



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
April 27, 2022**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Lillian Lederer, City Planner; Spencer Cawley, City Planner; Makena Hawley, City Planner II; Margaret Plane, City Attorney; Mark Harrington, Senior City Attorney

1. ROLL CALL

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

Chair Phillips read the following:

The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, April 27, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically.

Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/publicmeetings. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

Chair Phillips announced that Commissioner Laura Suesser and Commissioner Doug Thimm were not present and excused.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from March 23, 2022.

MOTION: Commissioner Bill Johnson moved to APPROVE the Planning Commission Meeting Minutes from March 23, 2022. Commissioner Sarah Hall seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from April 13, 2022.

MOTION: Commissioner Bill Johnson moved to APPROVE the Planning Commission Meeting Minutes from April 13, 2022. Commissioner Hall seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken had no Staff communications.

Commissioner Kenworthy reported that he owns a home on Woodside Avenue. It would not affect his decision-making on the Agenda Item involving 316 Woodside Avenue.

5. WORK SESSION

A. Land Management Code Amendments - The Planning Commission Will Conduct a Work Session on Water Wise Landscaping and Discuss Updates to Land Management Code § 15-5-5(N). PL-21-05064.

City Planner, Lillian Lederer, and City Planner, Spencer Cawley presented the above item jointly. Planner Lederer explained that they were looking for direction from the Planning Commission on the revisions to the Land Management Code ("LMC") that would strengthen the language regarding Water Wise Landscaping. She asked the Commission to think of the vision for Park City in the next 10 years regarding Water Wise Landscaping and how to implement this vision with new construction and development.

She reported that on May 30, 2019, the City Council adopted Ordinance No. 2019-30 amending the LMC to update the Landscaping regulations regarding Water Wise Landscaping. Water Wise Landscaping reduces the need for supplemental irrigation, including xeriscaping and hydro zoning, landscaping techniques that co-locate plants, trees, and shrubs that have similar irrigation needs. She noted that one of the strategic pillars of Vision 2020 addresses water scarcity through environmental leadership. The Park City General Plan recommends land use regulations to help reduce water use through efficient infrastructure and landscaping requirements. She referenced Strategy 5.3 of the General Plan that suggested adopting landscaping requirements in the LMC to decrease water utilization and preserve native landscaping.

Planner Cawley stated that in the last Legislative Session, House Bill ("HB") 282 was passed, which modified the provisions of Water Wise Landscaping requirements. Specifically, this bill prohibits municipalities, counties, and Homeowners' Associations ("HOA") from prohibiting property owners from incorporating Water Wise Landscaping within their own property. It also prohibits enacting or enforcing any ordinances, resolutions, or policies that prohibit a property

owner from incorporating Water Wise Landscaping within their property or requiring a property owner to install or keep in place lawn turf in an area with a width of less than eight feet.

Planner Cawley noted that there are some requirements and definitions contained in HB 282 that must be implemented into the LMC. Specifically, HB 282 states that a municipality or HOA may require a property owner to comply with a Site Plan review or other process before installing Water Wise Landscaping. This is consistent with the process currently in place but is something that could be clarified in the LMC. He added that this would also include maintaining plant material in a healthy condition and following specific Water Wise Landscaping design requirements adopted by the City or HOA that would restrict or clarify the use of mulches considered detrimental to municipal operations, which would impose a minimum or maximum vegetation coverage standard or would restrict or prohibit the use of specific plant materials.

Planner Lederer noted that the current LMC definitions regarding landscaping are limited. She provided the Commission with the current definition of Water Wise Landscaping, noting that it is confusing and unclear. She stated that they have proposed some definitions in which they separate Water Wise, Xeriscape, and others to clarify the difference between Landscaping and Water Wise Landscaping.

They proposed to define "Water Wise Landscaping" as a landscaping method developed specifically for arid and semi-arid climates utilizing water-conserving techniques that reduce the need for supplemental irrigation. It employs the use of drought tolerant plants, mulch, and efficient irrigation. Planner Lederer explained that "xeriscape" is defined as a form of Water Wise Landscaping, wherein plants, trees, and shrubs that are appropriate to the local climate are used and care is taken to avoid losing water to evaporation or runoff. "Landscape" is defined as a basic mix of plants, trees, shrubs, and other vegetative materials.

Planner Cawley listed the specific terms defined in HB 282 as Lawn/Turf, Mulch, Overhead Spray Irrigation, Vegetative Coverage, and Water Wise Landscaping. He presented some additional definitions that Staff could either clarify or add to the LMC that would help make the process easier for residents as they implement Water Wise Landscaping in their plans. He stated that there are opportunities to reduce water use in landscaping, and the City Council has been advised of these opportunities during presentations last year.

Planner Lederer referred to the current Landscaping Section in the LMC and stated that Staff looked to update it, organize it and make it clearer for residents to understand. It would also be more efficient in allowing residents to incorporate Water Wise Landscaping into their properties. She referred to a short list of incentives and noted that the Planning Department currently has a Water Impact Fee that residents can apply for, and there is also a State-sponsored "cash for grass" incentive in the works.

Chair Phillips requested more information on the "cash for grass" incentive. Planner Cawley did not have the exact details for this incentive but noted that the State set aside money that would be available as an incentive for reducing lawn turf in residential landscaping. He stated that the application process for this program has not yet been clarified. He confirmed that this would be a new program by the State.

Planner Lederer stated that following this Work Session, Staff would conduct an online public survey, hold a series of open houses, reach out to HOAs and develop a simple website to solicit public feedback on the suggested changes. Following this period of public input, Planner Lederer

stated that the Planning Department would return to the Planning Commission to finalize recommendations for an Ordinance for City Council's action. She reiterated that the Planning Department was requesting feedback regarding new LMC definitions and whether additional provisions should be added. The amendments will incorporate the provisions of HB 82 as well as an update or incorporation of a plant list. She also requested any additional ideas, opportunities, or incentives to reduce water usage in landscaping, which could include clarifying the percentage of lawn coverage, percentage of vegetation in non-lawn areas, and clarifying materials, such as mulch, allowed in vegetative areas.

Commissioner Kenworthy noted that currently, the State of Utah is re-adjudicating all water rights in the State. He asked how they should address the State's "use it or lose it" directive with these new guidelines to restrict watering and lawn size. Planner Lederer agreed that this is something that should be incorporated and noted that there is an issue with the water supply. She commented that they were looking for feedback on how much to restrict. Planner Cawley added that for the LMC amendments, they were not looking to restrict water usage as that is something that would occur at the City Council level that is already in process. He clarified that they were looking specifically at integrating Water Wise Landscaping into the LMC so that the expectations are much clearer.

Commissioner Kenworthy asked Senior City Attorney, Mark Harrington about the conflict between the re-adjudication of these rights versus the need to conserve. Mr. Harrington stated that the City regulations would not affect private water use because those residents are not on the City's fee structure. These owners could incorporate other methodologies to use their water rights if they have an individual water right outside of the City's system. He felt that the two systems could be compatible but there is a bit of an inherent conflict that is always present in the sense that the underlying water rights are supposed to be used. That does not mean that they cannot be used more efficiently, pooled differently, or put in different systems and there are agricultural and open space incentives at the State level where exceptions to the "use it or lose it" could be applied if they meet those criteria.

With regard to the municipal system, Mr. Harrington stated that they are looking at reducing outdoor irrigation use, which is the highest use category. They do not have the same exposure to losing their rights if they successfully reduce water usage. He added that they could come back with an explanation of the City's water system.

Commissioner Kenworthy commented that the average citizen that has a water share is buying into an irrigation system and the irrigation system is under re-adjudication; therefore, the guidelines could proceed, and the residents could reduce their water usage. He understood that those with private water rights and a private water system have to use their water or else lose it.

Mr. Harrington did not disagree with Commissioner Kenworthy's statements but felt that this was an oversimplification since all water rights are different. He mentioned agriculture, municipal use, and independent ownership. He stated that if the Planning Commission would like a broader look at these implications, they could bring in the Water Team to explain it in more depth. He added that a majority of Park City users are in the municipal district; the few private water owners are the resorts and the owners are located primarily in the Park Meadows area. Mr. Harrington commented that this effort was aimed more at getting residents to use less water for residential irrigation.

Chair Phillips understood that there was nothing that would be significantly moving the needle, as much of these amendments would be cleaning up the LMC and adding some Water Wise language. He wanted to know what Staff felt were the most significant changes proposed for the Code. He added that he did not feel that there was anything too restrictive, but that Staff was writing more incentives into the Code. Planner Cawley explained that this would re-organize the Landscaping portion of the LMC, implement the State definitions and revisit some of the existing definitions. Staff would like direction from the Planning Commission on whether they should go beyond that.

Chair Phillips wanted to better understand the Fire Wise portion of the Code, especially given the fires that occurred last year. He was not very familiar with the management of those issues and felt that Staff should look at that part of the Code. Planner Lederer stated that the plant list included in the Staff Report is currently contained in another portion of the Code rather than the Landscaping Code. Staff has cross-referenced some of the plants and vegetation with Water Wise plants and most of the time Fire Wise plants and Water Wise plants overlap. She felt that they could incorporate a website that would include materials regarding Fire Wise and Water Wise information for the residents' information and incentives.

Commissioner Hall asked if there was any further information on gray water use. Planner Lederer explained that this was a suggestion that has come up previously yet was not currently implemented. Summit County started looking into this issue, and this would be something that the City would have to work on with the County. She stated that they do not have much information on this to present at this time, but if the Commission wanted further information on this, they would obtain it for review. Commissioner Hall requested that Staff look into this issue.

Chair Phillips agreed with this direction. Planner Cawley added that Summit County has an approved gray water re-use program that is regulated by State Code. If the City decides to have any sort of municipal implementation of gray water use, it would be much more involved than just implementing Water Wise Landscaping into the LMC. He stated that Staff would look into this for the Commission.

Commissioner Hall also stated that the Land Use sections were good and wondered about agricultural use and the difference from municipality use. Planner Cawley stated that they could look beyond residential use, but for the immediate amendments, they would like to focus on residential uses. He felt it would be worthwhile to look beyond residential at a later date and evaluate what changes could be implemented for those other uses.

With regard to Commissioner Hall's inquiry about online resources and making it user-friendly, Planner Cawley agreed and stated that Staff originally thought of implementing this plant list into the LMC. Currently, they felt that a better use of everyone's time would be to use other resources and mentioned the State's Water Wise resources. He stated that the Planning Department could maintain a website that addresses all of those options.

Commissioner Hall asked if they could give the Planning Director the authority to update the plant list information annually or as needed. Planner Lederer expressed that the idea would be that they would not incorporate the plant list into the LMC; instead, they would incorporate more information to direct people so that the list could just be updated as necessary. Commissioner Hall again stressed the necessity for a user-friendly website if they would be directing people to different resources.

Commissioner Johnson commented that Staff should add definitions for everything and add the additional definitions from HB 282. With regard to the Additional Opportunities, he was not sure that he could support Nos. 1 and 2, but he supported the others, numbered 3 through 7. He felt that the preservation of Historic Landscaping was important to the character of the town. In terms of Significant Vegetation, he mentioned that while the Cottonwoods along Poison Creek use water, they also clean toxins and have some historic character as well. He added that he does not have expertise in the percentage of lawn coverage but felt that the more the better given the current water resources.

Chair Phillips confirmed next steps and asked about the timeline. Planner Lederer stated that the gray water research would take the longest to fully incorporate. Staff would start with outreach and prepare the basic overview and then come back later with gray water information.

Commissioner Kenworthy asked if they needed to include a clause that protects private water rights and the use of those owners' water. Mr. Harrington did not feel that would be necessary because the City would not be penalizing anyone. If owners are using their own water, then they are not in the City's fee system, which escalates with use to disincentivize significant use. These changes create affirmative ways to get normal fees reduced, therefore if owners do not avail themselves of the municipal system, they are not penalized; they just cannot get the benefits of the system of which they are not a part.

Commissioner Kenworthy's concern was that if someone has five acre-feet of water, they are required to use it to water their lawn. Mr. Harrington stated that there might be other mechanisms through the State administration of their water right to reduce their usage, but that has nothing to do with the City system or the fees.

Chair Phillips clarified that the private water would not be affected by the amendments to the Code, as it is not regulated by the LMC. Mr. Harrington confirmed that the LMC only regulates those applying for either irrigation or landscape/building permits within the City and are subject to the City water. He reiterated that they could bring the Water Team in to explain this issue more fully. Planner Lederer added that the Landscaping section in the LMC only regulates new irrigation systems, which must have a Water Sense label.

Commissioner Hall asked about rainwater collection. Mr. Harrington explained that there is a Barrel Program run through Sustainability. He added that they were distributing barrels on Mother's Day at Quinn's Junction. Planner Lederer commented that the LMC does not specifically address rainwater collection, but the information would be included on the website. It was noted that rainwater collection was something they were trying to promote with other jurisdictions.

Chair Phillips commented that he was able to get some rain barrels and uses the rainwater to water plants on his deck and use whatever is left over in his yard. Commissioner Johnson asked if there was a limitation on how many gallons of rainwater could be collected. Chair Phillips recalled that the limit was something around 2,500 gallons.

In response to Planner Cawley's question to the Commission, if they wanted Staff to look into additional incentives, the Commissioners answered in the positive. Chair Phillips clarified that City Council would be the body to act on and manage any financial incentives. He added that he would like to see if there was anything that the Commission could implement in terms of incentives and recognized that they have to rely on the City Council to take the lead. He asked Staff to come back with more background information regarding incentives.

B. Southeast Quinn's Junction Annexation Petition Work Session The Planning Commission Will Conduct a Work Session on the Petition to Annex Approximately 1,200 Acres of Property in the Quinn's Junction Area into Park City. The Area Proposed for Annexation Includes Richardson Flat Property Subject to the 1999 Flagstaff Development Agreement that is Restricted to Recreation Uses and the City-owned Clark Ranch Property. Proposed Zoning is Recreation and Open Space. PL-21-05031.

Assistant Planning Director, Rebecca Ward introduced the applicant's representative, Trails and Open Space Program Manager, Heinrich Deters. She confirmed that this item was the subject of a prior Staff Communication, and the purpose of this Work Session was to provide an update on where they were on the progress of the Southeast Quinn's Junction Annexation Petition. They were looking for high-level input from the Planning Commission on any outstanding information in preparation for a public hearing and possible recommendation on May 25, 2022.

Assistant Director Ward stated that on October 15, 2021, the Park City Municipal Corporation filed an Annexation Petition to annex approximately 1,200 acres in the Southeast Quinn's Junction area. The City Council reviewed the Petition and accepted it to move forward with the full review process. She reported that the City Recorder certified the Petition, which opened the door for protests. Four such protests were filed. Summit County convened a Boundary Commission to hear one of those protests, filed by the Hideout Community Advancement and Development, LLC. The protest was heard on February 14, 2022, and denied by the Boundary Commission. The denial was appealed to the Third District Court and that appeal is pending.

Assistant Director Ward presented maps showing the Annexation Parcels. She explained that the Annexation included the Richardson Flat property, which is subject to the 1999 Flagstaff Development Agreement that limits the uses for the property to golf, equestrian, or other recreational facilities. The Agreement also allowed for a perpetual deed restriction on the property from further development. She explained that the other portion of the property includes the 344-acre Clark Ranch property, which was purchased by Park City in 2014.

Assistant Director Ward stated that the Staff Review Team was preparing a report on the Petition that would review 15 criteria to make their recommendation to the City Council on both the Annexation Petition and recommended Zoning. The City Council will then hold a public hearing and take final action. She reported that the Staff Review Team has been meeting and reviewing the Petition since November 2021 and would have a finalized report for Planning Commission review on May 25, 2022. Some of the items still being evaluated include possible negative impacts on the City and whether the City could economically provide services. They are also evaluating revenue versus service costs and an estimate of the tax consequences, snow removals, maintenance of Richardson Flat Road, and the cost of police services.

Assistant Director Ward referred the Commission to the Staff Report that contained the 15 criteria and requested additional information the Commission would like for review. She also requested feedback on the recommended zoning for this area. She stated that the General Plan identifies this area as an area to include in the Annexation Expansion Area from 2019. The City implementation strategy contained in the General Plan was to annex additional land to shape growth reflective of the City's goals for the land use surrounding Park City. The General Plan identified the area proposed for Annexation as an important gateway to the City. Clark Ranch was identified for open space and wildlife corridor connectivity. The Quinn's Junction Planning

Commission principles outlined in the General Plan identify this area for recreation and open space consistent with the Flagstaff Development Agreement.

Assistant Director Ward presented a map taken from the General Plan that showed the City and Summit County review from 2004 that identified the Richardson Flat area for recreational space. When that was updated, it was expanded to include the Clark Ranch property. She explained that the General Plan also identifies this area as Open Space and Critical Area as a buffer for the eastern entry corridor to the City.

The current zoning of the area proposed to be annexed in the Snyderville Basin area of unincorporated Summit County is identified in the County's General Plan for Open Space-Very Low Density Uses with the Possibility of a Transportation Hub. The Very Low-Density Zoning ranges from one unit per 20 acres to one unit per 120 acres. She explained that the applicant has proposed the zoning to be Recreation and Open Space ("ROS"), which would allow for conservation activity, trail improvements, and recreation facilities. She added that Staff also recommended that as part of the zoning, they extend the Entry Corridor Protection Overlay, which currently runs along State Road 248. This would include some additional protections for the Entry Corridor, such as additional setbacks, varied building setbacks, and restrictions on height. The Sensitive Lands Overlay addresses the Ridgeline area, Steep Slopes, Wetlands, and Wildlife Habitat. The Sensitive Lands Overlay zoning would also require analysis of development for impacts on entry corridors and vantage points.

Assistant Director Ward added that as part of the Sensitive Lands Overlay, Staff recommended that the vantage points that were considered for development also be amended so that any development in the area would be evaluated from the Park City Hospital and along with various points on the Rail Trail and Richardson Flat Road. She invited any questions or feedback from the Commission that could be included in a public hearing and recommendation to City Council, and, time allowing, public input. She mentioned the four protests filed that were included in the Staff Report and stated that no other public input had been submitted.

Chair Phillips stated that they would allow time for public input.

Commissioner Van Dine asked Assistant Director Ward to revisit the proposed zoning and the overlay with parking and/or transit. She asked how that would also overlay with trailhead buildings. Assistant Director Ward explained that under the Development Agreement, there are opportunities for potential recreation facilities; therefore, the restrictions would apply to any structure that would be built.

In response to a question from Commissioner Kenworthy regarding the Transit Hub, Assistant Director Ward referenced the Richardson Flat Park-and-Ride and any potential municipal recreational facilities and stated that under the current ROS Zoning District, municipal facilities are less than 600 square feet go through an Administrative Conditional Use Permit. If anything were proposed for greater than 600 square feet, it would trigger a Conditional Use Permit review before the Planning Commission.

Chair Phillips asked if the zoning will generally remain the same. Assistant Director Ward confirmed this and explained that the way that the Quinn's Junction Joint Planning Commission Principles outline future land use for Richardson Flat, would include whatever is in the Development Agreement. When the City purchased the Clark Ranch property in 2014, a portion of that property that totals no more than 40 acres contemplated a use outside the ROS Zone. If

that occurs, a re-zone application would come before the Commission. She explained that the remaining property on the Clark Ranch Parcel has a proposed conservation easement to protect the open space.

Assistant Director Ward confirmed that they were not including any conservation easement as part of this Annexation Petition.

Commissioner Kenworthy addressed the zoning and proposed zoning and observed that the area designated for a Transportation Hub appeared considerably different than Richardson Flat. Assistant Director Ward explained that when the County adopted its plan, the County envisioned the location of the Transportation Hub. She added that under the ROS Zoning, that location would still be a possibility, but the Transportation Hub is not currently identified in the Park City General Plan. She opined that the Transportation Hub would be allowed under the ROS Zoning and Staff has recommended ROS Zoning for the area where the Transportation Hub is shown.

In response to a further inquiry, Assistant Director Ward stated that as currently proposed, all of the annexed acreage would be zoned ROS. Any area within the Annexed property that would be good for a Transportation Hub could be provided for by a Planning Commission Conditional Use Permit process. The only limitation was that Staff has recommended that the Entry Corridor Protection Overlay Zone be extended to the Summit County and Wasatch County border, which would impose some additional setbacks and requirements. She indicated that they could look into this further to determine if there needed to be some exceptions. Chair Phillips expressed that it would be helpful to understand in more detail the requirements but was very much in favor of extending those zones as proposed by Staff.

Commissioner Kenworthy asked if there was a map on the ground lease and what the ground lease covers. Assistant Director Ward stated that they could provide that on May 25 and referenced the Exhibit that contains the lease.

Referring to page 15 of the Lease, Commissioner Kenworthy noted that the Plat Map showed a county road and questioned whether that road exists. Manager Deters expressed his belief that the County Road was Richardson Flat Road, and the abandoned Union Pacific was what was commonly referred to as the Fost & Spur.

Commissioner Kenworthy requested the lease and requested confirmation that the lease only pertained to Richardson Flat. Assistant Director Ward clarified that the lease covers 30 acres of land and would include an exhibit for the Commission on May 25 that shows it in the context of the Annexation area.

Chair Phillips opened the matter up for public comment.

Bill Ciraco suggested that information be shared with the voters so that when they have a chance to speak during further Commission or Council meetings, the public is better informed. He thought it would be important to understand how much of the Annexed property includes land that is contaminated and whether the City has done an environmental analysis. He stated that the contamination has been longstanding and not cleaned up. If the land remains zoned ROS, then there would be very little economic incentive to address the contamination.

Mr. Ciraco also referenced Kimball Junction and the Dakota Pacific Project. He noted that the project is within the County's jurisdiction, and the County is behind the eight-ball with regards to

what is occurring. If the developers get their way, Kimball Junction would be unfixable and unworkable. Given that Quinn's Junction is the next best or better entry point into Park City, he felt it important to preserve some options on what could be done with that land. It might serve Park City well in the future and he thought Planning Staff should analyze that and inform the public as to what options might exist.

With regard to the Transportation Hub, he stated that it sounded fantastic; however, if they were just suggesting a bus stop or parking lot in the middle of nowhere, he could not see how that would be a Transportation Hub. He felt that Staff needed to expand on that analysis and provide a better understanding of what it could entail.

Chair Phillips commented that Staff was not proposing any different zoning for the Transportation Hub, so that issue has been left open. Mr. Ciraco would like some definition of what is meant by Transportation Hub because it should include uses to make it a "Hub" and a place that people would actually want to use. He mentioned the problem with the park-and-ride at Richardson Flat, which is out in the middle of nowhere and does not get used.

Mr. Harrington addressed Chair Phillips' comment about a conservation easement and clarified that there was a conservation easement underway for the Clark Ranch Property that is still contemplated to move forward. He noted that it would not be a part of this Petition. Other existing conservation restrictions have been ruled to equate with a conservation easement under the Flagstaff Development Agreement.

Chair Phillips confirmed his understanding that the conservation easements were moving forward separate and apart from the Annexation Petition.

Commissioner Kenworthy thanked Mr. Ciraco for his comments and requested a slide with a detailed soil overlay on the area. The comments about zoning options reminded him of the proposal he has seen in Little Cottonwood where they have a proposed parking lot of 1,800 stalls with some mixed use. He felt that was a nice element to what is being proposed in that area. He would support keeping options and noted that Richardson Flat has never worked and is isolated and "sketchy."

He commented that they would like to have something attractive out there and just laying some asphalt and calling it a Transportation Hub would not be ideal. Chair Phillips agreed but noted that is a separate discussion. Chair Phillips also appreciated Mr. Ciraco's comments and agreed that an environmental analysis and understanding of the potential liabilities were important.

Sean Philipoom addressed the comments regarding possible 40 acres of development in the Clark Ranch area and asked Assistant Director Ward to expand on that. Assistant Director Ward explained that when the City purchased the Clark Ranch property in 2014, it totaled approximately 350 acres. The majority of the acreage was proposed to be included in a conservation easement, with an option for potential municipal or other use for no more than 40 acres. She stated that there was no proposed development at the current time, so the recommended zoning would be ROS. If the use would ever change in the future, it would require a potential re-zone depending on what was proposed. Chair Phillips added that this could occur anywhere in town where re-zones occur. He confirmed that nothing was being proposed and a re-zone would be a completely separate process from this Petition.

Assistant Director Ward commented that Staff proposed the ROS Zoning, the Sensitive Land Overlay, and the Entry Corridor in addition to what the applicant had proposed. Chair Phillips stated that he was very much in support of the Overlay and extending it. Commissioner Johnson agreed with Chair Phillips.

In response to an inquiry about the process after the judge makes a decision, Assistant Director Ward explained that the tentative schedule was to complete the Staff Review Team recommendations on May 5, 2022, and then return on May 25, 2022, for a public hearing and possible recommendation. The Planning Commission could review this as early as June 16, 2022, depending on the outcome of the Boundary Commission appeal.

City Attorney, Margaret Plane clarified that the Annexation Petition could go before City Council as early as June 16, 2022, so the Planning Commission could act the next time this item comes before it. The hearing on the appeal is scheduled for June 1, 2022, and the Judge has committed to issuing a decision by June 6, 2022. She noted that the court's schedule would allow the appellant time to seek a stay and stop the City from taking any action before June 16. She anticipated further hurdles as this unfolds.

6. REGULAR AGENDA

A. 1431 Lowell Avenue - National Ability Center's Mountain Center Subdivision – The Applicant Proposes to Create a One Lot Subdivision for their Mountain Center Operations Building.

Senior City Planner, Alexandra Ananth explained that the applicant submitted two applications: a Subdivision Application to create one .47-acre lot, as well as an application for a Conditional Use Permit ("CUP") for a ski base facility greater than 600 square feet. She stated that the site is located in the ROS and Sensitive Lands Overlay Zone and the Planning Commission held a Work Session on this application on March 23, 2022. Planner Ananth addressed the Subdivision application, as the Conditional Use Permit will be dependent upon the Subdivision. She presented a photograph of the site, which is located at the top of the First Time parking lot, and adjacent to the two Magic Carpets and the Resort Condominiums Building.

She displayed a graphic of the proposed Subdivision and explained that it would be creating a single lot so that the National Abilities Center ("NAC") could build its roughly 20,000 square foot building. She explained the location of the proposed lot and discussed how the existing fire access lane would be extended a short distance with a cul-de-sac for a fire truck turnaround, and drop-off and loading exclusively for the NAC.

Planner Ananth recalled that at the Work Session, the Planning Commission asked how this would fit with PEG's plan. She presented a slide showing what it would look like if the PEG project were not developed. If the PEG project were developed as proposed, the access would be similar and there would be an adjacent sidewalk on the north side of the access lane to the NAC. She explained that the green line on the graphic showed the connection to Parcel B, which is the most proximate parking location. She stated that the Planning Department believes there is good cause for the Subdivision because it creates a lot of record and allows for the NAC to exercise its long-term lease with the Resort for the construction of its Mountain Operations Building, which serves a need in Park City. Staff recommended the Planning Commission hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on May 26, 2022. She asked if there were any questions regarding the Subdivision application and expressed

that the Commission was required to discuss and act on the Subdivision application prior to moving on to the CUP.

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

Commissioner Kenworthy asked what, if any, impact the Subdivision would have on the parking and PEG's requirements. Planner Ananth stated that the NAC is a site that exists now, therefore it is a pre-existing use and accounted for in the Resort's parking. NAC staff currently use either employee parking or the Resort's general parking and would continue to do so. The applicant submitted a parking plan that indicated upon completion of the building, they would run shuttles from their Quinn's Junction site. In addition, there would be an opportunity for NAC staff and participants to park at Quinn's Junction and ride the shuttle into the Resort. Planner Ananth reported that the shuttle might actually result in a significant decrease in the parking required at the Resort for that use.

Commissioner Johnson stated that the intent of the Development Agreement was to put as much density in the parking lots and maintain more open space on the mountain. Since this would add density to the Base Area, he asked what conversations the NAC had with the property owner about going into the ROS zones.

NAC representative and Facility Development Manager, Meeche White, stated that many years ago the prior owner of the Resort contemplated putting the NAC in at the Base Area. Once the Resort ownership changed, the NAC and Vail determined this to be the best location for the program because it provides accessibility to beginner terrain, and would be right on the snow, which is vital to the NAC's success. She clarified that the portions of Parcel C were not an option because Vail was selling it to someone else. Ms. White offered that this parcel was a very generous contribution by Vail.

Commissioner Hall asked how this would impact the calculation of open space for the parcel in general, as well as the relocation of the Magic Carpets. Planner Ananth stated that although this site is zoned ROS, it does not prohibit certain uses from going into the site. Although the mountain and PEG can count this as open space, even if the footprint of the building is backed out they are still able to meet their open space requirement because most of the mountain is preserved as open space. She added that the Development Agreement allows for this. Mr. Harrington clarified that PEG already backed out the NAC footprint from their proposal, and only did the underlying calculation with the Base Area parcels. PEG has two rungs of compliance that they have met even excluding the NAC structure. Staff agreed with these calculations.

With regard to the trailer, it is currently located on a hard surface, so when it is removed that space would likely go back to open space. Planner Ananth added her belief that that area was not within the open space exhibit that PEG used. In other words, the PEG application would not receive a net increase by virtue of this application.

Commissioner Kenworthy asked the applicant to speak to the public comment included in the Packet, specifically that of Trent Davis and the easement issue. Ms. White stated that the NAC was in agreement with the Easement Agreement presented by Vail and is ready to sign. The Easement Agreement does not involve the NAC; rather, it is Mr. Davis and Vail that need to resolve whatever issue exists. She was unsure if there was an issue as it is a pretty basic easement.

Ms. White referenced a clause in the Easement Agreement that requires all who use the road to participate in paying for snow plowing and maintenance, with which NAC agrees. She acknowledged that the issue with Mr. Davis is awkward, but the NAC had no issue with the easement or anything in the Agreement.

Commissioner Kenworthy felt that Mr. Davis was clear that from their perspective, this was not going to be approved in its written form. He asked Mr. Harrington if Mr. Davis needed to sign off on the Agreement. Mr. Harrington stated that Condition of Approval four addressed this issue. The provision of access needs to be addressed prior to plat recordation, whether that is by the current draft easement, some other easement directly with the property owner, or some other way that the City Engineer and Fire Code Officer accepts. He could not speak to Mr. Davis' rights in terms of his objections to this particular form of Easement Agreement. He noted that Mr. Davis was not the property owner and was subject to an existing easement. He noted that the parties were trying to work out a co-location, but there might be other opportunities to work directly with Vail if this Agreement does not work out.

In response to a further inquiry on whether an agreement with Mr. Davis would be required, Mr. Harrington stated that it would not be within his authority to opine whether Mr. Davis has veto authority over this Agreement.

MOTION: Commissioner Van Dine moved to forward a positive recommendation for the City Council's consideration on May 26, 2022, for the National Ability Center's Mountain Center Subdivision, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance as follows:

Findings of Fact

1. The applicant proposes to create one Lot of Record for the National Ability Center's Mountain Center operations building at the base of Park City Mountain Resort.
2. The Lot is located in the Recreation and Open Space (ROS) Zone and the Sensitive Land Overlay.
3. The Lot will continue to be owned by VR CPC Holdings and will be leased to the National Ability Center.
4. The Lot is not a development parcel subject to the 1998 Park City Mountain Development Agreement (DA) and this Subdivision does not amend the DA or have any bearing on other applications under the DA.
5. The existing NAC trailer located on the PCMR property is approximately 1,800 square feet and has reached the end of its useful life.
6. The new building is 9,410 square feet and will include Americans with Disabilities Act ("ADA") accessible restrooms, a fitness room for program participants, storage for specialized equipment, and facilities for administration, training, and education.

7. The proposed Subdivision complies with the purposes of the Recreation and Open Space Zoning District, and Sensitive Land Overlay.
8. There is no Minimum Lot Size in the ROS Zoning District. The proposed lot is 20,457 square feet (.47 acres).
9. The proposed Subdivision complies with Land Management Code Section 15- 7.3-2, as outlined in the staff report, and conditioned below.
10. The proposed Subdivision complies with Land Management Code Section 15- 7.3-3, as outlined in the staff report, and conditioned below.

Conclusions of Law

1. There is Good Cause for this Subdivision because it will allow for the construction of the NAC's Mountain Center operations building, which serves a need in the community.
2. The Subdivision complies with Land Management Code Chapters 15-2.7, and 15-2.21, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the Subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval will be void, unless the Applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The City Engineer shall review and approve all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards as a condition precedent to building permit issuance.
4. Final utility and access shall be reviewed and approved by the Park City Fire District, City Engineer and City Attorney as a condition precedent to plat recordation.
5. The property is not located within the Soils Ordinance and therefore it is not regulated by the City for mine-related impacts. However, if the property owner

encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.

6. The proposed structure must meet the City's Architectural Design Guidelines.
7. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of the Building Permit review.

Commissioner Hall seconded the motion.

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

B. 1431 Lowell Avenue-National Ability Center's Mountain Center Conditional Use Permit-The Applicant is Seeking a CUP for their Mountain Center Operations Building

Planner Ananth next addressed the CUP application, which would allow for the proposed use on the lot. She reported that the applicant submitted a parking plan that discusses the shuttles from their Quinn's Junction location. Staff has recommended a Condition of Approval that the CUP is for NAC's use only and is not transferable and does not run with the land. She explained that any new use of this building in the future would have to come back to the Planning Commission for review of the new user's parking, traffic and transportation impact on the Resort.

Planner Ananth stated that the proposed structure met the 25-foot required setbacks on all sides and the building complies with all of the zoning requirements. Staff recommended that the Planning Commission hold a public hearing and consider approving the CUP for the Base Facility based on the Findings of Facts, Conclusions of Law, and Conditions of Approval.

Ms. White added that on the easement road, there would be a loading and unloading area that would be used by the Lodges at the Resort near their entrance. There was discussion regarding the specific location of this loading/unloading zone and Ms. White confirmed that it would be part of the exhibit to NAC's easement with the property owner. She explained that it would be located in an area where the NAC will have removed the power box, which would provide enough room for loading and unloading a van that would not impede the road.

Commissioner Johnson referenced the first sentence of the "No Parking" paragraph of the easement that states that it does not grant any party or permittee the right to stop, loiter, drop off, or park in the easement area.

There was further discussion regarding the location of the loading area for the Lodge. Planner Ananth added that the NAC would have four parking spaces, as well as a turnaround area. It was added that the parking spaces for the NAC were in reality an area to drop off to allow the participants to unload from a car and access the facility. The intent was to create a safe, consistent flow of traffic for the participants to exit their vehicles and get on the slopes.

Commissioner Johnson stated that they want to support that but noted that the first sentence of the Agreement contained restrictions. It was noted by the applicant that the four spots also would also provide emergency access to the mountain if necessary.

Chair Phillips opened the public hearing.

Deb Rentfrow reported that she had spoken with Ms. White, who is aware that she supports this application. She expressed that the four drop-off spots were great and applauded the NAC's plan for a shuttle from the Quinn's location. She added, however, that it might not be the best scenario if a lot of volunteers drive to Quinn's to get the shuttle back into town. She believed that these persons have been allowed to park in the employee parking spots at the Base. To expect the volunteers and employees of NAC to pay for their parking would be unfair and inappropriate. She also expressed concerns about the lease language that states that they would be allowed to use it the day before the ski season begins until a day after the ski season. She felt that as programs evolve, the NAC might want to offer operations or programs during the year at this location.

Roy Kristensen reported that he is retired and lives in Sandy. He spoke on behalf of the proposed Mountain Center and the need for it. He stated that his family has been members of the NAC since it was founded in 1987. His son, who has Down's syndrome, was nine years of age at that time and is now 44 years old. His son has participated in skiing, horseback riding, water crafting, camping, and many other opportunities, and was honored to serve on the Board of Directors of the NAC in 2010. Mr. Kristensen added that he and his wife have volunteered for many of the NAC fundraising events. They have seen the Mountain Center facility evolve with many improvements over the years, however, the number of participants has multiplied while the space remained about the same. He added that there have been a number of generous contractors and volunteers that have helped keep the Center functioning, but the NAC staff has had to work hard to make it workable for the population that they have.

Mr. Kristensen stated that he has worked as a volunteer ski instructor there and hosted a group of disabled adults from the Valley, and they had to get off the bus at one side of the Resort, which presented some safety issues for these participants. He added that the current Center is crowded and stuffy. Some participants have had emotional reactions that need to be dealt with in private and there is no private place for these persons. He also mentioned the lack of restrooms. He emphasized that these are issues they have learned to live with, but it is not the best situation. Trying to help the athletes get ready to go onto the snow in cramped quarters has been very difficult.

Mr. Kristensen observed that the proposed building appears to be open and airy, with easy access in and out. He added that the design included all the things he would have hoped for that are lacking in the current situation. Overall, he felt this would be a facility that they could all be proud of.

Jamie Blaneck stated that she is a new athlete at the NAC, new to Park City, and new to living with a disability. She lost her leg in an accident last February. She stated that she moved here so that she could train with this amazing program, as snowboarding was her passion and goal before her accident. She expressed passion for rights and accommodations for disabled persons. She felt that these rights and accommodations should not have to be discussed; they should just be the norm. Ms. Blaneck was unaware of what persons with disabilities had to endure until she became disabled. Parking, bathrooms, and other accommodations are not something that they should have to fight for.

Ms. Blaneck appreciated the fact that they would have this beautiful building and so much accessibility for so many people who come from around the world to the NAC. She explained that she must put a different leg on when she snowboards, and sometimes doing that on the snow

is difficult. To be able to do that in a building, with privacy, would be nice. She added that she sees many families bring their children who are in wheelchairs, who have emotional issues caused by overstimulation and who need privacy. She feels bad that she cannot do anything for these children, and sees this building as being a safe and comfortable place for these parents to bring their children to the mountain.

She hoped the parking gets resolved and noted that she is constantly in the parking garage with participants when the elevator is not working. To be able to have one place to get out of the car and get on the snow would be nice. Ms. Blaneck expressed that this facility and the community are a blessing and accessibility, and inclusivity is important. Ms. Blaneck hoped there would not be many bumps in the road for this facility and appreciated all of the hard work of those involved. She offered that this would improve the quality of life for everyone, not just those with disabilities.

Ben Hulin reported that he moved to Park City in 2010 to work at the NAC and it has been a great experience. He has also become a Physical Education teacher in the Valley. He stated that the NAC has been a big part of his life, and the doublewide does not access the needs of what the NAC is trying to accomplish. These improvements to the Mountain Center will only make the mountain a better place and will make the NAC's offerings more attainable.

With respect to parking, Mr. Hulin stated that while they all hope for powder days, getting equipment from his van to the Mountain Center currently is very difficult. The parking is at an incline, and the location makes it very difficult to easily access the mountain. He felt that the drop-off would be an added benefit for the athletes and participants. These changes would only make the experience that much better for people with different types of disabilities.

Jay Barney stated that he is on the Board of Directors of the NAC. He stated that he is from a skiing family, and his disabled grandson was left out for many years. One day as he was skiing in Park City, he saw a miracle and wanted to extend that miracle to his grandson. They took their 12-year-old grandson snowboarding, and it was a remarkable experience. He stated that the doublewide was a disaster because it was crowded and hot, but the people were awesome, the experience was awesome, and he was able to snowboard with his grandson. He added that when the opportunity arose to join the Board, he jumped at it. When he heard that the doublewide might go away, he was overjoyed. He was deeply impressed with the professionalism and detailed analysis that the NAC staff and Planning Staff have gone through to make this happen. He stated that they had to make this happen so that hundreds and thousands of others could join his grandson.

Andrew Haraghy stated that he is on the Competition Team for the NAC. He has had the great honor and privilege to compete, train and visit mountains all over the world. He expressed that it was regrettable that his home mountain and base of training is one of the least accessible. He stated that the current setup requires participants to park in the handicapped spots and then travel 200 yards to the elevator and past the ice rink before being able to access the NAC. There are similar problems with the current drop-off location. The current parking and drop-off situation is unfortunate for anyone in a wheelchair or with limited mobility, especially when trying to get equipment to the hill. He noted that a mono-ski is a 40 to 50-pound piece of metal and plastic. The situation makes it difficult for anyone trying to be independent and broaden his or her ability to train, compete, and enjoy the outdoors and the abundance of recreation they have in this area. He added that in addition to Park City, the NAC also services Summit County and the Greater Salt Lake Valley.

Mr. Haraghy mentioned that the poor snow years have made access to the NAC even worse, and this new facility would provide that option for better access to the facility and the recreational venues. He expressed that the proposed plan would create a much better situation by shuttling people in and creating ease of access. He hoped that they could go from being one of the worst accessible to one of the most accessible and be a leader in showing other programs what is possible.

Tyler McKenzie stated he has been a resident of Salt Lake since 2015. He is approaching five years of being injured and has the fortune of being much more mobile than some of his teammates. He is a member of the High-Performance Team and developed friendships during a time when he was living day-to-day trying to find movement, battle stagnancy, and recover. He commented that he found the NAC and described it as a beacon of hope and light in the Park City community; the reach of this organization goes from Coast to Coast and far beyond.

Mr. McKenzie found the NAC by just trying to get on a bicycle and figuring out how to live with his neurological injury. He stated that the NAC was about access, but also about training and people pushing themselves. There is only one other venue in the country that holds a candle to what the participants have access to at the NAC. He mentioned the difficulties during COVID-19 and stated that the new building would provide the necessary control the NAC needs to provide the experiences it provides daily. Mr. McKenzie stressed that the NAC saved his life. He came from a sports background, and he has been able to push himself in this environment. The new building is something the community largely supports, and it benefits not only the community but also the Resort. They should not wait for the Paralympics to come around to understand the magnitude of what these programs provide. He stated that even at the highest level of competition, they are fighting an uphill battle.

He referenced other similar buildings across the country and commented that this type of building is occurring nationally. For the NAC to continue to be the pinnacle of providing these accessible experiences, the building is a necessity. He felt it would elevate not just the town, but the entire State and expressed how beautiful it would be for the Olympic Games to come back and for the State to be able to show what is being done at Park City in terms of accessibility.

The applicant commented that these members of the public have come to the NAC through determination and fight. They are here to advocate for the Mountain Center, but they are also advocating for those who are not here yet and who do not know about the beacon on the hill. The applicant asked the Commission to make this a possibility so that the Mountain Center would be available to the populations the NAC serves, knowing that anyone could be part of this population at any time. Anything that can be done to ensure that the Mountain Center is available as soon as possible is the obligation of the citizens of the community and society.

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

Chair Phillips expressed that the work of the NAC is a pillar in the community and makes the entire community look good. He relayed that his neighbor, who was the Chief Neurosurgeon at UCLA, helped him when his daughter suffered a traumatic brain injury. Chair Phillips stated that this doctor ultimately suffered his own complications with a brain injury. He was able to get to know him because they had a vacation home in Park City, and they loved to ski.

Chair Phillips stated that while it was unfortunate that this doctor was no longer able to help people through surgery, he still had a passion for skiing. He added that they are proud of the NAC and

want to contribute in any way possible. They look forward to seeing a world-class facility that would improve the quality of life of many people now and in the future.

Commissioner Hall thanked the speakers for sharing their stories. She felt that everyone supported the NAC. She prefaced her comments by stating that they were to ensure that what the Commission does complies with the Code. She referenced the proposed extension ramp and asked if the existing ramp would remain. She also asked about a crosswalk and sidewalk extension for pedestrian access from the end of the ramp. Ms. White explained that one set of stairs on the parking lot would be removed, but the existing ramp would be extended all the way up to just before the cul-de-sac. At that point, there would be a crosswalk to access the building.

Ms. White added that there would also be a sidewalk along the road from Lowell Avenue. With respect to the current ramp, it would zigzag to comply with ADA.

Commissioner Hall asked about recycling options and Ms. White stated that the Center would recycle, although the details were still being worked out. She added that they were discussing the location of the dumpster with the Lodge, which has an unused loading dock area. She also noted that snow storage would be on the east side of the building, so they would need to place the dumpster around the corner.

It was noted that a Condition of Approval would require that the trash and recycling would be adequate.

With respect to Finding of Fact 13 regarding shuttles, Commissioner Hall felt that could be a Condition of Approval, especially since the shuttle is essentially the applicant's Parking Mitigation Plan.

A question was raised as to whether there was any desire to push the building closer to the Lodge in terms of consolidating the density. Planner Ananth responded that, if anything, they wanted to push the building further away from the Lodge to allow for light and air circulation and not be too disruptive to the Lodge.

Commissioner Hall asked if there was a way to enlarge the loading zone for the Lodge. She offered that she uses that area a lot, and there was public comment showing a large commercial service vehicle blocking the driveway and the pathway. Ms. White agreed that there might need to be more area for commercial vehicles but noted that the NAC does not control the property further down the road.

With respect to the easement and access, the applicant stated that their first priority is to keep NAC participants safe. The more that large cars or trucks come into this area, the more they are exposing their participants. He felt that the area should be sacred to keep the athletes safe, and he was in support of looking for solutions to what happens outside of the flow. He felt that they would need to limit the amount of traffic that comes into the roundabout to NAC traffic.

Commissioner Hall suggested using this as an opportunity to arrive at a creative solution. Ms. White stated that the problem is that the vendors and the trucks do not arrive at the same time, whereas the NAC has a predictable schedule. She mentioned that there is space for alternatives, but it is not within the NAC's purview or budget to create vendor turnarounds. It was noted that the NAC deliveries would not be made in this location; rather, they would receive deliveries at

Quinn's Junction for the purpose of keeping the area safe and trying to limit the traffic to the NAC participants.

With respect to an area used by commercial trucks, Ms. White stated that there was no room in that area to make it larger, but there were two other areas further down the road where there might be space for larger trucks. She added that if Vail and the Lodges got together, they might be able to reach some solutions. The NAC would not object to anything done along that easement road to make it better for the Lodges.

Commissioner Johnson stated that they love the NAC, and it does need an upgrade. He wanted clarification on the drop-off area because it is the NAC that needs it more than anyone else. He sought clarification of Paragraph 3 of the Easement Agreement and asked whether the NAC spaces would include a drop-off area for the shuttle on the north end of the building. The applicant clarified that there would be four spots to be used as drop-offs and would also be able to accommodate the NAC shuttles as well as emergency response vehicles.

Commissioner Johnson reiterated his concern with the language in Paragraph 3 of the Easement and wanted to make sure that the NAC had adequate area. He queried whether there should be an additional Condition of Approval to address this. He also referenced the language cited by Ms. Rentfrow regarding parking. Ms. White stated that they would have biking during the summer, and would continue to use that as a drop-off, not as parking. It was noted that if they were parking spaces, many would try and use those spots. Commissioner Johnson wanted to ensure that these drop-off spaces were being used by the NAC.

The applicant asserted that they intended to ensure that only NAC participants would use these drop-off spots. Commissioner Johnson wanted to ensure that the shuttle drop-off area was included in the definition of NAC spaces.

Ms. White remarked that the cul-de-sac is not really part of the easement, and she would make sure that is clear. She added that they do not want people parking in the NAC spaces in the summer because it would be the access point for Vail vehicles to get up on the mountain. Paragraph 3 makes sure that those areas remain clear and not parked. She noted that in the summer, the NAC would use those four spaces for drop-off as well.

Commissioner Van Dine stated that her questions had been answered, particularly those regarding the Lodges' involvement and how that would change the application and the Commission's action.

Commissioner Kenworthy requested clarification that the approval of the CUP would be conditioned upon the approval and recordation of the Mountain Center Subdivision, which would require an agreement between what NAC is accepting from Vail and the Lodges. Planner Ananth agreed and stated that prior to recording the Subdivision Plat, the applicant would have to show that they have sufficient access rights.

Commissioner Kenworthy stated that the NAC is the heart of the community and in an ideal world, everyone would be at the table to make this the best they could for the special needs people. He assured Ms. White that the Commission has done the best they could and fully supported going forward today and expressed hope that the other involved parties could quickly come to what is best for the heart of the community.

The Commission reviewed the amendments to the Conditions of Approval. Mr. Harrington stated that Finding of Fact 13 would become a Condition of Approval. They would also add to Condition of Approval 5 so it reads as follows: "Signage, refuse and lights shall be reviewed at Building Permit and must comply with all codes in place at the time of permit." He noted that an alternative to the first change could be to add to Condition of Approval 2 "any new use proposed for this site or any change to the parking plan must submit an updated parking, traffic and transportation plan for review and approval by the Planning Commission."

Commissioner Hall asked if the public comment received regarding the Easement were sufficiently incorporated into the Conditions of Approval. Commissioner Johnson wanted to ensure that the drop-off was incorporated, whether in the agreement or elsewhere. He was agreeable to not having this specifically as a Condition of Approval. Chair Phillips trusted that it would work as they expect as clarified by Ms. White. Mr. Harrington explained that an existing Condition of Approval on the Subdivision Ordinance requires an easement agreement before recording the Subdivision. Condition of Approval 1 on the CUP states that the CUP is conditional upon the Subdivision Ordinance.

MOTION: Commissioner Kenworthy moved to approve the Conditional Use Permit for a Ski Base Facility greater than 600 square feet, as amended by Commissioner Hall, and the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

1. The Applicant is seeking to construct a Ski Base Facility, greater than 600 square feet in the ROS Zoning District, which requires a Conditional Use Permit (CUP).
2. The existing NAC trailer located on PCMR property is approximately 1,800 square feet and has reached the end of its useful life.
3. The new building is 9,410 square feet and will include a check-in area and waiting lounge, accessible restrooms, changing rooms, a fitness room for program participants, equipment storage, and facilities for training and education.
4. The site is located within the Sensitive Lands Overlay (SLO) which was applied to the Resort's Open Space upon the annexation of the upper terrain into Park City in 2007 (Ordinance 2007-10).
5. Due to the already disturbed nature of the site and the site not being a Steep Slope, Ridgeline, wetland, Stream Corridor, or wildlife habitat Area, the Planning Commission determined at a Work Session on March 23, 2022, that a Sensitive Lands Analysis submittal would not be required for this application.
6. There are no Open Space requirements in the ROS Zoning District. Planning Department.
7. No Significant Vegetation is being removed for this project and no fencing, screening, or landscaping is proposed.

8. The proposed building meets all ROS Zoning District requirements including Setbacks (25 feet) and Building Height (28 feet).
9. Access to the site is via the extension of the driveway/fire lane leading to the garage below the Resort Condominiums.
10. Per LMC § 15-3-6(B) and § 15-4-18, Ski Base Facility Uses do not have a specific parking calculation per the table in § 15-3-6(B), but are required to present a parking, traffic, and transportation plan for review and approval by the Planning Commission.
11. The applicant is proposing four parking stalls including one ADA van accessible stall for loading and drop-off.
12. At the Work Session on March 23, 2022, the NAC stated that the new building, although significantly larger than the existing trailer, is needed to operate their programs and store equipment, and is not necessarily about increasing the number of participants served.
13. The NAC submitted a Parking Plan indicating that NAC employees and participants have used the free Resort parking for the past 37 years. Upon completion of the new operations building, in addition to Resort parking, they plan to operate shuttles from their Quinn's Junction location to the Resort, for staff and program participants, which could significantly reduce their parking demand at the Resort.
14. No noise, vibrations, odors, or steam are expected that may affect people and property off-site.

Conclusions of Law

1. The proposal complies with the Recreation and Open Space (ROS) Zoning District requirements.
2. The proposal complies with the criteria outlined in LMC § 15-1-10(E), Conditional Use Review Process.

Conditions of Approval

1. Approval of this CUP is conditioned upon approval and recordation of the Mountain Center Subdivision.
2. This CUP is for the National Ability Center's Use only and is non-transferable and does not run with the land. Any new Use proposed for the site must submit a Planning Department parking, traffic, and transportation plan for review and approval by the Planning Commission.

3. The building must comply with the City's Architectural Design Guidelines, LMC § 15-5-5. 4. Utilities and Drainage shall be designed and maintained to meet the standards and requirements of the City's Engineering Department.
4. Signage, refuse and lighting shall be reviewed at building permit and must comply with all codes in place at the time of permit.
5. Signage shall be posted after the driveway underneath the Resort Condominiums indicating NAC vehicles only beyond this point.
6. Signage shall be posted in the NAC Fire Department turnaround indicating No Parking, Fire Lane.
7. Signage shall be posted in the NAC parking area indicating NAC parking only.

Commissioner Van Dine seconded the motion.

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

- C. 316 Woodside Avenue - Steep Slope Conditional Use Permit - The Applicant Proposes an Addition to a Significant Structure with a Single Car Garage on a Steep Slope in the HR-1 Zone. PL-21-05087.**

City Planner II, Makena Hawley recommended the Commission hold a public hearing and continue this matter to May 25, 2022.

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

MOTION: Commissioner Hall moved to CONTINUE 316 Woodside Avenue Steep Slope Conditional Use Permit to May 25, 2022. Commissioner Johnson seconded the motion.

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

D. Municipal Code of Park City Amendments -- The "Storefront Property" Definition in Land Management Code Section 15-15-1 is Proposed to be Clarified and Municipal Code of Park City Section 12-3-1 of the Sign Code is Proposed to be Amended to Require an Active Business License to Retain the Installation of a Sign. PL-21-05063.

Assistant Director Ward explained that the Land Management Code ("LMC") Amendments involved collaboration between the Planning, Finance, and Economic Development Departments pursuant to City Council direction. She introduced Economic Development Manager, Jonathan Weidenhamer, and City Treasurer, Sara Nagel.

Assistant Director Ward explained that the proposed amendments address the definition of Storefront Property, and also include some changes to sign regulations. The Storefront Property definition is the foundation for several of the Codes implemented in the past several years to protect the vibrancy of Main Street. These codes included Vertical Zoning, Commercial Storefront Incentives to keep properties vibrant year-round, Conventional Chain Business Regulations, and Storefront Enhancement Zoning. She added that City Council directed Staff to clarify the definition of Storefront Property to help the public and Staff to apply these definitions moving forward and to incentivize storefront property vibrancy through temporary sign permit requirements that would require an active business license to maintain a sign installation. She explained that Vertical Zoning was enacted in 2007 to limit the uses within the first story of buildings within the Storefront Property definition to retail and restaurant establishments to activate the street.

The Vibrant Commercial Storefront regulations require that buildings in the Historic Recreation Commercial ("HRC") and Historic Commercial Business ("HCB") Zoning Districts have an active business license and are engaging in business for at least 60 days per quarter to qualify for a Single Event Alcoholic Beverage License.

Assistant Director Ward stated that the Conventional Chain Businesses were regulated to no more than 7 Storefront Properties in the HRC Zone and no more than 17 in the HCB Zone. The Storefront Enhancement Zoning ensures that any new development or redevelopment is within the historic streetscape. She explained that the proposed Amendments clarify that Storefront Property is measured from the edge of pavement back 50 feet. It also amends the definition to link the Storefront Property definition to all of the other Vibrancy Codes. Currently, the General Licenses Code in Title 4 covers the Vibrant Incentives, while Title 15 and different parts of the Code reference these provisions. The proposed Amendments do not make any substantive changes to the definition of Storefront Property; it simply clarifies and links everything together for easier reference moving forward.

Assistant Planner Ward presented how the amendments would be reorganized. She noted that the second change would be that businesses within a Storefront Property would be Vibrant in order to apply for a Temporary Sign Permit as an additional incentive. The final change would require an active business license to retain the installation of a sign.

In terms of public outreach, Staff reached out to the Historic Park City Alliance, the Park City Chamber of Commerce, and the Park City Ad Hoc Business Task Force. They received several inquiries about the proposed amendments, but no public input was submitted. She stated that Staff recommended the Planning Commission conduct a public hearing and consider forwarding a positive recommendation for City Council's consideration on May 26, 2022.

Chair Phillips disclosed that he is working on a project that might involve a future application to the Planning Commission, but it would in no way affect his decision on these amendments. Commissioner Kenworthy disclosed that he was the Past President of the HVCA. Chair Phillips confirmed that he is involved in a project on Main Street. Mr. Harrington stated that if any Commissioner were involved in a business that is potentially affected by the Ordinance directly, a disclosure would be helpful.

Commissioner Kenworthy addressed the Vibrant Commercial Storefront Incentives and asked how long it should be vacant so that they do not issue a Sundance permit. Assistant Director Ward stated that the current Code would remain the same. Commissioner Kenworthy noted that the Old Zoom Building has been vacant for a while. They want vibrancy out on that corner and temporary tenancies have not met the 60-day requirement so this building would not be able to obtain a permit for Sundance.

Economic Development Manager Weidenhamer stated that the Finance Department conducts quarterly site visits to all stores and storefronts, and any that are not considered Vibrant get a certified letter informing them of their current status. There are two one-year exceptions in the Ordinance that allow storefronts to either be under construction or are advertised for rent. He believed that the Old Zoom Building has enjoyed each of its two one-year exceptions and has now been put on notice that they would no longer be eligible unless they put a year-round business in there.

In response to an inquiry by Commissioner Van Dine, Economic Development Manager Weidenhamer confirmed that the Code specifically sets forth limitations as to how many times a building might use the "for rent" exception. He also explained that businesses have to be what they consider an Active Storefront; therefore, there is some discretion used by the Finance Manager. If they show up at 4:00 p.m. and no one is in a restaurant, they expect to see chefs working in preparation for service. He reiterated that ultimately the Finance Director had the discretion.

Commissioner Hall confirmed her understanding that the Amendments did not include substantive changes for the Storefront Definition for the 8 feet above or below grade. Chair Phillips noted that in 2007, they implemented Vertical Zoning and noted that they did some reworking of the Vertical Zoning around 2016.

Commissioner Hall stated that she fully supported the goals of the City Council outlined in the Staff Report, and if there were a way to substantively enhance that with the Amendment, she would like to take that opportunity.

Commissioner Kenworthy added that the Conventional Chain Business Regulation had fallen into place nicely and observed that there was a natural fall in the numbers. He recalled discussions over the past year or two where people have wanted to take advantage of the 8-foot requirement referenced by Commissioner Hall and put in more national branded venues. He stated it has not happened, but there has been discussion.

Mr. Harrington stated that if the Commission wanted to look at the Ordinance more broadly than the technical changes, they should request the entire team to come back to provide the pragmatic application of the Ordinance along the street as a whole. He referenced the changes made to the Vertical Zoning. He felt the strength of the Ordinance was in its technical foundation and the

numbers were based on good math. He offered that the import of these amendments was to better support Staff's enforcement of the Ordinance as written.

Commissioner Hall requested Staff provide an update on potential substantive language to capture more elements to align with City Council's goals. Chair Phillips noted that the Commission was in total agreement with this request. He recalled that they left the Vertical Zoning at 8-feet in the Lower Zone because they did not want to limit activating the plaza. They might want to look at doing that in the Upper Zone. Commissioner Hall stressed the importance of preserving historic Main Street, the view corridor, and the pedestrian experience, and suggested making it full height.

Commissioner Kenworthy added that there were always issues with real estate and with more of these private developments, they all want to sell on Main Street. He referenced the goal of Vibrancy to maintain the Historic Main Street District as the heart of the City for both residents and visitors. The business community has tried to push land use and connectivity and has stayed proactive on Main Street to achieve that goal. He noted that there would be millions of square feet coming in the resorts that want to keep the visitors at their properties. He would like for the City to continue to focus on these issues and remain proactive. Historic preservation is a huge economic boost for the City, and they need to stay ahead to keep the main goal.

Commissioner Hall added that increasing the height of the Storefront Exemption would be low-hanging fruit, and anything other than the Temporary Sign Permit or Single Event License that could be added should be explored.

Commissioner Kenworthy referenced Mark Stemler's comment regarding the Town Lift and how it could be used to connect Park City Mountain Resort with Deer Valley. He commented that this could be transformative if they could get the easements and cooperation of those resorts. He suggested looking at the Town Lift as offering a new dynamic to the town.

Commissioner Van Dine suggested the opportunity of discussing widening the sidewalks because the pedestrian experience is terrible. Mr. Harrington suggested the Commission address the technical changes before it and hold further discussion on substantive improvements at an upcoming Work Session. Commissioner Van Dine requested a Work Session to address the issues regarding the pedestrian experience. Commissioner Kenworthy also suggested a broader review and looking at a Master Plan.

Chair Phillips opened the public hearing.

Michael Sweeney stated that he would be happy to look further into making the Town Lift a better portal to connect the two resorts. They have looked at it since they brought Park City Mountain into existence.

Commissioner Kenworthy expressed appreciation for Mr. Sweeney and his family and hoped that they could advance this concept.

Mr. Sweeney agreed with all of the important things discussed by the Commission regarding the Vibrancy of Main Street and felt that the 50-foot provision was critical. He stated that he had done the best they could do to preserve the ability to keep the corridor available as open space while taking care of the biking, hiking, and skiing into Old Town in perpetuity.

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

MOTION: Commissioner Hall moved to forward a positive recommendation for City Council's consideration on May 26, 2022, for the Storefront Property Clarifications, Vibrancy and Temporary Sign Permits, Active Business License, and Signs as set forth in the Draft Ordinance attached to the Staff Report. Commissioner Kenworthy seconded the motion.

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

6. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 9:15 p.m.

APPROVED 05.25.2022