



**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

March 16, 2023

The Council of Park City, Summit County, Utah, met in open meeting on March 16, 2023, at 5:30 p.m. in the City Council Chambers.

SPECIAL MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Max Doilney (via Zoom) Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly Jennifer McGrath, Deputy City Manager Mark Harrington, Senior City Attorney Michelle Kellogg, City Recorder	Present
Council Member Ryan Dickey	Excused

II. PUBLIC HEARING

1. Deer Valley Development Company Petition for the City to Vacate Portions of Right-Of-Way on Deer Valley Drive West and South, and to Dedicate Doe Pass Road to the City, as Part of the Snow Park Village Base Area MPD and Subdivision Application. No Action Will Be Taken:

Mayor Worel indicated Deer Valley Resort would be presenting, but there would not be a staff presentation. The purpose of the meeting was to gain public input on this item. She also quoted Resolution 8-98, which dictated that vacation of public rights-of way (ROW) required findings of good cause for the proposed vacation and that neither the public nor any person would be materially injured by the vacation. Good cause is defined in the Land Management Code as providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as providing public amenities and benefits, resolving existing issues and nonconformities, addressing issues related to the density, promoting excellent and sustainable design,

utilizing best planning and design practices, preserving the character of the neighborhood and Park City, and furthering the health, safety, and welfare of Park City's community.

Todd Bennett, Deer Valley Resort (DVR) President, with Wade Budge Deer Valley Land Use Attorney, Hannah Tyler, Deer Valley Vice President of Resort Planning, and Jake Romney, Director of Development, were present. Budge reviewed that DVR attained the entitlements for the Snow Park area in 1978. There were 12 amendments since that approval. There were a fixed set of MPD unit equivalents (UE) which were provided for this area. These units would be planned in a way that would be beneficial to the resort as well as the community. He wanted to produce positive benefits for the community. They had meetings for the public in January and were now presenting to the Council. One thing they considered when looking at the "Good Cause" requirement was that this project would incorporate well with City priorities and values, including improvements that would facilitate patrons arriving on transit. The proposed ROW vacation would make the loop continue, but it would continue further to the north. They were moving the front door of DVR to the north. There would also be a multimodal center, multiple drop off locations, and food and entertainment options by the drop off areas.

Romney explained the layout of the proposed area. He noted the drop offs would be closer to the ski lifts with direct access to the ski school. Bennett stated there would be a new transit center that would include restrooms, lockers, bike parking, a bus charging station, a welcome center with arrival data, and more. Romney indicated they prioritized pedestrians, bikers, and buses. They would widen the paths and roads for the season priority. It would also help with emergency ingress and egress and it could become two lanes for special events. He noted traffic signals and crosswalks would be added to increase safety for pedestrians.

Budge stated the project emphasized multimodal transportation and he felt DVR was giving back to the community by providing that. But the multimodal center hinged on the ROW vacation. He asserted traffic impacts would be reduced with this plan and a key part of the project was affordable housing. Tyler indicated they planned an affordable housing project in the Bonanza Park area that would accommodate 200-250 units. She thought locating the housing in town would give employees access to more amenities that the rest of the community enjoyed.

Romney referred to the DVR website where many letters of support were published. He noted Powder Run and Trails End, two communities located next to the project, were supportive of the plan.

Mayor Worel opened the public hearing.

Angela Moschetta stated some of the public did not have the knowledge that staff and the developers had. They depended on the public process to give their voice and opinion. She reviewed the history of DVR. She stated the ROW vacation variance was an exception to the MPD and Council would decide on it. A group was formed to analyze the documents and they determined the ROW should not be granted.

Laurel Berry, resident of In the Trees, 84060, reiterated that the vacation must not materially injure anyone. She thought the circulation plan and ROW vacation would seriously impact residents entering and exiting her neighborhood. People exiting the neighborhood would not have a safe U-turn as they currently had because of grading. They would have to take alternate routes and that would be an unfair burden.

Melissa Davidson, Counsel for Lakeside Condo Association, 84060, stated the proposed improved road would not have adequate separation from the Lakeside neighborhood. If Alterra maintained control of Doe Pass Road, the units abutting the road would endure the increased noise and congestion on that road. She asserted patrons were currently not walking that far to ski since there were movers that took patrons from parking lots to the tunnel. She noted the distance was removed from the December packets.

Carol Chenevert, 84060, via Zoom agreed with what had been stated already and noted the development didn't take into account how the neighbors would be impacted.

Carol Shanenberg 84060, stated Romney promised to shift traffic with the new plan, but she felt there were unknowns and shifting variables. She indicated Council could not decide on this, but they should verify mitigation of negative effects of the proposal.

Bob Boone, American Flag HOA president, stated the Alterra attorney asserted DVR submitted an MPD application, which was not true, and there were several inaccurate assertions on the circulation plan and traffic study. He stated the two neighborhoods that supported the plan would get a private access and the other conditioned their support on not having a bus lane. Boone noted Alterra offered a sheltered bus center, but the cars would be sheltered in underground parking.

Norman Schwartz 84098, stated the road to exit Deer Valley was overstretched and a condition of approval (COA) should be approved to alleviate that. There were many methods to help with that. He suggested a flex lane from Deer Valley Drive to SR-248 and UDOT should widen SR-248. This proposed project would create a horrible traffic condition. The approval of the vacation was the first step to the approval of the process. He suggested a Highway 40 entrance to the gondola. Deer Valley should improve the Deer Crest gondola as a condition of the process.

Scott Martin, Amber Day Star Board Member, stated Park City had no evidence that paid parking would reduce traffic. DVR was at capacity 26 days this year and overflowed the Treasure Mountain Junior High School overflow parking. He gave other data on parking and indicated there was traffic gridlock even on nonpeak days. He noted the applicant was no longer requesting a parking reduction. He asked for accurate data.

Lori Frankel, 84060, stated paid parking was not a deterrent for ski elites. She quoted a WCG study that indicated the project would increase traffic and she stated this was reason alone for not approving the ROW vacation. She thought the plan had less residential units and more amenities that would attract non-skiers. She noted all impacts were not considered during peak hours and special events.

Allison Kitching, 84060, quoted studies of the area from Hales and WCG. She stated the Hales study fell short because nothing compared to field observations. She felt it was essential that cars and people should be counted. Pick up vehicles could be in those areas for an average of 15 minutes. Shuttle drivers took 30 minute breaks and left the shuttles in the drop off areas. She noted the 12-foot lane would only be eight to nine feet in some areas.

Lisa Wilson 84060, stated she was aware of the streets and relied on them to get in and out. The traffic today was the worst she had seen in 30 years, and she couldn't get out from 4:00 p.m.-6:00 p.m. She felt there needed to be multiple directions to give drivers options. She requested to keep the roads that currently exist.

Scott Greenberg, 84060, Hidden Oaks HOA President, stated the HOA was not in favor of the ROW vacation and noted that street was the property of the taxpayers. He asked what benefits this would bring to the local residents. He didn't think it was good for the residents, but it only favored Alterra.

Kristin Gentili 84060, stated the traffic counts were collected in 2020 before the Ikon pass came to Deer Valley. A new traffic study should be performed. Alterra limited the focus to the loop and it should expand to the adjacent neighborhoods. She indicated increased transit adoption would not mean a car reduction if the area was expanded. She thought the plan would increase traffic outside the resort area. Alterra did not offer compensation for the vacation, which was required by code. She felt the ROW was significant and should not be disposed of as stated in the code.

Mark Mitchem 84060, asked if the road to the resort would be expanded by eminent domain. He pointed out more traffic would lead to more idling which caused more

pollution. He stated there were also ordinances that weren't enforced, such as construction trucks using their jake brakes.

Kim Tessabe 84060, represented Powder Run and stated her comments related to pedestrian safety. The proposed development would make improvements near the neighborhood that would include crosswalks, transit, trails and sidewalks. They supported the ROW vacation.

Allison Keenan 84060, stated she and her neighbors were dedicated to providing information about the project so there would be an informed discussion on this issue. More than 1,000 people were part of her group. Most respondents were in favor of a base village, but not the proposed plan. She felt the current proposal harmed several people and it was not justified. She asked for a plan that was balanced with resort wants and community needs.

Brad Bacdru 84060, indicated the vacation ROW would shift all traffic to Doe Pass. That would make it difficult for him to exit.

Charlotte O'Connell 84060, stated she watched the traffic every day and noted the traffic during peak times. They did noise level tests and traffic noise was over 84 decibels, which was not okay. She also wondered what the resort would do about the water going under the mountain.

Melissa Davidson for William Shepherd: Shepherd stated DVR indicated it could not redevelop without the vacation, but years ago a plan was designed without the ROW vacation. He also noted the ski beach and mobility hub was designed around the ROW. He requested the vacation not be granted.

Jeanne and Joe Graupmann 84060, lived across the street from Doe Pass Road. They read analyses about the project. They also met with Jake Romney and other team members to discuss their concerns. She thought the resort addressed traffic and parking in their plan. They also did not seek additional density with the plan. She felt DVR was an open and responsive partner. They also had sustainability as a top priority. They supported the proposed plan.

Amrit had concerns with the plan and felt Alterra was not open. He didn't think they had alternative proposals because they hadn't been forced to design them. He suggested the City ask for alternatives.

Brian Kinkead eComment: "My wife and I have been full-time residents of Park City since March 2020. We live in Park Meadows. We own a condo at the Silver Baron

Lodge. When we purchased the condo, an important factor driving our decision to buy it was the prospect of the ugly Snow Park parking lots being developed into a ski village. We are excited about the proposed development of Snow Park and believe it will enhance the skiing experience for local and visiting guests alike as well as improving the aesthetics of the area where the parking lots are located. We lived in our Silver Baron Lodge condo for 15 months from March 2020 until Sept 2021, when we moved into our current home. Based on our observations then and our continuing, year-round use of Deer Valley Resort, we don't think the development of the village, including the RAW proposal will adversely affect traffic. The development of the village may or may not attract more out-of-state visitors to Deer Valley, but regardless, please keep in mind that most don't rent cars or if they do, only use them for the trip to and from the airport. While here, they use transportation provided by their lodging, take an Uber, or use the bus or walk. We agree with Deer Valley that the village and its amenities, once opened, will induce many guests to stay for apres ski activities thereby dispersing departure times. We don't think the closure of the loop under the proposed RAW will adversely affect traffic. Most people use one side or the other of Deer Valley Drive, not both, on the same journey. Under the current configuration during ski season, most drivers have to turn to access the drop off point or exit from it. The proposed arrangement is no different. Furthermore, the RAW will allow direct access to the village for guests without having to cross the road, enhancing safety and convenience and making it more likely the village amenities will be used. In sum, we are enthusiastic about the proposed development of Snow Park."

Maureen Murtaugh eComment: "On March 3, 2022, I wrote to you regarding the Alterra request that the city vacates a significant portion of Deer Valley Drive for their project. In my email of March 3, 2022 (appended below), I outlined the following significant concerns: 1) Lack of transparency and following the prescribed process; 2) Traffic impacts along Deer Valley Drive North and East; 3) increase in carbon pollution; 4) handicap access 5) remaining unknowns and most importantly; 6) safety. Few, of my concerns have been mitigated by the process of the past year. In weighing the material good vs. harm of the project I ask that the city council weigh the already bad traffic and the promise of making traffic in lower deer valley and Park City worse within the current Park City infrastructure. The points underlying this material harm are: 1) public safety risks that the traffic introduces (eg reduced access for emergency vehicles). 2) health risks from the pollution from cars emitted when it takes lower Deer Valley Residents an hour to get to Prospector, a 2.7 mile drive that takes 7 minutes without afternoon ski traffic. The material harms associated with air pollution include a reduction in birthweight and increased prevalence of preterm birth (<https://pubmed.ncbi.nlm.nih.gov/35001469/>), adverse effects on neurodevelopment (<https://pubmed.ncbi.nlm.nih.gov/36915692/>). Further information is evident in the 3,333 peer-reviewed papers that appear to the search "air pollution and health effects

(<https://pubmed.ncbi.nlm.nih.gov/?term=air%20pollution%20and%20health%20effects&sort=date&page=2>). In this body of literature, it is suggested that even transient increases in exposure to ozone result in significant adverse health effects. 3) the movement of the Queen Ester and Solamere drive intersections towards worse traffic ratings 4) There is no apparent plan to compensate Park City for vacating the land. Alterra has an already highly successful business that I wish will continue. One could argue that their business is already so successful, that they will need to manage visitors by requiring reservations for IKON pass holders next year. One can't ignore the potential material positive of the development is increased tax revenue. This increased revenue might be used to mitigate the already horrendous traffic. However, any positive is tempered by the approved increase in the number of parking spots under the existing approval and the routing of nearly all traffic in one direction. This routing unfairly increases the traffic burden on the neighborhoods around Deer Valley Dr. North promising to make traffic worse for Deer Valley neighbors. Additionally, Alterra has not provided any evidence to support that the development cannot be successfully completed under the current agreement and still provide the material positive of increased tax revenue. I propose that the city council reject the ROW vacation. Alterra then has several options. They can then move forward within the confines of the existing agreement or proceed in a transparent process with plans to mitigate traffic in alternative plans that have been requested and alluded to but not produced for public comment."

Mayor Worel closed the public hearing.

Council Member Gerber moved to continue Deer Valley Development Company petition for the City to vacate portions of right-of-way on Deer Valley Drive West and South, and to dedicate Doe Pass Road to the City, as part of the Snow Park Village Base Area MPD and Subdivision application to a date uncertain. Council Member Toly seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Doilney, Gerber, Rubell, and Toly

EXCUSED: Council Member Dickey

III. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

January 18, 2023

Dear City Council and Planning Commission Members,

The undersigned Deer Valley residents and homeowner associations oppose Alterra Corporation's (Alterra) Right-of-Way Vacation Petition (Petition) and Site Circulation Plan (Plan) submitted to the City Planning Commission (CPC). We respectfully request that the CPC recommend that the Petition be denied and the Plan as presently presented by Alterra be denied, and that the City Council deny the Petition (that is not vacate the right of way). Alterra's Petition and Plan should not be granted or approved because Alterra fails to satisfy the requirements under Utah Code 17-27a-609.5 and Park City Resolution No. 8-98 to vacate a public road, and Alterra can pursue viable, less disruptive development designs on its existing plot(s) of land without vacating the right of way.

What Alterra Must Demonstrate Under Utah Law

Per Utah Code 17-27a-609.5, to vacate a public street (road), there must be a finding of (1) good cause and (2) no material injury to the public interest or a person. "Resolution No. 8-98 states the City may generally find good cause when a proposal demonstrates a "net tangible benefit" to the immediate neighborhood and the City as a whole" (Work Session Staff Report, March 15, 2022). Alterra bears the burden of demonstrating each of these requirements. Each requirement is a high bar. Unless Alterra carries that burden, neither the CPC nor the City Council should find in favor of granting the Petition or approving the Plan.

Furthermore, it is important to remember that, per Park City Municipal Code 15-6-1, the City has a duty to "protect Residential Uses and residential neighborhoods from the impacts of non-Residential Uses, using best practice methods and diligent code enforcement." Thus, an adverse impact on any residential neighborhood or residential use from the proposed right of way vacation and/or Alterra's Plan would constitute a material injury to the public interest or a person.

As explained below, Alterra fails to satisfy each of the requirements of section 17-27a-609.5.

Alterra's Petition and Plan

Alterra proposes that the City vacate its interest in a heavily-used, high value land parcel three times the size of a relatively unused, low-value parcel, because Alterra wants more land to (a) achieve a certain aesthetic look to its proposed development design, (b) force patrons to arrive farther away from Snow Park Lodge so they must walk past Alterra's proposed retail spaces to generate revenue for itself, and (c) extend the Carpenter ski lift and replace the Silver Lake

Express lift with a gondola (also with an extended base). To accomplish these objectives, Alterra requests the City to vacate its interest in 114,530 square feet of Deer Valley Drive South and West and transfer that property (the ROW) in fee simple to Alterra. In return, Alterra proposes to dedicate to the City a 40,257 square feet plot of land now known as Doe Pass Road.

Alterra Fails to Demonstrate Good Cause to Vacate the ROW

Alterra's Petition fails to demonstrate good cause – that is, a net tangible benefit to the immediate Deer Valley neighborhoods and to Park City as a whole – to vacate the subject portions of Deer Valley Drive South and West.

Good Cause Cannot Be Determined Unless and Until Alterra Submits Alternative Designs Assuming No Vacation of the ROW, As the City Council Requested Alterra in March 2022. The ultimate issue in this Application is whether Park City will grant Alterra's request to vacate the subject ROW and deed over to Alterra a large parcel of land so that Alterra can utilize that additional tract and the current parcels it owns, to develop the design it has proposed. At the March 2022 City Council meeting, numerous Deer Valley residents, and greater Park City residents as well, voiced opposition to vacating the ROW. As a result, the City Council requested Alterra to provide alternative designs – that is, development options assuming no vacation of the ROW, utilizing only the land Alterra now owns. In other words, the City Council asked Alterra to submit design options under the Deer Valley Resort's 12th Amended and Restated Large Scale Master Planned Development (MPD) Permit which is now in effect. The CPC subsequently advised Alterra to submit such alternative plans.

That was a reasonable request by the City Council and the CPC because the details of such alternative design options should provide all stakeholders – Alterra, Park City residents, the City Council and the CPC – with sufficient information to properly evaluate the ultimate issue. Without that information, one cannot fairly determine if there is good cause to vacate the ROW – that is, if there exists a “net tangible benefit to the immediate neighborhood and the City as a whole,” or that vacating the ROW will not result in any material injury to any person or the public interest.

Unfortunately, Alterra has ignored the City Council's request and the CPC's advice, and refused to submit any alternative plans that assume the ROW is not vacated. Alterra says that it cannot develop the land it currently owns without also acquiring the ROW. Alterra claims that it has looked at alternatives without the ROW, but all such design plans devolve into a crowded group of townhomes and/or condominiums situated awkwardly on the existing parking lots, and that no “world-class village” can be achieved. This makes no sense. Alterra's existing land is enormous and can accommodate a hotel, condominiums and the retail establishments it desires to comprise a “world-class village.” It may not look exactly like Alterra prefers, but it is feasible to design and build such a village on the existing plot. Indeed, prior to Alterra's ownership of Deer Valley Resort, Deer Valley Resort proposed and agreed to a development design that contains all the same features (hotel, condominiums, retail spaces and restaurants) on the same land now owned by Alterra. That Alterra's refusal to disclose what other

purported alternative designs it has considered is highly suspect. At a minimum, Alterra should be required to provide the details of any alternative plans it has considered, and explain why those are not viable alternatives.

Alterra Cannot Show That Its Traffic Circulation Plan Will Actually Work or Benefit the City.

As part of its plan, Alterra wants to (1) take away the current loop so that it can move existing utility lines under what is now Deer Valley Drive West and build an underground garage; (2) narrow the existing traffic lanes to create a third lane for buses; (3) move the bus stop further away from Snow Park Lodge and the ski lifts to force patrons to walk through retail and restaurant section of the “village”; (4) move and significantly reduce the drop-off area for skiers and ski school children; (5) charge for parking to create a huge revenue source; and (6) reduce the number of required parking spaces by 20% to reduce construction costs.

Alterra claims that its Plan will result in less traffic in and out of Deer Valley and will increase use of Park City’s public transit system to bring skiers to and from Deer Valley. But Alterra has not demonstrated that the Plan will actually result in either of these. Alterra’s traffic studies and simulations are a black box. Alterra has not disclosed the underlying assumptions or data so that those can be tested for reliability and accuracy. Alterra has not conducted a reliable survey to determine whether residents of Deer Valley, Park City, immediate neighboring towns (Jeremy Ranch, Heber City, Midway, Kamas), or Salt Lake City will convert to using public transit to ski Deer Valley once the project is built. We know from the reliable surveys commissioned by Protect the Loop that only 8% of people use public transit to get to Snow Park; the typical Deer Valley Resort customer is unlikely to convert to using public transit; and Deer Valley residents are highly unlikely to use public transit. Nor has Alterra conducted any surveys to determine if tourists staying in any of these areas will use public transit as opposed to some other form of transportation (e.g., rental cars, Ubers, shuttles, etc.) that will add traffic congestion. As a further example, Alterra has not provided any time motion studies showing the impact of whatever parking payment system it plans to use will have on traffic in and out of, and inside, the proposed underground garage, and the domino effect it will have on roads leading into and out of Deer Valley. As a final example, Alterra has not conducted studies or disclosed any analysis of how drivers will “cheat the system” or respond to traffic congestion, such as how many cars transporting day skiers will divert to the proposed drop off area at the end of Deer Valley Drive East to drop off skiers before entering the parking garage. Such a maneuver could halt traffic because cars returning from the drop off will need to turn left against oncoming traffic either into the garage off of Deer Valley East, or first onto Doe Pass Road and then again into the garage.

Alterra admits that it does not have sufficient data to accurately evaluate the traffic flow under the proposed plan. Alterra says the purported traffic flows are “just forecast,” and because “lots of things are in play,” we have to “wait and see.” What Alterra is really saying here is, “We have no idea what traffic is going to be like, how bad it is going to be, if our plans will help the current traffic situation, or if more people will use public transit.” This is tantamount to Alterra

admitting that it cannot identify a tangible net benefit with respect to traffic flow and public transit.¹

Alterra Wants to the City to Accept a Parcel One-Third the Size of the Current ROW – a Proposed Deal that Lacks Adequate Consideration. Just in terms of pure acreage, the net benefit to Alterra and net loss to taxpayers of Alterra’s proposal is 74,273 square feet (1.71 acres), a portion of which could be developed up to 45 feet per the existing MPD. It is difficult to put a price tag on the ROW because of the value it provides to public, as described below. In any event, Alterra has not offered any other compensation or concessions to the City as consideration for the 1.71 acres it will gain from the proposed ROW vacation.² Alterra has not offered to buy the land from the City. Alterra has not solved any existing traffic issues associated with ingress and egress to Deer Valley Resort. The proposed exchange is, simply put, unfair to Park City.

The Current ROW Provides the Community Highly Valuable Two-Way, Doorstep Access to Snow Park; Does Pass Road Will Not Provide Such Access. The City has used the ROW for decades as a two-way public road to provide residents access to their homes located adjacent to Snow Park Lodge, and residential and public access to Snow Park Lodge, the St. Regis and other establishments. Residents in the immediate neighborhoods and throughout the City use the ROW to walk, run, bike, skate and engage in other activities, and to exercise their pets. Numerous City bus routes run along the ROW to drop off skiers, bikers, residents, tourists and workers within a few feet of the Snow Park Lodge and two major ski lifts at Deer Valley’s main base. Private vehicles, including residents, day skiers, carpools, rideshares, local hotel shuttles, and gig companies (e.g., Uber, Lyft) use the ROW to conveniently and efficiently drop off and pick up Deer Valley patrons literally at Snow Park Lodge’s doorstep. It is hard, if not impossible, to place a monetary value on the ROW.

The Doe Pass Road Parcel Provides Little Benefit. The much smaller property Alterra proposes to give to the City in exchange does not provide even remotely similar access to the base of the mountain. Indeed, the Doe Pass Road parcel, where Alterra proposes to route, load and unload

¹ Alterra’s traffic flow analysis used to justify the Plan is flawed for several reasons. Alterra collected traffic counts in 2020 at the beginning of the pandemic. Those traffic counts are not indicative of normal ski season traffic flows. Furthermore, Alterra did not conduct any traffic counts or analysis for critical intersections, such as Royal Street/Deer Valley Drive South and Amber Road/Solamere Drive/Deer Valley Drive North, which are the only access points for hundreds of residents to get anywhere in Park City, including Snow Park Lodge. Alterra also failed to conduct any traffic counts to justify its traffic analysis for either Doe Pass Road or the two locations where it intersects with Deer Valley Drive (locations 2 and 3 in Alterra’s traffic study). Instead, Alterra extrapolated data based on other locations. Significantly, Alterra did not disclose what other traffic data was available but which it did not select to use, why Alterra chose not use that other data, and whether use of that other data would have resulted in different or more adverse traffic flow results. Alterra should have disclosed that information as part of its traffic study to sustain its burden to demonstrate the no material injury requirement. The Council and CPC should require a new *independent* traffic analysis to be completed, and that analysis must review all intersections around the loop, in both the busy summer and winter.

² In fact, at the December 19, 2022 CPC public work session, the CPC explicitly asked Alterra, “What is it that you are giving Park City for the right of way?”

buses and other vehicles to access the resort, is ¼ mile from Snow Park Lodge. Vacating the current ROW in exchange for the much more distant, inconvenient Doe Pass Road parcel would cut off many residents from their current two-way access, and cut off or reduce the current access for skiers, bikers, runners, walkers, cyclists, etc.

Alterra Fails to Demonstrate No Material Injury to the Public Interest or a Person

Nor does Alterra's Petition establish that vacating the ROW would result in no material injury to the public interest or any person. To the contrary, material injury to the public and numerous persons will result if Park City were to vacate the ROW and allow Alterra to proceed according to the Plan.

The material injuries included the following:

1. Increased, Unacceptable Risk re Fire/Emergency Services. Vacating the ROW to allow Alterra to pursue the Plan creates an unacceptable impediment to the City's ability to provide prompt, safe and adequate fire and emergency services to the public. This risk could have a huge negative, if not potentially disastrous, impact on the community. The Park City Fire Department station located along Deer Valley Drive serves neighborhoods in Lower and Upper Deer Valley. Eliminating a section of the Deer Valley Drive Loop or changing any section of the existing loop endangers the entire community from a fire safety and emergency services perspective because it cuts off necessary access. Any such changes to the existing infrastructure and traffic system could cost the fire department and EMS services critical time when it matters most, to save lives and property. Alterra's Plan creates a single point of failure / time impact of potential fire truck / EMS dispatch and arrival to all HOAs in our area. It is not just an inconvenience. All of those emergency calls are on a "shot clock". The early seconds and minutes are critical. The risk is unacceptable.

2. Increased Traffic from Alterra's Plan Creates Unacceptable Safety Risks and Unduly Burdens the Community. Alterra's Plan will result in increased traffic congestion in Park City in general and in the immediate vicinity of Deer Valley. The number of skiers will increase, which means the number of cars on Park City roads will increase. Traffic will also increase due to patrons of the proposed shops, restaurants and hotel, and that traffic will extend beyond normal day skier traffic hours. The increased traffic will result in higher traffic accident rates, more injuries to residents, and costs to the City to provide emergency services. The traffic congestion also will cost residents valuable time. The increase in traffic will be especially acute in Deer Valley, including along Doe Pass Road and Deer Valley Drive East. The level of service (LOS) rating for the intersection of Solamere and Deer Valley Drive will dramatically decrease from Level A to Level D. That alone constitutes a material harm to residents who have to travel through that intersection. The traffic flow also will become significantly more congested at the "Y" intersection where Deer Valley Drive splits into Deer Valley Drive East and West, as documented in the Fehr Peers July 2022 Snow Park Village Transportation Analysis commissioned by Alterra. Alterra has not proposed any reasonable solution to that intersection. Traffic congestion will also increase at critical junctures outside of Deer Valley,

e.g., at the Bonanza, Kearns and Park Avenue traffic lights. Increased traffic creates both safety and emergency access issues for residents. Alterra's proposed SML will not solve these issues.

In addition, the City will bear the burden of Alterra's proposed traffic flow, which will increase the cost to maintain the roads. The City also will not be able to maintain the three lanes Alterra proposes during inclement weather during the winter months. City snow plows cannot plow the roads fast enough now, and traffic congestion will only further hinder those services. Nor can snow plows move the snow far enough away from the edge of the roads. The lanes effectively narrow due to the build-up of snow. Sidewalks and walking paths will be blocked from the plowed snow, preventing pedestrian traffic. This results in pedestrians walking in the streets, which creates an unreasonable hazard, particularly when the roads are slippery/icy.

Further, Upper Deer Valley residents will be adversely impacted by arriving traffic in the morning. Under the Plan, it will be more difficult to turn left off Royal St. onto Deer Valley Drive West, and then make another left turn at Doe Pass Road, to get into town. Those residents will be fighting northbound (arriving) traffic to turn left at Doe Pass Rd., and also fighting southbound traffic leaving Deer Valley along Doe Pass Rd. to Deer Valley Drive West. There is no data to support Alterra's assertion that this turn will not be adversely impacted. The only other alternative is for those residents to turn right on Doe Pass Rd. and get stuck in traffic leading into the parking garage and drop-off traffic leaving along Deer Valley Drive East. That alternative is not acceptable.

3. Loss of Public Use of the Loop. Vacating the ROW will deprive the community, including Deer Valley residents, of the immediate access to Snow Park they currently enjoy, and interrupt existing traffic flows. It also will deprive the community from access along the ROW for a variety of recreational activities as described above.

4. Skier Trespassing on Private Easements. To avoid parking fees Deer Valley plans to charge, day skiers will park in Upper Deer Valley residential neighborhoods with ski run access to illegally use private easements reserved solely for those neighborhoods' residents. This not only constitutes trespassing it also infringes upon those residents' right to quiet enjoyment of their easements and private properties, requires residents to park further away from easement access, increases traffic congestion in those neighborhoods, increases liability risk and insurance costs for the HOAs which maintain those easements, increases liability risk and thus insurance costs for the property owners on which the easements are situated, and increases the risk of vandalism, burglary and other crimes in the neighborhood. Each of these effects will result in additional costs to local HOAs and residents to police their neighborhoods, post traffic and parking signs, and take other safety precautions to prevent accidents and crime. Day skier trespassing also will make it more difficult to City (and private) snow plows to plow the streets and driveways in these neighborhood because the day skier cars block access along the streets. This will increase snow plow costs to the City. Day skiers who resort to parking in neighborhoods also will not reduce the main traffic flow in and out of Deer Valley. These problems constitute tangible harms to local Deer Valley residents, and to the community as a whole.

5. Residents Will Bear the Cost of Alterra's Parking Fees. Requiring skiers to pay for parking is a huge cost to Park City residents and the public as a whole. That is hard-earned dollars of our residents that will become an additional out of pocket cost to ski Deer Valley. That constitutes material harm to residents.

6. Loss of Employee Parking. Deer Valley employees will no longer be able to park in Lot 3. They will be required to park remotely and take public transportation, the cost of which will be borne by the City, or Deer Valley-provided transportation. Loss of close parking access constitutes a material harm to the employees.

Conclusion

We are not opposed to Alterra developing its land. But we are opposed to development that fails to substantially improve the traffic situation, fails to provide a significant benefit to Park City, harms our neighborhoods, and deprives residents of their current use of the ROW. We urge the City Council and the CPC to uphold the Utah State Code and the Park City Land Management Code.

Sincerely,



Robert E. Boone III
President, American Flag HOA

Bill Newman
The Pinnacle HOA

William W. Sheppard, Jr.
Lakeside HOA

Rick Barros
American Flag resident

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To Whom It May Concern,

As an HOA board representing the Deer Lake Village community, we would like to officially express our opposition to elements of the proposed Deer Valley Snow Park development project. We do not support the revised traffic circulation plan that was submitted to the Planning Commission staff in July.

We are primarily opposed to the road vacation portion of the project. As a community already crippled by traffic along the Deer Valley Drive loop, we feel that the proposed vacation will further exacerbate the problem and make travel to and from our homes even more difficult. Also, we are concerned about the ready availability of emergency services to our community should they be needed. This will most definitely have a negative impact on our residents.

As we look at the traffic situation, we have contracted for shuttle service through Deer Valley Resort for years, with the cost of that service steadily escalating, but are committed to doing our part to alleviate traffic flow to the base area. This service has been utilized fully by our residents. However, in the new plan, the access to the base lifts will be more challenging if the shuttle drop off is located on Doe Pass Road rather than at the base. Alterra's premise is that the new plan eliminates pedestrian/vehicular conflicts. We feel that being dropped off on Doe Pass Road across from the transit hub makes that pedestrian crossing more dangerous. Additionally, the after skiing pickup access will be lessened due to increased traffic, not just for our community, but for all hotel shuttle services. There is no benefit from this part of the plan for our residents.

We are limiting our water usage as a community to do our part with the drought conditions here in Utah. The new development with hotels and residences will certainly make this issue greater in the coming years. If an evacuation of lower Deer Valley is necessary due to a fire, we are concerned that all residents may not be able to evacuate quickly. The increased traffic from additional visitors to the Snow Park development will bring even more cars to our area with less parking available since the current plans are asking for a 20% reduction in parking. When reviewing the plans, we ask that you consider the greater "village" experience for all Deer Valley guests and residents, not solely for visitors to the area. The current plans would result in a negative impact on our community as a whole.

We hope that the City Council and Planning Commission will carefully consider the concerns of the community. Alterra has development rights for the parking lots, but the development must be done responsibly and not at the expense of the residents who call Deer Valley and Park City home.

Regards,

Deer Lake Village HOA Board

**Black Bear Lodge
7447 Royal St
Park City UT, 84060**

Dear City Councilors and Planning Commission Members,

We are opposed to the Right-of-Way (ROW) Vacation Petition and Site Circulation Plan submitted by Alterra Corporation to the City Planning Commission staff on July 28, 2022. Alterra Corporation should not be granted the right-of-way street vacation of portions of Deer Valley Drive South and West based on the current proposal.

Notable Facts - ROW Vacation and Dedication Square Footage (Planning Commission and City Council Work Session Staff Report, March 15, 2022)

- Area of ROW to be Vacated = 114,530 square feet of Deer Valley Drive South and West. This property would be transferred from the City/taxpayers to Alterra.
- Area of ROW to be Dedicated = 40,257 square feet of Doe Pass Road. This property would be given to the City/taxpayers from Alterra.
- Net Benefit to Alterra and Net Loss to Taxpayers = 74,273 square feet (1.71 acres), a portion of which could be developed up to 45 feet per the existing MPD.

Per Utah Code 17-27a-609.5, to vacate a public street (road), there must be a finding of good cause and no material injury to the public interest or a person. "Resolution No. 8-98 states the City may generally find good cause when a proposal demonstrates a "net tangible benefit" to the immediate neighborhood and the City as a whole" (Work Session Staff Report, March 15, 2022). In reviewing the proposal, no net tangible benefit has been demonstrated for either the immediate neighborhood or the City as a result of the road vacation. A new transit center, upgraded multi-use paths, a world class resort experience and increased local amenities can all be achieved without taking the road.

Increased traffic creates both safety and emergency access issues for residents. The proposed plans would result in increased traffic congestion in certain areas, especially along Doe Pass Road and Deer Valley Drive East, as documented in the Fehr Peers July 2022 Snow Park Village Transportation Analysis commissioned by Alterra. Traffic counts were originally collected in 2020 at the beginning of the pandemic. The current study has no information on the impact at the Royal Street or Amber Road intersections. A new independent traffic analysis should be completed, and the analysis must review all intersections around the loop, in both the busy summer and winter.

We support the development of a base village, as was approved per Deer Valley Resort's 12th Amended and Restated Large Scale Master Planned Development (MPD) Permit which is now in effect. Alterra Corporation should present a plan for the Snow Park Village Development within the existing site, which is comprised of the lower Deer Valley parking lots owned by Alterra. This has already been deemed possible. Deer Valley presented a plan within the existing site in 2007.

Per Park City Municipal Code 15-6-1, the City has a duty to "protect Residential Uses and residential neighborhoods from the impacts of non-Residential Uses, using best practice methods and diligent code enforcement." We urge the Park City Council and the Planning Commission to uphold the Utah State Code and the Park City Land Management Code.

We believe the ROW Vacation is not justified. Granting the ROW vacation sets a dangerous precedent in terms of future development in Park City.

Sincerely,

A handwritten signature in black ink, appearing to be 'A' followed by a long horizontal stroke.

Andrew W Walter

President of the Homeowners Association Board of Trustees of Black Bear Lodge

HOA: Black Bear Lodge

Units: 51

Approximate number of residents _____