



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
June 15, 2022**

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

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

1. ROLL CALL

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

The following written determination 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, June 15, 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.

Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/publicmeetings. 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 reported that all Commissioners were present, with Commissioner Laura Suesser and Commissioner Sarah Hall attending the meeting virtually.

2. PUBLIC COMMUNICATIONS

There were no Public Communications.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that she would not be at the Planning Commission Meeting on June 22, 2022. Assistant Planning Director, Rebecca Ward would take her place. Chair Phillips shared a disclosure for Item 4B. He would be recusing himself from those

discussions as he had done work with that applicant on the project. Commissioner Christin Van Dine stated that she would abstain from Item 4C as she was not present at the last meeting.

4. REGULAR AGENDA

A. 2346 Park Avenue - Conditional Use Permit - Applicant is Requesting Use of a Temporary Structure at the Peaks Hotel for a Longer Duration than the Land Management Code Allows Without an Approved Conditional Use Permit and a Parking Reduction. PL-22-05132.

Planner II, Makena Hawley reported that the item was a Conditional Use Permit for the Peaks Hotel at 2346 Park Avenue. This was a proposal for two items. There was a request for a temporary structure or tent, which would be located in the rear courtyard. There was also a proposal for a parking reduction related to the temporary structure but also for Versante on the Lawn. Planner Hawley explained that Versante on the Lawn was a pending Administrative Conditional Use Permit ("ACUP"). It would not be considered if the parking reduction was not approved. The item had been discussed previously and updates would now be shared. Planner Hawley stated that the tent proposal had been amended to mitigate impacts on the nearest neighbors. The latest proposal was for 12 tent assemblies with an approved Fire Permit for a maximum of five days each, with a one-year review of the application to ensure impacts were mitigated. That was down to 60 days from the 180 days that was proposed previously. This was done to achieve a balance between the neighborhood needs and hotel needs.

Planner Hawley explained that the second proposal pertained to the parking reduction. The applicant proposed a parking reduction to hold Versante on the Lawn during the summer months. At the last meeting, the Commission discussed a parking study that used existing data from the winter parking study as well as statistical data. Planner Hawley noted that with all the uses on the Peaks Hotel property, the Land Management Code requires 176.2 parking spaces. The study completed by the applicant indicated that approximately 114 parking spaces would be needed to satisfy the parking demand due to overlapping uses. This study was based on the statistical data that had been requested previously by the Commission. The applicant had agreed to complete a summer parking study to assess the real numbers.

In addition, the Peaks Hotel would provide a 20% discount to those who ride their bicycles, take the bus, or walk to Versante on the Lawn. Two bicycle racks had been added, the curb had been painted red along Jupiter View Drive with accompanying No Parking signs, directional signage was provided, vehicles would be moved into the underground parking lot, and there was now a towing contract in place. The Peaks Hotel had also done a large outreach campaign to inform guests that wanted to come to Versante on the Lawn to come without a car.

Planner Hawley explained that both items were required to have a one-year review to ensure compliance and that impacts are appropriately mitigated. At that time, if there were still concerns, the application could be further conditioned or the approval revoked. The Draft Final Action Letter was heavily conditioned, which allowed the City to decrease the intensity of the site if the impacts were too great. Staff found that the proposal was aligned with the General Plan and the impacts could be appropriately mitigated. Chair Phillips asked about the one-year timeline. Planner Hawley clarified that the City would likely look at the impacts after the summer season. The review would be done for three years on an annual basis.

Peaks Hotel General Manager, Stephanie Samuels, reported that Versante on the Lawn was created out of the need for normalcy during the chaos of the COVID-19 pandemic. After two seasons of operation, it became clear that Versante on the Lawn was something the community needs and looks forward to each summer. It was a place for family and friends to gather outdoors, dine with views, dance to live music and bring their pets. Ms. Samuels learned a lot after attending the last Planning Commission Meeting. She praised the Commissioners for their hard work and recognized that there was a focus on the changes happening in Park City. Every public comment during that meeting was related to change. A longtime resident spoke the previous week about taking the bus for the first time after being a resident for over 40 years. As much as residents wanted to blame tourism, local growth was also part of the problem. Traffic was no longer a peak season issue, as there were backups in May and October. Ms. Samuels stressed the importance of other types of transportation. She asked that the parking reduction be approved, as it was essential to change the behavior of locals. It was necessary to be part of the solution. The hotel was committed to spreading the word about alternative transportation methods and had made efforts to deter driving to the location.

Ms. Samuels overviewed some of the efforts that had been made so far, such as signage and bicycle racks. She noted that parking in the hotel garage had been opened for overflow and discounts had been offered to guests that rode their bicycles to Versante on the Lawn. The hotel wanted to rally the community to commit to bicycling, busing, and being part of the solution. This messaging would be added to all branding and social media posts during the summer season. Ms. Samuels stated that the hotel would make every effort to mitigate traffic and hindrance on surrounding properties, as the private road behind the hotel was shared. The Peaks Hotel and Versante had always put the community first. They wanted to continue to be a good neighbor for Park City and the Jupiter View Condominiums.

Chair Phillips wondered if anything was preventing the Peaks Hotel from building a permanent roof structure outside in terms of the Building Code. Planner Hawley stated that they could apply for a Building Permit. Ms. Samuels explained that there were building plans in place before the pandemic, but everything took a backseat during that time. A pavilion or permanent structure was something that was still being considered. The tent was ideally just for the summer. Chair Phillips asked about the lights. He had driven by at night and was not certain that the lights met the lighting codes. The amount of light that was emitting out of the courtyard area was a concern. He asked whether there was a way to address that or condition the lighting.

Commissioner Van Dine thanked the applicant for making an effort to mitigate some of the issues. It was interesting to look at the parking study and see how similar towns handled parking requirements. She understood that Park City was fairly strict but still wanted to see the additional information at the end of the summer season. Commissioner Van Dine noted that Findings of Fact #17 stated that no signs or exterior lighting were proposed with the project. She wondered whether that only pertained to the tent. She pointed out that quite a bit of light came from the hotel at night and that may be something to look into further. Planner Hawley clarified that Findings of Fact #17 was related to the tent but there was Condition of Approval #8 that said no outdoor lights could be on after 11:00 p.m. Ms. Samuels added that the lights were strong outdoor string lights. If that use needed to be limited, it would be very easy to do.

Commissioner Van Dine asked about Condition of Approval #11. She wanted to know if that had to do with the Versante on the Lawn area as well as the tent structure. Planner Hawley explained that it was just related to the tent. There would be a public hearing for the ACUP the next day

and the same Condition of Approval was included there. Commissioner Van Dine appreciated all of the public comments that had been shared previously.

Commissioner Suesser asked to look at the chart that was included in the Staff Report. It pertained to the location of off-street parking as outlined in the Land Management Code. She also wanted to understand the capacity of the tent. Ms. Samuels reported that the tent was a shaded area. There were no walls or sides to the tent in the summer. It was 800 square feet and there were no more than six round tables with eight people underneath the tent. However, the courtyard as a whole was utilized. For instance, recently there was a meeting group with 80 people utilizing the entire yard. The tent was set up for shade and to cover food areas. Commissioner Suesser asked why there were four parking spaces required for an 800-square-foot tent. Ms. Samuels explained that in the case of the meeting group, those were hotel guests, so there was a crossover with the parking. Those spaces had already been accounted for. Planner Hawley clarified that for Hotel Minor or Hotel Major, there was one space per room or suite and one space per 200 square feet of separately leasable commercial space.

Commissioner Suesser asked about the capacity for outdoor dining. Planner Hawley explained that an outdoor dining use did not have a specific number. It was based on a site-specific review at the time of a Conditional Use Permit ("CUP"). She added that in the previous Planning Commission Meeting, an additional study was requested using statistical data to assume the parking requirements for Versante on the Lawn. The study was provided by the applicant and another would be done in the summer.

Commissioner Suesser noted that the last time the application was discussed, there were conversations about the underutilized parking garage on the premises. She did not notice anything in the revised application that spoke to that. Ms. Samuels explained that normally, the parking garage doors were closed and accessed only with hotel keys. The suggestion was to keep the parking garage open through 10:00 p.m. so anyone attending Versante on the Lawn could park there. Signs would direct traffic out of the parking lot and into the garage. Commissioner Suesser wanted to know if there was a requirement that hotel guests must park in the garage. Ms. Samuels stated that the three contracts that were used for hotel guests were updated, which included the hotel guest registration sheet. It informed guests that a parking permit was required and parking would be permitted in the garage. Guests were encouraged to utilize the parking garage. Commissioner Suesser believed that would be an easy and effective mitigation strategy. She also suggested that the tent not be allowed up when Versante on the Lawn was operating as a way to mitigate the impact of additional visitors to the site.

Commissioner Hall felt that the parking study was compliant and was impressed with the Active Transportation Plan. She was in full support of the new transportation plan with the reduced parking. It was exactly what the Commission had been asking applicants to do. Commissioner Bill Johnson wondered if any formal complaints had been made last summer. Ms. Samuels was not aware of any formal complaints last year. However, the year before, there was one due to the volume of music while the team was cleaning up the area. That had been addressed with staff since then. She noted that a lot of people had parked on Jupiter View Drive and that was an issue. There had not been a formal complaint about that, but she had spoken to a neighbor about the use. That was the reason for the red curb and signage.

Commissioner Johnson had observational data about a project that was close by that he wanted to share. It related to parking issues at Thaynes Canyon. A lot of the employees from the hotel and golf course parked on the north side of Snow Creek Shopping Center and neighboring private

roads. He wanted to make sure that if people started to park in areas surrounding the Peaks Hotel, there would be a way to manage that. It was important to understand whether the annual review would be based on formal complaints. Planner Hawley explained that a lot of it would have to do with complaints and feedback received as well as speaking to Code Enforcement or the Police Department. Chair Phillips suggested that the review be done through the Planning Commission. That way, the item would be publicly noticed, there could be a public hearing, and it would be possible to hear all of that feedback. Planner Hawley was supportive of the suggestion and believed it would allow for additional insight.

There was discussion regarding the parking reduction. Planner Hawley explained that the street parking had been removed because it seemed to be getting out of hand. There were some safety issues to consider. The existing parking was 129 stalls. With all the uses overlapping, 176.2 spaces were required. That meant the reduction requested was 47.2 parking stalls. Commissioner Johnson wondered what would happen if the tent use was removed and only Versante on the Lawn was permitted. Planner Hawley explained that the regulations for the hotel and restaurant totaled 164 spaces. As a result, the hotel was technically already under-parked. She explained that the hotel was approved this way and the code had likely changed since it was built in 1985. For the tent, four spaces needed to be added, because there was 800 square feet of additional leasable commercial space.

Commissioner Johnson felt that two different uses were being proposed. He thought that Versante on the Lawn aligned with the General Plan due to the sense of community and was in favor of that use. He was not in favor of the tent. If the other Commissioners were in support of that use, he asked that Condition of Approval #8 be changed to 10:00 p.m. to align with the other uses on the property. It was noted that Versante on the Lawn would run until Labor Day weekend.

Commissioner John Kenworthy believed that based on the historical data, July was the busiest month. Ms. Samuels explained that the July occupancy aligned with February. That was the reason the month had been chosen for the data. Commissioner Kenworthy stated that he did not want to reduce the parking without verified mitigation. He would rely on the data that would be collected over the summer. Commissioner Kenworthy agreed with the suggestion made by Chair Phillips about the review taking place at a Planning Commission level with a public hearing. Parking was a significant issue and it was important to be considerate of nearby neighbors. Ms. Samuels explained that 50% of the private road was owned by the hotel. Parking there was an issue and that was the reason the curb had been painted red, a towing contract was put in place, and signage had been added. The intention was to focus on prevention and enforcement.

Commissioner Kenworthy asked about the restaurant occupancy. Ms. Samuels explained that it shifted when Versante on the Lawn was open. There were half as many people inside because they were all out on the lawn. Commissioner Kenworthy pointed out that Versante on the Lawn was very popular. Ms. Samuels stated that during the first two years, the ACUP allowed for 100 people to be on the lawn. This year, there was a commitment to downsizing that, with six heads per picnic table and no cocktail tables. The occupancy would be 75 people. Commissioner Kenworthy wanted to know if it was possible to lower the occupancy if the parking mitigation did not go as planned. Ms. Samuels informed the Commission that the hotel was willing to be flexible.

Chair Phillips opened the public hearing.

Derek Howard identified himself as the Secretary and Treasurer of the Parkview Homeowners Association ("HOA"). He noted that the tent was used during the COVID-19 pandemic, which was

appropriate, but he did not believe it was appropriate for the tent to continue to be used in a residential community. If the Commission felt the tent use was acceptable, he asked that it not be left up for multiple days. The tent could be raised for an event and taken down afterward. When there was an event, it was noisy, because of the music and visitors. He understood the decibel limits, but the noise was still intrusive. It is a residential community and the residential homes were there before the event area was built.

Mr. Howard commented that Versante on the Lawn is great and everyone loves it. There was no issue with that use, but with the parking. The parking on Jupiter View Drive had been out of control. Many visitors had used Jupiter View Drive as well as the condominium parking spaces. The Peaks Hotel was asking for a significant reduction in parking and he did not feel it was acceptable. Mr. Howard noted that a lot of people would not use transit or bicycle there and the use would drive traffic into residential areas instead. He stressed the importance of active mitigation rather than passive mitigation, such as signage.

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

Commissioner Suesser asked if it was possible to reduce occupancy in the restaurant while Versante on the Lawn took place. Additionally, she wanted to know if the tent use was needed. Planner Hawley explained that an additional Condition of Approval would need to be run past the applicant. There could be discussions about reducing the capacity inside the restaurant and the tent could be raised for an event rather than for the five-day maximum. Ms. Samuels stated that the hotel could commit to reducing the indoor seating capacity during Versante on the Lawn. As for the tent, the hotel was wedding-based. Some events needed the tent for coverage, especially events during the peak summer months when shade was needed. However, the number of days the tent was up could be reduced. She noted that this was likely the last summer that the tent would be in use. A more formal structure that matched the building would move through the Building Permit process shortly. Ms. Samuels stated that 20-30% of the indoor restaurant capacity could be reduced during Versante on the Lawn. There were 96 seats inside Versante, so the reduction would be approximately 25 seats.

Commissioner Suesser believed the indoor capacity should be reduced further. Commissioner Van Dine disagreed. The Conditions of Approval ensured that good data would be gathered over the summer and there were processes in place that allowed for reviews and revisions. The applicant had done work to mitigate issues and should have the opportunity to move forward. A 25-seat reduction was enough for now since the seating could be reviewed again at the end of the summer. Chair Phillips agreed with Commissioner Van Dine. There were a lot of mitigations and there would be additional opportunities to review the uses. Commissioner Hall agreed and was comforted by the fact that Condition of Approval #11 and Condition of Approval #16 allowed the Director to further mitigate. There was also a future review process.

Commissioner Johnson was glad that there would be a review process at the end of the summer, but he was concerned about the tent use. If that use proceeded, he believed the hours should be reduced. 11:00 p.m. was too late for the exterior lights and would impact neighboring properties. Chair Phillips was supportive of a condition that stated the use must abide by the lighting ordinances. Planner Hawley explained that this was where the 11:00 p.m. time came from. Chair Phillips expressed concerns about how much light was being emitted. He felt it needed to be reduced to better meet the lighting ordinances. City Attorney, Mark Harrington pointed out that lighting was covered in Condition of Approval #8.

Commissioner Kenworthy stated that Versante on the Lawn was enjoyable. He explained that there were portions of the General Plan that allowed for flexibility for those types of uses. However, the Planning Commission had an obligation to protect residences. He hoped that the hotel and the neighbors would continue to be respectful of one another. Commissioner Kenworthy believed this summer would be a good test period and he looked forward to seeing the data.

Commissioner Suesser was supportive of the approval if a Condition of Approval for a 25% reduction in the restaurant was added. She also wanted to see a condition that hotel guests were required to park in the parking garage and a condition that no tent should be in place without a special permit while Versante on the Lawn was operating. Commissioner Van Dine noted that not all of the hotel guests could be accommodated in the parking garage. She did not see how that could be a Condition of Approval if there were not enough spots. Commissioner Suesser noted that the parking garage had approximately 50 spots and the hotel had stated that only half of their guests brought cars to the hotel. She thought the numbers were fairly close.

The Conditions of Approval that were suggested by Commissioners were discussed. Planner Hawley read out the recommendations, which included the following:

- Update Condition of Approval #8 to indicate that 10:00 p.m. was the cutoff time.
- Add Condition of Approval #22 to indicate that there would be a review by the end of December 2022. Property owners within 300 feet would be noticed and the review would take place during a Planning Commission Meeting.
- Add Condition of Approval #23 to state that the parking study must be conducted during July.
- Add Condition of Approval #24 to state that while Versante on the Lawn was taking place, a 25% reduction of the interior Versante restaurant shall be enforced.
- Add Condition of Approval #25 to state that the tent may only be erected for the days of the event.

There was discussion about a possible Condition of Approval #26, which would state that hotel guests shall park within the parking garage. Planner Hawley noted that there were 127 hotel rooms and 58 interior parking spots. Commissioner Van Dine did not believe that should be a Condition of Approval as it did not make sense, since there were more rooms than parking spaces. She felt the hotel should encourage their guests because that was the easiest population to get into the garage. It would make parking mitigation easier. Commissioner Johnson was okay with not adding that Condition of Approval. Commissioner Hall and Commissioner Kenworthy did not have a strong preference. The condition was not added.

MOTION: Commissioner Van Dine moved to APPROVE the Conditional Use Permit for 2346 Park Avenue the Peaks Hotel – PL-22-05132, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact

1. On March 1, 2022, the Peaks Hotel submitted a complete application for a Conditional Use Permit ("CUP") for a 20' x 40' Temporary Structure (tent) in the rear section of the courtyard and a parking reduction for Outdoor Dining and Outdoor Events.

2. The Peaks Hotel was constructed in 1985.
3. The Peaks Hotel is located on Lot 1 of the Parkview Subdivision.
4. The hotel contains 127 hotel rooms, 129 parking spots, and Versante restaurant on approximately 60,000 square feet (1.3 acres).
5. The Applicant is concurrently proposing an Administrative Conditional Use Permit to allow Outdoor Dining and Outdoor Events on the nearby lawn that requires a parking reduction.
6. The Site is located in the Residential Development – Medium Density (RDM) Zoning District. The proposed CUP Temporary Improvement is a Conditional Use in the Zone.
7. The proposed Tent complies with RDM setbacks.
8. The Site is within the Frontage Protection Zone (FPZ). The Tent location is proposed more than 30' from S.R. 224, Park Avenue, and is shielded by the hotel.
9. The Size and Location proposed for the temporary structure are appropriately placed.
10. The tent will be utilized by guests already at the hotel so it will not require mitigation as traffic will not be affected. Events held under the tent will be for hotel guests only, no admission or advertising to the general public is allowed.
11. No water hookups are proposed.
12. The existing emergency vehicle access will remain in the parking lot located to the North of the hotel and is sufficient to reach the tent.
13. The Tent location will not affect internal vehicular or pedestrian circulation.
14. The tent location is proposed to be located in the rear interior courtyard, screened on 3 sides by the hotel.
15. The tent is appropriately sized for its location on site.
16. The tent will be placed on an existing, flat, concrete pad.
17. There are no signs or exterior lighting proposed with this project.
18. The compatibility of the tent is temporary in nature, the tent usage and compatibility with the neighborhood is mitigated through the Conditions of Approval #1 and #18.
19. A heater in the wintertime is the only mechanical equipment proposed in the wintertime, none will be proposed in the summer.

20. Delivery and service vehicles will not be affected by the tent and will operate as normal.
21. The Peaks Hotel is located in the Park Meadows Neighborhood.
22. The LMC requires 168.2 parking spaces for the Peaks Hotel Uses including a hotel, Restaurant, and Tent.
23. The LMC requires 176.2 parking spaces for the Peaks Hotel Uses including a hotel, Restaurant, Tent, and Outdoor Uses.
24. The Applicant completed a study utilizing statistical data that indicated a total parking requirement of all uses proposed on-site to be 114 parking spaces.
25. The Applicant is proposing a reduction of 47.2 parking spaces to support the proposed activities of all the uses on site.
26. LMC § 15-3-7 states the Planning Commission may reduce parking requirements.
27. The Applicant completed a parking study identifying that the on-site parking lots held an average of 50% capacity at peak season (hotel capacity at a maximum of 97% during the study).
28. Staff finds the temporary tent as modified by new conditions of approval will not increase the parking needs for the Peaks Hotel.
29. The Development Review Committee reviewed this application and did not identify any issues.
30. Staff posted a notice on the Utah Public Notice website and posted it to the property on May 25, 2022.
31. The Park Record published notice on April 27, 2022.
32. The applicant amended their proposal on May 25, 2022, to include a maximum of 12 tent options a year with a maximum of five days per tent request with issuance of a fire permit per each use with a one-year review on impact mitigation.
33. On June 8, 2022, the Planning Commission conducted a public hearing and continued the application to June 15, 2022.
34. On June 9, 2022, staff posted notice on the property.
35. Staff mailed courtesy notice to property owners within 300 feet on April 27, 2022.

Conclusions of Law

1. The Application, as conditioned, is consistent with LMC § 15-1-10 Conditional Use Review Process, LMC § 15-2.14 Residential Development Medium Density and LMC § 15-3-7 Parking in Master Planned Developments and Conditional Use Permits.
2. The proposed Use, as conditioned, will be compatible with the surrounding structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Temporary Structure (Tent) within the rear courtyard shall be installed a maximum of 12 times per year for a maximum of 5 days per installation. Each tent installation will require a fire permit. The CUP approval will be reviewed in one year's time to ensure impacts are mitigated, or this approval may be modified or revoked.
2. Each Temporary Structure (Tent) installation will require a permit issued by the Building Department and must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.
3. Prior to installing the Temporary Structure (Tent), the Planning Department must sign off on a fire permit and record the date within the CUP application file to track each installation.
4. The proposed project shall be in accordance with all adopted codes, including, but not necessarily limited to the Land Management Code; International Building, Fire, and related Codes (including ADA compliance); and any other standards and regulations adopted by the City Engineer.
5. Applicant shall comply with all City, County, and State health and licensing requirements.
6. The Use shall not violate the Summit County Health Code or State Regulations on mass gatherings.
7. The Temporary Structure (Tent) shall be secured to the ground with stakes or weights, subject to Building Department review and approval.
8. All exterior lights must conform to the City outdoor lighting code. No outdoor lighting in the tent may be on past 10:00 pm.
9. No exterior advertising signs or lighting are approved with this Conditional Use Permit.

10. Should the Applicant receive a complaint regarding traffic, parking, or noise generated from the Outdoor Use, they shall notify the Park City Planning Director within one business day. The City shall notify the Applicant upon receiving any Outdoor Use complaint within one business day. Upon the notice of 3 complaints, the Planning Director will review the approval of this Permit. The Planning Director Reserves the right to modify the operations, and add additional restrictions and/or Conditions of Approval to mitigate community impacts from the Outdoor Use.
11. The Outdoor Use shall comply with Municipal Code of Park City Chapter 6-3, Noise, which establishes a maximum of 55 dBA from 6:00 a.m. through 10:00 p.m.
12. No amplified music is approved with this Permit. The applicant will orient any music inward toward the hotel courtyard area, as opposed to facing any street.
13. All proposed mechanical equipment must be screened.
14. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to install and use the temporary structure.
15. If the Applicant cannot manage parking for uses on-site, including hotel, restaurant, and outdoor uses within the existing parking spaces, the Planning Department will provide notice to the Applicant and they may be required to reduce attendance of the event, terminate programming, or create additional mitigation strategies to stay within parking spaces on site. If the Outdoor Use parking exceeds on-site parking, the Planning Director reserves the right to revoke this CUP.
16. The Applicant will hire an engineering firm to complete a parking study and finalize a Traffic Demand Management ("TDM") plan for the Peaks Hotel by August 31, 2022. The final TDM is subject to review and approval by the Planning Director for further modification.
17. This approval is conditioned upon a one-year review with notice to neighboring property owners within 300 feet of the Applicant's property lines. The review may require changes to this approval or the TDM plan to ensure compliance and mitigation of impacts or the CUP approval and parking reduction for outdoor uses may be subject to revocation.
18. The entire tent top and structure must be taken down after the fifth day of each installation.
19. The tent shall be a maximum of 20 ft. x 40 ft.
20. The Applicant committed to and shall continue to provide guests with detailed information regarding underground parking and requirements for events held at the hotel. The hotel will continue to operate their towing contract to ensure no parking off-site and finally, they will continue to run advertising regarding incentives for non-motor vehicle-related transit to the site.

21. The Applicant shall add two bike racks providing 36 spaces for bikes in a convenient, highly visible area. The bicycle racks or lockers must be anchored and be of solid construction, resistant to rust, corrosion, hammers, and saws.
22. There will be a review by the end of December 2022. Property owners within 300 feet will be noticed and the review will take place at Planning Commission level.
23. The parking study must be conducted during the month of July.
24. When Versante on the Lawn is taking place, a 25% reduction of the interior Versante restaurant shall be enforced.
25. The tent may only be erected for the days of the event.

Commissioner Hall seconded the motion.

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

B. Parcels: PCA-S-79-B and PCA-S-79-C (Bransford Parcels) - Zoning Map Amendment - The Applicant Is Proposing a Zone Change for Two Parcels from Recreation Open Space (ROS) to Estate (E) Zoning for the Construction of Two Single-Family Homes. PL-21-05042.

Chair Phillips reported that he would recuse himself for Item 4B and asked that Commissioner Suesser take over the discussions. She noted that the item was related to a Zoning Map amendment for Parcels PCA-S-79-B and PCA-S-79-C, which were the Bransford Parcels. Planner Hawley stated that the item would be continued to August 10, 2022, because Staff was not prepared to make a recommendation at the current time. However, it was important for the Commission to become familiar with the application. There were two parcels, which totaled 39.62 acres in the Upper Flagstaff Mountain area. The parcels were annexed into Park City with the Flagstaff Annexation, but the applicant did not sign the Flagstaff Development Agreement. The parcels were located in the Recreation Open Space ("ROS") Zone and the desire was to rezone to the Estate ("E") Zone to allow for the development of two single-family homes.

The site contains significant vegetation and steep slopes. There are bicycle and hiking trails as well as a Deer Valley ski easement. Planner Hawley reported that the parcels are located in the Sensitive Lands Overlay, which requires analysis before any kind of development is proposed. The parcels do not currently have access or utilities. Since the last meeting, the applicant had returned with Conceptual Plans, including private road options, utility locations, and proposed locations for single-family homes. The applicant was not proposing to develop on slopes over 30% and it was assumed that there would be no development on slopes over 15%, which would leave approximately 88.99% of the acreage preserved. Assuming a maximum of three acres per parcel and one acre of disturbance for a road, this would leave approximately 82% of the land preserved. The applicant would agree to put a conservation easement on acreage outside of their development areas as well as keep or reroute the existing bicycle and hiking trails on the property.

Staff looked into some inquiries following the last Planning Commission Meeting. There had been questions related to precedent. Planner Hawley explained that the zone change would set a precedent. In addition, Staff recognized that without many details, it was difficult to make a recommendation at the current time. To try to better understand the proposal and the implications, several possibilities had been outlined. Planner Hawley shared a list titled, "Considerations for Proposal and Implications," which included the following:

- The applicant should present two, three-acre sites, to propose the Estate Zone change, while the remaining acreage stays within the ROS Zone;
- Condition the plat to require a common drive, building pad, house size, or maximum landscaped areas;
- Consider conditions to the plat to require that all buildings achieve a high level of Energy Use Intensity ("EUI") or Energy Rating Index score;
- Consider energy-saving options, such as utilizing infrared heating abilities or prohibiting outdoor heaters, including pavement heaters and outdoor gas heaters, excluding heat tape for roofs. Heat tape must be installed with timers and moisture sensors to reduce energy use;
- Establish clear findings that require the finalization of plans for utility development and confirm that the approval of a Zone Change ordinance does not guarantee development;
- Applicant shall propose sustainability measures that support the community's goal of net-zero carbon by 2030, including a consideration of net-zero energy certification as defined by the City;
- Professionally identify and protect wildlife corridors that may exist on the property.

The applicant, Anne Bransford, was present and Kuhn Company representative, Jeffery Kuhn, was also available. Ms. Bransford shared some family history with the Commission. She explained that the family had been part of Park City for a very long time. Ms. Bransford overviewed some of the non-profits where she and her sister had either served as Board Members or contributed monetarily. Ms. Bransford stated that her family loved the community and wanted to continue to be a part of it. A map of the area was shared as well as the chain of title. The land had been in the family for six generations. There had been a lot of fun moments on the property and she wanted to make sure that continued.

Mr. Kuhn shared several notes he had made based on previous Work Session discussions. There had been questions about where the roads would go, how the land would be developed if there was sufficient utility capacity, and whether the Fire Department and Police Department could provide emergency services. There was also a need to verify that if approved, the Estate Zone would not become an island in a sea of other Rural Open Space properties. There would need to be clarification about the other properties that would be impacted by the approval as well. For instance, whether other mine claims could make the same zone change request based upon approval of the Bransford Family request. Mr. Kuhn noted that there also was a request for information related to paved road access easements, the location of the homes, as well as how much land would be bulldozed if the application was approved.

A 3D slope map was created and shared with the Commission. Mr. Kuhn explained that it was somewhat like a traffic signal, because if it was below 15%, it was green, if it was between 15% and 30%, it was yellow, and if it was above 30%, it was red. A spreadsheet had been created. It outlined that 88% would be preserved, but also noted that if the decision was made to have two pads of three acres each, plus a 1-acre private drive or an 1,100-foot road, that would leave over

82% preserved. Mr. Kuhn shared information from a study in 1981. It included the contemplated access points at that time. He noted that those were still the most likely locations for the roads. As for the location of the homes, the intention was to have the two homes just uphill from the Trump Ski Run. This would be the most desirable location because it was in some of the flatter areas of the property. He stated that they would bring back borders that had been staked and surveyed for Commissioner consideration. At the moment, all of the utilities were currently stubbed in on Red Cloud Trail right across from the Ruby Hollow cul-de-sac. The questions related to emergency services had been dealt with in detail in the 2007 Annexation Zone. All of those documents could be provided to the Commission.

Mr. Kuhn did not believe other mining claims could make the same request for a rezone. The Bransford property was the only mining claim that had the same meters and bounds as the Park City Tax ID number. Additionally, the properties were specifically included in the 2007 Flagstaff Annexation Agreement and very few mining claims owned any surface rights. He stated that there was a desire to protect the vegetation and there was good cause for the application. There were additional materials included in the Meeting Materials Packet for review.

Commissioner Suesser opened the public hearing. There were no comments. Commissioner Suesser closed the public hearing.

MOTION: Commissioner Hall moved to CONTINUE the Application for a Zoning Map Amendment for Two Parcels From Recreation Open Space (ROS) to Estate (E) Zoning for the Construction of Two Single-Family Homes on Parcels PCA-S-79-B and PCA-S-79-C - PL-22-05249 to Wednesday, August 10, 2022.

Commissioner Kenworthy seconded the motion.

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

Planner Hawley asked that further Commissioner direction be shared. Commissioner Suesser agreed with Staff that additional information was needed for the application to be fully evaluated. Commissioner Hall agreed, especially in regard to the specific entities on Page 7. There was a lot of information that was lacking that needed to be considered.

- C. 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.**

Chair Phillips reported that the item related to the Park City Mountain Resort lift upgrades appeal. Commissioner Kenworthy informed the Commission that he had been part of several recent discussions. One of the appellants, Mark Stemler told him that he intended to seek a Temporary Restraining Order ("TRO") regardless of the action taken at the Planning Commission Meeting. His statement would not influence his decision, but Commissioner Kenworthy wanted to disclose that the discussion had taken place. In an unrelated meeting with Deer Valley that took place on an annual basis, he had spoken to Garrett Lang, Hannah Tyler, and Steven Graff. Their lift upgrade application came up at that time. He had been unaware of any upcoming application from Deer Valley before then. The information shared was not related to Park City Mountain. Commissioner Kenworthy added that Deer Valley did not rely on a Comfortable Carrying Capacity

("CCC") analysis as was currently before the Commission. He would make the same disclosure, if and when, the Deer Valley lift upgrade came before the Planning Commission. Commissioner Kenworthy stated that his communications would not influence his decisions.

Chair Phillips informed those present that at the last Planning Commission Meeting, a hearing was conducted on the appeal. It included presentations from the appellants, Planning Director, and the applicant. There was also a public hearing at that time. The public hearing had been closed and the Commission had ended the meeting in the middle of deliberations. After discussions regarding a possible continuance, the applicant indicated that they would prefer to call the matter for a vote rather than delay. After that, Commissioner Hall and Commissioner Johnson stated that they would be ready to vote if there was a response to the CCC discrepancy that was brought to the attention of the Commission. The Commission had moved to continue and that was the reason the item was back before the Planning Commission.

The applicant provided a written response that had been distributed earlier that day. Chair Phillips explained that the applicant would be allowed to present their response and the appellants would be allowed to speak afterward. Chair Phillips asked that both parties limit their responses to the issues related to the CCC discrepancy unless the Commission had further questions.

The applicant, Mike Goar, identified himself as Vice-President of Vail Resorts. He was previously the Vice-President and Chief Operating Officer of Park City Mountain. At the last Planning Commission Meeting, there were four questions posed related to CCCs. Chris Cushing and Pete Williams from SE Group were present to address those questions. Mr. Cushing explained that he had been with SE Group since 1985. SE Group was established back in 1958 and had been planning ski resorts around the world for over 60 years. He discussed the Mountain Upgrade Plan and stated that in the late 1990s, SE Group had worked with the prior operator of Park City Mountain to develop the plan. The Mountain Upgrade Plan was a planning document that recommended installing seven new lifts and replacing or reconfiguring several existing lifts to improve access and circulation around the mountain.

Mr. Cushing stated that the Mountain Upgrade Plan provided an estimated CCC for the planned lifts and the resort as a whole. SE Group had worked with the prior operator to develop those specific CCCs before the operator changed in 2014. Mr. Cushing explained that CCC was a planning parameter and a tool that operators in North America and around the world used to balance resort capacities and operations to ensure a high-quality guest experience. Additionally, it had been accepted and was used by regulatory agencies to administer ski areas within their jurisdictions. Examples included: all regions of the U.S. Forest Service, many State Governments, such as New Hampshire, Vermont, New York, and others with ski areas, as well as many City Planning Commissions. Parks Canada used the CCC calculation for the review of long-range plans at their ski areas in Banff and Jasper National Parks.

The basic formula was developed in the mid-1960s and looked at Vertical Supply divided by Vertical Demand. Since then, others had made refinements to that basic formula to represent changes in the industry and changes in technology. The CCC formula had passed the test of time and was a clear industry standard for calculating ski area capacity. Mr. Cushing reported that Vertical Supply was the number of people the lift was transporting up the hill on a daily basis. Vertical Demand was the number of runs skiers could make on the lift each day. Vertical Supply was a factor of the installed characteristics of the lift (vertical rise, length, and speed). On the other hand, Vertical Demand was calculated using a process that had been developed over the past 50 years, based on observations, expertise, and professional judgment. Some of the factors

included lift wait times, skier ability level, the proportion of groomed runs, and many other factors unique to each resort or lift. While the same basic formula was used for all resorts, there were different inputs based on the unique aspects of the different resorts.

The CCC for a lift could change over time for a variety of reasons. For instance, if a lift was constructed differently than originally planned. Alternatively, advancements in GIS and remote imaging technology are used for measuring the various parameters, terrain area, and skier ability. Mr. Cushing stated that the influence of other lift installations could also impact the CCCs. He explained that when a new lift was installed, lift lines would decrease on other lifts as a result. Advancements in ski equipment and ski operations technology had decreased the lap time and increased the number of runs per day. This increased Vertical Demand and decreased the CCC.

Mr. Williams shared responses to the four specific questions raised during the previous Planning Commission Meeting. The responses represented the professional opinion of SE Group.

- Is there an inverse relationship between Vertical Demand and CCC?
- Is the increase in Vertical Demand for King Con of 19,398 accurate and what caused it?
- Is there a proportionate relationship between changes in Vertical Demand and CCC?
- Are the figures submitted for Eagle Express and Silverlode correct?

The first question was addressed. Mr. Williams confirmed that Vertical Demand was inversely related to CCC. If Vertical Demand went up, the CCC would decrease. Alternatively, if Vertical Demand went down, the CCC would increase. SE Group uses a formula that they had developed over many years. It was a proprietary formula that was used to calculate the average number of laps that could be skied from a lift. Many factors affected that number. Some of those factors include how much terrain was available, skier speeds, increases in hourly capacity, and speeds of lifts. Through the improvements of lifts, more grooming, and better skier equipment technology, it was possible to ski the same amount of vertical feet in less time.

Mr. Williams discussed the second question related to the 19,398 Vertical Demand for King Con. He confirmed that the number was accurate. In 1998, King Con was one of two detachable lifts and the CCC was 1,790, which included long average lift lines. When other lift lines were installed, the King Con lift lines decreased. Mr. Williams noted that it was important to consider lift line times. It was not necessarily the same number of people. For instance, if the hourly capacity of a lift doubled, that would be half the wait time. It was taking less time to get through the line, and as a result, the lap times decreased. King Con was upgraded again in 2015 and that upgrade meant that the lift ran faster, more time was spent on the runs, and there were faster lap times.

The third question pertained to whether CCC went down proportionately if one component of Vertical Demand went up. Mr. Williams explained that this was not necessarily true, because there were two sides to the formula. There was the Vertical Supply side and the Vertical Demand side. Many factors impacted both Vertical Supply and Vertical Demand. However, if one stayed the same and the other factor changed, CCC would go up or down as dictated by the equation.

Mr. Williams addressed the fourth question, which related to the figures submitted for Eagle Express and Silverlode. He confirmed that the numbers were accurate. He had calculated the CCC numbers that were presented in the Park City Mountain application and SE Group stood behind those calculations. Ecosign had been hired as well. They reviewed the data and confirmed that all of the numbers were correct. He noted that the appellants had disagreed with

the CCC calculations for Silverlode. In 1998, the Silverlode CCC was 1,940. The CCC had subsequently decreased to 1,650 because the Vertical Demand for the lift had increased. Vertical Demand had increased due to shorter lift line times and an increased average number of laps. The proposed lift upgrades would slightly increase the CCC of the lift because upgrading from a six-pack to an eight-pack would increase the hourly capacity of the lift. As for the Eagle Express, that lift would continue to provide out-of-base access like the existing lift does. Mr. Williams explained that there would be a lower Vertical Supply and therefore a lower CCC number.

One of the appellants, Angela Moschetta, explained that she was before the Commission to appeal the decision made by the Planning Director to issue an ACUP for the proposed lift upgrades. They were specifically appealing the authority of the Planning Director to make this decision and did not believe that all of the criteria were met. As a result, the matter should go before the Planning Commission for discussion and consideration. At the last meeting, she shared discrepancies between SE Group and Ecosign CCC calculations. She noted that a memo had been submitted to City Staff by Vail Resorts yesterday. Ms. Moschetta read sections from the memo and referenced the original memo from Dave Felius from Ecosign. That latter stated that the Vertical Demand of 19,038 was suitable for black diamond runs. He suggested a more appropriate Vertical Demand in the 12,000 to 13,000 range. Ms. Moschetta stated that Mr. Felius had submitted another memo on June 13, 2022, which stated that he had again reviewed the current and proposed CCC calculation tables as submitted by Vail and SE Group. He found that the method of determining the CCC was performed according to industry standards. Ms. Moschetta did not feel that the Commissioners should be satisfied with this explanation.

Ms. Moschetta believed there were overages, misunderstandings, and miscalculations. If the Vertical Demand for the new Eagle remained off by a lot or a little, it meant that the CCCs were also off for the new Eagle and King Con that served the same terrain. She felt that Mr. Felius needed to explain the industry standards he referenced and articulate what made sense to him about Mr. William's explanation. Ms. Moschetta stated that the Mountain Upgrade Plan was created largely by Snow Engineering. Snow Engineering ideated the proprietary CCC model to plan ski resorts. Though all resorts and ski industry experts were vaguely familiar with the model, no one seemed able to fully explain it. She noted that Snow Engineering now did business under the name SE Group. She expressed concerns about the CCC model.

Ms. Moschetta felt that the Planning Director was outside her authority to approve the ACUP. The replacement Eagle lift was not in the Mountain Upgrade Plan. Exhibit D was the map that the Planning Director had submitted to support her assertion that the new Eagle lift was an upgrade. It showed a potential Eagle replacement running alongside a future Chondola. Ms. Moschetta stated that the diagram was from a draft document that was not indexed or referred to in the bound version of the Mountain Upgrade Plan. The diagram in the adopted Mountain Upgrade Plan was Exhibit C. Eagle and Eaglet were intended to remain fully functioning and a new lift, a Chondola, would be introduced to service what the plan proposed as a second beginner area on the meadow, which would have beginner slopes and the largest lodge on the mountain. There were indoor accommodations for ski school and daycare. The proposed Eagle did none of that.

Criteria 1 of the Development Agreement gave the developer direction over the type of lift installed, but that did not mean that alignments could be changed. Ms. Moschetta also felt there was evidence to support the Peak Ski Day and its mandated application. The Planning Director maintained that the Peak Ski Day was not defined, but Ms. Moschetta did not believe this was accurate. She read from Page 15 of the Mountain Upgrade Plan, Appendix A, Page 3, and Page 5. Ms. Moschetta stated that the appeal was not about whether the lifts were upgraded or

not. It was about whether or not lifts were upgraded in accordance with the Mountain Upgrade Plan and whether the Planning Director had the authority to approve that.

At the last meeting, Commissioner Johnson was looking at the 1998 CCC Upgrading Table. It showed that Silverlode was proposed to be a detached six-pack with a Vertical Demand of 11,769 with a carrying capacity of 2,080. He noted that there was a 50% difference in the Vertical Demand between a six-pack at Silverlode and the proposed eight-pack. That was the main discrepancy that he had tried to point out at the last meeting. He wanted clarity on that. Mr. Williams believed that what Commissioner Johnson was referring to was a projected upgrade for the lift, with certain specifications related to a lift that did not happen. As a result, that number was not a relevant number. There were many lifts in the Mountain Upgrade Plan that represented both upgrades and realignments, but those lifts had not been done. Further discussions were had about the numbers. Mr. Williams explained that it was important to remember that each lift interacted with all of the other lifts and the terrain at the resort. A change to one lift could impact or influence the way another lift operated and how popular that would be.

Commissioner Kenworthy asked for more information related to Vertical Supply and Vertical Demand. Mr. Cushing explained that when the formula was originally developed in the 1960s, there were specific ranges. For instance, if there was a beginner terrain, a certain amount of Vertical Demand was desired. Over the last 15 years, instead of relying on industry-standard ranges, the formula looked at the specific circumstances that were unique to the resort. Commissioner Kenworthy believed the numbers had been changed based on the updated analysis. This was confirmed. It had to do with the individual lift and blended rate of the mountain. Commissioner Kenworthy did not understand how there would be a blended rate and an individual change to the number for the Vertical Supply. Mr. Cushing explained that for each lift, there was a Vertical Supply, which was the hourly capacity of the lift. To get the total CCC for the resort, it was not the total Vertical Supply divided by a weighted average of the Vertical Demand. The CCCs were calculated with each individual lift and the CCC was totaled.

Commissioner Kenworthy wanted to understand whether the vertical rise, hourly capacity, operating hours, and loading efficiency were all part of the equation. This was confirmed. Commissioner Kenworthy noted that he did not see the loading efficiency in the Staff Report. Mr. Williams added that the utilization rate or access reduction was also considered. Commissioner Hall explained that she had to leave the meeting shortly, as it had gone over time. She stated that the part she struggled with the most was the fact that the CCC was not a defined term. It seemed to be a fluid number and she was not certain whether that should be the standard. Commissioner Suesser agreed that the CCC analysis was tricky, but she was willing to accept that it was used as a planning tool at the resorts and was commonly used within the industry.

Commissioner Suesser noted that the Ecosign CCC number assumed that Vail would discontinue operations of the 3 Kings lift, even though Vail stated that 3 Kings would continue to operate. She asked for clarification on that. Mr. Felius explained that when there was a detachable lift that serviced the same terrain right beside the other, many people would choose to discontinue the use of the other lift. SE Group assumed that but to a lesser extent. Mr. Felius explained that this reduction had been speculation on his part based on what had been seen at other resorts.

Commissioner Suesser noted that Vail and Ecosign differed in their analysis of the CCC for the new Eagle lift. She wondered if it would be appropriate for the Commission to accept the Vail and SE Group CCC data for the 3 Kings lift and the CCC for the new Eagle lift that Ecosign proposed. Director Milliken explained that the SE Group numbers were used. The City did not ask Ecosign

to do a full analysis of the numbers that SE Group had done. They were asked to explain the CCCs, review the methodology, and review the numbers. Commissioner Suesser did not understand the 3 Kings CCC being reduced to zero when the intention was to continue operating the lift. She came out with a total CCC of 13,130, which was 260 more guests than what had been presented. Those guests needed to be accommodated. Mr. Williams noted that the Staff Report used the numbers that were calculated by SE Group and not Ecosign.

Mr. Goar stated that the only issue on appeal was whether the Planning Director was able to issue an ACUP with the 19 detailed Conditions of Approval that would allow the resort to upgrade two lifts. He explained that she was within her right to do so. The resort had engaged experts to handle the CCC numbers. It was surprising that the calculations SE Group had been using around the world for many years were being questioned. He was also surprised that CCC as planning tool was being questioned. It was appropriate for the resort to lean on the expertise and calculations that had been presented. The industry standard was CCC. The appellant had provided no expert testimony, no expert data, and he felt the appeal should be denied.

Ms. Moschetta appreciated the complexity of the numbers and factors that went into CCC. However, the Vertical Demand numbers had increased significantly. She did not necessarily believe that the factors related to Vertical Demand had caused such a significant shift. Ms. Moschetta noted that the terrain had not changed and she did not feel the equipment efficiency had improved enough to drive a 50% to 60% increase in Vertical Demand. There had been some conflicting comments during the night that she was concerned about. Ms. Moschetta clarified that the appeal had to do with the authority of the Planning Director.

Commissioner Suesser discussed the ACUP. She found that the application was not consistent with the Mountain Upgrade Plan because the lift upgrade locations were not within the upgrade alignments identified within the plan. She believed there were inconsistencies and was supportive of granting the appeal. Chair Phillips noted that at the last Planning Commission Meeting, Commissioner Hall found all of the conditions to be met, with the exception of one that needed more explanation. He wondered how she felt now. Commissioner Hall stood by her former opinion. She stated that the one area that required additional explanation had been adequately explained. Chair Phillips held the same position. Commissioner Kenworthy agreed with Commissioner Suesser. He felt it was a new lift and that the application should have gone before the Planning Commission rather than an ACUP being issued.

Commissioner Kenworthy asked about mid-stations and discrepancies. Mr. Williams stated that lifts with mid-stations were a complex planning issue. It was possible to look at a separate CCC for each section. In many cases, it made sense to look at them separately if it was a mid-load rather than mid-unload because that typically had more of an impact on the lift. In this case, some people would get off at the mid-unload and some would continue on. All of that had been captured in the way that CCC was calculated. Commissioner Kenworthy felt that with so many shifting calculations, the Commission needed more time to understand the numbers.

Commissioner Hall believed that the criteria were met, even though she did not necessarily like the criteria. As a result, she would move to deny the appeal. She urged the City and the applicant to have a different strategy for future plans. Chair Phillips noted that the Commissioners were unlikely to become experts on CCCs, which was why he trusted the experts. He did not think the numbers were being manipulated. The experts were using numbers that were used everywhere else consistently. They stood behind the fact that the resort was below the 13,700 CCCs and Chair Phillips believed that all of the criteria were met for this to be an ACUP.

MOTION: Commissioner Hall moved to DENY the Appeal of an Administrative Conditional Use Permit – PL-22-05249. The motion failed for lack of a second.

The Planning Commission took a brief break to prepare for a final vote.

MOTION: Commissioner Kenworthy moved to CONTINUE the Appeal of an Administrative Conditional Use Permit – PL-22-05249 to address the outstanding issues related to the data, maps, and stewardship. The motion failed for lack of a second.

Commissioner Kenworthy wondered if it would be possible to further discuss the Conditions of Approval if the item was continued. Attorney Harrington explained that if the majority of the Commission wanted to make a Determination of Error for the existing Conditions of Approval, the Code gave the Planning Commission the ability to grant in part and deny in part. The majority of the Commission would need to determine what the errors were to modify the Conditions of Approval. For example, if other Commissioners agreed with the earlier comment from Commissioner Suesser about the CCC number proposed by Ecosign. If three Commissioners agreed that the number was an error, a modification could be made.

MOTION: Commissioner Hall moved to DENY the Appeal of an Administrative Conditional Use Permit – PL-22-05249. The motion failed for lack of a second.

MOTION: Commissioner Kenworthy moved to GRANT the Appeal of an Administrative Conditional Use Permit – PL-22-05249 based on the fact that it did not meet Criteria 1 and Criteria 6 from the Development Agreement. Commissioner Suesser seconded the motion.

VOTE: Commissioner Suesser-Aye; Commissioner Kenworthy-Aye; Commissioner Johnson-Aye; Commissioner Hall-Nay. The motion passed 3-to-1.

Attorney Harrington asked that the majority provide clarity for the basis of their decision so Staff could come back with findings as required by Code, within 14 days, to memorialize the decision. Commissioner Suesser agreed to grant the appeal because the ACUP did not meet Criteria 1 in the Development Agreement. The application was not consistent with the Mountain Upgrade Plan. The lift upgrade locations were not within the lift upgrade alignments identified in the Mountain Upgrade Plan. Additionally, the newly proposed upgrades did not go to the meadow and the new proposal removed two lifts and left 3 Kings rather than replacing 3 Kings as contemplated in the Mountain Upgrade Plan. Furthermore, the CCC analysis was incorrect, because the CCC number should have been calculated to be 13,130 rather than the two proposed total CCC numbers provided by SE Group and Ecosign. The Planning Director found that the parking was properly mitigated by the Parking Mitigation Plan proposed by the applicant. However, based on a calculation of the CCC being 13,130, the parking was not adequate.

Commissioner Kenworthy agreed with the findings shared by Commissioner Suesser. In addition, he found that the paid parking mitigation used comparisons that were not satisfactory. Alta and Beaver Creek were not comparable to Park City Mountain. He added that the lift specs were not verified and there were some weaknesses in the expert report. Commissioner Kenworthy noted that the lease for the high school parking lot was eight days a month, but Park City Mountain had parking issues every day. That needed to be addressed. He wanted to see more in regards to cooperation with transit and the use of Richardson Flat. The Peak Ski Day numbers should be better defined as well. Commissioner Kenworthy was concerned about the loading efficiencies

not being included in the City report and that the uphill access factor was not included in the old formula. He wanted to see the current formula with the inputs and examples to verify the numbers.

Commissioner Suesser added that the parking chart in the Parking Mitigation Plan narrative document needed to be corrected. Commissioner Johnson explained that his decision related to the image in the Mountain Upgrade Plan. The ski lift alignment was not the same as in that plan. It was noted that Commissioner Hall had left the Planning Commission Meeting.

Mr. Goar wondered if the decision was for both Silverlode and Eagle. He wanted to understand whether the Planning Commission had considered bifurcating the project. Chair Phillips stated that this had not been discussed. Mr. Goar pointed out that the CCC issue seemed to center around the Eagle lift. Ms. Moschetta believed there would be an opportunity for bifurcation if the applicant resubmitted and separated the project. Attorney Harrington stated that the Planning Commission had voted to grant the appeal, but that vote was not final until the written decision was adopted by the Planning Commission. Staff would return with findings, as directed by three of the Commissioners unless otherwise directed.

5. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 9:00 p.m.