominium Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
4. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014; April 13, 2016, and March 12, 2020, shall continue to apply.
5. The new affordable unit shall be a minimum of 800 square feet to meet the requirement of 1 AUE, consistent with the Applicant's Housing Mitigation Plan.
6. The Deed Restriction for the AUE shall be recorded prior to plat recordation, and Certificates of Occupancy shall be issued for this unit prior to the issuance of Certificates of Occupancy for any of the market rate units.
7. The CC&Rs shall limit the HOA dues related to the AUE in order to ensure the unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to such fees. The CCRs shall be submitted with the Condominium Plat for review and approval by the City prior to final Condominium Plat recordation.
8. The applicant shall maintain free and clear public access to the trails located on the St. Regis property. All trail obligations shall be completed prior to any Certificates of Occupancy for the Phase 3 building.
9. Parking shall be compliant with LMC Chapter 15-3, Off Street Parking, including bicycle parking and electric vehicle charging requirements.
10. All exterior lighting shall conform to the City's Outdoor Lighting Requirements in LMC § 15-5-5(J).

Commissioner Shand seconded the motion.

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

E. Parcel ASR-1 – Meadows Drive Trailhead & Parking Area Conditional Use Permit – The Applicant Proposes to Construct a Hard-Surfaced Parking Area with Greater than Five Parking Spaces on Parcel Number ASR-1, at the Existing Meadows Drive Trailhead. PL-23-05575.

City Planner, Jaron Ehlers reported that the proposed trailhead was partially within the City-owned Right-of-Way ("ROW") as well as the Aspen Springs Subdivision, Lot 1. The property owner of Lot 1 had given permission for an easement agreement to allow the trailhead to be partially located on their property. He noted that the Easement Agreement is in draft form. The proposal included 20 parking spaces, one of which would be ADA-compliant. A storm drain would also be installed to catch and filter any storm water runoff.

Planner Ehlers highlighted the location of the snow storage on the graphic presented to the Commission. He reported that the application complied with the Residential Open Space ("ROS") Zoning District requirements, and Condition of Approval 6 required that any non-paved disturbed area be replanted with the City-approved seed mixture.

Planner Ehlers also reported that the application complied with the SLO requirements, and noted Condition of Approval 10 that required a Landscaping and Irrigation Plan prior to submittal of the Building Permit to ensure that it complied with Water Wise Landscaping regulations. He reported that the proposal complied with the 50-foot wetlands setback, as well as the Entry Corridor Protection Overlay based on being 325 feet from State Route ("SR")-224. He noted the requirement is 250 feet.

Planner Ehlers mentioned the application also complied with the off-street parking requirements. He stated that Condition of Approval 4 required a geotechnical report, and Condition of Approval 8 prohibits the installation of outdoor lighting without a modification to this CUP. Condition of Approval 9 would require the Applicant to protect existing utilities on-site during construction. Planner Ehlers reported that Staff recommended the Planning Commission review the proposed CUP, conduct a public hearing, and consider approving the Draft Final Action Letter.

Trails and Open Space Manager, Heinrich Dieters thanked the HOA and the Lot owner who had been great to work with on this matter. He stated that this was an informal area that had been used for years, and they had the opportunity with some grant funding to move forward. He noted that the plans showed a 25-foot snow storage area; however, it would in actuality be 10-foot snow storage. They were working on an easement and stated there were a few areas where the plans did not agree with the easement, and they were in contact with the Lot owner and his attorney to work this through.

Manager Dieters stated they would install a fence and locate the snow storage 10 feet off the concrete ribbon. He noted it was a minor change, but he wanted to ensure it was clear and transparent in the plans.

In response to Commissioner Frontero's inquiry, Manager Dieters confirmed that snow storage would be less than originally designed. He added that the Lot owner requested it. The City wanted to provide as much room as possible because sometimes when they push snow they bend posts and

ruin fences. They came up with a rope system and larger pylons. He reiterated that the Lot owner requested it be 10 feet, and Manager Dieters felt that was enough room. He stated that with the design of the fence, it should be fine and if they had to replace some of the split rails every so often they would. Manager Dieters stated they were more interested in making sure there was enough room and that the aesthetics were met.

Commissioner Shand expressed appreciation to the property owner and noted it was not HOA-owned space; rather, a private landowner was allowing this on a four-acre plus parcel. He stated that before he saw the schematic, he was concerned that for the 20 parking stalls, the means of egress was backing out onto Aspen Springs Road. After seeing the schematic, he liked the way it was designed with one point of entry, diagonal parking, and one point of exit. Manager Dieters noted the small buffer and stated that was the preferred option for the parking lot. He thanked the landowner who provided the City with the ability to design it that way through the easement.

Commissioner Shand asked if there was an opportunity for landscaping. Manager Dieters reported that landscaping was part of some of the discussions with the landowner, and they would work with the landowner to provide some sort of screening. They want to make sure that the landowner, as grantor, was comfortable and the City was more than happy to provide some of that landscaping.

Commissioner Johnson asked why they do not have bicycle parking at these trailheads. Manager Dieters stated there would be bicycle parking at this trailhead, and stated that bicycle parking at trailheads was an amenity requested by the City Council several years ago. They have been slowly adding bicycle racks at trailheads.

Commissioner Sigg felt this was a great idea and he was in support. He asked about the property immediately across the street that was traditionally used for people who wanted to carpool and wondered if there were any plans for that lot. He also wondered whether that lot would conflict with the trailhead parking.

Manager Dieters noted that Commissioner Sigg was referring to McLeod, which would be addressed in the next Agenda Item. He commented that it was important that they provide some signage since they have the Farm Trailhead, McLeod Creek, and Meadows Drive Trailhead. He stated that the idea was that they disperse that use, so they would definitely encourage other options when parking lots become full. Manager Dieters noted these areas were connected by trails, but it was a three-pronged approach to get the traffic along Meadows Drive to park where there are parking facilities.

Chair Hall asked if the remainder of Meadows Drive to the west of SR-224 would be "No Parking." Director Dieters stated they anticipated "No Parking" for the rest of the street, but they want to make sure the City Engineer approved. He stated that the idea was to remove parking from the street, as during the winter months it was a public safety issue.

Chair Hall opened the public hearing.

Dwayne Vance introduced himself as the attorney for the landowner. He stated that everything presented was correct, and added that the City had been great to work with and cooperative with respect to the landowners' requests. In terms of landscaping, he was certain they would be able to work something out.

There were no further public comments. Chair Hall closed the public hearing.

MOTION: Commissioner Johnson moved to APPROVE Parcel ASR-1 – Meadows Drive Trailhead & Parking Area Conditional Use Permit – based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Draft Final Action Letter as follows:

Findings of Fact

1. The proposed Trailhead and Parking Area is partially located on Parcel No. ASR1 in the Aspen Springs Ranch Phase 1 Subdivision Lot 1 and partially within the Meadows Drive Right-of-Way (ROW).
2. The Aspen Springs Ranch Phase 1 Subdivision Plat was approved on May 23, 1991, by the Park City Council and recorded with Summit County on October 31, 1991, as Entry No. 349163.
3. The property owner of Aspen Springs Ranch Phase 1 Subdivision Lot 1 has agreed to enter into an Easement Agreement with the Applicant to allow the construction of the Meadows Drive Trailhead.
4. The existing gravel parking configuration for 15 – 18 parking spaces at the Meadows Drive Trailhead is not compliant with LMC 15-3-3(B), which requires parking areas to be hard-surfaced and impervious.
5. The Applicant proposes constructing 20 paved parking spaces.
6. Staff determined the Application was complete on April 4, 2023.
7. The application as conditioned complies with LMC Chapter 15-2.7 Recreation and Open Space (ROS) District as follows:
 - a. In the ROS Zoning District, Parking Areas greater than 5 spaces require a Conditional Use Permit.
 - b. The ROS Zoning District requires a 25-foot setback from all property lines and Approved Parking Areas are listed as a Front, Side, and Rear Setback exception.
 - c. The Forestry Board reviewed this Proposal on April 6, 2023, and determined there is no Significant Vegetation in the Trailhead Parking Area.
8. The application as conditioned complies with LMC Chapter 15-2.21 Sensitive Land Overlay (SLO) District as follows:
 - a. **Steep Slopes-** The Trailhead and Parking Area are located on a flat area.

- b. **Ridge Line Area Protection-** The Meadows Drive Trailhead and **Parking** area are not located near or on protected Ridge Lines.
- c. **Wildland Urban Interface-** The Wildland Urban Interface Code **applies** “to all new and existing structures within the boundaries of Park City Municipal.” The Applicant is not proposing any new structures, so the Wildland Urban Interface code does not apply to this project.
- d. **Wildlife Habitat Areas-** There are no Sensitive or Specially Valued species that are occupying or using on-Site and adjacent Areas where the Meadows Drive Trailhead and Parking Area are proposed.
- e. **Vegetative Cover**
 - i. The Forestry Board reviewed this Proposal on April 6, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any non-paved area will be re-planted using the City’s approved seed mixture.
- f. **Designated Entry Corridors and Vantage Points**
 - i. The Meadows Drive Trailhead and Parking Area are within the Entry Corridor Protection Overlay
- g. **Wetlands and Stream Corridors**
 - a. The Applicant meets Wetland setbacks.
- 9. The application as conditioned complies with LMC Chapter 15-2.20-5 Entry Corridor Protection Overlay (ECPO) District as follows:
 - a. The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City limits including Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive, Utah State Highway 224 south of Prospect Street, and Utah Highway 248 east of Wyatt Earp Way
 - i. The proposed Trailhead and Parking Area are outside of the 250-foot Setback.
- 10. The application as conditioned complies with LMC Chapter 15-3 Off-Street Parking Regulations as follows:
 - a. **Grading and Drainage**
 - i. The City Engineer reviewed this proposal on March 21, 2023, and preliminarily approved the grading and drainage plans for the Parking

Area. Condition of Approval 5 requires the Applicant to submit a geotechnical report prior to Building Permit submittal to ensure the soils are sufficient for the hard-surfaced Parking Area.

b. **Surfacing**

- i. The Parking Area will be hard-surfaced, impervious Asphalt.

c. **Parking Area Lighting**

- i. No lighting is proposed as part of the Trailhead and Parking Area.

d. **Parking Area Landscaping**

- i. The Applicant is proposing small shrubs, bushes, and trees between the edge of the Parking Area and the Private Property.

e. **Snow Storage**

- i. On March 21, 2023, the Streets Department reviewed and preliminarily approved the Snow Storage design at the Meadows Drive Parking Area, which is shown on the Proposed Plans.

f. **Parking Space Dimensions**

- i. All parking spaces will be 9' wide and 18' long, with the exception of one parking space that will meet ADA-required dimensions.

g. **Street Access and Circulation**

- i. Vehicular traffic flow will improve with the design of the Meadows Drive Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs. Vehicles parking to use the Trails will now be completely out of traffic lanes to improve pedestrian safety and trail users exiting their cars with recreational equipment.

h. **Parking Lot Setbacks**

- i. Approved Parking Areas are listed as a Front, Side, and Rear Setback exception in the ROS Zone.

i. **Geotechnical Report**

- i. Condition of Approval 5 requires the Applicant to submit a geotechnical report prior to Building Permit submittal.

11. The application as conditioned complies with LMC 15-1-10 Conditional Use

Permits are as follows:

a. **Size and Location of the Site**

- i. This is an existing Site utilized for Trailhead parking. The proposed Parking Area will improve the site and create better accessibility for Trail users.

b. **Traffic**

- i. The gravel Parking Area provides parking for 15 – 18 vehicles. The proposed paved Parking Area provides parking for two additional vehicles, for a total of 20 parking spaces. Vehicular traffic flow will improve with the design of the Meadows Drive Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs. Vehicles parking to use the Trails will now be completely out of traffic lanes to improve pedestrian safety and trail users will exit their cars with recreational equipment.

c. **Utility Capacity**

- i. The Development Review Committee reviewed this proposal on March 21, 2023, and did not identify any utility issues with the proposed Parking Area.

d. **Emergency Vehicle Access**

- i. On March 21, 2023, the Park City Fire District reviewed the proposed Trailhead Parking Area and confirmed the proposal conforms with their requirements.

e. **Parking**

- i. The proposed Parking Area will increase the amount of Parking at the Meadows Drive Trailhead by two parking spaces. Twenty Parking Spaces are proposed. There are currently 15-18 unstriped, gravel parking spaces at the existing Meadows Drive Trailhead.

f. **Internal Vehicular and Pedestrian Circulation System**

- i. The proposed Parking Area will improve the vehicular circulation system by only allowing one-way traffic within the Parking Area with directional parking stalls. Pedestrians will have direct access to the Farm Trail via an asphalt pathway from the Parking Area to the trail.

g. **Fencing, Screening, and Landscaping**

- i. The proposed Parking Area will be surrounded by a wood/rope fence similar to other Trailhead fences in Park City. There is no landscaping proposed for the Parking Area. Any disturbed nonpaved area will be re-planted using the City's approved seed mixture. The existing wood fence at the site is City-Owned and will be adjusted to allow a pedestrian pathway from the Parking Area to the Trail.
- h. **Building Mass, Bulk, and Orientation**
 - i. Not Applicable, no buildings or structures are proposed as part of this Application.
- i. **Useable Open Space**
 - i. The proposed Parking Area will increase the useability of Open Space for the community.
- j. **Signs and Lighting**
 - i. Five signs are proposed for the Meadows Drive Trailhead Parking Area: one is an informational kiosk sign, two are general signs for the Trailhead located near the entrance and exit, and there are two signs proposed for traffic flow; a one-way sign at the entrance and a do not enter sign at the exit. Municipal Code of Park City § 12-8-1 lists Recreational Facilities as exempt from the Sign Code requirements: "Signs located inside open-air recreational facilities that are not oriented to public streets, such as signs in ski resorts, skateboard parks, and golf courses, are exempt from the requirements of this Title."
 - ii. There will be some signs oriented towards the public ROW. The Sign Code states the following in § 12-8-1(A): "CITY SIGNS. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title."
- k. **Physical Design and Compatibility with Surrounding Structures**
 - i. The Parking Area and Trailhead will be similar in design to existing Trailheads in Park City and will have a low visual impact because there are no structures proposed and the Trailhead Parking Area will be minimally visible from SR-224.
- l. **Noise, Vibration, Odors, Steam, or Other Mechanical Factors**
 - i. Not Applicable.
- m. **Control of Delivery and Service Vehicles, Loading and Unloading**

Zones, and Screening of Trash and Recycling Pickup Areas

- i. A trash can is proposed as part of the Trailhead Parking Area. The trash can will be located next to the Trailhead kiosk sign (see image above for location of proposed kiosk sign). The screening for the trash can will be reviewed as part of the Landscape Plan prior to building permit submittal.

- n. **Expected Ownership and Management**

- i. The ASR-1 Parcel is owned by Cielo Azul LLC. The Meadows Drive Trailhead and Parking Area will be constructed partly on ROW and the ASR-1 Parcel. Condition of Approval 6 requires the City to enter into and record with Summit County an Easement Agreement with the Property Owner prior to building permit submittal.

- 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 Applicant submitted Sensitive Land Overlay materials that as Conditioned, are compliant with the overlay requirements. The Trailhead and Parking Area does not conflict with any Physical Mine Hazards, and it is outside the Soils Ordinance Boundary. No steep slopes will be impacted by the Trailhead Parking Area.

- p. **Reviewed for Consistency with the Goals and Objectives of the Park City General Plan**

- i. Goal 4 of the General Plan states: "Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting." The proposed Trailhead will increase access and connectivity in Open Space areas.
 - ii. Goal 9 of the General Plan states: "Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors." The proposed Trailhead Parking Area will provide residents and visitors with improved access to recreational opportunities.

12. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on April 12, 2023.

13. Staff mailed courtesy notices to the adjacent property owners within 300 feet on April 12, 2023, and the Park Record published notice on April 12, 2023.

14. On April 26, 2023, the Planning Commission conducted a public hearing and continued the review to May 24, 2023, to allow the Applicant to obtain additional information.
15. On May 24, 2023, the Planning Commission conducted a public hearing and continued the review to a date uncertain to allow the Applicant to obtain additional information.
16. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on August 9, 2023.
17. Staff mailed courtesy notices to the adjacent property owners within 300 feet on August 9, 2023, and the Park Record published notice on August 9, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.7 Recreation And Open Space (ROS) District, Chapter 15- 2.23 Sensitive Land Overlay (SLO), Chapter 15-3 Off Street Parking Requirements, and Section 15-1-10(E) Conditional Use Permits.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans dated August 4, 2023, reviewed by the Planning Commission as Exhibit C to the August 23, 2023 staff report. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Applicant must submit a geotechnical report prior to Building Permit submittal.
5. The Applicant must complete and record with Summit County an Easement Agreement with the property owner of Parcel No. ASR-1 for the proposed Parking Area and landscaping prior to Building Permit submittal.

6. Any disturbed non-paved area must be re-planted using the City's approved seed mixture.
7. Outdoor lighting is not included in the review of this permit. Future proposals to install outdoor lighting require Planning Department review and must comply with the outdoor lighting regulations outlined in Land Management Code Section 15- 5-5(J), be Fully Shielded, downdirected, and 3,000 degrees Kelvin or less.
8. The Applicant shall protect existing utilities on-site during construction.
9. The Applicant shall submit a Landscaping and Irrigation Plan to the Planning Department prior to building permit submittal that complies with the water-wise landscaping requirements outlined in LMC § 15-5-5(N). Screening of trash shall be addressed as part of the Landscaping Plan.
10. The Applicant shall install a drainage basin to catch and filter any storm water runoff from the Parking Area, as approved by the City Engineer.

Commissioner Shand seconded the motion.

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

F. Parcel SSC-A-X – McLeod Creek Trailhead & Parking Area Conditional Use Permit – The Applicant Proposes to Construct a Hard-Surfaced Parking Area with Greater than Five Parking Spaces on Parcel Number SSC-A-X. PL-23-05574.

Planner Ehlers reported that the McLeod Creek trailhead is located on a City-owned parcel that is part of the Sandstone Cove Subdivision. He explained that informal parking occurred in the dirt area south of the proposed trailhead. This proposal would shift parking to the other side of the street, which would allow the parking area to comply with the wetlands regulations. 12 parking spaces were proposed, including one ADA-compliant space. The application complies with the ROS zoning requirements with the proposed Condition of Approval 12 that would require the Applicant to deconstruct any signage and structures at the previous trailhead and re-vegetate the area using water-wise vegetation to discourage any further parking in that location.

Planner Ehlers reported that the proposal complied with the SLO zoning requirements, and Condition of Approval 8 required an Administrative Permit before approval of the proposed retaining wall and prior to issuance of the Building Permit. Condition of Approval 11 required the Applicant to screen the proposed retaining wall with landscaping.

Planner Ehlers stated the parking area will be located outside the 50-foot wetlands setback, and was 820 feet from SR-224, which would exceed the 250-foot requirement. He mentioned that Condition of Approval 5 would require a geotechnical report prior to construction and Condition of Approval 6 would require that prior to applying for a Building Permit, the Applicant must obtain documentation from the Utah Department of Transportation (“UDOT”) approving access across the trailhead parking

area. Staff recommended the Planning Commission consider the application, open a public hearing, and consider approving the Draft Final Action Letter.

Manager Dieters stated that they could not implement the same parking lot design as for the last item due to steeper slopes. He felt the City would do a good job re-vegetating the area that was traditionally used. He noted that the informal area was identified in previous Trails Master Plans dating back to 2002. The Planning Department discovered during the research that an application was never actually approved. The general public still utilized the area, and there was recognition that it was an area that served a community function. They now had the opportunity to create an improved community asset that was in compliance with the regulations.

Commissioner Shand observed the proposal to locate the parking on the other side of the street was done to comply with SLO and asked if anything would be done with the dirt area. Manager Dieters explained that would be part of the re-vegetation plan upon which this application was conditioned. He noted that for any area not re-vegetated the City would have to deal with noxious weeds, so they would do their best to do a good job using native plant materials. Manager Dieters added that they will likely block the area off for a significant period of time to ensure that no one parks in that area.

Commissioner Shand referenced the County map that showed a sliver of land was privately owned. He assumed that because Planner Ehlers specifically mentioned Sandstone Cove that the private landowner was not involved. Manager Dieters noted that the landowner had owned a lot of the property in that area, and that sliver was a remnant; however, this parking area would be entirely on the Sandstone Cove property that was deeded to the City in the 1980s.

Commissioner Johnson asked about the proposed path for pedestrians to access McLeod Creek Trail. Manager Dieters understood that some people would likely just walk across the road, but the idea was to provide a gravel road base that would take pedestrians past the Dominion gas station, tie into the trail, and cross at the crossing. He added that the sidewalk on the other side went all the way into the neighborhood and a lot of people utilized that sidewalk so they would not be crossing the road. Manager Dieters commented that the one downfall was that heading into town on McLeod Creek, people would have to use the crossing.

Commissioner Johnson appreciated moving the parking area across the street so they could protect what was left of the wetlands.

Commissioner Suesser stated she uses this trailhead a lot, and noted that the current dirt area was a trailhead as it had a stand with a McLeod Creek Trailhead sign, dog waste bags, and a map. She asked if there was a study showing that parking in that area was deteriorating the wetlands in the area. She noted the damage that would be done by digging into the hillside across the street and removing this dirt area that had been used for decades.

Manager Dieters concurred that the dirt area was a trailhead where the City provides trash services and mutt mitts. He stated when they were looking at improving this area they found it was not permitted in the first place. Therefore, his department wanted to make sure they were compliant with existing Codes, and it was simple to look at a solution that would take them away from the 50-foot wetlands setback. He was unsure whether they would damage the wetlands by removing the parking area and relocating it to the other side of the street, and no study was completed.

Commissioner Suesser expressed concern about pedestrian safety by moving it across the street because cars move quickly through this area. She also expressed disappointment with this plan. She referenced the proposal to install a restroom and noted that there was a restroom at the white barn, which was in close proximity. She did not feel the cost of a restroom in this location was needed. Commissioner Suesser reiterated that she uses this trailhead a lot and did not see a lot of people using it. She did not see the benefit of disrupting what currently existed.

Commissioner Johnson asked if additional signage was proposed to direct pedestrians. He echoed Commissioner Suesser's comments and noted that vehicles travel very fast through that area. Manager Dieters reported that they recently installed speed gates at the request of the community and the neighborhood. From a bicycle safety perspective, they would install chicanes to slow people down. He added there was signage and some wayfinding in the area, but they could add some more. He agreed there was always risk in crossing a road, but this road had a signal and a walk, along with other measures to slow the traffic. He stressed that this project would provide for the community and be compliant with the SLO Code.

Chair Hall asked if there would be no parking along the entire section where the sidewalk is located. Manager Dieters was not aware of any such plan and added that they would re-vegetate the dirt area and fence it off to stop people from parking there once the new trailhead was in place. Chair Hall hoped that people would park in designated areas and would be discouraged from parking along the road and blocking the bike path. Manager Dieters agreed that one of the goals was that by giving people a proper place to park, they would use that amenity. If parking spills out onto the roadway, then they could take additional steps.

Commissioner Sigg asked about the grade because the Staff Report did not show the area to the right of the new parking area and how the grade lines dropped. He felt that looking at the picture below, it appeared to drop at a gentler grade. He questioned the sightline of people backing out into the street where vehicles were heading towards SR-224. He asked if there was a sightline analysis and how it could potentially be mitigated with signage or something else that would warn oncoming traffic. He stated that without a site visit, it was difficult for him to understand the configuration since the topographic map in the Staff Report was cut off on the right side.

Assistant Director Ward noted that the planner for this project, City Planner Virgil Lund, was unavailable for this meeting. She stated that he had confirmed this issue with the Engineering Department, and noted that the Engineering Department reviewed the plans.

Commissioner Frontero asked if anyone looked into installing a crosswalk from the parking lot. Manager Dieters stated they could look into that, but it had been his experience in working with Neighborhood First and the prior committee that the distance between two crosswalks would likely not meet the standards. However, he would be happy to include as a Condition of Approval a requirement that the Engineering Department look at that issue. He felt that some people would feel comfortable crossing the street. He expressed that the City's job was to provide the option for people to use the pedestrian-designated route to reach the trail.

Commissioner Frontero noted that pedestrians could either cross the street or walk down the road to the crosswalk. Manager Dieters stated the proposal included a back-of-curb gravel path to get to the crosswalk. Commissioner Frontero did not like the idea of crossing the street and that it should be discouraged and mitigated. He requested a sign that would expressly suggest that pedestrians

do not cross the street in that location and that would encourage pedestrians to take the gravel path to the light to safely cross.

Commissioner Shand referenced page 7 of the Staff Report regarding wetlands and stream corridors where three different conditions were listed. He noted two of them mentioned 50 feet, and the other mentioned 20 feet, with different measuring points. He asked if there was no possible way to comply with any of these three setbacks and install the paved parking on the south side of Meadows Drive.

Assistant Director Ward explained that the first setback was for wetlands, the second for stream corridors, and the third for an irrigation ditch. Therefore, the wetlands setback of 50 feet would apply.

Manager Dieters noted that they would save money by keeping the parking area on the other side, but added that the current parking area was right on top of the wetlands. While it might seem odd to move the parking to the other side of the street, it was the right thing to do.

Commissioner Shand did not see an issue with the gravel path along the north side of Meadows Drive and felt that it was a solution.

Commissioner Suesser asked about the popularity of this trailhead and how many cars park at the current dirt lot. She explained she was trying to understand the impetus for this change to a paved parking lot with a bathroom facility. Manager Dieters did not have counts but noted that yesterday morning there were four cars in the dirt lot. He stated that this was a trailhead area identified in the Trails Master Plan adopted in 2002. For whatever reason, the application for paving was never finalized. He noted that the Meadows Drive lot that the Commission just approved used to generally have 7 – 8 cars, but had grown to 20 – 25 cars. He stated that they have seen this exponential growth in recreation and the desire to access the trail system, and stressed that his job was to provide for that. This was a facility approved over 20 years ago, and now they were taking steps to make sure it complied with planning regulations. He stated that Laura Smith from Mountain Trails was supportive of this plan, and felt there was overall a public desire to have a higher level of service than what was currently in that location.

Manager Dieters did not know if there were proposed restrooms at either of these trailheads. Commissioner Van Dine noted a restroom on one of the plans for Meadows Drive. Manager Dieters clarified that restrooms were proposed for both locations, but recalled they were removed from the plans. He added that they have found that restrooms at trailheads were a positive amenity, and with this area being so close to town they were hesitant to include them because there were other options. Assistant Director Ward clarified that the restrooms seen in the plans were part of the construction mitigation plan, so it would reflect the portable restroom during construction. Manager Dieters confirmed that bathrooms would not be included as part of this approval.

Commissioner Johnson noted there were no plans to expand the existing parking at The Farm trailhead, and asked if Manager Dieters viewed this parking area as a supplement. Manager Dieters confirmed and noted that The Farm trailhead was part of the overall CUP. The community has been hesitant to expand on that CUP within that area. He stressed that this was an opportunity to take two informal areas and supplement The Farm parking.

Chair Hall opened the public hearing. There was no public comment. Chair Hall closed the public hearing.

MOTION: Commissioner Johnson moved to APPROVE Parcel SSC-A-X – McLeod Creek Trailhead & Parking Area Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Draft Final Action Letter as follows:

Findings of Fact

1. The proposed Trailhead and Parking Area is located on parcel number SSC-A-X.
2. Parcel number SSC-A-X is owned by Park City Municipal Corporation.
3. The existing parking configuration at the McLeod Creek Trailhead is not compliant with LMC 15-3-3(B).
4. Staff determined the Application was complete on April 4, 2023. Planning Department.
5. The application as conditioned complies with LMC Chapter 15-2.7 Recreation and Open Space (ROS) District as follows:
 - a. In the ROS Zoning District, Parking Areas greater than 5 spaces require a Conditional Use Permit. The ROS Zoning District requires a 25-foot setback from all property lines and Approved Parking Areas are listed as a Front, Side, and Rear Setback exception.
 - b. The Forestry Board reviewed this Proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any disturbed non-significant vegetation will be re-planted using the City's approved seed mixture
6. The application as conditioned complies with LMC Chapter 15-2.21 Sensitive Land Overlay (SLO) District as follows:
 - a. **Steep Slopes-** The McLeod Creek Trailhead meets the setback requirement for Steep Slopes. The Trailhead and Parking Area are located on a Steep Slope. The LMC defines a Steep Slope as a slope that is greater than fifteen percent (15%). A Very Steep Slope is any Slope greater than forty percent (40%). The McLeod Creek Trailhead and Parking Area is on a slope of 23.8%. The average Slope within 50 feet of the Proposed Parking Area is 22 percent (22%).
 - i. The Applicant proposes a 2:1 Grading above the 4' foot wall.
 - b. **Ridge Line Area Protection-** The McLeod Creek Trailhead and Parking area are not located near or on protected Ridge Lines.
 - c. **Wildland Urban Interface-** The Wildland Urban Interface Code applies "to all new and existing structures within the boundaries of Park City Municipal." The

Applicant is not proposing any new structures, so the Wildland Urban Interface code does not apply to this project.

- d. **Wildlife Habitat Areas-** The intent of Wildlife and Wildlife Habitat Protection is to “promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.” The LMC explains further: “If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.” There are no Planning Department Sensitive or Specially Valued species that are occupying or using on-site and adjacent Areas where the McLeod Creek Trailhead and Parking Area are proposed. Sensitive or Specially Valued Species include Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

e. **Vegetative Cover**

- i. The Forestry Board reviewed this Proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any disturbed non-significant vegetation will be re-planted using the City’s approved seed mixture. The Applicant will de-construct any signage or structures at the previous McLeod Creek Trailhead and will re-vegetate the area using a water-wise native seed mixture to discourage any further parking in that area.

f. **Designated Entry Corridors and Vantage Points**

- i. The McLeod Creek Trailhead and Parking Area are outside of the Entry Corridor Protection Overlay Setback.

g. **Wetlands and Stream Corridors**

- i. The Proposed Parking Area and Trailhead are outside of the Setback for Wetlands and Stream Corridors.

7. The application as conditioned complies with LMC Chapter 15-2.20-5 Entry Corridor Protection Overlay (ECPO) District as follows:

- a. “The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City limits including Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,

Utah State Highway 224 south of Prospect Street, and Utah Highway 248 east of Wyatt Earp Way”

- i. The proposed Trailhead Parking Area is outside the 250’ foot Setback.
8. The application as conditioned complies with LMC Chapter 15-3 Off-Street Parking Regulations as follows:
- a. **Grading and Drainage**
 - i. The City Engineer reviewed this proposal on August 15, 2023, and approved the grading and drainage plans for the Parking Area. Staff recommends Condition of Approval 5 requiring the Applicant to submit a geotechnical report prior to Building Permit submittal to ensure the soils are sufficient for the hard-surfaced Parking Area.
 - b. **Surfacing**
 - i. The Parking Area will be hard-surfaced, impervious Asphalt.
 - c. **Parking Area Lighting**
 - i. No lighting is proposed as part of the Trailhead and Parking Area
 - d. **Parking Area Landscaping**
 - i. No landscaping is proposed for the McLeod Creek Trailhead and Parking Area.
 - e. **Snow Storage**
 - i. The Engineering Department reviewed and approved the Snow Storage design at the McLeod Creek Parking Area
 - f. **Parking Space Dimensions**
 - i. The parking spaces will be 9’ wide and 18’ long.
 - g. **Street Access and Circulation**
 - i. Vehicular traffic flow will improve with the design of the McLeod Creek Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs.
 - h. **Parking Lot Setbacks**

- i. Approved Parking Areas are listed as a Front, Side, and Rear Setback exception in the ROS Zone.
 - i. **Geotechnical Report**
 - i. Staff recommends Condition of Approval 5 requiring the Applicant to submit a geotechnical report prior to Building Permit submittal
9. The application as conditioned complies with LMC 15-1-10 Conditional Use Permits as follows:
- 1. **Size and Location of the Site**
 - i. This is an existing Site utilized for Trailhead parking. The proposed Parking Area will improve the site and create better accessibility for Trail users.
 - 2. **Traffic Planning Department**
 - i. Vehicular traffic flow will improve with the design of the McLeod Creek Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs.
 - 3. **Utility Capacity**
 - i. The Development Review Committee reviewed this proposal on August 15, 2023, and did not identify any utility issues with the proposed Parking Area.
 - 4. **Emergency Vehicle Access**
 - i. On August 15, 2023, the Park City Fire District reviewed the proposed Trailhead Parking Area and confirmed the proposal conforms with their requirements.
 - 5. **Parking**
 - i. The proposed Parking Area will increase the amount of Parking at the McLeod Creek Trailhead. Twelve Parking Spaces are proposed.
 - 6. **Internal Vehicular and Pedestrian Circulation System**
 - i. The proposed Parking Area will improve the vehicular circulation system.
 - 7. **Fencing, Screening, and Landscaping**

- i. The proposed Parking Area will be surrounded by a wood/rope fence similar to other Trailhead fences in Park City. There is no landscaping proposed for the Parking Area. The Forestry Board reviewed this Proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any disturbed non-significant vegetation will be re-planted using the City's approved seed mixture.
- 8. **Building Mass, Bulk, and Orientation**
 - i. Not Applicable, No buildings or structures are proposed as part of this Application.
- 9. **Useable Open Space**
 - i. The proposed Parking Area will increase the useability of Open Space for the community.
- 10. **Signs and Lighting**
 - i. No outdoor lighting is proposed with this application. One sign is proposed for the McLeod Creek Trailhead and Parking Area. The Planning Department's proposed sign is an informational kiosk sign. Municipal Code of Park City Section 12-8-1 lists Recreational Facilities as exempt from the Sign Code requirements: "Signs located inside open-air recreational facilities that are not oriented to public streets, such as signs in ski resorts, skateboard parks, and golf courses, are exempt from the requirements of this Title."
 - ii. The Sign Code states the following in Section 12-8-1(A): "CITY SIGNS. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title."
- 11. **Physical Design and Compatibility with Surrounding Structures**
 - i. The Parking Area and Trailhead will be similar in design to existing Trailheads in Park City and will have a low visual impact.
- 12. **Noise, Vibration, Odors, Steam, or Other Mechanical Factors**
 - i. Not Applicable.
- 13. **Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas**
 - i. Not Applicable. No trash or recycling areas are proposed as part of this Application.

14. **Expected Ownership and Management**

- i. The SSC-A-X Parcel is owned by Park City Municipal Corporation.
- ii. Staff recommends Condition of Approval 6, which states that the Applicant shall submit documentation from UDOT approving access across PCA-16-X to the trailhead parking area prior to submitting a building permit.

15. **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 Applicant submitted Sensitive Land Overlay materials that as Conditioned, are compliant with the Zone requirements. The Trailhead and Parking Area does not conflict with any Physical Mine Hazards, and it is outside the Soils Ordinance Boundary. No steep slopes will be impacted by the Trailhead Parking Area.

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

- i. Goal 1 of the General Plan states: "Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods." A Trailhead Parking Area will help protect undeveloped lands by protecting a space for people to recreate. Goal 4 of the General Plan states: "Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting." The proposed Trailhead will increase access and connectivity in Open Space areas. Goal 9 of the General Plan states: "Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors." The proposed Trailhead Parking Area will provide residents and visitors with improved access to recreational opportunities.

10. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on August 9, 2023.

11. Staff mailed courtesy notices to the adjacent property owners within 300 feet on August 9, 2023, and the Park Record published notice on August 9, 2023.

12. On April 26, 2023, the Planning Commission conducted a public hearing and continued the review to May 24, 2023, to allow the Applicant to obtain additional information.

13. On May 24, 2023, the Planning Commission conducted a public hearing and continued the review to a date uncertain to allow the Applicant to obtain additional information.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.7 Recreation And Open Space (ROS) District, Chapter 15- 2.23 Sensitive Land Overlay (SLO), Chapter 15-3 Off Street Parking Requirements, and Section 15-1-10(E) Conditional Use Permits.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed on August 1, 2023, by the Planning Department. Any Planning Department changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Applicant is responsible for replacing any Significant Vegetation removed during construction. Significant Vegetation is defined as "all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line."
5. The Applicant must submit a geotechnical report prior to Building Permit submittal.
6. The Applicant shall submit documentation from UDOT approving access across PCA-16-X to the trailhead parking area prior to submitting a building permit.
7. Any disturbed non-significant vegetation must be re-planted using the City's approved water-wise seed mixture.

8. The Applicant shall obtain an Administrative Permit for the proposed retaining wall prior to Building Permit issuance.
9. The proposed retaining wall must not exceed 4 feet above Final Grade.
10. The Applicant shall submit a soil investigation report prior to Building Permit issuance.
11. The Applicant shall screen the proposed retaining wall with landscaping, and the Applicant shall submit a landscape plan prior to Building Permit issuance.
12. The Applicant will de-construct any signage or structures at the previous McLeod Creek Trailhead and will re-vegetate the area using a water-wise native seed mixture to discourage any further parking in that area.
13. The Applicant shall provide plans detailing the management of Storm Water runoff in a manner compliant with the Park City Municipal Code, prior to Building Permit issuance.

Commissioner Van Dine seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Van Dine-Aye; Commissioner Frontero-Aye; Commissioner Sigg-Aye; Commissioner Suesser-Nay; Commissioner Shand-Aye. The motion passed 5-to-1.

After a brief recess, Chair Hall called the meeting back to order and confirmed that all Commissioners were present.

G. Land Management Code Amendments – Lot Combinations – The Planning Commission Will Review a Pending Ordinance on Lot Combinations for Residential Development in the Historic Residential – 1, Historic Residential – 2, Historic Residential Low-Density, and Historic Residential Medium Zoning Districts. PL-23-05655.

Assistant Director Ward stated that based on prior Work Sessions and public hearings, the Planning Commission identified that General Plan Goal 15 was “to preserve the integrity, mass, scale, compatible and historic fabrics of the Historic Districts.” The Commission wanted to look at Strategy 15.12 of the General Plan that encouraged a re-evaluation of the current regulations for lot sizes within the Historic Districts. She reported that the Pending Ordinance to establish a maximum lot size for the Historic Residential zones was issued on May 10, 2023. She presented an image of the zoning map and explained that it would include Historic Residential – 1 (“HR-1”), which is the largest Residential zone. It would also include Historic Residential-Low, which is divided into three sub-zones: the Western Sub-Zone, the McHenry Sub-Zone, and Lower Rossie Hill Sub-Zone. She added that it would also be the Historic Residential – Medium zone located along Park Avenue.

Assistant Director Ward reported that the Pending Ordinance established a two Old Town lot maximum with five-foot Setbacks and a Building Footprint of 1,519 square feet.

In the Historic Residential – Low zone, there was currently a limitation of two Old Town lots; the proposed amendment would set a three Old Town lot maximum. She added that one of the reasons for this proposal was the substandard streets and Steep Slopes. She reported that for the HR-1 and HR-2 zones, which are the largest residential zones in the Historic Districts, the proposed ordinance included the two Old Town lot maximum with five-foot Setbacks and the same Maximum Building Footprint. She noted that duplex dwellings were a possibility in these zones, so they proposed a four-lot maximum with a ten-foot Side Setback, with a total of 24 feet of Side Setbacks.

In the Historic Residential – Medium zone, multi-unit dwellings were allowed and the proposal therefore included a two-lot maximum for Single-Family Dwellings. She noted this zone also allowed for duplexes, triplexes, and multi-unit dwellings. Assistant Director Ward stated the last public hearing on this item occurred on May 24, 2023. She understood there was consensus and support for the two Lot maximum in the Historic Residential Districts to preserve the historic compatibility for infill. The Planning Commission additionally suggested evaluation of whether Lot Combination regulations should expand to other zones, and to consider opportunities to incentivize deed-restricted affordable Accessory Apartments for lots that exceed the Maximum Lot Size. She noted the City Council had also requested these issues be evaluated as part of these amendments.

Staff also requested to evaluate exceptions for unusual lot configurations that would ensure that no remnant lots would result from these amendments. Additionally, Staff was asked to update the Purpose section for the zones. Assistant Director Ward explained that there were three transitional zoning districts between the Historic Residential and the rest of Park City: Recreation Commercial ("RC"), Residential -1, and Residential – Medium. She presented an image taken from the General Plan that showed the boundary of Old Town. She noted it included some properties along Deer Valley Drive as well as some of the properties within the RC and Residential-1 zones.

Referencing the zoning map, Assistant Director Ward pointed out the Residential – Medium zone within the Old Town neighborhood, as well as Residential – 1 and portions of the RC zone. She reported that Staff was requesting Commission feedback on whether evaluation of these transition zones should also be considered in these Lot Combination amendments. If so, Staff would have to re-notice these pending amendments to the properties within those zoning districts that would be impacted.

Additionally, Staff would like Commission feedback on deed-restricted affordable Accessory Apartments for lots that are proposed to go beyond the Maximum Lot Size. She noted that the General Plan contained goals to create diversity of primary housing stock and to focus efforts for diversity within primary residential neighborhoods. The General Plan specifically mentioned working to maintain a balance of primary housing in Old Town. She noted that Goal 8 addressed the increase in affordable housing opportunities and services for the workforce, providing housing to a wide range of income levels, and increasing affordable housing opportunities for seasonal workers in proximity to resorts and mixed-use centers.

Assistant Director Ward mentioned that they could require deed-restricted affordable units that would require the resident or tenant to be a full-time occupant with an AMI of 80% or less. She added that under the current Code, Accessory Apartments could be as small as 280 square feet, and as large as 1,000 square feet, with a two-bedroom maximum. One parking space was required for each bedroom.

Assistant Director Ward stated that pursuant to some changes to State Code this year, these units would need to be through a bonus program, and if a Maximum Lot Size were established, the Planning Commission could consider an increase in Building Footprint on the condition that an Accessory Apartment be deed restricted for affordable housing. She provided the example of a Maximum Building Footprint for two Old Town lots of 1,519 square feet. For three lots, that would increase by 531 square feet. Therefore, a density bonus of up to 531 square feet could be considered if it would become an Accessory Apartment. She also noted the Planning Commission's request to update the Purpose Section of the zoning districts. Assistant Director Ward explained that the Purpose Section for HR-1 was the only zone that currently included language to "encourage Single-Family development combinations of 25' x 75' Historic Lots." The proposed amendments would remove that language. She presented the language that would remain in the Purpose Section for these zones.

Assistant Director Ward stated the first issue for the Commission was in regard to the expansion of these amendments to the RC, Residential -1, and Residential – Medium zoning districts. She noted they would have to re-notice the meeting if expansion was requested.

Chair Hall preferred to move forward as these amendments had been before the Commission many times. If there was an appetite to look at other districts, they could address that as a separate LMC amendment. She stressed that she did not want to delay the amendments presently before the Commission. Commissioner Frontero agreed with Chair Hall's suggestion.

Commissioner Sigg was opposed to that, because some of the zones were so close, and did not have much opportunity left in them. He felt that more and more they would see people trying to work the system. He stated that many of the provisions in this draft would apply across the board to these other zones. He did not feel as though it would be a big deal to make it all-inclusive.

Assistant Director Ward presented the option of moving forward with the Historic Residential Districts, and then issue a Pending Ordinance for the transition zones that would allow the Planning Commission six months to continue to re-evaluate the three zones. Commissioner Sigg could live with that option, but stated he did not want to table the issue and felt the proposed amendments were relevant to more zones than just HR-1. Commissioner Suesser agreed with Commissioner Sigg and noted this was a Work Session and they were still contemplating these amendments and would have another month or so to do so. She suggested continuing the evaluation of expanding these amendments to other zoning districts.

Chair Hall noted this was a Regular Agenda item and publicly noticed. Assistant Director Ward clarified that for the final Code, they would still need input on these outstanding items. They have therefore continued it to September. She explained that while they continue the discussions on these Historic Residential Districts, Staff could in the meantime issue a separate Pending Ordinance specific to the RC, Residential-1, and Residential-Medium zones. That would then provide the Planning Commission with six months to evaluate those amendments while the Historic Residential changes moved forward.

Commissioner Sigg asked if they could put a timeline on the Pending Ordinance. City Attorney Harrington explained that the timeline was governed by State rules and initiated by the Ordinance as "pending." The time is calculated from notice of the first public hearing, and it cannot exceed six months by State law but would end when City Council voted on the actual ordinance.

In response to a further inquiry from Commissioner Sigg, City Attorney Harrington explained that an application inconsistent with the Pending Ordinance could not move forward, and once approved, would become effective immediately upon adoption, unless the City Council set forth a different "effective date." Commissioner Van Dine agreed with proceeding with what was before the Commission, and then issuing a Pending Ordinance for the other zones so they could discuss it further. Commissioner Johnson agreed. Commissioner Frontero also agreed.

Commissioner Suesser sought clarification that because public notice had not been given to the other zoning districts, the Commission could not move forward with those. Assistant Director Ward explained that there was a Pending Ordinance for the Historic Residential Zones that would continue through November 10, 2023. Staff hoped that in the September meeting, they would be ready to move forward with a recommendation to the City Council specific to the Historic Residential zones. She added that if they expand the Pending Ordinance, they would need to publicly notice the three zones. They could issue a separate Pending Ordinance just for those three zones within a week, along with a public notice. She indicated that in this scenario, they would likely not be able to have a public hearing on those zones until November.

This would allow the Pending Ordinance presently before the Commission to move forward, while also establishing a parallel Pending Ordinance that would be in effect through January or February of 2024. She stated that any applications in these three zones submitted after the Pending Ordinance was noticed would be subject to the Maximum Lot Size until the Code was amended or the six-month period expired. Commissioner Suesser was in favor of issuing the Pending Ordinance for the three zones within the week. Chair Hall felt there was consensus.

Assistant Director Ward next asked the Commission for feedback on Lot Combinations and incentives for larger lots for deed-restricted Accessory Apartments. Commissioner Shand was in favor of allowing that extra density and that an exception could be made to increase the size of the dwelling on the lot for an affordable Accessory Apartment.

Commissioner Johnson asked how many applications were presented under the current Accessory Dwelling Unit ("ADU") Code. Assistant Director Ward noted that in early 2021, the Commission removed the requirement that the property owner live on-site, and reduced the size to a minimum of 280 square feet. The Commission also removed the 300-foot buffer area that was in the prior Code.

Additionally, the main home could be a Nightly Rental as long as the Accessory Apartment was a long-term rental. She stated that they have seen one application that had been pending for a couple of years, and they anticipate it may move forward soon. There have been a couple of potential applicants who reached out, and the Housing Team was evaluating potential incentives for the construction of these units.

Assistant Director Ward also mentioned the State law regarding Internal ADUs, and some of those applications have come through. She noted they had not seen an increase in applications for Accessory Apartments.

Commissioner Sigg asked who administers and rents the deed-restricted affordable Accessory Apartments. Assistant Director Ward explained that the Code required a deed restriction to be recorded on the property. The Housing Team would then conduct an annual compliance check

based on an annual report submitted by the landowner demonstrating compliance. It was noted that the property owner would collect rent and provide access to the unit.

Assistant Director Ward confirmed that there were penalties for non-compliance. Commissioner Sigg wanted to see enforcement of the deed-restricted units given what the Commission gives to the landowners in exchange for the deed restriction. Commissioner Sigg felt there was a lot of bad behavior and people trying to work the system, and would rather see stricter controls over the deed restriction that provided the incentive density. Assistant Director Ward understood that Commissioner Sigg's request was to ensure that the unit was being actively rented in compliance with the deed restriction. Commissioner Sigg was less concerned with the Nightly Rental component but felt that if someone were able to build a bigger house, he would like to know if the City was getting the result it wanted out of this.

Commissioner Shand asked if an applicant would receive extra density in addition to the ADU, or whether the ADU represented the additional density. Assistant Director Ward replied that the ADU was the additional density. Commissioner Sigg noted the owner would also get a bigger Lot.

Chair Hall noted the entirety of the additional square footage would be allocated to the ADU and would have to be leased for a minimum of six months. Commissioner Shand noted that the Building Department would review the ADU to ensure that it was a separate living unit. Chair Hall was in favor of incentivizing ADUs as a creative mechanism for affordable housing. Commissioner Suesser noted that this would apply in the Historic District, and would result in larger homes in Old Town with the incentive of putting in an ADU. She felt that allowing larger homes on large Lot Combinations would destroy the character of Old Town and was very opposed to this.

Commissioner Frontero asked if they passed the Ordinance and whether by adding the ADU an owner could build a larger home. Assistant Director Ward explained that this would only apply to three lots or more and would be limited to the Building Footprint for two lots. She added that the current Code provided that when a Lot Combination goes from two lots to three, the increase is 531 square feet. Commissioner Frontero posited an example that he owned three lots. His options were that he could build one home across two lots, and build an ADU with bonus density on the third lot, or build a \$4 million home on the third lot. He felt that realistically, the ADU exception would not be used, but he was happy to provide incentives as best they could.

Additionally, he noted there was only one application in two years; so spending a lot of time discussing this was not efficient. He applauded the idea and the goal of the bonus densities for ADUs, but he felt it would not be utilized. Assistant Director Ward clarified that on any Old Town Lot, there could be an Accessory Apartment that would need to comply with the requirements of the Code, including parking on site. She noted that was where this became challenging in the Historic Districts.

Chair Hall agreed that from a practical standpoint there was not much of an incentive, but she would like to explore ADUs as a separate component. She noted the intent of this amendment was to limit Lot Combinations, on which there was consensus. She mentioned the fact that the AMPD Code sat idle for 30 years until they amended it. Chair Hall felt they were slowly chipping away at affordable housing, and she would ultimately like to see ADUs in Old Town or other parts of the City.

Commissioner Johnson noted that in other parts of the City, HOAs are banning ADUs. He agreed with Chair Hall. Chair Hall agreed that ADUs in Old Town were not worthy of too much discussion without consensus, but also felt it would be good to further explore the concept. Commissioner Sigg felt it was well intended, but agreed that it would warrant its own discussion. Commissioner Van Dine agreed.

Chair Hall stated that even if they do not believe it would be used, it would be easy enough to add it because conceptually providing a density bonus to encourage long-term renters in ADUs was a concept she would like to support. She added that the Lot Combination amendments presently before the Commission would be the most substantively impactful LMC amendment she had seen while on the Commission, but felt it would result in significant discussion at the City Council level. She felt that it was such a huge policy decision that it would come down to in-depth discussion at the City Council level. Chair Hall felt that the topic of ADUs would be something the City Council could explore. She did not feel there was enough consensus amongst the Commission to make a recommendation.

Commissioner Shand asked if they could move the Lot Combination amendment forward and then address ADUs on a case-by-case basis with a Planning Department presentation. Chair Hall preferred giving all of these comments to the City Council as she felt they would want to look at all options because it would be such an impactful policy decision. City Attorney Harrington heard that there was consensus to not include ADUs in the Draft Ordinance, but it was okay for Staff to flag it as an issue for discussion and point out that there was no Planning Commission consensus to move it forward.

Assistant Director Ward next addressed the update to the Purpose Section to remove the language about Lot Combinations of 25' x 75' lots. She asked if there were any concerns regarding changes to the Purpose Section. She explained that the only zone that included that language was the HR-1 zone. The proposed Ordinance would remove that language. Commissioner Frontero agreed with this change.

Commissioner Suesser referenced the Steep Slope language and sought clarification that they were still working on that with the consultant. Assistant Director Ward confirmed. Commissioner Suesser confirmed that the proposal was to eliminate the language about encouraging development on combinations of 25' x 75' lots. She completely agreed that this language should be deleted from the Code. Chair Hall noted there was full consensus to remove that language.

In response to Commissioner Frontero's inquiry, Assistant Director Ward stated that they would also remove the grid in the LMC that goes out to ten Lots. She noted that the building formula would remain as there were a couple of outliers for essential municipal facilities requiring larger lots. But for residential development, these limitations would apply.

Chair Hall opened the public hearing.

Deb Rentfrow stated she resides in the 84060 zip code. She was very pleased with this discussion and felt the Commission was spot-on with regard to the ADUs. She also agreed with looking at moving the proposed amendment into the transition zones. Speaker Rentfrow looked forward to supporting this at the next City Council meeting.

There was no further public comment. Chair Hall continued the public hearing to September 27, 2023.

Commissioner Frontero was struck by the commentary regarding duplexes and whether they should allow up to four Lots to accommodate duplexes in certain zones. He noted that they did not address that issue during this meeting. Assistant Director Ward explained that the Pending Ordinance included a recommendation to establish a Maximum Lot Size for duplexes. She confirmed that duplexes were not allowed in the Historic Residential – Low zone, and in HR-1 the Minimum Lot Size for duplexes was 3,750 square feet, which was two Old Town Lots.

Commissioner Frontero asked if those restrictions remained in place. Assistant Director Ward stated that currently the Minimum Lot Size was two Lots, and the proposed Maximum Lot Size was four Old Town Lots. Currently, the Maximum Lot Size is 10 Old Town Lots. It was noted that there would still be certain zones that do not allow duplexes.

Commissioner Suesser sought clarification. Assistant Director Ward stated that if there were a Lot Combination for a duplex that combined two Lots, there would be two units. If four Lots were combined for a duplex, there would be two units with a Maximum Building Footprint. She clarified that the Historic Residential – Medium zone also allowed triplexes, and there was a Maximum Building Footprint for that use. Commissioner Suesser understood that four Lots could hold four duplexes. Assistant Director Ward explained that four Lots could hold two units total in one duplex.

Commissioner Suesser asked if this would apply in the Historic District. Assistant Director Ward explained that the two Lot maximum was for Single-Family Dwellings and the four Lot Combination was included in the proposed Ordinance for duplexes. Currently, duplexes are allowed in some of these zones with no Maximum Lot Size. This amendment would establish a Maximum Lot Size moving forward. Chair Hall was supportive of this amendment and felt that combining 10 Lots was too many in Old Town.

Commissioner Sigg asked if the size of the duplex would increase with a four-lot combination. Assistant Director Ward stated that as the Lot size increased, the Building Footprint decreased. Commissioner Frontero noted that from a practical standpoint if a developer owned four Lots, they were more likely to build two duplexes on two Lots. He agreed that the four-lot Maximum was much more reasonable than the current Code.

Chair Hall felt this item would be ready to forward to the City Council after the September meeting. There was consensus that Assistant Director Ward would return in September with a Draft Ordinance for the Commission's consideration. Commissioner Frontero confirmed that the ADUs would not be included in the Draft Ordinance.

MOTION: Commissioner Frontero moved to CONTINUE Land Management Code Amendments – Lot Combinations in Historic Districts – and the public hearing thereon to September 27, 2023. Commissioner Shand seconded the motion.

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

6. ADJOURN

MOTION: Commissioner Johnson moved to adjourn.

The meeting adjourned at approximately 7:25 p.m.

Approved 09.13.2023

An aerial photograph of a mountain town covered in snow. The town features numerous buildings with snow-laden roofs, and the surrounding landscape is a vast, snow-covered mountain slope. The text is overlaid on the upper portion of the image.

2002 Eagle Way Conditional Use Permit

Planning Commission
August 23, 2023

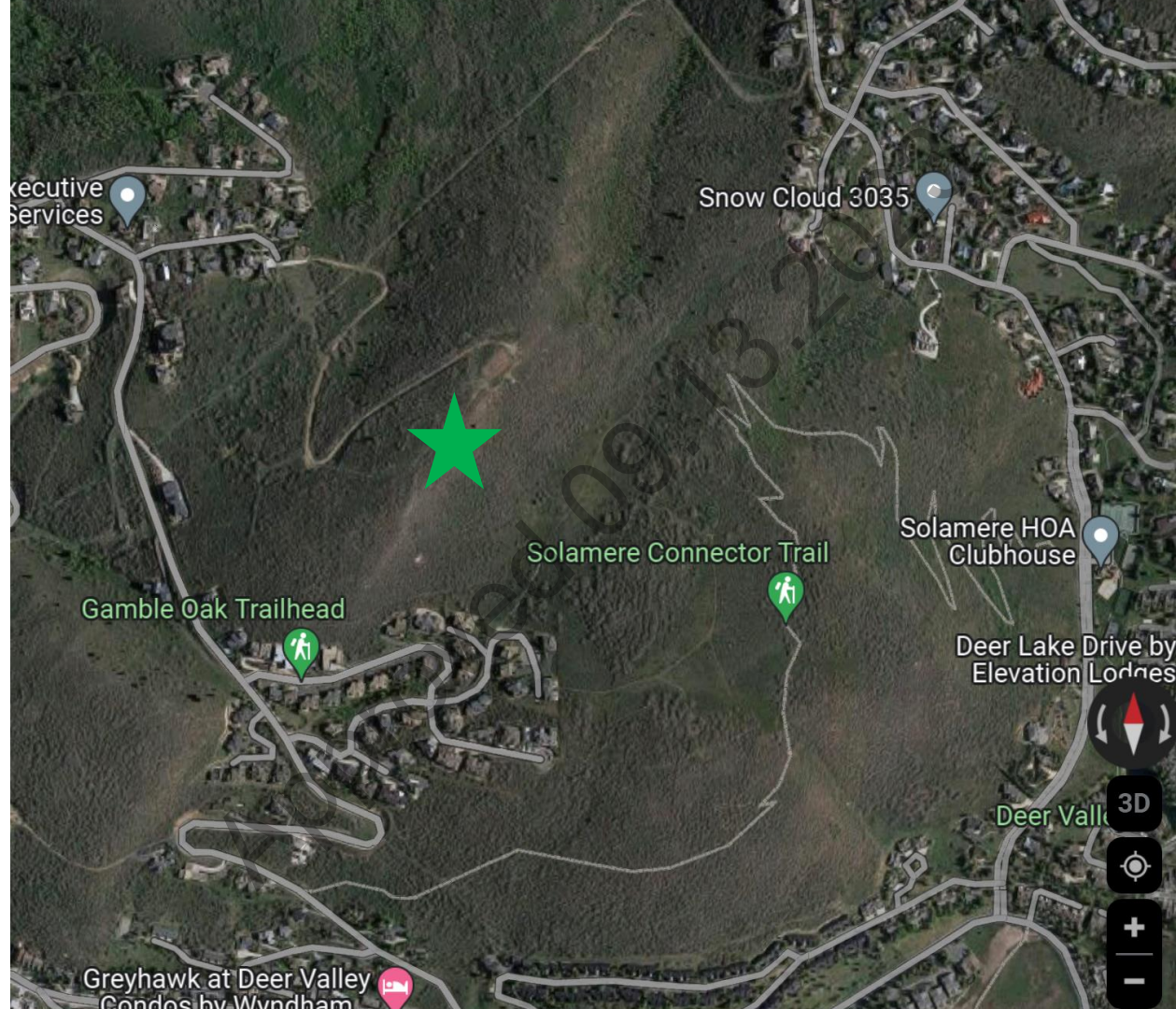




CUP

Replace existing municipal communications tower and equipment shed

- Captures water meter readings & monitors water infrastructure
- ~110 acre site
- Existing access and power
- CUP 2009 allowed for installation of existing equipment





CUP

- Complies w/ LMC 15-2.10 Estate Zoning District
- Complies with SLO regulations
- Visual Analysis completed w 2009 CUP
- Additional Visual Analysis shows new equipment will be no more visible than existing
- Complies with CUP Review Criteria
- Complies with Telecommunication Facility Review Criteria

Recommendation

Staff recommends Commission conduct a public hearing and consider approving the CUP, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

Approved 09.13.2023





Supplemental Snow Park Residences Condominium Plat

Planning Commission
August 23, 2023



Condo Plat

Phase 3 of CUP approved in 2001

- Final Phase completing buildout of St. Regis Hotel
- 5-story condo building + garage
- 12 units totaling 16.8 UEs + 1 AUE 801 sf.

Other Approvals

- 1995 Deer Crest Settlement Agreement
- (Deer Crest Hotel CUP)
- Amenity Club CUP



Condo Plat

- Complies w/ LMC 15-2.13
Residential Development Zoning
District
- Settlement Agreement
- Hotel CUP
- Parking requirements
- SLO Analysis completed in 2001
and reviewed again in 2004



Hotel CUP

Hotel has completed relevant CUP Conditions of Approval

- Compliance with Housing Mitigation Plan
- Final Parking Plan
- Any outstanding trails obligation will be completed prior to Certificates of Occupancy for Phase 3 Units (COA 8)



Good Cause

Staff finds Good Cause - facilitates the sale of the remaining Density in Hotel CUP, complies with Hotel's Housing mitigation Plan, and Hotel will complete all CUP obligations prior to Occupancy. No public Streets, Right-of Way, or easements are vacated or amended.

Staff recommends Commission conduct a public hearing and consider forwarding a positive recommendation for City Council's consideration on September 28, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance.