



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
April 13, 2022**

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

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

1. ROLL CALL

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

The following was read:

The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, April 13, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically.

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

Chair Phillips took a roll call of all Commissioners present in person and virtually.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from February 9, 2022.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from February 9, 2022, as written. Commissioner Van Dine seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from February 16, 2022.

MOTION: Commissioner Thimm moved to APPROVE the Planning Commission Meeting Minutes from February 16, 2022, as written. Commissioner Van Dine seconded the motion.

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

C. Consideration to Approve the Planning Commission Meeting Minutes from February 23, 2022.

MOTION: Commissioner Thimm moved to APPROVE the Planning Commission Meeting Minutes from February 23, 2022, as written. Commissioner Van Dine seconded the motion.

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

D. Consideration to Approve the Planning Commission Meeting Minutes from March 9, 2022.

MOTION: Commissioner Thimm moved to APPROVE the Planning Commission Meeting Minutes from March 9, 2022, as written. Commissioner Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

Deb Rentfrow referenced the Park City Mountain Resort Base Project application. She understood that the application was not on any agenda for the month of April and wondered if Staff would be willing to address what delay should be anticipated given the public interest in the project. She added that the more notice the better and requested a better sense of what was occurring and how long the delays would last.

There were no further public comments. Chair Phillips closed Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Phillips noted that there would be a site visit at Foxtail Trail on May 11, 2022. Planning Director, Gretchen Milliken, confirmed the site visit and stated that given the location, it would be helpful if they took a shared van. She reported that the van would leave at 4:00 p.m. on May 11 and asked the Commissioners to individually indicate whether they would be attending.

Chair Phillips asked if the shuttles would also be available for the general public. Director Milliken confirmed that the van would be solely for the Commissioners. She also clarified that this site visit was generally for the benefit of the Commission to obtain a better understanding of the site, the conditions, and the application. She stressed that this location is on a small neighborhood street but noted that the public would not be prevented from attending.

It was confirmed that Chair Phillips would provide an update on the site visit during the regular meeting on that date.

Director Milliken provided an update on the Lift Upgrade Application that was scheduled for an administrative public hearing this week. The administrative public hearing was continued to April 25, 2022, at 12:00 p.m. in the Council Chambers.

Commissioner Suesser asked why the hearing was rescheduled. Director Milliken explained that a number of criteria apply to the application, with the last criteria being parking and whether the lift capacity increase would increase the parking. Staff asked the applicant for a Parking Mitigation Plan, and the applicant requested additional time to provide supplemental information for their plan.

Director Milliken reported that Staff received an email from PEG and Vail that provided an update and explanation as to why they were not requesting to be on the April agenda. She noted that the email would be attached to these minutes. She also read the email verbatim, as follows:

“Thank you again for the City’s time investment at our in-person meetings earlier this month. We appreciate staff’s and AECOM’s willingness to sit collaboratively and discuss the base area proposed redevelopment and how it can further meet community-wide goals in addition to the many onsite benefits of housing and Transit First elements.

After not appearing on the agenda for the March meeting, we heard the questions from some Planning Commissioners for a status update. Please share this email with the entire Commission.

We very much appreciated the Commission’s feedback at the February hearing about our offsite parking proposal. In response, we went back through the record over the past two years to catalog the various requests from the Commissioners, recognizing the challenges of reviewing a large application entirely via Zoom hearings. Our review showed that we have provided or have addressed in public meetings the information that has been requested and the basis for keeping the proposal/information as presented.

Several Commissioners in February expressed concerns about the accuracy of our traffic counts since they were taken in 2017. The Resort and PEG worked very quickly following the February meeting to have traffic engineers gather counts over two weekends that included President’s Day weekend and the following weekend during which local ski programs were in session. As we presented in our in-person staff meetings in March, the updated counts taken are largely consistent with the counts used in our traffic analysis contained in our application proposal. In fact, the traffic analysis grew those counts based on anticipated regional growth, the inclusion of the project, and other projected development, meaning the information provided in our original traffic study includes larger counts, thereby driving more mitigation than is actually being observed as necessary on the ground today. At our March meeting, City staff and AECOM confirmed that this is representative of data that they have been collecting also. As requested by the Planning Commission, we have provided this updated information that can be discussed at our next Planning Commission hearing.

In addition to updated traffic counts, we have been working with staff on their feedback on our current proposal for offsite parking mitigation. We understand that the Planning

Commission also requested staff feedback on the proposal that was not available at the last meeting.

Lastly, we continue to explore other alternatives for potential offsite parking locations in response to the Commission's concerns about the Resort's use of Quinn's Junction Park 'n Ride and more dispersed parking options that utilize areas that are controlled by the Resort. This work is understandably time-consuming and ongoing and we appreciate the City's continued work with us as we explore alternatives.

Given the work that has been ongoing since the February hearing and the desire from the Planning Commission to receive a full staff analysis prior to the next meeting, we would request that we not be placed on the agenda for April. We are encouraged by our planning efforts and staff discussions and fully anticipate that our next Planning Commission meeting can include a robust staff report and greater alignment among staff, consultants, the Resort, and PEG on the redevelopment of the base area surface parking lots and related offsite mitigation.

We look forward to continuing our discussions and hope that this letter addresses our desire to maximize additional time to bring forward the analysis and information requested by Planning Commission.

Thank you. Robert Schmidt and Kara Bowyer."

Chair Phillips clarified that at this point they do not know when the applicant would be back before the Commission but offered that they could anticipate it might be the following month or the month thereafter.

In response to an inquiry, Director Milliken confirmed that there would not be any PEG meetings in April, and currently, there is no PEG meeting scheduled for May. Commissioner Van Dine clarified that the April 20 meeting was scheduled as a PEG-only meeting, so there would be no Planning Commission meeting on that date.

Commissioner Kenworthy asked when they expected the new traffic studies from PEG. Director Milliken expected that they would be presented when PEG comes back before the Planning Commission.

Chair Phillips announced that he would recuse himself from the first item on this meeting's Work Session Agenda, as he is involved in the application. Commissioner Suesser would serve as Chair for that portion of the meeting.

5. WORK SESSION

- A. Parcels: PCA-S-79-B and PCA-S-79-C (Bransford Parcels) -The Applicant is Proposing a Zone Change of Two Parcels for a Total of 39.62 Acres From Recreation Open Space (ROS) to Estate (E) Zoning With a Condition of Approval Limiting the Density to a Maximum of Two Single Family Homes. PL21-05042.**

City Planner, Makena Hawley presented an image from Google Earth showing the location of the area of this proposed zone change. She explained that the Bransford Parcels are parcels of

mining claims that have been owned by the Bransford family for almost 100 years. These parcels are currently zoned Recreation Open Space ("ROS") and support some City hiking and biking trails, as well as a ski trail easement for Deer Valley Ski Resort.

She noted that as of 1998, the Snyderville Basin Development Code located the parcels in the Mountain/Remote Zone, which allowed one dwelling unit per 40 acres, were noted in the Code as "preference," or one residential unit per 20 acres, which was the maximum amount, set by the Code. In 1999, the parcels were annexed into Park City with the Flagstaff Development Agreement, which was amended in 2007. That agreement organized the Bransford parcels with a group of other property owners in the area, and it was recognized as the Northside Neighborhood.

Planner Hawley explained that the Development Agreement stated that if the Northside Neighborhood could agree, the group would be permitted to develop 38 single-family homes and a church in the area. This would include the review and acceptance of a small-scale Master Planned Development ("MPD"). She further noted that the Development Agreement provided that if the Northside Neighborhood owners could not come to an agreement, then Deer Valley and United Park City Mines ("UPCM") could develop 30 single-family homes in the area.

Planner Hawley reported that at the time, the applicant was uncertain about the development of the property and did not feel that a fair agreement could be reached with the Northside Neighborhood. As a result, the bonus density of 8 units expired, and Deer Valley and UPCM proceeded to develop the 30 single-family homes per the Development Agreement. This development is now known as Red Cloud. She explained that the parcels were zoned ROS, as was the majority of annexed land in the Flagstaff Development Agreement, as well as land outside of the Flagstaff Development pods. Because the ROS Zone prohibits single-family home development, the applicant has requested a zone change for these parcels to Estate Zone. Planner Hawley stated that although the Estate Zone allows one single-family dwelling per three acres, the applicant has requested development of only one single-family home per parcel for a total of two homes on the entire 39.62 acres.

Planner Hawley summarized Staff's analysis of this application and explained that there were two parcels totaling 39.62 acres. The property is in the mountains, so there is a large amount of significant vegetation, some steep slopes, and recreation trails. The only existing easement is the Deer Valley ski run to the north of the property. She reported that the parcels are also located within the Sensitive Lands Overlay, which would require analysis as part of any sort of development.

Planner Hawley clarified that the parcels are currently zoned ROS and explained that the main difference between ROS and the proposed Estate Zone was that ROS purposefully pursues conservation activity. The Estate Zone supports development while prioritizing land conservation as compared with other residential development zones. She stated that the property is located in the Upper Deer Valley neighborhood as recognized in the General Plan. The closest neighbor is the Red Cloud Subdivision. She highlighted some of the development parameters in the Staff Report for consideration of anticipated impacts should the Commission find that the development could be adequately mitigated.

Planner Hawley noted that the applicant does not currently have access or utility easements to the property. The parcels have easements for accessing utilities through Twisted Branch Road and onto Red Cloud Trail. The applicant is aware that these easements are not in place and

would have to conduct a Sensitive Lands Overlay Analysis. She explained that the applicant has pursued this zone change to determine if the effort and resources needed for these utilities would be worth it.

She explained that pursuant to the Land Management Code ("LMC"), the Commission shall hear all requests for zone changes and forward a recommendation to the City Council. This Work Session was conducted to present the application to the Commission and receive feedback on the request. She noted that this would involve a discussion of development mitigation, and would address whether this request was reasonable, whether it could be adequately mitigated and whether further information would be needed.

Planner Hawley reported that Staff received an e-comment that was forwarded to the Commissioners and would be included in the public record.

Planner Hawley introduced Anne Bransford, on behalf of her family and Bransford Land Company LLC, and Jeffrey Kuhn from the Kuhn Company and the applicant's representative.

Commissioner Thimm asked if there was any precedent in Park City for a change in the zoning for an ROS parcel. Senior City Attorney, Mark Harrington, responded that there is another similar request pending, and felt that there might have been a portion of the Gilmore property that was upzoned. He explained that this request is different in that these parcels were in holdings in the annexation area and were not part of the annexation petition. Because the ownership percentages met the statutory requirement at the time of annexation, these parcels were annexed without consent and therefore zoned as ROS unless they came to an agreement as set forth in the Development Agreement. He added that because no agreement was reached the owners were not eligible for the bonus density, but it was anticipated that these parcels would come in with their own application if they did not join the Flagstaff Development Agreement.

Ms. Bransford noted that her family is no stranger to Park City. They came to the area in the late 1800s, and the family history ranges from mining to moguls. She presented some photographs to the Commission and stressed that the Bransford sisters are not developers. In addition to inheriting this property, they inherited the volunteering gene from their mother. Her oldest sister, Mary, has been a resident of Park City since 2001 and is a full-time realtor who has been involved in many charities but is passionate about affordable childcare. Her sister, Caroline has been a resident of Park City for about seven years and she delivers supplies, food, and snacks to the Peace House. She also supports the Valley West NAC and Fetch. Her sister has served on various boards over the years, and is all about conservation as well as being a great steward for the arts in Salt Lake City.

Ms. Bransford stated that she and her sisters are members of the Women's Giving Fund. She noted that she has spent her time as a single parent in Park City since 1999. She was a member of the Board of Education from 2008 to 2012 and has been an active member of St. Luke's Episcopal Church for 22 years. She and her sisters became stewards of this land that they refer to as a "slice of heaven." She presented some photographs of the property to the Commission and also discussed the hiking and mountain biking trails on the property.

Ms. Bransford stressed that it is not their intention to eliminate the trails and simply develop all of the property. They have cooperated with their neighbors for roughly 40 years and live by the Golden Rule. She presented the chain of title for the property and explained that it has been handed down through six generations. She thanked the Planning Staff, especially Planner

Hawley, for their efforts. She stated that they looked forward to rolling up their sleeves and working on how they can move forward. On behalf of her family, she thanked the Commissioners for their time and dedication in preserving the town. She added that Deer Valley provided complimentary ski passes, and, if appropriate, offering them to those who wanted to see Trump Run within the next few days.

Mr. Kuhn referenced the Flagstaff Development Agreement and the difficulty in interpreting it. He noted that the phrase "bonus density" started being used 8 to 10 years after the Flagstaff Annexation. These words do not appear in the Development Agreement or the 2007 Amendment. He felt that a better word would be "conditional density." He interpreted the Development Agreement as not making anything conditional on signing. The Agreement provided that if all the members joined, there could be 38 lots, and if there was no agreement, then the declarant could build out the 30 lots now known as Red Cloud. Mr. Kuhn was fascinated that Bransford was one of the three owners who did not sign, and noted that there was no discussion or clarification of who might get the lots as set forth in the Agreement.

Mr. Kuhn remarked that there was not a lot of precedent for zone changes on properties annexed under the Flagstaff Development Agreement. Based on his review of the Code, he has not found any provision that presupposes that there were any mistakes made at the time of the Flagstaff Annexation Agreement. He presumed that had all parties signed on, the developer and the declarant would have included the additional acreage in the subdivision plat, would have awarded an easement and stubbed in the infrastructure, and the density and zoning would have been developed. He wondered if there was an oversight in the change from ROS to Estate Zone at that time because clearly, the discussions anticipated that the parcels would be appropriate for eight additional lots.

Mr. Kuhn added that the ROS Zone was often used as a holding bucket for parcels where it was clear how they might be developed. He added that historically, development meant profits for the developer; however, times have changed. He offered that they feel that the highest, best use of the parcel is to put one exceptional estate on each one of the 20-acre parcels and preserve as much of the land as possible. He added that Bransford Land Company allowed trails to be cut on their property that should be accurately mapped. He stressed that the applicant was not asking the Commission to simply hand over the keys; they expect that any approval would be conditioned on Sensitive Lands, the ability to preserve Sensitive Lands, and the willingness to preserve the trails.

Mr. Kuhn stated that their goal for this Work Session was to begin the dialogue and obtain input from the Commission on what information might be necessary to move forward. He referenced the public input from the neighbor. He felt that the input made it clear that the neighbor would resist any crossing. Mr. Kuhn queried whether the Annexation Agreement, which stated that it created covenants that would run with the land in perpetuity, conveyed any access rights for those parcels that were annexed. He also queried whether the Agreement created any density rights.

Mr. Kuhn felt that there were several documents in which neighbors guaranteed access and agreed that access is necessary beyond any zone change in order to take the next steps. He assured the Commission that the applicant is aware of this, and commented that they expect this easement to be more arduous than most to acquire. He wanted to make sure that if it was determined back in 2007 that the land was appropriate for much denser Estate uses, then the current Planning Commission and City Council could arrive at a similar conclusion. Ms. Bransford

noted the litigation with their neighbor and emphasized that this development would have private road access, not public. Mr. Kuhn invited comments or questions from the Commissioners.

Acting Chair Suesser wanted more of an understanding of where the private road would be located, as well as the use and access of that road. Additionally, given the presence of steep slopes and significant vegetation, and that this parcel is part of a Sensitive Lands Overlay, she would like to understand where the developments would be located on the parcels, what would be disturbed, and what would be preserved.

Acting Chair Suesser also requested more information on the access issues that are part of the current litigation.

Commissioner Thimm agreed with the comments of Acting Chair Suesser. He would like more information on how the parcels would be developed. He also felt that conditioning any approval with respect to trails would also be important. Commissioner Thimm mentioned the importance of having an understanding of the capability of the utilities to be connected, and whether there would be additional disturbances as a result of running utilities to the parcels. He suggested a meeting with the Fire Department and the Police Department with respect to emergency services to determine whether there would be any hardship if these parcels were developed.

Commissioner Johnson agreed with the comments made by Acting Chair Suesser and Commissioner Thimm. He commented that if approved, this would create another island within the ROS Zone, and it would therefore be important to know where the road would be constructed.

Commissioner Van Dine echoed the prior comments of the Commissioners.

Commissioner Kenworthy requested further information on the recently recorded Access and Utility Easement Agreement. Mr. Kuhn confirmed that this Agreement extended the access to the portion that now separates the property from access and utility easements. Commissioner Kenworthy noted that the recent Agreement contained in the packet was between this applicant and Wells Fargo and includes Twisted Branch and Red Cloud Trail, as well as some unimproved areas. He understood that pursuant to this Agreement, the applicant was granted the right to bring those utilities through Wells Fargo's property.

Mr. Kuhn confirmed that the vehicular and utility easement runs from the gate near the roundabout at Empire Lodge up the length of Twisted Branch and through the gates at the top of the Red Cloud neighborhood, and then down to the Ontario Ski Bridge. The easement ends approximately 1,000 feet from the applicant's parcel. He added that the City came up with several proposed access points and reserved the right to extend utilities into the applicant's parcels. Snyderville Basin and the declarant stubbed out one of six stub outs directly across from the Ruby Hollow cul-de-sac. He also mentioned some City easements behind Red Cloud near Silver Cloud Road, which could be another access location that might have far less impact on the applicant's neighbor. Commissioner Kenworthy asked if all of the access options were landlocked. Ms. Bransford confirmed that they were.

Commissioner Van Dine inquired about the other properties that would be impacted by this application going forward. She wondered if changing the zone would set a precedent for other mining claims parcels and noted that there was not much precedence that would support an approval. Planner Hawley confirmed that she would provide that information.

Ms. Bransford stated that she would provide a map created by High Country Title that color-codes all of the landowners in the area. She noted that her real neighbor is not in Red Cloud; rather, the real neighbor is right up to and over the Wasatch county line, as well as into the City and Bonanza Flat. The neighbors also include the Brighton Estates owners and Deer Valley. It was added by Mr. Kuhn that virtually all of the other mines have sub-surface rights, but do not have surface rights over and above access and some other minor uses. Those other mines were annexed individually, and he did not believe that they had tax identification numbers. He offered that the applicant's property was unique in that it was the only private owner left that still owns the sub-surface rights, surface rights, has been annexed into the City, and has a tax identification number.

Acting Chair Suesser requested clarification that the Wells Fargo easement provided the applicant with vehicular access over Twisted Branch Road. Ms. Bransford confirmed that was accurate and added that it was an agreement and easement negotiated with Redus. She explained that the easement gives the applicant the right to use Twisted Branch Road to Red Cloud Trail and onto Ontario Bridge. The use also extends to Red Cloud Trail. She explained that the Empire Pass Master Association, as well as the Red Cloud Homeowners' Association, approved the Agreement. She referred the Commission to the Agreement to understand any limitations on use. She clarified that the access on Twisted Branch Road is for residents only.

Planner Hawley requested feedback from the Commissioners on whether there would be positive views on developing the applicant's parcels.

As the matter concluded, Chair Phillips rejoined the meeting and resumed the Chair.

6. REGULAR AGENDA

A. 45 Daly Avenue – Plat Amendment – The Applicant Proposes to Create One Lot from One Lot and a Portion of a Second Lot. PL-22-05141 (A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on May 12, 2022

City Planner, Lillian Lederer stated that the subject Lot is located in the Historic Residential (HR-1) Zoning District and is currently vacant. The applicant has proposed to combine Lot 4 and five feet of Lot 5 on Block 73. She reported that this application complied with the LMC, Chapter 15-2.2, and the HR-1 Zoning District. The proposed lot combination would total 3,300 square feet, which would allow for construction of a single-family dwelling. Any future development on the lot must comply with the HR-1 Zoning requirements.

Planner Lederer explained that the Development Review Committee reviewed the application on February 15, 2022, and no issues were raised. This Plat Amendment met all the requirements of the LMC and would record a Plat allowing for development on the Lot. She added that this Lot combination would create a consistent streetscape and is similar to other lots in the neighborhood. In addition, the proposed Plat would not impact the right-of-way. She reported that Staff did not receive any public input on this application, and therefore Staff recommended the Planning Commission hold a public hearing and consider forwarding a positive recommendation for City Council's consideration on May 12, 2022.

Chair Phillips asked if Lot 5 goes to the other border with Lot 6, and whether it has the same ownership. Planner Lederer explained that a separate owner owns Lots 5 and 6. Pursuant to the

Title Report, the applicant and owner of Lot 4 owns the five feet of Lot 5. Chair Phillips asked how the applicant acquired the five feet on Lot 5. Planner Lederer explained that the applicant used to own Lots 4, 5, and 6, and sold Lot 6 and part of Lot 5; she still owns the five feet of Lot 5.

The applicant, Deborah Kirby, clarified that she purchased 51 Daly Avenue in 1995 and sold it in July. She purchased Lot 4 and the north five feet of Lot 5 in 1987. Therefore, the five feet were already part of Lot 4 when she purchased it.

In response to a further inquiry from Chair Phillips, Ms. Kirby confirmed that if the Plat Amendment were approved, the width of Lot 5 would be in excess of the Code minimum of 25 feet. Planner Lederer added that the owner of Lots 5 and 6 would also present a Plat Amendment, as there is currently a single-family dwelling that straddles the lot lines.

Commissioner Suesser sought clarification from Staff that the remaining Lot 5 would remain over 25 feet wide. Ms. Kirby reiterated that the remainder of Lot 5 would be in excess of 25 feet wide because it is combined with Lot 6. Commissioner Suesser reiterated her request for confirmation that the remaining Lot 5, on its own, would meet the 25-foot width requirement.

Mr. Harrington stated that they could include a Plat Note stating that the remainder of Lot 5 would not be separately buildable without an additional lot combination of its' own.

Chair Phillips reiterated his concern that approval of this application would not create a Lot 5 that is not compliant with the minimum lot size. He understood that the owner of Lots 5 and 6 would apply for a lot combination in the future, but he would not want to create something less than a buildable lot of 1,875 square feet, thereby forcing the owner of Lots 5 and 6 to seek a Plat Amendment combining those lots to make it buildable. He suggested a Condition of Approval that they would not be creating a lot of less than 1,875 square feet.

Planner Lederer explained that without the five feet, Lot 5 is 28 feet in width; therefore, with this Plat Amendment, the width of Lot 5 would be reduced to 23 feet. Because the lot length of 100 feet would not be impacted, that would result in a lot size of 2,300 square feet.

Chair Phillips asked if there was a minimum lot width in the HR-1 Zone. Planner Lederer initially responded that the 25-foot width was the standard, as opposed to a Code minimum, but would confirm that for the Commission.

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

Commissioner Suesser reiterated her concern about the impact of this Plat Amendment on Lot 5 and was not comfortable approving this application without confirmation that approval would not create a sub-standard Lot that would not be buildable. Planner Lederer confirmed that the minimum width of an HR-1 Lot was 25 feet.

Chair Phillips suggested that the lot combination for Lots 5 and 6 should be presented before this application.

Mr. Harrington stated that they have done this many times and no one would be able to move forward unless they applied together. This has been a problem when they have existing titles of record with existing homes over lot lines. He noted that they have previously processed these

one at a time with the condition that states that they would not be creating a new lot of record. Chair Phillips was comfortable moving forward if they could condition the approval.

Commissioner Suesser noted that it was confirmed that the minimum lot width was required to be 25 feet; therefore an approval would create a lot that was less than 25 feet. Mr. Harrington disagreed and stated an approval would not amend the other Lot; an approval of this would only amend the Lot before the Planning Commission. He explained that this is why they conditioned it stating that they have not created the other sub-standard Lot; they have only allowed this Lot to be joined. He added that this would constitute an approval of half of a subdivision into this one, but the approval would not create a new Lot because the other Plat has not been amended.

He added that with this compromise the owner of Lots 5 and 6 would have to apply for a corrective Plat Amendment for those Lots, but this applicant should not be held hostage to the other owner. He commented that the concerns expressed were legitimate, but added that they have successfully conditioned other Plat Amendments in this way without opening up an argument that they created a sub-standard Lot.

Commissioner Thimm asked if Senior City Attorney was suggesting a specific Condition, a Plat Note, or both. Mr. Harrington suggested both and offered a Condition of Approval that there shall be a note on the plat affirmatively stating that Lot 5 is not being approved and can only be developed after a subsequent plat amendment on that Lot.

Commissioner Thimm was agreeable to this added Condition of Approval. Commissioners Van Dine, Suesser, and Kenworthy agreed as well.

MOTION: Commissioner Thimm moved to forward a positive recommendation to the City Council for their consideration on May 12, 2022, for 45 Daly Avenue, based on the Draft Ordinance, Findings of Fact, Conclusions of Law, and modified Conditions of Approval to include the provision concerning future development as a legal Lot based on a note to be added to the Plat:

Findings of Fact

1. The plat is located at 45 Daly Avenue within the Historic Residential (HR-1) District.
2. The 45 Daly Avenue Subdivision Plat consists of Lot 4 of Block 72 and five feet of Lot 5.
3. On January 11, 2022, the current owner and applicant submitted an application for a Plat Amendment to combine two existing lots into 1 legal lot of record containing a total of 3300 square feet.
4. Staff deemed the Plat Amendment application deemed complete on March 30, 2022.
5. The subject parcel PC-603-B (at 45 Daly Avenue) currently has a Fence built near property lines.

6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling. The proposed lot area meets the minimum lot area for a single-family dwelling.
7. The proposed lot area does not meet the requirement for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.
8. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed combined lot width is 33'. The lot depth is 100'.
9. The minimum front and rear setbacks are 12' or 13' for a total of 25'.
10. The minimum side yard setbacks for a 33' wide lot is 3 feet (3'), six feet (6') total.
11. The proposed plat amendment will not cause undue harm to adjacent property owners.
12. There are no existing encroachments on the affected parcels.
13. The proposed lot area of 3300 square feet is a compatible lot combination, as the entire Historic Residential-1 District has an abundance of sites with the same or similar dimensions and lot area.
14. The maximum footprint allowed in the HR-1 zone is 1370.7 square feet for the proposed lot.
15. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.
16. The analysis section of the Staff Report is incorporated herein.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because the combination of the two lots creates an unusual streetscape by combining a traditional old town lot with an extra five-foot parcel, and records the ownership of the lot combination.
2. The Subdivision Plat is consistent with Land Management Code Chapters 15-2.2 and 15-7.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the Plat Amendment, 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 City Planner, 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 will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued until the plat is recorded and until a Historic District Design Review application is submitted and approved for the proposed development.
4. The property is not located within the Park City Soil Ordinance Boundary 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.
5. New construction must comply with the Land Management Code.
6. The Applicant shall adjust or replace the existing Fence to reflect the new Lot's property lines at the time the plat is recorded.
7. Any construction on the property requires a Historic District Design Review through the Planning Department.
8. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards for new construction is a condition precedent to building permit issuance.
9. There shall be a note on the plat affirmatively stating that Lot 5 is not being approved and can only be developed after a subsequent Plat Amendment on that Lot.

Commissioner Van Dine seconded the motion.

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

- B. 949 Empire Avenue - Plat Amendment - The Applicant Proposes Removing an Internal Lot Line to Create a Single Lot of Record in the Historic Residential (HR-1) Zoning District. PL-22-05158 (15 min.) (A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on May 12, 2022.**

City Planner, Spencer Cawley, reported that Staff was requesting a continuance of this item to June 22, 2022, to allow the applicant additional time to review some lingering issues with the property.

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

MOTION: Commissioner Van Dine moved to continue the 949 Empire Avenue Plat Amendment to the Planning Commission meeting on June 22, 2022. Commissioner Johnson seconded the motion.

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

Commissioner Suesser noted that she voted in support of the continuance, but sought clarification of when the applicant requested the continuance. Planner Cawley advised that there were some concerns with the non-conforming existing double garage, a portion of which is located on the neighboring property. Part of the Plat Amendment would involve removing a portion of the garage, and the neighbors have not come to an agreement at this time. Planner Cawley confirmed that he first learned of the applicant's request to continue at 4:00 p.m.

C. 2656 Aspen Springs Drive - Conditional Use Permit - The Applicant Proposes Constructing a Guesthouse in the Single-Family (SF) Zoning District. PL-22-05160.

Planner Cawley stated that the applicant's representative, Jordan Bishop, was present. Planner Cawley explained that this application was for a Conditional Use Permit ("CUP") for the construction of a Guesthouse in the Aspen Springs Ranch Subdivision, Phase II. He presented a graphic showing the location of the property, which is in direct sight of McPolin Barn. He stated that construction is already underway on the main structure and stressed that this request is only for the Guesthouse. In response to an inquiry, Planner Cawley stated that the main house did not come before the Planning Commission in the last two years, but it did go through Building Permit review.

Planner Cawley reported that the subject property is located within the Single-Family ("SF") Zone and abuts the ROS Zone. He presented a Site Plan showing the location of the Guesthouse, which is planned to be in the front portion of the lot. He noted that it would be set back enough from the front plane of the main house, which complies with that requirement. He addressed the SF Zoning District Requirements and explained that the front setback would be 20 feet; however, the Site Plan indicates that the southwest corner of the Guesthouse would touch the front setback. Staff included a Condition of Approval that the roof overhang would not project more than 3' into the front setback.

Planner Cawley confirmed that the proposal meets the remaining Zoning District requirements. He explained that the proposal was reviewed against the Aspen Springs Ranch Subdivision Plat. Plat Note No. 11 calls out this Lot as subject to special design restrictions that apply primarily to the main dwelling structure; however, the Guesthouse must also comply with these restrictions. The restrictions include Limits of Disturbance, Maximum Floor Area, Height, Ridgeline, Upper Floor Area, and Wall Height and Length. Planner Cawley stated that the maximum Limit of Disturbance is 10,000 square feet. As the plans show the Limits of Disturbance of just under 9,000 square feet, this proposal complies with that requirement.

The Plat Note limits the Maximum Floor Area to 8,250 square feet. Planner Cawley reported that the main house floor area totals approximately 6,600 square feet, while the Guesthouse would be 1,200 square feet. This falls within the 8,250 square foot Maximum Floor Area requirement. He

added that there was a Condition of Approval that the applicant not exceed the allowed Maximum Floor Area per the Plat. With regard to ROS, Planner Cawley explained that the ROS line is also known as the line of non-disturbance. Therefore, Staff included a Condition of Approval ensuring that construction activity be confined to the SF Zone area of Lot 47. He explained that Maximum Height is capped at 25 feet, however, detached Accessory Buildings have a height limit of 18 feet. Planner Cawley noted that they included a Condition of Approval to ensure that the applicant would not exceed the height of 18 feet for the Guesthouse. This Condition of Approval also ties in the Ridgeline, Upper Floor Area, and Wall Height.

Planner Cawley read the restrictions on Wall Length as contained in the Plat. He referenced the footprint of the Guesthouse that showed that it would comply with the Maximum Wall Length because it is within 45 degrees of parallel. Planner Cawley next addressed the compliance of this proposal with the CUP criteria as outlined in the LMC. He noted that parking is always a concern with these requests, and a Guesthouse requires an additional parking spot. The single-family home requires two parking spots, and Planner Cawley reported that the main structure would have three parking spots in an attached garage. The Guesthouse would also have an attached garage that would provide one parking spot. He referenced Conditions of Approval 5, 6, and 7 that require the applicant to maintain what is allowed in the LMC for Fencing, Screening and Landscaping, Mass, Bulk and Orientation, and Lighting. He added that no signs would be allowed or approved with this CUP.

Planner Cawley pointed out that this proposal was consistent with the General Plan, Goal No. 7, which states that the City strives to create diversity of housing opportunities. He added that this proposal also complies with all of the Sensitive Lands Overlay criteria. He concluded by stating that the proposal complies with the LMC Section 15-4-6, which contain the requirements for a Guesthouse. Guesthouses are only allowed on Lots greater than one acre, and this Lot is 1.6 acres.

Additionally, a guesthouse may not be larger than 1/3 the size of the main dwelling, and the floor area may not exceed 1,500 square feet. He stated that the only Condition of Approval from this section of the analysis was that the Guesthouse may be detached from the main house, but it may not be sold or leased separately from the main house. He referenced the definition of Guesthouse which states that an Accessory Building and Dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents. Guesthouses are not a lodging Use where typically lodging services are provided. Nightly rental or any lease or use for payment is not allowed. This was included as a Condition of Approval.

Planner Cawley reported that the Development Review Committee reviewed this application on March 1, 2022, as did the Planning, Engineering, and Legal Departments. No additional concerns were raised.

Notice was sent out on March 30, 2022, to property owners within 300 feet, as well as the City's website, Utah Public Notice website, and in the *Park Record*. He reported that Staff did not receive any public input.

Planner Cawley requested the Commission consider approval of this CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Chair Phillips noted that everything presented fits within the Code, and they just want to make sure the Guesthouse is built as drawn. He asked if the City required a Record of Survey of the

foundation to make sure it does not go over the setback line. Planner Cawley explained that an additional Building Permit would be required in order to construct this structure. Chair Phillips suggested that if a Record of Survey were not already required, it would be reasonable to request the applicant have a Record of Survey to verify that they are within the setback.

Planner Cawley stated that when the applicant submitted the original Building Permit, the Guesthouse was a part of that application. He would review that to ensure that there is a Record of Survey.

In response to an additional inquiry from Chair Phillips, Planner Cawley confirmed that the Guesthouse could not be leased even for a year, pursuant to City Code.

Commissioner Suesser referenced Condition of Approval 4 and requested clarification of the reference in the Staff Report to a Maximum Height of 25 feet. Planner Cawley explained that the Plat requires that any structure built in the Subdivision could not exceed 25 feet. The LMC restricts that even further for the Guesthouse, and the proposal states that the Guesthouse would not exceed 18 feet.

Planner Cawley noted that the same analysis applied to Maximum Exterior Wall Height. Commissioner Suesser commented that the Staff Report does not include what was proposed and would like to see that in these analyses.

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

MOTION: Commissioner Johnson moved to approve a Conditional Use Permit for 2656 Aspen Springs Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

1. The property is located at 2656 Aspen Springs Drive, Lot 47 of the Aspen Springs Ranch Subdivision Phase II.
2. The property is in the Single-Family (SF) Zoning District and a portion of the Lot's rear is zoned as Recreation Open Space.
3. Lot 47 contains 1.6 acres.
4. A Detached Guesthouse, an Accessory Structure, is a Conditional Use in the SF Zoning District and requires Planning Commission review and approval.
5. On February 7, 2022, the Planning Department received a Conditional Use Permit Application to construct a Detached Guesthouse at 2656 Aspen Springs Drive.
6. On February 15, 2022, the Planning Department determined the Conditional Use Permit Application was complete.
7. The minimum front Setback for the SF Zoning District is 20 feet.

8. The minimum rear Setback for the SF Zoning District is 15 feet.
9. The minimum side Setback for the SF Zoning District is 12 feet, on each side.
10. The site plan indicates the southwest corner will touch the Front Setback.
11. The maximum height for an Accessory Structure is 18 feet.
12. The Plat states the maximum Limits of Disturbance (LOD) for Lot 47 is 10,000 sq. ft.
13. The Plat states the maximum Floor Area is 8,250 sq. ft.
14. The ROS zoned portion of Lot 47 is a non-disturbance zone.
15. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code § 15-1-10(E).
 - a. Size and Location of Site – No unmitigated impacts. The Lot is 1.6 acres. The Detached Guest House is proposed to be outside the ROS zoned portion of the property. The proposal complies with the size, height, setback, and location criteria for the Guesthouse as found in the LMC.
 - b. Traffic Capacity – No unmitigated impacts. Traffic generated by occupants of the Guesthouse will have minimal impact on traffic capacity.
 - c. Utility Capacity – No unmitigated impacts. All utility requirements will be reviewed during the Building Permit review phase.
 - d. Emergency Vehicle Access – No unmitigated impacts. Emergency vehicles can access the site from Aspen Springs Drive.
 - e. Off-Street Parking – Complies. LMC § 15-3-6 requires a Guesthouse to provide one (1) Off-Street parking space in addition to the required two (2) parking spaces for the main Structure. The Applicant proposes to build an additional garage with the Guesthouse to meet this requirement.
 - f. Internal Vehicle and Pedestrian Circulation – No unmitigated impacts. The Use of the Detached Guesthouse will not change vehicle or pedestrian circulation.
 - g. Fencing, Screening, Landscaping, to Separate Use from Adjoining Properties – Condition of Approval 5.
 - h. Structure Mass, Bulk, and Orientation – Condition of Approval 6.

- i. Useable Open Space – No unmitigated impacts. There are no open space requirements for a Single-Family Dwelling. The addition of the Detached Guesthouse does not encroach into the ROS Zone nor change the amount of useable Open Space in the Subdivision.
 - j. Signs and Lighting – Condition of Approval 7.
 - k. Physical Design and Compatibility with Surrounding Structures – No unmitigated impacts. The Detached Guesthouse is similar in design and scale in the Subdivision.
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures – No unmitigated impacts. There is no change in use that will result in additional noise, vibration, odors, steam, or other mechanical factors. All exterior mechanical equipment will be screened and comply with the Setback requirements.
 - m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas – Not applicable. No changes are proposed for delivery and service vehicles or trash and recycling management.
 - n. Expected Ownership – Not applicable. No change in ownership is proposed.
 - o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slope – Complies. The project is compliant with the Sensitive Lands Overlay (SLO).
 - p. General Plan Consistency – Complies. The General Plan calls out the importance of developing a Sense of Community. Goal 7 of the General Plan shows that the City strives to create a diversity of housing opportunities.
16. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

- 1. This Conditional Use Permit, as conditioned, is consistent with the Park City Land Management Code.
- 2. The Use is consistent with the Park City General Plan.
- 3. The effects of any differences in Use or scale have been mitigated through careful planning.

Condition(s) of Approval

1. The Applicant shall ensure that the roof overhang does not project more than three feet (3') into the Front Setback.
2. The Applicant shall ensure that the Detached Guesthouse does not exceed the allowed Maximum Floor Area as indicated on the Aspen Springs Ranch Subdivision Phase II Plat.
3. The Applicant shall ensure construction activity is confined to the LOD and the portion of Lot 74 zoned single-family.
4. The Detached Guesthouse shall not exceed a maximum height of 18 feet.
5. Fences and Retaining Walls shall comply with LMC § 15-4-2, Fences and Retaining Walls.
6. The project shall conform with the applicable sections of the LMC regulating Accessory Structure mass, bulk, and orientation.
7. No signs or outdoor lighting are proposed or approved under this CUP. The Applicant shall ensure all outdoor lighting is compliant with LMC § 15-5-5(J).
8. Prior to issuance of a certificate of occupancy, the Property Owner shall record with the Summit County Recorder's Office a deed restriction "Notice to Purchaser" stating the Guesthouse may not be sold or leased separately from the main house, nor used for Nightly Rentals.

Commissioner Thimm seconded the motion.

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

- D. Land Management Code Amendments -- Amendments to Non-Historic Zoning District Regulations and to Chapter 15-5, Architectural Review, to Comply with Changes to State Code Regarding Design of Single-Family Dwellings and Duplexes; Amendments to Chapter 15-6, Master Planned Developments, and Chapter 15-6.1, Affordable Master Planned Developments to Require Design Guidelines; Amendments to Section 15-1-18, Appeals, and 15-10-7, Board of Adjustment Appeals, to Clarify Jurisdiction and to Comply with Changes to State Code; Amendments to Section 15-15-1 to Update the Definition of Food Truck to Comply with Changes to State Code; and Non-Substantive Amendments in all Chapters. PL-22-05208.**

Assistant Planning Director, Rebecca Ward, explained that the above item addressed LMC Amendments for Architectural Review and Appeals. These proposed Amendments align with changes in State Code. She explained that there were three main changes. The first was to exempt single-family dwellings and duplexes from certain Architectural Review requirements. The second seeks to update the Appeals section, and the third amendment is to update the definition of Food Truck. She noted that there were also some minor, non-substantive corrections.

Assistant Planning Director Ward explained that in 2021, the Utah Legislature enacted House Bill 1003, which requires the Planning Department to change the way they review Building Permits. The State now requires the Planning Department to expedite Building Permits for single-family duplexes and townhomes and requires review and final approval within 14 business days. She added that the State now also defines a Complete Building Permit Application. Once the Planning Department receives and accepts a Complete Building Permit Application, it has a 14-day window to approve. This requires Planning Staff to coordinate with the Building Department to make sure all land use approvals are in place before they can even accept the Building Permit. This new process was implemented when this bill went into effect last year.

Assistant Planning Director Ward added that another component of this legislation was that the City is prohibited from imposing Building Design elements on single-family and duplex dwellings that are non-historic or in non-historic districts. She noted that the Historic Districts are carved out of the prohibition and the City can continue to review those applications through the Historic District Design Guidelines. She added that there are some minor modifications on what the City can review for single-family homes and duplexes, including some limitations on siding materials, design ornamentation, roof shapes, and window treatments. She explained that the proposed Amendments include the language from the State Code that outlines what the City cannot regulate for these single-family and duplex dwellings in the non-Historic Districts. She explained that the City could still regulate Building Design Elements if the single-family home or duplex is part of an approved Master Planned Development ("MPD"). The proposed Amendments allow for Planning Commission discretion in its review of MPDs and Affordable MPDs to regulate design in homes subject to a Development Agreement. As a result, the Planning Commission could require Design Guidelines on a project-by-project basis.

Assistant Planning Director Ward explained that the second part of these Amendments sought to clean up the Appeal sections and also comply with changes to State Code. First, in each of the Architectural Review sections for each Zoning District, they removed the Appeal language and consolidated it into one section. In addition, in 2017 the State Legislature enacted a bill that the City Council was required to be the Historic Preservation Appeal Authority; two years later, the State eliminated that requirement. Therefore, the proposed Amendments remove the City Council as the Historic Preservation Board Appeal authority, and the authority returns to the Board of Adjustment.

Assistant Planning Director Ward also noted that this year, the State Legislature enacted House Bill 303, which clarifies the definition of a Land Use Decision. The previous definition was broad and included enforcement of a land use regulation or Development Agreement. The new Bill defines a Land Use Decision as final action and approval of an actual permit. The proposed Amendments clarify Section 15-1-18, that Final Action by Planning Staff may be appealed. She referenced three sections of the Code that outline the appeal process. Section 15-1-18 governs all Appeals of land use decisions. Section 15-10-3 outlines the Board of Adjustment's powers and duties, and Section 15-10-7 is a separate section for Board of Adjustment appeals. She explained that the latter two sections were amended in 2015. Section 15-1-18 has been amended seven times.

She explained that Staff proposed to remove restrictive language regarding the Board of Adjustment appeal authority so that the Board of Adjustment may review all Historic Preservation Board appeals, final actions, and Staff-level final actions. The proposed Amendments also remove contradictory language and provide that appeals of Planning Director and Planning Staff final actions that are not related to Historic District applications would come before the Planning

Commission. She reiterated that all Appeal language would be contained in one section to allow for consistency in the Code.

With regard to Food Trucks, Assistant Planning Director Ward explained that the Legislature had enacted several bills over the past two years to establish reciprocal business licenses, approvals, and other reviews from jurisdiction to jurisdiction. This year, the State Legislature expanded the reciprocal licensing to include Food Carts and Ice Cream Trucks, which are included in the proposed Amendments. They also included minor updates referencing the State Code, updated internal citations, and created consistent references to the Design Guidelines for Historic Districts and Historic Sites. They also included gender-neutral updates, updated the references to the International Building Code which replaced the Uniform Building Code, and cleaned up language regarding setbacks.

Assistant Planning Director Ward reported that Staff recommended the Planning Commission review the proposed Amendments, conduct a public hearing, and consider forwarding a recommendation for the City Council's consideration on May 26, 2022.

Commissioner Suesser asked about appeals of final actions by the Planning Director and Planning Staff to the Planning Commission and wondered where an appeal from the Planning Commission would be heard. Mr. Harrington confirmed that they would be heard in the District Court.

Commissioner Suesser expressed support for the changes. Commissioner Kenworthy agreed.

Chair Phillips asked if there were any changes to the licensing of Food Trucks. Assistant Planning Director Ward recalled that there were some minor changes to help with acknowledging approvals from jurisdiction to jurisdiction.

Commissioner Suesser found it interesting that the Food Truck definition stated that they might park and sell product for 10 hours or more per week. Assistant Planning Director Ward explained that it would depend on the underlying approval through the Planning Department. Food trucks are allowed if there is an approved food truck location. She would look into this further and felt that the language was aligned with the State Code enacted a few years back.

Mr. Harrington stated that they could provide clarity on this before it goes to City Council. Assistant Planning Director Ward added that pursuant to the licensing code, the food truck may not park in one location for more than 12 hours during any 24-hour period. She would look into the 10-hour requirement. She clarified that they were not making any changes to the Food Truck Location section; the only changes were on line 4639 in the Ordinance, which is the definition of Food Truck.

Chair Phillips recalled some changes to the Food Truck section a few years back, in which State law limited the City's ability to regulate, and changes were made to the language.

Assistant Planning Director Ward shared the proposed changes to the definition of Food Truck, which adds a Food Cart or an Ice Cream Truck. The 10-hour provision is already part of the Code in the section governing Food Truck Location.

Mr. Harrington recalled that the 10-hour provision came from State Code and triggers the scope of City licensing. If a food truck is operated less than 10 hours on private property, then the City

cannot license it. The City could not regulate a food truck that operated less than 10 hours per week on private property. He reiterated that they would clarify this in their next Staff Report.

MOTION: Commissioner Johnson moved to forward a positive recommendation for City Council's consideration on May 26, 2022, for the Land Management Code Amendments as outlined 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.

7. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 8:00 p.m.

APPROVED 04.27.2022