PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
June 8, 2022

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

EX OFFICIO: Gretchen Milliken, Planning Director; Lillian Lederer, City Planner; Browne Sebright, Planner II; Makena Hawley, Planner II; 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 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, May 11, 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/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 Commissioner Laura Suesser was attending the Planning Commission Meeting virtually. Commissioner Christin Van Dine was not present. He noted that this was the first Planning Commission Meeting without Douglas Thimm.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from May 11, 2022.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from May 11, 2022. Commissioner Hall 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

Planning Director, Gretchen Milliken, reported that the Planning Commission Meeting Schedule is set at the beginning of each year. Last year, there was a pause in August but that was not possible this year since the August agendas are already full. However, there are meetings scheduled for November 23, 2022, and December 28, 2022, that could be canceled as those meeting dates are close to holidays. Director Milliken asked for feedback from the Commission. The Commissioners expressed support for canceling those meetings.

Chair Phillips shared a disclosure. He informed the Commission that he would recuse himself from Item 5(D) on the Planning Commission Meeting agenda due to his involvement in the application. Commissioner Kenworthy disclosed that he has been in leadership positions with John Sale and considered him a friend but that would not influence his decision. Commissioner Sarah Hall reported that she would need to leave the meeting at 9:30 p.m.

5. REGULAR AGENDA

A. 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-1-2 AM - 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.

Senior City Attorney, Mark Harrington, reported that the Planning Commission does not handle a lot of appeals. Since this is a Conditional Use Permit ("CUP") appeal, the item was not all that different from applications the Planning Commission hears during normal meetings. The review criteria and standards within the Code were the same as with any other CUP. Attorney Harrington clarified that the Commission is limited to the scope of the appeal and the issues raised on appeal by the appellant unless the Commission voted to expand the scope of the appeal. The Commission needed to determine whether the Planning Director correctly applied the Land Management Code to the facts of the application. Attorney Harrington stated that the appellant would make a case, the Planning Director would describe the decision made, and there would be a public hearing. Park City was unique because it allowed public hearings during appeals. Almost no other jurisdiction allowed that. He explained that the City Council had chosen to allow that to be as transparent and inclusive as possible.

State Law required the City to administer CUPs whether they were administrative or full. The State ruled that a Land Use Authority shall approve a Conditional Use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If a CUP is denied, there need to be reasons given to explain why conditions could not mitigate the proposed use. Attorney Harrington noted that appeals can be tricky because oftentimes, lawyers and advocates are making their case. With this item, it seemed that there would be comments shared directly from the appellant, applicant, and Planning Director. He believed this was a good thing because it meant the Commission could hear all of the direct issues.

Director Milliken explained that she would start the appeal process by sharing a brief overview of the lift upgrade application and appeal. The lifts included in the application were located on Park City Mountain, which was zoned Recreation and Open Space and was also within the Sensitive Lands Overlay Zone. The applicant applied for an Administrative Conditional Use Permit ("ACUP") and proposed to replace the Eagle and Eaglet ski lifts with a new lift and upgrade the Silverlode ski lift. The lift upgrade application was reviewed by Planning Staff and received Planning Director approval during an Administrative Public Hearing on April 25, 2022. The decision was appealed to the Planning Commission on May 5, 2022.

Director Milliken reported that lift upgrades normally require a CUP, which would be reviewed by the Planning Commission, per Land Management Code § 15-4-18. However, Section 2.3 of the 1998 Park City Mountain Development Agreement, which was an agreement between the City and the resort, required that lift upgrades be reviewed administratively if the six criteria outlined in the agreement are met. Director Milliken explained that the appellant made 11 arguments, and in those arguments, only Criterion 1 and 6 were addressed. Criteria 1 related to consistency with the Mountain Upgrade Plan and Criteria 6 related to adequate parking mitigation. As for Criteria 1 – Compliance with the Development Agreement, in Section 2.3, it clearly stated that the development of ski-related facilities (lift upgrades) was subject to Staff level review. Based on that information, the application was processed as an ACUP.

Per the Land Management Code § 15-1-11(D), the Planning Director will review and approve or deny the application. Planning Staff also thoroughly reviewed the application and found it complied with the Development Agreement. It met the six criteria outlined, was consistent with the Mountain Upgrade Plan, complies with the Land Management Code, and was also aligned with the General Plan. In addition, a third-party consultant was procured to conduct an additional review of the more technical aspects of the application. For instance, the analysis of the Comfortable Carrying Capacity ("CCC"). That review concluded that there were minimal impacts or new parking demands as a result of the proposed lift upgrades. Director Milliken also noted that the lift upgrades did not exceed the maximum CCC of 13,700.

As for Criteria 6 – Parking Mitigation, this required assurance that there was adequate parking to mitigate the impact of any proposed expansion of lift capacity. Director Milliken clarified that this did not mean full mitigation of all resort parking issues, but parking connected to the expansion of the lift capacity. She reported that the applicant is required to submit an updated Parking Mitigation Plan. While the criteria focused on the expansion of the lift capacity, there was also an opportunity to address some of the other parking issues. Staff had pressed the applicant to deliver a more transformative Parking Mitigation Plan. The plan went beyond what was required to mitigate the expanded lift capacity. The Parking Mitigation Plan proposed paid parking and a reservation system along with a robust communication system. The data showed that with paid parking and reservations, there would be an 11% reduction in parking demand. The plan also added 90 additional off-site employee parking spots and had overflow parking at the Park City High School on weekends, with a lease agreement for the 2022-2023 season. Director Milliken explained that there was also assurance from the third-party consultant that there would be minimal impacts and minimal new parking demands resulting from the proposed lift upgrades.

One of the appellants, Clive Bush, wondered if the intention was to improve the skier experience or if the intention was to make way for more skiers. He did not believe that making things faster and wider would do anything other than create more space for more people. Geographically unrestrained and unlimited season pass sales that were not around when the Mountain Upgrade

Plan was created could lead to significant issues. He asked the Commission if adding lift capacity was any different than adding an extra driving lane to the highway. He discussed previous lift upgrades and noted that there had been some concerns about those upgrades at the time. SE Group, which was the same Consultant the applicant uses currently, responded to the concerns at the time with a letter. The letter stated that the upgrades to Motherlode Lifts and King Con Express made the lifts more popular. It also stated that skier circulation and skier distribution throughout the mountain would improve and reduce repeat skiers on Silverlode by as much as 25%. However, there were now debates about proposed upgrades to Silverlode, which were intended to improve the guest experience and reduce crowding.

Mr. Bush believed the ACUP ignored the real impacts. He did not think it was appropriate that City Staff continually made decisions without considering the cause and effects. This was inconsistent with the rules and he felt it was destructive to the community. Mr. Bush expressed concerns about consistency with past reviews and shared an image with the Commission. The Crescent upgrade went through the Planning Commission because it was a new lift, when in fact, it replaced the Ski Team lift. The current discussions related to a more significant change, but it had been handled with an ACUP review. This was inconsistent with past decisions. He also believed there were inconsistencies with the Mountain Upgrade Plan. One of the intentions of the Mountain Upgrade Plan was to provide direct access to a proposed beginner area on the Meadow. That no longer seemed feasible. Mr. Bush believed several inconsistencies needed to be considered by the Planning Commission.

One of the appellants, Angela Moschetta, reported that the appellant's submission contained 11 unique points of appeal. While some relied on the same or similar support documents, they were nuanced. She reminded the Commissioners that they were the first line of defense between profit-minded developers and the overall quality of life for Park City residents. Ms. Moschetta noted that Vail Resorts violated a procedural request made on May 12, 2022, in which the Planning Director stated that neither side, applicant or appellant, shall engage the Planning Commissioners in advance of the hearing. However, Vail Resorts sent two memos on May 23, 2022, addressed to members of the Park City Planning Commission. One was Exhibit 8, an 8-page memo, titled, “Parking Mitigation Plan for PL-22-05145” and the other was Exhibit 10, a 7-page memo, titled, “VRPC Holdings Inc.’s Response to Appellants Appeal Submission.”

Ms. Moschetta read the following information from the Staff Report:

- The appellant argues that the Planning Director did not have authority to review the ACUP and that the 1998 Park City Mountain Development Agreement criteria, specifically parking requirements, for ski lift upgrades within the Mountain Upgrade Plan, were not met, mitigated, or properly conditioned, and therefore the ACUP should not have been approved. Part of the appellant’s argument also centers around the capacity of a “Peak Ski Day.” Peak Ski Day is not defined in either the Development Agreement or the Mountain Upgrade Plan, and the purpose of the Mountain Upgrade Plan is to develop a long-range plan for upgrading the ski area facilities, not to impose new parking, water, or sewer requirements. Furthermore, the Development Agreement does not discuss parking requirements for a Peak Ski Day, as purported.

Ms. Moschetta noted that there was not enough time provided to discuss the differences between the Mountain Upgrade Plan and the Mountain Upgrading Plan, which was supposed to be dynamic in accordance with market demand. She reported that CCCs were the foundation of calculating a Peak Ski Day. Page 35 of the Mountain Upgrade Plan stated:

- The parking/shuttle accommodations and water and sewer systems must be sized for the capacity of a Peak Ski Day. PCSA's Peak Ski Day capacity is estimated at 15,070 skiers.

Ms. Moschetta did not believe the Staff Report's claim, that the water and sewer system required no updating, was accurate. The Staff Report and applicant response to the appeal also claimed that there was no significant increase in the CCCs and therefore there would not be an increase in parking demand. She felt it was not possible to understand scale requirements for water, sewer, or parking, because Staff did not understand the CCCs. CCCs were heavily relied upon throughout the Planning Director's approval, the applicant response, and the Staff Reports that defended the ACUP. Peak Ski Day was a factor for the CCCs. To state that parking demand did not increase the CCCs, yet also state that the Peak Ski Day should have no bearing on potential impacts, was contradictory. She felt that skier numbers, Peak Ski Day limits, and parking requirements were linked. Ms. Moschetta continued to read from the Staff Report:

- Section 2.3 of the Development Agreement specifies that development of the skiing and related facilities identified in the Mountain Upgrade Plan, Exhibit L to the Development Agreement, are subject to administrative staff-level review and that the Development Agreement supersedes the Park City Land Management Code (LMC) with respect to the requirement for Planning Commission review and approval of such facilities. The Planning Director, per LMC § 15-1-11(D), has authority set forth to approve ACUPs.

Ms. Moschetta argued that the Planning Director lacked the authority to review or approve the ACUP because the Planning Director lacked command of the Mountain Upgrade Plan. She continued to read from the Staff Report and noted that a third-party consultant was procured. Ms. Moschetta believed that the consultant's analysis was incorrect. She also felt that CCCs informed parking requirements and parking should be factored to some degree for a Peak Ski Day since it indicated the maximum capacity of skiers. The maximum allowed CCCs was 13,700. Currently, the resort had a CCC of 12,570 and the proposed upgrades would increase to 12,860 or by 2.3% which was within the scope of the approved Mountain Upgrade Plan. She felt the Staff Report assumed the CCCs were accurate and that the existing parking was already adequate.

Exhibit L – Revised Parking Mitigation Plan for ACUP Application was submitted by Vail Resorts to Staff on April 19, 2022. This was 14 days after the Planning Director deemed the application complete. Exhibit 8 – Parking Mitigation Plan Memo, dated May 23, 2022, was also referenced. Ms. Moschetta noted that this was nearly a month after the Planning Director granted the ACUP. Vail Resorts directly linked parking mitigation to the requirements set forth by the Mountain Upgrade Plan as well as to the CCCs. If the CCCs were to change dramatically, the parking requirements would also change. She read sections from the memo to the Commission. Ms. Moschetta believed that Vail Resorts needed to earn the trust of the community and that the benefit of the company was being placed ahead of integrity. The memo discussed the implementation of a paid parking strategy, which needed in-house or contracted staff. She wondered what impact this would have on net proceeds from paid parking revenues. Ms. Moschetta wanted detailed data about paid parking strategies implemented elsewhere.

Ms. Moschetta pointed out that Vail Resorts renewed the parking contract with Park City High School for a rate of $300 per hour for a maximum of 12 hours per day for a total of $3,600 a day. This contract stipulated that the use of the high school lot could not exceed eight days in a calendar month. The lot was only available on weekends and holidays. Based on the schedule confirmed in the contract, the high school could theoretically provide overflow parking for 34 days over the ski season. That assumed the days would be spread out evenly across December to April and that parking only occurred there on weekends and holidays.

Ms. Moschetta asked that the Commission approve the appeal and bring the lift upgrade plan back before the Planning Commission for additional review. She shared information from the memo related to Fehr & Peers. Two scenarios were referenced in the memo, which included Beaver Creek, where the parking garage with $10 per day daily parking was owned, managed, and priced by the town, and Alta, where the only people that went to the Goldminer's and Albion Base Lots were those committed to skiing for the day. She did not feel those scenarios were comparable.

The Fehr & Peers Study was further discussed. Ms. Moschetta stated that it was a proprietary model that involved unspecified parking studies that were done in the context of communities and scenarios with varying comparability levels to Park City Mountain. As a result, she did not believe the 11% reduction in parking demand was accurate. She also pointed out that an increase in transit ridership could not be supported, because of the ongoing issues related to transit improvements. Ms. Moschetta continued to discuss the memo and read the following excerpt:

- As included with our submission, this results in an increase in CCC of 290 (from the current 12,570 to 12,860). As provided in a memorandum from SE Group, these upgrades will not generate an impact on parking. SE Group, which is the leading national expert on ski area planning, states that "the overall capacity of the mountain will not significantly increase" with these lifts, based "largely on the fact that these lifts are replacement lifts."

Ms. Moschetta stated that SE Group was not incorrect in stating that replacement lifts serving the same or similar terrain would not generate significant increases in CCCs. However, she did not believe there had been a correct calculation of the CCCs. Per the 1998 Mountain Upgrade Plan, the total allowable CCC of the entire resort, unless new terrain was added, was 13,700. Under the overall limit, each lift had a determined CCC. The individual calculations were based on the size and speed of a lift, the scale of the terrain it served, and the level of skier it supported. While lifts may be removed or upgraded and their individual CCCs could change, the total CCCs at Park City Mountain Resort could never exceed 13,700 for an ordinary ski day.

While the Staff Report discussed total CCCs, the Planning Director's approval broke the numbers down lift-by-lift. The individual CCCs needed to be analyzed and adjusted under the cap of the overall CCC. The applicant stated that the lift upgrade would only bring the collective CCC to 12,860, which was within the overall CCC limit. However, another professional consultant, Ecosign, retained by Park City Mountain Resort for analysis on the matter, calculated a total of 13,130. Ms. Moschetta believed this calculation was incorrect. Part of calculating individual CCCs was something called Vertical Demand. This metric considered both terrain and skier level. If the terrain was more expert, it would serve more experienced skiers who would ski faster and get back to the lifts faster. That meant there would be higher use and higher Vertical Demand. Alternatively, more intermediate terrain would serve slower-moving skiers who would take longer to ski back to chair lifts, which would lower Vertical Demand. She explained that Vertical Demand and CCCs were proportional.

Ecosign arrived at the 13,130 CCC number because it downgraded the Vertical Demand of 19,087 for the Eagle Lift and took it to between 12,000 and 13,000 to match the terrain that the lift served. Ms. Moschetta stated that the Ecosign expert then took the 13,130 number that they arrived at and swapped it without explanation to 12,860, which was only 10 off from the SE Group number that was presented in the Staff Report and cited by the applicant. As for where that 12,860 number came from, it appeared that Three Kings Lift was reduced to zero skiers. This was theorized to be possible, because the new, faster, and larger lift would become more popular, but she noted that Vail Resorts had no plans to shut down the Three Kings Lift.

In the Mountain Upgrade Plan, King Con was a detachable quad with a CCC of 1,790 and a Vertical Demand of 12,061. When King Con was upgraded in 2015, the CCC went down to 1,380. That was because Vail Resorts increased the Vertical Demand number to 19,398. She reiterated that Vertical Demand was a factor of terrain and the terrain around King Con never changed. That meant the Vertical Demand the applicant showed was off. Ms. Moschetta stated that if 12,061 from the original Mountain Upgrade Plan was accurate, the CCC for King Con increased by 25%. This increase brought the total CCCs to 13,980, which was over the maximum capacity of 13,700. Ms. Moschetta shared an additional example for Silverlode. She felt the numbers were being manipulated and Vail Resorts was over the total allowable CCCs for the resort.

Ms. Moschetta believed the numbers and assumptions were not accurate. The miscalculated and exceeded CCCs meant that the application violated the Mountain Upgrade Plan. As a result, the Development Agreement and Land Management Code were also violated. That meant the application never met the conditions for an administrative review. She asked that the appeal be upheld and the Planning Director's decision be overturned. Ms. Moschetta felt that without proper mitigation to secondary impacts, the lift upgrades would do more harm than good.

Director Milliken explained that she would respond to five of the 11 points submitted by the appellant. The reason five would be addressed had to do with time constraints, but it had also been determined that several points touched on similar issues. Director Milliken introduced City Planner, Lillian Lederer, who had been the Planner on the application, and Dave Felius, who was the third-party consultant from Ecosign. Director Milliken explained that the application met the standard of review for granting an ACUP. Section 2.3 of the Development Agreement stated that "development of skiing and related facilities, as identified in the Mountain Upgrade Plan, is a Conditional Use within the City limits and is subject to administrative review," so long as the development of was identified and compliant with the Mountain Upgrade Plan.

Director Milliken shared the map that was included in the Mountain Upgrade Plan. The green dotted line was the current Silverlode Lift. It was dotted because, in 1998, that lift did not exist, but it was projected that a lift would be there. Below that, there were solid yellow lines. In 1998, those lines indicated the Eagle and Eaglet ski lifts. They were in place in 1998. Next to that was a dotted line in yellow. That line was proposed to be the new Eagle lift. It was included in the Mountain Upgrade Plan in that location. Next to that was another dotted line, which was a proposed Chondola. The new Eagle that was going in would replace the Chondola lift. The Chondola would not be added to the resort in the future and it was no longer part of the plan.

Director Milliken shared a chart that outlined the CCCs. These were the CCCs for the lifts that were in place in 1998. It also had the lifts that were being proposed, such as the Chondola, which was to be an eight-passenger lift, with CCCs of 1,230, and New Prospector, which became Silverlode, with a CCC of 2,080. Since that chart was from 1998 and did not necessarily reflect the mountain today, Staff had asked the applicant to submit a new CCC plan that was fully updated and had all the recent information. The 1998 CCCs were compared to the current CCCs and the proposed CCCs were also listed. The new Eagle would take the place of the Chondola in terms of capacity. Director Milliken noted that in 1998, it was projected that the CCC would be 1,230, but the proposed CCCs for the lift going in would be 580.

The second point was addressed and Director Milliken stated that the application satisfied the conditions of approval for Conditional Uses under Utah Code 10-9A-507(2)(A). The Utah Code established the standard of review for ACUPs, which was "a Land Use Authority shall approve a Conditional Use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed uses in accordance with applicable standards." Director Milliken felt that the updated parking plan along with the 19 Conditions of Approval all reasonably mitigated the anticipated detrimental effects.

The third point was addressed. Director Milliken explained that the application adequately mitigated and addressed the review criteria for Conditional Uses. Land Management Code § 15-1-10 set forth the Conditional Use review process, which was used for both CUPs as well as ACUPs. According to the Land Management Code, "a Conditional Use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." This paralleled the Utah Code language. Director Milliken pointed out that the appellant argued that the Conditional Use Permit review criteria (2, 3, 5, 6, 13, and 16) did not satisfy the Conditions of Approval for Conditional Uses. However, all of those had been pulled out and added to a graph. The review criteria were listed as well as the analysis for approval. The information was included in the Staff Report for further review. She noted that an ACUP in this case used the six criteria identified in the Development Agreement and the 16 criteria of a Conditional Use Review in the Land Management Code. Whereas if the application came to the Planning Commission as a Conditional Use, the Commission would only review it under the 16 criteria. In this case, the ACUP process was more regimented than if it was only a Conditional Use.

The fourth point was addressed and Director Milliken reported that the ACUP was approved in compliance with the ski operation improvements, which included criteria 1-6, required in the Development Agreement. Criteria 6 was discussed and she noted that Section 2.3 of the Development Agreement (not a Peak Ski Day) established parking mitigation requirements for a ski lift upgrade. The appellant had argued about the Peak Ski Day, but the application was being looked at as a ski lift upgrade. She explained that a Peak Ski Day was commonly referred to during ski development discussions. It was referred to in the Development Agreement and the Mountain Upgrade Plan, but it was not defined in the Development Agreement, Mountain Upgrade Plan, or the Land Management Code. As a result, the Peak Ski Day was not used as a standard to measure against, because there was not a legitimate definition for the term. Director Milliken explained that the currently available parking for the ski resort was 1,950 stalls. The updated Parking Mitigation Plan, according to the data, made additional stalls available. If the 11% parking demand reduction was taken into account, along with the 90 additional spaces for off-site employee parking, the reduction was 304.5 stalls. This more than satisfied the Development Agreement and the Land Management Code criteria for ski lift upgrades.

The fifth point was addressed. Director Milliken stated that the Conditions of Approval mitigated possible detrimental effects. She felt that the Conditions of Approval that were added to the ACUP sufficiently mitigated the impacts of the proposed upgrades. The appellant had raised issues with several Conditions of Approval, including Condition of Approval 13, 14, 15, 18, and 19. Director Milliken overviewed those conditions for the Commission:

- Condition of Approval #13:
  - Any proposed overflow parking with Canyons and Park City School District must be approved by Summit County and the School District respectively.
- Condition of Approval #14:
  - The Applicant shall provide information that the proposed Parking Mitigation Plan dated April 19, 2022, is in effect before the start of the 2022/2023 ski season. This includes the implementation of 90 employee parking spaces at Munchkin and a paid parking reservation system.
- Condition of Approval #15:
  - The Applicant shall meet with the Planning Director and other relevant staff bi-annually, including prior to the beginning of the ski season, and within sixty (60) days of completion of the ski season to provide parking and traffic information demonstrating compliance with the Parking Mitigation Plan and a communications plan to ensure information dissemination to the public. The applicant shall share relevant parking information with staff, including parking lot occupancy rates and achievement of increased Average Vehicle Occupancy rates. The Planning Director may impose additional conditions or operational changes if the currently proposed Parking Mitigation Plan results in ongoing adverse impacts or is not achieving a demonstrated increased Average Vehicle Occupancy.
- Condition of Approval #18:
  - The Applicant shall be responsible for effectively managing the parking reservation system with an on-site parking attendant present, with a turn-away and tow policy for people without a reservation.
- Condition of Approval #19:
  - The Applicant shall use the net proceeds generated from paid parking at the Mountain Village base area of Park City Mountain to reinvest in transportation, transit, traffic mitigation, and/or parking measures to support guest access to the resort and traffic mitigation in and around the resort. As part of the bi-annual review meeting process, the Applicant shall provide an accounting regarding the net proceeds and will review the resorts' expenditures on these measures, including, if requested by the City, verification of the expenditures by an independent third party. The Applicant shall discuss in good faith any proposed expenditures by the City that advance the City's infrastructure goals at each bi-annual review. If funded, such proposals will be documented pursuant to an amendment to the Parking Mitigation Plan processed as part of the bi-annual review.

Condition of Approval #13 was put forward to require the applicant to establish legal parking mitigation agreements with Park City School District and Summit County. The applicant subsequently confirmed that they had a contract with Park City High School for the next ski season. Condition of Approval #14 was intended to specify a timeline for the applicant to establish and implement the currently proposed Parking Mitigation Plan. If the conditions were not met within the timeline, a Building Permit would not be issued for the lift upgrades. Condition of Approval #15 ensured that there would be measurable parking data. City Staff was working internally to outline the specific reporting data required to demonstrate compliance. The condition also allowed the City to adjust parking mitigation if it became necessary.

Condition of Approval #18 was intended to establish the monitoring of the new parking mitigation system and to promote safety within the City. If the condition was not met, the City would require a review and stricter implementation. Condition of Approval #19 was negotiated with Park City Mountain to establish a Parking Mitigation Plan that would benefit future parking management, transit, and transportation improvements as well as traffic mitigation endeavors for Park City Mountain and the City. Director Milliken added that it was important for the City to partner with Park City Mountain and come up with solutions. This was a partnership because Park City Mountain impacted the community and many residents and visitors to the City used the services. A lot of the conditions focused on ways to work collaboratively and tackle issues together.

Director Milliken shared a slide that highlighted the other points made by the appellant. She believed those concerns had been answered with the other five points that she had addressed already. If the Commission had any specific questions related to those points, she was willing to answer them. Staff recommended that the Planning Commission deny the appeal, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter. She reminded Commissioners that Planner Lederer and Mr. Felius were also available to answer any outstanding questions that the Commission had.

The applicant, Mike Goar, introduced himself as Vice-President of Vail Resorts. He was previously the Vice-President and Chief Operating Officer of Park City Mountain. Mr. Goar introduced Deidre Walsh, the new Vice-President and Chief Operating Officer of Park City Mountain. He and Ms. Walsh had worked together for many years and she was an extraordinary leader who had previous experience at Park City Mountain. Ms. Walsh thanked Mr. Goar for his dedication during this transition and all of his work at the resort. She explained that Mr. Goar was a leader who always led with integrity. That had been demonstrated time and time again. Ms. Walsh overviewed some of her career highlights and discussed the resort.

Mr. Goar introduced Director of Mountain Planning, John Sale, Senior Director of Base Operations, Mike Lewis, Mountain Resorts Legal Counsel, Allison Turbiville, Outside Legal Counsel, Brent Bateman, and Fehr and Peers Traffic and Parking Consultant, Jon Nepstad. Mr. Goar explained that the only issue related to the appeal was whether the Planning Director correctly issued the ACUP that allowed Park City Mountain to upgrade two lifts. The Planning Director reached her decision after going through a rigorous and thorough process. She analyzed the application for over three months, required Park City Mountain to develop a transformative Parking Mitigation Plan, and retain an outside consultant, in addition to the two consultants the resort had previously retained. Additionally, public comments were accepted and reviewed, and a lengthy public hearing was conducted. Only then did the Planning Director issue an ACUP containing 19 detailed Conditions of Approval.

Mr. Goar appreciated the work that the Planning Director and City Staff had done to review the application. He was also appreciative of the community engagement. There had been strong community support for the two proposed lift upgrades and the Parking Mitigation Plan. Mr. Goar had reached out to community members who had expressed concerns, including the appellants. While he had not heard back from the appellants, the resort followed up with others, including various Homeowners Association ("HOA") representatives.

The reason for lift upgrades was discussed. Mr. Goar explained that Park City Mountain was the largest resort in the United States. The resort had vast terrain and that meant there was a lot of space for skiers and riders to use. Modernizing the Eagle and Silverlode lifts, which were 49 and 26 years old respectively, was key to maintaining a world-class experience. It would ensure that visitors were moved more effectively and efficiently. This would result in a significant enhancement to the guest experience. He clarified that this was not about moving more people, but was about moving people more efficiently. There were essentially three places where skiers and riders could be on the mountain: the ski trail, in the lift line, or on a lift. The upgraded lifts would move people out of the lift lines more quickly and onto the lifts or ski trails. That meant guests would have more time to enjoy the mountain. Over the last 15 years, there had been over 500 lift upgrades and new ski lifts installed across the United States. This represented 20% of all lifts in the country. Industry data showed that skier visitation during that time had increased by 1%.

The data demonstrated that lift upgrades did not drive increases in visitation or increased parking demand. However, the resort still went beyond the requirements for an ACUP and presented the Parking Mitigation Plan for the project. It included a reservation system with paid and free parking options. The community expected the resort to invest in resort infrastructure and to continuously improve the overall experience. That was the reason the City approved the Development Agreement that set out a straightforward ACUP process for lift upgrades that were identified in the Mountain Upgrade Plan. That was also why Vail Resorts had invested $127 million in upgrades at the resort since the acquisition.

Mr. Goar shared information about the two lifts. He reported that the first was Silverlode. The area around Miner’s Camp was quite popular and could be very busy. The new lift would more efficiently move people out of that area and take them back up the hill to circulate. There was also a desire to remove the existing Eagle and Eaglet lifts and install the new Eagle High-Speed 6-Passenger Chair. In addition to moving people more efficiently out of the base area, the upgraded lift would spread skiers across the terrain, provide better access to the front of the mountain, and improve circulation to the King Con and trails on the upper portion of the mountain.

The City had already approved the Development Agreement and Mountain Upgrade Plan that governed the proposed lift upgrades. The Development Agreement required Park City Mountain to mitigate the parking impacts of any proposed expansion of lift capacity. As part of the review, City Staff encouraged Park City Mountain to submit a project-specific Parking Mitigation Plan. The data supported that the lift upgrades generated no incremental parking demand for the resort. That said, at the request of City Staff, the Parking Mitigation Plan had been created. It would fundamentally change guest parking incentives and would positively impact the base area. The main component of the Parking Mitigation Plan was the implementation of a reservation system, with both paid and free parking options. Guests would be required to make a paid reservation in advance to park in one of the parking spaces at the base area before 1:00 p.m. Guests who carpooled with at least four people in the car still needed a reservation but could park for free. After 1:00 p.m. guests would not need a reservation and parking was free.

Mr. Goar overviewed some of the benefits related to the Parking Mitigation Plan. He explained that paid parking and reservations would fundamentally change the behavior of visitors. Fehr and Peers, the leading expert on parking and traffic, studied the impacts of paid and reserved parking. There would be a significant reduction in overall parking demand, the reservation system would spread out arrival times, the guest experience would be improved, and there would be improvements to the local traffic experience. It would be a benefit to all involved.

The Conditions of Approval listed in the ACUP captured the commitment of Park City Mountain to invest the net proceeds of the paid parking revenues into parking, traffic, transportation, and transit operation improvements. This was not a new revenue stream for the resort. In addition to the reservation system, the Parking Mitigation Plan had several other mitigation strategies that would mitigate any detrimental parking impacts caused by lift upgrades. There would be additional parking for employees, the resort would continue to incentivize carpool and transit use by resort employees, and a subscription-based communication method would be tested to communicate parking and traffic information to guests. Mr. Goar reported that Park City Mountain had partnered with the City last season to reconfigure circulation in the base area. That had proven to be effective and the resort would continue to implement the prioritization of transit. The resort and City were already meeting to discuss operations for next season.

Mr. Goar understood that some of the proposed parking changes would require significant work to manage. He assured those present that the resort team would focus on a smooth rollout of the plan. There would be a close collaboration with City Staff, engagement with community stakeholders, and an ongoing assessment of the Parking Mitigation Plan. Fehr and Peers would observe how the new parking plan was working on-site at several key points during the season, including holiday periods and busier weekends. Fehr and Peers would generate a report after each of the observation periods ended. Those reports would be shared with City Staff.

Mr. Goar noted that he had heard some comments that the resort was not paying its fair share and did not care about the community. That was not true. He had been a part of the community for many years, as had Ms. Walsh. According to the Park City Chamber of Commerce, sales tax collectively paid by resorts comprised 70% or $28 million of the General Fund revenue for the City in the prior year. The resort supported 14,000 full-time and part-time tourism-related jobs. The company also gave nearly $4 million to local organizations and non-profits in Park City. Mr. Goar stressed that the resort was part of the community. The ski lift upgrades were a benefit that the resort wanted to provide to the residents and visitors of Park City.

Chair Phillips opened the public hearing. He needed to step out of the Planning Commission Meeting for approximately 15 minutes and asked Commissioner Suesser to moderate. Chair Phillips noted that he would be listening to the meeting audio during his absence.

Rob Sleddon stated that he had lived in Park City for 50 years and had skied for many decades. The traffic near the resort and throughout the area was seen year-round. There was not an easy solution and he hoped it would be possible for everyone to work together and forward effective strategies. Mr. Sleddon noted that he had been a business owner for 42 years in the hospitality industry and he had heard many times that previous lift improvements were welcomed. He appreciated hearing from both sides but believed the Planning Department had thoroughly reviewed the facts and established appropriate conditions. He felt the appeal should be denied.

Bill Malone commented that his family had enjoyed many different skiing experiences in the community over the last 23 years. There had been numerous improvements to those experiences. There had also been improvements in facilities. Mr. Malone believed that the lift upgrades were part of a continuous process of customer service improvements. It was important to get skiers up the mountain and out of the base area faster so they could be dispersed across the 7,300 acres of terrain and enjoy the ski experience to a greater extent. Mr. Malone hoped that the lift upgrade would benefit the overall experience for visitors.

Peter Marth stated that he had been an Old Town resident for 40 years. He thanked everyone for their presentations and the opinions shared. Mr. Marth explained that he had been skiing in Park City ever since he moved to the area in 1981. The last three or four years had become difficult because of the sheer volume of skiers that Vail Resorts brought to the table with their industrial tourism model. To make a return on investments, the corporation needed to increase the volume, ticket sales, and numbers. He was uncomfortable with the term mitigation because there was no real way to quantify what mitigation meant. Mr. Marth was skeptical about the upgrades and was uncomfortable with the way the changes had been presented. He was not in support of the ACUP process and recommended that the appeal be granted.

Adam Strachan explained that he was a Planning Commissioner for 10 years and went through a lot of appeals. However, there had never been any related to a lift upgrade. It was rare to see something like this be so polarizing. He was present for the 2015 Crescent upgrade and reviewed the 2015 King Con upgrade. There were no complaints after either of those. He was not sure what was different here, since this was a 39-year-old and 26-year-old lift. As a Commissioner, the duty was to review the appeal, but that did not mean deference was not given to the Planning Director and City Staff. He felt the Planning Director and City Staff had done a good job with the ACUP. He had read the Final Action Letter and it was very detailed. The Conditions of Approval were also well drafted. There had clearly been an in-depth analysis. Additionally, two consultants echoed what the Planning Director and City Staff had concluded. Mr. Strachan did not think there was a correlation between an increase in carrying capacity and an increase in parking. Without evidence from the appellant, that was reason alone to deny the appeal. He overviewed some of the mitigation strategies. The fact that the proceeds from the paid parking system would go to transit and traffic mitigation was significant and overcompensated any minimal impacts an upgrade may have.

Henrik Dirkus stated that he loved skiing and was supportive of any improvements that would make it possible to get up to the mountain faster. Anything that would minimize the lift lines was beneficial. However, Mr. Dirkus noted that he lived about a block away from the base of Park City Mountain and there had been serious issues over the last few years. There were a lot of problems related to parking and people cutting through the private road he lived on. Residents had tried to work with the City to come up with a solution, as there were many negative impacts related to skier traffic. If the resort started to charge visitors, he was afraid that the nearby neighborhoods would experience even more issues related to illegal parking and traffic. Mr. Dirkus was not sure how the data and numbers would translate to real life. He wondered whether there had been communication with the local HOAs to discuss the current issues.

Eric Moxham understood that the City Staff, resort, appellants, and Planning Commission had spent a significant amount of time looking into the application. He appreciated all of the efforts but was of the strong opinion that the City needed to be consistent with the strict interpretation of the language in the Development Agreement and Mountain Upgrade Plan. Both agreements were out of date based on the evolution of the ski industry. He felt the agreements needed to be renegotiated, especially if Vail Resorts was not comfortable with the strict interpretation of the existing agreements. The new Eagle lift was a new lift and was not contemplated in the Mountain Upgrade Plan, and as a result, should not be subject to an ACUP. Mr. Moxham wondered why there was such a rush toward new ski lifts without proper approval.

Thomas Jacobson echoed the sentiments of some of the other speakers. He explained that he served as Chair of a State Commission. It was always important to look at the big picture and consider what was best for the citizens and the State of Utah. He noted that this particular application would address an existing problem and there was nothing in the application that advertised for more visitors to come to the resort. Park City was often the victim of its own success. However, that was a separate issue, because the application was trying to fix one of the issues that had occurred as a result of that success. Mr. Jacobson felt it was important for the Commission to consider the big picture and what would happen if the ski lifts were not upgraded. For instance, whether the ski experience would be any better and whether upholding the appeal would be a benefit to Park City. He believed that this change was necessary and encouraged the Planning Commission to deny the appeal.

Ed Parigian appreciated the discussions that had taken place so far. He believed the new Eagle lift was a precursor to building the new base beach area. If paid parking reduced traffic now, he wondered what would happen when the new base beach area was implemented. There would not be any additional mitigation strategies to use. Mr. Parigian did not believe that residents and visitors had the same expectations. He noted that residents would have a very different view than visitors to the area. He believed the partnership between the resort and the City was one-sided and felt that the appellants showed ample information about the CCCs. He supported the appeal.

Dr. Robert Winn stated that he had always taken great pride in any action the City took to make the local and guest experience better. He supported the proposed lift enhancements. Dr. Winn believed that Park City Mountain had met and exceeded all of the conditions required and the Planning Staff had done an excellent job tackling a very complex application. He asked that the appeal be denied by the Planning Commission. Dr. Winn stated that he was the Medical Director of Intermountain Healthcare, which covered Park City and The Canyons. Those two clinics treated the vast majority of guests who were injured while skiing at the resorts. As the Medical Director, he strongly endorsed the upgrades. Dr. Winn wanted the clinics to be less busy. Over the 41 years that he had been involved with ski injuries, he had witnessed congestion to be one of the major causes of injuries. The lift upgrades would decrease the number of patients that his team needed to assist and would benefit overall safety levels in the area.

Alex Budminski felt that the main question was whether or not the decision the Planning Director made was within the scope of the Mountain Upgrade Plan. He believed it was. Another question was whether the Planning Director interpreted the scope and issues correctly. He believed she had. Mr. Budminski pointed out that not all issues could be mitigated. It was important to consider whether the Conditions of Approval were sufficient to mitigate as many impacts as possible. Most of the issues that were mentioned were irrelevant to the appeal. He urged the Commission to look at the application in the context he described. He felt the appeal should be denied.

Richard Jaffa stated that he lived in Park Meadows and had owned a home in Park City for 41 years. This was the first year that he rode the bus. He believed the people that lived in Summit County were part of the problem. If residents refused to use the public transportation available, nothing would change. Charging for parking might be a worthwhile mitigation strategy, but it was also important to shift the focus onto transit. Mr. Jaffa thanked the Planning Department. He felt they had done a wonderful job and asked that the appeal be denied.

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

The appellants were allowed to respond. Deb Rentfrow stated that based on the appellant's presentation as well as the input from Staff and the applicant, it was apparent that many aspects needed to be considered with regard to the lift upgrade application. She believed that significant oversights still existed. All of Park City suffered from the negative impacts of a Peak Ski Day.

More needed to be done to address this. The 11% reduction in parking demand expressed by Fehr and Peers was in part attributed to an increased AVO. An AVO of 2.3 increased to 2.7. In the SE Group table, each line item was presented separately on the spreadsheet. There were indications of double dipping to achieve the parking reduction gained by carpooling in both the AVO and the 11% lines. She wondered whether a correction was required and believed the change in parking numbers would be in the hundreds.

Ms. Rentfrow stated that the currently approved Parking Mitigation Plan relied on barriers and a change in traffic flows, which included improper lane usage. She did not believe any other business in Park City would be allowed to implement these types of changes in a public right-of-way without a proper review, Impact Study, and Public Safety Analysis. Ms. Rentfrow asked how transit would be adjusted to accommodate the anticipated modal shifts. Plans needed to be formulated and implemented. She noted that nothing was being done under the approved plan to add or facilitate additional drop-off capabilities. Ms. Rentfrow felt the applicant was able to do whatever they pleased at the expense of the local community. She asked the Commission to recognize the applicant's disregard for the legal requirements set forth in the 1997 Master Planned Development, the 1998 Development Agreement, and the related Exhibit L. The appellants requested that the lift upgrades be stopped and the appeal be upheld.

Commissioner Bill Johnson asked Mr. Felius to address the discrepancy between the CCC for New Prospector in 2008 to Silverlode. The appellants had stated that the CCCs changed from New Prospector to Silverlode. Mr. Felius explained that as part of the process, Ecosign looked at the calculations that SE Group did between the present day and the future. They did not go back as far as 2008. Someone from Vail Resorts of SE Group would be able to provide that additional information. Mr. Sale explained that typically with Vertical Demand, it was a simple equation of vertical feet x capacity. The capacity, going back to 1997, would have been for King Con or Silverlode, a four-pack. Any time the capacity was increased to a six-pack, that increased the Vertical Demand. That was the reason for the larger number. However, there were several other factors to consider as well. Commissioner Johnson believed that because more capacity was being added to the lift, it changed the Vertical Demand. Mr. Sale confirmed this. Commissioner Johnson wondered whether it was possible to continue to increase the size of the lifts to make the CCCs. Mr. Sale explained that the CCC calculation factored in the Vertical Demand, but that was not the only factor. That equation factored in wait times, the number of people in the chair, and the number of people on the trail.

Mr. Felius reported that the CCC was a mathematical model of the ski area. It focused on the comfortable capacity of the ski area, which in his mind, meant that skiers were able to ski as much as they wanted and the lift lines were approximately 10 minutes long. That was a comfortable capacity. If skier circulation was changed, it was possible to shift those numbers, but there were several different factors that were considered in the calculation. Commissioner Johnson wanted to know why Eagle and Eaglet were being removed. Mr. Sale explained that with the lifts, it made sense to minimize the number of operators needed. To run the existing lift, along with the new Eagle, there would need to be twice as many operators. This was not best practice, as it was important to maximize efficiency and still be able to move visitors effectively.

Commissioner Johnson referenced the Parking Mitigation Plan. He read that the transit drop-off was listed as 1,800 from transit, 398 from hotel shuttles, and 251 for drop-off and ride share. Commissioner Johnson pointed out that there were 1,000 children under the age of 11 attending ski programs. That 251 drop-off number did not seem correct to him. It made him question some of the other numbers that SE Group had put together.

Commissioner Hall wanted to further discuss the CCC chart. Commissioner Kenworthy explained that CCC = vertical rise x hourly capacity x operating hours x loading efficiency. When that number was calculated, it needed to be divided by the Weighted Vertical Demand. The Weighted Vertical Demand was a blended number. It was assumed that an expert would ski a lot more than a beginner. Commissioner Kenworthy felt that there were a lot of variables and it would be worthwhile to sit down and do the math. He pointed out that SE Group had done CCCs for 400 ski resorts around the world. It should be possible to verify the numbers without much of a problem. As for the definition, CCCs were the optimum number of guests accommodated by a mountain facility at any one time, while still affording a high-quality recreational experience and sound stewardship of the land. Mr. Felius confirmed this definition.

Commissioner Kenworthy found the Mountain Upgrade Plan definition of a Peak Ski Day was specifically stated on Page 35 of the plan. It stated that "based upon historical skier-visit performance records, PCSA anticipates future peak skier days to reach 110 percent of the CCC. This policy is acceptable as long as it does not become common practice." Commissioner Kenworthy explained that nationwide and internationally, CCC numbers were normally allowed a 25% increase. He found the definition to be very specific.

Commissioner Kenworthy noted that the applicants had spoken about collaboration. He felt that was essential. Getting data from the resort could be difficult at times and he believed that needed to end. If the Commission didn't have all of the numbers and data, it would not be possible to work together collaboratively. Commissioner Kenworthy asked Director Milliken why she found this was not considered a new lift. Director Milliken explained that the new Eagle lift was identified in the 1998 Mountain Upgrade Plan with the dashed line. That meant there was a proposed lift planned that would be placed there in the future. The decision was based on the map included in the Mountain Upgrade Plan. Commissioner Kenworthy pointed out that comments had been received about the trees that would be removed for the lift to be installed. Director Milliken reported that the application was reviewed by both the Forestry Board and the Open Space Manager. There were additional Conditions of Approval that addressed vegetation.

Commissioner Hall wanted to better understand the CCC numbers and the data included on the chart. She asked whether it would be possible to take a brief break so that information could be presented to the Commission following the break. Chair Phillips noted that the item had gone way over the allotted time and there were many other items on the agenda. He asked Commissioners to think about whether the item needed to be continued so additional information could be reviewed. The Planning Commission took a five-minute break.

Mr. Goar pointed out that it seemed there was a desire to chase down very old information about lifts that were not even in place anymore. He reminded those present that the appellants had the burden of proof. They had not presented experts or facts. Alternatively, the applicants had two experts on CCC and mountain planning. A representative from SE Group would be brought in to join Mr. Felius from Ecosign to address any concerns. Mr. Goar believed that the Planning Director's decision should be upheld on appeal as it was supported by substantial evidence on the record. All of that information had been presented.

Mr. Sale addressed the CCC chart that had been mentioned by the Commissioners. He wanted to clarify some of the misconceptions about the information. That chart showed the current statistics rather than what the numbers were in 1998. In 1998, there would have been Silverlode and King Con as four-packs. That information was not reflected on that chart. The current version, which was a six-pack for both Silverlode and King Con was referenced. The capacity changes from 1998 to the present included a shift from a four-pack to a six-pack for King Con. That accounted for the increase in capacity. For Silverlode, it would be a four-pack to an eight-pack. Pete Williams from SE Group was available to answer additional questions. Commissioner Johnson noted that the CCC chart the Commission was looking at was from the last upgrade. He wanted clarification about why some of the other numbers were shifting. Mr. Sale noted that there were reasons for the changing numbers, such as loading efficiency, but Mr. Williams could speak to specifics.

Mr. Williams explained that there was not a direct correlation between the physical aspects of the lift (vertical rise and capacity) and CCC. CCC was a balance between the uphill and downhill capacity of the lift and the associated runs. Vertical transport feet per hour ("VTFH") was a very simple, but not particularly meaningful calculation. It took the vertical of the lift and multiplied it by the hourly capacity of the lift. For example, a shorter lift with more verticals could have a much higher VTFH than a longer lift with a shorter vertical. There were a lot of factors that went into the capacity of the lift and the associated trails that would not be picked up by VTFH. He stated that VTFH was not a good indicator of the overall carrying capacity. The reason that CCC could change from year to year on a lift that hadn't physically changed was that there was something different about the usage patterns of the lift. Mr. Williams noted that this could be attributed to either higher or lower demand. Alternatively, there could be changes to the runs or additional terrain may have been added. It was typical for CCC to change for an existing lift. The VTFH could increase due to a shift from a six-pack to an eight-pack, but there was no direct correlation to increased CCC because that calculation took many different factors into account well beyond the actual vertical carrying capacity of the lift.

Commissioner Suesser asked Mr. Williams to discuss the discrepancy referenced earlier by the appellant. It had to do with the CCCs presented versus their calculations. Mr. Sale explained that there were capacity shifts to consider. For instance, with Three Kings, the capacity would be adjusted, because there would not be 100% capacity on Three Kings once the new Eagle Express was built. Looking at the CCCs listed in 1998, a lot of those numbers were for planned lifts. What was built later on may have slightly different capacity numbers due to the way lifts were built, the lifts they ran, and technological advances. That was the reason that some of the numbers were not matching what was shown in the 1998 data. Director Milliken noted that the CCCs from 1998 were the maximums rather than the actuals. Those numbers were part of a Master Plan and that was the likely reason for the discrepancies.

Ms. Moschetta stated that there were some discrepancies in numbers that were specific to certain lifts. The original numbers were included in the Mountain Upgrade Plan and she believed that was what needed to be used. While it was possible that usage and technology may change, the 13,700 max CCC for the resort would not change. The appellants had chosen to focus on Vertical Demand because it was one of the simplest numbers. The CCC involved a lot more factors and became a lot more complicated. She reiterated that those numbers were inversely proportional. The Vertical Demand was directly tied to the terrain. If the terrain did not change, that number could not be changed. The numbers appeared manipulated so there was a reduction in the CCCs and the resort stayed under the overall cap. Ms. Moschetta believed the appeal should be granted so the numbers could be further explored and accurately presented to the Commission.

Commissioner Kenworthy asked about changes to the terrain. Mr. Goar explained that it may have changed over time. He stated that the resort relied on independent experts for CCC and that work had been done. The data is tied back to the current state and the impact of the new lifts. That information had been presented and there had been several conversations with Staff to verify the data. The two leading experts in the world on the topic, independent of the resort, had provided the data. Mr. Goar pointed out that the resort had met the obligation to provide the information. The appellant had to provide detailed information from a consultant or expert to dispute any data, but that had not been done.

Mr. Williams clarified that the Vertical Demand number was the most difficult part of the calculation and not the simple part of the calculation, as previously stated by Ms. Moschetta. The simple part was the Vertical Supply. Vertical Demand was a complicated calculation that took into account all of the existing terrain as a portion of the calculation, but there were numerous other aspects that went into calculating what the Vertical Demand was. For instance, skier speeds, lift line waiting times, the amount of time spent on the lift itself, and so on. He stressed that calculating the Vertical Demand was the more complex part of the equation.

Chair Phillips wondered whether the Commissioners had any questions outside of the CCC data. Commissioner Suesser had questions related to the Parking Mitigation Plan and reservation system. She wanted to know how many of the employees would continue to park at the base, even with the 90 parking spaces at the Munchkin parking lot. Mr. Goar explained that the number could vary from day to day. What was important was that the resort had agreed to move 90, which meant there would be 90 additional parking spaces available in the base area. The plan exceeded any possible increases in parking demand caused by the lift upgrades. Commissioner Suesser asked about the 11% reduction that was anticipated due to the parking fee and reservation system. She wanted to know what the parking fee would be and how far in advance reservations could be made. Mr. Goar stated that the details had not been worked out. This was an intentional choice because the resort was continuing to look at what would be best. There would be a continued collaboration with the City to maximize the impact. It was a work in progress.

Commissioner Kenworthy noted that Utah was the fastest growing States, and Wasatch County is one of the fastest growing counties in the nation; and there was a mountain with a CCC number that talked to stewardship. He felt a specific daily ski cap needed to be a Condition of Approval. He wanted to understand whether the applicant was looking for the 25% increase that was accepted internationally. Commissioner Kenworthy also felt there needed to be additional capacity monitoring for the City included as a Condition of Approval. Mr. Goar asked that the points of the appeal be the focus. At no point had the resort exceeded CCC, let alone CCC plus 10% or 25%. He added that at no point during the winter season was a daily visitation record set. Not a single daily record was set in the current ski year. He could not address 2030 visitation or determine how many international travelers may come. What was known now was that the experience could be significantly enhanced and the numbers could be managed. There would be less than 300 additional visitors due to the lift upgrades.

Chair Phillips assumed the Commissioners would request additional information before deciding on the appeal. He explained that the options were to deny the appeal, grant the appeal, or continue the appeal to a date certain. Chair Phillips believed all sides were represented well and were given an equal amount of time to share. After listening to the arguments, he agreed that the burden of proof was on the appellant. He did not feel he was shown any error in what had been done. Many professionals had looked at the application and the data independently and there were many Conditions of Approval. The details of CCC could be looked into further, but he felt it made sense to rely on the professionals. He believed that the resort was under the 13,700 CCC. There would be a shift in the parking, but it was always intended to have paid parking. After looking at the Staff Report and all of the data shared, Chair Phillips believed the appeal should be denied. The professionals could come back to address any outstanding questions, but he felt the analysis that had been conducted was correct.

Commissioner Kenworthy felt the item needed to be continued. He wanted more information about the Parking Mitigation Plan and the CCCs. He also worried about the terrain that would be disturbed by the new lifts. Director Milliken pointed out that where the new Eagle was proposed was more or less identical to the location within the Mountain Upgrade Plan map. Attorney Harrington explained that the Commissioners needed to be very specific about the reason for a continuation and the information needed. Commissioner Kenworthy stated that there was a deficiency in the mitigation for parking. He also wanted to better understand whether this was considered a new lift or a replacement lift and understand why the Vertical Demand had shifted. Director Milliken explained that the lift in question was not considered new or old. It was an upgrade because it was already in the Mountain Upgrade Plan.

Commissioner Kenworthy asked about the Peak Ski Day number. Director Milliken explained that there was not a Peak Ski Day defined in the Land Management Code that was the same as in the Mountain Upgrade Plan or other documents. There was not a universal definition of a Peak Ski Day. Commissioner Kenworthy believed that needed to be defined.

Commissioner Hall agreed that the burden of proof was on the appellant. Criteria for the lift location had been met, in her opinion, and Criteria 6 had also been met. Conditional of Approval 15 gave her comfort because there was a bi-annual review by the Planning Director and additional conditions could be imposed if the Parking Mitigation Plan resulted in adverse impacts. She was only looking for clarification on the CCCs because the formulas were not fully clear.

Commissioner Suesser agreed with Commissioner Kenworthy that a continuance was needed. It would allow there to be further clarity on the Peak Ski Day and the CCC issues. She believed the Conditions of Approval could be tightened up to adequately address impacts. For instance, Finding of Fact #18 (Criteria 5) needed to identify significant vegetation. Condition of Approval #5 she found to be too vague because the impact on the open space should be determined prior to approval. Condition of Approval #10 should clarify if the old lifts would be moved off-site. For Condition of Approval #13, she believed overflow parking should be addressed in the approval rather than left up to Summit County and the School District. Condition of Approval #19 needed additional clarity as it related to the spaces at the Munchkin lot and the reservation system.

Commissioner Johnson had all the information he needed, with the exception of Criteria 1. The appellant brought up a discrepancy and he believed that should be looked into further. While he agreed that the burden of proof was on the appellant, it was still worthwhile to look into the matter. Attorney Harrington wondered whether any other Commissioners shared the concerns expressed by Commissioner Kenworthy about consistency with the Mountain Upgrade Plan. Alternatively, he wondered whether the other Commissioners felt Staff had the authority to consider the ACUP due to consistency with the Mountain Upgrade Plan. Commissioner Hall believed the Planning Director had the authority and should approve the ACUP if Criteria 1 through Criteria 6 were met.

Discussions were had about the Peak Ski Day. Attorney Harrington noted that Peak Ski Day had not been explored as a definitive issue, because that was not what drove the parking demand of the application. The Peak Ski Days were not impacted by the lift upgrades. If the Commission disagreed and further information was desired, he asked that this be voiced by Commissioners before a motion was made. Commissioner Kenworthy disagreed and wanted more information.

Attorney Harrington encouraged the Commission to read the Mountain Upgrade Plan carefully. It showed that the day ski traffic that Staff was looking to mitigate in the Operational Plan was not necessarily related to the Peak Ski Days.

Commissioner Kenworthy did not believe the comparisons made between Alta and Beaver Creek were appropriate. Attorney Harrington explained that the Chair would have to determine whether the majority supported the rejection of certain evidence. It was important to understand what information the Commission as a whole wanted Staff and professionals to come back with. Chair Phillips felt the majority of the Commissioners wanted more information on the CCC numbers. Attorney Harrington reported that Staff could modify some of the Conditions of Approval and look to address the concerns related to the specificity of the CCC data. There would not be additional evidence regarding other resorts and the focus would be on clarifying the CCC analysis.

Mr. Goar wanted to clarify a comment that was made earlier about the resort not paying for the partnership with the City for Police protection. That had been paid some time ago. There was never an issue with the resort not paying that or not paying that in a timely manner. Mr. Goar appreciated the thorough discussions and all of the feedback. He explained that there was a narrow construction window to build lifts. This process had been going on for the last seven months and materials had been provided as requested. There had been eight meetings with City Staff to review the application and provide additional information. Given the timing and the resources it took to build lifts, it was not tenable for projects like this to take over seven months. This process would make it very difficult for lift upgrades to be done in the future. He asked whether there was a path forward at the current meeting. Silverlode seemed to be acceptable to the Commission and Eagle was driving the bulk of the concerns. Mr. Goar wondered whether the Commission would consider bifurcating the projects and letting the Silverlode project move forward while the Eagle project continued to be discussed.

Commissioner Kenworthy respected the position that Mr. Goar was in, but was not supportive of bifurcating the application. Commissioner Suesser agreed. Commissioner Hall believed there was a simple explanation for the CCC formula and if that was explained further, she could move forward with a vote that evening. She believed Commissioner Johnson and Chair Phillips were also ready to vote and move forward. It was important to understand the discrepancy between the CCC numbers that were presented and the CCC numbers on the chart.

Ms. Moschetta explained that the original numbers were in the Mountain Upgrade Plan. Based on input from Ecosign, there were additional CCC tables from Park City Mountain and SE Group. Both were referenced within the Ecosign report. Silverlode, King Con, and the Eagle replacement were pulled out of the chart. From the original Mountain Upgrade Plan to a table called "Existing Conditions," there were discrepancies. There were also discrepancies with the proposed upgrades. She felt there should not be discrepancies in the Vertical Demand where the terrain had not changed. Mr. Goar stated that this was a false narrative and there was not an issue.

Discussions were had about whether to vote on the item or continue the item. Commissioner Kenworthy and Commissioner Suesser wanted to continue the discussions. Commissioner Hall wanted to know whether a Special Meeting could be held prior to the next Planning Commission Meeting to address the issue in a timely manner. This was confirmed, but there were concerns about the time required to gather the requested information. It was determined that a Special Meeting would be held on Wednesday, June 15, 2022, at 5:30 p.m.

MOTION: Commissioner Kenworthy moved to CONTINUE the Appeal of an Administrative Conditional Use Permit related to an Upgrade for the Existing Silverlode Lift and Installation of a New Chair (Chondola Lift) Under the Park City Mountain Resort Mountain Upgrade Plan - PL-22-05249 to Wednesday, June 15, 2022, at 5:30 p.m.

Commissioner Suesser seconded the motion.

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

Commissioner Hall explained that she needed to leave the meeting since it was 9:40 p.m. but would continue to participate in the Planning Commission Meeting virtually.

B. 543 Park Ave - 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.

Planner II, Browne Sebright reported that the item was for a Hotel Minor CUP for property located at 543 Park Avenue. He explained that the request was to convert the Washington School Inn from a Bed and Breakfast to a Minor Hotel with accessory facilities. The property was a Landmark Historic Structure on the Park City Historic Sites Inventory and was located in the Historic Residential – 1 Zoning District. There were two lots, with the main lot containing the historic school and then Lot 34, which was largely a landscaped lot. The property was surrounded on three sides by residential housing in the HR-1 Zoning District. Planner Sebright explained that there had been two Work Sessions related to the item and a public hearing on May 25, 2022. The purpose of the meeting and Staff Report was to follow up on some outstanding questions.

Specific questions had been raised about whether the dining facilities would be open to the general public. The Commission wanted to understand if that was an allowed use for the zone or was considered an accessory use. Planner Sebright felt that question had been answered through the Staff Report. He noted that the applicant had also provided an updated Management Plan and Parking Plan. According to the applicant, the desire was to expand the use to allow overnight guests to invite or host non-resident guests for dining or small gatherings. Planner Sebright overviewed the amended definitions of overnight guests and non-resident guests:

- Overnight Guests:
    - Hotel guests that have reserved a room for overnight accommodations.
- Non-Resident Guests:
    - Guests of Overnight Guests using dining facilities and indoor gathering areas.

Staff had put together a comprehensive list of Conditions of Approval in order to mitigate the proposed use. If the Planning Commission chose to approve the CUP, it was important that the Conditions of Approval were accurate. An updated Management Plan from the applicant would be needed to accurately reflect the adopted Conditions of Approval. The applicant had agreed to the Conditions of Approval with modifications to Condition of Approval #19 and Condition of Approval #41. Planner Sebright reported that a number of public comments had been received since November 2021 from neighbors and representatives. The concerns had to do with the gradual but consistent expansion of use on the property. It was in Old Town, where lots were fairly close to one another and there were questions about whether the proposed use could be adequately mitigated. Staff recommended that the Commission review the updated request, hold a public hearing, and either approve or deny the CUP application.

The applicant representative, Wade Budge was present at the Planning Commission Meeting. He stated that the Washington School Inn was a fantastic asset to the community. The application would facilitate the kind of use that was expected from guests. The clientele that came to the hotel was used to being able to bring guests to the dining room. Since the last meeting, there had been a number of false statements in the press that required him to recover some of the items that had already been discussed. As mentioned in November 2021, the decision about whether a hotel was appropriate in the district had been decided previously by the City Council. The HR-1 Zone was identified as an area where a Hotel Minor use could take place. There was a condition that it needed to be in a historic structure, which the Washington School Inn was. Mr. Budge explained that there was not an opportunity to turn every building in the district into a Hotel Minor. However, there was a judgment from the City Council about when that was an appropriate use.

Mr. Budge reported that his client had engaged in a lot of conversations with neighbors in October and November. Despite not being required to do so, he had made a number of changes to the application since that time. None of those changes were required by the Code or by Law. His client valued community and wanted to be considerate of neighbors. One of the significant modifications was that only non-resident guests would be permitted occasional access to the indoor dining facility. Mr. Budge pointed out that during the meeting in November, there had been discussions about allowing non-resident guests to be outside or attend events. Neighbors wanted to make sure that the outdoor area did not turn into an event space. As a result, the use had been narrowed down, the project description had been updated, the guests had been defined, the seating capacity had been established, no walk-ins would be permitted, and parking was only provided for overnight guests. An additional study had been done to support the revisions made. It had also been clarified that outdoor areas were for the passive use of overnight guests only. Additionally, there was a commitment to communicate with a Neighborhood Coordinator and Waste Management Protocol had been added to address some of the concerns.

Since the last meeting, there had been a false statement in the press that the property could open a restaurant or bar, but this was untrue. Mr. Budge explained that a restaurant could not be opened, but there could be dining or restaurant facilities as part of the hotel. No dining use could operate independently of the hotel. Furthermore, a bar could not be opened in that location. Mr. Budge noted that there had also been a false statement that guest parking would be permitted on Park Avenue and delivery trucks would come through Woodside Avenue. That was not true, and in 2010, a separate CUP was obtained that was amended in 2012 to allow the pool maintenance facility to go onto Woodside Avenue. Nothing related to parking would be changed.

It had also been claimed that the application that would allow outdoor events for 250 people. Again, that was untrue. There were 12 rooms in the hotel, and those guests in the 12 rooms could go outside. That was nowhere near 250 people. Mr. Budge noted that another false statement was the insinuation that the proposed use was not contemplated. The HR-1 Zone expressly contemplated the Hotel Minor use and the Hotel Minor definition talked about restaurants and dining in connection with a hotel. There had also been a comment that there would be special events, but there was a condition to state that no events would take place. Mr. Budge shared an image of the hotel entrance. He explained that it would remain in that location. Nothing in the approval would result in construction of any kind. Overall operations would remain the same, but new conditions would be applied and followed.

Mr. Budge stated that the applicant had sought relief from the requirement to build a 12th parking spot. As seen from the Site Plan, that parking spot would be on Woodside Avenue. There were a number of reasons why that additional spot was not needed. After operating the Washington School Inn successfully for over a decade, there had never been a lack of parking. The guests mostly arrived by transport and the traffic study supported that. However, a Condition of Approval had been agreed to where the situation would be monitored for a year. The applicant would then come back to the Planning Commission to determine whether parking had continued as anticipated. If that was the case, the requirement to build the additional parking spot would no longer be required. If that was not the case, the spot would be built.

Two modifications were requested to the proposed Conditions of Approval. Mr. Budge reported that the requests were for Condition of Approval #19 and Condition of Approval #41. For Condition of Approval #19, he felt that the wording would be better if it read:

- If the Minor Hotel is at capacity for Overnight Guests and Guests of Overnight Guests, no Non-Resident Guest reservations for dining will be accepted.

Mr. Budge explained that the slight change in wording was important because if the hotel was full, there was still room in the dining room because not everyone ate there every night. That clarification would be helpful. For Condition of Approval #41, he felt it should be made clear that the lots would not need to be combined unless the additional parking spot needed to be installed. With those two changes, he felt the Conditions of Approval would be appropriate. They more than adequately mitigated any detrimental impacts and addressed all criteria.

Chair Phillips opened the public hearing.

Nicole Deforge explained that she was present to speak on behalf of over 20 homeowners who lived in close proximity to the Washington School Inn. She stated that residents and neighbors were concerned about the pending application to change the bed and breakfast into a hotel. They believed it would create future problems for the small residential area and make existing issues worse. Under the Land Management Code, under Section 15-1-10, there were standards that outlined when a CUP could be granted. It could only be approved if reasonable conditions could be imposed that would substantially mitigate the reasonably anticipated detrimental effects. During the last Work Session in November, Chair Phillips stated that the CUP would need to be strongly conditioned. She did not believe the proposed conditions were strong enough or would mitigate the issues. Ms. Deforge did not feel there was a viable way to condition the use.

Numerous comments had been submitted. Several of them outlined the issues with the Conditions of Approval. Ms. Deforge overviewed some of them, including the fact that guest, employee, or delivery traffic was prohibited on Woodside Avenue, with the sole exception of a pool service vehicle. The applicant now wanted to double capacity on the site while decreasing parking. If the City did not agree to the decrease, up to four stalls would be built in a new parking lot on Woodside Avenue. That meant the Conditions of Approval would be in opposition to the existing conditions that were placed on the property. If the applicant did not want to add parking stalls to Woodside Avenue, she asked that those Conditions of Approval be removed.

In response to neighborhood concerns about noise and Land Management Code prohibitions on outdoor events, Condition of Approval #13 stated that only overnight guests could use the outdoor areas at the site. Though that type of condition was necessary, it would be difficult to enforce. Ms. Deforge pointed out that Condition of Approval #16 stated that no private commercial events would be allowed, but private events and commercial uses were already prohibited at the site. She was concerned that there would be no enforcement, especially if small gatherings were permitted. The applicant had previously sought permission to open a public restaurant on the site, but she was pleased to hear that the proposed definition would be changed. Condition of Approval #36 stated that if more than six employees were on site, each employee in excess of that must arrive by walking, active transportation, or transit. However, the 2015 CUP prohibited all employee parking, so the condition would reverse the current conditions.

Ms. Deforge felt that the proposed Conditions of Approval would not mitigate the detrimental effects of the requested CUP. The conditions would either remove existing conditions, were duplicative of existing conditions, or would be unenforceable. She did not believe the proposed CUP could be conditioned or substantially mitigated and felt it should be denied.

John Plunkett stated that he and his wife had lived on Park Avenue for 30 years. Their backyard was next to the Washington School Inn. As a full-time resident, he was representing fellow neighbors in the surrounding area. Mr. Plunkett addressed the plat amendment suggestion presented by Mr. Budge. Building a parking lot was not a good idea and was prohibited by the currently existing conditions. He read the proposed language in Condition of Approval #39, which was to separate the Washington School Inn from the adjacent land uses. He felt that was a good reason to do the plat amendment. The only way for guests to get from the front of the property to the rear was through that platted lot. It would be good to bring that lot into the bed and breakfast property. Mr. Plunkett was glad to see that the HR-1 restrictions on private events, restaurants, and commercial uses were highlighted in the Staff Report.

The Staff Report stated that the property complied with the General Plan. While it did comply with a number of items in the General Plan, it did not comply with Community Character. The policy for Historic Core focused on the "continued livability of residential areas around the historic core." Mr. Plunkett did not understand how enlarging the use would improve the residential area and the livability. There had been one meeting with the owner of the Washington School Inn and that was the only contact he had with him until two days prior to the last hearing. Mr. Plunkett wondered whether the vested property rights of one commercial property owner outweighed the combined rights of all the other homeowners who lived in the residential zone.

Angela Moschetta stated that she lived on Park Avenue and walked her dog several times a day past the Washington School Inn. She had many photographs of vehicles parked in the area that were idling there. It was a beautiful property and a lovely addition to the neighborhood, but she did not feel the use needed to be expanded further. She was not supportive of the CUP.

Kirsten Stopher-Eric explained that she was the neighbor adjacent to the Washington School Inn. It would be difficult to find another neighborhood with the charm of Old Town. The City was very lucky to have this historic neighborhood. She was not opposed to business or growth, but she did not feel this was an appropriate location for a hotel use. The quality of her home would be directly impacted by more events. Traffic was also a critical issue. She stated that this was a tiny street in a tiny neighborhood that was already strained and asked that the CUP be denied.

Clayton McNeil lived within 125 feet of the northwest corner of the Washington School Inn property. He had been a resident for 18 years and chose the neighborhood due to the unique and quiet character. There was an expectation with the HR-1 Zone that there would be quiet enjoyment of the residential neighborhood. Allowing the change to a Hotel Minor would impact the neighborhood and establish a dangerous precedent. It could forever change the character of Park City. Mr. McNeil recommended that the Planning Commission deny the application.

Michael Kirby echoed the other comments that had been shared. He was opposed to the proposed expansion of use at the Washington School Inn. Park City had no shortage of hotels and restaurants, but there was something very unique about the Old Town area. The Washington School Inn was a wonderful place, but the expansion of use would impact the rest of the area.

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

Mr. Budge appreciated the comments shared as well as the passion that the community had for the neighborhood, but wanted to make some clarifications. It was important for the community to understand that in Utah if something was listed as a Conditional Use, the property owner was entitled to that approval. There were different rules in different States, but that was the standard in Utah. If there were concerns about this application setting a precedent, members of the community could reach out to the City and ask for a Use Table text amendment. That was appropriate. However, in this case, there was a property owner with an existing use asking for Hotel Minor, which had been identified as appropriate within the zone. Mr. Budge reiterated that several modifications had been made and noted that there would be no special events.

Chair Phillips pointed out that the applicant had done a significant amount of work that was above and beyond what was normally seen. Mr. Budge was correct in his interpretation of the code. It had been determined that Hotel Minor was an appropriate use in the zone and the impacts needed to be mitigated. There had been a lot of concessions from the applicant and it was important to find a way to work together. He explained that this was a use allowed in the zone.

Commissioner Suesser did not feel that increasing the current use to 68 people and non-resident guests was compatible with the surrounding uses. She also did not feel that the conditions substantially mitigated the issues and did not believe the application complied with LMC § 15-1-10(D). Commissioner Suesser stated that she would deny the application. Commissioner Kenworthy agreed. He noted that the General Plan directed the City to protect primary residents. Commissioner Hall pointed out that the Land Management Code stated that the area was zoned for this use. Looking at the Land Management Code and State Law direction, it made sense to focus on implementing appropriate Conditions of Approval. Commissioner Johnson agreed with Commissioner Suesser and Commissioner Kenworthy. He felt there would be detrimental effects on the neighborhood. He would likely move to deny the application.

Mr. Budge explained that the applicant had already made several changes to accommodate the concerns expressed by neighbors. As for the comment shared by Commissioner Suesser, he clarified that the Washington School Inn was not looking for 68 guests. The maximum was 60 with no more than 8 employees. There was also a time limit for when the non-resident guests could be on the property. That was included in the Conditions of Approval.

MOTION: Commissioner Johnson moved to DENY the Conditional Use Permit Application for the Washington School Inn, located at 543 Park Avenue because there was not sufficient parking mitigation for the additional use, there would be a detrimental effect on the surrounding neighborhood, and there were concerns about the number of non-resident guests.

Commissioner Kenworthy seconded the motion.

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

Chair Phillips noted that though he did not vote, he would have been opposed to the denial. He pointed out that the area was zoned for certain uses. He was concerned that the Planning Commission was overriding the zoning within the City. Attorney Harrington informed the Commission that Staff would bring back findings related to the denial. Planner Sebright stated that this could be brought back for the June 22, 2022, Planning Commission Meeting.

C. 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. PL-22- 05132.

Planner II, Makena Hawley noted that there was now another meeting scheduled to discuss the appeal. She wondered whether the last two items on the Planning Commission Meeting agenda could be covered at that time. Chair Phillips was in favor of that as it would ensure that there was proper time dedicated to both items. However, he wanted to understand what the applicants would prefer. The applicants agreed due to the late hour.

Planner Hawley explained that the item would be a CUP related to a request for a temporary structure as well as a reduction of parking for the structure and Versante on the Lawn. This item had been presented to the Planning Commission previously, but the applicant had provided some additional documentation and information. There were also several Conditions of Approval. Planner Hawley suggested that the public hearing be opened and the item be continued.

Chair Phillips opened the public hearing.

Lisa McGivney stated that she was a resident of the Park View Condominiums. She believed that Versante on the Lawn had been a great asset to the community. With the conditions in place, she hoped it would continue to be a meeting place for the neighborhood. The Peaks Hotel had been an excellent neighbor and provided a wonderful place for people to meet.

There were no further comments. The public hearing was closed.

MOTION: Commissioner Johnson moved to CONTINUE the Conditional Use Permit for a Temporary Structure at the Peaks Hotel, located at 2346 Park Avenue - PL-22-05249 to Wednesday, June 15, 2022, at 5:30 p.m.

Commissioner Kenworthy seconded the motion.

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

D. 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 explained that he would recuse himself from this item. Commissioner Suesser would conduct the discussions. Planner Hawley reported that the applicant was requesting a zone change from Recreation Open Space ("ROS") to Estate ("E") with one single-family dwelling per parcel. The applicant had brought additional information and Staff had provided some recommendations for review. She recommended that the Planning Commission open a public hearing and continue the item to the next Planning Commission Meeting.

Commissioner Suesser opened the public hearing.

Doug Ogilvy explained that he had been the President of the Empire Pass Master Association for the last 10 years and he was familiar with the Bransford property. He felt the proposed use was consistent with what was originally envisioned in the Flagstaff Development Agreement. Additionally, he felt it was compatible with the adjacent community. What the Bransford Family was proposing for the property was appropriate and he was supportive of the application.

There were no further comments. The public hearing was closed.

MOTION: Commissioner Kenworthy 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, June 15, 2022, at 5:30 p.m.

Commissioner Johnson seconded the motion.

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

6. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 11:02 p.m.