

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 27, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Mark Sletten, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Alexandra Ananth; Planner; Hannah Tyler, Planner; Caitlyn Barhorst, Planner; Elizabeth Jackson, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

ROLL CALL

Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

APPROVAL OF MINUTES

May 13, 2020

Commissioner Thimm referred to page 29 of the Minutes, first full paragraph, second line, and inserted the word "questions." The corrected sentence would read "He had **questions** relative to the driveway, but his questions were answered by reading the letter from the City Engineer".

MOTION: Commissioner Kenworthy moved to APPROVE the Minutes of May 13, 2020 as amended. Commissioner Sletten seconded the motion.

VOTE: The motion passed. Commissioner Suesser abstained from the vote since she had not attended the May 13th meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the Planning Commission will hold their two regular meetings in June.

Director Erickson noted that the Staff report contained a long-range schedule for Park City Mountain Resort, which is interlocked into the long-range schedule presented last week regarding the 2020 development Plan.

Commissioner Sletten discloses that he has had an office at PCMR for over 20 years, and he has represented leases, sales, listings, etc. over time. He has no current contracts that would affect his opinion or his vote. He clarified that his statement was only a disclosure and not a recusal.

WORK SESSION

5.a. Recreation Advisory Board Parks Preservation Urban Park Zone Discussion.

Tate Shaw, Assistant Recreation Director, reported that in 2017, as part of the Recreational Advisory Board Annual Visioning, the City Council directed the Recreation Advisory Board to research protective measures that could be used to protect park spaces short of a third-party conservation easement. The direction came from a discussion based on the conservation easement that was put into place to protect and help with the Library Field. Mr. Shaw stated that the City Council provided guidance and asked the RAB to form a subcommittee. He commended the subcommittee members, Eric Hoffman, Jane Campbell, and Ed Parigian, for their hard work and effort.

Mr. Shaw stated that through the visioning efforts, they started to look at trends across different cities and different western communities that have similar interests, dynamics and population to Park City. They spoke with different groups in Colorado, the East Coast, and Missoula Montana to discuss some of the measures those communities were taking to help protect some of their park spaces from unwanted and/or concerning changes by way of legislative forums. For example, if zoning can be changed just by a cancelled vote, what measured could be put into place to stop that from occurring.

Mr. Shaw remarked that through the General Plan they located five fundamental locations throughout town that are some of the key parks that have been developed in the local area. Those five locations are Rotary Park, Prospector Park, the Golf Course, City Park, and Creekside Park. Mr. Shaw stated that each location was unique and had a different

perspective to what they were used for. Creekside Park is a neighborhood park and has the BMX dirt jump. Rotary Park is used for rentals, wedding, and things of that nature. The parks are very different in design; one is active and one is passive. Prospector Park is a neighborhood park that serves the Prospector community, as well as people coming into town. City Park is a multi-faceted place that has a variety of activities. The golf course is a large swath of land and they want to be cautious about maintaining the integrity of the look of the golf course; especially knowing that at some point the City might potentially need to transition or sell land if economics warrant it.

Mr. Shaw stated that with that in mind, they started to draft a master plan. The master plan goal is to allow for trends and recreation, while keeping the parks for future generations. Mr. Shaw explained that they were not concerned about the City Council wanting to transfer or sell land now, or to rezone land. It is more about what a future elected official might think based on the dynamics. They wanted to make sure that the public process is very specific and not just left legislatively to the elected officials. Mr. Shaw stated that the master plan they started working on was to hit three fundamental points, 1) the sale of property, 2) transfer of land, and 3) any rezoning. It was also important to give the community voice a platform to be heard.

Mr. Shaw stated that through a particular recommendation of the master plan, it would provide additional implementations of actions, but doing it through a very outlined process talking about how it would run. It would go through a series of public meetings and then ultimately come down to a voter referendum. Mr. Shaw noted that as highlighted in the Staff report, this has historical precedence because it talks specifically about the McPolin Farm. He noted that when the City purchased the McPolin Farm in the 1990s, they put protections on through the Entry Corridor Plan. That Plan was ultimately done with the intent to preserve the recreation and open space at the time for that location. Mr. Shaw recalled that three years later the City put a third-party conservation easement on that property. However, specific order referendum language said that there would need to be a special election 180 days before any legislative change that would require 60% of the voter population to agree to the change, such as if the property were to be sold.

Mr. Shaw stated that this is a particular measure that has historical precedence for what the RAB was looking at doing as part of this Master Plan.

Mr. Shaw explained where they were currently in the process. They presented their idea to the City Council and the Council liked it. However, Council Member Steve Joyce thought Recreation Open Space zoning was too big and would allow too many loopholes. He was concerned that at some point someone would find a way to legislatively make a change if there is a rezoning request. Mr. Shaw stated that there was discussion about including additional language for adding parks in the future, and

also clean up the ROS zoning language. Mr. Shaw stated that the group came back and tried to clean up the Recreation Open Space language, but it reached a point of being too complicated. After working closely with the Planning Department, they ultimately blended recreation open space and protected open space and came up with a new potential zone. The purpose of this work session was to discuss the new zone with the Planning Commission.

Mr. Shaw stated that using the ROS and POS zoning platforms, they were able to come up with something that is more restrictive; yet detailed in certain areas. For example, a parking structure in City Park would be allowed because it would fall with the ROS zoning requirements. Any future use or interest, as long as it fell within ROS, which includes horse property, would be difficult to determine a conclusion on how to say yes to one area and no to another area based on the current zoning at the time.

Mr. Shaw stated that the advisory board group overlaid the two different zoning requirements. He presented a slide showing Protected Open Space in gray, Recreation Open Space in green, and the proposed Urban Park Space in red. The group went through line item by line item to come up with the UPZ draft, which helps them understand how to monitor and still have something that is more specific to an urban park zone that would allow for a variety of uses and allow for essential health, life, and safety uses, but still allow for protective measures.

Mr. Shaw asked the Planning Commission to discuss the draft as presented and to provide comments or feedback. He also requested comments on whether the Commissioners were open to moving this draft along as part of the Local Parks Preservation Master Plan.

Mr. Shaw pointed out that the locations mentioned are the initial five locations, and they will look to add locations in the future if the Urban Park Zone were to be adopted. He remarked that it comes down to the perspective of Love Where you Live. It is about protecting these spaces for future generations and allowing the locals the ability to determine the fate of these spaces in the event of an economic crisis if the City needed to sell or transition these spaces.

Commissioner Sletten commented on the various uses of conditional, administrative, and prohibited that were being marked out. He noted that page 52 of the Staff report outlined the current ROS definitions of conditional uses, and he asked Mr. Shaw to bring up his slide so he could compare the two. Commissioner Sletten asked Mr. Shaw to explain the difference between conditional uses identified in gray and the ones in green. Mr. Shaw stated that the gray is the protected open space. Anything gray

throughout the document was the protected open space language. The green is the recreation open space language. They blended the uses in the gray and the green and put them into one zone matching the uses. The proposed draft showed the allowed uses currently, and what the allowed uses would be with the new zone. Mr. Shaw clarified that this was the process used to achieve the current draft.

Commissioner Sletten referred to the green conditional uses and asked if there was anything below #15, which was crossed out, that the Commissioners were not able to see. Mr. Shaw replied that it was the end of the slide. Mr. Shaw reiterated that the slide was only to show the process they went through.

Commissioner Van Dine referred to the Rotary Park facility use guidelines for events in the draft plan of the Master Plan. She read, "The facilities are generally available for exclusive use with the exception of programs sponsored by Park City Recreation". Mr. Shaw pointed out that the draft was still a working document and the actual master plan would change if the UPZ is adopted in a future meeting. Mr. Shaw stated that currently the City has exclusive use and the priority of these spaces. If there are City events, those uses would be marked out at the beginning of the year, and then it would be open to the public. It is similar to the priority structure already in place on all parks and field spaces where priority goes to local recreation first, then to school district use, and then to outside rental. Commissioner Van Dine thought she was confused by the wording "with the exception of programs sponsored by Park City Recreation". She understood Mr. Shaw's explanation. Mr. Shaw offered to clarify the language once they reach the point of final adoption.

Chair Phillips asked Mr. Shaw about the process to reach the point of requesting action. Mr. Shaw stated that he would like to have conversation regarding the UPZ draft to see if there were glaring issues. If the Commissioners were comfortable with the draft, they would work to finalize the Local Parks Preservation Master Plan with the new language of an Urban Parks Zone. They would then come back to the Planning Commission for approval of a new zone as part of the Land Management Code. Once it is approved by the Planning Commission, it would then go to the City Council for final adoption. Mr. Shaw anticipated coming back to the Planning Commission for approval as early as the second meeting in June, based on current agenda timelines.

Commissioner Thimm noted that the zone allows for a conditional use to build a building. He noted that there was an area limitation, but no provisions for setbacks, building height, or any of the normal requirements that are part of a zoning ordinance. He asked if there was any concern regarding those issues or since it is a conditional use the location, height, setbacks, etc. would be conditioned at the time. Mr. Shaw

offered to clarify that to address his concern. He stated that some of the related provisions would help with clarity moving forward. It would not be its own document or zone space. It would fall in line with other Land Management Code provisions. Mr. Shaw stated that he would follow up with the Planning Department on achieving clarity.

Commissioner Thimm presumed that if the UPZ would come into effect, the zone map would need to be changed to rezone these parks into the new zone. If that occurs, he asked if they would be eliminating a zone or whether other properties would still fall into the ROS and the POS zone.

Director Erickson stated that the only change is that the ROS zone would be replaced with the Urban Parks Zone in those five park locations. No other private property would be rezoned and there would be no changes in any of the other land uses. Commissioner Thimm clarified that there would still be other properties with the ROS zone once the five properties are removed. Director Erickson noted that portions of the ski area are zoned ROS and most of Quinn's Junction is zoned ROS. There is also a 40-acre portion of POS in Quinn's Junction. Mr. Shaw remarked that another example are the ROS requirements on Round Valley. However, the Prospector Park area, which is in the same ROS swath of land, would have a different zoning for that location, even though it is adjacent to or currently falls in ROS.

Commissioner Hall commented on the specific conditional uses. She asked if a community garden would be more restrictive than an agricultural use, such as raising livestock and horses, or allowing for a nursery. Mr. Shaw replied that it was more restrictive in the sense of what a community garden would be, and that is an area that could be more clearly defined. He stated that agriculture is such a large-scale word. It would be difficult to ever envision raising livestock on the rugby field at City Park; however, that could occur under the current ROS. Mr. Shaw remarked that a community garden was not originally noted on the conditional uses, and it was only identified as agriculture. He explained that community gardens came up later as an additional independent use of the current conditional uses in the new UPZ zone, that is not in the large-scale approach of agricultural uses. He thought community garden would need to be more clearly defined in the master plan itself. The intent is for local garden spaces that could be shared amongst neighborhood groups and approved through the conditional uses as part of the planning process.

Commissioner Hall stated that she would be concerned if they were to expand the uses beyond the ones currently listed. She noted that a lot of City land uses livestock for weed abatement and soil restoration. Mr. Shaw stated that there were not looking to

expand the list at this time; however, there could be changes in the future, but any expansion would be developed rather than undeveloped cases. For that reason, they determined that raising horses and livestock was not warranted in these main five locations at this time.

Commissioner Hall referred to C-18 for small wind energy systems. She asked if solar panels on accessory buildings would be automatically included, or whether it needs to be accounted separately as a line item conditional use. Director Erickson stated that they would not change the way they regulate wind energy systems or PV panels from the current uses. He was not opposed if the Commissioners wanted to add PV as item #19.

Commissioner Hall asked if B-2, outdoor recreation equipment, are playgrounds. Mr. Shaw replied that the intent of outdoor recreation equipment is anything that would be used in an outdoor setting, such as a playground, swings, soccer goals, basketball hoops, etc. It is broad enough that it would need to fall within the realm of recreation per se, which is a big area. Ms. Shaw stated that nothing in the language states that if in the future the public decides they want another use at City Park, any change to the zone or the use would still go through a public process before a major change would occur. Commissioner Hall asked how that was distinguished from C9 and C10 in terms of calling out specific outdoor recreation equipment, such as a sports court or skate park. Mr. Shaw replied that outdoor recreation equipment can be anything considered in the recreation realm, whereas conditional uses would require more of a build out.

Commissioner Hall thought some of the accessory buildings in City Park and Rotary Park appeared larger and more spatial. Mr. Shaw replied that she was correct. He noted that those buildings fall under a few conditional uses. He explained that there is an accessory building that is greater than 200 square feet, but not to exceed 600 square feet. That would be something like equipment storage for items used for maintenance or to store sporting equipment. However, C-11, Public and Quasi-Public institution, education, park, plaza, Structure for public assembly, greater than 600 sq. ft. in approved locations, would also fall under the related provisions. It would apply to something such as the City Park Building or Miners Hospital. It would be in an approved location and for a particular use.

Commissioner Suesser thought C-1 and C-12 basically said the same thing, only C-12 was more defined. She suggested that they could eliminate C-1 only use C-12. Mr. Shaw noted her suggestion. Commissioner Suesser understood that it would be an administrative conditional use if it is in one of the five places and less than 600 square feet; and it is a conditional use if it exceeds 600 square feet. Mr. Shaw replied that she

was correct. Mr. Shaw thought it was important for clarity to define what essential really means in terms of life, safety, health.

Commissioner Thimm thought the UPZ was a great idea. Chair Phillips concurred. He appreciated the hard work and thanked everyone who was involved. Chair Phillips thought it was a great idea to create this zone for the five locations mentioned, with the potential in the future to move other locations into the zone for added protection.

Commissioner Hall commented on food trucks as an allowed use. She understood that it would be regulated by the Planning Director, as well as the guidelines set forth in the other sections of the Code, rather than being a conditional use or administrative conditional use.

Director Erickson clarified that under the current regulations they were only regulating a food truck location and not the food truck itself, in order to be consistent with the State guidelines. He explained that per this section of the Code, if a food truck location has been approved, the Planning Director can administratively approve the food truck. If the food truck wants to locate somewhere other than an approved location, he would not approve the food truck. The food truck owner would need to get the location approved by the property owner.

Commissioner Kenworthy supported this preservation goal and he encouraged Mr. Shaw to keep moving forward.

Commissioner Sletten thought it would take care of unintended consequence in the future for changing perceptions. Several years ago, the City engaged a consulting firm to look at various housing options; one of which included removing the golf course and building affordable housing. Rightfully, there was opposition from the neighborhood to protect the golf course. This proposal protects what they have with the potential to expand.

Commissioner Hall echoed Commissioners Sletten and Kenworthy. She personally uses four out of the five parks on a regular basis and she was pleased with the proposed zone change.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Mr. Shaw appreciated their time this evening and he hoped to be back before the Planning Commission for approval of the UPZ next month, and then move to City Council for adoption with the Master Plan.

5.B. Park City Mountain Resort Base Parking Lots – Work Session – Project Orientation and Discussion of Request to Amend the 1998 Park City Mountain Resort (PCMR) Development Agreement (SA) to Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, known as the Park City Base Area Lot Redevelopment Master Plan Study. (Application PL-20-04480)

Director Erickson provided a brief history. He had no idea how the Resort was approved originally, but the Development Agreement was dated 1997 and 1988. The Town Lift and the Town Bridge were done, and the Town Lift was later changed to remove the mid-Station. The Marriott Mountainside was developed, which was Phase A of the 1998 Master Plan. In 2014 they worked through the Woodward Plan, which was eventually withdrawn. In 2015 the Master Plan was redone to incorporate the new gondola. Director Erickson noted that Planner Ananth had included a schedule in the Staff report of items to be discussed at future meetings. He suggested that the Planning Commission start to work through Planner Ananth's questions on what type of development agreement this is. Director Erickson stated that the City has always made the assumption that the Resort developer would be the same as the ski area and base area. However, in this particular case they are not the same. The Resort is selling things in conjunction with each other that have not been sorted out. For example, the replacement of the skier parking will be underneath the developer's property, and the City does not know who will be in charge of that parking. The transit operations are jointly funded, and they need to figure out how that will work.

Director Erickson stated that the developer was working on providing responses to the affordable housing situation, how much, where, and how, recognizing that they might not have met the criteria for the Marriott Mountainside property. They also need to understand the Resort operations in the summertime, and how the parking will work during that period of time. Director Erickson remarked that they have been working on all these items for almost a year.

Planner Ananth stated that she and Director Erickson would be joined by a number of people from the Peg Development team who would introduce themselves later.

Planner Ananth stated that this evening the Planning Commission would be reviewing PEG Development's request to amend the 1998 Park City Mountain Resort Development Agreement. She intended to focus on a high-level orientation and overview of the project. The Planning Department will present background on the project's history. PEG Development will provide an overview of the proposed project, followed by a discussion of the project and an opportunity to ask questions and discuss any additional information that might be necessary to make the decision of whether the applicant can amend the existing DA with a new master plan versus needing to file for a new MPD. Planner Ananth stated that at the end, the public would be able to share their input on the project through the eComment section.

Director Erickson reported that there are vested development rights on this property. Development rights were taken off the 2800 acres of the ski area and placed in the base area. In addition, 100 acres of private ground was taken from the base area and placed in the parking lots. He stated that the vested development rights of approximately 360.

Director Erickson pointed out that the design of the base area facilities has expired due to lack of action. He noted that Planner Ananth had prepared a schedule to discuss specific items that goes into October, and that schedule could be extended if necessary. Planner Ananth was also working on an RFP for additional traffic information.

Planner Ananth stated that Treasure Mountain was opened as a ski area in 1963 with funding that included a loan from the Federal Area Redevelopment Agency, meant to help stimulate the town's economy after the collapse of the mining industry. United Park City Mines, which was the last remaining mining company in Park City, matched the loan with their own funds, as well as 10,000 acres of surfaced land rates donated from a newly formed subsidiary of the mining company in order to develop a year-round vacation center and recreation complex. Planner Ananth stated that in addition to a gondola, chair lift, and 2 J-bars, the mountain contained the only skier subway that transported skiers two and a half miles into the mountain through the Spiro Tunnel on a mine train. Skiers then boarded a mine elevator and that lifted them 1700 feet to the surface of the mountain.

Planner Ananth reported that the Resort's name was changed to Park City Ski Area in 1966 and it became known as PCMR, Park City Mountain Resort, in 1996. Powder Corporation operated the Resort for many years until 2014 when the ski area was sold to Vail Resorts. Planner Ananth stated that the Resort includes summer activities, as

well as skiing, and was host to numerous events during the 2002 Utah Winter Olympic Games.

Planner Ananth stated that Vail combined PCMR with the Canyons Resort via a gondola in 2015 to create the largest lift ski resort in the US. Vail Resorts rebranded the combined resort as Park City Mountain.

Planner Ananth remarked that the PCMR Resort Center neighborhood allows for the densest resort-oriented development in Park City. It contains predominantly a mix of medium and high-density condominiums and hotel buildings, many of which are offered as nightly rental units. With the exception of the parking lots and Legacy Lodge, much of the base area is privately owned. Most of the existing development at the base was built in the 1970s and 1980s, including the Marsac Manor and Silver Mill House condominium that was built in 1973, the Village Condo Loft, the Park City Village Condos, the Resort Center condos, and the Lowell Condominiums. Planner Ananth reported that Park City Mountain Village and Marriott Mountainside Condominiums were developed in the late 1990s and early 2000s. Surrounding neighborhood development ranges from the late 1960s and the 2000s and includes the more prominent condominiums known as Edelweiss House Condominiums, the Three King's Condominiums, the Snow Flower Condominiums, Shadow Ridge Condominiums, and the Silver King Condominiums.

Planner Ananth stated that the more traditional Park City Old Town neighborhood wraps around the Resort area, particularly on the southern and eastern edge, with multi-family and single-family homes generally built between 1980 and 2010. Woodside Phase 2, which is a City-sponsored housing development is planned to be located across the street from Parcel B close to the intersection of Manor Way and Empire Avenue. This development will likely include 58 affordable, attainable, and market-rate units. The King's Crown neighborhood is also under construction just south of the Resort and the Marriott Mountainside. This development contains condominiums, townhomes, single-family residences, and is the first major project in the area.

Planner Ananth reported that the National Abilities Center is working on a new building to be developed in front of Parcel C, which was highlighted in green on the slide. The future building would be accessed off of the road just south of Building C.

Planner Ananth stated that the proposed project is comprised of the four parking lots that currently contain almost 1200 surface parking stalls. Significant planning issues to consider include whether this project makes traffic and parking better than it is today in

all seasons; is the applicant fulfilling their obligation to provide employee housing; is connectivity improved under the new site plan; will the development be cohesive and provide public benefits such as ski lockers, dining, and Apre ski opportunities; how sustainable is the proposed project; will the public spaces feel lively and attractive; and is 1200 the right number of parking stalls. Planner Ananth remarked that early identification of other important key issues will be helpful to the applicant as the review of this project progresses.

Planner Ananth noted that the applicant would be presenting the proposed site plan in further detail; however, first she wanted to note that the applicant was proposing a new one-way circulation pattern with two proposed roundabouts that encroach into the City's municipal golf course. Planner Ananth reported that minor changes are proposed for the transit pickup and drop-off areas. It is a complex project with a complicated phasing plan that needs to maintain 1200-day skier parking stalls throughout the construction process.

Planner Ananth stated that the Planning and Engineering Departments will be hiring a third party reviewer to help review the applicant's traffic impact study, which will be discussed in more detail at a later date.

Planner Ananth noted that the project replaces the existing surface parking stalls with four new buildings, all with parking below, for both day skiers and the new proposed users of the site. The applicant is proposing that the parking will become paid parking when it moves underground, as it was originally intended in the 1998 Development Agreement. Planner Ananth stated that this is a trend in the ski history in general. In general, paid parking when coupled with incentivized carpooling and improved efficient transit, can reduce the number of cars and the number of parking stalls required.

Planner Ananth noted that Director Erickson had alluded to a number of documents that govern this site that were listed on the slide. She reported that the 1997 Planning Commission and City Council approvals #1 and #2 make up the 1998 Development Agreement, which is the primary document that governs the site. The Development Agreement lays out how the site will be developed and is based on Exhibit D of that agreement, which is the 1998 Base Area Master Plan Study. Planner Ananth stated that the applicant was proposing to replace the 1998 Base Area Master Plan Study with a new base area plan. She pointed out that the 1998 Development Agreement memorializes the developer's commitment to comply with all the conditions of the 1997 approvals, and spells out the relationship of the parties, and the different parties' respective obligations. Planner Ananth stated that the Development Agreement also consolidates resort density to the base area on parcels A through E, as the clustering of

development at the base area preserves open space and view corridors, and is preferable to density being spread up and on the mountain. The Development Agreement specifies that the Base Area Master Plan was granted 491-unit equivalents, a permitted density subject to maximum square footages and volumetrics as outlined in the Base Area Master Plan Study. After the development of Parcel A, 353 unit equivalents remain. The current application is proposing 301 unit equivalents.

Planner Ananth remarked that the 1998 Development Agreement states that the developer intends to develop the 1998 Master Planned Area pursuant to the 1998 Master Plan Study, which details volumetrics, horizontal and vertical articulation, maximum square footages of each building, streetscape and architectural design guidelines, all of which are integral to this plan. The 1998 Master Plan Study includes design guidelines and detailed volumetrics on pages 126-148 of the 1998 study. Planner Ananth reiterated that only Parcel A was developed when the Planning Commission approved a CUP in 1998 for the Marriott Mountainside Resort, which is a 182-unit timeshare project. This approval also included a skier services building, now known as Legacy Lodge, as well as 193 parking spaces, most of which are underground. Planner Ananth stated that after the development of Parcel A, 353-unit equivalents remain. Under the 1998 Development Agreement, this equates to about 806,000 square feet of entitlements on Parcels B, C, D and E.

Planner Ananth commented on the MPD process. Six or more Planning Commission meetings are planned over the summer and fall to discuss this project. Those meetings will occur on the Planning Commission regularly scheduled fourth Wednesday of the month meeting. The public will have the opportunity to make comment in advance of each meeting and during the public hearing at each meeting. The public can send email comments or questions to her at any time, and she will forward those emails to the Planning Commission. During the meetings, the public can also comment from the City's webpage. Planner Ananth reported that the City Council is the appeal body for the Planning Commission's decision. Therefore, it is imperative that the public and applicant not discuss the project with either the Planning Commission or the City Council outside of a public hearing while the project is in the review process. The City has a webpage for this project that will be updated with meeting schedules, Staff reports, background information, and information on how to submit comments on the project. The webpage will be easy to find from the City's main webpage.

Planner Ananth stated that the PEG Development team had prepared a presentation. Following their presentation, she would continue her presentation with more of a discussion on amending the 1998 Development Agreement versus applying for a new MPD.

Robert Schmidt with PEG Development introduced McKay Quinn, the Development Manager on the project, Stan Kozlowski, assisting the team in a consulting role, and Legal Counsel, Robert McConnell, with Parr Brown.

Mr. Schmidt provided background on how PEG Development arrived to this project. He stated that a couple of years ago, Vail put out a Request for Proposal asking developers to contemplate ways that this property might be developed. They responded to that RFP and were selected. Mr. Schmidt explained that the arrangement with Vail is a Purchase and Sale Agreement, and they are under contract to purchase these parcels. They will be the owner and operator of the improvements that will exist on Parcels B, C, E, and D. Mr. Schmidt reviewed an aerial photo showing that the parcels are an existing parking lot. It has been in this condition for over 20 years, since the Development Agreement was approved in 1998. He stated that PEG Development is extremely excited about the potential and possibilities of this project. Mr. Schmidt recognized that this is a complicated project and multiple factors need to be balanced. At the same time, those challenges present great opportunities for the locals, the City, the neighbors, the ski resort, and for PEG Development.

Mr. Schmidt stated that over the last year they have met with over 100 people within the community through a series of open houses, meetings, public open houses, and multiple outreach meetings. Over the past six weeks during the shutdown they conducted several Zoom meetings with neighboring HOAs, and several more are scheduled. They intend to continue the outreach and the discussions with neighbors, HOAs, and others in the community. Mr. Schmidt looked forward to the process of presenting their plan and ideas to the Planning Commission and receiving their feedback so they can move forward in a productive way with a project that everyone will be proud of and one that will help Park City continue to maintain and further its reputation as a first class destination ski resort town.

Mr. Schmidt commented on some of the issues that need to be balanced on this project. There is an existing Development Agreement and MPD, and the Development Agreement contains the density, square footage, height and setback requirements. He thought it was important to keep in mind that this Development Agreement also has many other things attached to it, such as the 2007 Annexation Agreement, the 2015 Amendment, and the Mountain Upgrade Plan that was part of the 1998 plan. Mr. Schmidt stated that the Development Agreement guides the thinking and thought process on this project. In addition, there are multiple needs and interests for the ski resort and the City in terms of traffic, transportation, pedestrian connectivity, and utilities that need to be addressed. Mr. Schmidt noted that multiple neighborhood groups have

an interest, as well as existing commercial businesses at the base, the skiers, the guests and the locals of Park City.

Mr. Schmidt spoke about parking demands, timing and phasing of the project, traffic needs, transit needs, and affordable housing. All of these issues need to be balanced, and the project needs to be financially viable for a developer to step in and move forward with the project. Mr. Schmidt walked through the site plan in the order that the project would be phased, starting with Parcel B. Mr. Schmidt reported that Parcel B shows 56 condominium units that front on Lowell Avenue. In addition, on the northeast corner of the parcel will be employee housing units and affordable units. These housing units are in compliance with the current City Affordable Housing Guidelines. The buildings wrap around and sit on top of a parking structure with 874 parking stalls. Parcel B will also have retail square footage. They anticipate at least one or two of the retail bays would be well-suited as ski lockers available for both day use and season long rentals. Mr. Schmidt pointed out that other places within the development could also serve as locker rentals for the ski season.

Mr. Schmidt moved to Parcel C, which is the hotel parcel with 250 keys. It is a four-star type property, but they had not determined any specific brand or flag at this point. As a four-star property they would provide 20,000 to 26,000 square feet of meeting space. It would include the amenities typical in a four-star hotel, such as restaurants, spa, fitness facility, and other uses within a four-star facility. In addition, Parcel C contains retail. Mr. Schmidt clarified that retail space can be used for restaurants, soft goods, etc. The retail square footage for Parcel C fronts on the north side of the building and it fronts on a large plaza. Mr. Schmidt stated that Parcel C also sits over the top of a parking structure containing 183 parking stalls below grade. These stalls will serve the uses on Parcel C.

Mr. Schmidt referred to the parking structure on Parcel B and noted that 760 of the 874 parking stalls are dedicated to day skier parking. The remaining stalls will provide parking for the condos and housing on Parcel B.

Mr. Schmidt noted that currently there is slightly less than 1200 parking stalls on the surface, and they were proposing to replace those 1200-day skier stalls in two structured locations. In addition to the day skier parking stalls, the plan will provide parking for the conditional uses being proposed.

Mr. Schmidt returned to Parcel C and identified the Plaza, referred to as the upper or winter plaza, that sits over the top of a large parking structure and contains additional day skier parking stalls. It is a hardscaped plaza; however, they provided landscaping

and soft programming on top of the parking structure to provide for a first-class apre ski experience. Restaurants fronting onto the plaza would have outdoor seating areas. People can congregate and gather in nicely designed areas with landscaping and benches. During the summer it becomes an outdoor plaza providing space for community events, small concerts, and other activities.

Mr. Schmidt moved across the plaza north to Parcel E. Parcel E has retail space that fronts on the plaza and 46 condo units above. They were also proposing a private ski club. Mr. Schmidt stated that they would also propose that the medical clinic be replaced with permanent space within Parcel E. Below Parcel E are 543 parking stalls. Of those 543 stalls, 440 are designated as day skier stalls. Mr. Schmidt pointed out that between Parcel E and Parcel B there will be 1200 structured stalls for day skiers.

Mr. Schmidt moved across Lowell Avenue to Parcel D, which is proposed as a condo building with 39 condo units over retail space. They view this retail space as being less intense. Rather than restaurants, they envision soft goods or a small neighborhood grocer. The space fronts onto a plaza referred to as the lower or summer plaza. It will be softscaped with more grass and there is the opportunity for a pavilion in the corner. The intent is to invite members of the community to enjoy these spaces and help activate them. Mr. Schmidt stated that Parcel D is self-parked with 95 parking stalls serving only the uses on that parcel.

Stan Kozlowski reminded everyone that Parcel A is the Marriott Mountainside, which is why the project begins with Parcel B.

McKay Quinn suggested that Mr. Schmidt talk about the view corridor and the approach from the roundabout. Mr. Schmidt stated that the connectivity between the winter plaza and the summer plaza provide an expansive view corridor off the intersection of Empire and Silver King. It is an expansive view corridor across these plazas will be a surprise moment for guests as they arrive. He pointed out that the view already exists, and it was important to maintain it as guests arrive at the resort. Mr. Schmidt stated that he would expand on that point later in the presentation.

Mr. Schmidt commented on traffic and the traffic circulation plan. He stated that when they first started looking at the project and met with the City Staff and community members, they clearly heard that traffic is an issue. They hired a traffic consultant. A traffic study was done, and they analyzed the counts and the numbers. Mr. Schmidt noted that traffic could use improvements in its existing condition. Traffic presents a number of challenges. He recognized that adding new uses generates additional traffic. Mr. Schmidt stated that in looking at solutions and considering the challenges,

they were aware that the approach of adding striping intersection by intersection was insufficient. They discussed a big picture solution and determined that the best way to reduce delays in traffic is to remove conflicts. The best way to remove conflicts is to allow traffic to move more freely, and the best way to do that is with a one-way circulation loop. Mr. Schmidt stated that they were proposing a counterclockwise one-way circulation loop anchored on the north end by two roundabouts. Traffic comes in off of SR224. Two lanes southbound circulate to the right around the two roundabouts, and then south on Lowell Avenue. There is also a bike lane on Lowell Avenue.

Mr. Schmidt remarked that the traffic circulation comes south and circulates around. When it reaches Shadow Ridge Road the road turns east on a one-way loop. The road also continues south on Lowell Avenue to Manor Way, circulate around Manor Way, and back north on Empire Avenue. Mr. Schmidt noted that alignment changes would occur that allows the traffic to flow more freely. There would also be minor configurations at the south end to encourage traffic to stay on the loop and head to the parking structures, rather than continue further south into the neighborhoods.

In terms of traffic and drop-offs on Lowell Avenue between Parcels C and E, Mr. Schmidt noted that a pull-out was created for private cars and Uber and Lyft to drop off skiers. There is a dedicated pull-out lane where people can get out of the car, unload their gear, and walk across the plaza and on to the ski hill. Continuing south, there is a designated van drop-off on Parcel B. This is in part the arrival for the condos at Parcel B, but it is very large, and it was expanded to accommodate local shuttles from other hotels, black car, and those types of uses arriving from other places in town. Across the street from that drop-off is the existing bus stop. The bus stop is on property not owned by the City; however, there is an easement covering the property. Mr. Schmidt believed improvements could be made to make the transit center more efficient. They were proposing a sawtooth bus bay configuration where buses pull into a sawtooth and unload people. Those people can move onto a sidewalk and up through the Resort. The buses can then pull out and around other buses and move back into the traffic lane. Mr. Schmidt believed this would improve the capacity of the transit center and the capacity of the system in general.

Mr. Schmidt stated that currently there are safety concerns with the existing bus stop, pedestrians crossing from Parcel B, and private car drop-off happening at Parcel B. He felt they could create a safer environment by separating some of these areas.

Mr. Schmidt commented on traffic in terms of arrival for the day skier at the parking structure. Access for the day skiers on Parcel E is on the north side of Parcel E just off of Silver King Drive. There are three proposed locations to access day skier parking on

Parcel B. One is off of Shadow Ridge Road that comes in a grade level. Going around to Manor Way, there is another access on the south side of Parcel B that comes in at Level 3 of the parking structure. Coming around Empire, there is a third access that comes in at Level 2. He remarked that three accesses on three different level should alleviate ingress and egress to the parking structures and alleviate traffic flow.

Mr. Schmidt noted that they have talked to the Staff about managing these parking stalls. Providing parking generates traffic, and they want people to be aware of the number of stalls available at the base at any given time. They will be using current digital technology to show how many stalls are available on each level. That same information will be moved to signage so as guests arrive at the Resort, they can understand where parking stalls are available to make the appropriate decision. Mr. Schmidt stated that the same information can be displayed on signs further out on SR224, and possibly as far as Highway 40 and I-80. He understood there have been discussions between UDOT and the City on ways to get existing parking information communicated to people further out from town to help them make parking decisions. Mr. Schmidt stated that they would like to encourage people to park in satellite lots and use the bus to arrive at the ski resort.

Mr. Kozlowski zoomed in on the slide showing the Resort Center current access that goes back to the NAC. Based on input from some of their meetings with local neighborhoods, they will realign the current access at the Resort Center so the egress goes to Shadow Ridge. At the end of the day, people will be able to go right across to Shadow Ridge rather than having to go up and around Manor.

Mr. Schmidt presented a slide related to pedestrian connectivity. He noted that the green lines represent both existing and new walking routes that will be part of the connectivity for this project. All of the parcels will receive new sidewalks around the perimeters, and in some instances, along the interior and the sides. Mr. Schmidt pointed to Parcel B and noted that a crosswalk is provided on the southwest corner to the City's project so people can access Park Avenue from the project and use sidewalks to proceed up and into the Resort. Also, on Parcel B, people using the day skier stalls in the parking structure will come out on both the southwest and the northwest corner of the parking structure. Mr. Schmidt stated that they were proposing that those pedestrians cross Lowell Avenue with an at grade crossing. Safety measures will be implemented to provide safe crossing. In addition, crossings will be established at the east end of Shadow Ridge, as well as crossings further north on Empire Avenue at the intersection of Silver King and 15th, that will improve the safety of those crossings. Coming around the Resort, there will be a crossing at Parcel E. Mr. Schmidt stated that a pedestrian access sidewalk will be installed on the west side of

Parcel E so people can walk to the Resort from the North. There will also be pedestrian access up through the summer and winter plaza. Mr. Schmidt pointed to Parcel C and noted that there will be pedestrian connectivity to the existing lodges. Currently, a sidewalk comes down through the buildings and they intend to provide connection to that sidewalk. That connectivity would then circulate down into their portion of the Resort base and up into the existing facility.

Mr. Schmidt stated that all of the proposed connectivity is intended to enhance and connect to existing facilities.

Mr. Schmidt commented on parking. He stated that the parking calculations are ultimately to meet and supply a comfortable caring capacity of the ski resort. He presented a slide and noted that the Table 4 on the right was from the 1998 Mountain Upgrade Plan. The total skiers at peak destination occupancy are proposed at 17,000. The upgraded comfortable caring capacity for the 1998 Mountain Upgrade Plan is 13,700. Mr. Schmidt pointed out that it is typical and standard for a resort to exceed its comfortable caring capacity by up to 25% on peak skier days, which is what those numbers represent.

Mr. Schmidt stated that there are details in Table 4 about the number of parking stalls that were proposed in 1998. The amount of lodging proposed, the Town Lift, and the Park City Transit all add up to skiers with a comfortable caring capacity of 17,000. Mr. Schmidt noted that on the left of the slide were the calculations that PEG produced and included in their application and the Master Plan Proposal. They used the same formula and the same logic and followed the process that was used in 1998, trying to get good comparison as to what is different and what is modified. Mr. Schmidt stated that there are a few less stalls than what was proposed in 1998. However, the total year supply at peak destination occupancy is 15,391. That is compared to the upgrade comfortable caring capacity as it exists today of 13,440. Mr. Schmidt noted that they were exceeding the comfortable caring capacity by about 13-15% in their proposal. It leaves room to grow and he believes the best way to increase the number of skiers to meet the 25% excess of the comfortable caring capacity is through mass transit, hotel shuttles, drop-offs, and Park City Transit.

Mr. Schmidt pointed out that the number for Park City Transit has not grown dramatically. In their calculations they used the existing ridership and grew it at 5% over 7 years to arrive at 2500 versus the 2200 anticipated in 1998. Mr. Schmidt believed there is a large opportunity to increase the riders of the bus system, but they need the ability to accommodate those skiers as they arrive. He commented on the

importance of achieving the proper balance to allow room for growth in the transit system.

Mr. Schmidt commented on employee, attainable, and affordable housing. He reported that the existing Development Agreement has a requirement for 80 beds to be provided; and 80 beds are for the improvement of the base area. He noted that 23 of those bed were defined and allocated in the 2015 Amendment to Parcel A. The balance of those would be the obligation of Parcels B through E. PEG Development has agreed to assume the responsibility for those 23 beds that should have been built with Parcel A. They will build them into their project, and as the developer and the owner, they will own and operate those facilities. To address the balance of the housing obligation, instead of the 57 beds that would remain, they were proposing to use the calculation of the current affordable housing resolution. Mr. Schmidt pointed out that the requirement comes to 72,453 square feet. Their proposal contains slightly over 80,000 square feet of affordable housing, including the 23 bed that were not built on Parcel A. Mr. Schmidt stated that the units would be built on the project site. They were not proposing to move the units off-site or proposing a fee in-lieu.

Mr. Schmidt presented a slide similar to the one Planner Ananth had presented. The building in white were the proposed building. The dark gray buildings were the existing buildings. He emphasized that they were not showing any proposed architecture. It was simply blocking and massing of the project. He anticipated details discussions on architecture in future meetings.

Mr. Schmidt presented a slide showing the cross-canyon view giving context to the surrounding community and building. Another slide was a bird's eye view from the roundabout at the intersection of Empire and Silver King looking up towards the mountain as you arrive at the Resort. He presented a slide showing the pedestrian view of the upper Plaza during the winter. Another slide was a view of the upper Plaza with a summertime view. Mr. Schmidt presented a slide from the north looking south to show additional context for the massing and scale of the buildings.

Mr. Schmidt stated that timing of construction is a primary issue they need to balance, and the ability to provide 1200-day skier stalls during any given ski season. He presented an estimated construction schedule and the proposed phasing as outlined in his presentation. The schedule starts with the parking structure on Parcel B in the Spring of 2021, subject to all the approval processes. The application package contains the construction schedule and mitigation plan. Mr. Schmidt believed they could build 800 stalls at that location in a given summer season with the proposal as presented. It would give them the ability to move on to the next phase and still provide

sufficient parking as they move through the balance of the project. Mr. Schmidt outlined the next phases and what would be built in each phase on each parcel. It is a phased and extended construction schedule, and there is a method to the complexity of balancing how to build parking to meet the needs of the ski season and building out the rest of the project.

Mr. Schmidt noted that within the application they included a section on sustainability. They were proposing 15 steps to follow the City's sustainability guidelines. He presented a graph showing energy use intensity.

Mr. Schmidt provided a quick comparison of the site plan that was contained in the 1998 Agreement compared to the site plan they were proposing. He noted that there have been a number of changes in the last 22 years, both physical and economic, in terms of the new sharing economy. Mr. Schmidt stated that their proposal responds to those changes and addresses the current environment. However, there are differences between the site plans that have a very physical effect on what they can do on the project. The 1998 site plan proposed a realignment of Lowell Avenue, bringing Lowell into the intersection with Silver King and Empire in exiting the Resort. There was no discussion in the 1998 of how that intersection would be controlled. Mr. Schmidt stated that with the current traffic levels, they do not believe a realignment of Lowell would be appropriate. He commented on the large utilities in Lowell Avenue, which are some of the existing constraints. Mr. Schmidt thought it made sense to respond to those constraints and not seek a realignment of Lowell Avenue.

Mr. Schmidt noted that in the original Master Plan, Parcel C had a smaller footprint. Parcel E had a large footprint. In their plan, Parcel E is much smaller, and Parcel C is a little larger. He pointed out that they were over the square footage by 15,000 square feet on Parcel C, but significantly under on Parcel E. Overall, on the entire project they are under the allowable square footage that was allowed in 1998. Mr. Schmidt pointed out that their proposal was significantly under the 353 density units allowed at just under 250 density units. Mr. Schmidt explained that their application letter mentioned 301 units, but that was for the purposes of calculating the fee. The 301 units includes the affordable housing units, which are not required to be counted as part of the Development Agreement.

Mr. Schmidt understood that Planner Ananth planned to talk about the form of the application and he requested time to respond to her comments and any public comments.

Commissioner Sletten referred to an earlier comment by Director Erickson that the initial approvals in 1998 envisioned that the developer and the ski resort would be one in the same. However, while the Marriott Mountainside timeshare and provides significant benefit to the ski resort, it is a completely separate ownership. Commissioner Sletten recalled that when Parcel B was under contract, the developer proposing a flag hotel at the time was an independent developer. He was trying to understand the bifurcation, because in those two examples there was a complete separation between the resort and the developer. Director Erickson stated that bifurcation is a certain number of operational departments they will need to continue when the parking garage goes to underground parking. The expectation originally was that there would be one operator of the development. That changed but the Development Agreement did not grow with that change. Director Erickson remarked that they were always under the assumption that the Resort would do the development and then sell off the parcels and manage a portion of the development. Since that was not the case, and they were trying to be extra careful.

Commissioner Kenworthy noted that Mr. Schmidt had said they would be providing 81,000 square feet of employee beds and he wanted to know how many beds that would be. Mr. Schmidt replied that the 72,000 square feet that is required under the requirements for the proposed improvements results in a unit calculation. The unit calculation is 900 square feet per unit. The unit calculation results in approximately 81 units. They would be 900 square feet two-bedroom units. One bed in each bedroom would be 160 beds, not including the 23 units from the Parcel A obligation that they would also be building.

Commissioner Suesser asked about the day skier parking below Building B. She asked if they had contemplated a pedestrian accessway under Lowell into the Resort, because she did not think it made sense for everyone arriving at the garage to be crossing Lowell. Mr. Schmidt stated that a pedestrian accessway under Lowell was explored, as well as a bridge. There were practical constraints and both a tunnel and a bridge have certain ramping issues to make those ADA accessible. In the case of a tunnel, there are a lot of utilities currently in Lowell, including the City's raw water line. They would need to dig deep enough to get under those utilities and the ramping becomes extensive. The same issue exists with a bridge. Ramping for ADA accessibility is necessary and the ramping becomes extensive. Mr. Schmidt stated that on the southwest side of the site, there is the potential to connect a bridge all the way to the elevated portion of the plaza to the west without a ramp. However, there are pros and cons for doing that, and the question is whether people would want to go up on the bridge to cross and then have to come back down using stairs or a ramp. He believed most people would take the path of least resistance and cross the road.

Commissioner Suesser wanted to know how pedestrians access the garage in Building B. Mr. Schmidt replied that the access for the day skiers is on the southwest and northwest corners of the parking garage. A stairwell and elevators on each corner will get skiers from the garage up to grade level.

Commissioner Sletten stated that over the last few winters he noticed that the impediment to traffic is caused as much by pedestrians walking across the street at various areas, as it is the haphazard drop-off parking. He encouraged Mr. Schmidt and his team to think outside of the box to see if there is any way to mitigate the skier pedestrian traffic walking across the street on Lowell. It would do a great service to enhancing the traffic flows.

Commissioner Van Dine agreed with Commissioner Sletten. She noted that the places proposed for crossing are also the only two routes to two of the Parcel B parking entrances. Commissioner Van Dine pointed out that they were channeling a large part of the traffic up that way, and at the same time 1,000 skiers will be trying to cross, which will impede all of that traffic. She thought the bottleneck would be bad in the morning. Commissioner Van Dine was unsure whether there was a creative solution, but she it will be a big hindrance to that area.

Mr. Schmidt stated that in terms of the bottleneck, hopefully what they see today will not be anywhere near what they will see in the future. By spreading out the drop-off for single or private owned vehicles and moving it down to between Parcel C and Parcel E, a large number of vehicles will be spread out over a couple of hours. Those vehicles will also be able to exit on the inside loop on Shadow Ridge instead of circulating all the way around the Resort. Mr. Schmidt stated that the team was willing to contemplate more creative solutions.

Commissioner Hall asked if the Commissioners would have the opportunity to walk the property in the near future with the applicant. Chair Phillips thought the Planning Commission could request a site visit once they start getting into the details. Commissioner Hall stated on the record her formal request to walk the entire site with the developer.

Planner Ananth thought it was a good idea and she would schedule a site visit. The site visit needs to be publicly noticed and she will do that once the visit is scheduled. Director Erickson cautioned the Planning Commission about having ex-parte communications. When the Commissioners do the site walk, they should not make any comments. They should walk the site and let the developer talk. The Planning

Commission should make their comments in an official meeting, so the public has the opportunity to hear what they have to say.

Commissioner Thimm noted that Mr. Schmidt talked about phasing, parking, and the number of stalls on each parcel. He asked if there is ever a point in the winter where they contemplate less than 1200-day skier stalls. Mr. Schmidt answered no. They never dropped below 1200 stalls during the winter, and in a couple of cases they exceeded 1200 stalls as they go through the phasing. Commissioner Thimm asked for the lowest number of patron parking stalls at any given time in the summer during construction. Mr. Schmidt did not have that number available, but he assumed the largest impact would be the first phase when they start building on Parcel B. He noted that there are 400 stalls on the surface of Parcel B. During the summer is the first season when they would have 400 stalls out of commission on Parcel B. Commissioner Thimm clarified that in the worst case 800 stalls would be available. Mr. Schmidt answered yes.

Commissioner Kenworthy commented on the sawtooth bus parking. Mr. Schmidt also mentioned off-site remote lots. Commissioner Kenworthy stated that they were looking for the public/private/private partnership. He asked if Mr. Schmidt had worked with the City and Vail to come up with a traffic plan from these remote lots. Mr. Schmidt replied that they have had discussions with the City in terms of the existing bus service; however, they did not have detailed discussions about enhancements or improvements or new lots. Commissioner Kenworthy encouraged those discussions and he encouraged Mr. Schmidt to be bold. He pointed out that it was what the community requested in the recent visioning.

Planner Ananth stated that the Development Agreement is the result of an MPD approval. In this case, the 1997 Planning Commission and City Council approvals are restated in the 1998 Development Agreement, which memorializes the developer's commitment to comply with all the conditions of approval; and lays out the obligations and relationships of various parties.

Planner Ananth reported that the existing Development Agreement is 22 years old and has many attachments, including exhibit that will need to be amended, an expired site plan, amendments to additional land annexed into the City; as well as an Amendment in 2015 and another amendment in 2019. Planner Ananth stated that in 2019 the first Amendment acknowledges that the PCMR Concept Master Plan component of the Development Agreement has lapsed, but that the developer's rights under the Development Agreement remain fully vested with regard to the allowed density on the site.

Planner Ananth stated that the current application is quite different than what the 1998 Development Agreement anticipated. The 1998 agreement anticipated that it would be the Resort developing the base area, and not a third party. That it would not be the major generator of traffic to the area, nor the party necessarily responsible for parking and employee housing.

Planner Ananth stated that to try and amend the Development Agreement, which is entirely based on a Master Plan that the applicant is proposing to replace, requires a new MPD in the opinion of the Planning Department. Section 15-6-4(i) of the Land Management Code lays out what constitutes a change of concept, density, unit type, or configuration that justifies a review of the entire Master Plan and Development Agreement by the Planning Commission. If the modifications are determined to be substantive, the applicant must apply for a new MPD. Planner Ananth stated that if the applicant was proposing the same project as the 1998 concept master plan, then amending the Development Agreement to update and clarify the different obligations of the various parties would be appropriate. However, to amend the Development Agreement with a completely base plan and a different developer, the Planning Department believes a new MPD would be required.

Planner Ananth remarked that there were significant differences between the 1998 concept master plan and the current application submitted. Those changes include, but are not limited to, the seven reasons laid out in detail on pages 65 and 66 of the Staff report. The Planning Department believes these differences constitute a change in concept, density, and configuration from the 1998 Development Agreement.

Planner Ananth requested that the Planning Commission begin the discussion of amend versus a new MPD, because that decision lies with the Planning Commission and not the Planning Department. It is the Planning Department's opinion that a new MPD can acknowledge the agreements of the past and delineate who has responsibility for issues such as parking, traffic, and housing; and rewrite a new development agreement that clarifies this bifurcation.

Director Erickson stated that because of the depth and density of information in the Staff report, he thought they should also have this discussion on June 10th to give the applicant the opportunity to respond since they had only received the Staff report a few days earlier. Director Erickson suggested that the Planning Commission consider adding this as a discussion item to go through the hard questions.

Planner Ananth presented a slide that was submitted by Commissioner Thimm, and she thought it was interesting that the applicant had shown an almost identical slide comparing the 1998 site plan to the proposed site plan. Planner Ananth thought the Planning Commission should spend the rest of the time tonight focusing on the amend versus new question. If the Planning Commission would like any additional information in order to make their decision on June 10th or a later meeting, they should request that information this evening.

Planner Ananth remarked that the Planning Department was still waiting on additional information from the applicant. They were looking for calculations of the amount of parking above grade to get a truer sense of the development area ratio of those buildings. They were looking for vertical and horizontal articulation in compliance with the LMC. Planner Ananth thought there may be an error in the UE calculation, and she would like the applicant to submit additional information and confirm that the current numbers are correct.

Chair Phillips stated that he had a number of questions from the presentations, but he would reserve his questions for the next meeting when the discussion is more topic specific. He believed the first step is to determine the path forward.

Mr. Schmidt stated that he looked forward to a robust and thorough review of this application. Mr. Schmidt had concerns with the discussion over whether it is an amendment or a new MPD. He pointed out that the existing MPD and Development Agreement has multiple appendages; including the 2007 Annexation Agreement, the 2015 Amendment, and the 2019 signed Agreement. The existing Development Agreement also contains the Mountain Upgrade Plan. Mr. Schmidt stated that from the perspective of a correct solution, their application anticipates amending the existing MPD and the Development Agreement, which might look like a new Development Agreement in the end. He assumed there would be a document outlining how they intend to address all the issues discussed; however, he believed that should be an amendment to the existing Development Agreement.

Mr. Schmidt stated that in terms of the technicalities of the Code, there was a difference of opinion in looking at 15-6-4(i), MPD Modification. He believed that 15-6-4(i) requires that a change in concept, density or unit type, will justify a review of the entire master plan and development agreement by the Planning Commission. His interpretation is that a review is required but not a new development agreement and master plan.

Mr. Schmidt noted that 15-6-4(i) also states that if the modifications are determined to be substantive, the project will be required to go through the pre-application public

hearing and determination of compliance as outlined in 15-6-4(b). However, determination of compliance it is not defined in 15-6-4(b) and the applicant is left not knowing what that means. Mr. Schimdt remarked that 15-6-4(b) states that the applicant may request a work session and that the applicant is encouraged to conduct independent public outreach. It further states that at the pre-application work session, the applicant will have the opportunity to present the preliminary concepts. The public will be given the opportunity to comment on the concepts. The applicant can also address neighborhood concerns. For larger MPDs, it is recommended that the applicant host additional neighborhood meetings in preparation of filing a formal application.

Mr. Schmidt could find nothing in the Code that requires a new MPD and a new Development Agreement. He believed what they applied for is correct. They should amend the existing Development Agreement because so many things are attached to it and they cannot start over. The development rights and the dedication of open space exists within the existing Development Agreement. Mr. Schmidt assumed there could be an assignment of those rights over to a new Development Agreement, but at that point it becomes an amendment. Mr. Schmidt clarified that they have applied for an amendment, but they would still go through the same process they would if it were a new MPD and a new Development Agreement. There would be a new site plan at the end of the process and an amendment to the Development Agreement, which will look very much like its own Development Agreement.

Director Erickson noted that PEG Development laid out some of these arguments in a lengthy letter to the Planning Department. He asked if that letter was included in the Staff report. Mr. Schmidt clarified that PEG Development did not write a letter regarding this issue because they only became aware of it when the Staff report came out on Friday. Planner Ananth thought Director Erickson was referring on an email exchange in early March that resulted in the supplemental information that PEG Development submitted on April 20th requesting the height variations and clarifying that they were seeking a waiver down to the zone setbacks. That email was included in the Staff report.

Chair Phillips opened the public hearing.

Planner Liz Jackson noted that eComments were received during the presentation. All the public comments submitted before and during the meeting were entered into the record.

Planner Jackson summarized the public input as follows:

Michael Kaplan wanted to know how the project would interact with the existing or future ski lifts.

Sid Embry asked if the comments submitted to the developer via baseareaproject@gmail.com at the request of PEG during the open house in March at the Hyatt be shared with the public, or whether the community members should submit their comments directly to the Planning Department.

William Tittler remarked that the pedestrian flow is critical for this project. Right now, people can walk anywhere with buildings in place. The sidewalks and pedestrian walkways should be wider than normal because of the number of people and equipment that needs to flow through the area. The setbacks in place originally would allow for this, but it does not seem the tighter setbacks proposed will in the current proposal.

Stephen Nielsen referred to the 5B parking lots and asked how lower mountain access be protected for people walking from Three Kings Drive and Silver King Drive.

Reed Shotz noted that the Planning Commission Staff Report mentions the PEG Development proposal has several major modifications compared to the 1998 PCMR Concept Master Plan. The PEG proposal has narrower setbacks, taller and more dense building up to seven stories, less pedestrian and trail connectivity, 600 fewer underground parking stalls, fewer view corridors and traffic/transportation issues. In his view, PEG should not amend the development agreement, but submit a new MPD as recommended by Staff.

Randall Kirsch submitted two comments. He owns several condos in the Lodge at Mountain Village. They just spent over \$1 million collectively on the plaza by the ice rink. It appears that PEG would like all of the parking foot traffic on B to access the ski mountain by going over the ice rink plaza. There needs to be a cost sharing agreement for future improvements and maintenance on the plaza. He did not see that in the plan. Mr. Kirsch opposed the plan without some type of agreement in place.

Mr. Kirsch pointed out that none of the drawings show how their condo views will be affected from the additional height and reduced setbacks requested. Until he can see the impact on their views, they opposed such variance requests. If the affect is minimal, they would not oppose it.

Debra Rentfro did not think the plans reflect the personality of Old Town. Tall metropolitan structures built for a city do not belong. Just as residents are held to standards to keep the history of the area alive, so should PEG. Locals and tourist alike love this town because of its small feel and charm, and views from most anywhere in the community. The existing plans will take away from both. In addition, the traffic suggestions without any dedicated pedestrian crossings, bridges, or otherwise is unreasonable.

Sherry Harding noted that Three Kings Condominiums #11, 12, 13, and 14 on Silver King Drive face the tallest buildings of the PEG proposed development. She opposed this. Building heights should follow the slope of the parking lot down to the north. The current plan shows taller buildings to the north. A giant wall along Silver King Drive is undesirable. It blocks views and blocks sun.

Ruska Jereky had sent comments/questions by email to Alexander Ananth.

Nancy Lazenbee asked if the original 1998 plan was still valid. Several requirements were spelled out in that plan that need to be completed prior to 2003 and she wanted to know if those were done.

Lisa Paul, the HOA President for Powder Point, thought this was too dense for the area. It needs less units and less retail. Need to fix the traffic problem before development. Need to have a height restriction. Not higher than Silver King. Developer should pay for pedestrian crossing light like on Park Avenue. Developer should help pay for police to monitor the streets like what was done during Sundance because of the parking issues this will create. There also needs to be more open space.

Chair Phillips closed the public hearing.

Director Erickson asked the Commissioner to remember that the Deer Valley Development Agreement has been amended 12 times to accommodate changes in the development. For this application, he thought the Staff report laid out the changes in the uses of the parking, transit, and affordable housing. Those items should be memorialized in some way regardless of whether they amend the existing Agreement or do a new Development Agreement. Chair Phillips agreed that Planner Ananth had sufficiently laid out the necessary information.

Chair Phillips stated that he was on the Planning Commission when Woodward was being proposed and the base of the Resort, and he recalled at that time having

discussions about a new MPD. Chair Phillips thought there appeared to be substantial differences between the Development Agreement and the current proposal.

Planner Ananth requested that the Planning Commission comments on their thoughts in terms of amend versus new to they can get a sense of the direction this was going. She would also like the Commissioners to identify any additional information they need to help make their decision.

Commissioner Sletten commented on the voluminous amount of information, and he was pleased that they were postponing the final decision-making issues on whether to amend or replace until they have a better understanding. Commissioner Sletten stated that in looking at it holistically, the changes appeared to be de minimus. He was not prepared to take a position at this time on whether to amend or replace because he needed more time to thoroughly review all the information provided.

Commissioner Thimm stated that he was open minded in terms of the amended Development Agreement versus a new MPD, and he was willing to look at additional information if necessary. Commissioner Thimm thanked Planner Ananth and the applicant for a most thorough presentation this evening.

Commissioner Thimm thought there were several items to consider with regard to the information contained in the Staff report and evidenced in looking at the comparison of the 1997 versus the 2020 site plans. He noted that planners and designers look at things from out of the box and there will be different solutions. However, understanding what is entitled and trying to work within certain parameters is something they need to keep an eye on. Commissioner Thimm emphasized the importance of looking closely at the mass and height and understanding how that compares to the existing entitlements. He thought the setback reduction should be looked at very closely to verify that it will be a betterment to the development and to the City. Any documentation that would help the Planning Commission better understand that would be important. Commissioner Thimm believed that statistically there are gaps that need to be filled in terms of commercial space, support space, accessory space, and what is being proposed versus the entitlement, and what the underlying zoning allows.

Commissioner Thimm noted that a very thorough traffic analysis by Hales Engineering was provided. However, he did not see a parking analysis and he thought that was important. He recognized that the applicant provided parking information in their presentation this evening, but he thought they should look at a parking analysis for this specific time, day and age where they are trying to encourage people to use public transportation, where people are moving away from using cars and parking up and

down streets, and where more people are using Uber. Commissioner Thimm suggested a thorough parking analysis of what is actually needed. If the parking analysis confirms 1200 stalls that would be fine, but if it determines that less stalls are needed, he was open minded to look at that as well.

Commissioner Thimm was pleased that the employee housing appears to be shored up. He suggested asking Rhoda Stauffer for her thoughts on what was being proposed. Commissioner Thimm thought the circulation made sense. However, at some point he would like the traffic engineer to explain the level of service and whether it is improved or degraded as a result of this project; not only for what is in the development but also the surrounding area. Commissioner Thimm liked the reorientation of the road system along Lowell where they were extending the double roundabout. He thought it was a great solution and they were separating traffic decisions. Commissioner Thimm thought it appeared to be a safer situation in the long run.

Commissioner Thimm noted that Planner Ananth had outlined a very aggressive schedule. He would like to keep to that schedule and work through this in a quick and efficient manner.

Commissioner Hall asked if it was possible to get a more thorough legal analysis of the new amendment versus the existing; particularly, focusing on the impact of the non-resort owner as the developer, which was presumed differently in the 1998 Development Agreement. More importantly would be the bifurcation of the Development Agreement obligations.

Commissioner Hall appreciated the slide regarding sustainability. She was unsure whether there had been communication with the City Sustainability Department, but she would like to see their input regarding the impact and the different mechanisms proposed. In terms of transit, Commissioner Hall had a preference for bike parking and wider sidewalks. She reiterated her request to walk the site. Commissioner Hall asked if it was possible to get input from the Transportation Department regarding coordination with the park and ride, or possibly have someone from the Transportation Department attend the next work session.

Commissioner Hall asked if the affordable housing would be rented or sold. Mr. Schmidt stated that in terms of for-sale versus rental, the calculation was based on the number of for-sale condo units. They followed the 15% rule that is used for calculation purposes and translated that into the estimated for-sale attainable housing units. Mr. Schmidt clarified that it was a soft proposal at this time because there are no clear

guidelines for making the final determination on how many should be for-sale or for rent.

Commissioner Hall commented on the vibrancy of the commercial outdoor space. It is a critical component that needs to be done properly. She would like Mr. Schmidt to provide additional information either this evening or at a future work session on the logistics of access and ensuring that there is enough public access. She wants to make sure it is not bifurcated for private residences.

Commissioner Suesser stated that she was still working through all the information in the Staff report and she was not prepared to say which way she was leaning in terms of amend versus new. Commissioner concurred with the other Commissioners regarding the additional information they requested because it was the same requests she had in mind.

Commissioner Van Dine agreed with all the comments from the other Commissioners. She would also like someone to see if there is a way to work within the current Development Agreement to address all the issues by amending it rather than starting over. She would like to know the feasibility and what it would look like. Commissioner Van Dine noted that the Staff report mentioned outstanding obligations from the 2015 MPD and Development Agreement amendments that remain to be completed. She could not find where those were discussed in more detail in the Staff report. Commissioner Van Dine requested to see an outline of what is missing, so they can make sure those amendments occur if they choose to amend the existing Agreement, or make sure they are addressed in a new Master Plan.

Commissioner Van Dine commented on the projections with the parking analysis. They know that skier days have increased year after year, and it is important to make sure the analysis is current with transit use, as well as making sure enough parking is being provided. She pointed out that there will be very little room to expand this project and it is important to make sure they address future changes to the community and the Resort Center. Commissioner Van Dine stated that she was still working through the packet for a second time.

Commissioner Kenworthy stated that he would need more time to think about this and to do his own research on 15-6-4-(b). He would like to verify the reduction of the UEs to make sure they are specific on that benefit. Commissioner Kenworthy remarked that connectivity was his number one concern. A major goal is connecting to the beds and the main commercial. He was not seeing any of that connectivity. He could see the transportation loop possibly being improved with the one-way and the roundabouts, but

he was looking for the connectivity for car traffic, pedestrians, and mass transit. He would like to see that information at the next work session. Commissioner Kenworthy was also interested in seeing the information requested by the other Commissioners.

Chair Phillips agreed that everyone was still trying to digest all the information. He appreciated the presentations and having the opportunity to get familiar with the proposal. As they begin to dig further and get more familiar with the existing development Agreement, he thought the applicant and the Staff should have a good idea on what the Planning Commission will need to make this determination. Chair Phillips hoped to get through that process fairly quickly. Chair Phillips was aware that the applicant needed as much time as the Planning Commission and the public to digest the packet.

Chair Phillips thought a site visit would be helpful, especially as they were all trying to familiarize themselves with this project. He preferred a site visit sooner rather than later. Chair Phillips did not believe the applicant would want to significantly change their proposal, and it was a matter of how the Commissioners' process it. He thought they should be able to get to that decision possibly at the next meeting. After that, they could start getting into more details of their various concerns. He intended to prioritize his list of concerns and highlight his high-level concerns. He would like to give the applicant his high-level concerns before they get to the specific in later meetings.

Chair Phillips asked Planner Ananth how the schedule she proposed would be affected by whichever path they decide is appropriate for this application. Planner Ananth replied that she tried to give a good amount of time between the June 10th meeting and the next scheduled meeting on July 22nd, which is when they will get into more substantive issues. Planner Ananth stated that the project itself will not change, whether it is an amendment or a new MPD, so it is basically the semantics of filing the application. Planner Ananth did not think the schedule will be slowed down much, if at all.

Planner Ananth summarized that a site visit would be very helpful. Since it needs to be publicly noticed, she asked about the possibility for having a site visit on June 10th from 4:00-5:00 p.m. prior to the Planning Commission Meeting. Mr. Schmidt stated that PEG could accommodate a June 10th site visit.

Planner Ananth noted that Exhibit A to the Staff report was a zoning review memorandum, and it outlined the pertinent conditions in the Development Agreement, as well as the previous approvals. It also summarizes the key component of the 2015 amendment, the 2007 amendment, and the 2018 amendment. She thought that would

be helpful for the Commissioners to pull out Exhibit A as they review the larger documents.

Planner Ananth asked if the Planning Commission would be able to make their decision on June 10th, or whether that time schedule was too soon. Chair Phillips did not think the Commissioners could say anything definitive, but he would like to think they could. They now have the big picture and they have heard from the applicant and the Staff in a thorough presentation.

Commissioner Hall asked if City Attorney Harrington was allowed to weigh in on the bifurcation of the Development Agreement obligations.

City Attorney Harrington stated that he would not so much weigh as help them craft the result that the Planning Commission determines appropriate with the Code section and the remaining obligations in the Development Agreement. They could find the proper approach that brings clarity to resolving that, depending on how the Planning Commission decides the first issue.

Commissioner Hall asked if it would be possible to have someone from the Transit Department attend the site visit. Planner Ananth replied that she would ask someone from Transit to attend. Chair Phillips clarified that the site visit cannot be a Q and A. The purpose of the site visit is for the applicant to orient the Planning Commission and explain their plan in relation to the site.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

6.A. 84 Daly Avenue – Steep Slope Conditional Use Permit – The Applicant proposes to Construct a Single-Family Dwelling on a lot Containing 3,858 square feet with a Building Footprint in Excess of 200 square feet Projecting Over an Existing Slope of 30% or greater.
(Application PL-20-04480)

Planner Caitlyn Barhorst presented the application for a steep slope conditional use permit for 84 Daly Avenue. She had slides available if anyone was interested, and she was prepared to answer questions.

The Staff recommended that the Planning Commission conduct a public hearing and approve the conditional use permit application pursuant to the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Director Erickson remarked that the steep slope CUP was coming to the Planning Commission because the lot size is larger than a standard 25' x 75' lot, which can be approved administratively.

Planner Barhorst reported that this property previously went through a plat amendment to combine a lot and a half. The lot is 42' wide. The house is approximately 32 feet wide.

Chair Phillips opened the public hearing.

No public comment was received.

Chair Phillips closed the public hearing.

MOTION: Commissioner Kenworthy moved to APPROVE the application for a Steep Slope Conditional Use Permit for the property located at 84 Daly Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 84 Daly Avenue

1. The property is located at 84 Daly Avenue.
2. On April 21, 2020, the Planning Department received a complete application for a Steep Slope Conditional Use Permit (SS-CUP) for "Construction on a Steep Slope" at 84 Daly Avenue.
3. The property is located in the Historic Residential (HR-1) District.
4. The lot contains 3,858 square feet.
5. Per LMC 15-2.2-6(A)(2), a Steep Slope CUP is required for any Structure in excess of 200 square feet located on or projecting over an existing slope of 30% or greater. The average slope is 45-50% within the proposed footprint.
6. The proposal complies with LMC 15-2.2-2 Uses, as a Single-Family Dwelling is an Allowed Use in the HR-1 District.
7. The maximum Building Footprint for this Lot is 1,553 square feet, and the proposed Footprint is 1,546 square feet.
8. The proposal complies with the Front and Rear Setbacks. The minimum Front and Rear Setbacks are twelve feet (12') each, for a total of twenty-five feet (25'); the Applicant is proposing at least an approximate 31ft Front Setback and a 12ft Rear

Setback, for a total of 43ft.

9. The proposal complies with the Side Setbacks. The minimum Side Setbacks are five feet (5') each, for a total of ten feet (10').

10. The proposal complies with LMC 15-2.2-5, with a maximum height of twenty-seven feet (27') from Existing Grade. The maximum height of the proposed structure is 26 feet.

11. The proposal complies with LMC 15-2.2-5(A), maximum interior height is thirty-five feet (35') as the proposed interior height is 35 feet.

12. The proposal complies with LMC 15-2.2-5(B), ten foot (10') minimum horizontal step in the downhill façade.

13. The proposal complies with LMC 15-2.2-5(C) in that the Contributing Roof Form is between 7:12 and 12:12.

14. The proposal complies with 15-2.2-6(C)(1), Location of Development. The structure has been designed to step the building mass with the slope.

15. The proposal complies with 15-2.2-6(C)(2), Visual Analysis. The applicant submitted a photographic visual analysis, including street views with the proposed structure superimposed, to show the proposed streetscape and bird's eye views. As demonstrated by the visual analysis, the proposed structure fits within the context of the slope, neighboring structures, and existing vegetation.

16. The proposal complies with 15-2.2-6(C)(3), Access. The proposed twelve-foot (12') wide driveway located within the Front Setback ranges from a 6.6%-9.0% slope. The driveway leads to a single garage door.

17. The proposal complies with 15-2.2-6(C)(4), Terracing. The Applicant is proposing to use the Structure itself as the majority of retailing of Natural Grade. The applicant is not proposing to change grade more than four feet (4') around the periphery of the structure except for the placement of a window well and has largely maintained Natural Grade where possible.

18. The proposal complies with 15-2.2-6(C)(5), Building Location. The structure's footprint is located approximately 31ft from the front property line, which maximizes the open areas as viewed from the Primary Public Right-of-Way and provides for natural vegetation. The existing tree in the Front Yard will be replaced per the Landscape Plan (Exhibit X).

19. The proposal complies with 15-2.2-6(C)(6), Building Form and Scale. The structure is broken into small components that step along the existing site contours so that no greater than 2 stories in height can be seen in one building module. The single-car garage complies with the Historic District Design Guidelines and is designed as a tandem (2-deep) garage attached to the structure.

20. The proposal complies with 15-2.2-6(C)(7), Setbacks. The required Front/Rear Setback for a Lot with a Depth from 75ft to 100ft is 12ft with a total of 25ft. The Structure maintains an approximate 31ft Front Setback, and a 12ft Rear Setback.

21. The proposal complies with 15-2.2-6(C)(8), Dwelling Volume. The proposed design is broken into compatibly-scaled massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed single-family dwelling and surrounding structures.

22. The proposal complies with 15-2.2-6(C)(9), Building Height (Steep Slope). The proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade.

23. The property was posted and notice was mailed to property owners within 300 feet on April 23, 2020. Legal notice was also published in the Park Record in accordance with requirements of the LMC on April 29, 2020.

24. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance).

25. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 84 Daly Avenue

1. The CUP, as conditioned complies with the Park City Land Management Code § 15-2.2-6.

2. The CUP, as conditioned, is consistent with the Park City General Plan.

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

Conditions of Approval 84 Daly Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.

3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

4. This approval will expire on May 27, 2021, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on May 27, 2020, and the Final

HDDR Design.

6. All new retaining walls within the rear and side setback areas shall not exceed six feet (6') in height measured from final grade and retaining walls within the front setback area shall not exceed four feet (4') in height measured from final grade. An exception may be granted by the City Engineer per LMC 15-4-2(A)(1).
7. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
10. Construction waste should be diverted from the landfill and recycled when possible.
11. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
12. All excavation work to construct the foundation of the proposed single family dwelling shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

6.b. Addendum to Technical Report #6 Historic Preservation Plan of the Amended and Restated Development Agreement for Flagstaff Mountain (2007).

Planner Hannah Tyler reported that the objective this evening was to discuss a proposed amendment to Technical Report #6 of the Amended and Restated Development Agreement for Flagstaff Mountain. Doug Ogilvy, representing the Empire Pass Owners Association, was also on the line. Planner Tyler noted that she would be

referring to the Empire Pass Owners Association as the EPMOA throughout her presentation.

Planner Tyler stated that the Staff brought forward an amendment to Technical Report #6 of the Amended and Restated Development Agreement. This amendment would adopt the 2019 Historic Preservation Plan update, which was completed by SWCA in August 2019. Planner Tyler reported that since August 2019, the City Council approved a Memorandum of Agreement, a MOA, and directed the Staff to have the Planning Commission amend Technical Report #6 to adopt the Historic Preservation Plan. At that meeting, the City Council also directed the Staff to work with and collaborate with the Park City Museum, the Friends of Ski Mining Mountain History, and the EPMOA. The Council wanted the Staff to prioritize projects and look specifically at the projects to be worked on in 2020.

Planner Tyler stated that the Staff organized a meeting in April with those parties to prioritize a list for all of the projects, and also those in 2020. In order to move forward, based on the priority list for the proposed 2020 projects, the Planning Commission must first amend this technical report. Planner Tyler explained that the Staff was trying to push on with the momentum to get the work done in 2020 so they can move forward with that progress.

Planner Tyler reiterated that the Technical Report #6 that was adopted in December 2001 was being amended. At that time, the Planning Commission approved 12 Technical Reports as attachments to the 1999 Flagstaff Mountain Resort. She pointed out that the actual amendment is to a 2007 MPD Development Agreement; however, Technical Report #6 did not change in 2007. Planner Tyler stated that last year the Park City Museum and members of the community voiced concern about historic preservation within the Flagstaff boundary during Planning Commission hearings. They expressed concern over compliance with the underlying 2001 obligations for projects that were in the pipeline.

At the time, and in response to that community concern, the Planning Commission requested that the City Council review an updated historic preservation plan to provide guidance and policy direction on how they would achieve compliance, and direct the Planning Commission to move forward with other projects within this boundary. In response, the EPMOA hired SWCA to complete the updated report, and that was to amend the 2001 technical report. SWCA completed that report in August 2019. Planner Tyler stated that the overall objective of the 2019 historic preservation plan was to assess the condition and compliance for 19 of the 21 resources that were originally identified in Technical Report #6. Two of those 21 resources are located outside of the

EPMOA boundary. For that reason, they are not reflected in this report and they were not surveyed.

Planner Tyler stated that after the report was provided to the City, the City Council held a study session in November 2019 and invited the Planning Commission. At that study session, the Staff provided an overview of the 2019 historic preservation plan, an overview of the draft MOA, as well as funding levels. In response to that study session, the City Council gave direction to put together a draft priority list for expenditures and asked that the Staff continue to work with the EPMOA on funding levels for that MOA.

Planner Tyler reported that after the study session, the Mayor and the City Staff negotiated a Memorandum of Agreement between the City and the EPMOA to prioritize those outstanding work requirements based on the 2019 historic preservation plan updated. The MOA also negotiated specific funding levels over a 20-year period. Planner Tyler stated that between November and February, several developers came to the table and proposed to contribute additional funding to the MOA, in addition to the EPMOA and also the City's reallocation of the real estate transfer fees. Planner Tyler remarked that in total, the MOA formalizes a \$1,405,000 investment in historic preservation over a 20-year period. That does not include the anticipated acquisition of the Daly West by Deer Valley. Planner Tyler stated that the MOA was ultimately approved by the City Council gave the Mayor direction to sign the MOA. That occurred in March 2020 and that was the last time the City Council gave the Staff direction to come back to the Planning Commission. Planner Tyler noted that an important piece is that the MOA stipulates that a historic preservation plan update would need to be submitted to the City prior to completing those work requirements. The preservation plan was submitted in November. The Council reviewed the priority list in February 2020 and directed the Staff to work with the groups she previously mentioned to review that list.

Planner Tyler summarized that the Staff met with those partners in March to discuss those projects, and they were looking to continue to build on that momentum and discuss the projects moving forward once the Planning Commission amends Technical Report #6 to adopt the historic preservation plan update.

Planner Tyler walked through the findings of the 2019 Historic Preservation Plan, as well as one technical adjustment that the Staff was proposing. She noted that there were three categories of outstanding work. One is building and structural preservation, the second is interpretive signs, and the third is revegetation of waste dumps. Planner Tyler stated that there were only two building resources that were required to complete

work in the 2001 agreement; the Judge Mining and Smelting Building and the Little Bell Ore Bin.

At the November 7th study session, the City Staff and City Council stressed the importance of immediate action for the compromised roof structure at the Judge Building. The EPMOA obtained permission to access that building and they have made excellent progress. Planner Tyler stated that this work was an effort to address immediate concerns to the structural stability of this site. The 2001 recommendation was for this structure to serve as an office or recreation building. The Staff recommendation was that EPMOA take necessary steps with the owner to stabilize the structure in order to provide seasonal protection from the elements. After they reached the stabilization phase, they would confirm future use and next steps depending on the needs of the end user. Planner Tyler pointed out that an end use needs to be identified and there will be work associated with that use on the interior. At this point, the primary concern was simply stabilization.

Planner Tyler asked Doug Ogilvy to talk about the awesome work that was done on the Judge Building. Mr. Ogilvy stated that after multiple visits to the Planning Commission they followed the Commission's guidance in November and tackled the Judge Building, which had suffered significant damage in the winter of 2018-2019. Right before Christmas they had a contractor on board and they immediately proceeded with stabilizing. Mr. Ogilvy remarked that the contractor did a great job moving through and by early February had roofed in the damaged sections of the building. By mid-March they stopped for the winter having put ice and water shield on the new section of roof installed. The contractor was back on site either this week or next week to complete the stabilization repairs, which involves putting a new galvanized roof on the south side of the building. They will also be repurposing some of the existing galvanized roof on the north side of the building, primarily to maintain the historical integrity of the roof to the extent possible. They would also be putting permanent doors into the front of the building and into the back portion. If anyone chose to walk up there in the winter, they would have been crawling through a small wooden door. They intend to put on steel doors that will provide future access. Mr. Ogilvy commented on a number of significant spruce trees hanging over the building, and they will have an arborist surgically remove trees they believe are endangering the building.

Mr. Ogilvy anticipated that the stabilization of the Judge Building will be completed by June 30th. The work already done does not preclude any future uses, but the license agreement they obtained from the building owner restricted them to the repairs at this time. Future uses will be another discussion.

Planner Tyler stated that the next structure is the Little Bell Ore Bin. She noted that the Friends of Ski Mountain Mining History and the Museum made great progress on this structure in the summer of 2019. They made improvements to the Little Bell by structurally stabilizing failed members and made related improvements to failed materials. This was in accordance with the 2001 historic preservation plan recommendation of additional stabilization. Planner Tyler noted that it was recommended 20 years ago and there was significant decay over that 20-year period from the initial photos.

Planner Tyler reported that there was still an outstanding obligation from the 2001 historic preservation plan because it recommended a permanent structure with an all-weather roof. The Staff interprets this as either a free-standing structure that would hover above the Little Bell, or a physical roof attached. The concept was reviewed by the Design Review Team and they reviewed the requirement in its two potential forms. They also talked to the Chief Building Official about the possibility of having to add a roof in what the structural requirements would be accommodate snow load.

Planner Tyler stated that between having to add either additional structural members to support a new snow load, or having a canopy hover above the structure, the Staff and the Design Review Team felt this would affect the historic integrity of this site. Between the work that was recently completed in 2019 and future inspections and seasonal monitoring, the Staff finds that this structure is in general compliance with the 2001 recommendation of maintaining the structural integrity. They also find that the addition of either a roof or a canopy structure will ultimately diminish the site and the historic integrity of this area in general.

The Staff requested that the Planning Commission remove that requirement based on what they know from a historic preservation standpoint. Planner Tyler asked if there was consensus that the Planning Commission was comfortable removing that requirement based on the feedback from the Design Review Team.

Commissioner Sletten clarified that there was no canopy or roof on the building when it was originally constructed, or at least as far back in history they could go. Planner Tyler replied that he was correct.

Commissioner Thimm asked if Planner Tyler was asking for consensus now. Planner Tyler thought it would be easier to get consensus now before they move on to other issues. Commissioner Thimm stated that he was in favor of proceeding as recommended without a roof either hovering or attached. Commissioners Sletten, Van Dine, and Hall concurred.

Planner Tyler noted that the Judge Building and the Little Bell Ore Bin were the only two structures that were required to have preservation in 2001.

The next category was interpretive signs. Planner Tyler reported that of the 19 resources, all were required to install interpretive signs. According to the 2019 historic preservation plan update, and based on input from the Park City Museum, only eight resources have installed those signs. There were still 11 outstanding interpretive signs. Planner Tyler noted that the 2019 update stated that the Judge Mining and Smelting Building did not install a sign. However, there was a sign and the Staff report reflects that clarification.

EPMOA is aware of what items on the list still need to be done and those things will be funded as they start to address each of the sites. At the time of restoration of each site, they will be proposing to add the signs.

Planner Tyler stated that the revegetation was the last category. She noted that only 11 resources that required revegetation. All have attempted revegetation but with differing success rates. Four of the 11 sites have completed the required revegetation. Considered completion is at least 90% revegetation. The remaining seven sources attempted revegetation but for unknown reasons they did not achieve that 90% threshold. Planner Tyler stated that the Staff identified those percentages that were identified by SWCA when they checked each site individually.

Planner Tyler stated that as they begin to tick through the MOA and each year for the next 20 years, they will begin to address some of these revegetation issues.

Planner Tyler commented on the "priority list". She noted that the 2019 Preservation Plan Update provided an in-depth analysis and assessment of all 19 resources. It included the current condition in 2019 and the preservation treatments that were recommended beyond the 2001 obligation. She thought it was an important distinction because some of the resources were not obligated to complete further historic preservation because they were still in operation at the time. A good example is the Daly West Mine and all associated buildings. It was left off the list even though many of those structures needed preservation in 2001.

Planner Tyler stated that the Staff recommended to the City Council that once compliance with the underlying 2001 obligation is achieved, that the City Council adopt a priority list of future resources that could receive additional historic preservation to ensure continued care and maintenance. Planner Tyler noted that the same chart

shown this evening was presented to the City Council. She pointed out that there were three different priority levels. The first priority was building structures and related site improvements. It replaces the ones that were required in 2001 and put more priority on the sites listed in the 2019 report. It channels all the sites that are an absolute priority because if something is not done soon, those sites will be lost.

Planner Tyler stated that when the Staff met with EPMOA, the Museum and the Friends of Ski Mountain Mining history was to assess how they would use the initial funding levels for the 2020 projects. She noted that some would carry over into 2021. Planner Tyler stated that the last big project for 2020 will be the Daly West Headframe and the associated buildings. They will be able to achieve compliance with a majority of the upfront money and then begin to tick off some of the lower priority, non-structural issues so they do not lose any of these important building.

Chair Phillips opened the public hearing.

No comments were received.

Chair Phillips closed the public hearing.

Commissioner Kenworthy thanked Planner Tyler and Doug Ogilvy, and all the Planning Department for making this happen.

Commissioner Sletten was pleased to see the Daly West headframe as a priority. He wanted to know what type of restoration was anticipated. Mr. Ogilvy stated that they retained a geo-technical engineer, a site surveyor, and they were talking to structural engineers. Deer Valley was in the process of acquiring the underlying land of the historical headframe itself from JSSD. EPMOA has met with the City, the Historical Society and with Deer Valley. Mr. Ogilvy stated that the geo-technical engineer has concerns about putting the headframe directly over the prior hole, and they were looking to see if there is a location in close proximity that works for Deer Valley and still ties into the historical. He understood that a number of members on the headframe would need to be replaced with modern members. Some of the other members just need to be straightened out. Mr. Ogilvy remarked that they first need to identify a location, and then work with a structural engineer to figure out how much of the structure can be retained. They will be reviewing that with the City and the Historic Preservation Board. Mr. Ogilvy believed they could stand the headframe back up in close proximity to the original site with more than 90% of the original structural members intact.

MOTION: Commissioner Kenworthy moved to ADOPT the 2019 Flagstaff Mountain Resort Historic Preservation Plan Update as an addendum to Technical Report #6 of the Amended and Restated Development Agreement for Flagstaff Mountain dated 2007.

Commissioner Thimm seconded the motion, adding “with concurrence to delete the roof structure from the Little Bell Ore Bin”.

VOTE: The motion passed unanimous.

6.C. 5000 Royal Street – Subdivision – Consideration of a 15-Lot Subdivision Located in the Deer Valley Master Planned Development (Application PL-10-04374)

Planner Ananth noted that Rory Murphy, representing the applicant, and his attorney were also on the line.

Planner Ananth stated that the applicant was proposing to create a 15-lot subdivision, known as Huntsman Estates, on a 40-acre parcel. The project contains more than four lots and is considered a major subdivision, which means the Planning Commission approves a preliminary plat and a final plat in accordance with the subdivision regulations. The site lies southeast of the runaway truck ramp off of Marsac Avenue between Marsac Avenue and Royal Street. Adjacent subdivisions include American Flag to the north and Belleterre to the east. The property is heavily wooded and contains a large single-family dwelling that would remain and occupy one of the proposed lots.

Planner Ananth noted that the Planning Commission held a work session on this project in February, and since that time, the applicant decided to break the project into two phases. Phase 1 would be the 15-lots subdivision. Phase 2 would involve an amendment to the Deer Valley MPD to bring the adjacently owned 20-acre parcel into the MPD and potentially give the applicant additional density that they may seek to transfer to this site.

Planner Ananth clarified that the application being reviewed this evening is solely for Phase 1, the 15-lot subdivision.

Planner Ananth stated that subdivisions are reviewed under Section 15-7 of the LMC. The proposed Huntsman Estate Subdivision creates 15 lots of record from the 40 acres site, plus one common area parcel, for a total of 16 lots. Single family dwellings are an allowed use within the District, and the applicant has agreed to Condition of Approval

#4, which limits the lots to single-family dwellings and accessory buildings. All of the proposed lots meet the requirements of the residential development district and the Deer Valley MPD. Prior to building permits being issued for individual lots, the Planning Department must review proposed plans for compliance with the architectural design guidelines.

Planner Ananth reported that the Deer Valley MPD authorizes density within the Deer Valley area. The Deer Valley MPD was originally approved in 1977, and it has been amended and restated twelve times. It was most recently amended in November of 2016.

Planner Ananth stated that in May of 1982, the property was approved by the Planning Commission for a 34-lot subdivision known as the Westview Subdivision, which was approved and platted. A road was graded in, but no further improvements were installed. Planner Ananth noted that the property was purchased by the Huntsman family in 1987, and the Planning Commission approved the vacation of the 1982 Westview Subdivision and a 15-unit MPD.

Planner Ananth stated that Exhibit C of the Staff report notes that the applicant did not intend to subdivide the parcel, but that one unit would be built immediately, and the remaining 14 units would be built over time. The dwellings would all be family owned. Planner Ananth pointed out that only one unit was built on the 40-acre site, as well as a few accessory buildings.

Planner Ananth stated that at the February work session the Planning Commission request four items after discussion of the proposed project. The Planning Commission also decided that a traffic study was not required as the density is already contemplated in the Deer Valley MPD, and the applicant is proposing a van shuttle service that will serve the site.

Planner Ananth remarked that one question raised was what the site looks like from the road. She presented a slide showing that the site is just west of Royal Street and that there is currently an access gate on to the property. She noted that the site slopes away from Royal Street down the hill towards Marsac Avenue. The Belleterre Subdivision is east and uphill of the proposed Huntsman Estates. Planner Ananth stated that even though the existing house on the site was granted an exception from the building height limitation, it is not visible from the street due to the topography of the site being below the road and the ridge line, as well as the site being heavily wooded. Planner Ananth remarked that the house is visible to those uphill in the Belleterre and from the Golden Eye Road area. It is not visible from Main Street and the historic core.

The applicant was not looking for further height exceptions for any of the proposed lots.

Planner Ananth stated that in accordance with the general subdivision requirements, which requires a plan that addresses limits of disturbance and vegetation protection, the applicant identified the limits of disturbance in Exhibit M to the Staff report on the proposed lots, which take into account front and side setbacks. The proposed LODs range from 9,000 square feet to 25,000 square feet. It is based on lot size, with the average LOD being 13,000 square feet or 34% of the lot area.

Planner Ananth presented a chart outlining the average lot size, which is just over an acre, as well as the proposed LOD area.

Planner Ananth noted that the applicant had submitted a forest assessment, which was Exhibit N to the Staff report. Key findings include that the forest is predominantly made up of a mix of white fir and blue spruce species, as well as gamble oak and aspen trees. The overall forest is reported as being healthy but could benefit from some additional management in the form of thinning and dead tree removal. There was a noticeable amount of beetle kill on the site and in the general area. Planner Ananth stated that the forest assessment recommends that healthy trees or groups of trees need to be identified for preservation and protection as the lots are developed. This includes consideration of the critical root zone of protected trees during construction activity. The assessment also recommends fire mitigation strategies such as creating three different defensible space zones. Most of the flammable vegetation would be removed from Zone 1 within the first 15' to 30' from the structure. Zone 2 would extend 100' from the structure and would include removal of weakened, diseased, and dead trees in an effort to reduce flammable fuels and fire intensity. Zone 3 would be the area that is more than 100' from the structure and would include general best practices for forest management, including removal of dead trees.

Planner Ananth noted that Condition of Approval #9 includes the above recommendations consistent with the forest assessment.

Planner Ananth remarked that the applicant had also submitted a visual analysis, which is Exhibit P of the Staff report. The applicant notes that the average house size of the house modeled in the analysis is approximately 10,000 square feet. Each individual analysis included views from City Hall, the top of Main Street, from Sampson Avenue, and from the eight typical vantage points laid out in the Sensitive Land Overlay Zone regulations. Planner Ananth stated that the submitted visuals confirm that the site will have a minimal impact on the City, including limited ridgeline intrusion due to the existing large evergreen trees on the site. The built site will be most visible to adjacent

properties that are sited above the project. However, those properties have a substantial buffer of existing trees.

Planner Ananth presented a photograph that identified the subject property from the intersection of Main and Heber, which is one of the eight typical vantage points in the Sensitive Lands Overlay Zone. An arrow pointed to the general area of the proposed subdivision. She noted that the development has been overlaid into the existing forest.

Chair Phillips asked if the roofs shown were superimposed into the photograph. Planner Ananth answered yes and noted that none of the roofs intrude into the ridgeline.

Planner Ananth stated that there are single and double-track bike trails on the applicant's adjacent 20-acre parcel, which are the Rossi Hill and Lookout Trails. The City would like to acquire easements on those trails in order to maintain and improve the trails as necessary. The trail easements were addressed in Condition of Approval #12. Planner Ananth reported that the applicant was pushing back on the condition and preferred to address the easements when and if Phase 2 moves forward.

Planner Ananth stated that the Open Space and Trails Coordinator also recommended a condition that the applicant grant an easement to the City and post a bond of \$25,000 for the construction of a new trail connection between the intersection of the Lookout and Rossi Hill trails and Royal Avenue. She indicated the new proposed trail shown in green, which approximates the area of the trail in general. It was not a specific layout. She noted that it connects to the existing trails and to Royal Street and the idea is to eventually link with the Tour de Homes Trails located across Royal Street. Planner Ananth stated that it is a nice connection for alternative modes of transportation, including pedestrian or bikers. The applicant is willing to post a bond and they would like to work further with the Sewer District and the Open Space and Trails Coordinator on the actual placement and location of the trails as the project moves forward.

Planner Ananth stated that as the project is contemplated with two phases the Planning Department also recommends a condition of approval that should Phase 2 move forward, the applicant would deed the adjacent 20 acre parcel to the City as natural recreation and open space, which would extend the existing ROS corridor. Planner Ananth noted that the adjacent parcel is currently zoned Estate. Zoning it ROS would make it contiguous with the larger area. She pointed out that the actual project site is within the MPD and is zoned RD.

Planner Ananth stated that the Staff finds good cause for this subdivision, as it is consistent with the density location and uses identified in the Deer Valley Master

Planned Development where it assigns 15-units of density. The project is in keeping with the goals of the General Plan for the Upper Deer Valley neighborhood to create a limited number of single-family homes supporting the resort neighborhood. Development clusters exist within pods, and each pod is surrounded by recreational open space. An extensive trails system provides for hiking and biking in the summer and connects Deer Valley to the Main Street area. This project will contribute to the trails system and further connect the neighborhood to the Main Street core. This project will create an on-call van service program that will support carpooling to the ski slopes and the Main Street area, particularly during peak periods.

Rory Murphy clarified that he was representing the Huntsman family, who is the applicant. Mr. Murphy noted that the trails discussion came up late last week. He commented on two issues. One issue was Findings of Fact #23 and Condition of Approval #12, where the 20-acre parcel is included for the hiking trail. Given that it would be in Phase 2, the applicant believes it should be covered at that time and not in Phase 1. The applicant would like to keep the two projects separate and the 20-acre parcel is not part of the application at this time. A second issue would be Finding of Fact #24 and Condition of Approval #13. The applicant would like to work with the Open Space and Trails Coordinator, Heinrich Deters, to work out the trail alignment. He emphasized that the applicant was not opposed to the trail or posting the \$25,000 bond. They would just like to provide input on the location of the trail. Mr. Murphy stated that the Snyderville Basin Sewer District is planning to significantly upgrade the infrastructure and currently it is uncertain where the trail will be located. The applicant is agreeing to do the trail, but they would like to do it jointly with the City Trails coordinator.

Commissioner Thimm asked if Mr. Murphy was suggesting that they revise but not remove the conditions of approval and the findings of fact; or whether he would like them removed until Phase 2. Mr. Murphy requested that they strike Finding #23 and Condition #12, because they specifically address the 20-acre parcel that is no longer part of this application. It is part of the Phase 2 application. He did not believe the finding and the condition belonged in this application approval. Regarding Finding #24 and Condition #13, Mr. Murphy requested deleting the last line "shall follow the sewer line easement". He also suggested adding "to the satisfaction of the Park City Trails coordination and in coordination with the applicant" to the end of the first sentence.

Commissioner Sletten noted that the Planning Commission received an email later this afternoon from the American Flag HOA that raised questions with respect to fire management plans and forest assessment. Another question addressed the number of

home sites. He asked if Mr. Murphy had seen the email and whether he was prepared to comment.

Mr. Murphy stated that the applicant strongly agreed with the fire suppression comments. They intend to follow all directions from the Fire Marshall and the recommendations outlined in the Arborist report. Mr. Murphy remarked that that were common sense measures that need to be taken. He thought Planner Ananth had done a good job making those a requirement of the subdivision. Mr. Murphy did not understand the second issue raised in the email because most of the American Flag lots are considerably smaller than the lots being proposed. In addition, 50% of the homes are larger than what was indicated. Mr. Murphy could only say that the proposed plan is a good plan and they are within what was outlined for that property and what was outlined in the Deer Valley MPD. He was not sure how to address that question from American Flag. Their proposal has a large variety of lots and the lowest size is .54 acres.

Commissioner Sletten read the second paragraph from the email, "The City regulations would permit 14 home sites on the land mass, but the applicant desires two more in density in exchange". Mr. Murphy thought that reflected the earlier conversation at the February work session where the applicant had discussed including the 20 acres in this proposal. The clear direction from the Staff following that meeting was that they could do it, but it would require amending the Deer Valley MPD.

Commissioner Hall asked Planner Ananth to bring up the slide showing the suggested revised conditions. Planner Ananth noted that she had not stricken Condition #12, but she understood from Mr. Murphy that the applicant would like to eliminate Condition #12. She pointed out that she did revise Condition #13. Commissioner Hall understood that there would not be easement over the other parcel. Planner Ananth replied not at this time; however, when and if the applicant moves forward with Phase 2 the City would seek the easement at that time. Commissioner Hall asked if the new connection would still be possible. Planner Ananth answered yes. Commissioner Hall asked if the 20-acres is pulled in, whether they would add an extra loop or whether it would be omitted entirely. Mr. Murphy replied that the applicant would have another trail obligation upon submitting for Phase 2. Planner Ananth pointed out that those trails would remain in public use as they are today, even though they are on private property. Mr. Murphy stated that the trails would be memorialized at that time. They would also memorialize the trail in Phase 1 as well. Currently, they are not official trails and the City has no easement for them now.

Commissioner Sletten clarified that if they decide to amend Finding #24, they also need to amend Condition of Approval 13 with respect to the alignment along the sewer. Commissioner Thimm pointed out that Finding #23 would be deleted and Finding #24 would be amended.

Chair Phillips opened the public hearing.

eComments were submitted. All public comments received before and during the meeting were included in the record.

Planner Jackson read the eComment that was received.

Shawn Kelleher remarked that given the cost of moving these trails and keeping them available to all users, the trails reconfiguration should be done now. The trails in question are the only direct access from Rossi Hill to various uphill locations, and as a Rossi Hill full-time resident they use these trails all the time. Mr. Kelleher thought \$25,000 was inconsequential to the developer. They should do the trails now.

Chair Phillips closed the public hearing.

Commissioner Hall referred to the public comment regarding the trail and asked if doing it now was an option. Commissioner Thimm pointed out that there was no existing easement. Mr. Murphy reiterated that the applicant is committed to doing the trail and will post the \$25,000 as a condition of the plat recordation. He has had long conversations with Mr. Deters, the Trails Coordinator, and he is comfortable with that approach.

Commissioner Kenworthy asked if Mr. Murphy would be comfortable adding a time frame. Mr. Murphy thought 60-90 days would be sufficient because the center line needs to be surveyed.

Greg Cropper, Legal Counsel for the applicant, suggested that there might be an issue with the language specifically calling out what trails they would connect to. Planner Ananth thought they could finesse actual language that would work for the applicant. She suggested vague language stating that the applicant shall grant an easement and post a bond with the City for a connector trail from Royal Street to the trails on their adjacently owned property, in coordination with the open space trails coordinator and the Snyderville Basin Sewer District.

Director Erickson stated that since this was a recommendation to the City Council, the Staff could work on the final language before it goes to the City Council.

The Staff recommended that the Planning Commission consider waiving the preliminary plat requirement and forward a positive recommendation for consideration by the City Council at their June 25th meeting, based on the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance and as amended this evening.

Planner Ananth clarified that the revised Findings and Conditions would strike Finding #23 and Condition #12; and eliminate the last portion of the sentence for Finding #24 and Condition #13.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the 5000 Royal Street Subdivision for consideration at their June 25th meeting, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance and as amended this evening and renumbered. Commissioner Thimm seconded the motion.

Commissioner Hall requested that the Staff draft language regarding a time frame for the trail prior to this going to the City Council.

VOTE: The motion passed unanimously.

Findings of Fact – 5000 Royal Street

1. The property contains 40.69 acres and is zoned Residential Development (RD) and is located within the Deer Valley MPD Overlay.
2. 5000 Royal Street is improved with a large family estate house as well as accessory buildings including a carriage house and underground garage.
3. The Parcel is known as the Westview Parcel located in the North Silver Lake Community of Deer Valley and is assigned 15 Density Units in Exhibit 1 of the Twelfth Amendment and Restated Deer Valley MPD with one Unit already developed.
4. The Subdivision is classified as a Major Subdivision according to LMC Section 15-7.1-3(A)(2) as it contains four (4) or more lots. The subdivision contains 16 lots including one common parcel.
5. Staff checked for compliance with the Deer Valley MPD and Deer Valley is compliant with its Employee Housing obligations.
6. There are no Maximum House Size limitations or Unit Equivalent limitations on this parcel.

7. Building Height is limited to 28 feet for this parcel with an exception for the existing house which was granted in 1987 as part of the Conceptual MPD approval for the Westview MPD.
8. This Subdivision vacates the previous Westview MPD.
9. Nothing in this approval shall prevent the applicant from transferring up to two Units of density from the adjoining Estate zoned 19.51-acre parcel into this Subdivision in the future subject to a Plat Amendment, an amendment to the Deer Valley MPD and the dedication of this adjacent parcel to the City as Open Space.
10. The proposed Major Subdivision has been reviewed for compliance with all Sections of LMC 15-7, Subdivision General Provisions.
11. Single Family Dwellings are an allowed Use within the RD District.
12. Lockout Units require a CUP.
13. Nightly Rentals are allowed in the area unless HOA rules prohibit them.
14. The proposed 15 lots and Common Area Parcel meet the Lot and Site Requirements of the RD Zone and the Deer Valley MPD.
15. All future buildings shall be reviewed for compliance with the Architectural Design Guidelines of LMC Section 15-5.
16. The applicant submitted a Forrester Assessment from a certified arborist that evaluated the health and viability of the site and makes recommendations on thinning and removing dead standing trees in order to balance the need for tree removal for forest health, build out and wildfire prevention with the visibility of the site.
17. Care shall be taken in the siting of houses and driveways to limit the removal of Significant Vegetation. The applicant submitted LOD Areas for each of the individual lots in a file titled Lot Exhibit dated 4/15/20.
18. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance.
19. A 40-foot right-of-way will serve the Subdivision from Royal Street. The road will be private and will be maintained by the Homeowner's Association but shall be constructed to City Standards.
20. The Snyderville Basin Sewer Improvement District has an easement for a sewer trunk line through this property that will be maintained.
21. The applicant submitted a Visual Analysis of what the development may look like at full build out from the Historic District and various other points in Park City with considerations made for removal of Significant Vegetation. The Visual Analysis shows that the site as developed should have minimal visual impact on the Historic District.
22. There should be minimal impact on surrounding properties including shadows, loss of solar access, air circulation, views or ridgeline intrusion due to required setbacks

and because the building height limitation of 28 feet is less than the height of surrounding trees.

23. Also in compliance with LMC Section 15-7.3-8, Sidewalks, Hiking Trails, Bike Paths, and Horse Trails, the applicant has agreed to grant an easement to the City and post a bond with the City up to \$25,000 for the construction of a new trail connection between the intersection of the Lookout and Rossi Hill Trails and Royal Street.

This new trail would provide a connection for alternative forms of transportation between Old Town and Deer Valley.

24. The traffic impacts for this 15-lot Subdivision are expected to be well within the capacity of Royal Street. In order to reduce traffic from the Subdivision the applicant is proposing an on-call van that will transport owners and guests to the Silver Lake area as well as the Main Street core and the surrounding resorts.

25. A traffic Study was not required for this application as the Deer Valley MPD accounts for 15 Units of Density on the site.

26. The applicant has agreed to cooperate with and not restrict or obstruct aerial transportation that may be developed in the future over the property.

Conclusions of Law – 5000 Royal Street

1. There is Good Cause for the Huntsman Estates Subdivision. The proposed Subdivision complies with the Land Management Code requirements and the Deer Valley MPD and is within the Density previously approved for the parcel in 1987.
2. The Huntsman Estates Subdivision is consistent with the 2014 Park City General Plan and the Park City Land Management Code including Sections 15-7.1-3(C) and 15-12-15(B)(4) and (9) and applicable State Law regarding Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of this Subdivision does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – 5000 Royal Street

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat at the County within two (2) years from the date of City Council approval. If recordation has not occurred within two (2) years time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A Plat Note shall indicate that all roads, cut-de-sac and utilities shall conform to

current City Standards.

4. A Plat Note shall indicate that the lots are limited to Single Family Dwellings and Accessory Buildings.

5. A Plat Note shall indicate that all buildings in the Huntsman Estate Subdivision shall be fire sprinkled on both the interior and exterior.

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6. A Plat Note shall indicate that the overall development parcel shall contain a minimum of 88% open space and otherwise comply with the Deer Valley MPD and all applicable zoning regulations including building height of 28 feet.

7. A Plat Note shall indicate that all building must be within the LOD Area shown on Lot Exhibit dated 4/15/20. Minor adjustments to the LOD Area shall be allowed by the Planning Director so long as the size of the LOD Area on the lot remains the same.

8. A Plat Note shall indicate that none of the amenities shall have exterior lighting meant to allow for nighttime use.

9. A Plat Note shall indicate that prior to the issuance of building permits for individual lots the applicant or owner of the lot shall submit a certified Arborists Assessment of the lot that analyzes the health and viability of all Significant Vegetation on the property within 100 feet of the LOD, includes a Tree Preservation Plan that indicates trees proposed for removal, how trees will be protected during construction and a tree replacement plan. Plans shall also indicate that trees shall be limited within a 15-foot radius of the house and that diseased and dead trees within 100 feet of the house will be removed, consistent with the submitted Forrest Assessment dated March 28, 2020.

10.A Plat Note shall indicate that if the developer encounters mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

11.A Plat Note shall indicate that no private driveways will be permitted from Royal Street.

12.The applicant shall grant and easement and post a bond with the City up to \$25,000 for the construction of a new trail connection between the Lookout Trail and Royal Street.

13.Should the applicant move forward with Phase 2 of this project, a Condition of approval will be placed on the Plat Amendment that the applicant shall deed the adjacent parcel to the City as natural Recreational Open Space.

14.A Plat Note shall indicate that the Subdivision shall be served by an on-call van/shuttle service that will transport owners and guests to the Silver Lake area as well as the Main Street core and the surrounding resorts during peak vacation/holiday weeks in order to minimize the traffic impact from this Subdivision. At a minimum this shall include holiday weeks and three-day weekends in perpetuity. The shuttle shall utilize Royal Street and shall not utilize Hillside Avenue.

15.A Construction Management Plan that explicitly prohibits parking on Royal Street during construction will be required prior to the issuance of any building permits.

16.A Plat note shall indicate that there shall be no further subdivision of these 15 lots with the exception of Additional Land East and Additional Land West subject to an Amendment of the Deer Valley MPD and the incorporation of the adjacent PC-S-46-B-1 into the DV MPD as Open Space and dedication of this parcel to Park City Municipal Corporation.

17.The Huntsman Estates Subdivision development exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A plat note shall indicate that each lot within this common development shall be required to obtain a MS4 storm water permit prior to any construction activity.

The Planning Commission Meeting adjourned at 9:30 p.m.

Approved by Planning Commission: _____