PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
June 22, 2022

COMMISSIONERS IN ATTENDANCE: Chair John Phillips (attended virtually), John Kenworthy, Sarah Hall, Bill Johnson, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Heinrich Deters, Trails and Open Space Program Manager; Jason Glidden, Housing Development Manager; Rhoda Stauffer, Affordable Housing Project Manager; Alexandra Ananth, Senior City Planner; Lillian Lederer, Planner I; Spencer Cawley, City Planner; Mark Harrington, Senior City Attorney

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1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m.

The following was read:

> The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, April 13, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically.
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> Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/public-meetings. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

Chair Phillips advised that Commissioner Laura Suesser was not present and excused. He noted that she might join the meeting at a later time. He took a roll call of all Commissioners present in person and virtually.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from May 25, 2022.

MOTION: Commissioner John Kenworthy moved to APPROVE the Planning Commission

Meeting Minutes from May 25, 2022, as written. Commissioner Bill Johnson seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Phillips commented that he was not feeling well but felt that he could get through the meeting. As Vice-Chair Suesser was not present, he asked if a Vice-Chair Pro Tem should be appointed in the event he was unable to continue.

Senior City Attorney, Mark Harrington, stated that it would not hurt to be prepared in the event that Chair Phillips needed to leave the meeting.

MOTION: Commissioner Kenworthy moved to appoint Commissioner Sarah Hall as Vice-Chair Pro Tem. Commissioner Christin Van Dine seconded the motion.

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

Chair Phillips invited the Commissioners to provide any communications or disclosures. Commissioner Hall reported that she would like the meeting to end by 9:30 p.m. and noted that the last two regular meetings went beyond 9:30 p.m. She would like to start ending meetings at a reasonable time.

Commissioner Kenworthy disclosed that with regard to Regular Agenda Item No. 7.F, Commissioner Suesser sent a late email that she would like read into the record in the event she remained unavailable for this meeting.

He indicated that he had a meeting with Deer Valley within the last two weeks and the application involving Regular Agenda Item No. 7.B was brought up. However, the meeting was at a campground and unrelated to this application. He stated that Garrett Lange, Hannah Tyler and Steve Graf from Deer Valley attended the campground meeting and the application came up. He was unaware that the application was on the agenda this week, and assured the Commission Members that the information shared with him would not affect his decision-making at this meeting. Additionally, he did not feel the need to recuse himself.

Chair Phillips asked Commissioner Kenworthy to confirm that he did not discuss the item scheduled for tonight and that the prior discussions were unrelated to the application before the Commission. Commissioner Kenworthy confirmed that and relayed that the individuals from Deer Valley mentioned that this item was coming up. He also confirmed that no maps or details were shared at the prior meeting.

A. Rail Trail Master Plan Update.

Trails and Open Space Program Manager, Heinrich Deters, introduced Maria Vyas from Fehr & Peers, and Charlie Sturgis, who has been involved in the public outreach associated with the Rail Trail Planning.

Manager Deters explained that he would be providing the Planning Commission with an update and requested Planning Commission input on the Rail Trail Master Planning process. He noted that in addition to this presentation, they have put the draft recommendations for the Rail Trail on the Park City Engage page. This page has a comment section that would provide another opportunity for the public to comment. In addition, he reported that they would be meeting with the Walk Advisory Committee over the next couple of weeks.

He stated that the intent was to take this plan before City Council later this summer for adoption.

Manager Deters provided background on the plan and noted that while the Planning Commission expressed a lot of interest in the City's active transportation plans, this plan took a different route to the public process. He explained that the Rail Trail has been operated and owned by Utah State Parks since the early 1990's. Over the years, Staff and the Council have received input from residents associated with the level of service not only with the amenities and maintenance, but the actual pavement structure and repair.

As a result of all of the public input, he presented a report to the City Council on April 15, 2021 wherein he requested the exploration of an agreement with Utah State Parks in which the City could take over management and maintenance of three miles of the trail from town to SR-248. He clarified that the City would not take over ownership; rather, they would take over maintenance and management.

Manager Deters reported that through this process, Summit County also explored similar options with Utah State Parks for the remainder of the Rail Trail. He added that this has been a good project that has not only dovetailed with Park City's efforts, but also some of the efforts with Summit County Planning that envisions a Rail Trail corridor that would begin in Park City and extend all the way to Echo, Utah. From a planning perspective, Manager Deters stated that the idea was that this planning effort would be incorporated into the City's active transportation planning or Park City Forward. He described the Rail Trail as a spine for alternative transportation and recreation in the community.

Ms. Vyas explained that she and Manager Deters would present the intentions of this plan, the public outreach efforts, and feedback and the goals of the plan. They would also present the draft recommendations and identification of the next steps in this process. Manager Deters reported that they are currently seeing approximately 200 users per hour on the Rail Trail. These counts have come during peak times, and are located closer to the White Pine area at Bonanza Drive where they see a lot of use. In addition to increased use of the Rail Trail, they have also seen new modes such as e-bikes, bicycles, hikers and families. He added that e-bikes are a large component of the alternative transportation planning in Park City. He reported that pavement portion of the Rail Trail is approximately 9 – 10 feet wide. They incorporated the numbers and the various uses to inform them on the next steps associated with planning.

Manager Deters stated that the intent of this plan was to effect a change in stewardship so that the City could take over management and make capital improvements and perform maintenance. Last fall the City performed some sealing of pavement along the Rail Trail and addressed some of the willow bumps. He noted that while this work made a difference, there still was a lot left to do. He added that this plan was designed to be community driven. Ms. Vyas explained that they wanted feedback from the public to drive what they were proposing as part of this plan. They have also supported their recommendations with technical data and observations.

Ms. Vyas stated that they began in October with an intercept survey of the Rail Trail at a few different points and were able to obtain a lot of feedback from trail users including where they came from, how they were using the trail, and what people liked and did not like. She also explained that they ran the project website through Engage Park City and kept it updated with responses to Frequently Asked Questions as they rolled in. She acknowledged the work of Mr. Sturgis and others who helped with the stakeholder walking group tour in November. During that tour, they discussed the conditions and prepared for an open house the week before Thanksgiving.

Ms. Vyas reported that they presented the draft set of recommendations to the stakeholders and the public in April 2022. They had 50 to 60 people attend each of the open houses, and thereafter made some changes to the recommendations based on the feedback received. She also mentioned a survey conducted in January and February 2022 for which they received approximately 1,000 responses. She discussed some of the common themes they heard as part of this outreach. One of the themes was safety and enforcement as it applied to bikes and dogs. Many expressed that they would like to see a requirement that dogs be leashed. She noted that walkers often expressed safety issues regarding the bikers along the trail, and many felt that signage and wayfinding would be helpful. While there already is wayfinding along the Rail Trail, they recommended some tweaks to additional destinations.

Ms. Vyas noted that seating also came up quite a bit in the feedback, as did more connections to business districts and future trails. She explained that the natural habitat was also mentioned, and people appreciated being able to use the Rail Trail to experience the wetlands, wildlife and birds, and the importance of preserving that experience as much as possible. The Respondents also appreciated the maintenance of the trail and would like to see it continue.

Mr. Deters stated they also received more extreme responses, such as requests to bring the train back, while others suggested using the Rail Trail as a gondola corridor. He noted that there was a fair amount of feedback suggesting that they leave the Rail Trail alone because no one used it. Some respondents were adamant that the Rail Trail needed lighting, while others were adamant that no lights be added. He stressed that the public input drove the recommendations included in the Rail Trail Plan.

Ms. Vyas explained that they developed goal statements early on in this process that were vetted with stakeholders and the public. The recommendations reflect these goal statements and include the following:

- Ensuring comfortable places for people of all ages and abilities. This would include seating, restrooms and similar amenities;
- Highlighting the connections to places that people want to go; and
- Having an action item list that would guide them moving forward.

The Commission was shown images of the Rail Trail, and was told that the trail is approximately 10 feet wide, although the width differed at different points throughout the corridor. Mr. Sturgis stated that they recommended adding an 8 foot soft surface adjacent to the paved surface. This would provide the width to allow the various users to utilize the trail.

Additionally, the surface would dictate where the different modes would go, and the Plan would not preclude the future addition of a vertical delineation. He stressed that it would be important to begin the expansion at the 10 foot trail because people have asked for more width; he noted that they actually vetted a cross-section that was 26 feet wide that was supported by a fair amount of people, while others felt that would be too wide.

Mr. Sturgis presented an existing facility along the Rail Trail called the Old Wagon Trail. This existing corridor is a double track that drops down near the Chatham Hills area, then comes back up and goes out to Park City Heights. He stated that their recommendation was to make some small connections to the Wagon Trail area and move through a process where there could possibly program the Wagon Trail to be an off-leash trail, while also providing additional enforcement on the Rail Trail.

Ms. Vyas reported that much of the feedback surrounding what the public did and did not want was focused at the trailheads. She presented a graphic showing the various trailheads and explained that the major nodes were at White Pine, Wyatt Earp and Richardson Flat Road. The minor nodes were located at Comstock, Chatham Hills, the bottom of the Skid Row trail, and SR-248. She explained that there were a couple of large scale amenities that they are talking about adding in different locations, including restrooms at the White Pine trailhead and the Wyatt Earp trailhead at Prospector Park. The third location for restroom amenities would be at the Richardson Flat Road trailhead.

Ms. Vyas also mentioned that the only place they were recommending more parking as part of this plan was at Richardson Flat Road. She explained that the recommendations do not contemplate the same type of amenities at each trailhead. For the minor node at SR-248 at the east end of the corridor, there would be a separate process for a grade separation crossing. She noted this was minor and involved directional signage, some seating and possibly some interpretive panels.

She expressed that there is surplus property owned by The Utah Department of Transportation ("UDOT") at Richardson Flat Road, and they have proposed discussing use of this property as a parking lot for that trailhead. In addition to the restrooms, they felt this node would also be a good place for a shelter with picnic tables in addition to some of the standard small scale amenities such as dog waste bag stations, trash cans and recycling, and seating.

With regard to lighting, the plan includes a compromise by having lighting only at the restrooms and roadway crossings. She stated that they were not recommending lighting along the rest of the corridor. Ms. Vyas commented that the lighting would be dark sky friendly, downward facing and solar powered.

Ms. Vyas then moved to minor node 3 at the base of Skid Row, where they proposed some dog waste stations, some seating and possibly some interpretive panels. At major node 3 located at Wyatt Earp Way, the plan proposed fix-it stations, bike racks, restrooms, and possibly a shelter and some seating. At Chatham Hills, they proposed some directional signage and wayfinding, as well as some seating and art. She explained that at Comstock, they proposed dog waste bags, seating and art.

She stated that the next major node to the west would be behind Silver Mountain Spa, where they proposed exercise equipment, seating, dog waste bags and art. She noted the feedback they received from the stakeholder group that they wanted to see art at every trailhead location. She added that at White Pine they contemplate adding restrooms, trail lighting at the restrooms, seating, interactive educational panels, dog waste bags and directional signage.

Ms. Vyas explained that there are two at-grade road crossings at Wyatt Earp Way and also at Richardson Flat Road. With respect to the design of the crossing at Wyatt Earp Way, she stated that their thought was to prioritize the trail and require the vehicles to stop. The trail users would be advised of the crossing and to slow down, but the vehicles would be required to stop. At Richardson Flat Road, she commented that the controls already in place were effective, and they recommended the addition of high visibility crosswalk striping. She acknowledged that traffic in that area would likely increase in the future which would impact the crossing.

There was discussion regarding the width of the barrier at that location and the impact on bicyclists. Ms. Vyas stated they received a lot of feedback on this and has recommended gates that are far enough apart to allow a person on a hand-cycle or recumbent, or pulling a trailer to navigate this area. Manager Deters mentioned that after they take the Rail Trail Plan to the City Council in late summer, any summer and fall improvements would likely be minimal, and anticipated there could be additional striping and the placement of more trash cans. He also mentioned that they would raise the level of service by collecting trash more often, addressing noxious weeds, and possibly add some wayfinding signage.

He also indicated preparations for winter maintenance. There would also be some environmental permitting required, as well as coordination with UDOT for the initial improvements. He expected to see more of the improvements to the trail during 2023 – 2025. In 2025 – 2027, he anticipated the phases of the improvements moving west to east. This would dovetail nicely with grants for an overpass at SR-248 that he and Julia Collins, Transportation Planning Manager, were working on in coordination with the County.

Chair Phillips noted that this effort was largely community driven and appreciated the efforts and outreach put into this Plan.

Commissioner Johnson praised the work put into this process and expressed that this was a fantastic plan. Commissioner Van Dine echoed these comments, and agreed with the concept of keeping the lighting to a minimum, and only at areas around the trailheads as discussed.

Commissioner Hall echoed these comments, and suggested some signage setting forth the "rules of the road." Manager Deters stated that they were looking at collaborating with the Chamber on a website where people could access all trail information, including trail closures, trail information, etiquette, directions and more. Additionally, the website there would include information on grants associated with producing that content. He mentioned a video on their wayfinding system that was produced a few years ago.

Manager Deters expressed hope that they would move the needle on this information over the summer.

Commissioner Hall agreed with the public input regarding the conflict between cyclists and walkers, strollers and off-leash dogs. She expressed frustration with walkers when she rides her bicycle, and when she walks her dog with a stroller she is often terrified of the bikers. She was excited to see the separation of modes, and would like to see a horizontal and a vertical barrier, because there was a lot of zigzagging going on. In addition, because they were beginning improvements now, she raised the notion of laying out infrastructure for potential future lighting along the Rail Trail. If they find that the Affordable Master Planned Development currently under consideration and Park City Heights' residents were using this as an active transportation corridor, then the infrastructure for that lighting would already be in place.

Commissioner Hall expressed support for the barrier based on her uses and experiences on the trail. Manager Deters stressed that they had not removed that possibility, but it provided a good opportunity for some pilot studies without having to make a major capital investment. Commissioner Hall offered that in its current condition, the trail could not really be used as alternative transportation, but it could be made for that use.

Commissioner Kenworthy expressed support for the 18-foot compromise. He would like to keep the trail natural, with minimal lighting. He suggested a higher elevation in the road base and explained that he did not like the idea of a divider, but suggested a six inch higher road base for the walkable surface that would define the separation between walking areas and the bicyclists. With regard to the "rules of the road," he observed that they would be forever remiss if they did not start with the 10 seconds of kindness.

A member of the public asked if there was to be public comment associated with this Plan. Chair Phillips stated that they were limited in time, but suggested that members of the public could reach out to Staff and provide additional input. Manager Deters reiterated that the website is the Engage Park City page located at www.engageparkcity.org.

Chair Phillips added that the public could send their comments to the Planning Department for transmittal to the Planning Commission.

5. CONTINUATIONS

A. Founders Place (Parcel 00-0021-01977 in Wasatch County; 3267 West Deer Hollow Road) - Development Agreement Ratification - On January 12, 2022, the Planning Commission Approved a Modification to a Master Planned Development and Conditional Use Permit for Founders Place, a 354,264-square-foot Ski-In Ski-Out Village in the Deer Crest Area. The Planning Commission Will Review and May Ratify the Development Agreement Outlining the Requirements of the Development.

Chair John Phillips temporarily lost his connection to the meeting. In his absence, Vice-Chair Pro Tem Hall explained that they would open the public comment before continuing this item. She opened the public hearing on this item. There being no comment, she closed the public hearing.

MOTION: Commissioner Johnson moved to CONTINUE Founder's Place Development Agreement Ratification to July 13, 2022. Commissioner Van Dine seconded the motion.

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

B. 2000 Meadows Drive – Conditional Use Permit – The Park Meadows Country Club is Requesting to Build a New Training Center as an Addition to the Golf Club – A Commercial Recreation Facility in the Recreation Open Space Zoning District. PL-22-05189.

Vice-Chair Pro Tem Hall opened the public hearing on this item. There being no comment, she closed the public hearing.

MOTION: Commissioner Van Dine moved to CONTINUE 2000 Meadows Drive-Conditional Use Permit to August 24, 2022. Commissioner Johnson seconded the motion.

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

C. General Plan Supplemental Update - Long-Range Transportation Plan - The Planning Commission Will Review Park City Forward, the City's LongRange Transportation Plan, a Supplement to the General Plan. The Plan Prioritizes Multimodal Transportation Projects and Strategies to Address Existing and Future Conditions. The Purpose of the Plan is to Improve Safety, Protect the Natural Environment, Expand Transportation Choices, and Maintain Quality of Life for those that Live, Work, and Recreate in Park City.

Vice-Chair Pro Tem Hall opened the public hearing on this item. There being no comment, she closed the public hearing.

MOTION: Commissioner Johnson moved to CONTINUE General Plan Supplemental Update-Long Range Transportation Plan to August 10, 2022. Commissioner Kenworthy seconded the motion.

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

6. WORK SESSION

A. Moderate Income Housing Element of the General Plan – The Planning Commission Will Conduct a Work Session on H.B. 462 Utah Housing Affordability Amendments to Discuss New State Requirements and Timelines for the City's Moderate Income Housing Element to the General Plan and Annual Moderate Income Housing Reporting.

Chair Phillips rejoined the meeting and resumed the Chair. Housing Development Manager, Jason Glidden, explained that Affordable Housing Project Manager, Rhoda Stauffer, would give a majority of this presentation. He started off by stating that this would be an informational presentation of what occurred at the State level and the requirements the City must meet as part of its Moderate-Income Housing Plan that they submit annually. He added that this would come back before the Planning Commission on July 27, 2022, for feedback and further discussion.

Project Manager Stauffer reported that Park City has had an aggressive housing program since the early 1990's. There are currently have 650 units of affordable housing in town, and the past moderate income housing plans and reports have been utilized by the State as an example of good planning and reporting. She commented that Park City was ahead of the game before the State started instituting requirements for these reports and plans. She stated that during a Legislative Session in 2022, the Legislature adopted House Bill ("H.B.") 462, which updated H.B. 34 that governs moderate income housing plans and the requirements for submitting those reports and plans.

Project Manager Stauffer explained that the legislation sets out new reporting and assessment requirements to ensure that the plans are achievable, realistic and based on actual needs. The new law changed the report deadline from December to October. Another change was that the options published by the State for strategies to address the housing needs have been reduced to 24. She explained that another change was that jurisdictions with fixed guideway transit systems must choose five strategies and complete a Station Area Plan. Jurisdictions without fixed guideway transit systems must choose three strategies. She pointed out that Park City does not have a fixed guideway transit system. She noted that because Park City is a jurisdiction without a fixed guideway transit system, it might get extra credit by choosing two additional strategies.

Commissioner Van Dine requested an explanation of fixed guideway transit system. Housing Manager Glidden explained that it generally involved a rail system, such as exists in Salt Lake City. It could also include Bus Rapid Transit, and when that comes into play in Park City, it might bump the City into the category of a jurisdiction with a fixed guideway system.

Project Manager Stauffer explained that those jurisdictions with fixed guideway transit systems could receive extra credit by choosing an additional strategy. In situations where additional strategies are chosen, the municipality would receive enhanced prioritization for funding as well as matching program funds from the American Rescue Plan Act ("ARPA"). She stated that on July 1st, the State would be publishing a new reporting format. She confirmed that the new reports would require measurable goals and projected timelines, which would be more stringent than it was in the past. Additionally, each subsequent year will require reports on accomplishments to meet those goals as well as identifying the issues that presented fulfillment of goals.

Project Manager Stauffer reported that they were preparing a proposed updated Moderate Income Housing element to the General Plan, which the State is calling the Moderate Income Housing Plan. She stated that this plan would include the State's reporting requirements, current needs, and recommended strategies from the State's list of options. She stated that the draft Plan and Report would be brought before the Planning Commission for a full discussion on July 27, 2022. She acknowledged that members of the Planning Commission wanted to hear that some of the goals would address Land Management Code ("LMC") changes to incorporate some of the interests that the Planning Commission has expressed.

Commissioner Kenworthy requested clarification on the definition of "moderate income." Housing Manager Glidden stated that as part of the Commission on Housing Affordability set up at the State level, they recently looked at defining that term. He noted that they were looking at "moderate" being from 80% to 120%, and then low-income or affordable housing being at 80% or below. He mentioned that the target was moving and still under discussion.

Housing Manager Glidden noted that Park City's demographics are slightly different that other communities in the State. He stated they would update the Commission once a clearer definition was indicated. Commissioner Kenworthy expressed concern about the Average Median Income ("AMI") number, especially if it was being defined on a City level or County level.

Project Manager Stauffer stated that AMI was established on the County level; however, as a City, the Staff in the Housing Team always compare the actual workforce wage in town against AMI, which helps them establish the target the City sees as a need. She noted that this was usually 60% of AMI.

Commissioner Kenworthy asked how they factor in that number from the people who work here and live in other communities, and observed that many service workers no longer live in the City or the County. Project Manager Stauffer explained that this was what she meant by workforce wage numbers.

Commissioner Hall looked forward to the July 27th presentation and requested recommendations on how they could spend time on the LMC to incorporate these goals into implementation of strategies. She would also like to revisit Affordable MPDs to encourage private developers to step up.

Housing Manager Glidden stated that review of the Affordable MPD was on their task list. He reported that they have met with developers for feedback on areas where there are still challenges. He noted that they wanted to let a couple of the applications play out and noted that they currently had two applications for Affordable MPDs.

Commissioner Hall expressed that as a Commission, she would like to allocate more time to this issue.

7. REGULAR AGENDA

A. 3805 Fox Tail Trail - Subdivision - The Applicant Proposes Creating One Lot from Parcel PCA-S-98-SEC-11 for a Single-Family Dwelling in the Estate Zoning District and One Parcel in the Recreation Open Space Zoning District. PL-21-04826

Senior City Planner, Alexandra Ananth, explained that this application proposed to create a 3.8 acre lot and a parcel of almost 29 acres in the Recreation and Open Space ("ROS") District. She stated that the lot is mostly in the Estate District. She reported that this application had been before the Planning Commission multiple times and most recently, the Planning Commission held a site visit and Work Session. Planner Ananth noted that this site is a 33-acre parcel that is currently unimproved with the exception of trails. The site is located between the Hidden Meadows Subdivision and the Park City Heights Subdivision.

Planner Ananth highlighted the location of the site for the Planning Commission. She explained that the site is mostly located within the ROS District, but there is a portion of the site zoned Estate, which allows for Single-Family houses on a minimum of 3 acres of property. She provided a brief history of the lot and explained that this lot was annexed into the City as part of the Hidden Meadows Subdivision and was allocated one unit of density. She showed the Commission the Annexation Plat that highlighted the site in yellow. She explained that this lot was part of Hidden Meadows Subdivision, Phase II that never moved forward. The option for Phase II expired in 2002, but the density remained allocated for one Single-Family house.

Planner Ananth explained that the site has some development constraints, notably most of the lot is located in the ROS District that prohibits residential development. There is also a utility easement and a Ridgeline Area that further limits development as the Limits of Disturbance ("LOD") must be 150 feet from the Ridgeline Area. She stated that these restrictions limit the developable portion of the lot to the Estate portion just north of the utility easement. She stated that the applicant has proposed to create one lot of 3.8 acres, mostly located in the Estate Zone, although a small portion would be in the ROS zone. She added that the portion in the ROS zone could not be developed. In addition, Parcel A was identified as the nearly 29-acre site that would be dedicated to the City, as stated in Condition of Approval 21 of the Draft Ordinance.

Planner Ananth advised that the LODs shown on Lot 1 were all contained outside of the Ridgeline Area, outside of the utility easement and within the Estate District. The applicant also offered a Restricted Covenant to the City that would further prohibit development in the ROS District. She reported that when this lot was annexed as part of the Hidden Meadow Subdivision, the lots in that annexation were assigned LODs and maximum building sizes. Staff has recommended that this lot remain consistent with those original LODs and maximum house sizes.

Planner Ananth stated that the proposed Subdivision of a single lot complied with the lot and site requirements for the Estate and ROS Zoning Districts, and also complied with the maximum building height of 28 feet for the Estate Zone. Further, nothing would project above the 7,135 feet of elevation, which is the zone height plus the roof pitch. She presented a slide showing that a building of that height should not be visible from any of the City's vantage points, including the closest one located at SR-248. With respect to the trails on this site, the applicant proposed to remove one portion of a shortcut to a trail. She explained that there would still be access to the trail from Fox Tail Court, with an extension that would connect to the trail. She reported that the Open Space Manager reviewed this proposal and expressed support for the removal of the shortcut trail.

Planner Ananth explained that the Planning Commission was allowed to look at Maximum Dwelling Size and LODs for subdivisions. She referenced a table comprised of some of the other larger lots in the Hidden Meadows Subdivision that demonstrated that lots of substantial size typically had an LOD of 16,000 square feet and a Maximum Floor Area of 10,000 square feet. She noted that this is what is proposed in the Conditions of Approval for this lot.

The applicant agreed to a minimum rental period of 12 months and the site would not be used as a timeshare or for fractional ownership. She added that the applicant agreed to a Condition of Approval in that regard, as well as a Restrictive Covenant to the Hidden Meadows Homeowners Association, as memorialized in Condition of Approval 24 to the Draft Ordinance. She reported that there have been multiple public comments and she expressed her belief that the applicant addressed most of the comments in the Conditions of Approval.

Planner Ananth stated that Staff found good cause for this Subdivision as it would protect the Ridgeline Area, did not increase density, encouraged orderly and beneficial development, and complied with the Estate and ROS Zoning District lot and site requirements. The Subdivision would also comply with the requirements for Sensitive Lands Overlay. She added that the applicant offered Restrictive Covenants in favor of the City for the open space, and agreed to Conditions of Approval and a Restrictive Covenant to the Hidden Meadows HOA that would prohibit short-term rentals.

Staff recommended that the Commission conduct a public hearing and consider forwarding a positive recommendation to City Council. Planner Ananth noted that she redlined three Conditions of Approval to clean up the language; however, the intent of those Conditions remained unchanged.

Chair Phillips expressed that the site visit was very helpful and noted that where this project began and where it was now represented a far better use of this site. He appreciated the willingness of the applicant to address as many of the concerns as possible. His questions regarding height and the elevations were answered with his further review of this matter, and he did not object to adding the Condition that the height be based off the sea elevation. Chair Phillips stated he had no remaining concerns about this application.

The applicant, Douglas Ogilvy, from REDUS Park City, LLC, confirmed that they had listened to the concerns of the neighbors, and felt that the proposal before the Commission was a logical use for the property. The Conditions addressed the majority of the concerns that could be addressed while permitting development on the lot.

Chair Phillips opened the public hearing.

James Letchford identified himself as the President of the Hidden Meadows HOA. He referenced an email wherein he requested that the public speak after the applicant. Mr. Letchford claimed that the applicant made some misrepresentations during the last meeting after the public comment period was concluded. He stated that none of the neighbors supported this project, and the owner of the land next door to this site who expressed support is not a neighbor and does not live in the community. He stated that there were neighbors who wished to speak.

Chair Phillips expressed that his intent was to receive these comments so that the Commission could factor them in to the deliberations. He could open the public comment to allow the public to respond to anything said by the applicant.

Mary Danelly attended with her husband, *Mike Danelly* and stated that they live at 3817 Solamere Drive, which is just up the street from the cul-de-sac where this proposed development is located. Ms. Danelly stressed that this is their home; they do not come here to spend two weeks skiing. She also stated that they use the recreation area every single day. She commented that the entire neighborhood of primarily full-time residents were opposed to this application and the impact it would have on not only their recreational use of that area, but to the aesthetics of their community. She also mentioned the impact on the peace and joy that they currently enjoy in their neighborhood. Ms. Danelly was perplexed at how the interests of one private developer could outweigh the voice of an entire neighborhood. Additionally, this project would affect Park City as a whole because so many people utilize that recreational area. She understood that applicant submitted a revised application, but there would still be an impact to recreational use. She asked why the Commission would give one inch of recreational use over to a private developer.

Ms. Danelly stated that the public at-large in Park City would be impacted and referenced a conversation she had with a fellow cyclist who does not live in Hidden Meadows. This gentleman specifically referenced this application and felt that if the Planning Commission would approve this project, they would approve everything. She stated that she has attended meetings on this application, and specifically referenced a five-hour meeting where she waited to be heard. At that meeting, she also expressed confusion as to why the opposition of the community was so consistently misrepresented. She was angry at the categorically false representations that only two homeowners were still opposed the application. Ms. Danelly stressed that the entire HOA was opposed to this project.

Ms. Danelly addressed the Restrictive Covenants and stated that these would not address the neighbors' concerns. There is no reason why this lot should not be part of the HOA and because the applicant has neither offered nor agreed to be annexed into the HOA, the Restrictive Covenants could be modified and were therefore meaningless. She stated that nightly rentals were a concern. She understood that the applicant modified the proposal to move the 10,000 square foot building to the curb. Ms. Danelly questioned where the vehicles for the occupants of a 10,000 square foot home would park. She offered that the cars would be parked in the cul-de-sac that the neighbors use every single day. She felt that up to 30 people could live in a home of that size.

Ms. Danelly also expressed concern about the disturbance to the environment and the natural habitat, and felt that could not be ignored. She reiterated her concerns about the impact on the neighborhood, the impact on Park City as a whole, the inability to enforce the nightly rentals, and the parking issues that could arise.

Joan Card attended with her husband, and advised that they own property and live at 3764 Fox Tail Trail, located two lots away from the proposed Subdivision. They have been Park City residents since 2002. She stated that "greater Fox Tail" is a beautiful spot. Fox Tail Trail is a residential street, a cul-de-sac and a hiking and biking trail. Ms. Card added that the lots on Fox Tail Trail are the eastern most lots in the United Mines Company's first foray into residential development, known as Hidden Meadows. She explained that on her side of the street, the Rocky Mountain Power line limits development opportunities, making the cost of lots attainable to Park City locals. She noted that she and her neighbors owned the smaller homes in the subdivision, and the power line's constraints limit development opportunities on Lot 29, which remains vacant and is owned by long-time local, Mark Lampey.

Ms. Card stated that Fox Tail Trail and the cul-de-sac are used by many as trailheads for access to zoned and dedicated open space, which is by far this community's most important and popular amenity. On a daily basis and hourly in the mornings, evenings and weekends, Ms. Card stated that people walk their dogs, hike and bike past her house to access the trails. She described the property at issue as a community amenity. She requested the Commission not assume that the only people who have a stake in this lot are those who send written comments or attend meetings. She added that the City installed trail markers in the center of Lot 26 to guide the many users of this open space. For over two decades, users have understood that this property was *de facto* open space and open for recreational use. She questioned why the City would install those trail markers in the middle of Lot 26, and surmised that City Staff must have viewed that property as she would have when she was a City employee. Ms. Card advised that from 2010 to 2013, she was the City's Environmental Regulatory Program Manager and her responsibilities centered on understanding the environmental legacy of hard rock mining, and specifically understanding the roles and responsibilities of United Park City Mines Company and its parent, Talasker.

As part of her work, she was aware of Lot 26 on the Plat, and understood that it was never marketed for sale, never proposed for development and never would be. She offered that this would explain why the City installed trail markers in the center of Lot 26. She commented that perhaps City Staff only recently learned that the recorded Plat for the Subdivision did not include Lot 26, despite indications on the former map. She was surprised at that information and felt it relevant to the Planning Commission's decision-making. Ms. Card submitted that United Mines Company and Talasker avoided their responsibilities to pay for their legacy of environmental contamination in the community and profited from development on their lands at and near Deer Valley Resort as well as their controversial and painful sale of Park City Mountain Resort to Vail.

Ms. Card stated that this way of doing business resulted in a bankruptcy where the bank lost its bet that the Mine Company and Talasker were worthy creditors. The City, the Planning Commission, the neighborhood and the trail users are now facing an unexpected application to create a new stand alone Subdivision and permit a 10,000 square foot house that would disrupt the historic use of the this special piece of land and the collective community expectations about that land. She noted that the standard for action on this application is good cause. According to the Staff Report, good cause means providing positive benefits, including public amenities and benefits, preserving the character of the neighborhood and Park City, and furthering the health, safety and welfare of the Park City community. Ms. Card expressed that the application required goodness.

Ms. Card offered that given everything she has raised, it was not only legally required that the applicant demonstrates that this project would be good for Park City, but also vitally important. She saw little, if anything, in the proposal or the Staff Report that demonstrated good cause. She added that good cause was not satisfied with findings that the proposal meets the Land Management Code or is better than the initial proposal. A good cause demonstration and finding must be made in a larger, community-focused context to ensure the furtherance of the health, safety and welfare of the Park City community.

Ms. Card stated that the Planning Commission is not an application mill. It should represent the people of Park City to make findings and recommendations to the elected leaders that are based on good cause for her, her neighbors and the greater community. She appreciated the Commissioner's service in the face of a difficult job, and reiterated that each Commissioner was appointed to represent the community as landowners, residents and members of the community. She felt that at this point, the community felt unrepresented because they have not be consulted or included by the bank or City Staff in the development of the proposal, except through the hearing process and their own efforts to contact Staff and the Commission.

She reported that the provision of limited information in the packet did not amount to consultation. This approach has left the community with inadequate opportunity to write letters and provide comments and reaction to the application and Staff's findings. She wanted more from the City government, which is why the Planning Commission's representation of the community is so important. Ms. Card requested the Planning Commission not approve the application before it tonight. She asked that her written comments be included as part of the paper file.

Chair Phillips reminded the public that they would need to keep comments to 3 to 5 minutes.

Randy Johnston stated that he resides in the house closest to this project at 3790 Fox Tail Trail. His wife, who is an architect, asked why this project should be allowed. He suggested that the approach should be whether there was reason to not allow this project. Mr. Johnston stated that good cause required an affirmative finding of a reason to approve a project. One basis given by REDUS to support good cause was that it would be unfair that the applicant and the bank own 33 acres acquired through foreclosure that they could not develop. He observed that the prior owner owned the property for a long time with the same restrictions, and it was not unfair to them. The second basis for good cause suggested by Staff was that the applicant would give 28 acres to the City.

With regard to the issue of fairness, Mr. Johnston argued that it is not the Commission's job to make every business decision made by Wells Fargo and REDUS fair to them. They must live with the consequences of their business decisions the same way as everyone else. Based on the documents they have been able to locate and view, he explained that many years ago a bank made a large loan to a corporation that owned a lot of land throughout this County and took all of that land as collateral for the loan. This 33 acre parcel was part of that collateral. When the bank foreclosed upon default of the loan, it posted all of the properties for one foreclosure sale that made it impossible for anyone to buy the land other than the bank. He did not dispute that the bank expended money to purchase the land in foreclosure. Mr. Johnston also did not dispute the legality and the ethical approach the bank used from that point forward, since banks may not serve as land speculators. Mr. Johnston continued by stating that they sold this parcel to REDUS, who did not pay for it, but rather just signed a new note.

Chair Phillips asked Mr. Johnston to begin to wrap up his comments. Mr. Johnston stated that the public felt that they had not been given the opportunity to discuss these matters with the Commission.

He asked why it would be unfair to hold Wells Fargo to the consequences of their business decision. He felt it would not be unfair. Mr. Johnston referenced his previous written comments questioning the value of the lot due to the fact that it had been zoned Recreational use only for decades. He added that if the lot is of value, then let the City purchase it and don't put the cost entirely on the community. He urged the Commission to not trade a vote of the Commission for that land. He emphasized that he and his neighbors have felt a great deal of frustration, which lead them to be unnecessarily adversarial to the Planning Commission. He pointed out that Staff recommended approval of the previously proposed 700 foot driveway and nightly rentals until the public spoke up. He expressed no qualms with the applicant, but wanted them to live by their business decisions. He stressed that the Planning Commission represents the community to ensure that good cause exists. If longstanding rules could be changed this easily, he questioned why even have them in place.

Mr. Johnston asked the Commission to enforce the rules they have, and require REDUS and Wells Fargo to build on this lot with the existing rules so as to not burden the neighborhood with changes. He urged that it would not be unfair to require the applicant to live with the business decisions they made.

James Letchford returned to speak and advised that he has attended every meeting on this application. He echoed the comments of the neighbors and asked who represents them. He stated that during the last call he was cut off because he asked who [Planner] Browne [Sebright] worked for. He legitimately wanted to know whether he worked for the residents or the developer. Mr. Letchford observed that there were City resources committed to the development project but wondered who listened the residents. The residents' only opportunity to speak up has come during this public comment time. He referenced a comment by Mr. Ogilvy that he had spoken with 29 neighbors when, in fact, Mr. Letchford learned that 33 households had never heard from Mr. Ogilvy and three had heard from him and did not respond. Mr. Letchford questioned how he, the most vocal opponent of this application, was somehow left off the list of people to contact.

During the last meeting, City Planner, Browne Sebright, only mentioned two public comments that expressed concerns with the trailhead and that the neighbors would lose some views. Planner Sebright did not advise the Commission about concerns over short term rentals or that the house should fall within the Hidden Meadows HOA to provide accountability and enforceability. Staff also did not advise that at one point there was petition signed by 100% of the neighbors that expressed opposition to this project.

Mr. Letchford commented that from the beginning of this project, the Planning Department approved of this application even with a 20,000 square foot house, 700 foot driveway and nightly rentals. He stressed that it took the neighbors to stand up and say that nightly rentals were not acceptable. He recalled that during the November meeting, nearly the entire Commission wondered how a home could be built in the middle of the Hidden Meadows community and not be in the Hidden Meadows HOA. During the last meeting, the Commission questioned how the home could be required to be part of the HOA. Out of principle and understanding that the entire neighborhood was against this project, Mr. Letchford asked how that could not be taken into account.

Mr. Letchford recalled that at the end of the last meeting, Mr. Ogilvy said "We've heard the concern over short-term rentals and we've satisfied them." Mr. Letchford stated that this statement was untrue. He explained that he moved from California, where he had lived in a beautiful area by the beach, and it turned into a "Rehab Riviera." With regard to the issue of nightly rentals, he offered scenarios such as one-year corporate retreats with a rotating door of parties, meetings and other events. He also offered up the scenario of a corporation signing a one-year lease to turn the home into a rehab facility, which is what occurred to him and his wife in California. In that scenario, because the individuals would be protected under the Disabilities Act, the facility would be untouchable. He stressed that these scenarios could happen in their neighborhood.

Mr. Letchford echoed the comments of his neighbors that the trailhead is used everyday by neighbors and the Park City community as a whole. He stressed that this is the residents' neighborhood and there were only two parties that would benefit from this project—Mr. Ogilvy and the bank he represents.

John Curtis stated that he resides at 3737 Solamere Drive. He echoed the comments of his neighbors and added that this application was uniformly opposed by the neighborhood and the HOA. He noted that this project would also affect the entire City. There has been a lot of money and effort spent by the City to preserve open space, and the promotion of enjoyment of the open space through trails and parks. He averred that if this project were approved, it would kill open space, would interfere with access to the trails, and would interfere with wildlife and migration. Mr. Curtis urged the Planning Commission to recognize that this would be a problem for the City, not just the neighborhood. He could not understand how the gift of land to the City would benefit the City, which already controls it. Mr. Curtis felt this would set a bad precedent for future development that if the City were given land, they would change the zoning.

Phil Palmantier [via Zoom] stated that he lives at 3798 Solamere Drive. He echoed the comments of the other neighbors. He stated that the proposed home would be a 10,000 square foot, 10-bedroom small hotel. He expressed that the comments to Mr. Ogilvy have gone unanswered, yet he has falsely told the Commission that he addressed all of the concerns. Mr. Palmantier understood the nature of public participation and wanted to pose an invitation to Mr. Ogilvy to voluntarily join the HOA and become a part of the community. He suggested that in doing so, many of the issues raised today would go away.

If Mr. Ogilvy would join the HOA, the HOA would have an enforcement mechanism in contrast to the paper tiger of a Plat designation that would have no enforcement mechanism. Mr. Palmantier understood that if this application were approved with the Plat restrictions and comments, no one would enforce those restrictions. He asked the City if and how the restrictions would be enforced to prevent this from turning into a hotel. He urged the Commission to deny this application.

Matt Levinthal [via Zoom] advised that he and his wife reside at 3781 Fox Tail Trail, which is two houses down from the proposed development. He felt that the applicant had not listened to the local neighbors as to what would be appropriate for them and the community. He stated that the plan did not take into account what would be best suited for the neighborhood and for the rest of the City. He stressed that everyone in the neighborhood responded negatively about this project and that has fallen on deaf ears. Most importantly, if the development were to go forward, it would need to be in line with everything else in the area that preserves the quiet and natural setting. The home should also not be completely incongruous with the surrounding buildings. He noted that some of that could be addressed by joining the HOA, while some of it would be just plain good sense.

Mr. Levinthal referenced a number of letters sent by his neighbor, Mr. Johnston, to the Commission and the applicant about size and what would be appropriate with the rest of the development. There are no other 10,000 square foot houses in the neighborhood, and most are not even close. He urged that finding a way to create a development in line with the existing community and which would preserve the natural access and quiet was paramount to the neighbors. He requested the Commission consider this and reject the plan as proposed.

Cooper Williams advised that he lives at 3677 Solamere Drive and sits on the HOA Board. He stated that when this began last summer, he reached out to Planner Sebright and provided contact information to be passed on to Mr. Ogilvy. Mr. Ogilvy never contacted him until after the initial meeting. He expressed agreement with the other speakers and felt that Mr. Ogilvy was not very sincere in his approach to include the neighborhood. He agreed with the concerns about the potential of a residential rehab center or corporate retreat, which would seriously alter the neighborhood. He questioned whether the City would be able to police those uses, but felt that the burden fell on the City to ensure that this kind of environment did not occur. Mr. Williams understood that the area around this lot is a Sensitive Nature Corridor that runs north/south. They have recently had bear sightings next to the lot, as well as moose, deer, bobcats, mountain lions, turkeys and more. He asked whether any Environmental Impact Study was done, and felt that would be a prudent course for the City or the applicant to take.

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

Commissioner Hall asked Staff about the enforcement mechanism for the Deed Restriction. She understood that a Deed Restriction on the property would be more impactful than an HOA CC&R restriction because it would be recorded.

Planner Ananth stated that Deed Restrictions were recorded and therefore no buyer would purchase the property without being aware of the Deed Restriction; however, in general, enforcement is done by the Building Department based on a complaint. If a nightly rental were to occur and neighbor reported it, it would be enforced and eliminated. She confirmed that it would be the same enforcement mechanism used in a traditional HOA.

Senior City Attorney Harrington mentioned that if the Commission wanted to strengthen Condition of Approval 24 with additional enforcement language, he could suggest language to Planner Ananth. He noted the issues of enforceability raised by the public comment, and commented that the Commission had in the past added additional requirements such as a secondary agreement that would give the City increased enforceability authority beyond just the Plat.

Commissioner Hall added that a corollary to this would be that in addition to no nightly uses, there would be no commercial uses. She requested Staff elaborate more on how they could add that to Condition of Approval 24.

Planner Ananth stated that if they were legally able to do so, they could add additional language to prohibit group homes and would do that between this hearing and when it is presented to City Council.

Commissioner Kenworthy asked the applicant speak to the last question asked by the last speaker about joining the HOA. He also requested him to speak to the issue of enforcement.

Mr. Ogilvy stated that they have heard many comments regarding the enforceability of the nightly rental restriction. He explained that the application included a Deed Restriction in favor of the Hidden Meadows HOA. He stressed that this Deed Restriction would not just limit the property to 12-month rentals, it would prohibit transient occupancy with a fairly broad spectrum of definitions of what constitutes transient occupancy. He explained that his would address the scenario of a corporation renting the home for a year and populating it with different groups every weekend. He stated that he is the President of an HOA elsewhere in town, and its CC&Rs also prohibit transient occupancy and they have been successful in using that mechanism to stop it. He explained that by making the Deed Restriction in favor of the HOA, the HOA would be the beneficiary of that Deed Restriction and have the ability to take legal action against the property owner.

With regard to the comment that the Deed Restriction could be changed on a whim, Mr. Ogilvy stated that once it is recorded, the Deed Restriction could not be changed without the HOA's approval. He explained that their intent was to give the HOA an enforcement mechanism on the nightly rental issue. Mr. Ogilvy stated that given the hostile reception they received from the HOA to this application, the applicant was not interested in joining the HOA where they could dictate the size of house and architectural guidelines. He stated that he had been communicating with this community and did not get comments or suggestions for change other than to make public the 33 acres of private land.

He added that the current and prior owners had permitted the neighbors' use of the private land, but that does not make the land public. Mr. Ogilvy stated that applicant was not the type of property owner who would fence this property, but it would be within his legal rights to do so. The main trail would be completely untouched by this application. He explained that they were required to eliminate the shortcut trail in order to fit the house on the lot.

With regard to Condition of Approval 22, Commissioner Hall requested that the word "recorded" be included with reference to the easement.

Commissioner Kenworthy asked to see the Declaration of Restrictive Covenant and specifically wanted to see the where the .9 of an acre was in regards to the Plat. He also referenced 2.(iii) of this document that stated that no significant vegetation should be removed from the Easement except pruning to construct and maintain private pedestrian trail shall be permitted. He expressed the he was trying to understand the private versus public as referenced in this language.

Planner Ananth explained that the Easement Area was part of the 3.8 acre parcel of Lot 1, and pointed out the location to the Commission. She added that it was a portion of Lot 1 that is within the ROS zone.

Commissioner Kenworthy asked if the applicant would be the only one who could grade for private trails on that area. Planner Ananth stated that it would have to be minimal, but agreed that there would be no public use of that area on Lot 1. She added that the public use would be re-routed to be completely outside of the 3.8 acres and within the ROS zone.

Commissioner Kenworthy observed that the applicant proposed allowing private access on that Recreation space that they would keep as their private Recreation space. Planner Ananth responded that any use by the applicant in that area would have to be an allowed use in that ROS zone. Therefore, they could maintain access, but there could be no structures.

Commissioner Hall reiterated her requested addition to Condition of Approval 22 to add "recorded" before a Certificate of Occupancy could be issued. With regards to Condition of Approval 24, she asked whether they could just direct the City Attorney to approve the requested language to ensure that the intent of the Commission is included.

Senior City Attorney Harrington stated that the requested additional language would further address the prohibition of commercial uses and more specifically address remedies and enforcement.

Commissioner Hall referenced Condition of Approval in terms of the financial responsibility for any relocation of the trail on both Lot 1 and Parcel A. She would add a semi-colon and add "as approved by the City Trail and Open Space Manager," which would allow Mr. Deters the authority to ensure that it would be consistent with the City's trail system.

Chair Phillips agreed with Commissioner Hall's proposed amendments. Commissioner Van Dine also agreed.

Commissioner Kenworthy disagreed, and found the applicant did not have the good cause with the Recreation Open Space being used as private and being taken away from the public. He heard the applicant state that he did not want to conform to the HOA and instead wanted to be able to be bigger and different than the rest of the community. He understood that this was a very unique situation, but he could not find the good cause as the community had gathered repeatedly to provide an open door to join the HOA. He stated that he would vote against the applicant.

Commissioner Hall wished the applicant would join the HOA. Her issue was that in processing the application, being a good neighbor was not a requirement of the LMC.

Chair Phillips agreed that the Commission could not force an applicant to join an HOA. The Commission could also not deny the application based on popularity; as much as they care about the concerns of the neighbors, the Commission's job is to follow the LMC and the laws that dictate how they are to make their decisions. He felt they could not deny the application based on the applicant not wanting to join the HOA, or because the proposed project was not popular. He added that the history of ownership was not relevant to this decision, and they could not deny the application because there are trails. Chair Phillips felt that they had listened to the community and the neighbors and this project was in line with the LMC and more in keeping with the neighborhood given the restrictions agreed to by the applicant. He understood his position was not popular, but the issue was not what is popular but rather what laws of how they are to make their decision govern. Chair Phillips stated the application was rigorously tested and would comply as conditioned.

Mr. Letchford requested time to respond, which Chair Phillips allowed. Mr. Letchford noted the applicant had the closing comments and stated that the applicant's representation that he communicated with the neighborhood was not true. As the President of the HOA, he had never heard from Mr. Ogilvy until the last meeting where he apologized for leaving him off the list because he was too busy communicating with 29 other neighbors, which was untrue. There are 44 homes in the HOA, and 33 of them had never heard from Mr. Ogilvy. He reiterated the points raised by Mr. Johnston that they were asking "why not?" instead of "why should we do this?" There is an entire community saying that this is not okay. He stressed that the neighbors came with extreme opposition to this because it began with a 20,000 square foot house with a 700 foot driveway and nightly rentals, and it was clear from the outset that this would be a short term rental place.

Mr. Letchford sat through a 5 ½ hour meeting to comment on this application, and noted that during that meeting, a full time resident was denied a 163 square foot addition because two residents spoke up and objected to it. He was dumbfounded that the Commission was even considering this application. Moving trailheads that the entire City uses would be a reason to deny this application. He stressed that this application started with extreme variances to what was already recreational use. If this application was denied, this would remain Park City's land and the community could continue to use it. Chair Phillips stressed that they hear all of the comments.

Mr. Letchford asked how the fact that some Commissioners' terms would end would impact this application. Senior City Attorney Harrington stated that the current Commissioners continue to serve until the Council appoints a replacement. He added that action by the Commission tonight would be a recommendation from this body that would then be forwarded to the City Council, and pending appointments should not affect this item. Mr. Johnston reiterated his question about good cause.

Commissioner Hall addressed the public comment and stated that public comment does not serve to veto and override the LMC or State law that the Commission is bound to follow. She clarified that the Commission has listened and read the public comment and she sympathized with the public, but that does not mean that they can let personal preferences override the LMC. She reiterated that she would like the applicant to join the HOA, but there was nothing in the

LMC that requires that. She added that there were two denials on the agenda tonight, so the Commission does not simply rubber stamp every application.

In terms of good cause, Commissioner Hall stated that there were 28.9 acres that would be dedicated to Park City Municipal and Condition of Approval 13 provided for the 10-foot trail access easement. She added that currently there is an unofficial trail cut, which has been a windfall for the community for decades. However, just because the community has had this windfall does not mean that it overrides a personal property right.

Commissioner Kenworthy opined that the General Plan gave the Commission the authority to protect primary residents. The General Plan would look at this as a unique situation where the Commission could act. He understood the LMC, but noted the Pillars of the Community were laid out in the General Plan, which authorizes the Commission to deny this application based on good cause and the protection of primary residents.

Commissioner Hall disagreed with Commissioner Kenworthy's comment and reiterated that the criteria in the LMC specific to this application should govern. She felt that they have given a significant amount of weight to the public comment as reflected in the Conditions of Approval, and were trying their best to essentially make the applicant a good neighbor. She noted that the applicant was required to give public notice, but not to call everyone.

Chair Phillips agreed with Commissioner Hall's comments and recalled that the State's Ombudsmen had stated that the Commission could not deny a project based on something from the General Plan. It can be used to guide the LMC and for consideration only.

Commissioner Johnson asked the applicant to summarize the differentiating point in the CC&Rs and referenced Exhibit B and Lot 26. Mr. Ogilvy stated that other than tying into the current architectural guidelines of the Hidden Meadows HOA, they would be imposing all of the same restrictions contemplated in the original Plat and a nightly rental restriction that is more prohibitive than on any home in Hidden Meadows. He noted that any of the houses designated in the Plat are entitled to 10,000 square feet, and any of the homes in Hidden Meadows could request additions to 10,000 square feet.

Mr. Ogilvy stressed that this project was entitled in 1995, years before any of those who spoke tonight purchased their property. It was entitled for one Single-Family home of 10,000 square and 16,000 square feet of LOD. The proposal conforms to that entitlement. In addition, they pulled the home close to the cul-de-sac, which was the limited area available given the other restrictions on the property.

Commissioner Johnson observed that based on his review this application was within the Code and although he did not really like the project, he felt that the Staff Report was accurate.

Commissioner Van Dine echoed the comments of Commissioner Hall and Johnson, and Chair Phillips. As much as she did not like this project, she expressed that they deal with these issues all over Park City where space that is privately owned becomes open space by use. She agreed that while she does not like the proposal, they were still required to move forward with this application.

MOTION: Commissioner Johnson moved to forward a positive recommendation for City Council's consideration on July 21, 2022 for the Fox Tail Trail Subdivision, based on the

Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Ordinance, attached as Exhibit A to the Staff Report, as amended.

Commissioner Van Dine seconded the motion.

VOTE: Commissioner Hall-Aye; Commissioner Johnson-Aye; Commissioner Van Dine-Aye; Commissioner Kenworthy-Nay; Chair Phillips-Aye. The motion passed 4-to-1.

B. Parcel PC-900-4 - Conditional Use Permit - The Applicant Proposes to Move and Reconstruct the Burns Ski Lift and Relocate and Regrade the Lower Little Stick Ski Run. PL-22-05237.

City Planner I, Lillian Lederer, stated that the subject property is located at Parcel PC-900-4 in the ROS Zone and Sensitive Lands Overlay. The applicant proposed to construct, move and reconstruct the Burns Ski Lift and relocate and re-grade the Lower Little Stick Ski Run. She reported that the Flagstaff Development Agreement outlined future review processes for Deer Valley Ski Lifts consistent with the Deer Valley Ski Area Master Plan. Staff received an Administrative Conditional Use Permit ("ACUP") application for the Snowflake Lift and determined that the lift was outlined in the Development Agreement and subject to Administrative review. Staff approved the ACUP on May 19, 2022.

Planner Lederer stated that Staff found that the Burns Lift was not outlined in the Development Agreement, and therefore required a separate Conditional Use Permit ("CUP") with Planning Commission Review. She confirmed that tonight's item would only involve review of the Burns Lift. She explained that the current Burns Lift is a 909 foot long fixed grip double chair with a capacity of 950 persons per hour ("pph"). The proposed Burns Lift would become a 1,070 foot long detachable quad chair with a pph of 1,800.

Planner Lederer stated that the current Snowflake Lift that has a capacity of 950 pph, was approved to extend to 1,000 pph. The current Burns Lift that runs nearly parallel to the Snowflake Lift, also has a current capacity of 950 pph. She noted the beginner pod capacity of approximately 2,000 pph. She presented a graphic that showed the proposed relocation of the Burns Lift, and stated that it would almost double the capacity, while only extending it by a few hundred feet.

Planner Lederer noted that the applicant explained that the beginner pod capacity would not be increased as a result of this change. Because Snowflake Lift reaches the bottom, there was no other way to get to the Burns Lift, and effectively the Snowflake Lift would meter the Burns Lift and would keep it at 1,000 pph. She explained that the proposal met the requirements for the ROS Zoning District outlined in the LMC, wherein Passenger Tramway Stations and Ski Lift uses require a CUP. The zone setbacks are 25 feet, and the new lift's terminals and towers would be at least 500 feet from existing dwellings. The maximum zone height is 28 feet and the new lift's terminals would be 25 feet, while the new towers would range from approximately 30 feet to 41.5 feet. She noted that the LMC allows the Planning Director to determine that the lift towers may exceed the maximum zone height.

Planner Lederer reported that the proposal also met the requirements for the Sensitive Lands Overlay. Pursuant to the LMC, development is not allowed on very steep slopes; however, the Planning Commission may review the proposal and approve the construction if the proposal:

- Does intrude on Ridgelines;
- Does not create excessive cuts into the slope;
- The LOD is limited to the scope of the project and adjacent affected areas are mitigated through vegetation; and
- No additional erosion hazard is created.

She noted that the criteria of organized units and massing were not applicable to this application. Staff found the proposal compliant with these requirements, as well as the requirements of the Sensitive Lands Overlay wherein it complied with Steep Slopes construction. She noted that the lift would be visible from Snow Park Lodge, but not visible from Ridgelines. She stated that all impacted vegetated would be re-vegetated as outlined in the Conditions of Approval. No wetlands would be impacted by this project. Planner Lederer noted that there was a stream nearby, but the proposal would not affect that stream. She added that the re-vegetated areas would be required to comply with the Wildland-Urban Interface Code. She stated that the new lift would not significantly impact habitat areas.

Planner Lederer explained that the application also met the requirements for CUP outlined in the LMC. She highlighted traffic and off-street parking and stated that because the Beginner Pod was not increasing, there would not be an increase in traffic or require additional off street parking. She stated that the proposal also met the requirements for Passenger Tramways and Ski Base Facilities under the LMC. She again highlighted parking and traffic and explained that it was compliant with the criteria.

She reported that the Development Review Committee, as well as the Planning, Building and Engineering Departments reviewed this application and no significant issues were raised. On June 8, 2022, Staff published notice of this application to the City website, City Hall and the property. Notice was published in the *Park Record* on June 8th, and courtesy copies of notices were mailed to property owners within 300 feet on the same date. She stated that Staff did not receive any public input prior to publication of the Staff Report.

Planning Lederer stated that the Planning Commission may approve the CUP, deny the CUP and direct Staff to make Findings for the denial, or the Planning Commission may request additional information and continue discussion to a date certain. She stated that Staff recommended the Planning Commission review the proposed plan, conduct a public hearing, and consider approving the CUP based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Chair Phillips noted the presence of the applicant and welcomed and congratulated Hannah Tyler, Deer Valley Resort on her new position. Steve Moak from Deer Valley Resort, explained that the impetus for this project was the beginner experience at Deer Valley. He stated that the current Burns chair was original to the resort and was aging out. When they looked at the beginner terrain, they have Burns Lift, what he called Lookers Left, and Snowflake Lift was on Lookers Right. A skier has to ride Burns Lift to get to Snowflake. He explained that they shortened Snowflake in 2011 to accommodate the Carpets. Mr. Moak stated that as the Burns Lift aged out, they analyzed whether the beginner terrain needed to be this way. They decided that moving the Carpets to Looker Left, where Burns currently sits, opening the center and extending Snowflake was the best use of that terrain and would be a better experience for the beginner skiers. He mentioned that ski school is a huge component of their business.

As part of this process, they thought about how Carpenter was one of their busiest lifts, and how the Mountaineer pods was one of the least visited lifts. The Burns Express Lift would be a jumper lift that would get users to the ridge above St. Regis, and then ski to the bottom of Mountaineer, take Mountaineer to the top and then take Deer Hollow. Mr. Moak stated that Deer Hollow is a green trail and an amazing beginner experience. He explained that moving beginners to the under utilized area with better terrain than Ontario would be a great concept.

He also pointed out that the new Burns Express would be a high speed quad and the first auto-restraint bar in North America, meaning that riders do not have a choice whether the restraint bar comes down. As the lift approaches the top terminal, the bar raises for the user. He noted that the industry has seen that a majority of skiers lift the restraint bar way too early. Mr. Moak offered that this would provide a much safer experience for their beginner skiers. He explained that the re-grading of the Little Stick run would involve abandoning Lower Little Stick, folding it in as much as possible, and re-vegetating it. He stated that there is a City water line on that trail.

Another benefit of this project would be that the confluence would be moved further downhill and have a lower grade, enhancing its safety. They would also be able to widen the run. He pointed out that in addition to benefitting the beginner experience, these changes would benefit the entire guest experience because currently, Carpenter is the busiest lift. These changes would take the load off Carpenter, especially between 9:00 a.m. and 11:00 a.m., and move skiers, especially ski schools, to Mountaineer.

Commissioner Van Dine asked how wide they anticipated Lower Little Stick to be after the re-grade. Mr. Moak stated that it would be approximately 30 feet wide, and it is currently 24 feet wide. With respect to snowmaking, it would be built-in and the current hydrants on Lower Little Stick would be abandoned; they would be able to move some of the above-ground hydrants to the new Lower Little Stick. There would be the same amount of hydrants on the new Lower Little Stick.

Commissioner Van Dine felt that this would improve the skier experience, and getting children out of the base area would be nice. She also felt that using Mountaineer was a good option for spreading people out in the morning.

Commissioner Hall asked if this was envisioned to relocate people from Snow Park to the Jordanelle side for parking. Mr. Moak stated that was not the impetus, but it would benefit those skiers who start their day at Snow Park. Commissioner Hall clarified that she wondered whether this would facilitate an exit for those skiers at Snow Park that parked at Jordanelle. Mr. Moak stated that with these changes, a skier could take Snowflake to Burns Express to get to Jordanelle.

Commissioner Kenworthy asked the applicant to speak to the issue of capacity. Mr. Moak stated that current Burns Lift has a capacity of 950 pph, while current Snowflake had a capacity of 950 pph. In order to access Snowflake, skiers must take the Burns Lift. He explained that the extension of Snowflake would increase its capacity to 1,000 pph, and to get to Burns Express, skiers would have to ride Snowflake. He explained that this change would not increase uphill capacity; it would only extend a fixed grip double to get to a detachable quad. A skier would then have to ski from the top of Burns Express to another quad to get to any appreciable downhill skiing.

It was clarified by Planner Lederer that the movement of Carpets was not specifically addressed in the LMC. Pursuant to the LMC, a CUP relates to new ski runs and ski lifts. It was clarified that the Carpets would not reach this new lift.

Commissioner Johnson sought clarification that skier capacity would not increase at Snow Park. Mr. Moak confirmed that capacity would not increase at Snow Park.

In response to an inquiry, Mr. Moak stated that the new Burns Express would be almost exactly the size of Homestake.

Chair Phillips opened the public hearing.

Steve Mote stated that he has lived at Black Diamond for approximately 17 years. He expressed that this plan made a lot of sense and would lessen the congestion at the bottom of the hill and give people more ways to get up the hill. He was formerly on the Board at Black Diamond, and while he could not speak for them, felt that they would all be in favor of this as well. He encouraged approval of this CUP.

Christie Hind identified herself as the Executive Director of Park City Ski and Snowboard. She expressed strong support for this project. Ms. Hind stated that Deer Valley has been an incredible partner to their club for years, and serves on their Board to ensure that they meet the needs of local athletes. She felt strongly that the project hits the mark on the issue of public served purpose. The beginner experience is what they are about, and this project would be beneficial for that experience. The enhanced safety features would help with the safety issues on the lift. She commended Deer Valley for this project.

Tyler Mugford stated he was present on behalf of the St. Regis, but also as a parent of four children under 8 years of age. He strongly supported this project and felt that spreading beginner traffic would be a wonderful adjustment and represented progressive thinking in terms of lift safety. He felt this would continue to elevate Deer Valley as a world-class resort.

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

MOTION: Commissioner Hall moved to APPROVE Parcel PC-900-4 Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

1. The Site is located at Parcel Number PC-900-4.

2. The Site is located in the Recreation and Open Space (ROS) Zoning District.

3. The Applicant proposes to remove, move, and rebuild the Burns ski lift and regrade of the Lower Little Stick ski run

4. The Lower Little Stick ski run will be 2/3rds regraded.

5. The existing lift towers are between 20' and 45' in height.

6. The proposed four new lift towers are between 29.9' and 41.5' in height.

7. The new lift terminals will be 25' in height.

8. The existing lift is fixed grip double chair, and has a capacity of 950 people per hour (pph).

9. The proposed lift will be a detachable quad chair and has a capacity of 1,800 pph.

10. The 1800 pph of the Burns lift is effectively metered by the Snowflake lift's pph of 1000 and therefore has no impact on parking demand.

11. Staff reviewed the Parcel Number PC-900-4 Conditional Use Permit Application for compliance with LMC Chapter 15-2.7, Recreation and Open Space (ROS) Zoning District, Chapter 15-2.21, Sensitive Land Overlay (SLO) Zoning District, Section 15-4-18 Passenger Tramways And Ski Base Facilities, and Section 15-1-10 Conditional Use Review Process.

12. The new Burns lift and regraded Lower Little Stick ski run comply with setbacks in the ROS Zone.

13. The new terminals are at least ~500 feet away from the nearest residence.

14. Under SLO criteria, the Planning Commission found:

    i. The new terminals and towers are proposed to be built on Very Steep Slopes and;

    ii. An intrusion into the Ridgeline areas is not created.

    iii. The project does not create an excessive cut into the slope.

    iv. The Limit of Disturbance is limited to the project scope, and surrounding areas will be revegetated.

    v. Erosion hazards will be mitigated through re-vegetation.

    vi. The plan does not propose the construction of units.

    vii. The plan does not propose additional Density massing.

    viii. The scope of the project is limited to the proposed plans.

    ix. The new location of the Burns lift does not have a significant impact on any ridgelines. The current lift is visible from the Snow Park Lodge vantage point, and the new location will also be visible from this point.

x. Vegetation will be impacted by the installation, and the surrounding impacted areas will be revegetated with native vegetation.

xi. No wetlands are within the proposed project area. The new lift and graded run will not significantly impact the runoff that feeds the creek.

xii. The project area shall comply with the WUI.

xiii. The new lift and ski run area will not create a significantly larger impact on the existing habitat areas.

15. Under CUP criteria, the Planning Commission found:

i. The site is existing, with existing ski lifts and runs. The old part of the ski run shall be revegetated to mitigate impacts of the new part of the run.

ii. The proposed lift and ski run will be constructed within the resort property and will not impact traffic. The proposal will not increase the base capacity of the beginner section of the mountain, and therefore will not increase traffic.

iii. The Development Review Committee reviewed the proposal and did not identify any impacts to utility capacity.

iv. The ski lift will not impede Emergency Vehicle Access.

v. The proposed ski lift will not increase the base capacity of the beginner section of the mountain, and therefore will not increase parking demand.

vi. The ski lift and run will affect the internal pedestrian circulation system but make it easier to move beginner skiers around the mountain.

vii. Impacted vegetative areas must be revegetated (see Condition of Approval 6). The old Lower Little Stick ski run shall be revegetated with Deer Valley Mountain Mix.

viii. The open space will be made more accessible to beginner skiers, and the beginner ski terrain and circulation will be efficiently redistributed.

ix. There are no proposed outdoor lighting or signs.

x. The new terminals will be compatible with existing terminals. The new towers will be galvanized steel, which match existing towers.

xi. The new Burns lift will be 70 to 75 decibels at the drive terminals, typical for ski lifts. The new lift will be at least 500’ away from existing residences, which reduces the overall sound impact from the proposal.

xii. The expected ownership is Private, by Deer Crest Associates I, L.C.

xiii. The project complies with the Sensitive Land Overlay.

xiv. The proposed Use of the Site is consistent with the Small Town and Natural Setting Goals of the General Plan, specifically the goals to further the City's role as a world-class destination and supporting high quality recreation in open space.

16. Under Passenger Tramways And Ski Base Facilities criteria, the Planning Commission found:

    i. The Applicant has permission from the Owner of the property to install the lift.

    ii. The proposed lift will extend a distance of at least ten feet outward from the vertical plane.

    iii. The base and terminal facilities of the ski lifts are prohibited from and will not be constructed in the HR-1 or HRL zones, per the LMC.

    iv. The ski lift will not be constructed over public roads.

    v. The ski lift will not be constructed over any wires or utility lines.

    vi. The ski lift expansion will not increase the base capacity at the beginner section of the mountain, and therefore will not impact parking.

    vii. The purpose of the expanded Burns lift is to better circulate beginner skiers on the mountain in existing ski terrain and runs. A decrease in beginner base lift capacity, while making the beginner area safer and more efficient, serves the overall community goals by implementing world class resort planning, pursuant to the General Plan, Deer Valley Lower Neighborhood. Also, the lift reduces or will not impact the adjoining properties or parking in the Historic Districts.

17. Staff posted notice to the City website, City Hall, and the property on June 8, 2022.

18. Staff mailed courtesy notices to the adjacent property owners on June 8, 2022.

19. On June 8, 2022, the Park Record published legal notice.

<u>Conclusions of Law</u>

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.7 Recreation and Open Space (ROS) Zoning District, Chapter 15-2.21 Sensitive Land Overlay (SLO) Zoning District, Section 15-4-18 Passenger Tramways And Ski Base Facilities, and Section 15-1-10, Conditional Use Review Process.

2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.

3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. This action letter is only applicable to the Burns ski lift, and Lower Little Stick ski run.
2. Final building plans and construction details shall reflect substantial compliance with the final plans submitted on June 15, 2022, to the Planning Department. 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.

3. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.

4. 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.

5. The lift shall extend a distance of at least ten feet outward from the vertical plane and shall not encroach into Setbacks.

6. No signs or outdoor lights are approved.

7. All vegetation removal shall be kept to a minimum and impacted vegetative areas shall be revegetated and compliant with the Wildland-Urban Interface Code. The unused portion Lower Little Stick ski run shall be revegetated. The Applicant shall provide a re-vegetation plan identifying all significant vegetation impacted by the lift removal. All replacement vegetation shall be designed to control erosion and to restore native, water-wise, and fire-resistant ground cover as quickly as possible after ground disturbing activities. The revegetation plan shall be submitted with the Building Permit application, reviewed, and approved by the Planning Director.

8. The new towers shall be galvanized to match the existing towers.

9. The project is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation.

10. The new lift terminals shall comply with the City Noise Ordinance, Chapter 6-3.

11. The Applicant shall comply with the 25-foot ROS Setback requirement for all structures and staging areas.

12. The existing Burns lift, including all towers and terminals, shall be dismantled and moved off-site prior to the operation of the new lift.

Commissioner Van Dine seconded the motion.

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

C. 405 Woodside Avenue - Subdivision Plat - The Applicant Proposes Creating a Single Lot of Record From An Existing Metes and Bounds Parcel in the Historical Residential - 1 Zoning District. PL-22-05184

City Planner, Spencer Cawley, noted that the applicant was not present. He explained that this property is bound on three sides by the Treasure Hill Subdivision, Phase 1, and contains a historic structure and an accessory structure as allowed in the Historic Residential-1 ("HR-1") zone. He explained that there are also two sheds, one of which encroaches the right-of-way. There are additional encroachments that do not have existing easements. He noted that this property was not included on the Park City Survey.

Planner Cawley reported that Staff found this proposed Subdivision complied with the HR-1 Zoning District requirements. Some of the standard Conditions of Approval would require the applicant or future property owner comply with the current LMC standards and go through a Historic District Design Review ("HDDR") process if they intend to undertake any renovations or additions to the historic structure. He also advised that Staff found good cause for the Subdivision because the HR-1 Zoning District character would be retained. Staff also found that no public street or right-of-way would be vacated or amended with this Subdivision. He mentioned Condition of Approval 7 that requires removal of the encroachments into the right-of-way or the neighboring property to the south, or, alternatively, that an encroachment agreement be entered into with those property owners and with the City and recorded with the County prior to recordation of the Plat. Staff also found that no easement was vacated or amended as a result of this Subdivision.

Planner Cawley reported that the Development Review Committee met and reviewed the proposal on April 19, 2022 and did not identify any issues. He requested the Planning Commission review the Subdivision application, hold a public hearing, and consider forwarding a positive recommendation for the City Council's consideration on July 21, 2022 based on the Findings of Fact, Conclusions of Law and Conditions of Approval. In response to a question by Chair Phillips, Planner Cawley confirmed that this Subdivision would not create any further non-compliance.

Commissioner Hall suggested adding some language in the Conditions of Approval regarding review of any additions or renovations by the Historic Review Board. In response to an inquiry from Commissioner Johnson seeking clarification of the communications with the owner, Planner Cawley explained that yesterday he received a hand-delivered letter from the property owner stating that they did not agree with their designation as the applicant, and felt it was misleading. The owner stopped by the Planning counter today, and there was discussion that as the property owner, they would be considered the applicant and they had signed the Affirmation of Sufficient Interest. He represented that the owner understood that clarification.

He mentioned that there was confusion in that the owners were looking to sell the property and this issue could have been the result of a discussion with a realtor. He stated that the applicant asked Staff to move forward with the application.

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

MOTION: Commissioner Johnson moved to forward a positive recommendation for City Council's consideration on July 21, 2022 for the 405 Woodside Avenue-Subdivision, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as contained in the Draft Ordinance attached as Exhibit A to the Staff Report, and as amended for Condition of Approval 6.

Commissioner Hall seconded the motion.

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

D. 115 Sampson Avenue - Plat Amendment - The Applicant Proposes Amending 115 Sampson Avenue Subdivision for the Purpose of Exchanging Land with Park City Municipal and Creating a Property Boundary Line that is Parallel with the Existing Asphalt of Sampson Avenue in the Historic Residential - Low Density Zoning District. PL-22-05180

Planner Cawley reported that the applicant, Christopher Goff, was present. He explained that this property is located in the Historic Residential-Low Density Zoning District. He presented a graphic showing the unusual lot configuration that plays into this application. He explained that this property traditionally was accessed from Norfolk Avenue, which is the front of the property. Because other property owners bind the property on three sides, the only way to access the site is from Sampson Avenue.

Planner Cawley presented an image of the property from Sampson Avenue and noted that it is steep and decreases in topography as it heads toward Norfolk Avenue. He stated that the property contains a Significant Historic Site, along with three non-historic sheds, and a staircase for the property owner to access the property from Sampson Avenue. He pointed to the location of an easement for a parking pad.

Planner Cawley explained that this application included a petition that the City vacate a right-of-way; it also includes a dedication of property to the City. He pointed out the Utah Avenue right-of-way, which is the original right-of-way in that area. The area petitioned to be vacated by the City totals approximately 112 square feet. The applicant would dedicate an equal portion to the City. He presented an image to explain that when this was first subdivided in 2014, one of the Conditions of Approval was to dedicate the portion identified in red to the City. The yellow highlighted area would be the additional portion to be dedicated, while the area highlighted in green represented the area to be vacated.

Planner Cawley stated that the proposed Plat Amendment complied with the Historic Residential-Low Density Zoning District requirements. The unusual lot configuration played into requiring the applicant to record the setbacks on the new Plat. He explained that the setbacks for unusual lot configurations are to be determined by the Planning Director, who determined that there were four 5-foot side setbacks, three 15-foot front setbacks and one 15-foot rear setback. He added that the minimum lot width must by 35 feet, as measured from the front property line; however, because the front property line is toward Norfolk Avenue, it is only 25 feet wide. The LMC allows the Planning Director to determine the lot width measurement on an unusual lot configuration. He explained that the front lot line was actually measured 56 feet back from the 25-foot front lot line, giving it a 73 foot width.

Chair Phillips asked why Norfolk Avenue was considered the front when access was from Sampson Avenue. Planner Cawley explained that traditionally, the property was accessed from Norfolk Avenue. The historic structure faces Norfolk Avenue, and any additions that the owner might make to the historic structure would be required to be made to the rear of the structure, which is why Sampson Avenue is considered the rear lot line.

Planner Cawley stated that he City could find good cause for the petition to vacate a public right-of-way if the proposal does not increase density, is compatible with the neighborhood, and the utility of the existing right-of-way is no longer significant. He referenced City Resolution 8-98. He pointed out that the Utah Avenue right-of-way as it enters into Section 16 changed quite a bit. As the subdivisions in Section 16 were created, it resulted in a narrower Sampson Avenue.

Planner Cawley continued by stating that the right-of-way vacation and dedication would not conflict with the adjacent residents' rights or cross the Utah Avenue centerline. He reported that Staff found good cause for this Plat Amendment because the proposal was consistent with the zoning district and it would preserve present land uses and the character of the zoning district. It would also encourage construction of historically compatible structures that contribute to the character of the Historic District. He added that there would be no public street or right-of-way vacated or amended. The petition to vacate would not increase the density or decrease the width of Sampson Avenue, nor would it impact the utility of the right-of-way.

Planner Cawley explained that the intent of the Plat Amendment was to memorialize the vacation and dedication of right-of-way. No easement would be vacated or amended, and the applicant indicated that they do not intend to vacate or amend the 2015 Encroachment Permit. He reported that the Development Review Committee met on March 1, 2022, reviewed the proposal and did not identify any issues.

Staff recommended that the Planning Commission review the 115 Sampson Subdivision-First Amended Plat, conduct a public hearing, and consider forwarding a positive recommendation for City Council's consideration on July 21, 2022, based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Chair Phillips opened the public hearing. There being no public comment, Chair Phillips closed the public hearing.

MOTION: Commissioner Kenworthy moved to forward a positive recommendation for City Council's consideration on July 21, 2022 for 115 Sampson Avenue Subdivision-First Amended Plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Draft Ordinance attached as Exhibit A to the Staff Report.

Commissioner Hall seconded the motion.

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

E. 949 Empire Avenue - Plat Amendment - The Applicant Proposes Removing an Internal Lot Line to Create a Single Lot of Record in the Historic Residential (HR-1) Zoning District. PL-22-05158

Planner Cawley explained that this Plat Amendment was similar to a Plat Amendment approved for 953 Empire Avenue. He presented an image that showed the two lots. He explained that currently there was no structure on the site, as a previous structure was demolished in 2013. There is, however, a double garage that sits at the front of the property. He explained that the garage on the left is on the property and encroaches onto the neighboring property by approximately four feet. He noted that the last time this application was before the Commission, it was continued because the applicant needed to work with the neighbor to resolve issues with the demolition of the garage. He noted that this was a Condition of Approval.

Planner Cawley presented an image showing Single-Family homes on Lowell Avenue that have parking on Empire Avenue. There is a staircase between the two properties for the use of the property owners to access parking and their homes. He stated that the proposed Plat Amendment complied with the HR-1 Zoning District requirements. He added that this is an unusual lot configuration, and the Planning Director made determinations on the setbacks, which also include Conditions of Approval 7, 9, 10 and 11. The majority of those would require the applicant to address the encroachments that currently exist and resolve the issue around demolition of the garage.

Planner Cawley reported that Staff found good cause for removing the lot line, because the present land uses and character of the zoning district would be retained. No public street or right-of-way would be vacated or amended, and no easement would be vacated or amended. He advised that the Development Review Committee met on March 1, 2022, reviewed the proposal and did not identify any issues.

Staff recommended the Planning Commission review the 949 Empire Avenue Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on July 21, 2022 based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Commissioner Hall referenced Condition of Approval 5 that referenced the portion of the garage to be removed from SA-301-B, but noted that Condition of Approval 9 referenced obtaining permission and approval from the owner of SA-301-E for the encroachment. Planner Cawley explained that the property owner of SA-301-E would retain the other portion of the garage, and part of the rear of the garage encroached onto SA-301-B.

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

MOTION: Commissioner Van Dine moved to forward a positive recommendation for City Council's consideration on July 21, 2022 for 949 Empire Avenue—Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Draft Ordinance attached as Exhibit A to the Staff Report.

Commissioner Kenworthy seconded the motion.

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

F. Parcels PCA-62-A-1-A-X, PCA-62-A-X, PCA-61-X, PCA-61-E-X, PCA-59-X, PCA-62-G-X, IHPCMC-1-2AM - Appeal of an Administrative Conditional Use Permit - The Appellant Appeals the Administrative Conditional Use Permit to Upgrade the Existing Silverlode Lift and Install a New Chair (Chondola Lift) Under the Park City Mountain Resort Mountain Upgrade Plan. PL-22-05249.

Commissioner Van Dine announced that she would abstain from the vote.

Planner Lederer advised that they received edits to the Final Action Letter from the appellants. She represented that Commissioner Laura Suesser advised via email that she agreed with most of the edits, with the exception of one item. Planner Lederer indicated that the Planning Commission was to decide if they agreed with the appellant's edits, and/or determine whether any other changes were needed.

Chair Phillips noted that these edits had not been made publicly available for others to see. Planner Lederer confirmed that the edits came in after the Staff Report was published.

Senior City Attorney Harrington confirmed that the edits were provided to the applicants, and they would be part of the record. He clarified that this item was primarily for Commissioners Johnson and Kenworthy to weigh in on Commissioner Suesser's proposed edits, and/or whether there was additional feedback on the findings in the Draft Action Letter. He added that Commissioner Suesser was unavailable for this meeting and that Commissioner Hall might vote to approve the Findings even though she was in the minority in terms of the vote. He stated that the Commissioners could rely on the representations of the majority that was present to approve the written record without acquiescing to the findings. The negative vote would still be of record. He confirmed that three total votes would be sufficient.

Commissioner Kenworthy stated that the redlines were consistent with Commissioner Suesser's email. Planner Lederer clarified that Commissioner Suesser most recent email changed Finding of Fact 12.

Planner Lederer shared the Final Action Letter as published with the Packet and the Final Action Letter as edited by the appellants. She highlighted Commissioner Suesser's additional edits to Finding of Fact 12.

Commissioner Johnson liked Commissioner Suesser's edit to the appellants redline and would prefer to use that. He stated that he was okay with the other edits. He offered that Finding of Fact 12 as edited by Commissioner Suesser flowed better.

Commissioner Kenworthy found the verbiage similar in intent and did not see a major difference. Planner Lederer offered that Commissioner Suesser restated her findings from the last meeting, and the Commission just needed to come to an agreement on whether to use her language or the appellants' language. Commissioner Kenworthy stated that he would agree with Commissioner Suesser's language.

Commissioner Johnson asked if the first and last bullet points in Finding of Fact 12 were redundant. Senior City Attorney Harrington opined that it reflected a specific comment that some of the Commissioners made regarding Figure IV-1 versus the general conclusion in the other one.

Commissioner Kenworthy suggested a change to the language that the lease for additional parking at the High School was limited to weekends. He was unsure whether that would include holidays, because the eight days were defined as Saturdays and Sundays only.

Commissioner Hall asked if the lease was not to include consecutive weekends. Commissioner Kenworthy advised that he did not see the “consecutive” language. Commissioner Hall then noted the language that “there would be no consecutive weekend use approved.”

Commissioner Kenworthy would add to that same bullet point that the minimum number of stalls available on those days should be defined. He would end that point with “therefore, insufficient to properly mitigate.”

Chair Phillips sought clarification of the language “not to be used consecutive weekends” would mean a weekend on and weekend off. He asked how they would even get to eight days. Commissioner Hall suggested that would include holidays.

Senior City Attorney Harrington noted that they were quoting from one section of the lease that was likely conflicted by a different part of the lease; the specific days in the front page were listed, and the form agreement had a standard provision stating it could not be used. He felt the lease was not edited appropriately which created another discrepancy. He stated that they do not have to resolve it, the Commission was just pointing out that the lease says what it says.

Commissioner Kenworthy observed that the lease was ambiguous at best with the units defined at 300 – 600 and the “no consecutive weekends” left in. He added that this lease was not clear enough to define mitigation for the increase in parking because it is too ambiguous.

Commissioner Hall stated that she voted to deny the appeal, and sought clarification that she was simply to confirm that this is what occurred at the meeting and what the majority voted. She explained that she did not find that the Development Agreement defined Comfortable Carrying Capacity (“CCC”), which resulted in a fluid formula. She asked if her position was included in this Final Action Letter.

Senior City Attorney Harrington confirmed that she would just be approving as to form based on reliance on Commissioner Suesser’s representation of her findings.

Planner Lederer confirmed that the changes to be made were the appellants’ changes, with the exception of the second bullet point under Finding of Fact 12 where they would use Commissioner Suesser’s wording that states “The total CCC analysis due to the lift upgrades contains discrepancies in vertical demand between the 1998 Mountain Upgrade Plan and the proposed CCC table submitted by the applicant. Discrepancies also exist in the CCC analysis and appropriate vertical demand calibration for the Eagle Lift, Silverlode and King Kong between S.E. Group, the applicant’s consultant and Ecosign, Park City Municipal’s consultant. Therefore, the total operating CCC of 12,860, nor 13,130 claimed to be the alternative by the applicant have not been verified. As a result, it is not possible to accurately assess the required parking and other mitigation measures.“

Planner Lederer also confirmed that they would add the following to bullet three under Finding of Fact 12 that states "The number of stalls to be used was not defined and therefore insufficient to properly mitigate."

Commissioner Hall suggested that under Conclusions of Law 1, the following should be added: "Accordingly, the Planning Director lacked administrative review to process the ACUP, and that is why the appeal is being granted." Senior City Attorney suggested adding this language as the second sentence in the Order.

Commissioner Kenworthy noted that with respect to Finding of Fact 12, they needed to clarify that the total operating CCC remained undefined. Commissioner Johnson agreed. Commissioner Kenworthy suggested adding "and/or defined" to the following sentence: "Therefore, the total operating CCC of 12,860, nor 13,130 claimed to be the alternative by the applicant have not been verified."

MOTION: Commissioner Kenworthy moved to APPROVE the Planning Commission's Final Action Letter, as amended.

Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Van Dine abstained.

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

City Planner, Browne Sebright, reported that this matter was subject to two Work Sessions and two public hearings. During the last public hearing, the Commission directed Staff to draft Findings for denial of the CUP for a Minor Hotel. He stated that since that meeting, they received one additional public comment by the representative of the neighbors that suggested edits to the Draft Final Action Letter. The edits were suggested to Findings of Fact 7, 9, 10 and 12. He stated that some of these edits were inclusive of references to the Conditions associated with the 2010 CUP for a Private Recreation Facility, which was the lap pool behind the hotel. There was also a reference to the 1983 CUP, which was for the Bed and Breakfast that this Minor Hotel CUP would have replaced. There was an additional reference to LMC definition of uses.

He reported that Staff's review found that some of the proposed edits were favorable, some they would defer to the Commission, and some would not be worthy of inclusion. Planner Sebright added that they inadvertently included a reference to Exhibit D in the background document that was included in prior Staff Report Packets. He advised that Staff recommended the Commission review, amend as necessary and approve the Draft Findings of Fact, Conclusions of Law outlined in the Draft Final Action letter denying the applicant's request for a Minor Hotel CUP.

Commissioner Hall deferred to Commissioners Johnson and Kenworthy, as she was the lone dissenter. Commissioner Johnson stated that most of the edits referenced the 2010 CUP approval prohibiting the use of Woodside Avenue for guest parking and delivery service traffic.

Planner Sebright explained the suggested edits. With respect to Finding of Fact 7, it was suggested to include reference to the 2010 CUP regarding the use and access of Woodside Avenue. Staff had no issue with this edit. Commissioners Kenworthy and Johnson accepted those edits to Finding of Fact 7b.

The next edit referred to Finding of Fact 9 added the definition of "restaurant", which Planner Sebright stated was accurate. It also expanded the statement that "gatherings" fall under the definition of "restaurant and private events," and stated that "restaurants and private events are prohibited in the HR-1 Zoning District." It also stated that outdoor dining and beverage service stations were not allowed uses in the HR-1 Zoning District. He stated that the first portion and last portion of these edits were accurate. With regards to the suggested edit that "restaurants and private events are prohibited," Planner Sebright noted that the LMC allowed these uses as an accessory use to a permitted Minor Hotel.

Planner Sebright recommended removing the term "restaurant" and leaving "private events." Commissioners Kenworthy and Johnson were agreeable to that change. With respect to Finding of Fact 10, Planner Sebright stated the edits specifically elaborated on what the applicant's proposed requested use was and the Commission's determination that reasonable conditions could not be proposed to mitigate the detrimental effects. The edits also included a reference to the 1983 CUP. He stated that Staff had no issues with the suggested edits in the first paragraph, and with respect to item b., the edits were not technically incorrect, but the purpose of the proposed CUP was to replace the 1983 CUP.

Commissioner Kenworthy agreed with the changes in the first paragraph, and was agreeable to the change in item b.

Commissioner Johnson suggested removing "restaurants" from this language to be consistent with the prior changes. Commissioner Van Dine asked if "outdoor dining" was the same as "restaurants" and was a prohibited use in HR-1, with an exception with compliance. Planner Sebright stated there was a difference and it was the outdoor nature of dining that was prohibited in HR-1.

Senior City Attorney Harrington stated that the term was left in based on Commissioner Suesser's original comments at the end of the last meeting. He explained that this statement was merely re-stating the existing zoning, and he did not see the inconsistency by keeping "restaurant" in this Finding of Fact. It was agreed that if the intent of this language was to codify what was occurring, this language should remain. Commissioners Kenworthy and Johnson agreed.

Planner Sebright next referenced Finding of Fact 12 where it was suggested to include reference to the 2010 Private Recreation Facility CUP. Staff had no issue with these additions.

Senior City Attorney Harrington suggested that in place of "and violate" they use the phrase "contrary to."

MOTION: Commissioner Kenworthy moved to APPROVE the Planning Commission's Final Action Letter on 543 Park Avenue, as amended.

Commissioner Johnson seconded the motion.

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

8. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 9:30 p.m.